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HOUSE OF REPRESENTATIVES—*Monday, January 31, 1977*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Trust in the Lord and do good; so shalt thou dwell in the land, and verily thou shalt be fed.—Psalms 337: 3.

Eternal God, who hast guided our fathers to build a new nation on this broad land and who didst give them the faith to believe that this Nation may become one in spirit, with liberty and justice for all; grant unto us the will to do Thy will and the wisdom to walk in Thy ways that we may not fail them nor Thee and being open to Thy gracious spirit we may serve Thee so faithfully and so fully that Thou canst bless our land for generations to come.

Guide our President that he may do what is right and good for our people; guide these Members of Congress that they working with him and he with them may together keep our Nation strong, our democratic ways steady, and our faith secure.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

APPOINTMENT AS MEMBERS OF COMMISSION ON ADMINISTRATIVE REVIEW

The SPEAKER. Pursuant to the provisions of Public Law 94–440, the Chair appoints as members of the Commission on Administrative Review the following Members of the House: Mr. OBEY, from Wisconsin, chairman; Mr. PRICE, from Illinois; Mr. MEEDS, from Washington; Mr. HAMILTON, from Indiana; Mr. D'AMOURS, from New Hampshire; Mr. FRENZEL, from Minnesota; Mr. ARMSTRONG, from Colorado; and Mr. BAUMAN, from Maryland.

And the following from private life: Mr. Ralph Huitt, from Washington, D.C.; Dr. Charles U. Daly, from Cambridge, Mass.; Ms. Lucy Benson, from Amherst, Mass.; Mr. William Duchessi, from Amsterdam, N.Y.; Mr. William Hamilton, from Washington, D.C.; Mr. Robert W. Galvin, from Schaumberg, Ill., and Mr. Roscoe Egger, from Washington, D.C.

APPOINTMENT AS ADDITIONAL MEMBERS OF SELECT COMMITTEE ON AGING

The SPEAKER. Pursuant to clauses 6 (e) and (g), of rule X, and without objection, the Chair appoints as additional members of the Select Committee on Aging the following Members of the House: Mr. BOB WILSON, California; Mr. WAMPLER, Virginia; Mr. HAMMERSCHMIDT, Arkansas; Mr. COHEN, Maine; Mr. SARASIN, Connecticut; Mr. WALSH, New York; Mr. GRASSLEY, Iowa; Mr. ABDNOR, South Dakota; Mr. COCHRAN, Mississippi; Mr. RINALDO, New Jersey; and Mr. MARKS, Pennsylvania.

APPOINTMENT AS MEMBERS OF COMMITTEE ON HOUSE RECORDING STUDIO

The SPEAKER. Pursuant to the provisions of title 2, United States Code, section 123b, the Chair appoints as members of the Committee on the House Recording Studio the following members on the part of the House: Mr. ROSE, North Carolina; Mrs. BOGGS, Louisiana; and Mr. CRANE, Illinois.

PROPOSED EMERGENCY NATURAL GAS LEGISLATION

(Mr. ALLEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ALLEN. Mr. Speaker, from the analysis provided us of the proposed emergency natural gas legislation that will come before the Congress this week, my initial reaction is that it does not give the President sufficient power to deal with the current crisis, effectively.

The President should be granted greater power, in my judgment, in order to see to it and guarantee that the natural gas, which is now being withheld from the market by a few selfish people, who have cornered the market and hold a virtual monopoly, are not permitted to rig prices and profiteer at the expense of the consumers, or be allowed to continue to withhold from the market this vitally needed and essential natural resource, regardless of whether such gas is being held for either interstate or intrastate shipments.

It should all be placed under the control of the President, if the emergency act is to be effective.

Unfortunately, the bill that will be coming before us provides "no restriction on the use to which this gas should be put, and the price is left to the parties, free from Federal Power Commission jurisdiction, but subject to review by the President for fairness and equity"—presumably after the fact, and at some uncertain date in the future.

This would give little if any assurance to the consumers as to when, if ever, they might expect to recover any part of the excessively increased gas bills that would most certainly follow the day when price controls are lifted even temporarily, and "left to the parties, free from Federal Power Commission jurisdiction."

What the bill should provide, in my judgment, is that any increase in the price of natural gas that may be justified should be limited and subject to prior approval by the President, which is quite different from a mere reviewal by him after the people have already been ripped off to the tune of millions of dollars.

Furthermore, the President should have the clear authority under the law to compel the release, allocation, and sale of every cubic foot of both interstate and intrastate natural gas that is now being withheld from the market by producers who have contrived to manipulate and create this artificial shortage for their own selfish ends.

We must blow the whistle on these few producers and conscienceless officials of giant corporations, who have been willing to visit widespread suffering among the people from the severest and coldest winter in modern history, force thousands of schools, factories, and industries across the Nation to close, cause far-reaching unemployment and bring the economy of the Nation to its knees, in their conspiracy to force the lifting of all controls over the price they can charge for a necessary and vital fuel, in order to line their own pockets with extortionate profits at the expense of the consumers and long-suffering public.

Make no mistake about it. This is essentially a monopoly, controlled by a few rich, 19th-century-type robber barons—a monopoly which has no viable competition and permits no alternative to which the people can turn during these cold winter months.

MR. COTHAM'S STATEMENT

If one doubts that natural gas is being withheld from the market by those who control this monopoly, I suggest that you read from the following broadcast statements made by Mr. James C. Cotham, executive vice president of the

Nashville Gas Co., last Friday, in answer to questions from Mr. Al Voecks, news director of Radio Station WSM.

Among other statements in this interview, Mr. Cotham made this emphatic charge, based on his own personal knowledge and experiences and that of other officials of both the Nashville Gas Co. and the Tennessee Natural Gas Lines, Inc., as follows:

"The Producers are withholding gas from the market. There is absolutely no question about it," Mr. Cotham said. "We have had members of our company in Houston, Dallas, New Orleans, off and on for the past couple of weeks, trying to find gas. And it is the *strangest* market I have ever seen. It is almost impossible to make contact with somebody who has gas to sell. You have to find a gas finder, or a gas broker. And this broker will make contact and probably with somebody who will make further contact; and eventually you might find somebody who has gas to sell. You have no idea who it is or where it is. . . ." (*Comment:* Sounds like dealing with a gang of illegal traffickers in dope and narcotics, rather than responsible business men.)

"The reasons that the producers do not want to bring their gas to market this winter at any price," Mr. Cotham ventured to guess, "is because of their fear of criticism of course that has been forthcoming here the last week or so."

Continuing, he said, *"I think the gas producers ought to bring this gas to market.* I don't think they understand how severe the situation is really across the country. And," he added, *"I think the gas producers could bring the gas to market today!* A lot of it would be flowing *here in Nashville. A lot of it would be flowing across the state. A lot of it would be flowing up East.* But it would relieve a severe situation. And I think *they are going to compound the problem by asking the higher prices and withholding the gas from the market because the people are cold, people are hungry, people are out of work, their kids are out of school* and *the American public will not tolerate this!"*

Later, Mr. Cotham said: *"I don't think that the producers should be allowed simply to control the energy costs in the country.* But I think an energy policy is necessary so that a more equitable balance between the needs of the producers and the needs of the country are somehow achieved."

Asked by Mr. Voecks what should go in our national energy program, Mr. Cotham, among other recommendations, said: "The first thing that needs to be done, I think, is an assessment of what the long range costs of getting more gas to the market will be. And then the *price of gas should be pegged at the wellhead to provide for the recovery of this cost and to provide a fair rate of return.*

CONCLUSION

This makes sense, and ought to be considered carefully by every Member of the Congress before being stampeded into passing some hasty and ill-considered legislation from which we may never recover.

NATURAL GAS CRISIS

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, the gentleman from Tennessee (Mr. ALLEN) has just spoken forcefully on the natural gas crisis. I do not go so far as the gentleman does to say that the President's legislation will not necessarily alleviate the problem. However, I have information from which I conclude that producers in Texas and other States are deliberately withholding gas that they have from the market. Of course that may be their legal right. But once we enact the emergency bill, if they then fail to cooperate with the President and with the gas distribution companies in trying to insure an adequate supply to meet the emergency needs of this country on the basis provided in the bill, then the next step will likely be Government seizure of all gas at the wellhead and Government distribution and allocation. That is a step which I would consider to be most unfortunate. But it will inevitably follow, unless we get voluntary cooperation, not just on the part of the public in restricting their gas consumption—essential though that is—but on the part of producers. Surely they must see that they cannot be in the position in this crisis of taking advantage of the American people's distress for their own selfish gain.

All I am saying is that there must be a responsible degree of cooperation all around. Otherwise the gas producers' fears of a Federal takeover of intrastate gas could well become a self-fulfilling prophecy.

PRESIDENT CARTER VIEWS WINTER'S DEVASTATION IN PENNSYLVANIA

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the devastation and dislocation caused by the extremely cold winter we are experiencing was brought home to President Carter yesterday when he traveled to the Pittsburgh area to view firsthand the problems that my community and many other communities in the Nation are following.

Mr. Speaker, we do have a unique situation in the Pittsburgh area. No. 1, we were able to rely on natural gas existing in Pennsylvania and many of the residences there are heated by natural gas.

Second, some of the industries have absolutely no alternative, such as a need for controlled temperature in steelmaking, pottery, glass, and in the foundries.

The third is that those who rely on fuel oil, the delivery system is by barges and our rivers are frozen and the barges cannot move.

Fourth is that the long winter has caused an accumulation of ice and snow in the rivers so that when the melt comes we may be facing one of the most serious flooding situations we have ever faced.

Mr. Speaker, I want to express on behalf of my colleague, the gentleman from Pennsylvania (Mr. WALGREN) and the gentleman from Pennsylvania (Mr. GAYDOS) who met us there, our appreciation to the President for his genuine concern and care for the problems afflicting so many American communities.

President Carter chose to come to Pittsburgh to see for himself how the winter's harshness was affecting the American people. And for that the almost 2 million people in southwestern Pennslyvania, the mayor of Pittsburgh, the Allegheny County commissioners, and I thank him very much.

INTRODUCING LEGISLATION ON CRITICAL LANDS RESOURCE CONSERVATION

(Mr. POAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POAGE. Mr. Speaker, the Great Plains of the United States has long been known as the Breadbasket of America and, in more recent years, of the world. This area that stretches from Texas to the Canadian border and from Missouri to the Rocky Mountains produces by far the greatest majority of America's wheat and grain sorghum. Wise use of the Great Plains as an agricultural area has been of paramount importance to the prosperity of the United States.

However, we are currently seeing the slow but steady degradation of this vital area of the Nation by wind and water erosion. This situation is not unprecedented. In fact, there are many similarities between the current situation and that which occurred in the Dust Bowl era of the 1930's. During the Dust Bowl era, severe drought coupled with high winds resulted in the topsoil from millions of acres of farmland being carried away by dust storms that could be seen here in Washington. The Dust Bowl era of the 1930's, while more severe than our current situation, came during the midst of the Great Depression and further added to the economic problems of the United States during that period.

The erosion situation of the Great Plains today is a result of drought but also to some extent it is a result of the full planting policy of the Department of Agriculture in recent years. Great Plains farmers have been encouraged to plant fence-to-fence and, as a result, have plowed up thousands of acres of marginal land and planted it to wheat and other small grains. A very similar situation was responsible for the Dust Bowl era of the 1930's. These marginal lands suffer erosion even during good years but during a drought they suffer severe damage from wind erosion. The number of acres suffering moderate to severe wind erosion in the Great Plains increased almost 10 percent from 1975 to 1976. Long-range forecasts point to substantially more acres being eroded in 1977.

If we are to retain the productive capabilities of the Great Plains for the future, it is imperative that we move now to protect the most erodible acres by converting them from soil-depleting crops to soil-conserving cover crops. At present the United States is producing a surplus of wheat and other small grains. Thus, we are unnecessarily subjecting millions of acres of land to wind erosion

in the production of an unneeded surplus of grain. By converting these farmlands back to soil-conserving cover crops, we can protect our farmlands for the future when we will need increased grain production to feed an ever-increasing population.

With this objective in mind, Mr. ENGLISH of Oklahoma, Mr. SEBELIUS of Kansas, and Mr. THONE of Nebraska, are joining me in introducing legislation setting forth the Critical Lands Resource Conservation Act of 1977. This legislation authorizes the Secretary of Agriculture to enter into 2-year contracts with landowners currently eligible for the Great Plains conservation program to convert erodible farmlands back to soil-conserving cover crops. The area currently eligible for the Great Plains conservation program includes almost all of the most erosion-susceptible land in the United States as well as the major wheat-producing area of the United States. Thus, farmland converted back to cover crops will only affect the production of one commodity—wheat—the grain of which we have too much already on hand.

The Critical Lands Resource Conservation Act authorizes the Secretary of Agriculture to offer an incentive of up to $30 per acre per year to landowners to take their erodible land out of grain production and convert it to cover crops for at least 2 years. Thereafter, the contract could be renewed annually upon agreement between the Secretary and the landowner. During the period of the contract, the landowner cannot graze or otherwise harvest the cover crops on the contracted land except where the President declares a drought disaster or other emergency.

It is envisioned that through this program about 15 million acres of highly erodible land could be protected from erosion by conversion to soil-conserving cover crops. Such a program will require a maximum annual expenditure by the Department of Agriculture of $450 million. While this is a large amount of money, the benefits of the program to the citizens of the United States today and in the future will be much greater. The program will protect our valuable farmlands from erosion now for use in the future when food production will have to be greater than today. Also, during droughts emergency supplies of forage will be available to our livestock producers who cannot afford to buy hay for their livestock. Above all, we will stop the degradation of the breadbasket of our Nation before it is ruined for posterity.

It is the hope of those of us who are introducing the bill that this legislation will receive prompt consideration by the Committee on Agriculture and be reported to the House of Representatives to that it can be implemented on October 1, 1977.

THE REINTRODUCTION OF THE MINORITY ENTERPRISE ACT OF 1977, H.R. 567

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MITCHELL of Maryland. Mr. Speaker, as a personal first order of business, on the beginning day of the new 95th Congress, January 4, 1977, I reintroduced the Minority Enterprise Act of 1977, H.R. 567.

My colleagues will recall that this major piece of minority business enterprise legislation was originally introduced during the latter part of the 94th Congress and, at that time, received good, initial bipartisan support. The important point now is that the need for the passage of the Minority Enterprise Act, unfortunately, has not decreased one iota. Rather, the need has greatly increased.

The tremendous need for action by the Congress in this area and through this bill is predicated upon the continuing high rates of unemployment that inordinately plague the minority community. A primary response to this need must be the creation of permanent private-sector jobs developed as a direct result of viable, strong minority enterprise. It is the intent, therefore, of the Minority Enterprise Act of 1977 to assist in the programmatic revitalization of minorities and their communities by utilizing the most effective mechanism available in America—the development, establishment and short term stabilization of business and industry.

Essentially, if one were to analyze Federal Government spending across the board, the dollar distribution into the Nation's many welfare programs generates little or no return. The working middle class of the Nation bears the greater tax burden for the various program implementations of the human need/human resource kind.

For example, however, a Virginia-based, minority owned and operated techical firm, having participated in the Federal Government's Small Business Administration 8(a) set-aside program for a few years has demonstrated a spectacular rate of growth and has proportionately contributed to the national, social and economic structure. As a result of the Government-sponsored program, the firm's increase of sales from the first year of operation to the second year was 220 percent. Its net income before taxes increased by 35,000 percent; its current assets increased by 160 percent while its current liabilities increased by only 114 percent; and, its retained earnings increased by 5,000 percent. A reflection of the firm's community contribution is markedly significant in that the firm paid more than a quarter of a million dollars in wages and provided almost a half million dollars to local businesses through outside purchasing of products and services. In addition, the firm paid almost $400,000 in State and Federal taxes. Such growth is directly attributed to the firm's receiving more than 100 Government contracts, the majority of which were less than 1 year in duration.

Clearly, then, by supporting minority business legislation and this bill in particular, the benefits and returns to the Government and its people are significant. The significance is further amplified when it is considered that although minority business enterprise accounts for some 4.3 percent of all the Nation's businesses and industries, minorities are receiving less than 1 percent of the Nation's total business receipts.

The pursuit of economic parity within America by minorities is a difficult one. The development of new minority business enterprises and the stabilization of those that are already in existence is essential to the overall effort of minority economic development. The Minority Enterprise Act of 1977 is good for the Nation and is in concert with the ideals of the Nation's democratic and free enterprise system. It is a bill to assist in the overall self-determination of a vital segment of the American population, while abating the need for economic dependence on welfare systems.

The Minority Enterprise Act of 1977, H.R. 567, is a first necessary step to meet the real needs of minority business. I commend its details to my colleagues for their perusal, support, and cosponsorship. Mr. Speaker, I include the full text of the legislation in the RECORD at this point.

H.R. 567

A bill to amend the Small Business Act to expand assistance under such Act to minority small business concerns, to provide statutory standards for contracting and subcontracting by the United States with respect to such concerns, and to create a Commission on Federal Assistance to Minority Enterprise, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Minority Enterprise Act of 1977".

FINDINGS

SEC. 2. The Congress finds and declares that:

(1) Over the last quarter century, minorities have been making concerted attempts to develop business enterprises which can compete effectively in the economy of the United States.

(2) Although those attempts have not been completely unsuccessful, many minority business enterprises cannot achieve competitive viability without assistance.

(3) Present programs of the private sector of the economy of the United States do not adequately assist the development and maintenance of minority business enterprises.

(4) Although present programs of the Federal Government also do not adequately assist minority business enterprises, those programs can be modified at a minimal additional cost to provide vastly improved assistance to minority business enterprise.

PURPOSES

SEC. 3. (a) The purposes of the amendments to the Small Business Act in title I of this Act are—

(1) to give the Small Business Administration more explicit authority to determine the contract, subcontract, and procurement opportunities available to small business concerns under section 8(a) of the Small Business Act; and

(2) to reorganize the Small Business Administration in order that all programs assisting minority small business concerns are administered by the Associate Administrator for Minority Small Business and Procurement Assistance.

(b) The amendments made to the Federal Property and Administrative Services Act of

1949 in title II of this Act are for purposes of enacting into law and expanding regulations previously issued by the Administrator of the General Services Administration to assure that a fair proportion of all contracts let by the United States are let to minority business enterprises.

(c) The Commission on Federal Assistance to Minority Enterprise is established by title III of this Act for purposes of—

(1) establishing guidelines for and evaluations of programs of agencies of the United States for assisting minority enterprises;

(2) disseminating information on plans, programs, and activities providing assistance to minority enterprises;

(3) developing effective methods of analysis and development of programs to assist minority enterprises; and

(4) assisting the development of business enterprise programs for socially and economically disadvantaged individuals, including veterans of the Vietnam war.

TITLE I—AMENDMENTS AFFECTING THE SMALL BUSINESS ACT

DEFINITION OF MINORITY SMALL BUSINESS CONCERN

SEC. 101. Section 3 of the Small Business Act (15 U.S.C. 632) is amended by inserting "(a)" immediately after "SEC. 3." and by adding at the end of such section the following subsection:

"(b) For the purpose of this title, a minority small business concern shall be deemed to be a small business concern that is owned or controlled by minority group members or by socially or economically disadvantaged individuals. For purposes of this defintion—

"(1) such disadvantage may arise from cultural, racial, chronic economic circumstance or background, or other similar circumstance or background, and

"(2) a minority group member is a Negro, Puerto Rican, Spanish-speaking, American, American-Oriental, American-Indian, American-Eskimo, or an American-Aleut.".

OFFICE OF MINORITY SMALL BUSINESS ASSISTANCE PERSONNEL

SEC. 102. Subsection (a) of section 4 of the Small Business Act (15 U.S.C. 633(a)) is amended by inserting "(1)" immediately after "SEC. 4. (a)" and by adding at the end thereof the following new paragraphs:

"(2)(A) There is established in the Small Business Administration the Office of Minority Small Business Assistance Personnel which shall be under the authority of the Associate Administrator for Minority Small Business and Procurement Assistance. The functions of such Office shall include working with all agencies of the Government having procurement powers to (1) identify contracts suitable for programs administered under section 8(a) of this Act, and (2) assist the development of minority business programs within such agencies.

"(B) There shall be assigned to each regional office (or other office with similar responsibility) of the Administration one additional individual who shall supervise and coordinate minority small business programs administered by such office and shall be responsible for the management, development, and operation of all such programs, including the supervision of all personnel assigned or designated to work for minority small business programs.".

EXECUTIVE AGENCY REQUIREMENTS

SEC. 103. There shall be assigned within each small business office (or other office with similar responsibility) of agencies of the Government having procurement powers an individual responsible for minority small business programs, and such individual will coordinate related activities with the Office of Minority Small Business and Procurement Assistance Personnel of the Small Business Administration.

ASSOCIATE ADMINISTRATOR FOR MINORITY SMALL BUSINESS AND PROCUREMENT ASSISTANCE

SEC. 104. (a) The sixth sentence of section 4(b) of the Small Business Act (15 U.S.C. 633(b)) is amended to read as follows: "One of the Associate Administrators shall be designated at the time of his appointment as the Associate Administrator for Minority Small Business and Procurement Assistance and shall be responsible to the Administrator for (1) the formulation of policy relating to the Administration's programs which provide assistance to minority small business concerns, (2) the review of the Administration's execution of such programs in the light of such policy, and (3) the administration of Administration programs under sections 7(i), 7(j), 7(k), and 8(a) of this Act.".

(b) The Administrator shall appoint the Associate Administrator for Minority Small Business on the effective date of this title as the first Associate Administrator for Minority Small Business and Procurement Assistance.

(c) Paragraph (11) of section 5316 of title 5, United States Code, is amended by striking out "(3)" and inserting in lieu thereof "(4)".

AMENDMENTS TO BUSINESS LOAN PROGRAM

SEC. 105. Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraphs (4) and (5) thereof by striking out "$500,000" each time it appears therein and inserting in lieu thereof "$1,000,000";

(2) in paragraph (8) thereof by striking out "June 30, 1975" and inserting in lieu thereof "September 30, 1978", and by striking out "$400,000,000" and inserting in lieu thereof "$600,000,000"; and

(3) at the end thereof by adding the following new paragraph:

"(9) Not less than 25 per centum of the aggregate amount of direct loans under this subsection shall be made to minority small business concerns.".

AMENDMENTS TO ECONOMIC OPPORTUNITY LOAN PROGRAM

SEC. 106. Paragraphs (1) and (3) of section 7(i) of the Small Business Act (15 U.S.C. 636(i)) are amended by striking out "$100,000" each time it appears therein and inserting in lieu thereof "$350,000".

ADMINISTRATION OF PROGRAMS UNDER SECTION 7 (i), (j), AND (k)

SEC. 107. Section 7 of the Small Business Act (15 U.S.C. 636) is amended at the end thereof by adding the following new subsection:

"(l) Subsections (i), (j), and (k) of this section shall be under the administrative authority of the Associate Administrator for Minority Small Business and Procurement Assistance.".

AMENDMENTS TO CONTRACT AND SUBCONTRACT PROCUREMENT ASSISTANCE PROGRAM

SEC. 108. Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended—

(1) by striking out "SEC. 8 (a) It shall be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary" and inserting in lieu thereof "SEC. 8. (a)(1) The Associate Administrator for Minority Small Business and Procurement Assistance is authorized";

(2) by redesignating paragraphs (1) and (2) of such subsection as subparagraphs (A) and (B), respectively;

(3) by striking out of such subparagraph (A), as redesignated, "be authorized in his discretion" immediately after "such officer, such officer shall";

(4) by inserting in subparagraph (B), as redesignated, ", minority small business concerns," immediately after "small-business concerns"; and

(5) by adding at the end of section 8(a) the following new paragraphs:

"(2) No minority small business concern owned or controlled by any minority group member (as described in section 3(b) of this Act) shall be disqualified from receiving assistance under this section if such member owns or controls less than three such concerns.

"(3) No minority small business concern shall be required, as a condition of receiving any contract under this section, to provide any bond under the first section of the Act entitled 'An Act requiring contracts for the construction, alteration, and repair of any public building or public work of the United States to be accompanied by a performance bond protecting the United States and by an additional bond for the protection of persons furnishing material and labor for the construction, alteration, or repair of said public buildings or public work', approved August 24, 1935 (49 Stat. 793, 40 U.S.C. 270a et seq.).

"(4) Any small business concern selected by the Administration to perform any Government procurement contract to be let pursuant to paragraph (1) may, when practicable, participate in any negotiations of the terms and conditions of such contract.

"(5)(A) Whenever any Government procurement contract to be let pursuant to paragraph (1) is not let to any small business concern selected by the Administration to perform such contract because the Administration and any officer of the Government having procurement powers do not agree on any term or condition of such contract—

"(i) such officer shall state in writing his reasons for not agreeing with such term or condition; and

"(ii) such concern may seek judicial review of such officer's failure to agree, as provided in chapter 7, title 5, United States Code.

"(B) The district courts of the United States shall have jurisdiction over any review sought pursuant to this paragraph and may, upon proper showing, award appropriate equitable and legal relief.

"(6) Not less than six months after the effective date of this title, the Administration shall prepare and publish in the Federal Register rules governing the maximum size of small business concerns qualified to receive contract and subcontract procurement assistance under section 8(a) of the Small Business Act.".

DISQUALIFICATION OF SMALL BUSINESS CONCERNS FROM CONTRACT AND SUBCONTRACT PROCUREMENT ASSISTANCE

SEC. 109. (a) During the two-year period beginning on the effective date of this title, no small business concern engaging in business before the effective date of this title shall be disqualified from receiving assistance under section 8(a) of the Small Business Act because such concern fails to comply with rules promulgated pursuant to paragraph (6) of such section.

(b) Any contract awarded to a small business concern under section 8(a) of the Small Business Act before the end of the two-year period beginning on the effective date of this title may be performed by such concern notwithstanding any rule promulgated pursuant to paragraph (6) of such section.

REPORTS TO THE PRESIDENT AND THE CONGRESS

SEC. 110. Section 10(a) of the Small Business Act (15 U.S.C. 639(a)) is amended by adding at the end thereof the following new sentence: "With respect to minority small business concerns, the report shall include

the proportion of loans and other assistance under this Act provided to such concerns, the goals of the Administration for the next fiscal year with respect to such concerns, and recommendations for improving assistance to minority small business concerns under this Act."

APPROPRIATIONS AUTHORIZED

SEC. 111. There is authorized to be appropriated to carry out this title $201,600,000 for the fiscal year ending September 30, 1978.

EFFECTIVE DATE

SEC. 112. This title and the amendments made by it shall take effect beginning on October 1, 1977.

TITLE II—AMENDMENTS TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

SEC. 201. Title III of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by adding at the end thereof the following new section:

UTILIZATION OF MINORITY BUSINESS ENTERPRISES

"SEC. 311. (a) It is the policy of the United States that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of contracts let by any officer or agency of the United States.

"(b)(1) The clause stated in paragraph (2) of this subsection shall be included in all contracts governed by this Act except any contract which—

"(A) may not exceed $5,000;

"(B) including all subcontracts under such contract, will be performed entirely outside any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; or

"(C) is for services which are personal in nature.

"(2) The clause required by paragraph (1) shall be as follows:

"'Utilization of Minority Business Enterprises

"'(a) It is the policy of the United States that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of contracts let by any officer or agency in the United States.

"'(b) The contractor shall carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business in lieu of an independent investigation.'

"(c)(1) The clause stated in paragraph (3) of this subsection shall be included in all contracts governed by this Act which—

"(A) may exceed $500,000;

"(B) are required to contain the clause stated in subsection (b)(2); and

"(C) in the opinion of the procuring authority, offer substantial subcontracting possibilities.

"(2) Any contractor other than a small business concern (as defined in section 3 of the Small Business Act) which is awarded any contract which may not exceed $500,000, but which, in the opinion of the procuring authority, offers substantial subcontracting possibilities shall be urged by such authority to accept the clause stated in paragraph (3).

"(3) The clause required by paragraph (1) of this subsection shall be as follows:

"'Minority Business Enterprises Subcontracting Program

"'(a) Prior to commencement of contract work, the Contractor agrees to establish and aggressively conduct a program which will enable minority business enterprises (as defined in the clause entitled "Utilization of Minority Business Enterprises") to be considered fairly as subcontractors and suppliers under this contract. In this connection, the Contractor shall:

"'(1) Designate a liaison officer who will administer the Contractor's minority business enterprise program.

"'(2) Provide adequate and timely consideration of the potentialities of minority business enterprises known by the Contractor in all "make or buy" decisions to provide materials or service.

"'(3) Notify the procuring authority prior to entering into any subcontract in excess of $10,000 of the extent to which minority business enterprises have been considered for such subcontract.

"'(4) Assure that known minority business enterprises will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of minority business enterprises.

"'(5) Maintain records showing (i) procedures which have been adopted to comply with the policies set forth in this clause, including the establishment of a source list of minority business enterprises, (ii) awards to minority business enterprises on the source list, (iii) specific efforts to identify and award contracts to minority business enterprises, (iv) any person to whom the contract was awarded when a minority bid was submitted but was not accepted.

"'(6) Include the Utilization of Minority Business Enterprises clause in subcontracts which offer subcontracting opportunities, including any subcontract which may exceed $5,000.

"'(7) Cooperate with the Contracting Officer in any studies and surveys of the Contractor's minority business enterprises procedures and practices that the Contracting Officer may from time to time conduct.

"'(8) Submit periodic reports of subcontracting to known minority business enterprises with respect to the records referred to in subparagraph (5), above, in such form and manner and at such time (not more than ten quarterly) as the Contracting Officer may prescribe.

"'(b) The Contractor further agrees to insert in any subcontract hereunder which may exceed $500,000 provisions which shall conform to the language of this clause, including this paragraph (b), and to notify the Contracting Officer of the names of such subcontractors.'

"(d) Except any contract for which procurement assistance is provided under section 8(a) of the Small Business Act, with respect to any contract governed by this Act which may exceed $1,000,000, minority business enterprises shall, to the extent practicable, be awarded not less than the greater of—

"(1) 2 per centum of the total amount of the contract, or

"(2) 5 per centum of the total amount of subcontracts under such contract.

"(e)(1) Before the award of any contract governed by this Act and required to contain the clause stated in subsection (c)(3), the apparent low responsive bidder shall submit to the procuring authority a minority business enterprise subcontracting program plan which describes the type and percentage of work under the contract that the bidder expects to be performed by minority business enterprises. Such plan and the bidder's compliance with other such plans under other contracts shall be considered by the procuring authority in determining the responsibility of such bidder for the award of the contract.

"(2) No contract shall be awarded to any bidder unless the procuring authority determines that such plan provides the maximum practicable opportunity for minority business enterprises to participate in the performance of the contract.

"(f) The failure of any contractor or subcontractor to comply with—

"(1) any clause required by subsection (b) or (c) to appear in any contract awarded to such contractor or subcontractor, or

"(2) any minority business enterprise subcontracting program plan submitted by such contractor or subcontractor with respect to such contract or subcontract

shall be a breach of such contract or subcontract.

"(g)(1) Before any performance on any awarded contract with respect to which a minority business enterprise subcontracting program plan has been submitted under subsection (e), the contractor awarded such contract shall identify to the procuring authority the specific minority business enterprises which shall perform work under such contract.

"(2) If sufficient minority business enterprises are not practicably available to comply with such plan, the procuring authority may waive compliance with such plan to the extent that such enterprises are not practicably available.

"(3) If minority business enterprises are practicably available to perform work under any contract and the contractor's failure to comply with such plan is in good faith, the procuring authority shall waive any requirement of such contract which imposes a penalty for failing to commence or complete such contract within a specified period to the extent that the failure to commence or complete the contract is due to the time needed to identify minority business enterprises pursuant to this subsection.

"(h) The procuring authority shall encourage expeditious payment of any minority business enterprise performing any work on any contract pursuant to a minority business enterprise subcontracting program plan. If any minority business enterprise is not paid expeditiously, the procuring authority may withhold payments to any contractor which does not so pay such enterprise.".

SEC. 202. This title and the amendment made by it shall take effect beginning on October 1, 1977.

TITLE III—COMMISSION ON FEDERAL ASSISTANCE TO MINORITY ENTERPRISE

ESTABLISHMENT

SEC. 301. There is established a commission to be known as the Commission on Federal Assistance to Minority Enterprise (hereinafter in this title referred to as the "Commission").

PURPOSES

SEC. 302. The purposes of the Commission shall be to—

(1) develop methods for delivery of financial assistance to minority enterprises, including methods for securing equity capital and determining financial resource availability;

(2) develop methods of assisting minority enterprises in generating markets for goods and services;

(3) develop methods of providing more effective management assistance, technical assistance, and training for minority enterprises;

(4) develop methods of providing effective business education to minority enterprises;

(5) develop methods of assisting minority enterprises in complying with Federal, State, and local law;

(6) provide information on economic and social developments which affect minority enterprises;

(7) maintain and disseminate information on public and private plans, programs, and activities which relate to minority enterprises;

(8) evaluate the efforts to assist of minority enterprises of agencies of the United States which have minority enterprise programs or which have established minority enterprise program goals and objectives;

(9) evaluate the efforts of business and industry to assist minority enterprises; and

(10) do such other things as may be appropriate to assisting the development and strengthening of minority enterprises.

MEMBERSHIP

SEC. 303. (a)(1) The Commission shall be composed of fifteen members to be appointed by the President, by and with the advice and consent of the Senate, from members of minority groups and representatives of minority-dominated enterprises, trade associations, and community development corporations who are knowledgable in the problems of minority participation in the economy. At the time of appointment, the President shall designate one of the members as Chairman of the Commission.

(2) The Associate Administrator for Minority Small Business and Procurement Assistance of the Small Business Administration and the Administrator of the Office of Minority Business Enterprise of the Department of Commerce shall be ex officio voting members of the Commission.

(3) Members of the Commission shall serve for a term of office of two years, and may be appointed for additional terms.

(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(b) The Commission shall not meet less than once during every two-month period and at other times at the call of the Chairman.

(c)(1) Except as provided in paragraph (2), members of the Commission shall be entitled to receive $150 for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

STAFF

SEC. 304. (a) The Commission shall have an executive director who shall be appointed by the Commission and who shall be paid at a rate not to exceed the rate of basic pay in effect for grade GS–18 of the General Schedule (5 U.S.C. 5332).

(b) Subject to such rules as may be adopted by the Commission, the executive director may appoint and fix the pay of such additional personnel as he deems desirable.

(c) The executive director and any additional personnel appointed by the executive director may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter II of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual appointed by the executive director may receive pay in excess of the annual rate of basic pay in effect for grade GS–17 of the General Schedule.

EXPERTS AND CONSULTANTS

SEC. 305. Subject to such rules as may be adopted by the Commission, the executive director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code.

STAFF OF FEDERAL AGENCIES

SEC. 306. Upon request of the Commission, the head of any agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this title.

POWERS OF COMMISSION

SEC. 307. (a) The Commission may for the purpose of carrying out this title hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable.

(b) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

DEFINITION OF MINORITY ENTERPRISE

SEC. 308. As used in this title, the term "minority enterprise" means a business that is owned or controlled by minority group members or by socially or economically disadvantaged individuals. For purposes of this definition—

(1) such disadvantage may arise from cultural, racial, chronic economic circumstance or background, or other similar circumstance or background, and

(2) a minority group member is a Negro, Puerto Rican, Spanish-speaking American, American Oriental, American Indian, American Eskimo, or an American Aleut.

REPORTS TO CONGRESS

SEC. 309. Within seven months after the effective date of this title, and at six-month intervals thereafter, the Commission shall submit to each House of Congress a report concerning its activities.

APPROPRIATIONS AUTHORIZED

SEC. 309. There is authorized to be appropriated to carry out this title $748,000 for the fiscal year ending September 30, 1978.

EFFECTIVE DATE

SEC. 310. This title shall take effect beginning on October 1, 1977.

THINK BEFORE WE ACT

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, as one who represents a portion of the Northeast which has been particularly hard hit by uniquely bad winter weather during the past 2 weeks, and abnormally bad weather ever since the beginning of December, I have noted with more than a little interest the response of the new administration to the newly visible fuel shortage. I am willing to listen to the argument, but it seems to me, at first blush, that a 90-day deregulation of natural gas prices is the worst of possible worlds. I am not opposed to permanent deregulation, but simple humanity requires that it be phased in, rather than coming all at once on top of the tremendous fuel bills easterners are having to pay now as a result of the volume of fuel they are consuming. It is more important that the industry have assurance that further investment in exploration and development of natural gas resources will be profitable over the long run, than that they get immediate total rate relief. A 90-day decontrol will give the fuel industry no such assurance: Indeed, because high fuel bills will be blamed on this decontrol rather than the inordinate amounts of fuel being consumed, such an action will make it politically more difficult to achieve later the permanent decontrol of wellhead natural gas prices which we all know to be necessary to achieve our long-term supply goals. Just because we are in crisis now, and Mr. Speaker, as one who spent this past weekend in western New York I can assure you the crisis is a desperate one, does not mean we can afford to take leave of our senses in rushing to enact necessary legislation.

CBS–TV NEWS FOCUSES FURTHER ATTENTION ON THE ISSUE OF MEDICARE REIMBURSEMENT OF PHYSICIAN EXTENDERS

(Mr. DUNCAN of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DUNCAN of Tennessee. Mr. Speaker, on Sunday evening, January 23, 1977 "CBS–TV News" aired a story on rural health care in Appalachia. The problems in Appalachia are not unique. They are common to all of rural America and medically underserved areas of our urban centers as well. The story by reporter Joan Snyder skillfully documented the need for Federal health programs to focus on the problems and difficulties of delivering health care in rural areas.

This excellent TV journalism focused on the lack of physicians in rural areas and how this lack could be remedied by use of physician extenders. As the news story showed, this solution is hampered

by the fact that medicare will not reimburse physician extender care.

In the last Congress, I sponsored H.R. 14630 to amend the medicare law to allow reimbursement for services of physician-supervised physician extenders, whether they are on site with the physician or not. Unfortunately, in the rush to adjournment, no action could be taken.

At my urging, the Ways and Means Subcommittee on Health, on which I serve as the ranking minority member, held field hearings on national health insurance on July 23, 1976, in my hometown of Knoxville, Tenn. Several persons testified on physician extenders at that hearing and at further subcommittee hearings held here in Washington on September 15 and 16, 1976. They are now available in print, and I commend them to my colleagues in the House. I believe they make a persuasive case for passage of this legislation. On January 17, 1977, I reintroduced last year's bill. It is H.R. 1955 of the 95th Congress. I would hope that my colleagues will give this issue their serious consideration and support this legislation.

Mr. Speaker, at this point, I would like to submit a transcript of this "CBS–TV News" story in the RECORD. I particularly commend it to my colleagues' attention:

"CBS EVENING NEWS," MORTON DEAN, JANUARY 23, 1977

MORTON DEAN (CBS News): Some of the good life in rural America is not so good anymore. Reason—the country doctor is an endangered specie. Joan Snyder reports.

JOAN SNYDER: He drives many miles a day over winding mountain roads to reach the people who need him. Jesse Walker, a country doctor practicing in Appalachia, a rare breed. The problem is his kind of doctor is much too rare.

JESSE WALKER: Here in this section I think it's about the same as it is all over the country. We have a problem getting not only doctors, but other professionals also to come to the rural areas.

JOAN SNYDER: Government figures show that 35 million Americans living in rural areas are medically underserved, with too few doctors or none at all. The little town of Walnut, Mississippi, has a fully equipped clinic, but it's silent and empty. The town can't find a doctor to work here. Since the last doctor left, after a brief stay, this part of Northeast Mississippi has been among 700 areas defined as having a critical shortage of health care, many of them unable to attract doctors because of their isolation, lack of cultural and educational facilities, and the long working hours of a country practitioner.

GATHA JUMPER (Northeast Ms. Develop. Dist.): The people get here sick and they don't have anywhere to turn to, and we need doctors here to treat our sick just like they do anywhere else in the United States.

JOAN SNYDER: But this year in one of the neediest areas, Appalachia, the situation may get even worse. Thirty-nine health care clinics are coming to the end of a five-year funding period, provided by the government's Appalachian Regional Commission, and may be forced to shut down if they can't find money elsewhere. That would leave some of the most isolated and impoverished Americans without medical attention, like the more than 4,000 people served by two clinics in Eastern Tennessee and Kentucky. Coal mining country where many mines have played out, deepening the poverty of the residence, whose shacks often have no running water or indoor plumbing. Many Appalachians have chronic diseases, like heart trouble, diabetes, and respiratory infections. Before the clinics opened, people had to drive long distances over the mountains to find medical care, a difficult to impossible trip in bad weather. Clinic patients are afraid those days will return.

JOAN SNYDER: "How would you feel if the clinic had to close down?"

J. HUDDLESTON (clinic patient): "Well, I'd feel bad about it because people up in here just wouldn't have no way of being doctored or of getting medicine."

JOAN SNYDER: That's what worries the people who work at the Clear Fork Clinic in Tennessee and the Laurel Fork Clinic in Kentucky, both of which will run out of funds this April. The original idea was to make all 200 Appalachian regional clinics self-sufficient at the end of five years. But for many it hasn't worked out that way, partly because the patients can afford to pay only low fees, as little as $6 a visit. Another major financial problem has been the government's controversial policy of not paying the clinics for visits by Medicare patients unless a physician is on the premises like Dr. Walker who works part-time at both the Tennessee and Kentucky clinic. But since there aren't enough doctors to go around, many patients are treated by what are called physician extenders, who have medical training, but no M.D.; like physician's assistant Chuck Ward, a former medical corpsman in Viet Nam who works at the Clear Fork Clinic. One clinic service is home visits.

CHUCK WARD: "Have you been having any dizziness at all?"

Sally King, who has been treated for severe asthma attacks, worries about the future.

SALLY KING (clinic patient): "I feel wonderful to know that we have medical help close in an emergency. It's an awful, dreadful thing to think that you might die just for the need of medical help."

Dr. WALKER: I frequently tell doctors that if they're interested in providing service to people that really need it, this is the place to come, and that they can get a lot more satisfaction out of that than they can dollars sometimes.

JOAN SNYDER: To help solve the medical crises in rural areas, the Appalachian Regional Commission is hoping for legislation this year that would provide Medicare compensation to physician extenders. It's also been proposed that Medicare and Medicaid payments to physicians, now a good deal lower than urban areas, be raised to attract more doctors to needy areas, and that more young people from rural areas be recruited from medical schools so that they can return as country doctors. But as they search for more government or foundation money, time is running out for the struggling clinics of Appalachia. JOAN SNYDER, CBS NEWS, CLEARFIELD, TENNESSEE.

TOM TEAR, MINORITY CHIEF PAGE, RETIRES

(Mr. MYERS of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS of Indiana. Mr. Speaker, today is the last working day for one of the members of the House staff, Tom Tear. Tom has served more than 30 years for his government, and he has served the last 24 years as chief minority page.

This afternoon, at the conclusion of all business, the gentleman from Illinois (Mr. ANDERSON) is taking a 1-hour special order, and I am sure a great many of Tom's friends here will want to show Tom the appreciation which they have for him for his more than 30 years service to his country.

Mr. Speaker, we wish Tom well in his retirement.

AUTHORIZING SPEAKER TO DECLARE A RECESS ON THURSDAY, FEBRUARY 17, 1977

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it be in order at any time on Thursday, February 17, 1977, for the Speaker to declare a recess for the purpose of receiving the President of Mexico.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING SPEAKER TO DECLARE A RECESS ON TUESDAY, FEBRUARY 22, 1977

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Tuesday, February 22, 1977, for the Speaker to declare a recess for the purpose of receiving in joint meeting the Prime Minister of Canada.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER LEGISLATIVE PROGRAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, I should like to take this time and this opportunity to advise the House that it is our intention tomorrow to call up H.R. 2647, a measure to increase loan limitations and surety bond authorizations for the Small Business Administration under a suspension of the rules. This amounts to an addition to the earlier announced scheduling, and I thought it appropriate to advise Members of that fact.

Mr. MYERS of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. Mr. Speaker, it is my understanding that the natural gas bill will be on suspension tomorrow. Is there a chance that it will not be under suspension tomorrow?

Mr. WRIGHT. It is the plan of the leadership to call up those two bills, the emergency natural gas bill of 1977 and this bill that I just mentioned, amending the Small Business Act and the Small Business Conversion Act. Both of these will be under suspension tomorrow.

Mr. MYERS of Pennsylvania. Is there some chance that the natural gas bill may not be under suspension and will be amendable, and if so, how will a Member protect himself under the 5-minute rule?

Mr. WRIGHT. It is my understanding that the committee of jurisdiction, the Committee on Interstate and Foreign Commerce, is today marking up that bill in full committee. It is my further understanding that some amendments are being offered in full committee. It is the present plan to bring forth the bill re-

ported by the full committee and to schedule it under suspension tomorrow in order that action may be had and that it may be swift and responsive to the need throughout the country.

RESIGNATION FROM HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication, which was read:

WASHINGTON, D.C.,
January 27, 1977.

Hon. THOMAS P. O'NEILL, JR.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby inform you that I have transmitted to the Governor of the State of Georgia my resignation as a Representative in the Congress of the United States from the 5th District of Georgia, effective January 29, 1977, and am by this letter confirming to you my resignation.

Please be assured of my personal appreciation to you for your friendship and counsel during my years in the House of Representatives. It has been a most enjoyable experience which has been very important in preparing me for further public service.

I look forward to cooperating with you and our colleagues as we work for the nation in the years ahead.

Sincerely,

ANDREW YOUNG,
Member of Congress.

WASHINGTON, D.C.,
January 27, 1977.

Hon. GEORGE BUSBEE,
Governor, State of Georgia,
Atlanta, Ga.

DEAR GOVERNOR BUSBEE: I hereby resign my office as Representative in the Congress of the United States from the 5th District of Georgia, effective January 30, 1977.

Let me take this opportunity to say that I have enjoyed representing the people of my district during the last four years, and I have also appreciated the cooperation you have extended me in working for the people of Georgia.

Sincerely,

ANDREW YOUNG,
Member of Congress.

CALL OF THE HOUSE

Mr. ROUSSELOT. Mr. Speaker, I rise to make a point of order that a quorum is not present.

The SPEAKER. The gentleman is aware that under the new rules a Member may not make and the Speaker cannot entertain such a point of order at this time and, in fact does not have to recognize him to move a call of the House, especially in view of the fact that on Thursday last, when the House adjourned, the Chair informed the membership there would be no business. But if the gentleman wants to move a call of the House on that basis, the Chair will recognize him.

Mr. ROUSSELOT. Mr. Speaker, I would like to make a point of order that a quorum is not present.

The SPEAKER. Does the gentleman from California move a call of the House?

Mr. ROUSSELOT. I do, Mr. Speaker. I move a call of the House.

The SPEAKER. Without objection, a call of the House is ordered.

There was no objection.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 7]

Abdnor	Fary	Pepper
Addabbo	Flowers	Pettis
Akaka	Flynt	Pike
Alexander	Foley	Pritchard
Ambro	Ford, Mich.	Pursell
Anderson, Calif.	Ford, Tenn.	Quie
	Fuqua	Rhodes
Anderson, Ill.	Gibbons	Risenhoover
Andrews, N.C.	Gilman	Rodino
Applegate	Gonzalez	Rose
Archer	Harkin	Rosenthal
Armstrong	Harrington	Rostenkowski
Badillo	Harsha	Ryan
Bafalis	Hawkins	St Germain
Biaggi	Hefner	Santini
Boland	Heftel	Sawyer
Bolling	Hillis	Scheuer
Bonker	Holland	Schroeder
Bowen	Hollenbeck	Schulze
Breckinridge	Holtzman	Sebelius
Brinkley	Hughes	Shipley
Brodhead	Ireland	Shuster
Burke, Calif.	Jenrette	Snyder
Burlison, Mo.	Johnson, Colo.	Stanton
Burton, John	Jones, N.C.	Steers
Burton, Phillip	Kelly	Stump
Byron	Kindness	Symms
Carney	Koch	Taylor
Cederberg	LaFalce	Teague
Chappell	Lederer	Tonry
Chisholm	Levitas	Traxler
Clay	Lloyd, Calif.	Trible
Cleveland	Lundine	Vanik
Collins, Ill.	McCloskey	Walgren
Cornell	McEwen	Walker
Cotter	Mann	Walsh
Crane	Mathis	Watkins
Daniel, R. W.	Mattox	Waxman
Delaney	Metcalfe	Whitehurst
Dellums	Miller, Calif.	Wiggins
Dickinson	Minish	Wilson, C. H.
Diggs	Montgomery	Wilson, Tex.
Dodd	Mottl	Winn
Dornan	Murphy, Ill.	Wolff
Early	Myers, Michael	Wydler
Eilberg	Nix	Yatron
Emery	Nolan	Zeferetti
Ertel	Oakar	
Evans, Ind.	Patten	

The SPEAKER. On this rollcall 287 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TO PROVIDE CRIMINAL PENALTY FOR EMPLOYER KNOWINGLY HIRING ILLEGAL ALIEN

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, I have today reintroduced legislation which would make it a criminal penalty for an employer to knowingly employ or hire an illegal alien.

All of us are aware of the high unemployment rate in the United States today. Millions of Americans are desperately seeking work, but are unable to find it. At the same time, hundreds of thousands of illegal aliens have jobs and thereby deprive Americans and legal residents of needed employment opportunities. The impact of these illegal aliens upon our Nation and the economy is severe, particularly in this recession.

When illegal aliens take jobs that would normally be filled by American workers, records show the wage market is depressed and working conditions are impaired. Illegal aliens also adversely affect the economy by not being required to pay taxes and by sending vast sums of money to their families abroad.

Since the illegal aliens are usually unskilled or low skilled workers, they compete most directly with uneducated and minority groups who have traditionally made up the largest portion of unemployed persons.

Immigration has been good for the United States. Immigrants have built this Nation and will continue to benefit our country by offering their skills, talents, and culture. Immigration, however, must be orderly. Aliens coming to the United States must do so within the provisions of the law.

Our Government cannot condone fraud in connection with its immigration laws. Nor can we look the other way when aliens admitted as nonimmigrants violate their status by taking unauthorized employment, which means one more job opportunity is lost for a citizen or legal alien. More particularly, firm legal action must be taken against those unscrupulous employers who cruelly and selfishly exploit this source of cheap labor for their economic advantage and a strong comprehensive legislative solution is needed as soon as possible.

THE NATURAL GAS SHORTAGE

(Mr. FOUNTAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FOUNTAIN. Mr. Speaker, the unfortunate consequences of the critical natural gas shortage in our Nation are being made abundantly clear on the front pages of every newspaper published these days, and on every radio and television newscast. The time has come for a prompt decision on President Carter's reasonable request for emergency powers to deal with the current crisis.

Every action possible to avoid human suffering and alleviate the impact of the natural gas shortage on industries and businesses—in other words, the impact on jobs—must be taken.

Although no legislative body can repeal the laws of nature which brought the bitter cold and which limit the amount of natural gas available to us, this House can adopt legislation to require that the shortage be equitably shared throughout the Nation. Doing this will help some, though it will not stop the crisis.

There is absolutely no justification for any section or sections of the country to have adequate or near-adequate supplies of natural gas while other and less-fortunate parts of the country are in the throes of skyrocketing unemployment because of the lack of it.

I have no way of knowing exactly what provisions the committee will recommend, but there are two principles which should be present in any legislation we adopt. One is that the President should have emergency power for a strictly limited period of time to force the transfer of natural gas from one pipeline to

another, so that natural gas can be sent where it is needed most.

Another principle is that the President should have emergency power for a strictly limited period of time to authorize presently unregulated intrastate natural gas to be sold in the interstate system without subjecting intrastate companies to long-term Federal regulation.

Both of these questions must soon be dealt with on a long-term basis, but not during a period of crisis such as we are in now. A new, long-term energy policy of our Nation must be developed calmly and carefully and rationally, giving everyone a chance to be heard.

For the moment, our task is to get through the wintry weather of the weeks immediately ahead with a minimum of economic damage and then to settle down to the delineation of a crystal clear national energy policy, which will provide the best possible future course of action for our Nation, bearing in mind the fact that our only abundant source of readily available power is coal.

CHIEF MINORITY PAGE TOM TEAR RETIRES

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 60 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, I would like to offer a tribute to Tom Tear, the chief minority page, who is retiring today after 30 years of devoted service to this distinguished body. We all owe Tom incalcuable "thank yous" for the many services which he has performed over the years. His willingness to always be of help and his friendly presence in the minority cloakroom have long been a boon to us all. In an age of growing impersonalization when the House has moved into the computer age, Tom has been a mark of continuity. He has freely given to this great Chamber the healing balm of kind words. He has been a catalyst for good feeling on this historic floor and in general enabled us to work together in closer harmony. If egos were bruised in a legislative battle, Tom would codgel and remind us we would live to fight another day. As he brought warmth and good natured spirit to our deliberations, his labors also helped make this place work.

When we did not take the time to thank the pages for rescuing from our offices an important amendment or speech which was then safely placed in our hands just as we gained the floor, Tom was there to extend the proper appreciation and smooth over our abrupt actions. We have come to rely upon this great servant of the people. Through his tutelage we have experienced the history of the Congress and been better able to accept the challenges which come with our jobs.

When Tom came here years ago from Rockford, Ill., I doubt he suspected he would retire from one of the most cosmopolitan of all bodies, the U.S. House of Representatives and then turn full time to the joys of farming. I think you should all know that Tom is trading us in for a herd of cows. I do not know which group is more demanding, but I think I can guarantee he will not be sleeping in.

Thank you, Tom, for everything, and I wish you and Carol well in the years ahead. We will miss you.

Mr. RHODES. Mr. Speaker, it is a pleasure for me to join my Republican colleagues in expressing our appreciation for the dedicated service we have received from the minority chief page, Tom Tear.

He is one of the unsung, competent, hard-working people that help the machinery of the House run smoothly. As supervisor of the Minority pages, Tom has met his considerable responsibility with efficiency and good grace. He sees to it that Members have copies of bills at hand, that Whip notices are delivered on time, and oversees the many other chores that often are taken for granted.

Tom has completed 30 years of service to the House of Representatives. We in the minority are grateful that he has made the work of the House his career.

I would like to express my thanks for a task well done, and to wish Tom the very best for an active, enjoyable, and productive future. More than that, I thank him for his personal loyalty and friendship through the years.

Mr. BOB WILSON. Mr. Speaker, the House Republican cloakroom just will not be the same—Tom Tear is retiring. Over the years, like numerous other Members, I have come to rely on Tom on many occasions. When something needs doing, Tom has been there to take care of it.

Although Tom is retiring, I am happy to know that he will not be leaving the Washington scene entirely. While the farm in Virginia will keep him busy, I know that he and Carol will remain active in Republican and congressional circles. We would not have it any other way.

Tom, we thank you for your many years of loyalty and dedication. We are going to miss you, but wish you well in your well-deserved retirement. We ask only that you keep in touch, so that we will continue to have the benefit of your wisdom, guidance, and friendship.

Mr. DEL CLAWSON. Mr. Speaker, the House of Representatives is losing the services of a stalwart employee whose work over the years has contributed in countless ways to the smooth functioning of our operation and whose loyalty to the House of Representatives as an instrument of Government for the people is deeply ingrained and an integral part of his way of life. We have come to count on Tom Tear as confidently as a right arm and his retirement, well-earned though it is, will leave a gap on the minority side of the House floor which will be as much a tribute to the standards of service for which he stood as to the warm personality, the adaptability and the never failing good humor we took so much for granted. When we realize his work with us is over there is belated opportunity to give full recognition to just how much support he provided. The fondness of the many young people who have worked under Tom over the years is a network of good will which stretches across the Nation. The can do tradition which Tom has fostered and upheld will continue as his legacy to the minority in the House. Our affectionate wishes for Tom and Carol Tear are that the company of "Ten Pin," "J.P." and the Black Angus will leave you ample time in Viewtown for relaxing and looking at that mountain and the Virginia fields now that the demands of service to the minority Members of the House of Representatives are lifted.

Mr. WHALEN. Mr. Speaker, I wish to take a moment of time to join with my many colleagues in the House of Representatives in offering congratulations and "thank you" to chief minority page, Tom Tear, who is retiring today.

Having served as chief minority page since 1953, Tom has witnessed many historic occasions here in the House and has become a "historical landmark" in his own right. Besides his long service in the House, Tom distinguished himself during World War II, receiving the Purple Heart for combat wounds sustained in the European theater. He has been an active member of many veterans organizations. His retirement marks the end of a colorful career and I join his many friends here in Washington in wishing Tom Tear a long and fruitful retirement.

Mr. CEDERBERG. Mr. Speaker, few people have seen as many Congressmen come and go as have Tom Tear, our minority chief page. After 30 years of dedicated and devoted service, Tom is now taking his leave and in his absence leaving us many fine memories.

It is often easy to overlook, without acknowledgment, the service that has been provided by Tom and his colleagues. But it is not because it is not appreciated. Rather, it is because the standard of excellence, dependability, and quality have been so high, that one almost begins to take it for granted after awhile.

Therefore, I would like to take this opportunity to convey my heartfelt appreciation. The Republican pages, and especially Tom, have been indispensable. Their superb service over the years has made my job and that of my fellow Republicans easier.

Never one to shirk responsibility, Tom has always been willing to shoulder any task at hand. Often, he was called upon to perform under great pressure and unusual circumstances. He always met the challenge and handled the requirements of his job with great skill. Tom could always be counted on to give that extra measure when needed.

His service was marked by an unfailing attention to detail and an appreciation of the difficulties encompassing service to the Congress. Discretion, unflagging performance, diligence, and professionalism characterized his work. Unusually competent, Tom gave everything he had to his job.

Tom was a totally involved person on and off the job. He cared about his job and the people with whom he worked. He was always considerate of those who worked for him while attending to the needs of the Republican delegation. His ability was one of compromise; his forte was one of getting along.

We can not begin in this short period of tribute to adequately thank Tom for all that he has done. However, when he leaves this Chamber, he will go with the thanks of all Republicans, going back 30 years.

Tom has faithfully served us through the lean years and the years of plenty. Regardless, his service has been consistent and always of the highest quality. He has set an example that is enviable and certainly noteworthy.

I know that I am joined by my fellow Republicans in wishing Tom and his wife Carol the very best in the future. May they enjoy the ensuing years of retirement which they have so rightfully earned. We will certainly miss them both. I can only hope that Tom will honor us with frequent visits. He may be sure that he will always be welcomed.

Mr. BROOMFIELD. Mr. Speaker, it is with great pleasure that I join my colleagues in paying a well-deserved tribute to Tom Tear who is retiring as the minority chief page of the House of Representatives.

I consider Tom a personal friend and I will miss him. He came to the House in 1947 as an assistant in the Office of the Clerk and since 1953 he has been the minority chief page. He has served under five Speakers of the House and in the only two Republican majorities in the House since 1932.

Tom's 30 years in a position of responsibility in the House were successful years by any standard of measurement. In addition to efficient administration of the service function of his position, he was effective as counselor and friend to over 1,000 young men and women pages he supervised in his career. Many of these young men and women, who have gone on to successful careers and become useful citizens, give credit to the influence Tom had on their lives.

I want to congratulate Tom on his outstanding record of service and extend best wishes for many happy years ahead for him and Carolyn who has just retired from her position with the U.S. Department of Agriculture. You have both earned the right to return to your farm in Warrenton to give full time to raising registered Black Angus cattle.

Mr. ABDNOR. Mr. Speaker, it is a pleasure for me to join with my colleagues in saying a sincere "thank you" to Tom Tear for his many years of dedicated service as chief page in the minority cloakroom. There is not one of us who has not benefited from the friendly assistance of Tom on many, many occasions.

His leadership of the pages began many years before I came to Congress, but it did not take me long to learn that "Just ask, Tom" was not only good advice, but indeed, a compliment to the quality of his helpfulness.

The minority cloakroom has been most fortunate to have had Tom's friendly presence and knowledgeable assistance for three decades. He has left a high standard for those who will follow after him.

My very best wishes join with those of all of my colleagues in wishing him well in the future. And, thanks again, Tom for a job well done.

Mr. DON H. CLAUSEN. Mr. Speaker, after 30 years of service with the House of Representatives, Tom Tear, the minority chief page, has announced his retirement and will be leaving the Hill this month. I would like to take this opportunity to wish him well in his retirement years and extend my personal thanks to him for the valuable service he has performed over the years.

Throughout the many long, hectic days that we were in session and the late evenings when pressing legislation kept us here well into the night, Tom could always be found hard at work coordinating the activities of the "bench" or "running" pages or standing on the back rail sharing advice and good humor with us all.

Tom has witnessed many of the major battles of our country, from the Battle of the Bulge while serving in the U.S. Army to major legislative battles fought on the House floor. On each occasion he has served his country well.

Many times I have relied on Tom to arrange for the delivery or pickup of material from my office enabling me to remain on the floor for debate and freeing my staff for the work that needed to be done in the office. We often overlook the importance of this service and have all grown to depend on it.

Tom is taking with him many fond memories and close friendships. He has served with the House since the Eisenhower administration and has had the honor of working for three distinguished minority leaders, the Honorable Charlie Halleck, Gerald Ford, and JOHN RHODES.

Best of luck, Tom, in your retirement. I know you will remain active and dedicated to public service.

GENERAL LEAVE

Mr. COLEMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Illinois (Mr. ANDERSON).

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PRIVACY AND MEDICAL RECORDS: THE FIGHT GOES ON

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. GOLDWATER) is recognized for 15 minutes.

Mr. GOLDWATER. Mr. Speaker, since the passage of the Privacy Act of 1974, and the creation of the Privacy Protection Study Commission, there has been an ever-increasing national interest in the general subject of protection of personal privacy. In August of 1974, the Republican House Task Force on Privacy published a report that proved to be a harbinger of things to come. For example, many of the recommendations made by that task force were contained in the Privacy Act of 1974, so were recommendations that closely resemble what became known as the Buckley educational records privacy amendments. Congressional and popular interest in privacy has continued to grow, with many Members of the House becoming activists in selected privacy areas.

One of these areas is the medical records access and handling practices of professional standards review organizations—PSRO's. The threats posed by PSRO's and the abuses perpetrated by them have been intensely pursued for several years by our colleague PHIL CRANE. The Republican Task Force on Privacy report echoed the concerns of Congressman CRANE when it called for a direct congressional investigation of PSRO medical record practices and abuses and noted that there appeared to be a clear threat to the time-honored privileged relationship between physician and patient.

Recently, a letter to the editor of Congressman CRANE was printed in the Washington Star. It is a concise, candid statement of the problem and it contains a good statement of what our colleague is trying to do about the situation. I offer the Congressman's letter for printing in the CONGRESSIONAL RECORD so that those of my colleagues that may have missed it will have a second chance to read it:

WHO'S THAT READING OUR ENTRAILS?

I was most interested in John Fialka's recent articles in *The Star* concerning the confidentiality of patients' medical records. Violations of the right to privacy are a serious matter and should be prosecuted, whether the offenders be private individuals or government employees.

I commend your efforts to bring to the public's attention the fact that individual privacy is being invaded by persons who are able to gain access to confidential medical, tax and other records by illegal or legal means, often with the cooperation of government employees. However, by concentrating your stories on the activities of private investigating companies, you have ignored the greatest threat to our privacy—the federal government.

While illegal government activities such as surveillance of individuals and misuse of IRS records have received a great deal of attention by the media, it is less well known that the government may gain access to a great variety of records by perfectly legal means. In fact, Congress has enacted legislation in recent years which actually requires that government agents obtain these records in order to carry out the laws.

The passage of the Privacy Act of 1974 underlined the congressional concern for the confidentiality of various types of personal records, but thanks to loopholes in that legislation, some government agencies retain the authority not only to inspect and collect records for the purposes of criminal investigations but to carry out their everyday activities.

Because of the loophole in the Privacy Act of 1974 which allows for the invasion of privacy by government agencies if "otherwise provided by law," our personal medical records are not safe from the prying eyes of federal bureaucrats. In the Social Secu-

rity Amendments of 1972, Congress established Professional Standards Review Organizations (PSROs), the purpose of which is to "... apply professional developed norms of care, diagnosis and treatment based upon typical patterns of practice in its regions (including typical lengths-of-stay for institutional care by age and diagnosis) as principal points of evaluation and review...."

Though the purpose of these PSROs is ostensibly to hold down Medicare and Medicaid costs by setting guidelines for health care, they are required to examine patient records in order to determine these standards. Section 1155(f)(1)(B) of the Social Security Act, as amended, provides that such an organization will "collect such data relevant to its function and such information and keep and maintain such records in such form as the Secretary may require to carry out the purposes of this part and to permit access to and use of any such rceords as the Secretary may require for such purposes."

The same section authorizes PSROs to "examine the pertinent records of any practitioner or provider of health care services providing services with respect to which such organization has a responsibility for review..."

PSROs thus destroy the confidentiality of the traditional doctor-patient relationship by making available to the federal bureaucracy the medical and psychiatric histories of everyone subject to PSRO's, which will soon include the entire country. Such confidentiality had already been violated for many years by the Internal Revenue Service as it demanded and received physicians' office records as part of income-tax audits.

I might add that unless a greater degree of confidentiality is extended to private medical records, an "Ellsberg break-in" would no longer be necessary if an official of the IRS or HEW wanted to examine sensitive psychiatric records for "authorized" reasons. These records will be available through PSROs, and the only check on these abuses will be the goodwill of the bureaucrats.

In order to prevent such abuses, I introduced legislation in the 94th Congress to provide for the confidentiality of medical and/or dental records of patients not receiving assistance from the federal government in the payment of their care. Though it can be argued that the government has reason to examine the records of those receiving Medicare or Medicaid, since it is footing the bill, the government should have no right to violate the privacy of those under private care.

Again, while the invasion of privacy by investigating organization is a serious problem, I feel that your articles on the subject of confidentiality of records should also deal with the governmental aspect in order to provide a total picture of the subject.

PHILIP M. CRANE,
House of Representatives.

WASHINGTON, D.C.

LEGISLATION TO AMEND FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

The SPEAKER. Under a previous order of the House, the gentleman from Oregon (Mr. AUCOIN) is recognized for 5 minutes.

Mr. AUCOIN. Mr. Speaker, on Thursday, January 27, I introduced a bill to protect the American 200-mile fishing limit. I insert the text of this bill in the RECORD at this point:

H.R. 2564

A bill to amend the Fishery Conservation and Management Act of 1976 in order to clarify the definition therein of vessels of the United States and to require the Secretary of Commerce to prepare an annual report regarding foreign investment in the United States fishing industry

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265) is amended by striking paragraph (25) and inserting in lieu thereof the following:

"(25) The term 'vessel of the United States' means any vessel which—

"(A) is documented under the laws of the United States or registered under the laws of any State; and

"(B) is either owned by a citizen of the United States, or has been continuously owned by the same person who owned it prior to January 27, 1977.

"(26) The term 'citizen of the United States' means—

"(A) an individual who is a citizen or national of the United States;

"(B) the Federal Government, any State or local government within the United States, or any entity of such a government; and

"(C) a corporaton, partnership, association, or other entity, organized or existing under the laws of the United States or of any State, of which at least 75 per centum of the interest therein is owned by a citizen or citizens of the United States: *Provided,* That a corporation is not a citizen of the United States—

"(i) unless its president or other chief executive officer and the chairman of its board of directors are ctizens of the United States and no more of its directors than a minority of the number necessary to constitute a quorum are noncitizens, or

"(ii) if seventy-five per centum of the interest in such corporation is not deemed to be owned by citizens of the United States under the provisions of section 2(c) of the shipping Act of 1916, as amended (46 U.S.C. 802(c))."

SEC. 2. Section 204(b)(1) of such Act of 1976 is amended by adding at the end thereof the following: "(For purposes of this Act, any foreign nation may treat, as a vessel under the flag of such nation, any vessel which is documented under the laws of the United States or registered under the laws of any State, if more than 25 percent of the vessel is beneficially owned by an individual who is a citizen of such nation or by a legal entity which is organized or existing under the laws of such nation.)"

SEC. 3. (a) The Fishery Conservation and Management Act of 1976 (Public Law 94-265) is further amended by adding at the end thereof the following new section:

"SEC. 407. ANNUAL REPORT REGARDING FOREIGN INVESTMENT IN THE U.S. FISHING INDUSTRY.

"(a) CONTENTS OF REPORT.—(1) Before March 1 of each year, the Secretary shall submit to Congress a report on foreign investment in the United States fishing industry during the immediately preceding calendar year. Such report shall include, but not be limited to, information regarding—

"(A) the nature and degree of such foreign investment;

"(B) The disposition of the fish processed by United States fishing enterprises in which there is foreign investment, including information regarding the type of products into which such fish were processed and where such fish and the products derived therefrom were marketed;

"(C) the effect of such foreign investment on the employment of citizens and nationals of the United States in the United States fishing industry, including but not limited to the degree to which U.S. citizens exercise management control over companies in which there is foreign investment; and

"(D) the effect on the United States balance of payments.

"(2) The Secretary shall include in each report required under paragraph (1)—

"(A) a current evaluation of the overall impact which foreign investment has had on the United States fishing industry;

"(B) an estimate of the future trends in such investment by industry and by geographic region; and

"(C) an opinion by the Secretary with respect to whether or not current or future foreign investment in the United States fishing industry is adversely affecting, or may adversely affect—

"(i) the carrying out of the purposes and policies of this Act;

"(ii) the financial condition of the United States fishing industry and related industries, including but not limited to fishing vessel construction and repair, marine supply, fish processing and fish processing equipment manufacture;

"(iii) the availability of domestic financing for industries identified in (ii);

"(iv) the competitive position of United States exports of fish and fish products in world markets; or

"(v) any other aspect of the national interest which the Secretary deems appropriate.

If the Secretary is of the opinion that there is, or may be, adverse impact as a result of foreign investment in the United States fishing industry, the Secretary shall include with the report his recommendations (including suggested legislation) for ameliorating such impact.

"(b) Regulations.—(1) The Secretary shall prescribe such regulations as may be necessary and appropriate to carry out this section, including, but not limited to, regulations requiring any appropriate person who is subject to the jurisdiction of the United States to furnish any information which is determined by the Secretary to be necessary to carry out this section.

"(2) The Secretary of the Treasury shall provide to the Secretary such assistance (including such pertinent information as may be at the disposal of the Secretary of the Treasury) as the Secretary may request for purposes of carrying out this section.

"(3) Any information submitted to the Secretary by any person in compliance with any requirement under this subsection shall be confidential and shall not be disclosed except when required under court order. The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary may include in any report required to be made under this section any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such statistics.

"(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section."

(b) Section 406 of such Act of 1976 is amended by inserting "other than section 407," immediately after "Act,".

A NOTE OF THANKS

The SPEAKER. Under a previous order of the House, the gentleman from Nebraska (Mr. CAVANAUGH) is recognized for 10 minutes.

Mr. CAVANAUGH. Mr. Speaker, I would like to thank my colleagues who responded to the recent passing of my father with warm notes and flowers. The beautiful bouquet that you sent, Mr. Speaker, and a most comforting note that was received from the President were deeply appreciated.

My father had many friends. The Omaha World-Herald described the funeral last Tuesday as the largest in the city's history. That morning at St. Mary's Church in Omaha, Rev. George R. Sullivan, S.J., said the funeral Mass and delivered a sensitive and incisive eulogy. I would like to share it with my colleagues along with the entire service.

On behalf of my wife, Kate, our children, and my entire family, I thank the Members of the House for their expressions of sympathy.

The material follows:

SERMON DELIVERED AT THE MASS OF THE RISEN LORD FOR JOHN J. "JACK" CAVANAUGH

Governor Exon and Members of the Legislature, Members of the County Board and elected Officers of Douglas County, present and past, Mayor Cunningham and members of the Council, Members of the Cavanaugh and Munnelly Families, my fellow priests and friends of Jack Cavanaugh,

We gather together here this morning to honor and to thank God for a man who lived the Sermon on the Mount and who cared for his fellowman as Paul urged the Romans to care.

Jack Cavanaugh never exaggerated his real importance, he gave his gifts to everyone. He was a diligent official and a merciful man. He sincerely preferred good to evil and respected and welcomed everyone.

I know that everyone here has his or her own special memories of Jack. Mine go back to seeing him on television over twenty years ago, standing alone for what he saw to be right and fair for the people. He said then, "We give up our liberties a little at a time. The stroke of a pen can take them away, but it takes bullets to get them back".

Jack Cavanaugh had about him a certain loneliness and reserve but that did not diminish his effectiveness. He took the gifts God gave him, he took the loneliness and made an instrument in the service of the people and especially of the people who needed it. He was not there to be a big shot. He spent so much time with the powerless and little time with the powerful. His loneliness gave him perspective, somehow enabled him to act, for the people, for the powerless. This perspective prevented him from ever being an insider, but he never wanted to be an insider.

Jack always talked in terms of people, of being friendly to them, of sharing with them, of serving them, of enabling them to live in a better and more human way. He took time for people. He took time for us. Those who disagreed with him knew he was a man who never kept lists, who never kept score.

And so he sought to work in jobs that would enable him to help: in the Fire Department, the Army, on the County Board, in the County Attorney's Office.

He did not want wealth or power or prestige, but rather the peaceful satisfaction of service. And he took the power given him very seriously.

He told his children often that all he would ever leave them, all he ever promised, was his good name and the profession he was proud of. That good name was founded on a life in which people were not statistics, but men and women and children with names and faces and feelings, especially feelings. Because people were so important he knew we must be gentle, we must hunger and thirst for what is right, we must be merciful, we must be peacemakers, we must at times be persecuted in the cause of right.

Few men and women answer such a challenge. Few are so deeply moved. But Jack was always so moved. And that is why we are here. His heritage he saw live on—a privilege few men have. He saw not just one son sent to Washington by the people that he loved, but he also saw the rest of his children and many beyond not just interested in, but intent upon service of the people.

I would like to share with you two passages in Jack's own words: in May 1937, as a high school student, he wrote this paragraph;

"A man was loved by all for his kindness and generosity. Although he was very rich, he was not selfish or conceited. He made the lowest extra on his set feel right at home when he was around. One day while he was acting, he had the director stop and give one of the extra men a better part in the show. By now you know who the man was. Will Rogers."

Those words came from a fifteen year old. Three years ago he said these words as he completed his eighteen years on the County Board: they express his legacy to us. He said,

"I am leaving this office as I began it, as a person who cares. I have endeavored to make a worthwhile contribution to the community and to the field of politics which I consider an honorable and important profession. I appreciate the faith and the trust the good people of Douglas County have placed in me. I have endeavored to repay that trust by serving the public with honesty and integrity and dignity. One message I'd like to give to the people of Douglas County and that is to please get involved in your government . . . it is extremely necessary for everyone to care enough to support good people."

These were Jack's words.

Jack is now taken from our midst. He is with Our Lord. Let us act as he urged us to.

Kathleen, Maryane, and John, and Cathy, Jim and Tom and Marg, we offer you our prayers, our support, our love, as we pray together:

Eternal rest grant unto Jack, O Lord, and let eternal light shine on him forever.

THE MASS OF THE RISEN LORD FOR JOHN J. "JACK" CAVANAUGH, ST. MARY'S CHURCH, 36TH & "Q" STS., OMAHA, NEBRASKA 10 A.M., JANUARY 25, 1977

The Morning Prayer was offered by Rev. Michael P. Sheridan, S.J., at the Troia Funeral Home.

Readings at the Mass:

First Reading: Romans 12:3-13 Hon. John J. Cavanaugh

Responsory Psalm: Psalm 23 Thomas Cavanaugh

Gospel: Matthew 5:3-10 Rev. Robert Garvey

Sermon: Rev. George R. Sullivan, S.J.

Prayer of the Faithful: Rev. Peter McPartland

Communion Meditation: Sirach 44: 1–15 James Cavanaugh

PRIESTS CONCELEBRANTS

Rev. George R. Sullivan, S.J.—Principal Celebrant, Assistant to the President, Creighton Preparatory School

Rev. Robert A. Garvey—Master of Ceremonies, Co-Pastor, St. Mary's Church

Rev. Denis Bartley, St. Columban's Foreign Mission Society

Rev. Blase Cupich, Assistant Pastor, St. Margaret Mary's Church

Rev. Robert P. Hupp, Director, Boys Town

Rev. William F. Kelley, S.J., Director for Inst'l Grants, Creighton University

Rev. Daniel J. Kenney, S.J., Creighton Preparatory School

Rev. William C. Kleffman, Pastor, St Agnes Church

Rev. Joseph J. Labaj, S.J., President, Creighton University

Rev. Peter McPartland, Past Director, Columban Fathers

Rev. Mel Merwald, Associate Pastor, St. Bernard's Church

Msgr. Anthony B. Michells, Chancery, Archdiocese of Omaha

Rev. Anthony A. Petrusic, Pastor, Sts. Peter and Paul Church

Rev. Kenneth M. Potts, Associate Pastor, St. Peter's Church.

Rev. Carl M. Reinert, S.J., Vice-Pres. for University Relations, Creighton University

Rev. Thomas N. Schloemer, S.J., President, Creighton Preparatory School

Rev. Michael P. Sheridan, S.J., Acting V.P. for Academic Affairs, Creighton University

Msgr. Roman C. Ulrich, Pastor, Our Lady of Lourdes Church

A Memorial Mass was offered at Troia Funeral Home by the Rev. Burnell B. Bisbee, S.J. at 3:30 p.m., January 24, 1977.

A READING FROM THE LETTER OF PAUL TO THE ROMANS, CHAPTER 12:3–13

(Read by Hon. John Cavanaugh)

In the light of the grace I have received I want to urge each one among you not to exaggerate his real importance.

Each of you must judge yourself by the standard of the faith God has given him.

Our gifts differ according to the grace given us.

If your gift is prophecy, then use it as your faith suggests; if administration, then use it for administration; if teaching, then use it for teaching.

Let the preachers deliver sermons, the almsgivers give freely, the officials be diligent, and those who do works of mercy do them cheerfully.

Do not let your love be a pretence, but sincerely prefer good to evil.

Love each other as brothers should, and have a profound respect for each other.

If you have hope, this will make you cheerful.

Do not give up if trials come; and keep on praying.

If any of your brothers are in need you must share with them; and make hospitality your special care.

This is the word of the Lord.

RESPONSORIAL PSALM: Ps. 23: 1–3, 3–4, 5, 6

(Read by Thomas F. Cavanaugh)

(1) The Lord is my shepherd; there is nothing I shall want.

(4) Though I walk in the valley of darkness, I fear no evil, for you are with me.

The Lord is my shepherd.

The Lord is my shepherd; I shall not want. In verdant pastures he gives me repose; Beside restful waters he leads me; He refreshes my soul.

The Lord is my shepherd.

He guides me in right paths for his name's sake. Even though I walk in the dark valley I fear no evil; for you are at my side. With your rod and your staff that give me courage.

The Lord is my shepherd.

You spread the table before me in the sight of my foes; You anoint my head with oil; my cup overflows.

The Lord is my shepherd.

Only goodness and kindness follow me all the days of my life; And I shall dwell in the house of the Lord for years to come.

The Lord is my shepherd.

THE LORD BE WITH YOU

A reading for the Good News of Our Lord Jesus Christ according to Matthew.

(Read by Rev. Robert Garvey)

Seeing the crowds, he went up the hill.

There he sat down and was joined by his disciples.

Then he began to speak. This is what he taught them:

"How happy are the poor in spirit; theirs is the kingdom of heaven.

Happy the gentle; they shall have the earth for their heritage.

Happy those who mourn; they shall be comforted.

Happy those who hunger and thirst for what is right; they shall be satisfied.

Happy the merciful; they shall have mercy shown them.

Happy are the pure in heart; they shall see God.

Happy the peacemakers; they shall be called sons of God.

Happy those who are persecuted in the cause of right; theirs is the kingdom of heaven. This is the Gospel of the Lord.

PRAYERS OF THE FAITHFUL

(Read by Rev. Peter McPartland)

God the almighty Father raised Jesus from the dead; with confidence we ask him to save his people living and dead.

Our response is: Lord, hear our prayer.

1. In thanksgiving for Jack Cavanaugh our valiant servant and good friend, let us pray to the Lord

2. For Kathleen, Maryanne and John and Cathy, Jim and Tom and Marg, Francis and Harold and the Cavanaugh and Munnelly families that the Lord may be with them and that we may continue to support them, let us pray to the Lord

3. For all in public office that they may work for justice and peace as Jack did, let us pray . . .

4. That we may all follow Jack's footsteps in endeavoring to live the Sermon on the Mount

Let us pray:

Father, we entrust our brother to your mercy. You loved him greatly in this life: give him happiness and peace forever. Welcome him now to your peace and joy with Jesus, your Son and the Holy Spirit forever and ever. Amen.

A READING FROM THE BOOK OF SIRACH (ECCLESIASTICUS)

(Read by James P. Cavanaugh)

Let us now praise illustrious men our ancestors in their successive generations.

Some wielded authority as kings and were renowned for their strength; others were intelligent advisers and uttered prophetic oracles.

Still other directed the people by their advice, by their understanding of the popular mind, and by the wise words of their teaching.

All of these were honored by their contemporaries, and were the glory of their day.

Few of them left a name behind them, so that their teachings and works would be remembered.

But here is a rare and gentle man whose good works have not been forgotten.

In his descendants there remains a rich inheritance born of him.

His body will be buried in peace, but his name lives on for generations.

His offspring will last forever his glory will not fade.

The children will know his wisdom the people will celebrate his life.

[From The Omaha (Nebr.) Moving World Herald, Jan. 25, 1977]

JACK CAVANAUGH: UNAFRAID TO STAND ALONE

John J. "Jack" Cavanaugh was a practical politician who had the reputation of being fiercely independent.

Schooled in the South Omaha brand of Democratic politics, he always had to be shown and convinced on the many issues which came before him as a county commissioner and in other public capacities.

Cavanaugh didn't hesitate to stand alone when he felt something wasn't quite right. Yet when he decided a project or program was desirable, his support was unswerving. At the peak of his political career, his "yes" or "no" was often the difference in the advance or failure of a proposal.

Probably his biggest disappointment was a primary loss to Maxine Morrison for the Democratic congressional nomination.

But he lived long enough to see his son, John III, win a ticket to Washington. He had a ball in Washington when his son was sworn in as a member of the 95th Congress. It was his "proudest moment."

Cavanaugh's wife, sons and daughters were tireless helpers in his political campaigns. He always said proudly his own family was the greatest political machine in town.

The Cavanaugh name will be around a good while in Nebraska politics. Jack wanted that.

THE BOUNDARY WATERS WILDERNESS ACT

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 15 minutes.

Mr. FRASER. Mr. Speaker, today I am reintroducing the Boundary Waters Wilderness Act, a bill I introduced late last session. The bill's objective is to bring full wilderness protection to the 1-million acre Boundary Waters Canoe Area in northern Minnesota.

The Boundary Waters Canoe Area is included in the National Wilderness Preservation System, as established by the Wilderness Act of 1964. Under my bill, the entire area would remain as a unit of this system and would continue to enjoy those protective features of the Wilderness Act which now apply to it. But, my bill goes one step further and specifically forbids certain uses and practices that are incompatible with a wilderness area.

The bill has four major thrusts. First, and most important, it seeks to end those activities that threaten the integrity of the BWCA's wilderness character by expressly prohibiting the following uses:

Commercial timber harvesting and administrative cutting of timber to manipulate vegetation;

Recreational uses of motorized watercraft and snowmobiles, except in hardship cases, where a phaseout period not to exceed 5 years may be allowed at the discretion of the Secretary of Agriculture;

Leasing of Federal mineral rights inside the area for mineral exploration or mining and the use of Federal lands in connection with any mineral exploration or mining within the area, except in a national emergency.

Second, it adds approximately 35,000 acres of national forest, State, county, and private lands to the wilderness area, thereby bringing them under the protection of the 1964 Wilderness Act as amended. These are lands that are de facto wilderness areas; they have been managed as wilderness and possess the characteristics of wilderness, but have not been included in the national wilderness preservation system. These additions also include one area which serves as an access point to the wilderness for uses inconsistent with wilderness management.

Third, it increases payments to St. Louis, Lake, and Cook counties, Minnesota, in lieu of taxes on federally owned lands to 1¼ percent of the value of those lands.

Fourth, it renames the Boundary Waters Canoe Area the Boundary Waters Wilderness Area.

My colleague from Minnesota, JIM OBERSTAR, introduced a bill last session that proposes an alternative strategy for managing the BWCA. The Oberstar bill would add approximately 125,000 acres to the BWCA and divide the area into two types of Federal units: A Boundary Waters Wilderness—of 625,000 acres—and a Boundary Waters National Recreation Area—of 525,000 acres. The Wilderness Area would be zoned to prohibit mining, logging, and mechanized travel. The recreation area, however, would be zoned to allow a variety of commercial and public recreational activities, including commercial timber harvesting, snowmobiling, motorboating, and perhaps intensive commercial developments. Mr. OBERSTAR intends to reintroduce his legislation in the next few weeks.

The Oberstar bill represents a conscientious and constructive attempt to resolve the complex and longstanding controversies surrounding the BWCA. Although it offers an approach about which I have serious reservations, it will, in combination with my bill, furnish Congress with two distinct plans for the management of this unique national resource. Mr. OBERSTAR and I intend to work to see that Congress examines both bills carefully and formulates a sound legislative remedy.

The Boundary Waters Canoe Area is the largest wilderness area east of the Rocky Mountains and the second largest in our wilderness system. It is our Nation's only lakeland canoe wilderness—a network of more than 1,000 lakes linked by hundreds of miles of streams and short portages which served as the highway of fur traders who followed water routes pioneered by Sioux and Chippewa Indians. Despite extensive logging, the BWCA still contains 540,000 acres of virgin forests, by far the largest such area in the eastern United States.

This last remnant of the old "northwoods" is remarkable not only for its lakes and virgin forests, but also for its wildlife. It is the home of a variety of plant eaters such as the moose, deer, beaver, snowshoe hare, and porcupine and their natural predators, including such rare species as the eastern timber wolf, pine marten, fisher, lynx, and bald eagle. Even many western wilderness areas lack such complete food chains. This natural ecosystem is a valuable educational and scientific resource; it has been the focal point of important research in wildlife behavior, forest ecology, nutrient cycles, lake systems, and vegetation history.

The BWCA is complemented on the Canadian side of our border by the

Quetico Provincial Park of Ontario, where commercial logging and nearly all motorized recreational activity are prohibited. Together, these areas encompass an area the size of Yellowstone National Park and constitute one of the finest wilderness areas on our continent. Not surprisingly, the BWCA is the most heavily used unit in the national wilderness system, drawing people from throughout the country who seek the solitude of a wilderness experience.

For almost three-quarters of a century, efforts have been waged to protect the natural beauty of this environment. The existing public policy of primarily wilderness management has been established through the actions of Congress and the Minnesota Legislature, Federal and State courts, and administrative acts of Federal, State, and international agencies. The chronology of Federal involvement is better understood if one is aware of the role Minnesota has played. Four State actions should be mentioned.

First, in 1902, General C C. Andrews, the chief fire warden for Minnesota, recommended to the U.S. General Land Office that certain Federal lands in Cooke, Lake, and St. Louis Counties be set aside as a Federal "forest reservation." In response to this initiative, the Land Office Commissioner agreed to set aside 500,000 acres. Additional lands totaling over 600,000 acres were reserved in 1905 and 1908. It was from these hands that President Teddy Roosevelt proclaimed the Superior National Forest in 1909.

Second, from 1925 to 1934, State officials and private organizations went before the International Joint Commission to fight the Backus plan for dams for waterpower development in what is termed the "rainy lake reference." This successful campaign produced evidence vital to the enactment of both the Federal Shipstead-Nolan Act in 1930 and Minnesota's parallel legislation in 1933.

Third, in early 1949, airspace limitations were legislated by the State—well before President Truman's airspace ban on December 1949.

Fourth, in 1976, the State enacted into law a longstanding State administrative policy that prohibited the leasing of State minerals or the use of State lands and waters for mineral exploration and development in the BWCA, except as related to a congressionally declared national emergency.

The history of Federal involvement began with the previously mentioned setting aside of approximately 1 million acres as a Federal "forest reservation" in 1902, 1905, and 1908. Eight subsequent steps stand out.

First, in 1909, Teddy Roosevelt established the Superior National Forest by proclamation.

Second, in 1926, Secretary of Agriculture Jardine responded to controversy over Forest Service roadbuilding by administratively establishing a roadless policy which created the first "Superior Wilderness Area." Jardine promised that the Forest Service would build no additional roads of any kind in 1,000 square miles of the best canoe country.

Third, in 1930, Congress passed the Shipstead-Nolan-Newton Act which protects lakeshores from logging and prohibits dam building.

Fourth, with the Thye-Blatnik Act of 1948, the Humphrey-Thye-Blatnik-Anderson Act of 1956, Public Law 87-351 of 1961, and Public Law 94-565 of 1976, Congress has appropriated $9 million for the acquisition of private inholdings which were scattered throughout the area.

Fifth, in 1948, the Forest Service authorized road construction and the sale of pulpwood timber in large areas that Secretary Jardine had pledged to keep free of roads.

Sixth, in 1948, President Truman created an air space reservation over the area to prevent float planes from landing on wilderness lakes.

Seventh, in 1964, Congress enacted the Wilderness Act and included the BWCA in the new Wilderness Preservation System. The act contained, however, a paragraph which has enabled logging and motorboating to continue in the BWCA.

Finally, in 1965, Secretary of Agriculture Freeman promulgated a management plan for the BWCA in accordance with the guidelines of the Wilderness Act. Given a great deal of management discretion by the exempting paragraph of the act, the Secretary designated 19 canoe routes covering 60 percent of the area's water surface for motorboat and snowmobile use. He also divided the BWCA into a 600,000-acre interior zone closed to logging and a 400,000-acre portal zone open to logging.

The 1964 Wilderness Act could have put the continuing controversies over mining, logging, and motorized recreation to rest, were it not for the troublesome paragraph mentioned above. On one hand, the act defines a wilderness as an area—

> Where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain . . . retaining its primeval character . . . managed to preserve its natural conditions . . . where the imprint of man's work is substantially unnoticeable.

Additionally, the act explicitly recognizes the historical record of continuing efforts to extend greater protection to the BWCA:

> Nothing in this chapter shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-First Congress, July 10, 1930; 46 Stat. 1020), the Thye-Blatnik Act (Public Law 733, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thye-Blatnik-Anderson Act (Public Law 607, Eighty-fourth Congress, June 22, 1956; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture." 16 U.S.C. § 1133(a)(2).

Yet, on the other hand it sets forth in the frustratingly ambiguous paragraph 4(d)(5) an exemption extended to none of the other areas in the Wilderness Preservation System:

> Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area—shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages; Provided that nothing in this Act shall preclude the continuance within the area of any already established use of motorboats.

It is this paragraph that has, to a large extent, fostered and fueled the charges and countercharges about what uses and activities should be allowed in the BWCA. Three areas of contention have dominated the debate and the lawsuits: mineral exploration and mining, logging and roadbuilding, and recreational use of motorboats and snowmobiles.

Public concern over possible mining first arouse in 1969 when a businessman claiming to hold 100,000 acres of mineral rights threatened to enter the Interior Zone and begin exploratory drilling for possible copper and nickel deposits. A lawsuit to prevent this entry was brought by the Izaak Walton League—jointed later by the State of Minnesota—against the mining interests and the U.S. Forest Service. The suit was successful; a U.S. district court ruled that Congress and the people had in effect zoned the BWCA against mining by a long series of protective acts culminating in the area's inclusion in the Wilderness Act. The court said:

> There can be no question but that full mineral development and mining will destroy or negate the wilderness, or most of it.

This decision was overturned on a technicality a short time later by the U.S. Eighth Circuit Court of Appeals.

Although the legality of mining has yet to be determined by the courts and the Forest Service, the previously mentioned action of the Minnesota Legislature to prevent mining or related activities from taking place on State lands should diminish the immediate threat. Nevertheless, the potential environmental risk posed by mining demands that Congress clarify, completely and permanently, the statuatory prohibition of this activity.

The question of logging has plagued the area for half a century. Considerable pulpwood logging had taken place by 1965 and the practice was allowed to continue under the 1965 management plan. Large areas of virgin timber stands—those forests untouched by logging, road construction, land-clearing, or other human alterations—were threatened. The logging generally involved the clear-cutting of large, contiguous timber sales blocks. The result was the emergence of a network of gravel haul roads, a scarring of the natural landscape, and a severe disruption to the balanced interactions of vegetation and wildlife. Restoration of these areas to as natural a condition as possible is a primary purpose of my bill.

By 1972, with approximately 160,000 acres of virgin timber remaining in the Portal Zone, the Minnesota Public Interest Group—later joined by the Sierra Club—brought suit against the Forest Service to challenge the legality of logging the remaining virgin areas. These suits, brought under both the National Environmental Policy Act and the Wilderness Act, were successful in district court.

A permanent injunction against further logging of large blocks of virgin

stands within the BWCA was granted in 1975 by a Federal district court. This decision was overturned in August 1976 by the Eighth Circuit Court of Appeals; the injunctions were lifted 3 months later, opening the way for four timber companies holding contracts on six virgin timber stands to begin cutting. Fortunately, after a series of meetings with the Forest Service and Jim Oberstar, the companies agreed last December to suspend logging until September 15, 1977 and thereby allow Congress an opportunity to address the issue.

Disputes over motorized recreation have become increasingly intense since 1964. Because designated motorboat and snowmobile routes do include 60 percent of the BWCA's water surface, paddling canoeists, skiers, hikers, and snowshoers must compete with gasoline engines during at least part of their wilderness trips. Seventy percent of visitor use is by those who travel by canoe, ski, or foot. For those who seek the enjoyment of an environment free from the intrusion of machines, encounters with motors can be more than simply annoying; a recent study indicated, for example, that 93 percent of paddle canoeists found their visit to the BWCA impaired by such encounters.

For people who wish to use motorboats, there are dozens of large lakes available to them immediately outside the BWCA—Crane, Vermillion, Rainy, and Gunflint to name just a few—to say nothing of the 40,000 lakes in other parts of Minnesota and in Wisconsin and Michigan. Similarly, snowmobilers can legally travel on national and State forest lands, on State lakes, in many State parks, and on thousands of miles of private and State trails.

In contrast, those who desire to travel in a primitive, motor-free setting have only the BWCA open to them.

The growing popularity of both canoeing and motorized recreation has led to lawsuits and administrative appeals seeking to ascertain the extent to which the Secretary of Agriculture has authority under the Wilderness Act to regulate motor use. In September 1976, the Secretary banned snowmobiles in the BWCA as of this winter. This ban was upheld just 2 weeks ago, on January 19, by a U.S. district court. The court said that its decision "recognizes the special niche the BWCA is accorded under the Wilderness Act and the duty of the Secretary in managing it." But, it also urged the passage of legislation that would clarify congressional intent:

It is unfortunate that the language of the Wilderness Act is such as to foster continual litigation regarding the appropriate use of this natural resource. Hopefully, further disputes involving the appropriate uses of the BWCA, at least as regards the use or non-use of snowmobiles, will soon be finally resolved by enactment of one of the two bills on the subject previously introduced in the U.S. House of Representatives by Congressmen Fraser and Oberstar. (Minnesota Federation of Ski Touring Clubs et al. and Coalition of Minnesota Snowmobile Organizations et al. v. John Knebel and John McGuire, D.C. Minn., No. 4–76 Civ. 169, Jan. 19, 1977.)

The bill I am introducing is clear and simple in its intent. It will end the controversies which have embroiled the BWCA by: First, protecting the area's remaining virgin forests and allowing the restoration of areas already damaged by logging and roadbuilding, second, resolving the disputes over mechanized and compatible wilderness activities, and third, protecting the area from mining or mineral exploration inside its boundaries. The bill recognizes both the strong concern of Minnesotans that the area be preserved as a wilderness and the national concern that our country's only lakeland ecosystem and canoe wilderness not be further compromised.

There is understandable concern in northeastern Minnesota over adequate tax revenues for local governments and about the future of the local economy. My bill addresses these concerns in two ways. First, it will increase payments in lieu of taxes to local governments for Federal lands in the BWCA. Second, it will assure that the unique attractions of the BWCA will continue to draw tourist dollars into the local economy. In an economy now predominantly based on the mining of nonrenewable resources, the Boundary Waters Wilderness will serve as a magnet that will help the outdoor recreation industry of northeastern Minnesota develop a permanent diversification of the economic base. It is important to note that the forest industries, which also add valuable diversity, have vast alternative timber supplies in the northeastern part of the State; recent Forest Service studies indicate that most of the best timber-growing areas actually lie outside the BWCA.

A strong advocate for the preservation of the BWCA's wilderness characteristics has written:

The wilderness idea is a uniquely American concept now growing throughout the world. Our moral fiber as a people was forged in the wilderness. Now we owe future generations the right to experience and understand this unique remnant of primeval America. We also know that all life is interdependent and that our planet without wilderness would be a world impoverished in natural diversity—forever.

The burden on Congress is clear—the voluntary suspension of logging of virgin timber will expire this September; the courts have urged that legislation be enacted to remove the ambiguity of the Wilderness Act; the Forest Service, caught in the middle, would welcome clarification of its management responsibilities. I am introducing this legislation in the hope that this body will have the vivision to take the steps necessary to insure that this irreplaceable national treasure will be spared further despoilment and will be maintained and restored for the enjoyment and enrichment of those to whom it will be bequeathed.

I include the following:

SECTION-BY-SECTION ANALYSIS OF THE BOUNDARY WATERS WILDERNESS ACT

1. Section 1a. (Addition of lands):

This section adds 34,890 acres of land to the new Boundary Waters Wilderness Area. The additions are lands which have been managed as wilderness and possess the characteristics of wilderness. One of these serves as an access point to the wilderness for uses incompatible with a wilderness. Fifteen sites have been added, ranging in size from 430 acres (at Isabella Lake) to 9,100 acres (at Moose-Fowl Lakes). Of the total, 29,580 acres are now National Forest lands, 2,150 are state lands, 920 are county lands, and 2,240 are private lands. Their location will be depicted on a map on file and available for inspection at the U.S. Forest Service.

2. Section 1b. (Redesignation as the Boundary Waters Wilderness):

This section simply changes the name of the Boundary Waters Canoe Area to the Boundary Waters Wilderness Area. Such a name change is needed to emphasize the full wilderness status which this Act confers upon the BWCA, and to give the area a name consistent with those accorded other units of the National Wilderness System. The choice of a new name need not be final.

Consideration has also been given to calling the area the "Superior Wilderness Area"—a name more in keeping with the region's traditional but informal names—the "Superior-Quetico Wilderness" or the "Quetico-Superior Wilderness." Other appropriate new names may also merit consideration. Upon final enactment of this proposed statute, the most appropriate name will be selected.

3. Section 2b. (Prohibition of timber cutting):

This section prohibits all commercial logging (or "timber harvesting") and the BWCA as of the effective date of the Act. Approximately 160,000 acres of virgin forest remain within the Portal Zone where the Forest Service management plan allows commercial logging. Six timber sales containing about 10,000 acres of virgin forest have been voluntarily suspended until September 15, 1977. The Portal Zone also contains 240,000 acres of previously-logged areas, but as a practical matter the timber industry is currently interested only in cutting the remaining virgin forest. The cut-over areas either contain uneconomic tree species or trees which are too young and small to be utilized. Most of the usable timber involved is jack pine and black spruce and is used for pulpwood. Alternative supply areas of these species and of technically usable alternative species exist outside the BWCA and are now being used by the industry. Hundreds of miles of gravel haul roads, crossing many canoe portages, have been built in the past to facilitate commercial timber harvesting. Road construction would also end with the termination of logging.

"Administrative cutting" of the forests in the BWCA has been practiced only in very small experimental areas. But it could potentially involve the wholesale cutting of the virgin forests on a non-commercial basis, even in the Interior Zone, for the purpose of manipulating vegetation to produce desired species diversity or wildlife habitat patterns. The current BWCA management plan discusses this approach and permits its application to an unspecified degree. In a wilderness area, management should be designed not to preserve a single tree-stand or animal species, but to allow natural processes to determine vegetation patterns and wildlife diversity. My bill therefore prohibits cutting with intent to manipulate vegetation. Tree-cutting for the purpose of clearing portages, trails, and campsites is permitted. This section of the bill would eliminate the need for the present Interior Zone-Portal Zone designations, which relate chiefly to timber harvest and which are often confused with recreational zoning.

4. Section 2b. (Prohibition of the recreational use of motorized watercraft, snowmobiles, and other motorized recreational vehicles):

This section prohibits the recreational use

of all types of motorized watercraft and snowmobiles in the BWCA as of the effective date of the Act. The Secretary of Agriculture is authorized to phase out such use over a period not to exceed five years after passage of the Act in local hardship situations. This exception is intended to allow a period of adjustment for resort owners or others whose businesses are based in part on motorized use of lakes on the periphery of the area, particularly where such businesses are located on or immediately adjacent to such lakes.

There are now 19 designated motor and snowmobile routes. Substantial portions of the BWCA in both the Interior Zone and Portal Zone are already closed to motors and snowmobiles by existing Secretary's regulations (CFR 293.16). Section 2b of this Act closes most of the remaining 19 motor and snowmobile routes immediately, but does allow varying phase-out periods for local hardship situations. The Portal Zone-Interior Zone concept now applied by the Forest Service is not involved in the designation of existing motor routes. This section also prohibits any use of motorized recreation vehicles other than motorboats and snowmobiles which might otherwise conceivably be held to be authorized by the Wilderness Act. The need for this additional language is demonstrated by the current controversy over snowmobiles, a vehicle not mentioned in the Wilderness Act.

5. Section 2c. (Prohibition of mining and mineral exploration):

This section prohibits any federal agency from issuing leases, permits, or other authorizations for the mining of or exploration for federal minerals in the BWCA. It also prohibits leases, permits, or other authorizations by any federal agency for the use of federally-owned lands in relation to any mining exploration in the BWCA, whether such operations are on federal land or on other ownerships. (There are substantial areas of state-owned and county-owned land in the BWCA and a small area of private land.) These prohibitions could be set side by a specific Act of Congress in a national emergency. Low-grade copper-nickel sulfide deposits are known to exist in portions of the BWCA and there are large areas of privately-held severed mineral rights. The validity of these mineral claims has not been finally determined by the courts, but a lawsuit by the Izaak Walton League and the State of Minnesota in federal district court has already indicated the complexity of the mineral rights problem in the BWCA (Izaak Walton League et al. v George W. St. Clair et al., 5–60 Civ. 70, 73–1407, 1408, 1409). In April of 1976, the Minnesota legislature passed an Act with respect to state minerals policy in the BWCA that has substantially the same effect for state lands, minerals and waters in the BWCA as this section of the Act has on federal lands and minerals.

The legal status of federal mineral rights in the BWCA is different from that of minerals in most western Wilderness Areas covered by the 1964 Wilderness Act, because federal minerals in the BWCA have already been withdrawn from entry under federal mining laws, while in most western Wilderness Areas the Wilderness Act specifically permits such entry until 1984. In IWLA v. St. Clair, supra, the district court has already held that the Wilderness Act, as well as a long series of earlier legislative, judicial, and administrative acts, has in effect zoned the BWCA against mining. This decision has been set aside on a technicality by the Eighth Circuit Court of Appeals, but the relevant legal theory is still available for future legal actions. My bill does not disturb the basic umbrella of protection provided to the BWCA by the Wilderness Act with respect to mining or minerals exploration; rather, it builds upon that foundation. The serious potential for damage to the BWCA's wilderness character posed by mining makes this a particularly important feature of the bill.

6. Section 3 (Authorization of funds and payments to counties in lieu of taxes):

This section authorizes such funds as may be necessary for the purchase and condemnation of lands added to the BWCA under section 1a. It also amends the Thye-Blatnik Act of 1948 (P.L. 62–568) and subsequent related Acts to increase the level of payments in lieu of taxes to the counties of Cook, Lake, and St. Louis in northeastern Minnesota from three-quarters of one percent of the appraised value of the federal lands in the BWCA in each county to one and one-quarter percent. The purpose of this provision in the original Thye-Blatnik Act was to compensate local counties for the loss of tax base involved in the acquisition of private holdings in the BWCA. These acquisitions involved a number of developed summer resorts and cabins as well as undeveloped land. Since designating the BWCA a wilderness precludes further private developments within the area, this loss of tax base will be permanent. Local governments are still deficient in tax base and hard pressed for funds; an upward revision of these payments in lieu of taxes is overdue.

The bill follows.

H.R. —

A bill to add certain lands to the Boundary Waters Canoe Area, to redesignate such areas as the Boundary Water Wilderness Area, to withdraw certain authorities for timber harvesting and vehicle use within such area, to increase the payments made to counties respecting such area, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Additional Lands and Redesignation of Area

SECTION 1. (a) There are hereby added to the area known (before the date of enactment of this Act) as the Boundary Waters Canoe Area the lands and waters depicted as additional areas on the map entitled "------", numbered ------, and dated ------, a copy of which shall be on file and available for public inspection in the offices of the United States Department of Agriculture.

(b) The area known (before the date of enactment of this Act) as the Boundary Waters Canoe Area, as generally depicted on the map filed by the Secretary of Agriculture pursuant to section 3(a) of the Wilderness Act (78 Stat. 890, 891; 16 U.S.C. 1132 (a)), together with the additional lands and waters added under subsection (a) of this section, is hereby designated as the Boundary Waters Wilderness Area.

ADMINISTRATION; RESTRICTIONS ON USE

SEC. 2. (a) Except as may be otherwise provided under subsections (b) and (c) of this section, the area designated by section 1 as the Boundary Waters Wilderness Area (including the lands and waters added under section 1(a)) shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131) governing areas designated by that Act as wilderness areas and in accordance with other applicable provisions of law.

(b) In applying the provisions of the Wilderness Act to the Boundary Waters Wilderness Area as provided in subsection (a), any authorization under (1) the first sentence of section 4(d)(1) of such Act for motorboats, or (2) section 4(d)(5) of such Act for—

(A) commercial timber harvesting and administrative cutting of timber within such area or any portion thereof, other than cutting necessary for portages, trails, and campsites, and

(B) recreational use within such area or any portion thereof of motorized watercraft, snowmobiles, or other motorized recreational vehicles

shall not apply after the date of enactment of this Act, but, with respect to such area or any portion thereof, the Secretary may permit a variance from paragraphs (1) and (2)(B) and from any applicable provisions of the Wilderness Act prohibiting recreational use of such vehicles. Such variance may permit such use for such period (not more than 5 years from the date of enactment of this Act) as may be necessary to permit the gradual termination of such use in cases of extreme hardship as determined by the Secretary.

(c) In addition to any other applicable prohibition or withdrawal from entry or appropriation under any provision of the Wilderness Act or under any other provision of law, no permit, lease, or other authorization may be issued by any agency or authority of the United States for—

(1) exploration for, or mining of, minerals owned by the United States within the Boundary Waters Wilderness Area, or

(2) the use of land owned by the United States in relation to any mining or exploration for minerals in such area.

The prohibitions contained in this subsection and any withdrawal from entry or appropriation for mining or exploration for minerals applicable to the Boundary Waters Wilderness Area shall not apply to the extent specifically provided in legislation enacted by the United States after the date of enactment of this Act pursuant to a national emergency declared by the President.

APPLICATION OF 1948 ACT

SEC. 3. (a) The Act of June 22, 1948, entitled "An Act to safeguard and consolidate certain areas of exceptional public value within the Superior National Forest, State of Minnesota, and for other purposes" (62 Stat. 568; 16 U.S.C. 577g) is hereby extended and made applicable to the lands and waters added under section 1(a) of this Act.

(b) There are hereby authorized to be appropriated such sums as may be necessary for purposes of purchase and condemnation of land and waters within the areas added under section 1(a) of this Act. Such amount shall be in addition to the amount specified in the proviso contained in section 6 of such Act of June 22, 1948.

(c) Section 5 of such Act of June 22, 1948, is amended by striking out "three-quarters of 1 per centum" and substituting "one and one-quarter of 1 percent". In applying the second proviso of such section 5 to the lands and waters added under section 1(a) of this Act, the date of the enactment of this sentence shall be substituted for the term "approval of this Act" in such proviso.

CONFORMING AMENDMENT

SEC. 4. Section 4(d)(5) of the Wilderness Act (78 Stat. 890, 895; 16 U.S.C. 1133(d)(5)) is amended by adding the following at the end thereof: "For modification of the authorities under this provision, see section 3(b) of the Act of ----------, 19---- entitled 'An Act to add certain lands to the Boundary Waters Canoe Area, to redesignate such area as the Boundary Waters Wilderness Area, to withdraw certain authorities respecting timber harvesting and vehicle use within such area, to increase the payments made to counties respecting such area, and for other purposes'" (Public Law --------).

LEGISLATION TO EFFECT ONE YEAR EXTENSION OF AVAILABILITY OF FUNDS UNDER FEDERAL WATER POLLUTION CONTROL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 15 minutes.

Mr. WOLFF. Mr. Speaker, last year the House of Representatives considered legislation which would have eliminated some of the restrictions in the present Federal Water Pollution Control Act and streamlined other procedures that have inhibited progress not only in cleaning up our Nation's waters, but in getting jobs for our economically depressed Nation. Unfortunately, this legislation, designed to expedite the faltering water pollution control program, died in conference committee. The failure of this legislation has serious ramifications for a number of States in our country.

The current situation is this: Funds under the Federal Water Pollution Control Act have been allocated for various regions of the Nation under a statutory distribution formula. The act, however, also provides that if such funds are not used within the year following the year of authorization, they will revert to the general fund.

New York, Pennsylvania, Connecticut, Massachusetts, Maryland, Delaware, Michigan, and the District of Columbia are threatened by the loss of up to $700 million in sewage treatment plant funds because the Environmental Protection Agency has stated that its regions I, II, III, and V cannot meet the September 30, 1977, deadline due to the complexity of regulations, overlapping and repetitive review procedures which cause delays, management problems on the State, regional, and headquarter levels, and shortages of qualified manpower to oversee program implementation.

New York State alone could lose in the neighborhood of $250 million in funds that are desperately needed to improve water quality and lessen environmental hazards. To lose these funds would be a serious blow, involving the loss of an estimated 60,000 jobs, as well as setting back the State's water pollution control program and delaying compliance with Federal law.

Mr. Speaker, the issue here is not only one of jobs, or policy commitments, but rather is a fundamental issue involving the health and welfare of our people. The historical fact is that communities throughout our Nation have been unable to adequately protect local water supplies because the cost of sewage-treatment plants are beyond their means.

Thus not only has a serious impediment been placed in the way of continued, orderly growth, but the housing industry and the dreams of young Americans to own their own homes have been harmed.

The entire Nation last year saw dramatic evidence of the public health problems caused by inadequate local water treatment facilities when many of the beaches on Long Island were fouled by sewage. While the practice of ocean dumping was, and remains, a key factor here, the EPA grants presently in jeopardy are specifically designed to help the localities build water treatment plants so as to avoid such inherently dangerous practices as ocean dumping.

The health and welfare of millions of our citizens requires that these grants be kept alive, and not lost because of a bureaucratic technicality which ignores the substantive issues involved.

It is clear that immediate action must be taken to extend this deadline so as to protect the rights of New York, Pennsylvania, Maryland, Connecticut, Massachusetts, Delaware, Michigan, and the District of Columbia involved, to their alloted and available funds. If not, an estimated 120,000 jobs may be lost in the affected States and the District of Columbia.

I have prepared legislation with my colleagues Mr. LENT, and Mr. AMBRO to effect a simple 1 year extension of the availability of funds to September 30, 1978. This extension would protect the States involved as well as allow ample enough time to insure compliance in the full spirit of the Federal Water Pollution Control Act.

The text of the legislation is as follows:

H.R. 2752

A bill to amend the Federal Water Pollution Control Act relating to the period of time for which certain funds allotted to States for the construction of treatment works shall remain available

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) (1) of section 205 of the Federal Water Pollution Control Act, (33 U.S.C. 1285), is amended by striking "one-year" and by inserting after the second sentence the following: "The sums first made available for obligation during fiscal year 1976 shall continue to be available for obligation until September 30, 1978.".

THE COMPREHENSIVE SOCIAL SECURITY REFORM ACT OF 1977 AND THE SUPPLEMENTAL SECURITY REFORM AMENDMENTS OF 1977—EQUITY FOR THE ELDERLY

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 5 minutes.

Mr. STOKES. Mr. Speaker, I have recently met with the Senior Citizens Coalition, the Buckeye-Woodland Action Team, and the Community Action Team, all from my 21st District in Cleveland, Ohio. At those meetings we made particular reference to the inequities in the social security system and the supplemental security income SSI program.

The members of those groups also expressed their disappointment and frustration at the past administration's lack of sensitivity toward the poor and the elderly, and their faith and hope in the promises of the new administration.

I not only share the sentiments of these courageous senior citizens, but today, I am taking a significant step toward remedying many of the problems inherent in the present social security system and the SSI program, by introducing two separate bills; the Comprehensive Social Security Reform Act of 1977 and the Supplemental Security Income Reform Amendments of 1977.

I will discuss the Comprehensive Social Security Reform Act first. This measure contains nine key provisions which require social security to adequately serve the needs of the aged. To understand the significance of this bill, a review of the present social security system is in order.

The principal, or major, purpose of the Social Security Act of 1935, as stated in its preamble, was:

To provide for the general welfare by establishing a system of Federal old-age benefits . . .

As such, social security serves the dual function of an insurance plan and a tax-financed welfare system. Unfortunately, social security has failed because it is based upon a regressive tax system. The tax comes from actual taxes paid by covered employees, their employers, and the self-employed. Though the maximum wage base subject to social security is $16,500 and has increased steadily, the disheartening fact remains that the poor and the elderly poor pay a greater percentage of their incomes than persons making more than the maximum wage base.

This stems from the fact that the tax is applied against the total income of the elderly and characteristically they linger on the lowest rung of the income ladder. The only equitable solution would be the requirement that the high income earners make contributions in greater proportion to their income.

REMOVAL OF CEILING ON AMOUNT OF ANNUAL EARNINGS COUNTED FOR BENEFIT AND TAX PURPOSES; ANNUAL $4,000 EXEMPTION FROM SOCIAL SECURITY TAXES

Section 2 of my bill would eliminate this restrictive feature of the social security tax system by removing the ceiling on the amount of annual earnings subject to social security taxation, while section 3 of my bill would provide an annual exemption from social security taxes of $4,000. The combination of sections 2 and 3 clearly represents progressive taxation, that will simultaneously lessen the tax burden upon the low-income elderly and strengthen the financial reserves of the social security system.

MINIMUM PRIMARY INSURANCE AMOUNT

Another anachronism of the present social security system is the provision which allows a nonworking female whose spouse is eligible for maximum benefits, to receive larger social security payments than a covered, unmarried female worker who is eligible for only minimum benefits.

Historically, this notion has been based on the idea that the family breadwinner is the male, and thus there is a greater need to protect the female, nonworking sponse. However, recent statistics tend to show that many women are now the sole or joint family breadwinners.

In fact nearly 11 percent of all families in the United States are headed by females, while some 40 percent of the current work force is comprised of females.

Despite these facts, a woman's social security benefit based on her husband's earnings is often larger than that based on her own earnings. The impact of this inequity is, of course, more serious for older women from ethnic groups. Usually, they are employed at minimum wages and thus their social security return does not even guarantee them a poverty-level existence.

Unfortunately, the lower relative pay situation has worsened in the past 20 years. According to Department of Commerce statistics, the median income for women working full time was 63 percent of a man's in 1956, 59 percent in 1964, and 57 percent in 1974. The end result is that many working wives receive no more social security benefits than they would have received as nonworking dependents of their spouses.

Section 4 of my bill would require that the minimum benefit for a worker must be at least as great as the largest wife's or husband's benefit which any person can receive under the formula. This provision will help many Americans escape the despair and humiliation of poverty in their later years, while simultaneously reducing the negative economic impact of unfair wage disparities in the work force.

REDUCTION IN AGE OF ELIGIBILITY FOR BENEFITS

The increased need for social security coverage has been evidenced in various segments of our society over the years. For example, in 1935, the average life expectancy for the majority of Americans was 62.9 years. In 1936, this figure dropped to 59.8, but by 1942 the majority of Americans could anticipate living to age 67.3.

However, in 1943 this figure dropped to 64.2 years, creating a growing problem of widowhood, that is, the early loss of the breadwinner spouse, resulting in sharply diminished income to the surviving spouse.

In recent years, this increased need for social security coverage has shifted to minority women with a significant and disturbing impact. According to the December 1975 report of the Subcommittee on Retirement Income and Employment of the Select Committee on Aging:

> The problem of widowhood has more serious dimensions in the lives of minority women. There is evidence to show that their husbands have lower life expectancy compared to those of non-minority groups. Thus, they are faced with longer years of widowhood. In view of the fact that most of their husbands are also in low paying jobs, their long years of widowhood are spent in extreme poverty.

Though this problem particularly affects minorities at this point in our history, I fully realize that it has the potential of hurting any given group at any given time.

Thus section 5 of my bill requires that the Secretary of Health, Education, and Welfare designate those identifiable groups within the general population whose members have actuarially determined life expectancies which are significantly lower than the average actuarially determined life expectancy of all residents of the United States.

Any individual who is able to demonstrate that he or she is a member of those groups becomes eligible for retirement benefits at age 55.

REPEAL OF EARNINGS TEST

The present social security system has a built-in disincentive feature; namely the earnings test. This provision requires that benefits be reduced to the extent that the earnings of beneficiaries, under the age of 72, exceed the present yearly exempt amount of $3,000. When yearly wages exceed this figure, benefits are withheld at the rate of $1 in benefits for each $2 in earnings. The yearly exemption is determined by the Secretary of Health, Education, and Welfare by a statutory formula which also provides for monthly exemptions. The monthly exemption is allowed regardless of whether the annual exempt amount is exceeded.

The result produces an inequality between workers whose earnings are seasonal and workers whose earnings are evenly distributed over the working year, where both receive equal annual salaries. If the seasonal workers' earnings do not exceed the monthly exclusion in a given month, they may be permitted to draw benefits for that part of the year in which their earnings drop below the exempt amount.

The earnings test works an even greater hardship upon the older dependent woman and the female workers. The latter is adversely affected by the excess earnings criteria because during her working life she characteristically has received lower wages than those earned by a man, and her retirement benefits are based on her lower earnings. To aggravate her condition, she often may not receive pension benefits while receiving social security benefits.

This situation intensifies her need for income above the current social security limitations. For the dependent spouse the results of applying the earnings test are no more favorable. This is so because the excess earnings of the retired spouse have a direct bearing on the level of benefits paid to the dependent spouse, regardless of whether they are separated.

Section 6 of my bill would repeal the present earnings test complementing the $4,000 exemption provided by section 3. For those persons fortunate enough to secure employment, the higher ceiling will work as an incentive rather than a disincentive, to supplement their bare subsistence incomes.

MANDATORY COVERAGE OF FEDERAL EMPLOYEES

The Federal Civil Service has its own retirement system which, unlike most private pension plans, entirely replaces social security benefits in certain circumstances. However, there are certain individuals, including all Federal and many municipal employees, who may be eligible for full pension and social security benefits. In fact, the Federal Government's pension system, unlike social security, is based on peak rather than average earnings. Although social security is partially supported by general revenue, Federal employees do not contribute directly to social security. Moveover, Federal employees need not wait until they are 62 or 65 before they are eligible to receive their pensions, nor do they forfeit their allotments if they secure new employment.

If they find new covered employment and work the minimum time necessary to satisfy the requirements, they can collect under both social security and the Federal pension system. These persons will very likely receive more from the social security system than they contributed. Section 7 of my bill would correct this inconsistency by making social security coverage mandatory for Federal employees.

Section 7 is thus premised on the logic that in instances where there are double benefits, there should also be double taxes to support those benefits.

ELIGIBILITY FOR BENEFITS IN CASE OF DIVORCED WIVES AND SURVIVING DIVORCED WIVES

Another serious deficiency in the social security system is the mistreatment of the divorced wife. Under the present structure of the system, a divorced wife is not entitled to benefits, even if she is 62 or over and her ex-husband has retired, if she was not married to him for at least 20 consecutive years before the divorce. There is no rational basis for the 20-year rule. But there is good reason for its repeal, particularly when it is considered that divorce rates continue to rise at all age levels. Moreover, there are nearly a half-million divorced women between the ages of 55 and 64, of whom 67.8 percent are in the labor force.

The 20-year rule denies social security benefits to a woman who may be divorced after 5, 10, or even 19 years of marriage, despite the fact that she has made a substantial contribution to society in maintaining a home. In essence, she becomes the social security system's version of the unpaid woman in the home.

Section 8 of my bill would lower the 20-year time period to 5 years. Thus, divorced women who have contributed to their former homes would now be entitled to social security benefits after 5 years of marriage.

GENERAL REVENUE FINANCING FOR INCREASED COSTS

BENEFIT COSTS

Section 9 of my bill would require that any shortfalls caused by any of the provisions of this bill be made up through general revenue funding, after fully exhausting any offsetting revenue increases produced by this bill.

THE SUPPLEMENTAL SECURITY INCOME REFORM AMENDMENTS

The second bill that I have introduced is entitled the Supplemental Security Income Reform Amendments of 1977. It is intended to correct a number of the inequities fostered by the supplemental security income—SSI—program.

The SSI program was created under the Social Security Amendments of 1972 and became effective on January 1, 1974. SSI replaced the programs of old age assistance, aid to the blind, and aid to the permanently and totally disabled established by the Social Security Act of 1935. Unlike social security, SSI was not designed to provide straight public as-

sistance to the blind, the disabled, and the aged. Unfortunately, SSI has been shortsighted in a number of areas. For example, SSI payments are too low. The maximum Federal SSI payment, though subject to an automatic cost-of-living increase, is but $167.80 for individuals and $251.40 for couples. Additionally, if an individual earns more than a specified amount per month, SSI benefits are terminated, and SSI makes no accommodation for individuals who are burdened with high heating and rent payments.

To make matters worse, SSI penalizes married couples because married couples may receive no more than $251.40 per month, while two unrelated individuals may share living quarters and combine their two $167.80 payments and receive a total payment of $335.60 Not insignificantly, the reasoning behind the social security system which disfavors the enrichment of the noncontributing spouse is absent from the SSI program, for SSI is based purely on need, while social security is based on contribution and need.

INCREASE IN SSI BENEFITS TO POVERTY LEVEL; ELIGIBILITY OF BOTH SPOUSES

Section 2 of the supplemental security income reform amendments would allow both husband and wife to receive full benefits where they are both individually eligible for SSI benefits. Moreover, section 2 would raise the amount of individual benefits to a rate equal to the poverty level. The Bureau of Labor Statistics would place the individual poverty level at $215.83 monthly. Thus, individual SSI payments would be raised $48.03 over the $167.80 level.

REDUCTION IN THE AGE OF ELIGIBILITY

Another major difficulty in SSI is the eligibility level. SSI benefits are not payable until the claimant reaches 65 years old. Characteristically, many of the aged simply do not live to receive benefits. Section 3 of my bill would lower the eligibility age to 60 instead of 65. This is entirely consistent with the philosophical bent in the SSI program; namely, that it is a program based on need. There is no rational basis for requiring the blind, the disabled, and the aged to attain the age of 65 before they can receive benefits.

PROCEDURAL PROBLEMS WITH SSI

Aside from the substantive problems which attend the SSI program there are several procedural problems which lessen the program's potential for success. The first is the needless delay in the replacement of lost or stolen checks. Although, the Social Security Administration has sought to replace checks within a 10-day period, such has not been the case. To rectify this debilitating problem section 4 of my bill would provide for the emergency replacement of lost or stolen benefit checks.

Under this section, the Secretary "shall" establish regulations requiring the replacement of checks within 48 hours after application for replacement due to loss or theft is filed.

To further expedite the process local or district offices of the Social Security Administration "shall" issue the replacement checks. Section 5 is a practical necessity for it must be realized that a lost or stolen check represents an emergency for the blind, the disabled, and the elderly.

LACK OF OUTREACH

The second procedural problem is the SSI program's lack of outreach. There are currently 4.3 million persons on the SSI roles. This 4.3 million figure falls 2 million short of the nearly 6.3 million estimate made by the Department of Health, Education, and Welfare. The problem is that the Social Security Administration has simply failed to reach the persons most in need of the program. And indeed it is necessary to initiate vigorous outreach programs, for the elderly are often unaware of SSI benefits. And too frequently, impatient SSI interviewers incorrectly conclude that potential SSI recipients do not qualify for benefits. Section 5 of my bill provides for an outreach program. Under section 5, the Secretary is "required" to establish a program specifically designed to assure that all individuals who may be eligible for SSI benefits are informed.

Moreover, the Secretary of HEW is required to disseminate applicant information in the "widest and most effective" manner. To assist these efforts the Secretary will not only have the resources of HEW at his disposal, but he will also have the authority to enter into contracts with private nonprofit organizations and State and local agencies. To maintain congressional oversight, the Secretary must report his progress to the Congress 6 months after the enactment of this legislation.

EXPEDITIOUS ACTION ON APPLICATIONS FOR BENEFITS

A third problem is the loss of SSI payments resulting from delays in processing applications. Two years after the initial implementation of the SSI program, many applicants still wait too long to learn whether they are considered eligible for SSI payments. To eliminate these unnecessary delays, section 6 requires that the Secretary act upon an application for benefits within 30 days—or within 60 days in the case of disability benefits—after filing. If the Secretary has not made a determination within the 30-day—or 60-day—period, the applicant is automatically entitled to benefits, when the time period expires, until the determination has been made. If the applicant should later be determined ineligible, he or she would not be penalized for the payments received. Clearly, the purpose of section 6 is to fulfill the legitimate needs of the blind, the disabled, and the aged by avoiding unconscionable delays.

CONTINUATION OF BENEFITS PENDING FINAL DETERMINATION

Though section 6 of my bill seeks to avoid delay, this does not mean that the Social Security Administration may now sacrifice fairness for expediency's sake. To safeguard the rights of persons who request a hearing as a result of a ruling by the Secretary, section 7 of my bill provides for the continuation of benefits pending final determination of the hearing. Should the individual seek judicial review, benefits would also continue. Moreover, if the final determination is adverse to the SSI applicant, any interim payments are not to be considered overpayment.

The final section in my bill is section 8 which designates the effective date.

Those of us who have been closest to the needs of the elderly, the disabled, the blind, and the elderly poor realize that the Nation's elderly are a proud people, and they have a right to share in a supplemental income program based upon their legitimate needs and a social security program based upon a realistic appraisal of their contributions and needs. The comprehensive Social Security Income Reform Amendments of 1977 are two bills which take a giant step toward making their golden years their best years. Thus, I encourage you to join with me by cosponsoring both of these vital legislation proposals.

ZERO BASE BUDGETING: WILL IT WORK OR IS IT ANOTHER BUZZWORD?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CHARLES H. WILSON) is recognized for 60 minutes.

Mr. CHARLES H. WILSON of California. Mr. Speaker, on numerous occasions in the recent Presidential campaign, and now that he has been elected President, Jimmy Carter has strongly advocated the need for zero base budgeting and Government reorganization. I share the need to modernize our budgeting practices, reduce Government inefficiency, and to eliminate program duplication. However, while I support in principle zero base budgeting or ZBB, I have reservations over whether this could work in practice particularly if there is an attempt to impose it full scale on every Federal program at one time. I therefore, would hope my colleagues have a chance to study my detailed critical analysis of the problems and benefits associated with ZBB.

What is zero base budgeting? What problems exist in the present incremental budgeting system by Government agencies? Will adopting a comprehensive system such as zero base budgeting be the panacea to these problems? What are the benefits of zero-base budgeting—hereafter referred to as ZBB? What are the costs and problems of implementing ZBB? What has been the experience in the Department of Agriculture in 1964 with comprehensive budgeting, and in the State of Georgia with ZBB?

A DESCRIPTION OF ZBB

Zero base budgeting is a management tool originally conceptualized and implemented by Mr. Peter A. Phyrr at Texas Instruments, Inc., in the late 1960's as a method of more efficient use of limited resources in the pursuit of specified goals. The goal, as with any planning-budgeting process, is to identify the output desired, and the input of resources required to obtain it. This need not involve a reduction of expenditures. An increase, if it efficiently contributed to the attainment of the desired goal, might be an alternative.

Most organizations, private and pub-

lic—including the U.S. Government—utilize, to some extent, incremental budgeting system. This means that for a given budget period, only proposed increases in specific functions or activities are subject to detailed scrutiny and justification. The rest of the budget, known as the base, is assumed to be justified. It is not examined to determine if it is effectively contributing to established priorities. Under ZBB, the entire budget, both the base and the increment, must be examined and justified.

ZBB must be defined according to the methodology used and the structure to which it is adapted, given the general conceptual framework of comprehensive budgeting. Elmer Staats, Comptroller General of the United States, agreed.

> ZBB is a kind of uncertain term, depending on how intensive an evaluation you do.

This definitional process has not occurred in regard to ZBB in the Federal Government. Little effort has been made to examine or specify the details and mechanisms that could be used in the adoption of ZBB. It is my contention that the problems are not appreciated and the expectations may be too high.

Zero-base budgeting procedures require that each activity be examined and justified literally from the ground or base up prior to the beginning of each budget cycle. Management must first set goals and objectives, and make the basic policy decisions under which the program reviews will be carried out. Given those conditions, administrators then must ask themselves: Does this activity contribute efficiently to the organization's goals and objectives? Can this activity be eliminated? Are there alternative methods of accomplishing the purpose of this activity? Would the goals of the organization be better served by apportioning more or less resources to the activity?

ZBB answers these questions by developing "decision packages" for each definable activity center and then "ranking" the packages in order of desirability to the organization. A decision package is a document representing the results of program evaluation. It identifies and describes a method and level of financing for carrying out the functions of an activity center so that management can—

> (1) evaluate it and rank it against other packages competing for limited resources, and (2) decide whether to approve or disapprove it.

The document usually includes the purpose of the activity center, the consequences of not performing the activity, various measures of performance, alternative causes of action, and information on costs and benefits.

The construction of each decision package passes through two basic stages. First, alternative ways of performing the functions of the activity center are considered. The best alternative is chosen, the others are discarded. Second, given that alternative, different levels of effort in performing the functions of the center are considered. A minimum workable level at which the functions are undertaken is established as one decision package. Increments to that level form the basis for other decision packages for the same activity center. For the benefit of higher level management, the rejected alternative methods of performing the functions should be briefly described and their rejection explained.

Determining the activity centers around which the decision packages should be prepared is the most important step in the ZBB process. Usually this is the lowest organizational level or budgeted unit.

Decision packages should be formulated by the manager with direct responsibility for the activity center. Having the greatest overall knowledge of the center's priorities and operating procedures, he is in the best position to identify and examine alternative methods and levels of performance, and the relative costs and benefits of each. Organizationally, he is also the person required to communicate this material to his superiors for their consideration of and decision on alternatives.

Finally, he has the most to gain from an indepth examination of the activities for which he is responsible. It is crucial that lower-level managers have the willingness, authority, and ability to decide which packages require review by the next higher level of responsibility if successive levels are not to be swamped with decision packages.

When the decision packages are complete, the manager will have identified all proposed activities from the coming budget cycle. The packages will fall into one of three categories: First, packages for new activities; second, packages for activities where no change in method or levels of effort is possible; and third, packages proposing different methods and/or levels for performing activities: At this point, the packages are ready to be ranked. Mr. Peter Pyhrr describes the ranking process as follows:

> The ranking process provides management with a technique for allocating its limited resources by making it concentrate on the questions: "How much should we spend?" "Where should we spend it?"
>
> Management answers these questions by listing all packages identified in order of decreasing benefit or importance. Managers can then identify the benefits to be gained at each level of expenditure and can study the consequences of not approving additional packages ranked below that expenditure level. . . .
>
> Then the manager at the next level up the ladder reviews these rankings and uses them as guides to produce a single, consolidated ranking for all the packages presented to him from below. . . .
>
> Theoretically, one ranking of decision packages can be obtained for an entire company and judged by its top management. But while this single ranking would identify the best allocation of resources, ranking and judging the large volume of packages created by describing all the discrete activities, if not impossible, task on top management. At the other extreme, ranking at only the cost center level is obviously unsatisfactory, since it does not identify to top management the trade-offs among cost centers or larger organizational units are usually too numerous for top management to make these trade-offs themselves.
>
> One can begin to resolve this dilemma by stopping the consolidated ranking process at some level between the cost center and the entire company. Such a level might be, for example, a division, department, agency, product line, or profit center.

Finally, when decision packages for each activity center have been chosen in light of available resources, the final budget for the organization can be prepared. At this point the ZBB process is complete.

This description has presented zero-base budgeting as a precise, step-by-step process that produces a final, definitive product. For illustrative purposes, this is necessary. However, the essence of ZBB is the development, communication, and utilization of information in a useful form. It is a fluid process. The results are subject to change as the process goes forward and new information is generated.

ZBB AND SUNSET LEGISLATION IN THE U.S. CONGRESS

My remarks primarily center around ZBB and its problems, and thus I will only devote a brief time to discussing legislative proposals such as zero-base review and sunset bills before the Congress. These legislative proposals reflect the popularity with the general public of attempting to do something positive about Government growth and program duplication: Senator MUSKIE's bill, S. 2925, had 47 cosponsors and Congressman JAMES BLANCHARD's bill, H.R. 11734, and its companion had over 113 cosponsors.

Sunset legislation refers to the establishment of a date on which the statutory authority for a program automatically expires unless reenacted. As conceived for the Federal Government, the basic legislation would continue in force, but funding would terminate unless reauthorized. Sunset provisions have usually been coupled with some form of program evaluation to assist in determining whether or not a program should be reauthorized. As a result, sunset legislation and comprehensive budgeting have been linked and often confused. In practice, they are separate, although related, concepts.

To be concise, sunset legislation is defined as "the sun could set on programs with unfavorable reviews" by the Congress, while ZBB refers to programs reviewed from the ground zero up, and represents executive department budgeting. Although ZBB generally is not conceived as a legislative tool, there is no reason for legislative bodies to be completely excluded.

The basic provisions of Senator EDMUND MUSKIE's zero base review bill, S. 2925, are as follows:

First. It terminates budget authority for all Government programs on specific dates. The only exemptions are disability programs funded by trust funds, general retirement and disability insurance, health care services, Federal employee retirement and disability insurance, and interest.

Second. Any bill, resolution, or amendment providing new budget authority is subject to a point of order unless the budget authority has been provided for

through the required zero-base review in S. 2925.

Third. Each committee must adopt and report to their respective House a plan to conduct the zero-base review in the year before it is to occur.

Fourth. Each program must be reviewed systematically every 4 years by the responsible standing committee to determine its cost, effectiveness, the extent to which it is being duplicated by other programs, and alternative ways in which the same function could be more effectively performed. Each committee must report the results of its program reviews and recommendations to their respective House of Congress.

Fifth. In undertaking the program reviews, the committees may request assistance from the executive departments and agencies, the General Accounting Office, the Congressional Budget Office, the Congressional Research Service, and the Office of Technology Assessment.

Sixth. The act establishes a Citizen's Bicentennial Commission on the Organization and Operation of Government. The commission is to make recommendations for increasing efficiency, eliminating duplication, and maintaining effective performance in Federal programs.

Seventh. It establishes procedures for the zero-base reviews of tax expenditures.

The bill defines a zero-base review as "a systematic evaluation by the committees of legislative jurisdiction with the assistance of the appropriate agencies of Government and congressional support agencies to determine if the merits of the program justify its continuation rather than termination, or its continuation at a level less than, equal to, or greater than the existing level."

WHAT ARE THE BENEFITS OF ZBB? THE PRO ARGUMENTS

Why is ZBB needed? One can cite the following facts as indicative of the general problem area:

A 1971 General Accounting Office (GAO) study found 11 different child care service programs in the District of Columbia alone, administered by the Department of Health, Education and Welfare (HEW), the Department of Housing and Urban Development (HUD), and the Department of Labor.

A 1973 HEW study found 50 federal programs providing help to handicapped youth. Fourteen separate units within HEW administered the programs, and the GAO, which examined the HEW study, found that there was no central coordinating point.

The 1976 federal catalog of domestic assistance lists 1,030 programs administered by 51 agencies, totaling $60 billion in expenditures for fiscal year 1976; 302 health programs, administered by 11 agencies; and 259 community development programs. Even using a more specific heading does not help—there are 27 different vocational education programs.

A recent Brookings Institution study of the life span of governmental bodies found that of 175 government organizations existing in 1923, no less than 148, or 85%, were still in existence in 1975, and fully 109, or 62% existed in essentialy the same status as they had 52 years earlier. In addition, 246 new organizations had been established, and the "birth rate" had more than doubled.

The Library of Congress, in a similar study, found that 329 bodies were created between 1960 and 1974, while 126 were abolished, for a net 14-year gain of 203.

No dollar estimates of costs or benefits of implementing a zero base budgeting system have been made. This is in line with the state of the proposals before Congress. Even at their most specific, they do not provide details for an operating system or the mechanisms required for implementing it. Until such time as a system and methodology are proposed, a discussion of the pros and cons can only be in general terms. This will hopefully channel the debate and set some of the limits within which the system must fall. This is neither surprising nor distressing. Senator MUSKIE, in opening the hearings before the Senate Subcommittee on Intergovernmental Relations made it clear that his concern was not to enact any particular piece of legislation, but "to open a dialog on the important task of making Government more productive."

The following lists certain expected gains generally attributed to a zero base budgeting system:

First. It may eliminate duplicative and overlapping programs. There appears to be general agreement that such programs exist and that the elimination of some or at least their consolidation, should take place. This is probably one of the most frequently cited benefits of any comprehensive planning budgeting system like ZBB. However, identifying and actually reducing such duplication is a difficult task.

Second. ZBB is seen as an effective response to the problem of the erosion of public confidence in Government. The assumption is that ZBB will attempt to make Government, administrators, and the Congress more responsive to the public.

Third. It would permit Congress to better establish its priorities and allocate scarce resources. Congressman ELLIOTT LEVITAS on ZBB in Georgia:

That is where the biggest tool in assistance to the Legislature came in, because when we have these alternatives presented to us in functional, decision packages, and we go through the appropriations process . . . what we would end up doing is anayzing these decision packages, able to view the alternatives and look at different incremental levels of funding played off against incremental benefits that would be derived. . . .

By going to the zero base, . . . the legislator now has the tool to make the type of judgment both in the committee and on the floor of where do we list our priorities, given this cyclical reanalysis of the effectiveness and alternatives of delivering the program.

Generally, the benefits attributed to ZBB revolve around the idea that the process can generate previously unavailable data that can be effectively utilized at either the level of the individual program or in setting overall priorities. The concern to reset priorities is shared by both conservatives and liberals.

Fourth. It may reduce expenditures. Such savings, if they occur, are hard to measure. First, the cost of comprehensive budgeting must be deducted. Second, the assumption that the savings would not have occurred in the absence of comprehensive budgeting must be verified. Finally, savings in some areas may be offset by increased expenditures in others.

Fifth. It can result in increased efficiency through the close examination of programs and activities to ascertain whether they have been successful in meeting program goals and objectives. As will be discussed, there are serious technical and conceptual problems in determining what constitutes efficiency and in measuring it. In addition, time and resources for the evaluations may not be available.

Sixth. It can provide middle management with useful information not previously available. It can also increase their understanding of and commitment to their programs by increasing their involvement in the budgeting-planning process. Congressman LEVITAS on ZBB in Georgia:

Zero-base budgeting . . . requires the middle-level manager in preparing his budget request not only to analyze what he needs for the future, but the effectiveness of his planning for the expenditure of current funds and the delivery of current services, and I think one of the most important results that has come out of it is sensitizing middle management in the administrative agencies so that they tend to do a better job in administering their own departments.

Another gain is that middle management becomes better cost conscious, for in justifying one's program from the base, alternatives are explored to reduce costs. The lack of such cost consciousness in most Federal Government administrators is a most serious problem in public finance today.

It is crucial to recognize that traditional incremental budget techniques reinforce, and are reinforced by, the psychology of governmental institution. This psychology was effectively explained by Peter F. Drucker in an article in the Public Interest on "Managing the Public Service Institution." Mr. Drucker pointed out that service institutions were paid out of a budget allocation, whose revenues are normally allocated from a revenue base not directly tied to what the institution is doing:

Being paid out of a budget allocation changes what is meant by 'performance' or 'results.' 'Results' in the budget-based institution means a larger budget. 'Performance' is the ability to maintain or to increase one's budget. The first test of a budget-based institution and the first requirement for its survival is to obtain the budget. And the budget is, by definition, related not to the achievement of any goals, but to the intention of achieving those goals.

This means, first, that efficiency and cost control, however much they are being preached, are not really considered virtues in the budget-based institution. The importance of a budget-based institution is measured essentially by the size of its budget and the size of its staff. To achieve results with a smaller budget or a smaller staff is, therefore, not 'performance.' It might actually endanger the institution. Not to spend the budget to the hilt will only convince the budgetmaker—whether a legislature or a budget committee—that the budget for the next fiscal period can safely be cut.

Seventh. Efficiency in the legislative process might increase as ZBB would assist Congress to be more aware of what it is already doing.

Elliot Richardson:

In all my speeches for quite a while I used to call attention to the fact that it was

regular practice for the Congress to rediscover some need and enact new legislation, creating new categorical authority to do what, in this case, HEW already had authority to do. We asked to have the number of bills in each Congress that did this counted and identified. As I recall, in 1 Congress I got up to something like 11 bills giving HEW authority to do what the Congress had long since given it authority to do.

OBSTACLES TO ZBB: THE CON SIDE

The expectation among those who support ZBB is that ZBB will lead to an immediate reduction in Federal spending through the identification and elimination, modification, or consolidation of obsolete, ineffective, or duplicative programs. But ZBB is not a panacea for such changes.

There is no magic in the phrase, "zero-base budgeting." Could one major problem be that the term has already or will come to mean "all things to all people?"

BUREAUCRATIC AND POLITICAL RESISTANCE

Even if programs and objectives can be identified, and evaluations successfully undertaken, it is not clear that the goals of ZBB will be successfully met. Bureaucratic resistance and inertia may prevent some benefits from being realized. The political environment, remaining basically unchanged under ZBB, will also mitigate against success.

Elliot Richardson:

While at HEW, I installed an evaluation system throughout the Department. Some of the resulting studies were gratifying successes in terms of competent execution of rational study design. Some were not so successful. However, *the ability of even many of the successful studies to effect changes in program direction and magnitude was modest, since resulting program proposals were either ignored or submerged in rhetoric.* Therefore, the effort to support and institutionalize the evaluation function within the Government is becoming increasingly critical. It must be pursued with great vigor. (Italic for emphasis)

In 1972, on its own initiative, the Department of Agriculture undertook comprehensive evaluations of a large number of its programs. Dr. Paarlberg had this comment on that effort:

It has had a mixed effect. We have through this process, I think, slimmed down certain programs. I am not sure any have been totally eliminated.

As a result of this process, we have recommended the elimination of certain programs which, however, were not eliminated in the budgetary process. They were funded even though we had hoped to phase them out.

In material later submitted for the record, Dr. Paarlberg commented on one of the political facts of life that any comprehensive budgeting like ZBB will have to overcome if it is to be successful.

The crux of the problem is that rarely is it possible to find a program in which a significant change or cutback would not involve some real or perceived loss to someone. Related to this is the fact that many programs often contribute to a number of objectives beyond their primary purposes. Hence, differences in judgments as to the significance of the various effects of a recommended program change frequently arise. In many cases recommended cut-backs or consolidations will result in overall gains in government efficiency, the benefits of which are widely disbursed, while the sacrifices involved in the change may relate only to a readily identifiable minority. The Department has had a number of its recommendations reversed by Congress for these reasons. (Italic for emphasis)

Dwight Ink, former Deputy Administrator of the General Services Administration, agreed:

We know how to zero budget in theory, but having it done in a practical environment of the real world involving the total process of the department and OMB and the Congress is a very different thing.

INABILITY TO DEFINE PROGRAM GOALS AND OBJECTIVES

ZBB assumes an ability to express clearly the goals and objectives of each activity center being budgeted, as well as the goals and objectives of the entire organization. When the Federal Government is viewed as a single entity for the purpose of implementing a budgeting system, such requirements cannot be met. The Federal Government as a whole is not characterized by a small number of related goals and objectives, but rather contains a mass of unrelated and often indefinable ones. The very broad goals and objectives which might be attributed to the entire Federal Government are of little use in implementing ZBB or a related system. Reducing the goals of the entire Federal Government to a few would be like reading the Preamble to the Constitution: "National defense, * * * promote the general welfare." Even at lower levels of government, this problem still persists. Agencies, and even bureaus within agences, may be responsible for several programs whose only relationship may be that, organizationally, they are part of the same agency. Even individual programs often have multiple objectives. Activities often cross organizational lines, making it difficult to define and delineate "programs." How far down into a given bureaucracy this problem persists depends on the definition of a program.

Elmer Staats:

In a recent report to the Congress, we noted that 228 programs could provide funds to State and local governments for health-related activities. Of these programs:

24 were for facility planning and construction; 22 were for health services planning and technical assistance; 22 were for mental health; and 24 were for narcotic addiction and drug abuse. At the broadest level, the 228 programs could be considered to have duplicative objectives in that all related to health. At a lower level one could look for duplication among the 22 mental health programs.

Such problems are, to a large extent, a function of the size of an organization. Increasingly, they are not limited to the Federal Government, or to government units in general. The very size of some corporations means they face similar problems in utilizing ZBB techniques."

ZBB or a related system cannot and should not simply be imposed on a large organization with a variety of unrelated, or only tangentially related, goals and objectives, be it public or private. In private organizations, divisions or departments already established are likely to provide the units in which ZBB can be implemented. In the public sector, especially at the Federal level, this is not always the case. Similar activities are carried on by different bureaucracies, making identification of the units needed for ZBB very difficult.

The difficulty of determining objectives and carrying out evaluations will increase workload to implement ZBB.

Elliot Richardson, Secretary of Commerce:

If the process of zero-base review of Government programs is to be productive, then we must all understand what it is that the programs are trying to accomplish. In this regard, there must be more precise definitions, perhaps alternative wording for the many uses of the concept of objectives. . . .

. . . Many Federal programs have multiple objectives which are achieved through a single project. For example, a water resource program may: manage available flow to produce municipal or industrial water supply and thereby enhance economic development or quality of life; provide irrigation for agriculture to improve the output of American farmers; produce hydroelectric power for economic development or for lower cost power for residential customers; and/or reduce damage to life and property from floods.

While few programs have this level of complexity, it illustrates the difficulties which we can experience at the "front end" of zero-base reviews and evaluations. The utility of any efforts we may make is related to how well we understand and agree upon what is to be evaluated.

I suspect that the executive branch and the Congress would have some difficulty in agreeing on just what "objectives" are appropriate for all Government programs . . ."

At the same time, specifying objectives too precisely might be unwise.

Arnold Weber:

Don't assume that zero-base budgeting is a form of magic. The development of overly precise objectives so you can hold an agency's feet to the fire is not always the best way to go.

The nature of Government and particularly governmental programs is intrinsically ambiguous.

If you set very specific objectives, you deny the capacity of the administrators to modify and deal with new or different circumstances.

Legislation providing the flexibility needed to make comprehensive budgeting in the Federal Government feasible might be too general to be meaningful. Very specific legislation could lead to a restrictive, mechanical, and inflexible approach. The planning-programing-budgeting systems of the 1960's failed in part because it was too rigid. Federal programs vary widely. Any attempt to force them all into the same mold for evaluation may result in failure.

PAPERWORK CRISIS

There is almost complete agreement that the workload created by imposing a zero base system on all or most of the Federal Government at one time would be unmanageable. This is true even if program reviews are staggered and undertaken only every 4 years. The system might collapse under its own weight or develop into a meaningless bureaucratic exercise. Many present and former top officials have reiterated this:

Roy Ash:

I believe we must avoid setting up a system destined to fail because it imposes a workload that can't possibly be handled or one that requires a substantial sacrifice of quality, and thus usefulness, to complete. . . .

To start full blown giving zero base consideration to an average of over 250 programs a year is like attempting to jump aboard a 747 in full flight.

Don A. Paarlberg, Director of Agricultural Economics, Department of Agriculture:

The routine frequency of a 4-year cycle would spread our staff resources too thinly. In our own internal work within USDA to evaluate programs we have identified about 250 programs which require individual analysis. To attempt to cover all of these programs within so short a period would tax our resources to the limit. It would probably mean that the quality of the work would suffer, we would produce large numbers of papers which might not be useful to decision makers, and we would be unable to focus on specific high priority areas.

The workload will be partly defined by the nature of the system implemented. The more detailed and frequent the required program evaluations the greater the workload.

PROGRAM EVALUATION

Even if programs can be defined and objectives determined, evaluations may be prohibitively difficult. The necessary data and methodology may not be available. It is not always clear what must be measured to determine program success. According to traditional research methods, no program can be evaluated unless, when the program was implemented, a controlled situation was established to determine what would have happened if no program had been started.

James Lynn:

The magnitude of this task (regular zero-base review of Federal programs) for most, if not all, programs can be illustrated by the following example of a two-step process.

Step 1—Measurement of effort. Determination of the program impact of a specific level of budget authority is frequently so difficult that it is virtually impossible to anticipate how much time it will take to have useful results.

An excellent, though not extraordinary, example of these problems is provided by an elaborate evaluation of Title I of the Elementary and Secondary Education Act (ESEA). Title I of the ESEA is aimed at meeting the special needs of educationally disadvantaged children. The evaluation study is expected to take 7 years—at a cost of approximately $7 million for the first 2 years. Design and measurement techniques in such an evaluation present a formidable task due to the diversity of projects that have been undertaken under Title I. State and local educational jurisdictions have taken highly varied and individualized approaches in designing corrective programs for the educationally disadvantaged. Moreover, the measurement of educational attainment is clouded by the absence of standard tests for which there is agreement among educators as to their validity, and by the unavailability of adequate comparison groups.

All of these uncertainties about the success of this long-term, expensive evaluation project are set against a background of previous efforts that frequently have been unable to demonstrate conclusive evidence concerning the effect of such special educational programs. The difficulty and expense of measuring program effects is not to be taken lightly.

Step 2—Production Functions. Even if these vexing measurement problems can be solved—and we are constantly seeking solutions—true zero-base review and evaluation as outlined in the bill, requires a good deal more. It requires relating such efforts to varying dollar and employment levels.

At this point, it is not more evaluations, but better evaluations, that are neeeded.

Arnold Weber:

I remember in analyzing one of the drug control programs we asked, "How efficient is Customs or the other agencies?" We looked for measures. We ended up with a spot price for cocaine in illegal markets in 20 cities.

We said that if the price went up, the enforcement program was succeeding because that indicated a curtailment of supplies.

OMB summed up evaluation problems as follows:

. . . The process of systematically analyzing programs and reporting on their performance—prorgam evaluation—is potentially a valuable tool for governmental decisionmaking, but is only rarely useful to key policymakers and program managers at present. This lack of usefulness stems from many causes, including presumed or real methodological inadequacies, the absence of sufficient incentives for the conduct of objective evaluations, the fact that Federal programs typically do not have measurable objectives, or the absence of testable assumptions linking program activities to the accomplishment of program objectives.

As Allen Schick has actutely observed:

The gap between doing evaluation and using it is very great.

PILOT PROJECT

When concern over the workload is voiced, it is usually coupled with the suggestion that a pilot project be undertaken. These would permit methodologies and procedures to be developed and problems to be solved. ZBB or some form of comprehensive budgeting might then be eased into part or all of the Federal Government.

Elmer Staats:

I would suggest, as one possible atlernative, some type of pilot test of this legislation which could perhaps help the Congress uncover and resolve some of the complexities associated with the zero-based approach.

Alice Rivlin, Director, Congressional Budget Office:

It is difficult to evaluate the effectiveness of agencies.

It will not be done well if the process becomes rigid and mechanistic and if you bite off too much too soon. It does seem to me that the way out of this, which serves both the purpose of the bill and of realism, so to speak, is to use some kind of selectivity, of starting on an environmental basis, if you will, you could start with some significant portion of the set of possible programs first, as a dramatization that this really can be done and can work and as a way of building the tools needed to complete the job.

Even Peter Pyhrr, one of the most enthusiastic supporters of ZBB for the Federal Government, acknowledged the need to proceed carefully.

What I would recommend would be to take a program area which may encompass more than one department, or may even be one large department, so that you can do it completely throughout that entire program area or throughout that entire department to get a very good operating feel for how the process works and see what kinds of benefits you could achieve. You can attempt to take selected operations or subprograms in each major agency in the Federal Government and attempt first implementation—do it there.

Another problem has been raised whether or not all programs require or could benefit from comprehensive review on a regular basis. For a legislated requirement to prepare evaluations on every program every 4 years as proposed by Senator MUSKIE's bill could easily become a mere mechanical exercise.

William A. Morrill:

Another problem with comprehensive zero-base review is that it simply is not worth doing for every program. Evaluations themselves should be cost effective and every program probably will not need an in-depth evaluation at a given moment in time. While we may well need improved evaluation of programs, we should focus our limited quantities of talent and expertise on high-priority program areas.

Elliot Richardson:

Rather than a legislated requirement to prepare evaluations on every program every 4 years, which could easily become a mere mechanical exercise, I would strongly urge that a more discriminating approach be used. Just as we must make priority decisions on allocating finite resources to programs, we must also choose which program evaluations can usefully be completed in a given period of time.

Arnold Weber:

It seems to me that the legislation should distinguish between programs to which the zero-base concept applies, and where it would be inappropriate. . . .

It would be inefficient and misguided to impose a law of the equality of millstones on every Government program.

A second aspect of difference between programs, is the expected period of maturity or performance.

For example, for some programs you can expect to have an outcome in a year. Other programs . . . may require a longer time horizon for performance.

Similarly, a program that has been in effect since 1906 is different than a program that was started last year.

To the extent that we are concerned with zero-base budgeting as an instrument to evaluate a particular program, it seems to me we should have some criteria which determine which programs should be higher on the roster for inquiry and examination.

CONGRESSIONAL PITFALLS

The procedures and organization of Congress also hold pitfalls for comprehensive budgeting. There is some indication that committee chairmen may be reluctant to support a reform which would add significantly to their workload while limiting their traditional prerogatives by emphasizing economics and program success. To the extent that the new congressional budget is already doing this, they may be especially alert to further intrusions.

The frequently expressed concern that Congress may not be able to complete its new budget process within the legislated deadlines raises a related problem. Where is Congress going to find the time to handle the additional workload generated by comprehensive budgeting? The lack of time, coupled with committee resistance holds out the danger that comprehensive budgeting could become a meaningless, formalized service.

If we attempt too much, the effort may simply become one of satisfying the form without addressing the substance.

The potential for both political and organizational resistance in Congress to

comprehensive budgeting has been frequently discussed. One of the arguments of opponents of comprehensive budgeting is that the committees already have the authority to carry out any kind of program review they desire, but have not often opted to do so. As a result, legislation to this end would be an exercise in futility. The implicit argument is that Congress does not want to undertake program evaluation. Senator EDMUND MUSKIE was in part alluding to this when he stated:

I think we also understand that if the bill (S. 2925) moves . . . that changes will have to be made to accommodate the realities as we identify them."

Senator FRANK Moss thought it would be more appropriate to reorganize Congress rather than to change the bill:

Clearly S. 2925 demands and depends upon Senate commitee realignment. Now that the Senate has finally created a select committee on committees . . . these reforms can go hand in hand.

Senator Moss was referring as much to the problems caused by congressional organization as to the political resistance a reorganization would face. ZBB or a related system would require that the programs a committee has jurisdiction over be identified and that programs in one and all be evaluated by the same committee. This seems the logical way to identify duplication and select among competing alternatives. But aside from politics, there are other difficulties.

James Lynn:

I asked my people to advise me as to the legislative process on the energy situation, and my figures show a total of over 500 days of energy-related hearings were held in the first 9 months of the 94th Congress, involving 12 Senate committees and 25 subcommittees, 17 House committees and 35 subcommittees. FEA alone, in calendar 1975 appeared in 46 Senate hearings, 58 House hearings, and 8 joint committee hearings; and during the first 3 months of 1976, FEA has already testified 31 times. . . .

. . . the more I look at functions of a budget or at executive branch organization, (the more I realize that) there is no set of organizations that will allow any real, important problem to be assessed and evaluated within that one department.

Other problems may develop:

First. In the short run, reducing personnel in the Federal Government is difficult and obviously unpopular with Government employee unions. As a result, immediate dollar savings may be difficult to achieve. The personnel, transferred to another area, would still have to be paid, require administrative support. In the longer run, attrition through retirements would help deal with this.

Second. When agencies rank decision packages and set their priorities, there may be a tendency to rank existing programs especially the most favored "pet" programs higher than proposed ones, regardless of which would be more valuable. The temptation to fall back into incremental budgeting by assuming that what exists is justified will be very strong.

ZBB: TWO EXPERIENCES—U.S. DEPARTMENT OF AGRICULTURE AND STATE OF GEORGIA

INTRODUCTION

One of the biggest criticisms of ZBB relate to its actual success or lack thereof in government. I refer to the examples of ZBB in the State of Georgia when President Jimmy Carter was Governor and the case experience of comprehensive budgeting in the U.S. Department of Agriculture in 1962 as documented by Aaron Wildavsky.

It is not within the parameters of this paper to discuss the record of ZBB in the States. I would refer my colleagues to a Library of Congress, Congressional Research Service study by Mr. Allen Schick, and Mr. Robert Keith entitled "ZBB in the States."

I have, however, selected the case experience of ZBB in Georgia for two reasons: First and foremost is the national attention given it by the news media for President Carter has stated his success with ZBB in Georgia has made him recommend it be applied to the entire Federal Government. Second, Georgia was one of the first States to completely implement ZBB, and its program director was Mr. Peter Phyrr who is credited with developing this technique.

It is important to examine the actual case experience where ZBB or comprehensive budgeting has been attempted in government organizations. However, caveats are in order.

First, this is a discussion of the benefits gained and problems encountered rather than a description of the system itself. Second, while the systems involve comprehensive budgeting, they differ significantly and the results are not strictly comparable. Third, the information available is limited, and in some cases contradictory. Because it is difficult to draw any definitive conclusions on the success or failure of the various systems, considerable more research is necessary. Finally, while trends may be observed, one should be very cautious about drawing conclusions on the feasibility of comprehensive budgeting in the entire Federal Government. For the Federal bureaucracy is a different entity from one of its component agencies or from State government.

AARON WILDAVSKY STUDY OF COMPREHENSIVE BUDGETING IN THE DEPARTMENT OF AGRICULTURE

The Department of Agriculture in the spring of 1962 decided to undertake comprehensive budgeting for the upcoming fiscal year. The instructions required each agency within the Department to undertake three major calculations: First, justification of the need for agency activities and programs without reference to congressional mandate or past practice; second, justification of the requested level of expenditure—fund obligations—based on the needs; third, justification of the costs of the needed programs from the ground up.

When the exercise has been completed, only one savings was credited to the comprehensive procedures; a $100,000 reduction in an obsolete research program that might have happened anyway.

There were benefits, but not of the kind anticipated. Especially among supporters of ZBB, the procedures generated a feeling of greater involvement and interest in their activities. The benefits of such a commitment are important, even if they are difficult to quantify or measure. Those who had little or no experience in budgeting gained insight into the value of the budgeting process, more knowledge of their own programs, and a better understanding of how their programs related to the larger organization. In spite of this, very few changes resulted from the use of comprehensive budgeting.

This is not surprising, given the difficulties that were experienced. The agencies had difficulty conceptualizing a situation in which there existed no legislative mandates or commitments. The agencies assumed or quickly decided that their programs were necessary. Many were partly justified by reference to the authorizing legislation, even though it had been made clear that this would not be considered important. In short, they tended to do what they would usually have done under incremental budgeting procedures, but they did it in more detail and produced more documents.

They also reduced their workload by assuming the usual parameters; what was required by law and what Congress could reasonably be expected to approve. There was a trend toward taking the budget of recent years and then considering increases and decreases. Interestingly, those involved were often not aware that they were continuing with incremental procedures. When challenged, they often responded by saying that they had to start somewhere or that the whole thing was silly, since everybody knew that no substantive changes would come out of it given the political and economic realities. In effect, Wildausky states "they made the decisions that comprehensive budgeting was to assist them in making before the evaluations were ever completed."

In sum, the experiment in the Department of Agriculture seems to support many of the agruments in this presentation. The system and methodology needed to be better defined before it could be implemented. Many agency officials did not know how to go about making the required calculation for ZBB and did not believe, in any event, that it was a necessary or valuable procedure.

THE STATE OF GEORGIA

The State of Georgia, under the auspices of former Governor, Jimmy Carter, was the first State to implement ZBB procedures in fiscal year 1973. Peter Pyhrr was intimately involved. As a result the ZBB system implemented, closely resembles that discussed earlier.

It is difficult to characterize the use of ZBB in Georgia as either a success or failure. A doctoral dissertation on the subject reached the following conclusions:

There are three primary advantages associated with the employment of the zero-base budgeting system in the State of Georgia. These advantages are: (1) the establishment of a financial planning phase prior to the preparation of the budget; (2) an improvement in the quality of management information; and (3) greater involvement in the budgeting process by personnel in the lower organizational levels of State Government. . . .

The major disadvantage—is the increased time and effort required for budget preparation. This has contributed toward a great deal of dissatisfaction with the new system, particularly among personnel at the department and activity level. This dissatisfaction

has, in turn, had a detrimental effect on the effectiveness of the zero-base budgeting system.

In addition, the study indicates that there are two significant failures associated with the employment of zero-base budgeting in the State of Georgia. These failures are: (1) the inability of the new budgeting system to significantly affect the efficient allocation of the State's financial resources; and (2) the ineffectiveness of the decision package ranking in meeting changes in the level of funding.

In terms of what its advocates hope comprehensive budgeting will do for the Federal Government, the system in Georgia seems to be more a failure than a success. On the other hand, in terms of the cost incurred in implementing the system and the potential benefits which may be realized in future years as the problems are solved and ZBB is better institutionalized in the State, the system might be considered a success. Peter Pyhrr estimates that the entire cost to the State, including his salary, was only $40,000.

Mr. Pyhrr goes on to make another interesting point about ZBB in Georgia.

Most of the areas that this [ZBB] has proved more effective [in] did it as the only budget process. Unless you did zero-base budgeting in Georgia, you didn't get a budget.

That adds incentive for the managers to use the process. Those seeking a mechanism for comprehensive budgeting in the Federal Government might keep this in mind. As was seen in the Department of Agriculture, ordering it to happen does not insure that it will replace incremental budgeting.

Other systems involving various types of comprehensive budgeting have been or are being adopted in a number of States, including New Mexico, New Jersey, and Colorado. For my colleagues that may be interested in more detailed information on these and other systems, I have enclosed references and suggested readings. In all cases, it is difficult to make a clear judgment of the system adopted. Generally, there are elements of both success and failure, and the potential is greater than the achievement to date.

FINAL OBSERVATIONS

Given the current state of knowledge, it is probably not possible to specify a system of zero-base budgeting that would be effective and successful for the entire Federal Government. However, by explaining what cannot be done, and by asking questions that must be answered, may in itself be positive steps in the right direction.

Comprehensive budgeting in Federal agencies is not a new idea. Program evaluation has been around a long while. It is being used increasingly with varying degrees of success. However ZBB or a variation of comprehensive budgeting is utilized, the questions below are just a few among the many that will have to be answered.

First. Can the necessary evaluation techniques be developed? Can the evaluations be summarized in a meaningful way?

Two. Can the objectives of the program(s) be defined and their success measured within available time and resources?

Three. How great will the workload be? Will it just represent the "triumph of process over substance?"

Four. What can be done to counter resistance by executive branch, administrators and even the Congress in implementing ZBB?

Five. Can Federal programs be divided in an acceptable way into those where efficiency and changes at the margin are the major quesions and those in which the existence of the program is really the issue and in which ZBB is a good idea?

In summary, it should be clear now that ZBB, cannot simply be imposed on the entire Federal Government. Programs, program goals, objectives, and evaluation techniques vary too widely. A system and methodology so flexible that it could be adapted to all programs would be meaningless. On the other hand, any system rigorous enough to be successful in some cases would certainly not be appropriate in others.

The management tool of zero-base budgeting can provide information on alternatives. But no budgeting system can make the ultimate decisions on priorities and the allocation of resources:

Evaluation is still more art than science and it is not a panacea. The rational process, by itself, cannot bear responsibility for criterion, continuation, or discontinuation of governmental programs. *The real challenge is to policymakers to use evaluation effectively, while recognizing uncertainties in information and the limits of analysis.* (Italic for emphasis).

After extensively analyzing the Department of Agriculture experience with zero-base budgeting, Aaron Wildavsky summarized:

The first conclusion would be that comprehensive budgeting vastly overestimates man's limited ability to calculate and grossly underestimates the importance of political and technological constraints. The required calculations could not be made and would not have led to substantial changes. As a result a great deal of effort went into zero-base budgeting with few specific changes attributable to this costly method.

One should not forget that budgetary decisions are, or soon become political decisions.

Conceptually, the idea of zero-base budgeting is a sound one. In theory, we have been zero base budgeting for years. In reality, we have not been, and it is unrealistic to think we can zero-base for the entire Federal Government given the state of the art and the many constraints mentioned earlier. We must realize that zero-base budgeting is a very new development in budgeting and public finance and that more research and analysis by both public administrators and academicians is first necessary.

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THE EMERGENCY NATURAL GAS ACT

The SPEAKER. Under a previous order of the House, the gentleman from

Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, for years, there have been abundant signs of a national crisis in natural gas supply; and for years we have failed to act in any way to avoid it. Now the country is confronted by the grim reality of cold weather and a lack of natural gas. We can heat homes or we can maintain industrial operations; we cannot do both.

The emergency bill submitted by the President represents an effort to do what is possible, under the circumstances, to meet the crisis. But what is immediately possible is very little, and the bill is, as everyone admits, no answer; it will not create new supplies, just spread the misery around.

The emergency bill holds out the prospect that hard-pressed interstate pipelines can find new gas supplies in the intrastate market, if only they can bid prices higher than current regulations permit. The truth is that there is very little—perhaps no—excess gas in the intrastate market, and by no stretch of the imagination is there enough to meet even the most urgent needs of interstate pipeline companies.

This bill would permit interstate pipeline companies to pay anything they like for emergency gas, subject to Presidential veto. The mere existence of such a power would be enough to put the gas market into a stratospheric rise, and the results of any such rise would be catastrophic for consumers in the intrastate market.

Consumers in my district, and in a good part of my State, are supplied by a gas pipeline that receives about 90 percent of its gas under renegotiable prices Anytime the Texas gas price increases, that increase is immediately and completely passed on to consumers. If the Texas market for gas is $2 per thousand cubic feet, then consumers in my district pay that whole amount. They have no cushion of "old" gas at cheaper prices; they take the whole blow at once.

Interstate consumers, on the other hand, receive a great deal of gas at low prices; the expensive new gas is just mixed in with the old, cheaper gas, and the result is a much lower average cost. If an interstate pipeline buys emergency gas under this bill at a price 50 percent higher than the current intrastate price, consumers here in Washington might feel an increase of only a few cents in their gas bill. People in my district, however, would feel much greater impact, one of disastrous proportions.

The arithmetic is not hard to understand.

In my district, consumers now pay about $2 per thousand cubic feet for gas. If the market moves up to $3, that is what they will pay—the whole $3, because producers are entitled to price redetermination.

But interstate pipelines have a great deal of old gas not subject to this kind of redetermination, and if they buy at $3, their average price comes out much lower.

In other words, if I buy this month one unit of gas at $2 and another at $3, my bill for the month is $5, or $2.50 per unit.

But an interstate pipeline has its unit at a lower price to start with, say $1. It can pay $3 for its second unit, and at the end of the month its customers wind up paying $4, or an average of $2 per unit. This unfair result is exactly what would happen under the emergency bill as submitted by the President.

I repeat, the unrestricted bidding of interstate pipelines, with their low-cost old gas, can totally disrupt the intrastate market and create catastrophic price increases for the people of my district and State, without materially increasing the total supply of natural gas.

If we are going to ignore, for emergency purposes, the distinction between the interstate and intrastate markets, let us do it in a way that at least gives intrastate consumers some hope of preserving their interests. After all, any excess gas that exists in the intrastate market is there because intrastate consumers have been paying sky-high prices for the past several years.

This emergency bill should allow interstate pipelines to bid no higher for natural gas than the present intrastate price. If the Texas price of gas today is $2, then any emergency purchase should be limited to that same amount. To allow anything else would drive the intrastate price up, to no purpose, and to no effect other than to further damage the interests of consumers who are already paying the highest prices in the country for natural gas.

It may be argued that the President would use his powers to prohibit price gouging. But if we pass this bill, with no legislative ceiling on what a pipeline can pay for emergency gas, the race will be over; the President would find gas prices sky high before the stroke of midnight the day final action is taken on the bill.

I believe that we can and, indeed, must protect intrastate customers from the threat of extreme damage, and make whatever little intrastate gas is available to the interstate system, simply by permitting interstate lines to pay no more than the prevailing intrastate price for gas, defining that as the average price paid in the intrastate market during the last 60 or 90 days of 1976. This would accomplish the desired objective of equitably distributing the available supply, while at the same time keeping the Texas gas market—and the pocketbooks of the consumers in my district—from going up in flames.

Last year, when a somewhat similar emergency bill was being considered, it contained the same kind of protection for intrastate consumers that I am suggesting here today. It was a good idea then, and it is a good idea now. There is no reason, in the general panic, to take action that would not materially increase the supply of gas, and at the same time immensely damage the interests of consumers in gas producing States like my own. We would do well in this emergency to remember the first rule of a physician: "First, do no harm." We can act quickly and we can also act responsibly. I urge an amendment to hold emergency purchase prices down to the prevailing intrastate market price.

STATE VETO OF ERDA DISPOSAL SITES

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CARR) is recognized for 5 minutes.

Mr. CARR. Mr. Speaker, the human and environmental dangers of nuclear waste are obscured by the carelessness and hurry of all our actions: we never worry about disaster until it happens to us. But nuclear waste disposal poses traumatic threats to the land, to the environment, to ourselves, and to the generations that must follow us. The Energy and Research Development Administration is charged with finding appropriate sites to dispose of radioactive waste, but we cannot allow expedience to prevent those others who need to participate in site selections from being heard.

Today I introduce legislation mandating the Energy Research and Development Administration to notify State legislatures of its intent to investigate a disposal site and allowing a resolution of the legislature to block a site selection.

States have a right to share in the decisions about nuclear waste dumping areas. The life span of intensely radioactve waste materials from nuclear energy plants is hundreds of thousands of years. The dangers are immense. Yet the history of leaks, mistakes, and uncertainties is enough to make even the stout of heart nervous. In 1973 failures in federally controlled storage tanks caused leaks of highly radioactive liquids.

Last year the Government discovered that contamination from a Kentucky burial site of low level radioactive materials had migrated through surrounding soil and through fractured rocks. Similar migration has also been occurring for 15 years at a burial site in Tennessee. Ocean dumping of low level solid waste has also revealed leakage, particularly at a site off the Atlantic coast and another one west of San Francisco. Currently, ERDA is working on a program to transform liquid wastes to solid and to isolate high level radioactive nuclear waste in geologically stable salt beds.

Since States must bear the dangers of Federal mistakes, States deserve a veto over choices that may be devastating. The ERDA, in a recent case in Michigan, acknowledged that a State had a right to be involved in some local waste disposal decisions. In a letter discussing a disputed site in Michigan last year the Administrator of ERDA promised our Governor that the State would participate in "the development of the selection criteria for waste repository sites." But hidden in the legalisitc niceties of Mr. Seamans' letter was ERDA's determination to push ahead with any location they arrived at, no matter how strongly the State disagreed.

Put simply, Michigan could talk all it

wanted about criteria and processes, but it could not veto a choice. Yet ERDA agrees to the principle of consultation with a State. We must give that principle its fullest meaning: If a State has a right to say yes, then it should also have the right to say no. If a State can approve the criteria, then it must also be able to disapprove the selection. Those who must suffer must have the legal right to choose.

We cannot afford to be careless, we cannot afford to be hasty in managing our nuclear waste. We must take every precaution against blighting the land on which we, and the generations that follow us, will live.

THE ENERGY CRISIS

The SPEAKER. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of Oklahoma. Mr. Speaker, I am today reintroducing legislation I proposed last session. It is, as the cold swirls around the eastern two-thirds of our Nation, a proposal that merits our urgent and serious attention.

Tomorrow we begin consideration of the President's request for emergency natural gas legislation. The Chief Executive's proposal is obviously necessary because of the extreme winter weather. It is of necessity, however, applying a band-aid instead of a tourniquet and cast.

Those of us from the producing States of this Nation have seen this coming for years and we have tried to warn the Nation. But people across the country and here in this very Chamber have ignored those warnings. They have, at times, chosen to believe the "energy shortage" was a giant hoax, perhaps perpetrated by the major oil companies.

It was not.

It is not.

Now is the time for all of us to get to work on building a solid, positive national energy policy.

My proposal, permanent deregulation of new natural gas prices, is the mandatory element in any meaningful national policy.

The emergency bill the President seeks will not encourage our Nation's energy producers to invest the dollars needed to find new gas. A producer in western Oklahoma, where we believe there are large supplies of new natural gas, must invest in the neighborhood of $2 million and drill anywhere from 8,000 to 24,000 feet to discover that new gas.

The search for new supplies of natural gas is just not a feasible business venture when that new gas costs more to discover and bring to the surface than it is worth in a controlled, artificially low-price marketplace.

The Chief Executive and the Congress have no more urgent business before us than the development of a national energy policy which will put us on the road to secure and predictable energy sources in the future.

New supplies of natural gas will not be found in this Nation overnight.

Deregulation from now until July 31 is not the answer.

In order to assure the discovery and production of new supplies we are going to have to make it economically feasible for gas producers to make a fair return on their investment.

Do not forget that investment is by no means a "sure thing." Many an independent oil and gas man has sunk hundreds of thousands of dollars into the Oklahoma earth only to come up with—in the parlance of the times—zip!

Those of us responsible for national policy and action must face the simple fact that this Nation has been using natural gas over the past 10 years at a far greater rate than we have developed new supplies.

Ladies and gentlemen of the Congress, it is a depletable resource. We must act now to encourage exploration and discovery of new gas. Without new supplies we may indeed freeze in the dark.

There can be no meaningful national energy policy without deregulation of natural gas prices. Now we must act.

The time for talk and regional/political concerns is past. We have no choice.

I urge your support of deregulation. I can further urge quick, decisive action on this matter so that we can proceed to build that strong national energy policy we all deeply desire.

HARRIETTE BIAS ALLEN COMPOSES TRIBUTE TO PRESIDENT CARTER

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. GORE) is recognized for 5 minutes.

Mr. GORE. Mr. Speaker, a talented Tennessee poet, Harriette Bias Allen, has composed a poem on the occasion of President Carter's inauguration. I feel this poem is such a fine tribute to President Carter that I would like to share it with my colleagues.

Mr. Speaker, I include it in the body of today's RECORD.

GENTLE GEORGIAN

(Tennessee's Inaugural Salute to President Jimmy Carter)

Gentle Georgian
Generous, Good—
Guided by God;
A Nation Understood.

Gilded in Truth,
Guarded in Tongue,
Given to Govern;
A Victory Won.

Gift Preordained,
Garlanded aura a sweet hope spun,
Golden-sceptered gossamer quest,
A New Era in Trust Begun.

NUCLEAR WEAPONS PROLIFERATION

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I am today introducing, together with 209 Members of the House, a resolution to express the sense of the House in support of President Carter's recent statements regarding nuclear weapons test bans and disarmament. Congressmen BINGHAM, FISH, LONG, SEIBERLING, JEFFORDS, REUSS, UDALL, and ZABLOCKI have worked with me on the crafting of this resolution, and have been most helpful in calling it to the attention of our colleagues.

Nuclear weapons proliferation and the potential growth of the "nuclear club" are, I believe, the most important issues confronting the human race at the present time. President Carter's announced intentions—"To proceed quickly and aggressively with a comprehensive test ban treaty * * * eliminating the testing of all nuclear devices," to seek "a fairly rapid ratification of the SALT II agreement," and "to move very quickly * * * toward * * * an agreement with the Soviet Union for major reductions in atomic weapons," deserve the support of the entire Congress and of all the American people. It is my hope that the Congress will move quickly to give the President our expression of that support by passing the resolution we are introducing today.

TRIBUTE TO J. STANLEY COYNE

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, we frequently hear these days that the era of the self-made man is over—that technology and the complex interplay of big business and big government make individual initiative at best, fruitless and at worst, witless.

I do not agree with that thinking and I know an energetic gentleman in his sixties in Syracuse, N.Y., who does not agree with that thinking either. In fact, he espouses the opposite opinion—that opportunities are more numerous now for individual success exactly because of our Government, our technology, and our "big" businesses.

He states it this way:

I've found that success is determined a lot by luck, and I've also found that the harder you work, the more luck you have.

His name is J. Stanley Coyne, president of Coyne Industrial Laundries. I think it appropriate at this time of growing cynicism toward business in general and the tendency to blame "the other guy" for one's own failures to take note of Mr. Coyne and his story.

Forced to leave school at the age of 14, to help on his father's farm in Borodino, just outside Syracuse, Stanley Coyne finally finished high school at age 19, with plenty of pushing and shoving from his aunt, Bessie Coyne, a New York City schoolteacher. The agreement was that in exchange for leaving the farm and living near his aunt's school, Coyne was to work nights and Saturdays.

Seeking work upon graduation he returned to Syracuse and earned enough at construction labor to put himself

through business school. Even with his business diploma jobs were scarce and he returned to work at a gas station where he had been previously employed. This was the winter of 1929.

A nagging problem at the service station was the difficulty of cleaning greasy work clothes and cloths. It occurred to Coyne that other service stations and factories would be experiencing the same problem. So one afternoon he drove around in his Model T Ford, making inquiries at other gas stations, and industrial plants in Syracuse. One stop included the former Franklin Automobile Co. After his Model T survey, he concluded that indeed there was a need for a good, reliable cleaning service for these grease generators, and he would provide it with pickup and delivery service in his Model T, in his spare time.

He developed a special working agreement with a local laundry and the Coyne Industrial Laundries Chain was born, but like most efforts it was not an overnight success.

Not until 1935 did Coyne have his own laundry. Then a small room at the rear of a fish market at 124 Cortland Avenue housed the one wash wheel and dryer. The fish market moved a year later and Coyne purchased the small building. Later Coyne purchased other property and today owns the entire block bordering Salina Street, Cortland Avenue, Tallman and Clinton Streets, on the edge of downtown Syracuse.

Headquarters and general offices at Coyne Industrial Laundries now are located at 140 Cortland Avenue. Coyne is still expanding and growing after nearly 50 years of serving general industry with clean service. Coyne Laundries operates from Cleveland and Pittsburgh east to Boston and from Maine south to the District of Columbia and into the Virginias. Their 200 trucks serve general industry with various types of work clothing, visiting each customer at least once each week.

Coyne purchases work clothing amounting to $5 million annually which they supply on a rental basis to workers. Management has found the rental plan the best and most economical way to control the cleanliness of their people without any investment.

The annual payroll amounts to more than $8 million a year and customers throughout the Northeast number in excess of 175,000. They also supply general industry with a rental wiping cloth service which in the trade is known as shop towels. Treated dust mops, dust cloths. and walk-off rugs for public buildings, offices, schools, and hospitals make up another large sector of their total volume and services.

In 1959, the J. Stanley Coyne Foundation was started and since then has contributed a room in every major hospital in each city in which a Coyne Laundry is located.

With 1,000 employees, a weekly payroll of $150,000 and $25 million in gross business per year, Coyne Industrial Laundries is living testimony of the old adage which some say is passing out of vogue, that hard work pays off.

From a simple idea born in a gas station to a thriving vital part of a city and a region's economy—that is the story of Coyne Laundries. The once greasy-overalled kid and now the president of his own firm puts it in simple language:

I just got the right idea and worked hell out of it!

Come to think of it, Mr. Speaker, that is what America did.

BABETTE OMLAND

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, it is indeed my privilege to call to your attention the achievements of one of my constituents, Babette Omland of Oneida, N.Y. As a physical education instructor in the Oneida City School District, she has already won the loyalty of her many students. As a first-rate coach of girls cross-country, volleyball, and track she has won admiration from her team members, respect from her opponent teams and coaches, and recognition from the press.

Ms. Omland has just recently coached the Oneida High School girls volleyball team to their second straight section three, class B championship. Among her other accolades is the fact that the Oneida girls track team has never lost a Tri-Valley League dual meet since Babette Omland formed the team 6 years ago. She sets high standards of sportsmanship, dedication, and enthusiasm for both herself and her athletes. I am sure the House joins me in expressing our appreciation for her efforts to impress these virtues upon our youth to whom belongs the future of this great Nation. Here, Mr. Speaker, I would like to insert a recent article from the Oneida Daily Dispatch by Dick Bennett, recognizing Babette Omland's successful coaching career:

SUCCESS AT ONEIDA

(By Dick Bennett)

Last week, this column told the "rags-to-riches" story of Clinton Central's basketball program. Today's Behind the Bench could be titled "Rags to Riches—Part Two" since much the same has happened at Oneida High School with volleyball.

Babette Omland has been the head volleyball coach for the past seven years, and last weekend was certainly the highlight of that long career as her team won a second straight Section Three Class B championship.

That repeat title capped an outstanding season for the Indians as they went 13–2, including their first Tri-Valley championship.

Such success wasn't always the way for coach Omland and her spikers.

"If we won a couple of matches, we were doing well," she recalled of the early years.

"It's only been the last couple of years that we've been strong. This year was our first Tri-Valley championship unless Peg (Brown) won one (Brown coached the team before Omland came to Oneida)."

Just last season, the Indians were fourth in the T–V at 4–3, and the previous year they were tied for third at 5–3.

"We've always had the talent," said Omland, who attributes the surge of success to other factors.

One key change has been the switch to power volleyball, instead of class (recreational) volleyball. While the power game has always been part of the Oneida program under Omland, it has only been fairly recently that both coach and players have become acclimated with that style.

"It takes time to learn those skills," says the coach. "Power volleyball is very sticky on how you can hit the ball, and setting the ball. Power ball is much more structured. It takes a couple of years just to learn the skills."

Omland sums up the difference by noting that power ball is a floor game, while class is an air game.

A second factor is related to the mastering of power ball—coach Omland admits that her own strategy has switched from defensive to offensive. Becoming more familiar with the potential of power ball brought about that coaching emphasis.

Oneida coordinator of girls sports Peg Brown has also been a vital figure in the success story.

"I can't give Peg enough credit. They (the girls) get a lot about how they feel about sports from her," says Omland.

The veteran volleyball coach also admits that luck has to be considered one final factor.

She points to the sectional finals and semi-finals as examples—both matches were decided by two points (the lowest winning margin in volleyball).

"One bad ball, one mistake could have made the difference," she said. "In volleyball there's a lot of luck, especially in officiating—who you draw. Some call it really tight. It affects how kids can play."

Specifically pointing to the success of this season, Omland credits "strong student leadership."

"It's a process of maturity—both coaches and the kids. The kids are more mature than four or five years ago."

With Title IX (federal law requiring that schools give girls athletics equal treatment with the boys) entering the scene a couple of years ago, it might seem that it too has been a success factor, but not so, according to Omland.

"Oneida already had everything. It (Title IX) has helped in that it's brought other schools into competition."

Of course, any success story needs the ingredient of dedication from players and coaches.

Coach Omland and her team are no exceptions. For the volleyball-track-cross country mentor, that good fortune has involved a lot of on-the-job learning.

When Omland was a high school student at Staten Island in the 1960s, there were no girls teams.

Thus, she never was a player, but she was still interested in physical education. As a result, she majored in that field at Ithaca College, but even there she didn't get active in sports because the other women were too far developed in skills.

"At college, most of the kids were from Long Island or Upstate where they had good programs. I didn't even know what a hockey stick was," said Omland, in referring to the popular girls sport of field hockey. "I thought you used a puck, not a ball."

Without the playing experience, Omland was at a potential disadvantage when she began her coaching career at Phoenix Central. Two years later she was at Oneida.

"I got a lot of experience at Phoenix. We started a program, and learned on the spot," said the 1968 graduate of Ithaca College.

"I learned more from Peg. She's done an exceptional job. College prepared you for the skills, but communication of those skills is the most difficult part. I do a lot of reading, attend clinics.

"Volleyball is a fast-changing sport."

This past season, Omland was Section Three chairwoman for volleyball, and has just recently earned a new honor—state coordinator (chairwoman) which is an elected post.

One of four state chairwomen from the Tri-Valley (Cazenovia's Kitty Elliott in tennis, VVS's Bunny Banas in cross country and Chittenango's Carolyn Rhinehart in softball are the others), Omland hopes to effect some changes at the state level.

She has two goals in mind. First, develop stability in the rules.

"They change every year."

She explains that there are three different sets of rules.

"The set we use is the one that keeps changing to keep up with the other two."

She hopes to see the state adopt one of the other sets.

Secondly, she would like to bring about intersectional competition.

Right now, that is impossible because some sections of the state (Long Island) play volleyball in the fall or spring, rather than the winter.

Volleyball is not all that keeps Omland busy, however. She is also the track and cross country coach for girls.

Starting that cross country program two years ago is another highlight for coach Omland. She also cites Michelle Burnett's sectional high jump championship a couple of years ago in track. That was the first section title in any sport that Omland had ever experienced as a coach.

Linda Scerbo's four Class B titles in the discus, shot and two hurdle events last spring also are memorable moments.

The amiable elementary physical education teacher can add the distinction of every Tri-Valley track championship to her list also. The Oneida girls track team has never even lost a T–V meet in the six years of the league program.

"We wouldn't be anything without Tony (Burnett) and John (Perretta)," says Omland (Burnett and Perretta are the boys track coaches), who points to the assistance and knowledge her men counterparts have provided.

"Now we get 60 to 70 in numbers. The team got a name because the boys already had one."

Looking back at her successful years at Oneida, she says, "I love it. I wouldn't think of changing from here. It's a good phys ed program."

Those words can only come as good news to Oneida fans.

FULL FUNDING NEEDED FOR MULTILATERAL AID TO LATIN AMERICA

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the record cold wave which descended upon Washington this week brought with it what may prove to be the harbinger of warmer relations between the United States and our neighbors in Latin America. In one of the last official acts of his administration, President Ford submitted to the Congress a budget which calls for full funding of the U.S. commitment to economic and social development in Latin America through the Inter-American Development Bank. The final Ford budget recommends that the Congress provide $460 million in overdue contributions to the Bank in fiscal 1977, to be followed by a second-stage contribution of $440 million in fiscal 1978.

In addition, the budget presentation reaffirms the decision to provide $240 million of the remaining callable interregional capital, which the Executive already has the authority to commit. These contributions, negotiated in 1975 as part of a $6.3 billion multilateral replenishment of IDB's resources, were authorized by the Congress last year. To date, however, only a small part of the U.S. commitment has been actually appropriated by the Congress.

The Inter-American Development Bank, launched in 1960 to promote economic growth and social improvement in Latin America, has been the primary source of public external financing for the development efforts of the southern half of this hemisphere. Through 16 years of operation, the Bank has channeled more than $10 billion in public and private financial resources to a wide variety of developmental projects in Latin America, ranking from basic health units, potable water supplies, rural cooperatives, to power-generating, transportation, and industrial projects. The total investment in these projects is estimated at over $40 billion—an indication that each $1 committed by the Bank in loans has helped to mobilize additional $3 for development from local resources.

The proposed Ford budget will, of course, be subject to review and revision by the incoming Carter administration and the Congress. Because of the importance of continued, timely U.S. participation in the replenishment of the resources of the Inter-American Development Bank, I hope that both the Carter administration and the Congress will act favorably on this particular recommendation.

On a number of occasions in the past, President Carter has expressed his strong interest in the continuation and expansion of mutually beneficial relations in the Western Hemisphere. The provision of full funding of the U.S. contribution to the Inter-American Development Bank—which is already well behind schedule—would be an important and welcome step in that direction.

A STEP-BY-STEP SALARY INCREASE

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, the Federal Commission on Executive, Legislative, and Judicial Salaries has recommended a salary increase which is not in the best interest of the Nation's economic situation at this time.

All too familiar are the unemployment figures. Inflation is still rampant, and the public's faith in its elected officials needs nurturing. With this in mind, a pay raise for Members of Congress averaging 28 percent, or $12,000 per year, is unconscionable.

But, unless a resolution of disapproval is brought to the floor of the House—and it does not look as though one will be—Congress will receive an extra $12,000 per year. Attempts have been made to disapprove the proposed increase, but have gotten nowhere.

My colleague, CHUCK WHALEN, has introduced legislation which would defer any increase in congressional salaries until the start of the Congress following that in which the increase is proposed and approved, however it is doubtful we will act on that proposal before February 17. A pay increase which meets the cost-of-living increase from December 1975 to December 1976—an increase of 4.8 percent—is in my opinion quite proper.

Taking these facts into consideration, I have introduced a concurrent resolution which provides for a more than ample pay increase. The resolution limits salary increases for Members of Congress and officials of the executive and judicial branches to 5.5 percent per annum. I do not disagree with the need for a salary increase, but am convinced that it must be a reasonable increase, and one that does not offend the delicate balances of our Nation's fight against inflation.

THE NATURAL GAS SHORTAGE

(Mr. MOORHEAD of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the devastation and deprivation caused by our severe weather was viewed firsthand yesterday by President Carter when he traveled to Pittsburgh to visit a local industrial plant and meet with workers whose jobs are endangered by the shortage of natural gas.

The President invited me, and the gentleman from Pennsylvania (Mr. WALGREN), to make the trip with him. I used the opportunity to alert Mr. Carter to the unique hazards the winter and the accompanying natural gas shortage imposes and can be expected to impose on Pittsburgh and the surrounding western Pennsylvania area.

Pennsylvania is not alone in having weather-related problems. But our problems might be more severe than other States.

For many of the major industries in western Pennsylvania, unlike those elsewhere, there is no alternative to natural gas. Many parts of the steelmaking process, glass production, potteries, and foundries must use natural gas because of the heat toleration necessary to make the product. Heat generated by fuel oil and coal cannot be controlled in the same manner as natural gas. Thus when gas is not available, those businesses that rely on it do not curtail operations, they just close and thousands are out of work.

This same natural gas shortage affects residential users too. Because Pennsylvania was a large gas-producing State and the product was easily obtained,

most of the homes built in the State are heated by gas.

Only four other States in the Union have more houses heated by gas than Pennsylvania. And two of them, California and Texas, are not experiencing the weather problems that the Keystone State and much of the Northeast is.

In addition, I told the President that those residences that rely on fuel oil and even coal also are in trouble because the weather has frozen hundreds of miles of rivers in Pennsylvania and has all but stopped movement of fuel barges, causing chaos with the State's fuel transportation system.

The frozen rivers, some 300 miles of solid ice, 6 inches to 2 feet thick in spots, may harbor an additional horror—the worst flood western Pennsylvania has had in 40 years. Once the spring thaw begins, the melting river ice and mountain snow could put our district right back into the throes of a disaster, just as we begin to recover from all of the evils of winter.

The President was most concerned about the flood situation in western Pennsylvania and offered the immediate help of the Corps of Engineers as well as the Interior Department.

After visiting the plant and meeting the workers, President Carter told me that he hoped to send legislation to the Hill by the third week in April which contains some long term answers to the Nation's energy problems.

Mr. Speaker, I want to express on behalf of my colleague, the gentleman from Pennsylvania (Mr. WALGREN) and the gentleman from Pennsylvania (Mr. GAYDOS) who met us when we landed in Pittsburgh, our appreciation to the President for his genuine concern and care for the problems afflicting so many American communities.

President Carter chose to come to Pittsburgh to see for himself how the winter's harshness was affecting the American people. For that, almost 2 million people in southwestern Pennsylvania, the mayor of Pittsburgh, the Allegheny County Commissioners and I, thank him very much.

ESTABLISHING A POLICY FOR MANAGEMENT OF OIL AND NATURAL GAS IN THE OUTER CONTINENTAL SHELF

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, on January 11, 1977, I introduced H.R. 1614, a bill to establish a policy for the management of oil and natural gas in the Outer Continental Shelf, to protect the marine and coastal environment, to amend the Outer Continental Shelf Lands Act, and for other purposes. This bill was referred to the Ad Hoc Select Committee on Outer Continental Shelf.

Today, I wish to introduce into the RECORD a summary of that bill:

SUMMARY OF H.R. 1614—THE OUTER CONTINENTAL SHELF LANDS ACT AMENDMENTS OF 1977

The present Outer Continental Shelf Lands Act of 1953 provides the legislative framework for the exploration, development and production of mineral resources located on or under the seabed and subsoil of the Outer Continental Shelf. S. 521 modernizes the 1953 Act by providing specific statutory guidelines, standards and procedures for the exploitation of oil and gas resources in the subsoil and seabed, and by providing new authority and mandates to appropriate federal officials to assure balanced and orderly development of such resources.

TITLE I—FINDINGS AND PURPOSES

Section 101 details specific Congressional findings, and section 102 states the purposes of the OCS Lands Act Amendments of 1977. Increased need for energy, and the declining production of domestic oil and gas, has led to increased interest in the significant qualities of oil and gas in the subsoil and seabed of the Outer Continental Shelf. To resolve economic, environmental and legal problems presently retarding development of the Outer Continental Shelf, new policies and procedures must be established for managing the shelf resources so as to balance exploitation with protection of the environment, a fair return to the public, and competition. Environmental and safety regulations have to be reviewed in light of current technology and information so as to minimize risk to the environment. OCS activities may cause adverse impacts in affected states, and therefore, states need and should obtain timely access to information, and an opportunity to review and comment on OCS decisions. There may be conflicts to review and comment on OCS activities and recovery of other resources that must be minimized or eliminated. Funds must be made available for removal of any oil spills and for any damage resulting from such a spill.

TITLE II—AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT

Section 201—Definitions

Section 2 of the OCS Lands Act of 1953 has been amended by modifying some definitions and by adding definitions for new terms used in the 1977 amendments.

The term "lease" has been modified so as to extend to any form of authorization for exploration, development or production of minerals. In addition, new definitions are included for coastal zone, marine environment, and coastal environment. The term "human environment" has been added to include impacts on the "quality of life," and an "affected state" is defined to include: adjacent states; states connected to an OCS structure, or which receive OCS oil and gas for processing, refining, or transshipment; or which are designated by the Secretary of the Interior as having a substantial probability of being impacted; or as having a significant risk of serious damage from any oil spill or blowout.

"Governor" is to include the person designated by state law to exercise the powers granted to a Governor in the new 1977 OCS Act.

Exploration includes geophysical surveys and drilling; development includes geophysical activity, drilling, platform construction, and onshore support facilities; and production includes removal of resources, transfer to shore, and workover drilling.

Definitions have been included for antitrust law to include those statutes presently applicable for the maintenance of free competition; for fair market value to include the average unit price computed according to existing sales, or if there are no sales, an appropriate price determined by the Secretary; and for major federal action to include the use of that term as determined under the National Environmental Policy Act.

Section 202—National policy

Section 3 of the OCS Lands Act has been amended to provide that: the subsoil and seabed of the OCS belong to the United States; navigation and fishing on OCS waters shall continue as heretofore; the OCS is to be made available for orderly development, with environmental safeguards in a manner consistent with competition and other needs; states which will require assistance in protecting their areas from temporary or permanent adverse effects are entitled to an opportunity to participate in the decisions by the federal government relating to the OCS resources and to have their regulations as land, air, water uses, and safety, considered and recognized; and operations in the outer Continental Shelf should be conducted in a safe manner.

Section 203—Laws applicable to the Outer Continental Shelf

Section 4 of the Outer Continental Shelf Lands Act is amended by making certain technical changes in some of the phraseology. In addition, the President is required, within a year of the 1977 Act, to determine and publish boundaries for determining which adjacent state laws are to be used where federal laws, rules, or regulations have not been made applicable, and establish procedures for settling outstanding boundary disputes between states and between the United States and Canada and between the United States and Mexico.

Section 204—Exploration and Development Administration

Section 5 is amended to provide the Secretary with full power to prescribe necessary regulations which shall apply to all operations conducted under any lease issued before or after the adoption of the 1977 Act. The Secretary is to cooperate with all relevant agencies, and specifically, is to request and give due consideration to the views of the Attorney General in any matter which may affect competition.

Suspension and Cancellation

Such regulations shall include provisions for the suspension or temporary prohibition of any activity, at the request of a lessee, in the interest of conservation, to facilitate proper development, or to allow for unavailability of transportation; or, on his own, if there is a threat of a serious, irreparable or immediate harm or damage. Any lease or permit affected by such suspensions shall be extended for the period of suspensions unless it is a result of the negligent, or willful violation of the lease, permit, or regulations. The Secretary is also to prepare regulations for the cancellation of any lease or permit, after a hearing, when it is determined that continued activity would cause serious harm or damage, which would not decrease over a reasonable period of time. Such cancellation can only occur after operations under a lease or permit have first been under suspension, or temporary prohibitions for a period of five years, or for a lesser period at the request of the lessee. Detailed standards for adequate compensation to a lessee for cancellation of lease rights are provided.

Provisions of the original OCS Lands Act, providing for issuance, continuance or extension of any lease to be conditioned upon compliance with the regulations; for the cancellation of a lease, whether producing or non-producing, for failure to comply with the provisions; and for rights of way for pipelines, are maintained.

Rates of Production

A lessee is to produce any oil or gas at rates consistent with any Presidential Order,

or if no such Presidential Order exists, at rates consistent with any regulation promulgated by the Secretary to insure the maximum, efficient, and safe rate of production. Flaring of natural gas from any well is prohibited unless the Secretary specifically allows it.

Section 205—Revision of Bidding and Lease Administration

Bidding Systems

Section 8 of the OCS Lands Act is amended by allowing the Secretary to utilize seven bidding methods, one new bidding/development system. In addition to the present bonus system, royalty, net profit share, percentage (Phillips Plan) bidding alternatives are included: and use of a two-tier exploration-development (Canadian system) procedure is authorized. The Secretary is required to define net profits at least 90 days prior to any lease sale using that system. Minimum royalties of 12½ percentum and minimum net profit shares of 30 percentum, are mandated, but the Secretary may reduce or eliminate the minimums to promote increased production. Payment of a bonus bid in installments is also authorized.

Phillips Plan

The Secretary must establish procedures for any joint working group authorized by the new percentage leasing system and shall approve the operator and terms of management. The United States is to be a non-voting party to the established working group. Detailed provisions are also included for the sale of any unawarded percentages, for the cancellation of a lease sale when inadequate bids are offered.

Use of Bidding Systems

The Secretary is authorized to require bids to be submitted, in one lease sale, under more than one bidding alternative, either for statistical purposes or to achieve the best bid. Thirty-three and one-third percent of all lease sales during the next five years in frontier areas must be based on use of new bidding methods, but the Secretary may reduce or eliminate such a requirement during the first year if he submits a report to both the Senate and House of Representatives, detailing why following the requirement would unduly delay development, and thereafter, if both the Senate and the House of Representatives pass within thirty days a resolution of approval of a report by the Secretary detailing why such action is necessary to secure a fair price, to promote competition or to promote efficient development.

Standards for applying the different lease methods are given, and each year the Secretary must submit a report to Congress as to his use of the bidding options and must explain if more than 66⅔ percent of the areas actually leased in one year were leased using the present cash bonus system.

Joint Bids

Joint bids among majors, defined as having an average production of 1.6 million barrels per day, is prohibited.

Lease Terms

Leases are to be for 5,760 acres, or for a reasonable economic production unit. Leases are ordinarily for five years, but may be for ten years when necessary to encourage exploitation in areas of unusually deep water or unusually adverse weather conditions. Leases authorize exploration, development and production. Leases must require due diligence and provide for possible suspension and cancellation.

No lease may be issued until the Attorney General and the Federal Trade Commission have been notified of such issuance. If the Attorney General or the FTC notifies the Secretary within thirty days that a lease may be anti-competitive, the Secretary can only issue a lease after a hearing, and a finding that the benefits of the lease issuance outweigh the adverse effects on competition. A lease also cannot be issued if the applicant for a lease or lessee is not meeting due diligence requirements on other leases.

Federal-State Joint Leasing

Prior to leasing of any lands within three miles of the seaward boundary of any coastal state, the Secretary is to provide relevant information to the Governor of such state and to offer the Governor the opportunity to jointly lease any such area which might contain a common geological structure or trap. If the Governor accepts, the area is to be jointly leased under mutually acceptable terms. If the Governor refuses, or if mutually agreeable terms are not determined, the Secretary may go ahead and lease the area. In either event, all bonuses, royalties, rents and other revenues obtained pursuant to a lease for land within three miles of the coastal state seaward boundary are to be placed in an escrow fund until geological information allows the Secretary and the Governor of the affected coastal state to determine the proper allocation of payments.

Section 206—Outer Continental Shelf oil and gas exploration

Section 11 of the OCS Lands Act allows any agency of the United States, or any person authorized by the Secretary, pursuant to a permit, from regulation by, or contract with, the Secretary of Interior, to conduct exploration activities.

Exploration Plan

New provisions are added to Section 11, requiring private exploration pursuant to a lease to be in accordance with an exploration plan to be submitted to the Secretary for approval. The Secretary is to review such an exploration plan to see if it is in accordance with the law, regulations prescribed under this Act, and the provisions of the lease. The Secretary has thirty days to approve or modify such a plan, but may delay approval if he believes suspension of activities on the lease is warranted.

The exploration plan is to include activities, equipment and general well location. The Secretary can require a plan to be accompanied by a general statement of development and production intentions, for planning purposes only. The Secretary can provide for the approval of exploration activities on existing leases if it is in substantial compliance with the provisions for exploration plans and may require additional information to be submitted by the lessee to bring the plan into compliance.

Stratigraphic Drilling Test

At least once in every frontier area, the Secretary is to seek qualified applicants to conduct on-structure stratigraphic drilling.

Section 207—Annual report

General

Section 15 is amended to provide that within six months after the end of each fiscal year, the Secretary is to submit an annual report on the OCS leasing and production program, including a detailed accounting of all monies, a detailed accounting of all activities, a summary of management, supervision and enforcement activities, an accounting of the costs and value of an exploration program, efforts to coordinate agency activities and avoid duplications and conflict, a list of all shut-in and flaring wells, and recommendations to Congress for improvements in management, safety, amount of production, and resolution of jurisdictional conflicts.

Promotion of Competition

In addition, the Secretary is to submit a report, after consultation with the Attorney General, with recommendations for promoting competition, and with an evaluation of the various bidding systems; why a particular bidding system has not been utilized; an evaluation of alternative bidding systems not authorized by the Act; and evaluation of joint bidding restrictions in promoting competition; an evaluation of any measures to increase the supply of oil and gas to independent refiners and distributors.

Section 208—New sections of the Outer Continental Shelf Lands Act

Section 208 adds new sections to the Outer Continental Shelf Lands Act.

Section 18 (new)—Leasing program

The Secretary is required to prepare within nine months, review annually, and then update as necessary, a leasing program for five-year periods that is to indicate size, timing and location of leasing activities. The program is to provide for OCS management consistent with environmental protection, alternative uses of the areas, regional and national energy needs, information as to the characteristics of any area, and coastal zone and affected states' policies, plans and goals. Timing and location of leasing are to be based on a balance of environmental damage, discovery potential, and impact on the coastal zone.

A leasing program is to include estimates of appropriations and staff required to obtain resource information, analyze data, conduct studies, prepare impact statements, and supervise operations.

Prior to publication of a proposed program, the Secretary is to invite and consider suggestions from affected states' Governors, and other persons. Any recommendation from a Governor must be given a written detailed response.

The proposed leasing program is then to be published and submitted to the Attorney General, who shall submit comments on the effects of such a program on competition and to any Governor, Regional Advisory Board, local government, and other persons who may submit comments or recommendations as to any aspects of the program. The plan is then to be submitted to Congress, with all submitted comments. The Secretary must specifically indicate why any recommendation is not being accepted. After completion of a leasing program, leasing is to be in accordance with such program.

The Secretary is required by regulation to establish procedures for nominations of areas to be leased, public notice and participation in a leasing program, review by state and local governments, periodic consultation with relevant parties, and coordination with coastal zone management programs.

Section 19 (new)—Regional Outer Continental Shelf Advisory Boards

A new section 19 allows regional boards to be established to work with federal agencies to advise on OCS activities. Any recommendation by a Regional Advisory Board, or a Governor of an affected State, as to a proposed lease sale, or a proposed development and production plan, must be submitted within sixty days and must be accepted by the Secretary, unless he determines that they are not consistent with national security or the overriding national interest.

Section 20 (new)—Baseline and monitoring studies

The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), in cooperation with the Secretary of the Interior, must undertake studies of any area or region included in a lease sale in order to establish baseline information. Such studies for areas where a lease sale has already been held are to commence within six months of enactment of the 1977 Act, and for areas where there has not yet been a lease sale, no later than six months prior to the holding of a lease sale. The Secretary of Commerce, through the

Administrator of NOAA, is to undertake and complete such a study and supply it to the Secretary of the Interior prior to final approval of any development and production plan. The burden is on the Administrator to complete his study, and failure to complete such study shall not, in itself, be a basis for precluding the approval of a development and production plan, unless the Secretary of Interior, in his discretion, finds that such failure should preclude approval.

In addition to developing baseline information, a study shall, to the extent practicable, attempt to predict impacts on the marine biota from OCS activities, and possible spills.

Section 21 (new)—Safety regulations

Safety regulations for activities on facilities on the Shelf are to be promulgated within one year of enactment of the 1977 Act and periodically revised. The National Academy of Engineering is to study existing safety regulations prior to the first new set of safety regulations being promulgated.

Regulations should require on all new drilling and production operations, and when practicable, on existing operations, the best available and safest technology.

The Secretary of Labor is to promulgate interim regulations pursuant to the Occupational Safety and Health Act as to diving activities in the waters above the Outer Continental Shelf and as to other unregulated hazardous working conditions. The Secretary of Labor is to maintain his responsibilities for the promulgation and enforcement of permanent occupational safety and health standards.

A compilation of safety and other regulations by any agency or department as to OCS activities are to be made available by the Secretary of the Interior to any interested person. Such a compilation of all safety regulations is to be revised and updated annually.

Section 22 (new)—Enforcement

All safety and environmental regulations are to be strictly enforced through regular inspections and other procedures.

All lease or permit holders are responsible for compliance with all regulations and standards as to any activity and are to insure that all places of employment are free from hazards to any worker. Regular inspections (including underwater investigations) are mandated, at least once a year, as well as are unannounced visits and testing of safety equipment.

A major investigation by the Coast Guard is required for every fire and major oil spillage. A major investigation is required by the Labor Department (through OSHA) for every death or serious injury.

Any person may file an allegation as to a violation of safety regulations. An investigation of the allegation, with full power to secure evidence, must be undertaken by the Secretary of the Interior, Secretary of the Department in which the Coast Guard is operating, or Secretary of Labor (through OSHA), and answers to the allegations must be submitted within ninety days.

If the Secretary finds, after notice and hearing, that the owner or operator of any lease has, by a repeated course of conduct, failed to comply with safety regulations or has established an overall pattern in failing to comply with other regulations dealing with the maximum, efficient, safe development of leases, he shall cancel any such lease or leases.

Section 23 (new)—Citizens suits, court jurisdiction and judicial review

Citizen Suits

Citizen suits are authorized by one having an interest that can be adversely affected against the relevant government agency or department, or against any other person for a violation of the Act, implementing regulations, or terms of a lease or permit. The head of the affected agency or department is allowed to intervene in a suit against a third party, and must receive notice of the citizens suit. Such citizens suit shall have precedence in the courts, and the courts shall be able to award the costs of litigation, including attorneys' fees.

District Court Jurisdiction is maintained for cases or controversies arising out of activities in the outer Continental Shelf, including exploration, development or production, cancellation, suspension or termination, or rights to natural resources.

Judicial Review

Judicial review of a leasing program, an exploration plan, and a development plan, is allowed in the United States Court of Appeals. However, a person can only be eligible to participate in judicial review if he has participated in the administrative procedures leading up to decisions on those programs and plans. The judicial review procedure will be an exclusive review procedure for decisions on those programs and plans, and citizen suits will not be permitted. The review would only be on the record in the Court and not involve new hearings.

Section 24 (new)—Remedies and penalties

The Secretary of the Interior, or the Coast Guard, or OSHA, can request the Attorney General, or the United States Attorney, to file a civil action to enjoin activities or to enforce provisions of the Act or any implementing regulations or orders.

A person who fails to comply with the Act of implementing regulations shall be liable for a civil penalty of $10,000 for each day of failure. A person who knowingly and willfully violates the Act, or implementing regulations, or makes any false statement in a required document, or falsifies, tampers with or renders inaccurate any monitoring device, or reveals any data or information required to be confidential, shall be punished by a fine of not more than $100,000 or by imprisonment of not more than ten years, or both. If a corporation knowingly and willfully violates these provisions, any officer or agent who knowingly and willfully authorized the order to carry out the violation shall also be subject to the same fines and penalties.

Section 25 (new)—Oil and gas development and production

Prior to development and production of oil and gas pursuant to a lease, except in the Gulf of Mexico or Santa Barbara Channel, a lessee is to submit a development and production plan describing specific work to be undertaken, all offshore facilities and operations proposed by the lessee or known by him, environmental and safety protections, the rate of development and production, a time schedule for performance, and other relevant information. In addition, he is to prepare a statement describing all facilities and operations, other than on the outer Continental Shelf, proposed and known by him which will be constructed or utilized in development or production of oil and gas from a lease area, including the location and site of such facilities, the land, labor, material and energy requirements, and all environmental and safety protections.

Within ten days after receipt of the plan, the Secretary is to submit such plan and statement, except for confidential or privileged information, to any affected state and to any appropriate regional board, and make it available to the public.

At least once in every major lease area, there must be an environmental impact statement and a hearing prior to approval of development and production. The actual timing and number of statements and hearings is left to NEPA, but it must occur at least once in every area or region where there is major development and the Secretary can require the lessees on adjacent or nearby adjacent leasing areas to submit preliminary plans to be included in the NEPA review process at the same time.

If NEPA procedures are not ordered by the Secretary, the development plan is to be reviewed by the Governors, any regional body, and any other interested person, and they may submit comments and recommendations within ninety days after release of the plan.

In response to the comments and recommendations, and the NEPA process, if any, the Secretary has sixty days after the release of the final environmental impact statement, or 120 days after the Governor and local government entity review, to approve, disapprove or require modifications of the plan. Any modifications shall, to the extent possible, be consistent with coastal zone management programs.

The Secretary shall only disapprove a plan if it is shown that the lessee cannot comply with the requirements of the Act, or other federal law; if the plan is not and cannot be made consistent with coastal zone management programs of affected states; or if because of exceptional geological conditions, resource values, or other exceptional circumstances, the plan cannot be made to ensure a safe operation. If the plan is disapproved because it cannot be modified so as to be safe, the lease is to be extended for up to five years, during which time the lessee may reapply or be required by the Secretary to reapply for approval of a plan. At the end of the five years, or earlier if the lessee requests, if a plan, proposed in good faith, has not been approved, the lease is to be cancelled and the lessee entitled to appropriate compensation, as defined.

The Secretary is given the right to periodically review and revise any plan. Failure of the lessee to submit a plan, or comply with an approved plan, after a reasonable period for corrective action and a hearing, can result in termination or cancellation of the lease, subject of course to judicial review.

Section 26 (new)—Outer Continental Shelf oil and gas information program

Any lessee or permittee conducting activity under the Act shall provide the Secretary access to all data obtained from such activity and shall provide copies of such specific data and interpretations as required by the Secretary.

As soon as practicable after information provided to the Secretary is obtained, processed, analyzed and interpreted, the Secretary shall make available to affected states relevant reports, raw data, and a summary of data to assist them in planning for onshore impacts. Such a summary shall include estimates of reserves, size and timing of development if any, location of pipelines, and location and nature of onshore facilities. The Secretary is to prescribe regulations for confidentiality.

The Governor of any affected state may designate an appropriate official to inspect, at a regional location, any privileged information, but only after the awarding of a lease covering the area in which such activity was conducted. Knowledge obtained by such state shall be subject to the applicable confidentiality requirements.

The Secretary, in cooperation with the Secretary of Commerce, is to maintain a current series of maps, charts, and reports on the characteristics of OCS areas.

Section 27 (new)—Federal purchase and disposition of oil and gas

The Secretary is authorized to receive OCS royalty or net profit shares in oil or gas and to purchase up to 16⅔'s of the production. However, the Secretary may not purchase oil and gas unless the royalty or net profit share is less than 16⅔'s of the production.

Oil and gas is to be sold at the regulated price, if any, or pursuant to current provisions of law providing for mandatory alloca-

tion. If no such regulated price or no such mandatory allocation is in existence, oil is to be sold at fair market price, as defined, and through competitive bidding, and may be limited to go to small refiners. If no regulated price or mandatory allocation procedures exist, gas is to be sold at at least fair market price through competitive bidding, but may be limited to go to specific needy geographic regions.

Section 28 (new)—Limitations on export

Oil and gas produced shall be subject to the Export Administration Act of 1969 and the President must make specific findings before any such oil and gas can be exported.

Section 29 (new)—Restrictions on employment

No GS–16, or higher, Interior Department employee who has responsibilities for OCS regulations, enforcement or policy, may be employed by any person, company or entity regulated under the OCS Act for two years following his termination of Interior Department employment.

TITLE III—OFFSHORE OIL POLLUTION FUND

Sections 301 to 322 provide for procedures in the event of an oil spill and compensation for damages resulting from such an oil spill. The provisions of this title apply to spills from any offshore facility in the OCS, any transportation device, including vessels, for the oil and gas from the offshore facility.

The person in charge of the offshore facility or vessel must notify the Secretary of the Department in which the Coast Guard is operating as to any discharge, as failure to notify can result in a fine or imprisonment.

Procedures are established for the clean-up of spills, and the lessee or operator of the vessel is to be strictly liable for all clean-up costs. A lessee or operator of a vessel is strictly liable, with limited exceptions for acts of war, or negligent or intentional acts of a third party, for all damages resulting from a spill up to $35,000,000. An offshore pollution compensation fund is established within the Coast Guard, with a revolving account within the Treasury, to pay for all damages above $35,000,000. The fund is to be financed by a three-cents-per-barrel fee until the amount is between $100,000,000 and $200,000,000 in the discretion of the Secretary of the department in which the Coast Guard is operating, and additional borrowing authority up to $500,000,000 is granted.

Rules and regulations are to be promulgated as to the financial responsibility of a lessee, the filing of, adjudication of, and payment for claims. A claim cannot be presented to the fund unless there has been denial of liability by the alleged spiller, or if there has been no settlement within sixty days.

The Title would not preempt the field of liability from the states. However, no claimant could doubly recover for damages or costs.

TITLE IV—MISCELLANEOUS PROVISIONS

Section 401—Review of shut-in or flaring wells

Within six months after the date of enactment of the OCS Lands Act of 1977, and in the annual report thereafter, the Secretary is to list all shut-in oil and gas wells and wells flaring natural gas. The Comptroller General is to review and evaluate the methodology used by the Secretary in allowing the wells to be shut-in or to flare natural gas.

Section 402—Review and revision of royalty payments

Within ninety days after the date of enactment of the OCS Lands Act of 1977, and annually thereafter, the Secretary of the Interior is to report delinquent royalty accounts on leases issued under the Act and what new procedures should be adopted to insure payment of such royalty and net profits.

Section 403—Natural gas distribution

The Federal Power Commission is to permit any natural gas distribution company involved in OCS development and production to transport natural gas it obtains to its service area.

Section 404—Anti-discrimination

Every agency responsible for regulations under the OCS Act of 1953, or the OCS Amendments of 1977, shall take necessary steps to assure that activities and employment shall be non-discriminatory.

Section 405—Sunshine in Government

All Interior Department personnel involved in OCS actions or activities are to file written statements of any financial interest in any person or entity subject to, or seeking to be subject to, the provisions of the OCS Act of 1953, and the OCS Amendments of 1977. Implementing rules and regulations are required, and limited exemptions are permitted. Violations of the reporting requirements are punishable as offenses.

Section 406—Relationship to existing law

Unless specifically described in the Act, nothing is to be construed to amend, modify or repeal any provision of the Coastal Zone Management Act, the National Environmental Policy Act, or the Mining and Mineral Act.

PROPOSED MUNICIPAL SECURITIES FULL DISCLOSURE ACT OF 1977

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MURPHY of New York. Mr. Speaker, today I am introducing a bill to amend the Securities Exchange Act of 1934 to upgrade the quality and uniformity of financial and other information concerning State and local laws.

Since 1933, municipal securities have been expressly exempt from the full disclosure requirements of our securities laws. As a result, municipal securities have been distributed under practices involving far less disclosure and recognition of fundamental investor protections than is the case for corporate issuers.

The reason for the original exemptions are not well documented in legislative history, but the factors which seem to have influenced the 73d Congress when it considered the Securities Act of 1933 were the rare instances of misrepresentation by municipalities, and the belief that investors in municipal securities were sophisticated institutions, such as banks and fire and casualty companies, who were able to look after their own interests.

In the succeeding 43 years, substantial changes have taken place in the municipal securities markets. First of all, an increasingly large proportion of municipal debt has been sold to individuals of small and moderate means. Rising personal incomes and significant increases in municipal bond interest rates have caused a major upsurge in private investor interest—the very category of investors intended to receive the protection mandated by our securities laws.

Second, the New York City financial crisis has left in its wake serious disruptions and uncertainties. Investors learned that municipal obligations, which heretofore had been considered second only to U.S. Government securities in safety, were not riskless. They became aware that access to the ad valorem taxing power is no guarantee of prompt repayment. As a result, some State and local governments have not been able to get to the market at all; others have only been able to sell new issues at extraordinarily high interest rates. In some cases, underwriters have declined to bid on issues where they have been unable to satisfy their legal duties to prospective investors. And banks and other institutional investors have greatly reduced their participation in both the primary and second markets, substantially straining the formerly highly efficient operations of the primary municipal bond markets.

Finally, the dimensions of this component of our capital markets has enormously expanded, and municipal securities are much more important in relation to total securities being issued and outstanding. In 1933, the expenditures for State and local governments approximated $7 billion. In 1976, such expenditures exceeded $200 billion. Long- and short-term municipal obligations issued in 1976 alone, will exceed $60 billion. Clearly, the interests of investors in municipal securities can no longer be separated from the interests of investors in other securities, since all securities tend to compete for investor dollars.

In summary, the bill provides as follows:

First, issuers of municipal securities with an aggregate principal amount of securities outstanding exceeding $50 million would be required to prepare, but not file with the Securities and Exchange Commission, annual reports. General information to be included in the reports is enumerated and would include financial statements audited and reported on by an independent public or certified accountant as prescribed by the Commission. Although the Commission would have rulemaking authority to require the inclusion of other information in the annual report, the Commission's discretion is limited by carefully drawn statutory language.

Second, the bill would require distribution statements to be prepared by issuers prior to the public offer or sale of an issue of securities exceeding $5,000,000 The contents of the distribution statement are specified and the Commission would be empowered to insure their proper dissemination. It is anticipated that distribution statements would, to the maximum extent possible, incorporate information available in the annual report, although the Commission would have latitude in prescribing additional content. However, these statements would not be filed with the Securities and Exchange Commission.

Third, the bill would expressly recognize the initiatives some States have taken in closely supervising the marketing of local government bonds and encourage the further development of this pattern. Thus, where the offer or sale of municipal securities has been approved by a State authority, an exemption from the requirements of this bill would be available. Other exemptions are available for issuers satisfying the criteria specified in various sections of the Securities Act of 1933.

Fourth, the Commission would be authorized to establish the accounting standards and practices to be followed in the preparation of financial statements.

Fifth, the bill would authorize the Securities and Exchange Commission to assure the annual reports and distribution statements required by the bill are made available to investors and others.

Finally, the bill would limit the liability of underwriters of municipal securities in a manner similar to that provided by section 11(e) of the Securities Act of 1933.

PUBLICATION OF RULES OF PROCEDURE OF COMMITTEE ON HOUSE ADMINISTRATION

Mr. THOMPSON. Mr. Speaker, pursuant to rule XI, clause 2(a), of the Rules of the House of Representatives, the Rules of Procedure of the Committee on House Administration are submitted for publication in the CONGRESSIONAL RECORD.

RULES OF PROCEDURE OF THE COMMITTEE ON HOUSE ADMINISTRATION, 95TH CONGRESS, U.S. HOUSE OF REPRESENTATIVES

(Adopted, January 26, 1977)

COMMITTEE ON HOUSE ADMINISTRATION

Frank Thompson, Jr., New Jersey, *Chairman*.
John H. Dent, Pennsylvania.
Lucien N. Nedzi, Michigan.
John Brademas, Indiana.
Augustus F. Hawkins, California.
Frank Annunzio, Illinois.
Joseph M. Gaydos, Pennsylvania.
Ed Jones, Tennessee.
Robert H. Mollohan, West Virginia.
Lionel Van Deerlin, California.
Joseph G. Minish, New Jersey.
Mendel J. Davis, South Carolina.
Charles Rose, North Carolina.
John L. Burton, California.
Edward W. Pattison, New York.
Leon E. Panetta, California.
Joseph S. Ammerman, Pennsylvania.
William L. Dickinson, Alabama.
Samuel L. Devine, Ohio.
James C. Cleveland, New Hampshire.
Charles E. Wiggins, California.
J. Herbert Burke, Florida.
Bill Frenzel, Minnesota.
Dave Stockman, Michigan.
Robert E. Badham, California.

William H. Cable, *Staff Director and Associate;* Robert E. Moss, *General Counsel;* Robert M. McGuire, *Auditor*.

RULE NO. 1—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of House Rules and (subject to the adoption of expense resolutions as required by Rule XI, clause 5 of House Rules) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under Rule X and XI of the House Rules during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE NO. 2—REGULAR AND SPECIAL MEETINGS

(a) The regular meeting date of the Committee on House Administration shall be the first Wednesday of every month when the House is in session. Clause 2(b) of Rule XI of the House. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the Members of the Committee in accordance with Clause 2(c) of Rule XI of the House of Representatives. The determination of the business to be considered at each meeting shall be made by the Chairman subject to Clause 2(c) of Rule XI of the House of Representatives. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the Chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at the meeting.

(c) The committee may not sit, without special leave, while the House is reading a measure for amendment under the 5-minute rule.

RULE NO. 3—OPEN MEETINGS

As required by Clause 2(g), Rule XI, each meeting for the transaction of business, including the markup of legislation, of the Committee or its subcommittees, shall be open to the public except when the Committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, However*, that no person other than members of the Committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public. This provision does not apply to any meeting that relates solely to internal budget or personnel matters.

RULE NO. 4—RECORDS AND ROLLCALLS

(a) The result of each rollcall vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices, including a description of the amendment, motion, order or other proposition; the name of each Member voting for and against, and whether by proxy or in person, and the Members present but not voting.

(b) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto.

(c) In order to facilitate Committee compliance with Paragraph (e)(1) of Clause 2, Rule XI, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each such rollcall vote shall be promptly made available to the full Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order or proposition, and whether by proxy or in person, and the names of those Members present but not voting.

(d) All subcommittee hearings, records, data charts, and files, shall be kept distinct from the congressional office records of the Member serving as chairman of the subcommittee. Such records shall be coordinated with the records of the full Committee, shall be the property of the House, and all Members of the House shall have access thereto.

RULE NO. 5—PROXIES

A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing and in the hands of the chief clerk of the committee or the clerk of the subcommittee, as the case may be, during each rollcall in which such member's proxy is to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. The member does not have to appear in person to present the proxy.

RULE NO. 6—POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI the committee, or any subcommittee thereof, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

(b)(1) A subpoena may be authorized and issued by a committee or subcommittee under subparagraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpoena issued by the committee or subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

RULE NO. 7—QUORUMS

No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating Committee orders, or changing the Rules of the Committee, the quorum shall be one-third of the members of the Committee. For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

RULE NO. 8—HEARING PROCEDURES

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least 1 week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the

case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witness in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraphs (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. 9—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a)(1) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each roll call vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include.

(1) the oversight findings and recommendations required pursuant to the last sentence of clause 2(b)(1) of Rule X of the House separately set out and clearly identified;

(2) the statement required by section 308 (a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures:

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of Rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days, commencing on the day on which the measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (3) and (4) of subparagraph (c)) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(f) If hearings have been held on any such measure or matter so reported, the committee shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House.

RULE NO. 10—SUBCOMMITTEE OVERSIGHT

The standing subcommittees of the committee shall conduct oversight of matters within their jurisdiction in accordance with Rule X, clauses 2 and 3 of the Rules of the House of Representatives.

RULE NO. 11—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing program and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, on or before March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide

any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. 12—BROADCASTING OF COMMITTEE HEARINGS

The rule for the broadcasting of committee hearings shall be the same as Rule XI, clause 3 of the Rules of the House of Representatives.

RULE NO. 13—COMMITTEE AND SUBCOMMITTEE STAFF

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the staff of the Committee on House Administration shall be appointed as follows:

A. The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman within the budget approved for the subcommittee by the full committee;

B. The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee;

C. The employees of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the Chairman within the budget approved for such purposes by the committee.

RULE NO. 14—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee of any Subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is to be made;

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conference involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States shall be initiated by the Chairman and shall be limited to members and permanent employees of the committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. 15—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be seven Standing Subcommittees. The jurisdiction of those Subcommittees shall be:

Subcommittee on Accounts.—Internal Budget matters; expenditures from the Contingent Fund.

Subcommittee on Libraries and Memorials.—Matters relating to Library of Congress, Smithsonian Institution, House Library, statuary and pictures, acceptance or purchase of works of art for the Capitol, Botanic Gardens and erection of monuments.

Subcommittee on Printing.—Matters pertaining to cost of printing, Government Printing Office, depository libraries, material printed in Congressional Record, executive papers, and authorization for printing Army Engineers' reports.

Subcommittee on Personnel and Police.—Matters pertaining to salary of Scheduled House employees and Police, and number of positions.

Subcommittee on Contracts.—Matters pertaining to contracts for goods and services.

Subcommittee on Services.—Matters pertaining to parking facilities, Restaurant facilities, Barber and Beauty Shop facilities, and other House services.

Subcommittee on Office Systems.—Matters pertaining to furniture, electrical and mechanical office equipment and other accoutrements for use in the office of Members, Officers or Committees and matters pertaining to the development of management systems for such offices.

(b) The Chairman of the Committee may appoint such Ad Hoc Subcommittees as he deems appropriate.

(c) The Chairman of the Committee and the Ranking Minority Member shall serve as exofficio members without vote of all subcommittees of the committee unless either Member is appointed as a voting member of any subcommittee.

RULE NO. 16—POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the chairman of the full Committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of Committee or subcommittee meetings or hearings wherever possible. It shall be the practice of the Committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full Committee. In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the Chairman through the Staff Director of the Committee.

RULE NO. 17—REFERRAL OF LEGISLATION TO SUBCOMMITTEES

All legislation and other matters referred to the Committee shall be referred by the Chairman to the subcommittee of appropriate jurisdiction within 2 weeks, unless by majority vote of the members of the full Committee, consideration is to be otherwise effected. The Chairman may refer the matter simultaneously to two or more subcommittees, consistent with Rule XV, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations), or divide the matter into two or more parts and refer each such part to a different subcommittee, or refer the matter pursuant to Rule X to an ad hoc subcommittee appointed by the Chairman for the specific purpose of considering that matter and reporting to the full committee thereon, or make such other provisions as may be considered appropriate. The Chairman may designate a subcommittee chairman or other Member to take responsibility as "floor manager" of a bill during its consideration in the House.

RULE NO. 18—OTHER PROCEDURES AND REGULATIONS

The Chairman of the full Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

RULE NO. 19—DESIGNATION OF CLERK OF THE COMMITTEE

For the purposes of these rules and the Rules of the House of Representatives, the Staff Director of the Committee shall act as the Clerk of the Committee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COLEMAN) to revise and extend their remarks and include extraneous matter:)

Mr. ANDERSON of Illinois, for 1 hour, today.

Mr. KEMP, for 10 minutes, today.

Mr. BAUMAN, for 15 minutes, today.

Mr. GOLDWATER, for 15 minutes, today.

(The following Members (at the request of Mr. EVANS of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. AUCOIN, for 5 minutes, today.

Mr. CAVANAUGH, for 10 minutes, today.

Mr. FRASER, for 15 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. METCALFE, for 10 minutes, today.

Mr. STOKES, for 5 minutes, today.

Mr. CHARLES H. WILSON of California, for 60 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. CARR, for 5 minutes, today.

Mr. JONES of Oklahoma, for 5 minutes, today.

Mr. GORE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MURPHY of New York, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $858.

(The following Members (at the request of Mr. COLEMAN) and to include extraneous matter:)

Mr. GOLDWATER in three instances.
Mr. MCKINNEY.
Mr. CRANE in two instances.
Mr. ARMSTRONG.
Mr. DERWINSKI in two instances.
Mr. COHEN.
Mr. STEIGER.
Mr. FORSYTHE.
Mr. KEMP.
Mr. ABDNOR in three instances.
Mr. RUPPE.
Mr. MARTIN.
Mr. COLLINS of Texas in three instances.
Mr. HANSEN in three instances.

(The following Members (at the request of Mr. EVANS of Georgia) and to include extraneous matter:)

Mr. HAMILTON.
Mr. ROSENTHAL.
Mr. RYAN.
Mr. JACOBS.
Mr. FISHER in two instances.
Mr. DINGELL.
Mr. LEHMAN in 10 instances.
Mr. VAN DEERLIN.
Mr. MAZZOLI.
Mr. MOLLOHAN.
Mr. WALGREN in five instances.
Mr. HARRIS in 10 instances.
Mrs. SCHROEDER in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. BROWN of California in 10 instances.
Mr. BINGHAM in 10 instances.
Mr. BRODHEAD.
Mr. SOLARZ.
Mr. HAWKINS in two instances.
Mr. EVANS of Georgia.
Mr. COTTER.
Mr. DRINAN in two instances.
Mr. MCDONALD in two instances.
Mr. HUBBARD.
Mr. EILBERG.
Mr. HOWARD.
Mr. JONES of Oklahoma.
Mr. GORE.
Mr. NEDZI in two instances.
Mr. RAHALL in three instances.
Mr. THOMPSON.

ADJOURNMENT

Mr. EVANS of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, February 1, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

608. A letter from the Comptroller General of the United States, transmitting his review of the deferrals and the supplementary report revising previously reported deferrals contained in the message from the President dated January 7, 1977 (H. Doc. No. 95–32), pursuant to section 1014(b) and (c) of Public Law 93–344 (H. Doc. No. 95–66); to the Committee on Appropriations and ordered to be printed.

609. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

610. A letter from the Secretary of the Army, transmitting the annual report for calendar year 1976 on progress of the Army Reserve Officers' Training Corps flight instruction program, pursuant to 10 U.S.C. 2110; to the Committee on Armed Services.

611. A letter from the Director, Office of Legislative Affairs, Department of the Navy, transmitting notice of the intention of the Department of the Navy to sell a naval vessel to the Government of Greece, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

612. A letter from the Secretary of the Treasury, transmitting the annual report of the National Advisory Council on International Monetary and Financial Policies for fiscal year 1976 (H. Doc. No. 95–67); to the Committee on Banking, Finance and Urban Affairs and ordered to be printed with illustrations.

613. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction exceeding $60 million with the Societe Nationale pour la Production, le Transport, la Transformation et la Commercialisation des Hydrocarbures (SONATRACH), Algeria, pursuant to section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

614. A letter from the Chairman, The Renegotiation Board, transmitting the Board's 21st annual report, covering fiscal year 1976, pursuant to section 114 of the Renegotiation Act of 1951, as amended; to the Committee on Banking, Finance and Urban Affairs.

615. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 1–206, "To amend the Administrative Procedures Act regarding publication of the District of Columbia Register," pursuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

616. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 1–217, "To provide improved protection for blind pedestrians crossing roadways in the District of Columbia," pursuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

617. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 1–219, "To amend the District of Columbia Rental Accommodation Act of 1975," pursuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

618. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 1–220, "To provide for the registration of persons selling, supplying, or distributing motor fuels, for a prohibition on the operation of retail service stations by producers, refiners, and manufacturers, for nondiscriminatory use of voluntary allowances, equipment rental charges, and motor fuel apportionments, for certain non-waiverable conditions in marketing agreements, for certain rights, responsibilities, and remedies relative to the termination, cancellation, and nonrenewal of marketing agreements, for a moratorium on conversions to limited service retail service stations, and for other purposes"; to the Committee on the District of Columbia.

619. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 1–226, "To provide additional revenue for the District of Columbia, and for other purposes," pursuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

620. A letter from the senior vice president, Potomac Electric Power Co., transmitting the balance sheet of the company as of December 31, 1976, pursuant to section 8 of the act of March 4, 1913 (37 Stat. 979); to the Committee on the District of Columbia.

621. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report on actions taken on recommendations contained in the report of the National Commission for Industrial Peace, dated May 3, 1974, pursuant to section 6(b) of the Federal Advisory Committee Act; to the Committee on Government Operations.

622. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of two new record systems and one altered record system for the Department of the Air Force, pursuant to 5 U.S.C. 552a (o); to the Committee on Government Operations.

623. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a draft of proposed legislation to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

624. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of major defense equipment sold commercially to the Federal Republic of Germany (Transmittal No. MC–23–77), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on International Relations.

625. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of major defense equipment sold commercially to Japan (Transmittal No. MC–25–77), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on International Relations.

626. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, Department of State, transmitting a report on the international disaster assistance program, pursuant to section 492 of the Foreign Assistant Act of 1961, as amended; to the Committee on International Relations.

627. A letter from the Chairman, Board for International Broadcasting, transmitting the Board's third annual report, covering the period July 1, 1975, through January 30, 1977, pursuant to section 4(a)(8) of Public Law 93–129, as amended (90 Stat. 833); to the Committee on International Relations.

628. A letter from the Acting Assistant General Counsel for International, Conservation, and Resource Development Programs, Federal Energy Administration, transmitting notice of a meeting related to the International Energy Program on January 27 and 28, 1977, at New York, N.Y.; to the Committee on Interstate and Foreign Commerce.

629. A letter from the Assistant Secretary of Defense (Manpower and Reserve Affairs), transmitting a report on Department of Defense positions in grades GS–16, 17, and 18 during calendar year 1976, and a report on

scientific and professional positions, pursuant to section 5114(a) and 3104(c), respectively, of title 5 of the United States Code; to the Committee on Post Office and Civil Service.

630. A letter from the Secretary, Railroad Retirement Board, transmitting a report on Board positions in grades GS–16, 17, and 18 during calendar year 1976, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

631. A letter from the Administrator of General Services, transmitting the annual report on architectural barriers standards development and implementation by the General Services Administration, the Department of Defense, the U.S. Postal Service, and the Department of Housing and Urban Development, pursuant to section 7(a) of Public Law 90–480, as amended (90 Stat. 2508); to the Committee on Public Works and Transportation.

632. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report on the study of the advisability of submitting the President's Budget and enacting budget authority in advance of the current timetable, pursuant to section 502(c) of Public Law 93–344; jointly, to the Committees on Government Operations, Appropriations, and the Budget.

633. A letter from the Comptroller General of the United States, transmitting a report on problems with the Department of Housing and Urban Development's section 8 leased-housing program; jointly, to the Committees on Government Operations, and Banking, Finance and Urban Affairs.

634. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the Federal enhanced oil and gas recovery research, development, and demonstration program; jointly, to the Committees on Government Operations, and Science and Technology.

635. A letter from the Comptroller General of the United States, transmitting a report on NASA's project status reporting system; jointly, to the Committees on Government Operations, Science and Technology, and Appropriations.

636. A letter from the Chairman, Federal Election Commission, transmitting a copy of correspondence with the Office of Management and Budget concerning the Commission's fiscal year 1978 budget request, pursuant to section 310(d)(1) of the Federal Election Campaign Act, as amended; jointly, to the Committees on House Administration, and Appropriations.

637. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice of the proposed use of funds appropriated to NASA for fiscal years 1975 and 1977 for "Space flight operations" in the fiscal year 1977 Space Shuttle program, pursuant to section 4 of the NASA Authorization Acts, 1975 and 1977; jointly, to the Committees on Science and Technology, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Iowa: Committee on Small Business. H.R. 2647. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan limitations and to increase surety bond authorizations (Rept. No. 95–2). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 2663. A bill to provide financial assistance to local educational agencies located in whole or in part within an area in which an emergency exists; to the Committee on Education and Labor.

H.R. 2664. A bill to amend the Indian Claims Act of August 13, 1946, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2665. A bill to allow Federal employment preference to certain employees of the Bureau of Indian Affairs, and to certain employees of the Indian Health Service, who are not entitled to the benefits of, or who have been adversely affected by the application of, certain Federal laws allowing employment preference to Indians; to the Committee on Post Office and Civil Service.

By Mr. ARMSTRONG:

H.R. 2666. A bill to repeal the provisions of law allowing automatic cost-of-living adjustments in the salaries of Members of Congress and certain other legislative, executive, and judicial offices and positions; to the Committee on Post Office and Civil Service.

By Mr. BOWEN:

H.R. 2667. A bill to amend title 10 of the United States Code in order to provide that no veteran may be denied care or treatment under the CHAMPUS program for any service-connected disability solely because care or treatment for such disability is available at Veterans' Administration medical facilities; to the Committee on Armed Services.

H.R. 2668. A bill to authorize recomputation at age sixty of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

H.R. 2669. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

H.R. 2670. A bill to amend title II of the Social Security Act to provide for the entitlement of disabled widows and widowers to unreduced widow's and widower's insurance benefits without regard to age; to the Committee on Ways and Means.

H.R. 2671. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period for disability benefits, to liberalize the earnings test, to permit adopted children to qualify for benefits without regard to time of adoption, to eliminate the reconsideration stage in benefit determinations, to provide for the issuance of duplicate benefit checks where the initial checks are lost or delayed, and to provide for expedited benefit payments to disability beneficiaries; to the Committee on Ways and Means.

By Mr. BROYHILL (for himself, Mr. OTTINGER, Mrs. LLOYD of Tennessee, Mr. WHITLEY, Mr. O'BRIEN, Mr. SEBELIUS, Mr. CHARLES WILSON of Texas, Mr. PATTEN, Mr. DAN DANIEL, Mr. SIMON, Mr. CONTE, Mr. LOTT, Mr. JONES of North Carolina, Mr. STOCKMAN, Mr. GLICKMAN, Mr. HUGHES, Mr. MINETA, Mr. BEDELL, Mr. TREEN, and Mr. MCKINNEY):

H.R. 2672. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for services furnished by physician extenders; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. BUCHANAN (for himself, Mr. BEVILL, and Mr. DICKINSON):

H.R. 2673. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BURLESON of Texas:

H.R. 2674. A bill to repeal the carryover basis provisions added by the Tax Reform Act of 1976; to the Committee on Ways and Means.

By Mr. CARR (for himself and Mr. RUPPE):

H.R. 2675. A bill to amend section 107 of the Energy Reorganization Act of 1974 (42 U.S.C. 5817) to delegate power to State legislatures to veto Energy Research and Development Administration site selection for radioactive waste storage; to the Committee on Interior and Insular Affairs.

By Mr. CARTER:

H.R. 2676. A bill to amend title 38 of the United States Code to provide that veterans' pension and compensation will not be reduced as a result of certain increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. CARTER (for himself and Mr. MAZZOLI):

H.R. 2677. A bill to amend section 142 of title 28, United States Code, relating to the furnishing of accommodations to judges of the courts of appeals of the United States; to the Committee on the Judiciary.

By Mr. CHAPPELL:

H.R. 2678. A bill to amend chapter 49 of title 10, United States Code, to prohibit union organization in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. COCHRAN (for himself, Mr. BROYHILL, Mr. CARTER, Mr. DAVIS, Mr. DORNAN, Mr. MOORHEAD, of California, Mr. RAHALL, and Mr. RYAN):

H.R. 2679. A bill to amend the Internal Revenue Code of 1954 to exempt from taxation the pay received by members of the National Guard or of reserve components of the Armed Forces to the extent that such pay does not exceed $5,000; to the Committee on Ways and Means.

By Mr. COLLINS of Texas:

H.R. 2680. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in higher education; to the Committee on Ways and Means.

H.R. 2681. A bill to amend the Internal Revenue Code of 1954 to allow individuals an income tax credit for certain expenses of elementary or secondary education; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 2682. A bill to amend section 1951, title 18, United States Code, Act of July 3, 1946; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 2683. A bill to amend title I of the Housing and Community Development Act of 1974 for the purpose of adding a population-density factor to the definition of urban county currently utilized in such title; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DANIELSON:

H.R. 2684. A bill to amend section 204 of the Federal Water Pollution Control Act to

authorize the use of ad valorem taxes to satisfy the user charge system requirement; to the Committee on Public Works and Transportation.

By Mr. DAVIS:

H.R. 2685. A bill to provide recomputation of the retired pay of persons who served as sergeant major of the Marine Corps before December 16, 1967; to the Committee on Armed Services.

H.R. 2686. A bill to amend title 10, United States Code, to make certain changes in the retired serviceman's family protection plan and the survivor benefit plan as authorized by chapter 73 of that title, and for other purposes; to the Committee on Armed Services.

By Mr. DE LA GARZA:

H.R. 2687. A bill to amend the Internal Revenue Code of 1954 to treat a portion of tuition paid to certain educational institutions as a charitable contribution; to the Committee on Ways and Means.

By Mr. DE LUGO:

H.R. 2688. A bill to amend title XVI of the Social Security Act and related provisions of law to extend the supplemental-security income benefit program to Puerto Rico, the Virgin Islands, and Guam on the same basis as the States; to the Committee on Ways and Means.

H.R. 2689. A bill to extend to certain uninsured residents of the United States in Puerto Rico, the Virgin Islands, and Guam the social security benefits normally provided to individuals who have attained age 72 and who fulfill other special conditions; to the Committee on Ways and Means.

H.R. 2690. A bill to amend the public assistance provisions of the Social Security Act to provide that benefits thereunder, including supplemental security income benefits, shall be made available and financed in the case of Guam and the Virgin Islands on the same basis as in the case of other States; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. DERRICK:

H.R. 2691. A bill to amend the Internal Revenue Code of 1954 to allow a refundable tax credit equal to 50 percent of the wages paid to certain new employees; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 2692. A bill to suspend for 2 years the duty on wood excelsior imported from Canada; to the Committee on Ways nad Means.

By Mr. DUNCAN of Tennessee:

H.R. 2693. A bill to require in all cases court orders for the interception of communications by electronic and other devices, for the entering of any residence, for the opening of any mail, for the inspection or procurement of certain records, and for other purposes; to the Committee on the Judiciary.

H.R. 2694. A bill to provide for additional sentences for commission of a felony with use of a firearm; to the Committee on the Judiciary.

H.R. 2695. A bill to reduce the level of Federal employment to the level which existed on July 1, 1975; to the Committee on Post Office and Civil Service.

H.R. 2696. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation to handicapped persons and persons who are 65 years of age or older, to amend the Interstate Commerce Act to authorize free or reduced-rate transportation for persons who are 65 years of age or older, and to provide new and improved transportation programs for the handicapped and the elderly; to the Committee on Public Works and Transportation.

H.R. 2697. A bill to amend section 15d of the Tennessee Valley Authority Act of 1933 to provide that expenditures for pollution control facilities will be credited against required power investment return payments and repayments; to the Committee on Public Works and Transportation.

H.R. 2698. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in higher education; to the Committee on Ways and Means.

By Mr. EILBERG:

H.R. 2699. A bill to provide for grants to States for the payment of compensation to persons injured by certain criminal acts and omissions, and for other purposes; to the Committee on the Judiciary.

By Mr. FISHER (for himself, Mr. FAUNTROY, Mr. HARRIS, Mrs. SPELLMAN, and Mr. STEERS):

H.R. 2700. A bill to amend the Act of February 9, 1821, to restate the charter of the George Washington University; to the Committee on the District of Columbia.

By Mr. FISHER (for himself, Mr. ANNUNZIO, Mr. BADHAM, Mr. BAUCUS, Mr. BEDELL, Mr. BOLAND, Mr. BRODHEAD, Mr. BROWN of California, Mrs. BURKE of California, Ms. CHISHOLM, Mr. CLAY, Mr. CLEVELAND, Mr. COUGHLIN, Mr. DAN DANIEL, Mr. DAVIS, Mr. DELANEY, Mr. DERWINSKI, Mr. DOWNEY, Mr. EDGAR, Mr. EILBERG, Mr. ERTEL, Ms. FENWICK, Mr. FOUNTAIN, Mr. GIBBONS, and Mr. HANNAFORD):

H.R. 2701. A bill to eliminate the complete immunity from criminal, civil, and administrative jurisdiction currently given to all foreign diplomats and their staffs and to establish the Vienna Convention on Diplomatic Relations as the basis for diplomatic privileges and immunities in the United States; to the Committee on International Relations.

By Mr. FISHER (for himself, Mr. HARRIS, Mr. HAWKINS, Mr. HEFTEL, Mr. HUBBARD, Mr. HUGHES, Mr. KETCHUM, Ms. KEYS, Mr. LAGOMARSINO, Mr. LENT, Mr. LONG of Maryland, Mr. LUKEN, Mr. MARLENEE, Mr. MARTIN, Mr. MAZZOLI, Mr. MCDONALD, Mr. MCHUGH, Mrs. MEYNER, Mr. MILLER of Ohio, Mr. MOLLOHAN, Mr. NEAL, Mr. NEDZI, Mr. OTTINGER, Mr. PRITCHARD, and Mr. ROE):

H.R. 2702. A bill to eliminate the complete immunity from criminal, civil, and administrative jurisdiction currently given to all foreign diplomats and their staffs and to establish the Vienna Convention on Diplomatic Relations as the basis for diplomatic privileges and immunities in the United States; to the Committee on International Relations.

By Mr. FISHER (for himself, Mr. BURKE of Florida, Mr. CARR, Mr. DRINAN, Mr. DUNCAN of Oregon, Mr. EDWARDS of California, Mr. MURPHY of Pennsylvania, Mr. ROSE, Mr. SCHEUER, Mr. SISK, Mrs. SPELLMAN, Mr. STEERS, Mr. TREEN, Mr. WAXMAN, Mr. WHITEHURST, Mr. CHARLES WILSON of Texas, and Mr. WON PAT):

H.R. 2703. A bill to eliminate the complete immunity from criminal, civil, and administrative jurisdiction currently given to all foreign diplomats and their staffs and to establish the Vienna Convention on Diplomatic Relations as the basis for diplomatic privileges and immunities in the United States; to the Committee on International Relations.

By Mr. FISHER (for himself, Mr. BAUCUS, Mr. BROWN of California, Mr. BUTLER, Mr. CORRADA, Mr. DAVIS, Mr. EDGAR, Mr. ERTEL, Mr. HARRIS, Mr. HEFTEL, Mr. LAFALCE, Mr. LEVITAS, Mr. LONG of Maryland, Mr. MCKINNEY, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MOTTL, Mr. PREYER, Mr. RAHALL, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SIMON, Mrs. SPELLMAN, Mr. STEERS, and Mr. YOUNG of Florida):

H.R. 2704. A bill to provide that individuals who retired on disability before October 1, 1976, shall be entitled to the exclusion for disability payments under section 105(d) of the Internal Revenue Code of 1954 without regard to the income limitation in such section, and for other purposes; to the Committee on Ways and Means.

By Mr. GOLDWATER:

H.R. 2705. A bill to amend the Federal Aviation Act of 1958 relating to eligibility for aircraft registration; to the Committee on Public Works and Transportation.

H.R. 2706. A bill to amend the Internal Revenue Code of 1954 to exempt certain additional aircraft museums from Federal fuel taxes and the Federal tax on the use of civil aircraft, and for other purposes; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 2707. A bill to amend the Act of October 20, 1976, relating to payments to local governments based upon certain public lands within the boundaries of the jurisdiction of such governments, to include payments for lands on which certain semiactive or inactive military installations are located; jointly, to the Committees on Interior and Insular Affairs, and Armed Services.

By Mr. HAWKINS:

H.R. 2708. A bill to establish a select committee on Mexico-United States relations; to the Committee on Rules.

By Mr. HAWKINS (for himself, Mr. CORMAN, Mr. FORD of Tennessee, and Mr. ROYBAL):

H.R. 2709. A bill to amend the Tariff Schedules of the United States to raise the value limit for personal articles which may be imported duty free by returning residents, and for other purposes; to the Committee on Ways and Means.

By Mr. HAWKINS:

H.R. 2710. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for expenses incurred in contiguous less-developed countries; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 2711. A bill to amend title 28 of the United States Code to provide for the appointment of a special prosecutor in appropriate cases, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of Oklahoma:

H.R. 2712. A bill to provide authority to institute emergency measures to minimize the adverse effects of natural gas shortages, to provide authority to allocate propane, to regulate commerce to assure increased supplies of natural gas at reasonable prices for consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2713. A bill to amend the Internal Revenue Code of 1954 to relieve employers of 50 or less employees from the requirement of paying or depositing certain employment taxes more often than once each quarter; to the Committee on Ways and Means.

H.R. 2714. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to allow the use of a participant's contributions to a defined contribution plan as security for a loan from a bank or insured credit union; jointly, to the Committees on Education and Labor, and Ways and Means.

By Mr. KASTEN:

H.R. 2715. A bill to require that the U.S. Government prepare and make public annual consolidated financial statements utilizing the accrual method of accounting, and for other purposes; to the Committee on Government Operations.

By Mr. KASTENMEIER (for himself, Mr. RAILSBACK, Mr. BEDELL, Mr. COR-

CORAN, Mr. CORRADA, Mr. SARASIN, and Mr. ZEFERETTI):

H.R. 2716. A bill to require candidates for Federal office, Members of the Congress, and officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 2717. A bill to assure increased supplies of natural gas at reasonable prices; to the Committee on Interstate and Foreign Commerce.

By Ms. KEYS:

H.R. 2718. A bill to amend title II of the Social Security Act to increase to $4,800 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder, and to revise the method of determining such amount; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 2719. A bill to authorize the Secretary of the Interior to contract with the Middle Rio Grande Conservancy District of New Mexico for the payment of operation and maintenance charges on certain Pueblo Indian lands; to the Committee on Interior and Insular Affairs.

H.R. 2720. A bill to amend the Railroad Retirement Act of 1974 with respect to benefits payable to certain individuals who on December 31, 1974 had at least 10 years of railroad service and also were fully insured under the Social Security Act; to the Committee on Interstate and Foreign Commerce.

H.R. 2721. A bill for the relief of the Vermejo Conservancy District; to the Committee on the Judiciary.

By Mr. MITCHELL of Maryland:

H.R. 2722. A bill relating to collective bargaining representation of postal employees; to the Committee on Post Office and Civil Service.

By Mr. MOLLOHAN:

H.R. 2723. A bill to authorize the disposal of tin from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. MURPHY of New York:

H.R. 2724. A bill to amend the Securities Exchange Act of 1934 to require the preparation of annual reports and distribution statements by issuers of municipal securities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GARY A. MYERS (for himself, Mr. BEVILL, Mr. FISH, Mr. MARTIN, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. ROE, Mr. SCHEUER, Mr. BAUCUS, Ms. COLLINS of Illinois, Mr. CORRADA, Mr. DENT, Ms. MIKULSKI, Mr. MURTHA, Mr. SIMON, Mrs. SPELLMAN, Mr. MADIGAN, Mr. WALKER, Mr. BONIOR, and Mr. GORE):

H.R. 2725. A bill to provide for the Federal payment of State unemployment compensation benefits which are paid to individuals who are unemployed because of the natural gas shortage; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 2726. A bill to create the Young Adult Conservation Corps to complement the Youth Conservation Corps; to the Committee on Education and Labor.

H.R. 2727. A bill to provide for the appointment of additional district court judges, and for other purposes; to the Committee on the Judiciary.

H.R. 2728. A bill to amend title 38 of the United States Code so as to entitle veterans of the Mexican border period and of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively, and to increase pension rates; to the Committee on Veterans' Affairs.

By Mr. POAGE (for himself, Mr. ENGLISH, Mr. SEBELIUS, and Mr. THONE):

H.R. 2729. A bill to foster conservation of critical lands in the Great Plains area of the United States; to the Committee on Agriculture.

By Mr. ROUSSELOT:

H.R. 2730. A bill to extend the authority for the flexible regulations of interest rates on deposits and accounts in depository institutions; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2731. A bill to amend title 39, United States Code, to eliminate certain provisions relating to private carriage of letters, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ:

H.R. 2732. A bill to authorize Federal agencies to experiment with flexible and compressed employee work schedules; to the Committee on Post Office and Civil Service.

By Mrs. SPELLMAN:

H.R. 2733. A bill to restrict the activities of certain Federal employees and officers, to provide private remedies to implement these restrictions, and to facilitate the enforcement of existing conflict of interest statutes; to the Committee on Post Office and Civil Service.

By Mr. STEIGER:

H.R. 2734. A bill to amend the Walsh-Healey Act and the Contract Work Hours Standards Act to permit certain employees to work a 10-hour day in the case of a 4-day workweek, and for other purposes; jointly to the Committees on the Judciary and Education and Labor.

By Mr. STEIGER (for himself and Mr. OBEY):

H.R. 2735. A bill to provide the American consumer the assurance that foreign dairy products marketed in the United States meet the minimum standards of quality by requiring the inspection of these products at the United States ports of entry, at the foreign milk processing plants which provide dairy products for export to the United States, and at the foreign dairy farms which supply milk to foreign milk processing plants for the production of dairy products to be exported to the United States; to the Committee on Agriculture.

By Mr. STOKES:

H.R. 2736. A bill to amend title XVI of the Social Security Act to provide that benefits under the supplemental security income program shall be in amounts equal at least to the poverty level, to allow each spouse in an eligible couple to receive such benefits in his or her own right, to reduce from 65 to 60 the age of eligibility for such benefits, to provide an effective method for replacing lost or stolen benefit checks, and to make various other improvements in the administration of such program; to the Committee on Ways and Means.

H.R. 2737. A bill to amend title II of the Social Security Act to remove the present ceiling on the contribution and benefit base with a partial exemption from social security taxes for low-income workers, to increase the minimum benefit, to provide full benefits at a reduced age for members of groups with less than average life expectancy, to repeal the earnings test, to provide mandatory coverage for Federal employees, and to make other improvements in the old-age, survivors, and disability insurance programs; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. WHALEN (for himself, Mr. BEDELL, Mr. BURGENER, Mr. D'AMOURS, Mr. GLICKMAN, Mr. KELLY, Mr. MCEWEN, Mr. MAGUIRE, Mr. NEAL, Mr. RONCALIO, Mr. SANTINI, and Mr. YOUNG of Florida):

H.R. 2738. A bill to provide that any increase in the rate of pay for Members of Congress proposed during any Congress shall not take effect earlier than the beginning of the next Congress; to the Committee on Post Office and Civil Service.

By Mr. WHITTEN:

H.R. 2739. A bill to establish the Reconstruction Finance Corporation to make loans and loan guarantees to business concerns which would otherwise be unable to obtain needed financing, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2740. A bill to restore the right of freedom of choice; to the Committee on Education and Labor.

H.R. 2741. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 2742. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2743. A bill to require the Supreme Court to report the reversal of State criminal convictions in written decisions; to the Committee on the Judiciary.

H.R. 2744. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2745. A bill to amend title 38 of the United States Code in order to provide mortgage protection life insurance to certain veterans unable to acquire commercial life insurance because of service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 2746. A bill to provide for determination through judicial proceedings of claims for compensation on account of disability or death resulting from disease or injury incurred or aggravated in line of duty while serving in the active military or naval service, including those who served during peacetime, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2747. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

H.R. 2748. A bill to amend the Internal Revenue Code to remove the limitations on the amount of medical and dental expenses which may be deducted, to permit taxpayers to deduct such expenses, to arrive at their adjusted gross income, and for other purposes; to the Committee on Ways and Means.

H.R. 2749. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

H.R. 2750. A bill to protect funds invested in series E United States savings bonds from inflation and to encourage persons to provide

for their own security; to the Committee on Ways and Means.

By Mr. WIRTH (for himself, Mr. HANNAFORD, Mr. UDALL, Mr. BEDELL, Mrs. BURKE of California, Mr. HARKIN, Mr. HARRINGTON, Mr. KOCH, Mr. LONG of Maryland, Mr. LONG of Louisiana, Mr. MOFFETT, Mr. PATTERSON of California, Mr. PATTISON of New York, Mr. TREEN, Mr. VAN DEERLIN, Mr. WEAVER, and Mr. MILLER of California):

H.R. 2751. A bill to prohibit the use of Federal funds for certain activities designed to support or defeat any legislation or legislative issue on the ballot in any State; to the Committee on the Judiciary.

By Mr. WOLFF (for himself, Mr. LENT, and Mr. AMBRO):

H.R. 2752. A bill to amend the Federal Water Pollution Control Act relating to the period of time for which certain funds allotted to States for the construction of treatment works shall remain available; to the Committee on Public Works and Transportation.

By Mr. WYLIE:

H.R. 2753. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. McDONALD:

H.R. 2754. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any Federal felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.J. Res. 209. Joint resolution authorizing the President to proclaim the week of October 2 through October 8, 1977, as "National Stamp Collecting Week"; to the Committee on Post Office and Civil Service.

By Mr. HAMMERSCHMIDT:

H.J. Res. 210. Joint resolution authorizing the President to proclaim the week beginning on the last Monday in October of each year as "National Magic Week"; to the Committee on Post Office and Civil Service.

By Mr. HARRIS:

H.J. Res. 211. Joint resolution designating the month of June 1977 as "National Graduating Class of 1977 Month"; to the Committee on Post Office and Civil Service.

By Mr. LATTA (for himself, Mr. BLANCHARD, Mr. DERWINSKI, and Mr. STEIGER):

H.J. Res. 212. Joint resolution designating the composition known as "The Stars and Stripes Forever" as the national march of the United States; to the Committee on Post Office and Civil Service.

By Mr. WHITTEN:

H.J. Res. 213. Joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on the Judiciary.

H.J. Res. 214. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.J. Res. 215. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.J. Res. 216. Joint resolution providing that the United States shall not participate in any civil action except as a party to such civil action; to the Committee on the Judiciary.

By Mr. WON PAT:

H.J. Res. 217. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BINGHAM (for himself, Mr. AMMERMAN, Mr. CARNEY, Mr. DUNCAN of Tennessee, Mr. JOHNSON of Colorado, Mr. LUKEN, Mr. MARKEY, Mr. O'BRIEN, Mr. PATTISON of New York, Ms. SPELLMAN, Mr. STEERS, and Mr. BEDELL):

H. Con. Res. 93. Concurrent resolution authorizing a bust or statue of Martin Luther King, Jr., to be placed in the Capitol; to the Committee on House Administration.

By Mrs. COLLINS of Illinois:

H. Con. Res. 94. Concurrent resolution expressing the sense of the Congress that the President should direct the U.S. Ambassador to the United Nations to take certain actions with respect to the protection of Namibia; to the Committee on International Relations.

By Mr. RONCALIO:

H. Con. Res. 95. Concurrent resolution relating to the recommendations of the Federal Commission on Executive, Legislative, and Judicial Salaries, expressing the sense of Congress in favor of staggering the rate of increase to approximately 5 percent per annum over the next six Congresses; to the Committee on Post Office and Civil Service.

By Mr. ASPIN:

H. Res. 204. Resolution to establish a Standing Committee of the House on Intelligence, and for other purposes; to the Committee on Rules.

By Mr. COLLINS of Texas:

H. Res. 205. Resolution expressing the sense of the House of Representatives concerning the relationship between the portrayal of violence on television and aggressive and violent behavior in children and adults; to the Committee on Interstate and Foreign Commerce.

By Mr. DUNCAN of Tennessee:

H. Res. 206. Resolution in support of continued undiluted U.S. sovereignty and jurisdiction over the U.S.-owned Canal Zone on the Isthmus of Panama; to the Committee on International Relations.

H. Res. 207. Resolution to amend rule XI of the Rules of the House of Representatives to eliminate proxy voting in committees; to the Committee on Rules.

H. Res. 208. Resolution to amend the Rules of the House of Representatives to require committee approval of certain travel proposals, and for other purposes; to the Committee on Rules.

By Mr. FISH (for himself, Mr. COHEN, Mr. GILMAN, Ms. FENWICK, Mr. RAILSBACK, Mr. PRITCHARD, Mr. McKINNEY, Mr. JOHNSON of Colorado, Mr. WHALEN, Mr. COUGHLIN, and Mr. CONTE):

H. Res. 209. Resolution in support of the President's policy on a nuclear test ban; to the Committee on International Relations.

By Mr. KETCHUM (for himself, Mr. STOKES, Mr. MARTIN, Mr. BUCHANAN, Mr. PRESSLER, Mr. LAGOMARSINO, Mr. ROBERT W. DANIEL, JR., Mr. KREBS, Mr. EDWARDS of Oklahoma, Mr. CORCORAN, Mr. FLOWERS, Mr. WALKER, Mr. McCLOSKEY, Mr. COHEN, Mr. ROSE, Mr. HOLLENBECK, Mr. BROWN of California, Mr. COLLINS of Texas, Mr. MAGUIRE, Mr. FISHER, Mr. CRANE, Mr. KELLY, Mr. SOLARZ, Mr. YOUNG of Florida, and Mr. ABDNOR):

H. Res. 210. Resolution amending Rule XXII of the Rules of the House of Representatives to remove the limitation on the number of Members who may introduce jointly any bill, memorial, or resolution and to provide the addition and deletion of names of Members as sponsors after the introduction of a bill, memorial, or resolution; to the Committee on Rules.

By Ms. KEYS:

H. Res. 211. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress for the fiscal year ending September 30, 1978; to the Committee on Post Office and Civil Service.

By Mr. OTTINGER (for himself, Mr. BINGHAM, Mr. FISH, Mr. LONG of Maryland, Mr. SEIBERLING, Mr. JEFFORDS, Mr. REUSS, Mr. UDALL, Mr. ZABLOCKI, Mr. ADDABBO, Mr. ALLEN, Mr. AMMERMAN, Mr. ASHLEY, Mr. ASPIN, Mr. AUCOIN, Mr. BADILLO, Mr. BALDUS, Mr. BARNARD, Mr. BAUCUS, Mr. BEARD of Rhode Island, Mr. BEDELL, Mr. BEILENSON, Mr. BENJAMIN, Mr. BENNETT, and Mr. BIAGGI):

H. Res. 212. Resolution in support of the President's policy on a nuclear test ban; to the Committee on International Relations.

By Mr. OTTINGER (for himself, Mr. BLOUIN, Mrs. BOGGS, Mr. BOLAND, Mr. BOLLING, Mr. BONIOR, Mr. BONKER, Mr. BRADEMAS, Mr. BRINKLEY, Mr. BRODHEAD, Mr. BROWN of California, Ms. BURKE of California, Mr. JOHN L. BURTON, Mr. PHILLIP BURTON, Mr. CARNEY, Mr. CARR, Mr. CAVANAUGH, Ms. CHISHOLM, Mr. CLAY, Mr. COHEN, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. CORNELL, Mr. CORNWELL, and Mr. DELANEY):

H. Res. 213. Resolution in support of the President's policy on a nuclear test ban; to the Committee on International Relations.

By Mr. OTTINGER (for himself, Mr. DELLUMS, Mr. DENT, Mr. DICKS, Mr. DIGGS, Mr. DODD, Mr. DOWNEY, Mr. DRINAN, Mr. DUNCAN of Oregon, Mr. ECKHARDT, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. EVANS of Indiana, Mr. EVANS of Colorado, Mr. FARY, Mr. FASCELL, Mr. FAUNTROY, Mrs. FENWICK, Mr. FISHER, Mr. FITHIAN, Mr. FLOOD, Mr. FLOWERS, Mr. FOLEY, and Mr. FORD of Tennessee):

H. Res. 214. Resolution in support of the President's policy on a nuclear test ban; to the Committee on International Relations.

By Mr. OTTINGER (for himself, Mr. FORD of Michigan, Mr. FRASER, Mr. FUQUA, Mr. GEPHARDT, Mr. GIBBONS, Mr. GILMAN, Mr. GLICKMAN, Mr. GORE, Mr. GUDGER, Mr. HAMILTON, Mr. HANLEY, Mr. HANNAFORD, Mr. HARKIN, Mr. HARRINGTON, Mr. HARRIS, Mr. HAWKINS, Mr. HEFNER, Mr. HEFTEL, Ms. HOLTZMAN, Mr. HOWARD, Mr. HUGHES, Mr. JACOBS, and Mr. JENKINS):

H. Res. 215. Resolution in support of the President's policy on a nuclear test ban; to the Committee on International Relations.

By Mr. OTTINGER (for himself, Mr. JENRETTE, Mr. JOHNSON of Colorado, Mr. JONES of North Carolina, Ms. JORDAN, Mr. KASTENMEIER, Mr. KAZEN, Ms. KEYS, Mr. KILDEE, Mr. KOCH, Mr. KOSTMAYER, Mr. KREBS, Mr. LEDERER, Mr. LE FANTE, Mr. LEGGETT, Mr. LEHMAN, Mr. LLOYD of California, Mr. LUNDINE, Mr. McCLOSKEY, Mr. McCORMACK, Mr. McHUGH, Mr. McKAY, Mr. McKINNEY, Mr. MAGUIRE, and Mr. MARKEY):

H. Res. 216. Resolution in support of the President's policy on a nuclear test ban; to the Committee on International Relations.

By Mr. OTTINGER (for himself, Mr. MATTOX, Mr. MAZZOLI, Mr. METCALFE, Ms. MEYNER, Ms. MIKULSKI, Mr. MIKVA, Mr. MILLER of California, Mr. MINETA, Mr. MINISH, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOFFETT, Mr. MOORHEAD of Pennsylvania, Mr. MOSS, Mr. MOTTL, Mr. MURPHY of Illinois, Mr. NATCHER, Mr. NEDZI, Mr. NIX, Mr. NOLAN, Mr. NOWAK, Ms. OAKAR, Mr. OBERSTAR, and Mr. PANETTA):

H. Res. 217. Resolution in support of the President's policy on a nuclear test ban; to the Committee on International Relations.

By Mr. OTTINGER (for himself, Mr. PATTEN, Mr. PATTERSON of California, Mr. PATTISON of New York, Mr. PEASE, Mr. PEPPER, Mr. PERKINS, Mr. PIKE, Mr. PREYER, Mr. PRICE, Mr. PRITCHARD, Mr. RAHALL, Mr. RAILS-

BACK, Mr. RANGEL, Mr. RICHMOND, Mr. RISENHOOVER, Mr. RODINO, Mr. ROE, Mr. RODGERS, Mr. RONCALIO, Mr. ROONEY, Mr. ROSE, Mr. ROSENTHAL, Mr. ROSTENKOWSKI, and Mr. ROYBAL):

H. Res. 218. Resolution in support of the President's policy on a nuclear test ban; to the Committee on International Relations.

By Mr. OTTINGER (for himself, Mr. ST GERMAIN, Mr. SCHEUER, Ms. SCHROEDER, Mr. SHARP, Mr. SHIPLEY, Mr. SIMON, Mr. SISK, Mr. SLACK, Mr. SMITH of Iowa, Mr. SOLARZ, Ms. SPELLMAN, Mr. STAGGERS, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. THOMPSON, Mr. THORNTON, Mr. TONRY, Mr. TSONGAS, Mr. TUCKER, Mr. ULLMAN, Mr. VAN DEERLIN, Mr. VANIK, and Mr. VENTO):

H. Res. 219. Resolution in support of the President's policy on a nuclear test ban; to the Committee on International Relations.

By Mr. OTTINGER (for himself, Mr. VOLKMER, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WHALEN, Mr. CHARLES WILSON of Texas, Mr. WIRTH, Mr. WOLFF, Mr. WON PAT, Mr. YATES, Mr. YATRON, Mr. YOUNG of Missouri, Mr. ZEFERETTI, and Mr. FLORIO):

H. Res. 220. Resolution in support of the President's policy on a nuclear test ban; to the Committee on International Relations.

By Mr. ULLMAN (for himself, and Mr. CONABLE):

H. Res. 221. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Ways and Means; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

8. The SPEAKER presented a memorial of the Senate of the State of North Dakota, relative to completion of the Garrison diversion project; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AuCOIN:

H.R. 2755. A bill for the relief of Loren Ted Ward, Jr.; to the Committee on the Judiciary.

By Mrs. CHISHOLM:

H.R. 2756. A bill for the relief of Marlene Holder; to the Committee on the Judiciary.

By Mr. DAN DANIEL:

H.R. 2757. A bill for the relief of John W. Wilson; to the Committee on the Judiciary.

By Mr. EILBERG:

H.R. 2758. A bill for the relief of Carmen Prudence Harnandez; to the Committee on the Judiciary.

H.R. 2759. A bill for the relief of Sealie Von Kleist Hernandez; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 2760. A bill for the relief of Dmitri Simes; to the Committee on the Judiciary.

By Mr. HARRIS:

H.R. 2761. A bill for the relief of Su-Hwan Choe; to the Committee on the Judiciary.

H.R. 2762. A bil for the relief of Harry Stanley Spaulding, Jr.; to the Committee on the Judiciary.

By Mrs. HECKLER:

H.R. 2763. A bill for the relief of Michel Rudmanos-Ramia; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 2764. A bill to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Henry Gray against the Government of Poland, and for other purposes; to the Committee on the Judiciary.

By Mr. PICKLE:

H.R. 2765. A bill for the relief of Jacinta Estrada-Balderas; to the Committee on the Judiciary.

SENATE—*Monday, January 31, 1977*

(Legislative day of Wednesday, January 19, 1977)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Deputy President pro tempore (Mr. HUMPHREY).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

We then that are strong ought to bear the infirmities of the weak, and not to please ourselves.—Romans 15: 1.

O God of all history who promised never to leave us nor forsake us, in Thee do we trust. Give us warm hearts for cold people, sympathetic spirits for those who now suffer, and clear minds for the work we must do. Make us to remember that we are "*one* nation under God," that when one suffers all suffer. Come near to those in distress this day, to comfort and strengthen them even while we pray. May we so live and act as to fulfill the Master's mandate:

I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you welcomed me, I was naked and you clothed me, I was sick and you visited me, I was in prison and you came to me.—Matt. 25: 35, 36.

We pray in His name. Amen.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, January 28, 1977, be approved.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider one nomination on the calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF DEFENSE

The second assistant legislative clerk read the nomination of Charles William Duncan, Jr., of Texas, to be a Deputy Secretary of Defense.

ADDITIONAL STATEMENT SUBMITTED

Mr. HATFIELD. Mr. President, prior to our confirmation of Mr. Charles Duncan for the position of Deputy Secretary of Defense, I would like to call to the attention of my colleagues an issue of considerable concern and interest to me. The issue of which I speak is the matter of returnable beverage containers, specifically the implementation of the Environmental Protection Agency's guidelines for a deposit system on Federal facilities. A large portion of those facilities due to be effected by this regulation are military bases.

It has been widely reported that Mr. Duncan has considerable stock holdings in the Coca-Cola Co. To be exact, one wire service reported that Mr. Duncan owns about 179,000 shares of Coca-Cola stock valued at approximately $13 million. The Senate Armed Services Committee, during confirmation hearings earlier this month, decided that it was unnecessary to require Mr. Duncan to divest himself of these holdings. While I would agree that the military's purchase of soft drinks produced by the Coca-Cola Co. are secondary in nature and should present no conflict of interest, I remain concerned about Mr. Duncan's ability to adequately enact and enforce the EPA's beverage container guidelines.

Mr. President, I ask unanimous consent that a letter I sent to Senator JOHN STENNIS, chairman of the Senate Armed Services Committee, indicating my concern in this regard appear in the RECORD. It is my understanding that Senator WALLOP took it upon himself to ask of Mr. Duncan the question contained in this letter. It is also my understanding that the substance of Mr. Duncan's reply was that he would disqualify himself from any decision involving the Coca-Cola Co., and that he would enforce all laws and regulations under the authority and jurisdiction of the Defense Department.

While I am encouraged to learn of this attitude on the part of Mr. Duncan, I wanted the opportunity to make this point in light of the fact that there is likely to be opposition from some quarters to the full implementation of the deposit guidelines. I intend to support Mr. Duncan's confirmation to this position, and would hope that he would con-

tact me at anytime, should he have a question pertaining to the beverage container issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 12, 1977.

Hon. JOHN C. STENNIS
Russell Senate Office Building

DEAR JOHN: As the confirmation hearings for both the Secretary of Defense and Deputy Secretary of Defense continue, I want to inform you of one concern of mine as it relates to Mr. Charles Duncan, President-elect Carter's choice for the latter position.

As you know, on September 10, 1976, the Environmental Protection Agency promulgated regulations requiring a five-cent refundable deposit on bottles and cans of beer or soft drinks sold on federal facilities. The guildelines are due to take effect in September, 1977, although they may be phased in earlier. Since a large portion of the federal facilities included under these regulations are military installations, the Defense Department will have a significant role to play in their implementation and enforcement.

As you also are aware, Mr. Duncan has holdings in the Coca-Cola Company, an Atlanta, Georgia, based firm. I would be interested in knowing if Mr. Duncan feels that due to his interest in one of the nation's largest beverage companies, his ability to fully institute and enforce the EPA guidelines would be in any way impaired.

Since the oral hearings are presently underway, a response from Mr. Duncan in writing would be satisfactory.

Thanks, John, for your attention to this matter.

Warmest regards.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.

The DEPUTY PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the appointment.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate proceeded to the consideration of legislative business.

ENERGY CONSERVATION

Mr. BAKER. Mr. President, I have only a brief remark or two to make, and then I would like to yield 5 minutes of my time under the standing order to the distinguished Senator from Alaska.

Mr. President, I note with interest and satisfaction this morning that conservation efforts that have been undertaken at the President's request and suggestion apparently are producing at least tentatively hopeful results. I am advised that the pipeline pack of natural gas was not reduced further over the weekend and may in fact have improved some, at least in certain parts of the country.

I rise only to point out that the country has seldom been faced with a challenge and a risk as potentially dislocating as that with which we are now faced in terms of the possible loss of residential heating capacity. It is entirely possible that the loss of natural gas to residential customers could cause dislocation and extreme distress to literally millions of households in this country if we do not take every step to provide maximum conservation under the circumstances.

I commend President Carter for his urgings and initiative in this respect.

I reiterate what I have said previously: I urge all of our fellow Americans to conserve every possible ounce of natural gas and other fuels in the weeks ahead so that we do avoid the risk of extreme dislocation of our residential customers.

Also, Mr. President, I hope the Congress will not forget the sense of urgency that we now have before us, and that we will turn to early consideration of permanent legislation to deal with our long-range natural gas supply. The majority leader and I have discussed this, and I believe I accurately reflect our conversation when I say he also feels the sense of urgency.

Mr. ROBERT C. BYRD. Mr. President, I join with the distinguished minority leader in what he has just stated. The American people have been on an energy picnic. We have wasted energy as we have wasted food. The picnic is over. The energy problem is one of global dimensions. It is one which constitutes the greatest uncertainty confronting our own and the western world's quest for economic growth, prosperity, political stability, and security.

Energy is going to cost more rather than less. The package before the Senate at the present time deals only with the present emergency. It is a very temporary measure. I would hope, as the Republican leader has indicated he would hope, that we can pass this bill quickly and that Senators will restrain their zest for offering what they would consider to be long-term solutions. The result of that approach could very well be that we would have no bill at all.

The American people want to see the Senate act. I think the Senate is being tested as to whether it can act quickly and reasonably to deal with the current emergency situation.

The President has assured us that a comprehensive energy policy package will be sent to the Hill no later than April 20. The leadership on this side of the aisle, and I am sure I am joined by the leadership on the other side of the aisle, will do everything it possibly can to see that the Senate is able to work its will on that energy package when it is sent to the Hill.

Mr. President, I commend the President on his having urged the American people to conserve energy. Here in the Senate we have attempted to react responsibly to his urgings.

I ask unanimous consent to have printed in the RECORD at this point a letter from the Architect of the Capitol in response to the urgings of the leadership that the heat in the Capitol be lowered commensurate with the request of the President, and that the lighting, wherever possible, also be reduced so as to conserve energy. The American people, I believe, have the strength, the courage, and the disposition to meet this problem. It is up to the Senate to act quickly on this emergency measure.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARCHITECT OF THE CAPITOL,
Washington, D.C., January 26, 1977.

Hon. ROBERT C. BYRD,
Majority Leader, U.S. Senate, Washington, D.C.

DEAR MR. MAJORITY LEADER: This is to confirm the instructions that have been issued with regard to the saving of heating energy.

All thermostats in the Capitol, in the Senate Chamber, in public corridors and in public rooms, including dining rooms, have been set at their minimum capacity which is 65 degrees. All heating systems are, in general, turned off from 10:00 p.m. until 6:00 a.m. each day. As the attached memorandum to all building superintendents and supervising engineers indicates, the shut down time is to be as early as possible commensurate with occupancy times and uses.

The corridors in the Senate Office buildings are unheated by design and receive whatever heat is available through their use as return air passageways for the offices on either side.

Individual Senators' offices and Committee offices are provided with individual thermostatic control; as in the past, a letter is being issued over the signature of Senator Cannon as Chairman of the Committee on Rules and Administration requesting all individual office thermostats to be lowered to 65 degrees during the daytime, and to 55 degrees, or turned off altogether, at night. A copy of a draft of that letter is attached.

It should be borne in mind that the heat capacity of a large masonry building is such that it may take several days for the temperature to drop, especially in inside rooms and corridors where heat loss to the outside is indirect.

We shall, of course, continue to monitor the situation and to keep you informed. We shall be pleased to take whatever additional steps that you may deem desirable.

Cordially,

GEORGE M. WHITE, FAIA,
Architect of the Capitol.

Mr. ROBERT C. BYRD. The President is correct in urging that thermostats be lowered. I join with my friend on the other side of the aisle in urging the American people to heed this request.

Mr. BAKER. Mr. President, I thank my distinguished colleague, the majority leader, for his remarks.

Mr. President, I yield 5 minutes to the distinguished minority whip.

SHIPMENT OF LIQUEFIED NATURAL GAS FROM ALASKA

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the RECORD a story from the Washington Star concerning a proposal of the Columbia Gas System to bring liquefied natural gas from the Cook Inlet region, where it has been liquefied by a consortium of Phillips Petroleum Co. and the Marathon Oil Co., to Everett, Mass., by an LNG tanker.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALASKA GAS RUSH IS ON: SUPPLY GOING TO JAPAN COULD SAVE US MONEY

(By Stephen M. Aug)

Columbia Gas System, one of the nation's largest natural gas pipeline companies, is on the verge of importing the first supplies of natural gas from Alaska in a desperate move to bolster its fast-disappearing supplies.

If the arrangement is completed—and it depends not only on reaching a satisfactory price with the owners of the gas, but on an exception to a federal law—the deal would mark the first time natural gas from Alaska has gone to the 48 contiguous states.

At present, all Alaskan gas is being exported to Japan in liquid form—about 51 billion cubic feet of gas every year, under a 15-year contract at a delivered price of $1.95 for every 1,000 cubic feet.

Compared with prices that domestic gas pipeline companies are paying for short-term emergency purchases (about $2.15 per 1,000 cubic feet in the nation's biggest market, the Texas Gulf Coast), the Japanese are getting a relative bargain.

Under the proposed arrangement, Columbia Gas would buy six shiploads of liquefied natural gas from Phillips Petroleum Co. and Marathon Oil Co. The two oil companies own a gas liquefaction plant at Kenai in south-central Alaska and are the suppliers to the Japanese.

The liquefied gas would be shipped aboard a Liberian-registered cryogenic tanker (a vessel with tanks specially built to accommodate the liquefied gas which must be maintained at a temperature of minus 259 degrees Fahrenheit) from Kenai through the Panama Canal to a gasification plant at Everett, Mass.

Each shipload would carry the equivalent of between 600 and 700 million cubic feet of natural gas. The total shipments over a period of about eight months would be about 4 billion cubic feet. The round trip for each shipment would be 42 days.

The 600–700 million cubic feet represents about 10 percent of what Columbia pushes through its system on a very cold winter day.

Although the basic outlines of the deal have been approved by both sides, the price has not yet been determined.

Interestingly, the Phillips-Marathon complex was involved in the only other attempt to import Alaskan gas in liquefied form into the United States, according to Federal Power Commission records.

The two companies were to sell gas to Northwest Natural Gas Co. for importation from Alaska to Oregon. The oil companies withdrew their application, FPC records show, because the commission said it had jurisdiction over the sale.

The two companies said the fact that the FPC would have to rule on the matter—the FPC would have jurisdiction primarily over the price—imposed paperwork burdens they weren't prepared to meet and increased the risks of regulatory costs and delays. (The Japanese deal was also subject to FPC jurisdiction.)

The principal problem with the present deal results from a federal law, called the Jones Act, which requires all commodities shipped between U.S. ports to be carried on U.S. vessels. Columbia officials say there are no U.S. LNG tankers available and, as a result, it must use a foreign ship.

The request to make an exception to the Jones Act was delivered by hand to the Treasury Department on Thursday. John Harper, acting assistant secretary of the Treasury for enforcement operations and tariff affairs, said yesterday that in order for a waiver to be granted, the secretary of the Treasury must certify it is necessary for the national defense.

Harper said he expected the paperwork on the arrangement to be completed by next Tuesday afternoon and ready for action by Treasury Secretary Michael J. Blumenthal. He declined to say whether the waiver would be granted, but other officials indicated approval is likely in view of the current gas crisis.

The vessel involved is the Kenai-Multina, a 650-foot ship capable of carrying 35,000 cubic meters of liquefied gas—a moderate-sized gas ship. The vessel was built in France in 1975 and is owned by Multinational Gas & Petrochemical Services Ltd. of London, a firm described by a Coast Guard official as a fairly substantial shipping company involved for some time in moving gases.

Further, Capt. Philip J. Danahy, assistant chief of the Coast Guard's cargo and hazardous materials division, said the vessel has a letter certifying the Coast Guard has either reviewed the plans or accepted the review of a regular foreign group.

He cautioned against maligning the vessel merely because of its Liberian registry. The new gas ships, he said, "are safer than the regular tank ships." He said conventional tankers use the sides and bottoms of the vessels as barriers, whereas LNG tankers have tanks within tanks—double bottoms, double sides and frequently, spaces between the tanks.

They're also far more expensive to build than conventional tankers, Danahy said, and "nobody wants to lose a $100 million investment."

Danahy recalled only one incident in which a cryogenic tanker was involved in a collision. That was several years ago, involving the Yuyo Maru, a Japanese vessel, and occurring off Japan.

Danahy said the vessel "burned for days and days off Japan." Finally instead of going aboard to put it out, they (the Japanese authorities) sank it.

Mr. STEVENS. We believe this plan demonstrates the flexibility that could be used in distributing Alaska's gas resources. We could ship that LNG to any point on the coast of the United States that has regasification facilities.

We have before the Federal Power Commission now a series of proposals, one of which is what we call the all Alaska gasline system, which we think assures the most equitable way of distributing Alaska's gas throughout the south 48 within the shortest timeframe and will make Alaska's 26 trillion cubic feet of gas available to the United States by 1979 or 1980, at the latest.

In particular, I point out that this system now involves not only the El Paso Natural Gas Co., but also Tenneco and Southern. That, in effect, will assure a nationwide distribution of Alaska's gas.

I want to put this in the RECORD, because I think it is important that we not repeat the history of the fight over the Alaska oil pipeline. I stood on the dock in Valdez, Alaska, in 1969 and saw the first pipe delivered. That pipe was not put in the ground until 1975. That was because of a long, drawn-out court fight, brought on by extreme environmentalists, in my opinion. If it had not been for that court fight, we would have had our gas pipeline completed by 1973 and the gas from our North Slope would have been delivered to what we call the South 48 by 1975. This was the most expensive delay in the history of the United States, and we cannot afford to repeat that delay in getting our natural gas to market.

We are trying our best to make these resources from Alaska available to the rest of the United States. Had we not had the delay we suffered in terms of the court fight over the construction of the Alaska pipeline, the Arab embargo would not have affected the United States as greatly as it did, the price of oil would not have gone up as high as it is now, and the current gas shortage would not be affecting the United States as it is.

We need to take action, I believe, to assure that our hydrocarbon resources are sold on the basis of their Btu equivalent price.

I wish to place in the RECORD also an article from the Washington Post, which points out that one of the great problems about energy in this country has been, in fact, the low price of natural gas; that that price, in and of itself, has brought about the shifting to the cheaper source of fuel by customers, by businesses, by great installations such as universities, schools, utilities that could have used oil or coal, and would not have been draining our resources, our reserve of natural gas, as they have during this period.

Mr. President, above all, again, I make the point that the fight that we had over the oil pipeline was one that we cannot afford to repeat. We must have approval of the El Paso all-Alaska gas pipeline system so that Alaska's natural gas can be in the market in the South 48 by 1979 or 1980 at the latest.

I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN ENERGY PRIMER—A RUNDOWN ON WHAT'S GONE WRONG, WHY, AND WHAT'S BEING DONE ABOUT IT

(By Stan Benjamin)

One cold winter and suddenly the U.S. energy crisis is back. This time, however, you can't even blame the Arabs.

The problem is that there's not enough natural gas to go around. The result has been grim: schools closed, industries shut down and hundreds of thousands of workers laid off in areas hardest hit by shortages.

President Carter, the Federal Power Commission (FPC), the Federal Energy Administration (FEA), and congressional committees have proposed emergency measures that may help but won't fully solve the problem.

Here, in question-and-answer form, is a rundown of what's gone wrong, why, and what is being done about it:

Q. I remember the Arab oil embargo back in 1973 and the gasoline lines and all that, but it's been over four years and we haven't had any energy crisis. Now all of a sudden we're running out of fuel. Why didn't anybody warn us this was coming?

A. Arab oil has nothing to do with this winter's problem, which is caused by a shortage of our own natural gas. Furthermore, we were warned repeatedly by government gas experts, the gas industry, and news media. But some of us weren't listening.

Q. There wasn't any gas shortage the last couple of winters, was there? How come it suddenly developed now?

A. There has been a natural gas shortage since about 1971 and it has grown steadily larger each winter, but it didn't hurt much for two reasons. At first, the only customers to have service shut off temporarily were industrial plants that had contracted for "in-

terruptible" service and were prepared to switch to other fuels.

More recently, the cuts have gone deeper, into industries that depend on continuous natural gas service, including some that cannot use other fuels. When their gas is shut off, their plants shut down and their workers go home.

Secondly, the United States had unusually mild winters for the past few years. Otherwise the shortage would have hit harder, sooner. This year, parts of the United States have had record cold weather and the gas supply just can't meet the heavy demand.

Q. Does this mean that gas will be shut off to homes and hospitals and essential public services too?

A. The FEA says there is enough gas to serve these high-priority users, provided it is delivered where it is most needed, people cooperate by turning down thermostats, and there is a break in the frigid weather.

Q. Why can't plants burn oil or something? Is there is shortage of that, too?

A. No, the FEA says there is plenty of fuel oil, but some plants can use gas only for certain industrial processes while others simply do not have standby oil burners. To make matters worse, some plants that could burn fuel oil can't get it because the cold weather has frozen rivers and lakes, hampering deliveries by barges.

Q. How did the natural gas shortage develop?

A. For one thing, oil companies moved a lot of their drilling to the Middle East in the 1960s, and new gas is often discovered while drilling for oil, so gas discoveries in the United States decreased.

A more fundamental reason is that after years of discovering the biggest, easiest gas fields, there are fewer and fewer of them waiting to be found. Meanwhile, the natural gas industry built up its market with discount rates for large industrial users and advertising to stimulate household gas and other sales.

Since about 1968, the United States has simply been burning up more gas than it finds every year, and siphoning off its reserves. That sort of thing can't go on very long without running into shortages.

Q. What can be done about it?

A. Petroleum companies want to drill in new areas, especially off the seacoasts where the Interior Department is auctioning leases, and more new gas will be found.

But that takes years and even the industry says new discoveries will never be able to meet the potential demand. They want Congress to end federal price regulation over natural gas, to encourage them to invest in exploration and development.

Q. What are we doing about this winter's shortage?

A. Several things. The FEA revised its regulations to make more propane available to the neediest natural gas utilities.

The Interior Department announced that it was urging all-out production of natural gas on federal lands and asking companies to pump gas as fast as possible.

In the past, gas production on federal land was limited by a "maximum efficient rate" designed to prevent potential harm to a gas field from too-rapid production.

The EPC has been authorizing emergency sales of natural gas, at unregulated prices, for 60 days at a time. That lets regulated interstate pipelines purchase any surplus gas they can find from pipelines operating entirely within a gas-producing state and which could not otherwise sell them the gas.

Q. Why don't they allow emergency sales for more than 60 days?

A. The FPC tried in 1975 to allow 180-day emergency sales but was slapped down by the federal courts, which said that would be abandoning its legal requirement to regulate the sales.

President Carter has proposed that Congress legalize 180-day emergency sales and, at the same time, allow pipelines to trade supplies around where they are most needed.

Q. Would that solve the problem?

A. It might help but, no, it would not solve the problem even for this winter. FPC staff experts say nobody really knows whether there is, in fact, any surplus gas available for greater emergency sales or how much there may be. One measure is the amount of gas already sold under 60-day emergency contracts, and that isn't very much.

The FPC estimated in November that the pipelines would require about 10.3 trillion cubic feet of gas through the November–March heating season, but would fall short about 1.8 trillion or 18 percent overall.

Under 60-day sales started in October, November and December, only about 89.3 billion cubic feet of gas have been added to the interstate supply. That's scarcely 1 percent of the original estimated demand, which has certainly been increased by the cold weather.

FPC experts say there is no guarantee that allowing 180-day emergency sales would bring any additional gas to the pipelines or even that they could continue receiving the gas they bought under 60-day contracts. But it would at least give them a better chance to try.

ORDER OF BUSINESS

Mr. STEVENS. I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

The DEPUTY PRESIDENT pro tempore. Under the previous order, the Senator from Utah (Mr. GARN) is to be recognized.

Mr. GARN. I see, is not in the Chamber at the moment.

Mr. STEVENS. Mr. President, I am authorized in behalf of Mr. GARN to yield back his time because of an unfortunate incident that occurred.

The DEPUTY PRESIDENT pro tempore. The Senator from South Carolina is recognized under the previous order for 15 minutes.

THE FEDERAL PAY RAISE

Mr. THURMOND. Mr. President, I rise today in support of Senate Resolution 39, which disapproves of President Ford's recommendation for a pay increase for top officials in the executive, judicial, and legislative branches of Government.

On December 14, 1976, I wrote President Ford and urged him to reject a proposal calling for these healthy pay raises. However, in the President's message of January 17, 1977, he recommended a substantial increase in the level of compensation for members of the Federal judiciary and the Congress, as well as senior officials in the executive branch.

I believe that this increase in salaries would bring about a clamor for a general increase throughout the Government, the result being to fuel inflation. Such a course of action would be unwise and detrimental to the American people. At a time when the economic situation is especially troublesome, the top elected and appointed officials of the Government should be willing to practice the same degree of austerity and restraint we expect of the private sector.

Mr. President, there is an effort to intertwine the issue of large Federal pay raises with the establishment of a new code of ethics for Senators. My strong stand against the proposed pay increase is not to be considered as a stand against the formation of a code of ethics. Quite the contrary, I believe that we, as Senators, should be prepared to undergo strict scrutiny in the areas of our financial affairs and possible conflict of interest. It can only be through this full disclosure that Americans will be able to recover the trust and confidence in public officials that has been lost in recent years.

Mr. President, I take this opportunity to commend the leadership, Mr. BYRD and Mr. BAKER, for their vision and wisdom in establishing the Special Committee on Official Conduct to write a code of ethics for the Senate. As Senators, we are constitutional officers and are sworn to protect and defend the Constitution of the United States. We occupy a unique position and play a vital role in the preservation of our society and form of government. The fulfillment of this role mandates an understanding by individual Senators of their relationship with and function in our constitutional system. A consequent obligation of Senators is to maintain the highest standards of ethical conduct in order that trust and confidence can be maintained.

As vice chairman of this special committee, I will devote my wholehearted efforts to bringing about a code which will be a credit to the Senate, and will define the type of ethical conduct which is expected of Senators in their relationship with the public.

Mr. ALLEN. Will the Senator yield?

Mr. THURMOND. Mr. President, I am pleased to yield.

Mr. ALLEN. I commend the distinguished Senator from South Carolina for his strong support of the establishment of a code of ethics for the Senate. It is indeed sad that it is necessary that there be a code of ethics for the Senate, but it is apparent that it is necessary that a code of ethics be established. The conduct of Senators should be of such a lofty nature that there should be no need for such a code, but inasmuch as there is a need, I commend the distinguished Senator for his strong support of the code of ethics.

I also commend him for his support of Senate Resolution 39, which is on the printed calendar as having come over under the rule. But the Senator realizes that the Senate will not be able to express its will on the resolution, Senate Resolution 39, vetoing the pay raise for executive, legislative, and judicial top officials unless there is a morning hour in the Senate. We cannot have a morning hour in the Senate until there is an adjournment. We have been in the same legislative day since January 19, so there has been no morning hour for almost 2 weeks. I am hopeful that the leadership will take the necessary action to give us a morning hour so that we can act on the resolution which the Senator supports,

Senate Resolution 39. But we cannot act on that until there is a morning hour and a morning hour—actually a 2-hour period—comes about on the day—the legislative day—following an adjournment. So it is necessary that the Senate be adjourned at some time between now and the end of 30 days after this plan was submitted in order for the Senate to act on this proposal inside the 30 days.

I call the Senator's attention also to the fact that not only is Senate Resolution 39 pending, but the exact same resolution was submitted as Senate Resolution 50, which has gone to the Committee on Post Office and Civil Service, which has not yet reported it. If that takes place, it would go to the calendar, which would give us the opportunity to make the motion to proceed to the consideration of that resolution. But it does look as if it is checked squarely up to the leadership as to whether we are going to have an up and down vote on this important issue.

I appreciate so much the Senator's support of this resolution and his concept that this pay raise should not be approved by the Senate.

Mr. THURMOND. Mr. President, in response to the distinguished Senator from Alabama, I agree that it probably should not be necessary to have a code of ethics for the Senate. However, with the kind of attitude of the public now toward the Congress and the polls that have been taken showing a lack of confidence in the Congress—and we shall have to admit that there is some basis, in some respects, for that lack of confidence—I do feel it is important now to have a strong code of ethics. I think it should be a code of ethics that does not quibble, does not equivocate, and that stands for high standards so that we can, again, reestablish the faith of the American people in this legislative body.

Mr. ALLEN. I certainly agree with the Senator.

Mr. THURMOND. I want to say further that I think it was a great mistake to try to tie a raise in pay with a code of ethics. It seems to me that that is saying to the Congress, "If you be honest, we are going to raise your pay." I think that was a great mistake.

I think that we who have been elected by the people and had the confidence of the people back home to be elected ought to be above reproach, that our conduct ought to be such that it could be emulated by citizens generally.

If the President of the United States and the Members of the Congress of the United States do not set standards for the people of the United States, who can they look to in Government? Who can they aspire to emulate?

I remember when I was a boy I read books about George Washington, Thomas Jefferson, Andrew Jackson, and our great leaders, and I looked upon them as being the type of person that I would like to be some day.

It seems to me that the young generation today should be able to point to a President or point to the Congress and say, "There's a man I would like to be like."

If we do not have that feeling toward the Members of the Congress, then we have lost something in this country which I think is extremely important.

That is the reason I think it is a great mistake to try to tie a code of ethics to a raise in pay. I am for the code of ethics, all the way for a code of ethics. At the same time, I cannot under present circumstances vote for a raise in pay when our people back home are in this time of inflation.

There is no question, if we raise this pay for Congress there has to be a raise for all the Government people. That is going to fuel inflation. There is no question in my mind that when we spend these millions and millions of dollars in raising our pay, we are going to have inflation. That causes the poor people, the old people, the people on fixed salaries and limited incomes to suffer.

The greatest tax we have today, I think, is inflation, and we must take steps to try to stop inflation.

To do that in the way I think right now we should do it is not to raise the pay of the Congress, because if the pay of Congress is not raised I do not think there will be raises with other high Government officials or in the Government generally.

One might say, "Well, the cost of living has gone up."

That is true, the cost of living has gone up and I can fully appreciate the need of a lot of people for a raise.

On the other hand, it seems to me it is not the high cost of living, but rather, the cost of living at such a high standard which affects us today. All Americans must understand the need to reduce and live more economically, and live in such a way that the average person can feel that all are willing to sacrifice at the same time that all may be forced to sacrifice.

For these reasons, I feel that it is important, if we go forward with the code of ethics, that we not raise these salaries at this time.

Mr. ALLEN. I thank the distinguished Senator.

The DEPUTY PRESIDENT pro tempore. The Senator from West Virginia.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time that was yielded back under the order for Mr. GARN be placed under my control.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time for the quorum be charged against the time under my control and that this order be without prejudice to Mr. BUMPERS.

The DEPUTY PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GLENN). Without objection, it is so ordered.

The Senator from Arkansas is recognized.

THE IMMUNIZATION OF CHILDREN

Mr. BUMPERS. Mr. President, I have never quite understood the apparent therapeutic value of coming here and speaking during the morning business, and I have never done it. I think this is my first time. I thought I might enjoy it so much that I have lined up 15 minutes for about four mornings in a row, to speak on matters which are of extreme importance to me and I believe to Congress and to the country.

I believe that, by actual count, this is the fifth time I have taken the floor of this Chamber to talk about a problem which has been patently evident for the last several years and on which Congress has literally refused to act, and on which I think we have been terribly neglectful to the best interests of the country. I am talking about the immunization of children in this country.

Everybody here remembers when we appropriated $135 million to deal with swine flu, which was at best a remote possibility. I do not believe there was a single dissenting vote against that $135 million appropriation, and, of course, the rest is history.

But how have we approached a considerably more significant problem which has been with us every year for the past several years? I shall read just a few statistics in connection with what I am talking about.

The U.S. Immunization Survey of 1975 estimates that 15.5 million children are not fully protected against polio; 9.3 million are not protected against DPT—diphtheria pertussis tetanus; 13.8 million are not protected against measles; 13.9 million remain susceptible to rubella, and 26.4 million remain susceptible to mumps. This is more than 75 million immunizations which should be given in this country.

It is not like swine flu. The vaccine is not in question; the problem is not in question. The vaccines have been with us—the last one and the most significant is the one that deals with rubella, since 1967.

After reading those statistics, which should be alarming to everybody who hears them, let me state how Congress has dealt with it.

In 1976, we appropriated $9 million; in 1977 we appropriated $13.5 million. We have authorized $23 million for 1978. President Ford, prior to his departure from the White House, recommended a $13 million appropriation of that $23 million authorization. But the real clinker is that they have recommended that it should be given to the States in the form of a block grant, so that the States may use it for any purpose—such as rat control, lead paint control and immunizations. That is a total of $35 million to deal with the 75 million immunizations that need to be given right now.

Walter Cronkite has talked about this on the evening news. On January 22, the Washington Post published an editorial about it. I will not read the editorial, but I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VACCINATION

There is disturbing evidence of public apathy in the United States concerning vaccination against communicable disease. In 1963, when the fear of polio was still relatively fresh in the public mind, 85 per cent of American children aged 1 to 4 years old had been fully vaccinated against polio. A decade later, the figure was 60 per cent. The decline in polio vaccinations has stabilized, but there is still an unfortunately large number of parents who are gambling with their children's health.

Idaho today represents a state where the impact of such a gamble is evident. Proportionately more measles infections have been reported there this winter than in any other state. Measles is a highly infectious disease almost wholely controllable with available vaccine; so are rubella, mumps, diphtheria, tetanus and whooping cough. Yet Idaho is one of several states with no law requiring school children to be immunized against these diseases.

Because Oklahoma had a similar measles outbreak a winter or so ago, its legislature passed a law requiring school children of all grades to be immunized against major childhood diseases. The Center for Disease Control in Atlanta is hoping other states will emulate Oklahoma's law. It requires proof of immunization from pupils in every grade in every school. In addition, public health officials and pediatricians should be looking to the needs of preschool children.

Vaccination is still one of the most powerful tools of preventive medicine. The point needs to be underlined on account of the bad publicity that vaccination received from the swine-flu program. It is unnecessary and unthinkable that Idaho-type epidemics should occur.

Mr. BUMPERS. Mr. President, last week, I picked up a newspaper and found that there is a measles epidemic raging in the State of California. All those who happened to watch the "Today Show" this morning saw the dramatic evidence of that epidemic and how it was necessary to drive as far as 50 miles to bring measles vaccine into one of the largest cities and one of the largest counties in the United States.

I read from an article which appeared in the New York Times. I do not have the precise date, but I believe it was in last Friday morning's paper:

LOS ANGELES, January 26.—Los Angeles is experiencing a widespread outbreak of measles that has already claimed the life of an 18-month-old child and threatens to leave hundreds more victims with complications ranging from pneumonia to encephalitis.

Since September, the start of the seven-month measle season, 360 cases of rubeola, as measles is called medically, have been reported by physicians and school officials in the 714-square-mile county. About 30 percent of the victims have been children 18 months old or under.

* * * * *

Nationally, measles cases have increased sharply in the last few years. In the first week of this year, for example, 956 cases of measles were reported to the Center for Disease Control in Atlanta, as against 287 cases for the same period in 1976. Public health officials attribute the rise in cases to nationwide lags in measles immunization.

* * * * *

"Immunization is important because one in six persons who suffers rubeola will have some kind of complication."

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIG MEASLES OUTBREAK ON COAST FATAL TO ONE; MANY THREATENED

LOS ANGELES, January 26.—Los Angeles is experiencing a widespread outbreak of measles that has already claimed the life of an 18-month-old child and threatens to leave hundreds more victims with complications ranging from pneumonia to encephalitis.

Since September, the start of the seven-month measle season, 360 cases of rubeola, as measles is called medically, have been reported by physicians and school officials in the 714-square-mile county. About 30 percent of the victims have been children 18 months old or under.

Health officials are worried that the outbreak will get worse, because 151 cases were reported in the first three weeks of January, more than twice the number during the same period of 1976, which was a heavy measles year. The total is the highest since 1972, when Los Angeles experienced an epidemic involving a total of 1,466 cases that included three deaths.

"The actual number of cases to date may be as high as 3,000 because physicians and school officials are often too busy to report cases to county officials," said Dr. Shirley L. Fannin, chief of the Acute Communicable Disease Control Division of the Los Angeles County Department of Health.

DRAMATIC INCREASE NATIONWIDE

"Although 26 of the 27 health divisions of the county have reported cases," she said, "the poor seem to be the hardest hit, because they do not have access to regular care by a pediatrician or family physician who would insist that the child be immunized."

Nationally, measles cases have increased sharply in the last few years. In the first week of this year, for example, 956 cases of measles were reported to the Center for Disease Control in Atlanta, as against 287 cases for the same period in 1976. Public health officials attribute the rise in cases to nationwide lags in measles immunization.

Health officials here have asked school officials to start enforcing a California law that requires every child to be immunized against measles before he enters school. About 20 percent of the 1.8 million children have not been immunized, according to health officials.

More than 20,000 doses of vaccine were delivered to the county this week and the measles immunization program will begin Saturday. Any person between the ages of six months and 18 years can receive a free vaccination.

The county hopes to reach more people in its immunization program, which was hindered last summer by the refusal of manufacturers to issue the vaccine until a conflict over liability was resolved.

"Immunization is important because one in six persons who suffers rubeola will have some kind of complication," said Dr. Fannin. She said that one patient in 100 would develop encephalitis, which she said could lead to brain damage.

Mr. BUMPERS. Mr. President, let me tell the Senators about rubella. In 1964, this country had a massive outbreak of rubella. Approximately 30,000 children were born that year with rubella syndrome.

It works this way. A child comes home from school with rubella. His mother is pregnant, somewhere up to 3 months. She gets rubella, or German measles. It is an absolute medical certainty that that child, if it is carried to full term, will be born with rubella syndrome. That can mean mental retardation. It can mean a physical defect. It can mean any number of things. But in the more serious cases, we have a computation that shows that that child, for example, if it is mentally retarded and has to be institutionalized at a very tender age and lives its normal life span, will cost the States and the Federal Government, directly and through loss of productivity, approximately $900,000, in today's dollars, with a 5-percent inflation rate from now until the child's death. Nine hundred thousand dollars to institutionalize one rubella syndrome child. And Congress appropriates $9 million a year.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. BAYH. Mr. President, I salute the Senator from Arkansas for bringing this matter to the floor of the Senate once again. He has been interested in this matter for a long time. We have worked together on this matter. However, even before the distinguished Senator from Arkansas came to the Senate, I think it should be pointed out that he and his wife carried on a crusade in the State of Arkansas for the kind of inoculation that we should have nationally.

I cannot point to another area in which the Congress of the United States has been as irresponsible as in this area.

As the Senator from Arkansas knows, we were able to get an amendment to the appropriations bill passed in the Senate which provided a significantly higher degree of inoculation capability than the final consensus reached with the House.

I think the Senator has captured it. We appropriate more than $100 million for a swine flu program. We do not really know what the problem is. We do not know the answer. We all look like a bunch of fools.

In this area, we have the problem; the program is in gear; it is in the field; we know what the inoculation is; we know the life saving as well as the dollar saving, as pointed out by the Senator from Arkansas; and we have failed.

I hope that with the Senator's inspiration and prodding, this body will stand up and take on the other body and that we will get a full appropriation, so that every child in this country will be fully inoculated for the diseases we know how to cure.

I just want to salute him for the kind of role he has played in this area.

Mr. BUMPERS. I thank the distinguished Senator from Indiana. I also want to say he is one Senator in this body who has shown a great deal of sensitivity and concern in this field. Through his position on the Appropriations Subcommittee, he has done everything under the shining Sun to get these programs fully funded.

The Center for Disease Control in Atlanta, which seems to be on everybody's priority list, is not on mine. Every time you talk to them, they are not seeing that the children in this country are getting the immunization they should get. They are charged with dispensing the funds we do appropriate to the various States. They will give you 100 reasons why they cannot do it. They

mention the consent form. They say, "You have got to inform these people. They do not have to take shots." Well, of course, they do not.

But as I watched the "Today Show" this morning, and saw parents concerned standing in line block after block with their children, I did not see them clamoring for a consent form, and I did not see any of the doctors and nurses saying "We have got to go through this little ritual before we immunize this child."

It is the same as the wolf having puppies on the doorstep at Los Angeles, just as the CDC is predicting.

Let me say one other thing: As we saw in the swine flu program, appropriating money is not enough. We have been terribly negligent in the amount of money we have been appropriating. I am also speaking for Betty Bumpers, who has a lot more experience in this field than I do and, as Senator BAYH has said, did a great job. Of course, her husband was Governor, and he could recruit the National Guard and the health authorities, and we did not have to listen to these lame excuses.

But I want to tell you in the swine flu program we saw that public awareness—that means Walter Cronkite on the evening news and all the editorials in the New York Times and the Washington Post which they can run—is not enough. It does not get to those poor people in the innercities of this country; it does not get to the poor people in the rural areas of my State. The only way this problem is going to be overcome is to literally take people by the hand and lead them to the clinics.

We found that out in my State in our immunization program. You can show it on television every night, and literally millions of mothers never get the word; millions of illiterate, impoverished people do not really understand it. You have to recruit volunteers, and you have to recruit every conceivable kind of medical and health agency, and you have to get these people out to the clinics by taking them by the hand, and you have to provide clinics in the evenings so that working men and women can get their children to the clinics.

I know my time is just about up, but I want to make this point. I have heard my distinguished colleague from Minnesota (Mr. HUMPHREY), who is seated here on my right, many times say that we talk about national health insurance in this country, but what we are really talking about is national sick insurance.

We will do everything, once a measles outbreak breaks out in Los Angeles, or once rubella breaks out in Prince Georges County, as it did last year. We will do everything to cope with these crises which the Center for Disease Control and every medical authority in this country, say is coming in all these areas. We know the devastation that rubella causes in all of these rubella syndrome children born in this country. We know the side effects and the complications that can result from measles, and we will respond. Congress is the greatest body I have ever been associated with for reacting after the fact, and we will react again this year as these crises break out. But I predict right now—and I hate to be a defeatist—we are not going to get very alarmed and not going to try to set up much of a program to deal with what would be a very simple thing to do.

But the point I want to make is this year we are going to spend between $125 and $135 billion for health care in this country, and that is the reason why we all sit around here and lament and go back and tell our constituents that health care is too high, and we cannot have a national health insurance program, because it costs too much money.

I would like to have a national preventive health care bill of some kind passed by Congress. I am telling Senators if we immunize 70 million children in this country who are susceptible to one or the other childhood diseases, we could probably cut that cost by about $5 to $10 billion, to say nothing of the productive hours that would be saved by men and women not having to stay home with a sick child and not having to go to the doctor, and all the other economic consequences associated with it.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. HUMPHREY. I thank the Senator for yielding.

I primarily rise to commend him and to thank him just as the distinguished Senator from Indiana has done.

This body acts under duress generally; it takes someone to sound the alarm, somebody to exemplify leadership.

Regrettably in America we have what I call physiological politics—and I repeat physiological—full stomach, empty head; empty stomach, full head. In other words, if you are in trouble we act. If it is not raining why repair the roof, and if it starts to rain and the roof is leaking, that is the time you want to repair the roof, except that it is very difficult to do.

This is the way we have acted on the energy program, this is the way we act on preventive health care.

I have felt for a long time that just as we have medicare for grandpa and grandma we ought to have "kiddiecare" for the children. Quite the argument for a while on the totality of national health insurance. Everyone in this body who has read any article at all on health knows that if you give health care to that mother during pregnancy and health care to the child in the first few years of life, you can cut the medical bill at least 25 percent but, more importantly, you give some sense of comfort, safety, and security to mother and child. That is what it is all about. It is not just the dollars that are involved; it is the pain, the suffering, the anguish, the concerns and the fears that people have that come with these dangerous diseases.

I want to say to the Senator from Arkansas that he will have my help. I am so pleased that he rises today to speak out once again, and I hope these outbursts we have here will materialize into some action.

When we talk about money even on swine flu, $100 million, I know it is a lot of money, and we ought never to take a look at something of that size and pretend it is not significant. But I remind the Senate that that amount of money over in the Pentagon for weapons systems that never worked would be considered to be experimental.

I can recall in my days here in the Senate where when we designed the tank that was never used, into which we put $1 billion, where we designated an airplane engine that never ever flew a plane which cost $50C million, they said, "Well, you know, we have got to experiment—national security."

Well, national security is the health of our children; national security, by the way, is an adequate supply of energy. If I were the Russians today looking at the United States, I would not worry about whether we had a big bomb; I would just worry about whether we can get frozen up over here.

When I stop to think of what fools we are to permit these things to happen because we know better, we know we are not going to be forgiven because we know better, as the Senator has been saying here about this dread disease of German measles—we know what to do about it. We have discovered the answer. It is just a matter now of coordinating the great health protection agencies we have in this Government.

You know, it is interesting to me that if we take a fellow in the Army we know how to vaccinate him, we know how to feed him, we know how to clothe him, we know how to house him.

It is not that we do not know how. It is just simply that we do not have the will to do what we ought to do. The Senator from Arkansas has the will. Not only that, he has demonstrated as governor of his State it can be done. So we are not listening to a theoretician. We are listening to one who did it. I think precept and example are the most convincing evidence.

Mr. BUMPERS. I thank the Senator very much for his comments.

I would like to make one other observation, then I shall close my remarks.

One of the typical reactions to what I am saying this morning is that we ought to have stricter State laws about children going to school; they should not be allowed in school until they have been immunized against these diseases. That is true. That just overlooks one little factor. Most of the damage is done before the child is 5 years old. That is the reason why you have to immunize them when they are babies. They must be led to the clinics when they are younger than 5 years old.

Mr. President, I started out this morning saying that this is the first time I have ever spoken during morning business. I always thought it was sort of a charade, but so many of my colleagues have done it, claiming that it has therapeutic value, and I find that it has. I enjoyed it very much. I am going to do it several mornings this week.

I have some other things I want to get off my chest. I hope the Congress in all seriousness will heed what I am saying. We border on being indictable for criminal neglect.

I thank the Chair.

EMERGENCY NATURAL GAS ACT OF 1977

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 474, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 474) to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes.

The Senate resumed the consideration of the bill.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that a member of my staff, Bethany Weidner, and a member of the Antitrust Subcommittee staff, David Swartz, be given the privilege of the floor during debate and voting on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the same authority be granted for Bob Szabo of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I think I should state that it is the intention of the leadership to stay in session quite late today, if necessary, in order to complete action on this bill. The other body, as I understand it, is awaiting Senate action on the bill. So I would urge all Senators to give of their time and to restrain themselves from offering any amendments that might be controversial and that might be designed to deal with the natural gas problem on a long-term basis. Such amendments would endanger quick passage of this bill, which is not designed to deal with long-term solutions. It is only an emergency measure, and I hope that the Senate will act as quickly as it possibly can, so that the House can act on the measure and it can be placed on the President's desk by the middle or latter part of the week.

Mr. WEICKER. Mr. President, I wonder if I might ask the distinguished majority leader a question.

Mr. ROBERT C. BYRD. Yes.

Mr. WEICKER. I concur with the Senator's remarks that nothing should impede the passage of this particular legislation. But I also think I speak for many in this body when I say that we have too long avoided the long-term decisions that have to be made legislatively, and I wonder if the distinguished majority leader might give some indication as to whether or not the majority is prepared to have such legislation brought to the floor and decided upon in the very near future, or whether, come next year, we are once again going to be asked to rush through some temporary legislation. I think this is a matter that is on the minds and consciences of many other Senators besides myself.

Mr. ROBERT C. BYRD. I agree with the Senator. I think I should state that I talked with the President last week and urged that the Senate and the House of Representatives be given some assurance that a comprehensive, long-term solution of the natural gas issue will be sent up by the administration, and as early as possible.

The President responded by indicating that Dr. Schlesinger would talk with me about this, and that the President himself would talk with Dr. Schlesinger.

Dr. Schlesinger later in the day called me and said that the administration will send up its comprehensive national energy proposals no later than April 20.

I have given Senators assurance that I will do everything I possibly can to get that legislation before the Senate as early as possible, so that the Senate can work its will on the legislation. The Senator is absolutely correct; the wolf is at the door, and this is not a problem that is going to go away with the thaws of spring. Spring will come, and summer will come, but then another winter is going to come, and this problem is something that has begged for a solution too long now to be further delayed.

But at the moment, I think that it is incumbent upon the Senate to work on the emergency measure, and to avoid any attempt to deal with long-run solutions, because I think that would endanger the passage of this emergency legislation.

Mr. ABOUREZK. Will the Senator from Connecticut and the majority leader yield for a question?

Mr. ROBERT C. BYRD. Yes.

Mr. WEICKER. I yield.

Mr. ABOUREZK. The Senators are both talking in a kind of code when they say "a long-term solution." I just want to ask what they mean by that. Does that mean deregulation of all natural gas produced in this country?

Mr. WEICKER. I mean that we address ourselves to the following subjects: Conservation, mandatory or otherwise; decontrol; and deregulation. In other words, the overall spectrum both of use and of supply.

Now, how we address ourselves, or what various people's position is, that, to me, is not as important as that we finally recognize that unless we deal with the matter of use and the matter of supply there is no energy program for this Nation. I would hope that prior to our adjournment for the summer recess—because if we do not act prior to that time, there will be no program next winter—both these matters will have had the attention of the Senate and the House of Representatives.

Mr. ABOUREZK. Will the Senator yield further?

Mr. WEICKER. I yield.

Mr. ABOUREZK. I know what the Senator from Connecticut means. I wonder what the majority leader means. The Senator said he went up to see the President; does that mean that the President has made some kind of deal on the deregulation of natural gas later this year?

Mr. ROBERT C. BYRD. No deal.

Mr. ABOUREZK. But he has made a commitment that he will send up a deregulation bill?

Mr. ROBERT C. BYRD. He has not. He has made us a commitment that he will send up his national energy program, which will be a comprehensive energy measure, and in that package will be included whatever proposal he intends to make to deal with the natural gas situation.

Mr. ABOUREZK. Does the Senator know whether or not that includes a deregulation proposal?

Mr. ROBERT C. BYRD. I do not know.

Mr. JOHNSTON. Mr. President, will the distinguished majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. JOHNSTON. I address this question to the majority leader about this bill: The majority leader has said that he, speaking for the leadership, would oppose any attempt to tack on a long-term solution by way of amendment on this bill.

I have some 11 amendments at the desk, a number of which I think are of great importance. Some clarify language and concept, others make substantial changes in this bill.

I would like to bring those up if we are going to open the bill for that kind of amendments.

At the same time, I fully recognize the degree of the emergency, the difficulty we are facing in this country, with as many people unemployed as we have. If the leadership is not going to consider any amendments, and that is more or less the rule of the game, I am willing to play by that rule. But I think we ought to have an understanding at the outset as to what the posture of the leadership will be on substantive amendments to this bill, even though they may not involve long-term deregulation of natural gas.

Mr. ROBERT C. BYRD. My position is simply this: The leadership must discourage in every way possible the offering of substantive amendments because the offering of one such amendment will encourage the offering of other amendments. If such amendments are adopted, the doors will be opened. We will get bogged down in these very complex, very controversial, substantive amendments. If we are going to give the President what he is asking for, we ought to give him this bill without such amendments. Of course, if there are technical corrections that ought to be made, or if clarifications need to be made, possibly they can be made by legislative history.

It is my position that while any Senator has the right to offer any amendment he wants to, a right which is inherent, I want to do what I can to discourage the offering of such amendments. It is imperative that we act upon this bill. I am going to keep the Senate in as late as possible today in an effort to get it acted upon today. I am going to do everything I can to discourage the offering of amendments that will tie up the Senate, that will open the doors for additional amendments, when the necessity is for quick action on this bill.

Later it is the intention of the administration to send up a comprehensive measure. The Senator has my assurance

I will do everything I possibly can to get before the Senate legislation which will be substantive in nature and to which the Senator, and other Senators, may offer their amendments at that time.

Mr. JOHNSTON. Let me mention to the Senator, if he is going to do everything he possibly can to keep substantive amendments off this bill; I would suggest that means he is going to move to table substantive amendments, at least those the distinguished Senator from Illinois does not accept. Those which will simply clarify or which are technical in nature may be accepted.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. Those who wish to converse will please go to the cloakrooms or other areas.

Mr. JOHNSTON. I am not pleading the purpose of this bill. This bill does not help my State. To the contrary, it will probably take some gas out of my State and send it to other States. It does not help us in the slightest bit. But we are willing to go along with this bill provided every one else does not tack on his favorite little project to further hurt my State. I am simply asking if the leadership is willing to take the view to table all amendments other than those which the distinguished Senator from Illinois is agreeable to, those being technical or clarifying in nature.

The PRESIDING OFFICER. The Senate will be in order. Will those who wish to converse please retire to the cloakroom?

Mr. ROBERT C. BYRD. Mr. President, let me say to the Senator I will not shrink from taking any action I think is reasonable and which I think is calculated to hasten action on this bill, to get it finished today—certainly no later than tomorrow. If that means moving to table, yes. But I hesitate to say at this moment that I personally will move to table any and all amendments that are not technical or clarifying in nature. It may be that the manager of the bill would be the person to move to table. I am simply saying that I do not shrink from my duty. If duty demands that I personally move to table the amendment, and it appears that that would be the best way to approach it, then I will act accordingly.

Mr. JOHNSTON. The Senator is going to take a position in opposition to any substantive amendments that are not approved by the Senator from Illinois. The reason I mention the Senator from Illinois is because he has spent so much time with this bill. I think there is a modus operandi or an understanding on what will and will not be accepted.

I do not want the leadership to change horses in the middle of the stream and allow some major substantive amendments which will change this bill after those of us who have amendments are willing to submerge those amendments to the greater national good at this time. We do not want to change the rules once the debate starts. Can we have an understanding on that?

Mr. ROBERT C. BYRD. I hesitate for the Senator to attempt to pin me down so categorically. What he considers substantive at the moment may not be something that would be considered substantive in the eyes of the manager of the bill. I hope the Senator will not press me. I have stated my general feeling and position on this matter. If I could more categorically state a response to the Senator I would. Perhaps the Senator from Illinois would like to partially respond to the Senator's question. I know what the Senator is hoping to establish. He has a number of amendments, as he says, at the desk. He is ready to go with them and wants to go with them. But he is willing to abstain from doing so if other Senators are willing to restrain themselves in the interest of getting quick action on this bill. I hope that others will follow his example.

Mr. STEVENSON. I thank the distinguished leader for his comments.

I appreciate the Senator's cooperative attitude toward this measure. It is difficult for the leader or for anyone to give a categorical assurance. As the leader pointed out, an amendment may be regarded as substantive or clarifying, depending on the attitude of the Senators who support it.

I believe we can assure the Senator from Louisiana that we will, to the best of our ability, oppose all amendments that substantially change the nature or the direction of this bill. For example, if an amendment to provide for long-term deregulation of new natural gas were to be offered, we would strenuously oppose that, hopefully with the support of Members who support deregulation, in the interest of acting quickly on this measure. By that, I mean today.

Similarly, if there were an effort to extend the authorities in this act to permit allocations out of intrastate markets, while I personally favor that I would have to oppose it in the interest of getting action today on this limited emergency measure. There might be other provisions that have to do with the price of natural gas in emergency sales that could be regarded as substantive or as clarifying that we might want to debate.

Mr. JOHNSTON. I believe the Senator has answered my inquiry. My main concern is, first, what we are going to do about long-term deregulation, and, second, what we are going to do about the intrastate market. If it is a solid and nonnegotiable position of the administration that we do not get into either one of those subjects, and that is the rule of the day, I will understand it and play by that rule. I believe I have received assurance on those two matters that that is the rule of the day. For myself, I will cooperate with the administration in trying to get this bill through today. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator, not only for his offer of cooperation but for his demonstration of cooperation in this matter. I know the compelling pressures that bear upon him as upon others. I thank the Senator for his understanding and his expression of willingness to cooperate in every possible way to expedite the conclusion of action on this bill. I hope other Senators will do likewise. This is the one sure way of hastening action on this measure, which is purely a temporary emergency measure.

Mr. SCHMITT. Will the majority leader yield for a question?

Mr. ROBERT C. BYRD. Mr. President, I do not have the floor.

The PRESIDING OFFICER. The Senator from Connecticut still has the floor.

Mr. WEICKER. I yield for a question from the Senator from New Mexico.

Mr. SCHMITT. I thank the Senator. This is relevant to the Senator's earlier question. I am wondering, since the President has agreed to bring before us a comprehensive energy policy by the 20th of February, I believe the leadership said, if the leadership would consider an agreement to be worked out that by that time we will consider the question posed by the Senator from Connecticut.

Mr. ROBERT C. BYRD. I do not think I could agree to that proposal. Is the Senator saying that he would like to have an agreement from me that the measure will will be placed on the calendar by April 20?

Mr. SCHMITT. That a measure or measures relating to the total problems of natural gas regulation, deregulation, and conservation will be considered by this body by the 20th of April?

Mr. ROBERT C. BYRD. No, I would not be in a position to give that assurance at this point. The normal procedure is for legislation to be referred to the committees that have jurisdiction over the subject matter. I assume that some of the committees will be working in that direction prior to the date of April 20. Consistent with the urgency of the situation, and, of course, consistent with the procedures that have to be followed and ought to be followed in order to enable the committees to work their will on the legislation, it is my intention to schedule such legislation as early as possible, once it has been reported from the committees and placed on the calendar. I assure the Senator that I do not want to see any more delay than is absolutely necessary in having this measure come before the Senate and letting the Senate work its will on a national energy policy that is comprehensive enough to include not only the natural gas problem, but other problem areas as well.

Mr. SCHMITT. I submit for the record that it is working the normal procedures of the U.S. Senate and the House that has gotten us in the position today, where we are considering an emergency natural gas bill. I presume we will just have to accept the assurances of the leadership that we shall be working diligently to bring before this body, through those normal procedures once again, a bill or bills to deal with this very urgent problem of a natural gas supply for the country, not only for this winter but for subsequent summers and winters when crises almost certainly will be occurring.

I thank the Senator.

I yield back the time.

Mr. WEICKER. Mr. President, I concur with the comments made by the distinguished Senator from New Mexico. As a prelude to the remarks and the actions to be taken by the distinguished Senator from Illinois and the rest of my colleagues, I think it important to point out that, in 1970, I was elected to the U.S. Senate and was assigned to the Committee on Commerce until 1972. At that

time, under discussion in the Committee on Commerce was a natural gas bill. After the elections of 1972, I got bumped off the Committee on Commerce and did not return until 1975. Much to my amazement, guess what they were discussing after a 2-year hiatus. The natural gas bill. Here we are, today, with an emergency natural gas bill.

I think the record will clearly show that this matter has been in our hands and we have failed to act for at least 5 years. I have deep concern, as does the distinguished Senator from New Mexico, and I think even the distinguished Senator from Louisiana expressed it, that, unless there is some sort of crisis, no action will be taken and we shall just lead ourselves into another crisis. That is why we have the attempt to get some sort of commitment out of the Democratic leadership, which has controlled both the committees and this body since I have been here, to address themselves to the long-range problem.

It is not my intention, and I know it is not the intention of the Senator from New Mexico or anybody on this side, to hold the American people hostage for something Congress has failed to do, but I can assure you, I intend to hold the Senate hostage for what it fails to do in subsequent legislative periods. Unless we act, and there is not one of us who does not understand the concept of lead time here—indeed, by the time we act today, it will have little effect on the crisis we are in, and the American people should know that—but if we acted, literally, today, it might have some effect on next winter, because that is the lead time that is going to be required.

So, let the record clearly show the inaction by the U.S. Senate over 5 years on this very subject, the failure to come to any sort of policy. The fact of the bind we are in has nothing to do with arctic air masses or cold weather, it has to do with hard failure to respond realistically or positively to the energy crisis in this Nation.

I respect the wishes, I guess is the only way—not commitment—as so eloquently expressed by the majority leader—I respect that. But I hope that my colleagues on the other side will get their act together, as they have not been able to do, now, for 5 years, and assure the American people that they will not find themselves a year from now with the terrible suffering and crisis which is with us today.

UP AMENDMENT NO. 2

Mr. STEVENSON. Mr. President, I send to the desk two amendments and ask that they be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. SCHMITT. Mr. President, reserving the right to object, will the Senator say again what amendments he has?

Mr. STEVENSON. I have sent to the desk two amendments. One is purely technical. The other is a clarifying amendment with regard to the compensation of pipelines and distribution companies which are required to allocate gas. These amendments have been discussed at some length with the distinguished minority whip. He has no objection to them.

Mr. SCHMITT. A question as to the amendments: Is it the Senator's intention to submit a substitute as an original bill for S. 474? We have another bill before us here with a number of italicized changes. Is it the Senator's intention to submit that as a substitute?

Mr. STEVENSON. It is my intention, if I can get consideration of these amendments and if they are adopted, to make them original text so that these amendments, together with all the other provisions of this bill, will be subject to amendment.

Mr. SCHMITT. I thank the Senator.

Mr. ABOUREZK. Reserving the right to object, are these the amendments that were passed out this morning on the mimeographed sheet?

Mr. STEVENSON. Yes, they are; they are the amendments that were discussed earlier with the Senator from South Dakota.

Mr. ABOUREZK. In other words, they are not going to prejudice other amendments being offered?

Mr. STEVENSON. That is right. That is what I attempted to explain to the Senator from New Mexico.

The PRESIDING OFFICER. Without objection, the amendments will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. STEVENSON) proposes unprinted amendment No. 2 in the nature of a technical amendment.

The amendment is as follows:

On page 2, line 15, after "Act", insert "(15 U.S.C. 717 et seq.)"

On page 2, line 20, after "Act", insert "(15 U.S.C. 1 et seq.)".

On page 2, line 21, after "Act" the first time such word appears, insert "(15 U.S.C. 12, 13, 14–19, 20, 21, 22–27)".

On page 2, line 21, after "Act" the second time such word appears, insert "(15 U.S.C. 41 et seq.)".

On page 2, line 22, insert "sections 73 and 74" immediately before "Wilson", and insert "(15 U.S.C. 8–9)" immediately after "Act" the first time such word appears.

On page 3, line 7, after "or" the second time such word appears, insert "in".

On page 3, line 9, immediately after "necessary" insert ", having exhausted other remedies to the maximum extent practicable".

On page 3, line 17, after "including" insert "short-term".

On page 3, line 17, after "injection" insert "for protection of high-priority uses."

On page 4, delete lines 21 through 24, and insert in lieu thereof,

"(B) result in a disproportionate share of deliveries or curtailments of natural gas experienced by such interstate pipeline when compared to deliveries and resulting curtailments which are experienced as a result of orders applicable to other interstate pipelines (as determined by the President); and".

On page 5, after line 2, insert the following new paragraph:

"(3) In issuing such order the President shall also consider the relative availability of alternative fuel to users of the interstate pipeline ordered to make deliveries pursuant to this section.".

On page 5, line 5, after "Act", insert "(15 U.S.C. 717 et seq.)".

On page 6, line 15, delete "section", and insert in lieu thereof, "Act".

On page 7, line 16, after "compensation" insert "(which may include compensation in kind)".

On page 8, after line 2, insert the following:

"(g) In order to effect the purposes of this Act, the President shall monitor the operation of any order made pursuant to this section to assure that natural gas delivered pursuant to this section is applied to high-priority uses only.".

On page 9, line 23, after "transportation", insert "by an intrastate pipeline".

On page 10, lines 1 and 2, delete "if such transportation would not otherwise be subject to such Act".

On page 10, line 11, after "chased" insert "transported, or other costs incurred".

On page 10, line 16, after "(a)" insert the following new sentence:

"The costs of any such required construction shall be paid by the party receiving such natural gas."

On page 13, delete lines 1 through 5, and insert in lieu thereof the following:

"(b) Except with respect to enforcement of orders or subpenas under section 4(e), the Temporary Emergency Court of Appeals, established pursuant to section 211(b) of the Economic Stabilization Act of 1970, as amended, shall have exclusive original jurisdiction to review all cases and controversies under this Act, including any order issued, or other action taken, under this Act. The Temporary Emergency Court of Appeals shall have exclusive jurisdiction of all appeals from the district courts of the United States in cases and controversies arising under section 4(e) of this Act; such appeals shall be taken by the filing of a notice of appeal with the Temporary Emergency Court of Appeals within 30 days of the entry of judgment by the district court.".

On page 15, line 6, insert the following new section:

"PREEMPTION OF INCONSISTENT STATE OR LOCAL ACTION

"SEC. 14. Any order issued pursuant to this Act shall preempt any provision of any program for the allocation, emergency delivery, transportation, or purchase of natural gas established by any State or local government if such program is in conflict with any such order.".

On page 7, line 19, delete all through page 8, line 2, and insert in lieu thereof, the following new paragraph:

"(2) If, for the purpose of a supplemental order pursuant to paragraph (1), the party making emergency deliveries pursuant to subsection (a)—

(A) indicates a preference for compensation in kind, the President shall direct that compensation in kind be provided by August 1, 1977, to the maximum extent practicable.

(B) indicates a preference for compensation, or the President determines pursuant to paragraph (A) of this subsection that any portion thereof cannot practicably be compensated in kind, the President shall calculate the amount of compensation for deliveries of natural gas, based upon the amount required to make the interstate pipeline delivering such natural gas and its local distribution companies whole for loss of sales resulting therefrom; including the actual amount paid by such interstate pipeline or any of its local distribution companies for the volumes of natural gas or higher cost gas such as synthetic natural gas which were needed to replace natural gas delivered pursuant to an order under subsection (a); and for transportation, storage and other expenses, based upon reasonable costs, as determined by the President.".

On page 11, line 3, delete all through line 13, and insert in lieu thereof, the following:

"ADJUSTMENT IN CHARGES FOR LOCAL DISTRIBUTION COMPANIES

SEC. 7. Compensation received by an interstate pipeline pursuant to section 4 in excess of the amount such pipeline would have charged its local distribution companies shall be credited to such local distribution companies in proportion to their share of any natural gas not delivered together with credits necessary to make whole any local

distribution company which replaced such natural gas with higher cost gas such as synthetic natural gas as prescribed in section 4(f)(2)(B). Compensation paid by an interstate pipeline for deliveries or emergency purchases of natural gas pursuant to section 4 or section 6 shall be charged to such interstate pipeline's local distribution companies in proportion to their share of such natural gas deliveries or purchases.".

Mr. STEVENSON. Mr. President, the first of these amendments is purely technical. Rather than take the time of the Senate to go through it point by point, comma by comma, I ask unanimous consent that the description of these technical changes be printed in the RECORD at this point.

There being no objection, the description of the technical amendments was ordered to be printed in the RECORD, as follows:

(Note: Page and Line numbers refer to January 31, 1977 print inserting the amendments intended to be proposed by Senator Stevenson to the bill as introduced. Page and Line numbers *do not* refer to the text of S. 474 as originally introduced.)

1. Page 2, line 19, Technical—Insert appropriate U.S. Code citation for Natural Gas Act.

2. Page 2, line 25, Technical—insert appropriate U.S. Code citations for Sherman and Clayton Acts.

3. Page 3, lines 1–3 Technical—Insert appropriate U.S. Code citation for the Federal Trade Commission Act and appropriate section and citation for the Wilson Tariff Act.

4. Page 3, line 1, Technical—Inserts "in" for improved construction of the sentence.

5. Page 3, lines 13–14, Clarification—As introduced, the bill requires the Governor of a State to exercise his authority to the fullest extent practicable prior to requesting help from the President. This amendment requires the President to exhaust other remedies to the maximum extent practicable which may be available to him prior to declaring a natural gas emergency that would trigger the allocation authority in the bill.

6. Page 3, lines 22–23, Clarification—In the bill as introduced storage replenishment and injection was a high priority use for which gas could be allocated. The addition of the words "short term" and "for protection of high priority uses" is meant to clarify the limitation on allocation orders as they apply to use for storage replenishment, so that that storage replenishment itself must be for the purpose of maintaining high priority uses as defined in the Act. Thus, the use of allocated gas injected into storage for serving industrial plants would be a violation of the Act.

7. Page 5, lines 1–8, Clarification—As introduced, the bill contained a limitation on Presidential orders based upon the concept of "excessive" deliveries from any single pipeline. This amendment strengthens the requirement for equitable allocation by introducing the concepts of proportionality and end use curtailments as part of this test. The President must now be sure that the quantities ordered from any one pipeline are in proportion to the total supply of that pipeline when compared to such quantities allocated from other pipelines. Furthermore, the President is also required to consider the comparative level of end use curtailments in issuing any such orders.

8. Page 5, lines 11–14, Additional Requirement—Requires the President to consider the comparative availability of alternate fuel to users of the various interstate pipelines ordered to make emergency deliveries.

9. Page 5, line 17, Technical—Insert appropriate U.S. Code citation for the Natural Gas Act.

10. Page 7, line 2, Information Gathering—As introduced, the Presidential information gathering power only applied to emergency deliveries and pricing, pursuant to section 4. By changing the term "section" to "Act", the President's authority to gather information is extended to cover all of his responsibilities under the Act, including the issuance of emergency purchase orders in section 6.

11. Page 8, line 1, Technical—The inclusion of the term "(which may include in kind)" is designed to make clear that the President's authority to order compensation includes this option, and parallels the options available under a negotiated agreement.

12. Page 8, line 13—Page 9, line 9. This amendment is described on the attached memo and will be offered separately.

13. Page 9, lines 10-13, Additional Requirement—This subsection requires the President to monitor the use of natural gas delivered pursuant to a section 4 order to insure that the gas is used only for the purposes directed under the Act, that is for high-priority uses.

14. Page 10, lines 21-22, Clarification—As introduced, the bill would have prohibited emergency sales by the producing affiliate of any interstate pipeline whether or not that affiliate was selling to its own parent company or was entering into an arms length agreement with an unaffiliated third party purchaser. This would have seriously reduced the number of potential emergency sellers. The amendment prohibits sales between affiliates but allows the affiliate to sell to unaffiliated third party purchasers.

15. Page 11, lines 10-11, Clarification—As originally introduced, there was some ambiguity in the language of 6(2)(1)(A) as to whether or not an intrastate pipeline transporting gas destined for the interstate market pursuant to an emergency purchase would be insulated from FPC jurisdiction. This amendment guarantees such insulation and strikes the ambiguous language.

16. Page 11, line 22, Technical—As originally introduced, section 6(b)(A) guaranteed that the FPC could not disallow any emergency purchase sales price. This amendment extends that guarantee to any transportation or other costs incurred pursuant to such sales.

17. Page 12, lines 3-4—As originally introduced, the bill was silent on question of who should pay for any pipeline construction ordered by the President pursuant to his authorities. This amendment makes clear that the cost of any pipeline construction ordered for the transportation of emergency gas shall be borne by the party receiving such gas.

18. Page 12, line 15—page 13, line 15. This amendment is described on the attached memo and will be offered separately.

19. Page 15, line 3—page 16. In the bill as originally introduced, the Temporary Emergency Court of Appeals was established as the court of exclusive jurisdiction for all cases and controversies arising under the Act, while the district courts were established as the appropriate forum from which the President was to seek enforcement of his subpoena power under the information gathering section of the bill (section 4(e)). This amendment clarifies that any appeals from the District Court pursuant to such subpoena power shall be taken to the Temporary Emergency Court of Appeals.

20. Page 17, lines 17-22, Preemption—This new section provides a Federal preemption which makes clear that Presidential orders under the bill shall supersede any conflicting state action.

Mr. STEVENSON. The second amendment, Mr. President, deserves, I believe, a word.

Under the bill as originally introduced, the President could either order compensation in kind or monetary compensation if the parties failed to agree upon terms pursuant to an emergency delivery order. The standard for such a Presidentially determined supplementary compensation order was reasonable replacement cost plus transportation costs, plus a 5 percent bonus. Section 7 of the bill required that the entire amount of such compensation be passed through by pipelines to their local distribution companies through the pipeline's purchase gas adjustment clause.

Today's amendment to section 4(f)(2) and section 7 attempts to clarify and correct several problems with these provisions in the bill as originally introduced.

The amendment to section 4(f)(2) requires the President, at the option of the seller, to order compensation in kind where such an order is practicable. Since the preferred way of making any pipeline or distribution company whole is the actual delivery of replacement gas, this provision is directed at the inequity which would arise if a pipeline receiving gas as a result of an emergency delivery order tried to begin serving its interruptible industrial users next summer, prior to having repaid in kind the gas they were allocated, or refilled storage in anticipation of meeting next winter's high priority needs. The standard of practicability comes into effect when the President finds that payment in kind would render the reimbursing pipeline unable to meet its high priority uses either this heating season, this summer, or next winter—summer storage injection for next winter peak-day needs.

Under the new section 4(f)(2), if the President finds payment in kind for any portion of an ordered delivery is not practicable, or the seller prefers monetary compensation but cannot negotiate an agreement, the President is required to compute the compensation based on a standard which will leave the delivering pipeline and its local distribution companies whole from any loss of sales that result from such an allocation. Thus, both the pipeline and its local distribution companies are entitled to the markup—overhead, other fixed costs, plus rate of return—they would normally have received for the natural gas delivered elsewhere pursuant to a Presidential order.

In determining the amount needed to leave both the contributing pipeline and its local distribution companies whole, the President must look to the actual amount paid by any interstate pipeline or its local distribution companies for the volumes of natural gas or high cost gas—such as SNG—which were needed to replace the gas delivered pursuant to an emergency order of the President, as well as reasonable expenses incurred in storage or transportation of such gas.

Thus, if as a result of an emergency allocation order given to a pipeline, one of its local distribution companies utilizes more synthetic natural gas from one of its SNG plants to replace the gas allocated elsewhere, and the mix of $4.50 SNG in that distribution system increases from 15 percent to 20 percent leaving its ratepayers with a substantially higher bill as a result of the allocation, that local distribution company and its ratepayers are entitled—as part

of the compensation as determined by the President—to be made whole for that loss. An amount equivalent to their loss is therefore required to be included as part of the compensation paid to that local distribution company's pipeline as a result of a supplementary Presidential compensation order under section 4(f)(1) and (2).

Section 7, as amended, in turn, is now designed to insure that such a local distribution company gets its fair share of any such compensation made to its pipeline. Under section 7, a selling pipeline is entitled to be made whole by keeping that portion of the compensation it receives that represents the amount it would have charged its own distribution companies for the gas that was allocated elsewhere. The balance of any such compensation is then required to be paid back to the local distribution companies in proportion to the amount of gas lost to such a distribution company as a result of an allocation order, together with any further credits necessary to compensate any individual local distribution company for its use of higher cost replacement gas such as SNG.

Mr. President, the theory underlying these amendments is that it is ultimately the ratepayers of a local distribution company who absorb the losses resulting from an allocation order to their supplying pipeline. To the extent they are called upon to pay for higher priced gas or receive no gas as a result of such an allocation order, they should be made whole. Sections 4(f)(2) and 7 now contemplate giving the President the flexibility and standards to see that the users of the contributing pipeline and its distribution system are equitably treated in view of the prudent investments that have entitled such companies to maintain a superior supply position.

Mr. President, I urge the adoption of these amendments.

(At this point, Mr. LEAHY assumed the Chair.)

Mr. STEVENS. Mr. President, I have no objection to these amendments. They have been discussed with the minority staff of the Commerce Committee. I have discussed them with the Senator from Illinois.

I had hoped, however, that in terms of the delegation of authority section, section 13 on page 17, we might have a clarification with regard to the possibility that this authority might be delegated to the Federal Power Commission.

I attempted to articulate my worry about that with the Senator from Illinois the other day because I fear that if this authority is delegated to the Federal Power Commission, which already has a basic due process fabric created in regulation, court decision, and other acts of Congress, there is a possibility that a court might determine that what we have intended under this act could not be achieved because of other acts, regulations, or court decisions.

I have been told that it has been indicated, perhaps because the FPC is not an executive agency within the meaning of title 5 of the United States Code, section 105, that such an amendment to that section might not be necessary.

But the section continues to say that the President could delegate or order any portion of the authority granted to him under this proposal to, and I quote, "officers of the United States as he determines appropriate," which, I take it, could include the commissioners of the Federal Power Commission since they are all officers of the United States, even though they as a corporate group make up the Federal Power Commission.

As the Senator knows, I have been trying to work with him to make certain that this proposal submitted by the President, which so much reflects what the two of us tried to do last year, becomes law and will be upheld and achieve our goal with regard to the current crisis.

I ask the floor manager of the bill, does he feel that it is unnecessary to specifically indicate in the bill that the President may not delegate this authority to the members of the Federal Power Commission individually as opposed to the commission as a corporate body?

Mr. STEVENSON. Mr. President, I am grateful to the Senator for the opportunity to clarify the intent of section 13. That section, by its reference to 5 U.S.C. 105, is intended to exclude the Federal Power Commission as a body as a possible designee of the President and the reference to officers is intended to include individual members of the Federal Power Commission.

It is my expectation and I believe the intention of the President to designate in accordance with this provision not the Federal Power Commission, but an individual member of the Federal Power Commission to exercise his authority under this bill if it is approved.

Mr. STEVENS. Mr. President, speaking for myself, I believe that would be consistent with the objectives of this act, but if it were more than one member of the Commission it could well raise the question, particularly if the President were to delegate this authority individually to a majority of the Commission. I think it could well lead to some difficulties we would not desire.

Based on the statement of the Senator from Illinois that it is the President's intention, as he knows it, to delegate to an individual member, I certainly will not introduce an amendment or object to the technical amendments of the Senator from Illinois.

I shall not be speaking too much on this, but I believe we should all take cognizance of the fact that we have tried to expedite consideration of this bill. I assume other Members of this body are getting telegrams, such as some that came into my office this morning, indicating a question of, why should Congress debate while the crisis increases?

To my knowledge, this act will probably pass the Senate quicker than any bill affecting natural gas ever has. Under those circumstances, I think it is highly inappropriate that we see cartoons that indicate that the Members of this body are blowing up a large balloon while other people are freezing.

It is my hope that we will finish the bill today. I have joined other portions of the leadership and those interested in this bill in urging the deregulation amendment not be offered.

I state again that I intend to vote to table or defeat that amendment, even though I seek that as the ultimate goal and the ultimate solution to the basic problem I mentioned this morning, and that is the failure of our pricing system to recognize the Btu equivalent cost ratio between the forms of energy we are using in this country today.

I thank the Senator from Illinois for his comments.

I have no objection to these technical amendments. Again, as the Senator from New Mexico has stated, I assume that these, too, are original text for the purpose of future amendment.

Mr. STEVENSON. Mr. President, I again thank the Senator from Alaska for his cooperation. He recognized last fall the need for legislation such as this, and if we had had our way, Congress would have acted then. I agree with him that we should act now. Because of his coopperation and the cooperation of other Members, it is possible that the Senate will act on this measure today.

In view of some of the cartoons and telegrams, I should point out that we would perhaps not be in a position to act today had we not had the weekend to work on this bill. It was introduced as an emergency measure, without any hearings in the committee on this precise bill, although there had been hearings in the Committee on Commerce on the general subject. It took the work of the Members and the staff, including the Senator from Alaska and myself, throughout this weekend to pull together these amendments and put the Senate in a position to act on this bill today. Otherwise, we would not have been able to get the work done and act now, as I hope we will today.

Mr. RIBICOFF. Mr. President, I share President Carter's very deep concern over the severe shortage of natural gas. This critical situation has been made worse by the hardest winter the United States has endured in this century. Tragically, these two factors have led to untold human suffering—including a number of deaths—and serious economic dislocations.

It is particularly unfortunate that this situation should occur as we have known that there has been a natural gas shortage in the United States since 1971. This shortage has grown steadily larger every year, yet neither the previous administration nor the Congress took any affirmative steps to deal with the problem or to develop any workable contingency plans. While nothing can be gained in assessing responsibility for the failure of either the executive or legislative branches to act, I do hope that we will have learned something from this experience.

Last November the Federal Power Commission estimated that the Nation's pipelines would require approximately 10.3 trillion cubic feet of gas through the heating season. Even at this rate there would be a 1.8 trillion cubic feet shortfall or 18 percent. Sixty-day sales of natural gas were initiated during the last 3 months of 1976, but I understand that only 89.3 billion cubic feet of gas have been added to the interstate system. This is only about 1 percent of what was originally estimated to be required. There is no guarantee that additional emergency

sales will bring a sufficient quantity of gas to the pipeline or that the pipelines will even be able to secure the gas which was previously contracted.

The measure proposed by the President is certainly no panacea. It is an important step in the right direction, however, and will hopefully provide some degree of much-needed relief to areas ravaged by the weather and the lack of fuel.

States such as Connecticut—in which only 9 percent of our energy needs are supplied by natural gas—are anxious to assist energy-starved regions of the Nation. However, we want to insure that our residential and commercial consumers are not penalized. For over a decade Connecticut natural gas customers have been paying an additional amount to cover the capital cost for LNG and SNG facilities. We are prudent enough to plan ahead and to prepare ourselves for severe winters and/or shortages.

We are concerned, therefore, that there be a just and equitable reimbursement for any gas made available through the interstate system. The current differential between interstate gas—at rates of $1.42 per thousand cubic feet—and intrastate SNG—at $5.30 per thousand cubic feet—is substantial. I wish to express my appreciation to my distinguished colleague from Illinois, Senator STEVENSON, for addressing this particular issue and for offering his amendment to guarantee that the supplier and distributor are made whole for any loss in the price differential. I am hopeful that this perfecting language will insure local distribution companies will be reimbursed for diverted gas at the highest marginal cost of gas used by that local company system.

The able floor manager's comments and actions have clarified this area of concern to the Senator from Connecticut. They have also helped to define the administration's course of action in providing full reimbursement to those States and distributors being called upon to aid other regions of the land.

Mr. STEVENSON. Mr. President, I move the adoption of these amendments, and I ask unanimous consent that they may be considered as original text.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (UP No. 2) were agreed to.

Mr. STONE. Mr. President, will the Senator yield?

Mr. ABOUREZK. Mr. President——

Mr. STEVENSON. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. ABOUREZK. Mr. President, a point of order. I sought recognition prior to the time the Senator from Illinois did.

Mr. STEVENSON. Mr. President, I have had recognition since the Senator from Connecticut gave up the floor, I believe. Is that not correct?

The PRESIDING OFFICER. The Senator from Illinois has been recognized and had the floor when the Presiding Officer assumed the Chair. The Senator from Illinois has the floor, and the point is not appealable.

Mr. ABOUREZK. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Does the Senator yield for the purpose of a parliamentary inquiry?

Mr. STEVENSON. I will be glad to yield in a moment, but I had intended, first, to respond to the Senator from Florida, who had asked if I would yield to him for a question.

Mr. ABOUREZK. Will the Senator yield for a parliamentary inquiry?

Mr. STEVENSON. I yield, first, to the Senator from Florida for a question.

Mr. STONE. The Senator from Florida will be very brief.

I ask the Senator from Illinois to direct his attention to page 9 of the bill, section 6(a), emergency purchases. The first lines provides:

> The President may authorize any interstate pipeline or local distribution company served by an interstate pipeline (or class or category of such pipelines or companies) to contract, upon such terms and conditions as the President determines to be appropriate (including provisions respecting fair and equitable prices), for emergency supplies of natural gas for delivery before August 1, 1977.

The key word there is "any."

The Senator from Florida inquires of the Senator from Illinois, the manager of the bill: Is it the intention of that provision that if the President authorizes any one interstate pipeline, by the same authorization he would be authorizing all, or is it an exclusive grant that he could allocate to one, to the exclusion of the other interstate pipelines, and so forth?

Mr. STEVENSON. Mr. President, the Senator raises a good question. It is not the intent to be exclusive. This section is intended to authorize emergency sales for all interstate pipelines, not to just one or another.

Mr. STONE. I thank the Senator very much. It could become quite important to pipelines which would be required by other provisions to yield gas they now have and yet, if the President did not allocate them or authorize them, be barred from trying to buy some replacement supplies from some intrastate supplies they might locate.

Mr. STEVENSON. The Senator is absolutely right. He has raised a good question. It is not the intention of the bill to bar the pipeline from acting in those circumstances.

The word "any," as I mentioned earlier, is intended to refer to all pipelines.

Mr. STONE. I thank the Senator very much.

Mr. STEVENSON. I thank the Senator for the opportunity to clarify that provision.

Now, Mr. President, if the Senator from South Dakota wishes, I will be happy to yield to him for a parliamentary inquiry.

Mr. ABOUREZK. Mr. President, I seek recognition in my own right.

Mr. STEVENSON. Mr. President, I am not quite ready to yield the floor. I have not had an opportunity this morning to say anything about this bill, and I should like to do so.

Mr. ABOUREZK. Then, will the Senator yield for a parliamentary inquiry?

Mr. STEVENSON. Yes, I yield to the Senator for that limited purpose.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for the purpose of making a parliamentary inquiry.

Mr. ABOUREZK. Mr. President, it is my understanding of the rules that once a Senator who is in possession of the floor moves, as Senator STEVENSON moved, the adoption of some amendments, he does not retain possession of the floor unless there is some other agreement. Is my understanding correct?

The PRESIDING OFFICER. The Senator's statement is correct, but the question of recognition is under the province of the Chair, from which no appeal shall lie. Leaders and managers of a bill are given preferential recognition, under the practices of the Senate.

Mr. ABOUREZK. A further parliamentary inquiry: Do not the rules also state that any Senator who is on his feet first, asking for recognition, shall be recognized before someone who is not?

The PRESIDING OFFICER. As the Chair stated, the manager of a bill is given preference. It has been the Chair's experience, in the brief time that this Senator has been in the Senate, that that practice has been followed, and it is one that the Chair endorses.

Mr. ABOUREZK. Will the Chair respond directly to my question—whatever the custom might be—as to what the rules state with regard to someone who is on his feet, asking for recognition?

The PRESIDING OFFICER. The rule states that the Senator who first addresses the Chair is to be recognized.

Mr. ABOUREZK. Then, my question follows on that: Did the Chair notice me asking for recognition prior to the Senator from Illinois?

The PRESIDING OFFICER. When the present occupant of the Chair assumed the Chair this morning, the Senator from Illinois was making a statement, was addressing the Senate. It is the Chair's recollection that he subsequently yielded for particular purposes to other Senators.

Mr. ABOUREZK. After the amendment was voted on, my question then was, did he retain the floor after the voting on the amendment?

The PRESIDING OFFICER. The Senator was on his feet, seeking recognition. The Chair, in that particular instance, once action on the amendment was concluded, recognized the Senator from Illinois and heard the Senator from Illinois first.

Mr. ABOUREZK. I understand that the Chair recognized the Senator from Illinois, but did the Chair hear the Senator from South Dakota ask for recognition prior to that time?

The PRESIDING OFFICER. The Chair saw the Senator from Illinois first, quite frankly.

Mr. ROBERT C. BYRD. Mr. President, if the Senator desires recognition, I will try to help him get it; but I hope we can get on with action on the bill.

Mr. ABOUREZK. I hope so, too. That is what I want to do by seeking recognition, and I cannot get it.

The PRESIDING OFFICER. The Senator from Illinois has the floor, and the Chair has recognized the Senator from Illinois.

Mr. STEVENSON. I thank the Chair.

I remind the Senator from South Da-

kota that the Senator from Illinois was not off his feet and maintained recognition.

Mr. President, just a word about this measure, and then I hope we can turn our attention to any amendments, dispose of them quickly and send this bill today to the House, which is waiting for it.

I remind the Senators that any delay in this body is also a delay of action by the other body, and that people are suffering.

Mr. President, this legislation is not new nor its purpose ambitious. It will not solve the energy crisis nor will it change the weather, nor will it put people to work. Its purpose is only to protect life and property from the cold.

The message that really needs to go forth to the country from this Chamber today is that only the American public can save itself from the ravages of this winter, and only by conserving every form of energy, especially natural gas. Nothing else will suffice for now.

Mr. President, if there is anything in this dismal picture to be thankful for it is that it is not too late for the Nation to act upon the energy crisis and now, perhaps, it will be possible to act. Perhaps the cold weather will awaken the Nation to its peril, and the peril of which this hard winter offers only a mild portent of worse things to come.

Natural gas supplies the Nation with about 30 percent of its energy requirements; industry with about 50 percent of its requirements; some 45 million homes are heated by natural gas, and the severe weather has depleted gas stores to less than 50 percent across the country. We ordinarily do not reach that point until March, when the heating season has passed its peak.

Over 600,000 people are out of work already; homes are in danger of going cold. There is little at this late hour we can do except to make certain that the gas which is available is used for the most essential purposes—for homes, small businesses, nursing homes, hospitals, and other such users of natural gas. That is all this bill proposes to do.

It is not enough. In fact, gas diverted to warm homes could cause more factories to close, more people to lose jobs, and then they would be unable to pay their fuel bills.

Much more remains to be done. This bill is a first step against the present emergency. Other measures may become necessary in the near future.

This bill was debated on Friday; questions were raised about the extent to which it, in fact, accomplished its intended purposes. With the amendments that have now been adopted I believe those limited purposes are, in fact, accomplished, or will be if this bill is enacted into law.

Mr. President, as has been mentioned by others, this bill will not solve the larger questions of natural gas regulation. As has been mentioned by others, the Congress has faced up to the question of long-term pricing of natural gas. In the last Congress, the Commerce Committee held some 25 days of hearings on that subject and reported legislation which satisfied no one. The Senate, and the Congress as a whole, have debated the reform of natural gas prices and the Senate passed measures that did not become law.

What has happened in the past is that Congress and the Nation have been deadlocked by extreme positions taken by producers of natural gas, on the one hand, and by organizations representing the consumers, on the other.

All of the efforts to strike a fair balance, to compensate the producers adequately, providing them with all the resources and incentives that are necessary in order to produce the gas and protect the economy, providing some incentives for the conservation of natural gas, fell between the cracks. There was never any room or possibility for compromise.

That may change now, and it may change because representatives of consumers can see more clearly the consequences of a policy which promotes the consumption of natural gas but not its production. It may be possible now because the producers of natural gas and their representatives can perceive more clearly the economic consequences of completely unregulated energy, energy which in fact is not unregulated but has become regulated by the OPEC cartel.

In the case of natural gas, the demand across the country is so great that, if added to the demand of the intrastate markets for a finite, limited supply of natural gas, the price would go above the level of OPEC oil, resulting in a quantum jump in the cost of one of our most basic commodities, the likes of which this Nation has never suffered.

That would be one way to conserve natural gas. But the price would be declining levels of industrial and agricultural activity, and it is not a price that needs to be paid. Recession combined with inflation is one way, but it is not the right way. A balance needs to be struck and prices for newly regulated natural gas phased in over time so they can be absorbed without dislocations to the economy and, over that time, reach an equivalency with oil so that the incentives no longer exist to produce one at the expense of the other to burn the one at the expense of the other.

Mr. President, action by the Senate today on this bill will not prejudice one way or the other action on the longer term, larger question of regulation of the wellhead price of natural gas, and it will not delay action by the Senate on that question.

As the distinguished majority leader and others have mentioned, the administration will have its energy message to us by the middle of April, and that message will include a proposal for the reform of regulation or, perhaps the deregulation of new natural gas. The Senate then will have an opportunity to work its will.

The leadership of the Senate has indicated that measures for determining our treatment of large range pricing of natural gas, will be brought before the Senate at the earliest possible time, and, perhaps, in a more hospitable climate than we have experienced in the past, we will have an opportunity to act and act sensibly on this subject of natural gas pricing.

Mr. President, I might conclude these remarks by pointing out that the action which was ostensibly sought of Congress in the last session has already been taken. It was taken by the Federal Power Commission.

When the Senate in the last Congress took up this question, the producers said that a price of $1.35 per Mcf was needed in order to maximize supplies of natural gas in the country. They wanted deregulation. Some of us proposed a formula for the actual total deregulation of new natural gas starting at a price of about $1.35. They opposed that.

The FPC, in the meantime, has increased the price of new natural gas to $1.42, above what the producers said was needed and as much as the Federal Energy Administration said was needed to maximize supplies.

I make this point only to suggest that there is no very cheap and easy answer to this question of adequate natural gas supplies. No price, no matter how high, will elicit supplies of natural gas that simply do not exist, and beyond a point the price does not elicit more natural gas. What it produces is windfall profits.

So it seems to me that we should recognize that price is not enough. Price increases have been made, and even when the price increases are made, if the price is a realistic price, that is to say a price that promotes conservation on the one hand and production on the other, it takes time. It takes a long time to bring the wells on stream and, with the phasing out of the old regulated gas, to change the life styles and the habits of American industry and the American people. No amount of deregulation—no matter what action the Senate takes—no form of regulation or deregulation this year is going to appreciably change the availability of natural gas supplies in the near future. This measure, which we act upon today, is also a measure to protect the country for next winter because it will, through its pricing provisions, enable the interstate pipeline companies to buy such stores of natural gas as are available and restock their depleted natural gas storage facilities.

Even with that we may still be faced with this same problem, even with a mild winter this time next year, no matter what Congress does in the interim on the larger question of long time regulation of natural gas.

Mr. ABOUREZK addressed the Chair

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABOUREZK. Mr. President, I do not know who it was who said that the railroads were doing poorly but this particular railroad seems to be running right on time. I mention that because of the way this legislation has been handled. It came on without hearings. It was called an emergency bill to do something about getting gas heat to residential areas in gas shortage States.

Most of the time Senators who belong to this particular Senate get their information from the press as to what is going on over here on the floor. That is why they do not come over here a great deal of the time. In a lot of cases that works pretty well because the press reports with some degree of accuracy what is happening here. Unfortunately, that is not the case with this particular gas bill.

I refer specifically to the short debate we had last Friday. I read the newspapers the next day and watched the television programs that night to see if the statements of the Senator from Illinois might appear in the news media. I refer to the statements he made about this having no effect whatsoever on restoring jobs for the industries that have shut down and the admissions that he made that this would deregulate natural gas for a short time and that it would not allow the President's entry into the intrastate market. All the press stories that I saw and read would start out with saying there are 400,000 more people out of work, the gas bill is now being debated before the Senate, there are more people going out of work, and the Senate, the President, and the House of Representatives are trying to find some kind of remedy for this joblessness. So the actual impact of this legislation was pretty much distorted in the press, and that is unfortunate.

For example, last Friday, after Senator STEVENSON had talked about what this bill would do and would not do, Senator MATHIAS from Maryland walked on the floor, after Senator STEVENSON had finished his speech, and Senator MATHIAS said:

We have to get this bill passed because there are people out of work up in Maryland and we have to get them back to work.

That indicates the extent and the degree of understanding of what this bill is.

I do not think there is any question about it. It is a deregulation bill that does nothing to get any more gas for anyone. The only thing it really will do is to run short the States in the Northeast and the Midwest whose gas companies have already tried to provide enough supplies for the winter.

If this is such an emergency, if the country is in such a crisis, and if we have to do so much, I wonder why there are not more Senators in the Chamber listening to this so-called emergency debate. Not as a matter of delaying things, but what I wish to do—and the majority whip is here now—is try to get a live quorum or even a vote to send the Sergeant at Arms out so that we can get some Senators over here to listen to what is going on.

I think amendments that might be offered would be better understood and have a better chance of being agreed to if that were the case.

So with that in mind I hope the cloakrooms on both sides of the aisle will try to keep Senators here once we have had a vote on sending out the Sergeant at Arms.

So with that, Mr. President, I suggest the absence of a quorum.

Mr. CRANSTON. Mr. President, will the Senator withhold that for a moment?

Mr. ABOUREZK. Without losing my right to the floor, I am happy to withhold my suggestion.

Mr. CRANSTON. I suggest that perhaps a better way to proceed to get Senators here who should be here to hear the debate—I am sure many of them are doing other important work at the present time—is to agree what will be the first amendment and let the cloakroom advise Senators that we are now on an amendment and let us see if those who are most interested show up for that discussion before going to the trouble of a live quorum.

QUORUM CALL

Mr. ABOUREZK. I think it is probably better to have a live quorum. So, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names.

[Quorum No. 6 Leg.]

Abourezk	Cranston	Sasser
Allen	Leahy	Schmitt
Anderson	Moynihan	Stevenson
Baker	Pearson	Talmadge
Byrd, Robert C.	Sarbanes	Wallop

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absentees.

The assistant legislative clerk resumed the call of the roll.

Mr. ABOUREZK. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senate is not in order. It is impossible for the clerk to hear Senators voting. It is impossible for Senators to hear their names. We are on a tight schedule. The Chair will ask if we can have order so we may complete the rollcall quickly.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Colorado (Mr. HASKELL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Mississippi (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

Mr. STEVENS. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Nebraska (Mr. CURTIS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from Utah (Mr. HATCH), the Senator from California (Mr. HAYAKAWA), the Senator from New York (Mr. JAVITS), the Senator from Idaho (Mr. MCCLURE), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) and the Senator from Michigan (Mr. GRIFFIN) are absent due to illness.

The result was announced—yeas 76, nays 1, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—76

Abourezk	Hatfield	Nunn
Allen	Hathaway	Packwood
Anderson	Heinz	Pearson
Baker	Helms	Pell
Bayh	Hollings	Percy
Bellmon	Huddleston	Proxmire
Bentsen	Humphrey	Randolph
Biden	Inouye	Ribicoff
Bumpers	Jackson	Riegle
Byrd, Robert C.	Johnston	Roth
Cannon	Laxalt	Sarbanes
Case	Leahy	Sasser
Chafee	Long	Schmitt
Church	Lugar	Schweiker
Clark	Magnuson	Scott
Culver	Mathias	Sparkman
Danforth	McClellan	Stafford
Dole	McGovern	Stevens
Durkin	McIntyre	Stevenson
Eagleton	Melcher	Stone
Ford	Metcalf	Talmadge
Garn	Metzenbaum	Wallop
Glenn	Morgan	Young
Gravel	Moynihan	Zorinsky
Hansen	Muskie	
Hart	Nelson	

NAYS—1

Weicker

NOT VOTING—23

Bartlett	DeConcini	Javits
Brooke	Domenici	Kennedy
Burdick	Eastland	Matsunaga
Byrd, Harry F., Jr.	Goldwater	McClure
Chiles	Griffin	Stennis
Cranston	Haskell	Thurmond
Curtis	Hatch	Tower
	Hayakawa	Williams

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The Senator from South Dakota is recognized.

Mr. ABOUREZK. Mr. President, I hope that Members of the Senate—let us have order, Mr. President.

The PRESIDING OFFICER. The Chamber will be in order. The Senator from South Dakota has been recognized. Senators who are conversing in the aisle will kindly take their seats or retire to the cloakroom. The Senate will be in order before we proceed.

Mr. ABOUREZK. Mr. President, I hope you do not run them off the floor, because that was the purpose of that last vote, to get them here.

The PRESIDING OFFICER. The Chair was requesting that Senators take their seats in the Chamber except those who have a vital necessity to carry on a conversation.

The Senate is in order. The Senator may proceed.

Mr. ABOUREZK. Mr. President, I hope that as many Senators as possible can stay here to listen to the debate on this legislation and the explanation given by the Senator from Illinois and others. The reason I say that, Mr. President, is that the legislation before us now has been misrepresented in the press media to the point where its intent and purpose have been totally distorted. Not an evening has passed during the last 2 weeks without the network news delivering its judgment on the unprecedented cold wave and the damage that it is causing. Natural gas customers are being

curtailed, factories and schools are closing down, hundreds of thousands of people are being thrown out of work, and the threat of people freezing in their homes is held out as the next step in this devastating calamity.

No one can deny that an emergency exists, but now is not the time to argue about how the emergency was created. It is enough to say that gas producers have gone public in admitting that they are waiting for higher prices before they will produce more natural gas for their markets. They should have been dealt with before now, but that will have to wait.

The response of the Carter administration has been quick, but unfortunately, it has been wrong. The legislation offered by the administration and managed by the Committee on Commerce does little to alleviate what appear to be the symptoms of the emergency—that is, that gas storage to serve residences is virtually gone in several States.

My colleague from Illinois (Mr. STEVENSON) freely admits that this legislation will do nothing to restore the industries which have been forced to shut down, nor will it prevent any more jobs from being lost because of the crisis. In fact, Senator STEVENSON stated here on Friday that, in order to save lives, people may lose jobs. But the administration's bill does essentially two things: it deregulates the price of natural gas until August 1, 1977, and it requires the allocation of gas to areas of shortage from areas where other shortages may be created as a result of the allocation.

This legislation is more significant for what it does not do than for what it does. It does not touch the intrastate market, where gas is burned wastefully by industrial users who can use alternate fuels rather than gas. In the gas-producing States of the South primarily, where the intrastate market operates, an abundance of gas exists. This is gas which could be allocated without forcing people out of work and without forcing industries to shut down for any substantial period of time. This would minimize, rather than shift, the suffering caused by the curtailments which may come as a result of the emergency situation.

When I asked Senator STEVENSON on Friday why no hearings had been held on this bill, his response was that this was an emergency. When I asked why this legislation did not require allocation from the intrastate market, where there is plenty of gas to be had, he said that there were tactical reasons for this. There would be too much opposition to going into Texas and taking gas from bowling alleys, refineries, and other industries that could immediately switch to fuel oil, that could be safely closed down without losing any significant number of jobs.

If this is an emergency, and I believe it is, then how can anyone successfully oppose going into the intrastate market to allocate gas for people who might freeze if it is not done? I am going to offer an amendment which will give the President the authority to allocate natural gas on an equal basis between and among intrastate and interstate markets during a declared emergency period or until April 30, 1977, whichever comes first. This is being offered with the cosponsorship of Senator METZENBAUM, Senator NELSON, and Senator PROXMIRE.

This amendment recognizes that curtailment of natural gas to high-priority users threatens life and property and necessitates extraordinary measures.

It recognizes that the allocation of unused supplies and supplies for which alternate fuels can be substituted should occur before allocation of supplies which would deprive other high-priority users of gas on which they depend.

It would decrease the possibility that adequately supplied interstate pipelines will be ordered to curtail their industrial users in order to provide gas to high-priority users served by other interstate pipelines.

It says, basically, that Congress can act to meet essential human needs without creating more unemployment, by going into a market from which gas could be allocated without anybody losing jobs.

If we honestly want to minimize immediate suffering, I think we have to open the intrastate market for allocation. Our amendment recognizes that the demand for natural gas is a national demand, not simply an interstate demand. Where supplies are scarce, priorities must be based on the total picture of essential use, not the use within a single market nor on the power of some groups to exclude themselves from the need to share with other groups in this country.

I hope the managers of the legislation will accept this amendment even if they believe there is opposition. Why on God's Earth would they want to shy away from doing what is so obviously right and necessary in the midst of what everybody recognizes is an extreme emergency?

Mr. METZENBAUM and Mr. BENTSEN addressed the Chair.

Mr. ABOUREZK. Mr. President, I yield briefly to the Senator from Ohio (Mr. METZENBAUM).

Mr. TOWER. Will the Senator from South Dakota yield to me on an unrelated matter for about 1 minute?

Mr. ABOUREZK. Without losing my right to the floor.

The PRESIDING OFFICER (Mr. MORGAN). Without objection, it is so ordered.

Mr. TOWER. Mr. President, when the last vote was taken, the following Senators were engaged in a Republican Policy Committee meeting—Senator CURTIS, DOMENICI, HAYAKAWA, JAVITS, MCCLURE, THURMOND, and TOWER. The vote was arbitrarily shut off at a time when we were desperately trying to get an elevator in the Old Senate Office Building. Since they have been automated, they have been totally unresponsive to Senators trying to get here for votes. I therefore urge on the leadership that if these votes are to be arbitrarily cut off on the 15-minute limit, we put operators in the elevators in the Old Senate Office Building who will be responsive to a summons to the Senate. There are also Democrats who missed that vote, but I think the leadership was in full knowledge that there was a Republican Policy Committee meeting in progress, that the members of that committee were desperately trying to get here for a vote, and the vote was arbitrarily cut off. I want the record to show that these Senators were present and were attempting to make the vote, however frivolous a vote it might have been.

Mr. ABOUREZK. Mr. President, without losing my right to the floor, I yield 2 minutes to the Senator from Texas for purposes of an observation.

Mr. BENTSEN. The Senator from South Dakota made reference to the gas being burned in the producing States of this country. I say to him, when they are talking about paying four times as much for gas in those producing States as they pay in other States, then I ask him where the gas is wastefully burned? We are paying $2 per Mcf.

The other States are paying as low as 52 cents for gas.

So what we have seen in many of the consuming States is the gas used for wasteful purposes.

But we have given production a very high priority objective in a State like Texas, in a State like Oklahoma. We have spent the money to develop gas reserves by paying those kinds of prices.

Then to say they can come down and take gas away from us, mandate that it be taken away from us is just not equitable. They want to buy it and mix it with cheap gas, when we have to pay the full price for it and have had the foresight to develop our reserves to say they will make us sacrifice for that purpose is selfish and unfair, because that kind of sacrifice will not be paid in our States when we have done the things we have done to develop the marginal reserves.

The big reserves have generally been found and the shallow wells drilled. We have seen the kind of bad regulation by the Federal Government that has led to these kinds of shortages.

The Pearson-Bentsen bill that passed the Senate last year would have given us the emergency provisions needed to take care of this problem and we would not be debating the issue now.

In addition to that, we could have been developing our marginal reserves that are so necessary.

So do not come down and tell us that now they will bring to Texas and the producing States the kind of bad Federal regulation that has helped lead to the shortages of gas we are seeing today. Do not tell us we have plentiful gas when we have had to close schools in Dallas and Fort Worth and when we see thousands of acres of farmland being serviced by wells where the power was being provided by natural gas but today are down to only a fraction of what they were farming out in far west Texas, even though they sit over one of the biggest gas fields in the State of Texas; a gas field that is being depleted at 52 cents for the interstate market.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ABOUREZK. Before I yield to the Senator from Ohio. I wish to respond briefly to my colleague from Texas.

Mr. ROBERT C. BYRD. Mr. President, may I ask the Senator a question?

Has he offered his amendment yet?

Mr. ABOUREZK. Not yet.

Mr. ROBERT C. BYRD. Will he do so as soon as possible?

Mr. ABOUREZK. Well, at the appropriate time.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. ABOUREZK. Without getting into the question of whether or not gas ought to be regulated—and I think it ought to be and I do not think it ought to be deregulated—let me just briefly respond to the Senator from Texas about how well they have done in getting their reserves and providing for themselves down there.

Unfortunately, in South Dakota, for example, we cannot provide for our reserves because we do not have the natural gas. It just so happens in Texas through luck of the draw they had something under their soil and were able to pull it out of the ground. They found a way, because of regulation of the interstate market, to get as much money as the market will bear out of the gas they produce by keeping it within the State.

Mr. BENTSEN. But that is——

Mr. ABOUREZK. Let me finish.

Mr. BENTSEN. Our consumers——

Mr. ABOUREZK. Let me finish.

They found a way by keeping it within the State. What this legislation that is being proposed by the administration does, managed by the Commerce Committee, is to say, "Let Texas use all the gas they want, we will not touch it."

Mr. BENTSEN. No, it does not say that.

Mr. ABOUREZK addressed the Chair.

Mr. BENTSEN. Come down and buy it.

Mr. ABOUREZK. Let me finish my argument.

Mr. BENTSEN. All right.

Mr. ABOUREZK. We will go to Wisconsin and to Minnesota and South Dakota and the Northeast and take gas from already short supplied pipelines and put it down in the mid-South, and South, in places where people are not under threat of being frozen to death, when they should take it from the States that have a plentiful supply or are wasting it.

There is an article in this morning's New York Times. There is a fellow named Antonio Sanchez, Jr., in Houston, Tex., who sits on a new gas line that would be enough to supply the United States for 6 months. He says, "I am going to sit there and sell at the price I feel like."

Now, is that right? Is it proper, just fair that people in Texas or Louisiana, or whoever produces gas, hangs onto it and sells it at a profit while people are freezing to death in the South?

Mr. BENTSEN. May I answer?

Mr. ABOUREZK. Is that all right? Of course not. And what is being asked today with this legislation is to ratify that kind of a system.

Mr. BENTSEN. Let me say first, that is a gross exaggeration about that field being able to take care of the United States for 6 months.

Mr. ABOUREZK. That is one gas field.

Mr. BENTSEN. I understand, and it is a gross exaggeration and not true to the facts, on the reserves they have been able to prove, and that those reserves are being sold as fast as they can get them into pipelines to try to take care of the problems we have in keeping our homes warm and trying to see we keep some of our people at work.

We in Texas have been through these problems of shortages. We developed these reserves and they would not have been developed on 52-cent gas.

Now we have been paying that price all this time. The Senator says, "That's great, now we will mandate them away from you and we will bring you the kind of Federal regulation that has led to these problems."

Mr. ABOUREZK. There is no way to take into account the human greed that is evident among State gas producers who want to maintain that.

There is no other way to do it except for the Federal Government to mandate that kind of allocation, and if we do not do it, it is not going to be done.

I do not believe the argument by the managers of the bill that there is too much resistance.

Now, if this is an emergency, and I think everybody agrees that it is, who is going to resist trying to allocate gas from where it is in plentiful supply, who will resist it?

The amendment I am talking about provides that the President has the authority to allocate between intrastate and interstate, wherever it is most readily available, and from the lower priority users up to higher priority users.

Is that fair, or not?

Several Senators addressed the Chair.

Mr. BENTSEN. Let me answer.

I do not believe we would ever have had any developed reserves had you gone ahead with Federal regulation within the State of Texas, the gas-producing States. Now that we have paid those kinds of prices, and all these years, we have had to subsidize gas in the other areas, to come in and take them away from us, I think is grossly unfair.

What I am trying to see accomplished is that we have an economic price that will encourage development of the marginal reserves.

I do not want to see them come down there bidding crisis bids but rather bids that keep in operation an orderly free market in encouraging the development of adequate gas reserves.

If that is done, it will drastically raise the price for all the consumers down there, and we are already paying more than they are in South Dakota.

But in your area they have been put on notice for some time that they ought to be going to alternative sources of fuel. They have got the coal and other things they can go to. But a lot of these industries did not want to pay the price of the cost of making that switch, even though they were warned long in advance.

Mr. ABOUREZK. I think it is interesting that while the Senator talks in terms of it being unfair economically, in economic terms, to some people in Texas who might be inconvenienced by virtue of the allocation, I am talking and the cosponsors of this legislation and the supporters of it are talking about the human inconvenience that will be caused in many States if they do not get that gas.

But not only in this situation; it is also true if the cold spell continues.

Mr. BENTSEN. Has the Senator been down there?

Mr. ABOUREZK. Let me finish.

If we allocate gas from the Northeast down to Georgia, Tennessee, Kentucky, and so on, if we allocate it from there and the cold spell continues, the other States are going to be short.

Eventually, they will have to go anywhere they can to find gas. What if the cold spell continues further and they cannot find it? You still have all the gas in Texas, you still have all the gas in Louisiana, you still have all the gas in Oklahoma still sitting there, being used for whatever it is used for. The Senator cannot tell me there is no way they can use alternate fuels in refineries in some of the industries in those States.

Mr. BENTSEN. The Senator cannot tell me that some of those alternate fuels cannot be used in some of the plants and some of the industries in his State.

I ask the Senator: Where would gas be wasted more, in an area having to pay $2.25 per mcf or in an area where you are paying 52 cents per mcf?

Mr. ABOUREZK. It is $1.42 at this point.

Mr. BENTSEN. The Senator is talking about new gas, but I am talking about some of the old contracts which are 52 cents.

Mr. ABOUREZK. Gas is wasted wherever people are allowed to waste it.

Mr. BENTSEN. But, particularly where they have had a much cheaper price for Btu's in another kind of energy.

Mr. ABOUREZK. In an emergency such as this, it is futile and useless to talk about deregulating gas prices. What is necessary is to get the gas where it is and to deliver it where it is needed.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. ABOUREZK. I yield, with the understanding that I will not lose my right to the floor.

Mr. JOHNSTON. The Senator has said a number of times that we should get the gas where it is plentiful. Where does the Senator get the idea that the gas in Louisiana or Texas is plentiful?

Mr. ABOUREZK. I get it from the Federal Power Commission and from reading news stories about the gas reserves in those States.

Mr. JOHNSTON. I suggest to the Federal Power Commission that if they have said that—and I do not believe they have; and I do not challenge the Senator in saying that—but in terms of extra gas, which might be called gas that can be diverted to other uses, there simply is not much of any kind of gas in my State of Louisiana or in our neighboring State of Texas. That gas is being committed to high priority use.

If you get into taking intrastate gas, you are going to be taking it from places such as the call I got this morning—Louisiana Power & Light, for example. They are using gas to generate electricity. But the fact is that they do not have any alternate source. Their boilers will not burn oil. They do not have a source of oil. They do not have an exemption to burn it if they could do so.

Mr. ABOUREZK. This is a memorandum from the FPC to the general counsel of FEA, dated January 24, 1977, on page 3:

Unless large amounts of producing capability are being held off the market, the only place gas can be obtained in such volumes without creating potentially serious industrial dislocations is from large volume users having alternate fuel capability. Most such

users are concentrated in the producing States, beyond the reach of present Commission jurisdiction.

That is from the Federal Power Commission.

Mr. BENTSEN. Let me respond to the statement. The Federal Power Commission has not been able to come up with findings that large amounts of gas were being held off the market. They have made extensive surveys time and time again. You can find marginal small spots, but it is not going to go very far in solving the problem.

Mr. METZENBAUM. Mr. President, will the Senator from South Dakota yield?

Mr. ABOUREZK. I yield to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I should like to respond to the entire question of availability of natural gas; and since my State is probably hurt as much as any other State in the Nation, I should like to discuss today the Abourezk amendment, of which I am a cosponsor.

However, in doing so, I point out to the distinguished Senator from Texas that there is nothing that would make it possible under the Abourezk amendment to take gas from intrastate producers at anything less than a fair replacement price. The proposal as it stands before the Senate at the present time, and it is not modified by the proposed amendment, would provide that presidentially set compensations for delivery of natural gas would be based upon reasonable replacement cost plus not more than 5 percent of such replacement cost. So there is no talk of taking gas at 52 cents per thousand cubic feet. We are talking about taking gas at reasonable replacement cost.

Mr. BENTSEN. I say to the distinguished Senator that I well understand that. I am not talking about the question of price there. I am talking about needed services within my State, where they built the reserves based on the kinds of costs that were commensurate with the returns necessary to get the wells drilled.

This is absolutely contrary to the Federal approach to the system. We have built those reserves. People are now seeing the fallacy of the Federal regulation, and now they are saying, "Since the Federal regulatory thing has failed, let's go in and take the reserves they have built at these higher prices."

Mr. METZENBAUM. I say to the distinguished Senator from Texas that it was just a few years ago that the National Petroleum Council—I believe that is the correct name—indicated that if they could get the price up to something like 50 cents per thousand cubic feet by 1980, that would be adequate for them to get a fair return on their investment.

I cannot believe that the natural gas producers need our tears to be shed upon their financial statements, because each of them is having banner years, with no exceptions. I saw the annual report of the Houston Natural Gas Co. not long ago, and they said it was the first time they had ever reached such heights. Gulf Oil has come out in the last several days indicating what a banner year it has had in 1976.

All the people on Wall Street are saying that the oil companies, which are in the main the natural gas producers, will truly gain immense numbers of millions and billions of dollars from the American consumers by reason of utilizing this shortage that comes about by reason of the severity of the winter.

Mr. BENTSEN. I sympathize with the point. I do not want people to come down there and bid outrageous prices, $4 or $5 in a time of crisis ,and drive the prices up to unreasonable heights. We have had a free market system working down there.

We are talking about more reasonable prices so that the reserves can take care of some of our very critical needs. Now that we have done that and the Federal regulatory system has failed, the Senator wants to come down to mandate and take it away from us by Federal decree and close down our plants and our schools.

We already have closed down the schools in Fort Worth and Dallas. We in Texas are turning out the lights on one side of the street. That was on during the embargo, when Ohio and some other States were going full board.

Mr. METZENBAUM. If the distinguished Senator from Texas would be willing to stand by for 5 or 10 minutes, I should like to address myself to the very question to which he alluded when he responded to the distinguished Senator from South Dakota, and that is really at the crux of this entire question. That is the matter I should like to discuss on the floor of the Senate today. It has to do with whether or not, indeed, they are holding back natural gas from the marketplace in an effort to drive up prices.

The distinguished Senator from Texas has indicated that the evidence is to the contrary. Before I conclude today, I think I will make a persuasive case indicating that almost every governmental agency that has inquired into this subject has come to the conclusion that there is, indeed a deliberate withholding of natural gas from the marketplace, in an effort to force deregulation of the price of that commodity.

I know that the measure before the Senate today is an emergency stopgap measure. President Carter was frank in his message to Congress when he said that this bill will not end the shortages, it will not improve the weather, and it will not solve the unemployment problem. I agree with him on that.

While I intend to support this emergency legislation, I believe there are a number of critical areas that it addresses inadequately and some areas that are not dealt with at all. I may extend my remarks in the RECORD for the purpose of pointing this out. However, I will talk about the problem of the producers and the producers failing to make available to the American people the gas which they have in their wells and which in many instances, about 23 percent of the total, is on Federal lands and waters, in the Federal domain.

Yesterday the Cleveland Plain Dealer carried a front-page story which quoted Mr. Dudley Taw, the president of the East Ohio Gas Co., as saying:

If we don't get deregulation and next winter is like this we will have a catastrophe. It will bring this country to its knees.

Thus said Mr. Taw.

The fact is, Mr. President, it is the natural gas companies themselves that are bringing this country to its knees, and Mr. Taw knows that. Mr. Taw should know it well because Mr. Taw's company and 12 other companies, natural gas pipeline companies, are the subject of a show cause order that is presently pending before the Federal Power Commission requiring them to show cause why the dedicated reserves are not now being produced or why they economically could or should not be produced, and that is to be found in docket No. R175–112 of the Federal Power Commission.

Mr. Taw knows that deregulation will not immediately produce any more gas. There was a report prepared under the Ford administration, the Nixon administration, which was known as Project Independence. It was a blueprint for America's energy independence. It concluded that there should be deregulation of the price of natural gas. But in spite of the fact that it made that conclusion, it did state that deregulation—and I point this out to you that Project Independence said that deregulation—would not increase gas production in the next 3 or 4 years.

They are not alone in that conclusion. The other day a group of Ohio's Congressmen and Senators had the gas company people before us in a hearing, and we asked them would there be more gas if there were deregulation, and they said, "No."

This analysis is confirmed by the American Gas Association. They collected a group of energy production forecasts. Their forecasts suggests that deregulation would not increase production by 1985, even to 1973 levels, and that a decline would follow soon after that.

Then why are these companies fighting for deregulation? For the same reason that in 1974, in the height of the Arab oil embargo. The major oil and natural gas producers claimed that deregulation was the only answer—because deregulation means higher prices, and higher prices mean greater profits. Every time this Nation faces a severe energy shortage, the major gas and oil producers cry out for deregulation like clockwork.

The oil companies found they could use the circumstances of the Arab oil embargo of 1973 to exacerbate the shortage, to drive up prices, to make the American people willing to pay anything they had to pay in order to buy gasoline, and those very same persons, those very same corporations, are the ones who are the major natural gas producers. Of the 14 largest natural gas producers in this country, 13 of them are the major oil companies.

But I want to point out to the Members of this body that there is, however, a growing change in the public's attitude, and Mr. Taw and the other natural gas producers know it. In the last few years there has been mounting evidence which indicates that large amounts of known natural gas supplies have been deliberately withheld from production by natural gas producers. Among the many studies and cases—and I list but a few, 10, will point them out to the Senate, and each of them indicates unequivocally that this withholding of gas from the

marketplace by Federal agencies charged with the responsibility to inquire into the matter:

First. In a 1974 Federal Power Commission investigation into offshore producing shut-in leases, the FPC concluded that in these suspended wells there were 4.71 trillion cubic feet of natural gas in proved reserves and 3.27 trillion cubic feet in probable reserves.

Second. Later that same year, another FPC report concluded that 13 pipelines held about 10 trillion cubic feet of gas off the market in shut-in wells in 1972 and 1973.

Ten trillion cubic feet is a tremendous amount of natural gas.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question on that point?

Mr. METZENBAUM. For a question, without losing the floor.

Mr. ROBERT C. BYRD. Mr. President, who has the floor?

Mr. METZENBAUM. The floor belongs to the Senator from South Dakota.

Mr. JOHNSTON. Does the Senator's amendment have to do with reserves that are not being produced, shut-in wells, for example?

Mr. METZENBAUM. Indirectly, I would say, yes; not directly. Indirectly, yes.

Ten trillion cubic feet of gas are about half the amount the entire United States used that same year.

Third. Only 5 months later, the FPC found that in the Gulf of Mexico alone, 7.9 trillion cubic feet of gas was in reserve.

Fourth. In hearings held by the Senate Subcommittee on Antitrust and Monopolies in 1973, the FPC testified that there were more than 743,000 nonproductive acres—land that could be producing natural gas.

Fifth. On January 21, 1975, the Interior Department ordered 10 major companies that hold natural gas leases in the Gulf of Mexico to explain why they were not fully producing on these leases. Former Department of Interior Secretary Rogers C. B. Morton said, he "would not allow lessees to withhold their leases from production in hopes of getting a higher price at a later time."

Unbelievably, in one group of leases there was less production than in the past, although new wells had been drilled.

Sixth. In 1975, my distinguished Republican colleague from Delaware, Senator WILLIAM V. ROTH, Jr., cited a GAO study which stated that 91 percent of the oil and gas leases let by the Interior Department were not producing.

Seventh. The chief economist of the Senate Antitrust and Monopoly Subcommittee, Walter S. Measday, testified in 1975 that—

> There seems to be no question but that Federal lands which were leased out to companies to be developed, so the nation can have the product, are not being developed expeditiously, and there seems to be no technological or geological reason for this. The conclusion to be drawn is, that companies have determined that it is not in their economic interests at this time to develop the leases . . .

Eighth. In July 1975, the House Subcommittee on Oversight and Investigations reported that the Cities Service Oil Co. had purposely delayed commencing the work over of its wells, and that this delay disrupted deliveries of substantial quantities during the critical winter season.

Ninth. On January 21, 1976, Dr. John Galloway, special assistant to the Subcommittee on Oversight and Investigations released the results of a study he had made comparing the gas reserves estimated by the American Gas Association with estimates from the U.S. Geological Survey.

His study found that AGA reserves were 37.4 percent lower than the USGS total for the same fields.

He observed that:

> If the 37.4 per cent discrepancy existed nationwide, the AGA reserve shortfall would amount to 102.7 trillion cubic feet of nonassociated gas—enough to cover last winters projected curtailments one hundred times over.

Tenth. But, Mr. President, perhaps the most damaging piece of evidence comes from the Gulf Oil-Texas Eastern warranty case.

In 1963, Gulf Oil contracted with Texas Eastern pipeline system to supply a minimum of 500,000 Mcf. per day. In 1972, Gulf began to fall off in its deliveries, and by last summer they were delivering only 350,000 Mcf. per day, despite their contract with Texas Eastern. The FPC issued a show cause order. At the hearing, Gulf pleaded that it did not have the reserves to meet its contract agreement. On November 11, 1976, the FPC ordered Gulf to deliver its maximum contractual agreement amount, 625,000 Mcf. per day, and to do so by December 15.

Despite Gulf's contention that it was physically impossible for them to deliver 500,000 Mcf. per day to Texas Eastern, by December 15, they were delivering 625,000 Mcf. per day.

Evidence confirming withheld reserves could go on for another full day. In the interest of time, I will merely cite a few other sources:

Federal Power Commission, order instituting investigation of status of nonproducing dedicated reserves and to show cause, docket No. R175 112, February 20, 1975. Statement of David S. Schwartz, Assistant Chief, Office of Economics, Federal Power Commission before the Senate Antitrust and Monopoly Subcommittee, June 27, 1973, pages 22, 23. Federal Power Commission, offshore investigation producible shut-in leases first phase, January 1974. House Subcommittee on Oversight and Investigation of the Committee on Interstate and Foreign Commerce, November 1975 report, and Subcommittee on Energy and Power of the Committee on Interstate and Foreign Commerce, hearings on S. 2310, February 2, 1976.

Mr. President, I intend to support the President's emergency legislation, even though I have serious reservations about it.

The results of these studies, however, raise serious questions about the true extent of our Nation's natural gas reserves, and raise serious doubts about the wisdom of decontrolling the price of natural gas.

Congress can, and must, be in a better position to determine the merits of deregulating the price of natural gas—not be forced into it by a shortage partially manufactured by the industry's own hands. At a time when the natural gas crisis has closed schools and factories, and may soon affect homes, it is critically important that this country know the true extent of its maximum production capability of natural gas.

But I believe that the proposal made by Senator ABOUREZK goes to the crux of the question of the emergency. It is a fact that I talked about, the entire question of shortages and withholding of natural gas on a more broad basis. But if we are to really deal with this problem as an emergency, then the President must be given the authority, as proposed by the Abourezk amendment, to go into the intrastate market as well as the interstate market. No one wants to take an unfair economic advantage of those who are selling gas in the intrastate market. The Abourezk amendment would not do that. But it would make it possible to meet this problem of a true emergency. It would make it possible to be fair to all of the country. It would make it possible not to take just from areas of shortage and put into other areas of greater shortage.

There can be no question about it. There are two kinds of gas that I believe is available in this country. One has to do with that gas that could be produced and is not being produced because of an effort to force deregulation of the price. The other has to do with that available amount of gas in the intrastate market that should be used for this Nation in its entirety, and it is in that area that the Abourezk amendment would make it possible for the President to use the full authority of his office so that all of the people of this Nation might share equitably in connection with the problems that face this Nation at the moment.

It is critically important that we agree to this amendment if we are truly to make any meaningful impact about making available more gas for the people of those areas such as my own State, New York, Pennsylvania, and some of the Midwestern States that at this moment are at a very critical state.

I yield the floor back to the Senator from South Dakota.

Mr. ABOUREZK addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABOUREZK. Mr. President, we run into the same exact condition again. There are seven or eight Senators in the Chamber, and there ought to be more listening to this debate on this emergency. And I, therefore, hope that the cloakrooms try their best to keep Senators in the Chamber so that they can take part in the debate and listen to it. So I, therefore, suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold that suggestion?

Mr. ABOUREZK. Without losing my right to the floor, yes.

Mr. ROBERT C. BYRD. Mr. President, we came in at 10 o'clock on Friday. It was indicated on Wednesday that the Senate would be in session on Friday for debate. The Senate came in at 10. Senators were assured there would be no amendments on Friday, no votes, and

that Friday could be utilized for debate. The Senate was in 4 hours and 5 minutes. It went out at 5 minutes after 2 o'clock that afternoon.

I think that Senators had plenty of time on Friday to debate this matter. The Senate was told that today amendments would be called up and disposed of and hopefully final action could be concluded on the bill today.

Mr. President, I am going to insist that the Senate stay in today until it concludes action on this measure.

I hope and I urge that the Senator from South Dakota offer his amendment. He has not yet offered the amendment, but he has held the floor. He has yielded out time to other Senators. Without being critical further of the situation, I simply hope that the Senator will offer his amendment. He ought not ask that Senators be present for debate on an amendment which is not before the Senate. I urge him to offer his amendment; then if he wishes to call a quorum, he can do so.

Mr. ABOUREZK. I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, let me suggest to the Senator that he offer his amendment at the earliest possible moment, else I will be constrained to call it up myself and move to table.

QUORUM CALL

Mr. ABOUREZK. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER (Mr. BURDICK). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ABOUREZK. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the rollcall.

The call of the roll was resumed and the following Senators entered the Chamber and answered to their names:

[Quorum No. 7 Leg.]

Abourezk	Durkin	Morgan
Bentsen	Garn	Moynihan
Burdick	Hathaway	Schmitt
Byrd, Robert C.	Johnston	Stevenson
Cannon	Metzenbaum	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The second assistant legislative clerk resumed the call of the roll.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida (Mr. CHILES), the Senator from Colorado (Mr. HASKELL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Maine (Mr. MUSKIE), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

Mr. STEVENS. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Utah (Mr. HATCH), the Senator from Virginia (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) and the Senator from Michigan (Mr. GRIFFIN) are absent due to illness.

The result was announced—yeas 87, nays 0, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—87

Abourezk	Goldwater	Moynihan
Allen	Gravel	Nelson
Anderson	Hansen	Nunn
Baker	Hart	Packwood
Bayh	Hatfield	Pearson
Bellmon	Hathaway	Pell
Bentsen	Hayakawa	Percy
Biden	Heinz	Proxmire
Bumpers	Helms	Randolph
Burdick	Hollings	Ribicoff
Byrd, Harry F., Jr.	Huddleston	Riegle
Byrd, Robert C.	Humphrey	Roth
Cannon	Inouye	Sarbanes
Case	Jackson	Sasser
Chafee	Javits	Schmitt
Church	Johnston	Schweiker
Clark	Laxalt	Sparkman
Cranston	Leahy	Stafford
Culver	Long	Stevens
Curtis	Lugar	Stevenson
Danforth	Mathias	Stone
Dole	Matsunaga	Talmadge
Domenici	McClellan	Thurmond
Durkin	McClure	Tower
Eagleton	McGovern	Wallop
Eastland	McIntyre	Williams
Ford	Melcher	Young
Garn	Metcalf	Zorinsky
Glenn	Metzenbaum	
	Morgan	

NAYS—0

NOT VOTING—13

Bartlett	Haskell	Scott
Brooke	Hatch	Stennis
Chiles	Kennedy	Weicker
DeConcini	Magnuson	
Griffin	Muskie	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is present.

Mr. ROBERT C. BYRD. Mr. President, discussions have been had with the distinguished Senator from South Dakota (Mr. ABOUREZK). He wants a note on his amendment up or down. I hope he will offer it and that the discussions can be reasonably short—there has already been some discussion—and that we can have a vote up or down soon on this amendment. I shall not attempt to get a time agreement on the amendment at this time, because the Senator has assured me that it will not take long.

I shall be constrained to vote against any substantive amendment to this bill.

I have talked with the Speaker of the House. He hopes that the Senate will act today and get the measure over to the House without amendments, other than technical amendments and clarifying amendments, so that it can be called up under a suspension of the rules there. I urge Senators to allow the Senator from South Dakota to have a vote up or down on this amendment.

I also urge the distingiushed Senator from South Dakota to call up his amendment now and to make his debate as brief as possible. I urge other Senators to restrain their impulses to debate this amendment for any length of time.

Then I hope we can get a vote up or down on the amendment. I urge that Senators keep in mind that this is an emergency measure only—and that if it is amended in any substantial degree, it runs the risk of not only being delayed, but also of not being enacted into law at all.

The President has asked Congress to act quickly and I urge Senators to act in accordance with the needs of the country, the needs of the people, and those needs, I think, are obvious—that this bill should be passed quickly.

The Senator has another amendment following this amendment. I assume that he will be prepared to call it up following the vote on this one.

I want to make my position clear: No matter how appealing this amendment may be or any other amendment, if, in the judgment of the managers of the bill, the attachment of such amendment to the bill will endanger its passage, then I shall have to be against such amendment and I hope that other Senators will act likewise, under the circumstances.

Mr. BAKER. Will the Senator yield briefly?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, I thank the majority leader for yielding. I concur with his statement. It is with reluctance that I must say to my colleagues on this side of the aisle that it is my recommendation that no substantial amendments be offered or attempted to this measure, because this is an emergency measure. It is a matter of first-rank importance.

That should in no way be interpreted as any lessening of my belief that we need to address the question of deregulation as promptly as possible, and I intend to vote for deregulation when the time comes. It is my honest view and my recommendation to those on my side of the aisle that we not attempt to do that at this time.

I cannot, of course, Mr. President, assure the majority leader that no one will make such an offer, or that other efforts will not be made to promote that cause at this time. I will state, Mr. President, in response to the suggestions of the majority leader, that I will not vote in favor of any substantial amendment to this bill, reserving all of my rights with respect to support of deregulation measures as promptly as we are able to bring those other proposals before the Senate.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. BELLMON. Will the Senator yield for a unanimous-consent request?

Mr. ABOUREZK. Yes.

Mr. BELLMON. I ask unanimous consent that Mr. Bill Oakley of my staff be granted the privilege of the floor during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that three members of Senator DURKIN's staff be given the privilege of the floor during voting on

and consideration of this bill: Reed Ashenoff, Sam Simon, and James Dannis.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that Barry Direnfeld, legislative counsel from my office, be accorded the privilege of the floor for the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABOUREZK. Mr. President, do I have the floor?

The PRESIDING OFFICER. Yes, the Senator was recognized.

Mr. ABOUREZK. I want to offer an amendment that will grant the President the authority to allocate natural gas in the intrastate market as well as the interstate market. The reason I offer it is simply that this bill, which is called an emergency bill, does essentially nothing to remedy the emergency as it exists now. In fact, on Friday, I compared the speed with which it is being rushed through and the danger that it presents of a temporary deregulation of natural gas, to the Tonkin Gulf resolution in 1964. Only on Friday, I called this the Exxon-Gulf resolution of 1977. That is exactly, in my opinion, what it is.

The bill, without the amendment I am proposing, without a grant of authority to the President to go after gas supplies wherever they really exist, is essentially worthless and does nothing. So the great emergency that everybody is talking about in fact will not be remedied as a result of this legislation unless we adopt some proper amendment.

At this time, Mr. President, I offer unprinted amendment No. 3 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. ABOUREZK) proposes unprinted amendment No. 3.

Mr. ABOUREZK. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, between lines 15 and 16, insert the following:

5) The term "intrastate natural gas" means natural gas other than interstate natural gas.

On page 2, lines 16 and 20, and on page 3, line 1, redesignate paragraphs (5) through (7) as (6) through (8), respectively.

On page 4, between lines 2 and 3, insert the following:

(B) any intrastate pipeline to make emergency deliveries of, or to transport, intrastate natural gas to any intrastate or interstate pipeline or to any local distribution company served by an interstate pipeline for purposes of meeting such requirements;

On page 4, lines 3 and 8, redesignate clauses (B) and (C) as clauses (C) and (D), respectively.

On page 4, in each of lines 16, 17, and 24, strike out "interstate".

Mr. ABOUREZK. The amendment has been explained a couple of times by me and Senator METZENBAUM. Before we come to a vote, I wish to ask if Mr. METZENBAUM wants any time yielded?

Mr. METZENBAUM. No, I yield.

Mr. ABOUREZK. We are ready for the vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENSON. Mr. President, in another context, I could support this amendment. I shall vote against this amendment and I urge my colleagues to do likewise for the following reason:

It is not clear that there is much natural gas being used for low-priority purposes in intrastate markets. To the extent that gas is available in intrastate markets, it can be obtained through the emergency pricing provisions of this bill without this allocation authority. If the allocation authority were to be approved, it would not reduce the price. The gas payment under the allocation authority proposed by the Senator from South Dakota would be pegged at the same price or higher than the price at which gas would be sold under the emergency pricing provisions of this bill.

Mr. President, there probably is some gas available in intrastate markets that could be used for higher priorities in interstate markets. That is why I say that, in a different context, I could support this amendment. I cannot support it, and I urge my colleagues to oppose it now, because of the tactical problems to which the Senator alluded earlier.

If this amendment were to be adopted, it would be followed by a long-term deregulation amendment, and it is possible that such an amendment would be adopted. I just do not know. It would certainly be a consequence not intended by the distinguished Senator from South Dakota.

At the very least, there would be extended debate and no relief for people who are, many of them, suffering now and for people who, if this bill is passed and passed quickly, can obtain heat for their homes. So, in the interest of acting and acting quickly, and for the purpose of providing relief to human beings, I urge the Senate to oppose this amendment.

Mr. ABOUREZK. Mr. President, for the manager of the bill to say that there is some gas in the intrastate market that might be available is to understate the case tremendously. There is, at this time, approximately 1 trillion cubic feet of gas being used in the intrastate market for petrochemical plants and oil refineries, all of which have the immediate capability to switch to some other kind of fuel. There is a total of 3 trillion cubic feet annually used in boilers, of which 1 trillion cubic feet are available for immediate conversion to another kind of fuel—all of this in the intrastate market.

So there is 2 trillion cubic feet per year that is available for allocation to the residential users that need natural gas in this kind of an emergency.

To say there might be a little gas available is not only to understate the case, but to totally alter and distort the case.

I urge the Senate to adopt this amendment to avoid duplicating in other parts of the country the kind of shortages, that now exist in the middle south and in some southern States.

All we will do is take fuel from users in tight supply areas and put it into other shortage areas to create two shortages, while leaving fuel in the producing States exactly where it is—available at high prices for wasteful uses.

Mr. METZENBAUM. Mr. President, very briefly, the State of Ohio is faced with an emergency.

I have heard talk about tactical problems, what additional amendments may come about, but I am concerned that this bill will not really do much to solve the problem without the addition of this amendment.

The gas that is needed is not going to be available by taking it from one interstate line into another. That is all that is possible under this legislation as presently drafted.

If we are going to have any impact at all and make available more gas for those States that are in critical need, and mine is only one of many, then we are going to have to move into the intrastate market. That is where the emergency exists. All we are trying to say with this amendment is that the President would have the authority to make allocations in that area.

I cannot understand why anyone would feel that should this amendment pass it would jeopardize the entire bill, or that it would provide the basis for an across-the-board deregulation amendment.

Mr. ABOUREZK. Will the Senator yield?

Mr. METZENBAUM. I yield to the Senator from South Dakota.

Mr. ABOUREZK. To answer the Senator's question, when anyone cannot think of an argument on the merits against an amendment or proposal, they will always say that is an anchor that will sink the bill.

I think that answers the question.

Mr. METZENBAUM. I thank the distinguished Senator from South Dakota for edifying me.

I think the problem is of such a nature that we truly need this amendment, and without it the bill does not really do much to solve the problem that exists in so many States in this country at the moment.

I strongly urge upon those Senators who are gathered here and those who will be voting that they recognize that our problem is a real one, our schools are closed, our people are unemployed, and some people have died as a result of the weather situation.

We are asking for this amendment not because we want anything for nothing—the price that will be paid will be fair to the sellers. Nobody is talking about taking it at 52 cents per thousand cubic feet. We are talking about the President having the right to obtain it at the replacement price.

We need this amendment. I am not sure that we will get this amendment. But the bill would be four times as great with the amendment as it would be without it.

So we ask Senators' indulgence and we recognize that there are those who say, "But it may jeopardize the entire bill." I do not think it will. I have no way of knowing that.

But I say in deepest sincerity that

without this we have not done much to alleviate the problem that exists in so many parts of this country, including my own State.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator From Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HASKELL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maine (Mr. MUSKIE), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) would vote "yea."

Mr. STEVENS. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) and the Senator from Michigan (Mr. GRIFFIN) are absent due to illness.

The result was announced—yeas 31, nays 58, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—31

Abourezk	Hathaway	Proxmire
Bayh	Heinz	Ribicoff
Biden	Jackson	Riegle
Case	Javits	Roth
Chafee	McGovern	Sarbanes
Church	McIntyre	Sasser
Clark	Metcalf	Schweiker
Culver	Metzenbaum	Scott
Durkin	Morgan	Thurmond
Glenn	Nelson	
Hart	Pell	

NAYS—58

Allen	Goldwater	Moynihan
Anderson	Hansen	Nunn
Baker	Hatfield	Packwood
Bellmon	Hayakawa	Pearson
Bentsen	Helms	Percy
Brooke	Hollings	Randolph
Bumpers	Huddleston	Schmitt
Burdick	Humphrey	Sparkman
Byrd, Harry F., Jr.	Inouye	Stafford
	Johnston	Stevens
Byrd, Robert C.	Laxalt	Stevenson
Cannon	Leahy	Stone
Cranston	Long	Talmadge
Curtis	Lugar	Tower
Danforth	Magnuson	Wallop
Dole	Mathias	Weicker
Domenici	Matsunaga	Williams
Eagleton	McClellan	Young
Ford	McClure	Zorinsky
Garn	Melcher	

NOT VOTING—11

Bartlett	Gravel	Kennedy
Chiles	Griffin	Muskie
DeConcini	Haskell	Stennis
Eastland	Hatch	

So Mr. ABOUREZK's amendment was rejected.

Mr. HARRY F. BYRD, JR. Mr. President, I will yield to the Senator from Illinois.

Mr. STEVENSON. Mr. President, I thank the Senator.

I move to reconsider the vote by which the amendment was rejected.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARRY F. BYRD, JR. Over the weekend Gov. Mills E. Godwin, Jr., of Virginia declared a statewide natural gas emergency in Virginia, restricting most retail establishments to 40 hours of operation per week for at least 2 weeks.

Even before this action, emergency conditions had forced the closing of about one-third of the State's 1,700 schools and cutoffs of gas supplies to industries in the eastern section of the State.

The situation in Virginia is indeed serious. Yet Virginia is by no means the hardest hit of the States. Before emergency action became necessary in my State, officials in Ohio, New York, New Jersey, Pennsylvania, Kentucky, and Delaware had taken drastic steps to curtail natural gas consumption.

As of late last week, it was estimated that more than a half million workers in the country had been laid off, because of plant closings forced by the gas problem. This figure is certainly a good deal higher now.

Clearly, we are faced with an emergency.

The legislation the Senate is considering today is designed to meet this emergency. This fact was emphasized by President Carter in recommending it and by his energy adviser, Dr. James Schlesinger, in a hearing before a House committee last week.

S. 474, the Emergency Natural Gas Act of 1977, will produce no new natural gas. It will simply allocate shortages. All parties are agreed on that.

But this does not change the fact that emergency action is necessary. The proposal now before the Senate, while limited in its intent and its impact, seems to me an appropriate and equitable measure.

When the needed emergency steps have been taken, then the President and the Congress must move ahead with development of a coherent national energy policy to assure that shortages like this winter's—and the equally serious threat of an interruption in foreign oil supply—do not become permanent features of our national life.

As President Carter said of the energy crisis in Pittsburgh yesterday, "We are all in this together." And it is together that we must work to get out of it.

We need a strong national commitment to year-round conservation. I have joined the distinguished Senator from West Virginia (Mr. RANDOLPH), in sponsoring a conservation crusade. I hope this will be enacted and acted upon.

We also need realistic fuel pricing, vigorous exploration and development of our domestic energy resources and intensive research aimed at development of new energy sources.

The legislation now before the Senate will accomplish none of these things. But perhaps this bill, and the circumstances which have necessitated it, will serve as a needed stimulus for long-term action in energy.

S. 474 is like a finger in the dike: a temporary remedy, but an essential one.

I shall support S. 474.

Mr. RANDOLPH. Mr. President, will my able colleague yield?

Mr. HARRY F. BYRD, JR. I am delighted to yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I appreciate the Senator's cooperation in permitting me to call attention, as the Senator from Virginia has, to Senate Joint Resolution 13 which I introduced or January 24, 1977. The Senator is a cosponsor.

Sometimes it is appropriate to go back in history. On this matter the record should be clear.

I have urged acceptance and commitment to meeting our country's energy needs from domestic resources. This was my belief as early as 1943. In 1944 I sponsored, with Senator O'Mahoney, the Synthetic Liquid Fuels Act.

Under the act of 1944 the Bureau of Mines continued preliminary investigations begun in 1916 on oil shale and begun in 1926 on synthetic oil from coal. Demonstration was undertaken of coal gasification.

Experience under this program led Secretary of the Interior Julius Krug to conclude in January 1948 that—

> The establishment of a synthetic fuel industry is far too large an operation . . . to be undertaken under emergency or war conditions . . . It should be undertaken now when the country is at peace and completed over a period of five to ten years.

The extensive knowledge and skill acquired in the conversion of coals and oil shale into liquid and gaseous fuels, for the most part, has been lost in the intervening years. This is sad to remember.

Many of the problems we face today could have been avoided had we continued these earlier Federal programs.

In support of congressional formulation of a national energy policy, on August 18, 1959, I introduced Senate Concurrent Resolution 73, to create a Joint Committee on a National Fuels Policy. The resolution was cosponsored by some 43 Senators.

On January 19, 1961, my proposal for a Joint Committee on a National Fuels Study was reintroduced in the 87th Congress. There were 55 cosponsoring Senators. Subsequently, I testified before the Senate Interior Committee:

> As every year passes . . . we become more and more dependent on foreign oil to buttress our national economy and security, perhaps we are brought one year nearer to disaster. We are gambling with our country's future.
>
> This Nation has a Foreign Policy—a Defense Policy—a Farm Policy—and the beginnings of a Transportation Policy. All are necessary and important. But not one of them is so basic to our national security and economy as would be a national policy in respect to those energy fuels that make all other policies possible and, without which, or lacking an abundant available supply of which, would render all other national policies impotent and would disarrange our country industrially, economically, and militarially.

Energy conservation can minimize the economic impact of energy independence. But alternative energy supplies also are needed to support our economy, particularly our transportation system. The principal domestic options are synthetic fuels from coal by gasification and

liquefaction and, eventually, in situ oil shale conversion.

On February 15, 1975, the Senate approved Senate Resolution 59 with the title, "Energy Conservation Crusade." That was approximately 2 years ago. We did not make it a Senate joint resolution and send it to the House. It was the sense of the Senate.

We set forth ways in which the American people could, through voluntary conservation efforts, reduce the use of energy in the United States. We had 67 cosponsors. There was a feeling at that time that a voluntary effort could be helpful.

We were talking, as the Senator will recall, that one of the major initiatives that should have attention was observance of the legal speed limit—55 miles an hour.

At the beginning this was a voluntary effort. Later we made it a national law. But what do we find today? We find that instead of conserving or saving the approximately 140,000 barrels of gasoline daily that accompany compliance and enforcement of that national law, we are saving, perhaps, 55,000 to 60,000 barrels every 24 hours.

The question is whether are we prepared to change our life style? Whether we are ready either on a voluntary basis, or in conformance with the law, to do what we should do with reference to this one item, observance of the 55-mile-an-hour speed limit?

As Senators will recall, there was a flurry of enforcement in Maryland, in California, and in certain other States. Because of the action of enforcement officers the energy savings approached the levels that we need. But today perhaps only one-half the potential, that should be conserved, is being conserved. However, the full potential would be realized if an energy conservation crusade was being followed by the American people.

The resolution sets out other ways how the people of this country could save energy.

I do not desire to speak longer, but I felt it was very important to review this matter that the able Senator from Virginia (Mr. HARRY F. BYRD, JR.) has referred to. I hope this Senate joint resolution will pass. I hope it will pass with the widespread support of the membership of the Senate. Almost 2 years ago we had 67 cosponsors. We now have 28 cosponsors.

Mr. ABOUREZK, Mr. ALLEN, Mr. BURDICK, Mr. BYRD of Virginia, Mr. CASE, Mr. CANNON, Mr. CLARK, Mr. DOMENICI, Mr. GRAVEL, Mr. HASKELL, Mr. HATFIELD, Mr. HUDDLESTON, and Mr. HUMPHREY.

Mr. JACKSON, Mr. JOHNSTON, Mr. LAXALT, Mr. MAGNUSON, Mr. MATHIAS, Mr. MCCLURE, Mr. MCINTYRE, Mr. MORGAN, Mr. MUSKIE, Mr. PEARSON, Mr. PELL, Mr. RIBICOFF, Mr. STONE, Mr. THURMOND, and Mr. WILLIAMS.

This joint resolution on energy conservation was referred to the Committee on Interior and Insular Affairs. I understand from the Senator from Washington (Mr. JACKSON), chairman of the committee, that early action can be anticipated. The comments of the Senator from Virginia are appreciated. Then the Members of this body can, without partisanship, pass it, and the Chief Executive of the country, I believe, will meet the response so as to merit the confidence of the American people. I trust that will be true.

Mr. HARRY F. BYRD, JR. The able Senator from West Virginia has done a tremendous job in focusing attention on the needs for conservation. I commend him for it, and I hope the joint resolution to which the Senator from West Virginia (Mr. RANDOLPH) refers will be passed by Congress by the anniversary date of February 15, 1977.

Mr. ABOUREZK addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABOUREZK. I wonder if I might ask my colleague from West Virginia (Mr. RANDOLPH) what this emergency legislation will do that is not already on the books except to deregulate gas for 7 months.

Mr. RANDOLPH. I say to my able friend from South Dakota that there is a time when one should act.

In the olden days he was the man who shoed the horses. He hit the anvil at a certain time—when it was hot.

There is a psychology now that is very important to the American people, with the President of the United States expressing himself and all of us, in a sense, responding, I hope.

I understood the Senator's amendment. I felt kindly toward it. But, very frankly, this legislation must pass quickly. If we do not pass it here and the House does not pass it, it will not become law. It is not a matter of what it does or does not.

This measure has not benefited from referral to committee or public hearings. Therefore, there are issues that are not fully resolved by the particular language used in the bill. But this is an emergency measure and as such must be expedited.

First, I am particularly concerned that the Emergency Natural Gas Act does not contain a ceiling price. The possibility thus exists that emergency purchases can drive the price of intrastate natural gas to unprecedented heights. This would be contrary to the national interest.

In S. 420, which I introduced on January 24, 1977, a ceiling price is proposed as the highest wellhead price at which intrastate natural gas was sold during the months of November and December 1976. This maximum price would be established on a State-by-State basis.

By not including this proposal or a similar provision establishing a price ceiling in this measure an uncertainty is created. The possibility exists for the eventual imposition of rollbacks in prices for natural gas purchases made pursuant to section 6. Since the President's decision on fairness and equity of prices is to be reviewed after the fact, the possibility exists for extensive litigation.

A second concern is that the authority under section 4 providing for delivery of emergency supplies of natural gas terminates on April 30, 1977. However, the emergency purchasing authority under section 6 extends until July 31, 1977. The possibility thus exists that emergency purchases authorized under section 6 could not be transported in the case of intrastate pipelines after April 30, 1977, due to the termination of the Presidential Order directing such emergency deliveries.

Third, section 13 provides for the delegation of authority contained in this measure to such executive agencies or officers of the United States as the President determines appropriate. In this regard, the President should be encouraged in making such delegation to rely on individuals subject to Senate confirmation and congressional requirements for appearances before appropriate committees of the Congress.

Fourth, the implementation of the provisions of this act rely on the issuance of orders. As a result of the issuance of such orders, it can be anticipated that some industrial installations will be required to switch from natural gas to an alternative energy supply with an increased environmental impact. These orders, as such are subject to the requirements of the National Environmental Policy Act for preparation of an environmental impact statement. Wide-scale imposition of this requirement could significantly frustrate the implementation of this measure which is intended as emergency legislation.

These considerations must be carefully considered in the implementation of the Emergency Natural Gas Act. My preference would have been for their clarification by amendment to the proposed measure; however, in the interest of expediting Senate consideration of this legislation, I will not pursue these issues further at this time.

I understand this problem of energy. I am not going to explain it today. I have done so many times in this body, back to the middle forties. But I will not do so at that time. Because, frankly, to continue to offer amendments will slow the passage of this bill in response to the President's challenge. I frankly, think this would be a disservice to the American people.

Mr. ABOUREZK. The only point I was trying to make was that there really is nothing in this bill that will do anything to alleviate the emergency. All it really does is deregulate natural gas. But it does not enable you to get one more cubic foot of gas for anyone. It simply affirms the authority that already exists in the Federal Power Commission.

Mr. President, I ask unanimous consent on behalf of the Senator from Virginia (Mr. HARRY F. BYRD, Jr.) that John I. Brooks of his staff be given the floor privilege during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. ABOUREZK. I yield only for a question.

Mr. GRAVEL. I was not here earlier, and I apologize. Was the Senator from South Dakota making the argument to our colleagues that there is a lot of gas that is being hoarded and held off the market waiting for prices to go up? Was that an argument that our colleague was making earlier?

Mr. ABOUREZK. It was a statement.

Mr. GRAVEL. I for one have heard

that argument made for a number of years and really it strikes me as whipping up something that even the American public does not accept now. It is part of the rhetoric that we have used to try to regulate all facets of our society. But I, for one, am prepared to vote today to establish a select committee of the Senate to go out and investigate this issue, and if we find these people, pass some laws to prosecute them. That is the only way we are going to put that dog to sleep once and for all.

Mr. ABOUREZK. Mr. President, will the Senator offer a motion?

Mr. GRAVEL. I will be happy to follow the Senator's leadership. If he will offer it, I will second it, and we will pass it and have a select committee. The Senator from South Dakota can be chairman of it. I would wish to be a member. I do not wish to take too much time running around the country, but I would like to get around the country enough to watch the smiles on faces as the Senator goes around looking for nonexistent gas.

I think there is gas there. Probably he is not going to find it with a committee. They are going to find it, with money, digging very deep into the ground.

If our colleague would want to really back up this perception that he has, the only way to do it is to go on record and say let us have a committee in this Congress to go out and find these culprits who are doing violence to our economic system. I will be the first to want to do it.

Mr. DURKIN. Mr. President, will the Senator yield?

Mr. GRAVEL. I am happy to yield.

Mr. ABOUREZK. I would want to do it. I yield to Senator DURKIN.

Mr. DURKIN. Do I understand the concern of my friend from Alaska is in having adequate figures? Does that mean that he will not only cosponsor my amendment which is at the desk but he and the group he has been working with will also aggressively support my amendment?

Mr. GRAVEL. What does the Senator's amendment do? If I knew what his amendment did, I might indicate whether I could cosponsor it. I do not speak for anyone else in the Senate except myself. What does his amendment do?

Mr. DURKIN. It authorizes and directs the President to ascertain by virtue of a comprehensive study really all phases of the natural gas operation, exploration, gathering, reserves, and find out whether there is gas being held off.

M. GRAVEL. I would be happy to cosponsor that if the Senator wants to get it on this bill. I do not think it will do very much, because we have had an Executive before and we have an Executive now. If they cannot find skulduggery going on, I wish to get the members of this body to find the skulduggery rather than continue to make these charges which I have heard for 8 years, which no one has substantiated. If the charges are true, the culprits ought to be put in jail. I think if anyone is holding up large quantities of natural gas today in order to get a rip-off price, those people ought to be put in jail, and the sooner we find them the better off it is.

I do not think the Senator's device will do that. I would rather see him and the Senator from South Dakota on a committee, and I will get on the committee with them—and it would be like the Watergate Committee—and go look for these people hiding this gas from the American people.

Mr. ABOUREZK. Does the Senator believe that is true also as to Antonio R. Sanchez, Jr., of Houston, Tex., sitting on enough——

Mr. GRAVEL. I do not know him.

Mr. ABOUREZK. Let me finish.

Mr. GRAVEL. I would vote for additional money.

Mr. ABOUREZK. Let me finish.

He is sitting on enough natural gas to supply the entire Nation for 6 months—10 trillion cubic feet.

Mr. GRAVEL. Antonio Sanchez has that much wealth that he can supply the whole Nation, the United States of America, the most powerful industrial nation in the world? Antonio Sanchez has that kind of wealth and he is holding it back from us?

Mr. ABOUREZK. That is what the New York Times says.

Mr. GRAVEL. Then I think we should form this committee and go hang Sanchez. That is what we ought to do.

Mr. LEAHY. Mr. President, will the Senator yield for a unanimous consent request?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. GRAVEL. I do not mean to be specious or humorous. I am serious.

We sat and did a disservice to the American people because we have a crisis before use. They can clearly understand it. We are asking the American people to make sacrifices. If there are some fifth columnists, some bad people out there doing something to them, it is unfair for us to let those culprits escape and then turn around and tell people to lower their thermostats or go without work and money, if there is not a real gas shortage. So we owe it to the American people rather than be demagogues. We owe it to them to form a special committee and go out and find these people who are doing violence to our economic system. We are suffering more in the economic disruption in our society today than would have been the case had we deregulated natural gas 5 years ago. In fact, we would not have had a problem today had we deregulated. I say to those who advocate continued regulation and advocate it because there is a fear of being ripped off.

I think we have a moral responsibility to go to the American people and show them who is ripping them off and correct it and not just stand here and say someone is hoarding gas.

Mr. ABOUREZK. I agree. Until such time as we establish that committee——

Mr. GRAVEL. But we can do it right now in this legislation. This is pretty important.

Mr. ABOUREZK. Mr. President, I do not yield if Senator GRAVEL is going to continue to interrupt me.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. LEAHY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. ABOUREZK. I yield to Senator LEAHY for a unanimous-consent request.

Mr. LEAHY. Mr. President, I ask unanimous consent that Judy Heffner, of my staff, be allowed the privilege of the floor during votes and consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I yield back to the Senator from South Dakota.

Mr. BENTSEN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. ABOUREZK. I yield under the same conditions to Senator BENTSEN.

Mr. BENTSEN. Mr. President, I ask unanimous consent that my staff member, Mr. Larry Meyers along with Mr. Ed Knight be allowed the privilege of the floor during this discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

Mr. GRAVEL. Mr. President, will the Senator yield a half-minute?

Mr. ABOUREZK. I yield 30 seconds.

Mr. GRAVEL. Mr. President, to show that I have deep concern and consideration for the Senator, I compliment him for his perceptive analysis of this legislation. I agree with him totally. Essentially it is a deregulation measure for 7 months. It is interesting that the key to solving the problem in this crisis is deregulation.

Mr. ABOUREZK. Does the Senator think that is what it is?

Mr. GRAVEL. I agree with the Senator, and thank my colleague.

Mr. ABOUREZK. Deregulate for a 7-month period, and everybody is going to go out and explore for more gas during that period?

Mr. GRAVEL. No, I think the answer is deregulate permanently.

Mr. ABOUREZK. I think it is a mugging of the consumers by the oil and gas companies. People get 10 years for a mugging down here; they get rewarded monetarily if they mug their customers. That is exactly what it amounts to.

Mr. President, I am going to offer an amendment, which I shall discuss just briefly before I offer it.

Because we are dealing with a critical——

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator offer the amendment first, with the assurance of the leadership that that, as we were able to do before, he and his cosponsors would have a reasonable length of time to dispose of it, before he proceeds, so that we will have the amendment before us?

Mr. ABOUREZK. I would prefer to do it right at the end of my statement. It is not a long statement.

Mr. ROBERT C. BYRD. All right.

UP AMENDMENT NO. 4

Mr. ABOUREZK. Mr. President, because we are dealing with a critical emergency, I believe it is neither fair nor proper that those people who produce natural gas profit unjustly from the suffering of others.

Already gas companies are reporting record profits because of the extended spell of freezing weather. It requires little investigation to understand that record profits will become exorbitant profits if this essentially deregulation bill is allowed to go through without some restraint on prices charged to the hapless consumer.

Washington Gas Light has reported earnings of $17.2 million for 1976, compared to $10.3 million in 1975. Their profits during the October–December quarter were $6.8 million compared with $1.6 million during the same period of 1975.

General Public Utilities, which serves Pennsylvania and New Jersey has reported earnings gains of 67 percent. Pargas, Inc., in Maryland reported its fourth quarter profits rose 80 percent, all because of cold weather.

It is virtually impossible to learn how much the oil companies have fallen into because of the weather, but I think we can safely assume that they are doing extremely well. The oil companies take care not to report their profits by lines of business which could enable us to identify where they are making their profits.

If we are to uphold our responsibility to the public, we have to recognize that Congress is the only institution in the country which can protect the gas consumers from the predatory practices of the oil companies. Without some kind of restraint by Congress on the price charged for emergency gas allocations, the worst will happen—exorbitant rates charged to consumers, inability of some to pay for house heating, and the inevitable round of inflation throughout the economy caused by price increases for everything that involves the use of natural gas.

Even before this emergency, which has cost people more because of this increased need for gas, the price of natural gas used to heat homes rose by nearly 20 percent. During the first 6 months of 1976, two-thirds of the gas sold to interstate users was sold under emergency orders and other price exemptions at an average price nearly twice the regulated price. So we have been operating with deregulated prices in order to prevent an emergency—but we now have both an emergency and another proposal for more deregulation.

The Library of Congress calculated a week or so ago that the average household heating bill will rise by $71 for this heating season. If we pass another deregulation proposal, that figure is bound to increase. The President has acknowledged that the unemployment caused by the cold will threaten the economic health of the country. But he has totally ignored the additional cost of the deregulation proposed in this bill.

If we do not put a ceiling on the price, we will have failed in our duty to protect the public from a monopoly industry that has shown no mercy when its actions are unfettered by some kind of congressional restraint.

I am offering an amendment that sets a ceiling on the emergency allocation of natural gas not to exceed the applicable national area rate of $1.42 per Mcf, provided that no producer or pipeline supplying gas can receive less than its actual cost of service including a return on equity of 18 percent. This is actually more than some unregulated intrastate sales made during December of 1976—last month.

Mr. President, I offer the amendment at this time.

The PRESIDING OFFICER (Mr. BIDEN). The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. ABOUREZK) offers unprinted amendment No. 4, as follows:

On page 9, between lines 18 and 19, insert the following:

(3) at a ceiling not in excess of the Federal Power Commission established applicable national or area rate, provided that no producer or pipeline supplying gas thereunder shall receive less than its actual cost of service, including a return on equity of 18 percent.

Mr. JOHNSTON. Mr. President, I want to make it clear, if there is otherwise any doubt about it, that this bill does not help the producing States, particularly Louisiana.

But, Mr. President, if you want to write out of this bill all of the effect of the 180-day sale provisions, then adopt the Abourezk amendment, because what it says is that if you are going to make purchases under the 180-day period provisions, you cannot make those at greater prices than the FPC already provides for in its FPC rules.

Mr. President, they are doing that right now. So all this amendment would do would be to insure that they had no real new authority, and that you get no gas under this bill, or at least under the 180-day provisions.

Mr. STONE. Mr. President, will the Senator yield so that I may relate what is said to be a true story on this point?

Mr. JOHNSTON. Yes, I will yield for a true story.

Mr. STONE. Mr. President, in the days when it was said that wrecks were prompted and assisted in the keys area, there used to be an informal, loose kind of arrangement in which some friends of the court would bid for those wrecks in salvage. One of them was a former Governor of Florida, Napoleon Bonaparte Broward.

On one occasion that they speak of, he went to bid on a wreck and, lo and behold, there was another bidder. The bids started mounting and mounting, and all of a sudden Governor Broward began to realize that it was approaching the point of no return, and asked for a recess in the auction, which was granted.

He went to see the judge and he said, "Judge, do you know that man?" The Judge said, "No."

"Well, Judge, don't you think you ought to qualify him? How do you know he has any wherewithal to bid at all?"

The judge qualified the man, and called Governor Broward back in the corridor, and says, "You don't have to worry about that man. He is qualified. He has $2,314 in his pocket, ready to bid."

The bidding recommenced at $2,315, and ended there.

Mr. President, the point is that if you set any fixed ceiling on the price of intrastate gas available for the intrastate pipelines, the intrastate customers will bid it up a dollar over that ceiling, because they would not be controlled, and you would end up with all the gas left in the intrastate market, the interstate market would get none, and the people in Ohio would continue to freeze. So this amendment and all similar amendments have to be voted down, or there is no easy remedy.

I thank the Senator from Louisiana.

Mr. JOHNSTON. I thank the Senator from Florida for not only what is said to be a true story but an excellent illustration.

Mr. President, we hope that through this bill we will get some gas under the 180-day provisions. Quite frankly, we do not think there is much gas available, notwithstanding all the protestations about there being huge reserves locked up underground, with some rich Texans down there who can supply the country for 6 months, which I submit, notwithstanding that it was in a newspaper, is patently absurd.

Mr. President, we hope there is some gas, but there is just not much to be had. But whatever there is, at least give us the authority to go down and pay the price necessary to get it.

If the Senate wants to repeal the 180-day provisions, why not just put in an amendment to repeal them? This effectively does repeal those provisions. This effectively says the authority under the 180-day sales is reduced to the present law, which we already have.

Mr. President, I hope we will vote this amendment down.

Mr. PEARSON. Will the Senator yield?

Mr. JOHNSTON. I yield to my friend from Kansas.

Mr. PEARSON. I agree with the Senator that the purpose of this act is to get more gas into the interstate pipelines. I agree our producers in Oklahoma would like to make all the gas we have available to those pipelines to meet the emergency. Some of my producers are concerned that under the terms of of this act, which says that the President shall decide what is fair and equitable, they will never know what they are going to get for their gas until months or perhaps years have passed. Does the Senator see any way that we might help to make those provisions more certain so that there will not be this long period of doubt?

Mr. JOHNSTON. I believe the Senator has pointed out a fault in the bill. I have read the language which I submitted to the Senator from Illinois to make clear that once a producer sold gas at a price approved by the President, that was not subject to attack in the emergency court of appeals set up under this bill.

I think certainty of price, almost as much as quantity, is essential if we are going to get gas. I have had a discussion with the Senator from Illinois on this question and he is prepared to say that the terms "fair" and "equitable" as used in the bill have a very restrictive meaning and a more restrictive meaning than

the term "just" and "reasonable" as used in the Natural Gas Act of 1938.

In my judgment, it should be changed to reflect a certainty of a price approved by the President to make it impervious to any appeal through court action.

If the Senator from Illinois is convinced that the present language is restrictive enough to give that authority, I am not going to try to put in an amendment, in the spirit of no amendments today.

Mr. PEARSON. If the Senator will yield further, I also have an amendment prepared on this point. I have also discussed it with the Senator from Illinois. I wonder if he would care to express his views at this time, or does he plan to do that later?

Mr. JOHNSTON. I will yield to the Senator from Illinois to answer that question.

Mr. STEVENSON. Mr. President, first, I wonder if we can act on the amendment proposed by the Senator from South Dakota. It has raised a problem which I believe we should discuss. I share some of the concerns which have been expressed by the Senator from Louisiana and the Senator from Oklahoma about the danger that uncertainty over price might discourage sales by producers in the producing States. I am hopeful that we can work out some way of eliminating that problem by establishing some price certainty.

I have reservations about any attempt to establish by law, or by some formula, a specific price for reasons which have been mentioned by the Senator from Florida.

The Senator from South Dakota in the meantime has offered an amendment which would establish certainty, but it would establish it at such a low level that it would effectively prevent any sale of gas by the producers to consumers in interstate markets. I would hope that we might proceed to dispose of that amendment. In the meantime—and, as a matter of fact, at this moment—I am in touch with Dr. Schlesinger and the President to try to get some assurances from them which might satisfy the concerns which have been raised by the Senator from Oklahoma and the Senator from Louisiana about the price certainty.

Mr. ABOUREZK. Mr. President, one of the great things about the new freedom of information legislation the Congress passed in previous years is that one can go down to the Federal Power Commission where there is a great deal of information available in the FPC files that was not available prior to this FOI legislation.

One of my staff went down there and picked up a copy of an official stenographer's transcript of an informal conference called by Federal Power Commissioner James A. Watt. The conference occurred in Washington on Thursday, December 10, 1976. I am going to offer this copy for the record.

According to the transcript, there was talk by some of the gas producers with the Federal Power Commission about what natural gas supplies might be available this winter. Tenneco Oil Co. sent a man by the name of Mr. Silva to represent them. His comment was that he believed gas to be available to the interstate market at $1.42 for 60 days and for 180 days.

I ask unanimous consent that a portion of this transcript be printed in the RECORD at this point so Senators may read it.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

PROCEEDINGS

Commissioner WATT. Today we are trying an experiment in the learning process of the Federal Power Commission. Because of our ex parte rules, it has been difficult for new comers here to really learn all we think we need to know concerning natural gas matters. We are attempting an experiment that, if successful, we may continue in the months ahead whereby through the Federal Register and public notice and "total sunshine" attitudes, we would hold meetings whereby we could bring knowledgeable people together to interact one with another, so we might come up with better understandings, better education, and, hopefully, answers to some of the problems that collectively we are addressing.

I hope today this meeting would be informal. We are keeping a record of it for legal purposes. If you will cooperate, we will try to state our identifications so the reporter can keep up with us. But I hope we would have interchange and reaction between several comments and thoughts that might be presented.

At this informal conference we hope to discuss what the Federal Power Commission should do if we are faced with a colder than normal, or very severe, winter season. It is my hope to focus attention on the rules, regulations and procedures available under the Natural Gas Act.

The notice setting up this conference posed four questions for discussion today:

1. The need for additional natural gas supplies for interstate market in the event of a severe winter.

2. Steps which may be taken by the FPC to elicit those additional natural gas supplies, if needed, including specific procedures and legal authority for FPC to adopt such procedures.

3. The desirability of, and legal authority for the establishment of an FPC policy which would establish a criteria of comparative need for gas among interstate pipelines in considering producer sales of any new gas in the interstate market both this winter and in the future.

4. The desirability of, and legal authority for, the establishment of an FPC program which would shift customers, for whom a reliable gas supply is essential, from pipelines in deep curtailment to pipelines in better gas supply positions—either for this winter or on a more permanent basis.

Hopefully we will never be faced with the situation requiring us to implement answers to the above questions. Nonetheless, we should be prepared should that occurrence arise.

This Commission has adopted, and continues to support policies geared toward attracting such quantities of natural gas to the interstate market.

Does anyone else have statements they want listed on our roster?

Some of you have commitments that require you get in and out early. I know one man, Mr. Gourley, of Dan River Company, has asked he be put on early in the program.

Does anyone else wish to ask for special treatment?

Mr. ANGELL. You may have to have me down fairly early. We have an afternoon obligation.

Commissioner WATT. We will try to take care of that, Jack.

I think we have probably a total of, roughly, not quite two hours formal time. I would like to have some interplay on those discussions. We will proceed on a first-signed up-first-appearance, I guess. For those who are supporting, you may come up here and sit on the floor. They are trying to get more chairs. We will be on chairs until the first marshall gets here.

Mike Silva is the first one to sign up.

You understand the game rules. If you are too long-winded, I will cut you off. And you are exposing yourself to all the Staff's questions.

Mr. SILVA. I understand.

I represent Tenneco Oil Co. as a producer. We have about three suggestions that focus on your Question No. 2.

Commissioner WATT. Why don't you quickly present the other two?

Mr. SILVA. Secondly, liberalize the 60-day emergency procedure. As we read Consumers Federation, the 180-days emergency sales procedure was not applicable and we feel in 699–B when you said it was in the public interest to strictly construe the 60-day procedure you were wrong. We think it is in the public interest not to strictly construe it. We see no reason a producer could not make a sale for six months on an emergency basis at the nationwide rate. Now that the rate is $1.42 we think it would get you some gas. We think you should be able to make that sale even if you have had another sale from the same well for 60 days at more than the nationwide rate, without permanently committing it to the interstate market.

Commissioner WATT. You suggest the 2.68 or 60-day emergency sale, be allowed to carry out at any price agreed upon then be continued perhaps another 60 days at $1.42 without making that a permanent commitment to the interstate market?

Mr. SILVA. And I see no problem with making it six months, if it is at the nationwide rate. It is a regulated rate and I don't think it violates the Consumer Federation of America. I think there is gas available to the interstate market at $1.42 for 60 days and 180 days.

Mr. ABOUREZK. I want to say that we are constantly subjected to blackmail here in the Congress, to the effect that if we do not raise prices higher and higher, we are not going to get any gas.

As long as the Congress, the administration, or both, hold out the promise that there is going to be total deregulation, the gas producers are going to hold gas off the market, until they can get the highest price the market will bear.

When is the Congress going to take the responsibility to protect the American public instead of protecting the gas producers?

When does the public interest come to bear rather than the interest of the oil companies and the gas companies?

Is there a majority in this body—I guess the answer must be no, there is not a majority in this body—willing to do something to fulfill their responsibility to the public?

Why is the answer always, "Raise the price if you run short of gas"? Because somebody is withholding production until they get more money.

Mr. PEARSON. Will the Senator yield?

Mr. ABOUREZK. Not until I am finished.

The answer always is, and we always hear it, that the petroleum companies have to have more money to produce gas.

Well, the gas is there. A price increase

is not going to produce another cubic foot. All increasing the price is going to do is let oil companies sell gas and reap a windfall profit, to the detriment of the public and for the benefit of a very few people in this country.

Mr. BELLMON. Will the Senator yield?

Mr. ABOUREZK. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. MATSUNAGA). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ABOUREZK. I yield to the Senator from Oklahoma.

Mr. BELLMON. To answer the question about whether or not higher price will bring more gas, let me recount a conversation I had Thursday with one of the principal drilling contractors in my State. This man now has 26 rigs, all of them drilling for gas and all of them, by the way, drilling for intrastate markets. None are drilling for interstate markets because the interstate buyers cannot afford to pay enough to even hire him. Some of the rigs are capable of going down to 30,000 feet, which is where some of the big reserves are located.

His information is that a price of about $1.50 per thousand, which is about what intrastate gas will bring, makes it possible to drill down to 18,000 feet. To drill the deeper wells, to 25,000 feet or deeper, the price has to go up to $2.50 a thousand or those reservoirs cannot be reached.

To answer the Senator's question about why we claim higher prices will bring more gas, without the higher price it is economically not feasible to drill these wells.

Mr. ABOUREZK. Let me ask a question. Is it not true that the Federal Power Commission has the authority to set a rate for the cost of production of gas plus an 18-percent return on equity?

Mr. BELLMON. It is true, but it is also true that when the Federal Power Commission raises the price there can always be a rollback.

Mr. ABOUREZK. There has not been a rollback. There can be no rollback of a cost-based rate. We are up to $1.42.

Once they get that return, what more do they need, after an 18-percent return on equity? Do they need the whole world as "incentive" to drill for more gas?

Mr. BELLMON. If the companies can get an adequate price to afford to drill deep wells they will drill them.

Mr. GRAVEL. Will the Senator yield?

Mr. ABOUREZK. Mr. President, I have the floor. I ask for regular order.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. BELLMON. Every rig is running in this area with the intrastate price, which is the highest price.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. ABOUREZK. I want to ask the Senator from Oklahoma what kind of return he believes is adequate for natural gas?

Mr. BELLMON. The return that companies need is enough to pay them their costs of production, buy the new equipment, and pay their workers, the same as any other industry. We cannot set one figure for every well.

Mr. ABOUREZK. But they get that. They do not get one figure for every well. They get a profit of 18 percent on return of equity, half of their cost.

Mr. BELLMON. That is simply not the case. That may be what the law allows. But the fact is when the FPC sets a price, a company makes an offer to enter into a contract to sell at that price and the matter is—if it is adjudicated, the court rolls it back, and the company finds it is not getting that price at all. So they do not enter into contracts. Nobody wants to take that chance.

Mr. ABOUREZK. Under this amendment, the price will be $1.42 without any fear of court action.

Mr. BELLMON. That is less than the present intrastate price and there will not be 1 single cubic foot of new gas sold under that price.

Mr. ABOUREZK. There will not be a single foot of new gas sold at that price, anyhow, under this bill. This is an emergency bill. Who is going to bother to drill for new gas in a 7-month period just because the gas rate may rise a little bit during that 7-month period?

Mr. BELLMON. At this time, in the State of Oklahoma, the Oklahoma Natural Gas Co. is selling 500 million feet of gas per day to intrastate pipeline users at a price of $1.80. All this will be canceled out if you have less than what you have now. That $1.80 figure has been approved by FPC.

Mr. ABOUREZK. That is on a previous contract. That will not be affected by this amendment.

Mr. BELLMON. That is an emergency sale.

Mr. ABOUREZK. It is under contract.

Mr. BELLMON. It is not under contract. It is an emergency sale for a very brief period of time.

Mr. ABOUREZK. I do not understand how one makes a sale without some kind of agreement.

Mr. BELLMON. The agreements are temporary. They run, I believe, for 60 days. I am not sure of my facts, but when the 60-day period is over, the agreement is canceled.

Mr. ABOUREZK. If this amendment were passed and enacted into law, it would simply set a ceiling at $1.42.

Mr. BELLMON. If it can be sold for $1.50, it would not sell for that.

Mr. BENTSEN and Mr. GRAVEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. GRAVEL. I shall be very brief, because I want to hear the Senator from Texas. I feel it is necessary to enter into the RECORD a few points to clarify the argument in opposition to my good friend from South Dakota.

My good friend from South Dakota states that the profits are exorbitant. He states that we have had predatory practices among the gas companies. Let us face it, we have had regulation of natural gas for over a decade. It has all been under Federal Government control. So if there have been any predatory practices, it has been by the Government in concert with the gas companies. So that argument is really quite, quite fallacious.

What we have had is a situation where the market has not been able to bring about the necessary supplies of gas. It should strike us right now as a little bit of a message. In 1971, we instituted wage and price controls and we found out that they did not work and they caused great harm to our economy. It should come home to us today that the only part of our economy that is regulated is the energy part of our economy, and that is the part of our economy that is in very serious trouble.

When my colleague says that there is 18 percent return for gas companies and talks about exorbitant profits, he could not be further from the truth. This is the average return for a decade, from 1966 to 1975: The return for all oils was 10 percent; the return for automotive was 10.7 percent; the return for newspaper publishing was 133.2 percent; the return for drugs was 18.2 percent; the return for office equipment was 14; and the return for steel was 6.7. That, of course, is with that banner year of 1974, when everybody felt that the oil and gas industries ripped it off. That is the year that they did reach 18 percent. If they wound up, after 10 years, with that banner year of 1974 with 18 percent, can you imagine what the returns had to be all those other years?

Those who keep coming to this floor and saying that there are exorbitant profits and that the people are ripping it off, my God, they owe a responsibility to the American people to prove it, not just make the charge. When they make the charge, they misinform the public. This information is carried in the media with credibility, and there is not an ounce of proof. I think that we should clear the record and if they do have some proof, I think it should be put forth, rather than merely make the charge that there are exorbitant profits.

There is only one hope we have of solving our energy problems. That is to do in the energy industry what we have done in every other industry, and that is go back to a market economy, with some degree of observation.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, these charges of withholding of gas were surfaced in 1969 in an area in southern Louisiana by the Federal Power Commission. Those charges were made and the Commission undertook an investigation of those charges. The Commission found that the allegations were not true. The Commission's determination in this regard was upheld in the Fifth Circuit Court of Appeals and, finally, by the U.S. Supreme Court. Nonetheless, these charges continue to come up.

These charges have been investigated repeatedly by the Federal Power Commission, by the Department of the Interior, by the Federal Trade Commission, the Federal Energy Administration, and numerous committees of Congress. In not one forum have these charges been proved, not one.

More recently, the National Research Council, an affiliate of the National Academy of Sciences, undertook to determine whether or not natural gas producers were deliberately withholding their reserve estimates so as to try to create some kind of artificial shortage. In

March of 1976, the NRC reported the results of its investigation and it turned out, according to the NRC, that, if anything, the producers had overstated their reserves.

Mr. DURKIN. Will the Senator yield?

Mr. BENTSEN. No, I shall let the distinguished Senator from South Dakota finally complete his statement and I should like to complete mine. Then I shall be delighted to yield to my good friend.

I shall tell you why they overstate their reserves—because they have to borrow money to keep drilling, so they fluff up a financial statement, time and time again. There is the situation of a gas company down in Texas now with hundreds of millions of dollars worth of lawsuits against it. The charges are that they overstated their reserves. Why did they overstate their reserves? Because they have to sell bonds to build the pipelines.

People are not going to buy bonds to back up a pipeline unless they feel there are proven reserves there of sufficient duration and amount that you can finally amortize off the cost of that pipeline. So whenever there was a gray area, many of these people had a tendency to be pretty optimistic about their reserves. Now it has been catching up with us.

The statement was read about a man from Laredo, Mr. Sanchez. Supposedly, there were reserves that were found that could take care of this Nation for 6 months. That is not correct. This is a fragmented structure in Zapata County, and they have producers there now in deep financial trouble because they have overextended themselves with the cost of drilling these wells. They are committing those reserves just as quickly as they can to save themselves at the bank so the banks will not foreclose on them. Those are the realities of economics that work in these kinds of situations.

When they talk about our wasting our gas in Texas, when we are paying $2.25 for it, when that is an equivalency on a Btu of more than oil is selling for today, where do you think they are going to waste natural gas? Are they going to waste it when they are paying $2.25 for it, or are they going to waste it when they are paying 52 cents for it?

We have a limited supply of this natural resource. We have to conserve it, and we have to encourage the drilling of the marginal wells, the small reserves.

What has happened to us in this country? The tall trees have been cut. The trees on this side of the mountain have been taken off. The easy reserve in gas have been found. The coal that was easy to mine has been mined. We have to go to these alternative sources of energy, and coal is one of them.

We have a third of the world's known recoverable reserves of coal. We are the Saudi Arabia of the world when it comes to coal.

When we have to come and say we have to shift as fast as we can, we will not have enough oil and gas whatever we do. But we have to encourage the drilling of it as much as we can to buy the time, to buy the time to develop the alternative sources of energy. Giving us self-sufficiency in energy is a many-faceted approach, be it nuclear energy, be it geothermal, be it coal, be it gas—or be it oil.

But let us develop some equivalencies in Btu's so we do not waste this natural resource of ours.

Mr. ABOUREZK. Will the Senator yield for a question?

Mr. BENTSEN. I am delighted to yield to the Senator. He has been most courteous to me and I am glad to yield to him.

Mr. ABOUREZK. What does the Senator believe should be an adequate return for a gas producer?

Mr. BENTSEN. If the Senator says 18 percent, I say that is a great return. But the fact that they are authorized to give an 18-percent return on equity does not mean they get it at all.

Mr. ABOUREZK. That is what they are entitled to now.

Mr. BENTSEN. They do not get it across the board, that return on their equity. The Senator cannot show me any company's returns, any of the major company returns where across the board they have had that kind of a return.

Mr. ABOUREZK. Then we ought to really support this amendment because it guarantees an 18-percent return.

Mr. BENTSEN. No, it does not guarantee that; the Senator's amendment does not.

Mr. ABOUREZK. It is in the law.

Mr. BENTSEN. Not in this; as I understood the Senator's statement, he put a price on it of $1.42, something like that.

Mr. ABOUREZK. Present cost of production plus 18 percent.

Mr. BENTSEN. I do not think they will get it when we pay $2 and $2.25 for ours. I do not think the Senator's amendment is effective at all.

Mr. ABOUREZK. Why is it that nobody will ever answer the question as to what is an adequate return?

Mr. BENTSEN. I am answering. I think 18 percent is great. I think it is great.

Mr. ABOUREZK. Then I do not understand why the Senator does not support this amendment.

Mr. BENTSEN. Because I say they are not going to get that kind of return for the Senator to talk about mandating it and having the Government trying to figure it out. It is going to be a long time before we get the gas to where we ought to be getting it for these people suffering today.

Mr. ABOUREZK. What kind of figure should we put in to make sure it would——

Mr. BENTSEN. To answer the Senator's question, may I go ahead and develop my argument?

Mr. ABOUREZK. Yes.

Mr. BENTSEN. One of the real ways to try to help is by permanent deregulation. That does not solve all problems of energy in this country, but again, it helps us buying time.

We passed that last year in the Senate and we passed it by a very substantial margin.

Four years ago, 3 years ago, 2 years ago, 1 year ago, I was arguing we needed that to develop the additional reserves. We had in it the emergency legislation to try to take care of this kind of a crisis, but the House did not do it.

I have people today saying, "Let's tie on the deregulation now and get this resolved."

I would like to, but I am afraid we would see this extended for a long period of time on debate. If I thought we could get this through on permanent deregulation I would like to do that, because I think it would help consumers across this country and help us buy time.

But rather than do that at the moment, I want to see the kind of crisis we have now alleviated to the degree we can. But it is just a band-aid we are putting on. President Carter was so right when he, in effect, said that.

I thank the Senator.

Mr. ABOUREZK addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABOUREZK. I yield to the Senator from New Hampshire (Mr. DURKIN).

Mr. DURKIN. Mr. President, was not that study the Senator referred to partially financed by the oil and gas industry, and has that not come to light?

Mr. BENTSEN. No. I certainly do not think so. I do not think the National Academy of Sciences is influenced by the oil industry and I do not believe that the Federal Power Commission is a captive of the industry. The FPC has been at odds with the industry for years.

I do not think the Supreme Court of the United States is financed by the oil industry and I do not think the Court of Special Appeals is financed by the oil industry.

Mr. DURKIN. Well, Representative DINGELL thinks to the contrary, and others do too. Representative DINGELL said that he thought it was a put-up job.

Mr. BENTSEN. Well, tell that to the Supreme Court.

Mr. DURKIN. I find it incredible that the U.S. Senate has been acting literally in the dark. We have been like the blind man feeling the elephant, who does not know what he is really up against.

The Senator may be right. Deregulation may be the only answer.

Mr. BENTSEN. That is only a partial answer, not a total answer.

Mr. DURKIN. The Senator may be totally wrong in saying that there is gas at 20,000 feet, or 15,000 feet, or 40,000 feet, but I think——

Mr. BENTSEN. I may be. We can find out by drilling. That is the true test and it is terribly expensive today.

Mr. ABOUREZK. That is the only way the Federal Power Commission will find out whether the gas companies are telling the truth about reserves, to drill.

So that is the first thing we have agreed upon today.

Mr. BENTSEN. I did not say by the FPC. I am not talking about the United States taking over an industry and feeling they can do a more effective and efficient job than the private enterprise system.

Mr. GRAVEL. If the Senator will yield on that point, we had that example, and I know the Senator wants me to share it with him. We have an example where

the Federal Government has taken over part of the energy industry. It is in Alaska. It is called Petroleum Reserve No. 4. My colleague may have mentioned it.

But we have Husky Canadian Oil Co., which is paid for by the American taxpayer, to go into this area to drill to see if there is any oil or gas. It will take 6 years to do what the private sector did in 2 months.

In addition, it is on a cost-plus basis without any competition other than going in and romancing the people who will give the contracts.

So whatever the cost, the consumer will pay for it.

If that is the way you want it done by the Federal Government, have at it.

Mr. DURKIN. Will the Senator from Alaska agree that it is a national disgrace that in the U.S. Senate we can vote today or tomorrow, or whenever we get to vote on this, not knowing the extent of the gas reserves? Knowing that, how can we continue to vote, literally, in the dark?

Mr. GRAVEL. We are no more in the dark than people who own gas companies and people who are out there drilling. They are in the dark. That is why they are prepared, if there is any incentive at all, to take their money, borrow more money, and drill to see if there is some gas.

When the Senator talks about the 20,000-foot wells, the deep wells, we do not have a program in this country for deep wells. There has never been incentive.

So we just literally do not know if there is some natural gas in deep wells.

I had a geologist tell me, "Senator, I think the entire Appalachia region is underlined with natural gas."

I said, "Why doesn't somebody find out?"

He said, "You can't because you can't even afford to drill the well to find out."

So the Senator is correct, the Congress of the United States is in the dark, the American people are in the dark, and the people in the industry are in the dark.

That is the reason why we permit a free market—to turn around and solve those problems for us, because nobody is smart enough to sit there and play judge. That is the fallacy of it all. Nobody is smart enough in Government to be able to tell us, "Yes, there's gas," or, "No, there isn't." So the best way is to let the market work its will.

Mr. DURKIN. It is absolutely outrageous that the U.S. Senate is dependent on oil and gas company figures.

Mr. GRAVEL. We are not dependent. That is not fair. We have the FPC with respect to natural gas which has been looking into this since 1954.

To say all these people, all those years, in the Federal Power Commission are incompetent, or beholden to the oil and gas industry, is not fair to those honest bureaucrats.

I may disagree with the policy, but I think it is an insult to those people.

Mr. DURKIN. Fine. We can retire them and give them gold watches. But they take their figures from the oil and gas industry, just as the distinguished Senator from Alaska who made a stirring statement based on the publication he is now reaching for——

Mr. GRAVEL. If the Senator will permit me to defend myself: Sure, it is a booklet that is put out by Gulf Oil. But the sources for the various tables are the U.S. Chamber of Commerce, First National City, McGraw Hill, Chase Manhattan Bank, and so forth.

So, fine.

They are talking about something pretty generally known, and that is the return on investment.

Mr. DURKIN. For 5 years, when I was insurance commissioner, I listened to that return-on-investment argument. They marched in time and time again, and every time their figures showed that they needed a substantial increase in interest rates, whether it was regarding auto, Blue Cross, Blue Shield, or whatever. They always used the rate-of-return argument.

Mr. GRAVEL. My colleague is not pointing his finger at what is wrong with the system when he says they are asking for increases in order to maintain a profit margin. They did not get more than that, because you, as a commissioner, would not let them.

What has happened is that we do not have a check and balance on the bloated structures such as insurance or utilities, which expand their base and make bad investments, because there is no discipline on them.

Mr. DURKIN. No one has answered my basic question: How long are we going to have to operate on the basis of gas and oil companies' figures? Why do those who speak so eloquently for these industries make sure that the U.S. Government and the U.S. Senate do not get impartial information? What are you hiding? If you are right, we may be on the verge of a national economic disaster.

Mr. GRAVEL. We are on the verge of an economic disaster; and many people are out of jobs, because Congress, for the last years that I have been here, never had the guts to stand up and tell the American people that energy is going to cost them some money. We tell the American people that we can fix it.

The point made by the Senator from Texas (Mr. BENTSEN) is the most valid of all. Who do you think is going to conserve energy the most, those in Texas who pay $10 per Mcf or the man in New Hampshire or Ohio who pays 50 cents?

We have been subsidizing the American people with respect to gas, and they have consumed all the cheap gas. There is none left. You will have to pay the tariff or you have none, and that is what the American people are learning today—they have none. We are to blame.

Mr. DURKIN. The Senator may be right. I do not think anyone in this Chamber argues that there is a shortage at the ultimate end of the pipe when you turn on the burner. There are some severe shortages in this country, and this body is going to move to solve that. In doing so, we are going to be faced with the deregulation issue in a week, 2 months, 6 months, or whatever. As soon as the Senator figures he has the votes and the American people are going to stand for it, he is going to move for a total deregulation amendment.

Mr. GRAVEL. I have one right now.

Mr. DURKIN. I would like to be in a position to know that I am not voting in dark.

Mr. GRAVEL. I have one for my colleague.

Mr. DURKIN. Let me finish.

The Carter administration maybe should consider an increase in taxes to fund a crash energy program. Right now, unless James Schlesinger brought the information over with him from the CIA and he is using that data for his assurances, there is no known nonindustry source of information for the U.S. Senate to act upon regarding this crisis. We are going to have to solve this, and we will do it.

Mr. GRAVEL. We are not going to solve it. We are going to go without.

Mr. DURKIN. Some of us in this body want to know about natural gas: What are the reserves? What is the distribution system? It is time for a thorough study. I do not know why the representatives of the oil and gas industry, those who speak so eloquently on its behalf, are opposed to finding out about natural gas reserves.

Mr. GRAVEL. If I could pass a bill to find out, I would be happy to do so.

Those of us who speak eloquently do not speak for the oil and gas industry. We speak for this great Nation of ours, which is in trouble.

I have an amendment here that proposes deregulation—deregulation of oil and gas right now. It is in this amendment. It is coupled with—I take a page from the Senator from South Dakota—an excess profits tax. I have it here, under my name. What it says is that if there is a company that makes more than 15 percent—not 18 percent—it will have it confiscated at an 80 percent rate or will have to plow it back.

Mr. DURKIN. You have to be kidding me.

Mr. GRAVEL. I am not kidding you. You can read it here. It has my name on it.

Mr. DURKIN. You can draft an excess profits tax that we can drive tanker after tanker right through.

Mr. GRAVEL. I do not know how you drive a tanker through it. It is not many pages. It states clearly that if you make more than a 15 percent return on your investment——

Mr. DURKIN. They will be able to find a loophole in that.

Mr. GRAVEL. The loophole is that you have to plow it back in.

The Senator said earlier that perhaps we should raise the taxes and pump all the money into energy, to find more energy for the American people. That is exactly what the market mechanism does. It raises the cost of the product and pumps that money back in to get more product so that we will be able to lower the price at a later time.

The only difference is that I want to do it with the mechanism of free enterprise, and the Senator is suggesting that the Federal Government should do it.

My only experience with the Federal Government in that respect has been in my State, and it has done an abominable job, and the taxpayers are going to pay for it.

Mr. DURKIN. Many people feel that the system we have today has not worked to well, whether it is free enterprise or an adaptation of free enterprise.

Mr. GRAVEL. It has worked well enough to make us the greatest Nation on Earth. That is not too bad a track record. We get into trouble a little when we have cold winters. Four years ago, some of us were talking about solving these problems, and now the winter is here and it is too late.

In a democracy, you can move only as fast as the maturity of the people you represent.

Interestingly, there is some justice, when we look at the weather pattern, as to who is being punished right now. There is justice in the fact that, by and large, the constituents who favored a fixed price by Government are the ones being most punished by Mother Nature.

Mr. DURKIN. Is the Senator telling me that it is God's will that it is cold on the east coast? [Laughter.]

Mr. GRAVEL. If my colleague feels that it is God's will, that He is punishing all those people, because they were not for deregulation, then he can accept that judgment. I just feel that I do not have to rely on God to make the point. I want to make it one more time, so it will be abundantly clear to everybody.

In 1971, we established wage and price controls, and we found our Nation got into deep trouble. The farmers could not grow chickens, because it cost more to feed them than they got when they sold them. I cannot understand why people who are so knowledgeable about the economics of farming do not understand the economics of energy.

We should pay those people so that they can look for more energy. We insist on limiting what people in energy can make. They do not make the investments, and we do not get any energy; and when it is cold, we get cold.

Mr. DURKIN. What the Senator from Alaska proposes is that we continue to let the oil company fox not only guard the chickens, but also tell us how many chickens there are and by what schedule they are going to be liquidated.

Mr. ABOUREZK. Mr. President, if the Senator will yield, I have just been reminded by the staff that in a hearing conducted by Representative Moss of the House Oversight Investigations Committee, in January of 1976, the committee made a study of U.S. Geological Survey exploration in the offshore fields in the Gulf of Mexico. They explored 153 of the gas fields down there, two-thirds of all offshore gas fields in this country, and they found that the reports of the producers of the American Gas Association were understated by 37.4 percent.

The Senator asked where they are hiding their gas. That is one place.

Mr. GRAVEL. May I speak to that?

Mr. ABOUREZK. Let me finish.

The Senator from Alaska asked where the producers are hiding gas. He says there has been no proven instance. There is a proven instance.

Mr. GRAVEL. They are hiding it in the gulf? The gulf figures for the last 20 years have been that industry has spent $25 billion in the gulf, and they have received $19 billion out of the gulf. If we look at that arithmetic, we will realize that the gulf has not been that good a deal.

We had a situation in which the leases in the eastern gulf, where they spent hundreds of millions of dollars for leases—they paid the Federal Government the money, which was put in the Treasury—turned out to be dry holes, and they abandoned those leases.

Mr. ABOUREZK. That changes nothing about the fact that they are understating the reserves; and they are understating them, because they know that they can make more money after holding them back.

Mr. GRAVEL. A chief executive officer of a public company has a goal of maximizing profits in order to make himself look good during his tenure of office.

So what the Senator is telling me is that these people in corporate society go out and hide this natural gas for some time in the future. It does not make any sense at all. You have had a deregulated market in Texas, intrastate, so they do not have to hide it. They can sell it for whatever the market will bear, and that is the market the Senator now wants to get from so that you can have some gas. Whatever the market will bear in Texas, that is what you pay. You pay what it is. They can go as high as $5 a cubic foot. Do you know something? When you go to try to get their gas, they are going to take you up on it. That is one of the big tragedies of the matter.

Mr. DURKIN. Following what the Senator from South Dakota said, let me add that in 1973, Federal Power Commission geologists examined wells on 31 gas leases in the Federal domain in the Gulf of Mexico off the cost of Louisiana. The Federal Power Commission staff found 4.8 trillion cubic feet of new gas in 31 leases. For the same period of time, the AGA had reported 3.1 trillion cubic feet for all 850 leases off Louisiana.

Then the AGA refused to show the Federal Power Commission the data it used for its estimates. The Federal Power Commission has said time and time again that more extensive information with respect to gas reserves is needed, but their inquiries are completely bogged down by the gas producers in the courts.

My distinguished colleague from Texas said that it profits the gas companies to overstate their reserves, because that makes it easier to finance their endeavors. I find it strange that the Federal Power Commission would come up with such substantially higher figures. The Senator asked for instances, and that is another instance.

I think there are a lot of people in this body that, if given the figures we are talking about might, might support a deregulation bill. It might even get through here by unanimous consent.

Mr. GRAVEL. I know, that is why I suggested that we have a committee to go and look at it.

Mr. DURKIN. I do not have the vision of the "Six-Million-Dollar Man." I cannot look down a hole and tell you the exact nature of what is down there. I cannot tell you whether it is gas, oil, or sand. I can tell you that the pipe is empty at home.

Mr. SCHMITT. Mr. President, will the Senator yield for a comment?

Mr. DURKIN. I yield, without losing my right to the floor.

Mr. SCHMITT. I think it is important to realize that geology is an art like politics, and to make estimates of reserves requires a great deal of judgment and a great deal of art. I do not think anybody should say that, because there is a 37-percent difference in the estimation of reserves by different groups of geologists that that represents fact or not. It does represent a difference of judgment.

One must go much more deeply into the matter to find out why there was a difference, what were the bounding conditions of the estimation, and what were the criteria used in that estimation. It takes the kind of effort the Senator from Alaska is referring to that might be appropriate.

I am not saying I would support that, but we ought to be considering that in order to understand why there are these differences, these discrepancies or errors. It is a mistake not to do that, in my opinion.

Mr. DURKIN. I thank the Senator.

I realize that it is a complex area, but I also realize that the only figures we have today are the figures produced by the gas industry. I think it is outrageous that Congress would act on those figures without getting independent information. Let us have an independent group of experts go out and tell us the extent of the problems: Tell us the extent of the problems in the distribution system, the extent of the problems in the utilization of natural gas, the extent of the reserves on Federal land, the extent of the reserves, both the proven and unproven reserves, off our coasts. And then this body can act with that baseline information, information not based on considerations such as the area of the country you happen to come from or whether you represent consumer interests or oil interests. What the American public fears is the same type of situation that came about after the oil embargo in 1973; we had a shortage of oil, then a shortage of gasoline, and then all of a sudden the price of gasoline quadrupled, and there were no more lines at the gas station and there was no more shortage.

Everybody in America does not have to have a Phi Beta Kappa key to realize that this is the type of situation that we are faced with here. I think we all have to admit, and we all have to tell our constituents at home, that this is going to cost consumers money. We will be burning less and paying more, substantially more, before this is over.

I think we ought to have the data my amendment provides for; we ought to have adequate and up-to-minute information about the extent of natural gas reserves.

I have to feel and I have to think that the gas industry is hiding something. The

gas industry must be hiding an awful lot of gas if they do not want independent experts to go in and substantiate their claims. If what they say is true, the gas industry should be supporting an independent study. I do not think the American public is going to stand for a wholesale increase in the price of natural gas based on the figures presented by the gas companies.

Mr. GRAVEL. Just to clear up one point about the figures of the gas companies, the State of Alaska requires in our department of natural resources that all the logs of all the wells that are drilled are to be turned into them. It is confidential information and cannot be released by the State.

Mr. DURKIN. Is that the same group that was to make sure the pipeline was constructed without defects?

Mr. GRAVEL. Yes. The State of Alaska was one of the groups and it was more effective in monitoring the construction than was the Federal group monitoring it, which was the group working for you and me. But the group working for me—the State of Alaska—did a little better job than the group working for both of us.

Mr. DURKIN. I do not think they want to put that on their résumé, though.

Mr. GRAVEL. I think the State of Alaska is making a good record. We are privy to it. It is true in our State and Louisiana. We know what is in the core of each one of these holes drilled. If there is any information being withheld the State should recognize it. In my State it is pretty important to know that because we, the people in Alaska, own 20 percent of all the oil and gas. What we are trying to do is sell as much of that as possible so that we can keep ourselves solvent. The people of Alaska are not interested in hoarding gas. Good Lord, we are trying to get it to market.

We just sold some to Southern Natural Gas. I can recall at Christmastime my colleague from Alabama saying he was interested in the future, he wanted to get some gas for his people, and he was asking me to press to try to get some gas to Southern. I did, and we succeeded. They signed the contract to buy gas from Alaska, and we have not even decided how we are going to get it. We are selling our reserves. We are not selling the gas that is in the line. There is no line built. We are selling our reserves, and that is how hungry we are to sell. So I do not think the argument the Senator makes that the only source of information from industry is correct. We have USGS, which is a source of information; we have the Federal Power Commission, which has its independent sources; we have an organization like the 20th Century Fund that has made its own studies—a very reputable body—that comes up with conclusions like this.

I think it is not a good argument to make. I think 5 years ago maybe that was so, 10 years ago, but not after all the time we have spent on this issue in this body. No, we are not all dependent on the oil and gas companies for information, not at all.

Mr. DURKIN. Let me state for the record that I have no quarrel with the State of Alaska. It is a very, very beautiful State. I think in some way this sounds like an open request for an invitation to join OPEC. Is Alaska contemplating joining OPEC? The fact remains that up to now there is no sort of Federal study. What studies we have are based on gas industry figures.

I will, as soon as I get a chance, as soon as this amendment is disposed of, call up the amendment I have at the desk. I really think everyone in this body will have a tough job explaining to the people back home that they have got to pay more after we pass this legislation down here.

The PRESIDING OFFICER. The yeas and nays having been ordered, the question is on agreeing to the amendment. The clerk will call the roll.

Mr. ABOUREZK. Mr. President, just to recap what this amendment does before you get into the vote, it puts a price lid on any special purchase of gas under this legislation equal to the national or area rate of $1.42, which represents the cost of production, plus an 18-percent return.

It is a very fair amendment. I want to make sure that nobody extracts a windfall profit as a result of people suffering during this extended cold spell. I urge the adoption of it.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida (Mr. CHILES), the Senator from Colorado (Mr. HASKELL), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) would vote "nay."

Mr. STEVENS. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT), and the Senator from Michigan (Mr. GRIFFIN) are absent due to illness.

The result was announced—yeas 9, nays 83, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—9

Abourezk	Kennedy	Nelson
Durkin	Metcalf	Proxmire
Hathaway	Metzenbaum	Riegle

NAYS—83

Allen	Curtis	Inouye
Anderson	Danforth	Jackson
Baker	Dole	Javits
Bayh	Domenici	Johnston
Bellmon	Eagleton	Laxalt
Bentsen	Eastland	Leahy
Biden	Ford	Long
Brooke	Garn	Lugar
Bumpers	Glenn	Magnuson
Burdick	Goldwater	Mathias
Byrd, Harry F., Jr.	Gravel	Matsunaga
	Hansen	McClellan
Byrd, Robert C.	Hart	McClure
Cannon	Hatfield	McIntyre
Case	Hayakawa	Melcher
Chafee	Heinz	Morgan
Church	Helms	Moynihan
Clark	Hollings	Muskie
Cranston	Huddleston	Nunn
Culver	Humphrey	Packwood
Pearson	Schmitt	Talmadge
Pell	Schweiker	Thurmond
Percy	Scott	Tower
Randolph	Sparkman	Wallop
Ribicoff	Stafford	Weicker
Roth	Stevens	Williams
Sarbanes	Stevenson	Young
Sasser	Stone	Zorinsky

NOT VOTING—8

Bartlett	Griffin	McGovern
Chiles	Haskell	Stennis
DeConcini	Hatch	

So Mr. ABOUREZK's amendment was rejected.

Mr. STEVENSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. PERCY. Mr. President, will the distinguished Senator from New Hampshire yield 1 minute to the Senator from Illinois?

Mr. DURKIN. For what purpose?

Mr. PERCY. For the purpose of making a Record statement on this bill. If it would interfere with the schedule of the distinguished Senator, I will do it at some other time.

Mr. DURKIN. I yield to the Senator from Illinois for the purpose stated, provided that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY NATURAL GAS LAW AND CONSERVATION

Mr. PERCY. I thank my distinguished colleague.

Mr. President, the natural gas shortage is worsening hourly. There is an urgent need to grant the President the emergency powers he has requested. I am pleased to cosponsor S. 474, which will allow the President to reallocate natural gas among interstate pipeline systems. It also authorizes emergency sales of intrastate natural gas to the interstate market through July 31, 1977, at prices that are fair and equitable.

Mr. President, the New York Times this morning estimated that more than a million and a half Americans are out of work because of abnormal cold. The critical shortages of natural gas in certain areas account for a high percentage of this unemployment. If the cold weather should continue, the numbers of people who are out of work will increase, and the danger of cold homes and schools and hospitals will spread.

Thus, Congress must not allow itself to become bogged down in trying to solve all the most difficult energy issues at once. For example, I am in sympathy with those who favor decontrol of all natural gas prices as a means of increasing production and promoting conservation. However, I believe that our present task is to clear the decks for badly needed emergency action to cope with the immediate crisis.

Mr. President, we must not lose sight of the basic fact, however, that conservation of all our energy resources is the most important long term and short

term solution to this Nation's energy problem. Our squandering of energy is a national disgrace. Let us hope that out of the present crisis and suffering will come a new national resolve to work together to combat deeply ingrained habits of waste.

I extend appreciation to my distinguished colleague from New Hampshire.

The PRESIDING OFFICER (Mr. SARBANES). The Senator from New Hampshire.

Mr. McCLURE. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. DURKIN. Yes.

Mr. McCLURE. Mr. President, I ask unanimous consent that Mike Hathaway, of my staff, be granted the privileges of the floor during the debate and votes on the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 17, AS MODIFIED

Mr. DURKIN. Mr. President, I call up my amendment No. 17, and I send to the desk a slightly modified version. The modification is the first two lines are unnecessary in light of Senator STEVENSON's technical amendment, and the language at the end of the amendment merely makes it clear that the President will have the authority to permanently conduct a study, and not just during the period of operation of the emergency legislation.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. DURKIN) for himself and Mr. Hathaway, proposes an amendment No. 17, as modified.

The amendment, as modified, is as follows:

AMENDMENT No. 17

On page 14, line 17, insert after "Act" the words ", including the results of the study required by section 12(c)".

On page 14, insert after line 17 a new section 12(c) to read as follows:

"(c)(1) In order to enable the President and Congress to gain a full and complete knowledge of the status of natural gas supplies, reserves, and production available to meet this and future emergencies, and as an aid in determining the potential quantities of this resource available, the President shall conduct a comprehensive study relative to the exploration, development, production, gathering, storage, transportation, distribution, consumption, and sale of all natural gas, produced or located in the United States or in any State, including, but not limited to fields, reservoirs, and reserves in the Outer Continental Shelf, and onshore and offshore lands, whether or not subject to the jurisdiction of the Federal Power Commission, such study to be completed on or before October 1, 1977.

"(2) Such study shall include, among other items:

"(A) an independent determination of the MER (Maximum Efficient Rate) and MPR (Maximum Production Rate) in relation to the actual production from the fields, reservoirs, and wells in this study over the past twelve months prior to the date of enactment of this Act. The President shall direct that an independent estimate shall be made in this study indicating whether production from these fields, reservoirs, and wells was less than the MER and MPR, and, if so, the reason for this difference;

"(B) an independent estimate of total proved and probable natural gas reserves by fields and reservoirs;

"(C) a determination of the utilization of gas in terms of end use markets so as to ascertain the consumption by different classes and types of end users; and

"(D) the relationship of any and all such information to the requirements of conservation, industry, commerce, and the national defense.".

(d) The President's authority to conduct the study required by this section, and the powers necessary to conduct such study under this Act, shall continue until the study is completed, notwithstanding the existence of a proclamation under Section 3 of this Act.

Mr. DURKIN. Mr. President, at this time I would like to add Senator METCALF and Senator ABOUREZK as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURKIN. Mr. President, this amendment has absolutely nothing to do with the emergency procedures in S. 474. It does not in any way change the thrust of the administration's bill. What this amendment does is to direct the President to conduct a comprehensive investigation and study of all phases of natural gas production: Exploration, development, production, gathering, transportation, storage, distribution, consumption, and the sale of natural gas. It includes the intrastate as well as the interstate market. It includes the fields of reserves on the Outer Continental Shelf, and any other Federal domain or reserve, onshore or offshore; offshore fields within State territorial limits, and onshore intrastate gas fields or reserves.

This amendment is to give the President and the Congress a full and complete picture of natural gas production, uses and, more importantly, reserves—the proven and probable reserves of natural gas in the country. These would be independent figures.

We argued about figures at length earlier today. I believe it has been made abundantly clear that the figures which the Federal Power Commission has to rely upon, the figures which the President has to rely upon, the figures which the Congress has to rely upon, are, for the most part, provided by the oil and gas industry.

No one doubts that there is a severe situation in the country today. As I said before, it may be a situation where we may be on the verge of a national economic catastrophe; or we may be on the verge of military vulnerability because of lack of energy. It may be that deregulation is the only answer. It may be that deregulation should whistle through here by a unanimous-consent request at some time.

We are asking a lot of people in this country to make sacrifices. Assuming the bill passes essentially intact as the President has sent it up here, a lot of people are going to pay a lot more for gas and they are going to burn a lot less. I, for one, believe that they should know, even though we had to move in the dark, literally, to solve this problem, or try to ameliorate this problem and this situation, the whole question of natural gas reserves. Deregulation will be before us time and time again, and we better have this information when it is.

In the short time I have been in the Senate we have spent more time on natural gas in committee and on the floor than on any other single item, except perhaps the Tax Reform Act last year.

The situation is such that we all want to be in a position to go back home and tell the people that at least we are operating on figures provided by independent experts. At least we will know the extent of the problem when we are arguing the very question of deregulation, the adequacy of energy, and the whole national energy policy.

I cannot for the life of me understand how we can have a balanced equation when we do not really know the figures at either end. We do not know the reserve figures and we do not know the utilization patterns or the distribution patterns with any degree of certainty.

I could go on at length. Earlier in a colloquy between myself and my friend from Alaska I said I believed it to be a national disgrace that we do not have the figures.

The National Geological Survey studies Federal domains only. The Federal Power Commission can review information only on interstate pipelines. The Federal Power Commission has said time and again their hands are tied and it is impossible to get meaningful figures.

If we are going to demand the respect of the American public, how long can we continue to operate without the sound and impartial estimates of not just the gas reserves we are talking about today but the oil reserves as well?

My amendment today speaks only to gas reserves. I think another problem that the Federal Government will have to solve is determining the extent of the oil reserves, using independent experts. We are letting that rest for the time being.

I would like to emphasize that my amendment does not in any way alter the emergency provisions, or alter the thrust of President Carter's bill. It does gives us information to make an enlightened decision on the whole national gas energy picture later in the session.

We have heard of the comparable figures of U.S. Geological Survey and the American Gas Association; that the Gas Association has figures to show less reserves and a more serious situation.

I believe we have to solve this problem, to the extent that Government can solve it. People are being penalized through no fault of their own in New Hampshire, Ohio, and all across the country. If the gas industry is really interested in improving their images, rather than buying a couple of pages of advertisements in newspapers with a lot of circulation, rather than trying to improve their image on TV, I believe they should really throw their support behind this amendment. Once and for all this information can tell us for the reasonably near future just what is the extent of our energy problem respecting natural gas.

We have heard different figures in the last 2 or 3 weeks. One pipeline will in-

dicate they have serious problems and later they will not have serious problems.

I believe this study is long overdue. This is a very realistic proposal. I commend it to the Senate. If the American public is to think we are doing anything but spinning our wheels, it is absolutely necessary to have complete, factual, and independent information.

Mr. NELSON. I wonder if the Senator will yield for a question.

Mr. DURKIN. I yield.

Mr. NELSON. I understand the Senator from New Hampshire to say this is an amended version of the original proposal the Senator had which required a study of the economic impact of decontrol.

Mr. DURKIN. No, this does not——

Mr. NELSON. Does the Senator have an amendment?

Mr. DURKIN. I shall be glad to answer.

In printed amendment No. 17, there was a possibility that it did not give the President the authority beyond the emergency. The effect of the amendment to modify amendment No. 17 is to make clear that the President has the authority and the responsibility to ascertain what the extent of the reserves is.

Mr. NELSON. Is this precisely just an amendment that directs the President to get an inventory, the most reliable inventory, of what the current reserves are?

Mr. DURKIN. Yes, precisely. And there is no requirement to add to that any data with respect to economic impact of deregulation or whatever.

Mr. NELSON. And does it give the President the authority to require the production of company records?

Mr. DURKIN. Yes, the original act submitted by Senator STEVENSON had that authority. Then my amendment extends that to reserves. The President can go in and subpena records and, once and for all, find out what the reserve picture is.

Mr. NELSON. And this is the responsibility of the President and the Federal Energy Administration?

Mr. DURKIN. The language is such that it directs the President, to conduct the study. He can delegate it to any group or any governmental group that he chooses. We did not want to get caught in the bind of authorizing the Federal Power Commission to do it and find out that, under the reorganization, there is no Federal Power Commission. It gives the President the direction to delegate, whether it be to the new energy czar or what have you.

Mr. NELSON. It does not apply to any other energy source—oil or coal?

Mr. DURKIN. No; but I would have liked it to. I think we ought to find out about oil, coal, uranium, all those areas, and not accept the oil company and oil industry figures.

Mr. NELSON. There has been a piece of legislation pending here for the last 3 or 4 years to do precisely that, get a resource inventory. But this is limited solely to gas?

Mr. DURKIN. Yes; I would be happy to expand it.

Mr. NELSON. No; that is much more complicated; much too complicated, I think, for this purpose.

Mr. DURKIN. In this instance, it applies only to natural gas. It leaves the other energy resources for another day and another battle.

I think it is interesting that the Senator from Wisconsin points out that such legislation has been kicking around the Chamber for some time. The oil and gas industry is made up of human beings, and when human beings do not want sunshine in their activities, it usually means that they have something to hide. I think we should know whether it is gas they are hiding before we ask our people to pay more, before we get waltzed into a situation where we have to go for deregulation. My amendment in reality is no more than a sunshine law for the gas industry. If it is good enough for government, and if the gas industry is not hiding anything, then they should want all the facts to be out in the sunshine and support this legislation.

I hope that, notwithstanding any arrangements or any package, the distinguished Senator will accept this amendment. I understand that the Senator from Alaska has stated on the floor that he thinks it is an excellent idea. Others have said, who come from producing States, that they too see the merit of it. I hope we can adopt this without even the necessity of a rollcall. But I would like a rollcall if it cannot be accepted on both sides of the aisle.

Mr. STEVENSON. Mr. President, I wish I could accept this amendment. Such a study as the Senator proposes is needed, but that part of the study referred to in section 2(a) of his amendment is already required by law, and the rest of the study is made possible by the emergency bill which the Senate is now considering.

I have to urge my colleagues to oppose this amendment, not because it is without merit, but because a study can be accomplished already and because the amendment introduces an extraneous matter into this discussion and the legislation. It threatens to delay action on the emergency measure which we are considering.

Besides that, Mr. President, it is a subject that can be or would be more appropriately considered in conjunction with comprehensive energy legislation. There will be an opportunity to do so in the near future. For those reasons, I urge the Senate to oppose the amendment.

Mr. DURKIN. Will the Senator yield?

Mr. STEVENSON. Yes.

Mr. DURKIN. There is nothing in the current bill, as the administration sent it forward, that authorizes the study of intrastate gas resources or gas reserves. We simply cannot make a decision, any meaningful or rational decision, based upon only partial information.

The other sections in the Senator's bill aim really only at the information needed for this emergency. I do not, for a moment, argue that there is not an emergency today. We would like to find out how it came about and we would like to find out the whole, full, and complete picture with respect to gas reserves. We must do so to operate intelligently on the day we are back here wrestling with the whole question of deregulation.

For the life of me, I cannot understand why there are not more people advancing such information. I cannot see how we are ever going to come up with a national energy policy, what we can call a national energy policy, until we find out what the extent of oil and gas reserves are in this country, based on independent study. I suspect some want to steamroller deregulation legislation through this Chamber before we do have the information with respect to gas. After that, it is too late. Prices will quadruple, just like gasoline and home heating oil did, and there will be plenty of nautral gas. They will be putting gas back to generating electricity and there will be more wasteful usage. We will be up to our armpits in gas. I think if we are really serious, we will have this study now and have this information now.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Illinois has the floor, which he yielded to the Senator from New Hampshire. The Senator from New Hampshire has asked for the yeas and nays. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENSON. Mr. President, the provisions of section 4 are intended to give the President all the power necessary to conduct the kind of study referred to by the Senator from New Hampshire. For all the reasons mentioned, I have to urge the Senate not to support this amendment.

Mr. DURKIN. Mr. President, I think we have explained as much as possible. It is a very clear parliamentary situation. If we are going to continue to vote in the dark on natural gas, I guess this body will vote "no."

If we are going to operate henceforth on the basis of knowledge of the natural gas situation, sources and reserves, then the vote will be "aye."

ADDITIONAL STATEMENT SUBMITTED

Mr. HANSEN. I might remind my colleague from New Hampshire (Mr. DURKIN) who seems to doubt that there is a real shortage that we even have a shortage in Wyoming where more than two-thirds of our gas is going into the interstate system.

The Trona industry that produces about one-half of the Nation's soda ash is being forced to convert to coal.

Even some of the oilfields are converting their pumps to electricity to conserve scarce supplies of natural gas.

All of the electricity in Wyoming, much of which is exported to other States, is generated by coal except a small amount of hydropower.

Several Wyoming communities have experienced difficulty in obtaining gas that is produced in our own State because so much of it has been committed to the interstate market.

Unlike Texas and other large gas producing States, there has not been a large market for intrastate gas in Wyoming and as a result the gas that is produced with oil along with dry gas has usually

been committed on long-term contracts to the interstate market.

I might also remind my colleagues from New England that New England has not done very much to solve its own energy problem.

A few years back, New England Governors sued the Secretary of Interior to abolish the mandatory oil import program so that they could import all of the cheap foreign oil they wanted.

Then came the Arab embargo and prices for foreign oil were suddenly four times what domestic prices had been They then wanted entitlements to all of the "cheap" price-controlled domestic oil they could get which worked out to a subsidy for the difference in the price of foreign oil on which they were by then mostly dependent and domestic oil.

Those who cry out that oil and gas are being withheld from production are not only beating their breasts but beating a dead horse as well.

As the able Senator from Kansas, Mr. PEARSON, pointed out so well here last Friday, the withholding theory is nothing more than bad fiction. It is a subject that has been studied to death like Senate Resolution 45, the study of a National Fuels and Energy Policy, which began 6 years ago.

As he said, the dispute with respect to reserve estimates is caused by difference in terminology and variance in frames of reference rather than willful underreporting.

It is a charge that keeps recurring. It is like the hydraheaded monster. You cut off one head and it grows two more.

Also attacked were State oil and gas market demand prorationing laws which several times have been upheld by the Supreme Court as intended to conserve a natural resource rather than fixing prices.

And the thought of refineries on their shores or drilling for oil and gas off their shores was abhorrent to them.

As a result of the attitude of the northeastern States toward the oil and gas producing States, bumper stickers appeared in Wyoming bearing the inscription, "Let the so-and-so's freeze to death in the dark."

One day New England may be fortunate enough to have its own adjacent supplies of oil and/or natural gas off its shores. I believe their attitude toward oil and gas producing States and even oil companies might then change considerably should an assured source of energy become available off the east coast.

We will need all we can get from whatever source.

Energy research and development of exotic and renewable sources of energy are desirable and essential. But what we had better be concerned about now is this year and next year and the next 5 and 10 years.

As the distinguished Senator from Florida (Mr. STONE) put it so well in a letter in support of his resolution for a National Leadership Conference on Energy Policy:

> The main focus of this conference is to be the development of a near-term energy policy. While we have much to accomplish in the area of research and development for new energy sources and improved technology the Nations most urgent need is to put into place an energy policy which will assure reasonable economic growth, encourage meaningful conservation, and safeguard the environment over the next ten years. The Conference should concentrate on what should be done now to encourage greater domestic production of oil, gas and coal recognizing that the American economy and standard of living will continue to require enormous amounts of energy.

I compliment Senator STONE for his perception and hope some of it will rub off on some of my doubting colleagues.

And, I would like to underscore Senator STONE's emphasis on what should be done now.

What should be done now is what should have been done even before the Senate became so concerned with the energy problem by passage of Senate Resolution 45, a study of national fuels and energy policy almost 6 years ago.

All of the data that all of the companies now producing oil or gas could furnish the Federal Government will not produce one more barrel of oil or another cubic foot of gas.

The oil and gas industry is fully capable of developing the remaining and existing energy resources of this country and are the only ones capable of doing it. But they cannot do it until Congress and the Federal Government gets off their back and allows them to do it.

As one of their spokesmen said recently about the charges that producers have created the natural gas shortage by deliberately underestimating reserves, no matter how often or how persuasively these charges are refuted, they keep coming back to haunt the cause of deregulation.

This industry spokesman said:

> I think it is time we got out of the reserve-estimating business and let someone else take the responsibility for this most delicate art.

Mr. President, it is not surprising that the American public is confused over the question of or reasons for the energy shortage. Watch the TV reports or read the news reports. What we are hearing or reading of withheld supplies or contrived shortages gains some credibility when coming from leading Members of Congress.

And, when a national magazine such as Reader's Digest carries an article that also raises the same question, it is no wonder the public is confused.

Mr. President, I have written a reply to that article and ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THERE REALLY IS A SHORTAGE OF NATURAL GAS

James Nathan Miller's article in the November issue of Reader's Digest: "Is There Really a Shortage of Natural Gas?" reflects some of the same thinking used by the Roman Emperors who executed the bearers of bad news. Mr. Miller seems to believe that if the gas industry claims that there is a shortage of gas, then somehow the industry must be responsible for the shortage.

The article would lead one to believe that there is plenty of gas, and that the talk of a shortage is a ploy by the industry to achieve decontrol and increased prices. The implied premise of the article is that the industry is attempting to make unconscionable profits at the expense of the consumer by withholding supplies of gas from the market to fake a shortage. If there is a shortage, Congress would be more inclined to remove regulation of the price of gas, allowing producers to charge what the market will bear.

There is no truth whatsoever to the allegations of this article. There is a shortage of natural gas brought about, at least partially, by governmental controls, a shortage that threatens to leave many Americans without heat and many others without jobs.

The Miller article claims that the threatened shortages of gas during the past two years have never materialized, proving that there was plenty of gas during that period. However, the article carefully fails to mention the efforts which were necessary to insure the shortage did not have a detrimental effect on most Americans.

During this period, extensive conservation measures were taken by both individuals and industry to save dwindling supplies. The Federal Power Commission authorized emergency purchases of gas at intrastate rates by pipelines serving areas of severe curtailment. The recession helped to stem demand. And both winters were unusually warm.

In comparison, the shortage this year is likely to be much more severe. The estimated shortfall in supplies of natural gas is projected to increase 37% over last year to an estimated shortage of 3.7 trillion cubic feet. The shortage is real, and all of the conservation measures used have only postponed the effect. If the current winter on the east coast continues as cold as it has been, this may be the first year of really severe economic dislocations.

The Miller article, in discussing reserves, ignores the major reason for the current gas shortage, the fact that the reservoirs currently producing cannot physically deliver any greater volumes of gas. If we suddenly knew just exactly how much gas was in these reservoirs, and if the volume was 63% greater than currently predicted, there would still not be enough gas delivered from these reservoirs to alleviate the current curtailments.

The shortage of gas available for delivery is a direct result of the lack of drilling of wells. Wells drill per year dropped from 58,000 in 1956 to 26,000 in 1971. If producers drill fewer wells, they will find less gas. Thus, the drop in reserves is not the result of fraud, in that the producers are hiding available gas, but a result of the fact that the producers do not have the incentive to look for gas.

The drilling of a gas well is a risky venture. No reasonable man would spend the money to drill an exploratory well, with less than a 25% chance of finding gas, if he were prevented from recovering his costs, let alone making a profit on his product. The governmental price regulations keep producers from making this profit, so they are not willing to gamble their economic resources in the search for gas. No one is engaged in business to lose money.

Industry critics are unwilling to accept the fact that gas is not economically producible under governmental regulation, so they must find another reason for the shortages. They must assume that the gas we need is being found, but that the producers are hiding the reserves by juggling the statistics or playing the "numbers game".

The charges that industry has been withholding reserves has been argued for several years, but little substantiating evidence has been developed. The lack of evidence, however, has not stopped the innuendo and allegations.

The facts of the matter indicate many economic reasons why industry cannot withhold proven reserves. Additionally, the complexity of determining reserves makes it unlikely that even widely divergent estimates would prove a conscious attempt to defraud.

Reserves are not easy to measure. One cannot use a stick or look at a gauge. Reserve estimates come from scientific data that must be interpreted by experts. No responsible geologist will make a positive fixed prediction as to the exact amount of gas that any field will produce.

Reserve estimates are based on several extrinsic factors. One of these is price. Even though there are several billion cubic feet of gas in a known reservoir, a reasonable and prudent operator will not attempt to produce that gas if the costs of developing, producing, and transporting it will be greater than the price for which he can sell the gas. This is particularly true of offshore gas. Gas that is known to exist in these reservoirs cannot be considered as in reserve until the price for gas rises sufficiently to profitably market such gas.

Given the complexities of reserves estimation, it is easy to see why different groups come up with different estimates of reserves. Since reserve estimates vary widely, the finding of reserve levels by one group that differ from others surely cannot be taken as evidence of the duplicity of one party.

The USGS reserve data for the 31 gulf coast reservoirs, with estimates 63% higher than AGA estimates, was based on a different definition of "measured" reserves. The USGS estimate requires substantially less data to "prove" a reservoir, in some cases using a single well to prove as much as 1400 acres. In addition, the measured reserves definition will include wells before compression is available, contrary to the AGA definition. The USGS reserve figures may be closer to the actual amount of recoverable gas in the fields concerned, but certainly it is not a good estimate of the gas that can be commercially produced at this time.

There are significant economic reasons why it is not possible for a producer of natural gas to withhold reserves. In addition to these economic reasons, each well drilled is reported to at least one government agency. Government supervision acts to help keep producers honest.

The contracts that producers sign with pipelines require diligent development and production of reserves. Withholding of these reserves would subject the producer to lawsuits for violation of the contract. It is interesting to note that the pipeline companies who market the gas have found no lack of effort on the part of producers, even though these companies are the ones most injured by the shortage of gas.

Leases of gas rights from landowners signed by producers also require diligent development. Royalty owners can take legal action if there is a withholding of production. For offshore leases, where the U.S. government is the lessor, a lease can be cancelled if there is no diligent development. The USGS has all of the data necessary to determine whether this development is occurring. No producer would risk lease cancellation to conceal reserves after spending millions of dollars to secure the lease plus whatever he has invested in exploration and drilling.

Financing the development of a gas field requires enormous amounts of capital. Much of this money is borrowed in the commercial money market. Lenders want some assurance that they will get a return on the money lent, so they carefully examine the reserve estimates of the producers. If anything, a producer is more likely to overestimate reserves for the purpose of borrowing money than to underestimate them.

Gas produces an economic return only when it is produced and sold. Gas in the ground produces no income and no interest on one's investment. Interest continues to accumulate on borrowed money, drilling expenses continue to mount, and shareholders and royalty owners continue to demand dividends. The time value of the money tied up will force the development of a field. There is no profit in the withholding of reserves.

Failure to develop a lease might also result in a competitor draining a reservoir from an adjacent lease. One gains no economic return from gas that a competitor has marketed. Given these economic facts of life, it is difficult to believe that any producer would find it in his best interest to withhold gas from the market. Therefore, betting on some future deregulation and increase in price would be risky indeed.

Government regulation, on both the federal and state level tends to preclude the hiding of reserves. All wells drilled are reported to at least one government agency. The extensive drilling required to determine the amount of gas in any one reservoir could hardly go unnoticed.

State oil and gas commissions regulate spacing and development of fields in their own states, as does the USGS for offshore wells. Their regulations are designed to preclude field damage by too rapid development, and protection of the state's interest in the gas production. They typically require permits and reporting, and they control production in the interest of conservation and ultimate recovery. It is extremely unlikely that under such regulations any large amounts of producible reserves could be hidden.

Gas that is discovered onshore may be sold at the intrastate unregulated price in the state in which it is found. A substantial market exists in most states for this gas, and it is interesting to note that there is virtually no shortage in the intrastate market. Since gas can now be sold at the free market rate, there is no reason for a producer to withhold reserves.

Studies of available reserves have been made by the Federal Power Commission and the Federal Energy Administration. Both have come to the conclusion that the industry is not significantly understating reserves. Both in addition have reported that their estimates of natural gas reserves are in substantial conformity with AGA estimates.

Critics have said that these studies are invalid because the information on which they were based was obtained from industry. Yet industry is the only source of proprietary data that includes extensive core samples that can be interpreted to calculate reserve estimates. It would be prohibitively expensive and duplicative for the federal government to perform this same data gathering on its own.

Based on past performance, long range industry projections as to reserves have proved to be accurate. In the short run there may be reasons why a producer might not report all reserves. For example, in a case where adjacent tracts are still open to lease, and a producer has not consolidated his position, he will not want to advertise his findings until attempting to define the extent of his discovery. The data that the producer gathered in his exploration efforts are valuable in consolidation of a position and the information should be protected in the short run. It is the essence of what is called proprietary information. However, after the first year or two, there is no reason not to report these reserves. By then competitors should know of the discovery, and by using other data can project the size of the reserves for themselves.

Producers have said they would support a government agency's determination of gas reserves if there were strict confidentiality standards that would protect them. Even this would be time consuming and expensive and the cost borne ultimately by the taxpayer. One Federal Power Commission study of a sample of fields in the country took two years and cost one million dollars. For a government agency to undertake the reserve estimation function that industry must make anyway as a part of its ongoing business would require a massive bureaucracy of geologists and economists. The interpretation of the raw data could take five years, and cost millions of dollars . . . all for information that would undoubtdly reflect what industry has been saying all along.

Reserves data is but one of the criteria that the Congress should examine in determining whether or not to deregulate natural gas. Over one hundred and sixty million consumers rely on natural gas as a source of energy, and natural gas provides more than one-half of the energy used by American industry. It is nonpolluting and does not require refineries or major conversion facilities. There are large potential supplies of gas in this country that are not being discovered due to the price policies of the federal government.

Failure to develop this gas will require increasing numbers of consumers to switch to another form of energy. The environmental cost of such a switch, together with the fact that these alternative energy sources currently cost almost four times as much as the equivalent amount of gas at regulated prices, argue heavily for deregulation.

It is time that we stop blaming the shortage of natural gas on industry. The shortage is nature's shortage, compounded by a governmentally imposed unrealistically low price for gas. Increased regulation of industry and more bureaucrats will not heat our homes or provide energy for more jobs. We must quit looking for culprits and start looking for the real solution to the problem.

For us to believe that industry was understating reserves, we would have to believe that all the employees of ten thousand gas producers, all of the pipelines, all of the state regulatory agencies, and all of the federal agencies concerned were conspiring against the American people. But no one has yet come forward with evidence of a conspiracy.

The Federal Trade Commission looked into charges that the producers were fixing prices by withholding reserves. While the Miller article stated that this investigation had taken place, it unfairly neglected to mention that the Bureau of Economics of the FTC said that prosecution of these charges would be unwise. They found no evidence of collusion.

The solution is not to fix blame, but rather to deregulate the price of gas. There is plenty of blame for all—Congress, the White House and industry—for procrastination.

In view of the drastic decline in oil and gas production and our dangerous dependence on foreign oil—now about 45% of demand—it seems obvious that less emphasis should be placed on reserves we know exist and more effort expended increasing drilling activity to find new reserves.

Congress and the White House must cease quibbling over energy policy and end this game of Russian Roulette we are playing with the nation's security and economic survival.

Mr. DURKIN. Mr. President, I see no reason for further debate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida (Mr. CHILES), the Senator from Colorado (Mr. HASKELL), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from

Arizona (Mr. DECONCINI) is absent because of illness.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) would vote "yea."

Mr. STEVENS. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT), and the Senator from Michigan (Mr. GRIFFIN) are absent due to illness.

The result was announced—yeas 37, nays 55, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—37

Abourezk	Gravel	Metzenbaum
Bayh	Hart	Morgan
Biden	Hathaway	Nelson
Brooke	Heinz	Pell
Bumpers	Jackson	Proxmire
Byrd, Harry F., Jr.	Javits	Ribicoff
	Kennedy	Riegle
Case	Leahy	Sarbanes
Church	Magnuson	Schweiker
Clark	Mathias	Stafford
Culver	McIntyre	Williams
Durkin	Melcher	Zorinsky
Eagleton	Metcalf	

NAYS—55

Allen	Hansen	Pearson
Anderson	Hatfield	Percy
Baker	Hayakawa	Randolph
Bellmon	Helms	Roth
Bentsen	Hollings	Sasser
Burdick	Huddleston	Schmitt
Byrd, Robert C.	Humphrey	Scott
Cannon	Inouye	Sparkman
Chafee	Johnston	Stevens
Cranston	Laxalt	Stevenson
Curtis	Long	Stone
Danforth	Lugar	Talmadge
Dole	Matsunaga	Thurmond
Domenici	McClellan	Tower
Eastland	McClure	Wallop
Ford	Moynihan	Weicker
Garn	Muskie	Young
Glenn	Nunn	
Goldwater	Packwood	

NOT VOTING—8

Bartlett	Griffin	McGovern
Chiles	Haskell	Stennis
DeConcini	Hatch	

So Mr. DURKIN's amendment was rejected.

Mr. STEVENSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BELLMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BELLMON and Mr. DURKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BELLMON. Mr. President, the present natural gas crisis is a tragedy that need never have occurred. Except for the blindness and obstinance of governmental regulatory and legislative bodies, development of the Nation's abundant energy resources could have easily kept pace with our growing need for fuel.

Short-sighted policies which pandered to the short-term desires of consumers and the temporary political advantage of consumer-State politicians have now brought sections of the Nation to their knees. Many of those whose misguided actions of the past are responsible for the present crisis are now most eloquent in bewailing the problem and most vociferous in demanding an immediate solution.

The solution which they—and everyone else—want is now years and billions of dollars away. No sudden precipitate action by government can magically induce natural gas to flow suddenly from untapped structures thousands of feet below the ground and into the Nation's homes, schools, and factories.

For at least 20 years, the American natural gas industry has warned of this day. For years producing States have attempted in vain to secure changes in Federal laws which would have ended wasteful uses of natural gas, encouraged utilization of alternate fuels and provided the incentive to develop the Nation's still abundant natural gas reserves.

In my own case, as Governor of a major gas producing State, as chairman of the Interstate Oil Compact Commission and as a Member of the Senate, I have proposed numerous acts and made countless recommendations which would have prevented or alleviated the present crisis.

A partial list of these is attached at the conclusion of these remarks.

But, Mr. President, the crisis is here. The natural gas shortage long predicted by knowledgeable and well-intentioned spokesmen of the producing States and the industry is upon us. The question is what action or actions can we take which will reduce the human suffering and minimize the economic wreckage which is certain to result. The inclination to say, "We told you so," is well-nigh irresistible, but it would serve no useful purpose.

Rather, we must now join together—consumers, producers, politicians, technicians, financiers, environmentalists, educators, journalists, everyone—in an unparalleled national effort to conserve, to allocate, to expand exploration and development, to construct demonstration plants for making gas and oil from coal and to develop and utilize every alternative energy source.

Marshaling national resources—human, natural, technical, and financial—on a scale unknown except during wartime is required. The luxuries of partisanship, the vested interests of consumers and producers, and the long-established positions of officials which have prevented passage of rational energy legislation in past years must now be subordinated to the essential national interest in solving the total energy problem.

Mr. President, I support S. 474. I intend to support certain amendments and hope they will be approved. I do not like many provisions of this act, but I like the alternatives even less.

The fact is, this bill will have little beneficial impact upon those who need natural gas. It is too little and too late. It is little more than a placebo. But even a placebo is sometimes helpful to a desperately ill patient.

Mr. President, my purpose in supporting S. 474 is to show that representatives of producer States—which also consume large quantities of gas—are interested in and willing to work for a lasting solution to the energy problem. This was my purpose in joining last year as a coauthor of S. 3422, the Compromise Deregulation Act of 1976. Another bill similar to S. 3422 must now promptly come before the Senate and win approval.

S. 474 is no solution to the gas crisis. Even with its passage, hundreds of thousands of American workers will still be away from their jobs, hundreds of thousands of students will still be away from their desks, hundreds of industries will still be closed, and many thousands of homeowners will still be in jeopardy of losing their source of life-sustaining heat.

Mr. President, while the current crisis is serious, even tragic, consider the condition which will develop in this Nation a few weeks or months following the imposition of an OPEC oil embargo. We are approaching the time when more than 50 percent of our oil will be imported. A disruption in that supply would produce human hardship and economic dislocation impossible to foresee.

As we enact legislation to solve the natural gas crisis, the Senate must also give its full attention to ending the present hiatus in increasing domestic oil, coal, nuclear and other fuel supplies.

This bill is evidence—the first I have seen since joining this body over 8 years ago—that Congress is finally convinced that our Nation is facing an energy crisis and is willing to seek a resolution. Every other action taken by this body since I have been here has had the effect of encouraging wasteful uses of energy and discouraging development of traditional energy supplies—environmental bills, tax increases on the energy industry, price controls on oil and gas, restraints on development of energy resources on Federal lands and the Outer Continental Shelf. These and other acts by Government have brought us to this current crisis. Only responsible informed actions by Government can establish the climate needed to accomplish meaningful energy conservation and expanded energy production.

Passage of S. 474 is an essential but largely symbolic act. Much more remains to be done to correct the legislative and regulatory mistakes of the past.

Mr. President, in addition to other amendments which I plan to support, I have the following amendments.

First, I propose that we add to the list of "high-priority use [s]" a fourth category, for essential agricultural purposes. This provision has been a part of every natural gas bill adopted by the Senate so lengthy explanation is probably unnecessary.

Briefly, however, I would point out that we must not add a food crisis to the natural gas crisis. Essential agricultural uses are not like other industrial uses. After the crisis passes, production cannot be made up by scheduling overtime. If fertilizer or irrigation water is not available when it is needed then a whole year's production is lost. Likewise, if crops are not dried or otherwise processed they will frequently spoil.

Second, I urge that a ceiling be put on the price at which purchases can be made during this emergency. There are three main reasons for this: First, a Presidential determination of what is

fair and equitable is subject to too much uncertainty both as to the price and as to the time at which it may be established or even changed. This uncertainty is likely to be counter-productive in that the desired supplies may not be committed until the determination of "fair and equitable" is made and the President does not plan to make the determination until some sales are made. My proposal for a ceiling price of $2.25 per thousand cubic feet approximates the present British thermal unit value of new crude oil which seems "fair and equitable" as a minimum considering that gas is a premium fuel and that the cost of alternative fuels, including imported LNG is higher.

Second, the producing industry and the producing States have no desire to suffer further from misunderstanding as to the cause of the present crisis. If profits should increase because of greater throughput in view of extraordinarily cold weather or greater efficiencies, this price ceiling will show that such profits were not due to price gouging. Consumers in producing States who have been paying higher prices for years, deserve some price protection from the sudden intense competition that may be brought on by this legislation. Although there are provisions regarding the triggering of price redetermination and/or so-called "most favored nation" clauses in existing contracts, there does not appear to be any way to protect the intrastate buyers of gas which may now be aggressively sought by interstate buyers at sharply higher prices.

Third, I propose an amendment that requires the President to report on his actions by April 20, 1977, rather than October 1, 1977. This new deadline is suggested since the President has indicated that his recommendations for a comprehensive energy policy will be submitted then. Moreover we must not let another winter arrive without taking action to decontrol at least new natural gas and thereby take a step toward a permanent solution to our Nation's energy problems. I also propose that a Commission be established to review the causes, consequences and solutions to the present natural gas shortages. This language is intended to make it clear that the Commission shall review not just this present winter's crisis proportion shortage in certain areas but all the existing shortages for all the different uses of this important and in many uses irreplaceable fuel. Hopefully, such a Commission will dispel some of the myths surrounding these problems and help to build a national consensus on the appropriate solution that will transcend the regional differences that have plagued this issue.

UP AMENDMENT NO. 6

Mr. President, I have an amendment at the desk, which I call up.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 3, insert the following: after subsection (B):

"(C) use of natural gas for essential agricultural, food processing, and food packaging purposes for which natural gas is necessary, including but not limited to irrigation pumping, crop drying, and the use of natural gas as a raw material feedstock or process fuel in the production of fertilizer and essential agricultural chemicals in both existing plants (for present or expanded capacity) and new plants."

and renumber the subsection (C) on page 2, line 4 as subsection (D) accordingly.

Mr. BELLMON. Mr. President, I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Mr. Joseph DeGenoa, a member of my staff, be permitted the privilege of the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, this amendment would add to the list of high-priority use, which is on page 2, paragraph (C) of the bill, a fourth category for essential agricultural purposes.

This provision has been a part of every natural gas bill adopted by the Senate, so I do not believe it is necessary to go into any lengthy explanation except to point out we do not want to add a food crisis to our present natural gas crisis.

Essential agricultural uses are not like other industries' uses because after this crisis passes we cannot then run our agricultural industry, our farms or ranches, overtime to make up for our losses. If we stop the pumping of irrigation water, for instance, the crops that are not watered will die and they will be lost. There will be no production for that land for this crop year. If the crops are already harvested, if the gas is taken away from drying those crops, then that crop will be lost and that production will be lost for another year.

So I am simply trying to put agricultural uses into the same high priority use that these other purposes are that are listed on page 2 and, in this way, avoid a food crisis.

Mr. STEVENSON. Mr. President, if the Senator will yield.

Mr. BELLMON. I yield.

Mr. STEVENSON. Mr. President, this is a sound amendment. I hope that after we have had a chance to discuss it the Senator might be able to withdraw it because while the bill is not as explicit as his amendment, it does attempt to accomplish the same thing.

Mr. President, may we have some order?

The PRESIDING OFFICER (Mr. SARBANES). The Senate will be in order. The Members will please take their seats.

The Senator from Illinois.

Mr. STEVENSON. Mr. President, the term "high-priority use" on page 2, line 4, includes "any other use of natural gas the termination of which the President determines would endanger life, health, or maintenance of physical property."

It is the intention by using that expression "maintenance of physical property" to include perishable foods and the processing of such foods.

It would include crops, corn, or other crops, that require natural gas for their preservation.

It is intended to include natural gas for purposes of maintaining water for irrigation so that crops can be produced as well as preserved. That being the case and the intention behind the reference to "maintenance of physical property," I hope we do not have to get into, through this and then probably many other amendments, a longer definition of "physical property."

The PRESIDING OFFICER. The Senator will suspend for a moment. The Senate will be in order.

The Senator from Illinois.

Mr. STEVENSON. It is intended to protect property, and that includes food. It includes cropland as well as crops from dangers occasioned by a loss of natural gas. That being the case I, therefore, hope the Senator would not see fit to press this amendment.

Mr. BELLMON. Mr. President, the explanation by the Senator from Illinois has been extremely helpful. I understand from him this term "the maintenance of physical property" would include growing crops that may need irrigation water which would be supplied by the pumping through natural gas.

Mr. STEVENSON. Yes, the Senator is correct. That is one of the primary purposes for the inclusion of that reference to physical property, just such a case as that.

Mr. BELLMON. Mr. President, based upon the Senator's explanation and assurances, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I have a series of questions for the distinguished floor manager of the bill. The first question I have of the distinguished Senator from Illinois relates to that language on page 3 of the bill which states that prior to the time a natural gas emergency is declared the State will have exhausted other remedies to the maximum extent practicable to meet such emergency.

My question is this: Does exhausting other remedies to the maximum extent practicable include the cutting off of other non-high-priority uses on that pipeline to the maximum extent practicable?

Mr. STEVENSON. The Senator is correct. The reason we were not more explicit at this point is simply because it will not always be practicable to cut off all nonpriority users. But to the extent it is possible for the President and other agencies within his control to do so, it is the intent to require that it be done.

Mr. JOHNSTON. Does that not also include to the maximum extent practicable that the FPC has exercised those powers to curtail the shortage?

Mr. STEVENSON. Yes, the Senator is absolutely correct.

Mr. JOHNSTON. In other words, all practicable steps taken by all persons.

Mr. STEVENSON. That is correct, including the FPC, and under the provisions of the Natural Gas Act the curtailments by the Federal Power Com-

mission will be automatic, and those curtailments will take place in the ascending order of priorities going from 7 on up. That will take place in any event. That is the kind of action that is anticipated and required by this section.

Mr. JOHNSTON. Is it not also implicit in this section that having exhausted all those practical remedies, and having made the allocation from one pipeline to the second, that these powers be continued to be used by the President, the FPC, the Governor, et cetera, with respect to the receiving pipeline, so that you will continue to cut off non-high-priority uses so long as you are receiving that gas from the pipeline that has the excess capacity?

Mr. STEVENSON. That is the intention. Of course, it is the intention of the act to make the gas available to the receiving pipeline only for high-priority uses. The Senator is correct.

Mr. JOHNSTON. That is right. So that under the bill it would not be possible, for example, to take gas from United Gas Pipeline and send it to Columbia and continue to send it to Columbia so that you are shutting down industries on United Gas to keep industries onstream on Columbia.

Mr. STEVENSON. The Senator is absolutely right. It is not only the intention but explicitly stated in the bill that the President would have no authority to permit an allocation for such purposes under the bill.

Mr. JOHNSTON. On page 4, subsection (B), the President has the authority to require an intrastate pipeline to transport interstate natural gas from any interstate pipeline to another interstate pipeline or to any local distribution company served by an interstate pipeline for purposes of meeting such requirements.

My question is this: Does that power to order transportation of the gas in any way give the President the power to order the sale of intrastate gas or to order an allocation of intrastate gas?

Mr. STEVENSON. No, this does absolutely nothing to permit a Presidential allocation of intrastate gas. As the Senator will remember, the Senate earlier today voted down an amendment that would have given the President such authority.

Mr. JOHNSTON. When does the last power under this bill expire?

Mr. STEVENSON. Well, the last power expires on August 1, and it is at that point that the emergency sales authorized under the bill expire. No such sales can be made after that date.

Mr. JOHNSTON. In other words, there is no power under this bill whatsoever that survives the August 1 deadline?

Mr. STEVENSON. The Senator is correct, and the allocation authority of the President expires as of April 30.

Mr. JOHNSTON. On page 5 of the bill some language was added to prevent the President from exercising his power which would "result in a disproportionate share of deliveries or curtailments of natural gas experienced by such interstate pipeline when compared to deliveries and resulting curtailments which are experienced as a result of orders applicable to other interstate pipelines."

My question is this: When we talk about disproportion of one pipeline being curtailed, does that mean that it is the intent of the bill that the President shall share that burden among all pipelines who have excess gas to the maximum extent practicable?

Mr. STEVENSON. That is precisely the intention of that language to which the Senator has referred.

Mr. JOHNSTON. Do I take it that in determining what the proper proportion would be we would consider that on a volumetic basis, considering the curtailments ordered by this act as well as prior curtailments ordered by the FPC?

Mr. STEVENSON. I am not sure I fully understand the Senator's question.

Mr. JOHNSTON. There are really two questions, if I may rephrase. First of all, in determining what are curtailments, does not the word "curtailments" include prior curtailments made to a pipeline under FPC orders?

Mr. STEVENSON. Yes, it would. That is the intention.

Mr. JOHNSTON. In considering proportion and considering what curtailments are, I take it that that would be on a volumetic basis considering the total volume of the pipeline, the total amount of curtailments, and that is what we compare, one pipeline to another?

Mr. STEVENSON. That is correct. The Senator is right.

Mr. JOHNSTON. If in the haste and emergency that this bill entails, the President's representatives order a curtailment of pipeline A, acting very quickly, can they come in the next day and balance that out by ordering pipeline B to send gas to pipeline A in order to balance the proportion?

Mr. STEVENSON. If an allocation is made that has that unintended consequence, yes, the President would have the authority to reallocate in order to distribute the curtailments proportionately.

Mr. JOHNSTON. What I have in mind, for example, is we might have to turn the switch on United Gas Pipeline which serves some 26 States and give some gas from United to these other States, and we might have to do that right away, and then we would have the power, I take it, to come in the following day and get gas from another pipeline and give it back to United in order to balance the proportion of the burden of the act. Is that correct?

Mr. STEVENSON. The Senator is correct. The President would have that authority, and it is intended.

Mr. JOHNSTON. On the question of price, the President is given power to set the price but is required to set that at a fair and equitable amount. My first question is: Is that price subject to the appeal procedure set up on page 15 of the bill where a temporary emergency court of appeals is set up?

Mr. STEVENSON. The only grounds for appeal that would be permitted under this procedure would be from a price that was unfair and inequitable. That fair and equitable standard is a very broad standard. Those words were used in order to give the President broad authority and in no way do they pick up on the history associated with the Natural Gas Act. The Natural Gas Act standard is "just and reasonable." There is not intended to be a correlation of any kind between "just and reasonable" and "fair and equitable."

Mr. JOHNSTON. Do I understand that the words "fair and equitable" as used in this act as opposed to "just and reasonable" as used in the Natural Gas Act would give the President power to set that price and that price should be upheld unless it is clearly arbitrary and capricious? Is it that kind of standard that we mean by the words "fair and equitable?"

Mr. STEVENSON. Yes, that is exactly the kind of standard that we have in mind and the kind of action that is intended to be avoided through such a broad standard as fair and equitable.

Mr. JOHNSTON. So there is no intent at all to have the kind of restrictive price mechanism that we have in the Natural Gas Act?

Mr. STEVENSON. No. The Senator is quite right. This standard would be broad, and it is not intended that the President's actions, after considering market conditions and such other factors as he considered relevant, would be construed as arbitrary or capricious. In such a case an appeal could lie under the procedures in the bill. But it would be an extreme case, and it is not very likely that there would be appeals.

Mr. JOHNSTON. The term "interstate pipeline" as defined on page 2 of the bill does not include gathering systems between the wellhead and the processing plant. Is that correct?

Mr. STEVENSON. The Senator is correct. The definition of "interstate pipeline" is not intended to pick up gathering systems, but I do think it should be made clear on the record that it is intended to permit the use, if necessary and otherwise appropriate under the bill, of refinery gas.

Mr. JOHNSTON. The President is given the power to cause an allocation of gas under this bill not only to prevent high priority users from losing their gas or the imminence of losing that gas but also to replenish short-term storage or for short-term storage replenishment or injection for protection. My question is this: That short-term storage replenishment or injection for protection is only that storage or injection which is necessary to protect high priority users or the imminence of loss of pressure for high priority users; is it not?

Mr. STEVENSON. The Senator is correct, and that was the purpose of the amendment that was accepted this morning to make it crystal clear that the only replenishment which could result from allocations would be made on a short-term basis this summer and just for the protection of high-priority users.

Mr. JOHNSTON. And expiring on April 30?

Mr. STEVENSON. The Senator is correct.

Mr. JOHNSTON. The inner connects

between the intrastate and interstate market, as I understand it, are only in aid of transportation, first, for voluntarily sold intrastate gas and, second, between interstate pipelines which are subject to allocation orders made under this act. Is that correct?

Mr. STEVENSON. The Senator is correct. The bill contains a provision which is intended to prevent or prohibit any use of intrastate pipeline facilities for inner connection purposes if to do so would displace intrastate gas.

In other words, this authority is available only in cases of excess transportation capacity in the connecting intrastate pipeline, and that language is in subparagraph (c) on page 5.

Mr. JOHNSTON. And the interconnection cannot be made only for the purpose of convenience or efficiency in the absence of one of these other factors, such as intrastate gas having been already purchased and needing to be transported, or interstate pipelines subject to allocation?

Mr. STEVENSON. That is correct.

Mr. JOHNSTON. Very well. Mr. President, I wish to thank the distinguished Senator from Illinois for his explanation, and also to express to him my thanks and I think the thanks of the Nation for having worked so hard and diligently, and I think effectively, on putting together a bill that I think is going to do a job for the country. It is going to hurt some of our States and help other States, but I think overall it will be a real contribution to this Nation, and I congratulate the Senator from Illinois for his fine work.

Mr. STEVENSON. Mr. President, I thank the Senator for his kind words, and also for his able assistance on this measure, including the opportunity which he has just provided to clarify provisions of the bill.

UP AMENDMENT NO. 7

Mr. McCLURE. Mr. President, I have an amendment at the desk which I call up and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) offers an unprinted amendment numbered 7:
On page 15, line 6, insert the following—

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE's amendment is as follows:

On page 15, line 6, insert the following:

SECTION 14. That section 1(b) of the Natural Gas Act is amended to read as follows:

"(b) The provisions of this Act shall apply to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for domestic, commercial, industrial, or any other use, and to natural gas companies engaged in such transportation or sale, but shall not apply to any other transportation or sale of natural gas or to the local distribution of natural gas or to the facilities used for such distribution or to the production or gathering of natural gas or to the sale of natural gas dedicated for the first time to interstate commerce on or after January 1, 1977, or produced from wells commenced on or after January 1, 1977, for domestic, commercial, industrial, or any other use, by any person: *Provided*, That person is not engaged in the transportation of natural gas in interestate commerce".

SEC. 15. Section 2(6) of the Natural Gas Act is amended by striking the last two words and by inserting before the period at the end thereof a comma and the following: "subject to the exception in section 1(b) above".

SEC. 16. Section 2 of the Natural Gas Act is amended by adding at the end thereof the following new subsection:

"(10). 'Affiliate' of another person means any person directly or indirectly controlling, controlled by, or under common control with such other person.".

SEC. 17. Section 3 of the Natural Gas Act is amended by striking from the first sentence "or import any natural gas from a foreign country" and by striking from the second sentence "or importation".

SEC. 18. Section 4(e) of the Natural Gas Act is amended by inserting at the end thereof the following: *"Provided, however,* That the Commission shall have no power to deny, in whole or in part, that portion of the rates and charges made, demanded, or received by any natural gas company for or in connection with the purchase of natural gas exempt from the Act pursuant to section 1(b) except to the extent that the rates or charges made, demanded, or received for natural gas by an affiliate of the purchasing natural gas company exceed those made, demanded, or received by persons not affiliated with the purchasing natural gas company: *Provided further,* That the Commission shall have no power to deny, in whole or in part, that portion of the rates or charges made, demanded, or received by any natural gas company for natural gas produced from the properties of that company from wells commenced on or after January 1, 1977, except to the extent that the rates or charges made, demanded, or received exceed those made, demanded, or received for natural gas by persons not affiliated with the purchasing natural gas company.".

SEC. 19. Section 5(a) of the Natural Gas Act is amended by inserting at the end thereof the following: *"Provided, however,* That the Commission shall have no power to deny, in whole or in part, that portion of the rates and charges made, demanded, or received by any natural gas company for or in connection with the purchase of natural gas exempt from the Act pursuant to section 1(b), except to the extent that the rates or charges made, demanded, or received for natural gas by an affiliate of the purchasing natural gas company exceed those made, demanded, or received by persons not affiliated with the purchasing natural gas company: *Provided further,* That the Commission shall have no power to deny, in whole or in part, that portion of the rates or charges made, demanded, or received by any natural gas company for natural gas produced from the properties of the company from wells commenced on or after January 1, 1977, except to the extent that the rates or charges made, demanded, or received exceed those made, demanded, or received for natural gas by persons not affiliated with the purchasing natural gas company: *Provided further,* That the Commission shall have no power to order a decrease in the rate or charge made, demanded, or received for the sale of natural gas by any person not engaged in the transportation of natural gas in interstate commerce or by any affiliate of such person, if such rate or charge shall have been previously determined to be just and reasonable, such determination being final and no longer subject to judicial review."

SEC. 20. Section 24 of the Natural Gas Act is renumbered section 25 and a new section 24 is added as follows:

"SEC. 24. In order to protect the interests of consumers, the Federal Power Commission is authorized for three years from the date of enactment of this legislation to monitor the wellhead prices of natural gas sales exempted in section 1(b) hereof, and if necessary to establish ceilings as to the future rates of and charges for such sales. In determining whether to establish such ceilings and in setting the level of such ceilings, the Commission shall take the following factors into account:

"(a) the current and projected price of other fuels at the point of utilization, adjusted to reflect a comparable heating value;

"(b) the premiums nature of natural gas and its environmental superiority over many other fuels;

"(c) current and projected prices for the importation of liquefied natural gas and the manufacture of synthetic gaseous fuels; and

"(d) the adequacy of these prices to provide necessary incentive for exploration and production of domestic reserves of natural gas and the efficient end use of such supplies. The Commission may raise or remove any ceiling imposed under the provisions of this section if it determines the bases for the imposition of ceilings have changed or no longer exist. Any ceiling imposed under the provisions of this section will terminate three years from the date of enactment of this Act.

Mr. McCLURE. Mr. President, I shall not take long. As a matter of fact, I wish to state that it is not my intention, by offering this amendment, to prolong the debate or delay the passage of this measure.

The PRESIDING OFFICER. The Senate is not in order. The Senator will suspend until order is restored. The Senate will be in order.

The Senator from Idaho may proceed.

Mr. McCLURE. I thank the Chair.

Mr. President, we have been talking for the last couple of days about an emergency piece of legislation that does not begin to address itself to the basic problem that confronts this country. We have talked a great deal about the necessity for doing something to enhance natural gas supplies, not just in the short term but in the long run; and yet this bill and to date none of the amendments offered to the bill do anything at all dealing with the long-term problem.

For that reason I have offered this amendment, which is a restatement of the bill which I introduced earlier, S. 428, which calls for immediate and permanent deregulation of new gas supplies.

It is not my purpose here today to enter into a long debate about the question or the need for deregulation. I do not think any extended debate is necessary or perhaps even very useful, because that question has been debated in this Hall in the House of Representatives, in this town, and across this Nation for years.

What the Nation demands now is not more talk but more action, not reaction to a temporary crisis, not the reaction of an emergency allocation bill, but the action that begins, at long last, to deal with the fundamental problem of shortages of supply of natural gas.

Certainly there is not unanimous agreement, but there is widespread agreement that the most effective and perhaps the only constructive reaction to deal with that problem is deregulation

of the price of natural gas in interstate markets.

I listened to the Senator from Texas this morning when he was talking about the injustice of allowing the intrusions into intrastate markets, where the price has been deregulated and therefore the supply has been better, and now taking that gas from the people who have been paying the bill in order to give it to people who have refused to pay the bill. I heard the remarks of the Senator from South Dakota this morning talking about greed. He was talking about what he would anticipate was the greed of the giant oil companies, but he said not one word about the greed of the people who want something without paying for it, the greed of people who want adequate supplies but are unwilling to pay the bill, the greed of people who want to take away property which belongs to someone else simply because they want it.

I agree with the Senator from Texas in the statement he made with regard to the subsidy that would be paid from those who are already paying higher prices in order to stimulate higher supplies, while it would be given to those who have caused the problem.

It has been rumored in this hall for the last 2 or 3 days that I might offer this amendment, and any number of Senators have come to me and said, "Don't do it now; this is the wrong time," or "We are with you, Jim, but we will have to vote against you this time because it is the wrong time."

Indeed, Mr. President, it may be the wrong time to talk about a fundamental problem. It may be the wrong action to take at this time, because there are a great many people who want us to take some action, any action that will tell the people back home that we have solved their problems, that we really care; and yet those people who say that we should not address this problem now are the ones who have been saying that time and time again in the past.

As late as October of last year, we had a vote in this body, and that vote, on the question of deregulation in slightly different form than my amendment, passed this body by a vote of 50 to 41.

Yet out of that number of 41 who voted against deregulation, how many of them now are willing to confront the fact that their vote helped cause the problem that exists in their States today? It was not a long-term or a long-range matter of their part. They are willing to pay the price of immediate action now in order to tell the people back home that they have solved their problem, and yet this bill will not solve their problem.

There is very little additional gas to be had under this emergency bill. This bill probably will make the situation worse in some respects, because there is, by the best of tests, I think something on the order of 5 percent of the shortfall available for immediate supply. I do not say 5 percent of the total amount of the gas, but 5 percent of the shortfall, is about all that there is available.

So if we pass this bill, that is the best we can expect from it for the immediate enhancement of supply. What it will do primarily is spread the shortfall around. More equitably? No. More evenly, so that more people share in the shortfall that was created by the actions of the courts and of Congress in the past years.

It has been said too often to demand repetition here today that a large part of our energy crisis is rooted in the natural gas decision of 1954, nearly 23 years ago, that so distorted the energy production and consumption patterns in the United States that this crisis was inevitable, as indeed I believe it to have been.

But whether or not it was inevitable, it was foreseeable, and it not only was foreseeable, it was foreseen. Any number of people have pointed to the approaching nature of this crisis. In 1968, when I served in the other body, I asked that the Republican conference create a task force on energy. They did so, and I was named as its chairman.

In 1971 that task force, as its first published report, highlighted the approaching natural gas shortage.

I was not the only person, and I certainly was not the first person, to have pointed to that foreseeable fact of life. It has been repeated by any number of dozens of people in this country, that this shortage would occur.

There was pending in the Congress last year an emergency allocation act. As a matter of fact, it passed this body and foundered in the other body. In spite of the fact that all of the signs were there, all of the facts were there—the only unpredictable element that was not foreseeable was what the weather would be—in spite of all of the facts being on the table, the other body refused to act last year.

The administration submitted that bill not once but requested action on it as late as September 16, 1976, when Frank Zarb, who was then the administrator of the Federal Energy Administration, once again wrote to the Speaker of the House of Representatives and asked for immediate and timely action on the bill which was then pending in the other body.

What was the reaction of the Congress? More of the same, more of the delay, more procrastination, more reasons why now was not the time to act on it.

Now we are in the midst of a crisis in which, as was predicted, millions of Americans are out of work; thousands of homes are colder; schools are closed by the score.

Senators know the litany. It has been much repeated in the last 2 or 3 days by the very same people, many of whom voted against any permanent solution in the past. Yet I am told when I offer this amendment at this time that this is the wrong time, "Do not do it now," that somehow the time will be better later because the public must have some solution from the Congress.

I can understand the feelings of any number of those people who have said that, because they know they are part of the reason the Congress has not acted in the past.

I would invite the attention of the Senate to the vote of last October 22, 1975, when we voted on the Pearson-Bentsen substitute, when we voted on deregulation. Forty-one Senators voted "No." How many of those Senators would look back now and want their constituents to know that as of that date they voted against a system, a scheme of deregulation, which would have mitigated the depth of the problem that their constituents are confronting now?

I would go down the list. I think Senators ought to know the Senators from the States of Delaware, New Jersey, Iowa, New Hampshire, Missouri, Ohio, Maine, South Carolina, Minnesota, New York, Masscahusetts, Vermont, North Carolina, Wisconsin, Rhode Island, Connecticut, Pennsylvania, Illinois, and Georgia voted against that measure.

I believe the citizens of those States are entitled to ask Senators why they voted "no." Perhaps then they could also find out why now is the wrong time to vote on that proposition again.

There were other Senators from other States who also voted "no" whose States do not now have that kind of a problem. But simply because their States do not now have that kind of problem does not mean their action was correct at that time.

Mr. President, I ask unanimous consent that the letter of Mr. Frank Zarb to the Speaker of the House dated September 16, 1976, and the enclosure referred to therein, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL ENERGY ADMINISTRATION,
September 16, 1976.

HON. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Since 1970, the Nation has experienced persistent and progressively deepening shortages of natural gas supplies available to meet the demands of customers served by the interstate pipeline system.

Last September, the Administration transmitted to the Congress the proposed "Natural Gas Emergency Standby Act of 1975" to provide authority for several measures designed to mitigate the impacts of potential shortages on the interstate system then anticipated for the 1975–76 and 1976–77 heating seasons. Summarized briefly, this Administration proposal contained provisions which would:

Provide express authority for the Federal Power Commission to permit interstate pipelines whose high priority consumers are experiencing curtailments to purchase gas at market prices from intrastate sources or from other interstate pipelines on an emergency 180-day basis.

Explicitly allow high priority consumers of natural gas experiencing curtailments to purchase gas from intrastate sources at market prices and to arrange for its transportation through interstate pipeline systems.

Extend the FEA's authority to require electric utility and industrial boiler conversions from natural gas or oil to coal [this authority has since been extended by the Energy Policy and Conservation Act], and provide additional standby authority to require conversion from gas to oil where coal conversion is not practicable.

Provide authority to allocate and establish reasonable prices for propane in order to assure an equitable distribution of propane among historical users and consumers experiencing natural gas curtailments. [Essentially the same authority has subsequently

been provided through extension of the Emergency Petroleum Allocation Act of 1973].

Although, as noted above, limited elements of the Administration's proposal are now in place, the majority have not yet been enacted into law. (It should be noted that most of these remaining elements were included in Title I of the Senate-passed S. 2310.)

Fortunately, a number of factors—most significantly, the abnormally mild climatic conditions that prevailed in most parts of the country—enabled the Nation to avert major economic disruptions last winter. Although curtailment levels for the coming winter are likely to be record-high, information available at this date indicates that under either normal or warmer-than-normal weather conditions, the Nation should be able to avoid significant economic dislocations, primarily because adequate supplies of alternate fuels are expected to be available to curtailed gas customers. However, should weather conditions be considerably colder-than-normal, the prognosis is guarded, and serious economic impacts resulting from increased curtailments of industrial and commercial consumers could result.

While it appears that such dislocations can be averted, the actual level of economic disruption will depend heavily upon a factor which at this time is unknown—the weather. The Federal Government must be prepared to meet its responsibility in dealing with contingencies. While the Executive branch has taken a number of preparatory steps and will be taking further actions, action by the Congress on the emergency natural gas legislation is still needed.

Accordingly, I again request action by the current Congress to provide the needed standby legislation. Since our vulnerability to serious gas shortages is likely to continue through at least the next two heating seasons, the legislation should remain in effect through June 30, 1978. I am enclosing amendments to the Administration's proposal which would so provide and which would make other conforming amendments needed to reflect the limited legislative action which has occurred since transmittal of that proposal. (These proposed amendments are transmitted, in the case of the Senate, in the form of amendments to S. 2330 and, in the case of the House, in the form of a clean bill inasmuch as the Administration's proposal was not formally introduced.)

I wish to reemphasize that, notwithstanding recent action by the Federal Power Commission with respect to the "national ceiling" price of natural gas, the Administration continues to regard deregulation of the wellhead price of new natural gas as a vital legislative step to deal with our increasingly serious long-term natural gas supply problem. Until that action is taken, the conditions which now necessitate enactment of standby legislation will continue to persist.

The Office of Management and Budget has advised that there is no objection to the submission of this report and that it is in accord with the President's program.

Sincerely,

FRANK G. ZARB,
Administrator.

A bill to provide temporary authority for the Federal Power Commission and the Federal Energy Administration to institute emergency measures to minimize the adverse effects of natural gas shortages; and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress Assembled, That this Act may be cited as the "Natural Gas Emergency Standby Act of 1976."

TITLE I

SEC. 101. (a) The Congress hereby finds that:

(1) supplies of natural gas on the interstate pipeline system have been inadequate to meet the demands of customers on that system;

(2) such shortages affect interstate and foreign commerce by jeopardizing the normal flow of commerce;

(3) while unusually mild climatic conditions in most parts of the United States, economic conditions, and other factors, have enabled the nation to avoid severe economic dislocations and hardships in the past several years, colder-than-normal weather conditions and a strong economy during either or both of the next two heating seasons could affect seriously jobs, operation of businesses, agricultural production, and vital public services.

(b) The purpose of this Act is to provide temporary authority for special measures to minimize the adverse effects of natural gas shortages during the next two heating seasons, as more particularly provided in Titles II, III, and IV hereof.

SEC. 102. This Act shall expire at midnight June 30, 1978.

TITLE II

SEC. 201. This Title may be cited as the "Interstate Pipeline Emergency Natural Gas Purchases Act of 1976."

SEC. 202. The purpose of this Title is to grant the Federal Power Commission authority to allow interstate pipeline companies with insufficient natural gas for their high priority consumers of natural gas to acquire natural gas from intrastate sources and other interstate pipeline companies on an emergency basis free from the provisions of the Natural Gas Act.

SEC. 203. Section 2 of the Natural Gas Act (15 U.S.C. 717a) is amended by inserting immediately after subsection (9) thereof the following new subsections:

"(10) 'Gas distributing company' means a person involved in the distribution or transportation of natural gas for ultimate public consumption for domestic, commercial, industrial or any other use but does not include a natural gas company as defined in subsection (6) of this section.

"(11) 'High priority consumer of natural gas' means a person so defined by the Commission by rules and regulations."

SEC. 204. Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) is amended by designating the two unnumbered paragraphs thereof as paragraphs (1) and (2) and by adding at the end of paragraph (2) as designated hereby the following:

"Provided further, That within fifteen days after the enactment of this amendment, the Commission may by regulation exempt from the provisions of this Act the transportation, sale transfer or exchange of natural gas from any source, other than any land or subsurface area within the Outer Continental Shelf as defined in section 2(a) of the Outer Continental Shelf Lands Act (Act U.S.C. 1331(a)), by producer, an interstate pipeline company, an intrastate pipeline company or gas distributing company, to or with an interstate pipeline company which does not have a sufficient supply of natural gas to fulfill the requirements of its high priority consumers of natural gas, and which is curtailing deliveries pursuant to a curtailment plan on file with the Commission. No exemption granted under this provisio shall exceed one hnudred and eighty days in duration."'

TITLE III

SEC. 301. This Title may be cited as the "Curtailed Consumers Emergency Natural Gas Purchases Act of 1976."

SEC. 302. The purpose of this Title is to allow curtailed high priority consumers of natural gas to purchase natural gas from the intrastate market by enabling them to arrange for the transportation of such gas by regulated interstate pipeline companies.

SEC. 303. Section 2 of the Natural Gas Act (15 U.S.C. 717a), as amended by section 203 of this Act, is amended further by inserting immediately after subsection (11) thereof, the following new subsection:

"(12) 'Independent producer' means a person, as determined by the Commission, who is engaged in the production of natural gas and who is not (i) an interstate pipeline company or (ii) affiliated with an interstate pipeline company."

SEC. 304. (a) Section 1 of the Natural Gas Act (15 U.S.C. 717) is amended by adding at the end thereof the following new subsection:

"(d) The provisions of this Act shall not apply to the use of the facilities of a gas distributing company for the transportation of natural gas produced by an independent producer from lands, other than any land or subsurface area within the Outer Continental Shelf as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), and sold by such a producer directly to a high priority consumer of natural gas, provided that the rates applicable to the use of such facilities for the transportation of natural gas described in this subsection are subject to regulation by a State commission. The transportation of natural gas exempted from the provisions of this Act by this subsection is hereby declared to be a matter primarily of local concern and subject to regulation by the several States. A certification from such State commission to the Federal Power Commission that such State commission has regulatory jurisdiction over rates and service of such person and facilities and exercising jurisdiction shall constitute conclusive evidence of such regulatory power or jurisdiction."

(b) Subsection (c) of section 7 of the Natural Gas Act (15 U.S.C. 717f(c)), as amended by section 204 of this Act, is amended further by inserting therein the following new paragraph:

"(3) Pursuant to the substantive and procedural provisions of this section the Commission may in its discretion issue a certificate of public convenience and necessity upon filing of an application by a natural gas company to transport natural gas produced by independent producers from lands, other than any land or subsurface area within the Outer Continental Shelf as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), and sold by such producers directly to existing high priority consumers of natural gas whose current supply of natural gas is curtailed due to natural gas company curtailment plans on file with the Commission. *Provided, however,* That in issuing a certificate pursuant to this paragraph, the Commission need not review or approve the price paid by a high priority consumer of natural gas directly to an independent producer."

TITLE IV

SEC. 401. This title may be cited as the "Emergency Energy Supply and Environmental Coordination Act Amendments of 1976."

SEC. 402. The purpose of this title is to continue the conservation of natural gas by providing authority to prohibit the use of natural gas by powerplants and major fuel burning installations when petroleum products can be substituted.

SEC. 403. Section 2 of the Energy Supply and Environmental Coordination Act of 1974, as amended, is amended by:

(a) Redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(b) Inserting after subsection (d) the following new subsection (e):

"(e)(1) The Federal Energy Administrator may, by order, prohibit any powerplant

or major fuel burning installation from burning natural gas if—

"(A) the Administrator determines that:

"(i) such powerplant or installation had on June 30, 1975 (or at any time thereafter) the capability and necessary plant equipment to burn petroleum products,

"(ii) an order under subsection (a) may not be issued with respect to such powerplant or installation,

"(iii) the burning of petroleum products by such powerplant or installation in lieu of natural gas is practicable,

"(iv) petroleum products will be available during the period the order is in effect,

"(v) with respect to powerplants, the prohibition under this subsection will not impair the reliability of service in the area served by the plant, and

"(B) the Administrator of the Environmental Protection Agency has certified that such powerplant or installation will be able to burn the petroleum products which the Federal Energy Administrator has determined under subparagraph (A)(iv) will be available to it and will be able to comply with the Clean Air Act (including applicable implementation plans).

"(2) An order under this subsection shall not take effect until the earliest date the Administrator of the Environmental Protection Agency has certified that the powerplant or installation can burn petroleum products and can comply with the Clean Air Act (including applicable implementation plans).

"(3) The Federal Energy Administrator may specify in any order issued under this subsection the periods of time during which the order will be in effect and the quantity (or rate of use) of natural gas that may be burned by a powerplant or major fuel burning installation during such periods, including the burning of natural gas by a powerplant to meet peaking load requirements."

TITLE V

SEC. 501. Termination of this Act or the authorities granted under this Act shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to such date.

SEC. 502. If any provision of this Act, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. McCLURE. Mr. President, I think it is also illuminating to see what some other people have said about this problem.

In its wisdom, the Congress has set up the Office of Technology Assessment as an arm of the Congress.

In a press release dated November 13, 1975, they said, among other things, and I quote from their press release:

The analysis stressed, however, that conditions next winter, 1976–77, when economic recovery is expected to increase the demand for gas, could result in severe economic disruptions with gas shortages extending beyond the industrial sector and affecting residential consumers.

This was not an arm of the petroleum industry; this was no mouthpiece of the giant gas companies; this was no handmaiden of the Big Seven. This was a branch, an arm, of the Congress: the Office of Technology Assessment.

I believe it would be interesting to go beyond that quotation and look at the analysis from which the press release was gleaned. This is an analysis dated November 1975.

I might just note that the chairman of the gas curtailment study task force for the Office of Technology Assessment was then with the Mitre Corp. and his name was Jack O'Leary. Jack O'Leary has just been named by the President to be the head of the Federal Energy Administration. He has been confirmed in that office by this body.

I will quote from one finding in that analysis.

As demand increases because of economic recovery, and existing natural gas supplies continued to decline, it is very probable that in the winter of 1976–77 there will be significant economic disruption, and in some instances insufficient gas to meet all firm commercial and residential demands even under normal weather conditions.

Mr. President, in spite of those warnings by the Office of Technology Assessment, Congress did nothing to deal directly with that problem.

We have heard a great deal said that it is the cold weather that has caused this problem and without the cold weather we would have had the problem even the Office of Technology Assessment said we would not have had the problem. Yet with normal weather.

I think the abnormally warm weather of the last 3 years has masked the problem to the extent that in a hearing before a committee in the other body last spring, after the projected curtailments had not happened, after the possible shortfall had not occurred, the Administrator of the Federal Energy Administration was charged in that committee hearing with having attempted to deceive the Congress by predicting that there could be a shortfall.

I repeat that history, and I do so only very briefly, because there are, again, people who are telling us that this shortage is not real. Gov. Milton Shapp, testifying before a committee just last week, said:

We are not certain that the shortage is real. We are not certain that it is not just contrived.

I have heard some statements in this body, primarily today, by those people who say that there is plenty of natural gas out there, that it is only a deception, that the shortage has been contrived in order to drive prices up. Mr. President, that is sheer nonsense. The worst part of it is that I suspect that some of those who have said it believe it.

I am reminded of the story which was once told by the Surgeon General of the United States, dealing with the question of lung cancer and its relationship to the smoking of tobacco. He was talking about whether or not the evidence was sufficient to justify the conclusion that had been reached. I would apply the same story to this situation.

The situation dealt with a dashing young Army officer who was married recently to a very beautiful young lady and while he was forced to be gone, rumors came back to him that his new bride was not being totally faithful to him. That disturbed him somewhat. So, the next time that he was home and called upon to leave, he engaged in a little deception of his own.

He told his bride that he had been called back to duty and he was sorry that he had to leave and he was going to have to leave at 6 o'clock that evening. And he did leave at 6 o'clock that evening. But instead of leaving on the plane and going some distance away, he went around the block and took up a position across from the apartment house where they had their apartment.

Shortly after he got around the block, here came another dashing young man, who went to the door and knocked, and his wife came to the door and let him in.

He continued to watch and, as he watched, he could see their silhouettes on the curtains of the front window as they embraced. Then the light went off and the young officer said to himself, "Oh, if I could only be sure; if I could only be sure."

Well, gentlemen, I think we can be sure of the evidence in this case: There is no doubt that there is an energy shortage. There can be no doubt that there is a shortage of natural gas. There is no doubt that people are suffering as a result of that shortage. And we can be sure that Congress has the capacity to deal with that problem if it will but face up to it.

This bill before us, instead of facing up to the problem, skirts around the problem by saying to the people back home that we have done something to alleviate the shortage, when, in fact, we have not. The allocation that is called for in this bill will probably work to make the shortage worse rather than better.

Assume, for a moment, that you represent a natural gas pipeline company or a marketing agent for natural gas that is short of supply and this bill becomes law. Where do you go looking for supply? You go where you know it exists, among those who already have it.

You do not go out and look for it in shut-in capacity, you do not go out and look for it in new fields; you do not go out and look for it in any of the myriad places it might be but you are not sure. You go and look for it in the one place that it does exist—with those who have supplies more adequate than your own. And it has the advantage over new supply that new supply would be high cost, but the old supply would be at the contracted price of the person who now has it. So the place for a shortage customer has to be with those who have enough natural gas.

On the other hand, those who have natural gas are equally impelled not to go look for it, because if they go look for it to enhance their position, which is already better than someone else's, they only make themselves more ripe for the invasion of somebody seeking their supplies, rather than getting their own.

I have no illusions, Mr. President, that this bill will not pass. I think it probably will, because we are pell-mell now, in the midst of the crisis, going to do something for the people. We are going to pass a bill, and then we can all beat ourselves on the breast and say we did something to solve the problem when, in turth and in fact, we have missed very many opportunities to do something about the problem and have failed to measure up.

Deregulation is not a pleasant nor a painless step for us to take. It will result

in higher prices. But there are a great many consumer advocates who fail to confront one fact of life, that it is better to pay a little more for a supply that you have than to have low prices and no supply. How many times has that been said in this Chamber before and fallen on deaf ears, because too many people wanted to have it both ways? They wanted to be able to pass this election and say to their voters that they had done something to keep the price down, hoping that the shortage would not occur before the next election.

But that time has passed. The shortage has occurred. The question now is, What do we do to deal with it? The Emergency Short-Term Allocation Act is not the kind of action that will enhance supply or deal with the problem in the long run.

Mr. President, the present crisis in natural gas deliveries is resulting in political demands for more of the poison which brought us to this point—increased Government control of the natural gas market. Despite the warnings of the past 6 years—and even longer—Congress has insisted on maintaining price controls on natural gas, resulting in increased demand and constantly decreasing supply. The situation has reached such a desperate level that the natural gas companies have requested authority from the FPC to use a portion of the natural gas in the ground required to maintain field pressure for production. The FPC has granted permission to extract this necessary base for future gas deliveries.

To those not familiar with natural gas field operations, what this amounts to is that the companies are "eating their seed grain." If farmers could not meet food demands and had to resort to selling their next year's seed grain, the seriousness of the shortage would be obvious to all. Getting through one crisis by guaranteeing another during the coming year should alert even the most biased opponents of industry to the outlook for the future.

But, obviously it has not. Instead of demands for logical action—removal of the Government controls which created this crisis—we hear demands for even more controls. The people and their elected representatives have to make a decision now: Are they going to continue to listen to those who have claimed that there is no danger of a shortage of natural gas, that the shortage is "phony," or will they finally decide to disregard those discredited claims and to turn to those who have accurately predicted the results of Government controls?

The advocates of more controls now want to add "allocation" to "price control." We know, of course, that price controls lead to shortages, which, in turn, lead to demands for "allocation," or rationing. It is time to turn away from the discredited advocates of controls and turn to the job of increasing supplies of natural gas while we work to conserve existing supplies.

Mr. President, any objective analysis of the present energy crisis must conclude that one basic cause was the 1954 Supreme Court decision concerning price regulation of natural gas. In this decision, concerning Phillips Petroleum Co. against Wisconsin, the Court held that the Federal Power Commission had authority to regulate the prices at which natural gas field producers sold their production to interstate pipeline companies. The Warren Court came to this conclusion despite the explicit intent of Congress, expressed by the Natural Gas Act of 1938 in these terms:

(15 U.S.C. 717(b)) The provisions of this chapter . . . shall not apply to the production or gathering of natural gas.

I will not go into the sorry record of the attempts by the Federal Power Commission to regulate wellhead prices. Whether based on some unwieldy costs of service procedures or on setting area-wide ceiling prices, involving distinctions between old gas and new gas, the results speak for themselves. The residential natural gas consumer has not been helped by political efforts to hold down prices. These efforts have led directly to the present shortage of natural gas and indirectly to shortages of fuel oil, gasoline, and technology for removing sulfur from coal and sulfur dioxide from powerplant exhaust gases.

The time has come to reverse this decline in natural gas reserves. The first step in this process is to remove the authority of the Federal Power Commission to regulate wellhead prices for new supplies of natural gas. This will accomplish these vital objectives.

First, it will stimulate exploration and development of new gas fields, plus increase the economic feasibility of existing marginal wells. Second, it will conserve new supplies of natural gas, by discouraging wasteful uses—uses which were created by the cheapness of price-controlled gas. And, third, it will stimulate the search for new sources of clean fuel, particularly from coal, and new techniques for using existing reserves.

My proposal exempts only gas from new wells, not rededicated supplies. This will, I believe, stimulate necessary exploration and development without imposing additional economic burden on the consumer.

Second, my proposal would leave jurisdiction for a 3-year period over price ceilings with the Federal Power Commission. I believe that this 3-year transition is necessary to protect against possible exorbitant price increases of a temporary nature. After 3 years, supply and demand should maintain competitive levels without this ceiling-setting authority.

Mr. President, to summarize my objection to the present system of regulation and to lend further argument for my proposal, I quote from an article entitled, "The Natural Gas Shortage and the Regulation of Natural Gas Producers," written by Stephen Breyer, professor of law at Harvard Law School, and Paul W. MacAvoy, professor of economics at MIT. This article, printed in the Harvard Law Review, is adapted from a book on energy regulation by the authors, funded by the Brookings Institution:

In sum, the arguments against the present system of gas field market regulation are compelling. Price control is not needed to check monopoly power, and efforts to control rents require impossible calculations of producer costs and lead to arbitrary allocation of cheap gas supplies. In practice, regulation has led to a virtually inevitable gas shortage. It has brought about a variety of economically wasteful results, and it has ended up by hurting those whom it was designed to benefit. Thus, less, not more, regulation is required.

I recommend the complete article to my colleagues as an excellent analysis of this complex subject, and hope that the authors will have the opportunity to testify before the appropriate committees on the proposed legislation.

Conservation of natural gas demands that Federal Power Commission price controls on wellhead production of new supplies be removed. Despite statements to the contrary, the residential consumer will not be hit with outrageous price increases, since higher priced new gas will be rolled in with lower priced existing supplies. In that manner, a further deterioration of the existing natural gas supply situation—with its attendant harmful effects on other forms of fuel and energy—can be reversed and future consumers of this clean, valuable energy source will be protected. I urge immediate attention to this amendment, in light of the continuing energy crisis in our Nation today.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial in the Washington Star dated Sunday, January 30, in which the editorial writers of that newspaper call for deregulation, and the editorial of the Washington Post appearing on January 27, last Thursday, entitled "Ants, Grasshoppers, and Gas Shortages."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Jan. 30, 1977]

UNNATURAL GAS

The wicked oil companies—and, if you doubt their word, all sorts of disinterested citizens and scholarly bodies—have warned for years that the first severe winter would bring home the folly of federally regulated natural gas prices. Yet all through the recent warm winters these admonitions went unheeded while the Capitol Hill Panglosses dilated on oil company greed and duplicity.

The stubbornness of Congress in this matter recalls Harry Ashmore's immortal story of the mule that was to be trained with honeyed words and kindness but first required to be bashed over the head "to get the critter's attention."

As recently as last winter, honeyed (even vinegary) words had availed nothing while the club, in the form of a really chilly winter, was not there to get the critter's attention. Now it is. The hardest heads must be ringing.

Let it be conceded that oil and gas pipeline companies are not charitable institutions; that the deregulation of wellhead natural gas prices, when and if it comes, could indeed bestow windfall profits; that deregulation at the optimum could be years and years adjusting supply to demand.

Nonetheless, deregulation is as imperative, and would be as prudent, as any single step we could take toward a sane energy policy.

President Carter, who is thought to favor deregulation, proposed last week an emergency gas reallocation measure on which quick congressional action is expected. Events will assure its passage. According to

a UPI survey yesterday, fuel shortages have now idled 1 to 2 million workers; and when one adds lost schooldays and other inconveniences and dislocations it is a first-class snafu.

The emergency measure is only a stopgap. The *Wall Street Journal* describes it as a "Mickey Mouse" approach that "will enable bureaucrats to shift natural gas supplies around a bit, hurting some customers by providing temporary relief to others—and solving nothing at all on a lasting basis."

Quite right; but spring will come, not long hence. The big question is whether Congress, suitably chastened by the meteorological big stick, will move promptly to allow the price of natural gas to move up into line with the unit price of other fuels.

The artificial depression of interstate natural gas prices by Federal Power Commission regulation over the past 23 years has had an effect easy to describe. It is a classic case of the induced shortage. By making natural gas artificially cheap, it offered Americans a handsome incentive to prefer gas to more costly alternatives. Eventually, by the early Seventies, we preferred it so heavily as to put it into short supply and even send production sloping down.

Heavily dependent as we are now on natural gas, we are not only importing liquid-state natural gas thrice as expensive as the costliest domestically-produced fuel; the worsening shortage—combined with parallel ceilings on domestic oil—has contributed to the rocketing increase in dependency on foreign oil. Indeed, a recent 20th Century Fund study ascribes the growth in that dependency entirely to natural gas price regulation.

The political jitters that underlie congressional funk are understandable. Congress doesn't want to take the rap for higher heating bills and gasoline prices. But unless Congress prefers a little winter recession every year that bullet must be bitten—the sooner the better. One bugaboo in whose name Congress has resisted deregulation may be laid to rest. If Congress really fears that oil and gas pipeline companies may reap unconscionable profits under deregulation—might indeed rake in and distribute those windfalls in stockholder dividends—it can accompany deregulation with an excess profits tax; or it can direct that profits exceeding a certain reasonable rate must be plowed into new exploration and production.

Perhaps that is the lowest political price that must be paid for economic sanity. But bear in mind that it is a political price, potentially counterproductive in economic terms. Left to do its work under reasonable safeguards against monopolistic gouging, the profit incentive can duly allocate fuels more efficiently and effectively than any bureaucratic establishment, and probably at lower overall social cost. In any case, regulation has failed. It is time to give a restored price mechanism its innings.

[From the Washington Post, Jan. 27, 1977]

ANTS, GRASSHOPPERS, AND GAS SHORTAGES

The Carter administration's hasty legislation on natural gas will help a little—but, to be frank, not much. It's better than nothing. But by January, it's too late to do much for the winter's fuel and energy supplies. The emergency bill now before Congress will push the gas shortage around a little, making it a little less harsh in the regions of greatest hardship and a little more harsh in the places that so far have been more fortunate. It won't do anything to enforce conservation or increase production or rationalize the use of natural gas. To do that requires getting rid of the absurd and obsolete structure of gas price controls that encourages Americans to use too much of it for the wrong things. The country is going to have to pay more for the stuff, unless it wants to institutionalize the winter gas shortage as an annual event.

For federal policy, the next two months are not the real issue. Regardless of public action, the outcome this year now depends mainly on the weather. If the country is lucky the spring will come early, and if it isn't the strain and layoffs and misery will continue. For the people who run the government, the real question is next winter.

Is Congress prepared to think that far ahead? Don't laugh; the country has been through this routine before. Just a year ago, a Senate bill to deregulate gas prices came to the floor of the House where it encountered vast indignation at the unseemly haste with which it was being pushed forward. The bill was set aside for more mature consideration. Then the weather got warm and everybody forgot about gas—everyone, we ought to note, except the Federal Power Commission, which in July published a forecast of this winter's shortage. But it was hot in July, and who takes fuel shortages seriously in midsummer? Then, in a strange and utterly unexpected turn of events, in November it started to get cold again. What could be more surprising than to see the FPC's forecasts actually becoming the reality?

It's been the story of the ant and the grasshopper every year for the past four. Every year when it gets cold, there's a flap over gas supplies; the flap is greater than usual this year because it's colder than usual. But each year when it gets warm, the urgency of the issue fades and Congress' attention wanders. The grasshoppers keep voting for further study of this difficult question, etc., etc., and so far they have generally won. When you think what Aesop extracted from those two mere insects in the way of moral instruction, you can only wonder what he might have done with the 535 members of Congress and the natural gas industry.

Mr. McCLURE. Mr. President, it is time for the Senate to act on this subject. It is not time for us to procrastinate further by brushing it aside as though it is irrelevant. It is not time for us to simply say, this is not the time. This is the time for action. This is the time for people to stand up and be counted and not simply to avoid the issue by saying, next year or next month.

Mr. President, I ask unanimous consent that Senator THURMOND be added as a cosponsor to this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Will the Senator yield?

Mr. McCLURE. I am happy to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, the Senator from Kansas intends to support the Emergency Natural Gas Act of 1977.

The feeling of this Senator is that we should move promptly to approve this legislation. I have had a similar position on legislation of this type that was introduced in the past.

The situation is clearly serious in Kansas and in other States. There may be areas in this bill that could be improved, as some of my colleagues have pointed out, but the shortage of natural gas demands a quick response, and I do not believe the Senate should delay a remedy with extensive debate.

However, the Senator from Kansas cannot help but remember that in 1975 in the 94th Congress, President Ford sent up the Natural Gas Emergency Standby Act of 1975, which in part followed the same concept as this legislation. Its purpose was to permit interstate pipelines whose high priority customers were experiencing curtailments to purchase gas at market prices from intrastate sources or from other interstate pipelines on an emergency 180-day basis.

President Ford's proposal was introduced in the Senate by my senior colleague from Kansas as S. 2330. To the best of my knowledge, no action was ever taken on that proposal in the Congress.

President Ford's proposal in 1975 had an expiration date of June 30, 1977. Had the Congress enacted that proposal, it seems likely that we would not be scrambling to pass this legislation at this point.

I do not suggest it was necessarily politics that were involved in the lack of consideration of President Ford's proposal. There was consideration in the 94th Congress of legislation to provide emergency authority for the purchase of intrastate gas for interstate emergency use. Fortunately, the winter last year was mild and the curtailments of natural gas were not large. The public concern is obviously more significant at this point than it was last year.

So, perhaps the Congress was not faced with the political interests last year that we are seeing today. But the Senator from Kansas suggests that we need to find more substantive reasons to evaluate our natural gas policy than the weather conditions or the political interests at any given moment. Had Congress shared the foresight of President Ford in 1975, we might not be in the position we are now.

President Ford also frequently proposed long-term deregulation of new natural gas. There is a very great need to address the long-term supply and production situation that exists for natural gas. The deregulation of new natural gas would create the incentives necessary to expand exploration and development and production of natural gas.

It is the strong hope of the Senator from Kansas that Congress will share the foresight of President Ford in moving promptly toward deregulation of new natural gas on a long-term basis. Hopefully, we will not have to wait until weather conditions and natural gas curtailments become so severe or until the public sentiment becomes totally outraged before Congress moves to enact a long-term natural gas deregulation policy.

I hope the leadership of the Senate will agree to early consideration of natural gas deregulation legislation.

Mr. President, I not only commend the distinguished Senator from Idaho, I underscore and reemphasize, as the Senator has done in such an articulate way, the need for action on deregulation. It seems to this Senator that we have had, as he spelled out very precisely, many, many opportunities in the past 2 years, thanks to the foresight of President Ford and others. It does no good at this point to discuss the politics of deregulation, but there are politics in deregulation. I hope that, based on the remarks of the distinguished Senator from Idaho, there will be some commitment, some real effort, and some cooperation when it comes

to deregulation, because, as painful as it may be in some aspects, it does offer some hope for the future.

Had this Congress acted as quickly on the emergency program forwarded by President Ford in S. 2330, if I am not mistaken, we would not be here today. So I commend the distinguished Senator from Idaho and hope that Congress will respond accordingly.

Mr. DOMENICI. Will the Senator from Idaho yield?

Mr. McCLURE. I thank the Senator from Kansas and I am happy to yield to the Senator from New Mexico.

Mr. DOMENICI. I join with my friend from Kansas in commending the Senator from Idaho for his very appropriate appraisal of the situation. On Friday past, when we were not yet involved in the details of this bill, I spoke for a few minutes on the floor. I had hoped that the history of the past 2½ years of finding a scapegoat for every energy crisis had left the scene. Right after the oil embargo, we took our turns here, in the U.S. Senate, and the House took its turn in turn, and, by setting that sort of pattern, the people of this country took their turn for what I called scapegoatism. While I commend the distinguished Senator from Illinois for what he has done in this field, I think that there are still leaders in this country who, even in the midst of this crisis, would like to continue the practice of scapegoatism. They have to find some bogeyman to blame this on. We did not know whom to blame when the embargo occurred.

We have even had some people say that once the embargo was over with there was a plentiful supply of oil again.

That particular statement failed to mention that they have got a lot of it. The question is, how much more dependent are we on theirs than we were when the embargo hit?

So it seems to me very simple for those of us who come from producing States.

We and our predecessor committees in this Congress have said for at least 14 years as a matter of record in committees that the way we handled this tremendous commodity called natural gas was, indeed, a national disgrace.

We have done everything to bring this crisis on ourselves. We have caused America to become dependent on it when we should not have been. We have sent gas from way down in the little town of Portales, N. Mex., to New Hampshire at 14 cents a thousand. That was still there 18 months ago. Fourteen cents, while we are importing on an equivalent basis at $2, $2.50.

I found in that particular situation that I traced 14-cent gas from an old field in New Mexico that was going out of business. Fourteen cents. An eastern city was importing it from Canada at the equivalent of $2.65.

And we sit here on this floor talking about continuing the regulation of that product in America.

Then there are those today who talk as if the producing States do not have any problems. They are paying far more for natural gas than the States they are shipping it to.

The State of New Mexico will soon be paying well over $1 as an average, and most of the gas going to California is still 40 or 50 cents out of the same wells from the same State.

I was speaking of an average composite, not new gas, and it will soon be $1.43, $1.55, as a composite in our State, old and new, and new will be going to $2, $2.25, and $2.50 soon.

I hope the Senator has made his point. None of us want to be part of depriving those parts of America that will get some relief under this bill. At least I do not, from New Mexico, we are the fourth largest producer, and if anything can come under this bill, I am for doing that.

But I hope we understand the time has come when we better quit blaming people and decide we need an energy policy.

We blamed everyone from the energy companies to those who managed our departments under President Ford, energy regulators, and we have done our best to shift things around, the furniture from this side of the room to the other side of the room, and we have not done much to really get to the heart of the problem.

Deregulation of new natural gas is a must. I am not sure it should be done on this bill because I am not sure we should delay implementation of whatever emergency measures make sense.

But I hope we will all bear the burdens of this together and begin to understand that there are enough scapegoats to go around and we ought to get rid of them and decide what we have to do.

I commend the Senator from Idaho for his succinct remarks and for once again calling our attention to this very stopgap measure and that we have had many opportunities to address the issue in the past and have failed.

I hope if this crisis abates we will not forget what a crisis is all about. That concerns me.

When we get out of this inclement weather, I think we will have a tendency once again to blame this on that person or that entity, or the other. So I hope in the very near future, while Americans understand the problem, we will get on with considering a deregulation bill for the entire Senate, for the House, and ultimately for the American people.

I thank the Senator for yielding.

Mr. McCLURE. I thank the distinguished Senator from New Mexico.

I appreciate not only the Senator's remarks today, but also the consistency with which he has approached this problem during all the period he has been here in the Senate. I know that had the Senator from New Mexico been able to write the energy policy or determine what legislation should pass, we would not be in the kind of situation that confronts the country now.

I yield, Mr. President, to the Senator from Washington for a unanimous-consent request without losing my right to the floor.

Mr. JACKSON. Mr. President, I thank my good friend from Idaho for yielding.

Mr. President, I ask unanimous consent that Deborah Merrick, Daniel A. Dreyfus and D. Michael Harvey, of the Interior Committee staff, be granted the privileges of the floor during the consideration of Senate Resolution 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I have been in consultation with any number of Members of the Senate who are concerned both about the content and the timing of my amendment. I have received a great deal of advice from a great many of them that this is not the time.

As I have said before, I am sorry that the feeling is by many that this is not the time. I say very candidly, I think it marks a lack of courage on the part of many of us to confront one of the premier issues of this country at this time and I am saddened by that. But I recognize that their wisdom in timing may be greater than my own.

Because of that, I am prepared to withdraw the amendment, but before doing so I yield to the distinguished junior Senator from New Mexico.

Mr. SCHMITT. Mr. President, I thank the Senator.

Along with our other colleagues, I commend the Senator for his remarks relative to the basic core of the problem that has caused us to be here today and following our debates on Friday on an emergency natural gas bill.

As I said on Friday, it is an indictment of many of us, an indictment of the Government, that we are having to do this. I, for one, had decided to support the Senator in his amendment. I told him that.

I probably also lack the wisdom of timing, having been here less than a month, and I will leave it to the Senator to make his own decision.

However, if he leaves his amendment, I ask unanimous consent to be considered a cosponsor.

Mr. McCLURE. Mr. President, I ask unanimous consent that the distinguished junior Senator from New Mexico be added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. DURKIN). Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I thank the Senator for his remarks.

I am happy to yield to my leader, the Senator from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. President, I thank the distinguished Senator from Idaho.

I must say that more than once I have conferred with the Senator from Idaho on this matter of whether or not this is the appropriate time and the proper vehicle for testing the question of deregulation.

I have also told the Senator from Idaho that I very strongly feel he is right in the tack he is taking in terms of an ultimate and long-range permanent solution to the energy crisis.

It is clear that we cannot long endure the crisis without extraordinary disruption to the economy and to the very fabric of society.

It is a close question, whether we ought to debate the issue of deregulation now or later. It is not any easy decision to make. It is entirely possible, Mr. President, that the judgment of the Senator from Idaho is much better than mine and of others of us who thought it better to deal with this emergency legislation separate from the question of deregulation.

But I wanted to rise, Mr. President, to thank the Senator from Idaho for his clear and logical and lucid explanation not only of his point of view, but of my point of view.

Once again, I wish to tell him that however future circumstances treat these decisions, whether I was right or he was right on the question of timing, it will not diminish my respect for him as a great Senator and, on the contrary, I want to express my appreciation to him for the accommodation he is showing by discussing this measure and then proposing to withdraw it.

I have pledged to him that in the future as we turn our attention to this matter—in the near future, I trust—that I will be one of his legion of supporters and I look forward to the time when we can march together in that respect.

Mr. McCLURE. I thank the Senator from Tennessee. As the Senator has said, it has not been an easy decision. I am certain it was not for him. I know it has not been for me.

I sincerely appreciate the comments that have been made.

This issue is not behind us safely but is only postponed, and postponed for not too long, I am certain.

I thank the Senator for his remarks.

I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the Senator from Idaho for the perceptiveness he has displayed this afternoon, as he has done many times in the past, in analyzing a situation in all its detail and ramifications, and for being able to perceive the situation as not many of us have been able to do but should be able to do.

Also, I associate myself with the remarks by the Senator from Tennessee.

I believe that only history will be able to determine what may have been the right course for us to take today. I am inclined to think that the emotionalism that is wrapped up in this issue, induced in large measure by the weather and in the long run by our failure to take steps a number of years ago that would have gotten us on a course more likely to have things turn out as we would have hoped, certainly argues strongly and persuasively for considering soon the matter of decontrol.

It is too bad that there is not yet full public awareness as to the shortcomings in the policy we have been pursuing since we first started regulating natural gas more than 30 years ago. My colleague from Idaho has pointed this out. I share with him a feeling that if I thought it would be helpful to vote on that issue now, I would be willing to do it.

My position on decontrol is clear. There is no need to reiterate all the arguments that we have heard on the floor time after time. I simply commend him for what he has said, for his wisdom and his understanding of the realities and the facts of life, for his pragmatism in concluding that it is probably well to withdraw the amendment.

I hope, however, that those persons who want to see us get through this emergency—and I am certain everyone does; I do, too—will not forget that this really is not going to do very much to help alleviate the crisis that America is facing. I hope that when warm weather returns and gas supplies come back which are able to satisfy all the requirements not only of individual homes but of industry as well, we will not forget that we can have a repetition of this kind of winter.

My colleague from Wyoming has pointed out that averages are made by extremes. We have had three very easy winters. We should not be surprised if we are getting a tough one now, and we should not be too surprised if we have two or three more tough ones. Anyone who is shortsighted enough to think that if we get through this winter we will have all the problems behind us really is not much of a realist.

So I simply conclude by saying that I hope that when we do have this emergency dealt with, as we will be able to deal with it to the extent of the legislation before us, we take up very shortly a debate upon deregulation, with the idea clearly in mind that if we want to have more energy for America and more natural gas specifically, we have to take the step that most economists, most people in the oil industry, and most businessmen agree should have been taken a long time ago, and that is decontrol.

Mr. McCLURE. I thank the Senator from Wyoming.

Mr. President, I ask unanimous consent that the names of the Senator from Oklahoma (Mr. BELLMON) and the Senator from New Mexico (Mr. DOMENICI) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. McCLURE. I am happy to yield to the Senator from Virginia.

Mr. SCOTT. Mr. President, I appreciate the Senator yielding, and I commend him for focusing the attention of the Senate on the question of deregulation. If the Senator does pursue his amendment, I will support it, and I have supported such a policy consistently.

Mr. President, in reading the bill that is before us, a number of questions have come to my mind. We have heard the old adage that hard cases make bad law. We are in an emergency situation now; and I hope that, whatever we do, if this bill does pass without amendments, we remember that it is temporary legislation and that it remains temporary.

I look at the last section, the delegation of authority. It says that the President shall have power, throughout the bill; yet, when we get to the last section, the President may delegate all or any portion of the authority granted to him under this act to such executive agencies within the meaning of 5 U.S.C. 105 or officers of the United States as he determines appropriate. So he can yield this authority to anybody within the executive branch of Government to whom he chooses to delegate it.

When we look at pages 6 and 7 of the bill, we find that the President may sign and issue subpoenas for the attendance and testimony of witnesses and the production of books, records, papers, and other items. He may require any person, by general or special order, to submit answers in writing to interrogatories. It goes on. Then it says that he may secure, upon request, any information from any Federal department or executive agency.

Does that mean that someone delegated by the President may act on his behalf to open the income tax records of individuals and corporations? Does that mean that he can look into the records of the Federal Bureau of Investigation? I am concerned about a matter such as this.

Mr. McCLURE. The Senator from Virginia has a fault which is uncommon to this body, and that is that he looks at the print and reads the bill. I think the Senator has asked a question to which the sponsors of the bill, in all seriousness, should respond.

Does this fact-finding provision of the proposed legislation override the provisions of the Right to Privacy Act and various other acts of Congress, such as the law prohibiting the revealing of the contents of income tax returns, for example? Perhaps the Senator from Illinois can respond more directly to that question.

Mr. SCOTT. Before the Senator responds, I ask him to look at the bottom of page 6 and the top of page 7—specifically, "secure, upon request, any information from any Federal department or executive agency." It is rather broad.

Mr. McCLURE. I am happy to yield to the Senator from Illinois for a response.

Mr. STEVENSON. I thank the Senator from Iowa and the Senator from West Virginia for raising this question.

Mr. SCOTT. West Virginia, of course, is not separated from Virginia.

Mr. STEVENSON. I beg the Senator's pardon.

Section E(1) states that in order to obtain information to carry out his authority under this section, the President may issue subpenas, and so forth. The issuance of subpenas, the ability to require answers to interrogatories or other information, is all explicitly related to his responsibilities under this act. As Senators know, those responsibilities are not only for a limited purpose but also for a limited period of time.

In fact, the act itself, its last authority, expires on August 1. It is not by this provision the intention of this bill, and I am glad the Senator has raised it, to permit the President to override the protections in the Privacy Act.

Mr. McCLURE. I assume further it is not intended to abrogate the provision of law regarding the inviolate nature of the income tax return?

Mr. STEVENSON. The Senator is correct.

Mr. McCLURE. The Senator has indicated this should be narrowly construed to effect the purposes of this act and not broadly construed in a larger sense. There is, perhaps, a latitude for a multitude of disagreements as to what would be included even then. But I think the response of the Senator from Illinois is helpful in that regard.

Mr. SCOTT. Mr. President, if the Senator will yield further, the distinguished Senator from Illinois is undoubtedly far more familiar with this bill than I am; I

just read through the bill. But as I understand it, the profits that the individual pipeline may be making do enter into some decisions made by the President.

Is the Senator giving us assurance it is the intent of the proponents of this bill that in making any determinations under this act the President and those to whom he may delegate authority would obtain no right under this bill to check into anyone's income tax returns or into the records of the Federal Bureau of Investigation to conduct any sort of a witchhunt or anything like that?

Mr. STEVENSON. There is certainly no intention on the part of the authors of this bill to authorize witchhunts.

As I indicated earlier, there is no intention to override the provisions of the Privacy Act or such present provisions of law which protect the confidentiality of income tax returns.

I cannot go much beyond that. I think it is difficult at this point to speculate about just precisely what information the President will require for the limited purposes of this bill.

Mr. SCOTT. Suppose he wants to know whether a company has been making a profit. Might he check its income tax returns for the past several years to make a determination of that?

Mr. STEVENSON. There is no intention in this bill nor any provision in it that would override the provisions of law in effect now protecting the confidentiality of corporate and individual income tax returns.

Mr. SCOTT. I am just reading from the bill "secure upon request any information from any Federal department or executive agency."

I am reassured at least as to the intention of the distinguished Senator from Illinois. I hope that that would be the intention of the executive branch of the Government, that they would understand the intention of Congress in enacting this bill.

But it does concern me. If we were talking about permanent legislation, and if we were not in this emergency situation, I would not vote for this bill. I say that hard cases make bad law. If this were permanent legislation I would say it is bad law. But we are in an acute situation today that may justify the enactment of this legislation. I am inclined to vote in favor of the bill. But I did want to express my reservation.

I hope we will not be back here after the 15th of April or the other dates that are in here and be looking for permanent legislation using this as a foundation for that permanent legislation on this same subject.

Mr. McCLURE. I would be happy, Mr. President, to yield further to the Senator from Illinois.

Mr. STEVENSON. Mr. President, if the Senator will yield on one point further, the Senator from Virginia has raised a good point and this colloquy has been helpful.

It does serve to clarify the intention of this bill. The intent is not to override the Privacy Act or any other provisions of law which protect the confidentiality of documents such as income tax returns. If that was not clear before I trust, hope, and believe it is very clear right now.

Mr. McCLURE. I think one further thing might be said. I hope the Senator from Illinois agrees with my observation. There have been various pieces of legislation proposed to this body before for the gathering of information from energy companies. That legislation has been hotly debated both in committee and on the floor. This provision in this bill is not intended as a circumvention of the inability to get that legislation passed, which is of a permanent nature, but is simply related to that information which is necessary to the decisions to exercise the authority on a temporary allocation and temporary oversight procedure; is that not correct?

Mr. STEVENSON. The Senator is correct. The provisions which give the President subpena power are all directed, and explicitly linked, to his authority under this bill, and that authority is with respect to allocations and the emergency pricing of gas. Not only are the authorities limited to those basic purposes, but also for a very limited period of time.

Mr. SCOTT. Mr. President, if the Senator will yield very briefly——

Mr. McCLURE. May I yield to the Senator from New Mexico for an observation? He had an observation he wished to make specifically on this point.

Mr. SCHMITT. Specifically, I had intended to have this question as part of a series of questions to ask the Senator from Illinois, but since it has come up now, I wish to make this observation. I have an amendment at the desk, amendment No. 3 of my series of amendments, which proposes insertion, of the word "relevant" in section 4(e)(1)(A), just before the word "witnesses" and before the word "books" and before the word "documents" on lines 17 and 18.

It may not be necessary to insert that word in view of the legislative history that has been established here by this discussion. However, I would like the Senator from Illinois' comments as to whether that would put some additional burden of proof on the President or his designated representatives in the subpenaing of the various records, witnesses, and so on.

Mr. STEVENSON. Before I answer the Senator, I yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on final passage of this bill.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. STEVENSON. I would be reluctant to support such an amendment for this reason—and I have not had a chance to really study it—but it would seem to me that, as a lawyer, the amendment would raise questions about whether this action was relevant. Such a decision would have to be determined by a court, and the answer could not be forthcoming without access to the information.

Mr. McCLURE. Mr. President, will the Senator yield at that point? I hope the Senator does not make a final decision at this time. Perhaps the Senators can get together and see whether the manager of the bill will accept the amendment because I do not think we want to be in the posture of saying we are having the legislative history indicate he can ask for irrelevant data. The rejection of this amendment might possibly have that kind of connotation. But now, perhaps, there can be a meeting of the minds. Maybe it is something you could discuss off the record better than on it and come to some resolution rather than doing it in this manner at this time.

Mr. STEVENSON. I think that is a useful suggestion. I assume that any Member who has studied the rules of evidence knows how delicate questions of relevance are.

My only point was that somebody has to make a determination as to what is relevant. There is certainly no intention to permit fishing expeditions or the acquisition of irrelevant information.

The Senator's amendment raises some difficult questions, questions which might best be answered in the legislative history and not by such an amendment.

Mr. McCLURE. I thank the Senator and I thank the Senator from New Mexico.

Mr. SCHMITT. Mr. President, I make one further comment. I realize that the issues of legal relevancy are not ones that I dealt with in my previous profession. However, we have to deal with relevancy even in geology. I think the legislative history that has been established here by this discussion is at least, in my mind, sufficient to allay at least most of my concerns about a temporary bill of this nature, in this area of relevance of witnesses, books, and other documents.

Mr. McCLURE. I thank the Senator from New Mexico.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. SCOTT. I certainly do not want to delay final action on this bill unnecessarily, and I appreciate the responses by the distinguished Senator from Illinois.

We have a bill that has not been considered by a committee. We have a bill that we are acting upon because of an emergency situation. The distinguished Senator from Illinois just recently has talked about technicalities in the law, and yet we put together a bill that has not been considered by a committee.

The views of the distinguished Senator who is handling the bill on the floor are somewhat reassuring. I just hope that this bill will be considered as emergency legislation, as temporary legislation, and be narrowly construed by the executive branch of the Government because, quite frankly, I have a number of concerns and if we were talking about permanent legislation could not support the bill.

I appreciate my friend from Idaho yielding time to me.

Mr. McCLURE. I thank the Senator from Virginia.

Mr. President, I ask unanimous consent that the distinguished Senator from Tennessee (Mr. BAKER) be listed as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I make a similar request for the Senator from Virginia (Mr. SCOTT).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, some reference has been made as to those who now pay higher prices, where they are intrastate contracts, in the main, but I add to that group my constituents in the State of Idaho, because 85 percent of our gas supply comes from Canada and has essentially as a matter of fact been deregulated by their action. The result is that the consumers in my State are already paying a deregulated price and under this bill may be called upon to share some of that gas with others who refuse to pay a deregulated price.

There is a substantial injustice in that kind of a process. In spite of that, in view of the nature of the emergency which has been created by this Congress, I will be constrained to vote for this bill for the same reasons that I have been persuaded to withdraw my amendment. But I feel very strongly that those who find it convenient to vote against these measures in times when there is no crisis ought not to have the luxury of salving their conscience or solving their political problems voting for a bill of this nature that does not solve the problem during the immediacy of the crisis. They ought to be given the opportunity, yes; they ought to be compelled to vote on the issue right now, not during the heat of the summer but while the heat is on because there is a shortage of natural gas and there are curtailments now.

But, Mr. President, I have been persuaded. The time is not right. I have listened to that counsel. I am mindful of the long experience from which that counsel has come. Therefore, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BELLMON and Mr. SCHMITT addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

UP AMENDMENT NO. 8

Mr. BELLMON. Mr. President, I have an amendment, No. 8, at the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposes unprinted amendment No. 8.

Mr. BELLMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9 beginning on line 6, strike out the parenthetical expression "(including provisions respecting fair and equitable prices)" and insert in lieu thereof the following: "but at a price no greater than $2.25 per thousand cubic feet," and add at the end of line 8, the following: "from wells begun prior to January 31, 1977."

Mr. BELLMON. Mr. President, there are many features of this bill that trouble me, some of which have already been discussed. But the one that this amendment deals with is the provision that allows the President to decide what is fair and equitable so far as the pricing of gas that is made avaliable to areas where there is a shortage under the terms of this bill. Certainly we want gas prices to be fair and equitable. But the problem seems to be that unless the seller has some idea of knowing with assurance what the price will be the sales may be slow in occurring and there will not be as many sales as might otherwise take place.

The problem is that in the past frequently sellers of gas to the interstate market have reached agreements on what they thought was a fair and equitable basis, only after to have those agreements set aside by the Federal Power Commission or by some subsequent court action. Therefore, it seems to me that it is necessary to establish a price in this act that will, first of all, make gas available and, second, be fair and equitable.

The price that this amendment anticipates is $2.25 per thousand cubic feet, which is the rough Btu equivalent of the price of new crude oil, so that those who are burning gas will be paying about the same price on a Btu basis as those who are burning oil.

To me I want this bill to work, I want every single cubic foot of gas that can be made available to be made available, and the purpose of this amendment is to assure those who are buying gas what they will be paying and assure those who are selling gas what they will be receiving, and the $2.25 price seems to be fair and equitable, as I understand the meaning of that term.

I believe that this amendment will not work an injustice upon either those who need the gas or upon those who may have gas to sell, but that it will serve to make the bill more operative and that it will make available gas that might otherwise not come into these pipelines where there is now shortage.

Mr. STEVENSON. Mr. President, the Senator has raised one of the most difficult questions in connection with this matter. It is a concern not only of this but of other Senators, including myself, and the administration.

As he has indicated, if there is any uncertainty about the price or any prospect that a price at which gas is sold could be rolled back, the sales might not take place. The difficulty with any provision of law that establishes a fixed price, it seems to me, first, that it becomes a floor and, depending upon the level, it may be an unreasonable floor. Second, it is arbitrary and it does not reflect the different values of different kinds of gas. Gas owned by a producer, gas owned by a utility, a pipeline, and other owners have different values.

This measure consequently gives the President broad authority with which to establish fair and equitable prices and to prohibit those which are not, and because of the concerns raised by the Senator, and we have discussed them, I have asked the President's assistant, Dr. Schlesinger, to provide him and the Senate with some assurances that there will not be such price uncertainty or prospects of possibilities of rollbacks under this provision, and he has sent me a letter which I will share with the Senator.

Mr. President. I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., January 31, 1977.

Hon. ADLAI E. STEVENSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENSON: This is in response to your inquiry about the implementation of the "Fair and Equitable" price standard in Section VI of S474, the Emergency Natural Gas Act of 1977.

It is our intention to provide price certainty so that once a specific transaction has been authorized by the President, there would be no risk of a price roll-back for that transaction.

We believe a fair amount of flexibility is desirable to assure the maximum flow of natural gas to areas of shortage. Toward that end, we would expect to establish a threshold level, such as, for example, the price at which natural gas has recently been sold in intrastate commerce at which sales would be authorized by general rule and not subject to roll-back. Sales above that level might be subject to specific review. In any event, there would be no roll-back of the price for a specific transaction once it had been authorized by the President.

Sincerely,

JAMES R. SCHLESINGER,
Assistant to the President.

Mr. STEVENSON. The letter, Mr. President, says among other things:

It is our intention to provide price certainty so that once a specific transaction has been authorized by the President, there would be no risk of a price roll-back for that transaction.

We believe a fair amount of flexibility is desirable to assure the maximum flow of natural gas to areas of shortage. Toward that end, we would expect to establish a threshold level, such as, for example, the price at which natural gas has recently been sold in intra-state commerce at which sales would be authorized by general rule and not subject to rollback.

He goes on to say that sales above such a level would be subject to review, and could be approved by the President, and once having been approved, they would be immune from any subsequent rollback.

This letter indicates that the President has in mind two complementary procedures for implementing the authority to establish prices and prevent unfair and inequitable prices under this bill. One procedure would establish prices for certain categories of gas, and as long as the gas was sold at or below the level established for those categories, the prices would be certain. There would be no danger of a subsequent rollback.

The other procedure would be for gas which either did not fit into one of the categories or was offered for sale at levels in excess of the ceiling, and in

those cases it would be possible to obtain prior approval from the President which, once obtained, would protect the seller from a subsequent rollback.

I would hope that this letter and those assurances would be enough to satisfy the distinguished Senator from Oklahoma and others who have raised this problem, and that consequently it would be unnecessary to get into some very difficult questions—questions involving the establishment of prices in different areas or for different sellers by a body that is not well equipped to do it.

So it is my hope, Mr. President, that with those assurances the Senator from Oklahoma and others with similar amendments will not press them to a vote.

Mr. BELLMON. Mr. President, the letter from Dr. Schlesinger and the explanation which the Senator from Illinois has given are certainly reassuring. This is a complex problem, and it is an area in which it is difficult to legislate, because of the reasons the distinguished Senator from Illinois has given. Not all areas can be priced at the same level.

The price I had set at $2.25 would, in my judgment, cover most of the gas that would be offered to the pipelines that are now short, but I would imagine, under the terms of the letter, that if the President would take into account the recent sales in the intrastate market. which is what he apparently plans to do, he would probably arrive at a figure not too far from this, and probably accomplish the same objective and, according to the terms of the letter, would achieve more flexibility than we would if we set one price for the whole country.

So, Mr. President, on the basis of the letter and the Senator's assurances, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SCHMITT. Mr. President, I have a series of questions that I would like to direct, if possible, to the Senator from Illinois, just to establish a legislative record. If necessary, I have some amendments that I will call up as these questions are dealt with.

The first question relates to page 4, line 8 of the bill before the Senate. Basically, would the Senator clarify his feeling as to the scope of the President's authority with respect to construction and operation of pipeline facilities? Does this include a very, very broad charter to require the construction of facilities and their operation, including the increased hiring of personnel and increased capital expenditures, or just what does he see that requirement to include? That is in section 4(a)(1)(C).

Mr. STEVENSON. This provision is intended to authorize, if necessary—and it no doubt will be necessary—short interconnections between pipelines during the limited duration of this bill. It is certainly not intended to result in the requirement that large pipeline projects be constructed. The only intention is to require, where necessary for this purpose and for the saving of life and property, such minor connections as may be necessary.

Mr. SCHMITT. So the statement "the construction and operation by any pipeline of any facilities necessary to effect such deliveries or transportation" reflects exactly the purposes of the act, and no other purposes that might be envisioned by the President?

Mr. STEVENSON. The Senator is correct. As is well known, the purposes of the act are of a very restrictive nature: the preservation of life and property through maintenance of the essential uses that are enumerated.

Mr. SCHMITT. Fine. My second question—and as I bring it up I would like to have my first amendment at the desk brought forward and read.

The PRESIDING OFFICER. The amendment will be stated.

UP AMENDMENT NO. 9

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes an unprinted amendment No. 9: On page 5, line 19, before the period, insert a comma and the following: "including curtailment of all low-priority industrial uses beyond the extent necessary to avoid actual physical damage to property".

Mr. SCHMITT. Mr. President, this amendment is aimed at the problem that there may be an order reallocating gas away from an intrastate allotment on the basis of a Governor's refusal to permit economic losses in the State.

Mr. STEVENSON. The purpose of this amendment is intended to be accomplished in section (c)(1) on page 5, and the only reason that that provision is not as explicit as the Senator's amendment is that it may not be possible, in many cases, for the Governor to curtail low priority industrial uses. Many of the Governors, if not most, just do not have that authority. So the section in the bill is drafted in order to require such curtailments of low priority uses to the fullest extent practicable, and with the expectation, as I say, of accomplishing the results which the Senator wants, including the curtailment of low priority uses, but not requiring something that might be impossible in certain situations.

Mr. SCHMITT. I understand. A situation where curtailment might result in pressure in the line which would subsequently result in pilot lights going out and presenting a danger to people, or potential damage, or some such problem.

Mr. STEVENSON. That would be the case that would be included.

Mr. SCHMITT. And the Senator feels that the language is sufficient to preclude that?

Mr. STEVENSON. That is the intention of the language.

Mr. SCHMITT. Mr. President, I request withdrawal of that amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 10

Mr. SCHMITT. Mr. President, I call up my second amendment and ask that it be considered at this time.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. Schmitt) proposes an unprinted amendment No. 10.

The amendment is as follows:

On page 5, line 2, before the period insert the following: "or cause displacement of any intrastate gas for high priority use being transported or under an existing contract to be transported through an intrastate pipeline."

Mr. SCHMITT. Mr. President, this issue has been raised both by myself and by the attorney general of the State of New Mexico in consultation with my staff and Senator DOMENICI. The question which is raised is in the context of section 4(a), concerning intrastate gas in a pipeline that is now required by the President to transport interstate gas, and that intrastate gas being used for high priority purposes. Is that intrastate gas going to be displaced in any situation that might arise under this act?

On page 5, lines 1 and 2, section 4 states that it is to determine that the intrastate gas will not be displaced or will not be required in excess of the available transportation capacity of the pipeline.

Is that langauge intended to include intrastate gas that might be in use for high priority purposes?

Mr. STEVENSON. The language of the bill is more restrictive than the language of the Senator's amendment. The language of the bill as it stands now is intended to prevent the displacement of any intrastate gas, not just intrastate gas for high priority uses. In other words, under the language as drawn, it is intended that the use of the intrastate pipelines could only be made when there is excess capacity in those pipelines.

Mr. SCHMITT. I will accept the Senator's analysis of the language, but that was not obvious to either myself or the attorney general of New Mexico. As I read section 4(a)(2):

No order may be issued under this subsection unless the President determines that such order will not——

Skipping over to (c);

require transportation of natural gas in any pipeline in excess of its available transportation capacity.

I am not sure that I see, or we see, how that protects intrastate gas that may already be contracted for high priority uses.

Mr. STEVENSON. The Senator raises a good point. The reference to in excess of its available transportation capacity was intended to apply to exactly that situation, transportation capacity in excess of that capacity necessary to transport all gas required by contract by that pipeline.

Mr. SCHMITT. Fine. That establishes the record. I understand now. Basically, it is available excess capacity for interstate gas that might be possible.

Mr. STEVENSON. That is correct.

Mr. SCHMITT. I thank the Senator.

Mr. President, I request withdrawal of that amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 11

Mr. SCHMITT. Mr. President, the next question is just to clarify the record on my third amendment, which I mentioned earlier in our discussion. I request that my third amendment be called up, please.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes an unprinted amendment No. 11.

The amendment is as follows:

On page 6, line 17, insert "relevant" between "of" and "witnesses" and between "of" and "books".

On page 6, line 18, insert "relevant" between "other" and "documents".

Mr. SCHMITT. Mr. President, in view of the preceding discussion as to the question of the President's subpena power, and other powers, it is my assumption that the President's power is restricted by the purposes of this act and that the word "relevant" inserted as proposed by the amendment does not significantly alter the powers the President will have with that particular wording. Is that correct?

Mr. STEVENSON. The Senator is correct. The intention of this provision is to only authorize the President to obtain such information as is necessary to enable him to carry out the limited purposes and authorities in this act for a limited duration of time. Any other such information would not be relevant. For the reasons I mentioned earlier, I am reluctant to get into a discussion of "relevance." The authority is limited. It is an authority limited to that information necessary to carry out the provisions of the act. I believe that is clear.

Mr. SCHMITT. I thank the Senator.

Mr. President, I request that that amendment be withdrawn from consideration.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SCHMITT. My next question refers to page 12, section 9(c). It is my understanding that this section is intended to prevent any impact on intrastate contracts within which there may be a so-called favored-nation clause, which is to mean that the price of the intrastate gas is tied to the price of the interstate gas. Is that correct?

Mr. STEVENSON. The Senator is correct again. The intention of this provision is to prevent the President's exercise of any authorities under this bill triggering the most-favored-nation clauses or other such provisions which could affect the price of gas.

No such indirect effects on price are intended or permitted by the bill.

Mr. SCHMITT. I thank the Senator.

Also, is it generally felt that the bill, particularly section 9, does not impact on the due process clause of the Constitution? Basically, it is the question of controlling certain contractual obligations.

Mr. STEVENSON. Of course, Congress does not have the power to repeal the rights of due process guaranteed by the Constitution. There is no such intention in the bill and it does establish procedures for hearings and for judicial review. Those provisions are in section 10, and should any such constitutional question arise or any question about abuse of authority by the President under this bill, they could be taken up in accordance with the review procedures established in section 10. They include judicial review by the Temporary Emergency Court of Appeals. In fact, that court would have exclusive jurisdiction.

Mr. SCHMITT. I thank the Senator.

One final question is suggested by that comment. That has to do with page 13, line 6.

Mr. President, I should like to have my fourth amendment read, please.

UP AMENDMENT NO. 12

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes unprinted amendment No. 12:

On page 13 line 6, after "judgment" insert the following: "and except in any case involving the public safety or other serious emergency".

Mr. SCHMITT. Mr. President, the purpose behind this amendment, and hopefully, the record of discussion will establish it, is that I found subsection (c) on page 13 of section 10 to be quite broad in its implication. I should like the distinguished Senator from Illinois to explain whether or not the restriction on injunctive relief in any way could prevent action involving public safety or other serious emergency.

Mr. STEVENSON. The purpose of this bill is to permit allocations, of course, and emergency pricing for the purpose of protecting the public safety, human life, and preservation of property. This provision is essential if that is to be done. Without it, allocations between interstate pipelines are going to result in litigation and the complaints will seek injunction. If those injunctions are entered this winter, people are going to go without gas.

The amendment offered by the Senator is somewhat broad. It says, in effect, that injunctions can be permitted in cases involving public safety or other serious emergency. I am not quite sure what "other serious emergency" means, but "involving the public safety" is quite broad. At the moment, there will not be any such cases that do not involve public safety, that do not involve human life and tht preservation of property. Every injunction that is sought will be sought at some risk or danger to public health, safety, and welfare. That is why this provision is included, which attempts to eliminate injunctive relief during this short emergency period.

Mr. SCHMITT. There can be, I think the Senator will agree, differences of opinion about how to protect the public safety. What is the intent of the bill in terms of resolving those differences of opinion? Presumably in the case of an emergency of some kind, there would not be time for the Temporary Emergency Court of Appeals to have authority.

Mr. STEVENSON. First of all, the purpose is only to permit allocations for the benefit of high-priority users. Those are residences, small businesses, and other services which are essential to the maintenance of life, health, and property. If controversies arise over the exercise of the authority, there is, as I mentioned a moment ago, a hearing procedure, a procedure which is subject to judicial review. It is an expedited procedure and there is provision for judicial review by the Temporary Emergency Court of Appeals. During the time it takes to exhaust the rights under those procedures, there would, I hope, be no injunctions entered because the decision in this case is made in the first instance by the President and not by a court on a preliminary showing.

As the Senator knows, injunctions can be entered by the courts on the basis of ex parte proceedings and, in this case, if they were, they could seriously interfere with the President's exercise of the authority under this bill. This is one of the provisions that I believe the interstate pipeline companies and the Federal Power Commission consider essential if the exercise of the authority for the purposes that are stated is not to be interfered with by large consumers who want to hang onto some gas.

Mr. SCHMITT. I understand, but the Senator would not envision such wording as presently contained in the bill to be the kind of wording that one would like to see in any permanent legislation that might be established at some time in the future?

Mr. STEVENSON. I am sorry, I did not hear.

Mr. SCHMITT. I repeat my question: The Senator would not concede that the kind of language that is represented in the bill at the present time on page 13, lines 6 to 9, is the kind of language that any permanent legislation should ever contain?

Mr. STEVENSON. Well, some such language might be drawn. I think this language is too broad and too vague, but if there is to be permanent legislation, it certainly is something that would deserve further consideration. Perhaps it could be drawn in a way to accomplish the Senator's purpose without interfering with the purpose of this legislation.

Mr. SCHMITT. Mr. President, I request that amendment No. 12 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was withdrawn.

Mr. SCHMITT. I have one final question. That is, would the Senator from Illinois explain for the record the reason behind limiting the President's authority under section 4, on page 4, line 12, to April 30, 1977, whereas, on page 9, it extends that authority for emergency purchases to August 1, 1977? Why the difference in dates?

Mr. STEVENSON. The first limitation of April 30 applies to allocations. The purpose of the allocations is just to get the pipelines and their customers through the winter.

The second limitation of August 1 applies to emergency natural gas sales. There the purpose, in addition to increasing the supply of natural gas for the winter, is also to permit the replen-

ishment of natural gas storage reservoirs that have been depleted by the extraordinary demand caused by this cold winter.

The hope is that with deregulated prices through August 1, they will have some time with which to at least partially replenish the reservoirs before it is too late to do so and in time for next winter.

Mr. SCHMITT. In a way, it represents a foot in the door for legislation of this kind a year from now, is that correct?

Mr. STEVENSON. That is not exactly the intention and I am not sure to which door or which foot the Senator is referring.

The intention is not to open the door and bias the case either one way or the other on longer term regulation.

Mr. SCHMITT. Mr. President, just to clarify a little more, the reason for some of these amendments and questions is in relation to my remarks last Friday. We are asking for extraordinary power to be given to the President, albeit for a temporary period of time. We are doing so because we have not worked to alleviate the potential crises on this occasion by well-considered and long-range action in the past.

It has been a lesson of history, I hope, that democracies are governments that have their base in the will of the people. Very often their death knell has sounded because they did not take appropriate action and then transferred emergency powers to a Chief Executive so that he could take action instead.

I certainly hope that all of us will do everything we can to insure that we are not proceeding along the same road.

I have great faith in our Government and in the American people. If we do not move in the wrong direction I think it will be because people in this Chamber, as they are doing today and will continue to do, will try to ask the right questions. In this case we must establish the right legislative history. For what we have before us is really an extraordinarily powerful document that I have no doubt we all will pass before the evening is much more advanced.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 21

Mr. GLENN. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Ohio (Mr. GLENN) proposes an amendment numbered 21.

Mr. GLENN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 3, strike "or".

On page 2, line 6, strike the period and insert in lieu thereof "; or".

On page 2, after line 6, add a new subparagraph to read as follows:

"(D) use of natural gas to satisfy firm industrial requirements for plant protection, feed stock, and process needs for which substitute fuels are not readily available where the President determines that such use results in a substantial increase in employment as compared to the amounts of gas used.".

On page 5, after line 2, add the following new paragraphs:

"(3) In addition to the restrictions imposed by the preceding paragraph no order may be issued under this subsection for the purpose of meeting requirements for uses specified in paragraph 1(D) of section 2 unless the President determines that such order will not create for the interstate pipeline delivering interstate natural gas a supply shortage which will cause such pipeline to be unable to meet commercial requirements of 50 Mcf or more on a peak day or pipeline storage injection requirement served, directly or indirectly, by such pipeline.

"(4) In issuing orders under this subsection the President shall give priority to meeting requirements for uses specified in paragraph 1 (A) through (C) of section 2 over meeting requirements for uses specified in paragraph 1(D) of such section.".

Mr. GLENN. Mr. President, this amendment would give consideration to economic considerations after—and I repeat, only after—adequate gas has been obtained or put into the pipeline systems to make certain that the residential users are taken care of.

This amendment would accomplish this by the following method. It would not disturb any of the gas listed as being in priority 1 or priority 2 categories by the FPC categorization system and it would take gas from the other lower priorities only where there is alternative fuel available which could be used to fulfill those other priorities.

In other words, we do not want to just transfer unemployment around the country from one spot to another.

Gas which could be obtained by that method, by the use, for instance, of oil or fuel gas that could go back, or which could be used with coal as their fuel again, or any supplier of gas coming on, for instance, the west coast gas that can be pumped through, I understand, and is possibly our only ace in the hole during this crisis, that those supplies would then be targeted to specific uses with one consideration in mind, and that is, where could this gas produce the greatest possible number of jobs.

We have some industries in Ohio and many in other parts of the country that for lack of a small amount of gas, a comparatively small amount, many thousands of jobs will be begging. The textile industry, for instance, in the South uses gas for finishing processes. In my home State of Ohio, the final processes for bearing production use gas where no other fuel can be used, as is the same in the glass industry.

Those are but a few examples. We could repeat that with many more. But these are examples of where a small specific use of gas can keep perhaps many thousands of people working, once the residential user is protected.

Today in the New York Times the Federal Power Commission was a bit less worried about residential cutoffs, which leads us to the next step, of course, that we can then be worried about what the most job producing use of natural gas might be.

President Carter yesterday, following his visit to Pittsburgh, on the trip home indicated to reporters on the airplane, as reported both on television and in the press today, his concern about the economic impact, just when we are getting started, or perhaps it is debatable whether we are starting on a recovery yet, but whatever recovery we might have underway might be completely negated by the current energy shortage and the cutback in jobs.

Mr. President, we have heard here today a lot of horror stories about how people are suffering around the country.

I can assure Senators that we in Ohio take second place to no one in what has become a real catastrophe in Ohio. I think we lead all States in unemployment right now due to the natural gas shortage. I cannot pick up a paper, whether here or New York or anyplace else these days, without seeing pictures of the State of Ohio with stranded motorists, reports of people who died in cars out along the road, tractor-trailers jackknifed along the highways, communities isolated, helicopters going out and picking people up from various places around the State to bring them in to armories or gymnasiums to be fed and have a place to stay out of the subzero temperature.

I do not think we need go into a long listing of comparison of the sufferings going on around the country. But in our State of Ohio we also are concerned that we not only have this residential use of gas that can keep people in their own homes and that the President has very properly made a priority, but we are also concerned that if gas can be made available beyond that point, it then be allocated so we keep the greatest number of people working in this country and in my home State of Ohio, along with all the other States impacted, so that we make the best use of our gas which we have available.

The best figure we had over the weekend for Ohio was that 250,000 people were unemployed, directly attributable to the natural gas shortage. One report last night indicated 750,000 people unemployed in Ohio. I do not know if that was a reporter misreading a teletype copy, or what, because if that figure is true it would be nearly half of the indicated national unemployment.

But in any event, whichever set of figures is correct, the indication is there as to the importance of, once we are beyond protecting the residential user, making certain the gas gets targeted to the most job production uses it possibly can have.

That is what this amendment would do.

Mr. President, I talked directly to President Carter this morning about this bill and about my amendment. I have since, today, talked with Dr. Schlesinger several times.

They agreed, Mr. President, that they would like to have this authority, that they are for the provisions of this authority, and the President would like to have the capability that we would give him with this amendment, which he would not have otherwise, of targeting gas to specific uses. But there has been

an agreement with the President and the leadership in Congress that no amendments would be considered on this legislation. The President and Dr. Schlesinger have felt that they cannot go against this agreement with the leadership here and open up this matter on the floor by agreeing to one particular amendment and opposing all others, that it would open a floodgate of additional amendments. I think they probably are right, regrettably.

I know their feelings in this matter, and I have considered very seriously this afternoon going ahead and offering this amendment and getting a vote on it, so that we all could be put on record as to whether we really favor consideration of economic matters once the residential owner is protected. Until a short time ago, that is exactly what I had planned to do, to bring this matter up, and we would let the chips fall where they may, and we would vote this out, regardless of what other agreements had been made with the leadership.

Mr. President, something happened a couple of hours ago, or an hour and a half ago, on the House side that has given me some pause, I must admit. I find myself at the present time in sort of a damned if I do, damned if I don't situation. I am in a Catch–22 situation, if we want to term it that. The House committee work has been completed, and the bill as they have it out of committee in the House right now came with a provision roughly as follows: They have a pricing limit on gas to be bought intrastate, which is the source from which much of our gas will have to come if there is additional gas put into the interstate lines. The establish a price that will be the average of second quarter prices 1976 for new gas, plus 15 percent, unless there is a Presidential finding that says that a higher price is necessary. Presidential finding, as I understand it, would mean that that opens up the whole question of contracts to lawsuits, disagreeing with the President and what his particular findings were, and all the litigation that would entail, plus the fact that the price of gas has gone up since the second quarter of 1976. I believe that adding only 15 percent to that is no guarantee that we are going to get additional gas out to the intrastate market and into the interstate pipeline system.

So I look at the House bill and that provision in it as not having much chance of doing the job that we hope will be done in getting gas out of the intrastate system and available for those States such as Ohio which are heavily impacted. That means that we really have to rely on this interstate transfer more than I even thought was going to be possible before, because I had thought that perhaps, with the pricing arrangement the President had suggested, we really could move substantial amounts of gas into the intrastate system and into the interstate pipeline system. But this time, under the House bill, I do not see that happening.

There is one other factor here, in addition to what the House has done, that stops me a bit and puts me in the Catch–22 situation. I understand that the House leadership has indicated that one of the options they have available to them, and which they would be inclined to be favorably disposed toward, is that if we vote a bill out of the Senate with no amendments, they then could take it up directly in the House, instead of taking up their own bill that has been voted out of committee.

That is where I am stopped a bit; because if I then amend our bill in the Senate and it goes to the House and probably gets referred back to committee and becomes a ping-pong ball back and forth between the House and the Senate or the House and the House committee or our committee, then we will have delayed the most important part of this bill—the pipeline-to-pipeline transfer authority that this bill gives the President.

So, much as I would like to give this additional authority for job-producing excess gas and have it targeted to where it will do the greatest amount of good, I can see that if I push for this and win, we then have set up a situation in which the House considers their own bill, will not consider the Senate version, and we may have taken a chance on going with what I think are provisions inferior to what we otherwise might have had.

I do not like to submit an amendment and then withdraw it, but I also do not like the option of what would happen if we were to bring this up and then delay the interstate pipeline-to-pipeline transfer for many, many days or perhaps even weeks.

I might add that in discussing this matter with some of the people on the other side of the aisle, I have been given indications that if we go ahead and bring this up and I insist on a vote on this amendment, we might have—I will not call it a filibuster, but let us say we will have sustained discussion. I do not want to take a chance on having this matter delayed any period of time.

If we can get an unencumbered, unamended bill to the House tonight, I understand that they perhaps will take up our version of this bill. Yet, if I insist on a vote on this amendment and we get into extensive discussion on this tonight, we most certainly will not get any bill over there tonight, and we will once again have delayed an inordinate amount of time before passing this bill. I think we probably have waited far too long already, so far as I am concerned.

So, Mr. President, that is the situation in which I find myself. I do not look at this as bowing to any pressure or anything like that. It is not that at all. I was not pressured by the administration not to bring up this matter. They would like to have the additional authority that this amendment would provide. On the other hand, they felt that they had a commitment with the leadership here which they were not willing to abrogate. I admire them for not backing out of the agreement, even though they might want the provisions of this amendment.

Therefore, at this point, I would not be willing to press forward with this amendment because of the situation between the Senate leadership and the White House, between the Senate and the House, and between the House and their committee. It becomes rather involved, but I think I have made myself clear as to why I do not want to take any chance on losing the interstate pipeline-to-pipeline transfer of gas, which I think is by far the most important part of this bill.

I believe that my amendment would have added an additional capability for the President to cope with the economic crisis that is liable to result from our gas shortage, in addition to making sure that homes are heated. Taking a chance on insisting on that refinement, no matter how laudable, might be penny wise and pound foolish right now, if there is any chance at all of it resulting in extended discussion at this time or possibly even delaying it for days before we could reach a version that was agreeable to both ends of the Capitol.

Mr. President, I thank the distinguished Senator from Delaware (Mr. ROTH), in particular, who, right from the start was very much for this proposal and worked with us, as we have done on previous legislation. I compliment him for the very fine efforts he put forward on behalf of this amendment, and I look forward to working with him again on future bills.

Mr. President, with sincere regret, I will withdraw my amendment, because I feel that the hazards of going ahead with it are fraught with too much danger with respect to delaying this bill. We need this bill. We need it now, so that the President will have authority to deal with the main part of the crisis, and that is the hardship that is occurring in residences across the country, particularly in my State of Ohio.

The only thing I can suggest in addition is that I certainly would welcome an additional proposal from the administration to do exactly what we were trying to do with this amendment.

Recognizing the parliamentary situation and the leadership situation in which we found ourselves could not get it through as part of this bill right now, we would welcome consideration of this so that if the President can, in finding additional amounts of gas available, if we find we can, target them for best economic use in job retention, job production, I think that is what we should be using any excess gas for once the residents, owners of this country, apartment owners, where people are living, once they are protected, then I think we should be making this best use of our gas.

So, Mr. President, I repeat, I regrettably withdraw this amendment and hope the administration can see fit to come in with an additional proposal that will do the same thing.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 13

Mr. DURKIN. Mr. President, I have an amendment at the desk cosponsored by Mr. HATHAWAY, Mr. MCINTYRE, and Mr. ABOUREZK.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. DURKIN) proposes unprinted amendment No. 13:

On page 5, after line 2, insert the following:

(3) No order may be issued under this subsection unless it provides for emergency deliveries of natural gas from those pipelines delivering, directly or indirectly, to lowest priority users at the time of the order, and unless the President has determined that emergency purchases under Section 6 cannot be made to meet essential requirements for high-priority uses.

Mr. DURKIN. I thank the Chair.

Mr. President, I offer this amendment because the language of the technical amendment which appears in section (B) at the top of page 5 addresses this problem in a rather general way. The impact of this amendment, my amendment, would be taking into consideration the fact that we are not going to go into the intrastate market.

As I understand it, we are not going to take the gas that is properly available in the intrastate market. Rather, we are going to allocate or reallocate from interstate pipeline to interstate pipeline.

The effect of my amendment is to require that the President take the gas from the pipelines which are serving the lowest priority before moving to those that are serving a higher priority. For example, if one of the pipelines in the West is providing gas for priority 3, 4, 5, or 6, allocation orders would affect the pipelines providing the lower priority gas before ordering a pipeline that was providing gas to a higher priority user. The President would take gas from a priority 5 provider before they went to a pipeline that was providing gas for priority 4. In this way it would prevent what some of us feel would be a problem.

I think it was a mistake that this bill does not allocate gas in the intrastate market, but I think that mistake can be ameliorated to a certain extent by the adoption of my amendment, taking into consideration that otherwise the gas from interstate pipelines such as those serving New Hampshire and New England may be diverted, while some other pipeline in the western part of the country has excess gas that is being given and provided to a much lower priority user for boiler fuel or other such purpose.

The floor manager of the bill indicates that he feels much of that language he has made as a technical amendment at the top of page 5 incorporates my amendment. But if it is the opinion of the floor manager of the bill that my amendment is already incorporated therein, I will urge him to accept it and then we can proceed.

Mr. STEVENSON. Mr. President, I sympathize with the purpose of this amendment. However, the intent is accomplished in section 4(A)(2)(B) on page 5.

The only problem I have with the amendment offered by the distinguished Senator from New Hampshire is that it is so specific and so rigid, that it may be impossible to comply with. The provisions in the bill on page 5 in subsection (B) are intended to require the President, in the exercise of his allocation authority, to take gas from pipelines fairly and proportionately so that one is not required to give more than another, or permitted to serve lower priority customers than the next.

But to say that no order may be issued unless it provides for emergency deliveries from those pipelines delivering to the lowest priority users at the time of the order may be impossible to perform, since the actual facts can vary from day to day.

It also says that the President will have to determine that purchases under section 6 cannot be made to meet essential requirements for high-priority uses before he makes his allocations. That is exactly the intention of the legislation. There is no intention of exercising the allocation authority except in those cases where emergency purchases have failed to produce the supplies of gas that are necessary to serve the highest priority users.

That, too, it seems to me, is unnecessarily tight and burdensome.

For those reasons, and because it is the intention of the bill to require fair distribution of gas from the donating pipelines only after emergency purchases have failed, I hope the Senator will consider withdrawing his amendment. This might prove, in practice, to be an impossible test. I believe the language of the bill as it is written is enough to accomplish the Senator's objective.

Mr. DURKIN. Well, can the Senator elaborate for the record what he means by "disproportionate share"? What does the Senator mean by a disproportionate share?

Mr. STEVENSON. There are colloquies in the record on this subject already. But what the President would do would be to look at the totality of the gas in a pipeline and other pipelines and require each pipeline to basically give up the same percentages. That is what is intended by disproportionate share. They would give up the same proportionate shares of their total gas, and to do that he will have to take some from one and some from another in order to equalize the contributions.

Mr. DURKIN. It is my understanding there are interstate pipelines in the West with excess gas. Would he be required by the Senator's understanding of the language of the intent to take that excess gas from the West before curtailing by an even percentage the gas at the remaining lines?

Mr. STEVENSON. Yes. The language also requires the President to consider the levels of curtailments so that if a pipeline were already in curtailment, the President would not go to that pipeline first; he would go to the pipeline that has the surplus. It is intended to take into account both considerations. In the Senator's situation, if there is a pipeline with a surplus of gas and another pipeline that is in curtailment, he would take the surplus first.

Mr. DURKIN. It is the Senator's feeling and opinion, is it not, that, say, pipeline x has extra gas, he would take all that extra gas, and then the five remaining pipelines would all give up an equal percentage of gas?

Mr. STEVENSON. If they started out on the same level of curtailments.

Mr. DURKIN. What is the Senator's opinion with respect to section (b) as he amended it by his technical amendment this morning? How does that impact on interstate pipelines that are providing several priorities now and are providing more than one priority level?

Mr. STEVENSON. I am not sure I understand the question fully. It is difficult for me to postulate a given situation that is not before us. I cannot tell the Senator what the effect would be on one specific pipeline or another. The President is going to be faced with a situation at a given time and have to make allocations on the basis of the amount of gas that is available to the pipelines and their levels of curtailments, with the end result under this language that they are all going to be treated fairly and those with surplus gas will be the first to lose gas. I cannot tell the Senator which pipeline is going to be affected. Nor can anyone else.

Mr. DURKIN. I gather, then, we really have to take the Senator on faith that each pipeline will be treated fairly. "Disproportionate" is not defined by virtue of any percentage.

Mr. STEVENSON. If the President abuses his authority, there are procedures for hearings and for judicial review established in the bill.

Mr. DURKIN. But, nonetheless, the leeway is such that "disproportionate" is left sufficiently broad so that it seems to me to be analogous to overturning a Federal judge for abuse of discretion or proper use of discretion. There is no effective standard for disproportionate.

Mr. STEVENSON. The President under this provision is required to consider the proportionate shares of deliveries and also the curtailments that result from his allocations. I do not know how to make it more explicit than that. To go further I fear will tie his hands and result in conditions so restrictive that they are impossible to comply with.

Mr. DURKIN. I do not think anyone is trying to tie his hands, but if I can be assured of the intent of the act I will be satisfied. It it the Senator's understanding that the gas must be taken from the pipelines with a surplus—we understand the West has excess gas—before they start disrupting long-term contracts in other areas of the country. Then under that assurance I will feel comfortable in withdrawing the amendment and getting on to final passage and getting the bill to the House of Representatives as soon as possible. But we have a problem. Tenneco supplies New Hampshire. We have long-term contracts. New Hampshire industry is taking steps to make sure that they have a sufficient supply of gas for their contracts. I would hate to see that gas diverted to some other area before the gas is taken from the Western and Southwestern pipelines where it is my understanding there is excess gas. If I can have that assurance from the dis-

tinguished floor manager, then I do not think there is necessity to press language which could cause difficulties for the President or his designee in carrying out the intent of the act.

Mr. STEVENSON. The Senator has my assurance. It would be unwise and it would be unfair to acquire allocations in the situations that the Senator has postulated. That is not the intention and that will not be the result of this language, first allocation will come from pipelines with a surplus. They will take into account the proportionate share of allocation contributed by all pipelines and levels of their contailments in order to spread the burdens equitably after having first used up any surplus gas.

Mr. DURKIN. In other words, will the floor manager indicate his opinion that to act in the manner that I have expressed reservations about would in fact produce a disproportionate result?

It is an easy "yes."

Mr. STEVENSON. The answer is yes.

Mr. DURKIN. I thank the Senator.

Mr. President, in light of the explanation of the floor manager that the excess gas in pipelines will be taken from the West before contracts such as ours at home are interrupted, I withdraw my amendment.

The PRESIDING OFFICER (Mr. STONE). The amendment is withdrawn. The Senator from Texas.

UP AMENDMENT NO. 14

Mr. TOWER. Mr. President, I call up my amendment which is at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes unprinted amendment No. 14.

Mr. TOWER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 2, insert the word "or" after the semicolon at the end of subsection (a) (1) (A):

On page 4, strike subsection (a) (1) (B);

On page 4, line 7, strike the word "or";

On page 4, line 8, insert the word "interstate" between the words "any" and "pipeline" and redesignate (C) as (B);

On page 10, line 12, insert the word "interstate" between the words "any" and "pipeline".

Mr. TOWER. Mr. President, this amendment essentially removes intrastate pipelines from the bill.

It deletes the authority in section 4(a) (1) (B) for the President to order intrastate pipelines to transport interstate natural gas.

It deletes the authority in section 4(a) (1) (C) for the President to authorize intrastate pipelines to construct facilities (i.e., interconnect) necessary to transport interstate gas pursuant to a Presidential allocation order.

It deletes the authority in section 6(c) (1) for the President to order intrastate pipelines to transport gas purchased under the emergency sales provision.

The reasons for this amendment are as follows:

The entire thrust of the bill is to allocate existing supplies of gas and to provide new supplies of gas to the interstate market. Even under the bill at present, intrastate pipelines are only marginally involved: in the transportation of interstate gas or gas purchased for the interstate market.

The allocation provisions of the bill provide only for allocation of interstate gas.

The emergency sales provisions of the bill are designed to enable the interstate pipelines to obtain additional gas for the interstate market.

In short, we have no business giving the President such vast authority and power over the intrastate pipelines of this country.

The intrastate pipelines and gathering systems were designed to serve the intrastate gas market and to feed the intrastate pipelines.

The intrastate pipelines have not created the problem and it is not fair that they be ordered to transport gas and construct facilities pursuant to this emergency Presidential power.

Not only is it not fair, it is unlikely to do much good this winter, during the period that the Presidential authority is in effect. It takes time to make pipeline interconnections, and if these facilities can not be constructed and in operation well before the April 30 date for expiration of the President's power, they will do little good.

Lastly, for Congress to sanction even limited Federal intervention into the intrastate natural gas market is a dangerous precedent for the country and for the gas-producing States.

Mr. President, a word or two on the measure before us.

President Carter, in his message to Congress transmitting this proposal, described the measure as "a simple, temporary measure to enable the Government to cope with an unprecedented shortage of natural gas supplies." Without in any way intending any disrespect whatsoever to our new President, I must disagree.

The bill is anything but simple; I fear that it will not be temporary; I doubt that it will materially assist the Government in dealing with the problem; and the existence of the natural gas shortage, however serious it may be, is not unprecedented. What is unprecedented is the degree to which many of my distinguished colleagues appear willing to vest in the President such extraordinarily broad powers.

Nevertheless, there can be no doubt that a crisis situation exists in many areas of this country with respect to the availability of adequate supplies of natural gas. For that reason, my remarks at this time will be brief. Although I have many serious and fundamental questions about the wisdom of this legislation, I will raise those questions at some other time.

I cannot help, however, but remark on the situation in which we find ourselves. Many Americans are experiencing for the first time the reality of not having enough natural gas—at any price. Yet Congress, on the other hand, has painted itself into an all-too-familiar corner. After having consciously ignored a basic problem for so long—afraid to face it, and hoping it will eventually go away—the clock has finally run out.

In this instance, the basic problem was, and is, Federal regulation of the wellhead price of natural gas. Until we remove those unrealistic price controls, the problem will remain. "How to win and still lose" is the way the senior Senator from Wyoming once described the situation, and I think that is very apt. While benefiting for over two decades from artificially low interstate natural gas prices, the customers of the interstate pipelines have now purchased for all of us, at very high cost, a very serious shortage.

The people up here in this section of the country insisted that prices be held at an artificially low level, sometimes below cost. They got all this cheap gas, and they fell all over themselves to convert everything to gas. Now they are paying the price, and they probably still cannot understand the reason why.

On July 29, 1970, on behalf of myself and Senators STEVENS, DOLE, PEARSON, COOK, LONG, YOUNG of North Dakota, BELLMON, and HANSEN, I submitted a sense-of-the-Senate resolution, Senate Resolution 435, relating to the then-existing shortage of natural gas. I will not take the time to read the resolution, but I do think it would be appropriate to have it inserted into the RECORD at this time. I therefore ask unanimous consent to have the text of that resolution printed in the RECORD at this time, followed by the remarks which I made in conjunction with submission of the resolution.

There being no objection, the resolution and the remarks were ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Senate, July 29, 1970]

SENATE RESOLUTION 435—SUBMISSION OF A RESOLUTION RELATING TO THE PROTECTION OF CONSUMER SUPPLY OF NATURAL GAS

Mr. TOWER. Mr. President, on behalf of myself and Senators STEVENS, DOLE, PEARSON, COOK, LONG, YOUNG of North Dakota, BELLMON, and HANSEN, I submit for appropriate reference, a sense of the Senate resolution.

The PRESIDING OFFICER (Mr. SPONG). The resolution will be received and appropriately referred.

The resolution (S. Res. 435), which reads as follows, was referred to the Committee on Commerce:

"S. RES. 435

"Whereas, a shortage of natural gas exists in some areas of the United States;

"Whereas, this shortage will spread to other areas of the United States during the coming months unless immediate corrective action is taken;

"Whereas, severe hardship would accompany such shortages;

"Whereas, it is in the best interest of the Nation and of the consumer to alleviate this shortage by securing adequate domestic supplies of natural gas to meet the present shortage and future demands for natural gas;

"Whereas, natural gas is a desirable fuel because it pollutes least of all fuels;

"Whereas, the Federal Power Commission regulates the price of natural gas paid to the producer of natural gas;

"Whereas, the main cause of the shortage of natural gas in the United States is the low price paid to the producer;

"Whereas, exploring for natural gas is a relatively high risk endeavor;

"Whereas, there must exist adequate economic incentives for those who explore for natural gas;

"Whereas, one necessary incentive is the assurance that the price to be received by the producer will be high enough to reward the high risk of invested capital;

"Whereas, the free market mechanism is the best method for determining the price to be paid to the producer for his gas;

"Whereas, the Federal Power Commission intends to reconsider the price of gas to be paid to the producer under contracts entered into by the producer after June 17, 1970; and

"Whereas, the urgency of the situation requires immediate action; Now, therefore, be it

"Resolved, That for the above reasons and in consideration of the above facts, the Senate hereby goes on record that it favors the free market mechanism as the most desirable method for determining the price of natural gas to be paid to the producer of natural gas; that the present price of natural gas as determined by the Federal Power Commission is too low to provide the necessary economic incentives to explore for new reserves of natural gas; and that it is in the best interest of the Nation and the consumer to allow the price of natural gas to be paid to the producer to seek its own level in the free market as this would tend to guarantee continued existence of adequate supplies of this desirable fuel."

Mr. TOWER. Mr. President, today the United States faces a dangerous natural gas shortage. The magnitude of this shortage was revealed in a recent report to the Federal Power Commission. This report stated the 12 major interstate gas transmission companies would be unable to meet an estimated demand of 3.1 billion cubic feet of gas per day for the winter of 1970–71. However, the report noted that some duplication of demand might exist in the estimates since some potential users may have inquired at more than one reporting company about the availability of gas to supply their needs. Even taking into account possible duplications, this is a large deficit.

Clearly many consumers will be denied the use of natural gas this winter. This is especially unfortunate since natural gas is one fuel which does not pollute.

Furthermore, this shortage is likely to become more severe. This is so for three reasons.

First, to end the shortage, our producing capability must be increased. Even if the factors which caused this shortage could be immediately eliminated, there would still be a delay of from 4 to 6 years before new gas reserves could be delivered to the consumer. This delay is a little understood fact of life in the petroleum exploration industry. It is due to the normal, necessary, and time-consuming method of exploration which can involve the talents of the geologist, seismologist, and geophysicist who determine where to drill to achieve the highest possibility for success.

Next, the lease-broker attempts to secure a minimum quantity of acreage at a reasonable price. Usually, the broker must deal with many widely scattered land owners. After that, attorneys must examine and approve the title to the leases. Finally, the drilling can begin. This is usually the least time-consuming part of the operation. If the well encounters evidence of oil or gas, testing of the various prospective zones follows. If it is believed that commercial quantities can be recovered from those geologic formations, production equipment is installed.

Then, the purchase contract must be negotiated. If the gas is to be sold in another State, the FPC must approve all terms of the contract including, of course, the price to be received by the producer for his gas. The gathering line must be laid to the well. The gas is then gathered, processed, and transported to the distributor who, in turn, sells it to the consumer.

I feel that the nature and effects of this time lag should be thoroughly understood and appreciated. This normal delay tends to increase the shortage. Recognizing its existence makes even more imperative the urgent need for immediate action to alleviate this fuel shortage.

There is a second reason why this shortage is likely to become more severe. In the past, our energy requirements have increased at a more rapid rate than our population. From 1960 to 1968, the population increased by 11 percent, while our energy requirements increased by 41 percent. There is no readily apparent reason why we should expect this trend to change. Since natural gas presently supplies 35 percent of our energy requirements, it follows that as our population increases during the next 4 to 6 years, the demand for gas should increase at an even faster rate.

Another reason for the gap between supply and demand for natural gas to widen is the recent restricting by States of the use of some fuels which significantly contribute to pollution. As I noted earlier, natural gas pollutes the least of all presently available fuels. As users meet increasing demands for reduction in pollution, natural gas consumption soars. Many potential new users are finding great difficulty in obtaining natural gas and are forced to use other fuels which pollute the air to a much greater degree.

For these reasons, a worsening shortage appears inevitable.

Let us examine the more important factors which have caused this approaching crisis.

The most important factor, in my opinion, has been the 14 years of unrealistic and unworkable pricing practices imposed on the independent natural gas producers by the Federal Power Commission. The Supreme Court defined the "independent producer," in the 1954 landmark case of Phillips Petroleum Corp. against Wisconsin, et al., as a person who produced natural gas but who did not engage in interstate transmission of gas from the producing field to the consumer markets and who was not affiliated with any interstate natural gas pipeline company. Up to the time of this decision, the Federal Power Commission had held the position that the language of the Natural Gas Act of 1938, as amended, did not compel the Federal Power Commission to regulate the independent producer.

But, following the directive of the Supreme Court in that decision, the FPC instituted pricing practices which have been unfortunate. The FPC was ordered by the Court to regulate the independent producer as a utility. Normally, a utility is allowed to receive only a relatively low return on invested capital. This is justified on the grounds that the risk of not making a profit is virtually nonexistent. The utility simply proves its investment to the regulating agency, and it is allowed to adjust its prices upward in order to make the desired low profit.

The utility regulation approach is applied to the producer of natural gas virtually ignores the factors which differentiate the independent producer from a normal utility.

The most important difference between the two is the higher risk in exploring for petroleum. The risk is that the invested capital will be spent on a dry or commercially unproductive well. On the average, only one out of every nine exploratory wells encounters any trace of oil or gas, but only one out of every 50 exploratory wells produces enough oil or gas to repay its costs. Compare this risk to that of investing in a manufacturing plant, for example. The risk of failure is far less for a well-planned manufacturing venture than for an exploratory natural gas well. Even if the manufacturing enterprise fails, the investor still owns the land, building, and machinery which can be sold to diminish or eliminate the loss. On the other hand, when an investor spends his money on an exploratory well, the chances are much greater that he will lose his entire investment.

It is not difficult to understand, therefore, that when one considers the higher risk factor, there must exist some extraordinary incentive to induce an investor to spend his precious capital exploring for oil or gas. A fixed return of some 12 percent on the cost attributable to that single producing well is not generally considered an adequate incentive. However, this is the rate of return which the FPC presently allows the independent producer. Of course, the FPC's formula for arriving at the profit margin is actually very complex, for it takes into consideration many varying possibilities. But 12 percent is the approximate rate of return permitted, and this is one of the basic reasons why we are presently facing a shortage of natural gas.

The FPC pricing system was designed to provide the consumer with a low-priced fuel. The system succeeded. The average retail price of natural gas has risen only 8 percent since 1960, while the consumer price index for all commodities has risen by 31 percent. The consumer bought this low-price fuel. Consumption rose from 4.4 billion cubic feet of gas in 1947 to 19.4 billion cubic feet of gas in 1968. The share of natural gas in total U.S. power use has risen from 15.5 percent in 1947 to 34.9 percent in 1968.

While the sharply rising share of natural gas in total power has been due to a considerable extent to the qualitative advantages of natural gas, such as its ease of handling and its cleanliness, the primary reason for the increased consumption was due to the large cost benefits enjoyed by household and industrial users. For example, in 1968, in Brooklyn, N.Y., the cost of gas was exceeded by 35 percent for fuel oil, 47 percent for coal, and 168 percent for electricity. Similar disparities of prices exist in other areas of the United States.

However, the FPC has held the price too low for too long. This neglect has caused serious economic stress upon independent producers. In the long run, the distributors and the consumers have also been adversely affected by this unrealistically low price for gas. As a result, they may not have adequate supplies of gas to distribute and to consume.

The low pricing policy has caused under investment in the exploration of natural gas. Referring to the problems facing producers of natural gas in its 1970 annual financial analysis of a group of petroleum companies, the Chase Manhattan Bank of New York City reported that:

"The expenditures for exploration and development have been much below indicated requirements. And, as a consequence, the nation is faced with a growing shortage of both oil and natural gas. The reason for the deficit of spending can be traced directly to the exceptionally low price for natural gas imposed by regulation."

The report continued that revenues from natural gas sales contributed by far the smallest amount to total company revenues. This helped to explain the lack of incentive to provide the capital and exploration expenditures necessary to find additional reserves.

Another factor which has contributed to the present shortage of natural gas is the uncertainty that the price of the gas will not be further lowered even though contracted for between the producer and the pipeline company and approved by the FPC. In the past the FPC has made a folly of one of America's honored principles—the sanctity of the contract.

The best known example of this occurred in a Louisiana case. There, Pan American Petroleum Corporation contracted to sell gas from the Thibodeaux gas field in south Louisiana. Deliveries began in 1959 under a gas sales contract given "permanent" and "unconditional" certification by the FPC. This price was later challenged and a court proceeding followed. The result was that the FPC ordered the price paid Pan American lowered 13 percent under this permanent and unconditional contract. Since the new price was retroactive, Pan American had to arrange refunds totaling $839,000. This type of FPC action has had a serious lessening in the confidence of contract.

There are other similar examples of erosions of confidence in the sanctity of the contract has been one of the cornerstones upon which this country's sound and dynamic economy was built and should remain inviolate. This fundamental principle was specifically written into our Constitution.

It should come as no surprise that implementation of these two policies of unreasonably low pricing and contract violation has resulted in a shortage of natural gas.

The FPC has been warned repeatedly. One such warning was given by former President Eisenhower. Shortly after the Supreme Court's Phillips decision in 1954, to which I referred earlier, Congress passed and sent to the President the Harris-Fulbright Act. This bill would have freed the independent producer from Federal regulation. By passing this act, Congress had repossessed the legislative prerogative delegated it by the Constitution by clarifying its intent that the independent producer be exempted from regulation.

President Eisenhower vetoed the bill for reasons other than those stated as its aims. He said when he vetoed it:

"I must make it quite clear that legislation confirming the basic objectives [of the Harris-Fulbright Bill] is needed. It is needed because the type of regulation required under present law will discourage individual initiative and incentive to explore for and develop new reserves of natural gas.

"In the long run this will limit supplies of gas which is contrary not only to the nation's interest but especially to the interest of the consumers."

President Eisenhower accurately foresaw the consequences of the debilitating effects of the FPC price regulations upon the independent producer and the consumer. Contrary to the interest of the Nation and consumer, a shortage now exists for the reasons given by President Eisenhower. Others have often and repeatedly warned the FPC and the Nation that shortages of natural gas would be the result of the repressive policies.

In all fairness, it should be noted again that the job of regulating the independent producer was not sought by the FPC. It was thrust upon the FPC by the Supreme Court's order following the Phillips decision

Nothing will be gained by further references to the past, well-intentioned errors of the FPC. The task imposed upon it by the Supreme Court was all but impossible to achieve.

Rather, we need solutions to the Nation's present natural gas shortages. Needed now are policies aimed at insuring the continued existence of adequate supplies of natural gas to meet our growing consumer and industrial needs and to maintain our national security.

A rate hearing scheduled to begin July 29, 1970, in Midland, Tex., represents a focal point in the establishment of such new policies. Through this hearing, the FPC has initiated the gathering and evaluating of evidence and testimony concerning the proper price to be paid to the independent producers of natural gas in the Permian Basin, that geologic designation encompassing several counties of west Texas and eastern New Mexico.

The hearing also represents a focal point in time. It was 14 years ago in a similar hearing that the FPC first began to wrestle with the problems of regulating the independent producer. The FPC has come full circle and is now beginning anew.

In a larger sense, this hearing will involve a revamping of the procedure for determining the fair price of natural gas, not only for the Permian Basin, but also for the entire United States. The process used there to determine the fair price of gas will most probably be employed in subsequent rate hearings for other producing areas in the United States.

Thus, there is a focus of national attention upon the hearing. The results achieved there will probably influence this Nation's energy supplies for decades to come.

I commend the courage and wisdom shown by the FPC in instituting these hearings. I sincerely hope that these hearings mark the beginning of a process which will alleviate the effects of harmful policies.

The most harmful policy is the repressively low price of gas. In my own opinion, the free market mechanism offers the most efficient and fair method for regulating the prices and supplies of natural gas. The ideal solution for correcting this Nation's gas shortage, while maintaining an equitable price to the consumer and the producer, would be best achieved by allowing the producer and the buyer to bargain without Federal interference. However, I feel that immediate steps must be taken to help alleviate the current shortage. The most direct step would be to raise the price of natural gas to a level high enough to provide the necessary incentive to the investor to seek and develop new reserves of natural gas. The Commission can effect such price changes consistent with past contracts without further legislative assistance, and this higher price should immediately stimulate the search for new reserves.

I hope the Midland hearing results in a decision by the FPC to recognize and properly reward those investors who stand ready to risk the capital necessary to explore for and develop new reserves of natural gas. These reserves are badly needed to maintain our national security and to insure an adequate supply. This recognition can be achieved, I feel, by an increase in the price of gas paid in the Permian Basin of no less than 10 cents per thousand cubic feet above the present price.

Using again the example of the Brooklyn consumer, the price of natural gas there is presently about 42 cents per thousand cubic feet. If a 10-cent increase were passed on to the consumer, his total price would be 52 cents per thousand cubic feet.

This compares favorably to the price of gas imported from abroad in a liquid state and the anticipated price of the gas transported from the Alaskan North Slope. The price of gas from either of those two sources is approximately 60 cents per thousand cubic feet.

Mr. President, it has been rumored that the FPC was considering an increase of from 3 to 5 cents per thousand cubic feet for natural gas. But, a recent study showed that an approximated 3-cent increase is needed just to offset the cost of inflation and another 2 cents to offset the increased cost to the producer of the reduced depletion allowance. In other words, a 5-cent increase only brings the producer back to par.

I feel that a 5-cent increase is too low to stimulate the exploratory efforts necessary to secure adequate domestic supplies of natural gas to meet the present and expected future demands.

Mr. President, I feel that the Senate should register its feeling on this matter as a guide to the FPC in its deliberations on determining a fair price to be paid to the natural gas producer.

Accordingly, I herewith submit a sense of the Senate resolution relating to the protection of consumer supply of natural gas.

This resolution acknowledges the existing shortage of natural gas, attributes the shortage to the low price of gas presently allowed, and states that the best solution to the problem lies in allowing free market forces to determine the price of natural gas.

Mr. President, I feel that it is in the best interest of the consumer to have adequate supplies of this nonpollution fuel. Our supplies are running low. We must do all that we can to stimulate the private investor to explore for and develop our abundant gas reserves.

Adoption of this sense of the Senate resolution will, I believe, aid this cause.

Mr. TOWER. In addition, on August 12, 1970, Senator HANSEN, then Representative George Bush, and I held a joint press conference concerning what we then perceived to be a dangerous energy crisis. I ask unanimous consent that the text of my remarks from that press conference be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TEXT OF REMARKS OF SENATOR JOHN TOWER DELIVERED IN A JOINT PRESS CONFERENCE WITH SENATOR CLIFFORD HANSEN AND CONGRESSMAN GEORGE BUSH, AUGUST 12, 1970

Today this nation faces a dangerous energy crisis. From all available information this crisis will probably become more severe.

The purpose of this press conference is to alert the public to the FACT of this crisis. By being made aware of possible shortages of energy during the coming months, and by knowing the reasons for these shortages, we hope that those affected will react in a calm and reasoned manner.

Needed now are well-founded and long range solutions. We must not allow this situation to become a political or emotional issue because that would only hinder efforts to achieve solutions. We must carefully analyze the factors which have caused this situation. Then, we must try to change those factors which are within our power to change, and we must make proper provisions for those factors which we are unable to change.

A brief examination of our total energy situation is appropriate.

Our energy is supplied by four main natural resources: natural gas, oil, coal, and nuclear. Eighty per cent of our electric energy is generated by consuming one of these four basic resources. At the present time, natural gas supplies 33% of our total energy demands, oil 40%, coal 21% and nuclear and water power 6%.

Historically, this nation has enjoyed ample supplies of these resources to meet its growing needs. Having this abundant energy supply is one of the main reasons we have become the leading industrial nation with the highest standard of living on earth.

But, in recent months, we have experienced dramatic and disturbing energy failures. Because of these failures, many are concerned about the national security of our country and the adequacy of the energy resources necessary to satisfy our vast and growing consumer and industrial demands.

Here are a few examples of recent energy shortages:

A major power failure occurred in New York City on November 9, 1965. Even though it was a severe shortage, it was judged a regional problem and, hence, it failed to arouse the rest of the Nation.

But, in January, 1970, deliveries of natural gas to industrial customers in the Cleveland, Ohio, area were suddenly terminated for an eight-day period. Approximately thirty thousand workers were laid off work. Inadequate producing reserves of natural gas in the southwestern part of the United States was determinated to be the primary cause of this failure.

In July the president of East Ohio Gas Company reported to the Public Utilities Commission of Ohio that if the coming winter is as severe as last winter, "industrial curtailment in the same magnitude of that which occurred last winter will be necessary." Only a few recognized the national implications of this shortage.

In July, 1970, the Taunton, Massachusetts, Municipal Light Company requested bids for fuel oil to meet its annual needs. Only one bid was received and this bid was for only a one-half year's supply. The manager of this utility which serves approximately a 100-square-mile-area fifteen miles south of Boston admitted that he was able to buy only one month's fuel supply at a time.

On August 5th, just one week ago, the manager of the Braintree, Massachusetts, Electric Light Department said that he had on hand only a ten-days' supply of fuel and that he was unable to meet the immediate needs after that supply was used. Braintree, Massachusettts, is a town of 37,000 population.

On August 7th, the vice-president of purchases of the Connecticut Light and Power Co., of Hartford, Connecticut, said that the fuel supply of two of the company's three main electric generating plants was dangerously low. Their Devon, Connecticut plant had a seven-days' supply and their Norwalk, Connecticut, plant had only a fourteen-days' supply of fuel. Normally, the reserves of fuel are replenished during this time of year. Instead, last year's reserves are being consumed. This company furnishes electric power for the entire state of Connecticut and the western one-half of Massachusetts.

The Boston Gas Company was formed to meet a portion of its requirements by contracting to import more expensive liquefied natural gas from Algeria. They would not speculate how they would meet their total needs for the winter of 1971–1972.

Peoples Gas Company of Chicago, Illinois, announced that due to shortages of natural gas, it could not increase sales to its present industrial customers, nor could it contract to sell natural gas to new industrial customers.

As more and more of these critical situations became known to us, there began to appear a mosaic of shortages of these resources and electric power brought about for varied and diverse reasons. By gathering information from different agencies of government, the overall picture emerged as a serious national crisis.

Because the factors which have contributed to the shortages vary with each resource, each of us will discuss the reasons for the increased demands, reasons for the decreasing or inadequate supplies and the outlook for each of the four resources and electric power.

I will begin by discussing the natural gas situation.

As I noted earlier, natural gas supplies approximately 33% of the energy consumed in the United States. Future demand for this fuel is expected to increase. But, due to present short supplies, this increased demand may not be met. Attached to copies of my statement is a tabulation showing reported shortages during the winter of 1970–71. Should the coming winter be as severe as the last, similar shortages could exist. In many areas, natural gas service to new customers has been restricted, and supplies to some old customers have been reduced.

Several factors are contributing to the increased demand for natural gas.

The most important factor is the promulgation at various levels of government of Air Pollution Laws. These laws often restrict the amount of harmful sulfides which can be emitted into the air as a result of burning a fuel. When coal and fuel oil are ignited, sulfides are emitted. Air pollution regulations have, therefore, stimulated the demand for natural gas.

Another reason for increased demand involves our increasing population and increasing per capita energy consumption. From 1960 to 1970, our population increased by approximately 11%. During the same period per capita energy consumption increased by 41%. From 1970 to 1980, population is expected to increase by another 7% and our per capita energy consumption is expected to increase some 30%. These factors thus have a compounding effect on fuel demands.

Another factor in the increasing demand for natural gas is its low retail price in relation to competing energy sources. For example, in 1968 in Brooklyn, New York, the consumer cost of natural gas was exceeded by 35% for fuel oil, 47% for coal, and 168% for electricity. Similar disparities of price exist in other areas of the United States.

Meanwhile, the domestic supply of natural gas is diminishing. I wish to stress here the difference between supply and reserves. Geologists tell us that we have abundant natural gas reserves. In other words, many places beneath the surface where large quantities of natural gas can be expected to exist. Supply, on the other hand, concerns the natural gas fields which we have developed or are developing and which are producing fuel. While natural gas reserves are believed to be large, our supply is diminishing.

During the past two years, we consumed more natural gas than we found. This has resulted in a reduction in our producing capability. At present rates of consumption, we now have approximately 10-years' supply of natural gas from proven and producing fields. Yet, it is estimated that more than a 200-year supply remains undiscovered.

What has caused the decline in proven reserves of this desirable fuel?

I believe the most important reason for the decline has been 15 years of chaotic regulation by the Federal Power Commission. FPC regulation has led to an unrealistically low price for natural gas paid to the independent producer, to time delays while voluminous required documents are processed, and to an uncertainty in the minds of the producers that the contract will remain inviolate.

An example of inconsistent pricing practices can be seen in the recent approval granted by the FPC to the Boston Gas Company to import liquified natural gas from Algeria at a price of $1.72 per thousand cubic feet (MCF), compared with prices of 28 cents per MCF for gas imported from Canada into the Chicago area and 16½ cents per MCF paid to producers in West Texas.

Most of the natural gas consumed in the United States is produced in Texas and Louisiana, and all significant new United States reserves of gas are expected to be found in or off the shores of Texas, Louisiana and Alaska.

Because of these pricing practices, the domestic producer has lacked economic incentive to seek new reserves.

The long delays in processing FPC forms has also hindered exploration. In many instances months and sometimes even years have been consumed in gaining FPC approval of gas sales contracts. Meanwhile, no gas may be sold from the well or wells covered by the contracts.

Another debilitating result of FPC regulation has been violations of the sanctity of gas sales contracts between the producers and the pipeline companies. Even after the long delays required to receive so-called "unconditional" FPC approval of a contract, the FPC on occasion has later retroactively reduced the price even further. This has at times caused extreme economic hardship on the producer who must repay money previously received for gas sold under an approved contract.

As a result of these FPC practices, many producers have elected to sell their gas to consumers located in the same state where the gas is produced. These intrastate sales are not under FPC jurisdiction. A higher price is normally paid to the producer of intrastate gas since the producer and buyer can bargain without federal interference. This has resulted, however, in increased intrastate sales and has restricted sales of unproven offshore leases. Congressman Bush will discuss this in greater detail, but it is obvious that until these areas are opened to exploration, they will not yield their treasures. Of course, these leases must be developed and produced with due care to avoid ecological harm.

I feel the industry is now demonstrating a willingness to achieve the technological expertise necessary to avoid ecologically tragic accidents. Offshore areas must be developed in strict compliance with reasonable and necessary safety and environmental protection regulations.

These are the main causes of decreasing natural gas supplies. Unless immediate action is taken by the FPC and Congress, shortages will become more acute.

The FPC has begun to act by initiating rate-making procedures to increase the price paid to the independent, and to de-regulate the "small" producer. While the latter action is most welcome, it would probably result in the de-regulation of only about 15% of the total volume of gas moved in interstate commerce.

I am pleased to report that FPC vice-commissioner Carl E. Bagge is drafting proposed legislation which would exempt from FPC regulation the well-head price of natural gas. Thus, the price of gas sold into interstate commerce would be allowed to seek its own free-market level. Under this proposed legislation, the Federal Power Commission would continue to enforce other conditions of contracts between producers and pipeline companies. This is desirable for the protection of investors in the pipeline and distributing facilities. If the producer were completely deregulated, he might breach a contract in order to sell instead to a competitive buyer at a higher price. FPC enforcement power for contract terms other than well-head price, therefore, must be maintained. Otherwise, pipeline and distributing companies might have little effective insurance of their supply from the producer. While the distributor and pipeline company might have legal recourse in the courts for dollar damages for breach of contract, they would still have no way of insuring their gas supply. It is, therefore, important to maintain FPC enforcement power to insure delivery of contracted gas.

Senator Hansen, Representative Bush, and I agree with Commissioner Bagge in the belief that this legislation is of vital importance, and we look forward to offering such legislation in the near future.

In 1954, the FPC was ordered by the Supreme Court to regulate the producer. Until legislation is adopted which will free the producer from regulation, the FPC must abide by the Court ruling.

I believe such legislation would stimulate exploration for new supplies of our abundant domestic reserves. The additional exploration should increase long range sources of supply.

The short term supply sources are relatively small. We may be able to import greater amounts of gas from Canada if that

country decides that exporting increased quantities is in its own interest.

We can presently import only very small quantities of liquified natural gas from Algeria. This will be limited in the short term sense because of a lack of necessary transportation and storage facilities to handle this expensive, high pressure commodity.

On the intermediate outlook, our best opportunity to gain new domestic natural gas production lies under federal offshore leases off of the coasts of Texas and Louisiana.

Given adequate economic incentives, reserves of natural gas could be developed in the contiguous 48 states.

In approximately seven years, we could begin to receive gas from Alaska's North Slope.

The long range picture could be optimistic. By 1980, we could import much larger quantities of liquified gas from Nigeria, Venezuela, and Algeria. The necessary facilities would have to be constructed and a special fleet of cryogenically equipped ships launched. So, of course, significant expense would be incurred.

Also, we could develop the larger reserves believed to underlie the deeper portion of the Outer Continental Shelf, although the future terms of the recently-proposed Seabed Treaty could stifle exploration efforts. I stressed in a Senate speech the end of last month that such a treaty could have a lasting and derogatory effect on our long term oil production capabilities.

Additionally, the frontier gas-producing areas of Canada could be developed, if the Canadians chose. This could have a positive effect in meeting our long range natural gas needs.

Finally, improved technology enabling nuclear stimulation of producing natural gas formations may further increase our domestic supply.

Mr. TOWER. So, Mr. President, it has been going on for a long time. I feel sorry for the people up here, but their politicians have gotten them into this mess, and I do not have great optimism that they are really going to address themselves to the long-range solution to the problem that is going to get them out of it. Now they want to tamper with intrastate gas, and it is the price we are paying in Texas, which is much higher than they are paying up here now for no gas, that has resulted in the exploration and production of the gas we now have, and that is subsidizing the cheap gas that you used to get up here before you burned it all up.

I am sorry we have this crisis, but we have seen it coming for a long time. For 2 years Gerald R. Ford tried to deal with the crisis. He urged comprehensive energy legislation. He held meeting after meeting and sent message after message, with no result.

In January of 1975, 2 years ago, in a Presidential message, he said:

I am requesting the Congress to act within 90 days on a more comprehensive energy tax program. It includes . . . deregulation of new natural gas and enactment of a natural gas excise tax . . .

Later, on January 30, he said:

I cannot stress too much the sense of urgency I feel about these proposals and the need for their swift consideration by the Congress as a basis for the earliest possible enactment into law. Without these measures, we face a future of shortages and dependency which the nation cannot tolerate and the American people will not accept.

I will not read this chronology now, but it goes on for 2 years, Mr. President. I ask unanimous consent that it be printed in the RECORD at this point, together with a letter written by Mr. Zarb, then Federal Energy Administrator, on September 9, 1975, to the Speaker of the House of Representatives.

There being no objection, the chronology and the letter were ordered to be printed in the RECORD, as follows:

A CHRONOLOGY OF CONGRESSIONAL INACTION ON LEGISLATION TO MEET THE NATURAL GAS CRISIS

1975

January 10, President Ford met with Speaker Carl Albert to discuss the energy crisis and later in the day met with Chairman Al Ullman to pursue the matter further.

January 11, President Ford met with the Minority Leaders to discuss the Administration's forthcoming energy proposals.

January 13, President Ford met with Chairman Russell Long.

January 14, President Ford met with the Republican Leadership.

January 15, In his State of the Union Message, the President said, "I am requesting the Congress to act within 90 days on a more comprehensive energy tax program. It includes . . . deregulation of new natural gas and enactment of a natural gas excise tax . . . A massive program must be initiated to increase energy supply, to cut demand, and provide new standby emergency programs . . ."

January 16, President Ford held a breakfast meeting with the Bipartisan Leadership.

January 21, President Ford held a breakfast meeting with the Republican leadership.

January 27, President Ford held two meetings with the Republican Leadership and Senate Republican energy leaders respectively.

January 28, President Ford met with the Bipartisan Leadership.

January 29, President Ford met with Chairman Ullman.

January 30, President Ford sent energy legislation to the Congress. In a letter to Speaker Albert and Vice President Rockefeller, the President commented: "I cannot stress too much the sense of urgency I feel about these proposals and the need for their swift consideration by the Congress as a basis for the earliest possible enactment into law. Without these measures, we face a future of shortages and dependency which the nation cannot tolerate and the American people will not accept."

January 31, President Ford met over dinner with 50 Members of the House.

February 4, In his Economic Report President Ford told the Congress: "The only practical and effective way to achieve energy independence . . . is by allowing the price of oil and gas to move higher—high enough to discourage consumption and encourage the exploration and development of new energy sources."

February 4, President Ford met over dinner with 100 Members of the House.

February 5, President Ford met over dinner with 100 Members of the House.

February 5, Senator Hugh Scott introduced S. 594, the Administration's "Energy Independence Act", Title III of which called for the deregulation of natural gas.

February 10, in a speech in Houston, President Ford told an audience: "I am told by some shortsighted Members and friends of the Congress there is no urgency (with natural gas) . . . the facts are that one of the Nation's most pressing energy problems is a real and increasingly serious shortage of natural gas. Unless our natural gas policy is changed by Congressional action we will be faced in a short time with hard choices on supplying either homes or industries across the nation.

". . . It took Congress four years . . . to pass the Alaska Pipeline bill. On April 18, 1973 . . . Congress was asked to deregulate new natural gas. Only one House of Congress, the Senate, even bothered to hold hearings. I personally have sent three special messages to the Congress pleading for this legislation.

Well, in sum, the Congress has done virtually nothing about natural gas policy . . . much less come up with a plan to meet the expected shortages."

February 18, President Ford met with the Republican Leadership.

February 18, President Ford met over dinner with the Senate Wednesday Club.

February 19, President Ford met over breakfast with Members of the Senate.

February 28, President Ford met with Speaker Albert, Congressmen Thomas O'Neill and Jim Wright and Senators Mike Mansfield and Robert Byrd to discuss the Democrats' approach to the energy crisis. With regard to natural gas, their proposal did not call for deregulation. It called instead for creation of an Energy Trust Fund (financed by a 5¢ per gallon retail gas tax) to encourage exploration for new sources and greater recovery from existing fields.

March 3, President Ford met with the Republican Leadership.

March 4, President Ford met over breakfast with Freshman House Democrats.

March 5, President Ford met with Members of the Senate.

March 18, President Ford met with Members of the House.

March 19, President Ford met with Chairman Long.

March 23, President Ford met with Chairman Ullman.

March 26, President Ford met with the Republican Leadership.

April 30, In a letter to Speaker Albert and Vice President Rockefeller, President Ford stated: "Three and one-half months have passed since I presented the Nation and the Congress with a comprehensive program to achieve energy independence by 1985 . . . the Senate has . . . conducted many hearings. Yet the only legislation which has passed is a bill that would impose mandatory restrictions within 60 days on recreational and leisure travel, hours of business operation, and commercial lighting. This bill is ineffective and unrealistic . . ."

April 30, President Ford met with the Republican Leadership.

April 30, President Ford met with the Executive Committee of the House Republican Study Group.

May 20, President Ford met with the Republican Leadership.

May 21, President Ford met with Congressman Joe Waggonner.

May 27, in a televised address to the Nation President Ford told the American people: "Last January 15, I went before your Senators and Representatives with a comprehensive plan to make our country independent of foreign sources of energy by 1985 . . .

"We are today worse off than we were in January. Domestic oil production is going down, down, down. Natural gas production is starting to dwindle. And many areas face severe shortages next winter . . . there is no visible energy shortage now. We do not have an energy crisis, but we may have one next winter. We do have an energy problem, a very grave problem, but one we can still manage and solve if we are successful internationally and can act decisively domestically . . .

"What did the Congress do in February about energy. Congress did nothing . . .

"What did Congress do in March? What did Congress do in April about energy? Congress did nothing . . .

"What has Congress done in May about energy? Congress did nothing and went home for a 10 day recess."

June 5, President Ford met with the Republican Leadership.

June 12, President Ford met with the Bipartisan House Leadership.

June 12, The Senate Commerce Committee reported S. 692—an alternative to the Administration's natural gas proposal. The Commerce Committee alternative retained price controls on "old" gas and set stringent guidelines for the gradual decontrol of some new gas.

June 13, President Ford met with the Bipartisan Leadership.

June 18, President Ford met with Congressman Richard Bolling and other Members of the House.

July 10, President Ford met with the Republican Leadership.

July 14, President Ford met with the Bipartisan Leadership and stated in a meeting in the Cabinet Room: "Unfortunately, in the almost six months since I proposed a comprehensive energy program, there has been no positive legislation passed by the Congress and sent to my desk."

July 21, President Ford met with the Republican Leadership.

July 22, President Ford hosted a meeting on the SEQUOIA with the Bipartisan Leadership.

August 29, President Ford met with Speaker Albert and Senator Mansfield.

September 3, President Ford met with the Minority Leaders.

September 3, S. 2310, an emergency natural gas bill, was introduced and placed directly on the Senate calendar.

September 4, President Ford met with the Bipartisan Leadership.

September 6, President Ford met with a group of Senate Democrats.

September 8, President Ford met with a group of Senate Republicans.

September 8, President Ford met with the Bipartisan Leadership.

September 9, President Ford met with the Republican Leadership.

September 9, in remarks upon vetoing legislation that extended oil price controls President Ford said, "For more than eight months I have tried to get the Members of this Congress moving on a solution to this urgent problem of national energy independence. My latest effort at a compromise with the Congress has resulted in nothing more than the proposed six month extension of the existing law, which is no answer at all . . ."

September 10, Federal Energy Administrator Frank Zarb transmitted to Speaker Albert proposed legislation—the Natural Gas Emergency Standby Act of 1975. In a letter, Zarb told the Speaker: ". . . the Nation now faces mounting shortages of natural gas . . .

. . . this winter's curtailments are estimated to be 30 percent more acute than those of the last winter, and could be 45 percent if the weather is severe."

September 29, in signing the Emergency Petroleum Allocation Act, President Ford stated: "A majority of the Members of this Congress thus far have refused to do anything that will increase domestic energy production . . .

"The rhetoric of those in the Congress who are delaying action on long-range energy independence asserts that they are trying to hold fuel prices down to protect the American consumer. This is nonsense."

October 22, the Senate passed S. 2310, which initially was only an emergency measure to deal with the forecast natural gas shortage in the winter of 1975–76. Prior to final passage, however, Senators Pearson and Bentsen successfully amended the bill to add long-term deregulation to the emergency measure.

December 15, H.R. 9464, a short-term, emergency natural gas measure was reported in the House.

December 16, the Rules Committee granted a rule, but the House never considered the bill because natural gas shortages were not occurring as forecast.

1976

January 19, in his State of the Union Message President Ford again urged the Congress to enact natural gas deregulation.

February 3, in House Floor action, the rule from the Rules Committee was modified to allow a permanent natural gas deregulation alternative to be offered and considered. The alternative was offered—and defeated.

February 5, the House finally passed a natural gas bill which, in effect, ended price controls for small producers only, while enlarging regulations for major companies. The House version was so dissimilar from its Senate counterpart that the Senate refused to go to conference.

February 26, in an Energy message to the Congress, President Ford stated: "The need for Congressional action is most critical in the area of natural gas. We must reverse the decline in natural gas production and deal effectively with the growing shortages that face us each winter. Deregulating the price of new natural gas remains the most important action to improve our future gas supply . . ."

"Natural gas shortages mean higher costs for consumers who are forced to switch to more expensive alternative fuels and mean, inevitably, an increasing dependence on imported oil. Curtailment of natural gas to industrial users in the winters ahead means more unemployment and further economic hardships."

May 19, with stalemate at hand, the Senate Commerce Committee reported a compromise measure, S. 3422. It received no action and, on September 15, in the rush to adjourn for the election, the bill was laid on the table, thereby effectively killing any natural gas legislation in the 94th Congress.

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C. September 9, 1975.

Hon. CARL ALBERT,
Speaker of the House
of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Because legislative action on natural gas wellhead price regulation has been far too long deferred, the Nation now faces mounting shortages of natural gas. These shortages substantially increase our dependence upon foreign oil and could jeopardize our continued economic recovery and future economic vitality.

While demand for natural gas has been increasing, production peaked in 1973 and declined by about six percent in 1974 (the equivalent of over 230 million barrels of oil). In 1970, interstate pipelines began curtailments of interruptible customers, reflecting shortages of less than one percent of consumption (0.1 trillion cubic feet). Last year curtailments increased to 2.0 trillion cubic feet (Tcf), or ten percent of consumption. For 1975 they are estimated to increase to 2.9 Tcf, or about 15 percent of consumption.

The shortage is the most severe during the winter months; this winter's curtailments are estimated to be 30 percent more acute than those of last winter, and could be 45 percent worse if the weather is severe. Since natural gas is an essential fuel for a large sector of our industry and supplies almost half of the Nation's nontransportation energy use, shortages of this vital fuel pose a serious threat of significant unemployment, economic disruptions and personal hardships.

The gravity of the natural gas situation clearly requires the most immediate attention of the Congress. The single most important attention of the Congress. The single most important legislative initiative required to alleviate the growing problem is deregulation of the wellhead price of new natural gas. Until this critical issue is forthrightly addressed, the Nation will face an unending succession of future winters with ever mounting shortages.

Deregulation is essential to help assure that the trend towards ever increasing curtailments is reversed. Even with immediate deregulation, however, the shortfall has become so acute that the Nation faces the certainty of serious curtailment for the next two winters. The gravity of the immediate situation requires prompt steps to cushion the impact of shortages during this winter. Accordingly, I am transmitting herewith the Natural Gas Emergency Standby Act of 1975. This legislation, to remain in effect until June 30, 1977, would:

Provide express authority for the Federal Power Commission to permit interstate pipelines whose high priority consumers are experiencing curtailments to purchase gas at market prices from intrastate sources or from other interstate pipelines on an emergency 180 day basis.

Explicitly allow high priority consumers of natural gas experiencing curtailments to purchase gas from intrastate sources at market prices and to arrange for its transportation through interstate pipeline systems.

Extend the recently expired authority to require electric utility and industrial boiler conversions from natural gas or oil to coal, and provide additional standby authority to require conversion from gas to oil where coal conversion is not practicable.

Provide authority to allocate and establish reasonable prices for propane in order to assure an equitable distribution of propane among historical users and consumers experiencing natural gas curtailments.

Because certain areas of the country, particularly the Mid-Atlantic and Midwestern States, face especially serious potential shortages, I urge prompt Congressional action to enact this legislation. Without such action, we will lack the ability to respond to these serious situations in the timely and effective fashion that their gravity warrants.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

FRANK G. ZARB,
Administrator.

Mr. TOWER. Make no mistake where the blame lies. If the people are cold in Ohio, and if they are out of work, let them put the blame where it belongs. It belongs right here under the Capitol dome, and we are to blame for it. It is our fault.

It is not my fault, because I did not vote for all that stuff that you all voted for. I tried to support comprehensive energy legislation, realistic legislation designed to prevent this kind of thing. A number of us did. But, no, so many people had their faith so rooted in untenable and demagogic political purposes that they could not begin to try to understand the economics of the energy business in these United States.

The Congress is to blame. So let me tell you folks out there in Ohio and Pennsylvania, if you want to cuss somebody over this, cuss Congress. They deserve it.

Mr. President, I will cooperate, as indisposed as I am to cooperate, on the expeditious passage of this measure, and I will withdraw my amendment. I expect to be heard from later.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 15

Mr. BROOKE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. BROOKE) offers an unprinted amendment numbered 15:

On page 13, in lines 13 and 18, after "6(c)" insert "or the provisions of section 14".

On page 13, in lines 14 and 19, after "order" insert "or such provisions".

On page 15, after line 5, insert the following:

PROHIBITION AGAINST CERTAIN TERMINATION OF SERVICE DURING EMERGENCY

SEC. 14. Until the termination of the authority under section 4(a), no agency which has ratemaking authority with respect to the sale of natural gas or electric energy shall permit a supplier of natural gas or electricity to residential users to terminate the service of such gas or electricity to any such user on account of nonpayment for such service unless the agency shall determine through an evidentiary proceeding that user is financially able to pay for the utility services received.

Mr. BROOKE. Mr. President, I ask unanimous consent that the distinguished Senator from New Hampshire (Mr. DURKIN) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I am offering an amendment to the Natural Gas Act to provide emergency relief to those families least able to meet the economic crisis engendered by this bitter winter's energy crisis. All Americans are, of course, hard hit economically by the staggering increase in their fuel bills this year. However, some Americans face truly life threatening emergencies as a result of their inability to pay for gas, electricity, or oil. The stories we read daily of people, particularly old people, freezing to death in the absence of home heat are growing more numerous as the hours pass. All over the United States, utilities are finding more and more people unable to pay their bills on time.

Although I have not yet finished collecting figures for the entire United States, indications I have from calls around the country show that everywhere the situation is similar.

In New England, our electric utilities are finding that their accounts receivable are running 300 percent above last year's level in this same month. The oil heat dealers who are, of course, often small businesses who confront their patrons face to face to collect their bills, are still finding that 150 percent as many people are in arrears this month as during the same period in 1976.

In Massachusetts alone, over 20 dealers have gone out of business, largely because of the problems of cash flow that they encountered. The trade association for the oil heat dealers, the New England Fuel Institute, estimates that about 10 percent of our independent fuel dealers will be forced to sell out for this and related reasons by the end of this terrible winter. The figures are not different for gas utilities, nor are they different in other parts of the country. All these data are symptomatic of the terrific economic pressure American citizens are facing. Of course, those who are hit the hardest, as always, are the poor.

At this moment, I and many other Senators are working with the Carter administration to provide emergency funding to help low-income families and elderly people with direct cash assistance to prevent utility cutoffs.

Two years ago, working as a member of the Senate Appropriations Committee, I helped earmark funds for this purpose through the Community Services Agency's energy conservation program. About $2.2 million was allocated for this purpose this year and about $2 million in the preceding year.

Even in the mild winters we faced recently, there was substantial demand from the destitute who faced heating cutoffs. Very often, the Agency was able to negotiate partial payment or another solution with a utility company and to provide energy conservation information and assistance to those families to whom it was also providing direct financial assistance. Now, however, we need a massive infusion of help. President Carter has indicated his interest and we are looking forward to a supplemental appropriations request in the hundreds of millions of dollars. The figure is currently being worked out on the basis of the need found by both the existing CSA energy program and by the Department of HEW's analysis of the needs of AFDC recipients.

However, even moving at a relatively breakneck pace the Congress of the United States is slow to appropriate. It will be, at the very least, 6 weeks before we can have direct cash assistance funneled through the existing programs to pay for the urgent needs of the low-income people.

Therefore, my amendment provides that no electric or gas utility shall cut off residential service for reason of nonpayment during the Presidentially declared emergency. Indeed, at the end of 60 days there should be funds available to help the families who could not pay because of genuine poverty. Other families, perhaps somewhat better off, will have had time to work out an extended payment plan with the utilities serving them.

Bear in mind that this is not a wipeout of any bill owed to any utility company. The customers still have to pay the bill, but they are getting extended time. They will not have their utilities cut off because of their slow payment or inability to pay resulting from increased cost and increased use.

A household which has simply taken unfair advantage of this moratorium may well be sued or cut off after the time period and the cold weather are ended. In many States this provision will have little effect. A number of our more populous States have already enacted utility regulations which prohibit residential cutoffs without an extended process of hearings and factfinding. In those States there is essentially a moratorium on the cutoff in any case. However, in other areas we simply must protect those who are truly unable to meet sky-rocketing energy costs from illness, eviction, or death.

Mr. President, I have no wish to prolong debate on this bill or to substantially change any of its important provisions. I believe that this amendment is in the spirit of meeting the emergency and that because we are going to have a solution that we can offer within 60 days both to help the families in need and the utilities I believe it will occasion no significant financial problems for energy suppliers.

I might add that although I see no clear way to regulate oil heat dealers, since these are businesses that are not subject to general regulatory provisions, and frankly cannot solve the cash flow problems of their residential consumers in the way a large utility can, I hope we can have a strong expression from the Congress of the need for oil wholesalers and major distributors to be far more lenient in their collection practices than is currently the case, for this is an emergency.

For example, most refiners now demand payment within 10 days in order for the dealer to get the normal 1-percent discount on bulk purchase. In any case payment is necessary within 30 days. I would hope that the Congress would look unfavorably upon the refiners who are tightening their credit terms and that, if necessary, legislation related to this problem be considered in the next week. However, there is no question that that is a separate issue from the regulation of the natural gas emergency.

Mr. President, I hope that my colleagues in the Senate can realize the desperate proportions of the energy problem the low-income people face and recognize that this is the appropriate moment to enact that compassion we all feel into law for the duration of this emergency.

I am well aware of the necessity for passing the legislation which is presently before us. I understand the urgency of it. I know the managers of this bill want to keep it a clean bill. But I do not see anything sacrosanct about a clean bill. I believe the House is going to take any bill which we send over to it which is within reason. This bill, with this amendment added to it, is within reason.

I cannot see that the new administration would dare veto any legislation that had in it a provision that would declare a moratorium on the cutoff for low-income people, the people who are suffering the most from this crisis.

When I am given the argument in this time of emergency that we have to have a clean bill in the Senate because the House is waiting for it, I just cannot buy it. I do not believe it is a sound argument. Indeed, I believe it is a specious argument for we know that poor people are unable to pay the increased cost of utilities today; we know that they are using more energy than ever before because of the weather, over which they have no control whatsoever; we know we cannot offer any material relief within a reasonable period of time.

Here we have a bill on which we can put an amendment which the House I

am sure will accept and which I am sure the President will accept as well. There is no question that they should accept it. And there is no question that we should accept it.

I have talked to the manager of the bill. I have talked to my own distinguished minority leader. I think they are both sympathetic with the idea I am proposing in this amendment, but they want to have a clean bill.

They can speak for themselves, but I assure you, Mr. President, that that, to me, is not a valid argument at this time.

Mr. President, I could go on and on. But I think my colleagues know what the problem is. I have seen the increase in the number of people who are having their utilities cut off every day as this emergency increases, and I see no way of ending it short of an amendment such as this.

I want to assure my colleagues again that it is not my intent to wipe out any debt owed to any utility. Even the poor will have to pay for what they use. We can come up with some legislation that will give them some relief. We are going to have to do that in the near future, and I believe we all know it.

Other people who are slightly better situated than the poorest families are going to have time to make negotiations and adjustment, and thus they will be able to pay their bills. At some not too distant time, the utilities will get their money. There is no question in my mind about that. We are going to see to it that they get their money. But we must give interim relief to these people who are shivering, who are cold, because they cannot pay their bills.

Last year, the poor could pay their bills, because they did not have this weather situation. No one could have foreseen it. The poor are living on fixed incomes. Many of these people are elderly people. Their incomes have not increased because of this emergency, but the cost of fuel and the use of that fuel have increased to the extent that they are in desperate straits and unable to pay those bills.

All I am saying is, do not wipe out the bill, but do put a moratorium on the cutoff of the utilities so these people will not freeze to death. I ask that in the name of good conscience. I hope that this amendment can be passed by the Senate.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BROOKE. I ask unanimous consent that Senator CLAIBORNE PELL of Rhode Island be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have been minority leader of the U.S. Senate for a little less than a month now. In the course of those days, I have found that almost every day presents a difficult, sometimes an unpleasant, very frequently an unpopular responsibility. I am not asking for sympathy, Mr. President. I am simply saying this as a preface for the explanation to my friend and colleague from Massachusetts.

As I am about to say, I am indeed sympathetic to his proposal. I have discussed with him the efforts that I am making and that the distinguished senior Senator from Maryland (Mr. MATHIAS) is making to develop a proposal for energy stamps to the very poor and disadvantaged in this country, and a system for low-interest or no-interest loans for insulating homes to provide for greater heating efficiency. And even though I am sympathetic to the proposal of the distinguished Senator from Massachusetts and the other proposals that I think this body must turn its attention to in order to alleviate extreme suffering in this country, I do, in fact, find myself compelled to make another difficult decision. That is to advise my friend from Massachusetts that I think the urgency of this emergency measure sought by the President of the United States requires that we should not encumber it with the classical debate on deregulation of natural gas.

It was no small matter and no small moment for me when I was required to tell the distinguished senior Senator from Idaho that I would oppose his measure, although I cosponsored that measure. I felt this was not the time or the place for it. Once again, now, I think this is not the time, not the place, and not the vehicle for this amendment.

I commend the Senator for his effort. I pledge to him my support in this respect. I simply would ask the Senator from Massachusetts if he would withhold the further presentation and vote on this amendment until after this emergency measure is disposed of.

Mr. BROOKE. Will the Senator yield for a question?

Mr. BAKER. I am glad to yield.

Mr. BROOKE. It is my understanding, and the distinguished Senator can correct me if I am wrong, that the bill which has been reported out from the House Committee on Commerce is somewhat different from the bill that is presently before the Senate, indeed, substantially different. Is that correct?

Mr. BAKER. The Senator from Massachusetts is correct. I have not had an official communication from the House, but I understand that the jurisdictional committee in the House reported a bill that is substantially at variance with the administration proposal.

Mr. BROOKE. If I may further pursue that question, as the Senator well knows, that will require a conference between the House and the Senate. Is that correct?

Mr. BAKER. If, indeed, the House adopts the committee-passed bill. It will be my hope—it may be a forlorn hope, and I am in no position to advise my friend from Massachusetts, let alone my friends in the other body—but it is my hope that if we do in fact pass the administration's emergency measure tonight, it might add impetus to others in the House of Representatives to pass the President's emergency bill there without a conference.

Mr. BROOKE. The Senator knows we have no assurance of that at all.

Mr. BAKER. We have not.

Mr. BROOKE. We may well have to go to a conference with the House.

Mr. BAKER. We may, indeed.

Mr. BROOKE. And we may come out with a bill that is substantially different from that of the administration.

Why should we have to go in with a so-called pure bill—I do not know what that means—into a conference and then work on our pure bill with their impure bill? Why cannot we go in with an amendment which we feel, is a sound amendment, a good amendment, and an amendment which is vital to the country?

Mr. BAKER. Mr. President, I must say one additional thing. I understand fully what the Senator is saying. I have talked to my fellow Senators on the Republican side of the aisle. I have urged them not to introduce their amendments, or to withdraw them after they have presented them, and they have agreed. Numbers of them have agreed. It seems to me that, in good conscience. I have to persist in the position I have staked out, to try to encourage the Senate to move with this bill. I am reluctant to do so, but I must do so.

Mr. JAVITS. Will the Senator yield?

Mr. BROOKE. Yes.

Mr. JAVITS. Mr. President, I am troubled. I understand the Senator's purpose and, as are other Senators, I am very sympathetic to it.

I have lived in these conditions myself and understand what it means not to pay a gas bill and an electric bill and have my lights or my heat cut off in this situation. The difficulty I find is that as I read the amendment, though the title says "prohibition against certain termination of service during emergency," there is no relationship to the emergency in the amendment. It is just a 60-day moratorium on all gas and light bills, whether they are contracted in Phoenix, Ariz., where it might be 80 degrees, or in Cheektowaga, near Buffalo, N.Y., where right now, they have had 157 inches of snow this year. Therefore, I suggest to the Senator that he make this an element of the instrument of the bill itself by giving the President authority to impose such a condition in an area which, because of the emergency situation, may deserve it.

I suggest to him, therefore, a proviso at the end of his amendment which would read as follows:

> Provided, that such authority applies only in any State, area, or region which the President determines, by virtue of its experiencing an abnormally severe winter, should be subject to such prohibition.

Then he would be tying it to the emergency, as the title of his amendment indicates. Then, I think, it could make some sense for two reasons: One, it is tied to the emergency; and second, it would vest the power in the President, so we would not simply have a 60-day moratorium. We are not talking about the banks closing in this country or anything like that.

Mr. BROOKE. I think what the distinguished Senator from New York has said makes eminently good sense. I was

attempting to cover the Nation. Obviously, I do not want to cover Honolulu and places that do not have the problem. I did not want to restrict it to places that have been declared a disaster area or emergency area, because the cutoff problem is nationwide.

I shall be very pleased to accept the language that the distinguished Senator from New York is suggesting, because I think it does strengthen it. It cuts it off and puts it in the President's hands to work out whatever formula is needed in the areas where the economic problem does exist.

The PRESIDING OFFICER. Does the Senator seek unanimous consent to modify the amendment?

Mr. BROOKE. I ask unanimous consent that I may modify it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Will the Senator send the language to the desk?

Mr. JAVITS. I thank the Chair.

The modification is as follows:

Add at the end of the Brooke amendment:

Provided that, such authority applies only in any State, area, or region which the President determines by virtue of experiencing an abnormally severe winter should be subject to such prohibition.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, I must reluctantly move to table this amendment, even in its modified form. I am not convinced that this is the right way or the right place to provide relief to poor people who are hard hit by high energy bills. It may be that this is the way to proceed; I do not know. It is conceivable, at least, that this bill, even modified, and the moratoriums that it would require in the limited areas to which it would apply, could cause a waste of gas, cause a loss of resources to utilities which might be, in forfeited emergency sales, even worse in those affected areas.

As the Senator from Massachusetts has indicated, we must do something and the President intends to send up a proposal that will provide relief to people who are suffering from the very high energy bills occasioned by this cold winter. So, because of the interest expressed by the distinguished minority leader, and all the Members, I believe in passing the bill, passing it quickly, sending it to the House so the House can act on this bill, and then sending it directly to the President. Because there may be better ways of accomplishing the Senator's purpose, I must reluctantly oppose this amendment.

Mr. ROBERT C. BYRD. Will the Senator yield before he makes his motion?

Mr. STEVENSON. I yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, as I indicated earlier to the Senate, I had spoken to the Speaker of the House of Representatives earlier today and he indicated to me his strong hope that the Senate would pass the bill without any substantial amendment so that it would be possible over there to take this bill up under suspension of the rules.

I talked with him again later in the afternoon. He reiterated to me the hope that the Senate would pass the bill today and without susbtantial amendment.

Now, this amendment is very appealing to me and I am in the same position as that which was described by the distinguished minority leader. I would like to vote for the amendment but do not think this is the vehicle, under the circumstances that confront us.

I would hope Senators would vote for the tabling motion under these circumstances, in view of the fact that this is an emergency measure, the President has asked for it at the earliest possible time, and an amendment of this nature, I am afraid, would create problems in the other body and slow down the bill on its way to the President and possibly cause its ultimate demise.

Mr. BROOKE. Will the Senator yield?

Mr. STEVENSON. Without losing my right to the floor.

Mr. BROOKE. Yes, of course.

I understand the Senator will make the tabling motion. I respect that. As the floor manager of the bill, that is his duty and responsibility.

I will not prolong this, but I have to say to the Senator that, while he says that he feels this may not be the place or the time, I point out that if there is a time, the only time is now. We just cannot wait for 2 months if somebody's heat is going to be cut off tonight, tomorrow, or the day after tomorrow.

We cannot wait and say, "OK, we will come up with legislation next week or 2 weeks from now or 2 months from now when the emergency crisis is over." It is either that we want to now or not at all.

All the arguments of anyone who stood up and said anything on this bill were that we agree in principle that something must be done, but we have got to keep this bill clean and send it to the House as it is and send it to the President. That is the only argument I heard.

Contrast that procedural argument again with those real poor people who are, literally, in houses where the utilities are being cut off. They cannot wait for a month, and we know that we cannot give other help to them in less than a month.

So if we really want to keep good faith with those people, we have to act now.

I hope this motion to table will be defeated to give those people an opportunity to keep their utilities on, at least during the duration of this emergency. Then we will work on what the distinguished Senator from Illinois and the distinguished Senator from Tennessee, have said—and I agree with them—that we have to come up with some longer term solution that will pay those bills for the very poor and compel the other people to pay their bills, as they should.

But do not let us say to the people, "My God, the only reason we didn't give you any relief was because we needed a clean bill."

They do not understand that. They understand they need relief and they need it now, not next month, but now.

I hope the tabling motion is defeated.

Mr. JAVITS. Will the Senator yield?

Mr. BROOKE. Yes.

Mr. JAVITS. Without losing his right to the floor.

I do not like to be maudlin about this, but my reason for participating and trying to perfect the amendment is that we happened to have a little experience with this in New York.

We had a couple in Albany, N.Y., who died when power was cut off last winter.

It is really unbelievable in our part of the country.

It is that kind of terrible tragedy that I think the Senator from Massachusetts (Mr. BROOKE) is seeking to avoid. I think he deserves to be helped.

Mr. BROOKE. Elderly people, for example, in these apartments, cannot pay the bills, cannot get out, and their utilities are sometimes summarily cut off. What happens to them? They freeze and they die.

We do not want that situation. We just cannot say to them, "Well, relief is coming next month." Their emergency might be tragically ended then.

I do not want to belabor this and embarrass any of my colleagues.

I just say that this is an amendment that should be passed by the Senate. This is an amendment that should be accepted by the House. It is an amendment that should be signed by the President. It is sound and it is needed in this country.

I thank my distinguished colleague again.

Mr. PERCY. Mr. President, I will vote to table the Brooke amendment because authority rests in the States to accomplish the worthy objective he has in mind.

Mr. STEVENSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. STEVENSON. Mr. President, the purpose of this bill is to protect human life and much of the relief that can be afforded by State authorities, most if not all the State authorities.

Reluctantly, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Massachusetts (Mr. BROOKE). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida (Mr. CHILES), the Senator from Colorado (Mr. HASKELL), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

Mr. STEVENS. I announce that the Senator from Wyoming (Mr. HANSEN) is necessarily absent.

I further announce that the Senator

from Oklahoma (Mr. BARTLETT) and the Senator from Michigan (Mr. GRIFFIN) are absent due to illness.

The result was announced—yeas 63, nays 29, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—63

Allen	Glenn	Nelson
Anderson	Goldwater	Nunn
Baker	Gravel	Percy
Bellmon	Hart	Randolph
Bentsen	Hatch	Roth
Bumpers	Hayakawa	Schmitt
Burdick	Helms	Schweiker
Byrd, Harry F., Jr.	Hollings	Scott
	Huddleston	Sparkman
Byrd, Robert C.	Humphrey	Stennis
Cannon	Inouye	Stevens
Chafee	Johnston	Stevenson
Church	Laxalt	Stone
Cranston	Long	Talmadge
Curtis	Lugar	Thurmond
Danforth	Magnuson	Tower
Dole	Matsunaga	Wallop
Domenici	McClellan	Weicker
Eagleton	McClure	Young
Eastland	Melcher	Zorinsky
Ford	Morgan	
Garn	Muskie	

NAYS—29

Abourezk	Heinz	Pearson
Bayh	Jackson	Pell
Biden	Javits	Proxmire
Brooke	Kennedy	Ribicoff
Case	Leahy	Riegle
Clark	Mathias	Sarbanes
Culver	McIntyre	Sasser
Durkin	Metzenbaum	Stafford
Hatfield	Moynihan	Williams
Hathaway	Packwood	

NOT VOTING—8

Bartlett	Griffin	McGovern
Chiles	Hansen	Metcalf
DeConcini	Haskell	

So the motion to table was agreed to.

Mr. STEVENSON. Mr. President, I move to reconsider the vote by which the amendment was laid on the table.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 17

Mr. STEVENSON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. STEVENSON) proposed unprinted amendment numbered 17.

Mr. STEVENSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 3, strike all through line 24 and insert in lieu thereof:

"SEC. 5. (a) There shall be available as a defense for any person to civil or criminal action brought for violation of the antitrust laws (or any similar law of any State) with respect to any action taken or meeting held pursuant to a request or order of the President under sections 4(a) or (d) of this Act, if

"(1) such action was taken or meeting held solely for the purpose of complying with the President's request or order;

"(2) such action was not taken for the purpose of injuring competition; and

"(3) such person complied with the requirements of subsection (b) of this section. Persons interposing the defense provided by this subsection shall have the burden of proof, except that the burden shall be on the person against whom the defense is asserted with respect to whether the actions were taken for the purpose of injury competition.".

(b) A meeting held pursuant to a request by the President under section 4(d) or pursuant to an order under section 4(a) complies with the requirements of subsection (a) if—

(1) there is present at such meeting a full-time Federal employee designated for such purposes by the Attorney General;

(2) a full and complete record of such meeting is taken and deposited, together with any agreements resulting therefrom, with the Attorney General, who shall make it available for public inspection and copying;

(3) The Attorney General and the Federal Trade Commission have the opportunity to participate from the beginning in the development and carrying out of agreements and actions under sections 4(a) and 4(d), in order to propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act; and

(4) such other procedures as may be specified in such request or order are complied with.

Mr. STEVENSON. Mr. President, this amendment simply clarifies that the antitrust exemption applies to criminal as well as civil proceedings and State as well as Federal actions; otherwise it conforms the antitrust immunities in this bill with those in the Defense Production Act and in the Energy Policy and Conservation Act.

It is, I believe, an essentially technical measure. It has been discussed with the other side.

Mr. STEVENS. Mr. President, this has been discussed with the minority and cleared with the minority staff. It is a technical amendment, in our opinion.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 18

Mr. STEVENSON. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislation clerk read as follows:

The Senator from Illinois (Mr. STEVENSON) proposes unprinted amendment No. 18.

Mr. STEVENSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, between lines 18 and 19 following ". . . of natural gas)." insert the following:

"The President may not authorize any emergency purchase contract under this subsection for emergency supplies of natural gas for sale and delivery from any United States pipeline which is operating under court supervision as of January 1, 1977, unless the court approves."

Mr. STEVENSON. Mr. President, this, too, is an essentially technical amendment. It provides that the President cannot approve emergency sales by intrastate pipelines that are under court supervision as of January 1, 1977, unless the court so approves.

There is only one pipeline we are aware of to which this applies. The intent is to take care of a unique situation and not to put the President in the position of overriding the courts in these very limited circumstances.

This, too, has been discussed with the minority.

Mr. STEVENS. This, too, has been discussed with us. It is an essentially technical amendment dealing with a special situation where the pipeline is under court supervision at the present time, and this would protect that situation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEVENSON. Mr. President, I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I do not have an amendment but I do want to cover just one point. As the leader knows, and others know——

The PRESIDING OFFICER. If the Senator will suspend momentarily, the Senate will be in order.

The Senator from Mississippi.

Mr. STENNIS. Natural gas is an ingredient or a component part that goes into the making of nitrogenous fertilizer and, as I understand, under the present arrangement—nitrogenous fertilizer is for the production of food, grain, and fiber—and, as I understand the present arrangement is that that use comes in category 2.

Now, this bill—and I certainly want to support it—but this bill, to clear up a situation, would not change that category as to nitrogenous fertilizer; is that correct, if the manager of the bill would make a brief statement on that?

Mr. STEVENSON. The Senator is correct. The fertilizer manufacturers come under priority 2. Such natural gas users are unlikely to be affected by this bill, and all lower priority users would have to be curtailed before they could be.

Mr. STENNIS. So they would be protected as they are now, and all the other categories below 2 would have to be called on before 2 would be affected.

Mr. STEVENSON. The Senator is correct.

Mr. STENNIS. I thank the Senator very much. It is a very important point, as the Senator so well knows. I thank the Senator.

Mr. STEVENSON. Yes, we do, Mr. President, I thank the Senator for that clarification.

I believe that exhausts all of the amendments.

Mr. President, I want to offer a special vote of thanks to Senator PEARSON, STEVENS, BYRD, JOHNSTON and RANDOLPH who have put in so much time and effort and been so helpful in drafting and helping move this bill through the Senate.

I also want to commend the President for his decisive action in calling for this legislation, and his energy assistant Dr. Jim Schlesinger and his staff for their

help and cooperation during our consideration of this bill.

ADDITIONAL STATEMENTS SUBMITTED

Mr. TALMADGE. Mr. President, 3 years ago the United States reacted to the oil embargo.

We rushed into emergency action to ease the strain on our economy and lessen the hardships that were being forced upon the American people.

Some of the action we took has been helpful to some degree.

Yet, here we are today reacting to another energy crisis that is every bit as serious as the oil embargo.

Keep in mind that the oil embargo, plus the blackmail quadrupling of the price of imported oil, threw this country into its worst recession in 30 years.

Now, just when it appears that the country is beginning to achieve real recovery from that recession, we face a serious threat of another economic slump.

Why is this so, Mr. President?

Because major sections of the United States—particularly Eastern and Midwestern industrial areas—do not have enough energy to keep going.

Important industries and their workers are not the only ones who are suffering.

Schools are being closed totally or being cut back.

Elderly people and the needy are shivering in housing situations where there is neither adequate fuel nor insulation to insure their warmth and safety.

On Friday, I was notified by the Community Services Administration of allocation of crisis grants totaling $282,846 to localities throughout the State of Georgia, to help provide home weatherization and fuel services.

Gov. George Busbee of Georgia has directed the State civil defense to designate centralized buildings in every county to which citizens can flee in case they lose heating in their homes or apartments.

The Georgia Business and Industry Association reports 55,000 people out of work in the State and estimates that the true figure could be as high as 75,000.

Textile and apparel industries, the largest employer in the State of Georgia, are laying off people or putting them on short time by the thousands.

The effect of these plant closings reaches far beyond the immediate area.

For example, people in the business of making backing for carpets are shutting down, even though they may have fuel, because the massive tufted textile industry in Dalton, Ga., is virtually at a standstill.

The poultry industry reports a critical shortage in propane reserves, and if it does not receive adequate fuel, that industry could lose a million chicks a day.

The Buick-Oldsmobile-Pontiac plant in Doraville, Ga., which employs more than 4,000, has totally shut down, in order to divert its fuel to the Fisher body plant in the Atlanta area so that it can stay open.

The Georgia State Department of Labor estimates that the payout of unemployment compensation has risen $1½ million a week.

This increase is directly attributable to layoffs or short-time work because of the fuel shortage.

All this comes down to drastic disruption of the economy, lost productivity, individuals and families thrown out of work, and having to go on unemployment compensation or some form of welfare.

Mr. President, all this is taking place at enormous cost to the taxpayer and at enormous cost to the consumer, in one way or another.

The weather shows no signs of abating. The crisis could very well extend through the month of February and beyond.

Moreover, even when we are blessed again with warm weather, energy consumption in America can be expected to continue at a greatly accelerated rate.

As industry increases production to try to keep economic recovery momentum going, more fuel and energy will be required and more will be burned.

Also, we have not been able to significantly cut down on use of gasoline.

Short of tougher enforcement at every level of government, I do not know that we will ever be able to do so.

Mr. President, we are in no better shape today with respect to our Nation's energy requirements than we were 3 years ago.

I read from a report of the General Accounting Office that was released at the end of last week.

> The oil embargo of 1973–1974 brought home to us the vulnerability of the United States because of our reliance on foreign resources to meet our energy needs. Our memories are short, however, because we rely far more heavily on imported energy today, in 1977, than we did at the time of the embargo.

I repeat, Mr. President, that the United States is more vulnerable and more dependent upon foreign energy sources today than it was at the time of the embargo.

We presently import about 42 percent of our oil.

The price of that oil has gone up 400 percent, and this year we will spend about $40 billion for foreign oil.

By 1985, according to the GAO, we could be in the positon of having to import 60 percent of our oil and 10 percent of our natural gas.

I shudder to think what we will be paying for oil and gas when that time comes.

Because we are so dependent on foreign oil, we are under enormous political, international, and economic pressures.

These pressures are dangerous to the security of the United States.

Such a situation is intolerable.

It is estimated that approximately 4,000 plants have been closed and nearly a half million workers laid off in the eastern half of the Nation alone.

About a dozen States have been put in emergency status.

And, so far we have seen only the tip of the iceberg.

In briefings Friday on the emergency natural gas bill, we were told that before the current crisis is over as many as 1 to 1½ million Americans may be out of work.

And, we must recognize the fact that this measure is not primarily designed to put these people back on the job.

Its principal aim is to guarantee only the bare necessities of heat and comfort in the home.

We are hopeful that the crisis legislation we have before us today will bring some relief.

But, as long as our policy only constitutes frantic reaction to crises, that relief would only be temporary.

One of these days we are going to push the panic button and there will be no response.

I do not mean to imply that the United States is on the verge of immediate disaster because of the energy shortage and our growing dependence upon other nations.

But, I do say that we are certainly courting disaster.

The fact is, when you get right down to it, these nations, upon which we depend for energy, have the power to determine whether or not the United States keeps operating.

They have power to devastate our economy.

They have power to drive us into virtual bankruptcy.

We cannot depend solely upon the grace of God to bring warmer winters.

We cannot depend upon the benevolence of oil-producing nations to supply our needs at costs we can afford.

We cannot and must not put the security of the United States and the well-being of the American people in the hands of anyone else.

We must put total dependence upon our own Government, our own people, our own ingenuity, and our own natural resources and technology.

If we can put men on the Moon and scoop up dirt on Mars we can keep our factories and schools and businesses open, and guarantee the jobs and livelihood of American citizens.

We talk. We write reports. We recommend.

But what have we done to give the Nation a comprehensive energy policy?

Nothing.

Here we are, not just in the same shape we were in 3 years ago, but in worse shape.

I do not presume to have all the answers.

But I submit that we are in sad shape indeed if those answers cannot be found in Congress, in the administration, in the private sector, and in the resourcefulness of American Science and Technology.

The hour is late.

The current crisis ought to act as a prod.

It ought to serve notice that we must go forward, at a faster rate and with more determination, toward making the United States independent and self-sufficient in energy.

In short, the fact is, we do not have a comprehensive and effective energy policy.

It is time we got down to the critical business of developing one.

The situation has become so critical, the emergency so severe, and the long-range threat to U.S. security so dangerous, that we must take the strongest possible action.

I suggest we take a lesson from World War II and the creation of a War Mobilization Board.

Someone and some agency must be established to be in charge.

We must have unrestrained authority to ride herd over energy.

He must have authority to act and to make final decisions.

He must have power to cut through bureaucratic redtape, and to resolve divisive differences between special interest groups.

Then, and only then, will we be able to develop the kind of energy program that our national security demands.

OUR NATURAL GAS CRISIS

Mr. HUMPHREY. Mr. President, there is blame enough for everyone in our current natural gas crisis. The immediate cause of the crisis is the Federal Government's failure to resolve the natural gas pricing issue. That failure has enabled our bizarre two-market natural gas structure to persist:

The intrastate market in gas producing States, so well-supplied that gas is even being wasted there as boiler fuel—to heat water when coal or oil would serve as fuel just as well.

The interstate market in gas consuming States, so poorly supplied that some hospitals, nursing homes and dwellings face temporary heat cutoffs.

The two-market gas system will not be eliminated until significant progress toward a uniform national natural gas price is achieved—an issue I'll return to in a moment.

But first, Mr. President, I want to briefly review why we face a crisis today—a crisis as dangerous to our Nation as the OPEC embargo during the winter of 1973–74.

Our gas utilities have treated nonrenewable gas as though it were electricity. They oversold it to consumers, to businesses and to industry with quantity discounts, rebates, and subsidized equipment and installation costs. But unlike electricity—which can be produced by a variety of fuels, even including water—natural gas is not inexhaustible.

And that is the other side of the coin. Our most attractive, easily reached gas deposits have already been discovered and exploited. Major finds, like Alaska or gulf coast geopressure zones, will be made, but infrequently.

Utility overselling and dwindling new gas deposits—a deadly combination—are at the root of our present situation.

Energy firms claim that deregulation of gas prices will solve the problem of growing scarcity. I have no doubt that some added supplies will appear with deregulation. It will attract some marginal gas—though not much, I suspect—now being withheld in wells. But the paucity of new gas forthcoming under emergency 60-day sales permitted by the FPC suggests either that little gas is being withheld, or that it cannot be produced quickly.

But deregulation can scarcely cause gas to appear where none exists. What it will do—and this will be its major effect—is to free up some intrastate gas bid away by interstate pipeline consumers. It is that gas—and not gas from enormous virgin fields just awaiting plucking—that will become more widely available from natural gas price decontrol.

Let me emphasize, Mr. President, that because of demand, we face a chronic short-supply situation in natural gas regardless of whether prices are controlled or decontrolled. The only impact on supplies of gas from price decontrol would be to make more gas available for commercial and industrial firms—with residential consumers everywhere paying much more than today.

I said earlier that failure to resolve the gas pricing issue has enabled the dual gas market to endure—and that is the immediate cause, along with the weather, of our gas crisis. The Ford administration vehemently refused to come to terms with Congress. It simply refused to consider any of a wide variety of solutions involving the maintenance of some price control over gas—a necessity if consumers are to be protected—and elimination of the dual gas market.

My colleagues will recall, for example, that I proposed linking gas prices on a Btu basis to the domestic price of oil. This was a constructive, reasonable proposal designed to minimize the inflationary impact of a gas price hike, while stimulating new exploration and production.

I renew that proposal now. Such a step would insure that intrastate gas will become available to users everywhere—but without penalizing high priority users in producing and consuming States with higher, seller's-market prices. It would free gas now withheld awaiting resolution of the gas pricing issue. And, if linked with a priority allocation mechanism to protect residential, small commercial and industrial firms not able to use alternative fuels, it would avoid a repetition of our current situation.

Let me now, finally, address the current situation.

In Minnesota, we face a disaster unless the weather breaks. Our oil supplies are low—especially of vitally needed No. 1 fuel oil. Governor Perpich has acted quickly and firmly to reduce energy consumption. Because of Minnesota's precarious oil situation, the natural gas shortage is a double threat to us. The option of switching to oil is not one widely available within the State.

Nationally, the situation is worse. Some 1½ million persons are temporarily out of work due to gas curtailments. Six of the 42 interstate pipelines are curtailing priority-one customers now. School closings, short hours for business and firm shutdowns are becoming routine—in fact, 10,000 firms are closed now as I speak.

President Carter has proposed emergency legislation to speed gas to the hardest-pressed interstate pipelines—lines which are in dire threat of cutting off gas to residential customers.

It is my hope that this legislation, the Emergency Natural Gas Act of 1977, will be quickly passed. At least in Minnesota, it should keep all our homes heated while not raising unemployment. But it is no final answer. It is, at best, a short term band-aid for a longer term problem. We simply will not, under any realistic price regime, even enjoy sufficient natural gas to meet the total demand for it.

Therefore, after acting on this emergency legislation, Congress immediately should work on a four-part solution to the basic problem:

Establish a uniform national price for natural gas which is tied to the price of domestic oil, thereby eliminating the two-market structure in natural gas;

Set aside gas supplies for residential, small commercial, and nonalternative fuel use industrial firms—firms where either the cost of using alternative fuels is high—for example, new home furnaces—or no alternative fuel can be used for health or safety reasons—for example, food processing;

Phase out boiler use and nonessential natural gas uses to avoid a repetition of the current crisis; and

Accelerate the introduction of solar and other renewable energy forms to substitute for diminishing fossil energy supplies.

Mr. President, our current gas crisis can finally spur Congress to action on natural gas pricing and supply. This opportunity should not be wasted—and I intend to see that it is not. We can and must act today to avoid a repetition next winter of our current crisis.

Mr. HATCH. Mr. President, I will reluctantly vote for S. 474 as an emergency measure because this country has allowed itself to reach such a plight of energy insufficiency that people are out of work, freezing in their homes; and widespread discouragement, depression and serious difficulties are ravaging the eastern part of the United States. The energy specialists in our country have predicted this shortage for the last 10 to 20 years, but the Congress has failed to meet its obligation and continues to neglect that obligation to investigate, study, scientifically analyze and formulate a comprehensive energy and natural resource program.

The present legislation is a wholly ineffective means of resolving our problems. It is only a short-term stopgap of indeterminate and questionable benefit. The present measure does nothing to resolve the energy difficulties presently facing the country and which must be faced by America over the long term. Furthermore, it again exhibits Washingtonian domination in a field which is already overregulated by the Federal Government. What is needed is deregulation and a free market in the energy field—the only long-term solutions which will result in the promotion of conservation, development of alternative fuels and energy resources, and the management thereof.

The regulation of natural gas, below the actual market costs, to artificially controlled levels has severely restricted the development of other viable energy alternatives, particularly, coal. In Utah, for instance, expanded development of

deep-mine coal resources has basically been halted by environmentalists and Federal officials. Utah is rich in high-moisture, low-sulfur content, ecologically sound, high Btu coal which would be of immense value to the rest of this now suffering and energy-deprived country. California, which is dependent, upon foreign oil, for almost all of its energy needs and which is one of the greatest economic sectors of this country, continues to be denied the benefits of coal deposits in Utah and other areas in the mountain west.

It is the obligation of the Congress of the United States to immediately do all within its power to investigate, analyze and produce a workable, long-term, comprehensive energy and natural resource bill. No bill will have lasting, long term and otherwise beneficial effects unless it embraces and encourages the development of all known alternative forms of energy development. Any such bill must include detailed consideration of development of fossil fuels including, but not limited to, coal, oil and gas, oil shale, tar sands, peat, et cetera, nuclear, uranium resources, fission, geothermal, solar, hydraulic and wind power, electricity, waste conversions, and any other form of energy development. We now have within our scientific community enough technological know-how to resolve our overall energy problems if we act now. Further, at a time when we have the most serious energy difficulties in history, we are considering divestiture bills which would further deter energy development in our society.

We must encourage new developments of energy, not hinder them. Perhaps we should consider some types of tax incentives which would encourage our present energy companies to reinvest most of their profits into finding alternative forms and sources of energy. We must encourage reinvestment of profits into new energy development and energy alternatives. Incentives should be given to conserve energy and encourage conservation of energy resources with emphasis on energy-efficient equipment, added insulation, load management, solar and geothermal installation, more efficient lighting and heating, successful and workable automotive conservation equipment and materials, alternatives to the combustion engine, and any of the hundreds of other conservation alternatives.

As it appears to me at the present time, the key to a successful national energy policy is a reasonable and well-thought out system of deregulation which would permit a free competitive market and a pricing structure naturally established in the marketplace. This means buckling our belts and facing the problems now while we have the opportunity to resolve them rather than later when such opportunities may be fleeting.

Mr. KENNEDY. Mr. President, the sustained severity of the weather conditions in the East and Middle West during the past 60 days has created very grave conditions in hundreds of communities: plant closings, schools in recess, reduced operating hours for commercial establishments, and the real possibility of the loss of natural gas for residential buildings in some areas. Those parts of the country that are not heavily dependent on natural gas, such as New England, are also threatened by potential shortages of home heating oil due to breakdowns in barge transportation systems. The increased prices for home heating oil are causing very severe economic problems for low- and middle-income families in Massachusetts and elsewhere in New England, the Northeast and the Middle West.

These energy emergencies require a maximum effort by the Federal Government to alleviate the suffering and economic dislocations that now confront millions of our fellow citizens. President Carter and his principal energy adviser, James Schlesinger, have moved to mobilize the resources of the Federal Government in this effort. Congress is equally committed to move with dispatch in this crisis.

We are, however, faced with a painful dilemma. On the one hand, the need for swift action to alleviate the crisis conditions caused by shortages of natural gas and other fuels is clear. On the other hand, many Members of Congress, including the Senator from Massachusetts, are extremely reluctant to suspend the procedures that would guarantee a thorough analysis of the price demands during this crisis period.

For example, S. 474 permits the President to authorize interstate pipelines to contract for emergency supplies of natural gas from any intrastate pipeline or producer, for delivery before August 1, 1977, upon such terms and conditions as the President determines to be appropriate, including provisions respecting fair and equitable prices. This authority to suspend Federal price controls on natural gas moving in interstate commerce is defended as essential if we are to move new quantities from the unregulated intrastate market to those areas of the country in greatest need.

Most Members of Congress, including this Senator, have acknowledged the need for upward adjustments in the price of interstate gas. For the past 2 years Congress has been laboring to find an acceptable formula for such an increase, a formula that will still offer adequate protection to the consumers who must purchase this natural gas. As every Senator knows, we have not been successful in legislating such a formula.

In light of this legislative history, there is every reason for Congress to insist on a more explicit indication of what constitutes fair and equitable prices. There is no such indication in S. 474 and efforts by my staff to elicit such information have not been successful. We have no indication whatever of the price level at which corrective Presidential action would be forthcoming.

In my view we would be on far more solid ground if S. 474 contained some form of cap or upper limit on prices of intrastate natural gas sold to interstate customers.

There is, however, no sense in pretending that the adoption of major amendments to S. 474 would not slow down passage of the legislation. And we are faced with a national crisis of sufficient severity that makes any substantial delay unacceptable. People are out of work; schools are closed; stores are restricting their hours; and the outlook is for a continuation of severe weather conditions for at least another month.

Under the circumstances, I have concluded that Congress has no real choice in the matter. We have to act swiftly on S. 474 and that means passing it in essentially the form in which we received it from President Carter. That means withholding major amendments such as the one I have contemplated offering.

But, by the same token, Congress can express its concern that President Carter exercise great diligence in monitoring the price of intrastate gas that is purchased under this emergency legislation. I assume the President understands that it would make no sense whatever to exchange a supply crisis for one where excessively high gas prices contribute to the economic distress already faced by millions of Americans. We must be very sure that our program for economic recovery is not thrown off track by exorbitant energy prices that are forced on consumers in a time of national emergency.

Congress can informally provide some indication of what constitutes fair and equitable prices that should be observed under the provisions of S. 474. In essence this means looking at the average weighted prices and volumes of intrastate gas contracts for the past 30 days in each State. This information provides valuable perspective in judging what would constitute fair and equitable prices when such gas is purchased for the interstate system.

A preliminary examination of data filed with the Federal Power Commission reveals that the weighted average price for October was $1.65 per Mcf, for November is was $1.67 per Mcf, and for December it was $1.76 per Mcf. For the entire fourth quarter, the average weighted price for all imported volume sold was $1.71 per Mcf.

It is also important to note that in the month of December, in which we had the highest increase over the prior 2 months, there were very significant sales at prices appreciably below the average price for the month. For example, 12.5 million cubic feet sold at approximately $1.25. In another instance, 11.4 million cubic feet were sold at $1.25 and over 3 million cubic feet were sold at $1.07 per Mcf.

It is essential to understand that these sales occurred in the intrastate market where there is no regulation. There is a legitimate basis for concern as to the justice and reasonableness of these prices in a market where all transactions are unregulated. Of even greater concern is the use of emergency sales in the interstate market where there is a serious imbalance in supply and demand and where there are grave distortions of normal price relationships as a basis for a price ceiling.

Nonetheless, these data provide a base line by which to make some initial judgments of what will occur when intrastate gas is purchased for interstate custom-

ers under the provisions of S. 474. I have no hesitation whatever in saying that prices in excess of what was charged in the intrastate market, particularly during the month of December, will run a very real danger of running afoul of the fair and equitable standard contained in S. 474. In the event this should occur, and I profoundly hope it does not, I would look to President Carter to impose quickly some upper limit on these interstate sales. The White House has offered assurances that such action would be forthcoming, and I have every confidence that these assurances will be honored. In light of these assurances, I intend to support the enactment of this bill.

Mr. ROTH. Mr. President, the past 2 weeks have been among the most frustrating of my career here in the Senate. I have watched the natural gas shortage grow into a serious problem, then ripen to a crisis. For 3 years some of my colleagues and I have been warning that a severe winter could have disastrous consequences. It is no consolation that today our predictions have come true.

I am pleased that we are now considering a natural gas allocation bill so seriously that its passage is a near certainty. I wish we had done so when I introduced my allocation proposal 2½ years ago. While allocation is certainly no long term solution, it will help to even the impacts of the natural gas crisis by spreading the shortage for homeowners more or less equally among the regions. But as desirable as this bill is, there are some serious deficiencies. Chief among them is the problem which the amendment we are now discussing attempts to address.

Under the present bill, gas may be allocated to high priority users, who are principally homeowners and very small businesses. A rigid line has been drawn between residential use of natural gas and commercial or industrial use of natural gas. Although I agree with the decision to provide the first priority in gas allocation to homeowners, I believe some consideration must be given to the economic impacts of this crisis. The present bill fails to do this.

The amendment which Senator GLENN and I had planned to introduce proposed that allocation authority be extended to a select group of industries: those which use a small amount of gas to employ a large number of people.

In my home State of Delaware, for example, we have an industry which consumes about two-hundredth's of an Mcf per day for every person it employs. Although this particular firm employs about 80 persons, it uses no more natural gas than a large home. Several other industries in the State consume one-fifth of an Mcf per employee per day and could easily be reopened without depriving a home, hospital, school, or other high priority consumer of gas whatsoever. But under the present bill these users of natural gas are grouped with all other industrial users, regardless of the fact that by allocating gas to them we could save thousands jobs.

My estimates are admittedly rough, but it appears that in my State of Delaware alone, at least 2,000 jobs could be saved, probably more. This could be done without putting people out of work elsewhere in the Nation and without reducing the gas for high priority users.

Mr. President, our economy is at a critical stage. We are slowly recovering from the recession which has gripped the Nation for several years. The natural gas crisis is bound to deal the economy a blow.

The effects of severe unemployment extend far beyond the geographic boundaries of a particular State or country. All of our industries are tied together by a delicate economic web. When thousands are out of work in Delaware, Ohio, the Carolinas, or other States, the interests involved are national in character, not regional or local. A man or woman out of work in Delaware can precipitate unemployment in States thousands of miles away, where the supply of natural gas is adequate. So I urge my colleagues to recognize that what we are considering is an issue of overriding national importance.

It was for these reasons that I joined with Senator GLENN as the principal Republican sponsor of the amendment we were to have introduced. I am convinced that the administration bill errs seriously in failing to consider the economic consequences of the current gas crisis. But I am told that if we introduce our amendment and if it is adopted by the Senate the entire allocation program will be jeopardized.

Faced with this, I have no choice but to agree to a withdrawal of the amendment. I will accede to the demands of the majority, the leadership, and the administration because a mandatory allocation program is desperately needed. But I still believe we must recognize the economic consequences of the gas crisis and address them. It will be of little consolation to millions of workers if gas to heat their homes is available, but the jobs to pay the bills are not.

Mr. President, I do not intend to let this issue die here. I intend to pursue it during the coming days and weeks. Earlier today I introduced my own allocation bill, intended to deal with both current gas shortages and their economic consequences. I will work for the enactment of this bill, but I will also pursue this in the form of floor amendments if that is the only alternative left to us.

Mr. JOHNSTON. Mr. President, earlier today the Senator from Illinois (Mr. STEVENSON) and I discussed the meaning of "short-term storage replenishment or injection for protection of high priority uses" found in section 4(a)(1).

Am I correct that gas delivered pursuant to the powers of section 4 may be used to replenish storage only to the extent that such storage is needed to protect high-priority uses for the period ending April 30, 1977?

Mr. STEVENSON. Yes, the Senator from Louisiana is correct. The emergency purchase provisions of section 6 may be used to replenish storage for the protection of high-priority uses after April 30, 1977.

Mr. JOHNSTON. Also, in our earlier discussion, the Senator from Illinois indicated that the definition of "interstate pipeline" contained in section 2 included refineries which used natural gas in their plant processes. Did the distinguished Member mean that this definition included only those refineries which use interstate natural gas?

Mr. STEVENSON. The Senator from Louisiana is correct.

Mr. HANSEN. Mr. President, it is with a sinking feeling that I arise to support this bill. While this is needed legislation, it is a sad commentary on our Government that things have disintegrated to a point where such legislation is needed at all.

As has been noted in the comments of others, this bill will do nothing to alleviate the gas shortage that exists in the country today. Forty years of Government interference and meddling cannot be erased by allocating shortages among all Americans. The only effective action will be to pass substantive legislation that will eliminate the price controls on gas and attempt to shift gas users onto a more available fuel.

The American public must not be lulled into believing that by the passage of this legislation the gas crisis has been averted. Nothing could be further from the truth. The only short-term solution for the shortage will be the coming of spring and warmer weather.

Opponents of deregulation have managed to postpone consideration of substantive legislation until spring; they have promised that an energy bill will be before the Congress within 90 days. I can only hope that in considering this legislation in the warm days of June that we will not have forgotten the cold days of the winter, for it is certain that the coming of next winter will herald the return of the gas shortage.

It is interesting to note that the opponents of deregulation have for years postured themselves as protectors of the consumer. What kind of protection is the Government giving the consumer when the Government forces artificially low prices that encourage the use of a product but also insure that the product will be in short supply? Freezing is a method best adapted to protecting agricultural products, not people.

The shortage of gas this year should not have been a surprise. Industry has been predicting that the shortage would occur for over 20 years. The Federal Power Commission has predicted shortages for the last 4 years, and predicted a shortfall for this year of 3.8 trillion cubic feet, approximately 20 percent of demand. With the unusually cold weather this winter, curtailments will undoubtedly greatly exceed this figure.

The shortage of gas was born with the regulation of wellhead prices of gas. The first Phillips decision allowing the regulation of producer prices was handed down by the Supreme Court in 1954, but implementation of regulation was delayed until about 1960. The Permian decision in 1968 allowed the setting of area rates below the contract rates that prevailed in 1960, causing an immediate and dramatic reduction in the exploration for natural gas. In the 8-year period from 1968 to 1975, additions to reserves were approximately half what they had been during the previous 8-year period, averaging only 8 to 10 trillion cubic feet

per year. In the same period, production, that is, withdrawals from reserves, increased until they peaked in 1973, and averaged over 20 trillion cubic feet for the 8-year period. As a result, proven reserves declined from 293 trillion cubic feet in 1968 to 228 trillion cubic feet in 1975. Twenty-one trillion cubic feet of these reserves are in Alaska and will not be available for consumption for years. The statistics on producers are as telling as the statistics on reserves. The number of producers in the gas business has declined from 20,000 active producers before the Permian decision to 10,000 today.

The reduction in the additions to reserves is not the whole story. Of the 8 to 10 trillion cubic feet added each year, almost three-quarters of this amount was dedicated to the intrastate market. The additions of reserves to the interstate market have averaged less than 3 trillion cubic feet per year. This is a remarkable example of just what price regulation has done to the ability of the marketplace to provide the capital necessary for our survival.

Contrast this picture with the intrastate market, where additions to reserves have almost doubled in the same period. The share of the market for intrastate unregulated gas has increased so that it now makes up about 40 percent of the market for gas as opposed to about 30 percent before the Permian decision.

The price of gas has been held at artificially low levels by the Federal Power Commission. The cost of a million Btu's of gas is about 98 cents. The cost of a million Btu's of imported oil is approximately $2.36. There is no wonder that there are so many people in the United States that use and are dependent on a continued supply of this commodity. Low prices encourage use and just do not provide the incentive necessary to attract capital to be used in search for gas. The imposition of price regulations is not the only governmental action that has tended to impede the flow of capital into the search for energy. In 1969 we reduced the depletion allowance from 27½ to 22 percent. Do you think that this action helped the coming energy crisis? In 1971 came price controls. These price controls were extended by the Emergency Petroleum Allocation Act. Since much gas is associated with oil deposits, this drag on the search for oil hampered the supply of gas as well. Look at the Tax Reduction Act last year. We eliminated the depletion allowance for major companies and severely restricted it for smaller companies. Does that encourage the search for energy? The Energy Policy and Conservation Act imposed more controls on oil and gas industries.

This year, at least, there is a cry for divestiture. In fact, a look at the record of the Congress shows hundreds of ways in which the search for energy has been impeded, restricted, and discouraged. Is it any wonder that capital is not available for the search for gas?

Compounding this dismal record of failure to come to grips with the problem are people who do not believe, despite all of the evidence to the contrary, that an energy shortage exists. They insist that it is a plot by the producers to gain deregulation and that there is plenty of energy in shutin wells and hidden reserves that could be utilized to alleviate the current crisis. They are hiding their heads in the sand, refusing to believe what all reports tell them is true. For them it is easier to find a scapegoat than to look for a solution.

Mr. President, as the distinguished Senator from New Mexico said here Friday, it is past the time for the hunting of scapegoats. There is plenty of blame to go around to all in the energy crisis. It is time to get on with some solutions. Deregulation is a must. Conservation is absolutely necessary. Alternative sources of fuel must be found. Many more actions will be necessary if we are to recover from this crisis.

The nature of the situation has not been adequately explained to the American people. If enough incentive were placed in the search for oil and gas today, it would be 3 to 5 years until gas in amounts sufficient to help alleviate the shortage could be brought on line. Each day of delay makes the crisis that much worse. And despite any action we take this year, there will be continued shortages for the near future.

To put the matter in perspective, we know that there will be a crisis in gas supplies for the next few years. What if, in addition to the shortage of natural gas, the OPEC nations were to place another embargo on the export of oil? We cannot even imagine the consequences of these concurrent actions.

The Arab embargo of 1973 affected less than 20 percent of our total supply. Today we are almost 50 percent dependent on foreign oil. And we have placed severe restraints on our ability to meet our energy needs from domestic supplies. Any talk of national security, with this type of foreign dependence, not to mention vulnerable lines of supply, is a hollow joke indeed.

Therefore, Mr. President, let us get on with the business at hand and pass this legislation. And then let us take up, without delay, decontrol legislation and other legislation that will help alleviate the real crisis.

Mr. HOLLINGS. Mr. President, I am delighted to cosponsor S. 474, the Emergency Natural Gas Act of 1977. I hope that this measure is promptly enacted to better enable the Government to cope with an unprecedented shortage of natural gas in the eastern half of the United States. We need not be reminded that most of the States east of the Rocky Mountains are in the grips of the coldest winter of the century. This record cold spell has caused massive increases in natural gas consumption for heating purposes, and natural gas supplies are being drained much faster than had been anticipated in anybody's plans. Some estimates are that as many as 500,000 people are out of work because there is not enough energy to supply industry. Schools in many States are closed or closing and ordinary commercial activity is being limited in many communities. The problems of cold weather are compounded because many gas users are unable to secure and transport alternative fuels due to ice-clogged rivers and traffic-jammed highways. Curtailments on many pipeline systems may continue until next year because the draw down of natural gas in underground storage, which provides about half the fuel during the winter, has been rapidly accelerated and replacement before next winter may not be possible.

Under these circumstances it is incumbent upon the Federal Government to take prompt action in an attempt to alleviate the most serious problems and preclude curtailment of homes, and health and safety facilities. The bill now being considered is a temporary emergency measure designed to achieve these ends and to permit emergency purchases by interstate pipelines outside of the normal Federal Power Commission price ceilings.

I believe that this legislation has adequate safeguards concerning the pricing of natural gas. It may be necessary to establish price guidelines for emergency purchases in order to preclude unjustified windfalls to producers and harm to the economy. To the extent that natural gas prices increase for the same amount of supply, consumer purchasing power for all other goods and services is reduced. Thus, just as the economy is harmed by the unavailability of natural gas, the Nation's economic picture can be worsened by excessive natural gas price increases. At a time when interstate natural gas pipelines are desperately scrambling to obtain any available supply, it would appear in the public interest to assure that at least standby price controls can be imposed. Thus, I was pleased to see in section 6(a) of the bill that interstate purchasers may contract "upon such terms and conditions as the President determines to be appropriate—including provisions respecting fair and equitable prices, for emergency supplies of natural gas." This provision can be utilized by the President to assure that consumers are not victimized by excessive profiteering of natural gas producers.

The emergency purchase provision of the bill thus permits a laboratory experiment to determine the effects of temporary price decontrol. If prices become excessive, then this may be a signal to the Congress that continued but reformed price controls on natural gas are necessary; if on the other hand, prices do not substantially increase, and if additional supplies are made available to the interstate market, then perhaps decontrol can be continued and the 25 year controversy over natural gas pricing resolved.

I have long sought the enactment of natural gas pricing legislation that would maximize supplies and remove uncertainty, while protecting consumers from unreasonable price increases. But these efforts were frustrated by a failure of the Congress to reach a consensus on the issue of natural gas wellhead pricing. This polarization that began with respect to long-term decontrol of natural gas continues even today and if the Emergency Act now before us is amended with long-term legislation, then it appears unlikely to me that such legislation can be promptly enacted to alleviate the problems of the Nation.

Any long-term natural gas pricing

initiative should properly be part of a comprehensive energy plan—a plan that is not now presently formulated, but one that the administration has indicated would be submitted to the Congress within 90 days. In addition, the operation of the natural gas industry without wellhead price controls on emergency supply of natural gas will be instructive and may provide guidance as to the proper form of natural gas pricing reform. For these reasons, I urge my colleagues to reject any attempt to amend the emergency bill with long-term natural gas pricing provisions.

Mr. McINTYRE. Mr. President, this is the coldest winter that this Nation has seen in many decades. It has put a severe strain on the Nation's supply of heating fuels, especially natural gas.

In States that rely heavily on natural gas—and I am thankful today that in my home State of New Hampshire, natural gas is not the chief heating fuel—the natural gas emergency has shut factories, putting hundreds of thousands of workers out of their jobs, and it threatens to cut off the heat to potentially millions of American homes.

We have before us today S. 474, the Emergency Natural Gas Act of 1977. The President has asked Congress for this bill, and I intend to vote for it, in order to cope with the natural gas emergency.

However, I do not want to see this bill used in any way as a supposed precedent for a future decision on the broader question of natural gas prices. My mind is still open on the issue of natural gas price controls and price deregulation.

Mr. JACKSON. Mr. President, the Senate should pass the Emergency Natural Gas Act of 1977 (S. 474) immediately. As President Carter indicated, this is a temporary measure which would give him minimum authority to cope with the current tragic shortage of natural gas. This bill is not a substitute for the long-term natural gas policy which Congress must adopt. President Carter has stated that he will propose a long-term policy as soon as possible. I pledge my support for rapid action on the long-term natural gas policy.

Mr. President, I want to commend the Senator from Illinois (Mr. STEVENSON) for the outstanding work he has done on this legislation. The technical and clarifying amendments which he has proposed go a long way to assure that consumers will be protected and that gas users in areas of the country with adequate gas supplies, such as my own State, will not be unduly penalized.

Mr. CRANSTON. Mr. President, I fully support prompt enactment of S. 474, the President's Emergency Natural Gas Act of 1977.

It is vital that the Congress act expeditiously on the President's request for emergency legal authority to allocate for essential human needs our dwindling supplies of natural gas.

It is because of the current dire situation that I oppose amendments that might delay or even kill the bill—even though I favor the amendments, in some cases, substantively. I will support such amendments when we are considering long-range solutions to our energy problems.

Throughout the eastern two-thirds of the Nation, this extraordinarily cold winter is taking its toll. Schools and factories have been closed in an effort to conserve remaining natural gas for the most essential uses: heating homes, hospitals, nursing homes, and other institutions necessary for preservation of life. Perhaps a half a million workers are unemployed now, and more jobs will be lost soon if the weather does not improve.

In many areas hard hit by this winter's frigid weather, natural gas supplies have dwindled to the level not normally reached until mid-March. With the expectation of continued cold weather, there is little the Government can do except to make certain that the most vital services are not curtailed. Over the weekend, President Carter urged businesses to shift voluntarily to a 4-day workweek in order to conserve what is left of our natural gas supplies. Many residences have complied with the President's request to keep thermostats at or below 65 degrees during the day and even lower at night.

But there are no miracle cures for the worsening natural gas crisis. Little can be done at this late hour to increase significantly natural gas supplies. There is probably no chance that enough gas will be allocated to the critically short areas to enable factories to reopen. At best, the interstate pipelines that are not suffering critical shortages will be able to provide only enough natural gas to insure that homes and essential services in critically short areas are not cut off.

S. 474 will provide help in two ways. First, it authorizes the President to order emergency deliveries of natural gas supplies between interstate pipelines and local distribution companies served by interstate pipelines upon a finding that maintenance of gas deliveries to residences and other "high priority users" is in danger and that all reasonable remedies to maintain such supplies have been exhausted.

Second, S. 474 authorizes the President to allow interstate pipelines and local distribution companies served by interstate pipelines to make "emergency purchases" of natural gas from any producer, including gas which may be available in the intrastate market. In effect, this section extends the current 60-day emergency purchase authority allowed by the Federal Power Commission to August 1, 1977. Subject to any terms and conditions imposed by the President—including those establishing fair and equitable prices—this will allow for 6 months of deregulation.

It is not expected that the extended period for emergency purchases will bring into interstate pipelines any significant new supplies of gas. There is no way of being certain, but if the experience under FPC's 60-day emergency sales is any indication, it will not be much. The FPC estimated in November that the pipelines would require some 10.3 trillion cubic feet for the November through March heating season, but would fall short by 1.8 trillion cubic feet—18 percent. As a result of the 60-day sales which began in October, November, and December, only about 89.3 billion cubic feet have been added to the interstate supply—scarcely 1 percent of the original estimated demand. And the original estimates are no doubt low due to the extraordinarily cold weather experienced so far this heating season.

Thus, there are only three possible remedies to ease the present crisis: First, careful husbanding of remaining natural gas supplies through diligent conservation measures, second, allocation of gas between interstate pipeline systems in order to meet high priority needs in the critically short States, and third, a break in the frigid weather.

Mr. President, since there is little that the President or the Congress can do to change the weather, we must concentrate on conservation and careful and equitable allocation of remaining supplies to high priority needs.

Let us clearly understand, however, that S. 474 cannot alleviate the natural gas crisis. What it will do instead is to redistribute the crisis—to order some gas out of storage in those fortunate parts of the Nation spared the full fury of the winter weather and redistribute it to the critically short regions. This scheme carries with it the need for extreme caution lest we, in our effort to provide heat to homes in the East, cause undue suffering in the West.

Natural gas is a premium fuel that is in short supply nationally. It would be irresponsible to mislead the Nation into believing that there is surplus gas in the West that can be allocated to put people back to work in the East. In fact, in California, gas curtailments are projected to begin affecting residential customers within 3 years unless substantial new gas supplies are obtained.

During Senate consideration of S. 474 on Friday, I raised several concerns about the bill as then drafted. Specifically, since California is served by interstate pipeline systems that are likely to be donating gas to the distressed eastern gas pipelines, I requested of Senator STEVENSON, the distinguished floor manager of S. 474, that language protecting donor pipelines be improved. We want to be certain that in doing our share to alleviate suffering now in the eastern two-thirds of the Nation, our natural gas consumers are not penalized later.

I have had an opportunity to review the technical and clarifying amendments intended to be proposed by Senator STEVENSON, and I am generally pleased with the improvements. The bill is now clear that wherever possible compensation to the donor pipeline shall be in kind. This is especially important to the gas consumers of California who have historically been dependent on gas for residential, commercial, and industrial uses. Large commercial concerns, most industry and electric utilities have, under State direction, installed alternate fuel-burning equipment. But the residential user, the small commercial establishments and a number of industrial processes are almost totally dependent upon natural gas.

Perhaps even more important, California—especially southern California—needs natural gas for widespread use during air pollution episodes. Representatives of Governor Edmund G. Brown, Jr., have recently raised this issue with the Federal Power Commission but have received little encouragement. I believe that the question needs to be addressed during consideration of any long-term natural gas bill, and I intend to raise it at that time. Natural gas, with its clean-burning characteristic, is a premium fuel. We must be certain that it is utilized to maximize the public health and safety. It is too early now to say how this can best be accomplished in part because we in Congress are still awaiting President Carter's executive reorganization plan and his energy policy proposals. One way might be to provide stand-by emergency authority to the FPC to allocate gas to areas suffering in a severe air pollution episode. There may be other methods that are also effective. I will be studying this issue in the meantime and will raise it during Senate consideration of a long-term gas bill.

The issue before the Senate today is how to allocate scarce natural gas supplies in order to protect human life during the harshest winter on record. The issue I will raise when we consider a long-term natural gas policy is how to assure the maximum utilization of natural gas during air pollution episodes which endanger health and safety.

Mr. President, the technical and clarifying amendments intended to be proposed by Senator STEVENSON also improve protection for the gas consumers served by the donor pipelines. It is critically important that severe loss of jobs in the West is not the result of this gas allocation bill. While I am certainly concerned about the tremendous temporary unemployment suffered in many parts of the Nation due to the natural gas shortage, it makes little sense to put people out of work in the warmer parts of the country in order to put people back to work in the East. Therefore, I am pleased that the proposed new language directs that the President cannot issue an allocation order if such order will cause the donor pipeline to be unable to meet its own high priority customers or will result in a disproportionate burden for any interstate pipeline.

I am also pleased that new language has been included to require the President, in issuing allocation orders under this act, to consider the relative availability of alternative fuels to users of the donor interstate pipeline.

California, particularly southern California, has depended historically upon natural gas as its principal fuel for residential, commercial, and industrial uses. California has never utilized much coal. Fuel oil has been the primary substitute for gas by the large commercial and industrial customers, capable of installing alternate fuel-burning capabilities. The direct burning of either fuel oil or coal, however, is severely limited because of the critical air pollution problems caused by low wind velocities and recurring atmospheric inversions which trap pollutants in the Los Angeles basin.

Southern California is served by the Southern California Gas Co., the Nation's largest gas distribution utility. It serves 12 million southern Californians in 535 communities stretching from the Mexican border to central California and from the Colorado River to the Pacific Ocean.

Northern California is served by the Pacific Gas & Electric Co., which serves 2.6 million natural gas customers in 37 counties, stretching from central California to the Oregon border.

Natural gas has traditionally been supplied to Californians by three primary sources: Southwestern United States, Canada, and a small amount from in-State and Federal offshore sources.

The principal source of gas for California is the Southwestern United States, providing nearly 70 percent of California's gas needs through two interstate pipeline companies: El Paso Natural Gas Co. and Transwestern Supply Co. El Paso supplies both P.G. & E. and SoCal Gas. Transwestern serves only SoCal Gas.

In addition, a little over 20 percent of California's gas comes from Canadian sources. Pacific Gas & Electric Co., serving all of northern California, acquires all of this gas—representing more than 45 percent of P.G. & E.'s gas needs—through its Canadian subsidiary, Alberta & Southern Gas Co. At the United States-Canadian border, this gas is purchased for delivery to California by Pacific Gas Transmission Co. which operates under FPC jurisdiction. The Canadian gas is exported under export permits issued by the Canadian Government.

On July 15, 1975, the Canadian National Energy Board—NEB—issued a report on natural gas supplies and demand within Canada. The NEB report indicated that gas is being exported from Canada which is not surplus to Canadian needs and called for measures to reduce exports. Subsequent announcements by the Canadian Government make it clear that curtailments of Canadian gas are inevitable, although the timing and the amounts are not yet certain. Any curtailment of Canadian source gas has immense ramifications for supply-demand relationships in California.

Mr. President, it is very important that this Congress at long last enact a long-term natural gas policy which strikes a reasonable balance between the need to protect the consumer from sudden, rampant price increases and the need to encourage new exploration and production. President Carter has pledged to send us a comprehensive long-term energy package no later than April 20. I look forward to working with the President and my colleagues in the House and Senate to forge a sensible policy at that time.

Today, our task is simply to recognize the severity of the natural gas emergency and to grant to the President the power he needs to alleviate human suffering.

Mr. President, I urge prompt action on S. 474, the Emergency Natural Gas Act of 1977.

Mr. SCHWEIKER. Mr. President, the fuel crisis that struck Pennsylvania and so many other eastern States this month is tightening its grip even further, throwing a million and a half workers out of jobs and creating economic havoc unprecedented in recent years.

So serious is the situation that Congress has seldom met in such an urgent atmosphere since I came to the Senate. My office, as I am sure are others, is flooded by phone calls and telegrams from deeply alarmed citizens who justifiably demand immediate action by the representatives they have elected to protect them from just this kind of crisis. I say to my colleagues, Mr. President, that while recognizing the complexity of these energy-related issues, I agree with my constituents and I want to bring their message to the floor of the Senate: We have to do something, we have to do it on an emergency basis, and we have to do it now.

For years Congress has angrily debated the issue of natural gas price deregulation. Last year, the House and Senate versions of the deregulation bill were so different they were never reconciled, so no final action was taken by the 94th Congress.

Perhaps we could have afforded that failure to agree on deregulation if winter would only have remained obligingly warm until the issue were resolved. But this winter did not wait for Congress, and next winter would not either. Another blizzard staggered much of Pennsylvania over the weekend and more sub-zero weather looms on the horizon. I met today with Members of the Pennsylvania congressional delegation to support the request that President Carter declare Pennsylvania a disaster area.

I do not think the American people should have to face another winter crossing their fingers in hopes that warm weather will save their jobs from layoffs and their businesses and schools from shutdowns. The winter of 1977 is sending us a message—its message is that time has run out on pushing off a once-and-for-all decision on natural gas deregulation. Some of my constituents are so angry they accuse Congress of "fiddling while Rome burns." Unless we act immediately on emergency legislation and on a permanent energy program, I will have to agree with them.

Therefore, Mr. President, I urge my colleagues in the strongest terms I possibly can to end any further delay and pass the emergency bill proposed by the administration, now before the Senate, that will rush desperately needed shipments of natural gas to those places and users in greatest need.

But even the Emergency Natural Gas Act is limited in its intent to that of temporary relief to pull our people and our economy back from the brink of disaster during the remainder of the winter. Therefore, I just as strongly want to urge my colleagues to take a second step as soon as this emergency bill has been passed.

That step is to resolve, once and for all, the crippling and dangerous failure of the Congress to agree on a national deregulation policy that will assure users

of sufficient natural gas supplies from now on so the terrible events of this winter will never be repeated.

The American people have been urged to do their part by President Carter in carefully conserving precious supplies of vitally needed fuel. As they always have in the past, Americans are responding to this plea, and the spirit of national cooperation that has seen us through so many difficult times in the past is already beginning to have an impact on the existing emergency. But, I believe it is a travesty for the Government of the United States to expect the American people to do their part unless the Congress meets its own responsibility to set a coherent and vigorous national energy policy that will protect our people and our economy from the battering of the last few days and protect our national security from the increasingly ominous threat of energy dependence. Because of what has happened in the past few weeks, natural gas is the place to start and now is the time to do it.

The cost of further delay is more jobs lost and more economic chaos in Pennsylvania and elsewhere. Our people deserve much better than this.

Mr. BENTSEN. Mr. President, as I mentioned earlier today, I would rather be passing long-term legislation than the measure we are soon to vote on. I am referring to the Pearson-Bentsen deregulation bill which passed the Senate last year. There is still strong support for such a measure as evidenced by a letter I recently received from Mr. John Datt of the American Farm Bureau Federation. I ask unanimous consent that the letter be placed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., January 28, 1977.

Hon. LLOYD BENTSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENTSEN: The American Farm Bureau Federation—representing over 2.6 million Farm Bureau member families in 49 states and Puerto Rico—wishes to reiterate our support for comprehensive reform of the Federal Power Commission's authority over natural gas prices.

At the January, 1977 annual meeting of the AFBF, held in Honolulu, Hawaii, official voting delegates of the member State Farm Bureaus reaffirmed the following policy:

"Prices of energy supplies should be allowed to move freely in response to supply and demand, except in the case of national emergencies or where public utilities are controlled by regulatory agencies. This will encourage both the development of adequate energy supplies and their distribution on an equitable basis. We are for deregulation of natural gas prices."

Several suggestions have been made to mitigate the current shortages of natural gas in interstate markets which reflect colder than normal weather conditions in most of the nation. One proposal which has received much attention is President Carter's "Emergency Natural Gas Act of 1977." We hope that prior to enacting any temporary legislation you will weigh carefully the benefits of a longer term total deregulation of new natural gas. We fear that a short-run temporary solution would endanger efforts to generate support for the comprehensive reform supported by agricultural users of natural gas. It also should be noted that short-term legislation generally excludes a priority for agricultural users.

Natural gas provides nearly 40 percent of the energy utilized by the food and fiber sector of our economy. Adequate supplies must be provided if production goals are to be met. Legislation with limited short-term provisions will not meet the full range of needs brought on by the natural gas shortage and, therefore, falls short of solving the problem. Short-term legislation will do nothing to alleviate the long-term natural gas shortage.

In contrast, a bill (S. 256) introduced by Senator James Pearson and Senator Lloyd Bentsen, and similar legislation (H.R. 2088) introduced by Congressmen Bob Krueger and Bud Brown, meets both the long-term goal of improving domestic supplies of natural gas and the short-term goal of attempting to minimize immediate shortages. Delay on comprehensive reform has already been dangerous and costly. The Pearson-Bentsen bill offers the best hope for progress on new gas supplies. This legislation should be enacted as soon as possible.

Sincerely,

JOHN C. DATT,
Director, Washington Office.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrosssment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. GOLDWATER. Mr. President, will the Senator yield before final passage?

Mr. STEVENSON. Yes; I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, for years those of us on this side of the aisle have asked our colleagues on the other side to yield to the deregulating of natural gas at the wellhead. I am very sorry that it took a national calamity to bring to the attention of the opposition party that had they acted a few years ago this calamity would not have occurred.

I hope after we pass this tonight—and I want to congratulate the new President on his fortitude and his intelligence in getting this thing done, something we have not been able to do in this body for 4 or 5 years—that very soon we can remove Federal regulation at the wellhead of the gas so there will be an unlimited supply of gas in this country.

I congratulate this body for getting this done in such short order after 4 or 5 long years of doing nothing.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, I have no further comments to make except to observe that in the last Congress the Senate did address itself to natural gas regulation and, in effect, the body passed the deregulation proposal.

Several Senators address the Chair.

Mr. RANDOLPH. Mr. President, it is important that the record indicate that during the last 5 years, with the eight committees of the Senate working under the umbrella of the national fuels and energy policy study, that there has been a cooperative effort. During that period of time 71 measures passed the Senate and became law. We have been attempting to cope, at least in part, with the problem of the energy crisis which is constant. It is not intermittent. It is continuous. It will not go away.

As a Senator I have long felt a frustration over our inability to develop a national energy policy. I must be fair, however, to this body, the Senate as a whole, the Members of which have worked responsibly on these matters. During the life of our study, I emphasize, we have had 71 energy measures signed into law. In some instances we have contributed significantly to solving some of the problems associated with fuel shortages in this country. We have authorized energy programs that are constructive.

Mr. President, we must recognize that last year we addressed natural gas problems. I speak not in criticism of the other body because we do differ on solutions from time to time. These are understandable differences. We have on two occasions debated legislation in the Senate on this very problem that we consider now. We passed a measure in the Senate.

I join the able Senator from Arizona (Mr. GOLDWATER), in commending the action which we are now about to complete on this emergency bill. I repeat we do not yet have an energy policy for the United States of America. This need is of highest priority.

The Senator from Illinois (Mr. STEVENSON) has correctly guided this emergency bill on the sound premise that prompt action is imperative to cope with the present natural gas shortages. President Carter has urged action now. We must respond.

But we have not yet launched an all-out frontal attack. We have whittled away, not always successfully, in our attempts to meet the problems of a nation of mobility with great consumptive needs for not one, but many forms of energy. We must use more coal in this country. I represent West Virginia. Coal is our ace in the hole. It can solve our energy problem as an integral part of the answer for the United States.

The PRESIDING OFFICER. The question is on final passage. The yeas and nays have been ordered.

Mr. ABOUREZK addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABOUREZK. I shall take about 30 seconds to join with Senator GOLDWATER of Arizona, in congratulations, not to the Members of the Democratic side but to the oil and gas industry who have grown a lot smarter in the last couple decades.

In 1954 they tried to bribe Francis Case, a Senator from South Dakota, in an effort to get natural gas deregulation through at the time. It did not work then. So what they have decided to do since then is to withhold their reserves and their supplies to the point where Congress or at least a majority has been pressured into deregulating natural gas, and I think congratulations are due to him.

Mr. GOLDWATER. Mr. President, the only people we had to deregulate are the Arabs. If we get there we will be all right.

SEVERAL SENATORS. Vote!

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

SEVERAL SENATORS. Vote.

Mr. STEVENS. Mr. President, I shall mention a few things that we can take into consideration tonight.

Mr. President, we have pending now, before the Treasury Department and before the administration, three applications for waivers of the Jones Act to bring liquefied natural gas and bottled gas from Alaska and from Texas into the Eastern part of the United States. I call the attention of this body to those applications and urge the Members of this body to do as I have done to urge the administration to grant those waivers, in this instance, in order that this gas which is available can be brought in this crisis to the rest of the country. This plan, I think, demonstrates the flexibility of using liquefied natural gas and using bottled gas for transportation throughout the country in the area where it is needed the most and certainly in this situation even though I favor the construction of American-built tankers and the transportation of our resources by American-built tankers, I think that it is incumbent upon us to yield to the pressure of the emergency and to seek the granting of the waivers that are sought for the transportation of this gas in these three instances.

Mr. President, it seems to me that as we pass this bill it would be remiss if we did not mention the fact once again that if it had not been for the great delay in the construction of the Alaska oil pipeline, Alaska's gas, the 26 trillion cubic feet of natural gas, would have been to the south 48 in 1975. It will not be here until 1980 because of the delay that was encountered at that time, and I hope that other Members of this body, even those who voted against the oil pipeline, will help us prevent a delay in the construction of the gas transmission system to bring gas down to the south 48.

Mr. President, the situation which leads us to pass the Emergency Natural Gas Act this evening has led some people to say that any natural gas which comes to the lower 48 from the Alaskan North Slope should get here through a pipeline direct to the Midwest from Canada, rather than by tanker to the western and southwest regions of the country. The reasoning is that since the current critical shortage is in the Midwest and East, the Alaskan gas should necessarily be delivered directly to those areas.

But such an argument focuses narrowly on the short-term crisis and ignores some important long-term considerations.

First, the Alaskan gas could be delivered with less expense and equal reliability to markets which need it, on the average, just as much as the Midwestern and Eastern States. And those Midwestern and Eastern States would benefit by receiving the gas from other producing areas of the Nation which would have otherwise gone to the Western States, just as if they were getting the gas directly from Alaska.

Second, the El Paso project, using liquefied natural gas and oceangoing tankers, provides an overwhelming flexibility not offered by either of the land-based alternatives.

It is this second consideration that I want to emphasize at this moment.

Columbia Gas has made arrangements with Phillips Petroleum to purchase liquefied natural gas to supplement the supplies available to the Atlantic coastal States. This is gas that has been produced in Alaska's Kenai Peninsula/Cook Inlet region for export to Japan over the past few years. Six shiploads of this gas will be diverted from Japan and will, instead, be off-loaded and regassified at Everett, Mass. This plan depends on a favorable disposition of a request to exempt the LNG tankers from the Jones Act for these six trips. Since the Federal Government is doing all it can to alleviate this emergency, I see no reason why that request should be denied.

This plan illustrates the point I am emphasizing: the great flexibility of a transportation system for natural gas based on LNG tankers. There is a growing world market in LNG. More and more producing countries are building plants to liquefy the gas associated with oil production, rather than flare it. Natural gas companies in this country are building and are making plans for more facilities to import and regassify LNG. Tankers are being built, American built tankers, to transport LNG. LNG bound for the west coast from Alaska could be diverted to any of these other terminals in an emergency, whether that emergency was caused by bad weather and local shortages or by some other interruption.

With a pipeline in the ground, we are married to the markets served by that pipeline. With an LNG tanker system, a whole set of options is available to us for responding to changes in supply and demand and for meeting any new emergencies that might arise.

We do not know where or what the next emergency will be. So, we need to keep our options open.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, this being the last vote for the evening, I ask unanimous consent that the rollcall not consume more than 30 minutes. It is the last vote. It will allow other Members to leave the floor earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, for the information of Senators, the Senate comes in tomorrow at 11 a.m. There is one special order, and we will then take up the Senate resolution on committee structure.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida (Mr. CHILES), the Senator from Colorado (Mr. HASKELL), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) would vote "yea."

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BARTLETT), and the Senator from Michigan (Mr. GRIFFIN) are absent due to illness.

Mr. ZORINSKY assumed the chair as presiding officer at this point.

The result was announced—yeas 91, nays 2, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—91

Allen	Gravel	Muskie
Anderson	Hansen	Nelson
Baker	Hart	Nunn
Bayh	Hatch	Packwood
Bellmon	Hatfield	Pearson
Bentsen	Hathaway	Pell
Biden	Hayakawa	Percy
Brooke	Heinz	Proxmire
Bumpers	Helms	Randolph
Burdick	Hollings	Ribicoff
Byrd, Harry F., Jr.	Huddleston	Riegle
Byrd, Robert C.	Humphrey	Roth
Cannon	Inouye	Sarbanes
Case	Jackson	Sasser
Chafee	Javits	Schmitt
Church	Johnston	Schweiker
Clark	Kennedy	Scott
Cranston	Laxalt	Sparkman
Culver	Leahy	Stafford
Curtis	Long	Stennis
Danforth	Lugar	Stevens
Dole	Magnuson	Stevenson
Domenici	Mathias	Stone
Durkin	Matsunaga	Talmadge
Eagleton	McClellan	Thurmond
Eastland	McClure	Wallop
Ford	McIntyre	Weicker
Garn	Melcher	Williams
Glenn	Metzenbaum	Young
Goldwater	Morgan	Zorinsky
	Moynihan	

NAYS—2

Abourezk	Tower

NOT VOTING—7

Bartlett	Griffin	Metcalf
Chiles	Haskell	
DeConcini	McGovern	

So the bill (S. 474) was passed, as follows:

S. 474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Natural Gas Act of 1977".

DEFINITIONS

SEC. 2. As used in this Act:

(1) The term "high-priority use" means—

(A) use of natural gas in a residence;

(B) use of natural gas in a commercial establishment in amounts of less than 50 Mcf on a peak day; or

(C) any other use of natural gas the termination of which the President determines would endanger life, health, or maintenance of physical property.

(2) The term "interstate pipeline" means any person engaged in the transportation by pipeline of interstate natural gas.

(3) The term "intrastate pipeline" means any person (other than an interstate pipeline) engaged in the transportation by pipeline of natural gas.

(4) The term "interstate natural gas" means natural gas which, but for this Act, is subject to the Natural Gas Act (15 U.S.C. 717 et seq.).

(5) The term "local distribution company" means any person (including a governmental entity) which receives natural gas for local distribution and resale to natural gas users.

(6) The term "antitrust laws" means the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 13, 14–19, 20, 21, 22–27), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8–9), and the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a), and similar State laws.

(7) The term "State" means any State of the United States and the District of Columbia.

PRESIDENTIAL DECLARATION

SEC. 3. The President may declare a natural gas emergency if he finds that a severe natural gas shortage endangering the supply of natural gas for high-priority uses exists or is imminent in the United States or in any region thereof and that the exercise of his authorities under section 4 is reasonably necessary, having exhausted other remedies to the maximum extent practicable, to assist in meeting requirements for such uses. Such emergency shall be terminated when the President finds that such shortages no longer exist and are no longer imminent.

EMERGENCY DELIVERIES AND TRANSPORTATION OF NATURAL GAS

SEC. 4. (a) (1) If the President finds it necessary to assist in meeting the requirements for high-priority uses of natural gas, including short-term storage replenishment or injection for protection of high-priority uses, on the basis of a notification by the Governor of any State pursuant to subsection (c) or on the basis of other information available to the President, the President may, during a natural gas emergency declared under section 3, by order, require—

(A) any interstate pipeline to make emergency deliveries of, or to transport, interstate natural gas to any other interstate pipeline or to any local distribution company served by an interstate pipeline for purposes of meeting such requirements;

(B) any intrastate pipeline to transport interstate natural gas from any interstate pipeline to another interstate pipeline or to any local distribution company served by an interstate pipeline for purposes of meeting such requirements; or

(C) the construction and operation by any pipeline of any facilities necessary to effect such deliveries or transportation.

No such delivery or transportation may continue after April 30, 1977, or after the President terminates the emergency declared under section 3, whichever is earlier.

(2) No order may be issued under this subsection unless the President determines that such order will not—

(A) create for the interstate pipeline delivering interstate natural gas a supply shortage which will cause such pipeline to be unable to meet the requirements for high-priority uses served, directly or indirectly, by such pipeline;

(B) result in a disproportionate share of deliveries or curtailments of natural gas experienced by such interstate pipeline when compared to deliveries and resulting curtailments which are experienced as a result of orders applicable to other interstate pipelines (as determined by the President); and

(C) require transportation of natural gas by any pipeline in excess of its available transportation capacity.

(3) In issuing such order the President shall also consider the relative availability of alternative fuel to users of the interstate pipeline ordered to make deliveries pursuant to this section.

(b) Compliance by any pipeline with an order issued under subsection (a) shall not subject such pipeline to regulation under the Natural Gas Act (15 U.S.C. 717 et seq.) or to regulation as a common carrier under any provision of State or Federal law. No action required to be taken under an order issued under subsection (a) shall be subject to any provision of the Natural Gas Act and any such order shall supersede any provision of a certification, or other requirement, under the Natural Gas Act which is inconsistent with such order.

(c) (1) The Governor of any State may notify the President of any finding by such Governor that a shortage of natural gas within such State, endangering the supply of natural gas for high priority uses, exists or is imminent and that the State, and agencies and instrumentalities thereof, have exercised their authority to the fullest extent practicable and reasonable under the circumstances to overcome such shortage.

(2) The Governer shall submit, together with any notification under paragraph (1), information upon which he has based his finding under such paragraph, including—

(A) volumes of natural gas required to meet the requirements for high-priority uses in such State;

(B) information received from persons in the business of producing, selling, transporting, or delivering natural gas in such State as to the volumes of natural gas available in such State; and

(C) such other information as the Governor determines appropriate to apprise the President of emergency deliveries and transportation of interstate natural gas needed in such State.

(d) The President may request that representatives of interstate pipelines, intrastate pipelines, local distribution companies, and other persons meet and provide assistance to the President in carrying out his authority under this section

(e) (1) In order to obtain information to carry out his authority under this Act, the President may—

(A) sign and issue subpenas for the attendance and testimony of witnesses and the production of books, records, papers, and other documents;

(B) require any person, by general or special order, to submit answers in writing to interrogatories, requests for reports or for other information, and such answers shall be made within such reasonable period, and under oath or otherwise, as the President may determine; and

(C) secure, upon request, any information from any Federal department or executive agency.

(2) The appropriate United States district court may, upon petition of the Attorney General at the request of the President, in the case of refusal to obey a subpena or order of the President issued under this subsection, issue an order requiring compliance therewith, and any failure to obey an order of the court may be punished by the court as a contempt thereof.

(f) (1) If the parties to any order issued under subsection (a) fail to agree upon the terms of compensation for deliveries (which may include compensation in kind) or transportation required pursuant to such order, the President, after a hearing held either before or after such order takes effect, shall, by supplemental order, prescribe the amount of compensation (which may include compensation in kind) to be paid for such deliveries or transportation and for any other expenses incurred in delivering or transporting such gas.

(2) If, for the purpose of a supplemental order pursuant to paragraph (1), the party making emergency deliveries pursuant to subsection (a)—

(A) indicates a preference for compensation in kind, the President shall direct that compensation in kind be provided by August 1, 1977, to the maximum extent practicable,

(B) indicates a preference for compensation, or the President determines pursuant to paragraph (A) of this subsection that any portion thereof cannot practicably be compensated in kind, the President shall calculate the amount of compensation for deliveries of natural gas, based upon the amount required to make the interstate pipeline delivering such natural gas and its local distribution companies whole for loss of sales resulting therefrom; including the actual amount paid by such interstate pipeline or any of its local distribution companies for the volumes of natural gas or higher cost gas such as synthetic natural gas which were needed to replace natural gas delivered pursuant to an order under subsection (a); and for transportation, storage and other expenses, based upon reasonable costs, as determined by the President.

(g) In order to effect the purposes of this Act, the President shall monitor the operation of any order made pursuant to this section to assure that natural gas delivered pursuant to this section is applied to high-priority uses only.

ANTITRUST PROTECTIONS

SEC. 5. (a) There shall be available as a defense for any person to civil or criminal action brought for violation of the antitrust laws (or any similar law of any State) with respect to any action taken or meeting held pursuant to a request or order of the President under sections 4 (a) and (d) of this Act, if

(1) such action was taken or meeting held solely for the purpose of complying with the President's request or order;

(2) such action was not taken for the purpose of injuring competition; and

(3) such person complied with the requirements of subsection (b) of this section.

Persons interposing the defense provided by this subsection shall have the burden of proof, except that the burden shall be on the person against whom the defense is asserted with respect to whether the actions were taken for the purpose of injuring competition.

(b) A meeting held pursuant to a request by the President under section 4(d) or pursuant to an order under section 4(a) complies with the requirements of subsection (a) if—

(1) there is present at such meeting a full-time Federal employee designated for such purposes by the Attorney General;

(2) a full and complete record of such meeting is taken and deposited, together with any agreements resulting therefrom, with the Attorney General, who shall make it available for public inspection and copying;

(3) the Attorney General and the Federal Trade Commission have the opportunity to participate from the beginning in the development and carrying out of agreements and actions under sections 4(a) and 4(d), in order to propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act; and

(4) such other procedures as may be specified in such request or order are complied with.

EMERGENCY PURCHASES

SEC. 6. (a) The President may authorize any interstate pipeline or local distribution company served by an interstate pipeline (or class or category of such pipelines or companies) to contract, upon such terms and conditions as the President determines to be appropriate (including provisions respecting fair and equitable prices), for emergency supplies of natural gas for delivery before August 1, 1977—

(1) from any producer of natural gas (other than a producer who is affiliated with the purchaser as determined by the President) if (A) such natural gas is not produced from the Outer Continental Shelf and (B) the sale or transportation of such gas was not, immediately before the date on which such contract was entered into, certificated under the Natural Gas Act, or

(2) from any intrastate pipeline, local distribution company, or other person (other than an interstate pipeline or a producer of natural gas).

The President may not authorize any emergency purchase contract under this subsection for emergency supplies of natural gas

for sale and delivery from any intrastate pipeline which is operating under court supervision as of January 1, 1977, unless the court approves.

(b)(1) The provisions of the Natural Gas Act shall not apply—

(A) to any sale of natural gas to an interstate pipeline or local distribution company under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with any such sale; or

(B) to any natural gas company (within the meaning of the Natural Gas Act) solely by reason of any such sale or transportation.

(2) In exercising its authority under the Natural Gas Act, the Federal Power Commission shall not disallow, in whole or in part, recovery by any interstate pipeline, through the rates and charges made, demanded, or received by such pipeline, the amounts actually paid by it for natural gas purchased, transported, or other costs incurred pursuant to subsection (a).

(c)(1) The President may, by order, require any pipeline to transport such natural gas, and to construct and operate such facilities for transportation of natural gas, as may be necessary to carry out contracts authorized under subsection (a). The costs of any such required construction shall be paid by the party receiving such natural gas. No such order shall require any pipeline to transport any natural gas in excess of such pipeline's available capacity.

(2) Compliance by any pipeline with any order under this subsection shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of State law.

(d) As used in this section, the term "Outer Continental Shelf" has the same meaning as such term has under section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

ADJUSTMENT IN CHARGES FOR LOCAL DISTRIBUTION COMPANIES

SEC. 7. Compensation received by an interstate pipeline pursuant to section 4 in excess of the amount such pipeline would have charged its local distribution companies shall be credited to such local distribution companies in proportion to their share of any natural gas not delivered together with credits necessary to make whole any local distribution company which replaced such natural gas with higher cost gas such as synthetic natural gas as prescribed in section 4(f)(2)(B). Compensation paid by an interstate pipeline for deliveries or emergency purchases of natural gas pursuant to section 4 or section 6 shall be charged to such interstate pipeline's local distribution companies in proportion to their share of such natural gas deliveries or purchases.

RELATIONSHIP TO NATURAL GAS ACT

SEC. 8. Except as expressly provided in this Act, nothing contained in this Act shall be interpreted to change, modify, or otherwise affect rules, regulations, or other regulatory requirements or procedures of the Federal Power Commission pursuant to the provisions of the Natural Gas Act.

EFFECT OF CERTAIN CONTRACTUAL OBLIGATIONS

SEC. 9. (a) There shall be available as a defense to any action brought for breach of contract under Federal or State law arising out of any act or omission that such act was taken or that such omission occurred for purposes of complying with any order issued under section 4(a).

(b) Any contractual provision—

(1) prohibiting the sale or commingling of natural gas subject to such contract with natural gas subject to the provisions of the Natural Gas Act, or

(2) terminating any obligation under any such contract as a result of such sale or commingling,

is hereby declared against public policy and unenforceable with respect to such natural gas if an order under section 4(a) or an authorization under section 6(a) applies to the delivery, transportation, or contract for supplies of such natural gas.

(c) The amounts and prices of any natural gas purchases pursuant to an order under section 4(a) or an authorization under section 6(a) shall not be taken into account for purposes of any contractual provision which determines the price of any natural gas (or terminates the contract for the sale of natural gas) on the basis of sales of other natural gas.

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 10. (a) Subchapter II of chapter 5 of title 5 of the United States Code (other than sections 554, 556, and 557 thereof) shall apply to orders and other actions under this Act.

(b) Except with respect to enforcement of orders or subpenas under section 4(e), the Temporary Emergency Court of Appeals, established pursuant to section 211(b) of the Economic Stabilization Act of 1970, as amended, shall have exclusive original jurisdiction to review all cases and controversies under this Act, including any order issued, or other action taken, under this Act. The Temporary Emergency Court of Appeals shall have exclusive jurisdiction of all appeals from the district courts of the United States in cases and controversies arising under section 4(e) of this Act; such appeals shall be taken by the filing of a notice of appeal with the Temporary Emergency Court of Appeals within thirty days of the entry of judgment by the district court.

(c) Prior to a final judgment, no court shall have jurisdiction to grant any injunctive relief to stay or defer the implementation of any order issued, or action taken, by the President under this Act.

ENFORCEMENT

SEC. 11. (a) Any person who violates an order or supplemental order issued under section 4 or an order under section 6(c) shall be subject to a civil penalty of not more than $25,000 for each violation of such order. Each day of violation shall constitute a separate offense.

(b) Any person who willfully violates an order or supplemental order issued under section 4 or an order under section 6(c) shall be fined not more than $50,000 for each violation of such order. Each day of violation shall constitute a separate violation.

(c) Whenever it appears to the President that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of any order issued under section 4(a), any supplemental order issued under section 4(f), or any order under section 6(c), the President may request the Attorney General to bring a civil action to enjoin such acts or practices, and upon showing, a temporary restraining order or preliminary or permanent injunction shall be granted without bond. In any such action, the court may also issue mandatory injunctions commanding any person to comply with any such order or supplemental order.

REPORTING

SEC. 12. (a) In issuing any order under section 4(a) or granting any authorization under section 6, the President shall require that the prices and volumes of natural gas delivered, transported, or contracted for pursuant to such order or authorization shall be reported to him on a weekly basis and such reports shall be made available to the Congress.

(b) The President shall report to Congress not later than October 1, 1977, respecting his actions under this Act.

DELEGATION OF AUTHORITIES

SEC. 13. The President may delegate all or any portion of the authority granted to him under this Act to such executive agencies (within the meaning of 5 U.S.C. 105) or officers of the United States as he determines appropriate, and may authorize such redelegation as may be appropriate. Except with respect to section 552 of title 5 of the United States Code, any officer or executive agency of the United States to which authority is delegated or redelegated under this Act shall be subject only to such procedural requirements respecting the exercise of such authority as the President would be subject to if such authority were not so delegated.

PREEMPTION OF INCONSISTENT STATE OR LOCAL ACTION

SEC. 14. Any order issued pursuant to this Act shall preempt any provision of any program for the allocation, emergency delivery, transportation, or purchase of natural gas established by any State or local government if such program is in conflict with any such order.

Mr. STEVENSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 474.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The following routine morning business was transacted by the Senate today:

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

PROPOSED ECONOMIC RECOVERY—MESSAGE FROM THE PRESIDENT—PM 32

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred jointly to the Committee on Finance, the Committee on Labor and Public Welfare, and the Committee on Public Works, by unanimous consent:

To the Congress of the United States:

I am proposing to you today a two-year $31.2 billion economic recovery package, whose budgetary costs will be divided almost equally between fiscal

years 1977 and 1978 (Table 1). The main components of the program are:

—an increase of $4 billion in authorizations for local public works;

—an expansion of public service employment by 415,000 jobs;

—an expansion of training and youth programs under the Comprehensive Employment and Training Act (CETA) by 346,000 positions;

—an increase in the countercyclical revenue sharing program designed to pay out an additional $1 billion a year at current rates of unemployment;

—a $4 billion program of tax reform and simplification for individuals, through an increase in the standard deduction;

—individual tax rebates, and payments to Social Security, Supplemental Security Income (SSI) and Railroad Retirement beneficiaries, which will total $11.4 billion;

—an optional credit against income taxes equal to 4 percent of payroll taxes or an additional 2 percent investment tax credit for businesses.

While a healthy housing industry is also critical to economic recovery, this area requires long-term commitments, rather than a short-range program. The Secretary of Housing and Urban Development is now developing a long-term housing program for low and middle income families, which will contribute to sustained economic growth.

The economy I found when I took office had 7.5 million Americans out of work, 1.4 million full-time workers forced to take part-time jobs, and still another 1 million workers who had dropped out of the labor force because jobs are so hard to find. The outgoing Council of Economic Advisers conservatively estimated that our economy operated in 1976 at approximately $132 billion below its high-employment potential; every household in our country lost approximately $1,800 per year as a result. The nation lost approximately $35 billion in federal tax revenues and approximately $10 billion in state and local revenues because of inadequate economic performance. Last year, expenses caused by the recession—such as unemployment compensation—were $22 billion higher than in 1973, the last pre-recession year. Economic growth has declined for three consecutive quarters. Most economists have projected that, without further stimulus, the economy would grow by an inadequate 4½–5% in 1977. The severe weather this winter will probably reduce growth even further, if no action is taken.

A vigorous U.S. economy is vital to our domestic welfare as well as to world stability and order.

In preparing this detailed economic package I have been guided by several principles:

A. *Continuity and Consistency.* Because we sought a sustained expansion in consumer spending and business investment, we have developed a two-year program, which will provide stimulus in both this and the next fiscal year, and will also retain enough flexibility so that we can adjust the program up or down should circumstances require. This two-year program will provide the private sector with a genuine opportunity to plan ahead.

B. *Speed.* Because of the need for an immediate stimulus to consumer purchasing power, we have included an $11.4 billion tax rebate and cash payment section in our package which, if promptly enacted by Congress, would permit us to mail checks to taxpayers this spring. It is simply impossible for public works and public service employment programs to get money into the economic stream that quickly.

C. *Fairness.* Because we wanted to target the benefits of this program to those most in need, the bulk of the reduction in personal income taxes will go to low and middle income taxpayers (Tables 2 and 3). The business tax reductions have been specifically designed to reduce costs and provide incentives not only for large businesses but for small ones as well. The spending and job creation programs will be targeted to the hard core unemployed and to those communities hurt most by the recent recession.

D. *Effectiveness.* Our program only promises what can realistically be done. We are proposing major expansions of existing programs within a short period of time. To force more money, faster, into the system would risk poor administration.

E. *Limitation on Permanent Budget Cost.* Because we are committed to a balanced Federal budget for fiscal year 1981, we want to hold down the size of *permanent* spending increases or tax reduction. The tax rebate and many of the spending programs are temporary, and will end as the economy recovers. The business tax reductions and the increase in the standard deduction are permanent, but we recommend them as ways to simplify the tax code and stimulate business investment.

This program, if it is passed, should increase the Nation's output at a rate of $14 to $18 billion per year by the end of 1977 and $25 to $35 billion per year by the end of 1978. Together with the previously anticipated growth of the economy, the program should reduce unemployment by almost one million by the end of this year, with further significant reductions in 1978.

The gross budget costs of the program are estimated to be $15.5 billion in fiscal year 1977 and $15.7 billion in fiscal year 1978. But the increased incomes and jobs which a growing economy will produce will increase Federal revenues and decrease expenditures on unemployment insurance and welfare. As a result, we anticipate offsetting reductions in net Federal costs of about $3 billion and $8 billion in fiscal year 1977 and fiscal year 1978, respectively.

The economic program I have proposed will set the stage for substantial growth in the years ahead. It will restore consumer confidence and consumer purchasing power; it will encourage businessmen to invest in a long-term growing economy; it will pave the way for a balanced Federal budget by fiscal year 1981.

The program will not aggravate current levels of inflation in any significant way. With 7½ million people looking for work and 20 percent of our industrial capacity idle, we can now afford to spur recovery without risking significant new inflation.

This Administration will never let its guard down against inflation, which robs us all. My proposed credit against payroll taxes will tend to reduce labor costs and will, therefore, also help hold prices down.

I will soon announce a substantial strengthening of the Council on Wage and Price Stability. The Council will analyze the supply and demand trends in particular industries, so that we can spot bottlenecks and potential shortages and try to prevent them. It will also perform a more active job of monitoring wage and price developments. I believe that both business and labor will be willing to cooperate by giving us voluntary prior notice of important wage and price increases.

I have asked all my Cabinet officers to evaluate continuously the inflationary impact of their Departments' programs and regulations. I have already instructed the Secretary of Health, Education, and Welfare to develop a program for reducing the rapid rise in hospital costs.

Most importantly, this Administration intends to work closely and cooperatively with both labor and business to minimize inflation and help insure a solid increase in jobs, real wages, and real profits. Meetings among my economic advisers and labor and business leaders will begin within the next few months.

With these principles in mind, I urge the adoption of the following programs:

A. EXPENDITURE PROGRAMS

1. *Public Works.* I recommend an immediate $4 billion authorization for additional emergency public works beyond the $2 billion authorized by the Congress last year, with $2 billion to be appropriated for fiscal year 1977 and $2 billion for fiscal year 1978.

As the public works program has been implemented, the current formula for allocating funds has left some hard-pressed communities with inadequate funding, while their more affluent neighbors have had substantial programs approved. The Secretary of Commerce is now undertaking a careful review to determine whether the current 70%–30% allocation formula between high and low unemployment areas should be changed. After she completes her study, we will recommend legislation. In the interim, I have asked the Secretary to do everything possible under existing law to direct greater amounts of money into areas of high unemployment.

2. *Employment and Training Programs.* The economic stimulus package is designed to cope with both *cyclical* unemployment, which is caused by the economic recession, and *structural* unemployment, which affects those who lack the necessary training and skills to find work even in good times. The first group can largely be helped by general economic stimulus. The second group re-

quires special training and placement programs.

I propose the following programs to help these groups:

a. *Public Service Employment.* It is time to take our people off welfare and put them to work, with maximum emphasis on creating jobs in the private sector. But it will take time for an expanding private economy to provide a large number of jobs for the unemployed. In the meantime we must expand temporary public service jobs for those who would find it difficult to obtain work in private industry.

I propose an increase in the number of federally-funded public service jobs under the Comprehensive Employment and Training Act (CETA) from 310,000 now to 600,000 by the end of fiscal year 1977 and to 725,000 for fiscal year 1978. This program would cost $0.7 billion in fiscal year 1977 and $3.4 billion in fiscal year 1978 (Table 4).

This public service program will enable the unemployed to use their talents to serve their fellow citizens in hospitals, in mental institutions, in improving our national parks, in recreation programs, in rehabilitating those parts of our cities where crime is high and hope is scarce, and in energy-saving activities. We will target our public service employment programs to areas of national need—such as the improvement of our national parks, and the insulation of homes and public buildings as well as other energy-saving activities.

b. *Youth Training and Employment Programs.* Unemployment among our young people is far higher than the national average for workers of all ages, so we must target specific programs to our unemployed youth. I am proposing to expand the youth-oriented programs in CETA, Titles III and IV, by 176,000 slots from 422,000 to 598,000 (Table 4).

The basic youth programs will be conducted by the state and local governments which are prime sponsors under CETA. An additional program will be established to take rural and urban young people aged 16 to 21 off of the streets and put them to useful work helping to conserve, develop and maintain our natural resources and recreation areas. This, like the Civilian Conservation Corps of 40 years ago, would be a way to let young people serve their nation while expanding their own horizons.

c. *Vietnam-era Veterans.* Military veterans of the Vietnam-era deserve special attention, both because our nation owes them a debt of gratitude for their service and because their employment problems are so severe.

For Vietnam-era veterans between the ages of 20 and 24, the unemployment rate is 18%, compared to 12.5% for non-veterans of the same age, with disabled and black veterans hit even harder. More than 20% of young black Vietnam-era veterans are now unemployed.

I am therefore proposing the creation of 92,000 jobs under Title III of CETA by the end of fiscal year 1978 in a new program called Help Through Industrial Retraining and Employment (HIRE), which will emphasize employment opportunities for Vietnam-era veterans (Table 4).

Under the HIRE program, which could be expanded to include non-veterans, the largest corporations, through Federally-funded initiatives, will be encouraged to make private sector job opportunities and training available to Vietnam-era veterans.

HIRE will initially focus on disabled Vietnam-era veterans and then reach out to include all Vietnam-era veterans. If there are not enough Vietnam-era veterans available in a community to fill job openings, those jobs will be made available to disadvantaged young jobseekers and then to the long-term unemployed.

The Government will pay a firm a variable amount per Vietnam-era veteran hired—depending on that person's occupational level and job—for each day of employment and training provided to such a person, up to a maximum of 12 months.

In order to insure that this program creates new jobs, we will require, as a condition of Federal assistance, that the employment of target group members not result in the displacement of any worker who is currently employed by the firm, who has been laid off, or who is on strike.

I propose to increase the proportion of Public Service Employment jobs held by Vietnam-era veterans. Local goals will be developed by individual prime sponsors and keyed to the number of veterans available in the area served.

I have also asked the Department of Labor to establish outreach units, staffed by disabled Vietnam-era veterans, in State Employment Service local offices. They will identify other disabled Vietnam-era veterans and guide them to special programs, services, and available job opportunities. Even before this program is enacted, we will urge the CETA prime sponsor to increase voluntarily the number of Vietnam-era veterans in the expanded Public Service Employment program.

d. *Other Employment and Skill Training Programs.* We must improve employment opportunities and skill training for all disadvantaged groups, through innovative approaches to training and private sector employment.

Therefore I am proposing an increase of 58,000 slots in the Skill Training Improvement Program and a doubling of outlays for apprenticeship programs under Title III of CETA (Table 3). In order to better match our training programs to industry needs, I will instruct the Department of Labor to establish a skill training improvement program authorized under Title III of CETA, to be administered by CETA prime sponsors with full involvement of the private sector.

Under the expanded apprenticeship program which I have requested, apprentices will be allowed to continue developing their skills even during periods of unemployment. A similar program will be extended to workers at the journeyman level.

Migrants and Indians require special attention because of their high levels of unemployment. I am therefore proposing an addition of 20,000 slots, largely for migrants and Indians, under Title III of CETA.

I will instruct the Department of Labor to solicit innovative proposals from governmental units, private nonprofit organizations, and tribal organizations. The new initiatives will include residential training for migrant and seasonal farmworkers, training programs coordinated with rural economic development activities, rehabilitation of farm labor housing camps, and publicly assisted home rehabilitation and weatherization projects.

The Indian initiative will support efforts to improve the internal strength of Indian communities. The efforts will include employment and training activities in connection with road building, the development and management of industrial parks, construction of waste disposal systems, domestic fuel development, irrigation projects, and housing development and management.

3. *Countercyclical Revenue Sharing.* Under the countercyclical revenue sharing program passed by Congress in 1975, additional funds are made available to states and localities when the national unemployment rate exceeds 6% a year. I propose to fund the existing program fully through fiscal year 1978 and to expand it further.

Under current law, $125 million is made available in each quarter to state and local governments when national unemployment rises above 6%. For each ½ of 1% of unemployment above 6%, an additional $62.5 million is released in each quarter. Localities then qualify for their portions on a formula based upon their excess unemployment and general revenue sharing allocation.

Under my proposal each 1/10 of 1% of unemployment above 6% would allow $30 million of new funding to be distributed each quarter in addition to the basic $125 million available at 6% unemployment. At 7.5% unemployment, this plan would distribute $2.25 billion annually, compared to $1.25 billion under the current program. By changing the formula we would make the program more sensitive to the unemployment rate.

I therefore now recommend that the new countercyclical revenue sharing be authorized on a five-year basis instead of the current one year, so that it will automatically continue in effect and be ready if needed in the future.

The proposed expansion of this program will add an estimated $500 million in fiscal year 1977 and $600 million in fiscal year 1978 over and above the current program level.

B. TAX REDUCTIONS

1. *Rebates and Cash Payments.* The rebate and cash payment program which I propose has three components:

a. A $50 non-refundable rebate of 1976 taxes for each taxpayer and his or her dependents up to the limit of the taxpayer's liability. It will cost $8.2 billion.

b. For families who were eligible and file for the earned income credit, a re-

fundable rebate would be paid to bring the total rebate up to $50 per person, even if that exceeds the family's 1976 tax liability. This will be of particular benefit to the working poor. It will cost $1.4 billion.

c. A $50 payment in 1977 to every beneficiary of Social Security, Supplemental Security Income (SSI), or Railroad Retirement. These payments would be of particular benefit to the aged poor. This will cost $1.8 billion.

These rebates are intended to provide prompt spending power to almost every American. The Internal Revenue Service can begin sending checks five weeks after these proposals are enacted by the Congress. The rebates and payments would have a budgetary cost of $11.4 billion in 1977, and no impact in 1978.

This rebate will inject money into the economic stream quickly. It will distribute its benefits widely, require little paperwork, be of particular help to low and middle income families, and use a formula the American people can easily understand.

2. *Tax Reduction and Simplification.* I recommend a permanent increase in the standard deduction, which now ranges from $2,100 to $2,800 for couples and from $1,700 to $2,400 for single persons, to a flat $2,800 for couples and $2,400 for single persons. Thus the existing complex standard deduction would be replaced by a larger, flat standard deduction.

This change would mean that 3.7 million low-income taxpayers and their families would no longer have to pay taxes. An additional 4 million taxpayers would find it more advantageous to use the less-burdensome standard deduction rather than to itemize deductions each year. This would be an important first step in simplifying our tax returns, which are particularly complicated this year.

If this proposal is adopted, roughly 75% of American taxpayers will be able to take the standard deduction and make a simple computation of their tax liability. As Table 3 indicates, all the benefits of this reform will go to low and middle income taxpayers.

This proposal would cost about $4 billion per year. The decline in receipts would be $1.5 billion in fiscal year 1977 and $5.5 billion in fiscal year 1978, of which roughly $1.5 billion would be refunds on 1977 tax liability.

3. *Tax Relief for Business Firms.* I recommend that businesses be allowed to take either a credit against income taxes equal to 4 percent of Social Security payroll taxes paid by the employer, or an additional 2 percent credit for new investment in machinery or equipment. Each firm could choose which credit to take, but its choice would be binding for a fixed number of years.

I hope that the program I have set forth today will receive careful, prompt, and full consideration by the Congress of the United States. Our people are ready to see the Executive and Legislative branches move from an era of confrontation to an era of cooperation. Our common commitment is to put America—its people, its plants, its inventive genius—to work again.

JIMMY CARTER.

THE WHITE HOUSE, *January 31, 1977.*

TABLE 1.—BUDGETARY COST OF THE ECONOMIC RECOVERY PROGRAM ABOVE CURRENT LEVELS

[In billions]

	Fiscal year 1977		Fiscal year 1978	
	Budget authority (appropriations)	Budget outlays or reductions in receipts	Budget authority (appropriations)	Budget outlays or reductions in receipts
Increased Countercyclical Revenue Sharing	0.5	0.5	0.6	0.6
Public Service Employment	.9	.7	3.4	3.4
Skill Training and Youth Programs in CETA	1.5	.3	1.3	1.6
Public Works ($4,000,000,000 authorization)	2.0	.2	2.0	2.0
Tax Reform and Simplification for Individuals (increase in standard deduction)		[1] 1.5		[1] 5.5
Business Tax Reduction		.9		2.7
Tax Rebate and Payment to Social Security, S.S.I., and Railroad Retirement Beneficiaries	1.8	11.4		
Total stimulus package (Reduced Receipts Plus Increased Outlays)	6.7	15.5	7.3	[2] 15.7

[1] While the tax reduction will apply to the full year 1977 tax liability, withholding rates will only be reduced for part of 1977, since passage of the law will come after the year is partly over. As a consequence, taxpayers, in 1978, will receive some additional refunds.

[2] Details do not add to total due to rounding.

TABLE 2.—ESTIMATED EFFECTS OF THE ADMINISTRATION'S TAX REBATE PROGRAM, DISTRIBUTED BY ADJUSTED GROSS INCOME CLASS

[Calendar year 1976 levels of income]

	Tax change resulting from the $50 per capita rebate		
		Percentage	
Adjusted gross income class	Amount (millions)	Distribution	Cumulative distribution
Less than $5,000	−$984	10.3	10.3
$5,000 to $10,000	−2,010	21.0	31.2
$10,000 to $15,000	−2,223	23.2	54.4
$15,000 to $20,000	−1,904	19.9	74.3
$20,000 to $30,000	−1,695	17.7	92.0
$30,000 to $50,000	−564	5.9	97.9
$50,000 to $100,000	−169	1.8	99.6
$100,000 or more	−36	.4	100.0
Total	−9,585	100.0	

Note: Details may not add to totals due to rounding. As the chart indicates, over 54 percent of the benefits from the tax rebates will go to those with adjusted gross incomes of less than $15,000 and an additional 20 percent of the benefits will go to those earning between $15,000 and $20,000.

TABLE 3.—ESTIMATED EFFECTS OF THE ADMINISTRATION'S FLAT STANDARD DEDUCTION PROPOSAL, DISTRIBUTED BY ADJUSTED GROSS INCOME CLASS

[Calendar year 1976 levels of income]

	Tax change resulting from the $2,400–$2,800 standard deduction [1]		
		Percentage	
Adjusted gross income class	Amount (millions)	Distribution	Cumulative distribution
Less than $5,000	−$616	15.6	15.6
$5,000 to $10,000	−1,953	49.4	65.0
$10,000 to $15,000	−1,245	31.5	96.5
$15,000 to $20,000	−137	3.5	100.0
$20,000 to $30,000	−1	[2]	100.0
$30,000 to $50,000	[2]	[2]	100.0
$50,000 to $100,000	[2]	[2]	100.0
$100,000 or more	[2]	[2]	100.0
Total	−3,951	100.0	

[1] Includes the effect of extending the $35 general tax credit to exemptions for age and blindness.

[2] Less than $500 thousand or 0.05 percent.

Note: Details may not add to totals due to rounding.

TABLE 4.—INCREASES IN PUBLIC SERVICE JOBS ABOVE CURRENT LEVELS

[Slots in thousands]

	Fiscal year 1977 recommended additions to current levels	Fiscal year 1978 recommended additions above current levels
Public Service Employment, CETA Title VI: Slots, end of period	240	340
Public Service Employment, CETA Title II: Slots, end of period	50	75
Youth, CETA Title III: Slots, end of period	72	154
Skill Training Improvement Program, CETA Title III: Slots, end of period	58	58
Help Through Industrial Retraining and Employment (HIRE), CETA Title III: Slots, end of period	60	92
Migrants, Indians, Veterans, CETA Title III: Slots, end of period	10	20
Job Corps, CETA Title IV: Slots, end of period	8	22
Apprenticeship Expansion, CETA Title III: Slots, end of period	NA	NA
Total, slots	498	761

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message from the President of the United States, relative to economic recovery, be jointly referred to the Committee on Finance, the Committee on Labor and Public Welfare and the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC–543. A letter from the Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a statement with respect to a transaction with SONATRACH, a state-owned enterprise of the Democratic and Popular Republic of Algeria; to the Committee on Banking, Housing, and Urban Affairs.

EC–544. A letter from the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, copies of the final valuations of properties of various carriers subject to the Interstate Commerce Act (with accompanying report); to the Committee on Commerce.

EC–545. A letter from the Chairman of the Board for International Broadcasting transmitting, pursuant to law, the Third Annual Report of the Board for International Broadcasting (with an accompanying report); to the Committee on Foreign Relations.

EC–546. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "National Energy Policy: An Agenda for Analysis" (with an accompanying report); to the Committee on Government Operations.

EC–547. A letter from the Assistant Secretary of Defense, Manpower, and Reserve Affairs, transmitting, pursuant to law, a report of the Department of Defense on civilian positions allocated or placed in grades GS–16, 17, and 18 during the calendar year 1976 (with an accompanying report); to the Committee on Post Office and Civil Service.

EC–548. A letter from the Chairman of the Federal Elections Commission transmitting, pursuant to law, a copy of correspondence which it has sent to the Office of Management and Budget (with accompanying papers); to the Committee on Rules and Administration.

EC–549. A letter from the Comptroller General of the United States transmitting, pursuant to law, notice that information contained in the President's sixth special message for fiscal year 1977 reporting four new deferral proposals and five supplementary reports to previously proposed deferrals for Commerce, HEW, GSA, ARBA, USIA, and the U.S. Railway Association is correct and the actions being proposed have been clearly and accurately stated; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, Commerce, Labor and Public Welfare, Banking, Housing and Urban Affairs, Foreign Relations, and the Judiciary, and ordered to be printed.

EC–550. A letter from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report on the proposed use, in the fiscal year 1977 Space Shuttle program, of $27 million in funds appropriated pursuant to the NASA Authorization Act of 1975 together with $3 million in funds appropriated pursuant to the NASA Authorization Act of 1977 (with an accompanying report); to the Committee on Aeronautics and Space Sciences.

EC–551. A letter from the Acting Secretary of Agriculture transmitting, pursuant to law, certification that making available food assistance to Lebanon under the proposed title I agreement is required for humanitarian food purposes; to the Committee on Agriculture and Forestry.

EC–552. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of Act 1–206, "An act to amend the Administrative Procedure Act regarding publication of the District of Columbia Register (with accompanying papers); to the Committee on the District of Columbia.

EC–553. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of Act 1–226, "An act to provide additional revenue for the District of Columbia, and for other purposes" (with accompanying papers); to the Committee on the District of Columbia.

EC–554. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of Act 1–220, "An act to provide for the registration of persons selling, supplying, or distributing motor fuels, for a prohibition on the operation of retail service stations by producers, refiners, and manufacturers, for nondiscriminatory use of voluntary allowances, equipment rental charges, and motor fuel apportionments, for certain nonwaiverable conditions in marketing agreements, for certain rights, responsibilities, and remedies relative to the termination, cancellation, and nonrenewal of marketing agreements, for a moratorium on conversions to limited service retail service stations, and for other purposes" (with accompanying papers); to the Committee on the District of Columbia.

EC–555. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of Act 1–219, "An act to amend the District of Columbia Rental Accommodation Act of 1975" (with accompanying papers); to the Committee on the District of Columbia.

EC–556. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of Act 1–217, "An act to provide improved protection for blind pedestrians crossing roadways in the District of Columbia" (with accompanying papers); to the Committee on the District of Columbia.

EC–557. A letter from the Chairman of the Renegotiation Board transmitting, pursuant to law, the 21st annual report of the Renegotiation Board (with an accompanying report); to the Committee on Finance.

EC–558. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Highlights of a Study of Federal Supervision of State and National Banks" (with an accompanying report); to the Committee on Government Operations.

EC–559. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Improvements Needed in the Federal Enhanced Oil and Gas Recovery Research, Development, and Demonstration Program" (with an accompanying report); to the Committee on Government Operations.

EC–560. A letter from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, two proposed new record systems reports and one proposed altered record system report submitted by the Department of the Air Force, in accordance with the Privacy Act (with an accompanying report); to the Committee on Government Operations.

EC–561. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Major Changes Are Needed in the New Leased-Housing Program" (with an accompanying report); to the Committee on Government Operations.

EC–562. A letter from the Administrator of the Federal Energy Administration transmitting, pursuant to law, the quarterly report for the period of July through September 1976, concerning: Imports of crude oil, residual fuel oil refined petroleum products, natural gas, and coal; refinery activities; and inventories (with an accompanying report); to the Committee on Interior and Insular Affairs.

EC–563. A letter from the Director of the Federal Bureau of Investigation transmitting, pursuant to law, information with respect to positions in the FBI in grades GS–16, GS–17, and GS–18 (with an accompanying report); to the Committee on Post Office and Civil Service.

EC–564. A letter from the Acting Chairman of the U.S. Civil Service Commission transmitting, pursuant to law, the 1976 annual report with respect to positions in grades GS–16, GS–17, and GS–18 (with an accompanying report); to the Committee on Post Office and Civil Service.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petition which was referred as indicated:

POM–60. Resolution No. 49 adopted by the County Legislature of Suffolk County requesting the House of Representatives to launch an immediate investigation into the recent awarding of grants under title I of the Public Works Employment Act of 1976; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NELSON, from the Committee on Small Business, without amendment:

S. 243. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 (Rept. No. 95–3).

By Mr. MORGAN, from the Committee on Public Works, without amendment:

S. 521. An original bill to amend the John F. Kennedy Center Act to authorize funds for the repair of leaks (Rept. No. 95–4).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPARKMAN:

S. 510. A bill for the relief of Mr. Sahdeo Pradhan; to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 511. A bill for the relief of Tin Foo Chan, also known as Michael Chan; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 512. A bill for the relief of Kam Lang Wong; to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 513. A bill for the relief of Denno Chung-Sang Li, Nicholas Lit-Yung Lam, and Augustine Ka-Cheung Wu; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 514. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for optometric and medical vision care; to the Committee on Finance.

By Mr. PACKWOOD:

S. 515. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Finance.

By Mr. McGOVERN:

S. 516. A bill to amend the State and Local Fiscal Assistance Act of 1972 to provide for a single, annual lump sum payment of the revenue sharing entitlement amount where such amount does not exceed $4,000; to the Committee on Finance.

By Mr. NELSON (for himself, Mr. JAVITS, Mr. CLARK, Mr. BAYH, and Mr. PERCY):

S. 517. A bill to authorize employees and agencies of the Government of the United States to experiment with flexible and compressed work schedules; jointly, by unani-

mous consent, to the Committee on Labor and Public Welfare and the Committee on Post Office and Civil Service.

S. 518. A bill to provide increased employment opportunity by executive agencies of the U.S. Government for persons unable to work standard working hours, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McGOVERN (for himself, Mr. DOLE, Mr. KENNEDY, Mr. PERCY, Mr. BAYH, Mr. BROOKE, Mr. BURDICK, Mr. CASE, Mr. CHILES, Mr. CLARK, Mr. DECONCINI, Mr. DURKIN, Mr. HEINZ, Mr. HUMPHREY, Mr. LEAHY, Mr. MELCHER, Mr. MATSUNAGA, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. STAFFORD, Mr. RIEGLE, Mr. ANDERSON, Mr. HOLLINGS, and Mr. SCHMITT):

S. 519. A bill to amend the Older Americans Act of 1965 to provide a national meals-on-wheels program for the elderly, and for other purposes; to the Committee on Labor and Public Welfare.

By Mr. TOWER (for himself and Mr. HARRY F. BYRD, JR.):

S. 520. A bill to amend title 10 of the United States Code to authorize cost-of-living adjustments of annuities under the retired serviceman's family protection plan and to provide that remarriage of a spouse at or after age 60 shall not result in termination of annuity; to the Committee on Armed Services.

By Mr. MORGAN:

S. 521. A bill to amend the John F. Kennedy Center Act to authorize funds for the repair of leaks; from the Committee on Public Works; placed on the calendar.

By Mr. THURMOND:

S. 522. A bill for the relief of Samuel Cube Fernando; to the Committee on the Judiciary.

By Mr. MELCHER (for himself and Mr. METCALF):

S. 523. A bill providing that certain privately owned irrigable lands in Milk River Project in Montana shall be deemed to be excess lands; to the Committee on Interior and Insular Affairs.

By Mr. BROOKE:

S. 524. A bill for the relief of Bernard Robert Pages; to the Committee on the Judiciary.

S. 525. A bill for the relief of Elizabeth Cheng; to the Committee on the Judiciary.

By Mr. HUDDLESTON:

S. 526. A bill to authorize a Federal civil defense program, and for other purposes; to the Committee on Armed Services.

By Mr. CULVER (for himself and Mr. NELSON):

S. 527. A bill to amend the Small Business Act by authorizing the Small Business Administration to furnish reinsurance for property liability insurers for small business concerns which would not otherwise be able to obtain product liability insurance on reasonable terms, and for other purposes; to the Select Committee on Small Business.

By Mr. WILLIAMS (for himself and Mr. JAVITS):

S. 528. A bill to require an employer which assumes the ownership or operation of a business to honor the terms and conditions of a collective bargaining contract; to the Committee on Labor and Public Welfare.

By Mr. HUMPHREY (for himself, Mr. ANDERSON, Mr. NELSON, Mr. LEAHY, and Mr. McGOVERN):

S. 529. A bill to provide for quarterly adjustments in the support price of milk, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. HANSEN:

S. 530. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the Senate to regulate terminal and station equipment used for telephone exchange service to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Commerce.

By Mr. MUSKIE (for himself, Mr. LONG and Mr. HATHAWAY):

S. 531. A bill to authorize additional appropriations under title II of the Public Works Employment Act of 1976; to the Committee on Public Works.

By Mr. INOUYE:

S. 532. A bill to amend title XVIII and XIX of the Social Security Act to provide for a greater utilization of the professional services of qualified clinical social workers in the medicare and medicaid programs, to include outpatient services, community mental health centers and neighborhood health centers among the entities which may be qualified providers, and to remove the special limitations which are presently imposed on coverage of psychiatric and mental health services under part A and B of title XVIII and title XIX; to the Committee on Finance.

By Mr. JAVITS:

S. 533. A bill to provide for a program, to be carried out through the Secretary of Labor, of projects and an advisory council to promote economic stability by increasing productivity, improving job security, encouraging retention of jobs in lieu of cyclical layoffs, and promoting the better use of human resources in employment; to the Committee on Labor and Public Welfare.

By Mr. CRANSTON:

S. 534. A bill for the relief of Kwang Suk Han and his wife, Young Mee Han; to the Committee on the Judiciary.

By Mr. HELMS:

S. 535. A bill to amend title IX of the Education Amendments of 1972, and to preserve freedom; to the Committee on Labor and Public Welfare.

By Mr. MATHIAS:

S. 536. A bill for the relief of Reynaldo S. Miranda; to the Committee on the Judiciary.

S. 537. A bill for the relief of Pan Bok Lee; to the Committee on the Judiciary.

S. 538. A bill for the relief of Consuelo Coronado; to the Committee on the Judiciary.

S. 539. A bill for the relief of Yun Ho Lee; to the Committee on the Judiciary.

S. 540. A bill for the relief of Dr. Rolando Reyes Perez and his wife, Aurora Sevilla Alonzo Perez; to the Committee on the Judiciary.

By Mr. ROTH:

S. 541. A bill to reorganize the executive branch of the Government in order to improve the management of the Outer Continental Shelf; to the Committee on Government Operations.

S. 542. A bill to authorize the Federal Power Commission to allocate scarce supplies of natural gas; to the Committee on Commerce.

By Mr. PELL (for himself, Mr. HATHAWAY, Mr. ABOUREZK, Mr. ANDERSON, Mr. BAYH, Mr. BROOKE, Mr. BUMPERS, Mr. CANNON, Mr. CASE, Mr. CHURCH, Mr. DECONCINI, Mr. DURKIN, Mr. FORD, Mr. HUMPHREY, Mr. JOHNSTON, Mr. LEAHY, Mr. MORGAN, Mr. RIEGLE, Mr. STAFFORD, Mr. STONE, Mr. THURMOND, Mr. TOWER, Mr. YOUNG, and Mr. ZORINSKY):

S. 543. A bill to amend title VII of the Social Security Act to provide that benefit checks shall be mailed for delivery on the day preceding a Saturday, Sunday, or legal public holiday, and to amend section 3020 of title 38, United States Code, relating to the time of delivery of benefit checks paid under laws administered by the Veterans' Administration; to the Committee on Finance and the Committee on Veterans' Affairs, jointly, by unanimous consent.

By Mr. BAYH (for himself, Mr. MATSUNAGA, Mr. DURKIN, Mr. FORD, Mr. HUDDLESTON, Mr. LAXALT, Mr. METCALF, Mr. PELL, and Mr. SCHWEIKER):

S. 544. A bill to provide for the exclusion of industrially funded personnel in computing the total number of civilian personnel authorized by law for the Department of Defense in any fiscal year; to the Committee on Post Office and Civil Service and the Committee on Armed Services, jointly, by unanimous consent.

By Mr. MATHIAS:

S. 545. A bill for the relief of Comdr. Edward White Rawlins, U.S. Navy (retired); to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIBICOFF:

S. 514. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for optometric and medical vision care; to the Committee on Finance.

Mr. RIBICOFF. Mr. President, today I am introducing legislation to provide part B medicare payments for basic vision care services which millions of older Americans need but cannot afford.

For our senior citizens vision is crucial. Uncorrected faulty vision contributes to complications affecting every phase of life for the elderly. Vision affects companionship, mental well-being, sense of personal worth, and contact with the world.

Growing old in the United States too often means isolation, poverty, injury, and illness. Access to health care facilities is made more difficult by reduced income, lack of transportation, and the maldistribution of health services. Poor vision makes all these problems worse.

Poor vision can also mean psychological isolation and loneliness. As their eyesight worsens, people become unsure of their own ability to travel even a few blocks. Grandparents become more isolated as they lose the ability to knit or crochet or build things for their grandchildren. Worsening vision makes letters, magazines, and books next to impossible to read. Even the television may become a pleasure of the past.

This is not a small problem affecting only a few. Problems with vision affect 95 percent of those over 65. Also 85 percent of all serious injuries to persons over 65 are caused by falls and more than one-quarter of these falls are the direct result of poor vision.

Periodic optometric and medical visual exams would combat the erosion of vision for millions of older Americans. These examinations would help prevent accidents—thus saving money for the patient and the medicare program. They would help us catch severe visual disorders and ocular diseases. Corrected vision would combat the isolation of our older citizens.

While medicare does provide for payment to and coverage of our senior citizens for those conditions of the eye requiring surgical procedures and related treatment, present law specifically excludes other types of optometric and medical vision services relating to the diagnosis and treatment of conditions of

the visual system. As in any illness, early diagnosis can mean significant savings in treatment cost and in the prevention of human misery.

The legislation I am introducing would provide for regular optometric and medical vision services for the elderly. Included in the services would be examinations to diagnose and treat conditions of the vision system, as well as early detection of diseases such as glaucoma, hypertensive retinopathy, diabetes, and cataracts which can be medically or surgically treated by trained experts in ophthalmology. In many cases, the optometrist is in the first line of defense to spot eye problems. He can diagnose diseases and disorders and make sure that the patient is referred for full ophthalmological treatment.

Everything possible must be done to encourage older Americans to have high quality periodic eye examinations. This bill will make that goal financially possible for millions of senior citizens.

By Mr. PACKWOOD:

S. 515. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Finance.

TAX DISCRIMINATION AGAINST SINGLE PERSONS

Mr. PACKWOOD. Mr. President, today I am introducing legislation to end the unfair tax discrimination against single persons. This bill would permit single persons and unmarried heads of households to use the same tax rates as married persons filing joint returns.

On October 13, 1972, the Senate agreed to an amendment with these same provisions. By a vote of 53–19, the Senate agreed to correct the discrimination against singles which exists in the tax code. Unfortunately, this amendment was dropped in conference with the House of Representatives. I say unfortunately because millions of our taxpayers have continued to suffer—the laws have not been changed. We are still discriminating against taxpayers who are single or unmarried heads of household.

Five years since we approved this provision, the arguments remain basically the same. We are still not granting tax equality to our unmarried citizens.

Although the arguments for tax equality are basically the same as they were in 1972, the reasons for reform are even greater in 1977. In 1972 we were talking about 29 million of our citizens who were classified as "single" taxpayers. Now, in 1977, we are talking about 31 million, an increase of 2 million. In addition, we must add 5 million taxpayers who qualify as heads of household. This group is also discriminated against.

The group of "singles" still includes the widows and widowers, the unmarried men and women, and the divorced of this great Nation. This group, including some least able to pay, is forced to assume a disproportionate share of the tax burden.

Let me cite two examples of the inequitable situation that results under current law.

A single taxpayer having a taxable income of $8,000 pays $1,590 in Federal income taxes. By contrast, a married taxpayer having the same taxable income of $8,000 will pay only $1,380—a difference of $210.

In another instance, a single taxpayer having a taxable income of $14,000 will pay $3,210 in Federal income taxes compared to the $2,760 paid by his married friend living next door. That comes down to a single-person surtax of $450.

There are those among our colleagues who would have us believe that such unfair treatment is justified on the basis of the additional burden of married life. Let us, for the moment, assume that such a consideration is justified—mind you, I am not suggesting that it is—but let me just assume for the sake of the debate that it is. How then can we explain this discrimination to the 5 million taxpayers who file their taxes as heads of household?

These taxpayers must meet all of the responsibilities of a married couple with a family. In fact, I would suggest that a head of household bears a greater burden in the raising of his or her family. This is so for a number of reasons—the most obvious being that with only one adult present, the potential income production of the family unit is half of a married couple with a family, and that additional expenses are incurred in caring for the family while the sole wage earner plies his or her trade.

Mr. President, it occurs to me if our tax laws are to discriminate in favor of any class of taxpayers, we might logically conclude that the favored group would be those taxpayers who bear the burden of raising a family alone. But, suprisingly, these "parents without partners," as they are sometimes referred to, are not given preferential treatment. They are not even given equal treatment as compared with married couples. They, too, are discriminated against most unfairly by our tax laws. Granted, they pay only half the penalty single persons do—with a maximum of 10 percent more in taxes than a married couple with an identical amount of taxable income. Still, this is a most unfair burden to ask these 5 million taxpayers to bear.

Let us look for a moment at the dollars and cents translation of this inequitable treatment of a head of household by our tax law. A head of household with taxable income of $8,000 pays $1,480 in taxes, his married neighbors—whether or not they have assumed the responsibility of raising a family—pay $1,380 for a net surtax of $100 levied against the unmarried family head. When the taxable income doubles to $16,000, a head of household pays $3,540; his married neighbors pay $3,260; a net surtax of $280. This unfair treatment of these unmarried taxpayers must be stopped now.

Currently, several rules permit married persons to pay less tax than a single person with the same income. First, a married couple can use two $750 personal exemptions, and the single person, only one. In the 20 percent tax bracket, this saves the married couple $150.

Second, the married couple has a larger minimum and maximum standard deduction than the single person. The married couple has a minimum standard deduction of $2,100 and a maximum standard deduction of $2,800. The single person automatically gets $400 less—a minimum standard deduction of $1,700, and a maximum of $2,400.

Third, the $5 individual credit can favor marrieds over singles. Taxpayers are permitted to take a tax credit of the larger of 2 percent of taxable income up to $9,000, or $35 per person. Depending on family size and amount of income, a married couple can be entitled to a larger credit than a single person with the same income.

The above rules mean marrieds pay lower taxes than singles. From the viewpoint of the single person, the fact that the tax rates themselves also hit singles harder than marrieds simply adds insult to injury.

The legislation I am introducing will end the discrimination against single persons and unmarried heads of households caused by the unequal tax rates.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD, together with an article, "Do Singles Pay Too Much?" This article first appeared in the Washingtonian magazine, September 1975, and was reprinted in The Single Parent, the journal of Parents Without Partners, December, 1975.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Internal Revenue Code of 1954 (relating to rates of tax on individuals) is amended—

(a) by striking out subsections (b) and (c);

(a) by redesignating subsection (d) as (b); and

(c) by striking out so much of subsection (a) as precedes the table therein and inserting in lieu thereof the following:

"(a) GENERAL RULE.—There is hereby imposed on the taxable income of every individual, other than an individual to whom subsection (b) applies, a tax determined in accordance with the following table:".

SEC. 2. Section 2 of such Code (relating to definitions and special rules) is amended—

(a) by striking out subsections (a) and (b); and

(b) by redesignating subsections (c), (d), and (e) as subsections (a), (b), and (c), respectively.

SEC. 3. Sections 511(b)(1) and 641 of such Code are each amended by striking out "section 1(d)" and inserting in lieu thereof "section 1(b)".

SEC. 4. The amendments made by this Act shall apply to taxable years beginning after December 31, 1977.

SEC. 5. The Secretary of the Treasury or his delegate shall prescribe and publish tables reflecting the amendments made by this Act which shall apply, in lieu of the tables set forth in section 3402(a) of the Internal Revenue Code of 1954 (relating to percentage methods of withholding), with respect to wages paid on or after January 1, 1978.

[From the Washingtonian, September 1975]

MONEY: DO SINGLES PAY TOO MUCH?

(By Herb Stats)

An estimated 400,000 Washingtonians are being penalized $50 million or more in income taxes every year. The victims are unmarried taxpayers who pay as much as 20 percent more than their joint-filing married

neighbors earning the same taxable income. A single person is likely to pay $270 more on $10,000 income than a couple filing the standard joint return, and $850 more on $20,000 income.

The effort to change the situation is led by a group of Washingtonians calling themselves CO$T, the Committee of Single Taxpayers. CO$T is a graphic illustration of a kind of nationwide service that Washington residents perform for the rest of the nation. The problem of unequal tax for the unmarried is a national issue; it involves as many as 43 million single taxpayers. One Treasury estimate suggests that the excess charges against singles may run as high as $16 billion. Recognizing this, CO$T began establishing state liaison networks shortly after its founding four years ago. Now it has 31 state organizations and a membership of about 10,000, all kept alive and serviced from Washington by unpaid enthusiasts.

The president of CO$T is Robert Keith Gray, a senior White House official under President Eisenhower and now Washington managing vice-president of Hill and Knowlton, a public relations firm. A bachelor himself and disturbed by the tax discrimination against single people, Gray enlisted former U.S. Senators George Murphy and Eugene McCarthy as co-chairmen to help him launch the committee. The trio signed on Patty Cavin, an experienced newspaperwoman, radio personality, and corporate public relations officer, as CO$T's unpaid executive director. The organization has just one paid employee, an energetic professional secretary, Mae Rapport, who manages the office and, having caught the volunteer fever herself, works many extra hours as a speaker and troubleshooter all over the area. Ms. Cavin has donated the first floor of her townhouse at 1628 21st Street, N.W., to serve as headquarters. It buzzes with activity.

Bob Gray and Patty Cavin, strikingly different in personality, are both seasoned professionals in the public relations field. Gray leaves no doubt about his sense of the unfairness of having to pay as much as 20 percent more income tax just because he isn't married. "It is truly a matter of principle," he says. "There is no Constitutional right of the government to tax marital status." The concern of the committee, Gray explains, is to obtain equal treatment for all taxpayers regardless of marriage or any other comparable personal condition. It is *sameness* that his group wants. He concedes that it would be as reasonable to raise the married tax table up to the non-married level as it would be to cut the non-married scale down to the present marriage rates. He points out that there are only six other nations in the world that discriminate against the single taxpayer. All except one, the Netherlands, are dictatorships. Gray is proud of the growing team of CO$T's Washington volunteers and is optimistic about the chances of tax reforms in the current Congressional session.

Patty Cavin's discussion of the CO$T program approaches an almost manic ebullience but turns out to be based on homework and understanding of the process. Patty is a widow with two sons and so has been personally affected by tax inconsistencies between head-of-family status and married couples. "The cashier at the checkout counter in the supermarket doesn't ask you if you're married or single and then add 20 percent to your bill if you're single. Why should the federal government do it?" Patty asks.

Cavin has the legislative history of taxes on singles engraved in her mind. She regales you with stories of the late Vivien Kellems, activist anti-income tax campaigner who challenged the government for so many years. She reviews Wilbur Mills' attestations of interest in justice for the single, the seemingly successful committee hearings, and speculates as to why corrective legislation slipped through the cracks.

There is a glint in Patty Cavin's eye that says this program goes on until the job is finished. She believes that this is the year and that House Ways and Means Committee Chairman Al Ullman means what he says about being interested in equity for unmarried and married earners.

Because some reform is so close at hand, Patty says, it is more important than ever that people support CO$T for what may well be its final push. The effort is focused now on House Resolution 850, reintroduced this year by bachelor Congressman Edward I. Koch of New York after similar bills died in both the 92nd and 93rd Congresses.

There is conspicuous support for HR 850 and similar bills in both the Senate and the House. Maryland Congressmen Clarence Long, Paul Sarbanes, Marjorie Holt, Parren Mitchell, and Gilbert Gude all have indicated backing for one or another proposal directed at the problem. Maryland Senator Charles McC. Mathias has introduced a bill to alleviate penalties that now fall on marriages where both parties have sizable earnings. In the Virginia delegation Congressman Thomas N. Downing and G. Wm. Whitehurst appear as co-sponsors of HR 850. A recent count by the CO$T office found 40 Senators and 150 House members supporting some form of equalization of taxes for all persons regardless of marital status. So the CO$T lobbyists are optimistic.

The enthusiasm of Gray, Cavin, and Rapport plus a score of other volunteers is so contagious that I was not satisfied with less than independent checks of their claims, tables, and arguments. They provided us excellent statistical data made available by such people as Gordon Greene of the Census Bureau, Jack Blacksin of Internal Revenue, and the Metropolitan Council of Government's Faith Vander Clute. We were also given access to recent area figures from the Washington Center for Metropolitan Studies. Our conclusion: CO$T is on track; their approach is valid; they deserve community—and national—support.

Now, since the discussion here is on personal income tax, consider another aspect of this important subject:

As you read this article the tax year of 1975 is two-thirds over. You have four months left to get your papers in order, select a tax adviser or preparer, and carry out any tax-saving advice you may receive. You can profit by reviewing the Money column in the February Washingtonian. Remember that many tax problems are the result of procrastination.

If you follow this advice and start getting your tax records in order, you probably will feel frustrated about once again handing over a large slice of your income to the government. If you're an unmarried taxpayer, one way to vent your frustration is to support the CO$T committee. Call them at 387-2678 or write them at 1628 21st Street, N.W., Washington, D.C. 20009. Patty or Mae will take your contribution and put you to work.

By Mr. McGOVERN:

S. 516. A bill to amend the State and Local Fiscal Assistance Act of 1972 to provide for a single, annual lump sum payment of the revenue sharing entitlement amount where such amount does not exceed $4,000; to the Committee on Finance.

TAX ASSISTANCE

Mr. McGOVERN. Mr. President, last year, during consideration of a bill to renew the general revenue sharing program, the Senate adopted an amendment I offered which would have altered revenue sharing disbursement procedures to permit communities eligible for $4,000 or less per year to receive a lump-sum payment in the first quarter of the fiscal year. Unfortunately, the amendment did not survive conference with the House and so I am today introducing it in the form of a blil.

Under existing disbursement procedures, all jurisdictions entitled to revenue sharing funds receive quarterly checks. This practice may make sense from the point of view of Federal Government cash flow where large payments to State and major cities are concerned, but for the more than 15,000 jurisdictions entitled to $4,000 or less, the results can be ludicrous. In my own State of South Dakota, for example, dozens of jurisdictions receive quarterly payments below $100. Nationally, approximately 38 percent of all jurisdictions would qualify for lump-sum payment were the $4,000 provision in effect.

In spite of the fact that a very large number of communities in all parts of the Nation would be affected by this change in procedure, the amount of money involved is comparatively modest—$24.9 million of a $6 billion program. Presumably, the Federal Government would incur some interest costs by moving these expenditures up to the first quarter, but on the other hand, there would be considerable savings in paperwork. In addition, Federal assumption of this relatively minor interest burden might save at least some interest expenses at the local end.

Mr. President, critics of this proposal have argued that a change in procedures to benefit small communities would set a precedent for extending early payment privileges to larger jurisdictions. That could, of course, turn out to be the case, but I think it more likely that the precedent will be taken as it is intended—as a recognition that small communities will be able to make better use of the limited resources they receive under this program if they are able to have all the money at one time to use for some project of interest to them. I believe that it is quite clear that the small jurisdictions constitute a special case.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102(a) of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following sentence: "If the entitlement of a unit of local government for an entitlement period is not more than $4,000, the Secretary shall make a single payment for the entire entitlement period of the full amount of the entitlement for that period (reduced by any reservation made under subsection (c)) not later than 5 days after the close of the first quarter of that entitlement period.".

SEC. 2. The amendment made by the first section of this Act applies to payments for entitlement periods beginning after the date of enactment of this Act.

By Mr. NELSON (for himself, Mr. JAVITS, Mr. CLARK, Mr. BAYH, and Mr. PERCY):

S. 517. A bill to authorize employees and agencies of the Government of the United States to experiment with flexible and compressed work schedules; jointly, by unanimous consent, to the Committee on Labor and Public Welfare and the Committee on Post Office and Civil Service.

S. 518. A bill to provide increased employment opportunity by executive agencies of the U.S. Government for persons unable to work standard working hours, and for other purposes; to the Committee on Post Office and Civil Service.

THE FEDERAL EMPLOYEES FLEXIBLE AND COMPRESSED WORK SCHEDULES ACT AND THE PART-TIME CAREER OPPORTUNITY ACT

Mr. NELSON. Mr. President, I send to the desk two bills for appropriate reference and I ask unanimous consent that the Federal Employees Flexible and Compressed Work Schedules Act, a bill to authorize the employees of agencies of the Government of the United States to experiment with flexible and compressed work schedules, be jointly referred to the Committee on Post Office and Civil Service and to the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. NELSON. Mr. President, today I am introducing two bills on behalf of myself and the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. CLARK), the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. PERCY) which will provide for a 3-year experimental study of flexible and compressed work schedules in executive agencies of the Government and which will establish part-time work opportunities in every executive agency of the Government.

Congresswoman BURKE introduced the Part-Time Career Opportunity Act in the House of Representatives on January 11, 1977, and Congressman SOLARZ is introducing similar flexible and compressed work schedule legislation in the House.

Each of these bills has been considered in previous Congresses, but neither one of them has been enacted into law. This is particularly unfortunate in light of the fact that the Federal work force with some 2.8 million employees potentially could be one of the most fertile testing grounds for experimenting with programs that improve the quality of working life. The Federal Government is the Nation's largest employer, but certainly not the most innovative one. With the enactment of the legislation we are introducing today, the Federal Government would be authorized to take the first steps toward being a model employer, one which other public and private employers could look to for leadership.

It is encouraging to note that President Carter committed himself to acting on this kind of legislation during his Presidential campaign. On October 2, 1976, then Democratic Presidential candidate Carter spoke before the National Women's Agenda Conference and said:

Flexible hours and part-time work are important to the parents of school age children who need additional income but just can't be gone from home eight or nine hours a day. They are also crucial to help retired people and some disabled people who are not physically able to work full time.

Therefore, I will encourage—actively and aggressively—the adoption in the Federal government and in the private business sector, of flexible working hours for men and women, and I will take action to increase the availability of part-time jobs, with proper provision for fringe benefits and for job security.

LEGISLATIVE HISTORY

The Flexible and Compressed Work Schedule Act was introduced in the 94th Congress as H.R. 9043 and S. 3360. H.R. 9043 was favorably reported out of the House Post Office and Civil Service Committee on April 12, 1976 (Rept. No. 94–1033). And that bill, as amended on the House floor, was approved by the full House on May 6, 1976. The Senate Post Office and Civil Service Committee, however, did not hold hearings on S. 3360. Thus the experimental study of flexible and compressed work schedules was not enacted into public law.

The part-time career opportunities legislation was introduced in the 93d and 94th Congresses. Senator John Tunney and Congresswoman YVONNE BURKE introduced this legislation in the 95th Congress as S. 792 and H.R. 2305. The Senate Post Office and Civil Service Committee held hearings on S. 792 and reported out a bill on June 19, 1975 (Rept. No. 94–211). The Senate adopted the bill as reported out of the Senate Post Office and Civil Service Committee without a dissenting vote on June 23, 1975. While the House Post Office and Civil Service Committee held 3 days of hearings on part-time work legislation in the 94th Congress, a bill did not get reported out of committee and was not considered by the full House. This legislation, like the flexible and compressed work hours bill, was not enacted into public law.

OVERSIGHT HEARINGS

Last April, the Senate Labor and Public Welfare's Subcommittee on Employment, Poverty, and Migratory Labor held 2 days of oversight hearings on "Changing Patterns of Work in America." As part of an effort to review programs designed to improve worklife in America, the hearings focused on issues such as job sharing, flexible working hours, part-time work, and alternative working arrangements.

During the course of these hearings, the subcommittee examined ways to creatively utilize members of the labor force whose schedules do not permit them to work a traditional 40-hour workweek or whose personal or familial responsibilities make adherence to a fixed schedule very difficult, especially women with family responsibilities and older workers who no longer want a full-time job but who cannot afford to drop out of the work force altogether. The subcommittee considered several different kinds of programs including the use of flexible work hours—variable starting and quitting times—as well as part-time opportunities. Three private corporations reported about their efforts in these areas, and the U.S. Civil Service Commission testified about ongoing governmental experiments with flexible working hours and part-time work in Federal executive agencies.

Testimony presented to the subcommittee revealed that the use of flexible and compressed work hours programs is well underway. These programs are being tested and used in many Western European and Scandinavian countries right now. In this country, the General Accounting Office has reported that 3,000 organizations employing over 1 million workers have implemented a 4-day, 40-hour work week. Statistics from the Civil Service Commission show that in the Federal Government 76,000 employees from about 50 different organizations are engaged in limited flexible work hours programs. And various efforts to establish alternative schedules in the private sector also have begun.

Representatives from the Nestle Co., Control Data, and Northwestern Mutual Insurance Co. testified at these hearings about their flexible and part-time work hours programs. Each of these companies expressed satisfaction with their programs, and in the words of one of the witnesses, "everybody gained, nobody loses" with the implementation of a flexible work hours program and other similar programs that give workers more control over their jobs.

As measured by absenteeism, job satisfaction and staff turnover, each of the companies reported favorable results with their programs. And each of the companies was very optimistic about the application of alternative work schedules and part-time work opportunities to the public sector.

FLEXIBLE AND COMPRESSED WORK SCHEDULE ACT

Under current Federal statutes, the use of flexible and compressed work hours employment in the Federal sector is limited because together the Fair Labor Standards Act and title 5 of the United States Code require overtime pay for work in excess of 8 hours a day and 40 hours a week. The Flexible and Compressed Work Schedule Act, in part, will modify certain provisions of these laws that prohibit experimentation of flexible and compressed hours programs in governmental agencies. This will allow the Federal Government to study, under carefully controlled conditions, alternatives to traditional work schedules. The General Accounting Office, the Civil Service Commission, and numerous individuals, private organizations and Government agencies all have recommended changing these provisions of the law.

With the establishment of an experimental program, it will be possible to evaluate the effects of flexible and compressed work schedules on energy usage, commuter traffic, utilization of mass transit facilities, service to the public, and efficiency of Government operations.

The initiation of such an experimental program also would give individuals with special problems such as physical handicaps, child care, or other family respon-

sibilities an opportunity for gainful employment in executive agencies. Right now, many of these individuals cannot conform to traditional work schedules and therefore are excluded from the Federal work force.

Mr. President, a rather succinct explanation of alternative work schedules was printed in the House report filed with H.R. 9043 last April 12. So that Members and the public understand what kinds of experiments would be possible under this legislation, I ask unanimous consent that this explanation be printed in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF ALTERNATIVE WORK SCHEDULES

The flexible work schedule

The basic concept of flexible work schedules is a simple one. Fixed times of arrival and departure are replaced by a working day which is composed of two different types of time: core time and flexible time. Core time is the designated number of hours during which all employees must be present. Flexible time is all the time designated as part of the schedule of work hours within which employees may choose their time of arrival and departure from the office within limits consistent with the duties and requirements of their positions.

The two basic elements of flexible work schedules are that (1) the employee must be present during core time and (2) the employee must account for the total number of required hours within a specified time period. Beyond this, the precise working hours are established consistent with the accomplishment of the organization's operational responsibilities and providing for some degree of employee choices consistent with these responsibilities. There can be many variations of flexible work schedules. Currently, however, the configurations which may be introduced in the Federal Government are extremely limited because of statutory constraints.

While only the best basic versions of flexible work schedules can presently be introduced, these offer flexibility and advantages not available under fixed-hour schedules. Following are examples of the flexible hour schedules currently being tested within the Federal Government. For the sake of illustration, the following hours of operation will be presumed: Office open from 6:00 a.m. to 6:00 p.m. and a core time established each day from 10:00 a.m. to 2:00 p.m.

(a) *The scheduled floating day.*—The employee pre-selects his or her arrival time within the flexible time band, in this case 6:00 a.m. to 10:00 a.m. Once selected, this becomes the employee's fixed schedule until the next selection period.

(b) *The flexible floating day.*—Just as in the previous instance, the employee selects an arrival and departure time within the flexible time band; however, he or she is free to vary this time between the hours of 6:00 a.m. and 10:00 a.m. to the extent this is consistent with and supportive of the mission of the organization, so long as the employee is present during the core time and completes an eight-hour day.

No additional flexibility is permissible under current law. Even the concept of the Flexible Floating Day has been implemented through regulations and laws which never envisioned this type arrangement and are not particularly well suited to its implementation.

The following are examples of the major types of variations which could be tested. For purposes of these examples the same hours of operation as were used earlier will be presumed.

(a) *The flexible or variable day.*—A core time may be established on each day on which the organization will be open for business, or it may be established only on certain of these days, depending upon the degree of flexibility which is desired. The employee is permitted to vary the length of each day within prescribed limits within the hours of operation, so long as he or she is present during the core time and completes the basic 40 hours within the work week (nine hours one day and seven hours the next) in order to more effectively perform the job and to permit accommodation to a particular requirement in his or her personal life.

(b) *The flexible or variable biweekly pay period.*—This is perhaps the most flexible of the work schedules and may be particularly well suited to research and development activities and jobs requiring little interaction with others or where interaction is largely self-initiated by the employee. In this configuration, the employee has the option to vary within prescribed limits, not only the length of each day, outside of the prescribed core time, but also the length of each workweek. This is accomplished by building up an account of "credit hours," within a biweekly pay period which may be applied against the required number of hours in succeeding weeks. For example, an employee might choose to work 50 hours in one week in order to work 30 hours the following week.

In each of these illustrations it is assumed that the establishment of the operational hours and the core times are consistent with organizational requirements and mission objectives.

The compressed work schedule

The compressed work schedule is distinctly different in concept from a flexible work schedule, but each represents an alternative to the traditional, scheduled five-day workweek.

The most popular form of the compressed work schedule is the four-day, ten-hours per day model. However, a compressed work schedule can be any schedule which is established over less than five full days each week. It may be three, four or four and one-half days. Among the newer configurations of compressed work schedules is the "5–4/9 plan." In this arrangement, the employee works approximately nine hours per day for five days the first week and nine hours per day for four days the second week. Under this model, the employee receives 26 additional days off each year and each work day is extended by only one hour. By alternating the work force as to days off under any compressed work schedule, service can be maintained five days a week if that is considered desirable. The compressed work schedule has the practical effect of extending the length of each work day to some level beyond eight hours, while reducing the total number of days or portions of days during which work is performed by an individual employee.

Mr. NELSON. Mr. President, there are two key features of the Flexible and Compressed Work Schedule Act which should be specifically mentioned. First of all, this legislation allows Federal agencies to determine voluntarily whether or not they will participate in the experimental program. This provision recognizes the fact that if the Civil Service Commission is to effectively administer and implement the flexible and compressed work hours experiment, it cannot do so by forcing unwilling or reluctant agencies to participate in the program. It certainly is our hope that every Federal agency will want to establish a flexible hours program, and this legislation provides a mechanism whereby every agency must at least consider installing such a program. But participation in a flexible or compressed work hours program is not mandatory.

Second, this bill gives the Civil Service Commission direct responsibility for the development, installation, and evaluation of the 3-year test program.

As this legislation is written, the Civil Service Commission would be required to develop, within 6 months after enactment of the legislation, a comprehensive plan to provide for the establishment of flexible and compressed work schedule experiments within executive agencies. While developing the comprehensive plan, the Civil Service Commission would be required to consult with the Federal Energy Administration, the Environmental Protection Agency, the Department of Transportation, the General Services Administration, the Department of Labor, and the Department of Commerce.

In developing the comprehensive plan, the Civil Service Commission would have to include a sufficient number of program experiments to provide a representative sample of organizations of different activity, size, and geographic location and to permit adequate testing of the impact of these schedules on such factors as Government operation, service to the public, mass transit facilities, energy consumption, and increased full-time, part-time, and job-sharing opportunities. And, the Commission would be required to take into account the present and past efforts in the private and public sectors to rearrange work schedules. This provision would provide a procedural safeguard to help prevent repetitious and unproductive efforts from occurring.

In order to insure the successful implementation of an experimental alternative work hours program, the Civil Service Commission is required by this legislation to monitor and modify the comprehensive plan on a continuing basis.

After the comprehensive plan is completed and approved by the Civil Service Commission, every executive agency head and chief personnel officer would receive a copy of the plan to help them determine whether or not that agency should participate in the experimental program. Every agency would be required to reply back to the Civil Service Commission within 45 days after the receipt of the plan insuring that every agency would at least consider the possibility and potential of a flexible or compressed work hours program.

Both of these provisions—making the flexible hours program in executive agencies voluntary and giving the Civil Service Commission authority to develop, install, and evaluate such an experimental program—will help insure that the Flexible and Compressed Work Schedule Act can be successfully implemented.

It also should be noted that this legislation permits Federal employees flexibility in the scheduling of their work

hours only to the extent consistent with the fulfillment of the duties and requirements of their positions. It insures that an employee receives premium pay for any work which constitutes overtime under the flexible or compressed schedule and it prohibits Federal employees from being coerced into participating in a flexible or compressed schedule experiment. The bill also includes a provision that makes these alternative work schedules the province of collective bargaining where employees are organized into an exclusively recognized labor unit.

PART-TIME WORK OPPORTUNITIES ACT

Mr. President, the second bill which Senators JAVITS, CLARK, BAYH, PERCY, and I are introducing today will open up part-time work opportunities in Federal executive agencies to those who cannot work a traditional 40-hour week.

The need for this legislation has been well documented. The General Accounting Office, for example, issued a report last January on Part-Time Employment in Federal Agencies that concluded:

Effective, efficient, and economical agency implementation of programs authorized by the President and the Congress requires hiring and using the most appropriate types of manpower. The full-time permanent work force provides the management expertise and continuity of effort needed for carrying on the agency's pincipal programs and functions. However, when workloads temporarily increase, emergencies occur, or activities are undertaken not requiring the services of full-time permanent employees, part-time workers may be the most cost-effective source of needed manpower.

Part-time employment in Federal executive agencies is an idea whose time has come. In 1963, the President's Commission on the Status of Women recommended that the Federal Government lead the way by establishing a permanent structure for part-time job opportunities in Federal agencies. The Civil Service Commission spoke of the same need in its booklet, "A Point of View." The Department of Labor also endorsed this concept in the publication, "Calling All Women."

By opening up part-time jobs in the Civil Service, there will be a significant increase in the number of employment opportunities available to persons who cannot work a 40-hour week. Mothers with family responsibilities, older workers who are highly experienced and expensively trained but who now only have the choice of early retirement or full-time work, students, handicapped individuals and others who just do not want to work full-time all could benefit from increased part-time working opportunities. Many other examples could be cited as well.

The advantages of using part-timers in the Federal sector are impressive. When the General Accounting Office conducted their January 1975 study of part-time work in Federal agencies, they interviewed a number of officials from various agencies. Some of the advantages of using part-timers mentioned by these officials included: Greater flexibility in meeting work requirements, having quality personnel who otherwise might not be available, lower personnel costs, increased interest in later permanent employment, and positive job attitudes.

But the advantages are not all quantitative. Indeed the greatest benefits may well be the enhanced quality of life for countless numbers of citizens. And the health and happiness of the American people is or should be the primary concern of our Government.

As introduced, this legislation will require, except where an agency can show that converting positions to part time would impair its efficiency or adversely affect current full-time employees, that for each of the next 5 years 2 percent of full-time positions be restructured to make part-time work opportunities available for those who wish to work this kind of schedule.

The Part-time Career Opportunities Act will not threaten the jobs of full-time Federal employees. The bill provides several explicit prohibitions against the creation of part-time job opportunities at the expense of full-time Federal employees.

Section 2 specifically prohibits the creation of part-time jobs where it would be necessary to force full-time employees into a position of choosing either to work part time or not at all. This particular section also provides for a gradual phase-in of part-time jobs at the rate of 2 percent a year for 5 years, and any part-time employment now extant in the Civil Service will count toward the percentage targets. And finally, section 2 provides for a mechanism by which an agency can request and obtain a waiver from the percentage target when, for reasons of a major reduction in force, a hiring freeze or other major personnel action, it is not possible to attain the target percentage without adversely affecting full-timers.

Some people questioned the necessity of establishing annual targets for opening up part-time positions. While the authors of this legislation are open to suggested changes with respect to this provision, it is important to note that the target percentages are not rigid quotas. An agency can employ more people than the percentage target in part-time positions or less if it obtains a waiver from the Civil Service Commission. These targets will set a standard against which the Civil Service Commission, the President and the Congress can evaluate progress toward the promotion of part-time working opportunities. And as is commonly acknowledged, the establishment of numerical goals and timetables can significantly enhance efforts to actually reach those goals.

Mr. President, part-time work opportunities in the Federal Government are now small in number and are limited mostly to low positions. Yet the demand for such jobs has been increasing at enormous rates due in part to characteristics of the new entrants into the labor force. This legislation, if enacted, would make available part-time working opportunities, not just at the menial levels where they are now concentrated, but in responsible positions up and down the career ladder.

The Senate passed legislation to accomplish these goals during the last Congress. Hopefully, this legislation again can be approved swiftly by the Senate.

Mr. President, I ask unanimous consent at this point to have printed in the RECORD a number of documents which will further elucidate the two bills we are introducing today. Included are several newspaper and magazine articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Jan. 6, 1977]

WELCOME FLEXITIME

What jobholder hasn't sometimes wanted to trade off overtime one day for a guilt-free long lunch the next? Or an early start in the morning for an hour or two of shopping in the afternoon?

Flexitime, they call it, and, with President-elect Carter's endorsement, it's about to get a tryout in the federal government.

More than a million American workers are already putting in their hours on the job according to schedules strikingly different from the old nine-to-five routines. Upwards of 25,000 of these people are government workers in and around Washington. And, as of next month, there will be many more as the Department of Agriculture joins Defense, the Library of Congress, the Geological Survey, Treasury, the Civil Service Commission and the Environmental Protection Agency in experiments with long days and short weeks and other variations on the old rules controlling time in the office.

Both industry and government have already demonstrated that there are any number of ways to do it. Work hours can be geared to the needs of individual members of the labor force, or planned for sizable units. The pattern can combine 10-hour days with three-day weekends. A day can begin at 7 a.m. and end at 3. Or allow time off in the middle for doctor's appointments, school visits and the other personal business so hard to fit into working people's agendas.

In some cases, employers and personnel managers have found that an honor system is all that's needed to keep a flexitime arrangement going. In others, the old time clock, or a new computer surveillant, may be necessary. One way or another, though, it's doable.

The advantages of flexitime—for both the individual worker and the community—are obvious. Its potential for taming rush hour traffic alone would make it worthwhile. Its usefulness to working mothers alone would make it worthwhile.

Working mothers, of course, are not the only people who need adaptable schedules. Students, moonlighters—more and more people are combining jobs and other activities in unconventional ways. More and more people would like to be permanent part-time workers. For people in any and all these categories, flexitime can be the great facilitator.

It represents a real departure from the old idea of the office or shop or factory as a machine with the workers so many standardized nuts and bolts and flywheels. "Scientific" managers now find they get better results by easing up on the time-and-motion studies and paying more attention to the human side of personnel.

What's wrong with flexitime, then? It's not without operating problems. It takes more coordinating than the nine-to-five pattern.

But its practical shortcomings are not the factors that have slowed acceptance. Even though the federal unions are for flexitime, the taboos against long hours without overtime pay die hard. The AFL–CIO has thus far been able to block congressional action to authorize widespread use of it.

With the new administration behind it, though, legislation introduced last year should have a better chance of going through. A good start for those bureaucratic improvements Jimmy Carter promised.

[From the Los Angeles Times, Apr. 14, 1976]

IN SEARCH OF A REWARDING WORKING DAY

(By Marlene Cimons)

WASHINGTON.—Sidney Harmon, chairman of the board and chief executive officer of Harmon International Industries, calls it "work humanization."

It is, quite simply, a program to improve the quality of working life, a series of measures initiated by Harmon and his colleagues in their Los Angeles and Bolivar, Tenn., plants to give employes a sense of dignity and self-worth within their jobs and let them know that people at the higher levels of the corporate structure are willing to listen to them. It is an approach he intends to expand eventually throughout the Harmon operation.

Some might consider it an unrealistic, impractical goal for a company with 4,000 employes in 13 manufacturing plants in the United States, England, Scotland and Germany. But Harmon, pleased with the success of the first two experiments does not think so.

"I have found that a work improvement program has a dramatic effect on people," Harmon said. "They change as individuals and their transactions with others develop a totally new quality—one of confidence, trust and willingness to explore. The process seems to dilute and, at best, to dispel fundamental anxieties, prejudices and cynicism."

TESTIFIED AT HEARINGS

Harmon was one of about a dozen witnesses who testified last week on the subject of "Changing Patterns of Work in America" during hearings held by Sen. Gaylord Nelson (D-Wis.), chairman of the subcommittee on employment, poverty and migratory labor of the Senate committee on labor and public welfare. Scott Ginsburg, a staff member of the subcommittee, said they were the first of a planned series of hearings exploring changes that have taken place in both the public and private sector, programs such as those described by Harmon, as well as other experiments using flexible hours, job sharing and part-time job schedules.

"We want to review all the programs designed to improve the quality of work life," Ginsburg said. "We do not have any legislation in mind right now, but we are looking at these programs with the idea of developing legislation that would encourage this kind of thing from both the federal government and private industry."

TAILORED TO EMPLOYE NEEDS

The largest division of Harmon Industries is the James B. Lansing Sound Co. in Los Angeles, which manufactures high fidelity equipment, approximately 75% of the corporation's total business. "We began our program there about three years ago," Harmon said.

Each "work humanization" program is tailored to the specific needs and characteristics of the employes and the surrounding community, he said. "For example, Los Angeles is an area with a substantial population of Mexican-Americans, people for whom the English language is sometimes a difficulty," he said. "In our Los Angeles plants, every booklet and every document is printed twice—in both English and Spanish."

The JBL company's six plants, employing about 1,200 persons, are spread throughout the Glendale area. "One of the immediate problems with this kind of growth and separation is an understandable feeling of alienation," he said. "The operation is so fractionalized that employes would normally have no opportunity to connect themselves to the end product of their work. They make one part and then watch it get shipped away on a truck."

Harmon Industries is attempting to solve the problem several ways. One—which has also worked successfully in the Bolivar, Tenn., project—has been a system of work rotation, so that employes do not work on the same part day after day.

"Also, we run regular visitations between plants so that people can see what happens to the product they worked on," Harmon said. "We also hold outdoor luncheons for employes were characters like me appear to tell them what's going on in the rest of the company." Long before there was an established program, Harmon said, the company was involved in "work humanization." For example, he said, "we would open up the plant on Sunday and invite the families to come in and let them see what the old man, or sister, or brother was doing. This sharing, this understanding, we found, was of great consequence at home. To see the worker's sense of pride, of craftsmanship, had a powerful impact on the family. We did that as early as four or five years ago and we weren't calling it work humanization then—or anything else."

TENNESSEE PROGRAM

The more advanced "work humanization" program of Harmon Industries was established several years before the Los Angeles experiment in the company's automotive division in Bolivar, Tenn., where automobile mirrors are made. "We chose to make our major effort in Bolivar because working conditions were by far the worst in any of our facilities, because Bolivar was a small, rural southern town in which many of the people employed by us had never worked in industry before and because the plant was organized by a major national union in a 'right-to-work' state," he said.

Union and management formed an ad hoc committee to plan the program and deal with the workers' major complaints. Among the innovations was a work rotation plan, a company newspaper printed and distributed by employes and an in-company school so that workers could use "idle time"—when their work was finished ahead of schedule—to study such subjects as sewing, typing, music, Bible studies, painting and accounting. There is even a class on how the business actually functions.

Several months after the program began, Harmon attended a meeting of members of the night shift of the plant's polish and buff department.

"One man told me that he now regards himself as a craftsman and that he will not permit a product to pass him that is not right," Harmon said. "A white man said of a black man, 'I worked next to this fellow for six months and didn't even know his name. Today we are partners.' "

MINING FIRM EXPERIMENTS

Harmon is not the only industry figure to establish such a project. Warren Hinks, president of Rushton Mining of Johnstown, Pa., is another person well known, along with Harmon, for encouraging changes in the work place.

"In 1973, we were approached with the proposition that we might undertake a quality-of-work experiment," Hinks told the subcommittee. "The experiment involved granting miners autonomy over their working lives. The crew assumes complete responsibility for productivity and supervision. There is a foreman, but he has been relieved of his responsibility to impose his will to get work done. He is, instead, a trainer and adviser. We've given him a larger planning role in taking over the duties formerly held by his superiors. The total spirit of our plan is friendly persuasion."

All workers in the mine attend classes in mining systems and safety. "They've all learned the requirements imposed by federal and state laws," Hinks said. "They are trained in knowing what to do to make the mine a safe and productive place.

"The older attitudes used to be that workers were recalcitrant, unintelligent and really not willing participants in work other than to earn money," Hinks said. "Well, if we take those attitudes and reflect them, that's what we're going to get. The worker will reflect what the management feels about him. If we show he have confidence and trust in him and believe he can make a competent contribution to the work system, that's what we will get."

Both Harmon and Hinks said that although their companies have experienced increased growth and profits since the changes were implemented, the programs were not created with this in mind.

"One must begin with the conviction that there are deeper satisfactions, greater rewards than simply making a buck out of the running of a business if a work-improvement program is to succeed," Harmon said.

A second phase of the hearings examined the use of flexible work hours, such as variable starting and quitting times, as well as "job-sharing," an attempt to create more part-time job opportunities. These are ideas already popular in Europe and beginning to catch on within the federal government and in private industry.

(Legislation, incidentally, sponsored by Sen. John V. Tunney (D-Calif.) and Rep. Yvonne Brathwaite Burke (D-Los Angeles), to create thousands of part-time job opportunities in the federal civil service, has been approved by the Senate and is awaiting action by the House.)

Representatives from the Nestle Co. of White Plains, N.Y., Northwestern Mutual Life Insurance Co. of Milwaukee and the Control Data Corp. of Minneapolis all spoke of their experiences with what has become known as "flexitime."

"We've had flexible hours as a way of life for two and one-half years and they are great," said Milford E. Jacobson, vice president of personnel for Northwestern Mutual Life Insurance Co. "Almost none of the administrative or operational problems we anticipated have developed."

There were a few, he said, but they were considered minor.

"For example, we had inadequate phone coverage after 3:30 p.m. (because many people began work earlier and left earlier), some apprehension over lack of supervision during certain work hours, some interdepartmental services slowed down and scheduling meetings was difficult," he said. "I think it requires a little rearrangement of attitudes. For example, someone will answer the phone after 3:30 p.m. in the work area, but it may not be the familiar voice we are used to hearing. Or perhaps we can schedule meetings earlier in the day. We need to be willing to alter some of the inflexible habits that we've gotten comfortable with."

BIG ADVANTAGES

On the other hand he said, the advantages have been tremendous.

"Jackie no longer sits at her desk reading a paperback from 7 a.m. to 8 a.m. because her husband drops her off on his way to work, (Jackie now starts her day at 7 a.m. and leaves one hour earlier," he said.

"It's helped make recruitment of new employes easier and our employes get a lift by talking about it to their friends," he said. "It's leveled out that 8 a.m. and 4 p.m. congestion around our building and spreads out the traffic flow on city expressways and downtown streets. Incoming mail is opened earlier, read, distributed and acted upon earlier in the day. It provides an extra hour of telephone service to both east and west coasts. It's a boost to our affirmative action efforts—a boon to the working mother."

He smiled. "And it's given a good boost to involvement in our company physical fitness program," he said. "People can work out their schedules easier and now have a few valid excuses for avoiding exercise."

Wisconsin State Representative Midge Miller, who also testified, put it another way.

"Let us suppose that our group were to suggest a method for decreasing early deaths from heart attacks and other tension-related illnesses in middle-aged men," she said. "Suppose this plan would also make education more relevant and help young people continue their education without an accumulation of debt. Suppose it would give young children more time with both parents, help women find more satisfaction in their lives and enable them to support themselves when necessary. Suppose this plan would help elderly and disabled persons enjoy life more, make further contributions to society and provide themselves a better standard of living without damaging their health. There is no doubt that liberals and conservatives alike would respond."

She paused. "Well, we can develop such a plan if we can find the means for breaking certain rigid work patterns developed during the industrial revolution," she said. "We have learned how to produce. It is now time for a fresh look at the needs of employee, employers and society to find ways of humanizing our work options."

[From Supervisory Management, October 1974]

QUESTIONS AND ANSWERS ON FLEXTIME

(By Janice Neipert Hedges, Labor Economist, Bureau of Labor Statistics, Department of Labor)

Imagine being able to sleep late whenever you wish—and still get to work on time. Imagine taking a two-hour lunch to play tennis or have your hair styled—without cutting into your work time. Or imagine leaving early every day to pick up your kids from school. All this—and almost every variation you can think of—is possible with a flexible system of work hours known as flextime.

Introduced about seven-years ago in Germany—where it is called Gleitzeit (gliding time)—flextime has been adopted by over 5,000 companies in several European countries. At present, in fact, about 2.5 million workers throughout the world work on this type of schedule. Relatively few of them (about 30,000), however, are American. But in this country, flextime is beginning to be considered as a promising alternative to standard work schedules.

The following questions and answers describe the flextime concept in detail and cover some of its advantages and disadvantages:

Q. What is flextime?

A. It's a work schedule that lets workers select their own starting and quitting times within a broad span of available work hours. The only fixed hours—when all workers must be on the job—are central, core-time periods that correspond with peak work loads.

To illustrate: Rather than work a fixed schedule that's the same for everyone in the plant or office—say, from 8:30 A.M. to 5:00 P.M.—each worker may come in at any time from 6:00 to 9:00 A.M. and leave at any time from 3:00 to 6:00 P.M. On any one day, a worker may elect to work less than the "normal" day—or work the entire 12-hour span.

Q. Does flextime change the number of hours during which an employee is expected to work?

A. No. Total hours are not affected. Anyone who wants to put in an occasional short day must be willing to work a long day at other times.

Q. Does it change the number of workdays?

A. No. Employees are expected to work several hours each day.

Q. Is it a completely different concept from the four-day workweek?

A. The two schedules have little in common except that both rearrange the standard workweek. Starting and stopping times for the four-day workweek are fixed by management—as they are in a five-day workweek.

Q. Is there a name for the periods during which a worker may begin or stop work?

A. Yes. They're generally called "flexible" or "moving" periods.

Q. What name is given to the time between flexible periods—the time when everyone is expected to be on the job?

A. Core time.

Q. So flextime doesn't mean that workers can work whenever they like?

A. Right. Flextime is a well-defined system. It specifies the width and timing of the flexible and core-time periods, the provisions for crediting and debiting hours, the methods for keeping track of accumulated hours, and other details.

Q. How much flexibility is there with flexible hours?

A. In some cases, a lot. In others, very little.

Q. What would be a very flexible system?

A. In the most flexible systems, workers arrive and depart over periods of three hours or longer. The lunch hour is flexible—to enable them to go home briefly at midday or shop in nearby stores. Workers do not have to clear their arrival time in advance, and they can vary the length of their workday. In very flexible systems, credit hours or even debit hours that are accumulated in one pay period can be "spent" or "paid off" in another.

Q. What about a system with little flexibility?

A. Arrival and departure time may vary within a narrow band of only 15 to 30 minutes—with no carryover of debits or credits from one day to another.

Q. Which is better—a lot of flexibility or a little?

A. Within the limits imposed by the work situation, benefits seem to mount as flexibility increases. But technology, outside schedules, interactions with suppliers and customers, laws, and collective-bargaining agreements about overtime pay impose limits on the feasible amount of flexibility.

In work situations where operations are integrated—in an automobile plant, for example—decisions on when to start and stop work may have to be made by the work group, rather than by individual workers. Where there is a need for a minimum and/or maximum workforce outside of the core-time period, only some workers may be allowed flexible hours—with their selection based on seniority.

Q. What laws govern overtime pay—and how do they affect flextime?

A. The Fair Labor Standards Act (FLSA) requires premium pay after a 40-hour week for most workers in certain types of companies and those engaged in interstate commerce. A 1974 amendment covers federal, state, and local government workers as well.

The Contract Work Hours and Safety Standards Act and the Walsh-Healey Public Contracts Act, both of which apply to most workers in firms holding government contracts, and the Federal Pay Act, which covers federal government employees, require time-and-one-half premium pay after an eight-hour day or a 40-hour week—whichever is greater.

These laws limit the amount of flexibility possible without paying overtime. Firms covered only by the FLSA can adopt flexible schedules without incurring additional payroll costs—so long as workers subject to the 40-hours provision work no more than 40 hours in one week. Within any week, however, workers can work shorter and longer days. Employers covered by the other laws can adopt flexible schedules without incurring additional overtime costs—so long as a worker's hours total no more than eight in a day or 40 in a workweek.

Q. Who benefits from flexible hours—workers or employers?

A. Both. Flextime has potential benefits for workers and management. But it also has drawbacks for both.

Q. What are the benefits for management?

A. Flextime reduces lost manhours and virtually eliminates tardiness. Absences of less than half-a-day decline, as do full-day absences. Some managers report that flexible hours have reduced the incidence of "monthly flu"—the use of sick leave to take care of personal business.

Q. What other advantages are there for management?

A. Managers have reported that output per hours worked increases because workers on flexible schedules are more inclined to stop work only after they have completed a task—thereby reducing start-up time on the following day and avoiding downtime at the end of the workday. Also, since people tend to vary in their daily energy cycles, flextime lets workers get underway when their bodies are ready to start the day.

Q. What are the potential disadvantages for management?

A. Maintaining adequate external and internal communication is frequently cited. Phone coverage cannot always be adequately planned, and meetings outside of core time periods cannot be called spontaneously.

Maintaining adequate supervision is another problem—one that can be worked out, however. Sometimes a supervisor can plan the work in advance. Often, two or more supervisors can get together to work out a system to cover the periods spanned by flexible hours.

Some utility costs may be increased because of longer hours, and the company may have to buy special timing mechanisms to record accumulated hours.

Extension of flexible hours to some workers and not to others may be a potential source of dissatisfaction. What's more, some managers may feel that they're not doing their jobs if they lose control over employees' work schedules—although many managers are becoming oriented more to results than to control.

Q. What are the benefits for workers?

A. Principally, reduction of stress. Workers on flextime who are caught in morning traffic jams, for example, won't feel uneasy about being late—if they don't have to be in at some exact time. And they're less likely to get caught in traffic jams if they're avoiding peak traffic periods. (This also cuts down on average transportation time.)

Q. Is stress reduced in other ways?

A. Yes. There's an overall reduction of stress when people can adjust work schedules to suit their personal or family needs. If a worker on flextime wakes up in the morning to find that his child is ill, he can make a quick trip to the pharmacy or doctor's office without worrying about being late. The time directly before or after core hours may be a good time to go to the bank, to shop, to get together with teachers, or to schedule classes. This is why flextime is particularly helpful for worker-students during exam time.

Then, of course, some people are early risers—who work best in the morning and early afternoon. Others may not get started until late morning. And everyone enjoys sleeping late on occasion.

Q. But don't some workers on regular time schedules get time off for personal business—without losing either pay or leave time? Wouldn't they resent having to make up this time under flextime schedules?

A. Flextime should not change either formal or informal work practices. But unrecorded absences would probably decrease under flextime—since most workers report that lack of control over timing their work

is more of a problem than the number of hours they are required to be there.

Q. How do unions feel about flexible hours?

A. They are afraid that workers may be pressured to adapt their schedules to the workload. Why is this a problem? Unions don't want flexible scheduling to mean the loss of overtime pay. And if, as some managers claim, flextime means higher productivity, unions want workers to be able to share in this increased productivity.

Q. Does flextime tend to eliminate the differences between white-collar and blue-collar workers?

A. Yes, in firms where both blue-collar and white-collar workers work under flextime. But in some firms, white-collar workers exclusively have been put on flexible hours, while blue-collar and service workers remain on fixed schedules.

Q. Is flextime, therefore, mostly for white-collar workers?

A. Not exactly. Although it has grown most rapidly among these workers, the system has been used for blue-collar and service workers—but with much more limited flexibility. Whether flextime is feasible for assembly-line workers depends on each particular situation. Where the components are small or where workers can be cross-trained to work at more than one station, it has been successful. In these cases, the decisions on starting times are usually made by work groups—rather than by individual workers.

Q. What are some of the disadvantages of flexible hours for workers?

A. There is some danger that workers may be pressured to work longer days when the workload is heavy—without getting overtime pay. Furthermore, some workers may feel that the time mechanisms to measure accumulated hours are a step backward—toward time clocks.

Q. Are these timing mechanisms necessary?

A. It depends on the amount of flexibility and on the work situation. If flexibility is limited and workers are conscientious about putting in full working hours, timing devices aren't necessary. Many workers on flextime, however, find that timing devices are an easy way for them to keep track of the hours that they have accumulated.

Q. When workers can choose to come in either earlier or later than they have previously, which do they usually choose?

A. The choice varies with the worker. Some continue to work the old hours—and some come in later. Many of them, however, come in earlier—including those who could never get to work on time previously. Whatever their preferences, most flextime workers settle into a regular schedule after a few weeks. But their new schedules still take into account their individual needs.

Flextime is not a panacea for absenteeism, tardiness, high turnover, low morale, or any other employee-related problem. And it may not be feasible in every work situation. But where conditions are favorable and a sound system has been developed, it can benefit both workers and management.

DIFFERENT KINDS OF WORK SCHEDULES

The following terms describe different kinds of work schedules now in use in the United States and abroad:

Fixed: Hours set by management. The same for all—or most—workers in a unit, division, or organization. They do not vary from day to day.

Staggered: Here, groups of workers within an urban area—or within a firm—arrive at different times, according to a master plan. Individual workers have no more control over timing their work than with "fixed" schedules.

Flexible *: Workers determine, within limits, the time they arrive and depart. They must, however, do some work every day—and they must work the total hours required over a given time period—which may be a day, a week, or a month.

Variable: Workers may work whenever they wish, but they must put in the total hours required for a given time period.

*Also called "gliding," "moving," or "dynamic" schedules.

FACTSHEET ON THE PART-TIME CAREER OPPORTUNITY ACT

1. What is the purpose of this bill?

The purpose of this bill is to direct the United States Civil Service Commission to formulate, implement and thereafter supervise the provision of part-time working opportunities in the Federal Civil Service. Legislation is needed because the current tangle of regulations effectively discourages Federal agencies from offering job opportunities to the millions of Americans who cannot work a full 40-hour workweek.

Part-time working opportunities in the Federal Government are now small in number and limited mostly to low-level positions. At the same time, the demand for such opportunity grows rapidly. Between 1963 and 1972, the number of people working part-time grew from 7.8 million to 12.6 million. A major New York placement agency reported that it receives, "five times as many responses for a part-time job as for a comparable full-time job," and that, "for many jobs, the best people on the market are people who want to work part-time." As the demand for part-time jobs grows, the Federal Government will lose access to a significant source of talent if it fails to promote flexible hours scheduling.

2. Who will benefit from passage?

There will be many beneficiaries.

By increasing the available quantity of part-time positions, the Government will expand its access to many parts of the labor market now beyond its reach. Married women with children, many of whom hold impressive professional credentials, could qualify for federal employment. Many highly experienced, expensively-trained civil servants approaching their final years of Government service would choose to stay on in a less-than-full-time capacity rather than retire early. By providing employment opportunity to people continuing their education, the Government gets increased access to knowledge of new ideas and developments as they evolve in the various academic disciplines.

By helping to end the discrimination imposed by the basic pattern of working hours in our society, this bill would also benefit working parents, particularly working mothers, men and women approaching retirement age, students, and the handicapped who lack stamina to work an ordinary work week.

3. Are there not some jobs in the Civil Service that are not adaptable to part-time employment?

Yes. The bill specifically provides that an agency may request, and the Civil Service may grant, a reduction in or waiver of the percentage target if meeting that target would be substantially disruptive of the ability of the agency to perform its mission.

4. Why not test out the feasibility of part-time employment in the Civil Service with a pilot project?

There have already been a number of successful experiments with programs to provide part-time job opportunities at professional levels in the AEC, the VA and HEW. A study by Margaret A. Howell and Majorie G. Ginsberg entitled, "Evaluation of the Professional and Executive Corps of the Department of Health, Education and Welfare," published in the February, 1973 issue of *Public Personnel Management*, evaluated the HEW program on the basis of the opinions of supervisors. Some of the key findings are as follows:

(a) 77% of supervisors found no difficulty or slight difficulty in terms of availability for conferences or consultation;

(b) 86% of supervisors thought many jobs could be part-time;

(c) 100% felt women could handle high level policy making jobs and should be given the opportunity for such jobs.

5. Will this legislation threaten the jobs of full-time federal employees?

The bill provides several explicit prohibitions against the creation of part-time job opportunities at the expense of full-time federal employees.

First, Section 3 specifically prohibits the creation of part-time jobs where it would be necessary to force full-time employees into a position of choosing either to work part-time or not at all.

Second, Section 2 provides for a gradual phase-in of part-time jobs at the rate of 2 percent per year for 5 years. The part-time employment now extant in the Civil Service will count toward the percentage targets and annual attrition is more than sufficient to permit the adaptation of full-time positions to flexible hours positions with no loss of employment by fulltimers.

Third, Section 2 provides for a mechanism by which an agency can request and obtain a waiver from the percentage target when, for reasons of a major reduction in force, a hiring freeze or other major personnel action, it is not possible to attain the target percentage without adversely affecting fulltimers.

6. Is it necessary to provide the employment targets specified in Section two?

Yes. These targets set a standard against which the Civil Service Commission and Congress can evaluate progress toward the promotion of part-time working opportunity. The target percentages are not rigid quotas. An agency can employ more people than the percentage target in part-time positions or less if it obtains a waiver from the Civil Service Commission.

The establishment of goals is an established government policy. FPM Letter 713–22, October 4, 1973, provided guidelines for submission of Equal Employment Opportunity plans. Section 2(g) states: The establishment of numerical goals and timetables is a useful management concept that can significantly enhance Equal Employment Opportunity plans . . . .

[From the Milwaukee Journal, Jan. 18, 1976]

MOM AND POP MAY SHARE THE JOBS OF THE FUTURE

(By Frank A. Aukofer)

WASHINGTON, D.C.—In Milwaukee, the Mom and Pop Tavern is an established institution, in which husband and wife share the work and rewards of their family enterprise.

If it works there, why not on the production line at a factory? Or in an office, on a construction job or delivery route?

How about having pop work three days a week and mom two or have pop work the mornings and mom the afternoons, freeing both for other duties such as repairing the house and caring for the children?

It's called a shared job and it, along with other new ideas about the possibilities of increasing the numbers of part time workers in American society, is the subject of increasing thought and attention. Among the developments:

The General Accounting Office (GAO), the investigative agency of Congress, recommended recently that the federal government increase its use of part time employes.

The Senate passed Legislation last June to increase part time opportunities in federal government agencies and departments.

A Senate subcommittee on employment, poverty and migratory labor, headed by Sen. Gaylord Nelson (D-Wis.), has started an investigation of part time work and how the

government might become involved. The subcommittee will conduct hearings on the subject in April.

Part time work, obviously, is any job that consumes fewer than the usual 40 hours a week. But it can be handled in a variety of imaginative ways that could open up job opportunities at every level of society.

The shared job is one. For example, Wisconsin State Rep. Midge Miller (D-Madison) has two administrative assistants, Norma Sober and Sheila Chaffee, who share the duties and the salary of the single job provided by the state.

Both Ms. Sober and Ms. Chaffee have children, as well as other duties, so they carve up their hours to suit their boss and each other.

According to Ms. Sober, it also enables them to take advantage of their special talents. She said she concentrated on writing and editing while Ms. Chaffee, who has had experience with the League of Women Voters, handled political chores.

There are other ways of enhancing part time opportunities. Some are described in a new book, "The Future of the Workplace," by Paul Dickson. Among the concepts mentioned:

Paired or partnership work. Two people share a full time, full day job. They have equal responsibilities for the subject matter and the time worked. An example would be two teachers sharing one job. The paired job differs from the shared job because its hours are more rigid.

Split level work. A full time job is broken down into its components and is filled by people of varied training that the skill demands.

The specialist. A person takes on a single aspect of a job that requires less than full time. Examples include a teacher or a specialized subject not in great demand, or the editor of a small company publication.

In its report to Congress, the GAO concluded that the advantages of using part time workers outweighed the disadvantages.

Among the advantages cited were greater flexibility in meeting work requirements, obtaining quality workers who might not otherwise be available, lower personnel costs, developing increased interest in later permanent employment and positive job attitudes.

Disadvantages included higher training and administrative costs, problems in scheduling to accommodate part time workers' hours, lack of job continuity, lower skill levels among part timers and lower morale because of fewer fringe benefits.

EIGHT PERCENT NOW PART TIME

But the report said that by providing part time employment, the government could take advantage of a great pool of talent that might not be needed or available full time.

"Part time employment also benefits many groups," the report said, including "persons who cannot or choose not to work full time, handicapped people who cannot bear the strain of a long day or cope with rush hour traffic, students and individuals undergoing retraining who must be partially or totally self-supporting (and) experienced, trained older employes who prefer to continue to work part time rather than retire."

Although about 8% of the more than 2.7 million federal employes are now part timers, the GAO study found that most of them were confined to lower level white collar and blue collar jobs.

The legislation passed by the Senate, which was introduced by Sen. John Tunney (D-Calif.), requires all federal agencies to set aside 2% of their jobs at every pay level for part timers for the next five years.

BROADER CONCEPT

At the end of the five year period, 10% of all federal government jobs would be part time. The bill is pending in the House.

Nelson's subcommittee wants to look at the concept of part time work in a broader context—in the private sector as well as government—to determine if there are legislative obstacles to part time work, or if legislation might help to increase it.

Nelson has long been interested in what he calls the status of the workplace, and particularly what can be done to decrease worker boredom.

"The freedom to have the chance to take some time off when you want is a good morale builder," he said, "and it probably would enhance productivity."

FLEXIBILITY SOUGHT

He said that perhaps a pool of part timers could be developed to fill in for workers who wanted to take time off.

Nelson and his subcommittee staff said enhancing part time job opportunities was a new area, with not much known about its ramifications. For example, little is known about what the impact would be on today's high unemployment, although the staffers believe new part time opportunities might help reduce it.

One Nelson aide, Scott Ginsburg, talked enthusiastically about some of the possibilities, including the psychological benefits of giving people opportunities they might not otherwise have, energy saving that might be achieved by staggered working hours and even rearrangement of society's entire productivity cycle.

He says enhancing part time work might offer the possibility of mixing up that rigid schedule, with people working while stretching out their education, and persons easing into retirement by working part time for a few years.

[From Business Horizons, February 1975]

PART-TIMERS: OVERLOOKED AND UNDERVALUED

(By William B. Werther, Jr.)

Jobs are usually designed to be staffed eight hours a day, five days a week. And, since most people depend upon employment as their principal source of income, job seekers normally want full-time positions of eight hours a day, five days a week. This has been true for so long—over a century in some organizations—that the eight-hour day norm can be fairly labeled a tradition.

As with most traditions, the arrangement is seldom questioned. One primary exception has been the four-and-forty manpower scheduling proposals, which require employees to work four days and forty hours a week. This and similar variations challenge part of the tradition: the eight-hour day. Forty hours per week generally remains the standard, however.

Another exception to the forty hour, five-day workweek is the use of part-time personnel. Here the traditional employment hours are replaced with an unlimited number of combinations; there is no commitment to either eight-hour days or forty-hour weeks.

Given the diversity of service organizations and industrial production techniques—ranging from custom and small batch orders to extended mass assembly runs—the use of more flexible manpower schedules holds many potential benefits. Unfortunately, dogmatic adherence to the traditional five-day, forty-hour workweek precludes these gains. Even variations of the four-and-forty approaches usually begin with the assumption that a forty-hour workweek is optimal. Any manager who has ever had to request overtime realizes that forty hours per week is not always the schedule.

PART-TIME MANPOWER

The use of part-time employees represents a major potential for improving the efficiency of manpower utilization. But practitioners often avoid this resource because of widely held misconceptions about the availability, reliability, and ability of part-time personnel. Each of these myths will be explored before discussing the practical advantages of this manpower source.

The availability myth

Because most workers rely upon employment for their principal source of income, job seekers usually prefer full-time positions. This preference is undeniable, and it fosters the myth that good part-time workers are not readily available. Often overlooked are the millions of potential part-timers who do not seek work (or seek only full-time positions) because part-time jobs are not readily available.

One researcher has shown that 4 million housewives in the United States would take part-time jobs if they were available. This figure would soar to 10 million if child-care facilities were made available by employers.[1] Because of inflation, rising unemployment, and increased social pressure to be something more than a homemaker, a growing number of women are seeking work outside the home. By the end of 1973, 54 percent of all women of working age (41.8 million) were employed sometime during the year; almost one-third of them (13.4 million) were part-time employees.[2] In short, 13.4 million female part-timers are in the workforce; 4 million more would like part-time work immediately; and 6 million others would seek less than full-time employment if it were not for the lack of child care arrangements.

If these millions of idle part-timers are not sufficient proof of availability, then consider retired workers—the fastest growing segment of our population. In the United States, there are 21.3 million people 65 years of age or older. Even after reducing this figure by those already employed (2.9 million) and those unable to work (1.2 million), there are over 17.2 million senior members of our population potentially available for employment.[3] With inflation severely penalizing retirees on fixed incomes, it can be assumed that millions are anxious to supplement their incomes through part-time jobs.

Taken together, there are more than 27 million housewives and retirees whom organizations could tap for part-time help. These two sources alone should relieve any concern about the availability of part-time personnel.

The reliability myth

The thought of part-time workers often conjures up visions of unreliable teenagers. Many managers have been bewildered by the apparent indifference of young workers who quit without notice or play instead of producing. Often unskilled and unreliable, these part-timers are relegated to menial jobs and equally menial wages. Since their tasks and pay offer few attractions, since they are often responsible only to themselves, and since their jobs are essentially dead ends, unreliable behavior can only be penalized by the loss of a meaningless job. Obviously, there is little incentive to be dependable and hard working.

The myth of unreliability, therefore, stems from two problems: the source of part-time manpower and the nature of part-time jobs. What happens when part-timers are recruited among housewives and retired workers? What happens when these recruits are offered meaningful positions, meaningful pay scales, and meaningful opportunities? Most house-

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[1] Richard J. Schonberger, "Ten Million U.S. Housewives Want to Work," *Labor Law Journal* (June 1970), p. 375.

[2] Special Labor Force Report, *Work Experience of the Population in 1973* (Washington, D.C.: Bureau of Labor Statistics, Department of Labor, September 1974), p. 1.

[3] Joseph M. Finerty, ed., "Employment Status of the Noninstitutional Population by Sex, Age, and Color," *Employment and Earnings* (July 1974), pp. 21–22.

wives are women who are accustomed to responsibilities, and retired workers have work histories that evidence establish their reliability and acceptance of responsibility. When positions are staffed by less mature individuals—those unaccustomed to responsibility—who perform unsatisfactorily, many observers fail to recognize that it is the individual worker or a class of workers (for example, high school age part-timers) that is unsatisfactory; the part-time nature of their employment does not cause poor performance.

The problem of reliability is further compounded by the limitations of part-time jobs. Even mature people in mundane jobs are likely to give less than optimal performance because the job limitations are frustrating. This frustration must be relieved, and unexplained absences, horseplay, or other irresponsible behavior are some of the ways that such frustrated feelings can be dissipated. That is, the unreliability perceived by many managers is not so much a condemnation of part-time *workers* as it is of the typical part-time *job*.

If the primary source of recruits is retired workers and housewives (who can be found in every community), the problem of immature workers is side-stepped. If part-time workers are provided with meaningful positions, the problem of unreliability should be no worse than that of full-time employees. And, given the scarcity of well-paying and meaningful part-time openings, these employees would probably be even more reliable than full-timers. Even given repetitive tasks, part-timers would not be exposed to such tasks for as long as their full-time counterparts; therefore, they would be less frustrated. Because these workers are drawn from the same population as the rest of the workforce, they would be at least as reliable.

The ability myth

The spectrum of skills acquired by retired workers is virtually unlimited. Their ranks include craftsmen, technicians, professionals, and managers—each with a verifiable employment history. With them they bring years of valuable experience. What organization would not benefit from the availability of part-time accountants at tax time or experienced salesmen during peak sales periods? Why not use retired workers to conduct orientation and training programs? The examples are numerous, but the point is specific—organizations are failing to tap this massive reservoir of competent manpower.

Housewives also possess a wide variety of abilities, although they may be less comprehensive in range. In addition to domestically related skills—cleaning and cooking, for example—many women possess skills learned before marriage. Clerical and typing proficiencies are the most common, but every year increasing numbers of women graduate from colleges with degrees in nursing, home economics, education, business administration, and less traditional fields.

Consequently, an employer can more readily recruit mature, college-educated women for part-time work. In some cases, college training (nursing and home economics) is immediately applicable (to hospital work and some forms of retail trade). Even when the education and job do not match, the housewife would be at least as trainable as full-time recruits. And, as sex-based discrimination is eliminated, women will possess a greater diversity of skills.

A balanced recruitment program would provide unskilled part-timers to handle clerical tasks or highly repetitive assembly jobs. Skilled workers would be put on the payroll for their specic abilities. In fact, almost all areas of the organzation's employment needs could be met through part-time personnel.

PRACTICALITIES OF PART-TIMERS

Beyond availability, reliability, and ability, part-time manpower presents employers with some distinct advantages. These benefits, moreover, are not limited to some operations within the firm or some companies; their utilization can benefit all organizations.

Scheduling flexibility

If a proportion of the workforce is part-time help, managers can achieve greater scheduling flexibility in allocating human resources. This flexibility permits work schedules to be optimized in relationship to demand, equipment utilization, and employee wishes.

To illustrate, consider the scheduling advantages that accrue to a bank manager from the introduction of part-time personnel into the bank's workforce. The increased numbers of customers and mail-in transactions that normally occur on Fridays, Mondays, and the first of the month can be effectively dealt with on a part-time basis. The regular, full-time people can be scheduled from 8:00 a.m. to 4:00 p.m., Monday through Friday. On days when they cannot handle the workload, part-timers can be scheduled for "minishifts" of, say, four hours duration, to supplement the full-time workforce. These shifts are manned during periods of peak business activity to speed up customer transactions. Additional tellers' windows can be opened; checks can be encoded and processed more quickly. All this occurs with a minimum of full-time staff.

In a four-day and forty-hour workweek arrangement, full-time employees select preferred schedules, and any gaps in the schedule are covered by part-timers. For example, if a plant is going to operate twelve hours a day, five days a week, the plant manager may extend the hours of already fatigued workers or use two six-hour minishifts of part-time workers to operate the facility on the fifth day. Or the full- and part-time workers could be integrated to assure a balanced mix during each day by having part-timers work four-hour shifts, five days a week.

Gliding or flexible hours represent another scheduling innovation that is facilitated by part-time employees. Workers are allowed to report to work at any time within a range of hours—say, for example, 8:00 a.m. to 10:00 a.m. The problem, of course, is how to staff the organization under these circumstances. Part-time employees are effectively used to staff switchboards, office phones, customer service counters, "fill-in" on the assembly line, and, in general, smooth out the early morning and late evening gaps in manpower.

Staffing demands that result from vacations, short leaves of absence, seasonal surges in workload, and terminations can be met by temporarily expanding the hours of part-time workers. Even unexpected absences can be handled by using the roster of part-timers as a call list; a capable part-timer could take up the slack without drawing any overtime.

Lower labor costs

Part-time manpower should be paid wage rates commensurate with those of full-time personnel; to pay a lower wage results in a supply of recruits only marginally attached to the workforce. Since most part-time jobs pay wages below those of full-time positions, little organizational loyalty is generated and turnover is usually high. By paying a more realistic wage, alternative part-time employment is less attractive and turnover becomes minimal.

Even with wage rates comparable to full-time rates, organizations employing part-time manpower can obtain substantial reductions in labor costs. These employees are not normally given the full range of fringe benefits—the fastest growing component of labor cost. This means that part-timers who are absent are not paid; employer contributions for health, life, and other forms of insurance are saved; and outlays for time-off with pay (holidays or vacations) are not made. Even without these fringe benefits, part-time workers are satisfied because they are receiving wages that are high compared with typical part-timer remuneration.

If one-fourth of an employer's workforce is replaced by part-time help, a reduction in fringe benefit costs of 25 percent is realized. Overtime can be substantially pared—even eliminated—by variable mini-shifts of, for example, three hours a day. Surges in work loads can be met by expanding the hours of part-time help without the expense of overtime.

Performance

Highly repetitive assembly jobs, monotonous clerical work, or demanding customer contact positions are fatiguing. Whether caused by boredom or inconsiderate customers, fatigue leads to errors. The degree of aggravation or boredom and the associated fatigue is less for the part-time employee, who therefore makes fewer errors. Thus, properly trained and experienced part-time personnel are more apt to produce higher quality outputs.

Because the fatigue is less and because the part-timer's shifts are shorter, it is reasonable to expect quantity of output to be greater also. Knowing that the workshift will be completed in three or four hours, the part-timer has less reason to pace his work and he can give the task his all. Productivity may even be further enhanced if the higher output of part-timers is effectively used as a target for full-time personnel.

Reducing turnover costs

Each time an employee resigns, several hundred dollars—sometimes several thousand—are lost by the company. When the organization's investment in recruiting, screening, and training each worker is considered, turnover represents one of the most significant hidden business expenses, one that is usually ignored. Too often this expense is simply viewed as "a cost of doing business."

It is possible that the organization may be able to retain or recapture the skills of proven workers with a program of part-time positions. When an employee quits because of health, inadequate child care arrangements, or other conflicting demands, the skills (and the corporate investment) may be retained in the form of part-time work compatible with personal desires and organizational need. Even if such an arrangement is not immediately feasible, a change in the individual's status may result in an application for part-time employment in a few weeks or months. The potential savings alone—especially to organizations with high turnover—justifies careful consideration of part-time manpower.

Employment stability

By supplementing the full-time workforce with women and retired employees, Japanese organizations have been able to provide a high degree of employment stability. Lifetime employment in Japan is made feasible because of the flexibility achieved by using a supplementary workforce to absorb cyclical changes in demand.

Part-time personnel offer Western managers similar possibilities for enhancing employment stability. By adjusting the hours that such employees work, swings in demand can often be effectively met. This technique gives the organization greater latitude in coping with economic changes without costly layoffs, crash recruiting campaigns, or radical changes in inventory. Even when this approach fails to accommodate drastic declines in demand, the task of laying off workers is a little less unpleasant for the manager.

Most companies strive for stability in employment, not only to maintain a favorable experience rating for unemployment tax contributions but also because of the potential

difficulties full-time workers encounter when they suddenly become unemployed. With a proportion of the workforce composed of part-timers, reductions in manpower are less traumatic. The situation is unpleasant, of course, but the temporary displacement of part-time employees is often less crucial because their earnings are usually not the primary source of family income.

"Irrespective of the techniques applied, an evaluation of the firm's manpower demand is assessed in terms of whether part-timers can do the job."

Furthermore, if a part-time employee is separated, he is normally ineligible for unemployment compensation. To be covered, he must show that he is ready and willing to accept full-time employment. Unless covered, the layoff of a part-timer will not be included in the company's experience rating; the unemployment compensation contributions (that is, the payroll tax) paid by the employer remains unchanged. For firms that typically have wide variations in employment levels, the utilization of part-time personnel can result in significant reductions in this employer tax.

Affirmative action

Many employers are operating under affirmative action plans that contain employment objectives. Whether those goals are an increase in the employment of minorities, the handicapped, Vietnam veterans, or women, the use of part-time personnel provides a method of attracting members of these groups without head-on wage competition from other employers. Most organizations attempt to meet the objectives of their plan by competing for full-time employees; astute managers obtain significant economies in wages and recruitment by seeking out part-timers who possess these desired characteristics.

SHORTCOMINGS OF PART-TIMERS

In exchange for the advantages associated with part-time personnel, some potential pitfalls exist. These shortcomings primarily center around two main areas; training/personnel records and supervision.

Training and records

To replace one full-time worker with two (or more) part-time people puts an additional burden of training on the company. The magnitude of this extra demand depends on several variables.

If two part-timers are hired at the same time to replace one full-time employee, the increase in training outlays will be minimal. Both can be taught at the same time by the personnel department or the outgoing worker for little more than the cost of training one. Moreover, the experiences shared between them tend to reduce the likelihood of either becoming discouraged and quitting. If they are hired and trained at different times, the cost is approximately double—less any payroll savings during the interim.

When the job under consideration is unskilled, training outlays are seldom significant since a short period of on-the-job training is the usual technique. Obviously, if the part-time employee comes from the ranks of full-timers who otherwise would have quit, the problem of increased training is completely negated.

Personnel records follow a similar pattern. The paperwork process is doubled when two part-timers replace one full-time individual. With the greater use of computerized payroll procedures and record keeping, however, this expense must be labeled minor.

Supervision

The total number of employees grows as full-time workers are replaced by part-timers. If all part-time help is scheduled to work simultaneously, the supervisor's span of control increases dramatically. This means management must acquiesce to a more general form of leadership or must hire additional first-level managers. When the nature of the jobs performed by part-timers requires close supervision, concurrent schedules should be avoided or more supervisors should be hired. Obviously, if the most optimal use of part-timers is to cluster them all on one shift and if they require close supervision, the advantages of part-timers will be partially—if not completely—offset by the cost of additional supervisors.

However, if general supervision is appropriate, the clustering of part-timers concurrently on the same shift holds unique advantages. Through general supervision, each employee has greater autonomy in doing his tasks. The supervisor who cannot control the methods used must focus on the results obtained. This dictates that supervisors who are confronted with rapidly inflated spans of control must opt for a management-by-objectives rather than a management-by-methods leadership style.

The problem of increased spans of control can be side-stepped. If, for example, each foreman has a span of fourteen and six are replaced by a dozen part-timers who each work twenty hours a week, his span of control jumps from fourteen to twenty. But if six part-timers work in the morning and the other six are scheduled in the afternoon, the foreman's span of control never exceeds fourteen (eight full-time people all day, six part-timers in the morning, and a different six in the afternoon). Only when all part-time personnel are scheduled for the same mini-shift does the span of control expand and possibly require more supervisors.

ACTION-ORIENTED IMPLICATIONS

To successfully reap the organizational gains associated with part-time personnel requires action. Without managerial initiative the benefits of improved scheduling flexibility, lower labor costs, and other part-time work-force advantages will be lost. Specifically, action must be undertaken in three areas: organization utilization, attitudinal change, and work-force integration.

Organization utilization

Simply stated, it must be determined where and how many part-time personnel can be utilized by the organization. This inquiry can be conducted as an adjunct to manpower planning in large organizations or it can be done as a separate study in any organization.

For companies that do not normally conduct formal manpower planning activities, a simple questionnaire can be developed. The instrument inquires into the types of jobs each manager supervises. For each job classification, the manager reports the amount of training and normal time lapse between hiring and efficient job performance. If the utilization study is connected with systematic manpower planning, the most effective approach is to determine the future manpower needs of the organization in the usual manner.

Irrespective of the techniques applied, an evaluation of the firm's manpower demand is assessed in terms of whether part-timers can do the job. This goes beyond the simple question of whether they are physically able. To be wholly acceptable, decision makers have to answer, for each category of jobs, the following questions:

Do the anticipated job vacancies require extensive training before the recruit is capable of acceptable job performance?

Do the positions to be filled have learning curves of above average duration before acceptable performance is achieved?

In the local labor market is part-time manpower with the requisite abilities and interest in working likely to be found?

These are crucial questions—regardless of whether systematic manpower planning is applied or an independent study is conducted. For if the training requirements are extensive or if acceptable performance takes considerable time to achieve, replacing a full-timer with two or more part-timers is not advised. The organization would incur increased costs that would likely offset other gains. If the needed skills are not available in the local job market, recruiting elsewhere is not feasible for part-time positions.

Attitudinal change

Given the myths surrounding the concept of part-time manpower, the attitudes of affected managers must be changed. To impose part-time help on a manager who has misgivings about its efficiency only assures resistance.

Managers need to be educated in the advantages of employing part-timers. The potential flexibility afforded the suprvisor should be stressed along with other relevant benefits. Articles in the company paper, special in-house publications, and short seminars are communications devices. Actual case histories of events in the organization that highlight potential gains would be especially effective.

Union leaders must be considered in organized firms. Though their reactions will vary from company to company, they too will be receptive if shown some substantive benefits. For example, consider the improvement in employment stability that results from part-time help. By allowing union leaders to share in the credit for this new security, it is likely that management will find the leaders to be allies—especially since part-time personnel are eligible for union membership under the amended National Labor Relations Act.

The last—but equally important—group within the organization to be considered are the employees. Though stability of employment is an appealing advantage, the most crucial factor from the workers' perspective is how the part-time help is integrated into the workforce. If full-time employees are directly displaced by part-timers, the former will resist actively. Furthermore, political necessity will dictate that union leaders support the rank-and-file members. Grievances will abound.

The only feasible method of integrating new part-time people into an on-going organization is through normal attrition. As turnover results in openings, these positions are filled with part-timers. Since full-time employees are already experienced, openings filled by part-timers would be entry level positions. Thus, hiring part-time help would not be viewed as limiting promotional opportunities for full-timers.

The sterotyped view of part-time manpower as undependable transients superficially attached to the workforce is a misconception. Reliable and capable part-time workers can be found among the housewives and the retired of every community; these potential employees constitute a relatively untapped reservoir of human resources.

Organizations that systematically utilize this manpower will benefit through lower labor and turnover costs, greater scheduling flexibility, and improved performance. Therefore, managers should explore more fully the utilization of this often neglected source of employees. If part-timers are employed over a period of time, perhaps as replacements for terminating full-time workers, disruptions and transition costs will be minimal. Moreover, part-timers may help to achieve other goals—affirmative action objectives, improved employment stability, and more efficient manpower utilization.

Implementation requires a change in attitude towards part-timers. Though attitudinal changes are often difficult to effect, the potential return for a more realistic view of part-time manpower will be especially significant when the dollar outlays—virtually none—are considered.

The eight-hour day, forty-hour week will remain. But with expanded use of part-time personnel, this traditional employment practice will acquire a greater degree of flexibility—the type that enhances organizational viability.

By Mr. McGOVERN (for himself, Mr. DOLE, Mr. KENNEDY, Mr. PERCY, Mr. BAYH, Mr. BROOKE, Mr. BURDICK, Mr. CASE, Mr. CHILES, Mr. CLARK, Mr. DECONCINI, Mr. DURKIN, Mr. HEINZ, Mr. HUMPHREY, Mr. LEAHY, Mr. MELCHER, Mr. MATSUNAGA, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. STAFFORD, Mr. RIEGLE, Mr. ANDERSON, Mr. HOLLINGS, and Mr. SCHMITT):

S. 519. A bill to amend the Older Americans Act of 1965 to provide a national meals-on-wheels program for the elderly, and for other purposes; to the Committee on Labor and Public Welfare.

NATIONAL MEALS-ON-WHEELS ACT OF 1977

Mr. McGOVERN. I am pleased to introduced today the National Meals-on-Wheels Act of 1977.

A most impressive endorsement of the need for a national meals-on-wheels program came from the Nutrition Committee's 1974 National Nutrition Policy Study. The study brought together a number of panels for a series of hearings on vital nutrition issues.

One panel of 26 leading experts, including nutritionists, economists, Government officials, community activists, and low-income people, worked for several months to develop recommendations for nutrition initiatives among special groups. In its review of nutrition programs for the aged, the panel's first recommendation for necessary new legislation was for the establishment of a national meals-on-wheels program. Today we have the opportunity to establish this long overdue program, to make real the recommendations of 2 years ago.

I offer this legislation out of a dual sense of urgency and optimism. Our task is urgent because current Government nutrition efforts and programs providing services for the elderly do not adequately meet the nutritional needs of the homebound elderly. I am optimistic, however, that adoption of the National Meals-on-Wheels Act would greatly ameliorate this tragic situation. There is no sound moral, programmatic or budgetary justification for further delaying the implementation of this critically important program for the homebound elderly, blind, and disabled.

We have as a matter of national conscience and integrity pledged ourselves to the elimination of hunger in America. I believe we have a similar and equally binding commitment to the well-being of our senior citizens, from whose toil we have inherited the bounties of this Nation. We cannot and should not overlook the 3 to 4 million shut-in elderly who for myriad reasons are confined to their homes; unable to avail themselves of current Government nutrition programs.

While persons of all ages share a common need for adequate nutrition, achieving a balanced diet is particularly difficult for the aged. As old age approaches, metabolic changes requires a reduction in caloric intake while necessary levels for protein, vitamins, and minerals remain constant. One result, experts tell us, is that 26 percent of the elderly are malnourished.

For the homebound elderly, the difficulty of attaining a balanced diet is exacerbated by a range of afflictions. Physical handicaps, metal incompetency, rural isolation, and psychological depression make up the array of problems suffered by our homebound citizens.

These people cannot leave their homes; cannot get to a grocer or congregate meal site; find it difficult to prepare food; and, often lack the incentives to cook that companionship provides. For the homebound, the conditions of old age are even more severe and the incidence of malnutrition is higher than for the rest of the elderly population.

We know that our homebound elderly suffer from a high level of anemia, mental depression, subclinical pellagra, and protein deficiency, as well as high rates of illness and long-term institutionalization in nursing homes.

In response to the high degree of malnutrition among, and the lack of adequate social services available to the general elderly population, Congress established in 1972 a nutrition program for the elderly, which became title VII of the Older Americans Act of 1965. This program provided appproximately 240,000 hot meals and various supportive services each weekday in a congregate setting in 1975.

Title VII is, by philosophy and structure, committed to providing an environment where the lonely and withdrawn but mobile senior citizens can meet with friends and enjoy their company as well as a nutritious hot meal. This idea makes as much good sense today as it did in 1972. It deserves our continuing strong support.

Unfortunately, however the congregate meal philosophy when combined with severe budgetary limitations virtually excludes the homebound elderly. These 3 to 4 million Americans by the nature of their condition cannot realistically attend the congregate meal site. Yet in 1975 only 13 percent of title VII meals were delivered to homes, a figure roughly equal to 30,000 of the 240,000 meals served.

Under the current congregate approach, feeding the estimated needy homebound would require a title VII program expansion in the area of 1,700 percent. Attempting to meet the needs of the homebound elderly under the present design of title VII without a separate and additional commitment is obviously impractical and highly unlikely.

There will no doubt be those who claim that we cannot now afford to extend meals-on-wheels services to the homebound. I believe the dictates of sound fiscal policy demand that we begin such an undertaking immediately.

Studies carried out by gerontologists in numerous localities have consistently shown that from 10 to 40 percent of nursing home residents are not in need of institutional care. The evidence clearly indicates that for a large percentage of those people, a home-delivered meal would make the difference between additional years in their own homes and costly institutionalization in nursing homes. When a senior citizen can no longer shop or prepare meals, when hunger becomes a daily experience, there is currently no alternative available other than a nursing home or hospital.

Over the last decade the nursing home industry has undergone tremendous growth. In fiscal year 1967, a total funding for nursing home care was $1.7 billion. By the end of fiscal year 1975, this total price tag for nursing homes skyrocketed to $9 billion. Public outlays for the nursing home industry in 1975 were over $5 billion, 60 percent of which was paid by the Federal Government.

A national meals-on-wheels program could reduce spending in the health care sector. The cost of retaining a person in a nursing home is over $20 per day. The cost of meal delivery is only $2 per day. An investment of $80 million in fiscal year 1978 to provide from 125,000 to 175,000 home-delivered meals per day could reduce nursing home expenditures by between $350 million to $500 million.

We simply cannot afford to continue pouring greater and greater amounts into institutional care. Why not make at least a modest investment now in the field of preventive health care, in good nutrition, before we are overtaken by ever-increasing costs of institutional care.

I believe that the National Meals-on-Wheels Act which I have introduced today with Senators DOLE, KENNEDY, PERCY, and 18 of my other colleagues would make great progress toward accomplishing this goal as well as substantially improving the lives of millions of our most vulnerable citizens.

Under this legislation, title VII of the Older Americans Act of 1965 would be amended specifically to allow for the delivery of meals to the homebound elderly, blind, and disabled. Up to 15 percent of each nutrition project's caseload could be composed of blind or disabled individuals who are not elderly. There are authorized to be appropriated for the purposes of this act $80 million in fiscal year 1978 and $100 million in fiscal year 1979.

Funds made available under this act would be distributed to the States in accordance with the current title VII formula: That is, each State receives an amount based on the number of people 60 years and older in that State as compared to the number of such persons in all States. Since separate funding for home-delivered meals services may be used for the proper and efficient administration of the State plan for providing meals-on-wheels services. Any available funds that are not used for the administration of the State plan must be used for the provision of home-delivered meals. The meals-on-wheels component of title VII is intended to correspond as closely as possible with each State's policy for distributing title VII funds. Emphasis should be given where feasible and desirable to coordinating congregate projects initiatives with meals-on-wheels

programs. However, it is not imperative that all projects receiving grants or contracts for the provision of congregate services also provide meals-on-wheels services. Likewise, it is not necessary that meals-on-wheels programs provide congregate meals.

The State agency or the State's regional offices responsible for dispersing title VII moneys would award grants or contracts to title VII projects or local meals-on-wheels organizations. Title VII projects receiving a grant or contract to deliver meals may subcontract with a meals-on-wheels program for the furnishing of home-delivered meals service. Any organization receiving a grant or contract for the delivery of meals-on-wheels services may not use more than 20 percent of its funds received under this act for administrative and supportive services. If for just cause a State agency believes that its administrative and supportive service needs cannot be met by the funds set aside for such services it may apply to the Commissioner for a waiver of the 20-percent limitation provision of this act.

Well-established, preexisting meals-on-wheels groups must be given preference in the awarding of grants of contracts. Since 1954, when the first meals-on-wheels program was established in the United States, these groups have carried the major burden of delivering meals to the homebound elderly. Locally based and staffed almost exclusively by community volunteers, most of these groups provide an efficient and low-cost vehicle for expanding meals-on-wheels services. The warmth, sensitivity, and sense of community embodied in these meals-on-wheels groups cannot be matched merely by the expenditure of Federal dollars.

This preference, however, should be given with the understanding that not all meals-on-wheels groups are capable of quality and efficient operations. In addition, it is not the intent of the Federal Government to absorb the full fiscal responsibility for those meals-on-wheels operations that can provide quality service. The National Meals-on-Wheels Act is designed to protect the autonomy of and provide a potential funding source to groups with a demonstrated ability to efficiently and reasonably render meals-on-wheels services.

All meals-on-wheels organizations, therefore, which desire receipt of a Federal grant or contract must meet three requirements:

First, applicants must demonstrate a need for their program. This can be done by: Presenting a waiting list of eligible participants in the area served by a meals-on-wheels organization; or by revealing the absence of a program in an area with a high concentration of elderly citizens.

Second, applicants must provide some assurance that their non-Federal resources will not be withdrawn. This provision is not a requirement that a constant level of non-Federal resources be maintained by a meals-on-wheels organization to qualify for a Government grant or contract. Funding sources will vary slightly from year to year. However the Federal Government cannot and will not fund meals-on-wheels organizations which do not maintain the major portion of their non-Federal resources.

Third, all meals-on-wheels groups must meet minimum criteria of efficiency and quality which will be developed by the Commissioner of the Administration on Aging in consultation with representatives of the American Dietetic Association, the Association of Area Agencies on Aging, the National Association of title VII project directors, and the National Association of Meal Programs, Inc. Among the criteria that should be considered are the cost per meal, the administrative costs, broad equipment specifications, a description of the target population served, and a justification for participation of each meal recipient.

Well-established meals-on-wheels groups should be used as a model in developing such criteria. These groups have offered quality service for years and can provide valuable guidance in developing minimum criteria that will not interfere with their ability to continue delivering services.

If for any reason a meals-on-wheels program or title VII nutrition project believes that it has been unjustly denied a grant or contract, representatives from such groups may appear for a fair hearing before an advisory board. Consisting in equal proportion of representatives from title VII groups and meals-on-wheels groups, the State advisory board will be appointed by the State Title VII Agency. The advisory board will make a determination of the appropriateness of the State or regional office's decision.

Title VII congregate projects and the meals-on-wheels groups should work closely together for referral and other purposes. When an elderly person in the congregate program becomes disabled or otherwise limited in mobility, that person should be referred to the contracting meals-on-wheels group. By the same token, when a temporarily disabled person regains mobility, that person should be referred back to the congregate program and home-delivered service should cease.

It is not intended that persons who are capable of participating in the congregate program receive home delivered meals. Each potential participant should be screened prior to being served under this act. This screening may be accomplished automatically by referrals from physicians, visting nurses, or the congregate program or may be undertaken by staff or volunteers of the nutrition project.

Local projects may choose to serve one or more meals a day, so long as participants receive no less than one-third of the recommended dietary allowances 5 or more days per week. Local projects may elect to provide meals on weekends. If they do, these weekend meals must also provide no less than 33⅓ percent of the RDA. This requirement may be met by supplemental foods such as a snack, cold meal, special commercial adult formula, or any combinations thereof. It should be noted that these figures represent the minimum standards and in no sense preclude the option of providing higher levels of nutritional support.

Each meals-on-wheels program or title VII nutrition project must operate an information and referral system for homebound recipients to insure maximum coordination of additional community services. Each meal delivery route must have at least one volunteer or staff member who has been trained to observe conditions in the homes of participants which would seem to necessitate the service of one or more additional community agencies. If such conditions exist, the volunteer or staff member would report these conditions to a volunteer or staff member in the project's central office whose responsibilities would include contacting the appropriate community agency. Within a reasonable period of time, a followup check of that agency's action should be made and noted in the participants' files.

If a meals-on-wheels program receiving funds under this act does not currently operate an information and referral service, it may coordinate its program with the nearest title VII nutrition project which does operate such a service. If no title VII project in the area served by the meals-on-wheels program offers such a service, the meals-on-wheels program must, at a minimum, develop an information service for participants including an easy-to-read flier or poster, which would list names, addresses, and phone numbers of community agencies and emergency services for the purpose of information and referral. No greater than 1 percent of a program's funds available under this act may be used to develop such an information service.

In addition to the above services, the bill would establish pilot projects in 10 States to improve methods of and develop new procedures for coordinating all social services for the homebound. Homebound individuals often need a range of services of which a meal is usually the first and most critical. However, providing this range of services is a complicated and often expensive endeavor. Current Government efforts to coordinate services to the homebound are necessary but insufficient. In order to best address the complications of coordinating services for the homebound we must have information on the advantages of different approaches to this effort.

Each project receiving funds under this act would be strongly encouraged to conduct community outreach using techniques similar to those used in participant outreach to attract and use a substantial pool of volunteers. In addition, projects or local organizations could use funds available under this act when appropriate to compensate volunteers for transportation expenses incurred in the delivery of meals to the homebound participant.

Utilizing volunteers to the maximum extent possible should in no way jeopardize the jobs of meals-on-wheels or title VII nutrition project personnel who are currently paid a small stipend for

their services. Further, projects and meals-on-wheels groups may use funds from their administrative allotment to expand personnel receiving limited stipends, especially senior citizens who are providing part-time or full-time services.

The National Meals-on-Wheels Act would also establish a demonstration project to study the National Aeronautics and Space Administration Meal Systems for the Elderly.

NASA developed the technology for this system in cooperation with the LBJ School of Public Affairs at Austin, Tex., and the United Action for the Elderly. A package of seven complete, shelf-stable canned or freeze-dried meals would be delivered or mailed to homebound elderly on a weekly basis. Preparation of these meals by the elderly requires only facilities sufficient to boil water. The NASA–LBJ project has been tested successfully on over 120 elderly participants in Texas.

It is important to note that this system is not intended to replace either the regular congregate or home-delivered meal programs. Personal contact with the elderly is an essential feature of these programs and should not be displaced. Rather, this system is designed to provide meal service only to those persons who are beyond the reasonable reach of any current meal service. The NASA Meal System can effectively serve those persons who are geographically isolated, live in an area where no program exists, or who are temporarily in emergency situations.

The pilot project would be conducted in three States. Care should be taken to maximize the use of food familiar to the elderly. Each demonstration project will include an evaluation by the Commissioner of the usefulness of this approach in meeting the nutritional needs of the elderly.

At the conclusion of the demonstration project, the Commissioner shall report the results to Congress, together with recommendations for legislation which he deems appropriate.

All other title VII requirements for sanitation, eligibility, participant contributions, and so forth, would be applicable to this act, excepting section 706A(6).

Complementing the above provisions, the bill would establish a study to determine the effectiveness of the meals-on-wheels program. This study would be carried out in the first 18 months after the enactment of the act. It is designed to generate data on the conditions of the homebound and to determine the strengths and weaknesses of the meals-on-wheels program.

Government programs are too often changed in the absence of comprehensive data to substantiate policy decisions. In an era of limited resources we must have detailed information on which to base judgments about how best to spend our dollars. The documentation that would be provided by this study is vital to the efficient and proper development of the national meals-on-wheels program.

I ask unanimous consent that the National Meals-on-Wheels Act of 1977, together with an analysis of the bill, be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Meals-on-Wheels Act of 1977".

SEC. 2. Section 706(a)(1) of the Older Americans Act of 1965 is amended by inserting "(A)" immediately after "(1)", by inserting after the semicolon the words "and, or", and by adding after such section the following new subparagraph:

"(B) to establish a project (referred to herein as a 'nutrition project') for the elderly, blind, and disabled which, five or more days per week, provides at least one home-delivered hot meal which assures a minimum of one-third the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council, except that any nutrition project which elects to serve such meals more than five days a week assures, at a minimum, an amount of commercially available ready-for-use nutritionally balanced liquid product or light snack, or both, which provide at least 33⅓ per centum of such recommended dietary allowances for each day in which no home-delivered meal is provided;"

SEC. 3. (a) Section 706(a) of the Older Americans Act of 1965 is amended by striking out "and" at the end of paragraph (10), by redesignating paragraph (11), and all references thereto, as paragraph (13), and by inserting immediately after paragraph (10) the following new paragraphs:

"(11) to operate an information and referral system to the maximum extent possible with other available services for homebound individuals receiving meals under this title by—

"(A) training the delivery personnel so that such personnel may make informed judgments about the additional service needs of meal recipients; and

"(B) reporting the additional service needs to agencies, groups, or individuals who might be of assistance in meeting such needs;

"(12) to seek and utilize volunteer personnel for the provision of home-delivered meals to the maximum extent possible and to compensate such personnel when appropriate for transportation expenses incurred in the delivery of such meals; and".

(b) Section 706 of such Act is further amended by adding at the end thereof the following new subsection:

"(c)(1) In allotting funds for projects under clause (1)(B) of subsection (a) of this section, preference shall be given, where feasible, to the use of organizations, such as meals-on-wheels groups, which demonstrate an ability to operate such services efficiently and reasonably if such groups—

"(A) are able to demonstrate the need for the services furnished by such groups; and

"(B) provide reasonable assurance that the nutrition project for which asistance is sought will maintain to the maximum extent possible its level of funding for the elderly, blind, and disabled from non-federal resources for the fiscal year prior to the year for which the determination is made under Title VII of this Act.

"(2) The Commissioner, in consultation with representatives from the American Dietetic Association, the Association of Area Agencies on Aging, the National Association of Title VII Project Directors, the National Association of Meals Programs, Inc., and any other appropriate group, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services for such projects. Such criteria shall take into account the ability of established meals-on-wheels programs to continue such services without major alteration in the furnishing of such service."

"(3) No contract may be entered into and no grant may be made for a project under clause (1)(B) of subsection (a) of this section unless the contract or the agreement evidencing the grant include provisions designed to assure that the furnishing of such services complies with the minimum criteria established under this subsection."

"(4) If the grantor agency determines that the use of such meals-on-wheels group or Title VII nutrition project is not feasible, the grantor agency is required to show that such group has not fulfilled the minimum criteria of efficiency and quality established under this subsection. In order to carry out its responsibilities under this paragraph, each State shall establish an Advisory Board consisting of representatives of Title VII or Title III organizations and of meals-on-wheels groups in equal proportions to conduct a hearing on the issue of continuation of the grant or contract under such subclause (B)."

"(5) Not to exceed 15 per centum of the individuals receiving services in any project assisted under clause (1)(B) of subsection (a) of this section may consist of blind and disabled homebound individuals who are not elderly."

SEC. 4. (a)(1) Section 708 of the Older Americans Act of 1965 is amended by inserting "(a)" after the section designation.

(2) Section 708(a) of such Act (as redesignated by paragraph (1) of this subsection) is amended by inserting "and paragraph (1)(B), (11), and (12) of section 706(a)" after "section 707(c)" in the parenthetical.

(b) Section 708 of such Act is amended by adding at the end thereof the following new subsection:

"(b) (1) In addition to the sums authorized by subsection (a), there are authorized to be appropriated $80,000,000 for the fiscal year 1978, and $100,000,000 for the fiscal year 1979 for the purpose of providing home delivered meals pursuant to section 706(a)(1)(B).

"(2) Not more than 20 percent of the allotment made to each State for any fiscal year from sums appropriated pursuant to paragraph (1) of this subsection shall be used for project administration and support services unless the Commissioner determines that, for just cause, such percentage is insufficient to meet the needs of any State.

"(3) Not to exceed 5 per centum of the allotment made to each State for any fiscal year from sums appropriated pursuant to paragraph (1) of this subsection shall be made available for the proper and efficient administration of the State plan.

"(4) Sums appropriated pursuant to paragraph (1) of this subsection shall remain available until expended.".

SEC. 5. (a) The Commissioner shall conduct a study on the effectiveness of the National meals-on-wheels program. Such study shall be designed to—

(1) identify the areas of greatest need for home-delivered meals and determine if the meals-on-wheels program is reaching such areas of need;

(2) ascertain whether the meals-on-wheels information and referral service is being coordinated with other available community services for the elderly and determine if such services are being provided; and

(3) determine the cost effectiveness of the meals-on-wheels program including a determination in selected areas tested as to whether the rate of institutionalization of the elderly has been affected.

In carrying out the study required by this subsection the Commissioner shall consult with representatives of State agencies conducting programs assisted under title VII of the Older Americans Act of 1965.

(b) The Commissioner shall prepare and submit a report to the President and to the Congress not later than 18 months after the date of enactment of this Act on the results of the study required by this section, together with such recommendations, including recommendations for legislation, as he deems appropriate.

(c) There are authorized to be appropriated for the fiscal year 1977 and the fiscal year 1978 such sums as may be necessary to carry out the provisions of this section.

SEC. 6. Title VII of the Older Americans Act of 1965 is amended by redesignating section 710 and all references thereto, as section 711 and by inserting immediately after section 709 the following new section:

"NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MEALS SYSTEM FOR THE ELDERLY DEMONSTRATION PROJECTS

"SEC. 710. (a) The Commissioner shall conduct a demonstration project involving at least three States to determine the feasibility of using the meals system designed by the National Aeronautics and Space Administration for the elderly as a component of or as a substitute for regular nutrition projects under such a nutrition project are not feasible or practicable. Each such demonstration project shall include an evaluation by the Commissioner of the usefulness of this approach in meeting the nutritional needs of the elderly.

"(b) The Commissioner shall report to the Congress on the results of the demonstration projects authorized by this section together with such recommendations including recommendations for legislation as he deems appropriate.

"(c) There are authorized to be appropriated for the fiscal year 1978 $150,000 to plan the implementation of the demonstration projects and for fiscal year 1979 $650,000 to carry out the provisions of this section.

"1. Not more than 15% of the allotment made available in FY 1979 shall be available for administration and support services.

SEC. 7. Section 308(a) of the Older Americans Act of 1965 is amended by adding the following new subparagraph:

(8) develop and/or improve methods of coordinating all available home social services for the homebound elderly, blind, and disabled by establishing demonstration projects in ten states. The Commissioner of the Administration on Aging shall consult with the Commissioner of the Office of Handicapped Individuals, with the Commissioner of the Social Security Administration, and with representatives of the Public Health Service, to develop procedures for:

1. identifying the elderly, blind, and disabled individuals who need home service care.

2. compiling a list in each community of all services available to the homebound elderly, blind, and disabled.

3. establishing an information and referral service within the proper community agency to:

i. inform those in need of the availability of said services

ii. coordinate the delivery of home services to the elderly, blind, and disabled."

No more than six months shall elapse after the enactment of this Act before the Commissioner shall establish the groundwork for administering the demonstration projects. The Commissioner shall report to the Congress on the results of the demonstration projects at the end of FY 1979.

SEC. 308. (b) of the Older Americans Act is amended by inserting "1" immediately after (b), by striking the "." after 1978 and adding in lieu thereof ";", by inserting at the end thereof "1" and by adding the following new subparagraph.

2. In addition to such sums that are made available under Section 308(b)(1) there shall be authorized to be appropriated for fiscal year 1978 $500,000 to plan and establish the administrative structure for the demonstration projects under Section 308(a)(8) of this Act. There are authorized to be appropriated for FY 1979 such funds as are necessary for the purpose of implementing the demonstration projects under Section 308(a)(8) of this Act.

EXPLANATION OF THE NATIONAL MEALS-ON-WHEELS ACT OF 1977

The following is a brief description of the bill's major provisions.

1. Title VII of the Older Americans Act, the Elderly Nutrition Program, would be amended to provide separate authority for home-delivered meals to the homebound elderly, blind and disabled, an extremely vulnerable group not now being reached.

2. The number of meals served each day to the homebound would remain a local project option, so long as participants are provided no less than one-third of the Recommended Dietary Allowances on five or more days per week. Projects may elect to serve meals on weekends. This requirement may be met by delivering on Friday supplemental foods such as a snack, cold meal, or special adult formula. If they do, these weekend meals must also provide no less than 33⅓ percent of the R.D.A.

3. An information and referral system would be established for the homebound recipients, to insure maximum coordination of additional community services. Food delivery personnel will be trained to make informed judgments about the additional service needs of the elderly recipients and report these needs to the appropriate agencies, groups or individuals. In addition, Title III of the Older Americans Act will be amended to conduct pilot projects in ten states to improve methods for coordinating services to the homebound.

4. Each project would be encouraged to attract and utilize qualified community volunteers to deliver this nutrition service. In addition, projects may compensate volunteers, when appropriate, for transportation expenses incurred in the delivery of meals to homebound participants.

5. Preference in awarding grants for the homebound nutrition program must be given to pre-existing community Meals-on-Wheels organizations, which have demonstrated an ability to successfully deliver meals to the homebound. However, Meals-on-Wheels organizations must: demonstrate a need for their services, provide some assurances that their non-federal resources will be maintained, and meet minimum criteria of quality and efficient service to qualify for a grant or contract. Any group that believes it has been unjustifiably denied a grant or contract may appear for a fair hearing before a State Advisory Board of Title VII and Meals-on-Wheels representatives.

6. The Act establishes a small demonstration program to study the NASA Meals System for the Elderly. This system, on a weekly basis, delivers or mails a package of complete, shelf-stable meals (such as freeze-dried or canned) to home-bound elderly. The program is designed to reach those elderly who cannot be served by the current delivery system. The pilot project would be conducted in portions of three States.

At the end of the year-long project, the Commissioner shall report to Congress on the results of the demonstration projects together with such recommendations as he deems appropriate.

7. The Act also establishes a study that would be conducted to determine the effectiveness of the National Meals-on-Wheels Program. This study would be designed to provide data necessary for the proper and efficient development of the National Meals-on-Wheels Program.

8. There are authorized to be appropriated $80 million in FY 1978 and $100 million in FY 1979 for the purposes of providing home-delivered meals and supportive services for the homebound. No more than 20 percent of these funds may be used by the projects for administrative and supportive services costs. Each state may expend five percent of their allotment for administration of the state plan. Any unspent funds must be carried over to be expended during the following fiscal year.

Mr. DOLE. Mr. President, the Senator from Kansas is pleased to join the Senator from South Dakota in cosponsoring the "National Meals-on-Wheels Act of 1977," which provides home-delivered meals to our elderly and disabled homebound citizens.

Studies show that a disproportionately large number of the elderly are poor and malnourished, whose problems are complicated by the fact that so many older persons are disabled, and therefore cannot provide for their daily nutritional needs. Recognizing this problem, the city of Philadelphia began a meal delivery program to its elderly and handicapped citizens in 1954.

The project proved itself so beneficial that many other communities across the country began to operate meals-on-wheels feeding programs, which were administered by community service projects, church groups, or other volunteer organizations. The program has proven to be a popular, satisfactory method of helping to feed the hungry.

CONGREGATE FEEDING PROGRAMS

Presently, the Older Americans Act provides for congregate feeding programs which are important both nutritionally and socially to our senior citizens. Participants come to one central site to receive served meals. This is a good program, but realistically, it does have limitations simply because many elderly persons are not ambulatory and find it impossible to leave their homes to participate.

The individual who cannot travel to the congregate meal site is likewise unable to leave his home and shop for groceries. In addition, all too frequently this person has not the stamina to prepare the food at home, even if someone else purchases their groceries. So, for these citizens, we need a national meals-on-wheels program.

HOMEBOUND DISABLED

I am pleased that at my instigation, homebound handicapped persons—of any age—were included in the coverage of this legislation, for their needs are essentially identical to those of homebound senior citizens. I think our Government has a responsibility to provide for persons with various disabilities who have no choice but to be dependent on society for their well-being. This is a moral responsibility which we must accept and honor.

VOLUNTEER CONCEPT

One concept of this legislation is that meals-on-wheels will remain a volunteer project. I have had persons tell me how

much it means to them that volunteers deliver the meals, for it indicates the volunteer is genuinely interested in their welfare, and not simply performing a job. It is important to do all we can to nourish this spirit of good will.

PREVENTATIVE HEALTH

There are several other reasons for supporting the bill. Assuring a good, proper level of nutrition is excellent preventative health care, for it strengthens the body's defenses against disease, thereby helping to retard the aging process. When a person maintains better health, it should result in lower curative health costs, and financial savings under other health care programs. The cost of keeping an elderly or disabled individual in a nursing home or in another institution is many times in excess of the cost of our meals-on-wheels program. We believe that this program will allow elderly and handicapped persons to remain in their homes, when previously they would have been forced into an institution simply because of their inability to prepare meals.

CONCLUSION

This legislation we introduce today is necessary to meet the nutritional needs of some of our most destitute citizens—the homebound elderly and disabled. It is also needed because it establishes again that preventive care, rather than curative treatment is the health goal of our Nation. And, it adds dignity to our homebound population, for we are helping to make it possible for these persons to live in their homes for a few more years before seeking the services of an institution.

I urge my colleagues to support this bill, for it offers a needed nutritional and social service to a large segment of our citizenry.

Mr. PELL. Mr. President, I am very pleased to join in the introduction of S. 519, the National Meals-on-Wheels Act of 1977.

This important and much needed legislation is an outgrowth of the meals-on-wheels program, a largely volunteer organization which began in the United States 23 years ago. This highly regarded program has grown to include almost 2,000 organizations delivering meals at home to elderly, disabled, and homebound citizens. Each organization is adapted to its own special community needs and problems.

This legislation is a needed extension to the existing title VII, senior citizens nutrition program. I strongly support the present services and welcome the opportunity to cosponsor this legislation. A national meals-on-wheels program will expand the present program to include over 3 million elderly and disabled citizens. The legislation will provide an additional authorization of $80 million dollars in fiscal year 1978 for the specific purpose of home-delivered meals. At the same time, a national meals program could save the Federal Government between $200 and $400 million in expenditures to nursing homes.

I have been particularly impressed with the quality of the meals-on-wheels program through my knowledge of the Rhode Island meals-on-wheels organization under the leadership of Mrs. Joseph Brown. Almost 500 volunteers are involved in the program, delivering almost 150,000 meals to well over 1,000 of Rhode Island's elderly, disabled, and homebound. This organization is an integral element in the total community care services for Rhode Island's senior citizens.

The meals-on-wheels program not only provides hot meals for our elderly and homebound citizens but also provides companionship for shutins. The volunteers, without whom this program would inevitably fail, are also on the alert for any medical service that might be needed.

The measure will continue the excellent volunteer program already established. In addition it will establish a referral system with other community services for the disabled and elderly, as well as begin a pilot project to improve the coordination of social services for these citizens.

Mr. President, I cannot stress enough the importance of a national meals-on-wheels program. This legislation will not only extend the services already existing but will help insure that meals will be provided to those of our elderly and disabled citizens who so desperately need them. I am proud to be a cosponsor of it.

By Mr. TOWER (for himself and Mr. HARRY F. BYRD., JR.):

S. 520. A bill to amend title 10 of the United States Code to authorize cost of living adjustments of annuities under the Retired Serviceman's Family Protection Plan and to provide that remarriage of a spouse at or after age 60 shall not result in termination of annuity; to the Committee on Armed Services.

Mr. TOWER. Mr. President, the bill I am introducing today along with my distinguished colleague, the senior Senator from Virginia, Mr. HARRY F. BYRD, Jr., would serve to rectify a serious omission of existing law affecting the widows of certain retired members of our Nation's Armed Forces.

The retired serviceman's family protection plan—RSFPP—was established by law in 1953. This plan served to enable a retired member of the uniformed services to share his retired pay with his wife and children if he predeceased them. The plan was established on actuarial-equivalent basis such that the deductions taken from the retired pay of participants, plus interest, funded for the authorized benefits. These annuities, however, have been drastically reduced in value in recent years because of the impact of inflation.

The RSFPP was replaced by the so-called survivor benefit plan—SBP—established by Public Law 92-425 on September 21, 1972. Servicemen who retired after that date could not participate in the RSFPP. Persons who were already retired on that date could elect to participate in the new survivor benefit plan up until March 20, 1974.

Benefits provided under the SBP are automatically adjusted in the same manner as is military retired pay, that is, annuities are adjusted for increases in the cost of living. While living retired members who had enrolled in the RSFPP were given an 18 month option during which they could elect to participate in the SBP, those retired members who died before enactment of the SBP did not have this opportunity. Thus they were precluded from taking steps to provide their survivors with an annuity that would take into consideration increases in the cost of living.

Last year the House of Representatives passed a bill, H.R. 14773 that would have authorized among its provisions increases in RSFPP annuities in cases of retired members who died on or before March 20, 1974. However, as this measure was not sent over to the Senate until the last weeks of the 94th Congress, there was not adequate time for the Committee on Armed Service to look into this particular matter.

This bill would provide future cost of living increases in RSFPP annuities in the case of retired members who died on on before March 20, 1974. In addition to providing future increases, this bill authorized annuities to be increased effective as of the first day of the first calendar month following the day of enactment of this act by the total percent that retired pay has been increased since September 21, 1972. Additionally, there is a provision whereby the annuities for RSFPP widows would not be terminated in the event of remarriage at or beyond age 60, as is the case in existing law.

Mr. President, I feel that this is a matter which all of my colleagues can agree is in need of prompt attention, and I urge that this bill receive the favorable consideration of this body which it deserves.

By Mr. HUDDLESTON:

S. 526. A bill to authorize a Federal civil defense program, and for other purposes; to the Committee on Armed Services.

FEDERAL CIVIL DEFENSE ACT OF 1977

Mr. HUDDLESTON. Mr. President, it is with pleasure that today I introduce the Federal Civil Defense Act of 1977.

This legislation is aimed primarily at accomplishing two objectives. First, there is the attempt to eliminate fragmentation of responsibility for emergency services planning which now exists in the Federal Government. Secondly, it is my intention to broaden the definition of civil defense to include natural and man-made disasters. This is done in order to resolve the on-going dual use controversy.

Also, I believe that by elevating the head of the Civil Preparedness Agency—DCPA—to the assistant secretary level within the Department of Defense, there will be the opportunity for a much more meaningful discussion of the very critical nuclear civil defense strategy issues facing our Nation today.

By reassigning the functions of the Office of Preparedness to the Federal Disaster Assistance Administration—FDAA—and DCPA and by moving FDAA from under the auspices of the Department of Housing and Urban Development to DCPA, many duplications, par-

ticularly in the area of planning, can be eliminated. These moves would thus provide FDAA and DCPA with adequate resources to readily accomplish the tasks already assigned to them.

Adjustments I have proposed in the formulas for distribution of Federal funds will give local and State governments much more flexibility in developing a viable preparedness program.

In broadening the definition of civil defense to include natural and man-made disaster responsibilities, this legislation seeks to resolve the so-called dual use controversy. This is done by assigning by statute the responsibility for natural disaster planning and response. As it now stands natural disasters are really the stepchild within the DCPA family. By putting natural disasters on the same footing with enemy attacks I feel will allow both catastrophes to be reckoned with much more sensibly than now is the case.

I do not claim this bill contains all the answers to the multitude of problems which exist in the field of disaster planning and response. However, it is my firm conviction that this bill can be a vehicle for the development of constructive alternatives to the present woefully inadequate situation.

The staff of the Kentucky Division of Disaster and Emergency Services is to be applauded for the outstanding assistance rendered in drafting this bill. Without their help we could not be in the position of offering it to the Senate for consideration today.

In that many authorizations dealing with disaster planning expire on June 30, 1977, I respectfully urge that this measure be considered at the earliest possible date.

By Mr. CULVER (for himself and Mr. NELSON):

S. 527. A bill to amend the Small Business Act by authorizing the Small Business Administration to furnish reinsurance for property liability insurers for small business concerns which would not otherwise be able to obtain product liability insurance on reasonable terms, and for other purposes; to the Select Committee on Small Business.

PRODUCT LIABILITY INSURANCE FOR SMALL BUSINESS

Mr. CULVER. Mr. President, I am today introducing legislation which would make it easier for small businesses to obtain product liability insurance at affordable cost. This would be accomplished by authorizing the Small Business Administration to offer reinsurance in cases where small firms cannot be accommodated by the conventional insurance market because of inadequate reserves, or where such insurance would be ruinously expensive.

The mushrooming cost of product liability coverage is a source of serious concern to the entire business community, but as we on the Small Business Committee know too well, it is a potentially lethal threat to the small, independent concern. The committee held 4 days of hearings on this subject in the past several months. I chaired two of these hearings, one in my State of Iowa, and heard from representatives of the insurance industry, the legal profession and the engineering disciplines, as well as a number of beleaguered businessmen. The problem facing them is, simply put, a crisis.

The crisis is particularly troublesome because its exact dimensions are unclear. We know, for example, that many firms have seen their insurance premiums go up 2,000 percent and more, but we don't know all the lines of business affected, nor can we trace the premium increases directly back to a corresponding increase in insurance company loss experience. The proliferation in product liability claims has been so rapid that traditional methods of managing and forecasting product liability experience are now grossly inadequate. The rule was 50,000 annual claims 10 years ago; about 1,000,000 were handled in 1975. The total cost of these claims is billions of dollars! Whether or not the settlements are fair to the businessman or the victim—and many believe they are not—the fact remains that the ultimate cost burden is borne by the economy as a whole.

As is so often the case, the economic burden falls most heavily on the small capital to insure themselves. For example, of 75 Iowa firms responding to a survey by the Iowa Manufacturers Association, only 7 were self-insured, and of these just one had annual sales under $2.5 million. Even if small businesses are willing to risk going without insurance, many distributors and retailers will refuse to carry products made by firms without coverage.

These factors have resulted in companies closing their doors or discontinuing product lines which, judging from their records, were quite safe. A classic example of this is the Contract Packaging Co. of Norwalk, Iowa. Contract Packaging makes and sells about a half-million dollars worth of animal health care products. According to company officials, in 10 years of operation it has never had a claim filed against one of its products. Yet last year, Contract Packaging was canceled by its insurance carrier and, today, the company is going out of business. As many as 30 people will be added to the unemployment rolls. Contract Packaging's case is not an isolated example, but of what is happening to small firms throughout America.

Mr. President, the interests of a sound national economy and continued employment opportunities, as well as simple equity, make it imperative that a solution be found.

The problem of product liability involves a wide range of fundamental legal and economic issues. Among the various proposals advanced during our hearings to address this subject were reform of the tort system of legal recovery, limitations on the size of court awards, and time limits on the manufacturer's liability after the product is put on the market. Naturally there are arguments for and against such basic changes and a final, equitable resolution will require long and careful review to balance the fair interests of businesses, consumers, workers and all other parties concerned.

In the interim, the bill I introduce today is a necessary measure. It is intended to buy time for small business while a sound long-term solution is sought, both at the State and Federal level. The program is to last for 3 years. During that time the SBA would be empowered to offer reinsurance which would protect the participating underwriter's reserves from excessive losses. The administration would set premiums for this reinsurance at levels which would encourage relief in the form of primary insurance rate reductions for eligible small businesses. We hope to provide these firms with an alternate route to product liability coverage when their usual sources are unavailable or prohibitively expensive.

There is always a temptation to seize on a quick solution as the best solution. For that reason, it is important to point out what the bill is not, as well as what it is.

First, it is intended neither to subsidize, nor to compete with, the insurance industry as regulated in each State. It is, rather, an interim aid to extending affordable coverage to the industry's traditional customers. The bill provides for reinsurance of either individual companies or insurance pools. In similar instances, State-administered pools or joint underwriting associations have sometimes been effective in making insurance more accessible. Certainly, the formation of such groups could be encouraged by SBA under this bill. To the extent that reserves are inadequate to extend coverage to otherwise insurable risks, however, or where impossibly high premiums would be required, SBA would offer reinsurance, perhaps at a discounted premium. In the meantime, we expect the industry to continue the thorough analysis of product liability insurance now underway and to develop a more rational and comprehensive rating system. In undertaking a reinsurance program, the SBA has available several precedents for temporary partnership between the Federal Government and private insurance companies, among them flood and riot coverage.

Second, and more important, this bill is not a real solution to the problem. Until the number of product-related injuries is reduced, and unless we can provide improved restitution mechanisms for those injuries which cannot be prevented, we will continue to treat the symptoms rather than the disease.

Studies on how these two aims can be achieved are continuing. One approach is to explore what assistance is available to small business from Federal agencies, such as the Consumer Product Safety Commission and the Occupational Safety and Health Administration, to help them design and purchase safer products. I hope to chair hearings on this subject in the near future, and I look forward to the time when we can more effectively prevent, rather than merely redress, product-related injuries.

In the meantime, Mr. President, the need for positive action is imperative. The bill I am proposing today would provide relief for those small businesses hit hardest by the product liability crisis. It would accomplish this with minimal disruption of the traditional relationship

between insurance agent and client. Moreover, it will buy some time, time which will otherwise see small businesses close their doors because of their inability to find, or to pay for, insurance coverage.

I am very pleased that Senator GAYLORD NELSON, the chairman of the Senate Small Business Committee, is joining me in introducing this legislation. Senator NELSON has long been a champion of the rights and legitimate needs of small business. We feel strongly, Mr. President, that this matter deserves rapid and favorable consideration by the Congress.

Mr. NELSON. Mr. President, today I am pleased to cosponsor legislation to establish a Federal reinsurance program to assist small businesses that are experiencing serious difficulties in obtaining affordable product liability insurance.

Last spring the Small Business Committee began to hear some shocking examples of how product liability insurance premiums were becoming more and more unaffordable for many of America's small businesses. A bicycle manufacturer wrote us that his premium for product liability insurance had gone from $40,000 per year to $177,000 per year in just a 3-year period. A chemical distributor wrote that his product liability premium has jumped within a 3-year period from $750 to $5,000. Furthermore, that manufacturer is currently operating without coverage, having refused a policy that would cost him $16,000 per year. In another case, a manufacturer of power presses wrote the committee that his liability insurance premiums had increased from $620 in 1965 to over $60,000 for a $10,000 deductible policy today. That same businessman said that his insurance had been cancelled five times in the past 10 years and should he be canceled again, he would probably be unable to find another insurance source.

These premium increases are being demanded of many small firms that have never had a product liability claim filed against them, or that have at least had inconsequential claims. For instance, a machine manufacturer wrote that his product liability losses had averaged less than $1,000 per year during 28 years of business, but during 1976 he was being quoted a premium of $37,000. This manufacturer stresses.

In our search for a new carrier, eight major insurance companies refused to take the coverage without even reviewing our experience record for the last 28 years. The stock answer for the refusal was the potentially high risk of jobs for machinery in general and the unreasonably high judgments being awarded by the courts.

It has been estimated that 10 years ago, 50,000 product liability suits were filed in the courts in this country. This figure is expected to reach 2 million in 1980. The average award has soared from $11,000 per case 10 yeas ago to near $100,000 today.

Underwriters of casualty insurance have responded to this upward explosion of court awards by adjusting their premiums dramatically upward. The insurance industry tells us that these losses for all lines of casualty insurance amounted to $2.6 billion in 1974 and another $4.2 billion in 1975. This upsurge in product liability suits and increased claims has sent insurance premiums for small business to the brink of unaffordability.

Mr. President, these examples are representative of the hundreds of distressing cases that the Senate Small Business Committee has received since last summer. They are indicative of a dilemma facing American industry that far overshadows the medical malpractice insurance crisis.

But it is small firms that bear the brunt of this product liability crisis, because they are least able to withstand the shock of such ballooning insurance expenses. Small businesses simply do not have the capital with which to absorb product liability insurance increases of hundreds and sometimes thousands of percent. The SBA estimates that the most severly affected are the 700,000 small firms in those industries that manufacture products falling into the higher-risk insurance classifications. Those firms produce almost $350 billion in annual sales and employ 7,850,000 workers.

Recognizing the consequences of the product liability crisis for American small businesses, last year the Senate Small Business Committee conducted 4 days of hearings with 46 witnesses, representing the small business community, the insurance industry, consumers, the legal profession, and several key agencies testifying. Their testimony enhanced the committee's knowledge of this problem as exemplified by hundreds of letters from small businessmen.

I think few of us here in Congress would disagree that a problem exists. Perhaps we do not know the full dimension of the problem as yet, but our evidence strongly suggests that the threat is severe enough to demand the immediate attention of Congress. I will be the first to admit that any one attempted remedy will be insufficient to set things right. We will continue to seek other remedies. However, we need to begin somewhere, and we need to begin immediately.

The bill which Senator CULVER and I introduce today would authorize the Small Business Administration to provide reinsurance to primary insurers of small businesses. By providing reinsurance to primary insurers, it is hoped that some of the vast uncertainties within the casualty and property insurance industry resulting from their multibillion dollar losses in the early seventies will be allayed. It is these uncertainties which help to drive the cost of product liability insurance out of sight for many small firms.

Reinsurance helps the primary insurer avoid exposure to excessive losses caused by any one event. Otherwise, the uncertainty for the insurer is great, and its financial solvency may be jeopardized. Excessive losses can result because the protection issued to the insured is too great, or because many insureds are affected by the same event. The major contribution of reinsurance to the solvency of the insurer is a more widespread distribution of risk. Thus insurers may reinsure that portion of their liability which may be considered in excess of their capacity to handle.

Should this bill be enacted into law, the Small Business Administration will be authorized to contract with the insurance industry for such reinsurance coverage, thereby reducing some of the pressure on the industry's reserves and affording some relief for the eligible small businesses.

That a Federal reinsurance mechanism would help protect the solvency of the insurers is only incidental. The primary purpose is to protect those small firms whose solvency is threatened by unaffordable product liability insurance rates and inadequate liability coverage. The insurance industry is obliged to determine the causes of the sudden escalation in premiums, to take steps to insure that another steep escalation does not occur in the future, and to improve its ratemaking procedures.

For example, product liability insurance rates are currently based on only 10 percent of the premium-loss experience in product liability exposures. The insurance industry tells us that most product liability experience is unavailable for ratemaking decisions because it is included in comprehensive policies with other types of casualty insurance. Thus no one knows if the current rates are fair prices.

The Information Services Office, a statistical and ratemaking service agency for the insurance industry has undertaken efforts to improve and expand the data base used in determining product liability rates.

The bill which I cosponsor today would limit Federal reinsurance to 3 years. During that time the insurance industry will obtain better statistics on the number, aggregate amount, and nature of claims losses.

Thus this measure is a stopgap remedy to help those small firms that are in jeopardy as a result of their inability to obtain product liability insurance, or to obtain it at affordable prices. In the meantime, it is incumbent upon the industry to put its house in order and fully demonstrate to the public that the rates being charged for product liability insurance are fair and equitable.

I am pleased to join my colleague, Mr. CULVER, in introducing this much-needed legislative relief for small businesses caught in the product liability crisis. We share a sense of the urgency of this situation in which the very existence of many small firms depends upon quick action being taken by their government.

By Mr. WILLIAMS (for himself and Mr. JAVITS):

S. 528. A bill to require an employer which assumes the ownership or operation of a business to honor the terms and conditions of a collective bargaining contract; to the Committee on Labor and Public Welfare.

Mr. WILLIAMS. Mr. President, today I am introducing legislation which will protect the contractual rights of American workers whenever their current employer is changed because, for example, its business is purchased, merged, or consolidated. Specifically, my legislation,

first, will make it an unfair labor practice for an employer to refuse to assume all of the terms and conditions of a predecessor collective bargaining contract, and second, will give Federal courts jurisdiction over lawsuits against a new employer for violation of any of the terms of the assumed collective bargaining agreement.

The legislation I am introducing is designed to give guidance to the Supreme Court in a much clouded area of labor law. Congressional guidance is what the Court has indicated it does not have. It stated so in one of a series of decisions rendered during the past 4 years in which it attempted to resolve the issues but failed:

> Particularly in light of the difficulty of the successorship question . . . and the absence of Congressional guidance as to resolution, emphasis on the facts of each case as it arises is especially appropriate. *Howard Johnson* v. *Detroit Local Board Hotel & Restaurant Employees and Bartenders Union*. 417 U.S. 249 (1974).

My legislation is aimed at achieving stability through continuity of contractual rights and job rights. And stable negotiated labor contracts are in fact the keystone of the stable industrial relations, as it has developed under the NLRA, which our Nation enjoys. This bill is consistent with the philosophy of and the aims of our national labor relations policy for the last 40 years.

A change in the corporate structure, ownership, or operation of a business should not have the automatic consequence of erasing contract rights and obligations. Employees whose union successfully negotiates a collective bargaining agreement should be secure in the knowledge that its terms and conditions will protect them for the full term of the contract. Employers, both new and old, should be secure in the knowledge that they will receive what they bargained for. Parties should not be placed in a position where they make a bargain today but do not know the extent of their rights and obligations until a court decides that issue for them many years later.

Instead of stability, the product of the Supreme Court's series of decisions during the past 4 years is uncertainty. Business planners and unions have been left without clear guidelines to facilitate smooth business transfers.

As I view the problem, the Supreme Court created this uncertainty by its decisions in the earlier mentioned Howard Johnson decision and in its prior decision, *NLRB* v. *Burns International Security Services*, 406 U.S. 272 (1972). In those decisions the High Court established a new rule of law: the new employer can never be required to assume its predecessor's collective bargaining agreement.

According to the Court in Burns, this holds true under Taft-Hartley refusal to bargain provisions—sections 8(a)(5) and 8(d). According to the Court in Howard Johnson, this likewise holds true under the contract enforcement provisions contained in that act—section 301.

The Supreme Court's rule produces uncertainty because it replaced contract law principles with a labor law rule of its own creation, which is that the only obligation which still may lawfully be imposed upon the new employer is the duty to bargain. This means that a stable bargaining relationship based upon contract is automatically replaced by negotiations, which, if unsuccessful, can lead to industrial strife.

Under the amendments I am introducing today, there will be no uncertainty. The parties will know that the law will require a new employer which acquires a business to assume an existing collective bargaining agreement in its entirety for the remainder of its term.

The amendments are straightforward in spelling out this objective.

The first amendment is made to section 8(d) of the Taft-Hartley Act. The language is drafted to make it a violation of the duty to bargain for a new employer to refuse to assume the preexisting contract. When Congress passed Taft-Hartley in 1947, section 8(d) was written into the law to spell out to some extent the duty to bargain collectively.

Language contained in section 8(d), which provides that the duty to bargain does not require a party to agree to a particular demand or make a concession, was relied upon by the Supreme Court in Burns to conclude that the Board lacked the authority to require a new employer to assume a contract. The proposed amendment adds a proviso immediately after this language to make clear the amendment's purpose. It pushes down the existing proviso to 8(d), and makes it a second proviso. Its form is patterned after the approach taken in what will now be the second proviso.

The conventional Board remedy for an employer violation is a cease-and-desist order and an affirmative order for the employer to bargain collectively with a union. With this amendment, the Board can order the new employer to assume the entire agreement for the remainder of its term.

The second amendment is made to section 301 of the Taft-Hartley Act. Section 301, as currently written, grants Federal courts jurisdiction over "suits for violation of contracts between an employer and a labor organization." The proposed amendment is placed immediately following this present language to make clear the Federal court jurisdiction under section 301 extends to suits against new employers which assume a business.

Amendments to two separate sections of Taft-Hartley are necessary, because the Supreme Court recognized quite correctly in Howard Johnson that the power of Federal courts to fashion a Federal common law in section 301 lawsuits could properly be exercised only in conjunction with the overall principles of the Taft-Hartley Act, the same body of law that governs the NLRB:

> It would be plainly inconsistent . . . to say that the basic policies found controlling in an unfair labor practice context may be disregarded by the courts in a suit under Section 301, and thus to permit the rights enjoyed by the new employer in a successorship context to depend upon the forum in which the union presses its claim. 417 U.S. at 256.

I have noted, previously, that the goal of this legislation is to insure stability through the continuity of contractual rights and job rights. I realize, however, that in at least one industry this legislation, if misconstrued, could lead to instability. Specifically, I understand that the National Labor Relations Board has adopted and followed a fleetwide unit rule in situations involving the sale and purchase of vessels. In such cases, in order to avoid substantial industrial strife and jurisdictional disputes, the National Labor Relations Board has determined that the seller's vessels would accrete to the purchaser's fleet. In effect, even during that period of time when the National Labor Relations Board adhered to a successorship doctrine generally, it found it to be inapplicable to the maritime water-borne industry. In that industry the sole doctrine has been that of accretion to the unit of the purchaser. See, for example, *Moore-McCormack Lines, Inc.*, 139 NLRB No. 70 (1962) and *National Maritime Union* (Overseas Carrier Corp.), 174 NLRB No. 36 (1969). Nothing in this legislation is intended to repudiate those decisions.

If, as we consider this legislation, it becomes clear that an amendment is necessary to insure continued stability in this segment of the maritime industry, I have every intention of so amending the legislation.

In conclusion, the legislation I am introducing today will require the new employer to honor a preexisting collective-bargaining contract and will enable the union to sue the new employer for violations of the agreement. My purpose is to give congressional guidance to the Supreme Court so that stability will be restored to an area of the labor law where the Court has created uncertainty.

Mr. JAVITS. Mr. President, today I join the distinguished chairman of the Committee on Labor and Public Welfare, Mr. WILLIAMS, in sponsoring a bill to amend the National Labor Relations Act with respect to the obligations of a so-called successor employer to the employees of his predecessor.

Over the past several years, the National Labor Relations Board and the Federal courts have issued diverse rulings concerning the duties of successor employers. In attempting to resolve a number of complex and controversial issues involved in successorship cases, the Board and the courts have issued rulings without the benefit of clear guidance from Congress. I believe it is now time to provide this much needed guidance in order to effectuate the basic purposes of the National Labor Relations Act in successorship situations and to promote fairness to employees whose reasonable expectations stemming from a successfully bargained collective bargaining agreement may be frustrated by the sale, consolidation or merger of a business.

It should be noted that the Congress has already established a successorship doctrine in the context of service contracts entered into by the Federal Government and subject to the Service Contract Act of 1965 (41 U.S.C. 351 (1970)). In 1972 that act was amended, by Public Law 92-473, to require successor con-

tractors, when there is substantial continuity in the services to be provided, to pay service employees the wages and fringe benefits established in the collective bargaining agreement of the predecessor contractor. The 1972 amendments also require successor contractors to pay prospective wage and fringe benefit increases as provided in the predecessor's labor agreement.

These amendments are designed to prevent prospective successor contractors from underbidding on a given contract in anticipation of undercutting wage and fringe benefit levels already negotiated by a predecessor contractor. The bill we are introducing addresses the same concern for employee protection and the stability of collective bargaining relationships. It would apply to all employers subject to the National Labor Relations Act the congressionally endorsed policy of assuring workers that the wages and benefits they had negotiated will continue for the duration of the collective bargaining agreement regardless of a change in the employing unit.

I recognize that the legislation we propose today may require modification before it is finally adopted by the Congress. Many difficult questions are involved in this matter which must be brought into focus through hearings and thorough consideration by the Labor and Public Welfare Committee. The members of the committee will then be able to express their judgment to the Senate on the precise legislation necessary to correct the inequities created by current applicable rulings, to promote collective bargaining stability, and to assure the greatest certainty for both employees and employers when a business changes hands.

The diversity of rulings, and their questionable consistency, is evidenced in four leading cases involving collective bargaining obligations following a change in the employing unit. In the 1964 ruling in *John Wiley & Sons* v. *Livingston*, 376 U.S. 543, 55 LRRM 2769 (1964), which arose in a section 301 suit, the Supreme Court held that, under certain circumstances, the collective bargaining contract terms could be imposed upon a nonconsenting successor employer through arbitration. The Court ruled that national labor law required the survival of the collective bargaining agreement's arbitration provisions after a merger and that the arbitrator could determine the extent to which the surviving company was bound by the substantive terms of the predecessor's agreement.

In 1970, the National Labor Relations Board in *Burns International Detective Agency, Inc.*, 74 LRRM 1098 (1970), ruled that depending on the circumstances, "the national labor policy embodied in the act requires the successor-employer to take over and honor a collective bargaining agreement negotiated on behalf of the employing enterprise by the predecessor." However, 2 years later the Supreme Court rejected the Board's remedy. *NLRB* v. *Burns International Detective Agency, Inc.*, 405 U.S. 272 80 LRRM 2225 (1972), holds that a successor is not obligated to honor the terms of the predecessor's collective bargaining agreement.

The Supreme Court interpreted section 8(d) to limit the successor's obligation only to recognition of and bargaining in good faith with the union representing the predecessor's employees. Section 8(d) of the act states that the mutual obligation of the employer and the employees' representative to bargain "does not compel either party to agree to a proposal or require the making of a concession."

A successor employer is, however, liable to remedy unfair labor practices committed by the predecessor, at least where the successor acquired the predecessor's business with knowledge of pending unfair labor practice litigation (*Golden State Bottling Co.* v. *National Labor Relations Board*, 414 U.S. 168, 84 LRRM 2839 (1973)).

The difficulty of determining successor employer obligations and the sometimes harsh impact on employees of current case law is indicated by the case of *Howard Johnson Company* v. *Hotel and Restaurant Employees*, 417 U.S. 249, 86 LRRM 2449 (1974), which, like Wiley, arose under section 301 of the NLRA. Although not overruling Wiley, per se, the Supreme Court held Howard Johnson not bound to arbitration under the terms of its predecessor's contract. I believe the facts of this case warrant attention here.

In 1959 and 1960, Howard Johnson, a major nationwide owner of a chain of restaurants and motor lodges, entered into a franchise agreement with the Grissoms under which the Grissoms would operate a Howard Johnson restaurant and motor lodge. In the franchise agreement, Howard Johnson retained the right of first refusal should the Grissoms desire to sell their interest in either the restaurant or motor lodge. In 1968, the Grissoms entered into a collective bargaining agreement with a local of the Hotel and Restaurant Employees and Bartenders International Union. That agreement provided, in addition to wages, hours and other terms and conditions of employment, that it would be binding upon the Grissoms' "successors, assigns, purchasers, leasees, or transferees—whether such succession, assignment or transfer be effected voluntarily or by operation of law or by merger or consolidation with another company provided the establishment remains in the same line of business."

In 1972, with the collective bargaining agreement still extant, the Grissoms entered into a new agreement with Howard Johnson under which the Grissoms retained ownership of the real property but leased the motor lodge and restaurant back to Howard Johnson. Two weeks after that, Howard Johnson advised the union that it would not recognize the union or assume any obligations under the existing collective bargaining agreements. It refused to hire a majority of the Grissoms' employees.

During this entire 13-year period, the motor lodge and restaurant were operated either by, or pursuant to a franchise from, Howard Johnson. The facilities did not change, the nature of the work did not change, and the purchasing public did not change. However, Howard Johnson's act of refusing to hire the bulk of Grissoms' employees succeeded in unilaterally terminating the existing collective bargaining agreement.

This result seems inconsistent with the philosophy expressed by the Supreme Court 10 years earlier in Wiley:

> Employees, and the union which represents them ordinarily do not take part in negotiations leading to a change in corporate ownership. The negotiations will ordinarily not concern the well-being of the employees whose advantage or disadvantage, potentially great, will inevitably be incidental to the main considerations. The objectives of national labor policy, reflected in established principles of federal law, require that the rightful prerogative of owners independently to rearrange their businesses and even eliminate themselves as employers be balanced by some protection to the employees from a sudden change in the employment relationship. (55 LRRM 2772)

Certainly, the requirements of section 8(d) should no longer prevent a successor employer, operating the same business in a basically similar manner, from being obligated to honor the terms of the predecessor's contract. As stated by the Board in Burns:

> The history of the collective bargaining process demonstrated that its object has long been an agreement between employer and employees as to wages, hours, and working conditions evidenced by a signed contract or statement in writing, which serves both as recognition of the union with which the agreement has been reached and as a permanent memorial of its terms . . . the signed agreement has been regarded as the effective instrument of stabilizing labor relations and preventing, through collective bargaining, strikes and industrial strife. (74 LRRM 1100-1101)

It is my judgment, absent unusual circumstances, that a successor employer should be bound to the terms of the preexisting collective bargaining agreement, or at least to its substantive terms that would reasonably and equitably apply. A successor employer stands in the shoes of his predecessor and is in a better position than the employees to make adjustments necessary to accommodate the entreprenurial change.

It is important to distinguish between the issue of determining the collective bargaining obligations of a successor employer from the issue of determining the test of successorship itself. The various tests for determining who is a "successor" has generated substantial controversy. These tests have essentially involved the degree of continuity in the business enterprise between the predecessor and the successor—continuity with respect to the work force, the nature of the employing business enterprise and the appropriateness of the bargaining unit.

Although all the circumstances of the relationship are ostensibly relevant to determining successorship, the continuity of the workforce has clearly constituted the principle test. The NLRB in Burns stated that:

> The concept of substantial continuity in the employing industry enunciated as a necessary condition for the survival of the duty to arbitrate when the ownership of a business

changes hands is at the heart of our determination that a purchasing employer is a successor-employer within the meaning of the Act. In essence, the finding of successorship involves a judgment that the employing industry has remained essentially the same despite the change in ownership. (74LRRM1100)

Similarly, the Supreme Court stated in Wiley:

We do not hold that in every case in which the ownership or corporate structure of an enterprise is changed the duty to arbitrate survives. As indicated above, there may be cases in which the lack of any substantial continuity of identity in the business enterprise before and after a change would make a duty to arbitrate something imposed from without, not reasonably to be found in the particular bargaining agreement and the acts of the parties involved. (55 LRRM 2773)

With the Supreme Court's 1974 ruling in Howard Johnson, this workforce continuity test has taken on overwhelming significance. Its determination that Howard Johnson was not bound to arbitration pursuant to the preexisting labor contract relied singularly on the refusal to retain Grissoms' employees.

Permitting a determination of successorship to turn almost exclusively on whether a successor employer hires a majority of the predecessor's employees is at the heart of the workers' complaints about this line of cases. As stated by the U.S. Court of Appeals for the 6th Circuit in Howard Johnson:

[W]e do not deem the refusal to hire a majority of Grissoms' employees to preclude the finding of successorship, at least in this § 301 action. Howard Johnson's argument here attempts to pull itself up by its own bootstraps. It argues that it need not arbitrate the refusal to hire Grissoms' employees because it is not a successor. It is not a successor, because it did not hire a majority of Grissoms' employees. Also to adopt the position urged by Howard Johnson would make the employees' jobs completely contingent on the employer's desire either to retain or to disregard the collective bargaining agreements. If Howard Johnson sought to retain the agreement negotiated by Grissoms, it would hire a majority of Grissoms' employees. If, on the other hand, it wished to disregard the collective bargaining agreement, it would simply hire none or at best only a few of the former employees. The decision whether to hire the predecessor's employees should turn upon other and more relevant considerations. (83 LRRM 2807)

I recognize, of course, that if the successor's motives is not employing the predecessor's workforce are to avoid the collective bargaining agreement, the successor would be subject to an unfair labor practice charge for violation of section 8(a)(3) of the National Labor Relations Act. On the other hand, to avoid workforce continuity considerations entirely would be difficult to reconcile with the fundamental majority representation concept embodied in section 9 of the act.

I believe that after full consideration of this legislation, the Committee can certainly improve and clarify the criteria for establishing a nexus between the old and new employer, upon which to fasten the successor's obligation.

We will have to consider a number of troublesome aspects. A new employer may purchase a small part of the assets of a moribund company in receivership and operate at an entirely different location for bona fide business reasons. Does it stand in the employer's shoes? The continued appropriateness of the bargaining unit provides another example. There may have been an accretion whereby a small department of employees comes under a contract covering thousands of employees. If this small department is sold, the employees themselves may have been foreclosed from expressing any preference as to the identity of a desired collective bargaining representative. Indeed, this may raise questions as to competing claims among labor organizations.

As the Supreme Court stated in Burns, it would be "a wholly different case" if the predecessor bargaining unit was no longer an appropriate one. Perhaps the contract bar rules should be modified to permit an early resolution of the continued appropriateness of the bargaining unit by permitting the filing and processing of a petition to resolve questions concerning representation.

The various tests of continuity in the workforce in the employing industry, see *Miami Industries Truck, Inc.* 91 LRRM 1040 (1975); the appropriate bargaining unit, see, for example *Burns, supra, Border Steel Rolling Mills, Inc.* 83 LRRM 1606 (1973); and other matters, such as the effect of a hiatus between cessation of the predecessor's operations and resumption by a new employer, will need careful exploration in committee.

There indeed may be circumstances involved in a merger, sale and purchase, or other successorship situation in which it would be inequitable to require rigid adherence to the terms of a previously negotiated collective bargaining agreement. However, the reasonable expectations of employees must also be taken into account. There must be much greater regard for their protection from a sudden change in the employment relationship than current law provides. The employer alone should not be able to determine his responsibilities vis-a-vis the preexisting collective bargaining agreement by altering the number of his predecessor's employees he retains.

Mr. President, I cosponsor this legislation because of the need for thorough examination of the successorship doctrine in light of the inequities and inconsistency that now exist. It is my hope that as a result of our deliberations, we will assure that the bill we enact will improve the law so that it both protects workers' exercise of their collective bargaining rights and promotes collective bargaining stability and industrial peace.

By Mr. HUMPHREY (for himself, Mr. ANDERSON, Mr. NELSON, Mr. LEAHY, and Mr. MCGOVERN):

S. 529. A bill to provide for quarterly adjustments in the support price of milk, and for other purposes; to the Committee on Agriculture and Forestry.

DAIRY FARMERS NEED EFFECTIVE SUPPORT

Mr. HUMPHREY. Mr. President, in recent years our dairy farmers have been faced with rising production costs and uncertainty as to the Government's policy regarding dairy imports.

While the production cost increases have tended to level off somewhat in the past year, farmers are still receiving well below what it cost them to produce.

The present price support level is now set at $8.26 per hundredweight which is just above 80 percent of parity. It is estimated that the cost of producing milk in Minnesota at this time is over $9.50 per hundredweight.

The legislation which I am introducing would establish the support level for milk at 90 percent of parity. It would also require the Secretary of Agriculture to update and adjust the support level on a semiannual basis during the marketing year. In addition, if the cost of production were to increase sharply the Secretary of Agriculture would be urged to adjust the support levels on a quarterly basis.

I am concerned that the number of dairy farms have continued to decline in Minnesota with 2,529 more phasing out in the past fiscal year. Minnesota is now down to an alltime low of 30,620 dairy farms in contrast to 60,894 in 1966 and 137,806 in 1949.

I would also like to point out that a recent study by the University of Minnesota indicated that the average Minnesota dairy farmer was receiving a return on his investment and labor of less than 50 cents an hour and that even the most efficient dairy farmers were averaging a total return of only two-thirds the average manufacturing wage in Minnesota.

Our dairy farmers continue to face the need to find greater efficiencies in order to stay in business and survive. Average production per cow in 1976, nationwide, was 875 pounds which was 38 pounds more than 1975 and 62 pounds above 1974.

I had introduced legislation during the last session of Congress to adjust dairy support levels on a quarterly basis. This bill would provide for semiannual adjustment of the support level, but provide that the Secretary be authorized to make the adjustment on a quarterly basis during periods of sharp cost-of-production increases.

As the Committee on Agriculture and Forestry considers new farm legislation, it is urgent that we give careful consideration to the subject of dairy support levels. We need to enable our farmers to stay in business and continue to produce if we are to have the dairy products which this Nation needs.

Mr. President, I ask unanimous consent that the text of this bill be included at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20, of the Agricultural Act of 1949, as amended, is further amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding the foregoing provisions of this section, the support price of milk shall be established at not less than 90 per centum of the parity price therefor beginning at the start of the new marketing

year. Thereafter, the support price of milk shall be adjusted by the Secretary semi-annually to reflect any estimated change during the immediately preceding six months of the marketing year in the index of prices paid by farmers for commodities and services, interest, taxes and wage rates. The Secretary is authorized to adjust the support price for milk on a quarterly basis when there are sharp increases in the index of prices paid by farmers: *Provided,* That in no event shall the support price of milk be established at less than 90 per centum of the parity price therefor as the result of such adjustment. The Secretary shall endeavor, insofar as practicable, to see that producers receive the announced support price of milk.

"Such support prices shall be announced by the Secretary not later than thirty days prior to any change in the support price of milk.

"The Secretary shall establish a sell back price at a level high enough to encourage holding of stocks by the private sector rather than the CCC. The authority provided by this subsection shall expire on April 1, 1982."

By Mr. HANSEN:

S. 530. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the Senate to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Commerce.

CONSUMERS COMMUNICATIONS REFORM ACT OF 1976

Mr. HANSEN. Mr. President, I introduce today the Consumer Communications Reform Act, a bill which I was privileged to cosponsor during the last Congress and which I feel compelled to introduce this session.

In 1939, the U.S. Congress enunciated its position with regard to telephone service in the Communications Act of that year: "to make available, so far as possible, to all the people of the United States, a rapid, efficient, nationwide and worldwide and radio communications service with adequate facilities at reasonable charges * * * ." This has been done. Today, America has the greatest telephone service in the world. In terms of number, installation time, quality, or cost America's telephone service is the best.

It is essential that we in this Congress insure that this continues to be the case since the telephone has assumed, in this modern age, a position much like that of the mail service during the time of our Founding Fathers. The telephone has become tremendously important as one of the primary means of communicating thoughts and ideas. Every Member of this body could attest to the calls his office has received from constituents concerned with pending legislation or wishing merely to transmit their thoughts and feelings in matters affecting their daily lives.

For our Nation's elderly, the telephone is a vital lifeline, not only to the services which they need at a moment's notice, but to their friends and loved ones as well. Physically and psychologically, the telephone is a vital, an essential part of their daily lives.

This is particularly the case in sparsely populated States such as Wyoming, where the rural and isolated nature of many homes makes telephone service downright necessary.

With these thoughts in mind, I have become concerned with the apparent approach of the Federal Communications Commission in opening up to competition those areas which have traditionally been a part of the entire telephone system. In so doing the FCC has thus threatened the "cross-subsidization" which has enabled Americans to have available inexpensive telephonse service.

In the past the revenues from various service categories, such as inter-city and optional services and equipment were used to make substantial contributions to cover common costs and overhead, thereby permitting rates for basic local telephone service to be lower than would otherwise be the case.

This is particularly important in Wyoming where rural telephone systems serve subscribers who can be reached only by stringing miles of expensive cable. Thus the loss of inter-city markets to competitors who can offer reduced prices, since they do not have to serve the entire public, would severely curtail the amounts available for contributions, making the cost of all local service and some long distance services increase materially.

The bill I introduce today would have the effect of reversing recently evolved FCC rulings which permit the connection of customer-provided equipment into the telephone network and which allow specialized common carriers to provide private intercity telephone type service.

I believe this bill will protect the rural and isolated telephone user as well as the elderly and lower income telephone user from the higher and higher prices which will surely flow from these FCC decisions. I realize of course, that this bill is not the total answer and that study must be made into this complex area. It is my hope that this bill will cause such study and that hearings may be conducted with regard to this question.

It should be pointed out that this bill enjoys the support and endorsement of Wyoming's Governor, State treasurer, State auditor, as well as the Wyoming Public Service Commission, and Wyoming Association of County Commissioners and Association of Municipalities.

By Mr. MUSKIE (for himself, Mr. LONG and Mr. HATHAWAY):

S. 531. A bill to authorize additional appropriations under title II of the Public Works Employment Act of 1976; to the Committee on Public Works.

COUNTERCYCLICAL ASSISTANCE

Mr. MUSKIE. Mr. President, I am introducing today with Senators LONG and HATHAWAY, legislation to extend and expand the countercyclical assistance program of emergency budget aid to State and local governments hard hit by recession. I am particularly pleased that an expanded countercyclical assistance program is part of President Carter's economic package.

It was just about 2 years ago that I introduced the first countercyclical assistance proposal.

At that time, the country was rapidly sliding into the worst recession we had seen for many years.

A tax cut had already been enacted by Congress to stimulate consumer spending.

An emergency public service employment program had been enacted to put unemployed people to work.

And proposals for public works programs were being offered to stimulate activity in the construction industry, hardest hit by the recession of all.

Countercyclical assistance was a new idea. It was offered on the theory that during a recession, State and local governments are often forced to take restrictive budgetary actions—such as tax increases or job layoffs—which run counter to Federal efforts to stimulate economic recovery. Many economists believed that with State and local government comprising such a very important sector of today's economy, we could no longer afford to ignore their responses to recession.

Countercyclical assistance was offered, in other words, as yet another tool with which to strengthen the hand of the Federal Government in the important matter of setting national economic policy.

In the spring of 1975, we held hearings on the countercyclical proposal, hearing testimony from mayors and local government officials who were just beginning to feel the pinch of recession. A survey prepared by the Joint Economic Committee projected that as recession settled in, State and local governments would be forced to take restrictive budgetary adjustments to the tune of about $8 billion, and lay off as many as 100,000 employees.

As the recession has lingered on, the impact of recession on State and local budgets has become increasingly apparent. And it is not just the New York Cities, the Newarks, and the Detroits which have been affected. Local governments, large and small, from one end of the country to another, have found themselves facing revenue shortfalls and increased recession-related expenditures squeezing their budgets to the breaking point.

My Subcommittee on Intergovernmental Relations has recently conducted a survey of about 1,200 local governments concerning, among other things, the kinds of budget adjustments they have had to make over the last 2 years. Though not all the results are in, the initial responses are impressive. Of those respondents with unemployment over 8 percent between January and July of last year, over 96 percent reported they have had to make restrictive budget adjustments of one kind or another in order to make ends meet. Almost 40 percent have had to raise taxes, almost 60 percent have had to lay off employees or impose hiring freezes, and more than 20

percent had either deferred or cancelled important local capital expenditures.

Of those respondents with unemployment between 6 and 8 percent over the same period, 84 percent have had to make similar budget adjustments.

We do not know the total impact which these actions have had. But judging only from the sheer magnitude of them, we do know that the cost has been great—not only to the pace of national economic recovery, but to the quality of basic local government services as well—services which are essential to making population centers throughout the Nation agreeable places in which to live.

And we also know that these costs continue today, as national unemployment remains unacceptably high.

Two years ago, the Federal Government had no way of dealing with this particular impact of recession.

Today, we have a program which, as far as we can tell, has worked better than our highest hopes in getting help to State and local governments where the need is greatest.

Under the countercyclical assistance program—title II of the Public Works Employment Act of 1976—three quarterly payments have gone out, to approximately 20,000 units of State and local governments. The total amount paid out as of January 5 is $868,753,000.

The most important conclusion that we can draw about the operation of the program so far is that the targeting mechanism is working, and working very well.

Fully three quarters of the funds paid out to local governments to date have gone to jurisdictions with unemployment in excess of 8 percent. Almost 40 percent of these funds have gone to jurisdictions with unemployment between 10 and 15 percent. Only 1 percent of the total has gone to local governments with unemployment below 5.5 percent.

That is what I call a successful targeting process.

In terms of per capita allocations, there is a close correlation between those with the highest allocation and those with the highest unemployment. Of the 10 highest unemployment States, all were among the 14 highest in per capita allocations. The 10 lowest unemployment States received the 10 lowest per capita allocations.

We have less precise information so far on what the impact of this budget assistance will be. The subcommittee questionnaire to which I referred above has been answered by about 375 State and local governments to date.

Obviously, the final verdict is not in. But judging from these early responses, it is clear that in the vast majority of cases, the money is being used as we had hoped—to put some breathing room into tight local budgets so that future layoffs and tax increases can be averted.

Over 70 percent of those responding so far said that earlier implementation of countercyclical assistance would have reduced the need for budget adjustments they have had to take over the last 2 years.

The only group where a majority responded that their countercyclical payments have little budget impact was those places with unemployment between 4.5 and 6 percent—either because they have had to make no budget adjustments so far, or because the amount of money received is too small to count.

Mr. President, it is not too often our experience that a new Federal program serves its intended purpose as well as this one seems to be doing.

I am delighted, therefore, that President Carter has included this program in his economic message. It is one well deserving of our continued support.

The proposal the President has recommended and which I am introducing today both extends the life of the countercyclical program and expands the authorization level.

The bill we enacted last year provided for an authorization of $1.25 billion for five quarters, or through the end of fiscal year 1977. However, because unemployment has been higher than our original projections, funding for the program will run out at the end of the third quarter of this fiscal year.

Therefore, the bill I introduce today calls for a new authorization, beginning with the fourth quarter of fiscal year 1977 and continuing through 20 additional quarters, or through fiscal year 1982.

The authorization level of the new proposal has also been expanded over that of the current title II program. Under that program, $125 million is authorized when national unemployment reaches 6 percent, with an additional $62.5 authorized for every half percentage point by which the national average exceeds 6 percent. Under the new proposal, the basic authorization remains the same. However, the authorization would be increased for each tenth of a percentage point increase in unemployment, with roughly $30 million authorized at each tenth of a point increment above 6 percent. Thus, at a level of 8 percent national unemployment, the quarterly authorization level would be approximately $725 million.

Although the new proposal extends the life of countercyclical assistance for 4 more years, the self-terminating nature of the program remains. Should national unemployment drop below 6 percent before the authorization expires, countercyclical assistance would automatically go out of business.

Mr. President, when I first introduced the countercyclical assistance proposal, I described it as meeting all the basic requirements of a sound antirecessionary tool—one which puts money into the economy in a hurry, which targets the greatest amount of aid in places where it is needed most, and which shuts itself off when the need no longer exists.

After watching the program in operation for less than 6 months, I am more convinced than ever that this is a sound and sensible idea—one which ought to become a permanent fixture of Federal antirecession policy now and in the years to come.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Anti-Recession Assistance Act of 1977".

SEC. 2. (a) Section 202(b) of the Public Works Employment Act of 1976 is amended to read as follows:

"(b) Authorization of Appropriations.—

"(1) Subject to the provisions of subsection (c), there are authorized to be appropriated for the calendar quarter which begins on April 1, 1977, for the purposes of payments under this title—

"(A) $125,000,000 plus

"(B) $62,500,000 multiplied by the number of one-half percentage points by which the rate of seasonally adjusted national unemployment for the calendar quarter which ended December 31, 1976 exceeded 6 percent.

"(2) Subject to the provisions of subsection (c), there are authorized to be appropriated for each of the 21 succeeding calendar quarters (beginning with the calendar quarter which begins on July 1, 1977) for the purpose of payments under this title—

"(A) $125,000,000 plus

"(B) $30,000,000 multiplied by the number of one-tenth percentage points by which the rate of seasonally adjusted national unemployment for the most recent calendar quarter which ended three months before the beginning of such calendar quarter exceeded 6 percent.".

(b) Section 202 of such Act is amended by striking out subsection (c) and by redesignating subsection (d) as (c).

SEC. 3. (a) Section 203(b)(3)(D) of such Act is amended by striking out "for the one-year period beginning on July 1, 1975." and inserting in lieu thereof "for the most recent entitlement period."

(b) Section 203(c)(4)(C) of such Act is amended by striking out "for the one-year period beginning on July 1, 1975" and inserting in lieu thereof "for the most recent entitlement period.".

(c) Section 203(c)(4)(E)(1) is amended by striking out "Social and Economic Statistics Administration" and inserting in lieu thereof "Bureau of the Census".

SEC. 4. Section 204 of such Act is amended by striking out "and for construction unless such supplies and materials or construction are to maintain basic services." and inserting in lieu thereof, "or construction, except for normal supplies or repairs necessary to maintain basic services.".

By Mr. INOUYE:

S. 532. A bill to amend title XVIII and XIX of the Social Security Act to provide for a greater utilization of the professional services of qualified clinical workers in the medicare and medicaid programs, to include outpatient services, community mental health centers, and neighborhood health centers among the entities which may be qualified providers, and to remove the special limitations which are presently imposed on coverage of psychiatric and mental health services under part A and B of title XVIII and title XIX; to the Committee on Finance.

Mr. INOUYE. Mr. President, there is unfortunately every indication that for the immediate future, our Nation's health care costs will continue to rise in an almost unprecedented fashion, and perhaps even reach the $223 billion mark by 1980. In fiscal year 1966 our health care expenditures were $42.1 billion, which at that time represented 5.9 percent of our gross national product. In

fiscal year 1975, however, this figure had increased to $118.5 billion, or 8.3 percent of the gross national product.

Today, the general concensus would appear to be that before the Congress enacts a truly comprehensive national health insurance program, considerable effort should first be made to correct the inadequacies and oversights of our current Federal health programs. Such an approach makes infinite sense to me, and there is one aspect which I personally feel should especially be addressed. I am speaking of the very basic use of the right of each health care profession to establish their own criteria for independent providership or practice.

Accordingly today I am pleased to introduce legislation on behalf of the National Association of Social Workers. This bill would amend the mental health provisions under medicare and medicaid so as to insure that payment will be made for the delivery of professional services by qualified clinical social workers. This bill would also broaden social security coverage so that community mental health centers and neighborhood health centers will be deemed as qualified providers.

In my judgment, a major step toward achieving cost effective, quality care is the very real, desirable, and feasible need for direct payment of nonphysician professionals like social workers.

At the present time third party reimbursement of the professional worker's essential services is limited and uneven under medicaid and almost nonexistent under medicare.

This is not only unfair to professional social workers, but to consumers of their health care services, as well.

A recent statement in the NASW's Advocate for Human Services, January 1, 1977, presented the argument clearly:

> The social component of health care is now fully recognized. There is a growing emphasis on the importance of preventative health care, on the relationship between the social environment and physical health, i.e., stress-related diseases, and on the team concept of health care.

Clinical social workers provide essential services in health, mental health, and long-term care facilities. Forty percent of the professionals in mental health facilities are social workers. And, 30 percent of the community mental health center directors are professional social workers.

The leadership role social workers have played in the mental health field is not easily overlooked. Clinical social workers are the best-trained and experienced in the development of family therapy techniques and have the best geographic distribution of any other mental health group. In fact, clinical social workers provide one-fourth of all psychotherapy services in the country.

In grappling with the problem of risking health care costs, we must recognize the diversity of the total health care delivery system. Future legislation should not overemphasize the medical doctor's role in the provision of health services. Systemic reform must include the recognization of social workers as integral components of the health care team.

One major health program is illustrative. The essence of the home care program is to keep people out of hospitals and to prevent overutilization of emergency and ambulatory care services. In these situations, the family frequently needs the support of a social worker to keep the patient at home, but cannot get this support unless the patient is under physician care or receiving skilled nursing care, occupational therapy, or physical therapy. Consequently, without social work support these patients frequently end up in the hospital or drain scarce physician resources in emergency and outpatient care settings.

According to the 1974 health resources statistics, 10,300 social workers provide esssential services in a multiple of medical settings. In every specialty, burn units, end-stage renal disease programs, new born, intensive care regional medical centers, child abuse and neglect and interdisciplinary child protective committees, social workers can be found.

In all these settings, the social work tradition encourages a progresssion from intensive supervision during internship to structured agency practice and finally to independent, self-directed practice.

These levels of technical expertise, self-imposed by the profession to assure quality health care, represent educational achievement and professional skills. Twenty States legally regulate professional social workers who meet stringent requirements; and, many other State legislative bodies have licensing bills before them right now.

The National Association of Social Workers which represents 70,000 professional social workers also has a nationwide testing and certification program which identifies and certifies those social workers who have advanced to the level of independent, self-directed practice. Of importance for quality care, NASW is continuously establishing uniform professional standards throughout the country to advance the quality of professional social work and to insure the highest standard of service to the public.

Consideration of this legislation is a first step toward confronting the many problems in our health care delivery system.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(r) of the Social Security Act is amended by—

(1) inserting "and Qualified Health Care Provider" after "Physician" in the heading; and

(2) inserting immediately before the period at the end of clause (5) thereof the following: ", or (6) a qualified professional clinical social worker who is recognized by the State in which such social worker is authorized to perform as a qualified social worker by the State in which he or she performs them and, then, only for purposes of section 1861(s)(1), for purposes of making a certification of the type required by section 1814(a)(2)(A), and for purposes of the meeting of the requirement imposed with respect to psychiatric hospitals that each patient of such a hospital be under the care of a physician".

(b) Section 1861(s)(1) of such Act is amended by—

(1) inserting (A) after "(1)" and before "physician's services;"

(2) adding at the end thereof the following new subparagraph:

"(B) services of a Qualified Health Provider under section 1861(r);".

(c) Section 1861 of such Act is further amended by adding at the end thereof the following new subsection:

"Qualified Professional Clinical Social Worker in Private Practice

"(aa) The term 'qualified professional clinical social worker,' when used in connection with the performance of any function or action, means an individual who—

"(1)(A) is licensed by the State in which such function or action is performed; and if a State does not license clinical social workers, is otherwise legally authorized to perform the services of a clinical social worker in the jurisdiction in which he or she performs them;

"(B) holds a master's or doctor's degree in social work;

"(C) after obtaining degree has performed at least two years or 3,000 hours of supervised clinical work; and

"(D) agrees to meet the standards with respect to appropriate programs of continuing professional education as may be prescribed by the Secretary, after consultation with one or more appropriate nationally recognized social workers' organizations.

"(2) Meets the qualifications for social work practice under the End-Stage Renal Disease Act as determined by the Secretary.".

(d) Section 1861(c) of such Act is amended by inserting "or community mental health center" before the period at the end thereof.

(e) Section 1861(e)(1) of such Act is amended by inserting after "physicians" and beofre the coma, "or qualified health care provider".

(f) Section 1861(f) is amended to read as follows:

"Mental Health Service Providers

"(f) The term 'qualified providers of inpatient services' as it relates to mental health care means a psychiatric hospital or a community mental health center under the Community Mental Health Centers Act.".

(g) Section 1861(j)(15) of such Act is amended by striking "except that the Secretary shall not require as a condition of participation that medical social services be furnished in any institution".

(h) Section 1861(k) of such Act is amended by—

(1) striking "or without" of clause (2)(A); and

(2) inserting "or qualified health care provider" after each place the word "physician" appears of clause (4) thereof.

(i) Section 1861(m)(3) of such Act is amended by striking "under the direction of a physician".

(j) Section 1861(o)(2) of such Act is amended by striking "or registered professional nurse;" and substituting ", registered professional nurse or qualified health care provider,".

(k) Section 1861(u) of such Act is amended by inserting "community mental health center, neighborhood health center and outpatient departments of hospitals," after "hospital.".

(l) Section 1814(a)(2) of such Act is amended by—

(1) inserting after "physician," "or qualified health care provider;",

(2) striking "physician" under clause (A) thereof and substituting "qualified health care provider;",

(3) striking "hospital" under clause (A) thereof,

(4) inserting after "physician" under clause (D) thereof, "or qualified health care provider;", and

(5) striking "physician" under clause (7) thereof.

(m) Section 1835(a)(2) is amended by adding after "physician" each place it appears "or qualified health care provider.".

(n)(1)(A) Section 1812(b) of the Social Security Act is amended—

(i) by adding "or" after the semi-colon at the end of paragraph (1);

(ii) by striking out "; or" at the end of paragraph (2) and substituting a period; and

(iii) by striking out paragraph (3).

(2) Section 1812 (c) of such Act is amended by striking out "or in determining the 190-day limit subsection (b)(3).".

(B) Section 1833 (c) of such Act is repealed.

(C) Section 1866 (a)(2)(A) of such Act is amended by striking out the last sentence.

(o) The amendments made by this Act shall apply with respect to items and services furnished on and after the first day of the month following the month in which this Act is enacted.

(p)(1) Section 1902 (a) of the Social Security Act is amended—

(A) by striking out "and" at the end of clause (35) thereof;

(B) by striking out the period at the end of clause (36) and substituting a semi-colon; and

(C) by adding after clause (36) thereof the following clauses:

"(37) provide that, with respect to health and mental health services which are covered under the State plan, payment will be made for professional services furnished by a qualified clinical social worker who is legally authorized to provide them; and

"(38) provide that payment under the State plan will not be made for inpatient services furnished by any psychiatric hospital unless, in the operation of such hospital, there is extended to qualified clinical social workers, with respect to professional services which both physicians and qualified clinical social workers are authorized to provide, the same staff and similar privileges as are extended to physicians caring for patients in such hospital. Admissions to such hospitals by qualified professional clinical social workers be based on a clinical diagnosis or a determined functional diagnosis.".

(2) Section 1905 of such Act is amended by redesignating subsection (k) as (*l*) and inserting after subsection (j) the following:

"(k) The term 'qualified clinical social worker,' when used in connection with the performance of any function or action, means an individual who—

"(1) is licensed by the State in which such function or action is performed; and if a State does not license clinical social workers, is legally authorized to perform the services of a clinical social worker in the jurisdiction in which he or she performs them;

"(2) holds a master's or doctor's degree in social work;

"(3) after obtaining degree has performed at least two years of 3,000 hours of supervised clinical work; and

"(4) agrees to meet the standards with respect to appropriate programs of continuing professional education as may be prescribed by the Secretary, after consultation with one or more appropriate nationally recognized social workers' organizations.

(3) The amendments made by this section shall be applicable only with respect to services furnished after the month which follows the month in which this Act is enacted.

By Mr. JAVITS:

S. 533. A bill to provide for a program, to be carried out through the Secretary of Labor, of projects and an advisory council to promote economic stability by increasing productivity, improving job security, encouraging retention of jobs in lieu of cyclical layoffs, and promoting the better use of human resources in employment; to the Committee on Labor and Public Welfare.

HUMAN RESOURCES DEVELOPMENT ACT

Mr. JAVITS. Mr. President, today I introduce the Human Resources Development Act, companion bill of what Representative STANLEY LUNDINE of New York has introduced in the House. Our bill is similar in thrust—though changed somewhat—to the bill Mr. LUNDINE and I introduced in the closing days of the 94th Congress and for which I testified before the House Subcommittee on Education and Labor, and I ask unanimous consent to have that testimony included in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JAVITS BEFORE HOUSE MANPOWER SUBCOMMITTEE HEARINGS

Mr. Chairman, thank you for the opportunity to appear before the Manpower Subcommittee to testify in favor of The Human Resources Demonstration Act of 1976. I would point out that Senator Mathias of Maryland and Senator Philip Hart of Michigan have joined me as Senate sponsors of this bill.

More than at any other time in our recent history, it is necessary for us to develop new solutions to our persistent and endemic economic problems. The unemployment rate is now 7.9%, and we have to create 2.7 million new jobs a year over the next three years if we are to have full employment by 1980. Furthermore, we will require enormous amounts of new investment capital if we are to avoid the supply bottlenecks that contributed to our recent episode of inflation coupled with recession and if we are to enjoy the productivity improvements required to maintain our living standards. The traditional tools of economic management lately seem incapable of insuring full employment without creating unacceptable inflation, so it is necessary to develop new approaches to solve our vexing problems and achieve our economic goals.

I have joined with Representative Lundine, of New York, as the Senate sponsor of this bill, which would provide seed money to enable the Secretary of Labor to contract with States, local governments, higher education institutions, and private employers, to undertake demonstration projects to test some of the new approaches that have been developed in three main areas:

First, Productivity Improvement through improved labor-management cooperation and broadened worker participation in the decision-making process and in our free enterprise system, through such initiatives as employee stock ownership, job expansion and enrichment, and autonomous worker teams;

Second, Layoff Prevention through partial compensation to employers for costs associated with retaining employees who might otherwise be laid off because of the business cycle; and through experimental use of funds withdrawn from State Unemployment Insurance trust funds to subsidize hiring of the unemployed;

Third, Employment Expansion through the development of new investment techniques and new, job saving and job creating capital formation.

Our bill also would create an Advisory Committee on Human Resources and Employment Opportunities to make recommendations with respect to the administration of the demonstration projects program.

Mr. Chairman, in 1972, in connection with my effort to establish nationwide labor-management-public committees to deal with the issue of productivity, I went to Jamestown, New York, to join in the establishment and the activities of the "Labor-Management Committee of Jamestown," which was formed through the cooperation of then Mayor Stanley Lundine and a labor-management group in Jamestown.

I was convinced then that the cooperative efforts of labor and management, undertaken in a spirit of harmony, trust, and mutual respect, to achieve and maintain labor peace, and give labor a voice in the decision-making process and a new dignity could produce significant economic benefits which would redound to both workers and employers. Our four year experience with the Jamestown project has demonstrated clearly that labor-management committees work, that the benefits are real and measurable, and that the technique can be transferred to other regions.

The economic decline which had persisted for so long in the Jamestown region finally was reversed in the climate of labor peace which the committee helped engender; Cummins Engine Co., one of our Nation's leading employers, decided to locate one of its new plants in Jamestown and created over 750 new jobs for area workers; and the devastating recession, which struck with such deleterious impact throughout the northeastern region, was weathered successfully by Jamestown. Union members soon realized that job security, higher wages, profits, productivity, and industrial development were all dimensions of the same objective: economic well-being. In fact, the president of the Chatauqua County local of the International Association of Machine and Automobile Workers was quoted in a recent New York Times article as follows: "a stronger company is going to be able to pay us better, to keep us working steady, and to hire more younger workers, which is a big concern for us. So we work on the committee and think it is a good thing."

Mr. Chairman. I believe demonstration projects can provide us with the essential empirical evidence we need to develop legislation to encourage broader adoption of worker participation programs and employment security systems. The National Commission on Productivity and Work Quality has been tremendously helpful in supplying Congressional staffs and the general public with information and analysis of productivity improvement projects.

But we need to direct our energies more broadly to the study of new approaches to productivity improvement and employment security.

We must demonstrate to both management and labor, as well as to the public, that measures to improve productivity and prevent layoffs and otherwise encourage labor-management cooperation can mean greater efficiency, higher profits, greater sales, expanded industrial development, and an increase in the number of productive work opportunities.

The key to this endeavor is mutual trust: management's trust that layoff prevention will not lead to featherbedding; and, labor's trust that improved productivity will not lead to speed-ups or unemployment. Trust presupposes cooperation.

Mr. Chairman, we need demonstration projects to test our judgements, opinions, and beliefs about the economic potentials of labor-management cooperation and to provide the documentation required for legislative consideration. Western Europe continues to experiment with novel approaches to labor peace, including co-determination and worker stock ownership. The U.S. must begin to test these new approaches to decision-making and participation so we can determine to what extent they have applicability to the employment situation in our economy.

Mr. Chairman, demonstration projects of this kind are necessary also to reassure

organized labor, which heretofore has been somewhat less than enthusiastic about these committees, that a working committee relationship between representatives of labor and representatives of management does not necessarily mean that the union's role will be supplanted or that the collective bargaining process will be vitiated. Trade union leaders are concerned that workers' allegiance may be divided by committees; that harmony between employers and employees will defuse the traditional adversary relationship which pits "us against them." I am confident that experience with these demonstration projects will convince organized labor that so long as the collective bargaining contract remains sacrosanct and the committees restrict their deliberations to noncontract matters, such as efficient machine usage, attracting new industry, work assignments, day to day shop matters, and so forth, the union's role in the bargaining process can only be strengthened by participation in labor-management committees.

The experience of the steelworkers with their Employment Security and Plant Productivity Committee and that of the mineworkers with their worker participation experiment in Rushton, Pa., confirm the success of the Jamestown Labor-Management project in developing a new climate of mutual understanding and collaboration. In each instance, the role of the trade union as the legitimate and sole bargaining agent of the work force has been accentuated and elevated as a result of the new responsibilities accorded it.

Of course, our bill would do much more than test new approaches to labor-management cooperation.

Our bill would also encourage demonstration projects to maintain and expand employment opportunities. Such test projects would include innovations like partial compensation to employers as an incentive to retain workers the employer might otherwise layoff during cyclical downturns, and the use of unemployment insurance trust funds as a source of financing for subsidies to employers to hire the unemployed. This and other ideas need to be studied more fully in the months ahead.

Finally, our bill would fund projects to study new ways of increasing capital investment, to provide new jobs, to improve industrial efficiency and to avoid shortages in our basic materials industries.

I believe this comprehensive approach, by which diverse projects are undertaken and new concepts are studied in a systematic and sophisticated way, will provide members of Congress with the knowledge we will need in the near future to propose innovative legislation designed to achieve full employment.

I would like to reiterate my appreciation, Mr. Chairman, to you and to the other members of this committee for my appearance before you this morning. I urge you to give the Lundine-Javits Bill your high consideration, now and in the months to come, so that we might begin to consider in earnest the innovative approaches to labor-management relations which are beginning to capture the interest of all industrial democracies.

Mr. JAVITS. Mr. President, the late distinguished Senator from Michigan, Mr. Hart, was a cosponsor of the Senate bill and would, I believe, be a cosponsor of the bill I introduce today. He was deeply committeed to finding ways of improving labor-management cooperation.

The Human Resources Development Act would authorize the Secretary of Labor to carry out a program of projects, through contracts with States, general local government units, higher education institutions, and other employers, involving: Increased employee participation in problem solving and decisionmaking; increased employee participation in sharing the gains of productivity improvements; and job enrichment and redesign.

The Secretary would be authorized also to enter into contracts with the employers described above for demonstration projects which would be designed to demonstrate ways in which employment can be maintained while, at the same time, advances are made in productivity and the quality of working life. For this purpose, our bill would authorize the Secretary to make grants to employers in high unemployment areas for the purpose of retaining employees who would, but for such grants, be laid off during periods of cyclical unemployment. A condition of receipt of such financial assistance would be that employers could use the funds only for improving the design of the plant or workplace or of the tasks and responsibilities connected with particular jobs, for improving the skills of employees, or for solving job-related problems.

The bill we introduce today has benefited from the study we hoped it would receive when it was first introduced last fall. Some sections have been dropped entirely, others modified, and still others added. What we are introducing today is a bill which, if enacted, would expand significantly our programs to promote economic stability by increasing productivity through worker participation in decisionmaking and gain sharing, improving job security and encouraging retention of jobs during business cycles.

Mr. President, in 1972, in connection with my effort to establish nationwide labor-management-public committees to deal with the issue of productivity, I acclaimed and helped in the activities of mayor, now U.S. Representative LUNDINE, in the establishment of the Labor-Management Committee of Jamestown in Jamestown, N.Y.

I have long been a strong and active supporter of initiatives to enlarge the commonality of interests between labor and management. I continue to believe that in a climate of mutual trust, respect, and understanding, cooperation can be the rule in labor-management relations, and collaboration can replace strife.

In reintroducing this measure I recognize fully that two prerequisites must be satisfied in order for improved labor-management cooperation to take place. First, the contractual rights, benefits, and protections of the employees must not be infringed, as Bruce Thrasher of the United Steelworkers has emphasized repeatedly. Consistent with the National Labor Relations Act the contract between the employees and their employer is sacrosanct. Matters set forth in the collective bargaining contract, such as wages, hours, vacations, overtime, and other benefits and duties, cannot be placed on the agenda of labor-management committee meetings. Where adequate safeguards are taken to insure that employee rights under the contract are not abridged, the role of the trade union as the exclusive bargaining representative of the employees cannot be compromised or infringed. Consequently, workers need not fear that labor-management committees would be used to vitiate or abrogate what has been agreed to in the collective bargaining contract.

Second, employees must be convinced that cooperative efforts to improve productivity will not result in layoffs. In the past, some gain-sharing plans and other productivity improvement schemes have exerted deleterious effects on employment, because increased output per worker became translated into a reduced work force. This phenomenon was particularly acute in the 1950's and early 1960's, when chronic demand-insufficiency led to potential surplus production.

Labor must receive assurances that productivity improvements emanating from cooperative efforts, employee participation, and new capital formation will be adopted in conjunction with programs designed to enlarge product demand and otherwise maintain a stable work force. Once labor is convinced that the benefits of productivity improvement will be shared equitably with employees, and that a more efficient production process will be the basis of proportionately greater output instead of reduced employment, it could cooperate with management more vigorously to stimulate productivity growth.

There are some who argue that one or both of the above prerequisites cannot be satisfied and that labor will resist efforts to enlarge further the community of interest between labor and management. I cannot agree. I believe labor-management cooperation and employee participation are natural outgrowths of our system of industrial democracy. Furthermore, I believe industrial democracy can preserve what is best in our free enterprise system and assure that employees share in the future growth of the U.S. economy.

Other nations, such as West Germany and Sweden, have gone much further than the United States in extending economic democracy to the workplace by codifying enhanced worker participation in decisionmaking. More recently, it has been reported in Great Britain that a high-level Government commission of trade unionists and academics—the so-called Bullock Commission—has proposed equal participation of union and management representatives on the board of directors of large corporations, thus compelling executives to share decisionmaking with labor representatives. Whatever comes of the general idea, the Bullock Report may well touch off a debate throughout the industrialized world on this question.

Also, it is true that U.S. labor unions have been circumspect about the kinds of innovations in this field that have occurred in Europe. The recent recession has taken an incredible toll in terms of unemployment and reduced hours of work. The accompanying double-digit inflation further has eroded the real buying power of American workers. For this reason, organized labor has considered its first priority to be "catching up" with prerecession levels of purchasing power and employment. Beyond these concerns, some labor unions have believed that their traditional roles in the collective

bargaining process would be undermined by such innovations as board representation. Finally, there are some segments of organized labor who are suspicious that behind the rhetoric of industrial democracy emanating from Western Europe are managerial "speedup" tactics.

These objections are taken in good faith, but they fail to take adequate account of the fact that, in our private enterprise system, the individual collective bargaining agreement would determine the timing and extent of adoption of any of these innovations. Obviously, there can be and should be no legislation in the United States mandating, as it does in Western Europe, that workers be represented on the boards of directors.

But I believe that individual labor unions can determine, in each instance, the appropriateness of including in collective-bargaining negotiations for any of these innovative employee benefits.

I have always believed that what makes labor-management relations in the United States so unique is our collective-bargaining process. Collective bargaining makes it possible for labor unions to voice their grievances, demands, and concerns to management on an equal footing and in open dialog.

But much more can and should be done to make workers full partners in the U.S. economic system, as long as established procedures are utilized and implemented, not abrogated or circumvented.

The Human Resources Development Act would provide seed money for the development of plant-level projects to test whether the two prerequisites of effective labor-management cooperation can be satisfied and whether such projects can form a part of our overall policy initiatives. I am convinced that the pioneering efforts in Jamestown, N.Y., can be transferred to other localities and regions if seed money can be made available and if Congress is willing to demonstrate its fundamental commitment to productivity growth, job security, and work values by encouraging greater labor-management cooperation and worker participation.

The authorization and funding of seed money for demonstration projects is a first step toward our ultimate goals of industrial democracy, full employment, price stability, and harmony in labor-management relations. It will bring us nearer those goals than we have been and underscores the need for the systematic, multifaceted strategy that is required for their achievement.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Human Resources Development Act of 1977".

SEC. 2. It is the purpose of this Act to promote economic stability through the better use of human resources, to increase productivity, to improve job security, to encourage the retention of employees by employers as a policy with respect to counter-cyclical unemployment, to enhance the quality of working life, and to increase employment opportunities.

SEC. 3. (a) (1) In order to carry out the purposes specified in section 2, the President, through the Secretary of Labor, shall carry out from funds appropriated under section 4, a program of projects which meet the requirement of paragraph (2), through contracts with States, units of general local government, institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965, and other employers including labor organizations as defined in section 2 (5) of the National Labor Relations Act. In entering into contracts under this section, the Secretary of Labor shall give priority to projects which involve labor-management cooperation. Such cooperation may include the advice, technical assistance, and moderation of an organization or agency independent of both labor and management, such as the Federal Mediation and Conciliation Service, or a labor-management cooperative committee, established or designated for that purpose by the party contracting with the Secretary of Labor.

(2) Each project assisted under a contract under this section shall be—

(A) a project, involving (i) increased participation of employees in problem solving and the decisionmaking process, (ii) increased participation of employees, through compensation, or other benefits, in the gains associated with increased productivity by employees, (iii) redesign of the tasks, responsibilities and time patterns connected within particular units of employment, or

(B) a demonstration project designed to clearly demonstrate specific programs, or guidelines under which employment can be maintained at prescribed levels for a specific period of time and advances can be made in productivity and quality of working life including a grant, to an employer in any area where the average rate of unemployment for a period of three consecutive months, as determined by the Secretary, for employees retained as employees who would, but for such grants, be laid off during periods of cyclical unemployment. Funds received under any such grant shall be used only for improving the design of the plant or workplace or of the tasks, responsibilities and time patterns connected with particular jobs, for improving the level or type of skills of employees, or for solving job-related problems.

(3) The Secretary shall promulgate regulations, consistent with the purposes and requirements of this Act, as well as the National Labor Relations Act, under which applications may be made for assistance under this section.

(4) A contract under this section may be made for any fiscal year, and payments thereunder may be made in advance or by way of reimbursement.

(5) The Human Resources Advisory Council established under section 4 shall make recommendations with respect to the administration of the projects assisted under this section and with respect to whether or not such projects achieve the purposes specified in section 2. Such Advisory Council shall conduct a specific evaluation of each project assisted under a contract under this section.

(6) When requested by the Secretary of Labor, the Federal Mediation and Conciliation Service shall—

(A) advise the Secretary of Labor with respect to the priorities to be established for purposes of determining the projects to be assisted under contract under this section, and

(B) provide technical assistance to labor and management during the period of operation of any project so assisted, and

(C) provide follow-up technical assistance, where such assistance is merited, after the completion of any such project.

(7) When requested by the Secretary of Labor, the National Center for Productivity and Quality of Working Life shall provide technical assistance to any project assisted under a contract under this section.

(8) The President shall submit to the Congress a semi-annual report which shall contain a description of the projects assisted under this section and the specific contracts entered into thereunder and the results of the evaluations conducted under paragraph (5).

SEC. 4. (a) To furnish advice and assistance in the administration of the projects assisted under section 3, there is established a Human Resources Advisory Council (hereinafter in this section referred to as the "Council") which shall consist of—

(1) the Secretary of Labor;

(2) the Secretary of Commerce;

(3) the Secretary of the Treasury;

(4) two Senators appointed by the President pro tempore of the Senate;

(5) two Representatives appointed by the Speaker of the House of Representatives; and

(6) six public members, appointed by the President.

(b) The Council shall elect a Chairman, and shall meet at the call of the Chairman, but not less than twice a year. The members of the Council shall be appointed for terms of two years, except that the term of the first Council appointed under this Act shall end on December 31, 1978. The public members of the Council shall be appointed from among representatives of labor, industry, agriculture, consumers, and the public at large, who are especially competent by virtue of background and experience to furnish advice on the views and opinions of broad segments of the public on matters related to the purposes specified in section 2.

(c) Each public member of the Council shall be entitled to be compensated at a rate equal to the per diem equivalent of the rate for an individual occupying a position at level III of the Executive Schedule under section 5314 of title f. United States Code, when engaged in the actual performance of his or her duties as such a member, and each member shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of his or her duties.

(d) The Secretary of Labor shall furnish the Council with such personnel, facilities, and services as he or she deems necessary to enable the Council to perform its functions under this Act.

(e) The provisions of section 14(a) of the Federal Advisory Committee Act shall not apply to the Council.

SEC. 5. Nothing in this Act shall affect the rights guaranteed under the National Labor Relations Act.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. HELMS:

S. 535. A bill to amend title IX of the Education Amendments of 1972, and to preserve academic freedom; to the Committee on Labor and Public Welfare.

Mr. HELMS. Mr. President, I am today introducing the Equal Educational Opportunity Amendments of 1977. This bill amends several sections of title IX of the Education Amendments of 1972 relating to nondiscrimination on the basis of sex in education programs and activities receiving Federal financial assistance.

BACKGROUND

In 1972, Congress enacted legislation for the purpose of insuring that mem-

bers of both sexes are afforded an equal educational opportunity. Of course, I believe that every Member of the Senate favors that goal. However, in the House of Representatives, that legislation was made a part of the education amendments of that year in the full Education and Labor Committee, rather than the subcommittee, and it was not a product of adequate public hearings. In the Senate, that legislation was made a part of those amendments on the Senate floor, completely circumventing the committee and hearings process. Therefore, no adequate record of the legislative intent of title IX exists. Senators, Representatives, and bureaucrats alike must view and construe this legislation in a virtual vacuum.

That act provided that the Department of Health, Education, and Welfare should develop regulations implementing the law—Title IX of the Education Amendments of 1972. On June 4, 1975, HEW published in the Federal Register its final regulations purporting to implement title IX. Those regulations are far in excess of the goal of insuring an equal educational opportunity for members of both sexes, and they go far beyond the intent of Congress as expressed in that legislation. Indeed, the recent controversy over HEW's suggested banning of father-son/mother-daughter banquets demonstrates just how far the situation has gotten out of hand.

THE LAW

The primary active clause of title IX—the 1972 law—codified as 20 U.S.C. 1681, et seq., provides as follows:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . .

The meaning of this statutory language is clear. And, there being no significant legislative history, HEW has no license to expand its meaning beyond the natural and general connotations of the provision.

This clause, in its elemental divisions, may be viewed as follows:

First, no person.

Second, in the United States,

Third, shall, on the basis of sex

Fourth, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under

Fifth, any education program or activity

Sixth, receiving Federal financial assistance.

Of course it is a fundamental legal principle that all of the above elements must be present before a violation of the statute occurs.

HEW REGULATIONS

The regulations published by HEW, which purport to implement this law, are broad and sweeping in nature. Indeed, they bear little resemblance to title IX at all. Through overbroad interpretation inconsistent with the congressional enactment, HEW has extended the meaning of the term "education" to embrace programs, activities, and services which are not actually part of the educational curriculum, such as athletics, student housing, medical care, fraternities and sororities, et cetera.

Additionally, HEW has effectively rewritten the law which pertains to education programs and activities "receiving Federal financial assistance." Under the HEW regulations, they cover such programs and activities "receiving or benefiting from Federal financial assistance." There are several problems with that "or benefiting from," but foremost is the fact that Congress did not say it. HEW said it.

These two gross excesses on the part of unelected bureaucrats, standing alone, are very significant. First, under the HEW use of the term "educational," it applies very broadly to almost anything even remotely associated with a school or college. Second, by the insertion of the phrase "or benefiting from" in connection with Federal financial assistance, HEW brings within the coverage of its regulations activities which do not receive Federal financial assistance in any reasonable sense of the concept. Thus, the Department has made vague that which was precise, and with the nebulous legal environment that it has intentionally created, the Department now has the latitude to arbitrarily dictate "law" that will affect every schoolchild and student in America. And, this vast power is vested in a relatively small group of unelected bureaucrats who are not answerable to the people.

The aforementioned concepts are fundamental to and underlie the problem. The practical manifestations of this distortion of the congressional enactment will, if allowed to stand, continue to radically alter the structure, and eventually, the substance of all education throughout America. Such an alteration, effected by a small group of unelected individuals, will be forced upon countless thousands who do not want the brand of restrictive debilitating so-called equality that limits freedom and inhibits traditional values.

A few examples of the application of the HEW regulations as they are transformed from the ivory tower of the HEW draftsmen to the real world of solid citizens attempting, often at great sacrifice, to provide an education and a better life for their children, illustrate the point. The regulations cover athletics and require generally that an educational institution "* * * which operates or sponsors interscholastic, intercollegiate, club, or intramural athletics shall provide equal athletic opportunity for members of both sexes." In determining whether equal opportunities are available, the Director of the HEW Office of Civil Rights will consider, among other factors—there follows a list of 10 items ranging from "whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes, to the scheduling of games and practices time," to the provision of medical and training facilities and services, as well as publicity. Of course, no one knows what are the other factors that the Director of the Office of Civil Rights will consider. While unequal aggregate expenditures for athletics for members of each sex will not constitute per se noncompliance with the regulations, HEW will consider this as evidence bearing on the question of athletic opportunity. Therefore, it will obviously become very relevant notwithstanding any HEW implications to the contrary.

Other examples are equally as illustrative of the bureaucratic excesses. With regard to student housing, educational institutions are not permitted to require women students to be in their dormitory by a certain hour at night unless the same rule applies to the men students. Mixed classes of boys and girls are required in every course of instruction except sex education and that portion of physical education programs involving body contact sports. The exeption allowing separate sex education classes for boys and girls is available only on the elementary and secondary school level. Therefore, HEW requires that such classes on the college level be taught in mixed groups.

This Senator would not presume to state whether such classes should be taught in mixed or separate groups on the college level. He does, however, believe that such a decision should be left to local college officials and the teachers.

Additionally, HEW prohibits educational institutions from establishing any policies relative to the marital status as well as the actual or potential parental status of any student. The regulations specifically provide that an educational institution "* * * shall not discriminate against any student, or exclude any student from its education program or activity, including class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient—educational institution."

Of course, there can be no doubt that "termination of pregnancy" means abortion. Remembering that the regulations prohibit any distinction based upon marital status, the pregnancy and abortion provision applies to married and unmarried students. Thus, at every level of education, a school is required by HEW to allow unwed, pregnant students to continue to remain in class, unless the student asks to participate in the educational curriculum separately. Then, apparently, the school must provide separate classes for pregnant students.

Since the HEW regulations apply to teachers, as well as students, the same disregard for marriage and the same treatment of pregnancy and abortion is also mandated by HEW for teachers. Now, I have no wish to seem "holier than thou," or to deliver any sermons, but I do believe that the example of an unwed, pregnant schoolteacher is something less than what the vast majority of American parents want for their children's educational experience.

Additionally, HEW requires that in providing a medical, hospital, accident or life insurance policy or plan to any of its students, a school shall not discriminate on the basis of sex. It has been sug-

gested that this provision requires such benefits and services to cover a student's pregnancy or abortion. The regulations specifically mention with favor a school's providing family planning services to students. Of course, that means providing such service to married or unmarried students. One wonders if the HEW draftsmen actually envision a school providing single students with family planning services at the taxpayers' expense. It would appear so.

More recently, there was much publicity over a HEW ruling that effectively banned father-son/mother-daughter school affairs. Fortunately, this new regulation was suspended by President Ford. Not so suspended, however, was an equally absurd ruling banning all-boy choirs, even though it is known that boys at the age wherein they participate in an all-boy choir generally do not like to associate with girls, and would be disinclined to join a choir or other singing group if girls participated. Of course, the fact that one sex from time to time does not prefer to associate with the other sex, while known to anyone with even a minimal degree of commonsense or observation, is apparently a foreign concept to the ideologues who write these ridiculous regulations.

Another example of the totalitarian—and I do not use the word "totalitarian" lightly, because that is exactly what we are dealing with—nature of these regulations is the effect that they are having on professional fraternities and sororities. Again, the HEW ideologues will not accept the fact that people from time to time prefer to socialize only with members of their own sex, just as from time to time they prefer to associate with the opposite sex. Instead, the natural preferences of people, their freedom to associate with whom they please in exercise of their basic right of the pursuit of happiness is to be trampled underfoot all for the sake of some abstract principle of total sexual equality. One suspects that the sexist extremists would much prefer if babies really did come from cabbage patches so that the one remaining and unavoidable sexual distinction, the bearing of children, would cease to remind people that men and women are different.

While it was the obvious intent of the 1972 law—title IX—that it apply to those seeking an educational opportunity, the HEW regulations cover the employees of educational institutions, and elaborate, complex regulations have been developed regarding them. If for no other reason, the inclusion of employees of an educational institution within the regulations is inappropriate, because there is another agency of the Federal Government which has already been assigned that jurisdiction and authority.

Section 703 of the Civil Rights Act of 1972 specifically provides that—

[I]t shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's . . . sex . . .

Section 705 of that act created the Equal Employment Opportunity Commission and section 706 empowered the Commission to prevent any person from engaging in any "unlawful employment practice as set forth in section 703."

Clearly, the Equal Employment Opportunity Commission, not HEW, is the proper agency of the Federal Government to consider questions of possible discrimination on the basis of sex in employment. And, of course, its power and authority governs educational institutions as well as other employers. On April 5, 1972, the Commission published in the Federal Register regulations, or guidelines relative to discrimination because of sex. Those regulations are, of course, currently in effect.

In the light of the authority, jurisdiction, and work of the Equal Employment Opportunity Commission, it is suggested that the better reasoned view is that Congress did not intend title IX to be extended to cover employees of educational institutions. Rather, it is submitted that Congress intended the Equal Employment Opportunity Act of 1972, which was enacted in the same year as title IX, to cover such matters. Frankly, it defies commonsense to conclude otherwise. Further, simple principles of good management and economy in Government require that competition among Federal agencies, at the taxpayers' expense, which has such a duplicative effect, not be permitted.

Mr. President, the list of problems with the HEW regulations goes on. They require affirmative action programs to remedy the effects of so-called past discrimination and thereby mandate inverse discrimination. They require, in effect, quotas, more burdensome redtape, expensive paperwork, and the like.

BILL

The bill that I am introducing addresses the concerns that I have expressed today, as well as those contained in my memorandum in support of Senate Concurrent Resolution 46 which I introduced in the 94th Congress. The bill provides that title IX shall apply only to education programs and activities which directly receive Federal financial assistance and that such "education programs and activities" shall mean only those programs and activities which are an integral part of the required curriculum of an educational institution. Thus intercollegiate athletics and the like would be excluded from the coverage of title IX.

Additionally, HEW will be precluded from making any regulations pertaining to the actual or potential marital or parental status of any applicant or student, and mixed classes of members of both sexes will not be required but will be optional in the discretion of local school officials and teachers. Of course, the coverage of employees of an educational institution is left to the Equal Employment Opportunity Commission, not HEW.

Affirmative action programs, quotas, and other such acts of inverse discrimination are prohibited. With regard to admissions and classifications within an institution, schools, and colleges are permitted to use tests, standards, and other criteria which are reasonably related to a proper educational purpose.

Thus, a more real equal educational opportunity will be insured to members of both sexes, and this goal will be achieved without unnecessarily restricting the freedom of anyone.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Educational Opportunity Amendments of 1977".

SEC. 2. (a)(1) Section 901(a)(6)(A) of the Education Amendments of 1972 (relating to nondiscrimination on the basis of sex) is amended to read as follows:

"(6) this section shall not apply to membership practices—

"(A) of a social or professional fraternity or social or professional sorority the active membership of which consists primarily of students in attendance at an institution of higher education, or".

(2) Section 901 of the Education Amendments of 1972, (relating to nondiscrimination on the basis of sex), is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following:

"(10) this section shall not apply to any choir or other similar singing organization sponsored in whole or in part by or supervised by any educational institution."

(b) Section 901 of the Education Amendments of 1972 is amended by redesignating subsections (b) and (c) of such section as subsections (c) and (d), respectively, and by inserting immediately after subsection (a) the following new subsections:

"(b)(1) Notwithstanding any other provisions of law, this section shall apply only to education programs and activities which directly receive financial assistance from the Federal Government. For purposes of this paragraph, 'education programs and activities' means only programs and activities which are an integral part of the required curriculum of an educational institution subject to this title.

"(2) Nothing in this section shall apply to any employees of any educational institution subject to this title.

"(3) Nothing in this section shall authorize any department or agency of the Federal Government to prepare, publish, or enforce, with respect to any educational institution or the programs or activities of any such institution, any regulations, rules, or orders relating to—

"(A) athletics, the participation in which is not a required part of the educational curriculum of such institution, or

"(B) the actual or potential marital or parental status of any applicant or student at any such institution.".

(c) Section 902 of the Education Amendments of 1972 is amended by inserting "(a)" after the section designation and adding at the end of such section the following new subsection:

"(b) Regulations issued to carry out the provisions of this title shall be modified to conform with the provisions of the Equal Educational Opportunity Amendments of

1975. Such modified regulations shall be published in the Federal Register for public comment and shall become effective only upon the approval of the President. Any such modified regulations shall be subject to the provisions of section 431 (d) of the General Education Provisions Act."

(d)(1) Section 905 of the Education Amendments of 1972 is amended by inserting "(a)" after the section designation and adding at the end of such section the following new subsections:

"(b) Notwithstanding anything to the contrary contained in this title, nothing contained herein shall be construed as to require the offering of any classes, courses of instruction, or other programs or activities in mixed groups of both sexes.

"(c)(1) In the construction of the provisions of this title, general principles of statutory construction shall apply, and such provisions shall not be construed as remedial legislation. No department or agency of the Federal Government enforcing this title shall require any affirmative action program, nor shall any such department or agency require the imposition of any quotas.

'(2) The enumeration of any exclusion from the provisions of this title shall not be construed by implication to preclude any other exclusion not so enumerated from coverage under this title if regulation under this title otherwise exceeds the authority set forth in this title.

"(d)(1) Notwithstanding anything to the contrary contained in this title, nothing contained herein shall be construed as prohibiting the adoption of any test, standard, or other criterion by any educational institution, or any administratively separate unit thereof, respecting admission to such institution, or administratively separate unit, or any education program or activity, or for classifications within such institution, unit, program, or activity if such test, standard, or other criterion is reasonably related to a proper educational purpose. Upon a showing by an appropriate official of such institution, or administratively separate unit, that any such test, standard, or other criterion is generally accepted as being appropriate for a particular use, such use shall be presumed to be for a proper elucational purpose and such test, standard, or other criterion shall be presumed to be reasonably related to such purpose.

"(2) In any proceeding pursuant to section 903, upon a showing of general acceptance as provided in paragraph (1) of this subsection the burden of proving that any such test, standard, or other criterion is not used for a proper educational purpose, or that such test, standard, or other criterion is not reasonably related to such educational purpose shall be upon the department or agency of the Federal Government seeking to enforce the provisions of this title. No such test, standard, or other criterion shall be held invalid without clear, cogent, and convincing evidence that such test, standard, or other criterion is not used for a proper educational purpose, or that they are not reasonably related to the educational purpose for which such test, standard, or other criterion is used."

(2) The heading of section 905 of the Education Amendments of 1972 is amended to read as follows:

"EFFECT ON OTHER LAWS; CONSTRUCTION OF THIS TITLE"

By Mr. ROTH:

S. 541. A bill to reorganize the executive branch of the Government in order to improve the management of the Outer Continental Shelf; to the Committee on Government Operations.

OUTER CONTINENTAL SHELF MANAGEMENT REORGANIZATION ACT

Mr. ROTH. Mr. President, I am today introducing a bill which I believe to be simple in both concept and execution, deserving of support and prompt approval by the other Senators and the committee or committees to which it will be referred.

The bill is identical to one I introduced last year, but too late in the session for action to be taken.

Put at its simplest, if enacted, my bill would mean the following:

A person—whether the Governor of Delaware, a Sussex County commissioner, or the resident of a local environmental group—will be able to go to one office for information and guidance concerning development of the Outer Continental Shelf. Today he must go to 15 or more, shuttling between one and another.

One Federal officer—the Assistant Secretary of the Interior for Outer Continental Shelf matters—will be responsible for coordinating all decisions relating to the Outer Continental Shelf. Citizens and officials, whether Delawareans, Alaskans, or others, will be able to look to one person and hold him or her responsible. If development is proceeding too slowly, we will know who to turn to; if some of the wrong safety decisions are being made, we know who is responsible. It will not matter—as it does today—whether the fixture is onshore of offshore, on the platform or in the pipeline, early in the leasing process or late in it. The responsibility will be clear, and well defined.

To balance all interests relating to the Outer Continental Shelf—whether they are economic, environmental, or energy related—critical policy disputes will be resolved quickly by a high policy council, instead of being subject to long and drawn out haggling between Federal agencies.

In short, my bill brings development of the Outer Continental Shelf into the open, focuses responsibility, and amplifies the voice of State and local officials in the decisionmaking process.

Briefly, the Outer Continental Shelf Management Act would accomplish the following:

At present, there are 4 different departments and at least 15 different sub-Cabinet and independent agencies involved in development of the Outer Continental Shelf. My bill would remove the responsibilities of some of those agencies and consolidate authority in an Assistant Secretary of the Interior for the Outer Continental Shelf. Since the Department of the Interior is the lead agency OCS development because of its jurisdiction over Federal lands, focusing responsibility there would minimize any confusion which might occur.

As drafted, my bill consolidates responsibilities from the following Federal agencies: The Federal Power Commission, the Interstate Commerce Commission, the Office of Pipeline Safety, the Corps of Engineers, the Bureau of Land Management, the U.S. Geological Survey, and the Fish and Wildlife Service. In addition, the bill establishes the new Assistant Secretary of the Interior as the focus for all Federal activity relating to the Outer Continental Shelf by requiring that he be notified of any Federal action which has a direct and significant effect on the shelf or its development.

If the Assistant Secretary disagrees with the proposed Federal decision, he or she can recommend a change or changes, thus forcing the decision to be made by the Outer Continental Shelf Council. This is a new council, which my bill would create. Conversely, if the Assistant Secretary proposed to act in any of the areas where the responsibility was transferred to him, he or she must notify the agency which was previously responsible. The head of that agency can recommend a change or changes, thus forcing the decision to be made by the Outer Continental Shelf Council.

The new OCS Council itself is composed of five permanent and two rotating members. The five permanent members, who are selected to represent critical areas of expertise and interest, are as follows: the Assistant Secretary of the Interior for OCS matters; the Administrator of the Environmental Protection Agency; the Administrator of the Energy Research and Development Administration; the Chief of Engineers of the Corps of Engineers; and an Assistant Secretary of Commerce.

The two shifting members of the Council are selected to reflect the special concerns which will be before the Council from time to time. One of the shifting members will be the head of the Federal agency whose decision is being reviewed. The other will be the Governor of the State most directly affected by the proposed decision, or a representative Governor, if several States are affected equally. Because of their self-interest, these two members will insure a thorough examination of all aspects of a problem.

I believe this combination of permanent and temporary members, insures that the Council will be a high level, expert body capable of arriving at sound, reasoned, and respected decisions. Since the Council is required to make its decisions within 45 days, protracted delay is avoided. Indeed, in some circumstances, the presence of the OCS Council might very well expedite the decisionmaking process.

Last, my bill would require the Assistant Secretary to create an office of State and local liaison, which would be responsible for all communications with officials of State and local government. By reducing the lines of communication my bill would amplify the voices of Governors, mayors, county executives, and others in the Federal decisionmaking process.

Mr. President in drafting this bill I have attempted to incorporate features which would attract wide, if not necessarily unanimous agreement. I have consulted with officers of State government, environmentalists located both here in Washington and in Delaware, researchers at the Office of Technology Assess-

ment, and members of various committee staffs. Nearly every person with whom I have spoken agrees with my intent in drafting this bill. Almost all of them agree with the mechanism I have adopted.

Such agreement reflects the seriousness of the problem which now exists.

Development of the Outer Continental Shelf is inevitable. But it must be done in a safe and orderly fashion, because the risks are enormous. It would be difficult for me to overstate the disastrous impact which a spill like Santa Barbara could have on the Delaware coastline. Yet this is merely the most obvious, not necessarily the most serious, of the possible impacts.

As I said earlier, the Department of the Interior is the lead agency in development of the Outer Continental Shelf. But there are numerous other agencies also involved, fragmenting responsibility and authority. Indeed, in an interview with a researcher, a Federal official said:

> It is not clear who is doing what and the States are bewildered. No one even knows for sure who is going to do what. It is a confused process.

Coordination, where it exists, strains against the ties of jurisdictional fights. State and local officials are left without any single person or office to approach.

For instance, at various points in the development of the Outer Continental Shelf, two agencies within the Department of Interior—the Bureau of Land Management and the U.S. Geological Survey—are both involved simultaneously.

The BLM field office is in downtown Manhattan where the USGS field office is on K Street in Washington, D.C., even though the oil field itself is off Delaware. The Office of Pipeline Safety—which is part of the Department of Transportation—has a field office but it is a few blocks from here, while the Environmental Protection Agency's regional office is in Philadelphia. If it were a phase involving the Coast Guard, a citizen would deal with the captain of the Port of Philadelphia, whose office is located in Gloucester, N.J.

The lines of responsibility are also confusing and duplicative. Matters are so complicated that agencies have been forced to execute formal and complicated agreements, detailing where one's responsibility begins and another ends. A May 6, 1976, agreement between the Departments of Interior and Transportation goes so far as to include a schematic diagram showing that Interior regulates wellhead pumps and compressors, but that pipeline pumps and compressors would be handled by Transportation.

A 1971 agreement between the Coast Guard and the Department of the Interior lays out responsibilities in the event of a platform oil spill. Under its terms, oil spill operations will be handled not by one of the agencies, but by both. Each agency is to have a representative on the scene. The Coast Guard's representative will supervise the cleanup of the oil spill, but Interior's representative will be responsible for stopping the leak.

These divisions of responsibility extend throughout the process.

Platform specifications, for instance, are critical to the safety and efficiency of exploration and production operations. Oil companies may use either fixed, floating, or "jack up" platforms, depending on local conditions. If the platform is fixed, it is governed by regulations of the U.S. Geological Survey. If it is portable, the Coast Guard's rules apply.

Nobody seems to be sure which agency regulates "jack up" platforms.

A local official attempting to find his way through the agencies would probably feel like a rat in a maze. If Delaware's Governor were concerned with maintaining safety, for instance, he would be faced with a whole range of agencies. If the condition were on a production platform, the Geological Survey would be responsible, while if it were a pipeline problem, the Office of Pipeline Safety would be responsible—unless it was an onshore pipeline, which would be the responsibility, in part, of the Environmental Protection Agency; or, if the question involved where to route the pipeline the Federal Power Commission and the Interstate Commerce Commission would have some jurisdiction, as well. A question of safety involving a transfer devise—like a hose between the platform and an oil barge—would probably belong to the Coast Guard, though nobody seems sure.

The OCS leasing process is confusing and time consuming even without the involvement of so many Federal agencies. With them, the process becomes maddening. As one Delaware official told an OTA researcher:

> The Federal Government doesn't understand why we are being so dogmatic about some things. We have to be because they are so sloppy.

Last year, the Office of Technology Assessment released an interim report on the coastal effects of offshore oil and natural gas development. The report was based on data supplied by contractors and consultants; on earlier studies by Government agencies, private study houses and academic groups; and on workshops and interviews conducted during a public participation program.

The information drawn from these sources was used to chart hypothetical patterns of development and to project their environmental, economic, and social consequences for New Jersey and Delaware. Finally, OTA conducted extensive interviews with Federal, State, and local officials to trace institutional relationships under existing laws and practices. From this research emerged a series of issues and of options available to Congress for addressing those issues. Some of the OTA findings were as follows:

Despite the urgency attached to expanding offshore lease sales and petroleum production, the Interior Department has no full-time, policy-level coordinator with line responsibility for Outer Continental Shelf operations. I understand that no such consolidation of responsibility and accountability for OCS programs is contemplated.

In addition, clear lines of responsibility for OCS operations have not been established between Interior officials and officials of the Office of Coastal Management, despite the fact that offshore development in the mid-Atlantic and other frontier areas could produce the most important impacts on coastal zones of any single new development since the Coastal Zone Act became law in 1972.

Line responsibility for OCS activities is divided within the Interior Department between two bureaus—the U.S. Geological Survey—USGS—and the Bureau of Land Management—BLM—both of which have a wide range of other activities that overshadow their OCS responsibilities in terms of manpower and budget.

The flow of information from the Federal Government to the States since the 1974 decision to accelerate offshore leasing has been slow and uncoordinated. State officials say they are concerned about the flow because they need comprehensive and timely information in order to plan for coastal effects of offshore development.

Offshore energy development eventually may require construction of staging areas, pipelines, tank farms, and gas processing plants.

State officials say they are concerned that onshore activities may require major investments of public funds that necessitate considerable advance warning and some assurance not only that the investments actually are required but that OCS-related revenues ultimately will support the expenditures. For example, Delaware officials say that there is presently a lag of 8 years between planning and completion of a major highway in the State.

State officials say, by and large, that they appreciate the fact that there are limits to the Interior Department's ability to provide some type of data. What concerns them, they say, is that the confusion that exists now in exchange of data will not be clarified by the time their needs for hard data become more than academic.

After management plans have been approved by Federal officials under the Coastal Zone Management Act, both States presumably would have a legal right under the act to "necessary information and data" about any Federal activity in their coastal zone, including activity related to offshore oil and natural gas development. However, the act does not specify whether the States or the Federal Government would interpret the word "necessary," which raises doubts that it will solve the States' information problems.

State officials have been concerned that such crucial decisions as sale of leases, enforcement plans and—until recently—review of development plans have been made unilaterally by the Federal Government even though all three decisions influence the eventual onshore impacts of OCS development. Lease sales, for example, set in motion a development process that can rarely be slowed or stopped under existing laws and regulations.

The first development plan is the base

on which decisions are made incrementally about locations of pipeline landfalls, staging areas, and tank farms. Enforcement plans have a direct bearing on the care that will be exercised in drilling and production and an indirect bearing on the quantities of oil likely to be spilled offshore. This lack of State participation in early decisions has helped create an adversary relationship in which a State's only option for controlling onshore impacts may be to obstruct the process, thus bringing about the very kinds of delay in OCS development that the Federal Government wants to avoid.

A policy goal could be to create a framework for relationships between State and Federal Governments that would insure States full participation in major OCS decisions. One way to assure State involvement in those major decisions could be to make such involvement a legal right of a State rather than an option of Federal decisionmakers.

States already have the right through their riparian laws, environmental protection regulations, and zoning powers to block or delay development once it involves State lands. However, State officials say they would prefer involvement in the planning process to exercising a veto in later stages of development.

Mr. President, I believe my bill is a sound and responsible way to solve the organizational problems which are complicating and hindering the leasing and development process. I ask unanimous consent that this bill be printed in the RECORD at this point, and I urge my colleagues to study it carefully and join me in supporting it.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Outer Continental Shelf Management Reorganization Act".

PURPOSE

SEC. 2. The purpose of this Act is to improve the administration of the development of the Outer Continental Shelf, including liaison activities with State and local governments, by reorganizing and centralizing such administration.

ASSISTANT SECRETARY OF THE INTERIOR FOR OUTER CONTINENTAL SHELF MATTERS

SEC. 3. (a)(1) There is established within the Department of the Interior an Office of Assistant Secretary for Outer Continental Shelf Matters (hereinafter referred to as the "Assistant Secretary"). The Assistant Secretary shall be in addition to those now provided for in such Department and shall be appointed by the President by and with the advice and consent of the Senate.

(2) Clause (18) of section 5315 of title 5 of the United States Code is amended by striking out "(6)" and inserting in lieu thereof "(7)".

(b) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall make such transfers within the Department of the Interior as are necessary in order to carry out through the Assistant Secretary all of the Secretary's functions pursuant to the Outer Continental Shelf Lands Act, except such functions relating solely to surveying and preparing maps which may remain with the Geological Survey. In addition the Secretary shall carry out all functions transferred or given to him pursuant to this Act through the Assistant Secretary.

TRANSFERS TO THE SECRETARY

SEC. 4. (a) Except as provided in subsection (b) there are transferred to the Secretary, effective after 30 days following the date of enactment of this Act—

(1) such functions of the Federal Power Commission pursuant to the Natural Gas Act,

(2) such functions of the Interstate Commerce Commission pursuant to part I of the Interstate Commerce Act,

(3) such functions of the Secretary of Transportation pursuant to the Natural Gas Pipeline Safety Act of 1968, and

(4) such functions of the Secretary of the Army pursuant to the Act of March 3, 1899, (30 Stat. 1121), or any other provision of law, as the Director of the Office of Management and Budget determines relate to the placing or use of any artificial island or fixed structure, including any pipeline, on the Outer Continental Shelf for the purpose of exploring for, developing, removing, or transporting resources therefrom, or to the placing or use of any such pipeline for such purpose through the navigable waters of the United States or the coastal zone, as established for the purposes of the Coastal Zone Management Act of 1972.

(b) Any action taken by the Secretary in carrying out any function transferred pursuant to subsection (a) shall be reported to the agency or official from which such function was transferred and such agency or official may, within thirty days of receiving such report recommend a change or changes in such action. Such recommendation shall be reported to the Outer Continental Shelf Council, established pursuant to subsection (c), and such Council shall make a decision, within 45 days of receiving such report, on such action to be taken. The decision of the Council shall be final.

(c)(1) There is established an Outer Continental Shelf Council which shall consist of—

(1) the Assistant Secretary;

(2) the Administrator of the Environmental Protection Agency;

(3) the Administrator of the Energy Research and Development Administration;

(4) the Chief of Engineers, Department of the Army;

(5) a representative of the Department of Commerce of at least Assistant Secretary level, appointed by the Secretary of Commerce;

(6) the head of the department or a member of the Commission whose recommendation is being reviewed pursuant to subsection (b); and

(7) the Governor of the State primarily affected by the action being reviewed, as determined by the Secretary, or in any case where a number of States are equally so affected the Governor of one such State selected by the Secretary to represent such States.

(2) The Secretary shall furnish to the Council such administrative assistance as it determines is needed to carry out its functions pursuant to this Act.

STATE AND LOCAL LIAISON

SEC. 5. The Secretary shall establish within the Office of the Assistant Secretary a Division of State and Local Liaison. All liaison with State and local governments in carrying out the Secretary's functions pursuant to the Outer Continental Shelf Lands Act and this Act shall be carried out through such Division.

OTHER FEDERAL ACTIONS HAVING DIRECT AND SIGNIFICANT EFFECT ON THE OUTER CONTINENTAL SHELF OR ITS DEVELOPMENT

SEC. 6. The head of any Federal department or agency who takes any action, other than pursuant to a function transferred in and significant effect on the Outer Continental Shelf Lands Act, which has a direct and significant effect on the Outer Continental Shelf or its development shall report such action to the Secretary and the Secretary may within thirty days of receiving such report recommend a change or changes in such action. Such recommendation shall be reported to the Outer Continental Shelf Council and such Council shall make a decision, within 45 days of receiving such report, on such action to be taken. The decision of the Council shall be final. In dealing with such proposed action the head of the department or agency initially proposing the action, if not a member of the Council, shall serve as such a member.

TRANSFER OF PERSONNEL AND PROPERTY

SEC. 7. (a) All personnel, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of section 4(a), are transferred to the Secretary.

(b)(1) Except as provided in paragraph (2) of this subsection, personnel engaged in functions transferred under this Act shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(2) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

SAVINGS PROVISIONS

SEC. 8. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or office, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause

of action by or against any agency or office, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which a transfer pursuant to this Act takes effect, any agency or office, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such agency or office, or any part thereof, is transferred to the Secretary, or

(B) any function of such agency, office, or part thereof, or officer is transferred to the Secretary, then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after such transfer, reference in any other Federal law to any agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the department or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of the Secretary in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Secretary.

(f) In the exercise of the functions transferred under this Act, the Secretary shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

By Mr. ROTH:

S. 542. A bill to authorize the Federal Power Commission to allocate scarce supplies of natural gas; to the Committee on Commerce.

Mr. ROTH. Mr. President, I have previously introduced legislation designed to deal effectively with an imminent and dangerous shortage of natural gas. Natural gas availability to America's homes, farms, businesses, and industries over the past several years has been diminishing in alarming proportions and efforts by the Federal Power Commisssion under its existing statutory authorities to forestall this trend have not been successful.

Mr. President, it is obvious to all of us that the forecasts of a major shortage of natural gas have come true and are imposing severe and adverse impacts on an already staggering American society and economy. Prompt Federal action is needed to provide more responsive solutions to what is already a critical situation. The shortages of natural gas now upon us are severely disrupting productivity and employment in many areas of the country.

Mr. President, the legislation which I am introducing today will equip the Federal Power Commission with the necessary statutory authority to ease the crippling economic impact of recurrent shortages of natural gas and provide for an equitable distribution of this scarce resource.

The legislation will direct the Commission to promulgate regulations providing for the mandatory allocation of natural gas when it determines that natural gas is in such short supply in any section of the Nation, that the public health, safety, or welfare is threatened. The bill sets forth goals and objectives for the mandatory allocation program to meet including the protection of public health, safety, welfare, and the national defense; maintenance of public services and agricultural operations; minimization of economic distortions or interference; and the protection of jobs.

The bill clearly stipulates that the mandatory allocation program must be structured so as to provide an equitable distribution of natural gas among all regions, States, and sectors of the economy. The intent is to spread the current impacts of natural gas shortages across all sections of the Nation, thus assuring that no single area is crippled by the lack of fuel while others have abundance. In this manner the overall impact of shortages is minimized as much as possible.

The bill requires that natural gas shortages be monitored and that a mandatory allocation program be initiated when supplies threaten the public health, safety, or welfare. It requires the FPC to submit a report to the Congress every 6 months explaining why the Commission believes a mandatory allocation program is unnecessary. The Commission's authority to allocate natural gas expires on July 1, 1979.

Mr. President, I originally introduced this proposal 2 years ago. After hearings were held, the National Journal predicted that there would be no allocation legislation during that Congress:

Allocation legislation is likely to end in a stand off in Congress because of the pull and tug of sectional interests, some of them desperate for additional gas supplies and others sitting pretty with adequate supplies and unwilling to give them up. The petroleum allocation program was passed by Congress last year only because the Nation was in the throes of a serious energy storage caused by the Middle East oil embargo, and it probably will take a crisis of equal proportions to get the gas allocation bill through Congress.

Unfortunately, that prediction held true. Today, many of my colleagues are reaping the crop which they sowed 2 and 3 years ago. Unfortunately, the administration allocation bill solves only today's problem, not that of next year or the years after.

Mr. President, a natural gas crisis is here and it is here now. Some persons accused me of crying "wolf" when I predicted dire consequences if the Congress failed to act and there were a severe winter. Today, people throughout the Nation are faced with the bitter reality of layoffs and cold homes because the cold winter has arrived following two mild ones. It is time for each of us to set aside sectional loyalties and act in the national interest.

Today natural gas represents well in excess of one-third of all energy consumed across the Nation. It serves nearly one-half of our country's industries and 150 million Americans in their homes. Given these statistics, I am sure Congress realizes the very disastrous results which will occur if an equitable and responsive system of distribution of natural gas is not immediately implemented.

Mr. President, I recognize that resource allocation is not a viable long-term solution to this Nation's shortage of natural gas. Ultimately, a program with long-range solutions to alleviate future shortages must be developed and I would urge the undertaking of such an effort immediately. Unfortunately, measures designed to increase supply will take years to show results. Therefore, we must move as quickly as possible with short-term initiatives, the most immediate being the allocation authority contained in this proposal.

I am fully cognizant that the institution of a mandatory allocation program is a drastic measure. However, when compared with the impact of massive shortages, allocation authority is the only logical alternative we have. I need not remind my colleagues of what the people of this Nation are now enduring.

Mr. President, the introduction of this bill is not an end; it is only a beginning. Natural gas shortages, which have been developing for some time, have reached crisis proportions. It is essential that we enact legislation now to provide short-term solutions, and press forward to develop legislation to improve the long-term supply picture. I welcome this challenge and I look forward to working with my distinguished colleagues on its solution.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby determines that—

(1) shortages of natural gas have developed because domestic supplies are not sufficient to meet present and anticipated national needs;

(2) shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of agricultural production, and curtailment of vital public services;

(3) shortages have jeopardized the normal flow of commerce and constitute a supply crisis which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the Federal Government; and

(4) shortages have created an unreasonable burden on certain areas of the country and on certain sectors of the economy, and legislation is needed to provide an equitable solution for these shortages.

(b) The purpose of this Act is to authorize the Federal Power Commission to allocate natural gas to deal with existing and im-

minent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare. The authority granted under this Act shall be exercised for the purpose of minimizing the adverse impacts of shortages or dislocations on the American people and the domestic economy.

ALLOCATION AUTHORITY

SEC. 3. (a) Whenever the Federal Power Commission (hereinafter referred to as the "Commission") determines that supplies of natural gas are in such short supply that they pose a threat to the public health, safety, or welfare, the Commission shall promulgate regulations providing for the mandatory allocation of natural gas in amounts specified in (or determined in a manner prescribed by) such regulations.

(b)(1) The regulations authorized under subsection (a), to the maximum extent possible, shall provide for—

(A) protection of public health, safety, and welfare, and the national defense;

(B) maintenance of all public services;

(C) maintenance of agricultural operations;

(D) minimization of economic distortion, protection of jobs, and elimination of inflexibility and unnecessary interference with economic market mechanisms.

(2) To the maximum extent practicable and consistent with the objectives of paragraph (1), the mandatory allocation program established under subsection (a) shall be (A) based on a reasonable base period, and (B) structured so as to result in the equitable distribution of natural gas among all regions, States, and areas of the United States and sectors of the economy so as to minimize the impact of natural gas shortages.

(3) The Commission may, by order, require such adjustments in the mandatory allocation program established under subsection (a) as may be reasonably necessary to accomplish the objectives of paragraph (1) or to prevent any person from taking any action which would be inconsistent with such objectives.

(4) The authority to promulgate the regulations under subsection (a), and to enforce such regulations and any such order, expires at midnight July 1, 1979, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to such time of expiration.

EFFECTIVE DATE OF ALLOCATION PLANS

SEC. 4. The mandatory allocation regulations authorized under section 3(a) shall take effect after thirty calendar days following promulgation by the Commission.

APPLICATION

SEC. 5. The provisions of this Act shall apply to all natural gas produced or transported in the United States over which the Commission has jurisdiction under the provisions of the Natural Gas Act.

REPORT

SEC. 6. If the Commission determines that it is not necessary to promulgate a mandatory allocation program under section 3(a), the Commission shall submit a detailed report to the Congress not later than six months after the date of enactment of this Act, and at the end of each six-month interval thereafter ending prior to the expiration of authority in section 3(b)(4) with respect to the reasons a mandatory allocation program is not needed.

By Mr. PELL (for himself, Mr. HATHAWAY, Mr. ABOUREZK, Mr. ANDERSON, Mr. BAYH, Mr. BROOKE, Mr. BUMPERS, Mr. CANNON, Mr. CASE, Mr. CHURCH, Mr. DECONCINI, Mr. DURKIN, Mr. FORD, Mr. HUMPHREY, Mr. JOHNSTON, Mr. LEAHY, Mr. MORGAN, Mr. RIEGLE, Mr. STAFFORD, Mr. STONE, Mr. THURMOND, Mr. TOWER, Mr. YOUNG, and Mr. ZORINSKY):

S. 543. A bill to amend title VII of the Social Security Act to provide that benefit checks shall be mailed for delivery on the day preceding a Saturday, Sunday, or legal public holiday, and to amend section 3020 of title 38, United States Code, relating to the time of delivery of benefit checks paid under laws administered by the Veterans' Administration; to the Committee on Finance and the Committee on Veterans' Affairs, jointly, by unanimous consent.

Mr. PELL. Mr. President, today I am introducing legislation to improve the delivery of monthly benefit checks to more than 40 million recipients of Social Security or Veterans' Administration retirement, disability, or survivors benefits.

Every month, approximately 40,400,000 American families receive retirement, disability, or survivors benefits through Social Security or Veterans' programs. Depending upon the type of benefit, those checks are mailed so as to arrive at a beneficiary's home on the 1st or 3d day of the month. However, when that regular delivery date falls on a Saturday, the check is difficult to cash or deposit, and if it falls on a Sunday, or on a Monday national holiday, the benefit check has traditionally been delivered on the next business day. In extreme cases, this can mean a 3-day delay in cashing or depositing a check, but in any instance in which a monthly benefit check is delayed, this imposes a real hardship upon an individual family.

I have heard from many of my constituents about the great inconvenience which a Saturday or delayed delivery poses for them. Saturday deliveries mean real difficulties in cashing or depositing checks for the elderly or homebound, and any delayed delivery means having to put off paying rent or other monthly debts.

At the end of last year, the Social Security Administration and the Treasury Department made a welcome administrative decision in response to a request by Senator HATHAWAY, myself, and several other Senators, to deliver some social security checks on Friday, if the normal delivery date falls on a weekend. However, they were constrained by law from applying this important change across the board.

The legislation I am introducing today would amend the law to insure that social security checks for benefits under titles II and XVI, and Veterans' Administration checks for benefits under survivors and disability programs, would all be able to be delivered early, so that recipients would have their benefits in time to pay monthly rent, utility, food, or medical bills.

This legislation simply provides that when a normal check delivery date falls on a Saturday, Sunday, or Monday public holiday, a benefit check shall be mailed to arrive on Friday before that Saturday.

A careful look at the calendar for the next 2 years shows that this measure can have a major impact in improving service to recipients of these programs benefits: In 1977, there are 7 months in which the normal delivery date for at least one of these programs falls on a weekend: the months of January, April, May, July, September, October, and December. In 1978 there are also 7 months in which checks would be scheduled to arrive on weekends; namely, January, April, June, July, September, October, and December.

In short, this legislation makes the veterans' and social security benefits payment system more responsive to the needs of the recipients, at little cost to the taxpayer. I urge my colleagues to carefully review this proposal, and welcome their support for it.

Mr. HATHAWAY. Mr. President, I am pleased to join my colleague Mr. PELL today in introducing legislation aimed at easing what has been a vexing problem for more than 40 million Americans receiving veterans' and social security benefit checks. Last year, more than a third of the Members of this Chamber joined me in petitioning the Treasury Department to provide early pay dates for social security recipients. The Treasury Department responded by changing its regulations to allow senior citizens and others to receive their benefit checks on Fridays prior to a Saturday, Sunday, or holiday pay date. It was a welcome change.

But I share with my colleague from Rhode Island the thought that whenever possible, the law ought to reflect our concern for those who receive, need and have earned Federal benefits by virtue of their long work and service to the Nation. Regulations can be easily rewritten and erased; laws cannot.

This proposal calls for the Treasury Department to adopt a more flexible pay schedule for the more than 40 million citizens receiving benefits under veterans' or social security programs. These entitlements are not gifts from the Government; they are earned benefits which ought to be promptly delivered to those who labored to earn them so they can be used for their necessities of life. On those pay dates which fall on a Saturday, Sunday, or holiday, the Federal Government should deliver benefit checks on the previous Friday. This proposal does not call for an additional appropriation of funds, it simply requires the Federal Government to expedite a responsibility it already has. I urge my colleagues to join Mr. PELL and myself in supporting this modest, but important, proposal.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a bill introduced by the Senator from Rhode Island (Mr. PELL), for himself and others, relative to benefit checks paid under the Veterans' Administration, be jointly referred to the Committee on Finance and Committee on Veterans' Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. BAYH (for himself, Mr. MATSUNAGA, Mr. DURKIN, Mr. FORD, Mr. HUDDLESTON, Mr. LAXALT, Mr. METCALF, Mr. PELL, and Mr. SCHWEIKER):

S. 544. A bill to provide for the exclusion of industrially funded personnel in computing the total number of civilian personnel authorized by law for the Department of Defense in any fiscal year; to the Committee on Post Office and Civil Service and the Committee on Armed Services, jointly, by unanimous consent.

Mr. BAYH. Mr. President, today I am offering together with my distinguished colleague, the junior Senator from Hawaii and several other Members of the Senate, a bill which will remove industrially funded civilian personnel from Department of Defense manpower ceilings. This legislation is not new. It was considered in the last Congress. It was, in fact, approved as part of the military procurement authorization bill for fiscal year 1976. Because it was deleted in conference from the bill and defeated as a floor amendment here in the Senate after receiving substantial support, it now remains for the 95th Congress to reconsider and act favorably on this important measure. In so doing we will fulfill the intent of the Public Law 93–365 which directs the Department of Defense to use the least costly form of manpower consistent with military needs. The industrial funding concept as presently implemented under the restriction of manpower ceilings is neither the most efficient utilization of the taxpayer's dollar for defense nor does it meet military requirements.

I want to emphasize once again to my colleagues, as I did in 1975, that this action which Senator MATSUNAGA and I are taking today in no way challenges the basic assumptions of manpower ceilings as a tool which Congress can use to insure accountability in regulating the size of Government. It might be recalled that I wrote the amendment which authorized Congress to set active duty force levels. However, ceilings for the sake of ceilings do not always accomplish the vital purpose of controlling the cost of Government. Therefore, we must not insist on imposing the concept on areas where it does more harm than good. In this instance, more harm than good is being done in the management of some 285,000 Government employees.

In an era when we can no longer afford the luxury of producing "guns and butter" in unlimited combinations, it is absolutely essential to look at every way to maximize efficiency and realize economies in the defense budget. At a time when we are marshaling our efforts to reduce unemployment from its present intolerable level, we must be quite sure that we do not adhere to Government policies which result in job cutbacks and layoffs even when there is work to be done and money to do it. Finally, when it is so vital to maintain a national military posture sufficient beyond doubt, we must make certain that our military manpower management policies contribute to enhancing the combat readiness of our forces.

Mr. President, I have reviewed carefully the debate which took place on this legislation last year. Let me just say that I hope the consideration of this measure in the 95th Congress involves a full discussion of these issues. We must remember that in an age of increasing interdependence of Government function, a change in policy in one area can have ripple effects affecting the function of Government elsewhere. When we look at the technical details of industrial funding it becomes apparent how a simple change in this one area of public policy can enhance effectiveness elsewhere in the national defense sphere.

Make no mistake about it, implementing fully sound management principles in this sector of Government can contribute to the national security and to our efforts to achieve and sustain a national economic recovery. The bottom line on this recommendation of lifting the ceiling on industrially funded DOD personnel is the fact that it will not require $1 more in defense appropriations. I will now turn to an explanation of the nature, of the industrial funding concept, how it is applied and why manpower limitations impede full realization of its benefits to the American taxpayers.

The purpose of industrial funds is for the financing of Defense industrial and commercial activities. Five central industrial funds are established within the Department of Defense—one for each of the four services and one for defense agencies. The activities financed by industrial funds include: Shipyards; arsenals and ordnance plants; supply, overhaul and repair depots; public works services; publication and printing; laundry and dry cleaning; communications; clothing and manufacture; air and sea transportation as well as transportation management and terminal service. Civilian personnel working in the areas I have mentioned do not perform the normal ancillary functions of the Department of Defense, such as office work or service activities. They are specifically engaged in their own activities which are as different from one another as one private enterprise is from its competitors and other companies. Further, the activity is designed to be self-sustaining in order to derive maximum benefit from applying sound business principles in the management of in-house defense industries.

In order to operate, these activities receive working capital in the form of Department of Defense appropriations to finance the cost of producing goods and services ordered by other Government organizations. These organizations are called customers. These customers are billed by the industrial funded activity for the goods and services furnished. Defense customers obtain money to pay these bills through the appropriations process. The working capital provided in this process covers such items as direct material costs, indirect production expenses, general administrative expenses, and other direct costs.

Industrial funds fall into two categories: Those which have work allocated by their parent command and others which do not. The parent command is in many cases the customer in the sense that it controls funds and determines requirements. In the second category, customers may be authorized or required to trade with the industrially funded activity. Whatever the category an industrially funded employee may be assigned is not as important as the fact that his employment is a fixed expense covered by working capital provided by the Department of Defense and appropriated by Congress. In so many instances, however, the size of the labor force remains fixed because of ceiling constraints and prevents the activity from fulfilling demands from the parent command or the authorized agency. When this occurs, the managers of the activity have the following options which enable them to do the work assigned:

Put regular employees on overtime for as long as is required to fulfill the mission;

Shift some duties to military personnel;

Ask the service for transfer of slots from another installation;

Contract outside the Government to private firms; and

Fire employees to meet end-of-year strength ceilings, then rehire them in the new fiscal year.

Passage of the legislation sponsored by Senator MATSUNAGA and myself would make each of these poor management options unnecessary by allowing the activity in question to use its working capital as productively as possible.

What this means is that expanded labor forces at industrial installations will be able to accomplish defense work whether it is the production of ammunition or the overhaul of combat vessels in time to meet schedules while providing the taxpayer with a more efficient expenditure of the defense dollar. Although there will be ample time for the parties directly affected by this proposal to restate and elaborate further their views on this measure, I want to point out that the General Accounting Office has consistently found the imposition of these ceilings to be a major impediment to realizing the full benefits of the industrial funding concept. In the most recent study of this matter released by the GAO on October 5, 1976, one of the conclusions concerning "27 Years Experience With Defense Industrial Funds," was that:

> Controls imposed by personnel ceilings tend to deprive agency management of flexibility to use the most effective and economical source of labor in accomplishing essential work. Moreover, our review of various industrially funded activities shows that civilian employee ceilings tend to be counterproductive due to the end of year scramble to reduce personnel to authorized ceilings. While employment ceilings may be a tool to assure that the concerns of the President and Congress as to total numbers of Federal employees are met, they are at best an inferior substitute for financial controls and effective management.

In testimony before the House Armed Services Committee on the manpower portion of the fiscal year 1977 Department of Defense authorization bill, Rear Adm. Stanley S. Fine, the Director of Budget and Reports and Director of the Fiscal Management Division of the U.S. Navy reiterated the Navy's previous position on the matter of industrially funded personnel ceilings—

> As far as the industrially funded activities and the request that they not be under ceilings, the Department of the Navy's position, I think has always been one that we would

prefer not to have any civilian under ceiling. I think we have gone on record in the past as not being for civilian ceilings on industrially funded activities. There is a little more severe problem on those activities than there are in the direct-funded activities since the workload drives their level of employment as much as anything else.

Another problem directly related to the imposition of civilian manpower ceilings on industrially funded DoD personnel is the practice of hiring temporary employees at a shipyard or other activity, releasing them to meet end-of-year manpower strengths and then rehiring them after the start of the new fiscal year in order to accommodate the work load. Clearly, this is a bad management practice. Not only does it have a debilitating impact on the operations at the activity but on the employee as well by creating an environment of job instability. As Mr. William Paz, Director of the Office of Civilian Manpower Management for the Navy, pointed out:

The problem is multifaceted. One, it creates a tremendous workload in the personnel offices that are providing support for the hiring and firing. Two, it provides contributable problems to the manager who is managing the work force that may consist of partially temporary employees and partially full-time employees. It creates a problem for the peer group in terms of their working with a group of people who may come in for 30 days and 90 days and then leave. It creates a problem with the temporary work force themselves. They aren't sure that they are going to be fully employed and how long they will be employed, and we are never sure that we are going to get the best talent possible to do the work necessary to be done in the shop.

I do not think there is any serious question that this whole host of problems described by Mr. Paz would be eliminated for this category of Defense Department civilian employees if manpower restraints were lifted.

On February 24, 1976, Assistant Secretary of the Navy Joseph T. McCullen, Jr., discussed before the Senate Armed Services Committee on Manpower the shortcomings of manpower ceilings as applied to industrially funded personnel. He observed that:

About one-half of Navy's civilian personnel requirements are driven by workload requirements. They are paid from program funds, rather than from a dedicated manpower appropriation as are military personnel. In the case of our industrially funded activities, our requirements are met and funded on a customer-producer basis. The civilian personnel needed are determined by the work required and the availability of dollars to purchase the work. Thus, our civilian employment levels are controlled and restricted by these funding limitations . . . ceiling controls on top of program funding controls often forces management actions which are more disruptive and more expensive.

As I have said, our concern in introducing this bill extends beyond the necessity of implementing good management practices in Government to the imperative of national security requirements. In this regard, I was impressed by the comments of retired Adm. Bernard A. Clarey in discussing the impact of ceiling constraints upon naval readiness during the conference held in Honolulu in October 1975 on legislation introduced by Senator Fong and which I cosponsored at that time designed to remove these restraints. Admiral Clarey said:

Our fleet's capability is marginal to carry out its mission.

Therefore every operating ship day available to the fleet commander is highly important in maintaining morale and readiness: Shipyard effectiveness and efficiency are currently impaired by the triple controls on personnel. Budgetary controls are basic to the appropriation process in the Congress, and will always be with us. *Personnel ceiling controls unrelated to the volume of work are a fairly recent innovation and are redundant, unnecessary and inefficient.* (Emphasis mine)

Mr. President, it is the absurdity of civilian manpower ceilings that they render moot the goal of creating an environment of industrial production similar to private industry where manpower costs are minimized through industrial funds. In terms of its impact on the labor base of an installation, such as the Naval Weapons Support Center at Crane in southwestern Indiana where the weapons system support work loads have remained fairly constant, these manpower restraints cause a decline which shows up in increased cost per man-hour. Former Congressman Phil Hayes from Indiana remarked in his fight for this legislation last year:

Equally clear is the fact that rather than resulting in "the least costly form of manpower," the albatross of civilian manpower ceilings has fatalistically brought about the most costly form of manpower. Either PL 93-365 should be amended accordingly, or the false economy of civilian manpower ceilings should be abandoned.

If we are to really move in a direction to accomplish the purpose of providing the most cost-effective force structure our defense dollar can buy the Bayh-Matsunaga bill must be enacted into law. In so doing the broader concerns which I have mentioned in my statement will be addressed and putting our Defense Establishment on firmer economic footing achieved. I urge my colleagues to join with us in this endeavor to put some commonsense back in DOD civilian manpower management.

At this time I ask unanimous consent that the bill and a letter from Mr. David Combs, president of AFGE Local No. 1415 representing employees at the Naval Weapons Support Center at Crane, Ind., be placed in the RECORD. As a representative of the workers at this industrially funded facility, I believe Mr. Combs provides us with an important perspective in terms of how this legislation will affect the Government employees. I ask unanimous consent as well for the insertion of an excerpted analysis of opposing positions to manpower ceiling relief prepared by Mr. David T. Plimier and presented to the Pearl Harbor Association meeting in support of S. 2207 which I cosponsored in the 94th Congress. I also request unanimous consent that a listing of industrially funded activities by State be likewise inserted at this point along with the text of this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, in computing the total number of civilian personnel authorized in any fiscal year for the Department of Defense or any military department thereof, there shall be excluded from such computation civilian personnel engaged in industrially funded activities.

Hon. BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAYH: Please accept my appreciation for your conscientious efforts in submitting legislation aimed at removal of ceiling constraints from Industrial Fund Activities.

The most recent report of the GAO, October 5, 1976, confirms the wisdom of this proposed legislation and forcefully points out how ceiling constraints have handicapped the Industrial Fund System and introduced numerous inefficiencies.

The impact on personnel is a serious one. Like many other Industrial Fund Activities, we have experienced the Reductions-in-Force to meet the artificial personnel ceilings that are established not based on workload, but our activity's pro rated share of reductions. And how ironic it is that the employment of so many workers that perform the necessary storage, depot maintenance, ship overhaul and inspection functions are constantly working under this threat to their livelihood and security. This group of civil servants is perhaps the least known and most misunderstood. The vast majority of these people work directly on the hardware that is used by the military services. They do not fit the typical mold that many citizens, conjure up about the faceless government bureaucracy. Civil servants shuffling endless paperwork which may not even be necessary. Although it has been said many times before, it is worth repeating, Industrial Fund employee's salaries are not appropriated; the salaries come from the planned and budgeted labor costs that are authorized and appropriated by Congress.

The GAO has recognized this fact and is trying to establish more realistic criteria for determining personnel requirements, namely financial controls. The big breakthrough will come when each of the Industrial Fund Activities are permitted by law to hire, up to their forecasted workload requirements. Presently, the Commanding Officer of the field activities summarize their personnel requirements that are traceable to thousands of customers orders for hundreds of customers. They do this because it is their job, they are only managers that have the information but only indirectly is this data used to establish personnel ceilings.

At this moment our activity's forecasted workload for the balance of FY 77 exceeds authorized ceiling by only 6%, but this would have the potential for employing around 200 people over the assigned ceiling without one additional dollar for more projects. It is our sincere hope that your efforts are successful in this endeavor.

Sincerely,

DAVID L. COMBS,
President, AFGE Local 1415.

ANALYSIS OF SEVERAL OPPOSING POSITIONS AGAINST MANPOWER CEILING RELIEF

(By Mr. David T. Plimier)

The most important argument asks the question, why are we supporting legislation which will discriminate in favor of one group of Federal employees from just the industrially funded activities? There are two elements to this argument. The first element concentrates on the similarity of people found in industrially and non-industrially funded activities. Let me quote some statements that have been made:

"All are Government employees with the same pay, benefits and job tenure" and

"There is no evidence that these indus-

trially funded employees are more efficient" and

"There is no basis for discriminating in favor of some employees at the expense of other Government or private business employees".

The second element of the argument is intended to deprive the industrial fund concept of any meaning or importance by stating:

"Industrial funds are merely financial bookkeeping arrangements internal to the Department of Defense" and

"There is no consistent definition of which activities DOD finances with industrial funds", and finally

"Industrially funded activities are randomly located".

By linking the two elements of the argument together, Senate Bill 2207 is made to appear to be a patently unfair piece of legislation. The basic answer to the opposition's specious argument is simple:

"Senate Bill 2207 is not intended to favor any one person or group of persons".

Senate Bill 2207 operates to increase the efficiency and effectiveness of industrially funded activities, nothing more. As I will shortly show, industrial funded activities will retrench along with non-industrially funded activities whenever funds are not appropriated by Congress. The solid support by senior representatives of the major political parties, AFL–CIO national unions, and responsible management attests to the basic truth that—no one is being singled out for favors. The only purpose of the proponents of Senate Bill 2207 is economical and efficient government operations.

Now, in answer to the second element of the argument, industrial funds do have a sound and progressive purpose for existence. Conservative thinkers have repeatedly called for government to be more business-like. With the knowledge and consent of Congress, each of the military services have established industrial funds in those activities where mission and other factors warrant such establishment. These industrial funds do not operate randomly or capriciously; they function as businesses within government with all the operating concerns of business. They are concerned with keeping overhead expenses down, with profitability, with cash availability, and with establishing good buyer/seller relationships, to name but a few business-like practices.

When these industrially funded activities are allowed to operate as intended, they do in fact apply the time-proven business concepts of accountability and control with great success and excellent results. These activities receive their revenues from other governmental customers who are in turn custodians of appropriated funds. Thus, a buyer/seller business-like relationship is established. The mission manager is highly motivated to be price competitive and responsive to his customer. However, whenever his ceiling constraint leaves him too few people to accomplish the work called for by his customers, he must find alternate and often more costly means of getting the job done. Concurrently, his overhead rate becomes worse as his workload falls thus making the activity seem progressively less productive. The activity is caught in a vicious circle leading to ever declining performance.

To conclude this argument, Senate Bill 2207 does not erect a fence or barrier in favor of just a few federal employees. If Congress in its wisdom elects to cut DOD funding, those cuts will impact industrially funded and non-industrially funded activities just as before. If RIFs were necessary before, RIFs will be necessary after Senate Bill 2207 is enacted when priorities are lowered and funds are reduced.

I will now go on to discuss the second argument.

This argument follows from the first and states that Senate Bill 2207 will cause future congressionally mandated ceiling cuts to inequitably fall on just a few people, those from the non-industrially funded activities. On the surface, this is a simple argument of basic arithmetic. That is, if a portion of the personnel base is fenced off and if Congress desires to achieve a certain level of personnel cutback, then personnel remaining outside of the fenced area will bear the brunt of the cuts. This is a misconception which leads the unwary Congressional representative to these two erroneous conclusions:

1. If most of the military installations in my State are non-industrially funded, then my voters will be very adversely affected.

2. Senate Bill 2207 will bring about a wholesale attempt on the part of all non-industrially funded personnel to press for industrially funded status.

This argument inaccurately assumes that personnel ceilings are paramount in determining personnel strength levels. As GAO has repeatedly pointed out, appropriated dollars, that is, fiscal constraints, are the primary determinants of force levels. The basic appropriations are segregated one from the other, for example, the Navy receives separate funding for ship construction, for military construction, and for operations and maintenance.

Personnel ceiling reductions almost invariably fall upon depot activities engaged in operations and maintenance. Therefore, a funding cut in operations and maintenance activities automatically reduces the amount of workload. An industrially funded mission manager, like his counterpart in the business community, is immediately faced with a rising rate of overhead as his workload dollars diminish. Practically speaking, he must move and move quickly to trim his excess payrolls in order to insure the solvency of his capital structure.

Thus, a Congressional cut in operations and maintenance funds will bring about the desired personnel reductions, and the application of personnel ceiling cuts, in addition to the funding cuts, is redundant. Put another way, as the workload dollars dry up, personnel reductions will occur in all activities, not just the non-industrially funded activities. Senate Bill 2207 simply corrects an "Alice in Wonderland" situation wherein Congress has duly appropriated funds, yet the mission manager is compelled by Law not to employ those funds in the most efficient and effective way possible.

The third minor argument against Senate Bill 2207 can be disposed of quickly. There are wide differences amongst the three services in the relative utilization of civilian, military and contractor personnel to accomplish existing workload. For example, the Air Force uses substantially more military and contractor support than does the Navy. Concern for the integrity of their operating policies has led some Air Force leaders to see in the proposed ceiling relief legislation a pressure towards civilianization which will limit their options to use military and contractor personnel.

It is wrong to conclude that the lifting of ceiling restrictions will automatically result in a higher civilian work force. No existing managerial prerogative is precluded or compromised in any of the services should ceiling restrictions be abolished. On the contrary, an added measure of flexibility will be available to the mission manager which will allow him to cope more effectively with workload peaks and valleys. Most knowledgeable managers who have studied these issues hold the position that the relative proportion of work accomplished by civilians, by military, and by private contractors will remain essentially unchanged as a result of this legislation; however, the total amount of workload accomplished per dollar of appropriated funds utilized will significantly rise due to more timely and effective application of resources available.

The only service managers who will be adversely affected are the few weak or lazy ones who cherish a climate of nonaccountability. These poor managers will be deprived of one of their crutches, that of being able to point to an externally imposed reduction in force or ceiling constraint and claim it to be the reason his performance is substandard in accomplishing his mission. That manager will be forced to plan, like all good managers must, to acquire the resources necessary to meet an increasing workload as well as to undertake orderly retrenchments when funding constraints dictate.

Industrial funds bring the business concepts of accountability and control into Government. Left unfettered by ceiling constraints, they will expand and contract as dictated by the funds appropriated by Congress and administered by their customers. Senate Bill 2207 is designed to allow these activities to function as originally intended, and to place responsibility for personnel matters squarely on the mission managers where it belongs. Most importantly, the Congress is freed from a political millstone and, in the process, will enhance its image while wielding effective control and strengthening its legislative power and authority.

Thank you very much for your attention.

ACTIVITIES OPERATING UNDER INDUSTRIAL FUNDS

ALABAMA

Anniston Army Depot.
U.S. Army Missile Command, Redstone Arsenal.
Air University, Gunter AFB.

ARKANSAS

Pine Bluff Arsenal, Arsenal.

CALIFORNIA

Sierra Army Depot, Herlong.
Sacramento Army Depot, Sacramento.
Sharpe Army Depot, Lathrop.
West Area, Military Management and Terminal Service, Oakland.
Long Beach Naval Shipyard, Long Beach.
Hunters Point Naval Shipyard, San Francisco.
Mare Island Naval Shipyard, Vallejo.
Naval Weapons Station, Seal Beach.
Naval Weapons Station, Concord.
Naval Ship Missile Systems Engineering Station, Port Hueneme.
Naval Weapons Center, China Lake.
Naval Civil Engineering Laboratory, Port Hueneme.
Naval Electronics Laboratory Center, San Diego.
Naval Underseas Research and Development Center, San Diego.
Naval Missile Test Center, Point Mugu.
Naval Public Works Center, San Diego.
Navy Public Works Center, San Francisco.
Naval Air Rework Facility, Alameda.
Naval Air Rework Facility, North Island.
Sacramento Air Logistics Command, Mather AFB.
Marine Corps Depot Maintenance Activity, Barstow.

COLORADO

Rocky Mountain Arsenal, Denver.
Pueblo Army Depot.

DISTRICT OF COLUMBIA

Naval Research Laboratory.
Military Sealift Command.

FLORIDA

Naval Costal Systems Laboratory Center, Panama City.
Navy Public Works Center, Pensacola.
Naval Air Rework Facility, Jacksonville.
Naval Air Rework Facility, Pensacola.

GEORGIA

Warner-Robins Air Logistics Center.
Marine Corps Depot Maintenance Activity, Albany.

HAWAII

Pearl Harbor Naval Shipyard, Pearl Harbor.

Naval Ammunition Depot, Lualualei.
Navy Public Works Center, Pearl Harbor.

ILLINOIS

Rock Island Arsenal, Rock Island.
Savanna Army Depot.
Navy Public Works Center, Great Lakes.
Military Airlift Command, Scott AFB.
Defense Communications Agency, Scott AFB.

INDIANA

Naval Ammunition Depot, Crane.
Naval Avionics Facility, Indianapolis.

KENTUCKY

Lexington-Blue Grass Army Depot, Lexington.
Naval Ordnance Station, Louisville.

MARYLAND

Edgewood Arsenal, Edgewood.
Harry Diamond Laboratory, Adelphi.
Aberdeen Proving Ground.
Naval Ordnance Station, Indian Head.
Naval Ship Research and Development Center, Carderock.
Naval Air Test Center, Patuxent River.
Naval Surface Weapons Center, White Oak.

MASSACHUSETTS

U.S. Army Materials and Mechanics Research Center, Watertown.
Boston Naval Shipyard, Boston.

NEVADA

Naval Ammunition Depot, Hawthorne.

NEW HAMPSHIRE

Portsmouth Naval Shipyard, Portsmouth.

NEW JERSEY

Picatinny Arsenal, Dover.
Eastern Area, Military Traffic Management and Terminal Service, Bayonne.
Naval Ammunition Depot, Colts Neck.
Naval Air Engineering Center, Lakehurst.
Naval Air Propulsion Test Center, Trenton.
Aerospace Guidance and Metrology Center, Newark AFB.

NEW YORK

Watervliet Arsenal, Watervliet.
Seneca Army Depot, Romulus.
Naval Strategic Systems Navigation Facility, Brooklyn.

NORTH CAROLINA

Naval Air Rework Facility, Cherry Point.

OHIO

Air Force Logistics Command, Wright Patterson AFB.

OKLAHOMA

Naval Ammunition Depot, McAlester.
Air Logistics Center, Tinker AFB, Oklahoma City.

PENNSYLVANIA

Frankford Arsenal, Philadelphia.
Letterkeny Army Depot, Chambersburg.
New Cumberland Army Depot.
Tobyhanna Army Depot.
Philadelphia Naval Shipyard.
Naval Air Development Center, Warminster.
Air Force Services Office, Philadelphia.
Defense Supply Agency, Philadelphia.

RHODE ISLAND

Naval Underwater System Center, Newport.

SOUTH CAROLINA

Charleston Naval Shipyard, Charleston.
Naval Weapons Station, Charleston.
POLARIS Missile Facility Atlantic, Charleston.

TEXAS

Red River Army Depot, Texarkana.
Corpus Christi Army Depot, Corpus Christi.
Air Force Printing and Duplicating Service, Kelly AFB.
Air Logistics Center, Kelly AFB.

UTAH

Tooele Army Depot, Tooele.
Dugway Proving Ground, Dugway.
Air Logistics Center, Hill AFB, Ogden.

VIRGINIA

Norfolk Naval Shipyard, Portsmouth.
Naval Weapons Station, Yorktown.
Naval Weapons Laboratory, Dahlgren.
Navy Public Works Center, Norfolk.
Naval Air Rework Facility, Norfolk.

WASHINGTON

Puget Sound Naval Shipyard, Bremerton.
Naval Torpedo Station, Keyport.
Strategic Weapons Facility Pacific, Silverdale.

GUAM

Navy Public Works Center.

PHILIPPINES

Navy Public Works Center, Subic Bay.

Source: Office of Assistant Secretary of Defense, Working Capital Funds of the Department of Defense (Directorate for Information Operations and Control: 30 June 1975), pp. 10–22.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a bill introduced by the Senator from Indiana (Mr. BAYH), to provide for the exclusion of industrially funded personnel in computing the total number of civilian personnel authorized by law for the Department of Defense in any fiscal year, be jointly referred to the Committee on Post Office and Civil Service and the Committee on Armed Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. MUSKIE, the Senator from Michigan (Mr. RIEGLE) and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 2, a bill to require authorizations of new budget authority for Government programs at least every 5 years, to provide for review of Government programs every 5 years, and for other purposes.

S. 4

At the request of Mr. DOLE, the Senator from New Mexico (Mr. SCHMITT) and the Senator from Maine (Mr. HATHAWAY) were added as cosponsors of S. 4, a bill to provide that changes made by the Tax Reform Act of 1976 to the exclusion for sick pay shall only apply to taxable years after December 31, 1976.

S. 31

At the request of Mr. DOMENICI, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 31, a bill to amend the Gun Control Act of 1968 to provide for separate offense and consecutive sentencing in felonies involving the use of firearms.

S. 57

At the request of Mr. MUSKIE, the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 57, a bill to amend the Federal Water Pollution Control Act Amendments of 1972.

S. 104

At the request of Mr. INOUYE, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 104, a bill to amend the Social Security Act to provide for inclusion of the services of licensed registered nurses under medicare and medicaid.

S. 109

At his own the request, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 109, the Natural Gas Agricultural Priority Act of 1977.

S. 113

At the request of Mr. CASE, the Senator from Kansas (Mr. DOLE), the Senator from Minnesota (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Missouri (Mr. DANFORTH), the Senator from Oregon (Mr. PACKWOOD), the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. STONE), the Senator from Illinois (Mr. STEVENSON), the Senator from Arizona (Mr. DECONCINI), and the Senator from Iowa (Mr. CLARK) were added as cosponsors of S. 113, the Financial Disclosure Act.

S. 119

At the request of Mr. INOUYE, the Senator from Montana (Mr. MELCHER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 119, a bill to incorporate the Pearl Harbor Survivors Association.

S. 123

At the request of Mr. INOUYE, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 123, a bill to amend the Social Security Act to provide for the payment of services by psychologists, and for other purposes.

S. 133

At the request of Mr. INOUYE, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 133, a bill to amend the Public Health Services Act to provide for financial grants to States in order to insure the delivery of high quality health services for persons who have recently immigrated to the United States.

S. 143

At the request of Mr. TALMADGE, the Senator from New Hampshire (Mr. MCINTYRE) and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 143, a bill to strengthen the capability of the government to detect, prosecute, and punish fraudulent activities under the medicare and medicaid programs.

S. 206

At the request of Mr. BENTSEN, the Senator from Florida (Mr. STONE) was added as a cosponsor of S. 206, a bill requiring the President to suspend economic assistance, military assistance, Government and commercial sales of arms, Export-Import Bank loans, and the generalized system of preferences to any country that willfully aids or abets terrorism.

S. 236

At the request of Mr. ABOUREZK, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of S. 236, a bill to amend the Veteran's Education and Employment Assistance Act of 1976.

S. 268

At the request of Mr. LEAHY, the Senator from Michigan (Mr. RIEGLE) and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 268, a bill to create within the Department of Agriculture an office specifically charged with the responsibility of assessing the fuel and energy needs of rural residents as such needs pertain to home heating and cooling, transporta-

tion, agricultural production, electrical generation, conservation, and research and development.

S. 297

At the request of Mr. PACKWOOD, the Senator from Nebraska (Mr. ZORINSKY) and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of S. 297, a bill to insure the wholesomeness of imported meat and dairy products.

S. 308

At the request of Mr. LEAHY, the Senator from Oklahoma (Mr. BELLMON), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. CULVER), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 308, a bill to rescind certain budget authority for the CVN nuclear attack aircraft carrier program as recommended in the message of the President of January 17, 1977.

S. 311

At the request of Mr. ROTH, the Senator from Minnesota (Mr. ANDERSON), the Senator from Utah (Mr. GARN), the Senator from South Carolina, Mr. HOLLINGS), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 311, the College Tuition Tax Relief Act of 1977.

S. 420

At the request of Mr. RANDOLPH, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 420, a bill to provide authority to institute emergency measures to minimize the adverse effects of natural gas shortages and curtailments, and for other purposes.

SENATE JOINT RESOLUTION 13

At the request of Mr. RANDOLPH, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Joint Resolution 13, a joint resolution designating "Energy Conservation Month".

AMENDMENT NO. 19

At the request of Mr. BURDICK, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of amendment No. 19, intended to be proposed to Senate Resolution 4, the Committee System Reorganization Amendments of 1977.

SENATE RESOLUTION 53—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL PRINTING

(Referred to the Committee on Rules and Administration.)

Mr. NUNN submitted the following resolution:

S. RES. 53

Resolved, That there be printed for the use of the Committee on Armed Services five thousand additional copies of its committee print of the current Congress entitled "NATO and the New Soviet Threat".

SENATE RESOLUTION 54—SUBMISSION OF A RESOLUTION WAIVING SECTION 420(a) OF THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT WITH RESPECT TO CONSIDERATION OF S. 521

(Referred to the Committee on Rules and Administration.)

Mr. MORGAN submitted the following resolution, which was referred to the Committee on the Budget:

S. RES. 54

Resolved, That the prohibition of section 402(a) of the Congressional Budget and Impoundment Control Act of 1974 as to the consideration by the Senate of legislation authorizing the enactment of new budget authority for a fiscal year if such legislation is not reported to the Senate on or before May 15 preceding the beginning of such fiscal year be waived with respect to the bill to amend the John F. Kennedy Center Act (S. 521) reported by the Committee on Public Works on January 28, 1977. The waiver is necessary for the Senate to complete action on legislation which provides an authorization of $4,500,000 to the Board of the Kennedy Center for repairs to the roof and terrace areas of the Kennedy Center.

The authorization of funds in S. 521 was not taken into consideration in the March 15 report to the Senate Budget Committee by the Public Works Committee because such funding was not anticipated at that time. This reported bill provides for emergency funding for repairs to the roof and other areas at the Kennedy Center which need repair to prevent substantial damage to the interior of the building.

AMENDMENTS SUBMITTED FOR PRINTING

COMMITTEE SYSTEM REORGANIZATION AMENDMENTS OF 1977—S. RES. 4

AMENDMENT NO. 24

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted an amendment intended to be proposed by him to the resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET
HEARINGS ON PRESIDENT CARTER'S ECONOMIC STIMULUS THIRD BUDGET RESOLUTION

Mr. MUSKIE. Mr. President, the Senate Budget Committee continues hearings Friday, February 4, on a third budget resolution for fiscal 1977.

The subject of Friday's hearings will be President Carter's economic stimulus program and its potential impact in fiscal 1977. Witnesses will include:

Hon. Thomas B. Lance, Director, Office of Management and Budget.

Hon. Charles Schultze, Chairman, Council of Economic Advisers.

Hon. Michael Blumenthal, Secretary of the Treasury.

The hearings will be held in 318 Russell Senate Office Building at 10 a.m.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS HEARING ON EMERGENCY ENERGY ASSISTANCE

Mr. MUSKIE. Mr. President, on Wednesday and Thursday of this week, the Subcommittee on Intergovernmental Relations will hold hearings to examine proposals for a coordinated Federal-State effort to assist low income families throughout the Nation during the energy emergency brought on by the record cold temperatures this winter.

In particular, the subcommittee will look at ways to channel Federal cash assistance to low income people who cannot afford to pay for the fuel they need to keep warm.

This winter is the coldest in 60 years—40 percent colder than last winter. And the natural gas shortage is only part of the crisis that has resulted. With the severe cold, prices have begun to skyrocket. Fuel oil customers in New England have faced a 5- to 7-cent per gallon increase since last summer—a 15-percent increase. And natural gas prices will follow suit shortly.

This one-two punch of higher prices and increased consumption has begun to hurt many of the Nation's poorest consumers. In New England, for example, the typical homeowner must pay almost $1,000 for this winter's heating bill. It goes without saying that there are many who simply cannot afford to keep warm at these prices.

Mr. President, last week the Senator from Massachusetts (Mr. KENNEDY) and I asked President Carter to support an emergency supplemental appropriation to help the poor pay fuel bills. The Administration is currently studying that proposal.

At the subcommittee hearings this week, we will focus on two issues.

First, the subcommittee will attempt to get a firm fix on the dimensions of the problem. To do that we will hear testimony from several governors of States suffering severe problems this winter.

Second, we will attempt to determine the most appropriate governmental mechanism for a coordinated Federal-State effort to provide assistance in a timely manner. One such mechanism is already in law authorizing the Community Services Administration to provide poor and near poor families with winterization assistance and direct cash payments to pay fuel bills. We will examine whether that program can be effectively expanded quickly enough to provide the needed relief.

The hearings will begin at 10 a.m. in room 3302 of the Dirksen Office Building.

SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS—SENATE JOINT RESOLUTION 1, DIRECT POPULAR ELECTION OF THE PRESIDENT

Mr. BAYH. Mr. President, the Subcommittee on Constitutional Amendments has scheduled hearings on Senate Joint Resolution 1, proposing a constitutional amendment on the direct election of the President, for Tuesday, February 1, 1977.

This hearing will be held in room 2228 Dirksen, the Judiciary Committee hearing room on February 1, 1977, beginning at 10 a.m., rather than 5110 Dirksen, the Commerce Committee hearing room as previously announced.

Any persons wishing to submit written statements for the hearing record should send them to Subcommittee on Constitutional Amendments, room 108, Russell Senate Office Building, Washington, D.C., 20510.

ADDITIONAL STATEMENTS

BLANKET PARDON TO DRAFT EVADERS

Mr. ROTH. Mr. President, prior to the inauguration, the Delaware General As-

sembly adopted a resolution asking the President-elect to reconsider his announced intention to grant a pardon to draft evaders.

Unfortunately, I did not receive a copy of it before now. Because it does reflect the very strong feelings of many people in the United States and Delaware on this issue, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

A resolution requesting President-elect Jimmy Carter to reconsider his decision to grant a blanket pardon to draft evaders during the Vietnam war

Whereas, the public press and radio have carried a number of news stories stating that President-Elect Jimmy Carter will grant a blanket pardon to all draft-evaders during the Vietnam War period; and

Whereas, these news announcements, confirmed by the President-Elect's press assistant, have brought dismay and bitter resentment to veterans' organizations and to the parents and other relatives of hundreds of thousands of American youths who served honorably during the Vietnam War; and

Whereas, the decision by President-Elect Carter to issue a blanket pardon to draft-evaders would have a serious effect on the morale of all members of the armed forces presently serving; and

Whereas, such a decision by President-Elect Carter, if put into effect, would seriously affect the installation of a new selective service system if such is required in the near future by a crisis in the foreign relations of the United States; and

Whereas, such a blanket pardon for more than 113,000 men who were involved in draft evasion cannot help but confuse the allies of the United States as to our sincerity of purpose and to weaken them in their resolve to remain with us against the enemies behind the Iron Curtain; and

Whereas, the decision by President-Elect Carter to grant a blanket pardon to the draft-evaders appears to have been made without serious consultation with leaders of the several veterans' organizations; and

Whereas, the people of Delaware, through their elected representatives in the 129th General Assembly, wish to express their rejection of any decision granting pardons to draft-evaders.

Now therefore: Be it resolved by the Senate of the 129th General Assembly, the House of Representatives concurring herein, and the Governor approving by the affixing of his signature, that this Concurrent Resolution requests President-Elect Jimmy Carter to reconsider his decision to grant a blanket pardon to all of the draft-evaders during the Vietnam War.

Be it further resolved that this Concurrent Resolution be sent to President-Elect Carter at the White House, Washington, D.C., as soon as it has been signed by the Governor of Delaware.

Be it further resolved that copies of this Concurrent Resolution be sent to the members of the Delaware Congressional Delegation.

Be it further resolved that a copy of this Concurrent Resolution be sent to the Secretary of the Senate of the United States and that a copy be sent to the Chief Clerk of the House of Representatives of the United States for insertion, at their direction, in the CONGRESSIONAL RECORD.

WATER POLICY

Mr. McGOVERN. Mr. President, South Dakota, like many of the States in the Upper Great Plains area of the country, is ever on the edge of drought. Unless we have adequate moisture during the critical growing season, our crops do not materialize and our economy suffers.

This condition existed during 1976—when many parts of South Dakota suffered the worst drought in the State's history. The primary and secondary costs exceed $1 billion. Some climatologists are projecting yet another dry period for 1977.

Other parts of the country, usually blessed with rain, have suffered drought as well during 1976.

This excessively dry period underscores, again, for South Dakotans the desperate need to adequately develop our water resources centered around the existing Federal impoundments on the Missouri River.

This entire issue is so central to the future development of my State that our Governor has addressed a special message on water policy to the South Dakota Legislature.

I believe that his comments and his thoughtful perception of the problems that exist—and the challenges ahead—will be of interest to all who share my concern for the wise and reasoned development of our water resources.

I ask unanimous consent that Governor Kneip's message on water policy be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

SPECIAL MESSAGE ON WATER POLICY TO THE SOUTH DAKOTA STATE LEGISLATURE BY GOV. RICHARD F. KNEIP, JANUARY 26, 1977

INTRODUCTION

The demand for water in South Dakota continues to grow by ever increasing proportions.

Yet at the same time, the supply of water to fulfill our demands remains at a fixed level. This, coupled with severe drought conditions and decreasing water supplies across South Dakota, creates an atmosphere where a state water plan is vitally necessary to make judgments on competing interests.

Our state is both water rich and water poor. We are rich in vast amounts of high quality impounded water, and poor in our ability to distribute this resource to areas of the state where it is vitally needed.

I wish that it were within my ability and authority to lay out a workable, all-inclusive, perfect plan to meet those needs. I cannot do that because the responsibility of stewardship over God-given resources belongs to all of us.

I wish today to review with you the major water development issues that face us, and as best as I can to outline the opportunity, the problems and suggested solutions—and address them in a firm and hopeful manner.

The future of this state is dependent on the greatest possible utilization of water within certain guidelines. The improvement of the quality of life for South Dakotans rests on securing water from three primary sources:

(1) Expanded investigations of groundwater potential;

(2) Diversion of water from the Missouri River reservoir to water scarce areas; and

(3) Strong water conservation measures, water pricing policies, and a water preference system.

The adoption of any or all of these strategies will require the investment of substantial financial resources—either by the state, or the individual citizen acting alone or collectively. And the option of diverting Missouri River water from one basin to another will cause particularly acute cost strains. Please be reminded, however, that we do not now have one single diversion out of the Missouri River into other river valleys of the state.

At best we are a state of modest financial resources, and we have not provided the means necessary to accomplish major diversions of our water resources. Even though costs for such diversions may seem prohibitive, I contend we can and should do more.

There are strategies which South Dakota can accomplish solely on its own, and there are other specific means of assistance. Such assistance will come primarily from two sources: (1) the federal government; and (2) private interests. Certain conditions must, however, be met before we seek help on either front. It is imperative that in accepting any type of financial assistance that we shepherd our own interests. I would hope that in any negotiations with either federal or private interests, that we are always able to maintain a posture of state supremacy.

But we cannot build walls, and we cannot live with the illusion of achieving the maximum potential development of our water resources without outside assistance.

I, therefore, urge your serious consideration of those policies I am about to speak on.

STATE WATER POLICY PLAN

Outside the human element, water is very possibly the greatest resource this state possesses. Consequently, we as elected officials must conscientiously plan for the most beneficial use of this resource.

The formulation of a comprehensive state water policy plan is, therefore, the very key to achieving optimum benefits from the waters of South Dakota for the people of South Dakota.

The purpose of a State Water Plan is to establish an umbrella through which policies and procedures are provided to aid decision makers in managing the water resources of the state. Within the framework of such a plan will be appropriate guidelines to assist both you and I in passing judgment on specific water projects.

The departments and bureaus which work in the natural resources area have been working on such a plan since 1972. You will recall it was during the 1975 session of the State legislature that I submitted the initial policy component of the State Water Plan. I am today transmitting to you the revised and updated version of Volume One of that plan.

Simultaneous to giving each of you a copy of the Water Plan, I am today also introducing a legislative proposal wherein you, as Members of the Legislature, are asked to acknowledge receipt of the document and approve the goals and recommendations contained therein. Such an action on my part is meant to stimulate debate on a matter which is vitally important to each and everyone of you.

The authority to promulgate a water policy document is vested in state law. Chapter 46 of the South Dakota state statute says in part and I quote, ". . . it is essential that a coordinated, integrated, multiple use water resource policy be formulated and a plan and system (be) developed to activate this policy as rapidly as possible."

Volume One—the policy document—of the water plan seeks to establish two, basic, yet critically important policy goals that will guide us in the ensuing years. (1) It mandates that we plan and manage water resources to promote economic opportunity within South Dakota. (2) It mandates that we plan and manage water resources to preserve and enhance the environment of South Dakota.

Planning and managing our water resources so as to encourage economic development, while at the same time guaranteeing environmental quality are, therefore, the tenets of an operational guidance system from which everything else flows and which I today commend to you for your consideration.

Having reviewed the rationale for a water policy plan, plus the legislative authorization for such a document and finally the goals, please allow me to briefly outline some of the policy recommendations which will hopefully assist in achieving the stated goals. I will quote verbatim the language in the document which is on each of your desks. It shall be the policy of the state:

(1) To encourage the multipurpose use of its water . . . whenever possible.

(2) To continue to support the diversion and use of waters from the mainstem of the Missouri River for the developments found feasible and desirable.

(3) To encourage the development of the state's irrigation potential.

(4) To support the coordinated development of rural water systems.

(5) To encourage the development of the state's water based recreation.

(6) To encourage the conservation of water during times of plenty for use during dry periods.

(7) That environmental benefits and costs will receive equal weight with economic benefits and costs consistent with the developmental goals of the state.

(8) To reject a water project if that project will result in the further degradation of the existing water quality of any waters.

(9) To encourage the implementation of effective conservation measures for the control of erosion and siltation and protection of state waters.

(10) To recognize that water necessary for instream fish, wildlife, recreational and aesthetic purposes is a beneficial use and capable of protection by an appropriated water right.

(11) To require that all water resource projects have strong citizen input with review of plans at the local level as they are developed.

I have cited only eleven of a total of 37 proposals. Each of these policy proposals is accompanied by recommendations for action by the executive or legislative branches. The policies and action recommendations together comprise a strategy for achieving the two broad goals of the water plan. Moreover, these policies and action recommendations provide standards against which specific water projects and water management actions can be evaluated.

Because the policies and recommendations of Volume One address the most critical issues and choices for water management, it is essential that there be full legislative review and decision on these policies to guide us with confidence and foresight in future water management actions.

It is worth noting the issues which the remaining three volumes of this four volume set, will address. Volume Two is the "Water Resource Development Component." Volume Three is the "Water Quality and Conservation Component." Finally, Volume Four is the "Recreational and Wildlife Component."

In addition, I am specifically requesting the executive agencies responsible for preparing the water plan to develop a proposed system of water preferences prior to the 1978 session. The setting of water preferences is too complex to be addressed adequately in the remaining period of this session. We should return to this topic in 1978 after a preference system is proposed through careful research. Such a proposed preference system should include different preferences for different waters in the state, a method of transferring uses among preferences, and methods of protecting prior water rights.

The challenge before you then is to adopt a strategy which will provide the foundation from which we can consider all water issues. In the State Water Plan, I have submitted to you what I consider to be a proper vehicle upon which to express the wishes of the Legislature, the people and the Governor of the State.

Volume One will undoubtedly be a changing document as new perspectives emerge—and this is as it should be. This is not, nor is it meant to be, a hard and fast plan of specific projects. Confronting many difficult decisions on the part of elected leaders will, however, be the result of your approving this document. But most importantly, these tough decisions can be guided by a set of principles which are meant to insure the public good.

I, therefore, urge your adoption of Volume I of the Water Plan.

SUMMARY OF VARIOUS WATER MANAGEMENT PROPOSALS

The wise management of our water resources to achieve both our economic and environmental goals requires action by the Members of the Legislature on a number of specific legislative proposals.

This session should provide authority for issuing general obligation bonds to finance water projects of a modest scale that benefit ordinary citizens in the state. Moreover, the limit on the size of project loans that the Board of Natural Resources Development can make from revenue bond financing without legislative authority should be increased from $250,000 to one million dollars, with appropriate safeguards to insure that these loans are provided only to small projects.

To more equitably finance the costs of processing the rapidly increasing numbers of water rights applications, the application fees for water permits should be increased and modified to provide for an upward sliding fee schedule.

Non-consumptive uses of water, such as fish and wildlife maintenance, recreation, and water quality enhancement, should be recognized as beneficial uses capable of protection by a water right. Recognition of these uses is not only wise water management policy, but it can also be a key to laying claim to the waters of the Missouri River.

Additionally, our stream channels and lakeshores should be protected from undesirable and unnecessary channelization, and other modifications, through a procedure established by law.

Finally, this session should act to establish an interim review of the Lake Preservation Plan to be completed this year by the Prairie Lakes Preservation Committee.

INDIAN WATER RIGHTS—STATE MISSOURI RIVER WATER RIGHTS

In the matter of Indian water rights, it should be the policy of the State of South Dakota to lay claim to only that water which has not been reserved to Indian tribes through previous arrangements.

Although the amount of water in South Dakota that is subject to Indian reserved rights and the amount that is subject to the rights of the state are not known precisely, we do know that Indian reserved rights exist. If we fail to recognize the reality of those reserved rights, we risk engaging in wasteful and counterproductive disputes with a portion of the citizenry of our own state. It is, therefore, in the interests of all of the citizens of our state, Indian and non-Indian, to face the reality of Indian reserved rights and work cooperatively with tribal governments on water development.

The Indian tribes face many of the same potential entanglements as state government when it comes to the matter of claim to water and commensurate authority to thereby allocate this resource. I propose that we redouble our efforts to pool our resources so that tribal governments and state government may present a united front at such time that we confront the federal government on the matter of ownership.

Our Missouri River water decisions must be made within the framework of the federal system. State government does not possess exclusive control over waters within the boundaries of the state. In addition to the Winter's Doctrine, our management and use of Missouri River water must be accommodated within the framework of the federal laws relating to both navigability rights and property rights. Additionally, neighboring states in the Missouri River Basin area can exercise rights to share Missouri River water. Thus, before we even begin to think about a Missouri River water strategy we are bounded by at least four major doctrines which curtail our flexibility and obviously limit what we perceive to be our legal rights.

I regret to say that we have not drafted an action plan for asserting our rights to Missouri River water. We must, therefore, begin immediately a comprehensive effort to identify the breadth and width of this issue, and attempt to adopt strategies best suited to gaining claim of Missouri River water.

To achieve this goal, we must ascertain the legal rights of the state in the matter of management and use of Missouri River water. The significance of this question takes on even greater meaning as the demands for water from the Missouri River reservoir grow.

An important criteria of the entire question of establishing claim to this resource hinges on the establishment of beneficial uses of water in both the consumptive and non-consumptive sense. Again, we can go back to the State Water Plan as a vehicle to guide us in the development of such uses.

I would summarize this section by saying the establishment of preferential uses of water cannot be done on a state-wide area. We must, therefore, set our preferences on a regional or river-basin basis. What may be a preference in one river basin area is not necessarily the same preference in another area.

Thus the State Water Plan. I ask that you give it your careful review.

WATER SERVICE MARKETING CONTRACT

On numerous occasions I have espoused a "states-rights" position on the matter of ownership of Missouri River water. I have testified before Committees of the Congress of the United States, and before national symposiums voicing my belief that South Dakota does in fact own this natural resource, within the constraints of established Indian water doctrine.

It was in February of 1975 that the Department of the Army and the Department of the Interior signed a Memorandum of Understanding pertaining to the marketing of Missouri River water for industrial purposes. It was on that basis that the Bureau of Reclamation of the Department of the Interior entered into negotiations with the State of South Dakota on the possibility of signing a joint federal/state water marketing contract.

The water service marketing question is an extremely complex legal issue requiring an indepth examination of the federal/state relationship and the rights possessed by each government under the provisions of the federal Flood Control Act of 1944—and the congressional authorization of the Missouri River Basin Pick-Sloan Plan.

The Department of Natural Resources Development and the Board of Natural Resource Development have been communicating with the federal government on this matter. Both are to be commended for their diligent work in this matter. The Board of Natural Resources Development has signed

this contract with the federal government as a first step. And the Assistant Secretary for Water and Land of the Department of the Interior just recently signed this same contract for all parties of the federal government. It is now up to the Legislature and this Governor to pass judgment on the Water Service Marketing contract, and either accept or reject this contract which the federal government says will reserve 300,000 acre feet to the state for industrial purposes.

During the past several months, members of my staff, and other agencies within the executive branch have been analyzing the specific contract which will be before you. In their review, they considered two major questions:

(1) Should South Dakota enter into a water service marketing agreement with the United States; and

(2) Are the provisions of the specific contract being considered at this time agreeable to the state?

In answer to the first of these questions, I would suggest (as contemplated by the State Water Plan) that yes, such an arrangement may indeed be beneficial to South Dakota, but only if adequate provisions are included which guarantees and protects South Dakota's rights to these waters.

In response to the second of these questions, I do not believe that the provisions of the current proposed contract adequately protect the rights and interests of South Dakota. As a result of the recommendations presented to me by various members of the executive branch, I, therefore, respectfully request that you reject this particular contract allowing us an opportunity in the months ahead to renegotiate certain provisions of that contract with the Department of the Interior. In doing so I believe you provide us the opportunity of negotiating a more beneficial position.

I believe acceptance of this contract by South Dakota would be an admission on our part that the United States government can indeed designate specific uses for specific quantities of Misosuri River water, and, therefore, has claim to that water. Such an admission would be contrary to both state law and the Flood Control Act of 1944.

The Flood Control Act states:

"In connection with the exercise of jurisdiction over the rivers of the Nation through the construction of works of improvement, for navigation or flood conrol, as herein authorized, it is hereby declared to be the policy of the Congress to recognize the interests and rights of the States in determining the development of watersheds within their borders and likewise their interests and rights in water utilization and control, as herein authorized to preserve and protect to the fullest possible extent established and potential uses, for all purposes of the water of the Nation's rivers . . ."

I have repeatedly sought assurances that the contract does not in fact endanger the states claim to ownership of waters in this state as espoused in the Flood Control Act. I and my advisors have on several occasions consulted with the Attorney General and his staff, with professors at the University of South Dakota Law School, and others on this matter. I must report that the upshot of our cooperative investigation is that we have not been able to get the assurances we desire. The problem with the proposed contract is that the designation of a particular amount of water—300,000 acre feet—for a particular use within the contract, may indeed constitute an implicit waiver of the states rights to claim ownership to the water.

This question is the heart and soul of the entire matter before us.

Furthermore, I am recommending legislation granting specific authority to the executive branch to negotiate and enter into water service marketing contracts with the United States. Such legislation should specify, however, that any contracts entered into should be for the purpose of establishing an express mechanism for repayment to the federal government for storage costs of Missouri River water, and that no contract should be signed that reduces any state claims to Missouri River water. I urge favorable consideration of this legislation.

THE PROPOSED WEST RIVER AQUEDUCT

The issues associated with the proposed West River Aqueduct to supply water to both western South Dakota and to a coal slurry pipeline proposed by the Energy Transportation Systems Incorporated consortium are complex, and defy any simple answers.

In considering these issues we must balance our desire to divert water from the Missouri River to aid in our state's development with our desire to perpetuate self-control of our own water. We must, as well, approach this issue with both common sense, and hard business sense. Above all, we should avoid emotion in discussing this matter.

With the recommendations of the State Water Plan as a guide, my recommendations concerning the West River Aqueduct and the water right permit request are as follows:

(1) The authorization for the issuance of the bonds for the project is premature, and should be rejected for this session of the Legislature.

(2) To acquire facts necessary for final decision on the aqueduct, I support conditional authorization for the aqueduct as a part of the State Water Resource Management System. The conditional authorization would be contingent upon the completion of detailed feasibility and desirability studies covering a broad variety of economic, legal, social, and environmental issues to be specified in law. Upon completion and review of the studies, the authorization for the project should become effective only upon certification of the aqueduct's desirability by the Members of the Board of Natural Resource Development and the Governor.

(3) To protect South Dakota's rights and interests, the conditional authorization legislation should contain two policy provisions. First, if any bonds are ever issued by the state for the aqueduct, those bonds should be guaranteed by the owners of any out-of-state industrial users of water supplied by the aqueduct. Secondly, the conditional authorization should not be interpreted as either support of, or opposition to, granting eminent domain powers to coal slurry pipelines. That issue should be determined by the Congress of the United States on the basis of national transportation and energy policies rather than by our state's water policies. South Dakota should not be used as a pawn in a game of national eminent domain powers.

(4) The request for a Water Right by the Energy Transportation System Incorporated should be deferred and not acted upon in this session. We can again consider this matter at a future legislative session after we have acquired more information on the aqueduct and when we are able to consider, in the next session, a detailed water preferences system and guidelines for the allocation of Missouri River water. I do not believe there is any compelling reason to grant a water right—which is in fact a legally protected property right—to an out-of-state user until we have firm facts on the feasibility of the aqueduct and the extent of the benefits to the citizens of this state.

(5) Before final approval of any combination in-state and out-of-state projects is given, the state of South Dakota should be willing to commit at least an equivalent amount of its resources and bonding capacity to in-state projects. Although joint projects involving other states can benefit South Dakota, the same resources invested completely within our own boundaries can possibly yield greater economic returns to the state than joint projects.

Turning to certain broader policy issues raised by the aqueduct and the associated water right, I recommend that state law be amended to allow out-of-state diversions when such diversions substantially benefit South Dakota's own development.

In addition, the interim state affairs committee bill relating to the proposed aqueduct contains certain technical improvements in laws concerning water project bonding procedures, and the authority of the Conservancy District and Conservancy Sub-Districts. These improvements should be approved in separate legislation.

I would hope that we can proceed with a calm and reasoned approach to this most controversial issue.

THE FUTURE OF THE OAHE IRRIGATION UNIT

For many years we have planned and lived with the hope that the vast resource of water impounded in the Oahe reservoir would be used in beneficial and multiple manners en route to and within the James River Valley and the Dakota Lake Plain area in Brown and Spink counties.

The dream of an abundant garden in the James River Valley, as a result of the Oahe Irrigation project, is one which I and many South Dakotans have sought for years.

The devastating impacts of the current drought; the scramble to develop irrigation in Beadle, Brown and Spink counties and other counties throughout South Dakota; the concerns for critical water supplies in over two dozen municipalities in the state: the efforts to obtain rural water system delivery mechanisms; and the loss of water from wetlands, sloughs and marshes all reinforce the case in favor of the Oahe project.

For these reasons, I am convinced now more than ever, that the project is needed.

All South Dakotans—be they for or against the project—must know of my sincere desire to see a project designed and managed in the best interest of the state. I realize the specific design of the project has become an increasingly important issue and efforts to evaluate and modify it, should continue.

What are some of the possible areas of change in the project? There should not be a total channelization of the James River. The quality of water in the James River should be enhanced. We should insure that every acre of soil is protected through wise irrigation management. Canalside irrigation should be expanded. Opportunities for delivering water from the Oahe main canal to all regions of eastern South Dakota for community needs should be aggressively explored. Farmers who originally signed up for the project who now want out of the project should be given such an option. Likewise, those who want in the project, but are now excluded, should be able to join provided that their land is suitable for irrigation from the project. We need flexibility. We need understanding. And most of all, we—the people and officials of South Dakota—need to work together to build the best possible project.

We should begin working together by establishing, for the first time, in state law the policy of South Dakota on the Oahe project. There is no official, legal policy for South Dakota on this project at the present time. I propose legislation establishing that policy and providing the means, both financial and procedural, for carrying out the policy through gubernatorial action and legislative review.

The proposed policy would begin by recognizing that an improved quality of life in South Dakota depends on diversion of water from the Missouri River and that fed-

eral dollars for the project should, therefore, be appropriated on a continuing basis. Secondly, the policy would state that the Oahe pumping plant and main canal structures should not be viewed only in the limited role of delivering water to the initial project area, but should be viewed as the central focus of systems of delivering water throughout eastern South Dakota. Finally, the policy should recognize areas for possible modifications of project details such as those I listed earlier.

If we can agree on a state policy for the Oahe Project of this general nature, then I will proceed to vigorously represent those policies to the federal government and the Oahe Conservancy Sub-District. I have asked, as you know, for appropriations to provide the essential staff support to aid in implementing a state Oahe policy. And finally, I will proceed in carrying out a state Oahe policy in full consultation with this Legislature or its representatives.

The crucial step, however, is for us to establish a state Oahe policy. Neither this Legislature nor this Governor can establish this policy alone. We need to do it together through the constitutional procedures of enacting laws.

Without enacting a state Oahe policy in law, our Congressional delegation will have no clear directive from the state of South Dakota on how to proceed with respect to federal appropriations for the project. If we as the duly elected officials of the state of South Dakota are officially silent on the project, then our Congressional delegation must appropriately follow the guidance of other officials or groups. Because this project is of benefit to all of South Dakota, we should not be silent. Our voice, on behalf of the state of South Dakota, should be clear and explicit in Washington. A state law establishing our policies on the project will give us such a voice.

Even without such a law, I will do my best to voice reasoned support for the project in Washington. However, my voice alone is not as strong as the voice of South Dakotans speaking through the laws of our state.

I also urge the Members of the South Dakota Congressional delegation to continue their strong and united front in support of the project. Their efforts will be very key if we are to convince the House and Senate Appropriations subcommittees of the need for this project.

For my part, I will join the Congressional delegation this spring in appearing before the appropriate Congressional subcommittees and expressing as Governor of all South Dakotans, our desire to see the project continue. I also intend to communicate with the new Secretary of the United States Department of the Interior, Cecil Andrus. He has been one of my closest associates these past years in the ranks of the National Governors' Conference, as he was first elected in 1970 like myself. First of all, I will be working to convince him of the merits of the project and to show how the future of our state depends on continued funding. Secondly, and just as importantly, I will urge him to direct the Bureau of Reclamation to work in good faith, with South Dakota state government and the Oahe Board, in an effort to identify those modifications of the project which will insure its survival and will produce the best project possible.

Finally, I feel compelled to refer to the newly elected Conservancy Sub-District Board members, and what appears to be a very negative approach expressed publicly by some of their membership. Let it be clear on the part of this Governor, and hopefully on the part of this Legislative assembly, that our express intent is to continue with this project. The Conservancy Sub-District is a creation of state government, and as elected officials of state government it is appropriate that we give direction where necessary. Also, to all the Directors of the Oahe Conservancy Sub-District, I would simply say that we would like to have faith in you as elected public servants to request immediate and continued funding for the project and to work for modifications within the Congressional authorization.

The Oahe Irrigation project has brought us to the crossroads in the history of our state. We have a valuable resource in the Missouri River water, which is utilized properly, can provide the economic stimulus needed in the state. The project can undoubtedly thrust our state to a position of dominance in the midwestern area. We must, therefore, proceed boldly.

In assisting in this effort, I pledge to use my office to encourage an atmosphere of cooperation and understanding so that we may all work together toward the goal of moving the Oahe Irrigation Project forward to its ultimate conclusion.

CONCLUDING REMARKS

Virtually every human activity requires water and land. How wisely we develop, conserve and protect both our water and land will determine future opportunities for human achievement in South Dakota. Our joint responsibility for establishing water policies for this state is of enormous importance. Let us each dedicate ourselves to discharging this responsibility with foresight and with dedication to the public interest.

RETIREMENT OF MAJ. GEN. RALPH J. MAGLIONE

Mr. GOLDWATER. Mr. President, today marks the retirement of Maj. Gen. Ralph J. Maglione, U.S. Air Force, after more than 27 years of dedicated service to this country. The Members of this body are familar with his able performance as the Director of Legislative Liaison for the Air Force since the summer of 1974.

General Maglione's career, however, has been dstinguished for far more than that most recent assignment. His early interest in aviation as a high school boy in Akron, Ohio, led him to an important and interesting career in aviation with a variety of assignments. Although a native son of Ohio, we Arizonans feel a close rapport with him. He not only graduated from pilot training and received his wings at Williams AFB, Ariz., but returned in later years to command the pilot training wing at that same base.

Ralph Maglione's flying career has been a series of notable achievements—over 100 combat missions in Korea, a new record for overwater distance flight for single-engine fighter aircraft—England to Texas in an F–84 in 1956—selected as a member of the Strategic Air Command gunnery team in 1956 back when SAC still had fighters as part of their inventory. The list goes on—an unofficial world speed record in 1958 in an F–101 Voodoo fighter from Andrews AFB, Md., to Liege, Belgium, where he demonstrated the F–101 at the Liege International Air Show.

From 1959 to 1962, General Maglione served a tour at RAF Bentwaters, England with his great friend and admirer and a great leader in our Air Force—Gen. Daniel "Chappie" James, now commander of the North American Air Defense Command.

After a tour in the Pentagon in the early 1960's, Ralph took on his most enjoyable and perhaps rewarding assignment as the Commander and Leader of the USAF Thunderbirds—the USAF famous aerial demonstration team. That was certainly every fighter pilot's dream assignment. Following that tour, General Maglione spent a year at the National War College at Fort McNair, a busy year when he also found time to gain a master's degree from the George Washington University. His first relationship with the Congress followed during a 3-year stint as Chief of the AF Liaison Office in the House of Representatives. Later assignments included his second stop at Williams AFB, Ariz., and duty with the Military Assistance Command Vietnam and the Defense Attaché office in Saigon, Vietnam.

Major General Maglione holds the Distinguished Service Medal, the Silver Star, Legion of Merit with one oak leaf cluster, Distinguished Flying Cross with one oak leaf cluster, Air Medal with five oak leaf clusters, Joint Service Commendation Medal, Air Force Commendation Medal with one oak leaf cluster, Army Commendation Medal, the Purple Heart, and numerous other awards and decorations.

This fine officer, my fellow colleagues, will be a loss to the Air Force and to the Congress. Knowing him as I do, however, I know his service to his country and to his fellow man will never cease. A personable, warm man with a rich sense of humor and a tireless capacity for that "extra mile," Maggie has given us much.

I know I speak for all of us when I express our thanks for his service and dedication and our sincere best wishes to him, and his lovely wife Carol, for a bright future with every single day featuring an aviator's fondest hope—clear blue skies and tailwinds.

JOINT CHIEFS OF STAFF DENY UNITED STATES HAS LOST MILITARY SUPERIORITY TO THE SOVIET UNION

Mr. PROXMIRE. Mr. President, the Joint Chiefs of Staff have refuted the exaggerated claims by retired Air Force Intelligence Chief, Maj. Gen. George J. Keegan, Jr., that U.S.S.R. already has achieved military superiority over the United States. General Keegan's claims were widely publicized after an interview in the New York Times.

On January 4, 1977, I asked the Joint Chiefs of Staff to comment on the 25 points that retiring Gen. George J. Keegan made during an interview with the New York Times. The written response I received from the Joint Chiefs clearly indicates that they disagree with the more alarmist statements of General Keegan.

For example, the Joint Chiefs say they "do not agree that the Soviet Union has achieved military superiority over the United States" as claimed by General Keegan. The Joint Chiefs point out that the trends are moving against the United States but that "continued JCS support of SALT negotiations leading to an equi-

table agreement which will assure the strategic balance."

General Keegan also made the observation that the United States is incapable of carrying out its assigned retaliatory tasks. The Joint Chiefs replied that they "do not agree with the assertion. Review of this area indicates that U.S. strategic forces can attain the damage criteria prescribed and are considered sufficient to achieve U.S. objectives today" and "through the mid-1980's."

At the time of General Keegan's remarks, PROXMIRE continued, "I publicly challenged his contention that "by every criterion used to measure the strategic balance—that is damage expectancy, throw-weight, equivalent megatonnage or technology, I (General Keegan) am unaware of a single important category in which the Soviets have not established a significant lead over the United States."

The Joint Chiefs blow that argument out of the water. While agreeing that the Soviets lead the United States in throw-weight and equivalent megatonnage, they point out that the United States leads in technology and has "a substantial lead . . . in bomber payload, missile accuracy, survivability, and numbers of warheads and bombers."

In my January 4 letter, I wrote that I presumed General Keegan's remarks were unclassified since they had been made in an interview with the New York Times.

The chairman of the Joint Chiefs, General Brown, wrote back, however, that "I am unable to state with certainty that all information attributable to Maj. Gen. George J. Keegan, Jr., U.S. Air Force (retired), has been formally declassified. This matter is currently under review."

In certain other areas, notably the assertions about Soviet civil defense measures, the Joint Chiefs more or less agree with General Keegan. They point out that the Soviets have hardened many installations and have established a national civil defense effort. Nonetheless, the Joint Chiefs disagree with some of General Keegan's details.

General Keegan also criticized the current U.S. intelligence perception which he said could lead to the "greatest global conflict in history." The Joint Chiefs rejected this allegation. They say there is a range of perceptions in the U.S. intelligence community and "this is a healthy feature of intelligence analysis."

The Joint Chiefs also found varying degrees of disagreement with General Keegan's observations that:

Strategic planning and force development in the Soviet Union is almost exclusively a product of the military professionals.

That studies were suppressed showing many more Americans would die than Russians in a nuclear war.

That no general officer is allowed to speak on the subject of strategy doctrine, or threat unless his views coincide exactly with . . . the Secretaries of Defense, State, and the White House.

The Joint Chiefs also conclude that there is no evidence that mistaken intelligence estimates raise questions about the SALT agreement. Furthermore, they reject the Keegan conclusion that present U.S. defense policy is inviting a "gestation of global conflict."

In summary, the Joint Chiefs have refuted the exaggerated and in many cases erroneous claims of General Keegan although they state that the Soviet Union is continuing a military buildup.

This was a courageous statement by the Joint Chiefs—to publicly refute the claims of the senior Air Force intelligence officer. But it is a service to the American public which needs a fair accounting of Soviet activities—not scare tactics.

Mr. President, I ask unanimous consent that my correspondence with the Joint Chiefs of Staff and relevant press articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 4, 1977.

GEN. GEORGE S. BROWN,
Chairman, Joint Chiefs of Staff, the Pentagon, Washington, D.C.

DEAR GENERAL BROWN: I have just carefully read an article in the *New York Times* by David Binder dealing with various opinions and facts put forward by retiring General George J. Keegan, Jr. A number of his observations raise the most serious questions about the strategic relationship between the U.S. and USSR.

Therefore, I solicit the official views of the Joint Chiefs of Staff with regard to the observation and facts of General Keegan. Would you be good enough to respond to each of the points referenced below? I have no way of knowing if the article correctly states General Keegan's position but assuming it does, the following issues seem in need of an official response:

1. That the USSR already has achieved military superiority over the United States.

2. That the United States is incapable of carrying out its assigned retaliatory tasks of crippling the Soviet industrial economy, the essential civilian-military leadership, nuclear stockpiles and the basic fighting capacity of the USSR.

3. That by every criterion used to measure strategic balance—that is damage expectancy, throw-weight, equivalent megatonnage or technology—I (General Keegan) am unaware of a single important category in which the Soviets have not established a significant lead over the United States.

4. That the Soviet Union is not only aiming for superiority but preparing for war.

5. That the USSR has hardened on the order of 35,000 installations including 75 underground command posts for the civil military leadership within the Moscow Beltway alone. That some of these structures were several hundred feet deep and wide and capable of withstanding 1,000 pounds per square inch of blast pressure.

6. That hardened sites included headquarters for all of the major military services, duplicate reserve installations for each and for the entire nuclear chain of command from the Soviet General Staff to the lowest regiment which handles nuclear weapons from Vladivostok to East Berlin.

7. That the USSR has constructed enough mass shelter co-located with principal manufacturing plants of the Soviet Union to protect more than 60 million workers from nuclear attack.

8. That the Soviet forces have hardened 10,000 surface-to-air missile defense and are in the process of hardening more than 4,500 battlefield early warning and ground control intercept radars.

9. That there are bunkers for civilians in all major cities including several at Moscow University the size of football fields.

10. That with the help of a human source his collection teams had identified grain storage bunkers the size of several football fields on the perimeters of all major cities guarded by the military—the most elaborate of their kind in the world.

11. That intelligence sources had located several major academies including one engaged in training officer cadets in four year civil defense programs. They are trained to serve under Col. General Aleksandr T. Altunin with a staff of more than 50 senior generals throughout the country.

12. That intelligence has established that 25 percent of all Soviet factory workers are in training programs preparing them for civil defense leadership roles.

13. That the United States has lost the strategic balance in part due to the Soviet civil defense buildup.

14. That the implication is that they (USSR) have quietly and at extra expense taken measures to assure that the essential civilian-military leadership, the fighting capability and the production capacity can continue to function under conditions of total war.

15. What it all means is that the Soviets believe they can survive a nuclear war not without of course suffering a great deal of damage in the process.

16. That the greatest global conflict in history is likely to occur within the next decade or two unless there is a radical change in United States intelligence perceptions.

17. That by 1973 it was possible to project that prior to 1982 the Soviets would place into test at least 15 new major ballistic missile systems.

18. That in the interim we have confirmed with hard evidence that seven, possibly eight intercontinental ballistic missile systems will be tested before 1978 and there is more credible evidence that a substantial number will follow prior to 1982.

19. That a grave imbalance in favor of Soviet military capacity had developed out of a failure over the last 15 years to adjust American strategic thinking to Soviet strategy. American strategy is premised on the principle of war avoidance while that of the Soviet Union is premised on war winning.

20. That today no general officer is allowed to speak on the subject of strategy, doctrine or threat unless his views coincide exactly with the shifting pronouncements of the Secretaries of Defense and State and the White House.

21. That strategic planning and force development in the Soviet Union is almost exclusively a product of the military professionals.

22. That a prime example of faulty judgment in détente policy was the conclusion of the 1972 antiballistic missile treaty in which the two superpowers agreed to hold each other's civilian population hostage against nuclear attack. In fact it was based on the wholly erroneous assumption that the Soviets were not seriously engaged in a major centrally directed civil defense effort.

23. That past American intelligence estimates have shown that in a nuclear war 10 Americans would die for every Russian and these were suppressed. That today the gap is even greater—that perhaps 35–40 Americans would be killed for every Russian.

24. That mistaken intelligence estimates of the past raise serious questions about the character of arms control accords with the Soviet Union including the five year treaty to limit strategic weapons.

25. That to continue the present course of United States defense policy and strategic diplomacy would be inviting the very thing the very condition which it is aimed at preventing—the gestation of global conflict.

You will note that the questions above have been closely adapted from the news article so as to be as precise as possible under the circumstances. I hope your response will be addressed to each point individually and

that you will give as complete and informative an answer as possible.

Since General Keegan made all of these points to the press, I assume that they do not contain classified material. Will you please confirm that assumption? Further if you find the absolute requirement to provide classified answer to this request, will you please indicate precisely which data is classified by bracketing. I would also appreciate a totally unclassified response in addition to a classified one if that is considered necessary.

I want you to know that I am taking General Keegan's remarks very seriously. If he is correct, then indeed this country does face a crisis of confidence in our military capacity. If not, then we need to know the facts, all the facts, so that other judgments can be drawn.

Would it be possible to hear back from you within a week?

Sincerely,

WILLIAM PROXMIRE,
U.S. Senate.

THE JOINT CHIEFS OF STAFF,
Washington, D.C., January 28, 1977.

Hon. WILLIAM PROXMIRE,
U.S. Senate, Committee on Appropriations, Washington, D.C. 20510

DEAR SENATOR PROXMIRE: This letter responds to your letter of January 4, 1977. The Joint Chiefs of Staff are concerned about the serious and growing Soviet threat to the security of the United States which was the subject of the New York Times article to which you refer. Many of the intelligence judgments in the article are essentially correct and address areas which deserve increasing attention. However, some of the statements do not accurately portray what the Joint Chiefs of Staff believe to be the actual status of the strategic equation and relative US/USSR defense posture today.

The Annex responds to your questions. Every effort has been made to keep the response unclassified; however, due to the sensitivity of some intelligence sources, some answers must be classified. These are being furnished to you in a classified annex which will be forwarded separately. I am unable to state with certainty that all information attributed to Maj. Gen. George J. Keegan, Jr., USAF (Ret.), has been formally declassified. This matter is currently under review.

The Joint Chiefs of Staff in recent posture statements provide an appropriate review of the strategic balance issue. The trend of increasing Soviet military power originates in extensive programs that were initiated in the past and represent a continuing commitment. Intelligence does not suggest a slowdown on the part of the Soviets but rather continued development and production across the spectrum of conventional and strategic weapons. With this in mind and recognizing that the allocation of national resources will always be an important issue, the Joint Chiefs of Staff have recommended increased defense programs in previous years. Such recommendations recognize that, while a sound national security posture must be balanced with other needs of the nation, a strong posture is nevertheless essential to the nation's future.

It is with these thoughts in mind that I respectfully forward the attached responses.

Sincerely,

GEORGE S. BROWN, *General,*
USAF Chairman, Joint Chiefs of Staff.

Attachments.

ANNEX

The following list of issues has been compiled from the basic letter. Each issue is followed by a comment.

Issue 1. That the USSR already has achieved military superiority over the United States.

Comment: The Joint Chiefs of Staff do not agree that the Soviet Union has achieved military superiority over the United States. The available evidence suggests the USSR is engaged in a program designed to achieve such superiority but that they have not attained this goal. The Joint Chiefs of Staff are concerned, however, that the recent US and Soviet trends in military programs and civil defense could permit the USSR to attain superiority. The Joint Chiefs of Staff will continue to advocate that the United States do what is necessary to maintain strategic nuclear equivalence. Central to this position is continued JCS support of SALT negotiations leading to an equitable agreement which will assure the strategic balance.

Issue 2. That the United States is incapable of carrying out its assigned retaliatory tasks of cripping the Soviet industrial economy, the essential civilian-military leadership, nuclear stockpiles, and the basic fighting capacity of the USSR.

Comment: The Joint Chiefs of Staff do not agree with the assertion. Review of this area indicates that US strategic forces can attain the damage criteria prescribed and are considered sufficient to achieve US objectives today. However, an increasingly effective Soviet civil defense program in conjunction with other Soviet strategic military programs could reduce the US capability to achieve those criteria. The Joint Chiefs of Staff believes US current and projected weapons acquisition programs and employment policies are adequate to meet the established damage criteria through the mid-1980's. However, they recognize that improvements to and expansion of Soviet civil defense programs concerned with dispersing and hardening industrial capacity and protecting political and military leadership could require changes in these policies and programs.

Issue 3. That by every criterion used to measure strategic balance—that is damage expectancy, throw-weight, equivalent megatonnage or technology—I (General Keegan) am unaware of a single important category in which the Soviets have not established a significant lead over the United States.

Comment: The Joint Chiefs of Staff agree that the Soviets have established a lead over the United States in throw-weight and equivalent megatonnage, but they do not agree that the Soviets lead in technology nor that these are the only criteria appropriate for measuring the strategic balance. Further, damage expectancy, as wargaming results indicate, is scenario dependent. The Soviets are rapidly closing the technological gap, but they still lag in several important technological areas. Of additional criteria by which strategic balance can be measured, the United States has a substantial lead over the Soviet Union in bomber payload, missile accuracy, survivability, and numbers of warheads and bombers.

Issue 4. That the Soviet Union is not only aiming for superiority but preparing for war.

Comment: See response to previous three ISSUES and ISSUE 19.

Issue 5. That the USSR has hardened on the order of 35,000 installations including 75 underground command posts for the civil military leadership within the Moscow Beltway alone. That some of these structures were several hundred feet deep and wide and capable of withstanding 1,000 pounds per square inch of blast pressure.

Comment: The statement that the Soviets have hardened many installations is correct. They include silos, nuclear storage bunkers, hangarettes, bunkered SAM launchers, etc. However, the Joint Chiefs of Staff do not agree with some of the details as stated. These will be provided to you in a separate classified annex.

Issue 6. That hardened sites included headquarters for all of the major military services, duplicate reserve installations for each and for the entire nuclear chain of command from the Soviet General Staff to the lowest regiment which handles nuclear weapons from Vladisvostok to East Berlin.

Comment: Besides having many facilities that are dispersed and redundant, the Soviet Union began a program in the 1950's wherein important command-control-communications centers were constructed to withstand nuclear attacks. Hardened headquarters have been dispersed throughout the Soviet Union, Eastern Europe, and Mongolia. The first echelon command-control-communications centers of the Soviet Government and Armed Forces at a national level are dispersed and hardened within an 80-mile radius of Moscow. The hardening program already has been accomplished for the strategic forces and is continuing.

Issue 7. That the USSR has constructed enough mass shelters co-located with principal manufacturing plants of the Soviet Union to protect more than 60 million workers from nuclear attack.

Comment: It is believed that the Soviets have constructed blast shelters in some major manufacturing plants. Shelter building for the general population is also in progress, and there appear to be underground storage bunkers for grain. Also, see the classified annex.

Issue 8. That the Soviet forces have hardened 10,000 surface-to-air missile defense sites and are in the process of hardening more than 4,500 battlefield early warning and ground control intercept radars.

Comment: These assertions are essentially correct but overstate the case somewhat. JCS views will be provided in the classified annex. In addition, the Soviet Union's strategic air defense is by far the most extensive and expensive in the world. It operates over 5,000 radars located at early warning and ground control intercept (EW/GCI) radar sites, some 2,600 fighter interceptors, and nearly 12,000 strategic surface-to-air missiles (SAMs) on launchers. Soviet operational air defenses continue to be improved.

Issue 9. That there are bunkers for civilians in all major cities including several at Moscow University the size of football fields.

Comment: See response to Issue 7 and the classified annex.

Issue 10. That with the help of a human source, his collection teams had identified grain storage bunkers the size of football fields on the perimeters of all major cities guarded by the military—the most elaborate of their kind in the world.

Comment: See response to Issue 7 and the classified annex.

Issue 11. That intelligence sources had located several major academies including one engaged in training officer cadets in four year civil defense programs. They are trained to serve under Col. General Aleksander T. Altunin with a staff of more than 50 senior generals throughout the country.

Comment: See classified annex.

Issue 12. That intelligence has established that 25 percent of all Soviet factory workers are in training programs preparing them for civil defense leadership roles.

Comment: See classified annex.

Issue 13. That the United States has lost the strategic balance in part due to the Soviet civil defense buildup.

Comment: See responses to ISSUES 2 and 14.

Issue 14. That the implication is that they (USSR) have quietly and at extra expense taken measures to assure that the essential civilian-military leadership, the fighting capability, and the production capacity can continue to function under conditions of total war.

Comment: The Soviet program is more extensive and better developed than it appeared to be several years ago. Under optimum conditions, which include a period of warning

prior to an unrestrained US attack and successful evacuation and other preparations, Soviet civil defense measures could probably: (1) assure survival of a large percentage of the leadership necessary to maintain control, (2) reduce prompt casualties among the urban population to a small percentage, and (3) give the Soviets a good chance of being able to distribute at least a subsistence level of supplies to the surviving population, although the economy as a whole would experience serious difficulties.

Issue 15. What it all means is that the Soviets believe they can survive a nuclear war not without of course suffering a great deal of damage in the process.

Comment: See response to ISSUES 2, 14, and 23.

Issue 16. That the greatest global conflict in history is likely to occur within the next decade or two unless there is a radical change in US intelligence perceptions.

Comment: The Joint Chiefs of Staff do not agree. In fact, a range of perceptions exists in the US Intelligence Community on Soviet capabilities and intentions. This is a healthy feature of intelligence analysis. However, the avoidance of global conflict is not dependent solely upon intelligence perceptions but depends on other factors, including maintaining the strategic balance.

Issue 17. That by 1973 it was possible to project that prior to 1982 the Soviets would place into test at least 15 new major ballistic missile systems.

Comment: See classified annex.

Issue 18. That in the interim we have confirmed with hard evidence that seven, possibly eight, intercontinental ballistic missile systems will be tested before 1978, and there is more credible evidence that a substantial number will follow prior to 1982.

Comment: See response to ISSUE 17 and the classified annex.

Issue 19. That a grave imbalance in favor of Soviet military capacity had developed out of a failure over the last 15 years to adjust American thinking to Soviet strategy. American strategy is premised on the principle of war avoidance while that of the Soviet Union is premised on war winning.

Comment: The Joint Chiefs of Staff support the statement about the premise of Soviet military strategy. Although the Soviets seek to avoid war, preferring to attain their strategic objectives in other ways, their military doctrine is premised on the notion that war is an instrument of policy and that success in war, even nuclear war, is attainable. Soviet strategic policy and force development continue to be based on this military doctrine, which calls for capabilities to fight, survive, and win a nuclear war. A corollary of this military doctrine is observed in the Soviet emphasis on damage-limiting strategic defensive programs. US strategic nuclear strategy, however, is more accurately described as maintaining military strength sufficient to deter attack but also, in the event deterrence fails, sufficient to provide a warfighting capability to respond to a wide range of conflict in order to control escalation and terminate the war on terms acceptable to the United States. To the extent that escalation cannot be controlled, the US objective is to maximize the resultant political, economic, and military power of the United States relative to the enemy in the post-war period.

Issue 20. That today no general officer is allowed to speak on the subject of strategy, doctrine, or threat unless his views coincide exactly with the shifting pronouncements of the Secretaries of Defense and State and the White House.

Comment: The basic policy as expressed in DOD directives is that the American people will be provided with maximum information about DOD activities, and, toward that end, general officers are encouraged to speak publicly in areas of their competence. However, information concerning plans, policies, programs, or operations of the Department of Defense or National Government proposed for public release through any media of public information must be submitted for review and clearance. Such information shall be released to the public only after it has been reviewed for security and for conflict with established DOD and Government policies and programs.

Within the Department of Defense there are ample opportunities for general and flag officers to voice independent views on matters of strategy, doctrine, and the threat throughout the process of formulation, implementation, and review of these matters. Likewise, there is no restriction on answering questions before Congress. All commissioned officers must accept the responsibility for statements which they make.

Issue 21. That strategic planning and force development in the Soviet Union is almost exclusively a product of the military professionals.

Comment: It is known that the Soviet General Staff is preeminent in military force development. With regard to strategic planning, a high degree of consensus exists since the principal military leaders are also high in the Party structure. Nevertheless, military force is regarded as a political instrument by the Soviet leadership, and it is clear that it has the ultimate authority in the overall mission and objectives of the Soviet military forces.

Issue 22. That a prime example of faulty judgment in detente policy was the conclusion of the 1972 antiballistic missile treaty in which the two superpowers agreed to hold each other's civilian populations hostage against nuclear attack. In fact it was based on the wholly erroneous assumption that the Soviets were not seriously engaged in a major, centrally directed civil defense effort.

Comment: Civil defense has received little consideration during past US/Soviet arms control negotiations. For the United States, both the ABM Treaty and the Interim Agreement were based primarily on a philosophy of mutual vulnerability to retaliatory attack.

Issue 23. That past American intelligence estimates have shown that in a nuclear war 10 Americans would die for every Russian and these were suppressed. That today the gap is even greater—that perhaps 35–40 Americans would be killed for every Russian.

Comment: It is correct that some current studies indicate that a fatality ratio 10 to 1 (US/USSR) might occur, but only in a "worst case" scenario, i.e., Soviet initiated attack with successful evacuation of a large percentage of the Soviet population from urban areas and no US civil defense measures implemented. Such studies are scenario dependent and should not be regarded as definitive forecasts of outcomes. If Soviet civil defense evacuation plans were not implemented or could not be effectively implemented, the fatality ratio would drop significantly. With regard to the assertion that the study results were suppressed, such information has been classified in accordance with applicable regulations and its release is governed accordingly. The Joint Chiefs of Staff are not aware of any current intelligence or war game results which support the higher fatality estimates.

Issue 24. That mistaken intelligence estimates of the past raise serious questions about the character of arms control accords with the Soviet Union including the 5-year treaty to limit strategic weapons.

Comment: The Joint Chiefs of Staff have no information concerning any mistakes in past intelligence estimates which would raise questions about the character of arms control accords with the Soviet Union.

Issue 25. That to continue the present course of United States defense policy and strategic diplomacy would be inviting the very thing, the very condition which it is aimed at preventing—the gestation of global conflict.

Comment: The Joint Chiefs of Staff do not agree. Recent reviews of US defense policy, strategy, and posture have concluded that the United States is moving in the correct direction. While studies in these areas are continuing, deficiencies which have been identified to date relate more to defense programs than to defense policy.

Soviet Arms Superiority Denied by Joint Chiefs

(By George C. Wilson)

The nation's top military leaders, in a report that rebuts charges by the former head of Air Force Intelligence, yesterday disputed the claim that the United States has lost its strategic edge to the Soviet Union.

"The Joint Chiefs of Staff," consisting of the heads of the military services, "do not agree that the Soviet Union has achieved military superiority over the United States," Air Force Gen. George S. Brown, chairman of the joint chiefs, said in the report released yesterday by Sen. William Proxmire (D.-Wis.)

In their 11-page paper, the chiefs took direct issue with Air Force Maj. Gen. George J. Keegan, Jr., who said in farewell remarks as he retired as head of Air Force Intelligence on Jan. 1 that the Soviets had gained superiority over the United States.

"I am unaware of a single important category" involving the strategic balance "in which the Soviets have not established a significant lead over the United States," Keegan said in a New York Times interview published Jan. 3.

While agreeing with Keegan that Soviet long-range missiles can lift heavier nuclear warheads with more explosive power than their American counterparts, Brown, speaking for the chiefs, said that "the United States has a substantial lead over the Soviet Union in bomber payload, missile accuracy, survivability and numbers of warheads and bombers."

"The available evidence," Brown continued, "suggests the U.S.S.R. is engaged in a program to achieve" military superiority over the United States "but that they have not attained this goal."

These and other statements by the Joint Chiefs of Staff are expected to be discussed today if the Senate Defense Appropriations Subcommittee meets as scheduled to hear testimony from Gen. Brown and Defense Secretary Harold Brown.

"The United States is moving in the correct direction" both militarily and diplomatically in regard to the Soviet Union, the chiefs said in a statement that indicates military and civilian leaders agree on overall strategy.

Keegan has been warning about the Soviet threat through most of his Air Force career, and helped make an independent assessment of Russian military programs for the director of the Central Intelligence Agency. He did this as a member of the panel known as "Team B," which worked independently to produce a report separate from the national intelligence estimates put together by the CIA.

In discussing 25 separate issues of American strategic policy, the chiefs did provide ammunition for those warning that the Soviet civil defense program should be viewed with grave concern.

Brown, on behalf of the chiefs, disputed Keegan by declaring in the report that despite Soviet civil defense efforts, U.S. weapons "through the 1980s" would be able to inflict the amount of retaliation on Russia that national policy makers want.

Secretary Brown told the Senate Armed Services Committee last week that U.S. nuclear weapons could overcome Soviet defenses in a nuclear war. Other arms specialists have argued that living underground eventually

would prove futile because lethal radioactivity would last longer than food stored in shelters.

The chiefs, in their report, said the Soviet civil defense program is "more extensive and better developed than it appeared to be several years ago."

"Under optimum conditions," which include a warning prior to U.S. attack and successful evacuation and other preparations, Soviet civil defense measures could probably "lessen damage and protect the Soviet leadership and most of the city population," the report said.

The chiefs also conceded that "civil defense has received little consideration during past U.S.-Soviet arms control negotiations." Keegan has charged that the 1972 treaty limiting missile defenses by both sides was based on the wrong assumption that the Soviets were not seriously building a defense for nuclear war.

The chiefs confirmed that "some current studies indicate" that 10 times as many Americans as Russians might be killed in a nuclear exchange "but only in a worst case scenario . . . such studies are scenario-dependent and should not be regarded as definitive forecasts of outcomes."

Proxmire, in releasing the report of the joint chiefs yesterday, said: "This was a courageous statement by the Joint Chiefs of Staff" who "publicly refute" the "exaggerated and, in many cases, erroneous claims of Gen. Keegan."

Proxmire, who in the past has often assailed military and civilian leaders at the Pentagon, called the chiefs' statement "a service to the American public which needs a fair accounting of Soviet activities, not scare tactics."

TO LIVE IN HARLEM

Mr. JAVITS. Mr. President, National Geographic's remarkably sensitive essay entitled "To Live in Harlem . . ." written by Frank Hercules has caught the essence of one of the world's most vital communities. Harlem is a paradox. It captures the spirit of 20th century America's tragic poverty and pain juxtaposed against a joyful 20th century zest for living with everything new and different. It is a community of hope in which the aspirations of a long oppressed people are burgeoning into life enhancing achievement. I believe that this text is worthy of the spirit of Harlem's driving life.

I ask unanimous consent that the following essay from National Geographic be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

TO LIVE IN HARLEM . . .

I first came to Harlem more than thirty years ago from Trinidad by way of London. I had been engaged in the study of law at the Middle Temple of the Inns Court and was on my way back to the West Indies. The ship's itinerary obliged me to disembark in New York City. And so I came to Harlem.

From that moment, no matter where I have wandered, I have never in my heart been far away. I am often asked: "Why do you live in Harlem?"

My answer is invariably the same. I am in love with Harlem. It is a replica in miniature of the human condition. To live in Harlem is sometimes to hear the siren song of success, often to be denied by heaven and disdained by hell, yet always to hope anew each morning, whatever yesterday's despair.

The prosaic facts about Harlem are straightforward enough. Here are located some of New York's most elegant brownstones; middle-class blacks, having once abandoned them, are now returning to the old dwellings and refurbishing them. There are impressive high-rise apartment buildings. But there also are vast areas of deteriorated tenements. At least 50 percent of the community's available housing units are substandard.

Unemployment in Harlem ranges between 25 and 30 percent, and more than a fourth of all families are on welfare. Nearly half of all young people cannot find work, many of them are unemployable because they lack marketable skills or are addicted to drugs. Between 1950 and 1970 greater Harlem lost one in four of its inhabitants, a decline from 772,000 to 564,000. Still, if it were a separate municipality, it would rank as the nation's 21st largest, ahead of Pittsburgh, Denver, and Atlanta.

The crime rate is high, and violence commonplace. On Friday and Saturday nights, Harlem Hospital can resemble a casualty station behind the front lines. It is also true that drug addicts buy their fixes under the very noses of the police. The numbers game flourishes more or less openly, as does prostitution.

As for public education, Isaiah Robinson, President of New York City's Board of Education, is critical. "The quality of education in Harlem," says this Harlem resident, "has degenerated to the level of a custodial service."

Yet Harlem remains a key fortress for black people in the United States.

When I arrived, at the start of the forties, Harlem seemed to me like a painting by Monet, opaque on the surface but translucent in the depths of its luminous perspectives. Here, in the gray twilight of a winter day, I gleaned muted intimations of Turner's Venice. When spring came, the quarter I lived in was transformed into a corner of Paris: Montmartre in blackface with all the raffish stridency of a canvas by Toulouse-Lautrec.

There was a small middle class in Harlem, relatively successful, with mass poverty treading everywhere on its heels. Yet this wide-spread poverty was suffused with a massive resiliency of spirit. Humor irradiated the scene. Two superb black comedians, "Pigmeat" Markham and Jackie "Moms" Mabley, reigned at the Apollo Theatre.

JAZZ REWARDS A SUBWAY PILGRIMAGE

God may have been in the heaven of the poet Robert Browning most of the week, but on Sunday mornings at eleven o'clock He came to Harlem and was omnipresent in the community's numerous and extremely diverse churches. The rest of the time He was represented here by Father Divine, His self-appointed surrogate.

Father Divine described himself as God. He dwelt in his own Heaven-on-the-Hudson, a palatial country estate within calling distance of the then Squire of Hyde Park, President Franklin Delano Roosevelt. Since Father Divine was careful to keep his followers well fed, they readily accepted him as God. They dined sumptuously at lavish feasts in his satellite heavens. They worshiped him with ecstatic devotion.

"I am God!"

"Ain't it the truth, Father!"

Outside the gates of heaven, there was stompin' nightly in the Savoy Ballroom at Lenox Avenue and 140th Street. The lindy hop was in vogue, and Harlem was its headquarters. People from everywhere took the A train of the Eighth Avenue subway uptown. Harlem was a Mecca, and not only for blacks. Whites also made the pilgrimage.

Few things would contribute so vitally to the restoration of Harlem as the return of whites in their former capacities as patrons of bars, restaurants, and nightclubs. When, in the aftermath of World War II, the whites stopped coming to Harlem, jazz was obliged to go downtown. Black musicians abandoned Harlem for 52d Street. Harlem has never been the same since.

It still is, in part, Catfish Row (the low-life slum are of Charleston, South Carolina, from which DuBose Heyward derived his classic play *Porgy*): Catfish Row is common to Charleston, New Orleans, London, Acapulco—and Harlem. Catfish Row exists wherever people live out the raw stuff of life in see-sawing transports of triumph and tragedy. So Harlem is a perennial masquerade. There is frenzied woe beneath the frenetic gaiety. The woe is real, but so is the gaiety.

And sometimes when the wind blows assertively from the southwest, ruffling the ornamental trees along the 110th Street at the northern boundary of Central Park, it brings with it a nostalgic scent. I sniff again the salt tang of the sea I have journeyed across to Harlem.

For me, there has always been alchemy in these sights, scents, and sounds of Harlem. I remark the texture of its essential life, with its battlefield element of the dead, the wounded, the dying, and the survivors. I note the sentinel trees along the sculptured avenues and their side streets. I witness the gladness and grief, bluster and burlesque, delectation and despair. I observe how squalor and degradation exist side by side with elegance and exaltation.

And I here testify to the transmutation of all these diverse elements into hope.

DUTCH SETTLERS PROVIDE A NAME

Harlem began as an Indian village on the banks of what is now the Harlem River between today's 110th and 125th Streets. In 1658 Dutch settlers named the community Nieuw Haarlem. A dozen or so years later, black slaves, whom the Dutch had begun to import in 1626, made the first road from lower Manhattan to Haarlem along the old Indian trail—today's Broadway.

Before the American Revolution, gentlemen farmers developed country estates here, and wealthy merchants built stately houses. As the 19th century arrived, the community was a tidy village whose residents enjoyed trotting races, cricket, and fishing. Gradually the surrounding farmland turned residentials; in 1873 the Village of Harlem became part of the City of New York—and New York's first suburb.

The migration of blacks to New York City began soon after the 20th century opened. The failure of Reconstruction in the South obliged numbers of blacks to settle elsewhere.

Strenuous efforts to keep Harlem white failed. By 1930 blacks were in substantial possession of central Harlem. As the Great Depression of the thirties advanced, the people of Harlem began to sink into dire poverty.

In this century several Harlems have existed, partitioned on ethnic lines: Negro (or, now, Black) Harlem; Spanish (that is, largely Puerto Rican) Harlem; and at varying periods within the past fifty years, Italian, Jewish, and Irish Harlem. A small colony of Finns once had a distinct quarter of its own.

Today the community may be regarded, geographically, as the area between 110th Street on the south, 155th Street on the north, the East and Harlem Rivers on the east, and Morningside and St. Nicholas Avenues on the west. Sociologically there is a greater Harlem that far exceeds its geographical boundaries. There are considerable pockets of blacks outside these limits.

HIGH AND LOW SHARE LOVE OF HARLEM

For many men and women eminent in public life who reside in Harlem, their dedication to the community is a living vocation, religious in its intensity, all-encompassing in its devotion. A brilliant cluster of personalities comes to mind: U.S. Representative Charles Rangel; Percy Sutton, Borough President of Manhattan; Eleanor Holmes Norton, Commissioner of Human Rights for

New York City; Basil Paterson, Vice-Chairman of the Democratic National Committee; New York State Senator Carl McCall; State Assemblyman George W. Miller; Presiding Justice Harold A. Stevens, Appellate Division, New York State Supreme Court; Judge James L. Watson of the U.S. Customs Court.

They reside in Harlem; so do many others no less outstanding. University professors, clergymen, lawyers, business executives—all reside in the community. Harlem is no mere dumping ground for social derelicts or an exclusive preserve of the lawless. Some of the most notable citizens of this country were born and raised here.

They are all, I believe, of a mind with Borough President Percy Sutton: "If I were offered a million dollars, I wouldn't leave Harlem." And with Mrs. Norton as she muses: "There is something magical about Harlem." And with former Sgt. Frederick Watts, who once headed the police homicide squad in a precinct in central Harlem and is also an attorney-at-law. No one knows the streets of Harlem better than he: the danger, the menace, the ubiquitous horror. At the same time, no one knows better than he the obverse side of that coin: the humor, the wry realism, the irrepressible love of life. "I don't feel right," he says, "away from Harlem."

Despite the formidable difficulties Harlem faces, it is a triumphant, not a defeated community. It celebrates the invincibility of the human spirit. In Harlem the source of that invincibility is humor, and often it is elemental. I cite this instance with a certain chagrin:

On an extremely cold winter morning, my wife is on her way to an appointment with her dentist. Snow lies several inches deep, and blasts of freezing air send flurries upward into the unprotected faces of passersby. An ancient black man, an authentic old Harlem cat, is sheltering in an inhospitable doorway. He sees my wife approaching, and as she goes by, he calls out to her: "Baby, ef Ah wuz yo' daddy, yo'd sho' be in bed dis mawnin'."

That man has given me a lesson in domestic gallantry. Somewhere in Harlem is an antique black gentleman who on a bitterly cold morning was more solicitous of my wife's comfort than I. That, however—that humor, that zest—is the spirit of Harlem, where humor and sorrow are contrapuntal effects in a great human fugue by some cosmic Bach.

JUGGLING THE POSSIBLE JOYS OF A SINGLE DAY

My spirits are a sunburst some mornings. I juggle possibilities, throwing them into the air, catching and then tossing again this choice and that alternative.

If the soaring flight of the morning fulfills its early promise, I might breakfast at Adele's Kitchen and lunch at La Famille Restaurant. Between breakfast and lunch I might work on a research project at the Schomburg Collection, that treasure trove of black American literature in a branch of the New York Public Library at 135th Street and Lenox Avenue. After lunch I might return to the Schomburg for another two or three hours. Then I might go a few yards farther up toward Seventh Avenue (now Adam Clayton Powell, Jr., Boulevard) to the Harlem Young Men's Christian Association for some exercise.

Later I might dine at Jock's or the Red Rooster, then stroll up Seventh Avenue to Small's Paradise, looking in at Joe Wells's, or the Club Baron before ending the evening at a theater or concert hall. I might go to a ballet rehearsal by the Dance Theatre of Harlem (pages 200–201), or attend a performance at the New Heritage Repertory Theatre or the Black National Theater, or a concert or play at the Harlem School of the Arts, founded and directed by the world-famous singer Dorothy Maynor. I might also go to the Apollo Theatre, the epicenter of Harlem's folk life, squatting in the navel of the block between Seventh and Eight Avenues on 125th Street.

My entire day, in all its diversity, would have been spent within a radius of a score of city blocks. Never at any point would I have set foot outside Harlem.

The prospect of the Apollo allures me. I find seductive the thought of Aretha Franklin, soul sister, on its stage in a nimbus of light, imploring her listeners in song: "Call me!" She will address herself directly to me—and to hundreds of others. But to me, anyway. And we shall all respond in unison to this bewitching, impassioned Circe: "I sure will, baby. Yes. I sure will."

SCREAMS GIVE VOICE TO THE UNSAYABLE

And if James Brown was on the bill—James Brown, soul brother—he would adjure us, also in song: "Say it loud, 'I'm black and proud!' "

Thus admonishing and exhorting us, he would caper, invertebrate, strutting, slithering, pirouetting, improvising a febrile ballet of black pride in India rubber; and bawling, bawling, bawling, driven to a Cyprian frenzy under the hypnosis of drums in league with a choir of keening saxophones underscored by an immense and brooding bass fiddle.

And now uncontrollable passion assails him. Lying on one side, he stretches full length on the floor, supporting his weight with one hand while the other engages in insupportable gropings. In simulated ecstasy he cries aloud: "Shall I scream?" We are all suffering with him. "Yes! Scream, soul, scream!" we respond, thereby releasing him, and freeing ourselves. His need was ours; ours, his. We have achieved communication and understood each other. James Brown. Soul brother.

FANTASY MAKES LIFE BEARABLE

On the Apollo's ghost-haunted stage, dreams spun out of waking fantasy come true. Even when they don't, the dreaming and the fantasy will have bestowed, for a moment at least, a transforming illusion to keep some nightmare reality at bay.

In Harlem, dreams possess vast social utility whether or not they come true. Whatever else one may do here, it is necessary to dream. The numbers game, which is to Harlem what roulette is to Monte Carlo, is based on dreams. To "hit the number" is to rocket to the moon and walk there, spending your winnings if you "hit it big," like a billionaire gone crazy. So that when in the shortness of time you revert to your impoverished state, the people on your block will still remember that sudden wealth did not make you a skinflint. And some one person or another will always stand you a drink at the neighborhood bar in memory of the night when you stood there host to all comers.

Fame is a capricious redeemer of poverty. The winged chariot it sends for the chosen may be chauffeured by a numbers runner, an impresario at the Afro-American Singing Theatre, or the coach of a topflight football or basketball team. It whisks the elect away swift as a meteor to the fruition of dreams. When he, or she, comes home again, home to Harlem—home to the childhood block—it is to be surrounded by admiring bevies of old friends. Others stand on stoops or lean from windows, calling out greetings in celebration of the present and in remembrance of times past. In a brief hour of surcease from their torments, the heroin addicts and the otherwise lost and tormented also cry welcome.

But there was no welcome in the haunted eyes of the girl who sat in the police car drawn up alongside the curb. She was in the front seat, a police officer at the wheel beside her. He called out to me. "Here, come in." He threw open a door to the backseat.

I had earlier requested this interview, and now the police officer told me: "Ask her anything you wish. Except her real name. She knows your name, but you cannot know hers. That is the only ground rule."

Namelessness, I reflected, is a state not alien to blacks. "Please tell me about yourself," I said.

For some reason obscure to me, she threw her head back and laughed soundlessly.

"I ran away from home for the first time when I was twelve. . . ."

"Why?"

"All my friends were able to stay out until ten-eleven o'clock at night, but my father wanted me to come in at six. He was a very hard man."

"Do you mean stern?"

"Yes. Stern. But he loved me."

"How long were you away from home?"

"About two weeks."

"What did your parents do when you returned home?"

"My father beat me—with a broomstick. He broke my arm."

She indicated the affected arm by a slight movement of it.

"Did you stay home?"

"No. I ran away again as soon as my arm was healed."

The girl's eyes were aglow with the transport and torment of remembering. What warrant had I for rummaging through her past?

I said to her, "You have always been seeking love, haven't you?"

She was all at once a creature unspoiled. The smile of a winsome, willful child irradiated her beautiful African face. "Yes," she answered.

"You mustn't," I told her. "Let love seek you. No one who seeks love ever finds it."

She nodded, acceptingly. And as though released by my little homily, the closed door of some inner compartment of her life flew open and she said: I've been a dope addict, a burglar, a stickup woman—to support my habit—but I've never been a prostitute." Pride elevated her voice.

"How old are you now?" I asked.

"Twenty-six, going on twenty-seven. And I have four children."

"How would it be," the police officer inquired with dispassion, "if you were to find yourself up against it—maybe your children were hungry—would you get a gun and . . .?"

She smiled, shaking her head. No.

"And how about the heroin?" he persisted. "Done with that too?"

"Yes," she answered. And summoning a remnant of a band of angels to do battle with a legion of devils, she said, "I've enrolled at college. My children are with my parents."

HOW TO LEAVE THE GHETTO BEHIND

Entering college is one way out of the ghetto. But there are, in the main, two triumphal paths to transfiguring success for the blacks of Harlem or any other black ghetto. They are relatively short and thus offer to those suitably endowed more or less speedy transit to popular acclaim. One is by way of athletic prowess; the other, talented entertainment. Out of the first emerges a Willie Mays or Wilt Chamberlain, a "Doctor" Julius Erving or Kareem Abdul-Jabbar. Out of the second comes a Harry Belafonte or Sidney Poitier, a Diahann Carroll or Diana Sands, a Lena Horne or Sammy Davis, Jr., a Nina Simone.

Sports and entertainment are legendary accreditations that entitle the bearer to leave the slums. The ghetto now is behind him. The rats, cockroaches, dope addicts, dope pushers, the filthy tenements and disease-ridden hovels, dilapidated houses that are colder in winter that the open streets, the decaying people whom death itself rejects the dreary hours and the hopeless years, social scorn and self-contempt, are all behind him now. The cat's gone. The brother's made it Man, he's too strong.

The ability to excel at some form of sport is the first ray of light for many black youths. It is impossible to overemphasize the power of the example furnished by baseball players like Willie Mays or the late Jackie Robinson, or prizefighters like Joe Louis or Sugar Ray Robinson, Muhammad Ali or Joe Frazier. You too, my man, can do it.

Increasingly nowadays, the great athletes return to help, encourage, prod, and stimu-

late others by their own dramatic example to go and do likewise. They hold basketball clinics, and some in their off-season participate in tournaments on ghetto courts.

A FEEL FOR THE PULSE OF LIFE

The artists of entertainment influence the black youth of Harlem as strongly as the athletes. I go to lunch with Miss Nina Simone. The late Duke Ellington, the peerless master of jazz, reportedly described her as the greatest singer he had ever worked with.

It is easy to accept this description of Nina Simone. Her voice expresses in universal terms the whole emotional content of human experience. Someone has observed of her: "If a lioness could sing, she would sing like that." Besides which, Miss Simone is a superb performer on the piano.

Nina Simone receives me in the house where Duke Ellington lived, and where she has been residing. She wears a tailored black suit. Her hair is dark, crispate, and close cropped. She is somewhat above medium height, slender, and lissome. You notice her beautifully sculptured hands at once.

Miss Simone pours champagne into finely embossed silver cups. "Those are Duke's champagne glasses," she says. Her dark, intense eyes query my purpose in coming to see her before she formulates the question: "Well, what do you want me to tell you?"

"What does jazz mean to Harlem—to black people?" I ask.

She considers her reply with care. "Jazz lets black people know, every time they hear it, that they have their hands on the pulse of life. Jazz always has a pulse—a rhythmic pulse—like a heartbeat. It is the beginning of life." She sighs and for a second closes her eyes. "Here in Duke Ellington's house, I am at peace."

Duke Ellington's house is an imposing mansion on Riverside Drive. Miss Simone is occupying the suite where he worked. A portrait of him, and another of Nina Simone at the age of 17, hang on the wall of the passageway connecting the two rooms.

"Will you demonstrate for me," I say to Miss Simone, "the difference between what you choose to play and what you don't?"

She puts down her champagne cup and goes to the piano. "This," she tells me, "is 'stride' piano playing." She plays after the fashion made famous by great performers such as Willie "The Lion" Smith and Duke Ellington. "And this," she continues, "is blues in the style of Billie Holiday." As she plays, she sings one of Billie Holiday's celebrated laments, "Fine and Mellow":

My man, he don't love me,
Treats me, Oh! so mean . . .
He's the lowest man that I've ever seen.

Fascinated, I listen, absorbed, intent. "When I am at my peak," she says, "my music comes out of me in rhapsodies—like Brahms, or in romanticism, like Chopin. Sometimes my right hand will do a melody, my left hand will do a melody, there may be three melodies all going at the same time, and all antiphonal to each other."

A silken carpet of sound unrolls. A low murmurous voice nestles at first against the carpet, then gathering volume rises from it, finally subsiding. "Those outward-spreading circles"—Miss Simone's hands, marvelously plastic, essay concentric motions—"of sound. You saw . . . ?" But I am still in the thrall of her performance.

Then her voice is suddenly overcast with a pall of somber testament to the agony of artistic creation: "I believe in minute attention to detail for the sake of perfection."

GAUGING THE TRUE AND THE FALSE

I hear the ring of truth, the chime of authenticity. And to speak of authenticity is to disclose the innermost secret of the formless welter, the elusive mystique, of the life of Harlem. The unforgivable sin in Harlem is to be a phony. You may be anything you please, provided only that you're "for real."

Authenticity guarantees you acceptance in Harlem as nothing else does. The bizarre, the grotesque, alien, exotic, squalid, monstrous, beautiful, sublime—each has its place in Harlem.

"Real" is a standard applied out of the searing, age-old experience of being black in a hostile culture, an instinctual response, a gut reaction, that assays in a lightning flash the true and the false.

The judgment, "Man, that cat ain't for real," implies its essential corollary, "Man, that cat ain't no good," and then, the ultimate verdict, "That cat's a phony." In Harlem, with its pervasive religious ethos, this is a sentence to hell, to be served in social contempt during the course of your unnatural life.

CRUSADER BETS HIS HOPES AND HIS LIFE

Never during the passage of his twoscore years and more has Charles Kenyatta, who once was Malcolm X's bodyguard, hidden his reality behind anything. Few people on the Harlem scene are more readily identifiable. Whether orating on a street corner against the racially inspired ills of society or distributing Christmas gifts to dope addicts, whether symbolically brandishing a machete while surrounded by his similarly armed followers, or being interviewed about his social concerns and objectives, Charles Kenyatta seeks no refuge in dissimulation. His face beneath its canopy of abundant black hair is open, ingenuous even, and sensitive. This is, in the romantic sense, the face of a poet, on which uncongenial action has etched disillusionment.

"The clock is being turned back," he laments. "As a people, we have not learned to seize the time." He speaks of the overlordship of vice in the community. "Harlem," he says, "has been a haven for all the vice and corruption that are destroying this city." Yet he remains optimistic about Harlem. Honest and competent law enforcement and vigorous leadership would "turn the problem around," he thinks.

When Kenyatta speaks of the seduction of the community's children into using narcotics, his eyes kindle into a blaze of fury and disgust. He excoriates the "overseers of vice." The suffering on his ascetic face deepens. "Why don't they leave our children alone?"

Some time ago, an automobile in which Kenyatta was riding was ambushed. His body was honeycombed by bullets, and he was left for dead. But, as by a miracle, the crusading idealist recovered. Now on any Saturday afternoon he may be seen and heard on the southwest corner of 125th Street and Seventh Avenue, inveighing against the evils of Harlem and denouncing the evildoers.

THE CLEAR, TRUE PERSPECTIVE OF DEATH

Life in Harlem is always a revelation, and never more than in death. Not long ago I attended a funeral service. The deceased, a woman, bore, derivatively from the slave system and its by-products, one of the great names of the South.

The church was Baptist, the pews were filled with mourners, and she lay at rest in a burnished blue-metal coffin that stood on wooden trestles in the transept. She was perhaps 60 years of age, a native of Alabama, a migrant to New York, the mother of several children. At the time of her death she was an aide at a community school in Harlem.

A year or two before, she had obtained a high-school diploma and had been admitted to one of the city colleges. There she began a course of study leading to a degree of bachelor of arts. Her goal was a doctorate.

Her relatives occupied the first half-dozen pews, her friends and former colleagues the remainder of the seats. The early-afternoon sun filtered through stained-glass windows. At the end of the short and simple service the husband of the deceased together with their children proceeded to the coffin to take their final leave.

One son, a splendidly handsome young man, whom she had striven with all her valiant soul to rescue from the demons of drug addiction, could not be persuaded to leave her coffin, nor would he permit it to be sealed. He stood there, gazing down at his mother, utterly abandoned to his grief.

I salute this departed lady because the spirit that she incarnated in her lifetime is the unconquerable spirit of Harlem: always, at best, indigent—yet, no matter how bad things are, resilient. In the midst of besetting poverty, and the holocaust of her children's, her husband's and her own hopes, she fought, smiled, and danced. She was always eager to demonstrate, the latest dance step: the monkey, the hustle, the bump.

Hers was a paradigm of the common life of Harlem, of the hope, indestructible as elemental matter, that springs insuppressibly in the black breast. Its living metaphor is the green shoots that regain life in resurrection from the garbage that often rises high in a noisome tide and engulfs the tenements of Harlem. But the odor of Harlem can also assert its own element of sanctity.

CHURCHES PLAY A MAJOR ROLE

If there is a single cohering organization in Harlem, it is the church. Though splintered into numerous denominations, sects, and factions, it cements the life of the community as the church of Rome imposed coherence on the communal life of Europe during the Middle Ages.

The primary political centers of power in Harlem are located in the churches. For the members of a church are, from an earthly point of view, potential voters. Every minister of each church in Harlem confronts, in extraordinary degree, the delicate task of partitioning the world between God and Caesar.

It is to the church, above all, that the community looks for solutions to problems, private as well as public. Not seldom, indeed, does the Harlem church find itself called upon to supply social, economic, and political initiatives that would ordinarily emerge from secular sources.

It is a midwinter day in Harlem. I trace a labyrinthine path through the snow along 123d Street, and come to a minister's house. Bags of garbage are pyramided at the side of the basement entrance. At a rusty iron gate, the pressure of my finger on an electric button elicits a quavering, high-pitched alarm.

The shuffle of slow footfalls grows steadily louder; an inner door groans and wheezes open. I am invited to enter by Dr. David Licorish, who was associate minister of the Abyssinian Baptist Church when the late Congressman Adam Clayton Powell, Jr., was the pastor.

Dr. Licorish seats me opposite himself at his desk. He is of medium height and powerful physique. An open, bespectacled brown face is framed in a squarish cast. The practiced pulpit voice rises and falls as he speaks.

I ask: "What did you think of Adam Clayton Powell?"

"Good and bad. Adam was genuinely interested in causes. But he was miserably selfish. He could not share anything and would not tolerate competitors. But we needed Powell. At that time."

He leans back in his chair. A grudging smile, bitter as wormwood, dissolves the squarish lines of his face. "Raymond Jones—you remember him? Smart politician—warned me about Powell. Told me, 'Don't let him use you—*too much*.' I was Powell's deputy at the church. Whenever he was tied up with his work in the Congress, or something else, he would say, 'Lick, take over for me.' And now . . . in the end . . ." His hands, which have been restlessly arranging and rearranging papers on his desk, are still at last.

"Ray Jones wanted me to run for the City Council. But Powell wouldn't hear of it. 'No,' he said. 'I need somebody to look after the church.'" Suddenly he breaks into a ground swell of briny laughter. "'Lick, take over for me.'"

He observes a moment of silence as though for the dead. At last he declares in the manner of a clergyman pronouncing a eulogy: "Adam Powell died of a broken heart. The people betrayed him. Harlem today is leaderless." Then, meditatively, "Looks like a bombed-out city."

Even now, here, in this Harlem basement on a wintry morning, Adam Clayton Powell's odd fascination remains potent.

"I sometimes think," says Dr. Licorish, "that Adam is somewhere around—for his work is not finished. Adam was able to lift people up through his People's Committee. But now we don't know where we're going. We need leaders of experience. Ideas just don't accomplish themselves. There's mistaken emphasis on youth.

HARLEM'S FLAWS ARE ALSO THE WORLD'S

"Our number-one problem is economics. And next, political awareness and organization. That's what Adam Powell tried to do for Harlem. To make people politically aware and to build a strong economic organization. But most of these politicians only give the people fantasy and euphoria.

"If the roots are rotten, how can the tree be healthy? We are back to the same old trick of getting some money out of the white man's pocket." His voice resonated into a thunder of contempt. "Are we always going to be parasites?"

Another distinguished clergyman thinks the problem is bigger than Harlem. Dr. M. Moran Weston is the pastor of St. Philip's Episcopal Church in Harlem, which has one of the largest congregations of its denomination in New York City. "Harlem," he says, "is going through far-reaching changes: a veritable microcosm of urban change, this community. What is wrong with Harlem is also wrong with New York City, and wrong with the whole country and, if you like, the world.

"Harlem," he asserts, "cannot be isolated as though its problems were somehow unique and unparalleled by any similar phenomena in the rest of the national and world society. Harlem is only an extrême instance, in a more visible context, of what is wrong with the larger society."

LOOKING FOR STRENGTH WITHIN

Dr. Weston will tell you—and so will other thoughtful people—where the solution to Harlem's agonies lies. It must stem from education and leadership. And there are in Harlem dedicated people who care, who have the ability to change things for the better.

This is a constantly recurring theme in Harlem, the confidence that the community possesses the resources of leadership to regenerate itself. The extraordinary abilities of these leaders—a Congressman, a borough president, a state senator, an assemblyman, a city commissioner of human rights, distinguished judges, and many more—these are the surest guarantee of Harlem's survival and future resplendence. They—and the people of Harlem themselves, with their insatiable appetite for life, their perennial resiliency, their unconquerable humor.

Harlem is courage and Harlem is love. Harlem is blood and Harlem is fire. Harlem is beauty and Harlem is squalor. Harlem is dreaming and Harlem is dust. Harlem is heaven and Harlem is hell. Harlem is the human condition.

To love the United States with all the troubled freight of its failures of idealism, to love humanity with all the tragic burden of its imperfections, to love life in all the complexity of its myriad menace and illimitable promise, is, for better, for worse, to love Harlem.

SOVIET JEWS TWO CASES

Mr. CRANSTON. Mr. President, for many years, I have written to Soviet Ambassador Dobrynin on behalf of individuals seeking to leave the Soviet Union in the belief that any person who wants to leave any country should be allowed to do so.

Today, I would like to mention the plight of two Soviet families. The first involves Yuli and Inna Kosharovsky, who live in Moscow. Yuli is an engineer by training and Inna, a mathematician. The second involves Lena and Arkady Rabinovf, a mathematical engineer and radio technician, respectively. The Rabinovfs are residents of Leningrad.

Both families have been seeking permission to emigrate to Israel for more than 5 years and have been refused each time. Because two of my constituents had an opportunity to meet the Rabinovfs and Kosharovskys when they were in the Soviet Union last year, I am able to benefit from their firsthand observations.

Some time ago, I wrote to Ambassador Dobrynin to bring these two families to his attention. While he responded that he was not familiar with the cases, he did refer my letter to appropriate authorities in the Soviet Union.

As a signatory of the United Nations Declaration on Human Rights and as a party to the Helsinki Agreement of 1975, the Soviet Union has advised the world of its commitment to let Soviet citizens enjoy internationally recognized human rights. As an affirmation of the letter and spirit of these important agreements, it is my hope that the visa requests for the Kosharovsky and Rabinovf families will be handled swiftly and compassionately by Soviet officials.

UKRAINIAN DAY

Mr. YOUNG. Mr. President, for a number of years I have been contacted by my good friend, Dr. Anthony Zukowsky, the honorary president of the Ukrainian Congress Committee of America, State Branch of North Dakota, concerning Ukrainian Independence Day. Dr. Zukowsky has been active in affairs dealing with Americans of Ukrainian descent for 25 years.

At Dr. Zukowsky's request I am submitting a statement prepared by him concerning the proclamation of the independence of Ukraine which took place 59 years ago this month.

Mr. President, I ask unanimous consent to have these remarks printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

JANUARY 22—UKRAINIAN DAY

For many years the 22nd of January is being proclaimed and celebrated in our American cities and States from coast to coast as Ukrainian Day. On January 22nd, 1977 Americans of Ukrainian descent will observe the 59th Anniversity of the proclamation of Independence of Ukraine, which took place on January 22d, 1918 in Kiev, capital of Ukraine.

Prior to this date and with outbreak of Russian Revolution in March 1917 the Ukrainians were the first to break out of the "prison of nations" and immediately initiated their own national revolution. They followed the course of self-determination. Within a few months the free and democratic election of the Ukrainian Parliament—"Central Rada" was held and they established the Ukrainian National Government.

After long and difficult preparations this freely elected Parliament and Government of Ukraine issued on January 22d, 1918 in Kiev, capital of Ukraine a solemn Act and Proclamation of Independence of Ukraine as Ukrainian National Republic. One year later also on January 22d, 1919 the Western Ukrainian National Republic which on November 1st 1918 has been created from the territories of the Austro-Hungarian empire inhabited by the Ukrainians, united itself with the Ukrainian National Republic into one independent Ukrainian State.

This sovereign Ukrainian State was immediately and duly recognized by a large number of foreign nations and diplomatic relations were established with them. Recognition was also granted by Soviet Russia. The latter however attacked Ukraine both by military aggression and subversion from within, a maneuver repeated many times since, during the past 58 years by the masters of duplicity of the Kremlin.

For 3½ years the Ukrainian people waged a gallant struggle in the defense of their country, alone and unaided from western nations, was overpowered by numerically stronger and better equipped armored forces of Red Russians Bolsheviks.

The free world has lived to regret the downfall of the Ukrainian National Republic. Thus the great French statesman George Clemanceau admitted in 1924 that France and the allied powers had made a great mistake in 1918–1919 by withholding armed aid from the Ukraine in their fight against Moscow's Communist aggression, had this error not been committed said Clemanceau, the world would not be facing such dangerous an enemy.

Despite the fall of the Ukrainian National Republic, the spirit which brought it to life is more vibrantly alive among 50 million Ukrainian people today than it ever was in the centuries old history of Ukrainian struggle for national independence.

Today Ukrainian National Republic is represented abroad by its Government—in exile, which created the Ukrainian National Council, dedicated to the resurrection of the Ukrainian National Republic.

Ukraine was conquered by Moscow's armed forces and occupied in 1921 and in 1923 became a constituent member of the Soviet Union known as "Ukrainian Soviet Socialist Republic." But the freedom loving people of Ukraine never accepted Soviet-Russian domination and have been fighting for their human rights and independence until today.

They made passive resistance to collectivisation and Russian-Communist economic exploitation and in order to break this Stalin ordered a genocide policy of mass starvation and artificial famine in 1932/33 when eight to nine million Ukrainians died of hunger.

During World War II the Ukrainian people organized a powerful underground Ukrainian Partisan Army (U.P.A.) which fought against Nazi regime and against the Soviet.

Relentless and severe persecutions of Ukrainians continued after the death of Stalin and after the ouster of Khrushchev from the top leadership in Kremlin. Since the Brezhnev-Kosygin leadership is bent on keeping the Soviet-Russian empire intact by persecutions and deportations of Ukrainian youth, students, scientists and intellectuals.

Recently the international press has been providing a vast amount of documentation of the suppression of Ukrainian culture. Genocide and systemic deportations of Ukrainians to central Asia continues, arrests and trials of Ukrainian patriots defending freedom.

In summing the colonial rule of Moscow in Ukraine is characterised by the following:

Political oppression: All Ukrainian political parties and groups are outlawed and considered to be "anti-state groups" and dealt with accordingly. Also the Ukrainian Communist party is rigidly controlled and directed by Moscow.

Russification: One of the ugliest features of Russian rule in Ukraine is the enforced Russification of the Ukrainian language and culture, Ukrainian institutions and schools, all for the purpose of creating a Soviet man, who would be a Russian.

Economic exploitation: Despite the fact that Ukraine is very rich in natural resources, the Ukrainian people are always shortchanged by central government in Moscow. The natural riches of Ukraine are shamefully exploited for the benefit of Mother Russia and to help Communists in distant lands.

Religious persecution: In the 1930's the Soviet government destroyed the Ukrainian Orthodox Church, followed by the wanton destruction in 1945–46 of the Ukrainian Catholic Church, also persistently harasses other Christian adherents in Ukraine, molesting religious leaders and worshipers.

Destruction of Human Rights: Since 1973 the KGB (Soviet Secret Police) arrested thousands of Ukrainian intellectuals-writers, literary critics, journalists, professors, students, artists, painters and representatives of other strata of society in Ukraine—on suspicion of "anti Soviet agitation and propaganda." Many of them were subjected to torture and are incarcerated in psychiatric asylums where they are gradually destroyed through forced injections of drugs and chemicals. Their only crime is, they defended the Ukrainian language and culture. The persecution of Ukrainian intellectuals constitutes a gross violation of the United Nations Declaration of Human Rights and the Soviet constitution itself.

All the available evidence of the western observers shows that the ever-increasing tempo of repression has failed to intimidate the Ukrainian people, but they are deeply disappointed by the policy of detente and by the outcome of Helsinki Security Conference. Since the Helsinki conference sealed not only fate of such non- Russian "union republics" of the USSR as Ukraine, Bialorussia, Estonia, Latvia, Lithuania, Moldavia, Armenia, Azerbajan, Georgia and others, but also the countries of "peoples democracies" such as-Poland, East Germany, Czechoslovakia, Romania, Hungary and Bulgaria—all ruled by Russian oriented and trained gauleiters.

We all know too well now that the Ukrainian State was overpowered and enslaved by the Godless tyranny which threatens today the whole world. Therefore, both the U.S. Congress and the President of the United States have expressed their concern over Captive non-Russian Nations including Ukraine in the USSR by enacting the "Captive Nations Week Resolution" in July 1959 (Public Law 86–90).

Today the Ukrainian people in the free world are celebrating the memorable January 22nd as their greatest Holiday.

Therefore, it is in common spirit of liberty, faith and justice that the American people join the Ukrainians all over the world in the celebration of the Anniversary of the renewal of the Independence of Ukraine.

DROUGHT IN SOUTH DAKOTA

Mr. ABOUREZK. Mr. President, I wish to bring to the attention of the Senate an article written by Mr. Jack Anderson. Mr. Anderson's article appeared in the Washington Post on August 8, 1976. As you will note, this article is a very compelling statement about the devastating drought that has hit my home State of South Dakota and other States in the Midwest—Minnesota, Wisconsin, Iowa, Missouri, and North Dakota.

Mr. President, I ask unanimous consent that Mr. Anderson's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DROUGHT OF HELP FOR THE FARMS

Jim Karels, a Millbank, S.D., farmer, harvested 90 bushels of corn per acre on his 500-acre spread last year. This year, he didn't pick a single ear.

Don Van Veen, a neighbor of Karels, is taking a $16,000 loss on his corn crop this year. On a recent day, he harvested from 8 in the morning until 5:30 in the afternoon and didn't even fill the hopper of his combine. His oat crop wasn't tall enough to reach the cutting blade. Gordon Bracht, meanwhile, has had to sell off a herd of cattle that his family has been breeding for decades because his land is grazed out and feed is too expensive.

Their common enemy has been the weather. Drought has come to a northern pocket of America's breadbasket this summer. The pastures are brown and the grain that should be waving in the wind is only about six inches tall. The rain statistics show that it is the worst year since the "Dust Bowl" devastation of 1934.

Centered in an obscure, sparsely populated corner of the nation—western Minnesota, eastern South Dakota and North Dakota—this drought has failed to draw similar public notice. And because the crop loss of an estimated $1 billion will have little impact on the $100 billion farm industry, the Agriculture Department has been paying scant attention to the pleas of the drought-plagued farmers.

Agriculture Secretary Earl Butz believes that the government should stay out of the farming business, and he doesn't let a little thing like disaster stand in the way of his ideology.

Butz long ago established himself as a man who is more interested in crop reports than in people, more sympathetic to the agribusiness conglomerates than to the small farmer.

The northern plains have become the last bastion of what was once the backbone of American agriculture: the family farm. There hard-working immigrants from Scandinavia and Eastern Europe carved out a way of life that their descendants have stubbornly clung to through the generations. But this drought may end it for many of them.

"How would you feel if you woke up one day to find that everything you'd worked for all your life is of no value anymore?" the daughter of a Minnesota farmer asked Sen. James Abourezk (D.S.D.). "That the lack of rain has ruined the crops, the cattle are starving and must be sold."

The farm failures, of course, have a devastating ripple effect on the small towns that serve them. The banks are running out of money to lend. The merchants no longer have customers, and are forced to lay off employees. Truckers, farm hands and laborers have become as useless as umbrellas to the sun-baked communities.

The bureaucracy that is supposed to help ease the impact of the drought is the Agricultural Stabilization and Conservation Service (ASCS). But ASCS administrator Kenneth Frick agrees with his boss Earl Butz when it comes to involving the government in farming—he doesn't like to do it. "A few farms going broke each year," he once said, "is one of the most healthy things there is."

Frick's agency has done little for the drought-stricken farmer except create paperwork problems. For example, the ASCS has tied up disaster payments by steadfastly refusing to declare the parched counties as "zero yield" areas. So a farmer applying for disaster relief first has to have an ASCS appraiser inspect his land. The appraisers are overloaded with work, so the farmer has to wait for money that he might desperately need to feed his cattle. If the delay is too long, he is forced to sell them.

Once the drought victim does receive his "low yield" disaster relief, he is forbidden from grazing his livestock on the remains of the crop. But the stiff-necked agricultural bureaucrats refuse to bend wth reality. So the farmers suffer.

Sen. Abourezk has asked the ASCS to administer its drought programs with its "heart instead of its red tape."

Abourezk and Democratic vice presidential nominee Walter Mondale (D-Minn.) have succeeded in passing an amendment that would help the farmers obtain low-cost feed for their livestock.

But by the time it is signed into law, it may be too little, too late. Like their great-grandparents before them, the family farmers are left to face the caprices of nature alone, unaided by the society they help feed.

Footnote: Some top American and Soviet scientists believe that global climatic changes will bring more droughts in the near future. As we reported earlier, the Central Intelligence Agency warned in a 1974 report that some U.S. scientists saw an "era of drought and famine."

D.M.I. Budyko of the Soviet Union foresees "rapid climatic warning" and concludes "drought conditions in the continental mid- and high-latitude will accompany the higher temperatures."

This would mean dangerous droughts and crop failures in both America and Russia, as well as in other major food-producing nations.

RETIREMENT OF MAJ. GEN. RALPH J. MAGLIONE

Mr. TOWER. Mr. President, today, Maj. Gen. Ralph J. Maglione of the U.S. Air Force is retiring from active duty. With perhaps the exception of those Senators who have only recently joined this body, my colleagues know General Maglione as one who has served in a distinguished manner as Director of the Office of Legislative Liaison for the Secretary of the Air Force.

A native of Ohio, General Maglione first entered the Air Force through the Aviation cadet program in 1949, receiving his wings upon graduation from pilot training at Williams Air Force Base, Ariz. He then began a colorful career as a fighter pilot, including service in Korea flying the F–84E aircraft for 104 combat missions. In 1956 he set an over-water distance record for single-engine fighter aircraft when he flew his F–84F jet fighter nonstop from RAF Sturgate, England to the distinguished capitol city of my home State, Austin, Tex. Later in that year, General Maglione was selected to serve as a member of the Strategic Air Command's gunnery team in the annual U.S. fighter weapons meet at Nellis Air Force Base, Nev.

In 1958, General Maglione demonstarted the new F–101 Voodoo fighter aircraft at the International Air Show in Liege, Belgium, after flying nonstop from Andrews Air Force Base, Md. to Liege.

This nonstop flight set an unofficial world speed record.

From 1959 to 1962, General Maglione served with the 81st tactical fighter wing at RAF Bentwaters, England.

Following a 3-year assignment at headquarters U.S. Air Force in Washington, D.C., he assumed the responsibilities of commander of the U.S. Air Force's aerial demonstration team, the Thunderbirds, leading the performances of this famous group throughout the world. After studying at the National War College, General Maglione served as Chief of the House of Representatives Liaison Office before returning to Arizona as commander of the 3525th Pilot Training Wing. From 1972 until 1974, General Maglione served in the Military Assistance Command Vietnam and the defense attaché office in Saigon. He then assumed the responsibilities of Deputy Director of Legislative Liaison in June of 1974 and became the Director of that office in August of that year.

General Maglione is a command pilot with more than 5,500 flying hours. His military decorations and awards include the Distinguished Service Medal, Silver Star, Legion of Merit with one oak leaf cluster, Distinguished Flying Cross with one oak leaf cluster, Air Medal with five oak leaf clusters, Joint Service Commendation Medal, Air Force Commendation Medal with one oak leaf cluster, Army Commendation Medal, Purple Heart, Presidential Unit Citation Emblem, and Air Force Outstanding Unit Award Ribbon with one oak leaf cluster.

I want to call to the attention of all my colleagues the retirement of this distinguished and able officer from the U.S. Air Force today. His dedicated service and tireless efforts have been of great benefit to this body, particularly those of us who deal frequently with legislative matters affecting the Air Force and the Department of Defense. I know that I speak on behalf of the Senate when I extend to General Maglione a hearty "well done" for his dedicated service of over 27 years to the Nation, the U.S. Air Force, and the Congress. While we regret that by virtue of his retirement we will no longer have the benefit of his diligent service and assistance, we nonetheless extend to him our most sincere wishes for his continued success and happiness.

THE PLIGHT OF THE CATTLEMEN

Mr. CHURCH. Mr. President, the Washington Post began a series of articles on the cattle industry on January 30 which points out what many of us have known for a long time: this country's cattlemen are suffering staggering losses.

Anyone familiar with the industry knows that this depressed condition is by no means a recent phenomenon. The great exodus of ranchers and farmers from the cattle business began over 3 years ago and the end is not yet in sight.

Some cattlemen in Idaho have lost as much as $75 a head and others, the first article indicates, stand to lose everything they have worked to build.

This tragic story of "boom and bust" is still unfolding and the future for many cattlemen appears grim. There are measures that Congress can adopt to aid the industry such as preventing the circumvention of existing meat import quotas and requiring that imported beef meet the same rigorous standards of purity as domestic beef. But the real need is for a national farm policy that does not promote the "boom and bust" cycle that puts consumers and producers at odds.

I commend the two articles which have thus far appeared in this series to my colleagues for they begin to explain a serious situation that has failed to receive detailed examination by the media until recently.

I ask unanimous consent that the first two articles in this series be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 30, 1977]

U.S. BEEF ECONOMY AT A CROSSROADS—THREAT OF FINANCIAL RUIN HANGS OVER THE CATTLE INDUSTRY

(By Dan Morgan)

MALDEN, COLO.—In the back country ranges of the Rocky Mountains, ranchers such as Bob Brownlee have been fighting a constant battle against winter this year.

On a recent day when the temperature was near zero, Brownlee and his son-in-law, Newell Geers, were hacking a hole in the frozen creek with a double-edged axe to find water for the cow herd, and giving out whoops of joy when a trickle of water appeared. Then they were off in their pickup truck, bumping across a washboard pasture and dropping off hay for the animals.

It was all part of the cycle of work at the far end of the country's beef pipeline, the $20-billion-a-year system that keeps Americans supplied with the juicy steaks and hamburgers that are almost a national symbol of American affluence.

Yet raising beef animals today is anything but a sure way to prosperity.

The threat of economic ruin hangs over the cattle industry, and the American beef economy is in the throes of major changes brought about by the heaviest losses since the Dust Bowl days of the 1930s.

Even in this remote valley, circled by mountains and once populated mainly by prairie dogs, antelope and Indians, ranchers are feeling the painful effects of sweeping economic and social developments over which they have had virtually no control.

Brownlee reckons that he lost $30,000 on his 1,500-acre operation in 1976, and he may have been lucky. As far as he is concerned consumers are getting a bargain on beef while he has been taking a financial beating. Brownlee and the ranchers around here have lost money most of the last 36 months. Yet the price of steaks and hamburger in supermarkets is about what it was three years ago.

Paradoxical as this situation may seem, economic analysts say it is logical. But the same logic holds that the situation is certain to be reversed. Then it will be the turn of American consumers to pay more for beef.

Starting in 1967, cattlemen steadily increased the size of their herds, from 108 million head then to 131 million head in 1975.

By late 1973, there was too much beef going to market. Retail stores had to keep prices low in order to sell it all. These low prices were passed back through the beef pipeline to wholesalers, meat packers, cattle fattening yards, and finally to ranchers.

All through the period, inflation and higher prices of hay, corn and other animal feeds were adding to the costs of running ranches and farms, even as the prices that the cattlemen received when they sold their young steers and heifers in the fall was staying too low to make money.

Ranchers began reading the economic message they were getting two years ago and reacted by reducing the size of their herds. Since then, a beef slaughter unprecedented in the history of the United States has been under way.

In 1973, only 33 million animals were butchered. The number jumped to 36 million the following year, then to a record 40 million in each of the next two years. The total number of cattle in this country declined in 1976 by 4 million. More important than that, the country's cow herd—the "factory" that produces tomorrow's steers and heifers—has been drastically depleted.

In 1976, 10 million cows were killed, about twice as many as three years earlier. Most of them were ground up for hamburger meat.

Consumers have been the immediate benefactors of this massive slaughter. It has helped to hold down beef prices at a time when everything else seems to be going up.

Consumers ate up all the meat that came to market, but only after retail stores had set a price for it that was low enough to induce them to buy. Americans tend to spend a constant 2.5 per cent of their money for beef. When it is a good bargain they buy more, and when it is expensive they switch to other food, such as cheaper pork or chicken. With beef prices fairly reasonable in 1976, they ate a record 129 pounds per person, compared with 116 pounds four years earlier.

In effect, Americans are eating their way out of a huge surplus of beef.

Brownlee and ranchers such as him still have a fundamental faith in the laws of supply and demand. They figure that when less meat goes to market, prices should start to rise again and they can begin turning profits.

But nobody knows for sure when the losses will end in the cattle industry. If the prices of steak and hamburger rise too abruptly, consumers might switch to pork, poultry, or even spaghetti. That happened in the 1973 beef boycott, and it sent prices plummeting. If it happens again, it could signal a fundamental change in the American diet.

Americans have eaten a steadily increasing amount of beef since 1920, but there are at least some signs that the trend is ending. If it is, cattlemen could be in for some further unpleasant shocks.

In the 90 years since settlers moved into this valley the grassy ranges have been fenced, a railroad spur has been driven through from Wyoming, and oil and coal companies have dug wells and opened surface mines. But cattle is still a mainstay of the economy.

At Brownlee's Bar-Slash-Bar ranch, the cycle of breeding and birth sets the agenda for the farm work. The 550 cows in the herd will have their calves in April. Brownlee, Geers and a hired hand will take up a 24-hour vigil then, checking on the mothers and calves and scaring off intruding coyotes with spotlights. It costs about $176 to keep one of the cows for a year. That is money down the drain when a young calf dies or is killed.

In August, the father and son-in-law will become cowboys, riding horses to round up cows and head them back to the pens around the barns for artificial insemination with bull semen.

They will also turn bulls loose in the herd as a failsafe measure in case the artificial breeding doesn't work. There are no second chances for cows. If they fail to get pregnant, they are sent to the packing house.

This same breeding cycle also imposes a

rigid, economic framework on the rancher's operations.

In a few months, Brownlee will be making decisions that could have financial repercussions in 1980.

This fall, Brownlee will decide how many of this spring's calves to keep as replacements for old cows sold for hamburger. These heifers won't be bred until the summer of 1978. They will calve in the spring of 1979, and the steers or heifers they produce won't be ready for slaughter until mid-1980. Only then will Brownlee get a return, unless he decides to sell the animals when they are younger.

Brownlee finds himself locked into such a cycle now. He figures he needed to get 65 cents a pound for the 450-pound steer calves he was ready to sell last December. But the best offer he got was 36 cents a pound. Rather than lose money, he decided to place them in a fattening yard in Greeley, Colo. He says he needs 45 cents a pound for the fattened animals. But packinghouse were paying under 40 cents in late January.

Last fall he lost $26 a head on the full-grown animals he sold to a packinghouse. At some periods in the last three years, cattlemen have lost as much as $100 a head, according to the U.S. Department of Agriculture.

The atmosphere was all gloom at a weekly cattle auction at the Greeley Producers Public Stockyards in January.

Standing in front of a big sign that said, "Enjoy Beef Everyday," a professional auctioneer called out asking prices and offers to rows of overalled cattlemen, as a cowboy cracked a whip and drove the animals into a sawdust covered corral. When the animals got rambunctious, cowboys in the corral stepped behind wooden barriers.

Tom Nix, a 61-year-old farmer from Eaton, Colo., sold 35 steers to another farmer, Don Anderson. Nix had bought the animals in September and "grained them," fed them corn for the last month, waiting for cattle prices to start up. But he had grown tired of waiting.

"I don't know how he (Anderson) can buy 'em and still expect to make money," he said.

The government doesn't have any exact estimates of the cattlemen's losses, but bankers say they are in the billions dollars. The cattle industry is stretched financially to the breaking point.

Denver banker Ron Hays says the debts of ranchers and cattle fatteners are "staggering," because they have acquired huge long-term mortgages from banks to cover the costs of their losing operations.

Hays said that because of the great demand for money insurance companies such as Prudential, Connecticut General and Connecticut Mutual have moved aggressively into agricultural lending in the West, using land as collateral.

There have been few actual foreclosures of the kind that swept the West after the 1930's Depression. However, many hard-pressed cattlemen have had to raise money to keep operating by putting first and second mortgages on their property. This has been possible only because land values have risen rapidly.

The rising land values have provided a safety net for the western cattlemen. East of the Rocky Mountains, in Colorado, South Dakota, Oklahoma and Texas, undeveloped pastureland that can be irrigated for crops has jumped in price from around $150 an acre to nearly $1,000.

Inflation, climate, and population growth have played a part in rising western land values, but so has the increased return on crops such as wheat and corn after 1972.

Thousands of acres of grasslands have been switched to crops as prices of those grains rose.

The equation of land, crops and cattle does not seem to be working to the long-range advantage of consumers. At some point, beef prices will have to reflect the price of the land on which the cattle are raised. If they do not, farmers and ranchers will find other uses for their valuable real estate. That can only mean less beef at higher prices.

CATTLE FEEDLOTS IN ECONOMIC PINCER

(By Dan Morgan)

KUNER, COLO.—Today's beef animal has been called " a hide stuffed with corn."

That is a good description of the 75,000 cattle living at Monfort of Colorado, Inc.'s sprawling computerized fattening facilities just east of the Rocky Mountains here.

Each animal will devour more than a ton of corn during the four months its spends in Monfort's mile-and-a-half-long, labyrinthe feedlot. At the end of the four months, the animals will weigh a half-ton each and will be ready to go to Monfort's own, high-speed slaughtering plant 15 miles away.

Twenty-five years ago such mammoth beef fattening facilities were almost unknown in the United States, just as they still are in most other countries. But today most of the choice steaks and ribs that Americans buy in stores and restaurants have been carved from animals fattened in places like it.

Looked at one way, Monfort's feedlot is a highly efficient factory for turning the protein of plants into meat.

A computer calculates daily feed rations of corn, silage, wheat, hormones, vitamins and supplements for the cattle in each pen, according to the age, weight and condition of the animals.

Corn hauled in by the rail carload is processed into corn flakes to make it easier to digest. Nutritionists check the progress of the animals and when all goes well each steer gains 2.6 pounds a day until it reaches 1,100 pounds and is ready for slaughter.

For all their efficiency, huge cattle feedlots such as this one are under attack as wasteful and possibly uneconomic—as symbols, in fact, of an era of American agricultural abundance and luxury that may be passing.

It takes about six pounds of corn to add a pound of meat, fat and bone to beef cattle. Humanitarian organizations say this is wasteful in a world of widespread hunger and malnutrition.

Others say it is unhealthy. The Senate Select Committee on Nutrition and Human Needs issued a report in January saying that the American diet, which includes a steady fare of fatty, grain-fed beef, contributes to obesity and illness.

And in the last three years, a sharp increase in the price of corn—the raw material of these fattening facilities—has raised doubts about their economic future.

Fifty years ago, grass was the main food of beef animals. Cattle came off ranges and pastures to be slaughtered after eating hay, wheat shoots, alfalfa, or the plentiful mesquite, brome and buffalo grasses of the western plains and prairies.

As the nation's corn supply became more plentiful because of new hybrid seed varieties and powerful chemical fertilizers, some Corn Belt farmers started buying young steers from western ranches and fattening them on local grain.

These animals reached full weight faster than if they had been fed only grass and hay, and their meat tasted juicier and was less lean.

Then, in the 1950s, another phase began with the opening of giant commercial facilities that could fatten from 30,000 and 100,000 animals at a time.

These enormous feedlots, which had a voracious need for more and more corn, had a major impact on American agriculture and on American diets. Many of these commercial cattle fattening operations set up in dry southwestern states such as Texas and Arizona rather than in Iowa and Illinois where animals often lost weight slogging through the Corn Belt's winter mud.

And the rapid growth of the big feedlots made possible by a plentiful supply of extremely cheap corn, vastly increased the amount of inexpensive, grain-fattened beef that consumers could buy.

Between 1960 and 1976, Americans increased their beef eating from 85.1 pounds a year to almost 129 pounds each. And the number of cattle fattened in feedlots nearly doubled from 7 million head to over 12 million. The animals in the feedlots are only one stage removed from the juicy steaks treasured by American consumers.

Today, however, fundamental and perhaps permanent changes are under way in the American beef economy, spurred by a bewildering array of social and economic developments. And the big feedlots are at the center of the storm.

One of the major developments is the rise of the fast food industry. The billions of hamburgers sold by McDonald's so far is indicative of the evolution of this country into a hamburger eating society. Fast-food restaurants specializing in hamburgers are spreading, and almost half of the beef eaten in the United States is now in hamburger form.

Hamburger meat doesn't have to be made from beef animals fattened on corn. Some of it comes from the ground-up trimmings of carcasses of beef animals from feedlots. But a substantial amount is made from lean, imported beef, or from ground-up cows that spent most of their life eating hay and pasture.

At the same time, a sharp increase in corn prices that started in 1973 has completely upset the old profit-and-loss equation that made feedlot operators rich in the 1960's and early 1970's.

In 1972, it cost less than 30 cents to add one pound to a beef animal in a fattening yard; today it costs as much as 45 cents, and in some periods of the last three years the cost was more than 50 cents. The increased price of corn is the main reason.

These changes have already caused substantial adjustments in the operations of feedlots. Monfort and other operators are economizing by shortening the time they feed corn to animals.

Even so, the fattening yards have been caught in an economic pincer of high feed cost and low market prices for the fattened cattle. Monfort, which may be the world's largest, lost $10 million on its feedlot operations in the last fiscal year.

Surprisingly, the company's president, Kenneth W. Monfort, says he feels the adjustment may be a good thing. When corn was very cheap some calves were put on a heavy corn diet when they weighed as little as 350 pounds and left in fattening pens for a whole year. The final month tended to add fat but not much meat.

Monfort says this practice was extremely wasteful. "We're in the process of going back to a more reasonable industry," he says. "We have a cattle feeding industry with twice as much capacity as we really need. We're trying to eat our way out of a problem."

When grain prices were low and cattle were bringing good prices in the 1960's, the beef business was a glamour field. Thousands of wealthy outsiders, ranging from Hollywood stars to big city dentists, bought steers from ranchers and turned them over to professionally managed feedlots for fattening.

The beef boom encouraged the spread of commercial cattle fattening in the Southwest, particularly in the Texas panhandle. At the peak of the boom nearly half the cattle being fed corn were in those big commercial foodlots, the government estimates.

Outside newcomers, nicknamed "Wall Street cowboys," owned a substantial amount of the cattle, and corporate conglomerates, meatpacking companies and grain exporting firms also bought up some feeding facilities. Many private investors were apparently lured by the possibility of using the feedlots to shelter some of their income from federal tax liabilities.

Subsequently, these investors lost millions of dollars, and may have withdrawn their money.

"We overbuilt our feedlot capacity in this country by 20 per cent," says Bill Jones, executive vice president of the National Cattle Feeders Association. "Before the energy crunch it looked as if the demand for meat protein would never stop growing. We were jerked up short," he said.

Some of the big commercial feedlots built in Texas have closed down, and at least one major one went bankrupt.

The farm magazine, Agri Finance, reported last summer that outside investors were "waiting in the wings" to buy cattle again as soon as it became more lucrative.

Yet, many farmers, feedlot operators and their bankers are wondering when, if ever, that will be.

The cattle fattening industry in the United States, and the era of inexpensive grain-fed beef, was based upon a seemingly limitless supply of cheap corn. That luxury existed in no other country in the world and it helped to explain why the cattle feedlot is a uniquely American institution.

Beef animals eat nearly one-sixth of the country's corn crop every year—and America grows half of all the world's corn.

Today, it is by no means certain that corn will ever again be available at bargain prices. The price of growing corn has been increasing, because the higher costs of petroleum-based fertilizers and pesticides, and rising land prices, have made crop farming a costly business.

The American beef economy is also indirectly experiencing the impact of global economic and diplomatic developments over which it had little or no control. The demand for American corn has been steadily increasing abroad, as foreigners eat more hogs and poultry and need grain to raise the animals.

In 1972 and 1973, U.S. corn exports jumped from 27.1 million metric tons to 43.1 million tons, partly because of the Russian grain purchases, which were part of Washington's detente strategy.

Then the weather gave the agricultural economy another jolt.

In 1974, the drought-stricken crops in the United States were so poor that the country would have had to import grain if American livestock and dairymen had used as much grain as they had in 1973. They didn't, though, because corn prices reached record levels as foreign buyers outbid users of corn here at home. In Washington, officials argued that the country needed these sales abroad to help offset the cost of importing more and more expensive oil.

In that respect, the American beef industry has been a major victim of the 1973 price hikes by the oil producing countries.

Many farmers slaughtered their animals instead of paying more for grain. This process of killing animals instead of feeding them is still under way in the beef industry.

Most predictions are that there will be much smaller supplies of corn-fattened beef coming to market by late this year. That could push up prices. If consumers refuse to pay those prices—which should then begin to reflect the higher price of corn—cattlemen might be forced to turn to more economical ways of producing beef for the nation.

Cattle industry officials insist that there can be no permanent return to the days of raising beef on grass and pasture. They say there is not enough good grazing land to support the country's 127 million head of cattle. That is especially true in the West, where most of the cattle are.

The American National Cattlemen's Association disputes claims that animals could be raised more cheaply on grass. ANCA says farmers would have to keep animals a year longer on hay and pasture than on corn to reach full weight. During that time, ranchers would have to pay for hay (now selling at $50 a ton) and other expenses. Ultimately, ANCA insists, a grass-fed steer would cost only a few dollars more than a corn-fed one, and its carcass would produce less usable meat.

Young steers and heifers could be slaughtered instead of being sent to feedlots—but at that stage of their growth their carcasses are bony, not meaty.

Yet farmers do raise beef cattle on nothing more than pasture, hay and silage. That is done in the East and South, where extremely thick pastures can support large numbers of cattle per acre.

To some, that seems to be an appealing model.

"There will be less and less beef that's fed a lot of grain," says a Denver banker. "The fact is you can still turn out a beef animal into the desert and he'll survive. He'll put on half a pound a day instead of two and a half—but he'll survive."

SELF-RESTRAINT

Mr. HART. Mr. President, I had a letter from a constituent of mine a few days ago which I would like to share with my colleagues. In her letter, Mrs. Arlene Burkhart pointed out that we in Congress lack the confidence of our constituents not because of the inappropriate or unethical conduct of a few, but rather because we fail to convince them of our worth as competent legislators. She is less concerned with our ability to be prudent politicians, than with our ability to govern wisely.

It is said that wisdom is derived from good judgment, which, in turn, comes from bad judgment. Before Congress established its budget process, the atmosphere in these Chambers was ripe for developing good fiscal judgment the hard way. Now we have budget procedures to help determine whether measures make fiscal sense. Mrs. Burkhart sees a need to establish similar criteria to determine whether legislative proposals make philosophical sense.

Mrs. Burkhart urges legislative self-restraint—restraint against Members of Congress introducing and passing every item of legislation conceivable. But there must also be citizen self-restraint. In my experience, legislation results from citizen pressure. Every group in our society wants help from the Government. To have less Government, citizens must make fewer demands.

I invite my colleagues to consider her suggestions, from which I think we may all benefit.

I ask unanimous consent that Mrs. Burkhart's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MONTE VISTA, COLO.,
January 19, 1977.

Senator GARY HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: Thank you for including us on your mailing list for "Roundup 1976". I was interested in your comments upon the importance of re-establishing trust in government. I agree with you that this is essential if our system of government is to remain viable.

However, I cannot agree with the conventionally-accepted explanation of the causes of the lack of trust the people of the United States show toward government officials.

These of course, include Watergate, non-typing secretaries, South Korean parties and the susceptibility of some Congressmen to pressure from "special interests".

There have been scandals in government through the ages, and probably always will be, since those who govern are just like those they govern—they come in all shades of ethics. In the past, the public has deplored improper conduct when it was brought to light—sometimes, but not always, voted out the perpetrators of the outrage but has not extended its disapproval of the individuals involved and of their conduct into a distrust of government in general. The fact that some of those involved in recent scandals were re-elected in November indicates that public attitude toward pecadillos in high places hasn't changed too much.

I feel that to continue to blame Watergate (if we're Democrats) or Elizabeth Ray (if we're Republicans) for the distrust of government is to blind ourselves to the real causes, which lie in an entirely different direction.

This is, quite simply, the tremendous gap between intention and performance—the fact that government simply isn't working.

The citizen hears about, and frequently credits, the good intentions with which our legislators are blessed. But each of us is best acquainted with government at the level where it affects us as individuals. And on this level, it is creating many more problems than it solves, and is not solving the problems it is intended to solve.

The function of a legislator in a democracy is to pass laws that promote the general welfare. Today's legislators are proliferously passing laws—but too few of these laws are promoting the general welfare.

This multiplicity of laws—of laws that are inequitable, of laws that the individual cannot understand (nor the lawyer, as far as that goes), of laws that create two problems in attempting to solve one, of laws that subject the citizen to arbitrary action by administrative officials—has created a disrespect for all law, and for those responsible for making and administering our laws.

I can see only one solution to this problem—only one way to restore the trust of the individual in government. It is not a solution that will produce magic results, but I feel it will work in the long run. It most certainly is not the passing of another law—not even a law to limit lawmaking.

Each Congressman who wishes to earn the trust of his constituents has merely to practice self-restraint, both in the laws which he proposes and in the laws for which he votes.

I feel that each Congressman should apply the following criteria to every law for which he votes, and should not vote for a law unless he is convinced that it meets all of the criteria:

1. Does a need exist which might be met by passage of a federal law?

2. Is it a proper function of the federal government to attempt to deal with this need, rather than a matter best left to local or state government or to the non-governmental sector of our society?

3. Is it possible for the federal government to meet this need—that is, does the government have the legislative and administrative skill needed to create and administer a program which will meet this need?

4. Is the proposed law so drafted that:

a. It is clear and understandable?

b. It applies to all individuals or groups in the same situation?

c. It clearly sets forth the power of those charged with its administration, and as clearly sets forth the limits of their power?

d. It provides separate avenues of enforcement, so that administrative officials do not also have quasi-judicial powers?

e. It clearly sets forth the goals it is intended to achieve, and provides for periodic review to determine whether or not it is actually accomplishing these goals?

f. It is limited as to time and requires positive action for its extension.

g. It repeals all laws with which its provisions are in conflict, and makes provision to avoid overlapping with other laws and consequent administrative confusion.

h. It does not create new problems in its efforts to solve present problems.

i. It serves the interests of the nation as a whole, rather than promoting the interests of one group of citizens at the expense of the rest of the people.

I realize that for each Congressman to subject each law to this rigid test would mean that only a few laws would be passed each legislative session.

I think that would be the best thing that could happen to our country, and the only thing that will restore public confidence in representative government.

For if Congressmen exercise self-restraint, the administrative branch of government will have to do the same—with fewer and better laws to administer, the growth in bureaucracy will be halted and even, possibly, reversed.

So, to the ways you have listed by which you are attempting to earn the trust of your constituents, please add one more—please make a belated New Year's resolution to give up lawmaking—at least, for Lent.

Sincerely yours,

Mrs. WALTER (ARLENE) BURKHART.

GIVING IT BACK TO THE INDIANS

Mr. ABOUREZK. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an article from the February 1977 issue of Atlantic Monthly which explains in depth the controversy in Maine pertaining to Indian lands in that State.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GIVING IT BACK TO THE INDIANS

(By Robert McLaughlin)

(NOTE.—Maine's 3000 Passamaquoddy and Penobscot Indians claim they are the rightful owners of more than half the state (12.5 million acres) and have asked for $25 billion in back rents and damages. Here is the story of a case that may change the economy of Maine and the lives of its people.)

When the phone rings in the office of Michael Lachance, town manager of Millinocket, Maine, he likely has a problem. Possibly a small matter: a check that needs countersigning, an accumulation of leaves in a storm gutter somewhere in town. The problem may also be a large one. This particular Friday it was a stunner.

In the summer of 1976, Lachance and Millinocket's councilmen resolved to finance continued work on its badly needed waste water treatment plant with a $1 million bond issue. Enter Ropes & Gray, a Boston law firm with a national reputation as counsel to potential buyers of state and municipal bonds.

On Friday, September 24, 1976, Lachance got his fateful phone call, from a lawyer at Ropes & Gray calling on behalf of Warren Carley, senior partner and supervisor of bond market activity for the firm. Something, to put it mildly, had come up. Lachance now had a larger problem than he or a great many other town managers in or near Maine's northern forests could possibly have imagined.

According to Carley, his firm had recently learned that after fifty years of preliminary litigation the Passamaquoddy and Penobscot Indian tribes of Maine, backed by the U.S. Interior and Justice departments, would soon go into Maine federal court to reclaim title to their "aboriginal homelands." The 12.5 million acres in dispute, 58 percent of the state of Maine, embrace a third of the state's population and 100 of its cities and towns, including Millinocket. Because of the pending claim, Carley believed, title to all land throughout the claims region was uncertain. Ropes & Gray would not give an "unqualified" opinion on Millinocket's bond issue. In bond market language, that meant the bond was unsalable.

This was the first indication of the extraordinary implications of the largest Indian claim to land or damages ever brought to court in the history of the nation, implications which have begun to be sensed by thousands of rural Maine homeowners as well as the White House, the U.S. Justice and Interior departments, and members of Congress.

A few days after the call from Ropes & Gray, State Treasurer (and former Maine commissioner of Indian affairs) Rodney Scribner startled the Maine press with the news from Millinocket and announced that he was delaying a $27 million issue by the Maine Municipal Bond Bank, scheduled for sale the next day (Wednesday, September 29) on behalf of towns, schools, and hospital districts both in and out of the claims area.

One day later, Maine Governor James Longley anounced the appointment of a blue-ribbon committee to measure the full potential impact of the tribal claims upon the economy of the state. Governor Longley also called U.S. Treasury Secretary William Simon (a recent summer guest of the governor's), Interior Secretary Thomas Kleppe, and the Maine congressional delegation, then flew to the nation's capital. The governor and his men spent two days in Washington moving from one meeting to the next, struggling to understand why a seemingly quixotic suit filed by two obscure Indian tribes could so disrupt the commerce of a sovereign state, why the Justice and Interior departments on behalf of the federal government were representing the tribes, and what, if anything, could be done to restore clear title to the disputed Maine territory. Among other things, Maine officials wanted federal bond and loan guarantees, direct short-term loans, and a change in the rules of the game by Congress, in the form of a law that would prevent the tribes from getting any land as a result of the claims litigation, whatever the merit of their case. Unfortunately for the peace of mind of Maine's official delegation, neither the federal government nor Congress could oblige. The governor's men, for the first time after several years of litigation, began to understand the strength of the tribes' legal position.

On Friday, October 1, as Congress adjourned, Scribner canceled the Bond Bank sale altogether.

William Bullock, president of Merrill Trust Company in Bangor, is chairman of Governor Longley's committee on managing the impact of the tribal claims. It is his job to figure out where—in the absence of salable bond issues—municipalities in the claims region can find the roughly $100 million they need during the first four months of 1977 for capital projects and operating expenses. "The purpose of this committee," says Bullock, "is to think the worst and to come up with solutions at each point in the litigation so we can have business as usual in this state."

Where will the money come from? State Treasurer Scribner, a good bit less sanguine, says, "Nobody knows. But it *won't* be 'business as usual.'"

Even worse news lies ahead. Once the specific claims for 12.5 million acres and a staggering $25 billion in back rents and damages have been formally filed before a federal district court, legal notice of the pending suit will be required in every real-estate transaction in the claims region. This will prevent title attorneys from clearing titles and so, in effect, prevent the transactions from taking place. Says Scribner, "The public financing picture can't get any worse. The second wave of alarm will rise from individual landholders. You'll see a large-scale unemployment among real-estate salesmen and brokers—800 work in the Bangor area alone, and many of them are thinly financed. Attorneys who do a large volume of title work will be hurt. The impact would then build and flow through to the construction market: contractors, laborers, and skilled tradesmen. I see that happening over the next few months. If the crisis continues, it will hit the financial institutions that depend upon mortgages for re-investment of incoming funds. They'll have to find other places to invest at 9 percent or more and that will increase the flow of capital out of Maine into other states. Then these banks will lose the capacity to resume or re-create the mortgage market quickly or easily. This is the way things will snowball."

In late October, after a conference of the federal, state, and tribal lawyers involved in the litigation, Judge Edward Gignoux set January 15 as the deadline for filing the claims. Gignoux later told reporters that litigation would take anywhere from two to ten years to resolve the claims.

Surprisingly, only Maine Attorney General Joseph Brennan is pressing for litigation. The tribes have said for twenty years that they'd prefer to negotiate a settlement, but Brennan adamantly asserts, as have his predecessors, that the claims have no merit and he wants to prove that in court.

If Maine's governor disagrees with Brennan's position—he hedges by calling it "the advice I have thus far"—he isn't saying so.

The Maine Indian case began with some long-forgotten papers found at the bottom of a cardboard box beneath the bed of an old Passamaquoddy woman who lived in the far northeastern forest section of the state. "She didn't read or write," Indian spokesman John Stevens remembers, "and she spoke very little English, only Passamaquoddy. One day she said to me, 'I have some old documents you should see.' And I went over and I looked at the documents, and one was that treaty of 1794. The paper was so fragile I hesitated to turn it. It dated from the Revolution. I even

found letters received from George Washington. I'd been looking for that treaty for almost four years." The year was 1957, the place, Indian Township in eastern Maine, one of the two reservations of the Passamaquoddy, near the juncture of New Brunswick and the Atlantic Ocean.

As a marine in the early fifties, John Stevens had seen in devastated Korean villages an image of the poverty and dependence of his own people. "Korea looked so much like the reservation I took a vow—to myself: that I would come back, that I would try to change some of this." In 1953 at the age of twenty-one, Stevens ran for governor of Indian Township, his native reservation, and won by a single vote. To the extent that such things can be located, this election marks the starting point for the assertion of Maine's tribal claims.

When he became governor at Indian Township, Stevens was most gravely concerned about the legal integrity of the tribe's treaty lands, the basis of their tribal life. The tribe knew that when roads, including U.S. Route 1, had been built through the reservation no one had asked them for the land. No one had paid them for it either. The same was true for large acreages, along Route 1 now owned and occupied by non-Indians. No one knew how these lands had been lost, if more land might be seized, or if that could somehow be prevented. No one knew if the lost land could be returned. This last question is what so possessed John Stevens. And when the treaty was at last rediscovered, after a disappearance of 163 years. Stevens saw that his direction was clear.

The Passamaquoddy Treaty of 1794 is between the tribe and Massachusetts, but under the articles of Maine's separation in 1820, the new state supposedly became obligated to the fulfillment of its terms. Stevens learned that in exchange for nothing the treaty purported to take from the tribe all of their aboriginal lands, with the exception of permanent state protection of their title to ten acres at Pleasant Point, fishing rights, and fifteen islands in the St. Croix River, two islands in Big Lake, and the 23,000 acres that constitute Indian Township itself. Here at last were the words Stevens had sought for so long. He knew that since 1794 the islands and at least 6000 acres of the township had passed into the control of non-Indians.

Stevens packed a council of tribal elders into his old Chevrolet and drove 200 miles to the statehouse in Augusta. The state's attorney general, whom they had expected to see, was "too busy." An assistant smiled at them and wished them luck if they should ever take the matter to court. "Court," Stevens says now, shaking his head. "I had the dream of not ever going to court."

For the next nine years Stevens brooded upon the baffling wilderness of litigation and judicial process which stretched before him. Time and again he tried and failed to find a Washington County lawyer willing to take on the burden of research—and local hostility—the case presented, at a price acceptable to the tribe. In 1966, his problem was solved in a most unlikely way.

A non-Indian owner of commercial cottages, who occupies part of the alienated 600 acres at Princeton (the village bordering Indian Township on the southeast), decided to build new cottages and force three tribal families off land which a warranty deed described as his property. The tribe responded with a sit-in led by Stevens. Construction was halted briefly and several tribal members were arrested on trepass charges. Their defense was the treaty of 1794.

The charges were dismissed on technicalities by a state district court judge who ignored the treaty issue. But Stevens had managed to attract the interest of Donald Gellers, a young attorney from Eastport, who defended the tribal members and agreed to pursue the claims to the extent that both he and the tribe could afford. Supported by the proceeds from tribal bake sales and beano games, Gellers, a newcomer to Maine, pursued his solitary research. During the summer of 1967 he was joined by a law student named Tom Tureen. By the time Gellers' life-style led to his arrest and conviction on drug charges—then a felony—Tureen's interest in the tribe had brought him back to Washington County as a lawyer. He had become the one-man Indian unit of the state's new legal services program, funded by the Office of Economic Opportunity, with a mandate to investigate the legal situation of the Passamaquoddy and all other eastern Indian tribes. When the tribe was forced to fire Gellers in 1970, they hired Tureen. It was a fateful decision.

Tureen's first encounter with Indian matters came at the end of his sophomore year at Princeton. Through a friend of his father's, Tureen got himself a job on the high plains at Pierre, South Dakota, where, in the summer of 1964, he taught Indian children in the boarding school at the Pierre Indian Agency. "It was a federal enclave," Tureen recalls. "And we had all these Indian kids there who had been taken away from their parents for the summer. The government had the power to do that because of some special governmental relationship I didn't understand. On the reservation I saw the extent of control the government had over all aspects of tribal life. The thing that drew me into law in the first place and the thing that fascinated me about the Indians was this legal relationship. The balance of power intrigued me. I began to wonder how that balance could be shifted."

Tureen took up the pursuit of the Passamaquoddy claims in 1970, uncertain of his exact route. His first move was to affiliate himself with the Native American Rights Fund (NARF) in Boulder, Colo., organized that same year by the Ford Foundation and three legal service lawyers based in California as a "national Indian law firm," and also with Hogan & Hartson, a major Washington, D.C., law firm that agree to donate consultation time. Then, in search of a favorable course, he began by exploring the law and the comparative legal experience of western and eastern tribes.

The surviving western tribes have remained highly visible ever since their earliest contacts with non-Indians, which occurred after the colonies had become the United States and long after many eastern tribes had been obliterated. Tribes indigenous to the West as well as those forcibly removed there in the first half of the nineteenth century have a legal relationship with the federal government known as the "trust relationship."

The statutory basis for this relationship has been fashioned by Congress from the language of the Commerce Clause of the Constitution, which gives the federal government, as opposed to the states, what the Supreme Court has held to be exclusive power and responsibility in Indian affairs. One of the first pieces of business of the First Congress was the Indian Non-Intercourse Act of 1790, permanently codified in the 1830s. The intent of Congress in creating the Act, according to the Supreme Court, was to obligate the federal government to assert its constitutional power in order to protect a "simple, uninformed people, ill-prepared to cope with the intelligence and greed of other races," and to act "to forestall fraud" to "prevent the unfair, improvident of improper disposition by Indians of their lands." The Non-Intercourse Act states unequivocally that any land transactions between an Indian tribe and any non-Indian party must be supervised and specifically ratified by Congress on behalf of the sovereign United States. Any unratified transaction, it says, is "null and void."

But the trust relationship itself wasn't formulated until Chief Justice John Marshall, using the Commerce Clause and the Non-Intercourse Act as bases, wrote a series of major Supreme Court opinions at a time when the lack of a precise judicial doctrine clarifying the legal relationship between the United States and its native peoples began to generate lawsuits. In 1831, observing that "the condition of the Indians in relation to the United States is perhaps unlike that of any other two people in existence," Marshall described the tribes as "distinct political communities, having territorial boundaries, within which their authority is exclusive and having a right to all the lands within those boundaries, which is not only acknowledged, but guaranteed by the United States." But, he declared, the tribes no longer held the status of foreign nations. "They may, more correctly, perhaps, be denominated *domestic dependent nations*," Marshall wrote. "They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases. Meanwhile they are in a state of pupilage. *Their relation to the United States resembles that of a ward to his guardian.*"

Since the Marshall Court, a long line of federal court opinions have elaborated the trust relationship, holding that the nature of the federal government's guardianship role under the law is specifically that of a trustee, whose duty and obligation to the tribes is "fiduciary"—that is, to act exclusively for the benefit of the tribes in matters affecting their interests.

As he went to work for the Passamaquoddy, Tureen was aware that the trust relationship is an old, well-established doctrine in federal law whose potency has steadily increased with time. It amounts to the only "constitution" the tribes have to define and protect the terms of their separate and special Indian citizenship.

By joining the Passamaquoddy, Tureen faced an enforcement problem of alarming proportions, because the Passamaquoddy were among those outcast American tribes known as the eastern Indians. The Passamaquoddy and Penobscot tribes had not ceased being tribes, but their treaty was with the State of Maine, not the federal government; their reservations were state reservations, not federal enclaves. They were even called "State Indians." Their affairs were supervised not by the federal BIA, but by the Maine Department of Indian Affairs. No federal trust relationship was recognized here; no Indian constitution was believed to apply. This was because the original thirteen states have behaved since 1789 as if they retain the sovereignty in Indian affairs delegated by the Crown under their colonial charters, as if neither the Non-Intercourse Act nor the exclusive federal jurisdiction of the trust relationship has applied to them or to the tribes within their borders. And the federal executive branch has done little to assert its authority in those states or to meet its responsibility to the tribes. This collective behavior is known as "the thirteen original states doctrine," and long before 1970 it had become widely accepted as not only legitimate but unquestionable. So, as Tureen began shaping a strategy for the Passamaquoddy treaty claims, this doctrine captured his imagination.

By autumn of 1971, his basic research had been completed and a portion of it published as an article in the *Maine Law Review* in order, said Tureen in 1973, "to prepare the

Maine bar for what was about to happen." In December he put his findings before an awestruck tribe. Neither in the plain meaning of the words of the Non-Intercourse Act, Tureen declared, nor in the words of any judicial opinion could support be found for the thirteen original states doctrine. Therefore, he said, the 1790 Non-Intercourse Act applied to the Passamaquoddy. Moreover, he revealed, the 1794 treaty had never been ratified by Congress and according to the terms of the Act was therefore "null and void." This meant, Tureen concluded, that the tribe had never relinquished—nor had the sovereign United States ever extinguished—its aboriginal title.

With a mandate from the tribe, Tureen moved quickly. In February of 1972, ignoring the thirteen states doctrine and assuming the applicability of the trust relationship, he petitioned the secretary of the interior as trustee to initiate claims for land and financial damages against the State of Maine and other parties, for violations of the Non-Intercourse Act. But Secretary Rogers Morton refused, declaring that no federal trust relationship existed with the tribe. This meant they were faced not only with a long battle to compel action by the secretary, but with the prospect of irreparable harm to the part of their claim involving financial damages, since a statute of limitations on tribal money claims barred such claims being brought after July 18 of that year.

Tureen's response was to strike at the heart of the thirteen states doctrine. On June 22, 1972, he filed suit in Federal District Court for the District of Maine on behalf of the joint tribal council of the Passamaquoddy tribe against Secretary Morton, alleging: first, that the Non-Intercourse Act of 1790 applies to the tribe; second, that it creates a trust relationship with the federal government; and third, that a refusal to pursue the claims on grounds that such a relationship doesn't exist violates the law. In addition, Tureen asked the court to order the government to file nominal money claims against the state to protect that part of the claim from the statute of limitations while the issues of *Passamaquoddy* v. *Morton* were litigated. And on June 23, when the federal government refused its request to act voluntarily, the court so ordered, resulting in federal protective suits against the state on behalf of the tribes for $150 million each. For the first time in our history the federal government had been ordered to fulfill its trust obligation to file such suits.

After two centuries, the aboriginal lands of the Maine tribes are remarkably unchanged. They constitute over half of the State and for the most part remain so sparsely populated that organized local governments are rare.

With few exceptions, Maine's acres, settled on a shield of granite, are stony, uneven, and sour. The growing season is short and winter dominates the year. Trees have remained the state's only major natural resource. Since 1890, the new technology of making paper cheaply from wood has turned Maine into what has been called a paper plantation. Half the state's land is owned by paper and forest products companies (75 percent of that by only nine corporations); another fifth of the state is owned by large family trusts—many of these functionally under paper company control. What remains is owned by state and local governments and the general population of one million. About 300,000 people make up Maine's work force: the forests support the jobs of a third of them.

The Passamaquoddy suit challenged title to the land upon which this economy is based. But as the tribe and the federal government squared off, neither the captains of that economy nor the state government understood this.

The state attorney general's office failed to acknowledge the significance of the case for two years and formally intervened only in 1974. "They knew about it," says John Patterson, recently appointed Maine assistant attorney general for civil litigation, who now is responsible for managing the state's defense against the claims, "but they simply didn't take it seriously." The major commercial and industrial landowners, with tremendous resources available to them, never intervened at all. Their common explanation for this remarkable default is best expressed by Robert Eaton of Eaton, Peabody & Bradford in Bangor, which represents several landowners who are certain to be named as defendants in the claims. "It was," he says, "because nobody saw anything that involved him."

On January 20, 1975, Judge Gignoux concluded a thirty-four-page opinion with these simple words: "Judgment will be entered for the plaintiff declaring that the Indian Non-Intercourse Act, 25 U.S.C. 177, is applicable to the Passamaquoddy Indian Tribe; and that the Act establishes a trust relationship between the United States and the Tribe." Incredibly, the silence remaind unbroken. On Christmas Eve, 1975, Judge Gignoux's judgment was unanimously upheld in the United States Court of Appeals for the First Circuit in Boston. By March 22, 1976, when the deadline for appeal to the Supreme Court passed with neither the state nor the federal government raising its voice, the circuit court's declaration became the law of the land. Tom Tureen had succeeded in shifting the balance of power between the eastern Indians and the federal government.

"By summer," said Tureen at the time, "the whole state will be looking down the barrels of our guns." And so it was. In the offices of the solicitor of the Bureau of Indian Affairs and the solicitor of the Department of the Interior and the Justice Department, legal strategies were being mapped out, though in great secrecy. But given the well-established requirements of Indian law and common law and the decision in *Passamaquoddy*, the basic shape of the offensive is beyond doubt. The defendants in the new federal claims must include all occupants of the aboriginal territories, from the state and municipal governments to corporate and commercial landowners and individual homeowners (who will most likely be treated as a class); and the claims must apply to every one of the 12.5 million acres of the Passamaquoddy and Penobscot tribes' original holdings, and include collective damages amounting to $25 billion. To omit any of these would be to assume the extinguishment of aboriginal title on some portion of the territory when no extinguishment has ever been made by Congress.

As summer came, the vast majority of Maine's population still didn't even know the tribal suit existed, because the handful of people who were aware of it either didn't take it seriously or were reluctant to discuss it openly. Then, as now, three routes to settlement were available: litigation, congressional intercession (in the form of a law extinguishing the aboriginal title never before extinguished), and finally, a negotiated settlement with congressional ratification, the tribes' preferred alternative.

Though never publicly discussed, the costs of litigation were already being summarized with alarm by State Attorney General Joseph Brennan's office. Aides spoke privately of the widening concern of the prospective defendants and their economic allies, generating "an enormous number of inquiries from municipal bond counsel, both inside and outside the claims area, attorneys for title insurance companies, real-estate brokers, security brokerage firms, and large and small landowners." And on June 11, 1976, at Brennan's direction, John Patterson sent to the Maine congressional delegation a four-page letter in which, after repeating these alarms, he explained the state's effort to persuade the Interior Dpartment not to pursue the claims. On behalf of the prospective defendants he pleaded, "Their concern and ours is not only about the possibility of a substantial judgment against them or the State, but also about the impact of a mere decision to pursue these cases."

But the attorney general's office sent no comparable warning to the state at large, nor did any member of the congressional delegation who received Patterson's briefing.

George D. Carlyle, president of Prentiss & Carlyle, is a forester, trained, like his father, at the University of Maine. George T. Carlyle and Henry Prentiss founded the company of Prentiss & Carlyle in 1924 to manage large family landholdings, including those which Prentiss' grandfather, Henry, "a real entrepreneur," had accumulated in the last century. Carlyle is a warm, grayhaired man, crisp of feature and gesture, who presides over the company's 700,000 client acres from the paneled parlor of company headquarters in a nineteenth-century mansion (now on the National Register of Historical Places) among wide lawns on Court Street in Bangor. "These lands have a great sentimental value for the families who own them," said Carlyle last summer, recalling the family sacrifices which held tracts together during times of economic difficulty over the past 150 years. "From the standpoint of investment the rate of return isn't that good." But when he was asked if he took the tribal claims seriously, Carlyle shook his head slowly from side to side with a dubious expression. "We're not losing any sleep over it," he replied. "It's inconceivable to me that after all this time such a thing could have any validity. It's inconceivable."

Carlyle's faith in the power of time seems to represent the mood of the large family landowners of Maine, a handful of people—far fewer than the 3000 members of the Maine tribes—who together own four million acres, a fifth of the state. Bradford Wellman is chairman of the Seven Islands Company, managers of 2.5 million acres, and is himself one of the so-called "Pingree heirs" who owns a million of those acres. He joked about giving Bangor back to the Indians and declared that, like Carlyle, he had neither asked for nor received advice from the counsel—Robert Eaton—on the merits of the claim.

Such interests apparently feel well represented by Attorney General Brennan, who prepares his state's defense from his office in Maine's domed Bulfinch statehouse (built in 1832 with proceeds from the sale of 230,000 acres of aboriginal lands). "I've given *no* consideration to negotiation," Brennan declares. "I have these two centuries of time hovering over this whole picture. I think two centuries of time passing is terribly relevant." Doesn't that translate into the defense doctrines called "laches" and "adverse possession" by "operation of state law and public policy"? he was asked. And were those the bases of his evaluation of the facts and law of the claim? "Yes," he replied. "Laches, for example, is a well-established principle in the law. I definitely think they are applicable here."

Laches is a doctrine of defense in the law which asserts that long-neglected rights cannot be enforced. Adverse possession, its corollary, is the open and hostile control of one party's property or rights by another for such a long time that the original owner is held to have lost them—in this case, Brennan is assuming, by the operation of state law and policy since 1794.

Reliance upon such defenses has led to specific expectations by Brennan's constituents about how the federal courts will respond to the claims. "I don't think any of the private landowners are too worried," said one of them, the president of a large, diversified Maine industrial company, who declined to be identified and who, like the others, had never sought legal opinion on the matter. "The practical fact is that the entire economy of the state depends upon the private ownership of that land. The dimensions of the thing are so big that it isn't going to be solved on a literal interpretation of the law. I don't think we take it seriously because we think that any reasonable court would say it happened a long time ago and it's not relevant to the present."

He spoke at just after one p.m. in Bangor on Wednesday, June 23, 1976. A little over two hours later in Providence, Rhode Island, a clerk to Raymond Pettine, chief judge of the Federal District Court for the District of Rhode Island, brought a freshly signed opinion by the judge to the office of the clerk of the court where it was stamped and filed. The opinion is in the matter of two claims based on the decision in *Passamaquoddy* brought by Tureen's team on behalf of the Narragansett tribe of Indians against the private non-Indian occupants of 3200 acres of aboriginal lands in Charlestown, Rhode Island, which the tribe claims were taken in violation of the Non-Intercourse Act. The tribe is one of thirteen eastern tribes now represented by Tureen's unit of the Native American Rights Fund. Pettine's opinion was delivered in response to a motion by lawyer Barry Margolin on behalf of the tribe to dismiss the defendant's defenses of laches and adverse possession based on the operation of state law and policy, which, he argued, are impotent against the legal position of Indian tribes. "The court agrees," Pettine's opinion responded. "A legion of prior judicial decisions supports [the tribe's] position. The broad principle . . . that state statutes cannot supersede federally created rights has been applied with especial vigor to the question of Indian title as a result of the federal government's 'unique obligation toward Indians.' " Calling the landowners' classic defenses of time and power "completely futile," Pettine dismissed them.

Neither Pettine's opinion nor the "legion" of precedents which made it inevitable seem to have been discovered by Maine's attorney general or his non-Indian constituents. But they serve to illustrate what Tureen meant ten days after *Passamaquoddy* became law when he said, "No legal issues are left to be decided. All we have to do now is prove the extent of the aboriginal holdings. Precedent covers everything else. The hardest part of the case is over."

Outside of Maine, among the great absentee owners of the state's land, the law was apparently better understood and was generating a reliance upon the Congress rather than the courts to defend two centuries of non-Indian title. Having defaulted on *Passamaquoddy*, the big paper companies had deployed lawyers to evaluate the damage and organize a strategic defense of their lands and treasuries.

But relief from Congress has not so far seemed likely. On Tuesday, June 29, Senator William Hathaway, chairman of Maine's congressional delegation, listened intently as the impeding impact of the claims was reviewed along with specifics of the attorney general's letter of alarm.

Would he favor congressional extinguishment and forced settlement of the Maine claim? "No," he said simply. "We can step in if a legislative remedy is available, but only at the request of both parties. If the government has a trust relationship with the tribes then the government has to look out for the Indians. That is the job of a trustee. The law is the law. If the Indians can prove their claim then they should get it. If they can't, they shouldn't." Both of Maine's congressional Republicans, William Cohen and freshman David Emery, concurred with Hathaway's position. Senator Muskie, though inexplicably declining to discuss the current state of affairs, had in the past supported the tribes consistently.

As the summer ended, no one knew how high the level of disruption would have to reach before the prospective defendants would agree to sit down across a table from the tribal governors and their lawyers. The desire of the tribes to settle their claims by discussion has a consistency unbroken since John Stevens and his tribal council first appeared in Augusta in 1957. With equal consistency this desire has been either ignored or dismissed ironically—as a sign of weakness. Last year, after Gignoux's opinion in *Passamaquoddy*, Tureen tried to gather a group of representatives from the major land interests, and other Maine business and political leaders, to find a way to settle the claims with a minimum of economic suffering by non-Indians. No one responded to his invitation. Last summer, one company president, who is relying on laches and adverse possession to defend his lands, explained his disinterest in the tribe's invitation: "That's not the way it works."

The way it does work was discovered three months later when Carley of Ropes & Gray sent a message to Lachance of Millinocket. Within a week of that call (after Governor Longley's retinue had stormed Washington and pressured the Maine congressional delegation), Hathaway's statesmanlike position began to shift. And Muskie, facing a surprisingly strong challenge for re-election, attempted to distance himself even further from the Maine Indian case. Despite his statements to the contrary over the years, and despite thorough briefings from Tureen along the way, Muskie claimed never to have understood that the case involved land.

The delegation cosponsored legislation in both houses of Congress expressing the sense of the Congress that "no cause of action for the return of aboriginal lands in the State of Maine shall lie" and limiting the tribes to "monetary damages" only. "The resolution can be modified," Hathaway stated recently, "to say that the claims could include some portion of the state's public lands [about 750,000 acres in all]—something that isn't going to keep the city of Millinocket from issuing public bonds—and it could include some portion of the large holdings of the paper companies." These words will shock the people of Maine, the environmental and recreational interests, and the large landowners, but the heretofore unthinkable—returning disputed land to the Indians—must now be considered a plausible, perhaps inevitable outcome. Even so, the Maine delegation's congressional resolution, filed on the last day of the session, remains on file, as yet unmodified, and awaits action by the Ninety-fifth Congress.

If, when Congress reconvenes, the painstaking accumulation of judicial opinion is ignored, and the tribes are stripped of aboriginal title and thus their direct route to recovering land, their only alternative will be to press their monetary damage claims of $25 billion with no mercy(Congress has no power to extinguish these), focusing on the smaller landowners who are unable to pay the amounts involved, and foreclosing on their property.

Now the tribes must deal with a new administration. Faced with uncertainties from both the legislative and the executive branches of the federal government, the tribes have poised themselves to exploit their options in the judicial branch. The weekend before the November 1976 elections, the tribes authorized Tureen to file their claims without Justice Department participation if necessary.

So the tribes wait for understanding to overtake the state. As they wait, understanding is already spreading outward from the 6000 acres of alienated tribal land over which the claims originated. Francis Brown, Washington County lawyer and trustee of the University of Maine, has made the decision that his firm will no longer clear non-Indian title there. "We can't state, in the face of the current litigation," saws Brown, "that those titles are satisfactory under the Maine standards of title and so we cannot say that they are marketable titles." And Brown is also formally petitioning the Maine Bar Association to begin preparing all lawyers in the claims region for meeting their legal and ethical responsibilities if the settlement is rejected and the claims are filed. In December 1975 the owner of several hundred acres of the alienated Indian Township land, finding his title encumbered by the claims, decided simply to give the land back to the tribe. So on New Year's Eve, just a week after *Passamaquoddy* was upheld, title to the first of the disputed Maine acreage slipped back to its aboriginal home.

GENOCIDE TREATY AND FREE SPEECH CAN EXIST TOGETHER

Mr. PROXMIRE. Mr. President, because of article III of the Genocide Treaty, which prohibits the "direct and public incitement to commit genocide," some people have expressed concern about the potential impact of the Convention on our Nation's right of free speech.

This concern is greatly misplaced. The Genocide Treaty will not empower the Government to prevent citizens from exercising their right of free speech. Any such possibility is negated by the supreme law of our land, the American Constitution.

The Bill of Rights expressly guarantees the right of free speech to all Americans. It is to this standard that the Genocide Convention must conform, for the Supreme Court has always ruled that treaties are null and void if there is any conflict with our Constitution.

Second, the U.S. Supreme Court has also ruled that the right of free speech does not include the right to incite others to commit a crime. The ratification of this treaty will simply add the crime of genocide to a list of acts that already includes murder, arson, and robbery as crimes which cannot be incited under the guise of free speech.

Finally, before this treaty can take effect, the Congress must pass enabling legislation. Only the House and Senate together can make the performance of any act a crime under U.S. law.

With all of these safeguards in mind, it is impossible to see any danger to free speech being created by the ratification of the Genocide Convention.

Therefore, Mr. President, I urge this body to give the utmost attention and effort to the ratification of the Genocide Convention.

RESOLUTIONS FROM THE STATE OF GEORGIA

Mr. TALMADGE. Mr. President, the Georgia State Senate, now in session in Atlanta, has adopted two resolutions which, for myself and my colleague, Senator NUNN, I bring to the attention of the Senate, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION

(Urging the United States Senate to retain the Senate Veterans Affairs Committee as a standing Senate committee; and for other purposes)

Whereas, members of Congress rely heavily upon their professional committee staffs to assist them in making decisions concerning legislation; and

Whereas, the members of both the Veterans Affairs Committees in Congress have capable, efficient and intelligent staff assistants to advise them; and

Whereas, if the Senate Veterans Affairs Committee is abolished and its function merged with other programs, the expertise of the present staff will be lost or mingled with other duties; and

Whereas, abolishment of the Veterans Affairs Committee in the Senate will seriously impede the ability of Congress to deal effectively with veterans' affairs, and such action by the Senate will constitute a major step backwards in our Nation's continuing efforts to provide quality care and service for our country's twenty-nine million (29,000,000) veterans.

Now, therefore, be it resolved by the Senate that this Body does hereby urge the United States Senate to vote in favor of retaining the Senate Veterans Affairs Committee as a standing Senate committee and against all efforts to abolish or dilute the functions of the Senate Veterans Affairs Committee.

Be it further resolved that the Secretary of the Senate is hereby authorized and directed to transmit an appropriate copy of this Resolution to our two United States Senators from Georgia, the Honorable Herman E. Talmadge and the Honorable Sam A. Nunn, Jr.

RESOLUTION

Urging the Designation of the North DaKalb Human Service Center as a Priority Project To Be Funded With Federal Public Works Funds; and for Other Purposes

Whereas, DeKalb County has applied for public works funds from the federal government; and

Whereas, DeKalb County received no funds despite considerable staff time and expenditures for plans; and

Whereas, it is the intention of DeKalb County to use these funds to construct the North DeKalb Human Service Center, a training center which is desperately needed for the profoundly retarded; and

Whereas, the present facility does not meet fire or health codes; and

Whereas, the property for the North DeKalb Human Service Center has been donated to DeKalb County by the federal government; and

Whereas, DeKalb County has expended public funds for demolition of the structure which was previously located on this property; and

Whereas, the Department of Health, Education and Welfare has notified DeKalb County of plans to reclaim said property unless a facility is built and is in operation by November 1, 1977; and

Whereas, a new public works bill is anticipated as a priority in the forthcoming Congress.

Now, therefore, be it resolved by the Senate that the members of this body hereby urge the President-elect of the United States, the Honorable James E. Carter, Jr.; the Department of Commerce-Economic Development Administration; the Honorable Herman Talmadge, the Honorable Sam Nunn, the Honorable Elliott Levitas; and other members of the Congress of the United States to take all actions necessary to insure that the North DeKalb Human Service Center project be considered as a priority project to be funded with the next public works funds which become available and to insure that, in view of DeKalb County's expenditures, an extension be granted for the construction of the North DeKalb Human Service Center.

Be it further resolved that the Secretary of the Senate is hereby authorized and directed to transmit appropriate copies of this resolution to the Honorable James E. Carter, Jr., President-elect of the United States; the Department of Commerce-Economic Development Administration; the Honorable Herman Talmadge; the Honorable Sam Nunn; and the Honorable Elliott Levitas.

UNEMPLOYED YOUTHS—THE BALTIMORE PROGRAM

Mr. HUMPHREY. Mr. President, the city of Baltimore has developed a unique and effective program which combines work experience and work-related education for high-school dropouts who find regular classroom education irrelevant to their needs and aspirations.

The program, called Harbor City Learning, is funded under the Comprehensive Employment and Training Act, and offers the city's dropouts a number of impressive services: paying jobs that provide valuable work experience and a chance to explore different careers; job-related academic studies in non-school settings such as public office buildings, which can lead to a high school diploma or a general education development—GED—degree; a parent-infant center for their children; and a wide variety of individual counseling.

In the program, enrollees alternate between 2 weeks of work-related education in mini-schools scattered throughout the city—where students can take nontraditional courses in the areas of business, health, communications and community services—and 2 weeks of work experience on any of the 75 worksites in the city—where students can sample among 168 kinds of jobs. Enrollees earn academic credit, as well as the minimum wage for their work.

In addition, the program also provides a wide variety of work experience for 14 to 19 year olds who are still in school, but need an income or an outside work interest to convince them to stay in school. Students in this part of the program work part-time at the minimum wage in such areas as cafeteria service, housing rehabilitation, painting and decorating, auto repair, and musical instrument repair.

Both programs have been running for some years, with the in-school program enrolling about 550 youths each year—all potential dropouts who have been kept in school—and the out-of-school program enrolling about 600 youths each year. In the out-of-school program, more than 300 youths have earned high school diplomas or GED's.

This excellent Baltimore program is an example of the kinds of programs that would be developed all across the country if the Comprehensive Youth Employment Act of 1977 (S. 170) is enacted. This bill, which I introduced on January 11, would establish a wide variety of programs for youths, including jobs, work experience, job training, and counseling. This bill was coauthored by Senator JAVITS and was introduced in the House (H.R. 1731) by Congressman PAUL SIMON with more than 30 cosponsors.

The full story of the Baltimore program is contained in an article entitled "The Harbor City is the Classroom" from the November 1976 issue of Worklife, published by the Labor Department. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HARBOR CITY IS THE CLASSROOM

(By J. Michael Harrison)

If the traditional high school classroom is a turn-off for many of today's secondary education students, what is an alternative? Baltimore, Md., thinks it has found the answer: Turn dropouts back on by using the city itself as a classroom.

In Baltimore, as in many cities, the school dropout rate is alarming. About 10.5 percent of the area's students—some 8,200 a year—leave school without earning diplomas. But Baltimore is getting many dropouts to drop back in—and preventing other students from quitting school—through Harbor City Learning (HCL), an alternative educational program model that moves learning from classrooms into the city.

HCL, which is funded by the Comprehensive Employment and Training Act (CETA), offers high school dropouts a unique mix of services: paying jobs that provide valuable work experience and a chance to explore careers; job-related academic studies in nontraditional settings; a Parent-Infant Center for their children; and individual counseling. The program also seeks to lower dropout rates by providing potential dropouts paid work experience that meshes with their studies. The aim of both HCL components is to provide a realistic educational alternative for youngsters who reject—or are rejected by—traditional schools.

HCL was initiated by the Mayor's Office of Manpower Resources, the CETA prime sponsor for the Baltimore area. Says Marion W. Pines, director of that office, "After examining old categorical programs, we recognized that we had a critical resource gap. Work experience alone for school dropouts was of limited value, but we thought that if we could build a viable job-oriented academic program that departed from the traditional classroom situation, and build it right into the school system—then we would have all the pieces—a relevant educational experience with holding power."

Working with, and getting much cooperation from, the Baltimore public school system, the Mayor's Office of Manpower Resources put these pieces together as a pilot project that has become a valuable resource for youth who need to grow and learn in an

environment that can sustain their interest and provide them a foothold in the work world.

HCL planners began with the knowledge that many students leave school because economic problems make it difficult for them to continue, and that large numbers are turned off by traditional curricula that do not seem to meet their needs. Still other young people drop out after repeated academic failures give them a sense of complete frustration and alienation.

In response to these factors, HCL planners wanted a program with a built-in work experience component that would ease financial burdens, a functional curriculum that students would perceive as pertinent, and a learning environment where former dropouts would feel comfortable, wanted, and able to succeed.

The work-experience element was important because high school dropouts generally have a low rate of labor force participation. The pattern is obvious: Dropouts from school become dropouts from the labor force. The fact prompted HCL planners to build into the program positive job experiences that would whet students' interest in the work world, help them discover the types of jobs they would find satisfying, and build motivation and self-confidence through successful job performance.

What emerged was a program to serve both potential dropouts and those who had already quit school. These two separate HCL components were set up under one coordinated administrative structure. Both segments offer young people the opportunity for viable work experiences and a realistic chance to earn a diploma or high school equivalency General Educational Development (GED) certificate.

The backbone of the HCL program is four mini-schools, each of which offers nontraditional courses related to jobs in one of the following occupational clusters: business, health, communications, and community services. For example, the mini-school correlated with health occupations teaches job-related biology, has students learn English composition by writing about the work done in hospitals, focuses on math used in laboratory work, and offers history courses describing medical discoveries. The academic programs for each cluster were especially developed for HCL by curriculum planners in the Baltimore city school system.

Each former dropout enrolled in HCL chooses a mini-school according to his or her occupational interests and abilities. Individual learning is emphasized, so that students can proceed at their own pace. And the mini-schools, which operate year around, are set up in public office buildings so that they do not resemble the traditional schools that dropouts left behind.

Every 2 weeks, students move from the nontraditional classrooms to related public sector worksites around the city where they can sample jobs in the clusters they have chosen. Believing that former dropouts typically need the opportunity to explore and compare a variety of jobs, HCL administrators have developed 75 worksites—government offices, hospitals, and other public sector workplaces—where students can explore 163 different jobs. Enrollees earn academic credit—as well as the minimum wage—for their work.

Supervisors from public agency worksites evaluate students' job performance and have rated the work of over 85 percent of the enrollees as good or better. HCL teachers and worksite supervisors exchange visits to each other's sites to learn how to improve their respective activities and to better prepare the students for permanent jobs. HCL staff members find that such interaction also helps them better assess students' progress and intellectual growth. Meanwhile, students find—sometimes for the first time—that information they get in the classroom can be applied to the outside world, and that their job experiences help them understand academic principles and theories.

Realizing that many dropouts need help in solving personal problems that affect attendance and school performance—including difficulties that prompted them to drop out in the first place—HCL officials have set up two centers to offer supportive services. One is the Student Resource Center, where a staff of counselors offer academic and career guidance. The Resource Center serves as an academic credit clearinghouse; counselors keep track of students' progress and let them know how much course work they need to earn diplomas or GEDs. Using a wide array of local manpower resources and the Job Bank microfiche, the counselors also try to help students find jobs or other training options when they leave HCL.

Resource Center counselors also provide personal counseling as needed. The emphasis is on preventing unacceptable behavior or crisis situations and getting to the root of student problems before they alter work or study performance. HCL enrollees have a say in setting student behavior standards, too. A student review committee discusses problem students and helps to set goals for their conduct and performance.

The other unique supportive service available to HCL enrollees is a Parent-Infant Center, where the children of HCL students learn as well. This unit was set up to assist student-parents whose attendance or school performance was being hampered by lack of babysitters or resources to pay for child care. Located in a building that houses two of the mini-schools, the center provides a learning environment for 35 children aged 1 to 4. Four teachers and six public service employees staff the center and direct activities designed to help the children and the student-parents grow and learn.

The alternative component of HCL has served some 1,800 former dropouts; about 600 young people are currently enrolled. In the first 2 years, 160 enrollees earned diplomas or GEDs through the program, and another 150 earned their diplomas this August.

The second component within HCL, designed to lower the area's school dropout rate, provides part-time, after-school work experience for students aged 14 to 19 who are still in school. Enrollees are potential dropouts whose counselors have recommended them for the program. Most are vocational students whose jobs provide real-world experience related to their laboratory or shop courses. Many participants have poor attendance records, low grades, financial difficulties, or other problems that lead to dropping out.

Students in the in-school HCL component work in such areas as cafeteria service, housing rehabilitation, painting and decorating, auto repair, musical instruments repair, and horticulture. Many jobs involve contact with the public, so that students get experience in serving clients and dealing with people in business relationships. The jobs pay the minimum hourly wage.

The in-school component began several years ago as a categorical program, the Neighborhood Youth Corps, and has evolved into an effort that stresses career exploration as well as work experience. Some 550 students are enrolled in the component this year, and the program is being evaluated according to its impact on attendance, school retention, and enrollees' academic progress.

This fiscal year, $2,730,000 in CETA title I funds are going into HCL. In addition, the Baltimore public school system, which has made a major commitment to the program, provides other support. Says Deputy School Superintendent Paul Vance, "Given the diversity of the student population we serve and its sheer size, the school system has to have a broad array of options for students."

The city's Department of Education pays the salaries for the principal of HCL, the vice principal, and the 26 teachers who staff the mini-schools and Parent-Infant Center. These teachers have volunteered for assignment to HCL from the city's regular schools, and it is a mark of local educators' regard for the program that requests for HCL assignments outnumber teaching slots.

The Baltimore prime sponsor provides the funds for 12 support personnel who coordinate worksite activity, four student resource center staff members, fiscal support personnel, and enrollee wages.

Looking to the future, the Mayor's Office of Manpower Resources and city school system plan to continue the program as an alternative to the traditional school setting, and to retain the emphasis on preparing dropouts to enter the labor force. That emphasis seems to be appreciated by many of the students enrolled in the program. One former dropout in the community services cluster says, "I think it's the best program for dropouts. It prepares you; it gives you job training and then gives you a diploma. If you're a slow person, they teach you by your pace. You don't have to worry about somebody else being in front of you. Everybody takes their time and you get it."

Another student is even more positive. "It's got me on the track I want to go on," he says, "and so far, nothing can change my mind about what I want to do and which way I want to go in life."

THE INAUGURAL CEREMONIES

Mr. ROBERT C. BYRD. Mr. President, from all indications there is a general feeling of satisfaction over the way the inauguration of our 39th President was conducted in the ceremonies at the Capitol last Thursday, and I personally share that feeling.

Of course, it took hundreds of people working together over many weeks to plan and execute such a complex event—including, particularly, members of the staffs of the Senate Rules Committee, the Sergeants at Arms of the Senate and House, the Architect of the Capitol, the military services, and many others, all working under the leadership of the senior Senator from Nevada (Mr. CANNON), who served for the second time as chairman of the Joint Congressional Committee on Inaugural Ceremonies, and who presided with grace and distinction over the ceremonies at the Capitol.

In this time of economic concern, I note with pleasure that the chairman initiated, and the joint committee approved, several changes from past inaugurals which, without detracting from the event in any way, have resulted in savings, I am advised, of well over a quarter-of-a-million dollars. The change from traditional wooden bench construction to rented folding chairs, for example, saved at least $200,000; the change from engraving to printing the invitations saved approximately $70,000; and the chairman did not appoint a single employee to the staff of the joint committee, although he had a budget of $40,000 for that purpose. Instead, most of the work was performed by members of the Rules Committee staff, working long hours in addition to their regular duties, under the direction of Rules Committee staff director Bill Cochrane, who served as executive director for the joint committee.

DR. SUMWALT, FORMER UNIVERSITY OF SOUTH CAROLINA PRESIDENT, DIES

Mr. HOLLINGS. Mr. President, I would like to call to the attention of the Senate today the recent passing of Dr. Robert L. Sumwalt, of Columbia, S.C. I commend his memory to my colleagues as an extraordinary example of public service, concern for his fellow citizens, and total commitment to the educational betterment of all South Carolinians.

Dr. Sumwalt was a close friend for many years. It was my privilege to be serving as Governor of the State of South Carolina and, in that capacity, as an ex-officio member of the University of South Carolina Board of Trustees when Dr. Sumwalt was elected as the 22d president of the university in 1959.

At his death last week, Dr. Sumwalt was still performing admirably for our State's largest educational institution in his position of president emeritus. He could take great pride in the fact that he wielded great influence and enormous impact during 40 years' service in changing the university from a rather small southern college with a parochial outlook into a major institution of higher education with growing tradition of excellence and vitality.

During his years of association with the university, Dr. Sumwalt witnessed major changes in education: Spiraling enrollment, growing costs, and great alterations in relationships between administration, faculty, and students. To all of the great questions and pressures of the day, he brought a keen mind and a willing heart.

I extend my sympathies to Mrs. Sumwalt and to his children, Robert and Mary.

And I ask unanimous consent at this time to have printed in the RECORD two newspaper stories and editorials on Dr. Sumwalt which appeared in the Columbia Record and the State so that my colleagues might be aware of the accomplishments of this great man and appreciate the loss my State feels today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Columbia (S.C.) Record, Jan. 24, 1977]

DR. SUMWALT, FORMER UNIVERSITY OF SOUTH CAROLINA PRESIDENT, DIES

Dr. Robert L. Sumwalt, president emeritus of the University of South Carolina, died early this morning in Richland Memorial Hospital. He was 81.

Surviving are his wife, Caroline Causey Sumwalt; a son, Robert L. Sumwalt, Jr.; a daughter, Mrs. William Cox of Darlington; a brother, John Sumwalt of Philadelphia; two sisters, Mrs. John Rudolph of Long Island, N.Y., and Mrs. George Sims of Rhode Island; and five grandchildren.

Funeral services will be held at 11:30 a.m, Wednesday in the First Presbyterian Church. Burial will be in the churchyard.

USC President William H. Patterson said today, "The loss of President-Emeritus Sumwalt will be felt throughout the university family, and expressly by those who, like myself, have appreciated his work for Carolina and good counsel for so many years.

"Our sympathies go out to his widow, Miss Caroline, and to his children, Robert and Mary, both alumni of the university."

E. Eston Marchant, chairman of the USC Board of Trustees, said, "The board of trustees has long appreciated the unique services of President and Mrs. Sumwalt to Carolina. We are proud of President Sumwalt's achievements and grateful for his example. He will be much missed."

"Dr. Sumwalt's death brings grief to many friends and admirers who knew him when he served as professor and dean of the Engineering College and as president of the University of South Carolina," said Sen. Strom Thurmond, R-S.C.

"He not only made outstanding contributions in these capacities, but he was also an active civic and community leader who served with dedication and ability. His passing is a great loss to our state and nation," Thurmond said.

Dr. Sumwalt was acting USC president from December, 1957, until May of 1959 when he was elected president. He reached the retirement age July 1, 1962.

During his relatively short tenure, however, the university made substantial advances in meeting the new needs of the last half of the Twentieth Century including the pressures of the ever-increasing enrollment of the institution. His presidency was in a period of a heavy demand for higher education and the efforts to meet those demands.

Dr. Sumwalt's association with the university was a long one. It began in 1926 when he joined the engineering faculty. By 1931, he had become a full professor and in 1943 was appointed dean of the School of Engineering.

During his deanship, the School of Engineering underwent far-reaching changes in its curriculum and objectives, including, in answer to the requirements of the times, a more scientific approach to engineering education. All four divisions of the school were accredited.

It was against this background, that on May 7, 1959, he was elected as the 22nd president of the institution, after having served two years as acting president.

Following his election by the Board of Trustees, then Gov. Ernest F. Hollings said:

"This is a great day for the University of South Carolina. I am sure the students, the faculty, the alumni and all friends of the university will be pleased to know of the unanimous choice of Dr. Robert L. Sumwalt as president. Dr. Sumwalt has a record of distinguished service and devotion to the university of 33 years."

Dr. Sumwalt was the defender of the college professor and the advocate of what he regarded as the teacher's proper station. In a speech at Greenwood, during his presidency, he said respect and honor "due the teacher" must be returned to college professors and "we must reward them realistically." (At at least one faculty meeting, he was given a standing ovation by the professors.)

In the address at Greenwood he made a characteristic appeal for quality in education. "Our goals for quality education," he said, "are unchanged by the pressures of the times, even by the pressures to accommodate more students."

Later, he said: "We must aim for still higher standards, for by seeking higher standards we help to encourage a more disciplined and more vigorous training in our secondary schools."

Sumwalt, the engineer, brought the university administration an efficiency which officials say is still felt today.

Dr. Sumwalt, after his retirement, was commended on the occasion of the unveiling of his portrait in the South Caroliniana Library at the University. Dr. Daniel W. Hollis, University historian, said:

"The future historian of the university will note," concerning Sumwalt's administration, "the establishment of the Educational Foundation in 1958, the full accreditation of all schools and departments, and the founding of Ph.D. programs in mathematics and physics.

"Many new outstanding faculty members were brought in during Dr. Sumwalt's tenure, and there was a great expansion of the phyical plant."

Dr. Hollis also embodied, in his address, the fact that during the Sumwalt regime, University of South Carolina branch centers were established in Aiken, Beaufort, Lancaster and Horry Counties. This set the precedent for additional such centers over the state following the close of the Sumwalt administration.

Sumwalt was born July 8, 1895, at Baltimore, Md. His parents were Robert Alexander Sumwalt and Lillie Llewllyn Sumwalt.

After his early education, he entered the University of Delaware, from which he was graduated in civil engineering in 1918, and won the professional degree of civil engineering in 1921. In the meantime, he had acquired the S. B. in civil engineering from the Massachusetts Institute of Technology in 1920.

By 1921, Sumwalt had come to South Carolina after working with the duPont Company in Delaware, and was engaged by the South Carolina Highway Department as a resident engineer. By 1926, he had entered his teaching career at the University of South Carolina. This, it turned out, was to be his life work.

In 1946, the University of Delaware conferred on Sumwalt the honorary degree of Doctor of Science, and in the same year, he received from Newberry College the honorary degree of Doctor of Laws.

For his service during World War I and World War II he received the Navy Meritorious Public Service Citation, the Air Force Asso. Award and the American Legion Distinguished Service Award. In 1938, he received the Kappa Sigma Kappa Award for service to the University.

In 1960, he was chairman of the National and School Awards Jury for the Freedoms Foundation, Valley Forge, Pa.

Earlier in his career, Sumwalt was chairman of the State Planning Board, the State Board of Housing and the State Board of Engineering Examiners. He was a member of numerous engineering and educational associations and societies.

After his retirement from the presidency of the university, he served as a consultant to the postmaster general of the United States in Washington. He maintained his residence in Columbia, however.

Sumwalt was active in Kiwanis International and was a past president of both the Columbia and Cheraw Kiwanis Clubs.

He was a deacon of the First Presbyterian church and for many years was chairman of that church's property committee.

Dr. Sumwalt's fraternities were: Phi Kappa Phi, Omicron Delta Kappa, Kappa Sigma Kappa, Tau Beta Pi and Sigma Nu.

He was a member of the Forest Lake Country Club, the Forum Club, the Centurion Club, the Cotillion and the Evening Music Club.

[From the Columbia (S.C.) Record, Jan. 26, 1977]

ROBERT L. SUMWALT

Unique were the manifold services cheerfully rendered to the state, the University of South Carolina and his country by Dr. Robert L. Sumwalt. His omnipresent smile and grace in learning and leadersip will be missed.

At the university, Sumwalt served as professor, dean of the engineering school that justly bears his name today, and as 22nd president—acting president, 1957–59 and president, 1959–62.

As an engineering dean, he revised cur-

ricula, chose staff well, and all departments were fully accredited. As president, he will be recorded in the university's history as one of the most popular chief executives.

His popularity was no accident. An affable and intelligent man, he realized that—as a man of the faculty himself—the strength of any postsecondary institution rests solidly in a qualified, satisfied teaching team. He placed faculty first, strove successfully to upgrade salaries and emoluments, giving earnest scholars time to teach and incentive to research.

He led by example. He led by rich experience.

He served his state in several other capacities, including chairman of the State Planning Board, the State Board of Housing and the State Board of Engineering Examiners.

He loved his country and was a patriot in the finest sense of the word. Without chauvinism, he recognized the frailty of freedom among men, the value of liberty in our blessed land and chaired the Nation and School Awards Jury for the Freedom Foundation. He served in both World Wars One and Two with distinction.

Educator, state servant, family man, churchman, and gentleman—Robert L. (Bob) Sumwalt left enduring remembrances of a cheerful, productive life among us. His amiable and humane spirit can inspire present and future generations of Carolinians.

[From the State, Jan. 25, 1977]

ROBERT L. SUMWALT, PRESIDENT EMERITUS OF UNIVERSITY OF SOUTH CAROLINA, DIES AT 81

Dr. Robert L. Sumwalt, president emeritus of the University of South Carolina, died Monday at Richland Memorial Hospital in Columbia after a long illness. He was 81.

Dr. Sumwalt was the 22nd president of the University of South Carolina, serving as acting president from 1957 to 1959 and president from 1959 to 1962, when he reached mandatory retirement age.

"The loss of President Emeritus Sumwalt will be felt throughout the university family, and especially by those who, like myself, have appreciated his work for Carolina and good counsel for so many years," USC President William H. Patterson said in a statement." Our sympathies go to his widow, Miss Caroline, and to his children, Robert and Mary, both alumni of the university."

Also, T. Eston Marchant, chairman of the USC board of trustees, issued a statement on Dr. Sumwalt's death.

"The board of trustees has long appreciated the unique services of President and Mrs. Sumwalt to Carolina. We are proud of President Sumwalt's achievements and grateful for his example. He will be much missed."

From Washington, Sen. Strom Thurmond, R–S.C., issued the following statement: "Dr. Sumwalt's death brings grief to his many friends and admirers who knew him when he served as professor and dean of the engineering college and as president of the University of South Carolina. He not only made outstanding contributions in these capacities, but was an active civic and community leader who served with dedication and ability. His passing is a great loss to our state and nation."

Dr. Sumwalt's association with USC was a long one, beginning in 1926 when he joined the engineering faculty. By 1931, he had become a full professor and in 1943 was appointed dean of the School of Engineering.

While Dr. Sumwalt was dean, the School of Engineering underwent far-reaching changes in its curriculum and objectives, including, in an answer to the requirements of the times, a more scientific approach to engineering education. All four divisions of the schools were accredited.

After serving two years as acting president of the university, Dr. Sumwalt was unanimously elected president in May, 1959.

Under his leadership, USC advanced to meet an increasingly heavy demand for higher education. However, he refused to allow quality education to suffer from growth.

After retiring from the University, Dr. Sumwalt was honored when his portrait was placed on display in the University's South Caroliniana Library.

When the portrait was unveiled, USC Historian, Dr. Daniel W. Hollis commented, "The future historian of the University will note (concerning Sumwalt's administration) the establishment of the Educational Foundation in 1958, the full accreditation of all schools and departments, and the founding of Ph.D. programs in mathematics and physics."

Born in Baltimore, Md., Dr. Sumwalt was a son of the late Robert Alexander and Lillie Llewllyn Sumwalt. He earned his civil engineering degree from the University of Delaware and won the professional degree in civil engineering in 1921.

After working for a time with the DuPont Company in Delaware, Dr. Sumwalt came to South Carolina in 1921 to accept an engineering post with the S.C. Highway Department.

Dr. Sumwalt was awarded an honorary doctor of science degree from the University of Delaware in 1946. He also received an honorary doctor of laws degree from Newberry College and a like honor from USC.

For his service during World Wars I and II, he was awarded the Navy Meritorious Public Service Citation, the Air Force Association Award and the American Legion's Distinguished Service Award.

In 1960, he was chairman of the Nation and School Awards Jury for the Freedom Foundation of Valley Forge, Pa.

Earlier in his career, Dr. Sumwalt had served as chairman of the State Planning Board, the State Board of Housing and the State Board of Engineering Examiners. He was a member of numerous engineering and education societies and associations.

The School of Engineering was named in his honor, and his first employer, the DuPont Company, established a $50,000 professorship in his name.

He was "South Carolina Engineer of the Year" in 1959, and two annual editions of the USC yearbook, "The Garnet and Black," were dedicated to him. He was listed in Who's Who in America, Who's Who in Engineering, Who's Who in Education and American Men of Science.

After his retirement from the university, he served as a consultant to the Postmaster General in Washington. However, he continued to maintain his home in Columbia, where he was a deacon and elder of the First Presbyterian Church.

He was also a member of Forest Lake Country Club, the Forum Club, the Centurion Club, the Cotillion and the Evening Music Club.

[From the State, Jan. 27, 1977]

SCHOLAR AND GENTLEMAN

It is no platitude to observe that Delaware's loss was South Carolina's gain when Robert L. Sumwalt left his native state in 1921 to come south. Few men have contributed as much to the Palmetto State—in so many roles—as did the distinguished engineer who was buried here yesterday. He died Monday, at the age of 81, after a long illness.

We refer to him as an "engineer" for he was that above all else. But by virtue of that training and inclination, he achieved recognition and rendered services in a variety of fields ranging from highway construction to education. He will be most gratefully remembered, however, for the successive and successful roles he played at the University of South Carolina as professor, dean, and president.

But even after his retirement in 1962, culminating 36 years' association with that institution, he continued to be actively engaged in community and civic affairs. Indicative of his lifelong interest in the education of young people, he served for a time as president of the James F. Byrnes Foundation, an organization dedicated to the higher education of South Carolina orphans.

Space does not permit the listing of his involvements or his achievement, embracing service to the educational, cultural, military, scientific, and governmental progress of South Carolina and the nation. But his countless friends and admirers will recall him fondly not just for his impressive accomplishments but for his understanding, his humanity, his helpfulness—and for the ever present twinkle in his eye.

THE CARTER DOCTRINE—TO SEEK THE RIGHT AND THE DECENT

Mr. TALMADGE. Mr. President, I ask unanimous consent to have printed in the RECORD a newspaper article entitled "The Carter Doctrine—To Seek the Right and the Decent," which appeared in one of Greece's leading newspapers, the Vradini, on December 8, 1976. The author, Lt. Gen. John Sorokos, retired, is a Greek citizen living in Athens. He has served with NATO, has been deputy chief of staff of the Greek army, Ambassador to Great Britain, and Ambassador to the United States. He was awarded the Legion of Merit by the late President Lyndon Johnson for his efforts to bring together the peoples and the armed forces of Greece and the United States. He was also honored by the American Bar Association in being presented with a beautifully inscribed clock in appreciation of his friendship to American lawyers. The Honorable Chesterfield Smith, president of the American Bar Association, praised Ambassador Sorokos and made him an honorary lawyer of America. I am also personally acquainted with Ambassador Sorokos, our friendship going back many years.

This article by Ambassador Sorokos presents an objective, unbiased, and constructive presentation for the problems of the Eastern Mediterranean area.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CARTER DOCTRINE: TO SEEK THE RIGHT AND THE DECENT

The interest that international public opinion has shown in the recent American elections is fully justified, since their result expresses, positively or negatively, the general direction which international events are to take in the next four or eight years. Therefore it is not an exaggeration to repeat the fact that since the second world war, when the USA found itself as a major power in the midst of the international scene, the American people have exercised—and still continue to exercise today—with their vote a strong influence on world developments. This fact is nearer the truth in the case of Greece where the interest of the Greek people in the American elections was keen in view of the friendly ties which bound the two countries for the last 150 years.

It must be clarified from the outset that this interest is sincere and honest and does not contain the least intention of inter-

ference in the internal problems of the USA, which are the sole responsibility of the American people and their government. The thoughts that follow, therefore, emanate from the interest of Greek public opinion, resulting from the friendly and allied ties between the two countries and the desire to serve their mutual interests.

Relations between the United States and Greece in the last thirty years have marked a continually ascending course. Such ascending good relations had their start in the Truman Doctrine in the year 1947. Owing to its military and economic assistance, Greece preserved its national independence and its free democratic institutions. Since then our two countries have had a close cooperation within the Atlantic Alliance and have marched in harmony together until the time of the military regime when the first clouds appeared. But where the decisive breach was created was the stand of the United States Government at the events in Cyprus in the summer of 1974 and the impression given to Cyprus and Greece about a tilt in favor of Turkey in the last two years. A characteristic example—unfortunately not the only one—was the siding of the United States with the Turkish Cypriots at the recent debate on the Cyprus question at the General Assembly of the U.N.O. on the 8th of November 1976. The proposal to allow the official appearance of the Turkish Cypriot representative at the General Assembly was—rightly—rejected by 70 votes against 23 votes in favor and 35 abstentions. It was thus recognized that the sole representative of Cyprus was the one of the Cypriot Government. Greeks, both in Cyprus and in Greece, asked themselves the question of whether it was necessary that the U.S. vote to be on the side of the Turks among the 23 votes favoring the Turkish Cypriot appearance. More generally, Greeks cannot understand why the Ford Administration insists on providing Turkey with military materiel which Turkey utilizes for purely aggressive purposes in Cyprus in spite of the fundamental legal prohibitions and the objection of the U.S. Congress.

It is not, however, the purpose of these thoughts to enumerate omissions and errors of the past, which always constitutes an ungrateful task leading to no practical result. But the reference to these limited incidents has as its sole aim to present as a matter of example the Greek complaints against the policy of the U.S. Administration up to now, complaints fully known to the competent U.S. departments, the Congress and the American public opinion.

The problem now is to determine, in a sincere dialogue between the interested parties, the point at which are today the Cyprus question and the relations between Greece and Turkey, and to define specific ways of restoring things where morality and international law dictate, in accordance with the Security Council resolutions, as they were confirmed recently by the resolution of the General Assembly of the U.N.O. on November 12, 1976.

In this effort the new U.S. Administration can play an important role not only in support of law and morality but also in order to serve the interests of the United States and the Atlantic Alliance. Moreover, a right and just settlement of the differences between Turkey, Cyprus and Greece will in the last analysis serve, in the long term, the very interests of Turkey which in this way will be protected from the dangerous down-path to which she is unmistakably heading today. Greece does not ask for a one-sided American intervention to serve her own interests. She merely asks for the implementation of international resolutions, that is for solutions that equally protect the interests, the prestige and the national decency of all the parties concerned, since to comply with international law does not allow space for victors and defeated. All those who contribute to insuring peace and cooperation will finally be victors, since the interested parties themselves will enjoy the fruits of this peaceful cooperation instead of the present confrontation which is both anti-economical and difficult to bear for all. Moreover, such a situation can even with a slight mistake—accidental or calculated—lead to a destructive Greco-Turkish war.

It is at this point that there appears the role of the United States, owing to its leading position and friendly relations with all concerned (Turks, Greeks and Cypriots), which is to intervene in a friendly and admonitory way in order to stop friction and remove anomaly in this sensitive area of the Eastern Mediterranean. The prolongation of this anomaly can benefit neither the Turks, nor the Greeks, nor the Americans or the Atlantic Alliance. On the contrary, all of them will be the losers to the advantage of others. . .

President-elect Carter in a recent interview with TIME Magazine (November 15, 1976) while expounding the basic lines on which his foreign policy will be founded, says, among other things. . . "I hope to establish, as best as I can, a position where our country is the leader of the world, based not on military might or economic pressure or political persuasion but on the fact that we are right and decent; that we take a position with every nation as best we can according to what is best for the people who live there. . ."

If the new American President bases his foreign policy on that simple but so firm foundation he can rest assured that he will be the creator of a new doctrine which is so much needed today not only by the United States but also by the free world. And, as another American Democrat Leader, President Truman, entered history exactly 30 years ago with the famous Truman Doctrine, in the same way the opportunity is presented today to Mr. Carter. That is to give new breath to the leading role of the United States of today with a new doctrine, the Carter Doctrine, the aim of which will be to ensure the right and the decent in the United States and the free world. With these facts in mind, Greece and most particularly troubled Cyprus extend the following wish to President Carter now that he is forming his Government and shaping his general program for the foreign policy to be applied:

"Go ahead, President Carter, in your heavy task with the certainty that all Americans, Democrats and Republicans, will follow you as will also follow you the whole of the free world who has a thirst for the right and the decent. The Greeks, who have in the last two years been deprived of this good, are very well aware of its value and will be at your side. But you will also be blessed by the prudent Turks whom you will relieve from the nightmare to which some extreme and irresponsible chauvinists are leading them. Create the new, sound doctrine which mankind needs so much, the Carter Doctrine: The Right and Decent."—Greek Citizen.

THE FRUITS OF HELSINKI

Mr. BAYH. Mr. President, I noted with great interest the editorial which appeared in the Washington Star of January 28, 1977, discussing the problems associated with "The Fruits of Helsinki." A preparatory conference on the implementation of the Helsinki Agreement of 1975 is scheduled to be held in Belgrade, Yugoslavia, on June 15 of this year. I think it is important that we reflect upon the current activity now going on in the Soviet Union and countries of Eastern Europe by dissidents who expect us to prevent the human rights "basket" of these accords from becoming a dead letter.

Mr. President, I ask unanimous consent that the Washington Star editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FRUITS OF HELSINKI

Those who were constrained, as we were, to speak of the 1975 Helsinki accords as "humbug" did not reckon on the literal significance that Eastern Europeans might find in them.

The remarkable "Charter 77" recently signed by 300 bold Czechs, at great personal risk, invites second thoughts—as does the equally remarkable news that 100,000 East Germans no less, have applied for emigration visas.

Between the willingness to advance these claims, and the willingness of the appropriate governments to honor them, the distance is formidable, of course. But a beginning is a beginning. It is ironic that a document widely attacked in this country as a reckless concession to Russian imperial claims has had these results.

Boris Pasternak's Dr. Zhivago, when it suddenly appeared almost 20 years ago, demonstrated the durability of values which the Soviet regime has bent every effort to snuff out. The same may be said of "Charter 77"; the tanks have not eliminated the spirit of the "Prague spring" nine years ago.

By its own profession, the Charter "is not intended to be a basis for opposition political activity," nor do the signers view themselves as a political movement. Indeed, none of the advertised social and economic principles of communism are explicitly attacked. As always, however, any listing of basic human political rights constitutes an indictment of the communist system in practice. As always, the question is whether that system can live with the values the Charter affirms—among them, "the right of free expression . . . the right to education . . . freedom of speech . . . religious freedom . . . the right of assembly . . . the right to equality before the law . . . the right to strike." In most places, it cannot. At least no communist government, with the exception (in some respects) of Yugoslavia has risked the experiment. Most of these rights are ritually affirmed in most communist constitutions, including the Soviet Union's. But the catch is that definitions alien to our own understanding are usually implied.

"The fundamental question," as Prof. Jan Patoka put it the other day, "is whether this action will bring about more freedom or more repression." Sad experience suggests that the short-term answer to that question may be "more repression." Already there are arrests, up to 200 by some reports, and other harassments of the signers. And the five Russian divisions sent to snuff out the Dubcek heresy are still around to remind dissidents who has the upper hand.

What can the U.S. do to help or hurt? What should be our public attitude, there being no doubt of our private and unofficial attitudes?

In his inaugural address last week, President Carter said: "Because we are free we can never be indifferent to the fate of freedom elsewhere." But the practical meaning of this traditional presidential—and American—sentiment may be hard to discover. Perhaps it began to emerge this week when the State Department, without prompting, issued a written statement applauding the "Charter 77" and deploring the repressive reaction of the Husak government. We are told that the statement opens a more "talkative" policy at the State Department.

We know, or certainly can guess, how such

talkativeness will be received in Moscow. But that is neither here nor there. The real test, again, is whether it is a help or a hindrance to those who seek substantial meaning in the Helsinki accords.

Talkativeness, as to Eastern European problems, invariably has its pluses and minuses. The plus is obvious. If 300 Czechs, or 100,000 East Germans, are moved by the search for "moral dignity" to risk small freedoms for greater ones, the least we can do is let them know we are listening. The drawback is that talk, unaccompanied by effective action, is cheap—the cheapest of political exports. If words could remove Russian soldiers and tanks from Czechoslovakia they would be well spent. But as we know from the bitter experience of the Dulles era, bold and easy moralizing about the freedom of others can raise hopes and aspirations we are powerless to reinforce.

Further, if we are going to talk tough to Mr. Husak, who is caught between two worlds, are we going to talk the same way to Mr. Brezhnev, and to the other repressive governments of all stripes with which we necessarily do business? If we are, the probable result, no less than the admirable sound and sentiment of it, should be carefully weighed in every instances. There is probably a line between playing the cynic and playing the blabbermouth. It should be found and followed.

UKRAINIAN INDEPENDENCE DAY

Mr. WILLIAMS. Mr. President, Saturday, January 22, 1977, was a day of deep and special meaning for over 2 million Americans of Ukrainian heritage. On this date, 59 years ago, the Ukrainian people broke away from more than two centuries of foreign domination, and proclaimed themselves free. They created an independent republic, which was quickly recognized by about 35 foreign nations.

Tragically, the Ukrainians' long awaited freedom lasted only about 3 years. Soon after their proclamation of independence, the Ukrainians saw their country invaded by Russian troops. Although the Russian Government under Lenin agreed to recognize the Ukrainian Republic, and to withdraw its troops from the country, war continued for 3 years until 1921 when the Ukrainian people finally fell victim to Soviet tyranny.

Economic exploitation, religious persecution, and suppression of civil rights now form a part of the daily lives of the Ukrainians. Despite their loss of freedom, they have not lost their strong sense of national identity, nor their determination to regain control over their own lives. They hold steadfast to their faith in the future, commited to the struggle for freedom and democracy. Ukrainian Independence Day provides us with the opportunity to pay tribute to the spirit of these brave people, and to reaffirm our fervent hope that they will once again enjoy the blessings of national independence and personal liberty.

SOLID EVIDENCE FOR WIC NUTRITION PROGRAM EXPANSION

Mr. HUMPHREY. Mr. President, on January 24, I was priviledged to address the WIC symposium, sponsored by the Children's Foundation, and held in Washington, D.C.

In my remarks, I reviewed the strong reasons for my introduction 4 years ago of an amendment to the Child Nutrition Act, which resulted in the establishment of the WIC program.

We acted on the advice of our Nation's leading medical authorities "that improving the nutrition of pregnant women and children is the surest, most direct way to protect the future of these individuals as well as that of the nation."

I pointed out "Back in 1972 I saw the WIC program as the means of achieving this end and today I am even more convinced that we are pursuing the right course."

I reported that the results of the WIC program prove conclusively that the concept was right. The results of the medical evaluation by Dr. Joseph Edozian indicate that increases in height, weight and head circumference and decreases in the prevalence of anemia are associated with WIC program.

In addition, pregnant women enrolled in the WIC program gained more weight than those not enrolled, and they gave birth to larger babies and showed a reduced rate of anemia.

I also indicated that with our new Secretary of Agriculture we have a chance to realize the full potential of the WIC program.

However, there are numerous issues and program shortcomings which will need to be addressed if the program is to reach its full potential.

In my view, the program should be expanded to reach the full potential of approximately 3.1 million participants. We should recognize the savings which the WIC program can lead to in terms of reduced health care costs, costs of caring for the mentally retarded, and the cost of unemployment for the individual as well as to the economy.

I also said that "looking back on all my years of Government service, I am as proud of this program as any with which I have been involved. It represents what is best in America—a dedication to our children and our future and an attempt to nip the poverty cycle in the bud."

Mr. President, I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY

It's hard to believe that over four years have elapsed since the legislation establishing WIC was enacted. The case for the program was so compelling and Congress felt so strongly about it, that my floor amendment to the Child Nutrition Act, creating WIC, passed with little difficulty.

Members of Congress from both houses and both parties believed then as now, that the future of this nation depends on the development of its young and still unborn. It is their health which, in fact, will determine the nation's physical, mental, and even economic well-being.

We were advised by the country's leading medical authorities that improving the nutrition of pregnant women and children is the surest, most direct way to protect the future of these individuals as well as that of the nation.

Back in 1972 I saw the WIC Program as the means of achieving this end, and today I am even more convinced that we are pursuing the right course. To protect and improve our nation's health status, those women, infants and children at nutritional risk must be provided with nutritional supplements.

The actual results of the WIC program prove conclusively that its concept was right, and that it has been an excellent approach to solving a critical and widespread health problem.

Dr. Joseph Edozian concluded in his medical evaluation of the Program that WIC was associated with increases in height, weight and head crcumference, and decreases in the prevalence of anemia for the infants enrolled in the program.

Similarly, pregnant women enrolled in the WIC program gained more weight than those not enrolled, gave birth to larger babies and showed a reduction in the rate of anemia.

These results were achieved in spite of USDA's efforts to emasculate the program whenever possible.

There's little need to review WIC's precarious beginnings. Most of you have suffered through the frustrations and court battles involved in pushing the previous Administration to allow this vital program to be born and then to survive.

But now ye can all rejoice that those days of fighting are over. We have a new President and a new Secretary of Agriculture who will listen to you and will share your concern and commitment. And just to make sure they do, I'll be standing close by.

Bob Bergland, my close personal friend and an undaunting ally of the nutrition community, offers as Secretary of Agriculture more hope for the future of the program than most of us ever dared to imagine. He will bring a new spirit of cooperation to the Department and will provide the food and nutrition programs with the positive consideration and constructive regulations necessary to insure their effectiveness.

There's no doubt about it, we do have a good deal to be proud of. Looking at the WIC Program today, I feel a deep sense of pride in our accomplishement. As of October, 1976, approximately 680,000 individuals were participating in the program through 457 agencies, in 49 states, Puerto Rico and the Virgin Islands.

Because these people are routinely visiting health clinics, they not only are gaining in weight and height, but enrollees are more likely to receive their immunization shots and to be treated for ailments which otherwise would go untreated.

Not only do the recipients benefit, but there is a spillover to other family members who now have more access to health clinics than in the past.

We cannot and should not ignore the program's shortcomings because of USDA's past resistance. Now, however, we will have more access to the USDA, and we must be prepared to recognize and deal with these inadequacies.

One of the most controversial difficulties encountered by the WIC Program is determining eligibility for participation.

WIC, of course, was intended as a preventive program for pregnant women, infants, and children who are determined to be at nutritional risk.

This immediately raises several problems. Is low income sufficient to qualify an individual for the program? If the person must first exhibit certain nutritional deficiencies, is it no longer a preventive but rather a treatment program?

This leads to still other philosophical and pragmatic questions. Should an individual be dropped from the program if he or she no longer exhibits deficiencies, and on what basis should a client be re-certified?

Moreover, is a low income individual ever really out of nutritional risk?

Dropping low income individuals from the program will likely insure their return to

the program once they again have demonstrated an obvious deficiency.

The estimates which I have received indicate that there are approximately 3.1 million potential WIC participants in the U.S. Utilizing this estimate, fewer than one in four potential participants presently is enrolled in a WIC clinic.

I believe that the other potentially eligible individuals also have the right to receive WIC benefits. I do not believe that the enrollment of one individual should preclude the enrollment of another because of so-called "full caseloads."

A billion dollars would represent a major increase in this program, but we must begin to consider cost effectiveness in our health programs. Each dollar spent on WIC can lead to savings in hospital costs, costs of caring for the mentally retarded, and the costs of unemployment for the individual as well as to the economy.

I view the WIC Program as an investment in our children, the future of this nation. For this reason, I firmly believe that in order for WIC to succeed as a preventive program, we must move toward including all low income pregnant women, infants and children.

Another serious and related problem is in reaching those most in need—particularly in areas which do not have health clinics. Although in such cases it is lawful to operate the program out of non-profit organizations, this procedure has been slow to catch on.

We have an obligation to attempt to reach all potentially eligible individuals, but without doubt we must make every effort to enroll those most in need. Thus, we must develop definitions of relative need and approaches for meeting this responsibility.

We also will need to give some attention to the role of the Supplemental Food Program which provides commodities to over 100,000 individuals—mainly in the large cities. We often tend to direct our efforts to the WIC Program without due consideration to the goals, effectiveness and future of the Supplemental Program. This conference provides an excellent opportunity for us to consider these issues and to develop a strategy for relating the two programs.

There presently are sufficient funds to increase program enrollment by 150,000 to a level of 830,000 participants. We cannot be satisfied with reaching less than present funding allows.

The program must expand as rapidly as we can physically and administratively handle the workload. I would have a difficult time asking my colleagues to increase the funding for a program which has not yet reached its presently appropriated capacity.

Thus, the mechanisms must be developed for effectively reaching potential clients. If this requires changes in the regulations or the administrative procedures, these must be accomplished in an expeditious manner.

Groups such as The Children's Foundation need to come forward with their ideas for improving the program. You are in daily contact with sponsors, and your organization can be helpful in transmitting this experience and reacting to regulations.

I realize that—while the maximum nationwide enrollment capacity has not been attained—in 54 percent of the WIC clinics studied by the Urban Institute, waiting lists were maintained. Ironically, in other areas, funds remain unspent.

This presents a perplexing problem which we cannot ignore. We must develop an approach to deal with unused funds and reduce waiting lists.

I hope to see the funding for this program greatly expanded, but, again, I must be able to reassure my colleagues that every dollar appropriated is needed and can be expended.

In a recent workshop on WIC Alternatives conducted by the Office of Technology Assessment, it was made apparent by the participants that WIC is viewed as a health and nutrition program not merely as an income maintenance program.

Nutrition education thus becomes a key to the continued success of the program. It is important to provide participants with nutritional supplements, but unless they can feed themselves and their families wisely after leaving the program, we have not achieved our goals.

Women are eligible for WIC for at most one year postpartum. If the program is truly effective, the feeding patterns will continue after this point. Nutrition education is a very important component of WIC, and I am pleased to note that it is being carried out in most clinics as provided in the Child Nutrition Act.

Nutrition education, however, is not a problem which affects only the poor. The American public as a whole is poorly informed about the relationship between nutrition and health and the need to tailor one's diet to satisfy health needs.

I believe we should take seriously the disturbing results of the Urban Institute study of April, 1976, which indicated that 88 percent of their respondents felt they did not learn much from the nutrition education they received from their WIC clinic.

We must develop more effective methods and materials to impart nutrition information. While the lack of adequate nutrition education is particularly acute for individuals who have limited resources and little education, the problem is pervasive among all income groups.

Middle income consumers buy a lot of "junk" food, but they also have the financial flexibility to buy nutritional foods. Lower income individuals have no such flexibility, and thus it is vitally important that they make sound food investments.

Nutrition research, education and feeding programs in this country are conducted in a fragmented and uncoordinated manner. Despite the fact that two thirds of the USDA budget is devoted to feeding programs, there is no Assistant Secretary to oversee or coordinate them.

I have previously recommended establishing such a position, and I will do so again this year.

It is time the nation turned its attention to the health needs of our people. We know that poor health has a direct connection to a child's poor performance in school and is a major cost to our economy in work days lost to sickness.

Nutrition education and health maintenance programs should be made a top priority for people of all income levels.

But it is only with the assistance of people like ourselves that this can be accomplished. We must look forward and plan for the future.

This conference also provides the framework for those with expertise and experience to look beyond making improvements in the WIC Program. We cannot settle for a recitation of the shortcomings of the past Administration, tempting as that may be. Instead, we must undertake a realistic assessment of our capabilities and our long-range goals.

Looking back on all of my years in government service, I am as proud of this program as any with which I have been involved. It represents what is best in America—a dedication to our children and our future and an attempt to nip the poverty cycle in the bud.

We still have a big job ahead of us, but we also have made a good start.

I urge you to make the best of this opportunity. Working together, we have crossed new thresholds and have begun to conquer seemingly insurmountable challenges. Together, we can do even more in the future. Let us work to achieve these goals which we all share.

S. 109—NATURAL GAS AGRICULTURAL PRIORITY ACT OF 1977

Mr. TOWER. Mr. President, I am pleased to join with Senator BARTLETT in sponsoring S. 109, legislation he has introduced to establish a high priority for agricultural use of natural gas. The legislation is of critical importance to producers who must irrigate their cropland in my State of Texas, as well as other States in the South and West.

Unlike facilities for producing electricity, or the energy generating facilities of our major industry, irrigation systems are uniquely suited to natural gas use. Alternative sources of power in most cases are technologically unfeasible—such as burning of coal. In other cases, the capital expenditure necessary to carry out a conversion process to other fuel sources is so enormous that the individual farmer would be unable to make the conversion.

But in all cases, there is an overriding consideration which dictates a single-fuel policy for farm irrigation: When a farmer prepares to plant his land in arid country, as the Southwest surely is, that farmer must decide months in advance whether or not he will irrigate. The type of crops planned, the amount of fertilizer, seed and other materials must be programed, and once made, these decisions are reversible only at the expense of crop loss and loss of the farmer's investment for that growing season. More important than the loss to the farmer, from a national standpoint, is the loss of crops for domestic and foreign consumption.

Additionally, it is economically prohibitive for farmers to be forced to invest in expensive backup systems to fuel their irrigation well pumps. To purchase and install fuel storage systems in Texas would require tremendous expenditures. These expenses would come at a time when farm prices have declined and are creating severe financial hardships on farmers. The result would be a great number of farmers out of business.

So here we have a situation in which demand for natural gas is extremely inelastic. First, the farmer must know whether he will have a dependable source of fuel to power his irrigation system months before the gas will be used. Because of the limitations of technology, availability of capital to install secondary systems, and the prohibitive costs and technical improbability of switching to alternative fuels in mid-season, the farmer must use natural gas as fuel for his irrigation system.

So the problem facing the farmer in arid regions, year after year, is "Will I be able to count on enough natural gas to irrigate my land this year, or must I resort to planting crops which will yield less because of the climate, crops which will require greater monetary inputs to survive?" Unlike other energy users who can switch to alternative fuel sources, the farmer must make the right decision, and he must make it months in advance.

Now if I seem to be painting a glum picture here, there is a very good reason. The fact that farmers must make these critical decisions months in advance might not be so critical if we could plan

our fuel shortages months in advance. But, in fact, we do not plan them that way, and we cannot. In the event of a natural gas shortage, for whatever reason, the farmer is not going to get 3 or 6 months' notice. The only notice he receives is his own observation that those activities which have lower priorities than agriculture are being denied allocations of natural gas. This makes it all the more important that farm use of natural gas for irrigation receive a very high priority.

The problem for the individual farmer is that he is caught between a rising demand for his product worldwide, and dwindling return for that product. If the farmer is confronted with the threat that he will not have adequate fuel sources for irrigation, the farmer may well decide that the return on his effort and investment is not adequate to justify increased planting.

Now, if the farmer does decide to curtail production, relying on methods which do not require irrigation but which are more predictable, cheaper, and less productive, we have a second level of impact—on the availability of food for domestic consumption, and hence, on the price of food for the American consumer. I do not think I need to spend a great deal of time tracing the probable reactions to further increases in food costs for consumers, and I think the impact of further inflation on the Nation's economy would be predictably enormous. There is no need to cause such increases in food costs.

If the farmer cuts back on production and the food supply dwindles, there will be more increases in food costs and, worse yet, if the farmer is forced to use alternative sources of energy for irrigation, and then passes on these costs to consumers, the inflationary impact will be greater.

Cutbacks in agricultural production have not only a domestic effect, but are of international significance as well. Any shortfall of agricultural outputs jeopardizes the balance of payments of the country because of the decreasing availability of exports of farm products. Faced with growing needs to import oil at rapidly rising prices, the United States must do everything it can to offset the drain on our national treasury. Agricultural exports have historically performed this necessary function, and will continue to do so, unless our farmers are placed in a position whereby it is totally unprofitable to increase or maintain production. And unlike the American consumer, who traditionally buys almost all the food for the family table from American farmers, the foreign consumer is not in such a fortunate position. If, for instance, farmers must increase prices to cover increased costs resulting from the use of fuel other than natural gas for irrigation, we jeopardize our competitive position vis-a-vis other agricultural exporters. This, in turn, would lead to less favorable balance between our import needs and our export capability, and potentially to further balance-of-payments deficit.

The final impact of the Commission's decision to downgrade the relative importance of agriculture is on the increasingly volatile international arena, where the United States seeks to meet growing world food needs.

Given the increasing food needs of undeveloped countries, countries such as the United States, which have traditionally been food exporters, must continue to implement policies which insure a surplus of food for export. Until the developed nations can begin to provide a larger measure of their own foodneeds, countries such as ourselves must take up the slack.

Mr. President, the relationship between agricultural needs for natural gas for irrigation and the productive capability of the American food and fiber sector is direct and critical. Without sustained supplies of natural gas, that productive capability is jeopardized.

S. 109 will bring about a greater degree of stability which is essential and for this reason, the bill merits our attention and serious consideration.

RETIREMENT OF DR. JAY V. BECK

Mr. GARN. Mr. President, in honor of Dr. Jay V. Beck, professor of microbiology at Brigham Young University in Provo, Utah, I ask unanimous consent to have the attached letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 31, 1977.

Dr. JAY V. BECK,
Professor of Microbiology, Brigham Young University, Provo, Utah.

DEAR DR. BECK: On the occasion of your retirement, may I take this opportunity to honor and congratulate you on a brilliant career. Your life and work in the field of microbiology has been a credit to Brigham Young University, Utah, and the Nation. As a man who has raised a family and been of service in his state and community, in addition to your accomplishments in the scientific area, I commend you on this 31st day of January, 1977.

Sincerely,

JAKE GARN,
U.S. Senator.

SAME TIRED OLD SOLUTIONS BEING TROTTED FORTH AGAIN

Mr. HELMS. Mr. President. I have been concerned for some time that while the economy stagnates, unemployment continues at unacceptable levels, and inflation surges at the rate of 5 to 6 percent—a rate called "moderate" today, but which would have been called "serious" and "rampant" a decade ago—the prevailing economic leadership in Government trots forth the same old tired solutions to our economic problems.

I truly wish I could say otherwise, but candor compels the observation that the current "new" economic stimulus plan proposed by the administration is nothing more than the old discredited economic stimulus plan packaged with a new ribbon. And, like its predecessors, it will not work.

Can anyone seriously believe that this plan will make any real difference? Can anyone believe that it is a serious solution to our economic problems? Can anyone have any real confidence in the economic projections put out by the so-called "experts" advocating this "new" package?

This "new" economic package is nothing but a retread of old solutions band-aided together, and designed not so much to help the economy as to keep the wolves at bay by throwing a morsel at the various special-interest groups that have the ability to make things sufficiently unpleasant if they are ignored. This is no surprise, inasmuch as those currently influencing and controlling economic policy have not had a new idea since they studied the General Theory of Lord Keynes at Harvard in the 1930's.

Most observers have known, although few have been willing to admit, that Keynesian economics has been suffering from the advanced stages of a terminal illness for some time. However, there are reports that the patient has died. A pronouncement to this effect was made in the lead editorial of today's Wall Street Journal. Although admittedly the Journal has never been a great fan of Keynes, the funeral oration was so eloquently and convincingly written that it is hard to believe that any reasonable citizen would conclude anything other than that it is time for a drastic change in our contemporary economic postulates.

Mr. President, I ask unanimous consent that the editorial appearing on page 12 of the January 31 Wall Street Journal entitled "Keynes Is Dead" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KEYNES IS DEAD

(We used to think that you could spend your way out of a recession and increase employment by cutting taxes and boosting government spending. I tell you, in all candor, that that option no longer exists, and that insofar as it ever did exist, it only worked by injecting bigger doses of inflation into the economy followed by higher levels of unemployment as the next step. That is the history of the past twenty years.)

These words were uttered not by some superannuated gold bug, but by Prime Minister James Callaghan, the leader of the Labor Party government in Great Britain, the Keynesian homeland. We will place no bets on Mr. Callaghan's ability to put into practice this remarkable disavowal of the conventional wisdom that has taken Keynes' name; it much remains to be seen if his nation has the will to follow the policies implicit in such a statement. But at least Britain's glimpse of the economic gallows has wonderfully concentrated its mind. We wish the prime minister had something he could wave, like an IMF loan, to make sure his advice is heard by the new occupants of the U.S. Treasury.

For on this side of the Atlantic, the old conventional wisdom has been snatched from its deathbed by the economic program President Carter presented to Congress last Thursday. The program consists of enlarging the public sector through a jobs program, and enlarging the deficit through tax rebates. The chief debate seems to have been on the size of the package and the mix of the two policies, it being complacently assumed that these measures will in fact "stimulate."

Everyone knows, after all, that budget deficits stimulate demand and therefore employment; since the Keynesian revolution the centerpiece of every Economics I class in the English-speaking world has been government deficits run through a "multiplier" to boost GNP. Well, everyone who knows that deficits stimulate ought to take a look at the following table. Growth figures come from a friendly bank, and the average government budget position is compiled from a recent OECD special study:

Deficit and growth, 1965–1974

	(1)	(2)
Italy	−4.04	4.7
Ireland	−3.42	3.9
U.K	−1.19	2.5
U.S.A	−.76	3.3
Netherlands	−.32	4.9
W. Germany	−.30	4.1
France	+.34	5.3
Canada	+.78	5.2
Portugal	+.79	6.8
Japan	+1.39	8.7
Australia	+1.43	5.2
Luxembourg	+1.95	3.7
Norway	+3.43	4.5
Finland	+3.54	5.0
Sweden	+4.08	3.5

[1] Average deficit, surplus plus percent of gross national product.

[2] Growth, average annual, in percent.

What everyone knows is simply wrong; there is no way to read into this table the notion that deficits are good for you. It will be surprising to most Americans, first of all, to learn that not all governments run deficits all of the time. Indeed, in this period a majority of industrial governments were in surplus when averaged over business cycles. The Scandinavian welfare states run the biggest surpluses of all due to their belief, considered fuddy-duddy in the U.S., that social security pensions should be funded like private ones. While obviously deficits are not the only factor at work, by and large nations with a budget balance to a moderate surplus do the best. Those with big deficits tend to do the worst.

If Lord Keynes were alive today, he would no doubt be back at the drawing boards. The above numbers do not necessarily refute his central thesis about economic problems arising from a mismatch of savings plans and investment plans, nor do the figures prove that deficits of certain amounts may not be appropriate under certain conditions. But conditions today are far different from what they were when The General Theory was written. As Oxford economist Walter Eltis has pointed out, through most of Keynes' life the gold value of the pound was precisely where Sir Isaac Newton had fixed it a century and a half before. If we had Lord Keynes today, surely he would have something instructive to say about an age of inflation. Unhappily, Lord Keynes is dead.

We are left with his disciples, who apply his theories so mechanically they even write them into computers. Staring into the computers trying to divine the future, the disciples lose touch with both the real world around them and the original mysteries of their craft. They do not notice that in fact deficits fail to stimulate, and have forgotten why they were ever supposed to.

While the Economics I texts tend toward a single-entry Keynesianism in which money to be multiplied comes magically from nowhere, Lord Keynes himself knew full well it had to be either printed or borrowed. He believed it could be borrowed without a reverse multiplier because the borrowing would tap otherwise unused "speculative cash balances." Feeding these idle balances into the spending stream would stimulate.

But are there idle balances in an inflationary economy? If so, isn't a deficit of, say, $45 billion enough to mop them up? What makes an extra $15 billion the magic number? Why not double the deficit and recover twice as fast? Is there perhaps some limit to the stimulative effect? Have we not in fact passed it? What happens on the other side? Oh, mighty computer, answer us this.

What in fact happens in today's world may not be written in the computers, but it is written plainly enough in recent experience. Instead of tapping idle balances, government borrowing competes with private borrowing for the same savings. This tends to lower capital investment and housing, which means slower economic growth. It also tends to induce monetary authorities to print money to cover the deficit, with higher inflation, higher interest rates, and eventually stagnation from depressed consumer and investor expectations. "A monetary economy," Lord Keynes wrote in the preface to The General Theory, "is essentially one in which changing views about the future are capable of influencing the quantity of employment."

Though we lack a new Keynes to guide us, our experience suggests that what plagues the economies of the Western world today is chiefly the expectation of inflation. The falling inflation and relatively restrained monetary policy of the last year or so have not led to a new recession. Instead, the recovery has proceeded though unemployment remains high because of a rapidly growing labor force. But inflationary expectations remain, the Fed has recently allowed M–2 to swell, and the Carter program invites new deficits, new money growth and renewed inflation.

Beyond that there is the question of fiscal policy. A glance at the following table is suggestive. It was compiled by Edmund Stillman and Richard Ensor of Hudson Research Europe Ltd.:

Public spending and growth—1962–71

	Govt. expend. (ex. transfers) percent GNP	*Growth (av. ann.) percent*
Sweden	25.6	3.7
Denmark	23.8	4.7
United States	23.2	4.
Canada	22.4	5.
United Kingdom	20.7	2.
West Germany	20.4	4.
Finland	18.6	4.
Belgium	16.5	4.
Italy	16.0	4.
Australia	14.9	5.
France	14.0	5.
Switzerland	12.9	4.
Spain	12.3	6.
Japan	10.4	10.

In today's world, it seems, a large public sector is associated with slow economic growth. If the government takes more workers' savings and other resources, less is available for the more productive private sector. In particular, Hudson Europe finds that public spending tends to come at the expense of profit and therefore investment. But only increasing private investment can supply enough new jobs to accommodate a labor force growing, as the U.S. one is, by nearly three million workers a year.

President Carter has asked the wizards how to cure the economy, and they have peered into their computers to come up with bigger deficits and more public-sector jobs. Hemlock and nightshade may or may not cure some illnesses in the hands of a diagnostic genius, but clearly the prescription is not one for all seasons. Today it is not the cure but the cause of our economic ills. That is the raw historical experience the Prime Minister of Great Britain cites so eloquently. We only hope that President Carter can shake the grip of the wizards and focus on real experience without the brush with the gallows it took in Lord Keynes' homeland.

PROPOSED REGULATIONS OF THE FEDERAL ELECTION COMMISSION

Mr. PELL. Mr. President, on January 12, 1977, the Federal Election Commission transmitted to the Senate proposed regulations governing the entire Federal election campaign laws, including the public financing provisions of the Internal Revenue Code.

The Commission is permitted, under the law, to prescribe these proposals as final regulations if they have not been disapproved by either the Senate or the House of Representatives with 30 "legislative" days. In this instance, a legislative day is a calendar day when both the Senate and the House are in session. In exercising its disapproval power, should it choose to do so, the Senate has the statutory right to disapprove any provision or series of interrelated provisions stating a single separable rule of law. (2 United State Code 438(c)(5)). Through January 31, 1977, only 5 legislative days will have expired.

The regulations are virtually identical to those submitted to the Senate on August 3, 1976, but which did not go into effect due to the adjournment of the Congress sine die prior to the expiration of the 30 legislative days. There are only two changes from the prior proposed regulations: first, a provision permitting the distribution of voter registration materials by corporation and labor organizations (section 114.4(c)(2), and two, a provision requiring reports of expenditures to be more specific (sections 102.9, 102.10, and 104.2).

Copies of the proposed regulations are available from the Subcommittee on Privileges and Elections, 310 Russell Senate Office Building, 244–5647, or from the Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463 (202—382–4733). Members of the Senate are requested to forward any comments they may have with respect to these proposed regulations to the subcommittee.

MRS. GANDHI RELAXES EMERGENCY CONTROLS

Mr. PERCY. Mr. President, in recent days India's Prime Minister Indira Gandhi has taken steps to relax controls on the domestic press and to release a large number of political prisoners. Some public political meetings are also being permitted. Those of us who were concerned about the imposition of a state of emergency in India over 19 months ago welcome these developments as a significant step in the right direction. Let us hope it is just the beginning of a trend toward restoration of democracy in that great country. I call to the attention of my colleagues a report on this situation in the Washington Post of January 21, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

INDIA LIFTS CENSORSHIP RULES, ORDERS DETAINEES RELEASED; OPPOSITION UNITES

NEW DELHI, January 20.—The Indian government tonight lifted censorship on the domestic press and ordered a large-scale re-

lease of political prisoners in moves to create a favorable climate for general elections in March.

The announcements represent a further dismantling of the sweeping emergency restrictions that Prime Minister Indira Gandhi imposed along with a state of emergency in June 1975.

The emergency itself remains in force, however, and many of the items covered in the emergency censorship regulations were incorporated in a new law passed by Parliament a year ago.

In announcing the end of the censorship, information Minister V. C. Shukla reminded editors and reporters of the new law, which provides for the seizure of printing presses fines, and in some cases jail term for reporting matters considered objectionable.

Chief Censor H. J. D'Penha said all government lawsuits against newspapers accused of censorship violations would automatically lapse. He said that journals that had stopped publication rather than agree to censorship could now apply for permission to resume publication.

The government announcement that persons detained under the Maintenance of Internal Security Act would be released came as former Deputy Prime Minister Morarji Desai announced that a united party would be formed by opposition groups to challenge Gandhi's ruling Congress Party in March.

Opposition spokesmen say that more than 50,000 political leaders and workers have been arested since the emergency was imposed June 26, 1975. The government claims that about 12,000 persons were arrested for political reasons and that some of them have been released already. Most of those released have been opposition leaders and rank-and-file workers remain imprisoned.

There was no official disclosure of how many prisoners would be freed, but the central government orderd states to expedite their release and to apply the security act in the future only in exceptional cases.

"Withdrawal of censorship and suspension of the emergency are necessary for a free and fair poll." Desai said before the government announcement. The 81-year-old opposition leader was released from prison himself only two days ago.

Desai announced today that the four non-Communist opposition parties would contest the election as the united Janata (Peoples) Party.

The parties involved in the front are the Socialists, the Opposition Congress, the Indian People's Party and the Hindu nationalist Jana Sangh.

Desai said the four would merge in order to avoid splitting the vote against the Congress as has happened in previous elections. The four parties together had a strength of only 60 out of a total of 520 members in the Parliament that was dissolved yesterday. The number of constituencies has been raised to 545 in the Parliament to be elected in March.

The opposition parties have made several halting efforts to unite since Gandhi declared the national emergency in 1975 to meet what she described as a threat to internal order following her conviction on election fraud charges.

As part of the relaxed atmosphere the government also issued orders to the states to allow public meetings and other political activity in connection with the election.

Under the emergency regulations, opposition political gatherings were banned, as were press reports of the activities of opposition politicians, including statements in Parliament.

Censorship regulations against foreign correspondents were relaxed in September, but Shukla warned then that the laws remained on the books and could be enforced at any time.

ADDITIONAL VIEWS FOR RETAINING COMMITTEE ON AGING

Mr. CHURCH. Mr. President, the Senate will soon consider the Committee Systems Reorganization Amendments of 1977.

As reported by the Senate Committee on Rules and Administration, those amendments call for the disolution of the Senate Special Committee on Aging.

In testimony before the Rules Committee earlier this month, I argued against such action. My position is shared by 50 other Senators who—as I announced on Friday—have joined me in cosponsoring an amendment to continue the Committee on Aging with broad responsibility for comprehensive oversight investigation and review of the needs and aspirations of older Americans.

The case for continuation of the Committee on Aging has been further buttressed by the distribution over the weekend of the additional views to the Rules Committee report on the Committee Reorganization Amendments.

These additional views were submitted by Rules Committee members, WILLIAMS, PELL, and CLARK. They provide persuasive arguments on a number of important points, including a rebuttal to the assertion that a subcommittee of the proposed Human Resources Committee could serve as the Senate focal point on aging.

Senator WILLIAMS, potential chairman of the proposed Committee on Human Resources, made the same point often during the Rules Committee hearings. His views bear considerable weight, in my view. The Committee on Human Resources, vast as its jurisdiction would be, could not possibly fulfill the same oversight responsibilities now performed by the Committee on Aging.

The additional views make a powerful case on this point, and shed light on other matters, as well. I ask unanimous consent to have them printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDITIONAL VIEWS OF MR. WILLIAMS, MR. PELL, AND MR. CLARK

We take exception to the Committee action defeating, by a 5-4 vote, a motion to retain the Senate Special Committee on Aging.

Our convictions on this matter are expressed in the following rebuttals to arguments advanced at the recent hearings and mark-up on S. Res. 4.

(1) A subcommittee on a standing committee could adequately serve as the Senate focal point on aging.

Rebuttals.—If history is a guide, then the opposite is true. The Special Committee on Aging was established in 1961 after a two-year study by a Subcommittee of the Labor and Public Welfare Committee found that the legislative response to elderly concerns was fragmented among at least a dozen Senate committees. It urged that an information-gathering and advocacy unit, non-legislative in character and therefore unbound by jurisdictional lines, be established to provide comprehensive attention to these matters within the Senate. Since its founding, the Special Committee on Aging has helped lay the groundwork for much legislation affecting older Americans. In addition, the Committee has proper functioning of programs through comprehensive oversight. Following this example, The House of Representatives, established its own Select Committee on Aging during a recent reorganization of that body's committee system in 1974 by a vote of 323 to 84.

Adoption of the provision which places the Special Committee's oversight functions within the Human Resources Committee, aging issues would nevertheless be divided among the Human Resources Committee and eight other standing committees.

(2) A subcommittee in the Committee on Human Resources, if required by statute to perform the same oversight functions as the Special Committee on Aging, could perform that oversight more efficiently and would have greater effectiveness as a unit of a legislative committee.

Rebuttal.—We are convinced that if the above course were taken, both efficiency and effectiveness would be diminished in the Senate's consideration of aging.

Efficiency would suffer in several ways. Within the Subcommittee on Aging itself, oversight activities would necessarily take second place to the primary task of legislative responsibilities—the consideration and mark-up of proposed bills.

The Subcommittee's oversight and foresight functions would compete not only with its legislative duties but with the very many other assignments of responsibility within the full Human Resources Committee. Aging is but one of a large number of separate areas to which that Committee must devote oversight scrutiny; additionally, it must watch over seventeen major executive branch agencies including the Departments of Labor and Health, Education, and Welfare.

Movement of the oversight capacity to a legislative committee could, under pressure of day-to-day realities, actually create a situation in which there would be more, rather than less duplication of effort. It has been our experience that information obtained from oversight hearings or studies conducted by a special, non-legislative committee established for that special purpose is usually welcomed by the committee with corresponding jurisdiction. However, the same information flowing from a "foreign" legislative subcommittee is received far less warmly and is likely to spur only another investigation rather than relevant legislation. Realizing this, the staffs of legislative subcommittee sometimes tend to devote their energies to working for legislation within their jurisdictions rather than producing critiques which will go largely ignored.

Our view that the Senate's effectiveness in aging would be diminished is based not only on our own analysis but on that of knowledgeable and respected outside authorities. Former Senator Claude Pepper, currently the ranking Democrat on the House Select Committee on Aging, testified before the Rules Committee that termination of the Special Committee would impair the work of its House counterpart and would decrease the ability of Congress to participate with the new Administration in shaping a more effective response to the needs of older Americans.

In addition, we have been contacted personally by dozens of national and local organizations representing the elderly, and by experts in the social service and gerontology fields. Every one has stated that elimination of the Special Committee would be a grave setback to the senior citizens of this Nation.

We thus conclude that the Senate's oversight over aging-related areas would be diminished by this transfer to Human Resources, and the Senate's effectiveness in this respect would either remain unchanged or decrease.

However, even if continuing the Special Committee adds some small burden to our work days, we believe that informed and compassionate attention to the severe, unmet needs of older Americans should take precedence over "efficiency". The Senate of the United States was never envisioned as a forum for the hasty and speedy disposition of legislation. One of its responsibilities is to understand the needs, aspirations, and potential of our people.

(3) The Senate Special Committee on Aging, because it requires few business meetings, is "staff-dominated".

Rebuttal.—The staff of the Special Committee on Aging, as does the staff of any committee or subcommittee does develop general expertise on the issues it deals with. However, the fact that the Special Committee holds few full meetings because it lacks a "legislative" agenda should not be interpreted as indicative of staff operating without direction or of Senators being excluded from participation. The Committee is firmly guided by its able Chairman, Frank Church; the subcommittee chairmen of each of its subcommittees have left their stamp on issues and legislation. Each member of the Committee has the greatest of opportunities to develop a thorough knowledge of a particular aspect of aging and can pursue that interest through Committee investigations and hearings. In the Senate, a staff person, in order to remain a staff person, exercises initiate only when certain that they are in harmony with the goals and personality of the Senator, or Senators served by that staff person. There is no "domination"; there is only responsibility and response.

(4) If the Senate has a separate committee for the aged, then it will have to establish such a body for all special populations, ad infinitum.

Rebuttal.—In our opinion, this argument obscures the real issue—that "aging" is not a phenomenon which begins at age 65. It is a process in the lives of each of us. It has effects not only on individuals but also upon our society and our economy. If we are blind to the far-reaching implications of those effects, we will poorly serve not only today's elderly, but all generations to come.

The Senate declared, in 1961, that a nonlegislative focus was required to address effectively the needs of a growing elderly population. The Special Committee on Aging is conceded to have done an excellent job even by proponents of the full reorganization plan. Our own analysis as well as that of respected experts convinces us that its elimination would return us to the pre-1961 situation. But the still-growing population of older Americans, standing now at twenty-three million, is a group still challenged by severe, unmet needs and identifiable by unique characteristics. Older Americans today must subsist on fixed incomes in the midst of unprecedented inflation. They are generally rejected by a youth-centered society and confronted by seemingly insurmountable bars to continuing employment and societal interaction. And, the elderly have health needs far different from those of other age groups. These identifying characteristics not only set them apart from the larger society and cry out for government response, but require that effective solutions be geared to their particular characteristics.

We feel that it would be a breach of faith for the Senate to discontinue the Special Committee on Aging, and the final actions of the Rules Committee to eliminate several Senate Committees renders moot a "domino theory" argument which maintains that the continuance of its vital work will make us incapable of exercising future self-restraint in the matter of committee creation.

(5) Continuing the Special Committee on Aging will irreparably harm the committee reorganization proposal. Committees created on a "temporary" basis simply must be terminated sometime.

Rebuttal.—If reorganization will be destroyed by retention of any of the committees slated for extinction, then the fatal blow has been struck many times. The reorganization scheme entered this Committee with a list of fifteen committees, it is exiting with a list of twenty.

CONCLUSION

It is for the above reasons that we must respectfully dissent from the action of the Committee on Rules and Administration in this matter which affects not only today's twenty-three million older Americans, but every other American who is now and will someday be affected by aging: the middle-aged or older worker who stays out of work for longer periods than most younger workers when laid off or discharged; the new widow entering a frightening world of loneliness; a middle-aged family struggling with college expenses of their children together with health and housing expenses of elderly parents or relatives; the well-to-do retiree who feels he must make a contribution of service to his community, and many more.

HARRISON A. WILLIAMS, Jr.
CLAIBORNE PELL.
DICK CLARK.

A CASE AGAINST COMPULSORY MILITARY SERVICE

Mr. CHURCH. Mr. President, I wish to draw to the attention of the Senate a perceptive article by George F. Will, entitled "Profile of an Army," which appeared in the Washington Post on January 30, 1977. Mr. Will presents impressive statistics showing that, despite criticism of an All-Volunteer Army, the experiment has been very successful. Mr. Will's figures indicate that our Volunteer Army is quite representative of a cross section of the American population in terms of region, race, and family income. I agree with the conclusion reached in the article: the Volunteer Army has much more to recommend it than a return to conscription, during times of peace.

Mr. President, I ask unanimous consent that this informative article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROFILE OF AN ARMY

(By George F. Will)

Frost and fire are not more different than the persons—Sens. John Stennis of Mississippi, Sam Nunn of Georgia, Edward Kennedy of Massachusetts, and Joseph Califano, Secretary of Health, Education and Welfare—who have been most consistently critical of the all-volunteer armed forces. But they all are Democrats.

Some critics dislike the all-volunteer idea; they regard compulsory national service as good for the soul of the citizenry. Most critics have predicted that volunteer forces would be disproportionately poor, "excessively" black, of low quality and unreasonably expensive.

Actually, today's volunteers are remarkably representative of the nation in terms of region, race and family income.

The 10 most populous states have 53 per cent of the nation's male youths and produce 53 per cent of recruits; the 20 most populous states have 75 per cent of male youths and produce 75 per cent of recruits. Contrary to Califano's and others' emphatic predictions, the all-volunteer forces are not "poor men's forces":

26.3 per cent of families and 26.9 per cent of recruits are in the under $8,000 income group.

29.3 per cent of families and 35.1 per cent of recruits are in the $8,000–$13,999 income group.

22.3 per cent of families and 22 per cent of recruits are in the $14,000–$19,999 group.

21.8 per cent of families and 16 per cent of recruits are in the $20,000-plus group.

In 1964, blacks were 10.6 per cent of armed forces' recruits. In 1976, they were 16.9 per cent. The figures for the Army were 13.7 in 1964 and 24.4 in 1976. Obviously a moderately larger percentage of blacks than of whites finds that the armed forces provide an attractive opportunity. So what? The government has no reason—and no right—to worry about whether there are "too many blacks in the armed forces.

The quality of today's recruits, as measured by education levels and scores on standardized tests, is better than the quality of recruits in 1964, the last pre-Vietnam year. In 1964, 68 per cent of volunteers were high-school graduates; in 1976, 69 per cent were. In 1964, 42 per cent of volunteers had test scores placing them in the top two of four mental categories; in the most recent quarter the figure was 44.1 per cent.

True, personnel costs have risen from 47 per cent of defense outlays in fiscal 1964 to 58 per cent in fiscal 1977. But that is primarily because military pay has been raised to comparability with private sector employment. But if the nation returned to conscription, comparability would be a requirement of justice. Without conscription, comparability obviously is necessary as well as just.

Few persons who criticize the all-volunteer forces as "unreasonably expensive" favor returning to the scandalous pay rates of 1971. Then many military families were on welfare. And if, today, pay for junior enlisted men was reduced to the federal minimum wage, the government would save just $1.7 billion.

A few easy, reasonable reforms (for example, seeking more women recruits and converting 50,000 military positions to civilian positions) should compensate for any increased recruiting difficulties in years when unemployment is less than it is today, and the number of persons between ages 17 and 22 is smaller.

The most serious predicted skill shortage, of physicians, has not occurred. There are shortages of some skills, and of reserves, but these are problems less substantial than the political and social problems that would be part of any attempt to return to conscription.

Persons who favor military conscription, or other mandatory national service, usually do so for reasons of political philosophy that are independent of the performance of the all-volunteer forces. Suffice it to note that universal military training would produce an absurd surplus of trained manpower over projected military requirements. And a year of mandatory national service for all youths would cost $50 billion annually, if only the minimum wage were paid, and would involve a revolution in national priorities, and values: The U.S. government has never asserted a right, unrelated to national security, to conscript citizens' lives.

My friend Richard Scammon, the elections expert, says that nothing ails the Republican Party that 12 per cent inflation won't cure. But Republicans also can benefit from Democratic criticism of the all-volunteer forces, which are perhaps the finest achievements of the recent Republican years. Most such criticism underscores two Democratic tendencies—statism and casualness about coercion.

IDAHO'S NEW GOVERNOR

Mr. CHURCH. Mr. President, on January 24, 1977, John V. Evans took the oath of office to become Idaho's 26th Governor succeeding Cecil Andrus, now Secretary of Interior.

Governor Evans, in his inaugural address, chose three words to describe a philosophy that will guide his stewardship of Idaho's State government for the next 2 years: honesty, competency, and openness.

To those who know John, those words are familiar, for they have guided him throughout his long and distinguished career of public service. He is an exemplary public servant, hardworking and fair-minded.

I know I join the people of Idaho and many across the country in wishing John Evans well as he takes on this new challenge.

I ask unanimous consent that the full text of Governor Evans' inaugural address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

INAUGURAL ADDRESS BY JOHN V. EVANS, GOVERNOR, STATE OF IDAHO

Mr. Chief Justice, members of the Court, Mr. Secretary, elected officials, members of the Legislature, my Fellow Idahoans.

For Idaho, this is indeed a day to remember. Mr. Secretary—my good friend Cece—we are proud of you. We will continue to be proud of you. Your place in Idaho history is secure.

Your policies leave an indelible mark on our State. Your style and warmth have brought a new dimension to the Governor's Office.

As you know, Mr. Secretary, if President Carter's plans are adopted, you will have jurisdiction in your new position over about two-thirds of the State of Idaho rather than the one-third you have been governing. And so I say to you, I am looking forward most anxiously to working with you and counting on your help and support during the coming two years.

We meet here today in a celebration of the democratic process and in a reaffirmation of our faith in the continuation of the process. In a simple ceremony we both exult the past and we commit ourselves to the future. We also express our thanks to God for His graciousness to us and to our State. We dedicate ourselves, with His help to a responsive, effective state government.

As I assume the responsibilities of being your Governor, I am keenly aware that it is no small task. I ask for your help and support. Idaho is not and cannot be one man, one party, one branch of government or one region. It is, and must be, all of us working together.

Today my task is to set the tone for our endeavors during the next two years and to let you know those things that are important to me as your Governor.

To look ahead with reason, we must look back in introspection. The history of Idaho is a history of challenge and diversity. As a people we come from no common root and as a young state our common heritage is limited.

Our pioneers in South Idaho fought bitter hardship and discrimination to make the dream of a desert in bloom come true.

The miners and frontiersmen of the North had no less a challenge. They came from different backgrounds and, because of the land, they built a different life. But the very diversity of our past is what makes our future so exciting.

Idaho is now a fast growing state and the intensity of our growing pains is measured by the speed of our expansion. State and local governments must be able to respond adequately to these challenges. The demands on our state government at this time are such that there is no margin available for the luxury of politics as usual. The policy of Governor Andrus in seeking the best possible talent for state positions is one I endorse and will continue. His policy of consultation with all political and interest groups all across the State to develop what is best for Idaho, I endorse and will continue.

The biggest problem state and local governments face in dealing with change is the problem of communication—establishing a common ground of understanding between newcomers and established residents; between the young and old; between business and labor; between the rural and the urban; and between environmentalists and industrialists. New programs made necessary by economic development and population increase must be understood by all groups before they can be accepted. Unfortunately, too often a new plan with far reaching effects is automatically viewed with suspicion and, rather than attempting to understand its rationale, we try to blame others for its existence.

Planning for the future use of our land is an example. In Idaho, the interests of our people are so closely tied to land they are inseparable. Our economy is based on agriculture and the agricultural use of land.

It should remain so. The family farm, opinion to the contrary notwithstanding, is not only a viable and efficient economic unit, it is the basis of a way of life in Idaho and a set of values we cherish. Unless extreme care is taken, population impact becomes a distinct threat to this way of life and set of values.

I agree with the people's expressed desire that Idaho not experience inordinate population growth. While we cannot close the doors to such an inviting locale, we need not agressively pursue increased population.

The growth that is inevitable must be channeled by adequate planning so that it serves the needs and desires of the people. Planning must be a community venture in charting the future through widespread citizen participation. Working together in the proper framework of laws, we can build the sort of state we all want.

In the past two years as Lieutenant Governor, I have been invited into a great number of our communities—both large and small—and I have been inspired by the essential down-to-earth goodness and unselfishness of our Idaho citizens. We retain the independence of our pioneer spirit with the recognition of the importance of our tomorrow. Our people are, indeed, our greatest resource.

There are many critical priorities on the agenda for the next two years. Foremost is proper protection of our environment. Idaho is abundantly blessed with natural beauties. The title, Gem of the Mountains, did not come to us without good reason. Our lovely—largely unspoiled—lakes, mountains and streams offer not only opportunities for interludes of peace and quiet solitude for our citizens, but also are an important part of our recreational economy. Part of these natural wonders are also the timber on them and the minerals under them.

Tourism, timber and mining all must continue to be utilized if our economy is to prosper but, also, must be used with the wisdom to preserve them for future generations. As Governor Andrus has put it, we must develop our economy to provide a future for our children, but we must see to it that it is a future worth having.

Education, as always, remains high on our list of priorities. The trend over the past twelve years of increasing support for school districts from the General Fund must continue. There is, I am confident, now broad general recognition that the property tax base for local school support is totally inadequate. The State's General Fund must continue to provide for this ever-growing vital need. In this day of dramatic change in living style, social philosophy and technology, our children must go forth to meet the new challenges with the best training possible. Nothing less will do. The costs of the untrained and the unskilled are a mortgage on Idaho's future we cannot afford.

This administration has a special interest in serving the needs of our senior citizens. For their contribution in building Idaho we owe them a special debt. It has been said, the moral worth of a society can be judged by how it treats its elders. Idahoans cannot be found wanting in this regard.

Idaho, like every other state in the Union, must come to grips with the problem of energy shortages but we must not rush headlong into any one-dimensional approach which poses a threat to our precious environment. We have time to develop a balanced program that will utilize the still developing potential of nuclear, geothermal and solar energy, additional hydro-electric facilities that are available as well as fossil fuels.

In the meantime, we must honestly commit ourselves to the concept of conserving rather than wasting existing energy sources.

Finally, as I begin my stewardship of Idaho state government, there are three words I want to be used to describe the work of my staff and myself during the next two years. They are honesty, competency and openness. I recognize, of course, that this description must be earned. I intend to earn it.

My own financial holdings have been put into a blind trust. Conflict of interest on the part of state employees simply will not be tolerated. I will make every effort to open the doors of government, not only so that people may know but also may participate in the decisions that affect their lives.

Two years ago the people of Idaho elected me Lieutenant Governor. At that time the circumstances which have now put me on trial as your Governor were certainly not perceived.

These circumstances have brought great honor to our state and they have given me the greatest challenge of my life. I ask God's help; I earnestly ask for your prayers and good will. Together let us continue to build a better Idaho, properly direct her future, and protect her great heritage.

HOSTILE INDIANS UPSET ARIZONA MASONRY

Mr. GOLDWATER. Mr. President, many of my colleagues in this body are members of the masonic order as am I, and while it has always been my custom not to mix masonry and politics, I ran across an item this morning that I felt masonic brethren everywhere would like, particularly those who read the RECORD. This story appeared in the Phoenix Scottish Rite News of this year, and it contains a report made by my uncle Morris Goldwater who, by the way, happened to be one of the founders of the Democratic Party in the territory of Arizona, relating to the difficulty he had in reaching a meeting of the grand lodge at Globe, Ariz. The title of the article is "Hostile Indians Upset Arizona Masonry." I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOSTILE INDIANS UPSET ARIZONA MASONRY

The following incident goes back to 1870 and words are those of Morris Goldwater, Grand Master of the Grand Lodge Free and Accepted Masons of Arizona:

"When at our last meeting it was decided to accept the invitation given to us by our brethren of White Mountain Lodge, I could not help believing that the attendance would be small . . . while in comparison with other jurisdictions we may be numerically weak, yet in the personnel of these present I see with pride that we have no reason to be ashamed to the craft in other jurisdictions, it may seem strange that our growth in numbers is not greater, and the attendance at our annual sessions is not larger. But to those who know Arizona; to those who have traveled her rough and rugged roads, where steel rails are not yet, nor ever will be; to those who have journeyed across her mountains and deserts, day after day, seeing neither city, town or hamlet, there is no need of explanation. When the former learned that some of you have journeyed four or five days to come here, and notice that neither per diem nor mileage cheers your return, the wonder will be that so many have come up, like their brethren of old, to aid and assist without hope of fee or pecuniary reward.

I did not however, anticipate our meeting in Tucson. To you who are here, there is no necessity of explanation; but to our brethren abroad, and particularly to our brethren of Globe, I feel that I owe an explanation for my action in calling this session at Tucson instead of at Globe, as ordered at the last annual communication. On November 4, myself and several brethren from Prescott had completed our arrangements to visit Globe, traveling through the Tonto Basin. A snowstorm coming on compelled us to change our route and travel via Phoenix. We then received news that the Indians had attacked the sheriff of Gila county and his party, killing two and escaping to the mountains. Following this on the 5th I received a dispatch from the Deputy Grand Master, saying that the Indians were out and that a fight had occurred between them and the United States troops. He informed me that it was not safe to go to Globe, and that he and the Senior Grand Warden did not think it advisable to risk life in going there. In addition to this, I learned that both of these brethren were detained in Tucson by order of the court, one as a witness, and the other as a juror. I at once telegraphed to each of the lodges, giving them the information I had, asking if Tucson would suit them, in case it was decided to be unsafe to go to Globe . . . I started to Globe via Phoenix. On reaching Phoenix, I found there would be no quorum at Globe if I went there . . . while I could not find any authority to justify my changing the place of meeting, I did not feel like taking a stage ride of four days simply to open and close the Grand Lodge. I therefore notified the several lodges that the session would be held in Tucson and asked White Mountain to send her representative to this place. I regret very much that our brethren of White Mountain Lodge have thus been disappointed, and I had personally looked forward with anticipated pleasure to a visit to their city." —Reprint.

THE U.N. WANTS A SKIRMISH

Mr. THURMOND. Mr. President, the United Nations continues to challenge the United States as demonstrated by two recent actions involving Third World economic problems and independence in South West Africa. The editor of the Aiken Standard newspaper, Aiken, S.C. commented on these developments in the January 18, 1977 issue under the heading "U.N. Wants A Skirmish."

The Congress needs to realize that the position of the United States in the United Nations has become the minority position in recent years. The U.N. is rapidly becoming a means for the Communist and third world nations to prod the United States and complicate our diplomatic problems.

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UN WANTS A SKIRMISH

Recently President-elect Jimmy Carter chose Rep. Andrew Young to be his ambassador to the United Nations. Within a week, a majority of that august body responded by firing two shots across his bow.

The first was when 107 of the 147 members of the General Assembly endorsed an unprecedented resolution that approved "armed struggle" to secure the independence of South West Africa.

The second shot was a communique from the so-called "Group of 77"—which now has 116 members or a majority in the United Nations. The communique called for reconvening of the General Assembly early in the new year so that the U.N. could assess the Carter administration's policies on economic problems with the Third World, or poorest nations.

Since the General Assembly normally would not reconvene until September after its late December adjournment, the communique was an overt attempt to bring immediate pressure for international economic reforms on the Carter administration.

The strategy may be counter-productive. Experts in the United States and abroad generally believe that Mr. Carter will be more sympathetic to the aspirations of the underdeveloped countries than the present administration is.

By making impossible demands and forcing issues even before the President-elect settles into office, the Third World is moving too fast and too far.

The Security Council cannot approve the use of armed force to install any government, nor would most of the African nations want to have a U.N. resolution on the books approving wars to overthrow governments.

For one thing, the U.N. charter declares that "all members shall refrain in their international affairs from the threat or use of force . . . " For another, black governments that do not represent a majority of the people are the rule in all of Africa—as would be the group that the U.N. favors in South West Africa. Freedom House does not list a single truly free nation on the entire African continent.

As to having the international economic policy established in the General Assembly, the Group of 77 is being frivolous. Recently the Paris Conference on International Economic Cooperation—or the so-called North-South talks—canceled proposed meetings because of international economic uncertainties. Western nations cannot assess their potential commitments toward the Third World until they can determine the full economic impact of the Jan. 1 oil price hikes. And the North-South talks that involve only 27 key nations on both sides of the economic fence is a much more manageable form than the U.N.

Mr. Carter will not be able to make any commitments to poor nations until he evaluates the economy, determines the impact of rising energy costs and discusses the problem with our allies.

Accordingly, Rep. Young will have to fire a few of his own shots across some bows soon after he arrives at the U.N. If he does not, the tactical economic war may be lost for the West before it is really joined.

DR. ROBERT L. SUMWALT

Mr. THURMOND. Mr. President, I rise to pay tribute to Dr. Robert L. Sumwalt, the 22d president of the University of South Carolina, who died on January 25 at the age of 81. The life of Dr. Sumwalt was filled with service and achievement, and I know my colleagues will wish to join with me in honoring his memory.

Dr. Sumwalt was an engineer by profession, and one of rare ability. He belonged to numerous engineering societies and organizations, and he was named South Carolina engineer of the year in 1959.

Dr. Sumwalt had the instincts of a teacher, however, and it was as a university professor and administrator that he made his greatest mark in the world. After receiving, in 1921, a degree in civil engineering from the University of Delaware, he went to work for the Du Pont Co. He performed his duties well—so well, in fact, that the Du Pont Co. later endowed a professorship in his name at the University of South Carolina—but a life devoted only to business did not satisfy him. In 1926, he left Delaware for South Carolina and a post on the engineering faculty at the university.

Thus began an association that lasted for more than five decades, and that brought Dr. Sumwalt to the heights of the academic world in South Carolina and the Nation. Named full professor in 1931, and dean of the school of engineering in 1943, he was elevated to acting president of the university in 1957. He served in that capacity for 2 years, and then won unanimous election by the trustees as permanent president. His administration continued until 1962, when he reached mandatory retirement age.

The presidency of Dr. Sumwalt was one of the most progressive periods in the history of the university. It was during this time that the university gained full accreditation of all schools and departments, and instituted doctorate programs in physics and mathematics. These years also brought a significant increase in both faculty and students. Dr. Sumwalt handled his often hectic job with grace and dignity. Relying on the experience he had gained in his years as dean of the school of engineering, he proved himself to be not only a creative educator, but a steady and skillful manager as well. The esteem which he enjoyed in the university community was poignantly demonstrated when, on retirement, his portrait was hung in the South Carolina Library. In addition, the school of engineering now bears his name.

Retirement from the university, however, by no means spelled the end of Dr. Sumwalt's career of public service. He promptly enlisted as a consultant to the Postmaster General here in Washington. By taking on this responsibility, he gave a further demonstration of the patriotism which had earlier come to light in

the two World Wars. Like most great men, Dr. Sumwalt was as devoted to his country as he was to his profession. A loyal South Carolinian, too, at various times in his life he served as chairman of the State planning board, the State board of housing, and the State board of engineering examiners.

It would be difficult to name all the various honors and awards Dr. Sumwalt accumulated, but there are several that should not be omitted. He was particularly proud, and rightly so, of his honorary doctorate of science from the University of Delaware and his honorary doctorates of laws from Newberry College and the University of South Carolina. He also gained the Navy Meritorious Public Service Citation, the Air Force Association Award, and the Distinguished Service Award of the American Legion.

The death of Dr. Sumwalt brings deep sorrow to his many friends and associates, who are sure to miss his agreeable company and his trustworthy counsel in equal measure. Those who will miss him most, though, are those who knew him best—his family. I take this opportunity to offer my special condolences to his wife, Mrs. Caroline Causey Sumwalt; his son, Robert L. Sumwalt, Jr.; his daughter, Mrs. William M. Cox; his brother, John Sumwalt; his sisters, Mrs. John Rudolph and Mrs. George Sims; and his five grandchildren.

In addition to his other fine qualities, Dr. Sumwalt was an active and devoted Christian. He served for many years as a deacon and elder of the First Presbyterian Church in Columbia, S.C. May the faith that always sustained Dr. Sumwalt now give peace and comfort to those he leaves behind, and may it teach us, amid our sorrow, to be properly grateful for our opportunity to know him.

Mr. President, since the death of Dr. Sumwalt, articles have appeared in numerous South Carolina newspapers giving the full details of the life and accomplishments of Dr. Sumwalt. In order that my colleagues may have ready access to this inspiring information, I ask unanimous consent that representative accounts to be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Columbia (S.C.), Record, Jan. 24, 1977]

DR. SUMWALT, FORMER USC PRESIDENT, DIES

Dr. Robert L. Sumwalt, president emeritus of the University of South Carolina, died early this morning in Richland Memorial Hospital. He was 81.

Surviving are his wife, Caroline Causey Sumwalt; a son, Robert L. Sumwalt Jr.; a daughter, Mrs. William Cox of Darlington; a brother, John Sumwalt of Philadelphia; two sisters, Mrs. John Rudolph of Long Island, N.Y., and Mrs. George Sims of Rhode Island; and five grandchildren.

Funeral services will be held at 11:30 a.m. Wednesday in the First Presbyterian Church. Burial will be in the churchyard.

USC President William H. Patterson said today, "The loss of President-Emeritus Sumwalt will be felt throughout the university family, and expressly by those who, like myself, have appreciated his work for Carolina and good counsel for so many years.

"Our sympathies go out to his widow, Miss Caroline, and to his children, Robert and Mary, both alumni of the university."

E. Eston Marchant, chairman of the USC Board of Trustees, said, "The board of trustees has long appreciated the unique services of President and Mrs. Sumwalt to Carolina. We are proud of President Sumwalt's achievements and grateful for his example. He will be much missed."

"Dr. Sumwalt's death brings grief to many friends and admirers who knew him when he served as professor and dean of the Engineering College and as president of the University of South Carolina," said Sen. Strom Thurmond, R-S.C.

"He not only made outstanding contributions in these capacities, but he was also an active civic and community leader who served with dedication and ability. His passing is a great loss to our state and nation," Thurmond said.

Dr. Sumwalt was acting USC president from December, 1957, until May of 1959 when he was elected president. He reached the retirement age July 1, 1962.

During his relatively short tenure, however, the university made substantial advances in meeting the new needs of the last half of the Twentieth Century, including the pressures of the ever-increasing enrollment of the institution. His presidency was in a period of a heavy demand for higher education and the efforts to meet those demands.

Dr. Sumwalt's association with the university was a long one. It began in 1926 when he joined the engineering faculty. By 1931, he had become a full professor and in 1943 was appointed dean of the School of Engineering.

During his deanship, the School of Engineering underwent far-reaching changes in its curriculum and objectives, including, in answer to the requirements of the times, a more scientific approach to engineering education. All four divisions of the school were accredited.

It was against this background, that on May 7, 1959, he was elected as the 22nd president of the institution, after having served two years as acting president.

Following his election by the Board of Trustees, then Gov. Ernest F. Hollings said:

"This is a great day for the University of South Carolina. I am sure the students, the faculty, the alumni and all friends of the university will be pleased to know of the unanimous choice of Dr. Robert L. Sumwalt as president. Dr. Sumwalt has a record of distinguished service and devotion to the university of 33 years."

Dr. Sumwalt was the defender of the college professor and the advocate of what he regarded as the teacher's proper station. In a speech at Greenwood, during his presidency, he said respect and honor "due the teacher" must be returned to college professors and "we must reward them realistically." (At at least one faculty meeting, he was given a standing ovation by the professors.)

In the address at Greenwood he made a characteristic appeal for quality in education. "Our goals for quality education," he said, "are unchanged by the pressures of the times, even by the pressures to accommodate more students."

Later, he said: "We must aim for still higher standards, for by seeking higher standards we help to encourage a more disciplined and more vigorous training in our secondary schools."

Sumwalt, the engineer, brought the university administration an efficiency which officials say is still felt today.

Dr. Sumwalt, after his retirement, was commended on the occasion of the unveiling of his portrait in the South Carolina Library at the University. Dr. Daniel W. Hollis, University historian, said:

"The future historian of the university will note," concerning Sumwalt's administration, "the establishment of the Educational Foundation in 1958, the full accreditation of all schools and departments, and the founding of Ph.D. programs in mathematics and physics.

"Many new outstanding faculty members were brought in during Dr. Sumwalt's tenure, and there was a greater expansion of the physical plant."

Dr. Hollis also embodied, in his address, the fact that during the Sumwalt regime, University of South Carolina branch centers were established in Aiken, Beaufort, Lancaster and Horry counties. (This set the precedent for additional such centers over the state following the close of the Sumwalt administration.

Sumwalt was born July 8, 1895, at Baltimore, Md. His parents were Robert Alexander Sumwalt and Lillie Llewllyn Sumwalt.

After his early education, he entered the University of Delaware, from which he was graduated in civil engineering in 1918, and won the professional degree of civil engineering in 1921. In the meantime, he had acquired the S. B. in civil engineering from the Massachusetts Institute of Technology in 1920.

By 1921, Sumwalt had come to South Carolina after working with the duPont Company in Delaware, and was engaged by the South Carolina Highway Department as a resident engineer. By 1926, he had entered his teaching career at the University of South Carolina. This, it turned out, was to be his life's work.

In 1946, the University of Delaware conferred on Sumwalt the honorary degree of Doctor of Science, and in the same year, he received from Newberry College the honorary degree of Doctor of Laws.

For his service during World War I and World War II he received the Navy Meritorious Public Service Citation, the Air Force Asso. Award and the American Legion Distinguished Service Award. In 1938, he received the Kappa Sigma Kappa Award for service to the University.

In 1960, he was chairman of the National and School Awards Jury for the Freedoms Foundation, Valley Forge, Va.

Earlier in his career, Sumwalt was chairman of this State Planning Board, the State Board of Housing and the State Board of Engineering Examiners. He was a member of numerous engineering and educational associations and societies.

After his retirement from the presidency of the university, he served as a consultant to the postmaster general of the United States in Washington. He maintained his residence in Columbia, however.

Sumwalt was active in Kiwanis International and was a past president of both the Columbia and Cheraw Kiwanis Clubs.

He was a deacon of the First Presbyterian church and for many years was chairman of that church's property committee.

Dr. Sumwalt's fraternities were: Phi Kappa Phi, Omicron Delta Kappa, Kappa Sigma Kappa, Tau Beta Pi and Sigma Nu.

He was a member of the Forest Lake Country Club, the Forum Club, the Centurion Club, the Cotillion and the Evening Music Club.

[From The State, Columbia, S.C., Jan. 25, 1977]

ROBERT L. SUMWALT, PRESIDENT EMERITUS OF USC, DIES AT 81

Dr. Robert L. Sumwalt, president emeritus of the Univesity of South Carolina, died Monday at Richland Memorial Hospital in Columbia after a long illness. He was 81.

Dr. Sumwalt was the 23rd president of the University of South Carolina, serving as acting president from 1957 to 1958 and president from 1958 to 1962, when he reached mandatory retirement age.

"The loss of President Emeritus Sumwalt will be felt throughout the university family, and especially by those who, like myself, have appreciated his work for Carolina and good counsel for so many years," USC President William H. Patterson said in a state-

ment. "Our sympathies go to his widow, Miss Caroline, and to his children, Robert and Mary, both alumni of the university."

Also, T. Eston Marchant, chairman of the USC board of trustees, issued a statement on Dr. Sumwalt's death.

"The board of trustees has long appreciated the unique services of President and Mrs. Sumwalt to Carolina. We are proud of President Sumwalt's achievements and grateful for his example. He will be much missed."

From Washington, Sen. Strom Thurmond, R-S.C., issued the following statement: "Dr. Sumwalt's death brings grief to his many friends and admirers who knew him when he served as professor and dean of the engineering college and as president of the University of South Carolina. He not only made outstanding contributions in these capacities, but was an active civic and community leader who served with dedication and ability. His passing is a great loss to our state and nation."

Dr. Sumwalt's association with USC was a long one, beginning in 1924 when he joined the engineering faculty. By 1931, be had become a full professor and in 1943 was appointed dean of the School of Engineering.

While Dr. Sumwalt was dean, the School of Engineering underwent far-reaching changes in its curriculum and objectives, including, in answer to the requirements of the times, a more scientific approach to engineering education. All four divisions of the school were accredited.

After serving two years as acting president of the university, Dr. Sumwalt was unanimously elected president in May, 1958.

Under his leadership, USC advanced to meet an increasingly heavy demand for higher education. However, he refused to allow quality education to suffer from growth.

After retiring from the University, Dr. Sumwalt was honored when his portrait was placed on display in the University's South Caroliniana Library.

When the portrait was unveiled, USC Historian, Dr. Daniel W. Hollis commented, "The future historian of the University will note (concerning Sumwalt's administration) the establishment of the Educational Foundation in 1958, the full accreditation of all schools and departments, and the founding of Ph.D. programs in mathematics and physics."

Born in Baltimore, Md., Dr. Sumwalt was a son of the late Robert Alexander and Lillie Llewllyn Sumwalt. He earned his civil engineering degree from the University of Delaware and won the professional degree in civil engineering in 1921.

After working for a time with the DuPont Company in Delaware, Dr. Sumwalt came to South Carolina in 1931 to accept an engineering post with the S.C. Highway Department.

Dr. Sumwalt was awarded an honorary doctor of science degree from the University of Delaware in 1946. He also received an honorary doctor of laws degree from Newberry College and a like honor from USC.

For his service during World Wars I and II, he was awarded the Navy Meritorious Public Service Citation, the Air Force Association Award and the American Legion's Distinguished Service Award.

In 1950, he was chairman of the Nation and School Awards Jury for the Freedom Foundation of Valley Forge, Pa.

Earlier in his career, Dr. Sumwalt had served as chairman of the State Planning Board, the State Board of Housing and the State Board of Engineering Examiners. He was a member of numerous engineering and engineering education societies and associations.

The School of Engineering was named in his honor, and his first employer, the DuPont Company, established a $50,000 professorship in his name.

He was "South Carolina Engineer of the Year" in 1959, and two annual editions of the USC year book, "The Garnet and Black," were dedicated to him. He was listed in Who's Who in America, Who's Who in Engineering, Who's Who in Education and American Man of Science.

After his retirement from the university, he served as a consultant to the Postmaster General in Washington. However, he continued to maintain his home in Columbia, where he was a deacon and elder of the First Presbyterian Church.

He was also a member of Forest Lake Country Club, the Forum Club, the Centurion Club, the Cotillion and the Evening Music Club.

He is survived by his widow, Mrs. Caroline Causey Sumwalt; a son, Robert L. Sumwalt, Jr. of Columbia; a daughter, Mrs. William M. Coxe of Darlington; a brother, John Sumwalt of Philadelphia; two sisters, Mrs. John Rudolph of Long Island, N.Y., and Mrs. George Sima of Rhode Island; and five grandchildren.

Services will be 11 a.m. Wednesday at the First Presbyterian Church.

Pallbearers will be Judge J. Bratton Davis, Vernon E. Sumwalt, Sherwood McKissick Cleveland, Vernon Rollins Sumwalt, Hugh W. Causey Jr., G. Robert Sumwalt, C. Wallace Martin, Dr. Richard L. Walker.

Dunbar Funeral Home is in charge.

[From The Charleston, S.C., News and Courier, Jan. 25, 1977]

USC Officials Mourn Dr. Sumwalt's Death

Columbia.—Top University of South Carolina officials Monday mourned the death of President emeritus Robert L. Sumwalt.

President William H. Patterson issued a statement saying the loss of Sumwalt would be felt throughout the "university family." And especially by those who, like myself, having appreciated his work for Carolina and good counsel for many years," Patterson added.

Board of Trustee Chairman T. Eaton Marchant of Columbia also said Sumwalt will be missed.

Dr. Sumwalt, who died early Monday, was the 22nd president of the university. He was acting president from 1957 to 1959, when he became permanent president and served until 1962.

Dr. Sumwalt attended the University of Delaware and the Massachusetts Institute of Technology. He was South Carolina's "Engineer of the Year" in 1959. He joined the USC faculty in 1926 and became dean of its School of Engineering in 1943.

The funeral for Dr. Sumwalt will be 11:30 a.m. Wednesday at Columbia's First Presbyterian Church. Burial will be in the church cemetery.

Survivors include his widow, Mrs. Caroline Causey Sumwalt of Columbia; a son, Robert L. Sumwalt, Jr., of Columbia; a daughter, Mrs. William Cox of Darlington; a brother, John Sumwalt of Philadelphia; two sisters, Mrs. John Rudolph of Long Island, N.Y., and Mrs. George Sims of Rhode Island; five grandchildren.

[From the Florence (S.C.) Morning News, Jan. 25, 1977]

Former USC President Dr. R. L. Sumwalt, Dies

Columbia.—Dr. Robert L. Sumwalt, 81, president emeritus of the University of South Carolina, died early Tuesday in Richland Memorial Hospital.

Sumwalt, who joined the engineering faculty at the university in 1926, served as acting president from December, 1957, to May, 1959, when he was elected president. He served as president until his retirement from the university on July 1, 1962.

Funeral services will be held at 11:30 a.m. Wednesday at Columbia's First Presbyterian Church. Burial will be in the churchyard.

USC President William H. Patterson said, "The loss of President Emeritus Sumwalt will be felt throughout the university faculty, and expressly by those who, like myself, have appreciated his work for Carolina and good counsel for so many years."

T. Eston Marchant, chairman of the USC board of trustees, said, "The board of trustees has long appreciated the unique services of President and Mrs. Sumwalt to Carolina.

"We are proud of President Sumwalt's achievements and grateful for his example. He will be much missed."

Survivors include his wife, Carolina Causey Sumwalt, and a son, Robert L. Sumwalt Jr., both of Columbia; a daughter, Mrs. William Cox of Darlington; a brother, John Sumwalt of Philadelphia; two sisters, Mrs. John Rudolph of Long Island, N.Y., and Mrs. George Sims of Rhode Island; and five grandchildren.

[From the Columbia (S.C.) State, Jan. 27, 1977]

Scholar and Gentleman

It is no platitude to observe that Delaware's loss was South Carolina's gain when Robert L. Sumwalt left his native state in 1921 to come south. Few men have contributed as much to the Palmetto State—in so many roles—as did the distinguished engineer who was buried here yesterday. He died Monday, at the age of 81, after a long illness.

We refer to him as an "engineer" for he was that above all else. But by virtue of that training and inclination, he achieved recognition and rendered services in a variety of fields ranging from highway construction to education. He will be most gratefully remembered, however, for the successive and successful roles he played at the University of South Carolina as professor, dean, and president.

But even after his retirement in 1962, culminating 36 years' association with that institution, he continued to be actively engaged in community and civic affairs. Indicative of his lifelong interest in the education of young people, he served for a time as president of the James F. Byrnes Foundation, an organization dedicated to the higher education of South Carolina orphans.

Space does not permit the listing of his involvements or his achievements, embracing service to the educational, cultural, military, scientific, and governmental progress of South Carolina and the nation. But his countless friends and admirers will recall him fondly not just for his impressive accomplishments but for his understanding, his humanity, his helpfulness—and for the ever present twinkle in his eye.

ORDER FOR RECOGNITION OF SENATOR SCHMITT AND SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of Mr. Bumpers under the order previously entered, Mr. Schmitt be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may also have an order for recognition for not to exceed 15 minutes tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MATSUNAGA ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, after any other orders for the recognition of Senators that may

have been previously entered, Mr. MATSUNAGA be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE MEETING TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Amendments of the Committee on the Judiciary may be authorized to conduct a hearing on tomorrow while the Senate is in session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSIONS OF APPRECIATION

Mr. ROBERT C. BYRD. Mr. President, I wish to express my appreciation to Mr. STEVENSON, the manager of the bill which was passed today, for his excellent work and his dedication to the purpose of passing the bill without any substantial amendments. He is to be commended highly. I commend Mr. PEARSON, on the other side of the aisle, for the same reasons.

I also express my personal gratitude to my colleague on the other side of the aisle, the distinguished Republican leader, for the support he gave to the efforts to pass the measure without substantial amendment. Without his support it would have been far more difficult, if not impossible. I thank him for the help he gave.

Mr. BAKER. Mr. President, if the Senator will yield briefly, I thank him very much for those remarks. I may say to the majority leader that it was my pleasure to work with him in this respect. It was not a pleasant task. It was not one which permitted either of us, I expect, to vote exactly as we would want to vote on a number of issues. I am sure all of our colleagues recognize the urgency and necessity for that situation. I think the majority leader for his consideration.

Mr. ROBERT C. BYRD. I thank my friend. I also wish to thank the able Republican whip, Mr. STEVENS, for his assistance in the passage of this legislation.

I also especially thank the Senator from Ohio, Mr. GLENN and the Senator from Idaho, Mr. MCCLURE and other Senators who had prepared amendments to offer, which were appealing amendments, but who, out of consideration for the interest of the leadership in passing the bill without substantial amendments, withheld their amendments or withdrew them after discussing them.

Mr. President, I believe that commendations are due to Members of both parties on both sides of the aisle. I am very grateful for the fine consideration and cooperaiton which has been shown to the joint leadership by our Members on both sides of the aisle.

RECESS UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 11 a.m. tomorrow.

The motion was agreed to; and at 8:07 p.m., the Senate recesed until Tuesday, February 1, 1977, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate January 31, 1977:

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be general

Gen. Paul K. Carlton [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be general

Gen. Louis L. Wilson, Jr. [redacted] FR (major general, Regular Air Force), U.S. Air Force.

IN THE MARINE CORPS

Warrant Officer Truman W. Crawford, USMC, for appointment to the grade of captain (temporary) while serving as the director of the Marine Corps Drum and Bugle Corps in accordance with article II, section 2, clause 2 of the Constitution.

IN THE AIR FORCE

The following named officers for promotion in the United States Air Force, under the appropriate provisions of Chapter 839, Title 10, United States Code, as amended.

LINE OF THE AIR FORCE

Lieutenant colonel to colonel

Abel, Richard E., [redacted]
Adams, Francis R., Jr., [redacted]
Adams, Jimmie V., [redacted]
Ahearn, Joseph A., [redacted]
Aldrich, Richard B., [redacted]
Aldridge, Donald O., [redacted]
Allen, Melvin A., [redacted]
Allison, John C., [redacted]
Alser, Donald J., [redacted]
Altieri, Michael A., [redacted]
Amundson, John D., [redacted]
Anderson, B. C., Jr., [redacted]
Anderson, Billy W., [redacted]
Anderson, Darrell L., [redacted]
Anderson, David D., [redacted]
Anderson, David L., [redacted]
Anderson, John M., [redacted]
Ansberry, Thomas H., [redacted]
Applebaugh, Robert G., [redacted]
Archer, James B., [redacted]
Ashnault, Paul O., [redacted]
Ashy, Joseph W., [redacted]
Bailes, Onnie L., Jr., [redacted]
Baird, David M., [redacted]
Baird, George F., [redacted]
Baird, Kenneth R., [redacted]
Baird, William F., Jr., [redacted]
Baker, Charles L., [redacted]
Banaszak, Jerome J., [redacted]
Banks, Marlon C., [redacted]
Barker, Ronald L., [redacted]
Barnes, Walter E., III, [redacted]
Barnum, Dale C., [redacted]
Barott, Philip J., [redacted]
Barry, Edward P., Jr., [redacted]
Bartlett, Russell H., [redacted]
Barton, Gerald S., [redacted]
Batson, Billy W., [redacted]
Baugh, William J., [redacted]
Baumgartner, Daniel J., [redacted]
Beamer, Harold F., [redacted]
Belinne, Francis, [redacted]
Bell, Jimmie E., [redacted]
Bennett, Richard O., [redacted]
Benson, Douglas W., [redacted]
Benson, Ronald N., [redacted]
Bent, Peter W., [redacted]
Beoddy, John J., [redacted]
Bergman, Arthur J., [redacted]
Bernal, Albert M., [redacted]
Bernd, Ronald E., [redacted]
Berroth, Karl G., Jr., [redacted]
Beyea, Richard S., Jr., [redacted]
Bianckino, Richard A., [redacted]
Billington, George R., [redacted]
Bithell, Wayne, [redacted]
Blair, Richard L., [redacted]
Blum, Joseph J., [redacted]
Bogiages, Christos C., Jr., [redacted]
Boice, Russell T., Jr., [redacted]
Bolstad, Richard E., [redacted]
Bolte, Wayne L., [redacted]
Bonderer,, Lawrence F., [redacted]
Boockholdt, John C., [redacted]
Bors, Joseph C., [redacted]
Boshoven, Bernard W., [redacted]
Bradshaw, Robert G., Jr., [redacted]
Branton, Charles E., [redacted]
Brees, Anton D., [redacted]
Breslin, Leo H., [redacted]
Bridges, Edward S., II, [redacted]
Broussard, Arthur E., Jr., [redacted]
Brown, David R., [redacted]
Brown, Melvin F., [redacted]
Brug, Walter J., Jr., [redacted]
Bryant, Warren A., [redacted]
Buchert, Ronald V., [redacted]
Buckelew, Jesse W., [redacted]
Bulmer, Gail T., [redacted]
Burger, Donald W., [redacted]
Burke, David J., [redacted]
Butler, George L., [redacted]
Callahan, Joseph T. Jr., [redacted]
Campis, Joel R., [redacted]
Carey, William C., [redacted]
Carlson, Philip D., [redacted]
Carner, Paul R., [redacted]
Carpenter, James T., [redacted]
Cassell, Robert T., [redacted]
Cassity, James S., Jr., [redacted]
Cavoli, Chester C., [redacted]
Centofanti, Joseph J., [redacted]
Chaffee, Philip, [redacted]
Chan, Keylor, [redacted]
Chess, William E., [redacted]
Chiota, Anthony J., [redacted]
Christopoulos, Arthur G., [redacted]
Clark, Gaylord W., [redacted]
Clark, Zack C., [redacted]
Clarke, John A., [redacted]
Clary, James C., [redacted]
Clemens, Ralph C., Jr., [redacted]
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Williams, William, xxx-xx-xxxx
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Wise, W. A., Jr., xxx-xx-xxxx
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Wofford, Hoke S., Jr., xxx-xx-xxxx
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To be lieutenant colonel

Almquist, James A., xxx-xx-xxxx
Armstrong, Mack M., xxx-xx-xxxx
Ashby, John F., xxx-xx-xxxx
Barr, John C., xxx-xx-xxxx
Bell, Robert E., xxx-xx-xxxx
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George, Thomas A., xxx-xx-xxxx
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Hoard, Samuel L., xxx-xx-xxxx
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Huller, Karl E., xxx-xx-xxxx
Hunt, Joseph F., xxx-xx-xxxx
Jesse, Henry, Jr., xxx-xx-xxxx
Johnson, Robert R., xxx-xx-xxxx
Jones, Emlyn H., xxx-xx-xxxx
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Kincaid, Lloyd E., Jr., xxx-xx-xxxx
Kinoshita, Carl K., xxx-xx-xxxx
Kirby, William B., xxx-xx-xxxx
Knight, Heyward P., xxx-xx-xxxx
Marrs, James D., xxx-xx-xxxx
McLean, Richard J., xxx-xx-xxxx
Middlebrook, John, xxx-xx-xxxx
Morgan, Harry D., xxx-xx-xxxx
Morris, Robert L., Jr., xxx-xx-xxxx
Moyer, Paul Norman, xxx-xx-xxxx
O'Connor, John A., xxx-xx-xxxx
Ouwinga, Harvey A., xxx-xx-xxxx
Paskow, Shimon, xxx-xx-xxxx
Pearce, Arthur J., xxx-xx-xxxx
Pitchford, Bertrand, xxx-xx-xxxx
Preston, Thomas J., xxx-xx-xxxx
Privette, Coy C., xxx-xx-xxxx
Prophet, Edwin, xxx-xx-xxxx
Quick, Van D., xxx-xx-xxxx
Reiners, John, Jr., xxx-xx-xxxx
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Richardson, Leland A., xxx-xx-xxxx
Ripley, Donald S., xxx-xx-xxxx
Rogers, Edward B., xxx-xx-xxxx
Roloson, Edwin A., xxx-xx-xxxx
Schreiber, Paul E., xxx-xx-xxxx
Selke, Harold B., xxx-xx-xxxx
Simpson, Charles L., xxx-xx-xxxx
Stansbery, Leslie E., xxx-xx-xxxx
Vogel, George B., xxx-xx-xxxx
Ward, Wayne R., Jr., xxx-xx-xxxx
Warmath, William C., xxx-xx-xxxx
Williams, James R., xxx-xx-xxxx

WOMEN'S ARMY CORPS

To be lieutenant colonel

Davis, Marion, xxx-xx-xxxx
Griffin, Joan L., xxx-xx-xxxx
Happersett, Joyce K., xxx-xx-xxxx
Hoerr, Juanita M., xxx-xx-xxxx
Howard, Beatrice A., xxx-xx-xxxx
Laurea, Lena, xxx-xx-xxxx
Lawson, Patricia M., xxx-xx-xxxx
Marquis, Florence L., xxx-xx-xxxx
Price, Edith M., xxx-xx-xxxx
Reagles, Carol L., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Sandekian, Sura C., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Martin, Rodger A., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Bracey, Altamont H., xxx-xx-xxxx
Fayne, Fred A., xxx-xx-xxxx
Harville, Victor L., Jr., xxx-xx-xxxx
Heutel, Lee B., xxx-xx-xxxx
Jordan, Francis R., Jr., xxx-xx-xxxx
Rigby, Odell F., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Barber, Loy H., xxx-xx-xxxx
Biggerstaff, John D., xxx-xx-xxxx
Clark, Jack L., xxx-xx-xxxx
Dickerson, Ben E., xxx-xx-xxxx
Duckworth, Joseph D., xxx-xx-xxxx
Hardy, Joe W., xxx-xx-xxxx
Hawkins, Conner W., xxx-xx-xxxx
Lewis, Gillie C., Jr., xxx-xx-xxxx
Lurie, Ralph H. J., xxx-xx-xxxx
Martin, Francis D., xxx-xx-xxxx
Medlin, John D., xxx-xx-xxxx
Molloy, James H., xxx-xx-xxxx
Mooney, Lawrence P., xxx-xx-xxxx
Pearson, Leroy A., Jr., xxx-xx-xxxx
Robb, Thomas H., xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Sections 591, 593, and 594:

DENTAL CORPS

To be lieutenant colonel

Pollard, Billy M., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Armino, Thomas A., xxx-xx-xxxx
Bennett, Alfred J., xxx-xx-xxxx
Beres, Joseph A., xxx-xx-xxxx
Blalock, James C., Sr., xxx-xx-xxxx
Brundage, Bruce H., xxx-xx-xxxx
Duffield, John R., xxx-xx-xxxx
French, Alfred R., xxx-xx-xxxx
Haight, Robert P., xxx-xx-xxxx
Hamburger, Robert J., xxx-xx-xxxx
Hasting, Constance P., xxx-xx-xxxx
Henderson, Claude B., xxx-xx-xxxx
Hovey, Leslie M., xxx-xx-xxxx
Johnson, David E., xxx-xx-xxxx
Lentino, Jorge A., xxx-xx-xxxx
Lindstrom, Eric E., xxx-xx-xxxx
Mathewson, John J., xxx-xx-xxxx
McKewon, Claude R., xxx-xx-xxxx
Mosley, Everett C., xxx-xx-xxxx
Oxley, Leo L., Jr., xxx-xx-xxxx
Tweeddale, Duane N., xxx-xx-xxxx
Walden, Robert E., xxx-xx-xxxx
Warren, Mary L., xxx-xx-xxxx
Yelland, Graham, xxx-xx-xxxx

The following-named officers for appointment in the Army of the United States under the provisions of Title 10, U.S.C., Section 3494:

MEDICAL CORPS

To be lieutenant colonel

Wilson, William C., III, xxx-xx-xxxx

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Section 3385:

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To be colonel

Adams, Earl L., xxx-xx-xxxx
Allen, Carroll G., xxx-xx-xxxx
Baber, James A., III, xxx-xx-xxxx
Ballington, Lewis C., xxx-xx-xxxx
Barns, Jay M., xxx-xx-xxxx
Bryant, Ernest J., Jr., xxx-xx-xxxx
Bryant, Lawrence H., xxx-xx-xxxx
Buitrago-Gonzalez, J. A., xxx-xx-xxxx
Chabot, Normand A., xxx-xx-xxxx
Cole, Wyatt O., xxx-xx-xxxx
Coryell, Richard W., xxx-xx-xxxx
Creamer, William P., xxx-xx-xxxx
Cugno, Arthur F., xxx-xx-xxxx
Danter, James F., xxx-xx-xxxx
Della Bitta, Larry H., xxx-xx-xxxx
Dennis, James T., xxx-xx-xxxx
Dingus, James L., xxx-xx-xxxx
Doitteau-Rodriguez, R., xxx-xx-xxxx
Donovan, Thomas F., xxx-xx-xxxx
Engel, William F., xxx-xx-xxxx
Eriksen, Donald P., xxx-xx-xxxx
Ferre, Richard R., xxx-xx-xxxx
Fiorella, Robert M., xxx-xx-xxxx
Franklin, Charles E., xxx-xx-xxxx
Fretterd, James F., xxx-xx-xxxx
Friend, Cletus W., xxx-xx-xxxx
Gortmaker, Gary D., xxx-xx-xxxx
Goyins, Gale P., xxx-xx-xxxx
Hammond, Marvin J., xxx-xx-xxxx
Hanna, Bobby G., xxx-xx-xxxx
Hays, William R., xxx-xx-xxxx
Heubach, Erich H., xxx-xx-xxxx
Hilliard, John M., Jr., xxx-xx-xxxx
Huie, Earl B., xxx-xx-xxxx
Jones, Fred R., xxx-xx-xxxx
Kramer, George A., xxx-xx-xxxx
Liska, Dennis J., xxx-xx-xxxx
Lowman, James M., xxx-xx-xxxx
Melendez-Perez, Wilfredo, xxx-xx-xxxx
Montgomery, Edwin F., xxx-xx-xxxx
Moore, Billy E., xxx-xx-xxxx
Mora, Alfredo J., xxx-xx-xxxx
Myers, Bobby L., xxx-xx-xxxx
Newman, Richard J., xxx-xx-xxxx
Nichols, Donald E., xxx-xx-xxxx
Ortega-Torres, Norberto, xxx-xx-xxxx
Owens, Richard N., xxx-xx-xxxx
Pollard, Riley T., Jr., xxx-xx-xxxx
Romano, Anthony P., xxx-xx-xxxx
Rossi, Sylvio, xxx-xx-xxxx
Sheldon, Robert C., Jr., xxx-xx-xxxx
Smith, Eugene C., xxx-xx-xxxx
Smith, Fred D., xxx-xx-xxxx
Stemple, Virgil A., xxx-xx-xxxx
Strohl, Walter G., xxx-xx-xxxx
Stuckey, Johnny D., xxx-xx-xxxx
Sutherland, Richard L., xxx-xx-xxxx
Sweeny, Thomas J., xxx-xx-xxxx
Taddeo, Pasquale R., xxx-xx-xxxx
Toth, Jack A., xxx-xx-xxxx
Vega, Gilberto, xxx-xx-xxxx
Verzyl, Edwin, xxx-xx-xxxx
Walker, Emmett H., Jr., xxx-xx-xxxx
Wallace, Clarence C., xxx-xx-xxxx
Ward, Manfred A., xxx-xx-xxxx
Wetherbee, Richard F., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Georgakis, Nicholas G., xxx-xx-xxxx
Sawada, Edward A., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Kinsaul, Charlie F., xxx-xx-xxxx
Smith, Earl O., xxx-xx-xxxx
Weathersby, Shelton E., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Abbott, Clifford E., xxx-xx-xxxx
Addison, Louis C., xxx-xx-xxxx
Allen, Alfred J., Jr., xxx-xx-xxxx
Aus, Alfred B., xxx-xx-xxxx
Ayres, Billy J., xxx-xx-xxxx
Baird, Walter B., xxx-xx-xxxx
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Brinson, Wendell A., xxx-xx-xxxx
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Byers, Fred B., xxx-xx-xxxx
Call, Sidney B., xxx-xx-xxxx
Camper, Raymond E., xxx-xx-xxxx
Carline, John L., xxx-xx-xxxx
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Edgeller, John S., xxx-xx-xxxx
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Engstrand, Raymond D., xxx-xx-xxxx
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Fields, Jerry W., xxx-xx-xxxx
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Fox, James E., xxx-xx-xxxx
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Graze, Robert L., xxx-xx-xxxx
Green, Butlee W., xxx-xx-xxxx
Griffin, Stacey, xxx-xx-xxxx
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Harber, Gary G., xxx-xx-xxxx
Harris, Gerald V., xxx-xx-xxxx
Harrison, John R., xxx-xx-xxxx
Hayman, Robert L., xxx-xx-xxxx
Henderson, Jay J., xxx-xx-xxxx
Hester, Bennie L., xxx-xx-xxxx
Holeman, Herbert P., xxx-xx-xxxx
Honaker, Robert G., xxx-xx-xxxx
Horton, Donald R., xxx-xx-xxxx
Hutchison, Joseph B., xxx-xx-xxxx
Jones, Harold M., xxx-xx-xxxx
Jones, James L., xxx-xx-xxxx
Jones, John B., xxx-xx-xxxx
Jones, Milton O., xxx-xx-xxxx
Judge, Jimmie, xxx-xx-xxxx
Keith, Earl H., xxx-xx-xxxx
Kirshner, Eugene, xxx-xx-xxxx
Klein, Wilbert G., xxx-xx-xxxx
Knutson, Oliver R., xxx-xx-xxxx
Kopp, Thomas E., xxx-xx-xxxx
Kortz, William J., xxx-xx-xxxx
Lally, John E., Jr., xxx-xx-xxxx
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Lewis, Dean R., xxx-xx-xxxx
Lewis, Paul E., xxx-xx-xxxx
Lindsay, Rodney C., xxx-xx-xxxx
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Lusk, Everrett S., xxx-xx-xxxx
Mahanay, Floyd B., xxx-xx-xxxx
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Mallas, Kenneth M., xxx-xx-xxxx
Manweiler, Howard I., xxx-xx-xxxx
McDaniel, Gene A., xxx-xx-xxxx
McDaniel, William K., xxx-xx-xxxx
McDevitt, James P., xxx-xx-xxxx
McGouldrick, John J., xxx-xx-xxxx
McKenzie, Donald W., xxx-xx-xxxx
McLaurin, Hugh M., III, xxx-xx-xxxx
McManus, Donnie J., xxx-xx-xxxx
Melchert, Paul A., xxx-xx-xxxx
Moore, John F., xxx-xx-xxxx
Muszynski, Thomas J., xxx-xx-xxxx
Navas, William A., xxx-xx-xxxx
Neighbors, Dennis B., xxx-xx-xxxx
Nicholas, Steve C., xxx-xx-xxxx
Norton, Jerry M., xxx-xx-xxxx
Oliva, Erneido A., xxx-xx-xxxx
Otero, Julio C., xxx-xx-xxxx
Pendergrass, Raymond, xxx-xx-xxxx
Pixley, Morris H., Jr., xxx-xx-xxxx
Pomeroy, Edward E., Jr., xxx-xx-xxxx
Posey, Robert G., xxx-xx-xxxx
Powell, Stanford F., xxx-xx-xxxx
Power, Donald E., xxx-xx-xxxx
Quattlebaum, Hulen D., xxx-xx-xxxx
Ramirez-Gonzalez, Rafael, xxx-xx-xxxx
Rardon, Donald L., xxx-xx-xxxx
Rickaby, Dale E., xxx-xx-xxxx
Ritchie, Ronald E., xxx-xx-xxxx
Robison, Harold S., xxx-xx-xxxx
Rosenbaum, James H. E., xxx-xx-xxxx
Russon, Dee R., xxx-xx-xxxx
Sanders, William P., xxx-xx-xxxx
Schroeder, Raymond L., xxx-xx-xxxx
Schuster, Michael F., xxx-xx-xxxx
Shields, Paul R., xxx-xx-xxxx
Silva, Gerald J., xxx-xx-xxxx
Smith, Donald G., xxx-xx-xxxx
Smith, Franklin, J., xxx-xx-xxxx
Smith, Richard L., xxx-xx-xxxx
Smith, William A., xxx-xx-xxxx
Stilson, Robert C., xxx-xx-xxxx
Strong, Bob C., xxx-xx-xxxx
Stuckey, Jimmie D., xxx-xx-xxxx
Taylor, Robert D., xxx-xx-xxxx
Thacker, Lyle V., xxx-xx-xxxx
Thompson, Robert F., xxx-xx-xxxx
Tietjen, John P., Jr., xxx-xx-xxxx
Trabert, Brenton A., xxx-xx-xxxx
Turner, James A., xxx-xx-xxxx
Underwood, John T., III, xxx-xx-xxxx
Upton, Frederick R., Jr., xxx-xx-xxxx
Van Leeuwen, John D., xxx-xx-xxxx
Vowell, Leonord G., xxx-xx-xxxx
Waits, Fred W., xxx-xx-xxxx
Waller, Naire O., xxx-xx-xxxx
Ward, Don C., xxx-xx-xxxx
Warner, Jere M., xxx-xx-xxxx
Wattel, Marshall L., xxx-xx-xxxx
Weaver, Max I., xxx-xx-xxxx
Whelan, Raymond D., xxx-xx-xxxx
Wickham, Herbert F., III, xxx-xx-xxxx
Williams, Oren M., Jr., xxx-xx-xxxx
Wise, W. A., Jr., xxx-xx-xxxx
Womack, James K., xxx-xx-xxxx
Wood, Kenneth C., xxx-xx-xxxx
Worden, Richard E., xxx-xx-xxxx
Worth, Stephen G., Jr., xxx-xx-xxxx
Youd, Leon E., xxx-xx-xxxx
Zavadil, Milton, Jr., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Dahlstrom, Myron L., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Ward, Doris R., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Hebert, Peter W., xxx-xx-xxxx
Howard, Don G., xxx-xx-xxxx
Rodriguez, Rene F., xxx-xx-xxxx
Tesdall, Donald J., xxx-xx-xxxx
Wyman, Stephen M., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Henry, John C., xxx-xx-xxxx

CONFIRMATION

Executive nomination confirmed by the Senate January 31, 1977:

DEPARTMENT OF DEFENSE

Charles William Duncan, Jr., of Texas, to be a Deputy Secretary of Defense.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

ANIMAL PROTECTION LEGISLATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. LEHMAN. Mr. Speaker, this year many animals and birds, including many domestic and almost extinct animals, will needlessly suffer and be cruelly slaughtered unless legislation is enacted to protect them. I have recently introduced three pieces of legislation to improve the welfare of animals.

I believe that the first step that must be taken is to carefully evaluate the effectiveness of our existing laws governing the treatment of animals. I therefore introduced a bill, H.R. 462, to establish a Commission on the Humane Treatment of Animals. This Commission, composed of individuals knowledgeable in and concerned with animal welfare, will study the treatment of animals for a 2-year period and then issue a final report containing its findings and recommendations for legislation.

There are, of course, situations in which animal trapping is necessary. However, despite the availability of effective devices which can immediately and painlessly trap animals, the use of the steeljaw leghold traps continues.

I have introduced legislation to discourage the use of painful devices and to promote humane trapping. This bill, H.R. 471, would require the Secretary of the Interior, with the aid of a seven-person commission established by the bill, to set criteria for designating those traps that would either painlessly capture or instantaneously kill. This legislation would also stop the interstate commerce and the use on Federal lands of unapproved traps, as well as halt the interstate commerce of animals and products from animals not captured with approved traps. The Secretary of the Interior would be authorized to offer financial assistance to assist in the compliance with these provisions, and fines would be imposed as part of enforcement efforts.

The State of Florida has already banned the use of the steeljaw leghold traps, and I believe that we should now make "humane trapping" a national policy.

Our great whales are being slaughtered to the point of extinction, although there are cheap and plentiful substitutes for whale products. My resolution, House Joint Resolution 79, to place an immediate embargo on the products of all foreign enterprises engaged in commercial whaling, would probably force the Japanese to halt whaling. The three companies engaged in whaling export more than $100 million worth of fishery products, such as tuna, salmon, mackerel, sardines, clams, and crabs to the United States. The importation of Russian caviar would also be affected, thus giving the Soviet Union substantive evidence of our commitment to end this slaughter.

The protection of the great whales is in the interest of all mankind, and I do not believe that the United States can refrain any longer from imposing strong measures to insure their safety.

I look forward to the early passage of these bills to guarantee the humane treatment of animals.

TOOTS SHOR

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. MURPHY of New York. Mr. Speaker, it is always sad to lose a great American, but it is even sadder for those of us who knew this man to lose one of New York City's major institutions: Toots Shor. Beyond being what any man is supposed to be: Patriotic, kind, generous, and devoted to his family; he was also what many men can never be—a true friend. Sometimes his manner was brusque, but it was never to be unkind. He was not capable of hate, only of a unique understanding of his fellow man.

The stories of his life, his friends, his manner of living are legion. He knew everyone, and everyone knew—and loved—him. He was equally at ease with the great, and near-great, and the everyday person who simply needed a friend.

His family will surely feel the loss more greatly than any of us, for they had the honor and pleasure of his company each day of their lives. May we each bear some of the grief for them, for theirs is an irreplaceable loss of the companionship of a great man. I for one am proud to have been called "friend" by him.

Mr. Speaker, there are many in this country who never had the pleasure of meeting Toots Shor. His obituary and eulogy as printed in the New York Times are offered as part of my remarks, so that all might know the kind of man he was:

FIVE-HUNDRED ATTEND SERVICE FOR TOOTS SHOR

(By Joseph Durso)

Bernard (Toots) Shor, who died Sunday night at the age of 73, was eulogized yesterday at Temple Emanu-El as "the world's greatest saloonkeeper" who also was a "warm, generous and religious man."

The funeral for the long-time restaurant owner and host was attended by 500 persons from around the nation, including many celebrities from sports and entertainment. The one-hour service was led by the chief rabbi of the temple, Ronald B. Sobel; a special prayer was offered by Msgr. William J. McCormack, a friend of the family, and the eulogy was delivered by Paul R. Screvane, former president of the City Council and now president of the Offtrack Betting Corporation.

Among the mourners were four past or present sports commissioners: Pete Rozelle from football, Bowie Kuhn from baseball and Lawrence F. O'Brien and Walter Kennedy from basketball. Also at the service were Walter Cronkite, Joe Garagiola, Howard Cosell, Mel Allen, William Shea, Gabe Paul, Wellington Mara, Horace Stoneham, Lee MacPhail, Charles Feeney and a large group of one-time athletes that included Frank Gifford, Charley Conerly, Kyle Rote, Monte Irvin, Ralph Kiner, Dominic DiMaggio, Eddie Arcaro, Billy Conn and Alex Webster.

"A city is most authentically reflected in its people," Rabbi Sobel told the gathering. "In a very unique manner, Toots Shor for several decades was the mirror of a special excitement and quality that set New York apart from all other cities. He was a magnet around which flowed many of the special streams of New York's greatness. He was, in his life, a legend among legends."

"If saints are people who are profoundly aware of God's influence in their lives," Monsignor McCormack said after following the rabbi to the pulpit, "then I suggest to you that Toots Shor was a great man and a good man."

In the eulogy Mr. Screvane recalled that Mr. Shor had "become involved in an unprecedented era of American history" starting in the 1920's and said:

"The thread of his odd life stitched together the people who made much of the history and mood. He must be the only man who was as close to the mob lords Longy Zwillman, big Frenchy and Owney Madden as he was to Cardinal Spellman, Robert Sherwood and President Truman. His personality, outgoing and often as erratic as a rocket, bridged the sociological gaps that yawned between Babe Ruth and Paul Draper, Frank Costello and Edward R. Murrow, Texas Guinan and the nuns at Marymount, where his three daughters were educated.

"He was equally at ease with Sir Alexander Fleming, the discoverer of penicillin, and Casey Stengel, the inventor of the new syntax. He served as catalyst between two distinguished Americans, Yogi Berra and Chief Justice Earl Warren."

Mr. Screvane then sketched Mr. Shor's image in a series of brush strokes. He remembered him as "the coiner of words that enriched our vocabularies, him as "the catalyst for putting together important business or political deals" and as "a father confessor who listened to our troubles."

"Rambunctious, loud, sometimes even rude to people who didn't know him well," Mr. Screvane said, "the real man was generous, warm-hearted, deeply religious and possessed of a loyalty and devotion to family and friends so fierce it seemed at times almost maniacal. Dubbed correctly as 'the world's greatest saloonkeeper,' there was only one of him, and not likely to be another in this time or probably ever."

After the service, Mr. Shor was buried in Ferncliff Cemetery in Hartsdale, N.Y.

MEMORIAL TO JAMES C. AUCHINCLOSS LATE A FORMER REPRESENTATIVE FROM NEW JERSEY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HOWARD. Mr. Speaker, when James C. Auchincloss retired from the House of Representatives after 22 years in Congress, his colleagues honored him as a Congressman highly responsive to the needs of his constituents. As my distinguished predecessor to this body from the Third District of New Jersey, Congressman Auchincloss set an example for those of us who came in as new Members in 1965.

On October 2, 1976, at the age of 91, Mr. Auchincloss passed away in Alexandria, Va. He is survived by his wife and two sons, nine grandchildren and nine great grandchildren. Because the House adjourned for the year on October 1, I was unable to pay tribute to him at that time in the RECORD.

To this day, Congress acts on transportation and water resources bills that were landmark legislation of the Public Works Committee in the fifties and early sixties. Mr. Auchincloss served long and ably on that committee and played a key role in many pieces of vital public works legislation.

Mr. Auchincloss was mayor of Rumson, N.J., when Monmouth Republicans persuaded him to run for Congress against veteran Democrat William H. Sutphin. As he recalled later, he was picked as a "sacrificial lamb," but won with a surprising margin.

His old-fashioned, straight-laced views on honesty and ethics occasionally led him to blast members of his own party. In a speech in Ocean Township, N.J., in 1954, Mr. Auchincloss assailed the investigatory tactics of Senator Joseph R. McCarthy, who was probing employees at Fort Monmouth in Eatontown, N.J. "No one has a corner on fighting communism—we are all against it," he said.

On another occasion, he called on Secretary of Defense Charles E. Wilson to resign, declaring in a telegram, "You have outlived your usefulness." His anger had been aroused by Wilson's comments about the unemployed.

As Mr. Auchincloss approached his 80th year, he announced on January 23, 1964, that he would not seek reelection.

After his retirement, Mr. Auchincloss spent considerable time working to finish a $3 million complex for the Capitol Hill Club, a Republican social and civic organization he founded in 1949. The building was dedicated in 1971 as the Dwight D. Eisenhower Center.

He was also president of the Capitol Hill Foundation, a nonprofit, nonpartisan organization offering scholarships for government studies.

I offer my deepest sympathy to Mrs. Auchincloss and the other members of the family on behalf of myself and my colleagues in the House of Representatives.

MRS. JEAN FASSLER

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. RYAN. Mr. Speaker, I rise at this time to tell the Members of this distinguished body of a distinguished individual from the State of California; a highly respected public official in San Mateo County for 20 years; and a personal friend of mine for whom I hold in the highest esteem—Mrs. Jean Fassler. It is with a degree of sadness and reluctance that I inform you of her retirement from the San Mateo County Board of Supervisors after 12 years of dedicated service.

Before women were commonly associated with holding public office, Jean had received high acclaim for her efforts in spearheading the organization to incorporate the city of Pacifica in San Mateo County and served as Pacifica's first mayor. Having gained a reputation as an effective leader she was appointed a supervisor of San Mateo County in 1965. Jean has been honored as chairman of the board in 1967, 1970, and 1974, the first woman in San Mateo County history to serve in this distinguished position.

Supervisor Fassler has always been 10 years ahead of the general populace advocating environmental protection and coastline preservation long before they were popular and accepted interests.

Jean has been a personal friend of mine for almost 30 years and I know of few whom I respect more. Her personal and professional integrity, unselfish dedication to public service, warmth and charm are unmatched in San Mateo County.

I speak for the residents of San Mateo County and myself when I say that we Americans are losing a great official with the retirement of Supervisor Fassler. I only hope Jean will continue to bless us with her great work and stand as a symbol for all of us to emulate as she pursues new activities in her private life. I know I speak for all the Members of the House in wishing Jean and her husband, Joe Fassler much happiness and fulfillment in the years to come.

WORLD WILDLIFE FUND FOURTH INTERNATIONAL CONGRESS

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. FISHER. Mr. Speaker, during the World Wildlife Fund Fourth International Congress, held in San Francisco November 29–December 1, 1976, a number of resolutions dealing with wildlife resources throughout the world were adopted.

Today I am inserting into the RECORD 10 of the resolutions adopted at the meeting. I will introduce the remaining resolutions into the RECORD during the coming week.

While I do not necessarily endorse every position taken by the World Wildlife Fund, I did want to bring the resolutions to the attention of my colleagues.

FOURTH INTERNATIONAL CONGRESS OF THE WORLD WILDLIFE FUND DRAFT CONGRESS RESOLUTONS

Resolution 11. Protection to Natural Areas in Australia:

Being aware that the Australian continent is endowed with a very rich and largely endemic fauna and flora;

Noting that these unique animals and plants are found in ecosystems many of which have high scenic values;

Appreciating the efforts made by the Commonwealth Government and the State Governments of Australia in instituting a system of national parks and reserves to protect samples of these ecosystems;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Urges the Commonwealth Government and the State Governments of Australia to extend their systems of national parks and reserves to cover a greater range of the diverse ecosystems throughout the continent of Australia and in particular to protect areas such as the Kakadu area in the Northern Territory, and further Rainforest communities in Queensland New South Wales and Victoria, and Karri forests in West Australia, the rich and unique wilderness of South-West Tasmania, the unique Fraser Island off North-West Australia.

Resolution 12. Rain-Forest Conservation in Papua New Guinea;

Recognizing the substantial progress achieved by the Government of Papua New Guinea in promoting environmental conservation and species preservation, by the application of sound ecological principles and the integration of traditional harvesting practices in modern national development schemes;

Being informed that the Government of Papua New Guinea is considering the establishment of integrated forest industries in the Vanimo area, covering 200,000 hectares, and subsequently in other regions, the total of forests suitable for large-scale timber industries being two million hectares;

Aware that the tropical rain-forests of the island of New Guinea are very rich in plant species and harbours an equally rich fauna, the ecosystem also providing the traditional subsistence for the local people;

Noting the efforts undertaken by the Government to purchase timber rights from the traditional land owners;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Calls on the Government of Papua New Guinea to undertake adequate administrative efforts and negotiations with traditional land owners to safeguard a representative section of lowland rain forest by the establishment of at least one protected national park covering a minimum of 100,000 hectares, and to create additional parks and reserves in order to cover representative sections of the other important ecosystems of the country.

Resolution 14. Action to save the California Condor:

Recognizing that the California condor, one of the most spectacular birds of the United States of America, is now reduced to probably not more than forty individuals and is failing to produce sufficient young to maintain even this population level;

Aware of the world concern about the condor as an international resource;

The Fourth International Congress of the World Wildlife Fund meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Urges the United States Forest Service, the United States Fish and Wildlife Service the California Department of Fish and Game, the United States Bureau of Land Management and concerned private agencies to continue with increased vigour all activities set forth in the California Condor Recovery Plan, notably habitat protection, provision of adequate food supply and protection nesting sites, as well as the construction of artificial nesting sites, to deny permits for phosphate mining or any other activity within the Condor Sanctuary, which could have a negative impact on the population, to start a captive breeding program after careful study with the object of adding the offspring to the wild population.

Resolution 15. National Parks and other protected areas in Amazonia:

Being informed that protection of Amazonian habitat is not yet ensured by a comprehensive system of National Parks and equivalent reserves;

Noting that the rate of modification and destruction of the Amazonian ecosystems is such that up to the present, the genetic diversity is not safeguarded;

Appreciating the work and initiative of the Intergovernmental Technical Group for the Conservation of the Amazonian Flora and Fauna legally established between Bolivia, Brasil, Colombia, Ecuador, Peru and Venezuela;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A. from 29 November to 1 December 1976;

Urges the Governments of the Amazonian countries to safeguard viable representative samples of their ecosystems and to assign the necessary administrative and financial resources to manage these accordingly;

Appeals to all timber, oil and mineral exploitation companies operating in the Amazonian region to eliminate any pressure to violate the integrity of the existing national parks and reserves and to avoid the destruction of areas identified as unique and necessary for the planning of a comprehensive system of conservation areas in this region;

Appeals to the Governments of the Amazon basin and particularly Brasil to encourage international governmental organizations as well as non governmental groups in joining efforts with national organizations in establishing the requested system of national parks and reserves.

Resolution 15a. Ecological Development of the Tropical Rain Forest in the Amazon Basin:

Being informed about the continuous and increasing rate of destruction of Amazonian habitat;

Aware of the generally low agronomic potential of the land and the absence of an ecological sustainable policy of development;

Recognizing that the countries of the Amazon basin need to use the area productively;

Recognizing the valuable efforts undertaken in relation to wise use by certain Amazonian Governments, notably Peru and Venezuela, the latter having declared a full moratorium on exploitation schemes in all its territories south of the Orinoco, until better scientific understanding is achieved;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Urges the Governments of the Amazonian countries to set forth clearly their future policies and to implement them concerning the development of this region on an ecological basis, integrating harmoniously agriculture, animal husbandry, forestry, wildlife and fisheries management, oil and mineral exploitation, tourism and recreation in such a way as to make an optimal use of the natural renewable resources;

Appeals to industrialized countries to join efforts with the Amazonian countries to realise sound ecological objectives by providing funds and technical assistance and to refrain from undertaking steps in conflict with this approach.

Resolution 16. Depletion of Porpoise Stocks in the Eastern Tropical Pacific by the International Purse Seine Fleet:

Whereas the international purse seine fleet setting their nets around porpoise (dolphin) in the Eastern Tropical Pacific to catch yellowfin tuna have killed five to seven million porpoise since 1958;

Whereas at the October 1976 Nicaragua meeting of the Inter-American Tropical Tuna Commission, it was voted by both the Commission and the subsequent intergovernmental meeting that all nations participating in this fishery have a responsibility to work internationally through the Commission to solve the problem of the incidental kill of porpoise;

Whereas the IATTC will hold a special meeting prior to June 1, 1977 to address a specific plan to solve the problem;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Commends the member Governments of the IATTC for their action and urges them to press forward vigorously through the IATTC to achieve new techniques and fishing gear that will immediately reduce the tragic kill of porpoise and ultimately permit tuna to be caught without placing nets around porpoise, and that all nations that use purse seines should enact legislation equivalent to the United States Marine Mammal Protection Act which sets a goal approaching zero mortality and zero injury rate for porpoise;

Further encourages the United States Government fully to enforce the Marine Mammal Protection Act and urges the Congress of the United States to maintain the integrity of the Act and resist all attempts to weaken it.

Resolution 17. Conservation of Whales:

Recalling that in its Resolutions, the 3rd International Congress of the WWF renewed the call for a 10-year moratorium on commercial hunting of whales;

Being aware that the International Whaling Commission (IWC) has now adopted a new policy for the regulation of whaling which has already led to protection, or reduction of catches from some of the stocks of whales previously threatened by continued excessive hunting;

Noting, however, that substantial whaling continues under flags of nations not members of the IWC, involving nationals of some member nations, and that the IWC has made no progress in recent years in securing the adhesion of more whaling nations to the Commission;

Noting that loopholes in the IWC Convention have been repeatedly used to prolong the existence of an industry which is dying as a result of its own excesses, that arrangements be continued for independent monitoring of the scientific advice offered to the IWC, through the activation of the Interim Committee on Marine Mammals of IUCN;

Being informed that under IWC rules members are permitted to authorize without limit and without presentation of justification catches for scientific purposes, and that already one member (Japan) has issued a permit for the taking and commercial processing of a large number of Bryde's whales, probably exceeding the maximum yield that the stock in question could sustain; from a stock for which the Commission itself has established a zero quota;

Not being convinced that the present quotas are sufficiently supported by scientific knowledge, nor that the 10% margin at present applied is at all adequate to cover the great uncertainty in present scientific assessments;

Being aware that serious doubts have been raised by scientists as to the validity of current estimates used by the Commission of the sustainable yields from sei whales and sperm whales in the Southern hemisphere;

Concerned that the imminent expansion of krill fishing in the Southern Ocean could quickly lead to a situation in which the recovery of even protected stocks of baleen whales would be slower and less complete than previously expected;

Believing it to be essential that future generations of mankind be left options concerning the ways and the degree to which whales may be utilized in the long term;

Reaffirming its call for an immediate moratorium on commercial whaling;

Supporting proposals for the launching of a comprehensive program of research on whales, with particular attention to studies of live whales, oriented to provide the necessary information for conservation and management for objectives much wider than the present objectives of the IWC;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Urges UNEP, FAO and the UN bodies concerned and IUNC to give substantial support for implementation of the research activities referred to above and to initiate a study of the future intergovernmental arrangements required for the regulation of human activities which affect whale population and their habitats, having in mind changes in the Law of the Sea and in world public opinion concerning the conservation of whales;

Supports the proposals of the FAO/UNEP Scientific Consultation held in Bergen, Norway, in September 1976;

Calls on all nations and the IWC to agree to an immediate moratorium.

Resolution 18. Protection of the Harp Seal:

Being aware of the conflicting population data on which the annual harvest of the Labrador Front Harp seal herds are based;

Recognizing the necessity of being conservative in the exploitation of a threatened species;

Noting the recent studies by scientists from the University of Guelph, Ontario, Canada, have shown that the Labrador Front Harp seal herds are in danger if the annual seal hunt continues;

Noting that in 1976 the quota was set at one hundred and twenty-eight thousand seals and that the number taken was exceeded by forty-one thousand for a total of one hundred and sixty-nine thousand baby seals killed out of an estimated annual birthrate of less than two hundred thousand, the remaining thirty thousand or less still being subjected to other factors of mortality;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Recommends that the Government of Canada and Norway consider adoption of a moratorium on the annual commercial Harp Seal hunt until further data is available.

Resolution 19. Spear-Fishing:

Knowing that spearfishing is a threat to certain species of resident fishes and invertebrates;

Stressing that spearfishing contests are without parallel in sport by emphasizing killing;

Recognizing, however, the legitimate use of certain spearfishing activities for subsistence and other purposes;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Urges Governments to ban the use of spearfishing guns other than the hand spear and to ban all spearfishing contests;

Suggests that for all spearfishing activities suitable laws be enacted.

Resolution 19. The Future of Palau:

Recognizing that the marine environment of the Palau archipelago is the richest in the whole Pacific;

Being convinced that the future of the people of Palau depends upon maintaining the marine resources of the islands;

Being aware of the proposal for a superport in Palau with the possible development of petrochemical and other associated industries;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Urges the Japanese people to consider alternative and less damaging ways of securing their oil supplies; and

Recommends to the Government of the United States, in its capacity as guardian of the people and islands of Palau, to do all in its power to preserve the natural heritage of Palau by preventing the development of the superport.

MANDATORY PRISON TERMS FOR USE OF FIREARMS WHILE COMMITTING A CRIME

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. RAHALL. Mr. Speaker, as most people who read the newspapers know, crime in America is on the increase; especially crimes committed with handguns. Recent legislation to ban handguns, aside from being unconstitutional, does not at this time appear to be the solution to this problem.

It appears to me that providing stronger mandatory penalties for the commission of crimes where guns are involved and the enforcement of those penalties would help deter the criminal more effectively. In our district there are miners and other laborers who work the "hoot owl" shift, leaving their wives and children at home alone all night, who desire protection for their loved ones. The Constitution of the United States says Americans are entitled to bear arms and I firmly believe we are entitled to this protection.

With this in mind, I am proud to cosponsor H.R. 1559, a bill to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions. The thrust of this legislation is directed at the criminal who, through his own actions, jeopardizes the rights and lives of law-abiding citizens. We must create an atmosphere in which it is known by everyone that using a gun illegally will be dealt with surely and effectively by our criminal justice system. This legislation provides that in addition to the punishment given for committing a certain crime, mandatory sentence of imprisonment, for not less than 5 years, nor more than 10 years, will be given for the use of a firearm during the commission of a crime. Further, notwithstanding any other provision of law, the court shall not suspend the sentence in the case of any person convicted under this law or give him a probationary sentence, nor shall the term of imprisonment imposed under this law run concurrently with the term of imprisonment imposed for the commission of such felony or crime.

With the implementation of this legislation, we are sending a message to the criminal and would be criminal, that severe and mandatory sentences will be imposed for the use of firearms in the commission of crimes. This legislation addresses the need to create an atmosphere where a criminal who commits a crime with a firearm knows that he will go to jail: the courts would have no alternative but to send him to prison.

TO PROTECT AMERICAN SHORES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. DERWINSKI. Mr. Speaker, as problems mount in many fronts, it is truly a shame that the Congress is off to such a slow start. Now that the Democrats have selected most of their committee members, I hope that the purpose of the Congress, that of legislating, commences.

An editorial commentary in the Chicago Daily News, on January 24, emphasizes the need for immediate action by the Congress in reviewing the regulations governing the entire maritime industry which has recently been dramatized by the series of tanker accidents off U.S. shores. The editorial follows:

TO PROTECT AMERICAN SHORES

The recent rash of accidents to seagoing tankers has focused much-needed attention on a problem that is already serious and bound to get worse. The breakup of a single tanker can spread millions of gallons of polluting oil over the ocean, fishing grounds or beaches, as was quickly demonstrated in the December wreck of the Argo Merchant off Nantucket. And with more tankers bringing ever more oil into U.S. ports to satisfy the nation's energy needs, the question of how to protect our shores against pollution becomes critical.

Plainly, much is wrong when a rust bucket like the Argo Merchant, which had been

plagued with breakdowns earlier, can keep on sailing until its luck runs out on a reef.

Like most of the other tankers in the recent news, this ship was under Liberian registry. Fleet owners routinely register their ships in Liberia—or Panama, another "flag of convenience"—and it's no wonder. Sailing under the American flag means paying high wages and U.S. taxes; foreign registry cuts costs by half or more.

But the foreign registry also limits the control that can be exercised over the ships by the U.S. Coast Guard or other agencies. And at best the Coast Guard and inspecting crews are stretched too thin to keep the careful watch that is needed as tankers bring in more than 40 per cent of the oil being consumed in the United States.

The U.S. shipbuilding and maritime industry has been in sorry shape for years. Heavy subsidies have been provided by Congress, amid scandals galore over the contributions to congressmen by the maritime unions. But little gets done toward straightening out the mess in shipping. Most of the action taken have only made the mess worse, increasing the discrepancy between American flag shipping and registry under a foreign flag.

It should not take more sinkings and more spills to alert the new administration to the pressing need for a review of the whole shipping situation. Unilateral action may not be enough, although some positive steps toward port and shoreline safety can surely be taken by Congress. International cooperation could help even more. And since oil spills and ocean currents don't recognize national boundaries, every nation with a coastline has a stake in this battle against pollution.

MUSEUM AIRCRAFT TAX EXEMPTIONS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. GOLDWATER. Mr. Speaker, I am introducing today a bill to broaden the language of Public Law 94–530, which amends the Internal Revenue Code to exempt certain aircraft museums from Federal fuel taxes and the Federal tax on the use of civil aircraft.

Unfortunately, when Congress enacted legislation last year to make this exemption, an oversight occurred in that certain types of aircraft museums failed to qualify for it.

Public Law 94–530 applies only to museums which are "operated exclusively for the procurement, care, and exhibition of aircraft of the type used for combat or transport in World War II."

However, some aviation museums maintain World War II aircraft together with other types, such as World War I and other antique planes, custom-built, racing, and aerobatic planes. As the law is presently written, these museums cannot be exempted from Federal fuel taxes.

One such museum, the Experimental Aircraft Association Museum in Franklin, Wis., has an outstanding display of aircraft. The Experimental Aircraft Association strongly supported Public Law 94–530 in the belief that its museum would be included in the fuel tax exclusion. In fact, the Experimental Aircraft Association issued statements to the Ways and Means Committee and Senate Finance Committee in support of this legislation.

I really feel that Congress did not intend to make the law so narrow in its application, and I hope that my colleagues will support me in the bill I am introducing today. The text is as follows:

A bill to amend the Internal Revenue Code of 1954 to exempt certain additional aircraft museums from Federal fuel taxes and the Federal tax on the use of civil aircraft, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subparagraph (C) of section 4041(h)(2) of the Internal Revenue Code of 1954 (defining aircraft museum for purposes of exemption from taxes on special fuels) is amended by striking out "of aircraft of the type used for combat or transport in World War II" and inserting in lieu thereof "of antique, custom-built, racing, aerobatic, military, or other special types of aircraft".

SEC. 2. Paragraph (2) of section 4041(h) of the Internal Revenue Code of 1954 is amended by striking out "the term 'aircraft'" and inserting in lieu thereof "the term "aircraft museum'".

SEC. 3. The amendments made by the first two sections of this Act shall take effect on October 1, 1976, except that insofar as they affect the tax imposed by section 4491 of the Internal Revenue Code of 1954 (relating to use of civil aircraft), they shall take effect on July 1, 1976.

KEEP RIGHT-TO-WORK LAW

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. ABDNOR. Mr. Speaker, South Dakotans have repeatedly reaffirmed their belief that a person's right to hold a job should not be conditioned upon his membership in any organization through approval of the State's right-to-work law. Such a law in no way inhibits organization of or membership in labor unions, but it does protect the employment of persons who, for whatever reason, choose not to become members of the union.

I would like to share with my colleagues a recent editorial in the Madison, S. Dak., Leader as well as a recent column by Dave McNeil, executive vice president of the Greater South Dakota Association, addressing this very important issue:

[From the Madison (S. Dak.) Leader, Dec. 10, 1976]

KEEP RIGHT TO WORK LAW

Many South Dakotans believe that this state's "right to work" law is a good one. The law prevents compulsory unionism or the "closed shop" but permits other union activity.

The right to work law in South Dakota and other states may be threatened, however, by action in Washington after Jimmy Carter becomes President.

Pres.-elect Carter's position is not exactly clear, but he has indicated to labor leaders that he would sign a law repealing section 14(b) of the Taft-Hartley Act. It is under this section that states are authorized to have right to work statutes.

Thus the battle ground on what will be done in South Dakota may move outside the state to the legislative halls of Congress and to the White House itself.

We think it would be unfortunate if the federal government would dictate what South Dakota can or cannot do in this area. We also think the big unions have enough power to influence their members without the arbitrary system of the closed shop.

South Dakotans who favor our right to work setup will have to pass along their opinions to our elected representatives after Congress convenes in January.

MR. MARIGOLD AND THE FIGHT FOR 14–B

(By Dave McNeil)

PIERRE.—This is the story of Senator Everett M. Dirksen's battle to preserve the Right-to-Work Law. Someone once asked the great senator what he considered his most shining legislative achievement. To the questioner's surprise, the answer was not proposing the marigold as the national flower. The Senator instead replied, "Although it is perhaps a negative distinction, I am most proud of the bills which I prevented from being enacted." He further stated, "The American people can thank God that only 6 to 8 percent of all legislation introduced in Congress becomes law." Dirksen realized the most basic ingredient of democratic freedom lies in the absence of excessive regulation. He knew it is perfectly possible for a free society to legislate itself to death. He believed the accomplishments of a government cannot be measured in inches of statutes and the freedom of man cannot be measured on a ratio of federal regulations.

Standing high on a stack of bills which he prevented from being enacted was one that made him most proud, one that I am sure he regarded among his more important achievements because he was instrumental in getting it shelved. The bill would have enacted the repeal of Section 14–B of the Taft-Hartley Act.

The legislative battle took place in the fall of 1965 and the early months of 1966, and it was regarded as one of President Johnson's most severe legislative setbacks. It all surrounded 14–B. Senator Dirksen summed up his attitude towards the repeal of 14–B in these words: "It is not a labor issue as far as I am concerned, but a pre-emptive issue. If the federal government pre-empts the power of the states to act in this field, the states will never again regain their right to deal in labor matters. Is there a more fundamental right than the right to make a living for one's self and for one's family without being compelled to join a labor organization?" So he opened the filibuster and the bill was finally shelved in late October of 1965. Under heavy labor pressure, it was brought up again when Congress convened in January, 1966. Again, Dirksen began another "attenuated discussion," a thirteen-day filibuster that was called "the second battle of 14–B."

Section 14–B was finally buried with the letter RIP (Rest in Peace) on February 10, 1966. Senator Dirksen's final comment on 14–B was, "They'll bring it up again over my dead body." And so he saved Section 14–B of the Taft-Hartley Act.

Now, here we are eleven years later and, true to the Senator's prediction, 14–B is up again and he is no longer with us. There will surely be another attempt to repeal 14–B in the 95th Congress with its labor domination and President Elect Carter's statement that he will sign the repeal of 14–B if it gets to his desk. Some South Dakotans seem to believe our state will not be affected by such a repeal. The fact our right-to-work law is in our State Constitution does not protect

it from repeal by Congress. As Senator Dirksen said, 14–B is a pre-emptive issue, which means Section 14–B gave the states the original opportunity to enact right-to-work laws; therefore, its repeal does override our constitutional right-to-work law.

The South Dakota Right-to-Work Law is one of the pillars of our positive business climate. It is this positive business climate that has enabled our state to move very fast along the path towards industrial diversification and, thus, economic stabilization. Without 14–B, we lose a competitive edge.

BRAINWASHING OF MEMBERS OF RELIGIOUS CULTS

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. GIAIMO. Mr. Speaker, last September, I inserted for the benefit of my colleagues the text of correspondence which I had with the Justice Department on the seemingly religious cults. At this time, I again am including these letters for the RECORD so that those Members who are not familiar with my efforts may understand precisely what I am trying to accomplish:

AUGUST 11, 1976.

Hon. EDWARD H. LEVI,
Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: For quite some time, I have been interested in and most concerned about complaints which I have received from constituents regarding the involvement of young Americans in pseudo-religious cults. I am particularly concerned about the allegations of "brainwashing" which have been advanced by several people who have left these cults.

There is a general reluctance on behalf of officials at the Justice Department to investigate these charges. Perhaps this reluctance occurs in part because officials have not had the benefit of the assessments of "brainwashing" by leading authorities on the subject.

Two qualified experts in this field are willing to discuss this matter with you or your principal deputy. Professor Robert J. Lifton of Yale University is recognized as one of the world's authorities on brainwashing. Professor Richard Delgado of the University of Washington School of Law has concentrated his activities in the legal aspects of brainwashing. I believe that their comments would provide invaluable information on this problem. Professors Lifton and Delgado have indicated that they would be able to discuss "brainwashing" and these cults with you sometime in the first three weeks of September. I would appreciate your advising me promptly as to when you or your principal deputy would be able to meet with them.

In a related matter, I have yet to receive a reply to my April 13 letter to you on this matter. I yield to nobody in my support for those freedoms protected by the First Amendment. But, what am I to say to the parents of young people who are convinced that their children are unwilling members of these cults? Is there any way, short of "kidnapping" their own children, that these parents can talk to these young people? Am I to tell them that their government can or will do nothing?

I eagerly await your reply to this letter.

Sincerely yours,

ROBERT N. GIAIMO,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 30, 1976.

Hon. EDWARD H. LEVI,
Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: On August 11, Congressman Robert N. Giaimo sent you a letter requesting that an appointment be arranged between you or your principal deputy and Professors Robert J. Lifton and Richard Delgado. The purpose of this meeting would be a discussion of "brainwashing" and its possible application by the various pseudo-religious cults which emerged in this country in recent years.

We are concerned about the activities of these cults. While we recognize that their actions are protected by the Bill of Rights, we cannot overlook the allegations of brainwashing which have been advanced by people who have left the cults.

We hope that you will meet with Professors Lifton and Delgado. Following this meeting, we would hope that you would advise us of what you intend to do in response to the allegations of "brainwashing."

We beseech you to honor this request.

Sincerely yours,

Robert N. Giaimo, 3rd District, Connecticut; Gary A. Myers, 25th District, Pennsylvania; Robert A. Roe, 8th District, New Jersey; Ken Hechler, 4th District, West Virginia; Matthew J. Rinaldo, 12th District, New Jersey; G. Wm. Whitehurst, 2nd District, Virginia; George Miller, 7th District, California; Richard Bolling, 5th District, Missouri; Joshua Eilberg, 4th District, Pennsylvania; Richardson Preyer, 6th District, North Carolina; Thomas J. Downey, 2nd District, New York; H. John Heinz III, 18th District, Pennsylvania; George E. Brown, Jr., 36th District, California; Max Baucus, 1st District, Montana; Richard L. Ottinger, 24th District, New York; Norman F. Lent, 4th District, New York; Gerry E. Studds, 12th District, Massachusetts.

SEPTEMBER 3, 1976.

Hon. EDWARD H. LEVI,
Attorney General, Department of Justice, Washington, D.C.:

The following Members of Congress have advised me that they would like to be added to the list of co-signers of my letter to you of August 30:

Representative James L. Oberstar, 8th District, Minnesota.

Representative William R. Cotter, 1st District, Connecticut.

Representative Bill Frenzel, 3d District, Minnesota.

Representative Leo J. Ryan, 11th District, California.

Representative Leo C. Zeferetti, 15th District, New York.

Representative Martha Keys, 2d District, Kansas.

Representative Clarence J. Brown, 7th District, Ohio.

We would appreciate a prompt and favorable response to our request.

Representative ROBERT N. GIAIMO.

DEPARTMENT OF JUSTICE,
Washington, September 7, 1976.

Hon. ROBERT N. GIAIMO,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GIAIMO: Your letter to the Attorney General dated August 11, 1976 and your letter to Assistant Attorney General Uhlmann dated August 23, 1976, have been referred to the Criminal Division. A search of Criminal Division files failed to disclose receipt of your letter of April 13, 1976.

Your letter of August 11, 1976 expresses concern about allegations of "brainwashing" of members of religious cults and notes a reluctance on the part of the Department of Justice to investigate these allegations. You further suggest in both letters a meeting between certain experts in the field of "brainwashing" and a representative of the Department of Justice.

The Department of Justice, of course, cannot conduct a general inquiry into the activities of a religious organization. There first must be an allegation of a violation of Federal law.

As you know, we have received numerous letters from the parents of cult members alleging that their adult children are the victims of "brainwashing". Consideration has been given to the possibility that the imposition of mental restraints upon the freedom of movement of a cult member might constitute a violation of the Federal kidnaping statute, 18 U.S.C. § 1201. In *Chatwin* v. *United States*, 326 U.S. 455, the Supreme Court recognized that an unlawful restraint could be achieved by mental as well as by physical means. However, the restraint must be against the person's will and with a willful intent to confine the victim. It seems clear that the court will not construe the statutory language of § 1201 so as to punish one individual who induces another individual to leave his surroundings to do some innocent or illegal act of benefit to the former, state lines subsequently being crossed, 326 U.S. at 464.

We have also considered the possibility that these allegations amount to violations of other Federal criminal statutes pertaining to peonage and slavery. 18 U.S.C. § 1581 prohibits holding or returning any person to a condition of peonage. The gravamen of this offense is the holding of another to labor in satisfaction of a debt. *United States* v. *Gaskin*, 320 U.S. 527. This clearly does not apply to the situation in which a cult member is induced to work for a religious group. With regard to 18 U.S.C. §§ 1583, 1584, which prohibit slavery and involuntary servitude, the victim must have or believe that he has no way to avoid continued service or confinement. If the victim has a choice between freedom and confinement, even if the choice of freedom entails what he believes to be serious consequences, then there is no violation. See *United States* v. *Shackney*, 333 F. 2d 475 (1964) (2nd Cir.).

In order to initiate a Federal criminal investigation under the kidnaping statute or under 18 U.S.C. §§ 1583, 1584, of individuals alleged to have subjected cult members to "brainwashing", there must be information or an allegation that the victim was actually deprived of his liberty against his will by physical or mental restraints. Allegations that the victim was induced, persuaded, proselytized, or brainwashed to continue his association with the cult would be insufficient. In the case of a kidnaping investigation, there also would have to be information or an allegation that the victim was being held for ransom, reward, or otherwise and that the jurisdictional element of interstate travel was present.

I am informed that some parents of cult members have had success in pursuing civil remedies involving court appointments as conservators or guardians for their adult children. Additionally, in a case entitled *Helander* v. *Unification Church, et al.*, Case No. HC7–75, Superior Court for the District of Columbia—Family Division, the parents of a cult member petitioned for a writ of Habeas Corpus. Although the court held that there was insufficient evidence to establish that the cult member had been restrained from her lawful liberty by the Unification Church, it seems clear that with a sufficient showing, Habeas Corpus is yet another remedy in these situations. In view of the more

stringent burden of proof required in criminal prosecutions, it seems clear that aggrieved parents would have a greater likelihood of success in pursuing civil remedies rather than requesting criminal prosecutions.

With regard to your proposal for a meeting with Professors Lifton and Delgado, I believe that before such a meeting took place, we should have the benefit of reviewing their publications or other works in the field of "brainwashing". If you wish to submit any such publications to the Department, we would be happy to review them and advise you as to our views of the appropriateness of such a meeting.

Thank you for your interest in this matter.

Sincerely,

RICHARD L. THORNBURGH,
Assistant Attorney General, Criminal Division.

NEW ENGLAND'S HOME HEATING CRISIS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. McKINNEY. Mr. Speaker, last Friday I had the opportunity to address a meeting of New England's Federal Energy Administration regional officials and members of the New England Caucus on the subject of New England's home heating crisis.

My remarks follow:

NEW ENGLAND'S HOME HEATING CRISIS

Ladies and gentlemen, I am pleased at the opportunity to participate in this exchange of ideas on matters of urgent importance to homeowners in Connecticut and throughout New England. The people of Southern Connecticut have been hit hard by this winter's severe cold and the resulting increase in fuel prices. Like you, I have heard from numerous constituents who are paying up to 50 cents per gallon to heat their homes. They are understandably upset.

Despite the ineffectiveness of the FEA's Post Exemption Monitoring System to protect the average homeowner from dramatic price increases following the decontrol of middle distillates, I do not favor the reinstitution of controls. The 25% increase in home fuel consumption over last year's level has been tagged as the major cause for this—New England's most recent "energy crisis." As a result a possibility, more discomforting than the thought of exorbitant heating bills, arises—the danger of having no fuel at all regardless of price. The question of price controls versus production incentive and supply is an uncertain one at best. However, in the midst of one of the coldest winters in memory, I think it highly unwise to test that theory with the reinstitution of controls.

Our primary task, and initial recommendation to the Federal Energy Administration must be to insure New England homeowners of sufficient supplies to meet this winter's needs. Our secondary, but no less serious concern is to reduce or at least stabilize the cost of home heating oil. In this particular situation we must remember that we are not seeking the best but most immediate solution to this problem.

Granting a healthy entitlement, approximately 5 cents per gallon, not only appears to fill that bill, but may also provide a much-needed reduction in consumer costs. There is good reason to believe that a 5 cents per gallon entitlement could stimulate delivery of sufficient imported home heating oil at a price below the average wholesale price of U.S. heating oil and thereby stabilize or slightly reduce the cost to homeowners. Given the severity and immediacy of the problem we face, I strongly recommend that a full entitlement be granted to all New England importers of home heating oil—even at the cost of temporarily increasing our reliance on foreign oil imports.

In assessing this present "crisis", if we cannot designate a villain perhaps it is because the fault lies too close to home. A Federal Energy Administration check of New England distributors has not found any instances of price gouging nor any increase in normal profit margins. The proponents of home heating oil decontrol cannot be faulted, as it is likely that high prices and short supplies would have been experienced this winter under continued controls. Our federal regulatory agencies were exonerated from blame when Congress voted to decontrol and approved of the Post Exemption Monitoring System. The blame for New England's most recent "energy crisis", if it is to be assumed at all, must be shouldered by our failure to coordinate both a national and regional energy policy. The present exorbitant costs and the danger of insufficient supplies are further examples of the price we pay in the absence of a definitive energy program. We cannot continue to operate under this patchwork approach to New England's energy demands.

We must insure that the federal government becomes responsive to our unique regional energy needs and that such awareness results in affirmative actions which address those specified needs. We, as representatives of the New England region, must become increasingly cognizant of our particular energy problems and develop a regional program to meet them. The relatively lower home heating oil costs in the rest of our FEA price monitoring region is just one example of the significant differences that exist in the energy requirements of New England as opposed to the broader Northeast region.

First and foremost, a program of resource priority usage for the nation and our region must be devised and strictly enforced. If imported petroleum products are to be our primary fuel source for the next 20 years, followed by coal, nuclear and solar power, then let's plan for that. Let us establish a time table which our producers, importers and distributors can rely on. These priorities, in turn, would require us to structure our environmental regulations to compliment that time table so that utilities can avoid costly interruptions and conversions and will be willing to make capital investments based on those assurances. Within that framework, we can explore the obvious benefits of constructing refining facilities in New England and thereby eliminate future manifestations of the current price disadvantage we suffer in relation to those with ready access to refineries.

As a group, organized under the New England Caucus, we have both the voice and forum to present our ideas to the rest of the Congress and push for the development of a national energy plan.

Ladies and Gentlemen, a regional energy plan is not a viable consideration unless operated in conjunction with a larger federal program. But as a Caucus, we have both the capability and responsibility to present our ideas to our colleagues and push for the development of an energy plan on a national scale. I hope that we can learn from this most recent crisis and get on with that vital task.

CONFERENCE AGAINST INTELLIGENCE-GATHERING: PART I

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. McDONALD. Mr. Speaker, the leaders of the campaign to blind our Nation's Federal and local intelligence-gathering agencies so that criminal and totalitarian groups may be free to plot against our constitutionally guaranteed rights unhindered, and that terrorists and foreign spies may operate undisturbed met last week in Chicago to exchange information and coordinate their activities.

A National Conference on Government Spying—NCGS—was held at the Northwestern University School of Law in Chicago, on January 20–23, 1977. The conference was organized by the National Lawyers Guild—NLG—which first proposed the conference at its August 1976 national executive board—NEB—meeting in Brunswick, N.J.

The National Lawyers Guild has explicitly stated its support for revolutionary "armed struggle" and terrorism as in the armed occupation of Wounded Knee and in violent prison riots. The NLG International Committee maintains open liaison with terrorist Marxist "liberation movements" such as the Palestine Liberation Organization. The NLG is a member of the Soviet-controlled International Association of Democratic Lawyers—IADL: the NLG was formed with the assistance of the Comintern in 1936 and was cited as the "foremost legal bulwark of the Communist Party, its fronts and controlled unions." The NLG now operates as a working coalition of Communist Party, U.S.A.—CPUSA—members and supporters, Castroite Communists, Maoist Communists, and various New Left activists.

Coconvenors of the National Conference on Government Spying were:

American Civil Liberties Union (ACLU), which stated in its 1970–71 Annual Report, "The ACLU has made the dissolution of the Nation's vast surveillance network a top priority;" and whose leadership includes NLG members and totalitarian Marxist-Leninists.

American Friends Service Committee (AFSC), which has expressed approval of the Vietcong, Red Chinese, Palestine Liberation Organization, Khmer Rouge and Cuban communists efforts to create "socialism;" and which excuses revolutionary terrorism on the grounds that the oppression caused by capitalism is greater and came first. AFSC distributed a manual, Intelligence Abuse and your Local Police, which contains an April, 1976, resolution of the AFSC Board calling for outright abolition of the CIA and internal security function of the FBI and calling for the outlawing of all "clandestine U.S. activities abroad" and of all domestic intelligence-gathering activities.

Center for National Security Studies (CNSS), a project of the Fund for Peace financed principally by the Field Foundation and staffed from the Institute for Policy Studies (IPS), a far-left think-tank which has never excluded violence from its experiments in revolutionary "'social change." IPS continues to have members

of terrorist organizations on its staff; and it was recently revealed that one of IPS's and the Fund for Peace's principal figures, Orlando Letelier, a Chilean Marxist, was receiving large amounts of money from the Cuban DGI spy agency.

National Conference of Black Lawyers (NCBL), headed by lawyers who are also members of the NLG, the NCBL and the NLG both send representatives to the meetings of the Soviet-controlled IADL.

National Emergency Civil Liberties Committee (NECLC), a cited Communist Party, U.S.A. front composed of NLG members and nonlawyers.

Political Rights Defense Fund (PRDF), a front of the Trotskyist communist Socialist Workers Party (SWP), the U.S. section of the Fourth International which is actively engaged in terrorism in many countries. The PRDF raises money for the SWP lawsuit against the FBI and other law enforcement agencies, and disseminates propaganda. The Fourth International has close connections with the Cuban communists and it is of interest that the SWP's lawyers also represent the Cuban government.

The NCGS organizers stated the conference was called "in order to mobilize opposition to secret police activity" and to "take serious stock of what is to be done to develop a powerful and uncompromising campaign to * * * bring it to an end."

Broadly painting all intelligence-gathering methods—"secret surveillance, wiretapping, maintenance of illegal dossiers and photo files, 'black bag jobs,' and 'counterintelligence' tactics" as "illegal" and 'shocking," the NCGS organizers claimed there has been "systematic violation of the privacy and fundamental rights of large numbers of citizens" whose "only 'crime' has been independent opposition to—sometimes merely mild criticism of—the established order."

The conference-goers did not mention that law enforcement intelligence-gathering programs were instituted in response to the violent and totalitarian threat unified and directed by the Soviet Union; or that the expansion of domestic intelligence gathering in the 1960's was in response to increased activities in this country on behalf of Soviet, Cuban, and Vietnamese Communists which was accompanied by street disorders, destruction of private and public property, and finally by terrorism perpetrated by Cuban-trained revolutionaries.

The NCGS steering committee consisted of:

Bob Borosage, Washington, D.C.; NLG activist; codirector of the Center for National Security Studies—CNSS; and trustee of and attorney for the Institute for Policy Studies—IPS.

Len Cavise, Chicago; NLG.

Paul Chevigny, New York; NLG speaker and staff attorney for the New York Civil Liberties Union; author of "Cops and Rebels" and "Police Power."

Terry Gilbert, Cleveland.

Bill Goodman, Detroit; president of the NLG.

Leonard Grossman, Detroit.

Lance Haddix, Chicago; NLG.

Morton Halperin, Washington, D.C.; director of the joint CNSS/ACLU Project on National Security and Civil Liberties, funded, as are many ACLU and Fund for Peace/CNSS activities, by the Field Foundation.

David Hamlin, Chicago; Illinois Civil Liberties Union.

Lennox Hinds, New York; National Conference of Black Lawyers—NCBL; NLG; National Alliance Against Racist and Political Repression—NAARPR; and the International Association of Democratic Lawyers—IADL—controlled by the U.S.S.R.

Robert C. Howard, Chicago; general counsel of the Better Government Association, a tax-exempt "public interest organization that addresses government misconduct through investigation, public education, and legal action."

Val R. Klink, president of the Chicago NLG chapter, attorney for the Alliance To End Repression—AER—set up by two CPUSA fronts.

Michael Krinsky, New York; attorney with Rabinowitz, Boudin and Standard; attorney for Cuba, the Marxist Allende government of Chile, and the Socialist Workers Party—SWP.

Ken Lawrence, Jackson, Miss.

Judy Meade, Washington, D.C.; CNSS.

Matt Piers, Chicago.

Ramona Ripston (Mrs. Henry DiSuvero), Los Angeles; NLG; executive director, ACLU of Southern California; former codirector of the National Emergency Civil Liberties Committee, an identified CPUSA front.

David Rudovsky, Philadelphia; NLG; staff attorney of the NECLC Philadelphia office; attorney for the Institute for Policy Studies.

Franklin Siegel, New York; NLG national office staff.

Howard Simon, Detroit.

Zoharah Simmons, Philadelphia.

Richard Soble, Detroit; NLG and Bill Goodman's law partner.

Syd Stapleton, New York; member of the Socialist Workers Party National Committee and national secretary of the SWP's political rights defense fund—PRDF—which raises money and distributes publicity about the SWP's lawsuits against the FBI and other law enforcement agencies.

Margaret Van Houten, Washington, D.C.; formerly with the Organizing Committee for a Fifth Estate—OC–5—now coordinator of the OC–5 spinoff, the Public Education Project on the Intelligence Community—PEPIC.

Margaret "Peggy" Winter, New York; national staff of the political rights fund.

The National Conference on Government Spying was organized from room 815, 33 North Dearborn, Chicago, Ill. 60602, 312/939–2492, with Paul Bigman as information coordinator. In addition to the NLG, those assisting with conference expenses were the ACLU and the Playboy Foundation which commissioned the conference handbook, a more than 225-page manual—$15—entitled "Pleading, Discovery and Pretrial Procedure for Litigation Against Government Spying," whose principal authors are Robert C. Howard and Kathleen M. Crowley, general counsel and staff counsel, respectively, of the Better Government Association, a plaintiff in the suit against the Chicago police intelligence unit, *ACLU* v. *Chicago*, Civ. Action 75 C 6295 (N.D. Ill., Eastern Div.) which has been consolidated with *Alliance To End Repression* v. *Rochford*, 74 C 3268.

The manual gives special acknowledgement to Robert J. Vollen, Richard M. Gutman, Constance Glass, David M. Hamlin, Lois Lipton Kraft, Margaret Winter, and Morton Halperin, and states:

> We particularly want to acknowledge the continuous assistance and information exchange with the Political Rights Defense Fund (Socialist Workers Party v. Attorney General) and the Project on National Security and Civil Liberties (which is pursuing several lawsuits).

The manual emphasizes that the key to successful discovery against law enforcement intelligence-gathering agencies is to gain knowledge of information filing systems, what is indexed, the physical inspection and inventorying of files and indexes which provide an immediate guide as to what is known about each plaintiff. It emphasizes that class action suits are preferable because total access can be demanded to files and indexes "to determine the practical membership of the class and the nature of the available data concerning each class member."

The manual further urges that the original files and reports be closely analyzed by the members of the group or the person surveilled. This process has resulted in the identification of a number of brave Americans who provided information on the activities of Communist, terrorist, and terrorist support groups.

The manual makes a further and obvious point that discovery is the major point of an anti-intelligence suit in that disclosure itself is a major step toward the goal of terminating all intelligence programs.

LITIGATOR'S WORKSHOP

The Thursday afternoon and evening sessions on January 20, and the morning and afternoon of Friday, January 21, were devoted to a Pre-Conference Litigator's Workshop "for attorneys and legal workers who are now involved in ongoing or contemplated lawsuits" and was styled "an information exchange on current Red Squad and secret police lawsuits."

The 50 who registered were provided with a copy of the litigation manual which served as the basis for agenda discussions. Also handed out was a special edition of NCSS/ACLU project on national security and civil liberties newsletter, First Principles, "put together to accompany the Conference Against Police Spying."

First Principles—January 1977, volume 2, No. 5—features three articles: An account of the SWP suit by Claire Moriarty, SWP member and PRDF staffer; an article by Chicago Better Government Association counsel Robert C. Howard; and an account of Benkert against Michigan State Police, in which a Wayne County circuit judge struck down the criminal syndicalism statutes which required the State police to investigate persons advocating "crime, sabotage, violence, or other unlawful methods of ter-

rorism as a means of accomplishing industrial or political reform." It also contains a docket listing of "Current Red Squad Cases."

The Thursday workshop sessions were devoted principally to the central question in antisurveillance litigation: discovery. Featured resource people and experts included Robert C. Howard; Richard Sobel; G. Flint Taylor, active with the NLG and the Weather Underground's Prairie Fire Organizing Committee—PFOC—who is a plaintiff in the Alliance To End Repression—AEC—lawsuit; Rhonda Copeland of the NLG and Center for Constitutional Rights—CCR—on "executive privilege, state secrets, and security" questions; Robert J. Kollen, an attorney in the EER/ACLU suit; AER attorney Richard M. Gutman and CCR cofounder Morton Stavis on how to minimize and prevent reverse discovery by defendants; and Charles Nessen of Harvard Law School, formerly one of the defense attorneys in the Ellsberg/Russo trial.

Bob Howard's contribution was discussion of the two suits against the Chicago Police Department intelligence unit, AER/ACLU, which have been, in his words, "consolidated for discovery before a receptive federal judge." Howard explained how plaintiffs' counsel were able to subvert a protective order which had been issued by a previous judge restricting documents obtained in discovery to plaintiffs' counsel only.

The plaintiffs argued that the documents in the intelligence files should be categorized as either "personal" or "systems" documents.

In this arbitrary system devised by plaintiffs, all information about the activities of the groups and individuals were to be considered "personal," and materials defining departmental procedures and revealing techniques used for intelligence-gathering were "system documents." According to Howard, the Federal judge agreed with plaintiffs that the only interest which pertained to "personal" documents was the privacy interest of those who had been surveilled; and that therefore plaintiffs counsel could disseminate those documents freely to the subjects of the surveillance who could release them as they wished so long as information on any third party was not disseminated without their permission.

With regard to the "systems documents," when the Chicago police superintendent made public and press statements defending the police department's right to make use of informants and denying that the police had used illegal methods to obtain information such as burglary and wiretaps, plaintiffs immediately moved to eliminate restrictions on that category of intelligence unit material.

Howard stressed the importance of gaining detailed information at the outset on how material is filed and in gaining an initial order sealing and segregating law enforcement intelligence files as well as forbidding any purging or destruction of file contents. He noted that the Xerox of the entire intelligence unit card index has proved invaluable, and that the very production of the index established the grounds for the class action alleging surveillance and invasion of privacy.

According to Howard, the most important rulings for plaintiffs in the AER suit was one ordering production without any deletion of all documents relating to the plaintiffs. The other plaintiffs include the Communist Party, U.S.A.'s youth group, the Young Workers Liberation League—YWLL; the Trotskyist Communist Socialist Workers Party—SWP—and its youth group, the Young Socialist Alliance—YSA; the two cited CPUSA fronts which set up the AER, the Chicago Peace Council and the Chicago Committee to Defend the Bill of Rights; several dual members of the National Lawyers Guild—NLG—and the Weather Underground's Prairie Fire Organizing Committee—PFOC; present and former members of the CPUSA; and others with public records of involvement in CPUSA front activity.

Howard emphasized that the major ruling by the judge that no "informer's privilege" to confidentiality applied on the grounds that: First, some of the informants had regularly, irregularly or on an occasion been paid; and second, that the U.S. Supreme Court's standard of protection of informants in *Rovario* v. *U.S.*, 353 U.S. 53 (1957) does not apply to intelligence informants because "subversive activities" are noncriminal political and associational activities protected by the first amendment.

Discovery in Bankert against Michigan State Police was discussed by plaintiffs' counsel Richard Soble of Detroit. In Bankert, while the contents of Michigan State Police and Detroit police have been examined by plaintiffs' lawyers, the various individuals who were the subject of file mentions were not given access.

It was also noted that the Detroit police were allowed to attempt to protect their informants' identities by substituting numbers for names. However, identities are easily revealed by comparison of several reports. The Michigan State Police were permitted to identify all personnel except informants. However, plaintiffs counsel noted that the question of whether or not an informant is in effect a type of "police personnel" remains to be argued.

The Thursday evening session was devoted to "Management of Litigation and Tactics." A principal point was the PRDF/SWP tactic of using pre-trial conferences among the judge and counsel which do away with the traditional—and very time consuming—legal procedures of "requests/objection/briefing schedule/decision." This has enabled the SWP, as well as plaintiffs in other anti-intelligence suits to gain the necessary documents in weeks and months while the process might have taken several times longer by traditional discovery procedures. The "importance of staying away from briefs" was strongly stressed.

The formal practice of the Federal Rules of Civil Procedure were criticized because in it the attorneys organize the process of the litigation among themselves with the judge becoming involved only to resolve legal disputes, set deadlines and conduct the trial. This insures the relative uninvolvement of the judge except on an occasional, formal courtroom basis.

Discussion included the importance of setting up, on as informal a basis as feasible, pretrial conferences involving the judge and his clerks, and counsel for the parties. It was further spelled out that an important function of the pretrial conferences was to "educate the judge about the lawsuit," to "develop some personal relationship with him," and gaining the judge's assistance in resolving defense objections to the discovery process.

It was further noted that plaintiffs should strive to maintain control over pretrial conference agendas. As one participant commented, the pretrial conference is the most efficient device available for implementing plaintiffs' plans. Another benefit to plaintiffs was discussed in that plaintiffs offering to draw up the agendas necessitates constant discussions with the defense counsel for the law enforcement agency. If the defense is resistant to discovery, the previous discussions with plaintiffs' counsel will highlight it for the judge, insuring that plaintiffs' positions appear both reasonable and properly aggressive. The benefits to aggressive plaintiffs of being able to define and characterize the issues to be discussed are obvious.

The Friday sessions were for the most part devoted to technical points of trial strategy. Featured "resource persons" included Frank S. Askin, Rutgers Constitutional Law Clinic; Margaret Winter, PRDF; Michael Krinsky; David Rudovsky; Mark Frankel; Lance Haddix; G. Flint Taylor; and Jerry Berman and Morton Halperin, CNSS.

Halperin and Berman promoted a "model law" they had drafted which was designed to make intelligence gathering so difficult, expensive and "dangerous" for law enforcement agencies that they wouldn't make the effort.

Berman's "model" called for total prohibition on the formation of intelligence units, would totally prohibit the collection, filing or distribution of any information "relating to any person's beliefs, opinions, associations or other exercise of rights guaranteed by the first amendment," and would require warrants for the use of an informant and limit investigations to 30 days.

In effect, the CNSS "model" would prohibit monitoring of any group promoting terrorist violence, or stating that it will engage in revolutionary terrorism in the future as soon as conditions are appropriate. The CNSS and its revolutionary cohorts deny that the general public has a right under the Constitution to be protected from planned violence, and would prevent the law enforcement community from even trying to identify the sources of potential mayhem until their plans are complete.

A special lunch session was held on Friday featuring Charles Marson of the northern California chapter of the ACLU. Marson reported that he is opening an investigation of a "newly uncovered top secret link" and "national data exchange system among red squads," the

Law Enforcement Intelligence Unit—LEIU.

Marson asserted that LEIU was part of a vast, secret, private dossier exchange network. Marson intends to investigate the fact that over 85 California police departments, district attorney's offices and sheriff's departments in California are members of private LEIU organizations.

CARGO THEFT: A BILLION DOLLAR RACKET

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. PICKLE. Mr. Speaker, I am once again introducing legislation, H.R. 1157, to deal with the $6 million per day cargo theft racket. I first introduced this bill in 1970. At that time I found that for the criminal there is no business more profitable or less risky than cargo theft. For the consumer, it means $2 billion a year in higher prices to make up for the loss.

Today, 7 years later, the situation has not changed. The only action that has been taken to combat cargo crime is the Nixon-Ford administration program of voluntary cargo security. This vague program was about as effective as an air wick in a feedlot.

Last fall I submitted testimony to the Surface Transportation Subcommittee which explains the complexity of the cargo theft problem and it describes the major points of the bill that I have introduced. I insert that statement into the RECORD:

CARGO SECURITY

Mr. Chairman, I thank you for giving me the opportunity to discuss the problem of cargo security and the legislation that I have introduced.

As you know, this is not the first time I have sponsored legislation to deal with this problem. For the past seven years, I and my staff have collected, analyzed, discussed, and filed every piece of information about cargo security that we could find. I have persisted in collecting and digesting this voluminous record with two goals in mind: First, to grasp the scope of the problem with which we are dealing and secondly, to develop a reasonable and just approach to fighting cargo crime.

First of all, it did not take long for me to see that the scope of the problem is staggering. The more I studied, the more I read, the more I listened, the more this problem seemed to get murkier and murkier.

There have been conflicting reports. The Administration says that direct theft of cargo is more than $1 billion annually. But the GAO has said that that study had faults and even the consultant has admitted that the figure was conservative.

When Senator Alan Bible and I first introduced cargo security legislation, we came forward with the figure of $1.5 billion stolen in 1970. Now, I say that the American people are being ripped off to the tune of at least $2 billion every year.

That is $2 billion in lost income, $2 billion which must be made up through higher prices to consumers and that is $2 billion that adds to inflation.

Everyday, millions of dollars worth of property disappears from airports, railroad yards, truck terminals, and shipping docks. It is hauled off in hijacked trucks, slipped away in mis-marked crates, pulled out of waiting railroad cars and even carried out the front gate in lunch boxes and under coats.

It is a $6 million per day racket involving organized crime, petty thieves, fences and company employees.

I will give you a few specific examples to illustrate just some of the problems that are encountered in dealing with cargo theft.

The New York-New Jersey Bi-State Waterfront Commission, once recovered $277,000 in stolen goods by setting up an undercover fencing operation. When the property was recovered, they discovered that the shippers had reported losses of only $2,000.

A series of articles in the Chicago Tribune (February 19 and February 21, 1975) revealed that reporters could gain easy access to restricted passenger and cargo areas, walking through open gates and past guards. They watched while employees rifled luggage and supplies. Many employees told the reporters they considered such stealing to be part of their salary. Others said honest employees tolerate theft by their co-workers because they felt the airlines didn't care and believed they may actually be reprimanded by an airline or a union for accusing another worker of theft.

I received a letter from the Portland, Oregon, police bureau which also sets up an undercover fencing operation to buy stolen goods. The letter stated: "Most people were willing and eager to buy stolen property if the price was right. Several of the cases made by this method were well-known businessmen with good financial circumstances who apparently could not resist a 'hot bargain.' The message to the community was that ordinary citizens are the ones who help support criminals and break the law by purchasing stolen property."

And there is the story about a thief in a high-crime rail corridor in Detroit who was caught by security guards one day running out of the rail yard with a pair of wheels and tires he had removed from a new automobile on a rail car. Two days later, he was again seen fleeing the same area with the customary wheel and tire under each arm.

These four cases illustrate just a fraction of the problem we are facing. We are confronted with inadequate labelling of cargo, irregularities in reporting stolen or lost merchandise, an inability to develop evidence for prosecution, opposition from trade unions and often fear or indifference from employers.

These are the factors that have helped to make cargo theft a multi-billion dollar racket.

I hope that you will agree that when we have a situation where a thief can make 10 times more money by hijacking a truck than by robbing a bank, and with less fear of being caught—and even less fear of a conviction—then we must take some action.

Some steps have been taken in the past couple of years to focus on high crime areas and to encourage carriers to develop tighter security systems. However, these measures have not gone far enough and have had a minimal effect on cargo crime.

The Ford Administration, through the Office of Cargo Security, has developed the National Cargo Security Program. This is a program of voluntary action by the private sector to remove the opportunities for theft and to develop more effective law enforcement.

I support this program as a good approach to cargo security and I agree with Secretary William Coleman's view that nothing is more effective than the commitment of individual companies to the principles and practices of good security.

However, it is obvious that the program is not bringing about any significant reductions in cargo theft. If I believed that the President's National Cargo Security Program could, by itself, eventually result in meaningful decreases in cargo theft, I would not be pushing my bill.

But even Secretary Coleman's assessment of the program's effectiveness shows its weaknesses. He reported earlier this year that "the lack of maritime data is a significant deficiency in the National Cargo Security Program." And he stated that, "The railroad industry reports its theft-related freight losses are increasing." Even the most optimistic parts of his report indicate only "gradual trends of improvement."

The Administration's program cannot succeed on its own because the incentives are not great enough to overcome the difficulties encountered by tightening security. The prospect of higher profits is outweighed by the increased costs for security, and the very real possibilities for increased insurance costs, labor disputes, and threats of retaliation by organized crime.

It is much easier to program the losses into the operating budget and, in turn, raise the cost to the consumer.

A voluntary security program cannot succeed without some mandatory regulations enforced by the government. That is why I have once again introduced legislation to fight cargo theft. I do not intend my proposal to be a total answer or an alternative to the National Cargo Security Program. On the contrary, I believe that this bill would improve the effectiveness of the voluntary program by requiring that the wheels be set in motion to develop better security.

The bill outlines a very simple and basic program. The major points are these:

(1) Allowing the Department of Transportation to set up very limited regulations in certain areas;

(2) Attacking the problem of the jurisdictional dispute between DOT and the Department of the Treasury;

(3) Getting the Federal Maritime Commission off the dime and making the ships report losses;

(3) Creating legislatively the Office of Cargo Security, which now just exists by the grace of the Office of Management and Budget; and

(5) Creating legislatively the Inter-Agency Council on Cargo Security.

Areas 4 and 5 are pretty much self-explanatory but I would like to comment on the minimum regulations, the port dispute, and the Federal Maritime Commission.

I have received comments from many people in the transportation industry opposed to the imposition of regulations because of a fear that the rules would not adequately consider such variables as the type of freight hauled, geographic locations of terminals, and the cost of complying with the regulations.

However, my bill would not do any of these things and, in fact, my proposed regulations would not fall totally on the transportation industry.

The bill calls for regulations in four areas and four areas only: They are:

(1) Proper packaging. The cost here will fall on the packaging industry and the shipper.

(2) Proper documentation and labeling. The cost here will be on the shipper and carriers.

(3) Better cargo loss reporting. Most carriers and shippers already report.

(4) Personnel identification. This will cost the unions and the carriers.

Thus, these requirements are not designed to cost the carriers only. The purpose of working in these areas is recommended so that the following can be accomplished:

(1) Present evidence in court so that cases can be fully prosecuted;

(2) Allow a rapid notification of losses so we can improve our chances of catching up with the goods before they are sold and become virtually untraceable;

(3) Remove incentives for thefts such as improperly labeled cargo; and

(4) Make it tougher for repeaters to get back into the business.

Please note that I do not call for minimum security standards. I accept the argument that this may be too expensive and too cumbersome to apply nationwide.

Now, as to the second part of my bill about straightening out the jurisdiction between Customs and DOT, I have several points to make.

First, I say that it is time we went public with the fighting going on between DOT and the Treasury and become aware that the two agencies' attitudes are hurting no one but the American consumer. Now this is not going on between Secretary Simon and Secretary Coleman, but it is there. People just will not talk about it.

So far, I am not impressed with what has been going on between the two agencies and I think it is time for the Congress to step in and put some kind of order on the proceedings.

My bill would allow the Treasury Department to regulate in those areas where the Customs people have had traditional jurisdiction. This would include the terminal operators.

I know this is a hard area in which to draw the line. The way my bill is structured, the Ways and Means Committee would have the congressional jurisdiction here. If DOT can present its case to limit the Customs activities to actual Customs inspection areas, then I will be open to the change.

My main point is to recognize that there is a simmering situation between the two agencies and it should be settled.

Finally, there is a serious problem with the Federal Maritime Commission and the ship people in America. The fact that the FMC has backed down on the rule for cargo theft reporting is a step back to the dark ages of cargo security reporting. My bill would put an end to this playing around and require that the FMC collect this information and give it to DOT.

That is basically what I intend for this legislation to accomplish. When I introduced it, I only asked one thing—that people not oppose it as a knee-jerk reaction.

However, labor leaders have said that over their dead bodies would any bill talking about employee identification pass. This includes such things as controlling access to the loading area, which is all I am looking for.

And the Ford administration, I believe, will never support meaningful cargo security legislation. This is something that truly perplexes me. This bill would only enhance the effectiveness of the voluntary approach by getting everyone started off on the same foot. Surely the very limited regulations that are called for in the bill cannot be considered as onerous as the administration has described them. Surely these minimal steps to straighten out jurisdictional disputes will not hurt the cause of cargo security.

I admit that the bill I have introduced may need some polishing and smoothing on the edges. I welcome such constructive suggestions from the committee, the industry, from labor and from the Administration.

It is time for Congress to take action to deal with cargo crime. This bill would send a message to the organized theft rings, the burglars, the fences and all the others who are getting rich in this billion dollar scheme. And that message is that the American consumers will no longer be raped on the loading docks of America.

TIME TO REVIEW THE VOLUNTEER ARMY

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. NEDZI. Mr. Speaker, the time has come for the Defense Department, the Congress, and the American people to review the evidence on the Volunteer Army. And the volunteer services.

Personnel costs now make up the major portion of the defense budget. One problem is that military pensions have reached the point where retired military personnel cost the Army as much, or more, than its active duty soldiers. A second problem is that the services, especially the Army, are having problems in recruiting quality soldiers.

As one who had reservations about the Volunteer Army from the beginning, I am pleased that a serious discussion is now beginning on the practical consequences of the end of the draft.

In this regard, the New York Times editorial of January 26, 1977, is a well-crafted and temperate description of the issue. Accordingly, under leave to extend my remarks in the RECORD the editorial is set forth bellow:

WORSE THAN THE DRAFT?

Richard Nixon's promises to end the draft helped him win two Presidential elections. It was only natural therefore, that his Administration and President Ford's, after the December 1972 induction of the last draftee, would express assurance that the Volunteer Army was working well. And they did, repeatedly. Doubts expressed by former Defense Secretary James Schlesinger in his first annual "posture" statement were quickly explained away. All of which stirs our interest in the Pentagon's acknowledgement, in transition papers for the new Administration, of serious trouble in recruiting volunteers, trouble which raises a hard question for Washington and for the country: Can we afford a mass army without some form of conscription?

Despite recession, high unemployment, high pay and extraordinary enlistment bonuses, recruiting began to run into trouble early last year. The armed services fell 19,000 below strength by October. And worse problems are predicted for the future as a result of "declining recruitable population, return to low unemployment rates and reduction in military-vs.-civilian pay comparability."

These problems have developed in the face of sharp increases in spending. In pre-Vietnam 1964, manpower costs accounted for 42 percent of the defense budget. Now, with the armed forces almost one-fourth smaller due to the higher costs, they eat up 56 percent of the defense budget.

Pay for recruits has quadrupled in little more than a decade. An E–2 enlisted man, the second lowest grade, now gets $7,300 a year. A civilian working at the minimum wage gets only $4,800. Yet the quality of Army recruits keeps slipping. Recruiting for the reserves is harder still. It was relatively easy when reserve service was an alternative to the draft. But not now; last June 30, the reserves were 71,000 under strength.

Harold Brown, the new Defense Secretary, says he hopes to reduce manpower costs as an important way of cutting total Defense spending. But the Army, instead, is asking for more; $60 million in emergency funds to step up recruiting and $400 million in incentives for volunteers for the reserves.

The Pentagon background papers prepared for the Carter Administration also warn of public and Congressional concern that the Volunteer Army "may eventually be composed of low socio-economic levels of minority groups." The drift toward a heavily black Army, officered mostly by whites, is documented in one paper. In a population 12 percent black, only 5.3 percent of the Army officer corps is black, while the proportion of blacks in the Army as a whole has risen by half since 1971 to 21.9 percent.

In short, enough problems have now developed that it is reasonable to wonder whether the nation was right to go to a Volunteer Army at all.

What is the alternative? The armed forces could be further reduced, below their current level of 2.1 million. But that is hardly an attractive option during a Soviet military buildup. Military pay and benefits could be raised stil further to remain competitive with civilian employment as the economy recovers. That is the Pentagon's choice. Or we could return to the draft. That now appears politically impossible. The passions and inequities of the Vietnam years lie close to the surface.

But surely, it is not inconceivable that an acceptable version could be devised, perhaps a form of universal service, civilian and military, without exemptions, in theory, this could seek to reduce teenage unemployment and accomplish needed public works as well as provide military manpower. A new Gallup poll shows that two of three Americans favor a year of such service for young men. Even among young men aged 18 to 24, almost half support the idea and 43 percent would choose military rather than civilian service.

It is an option we would urge the President to explore, perhaps through a blue-ribbon commission, before the Volunteer Army is reduced further in size or quality and increased further in cost.

A TRIBUTE TO JAMES COATS AUCHINCLOSS

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. FORSYTHE. Mr. Speaker, James Coats Auchincloss, the Representative of New Jersey's Third Congressional District, for 20 years, died recently in a nursing home. His death is indeed a great loss to the people of New Jersey. Mr. Auchincloss chose to leave his seat on the New York Stock Exchange to begin a political career. I believe that James Auchincloss's devotion and many contributions to his district deserve recognition.

After the reapportionment cut in the 1940's, Mr. Auchincloss also deftly strengthened the Republican position in his district, which after the 1940's won him the support of many. He should best be remembered for his immediate concern for the problems his constituents faced and his ability to act on issues without being led away from his own beliefs.

At the end of his 10th term in 1964, James Auchincloss retired which led people throughout the district to express their regret that he was leaving. With the death of this former representative,

New Jersey has lost a man whose innumerable contributions to his district will never be forgotten.

PUBLIC EMPLOYMENT NOT WORKING

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. COLLINS of Texas. Mr. Speaker, when the Federal Register came out in late December with a list of "proposed projects selected for funding" by the Economic Development Administration, under title I of the Public Works Employment Act, an uproar was created on the floor of Congress because of the unfair and inequitable distribution of the funds. The amount of money available for the awards was close to $2 billion. The object of this legislation was to pump dollars for worthy public works projects into areas of high unemployment to create jobs immediately. The total number of applications from communities across the Nation was 22,275. Only 1,988 were awarded funds, using all the funds available; 65 percent of the money went to rural areas and 35 percent to urban areas. The formula for distributing these funds, which has also come under heavy fire, is based mainly on unemployment percentages—so that Dallas, with almost 900,000 residents and only 4.4 percent unemployment, is far down on the list when compared, for example, to a town of only 7,000 with 10 percent unemployment. The money allocated under this program was to be used as follows: 24.5 percent for public buildings, 20.7 percent for water/sewer/drainage projects, 19.1 percent for schools, and 9.1 percent for streets, roads, and bridges.

In addition to the indignation expressed in Congress over this inequitable funding, the National League of Cities has issued a strong statement of disapproval. Several major cities with high unemployment figures were passed over, while smaller ones were awarded grants. Take Mississippi. The whole State of Mississippi, which ranks 50th economically in the Nation, received a total of $10 million from the EDA to be used statewide—but the tiny, all-black community of Mound Bayou, with a population of only 2,000, was allocated $4.9 million out of this $10 million, or almost half of the funds intended for the entire State. Over the past 15 or 20 years, Mound Bayou, Miss., has received more Federal money per capita than any other city in America. In the past 10 years alone, they have received $80 million. The way the Public Works Employment Act reads now, there is no limit to the amount of money a city or town can request, regardless of population, provided that their unemployment level is higher than 6.5 percent of the national level.

Mound Bayou, Miss., gave as its reason for applying for the EDA grant that it wanted to build a "municipal complex." This would bring it within the act's guidelines that these funds be used for "construction and renovation of public facilities." However, it was learned that only $1 million of this amount would be used for the proposed municipal complex, while the remaining $3.9 million would go for street repairs. The indignation of the Mississippi delegation in opposing the size of this grant crossed party lines altogether. Senator EASTLAND issued a sharp statement to the EDA decrying this concentration of funds in one community as "counterproductive, unwise, and in clear violation of the spirit of the law prohibiting the overconcentration of resources in one area."

In contrast, Dallas applied for $4.5 million to help its unemployed work force and was denied. Mayor Folsom of Dallas has asked the city attorney to see if Dallas can sue to freeze PWEA funds or dismantle the program altogether. He pointed to the tiny Texas town of Azle, in Tarrant County, which has only 7,000 residents and has received $1.2 million in EDA funds. Dallas' 4.4 percent unemployed, representing 40,000 people, are just as much out of work as the total population of 7,000 in Azle.

This Public Employment Act award of $2 billion has provided only 80,000 jobs, which is $25,000 a job. Private employment is able to create jobs with $30,000 of private capital, and private jobs are permanent jobs. Private employment is best. Under President Gerald Ford, our country increased civilian employment from 79 million in 1970 to an all-time record high of 88.5 million today.

Instead of being given incentives for remaining independent of the Federal Government, Dallas is being penalized for being economically self-sufficient. Dallas citizens are supporting with their tax money those other areas within the guidelines of eligibility. It is time for a reappraisal of our national priorities in general, and of the Public Works Employment Act in particular. Let us give tax incentives for business to create permanent jobs and end this bamboozle of public works programs.

HONOR FOR TULSA CIVIC BALLET

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. JONES of Oklahoma. Mr. Speaker, for the third year in a row, the Tulsa Civic Ballet has achieved the distinction of being selected as a major company by the National Association for Regional Ballet.

I am indeed proud of this high honor, which is one of the finest accolades a company can receive. The designation major company is bestowed on ballet companies with the strongest artistic standards which best serve their communities and national organization.

For years, my wife and I have enjoyed the high-caliber performances of the ballet, and we take great pleasure in knowing that our appreciation is shared by other members of the community as well as professionals in the field of ballet. This particular award confirms our belief that the Tulsa Civic Ballet makes a distinct contribution to our community cultural life in providing the highest quality ballet.

I offer my heartiest congratulations to the Tulsa Civic Ballet and my best wishes for continued success.

PROFILE OF AN ARMY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. STEIGER. Mr. Speaker, George Will, in his January 30 column in the Washington Post, offered an excellent riposte to those who contend we need a return to the draft or establishment of compulsory national service.

His column, "Profile of an Army," clearly showed that those who are critical of the all-volunteer army have no sound arguments on which to base their opposition. As he said:

> Actually, today's volunteers are remarkably representative of the Nation in terms of region, race and family income.

Equally important, only a small saving would be realized if we returned to conscription and reduced pay for junior enlisted men to the Federal minimum wage. There is simply no justification for doing something like this.

George Will's column bears careful attention. It follows:

PROFILE OF AN ARMY

(By George F. Will)

Frost and fire are not more different than the persons—Sens. John Stennis of Mississippi, Sam Nunn of Georgia, Edward Kennedy of Massachusetts, and Joseph Califano, Secretary of Health, Education and Welfare—who have been most consistently critical of the all-volunteer armed forces. But they all are Democrats.

Some critics dislike the all-volunteer idea; they regard compulsory national service as good for the soul of the citizenry. Most critics have predicted that volunteer forces would be disapportionately poor, "excessively" black, of low quality and unreasonably expensive.

Actually, today's volunteers are remarkably representative of the nation in terms of region, race and family income.

The 10 most populous states have 53 per cent of the nation's male youths and produce 53 per cent of recruits; the 20 most populous states have 75 per cent of male youth and produce 75 per cent of recruits. Contrary to Califano's and others' emphatic predictions, the all-volunteer forces are not "poor men's forces":

26.3 per cent of families and 26.9 per cent of recruits are in the under $8,000 income group.

29.3 per cent of families and 35.1 per cent of recruits are in the $8,000–$13,999 income group.

22.3 per cent of families and 22 per cent of recruits are in the $14,000–$19,999 group.

21.8 per cent of families and 16 per cent of recruits are in the $20,000-plus group.

In 1964, blacks were 10.6 per cent of armed forces' recruits. In 1976, they were 16.9 per cent. The figures for the Army were 13.7 in 1964 and 24.4 in 1976. Obviously a moderately larger percentage of blacks than of whites finds that the armed forces provides an attractive opportunity. So what? The government has no reason—and no right—to worry

about whether there are "too many" blacks in the armed forces.

The quality of today's recruits, as measured by education levels and scores on standardized tests, is better than the quality of recruits in 1964, the last pre-Vietnam year. In 1964, 68 per cent of volunteers were high-school graduates; in 1976, 69 per cent were. In 1964, 42 per cent of volunteers had test scores placing them in the top two of four mental categories; in the most recent quarter the figure was 44.1 per cent.

True, personnel costs have risen from 47 per cent of defense outlays in fiscal 1964 to 58 per cent in fiscal 1977. But that is primarily because military pay has been raised to comparability with private sector employment. But if the nation returned to conscription, comparability would be a requirement of justice. Without conscription, comparability obviously is necessary as well as just.

Few persons who criticize the all-volunteer forces as "unreasonably expensive" favor returning to the scandalous pay rates of 1971. Then many military families were on welfare. And if, today, pay for junior enlisted men was reduced to the federal minimum wage, the government would save just $1.7 billion.

A few easy, reasonable reforms (for example, seeking more women recruits and converting 50,000 military positions to civilian positions) should compensate for any increased recruiting difficulties in years when unemployment is less than it is today, and the number of persons between ages 17 and 22 is smaller.

The most serious predicted skill shortage, of physicians, has not occurred. There are shortages of some skills, and of reserves, but these are problems less substantial than the political and social problems that would be part of any attempt to return to conscription.

Persons who favor military conscription, or other mandatory national service, usually do so for reasons of political philosophy that are independent of the performance of the all-volunteer forces. Suffice it to note that universal military training would produce an absurd surplus of trained manpower over projected military requirements. And a year of mandatory national service for all youths would cost $50 billion annually, if only the minimum wage were paid, and would involve a revolution in national priorities, and values: The U.S. government has never asserted a right, unrelated to national security, to conscript citizens' lives.

My friend Richard Scammon, the elections expert, says that nothing ails the Republican Party that 12 per cent inflation won't cure. But Republicans also can benefit from Democratic criticism of the all-volunteer forces, which are perhaps the finest achievements of the recent Republican years. Most such criticism underscores two Democratic tendencies—statism and casualness about coercion.

UKRAINIAN INDEPENDENCE

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. RUPPE. Mr. Speaker, on January 22d, the Ukrainian community in the United States celebrated the 50th anniversary of Ukrainian independence. The Ukrainians of southeastern Michigan held special ceremonies to commemorate the occasion, and Michigan's senior Senator, ROBERT GRIFFIN, delivered the main speech.

I would like to take this opportunity to pay tribute to Ukrainian independence, and urge that all Americans join in with over 2 million of their countrymen of Ukrainian descent to give moral support for the freedom-loving Ukrainian people. There are over 48 million Ukrainians under Soviet domination today, and their spirit is just as strong now as it was six decades ago. I am tremendously proud of the work done by the Michigan Ukrainian community in keeping alive their countrymen's hopes to someday have self-determination.

I support the Ukrainian people in their struggle for independence, and hope that with the increasing concern for human rights, the long-sought-after dream of Ukrainian independence will finally be realized.

COST-BENEFIT ANALYSIS OF OSHA

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HANSEN. Mr. Speaker, currently there is an issue which is being debated by the citizens of our Nation which could have significant impact upon our lives. Quite simply, the question at issue is the preservation of basic constitutional rights as opposed by the future of the Occupational Safety and Health Administration.

There have been claims of pending catastrophic disaster for the working man should the Department of Labor be forced to comply with a U.S. district court ruling in Idaho, a decision which now rests with the U.S. Supreme Court.

However, Mr. Speaker, these forecasts of doom are totally unfounded.

Since the beginning of the 95th Congress I have found it necessary many times to speak out on this issue and I have offered many sources of information for the benefit of my colleagues. Today, I would like to offer further proof that the American public has wasted over $650 million and have been cheated out of meaningful occupational safety and health protection during these past 6 years.

Mr. Speaker, I call your attention as well as the attention of my colleagues to a January 26, 1977, cost-benefit study of the Occupational Safety and Health Administration by the Congressional Research Service of the Library of Congress written by Mary Jane Bolle, Analyst in Labor and Economic Relations, Economics Division.

The article follows:

BENEFITS AND COSTS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT: A REVIEW OF THE AVAILABLE EVIDENCE

(By Mary Jane Bolle)

INTRODUCTION

In December, 1976, the Department of Labor, Bureau of Labor Statistics (BLS) released its report on occupational injuries and illnesses for 1975. The report indicated that after the first three years of the Occupational Safety and Health Act's[1] history in which between 10 and 11 out of every 100 full-time workers suffered an occupationally related illness or injury, the rate had dropped to about 9 injuries per 100 workers in the fourth year. Fully one million fewer workers suffered a job-related illness or injury in 1975 than in 1974. At the same time, the number of workers who were killed on the job or who died as the result of a job-related illness decreased from 5,900 in 1974 to 5,300 in 1975.

Does this mean that the money pouring into the Occupational Safety and Health Administration, under heavy criticism for several years for a number of reasons including its failure to produce noticeable results, is finally paying benefits?

Six years after the passage of the Occupational Safety and Health Act of 1970, questions such as this are being asked and answers are being demanded, aside from issues about the constitutionality of the law. Bills are regularly introduced in Congress to amend or repeal the Act. One of the basic questions underlying much of the proposed legislations is: Are the expenses incurred in maintaining research and enforcement programs under the Act justified by the benefits derived?

The purpose of this paper is to examine benefits produced by efforts of the Occupational Safety and Health Administration (OSHA) in terms of lives saved and illnesses and injuries prevented, and then to examine the costs of administering, enforcing, and complying with the program.

There have been no valid, reliable cost-benefit studies conducted on the Occupational Safety and Health Act. Indeed, such a study is extremely difficult to conduct. The main reason for this is that many of the most important costs and benefits are hard to define and even more difficult to research. Nevertheless, cost-benefit studies generally do not attempt to measure the potential costs incurred or benefits lost by not maintaining occupational safety and health programs, which must also be considered as part of the total cost-benefit picture.

Underlying the search for costs and benefits are several basic questions which must be answered to determine OSHA's cost-effectiveness. These questions will be examined in this paper in the course of presenting available statistics:

(a) Are the standards most strictly enforced and most often cited proportionate to and parallel with the major causes of fatalities, injuries, and occupational illnesses?

(b) How accurate are the statistics depicting numbers of workers killed, injured, and made ill from occupational hazards?

(c) Has the reduction in fatalities and injuries been the direct or indirect result of actions taken by the Occupational Safety and Health Administration, or has it been totally unrelated?

(d) What other reasons could be responsible for the reduction in fatalities and injuries besides occupational safety and health standards and inspections?

BENEFITS

Background: Information gaps

In attempting to gather data to compile an analysis of this type, numerous gaps in the availability of BLS, OSHA and National Institute for Occupational Safety and Health (NIOSH—the research branch of OSHA established by the Occupational Safety and Health Act) support information become readily apparent. These gaps in benefit information, aside from a number of other problems, make definitive determination of a cost-benefit ratio an elusive goal.

First, the BLS does not compile statistics on death, illnesses, and injuries according to cause. Because of this, although OSHA has published a list of the 100 most commonly

Footnotes at end of article.

cited standards for 1975 [2] which account for 71 percent of all standards which it cited in that year, it is impossible to determine whether the violations identified had any relationship to the illnesses, injuries, or fatalities occurring from exposure at the workplace.

Second, statistics are not available on the exact number of people who die each year from occupationally-contracted diseases, and the discrepancy between the number of occupational diseases estimated and actually reported is considerable.

According to the Bureau of Labor Statistics, only 300 deaths were reported as attributable to occupational disease in 1975. Yet NIOSH estimates that at least 100,000 people die each year from occupational-related illnesses. A 1967 study conducted by the Surgeon General estimates that 390,000 new cases of occupational disease occur each year.[3] As another indication of the possible extent of occupational illnesses, national surveys report that 365,000 people died from cancer in 1975, and the greatest concentrations of deaths were surrounding heavily industrialized areas.

A major reason why statistics are not available on the numbers of people dying from various occupationally-induced diseases is that considerable information is lacking on the cause and effect relationship between various workplace exposures and diseases that may have a number of causes. This is called the "dose-response relationship" and determinations of these functions are the responsibility of NIOSH under the OSH Act. Yet with a pool of 1,500 suspected cancer-causing agents and 18,000 toxic substances, NIOSH has, as of December 31, 1976, produced major background papers containing varying amounts of dose-response information on only 65 substances. Only three of these, for asbestos, vinyl chloride, and coke oven emissions, have been translated into actual OSHA standards. OSHA has completed full health standards on only 17 toxic substances, and has adopted exposure limits only for about 400 more.

A third problem in assessing the current effect of OSHA enforcement policies is that there is more than a year's lag between the time the accidents happen and the time the statistics are compiled and made public by OSHA. In addition, there may be as much as a 20 to 30 years' lag between the time workers are exposed to harmful substances and the time their illnesses become evident.

Available statistics on benefits

The Department of Labor, which calculated some statistics on occupational injuries on the basis of the so-called "Z16 standard" [4] before the Occupational Safety and Health Act was passed, now uses a different method for calculating its figures. For this reason, the BLS figures collected before the Act was passed are not comparable with those developed since the legislation was enacted, to determine how the legislation has affected injury statistics.

The National Safety Council (NSC),[5] however, which worked closely with the Bureau of Labor Statistics before OSHA was passed, continues to calculate its statistics according to the Z16 standard. Therefore, to a certain extent NSC figures before and after passage of the Act may be examined to determine historical trends in injury and fatality rates. These long-term trends are discussed later in the paper, after short-term trends are examined. In addition, NSC figures since 1970 may be used as a comparison with BLS statistics since enactment.

Industrial fatalities

(a) BLS and NSC Figures—

Estimates for 1975 by the BLS are that there were 5,300 occupational fatalities—a 10 percent drop from 1974. Estimates by the NSC are that there were 12,600 fatalities, a 7 percent decrease from 1974. The BLS issues no fatality rate. The NSC fatality rate indicates a decrease from 16 to 15 deaths per 100,000 workers in 1975 compared with 1974.

(b) Comparison of BLS and NSC Fatality Figures—

The primary reason for the discrepancy between BLS and NSC figures in absolute numbers of fatalities relates to the different methods of defining the employment universe by the two organizations. NSC fatalities (and injuries) include accidents among government workers (Federal, State, and local); BLS figures include only workers in the private sector. BLS does not include in its employment universe, and therefore has no estimate on, fatalities and injuries for the self-employed, while the NSC does include this estimate in its figures.

NSC fatalities are compiled from information supplied by State vital statistics agencies which keep death records according to age group, place of death—i.e., work, home, etc. The NSC testified that over the years this has been a consistently calculated figure. BLS fatality figures are determined by reports of businesses that fall under the jurisdiction of OSHA and are required to report fatalities to the Department of Labor.

Industrial injuries

(a) BLS and NSC Figures—

Estimates by the Department of Labor for 1975 are that there were 4.8 million industrial injuries. The injury rate dropped 12 percent from 10.0 injuries per 100 workers in 1974 to 8.8 injuries per 100 workers in 1975.

Estimates by the NSC, from a poll of National Safety Council members, are that there were 2.2 million injuries in 1975 compared with 2.3 million injuries in 1974. This poll translates into an increase from 10.2 injuries per million man hours in 1974 to 13.1 injuries per million man hours in 1975. However, the National Safety Council is quick to point out that its injury statistics, based on the aforementioned Z16 standard, are not comparable from year to year because of changes in numbers of reporting firms and increased representation of service, trade, and government reporting firms. The point is made that increased representation of hazardous government services jobs including policemen, firemen, and sanitation plant workers would tend to skew the figure upward. There is no attempt by NSC at any weighting to arrive at injury estimates which are totally comparable from year to year.

(b) Comparison of BLS and NSC Injury Figures—

The discrepancy between BLS and NSC figures in the basic numbers of workers reported injured results from different methods of defining the employment universe mentioned earlier. It also results from the fact that NSC counts only injuries that are disabling beyond the day of the accident, whereas BLS includes all accidents other than very minor ones that require only first-aid treatment.

BLS illness figures

The BLS emphasizes that the recording and reporting of illness continue to present measurement problems, and indicates that there were 700 reported deaths from occupational illnesses in 1974 and 300 cases in 1975. Reports filed with BLS also indicate 163,300 recognized occupational illnesses estimated for 1975, compared with 200,400 for 1974, or a decrease in incidence rate from .4 in 1974, to .3 per 100 workers in 1975. Because these figures are estimated through a sampling mechanism, BLS reports, there is little statistical meaning to be derived from this difference between the two years. This suggests that the science of identifying occupationally-induced illnesses is still in its infancy. The NSC makes no estimates on occupational illnesses.

OSHA and non-OSHA contributions to decline in injury, fatality, and illness rates

There are several possible causes contributing to the decrease in fatality and injury rates between 1974 and 1975 in addition to OSHA efforts.

Both the BLS and NSC indicate that part of the decrease in the injury and fatality rates between 1974 and 1975 can be attributed to a decrease in the general employment rate. Both organizations report that the last people hired are generally the greatest safety risks and, since they are less experienced than workers with more seniority, they frequently contribute to higher injury and fatality rates. Similarly, the last hired are frequently the first fired or laid off in times of employment cutbacks. Therefore, when the same group of people is removed from the employment picture, the injury and fatality rates are expected to decline somewhat, as a result.

The BLS also indicates that part of this decrease in fatality and injury rates may be attributed to the disproportionate drop in manufacturing and contract construction employment from 1974 to 1975. Both of these industries have relatively higher rates of injuries and fatalities than the rest of the private economy.

At the same time, however, the broader, more subtle influence of the Occupational Safety and Health Act and other health and safety legislation, together with numerous environmental protection laws may be symptoms of a growing national preoccupation with personal survival. These Acts of Congress taken as a group may in turn inspire an even greater degree of health and safety caution and effort on the part of workers and employers in protecting themselves and their environment.

A recent Harris poll indicates that 73 percent of the general population consider it "very important" to strictly enforce safe and healthful working conditions.[6]

A study released by the BLS reports that 93 percent of major collective bargaining agreements (those covering 1,000 or more workers) in effect in mid-1974 contain safety and health provisions.[7]

In addition, efforts by various research organizations and private individuals to ferret out, and efforts of the media to publicize, such epidemics of occupational illness as those resulting from Kepone, Vinyl Chloride, and Asbestos poisoning, have also contributed their share to greater awareness and concern on the part of individuals for the healthiness of their workplace environments.

Finally, the law and all these factors may have awakened management to a lot of problems that in the past may have been overlooked or ignored.

Long-range trends in fatality and injury rates—NCS figures

Statistics compiled by the NSC show death rates among the Nation's workers dating back to 1933, and injury estimates going back to 1926.

The industrial accident death rate, which as indicated before is considered by the NSC to be considerably more accurate than its injury rate statistics, has decreased more or less steadily and progressively from a high of 43 deaths per 100,000 workers in 1937, down to 17 fatalities per 100,000 workers in 1970 through 1973 inclusive, and down further to the previously-mentioned 16 fatalities in 1974, and 15 fatalities per 100,000 workers in 1975.

Statistics on the injury rate over time suggest that the frequency rates have decreased from a high of nearly 32 injuries per million man hours in 1926 to a low of 6 injuries per million man hours in 1961 when the working population was about 60 percent of its current level, and have then gradually and slightly increased. At the same time, the NSC reports that the severity rates have steadily

Footnotes at end of article.

decreased from a high on the NSC scale (no units listed) of 2,500 in 1926 to a low of 611 in 1971, and 614 in 1974.

NSC stresses, however, that one reason why the injury frequency and severity rates have gone up slightly since 1971 is probably because of the OSHA reporting requirements. As a result, firms are keeping more complete records of injuries. It should also be stressed and reemphasized that NSC statistics are not fully representative of the body of firms included under the OSHA umbrella, as the businesses falling under OSHA jurisdiction cover only 76 percent of all workers and are not parallel in manufacturing/service/government industry makeup.

A major reason for the long-term decreases in fatality, injury, and severity rates

The main reason for the long-range decreases in fatality, injury and severity rates relates to the changing mix of industries comprising the U.S. economy. As automation has swept through heavy industry over the course of the century, the employment population has swung from a concentration in manufacturing where there are typically high injury frequencies and severities to a concentration in service industries, where injuries are fewer and their severity is comparatively light. Moreover, automation has reduced accidents and the severity of accidents within heavy industry.

COSTS

Broadly defined, costs of the Occupational Safety and Health Act fall into three main categories: a) costs to the Federal and State governments to administer and enforce the Act; b) costs to businesses to bring them into compliance with standards and regulations; and c) costs to consumers for purchasing products made under safer and possibly more expensive conditions.

Following is a brief overview of these various OSHA cost components. As with benefits, there are a number of gaps in information available from the Occupational Safety and Health Administration.

Federal and State costs

Federal costs for administering and enforcing the Act for the 1977 fiscal year amount to $130.3 million appropriated for the Occupational Safety and Health Administration in the Department of Labor and $48.8 million appropriated to the National Institute for Occupational Safety and Health. the research branch of OSHA.

Following is a breakdown of the OSHA budget:

	Actual [1]	*Estimate* [2]
Standards	$8,210	$8,338
Training	4,210	18,897
State programs	32,696	35,605
Federal enforcement	59,752	57,616
Statistics	5,448	6,206
Executive direction and administration	3,980	3,671
Total budget	114,980	130,333

[1] Fiscal year 1976, 12 months.
[2] Fiscal year 1977.

Offsetting Federal costs will be a contribution to the U.S. Treasury from penalties collected for violations cited during Federal inspection of workplaces. Penalties assessed are expected to equal $11.5 million for the 1977 fiscal year. Penalties actually collected and remitted to the U.S. Treasury are expected to equal about $7 million for FY '77.

In addition to Federal funds appropriated for OSHA, the 23 States (plus the Virgin Islands administering their own State OSHA plans have budgeted a total of $32.1 million for the 1977 fiscal year. States without OSHA State plans have budgeted another $3.5 million for onsite consultation. All these funds are matched by Federal funds earmarked for State programs as indicated in the previous chart.

Industry costs

The credit to the U.S. Treasury represents the penalty costs to businesses under the Act. Other industry costs are legal costs connected with protesting a citation or penalty, for which no reliable estimates appear available at the present time, and costs of technological changes made by businesses to bring them into compliance.

Two industry sources offer estimates on the amount of money business spends to comply with the OSH Act. The Fourth Annual McGraw-Hill Economics Department Survey of businesses to determine the amount of money devoted to OSHA compliance, estimates that $3.2 billion was expended by business on health and safety protection for employees in 1976.[8] This figure represents an increase over the $2.5 billion estimated for 1973, and a decrease from the $3.5 billion estimated for the industry in 1972. There are no indications on how much would have been spent on occupational safety and health protection in the absence of the OSH Act.

To many, these dollar figures appear to be a substantial investment. However, the NSC's estimate on the amount companies lost in 1975 because of work accidents alone is nearly five times these yearly amounts, or $16.0 billion.[9]

Another survey, conducted in 1974, suggests the amount of money individual companies may have spent to comply with the OSH Act: A National Association of Manufacturers (NAM) survey estimated expenditures for businesses generally for safety and health compliance at $35,000 for firms of 1–100 employees, $73,500 for companies of 101–500 employees, and $350,000 for establishments of 501–1,000 employees.[10]

Because these figures were derived by surveying business establishments which had not actually made the improvements yet, but for which employers were estimating what costs of compliance might be if they were to make them, the number might not represent the actual costs of compliance. Another indication of dollars spent by businesses on compliance might be gleaned from the dollar value of loans granted to "small businesses" [10] to accomplish technological changes required for compliance. In the first four years of the program, between 1971 and 1975, 1312 loans totaling $28.8 million were granted. This averages out to about $20,000 per loan.

Costs to consumers

Figures on the contribution to the Consumer Price Index resulting from business expenditures for safety and health technology, legal fees, and penalties paid for violations cited are difficult to estimate.

However, indications are that the total percentage contribution to the CPI by OSHA costs is not particularly great in total national impact. The vinyl chloride standard was one of the more expensive OSHA standards to implement. Before it was promulgated, industry witnesses testified that the entire vinyl chloride production industry would close down because of unmanageable costs of meeting a "zero parts per million" exposure level for vinyl chloride workers. A follow-up study estimates that the actual economic impact of the vinyl chloride standard after implementation has been to raise prices of items made from the vinyl chloride plastic approximately 6 percent. However, the follow-up study has shown that machinery developed and utilized by industry to meet the standard increases efficiency and will ultimately cut rather than raise production costs.[12]

SUMMARY AND CONCLUSIONS

It can be argued that the greatest benefits from the Occupational Safety and Health Act, in relation to cost expenditures, come from enforcing standards which when violated cause the greatest injury. Yet, as indicated earlier, the Department of Labor has no statistical information to affirm or deny whether the 100 standards most strictly enforced and most often cited are most directly related to the major causes of fatalities, injuries, and illnesses.

Both the National Safety Council and the Bureau of Labor Statistics figures have indicated a decrease in occupational injury and fatality rates since the Occupational Safety and Health Act was passed. However, other causes besides OSHA may have been partly responsible for the decline which began historically long before the Act's passage, and reached its lowest level so far in 1975.

These include the direct and indirect influence of the Occupational Safety and Health Administration as well as outside economic factors—especially the continued shift of workers from high safety risk manufacturing to low safety risk service industries, and the continuing impact of modernization and automation of the workplace.

Health benefits so far from the Occupational Safety and Health Act appear to be few. Scientists estimate that as much as 85 percent of our Nation's high rate of cancer may be environmentally induced. Development of effective standards for health hazards continues to lag behind that for safety hazards. Health regulations cannot be promulgated and enforced until the necessary research information is available. The Department of Labor has no statutory authority over the research that the National Institute for Occupational Safety and Health (NIOSH) conducts. Coordination between the two agencies to develop dose-response relationships on the 1,600 suspected cancer causing agents and translate them quickly into OSHA standards is not complete.

The Department of Labor has, however, undertaken a number of projects to speed up the information-gathering and standards-promulgation process. One of these undertaken in conjunction with NIOSH is the Standards Completion Project which aims to write full standards for the 400 toxic substances for which exposure limits alone (many now outdated) were incorporated from the American Conference of Governmental Industrial Hygienists (ACGIH) listing soon after the Act was passed. These limits have not been updated by OSHA one by one in accordance with new ACGIH levels because of the lengthy promulgation procedure mandated by the Act.

It seems apparent that the real benefits of the Occupational Safety and Health Act must come in the health area. Toxic substances, rather than killing and injuring people singly as industrial accidents frequently do, have an almost universal harmful effect on the human organisms inhaling and absorbing them into their systems. Where the potential for human harm is the greatest, the potential for health salvation, through promulgation and enforcement of much-needed standards is also at its maximum.

FOOTNOTES

[1] P.L. 91–596.

[2] Reprinted in the Bureau of National Affairs' Occupational Safety and Health Reporter, vol. 5, no. 41, March 11, 1956, p. 1357.

[3] The Job Safety and Health Act of 1970. Washington, D.C. Bureau of National Affairs, 1971, p. 13.

[4] The Z16 standard was developed by the American National Standards Institute as a method of recording basic facts relating to the nature and occurrence of work injuries.

[5] Chartered by an Act of Congress in 1953. Source of NSC statistics: Accident Facts, 1976, Chicago, Illinois, National Safety Council, p. 23–29.

[6] 44 Percent Think Quality of Life Has Worsened in Decade, the Washington Post, Monday, No. 8, 1976, p. A 8

[7] New Publications. Daily Labor Report. The Bureau of National Affairs, Jan. 5, 1977, p. A–11.

[8] Occupational Health and Safety Letter. Washington, D.C., Gershon W. Fishbein. Vol. 6, no. 11, June 8, 1976, p. 6.

[9] Accident Facts, 1976 Edition. Chicago, National Safety Council, 1976, p. 5.

[10] "What It's Costing Industry to Comply with OSHA," Occupational Hazards, Fall 1974, pp. 8–9.

[11] "Small businesses" is defined by a number of parameters under the Small Business Act.

[12] Vinyl Chloride Industrial Abstract of Case Study. Center for Policy Alternatives, Massachusetts Institute of Technology, Boston, 1976, xii pp.

REHAB CENTER MERITS PRAISE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. GIAIMO. Mr. Speaker, throughout the Nation, hundreds of facilities are working to enable our handicapped citizens to enjoy productive lives. I believe that the Easter Seal Goodwill Industries Rehabilitation Center in New Haven, Conn., is one of the best.

Through the able leadership of its Executive Director Carl V. Puleo, the center has shown the people of the third district that a physical handicap need not preclude a useful life. I am particularly proud of the center's projects with industry program which has helped place the center's clients in productive jobs in various industries in and around New Haven.

Recently, the Commission on Accreditation of Rehabilitation Facilities approved the recommendation that the center be accredited for its programs of physical restoration, vocational development, sheltered employment, speech pathology, and work activity. This is a great honor for the center, but the accreditation also imposes on the center a great responsibility to continue to provide the high quality of rehabilitation services for which it was cited.

I know that Carl Puleo, his staff, and everybody associated with the Easter Seal Goodwill Industries Rehabilitation Center of New Haven will continue to meet the challenge of the future.

At this time, I would like to insert an editorial from the New Haven Register on the work of the center.

[From the New Haven (Conn.) Register, Dec. 9, 1976]

REHAB CENTER MERITS PRAISE

The Easter Seal Goodwill Industries Rehabilitation Center of New Haven deserves congratulations for becoming the first such facility in New England to be accredited in five different areas of service and more importantly, for refusing to rest on its laurels, as evidenced by official statements following announcement of the action by the board of trustees of the National Commission on Accreditation Facilities.

The local rehabilitation center has been accredited by the national commission in the areas of physical restoration vocational development, sheltered employment, speech pathology and work activity, a truly commendable accomplishment worthy of community note.

But far more impressive is the attitude of Carl V. Puleo, executive director of the rehabilitation center. He said, "While we are extremely pleased with this splendid recognition, the challenge is clear: We must institute the most effective possible research to verify the value of our on-going programs. This facility has now been accredited, but it is no guarantee that our work is productive beyond the treatment phase. We must now prove our worth these next three years . . ."

It is just that kind of outstanding attitude, that refusal to rest, that will, indeed, prove the worth of the facility to the community and to those it services. And, undoubtedly, if that attitude can be maintained. Puleo will see his desire of "ever more effective rehabilitation services" realized in future years.

ANTICRIME LEGISLATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. LEHMAN. Mr. Speaker, on January 4, I introduced two bills which, if passed, will contribute greatly towards the improvement of our criminal justice system.

The first bill, H.R. 484, would amend title 18 of the United States Code and title 23 of the District of Columbia Code to grant courts the power to deny pretrial release to persons charged with the commission of certain crimes of violence. This would prevent a criminal from getting back out on the street to commit even more violent crimes before his trial has commenced. We have seen too many incidents where the suspect is out of jail before his victim is out of the hospital. Granting this power to the courts is a clearly justifiable and necessary step in view of past experience.

The second bill, H.R. 470, would amend title 18 of the United States Code so as to establish a U.S. Commission on Sentencing. I am sure that most judges are fair and honorable, but they nonetheless will exhibit a wide range of opinion when sentencing a convicted party. Such differences are not helpful to our system of criminal justice. The law must be consistent to be respected. Through the passing of this legislation, guidelines will be provided so that imprisonment, fines and probation will be in keeping with the nature of the crime and history and character of the defendant. These guidelines will be set down by the U.S. Commission on Sentencing, which will be established as an independent Commission in the judicial branch. It will consist of five members who shall be appointed by the U.S. Judicial Conference.

Surely, one of the most formidable challenges facing us today is the ever-increasing crime rate. To effectively deal with this problem, it is not enough to assign more policemen to street duty or invest in sophisticated technology to track down criminals. All these measures are useless without substantial reform of the courts, which must decide the fates of these criminals. It is a matter of common knowledge that the revolving door of criminal justice is not merely a cliché. The courts are simply not equipped to handle the flow of cases. This results in cases being weakened by lengthy delays, excessive plea bargaining, and suspects back on the streets repeating the same criminal actions and eluding the law.

Mr. Speaker, the legislation I have introduced will mark two important steps toward a solution of this complex and serious problem. I commend this legislation to all of my colleagues of the 95th Congress and urge them to pass these bills to make our country a safer and more just place in which to live.

AMENDING THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. FISHER. Mr. Speaker, Arlington County, Va., which is just across the Potomac River from Washington and is in the district I represent, would be considered by most observers to be an urban county. It is an older suburb which experienced its first spurt of suburban growth with the development of trolley lines extending out from Washington after 1900. By the time of the rapid growth of the World War II period, Arlington was already well established. Within its 25 square miles live 157,000 people. This denseness of settlement is more like that of a city than the usual sterotype of a sprawling suburban county. The Arlington County manager form of government is very much like the charter of a city in Virginia. Yet, in spite of its urban characteristics, Arlington is not considered an urban county under the Housing and Community Development Act of 1974.

Currently the Housing and Community Development Act states that an urban county is any county within a standard metropolitan statistical area which has a population of 200,000 or more and which is authorized by State law to undertake development activities in any of its unincorporated areas. The reason for creating the category of urban county, according to the House Banking and Housing Committee report on the original legislation, was to recognize the role that suburban counties play in physical and social development in metropolitan areas. It was also meant to identify counties with the willingness and power to undertake community renewal and moderate-income housing activities.

Urban counties which meet this definition are eligible for automatic entitlement grants to finance local housing and development programs. Other counties, as well as communities which are not defined as metropolitan cities of more than 50,000, must apply to the Department of Housing and Urban Development to compete for a very limited amount of discretionary grant money. Many of these so-called nonentitlement communities get little or no money under this law.

Because Arlington's population is below 200,000, it does not meet the standard for an urban county required by the

Housing and Community Development Act. The bill I am introducing today will make it possible for a densely populated county like Arlington to be designated an urban county. My bill will make either population of 200,000 or population density of at least 5,000 people per square mile the measure for determining entitlement, in addition to the other criteria already in the act. This seems to me to bring the effect of the law into accord with the intent expressed in the committee report. I do not believe that the intent was to prevent a county such as Arlington from being considered an urban county. No county in the United States other than Arlington has a population under 200,000 and a density of at least 5,000 per square mile. My bill will amend the Housing and Community Development Act to recognize the unique situation of Arlington County without creating a new category of entitlement communities.

SEVEN ESSENTIAL QUESTIONS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. GOLDWATER. Mr. Speaker, I would like to bring to my colleague's attention an excellent article by James J. Kilpatrick concerning the economic disaster awaiting this country unless we, in this body, begin to take stock of our spending habits. Furthermore, I believe that if every Member of this House consistently asked himself or herself the questions listed in the article before introducing or voting on any scheme that costs money, this country would not be in half the economic mess we are in now. Ladies and gentlemen, I beg of you to consider the economic consequences of continuing as we have, because simply stated, there is a limit to what the private sector can contribute to the public sector and continue to exist. The article follows:

FORD'S SEVEN QUESTIONS ABOUT FEDERAL SPENDING

(By James J. Kilpatrick)

In one of his final acts as president, Mr. Ford last Monday sent to Congress his proposed budget for 1977–78. The figures, as always, were breathtaking; events will prove them not breathtaking enough. But the figures are less important than the questions Mr. Ford raised in his farewell message.

The principal figures have been well publicized in the past few days, but the publicity is futile. No one can comprehend an income of $393 billion and an outgo of $440 billion. Few persons can comprehend even $1 billion. When we are told that the federal debt at the end of the 1978 fiscal year will amount to $785 billion, the information holds no meaning. Temporarily, skip the figures.

In his message, Mr. Ford said that in shaping his budget he had asked seven questions of both existing and proposed federal programs. In the field of public spending, seven better questions have seldom been asked. These are the questions:

(1) Is this activity important to our national security or sense of social equity?

(2) Is this activity sufficiently important to require that we tax our people or borrow funds to pay for it?

(3) Must the federal government raise the taxes or borrow the funds or should state or local government do so?

(4) Should the federal government direct and manage the activity or should it limit its role to the provision of financing?

(5) How has the program performed in the past? Have the benefits outweighed the costs of dollars or other burdens imposed?

(6) Have the benefits gone to the intended beneficiary?

(7) Does this activity conflict with or overlap another?

I would have emended Ford's first two questions in one respect: I would have changed "important" to read "necessary." When it comes to spending money that is taken from the people under the compulsion of taxes, one elementary rule should suffice. If a program is truly necessary, the money must be spent; if the program is not necessary, the money should not be spent at all.

In his second question, Mr. Ford went to the business of borrowing funds to pay for federal programs. Borrowing has become one of our government's most active functions—and one of the most alarming. Last year the government borrowed $83 billion from the public; this year it will borrow $62 billion; next year $55 billion. That is $200 billion over a three-year period, diverted from capital needs of the private sector.

Even in terms of inflated dollars, and even in comparison to the Gross National Product, this is a monstrous indebtedness. Mr. Carter's programs will make it more monstrous still.

Questions three and four go to the venerable principle of federalism. The principle gets more anemic all the time. Mr. Ford's budget proposes state and local grants of $71.6 billion. Such grants have this defect, that they give the state and local governments the pleasure of spending the money without the pain of raising it. The process undermines the very structure of local responsibility.

To his credit, Mr. Ford proposed to undermine the structure more efficiently. He would consolidate 19 categorical programs in health, 23 in education and 15 in child nutrition into three block grants only. If Congress ignores the howls of the bureaucracy at this affront to their paper magistracies, Mr. Ford's proposal should help.

Questions five, six and seven are closely linked. Whether a program involves food stamps, housing subsidies, child nutrition or medical care, Congress ought constantly to be asking: Does the program work? Does it work efficiently? In terms of the money taken away from the people, are the people getting value received?

With the change of a word here and there, state and local governments should be asked the seven questions of their own programs. The states and localities also are deeply in debt; they too are plagued by bureaucracies embedded in concrete.

Governmental spending, at all levels, now embraces 34 per cent of our Gross National Product. The percentage rises inexorably, suggesting two final questions to ponder: Where is this trend taking us? And, do we truly want to go there?

LEGISLATION INTRODUCED FOR THE RELIEF OF SU-HWAN CHOE

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HARRIS. Mr. Speaker, today, I am introducing a private relief bill for Su-Hwan Choe who is seeking adoption by Colonel and Mrs. Thomas M. Jones of Alexandria, Va.

The Joneses first met Su-Hwan in 1975 and since then have affectionately considered him as an integral part of their family. They are vitally concerned about his immediate needs and well-being, having offered him financial assistance and help in finding programs and employment to improve his career qualifications. The Joneses would like to continue to assist him and include him in their future plans in the United States through the adoption process. Unfortunately, his age of 29 prevents him from qualifying as an adopted son under U.S. immigration rules and adoption procedures in the Republic of Korea.

Colonel Jones explored educational opportunities for Su-Hwan but was advised that admission requirements for all universities within Korea are almost exclusively limited to those students recently graduated from Korean high schools; thus, the length of time since he completed high school eliminates any chance for him to pursue an education and develop further skills.

It would appear that this young man will continue to encounter administrative and financial barriers to personal advancement within his own country. Therefore, I believe the plight which faces both Colonel and Mrs. Jones and Su-Hwan is worthy of our consideration. We have an opportunity to make it possible for this young man to make a contribution to our country as well as to enrich the lives of the Joneses who, having had no children of their own, are eager to welcome him as their son.

FRAUD AND ABUSE IN MEDICAID AND MEDICARE

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. RAHALL. Mr. Speaker, I join my colleagues today in cosponsoring legislation designed to address the problems of fraud and abuse in the medicaid and medicare programs.

Medicaid and medicare are our primary public programs for financing health care services to our elderly, to our disabled, and to our poor and broken families. These services help to pay for sorely needed medical care. But unfortunately during the past several years these services have been abused and in some cases outright fraud has occurred where medical providers have provided poor service or unnecessary service or no service at all and billed the programs for extensive amounts. We must see that these practices are not allowed to continue.

Improving the administration and management of our medical care programs is an obligation we all share. Necessarily, much of the burden of this task must fall on HEW and the State agencies that administer medicaid. But by tightening up the legislation we can assist them in this task.

There are many complex problems of fraud and abuse in our medical care programs. They involve inadequate numbers of able personnel administering the program at the State and Federal level; drastically inadequate data systems in many State medicaid programs; slow payments to providers which allow fraud and abuse to flourish; unethical providers; a reimbursement system which too often encourages overuse; and a lack of alternate high-quality facilities to serve the poor, particularly in areas of our major cities. This single bill will not solve all the many problems in our medicaid system—no one bill could. But this is a necessary first step which will increase the tools available to HEW and the States to find and prosecute fraud and abuse. Unscrupulous providers will be put out of the programs. Hopefully, it will serve as a first step in a strong and continuing cooperative effort with the new administration to improve our publicly financed medical care programs.

LIFELINE RATE ACT OF 1977

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. LEHMAN. Mr. Speaker, electrical energy is an indispensable necessity of our modern way of life. It is a lifeline which sustains virtually every American household. To assure an adequate supply of electricity for residential users, at a reasonable cost, and to encourage energy conservation by both residential and industrial consumers, I introduced H.R. 469, the Lifeline Rate Act of 1977, on the first day of the 95th Congress.

Since the acute stage of our ongoing energy crisis three years ago, many Americans have quietly practiced energy conservation—sometimes out of necessity. Soaring electric bills have caused many families to curtail their consumption of electricity, but continuing escalation of electric rates is now forcing some to cut back to subsistence levels or less, and excessive rates are even forcing some families to make hard choices between electricity and other essentials.

Large industrial users of electricity, by contrast, have long enjoyed significantly lower rates per kilowatt-hour than residential consumers have paid. Indeed, the more they use, the lower the unit costs become. This is hardly likely to encourage industrial conservation; in fact, it encourages wasteful consumption and leads to ever greater drains on our limited resources.

This major discrepancy in our electrical rate structure has actually promoted the increased and often wasteful use of electricity by one class of user, while forcing another class to struggle to pay for limited but essential quantities of power. This rate structure is backward, in terms of both equity and national energy policy.

The Lifeline Rate Act of 1977 would turn the rate structure around and ease the heavy burden on American residential consumers. It would require individual State or regional regulatory authorities to establish the quantity of kilowatt-hours which is the subsistence level for residential use in that State or region, making allowances for seasonal or climatic variations. The subsistence level of electricity is defined as the quantity needed for cooking, refrigeration, heating, and cooling, and the rate charged for that amount would be the lowest rate per kilowatt-hour charged any class of electric consumer. In addition, the lifeline rate could not exceed the average of residential rates in effect as of December 31, 1975.

Since higher rates would be charged for any residential consumption over the subsistence level, this measure would assure an essential supply at low cost and discourage excessive consumption over that level. It would also remove large industrial users from their current favored position and encourage more careful consumption by industry.

Mr. Speaker, conservation must replace waste as the operative description of this Nation's energy habits. An electric rate structure which encourages conservation is a vital part of any energy conservation efforts, and, indeed, of any national energy policy, and my bill would provide such a structure. In order to maintain a civilized society, we must be sure to provide adequate electricity for American homes while protecting our limited fuel resources from waste and misuse.

The text of the Lifeline Rate Act of 1977 follows:

H.R. 469

A bill to reform residential electric utility rates

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lifeline Rate Act of 1977".

PURPOSE

SEC. 2. It is the purpose of this Act to reform electric utility rate charges to residential customers by providing for a more equitable distribution of electric utility rate charges among classes of electric energy users by requiring electric utilities to prescribe minimum rates and charges to residential users of electric energy in order to meet their basic necessities of modern life which will encourage the wise and prudent use and conservation of scarce energy supplies.

LIFELINE RATES

SEC. 3. (a) No rate schedule of an electric utility shall provide for a rate under which the charge per kilowatt-hour to a residential electric consumer for a subsistence quantity of electric energy in any month for such consumer's principal place of residence exceeds the lowest charge per kilowatt-hour to any other electric consumer (within the jurisdiction of the regulatory authority which has ratemaking authority with respect to such rate schedule) to whom electric energy is sold by such utility (or any electric utility which controls, is controlled by, or under common control with, such utility). Such rates shall not exceed the average residential rates in effect as of December 31, 1975.

(b) For purposes of this section, the term "subsistence quantity" means a number of kilowatt-hours which the regulatory authority determines is necessary to supply the minimum subsistence electric energy needs of residential electric consumers at their principal place of residence for the following end-uses: heating, lighting, cooking, cooling, and food refrigeration. In determining the minimum electric needs of residential consumers the regulatory authority shall consider seasonal fluctuations in climate and consumption patterns.

ENFORCEMENT

SEC. 4. (a) No electric utility may sell electric energy except in accordance with a rate schedule which has been fixed, approved, or allowed to go into effect by a regulatory authority. No regulatory authority may fix, approve, or allow to go into effect any rate schedule which violates section 3.

(b) If any person alleges that a regulatory authority's action, or failure to act, violates subsection (a)—

(1) in the case of a regulatory authority which is a Federal regulatory authority (or which is a State regulatory authority whose action or failure to act is not reviewable by a State of competent jurisdiction), such person may obtain review of such action or failure to act, insofar as it relates to a violation of subsection (a)—

(A) in any statutory review proceeding which is otherwise applicable to such action or failure to act, or

(B) if there is no such statutory review proceeding applicable to such action or failure to act, by commencing a civil action in the United States court of appeals for any circuit in which the utility sells electric energy, which court shall have jurisdiction to review such determination in accordance with chapter 7 of title 5, United States Code; and (2) in the case of a regulatory authority which is a State regulatory authority, such action, or failure to act, insofar as it relates to a violation of subsection (a)—

(A) may be reviewed by any State court of competent jurisdiction, and

(B) if such action is reviewable by such a State court, may not be reviewed by any court of the United States, except by the United States Supreme Court on writ of certiorari in accordance with section 1257 of title 28, United States Code.

EFFECTIVE DATE

SEC. 5. The provisions of this Act shall take effect ninety days after enactment and remain in force for a period of not less than five years thereafter.

UKRAINIAN INDEPENDENCE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. DINGELL, Mr. Speaker, the commemoration of the anniversary of Ukrainian Independence is a time for honoring the freedom-loving people of the Ukraine and their continued aspirations for self-determination.

The inspiring proclamation of a free Ukraine on January 22, 1918, remains a beacon of hope and courage to the captive peoples of Eastern Europe and the world. Their desires for liberty and basic human rights which have been suppressed by military and political domination are no less recognized now than in the past. A common heritage, religion, and love of a homeland have maintained the bonds of national unity. It is this bond, a bond between brothers and sisters, a bond recognized between all free men, that brings us together in commemorating this anniversary.

I join with my many friends of

Ukrainian descent to reassure the world that these shared beliefs in national, individual, cultural, and religious freedoms are not forgotten.

DEREGULATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HAMILTON. Mr. Speaker, I prepared a statement for use at the Indiana Highway Contractor's annual convention in San Francisco, Calif., on January 24, 1977. That statement, entitled "Deregulation," is inserted in the CONGRESSIONAL RECORD for the benefit of my colleagues:

DEREGULATION

I. THE IMPORTANCE OF THE TOPIC OF OVERREGULATION

A. A Crisis in confidence

Any sensitive politician is aware that people are wondering about the competence of government to deal with the problems that concern them most. Complaints about the performance of government pour into every public official's office, coming from persons as varied as the university president (who cannot easily cope with the reams of new regulations in higher education) and the food stamp recipient (who cannot quickly claim his stamps).

Most people simply are not satisfied with the performance of government. They expect their government to work better. The challenge of this expectation may be the most fundamental problem before those of us in public office today.

B. Regulation

One of the reasons for this lack of confidence in government is the poor performance of the new regulatory mechanisms established in recent years in the areas of pollution control, industrial health and safety, consumer product quality and safety, and the like. These new regulatory mechanisms have begun to generate a backlash of resentment against excessive red tape, bureaucratic control and the loss of freedom.

Present government performance causes most Americans to see a danger in moving more and more decisions to Washington. It also causes widespread disenchantment with the ability of government to intervene effectively on behalf of the people.

What concerns Americans, even when they want their government to act, is the fact that government action is frequently ineffective, wasteful and inefficient.

So a principal way in which we restore confidence in government is to make government work better.

II. THE PRESENT REGULATORY SYSTEM

A. Growth

The growth of Federal regulatory activities has, of course, been striking. Although there may be no really good way to quantify this growth, a few facts are sufficient to indicate a trend.

Even as late as the middle 1950's there were only four main areas in which the Federal Government had major regulatory responsibility. Those areas were anti-trust; financial institutions; transportation; and communications.

But in 1976 there were 77 Federal agencies engaged in regulating some aspect of private activity. 50 of those agencies had been created since 1960 and all but 10 since 1930. By one count there are 100,000 Federal employees working as regulators of one sort or another.

The total budgets of regulatory agencies have soared from $1.3 billion in FY 1972 to $3.0 billion in FY 1976. The latter figure constitutes nearly 1 percent of total Federal outlays in FY 1976. In 1975 alone some 10,245 new regulations appeared, adding to the 60,000 pages of regulations already in existence.

Of course, there are other factors that cannot be easily computed. For example, how many hours do talented people spend wrestling with the mass of government forms? With 5,146 different forms in use as of June 30, 1974, experts estimate that as many as 130,000 man/hours per year *may* be required to fill them out!

B. Complexity

The distinguishing marks of today's regulatory activity are its staggering complexity and the elusiveness of its objectives. The Federal Government tries to regulate—

60,000 sources of water pollution;

100 million pollution-emitting vehicles on the road;

Health and safety in all working places in the country; and

The structure of health care systems and Federal manpower programs.

Even older programs, such as the Federal Highway Program, have become much more complicated. We no longer just build highways. Through a variety of means we now encourage comprehensive transportation and urban development plans to deal with problems of transportation and urban growth.

Worst of all, the regulatory process in all of its facets (promulgation, implementation, enforcement, *etc.*) has become highly legalistic. It is no exaggeration to say that lawyers, many of whom are well intentioned, are smothering the regulatory process. A knowledgeable observer of this phenomenon has remarked that regulatory agencies and regulated businesses "are entitled to their day in court, but not *all* day!"

C. Debate about the regulatory system

One danger of any full-scale assault on the deficiencies of regulatory agencies and processes is that we may fall into the trap of believing that all regulations are bad. This is certainly not the case.

We should first understand the scope of the debate. There is *no* talk of "deregulation" today if by that term one means the elimination of any regulation whatever. Rather, there is concern about the modernization and reform of the regulatory system.

Most of us in Congress accept the fact that the regulatory system is not working well. But we do not believe that total deregulation will solve the problem. The engine needs a major overhaul; the whole car need not be junked.

D. Defects of the present system

The present regulatory scheme has failed to lead to substantive solutions to important problems. Instead, it has led to further problems of enforcement; unacceptably high costs of enforcement; too much rigidity to handle all the individual situations that a complex economy creates; and "time-lag" and delay in regulatory decision-making processes.

We are so enamored of the regulatory process that we have ended up extending government control far beyond what is necessary to achieve our objectives.

We have begun to transfer more and more decisions about individual economic activities from the marketplace to the government office. But regulations, however detailed, cannot be written to cover all the individual situations that arise. For example, consider:

1. Clean Air Regulation

The present regulatory system for clean air is rigid and uncompromising. We have primary standards, specific emissions limitations, secondary standards, non-degradation, and all the rest. The law assumes that pollution damage is nil up to a given standard and the infinite above that standard. Such an unwarranted assumption is useless and even harmful.

2. Water Quality Regulation

The regulatory system to control water pollution is also unsatisfactory. We rejected the initial approach of establishing water quality standards, and now we have moved to the 1972 law which requires the Environmental Protection Agency to set specific effluent limits on pollutants. No one stops to think that there are 60,000 sources of water pollution in the United States, 9,000 of them major. The issuance of 45,000 individual plant permits notwithstanding, the EPA simply cannot do what it is charged by law to do. In effect, we have established in the EPA a central agency to determine a detailed strategy for controlling *every* polluting source in the country! It just is not going to work.

There is a much more promising way to control water pollution. I shall discuss it in a moment.

3. Occupational Safety and Health

Based on the history of the inspection of places of work by the Occupational Safety and Health Administration, even a large industrial plant is likely to be visited by an OSHA inspector only once every 10 years. OSHA is regulating the trivial in such exquisite detail that it cannot begin to do many of the important tasks assigned to it.

Under the present regulatory system we develop increasingly detailed standards of performance as we shift the enforcement mechanism from the marketplace to the government office. More and more economic decisions are then made not only by bureaucrats, but also by judges. The courts are called upon to determine whether decisions are compatible with the standards set forth in legislation, and they are obliged to interpret such arcane phrases as "economically feasible."

E. Reasons for overregulation

We all agree that a principal defect of our present regulatory state of affairs is overregulation. There are several factors that push us toward more regulation. Those factors are:

1. Industries and Unions Want Regulation

A major factor is the desire for regulation on the part of certain industries and the unions associated with them. For example, the trucking and railroad industries and their unions support price-fixing regulations. But all too often this sort of regulation has grown into a set of rigid rules prohibiting competition between companies and closing new companies out of the market. Other problems pile up. As concerns the trucking industry, circuitous routes, empty backhauls and inflexible pricing systems have taken their toll in efficiency. An equally wasteful system of regulation has grown up in the airline industry.

2. Uncompetitive Industries

Another factor that gives rise to more regulation is the less-than-competitive character of some industries. If the private market economy is working well, it is efficient. If there are high levels of production and genuine competition, regulation is unnecessary. But if the private market economy is lagging or not functioning at all, there may be a need for regulation. We observe this again and again in the area of public utilities.

3. Market Does Not Reflect the True Economic Picture

Sometimes regulation is needed because the market does not reflect economic realities. Pollution is the classic case. For hundreds of years the environment was treated as a free resource. We made maximum use of the air and water as free "sinks" for our waste products. We paid no attention to the impact of new technologies on our atmosphere, lakes and rivers. We designed auto-

mobile engines with speed, acceleration and low production costs in mind. We did not worry about smog-creating emissions. We built steel and paper mills that used incredible amounts of water in order to economize on labor and other costs. We did not concern ourselves with water quality.

4. Complexity of Newly Regulated Areas

The most important cause of the growing burden of government intervention in the marketplace is the sheer complexity of the new areas targeted for regulation. Undertaking the building of a $10 billion interstate highway system was no small decision. But when compared to the intervention by government in such fields as health care and pollution control how easy it was to execute!

F. Alternative approach

Many of us have come to the conclusion that we just cannot go on imposing regulations over an ever-widening region of economic and social activity.

There is no simple answer to a complicated problem, and a complicated problem is what we are facing when we attempt to regulate the pollution of the environment, the delivery of health care, the safety and health of workers, *etc.*

When the government tries to deal with situations that are complex, situations involving millions of interactions among people, businesses and subdivisions of government, it may very well be asked how the government can best achieve its ends.

Relying on a regulatory bureaucracy to carry out social policy on such a scale simply will not work. There are too many actors, too much technical knowledge, and too many different circumstances to cope with, no matter how well staffed the bureaucracy is.

We in Congress are going to have to begin to look into alternative approaches that will employ the self-interest of individuals and business firms. Only through these approaches can we move toward desirable social goals.

III. WHAT CAN WE DO TO IMPROVE REGULATION?

A. Extreme proposals

Before discussing these new strategies to curb regulation, let me mention two things that we should *not* consider if we want to improve the regulatory process. The extreme postures are:

1. No Intervention

Some people believe that the problems caused by government intervention are so great that government intervention can never be justified. These people will say that the cure is worse than the disease, and that regulation can never be made efficient.

2. More Intervention

Other people argue that there is really nothing wrong with government intervention. They think we need better laws, better politicians, less special interests, more capable administrators and more money for underfunded regulatory programs.

In my estimation neither of these proposals gets to the heart of the matter. All of us agree that we are going about the business of intervening in the market in a bad way. As concerns occasions for intervention, we do not do a good job of sorting out the frivolous from the imperative. Furthermore, we waste fantastic sums of money doing what we do.

B. The right questions

If we ever are to solve the regulatory problems we have created, we must first learn to ask the right questions in evaluating a regulation. For example, we should ask:

Can the free market regulate itself in this instance?

Are there ways to stimulate market solutions that might be less expensive and less burdensome than the regulation?

Does the regulation make for the least possible imposition on human freedom?

Does the benefit of the regulation exceed the cost?

Does the regulation affect adversely our ability to compete in world markets?

What human purpose does the regulation fulfill?

Is the regulation just or unjust?

Is the regulation effective or ineffective?

How can the regulation be eliminated when it has outlived its usefulness?

And since the consumer is a central figure in regulatory planning, we should ask:

How does the regulation benefit the consumer?

Far fewer mistakes will be made if the time is taken to ask these questions.

C. Open regulatory process

We have to open up the regulatory agencies to allow the free flow of information. To put it more picturesquely, we need to let the sun shine in on regulatory agency processes. If a bureaucrat's power is secure, then he or she will not be responsive. But when the power is insecure, when it can be challenged, the bureaucrat becomes responsive. Such a challenge can be made only if the public's business is done in public. There must be more participation in the decision-making processes of regulatory agencies by those citizens on whom the weight of regulation falls.

D. Congressional oversight

Every committee of Congress must vigorously exercise its oversight responsibilities, reviewing periodically the regulations set out by each agency. Further efforts should be made to pass legislation that facilitates oversight. On this point more needs to be said.

1. Sunset Legislation

For some time I have been casting about for the best legislative means to meet the challenge of increasing the efficiency of government. It would help, of course, to reduce the size of the bureaucracy, to consolidate some programs and agencies and to abolish others. The accomplishment of this task would require tough Congressional oversight. But how is this increased scrutiny of the bureaucracy to be achieved? How can the programs and agencies be looked at comprehensively and systematically? How can the elephant be caged?

Mechanisms are needed to force Congress and the President to assess the usefulness of existing programs and agencies, and to reorganize or abolish those that are not working well. The present oversight procedure in Congress, that of authorizing and appropriating, has simply failed to yield results.

The proposal which best meets the requirement of forced review by Congress and the President is the so-called "sunset" proposal. Under this approach each program and agency would face an automatic termination date, the "sunset", according to a fixed schedule unless Congress and the President specifically approved its continued operation. As the termination date approached, a mandatory Congressional review of the program or agency would begin. If Congress voted against renewal, the program or agency would be dissolved.

The advantage of the "sunset" proposal is that it establishes a framework for the periodic, systematic examination of all Federal programs and agencies and makes the supporters of any particular program or agency justify continued public investment in it. Overlapping programs would be untangled, agencies would be rejuvenated, and public expenditure that no longer served a useful purpose would be eliminated. The "sunset" proposal would do away with the natural bureaucratic inertia that permits programs and agencies to exist simply because they exist.

2. Congressional Veto

Another way to improve Congressional oversight is to use the Congressional veto. This prerogative of Congress aims to check the tremendous growth of discretionary power within the Federal bureaucracy. It would give Congress the ability to oversee administrative rulemaking by creating procedures for Congressional review of all regulations issued by Federal agencies. For instance, proposed regulations could be disapproved by a concurrent resolution of Congress, and existing or proposed regulations could be directed for reconsideration by a resolution of either the House or the Senate. Ideally, such Congressional review would place limits on the discretionary power of Federal agencies without involving Congress too deeply in the technicalities of administrative rulemaking.

3. Other Proposals

Another way to sharpen Congressional oversight would be the imposition of a rigid timetable on Congress and the President to consider and act on reforming Federal regulatory activities. For example, over a four-year period the President would send to Congress major regulatory reform proposals covering specific sectors of industry. These Presidential proposals would then be reviewed by Congress. If Congress did not act on them by November of each year, the proposals would become the pending business in each House of Congress.

A variation on this theme would require that the Presidential proposals go into effect the following year unless Congress disapproved them.

E. Decrease personnel turnover

The rapid turnover of regulatory personnel is a serious problem. Commissioners and highly talented professional staff, frustrated by various forms of institutional inefficiency and delay, are quick to seek other places to work, quite often in the very industries which they have regulated. The less talented regulators, sensing that they have carved out a secure "niche" for themselves, remain behind. The exodus of the more skilled and the long tenure of the less skilled leads to—

More inefficiency and ineffectiveness;

Stalemate;

Loss of morale;

An inability to handle long cases;

Uninformed deliberations; and

Disrespect for public service.

The life of the dedicated regulator is not all that good, and his or her pay is frequently not commensurate with ability. Ways must be found to rectify these imbalances. Personnel turnover must be reduced.

F. Economic impact study

It is clearly necessary that economic impact studies of every regulation be made. A recent bill, S. 2028, sponsored by Senators Kennedy and Hart, would propose that regulatory agencies seriously consider the competitive impact of their actions and would require that they prepare competitive impact statements. The contents of this bill merit close attention.

G. Common sense

We need to have a large dose of common sense in the implementation and enforcement of regulations. When one applies the same rules and regulations to a small nursing home in Southern Indiana that one applies to a large nursing home in New York City, grave problems may arise.

Furthermore, common sense tells us that we need to deemphasize the regulation of mundane, unimportant matters. For example, OSHA could be relieved of the task of trying to prevent industrial accidents and left free to concentrate on the more pressing problem of health hazards. Most of OSHA's resources should be used in health-related areas. This business of taking 21 pages to set forth regulations pertaining to ladders is absurd! It is not working now and it will never work. No one should expect it to work!

H. Balanced view of regulation

Since some Federal agencies do not overregulate, a balanced view of regulation must be adopted. In my estimation the Food and Drug Administration is often too timid in exercising its vital function. Everyone will agree that the quality and purity of our foods and drugs must be maintained by

strict regulation. Regulation in this area and many others is not necessarily bad.

Obviously we should differentiate between the intent of regulation and its effect. Some of us may be willing to accept more regulation in the field of health, but even this should be put to the tests I have suggested.

Keeping in mind the distinction between health and safety regulations and economic ones, the government should stay out of the economic arena as much as possible, as long as there is a competitive market structure.

I. Economic Incentives

The most important step to improve the regulatory process is the use of economic incentives. What we must do is make the market work for us by giving the private sector incentives to act for social ends. Because the efficiency and resilience of the market is grossly underrated, advances can be made with very few government strictures.

Specifically, we need to think in terms of strategies such as national effluent and emission charges, that is, charges levied on each unit of polluting substance discharged into the air and water. By this means a cleaner environment could be much more easily achieved. The reduction of pollution would be a "paying proposition." If the levy were high enough, pollution could be drastically curtailed and businesses would switch to less polluting manners of production. The market would be working for us, not against us as it does today.

I recognize that in some instances the outright prohibition of an action by regulation is the least costly and most satisfactory solution. Such is the case where, for example, the discharge of a tiny quantity of some chemical may have terrible consequences. But generally speaking I would argue for the use of economic incentives to inform decisions in both the public and private sectors. These incentives would include (but would not be limited to):

Effluent charges for pollution control;

Incentive contracts in manpower training programs;

Efficiency-oriented medical reimbursement and insurance plans;

Mandatory flood insurance with premiums adjusted to flood risk;

Incentives for decision-makers in the defense industry to avoid the "gold plating" of weapons;

Grant-in-aid programs to States and municipalities with incentives and governors and mayors to bargain with the Federal government; and

Congestion charges at airports and quays.

Economic incentives may result in an indirect, roundabout and less certain way of accomplishing the tasks of intervention, but it is surely preferable to what we are doing at present. I know that economic incentives cannot fulfill desirable social goals immediately or simply. Continuous adjustments of incentives will be necessary so that the incentives themselves do not become unduly burdensome. But we cannot merely hang on to the notion that regulation is the right answer. So far we have not even considered economic incentives.

It is high time that we give them our attention.

AMERICAN ENTERPRISE INSTITUTE LAUNCHES SOCIAL SECURITY STUDY

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. COTTER. Mr. Speaker, I would like to bring the following article on social security to the attention of my colleagues:

[From the Wall Street Journal]

SPEAKING OF BUSINESS

(By Lindley H. Clark, Jr.)

SOCIAL SECURITY?

Nearly everyone is involved with the Social Security system in one way or another, and yet hardly anyone really understands it. The system has been sold to the public as a pension or insurance plan, which it clearly isn't. Benefits have grown so fast and expanded in so many directions that the tax is now the largest that many Americans pay.

High inflation has confused matters, leading Congress to take overly generous measures to protect beneficiaries. Benefits are now so generous that many economists fear a disruption of the savings needed for future economic growth. The system is in such poor financial shape that it is often labeled bankrupt"—if it is, what happens to future benefits?

That's only a sampling of the issues and questions raised by the current condition of Social Security. In an effort to provide some answers the American Enterprise Institute for Public Policy Research has launched a broad study, under the direction of Colin Campbell, a Dartmouth economist and longtime student of the system.

The first product of the study is "Social Security—the Long-Term Deficit," by J. W. Van Gorkom. Mr. Van Gorkom is president of Trans Union Corp., a company with worldwide interests in water and rail transportation. He also happens to be both a lawyer and a certified public accountant, qualifications that presumably make it easier for him to explain what Congress has wrought.

Mr. Van Gorkom can't cover everything in a 24-page booklet, so he elects to exclude Medicare, the health program for the elderly that was tacked onto the system in the 1960s. What's left is Old Age and Survivors and Disability Insurance, or OASDI for short.

The author is quick to dispose of the government rhetoric about "insurance" and "pensions." OASDI is not an insurance or pension program, and there is no conceivable way in which it could be made one. Private insurance has to be funded: A large fund must be built up to cover future benefits. OASDI can't be fully funded, and Mr. Van Gorkom explains why:

"To be fully funded, the OASDI system would need a fund today of between $2.7 trillion and $4.1 trillion, depending on what assumptions are made with regard to interest rates and other factors. In what would we invest a fund of such colossal size? It would far exceed the value of all the outstanding bonds issued by the federal government, and if the Social Security Administration owned them all, in what would the insurance companies and banks invest, since they are required to keep certain percentages of their assets in federal bonds? If such an enormous amount were invested in stocks, the Social Security system would own all of the companies on the New York Stock Exchange and thereby change our entire economic system."

No, what we have here is a governmental income-transfer system, primarily transferring money from one generation to another. The amount of money taken from one generation is measured by the other generation's benefit requirements. The ability of the government to pay benefits depends not on an acturial fund but on the government's ability to collect taxes.

Viewed in this simple way the system is not bankrupt but it is in trouble. It is paying out more money than it is taking in and it can't go on doing that indefinitely. Before long the system is going to have to get more revenue from somewhere.

This will be true even if Congress eliminates the double protection against inflation. Instead of gearing monthly benefit checks to prices, Congress decided to push up the system's whole benefit schedule. This gave proper protection to workers who already had retired, but it was considerably more generous to persons still working.

That's true because benefits are geared to average monthly earnings. Earnings tend to rise faster than prices, so persons still at work automatically get some protection against inflation. When they retire they get still more protection, since the benefit payments will reflect higher prices too.

The Social Security Administration peering 75 years ahead, figures that wages will rise at an average annual rate of 5.75 percent while prices will rise at a 4 percent rate. If the double dip is not eliminated the average individual beneficiary of OASDI will be receiving a monthly benefit check for $34,000.

Even if the double dip is eliminated, the monthly benefit will be huge—in current dollars.

Mr. Van Gorkom seems confident that double dipping will be eliminated, but Prof. Campbell is not so certain. The change won't be simple, and Congress may be hard to convince of its urgency.

Congress is never happy about raising Social Security taxes or reducing benefits—even future, unintended, unfair benefits. Yet the system is due to exhaust its contingency fund—early in the 1980s, so Congress will have to come up with more money. If it doesn't it faces the prospect of reducing some current and fully intended benefits.

For the next 25 years the gap between Social Security income and outgo can be closed by a relatively modest rise in the tax rate (if double dipping is eliminated) and that's the route Mr. Van Gorkom favors.

In recent years Congress has talked of dumping general tax revenues into the system. But this approach, Mr. Van Gorkom warns, risks weakening public support for the system. While workers are aware that the program has its welfare aspects, by and large they still believe that their benefits (and their parents' and grandparents' benefits) bear some relationship to the taxes they pay. And survival of the system does depend on the government's ability to levy and collect taxes.

Milton Friedman, the University of Chicago economist, long has been convinced that Social Security has gone so far down the welfare road, in an inefficient way, that it should be phased out over many years, meeting all of its existing obligations. It would then be replaced by an efficient welfare system—and private savings. That's not likely to happen, but Mr. Van Gorkom's analysis at least warns against piling new burdens—national health insurance?—on a program that's already in such precarious shape.

AMNESTY—NOT SOMETHING FOR NOTHING

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. JACOBS. Mr. Speaker, Army Col. William E. Weber was severely wounded in action against the enemy during the Korean war.

If anybody is entitled to a say on the subject of amnesty, he is.

Here is what he says:

AMNESTY—NOT SOMETHING FOR NOTHING

(By Col. William E. Weber)

In the weeks since the election, the nation has heard rhetoric and supposition concerning the question of amnesty or "pardon" as some choose to define the act. The name is

not as important as the act: the act of less importance than what we as a nation want to accomplish. To date, we have had considerable dialogue and, unfortunately, not enough dialectic.

The dilemma and the dialogue orient on the proposition that somehow, and in some manner, the nation has been unfair to large numbers of its youth who served in the military forces. Some postulate that this unfairness manifests in the nation's treatment of those whose service was somewhat lacking during the Vietnam conflict and who were discharged with less than an honorable discharge.

The problem is emotional and one for which there has evolved no middle ground on which the divergent philosophies can meet to compromise. A vocal minority is in conflict with an increasingly less vocal and not so silent majority. The conflict centers about an unimpressive numerical minority of the total number of young Americans who were called upon to serve the country during Vietnam—add bad discharges and it is still less than 3 out of every 100 who served. Include general discharges under honorable conditions and the number is only 8 out of every 100.

While the ratio is small, the absolute numbers constitute a significant portion of our youth, and it is plain that something need be done to assist their return to the main stream of our social fabric and help make of them contributors to society. This is not to suggest that some are not now contributing, for in truth large numbers have been reassimilated and many do not wish to again be called to the attention of their neighbors by any program which may resurface their problems during Vietnam. However, there are those who, for a variety of reasons, not the least of which is the stigmatizing effect of a bad discharge, deserve to be given another look and another chance. We need a form of "Monday morning quarterbacking" to see if and how we erred.

The problem is the manner by which we will give this second chance. One thing that is demonstrably evident: we cannot change history nor can we validly establish what the true motivations may have been for acts of indiscipline in the past. It is perhaps better that we not become involved in trying to accomplish this. We should seek neither revenge nor recompense for the past but orient on how to take advantage of the present in order to benefit in the future.

An aggressive and vocal element suggest "blanketing" those discharged with those who may be pardoned by the President-elect, e.g., draft evaders and/or deserters. We cannot afford to lump these diverse categories together since the problem is not similar nor can the solution be similar. To do so would be a grave error since more is at stake than emotion. Involved is an area of 200 years of social development and disciplining of a society and we must not lightly deal with this area lest the future of our societal needs be adversely effected. Further, and this point cannot be overemphasized, as a society we must be able to rely with confidence on our right to call our people to arms and that they will respond to this call with responsibility.

An automatic act of upgrading bad discharges or forgiving them on some supposed basis of wrong in the past must first clearly establish that a wrong existed that needs to be righted. To date, no such wrong has surfaced and it is still much too early in terms of history for an objective view of the rightness or wrongness of our role in Vietnam.

Secondly, an automatic act to forgive is pardoning the few with the suggestion that the many are condemned, and that can only solicit divisiveness as opposed to solving dissension. That we have a dilemma does not mean we cannot solve our problem. It only means that we must seek a way of accomplishing that which divergent viewpoints desire. In short, provide a form of relief without the agony of retroactive accusation—relief that satisfies the needs of the few without inhibiting the rights of the many.

President-elect Carter is being pressured to bear the burden of what in some respects is a social tragedy and it is not fair that the nation expect that he alone resolve this issue. True, he is the newly elected leader. But we placed him in this position of leadership to guide us and execute our will and not to absolve us of our responsibilities. The problem of the "social agony" residue of Vietnam must not be resolved in a manner which will jeopardize the future. This President-elect Carter cannot do, we as individuals must not ask him to so do, and as a nation we dare not do.

There is a tragedy in the "residue of Vietnam" but it is more one of omission than commission. As a nation we are being accused of victimizing a portion of our youth as a result of Vietnam. It is being suggested that we do so since we did not understand Vietnam or our rightful role in that conflict.

To suggest that the citizenry of our nation is incapable of evaluating the form and substance of our role in Vietnam is to suggest that as a nation we are also incapable of choosing for ourselves those who will lead us. This is clearly not so. It is also clear that we will not all agree on all things, but our history, culture, and political ethic demands that what the majority of us choose has the authenticity of social acceptance and must be supported by our law, custom, and citizenry. Those who disagree must seek a forum which is within the law, not without, to express their disagreement, for as a society we can neither tolerate nor survive resistance outside the law.

I share with those who wish to place the trauma of Vietnam behind us that something must be done to enable those who have become socially isolated because of Vietnam an opportunity to reenter to mainstream of our society. I do not share with them the supposition that amnesty or pardon is the panacea of the problem faced by this group, but I am willing to accept that a portion of their problem certainly concerns this area. In any event, the problem must soon be set aside. The continuing resurfacing of Vietnam can only serve to perpetuate the agonies of that timeframe. Even more critically, the victims of Vietnam are not those who would not obey the will of the majority, the true victim is instead that we have allowed our social fabric to become weakened by a philosophical dialogue which suggests that an act that was demonstrably wrong can be given an aura of rightness by edict. This cannot be!

To solve the problem of the great mass who may not deserve good discharges because of the nature of offenses committed and their refusal to conform to military standards requires other means.

A solution exists and the procedures and the experience to form the infrastructure necessary to implement, if Congress is willing to provide funds and authority to support the one-time action required. I speak of the Department of Labor Rehabilitation Certificate. Congress established this certificate in the hopes of providing veterans who received other than honorable discharges a means to re-establish themselves in the eyes of their fellow citizens and qualify for job competitiveness. Unfortunately, in an era of high unemployment and post-conflict cultural aftershock, the Department of Labor Rehabilitation Certificate has not been universally accepted. Furthermore, there does not exist in the law the strength to make the Department of Labor Rehabilitation Certificate work in the fields of labor, management, or society.

The author proposes that the procedures of the Selective Service System, as it existed in local communities, e.g., Selective Service local boards, be temporarily re-established for a period not less than 180 days. During that timeframe, ex-service personnel from the RVN era, who were separated with less than honorable discharges, may apply for consideration by their fellow citizens for award of the Department of Labor Rehabilitation Certificate. If the local board and the community deem award of the Department of Labor Rehabilitation Certificate is appropriate, such recommendation would be made to the Department of Labor, which in turn would issue the Certificate. The recipient would simultaneously qualify for two forms of benefit to be administered by the Veterans Administration: First, remedial medical care to restore the medical status that existed at time of entry into the service, if such is possible; and, secondly, up to 18 months of educational assistance or vocational training under the GI Bill, similar to an honorably discharged veteran. This 18 month period would enable those who desire and have the ability to complete a course of instruction at an associate-degree-granting institution such as a community college or at any vocational training institute which is otherwise qualified by the Veterans Administration.

No other VA benefits, veterans rights or state benefits would accrue to these individuals unless they otherwise qualify for such. Congress must ensure an enforcing clause that provides those qualifying the same level of competition for available jobs and union membership as is currently being granted to honorably discharged veterans, providing that an honorably discharged veteran would not be prejudiced thereby.

In substance then, the recommendation for relief involves legislation which would accomplish the following:

(a) Provide veterans benefits in the form of educational assistance and medical treatment for inservice incurred problems for all individuals discharged under other than honorable conditions, who are successful in acquiring the Department of Labor Rehabilitation Certificate.

(b) That the Department of Labor Rehabilitation Certificate be restricted to issuance only to those members who have clearly restored themselves to the good graces of their community and society except that the one requirement for gainful employment be measured with compassionate understanding for the difficulty in gaining such employment during the last 5–7 years.

(c) That the enacting legislation also provide that it is a violation of law to deny employment or union membership to a recipient of the Department of Labor Rehabilitation Certificate who otherwise is qualified for such employment or union membership.

(d) That a period of eligibility for relief under this legislation be established which corresponds to the beginning and terminating dates previously established as they pertain to the Vietnamese conflict.

(e) That no change be made in the present concept of administrative discharges.

For those individuals whose discharges may be erroneous, appeal to the Discharge Review Boards or the Boards for the Correction of Military Records to have their cases analyzed and reviewed remains the only appropriate procedure. This does not deny them the option of attempting to qualify for a Department of Labor Rehabilitation Certificate.

The author believes that the foregoing is an acceptable solution to the problem that is a residue of the agony of Vietnam. We salvage for our society and military a system which has evolved over 200 years of our history and which has met our needs while binding up the wounds perceived as self-inflicted.

As a nation, we have used the military discharge system as a means of evaluating

our human resources. This was a logical step during over three decades of registration and draft, but it was illogical to ignore the social responsibility to rehabilitate those whose failure was absence of ability or motivation. In short, the failure, if any, of the less than honorable discharge lies less with the military than it does with society's perception of what that discharge means.

There is too much of the past tied up with the present of this problem and too much probability for continuing conflict if we remain rigid in our thinking. We can all agree that the goal we seek is simple. We wish to right the wrongs of the past and in the spirit of American fair play, give those who deserve it a second chance to correct their wrong of the past. Both of these can be accomplished. All that is needed is the willingness to make it work!

KEY TO ECONOMIC RECOVERY IS JOBS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HAWKINS. Mr. Speaker, President Carter's $40 billion economic stimulus program falls short of what I feel is needed to heal the country's grave unemployment situation, because of its misdirected emphasis in favor of tax relief and because of its programmatic lack of direct job creation. But while I disagree with the size and direction of the Carter package, I support it nevertheless, since it does constitute an economic stimulus minimally consistent with the Full Employment and and Balanced Growth Act of 1977—H.R. 50; S. 50. Chuck Stone, columnist for the Philadelphia Daily News provides a unique commentary on Carter's economic stimulus approach and its impact in relation to the unemployment problem.

I wish to personally commend Mr. Stone for his useful comments and submit his column as follows:

[From the Philadelphia Daily News, Jan. 12, 1977]

CARTER'S JOB PROGRAM MORE IMPORTANT THAN HIS ATTORNEY GENERAL'S RACISM

(By Chuck Stone)

If we can momentarily mothball our obsessions with the cosmetics of the Carter style and carefully check out the substance of his economic proposals, we might be surprised by their eminently good sense.

Many of us have microscopically examined Carter's cabinet appointments and rendered judgments even before they were sworn in.

The presence or absence of black faces at the Carter church Sunday has consumed some members of the press as if it were the basis of a new foreign policy.

Whether or not this country's economy picks up, unemployment is reduced and inflation is curbed will in no way be influenced by the number of integrated prayers at the Plains Baptist Church, the difference between one colored face or two colored faces in the Cabinet or the historical racism of Carter's attorney general, Griffin Bell.

The key factor in producing more jobs is Presidential leadership. For the first time in eight years, it seems to have arrived. A full 12 days before Mr. Carter has been sworn into office, he has offered the nation a program to combat joblessness.

Most economists didn't exactly execute cartwheels over the Carter economic stimulus package. But neither did they criticize it as excessive or impotent.

The two-year, $30-billion program has been called "middle of the road," "something for everybody" and "electric."

What it is is superb Carter consensus politics.

Business was demanding tax incentives for expansion, the powerful AFL-Congressional Black Caucus alliance was insisting on something approximating the Humphrey-Hawkins full employment bill (H.R. 50), middle-class families wanted tax relief and lower-income families just hoped for higher income tax deductions.

In a truly masterful mixture, Carter divied up the stimulus pie to give enough to each political interest group to impress them with his good intentions and chart the direction he intends to take.

I don't believe that a government which presides over a gross national product of $1½-trillion has a moral right to legislative sterility when 8 million people cannot find work to feed their families.

The Carter plan tries to meet that obligation. Yet, many economists believe the package is too small to make an impact on the economy. One of these is the Inquirer's lucid Pultizer-prize winning economist, Joe Livingston.

"The $15 billion a year represents only 1 percent of the gross national product," Livingston told me.

Citing a University of Michigan study that indicated if the economy were left alone, Livingston said that the Carter stimulus only increases the growth to 4.3 percent.

"He could have done nothing," said Livingston. "But the package was political and he was trying to satisfy everybody. The economic impact will be very small."

That is probably true.

Yet, I believe that the politics of expectations must be made compatible with the economics of reality. This, Carter has done.

For example, the $5– $8-billion jobs program with $32 billion earmarked for public service works programs will result in the employment of 800,000 people. That's only a 10 percent reduction of the 8 million unemployed.

But a significant number of people will be able to "feel" their government working to improve their lives. And that's the essence of political reciprocity after we have voted, being able to "feel" our government's concern.

Without alluding to the name or the concept, Carter actually embraced some of the first-year goals of the Humphrey-Hawkins bill.

The bill sought an eventual unemployment goal of 3 percent in four years. Carter had indicated that at most we could anticipate a 5.5–6 percent unemployment goal in four years.

Rep. Augustus F. Hawkins (D., Calif.), co-sponsor of H.R. 50 yesterday issued a joint statement with Rep. John Conyers Jr. (D., Mich.) that Carter's economic job proposals were "minimally consistent" with H.R. 50.

The Congressional Black Caucus and the AFL–CIO had wanted a $30 billion first year jobs program. Carter came up with $8 billion.

"It's too little and too late," declared an understandably perturbed National Urban League executive director Vernon Jordan who agreed with Livingston, but for different reasons.

Indeed, it is too little. But it's a break with the past eight years of Presidential inaction on jobs.

If Carter can put people back to work with a staunch commitment to equal employment, his appointment of one of the most racist attorneys general in recent history won't be forgiven. It will just make it easier to live with that turkey.

GUAMANIANS SEEK PRESIDENTIAL VOTE

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. WON PAT. Mr. Speaker, I am today proposing legislation which will amend the U.S. Constitution so as to provide for a direct popular election of our Nation's Chief Executive and to extend the right to vote in Presidential elections to the more than 3,400,000 American citizens who live in Guam, the Virgin Islands, Puerto Rico, American Samoa, and the Trust Territory of the Pacific.

I believe that the time for Congress to consider such legislation has come. So do many of our colleagues in both sides of the Congress, and I believe, a majority of American citizens.

The questions raised by this measure is of great concern to the well-being of our Nation. It is clear that the present system of choosing electors to the electoral college is antiquated and no longer addresses the needs of 20th century America. Nor can we continue to justify the failure of the Congress to deny American citizens who reside in several territories of the United States their inherent right to fully participate in the selection of our highest elected official, simply because of their place of residence.

It is this latter question which I will mainly address on behalf of my constituents in Guam. As you know, Guam has been a part of the United States since 1898. Guamanians have enjoyed American citizenship since 1950. We have fought in every war since 1898 on behalf of this country and have even endured a horrible period in which we were enslaved by enemy forces during World War II, largely because of our ties with this great country.

Furthermore, the 100,000 American citizens on Guam are subject to U.S. legal authority and fully recognize the President as our Chief Executive and Commander in Chief. Last year, the Federal Government spent $354 million in Guam for a variety of Federal programs and for the maintenance of the Naval and Air Force facilities on the island. Guam is an integral part of this country's defenses and it is hoped by those who live there, equally appreciated for its part in America's development. We are proud to consider ourselves a permanent part of this country.

I am confident that the American citizens of other U.S. territories have similarly strong feelings for this nation. Yet, they and their counterparts on Guam remain disenfranchised from Presidential elections purely because of a failure to reside in the various States as is presently required in the Constitution.

In light of our contributions to this society, is it logical to continue this discriminatory policy against our fellow Americans? Are not the territories as much a part of modern-day America as is Hawaii, Alaska, or New York? Must

another 77 years of American rule in Guam pass before our people can expect to be included in the full range of political activity that is enjoyed here in the States?

Let us hope not. In recent years, the Congress has in its wisdom responded to the call from various minority groups in the mainland to guarantee their right to vote. I now call on the Congress to support my request to respond to the call of territorial Americans for political equity by supporting the legislation I have introduced today.

Because of present efforts by Senator BIRCH BAYH, Democrat of Indiana, to provide for direct popular vote for the President and Vice President, my appeal on behalf of the people of the territories is very timely. The legislation I have introduced today addresses the issue of direct popular presidential election and the matter of territorial Americans voting in such elections. Since both matters require an amendment to the Constitution, coupling the two issues appears to be a decision which would save time and accomplish two highly commendable goals.

On February 2, I shall be addressing the Senate Subcommittee on Constitutional Amendments, which Senator BAYH chairs, asking that they consider extending the Presidential vote to the territories along with legislation providing for a popular presidential vote to replace the electoral college.

Their support would be a welcome addition to that which has already been offered to legislation identical to mine by Representatives MCCLORY, ADDABBO, BEARD, BLANCHARD, CEDERBERG, HEFTEL, KETCHUM, MITCHELL, LLOYD, MOTTL, NEDZI, PEASE, PURSELL, UDALL, YATRON, and Delegate DE LUGO, of the Virgin Islands, Resident Commissioner CORRADA of Puerto Rico.

I urge all of my colleagues here in the House to give us their support in this vital matter. Thank you.

DISPOSAL OF STOCKPILED TIN

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. MOLLOHAN. Mr. Speaker, the price of tin has risen from $2.87 per pound in January 1976 to $4.45 per pound in January 1977. That amounts to a 55-percent increase in the price of tin over a 1-year period.

In September of 1976, the United States joined the International Tin Agreement. This agreement between producing and consuming nations is supposed to stabilize tin prices around the world. This is done by the establishment of a buffer stock which is to be sold on the open market when tin prices approach or exceed established price levels. The buffer stock is not adequate and was sold out several weeks ago. At this point, the tin speculators took over and the price of tin has risen dramatically even though this is a period of low demand. Based on current quotations from Penang, the price of tin is now 47 cents over the top of the price range established by the International Tin Agreement and has risen 95 cents since the agreement was signed.

Tin is a primary product, and as its price fluctuates, this fluctuation creates risk and increases the cost of tin products to U.S. consumers. This in turn affects the price of food, beverages, and all products packaged in tin coated containers. Thus, the speculators are the beneficiaries and U.S. consumers pay the bill through inflation and increased prices.

The United States is 100 percent dependent upon imports for tin, and only by taking action to release tin from our strategic stockpile can an amount of tin necessary to counter these efforts be at hand. The United States has a tin stockpile of 203,172 long tons. Of that amount, 32,499 long tons are necessary to fulfill the stockpile goals, a 3-year emergency supply pursuant to the Strategic and Critical Material Stock Piling Act. Thus, there are 170,673 long tons of tin which potentially could be made available.

I am introducing legislation today which authorizes the release of 30,000 tons of tin from this stockpile for sale to domestic consumers.

The method the GSA uses to dispose of stockpiled items does not act to control or lower prices but would act to stabilize prices as the price would continue to be set at or near market levels. During other periods of significant price increases—1964–65, 1973–74—disposals from the U.S. strategic stockpile played an important role in keeping the price from moving to even higher levels.

An authorization is needed for the disposal of stockpiled tin which will act as a lever to stabilize tin prices and counter the efforts of speculators who continue to drive the price abnormally up from present levels.

STATUS OF THE 1976 CONGRESSIONAL ELECTIONS

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. THOMPSON. Mr. Speaker, I feel that it would again be appropriate, at this time, to advise the Members of the House of the status of the election contest arising out of the 1976 congressional elections.

Article 1, section 5, of the U.S. Constitution provides that:

> Each house shall be the Judge of the Elections, Returns and Qualifications of its own members. . . .

Under this constitutional authority the House has over the years resolved election contests dealing with congressional primary elections as well as general election contests. In fact, in 1969, the House enacted a Contested Elections Act (2 U.S.C., section 381, et seq.). Under the Rules of the House of Representatives, these contested election matters are within the jurisdiction of the Committee on House Administration.

There are currently pending before the Committee on House Administration, seven election contests, five dealing with general elections and two dealing with primaries.

Wednesday, the Committee on House Administration appointed seven ad hoc panels to deal with the aforementioned contested elections. Each panel is comprised of three members of the committee and are as follows:

1. Contest: Hill v. Clay:

Chairman: Hon. Lionel Van Deerlin; members: Hon. John H. Dent, Hon. Bill Frenzel.

2. Contest: Moreau v. Tonry:

Chairman: Hon. Mendel J. Davis; members: Hon. Joseph M. Gaydos, Hon. Robert E. Badham.

3. Contest: Saunders v. Kelly:

Chairman: Hon. Joseph G. Minish; members: Hon. Robert H. Mollohan, Hon. Samuel L. Devine.

4. Contest: Pierce v. Pursell:

Chairman: Hon. John L. Burton; members: Hon. Frank Annunzio, Hon. James C. Cleveland.

5. Contest: Paul v. Gammage:

Chairman: Hon. Joseph S. Ammerman; members: Hon. Lucien N. Nedzi, Hon. Charles E. Wiggins.

6. Contest: Young v. Mikva:

Chairman: Hon. Leon E. Panetta; members: Hon. Augustus F. Hawkins, Hon. Dave Stockman.

7. Contest: Dehr v. Leggett:

Chairman: Hon. Edward W. Pattison; members: Hon. Ed Jones, Hon. J. Herbert Burke.

I have directed the chairman of each election panel and staff to proceed with the resolution of these contested election matters forthwith, consonant with due process, and to exercise the House's full constitutional authority to "be the Judge of the Elections, Returns and Qualifications of its Members. * * *"

PENSION FOR WORLD WAR I VETERANS PROPOSED

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. GONZALEZ. Mr. Speaker, I am again cosponsoring legislation in this Congress to provide a service-based pension to World War I veterans. I have pushed for such legislation in several Congresses and the last attempt was with the late Wright Patman who was always a champion of the people.

It will be almost 60 years since we were engaged in World War I, and many of those who fought in this war are no longer with us, but thanks to the miracles of science there are a number of veterans, around 834,000, who are still alive today with an average age of 80, and these men, Mr. Speaker, are being ignored and neglected by our Government.

There is no doubt that many of the elderly in our Nation are suffering financially because of the inflation that has hit our economy, but the World War I veteran is particularly hard hit because of his age and because when he retired over 20 years ago his pension looked good but due to our economic conditions the actual dollar worth of this pension today is unbelievably small.

The United States is a generous country. We as a people, both collectively and individually, are willing to contribute to

nations around the world in need, but many times we forget those right in our own backyard who are in need. That is the case of the veterans from World War I.

We have provided very little for these veterans. For the most part, $607.50 is the total benefit which these individuals have received from the Federal Government. They were not eligible for education benefits, nor home loan programs, and there were no veterans' hospitals in their day nor any Government program to help them find employment after they returned from the war. Surely we should be willing to do something to help these elderly veterans live out their golden years with the pride and respect they deserve. After all they helped us preserve our way of life.

The proposal I am cosponsoring calls for providing World War I veterans a service-based pension of $150 per month, regardless of income. In a small way this will compensate these veterans who have never received the wide range of benefits that have been available to veterans of other wars. I do not believe that the price tag is too large to pay a belated thanks to those in their eighties who came to the aid of our Nation in time of need. Now it is our generation's turn to help those who put their lives on the line 60 years ago.

A PEOPLE'S PRESIDENT FROM THE OLD SOUTH LAWN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. DERWINSKI. Mr. Speaker, the Chicago Tribune, which at one time claimed to be the world's greatest newspaper, has modestly dropped that title. However, the Tribune certainly continues to retain its outstanding journalistic reputation.

One example of this journalistic leadership is the tongue in cheek review of a Washington press conference as seen by Michael Kilian, one of Chicago Tribune's in-house columnists. The article, which appeared in the January 27 edition of the Tribune, follows:

A PEOPLE'S PRESIDENT FROM THE OLD SOUTH LAWN

(By Michael Kilian)

WASHINGTON.—The following transcript may or may not have been found crumpled up among some empty Coke bottles in Jody Powell's wastebasket:

Q—Mr. President, can you tell us how your administration plans to deal with the trade deficit?

A—Ah inten to do what's best for the 'Merican people. In everythin'. As a matter a fact, as part of our "new spirit" an' "new beginnin'," ah'm announcin' today that we are eliminatin' the use of limousines fo White House staff. Everyone's goin' to walk . . .

Q—No, Mr. President, I'm not talking about a deficit involving limousine sales; I mean the overall trade deficit.

A—They're all goin' to walk. This administrashun's goin' to stay close to the people, so ah'll have a chance to be a great President. They're goin' to walk just like ah did on inauguration, all the way from the Capitol to the White House, so ah could be close to the people.

Q—Turning to another matter, Mr. President, how soon do you expect to resolve the Panama Canal matter?

A—Ah would also like to announce that ah am still walkin' to mah office in the White House every day. Ah inten' to make that a majah policy of mah administrashun.

Q—But, Mr. President, don't you already live in the White House?

A—No, mah wife an' ah have decided that, to be closah to the 'Merican people who are goin' to make me a great President, we should move into a mobile home ah'm havin' set up on the South Lawn. Ah'm goin' to walk to work from there every mornin,' carryin' mah garment bag.

Q—Mr. President, concerning the latest figures on inflation released by the Labor Department, do you . . .

A—Ah have ordered mah staff to carry garment bags as well. That's goin' to be a majah policy of mah close-to-the-people administration. An' mah wife is goin' to keep on carryin' her own grocery bag, just like she did in that wonderful photograph that got such terrific play.

Q—On the subject of nuclear arms policy, Mr. President, the National Security Council reports that . . .

A—An mah wife is goin' to keep on goin' around in her stockin' feet, just like she did in that other wonderful photograph that also got such terrific play. That'll bring her closah to the people, an' to the rug.

Q—Please, Mr. President, Intelligence reports indicate that the Warsaw Pact nations have achieved a conventional military . . .

A—Ah would also point out that mah daughter is goin' to continue to go to public school. Anytime you ladies an' gentlemen of the press want to tag along, like you did this week, feel free. It'll help her keep close to the 'Merican people. An' make me great.

Q—Mr. President, the prime interest rate is . . .

A—An' ah inten' to continue to wear blue jeans aroun' the house. Especially in the White House. When Queen Elizabeth, Emperor Hirohito, an' all them come heah on state visits, they'll just have to get used to dealin' with a plain representative of the 'Merican people. We have put the imperial presidency behind us.

Q—Aren't you even going to wear a business suit?

A—Ah will confine the practice of wearin' business suits, very plain business suits, to mah next inaugural, when ah inten' to once again walk from the Capitol to the White House, possibly carryin' a small black child in mah arms.

Q—Mr. President, concerning the energy shortage . . .

A—Ah will also continue the practice of constantly holdin' hands with mah wife. In fact, we're holdin' hands right now, through this hole here I had cut in the wall. An' she's in her stockin' feet.

Q—Mr. President, it's been said that you're all symbolism with no substance. What . . .

A—You're one of the people ah don't want to get close to. Next question.

Q—Well, tell us, Mr. President. How close to the people will you get?

A—As close as that terrific ploy can get us.

INCREASE IN THE EARNINGS LIMITATION TO $4,800

HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mrs. KEYS. Mr. Speaker, I am today introducing legislation to increase the social security earnings limitations to $4,800.

With the cost of food, clothing, and shelter continuing to rise, older Americans living on social security are finding it more and more difficult to meet even their simplest needs. Many individuals who have worked all their lives to achieve a modest level of comfort suddenly find themselves plunged into poverty upon retirement. A couple who has spent their adult years feeding and caring for a family now find themselves forced to rely on food stamps.

Yet our social security system penalizes older Americans for supplementing their meager income by taking a job. While those retirees who enjoy the benefits of income from stocks, bonds, or annuities may continue to collect social security without a reduction in benefits, individuals who must work to supplement their income are subject to a $3,000 earnings limitation.

The legislation which I am proposing would increase the present earnings limitation to $4,800. This modest increase would permit social security recipients to provide for a portion of their own needs without suffering a large reduction in benefits. To continue to place a severe limitation on earned income is to deny hard-working Americans the right to both self-sufficiency and self-respect.

TERROR—ARGENTINA STYLE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. DRINAN. Mr. Speaker, in November 1976, I spent 10 days in Argentina as part of a delegation organized by Amnesty International to investigate and report on the human rights situation in that nation. This comprehensive report will be completed in the very near future, and I will share its findings with my colleagues at that time.

During my stay in Argentina and thereafter, I have been made aware of widespread, systematic government repression and violence. All civil liberties have been suspended, arrest without charge or trial is officially sanctioned, and torture is commonplace. Right wing "death squads" operate with impunity and apparent government complicity. The military junta which rules Argentina has refused even to publish a list of the political prisoners which it has under detention.

Pending the comprehensive Amnesty International report, I would like to share with my colleagues an article on terror in Argentina which has just been published in the Winter, 1977 edition of Matchbox, Amnesty International's quarterly magazine on human rights throughout the world. "Terror—Argentina Style" is a cogent summary of the military government's systematic violation of the basic human rights of Argentine citizens. In the coming months, the Congress will decide on the continuation of U.S. military assistance to the Argentine Government. The International Security Assistance Act of 1976 mandates careful consideration by the Congress

of the human rights record of all governments which receive military assistance from the United States.

I commend to my colleagues the following summary of terror in Argentina:

TERROR—ARGENTINA STYLE

The door bursts open in the middle of the night. Heavily armed men ransack the house—photographs, books, papers—torn, burned, or confiscated to be used as evidence in trials that never take place. If there is resistance, beating takes place on the spot. In front of wives and children, including wives and children. So begins terror Argentina style.

This chilling scene, directed and starring the rightist forces of the dreaded Triple A—the Argentine Anti-Communist Alliance—is repeated again and again with no government or police interference in the suburbs of Buenos Aires. Victims have included former Uruguayan Senator Zelmar Michelini, former President of the Chamber of Representatives in Uruguay Hector Gutierrez Ruiz, Michelini's daughter and son-in-law, noted Argentinian novelist and journalist Haroldo Conti, and hundreds of ordinary Argentinian citizens or Latin American refugees.

Violence is engulfing Argentina. So far this year at least 1,300 people have been killed in the war waged by the security forces against subversives. Some of those abducted, murdered, disappeared, or imprisoned were active in politics—members of trade unions, or teachers unions before those organizations were outlawed; some leaders or members of political parties who opposed the totalitarian regimes now in power in Uruguay and Argentina; but others are singled out for persecution for being the wife or daughter of an individual being sought, for having been a teacher of or student of a suspect individual, for being a refugee, or for no apparent reasons at all. The vengeance of the right wing death squad respects neither age nor profession. Young children have been abducted and killed with their parents. Last summer, the AAA shocked public opinion in Argentina with the murders of five churchmen as they kneeled in their parish residence. The murders were a random retaliation for a bombing of a police station which killed 18 policemen.

POLITICAL OPPONENTS MARKED FOR DEATH

The kidnappings and killings show no sign of abating. Recent targets of the para-police squads have been leading members of Argentine political parties, and in some cases their wives and children. The son of former deputy Jose Cane was kidnapped in Buenos Aires on October 20, and a few days later, the invalid son of former senator Pedro Avalos was dragged from his home in the northern province of Missiones. In Chubut, in the south of the country, the former secretary-general of the Communist Party, Elbio Bel, was abducted with his baby son, although that child was later returned. An official of the Popular Socialist Party, Sergio Maida, was kidnapped together with his wife in early November.

These most recent incidents followed the death in military custody of Mario Amaya, former deputy of the center Radical Party. Senor Amaya and his colleague, former senator Hipolito Solari Irigoyen, were abducted on August 17 by unidentified armed men described by the government as "members of the extreme right who had escaped the control of the armed forces." After a national outcry, the two former parliamentarians were rescued by the military two weeks later. They were not released, but taken to a military detention center "for interrogation," and reportedly beaten systematically for 15 days. Senor Amaya died from his injuries on October 19. Senor Solari Irigoyen is still in prison.

The Argentinian security forces have been reporting increasing success against the left-wing guerrilla organizations which are blamed by the government with threatening the social fabric of the country. After the March 24, 1975 coup against Isabel Peron, General Jorge Videla pledged to contain the violence and to safeguard human rights. In a speech of March 21 broadcast on national television and radio General Videla gave this assurance: "For us, respect for human rights is based not on legal mandates or international declarations, but is a result of our profound Christian convictions on the preeminent dignity of man as a fundamental value." Yet, there is no doubt that the paramilitary ultrarightist security forces responsible for the brutal murders of Michelini, Ruiz, the five priests, the murder of 46 people in two separate mass executions, operate with the connivance and collaboration of the regular police, armed forces, and intelligence source. Witnesses to murders and abductions have frequently mentioned the proximity of police cars and impunity with which the masked cars gather their startled prey.

REFUGEES IN DANGER

Until very recently, Argentina had been a country open to receiving the oppressed from neighboring countries. After the military coup in Chile and the military pusch in Uruguay, it became the only country in the southern cone of Latin America to which exiles could go and receive some measure of protection. The population of political exiles relates directly to the erosion of democratic governments in the southern cone of Latin America. In general, that population consists of people with leftwing views, who are in opposition to the rightwing governments of Chile, Uruguay, Bolivia, Paraguay and Brazil.

Paraguay: many Paraguayans have been forced to leave their country since General Stroessner came to power in 1954.

Brazil: many Brabilians have settled in Argentina since the coup of 1964, which overthrew the democratically elected government of Joao Goulart. Many Brazilians are now refugees for the third time, having previously sought asylum in Uruguay in the sixties and in Chile under the Allende government.

Bolivia: many Bolivians entered Argentina after the military coup of August 1971 which brought President Banzer to power and overthrew the government of Juan J. Torres.

Uruguay: Thousands of Uruguayans have fled the country since the abolition of all civil institutions in their country in June 1973, which was formerly one of Latin America's oldest democracies.

Chile: since the coup, thousands of Chileans have crossed the border into Argentina as a result of the political and economic repression. Many of these have entered the country illegally. Approximately 12,000 Bolivians and Uruguayans had sought political asylum in Chile under the Frei and Allende governments. All left Chile after the coup of September 1973 and the great majority were resettled in Argentina while the remainder came to Europe, notably Sweden and France.

Well founded fears of repression and reprisals keep refugees from registering either with the Argentinian authorities or refugee agencies such as the United Nations High Commission for Refugees which make accurately estimating the total number in Argentina difficult. It has been suggested that the figure is about 100,000, although this may be a conservative assessment.

MINISTRY OF SOCIAL WELFARE

After the death of Peron, political exiles were made to feel increasingly unwelcome in Argentina. With major decisions under the brief presidency of Isabel Peron being made by her foremost aide and confidante, the then Minister of Social Welfare, Jose Lopez Rega, the situation deteriorated rapidly. Right-wing assassination squads began to operate with complete impunity and the vulnerable refugee community attracted the AAA like a magnet. It was later alleged that Lopez Rega had himself created the assassination squads and that they had apparently been financed and their actions coordinated from the Ministry of Social Welfare.

As bad as the situation was under Isabel Peron and in spite of the statements made after the coup by the new Argentinian authorities that international law would be respected, the violence perpetuated against refugee communities has escalated murderously since the March 1976 coup. Just as occurred in Chile after the September 1973 coup, the refugee sector of the population became increasingly subject to persecution, torture and assassination, because, in the eyes of the security forces, exiles were seen as potential subversive elements.

RAIDS

In the days immediately following the coup, as if to demonstrate the intention of the security forces under the new government, terrifying and brutal raids were carried out on refugee centers throughout Argentina.

In Buenos Aires, one of the raids was on the Hotel Corrientes run by CAREF, a church organization to help refugees. Pastor Armin Inle, the head of CAREF, was detained for 24 hours. Refugees staying in the hotel were beaten up and released after a few days. Before their releases, some of the refugees were forced to sign documents claiming they had committed "traicon a la patria" (treason to the fatherland). They were issued expulsion orders.

In a raid on the hostel Jose C. Paz, also in Buenos Aires, 19 refugees, including two children were detained and tortured. Some were released after six days, others remained in Cordoba—a refugee center run by the United Nations—it too was raided. This center is situated in the Campo de Mayo area of Cordoba near a military barracks where many of the disappeared persons are reported to be held. Eighten people from this center were charged with espionage in the military region and served with expulsion orders.

Similar raids were also carried out in four refugee hostels in Mendoza.

On June 11, a group of 24 refugees of Chilean and Uruguayan nationality were kidnapped from two hotels in Buenos Aires. Two Chileans from this group arrived in London in August under the British government's plan to provide visas for 75 refugees and their families at present under threat in Argentina. At a press conference the two men, Carlos Ayala and Jose Sepulveda, described their abduction which was carried out by forty heavily armed men claiming to be police. As a result of international pressure, the refugees were released, but not before they had been beaten up and subjected to electric shock treatment.

"We were continuously beaten after they took us from the hotel. We were kept blindfolded all the time and stripped of our clothes. Everyone was screaming in agony."

Both Jose Sepulveda and Carlos Ayala had fled to Argentina after the September 1973 coup in Chile.

COLLABORATION

Ary Cabrera, aged 48, married with two children, abducted in Buenos Aires on April 7 by armed men; Telba Juares, 29-year-old teacher, escaped from a Uruguayan prison and fled to Argentina in 1973, abducted in Buenos Aires by armed men; Ricardo Gil Iribarne, aged 27, an economics teacher, married with an infant child, disappeared; student, Eduardo Chiazzola, disappeared; mother, Elida Alvarez, disappeared—the documented death list of Uruguayan refugees begins. On April 23 and 24 five tortured and mutilated bodies, one of them a woman's, washed on to the Uruguayan shore of the River Plate which divides Uruguay from Argentina. The Uruguayan authorities claimed that they were persons of Asian origin, who

were probably killed in a quarrel on a fishing boat some 20 days earlier. However, relatives claimed that the bodies were those of the five disappeared exiles named above. One of them had been identified despite the advanced state of decomposition of the bodies.

The evidence of collaboration between the Argentinian and Uruguayan security forces to systematically eliminate Uruguayans living in exile has been mounting steadily. Recent information has established that there are Uruguayan security forces currently operating in the country with the tacit support of the Argentinian authorities. Reliable sources have spoken of the existence of the *Plan Mercurio* whose objective is to get rid of all Uruguayans of leftwing tendencies living in Argentina. There is a specially selected force of Uruguayan army personnel to direct the campaign, under the direction of Colonel Ramirez, who according to information from refugees, has recently arrived from the United States. With his second in command, one Campos Hermida, a member of the Uruguayan police force, he operates from private houses without any set headquarters in Argentina. Fourteen Uruguayans who were among 60 kidnapped in two incidents by a Uruguayan armed forces communique of October 28 as subversives now in detention in Uruguay.

Uruguayan trade unionists in exile in Argentina have been particularly frequent targets of this semi-clandestine operation of Argentinian and Uruguayan forces. They account for a high percentage of the kidnap and murder victims of the past months.

WHAT WE NEED TO KNOW ABOUT THE WEATHER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. BROWN of California. Mr. Speaker, the weather disaster which is striking our Nation at this moment has reminded us, once again, that our good fortunes are not all a result of our own ingenuity and hard work. While this is a humbling experience, we need not be totally unprepared for changes in the weather.

We have all seen the pictures from the weather satellites, and heard the short-range weather forecasts which are made from the data obtained by such tools. We also know that advance knowledge of events enables us to better prepare for them. The situation today in the weather prediction field is that we have not paid enough attention to extending the range of our current weather predictions. Since this is almost exclusively a Federal Government responsibility, the Federal Government must take the blame for any inadequacies which are avoidable with greater resources. There is no question that the savings, in agriculture alone, far outweigh any potential increases in weather prediction costs.

The other missing element, beside the state of the art in forecasting, is a mechanism in Government to respond to forecasts in a national manner. Even if we know, with some reliability, that next year would be like this year, are we capable of doing anything to prepare for it? This question is quite important, and needs an answer.

I recently introduced H.R. 783, the "National Climate Program Act of 1977", which was designed to address these questions, as well as others. The disaster which has occurred since the introduction of this bill only underlines its importance. I urge my colleagues to consider this legislation as a means to improve our ability to foresee weather disasters.

At this time, I wish to insert in the RECORD two articles from the January 30, 1977, issue of the Washington Post which further describe this subject:

The articles follow:

CHANGES IN EARTH'S WEATHER ARE EXPECTED TO BRING TROUBLE

(By Lee Lescaze)

Weather is making news, but a group of scientists is trying to call attention to the likelihood that once again it is also going to be making history.

Climatologists have been telling the government and public for several years that the northern hemisphere was entering a new period of climatic uncertainty.

The scientists don't agree among themselves. Some believe the northern hemisphere is turning colder, while others, probably a majority, by Dr. Stephen Schneider's estimate, would argue it's getting warmer.

Whichever is happening, the scientists believe, there is a good chance of serious disruption of global food supplies.

Schneider, of the U.S. National Center for Atmospheric Research in Boulder, Colo., wants to call attention to how clouded the climatologists' crystal balls are because, he says, "We haven't prepared."

"This is a game of values, not so much a game of science," Schneider said. When people realize that science cannot give them certain answers about the future, he hopes they will turn to the political process and build the food stockpiles that would see the world through two or three years of bad weather.

Former Secretary of Agriculture Earl L. Butz disagreed, and Schneider describes in his book "The Genesis Strategy" how he and Dr. Reid Bryson of the University of Wisconsin tried without success to tell Washington why they believed conditions would worsen. That was 1974.

Bryson said in an interview that the best estimate of the coming decade can always be made from the decade just ended. In the last five years there were two serious Soviet crop failures, drought in the African Sahel, drought in the U.S. corn belt, the freeze that wrecked the Brazilian coffee crop and rain shortfalls in India and China.

"If you are a prudent man, you will plan for difficulties," Bryson added dryly, noting that there will be about 85 million more people on earth next year.

"We have to build resiliency into the system," Schneider said, "to sustain the fluctuations [in climate] that are clearly precedented." This winter's weather has clear precedent, Schneider said, but our food and energy situations are so tight that we run into shortages.

Schneider was one of those who predicted that this winter would be unusually cold. But Schneider said he believes that there is very little ability among scientists to predict climatic events in sequence over a period of years.

Climatology is complex and relies on masses of data. Airplanes and ships carry thermometers that measure the air and water they pass through. The readings have to be matched with latitudes, times, dates.

Thus while the trends of the last 100 years are generally well-known, the last five-years' readings are still being compiled and what happened that recently is less clear.

From 1915 through 1950 there was a significant warming of the northern hemisphere. Then, about half that gain was lost during the years up to 1972. What Schneider called "a pretty strong reversal" apparently took place from 1972 through 1975, once again raising the hemisphere's temperature.

Some climatologists, including the Soviet Mikhail Budyko, conjecture that the cold of this winter is part of the general warming trend. There is very warm circulation of air over the North Pole now and every newspaper reader knows that Alaska has been warmer than Florida on some recent days. The average temperature for the hemisphere could be warmer even with Eastern and Central states suffering record cold.

In hazarding guesses on future climate changes, scientists consider the amount of carbon dioxide in the atmospheric, volcanic activity, manmade pollution and the thickness of clouds.

Volcanos and pollution increase the quantity of dust in the atmosphere. Bryson based his early warnings of a cooling trend on the observation that dust screens out heat from the sun.

Volcanic activity was almost nonexistent during the warming years up to 1950, but "whole pot fulls of volcanos are active right now," Bryson said. Levels of manmade dust can be predicted, but no one knows what the volcanos will do in the future.

Schneider, however, said it is not automatic that increased dust brings cooler temperatures. It may depend on the dust's color and the brightness of the part of the earth it shields.

White or light-colored objects have more reflective power than dark ones. Therefore, light dust would screen much of the sun's radiation, but dark particles over a bright land mass could increase warmth. Dust is not evenly spread over the world, but concentrated over land areas, which are brighter than the seas.

A second major factor influencing the world's climate is the buildup of carbon dioxide in the atmosphere as a result of burning fossil fuels on earth.

Everyone agrees that the carbon dioxide has a greenhouse effect, keeping in much of the long-wave (heat) radiation emitted by the earth.

But nobody knows how fast the gas will build up. It has increased to 10 to 15 per cent since the industrial revolution. The entire warming effect of carbon dioxide could be wiped out or, conversely, doubled by a difference of 100 meters in the thickness of the clouds—another unpredictable factor.

As a result of the uncertainty, scientists with a belief usually take the data that supports their belief, Schneider said.

The problems from significant warming, it is agreed, could be as great as from major cooling.

Melting of a large portion of the polar ice pack woud raise sea levels, flooding costal areas, for example.

On the other hand, a drop of 6 degrees centigrade in annual average temperature over a sustained period would bring on an ice age.

But short of disasters of that magnitude, fluctuations of climate can render presently arable land arid and could touch off widespread food shortages.

In the rich countries, food would still be available, but at higher prices. For some poor nations, the shortage could bring famine. In 1974 a Central Intelligence Agency report said, "Climate is now a critical factor. The politics of food will become the central issue of every government."

The United States and Canada now export almost 70 per cent of the grain in world trade. If climate fluctuations reduced the grain crops in those two countries, or if there were major failures elsewhere, it quickly could become impossible to meet the world's expanding needs.

Bryson and Schneider say they believe the time is long overdue for government leaders to prepare for such possibilities.

EVEN TO FAR-OUT FORECASTERS ITS BEEN A FREAKY WINTER

(By Margot Hornblower)

In the whimsical world of weather prediction, the ordinary is inexplicable, the uncommon is commonplace.

East of the Rockies, it has been the coldest fall and winter since the 1880s. In most of the West, the weather has been warmer than usual. It has snowed in Florida, while the sun shone in Alaska. Swimmers frolicked in the Pacific while, in New York, two elderly men froze to death.

Amid these erratic fluctuations, Donald L. Gilman, chief of the National Weather Service's long-range prediction group, has maintained the outward calm of a man who knows his limits.

"There are always going to be these swings from one season to another," says Gilman, who has worked for 18 years among piles of squiggly-lined weather maps and computerized temperature charts.

"Nineteen seventy-six is a standout year, but there have been other freaky years. Each year is freaky in its own way."

The 45-year-old meteorologist who operates out of the World Weather Building, a glass-enclosed high-rise in Marlow Heights, has become a celebrity of late, besieged by television networks and news magazines.

All are clamoring to know why it is so cold here and so warm there, and whether it will get colder or warmer next week, next month and next year.

To such questions, Gilman smiles and says, "If there are any ultimate explanations, don't know what they are."

Meteorologists can, however, observe what is happening. Since mid-September, the Westerlies—high-speed winds that eternally swirl around the Northern Hemisphere miles above our heads—have maintained an unusual pattern.

Rather than blowing steadily across the northern section of the continent with periodic northward and southward undulations, the winds swung into a winter pattern early this fall and have remained virtually fixed for four months.

They are carrying warm Pacific air up to Alaska and Canada, where they pick up frigid Arctic cold and head southward through the Midwest and down the East Coast. Continuing out into the Atlantic, they push warm air from the Gulf Stream up to Iceland and Greenland, creating unusually mild weather there.

This steady pattern, which might normally occur for only a few days during the winter, is partly responsible for the Western drought that is drying up ski slopes and threatening agriculture.

Instead of blowing Pacific storms into the West Coast mountains and the Rockies—where snow would then accumulate, eventually melting into spring irrigation water—storms are breaking in the ocean off Southern Alaska. Likewise, the winds have created unusual storminess over the Atlantic.

When it comes to explaining why this pattern has occurred, all the sophisticated computers and mathematical models of the Weather Service are of little help.

Not that science is totally at the mercy of capricious wind-gods. Meteorologists know that wind patterns are influenced by variations in sea temperature, cloudiness, rainfall, air pressure, sunshine and even dust and chemicals spewed into the air by man's factories.

But exactly how all these elements join together at a given moment is not always understood. "The atmosphere is a mysterious, complicated physical system," Gilman said. "Causation is hard to analyze because everything that happens influences everything else."

Most of the Weather Service's 6,000 employees are engaged in short-term prediction, monitoring day-to-day weather and forecasting two or three days ahead. Only eight people, headed by Gilman, are involved in "long-range prediction—trying to forecast five days ahead, a month ahead and three months ahead.

The Weather Service's five-day predictions are correct roughly 80 percent of the time. When it comes to monthly and seasonal predictions, the adds are about 60–40. (However, Gilman's group did correctly forecast the current cold wave, in testimony two months ago before a congressional subcommittee.)

"Long-range prediction is in the twilight zone of forecasting," Gilman said. Although a cold fall frequently indicates a cold winter, winter weather gives few hints about spring. February and the rest of the year, could be warmer or colder than usual depending on complicated and unpredictable atmospheric physics.

"There's no statistical model of the atmosphere to guide us," Gilman said. "We're always groping around for a few meteorological clues to put together into a consistent image. Basically, it's a lot of head-scratching."

If this winter's weather tells little about the spring and summer, it reveals even less about future climatological change. A dispute is raging in the scientific world over whether the earth is becoming gradually warmer or colder.

"I don't think you can make any connection between this winter and the recent public argument that we're descending into a new ice age," Gilman said. "This isn't part of any long-term warming or cooling trend. It is a very regional thing with the extremes confined to only half of the northern hemisphere."

As far as Gilman is concerned, other scientists may speak in lofty terms about decades and centuries hence. But the Weather Service is busy with the unpredictable present.

THE FEDERAL AGENCY CONTROL AND REVIEW ACT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. RAHALL. Mr. Speaker, I have received numerous complaints from my constituents concerning the ever growing "fourth branch" of Government—the Federal agencies.

In the course of enforcing the rules and regulations which they establish, these agencies deal with the public on a day-to-day basis and their work as well as the rules which they promulgate, are often interpreted as the "spirit of the law" for which we in the Congress are held responsible; therefore, I am cosponsoring legislation which will provide for a mandatory congressional review of each Federal agency at least once every 10 years.

At present, Congress has no effective check on the Federal agencies, save budget appropriations alone, and we are unable to effectively monitor the usefulness and responsiveness of the various agencies which too often overlook unique and special local situations which at least is partially responsible for the low esteem with which the American people view their Government.

Mr. Speaker, because there is a major problem in Government, I am today cosponsoring legislation which would require the Office of Management and Budget to conduct a comprehensive study of each agency's overall performance prior to the expiration date.

IMPLICATIONS OF NATURAL GAS SHORTAGE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, all doubts that natural gas is critical to the well-being of the American economy and the American home have been removed. This year's shortfall of supply has combined with a record cold winter to provide dramatic evidence of the importance of natural gas to our comfort and our aspirations. For 160 million Americans, it has become a touch-and-go situation as to whether or not they will have a job to go to tomorrow, or a warm home in which to rest tonight. To industry, it is clear their production cornerstone is in danger of crumbling since more than 50 percent of the manufacturing undertaken in this country depends upon natural gas for operation. It is being curtailed and may have to be curtailed further.

Two years ago, while chairman of the House Government Operations Conservation, Energy, and Natural Resources Subcommittee, I chaired hearings on the then-predicted natural gas shortage emergency. A mild winter saved us, but the dominoes of economic disaster remained poised. It was clear to us that it was only a matter of time before they would begin to fall and our economy dealt a most harsh blow.

Mr. Speaker, the report our subcommittee drafted for the House Committee on Government Operations is worth review by the Members of this Congress. I say this, not with any sense of pride of authorship, but because our findings and our recommendations are as valid today as they were at the time of their issuance on July 25, 1975.

Today, as then, American industry with an excess of 80 percent dependence upon gas, but faced with severe curtailment of service, include our chemical, petroleum refining, fertilizer, sugar, metal can, steel pipe and tubing, oilfield machinery, and nonferrous metal companies. Any disruption of these basic industries as a result of curtailed gas supply could only mean increased unemployment and reduced productivity. Sadly, these predictions are coming true.

Then, it was known that glass products, structural clay products, building paper, biological products, rice milling, dehydrated food products. vegetable oils, aircraft, telephone and telegraph equipment, and gypsum products would be hit by further curtailment if not interruption. Sadly, these predictions have come true.

Then, it was known the recurrent patterns of gas curtailment would have near disastrous effects in our large industrial States such as New York, New Jersey, Pennsylvania, and Ohio. Sadly, these predictions have come true.

Then, we concluded the economic health and national security of the Nation were endangered because of the potential adverse effects the shortage would have upon employment and industrial production. Sadly, these predictions are coming true.

Mr. Speaker, in 1975 we urged the President to move immediately on a top-priority basis and to take whatever steps might be needed to prevent or alleviate predicted economic distress. If necessary, we felt the President should invoke the authority provided him by the Defense Production Act and declare certain regions, destined to be hit the hardest, as economic disaster areas before the fact. Most important, we stressed the need for contingency plans to deal with these shortages and emergencies and the need to coordinate and focus a national effort on the problem. We believed this could be done, but only if the President acted to control the production, shipment, and the distribution of natural gas on a coordinated national basis.

Mr. Speaker, I regret to say the strong recommendations the Congress made to the President at that time went unheeded and so it became clear these problems would remain without remedy and thus eventually would become crises in need of solution by law. Sadly, these predictions have come true.

Mr. Speaker, throughout my statement I have referred to House Report 94–412. Relevant excerpts from that report, including the summary, along with its findings and recommendations are as follows:

EXCERPTS FROM HOUSE REPORT 94–212

V. SUMMARY OF REPORT

The Committee on Government Operations through its Conservation, Energy, and Natural Resources Subcommittee has examined the issue of a natural gas shortage impending for the winter heating season of 1975–76 and has assessed the state of Federal preparedness to deal with that emergency.

Natural gas, consumed by 140 million Americans and necessary to the functioning of over one-half of the Nation's industry, is key to the well-being of the Nation. As demand for and consumption of natural gas has been increasing, supplies have been decreasing. Since 1970 curtailments of firm service (that service to be supplied without interruption under contracts) have increased each year. Curtailments for 1975–76 are projected by the Federal Power Commission to reach nearly 3 trillion cubic feet. This year's curtailments will be 45 percent greater than in the previous year and will affect many industries, especially in the Midwest and on the eastern seaboard. For the first time curtailments might reach residential users.

Alternate sources of fuel; namely, propane, butane, liquefied natural gas (LNG), and substitute natural gas (SNG) will apparently not be readily available for a variety of reasons.

A number of States and communities will be especially hard hit by the natural gas shortage this winter. Among the States:

Pennsylvania faces high risk of widespread unemployment, especially in glass, aluminum, automotive parts, and cement industries;

New York despite careful and comprehensive contingency planning, faces what it expects to be its worst year;

Ohio with a 60-percent shortfall of natural gas expected over the coming winter sees further widespread industry closing and unemployment and in the eyes of its Governor an "unprecedented crisis";

Kentucky faces the alarming prospect of a 100-percent curtailment of natural gas to its industries embracing 135 manufacturing companies and affecting at least 30,000 industrial jobs;

West Virginia anticipates a 60-percent curtailment which may necessitate drastic relocation of population and industry.

New Jersey expects a 3 billion cubic foot shortfall of natural gas over the 1975–76 winter which will result in a 60-percent curtailment for industrial users and could affect between 15,000 and 20,000 jobs.

Under a variety of statutes and Executive orders, a number of Federal agencies are charged with natural gas emergency preparedness responsibilities. These include the Federal Energy Administration, the General Services Administration, the Department of the Interior, the Federal Power Commission, the Energy Resources Council, and others. The ERC has been charged with leading and coordinating Federal efforts to deal with the gas shortage emergency and is operating through an interagency task force which is under the leadership of the FEA. The task force is gathering data and analyzing policy options. No policies or contingency plans have been developed. The data-gathering operation is encountering many problems.

VI. FINDINGS

Federal agencies are not prepared at this time with advance plans to cope with adverse effects on employment and industrial production even in areas they know now will be hard hit. There is too much of a "wait-and-see" attitude.

Natural gas is increasingly in demand and has become increasingly scarce.

Natural gas curtailments over the winter of 1975–76 will create emergency situations affecting many industries, especially in the Midwest and East.

Natural gas emergency preparedness responsibilities are dispersed throughout the executive branch and are often duplicative.

Coordination of emergency preparedness among the executive branch agencies is haphazard and often ad hoc.

VII. RECOMMENDATIONS

In view of the foregoing, the House Committee on Government Operations recommends the following:

1. All cognizant Federal departments and agencies should move immediately on a top-priority basis to take whatever steps are necessary within the scope of their legal authority to prevent or alleviate the impact of this coming winter's natural gas shortage on those States and areas expected to suffer most. If necessary the President should take preventive action under the criteria of the Defense Production Act and other legal authorities to declare certain regions as potential economic disaster areas before the fact and marshall the Federal Government's resources accordingly.

2. Emergency preparedness authorities should be clarified as they relate to future natural gas emergencies.

3. Departments and agencies with major responsibilities relating to natural gas should prepare memorandums of understanding or other documents delineating their respective duties which bear on natural gas emergencies.

4. Collection of data on natural gas supply and demand, availability of alternative fuels, and capability to use alternative fuels, together with assessment of impact of natural gas curtailments, should be accomplished on a continuing coordinated systematic and timely basis.

5. Because the natural gas emergency of 1975–76 will be a recurring problem, and because no effective emergency planning or coordinating mechanisms exist, and because neither the FPC nor the FEA or any other Federal agency has authority to take full necessary action in the face of a natural gas emergency, the President should propose and the Congress should give immediate consideration to legislation which would—

(*a*) Establish clear responsibility for preparing contingency plans for natural gas shortages and other natural emergencies;

(*b*) Establish clear responsibility for the coordination and focus of national efforts to deal with immediate and long-term shortages of natural gas; and

(*c*) Establish authorities to control the production, shipment, and distribution of natural gas on a coordinated national basis as necessary to deal with natural gas shortages.

6. The Federal Power Commission and the Federal Energy Administration should take appropriate action consistent with their emergency preparedness responsibilities, including litigation in Federal courts, if necessary, to compel natural gas producers to comply with the Natural Gas Act and regulations to deliver natural gas to consumers.

AMERICAN BAR ASSOCIATION COMMITTEE SUPPORTS FEDERAL GRAND JURY REFORM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. EILBERG. Mr. Speaker, during the hearings of my Judiciary Subcommittee in the 94th Congress, representatives of the American Bar Association testified as to the need for grand jury reform and supported our efforts to make those reforms.

The Criminal Justice Section of the American Bar Association recently passed a series of standards relating to the grand jury, which will be submitted to the full membership of the American Bar Association in a few weeks. The report which accompanied the proposed standards indicates that they closely parallel the provisions of my bill, H.R. 1614, the Grand Jury Reform Act of 1977, which I recently introduced.

At this time I insert in the RECORD the report of the Criminal Justice Section of the ABA and the summary of the "Proposed ABA Grand Jury Principles":

HOUSE OF DELEGATES TO RECEIVE SECTION REPORTS ON GRAND JURY REFORM, CHANGES TO F.R.CR.P.

The Criminal Justice Section will ask the ABA's policy-making House of Delegates to place the Association in favor of major reforms in the operation of grand juries at both the federal and state levels. The request will be made in the form of a general resolution (similar to the one printed in the right-hand column of this page) which the House of Delegates will debate at its Midyear Meeting, February 9–15 in Seattle, Washington.

Based upon a report prepared by the Section's Grand Jury Committee, chaired by State's Attorney Richard E. Gerstein of Miami, Florida, the Section's resolution may well be among the most controversial—and potentially most far-reaching—subjects to be considered at the Midyear Meeting.

The report is phrased in terms of legislative principles in order that specific wording of grand jury reform bills introduced in the 95th Congress can be supported or opposed as appropriate, Gerstein said.

As amended the report was approved unanimously by the Section's Governing Council at its fall meeting in Scottsdale, Arizona, in November, capping two years of intense Section study of grand jury reform. During that period, Gerstein testified twice on behalf of

the Section on grand jury reform proposals before Congress, and the Section won limited support from the Association on the issue.

The Section's Grand Jury Committee is composed primarily of persons with substantial prosecutorial experience. In addition to Gerstein, they include: Seymour Glanzer of Washington, D.C.; Richard H. Kuh of New York City; George D. Crowley of Chicago; Judge Jack Rosenberg of New York City; David Austern of Washington; Charles Ruff of Washington; Professor George Pugh of the Louisiana State University Law School, Baton Rouge; Brian P. Gettings of Arlington, Virginia; Judge Paul Baker of Miami; Peter F. Langrock of Middlebury, Vermont; Paul B. Johnson of Tampa; Professor Melvin B. Lewis of John Marshall Law School, Chicago; and Sol Rosen of Washington. The law student member of the committee is Peter R. Wubbenhorst of Birmingham.

CAPITOL HILL ROUNDUP

When *Criminal Justice* went to press, Washington was filled with speculation about what the 95th Congress would be doing. Here are some "best bets" as perceived by Herbert Hoffman, Staff Director of the ABA's Governmental Relations Office.

Grand Jury Reform—Early February hearings are expected by Rep. Joshua Eilberg's (D.-Pa.) Judiciary Subcommittee. His bill (HR 1277) is much less comprehensive than HR 2986 (proposed by Rep. John Conyers, (D.-Mi.) but is thought to have the best chance of passage. It includes provisions for a grand jury of 15 and indictments by 9 votes. Changes on the role of counsel and challenges to subpoenas are also expected.

PROPOSED ABA GRAND JURY PRINCIPLES

BE IT RESOLVED, that the American Bar Association support in principle grand jury reform legislation which adheres to the following principles:

1. A grand jury witness shall have the right to be accompanied by counsel in his appearance before the grand jury; the role of such counsel should be the same as that before a Congressional committee.

2. A subject of a grand jury investigation shall be given the right to testify before the grand jury, provided he/she signs a waiver of immunity. Prosecutors shall notify such subjects of their opportunity to testify unless notification may result in flight or endanger other persons; or the prosecutor is unable with reasonable diligence to notify said persons.

3. The grand jury shall not consider unconstitutionally obtained evidence.

4. The grand jury shall not name a person in an indictment as an unindicted co-conspirator to a criminal conspiracy.

5. A grand jury should not issue any report which singles out persons to impugn their motives, hold them up to scorn or criticism or speaks of their qualifications or moral fitness to hold an office or position. No grand jury report shall be accepted for filing and publication until the presiding judge submits *in camera* a copy thereof to all persons named or identifiable and such persons are given the opportunity to move to expunge any objectionable portion of said report and have a final judicial determination prior to the report's being published or made public. Such motion to expunge shall be made within ten days of receipt of notice of such report. Hearings on such motions shall be held *in camera*.

6. The grand jury should not be used by the prosecutor in order to obtain tangible, documentary or testimonial evidence to assist the prosecutor in preparation for trial of a defendant who has already been charged by indictment or information. However, the grand jury should not be restricted in investigating other potential offenses of the same or other defendants.

7. The grand jury should not be used by the prosecutor for the purpose of aiding or assisting in any noncriminal inquiry.

8. Witnesses who have been summoned to appear before a grand jury to testify or to produce tangible or documentary evidence should not be subjected to unreasonable delay before appearing or unnecessarily repeated appearances or harassment.

9. It shall not be necessary for the prosecutor to obtain approval of the grand jury for a grand jury subpoena.

10. A grand jury subpoena should indicate the statute or general subject area that is the concern of the grand jury inquiry.

11. In any case in which a subpoenaed witness or a person directly affected thereby moves on proper grounds to quash a grand jury subpoena, the prosecutor should be required to make a reasonable showing in camera and on the record before the court convening the grand jury that the evidence being sought is:

(a) relevant to the grand jury investigation;

(b) properly within the grand jury's investigation; and

(c) not sought primarily for another purpose.

12. A subpoena should be returnable only when the grand jury is sitting.

13. When the circumstances make it reasonable, motions to quash or modify subpoenas may be brought at the place where the witness resides, the documents sought are maintained, or before the court which issued the subpoena at the election of the witness. Such motions should be heard in camera and on the record.

14. All matters before a grand jury, including the charge by the impaneling judge, if any; any comments or charges by any jurist to the grand jury at any time; any and all comments to the grand jury by the prosecutor; and the questioning of and testimony by any witness, shall be recorded either stenographically or electronically. However, the deliberations of the grand jury shall not be recorded.

15. Expanding on the already-established ABA position favoring transactional immunity, immunity should be granted only when the testimony sought is in the public interest; there is no other reasonable way to elicit such testimony; and the witness has refused to testify or indicated an intent to invoke the privilege against self-incrimination.

16. Immunity shall be granted on prosecution motion in camera by the trial court which convened the grand jury, under standards expressed in Principle No. 15.

17. The granting of immunity in grand jury proceedings should not be a matter of public record prior to the issuance of an indictment or testimony in any cause.

18. If the court determines that there is multiple representation of witnesses in a grand jury proceeding, it shall advise the witnesses that they have the right to be separately represented by counsel, and explain that conflicts of interest may otherwise arise.

19. The confidential nature of the grand jury proceedings requires that the identity of witnesses appearing before the grand jury be unavailable to public scrutiny.

20. It is the duty of the court which impanels a grand jury fully to charge the jurors by means of a written charge completely explaining their duties and limitations.

21. All stages of the grand jury proceedings should be conducted with proper consideration for the preservation of press freedom, attorney-client relationships, and comparable values.

22. The period of confinement for a witness who refuses to testify before a grand jury and is found in contempt should not exceed 6 months.

23. The court shall impose appropriate sanctions whenever any of the foregoing principles have been violated.

HARVARD UNIVERSITY PRESIDENT CALLS FOR AFFIRMATIVE UNIVERSITY ADMISSIONS PROGRAMS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HAWKINS. Mr. Speaker, the California Supreme Court, by a 6-to-1 decision, ruled against a policy of the University of California that provided minority students preference in admission to a medical school. This decision may set a precedent for other affirmative action programs of colleges and universities throughout the country. Dr. Bok, president of Harvard University, comments on reasons for his opposition to the Court ruling and how giving preference to minority students will enhance the educational system. I wish to personally commend Mr. Bok for his constructive comments and submit a portion of his Meet the Press interview as follows:

PORTON OF INTERVIEW ON MEET THE PRESS

Mr. MONROE. The California Supreme Court, by a six to one decision, recently threw out a policy of the University of California that gave preference to minority students in admission to a medical school. Won't this decision affect the affirmative action program of almost every college and university in the country?

Mr. BOK. Yes. It may not apply directly to private institutions, but they are sure to be influenced by it, and for that reason, among others, I am strongly opposed to that decision.

Mr. MONROE. What can be done about the decision?

Mr. BOK. When a comparable decision came up last time, Professor Archibald Cox, my colleague and friend at Harvard, prepared on behalf of the university a very long *amicus* brief to the Supreme Court, trying to explain the reasons why race might be a relevant factor in making sound admissions decisions and why the courts should not attempt to prevent institutions from considering that factor.

Mr. MONROE. Is it fair, Mr. Bok, to give preference to minority students? Can you be fair to majority students while giving preference to minority students?

Mr. BOK. That is a very good question. Let me begin by acknowledging there are a number of people who feel that it is unfair to admit a minority student if there is a nonminority student who has higher grades and higher test scores.

I would respond to that by pointing out first of all that although grades and test scores are certainly relevant and helpful in trying to decide which students are capable of doing good academic work, they are by no means the only factor that can enter into a sound admission decision. They don't tell you very much about what students will do after they graduate.

We are interested in educating students who will make a distinct contribution, and in a country where there are so few minority persons in leading business, law firms, hospitals, government agencies, we feel that a well-trained minority student may make

a distinctive contribution, especially in a country which suffers from the racial tensions that we have experienced.

Another consideration lies in trying to put together a class, as I mentioned a few minutes ago, in which there is a real diversity because students learn as much from each other as they do from the professors and the tests and the papers. And again, in a country which has serious racial divisions and differences, to have a substantial number of minority students can provide a real opportunity for students of all races to learn from one another.

Race, of course, is not the only other factor. We try to develop diversity in our classes in many other ways. We look for many different talents and a great diversity of backgrounds to enrich the mix of our students. But for a court to say that race is of no relevance at all, I think is unwise. First, for the reasons I have indicated, but there is another deeper reason.

Even if one disagrees with the points I have made, I hope we would all agree that this is a difficult question. Reasonable people can differ about how minority students should be treated in the admissions process. For that reason it is very, very important that these decisions be made through experimentation, through trial and error, by the admissions officers who are really experienced in the process of trying to put together a good class, to cerate a good educational experience.

It would be most unwise to take up questions where there are differences of opinion of this kind and subject it to a uniform, rigid rule for all institutions, imposed by judges who, good as they are, do not have intimate, first-hand experience in the nuances and subtleties of the admissions process.

Mr. MONROE. If you pick out a student and give him preference because he is a member of a racial minority, would you be willing to call that reverse discrimination?

Mr. BOK. You can attach any label you want. I think it is designed to enhance the educational process and to enhance the contributions which graduates of the institution will make. I do not apologize for it. I defend it. We can attack anything by attaching labels. But I don't think labels really get at the subtler process of how we admit students in ways that will enhance our contribution and the educational experience those students undergo.

THE PAY COMMISSION—COMPARING APPLES AND ORANGES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mrs. SCHROEDER. Mr. Speaker, in its December report, the Commission on Executive, Legislative, and Judicial Salaries went through a lot of mumble-jumble in reaching what I believe was a predetermination that salary levels for top level bureaucrats, Federal judges, and Members of Congress should be jacked sky high. The hocus-pocus in the report goes to great length comparing costs of living, hourly earnings for U.S. workers, pay of top State officials, U.S. industrial salaries, and the like. According to its findings, we poor people of the Congress, the executive, and the judicial branches are very lucky that we do not go to work year round wearing the barrels in which political cartoonists popularly dress Jane and John Q. Public each April 15.

Mr. Speaker, the Commission alleges that we cannot compare our salaries with any others exactly, but that we can find some comparisons out of their mumble-jumble.

This is pure malarkey. The Pay Commission ignored the best set of comparisons in the world—those of other rich industrial nations' members of parliaments.

Why the Commission left these facts out speaks for itself. The average Member of Congress already makes 40 to 60 percent more than any other Western nations' representatives. And this figure does not include the general average abysmal working conditions—ranging from no offices and staff, to no mailing privileges, to no free telephones, which these other nations' public servants have to put up with.

I am sure that the following chart comparing costs of living and salaries in capital cities will be of interest to my colleagues:

Countries	Cost-of-living index [1] (N.Y. equals 100)		Members' pay in local currency [2]		Members' pay in current U.S. dollars [3]
	Number	City	Amount	year	
United States	92	Washington	$44,600	1976	$44,600
Australia	99	Sydney	$A20,000	1975	27,350
Canada	87	Montreal	Can$24,200	1976	24,000
Denmark	122	Copenhagen	DKr150,000	1976	25,000
France	123	Paris	F120,300	1976	23,400
Italy	77	Rome	Lit11,500,500	1976	13,000
Japan	123	Tokyo [4]	¥5,000,000	1972	17,100
Netherlands	123	The Hague	f.75,300	1975	28,450
Sweden	120	Stockholm	SKr86,800	1975	20,400
United Kingdom	88	London	£4,500	1976	7,700
West Germany	120	Bonn	DM44,100	1975	18,300

[1] Source: U.N. Monthly Bulletin of Statistics (special table D) August 1976.
[2] Source: Embassies of respective countries and Library of Congress.
[3] Rounded off current exchange rates.
[4] Excluding housing.

NATIONAL GRADUATING CLASS OF 1977 MONTH

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HARRIS. Mr. Speaker, today, I am introducing a bill which would designate the month of June 1977 as National Graduating Class Month and reaffirm our commitment to the educational goals of this Nation's youth.

I would like to particularly acknowledge the achievements of the 14,000 high school students graduating in 1977 from schools in the Eighth District of Virginia.

It seems highly appropriate to set a commemorative time in order to fully recognize the accomplishments of these young people, as the 1977 class will be the first high school graduating class in America's tricentennial period. I believe that by giving these youngsters recognition of this type, the Congress will be offering them special encouragement to continue to excel and pursue productive lives.

The bill follows:

Whereas those students graduating from high schools in 1977 will represent the first graduating class of America's tricentennial period; and

Whereas national recognition of their talents and achievements will motivate them and others to pursue further educational experiences and productive lives; and

Whereas special acknowledgment of their talents and achievements is appropriate at this point in our Nation's history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of June 1977 is designated as "National Graduating Class of 1977 Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

A TRIBUTE TO JIMMY CARTER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. BINGHAM. Mr. Speaker, the inauguration of Jimmy Carter as President has filled Americans everywhere with a new spirit of hope and faith in America. One such individual is a constituent of mine, Rabbi Baal-Ha-Tov. This gentleman has created a beautiful scroll in honor of President Carter which has been signed by numerous dignitaries. The rabbi has been doing such scrolls commemorating Presidents since Harry Truman's day and has had many of them publicly displayed.

In addition, this gentleman was so inpired by President Carter that he has written the following poem, which I would like to share with my colleagues and other readers of the RECORD:

CARTER'S CHORUS

(By Rabbi Baal-Ha-Tov)

Birds are singing
Chimes are ringing
Music is rhyming
Themes have timing
People are dining
Happy faces are shining
Joyous hearts humming
Better days are coming
Crowds are dancing
Lofty adventures advancing
Cheering impressions implanting
Throngs are chanting
America is smarter
In choosing Jimmy Carter
To save America's starter
Skilled Navigator's charter
Keen intellectual imparter
Morality righteousness worth bother
Advocate justice extreme ardor
Really no one works harder
To further progress much farther
Inauguration, celebration
Commemoration, adulation
Inauguration celebration of Jimmy Carter
Who will represent
Everybody's President

THE MEANING OF AMERICA

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HUBBARD. Mr. Speaker, our Nation means a great deal to all Americans, though I would doubt that its meaning is the same for any of our citizens. I would like to share with my colleagues in the House the meaning of America through the eyes and in the words of Miss Pennye Steele, a perceptive junior at the Hughes-Kirk High School in my First Congressional District of Kentucky. Pennye is the daughter of Mr. and Mrs. Cecil Steele of Beech Creek in Muhlenberg County. Her essay, "What America Means to Me," won the Voice of Democracy Contest sponsored by VFW Post 5478 in Greenville, Ky. It is as follows:

WHAT AMERICA MEANS TO ME

(By Miss Pennye Steele)

Why did so many people come to America? What is a "true American"? Are there any Americans left in the United States? Is there any reason why I should be proud to be an American?

I can visualize the Pilgrims on board the Mayflower in the early 1600's, anxiously awaiting the landing at Plymouth Rock. They had not yet recovered from the perilous voyage when the wintry winds planted disease in their midst. Nevertheless, these wayfarers had come to America for freedom and freedom they meant to have. It seems unreal that the hardships suffered during their first icy winter helped to shape our nation today.

The dream of the settlers was one of independence, freedom to live without fear of punishment. Who would have imagined that the idea of independence was anchored so firmly in the rebels' hearts? What shocking news! The colonies were actually going to war with their mother country.

America has sheltered many famous persons, people who possessed an unsurpassed spirit of nationalism and loyalty. These Patriots were willing to give their own lives to earn freedom for their families. This strong sense of loyalty was portrayed in the dying words of Nathan Hale: "I only regret that I have but one life to lose for my country." Where has this patriotism gone? Where would I be without men such as he?

Many wars have been fought since the first settlers came and thousands of noble men have bled for the idea of a free nation. These men knew the perils of war but each looked unafraid into the eye of Death. The heritage of Independence, that caused our forefathers to sacrifice their lives, is the tradition that every American should be proud of. When I consider all the brave men who died for the preservation of my future, then I am proud to be an American.

Americans know there are problems in the United States; however, we never stop to be thankful that war has not overpowered our government. The United States appears, in the eyes of various nations, as a "beacon light" shining through dark, foggy skies. As a lighthouse save ships from peril, the United States helps many countries less fortunate than we.

A true American may be a mixture of nationalities. What caused so many people to leave their homes to come to America? If a man's country had no food for him or encouragement, only frowns and punishment, he would turn to America, the proud land of equal opportunity. In our land a man would not be classed as a beggar, because he owns a rank of importance, United States citizenship. This should make each American proud to aid individuals from other nations.

What denotes the United States as such a unique and successful country? A totally different people, all striving for the ideas of freedom and independence, make America what it is today. The citizens control our government through participation in elections. A government "of the people, by the people, for the people" enables all citizens to have a voice. This is a giant step from the Colonial Days to modern times and without doubt the Pilgrims would be pleased with our progress.

I know there are still loyal Americans in the United States. The people who are proud of what they are will work to secure a richer legacy for the future; these are the true Americans! It is wonderful to live in a free land where we can be whatever we make ourselves. As an heir to a great heritage, I am proud to be an American. I will always love my country for what it is" . . . one nation under God, indivisible, with liberty and justice for all."

CODE OF FUND-RAISING ETHICS FOR VOLUNTARY AGENCIES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. MURPHY of New York. Mr. Speaker, I recently received a copy of the "Code of Fund-Raising Ethics for Voluntary Agencies" from the Christian Children's Fund of Richmond, Va. This is, to my knowledge, the first self-imposed multi-agency attempt to regulate voluntary foreign aid organizations serving children.

I would like to take this opportunity to heartily commend the Christian Children's Fund and the four other child welfare organizations, Compassion, Foster Parents Plan, Holt International Children's Services, and Save the Children Federation. This endeavor will provide for the protection of the individual consumer in the field of voluntary contributions. It is also a protection to the children who benefit from these organizations because it will guarantee that fund-raising and administrative expenses are kept at the lowest possible percentage of receipts. The needy children of the world will become, in fact, the beneficaries of the generosity of the American people.

I enclose the full text of this "code of ethics" to be inserted in the RECORD:

CODE OF FUND-RAISING ETHICS FOR VOLUNTARY AGENCIES

Cognizant of the value of and need to restate high principles in fund-raising, the undersigned voluntary agencies in person-to-person assistance herewith reaffirm and pledge continuing compliance with the following minimum ethical standards of practice:

1. We maintain full confidentiality of all sponsors and contributors on our mailing lists, which will neither be sold to nor exchanged with any other agency or commercial enterprise.

2. Using uniform accounting methods, as prepared by the American Institute of Certified Public Accountants, we will make full financial disclosure as reported in audit to any requesting person, agency or the media, and will publish annually a full statement of support, revenue, expenses and changes in fund balances.

3. We are committed to minimize overhead costs; to keep fund-raising and administrative expenses at the lowest possible percentage of receipts.

4. We utilize designated contributions only in programs and projects identified by the donor.

5. We pay no commissions, percentages or finder's fees to anyone for the acquisition of new sponsors or contributors, (to the advertising media, employees, or outside consultants).

6. We refuse to engage in dubious fund-raising methods, including mailing unsolicited merchandise or cannisters; paid canvassing; telephone solicitation to the general public; offering prizes or sweepstakes; combining appeals with commercial sales which do not define specific benefits to the agency; conducting misleading campaigns or events; and paying for or making use of insincere endorsements.

7. We make economical and judicious use of all methods of fund-raising including direct mail, broadcast and print advertising.

8. We are truthful in our broadcast, print and direct mail advertising using actual, current case histories and honest statements of purpose. We neither minimize nor overstate the human needs of those whom we assist.

9. We demonstrate respect for the integrity, pride, beliefs and culture of the people whom we serve, and will not denigrate them in our advertising and promotion.

10. Our objective in all our efforts is to further the good of the children who are in need, their families and communities; to raise the resources required to assist them, and to increase the good will and support of our constituents and the public on one hand and of the people and governments of the nations we serve on the other.

Christian Children's Fund, Richmond, Virginia.

Compassion, Chicago.

Foster Parents Plan, Warwick, Rhode Island.

Holt International Children's Services, Eugene, Oregon.

Save The Children Federation, Westport, Connecticut.

OUTSTANDING NEWSMAN, THOMAS FRIER, ANNOUNCES RETIREMENT IN GEORGIA

HON. BILL LEE EVANS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. EVANS of Georgia. Mr. Speaker, a well-known and highly respected newsman has decided to step down from the publishing field, and I wish to extend my good wishes to him upon completion of nearly 40 years of outstanding service.

Thomas Frier of Douglas, Ga., is one of our State's outstanding newspaper publishers and he is truly a fine gentleman.

While he is turning over his newspaper responsibilities to his two sons, Tom, Jr., and David Frier, we have an idea that Thomas Frier, along with his wife, Ruth, will continue to be in the forefront of "doing what is right" in their home area of Douglas and Coffee County where the Friers have already made significant contributions in church and civic activities.

Mr. Speaker, I wish to share the announcement of his retirement with my colleagues in the House of Representatives:

[From the Douglas (Ga.) Enterprise Jan. 13, 1977]

ENTERPRISE PUBLISHER THOMAS H. FRIER ANNOUNCES RETIREMENT

Announcement is made today of the retirement of Thomas H. Frier, 58, publisher of the Douglas Enterprise for the past 37½ years. His sons, Thomas H. Frier, Jr., and J. David Frier, will succeed him, assuming the active management of Enterprise Publishing Co., Inc.

A native of Douglas, the retiring publisher is son of the late W. R. Frier who operated the Enterprise for 31 years. He succeeded his father in 1939, immediately following graduation from the University of Georgia with an A.B. degree in journalism.

During these years Mr. Frier has seen the Enterprise grow from a small six-page, 800 circulation weekly to an average 32-page, 3,850 circulation community newspaper. Through these years the Enterprise has been the recipient of more than 60 state and national awards for excellence.

Publisher Frier's personal operation of the newspaper was interrupted only once back in the early 40s, when he saw service in the U.S. Army during World War II. In that critical period Mrs. Frier and one employee continued publication of the Enterprise until her husband's return in 1945.

Mr. Frier has been involved in community life through these years. He has served as president of the Douglas Rotary Club, being one of the organizers and charter members of this service club. His sustained interest in the economic development of Coffee County resulted in several tenures of service on the Chamber of Commerce board of directors and a term as president of the trade body.

In his profession, Mr. Frier has been active in the Georgia Press Association, serving several times on the board of managers, chairman of the annual Press Institute in Athens, and more recently as president of the Georgia Press Association. It was during his term of office that a building was purchased in Atlanta as the permanent home for the Association's central offices.

The Enterprise publisher is a member of Sigma Delta Chi, National professional journalism society.

Mr. Frier has been dedicated to his church and denomination, being a deacon in Douglas First Baptist Church. He has served as Sunday School Superintendent, member of the Building Committee responsible for erecting the present church plant, and chairman of the Bond Sales committee which raised the necessary funds for this construction.

Mr. Frier was one of the organizers of Eastside Baptist Church, working with the congregation while a mission of First Baptist.

In Baptist denominational life, Publisher Frier has served as moderator of the Smyrna Association, trustee of Baptist Village, member of the board of directors of the Christian Index, trustee of Norman College, member of the Georgia Baptist Convention Executive Committee, and the lay member from Georgia on the Southern Baptist Convention's Committee on Committees.

The retiring newspaper publisher has been on numerous Baptist lay missions, having worked with churches in Japan, Hong Kong and India. His effort in these areas was under supervision of the Southern Baptist Convention's Foreign Missions Board.

Future plans for the retiring newspaperman include completion of research and writing of a comprehensive history of the Douglas First Baptist Church, and contributions of special features to the Enterprise from time to time.

LEGISLATION TO PROVIDE DISASTER AID FOR EDUCATIONAL AGENCIES

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. ABDNOR. Mr. Speaker, I am today introducing a bill to amend Public Law 81–874, relating to financial assistance in federally affected areas. My bill would amend section 7(A) of the act to provide financial assistance to local educational agencies located in whole or in part within an area in which an emergency exists.

At the present time, the impact aid law provides assistance to school districts which suffer a loss of revenue due to a catastrophe which is declared by the President to be a "major disaster." Until such time as the President makes this declaration, there is no other avenue for schools in need of help, even for those schools within an emergency area.

In South Dakota, we are currently suffering the effects of one of the worst droughts in this history of the State. Although over two-thirds of the counties in South Dakota have been declared "emergency" areas, we have been unsuccessful in our attempts to obtain a "major disaster" designation. As a result, our schools are ineligible to receive Federal aid.

The drought has caused a significant reduction in the valuation of personal property in a great many school districts due to the forced selling of foundation cattle herds. Statewide, the livestock selloff is currently projected to be about 40 percent, with nine counties having an estimated selloff of over 70 percent. Since our school districts in South Dakota are primarily dependent on county property tax revenues, it is easy to see why they are faced with severe financial problems.

Mr. Speaker, to give you a better idea of the impact of the drought on many of our local educational agencies, I would like to share with you the remarks of the superintendent of one of our smaller school districts. The following is a part of a statement given by Superintendent John T. Biegler, Polo School District 29–2, Polo, S. Dak., to the State board of education on September 21, 1976:

I would to .... discuss the added impact that this drought will have on the small school.

First of all, the drought will force this school district to cut its General Fund expenditures by 32.23% or $32,000, for the next school year. The reason for this is because we, like many small schools in the state, are more dependent upon the assessed evaluation on agricultural property, than bigger school districts. In our case, 97.68% of our total assessed evaluation is agricultural property.... Unlike some school districts, we are at maximum mill levy. We will not have a significant carry over, nor do we have a substantial cushion built up.

Before the real problem for the small school is finding ways to cut. We offer 26½ units of credit—just one-half above the required minimum. So, we can't cut curriculum. That leaves activities. Certainly, as much I hate to, we can cut activities. But in our case, this would only result in a savings of $1,500 to $2,000, which is really not terribly significant when trying to cut $32,000.

So what do we do? In all honesty, and all sincerity, I don't know. Certainly we can borrow the money. But what scares me about that is what happens if we have another dry spring and summer.

Mr. Speaker, I would like to emphasize the fact that this is not an isolated case. While the situation described by Mr. Biegler is certainly one of the worst, it is also characteristic of the predicament that many other South Dakota school districts are facing. They are badly in need of help and have nowhere to turn. The South Dakota State Legislature, which is presently meeting in Pierre, is acutely aware of the problem and is doing all it can to ease the burden of our local educational agencies. However, the droughts has had a devastating impact throughout the State's economy, and the legislature will be hard-pressed to generate the funds necessary to provide additional aid to our schools.

Mr. Speaker, we have been working long and hard to try to convince Congress and the administration that a drought is a disaster that deserves the same attention as a flood, fire, hurricane, earthquake, or other catastrophe. We have made some progress in this effort, and it may be that we will receive a major disaster designation in the months ahead. Whether we are successful or not, I believe it is imperative that Congress provide a mechanism to give assistance to needy school districts. It is sad that the U.S. Congress is able to provide millions in aid to disaster victims in foreign lands, but we are oftentimes reluctant to provide help to our own citizens in times of need.

The legislation that I am introducing today would allow the Commissioner of Education to provide help to school dis-

tricts which are truly in need of financial assistance, whether they be located in major disaster areas or in emergency areas. As we all know, the declaration of a major disaster area is often a difficult decision to make, and because of this fact, it is important to give the Office of Education some flexibility in providing aid to local educational agencies. I urge my colleagues to join me in this effort to provide necessary educational opportunities for all our citizens.

Following is the text of the bill:

H.R. 2663

A bill to provide financial assistance to local educational agencies located in whole or in part within an area in which an emergency exists

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(a) of the Act entitled "An Act to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes" (Public Law 874, Eighty-first Congress, approved September 30, 1950, as amended; 20 U.S.C. 241–1 (a)(1)(A)), hereinafter referred to as the Act of September 30, 1950, is amended—

(1) by striking out clause (1)(A) and inserting in lieu thereof the following:

"(1)(A) the Director of the Office of Emergency Planning determines with respect to any local educational agency (including for the purpose of this section any other public agency which operates schools providing technical, vocational, or other special education to children of elementary or secondary school age) that such agency is located in whole or in part within an area in which an emergency (as defined in section 102(1) of the Disaster Relief Act of 1974 (42 U.S.C. 5122(1))) or a major disaster (as defined in section 102(2) of such Act (42 U.S.C. 5122 (2))) has occurred after August 30, 1965 and prior to July 1, 1978, which in the determination of the President pursuant to section 301 of such Act (42 U.S.C. 5141), is or threatens to be of sufficient severity or magnitude to warrant emergency or disaster assistance by the Federal Government; or";

(2) by striking out clause (1)(B) and inserting in lieu thereof the following:

"(B) the Commissioner determines with respect to any such agency, without regard to whether an emergency or major disaster has occurred in the area, that public elementary or secondary school facilities of such agency have been destroyed or seriously damaged prior to July 1, 1978, as a result of any of the catastropes listed in section 102(1) of such Act (42 U.S.C. 5122(1)), except any such catastrophe caused by negligence or malicious action; and"

(3) in clause (2) by striking out "disaster" and inserting in lieu thereof "emergency, major disaster, or catastrophe", and by inserting "emergency, major disaster, or" before "catastrophe";

(4) in clause (3) by striking out "disaster" and inserting in lieu thereof "emergency, major disaster, or catastrophe";

(5) in clause (4) by striking out "in the case of any such major disaster", and by striking out "impaired by such disaster" and inserting in lieu thereof "impaired by such emergency, major disaster, or catastrophe"; and

(6) in the portion that follows clause (4)—

(A) by striking out "such agency suffered a disaster" and inserting in lieu thereof "an emergency, major disaster, or catastrophe occurred" in the sentence beginning with "Such additional assistance";

(B) by striking out "disaster" and inserting in lieu thereof "emergency, major disaster, or catastrophe" in the sentence beginning with "The amount so provided for any fiscal year"; and

(C) by striking out "such agency has suffered a disaster" and inserting in lieu thereof "an emergency, major disaster, or catastrophe has occurred" in the last sentence.

SEC. 2 Section 7(b) of the Act of September 30, 1950 (20 U.S.C. 241–1(b)) is amended by striking out "disaster" in each place it appears and inserting in lieu thereof "emergency, major disaster, or catastrophe".

SEC. 3. The title of section 7 of the Act of September 30, 1950 (20 U.S.C. 241–1) is amended to read as follows: "Assistance for current school expenditures in cases of certain emergencies, major disasters, and catastrophes."

CATASTROPHIC HEALTH INSURANCE: IF YOU WANT IT, ALL YOU HAVE TO DO IS ASK FOR IT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. CRANE. Mr. Speaker, though HEW Secretary Califano stated during his confirmation hearings that he does not expect President Carter's plan for comprehensive national health insurance to be submitted to the Congress this year, it seems likely that we will be asked to consider a number of other proposals to provide Federal assistance for health care. As either an alternative to or a precursor of comprehensive NHI, legislation has been proposed that would provide mandatory and universal health insurance for catastrophic illnesses.

While I would not dispute the fact that some Americans experience great economic hardship as the result of accidents and long-term illnesses, which exhaust both their insurance benefits and savings, I feel that the need for nationalized catastrophic insurance has been greatly exaggerated. Before we adopt such a plan we must first examine whether the problem of catastrophic illnesses is sufficiently widespread to justify the great expense of Federal insurance.

Nearly all Americans are covered by either private health insurance or Government-financed medical care such as medicare, medicaid, CHAMPUS, or VA. More than 180 million of us have some kind of private health insurance plan and 135 million have a form of catastrophic coverage. Statistically, only 1 percent of the population is struck by catastrophic illness—bills of more than $2,000, and of those, more than 80 percent are over 65 and covered, therefore, by Government programs. For the remainder, private insurance and/or financial resources suffice to pay the bills of all but a few of these patients. The number of people left unprotected under our present system of mixed private and public coverage is hardly large enough to warrant a Federal program costing a minimum of $20 billion annually.

Aside from the fact that a catastrophic NHI plan would benefit only a small segment of the population, most of whom have no need for additional coverage, the adverse effects it would have on the Nation's health care system are potent arguments against its adoption. As with many other forms of national health insurance, there would be higher costs per beneficiary than under private plans, it would act as a disincentive for people to seek preventive or early treatment, it would encourage increased utilization of the more expensive services and create a further distortion of the allocation of health resources. Moreover, it would do nothing toward alleviating the problem of increased health costs, merely shift the burden of administering catastrophic insurance from the private to the public sector. The taxpayers now have the freedom to choose, from among many plans, the plan offering the amount of coverage they need or want at a price they can afford. Under a Government plan, the vast majority will be forced to pay much more in return for little additional benefits.

I believe that our present system has the capability to provide adequate catastrophic insurance coverage without Federal intervention and the ills that would inevitably accompany it. What is really needed is a greater public awareness of the availability of low-cost catastrophic insurance, not a mandatory and universal plan.

Mr. Llewellyn H. Rockwell, Jr., presented a clear and convincing case against the adoption of catastrophic NHI in the January 1977 issue of Private Practice magazine. I am inserting that article in the RECORD for the benefit of my colleagues:

PRIVATE CATASTROPHIC HEALTH INSURANCE FOR A FAMILY OF FOUR: $1 A WEEK

(By Llewellyn H. Rockwell, Jr.)

Americans aren't storming the Capitol demanding National Health Insurance. But the public support that does exist—leaving out those ideologically biased in favor of government control of everything—rests on the understandable fear of financial disaster through catastrophic illness.

Before we can rationally discuss the necessity or desirability of a catastrophic NHI bill, we need to answer some questions:

How widespread is catastrophic illness?

How available is private health insurance that will cover such illnesses and end the risk of financial wipeout for the average family?

How much does such coverage cost?

How many Americans already have this coverage?

For some families, a hospital bill of $750 would be catastrophic. Others could pay $7,500 without strain. In most studies, however, $2,000 and $5,000 are the most common figures.

Six years ago, Dr. Francis A. Davis made a study of catastrophic medical expenditures in Shawnee, Oklahoma, where he practices. Greater Shawnee, with a population of 50,000, was close to the U.S. average in numbers of hospital beds and hospital admissions per 1,000. In that year, he discovered, only one percent—72 patients—had bills of more than $2,000. Of those 72, 60—84%—were over 65 and already covered by a government program. Ten had private catastrophic coverage, and two had the resources to pay their own bills without trouble. Hardly a crisis. But what about the country as a whole in these days of significantly higher costs?

Health researcher Michael Meyer decided to find out. His results are reported in the best study of this question yet published. "Catastrophic Illnesses and Catastrophic

Health Insurance," sponsored by the Heritage Foundation of Washington DC (1974).

Meyer used a scientifically selected sample of 132 hospitals in 25 states involving almost 26,000 patients.

All kinds of hospitals were surveyed, but the psychiatric and other longterm hospitals provided some especially interesting data: "1. While psychiatric patients comprise only 2 percent of the total hospital admissions, the average psychiatric hospitalization is a catastrophic expense . . . approximately $8,000. 2. Patients in tubercular and other respiratory disease hospitals and longterm general hospitals, comprising .4 percent of the total hospital admissions, also have . . . catastrophic illness expenses (averaging) $6,000." This 2.4 percent of hospital admissions plays a disproportionate role in the total figures.

And 19.3 percent of all the patients in the survey were receiving Medicare assistance. But only 0.9 percent of all the patients whose bills were less than $9,000 were on Medicare; 40 percent of those whose bills exceeded $3,000 were Medicare patients.

The total results showed that:

8.7 percent of all patients had hospital expenses over $2,000.

.3 percent of all patients had hospital expenses over $10,000.

4.2 percent of all patients had hospital expenses over $5,000.

The increase over Dr. Davis's figures can be explained by the major contributors to rising medical costs: Medicare and Medicaid, government inflation of the money supply, and costly governmental hospital regulations.

Of course, only a minority of Americans go to the hospital in any one year. Applying these findings to the entire population, Meyer showed that .8 percent of all Americans have expenses in one year exceeding $5,000; but of this .8 percent, almost 80 percent are either psychiatric or Medicare patients. In other words, leaving aside these two special categories (where government is so heavily involved), only .16 percent of all Americans have seriously catastrophic expenses in any given year.

PRIVATE HEALTH INSURANCE

The private health insurance industry—like private medical care—is a supreme example of the way the free market responds to consumer demands. In 1847, the first health insurance company was founded. By 1940, about 12,000,000 held policies. Today, over 180 million Americans have some form of private health insurance, individually or as members of groups. 135,000,000, according to the Health Insurance Association of America, have some form of catastrophic coverage. 85.5 million have comprehensive major medical insurance which pays, often, 100 percent of everything over $1,000 (and usually 80 percent under that) up to a maximum that varies from $10,000 to $25,000, in most cases.

Most of the remainder of the population is covered under some government program: Medicare, Medicaid, Champus, or VA.

But what about people who don't have this coverage already? How much would it cost for them?

Financial advisor Sylvia Porter points out that catastrophic coverage, which piggybacks on major medical, is surprisingly inexpensive. A policy that pays all expenses up to $250,000, with a $10,000 deductible, costs a person in the 25–29 age bracket $22 a year. Children are $4 each. For a young family of four, in other words, catastrophic coverage costs $52 a year. For the individual 35 years old, the cost is $32. At 45, it's $40; at 50, $44; at 55, $48. Between the ages of 60 and 64, the cost is still only $52 a year.

CATASTROPHIC NHI

A number of catastrophic National Health Insurance bills have been introduced into Congress. Long-Ribicoff is the best known. Despite his apparent commitment to a Kennedy-Corman-style comprehensive NHI plan, some Washington observers believe President Carter will propose catastrophic coverage as a first step toward a complete government takeover of the medical care system.

Most probably, such a plan would pay all expenses over $2,000. And the cost the first year, the Congress of County Medical Societies estimates, would be about $20 billion. That is, about $370 for a family of four—vastly more expensive than private coverage. And given the example of past government medical programs, we could expect the cost to grow at a frightening rate.

Of course, $20 billion is a fraction of what comprehensive NHI would cost. But even it would exert a high price in bureaucratic controls on patients and doctors, with plenty of incentives to shoddy care and corruption thrown in, if Medicaid is any guide.

Although it would be the least onerous form of NHI, the distortions it would introduce into the marketplace might make catastrophic NHI the beginning of the end for private medical care in America.

The key to stopping this kind of government intervention in medicine is doctors informing patients about the private, nonbureaucratic coverage available now. If millions more buy it, the cost will drop dramatically.

Organized medicine and lobbyists for the health insurance industry are working for their own forms of government medicine, spending millions in the process. They don't really believe in it, but see it as a preferable alternative to Kennedy-Corman.

But what if they spent their time and money telling the American people about the private coverage available, and encouraging pools and other non-governmental solutions to insurance for the presently non-insurable? The promoters of government-controlled medicine might not have a chance.

A WAY TO SAVE ENERGY

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. COHEN. Mr. Speaker, the events of the past week throughout the eastern two-thirds of our Nation should convince all Americans—especially those of us in Congress—of the perilous energy situation facing the United States. Not since the Arab oil embargo of 1973 has the need been more apparent for Congress to take quick steps to conserve our ever-diminishing supplies of all forms of fossil fuels.

Perhaps the most alarming and shameful fact to emerge from the present crisis is that as a society, we waste at least one-third of the total energy we consume. Several experts have put this figure even higher. Clearly, encouraging greater energy conservation and more efficient use of existing fuel supplies has become a major national priority.

One of the most elementary, yet important steps that can be taken in the conservation area is to increase the energy efficiency of existing residential structures by seeing that they are properly insulated. The average uninsulated house wastes about 700 gallons of fuel each year, and, in the present economic climate, we simply cannot tolerate that kind of waste. Indeed, studies show that 35 million American homes waste the equivalent of 130 million barrels of oil annually, simply because they lack adequate insulation. Further, home heating units can frequently be made more energy efficient with regular maintenance and the installation of certain devices which will improve the thermal efficiency of the system.

In an attempt to provide homeowners with both the ability and incentive to make energy saving improvements, I introduced H.R. 1466 on January 6. This legislation would amend the Internal Revenue Code to permit the individual a tax credit for 25 percent of amounts paid or incurred for the installation of more effective insulation and heating equipment in existing residential structures up to a total of $375 to $750 in the case of a joint return. The concept embodied in this measure enjoyed wide support in the Congress last session, only to be dropped by the conference on the Tax Reform Act of 1976. It has the endorsement of numerous energy experts, including former Federal Energy Administrators John Sawhill and Frank Zarb.

In the one week since I wrote to my colleagues asking them to join me in supporting this bill, 35 Members have agreed to cosponsor my conservation legislation. The cosponsors, who represent both parties and all regions of the Nation, include:

Mr. Harrington of Massachusetts.
Mr. Mazzoli of Kentucky.
Mr. Lagomarsino of California.
Mr. Lehman of Florida.
Mr. Wilson of Texas.
Mr. Broyhill of North Carolina.
Mr. Moakley of Massachusetts.
Mr. Kostmayer of Pennsylvania.
Mr. Corcoran of Illinois.
Mr. Thompson of New Jersey.
Mr. Lott of Mississippi.
Mr. Moorhead of California.
Ms. Mikulski of Maryland.
Mr. Lujan of New Mexico.
Mr. English of Oklahoma.
Mrs. Fenwick of New Jersey.
Mr. Horton of New York.
Mr. Miller of Ohio.
Mr. Heftel of Hawaii.
Mr. Andrews of North Dakota.
Mr. Cleveland of New Hampshire.
Mr. Davis of South Carolina.
Mrs. Meyner of New Jersey.
Mr. Edgar of Pennsylvania.
Mr. Studds of Massachusetts.
Mr. Corrada of Puerto Rico.
Mr. Hughes of New Jersey.
Mr. Coughlin of Pennsylvania.
Mr. Gephardt of Missouri.
Mr. Cederberg of Michigan.
Mr. Gilman of New York.
Mr. Fish of New York.
Mr. Treen of Louisiana.
Mr. Long of Maryland.
Mr. McKinney of Connecticut.

I urge all of my colleagues who share our concern over America's profligate use of energy to join us in sponsoring this bill. Action now is imperative. If we delay, the warm breezes of April and May may wipe all memory of this winter's unpleasantness from our minds—increasing the likelihood of an even greater disaster next winter.

If you wish to cosponsor this timely measure, please contact Tom Heyerdahl of my staff at 56306 at your earliest opportunity.

THE CONGRESSIONAL PAY RAISE CAPER

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. ARMSTRONG. Mr. Speaker, it used to be that the only way we could get a pay raise was to stand up and publicly vote on it—a method which forced us to listen to the feelings of our constituents back home. It was a good system, and the vote to fatten one's own pay check was not taken often or lightly.

But that is in the past now. In the summer of 1975, Congress adroitly insulated itself from ever again having to run the pay-raise gauntlet.

Assiduously avoiding any publicity, we hooked ourselves onto a mechanism that will mean semiautomatic pay raises year after year. Ironically, this means that we lawmakers, who in recent years have contributed so much to the spiraling cost of living, have pretty well removed ourselves from the consequences of inflation.

From now on, every year that salaries go up generally in the Nation, Congressmen will get a pay increase. There may be some quibbling over the size of the raise, but the trend will be inevitably and regularly upward.

In 1974, we debated a pay raise for ourselves, then backed down as the U.S. public, ravaged by inflation, let us know in no uncertain terms that our salaries of $42,500-a-year seemed adequate. Thereupon, Members in both the House and Senate decided to set up machinery that would end the embarrassment of having always to ask our employer—the public—for a raise.

The greatest obstacle to this scheme was public opinion. So, in early 1975, planning was quietly begun among officials of the Civil Service Commission, the White House, the Office of Management and Budget, and key officials of the House and Senate Post Office and Civil Service Committees. In time, the majority and minority staffs of the two committees drafted a bill that would give Congressmen, Federal judges, and high—$36,000-a-year and up—Federal executives the same percentage cost-of-living pay hikes that all Federal employees receive—under the Pay Comparability Act of 1970—to keep their salaries in line with those paid in comparable non-Government jobs.

The whole operation was carried out in utmost secrecy. "We didn't want the facts to get out before it was done," admits one of the bill's engineers "We wanted to move on this thing before editorial writers could have a field day." Each step was taken, as the nonpartisan Congressional Quarterly noted, "on the assumption that routine handling would doom the bill to failure," that full debate would trigger angry public reaction.

Thus, the bill's managers decided on an old parliamentary ploy: Tacking the pay raise onto a noncontroversial, totally unrelated bill ready for quick floor passage. On June 16, the House passed by voice vote and sent to the Senate a minor bill instituting a job-safety program for postal workers. Acting behind closed doors, the Senate Post Office and Civil Service Committee added the pay-raise proposal to the House-passed bill. On July 29, the bill was ratified by the full Senate, 58 to 29, and sent back to the House.

Did the proposal languish in the House Rules Committee, as run-of-the-mill legislation so often does? Not at all. The next morning, the committee, by a voice vote, suspended its rules in order to allow the bill to be considered on the floor that very afternoon, July 30.

Debate lasted less than an hour. Supporters of the bill said flatly that they deserved a pay raise. Opponents called the procedure a "sly backdoor trick" by which Members were assuring themselves future pay raises without the political risk of recorded votes. When the roll was first tallied, the opponents' arguments seemed to have carried. But House Speaker Carl Albert ordered the voting machinery kept open, and several lawmakers were persuaded to change their votes. The result was approval by one vote: 214–213.

A month later, the President's Advisory Committee on Federal Pay recommended an 8.66-percent cost-of-living increase for Federal white-collar workers. And, for the first time, Congressmen and others were included. President Ford asked that the raise be held to 5 percent. Although his recommendation carried, it was merely a choice between a larger or smaller salary increase.

When the legislative appropriations bill was considered in the summer of 1976, a number of amendments were suggested. While most were barred from even being considered by adoption of a modified closed rule, Congress did vote to forego a pay raise—but just for 1976.

The way this amendment was drafted, however, left two enormous loopholes. First, the automatic pay raise machinery was left intact. So an automatic pay hike will take place again in 1977, and 1978, et cetera, unless corrective legislation is adopted.

Second, the language allowed the recommendation of the quadrennial Commission on Executive, Legislative and Judicial Salaries to be adopted. This chicanery meant that Congress could vote against a pay boost and still get it.

But the basic fact remains: The law now precludes the opportunity to vote on the more pertinent question of whether there should be pay raises at all.

My opposition to pay increases is not based on my estimate of what Congressmen should be paid—and, to be sure, the last previous pay raise was in 1969. Instead, I am concerned about the example set for the Nation. Our economic system has been seriously damaged by Congress fiscal irresponsibility. We are not yet recovered from a recession and the accompanying high unemployment caused by runaway Federal spending, and already we are seeing grim signs that continued deficit financing may touch off new double-digit inflation. Under such circumstances, this is a time for restraint. But, instead of giving Americans a demonstration of prudence and sacrifice, Congress has given them an example of self-indulgence.

Worse, we have engaged in political chicanery in doing it.

For these reasons, I have joined with 70 other Representatives in introducing legislation to rescind the cost-of-living machinery and to require roll-call votes on all future congressional salary increases. This legislation was bottled up in committee during the last Congress, and only the public outraged at the long way we have gone toward inflation-proofing ourselves and our counterparts in the executive and judicial branches—can spring it loose for consideration.

For the time being, it seems to me that we in Congress have become a little less representative than before. Our constituents are being savaged by inflation—most of them not fortunate enough to get automatic cost-of-living increases. As a reminder that the Nation's economic troubles have been caused, in large part, by Congress, and will not be cured until Congress has the wisdom and courage to do so, I think we ought to suffer along with the people who elected us.

LEARNING FROM HISTORY

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. ABDNOR. Mr. Speaker, three events and proposals of recent weeks disturb me deeply because they all hinge on our ability to defend ourselves and our relationship with the free world. I have previously told my colleagues of my objections to the amnesty for Vietnam draft evaders which is now fact. My concern is also addressed to the proposed recognition of Vietnam and the proposals for reduction in defense spending.

Whether we like it or not, every action we take is carefully watched by the rest of the world. We are recognized as the sole guardian of the concept of individual freedom on this globe, and as long as we remain strong in our capability to defend this principle we will be respected. Should, however, our actions as a nation be perceived anywhere as wavering in our strength and our determination to preserve freedom, weaker nations lacking the courage and resolve to stand alone, will flock to where they believe the strength lies. And therein lies the peril of this trio of events.

In a recent editorial on Radio KKLS, Rapid City, S. Dak., Abner Hunter George reflected on our recent Bicentennial observance and whether we had, indeed, learned the lessons from our past mistakes with relation to our place in the world that we should have learned. His remarks bear heeding by my colleagues:

EDITORIAL BY ABNER HUNTER GEORGE ON JANUARY 19, 1977

As I look back on the just completed Bicentennial celebration and consider what it all meant, I wonder if we failed to take note of some of the lessons of History. One major part of that year long look at our-

selves was to look back over the first two hundred years to see what we did right . . . and what we did wrong . . . in an effort to apply the lessons learned over the past two hundred years to make the next hundred years better.

Maybe, in our efforts to have a joyous celebration, we spent an inordinate amount of time on the good times of the past at the expense of the lessons we should have learned from the hard times. Did we neglect to look carefully at some of the mistakes we made? Are we in danger of repeating some of them? I see signs that we very likely might fall into some traps that proved to be serious blunders in fairly recent history.

I was born during world war one . . . the war to make the world safe for democracy . . . and grew up in the interim before world war two . . . the war to end wars. I served in the army in world war two, not gloriously waving our cherished banner on high, but rather in the day after day drudgery that is more the real story of war than the flaming battles for territory.

You don't have to be clairvoyant to realize that the world is neither safe for Democracy, nor safe from war. The day to day reports of world events are ample proof of that.

Why then, does it seem to me that we are going down the same path now that we trod in the twenty odd years between the two world wars. I remember while I was in college in the 1930's how unpopular it was to maintain a reasonable defense establishment. The great depression was upon us. We had to do without the guns and the other weapons of war. We didn't need a trained army or even a reserve force. The ROTC was eliminated as a requirement for young men in college. The world was at peace . . . We had other, more pressing problems. When war came, we were completely unprepared. I can remember walking guard duty at Fort Francis E Warren with a baseball bat instead of a rifle.

I wonder now if our country had even been half prepared for the turn in world events if that war would ever have happened. I wonder too, if todays leaders are making the same kind of tragic decisions when they refuse to provide modern weapons systems and call for further reductions in the armed forces. I hope we are never foolish enough to think that the world will be a safe place without a strong, ready and well equipped defense establishment. Just look back at the past fifty years and think about it.

Thank you.

ABNER HUNTER GEORGE.

COFFEE AND YOUR HEALTH

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. ROSENTHAL. Mr. Speaker, there may be a silver lining behind that cloud over the world coffee supply. Soaring prices may turn out to be a boon for the health of coffee drinkers if it causes them to cut consumption.

The reason is caffeine, a powerful drug that stimulates the central nervous system. It is the ingredient that gives coffee, a nutritionless beverage, its distinctive popularity as a "pick-me-up."

A 6-ounce cup of brewed coffee has between 100 and 150 milligrams of Caffeine, about double the amount in tea and cola drinks; instant coffee falls somewhere in between.

Although limited amounts of caffeine may help clear the mind, fend off drowsiness and speed up reaction time, it can cause many undesirable effects.

These are pointed out in the personal health column of Wednesday's New York Times by writer Jane E. Brody.

Brody reports:

Large doses of caffeine—the result, say, of drinking several cups of coffee at one time or 10 or more cups a day—can cause irregular or rapid heart beats; insomnia; upset stomach; increased breathing rates, blood pressure and body temperature, nervousness and irritability.

Caffeine and even decaffeinated coffee stimulate the release of acid in the stomach, and therefore coffee in any form is ill-advised for ulcer patients. Patients with high blood pressure or fever may also be told to avoid caffeine, since it raises both body temperature and blood pressure.

Since November I have been urging coffee drinkers to boycott the brew. Many have responded and there are signs that the impact is being felt. But the heavy coffee drinker may encounter serious withdrawal symptoms—headache, nausea, vomiting, depression, drowsiness—by going cold turkey; these persons should be weaned gradually.

I commend Ms. Brody's column to my colleagues and am inserting it in the RECORD at this point:

[From the New York Times, Jan. 26, 1977]

PERSONAL HEALTH: CAFFEINE, A TWO-FACED DRUG, NO MATTER HOW YOU TAKE IT

(By Jane E. Brody)

"Light, no sugar" . . . "Regular" . . . "Black." . . . Few who have grown up in the Eastern part of this country need to be told that these orders refer to the all-American drink—coffee. More than half the world's coffee beans are brewed here. The average adult American consumes 16 pounds, or approximately 800 cups, each year of this brown, nonnutritive liquid extracted from the beans of Coffee arabica and related spices.

But whether drunk light or dark, sweet or bitter, hot or iced, with caffeine or without, one cup a day or 10, many people are confused about the effects—good and bad—of coffee and its constituents and where else these inngredients may be obtained.

Recently the soaring price of coffee has forced some to think seriously about the role coffee plays in their lives and whether they could—or would want to—give it up or at least reduce their consumption of it.

The most important ingredient in coffee—and the one primarily responsible for its continuing popularity—is caffeine, a drug that powerfully stimulates the central nervous system and gives that familiar coffee "lift." Caffeine clears away mental cobwebs, relieves drowsiness, masks fatigue and creates for many a general sense of well-being.

Its antisleep properties led, according to legend, to coffee's discovery some thousand years ago by Arabian sheperds who watched their charges gambol about all night after eating the berries of the coffee plant.

Caffeine in small doses helps produce a clearer train of thought, a keener appreciation of sensory stimuli and a swifter reaction time. Its "pick-me-up" properties largely account for the popularity of cola drinks, 20 ounces of which have roughly the same amount of caffeine as a six-ounce cup of brewed coffee.

Since children are more sensitive to the stimulant effects of caffeine than adults, some doctors discourage youngsters from drinking colas and cocoa (depending on the source of the chocolate, cocoa can have as much as half the caffeine as a cup of coffee). In addition to stimulating the brain, caffeine stimulates the kidneys to produce more urine.

Caffeine's virtues have prompted many drug manufacturers to include it in medications designed to relieve pain, premenstrual tension and cold symptoms (where it counters the drowsiness produced by antihistamines). Caffeine is also the active ingredient in over-the-counter drugs to help people stay awake. In fact, the dose of caffeine in a single stimulant tablet is no greater than that in a cup of brewed coffee, but the unaware consumer may pay a lot more for caffeine in the drug than in the drink.

Caffeine, which constricts cerebral blood vessels, is used to treat migraine-type headaches and to counter the effects of drugs that depress the central nervous system. It is being studied as a treatment for hyperactivity in children (in whom it has a calming effect) and to stimulate breathing in premature babies who tend to stop breathing during sleep.

At the same time, however, caffeine may have untoward effects. It can interfere with fine muscular coordination and, possibly, accuracy of timing. Large doses of caffeine—the result, say, of drinking several cups of coffee at one time or 10 or more cups a day—can cause irregular or rapid heart beats; insomnia; upset stomach; increased breathing rates, blood pressure and body temperature; nervousness and irritability.

Caffeine "addicts" have sometimes been mistakenly diagnosed as suffering from an anxiety attack and treated incorrectly with tranquilizers instead of eliminating the cause of their difficulty.

Sometimes caffeine has paradoxical effects. In some people it may cause a headache; in others it may relieve one. In some it raises the amount of sugar in the blood; in others it lowers it (and may consequently stimulate hunger pangs or, rarely, a hypoglycemic reaction—a dizzy, weak, nauseated, headachy, irritable feeling).

The effects of caffeine show up within 30 to 60 minutes of its ingestion and last several hours. Half the amount consumed is gone from the body within three and a half hours.

The source of caffeine does not seem to make much difference in how rapidly it is absorbed into the blood, how high a level is reached and how long it stays around. Many people believe that while coffee in the evening will keep them awake, tea won't.

A cup of tea does have less caffeine than coffee—between half and three-quarters the amount. But one careful study showed that on an empty stomach, the caffeine in tea is absorbed as readily as that in coffee, and when the same doses of caffeine are given as tea or coffee, the same levels of caffeine are reached in the blood. Instant coffee has less caffeine than brewed coffee, but more than tea.

Caffeine and even decaffeinated coffee stimulate the release of acids in the stomach, and therefore coffee in any form is ill-advised for ulcer patients. Patients with high blood pressure or fever may also be told to avoid caffeine, since it raises both body temperature and blood pressure.

Although one major study indicated that coffee drinkers face an increased risk of heart attack, two subsequent studies that took other factors—including cigarette smoking—into account found no such relationship.

There have also been suggestions that excessive coffee intake during pregnancy may increase the risk of stillbirth, miscarriage or malformations in the child. Although this relationship has by no means been proved, moderation in the use of caffeine-containing substances during pregnancy would seem wise.

An initial suggestion that coffee consumption may increase the risk of bladder cancer has not stood the test of further research. In laboratory studies, caffeine can cause cancer-like changes in cells at doses 20 to 40 times higher than the highest level ever measured in a habitual coffee drinker.

At lower doses, caffeine seems to inhibit the cancer inducing effects of other chemicals, and thus may be protective. However, British studies suggested that another substance in coffee, chlorogenic acid, may enhance the formation of cancer-causing nitrosamines in the stomach.

Heavy coffee drinkers who decide to break their addiction to caffeine should beware of abrupt withdrawal. Dr. Morris A. Shorofsky of Beth Israel Hospital in New York reports that sudden withdrawal can cause headache, nausea and vomiting, mental depression, drowsiness and a disinclination to work. The symptoms, which begin 12 to 16 hours after the last dose of caffeine, can be relieved by caffeine.

The best way to withdraw from caffeine, Dr. Shorofsky advises, is slowly, weaning yourself a cup or two at a time over a period of a week or more.

Caffeine content of common products

[Amount caffeine per serving in milligrams]	
Foods and beverages:	
Brewed coffee, 6 oz. cup	100–150
Instant coffee, 6 oz. cup	86–99
Decaffeinated coffee, 6 oz. cup	2–4
Tea, 6 oz. cup	60–75
Cocoa, 6 oz. cup	50
Cola, and Dr. Pepper, 12 oz	40–72
Milk chocolate, 1 oz	3
Bittersweet chocolate, 1 oz	25
[Amount caffeine per tablet in milligrams]	
Prescription drugs:	
Cafergot	100
Darvon compound	32
Fiorinal	40
Migral	50
[Amount caffeine per tablet in milligrams]	
Over-the-counter drugs:	
APC's, Anacin, Bromo Seltzer, Cope, Vanquish, Empirin compound, Midol, Easy-Mens	32
Excedrin	60
Pre-Mens	66
Many cold preparations	30
Many stimulants, such as NoDoz	100

FLEXTIME: AN IDEA WHOSE TIME HAS COME

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. SOLARZ. Mr. Speaker, I am introducing legislation to enable and stimulate new experimentation in the use of flexitime work schedules—called flexitime—and compressed schedules in the Federal Civil Service.

This bill addresses two major problems facing our Nation: the need to increase the efficiency of the Federal bureaucracy and the need to conserve energy. Virtually everywhere it has been tried, flexitime has increased productivity, apparently for two kinds of reasons: First, employees are present for more hours since they make less use of leave time; and second, the hours spent are more productive—because they fit better with employees' biological clocks, because very early and very late hours involve fewer interruptions, because work schedules can mesh better with actual work flow, and because employees have a greater sense of personal responsibility for getting their jobs done, and perhaps for other reasons as well. Since productivity rises and since the costs of introducing a flexitime program are small, this clearly means an increase in efficiency.

How does flexitime conserve energy? Chiefly by reducing gasoline consumption because rush hour traffic is spread out and thus relieved. Savings made in this way can be substantial. One study done by the Messerschmitt Co. in Germany estimated that 19,000 gallons of gasoline were saved in 1 year by the 775 employees on flexitime.

Compressed hours schedules can also save on costs of heating buildings if an entire office or factory is on the same 4-day schedule. The cost of warming up a cold building each morning after a night of low or no heat need be borne only four times a week instead of five. The Governor of Minnesota is now putting all State employees temporarily on a 4-day week for just this reason during the current energy crisis caused by this winter's unusually cold weather.

In addition to these broad social benefits, flexitime offers important rewards to both management and labor: higher morale among employees; reduced use of overtime, sick leave and personal leave; virtual elimination of tardiness; lengthening of hours of service to the public at no extra cost; greater convenience to employees for combining work hours with personal and family responsibilities and with education; reduced personnel turnover; greater sense of responsibility by employees in organizing their own work; and so on. The disadvantages appear to be negligible.

Virtually every firm or agency which has tried flexitime is enthusiastic about it. And it has been tried extensively, since its introduction in West Germany 10 years ago. Today, 50 percent of the white collar work force in West Germany and 40 percent of the entire Swiss work-force are on flexitime. In the United States, such diverse companies as Hewlett-Packard, Scott Paper, Sun Oil, and Occidental Insurance are on flexitime. Within our Government, some 70,000 employees in over 50 units are already on a limited form of flexitime, including civil servants in the Baltimore office of the Social Security Administration, the U.S. Army Tank Automotive Command and the U.S. Army Natick Labs.

Compressed hours schedules are appropriate for a more limited number of agencies and employees, but where they are appropriate they provide important benefits in reduced commuting time, lower start-up and shut-down costs, and more meaningful blocks of leisure time. They usually involve a 4-day, 40-hour week, sometimes alternating with standard 5-day weeks.

The legislation I am proposing would amend existing legislation so as to make compressed schedules possible and to permit workers under flexitime to bank credit hours from day to day and from week to week, provided they continue to average 8 hours a day and 40 hours a week. The legislation is necessary because existing law forbids a workday of more than 8 hours and a workweek of more than 40 hours without premium pay. This bill would also permit night work under certain circumstances without premium pay.

Let me give some clarifying examples. Under existing legislation, employees could choose to begin their workday any time between, say 6:30 and 9:30 and to end the day between 2:30 and 5:30, provided they worked a full 8 hours. Under my bill the workday could also begin and end later, although there would still be "core" hours in the middle of the day when all employees would have to be present. Also under my bill, an employee could choose to work, say, 10 hours 1 day and 6 hours on a later day, or 45 hours 1 week and 35 hours another week, provided the workday still averaged 8 hours and the workweek still averaged 40 hours.

The bill would also protect employees against coercion in the implementation of these programs. In addition, it would stimulate the spread of flexitime by having every Federal agency conduct one or more experiments with flexible hours. Agencies for which this would be substantially disruptive could apply to the Civil Service Commission for an exemption. The Civil Service Commission would also study the experiments in order to make recommendations to the agencies about the most effective use of flexitime and to Congress about further legislation.

Flexitime is one of those rare ideas which are good for both management and labor, as it both raises productivity and humanizes work. Numerous studies have amply demonstrated the desirability of flexitime in general; what remains to be studied is its application in specific Federal agencies. It is for this reason that my bill provides for at least one experiment in each agency. Wherever flexitime has been tried, it has been such a success that it has spread rapidly. This is an idea whose time has come.

INTRODUCES BILL WITH INCENTIVE TO INCREASE WORK FORCES

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. DERRICK. Mr. Speaker, today I introduced a bill to provide a significant tax incentive to the private sector to increase their work forces. Under my bill each employer would receive a tax credit of 50 percent of the wages of all new employees. The credit could not be used for more than 10 new hires and cannot exceed $80,000 a year.

Greater reliance must be placed on the private sector if we are going to get our economy back to full employment. We must get to full employment quickly if we are to balance the budget and allow all our citizens to enjoy the dignity and financial security which comes from

having a full-time job. Right now there are more than 9 million people who are unemployed or who have simply given up looking for work. Providing them with welfare drains the Treasury and their plight touches all of us who have known the fear, and the loss of personal pride which comes from being unemployed.

My bill offers a large incentive to employers to hire new people. The 50-percent tax credit means that the Federal Government is willing to go half-way with the private sector to solve our number one domestic problem—unemployment. Every job created because of this new tax incentive costs the Federal Government $3,100. This compares with the costs of a public service employment job of $8,500; a public works job of $10,000 to $12,000.

The Congressional Budget Office has projected that 7 million new jobs are needed by 1980 to absorb the new entrants to the labor force and to reduce the unemployment rate to 5 percent. While the public sector performs essential services and employment there will grow we must place major emphasis on the private sector to provide jobs for our people. Eighty percent of the work force is employed in the private sector and it has been the growth of the private sector which has made our economy the strongest in history.

After taking into account the normal growth of the labor force and employment my preliminary estimate is that this employment tax credit will induce the creation of 1.5 million jobs. This estimate is being currently evaluated by the Congressional Budget Office and the Department of Treasury. The average cost per job, under the tax credit proposal, is about $3,000. This compares to $8,500 per job for public service employment, $10,000 to $12,000 per job under the accelerated public works program, and $9,000 to $11,000 for Job Corps and WIN training slots.

The bill does not make the employment tax credit a permanent feature of the tax code. There is a "sunset provision" under which the credit expires automatically after 5 years unless explicitly renewed by the Congress. Furthermore, the Secretary of Treasury is required to report to Congress, during the second and fourth years of implementation, an evaluation of the employment creation effects of the credit, its net revenue loss to the Treasury, and other information required for a comprehensive congressional review.

This bill cannot cost "too much." Every dollar spent supports the private sector, provides jobs, and fights inflation.

The bill provides for a refundable employment tax credit of 50% of the wages of employees hired after the "base quarter"; each firm can claim the credit for up to 10 "new" employees; there is a maximum credit of $80,000 allowed for any taxable year. While the tax credit is available to all employers, because of the limitations on the number of new hires and the maximum credit for each firm, we expect the credit to have its greatest impact on small, labor-intensive firms and industries. Almost half of American workers are employed in the wholesale and retail trades, the service industries, and in small manufacturing companies. Almost two-thirds of all U.S. employers have less than eight employees.

Of course some portion of this tax credit will reduce labor costs of those employees who would have been hired without the tax credit and not induce new hirings.[1] It is probably impossible to prevent such "leagages"; elaborate and cumbersome administrative procedures could be developed to mitigate these effects but they probably would not work and their major impact would be to deter employers from using the tax credit at all. Besides the economic impact of whatever leakages occur is saluatory; using the credit for noninduced employment increases has an identical impact on the firm as any reduction in their taxes. By lowering costs such a general tax reduction reduces pressures on firms to raise their prices, viz. it has an anti-inflation effect.

Where the cerdit is used to increase employment we would expect an increase in real output. By stimulating employment and output the tax credit would not place pressure on prices as do many traditional employment stimulating programs, for example, public service employment increases income but does not increase the supply of goods and services available in the marketplace.

General tax reductions and tax incentives to increase investment help stimulate employment, but they are indirect and inefficient tools for job creation. By directly reducing the costs of hiring new people the Federal Government can directly and efficiently induce firms to expand their work forces.

CRITICISM OF FRANCE'S RELEASE OF ABU DAOUD CONTINUES

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. DRINAN. Mr. Speaker, the shock wave created by a French court's hasty release of the international terrorist known as Abu Daoud continues to reverberate. Men of conscience continue to criticize the decision to free one of the alleged perpetrators of the massacre of the Israel athletes at the Munich Olympics, despite extradition requests from two nations.

France has repeatedly asserted various legal grounds which rendered invalid the extradition requests from the Federal Republic of Germany and Israel; the latter two nations have just as vigorously argued that they complied with international law in their requests that the French authorities detain Abu Daoud. The issue, however, turns ultimately not on narrow procedural rules of international law, but on broad principles of morality and justice. As Dr. Alfred P. Rubin, professor of international law at the Fletcher School of Law and Diplomacy at Tufts University, wrote in the commentary in the Christian Science Monitor on January 27:

> There may be some doubt whether France was legally obligated by its extradition treaties . . . but, having determined to expel Abu Daoud as an undesirable alien, there was no legal inhibition on France expelling him on an airplane whose next stop would have been Bonn or Tel Aviv.

An outstanding editorial on this matter in the January 13 edition of the Waltham, Mass., News-Tribune, makes the same essential point:

> What is shocking about the decision in the French court is that a major civilized country of the west had second thoughts about bringing to justice a mass murderer of 11 innocent young men at the Olympics.

It is essential that the protests against the release of Abu Daoud not fade quickly into the background. The ease with which Abu Daoud escaped justice stands as a source of encouragement to would-be terrorists throughout the world. Men and nations committed to justice and to the fight against international terrorism must continue to make known their outrage at the French court's action and their determination to deal justly and courageously with terrorists.

I commend to the attention of my colleagues the essay by Dr. Rubin which appeared in the Christian Science Monitor and the Waltham News-Tribune editorial, which follow:

ABU DAOUD CASE: FLOUTING WORLD LAW

(By Alfred P. Rubin)

Abu Daoud, accused of participating in the killing of Israeli athletes at the Munich Olympic Games in 1972, has been released by France and has flown off to Algeria. There may be some doubt whether France was legally obliged by its extradition treaties to turn him over to the police of West Germany, where his alleged crimes had their major effect, or to Israel, whose nationals were the victims of his alleged crimes. But, having determined to expel Abu Daoud as an undesirable alien, there was no legal inhibition on France expelling him on an airplane whose next stop would have been Bonn or Tel Aviv.

The legal effect of France permitting this accused accomplice of murder in West Germany to choose his own exit route was to treat him better than the law would have permitted had he been at all times a member of the armed forces of a state. The killing of civilians or, indeed, members of a surrendered enemy military force is a so-called "grave breach of the 1949 Geneva Conventions. Parties to those conventions, including France, West Germany, and Israel, are obliged "to search for persons alleged to have committed . . . such grave breaches, and . . . bring such persons, regardless of their nationality, before [their] own courts" or hand them over to other of the parties for trial. Assuming Abu Daoud acted as a soldier, there can be little doubt that France has violated this international obligation now, joining Algeria, Libya, Uganda, and other states in this regard.

France has also apparently violated the general international law, based on custom and common sense, that in an international order in which the principal actors assert for

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[1] This issue is relevant for all Federal tax and spending programs, e.g., how much investment would have taken place in the absence of the investment tax credit, how many people would be hired by state and local governments without public service employment, how much job training would be given by industry without the JOBS program.

themselves the exclusive right to govern their own territory, and in which all states are equal before the law, it is forbidden to permit your territory to be a haven for those, whether politically motivated or not, who commit depredations in other states' territory. It is a rule that is asserted in their own favor by communist and third-world states as well as by the United States and Western Europe. It is the basis for Cuban complaints aimed at the United States, and American agreement that the U.S. has some responsibility to control anti-Castro activities based on its territory.

It may be supposed that the desire to stay out of other people's quarrels, to avoid involvement in the Arab-Israeli conflict, motivated this French breach of international law and will inhibit the United States and other states making their views known to France and Algeria, as it has kept the U.S. officially silent before other haven situations.

But to argue that this negative encouragement to political assassinations in third states' territory can help to keep France or the U.S. uninvolved defies rationality. And to argue that the United States is not affected legally by this failure to apply the law in a case involving a person accused of complicity in a publicity-seeking orgy of killing is to forget that the U.S. too can be host to Olympic Games, and that there are many foreigners in the United States whose countries of origin are troubled by political groups willing to use assassination to relieve them of some opposition based abroad, even when that opposition uses no other weapons than America's free press.

In reality, the silence of the United States is a condoning of France, and generally of political assassination in third countries, including the United States.

Finally, it may be argued that the case of Israel and the Arabs is somehow special; that the economic and political importance of some Arab states outweighs the social value of upholding the rights of little Israel, just as a prosecuting district attorney may choose not to apply the full vigor of the law to a white-collar criminal whose victim is not highly regarded socially.

To state the comparison is to expose hypocrisy, not to justify it. Moreover, the victim in this case is not only Israel, it is also West Germany, whose criminal laws were violated by the 1972 Munich murders. And it is also the United States, whose longer-range interest in Western European unity and the continued credibility of the mutual defense commitments of France, West Germany, and our other NATO allies, that is involved.

Most generally, it is the legal order, that long-ignored and subverted bulwark of America's security and world stability, that loses force. How is it possible to claim the benefits of a law that assertedly forbids the taking of foreign investors' property without prompt, adequate and effective compensation, as the U.S. does, when it is silent about the legal consequences the same system attaches to the taking of life? To make a "special" exception from stabilizing rules in that situation, in which the need for restraint is the most important for all participants, is to indicate that respect for life and property, security and stability, are not America's goals at all. It is to accept one side's assertions of rights to do violence in the interest of its own version of "justice" at the expense not only of the other side, but at the expense of us all.

FRENCH SHAME CIVILIZED WORLD

Frenchmen should hang their heads in shame.

It was a crime against humanity to release the alleged commander of the Palestinian terrorists who slaughtered 11 Israeli athletes at the 1972 Olympic games in Munich.

Why did France do it?

France was threatened with the possible loss of some Arabian and Algerian oil.

In the French court, the French government lawyers argued accused terrorist Abu Daoud had not been sufficiently identified—even though the Arabs were claiming he was part of an official Palestinian Liberation Organization mission. The Palestinians were in France to attend the funeral of a Palestinian activist shot down in the street by unknown assassins.

The PLO lives by the sword and seems determined to die by the sword. Even the Syrians had enough of the Palestinian leftists and moved in to quell the civil war in Lebanon.

A succession of ambassadors from Arab countries charged into the French Foreign Ministry to protest the arrest of the terrorist. In Algeria, a big oil source for France, the administration's official newspaper said the arrest "stripped naked the anti-Arab face of the (French) administration."

In Kuwait, Farouk Kadoumi of the PLO's political wing threatened "there are Palestinian and Arab countermeasures to contain the matter. . . . The Palestinian resistance movement will not tolerate the matter if the French government hands over Abu Daoud to West Germany."

You will notice that the Palestinians in far off Kuwait did not have any doubt as to the identity of the French prisoner.

France recently signed an agreement against terrorism with other European countries, but the first time that agreement was tested, French justice sold its soul for oil.

Israeli Foreign Minister Yigal Allon denounced the court decision as a "disgraceful surrender" to Arab pressure. He was right.

The PLO praised "French justice." It said "everyone sees that someone wished to harm the good relations between the PLO and France."

The West German government's statement said the release of Abu Daoud made "the fight against international terrorism" more difficult.

Daoud, when released, flew straight to Algeria where he found sanctuary.

The United States has had difficulty in persuading the civilized nations of the world to reject terrorism as an instrument of politics. The Arabs know terrorism is the only weapon the PLO has at the moment. And Arab morality is such that the end (of Israel) justifies the means in murder). Some of the so-called Third World nations don't want to antagonize the Arabs and some feel they might have to use terrorist tactics sometime, so they aren't backing anti-terrorist policies.

What is shocking about the decision in the French court is that a major civilized country of the west had second thoughts about bringing to justice a mass murderer of 11 innocent young men at the Olympics. French justice became a sham and hypocrisy.

The wheels of history and justice grind slowly. The day will come when terrorism will be aimed at French citizens. The day will come when French parents, French sons and daughters will weep in anguish.

PLIGHT OF BEEF INDUSTRY

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. RONCALIO. Mr. Speaker, yesterday the Washington Post began an excellent series of articles by Dan Morgan on the plight of the beef industry in the United States.

Wyoming and other beef-producing States have felt the adverse impacts of a combination of circumstances which is driving the small rancher and feeder out of business and is threatening the existence of larger operations.

We must seek steps to alleviate the economic conditions which have set upon this basic western and American way of life and industry, but we first must have a basic understanding of the problem. It is well set out in Mr. Morgan's series.

I include the first of the series of articles from the January 30 Washington Post in the RECORD and I highly recommend it to my colleagues:

(First of a Series)

U.S. BEEF ECONOMY AT A CROSSROADS

THREAT OF FINANCIAL RUIN HANGS OVER THE CATTLE INDUSTRY

(By Dan Morgan)

WALDEN, COLO.—In the back country ranges of the Rocky Mountains, ranchers such as Bob Brownlee have been fighting a constant battle against winter this year.

On a recent day when the temperature was near zero, Brownlee and his son-in-law, Newell Geers, were hacking a hole in the frozen creek with a double-edged axe to find water for the cow herd, and giving out whoops of joy when a trickle of water appeared. Then they were off in their pickup truck, bumping across a washboard pasture and dropping off hay for the animals.

It was all part of the cycle of work at the far end of the country's beef pipeline, the $20-billion-a-year system that keeps Americans supplied with the juicy steaks and hamburgers that are almost a national symbol of American affluence.

Yet raising beef animals today is anything but a sure way to prosperity.

The threat of economic ruin hangs over the cattle industry, and the American beef economy is in the throes of major changes brought about by the heaviest losses since the Dust Bowl days of the 1930s.

Even in this remote valley, circled by mountains and once populated mainly by prairie dogs, antelopes and Indians, ranchers are feeling the painful effects of sweeping economic and social developments over which they have had virtually no control.

Brownlee reckons that he lost $30,000 on his 1,500-acre operation in 1976, and he may have been lucky. As far as he is concerned consumers are getting a bargain on beef while he has been taking a financial beating. Brownlee and the ranchers around here have lost money most of the last 36 months. Yet the price of steaks and hamburger in supermarkets is about what it was three years ago.

Paradoxical as this situation may seem, economic analysts say it is logical. But the same logic holds that the situation is certain to be reversed. Then it will be the turn of American consumers to pay more for beef.

Starting in 1967, cattlemen steadily increased the size of their herds, from 108 million head then to 131 million head in 1975.

By late 1973, there was too much beef going to market. Retail stores had to keep prices low in order to sell it all. These low prices were passed back through the beef pipeline to wholesalers, meat packers, cattle fattening yards, and finally to ranchers.

All through the period, inflation and higher prices of hay, corn and other animal feeds were adding to the costs of running ranches and farms, even as the prices that the cattlemen received when they sold their young steers and heifers in the fall was staying too low to make money.

Ranchers began reading the economic message they were getting two years ago and reacted by reducing the size of their herds. Since then, a beef slaughter unprecedented

in the history of the United States has been under way.

In 1973, only 33 million animals were butchered. The number jumped to 36 million the following year, then to a record 40 million in each of the next two years. The total number of cattle in this country declined in 1976 by 4 million. More important than that, the country's cow herd—the "factory" that produces tomorrow's steers and heifers—has been drastically depleted.

In 1976, 10 million cows were killed, about twice as many as three years earlier. Most of them were ground up for hamburger meat.

Consumers have been the immediate benefactors of this massive slaughter. It has helped to hold down beef prices at a time when everything else seems to be going up.

Consumers ate up all the meat that came to market, but only after retail stores had set a price for it that was low enough to induce them to buy. Americans tend to spend a constant 2.5 per cent of their money for beef. When it is a good bargain they buy more, and when it is expensive they switch to other food, such as cheaper pork or chicken. With beef prices fairly reasonable in 1976, they ate a record 129 pounds per person, compared with 116 pounds four years earlier.

In effect, Americans are eating their way out of a huge surplus of beef.

Brownlee and ranchers such as him still have a fundamental faith in the laws of supply and demand. They figure that when less meat goes to market, prices should start to rise again and they can begin turning profits.

But nobody knows for sure when the losses will end in the cattle industry. If the prices of steak and hamburger rise too abruptly, consumers might switch to pork, poultry, or even spaghetti. That happened in the 1973 beef boycott, and it sent prices plummeting. If it happens again, it could signal a fundamental change in the American diet.

Americans have eaten a steadily increasing amount of beef since 1920, but there are at least some signs that the trend is ending. If it is, cattlemen could be in for some further unpleasant shocks.

In the 90 years since settlers moved into this valley the grassy ranges have been fenced, a railroad spur has been driven through from Wyoming, and oil and coal companies have dug wells and opened surface mines. But cattle is still a mainstay of the economy.

At Brownlee's Bar-Slash-Bar ranch, the cycle of breeding and birth sets the agenda for the farm work. The 550 cows in the herd will have their calves in April. Brownlee, Geers and a hired hand will take up a 24-hour vigil then, checking on the mothers and calves and scaring off intruding coyotes with spotlights. It costs about $176 to keep one of the cows for a year. That is money down the drain when a young calf dies or is killed.

In August, the father and son-in-law will become cowboys, riding horses to round up cows and head them back to the pens around the barns for artificial insemination with bull semen.

They will also turn bulls loose in the herd as a failsafe measure in case the artificial breeding doesn't work. They are no second chances for cows. If they fail to get pregnant, they are sent to the packing house.

This same breeding cycle also imposes a rigid, economic framework on the rancher's operations.

In a few months, Brownlee will be making decisions that could have financial repercussions in 1980.

This fall, Brownlee will decide how many of this spring's calves to keep as replacements for old cows sold for hamburger. These heifers won't be bred until the summer of 1978. They will calve in the spring of 1979, and the steers or heifers they produce won't be ready for slaughter until mid-1980. Only then will Brownlee get a return, unless he decides to sell the animals when they are younger.

Brownlee finds himself locked into such a cycle now. He figures he needed to get 65 cents a pound for the 450-pound steer calves he was ready to sell last December. But the best offer he got was 36 cents a pound. Rather than lose money, he decided to place them in a fattening yard in Greeley, Colo. He says he needs 45 cents a pound for the fattened animals. But packinghouses were paying under 40 cents in late January.

Last fall he lost $26 a head on the full-grown animals he sold to a packinghouse. At some periods in the last three years, cattlemen have lost as much as $100 a head, according to the U.S. Department of Agriculture.

The atmosphere was all gloom at a weekly cattle auction at the Greeley Producers Public Stockyards in January.

Standing in front of a big sign that said "Enjoy Beef Everyday," a professional auctioneer called out asking prices and offers to rows of overalled cattlemen, as a cowboy cracked a whip and drove the animals into a sawdust covered corral. When the animals got rambunctious, cowboys in the corral stepped behind wooden barriers.

Tom Nix, a 61-year-old farmer from Eaton, Colo., sold 35 steers to another farmer, Don Anderson. Nix had bought the animals in September and "grained them," fed them corn for the last month, waiting for cattle prices to start up. But he had grown tired of waiting.

"I don't know how he (Anderson) can buy 'em and still expect to make money," he said.

The government doesn't have any exact estimates of the cattlemen's losses, but bankers say they are in the billions of dollars. The cattle industry is stretched financially to the breaking point.

Denver banker Ron Hays says the debts of ranchers and cattle fatteners are "staggering," because they have acquired huge long-term mortgages from banks to cover the costs of their losing operations.

Hays said that because of the great demand for money insurance companies such as Prudential, Connecticut General and Connecticut Mutual have moved aggressively into agricultural lending in the West, using land as collateral.

There have been few actual foreclosures of the kind that swept the West after the 1930's Depression. However, many hard-pressed cattlemen have had to raise money to keep operating by putting first and second mortgages on their property. This has been possible only because land values have risen rapidly.

The rising land values have provided a safety net for the western cattlemen. East of the Rocky Mountains, in Colorado, South Dakota, Oklahoma and Texas, undeveloped pastureland that can be irrigated for crops has jumped in price from around $150 an acre to nearly $1,000.

Inflation, climate, and population growth have played a part in rising western land values, but so has the increased return on crops such as wheat and corn after 1972.

Thousands of acres of grasslands have been switched to crops as prices of those grains rose.

The equation of land, crops and cattle does not seem to be working to the long-range advantage of consumers. At some point, beef prices will have to reflect the price of the land on which the cattle are raised. If they do not, farmers and ranchers will find other uses for their valuable real estate. That can only mean less beef at higher prices.

SENATE—*Tuesday, February 1, 1977*

(Legislative day of Wednesday, January 19, 1977)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. DALE BUMPERS, a Senator from the State of Arkansas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

Almighty God, our help in ages past, our hope in time of trouble, bind together the people and the leaders of this Nation, heart to heart, mind to mind, soul to soul, that being united in purpose we may concert our best efforts to alleviate suffering, to heal the sick, and to take such measures as will lead to a better life for all in the years to come.

In this Chamber give us the assurance of Thy presence, not only in the time of prayer, but in our work moment by moment. Keep us from being driven by deadlines to do the wrong thing. But when we know what we ought to do, move us to do it promptly. Grant to each of us the quiet mind, the unobstructed will, the untroubled heart which is at peace with Thee.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 1, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DALE BUMPERS, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BUMPERS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, January 31, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROPOSED UNANIMOUS-CONSENT AGREEMENT—PAY RAISE RESOLUTION

Mr. ROBERT C. BYRD. Mr. President, it is my intention to attempt to get consent to proceed to the consideration of the resolution by Mr. ALLEN, Senate Resolution 39, disapproving the pay raise recommendation of the President, no later than Monday of next week. I hope and believe that the Senate will have disposed of the resolution, Senate Resolution 4, reorganizing the committee system of the Senate, this week. Whether or not a conference report can be anticipated coming back from the other body in connection with the Natural Gas Emergency Act, I cannot say at this moment, the House not having acted on the matter, but it is my intention that, if neither of these two matters interposes, I shall ask unanimous consent on next Monday to move to proceed with the consideration of Senate Resolution 39.

As a matter of fact, I can phrase that consent request now. Let me do that and Senators may reserve the right to object.

Mr. President, I ask unanimous consent that on Monday next, following the recognition of the two leaders under the standing order, the Senate proceed to the consideration of Senate Resolution 39, disapproving the pay recommendations of the President, with this proviso: That the leadership at that time be authorized to proceed to the consideration of a conference report from the House of Representatives, if such is received in this body prior to that time, in connection with the Natural Gas Emergency Act; or that the leadership be authorized to continue the consideration of the resolution providing for restructuring of committees if such has not been disposed of prior to that time.

Mr. ALLEN. Reserving the right to object, and whether I object or not will depend on whether there is any real assurance that this will mean that we will get a vote or not, would there be any objection to wording the unanimous-consent request that on Monday, February 7, we have an up-and-down vote on that date?

Mr. ROBERT C. BYRD. No; I did not propose that.

Mr. ALLEN. No; I asked if there would be any objection to that.

Mr. ROBERT C. BYRD. I do not intend to propose that request. I am going to assure the Senator that the Senate will take up this resolution if it is within my power to see that the Senate does take it up, and there will be a vote, but I will not say that the vote will be up or down or what the vote may be. I can assure the Senator that the Senate will have this resolution before it and it is my desire to do this no later than Monday next. There will be an opportunity to debate it.

Of course, all Senators are within their rights as to motions they may offer. There are a number of motions that can be offered in relation to this measure. I seek to give assurance to Senators that the Senate will have an opportunity to debate the resolution, and that Senators will have an opportunity to offer motions in relation thereto.

Mr. ALLEN. Well, further reserving the right to object, about all the Senator is suggesting here is that we have about 5 days of debate on the issue unless the motion to table should prevail. That would seem to be heads the pay raise Senators win, and tails, those who oppose the pay raise lose. I do not feel that the Senator is really offering a great deal here if he is not offering an up-and-down vote.

Mr. ROBERT C. BYRD. Mr. President, I think I have responded to the Senator. I know of no other way to respond at the moment.

Mr. BAKER. Mr. President, reserving the right to object, and I do not mean to interrupt the Senator from Alabama unduly, but may I say a word in this respect?

Mr. ALLEN. Yes.

Mr. BAKER. I talked to the majority leader on this subject. It is my view, and I believe the majority leader has expressed now a similar view, that the Senator ought to have a vote on this measure.

Mr. ALLEN. I am very pleased to hear the Senator say that.

Mr. BAKER. As I understand it, the Senator from Alabama was inquiring of the majority leader how that vote will come. It would be my preference, frankly, that it come on a tabling motion. That is just my preference.

I hope we can get a unanimous-consent agreement to take up the resolution of the Senator from Alabama on Monday; that, subject only to the nature of the preferred status of conference reports that may be identified, we proceed with diligence to debate the matter. Under the rules of the Senate, the Senator from Alabama or anybody else can offer any motions they wish. It is my personal preference, and I shall make some effort in that respect, that we get a vote at least on a tabling motion. The conversations among our colleagues have been, from time to time, that there will not be a vote, that it will not be brought up, that it will be postponed. I think clearly now, from the nature of this consent order, it will be brought up if this order is agreed to. I hope very much that we can agree to a similar motion.

The ACTING PRESIDENT pro tempore. Is there objection to the request?

Mr. ALLEN. Reserving the right to object on this matter, it seems to the Senator from Alabama to be nothing more than bringing the thing up and if a motion to table should not prevail, then it would be debated for the rest of the time before the recess. That would give us only 5 days and, with all of the "must" legislation out of the way, we would see Members slipping away and at the time on the 11th, when we have our last day here, we could not even get a quorum, much less 60.

So I do not believe that the leadership, or the joint leadership, is really saying that they are going to give a vote up and down on this issue. In fact, they know quite well, in my judgment, that the matter would never come up under that unanimous-consent agreement for an up and down vote.

Would the Senator state to me, or to the Senate, that in his judgment under the plan that he is suggesting that this issue will come to an up and down vote?

Mr. ROBERT C. BYRD. I doubt it.

Mr. ALLEN. That is what I thought. I object.

Mr. ROBERT C. BYRD. May I say to the distinguished Senator that even without the assurance of at least starting on this measure on Monday—if it were brought up today—the Senator could not be assured there would be an up and down vote on it by the time the nonlegislative day period began.

Mr. ALLEN. I would be willing to have an up and down vote on the 11th.

The ACTING PRESIDENT pro tempore. Is objection heard?

Mr. ALLEN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I want the RECORD to show that the joint leadership attempted to get unanimous consent to bring this measure up no later than Monday—it might very well come up earlier, as far as that is concerned—so that Members could be assured that the matter would be debated.

This would not take away the rights of any Senator to make any motions that are available to any Senator under the rules, and that is all we are able to do with any matter which comes up here, unless we work out a unanimous-consent agreement on such a matter. Any matter can be brought up and never voted on unless there is a unanimous-consent agreement or unless the Senate works its will thereon and the consensus is there that a vote occur or unless a cloture motion is entered and approved.

So the resolution to which we have directed our remarks is in no special category in that regard and every Senator would have the same rights available to him under the rules that he has on any other measure.

The Senator could offer a cloture motion if he wished.

But there is no assurance on any measure. For example, on the resolution that the Senate hopes to take up today there is no assurance the Senate will ever reach an up-and-down vote. I think it will, but, it is certainly possible that there would be Senators who would want to filibuster. It is possible a cloture motion would be filed. Perhaps cloture could be invoked on that measure, but perhaps it could not and there would never be an up-and-down vote.

So why should I single out that one resolution here and try to assure the Senator that we are going to have an up-and-

down vote on it when I cannot assure the Senator there will be an up-and-down vote on any other measure?

Mr. BAKER. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Digressing only briefly, I have to confess the majority leader pricked my curiosity when he spoke of cloture on the reorganization bill.

Does the majority leader share my view of the rules that cloture, as it would relate to this resolution, would be under the old two-thirds rule instead of the 60 percent by reason of the provisions of rule XXII?

Mr. ROBERT C. BYRD. Yes, it would be.

Mr. BAKER. I thank the majority leader.

Mr. ALLEN. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. The distinguished majority leader suggests that the RECORD should show that an offer was made to bring the matter up on Monday with no assurance that there would be a vote up and down on the resolution, and his own private assessment that it would never come to an up-and-down vote is what caused the Senator from Alabama to object.

Now, there will be other opportunities to bring the matter before the Senate, and if agreement had been made on this course that will assure no action on the resolution, then, as other efforts might be made to bring it up, it could be pointed out it is going to come up Monday anyhow, so therefore, why resort to any other effort?

This will leave us free to try other methods of bringing the matter before the Senate.

That is the reason the Senator from Alabama objected.

Mr. ROBERT C. BYRD. Mr. President, the Senator from West Virginia is fully aware that there are other ways and that there will be other opportunities to present the pay matter to the Senate. Those opportunities could come today. The Senator from West Virginia is fully aware of that. There is no element of surprise in that at all.

But I am simply trying to assure the Senator that the Senator from Alabama's resolution would be called up before the Senate no later than Monday and that the Senate would then have ample time to take action on the matter before the nonlegislative day period.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the minority leader seek recognition?

Mr. BAKER. Mr. President, I think not. I reserve my time under the standing order for the time being.

AUTHORIZATION FOR TECHNICAL CORRECTIONS—S. 474

Mr. ROBERT C. BYRD. Mr. President, I understand this is a matter that must be taken care of by 11:30 a.m.

Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, in the engrossment of S. 474, the Natural Gas Emergency Act, to make the following technical correction, on page 9, line 10, delete "an interstate pipeline", and insert in lieu thereof, "the purchaser".

Mr. President, in the explanation of the technical and clarifying amendments presented by Mr. STEVENSON yesterday, this technical amendment was described. Unfortunately, it was inadvertently omitted from the actual amendment submitted by Mr. STEVENSON, which occasions this request.

I am told that the enrolling clerk needs this by 11:30 a.m. to get it to the House.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the distinguished junior Senator from Arkansas (Mr. BUMPERS) for not to exceed 15 minutes.

THE PRESIDENT'S PROPOSED TAX REBATE

Mr. BUMPERS. Mr. President, I probably will not need the entire 15 minutes. I shall speak on the subject which I have chosen to speak on this morning again in the future, and it is with a great deal of hesitancy that I speak on it this morning. But it deals with the tax rebate which President Carter is proposing as part of his economic package to stimulate the economy in this country.

Most of my colleagues will recall that in 1975 President Ford proposed an $8 billion rebate which subsequently became law and on which rebates were subsequently sent out. I resisted the tax rebate of $8 billion which was submitted by President Ford in 1975 for essentially the same reason that I intend to oppose the $11.4 billion tax rebate proposed by President Carter.

I campaigned vigorously for President Carter. Not only is he a member of my party, but also he is a close personal friend whom I respect and who I know is totally dedicated to stimulating the economy of this country at the earliest possible time in order to alleviate the terrible burdens of unemployment, slow growth, and so on.

My point simply is that a tax rebate, in my opinion, is the most random, undirected, ineffective way to stimulate the economy. My point is that virtually everybody in the country would get $50 whether he needs it or not. I do not know where I rank in the country. I believe I am perhaps in the top 5 or 10 percent incomewise, and certainly I will be happy to receive $250, which will include every member of my household.

I do not know what I will do with it. I will be happy to receive it. The point I am trying to make is that it seems a terrible misdirection to send $50 to everybody in the country whether he needs it or not. There is no split between the very rich and the very poor.

Second, the 1975 rebate showed conclusively, No. 1, that you cannot tell whether or not it really has an effect; and, No. 2, if it has any effect at all, it is probably through savings and through people paying off prior debts. I am not suggesting that people not save, because certainly when people put money in the banks and the savings and loan associations, it does have some effect, just as when somebody will use this money to pay off a preexisting debt, it will have some effect.

However, let me give an example of what we might do with the money which, in my opinion, would have a much greater effect on the economy, if we conclude that $11.4 billion must be spent.

I consider the Economic Development Administration to be one of the finest and most efficiently run administrations in the Federal Government. I think this because they have such a small administrative expense compared to the amount of money they dole out. With respect to the current year, 1977, which will end this coming October 1, I should like to make a couple of observations.

The Economic Development Administration has two classes of local public works grants. In one, 70 percent of all the funds must go to the areas where the unemployment rate exceeds the national average. In the other, 30 percent of their funds go to the areas where the unemployment rate exceeds 6.5 percent. Any area where the unemployment rate is less than 6.5 percent is not eligible for this kind of EDA funds.

To give an example of what we might do with $11.4 billion, this year they have had 12,226 projects in the 70-percent category—this is, projects in areas where the unemployment rate is higher than the national average, currently 7.8 percent. They have had 12,226 viable, good applications which they have had to reject because they did not have the money. The cost of those projects in that category would have been $10,704,899,000, and they would have created 694,651 jobs.

Going to the second category—that is, the 30-percent category—where they fund projects if the unemployment rate is more than 6.5 percent, they have had to reject 14,205 projects, which would have cost $12,272,669,000 and would have provided 801,877 jobs.

Mr. President, I simply use those statistics to contrast with what the Congressional Budget Office has said. We are talking about an $11.4 billion rebate, but the Congressional Budget Office used the hypothetical figure of $16 billion. We scaled it down. They said, in using $16 billion as a rebate, it would reduce the unemployment rate in the final quarter of this year by four-tenths of 1 percent.

If you scale that down to the $11.4 billion which the President is proposing, that means the unemployment rate for the last quarter of this year would be reduced about three-tenths of 1 percent,

and the Congressional Budget Office says it would have less than a one-tenth of 1 percent effect on unemployment in the last quarter of 1978.

I am not sure what statistics they are using. I know that there are 7,519,000 people unemployed in this country right now, out of a working force of 96,400,000. I know that if you took $11.4 billion and said, "I am going to hire men and women at an annual rate of $10,000," you could employ 1,140,000 people.

You can talk about leaf raking, you can talk about picking up litter on the highways, you can talk about rebuilding the roadbeds, you can talk about people working on some of the HUD housing projects that are decaying in the inner cities. You can talk about all kinds of things that people could be doing; but I am inclined to think we would be better off just to hire 1,140,000 people at $10,000 annually.

We know they are going to spend the money, because they are unemployed and need it desperately. But, in my opinion, that would reduce the unemployment rate as of right now by 1 percent. Assuming that we could take care of the new people coming into the labor force, in the next year alone it would mean a 6.8 percent unemployment rate.

If we wanted to put it into housing, where we have not even begun to approach the housing starts in this country in 1973, just think what $11 billion would do toward stimulating the housing industry in this country.

We might even have a subsidized interest rate, so that for young couples who find housing completely out of their reach now, we could subsidize the interest and get housing starts up by 1 million a year.

Whether we do it with housing, public service jobs, or public works, any of it, in my opinion, would do more to reduce the unemployment rate than just randomly throwing the money out to anybody in the country and saying something has to happen if we spend $11 billion. Something will happen, but the point is that it is not going to be very dramatic.

This morning, as I came to work, I heard a newscast to the effect that some of my colleagues on the other side of the aisle—the distinguished minority leader and perhaps the Senator from New York (Mr. JAVITS) and one or two others—were going to submit an alternate economic package to this body. They said that they thought this project was timid and that more money should be given to business incentives and stimulating capital formation.

I think that everybody in this body has an obligation to submit any kind of idea which he thinks is better than one being submitted, and I applaud our colleagues on the other side of the aisle for coming up with an alternate program. If it is one that I can support, I will.

However, I do not think that business in this country is lagging because of a lack of incentive. For example, as a part of the economic package the President is proposing, he said we are going to give business a 4 percent tax credit on all their social security taxes. I think the present rate is about 5.3 percent on social security taxes. If they are given a 4 percent tax credit, this is what that translates to.

If they have people hired at $5 an hour, this means that it will only cost the employer $4.99 an hour to hire people. He saves one penny an hour on a 4-percent tax credit. That is so insignificant and so minuscule as to be absolutely meaningless to the employer, but it will cost the U.S. Treasury $2.5 billion. So, quite frankly, I do not understand that.

If an employer says, "I don't want to use the 4-percent tax credit," he has an option under this package. He can take a 12-percent investment tax credit.

We all recall that in 1975, under what we euphemistically called a tax reform bill, we gave industry an increase in the investment tax credit from 7 to 10 percent. I approve of investment tax credits as the best kind of tax expenditure Congress can give business.

But I will also tell you that raising it to 12 percent when industry in this country is operating at 80 percent or less of capacity is nothing but a giveaway. It is not going to stimulate the economy.

I watched Charlie Schultze, the Chairman of the President's Council of Economic Advisers, on one of the talk shows, I guess the week before last. Mr. Schultze was saying:

> You cannot do anything for business until you create a market, and you cannot create a market until people are working and have the money to buy.

That seemed like a very elementary but certainly profound statement with which I agree 100 percent.

All of a sudden when the package comes out here we have these options for business, with some people on the other side of the aisle suggesting that we cut the corporate tax rate.

I am saying put the money into the hands of the people who need it. I can tell you after this disastrous winter that 70 to 80 percent of the people in this country are having a very difficult time paying their utility bills and, if they are unemployed, they probably are not paying them at all.

So I am not quarreling with the President. I know that his sincerity and dedication to get the economy of this country stimulated is as great or greater than mine. But reasonable men do disagree. All I want to make sure is that if we are going to spend $11 billion, and increase the budget deficit by $11 billion, I want to be sure that we get the biggest bang for the buck we can get out of it.

George Meany and the new Secretary of Labor, Dr. Marshall, have said they do not agree with part of the program, with the tax rebate or the tax reduction, because they think it is too timid.

I do not think it is too timid. I think the President has suggested spending about the right amount of money if it is just spent in the right place.

But when people of their stature, and other economists whom I have heard comment on this, say that this is a random, undirected, inefficient, ineffective way to spend money, and when my native intelligence tells me the same thing then, of course, I must respectfully disagree.

I hope we can say to the President of the United States:

> We think you are a fine man, we think you are going to be a great President, we are going to help you every time we possibly can.

We can do either of two things: We can either design some sort of an alternative program here in this body, which is very difficult to do, it being of divergent philosophical views and divergent geographical interests, or we could send it back to the President and say that we want to help him:

> We are not even going to quarrel with you about the money, but we wish you would have another look at it and see if you cannot come up with a little more effective, acceptable program that will stimulate the economy a little more.

Mr. President, I gave some statistics early in my presentation here this morning dealing with the Economic Development Administration. We are in the process of compiling similar figures for the Farmers Home Administration, which is so important to my State as it is to all rural areas in the country, and for EPA.

I think the Congressional Budget Office—maybe the Joint Economic Committee—has said it takes $30,000 to $40,000 per job for public works projects. That may be true. But even if it takes $30,000 per job for public works projects, that would have about the same effect which the Congressional Budget Office says a rebate will have, but the tangible difference is that the rural areas and inner-cities of this country get revitalized, new waste treatment facilities, new water treatment facilities, community facilities, all kinds of tangible benefits that will be with us for many, many years to come.

That tax rebate will cause some flurry in the economy, it will have some very flashing kinds of effects, but they will not be long-range, the money will be spent, we will have a $11.4 billion bigger deficit, and we really will not have achieved very much in tangible benefits.

So, Mr. President, again, while I must reluctantly disagree with the President, I want him to know it is a sincere disagreement. I hope something will be worked out between the executive and legislative branches before this is finalized which will use this money, if it must be used, in a much more effective way.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER. At this time, according to the previous order, the Chair recognizes the distinguished junior Senator from New Mexico (Mr. SCHMITT) for not to exceed 15 minutes.

(At this point Mr. BUMPERS assumed the Chair.)

Mr. SCHMITT. I thank the Chair.

Mr. President, before the distinguished Senator from Arkansas leaves, I compliment him on his statement. I may not agree with all of it. I certainly am happy to be in the U.S. Senate with an old friend whom I met for the first time in the Governor's mansion in Arkansas, and I am looking forward to many years of cooperation with him.

PROPOSED SALARY INCREASE FOR TOP LEVEL GOVERNMENT OFFICIALS

Mr. SCHMITT. Mr. President, one of the toughest issues we will face in this session of the 95th Congress is the issue of the proposed salary increase for top-level Government officials, and Senate Resolution 39 related to that increase. I must admit to having very mixed feelings about this matter and, as a matter of fact, up until just recently I had intended to oppose the resolution that would disallow those increases.

We must admit the fact that many very talented and experienced men and women are shunning public service in the Federal Government, because top-level salaries have long ago ceased being competitive with similar positions of responsibility in the private sector. We desperately need and must continue to seek good judges for the bench and experienced administrators for the executive branch. Yet for many able and dedicated Americans we are offering only prohibitive economic and family sacrifice in return.

The salary disparity has now become so great that the opportunity for service to the people of this country is no longer sufficient to bring enough of our most experienced citizens into Government. I have seen this very serious problem first hand while assisting NASA in its attempts to find and hold men and women for critical administrative and research positions.

It has been clear for some time that the incomes of members of the judicial and executive branches in upper-level administrative positions have been bypassed by the accelerating cost of living. In the period between 1969 and 1976, the people in the top positions of our Federal Government have had one pay raise of 5 percent. In this same period, the cost-of-living index went up by about 60 percent, and earnings in the private sector increased by an average of about 70 percent.

The net result of this inequity has been to force some of the best people and the ablest public servants out of Government, because they and their families could not afford to remain. They could expect higher incomes in retirement than when working. That is a sad commentary. It has also prevented the hiring of qualified people for many extremely important functions within the Government. Further, it appears to have discouraged many highly qualified candidates from seeking public office.

As my colleagues are well aware, it is very difficult for some of our constituents to accept the fact that the salaries of top Government officials are too low. But difficult or not, it is a reality.

Very soon we must come to grips with this problem; however, I have become convinced, as I have thought about it, that today is not the day. We have reached a point where we are asking our fellow Americans to sacrifice so that many problems can be solved. They must conserve energy while paying higher prices, there is no other choice; they must increase productivity while accepting much lower wage increases; they must begin to donate more of their free time to public service; they must continue to pay high taxes to help build our national security and international stability.

In view of these increased demands on the American people, I cannot in good conscience support a Federal pay raise at this time. Accordingly, I will vote in support of Senate Resolution 39, which will disallow the raises recommended by the President.

Mr. President, the voters of New Mexico elected me to a 6-year job with a gross salary of $44,600. I cannot proceed to alter this agreement without their approval. Therefore, should the proposed pay increase be agreed to by the Senate, I intend to take that amount which I shall receive over and above my current salary level, less taxes, and contribute it to scholarship funds in New Mexico. I recommend others consider a similar course in their States should the pay raise go through.

The excess from my salary throughout my first term will be donated to schools of higher learning in New Mexico for scholarships to be administered by those schools. I shall insist only that the scholarship funds which I donate go to needy and deserving students who are preparing for careers in preschool, elementary, or secondary education.

Mr. President, at some future time, when our present difficulties are behind us, I will lead an effort to increase the salaries of top-level Government employees. Americans are demanding better performance and greater efficiency in governmental services. Indeed, I was elected on the promise to try to aid the reform of Government. Improvements in service will not occur, however, if we cannot continue to attract both dedicated and experienced public servants.

Future pay raises for top management positions in the Federal Government will go a long way toward achieving reform. By such action we will be telling the American people that it is not just the rich who can serve, but that we intend to have the best available talent and experience in our Nation at the highest levels of Government service. It is my hope that we shall thereby restore the faith and confidence many have lost in their public institutions and elected representatives.

In addition, I urge my colleagues to establish quickly, formal ethical standards relating to outside income and financial disclosure. The citizens of this country want good government and are willing to pay for it if they get it. They also want ethical Government and we must be willing to give it to them.

Mr. President, an editorial in the U.S. News & World Report of January 10, by Mr. Howard Flieger, discusses the problem that we face in restoring public confidence in Government and its relationship to the pay raise issue and the ethics issue now before Congress. I request unanimous consent that the complete text of Mr. Flieger's editorial "The Real Challenge" be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SCHMITT. Finally, Mr. President, I am introducing legislation which would modify existing statutes so that future salary increases for Members of Congress would be deferred individually until after the next election to fill the seat they now occupy. In this way, our employers, the voters, can say whether or not they wish to renew their contract with us before we receive an increase in salary.

I yield the floor.

EXHIBIT 1

THE REAL CHALLENGE

(By Howard Flieger)

No greater challenge faces the Carter Administration and the new Congres than that of restoring public confidence in the political character of America.

Nobody can doubt that such confidence has sunk to its lowest level in memory—a fact self-evident in the attitude of millions of voters in the 1974 and 1976 elections.

The tragedy is that, when people lose respect for their leaders, something happens to their personal sense of what is right and wrong. This is not to say that government is solely responsible for all the ills of society, but example is a powerful teacher.

Those who hear about corner-cutting, freeloading, bribery and financial hijinks in the conduct of public affairs probably figure it is all right to do some tax dodging or welfare cheating of their own, if they can get away with it.

Such excuses as "everybody does it" and "I'm going to get mine while the getting's good" become by-words.

The end result is that everybody loses, not only in terms of real property, but—and much more important over the long term—in moral and ethical values.

An awareness of this is at the heart of the December report of the Commission on Executive, Legislative and Judicial Salaries. This is a panel of private citizens that includes some of the most distinguished leaders of labor, business, finance and the academic world. Though officially created, it is independent of the Government.

Its suggestions for big pay increases for officials attracted most of the headlines. But its explicit and genuine concern about the loss of faith in Washington is the real significance of its conclusions.

The Commission cited a long list of public scandals of recent times, and asked:

"Is it any wonder that public confidence in government has never been lower? Is there any wonder that public officials have come under the same general civic indictment, that they are believed (however wrongly as to the great majority) to be taking advantage of high salary and retirement scales, that expense accounts and reimbursable payments, staff and travel allowances, outside

income (in some cases in excess of salary) . . . all are believed to be ways in which the top officials take financial advantage of their positions in ways the ordinary citizen cannot?"

The Commission decided Congress dare not vote substantial pay increases for its members or top executives in the Government now, even though such raises are justified because the pay of public officials has been so deeply eroded by inflation.

The dilemma is that, without such pay inducements, the nation could be deprived of the talents of skilled people, and the public will be the loser.

What's the answer? The Commission recommended a "Code of Public Conduct" which it feels is vital to assure Government officials of the public esteem required to make more equitable salaries possible.

If adopted, the code would require most Government executives to make public any private incomes or resources; it would forbid outside fees for writing, lectures, personal appearances, etc.; it would limit an individual's freedom to switch about between public and private careers.

In short, it would lay down rules of employment that almost any executive in private industry, banking or academia would regard as offensive reflections on his or her integrity.

Drastic measures, to be sure. But it may be that drastic measures are necessary for survival. Many years ago, Alexis de Tocqueville made a perceptive study of this country and its people and concluded:

America is great because America is good. When America ceases to be good, America will cease to be great.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield back my time.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in adjournment for 2 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, at 11:43 a.m., on Tuesday, February 1, 1977, the Senate adjourned until 11:45 a.m., the same day.

AFTER ADJOURNMENT

TUESDAY, FEBRUARY 1, 1977

The Senate met at 11:45 a.m., pursuant to adjournment, and was called to order by Hon. DALE BUMPERS, a Senator from the State of Arkansas.

JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the Proceedings of earlier this day, Tuesday, February 1, 1977, be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the rule, there will now be a period for the transaction of routine morning business.

The Chair calls for presentation of memorials and petitions.

If there be none, the Chair calls for the reports of standing and select committees.

The Chair calls for introduction of bills and joint resolutions.

Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, I have a motion I send to the desk.

The PRESIDING OFFICER. The clerk will state the motion.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) moves that the Senate Post Office and Civil Service Committee be discharged from consideration of Senate Resolution 50.

The PRESIDING OFFICER. That motion is not in order until presentation of concurrent and other resolutions.

Mr. ALLEN. I leave it at the desk then. I thought the Chair had come to that point.

The PRESIDING OFFICER. If there be no bills and joint resolutions, the Chair calls for concurrent and other resolutions.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

SENATE RESOLUTION 55, TO AMEND THE STANDING RULES OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 55

Resolved, That rule XXII be amended as follows:

SECTION 1. On line 2 of the last paragraph of section 2, strike out "one hour" and insert "one-half hour".

SEC. 2. Beginning at the end of lines 4 and 5 (as printed in Senate Manual) of the last paragraph of section 2, strike out the words "and it" and insert in lieu thereof the following: "and after not to exceed fifty hours of consideration of the proposition on which cloture was invoked, the Senate shall proceed to vote on the final disposition thereof to the exclusion of all motions except a motion to table, amendments, and debate except for one quorum call on demand to establish the presence of a quorum just before the final vote begins. The total amount of time allotted above may be further reduced by the adoption of a motion without debate by a two-thirds affirmative vote of the Senators duly chosen and sworn, in which case the time allotted shall be equally divided and controlled by the Majority and Minority Leaders or their designees. It".

SEC. 3. Amend rule III by striking out all after the words "unless by unanimous consent" and insert "or on motion decided without debate. Motions to correct the Journal shall be privileged and proceeded with until disposed of and shall be confined to an accurate description of the proceedings of the preceding day."

SEC. 4. Amend rule V to add at the end thereof a new section numbered 4, as follows:

"SEC. 4. Rulings by the Presiding Officer sustaining a point of order that no business has been transacted since the last quorum call shall not be subject to an appeal when that fact is supported by the minute book of the Journal or the transcript of the proceedings of debate; this prohibition shall also apply to a ruling on a point of order made immediately following a yea-and-nay vote where the presence of a quorum was shown and no business has intervened.".

SEC. 5. That rule XV be amended by adding a new paragraph thereto as follows:

"3. The demand for the reading of an amendment when presented to the Senate for consideration, including House amendments, may be waived on motion decided without debate when the proposed amendment has been identified by the clerk and is available in printed form."

SEC. 6. That rule XXVII be amended by adding at the end of paragraph 1, after "without debate.", the following: "The demand for the reading of a conference report when presented may be waived on motion decided without debate when the report is available in printed form.".

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. BAKER. Mr. President, I object to its immediate consideration.

The PRESIDING OFFICER. Objection is heard.

The resolution will go over under the rule.

Mr. ALLEN. Mr. President, I object on the further ground that no notice has been given.

SENATE RESOLUTION 56—ELECTRONIC VOTING IN THE SENATE CHAMBER

Mr. ROBERT C. BYRD. Mr. President, I send to the desk another resolution and ask for its immediate consideration.

Mr. ALLEN. Mr. President, I make a point of order. This resolution is out of order because no notice has been given for the introduction of a resolution amending the rules.

Mr. ROBERT C. BYRD. Mr. President, the point of order comes too late.

Mr. ALLEN. I make that point of order, Mr. President.

The PRESIDING OFFICER. When it goes over under the rule, that will be the 1-day notice.

The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 56) providing for the installation of an electronic voting system in the Senate Chamber.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. ALLEN. Mr. President, I raise the point of order that it is not in order.

Mr. CRANSTON. Mr. President, I object to the immediate consideration of the resolution.

The PRESIDING OFFICER. Objection is heard.

The resolution will go over under the rule.

The resolution reads as follows:

S. RES. 56

Resolved, That (a) the Committee on Rules and Administration is authorized and directed to provide for the installation of an electronic voting system in the Senate Chamber.

(b) The expenses incurred in carrying out the provisions of subsection (a) shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee on Rules and Administration.

SENATE RESOLUTION 57—AMENDMENT OF RULE XVIII

Mr. ROBERT C. BYRD. Mr. President, I send to the desk another resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 57) to amend Rule XVIII of the Standing Rules of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. ALLEN. Mr. President, I object to its consideration.

The PRESIDING OFFICER. Objection is heard.

The resolution will go over under the rule.

The resolution reads as follows:

S. RES. 57

Resolved, That rule XVIII of the Standing Rules of the Senate is amended—

(1) by inserting after "QUESTION" in the caption a semicolon and the following: "GERMANENESS";

(2) by inserting "1." before "If"; and

(3) by adding at the end thereof the following new paragraph:

"2. (a) At any time during the consideration of a bill or resolution it shall be in order to move that no amendment other than the reported committee amendments which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. Such a motion shall be highly privileged and shall be decided without debate.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of two-thirds of the Senators present and voting, then any amendment not already acted on (except amendments proposed by the committee which reported such bill or resolution) which is not germane or relevant to the subject matter of such bill or resolution, or to the subject matter of an amendment proposed by the committee which reported such bill or resolution, shall not be in order. A motion to reconsider the vote by which such motion was so agreed to or was not so agreed to shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may, prior to ruling on any such point of order, entertain such debate as he considers necessary in order to determine how he shall rule on such point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) The provisions of this paragraph shall not apply to amendments subject to the rules of germaneness and relevancy contained in paragraph 4 of rule XVI and paragraph 2 of rule XXII.".

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. CRANSTON. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued the call of the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. CRANSTON. I object.

The PRESIDING OFFICER. Objection is heard.

The second assistant legislative clerk continued the call of the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. STEVENSON. Mr. President, I object.

The PRESIDING OFFICER (Mr. ANDERSON). Objection is heard.

The second assistant legislative clerk resumed the call of the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENSON. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The second assistant legislative clerk continued the call of the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ROBERT C. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The second assistant legislative clerk resumed the call of the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The second assistant legislative clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 8 Leg.]

Allen	Clark	Ribicoff
Anderson	Cranston	Riegle
Baker	Culver	Sasser
Bumpers	Goldwater	Schmitt
Burdick	Griffin	Sparkman
Byrd, Harry F., Jr.	Hatfield	Stevens
	Hathaway	Stevenson
Byrd, Robert C.	Helms	Talmadge
Cannon	Long	
Church	Pearson	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia (Mr. ROBERT C. BYRD).

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from New Hampshire (Mr. DURKIN), the Senator from Colorado (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. MELCHER), the Senator from Ohio (Mr. METZENBAUM), the Senator from North Carolina (Mr. MORGAN), the Senator from Wisconsin (Mr. NELSON), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Hawaii (Mr. INOUYE) are absent because of illness.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

The result was announced—yeas 80, nays 2, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—80

Abourezk	Curtis	Kennedy
Allen	Danforth	Laxalt
Anderson	Dole	Leahy
Baker	Domenici	Long
Bayh	Eagleton	Lugar
Bellmon	Eastland	Mathias
Biden	Ford	Matsunaga
Brooke	Garn	McClellan
Bumpers	Glenn	McClure
Burdick	Gravel	McIntyre
Byrd, Harry F., Jr.	Hansen	Metcalf
	Haskell	Moynihan
Byrd, Robert C.	Hatch	Muskie
Cannon	Hatfield	Nunn
Case	Hathaway	Packwood
Chafee	Hayakawa	Pearson
Chiles	Helms	Pell
Church	Hollings	Percy
Clark	Jackson	Proxmire
Cranston	Javits	Randolph
Culver	Johnston	Ribicoff

Riegle	Scott	Talmadge
Roth	Sparkman	Tower
Sarbanes	Stafford	Wallop
Sasser	Stennis	Williams
Schmitt	Stevens	Young
Schweiker	Stone	Zorinsky

NAYS—2

Huddleston	Weicker

NOT VOTING—18

Bartlett	Hart	Melcher
Bentsen	Heinz	Metzenbaum
DeConcini	Humphrey	Morgan
Durkin	Inouye	Nelson
Goldwater	Magnuson	Stevenson
Griffin	McGovern	Thurmond

So the motion was agreed to.

The PRESIDING OFFICER (Mr. RIEGLE). With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

COMMITTEE SYSTEM REORGANIZATION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate proceed to the consideration of Senate Resolution 4.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The resolution, as amended, will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

The resolution, as amended, is as follows:

That this resolution may be cited as the "Committee System Reorganization Amendments of 1977".

TITLE I—SENATE COMMITTEES; JURISDICTIONS AND SIZES

SEC. 101. (a) Rule XXV of the Standing Rules of the Senate is amended by striking out paragraphs 1, 2, and 3 and inserting in lieu thereof the following new paragraphs:

"1. The following standing committees shall be appointed to the commencement of each Congress, with leave to report by bill or otherwise on matters within their respective jurisdictions:

"(a)(1) Committee on Agriculture, Nutrition, and Forestry, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Agriculture and agricultural commodities.

"2. Inspection of livestock, meat, and agricultural products.

"3. Animal industry and diseases.

"4. Pests and pesticides.

"5. Agricultural extension services and experiment stations.

"6. Forestry, and forest reserves and wilderness areas other than those created from the public domain.

"7. Agricultural economics and research.

"8. Home economics.

"9. Plant industry, soils, and agricultural engineering.

"10. Farm credit and farm security.

"11. Rural development, rural electrification, and watersheds.

"12. Agricultural production, marketing, and stabilization of prices.

"13. Crop insurance and soil conservation.

"14. Human nutrition.

"15. School nutrition programs.

"16. Food stamp programs.

"(2) Such committee shall also study and review, on a comprehensive basis, matters relating to food, nutrition, and hunger, both in the United States and in foreign countries, and rural affairs, and report thereon from time to time.

"(b) Committee on Appropriations, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Except as provided in subparagraph (e), appropriation of the revenue for the support of the Government.

"2. Rescission of appropriations contained in appropriation Acts (referred to in section 105 of title 1, United States Code).

"3. The amount of new spending authority described in section 401(c)(2) (A) and (B) of the Congressional Budget Act of 1974 provided in bills and resolutions referred to the committee under section 401(b)(2) of that Act (but subject to the provisions of section 401(b)(3) of that Act).

"4. New advance spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 provided in bills and resolutions referred to the committee under section 401(b)(2) of that Act (but subject to the provisions of section 401(b)(3) of that Act).

"(c)(1) Committee on Armed Services, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. The common defense.

"2. The Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force, generally.

"3. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces, including overseas education of civilian and military dependents.

"4. Military research and development.

"5. Selective service system.

"6. Strategic and critical materials necessary for the common defense.

"7. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

"8. Maintenance and operation of the Panama Canal, including administration, sanitation, and government of the Canal Zone.

"9. National security aspects of nuclear energy.

"10. Naval petroleum reserves, except those in Alaska.

"(2) Such committee shall also study and review, on a comprehensive basis, matters relating to the common defense policy of the United States, and report thereon from time to time.

"(d)(1) Committee on Banking, Housing and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Banks, banking, and financial institutions.

"2. Financial aid to commerce and industry.

"3. Deposit insurance.

"4. Public and private housing (including veterans' housing).

"5. Federal monetary policy, including Federal Reserve System.

"6. Money and credit, including currency and coinage.

"7. Issuance and redemption of notes.

"8. Control of prices of commodities, rents, and services.

"9. Urban development and urban mass transit.

"10. Economic stabilization and defense production.

"11. Export controls.

"12. Export and foreign trade promotion.

"13. Nursing home construction.

"14. Renegotiation of Government contracts.

"(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions, economic growth, urban affairs, and credit, and report thereon from time to time.

"(e)(1) Committee on the Budget, to which committee shall be referred all concurrent resolutions on the budget (as defined in section 3(a)(4) of the Congressional Budget Act of 1974) and all other matters required to be referred to that committee under titles III and IV of that Act, and messages, petitions, memorials, and other matters relating thereto.

"(2) Such committee shall have the duty—

"(A) to report the matters required to be reported by it under titles III and IV of the Congressional Budget Act of 1974;

"(B) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the Senate on a recurring basis;

"(C) to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the Senate on a recurring basis; and

"(D) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties.

"(f)(1) Committee on Commerce, Science, and Transportation, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Interstate commerce.

"2. Transportation.

"3. Regulation of interstate common carriers, including railroads, buses, trucks, vessels, pipelines, and civil aviation.

"4. Merchant marine and navigation.

"5. Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports.

"6. Coast Guard.

"7. Inland waterways, except construction.

"8. Communications.

"9. Regulation of consumer products and services, including testing related to toxic substances, other than pesticides, and except for credit, financial services, and housing.

"10. Except as provided in paragraph (c), the Panama Canal and interoceanic canals generally.

"11. Standards and measurement.

"12. Highway safety.

"13. Science, engineering, and technology research and development and policy.

"14. Nonmilitary aeronautical and space sciences.

"15. Transportation and commerce aspects of Outer Continental Shelf lands.

"16. Marine fisheries.

"17. Coastal zone management.

"18. Oceans, weather, and atmospheric activities.

"(2) Such committee shall also study and review, on a comprehensive basis, all matters relating to science and technology, oceans policy, transportation, communications, and consumer affairs, and report thereon from time to time.

"(g)(1) Committee on Energy and Natural Resources, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(1) Energy policy.

"2. Energy regulation and conservation.

"3. Energy research and development.

"4. Solar energy systems.

"5. Nonmilitary development of nuclear energy.
"6. Naval petroleum reserves in Alaska.
"7. Oil and gas production and distribution.
"8. Extraction of minerals from oceans and Outer Continental Shelf lands.
"9. Energy related aspects of deepwater ports.
"10. Hydroelectric power, irrigation, and reclamation.
"11. Coal production, distribution, and utilization.
"12. Public lands and forests, including farming and grazing thereon, and mineral extraction therefrom.
"13. National parks, recreation areas, wilderness areas, wild and scenic rivers, historical sites, military parks and battlefields, and preservation of prehistoric ruins and objects of interest on the public domain.
"14. Mining, mineral lands, mining claims, and mineral conservation.
"15. Mining education and research.
"16. Territorial possessions of the United States, except for trusteeships.
"(2) Such committee shall also study and review, on a comprehensive basis, matters relating to energy and resources development, and report thereon from time to time.
"(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Environmental policy.
"2. Environmental research and development.
"3. Ocean dumping.
"4. Fisheries and wildlife.
"5. Environmental aspects of Outer Continental Shelf lands.
"6. Solid waste disposal and recycling.
"7. Environmental effects of toxic substances, other than pesticides.
"8. Water resources.
"9. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
"10. Public works, bridges, and dams.
"11. Water pollution.
"12. Air pollution.
"13. Noise pollution.
"14. Nonmilitary environmental regulation and control of nuclear energy.
"15. Regional economic development.
"16. Construction and maintenance of highways.
"17. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
"(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.
"(i)(1) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Except as provided in the Congressional Budget Act of 1974, revenue measures generally.
"2. Except as provided in the Congressional Budget Act of 1974, the bonded debt of the United States.
"3. The deposit of public moneys.
"4. Customs, collection districts, and ports of entry and delivery.
"5. Reciprocal trade agreements.
"6. Transportation of dutiable goods.
"7. Revenue measures relating to the insular possessions.
"8. Tariffs and import quotas, and matters related thereto.
"9. National social security.
"10. General revenue sharing.
"(2) Such committee shall also study and review, on a comprehensive basis, the revenue policy of the United States, and report thereon from time to time.
"(j)(1) Committee on Foreign Relations, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Relations of the United States with foreign nations generally.
"2. Treaties and executive agreements, except reciprocal trade agreements.
"3. Boundaries of the United States.
"4. Protection of United States citizens abroad and expatriation.
"5. Intervention abroad and declarations of war.
"6. Foreign economic, military, technical, and humanitarian assistance.
"7. United Nations and its affiliated organizations.
"8. International conferences and congresses.
"9. Diplomatic service.
"10. International law as it relates to foreign policy.
"11. Oceans and international environmental and scientific affairs as they relate to foreign policy.
"12. International activities of the American National Red Cross and the International Committee of the Red Cross.
"13. International aspects of nuclear energy, including nuclear transfer policy.
"14. Foreign loans.
"15. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
"16. The World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.
"17. The International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
"18. Acquisition of land and buildings for embassies and legislation in foreign countries.
"19. Trusteeships of the United States.
"(2) Such committee shall also study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.
"(k)(1) Committee on Government Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Except as provided in the Congressional Budget Act of 1974, budget and accounting measures, other than appropriations.
"2. Organization and reorganization of the executive branch of the Government.
"3. Intergovernmental relations.
"4. Government information.
"5. Municipal affairs of the District of Columbia, except appropriations therefor.
"6. Federal Civil Service.
"7. Status of officers and employees of the United States, including their classification, compensation, and benefits.
"8. Postal service.
"9. Census and collection of statistics, including economic and social statistics.
"10. Archives of the United States.
"11. Organization and management of United States nuclear export policy.
"(2) Such committee shall have the duty of—
"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;
"(B) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;
"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;
"(D) studying the intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.
"(l)(1) Committee on Human Resources, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Measures relating to education, labor, health, and public welfare.
"2. Labor standards and labor statistics.
"3. Wages and hours of labor.
"4. Child labor.
"5 Mediation and arbitration of labor disputes.
"6. Convict labor and the entry of goods made by convicts into interstate commerce.
"7. Regulation of foreign laborers.
"8. Handicapped individuals.
"9. Equal employment opportunity.
"10. Occupational safety and health, including the welfare of miners.
"11. Private pension plans.
"12. Aging.
"13. Railway labor and retirement.
"14. Public health.
"15. Arts and humanities.
"16. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
"17. Biomedical research and development.
"18. Student loans.
"19. Agricultural colleges.
"20. Domestic activities of the American National Red Cross.
"(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, aging and the problems of the elderly, and income maintenance, and report thereon from time to time.
"(m) Committee on the Judiciary, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
"1. Judicial proceedings, civil and criminal, generally.
"2. Constitutional amendments.
"3. Federal courts and judges.
"4. Local courts in the territories and possessions.
"5. Revision and codification of the statutes of the United States.
"6. National penitentiaries.
"7. Protection of trade and commerce against unlawful restraints and monopolies.
"8. Holidays and celebrations.
"9. Bankruptcy, mutiny, espionage, and counterfeiting.
"10. State and territorial boundary lines.
"11. Civil liberties.
"12. Patents, copyrights, and trademarks.
"13. Patent Office.
"14. Immigration and naturalization.
"15. Apportionment of Representatives.
"16. Measures relating to claims against the United States.
"17. Interstate compacts generally.
"18. Government information.
"(n)(1) Committee on Rules and Administration, to which committee shall be referred all proposed legislation, messages, peti-

tions, memorials, and other matters relating to the following subjects:

"1. Meetings of the Congress and attendance of Members.

"2. Federal elections generally, including the election of the President, Vice President, and Members of the Congress.

"3. Credentials and qualifications of Members of the Senate, and contested elections.

"4. Presidential succession.

"5. Corrupt practices.

"6. The United States Capitol and congressional office buildings, the Library of Congress, the Smithsonian Institution (and the incorporation of similar institutions), and the Botanic Gardens.

"7. The Government Printing Office, and the printing and correction of the Congressional Record.

"8. The Senate Library and statuary, art, and pictures in the Capitol and Senate Office Buildings.

"9. Purchase of books and manuscripts and erection of monuments to the memory of individuals.

"10. Payment of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee).

"11. Congressional organization and Senate rules and regulations, including floor and gallery rules.

"12. Administration of the Senate Office Buildings and the Senate wing of the Capitol, including the assignment of office space.

"13. Services to the Senate, including the Senate restaurant.

"(2) Such committee shall also—

"(A) make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States; and

"(B) identify any court proceeding or action which, in the opinion of the Committee, is of vital interest to the Congress as a constitutionally established institution of the Federal Government and call such proceeding or action to the attention of the Senate.

"(o) (1) Committee on Veterans' Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Veterans' measures generally.

"2. Pensions of all wars of the United States, general and special.

"3. Life insurance issued by the Government on account of service in the Armed Forces.

"4. Compensation of veterans.

"5. Vocational rehabilitation and education of veterans.

"6. Veterans' hospitals, medical care and treatment of veterans.

"7. Soldiers' and sailors' civil relief.

"8. Readjustment of servicemen to civil life.

"9. National cemeteries.

"2. Except as otherwise provided by paragraph 6, during the period commencing on the effective date of title I of the Committee System Reorganization Amendments of 1977 and ending on that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee	*Members*
Agriculture, Nutrition, and Forestry	16
Appropriations	24
Armed Services	16
Banking, Housing and Urban Affairs	15
Commerce, Science, and Transportation	18
Energy and Natural Resources	17
Environment and Public Works	15
Finance	17
Foreign Relations	15
Governmental Affairs	19
Human Resources	16
Judiciary	15

"3. (a) Except as otherwise provided by paragraph 6, during the period commencing on the effective date of title I of the Committee System Reorganization Amendments of 1977 and ending on that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee	*Members*
Budget	16
Rules and Administration	9
Veterans' Affairs	9.

"(b) Each of the following committees and joint committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

"Committee	*Members*
Intelligence	15
Small Business	14
Joint Committee on Taxation	5
Joint Economic Committee	10.

For purposes of paragraph 6, any select or special committee of the Senate and any joint committee of the Congress established after the date on which the Committee System Reorganization Amendments of 1977 are agreed to shall be treated as a committee listed in this subparagraph.

"(c) Each of the following committees, shall consist of the number of Senators set forth in the following table on the line on which the name of that comimttee appears:

"Committee	*Members*
Ethics	6.".

(b) Effective on that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed—

(1) paragraph 3(a) of rule XXV of the Standing Rules of the Senate is amended by striking out the item relating to the Committee on the Budget; and

(2) paragraph 2 of such rule XXV is amended by inserting such item after the item relating to the Committee on Banking, Housing and Urban Affairs.

(c) Not later than July 1, 1978, the Committee on Rules and Administration shall report to the Senate a resolution amending paragraphs 2 and 3(a) of rule XXV of the Standing Rules of the Senate which prescribes the number of members of the standing committees effective on that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed.

SEC. 102. (a) The first section of Senate Resolution 338, Eighty-eighth Congress, agreed to July 24, 1964, is amended—

(1) by striking out "on Standards and Conduct" in the first sentence of subsection (a) and inserting in lieu thereof "on Ethics";

(2) by striking out "the President of the Senate" in the second sentence of subsection (a) and inserting in lieu thereof "the Senate in accordance with the provisions of paragraph 1 of rule XXIV of the Standing Rules of the Senate at the beginning of each Congress";

(3) by striking out the last sentence of subsection (a) and inserting in lieu thereof the following: "For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account."; and

(4) by adding at the end thereof the following new subsection:

"(d) (1) No Member may serve on the Select Committee for more than six years of continuous service, exclusive of service prior to the effective date of title I of the Committee System Reorganization Amendments of 1977. One Member who is a member of the majority party and one Member who is a member of the minority party and who are appointed to the Select Committee at the beginning of the Ninety-sixth Congress and each succeeding Congress shall be Members who did not serve on the Select Committee during the preceding Congress.

"(2) Of the members of the Select Committee—

"(A) one from the majority party and one from the minority party shall be Members who, at the time of initial appointment to the Select Committee, have served in the Senate for less than six years;

"(B) one from the majority party and one from the minority party shall be Members who, at the time of initial appointment to the Select Committee, have served in the Senate for less than twelve but more than six years; and

"(C) one from the majority party and one from the minority party shall be Members who, at the time of initial appointment to the Select Committee, have served in the Senate for twelve or more years.".

(b) Section 2(a)(1) of such resolution is amended by inserting after "allegations of improper conduct" the following: "or acceptance of incompatible offices".

SEC. 103. (a) Senate Resolution 58, Eighty-first Congress, agreed to February 20, 1950, is amended—

(1) by striking out "seventeen" in the first sentence and inserting in lieu thereof "fourteen"; and

(2) by inserting after the first sentence the following: "After the date on which the majority and minority members of such committee are initially appointed on or after the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the membership of such committee, the number of members of such committee shall be reduced by one until the number of members of such committee consists of nine Senators.".

(b) Effective on that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed—

(1) paragraph 3(b) of rule XXV of the Standing Rules of the Senate is amended by striking out the item related to the Select Committee on Small Business and inserting in lieu thereof the following:

"Small Business ..... 9";

and

(2) Senate Resolution 58, Eighty-first Congress, agreed to February 20, 1950, is amended—

(A) by striking out "fourteen" in the first sentence and inserting in lieu thereof "nine"; and

(B) by striking out the second sentence.

SEC. 104. (a) (1) There is established a temporary Select Committee on Indian Affairs (hereafter in this section referred to as

the "select committee") which shall consist of five members, three to be appointed by the President of the Senate from among members of the majority party and two to be appointed by the President of the Senate from among members of the minority party. The select committee shall select a chairman from among its members.

(2) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee shall adopt rules of procedure not inconsistent with this section and the rules of the Senate governing standing committees of the Senate.

(3) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee.

(4) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the select committee shall not be taken into account.

(b)(1) All proposed legislation, messages, petitions, memorials, and other matters relating to Indian affairs shall be referred to the select committee.

(2) It shall be the duty of the select committee to conduct a study of any and all matters pertaining to problems and opportunities of Indians, including but not limited to, Indian land management and trust responsibilities, Indian education, health, special services, and loan programs, and Indian claims against the United States.

(3) The select committee shall from time to time report to the Senate, by bill or otherwise, its recommendations with respect to matters referred to the select committee or otherwise within its jurisdiction.

(c)(1) For the purposes of this resolution, the select committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202 (i) of the Legislative Reorganization Act of 1946, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(3) Subpenas authorized by the select committee may be issued over the signature of the chairman, or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpena.

(d) The select committee shall cease to exist at the close of the Ninety-fifth Congress and effective with the commencement of the Ninety-sixth Congress, jurisdiction over the matters specified in subsection (b)(1) and the duty specified in subsection (b)(2) are transferred to the Committee on Human Resources.

TITLE II—COMMITTEE ASSIGNMENTS; CHAIRMANSHIPS

SEC. 201. (a) Paragraph 6 of rule XXV of the Standing Rules of the Senate is amended to read as follows:

"6. (a) Except as otherwise provided by this paragraph—

"(1) each Senator shall serve on two and no more committees listed in paragraph 2; and

"(2) each Senator may serve on only one committee listed in paragraph 3(a) or (b).

"(b)(1) Each Senator may serve on not more than three subcommittees of each committee (other than the Committee on Appropriations) listed in paragraph 2 of which he is a member.

"(2) Each Senator may serve on not more than two subcommittees of a committee listed in paragraph 3 (a) or (b) of which he is a member.

"(3) Notwithstanding subparagraphs (1) and (2), a Senator serving as chairman or ranking minority member of a standing, select, or special committee of the Senate or joint committee of the Congress may serve ex officio, without vote, as a member of any subcommittee of such committee or joint committee.

"(4) No standing, select, or special committee of the Senate may establish any subunit of that committee other than a subcommittee, unless the Senate by resolution has given permission therefor. For purposes of this subparagraph, any subunit of a joint committee shall be treated as a subcommittee.

"(c) By agreement entered into by the majority leader and the minority leader, the membership of one or more standing committees may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. When any such temporary increase is necessary to accord to the majority party a majority of the membership of all standing committees, members of the majority party in such number as may be required for that purpose may serve as members of three standing committees. No such temporary increase in the membership of any standing committee under this subparagraph shall be continued in effect after the need therefor has ended. No standing committee may be increased in membership under this subparagraph by more than two members in excess of the number prescribed for that committee by paragraph 2 or 3(a).

"(d) A Senator may serve as a member of any joint committee of the Congress the Senate members of which are required by law to be appointed from a standing committee of the Senate of which he is a member.

"(e)(1) No Senator shall serve at any time as chairman of more than one standing, select, or special committee of the Senate or joint committee of the Congress, except that a Senator may serve as chairman of any joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a standing committee of which he is chairman.

"(2) No Senator shall serve at any time as chairman of more than one subcommittee of each standing, select, or special committee of the Senate or joint committee of the Congress of which he is a member.

"(f) A Senator serving on the Committee on Rules and Administration may not serve on any joint committee of the Congress unless the Senate members thereof are required by law to be appointed from the Committee on Rules and Administration.

"(g) Until that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed—

"(1) each Senator who is serving on the Committee on the Budget may serve on not more than three subcommittees of such committee and, in the case of a Senator who was not a member of the Committee on the Budget during the 94th Congress, such committee shall be treated as a committee listed in paragraph 2; and

"(2) a Senator who on the day preceding the effective date of title I of the Committee System Reorganization Amendments of 1977 was serving as a member of three standing committees (other than the Committee on the Budget and the Committee on Rules and Administration) pursuant to the provisions of this paragraph as in effect on such day may continue to serve on the standing committees which are the successors to such committees so long as his service as a member of each such successor committee is continuous.

For purposes of subparagraph (2), the standing committee which is the successor committee to a standing committee in existence on the day preceding the effective date of such title I (hereafter referred to as an 'old committee') is that standing committee which has the jurisdiction previously vested in that old committee. No Senator may, by reason of the application of subparagraph (2), serve on more than three standing committees.

"(h) A Senator who on the day preceding the effective date of title I of the Committee System Reorganization Amendments of 1977 was serving as the chairman or ranking minority member of the Committee on the District of Columbia or the Committee on Post Office and Civil Service may serve on the Committee on Government Affairs in addition to serving on two other standing committees listed in paragraph 2. At the request of any such Senator, he shall be appointed to serve on such committee but, while serving on such committee and two other standing committees listed in paragraph 2, he may not serve on any committee listed in paragraph 3 (a) or (b). The preceding provisions of this subparagraph shall apply with respect to any Senator only so long as his service as a member of the Committee on Governmental Affairs is continuous after the date on which the appointment of the majority and minority members of the Committee on Governmental Affairs is initially completed.".

(b) Rule XVI of the Standing Rules of the Senate is amended by striking out paragraph 6.

(c) Section 2 of Senate Resolution 400, Ninety-fourth Congress, is amended—

(A) by striking "paragraph 6(f)" in the last sentence of subsection (c) and inserting in lieu thereof "paragraph 6(e)(1)"; and

(B) by striking out subsection (d).

(d)(1) Not later than July 1, 1977, the appropriate standing committees shall report legislation terminating the statutory authority of the following joint committees of the Congress, transferring their functions to the appropriate standing committees of the Senate and the House of Representatives (to the extent such functions are not then vested in such standing committees) or other appropriate bodies, and providing for disposition of their staffs:

(A) Joint Committee on Atomic Energy;

(B) Joint Committee on Congressional Operations; and

(C) Joint Committee on Defense Production.

(2) Not later than July 1, 1977, the appropriate standing committees shall report their recommendations with respect to the following joint committees:

(A) Joint Committee on the Library; and

(B) Joint Committee on Printing.

(3) No proposed legislation shall be referred in the Senate to any joint committee of the Congress and no proposed legislation reported by any such joint committee shall be received in the Senate.

(4) Until the termination of the joint committees referred to in paragraphs (1) and (2), such joint committees shall, for purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, be treated as

committees listed in paragraph 3(b) of such rule. Vacancies occuring in the Senate membership of any such joint committee shall be filled, consistent with the provisions of paragraph 6 of rule XXV of the Standing Rules of the Senate, by the appointment of Senators who are members of the standing committees of the Senate which have jurisdiction over the subject matters with respect to which such joint committee exercises its functions. The preceding sentence shall not apply (but paragraph 6 of rule XXV of the Standing Rules of the Senate shall apply) to any joint committee the Senate members of which are required by law to be appointed from one or more specified standing committees of the Senate.

(e) It is the sense of the Senate that in appointing Senators to the standing committees pursuant to the Standing Rules of the Senate (as amended by this resolution) and in establishing seniority of Senators on such standing committees, first and full consideration should be given to those Senators, who, on October 1, 1976, were serving as chairmen and ranking minority members of standing committees whose jurisdictions are transferred to, or consolidated in, other standing committees and as chairmen and ranking minority members of select or special committees and subcommittees of standing committees whose jurisdictions and functions are so transferred or consolidated.

(f) It is the sense of the Senate that, in adopting rules, each committee of the Senate should include a provision to insure that assignment of Senators to subcommittees will occur in an equitable fashion; namely, that no member of a committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

TITLE III—MULTIPLE REFERRAL OF PROPOSED LEGISLATION

SEC. 301. (a) Rule XXVI of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"3. Except as provided in this paragraph, in any case in which a controversy arises as to the jurisdiction of any committee of the Senate with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer of the Senate, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

"(b)(1) Upon motion by both the Majority Leader or his designee and the Minority Leader or his designee, proposed legislation may be referred to two or more committees jointly or sequentially. Notice of such motion and the proposed legislation to which it relates shall be printed in the Congressional Record. The motion shall be privileged, but it shall not be in order until the Congressional Record in which the notice is printed has been available to Senators for at least twenty-four hours. No amendment to any such motion shall be in order except amendments to any instructions contained therein. Debate on any such motion, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than two hours, the time to be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

"(2) Proposed legislation which is referred to two or more committees jointly may be reported only by such committees jointly and only one report may accompany any proposed legislation so jointly reported.

"(3) A motion to refer any proposed legislation to two or more committees sequentially shall specify the order of referral.

"(4) Any motion under this subparagraph may specify the portion or portions of proposed legislation to be considered by the committees, or any of them, to which such proposed legislation is referred, and such committees or committee shall be limited, in the consideration of such proposed legislation, to the portion or portions so specified.

"(5) Any motion under this subparagraph may contain instructions with respect to the time allowed for consideration by the committees, or any of them, to which proposed legislation is referred and the discharge of such committees, or any of them, from further consideration of such proposed legislation.".

(b) Section 137 of the Legislative Reorganization Act of 1946 is repealed.

TITLE IV—SCHEDULING OF COMMITTEE MEETINGS

SEC. 401. (a) In consultation with the Majority Leader and the Minority Leader, the Committee on Rules and Administration shall establish and maintain a computerized schedule of all meetings of committees of the Senate and subcommittees thereof, and of all meetings of joint committees of the Congress and subcommittees thereof. Such schedule shall be maintained online to terminals in the offices of all Senators, committees of the Senate, and permanent joint committees of the Congress, and shall be updated immediately upon receipt of notices of meetings or cancellations thereof under this section.

(b) Each committee of the Senate, and each subcommittee thereof, shall notify the Committee on Rules and Administration of each meeting of such committee or subcommittee, including the time period or periods (as prescribed in paragraph 9 of rule XXV of the Standing Rules of the Senate), the place, and the purpose of such meeting. The Senate members of any joint committee of the Congress or of a subcommittee thereof shall cause notice to be given to the Committee on Rules and Administration of each meeting of such joint committee or subcommittee, including the time, place, and purposes of such meeting. Notice under this subsection shall be given immediately upon scheduling a meeting.

(c) Each committee of the Senate, and each subcommittee thereof, shall notify the Committee on Rules and Administration immediately upon the cancellation of a meeting of such committee or subcommittee. The Senate members of any joint committee of the Congress or any subcommittee thereof shall cause notice to be given to the Committee on Rules and Administration immediately upon the cancellation of a meeting of such joint committee or subcommittee.

(d) For purposes of this section, the term "joint committee of the Congress" includes a committee of conference.

SEC. 402. (a) Subparagraph (a) of paragraph 7 of rule XXV of the Standing Rules of the Senate is amended to read as follows:

"(a) When the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the Majority Leader and the Minority Leader (or in the event of the absence of either of such Leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The Majority Leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph.".

(b) Rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"9. Morning meetings of committees of the Senate and subcommittees thereof shall be scheduled for one or both of the periods prescribed in this paragraph. The first period shall end at eleven o'clock antemeridian. The second period shall begin at eleven o'clock antemeridian and end at two o'clock postmeridian.".

(c) Section 134(c) of the Legislative Reorganization Act of 1946 is repealed.

TITLE V—CONTINUING REVIEW OF THE COMMITTEE SYSTEM

SEC. 501. (a) The Committee on Rules and Administration, in consultation with the Majority Leader and the Minority Leader, shall review, on a continuing basis, the committee system of the Senate and the Standing Rules and other rules of the Senate related thereto.

(b) During the second regular session of each Congress, the Committee on Rules and Administration shall submit to the Senate a report of the results of its review under subsection (a) during that Congress. Such report shall include its recommendations (if any) for changes in the committee system of the Senate and the Standing Rules and other rules of the Senate related thereto. The Committee on Rules and Administration may submit, from time to time, such other reports and recommendations with respect to such committee system and rules as it deems appropriate.

(c) The Committee on Rules and Administration, the Majority Leader, and the Minority Leader may request the Secretary for the Majority and the Secretary for the Minority to provide assistance in carrying out their duties and responsibilities under this section.

TITLE VI—AMENDMENTS NOT WITHIN A COMMITTEE'S JURISDICTION

SEC. 601. The Standing Rules of the Senate are amended by adding at the end thereof the following new rule:

"RULE XLV

"COMMITTEE AMENDMENTS NOT WITHIN ITS JURISDICTION

"It shall not be in order to consider any proposed committee amendment (other than a technical, clerical, or conforming amendment) which contains any significant matter not within the jurisdiction of the committee proposing such amendment.".

TITLE VII—COMMITTEE STAFFS

SEC. 701. For purposes of this title, the term—

(1) "effective date" means the effective date of title I;

(2) "eligible staff member" means an individual who is a member of the staff of an old committee, or of a subcommittee thereof, on the day prior to the effective date and had served continuously as a member of the staff of an old committee or a subcommittee thereof since October 1, 1976;

(3) "new committee" means a standing or select committee which is in existence on the effective date;

(4) "old committee" means a standing, select, or special committee of the Senate which is in existence on the day before the effective date; and

(5) "transition period" means, with respect to a new committee, the period beginning on the effective date and ending on whichever of the following occurs last:

(A) the tenth day after the date on which the Senate agrees to the first resolution which is reported pursuant to section 133(g) of the Legislative Reorganization Act of 1946 and which authorizes expenditures out of the contingent fund of the Senate to be

made by such committee (not including any resolution reported pursuant to section 704(b)),

(B) the ninetieth day after the effective date, or

(C) July 1, 1977.

SEC. 702. On the effective date, the staffs of the new committees shall, except as provided in section 703, consist of the staffs of the old committees and their respective subcommittees, as set forth in the following table:

The staff of the new Committee on—	Shall consist of the staff of the old Committee (and its subcommittees) on—
Agriculture, Nutrition, and Forestry	Agriculture and Forestry.
Appropriations	Appropriations.
Armed Services	Armed Services.
Banking, Housing and Urban Affairs	Banking, Housing and Urban Affairs.
Budget	Budget.
Commerce, Science, and Transportation	Commerce.
Energy and Natural Resources	Interior and Insular Affairs.
Environment and Public Works	Public Works.
Ethics	Standards and Conduct.
Finance	Finance.
Foreign Relations	Foreign Relations.
Governmental Affairs	Government Operations.
Human Resources	Labor and Public Welfare.
Intelligence	Intelligence.
Judiciary	Judiciary.
Rules and Administration	Rules and Administration.
Small Business	Small Business.
Veterans Affairs	Veterans' Affairs.

SEC. 703. (a) For purposes of this section, the term "consolidated committee" means the Committee on Aeronautical and Space Sciences, the Committee on the District of Columbia, the Committee on Post Office and Civil Service, the Select Committee on Nutrition and Human Needs, and the Special Committee on Aging.

(b) On the effective date, each eligible staff member of each consolidated committee shall be transferred to the new committee which has the jurisdiction or performs the functions previously vested in the consolidated committee. When two or more new committees have the jurisdiction or perform the functions previously vested in a consolidated committee, the determination of the eligible staff members of the consolidated committee transferred to the staff of each of the new committees shall be made by the Committee on Rules and Administration in consultation with the chairman or acting chairman and ranking minority member of the consolidated committee.

(c) In any case in which a subcommittee of an old committee has a separate staff and is separately funded and, on the effective date, a new committee has the jurisdiction or performs the functions previously vested in the subcommittee, each eligible staff member of the subcommittee shall be transferred on the effective date to the staff of such new committee. When two or more new committees have the jurisdiction or perform the functions previously vested in the subcommittee, the determination of the eligible staff members of the subcommittee transferred to the staff of each of the new committees shall be made by the Committee on Rules and Administration in consultation with the chairman or acting chairman and ranking minority member of the subcommittee. This subsection does not apply (and section 702 shall apply) in any case in which the staff of the new committee is the successor to the staff of the old committee and its subcommittees under section 702.

(d) During the transition period of a new committee, each eligible staff member transferred by subsections (b) and (c) to the staff of the new committee—

(1) shall, subject to salary limitations imposed by law, receive compensation at a rate not less than the rate of compensation such staff member was receiving on January 4, 1977; and

(2) may not be removed, except for cause, as a member of the staff of the new committee.

(e) The staffs of committees (including statutory, investigative, and clerical personnel) should reflect the relative number of majority and minority members of committees, taking into full consideration employees appointed under section 705. A majority of the minority members of any committee may, by resolution, request that at least one-third of the funds of the committee for statutory, investigative, and clerical personnel (other than those funds determined by the chairman and ranking minority member to be allocated for the administrative and clerical functions of the committee as a whole) be allocated to the minority members of such committee for compensation of minority staff as the minority members may decide. The committee shall thereafter adjust its budget to comply with such resolution. Such adjustment shall be equitably made over a four-year period, commencing July 1, 1977, with not less than one-half being made in two years. Upon request by a majority of the minority members of any committee by resolution, proportionate space, equipment, and facilities shall be provided for such minority staff.

SEC. 704. (a) If this resolution is not agreed to before February 23, 1977, the Committee on Rules and Administration shall, before February 28, 1977, report a resolution which—

(1) extends, through the day prior to the effective date, the authority of each select or special committee which otherwise expires on February 28, 1977; and

(2) authorizes expenditures out of the contingent fund of the Senate through such day by each old committee at the same rate as authorized for the year ending February 28, 1977.

(b) Before the effective date, the Committee on Rules and Administration shall report a resolution which authorizes expenditures out of the contingent fund of the Senate during the transition period by the new committees. The amount authorized for each new committee shall be sufficient to enable that committee to pay the compensation of the members of its staff, including those members transferred to its staff by section 703, during the transition period.

(c) Not later than July 1, 1977, the Committee on Rules and Administration shall report resolutions under section 133(g) of the Legislative Reorganization Act of 1946 authorizing expenditures out of the contingent fund of the Senate by new committees for that portion of the year ending February 28, 1978, remaining after the termination of the transition period.

SEC. 705. (a) Until otherwise provided by law or resolution, each Senator shall, except as otherwise provided in this section, receive each fiscal year an amount equal to three times the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified. Such amount may be used by a Senator only to employ individuals for the purpose of assisting him in connection with his membership on committees of the Senate. Each Senator shall designate the committee with respect to which any individual is so employed to assist him.

(b)(1) In the case of a Senator who is the chairman or ranking minority member of any committee, or of any subcommittee that receives funding to employ staff assistance separately from the funding authority for staff of the full committee, the amount referred to in subsection (a) shall be reduced by the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, for each such committee or subcommittee.

(2) In the case of a Senator who is authorized by a committee, a subcommittee thereof, or the chairman of a committee or subcommittee, as appropriate, to recommend or approve the appointment to the staff of such committee or subcommittee of one or more individuals for the purpose of assisting such Senator in his duties as a member of such committee or subcommittee, the amount referred to in subsection (a) shall be reduced, for each such committee or subcommittee, by an amount equal to (A) the aggregate annual gross rates of compensation of all staff employees of that committee or subcommittee (i) whose appointment is made, approved, or recommended and (ii) whose continued employment is not disapproved by such Senator if such employees are employed for the purpose of assisting such Senator in his duties as a member of such committee or subcommittee thereof as the case may be, or (B) the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, whichever is less.

(c)(1) An employee appointed under this section shall be designated as such and certified by the Senator who appoints him to the chairmen and ranking minority members of the appropriate committee or committees as designated by such Senator and shall be accorded all privileges of a professional staff member (whether permanent or investigatory) of such committee or committees including access to all committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time and require, if classified material is being handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it.

(2) If (A) a Senator's service on a committee terminates (other than by reason of his ceasing to be a Member of the Senate) or a Senator's status on a committee as the chairman or ranking minority member of such committee or a subcommittee thereof changes, and (B) the appointment of an employee appointed under this section and designated to such committee by such Senator would (but for this paragraph) thereby terminate, such employee shall, subject to the provisions of subsection (e), be continued as an employee appointed by such Senator under this section until whichever of the following first occurs: (1) the close of the tenth day following the day on which such Senator's service on such committee terminates or his status on such committee changes or (2) the effective date on which such Senator notifies the Secretary of the Senate, in writing, that such employee is no longer to be continued as an employee ap-

pointed under this section. An employee whose appointment is continued under this paragraph shall perform such duties as the Senator who appointed him may assign.

(d) An employee appointed under this section shall not receive compensation in excess of that provided for an employee under section 105(e)(1) of the Legislative Branch Appropriations Act, 1968, as amended and modified.

(e) The aggregate of payments of gross compensation made to employees under this section during each fiscal year shall not exceed at any time during such fiscal year one-twelfth of the total amount to which the Senator is entitled under this section (after application of the reductions required under subsection (b)) multiplied by the number of months (counting a fraction of a month as a month) elapsing from the first month in that fiscal year in which the Senator holds the office of Senator through the end of the current month for which the payment of gross compensation is to be made. In any fiscal year in which a Senator does not hold the office of Senator at least part of each month of that year, the aggregate amount available for gross compensation of employees under this section shall be the total amount to which the Senator is entitled under this section (after application of the reductions required under subsection (b)) divided by 12, and multiplied by the number of months the Senator holds such office during that fiscal year, counting any fraction of a month as a full month.

(f) The compensation of individuals appointed under this section shall be paid out of the contingent fund of the Senate.

(g) The preceding provisions of this section shall be suspended and have no force or effect during any period during which, by law enacted after the date on which this resolution is agreed to, funds are made available to Senators to employ individuals to assist them in connection with their membership on committees of the Senate.

(h) Senate Resolution 60, Ninety-fourth Congress, is repealed.

(i)(1) Except as provided in this subsection—

(A) this section shall take effect on the first day of the month after the effective date occurs; and

(B) a Senator shall not be entitled to receive any amount under section 108 of the Legislative Branch Appropriation Act, 1976, for any period on or after such first day, and any designation made by him under such section which is in effect on the day prior to such first day shall cease to be effective on such first day.

(2) The aggregate amount available to a Senator for gross compensation of employees appointed under this section during the fiscal year ending September 30, 1977, shall be the total amount to which the Senator is entitled under this section (after application of the reductions required by subsection (b)) divided by 12, and multiplied by the number of months remaining in such fiscal year on and after such first day.

(3) A Senator who, but for the provisions of paragraph (1), would be entitled to receive amounts under section 108 of the Legislative Branch Appropriations Act, 1976, may elect to continue to receive amounts under such section for the period beginning on such first day and ending on the day prior to the effective date. Such election shall be made at such time and in such manner as may be provided in regulations prescribed under section 706. In the case of a Senator who makes such an election—

(A) any designation made by him under such section 108, which is in effect on such first day shall remain in effect through the day prior to the effective date unless sooner revoked or changed by him; and

(B) the amount available to such Senator for gross compensation of employees appointed under this section for the month in which occurs the effective date shall be reduced by the amounts payable for the portion of such month prior to the effective date to employees appointed by him under such section 108.

SEC. 706. The Committee on Rules and Administration shall prescribe such rules and regulations as it determines necessary to carry out the provisions of sections 703, 704, and 705.

TITLE VIII—MISCELLANEOUS

SEC. 801. Titles I through VI of this resolution and the amendments to the Standing Rules of the Senate made by such titles shall take effect on the fifth day after the day on which this resolution is agreed to.

SEC. 802. To the extent necessary to carry out the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate (as amended by title I of this resolution), all proposed legislation and nominations referred before the effective date of such title to the standing committees of the Senate shall be referred on such effective date to the appropriate standing committees.

SEC. 803. (a) Any reference in any rule, resolution, or order of the Senate or in any law, regulation, or executive order to any standing committee of the Senate (as such committees were constituted before the effective date of title I of this resolution) shall, after such effective date, be considered as referring to the appropriate standing committee established by paragraph 1 of rule XXV of the Standing Rules of the Senate (as amended by title I of this resolution).

(b) Any reference in any rule, resolution, or order of the Senate or in any law, regulation, or Executive order to the Select Committee on Standards and Conduct shall, after the effective date of title I of this resolution, be considered as referring to the Select Committee on Ethics.

Mr. CANNON. Mr. President, I ask unanimous consent that the following members of the staff of the Rules Committee have the privilege of the floor during the consideration and voting on this measure: William Cochrane, Chester Smith, Peggy Parrish, Ron Hicks, Tony Harvey, Jack Sapp, and Louise McPherson.

I make the same request in behalf of Nik Edes of Senator WILLIAMS' staff, Aubrey Sarvis of my staff, and the following additional staff members: Dan Doherty and Dick Fuller.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. METCALF. I ask unanimous consent that the privilege of the floor be extended to John Chesson of my staff during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that John Doyle, a member of my staff, may have the privilege of the floor during the debate on the pending resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I yield to the Senator from Illinois.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the following staff members have the privilege of the floor during the debate on Senate Resolution 4: Kenneth E. Gray, Norman Ornstein, Sherry Towell, Judith Parris, James Thurber, James McClellan, Stephen Merrill, and Terry Kay.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. CANNON. I yield.

Mr. HUDDLESTON. I ask unanimous consent that Bill Seale and Carolyn Fuller of my staff have the privilege of the floor during the debate and votes on Senate Resolution 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, Senate Resolution 4, reorganizing the committee system of the Senate, which we now have under consideration, was reported to the Senate on January 25 with an amendment in the nature of a substitute by a unanimous vote. The Rules Committee had less than 20 days, excluding Sundays, to work on this important reform measure, and I must say that I am very appreciative for all the cooperation we received on the part of the members of the Rules Committee as well as that of the members and staff of the Select Committee on Committees. Without such cooperation it would have been impossible for us to get this resolution reported by January 25, the deadline set for us by the Senate.

I feel that I should also take this opportunity to congratulate Mr. STEVENSON and all of the members of the Select Committee on Committees for the work they did and for the report they filed on which the Rules Committee based its consideration. Their information and groundwork was very helpful to the Committee on Rules and Administration in considering and preparing Senate Resolution 4 for Senate consideration. As you know, the Select Committee on Committees was created March 30, 1976, and filed its report—Senate report 94–1395—on November 15, 1976, under the authority of the order of the Senate on September 30, 1976.

The Committee on Rules and Administration has been very busy since the 4th of January trying to work out a sound proposal for committee reform, and as chairman, I must say that I am pleased with the work the committee has done. The Rules Committee held 6 days of hearings and held 6 sessions for markup purposes; approximately one-half of the Members of the Senate either testified or submitted statements for the record—41 actually appeared.

Two Members of the House and 15 representatives of special interest groups were also witnesses with a much larger number of special interest groups submitting statements to be printed in the record. The official transcript of the meetings of the committee numbered 1,077 pages; there were 809 pages of the markup sessions making a total of 1,886 pages. There were 26 rollcall votes taken in the markup sessions.

The reported resolution proposes to reduce the number of Senate committees

from 31 to 19 in addition to an Ethics Committee, a temporary Select Committee on Indian Affairs, and not counting the Joint Committees on Printing and the Library.

It is proposed to place a limitation on the number of committee and subcommittee assignments as follows: Each Senator is entitled to membership on two of the standing committees listed in paragraph 2, a third committee assignment on the committees listed in paragraph 3, and a fourth committee assignment to the Ethics Committee and the temporary Select Committee on Indian Affairs. Each Senator may serve on three subcommittees on each committee in paragraph 2 of which he is a member, and two subcommittees on the committee of which he is a member in paragraph 3.

This generally restricts the membership of each Senator on committees and subcommittees to 11, as compared to the present setup with some Senators having over 30 committee and subcommittee assignments. This is a considerable reduction in the number of assignments given to each Senator, giving Senators more time to prepare themselves for the consideration of proposed legislation for which they are directly responsible.

No Senator may serve at any time as chairman of more than one standing, select, or special committee of the Senate or joint committee of the Congress except that a Senator may serve as chairman of any joint committee of the Congress having jurisdiction with respect to subject matter directly related to the jurisdiction of a standing committee of which he is chairman; and no Senator may serve at any time as chairman of more than one subcommittee of each standing, select, or special committee of the Senate or joint committee of the Congress of which he is a member.

The committee is proposing in Senate Resolution 4 to redefine the jurisdiction of the committees so as to consolidate within each a particular area of Government; with an effort also to avoid fragmentation of overall legislative programs. For example, oceans and ocean policy will generally be placed in the jurisdiction of the Committee on Commerce, Science and Transportation; proposed legislation on energy would be referred to the Committee on Energy and Natural Resources; and proposed legislation on environmental control generally would go to the Committee on Environment and Public Works. The objective was to take each major area of governmental activity and concentrate it in the jurisdiction of a single committee.

Title III makes in order a motion by the majority and minority leaders, or their designees, to refer a proposed piece of legislation cutting across the jurisdiction of two or more committees to two or more committees, jointly or sequentially. Under the present rules, multiple reference can be accomplished only by unanimous consent, which is often hard to come by and then possibly at a price. Such a motion is not amendable except to add instructions and debate on such motion and any instructions thereto would be limited to no more than 2 hours to be equally divided and controlled by the majority and minority leaders.

Title IV, for the first time, provides for computerized scheduling of committee meetings. The Committee on Rules and Administration in consultation with the two leaders will establish and maintain a computerized schedule of all meetings of Senate committees and subcommittees thereof as well as of joint committees of the Congress and their subcommittees. Each committee or subcommittee must keep the personnel manning the computers notified of each of its meetings, including the time period or periods, the place, and the purpose of such meeting. Notice of any changes shall also be given immediately upon scheduling or altering the time for any such meeting. This particularly gives the chairmen of committees a chance to schedule or reschedule their proposed meetings so as to avoid a conflict of meeting times, thereby relieving Senators of the necessity of trying to be at two or more meetings scheduled for the same time.

In an effort to discourage a committee from trying to expand its legislative jurisdiction by fiat, the Committee on Rules proposes to make all amendments reported by a committee to a bill over which it has jurisdiction subject to a point of order if that amendment does not fall within the defined jurisdiction of the committee reporting the bill. Such technique has been used in the past by committees proposing committee amendments to a bill which did not fall within their jurisdiction at all, and if such amendments became law all subsequent proposals to amend that particular provision of the law would more than likely be referred to the committee which originated that language in the first place. It has been easy under that procedure for committees to expand their jurisdictions.

The resolution also contains a provision on committee staffs affected by this proposed resolution.

The major changes by the Committee on Rules and Administration over Senate Resolution 4 as introduced include the elimination of the provision relative to the creation of ad hoc committees for handling comprehensive proposed pieces of legislation cutting across the jurisdiction of two or more standing committees. These ad hoc committees were to be made up of members from the committees to which the proposed bill would have been referred had it been broken down into several bills and referred to the respective committees having jurisdiction thereover; the committees involved would also have been expected to furnish the staffs for such committees; and the life of such ad hoc committees were not to extend beyond that Congress.

The Committee on Intelligence, instead of being terminated at the end of the current Congress is recommended to be a permanent committee. The Committee on Small Business is to be retained with its present jurisdiction as well as the Committee on Veteran's Affairs. There is proposed to be created a temporary Select Committee on Indian Affairs for the duration of the 95th Congress, after which its jurisdiction is proposed to be transferred to the Committee on Human Resources. The Rules Committee, contrary to the recommendations of the Select Committee on Committees, proposes that the Joint Economic Committee and the Joint Committee on Taxation, be retained. It is proposed that the jurisdiction of the present Joint Committee on Defense Production be referred to the Joint Economic Committee.

There is one final thing I would like to mention. Since so many detailed changes have been proposed in the resolution as reported by the Committee on Rules and Administration, it should be noted that the temporary Select Committee to Study the Senate Committee System was not given any legislative jurisdiction by the Senate. Therefore, committees and Members of the Senate should not refer to the select committee's report or its deliberations for legislative history, but should refer to the deliberations and report of the Committee on Rules and Administration for that purpose.

Mr. PERCY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. CANNON. I yield.

Mr. PERCY. Mr. President, I ask unanimous consent that Paul Hoff, Marilyn Harris, Dick Wegman, Matt Schneider, John Childers and Connie Evans, of the Government Operations Committee, be allowed the privilege of the floor during the debate and votes on Senate Resolution 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, will the Senator yield for another unanimous-consent request?

Mr. CANNON. I yield.

Mr. CHURCH. Mr. President, I ask unanimous consent that William Oriol and David Affeldt, staff members of the Senate Committee on Aging, and Garry Wenske of my office staff be granted floor privileges during the debate and votes on Senate Resolution 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for another unanimous-consent request?

Mr. CANNON. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that John I. Brooks of my staff be granted the privileges of the floor during the debate and votes on Senate Resolution 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, will the Senator yield for another unanimous-consent request?

Mr. CANNON. I yield.

Mr. BAKER. Mr. President, I ask unanimous consent that during consideration and votes on Senate Resolution 4, the following staff members of the Committee on Public Works be granted the privilege of the floor: John Yago, Bailey Guard, Leon Billings, Richard Harris, Steve Swain, Karl Braithwaite, and Jim Range.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, will the Senator yield for a statement?

Mr. CANNON. Mr. President, I yield to the Senator from Illinois.

Mr. STEVENSON. I thank the Senator.

Mr. President, the Rules Committee, ably chaired by the Senator from Nevada, has done its work well, and it is to that work that I shall address my remarks.

SENATE COMMITTEE SYSTEM REORGANIZATION: FIRST STEP TO EFFECTIVE GOVERNMENT

Mr. President, it has been more than 30 years since the Senate last undertook a thoroughgoing alteration of its committee system. In chronological terms, that is a generation; in political terms, it is much longer. Only four Members of this body served prior to the enactment of the Legislative Reorganization Act of 1946. Many of the dilemmas that occupy our time today—the energy crisis, environmental pollution, or consumer protection, to name a few—hardly touched the Senate of 30 years ago. A perusal of our committee mandates as outlined in rule XXV conveys little hint of many of the subjects that concern us most today.

This proposal is not hasty or precipitous. It is the outgrowth of a prolonged, careful process which in one way or another involved most of the Members of this body. It is by no means a perfect plan—if, in fact, such a thing is possible. It is not the proposal of a few Senators; it is a compromise reflecting the views of many Senators.

Senate Resolution 4 is a large step, but the minimum step, we must take to render this institution competent to govern in the tumultuous years ahead. It will not guarantee sound policy, but it will make it possible. The American people, whose low esteem for the Congress is a matter of record, require no less of us.

HISTORY OF SENATE RESOLUTION 4

The temporary Select Committee To Study the Committee System was established on March 31, 1976. Six months later it reported a series of recommendations for committee reorganization, bill referral and scheduling changes. These were incorporated in a resolution introduced and referred to the Rules Committee on October 15. On January 5 of this year, the Rules Committee received a new version of the resolution and agreed to complete action on it within 2 weeks. On January 24, the committee unanimously reported Senate Resolution 4 to the Senate.

This phase of committee reorganization required 10 months, but the efforts lying behind the resolution have a much longer history. The last thorough study and revision of the committee system occurred in 1945–46. In the following 3 decades, committees and subcommittees proliferated, jurisdictional conflicts increased, Senators' frustrations mounted and, predictably, public confidence in this institution declined. There were numerous proposals, some adopted and many others not, to make piecemeal changes in the committee structure. Periodically, a few Members stepped forward to call for a complete review of the system. I first introduced a resolution to create a select committee in the 93d Congress. In succeeding sessions Senator BROCK and I refined the statement of objectives to reflect accurately the problems perceived by most Senators. As a result, Senate Resolution 109, creating the temporary Select Committee To Study the Senate Committee System, attracted 57 cosponsors and was passed without objection.

For the record, the 57 Senators who cosponsored this review of the committee system were: Mr. STEVENSON, Mr. Brock, Mr. ABOUREZK, Mr. BAKER, Mr. BARTLETT, Mr. BEALL, Mr. BELLMON, Mr. BENTSEN, Mr. BIDEN, Mr. BROOKE, Mr. Buckley, Mr. BUMPERS, Mr. CHILES, Mr. CLARK, Mr. CRANSTON, Mr. CULVER, Mr. DOLE, Mr. DOMENICI, Mr. FORD, Mr. GARN, Mr. GLENN, Mr. GRAVEL, Mr. GARY W. HART, Mr. Philip A. Hart, Mr. HASKELL, Mr. HATHAWAY, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. JOHNSTON, Mr. KENNEDY, Mr. LAXALT, Mr. LEAHY, Mr. MCCLURE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. Mansfield, Mr. MATHIAS, Mr. METCALF, Mr. MONDALE, Mr. Moss, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, Mr. SCHWEIKER, Mr. WILLIAM L. SCOTT, Mr. STAFFORD, Mr. STONE, Mr. Taft, Mr. Tunney, Mr. WEICKER, Mr. CASE, Mr. NUNN, Mr. Symington, Mr. CURTIS, and Mr. Hartke.

Of the 57 Members who supported this review of the committee system less than 12 months ago, 47 are still Members of this body. Needless to say, I do not expect them, or others who endorse the principle of reorganization, to approve each and every recommendation contained in Senate Resolution 4. Yet, I appeal to my colleagues to put aside transitory personal stakes in particular committees or assignments, and to ask themselves whether the effectiveness of the Senate does not justify the personal sacrifices required. I ask them to put their stated convictions on the line and support this resolution.

Mr. President, some of the debate reflects misunderstanding of the Senate's assignment to the select committee. Reorganization is difficult enough without strawmen, criticisms that we failed in tasks which the Senate did not give us. I emphasize, therefore that Senate Resolution 109 mandated the select committee to:

> . . . conduct a thorough study of the Senate committee system, the structure, jurisdiction, number and optimum size of Senate committees . . ." and ". . . to make recommendations which promote optimum utilization of Senators' time, optimum effectiveness of committees in the creation and oversight of Federal programs, clear and consistent procedures for the referral of legislation falling within the jurisdiction of two or more committees, and workable methods for the regular review and revision of committee jurisdictions.

The resolution authorized the committee to make interim reports and recommendations, but required it to submit a final report of findings and recommendations "at the earliest practicable date, but not later than February 28, 1977."

AN OPEN PROCESS

The select committee decided to recommend structural improvements first, and then act on other elements of the committee system which largely are determined by structure or which need not be decided before committee vacancies are filled at the outset of a Congress.

Any reorganization, if it is to be successful, must be developed with the full consultation and cooperation of those who are most affected by the changes. After all, the real experts on the Senate's organization are the Members of this body and their senior assistants. Every step has been taken to draw them into this process.

From its inception the select committee has involved Members of the Senate community in the evolution of this reorganization. A key role in the evolution of our thinking about Senate committee organization was played by the 75 interviews our committee staff held with staff members of the various standing, select, special, and joint committees. Forty of these interviewees were senior staff members, representatives designated by the chairman or ranking minority members of a full committee or an appropriations subcommittee.

The select committee's deliberations took place in 16 meetings, hearings, and markup sessions, all of which were open to the public. During the hearings a total of 19 Senators and 8 other witnesses were heard in person, and numerous useful lines of inquiry were pursued. According to a chronology of committee actions, no less than 70 separate public steps were taken in the process of our deliberations; these included announcements, statements, filings of reports and documents, and public meetings.

The Rules and Administration Committee has been equally open and deliberate in its review of committee reorganization. Eleven sessions of hearings were held on 6 separate days, followed by 10 open markup sessions on 6 separate days. A total of 39 Senators and 21 other individuals availed themselves of the opportunity to air their views before the Rules Committee.

In short, every Member of this body was given ample opportunity to comment and give input at every stage in the evolution of Senate Resolution 4. Considering Senators' busy schedules, the response was overwhelming. In all, more than 75 of the 118 Members of the Senate in the 94th and 95th Congresses presented their views for the record of either the select committee or the Rules Committee. There were innumerable informal discussions between committee members and other Senators. Mindful of the special concerns of freshmen Senators, select committee members met with them on three separate occasions, both before the select committee's markup last September and since the beginning of the current session. By means of reports, newsletters, releases, and statements in the RECORD, we have made every effort to keep all Senators, committees, staffs, and interested citizens informed of our progress.

For the record, let me summarize briefly the activities of the two committees.

The Rules Committee: Held 1 day of hearings in February, 1976, on Senate

Resolution 109, receiving testimony or statements from seven Senators.

The Select Committee: Conducted extensive interviews with designated majority and minority staff members of every committee as well as Appropriations subcommittees;

Held 3 days of hearings in July on committee jurisdictions, numbers, sizes, assignments, and bill referrals and 2 days of hearings in September on alternative plans for committee reorganization;

Received testimony, statements, and letters from more than 45 Senators and 32 private organizations and State and local agencies;

Published and distributed three staff reports describing the committee system, identifying its deficiencies, and outlining various reorganization proposals;

Held 5 days of open markup sessions in September to draft a plan for reorganizing the committee structure and prepared daily summaries which appeared in the CONGRESSIONAL RECORD;

Published in the RECORD an explanation of its recommendations on committee jurisdictions, sizes, assignments, bill referrals, and scheduling. On October 15, Senator BROCK and I and other members of the committee introduced a resolution containing precise language of these recommendations—Senate Resolution 586;

On January 5, Senator PACKWOOD and I and several cosponsors introduced a slightly revised resolution—Senate Resolution 4—including provisions for staff transition during the period of reorganization;

In addition, the select committee staff have recently published and distributed to Members' offices, committees, and the press a daily newsletter reporting the recommendations of witnesses before the Rules Committee and actions by the committee on amendments to Senate Resolution 4.

Finally, the Rules Committee: Held 6 days of hearings and 6 days of open markup on Senate Resolution 4;

Received testimony, statements, or letters from more than 39 Senators in the course of both the hearings and the markup sessions; and

Heard testimony from a dozen private organizations representing groups directly affected by the reorganization—veterans, native Americans, postal and Government workers, small businessmen, and senior citizens.

Like any other pressing social change, Senate reorganization should proceed with all deliberate speed. As you can see, there has been much emphasis on the deliberate aspect of this process. That is the way it should be. I do not feel that the reorganization package is any less valuable simply because it is the product of many hands and fails to contain everything we had originally desired or recommended.

BASIC GOALS OF REFORM

This resolution, as reported by the Rules Committee, addresses itself to the basic propositions propounded by the select committee in its original report to the Senate on Senate Resolution 4—filed on November 15, 1976. These goals were developed out of the experience of Senators, staff members, and others associated with the legislative process in the Senate. These goals are:

First. The Senate should establish a committee system that is consistent with the Senate's unique constitutional responsibilities and characteristics while preserving those elements of its present committee structure that have served it well.

Second. The Senate should significantly reduce the wasteful demands on Members' time resulting from the large number of committee and subcommittee assignments now held by Senators.

Third. The Senate should strengthen its ability to develop integrated legislation and perform comprehensive oversight by consolidating subject jurisdictions in fewer committees while preserving a certain level of jurisdictional competition.

Fourth. The Senate should strive to achieve better internal management of its business.

Mr. President, I request that the RECORD state, as a subheading at this point, the first basic goal adopted by the select committee, and similarly state the other goals as subheadings later in my remarks.

BASIC GOAL

The Senate should establish a committee system that is consistent with the Senate's unique constitutional responsibilities and characteristics while preserving those elements of its present committee structure that have served it well.

From the very beginning, the select committee was keenly aware of the unique responsibilities and characteristics of the Senate—quoting from the committee's report:

To oversee American foreign relations . . ., to advise and consent to major Presidential appointments, to represent broader interests [than the House], to debate complex issues thoroughly, and . . . to raise long-term, even unpopular, policy questions.

Senator Brock asserted at our first organizational meeting:

If I can lay down one criterion that I have established for myself, it is to try to restore to the Senate its constitutionally described function of being the nation's generalist . . . The Senate can contribute something unique and that is a sense of perspective, a broader view of the whole . . .

Nearly every witness before our committee, complained, however, that proliferating committees and subcommittees and the resulting scattering of jurisdictions have gone to extremes. As I stated in describing our recommendations to the Senate:

Some people believe Senators should be specialists . . . Others argue we should be generalists . . . We are neither. We are compartmentalists; we have sliced our daily routines into superficial fragments, and we have divided and subdivided large problems into a host of committee cubbyholes. It is no wonder that there is little consistency or coherence to what we do here.

And, I would add, there is too little perspective and too much fragmentation of responsibility. With such an abundance of checks and balances in our governmental system, we saw no merit in preserving a disintegrated committee structure that has frustrated our response to the energy crisis, contributed to our failure to create a balanced transportation system and compartmentalized many problems that deserve an integrated examination.

Nevertheless, the committee explicitly rejected any notion of cleanly separating all policy areas even for the present, let alone for all time:

[The Committee] desires . . . to preserve some checks and balances, creative overlap in jurisdictions, and open access of citizens in the lawmaking process. The committee system should promote the integration of national policy, but in any event, neat jurisdictional divisions along functional lines are not possible in an era of rapid change.

For example, we decided to retain shared jurisdiction over different aspects of—for example—oceans, health, pesticides, and nuclear policy. We assigned numerous committees policy oversight responsibilities extending beyond their legislative authorities. We would facilitate joint and sequential referrals of legislation in order to ameliorate conflicts over the many jurisdictional overlaps that remain. And we provide for continuous study of the committee system to enable the Senate to adapt to changing circumstances and issues without waiting another generation.

Some people have contended that the select committee set out to place every legislative subject in one and only one jurisdictional box once and for all. If the plan is adopted, it is alleged, it will eliminate creative competition among committees, suppress innovative legislative ideas, force Senators into narrow specialization, cripple our oversight and investigative capabilities, and generally mar the special virtues of the Senate.

There is simply no truth to such allegations. They misrepresent both our intentions and our conclusions. We believe, instead, that closer alinement of legislative and oversight responsibilities will yield greater accountability in the Senate. In many key policy areas, Members and the public will have a clearer idea of where to go and who to praise or blame. We do not envisage an outpouring of legislation which, as Senator MCGOVERN has observed, is often the product of competition over the same policy territory. Rather, in his words, committees will have mandates to give problems "careful study," "generate new legislative and policy ideas," and produce "the best conceived responses."

No committee organization—and certainly not the modest consolidation reflected in Senate Resolution 4—could possibly negate the broad responsibilities Senators have in serving their statewide constituencies. As Senator MCGOVERN rightly noted:

One thing is quite certain: regardless of the compartments in which we might be placed under any reorganization scheme, our constituents will hold each of us responsible for every issue that comes before the Senate.

In other words, we could not squeeze Senators into narrow specialties even if we thought it desirable—which we do not.

But it is fair to ask what really hinders Senators from performing their "generalist" role—from taking a broad view of the problems facing our States and Nation. Is it not our present fragmented committee system, with its propensity to slice broad questions into tiny pieces? Is it not our proliferation of committees, subcommittees, panels, boards, and the like—which prevent us from ordering our schedules and having time to take the broad view? Committee consolidation and realinement is designed to promote a generalist orientation, and to remedy the conditions that hinder it.

BASIC GOAL

The Senate should significantly reduce the wasteful demands on Members' time resulting from the large number of committee and subcommittee assignments now held by Senators.

The most striking trend in the Senate's committee system since its last major overhaul in 1946 is the proliferation of committees, subcommittees, and assignments. In 1947 the Senate had 26 committees and 44 subcommittees—this includes all standing, special, select, and joint committees. At the close of the 94th Congress the Senate had 31 committees and 174 subcommittees.

Ultimately, the costs of this proliferation are borne by individual Senators. In 1947 the average Senator served on only five committees and subcommittees. By the end of the 94th Congress, that figure had risen nearly fourfold, to 18. That is, the average Senator now serves on 4 committees and 14 subcommittees. No less than 40 Members of this body have 20 or more committee and subcommittee assignments; 13 have 25 or more assignments. The current champion committee-goer of the Senate has 34 committee and subcommittee assignments. Overall, counting all standing, select, special, and joint committees and subcommittees—as well as panels, boards and commissions—today's Senator has an average of 20 assignments.

It is true that a number of these panels are little more than paper bodies—one study indicated that at least 25 Senate subcommittees did not meet at all during 1975. That is just the point. These bodies need not drain our schedules and our staffs, but rather should have their functions consolidated into bodies which have substantial duties.

Not a day passes when we do not witness the consequences of proliferating committee and subcommittee assignments. Conflicts in scheduling meetings make it hard for many of these committees to conduct their business, and virtually impossible for them to command the full participation of their members. As a result of their detailed inventory of this problem, the Commission on the Operation of the Senate—the the Hughes Commission—concluded:

> On some mornings several Senators had as many as eight scheduled meetings. Other Senators had mornings when no meetings at all were scheduled. The number of morning meetings ranged from an average high of 2.7 to an average low of 1.2. The extent of conflict tends to be associated primarily with the number of assignments a Senator has.

The upshot of this is that responsibilities are distributed unevenly: some committees, their members and staff overworked, while others lack meaningful work to keep their members and staff occupied.

No theme was more consistent or more strongly expressed during the select committee's hearings than that Senators simply cannot manage their time wisely because they are overburdened with committee and subcommittee assignments. Members from every region and philosophical persuasion appeared before our committee and pleaded with us to do something to alleviate this problem. As one Senator said:

> We are so involved running from one committee to another, we don't have time often to get into the merits of the legislation.

We would have failed in our obligation to the Senate if we had not directly addressed the problem of committee proliferation by making recommendations to try and reverse the trend.

As representatives of all our constituents, we are necessarily involved in a wide variety of public policy questions. Our constituents rightly expect this of us. But in undertaking the committee work of the Senate, we cannot afford to dissipate our attentions and energies to the extent we have done in the past. How many of us could honestly contend that we devote adequate attention to the business of all the committees and subcommittees of which we are members? Indeed, how many of us could actually name all the panels of which we are a member; if we were challenged to do so?

Senate Resolution 4 significantly reduces the proliferation of committee assignments. For the first time since 1946, it consolidates the Senate's workload into a more manageable number of work groups; and it seeks to curb somewhat our seemingly voracious appetites for taking on more assignments than we can effectively discharge.

Under Senate Resolution 4, the present 31 committees will be consolidated into 21 committees—18 standing, 2 joint and 1 temporary special committee.

Three standing committees would be merged with other committees that consider related matters. These are the Committtees on Aeronautical and Space Sciences, the District of Columbia, and Post Office and Civil Service. Other bodies whose duties would be folded into legislative committees now performing similar tasks are: the Special Committee on Aging, the Select Committee on Nutrition and Human Needs, and the Joint Committees on Atomic Energy, Defense Production, and Congressional Operations.

Consolidating or merging a committee in no way implies that the functions performed by that committee will in any sense be abolished or diminished. It in no way implies a criticism of those committees. This is an argument that many special interest groups have made, as if it were somehow their constitutional right to have a Senate committee dealing with their special needs or problems. And they have contended that if we question the wisdom of setting up a special committee for them, we are insensitive to their needs and the noble work of such committees. If we established a separate committee for every pressing public problem, or every deserving group of people, there would not be enough office space in this whole city to house them. Nor would there be enough people on the Federal payroll to staff them. Senator TALMADGE put the matter candidly when he stated:

> Now it might be nice if every special interest group could have a committee it could view as its advocate. But we must be sensible about this. We just can't create a special committee for athletics, fishermen, dentists, midgets, bookkeepers, small children, and watchmakers. It is obvious that such an approach would be impossible. Rather, we must make sure that we have a committee system which represents everyone equally.

What we are proposing, therefor, in no way minimizes the importance of, say, postal employees or senior citizens, or for that matter such problems as hunger or nutrition or scientific research and development. We are saying that such questions should properly be investigated by committees having legislative authority over key Federal activities in these respective fields. Their effectiveness should, in fact, be underscored because the committees handling them have legislative as well as investigative duties—because they authorize the money and supervise the agencies, as well as probe and publicize the problems. We have developed a new concept of "comprehensive policy oversight" to underscore the investigative and oversight responsibilities of authorizing committees. And with fewer assignments, if members of legislative committees fail to discharge their duties under this resolution, then this body, through the continuing review process we have proposed, should be prepared to take appropriate steps.

Under the reorganization, Senators' committee assignments would be pared down to 3 from the present 4.3. Senators will serve on two and no more standing committees and one other "third" committee.

Subcommittee assignments would also be limited. Senators will be limited to serving on three subcommittees of each of their standing committees and two subcommittees of their "third" committees. Committee chairmen may continue to serve ex officio without vote, on any of their committee's subcommittees. The Appropriations Committee is exempted from the subcommittee assignment limitation, but ex officio service on Appropriations Subcommittees by members of other standing committees will be eliminated.

With this modest bit of self-discipline on the Senate's part, the average Senator's subcommittee assignments will be cut from 14 to 8. When committee and subcommittee assignments are added together, the reorganization provides an average of 11 assignments in place of the present 18. I can assure my colleagues that they will not lack for opportunities for service under the reorganization. And any move that consolidates our responsibilities will improve our ability to manage our time and our work and fulfill those opportunities.

REORGANIZATION DEMOCRATIZES COMMITTEE SYSTEM

The select committee's mandate was to promote "the optimum utilization of Senators' time" and the "optimum effectiveness of committees," not to determine whose power ought to be enhanced and whose diminished. We had no authority, for example, to reform the seniority system. Nonetheless, one of the ways to ease the burden on individual Members and some committees is to distribute responsibilities more evenly among both Senators and committees. Our proposed consolidations of jurisdiction and limitations on assignments and chairmanships serve that purpose. Provisions added by the Rules Committee with respect to staffing and subcommittee assignments further democratize the committee system.

Some of my colleagues maintain that meaningful limits on committee and subcommittee assignments, and on the numbers of committees and subcommittees, will have the effect of stifling innovation, concentrating power in the hands of a few senior Senators, and removing the freedom of individual Senators to pick and choose from a wide variety of committee and subcommittee bases. For example, reorganization is said to invite domination of the entire Senate by the executive branch and the best-financed lobbies and concentrate influence within the Senate in many fewer hands.

Senator McGOVERN states the case unequivocally:

This [proposal] comes down hard in favor of the most established power centers in the Senate. It is a fine piece of irony that a plan with such consequences could be called "reform."

This argument is implausible, to say the least. If anything, the present Byzantine structure of our committee system serves big interests, not disadvantaged citizens. It is the former who are best placed and have the resources to decipher committees' jurisdictions, find the points of access, and turn them to their advantage. A more rational committee structure cannot help but promote broad public understanding of the way the Senate operates.

As for power within the Senate, we found gross disparities in Senators' responsibilities. Their assignments range from a minimum of 2 committees and 2 subcommittees to a maximum of 7 committees and 29 subcommittees. The implication that junior Senators share important leadership responsibilities is erroneous. In the last session 9 freshmen Democrats held 8 chairmanships on a total of 26 committees on which they served. Two were "panels" of the Public Works Committee; two were "ad hoc" subcommittees of the Aeronautical and Space Sciences Committee; and two were subcommittees of a minor committee, Veterans' Affairs. The more senior Members set priorities among their many, important assignments. Furthermore, the present unavoidable neglect of assignments enhances the power of committee chairmen. They take over in the absence of others.

To correct these and other related problems, the select committee proposed the following measures:

First. By consolidating jurisdictions and equalizing committee workloads, we believe we have created more meaningful committees. Every Senator will serve on two major committees.

Second. Under the resolution, no Senator may serve on more than three subcommittees of major standing committees and two subcommittees on a "third" committee. Committee chairmen who serve as ex officio Members of subcommittees of their committees will not have a vote. The provision of Senate rule XVI allowing ranking Members of certain authorizing committees to sit on the Appropriations Committee during the consideration of certain bills is repealed. In the last session, one Senator was entitled to ex officio membership on no less than three Appropriations Subcommittees; two others served on two subcommittees.

Third. Senate Resolution 4 restricts each Senator to one full committee chairmanship and two subcommittee chairmanships on major committees. This limitation, had it applied in the 94th Congress, would have required some 18 senior Senators to vacate subcommittee chairmanships.

In addition, the Rules Committee adopted an amendment proposing a much fairer distribution of subcommittee assignments. It would assure junior Members a choice of subcommittees before any Senator receives a second subcommittee seat. Hence, freshmen will gain higher seniority and perhaps chairmanships or ranking minority positions on major subcommittees.

The Rules Committee also adopted a provision guaranteeing the minority control of one-third of committee staff positions and other resources.

HOLDING THE LINE ON COMMITTEE ASSIGNMENTS

Increasing the number of subcommittees on which a Senator may serve would be unwise. It would create an almost unavoidable temptation to create more, rather than fewer, subcommittees. As a result, it would increase rather than decrease the pressures on Senators' time and the fragmentation of the Senate's activities. More subcommittees would also in effect weaken all subcommittees, because they would have narrower jurisdictions than they would if fewer subcommittees shared the workload. For all these reasons, increasing the subcommittee assignment limitation runs directly counter to the principles of reorganization underlying Senate Resolution 4.

For reasons of arithmetic, allowing Senators to serve on more subcommittees increases the maximum possible number of subcommittees. For example, assuming that each subcommittee has five members, the 19 major committees established by Senate Resolution 4—Agriculture, Appropriations, Armed Services, Banking, Commerce, Energy, Environment, Finance, Foreign Relations, Governmental Affairs, Human Resources, Judiciary, Budget, Rules, Veterans, Intelligence, Small Business, Joint Taxation, and Joint Economic—could form as many as 148 subcommittees. If Senators instead were allowed four assignments on group I committees and three on group II committees, there could be as many as 203 subcommittees. If Senators were permitted five assignments on group I committees and four on group II committees, there would be as many as 254 subcommittees. In both cases, increasing Senators' subcommittee assignments beyond the provisions of Senate Resolution 4 means even more subcommittees than the present 174.

The exact number of subcommittees, of course, would be determined by action of the committees themselves. Some committees might prefer to have more, others less. The number of members on a subcommittee might vary from the five used for purposes of illustration. In any case, whatever the exact figures, there is no question that increasing the number of subcommittee assignments increases the maximum number of possible subcommittees. Given the activism of the Members, it is reasonable to assume that the actual number of subcommittees will be very close to the maximum possible number.

ASSIGNMENT LIMITATIONS AND MAXIMUM NUMBER OF SUBCOMMITTEES

Committee	Maximum number of subcommittees with— S. Res. 4: Limit of 3 assignments	Limit of 4 assignments	Limit of 5 assignments
Group I committees:			
Agriculture	9	12	16
Appropriations	14	19	24
Armed Services	9	12	16
Banking	9	12	15
Commerce	10	14	18
Energy	10	13	17
Environment	9	12	15
Finance	10	13	17
Foreign Relations	9	12	15
Governmental Affairs	11	15	19
Human Resources	9	12	16
Judiciary	9	12	15
	S. Res. 4: Limit of 2 assignments	Limit of 3 assignments	Limit of 4 assignments
Group II committees:			
Budget	6	9	12
Rules	3	5	7
Veterans	3	5	7
Intelligence	6	9	12
Small Business	5	8	11
Joint Taxation	2	3	4
Joint Economic	4	6	8
Total subcommittees	148	20	2543

Notes: Minimum subcommittee size assumed to be 5 Members. Assumes Ethics, Conduct, Indian Affairs, Joint Printing, and Joint Library have no subcommittees.

Moreover, increasing the number of subcommittees would mean weaker subcommittees because their jurisdiction would be more restricted. I know that many junior Senators are concerned that they might lose subcommitee chairmanships if the number of subcommittees is reduced. But restoring the present proliferation would be a Pyrrhic victory for junior Senators. To realize this, one need only consider the subcommittee chairmanships that were held by junior Senators during the 94th Congress: Cemeteries and burial benefits, buildings and grounds, a panel on materials policy, a panel on environmental science and technology, an ad hoc committee on the upper atmosphere, another ad hoc committee on aerospace technology and national needs, a panel on materials policy, veterans' housing and insurance, and

small business. The chairman of the subcommittee on small business, whose jurisdiction sounds reasonably extensive, appeared before the select committee to testify about how ineffective that panel was. Altogether, it is clear that junior Senators have not enjoyed chairmanships of the most important subcommittees, despite the proliferation of the past. And they would be unlikely to do so with the proposed proliferation of the future.

Under Senate Resolution No. 4, in contrast, junior Senators, like Senators generally, would serve on fewer subcommittees, but they would be subcommittees with stronger jurisdictions. And because of the limitation on chairmanships, junior Senators, like all Senators, would have the opportunity to chair subcommitees with such strengthened jurisdictions.

Let us not be seduced by the notion that the number of assignments we hold bears any relation to the impact we have upon public policy. Too often Members behave as if their major objective in life is a maximum number of assignments. They become satisfied with assignments on powerless committees that may generate publicity but lack major legislative duties. They are satisfied to achieve chairmanships of underworked subcommittees, while at the same time others are concentrating their energies on a few meaningful, powerful subcommittees. They dissipate their energies, keeping up with 20 or 25 subcommittee assignments, thinking they are having a genuine input into all the policy areas that those panels represent.

This reorganization, contrary to those views, will impose a discipline upon all Senators that will enhance our effectiveness in helping those segments of society, and those policy fields, to which we dedicate our energies and our careers. By consolidating subcommittees and limiting assignments, each subcommittee will be an important policymaking body, not simply a paper subcommittee or an impressive name to fill up our letterheads. Rather than hurting us, this self-discipline will concentrate and channel—and hence increase—our policy clout.

A wide consensus in the Senate favors reducing the proliferation of committees, subcommittees, and assignments because the proliferation wastes Senators' time and impedes decisionmaking. That view was made manifest in the investigations of the Select Committee to Study the Senate Committee System and the testimony at the hearings of the Rules Committee on Senate Resolution 4. It would be a mistake to open the door for new proliferation by increasing the number of permissible subcommittee assignments.

BASIC GOAL

The Senate should strengthen the committee system's ability to develop integrated legislation, perform comprehensive oversight, and reduce present wasteful demands on Senators' time, by consolidating subject jursidictions in fewer committees while preserving acceptable levels of jursidictional competition.

Our committee system has grown by accident rather than design. For most of the Senate's history committee jurisdictions accrued to committees largely by parliamentary precedent. It was not until 1946 that the Legislative Reorganization Act codified these 19th and early 20th century precedents into something resembling our present-day rule XXV.

The 1946 act was a landmark enactment, the basis for a modernized legislative organization. Yet, the authors of that act mainly consolidated antiquated committees rather than recasting categories of legislation. The act took the existing 33 committees and consolidated them into 15, but did not actually rearrange or reshape the jurisdictional definitions of public policy problems. Thus, we are working under what is essentially a pre-1946 division of labor.

By 1977, this system—established in 1946 and amended de facto by literally hundreds of precedents since then—has gone out of synchronization with the kinds of problems we are asked to deal with. Many problems that deserve concerted attention—energy, environmental protection, human resources programs, and transportation, to name just a few—are not reflected in our current committee structure. Occasionally, the Senate has responded to a new problem by creating a new, separate committee—atomic energy and the space program were two examples. More typically, two or three or a half dozen or a dozen committees scramble to grasp bits and pieces of the emerging problem, with a result akin to a bargain basement on sale day.

Consider the following cases uncovered in the select committee's review of committee jurisdictions.

Exhibit A in anyone's tour of governmental disorganization these days is energy policy. President Carter has rightly identified this as a priority area for reorganization, and the Senate must be in a position to help lead the concentrated attack on this massive problem—which threatens the security and well-being of all our people. Yet, in the Senate, at least 14 committees, 1 select committee, and 2 joint committees were active in energy-related issues during the last 2 Congresses.

In addition, more than 40 subcommittees are involved or potentially involved in some area dealing with energy. Nearly every aspect of this tangled problem—solar energy, strip mining, energy conservation, Outer Continental Shelf lands, and research and development—has fallen victim to serious conflicts between committees claiming jurisdiction.

What is true of energy is also true of virtually every other major policy issue of the 1970's. Environmental policymaking is handled by 12 Senate committees. Sixteen committees work in the health field; 6 have key aspects of international economic affairs; 12 are in the transportation field. Virtually every committee contributes to policy in research and development, welfare, and retirement incomes by virtue of their subject-matter responsibilities. So it goes.

No one cherishes the openness and the creative interchange of the Senate more highly than I do. But this is fragmentation and overlap run rampant. We have chopped up broad, interconnected public problems into tiny fragments, and we have failed to devise a way of putting the fragments back together into a recognizable whole.

Senate Resolution 4 will help us to make sense of these broad, emerging problems. I am the first to admit that the resolution before you does not go nearly as far as I or my colleagues on the select committee would have gone toward the objective of rationalizing committee jurisdictions. As I have noted, we were never mesmerized by mere blueprints, however nice they may appear on paper; yet our original reorganization resolution flowed from a basic logic which we tried to apply to the most pressing policy questions facing us in the next few years. In another generation, people may arrange those problems in a very different way; but we felt the reorganization we proposed would serve to focus the most urgent problems of the immediate future.

The present reorganization, while more limited in its effect than the original one, nonetheless represents a marked and I think essential improvement in our ability to deal with key emerging problems. Authority is especially consolidated in six major functional policy areas: energy; environment; human resources; science and technology; governmental affairs; and food, nutrition, and hunger. Realining these topics involves merging the responsibilities of three standing, one special, one select, and three joint committees, as well as substantially shifting responsibilities among the committees that continue. In addition, emerging national issues are highlighted in dozens of new jurisdictional categories that will be stated in rule XXV for the first time. This modernization of the basic charter of our committees should not be underestimated.

Realinement on this scale may seem small to outside observers who are unfamiliar with the ways of the Senate. However, no one who sat through the laborious, sensitive negotiations of the select committee and the Rules and Administration Committee will belittle what we have accomplished. It is so arduous a task that, as I mentioned, the landmark Legislative Reorganization Act of 1946 did not even approach it. Thus, we can say, with justification, that we are undertaking something unique in the history of the Senate: to enhance its ability to deal with broad-gaged public problems, not merely by consolidating existing committees, but by reshaping jurisdictions to create committees different from those that existed before. That is no small achievement.

ENERGY

In the energy field, jurisdiction now scattered among seven committees will be consolidated into a new Committee on Energy and Natural Resources. It will be empowered to examine such questions as energy regulation and conservation, energy research and development, and energy development in virtually all of its manifestations. It is imperative that we adopt this proposal, which will enable us to respond to, and even anticipate, President Carter's forthcoming energy policy initiatives.

ENVIRONMENT

Jurisdiction from four committees will be consolidated into a new Committee on Environment and Public Works. Among other things, this committee will be responsible for considering environmental policy, environmental research and development, various forms of pollution, environmental effects of toxic substances—other than pesticides—water resources, and fisheries and wildlife.

SCIENCE AND TECHNOLOGY

For the first time, the Senate will have a single committee to consider overall policy in science and technology. This does not, of course, mean that all R. & D. authorizations will be channeled through this committee. Virtually every government agency or program has a research component, and these will properly remain the providence of the committee handling the programmatic authorization. The proposed Committee on Commerce, Science and Transportation will assume jurisdiction presently residing in two committees—Commerce and Aeronautical and Space Sciences. Moreover, this committee will have comprehensive policy oversight for science and technology matters.

GOVERNMENTAL AFFAIRS

Jurisdiction from three existing committees will be merged into a Committee on Governmental Affairs. Added to the general authority of the Government Operations Committee will be the jurisdictions of the District of Columbia Committee and the Post Office and Civil Service Committee. It is our intention to center questions on the basic organization and management of Government in this committee, and the committee's added responsibilities are consistent with that objective.

HUMAN RESOURCES

In the vast human resources area, the reorganization plan will draw jurisdiction concerning health, education, labor, and public welfare from four existing committees into a proposed Committee on Human Resources. This committee embraces all of the Special Committee on Aging's investigative mandate, which will be given added force because the committee also authorizes many of the programs most important to the welfare of our aged—biomedical research and development, health care, aging, and retirement pensions. In addition, the committee will have responsibility for such topics as labor standards, wages and hours of labor, occupational safety and health, handicapped individuals, and equal employment opportunity.

FOOD, NUTRITION, HUNGER

The critical problems of food, nutrition, and hunger—perennial problems of human need that are being given added poignancy by worldwide shortages and inequalities among nations—will be drawn from three existing committees and focused in the new Committee on Agriculture, Nutrition, and Forestry. All investigatory authority of the Select Committee on Nutrition and Human Needs will be merged with responsibilities of the old Committee on Agriculutre and Forestry plus the school nutrition program previously in the Committee on Labor and Public Welfare.

OTHER CONSOLIDATIONS

These six areas—energy; environmental protection; science and technology; governmental affairs; human resources; and food, nutrition, and hunger—are the major consolidations contained in the present plan. In each case, responsibilities that were previously scattered will be clearly focused. In addition, the reorganization includes important first steps at consolidation in other areas—primarily transportation, consumer affairs, ocean policy, and communications. In these instances the immediate fruits of consolidation will be less visible, but the proposed changes will help the Senate move toward more coherent consideration of these subjects.

Senate Resolution 4 also embraces a new oversight concept which can help committees to grapple with these broad-gaged topics I have been speaking of. This is the notice of comprehensive policy oversight.

COMPREHENSIVE POLICY OVERSIGHT

One of the most significant innovations of Senate Resolution 4 is the concept of comprehensive policy oversight. Presently, rule XXV invests only two standing committees with explicit though narrow investigative responsibilities related to but distinct from their legislative jurisdictions. They are the Aeronautical and Space Sciences Committees, with oversight over "aeronautical and space activities of all agencies including activities associated with weapons systems or military operations," and the Budget Committee, with oversight over "tax expenditures." In addition, the Committee on Government Operations is charged with "studying the operation of Government activities at all levels with a view to determining its economy and efficiency," evaluating the impact of reorganization statutes, and studying intergovernmental relations.

Under Senate Resolution 4, nine standing committees are directed and permitted to undertake investigations and make recommendations in broad policy areas—for example, nutrition, aging, environmental protection, or consumer affairs—even though they lack legislative jurisdiction over some aspects of the subject. Such oversight authority involves subjects that generally cut across the jurisdictions of several committees. Presently, no single committee has a complete overview of these policy areas. Senate Resolution 4 corrects that. It assigns certain committees the responsibility to undertake comprehensive review of broad policy issues. These committees are:

First. Agriculture, Nutrition and Forestry—food, nutrition, and hunger both in the United States and foreign countries and rural affairs.

Second. Armed Services—the common defense.

Third. Banking—international economic policy as it affects U.S. monetary affairs and credit and financial institutions; economic growth; urban affairs; and credit.

Fourth. Commerce, Science and Transportation—science and technology, ocean policy, transportation, communications, and consumer affairs.

Fifth. Energy and Natural Resources—energy and resource development.

Sixth. Environment and Public Works—environmental protection and resource utilization and conservation.

Seventh. Finance—revenue policy.

Eighth. Foreign Relations—national security policy.

Ninth. Human Resources—health, education and training, employment and unemployment, aging and the problems of the elderly, income maintenance, and—beginning in the 96th Congress—Native American Affairs.

I would like to underscore several aspects of this committee review. First, although committees have in a sense been free to undertake such review in the past, the language of Senate Resolution 4 clearly fixes responsibility for such review. No grant of legislative authority is associated with this function, beyond that provided each committee by rule XXV. It represents, rather, a wide-ranging study and review responsibility.

Second, comprehensive policy oversight expands the traditional oversight function by permitting appropriate standing committees to review certain subjects, including relevant agencies and programs, not within its jurisdictional mandate. Like the all-embracing investigative authority of the Committee on Government Operations, panels with such duties have comparable oversight responsibilities over specifically defined policy areas.

Third, comprehensive policy oversight in no way detracts from the ability and duty of all committees continually to review agencies and programs under their legislative jurisdiction. It complements and supplements the traditional oversight required of all standing committees by the 1946 Legislative Reorganization Act and subsequent measures.

Fourth, comprehensive policy oversight focuses responsibility for comprehensive review of certain policies in designated committees. In this way, the Senate is assured that some panel has its eye on the whole forest and not just individual trees.

Finally, this new function will strengthen the ability of the Senate to develop comprehensive and coordinated programs and to determine how component parts of a subject relate to the whole. Senators realize, I know, that the sum of the parts does not always equal the whole. Comprehensive policy oversight is simply a step toward development and review of major policies in the national interest.

THE OVERSIGHT ROLE OF STANDING COMMITTEES

The select committee recommendations, and Senate Resolution 4 as it is before you, emphasize the oversight and investigatory role of each and every Senate standing committee. The recommendations, moreover, express a preference for standing committee oversight and implicitly caution against too frequent use of special, select, and joint bodies to do tasks that should lie in the domain of regular standing committees.

In this respect, the reorganization is fully within the Senate's traditions. Ever since the establishment of the standing committee system in the early 19th cen-

tury, the Senate has relied on these bodies as its prime legislative workshops. Nor do the standing committees merely process bills: their work is legislative in the broadest sense of the term, embracing every phase of the legislative process, from hearing citizens' grievances and defining problems to evaluating the effectiveness of programs and agencies.

Some people have argued that oversight is best performed by nonlegislative special and select committees because legislative committees lack the time or inclination to undertake this function. There is no reason to suppose that standing committees cannot do as good a job at oversight as these special bodies. In fact, the record of the standing committees—even in the absence of the specific mandates incorporated in Senate Resolution 4—is impressive. No doubt every Member of this body can cite examples of effective oversight by standing committees.

Without wishing to slight the efforts of any committee by omission, I think of a number of notable oversight achievements in recent years. For example: The Foreign Relations Committee's inquiries into U.S. involvement in Southeast Asia and the operations of multinational corporations; the Agriculture Committee's investigation of the grain inspection scandal; the Judicial Committee's inquiries into airline regulation and competition, administration of the Freedom of Information Act, Supreme Court nominations, Federal housing programs, and the insurance and natural gas industries; the Labor and Public Welfare Committee's studies of food and drug regulation; and the Government Operations Committee's work on regulatory reform—in cooperation with the Commerce Committee—and a host of other problems. Hundreds of other examples could be cited.

Many people, Senators and scholars in particular, have faulted the Congress for neglecting oversight. I do not believe they have been neglected, but I am the first to say we need to emphasize this function more than we have in the past. This does not, however, weaken the select committee's case for fixing oversight responsibility in the standing committees. Indeed, the thrust of our recommendations, and especially the explicit mandate for comprehensive policy oversight, is to pinpoint every committee's duties. Other developments, too, are leading committees to regard oversight as an ongoing, normal part of their legislative duties. These developments include the new discipline imposed by the congressional budget process, plus the interest shown in such concepts as sunset provisions and zero-base budgeting.

If we are going to rely upon the standing committees as our primary legislative workshops, then we ought to give them every incentive to engage in oversight and take remedial action only after they have failed to discharge their responsibilities. All of us can cite examples of inadequate or haphazard oversight, just as I have cited some cases of outstanding performance. Select, special, and joint bodies, by the same token, do not assure that adequate oversight will be performed in their respective subjects. The point is that proper oversight does not depend on naming a special body to do the job. The key to effective oversight is to fix responsibility and to erect adequate incentives.

Oversight, moreover, is properly seen as an integral part of the legislating process, not apart from it or antithetical to it. That was the philosophy of the select committee's proposals, and that is the philosophy embodied in Senate Resolution 4.

When special or select bodies are created—as occasionally are necessary—they should be given limited mandates and their functions absorbed into standing committees as soon as practicable. This principle was articulated during our hearings by Common Cause president, David Cohen, who maintained that such bodies should be absorbed once they have focused public attention on a problem, established a need for Government action and continuing attention, and developed appropriate policies.

This has clearly been the Senate's past practice. During the past 30 years the Senate has created some 31 select or special committees; only a few remain. In that same period, Congress established 26 joint committees; today there are only a few, and only one has legislative authority. Many of the panels were created in response to special circumstances or events, even though the issues continue to be just as important as when they were first identified. Take, for example, those issues identified in the 1950's and 1960's, for which special panels were created: Water resources, petroleum resources, campaign expenditures, organized crime, lobbying, unemployment, equal education opportunity, Federal expenditures, labor-management relations, foreign economic cooperation, postal service problems, immigration, and so forth. Any one of the committees created to give special attention to these problems could conceivably have expanded its purview and argued for its perpetuation. Presumably some Members did so argue. In due course, nevertheless, standing committees quite properly assumed these ongoing responsibilities.

No one, and least of all this Senator, wishes to lodge criticisms about the performance of the Special Committee on Aging or the Select Committee on Nutrition and Human Needs. Quite the contrary. In part because of the success of these panels in publicizing the dimensions of these problems, no committee of the Senate can in the future afford to ignore or give insufficient attention to the aged or those who suffer from hunger or nutritional deficiencies. But, quite properly, the select committee and the Rules Committee recommend that these problems be considered in the context of legislative responsibilities.

Aging. It has been argued that the problem of aging is so pervasive that a single committee is needed to focus responsibilities. I believe the nature of the problem dictates exactly the opposite conclusion. I have already noted that the Senate cannot build its committee jurisdictions around every problem that faces us, or every group that needs help. Aging is such a problem. The problems of older Americans reach into virtually every corner of our government's activities.

There are acute housing problems faced by the elderly—Committee on Banking, Housing and Urban Affairs—there are problems of taxation and medicare—Committee on Finance—the elderly have unique transportation difficulties—Committee on Commerce, Science, and Transportation—they need special vocational and rehabilitation assistance—Committee on Human Resources—and they are certainly dependent on the administration of pension funds—Committees on Finance and Human Resources—for private pensions; Committee on Governmental Affairs and virtually every other committee of the Senate for government pensions. Each of these committees has responsibilities for the special needs of the elderly as they relate to their subject-matter jurisdictions; and no one, I think, would propose that these legislative subjects be grouped into a single classification for the aged.

Under Senate Resolution 4, comprehensive policy oversight into problems of the elderly is located in the Committee on Human Resources. This committee is the appropriate home for the responsibilities now lodged with the Special Committee on Aging. Its legislative jurisdiction includes such subjects as measures relating to education, labor, or public welfare generally; vocational rehabilitation; public health; biomedical research and development; handicapped individuals; private pension plans; and aging. Thus, the committee has ample incentive to inquire into multiple aspects of the aging question, as well as to direct recommendations to other committees with pertinent responsibilities.

Nutrition and human needs. Again, this is a topic that has been effectively publicized by the present select committee but whose legislative components are lodged elsewhere. The bulk of this responsibility is, and has been lodged in the Committee on Agriculture and Forestry—to be renamed the Committee on Agriculture, Nutrition, and Forestry. Among its legislative categories are such items as agricultural educational extension services; the school lunch program; and food stamp programs. In addition, it is proposed to give this committee a comprehensive policy oversight mandate concerning food, nutrition, and hunger both in the United States and abroad.

MULTIPLE REFERRAL OF PROPOSED LEGISLATION

The Senate's consideration of detailed, multifaceted legislation will be aided not only by focusing responsibility but also by a simplified procedure for multiple referral. Comprehensive bills on complex subjects like energy, health, or international economic policy sometimes touch the jurisdictions of several panels. Hence, there is need for clear procedures for the multiple referral of measures. According to Senate Resolution 4, the joint leadership will have the authority when necessary to propose multiple referral of bills by motion, rather than by unanimous consent—as under the present system. Such a motion may provide that the measure be referred jointly or sequentially, in whole or in part, to two

or more committees. The motion may include instructions to report by a time certain or may describe other procedures. Notice of the referral motion and the proposed legislation to be severally referred is to be printed in the CONGRESSIONAL RECORD and be available to Members 24 hours before the privileged referral motion of the joint leadership is in order. Once a measure is multiply referred, the new procedure makes clear that the legislation may only be jointly reported. This codifies current practice. The requirement for joint reports does not apply to measures referred sequentially. In those cases, the committees may issue separate reports on the legislation. In summary, this procedure will serve to expedite the Senate's work and facilitate multiple committee consideration of legislation.

SCHEDULING AND ADDITIONAL TIME FOR COMMITTEE MEETINGS

It is no secret that the demands on Senators are heavy and the workload is burgeoning. Of special concern to Senators is meeting all their committee responsibilities. Committee hearings and meetings are commonly scheduled for the same time. A Senator must decide which, if any, to attend and whether to concentrate his attendance at one meeting or make brief appearances at several. Members are required to be here, there, and everywhere—all at the same time. The select committee recommended, and Senate Resolution 4 proposes, three ways to bring this serious problem under some control.

First, a computerized scheduling service is to be established and maintained by the Committee on Rules and Administration, in consultation with the majority leader and minority leader. That committee will receive by telephone or other report and then disseminate on terminals located in the offices of Senators and committees up-to-the-hour information on all scheduled committee, subcommittee, and joint committee meetings and hearings. All committees are directed to inform the Rules Committee of the time, place, and purpose of their sessions and of any cancellations. Meetings of conference committees will also be included in the scheduling service. All this should help to ease Members' problems in the scheduling of committee business and other business as well.

Second, committees will be permitted to meet without special leave during the first 2 hours after the Senate convenes but in no case—except for Appropriations and Budget—after 2 p.m. unless consent is granted by the joint leadership. Whenever such consent is granted, the majority leader shall announce it to the Senate. This change provides additional time for committees to accomplish their business while authorizing the joint leadership to permit committees to meet after 2 p.m. when circumstances warrant. Under present practice, a single objection can prevent committees from meeting during the morning hour. Hence, the new change expands and protects the right of committees to meet at the beginning of each day's session. Moreover, the new rule applies to all Senate committees and their subcommittees, including Senate members of joint committees, whereas the current rule applies only to standing committees.

Finally, a two-period system for committee meetings will be established. The first ends at 11 a.m. and the second at 2 p.m. It is voluntary in the sense committees still may meet during one or both time periods. It is hoped committees increasingly will prefer to schedule their business meetings during the first period, beginning at 8 a.m. or 9 a.m., and commence hearings on legislation during the second period. Or committees may use both time slots when they conduct oversight or major investigations of agency activities. Committees, of course, can schedule their activities at times that suit their needs and purposes, but they must announce their plans, and changes in them in the context of the two time periods.

This recommendation is designed to reduce scheduling conflicts among committee and subcommittee sessions. And with the aid of the computerized scheduling service, it will inform committees and Senators when conflicts will occur and what time period can maximize attendance at committee hearings and meetings.

The select committee is fully aware of proposals to ease scheduling problems by allocating days on which the Senate may not meet. Such proposals are complementary to ours. But they do not provide a full answer, because in the necessary modern practice there are very few days when the Senate is not required to meet.

CONTINUING REVIEW OF THE COMMITTEE SYSTEM

No committee system is immune to change. Unanticipated issues emerge, old issues take on added importance, or new conditions develop that may require some revision of committee jurisdictions and structure. If the Senate is to discharge its constitutional responsibilities effectively, then its workshop, the committee system, requires continual evaluation to insure its effective performance. This is particularly important in an era when the significance and volume of committee work has increased dramatically. The Senate requires a mechanism to insure the careful and systematic montoring of its committee system. It should not take another 30 years—it has been that long since the 1946 act—to make adjustments in committee jurisdictions, numbers, or sizes.

Reorganization is not a one-shot action, but rather a continuing process. Thus, the select committee recommended, and Senate Resolution 4 provides, for an onging "preventive maintenance" mechanism for the Senate committee system. In consultation with the majority leader and the minority leader, the Committee on Rules and Administration will review, on a continuing basis, the committee system and the rules of the Senate. That committee is further directed to submit a biennial report to the Senate on the results of the review, along with any recommendations for change, and to issue other pertinent reports as needed. The secretary for the majority and the secretary for the minority are directed to provide assistance to the Rules Committee and the joint leadership in carrying out their responsibilities.

By assigning this responsibility to a specific panel, the Senate is assured of regular reviews of its committee operations. As a result, minor defects can be resolved before they become major problems. Alternative proposals for improved committee performance can be assessed. Institutional requirements can be anticipated. Most importantly, a process is established for continuous examination of the Senate committee system and rules.

SENATE STAFFING

Title VII of Senate Resolution 4 deals with the committee and personal committee staffs that are affected by this resolution. Acceptance of Senate Resolution 4 would displace the staffs of three standing committees, one special committee, one select committee, and three joint committees. The standing committees are Aeronautical and Space Sciences, with a staff of 18—15 majority and 3 minority; no vacancies—District of Columbia, with a staff of 20—19 majority and 1 minority; not counting 4 vacancies—and Post Office and Civil Service, with a staff of 17—15 majority, 2 minority; not counting 2 vacancies. The approximate total number of standing committee staff members thus displaced is 55, approximately one-half professional staff and one-half clerical staff.

Select and special committees affected by Senate Resolution 4 are the Special Committee on Aging, with a staff of 21—17 majority, 4 minority; not counting 4 vacancies—and the Select Committee on Nutrition and Human Needs, with a staff of 19—15 majority, 4 minority; not counting 5 vacancies. These special and select committee staff members total 40. Of these, approximately 30 are professional staff and 10 are clerical staff.

On total, approximately 95 staff members of Senate standing, select, and special committees would ultimately be displaced by these proposed changes in the Senate committee system.

The number of joint committee staff affected by the proposed reorganization may total 62, of whom approximately one-half are professional staff. But which of these are Senate or House appointed, and majority or minority staff, is uncertain. The treatment of joint committee staff will be addressed in separate resolutions dealing with each joint committee.

In order to facilitate the work of the reorganized committees, and to protect the rights of Senators and the economic security of committee staff employees, the resolution provides for the automatic, temporary transfer of all staff members from those standing, special, and select committees which have been consolidated to the committees which gain the jurisdiction or the functions previously vested with the consolidated committee. Also transferred are those employed on any separately funded and separately staffed subcommittee whose jurisdiction or function is vested in a

new committee. It is estimated that approximately 84 standing, special, and select committee employees—including subcommittee employees—will be transferred under the resolution.

The resolution does not provide, however, for the automatic transfer of staff personnel serving on consolidated joint committees. The Senate or House origin of their employment is not always certain, and it is also uncertain whether the House, if it agreed to Senate withdrawal from a joint committee, would retain that committee as a House body and continue to employ the staff. By July 1, 1977, the appropriate standing committees are required to report legislation terminating the statutory authority of the Joint Committees on Atomic Energy, Congressional Operations, and Defense Production, and to provide for the disposition of their staffs.

Only those staff members deemed eligible are subject to transfer—that is, those individuals who serve on a consolidated standing, special, or select committee staff or on a subcommittee thereof on the day prior to the effective date of this resolution, and who had served continuously as a member of the old committee or subcommittee staff since October 1, 1976.

When two or more new committees have the jurisdiction or perform the functions previously vested in a consolidated committee or subcommittee, the determination of which new committee the eligible staff member is transferred to shall be made by the Committee on Rules and Administration, in consultation with the chairman or acting chairman and ranking minority member of the committee or subcommittee.

Mr. President, through a drafting misunderstanding, a third category of affected or displaced staff was inadvertantly omitted from the definition of staff eligible for transition protections. That group is made up of each eligible staff member who on the day prior to the effective date was a member of the staff of a subcommittee of an old committee the staff of which under section 702 is in part the predecessor of the staff of the new committee and the jurisdiction or functions of which are consolidated with or transfered to a new subcommittee of the new committee.

In other words such an individual is a staff member of a separately funded subcommittee which is consolidated within a committee as a result of reorganization.

I shall ask, at the appropriate time, that such an amendment be inserted on page 95, line 22, after "committee."

Service as a result of these transfers of committee and subcommittee personnel shall not, however, extend beyond the transition period. The transition period will begin on the date Senate Resolution 4 goes into effect and will end most likely on July 1, 1977. It is possible, however, that it will end on a later date, either the 10th day after the date on which the Senate agrees to the first resolution which authorizes expenditures for a reorganized new committee or, if the effective date comes after April 1, on the 90th day after the effective date.

During the transition period, eligible staff members transferred to a new committee will receive the same salary they were receiving on January 4, 1977, if law permits, and they may not be removed during this period, except for cause.

Statutes now limit the number of employees which a committee may have above a certain salary. If the consolidated committee has no available slots at the salary level of transferred staff, such staff will receive a reduced salary. The Rules Committee report states that Rules Committee will request appropriate relief from the Appropriations Committee.

MINORITY STAFF

In addition, each committee is required by this resolution on request of the minority to provide the minority party a share of staff and other funds, space, and facilities proportionate to the minority's ratio. The resolution states that committee staffs should reflect the relative number of majority and minority members of committees, but taking into consideration personal committee staff appointed under the Senate Resolution 60 provision that went into effect in the 94th Congress and excluding from the computation those funds determined by the chairman and ranking minority member to be allocated for the administrative and clerical functions of the committee as a whole.

A majority of the minority members may, by resolution, request that "at least one-third" of the funds of the committee for statutory, investigative, and clerical personnel be allocated to the minority members of such committee for compensation of minority staff as the minority members may decide. Each committee is thereafter required to adjust its budget to comply with such resolution.

Such adjustments do not, however, become effective immediately on the effective date of the reorganization plan. Instead, they shall be equitably made over a 4-year period beginning July 1, 1977, with not less than one-half being made in 2 years. In addition, the minority shall receive, by resolution, proportionate space, equipment, and facilities for its staff.

SENATE RESOLUTION 60 STAFF

With regard to "personal committee staff" commonly called Senate Resolution 60 personnel, section 705 codifies current practice in the administration of such staff funds. The resolution provides that each Senator shall receive each fiscal year an amount equal to three times the amount referred to in section 105 (e) (1) of the Legislative Branch Appropriation Act, 1969, as amended and modified. In other words, Senators shall continue to receive the same amount that they presently enjoy for personal committee staff. This modification was necessary, however, because Senate Resolution 60, as originally conceived, was geared to the old committee system, which had fewer assignment limitations and was based on a different classification system of committees. Senators, such as chairmen or ranking minority members, who are assumed to receive direct committee staff assistance in the reorganized committee system will, of course, not be entitled to the full amount. Moreover, the resolution states personal committee staff employees will continue to enjoy the same privileges of a professional staff member, including access to committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time, and require, if classified material is being handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it.

In sum, there have been no substantial changes regarding personal committee staff, and Senators shall continue to receive such assistance as they do at present.

SEVERANCE PAY

The present resolution makes no provision for severance pay for those displaced staff who are not retained at the end of the transition period, as recommended in Senate Resolution 4 as introduced. Because of apparent complexities the Rules Committee decided to eliminate severance pay provisions from Senate Resolution 4 and to address this problem after receiving additional reports including information on the identity and number of employees involved. It is my understanding, therefore, that the Rules Committee intends to consider such legislation during the transition period, and well before July 1, utilizing the opportunity to examine the problems accompanying staff transfer on an individual basis.

OTHER PROVISIONS

In addition to the many major provisions of Senate Resolution 4, which I have already discussed, there are a variety of other provisions that will benefit the operation of the committee system. With the exception of the addition of a new Ethics Committee, these provisions are not likely to receive much attention beyond this Chamber. Yet each of these innovations taken by itself, and all of them operating together, will measurably improve our ability to conduct the public's business.

ETHICS COMMITTEE AND SPECIAL COMMITTEE ON OFFICIAL CONDUCT

I strongly support the addition of a new Ethics Committee to Senate Resolution 4 by the Rules Committee. I agree that the retention of the Select Committee on Standards and Conduct, or the transfer of that committee to the Committee on Rules and Administration, would not be enough to indicate to the American people the seriousness with which the Senate views congressional conduct. The proposed Ethics Committee is a bipartisan, six-member committee, with a system of staggered representation and rotation, and is considered as a fourth committee assignment. These features guarantee that this new committee will be strengthened by a continual influx of member representing both parties and all levels of service within the Senate.

The Rules Committee also considered the possibility of incorporating in Senate Resolution 4 a Senate code of conduct, which was not part of the resolution as reported by the select committee. As

a result of the Senate's adoption of Senate Resolution 36, establishing the Special Committee on Official Conduct, this provision was not adopted. A proposed code of conduct is to be reported to the Senate before March 1, 1977, by this temporary committee, whose tenure expires on that date. If the Senate adopts a new code of conduct, I am sure the new Ethics Committee will be very active in making sure that the new standards of conduct are adhered to by Senate employees and Senators.

Both the creation of a new Ethics Committee and the establishment of a Senate code of conduct are important steps, and I strongly support these two improvements to the reorganization plan.

TEMPORARY SELECT COMMITTEE ON INDIAN AFFAIRS

From time to time important issues will face the Senate for which a temporary special committee should be established with specific legislative and study authority. To insure that there will be no question as to the temporary life of these committees, there should be specific provisions at the time they are created that call for a date for their termination. This will help prevent the growth of new committees and the extension of committee assignments so that Senators are unable to do an efficient and effective job.

Currently, there are special issues and problems facing American Indians. There is also a forthcoming report of the American Indian Policy Review Commission that justifies a temporary Select Committee on Indian Affairs of the Senate. It is anticipated that the Commission will transmit several specific legislative proposals related to the Federal Government's policies toward the American Indian to the Senate. I concur with the judgment of the Rules Committee that a special committee should be created to receive the Commission's report and to focus upon the problems facing the American Indian community. After receiving and acting upon the Commission report and before the end of the 95th Congress, this temporary committee will be terminated—as all committees created to address a specific issue or problem should be. Senate Resolution 4 provides that all duties and responsibilities of the Indian Affairs Committee be transferred to the Senate Committee on Human Resources. Therefore, there is no question as to the temporary life of this select committee.

PROCEDURES FOR TERMINATING JOINT COMMITTEES

Senate Resolution 4 provides an orderly procedure for transferring jurisdiction and subsequently phasing out several joint committees. Because joint committees are established by statute, Senate Resolution 4 invites concurrent action by the House and does not attempt to unilaterally abrogate its participation in a joint committee, although such action conceivably could be attempted under the Constitution. The resolution requires appropriate standing committees to report legislation to terminate the Joint Committee on Atomic Energy, the Joint Committee on Congressional Operations, and the Joint Committee on Defense Production not later than July 1, 1977. It also requires the Rules and Administration Committee to report its recommendations as to the disposition of the joint Committees on Library and Printing by July 1, 1977.

The transfer of the functions of these joint committees and the disposition of their staffs will be provided for in the legislation terminating their statutory authority. Senate Resolution 4 prohibits the Senate from referring proposed legislation to, or receiving legislation from any joint committees. This provision applies only to the Joint Committee on Atomic Energy, among present joint committees, since no others have legislative authority.

Should a vacancy occur on a joint committee that is scheduled for termination, the resolution provides that it is to be filled by the appointment of a Senator who is a member of a Senate standing committee having jurisdiction over the joint committee's subject matter.

SERVICE OF LEGISLATIVE COMMITTEE MEMBERS AS EX OFFICIO MEMBERS OF APPROPRIATIONS

The resolution calls for the repeal of paragraph 6 of rule XVI, which permits ex officio and voting membership on the Committee on Appropriations. Currently, nine committees—Agriculture and Forestry, Post Office and Civil Service, Armed Services, District of Columbia, Public Works, Foreign Relations, the Senate members of the Joint Committee on Atomic Energy, Aeronautical and Space Sciences, and Finance—are entitled to name three members each to sit ex officio with the Appropriations Committee and its subcommittees during consideration of certain appropriations items. In addition to questions about the equity of this practice, it is important wherever possible to reduce extra committee assignments that Senators may better conserve their time and energies. Therefore, Senate Resolution 4 calls for the elimination of ex officio membership of Appropriations, rather than extension of such membership to all standing committees.

AMENDMENTS NOT WITHIN A COMMITTEE'S JURISDICTION

The jurisdictional integrity of committees is protected in two principal ways. Under title I of the resolution, rule XXV for the first time would state committees may report measures "on matters within their respective jurisdictions." Title VI of Senate Resolution 4 provides:

> It shall not be in order to consider any proposed committee amendment (other than a technical, clerical or conforming amendment) which contains any significant matter not within the jurisdiction of the committee proposing such amendment.

A point of order, if sustained, would delete such an amendment.

THE TIME IS NOW

Mr. President, I believe the Senate is ready to take the reorganization steps outlined in Senate Resolution 4. Some people will no doubt argue the matter needs further study, even though we have already devoted 10 months of concerted and open deliberation to this question. Some people think Senate Resolution 4 is too radical a change in the Senate's traditional ways of doing things; others think it does not go far enough.

There are always a thousand reasons advanced for not making needed changes, and I believe I have heard most of them in the last few weeks.

There are some, inside and outside of this body, whom I would call the "yes, but" reformers. The "yes, but" reformers are those who take great pride in their devotion to modernized procedures, rational organization, and the general proposition of reform. Yet, when it comes time to put their convictions on the line, when logic and need dictate a shift of their own committee or subcommittee or function, they are most prolific and eloquent in arguing that their case is different, that their interests should be exempt from the process of change.

I confess I have heard from a few "yes, but" reformers in the course of these deliberations. Now the negotiations have been held, the various viewpoints heard. It is time for my "yes, but" colleagues to vote "yes."

I have also heard from some who feel that Senate Resolution 4, as it has emerged from these 10 months of deliberations, is so emasculated that it is hardly worth passing. I want to address those who harbor this view, for I am the first to admit that this reorganization is not everything that it might have been. Certainly it does not contain everything that the select committee recommended.

Yet, let nobody minimize or belittle what is attempted in this reorganization, and what is contained in Senate Resolution 4. For the first time in history—we have analyzed the total jurisdictional workload of the Senate and have reformulated jurisdictions along lines that are relevant to the Nation's interests. For the first time, such terms as "energy" and "environment" and "executive agreements" and "international economic policy" appear in the job descriptions of the Senate's standing committees. If Senate Resolution 4 includes nothing more than this, a modernization of jurisdictions, it would be well worth voting for.

For the first time, we have a committee focusing on energy production, utilization, and research and development. Such a committee is vital to our work. If Senate Resolution 4 represented only this, it would be well worth voting for.

For the first time, we have fixed in unambiguous terms the standing committees' duties to perform investigatory and oversight functions relating to complex, interwoven questions that affect programs and policies within many committees' jurisdiction. Again, if only this mandate emerged from our efforts, Senate Resolution 4 would well deserve our support.

In addition to the case of energy, Senate Resolution 4 consolidates our work in several key areas—most notably, environmental protection; science and technology; governmental affairs; human resources; and food, nutrition and hunger. In other areas, smaller but none-

theless significant steps are proposed that will help us get the "big picture" with regard to pressing public questions. I repeat that more should be done to rationalize and consolidate jurisdictions, but what Senate Resolution 4 proposes is by no means trivial or inconsequential. Again. if nothing more were accomplished by this reorganization, it would be deserving of your support.

Senate Resolution 4 proposes a significant curbing of our voracious appetite for assignments. If our recommendations are not further watered down—which would threaten to return us to the confused state of affairs we endured in the past—then this phase of reorganization will have a marked effect on the way we manage our time and conduct the public's business. This, too, is well worth your support.

As for those unglamorous technical—and often substantive—adjustments often labeled "internal management," Senate Resolution 4 also proposes a variety of important innovations. Multiple referrals, scheduling, staffing, and continuing review of our committee system—all these recommendations, if adopted, will help us do our jobs more effectively.

I hardly need remind my colleagues, the American people are looking over our shoulders as we debate Senate Resolution 4. This is an era of distrust and cynicism toward government—toward the Senate as well as other institutions. Citizens have shown themselves to be very perceptive about our shortcomings, and very supportive of honest efforts to remedy those shortcomings. If we fail to take this modest step toward reorganization, they will be distrustful justly.

One of our predecessors, Senator A. S. Mike Monroney—a veteran of many reform battles in this body—once said that reform is a mosaic of many little changes that when added together make a big difference. Having now grappled with this problem myself, I can understand Senator Monroney's statement. This is the way we should approach Senate Resolution 4. It is a beginning, a step, a compromise; it is also a mosaic of changes that will make a difference. Now is the time, therefore, for the Senate to take this step toward reorganization, and to commit itself to further adjustments as conditions change.

Mr. President, Congress is now an object of such scorn that even its efforts to make itself more competent to govern are scorned. The conventional wisdom has it that the Rules Committee emasculated the recommendations of the Select Committee on Committees, and the conventional cynicism permits little heed to what in fact has been done.

The truth is that the Senate is moving to reform itself. Each part of this resolution is a major reform. Such relatively small matters as the provision for ex officio membership on the Appropriations Committee, for certain favored committees, have nettled the conscience of Members for as long as I have been here and have gone uncorrected. Senate Resolution 4 eliminates them. Such major parts as the creation of an Energy Committee are not yet within the reach of the other body and will render this body competent for the first time to cope with the realities brought painfully to our attention by the hard winter.

The history of the Congress discloses no such restructuring of either body since the committee system was created in the early 19th century.

The Senate will never be a tidy, efficient institution of self-government. A certain amount of messiness is inherent and healthy in an institution which must reconcile all the conflicting interests in our pluralistic, fast-moving society, representing all people and all States. This is not a for-profit corporation. Efficiency is not in itself an objective. And we are not proposing an organization chart.

The Senate has evolved over 200 years. It has its strengths as well as its weaknesses. It is a system one tinkers with respectfully. Our possibilities are limited. Certainly, reorganization will not guarantee sound public policy. It can only make it possible or more likely.

My own judgment, after devoting some time to this necessary exercise, is that the institution is basically sound. I am not aware of models elsewhere in the Nation or in the world more deserving of emulation than the U.S. Senate. Its achievements and its strengths tend to be neglected, its faults highlighted.

Like all institutions of American Government it is the victim of attitudes created by the failures of government. Those failures in recent years have been the failures of men, not institutions.

Mr. President, this is the most extensive reorganization acted upon by the Senate, but it is a modest proposal. Time and events have overtaken the Senate. The hull is sound but it is incrusted by barnacles. We propose to remove them. Then our movement will depend on the wind and the tide over which we in this reorganization effort can exercise very little control.

The Select Committee on Committees found that Members had too many committee assignments and, consequently, we propose to reduce them. We found that work and responsibility were distributed unequally and unjustly among committees and Members, so we proposed to distribute them fairly, more equally.

The select committee found that jurisdictional boundaries were out of keeping with the issues, so we propose to realine them along basically functional lines, seeking to make comprehensive policymaking possible.

It is said now that our work was undone by the Committee on Rules. That will be believed by those who want to believe it, but it is not true. The select committee proposed 15 committees, the Rules Committee 21, as opposed to the present 33. It retained the Joint Economic Committee, as I recommended. It retained the independent bipartisan Ethics Committee, as it should have. It makes no great difference if the Joint Committees on Library, Printing, and Internal Revenue Taxation are retained as the Rules Committee proposed.

Mr. President, those who are interested in this matter will look beyond such superficial matters to the fact that the number of committees is being reduced by a third. The select committee proposed a limit of two subcommittee assignments for each Senator on each of two major committees, one for each minor committee. The Committee on Rules raised the limits to three and two respectively, as I suggested. Total committee and subcommittee assignments will then be reduced from an average of 18 to about 10.

This subcommittee limitation assures newly elected Members a fair share of the assignments. It assures all Members service on subcommittees of significance and still gives committees the flexibility they need to cope with their duly enlarged responsibilities.

Mr. President, in some respects, the Committee on Rules improved upon the work of the select committee. In most respects, its changes accommodated members and interests, doing no violence to our objectives. In some respects, its changes do violence to the objectives of reorganization. The amended resolution retains the Veterans and Small Business Committee. Americans who are veterans and small businessmen are among the stoutest supporters of a reorganized, more effective Senate, but the organizations which purport to represent them put their access to old pressure points and the comforts of the status quo first, and reorganization suffered a defeat.

It suffered only one other defeat of similar proportions. As part of the effort to rationalize jurisdictions, the select committee recommended a comprehensive transportation jurisdiction in the Committee on Commerce. That jurisdiction was retained, but minus the authorizing jurisdictions for the construction of highways and mass transit systems. In that case, inertia and the interests of members prevailed over the acknowledged need for committees that can fit together all the pieces of national policy on such complex, multifaceted subjects as transportation.

Mr. President, I could cite other disappointments and minor defeats, but those are the only actions which did any real violence to the objectives of reorganization. Any fair observer would set them alongside the improvements recommended by the Committee on Rules and look at the totality of this most unprecedented reformation. Most Senators subordinated their interests to the welfare of the institution and the public. They are the unheralded heroes of this effort and will deserve the tributes if it succeeds.

Before concluding, Mr. President, I want to caution the members to beware of disturbing the parts of this delicately balanced system. It has, as I have indicated, already suffered some harm. More could be perceived as mortal, and, indeed, it could be. This chance, Mr. President, may not come again, so let us not lose it. Issues come and go, but this chance to leave an enduring mark upon the U.S. Senate is without precedent since its earliest days, so I urge the members to treat this body with care lest one part be removed that turns out to be vital. All of

the parts of this system which we propose are connected. This is an unprecedented reform, but it is the minimal step toward the effective and responsive institution the Senate can be. I urge the members to take it.

Mr. President, I ask unanimous consent that Jeff Bingham and Vernal Della-Piana be permitted the privileges of the floor during the consideration of Senate Resolution 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. I thank the Senator from Nevada.

Mr. President, I ask unanimous consent that during the course of debate and all rollcall votes on Senate Resolution 4, the following staff members be permitted the privilege of the Senate floor: Larry Smith, James Schoener, Dave Koehler, Pam Turner, Tom Brooks, Karleen Millnick, and Barbara Conroy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr President, Senate Resolution 4 provides the Senate with a unique opportunity to place its committee structure in order. In fact, the Senate's deliberations and decisions regarding this resolution could very well affect the legislative record of many future Congresses. Senate Resolution 4 calls for the reorganization of the Senate committee system—a system void of any reform for over 30 years.

Mr. President, the Committee on Rules took seriously the recommendations of the temporary Select Committee To Study the Committee System. We knew the recommendations of the select committee did not come easy. We knew they were formulated only after the select committee had heard many Senators and outside interest groups plead for committee reform.

As I see it, the task of the Committee on Rules was to refine or improve upon the recommendations of the select committee. Obviously, the select committee's recommendations generated much comment both within and outside the Senate. In order to accommodate all those who wished to testify, the Rules Committee held 6 days of hearings on Senate Resolution 4. The Rules Committee found a certain common trait among all the witnesses—they were all for the reform, and they were all against it. The differences arose over how the reorganization should be done—not whether it should be done.

Among the advocates for committee reform, we found Senators, Members of the House of Representatives, veterans, small business people, senior citizens, and union leaders. Almost all of the advocates for reform agreed with the recommendations of the select committee except when those recommendations touched upon their specific committees. Then, the Rules Committee heard another story.

Mr. President, if the Committee on Rules had followed all of the advice imparted to it during the course of its hearings on Senate Resolution 4, there would be no Senate Resolution 4. Instead, the Committee on Rules would have been recommending to the Senate that the status quo terms of committee structure be maintained during the 95th Congress.

The select committee, as well as the Committee on Rules, found it very difficult to reorganize the Senate committee system. In fact, we found it almost impossible. I hope and pray President Carter does not face the type of apprehension toward his efforts to restructure the Federal Government as we have found in trying to reform the U.S. Senate.

Mr. President, I supported and cosponsored the original text of Senate Resolution 4. I would have preferred to see the Committee on Rules maintain the actual number of Senate committees as recommended by the select committee, but a majority of the committee felt differently, and I accept their decision. Despite these changes, I believe Senate Resolution 4, as amended by the Committee on Rules, presents a healthy change to the present Senate committee system.

Instead of having 33 standing, special, select, and joint committees, we will have 18 Senate committees and two joint committees. Instead of some Members being forced to serve on over 30 committees, subcommittees, and joint committees, most Members will only need to serve on three committees and eight subcommittees.

As recommended by the select committee, a Senate committee scheduling system will be established to help prevent the scheduling of too many committee and/or subcommittee meetings at the same time. This change, in itself, should help all of us use our time more efficiently.

Mr. President, before I close, I believe I need to say a few words about the minority staffing provision in title VII relating to committee staffs. It is no secret to anyone in this institution that committee staff means power—whether we are speaking about one chairman, one ranking minority member, one committee member, or one party. When we talk about committee staff, we must address the question of equality. Until a few years ago, there was little effort on the part of most committee chairmen to share the appointment of committee staff with the other members of their committees. To be a leader, one needs a staff. To be able to offer alternative plans and solutions to the problems confronting our society, one needs the staff to do the basic research. To do the proper job in representing one's State in the Senate, one needs a staff to process the mail and to do the research. Some Members of this body—some chairmen—control the appointment of over $1 million in terms of committee staff.

The members of the minority party are saying that we want equal rights when it comes to committee staffing. We are not saying that such one-third staff should be automatic. We are saying, however, that every time a majority of the minority members of each committee requests one-third of the funds for statutory, investigative, and clerical staffs, they be allocated these funds for the purposes of hiring a minority staff for their committee.

We realize that in many committees such a rule would cause much disruption among the majority staff as now constituted, therefore we are recommending that this goal of one-third of the committee funds for minority staff purposes be achieved over a 4-year period. We want to be fair about this matter, and we would hope that the members of the majority party would want to be fair.

In all respect to some committee chairmen, the one-third minority staffing has already been achieved. The Budget, Government Operations, and Intelligence Committees all come to mind, and for this we are grateful. We point to these committees as examples of how well the one-third minority staffing works. To those committees with majority/minority staffs below this ratio, we say the goal is obtainable in 4 years, and that it should be.

If we are going to have committee reform, let us have it all the way. It is wrong for the majority party to control approximately 80 percent of all committee staff. It is wrong for the chairman of a committee to control a majority of the majority committee staff, just as it is wrong for the ranking minority member to control all of the minority staff. The 95th Congress is a good time to start providing for the equal distribution of committee staff in terms of party ratio, and it is a good time to start having the chairmen and ranking minority members of committees share the appointing power of committee staffs.

We believe a strong two-party system is healthy for the Senate, for the Nation, and even for the Democratic Party. If the minority party is unable to retain, on the Senate floor, title VII of Senate Resolution 4, as reported by the Rules Committee, it will be noted not so much as a failure on the part of Senate Republicans, but as a sign of weakness on the part of the Democrats of the Senate. It will be a sign of weakness because it will show to the Nation that even with almost a 3 to 2 margin, the majority party of the Senate is afraid of the organizational capability of the minority party.

Mr. President, we may, in the end, be denied our rights in terms of committee staff, but we do not intend to be denied the rights we have here on the Senate floor. Though our resources will be slight, we will have an impact on the Senate floor as to the success or failure of legislation addressing national issues.

Mr. President, I would hope and trust that in these very early days of the 95th Congress we would see and feel a new understanding on the part of the majority party, that it is to their best interests that the minority party be an active group within this legislative body. Denying the miniority party their rights on minority staffing will only serve as a harbinger of what we can expect during the remaining days of the 95th Congress, and what the Democratic leadership can expect from the minority party when they need us most. And, as we all know, those days of need will come—maybe sooner than most think.

Mr. President, the minority party wants to work in concert with the majority party in solving many of the problems confronting our country. This issue of

minority committee staffing will let us know whether the majority party wants our help. I pray that they will.

Mr. CANNON. Mr. President, there is one other item I should mention, and that is, as long as Senator HATFIELD referred to staff, the problem of staffing with respect to the committee whose jurisdiction has been transferred.

There is a provision in the resolution, Senate Resolution 4, that would transfer those staffs to the gaining committee and would protect those staffs to July 1, give up until July 1, 1977, to make the necessary adjustments.

I am advised by our comptroller that there would be some legislation required and at the conclusion, if this resolution is passed, we would attempt to adopt legislation granting authority to those people to be paid at the same rate of pay they were being paid at the time of the dissolution of our committee up until the July 1 period.

I just wanted to comment on that to the Senate.

Mr. President, I thank Senator STEVENSON for his very kind remarks about the Rules Committee and the work he did on this matter.

I say that he was there every day and sat there through all our deliberations, gave us some very good advice as a result of his study, and we are very appreciative of the work that he and his staff did, as well as through other members of the committee who assisted in the course of the work.

Mr. President, I yield the floor.

Mr. METCALF. Mr. President, it has been my privilege to participate with Senator STEVENSON and other members of the Temporary Select Committee on Committees in the development of Senate Resolution 4, the Committee System Reorganization Amendments of 1977.

I believe this resolution—as refined by the Senate Committee on Rules and Administration under the very capable leadership of Senator CANNON—is an extremely important step toward making the Senate more efficient and more responsive.

As a member of the Joint Committee on the Reorganization of the Congress, which formulated the 1970 Legislative Reorganization Act, I can attest to the difficulty of dealing wth committee jurisdictions and consolidations. That joint committee, as some Senators will recall, labored mightily to bring about significant change in the committee structure—the need for such change was readily apparent even then, in the mid and late 1960's—but its accomplishments in this area were at best modest.

Senators STEVENSON and former Senator Brock deserve the commendation of the entire Senate for taking on one of the Senate's most thankless tasks, attempting to bring our committee jurisdictions up to date.

They and their staff on the temporary select committee devoted hours and months of hard work to this effort.

Their presentation before the Rules and Administration Committee—in a long, complex mark up—was a remarkable performance.

As a member of the temporary select committee, I believe Senate Resolution 4, as reported by the Rules and Administration Committee, will enhance the Senate's ability to look at policy problems as a "whole" in a number of critically important areas. I am particularly pleased by the final recommendation for consolidation of energy policy in a new Committee on Energy and Natural Resources.

Moreover, in addition to jurisdictional consolidations, Senate Resolution 4 contains a number of long needed procedural changes that will improve the scheduling of committee meetings and reduce the number of conflicting, wasteful demands on Senators' time.

In short, Mr. President, the committee systems reorganization amendments are a carefully conceived series of proposals that will improve the Senate's efficiency and responsiveness. These amendments should receive the support of all Senators who are concerned about the ability of the Senate to meet today's needs.

Mr. HUMPHREY. Mr. President, in the next few days we will be working on Senate Resolution 4, a very significant package of proposals to reorganize Senate structure and procedures.

This debate is the culmination of a long and painstaking effort on the part of Senator STEVENSON and other members of the Senate Select Committee To Study the Senate Committee System, and of the Rules Committee, whose decisions have been incorporated in the revised resolution now before us. Some of the proposals of this resolution are similar to recommendations of the Commission on the Operation of the Senate, which has also submitted a thorough and useful study on how to make our institution more effective.

Before we begin this debate, I want to say how much I admire and respect the work of Senator STEVENSON. He has fulfilled his assignment with great energy and determination.

Whatever the provisions of the reform we ultimately adopt, it is his committee which has set the schedule, defined the issue and, to a certain degree, fixed the options. We are working with concepts developed from hearings in which many of us were privileged to offer both a diagnosis of, and a prescription for, the Senate's ills.

Under Senator STEVENSON'S vigorous leadership, an excellent committee staff compiled facts, analyzed testimony, and submitted their proposal to correct the acknowledged problems of conflicting, overlapping, and fragmented committee jurisdictions, as well as a series of changes to make Senate procedures more rational and efficient.

Senator STEVENSON'S committee has done a tremendous job. I am sure he is far less surprised than an outside observer might be that his colleagues are ready to lend a helping hand in the final product, to shave off a little here, or plump out a little there.

Before I address some of the resolution's specific provisions, let me emphasize that I am very hopeful that the suggestions which will be made in this deliberative assembly will not be misinterpreted, or that the ideal of "reform" will not be prematurely mourned by observers of our rather eccentric institution simply because it is cautious and pragmatic.

In policy debates, the crucial role is that of the person who sets the agenda. Today, all of us are addressing an agenda that has been set by Senator STEVENSON and his colleagues. They have assembled information, they have made proposals, and they have required each of us at times to distinguish between a desire to be better organized, less overworked, and more informed, and the need to have a committee system whose ultimate goal is the making of sound public policy. Where a method of organization may at a few points not achieve 100 percent technical efficiency, but nevertheless has proven to serve effectively the public interest, then we had better hold on to those aspects that work.

Let us also clarify that to differ on details is not to reject reform. Reform is an objective we all share, although we may not agree on some of its elements. Reform should reduce our work burden, allow us to devote more time to our primary responsibilities, and reduce overlap where it is wasteful. But it also should retain committees which are in fact creative, generating alternative solutions to a problem. Most of all, it should provide us with a more integrated and comprehensive approach to such major policy issues as energy and environment and the economy, that did not have the same urgency, and did not pervade so many different aspects of public policy, when the Senate last overhauled its committee structure in 1946.

Over the years, I have offered a number of proposals to improve the process through which Congress formulates and carries out programs.

A major concern of mine has always been to increase our ability as an institution to grasp the full dimensions of complex issues, to strengthen the analysis and foresight that permit long-range planning and accurate projection of the long-range impacts of current decisions.

We have to equip our committees to study and review broad areas and propose national goals. We must be careful not to subordinate this integrative approach to a mechanical reduction in the number of committees.

Above all, reform must be firmly rooted in need, not theory. It must make real, not just paper, improvements. Each committee of this Congress was created to fill a need. We must now judge whether that need continues, and whether existing committee structure, or the proposed alternative, will best achieve our purpose.

If the need persists, if the committee performs well, if it does not duplicate functions better performed elsewhere, then to sacrifice it may be a regression, not reform. A better answer to reduce workload and increase efficiency in that case may be to limit and distribute committee assignments, and organize rationally our schedule.

To a praiseworthy extent, the Rules Committee hearings have gathered the evidence for this type of judgment. The results generally reflect a consensus.

I do differ, for reasons I shall explain more fully later, with the decisions to merge the Select Committee on Nutrition and Human Needs, and the Special Committee on Aging, and have joined my colleagues in proposing amendments to retain these two forums for issues that affect every American. The quality and availability and understanding of good nutrition is basic to national health and indifferent to profession, income or any other "special interest" category. Moreover, the needs of older Americans—now a major segment of our population—demand the comprehensive analysis that is only possible in a special committee.

The Rules Committee in general has recognized that the Senate is not an executive agency, nor yet a big business. We are a democratic body and we must reflect and respond to public opinion. The legitimate right of our constituents to full representation must be weighed against the claims of efficiency.

It also became apparent during Rules Committee hearings that no generalization was equally valid for each joint, select, or special committee, but that each had to be considered separately on the basis of its purpose, function and performance. The Joint Economic Committee was not created to compete with legislative committees, but to achieve an overall perspective. Concentration and narrow definition reflect a rational, scientific approach to problem solving. But they also carry a risk of obscuring the overall picture, of dissecting an issue until we cannot see the forest for the trees.

The absence of legislative functions has permitted the Joint Economic Committee to provide long-range and in-depth analyses of economic issues and trends, and I am gratified that the Rules Committee heeded strong voices of support, and an outstanding record of accomplishment, to retain this vital congressional resource.

Comprehensive planning and analysis are as important, even more so, as when the Joint Economic Committee was first charged with reviewing broad issue areas and helping to define national goals.

Life on this planet becomes steadily more interdependent and complex, and we desperately require an organism to help us recognize the links between domestic and foreign policy and economic variables.

Wherever our current system strengthens this ability of Congress to better grasp the overall picture, it must be strengthened, not split up or dismantled.

Such considerations fully justify the decisions to preserve separate committees to voice the interests of small business and of veterans. A great many of the laws we pass affect very differently large corporations and small businesses. Were it not for the Small Business Committee, the large corporation might seem to be the only business spokesman. The committee has proved invaluable in clarifying the impact on small business of a variety of issues falling in different functional areas.

It would be a mistake to take any action that would mute the voice of this important sector of America's economy, which not only provides half of our Nation's jobs, but also supports true competition and independence and innovation that are an essential part of our national character.

The case for the Veterans' Affairs Committee was also made during committee hearings, and in a flood of mail to congressional offices. I recall that before this committee existed, the policy toward veterans' interests lacked consistency and could even work at cross purposes. This committee has served a vital function and must continue to do so.

The Rules Committee also reversed the proposal of the temporary committee that all foreign economic policy be moved to the Banking Committee. As reported in the resolution, the Foreign Relations Committee still holds primary jurisdiction over foreign economic policy, but the Banking Committee, upon request of its chairman, may have sequential referral of certain legislation and has the right to study the impact of international economic policy on the domestic economy.

As a supporter of the Rules Committee action in this critical area, I believe it strengthens the foreign policy decision-making capability of the Senate, as an institution, by avoiding further fragmentation in this process. International economic policy, particularly in recent years, has become of paramount concern in the foreign policy of this Nation. The economic policy as formulated by the executive branch in this area will continue to be predicated upon responses to foreign policy concerns.

An attempt to separate economic policy from foreign policy considerations would only serve to weaken the Senate's ability to deal with this critical area effectively, particularly at a time when the new administration of President Carter has launched a reorganization and centralization of international economic policy formulation in the executive branch.

Therefore, I believe it is essential that the full Senate support the Rules Committee recommendation in this area.

Several jurisdictional changes endorsed and conserved by the Rules Committee further the logical grouping of related issues. The proposed Committee on Energy and Natural Resources, and the Committee on Environment and Public Works address issues that have grown enormously in the past few years, while our committee structure was still dealing with them on a piecemeal basis. The proposed consolidations will help Congress develop consistent policy on major energy, environmental and human welfare issues that cut across departmental lines. It will lessen the time-consuming repetition of testimony now required of executive department officials before several committees studying the same issue.

The resolution assigns issues that have emerged since our last major structural reform; it corrects some recognized anomalies; and it significantly clarifies and strengthens oversight functions. It permits multiple and sequential bill referrals by privileged motion instead of unanimous consent. At the same time, revised rules will inhibit committees from reporting legislation not within their jurisdiction. Each of these revisions encourages the comprehensive and orderly review of legislation, as opposed to a competing and dispersed approach.

Procedural reform is not a glamor issue, and the public interest has dwelt on what the press loves to term "warring fiefdoms." But a good many substantive issues are decided by the procedures the Senate adopts for conducting its business.

Many of the rules changes proposed by this resolution have been on our reform agenda for years.

Most of us have grappled with the issue of expanding, unrealistic workloads. The Rules Committee limit of 11 committee and subcommittee assignments per Senator is a substantial improvement over the current average of 18. An excessive workload means that a Senator must choose among conflicting responsibilities at the expense of individual committee performance. The Rules Committee compromise is a judicious modification of present practice that should help Senators focus in more detail on each of their responsibilities, yet elastic enough to permit us to avoid a narrow specialization.

Another function of the committee assignment limitation is to widen the opportunities of junior Senators for active participation. Moreover, every Senator will be assured of two important assignments, and the category of exclusive committees will be dropped.

I have long been involved in efforts to make Congress more efficient and more responsive. I am currently the sponsor of legislation to strengthen its factfinding, information, and oversight capacities and generally upgrade its status as an independent, coequal branch of Government. It is gratifying to me to see that this resolution includes a number of important procedural reforms that increase the equity, efficiency, and competence of Congress to perform its functions and justify the expectations of the American people.

After we have worked out our remaining differences, I am confident that we will have made important progress toward improving and modernizing the institution of Congress to respond in a dynamic manner to new realities.

Mr. PACKWOOD. Mr. President, future generations will remember the Senate of the 95th Congress for the action it is prepared to take today—reform of the Senate committee system. By adopting the select committee's resolution the Senate will address the great need for reform it has not even considered in 30 years.

In hearings over the last year great attention has focused on the need to change the operation of the Senate, limit its committees, create more logical jurisdictions within fewer committees and subcommittees and ultimately, provide the Senators who serve here a better opportunity to fulfill their duties.

The exact way one accomplishes these improvements has been and remains to be a difficult question for us all. Reform of the institution in which many have become accustomed to working is no easy

task. If one becomes knowledgeable in a certain subject area it is difficult to allow it to be moved elsewhere. Or, having attained positions on several committees it is disheartening to have them consolidated. But overall, we as Senators and the people whom we serve are better off. Let me outline the four goals which the resolution before us fulfills:

First. A Senate committee system that is consistent with the Senate's constitutional responsibilities but preserves those elements of its present committee structure that have served it well.

Second. A significant reduction of wasteful demands on Member's time resulting from the large number of committee and subcommittee assignments now held by Senators.

Third. A strengthened ability for the Senate to develop integrated legislation and perform comprehensive oversight by consolidating subject jurisdictions in fewer committees.

Fourth. Better internal management of the Senate's business through a systemized scheduling service.

The 17 major provisions of the resolution attest well to these 4 goals. For instance, the reduction of committees from 31 to 21, and subcommittees from 174 to around 110 to 120, in conjunction with the creation of a computerized Senate scheduling service are good, firm responses to a system frought with too many fragmented assignments. Presently, the number of assignments per Senator averages 18 and runs over 30 in some cases.

As we begin this historic debate today I hope that great consideration will be given to the Senate as an institution. Change in this time-honored body to which we are so closely tied in our duties representing both the Nation and our home States is obviously difficult, but exceedingly necessary.

Mr. NELSON. It is my understanding that Senate Resolution 4, in effect, creates three classes of committees for the purpose of assignment limitations. Is that correct?

Mr. CANNON. The Senator is correct. It should be noted, however, that these so-called classes are in no way intended to indicate the importance of the work of committees. Rather, the classification scheme merely provides a convenient framework within which to limit the number of committees upon which a Senator can serve.

Mr. NELSON. How would the committees anticipated by Senate Resolution 4 be categorized under this three-class framework?

Mr. CANNON. Class A committees would consist of those named in paragraph (2) of rule 25, as amended. In general, each Senator would be required to serve on two such committees, with exceptions.

Class B committees would consist of those committees named in paragraph 3(a) of the amended rule 25, Veterans Affairs, Rules and Administration, and Budget, plus the Select Committees on Intelligence and Small Business and the Special Committee on Aging, plus the Joint Economic Committee and the temporary Joint Committees on Atomic Energy and Congressional Operations. In addition, any select or special committee created after the adoption of Senate Resolution 4 would be treated as class B committees for the purposes of assignment limitations. In general, a Senator would be allowed to sit on only one of these committees, with exceptions.

Class C committees would include the Select Committee on Ethics, the Select Committee on Indian Affairs, the Temporary Select Committee to Study the Committee System, the Special Committee to Propose a Code of Conduct, the Joint Committee on Taxation, the Joint Committee on the Library, the Joint Committee on Printing, and the Temporary Joint Committee on Defense Production. In general, a Senator may serve on any number of the select or special committees in this category. He may also serve on those committees in this category upon which he is required to serve by law.

Mr. NELSON. If I am a newly assigned member of the Budget Committee, may I also serve on two other class A standing committees?

Mr. CANNON. No. New members of the Budget Committee must serve on only one class A standing committee in addition to Budget; these same Senators, however, may serve on one additional class B committee. Class B committees include other standing committees not in class A, permanent select committees, and permanent joint committees whose Senate Members are not from specified standing committees of the Senate. You may also serve on committees falling into a third class of committees. This third class includes temporary select or special committees, permanent joint committees whose Senate members must come from specified Senate standing committees, and the Select Committee on Ethics.

Mr. NELSON. If I was a member of the Budget Committee during the 94th Congress, may I give up one of my other present class A standing committee assignments in order to retain my membership on the Intelligence Committee or Small Business Committee?

Mr. CANNON. No. Under rule XXV, with the exception of new members of the Budget Committee, you must serve on at least two class A standing committees and you may serve on only one of the class B committees of which there are three types:

First, class B standing committees;

Second, permanent select;

Third, permanent joint, whose memberships do not come from specified Senate standing committees.

Mr. NELSON. I am presently a permanent member of two class A standing committees and the Select Committee on Intelligence. I wish to become a new member of the Budget Committee. May I give up one of my class A standing committee memberships, become a new member of the Budget Committee, and retain my Intelligence Committee membership?

Mr. CANNON. Yes. New members of the Budget Committee must count their Budget Committee membership as one of their class A standing committee memberships; these Senators may then serve on one additional class B committee such as the Veterans' Affairs, Rules and Administration, the Select Committee on Small Business, the Select Committee on Intelligence, the Joint Economic Committee, the temporary Joint Committees on Atomic Energy and Congressional Operations, and the Special Committee on Aging.

Mr. NELSON. How does section 101(b) affect a Senator's assignment on the Budget Committee?

Mr. CANNON. Section 101(b) makes the Committee on the Budget a class A standing committee for the purposes of assignment limitations beginning on the date during the first session of the 96th Congress upon which appointment of members of standing committees is initially completed. This means that Senators who have the Budget Committee as a third committee would be required to resign from either the Budget Committee, or one of his other class A standing committees at the beginning of the 96th Congress because Senators are limited to service upon two class A standing committees.

Mr. NELSON. Are there different eligibility rules for Senate membership on joint committees?

Mr. CANNON. Yes. Joint committees whose Senate memberships must come from specified Senate standing committees have certain exemptions from the limitations on Committee memberships. Joint committees whose Senate members are not drawn from specified Senate standing committees, however, are subject to the one class B committee membership rule. Thus, the Joint Committees on the Library, Printing, Taxation, and Defense Production are exempt from the one class B committee membership rule and fall into the third category of Senate committees. The Joint Economic Committee, Joint Committee on Atomic Energy, and the Joint Committee on Congressional Operations, however, fall into the list class B committees and are subject to the one committee membership rule.

Mr. NELSON. Under Senate Resolution 4, as amended, does the Temporary Select Committee on Indian Affairs possess legislative authority?

Mr. CANNON. Yes. During the 95th Congress, the select committee would have legislative jurisdiction. All proposed legislation, messages, petitions, memorials, and other matters relating to Indian affairs, would be referred to the select committee and the committee is required to report to the Senate, by bill or otherwise, concerning matters within its jurisdiction.

Mr. NELSON. Does the select committee only have legislative authority during the 95th Congress?

Mr. CANNON. Yes. The select committee is a temporary committee. It will only exist during the 95th Congress. While in existence, it will have legislative authority. I want to emphasize, however, that the select committee shall cease to exist upon the commencement of the 96th Congress unless extended. At that time, legislative jurisdiction over Indian affairs is transferred to the Committee on Human Resources.

Mr. NELSON. Would a Senator currently sitting on the Joint Committee on Congressional Operations be entitled to remain on that committe and, in addition, serve on a so-called class B committee?

Mr. CANNON. No. If he desires to be assigned to another class B committee, he must relinquish his seat on the Joint Committee on Congressional Operations even though a bill to terminate that joint committee is to be reported not later than July 1, 1977.

Mr. NELSON. May I be a member of both Rules and Administration and the Select Committee on Intelligence?

Mr. CANNON. No. The rule for this class of committees restricts a Senator to membership on only one of the class B committees, of which there are three types:

First, class B standing committees;

Second, permanent select;

Third, permanent joint, whose Senate membership does not, by law, come from any named standing committee.

Mr. NELSON. How does membership on the Ethics or Indian Affairs Committees affect my eligibility to serve on other Senate committees?

Mr. CANNON. No effect. Membership on the Ethics Committee and Indian Affairs Committee is outside any limitations on committee assignments.

Mr. NELSON. Do the Select Committee to Study the Senate Committee System and the Special Committee to Propose a Code of Conduct continue as Senate committees beyond the first session of the present Congress?

Mr. CANNON. No. Both committees are scheduled to expire shortly: the Select Committee to Study the Committee System on February 28, 1977, and the Special Committee to Propose a Code of Conduct on March 31, 1977.

Mr. NELSON. Are there any so-called grandfather rights on Senate Resolution 4 as reported by the Rules Committee?

Mr. CANNON. Yes. First, those six Senators entitled to serve on three class A standing committees by virtue of the Legislative Reorganization Act of 1970 may continue to serve on three such committees until the expiration of the 95th Congress. Also, the chairmen and ranking minority members of the abolished standing Committees on Post Office and Civil Service and on the District of Columbia may serve on the Governmental Affairs Committee and two other class A standing committees so long as their service on the Governmental Affairs Committee is continuous.

Mr. NELSON. How would section 201 (e) of Senate Resolution 4 affect the appointment of Senators to committees and their rank on committees?

Mr. CANNON. That would depend entirely upon the decisions reached by the Democratic Steering Committee and the Republican Committee on Committees regarding their respective parties.

Mr. KENNEDY. Mr. President, as one of the original supporters in the past Congress of Senate Resolution 109, which created the Temporary Select Committee to Study the Senate Committee System, I am pleased to support Senate Resolution 4, the pending resolution, as a modest but significant step forward in our continuing efforts to reform the Senate and make it more responsive to the Nation's needs.

Unquestionably, reform of Senate committee jurisdiction is a difficult and largely thankless task. All too often in this area, when the irresistible forces of reform meet the immovable objects of seniority and the status quo, reform is the loser.

To a large extent, that is true this time. The provisions of Senate Resolution 4 achieve a number of significant changes, but they are hardly more than an initial downpayment on the comprehensive reforms we need.

However, few would have expected in the 94th Congress that the Senate would be taking even these first halting steps at this time. That we have surmounted the obstacles so far is due in large part to the strong bipartisan coalition of able junior Senators who have much to gain from the pending reform, and who deserve a more active and significant place in the Senate sun. In fact, the establishment of the select committee last year to study the problem was itself a milestone, because it demonstrated the clear support for the principle of reform among a sizable majority of the Senate.

In creating the select committee, many of us believed that the existing system defied logic, and that the very process of studying the system would generate additional support for reform. Our expectations were not disappointed. The conflicting and overlapping boundaries of committee jurisdictions, the proliferation of committees and subcommittees, the chaotic Senate scheduling, and the many other serious defects of the existing system could not withstand the light of analysis. Once the issues were exposed, it became inevitable that the process of reform would begin.

The only real question was, How much reform? How far would the Senate realistically go in changing itself? The best answer, perhaps, is not that the system moved so little, but that it actually moved at all.

We know from the recent experience of the House of Representatives that few legislative challenges are more difficult for Congress to meet than the challenge of dealing effectively with questions that transcend the merits of issues and that involve sensitive personal dimensions affecting long-established relationships among colleagues and committees.

As an abstract exercise in political science, most of us could have written a version of Senate Resolution 4 that would have received higher marks for consistency and coherence that the pending resolution. But as a practical reality, I think the resolution deserves a passing mark for the improvements it does contain. As Senator Philip Hart liked to say:

> In a complex and free society, few if any mountains will be scaled on the first try, and progress comes by climbing a molehill at a time. And perhaps that is the way it should be, for who among us has the wisdom to foresee with certainty what life is like on a summit we have yet to achieve.

Measured by that test, Senate Resolution 4 accomplished worthwhile progress. It takes us a few significant steps closer to the goal we hope to achieve. Among the most notable accomplishments of Senate Resolution 4, I would mention the following:

The creation of the new Energy Committee, consolidating the far-flung energy jurisdictions of various Senate committees into a single committee, a reform that at last gives the Senate the capability to deal rationally with the serious and worsening national energy crisis.

The creation of the new Environment Committee, which upgrades our longstanding concern for the Nation's environment and enables us to act more vigorously in this vital and long neglected area.

The creation of the new Ethics Committee, with its mandate to implement the forthcoming Senate Code of Conduct; few actions we take are more important in terms of restoring the confidence of the public in the work of Congress.

The overall reduction in the number of Senate and joint committees; decades of proliferating committees have tended to fragment the Senate's ability to deal responsibly with far too many major issues.

The limitations on committee and subcommittee assignments, which will permit Senators to concentrate more closely on areas of major individual concern, without significantly impairing our ability to deal as well with the general range of issues of concern to our constituents and the Nation.

The new scope provided in appropriate cases for ad hoc committees and for joint referrals of legislation to existing committees, in cases where overlaps of jurisdiction continue to present obstacles to adequate Senate action. A case in point in Senate Resolution 4 is the creation of the new Temporary Select Committee on Indian Affairs.

And, the instruction to the Rules Committee to review the committee system during the final session of each Congress, and to submit a report to the Senate including recommendations for additional change.

The reforms of Senate Resolution 4 are modest, but they are also a downpayment on additional changes to come. The provisions for periodic review of the committee system by the Rules Committee will be a key factor in the future in this evolving process of reform. In a sense, we have found the right medicine for the disease of hardening of the jurisdictional categories from which the Senate has been suffering, and I am confident that the patient is on the road to recovery.

In these ways, Senate Resolution 4 deserves support. Probably none of us agrees with all of the provisions in the resolution. But the vast majority of the Senate agrees with the basic thrust of the recommendations and with most of the detailed measures.

I commend Senator STEVENSON, Senator Brock, Senator PACKWOOD, and the other members of the select committee and its staff for their months of hard work and expertise in developing these complex issues and fashioning the basic

blueprint for reform that is now before us. I also commend Senator CANNON and the Rules Committee and its staff for their own work in shaping the resolution for floor debate, especially in view of the heavy time pressures under which they operated.

Senate Resolution 4 is a first step toward bringing the Senate into the modern world. I look forward to its enactment and I also look forward to additional reforms to come.

Mr. RANDOLPH. Mr. President, the Senate today begins consideration of an important resolution. No major reorganization of the Senate has occurred for more than 25 years. Issues facing the Senate have drastically changed since the early 1950's. Matters once thought to be minimally important are now of the highest priority.

Within the organization of the Senate, as now defined, we have been able to address these matters and make the required policy decisions. I believe this proves that this institution does not lack flexibility. However, as issues become more complex, more expertise and attention are necessary.

Reform of the Senate committee structure should be undertaken only if the proposal will make the operation of the Senate more efficient and provide better legislative quality. The attention given to Senate Resolution 4 by the Temporary Select Committee to Study the Senate Committee System and by the Rules Committee makes the current proposal meaningful. Reform will not be merely for the sake of reform.

The work of Senators CANNON, HATFIELD, PELL, BYRD, ALLEN, WILLIAMS, CLARK, GRIFFIN, and TOWER during Rules Committee consideration provided many constructive changes in the resolution currently before the Senate. These Senators spent many long hours working to resolve complex matters relating to committee jurisdiction and committee assignment. I commend the Senators for this extraordinary effort.

I also commend Senator STEVENSON and the other members of the temporary select committee for the diligent work undertaken last year to provide a proposal for reorganization on which Senators' attention could be focused. Even though Senate Resolution 4, as reported, does not reflect all of the suggestions of the select committee, committee members should not feel their work did not accomplish the goal. Their work was constructive.

It is now time for the Senate to work its will on the resolution as reported by the Rules Committee. The most constructive parts of the proposal are the jurisdictional statements for committees and the reduction in the number of committee assignments for each Member. These proposals may not reduce the time required to bring a matter to resolution in the Senate but will allow Members to focus greater attention on important matters before various committees. Because it takes a period of time to enact legislation does not mean that the Senate is inefficent. The more careful the consideration, the better the legislation.

I have long believed and have advocated that the greatest potential for reform lies in the procedural aspect of Senate business. Scheduling of committee meetings is currently haphazard at best. Every Member knows that it is impossible to attend all committee meetings without a better scheduling procedure. Activities in the Senate Chamber also often interfere with committee business.

The reduction in the number of committees on which a Member may serve will help to alleviate this problem. However, the ultimate solution will not take place until the Senate adopts a procedure of, let us say, Senate days and committee days. The procedural reforms in Senate Resolution 4, however, will be helpful.

Much of the attention of the Rules Committee was devoted to jurisdictional reorganization. The proposal for jurisdictions coming from the committee would appear to have given consideration to the balance of jurisdiction of each committee. It is impossible to remove all jurisdictional overlaps as committees are established.

The issues facing this country do not lend themselves to only one solution. Therefore, various committees may need to work together to solve the problem. Working together, committees in the past have produced valuable legislation. Such relationships will prove fruitful as the Senate addresses future problems. For example, transportation is not a function which can be addressed in a vacuum. Such other issues as environmental effects and energy policy must be considered. Obviously, more than one committee would be involved in the assessment of developing an overall transportation policy.

While reform of the committee system will assist us in better addressing complex issues, it will not necessarily result in better policy. The Rules Committee recognized that jurisdictional overlap cannot be avoided as indicated by their amendment to Senate Resolution 4. The committee jurisdictional structure as recommended by the Rules Committee will provide a system which reduces duplication of consideration but recognizes other issues. The recommendations presented to the Senate provide jurisdictions which balance the issues to be considered by each committee. I commend the Rules Committee for the rational approach to committee structure which they developed.

Senate Resolution 4 transfers the solid waste and resource recycling program to the Committee on Environment and Public Works. This function was formally shared with the Commerce Committee. I have been concerned about the impact of solid waste on our environment for many years and authored a bill which was enacted last year to expand the solid waste program. The efforts of the Public Works Committee in this regard were nonpartisan and beneficial to our overall environmental policy. With assignment of this function to Public Works, the program will continue to respond to the needs of the American people.

There are, however, areas of concern which the Public Works Committee has with regard to the jurisdictions. I believe that it will be constructive if during the debate on this resolution these questions could be resolved. The issues which we feel need clarification include oil pollution, disaster relief, highway safety, nuclear export licensing, hydroelectric power, and legislation abolishing the Joint Atomic Energy Committee.

I urge careful consideration of the recommendations presented in Senate Resolution 4. They are useful in making the operation of the Senate more effective.

AMENDMENT NO. 23

Mr. CHURCH. Mr. President, I call up my amendment No. 23.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. CHURCH), for himself and others proposes an amendment numbered 23.

The amendment proposed by Mr. CHURCH, for himself and Mr. ABOUREZK, Mr. ALLEN, Mr. ANDERSON, Mr. BAYH, Mr. BIDEN, Mr. BROOKE, Mr. BUMPERS, Mr. BURDICK, Mr. CASE, Mr. CHILES, Mr. CLARK, Mr. CULVER, Mr. DECONCINI, Mr. DOLE, Mr. DOMENICI, Mr. DURKIN, Mr. EASTLAND, Mr. FORD, Mr. GARN, Mr. HANSEN, Mr. HATCH, Mr. HEINZ, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. LAXALT, Mr. LEAHY, Mr. MATSUNAGA, Mr. MCCLELLAN, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MELCHER, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. MUSKIE, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. RIEGLE, Mr. ROTH, Mr. SARBANES, Mr. SASSER, Mr. SPARKMAN, Mr. STONE, Mr. THURMOND, Mr. TOWER, and Mr. WILLIAMS, is as follows:

On page 67, line 4, strike out "aging and the problems of the elderly.".

On page 72, in the table following line 7, insert the following:

"Aging ---------- 16.".

On page 76, after line 14, insert the following new section:

"SEC. 104. (a)(1) There is established a Special Committee on Aging (hereafter in this section referred to as the 'special commitee') which shall consist of 16 members. The members and chairman of the special committee shall be appointed in the same manner and at the same time as the members and chairman of a standing committee of the Senate.

"(2) For purposes of paragraphs 4 and 5 of rule XXV of the Standing Rules of the Senate, and for purposes of sections 133(g), 134, and 202 of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

"(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and, when necessary, of obtaining care of assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

"(2) The special committee shall, from time to time (but not less often than once each year), report to the Senate the results of the study conducted pursuant to para-

graph (1), together with such recommendation as it considers appropriate.

"(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigation into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(1) of the Legislative Reorganization Act of 1946, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

"(2) The chairman of the special committee or any member thereof may administer oaths to witnesses.

"(3) Subpenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the member signing the subpena.

"(4) The minority shall receive fair consideration in the appointment of staff personnel of the special committee. Such personnel assigned to the minority shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of records of the special committee.

"(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.".

On page 76, line 15, strike out "104" and insert "105".

On page 83, line 19, strike out the closing quotation marks and the second period.

On page 83, after line 19, insert the following:

"(i) Until that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is intially completed, a Senator who on the day preceding the effective date of section 104 of the Committee System Reorganization Amendments of 1977 was serving on the temporary Special Committee on Aging (established by Senate Resolution 33, Eighty-seventh Congress) may serve on the Special Committee on Aging (established by such section 104) in addition to another committee listed in paragraph 3 (a) or (b) so long as his service as a member of such special committee is continuous.".

On page 92, line 17, after "Title I" insert ", except that, with respect to the Special Committee on Aging, such term means the effective date of section 104".

On page 92, line 24, strike out "standing or select" and insert "standing, select, or special".

On page 93, in the table following line 21, insert the following:

"Aging ---------- Aging.".

On page 94, strike out lines 5 and 6, and insert "and the Select Committee on Nutrition and Human Needs.".

On page 103, line 22, after "resolution" insert "(except section 104)".

On page 103, line 25, after the period insert "Section 104 shall take effect on March 1, 1977, or, if later, on the fifth day after the day on which this resolution is agreed to.".

Mr. CHURCH. Mr. President, this amendment that I offer has 50 cosponsors and its purpose is to continue the Special Committee on Aging.

I will preface my comments by saying, as I did before the Rules Committee, that I would not have sought this exception to Senate Resolution 4 if no other exceptions had been made.

But, as we all know, the Rules Committee approved several exceptions. They were presented with a plan for 15 committees and 100 subcommittees, they have reported out a plan with 23 committees and 125 subcommittees.

The Veterans' Committee, for example, has been preserved. The Small Business Committee has been preserved. The Joint Economic Committee has been preserved. In addition, a new Committee on Indian Affairs has been established for the 95th Congress.

I do not question those decisions. But I do question the denial to 23 million senior citizens the same consideration which we are extending to veterans, native Americans, and small business.

For 16 years the Special Committee on Aging has served as a home for the elderly in the Senate. It has been mandated to examine all Federal policies and issues related to their well-being and their aspirations. It has been free to recommend programs across the full legislative spectrum. Even without the power to receive and report bills, it has been effective in advancing its recommendations.

Its investigations and reports have helped lay the basis for nearly all the improvements in our programs for the elderly since 1961—including medicare, medicaid, the Older Americans Act, the SSI program, and the social security cost-of-living increases, to name just a few.

It has been asserted that a subcommittee on aging within the newly formed Human Resources Committee could perform oversight activities as effectively as the Committee on Aging. But Senator WILLIAMS, who is the likely chairman of that committee, disagrees. His dissent recognizes two major weaknesses in this argument:

First, aging would be but one of 20 subject areas in human resources' vast legislative jurisdiction, and it would be only one of four broad areas to which that committee would direct general oversight. Additionally, that committee is to keep watch over more than a dozen major executive agencies, including the Departments of Labor and Health, Education, and Welfare.

In other words, Mr. President, the legislative platter of the soon to be created Human Resources Committee is so heavily filled that the comprehensive oversight done by the Special Committee on Aging would not be possible under the proposed arrangement.

Second, as Senator WILLIAMS points out, the fragmentation of Senate attention to the issues which affect the elderly is not cured by the proposal now pending before the Senate.

For example, human resources would have some jurisdiction over aging, but so would eight other standing committees. Social security, medicare, and medicaid, for example, remain in the Finance Committee; section 202 housing remains in the Senate Banking, Housing and Urban Affairs Committee, and so forth. This situation actually could cause duplication of efforts rather than reduce them.

It has been my experience that the information gathered by a nonlegislative unit established precisely for that role is generally welcomed by the committee with the corresponding legislative jurisdiction. The same facts coming from another legislative committee are sometimes received far less enthusiastically.

Sixteen years ago, Mr. President, the special Committee on Aging was established to do the one thing in the field of aging that Congress has repeatedly and rightly been criticized for failing to do—namely, conducting adequate oversight. At the time the Committee on Aging was first created, the Senate recognized that the fragmentation of legislative authority among several major committees did not permit any one of them to do the comprehensive oversight job that the Senate felt was necessary if justice was to be done to the senior citizens of this country. So the special committee was established, and it is the one conspicuous exception to the rule that Congress characteristically fails to conduct adequate oversight.

As a result of the special committee investigations into every facet of life affecting senior citizens, we have issued definitive reports that have proved sufficiently accurate, factual, and reliable for legislative committees to take those reports and use them as the factual basis for legislation. As a result, we actually have made the process more efficient by doing the groundwork that otherwise would have to be done by the legislative committees concerning their particular legislative authority in the field of aging.

I have referred, Mr. President, to the arguments that Senator WILLIAMS has made in favor of preserving the Special Committee on Aging, even though he would be the probable chairman of the Human Resources Committee, to which the oversight function, or some part of it, would be transferred under the proposed Reorganization Act. But Senator WILLIAMS is not the only dissenting voice. Every major national senior citizens' organization in the country has endorsed this effort to save the special committee.

Former Senator CLAUDE PEPPER, now chairman of the House Select Committee on Aging, stated before the Rules Committee that the dismantling of the special committee could cripple the effectiveness of its counterpart in the House and reduce congressional ability to participate with the Carter administration in shaping a better future for older Americans.

Incidentally, the House committee was created during the 1974 reorganization plan in that body by a vote of 323 to 84. Again and again, during the floor discussion in the House, mention was made about the effectiveness and usefulness of the Senate Committee on Aging.

Yet, we find ourselves 2 years later in the ironic position of fighting to save the Senate Committe on Aging, even though its record was so outstanding that the

House set up a similar committee 2 years ago. In both the House and the Senate, therefore, the value of a focal point in aging has been recognized, not as an additional burden on busy legislators but as a vehicle for saving their time by presenting them with findings from interrelated hearings, studies, and investigations.

In this regard, Mr. President, I direct the attention of Senators to the recent study of Senate operations conducted by the commission headed by former Senator Harold Hughes. The conclusions of the Hughes commission differed from that of Senator STEVENSON's committee concerning the underlying reasons for Senate inefficiency. The Hughes commission declared that committee meeting conflicts are not the major reason. Instead, pressures upon a Senator's time could be dealt with by a better scheduling process, even with 31 committees.

The Hughes commission also observed that the quality of legislation is dependent upon relevant data. The Senate assessment of intended and unintended effects, especially for matters cutting across legislative jurisdictions, often is inadequate. The Hughes commission also noted that our single greatest need is for more emphasis on oversight.

Thus, Mr. President, we are confronted with two different studies reaching two very different conclusions. The Hughes commission underscores the need for the kind of oversight that the Senate Special Committee on Aging now does. It would fly in the face of that conclusion, therefore, to eliminate a unit of the Senate which amasses and disseminates basic data, makes assessments across the legislative spectrum, and has an exemplary oversight record of success.

Mr. President, the Special Committee on Aging has fullfilled admirably the hope of the late Senator Pat McNamara of Michigan. It has become—and I quote the Senator's words: "a major resource for the relevant standing committees as they consider legislation in this field."

It paved the way for vital legislation. It forged a direct channel of communication between the Senate and aging specialists, advocates, and organizations across the land. And it has assembled an extremely effective and professional staff. Today, it is engaged in a major investigation of fraud and theft in medicare and in medicaid amounting to hundreds of millions of dollars annually. Yet, these programs are outside the legislative purview of the proposed Human Resources Committee, assuming that it could or would muster the resources for such an extensive national investigation.

The same would be true of the important work on housing for the elderly and such matters as transportation and energy needs of older Americans. Other committees could challenge the oversight activity of the Human Resources Committee if it extended beyond the committee's jurisdiction.

Mr. President, I take nothing from the Finance Committee when I suggest that, but for the Special Committee on Aging, it is very unlikely that we would have uncovered the pervasive abuses in medicare and medicaid that may account for as much as 10 percent of the total cost of those programs. This is not because the Finance Committee does not care. Indeed, it does. I have complete confidence that the Finance Committee will undertake to change the law to come to grips with this pervasive problem of corruption. But the Finance Committee is one of the busiest in the Senate. Its legislative load occupies its time and capacity to the fullest. That is why it has proved so vital to have a Special Committee on Aging, which can give all its talent, all its time, and all its attention to this important oversight function.

Today, the need for the special committee is greater than ever before. The number of older Americans stands at an unprecedented but ever-growing number. Their problems are aggravated by unprecedented inflation and enforced retirement and loneliness. The number of Federal programs related to aging, require effective oversight. This responsibility continues to grow.

Therefore, Mr. President, I hope that the Senate will approve my amendment to continue the Committee on Aging. I make the effort not without consideration for some of the overall objectives which have guided the reorganization endeavor.

In our quest for efficiency, which has been the stated purpose of the reorganization plan, we must not forget that the Senate was never envisioned as a forum for the hasty disposition of legislation. We have a responsibility to understand the needs, aspirations, and the potential of all our citizens.

Surely, Mr. President, if, in the judgment of the Rules Committee, the veterans were thought to be entitled to a special committee of their own, and small business was thought to be so entitled, then the senior citizens of this country deserve at least as much consideration.

As we search for ways to fulfill our promises, we must not breach the commitment we made to older Americans when the special committee was established. And, as we seek to implement reform, we should not diminish our ability to respond to the urgent needs of the people who have built this great Nation.

For these reasons, Mr. President, I hope the Senate will see fit to accept this amendment.

The PRESIDING OFFICER (Mr. RIEGLE). The question is on agreeing to the amendment.

The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, this is the beginning. We will hear similar statements on behalf of other committees. Every organization representing every special interest will seek to preserve its special committee in the Senate. It is no wonder that organizations representing the aging will seek to preserve the Committee on Aging. But at some point the Senate must draw the line.

In the Select Committee and in the Rules Committee, the only two committees of the Senate which have considered this matter, the line was drawn, and not because of any quarrel with the work of the select committee. Its work has been done well. Neither was the line drawn because of any quarrel with the importance of that committee's jurisdiction, the problems of the aging.

The concern of the two committees was the work of the Senate and its ability to respond to the problems and interests of all people, including those with special needs like the aging.

Mr. President, if this amendment is adopted, it would contribute to the proliferation of committees and committee assignments for members. If there is anything that the select committee heard from all members it was that there were too many assignments—so many, in fact, that it was impossible to do justice by any of them.

It would add to the fragmentation of committee jurisdictions.

These committees heard, too, from Senators who felt that to eliminate duplication, wasted effort, and inefficiencies in the Senate we ought not to seek perfection nor efficiency as such, but we ought to try to eliminate the duplications and the overlaps and try to focus responsibility so that it could not be avoided.

Responsibilities for the aging are scattered among many committees now, as the Senator mentioned. Our purpose was to do better by the aging and for all other people. There is no reason why, merged into a standing committee of the Senate, that that committee could not exercise the oversight jurisdiction of the Aging Committee. It has no legislative jurisdiction. Senate Resolution 4 does not, as the Senator implied, propose to continue any other committee that does not have legislative jurisdiction. This would be the only committee outside of an ethics committee——

Mr. CHURCH. Mr. President, will the Senator yield on that point because, I believe, his statement is in error.

Mr. STEVENSON. I yield.

Mr. CHURCH. Is it not true that the Joint Economic Committee, which is to be preserved under the plan, has no legislative power?

Mr. STEVENSON. Yes. That is a joint committee. No other committee of the Senate without legislative jurisdiction would be continued.

Mr. CHURCH. I just referred to the statement in the Rules Committee report which reads as follows:

> The Rules Committee found, during the course of its hearings on Senate Resolution 4, that since 1946 the Joint Economic Committee has rendered valuable service to the Congress. Because it does not have any legislative responsibilities, the JEC has been able to provide the Congress with careful, long-range economic analyses which cannot be provided by the legislative committees of the Senate because of the lack of time.

There is capsuled the very argument for preserving the Committee on Aging. I could use the same words, that the Rules Committee adopted in justifying continuation of the Joint Economic Committee. They apply with equal force to preserving the Special Committee on Aging.

Mr. STEVENSON. Mr. President, I recommend the retention of the Joint Economic Committee because it is unique. The words the Senator just quoted apply to the Joint Economic Committee. They do not apply to the Aging Committee. As the Members know, economics is a spongy subject that spills into the jurisdictions of every committee of both

bodies of the Congress. It was wise, as the Rules Committee did, to retain the jurisdiction of that joint oversight committee.

The jurisdiction with respect to aging can be consolidated into a standing committee that has legislative jurisdiction, with the objective not only of stemming the disease that has afflicted this institution, the proliferation of committees, but also of combining an oversight jurisdiction, every bit of oversight jurisdiction that is now exercised by the Committee on Aging, in a committee which could also take advantage of that oversight work more effectively by combining it with its legislative responsibilities.

All of the oversight jurisdiction of the Committee on Aging would be in the Committee on Human Resources under this proposal. There is no reason on Earth why that oversight jurisdiction could not be exercised effectively, and, combined with the legislative jurisdiction of that committee so that the aging could be better served.

I remind the Senators that oversight has been performed and can be performed effectively by legislative committees.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of recent oversight investigations by standing legislative committees of the Senate in the most recent Congresses.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SELECTED OVERSIGHT AND INVESTIGATIVE ACTIVITIES OF CERTAIN LEGISLATIVE COMMITTEES OF THE SENATE

AGRICULTURE AND FORESTRY

Hearings

Food market structure and marketing costs (1975).
Foreign food assistance and agricultural development (1975).
Grain inspection (1975–76).
Russian grain sale (1975).
Food stamp program (1975).
Food stamp vendor fraud (1976).
Kepone contamination (1976).
Farmers' Home Administration (1976).
Implementation of World Food Conference recommendations (1976).
Commodity Futures Trading Commission (1976).

Reports

Hunger and diplomacy (U.S. role at the World Food Conference) (1975).
HEW programs for rural America (1975).
Crisis in rural transportation (1975).
Rural housing (1975).
Conservation of the land (1975).
Market functions and costs for food (1975).
Food stamp program (1975).
Irregularities in the marketing of grain (1976).

Requested GAO study

Farmers' Home Administration management (1975).

ARMED SERVICES

Hearings

Military disability retirements (1973).
Drug abuse problems in the military (1973).
DOD commitments to defense contractors (1973).
Navy F–14 aircraft program (1973).
SALT negotiations (1974).
Possible unauthorized transmission of documents from the National Security Council to the Joint Chiefs of Staff (1974).
Bombing operations in Cambodia prior to May 1970 (1973).
Departures from the National Security Act of 1947 during the Watergate and Ellsburg affairs (1973).
Cost increase of the M60A1 tank (1975).
Nuclear weapons security (1975).
U.S. role in the Egyptian-Israeli Sinai agreement (1975).
Military capabilities of the Soviets in Somalia (1975).
South Vietnam and Cambodia (1975).

Reports

Drug and alcohol abuse among U.S. military personnel (1972).
Military implications of the treaty on limitations of antiballistic missile system and interim agreement on limitation of strategic offensive arms (1973).
Vietnam aid: the painful options (1975).
Asia/Pacific: policy and forces (1975).
Southeast Asia (1975).
Soviet military capability in Berbera, Somalia (1975).
Activities related to the resettlement of refugees in Somalia (1975).
U.S.–Soviet military balance (1975).

BANKING, HOUSING AND URBAN AFFAIRS

Hearings

Monetary policy (1975).
Financial condition of local housing authorities (1975).
Variable rate mortgages (1975).
National housing goals (1975).
Financial disclosure by banks and bank holding companies (1975).
Lockheed bribery (1975).
Housing management, foreclosures and abandonments in Chicago (1975).
Real estate settlement procedures (1975).
Federal Reserve (1975).
HUD housing programs (1975).
Federal flood insurance program (1975).
Securities activities of commercial banks (1975).
Problem banks (1976).
Corporate takeovers (1976).
Rural housing programs (1976).
Lockheed loan guarantee (1976).
SBA programs (1976).
Equal opportunity in lending (1976).

Reports

Conduct of monetary policy (1975).
Securities activities of commercial banks (1975).
Housing need estimates (1975).
Banking holding company credit insurance subsidiaries (1975).

COMMERCE

Hearings

National Transportation Safety Board (1973).
Office of Telecommunications Policy (1975).
Consumer Product Safety Commission (1974–75).
Federal Communications Commission (1974–75).
Federal Power Commission wellhead pricing (1974).
Federal Trade Commission (1974).
Tankers and the marine environment (National Ocean Policy Study) (1975).
Oil and gas development and coastal zone management (OPS, 1974).
Implementation of the Motor Vehicle Information and Cost Savings Act (1975).
Impact of the administration's energy proposals on the consumer (1975).
Implementation of the Federal Railroad Safety Act (1975).
Federal pesticide program (1975).
Gas pipeline safety (1975).
Impact of television on children (1976).
Operation of the Concorde supersonic transport in the United States (1976).
Costs of auto crash parts (1976).
Rail passenger service in the United States (1976).

Reports

Telecommunications policy (1975).
Office of Telecommunications Policy (1973).
Coastal zone management (NOPS, 1974).
Development of oil and gas on the continental shelf (NOPS, 1975).
Economic value of ocean resources to the United States (NOPS, 1974).
Effects of man's activities on the marine environment (NOPS, 1975).
Energy facility siting in coastal areas (NOPS, 1975).
Ocean dumping regulation (NOPS, 1976).
Outer Continental Shelf oil and gas leasing off southern California (NOPS, 1974).
U.N. Law of the Sea Conference (NOPS, 1975).
Testing of the LaForce engine by the EPA (1975).
Appointments to the regulatory agencies: FCC and FTC (1976).

Requested GAO study

Motor vehicle safety advisory groups (1975).
Research on air pollutants (1975).

GOVERNMENT OPERATIONS

Hearings

FTC investigation of the nursery industry (1975).
Office of Federal Procurement Policy (1975).
Federal drug enforcement (1975).
Executive agencies and the petroleum industry (1973).
Advisory committees (1974).
Impact of Federal rules and regulations (1976).
Impact of the energy crisis on state and local governments (1975).
Investigation of the Drug Enforcement Administration (1975).
Effect of inflation and recession on state and local governments (1975).
Prepaid health plans (1975).
Federal energy enforcement activities (1975).
Energy conservation (1975).
Food stamp efficiency (1975).
Major systems acquisitions (1975).
Part B section of the medicare program (1975).
Grain sales to the Soviet Union (1975).
Information management by Federal regulatory agencies (1975).
Revenue sharing (1975).
Military meat inspection practices (1975).
Regulatory reform (1975).
Guaranteed Student Loan Program (1975).

Reports

Federal drug enforcement (1975).
Federal advisory committees (1976).
Material shortages (1975).
Revenue sharing (1975).
Peaceful nuclear export and weapons proliferation (1975).
Part B medicare (1975).
Food stamp efficiency (1975).
State licensing laws and training requirements for hearing aid dealers (1975).
Corporate ownership and control (1975).
Nuclear weapons proliferation and the International Atomic Energy Agency (1976).

Requested studies

Department of Labor and OMB activities under the Federal Reports Act (GAO, 1975).
Federal investigation of the Kerr-McGee Nuclear Corp. (GAO, 1975).
National growth policy (CRS, 1972).

FINANCE

Hearings

Multinational corporations (1973).
Social services regulations (1973).
International financial crisis (1973).

Supplemental security income program (1973).
Financial markets (1973–74).
Private foundations (1973).
Foreign indebtedness to the US (1973).
Social services and welfare reform (1973).
Fiscal policy and the energy crisis (1973).
Profitability of domestic energy company operations (1974).
Implementation of professional standards review legislation (1974).
Economic implications of massive capital flows (1974).
Growing threat of a domestic financial crisis (1974).
Impact of current economic crisis on foundations (1974).
Effect of petrodollars on financial markets (1975).
Depletion allowance (1975).
General revenue sharing (1975).
Federal tax return privacy (1975).
Capital requirements on energy independence (1975).
Capital requirements of the housing industry (1975).
Public inspection of IRS private letter rulings (1975).
Role of Internal Revenue Service in Federal law enforcement activities (1975).
Causes and cures of world inflation (1976).
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Status of environmental economics (1975).
Special bridge replacement program (1976).
Control of sulfur oxides (1975).

Mr. STEVENSON. I will not take the time of the Members to recite this long list of effective oversight activities by standing committees.

The problem here, Mr. President, is that oversight is not exercised as effectively as it might be by other committees, because there is an oversight committee. It may also be that legislative jurisdiction is not exercised as effectively as it should be, because of the responsibility that is reposed in the Aging Committee.

The Senator referred to investigations of medicaid. I do not say this critically for his investigation was important; but I only cite these facts to indicate that that investigation could be conducted by a legislative committee. In fact, other legislative committees were conducting investigations of the medicaid and medicare abuses. The Government Operations Committee of the Senate was conducting an investigation, and the Finance Committee was conducting an investigation.

Two committees in the House of Representatives were conducting investigations. Mr. President, an investigation was necessary; five investigations are not necessary.

It might be that with a greater consolidation of oversight jurisdiction there would not be medicare and medicaid scandals to investigate.

Mr. President, this amendment not only continues the Committee on the Aging which as I recall, was established on February 13, 1961, with a mandate to report not later than January 31, 1962, and go out of business on that date, but it would also enlarge the number of committees, enlarge the number of subcommittees, and continue to spread responsibilities as well as committee assignments among members. It would also, Mr. President, create one of the largest committees of the Senate. This amend-

ment provides for a committee of 16 members, down from 24. At the present time it is the second largest committee of the Senate. The Committee on Aging commenced in 1961 with instructions to report back and go out of business within a year. It has a budget for staff of $561,000. It occupies eight rooms in a Senate Office Building. Now it is proposed to continue it at a membership of 16 which would make this committee, with no legislative jurisdiction and an oversight jurisdiction which overlaps the oversight jurisdiction of many other committees, one of the largest in the Senate.

Mr. President, in addition to violating basic objectives of reorganization—to reduce the proliferation of committees and the conflicting demands on every Senator's time—this amendment would have the effect, as I read it, of grandfathering all of its present Members for this Congress. The committee size would be 16 and the continuing members of the Committee on Aging are 16.

One of the aims of Senate Resolution 4, in addition to stemming the cancer of proliferation, is to democratize the Senate by spreading work among committees and among Members fairly. This amendment creating a special exception for the members of the Committee on Aging, would have the effect of depriving other Members, including those newly elected, of an opportunity to serve on it if it were retained.

For all these reasons, Mr. President, and because the line must be drawn or the dam will break and we will be back where we were, I urge Members to defeat this amendment.

If the motion is not offered by someone else to do so, I shall offer a motion myself to table the amendment.

Mr. CHURCH. I hope the Senator will withhold that.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. STEVENSON. Mr. President, I yield to the Senator from Nevada.

Mr. CANNON. Mr. President, do I correctly understand now that the proposal of the Senator from Idaho would make this a 16-Senator committee, completely violating the concept of what the select committee recommended as a means of trying to get a handle on this proliferation of committees and subcommittees?

Mr. STEVENSON. The Senator is correct, partly through the limitation of committee and subcommittee assignments and partly through the reduction in the number of committees themselves; all of those parts fit together.

Mr. CANNON. Let me ask the Senator further: if the recommendations of the select committee and the recommendations of the Rules Committee are followed would not the problems of the aging be centered in the Committee on Human Resources where they would not only have oversight authority, but also have legislative authority to try to correct some of the problems that exist?

Mr. STEVENSON. The Senator is correct. All of the jurisdiction—and it is only oversight jurisdiction—of this special committee would be transferred to the Human Resources Committee which presumably would establish a special subcommittee to exercise that jurisdiction and with it, as the Senator points out, that committee would have legislative authority. Its oversight jurisdiction with respect to the aging would extend to all of the problems of the aging, including those that fall within other committees. As the Senator points out, the legislative responsibility is there, too. The responsibility for the problems of aging would not be easily evaded in the future. Oversight could be wedded with legislative authority and, as in the case of many other committees, the two exercised more effectively and for the benefit of not only Senators and all of their responsibilities, but also the aging.

Mr. CANNON. Do I also understand that the amendment as proposed would make an exception to make this as a fourth committee so that automatically 16 Members of the Senate would be able to have a fourth committee, which again violates the basic principles that the select committee was trying to recommend for this reorganization of the Senate?

Mr. STEVENSON. The Senator is correct. It creates one of the largest committees of the Senate. It then grandfathers, as is done in no other such case, all of the present Members for this Congress. Not only is that contrary to the equalization of responsibility among committees and among the Members, but it is impossible under the limitations. If it were to be made a third committee without the grandfathering, Members could not comply with the limitations, which may be one of the reasons for the grandfathering. That, as the Senator is aware, flies in the face of one of the major objectives of the Rules Committee and the select committee—the distribution equally and fairly throughout the Senate of responsibility and work.

It would, in my opinion, be unjust to junior Members. The members of that committee would all be senior Members.

Mr. CANNON. So that what we would have, if I understand the Senator, then, is a class B or second group of committees of which this would be true. This would be the only one with 16 members; it would be the only one without legislative authority; and it would be the only one to have grandfathered in its current members as a full committee, thus excluding the potential new Members of Congress from serving in this very important field of aging.

Mr. STEVENSON. The Senator has stated it very clearly and explicitly, and he is correct. That is the effect of the amendment.

Mr. CANNON. Mr. President, I agree with the Senator from Illinois that is a question for the Senate to decide, whether they want to have the organization or whether they want to continue in the same way that we have in the past, with excessive committee assignments, excessive subcommittee assignments, excessive subcommittees, and a proliferation to the extent that we cannot devote the necessary time and attention that ought to be devoted to some of these very important problems.

I must say that the Senator convinced me in his presentation before our committee and I, therefore, went along with him, because I believe that, as he has stated, the recommendation of the committee would result in more and better attention to the problems of aging, rather than the type of situation that we have existing at the present time, which only maintains a large, unwieldy committee and, therefore, depends on a staff to go out and do the work of the committee.

Mr. STEVENSON. That is the opinion of the Senator from Illinois. As to what the judgment of the Special Committee on Committees is, it certainly is not the intention of any member of that committee to do a disservice to the elderly. The intention and the expectation is to do better by the elderly and permit the Senate to do better by all Americans.

I believe, Mr. President, that that would be the effect of consolidating the oversight with the legislative jurisdiction in one committee that now has broad responsibilities as with respect to the problems of aging.

The problem is that organizations representing special interest groups feel comfortable with the status quo and uneasy about the future, though the future may offer them—and I believe it does in this case—far more. But because they are comfortable with the status quo, they are going to come here one after another and ask, if not to retain their committee, to create another committee. If it is to be done for the aging, with what logic should it not be done for children, for Indians, for women, or for other groups ad infinitum, all with legitimate claims upon the attention of the Senate?

That, Mr. President, is what has happened in the past. We have gone from committee to committee to committee, each set up to take care of a special problem, with the end result that we do not do right by any of them. We have to go back and put it together again, even though it causes some pain, but with the end result that everyone is better served, including the Senate itself.

Mr. CANNON. Mr. President, if the Senator will yield further, I might say that in our hearings, as I explained earlier, we had almost 50 percent of the Senate appear and testify in person, and, of course, if we consider the nine members of the Rules Committee who were there, that made over 50 percent of the Senate. Everyone was for reorganization, the big "but" being "We are for reorganization, but don't reorganize us."

I wonder if the Senator could tell me how many meetings the Committee on Aging held last year, and the percentage of attendance by Senators at those meetings. If the Senator does not have that information, I wonder if he will yield to me to ask Senator CHURCH that question.

Mr. STEVENSON. I do not believe we have that. We may have tried and been unable to obtain it. I would be glad to hear the answer also.

Mr. CANNON. Can the Senator from Idaho tell me the number of meetings the Committee on Aging held last year, and the average attendance of Senators at those meetings?

Mr. CHURCH. Mr. President, I will answer the Senator's question, but I would like to reply at greater length,

because I believe the question misses the issue.

The Special Committee on Aging is an oversight committee and, therefore, conducts its work through field hearings and through preparation of special reports. Only infrequently is it necessary to call the full committee together.

Members of the committee attend the hearings. Special task forces have been established, as was the case with Senator Moss last year, who I think did more than any other Member of the Senate or any other committee to disclose the widespread fraud and white collar embezzlement that now pervades medicare and medicaid throughout the country.

We rely on factual, reliable professional reports. The only time it is necessary to call the full committee together is in a case where the full committee may be needed for the purpose of issuing a subpena. We did that last year in connection with the Moss investigation.

This is a very different kind of committee, and it is really not fair to judge the kind of work it does by the same methods that might be applicable to legislative committees, because there is very little reason for the full committee to meet. There is every reason for the subcommittees to conduct hearings which provide basis for reports.

Mr. CANNON. If, as the Senator says, there is very little reason for the full committee to meet except for the issuance of a subpena, why is there reason for a 16-member committee?

Mr. CHURCH. Mr. President, the number 16 was chosen to cooperate with the overall objective of reorganization. Presently the committee has 23 positions for Senators. We are trying to reduce the number by almost one-third. I have already written Senator STEVENSON, expressing my intention to reduce the number of subcommittees in half. We still could do our job, and yet conform with the overall objectives of the reorganization plan. It is not that I differ with those objectives; it is not that I question the need for streamlining procedures; and I will do that in connection with the Special Committee on Aging by reducing the overall number of Senators to 16 and reducing the subcommittees by one-half.

Mr. CANNON. Reducing the number of subcommittees from how many to how many?

Mr. CHURCH. We have seven now. We could reduce those easily to four, possibly to three.

Mr. CANNON. I think I have everything in response to the question I asked now except the answer to the question, and that is, How many meetings of the committee?

Mr. CHURCH. I believe I have answered the Senator's question. The only time last year that it was necessary for the full committee to meet was to issue a subpena to investigate fraud in medicare and medicaid.

Mr. CANNON. Was there more than one meeting for the purpose of issuing subpenas?

Mr. CHURCH. No, the meeting of the full committee was for the purpose of issuing a subpena.

However, the hearings that the subcommittees conducted were conducted in Washington and in other parts of the Nation. The committee has been very busy in conducting those hearings and gathering information for the purpose of issuing reports.

Mr. ZORINSKY assumed the chair at this point.

Mr. CANNON. How many of the members of the committee attended that one meeting of the committee last year where they issued subpenas?

Mr. CHURCH. I cannot recall offhand. The committee needed a quorum to issue the subpenas, so there was at least a quorum present.

Mr. CANNON. If there is no need for full committee meetings, why could not the subcommittee of the Human Resources Committee do the job?

Mr. CHURCH. The reason, Senator——

Mr. CANNON. If I may finish my question? It seems to me the Senator makes an excellent case for Senator STEVENSON's position that a Subcommittee in Human Resources could do the job that the special committee is doing.

Mr. CHURCH. I respectfully disagree on that score for several reasons. First, as Senator WILLIAMS has said, the Human Resources Committee will be one of the busiest committees in the Senate. Its legislative load will be so great that it cannot possibly do the oversight job that has been done by the Special Committee on Aging. Senator WILLIAMS should know, because he is the likely chairman of the new Human Resources Committee.

Furthermore, the Special Committee on Aging has comprehensive oversight of all aspects relating to the elderly. I simply disagree with the argument that senior citizen matters are being consolidated in the Human Resources Committee.

We have made an analysis of this proposal and find the legislative authority affecting the elderly people is fragmented among nine standing committees under the reorganization plan. There is no such consolidation. Human Resources, to be sure, would have jurisdiction over the Older Americans Act and the programs that operate within that umbrella. But the biggest programs of all—social security, medicaid, the supplementary income program—are in the Finance Committee, not the Human Resources Committee.

We have identified Agriculture, Armed Services, Banking, Housing and Urban Affairs, Commerce, Science and Transportation, Energy and Natural Resources, Finance, Governmental Affairs, Human Resources, and Judiciary, as having a little piece of the action on the legislative front. That is not consolidation. The situation is as fragmented under the Stevenson plan as it was before.

This is why the Senate, 16 years ago, said there should be a special committee charged only with oversight responsibility to conduct the necessary investigations and give guidance to the Senate with respect to legislative action. That is what we have done.

It defies the whole experience, it defies the whole history of the Special Committee on Aging to say that this could be done better in a subcommittee of one of the most heavily burdened of the newly created committees.

That has not been our experience; that has not been our history. That simply blocks out the actual experience which lead the Senate to establish the Special Committee on Aging in the first place. It is as though we never learn from the experience.

I simply do not think the argument made by the distinguished chairman of the Rules Committee and by the distinguished and able Senator from Illinois conforms to experience. I submit that the reorganization plan does not consolidate legislative powers that relate to the elderly in one committee. That simply is not so.

Mr. CANNON. The Senator would have to admit there is no legislative power in the committee now nor is there proposed here. The Senator suggests that Senator WILLIAMS would be too busy, if it came into his committee, to do justice to that subcommittee. This is one of the reasons we put limitations on the numbers of subcommittees on which Senators can serve, so that these duties can be spread around.

I point out that Senator WILLIAMS is the ranking member of the Special Committee on Aging now. It is obvious if he does not have time to serve on it in his committee, he does not have time to serve on it in this special committee. When we have seen that the special committee only met once in 1975–76 to issue subpenas, I submit this makes the best case possible that this is a staff committee trying to maintain its existence that would not get the attention that Senator STEVENSON has recommended.

Mr. STEVENSON. Will the Senator yield?

Mr. CANNON. The Senator yielded to me. I yield back the floor to him.

Mr. STEVENSON. Perhaps the Senator will answer a question of mine. It is possible that this committee acts primarily through its subcommittees. It has seven subcommittees? Is that correct?

Mr. CHURCH. Yes. There are seven subcommittees and these subcommittees conduct the hearings both in Washington and throughout the country.

As I have indicated, in a spirit of cooperation, given the overall objectives of the reorganization plan, this amendment proposes to cut down the total membership of the committee from 23 to 16. It would contemplate cutting the number of subcommittees as well.

Mr. STEVENSON. I wonder, first, if the Senator can answer more questions about these subcommittees. Is it true that 3 of them have 19 members?

Mr. CHURCH. I would say to the Senator that it is true that these subcommittees are large. The membership of the full committee have expressed an interest in serving on a number of subcommittees. That could be changed in the interest of consolidating the number of subcommittees. It would be my intention to do so.

As a matter of fact, it would be possible for the Senate Special Committee

on Aging to do its work without subcommittees.

The main work is conducting hearings to gather information concerning what problems exist among the senior citizens and how we should attempt to correct them.

This is an oversight committee. It is different from legislative committees. To try to compare the way the Special Committee on Aging operates with legislative committees obviously will not fit the situation. Our time has been largely occupied in conducting hearings here and across the country into subjects of vital importance to the elderly.

Mr. STEVENSON. Mr. President, perhaps the Senator will answer another question about the hearings of these subcommittees. I am not unaware of the good work done by this committee. In fact, I attended one of the subcommittee hearings in Illinois some years ago.

There are seven subcommittees, as I understand it, 1 with 18 members, 3 with 19, 1 with 15, 1 with 13, and 1 with 11. Can the Senator tell us how many hearings these subcommittees conducted last year?

Mr. CHURCH. I am informed by Mr. Oriol, the chief of staff, we had 20 hearings last year conducted either in Washington or in the field.

Mr. STEVENSON. Twenty hearings for seven subcommittees.

Mr. CHURCH. Some of those hearings were extensive.

Mr. STEVENSON. As the Senator indicates, most of the work of this committee has been investigatory in nature and does not require hearings.

Mr. President, I do not want to prolong this debate. The Senator has rightly and wisely recognized one of the major objectives of reorganization, the principle of consolidation, as he put it. He is willing to accept it within his own committee, but not for his committee. Without wishing to prolong this debate, I would submit to the Members that what is good for this committee is good for the Senate.

By that, I mean some consolidation that will make the responsibility, whatever the issue is, unavoidable, obvious to every member of the public, and that will make the institution itself, through special changes such as consolidating legislative and oversight jurisdiction, far better capable of exercising its responsibilities. I say this with no criticism intended for the special committee, but mindful of the problems that the aging had and still have, with the strong opinion that their needs, the needs of all the people, will be better served by consolidation, including a transfer of this oversight jurisdiction into a committee which can exercise every bit of it, and also a large part of the relevant legislative jurisdiction.

As the Senator said, this committee was established in the first place to take care of a special problem. It was established in 1961 and it was established for 1 year. That is the story of committees. That is the process by which proliferation, this cancer, has crippled the U.S. Senate.

Mr. DURKIN. Will the Senator yield?

Mr. MATSUNAGA addressed the Chair.

The PRESIDING OFICER. The Senator from Hawaii is recognized.

Mr. LONG. Will the Senator yield for a unanimous-consent request?

Mr. MATSUNAGA. I yield to the Senator from Louisiana.

Mr. LONG. I thank the Senator.

Mr. President, I ask unanimous consent that Mr. Mike Stern, of the staff of the Committee on Finance, may have the privilege of the floor during the full extent of consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. Mr. President, I rise in strong support of the amendment offered by the distinguished Senator from Idaho (Mr. CHURCH), to retain the Special Committee on Aging.

Mr. President, I can fully appreciate the Senate's desire to streamline its committee structure in order to enable the Members of this body to devote greater time and attention to their decision- and policy-making activities. The Temporary Select Committee To Study the Committee System under the able chairmanship of the Senator from Illinois (Mr. STEVENSON) undertook a monumental and difficult task. I commend that committee and its members for their efforts and recommendations. However, I am most distressed by the proposal to eliminate the Special Committee on Aging and to transfer the subject of "aging and problems of the elderly" to a new Committee on Human Resources.

Mr. President, the elimination of the Special Committee on Aging would not only be a serious loss to the Senate but a grave disservice to the more than 20 million persons age 65 and older in our country today. The elderly constitute the fastest-growing population group in our Nation. They face many unique and pressing problems which demand close attention and responsive action by the Congress.

Sixteen years ago, this body, after full debate realized that the difficulties it encountered in dealing with the problems of the elderly lay in the fact that concerns of the elderly were fragmented among a dozen or more different committees. Exercising prudence, this same body then urged that this special information-gathering and advocacy unit be created. Non-legislative in character and therefore unbound by jurisdictional ties, the purpose of the Special Committee on Aging is to provide this lawmaking body with comprehensive and current information on developments in the field of aging and the elderly.

Senate Resolution 4 proposes to revert to a committee structure which will not afford the Members of the Senate with the comprehensive and current information they need to formulate policies and programs that are both effective and responsive to the needs of the elderly now and in the not too distant future.

Adoption of the provision which would place the important oversight functions of the Special Committee on Aging within the Committee on Human Resources would not permit "aging and problems of the elderly" to receive the attention they deserve. As proposed, the Committee on Human Resources would have to conduct broad oversight over aging and four additional and extensive areas. Furthermore, the Committee on Human Resources would have to fulfill legislative responsibilities for 20 subjects, with other oversight duties over a minimum of 17 major executive agencies and departments, including the Department of Labor and that of Health, Education, and Welfare. With a sure-to-be busy legislative agenda and a heavy workload, the Committee on Human Resources could not feasibly and adequately devote sufficient time, attention, and staff to the numerous and varying aging issues.

The Special Committee on Aging can and has continued to pursue aggressively throughout its 16 years, productive oversight, information-gathering, and advocacy activities. Aging issues cut across a wide range of committee and legislative jurisdictions—from the jurisdiction of the Committee on Finance over the social security program to that of the Committee on Agriculture over the food stamp program. The Special Committee on Aging has demonstrated the merits of having a centralized oversight body responsible for surveying and coordinating the major aging policies and programs considered by the different committees.

Since its creation in 1961, the Special Committee on Aging has remained the faithful and vigilant watchdog over all developments in the field of aging. It has shouldered the responsibility for major oversight investigations—investigations which have examined in depth the application, administration, execution of Federal policies and programs benefiting the elderly. As a nonlegislative committee, serving as a sounding board for elderly concerns, it has unearthed significant findings, offered major recommendations to larger standing committees, and spurred responsive and timely legislation—in social security, medicare and medicaid programs, housing for the elderly and countless other areas.

As a former chairman of a subcommittee of the Select Committee on Aging in the other body of Congress, I emphasize to my colleagues here the important role the Senate Special Committee on Aging served in establishing a similar committee in the House.

Back in the 93d Congress, when a plan for reorganization of the committee system was under debate in the other body, I—along with many other colleagues then—expressed a strong desire to create in that House a counterpart to the Senate's Special Committee on Aging. Acknowledging the growing number of elderly and elderly concerns in the country, and long impressed by the work of the Senate's Special Committee on Aging, the House overwhelmingly voted to create its own permanent Select Committee on Aging. I cannot emphasize enough the key information and advocacy roles special aging committees have in focusing on issues and problems of the aging. No legislative committee or subcommittee can closely and effectively address the numerous and diverse problems faced by older Americans as can these special committees on aging.

Mr. President, I urge my colleague fully

to consider the benefits to be reaped from a separate, special committee on aging. These are benefits which will be afforded to legislative committees, providing them with important and useful data and information in order to formulate effective and responsive laws;

To Senators themselves, providing them with greater insight and foresight to the needs of our aging population now and in the future; and

To the elderly, providing them with the voice and the hand they desperately need in the twin houses of Congress.

Mr. President, I have long maintained that the greatness of any nation can be accurately measured by the degree to which it cares for its elderly citizens. Let us reaffirm our commitment to greatness and to our older Americans by continuing to afford the aged and the aging with the opportunities to spend their "golden years" in dignity and serenity. I urge an "aye" vote for this vital amendment to save the Special Committee on Aging.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. MATSUNAGA. I yield to the Senator from Nevada.

Mr. CANNON. Mr. President, the Senator has made a very convincing and eloquent plea. I wonder if he would explain to me how the Committee on Aging, having met once last year to issue a subpena, furthered the interests of the elderly and the aging any more than a subcommittee that has both legislative and oversight jurisdiction?

In other words, does the Senator feel that a committee on aging is needed, a 16-member committee, to meet once a year and issue a subpena?

Mr. MATSUNAGA. I am not certain as to how many times the committee did in fact meet.

Mr. CANNON. It met once. I think the Senator perhaps was not here.

Mr. MATSUNAGA. As I understand it, there were 20 hearings held. That was the information I had. Not one meeting, but 20 hearings.

Mr. CANNON. Yes, I am sure there were 20 hearings, but they were hearings, as Senator CHURCH has stated, by subcommittees, by subcommittees or task forces of the Aging Committee.

We were told by the chairman, by Senator CHURCH, that the committee met once last year; that was for the purpose of issuing a subpena.

That, I think, is the big argument here. There is an argument being made that we need a 16-member committee on aging to serve the needs of the aging, yet we find that the committee actually met one time in the entire year.

I submit that it is either a task force committee by a very few Senators, or it is a staff committee as some have contended in a number of instances.

I am interested in knowing how many Senators attended the meetings of the subcommittees that met throughout the year of those 20 hearing.

Mr. MATSUNAGA. If the distinguished Senator from Nevada will permit me, it is not as important as to how many meetings were held as it is to determine what work was accomplished by that committee.

There has been evidence presented here that at least 20 hearings, and extensive hearings, were held during the last year and that the committee did, in fact, cut across jurisdictional lines of all other committees having legislative jurisdiction over matters of aging and the elderly.

This is the important factor and this is what needs to be remembered, that the Select Committee on Aging is able by itself, being a select committee, to cut across jurisdictional areas where the legislative committees would be bound within their own jurisdiction and not be able to make the contribution that the select committee has made.

Mr. CANNON. If the Senator will yield, that is not quite true, and the Senator apparently did not follow the hearings or the report of the committee because Senate Resolution 4 uses the technique of comprehensive oversight in a new way, and it has a broader use than in the past for the purpose of vesting standing committees with oversight extending beyond their legislative jurisdiction.

The purpose of that technique was to provide a means of satisfying those needs not met now by the special committees, or the select committees. That technique is clearly used in the resolution.

I am sorry the Senator does not feel Senator WILLIAMS' committee would do a good job in this area because he has been a leader in the field as a member of the Special Committee on Aging, as well as chairman of the Labor and Public Welfare Committee.

I have the utmost confidence that he would do a good job if this is put in the jurisdiction of his committee.

I say that his committee would have full oversight jurisdiction, exactly the same jurisdiction that the Committee on Aging would have and has at the present time.

Mr. MATSUNAGA. I remind the Senator from Nevada that in 1961, 16 years ago, after considerable debate and due consideration, this body at that time did create this select committee because of the inadequacy of the system at that time of legislative bodies having oversight capabilities and duties, even at that time.

Mr. CANNON. Yes, I admit that. Sixteen years ago we did a lot of things that we want to change now. That is the purpose of reorganization.

When the committee was created, it was created for a period of 1 year. Here it is, 16 years later, and still with us. It was in 1961 when it was created for a 1-year period and here it is now and we are talking about continuing it forever.

I am interested, if either one of the Senators could tell me, as to how many Senators were present at each subcommittee hearing of the committee last year.

Mr. MATSUNAGA. I am happy to yield to the Senator.

Mr. CHURCH. I thank the distinguished Senator from Hawaii.

I do not have those statistics.

But I suggest to the Senator that this committee can be judged by the work it has done. That work has been done through hearings and we have averaged 25 hearings a year on different subjects, roughly half of them in Washington and half of them in the field.

That work can be judged by the special task force investigations and reports that have been issued by the committee. I have seen the testimony, and I have read the statements that have been made by chairmen of legislative committees. They have acknowledged that these factual reports and investigations are helpful to them in pursuit of their legislative work.

So, I really hope that the Senator will not ignore the work of the special committee and its importance by emphasizing that the committee as a whole met only once.

It simply is not in the nature of the committee and its work to require the full committee to come together, unless to issue a subpena for an investigation.

Mr. CANNON. Mr. President, that makes a very good argument for my position that, in any event, it should not be a 16-member committee. It should not be more than a nine-member committee at the most if we are really going to try to do anything about reorganization.

I am not trying to denigrate the work of the committee staff. I know they put in a lot of good work and Senator WILLIAMS stated and testified before our committee that the staff reports they put out were very helpful to the committee.

But the point we are trying to make is that the work is done by the staff and by task forces and by subcommittees.

I still hope the Senator will get and submit for the record the number of Senators that attended each of the subcommittee meetings throughout the year. I think that is a matter of record and I think it would be very helpful to see how many Senators were attending and to have it in the record so that we could tell whether this is a staff job or whether it is work of the full committee.

But I certainly would not want to detract at all. I go back to Senator STEVENSON and the fact that he is trying to give more attention to the problems of the aged. I hope we can do it through this method rather than leave it out here in a subcommittee that has no legislative jurisdiction, that is obviously operated principally by the staff—and a very high paid staff, I may say.

I shall submit a little later the staff positions for the RECORD and the salary positions so we might have this in proper perspective.

But I personally happen to believe that Senator STEVENSON and his bipartisan committee studied this entire problem and made a good recommendation to our committee.

Mr. MATSUNAGA. I remind the Senator from Nevada that I am only a freshman Member of this body and cannot relate to the experience of the Senate Committee on Aging.

However, I served as chairman of the subcommittee in the House, the Select Committee on Aging, for a 2-year term. We had just created the committee in emulation of this body. In those 2 years, during the time of the activities of the Select Committee on Aging, more was done for the elderly citizen than in the previous 10 years. Even under the Older Americans Act, much more was accom-

plished in the advocacy for the elderly by the Select Committee on Aging. Because the needs of the elderly have too long been neglected, I feel that we should not discontinue at this point the Select Commitee on Aging, which, in fact, has been the advocate for the elderly.

I repeat—and I am sure my colleagues can agree with this—the greatness of this Nation will be measured in history by the degree to which we care for our elderly citizens. I urge the support of the Church amendment.

Mr. WILLIAMS. Mr. President, I shall be brief. I am sure that the points that I made in advocating the retention of the Special Committee on Aging during the consideration of this reorganization bill in the Rules Committee have been made with strength and force, especially in the persuasion of the chairman of the Select Committee on Aging, the Senator from Idaho.

It has been mentioned that the resolution before us, in abolishing the Special Committee on Aging, continues the legislative authority in Human Resources that now resides in the Committee on Labor and Public Welfare and, in addition, gives to the newly created committee and the extension of the Labor and Public Welfare Committee, the Human Resources Committee, a broader responsibility for oversight than now resides with the Labor and Public Welfare Committee.

Senator STEVENSON and the chairman of the Rules Committee are to be commended highly by all Members for their persistence, their diligence, and their earnest effort to try to find ways through committee reorganization for this body to be more effective and more efficient, and in great measure that is accomplished by the resolution before us. I strongly feel that the abolition of the Special Committee on Aging does not serve efficiency and effectiveness.

The committee, as all speakers advocating its retention have said, has a responsibility that takes the whole person and looks at that individual. It deals with the person as a whole person—the older American's needs and older American's opportunities.

This is the basic problem. There are other problems, but the basic problem I see is in the transfer of responsibility. It is thought by many that the longer Senators are Members here, the more authority and responsibility they actively seek. I do not feel that that is the case. I know that it certainly is not the case with respect to this Senator and in this context. Presently, I am chairman of the Committee on Labor and Public Welfare. Upon reorganization, I will be a candidate, I believe, for the chairmanship of the Committee on Human Resources. I do not believe that additional responsibility going to that committee under the resolution makes any sense. The legislative authority stays the same, but oversight is as broad as the special committee.

As the resolution states on page 67:

> Such committee shall also study and review, on a comprehensive basis, aging and the problems of the elderly and income maintenance.

This is the situation that I would anticipate under that authority, a responsibility but without any real opportunity to make oversight effective.

The Senator from Louisiana is chairman of the Finance Committee. In that committee, they have income maintenance. They have the health problems of the elderly. They have all the income aspects of social security.

If we in Human Resources have oversight and make judgments and transfer this to the Senate Committee on Finance, it would have to be the responsibility of the Committee on Finance to review another legislative committee's recommendation to them. So there would be a duplication, a duplication we do not have to that extent right now; because standing committees—and I am on two that have been served by the findings of the Special Committee on Aging—have found their work of such excellence that we could move on with it and advance: Housing for the elderly, in the Committee on Banking, Housing and Urban Affairs; the Older Americans Act, in the Committee on Labor and Public Welfare.

If we are really to make ourselves more effective and more efficient, this is one change that does not promote that end.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS. I am happy to yield.

Mr. HATFIELD. Since the Senator realizes that originally the Committee on Aging was a nine-member committee, and since the Senator from New Jersey sits on the Rules Committee and is fully aware of the difficulties we have, not only in budgeting but also in housing our various committees and their staffs, would the Senator support a modification which would reduce the number in the proposed amendment from 16 to 9?

Mr. WILLIAMS. I believe I would.

Mr. HATFIELD. I thank the Senator.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

The PRESIDING OFFICER (Mr. MATSUNAGA). The Senator from Pennsylvania is recognized.

Mr. HEINZ. Mr. President, I have heard today some very alarming things about the recommendation that we dispense with the Special Committee on Aging.

The work of that committee was an inspiration to many of my former colleagues in the House. Many reports were published by the Special Committee on Aging that proved absolutely invaluable to me individually and to many House Members as we attempted to meet our responsibilities to 25 million senior citizens.

The function of that committee has been characterized by numerous people here today as oversight, and indeed that is true; and good oversight is tremendously hard for any legislative body to carry out effectively. It is probably easier to perform the oversight function in the other body because there are 435 Members of the House of Representatives. In the Senate, we are 100, and the legislative demands upon us proves overburdening.

To do the very best kind of oversight, you have to go into the field. It is not enough to sit in a committee room, particularly when you are dealing with a group that is among the most immobile of populations. You have to go and see how a recreational facility for senior citizens actually helps a community and how it helps senior citizens, if you really are to have an understanding of the effect Federal programs have. You have to go to the field to understand some of the mistakes previous Congresses have made in the way we have treated the elderly.

I will never forget a visit I made to a senior citizens' recreational facility on the north side of the city of Pittsburgh almost 6 years ago. I went to that facility, and they had just been informed that they were going to be closed. I was then a freshman Member of the House, and I said, "Why are you going to be closed? What is this?"

They said, "The Department of Public Welfare has informed us that the Congress has passed legislation that says that every single one of us senior citizens must be on old age assistance, welfare, or we cannot participate in this senior citizens' program."

Before Congress implemented the supplemental security income program, there was a very grave concern on the part of the people over 60, over 62, and over 65 that if they had worked all their lives, if they had spent their time, energy, and devotion trying to stay off welfare, that they did not want to ruin their own self-respect and pride by having to register on old age assistance and be on welfare, something they had always tried to stay off of.

Mr. President, we as a Congress needlessly caused innumerable heartaches, conflicts, and tragedy when we passed that welfare requirement into law, and it took several years to undo the damage. It was not fully undone until the SSI program became law.

But shortly after that, this same Congress made practically the same mistake all over again when, in title XX of the Social Security Act, we required an individual means test to be applied to every single senior citizen taking advantage of title XX programs and virtually any other kind of senior citizen program.

Perhaps, what we do not fully appreciate, and maybe the people who wish to do away with the Select Committee on Aging do not fully appreciate, is that the Special Committee on Aging of the Senate and the Select Committee on Aging of the House have demonstrated to Congress on several occasions that this Congress has erred in its treatment of the elderly.

Mr. President, there is nothing worse than being embarrassed by our own actions. I hope that is not a motivation among those who are trying to consolidate the committee system.

There are so many omissions that we have to attack. We do not have a policy on long-term care in this country. Even the most thorough, comprehensive, and far-reaching national health insurance schemes do not themselves advance, at

least in my judgment, a truly focused view of the long-term care needs of the elderly.

It is my belief that if the Church amendment is not adopted fragmentation will still be the rule in our approach to the elderly. The Finance Committee will have responsibilities for social security, medicare, and medicaid. The Labor and Public Welfare Committee, which soon we expect to be the Human Resources Committee, will have its jurisdiction over the Older Americans Act. The Agriculture Committee will have primary jurisdiction over nutrition. The Banking Committee will continue its jurisdiction over housing and the housing programs that affect the elderly. The Veterans' Affairs Committee, which this legislation perpetuates, will obviously have a great deal to do with veterans, many of whom are over retirement age. In view of this obvious fragmentation, we have a problem when we talk about a comprehensive approach to the problems of growing old. The solution to this problem is beyond the legislative ability of any single one of our standing committees, notwithstanding the great abilities of any of the people who serve on them.

In addition to the difficulty that is manifest in addressing ourselves to a long term national health care policy there are many other issues, such as that of medicaid reform—which is certainly important—something we have wrestled with too long and been too long unable to come to grips with. There is still the perplexing and very difficult question of age discrimination in employment for those over age 65. There is the question of how we might provide property tax relief for our senior citizens. There are many, many other areas of endeavor that, in my judgment, will simply go unaddressed, notwithstanding the good will of any of the committees proposed, simply because so much more work has to be done and that work largely requires a combination of intensive staff work and field work.

It seems to me, too, Mr. President, that the fact that in this committee report we perpetuate two other committees, the Veterans' Affairs Committee and the Committee on Small Business, gives us a particular reason to weigh the plight of our elderly.

It has been said by some, not without justification, that the reason why the Veterans' Affairs Committee and the Committee on Small Business are going to make it and stay a part of the committee system in the Senate is that there is more political clout, more political muscle, more organized effort to perpetuate those committees.

There is nothing wrong with a group of veterans or a group of small businessmen being heard. In fact, sometimes I fear we listen too little to those groups. But, Mr. President, what is wrong is that the elderly, who number some 25 million in this country, apparently do not have the ear of the Senate, are not so well-organized to send their message to the Senate that they need help.

The complexity of the issues facing Congress when it comes to aging is infinitely greater than the issues faced by small business or by veterans. I do not mean to say the issues facing small business and veterans are unimportant, but I hope I have made clear by my preceding remarks that the fragmented jurisdictions, the tremendously complex problems that we face, argue much more strongly for this committee, particularly if you consider that senior citizens seem not to be listened to wherever they go. Even in the House of Representatives, when the select committee was first proposed some 5 years ago by former Congressman Pryor of Arkansas, and he obtained over 220 signatures for his petition to create a select committee, he was told at that time by the House leadership that they could not have a Select Committee on Aging because there was no room, physically no room.

Of course, that was before we discovered all the offices of the Architect of the Capitol and a few other revelations.

And how many times are the elderly to hear that there is no room? Do we want to say that there is no room for the elderly in the Senate, after all the progress that has been made and with all the challenges that lie ahead? Mr. President, I certainly hope not.

In listening to the debate I could not help but turn to the committee report, as the Senator from Idaho was being questioned by other Members about the status, the fourth category of the Special Committee on Aging, and while that colloquy was continuing, I added up the number of proposed Members on each of the committees starting with Budget, Rules and Administration, Veterans' Affairs, Intelligence, Small Business, Joint Committee on Taxation, Joint Economic Committee, and the Ethics Committee; I added the proposed membership up, and it adds up, I believe, to 84 Members. That is 16 short of the number of Members of this body.

It may be coincidence but the number 16 is the number of Members proposed by the Senator from Idaho (Mr. CHURCH) for membership on the Special Committee on Aging. With 16 plus 84 making 100, it would seem to me that there would be no reason that we would have to violate the spirit of committee reorganization if the spirit of that is that no Senator would need to have to serve on more than three committees. If every Senator served on two of the first category committee and each Senator served on only one of the category two, three, or four committees, it would work and no Senator would serve on more than three committees. As a result I do not know that many of the arguments against the creation of this committee really hold water or are sufficiently compelling.

I hope, Mr. President, that the Special Committee on Aging and the chairman of that committee will follow through on what has been indicated here today, namely, that there would be a consolidation or reduction of the number of subcommittees of the special committee. I hope that the number of subcommittees could be reduced to three or four subcommittees and the effectiveness of those subcommittees strengthened by concentrating, among other things, the work of the staff and putting very concrete and high priorities perhaps on some of the things I outlined earlier. I hope that the members of that committee will be very active as occasion demands.

It is a fact, as stated by the Senator from Hawaii (Mr. MATSUNAGA), that the House Select Committee on Aging accomplished in its first 2 years—and the first 2 years are always the most difficult years of life for any committee—an incredible amount. The Senator from Hawaii is to be commended on his excellent role as a chairman of one of the most valuable subcommittees.

I was very privileged to serve on that select committee, as ranking member on one of the other subcommittees, and I think it is fair to say that all four of the subcommittees of the House Select Committee on Aging worked well, did their job for the elderly and for Americans generally, and fully earned their keep.

Mr. President, I hope that the attempt by the Senator from Idaho to preserve the life of the Special Committee on Aging will be successful. I urge colleagues to defeat any motions to table or otherwise frustrate that objective.

Thank you, Mr. President. I thank the Senator from Oregon.

Mr. HATFIELD. I yield to the Senator from California.

Mr. MATSUNAGA. Mr. President, will the Senator yield for just a comment?

Mr. HATFIELD. I am happy to yield.

Mr. HEINZ. If the Senator from Oregon will still yield to me, I am pleased to yield to the Senator from Hawaii.

Mr. MATSUNAGA. I cannot let this opportunity go by without commending the Senator from Pennsylvania for the part he played and the major role which he played, first, in the creation of the Select Committee on Aging in the House of Representatives and, also, as a Member of that select committee. Without his initial aggressive leadership, I do not believe that the Select Committee on Aging would have been created in the other body to begin with.

And I am sure that the record will show that the Senator from Pennsylvania left his mark in improving the status of the elderly of America as a member of that select committee in the House of Representatives. I congratulate the Senator for the position he has taken on the Church amendment.

Mr. HEINZ. I thank the Senator from Hawaii for his kind words.

Mr. CRANSTON. Mr. President, will the Senator from Pennsylvania yield for a unanimous-consent request?

Mr. HEINZ. I am happy to yield.

Mr. CRANSTON. Mr. President, I ask unanimous consent that Mike Pertschuk, Tom Allison, Ed Merlis, Brian Jones, and Malcolm Starett of the Commerce Committee staff, and Elizabeth Nash of Senator MAGNUSON's office, be granted floor privileges during consideration of S. 4.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I yield to the Senator from California, then the Senator from New Hampshire, and then yield the floor at that point.

The PRESIDING OFFICER. The Senator from California.

Mr. HAYAKAWA. I thank the Senator from Oregon.

Mr. President, I must say that I am puzzled by much of this debate, since I do not think that the fate of the aging is in any way involved in our present discussion.

The Committee on Aging does not disappear when it comes under the purview of the Committee on Labor and Human Resources. Granted that the aging require special attention, as the distinguished Senator from Idaho and others have eloquently said. Granted that the elderly are becoming a proportionately larger segment of the population. Granted that the attention to them is necessary. It seems to me that the purposes of the committee reorganization, about which we are debating and on which a temporary select committee has worked so long, hard, and faithfully, do not have any intention of diminishing or slighting the work or our concern with the problems of the aging.

None of the reorganization proposals was intended in any way to change the priorities of attention or concern on the part of this distinguished body, of which I am now privileged to be a Member.

As I felt very strongly during the debate on the Small Business Committee and the Veterans' Committee, the people who fought against their incorporation into a larger committee structure were laboring under a misapprehension and the mistaken belief that veterans problems or small business problems were going to be slighted as a result of the reorganization. The same error is being made as regards the Special Committee on Aging.

If I may remind this distinguished body of the problems of committee structure that led us into this debate, look at it for the moment from the point of view of one coming in fresh from the outside to this whole problem of becoming a U.S. Senator.

Among the questions I had to confront in the very beginning was this: what are the committees you would wish to serve on? And since I had never been a Senator before, nor even a Member of Congress, I had to start from scratch. And I was very, very glad to see the work of the Select Committee on Committee Reorganization, and I read as follows:

> It is unfair to the Senators to have to spread their efforts too thinly. Under the present set-up some Senators have over 30 committee and subcommittee assignments with 4 to 5 of their committees frequently meeting at the same time—this is intolerable. This resolution generally allows each Senator only 3 committee assignments and 8 subcommittee assignments.

In other words, we were cluttered up with committee, subcommittee, select committee, joint committee, commission, and board assignments. We have an enormous number of assignments. What has happened as a result is better known to all Senators through personal experience than to a newcomer like myself. Senators were often compelled to attend subcommittee meetings for 5 minutes only and then dash off to another one, and some they neglected altogether, leaving attendance at those subcommittees to their staff members.

With up to 30 of these assignments demanding so much of their time, I am sure many did not always remember what subcommittees they belonged to, let alone knowing what was going on in each of them.

Let me ask Senators to look at the committee structure again from the point of view of a freshman. "What committees would you like to serve on?" they asked me

I tried to answer, examining both the old committee structure and the new, to see how my interests might fit in.

I must say, on the basis of my own experience, Mr. President, that the new structure as proposed by the Select Committee made a lot of sense, while I found the old structure extremely difficult to find my way around in. The jurisdictions in the new structure appeared to me to be functionally divided in this proposed new system. The old system seemed to me to be a vast Rube Goldberg kind of construction, its parts and the relation of the parts to each other having been determined by the accidents of history.

It seemed to me, for example, that the problems of youth and adolescence, in which I am extremely interested, like the problems of education, the problems of infancy and child development, and like the problems of aging, fell naturally together in a Committee on Human Resources.

At this point in this debate, I am reminded of some things I learned from my radical students at San Francisco State in the 1960's. They kept telling me that inefficiencies and inequities in human institutions continue to exist because of influential people who stubbornly hang on to the existing system that gives them their power and influence, and therefore stand rigidly committed to the status quo. As an alleged conservative Republican, I find myself peculiarly on the side of those pushing for change right now. The worst thing that radical students could say of you in those days was, "He stands in the way of change." I am startled to find some of my liberal colleagues standing in the way of change.

Nothing in the reorganization plan seems to me to diminish a single bit the concern of this body over the problems of the 25 million people over 65, among whom I am proud to count myself. The problem is not whether the aging will be attended to, but whether that concern will manifest itself efficiently without conflict of jurisdiction, without the overlapping of several committees falling over each other researching the same question.

I learned for the first time during this debate that the Special Committee on Aging met only once this past year, which leads me to ask, How large is the staff of the present Special Committee on Aging? And I would also like to ask, How many members of that staff are now receiving salaries at the level of $30,000 a year or more?

I was touched by the remarks of the junior Senator from Hawaii when he said that the greatness of any Nation is measured by its concern for its older citizens. Like the Senator from Hawaii, I am of Oriental antecedents, and we respect the elderly. My legislative assistant here, Dr. John Backer, and I have reached the age where we absolutely insist on respect for the elderly, and I, too, look forward to golden years—the next time I retire.

But I submit, Mr. President, that the reorganization will not in any measure diminish our concern with the problems of the aging. It will lead, I am sure, to a better and more efficient use of our money, our staff, and our resources for the study of aging and all its attendant problems far better than will our present cumbersome committee structure.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am pleased to give my strong support to the amendment to continue the Special Committee on Aging. It has been my privilege to serve as a member of the Special Committee on Aging since March of 1963 under the distinguished chairmanships of Senators George A. Smathers, HARRISON A. WILLIAMS, Jr., and FRANK CHURCH. This long association has allowed me to observe first-hand the severe and unmet needs of older Americans, together with the unique contributions which a fact-finding committee exercising comprehensive oversight and advocacy roles can make to standing committees and individual Senators.

I serve both as a member of the Aging Committee and as a member of the Committee on Labor and Public Welfare, where I have also served for 14 years. I joined the Labor Committee in the early part of the 1960's when, in many respects, it was a most active committee in the areas of health and education, caring for the migrant worker and the elderly, and in many other areas. The Veterans' Committee was then a subcommittee on that full committee, and it was an extremely active committee of dedicated men and women—Senator Maurine Neuberger, who served on it, was a person of great commitment and great compassion—and I serve on it today with Members of this body who I think carry on in that important tradition.

Nevertheless I do feel, Mr. President, that when it comes to the consideration of the elderly people of the Nation, it is essential that we have a single focus and special recognition of their very considerable needs at this time. Over the history of our country in the past, Congress has recognized the importance of this special responsibility to our elderly citizens.

We debated last evening the natural gas legislation to help meet some of the most critical needs of the Nation. But I daresay that it is the elderly people in this Nation, whether it is in the Midwest, in my own State of Massachusetts, or in the Northeastern States, who are suffering the most from the energy crisis.

We will be debating in another context the question of adequate nutrition for the people of this Nation. Again, I think if Senators look at the statistics

and analyze the hearings, whether before the Special Committee on the Aging or before the Labor Committee, they will find there are more people who are hungry who are elderly in this Nation than any other group in our society.

The Education Subcommittee of the Labor Committee has done significant work in trying to meet the adult education needs of older people. There are millions of elderly persons who left school during the depression, who have been denied education, and who, if new opportunities are opened or available to them, will take full advantage of those opportunities.

Or consider the health care needs of our society. As one who sponsored the most far-reaching and the most extensive health program that has been introduced in the Congress, and on which I hope the Congress will act, I can mention to this body that there are serious omissions, even in that bill, relating to the elderly people, because the costs are so high of providing the best coverage.

Or look at instance after instance in other areas. When we talk about discrimination in our society, the record is replete with examples of discrimination against the elderly, especially with respect to jobs. There is no group that is so constantly being left out of our society as the elderly people of this Nation.

We know the importance the Senate places in looking after the interests of particular groups. The pending resolution preserves the committees dealing with veterans, small business, and the economy. I believe that the special needs of the elderly people of this Nation are also strong and continuing.

One can say, "That all may be true, Senator, but certainly those of us who are opposed to retaining this committee hope that the Labor Committee will be active in these areas and will perform these functions."

Let me say there has been a close harmony of interest between the Labor Committee and the Aging Committee in the past, and I am confident that it will continue in the future.

I cannot think of areas of overlap or duplication. But I think of many areas of support, complementary and supplementary to the efforts of the Labor Committee by the Aging Committee. That support is found in instance after instance.

Mr. President, when we look at the record of that committee, I believe we should look beyond the questions of staff, budget and rules here in the Senate. We must also look at the human dimension.

When we look at the human dimension, it is clear that the Aging Committee has been the strong-willed initiator and sparkplug for the needs of the elderly in instance after instance of our legislative endeavors over the past 14 years. I doubt if there are many major committees which can match this record of achievement.

Those endeavors are understood and well known by the members of the Aging Committee. As I mention them, I am sure they will be remembered by the Members of this body:

The Older Americans Act is perhaps the most comprehensive and important general piece of legislation for the elderly. It is true that it was approved by the Labor Committee. But the fashioning of the different elements and of the different titles of that legislation were developed to a great extent by the Aging Committee. Nearly 450,000 persons will receive low-cost nutritious meals this year under part of that program. Over 4 million elderly will receive supportive services under title III of the program, so they can continue to live independently in their own homes.

We also see this influence of the Aging Committee in the great debates that were held in the early part of the 1960's on medicare and the need to provide decent quality health care to the elderly. Again, there were strong efforts and initiatives on that program by the Aging Committee.

In 1967, we approved the Age Discrimination in Employment Act, to protect older workers against discrimination in hiring, firing, and other conditions of employment. That landmark measure was based largely upon the materials and information developed by the Aging Committee.

In 1973, we enacted the Title IX Older American Community Service Employment Act to provide meaningful and fulfilling jobs for the elderly. Fifteen thousand are now participating, and the number will increase to over 22,000 this year. That program, too, could not have been developed without the expert assistance of the Aging Committee.

One of the most important achievements of this body came in 1972, when inflation was so deeply affecting so many elderly persons, because they pay such a large percentage of their budget for food, for energy, for fuel oil to heat their homes, and other vital services. In 1972 the Senate approved the 20-percent increase in social security benefits. We also added to the social security laws a cost of living escalator clause, which has been of immense value and importance to the elderly.

Again, the Aging Committee deserves the credit for these accomplishments.

More recently, these are the dramatic developments over the widespread medicare and medicaid fraud and abuses, which the committee investigations brought to light.

There is also the clinical lab legislation, which the committee did so much to develop. The documentation and the information provided by the committee was a key factor in providing the impetus to consider that legislation and pass it.

This history has been necessarily brief. But I believe it demonstrates the outstanding record established by the Aging Committee. The record is strong and compelling. The needs of our elderly people must be met. The Senate ought to go on record, too, by assuring the elderly of the attention and concern of the Senate in guaranteeing that their interests will be met. That has been the tradition of the Aging Committee. I am convinced that under the chairmanship of Senator CHURCH, this fine tradition will continue.

Hearings conducted by the Special Committee on Aging, for example, provided a solid foundation for the enactment of the 1975 Older Americans Act Amendments, including provisions which I sponsored to make legal counseling a priority service and which authorized the training of lawyers and paraprofessionals to provide legal assistance for the elderly and to monitor the administration of programs for older Americans.

The Special Committee on Aging, because it does not have the heavy responsibilities related to the processing of legislation, has emphasized in-depth study of the concerns of senior citizens and field hearings which permit the elderly to make their views known directly to the Senate. In August 1976 I conducted such a hearing. The site was Boston and the topic was "Improving Legal Representation for Older Americans." That day's testimony revealed that older citizens were underrepresented in the Nation's legal services and that they had legal problems unique to their age group.

Mr. President, examining such concerns from the special perspective of the 23 million Americans over 65 is a vitally necessary function which can best be achieved by a body such as the Special Committee on Aging. I have received many communications from professionals in this field and from elderly Massachusetts residents registering their vigorous opposition to the proposed elimination of the Special Committee on Aging under Senate Resolution 4.

Mr. Wendell Coltin of the Boston Herald American has written an excellent account of the fears this proposal has caused among the older citizens of New England. And they are fears that appear well-founded. Chairman FRANK CHURCH has said that adoption of this portion of the reorganization plan "would be a disservice to older Americans and a lamentable reversion to the very set of circumstances which led to the establishment of this committee 15 years ago." Senator HARRISON WILLIAMS, former chairman of the special committee, is now chairman of the Committee on Labor and Public Welfare. On Wednesday, January 5, 1977, in the course of the Rules Committee's consideration of Senate Resolution 4, he expressed the view that the relationship of those two committees has not been characterized by duplication and has worked out "most effectively, very efficiently, and extremely constructively." He went on to state his apprehension that the transfer of oversight for aging concerns to a Human Resources Committee would be "a classical situation where more responsibility will be coming to fewer people" and that the resultant work product would not be up to the high standards established by the Special Committee on Aging.

I want to be on record as favoring any proposal for Senate reform which allows this body to devote its time more effectively to the comprehensive study of major problems and the formulation of legislative remedies. But, before we eliminate any special or select committee, let us ask whether the problems it

was formed to address still exist, whether it has been pursuing its task with vigor and distinction, and whether its demise would lessen this body's responsiveness. By those standards, I believe that the Special Committee on Aging should be continued, so that it may carry on its important work. I am pleased to support this amendment, and I hope that it will be accepted by the Senate.

Mr. President, I commend to my colleagues Wendell Coltin's account of the reaction of New England's senior citizens and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Herald American, Jan. 3, 1977]

PROPOSAL TO END SENATE PANEL ON AGING RAPPED

(By Wendell Coltin)

As far as New England's elderly are concerned, one resolution that could be quickly done away with this New Year—partly, at least—is Senate Resolution 586, which would reorganize the U.S. Senate Committee system.

It would terminate the Senate Special Committee on Aging; and that's the part disturbing the region's elderly and their advocates.

Why, this could be considered tantamount to abolishing the Boosters' Club at the local high school! Like athletes, the elderly, too, win some battles and lose some, but it's good to know you (the proverbial "you") have someone in your corner, supporting you, and to the elderly that's what the Senate Committee on Aging has been all about.

Sen. Howard W. Cannon (D-Nev.), chairman of the Senate Committee on Rules and Administration, has scheduled meetings for Wednesday and Friday of this week, and will schedule additional ones for next week, if necessary, to consider proposals set forth in the resolution.

Sen. Frank Church, chairman of the Senate Committee on Aging, has told this column he will testify before Cannon's committee this week and "express the need for continued existence" of his committee. He and retiring Sen. Hiram Fong (R-Hawaii), who has been the ranking Republican member of the committee, have said "there is probably a greater need for the committee now than when it was established in 1961."

Sen. Adlai Stevenson 3d (D-Illinois), co-chairman of the Temporary Select Committee to Study the Senate Committee System, has told persons who have expressed concern about proposals which would affect the Senate Special Committee on Aging:

"Our Committee intends to strengthen representation of the elderly. I certainly share your concern that the Senate give special and effective attention to the growing needs of elderly and retired people. As a public official, I have always done so.

"Unfortunately," Stevenson said, "the Senate's present committee system does not effectively and efficiently meet the needs of many Americans—including the elderly—because it has not kept up-to-date with rapid changes in American society. It has been 30 years since the Senate tried to make its committee system more effective. During this period, the Senate has applied only patchwork repairs.

"It simply created new committees or subcommittees every time a new problem arose," said Stevenson. "As a result, we now have 31 committees and 174 subcommittees. This results in an alarming number of assignments for Senators."

The reorganization package proposed by the committee headed by Sens. Stevenson and William E. Brock 3d (R-Tenn.), who was defeated in his bid for reelection, would reduce the number of committees from 31 to 15, reduce the number of senators' committee and sub-committee assignments from an average of 18 to no more than eight; and realign committees' jurisdictions for the first time in 30 years, according to Stevenson.

The work of four temporary committees, one of them being the Special Aging Committee, another the Select Nutrition and Human Needs Committee, would be consolidated in standing committees exercising legislative jurisdiction in those areas.

At present, the temporary committees are limited to studies and investigations and do not report legislation, often duplicating the work of parallel standing committees that do have legislative jurisdiction, Stevenson said. He emphasized the proposed reorganization of the Senate committees "does not abolish any of the functions presently performed by the Senate or its staff."

Sen. Church has stated, "I believe any plan for Senate reorganization which dissolves the Special Committee (on Aging) and disperses its activities would be a great disservice to older Americans and a lamentable reversion to the very set of circumstances which led to the establishment of this committee 15 years ago."

Five of the 23 members of the Special Committee on Aging are from New England. They are Democratic Sens. Edward M. Kennedy (Mass.), Edmund S. Muskie (Maine), Claiborne Pell (R.I.) and John A. Durkin (N.H.); and Republican Sen. Edward W. Brooke (Mass.).

These senators have been "tuned in" to the needs of elderly in this region, who share many of the problems of elderly elsewhere, but also have some "unique" to their region. They have had the "ear" of their senators; also others on the Aging Committee, including Sen. Church himself, who came to Boston a year or so ago to conduct a hearing on "Future Directions of Social Security."

Some months ago Sen. Kennedy conducted a hearing here for the committee on "Legal Needs of the Elderly." Elders who have been stripped of the dignity of a decent standard of living in retirement have been accorded the dignity of being able to air their complaints at Senate-conducted regional hearings. One can understand why they and their advocates would feel something was taken away from them if the Committee on Aging were abolished.

Mr. CHURCH. Will the Senator yield, Mr. President?

Mr. KENNEDY. I yield.

Mr. CHURCH. I wish to express my appreciation to the Senator for the excellent case he has made preserving the Special Committee on the Aging.

I am particularly thankful to the distinguished Senator from Massachusetts for describing the many major improvements in the programs for the elderly which commenced in the special committee with basic investigations, the accumulation of facts, and the presentation of special task force reports. These efforts laid the groundwork for the legislation which followed.

Every important piece of legislation for older Americans during the past 16 years finds it beginnings in the oversight work conducted by the Special Committee on Aging. The Senator from Massachusetts has effectively made that case.

I thank the Senator.

Mr. KENNEDY. I thank the Senator.

I can think of additional areas: legal services for the elderly and the poor. That was an important study done by the Senator's committee in the last 7 or 8 months.

I am a member of both the Labor Committee, which fashioned the legal services program, and the Judiciary Committee. Legal services was a serious problem, and the Aging Committee played an extremely helpful role in assisting these committees in developing solutions to the problem. As I mentioned to the Senator, I think the Aging Committee has performed a strongly complementary and supplementary function.

The needs of the elderly are of continuing and significant importance to the Nation. We should retain the Aging Committee, which has established a record of excellence in assisting the deliberations of so many other committees.

I am convinced that the Aging Committee will continue to make many significant contributions in the future, for the benefit of all our senior citizens.

I thank the Senator.

Mr. CHURCH. I thank the Senator very much.

Mr. President, I only point out that, at least implicitly, the Stevenson committee and the Committee on Rules have acknowledged the good work of the Special Committee on Aging because they propose to take the general oversight now exercised by the Special Committee on Aging and give it to a Special Subcommittee on Aging in the newly created Committee on Human Resources. By creating a special rule, they would allow that same subcommittee to have the oversight authority now exercised by the Special Committee on Aging.

If the subcommittee is to do a comprehensive oversight job, it must have adequate staffing. What is really going to be accomplished is that the special committee is going to be called a subcommittee instead of a special committee. But it will be handicapped because it must carry a legislative load as well.

The probable chairman of the newly created Committee on Human Resources says, "I do not want it." This oversight is better exercised by a Special Committee on Aging than by a subcommittee that is going to be loaded down with a tremendous legislative responsibility as well.

I really believe that the case for preserving the special committee is exceedingly strong and is actually buttressed by the recommendations of the Committee on Rules and the Stevenson committee to call for a subcommittee to duplicate the oversight authority now exercised by the Special Committee on Aging.

Mr. DURKIN. Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. DURKIN. Mr. President, I ask unanimous consent that Jane Yanulis, Steve Gordon, and Mark Coven of my committee be permitted the privilege of the floor during debate and vote on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Will the Senator yield for a similar unanimous-consent request?

Mr. DURKIN. Yes, I yield.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Carey Parker and Allan Fox be granted the privilege of the floor during debate and vote on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURKIN. Mr. President, there are presently 22 million Americans over the age of 65, and 20 million are over the age of 55 and approaching retirement. The proportion of our citizens over the age of 65 is rapidly increasing. The Special Committee on Aging is the only unit in the Senate whose sole concern is the problems faced by the elderly. It is the only committee which deals exclusively with problems affecting senior citizens.

Because of this unique commitment to the needs of the elderly, the Special Committee on Aging has provided significant leadership in the legislative area. In recent years, the committee played a major role: First, in improving the social security system; second, in the enactment and amendment of the Older Americans Act including title VII Nutrition and title IX Community Services Employment of Older Americans; third, in promoting improvement of the Supplemental Security Income program; fourth, in securing more responsive federal action on section 202 housing for the elderly; and fifth, in transportation.

In its continuing work, the committee has identified and examined issues important to the elderly including utility rates and rising energy costs; nursing homes, boarding homes, and homemaker services; age discrimination; legal services; food stamps and nutrition programs; consumer protection; crime prevention; the special needs of senior citizens who live in rural areas; practices in the drug industry and medical laboratories; and revenue sharing.

Under the reorganization plan, problems associated with the elderly would be one of a number of major areas which would compete for attention in the Committee on Human Resources, but the Committee on Human Resources will not have jurisdiction over a number of other areas of key concern to the elderly.

Whereas the Committee on Human Resources would have responsibility for the policy aspects of retirement incomes, Federal, State, and local services for the elderly, and health care for the aged, the Committee on Finance would have jurisdiction over the revenue aspects of social security, supplementary security income, medicare, medicaid, and general revenue sharing.

Housing for the elderly and construction of nursing homes would be the responsibility of the Committee on Banking, Housing and Urban Affairs. The Committee on Agriculture and Small Business would have jurisdiction of the food stamp program, while the Committee on Commerce would deal with transportation and consumer interests of the elderly.

It is just this type of jurisdictional overlapping and conflict which caused the Committee on Aging to be established in the first instance. The interests of the elderly are unique and require special attention of one committee which is committed solely to their unique needs. We should not, in the name of reform, take a step backward, a step which the Senate had resolved in the past when it established the Committee on Aging.

There has been some very distressing rhetoric here by the distinguished chairman of the select committee. I do not think he meant it, but he said that we had to stem the cancer and the line must be drawn, we must democratize the Senate. But I do not think we intend to draw the line through the senior citizens of this country. As the Senator from Massachusetts (Mr. KENNEDY) so eloquently said, there is a human dimension in the retention of the Special Committee on Aging. I think the question is, which is more important—is it the internal functioning or the internal formulas of the select committee's reorganization proposal, or is it the welfare of the senior citizens of this country?

With respect to senior citizens and with all due respect to the hard work of the select committee, what we have here with respect to the senior citizens of this country is not a reorganization program but, really, a fragmentation program. Instead of having one committee to oversee all the programs, one committee with a hard working chairman, one committee with an excellent hard working staff—true, the staff has done much of the work assigned to the select committee—to scrap all this in the name of reorganization, I think, would be a serious mistake. I think it would be a slap in the face to a substantial segment of our population, which is altogether overlooked too often, except at election time.

Everyone wants to go to the nutrition sites, everyone wants to go to the senior citizens' housing during election time. It is a great place to campaign. But I think this is the time to stand up and speak for the senior citizens of this country. This is the time to be counted, not in a campaign appearance or an appearance during a recess at a senior citizen nutrition site or high rise housing.

I want to point out one of the Catch 22 problems with respect to the resolution as reported. The Committee on Labor—and I am on that committee—soon to be, through reorganization, classed as the Committee on Human Resources, already has eight subcommittees. We have a Labor Subcommittee, a Health Subcommittee, a Handicapped Subcommittee, Education Subcommittee, Employment Subcommittee—which includes poverty and migratory labor.

We have a Children and Youth and Family Subcommittee, which was chaired by the now Vice President. We have an Alcoholism and Narcotics Subcommittee, as well as an Aging Subcommittee. If the three-subcommittee per standing committee rule is adopted as reported by the Committee on Rules and there is a 5-to-3 ratio in those subcommittees, I ask the distinguished floor manager of the bill, into what subcommittee are the aging going to get stuck? Because there will not be enough subcommittees on the Committee on Human Resources to give adequate representation to their needs, even in the reduced scope that is contemplated by the reorganization proposal.

Where are we going to shunt the senior citizens, into what subcommittee, what combined subcommittee? Instead of having an oversight committee, instead of having a committee peculiarly concerned with the problems of our senior citizens, it is going to be sidetracked, it is going to be diverted to one of the five or six subcommittees with combined and increased jurisdiction that will result in the Committee on Human Resources.

I should like to hear the explanation of the distinguished floor manager as to how that is going to help the senior citizens of this country.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. STEVENSON. Mr. President, first, I ask unanimous consent that a statement by the Women's National Democratic Club Political Action Committee and a letter addressed to me from Common Cause, both supporting the provisions of reorganization in Senate Resolution 4, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE WOMEN'S NATIONAL DEMOCRATIC CLUB POLITICAL ACTION COMMITTEE IN SUPPORT OF THE SENATE COMMITTEE SYSTEM REORGANIZATION AMENDMENTS OF 1977 (S. RES. 4)

The WNDC has for over fifty years served as a forum for informed Democratic opinion. Its membership is representative of the national Democratic Party constituency and includes many political and civic leaders as well as distinguished women of achievement in virtually every field. The WNDC Political Action Committee is the organization's arm for study and advocacy on those major national issues which call for governmental response. WNDC–PAC is concerned not only with substantive matters but also with the political institutions and processes which determine their outcome.

The Senate Committee system is such a "political institution". It is one that PAC has observed at close range in its daily work. To take a case in point, the Political Action Committee has been making an in-depth study of the global energy problem. While exploring this highly complex issue, which calls for coordination of congressional efforts to develop long- and short-range national policy, we were struck by the fragmented approach inherent in the Senate committee structure for dealing with energy. Responsibility, as we understand it, is divided among 17 committees and 35 sub-committees.

In the light of this example of the current committee system and of others related to our work, the Political Action Committee welcomed the effort at reform represented by S. Res. 4. We studied the proposal and debated it at length, tracking its potential effects through a number of the issue-areas, such as food and nutrition policy and aspects of U.S. foreign policy with which we are concerned.

Some of the changes proposed in S. Res. 4 could result in less rather than greater attention to our priority interests. Yet, on balance, it was our consensus that the potential good, in terms of the Senate's ability to make maximum use of its resources in order to solve national problems and to

make timely decisions far outweighed the "disadvantaging" of any single interest.

After careful evaluation the WNDC Political Action Committee adopted a motion to support S. Res. 4 as submitted by Senators Stevenson and Packwood on January 4, 1977, and to urge Senate support therefor.

We believe that the proposal, as presented offers the prospect of:

A unified approach to and timely action on major national problems and programs;

Broader national representation on each committee;

More equitable distribution of the workload and more efficient use of the Senator's time and expertise.

These ends can be achieved only if S. Res. 4 is adopted substantially as introduced or strengthened by further pruning or consolidation of committees. Attempts to amend re-introducing components of the old system will weaken if not destroy the reformation. While the proposal cannot be universally pleasing and while some changes could make for a more rational organization, the plan as presented holds the promise of a Senate more responsive to the full spectrum of the nation's critical needs. We strongly recommend its adoption by the U.S. Senate.

COMMON CAUSE,
Washington, D.C., January 31, 1977.

DEAR SENATOR: This week the Senate will begin consideration of S. Res. 4, the resolution to revamp the Senate committee system that was originally drafted by the Temporary Select Committee to Study the Senate Committee System and was recently revised and reported by the Senate Rules Committee. Common Cause believes that the reorganization plan deserves adoption as a first step toward making the Senate a more modern, more effective and more efficient institution.

We are, nevertheless, disappointed that the Rules Committee chose to weaken the proposal in a number of respects, most regrettably in acting to once again fragment jurisdiction over transportation policy that had been consolidated under the Stevenson-Brock committee proposal and by reestablishing committees on Veterans and Small Business. These are serious weaknesses. Similarly, the fact that neither the Rules Committee nor the Stevenson-Brock committee did anything to alter the excessive jurisdiction of the Finance Committee is a glaring defect. The Senate's commitment to meaningful reform will be tested by whether it is willing to take on the Finance Committee's jurisdiction.

In our view, the most important improvements that would result from adoption of S. Res. 4 are:

REDUCTION IN NUMBER OF COMMITTEES

The plan pares down from 31 to 23 the number of committees on which Senators serve. In so doing, the proposal brings about significant consolidation in some major policy areas, e.g., energy and environmental policy, human resources, and governmental affairs. We believe, however, that the Rules Committee erred in altering the original Stevenson-Brock plan by reinstating separate committees on small business and veterans affairs. Those issues could have been handled by others of the remaining committees. In a similar vein, we urge opposition to any floor amendments which would lead to further proliferation of committees. Specifically, we oppose the expected amendments to resurrect the committees on Post Office and Civil Service, Nutrition and Aging. While we consider the issues of nutrition and aging to be important, we concur with the judgment of the Stevenson Committee that there is no justification for having separate non-legislative committees dealing solely with those issues, rather than integrating them into committees with legislative jurisdiction dealing with related matters (i.e. Agriculture and Human Resources). Similarly, post office and civil service matters can be usefully subsumed within the Governmental Affairs Committee.

LIMITATION ON COMMITTEE AND SUBCOMMITTEE ASSIGNMENTS

The Stevenson-Brock Committee found that during the last Congress Senators served on an average of 18 committees and subcommittees, some on as many as 30 or more. Under S. Res. 4, as reported by the Rules Committee, Senators would serve on no more than two standing committees and one "third" committee, and would serve on no more than three subcommittees on each of the standing committees and two on their "third" committee.

These restrictions should enable Senators to manage their time better by significantly cutting down on the conflicts that inevitably result from their various assignments. For this reason, Common Cause opposes any attempts to increase the number of allowable committee and subcommittee assignments. We do not buy the argument that without such an increase, junior Senators will be disadvantaged. (Protection for junior members are discussed in points 4 and 5 below.)

MINORITY STAFFING GUARANTEES

Common Cause strongly supports S. Res. 4's provisions guaranteeing that within four years the minority party will be assured one-third of the positions on all Senate Committee staffs. On a number of the current Senate committees, the Republican staff positions constitute 15 percent or less of the overall staff. We think that the one-third guarantee is both reasonable and equitable.

In addition to backing these basic features of S. Res. 4, Common Cause supports a few amendments which we believe would strengthen the overall plan:

TIGHTER LIMIT ON CHAIRMANSHIPS; ADDED ASSURANCE FOR JUNIOR MEMBERS

S. Res. 4 allows a Senator to chair a major committee, a subcommittee on that committee, a subcommittee on his other major committee, and one subcommittee on his third committee. Senator Dick Clark will offer an amendment that would prevent a major committee chairman from chairing more than one subcommittee on a major committee, though that one could be on either the major committee he chairs or on his other major committee.

The Clark amendment would thus provide an additional means of assuring that power is dispersed within the consolidated committee system. It would enable new members to obtain subcommittee chairmanships more quickly.

It should also be noted that in the Rules Committee Senator Clark succeeded in adding language to S. Res. 4 that it is the sense of the Senate that before a second subcommittee assignment is given on any committee, all Senators must have one assignment. That provision is particularly important since it would force an equitable distribution of subcommittee assignments, giving junior members a much better opportunity to obtain subcommittee assignments of their choosing.

ROTATION OF COMMITTEE ASSIGNMENTS

Senator William Hathaway will offer an amendment providing that no Senator can serve on a committee for more than eight years of continuous service (exclusive of service prior to S. Res. 4's effective date). Such a rotation requirement would help assure that, over time, Senators would be able to receive exposure to a variety of subject areas despite the limit on their number of committee assignments. Committees would benefit from the infusion of new ideas and new perspectives. Most importantly, rotation would guard against the kind of comfortable relationships that grow up over the years among committee members, the agencies within their jurisdiction and the special interest groups concerned with the same subject matter. These relationships tend to blur the objectivity of committee members and frustrate the public interest.

ESTABLISHMENT OF LEGISLATIVE SUBCOMMITTEES

Senator Dick Clark will offer an amendment to require each standing committee to establish no less than three legislative subcommittees, and to require that all legislation be referred to the appropriate subcommittee unless the committee by majority vote decides to retain a bill in full committee. This amendment should help assure that subcommittees are not just on paper, but regularly handle legislation.

Presently, there is no Senate rule that has this effect. As a result, in the last Congress the Finance Committee gave no legislative authority to its subcommittees. Common Cause believes that it is essential—particularly in a reorganized committee system where all standing committees will have broad jurisdiction—that all committees be required to grant legislative authority to their subcommittees.

Common Cause considers the adoption of a strong committee reorganization plan to be essential if the Senate—and individual Senators—are to be able to function effectively. No basic restructuring of Senate committees has occurred in 30 years, and the plan that has been developed, after nearly a year's study and refinement, is a constructive beginning. For this reason, we urge you to oppose any moves to water down or delay action on S. Res. 4 and we ask that you support the various amendments discussed above which we believe would make the plan more desirable and more equitable.

Under S. Res. 4, the Rules Committee has an obligation to issue a report during the second session of each Congress in which it is to make recommendations for further changes in the Senate committee system and in the Senate rules. More work needs to be done than has been completed. We urge the Senate leaders of both parties to immediately establish functioning party task forces responsible for making recommendations to the Rules Committee. To be effective, reorganization must be a continuing process; jurisdictional overhaul cannot stop with S. Res. 4.

Sincerely,

DAVID COHEN,
President.

Mr. STEVENSON. Mr. President, I do not want to prolong this debate, but I do think it would be wrong to leave any information in the RECORD that either the select committee or the Committee on Rules has any intention whatsoever of disserving the elderly. It is, on the contrary, to recognize the human dimension, to borrow a phrase, to better serve the elderly, that both committees proposed this consolidation.

As the Senator from Massachusetts mentioned, the elderly deserve to have responsibility for them focused. That is precisely what we were trying to do through a consolidation of this oversight jurisdiction in a committee with legislative jurisdiction. I never, and I am sure the distinguished Senator from Nevada, or any other member of our respective committees never intended to imply any criticism for the fine work of the Special Committee on Aging. The hope and the expectation was that in this case, as in other cases, the Senate as a whole could

better attend all its responsibilities, including its responsibilities to those with special problems.

I shall not prolong this except to try to make a point further by saying that the Special Committee on Aging has a very substantial budget. I do not know what it is exactly, but it is in excess of a half million dollars, I believe. That amount of money in any committee could go a long way toward providing effective oversight. To that extent, what the Senators say is not without some merit. Oversight can be performed if the resources are adequate, and the location of the repository of their responsibility is of secondary importance. I happen to think, as do other Members, that by consolidating our resources, the Senate would be better able to perform that responsibility for oversight, perhaps with some savings.

But the greater concern, and it will come up in every such case, is about the conflicting and the distracting assignments and responsibilities of Members. All the Members know how it is. We are pulled and hauled in a thousand different directions, day in and day out, all of us feeling, all of the time, inadequate and incapable of doing justice to any of them.

The assignments of members on the Special Committee on Aging make a good case in point. One member of that committee has 34 committee assignments.

Another has 31 committee assignments. Another has 30. Three members have 29 committee assignments, committee and subcommittee assignments. Three members have 28. Two have 24. One has 26. One has 25.

I will not go down the whole list. At the very bottom, the fewest that any member of that committee has is 17. Two members have 17 committee assignments.

So the objective, and it is an objective given lip service by every member in the hearings before the Rules Committee and the select committee, is to emancipate ourselves to bring these assignments to a level that we can meet.

We cannot do that without giving something up and every time we come to giving something up, or almost every time, members do not want to let go. In many cases, that is not the case.

Mr. PERCY. Will the Senator yield at that point?

Mr. STEVENSON. Yes, I yield to the Senator.

Mr. PERCY. Are we not resolving that problem by limiting the number of committees we can serve on? That forces the Senator to face up to it and make a decision, just as in this case.

I was one of those the Senator mentioned. I do not know how many committees and subcommittees I serve on. Can the Senator from Illinois tell me how many I have?

I know it is more than I should have, but I think I am near the bottom of the barrel.

Mr. STEVENSON. The Senator, according to my information, has a total of 28 committee and subcommittee assignments and he is ranking member of some eight.

Mr. PERCY. Only eight?

The point of the Senator from Illinois is simply this, I think I should be put in a position to choose and we should arbitrarily limit the number we can serve on and reduce the overall number. This is where I think we are really, in the spirit of compromise, moving in the right direction.

The committee of 16 members is too large. In the goals the Senator from Illinois has rightly established with his committee members and the Rules Committee, we should move toward 11 and ultimately, at the end of this Congress, through attrition, get it down to 9. Then put it to us, force the Senator from Illinois to choose between the Joint Economic Committee on which he has served for 10 years, and enjoys very much, indeed. But between Aging and Joint Economic, I would choose Aging.

I think the question raised by the distinguished Senator is answered by the procedure that forces us to limit the number that we serve on. Then we do not have to worry too much about whether we want to continue on Small Business or Aging, and so forth.

I think the objective and purpose of reorganization is noble, and I have testified before both the Rules Committee and the special committee headed by Senator STEVENSON, I am for the objective and I am willing to let it apply to the Senator from Illinois.

Mr. STEVENSON. I thank the Senator from Illinois. He is getting a little ahead of my speech, but he is absolutely right.

There are a number of ways to skin the cat, and we have attempted to do this by limiting, cutting back on the number of committees and also cutting back on the number of assignments members will have to all of these surviving committees.

He has indicated that it is, I hope, possible to go at least part way toward those objectives without necessarily abolishing a Special Committee on Aging. That could be done, as he indicates, by reducing the size of the Committee on Aging, if it is the desire of the Senate to retain it. It could be done also by limiting all of the members to a fixed number of committee assignments, forcing them to make a choice between so-called third or minor committees.

I believe the distinguished Senator from Idaho is prepared to help us achieve those objectives, objectives to which I think all the members are committed.

I neglected to mention one, which is a redistribution, an equalization of the workload and responsibility in the Senate so that some members do not end up with 34 assignments, far more work and responsibility than they can do justice by, and others with very little.

It ought to become possible to recast the Senator's amendment in a way that will not be entirely satisfactory to me or to members of the select committee, but that at the very least will not do violence to all of our objectives and could, in fact, move us toward some of them.

Mr. PERCY. Will the Senator yield for a question?

Mr. STEVENSON. Yes.

Mr. PERCY. This is the first time I have really known I served on 28 committees and subcommittees. I can think of some subcommittees I served on that have never held a meeting.

Being on Foreign Relations, and other areas where it looks nice on campaign literature, is sort of impressive as one can claim to be an expert in a given field.

But I think, if we have not attended a meeting, or they have not even called a meeting, we ought to disband them.

What about submitting legislation that would relate to these subcommittees that have not held a meeting for a year or 2 and automatically abolish them?

Mr. STEVENSON. Well, by that test, the Special Committee on Aging will be abolished.

Mr. CHURCH. No; it would not.

Mr PERCY. Not at all. I beg to differ with the Senator. He is not speaking with knowledge.

Senator Moss and I put in more time on the Committee on Aging than on 10 other subcommittees all put together.

Mr. STEVENSON. This Senator from Illinois will withdraw his comment because that committee held one meeting.

Mr. CHURCH. There is confusion here. If the Senator will yield, because the full committee and its subcommittees held many hearings, even though only one committee meeting was held.

Mr. PERCY. The way the Aging Committee works is a great tribute to our distinguished chairman who delegates authority and responsibility. Certainly no one can say Senator Moss was not very active in all types of garb and clothes, in all cities.

I have been all over this country with him. I just did not happen to put the disguises on. But on the other hand, we have conducted hearings and we developed information that sent people to jail. We have done more to clean up nursing homes and make provision for millions of people living in them than any other single body. The whole Department of HEW did not do anything in this regard compared to this one subcommittee. It is not relevant that the full committee does not hold full hearings. When I served on the Appropriations Committee for a year, it did not hold too many full committee hearings. But we cannot say they did not work. They delegated to the subcommittees, and they really did the work.

Mr. CHURCH. That is the method we used.

Mr. DURKIN. Will the Senator yield?

Mr. STEVENSON. First to the Senator from South Dakota.

Mr. McGOVERN. I ask the Senator from Illinois, when I came on the floor I think he was reading the names of a couple of organizations who are lobbying, but they are supporting the general concept of reorganization.

Does the Senator not have a list of the various organizations that are supporting the concept of reorganization, which his committee is recommending, or can the Senator give us the names of some of these groups that are in support of it?

Mr. STEVENSON. Unhappily, there are not many so-called disinterested good-government organizations. But Common Cause is supporting this resolution. In fact, I just received a letter

from Common Cause specifically urging that the Committees on Aging and Nutrition be consolidated, as the resolution proposed.

The other organization I mentioned was a partisan Democratic political organization.

There are many groups. We have heard from labor as well as management, from organizations as well as individuals, and in fact, from individuals who theoretically are represented by organizations opposed to us.

Mr. McGOVERN. The reason I asked the question is that one of the assumptions that it seems to me the committee is operating under is that competition between committees is a bad thing, that if you have two or more committees that have an overlapping interest in a particular issue, that is inherently inefficent and destructive of the proper operation of the Senate.

I suggest to the Senator that I disagree with that concept, and I do not think it fits the general value system that we operate under in other areas of American life.

For example, the fact that we have a large list of what the Senator has referred to as disinterested lobbying groups in Washington is probably a demonstration of the fact that each one of those groups feels that it has some unique insight to offer to the legislative process. Otherwise, we would just have one. In other words, why do we have Common Cause and Americans for Democratic Action and the Consumers League and the League of Women Voters and the American Friends Service Committee and all these other groups? If they are all interested in good government, why do we not just have one?

I think the answer to that is self-evident: that there is a general presumption on the part of those groups that each one of them brings some special insight to the problem of government that needs to be heard and that there is a kind of competition of ideas among them that is useful.

The same thing carries over into the business world, where it is not held to be bad practice that we have a certain element of competition. We do not ordinarily argue that it is a good thing to have one company controlling all the production of a particular item, that there is something to be said for overlapping of functions. We even have that concept in the press. We do not have only one newspaper, and I am glad we do not. But if we are going to carry some of the reasoning into the journalistic field that I have seen demonstrated recently in some of our leading newspapers, we would abolish all of them except one. We would end up with just one big national paper to give us the news.

We would not have three major networks, we would have one; because, obviously, if you flick your dial at night, you see one network giving the same news simultaneously with news that is coming from the two other networks. Why not abolish all and just have one network, so that we can be more efficient in the way we report on the news?

Why do we have both Time and Newsweek? They are both weekly magazines, reporting on events in the same country, in the same world. The answer, again, is that it is held in the journalistic field to be valuable to have a little competition and to have the insights that come from having more than one news source.

I suggest to the Senator from Illinois, whose committee has worked long and hard and has come up with some recommendations, many of which I agree with—and I think a number of the things the Senator is proposing will make the Senate perform more efficiently—that I find it very difficult to buy the notion that because occasionally we have some overlapping of functions between committees, we are making it impossible for Senators to do their work. I think some of the most creative things that have been done in the Senate have been done by special committees, by select committees, by joint committees that were brought into being because the majority of the Senate felt that special attention needed to be paid to the problems within the jurisdictions of those committees.

I do not come here today to appeal for any personal piece of political turf. I am not interested in that. If we could do the work of our committees more effectively by consolidating all these special and joint and select and standing committees, I would be all for it. But I respectfully suggest to the Senator that in reducing competition among committees, that may at the same time be reducing the innovative capacity of this body and some of the most creative work that is being done in the Senate. I am just making a plea for an old fashioned doctrine known as competition.

Mr. DURKIN. Mr. President, will the Senator yield for a question?

Mr. STEVENSON. Mr. President, first, I should like to respond to the Senator from South Dakota by saying that I agree with him completely. I think that a certain amount of messiness is not only inherent but also is healthy in a legislative body, certainly one such as this, which attempts to reconcile all the conflicting interests of a most complex and pluralistic society.

If the Senator will refer to our report, it was the judgment of the select committee that attention and competition between committees was healthy, but we concluded, on page 9 of the select committee's first report, that the fragmentation in the Senate at present was excessive.

In the first staff report of the select committee was included a special study on this subject which is entitled "The Advantages of Some Duplication and Ambiguity in Senate Committee Jurisdictions."

I agree completely with the Senator, and I went further in one respect earlier today to say that this is not a corporation, and we are not presenting the Senate with an organization chart. We are trying to present the Senate with a delicately balanced system that will end an excessive fragmentation of jurisdiction, to such an extent that the Senator now, on the average, has 18 committees, making it difficult, if not impossible, for him to do justice by all of them.

There were in the last Congress none so effective as the Aging Committee's investigation of medicaid, but five investigations of medicaid.

Our point is that attention—competition, to use the Senator's word—is good, but chaos is not. We are trying to draw a line between the two. Perhaps the line is drawn in the wrong place.

Mr. McGOVERN. That is the question I should like to raise with the Senator, as to whether or not some of what he refers to as chaos can be reduced simply by reducing the number of subcommittees. Why is it necessary for a Senator to serve on 18 subcommittees? I do not serve on 18 subcommittees. I do not think I serve on more than 8 subcommittees, at the most. The Select Committee on Nutrition, which I chair, does not have any subcommittees at all.

So it does not add much to the chaos of the Senate to have one committee looking at the problems of nutrition, involving a dozen Senators or so, when we do not have any subcommittees.

As the Senator from Illinois (Mr. PERCY) said earlier, there are some committees around here that do not meet at all. Some of them are useless. Why not evaluate committees not on the basis of whether they are called "select," or "special," or "joint," but on the basis of whether they are worthless or whether they are doing a job? I think that if we would eliminate the ones that are not meeting or are dealing with frivolous, superficial, and in some cases obsolete subjects, we would be getting at the problem of chaos more effectively than with the approach the Senator's committee is taking. I say that in all respect for some of the very worthwhile things that I think the Senator's committee has recommended.

Mr. STEVENSON. The select committee attempted to evaluate the work of all the committees; and in the case of the Aging and the Nutrition Committees, it decided that the work was well done but that with consolidation it could be done better.

Our acid test was not the work of each committee; it was the work of the Senate—a Senate which now inflicts on all its Members some 18 committee assignments. Those committee assignments are reduced, as the Senator suggests, by limitations on the number of subcommittees. That is one way of doing it. That, in itself, is not sufficient, unless you end up with two- and three-man subcommittees.

The number of committees must be reduced, too. I think the Senator would probably not disagree with most of the recommendations of the Select Committee for the Consolidation of Standing Committees. There is strong disagreement only over the relief of one or two, or perhaps one more. Those two are Aging and Nutrition. We propose to consolidate them not because the work is poorly done, but in the interest of effectiveness and efficiency. And we do so with no intention of creating neat little compartments which will have all of the jurisdiction, as the Senator from Idaho has recognized. That has not happened, and it is not intended, and has never been so intended. We started with no such intention in the committee; we dis-

carded that. That was one of the first actions of the select committee. The question is not over the objectives but with respect to the necessity of having select committees.

Mr. McGOVERN. I appreciate the Senator's yielding to me. I did not come here to speak in behalf of the Committee on Nutrition. That is still being negotiated. I am just putting forth a word to ask that the Special Committee on Aging be retained, and I hope it will be retained.

Mr. DURKIN. Mr. President, will the Senator yield for two brief questions?

Mr. STEVENSON. Yes, I will yield. But I must tell the Senator that I am 10 minutes late for a meeting on the natural gas bill. I hope we can make this brief and, perhaps, the distinguished chairman of the Rules Committee will handle the questions for a few minutes.

Mr. DURKIN. The questions will be very brief. First, does the resolution as it comes out of the Rules Committee achieve any cost savings in the operation of the Senate?

Mr. STEVENSON. Yes, it will. We cannot be precise about the amount because the decisions on staffing will ultimately be made by the committees themselves, by the Appropriations Committee and the Budget Committee.

Mr. DURKIN. So it does contemplate actual reduction in the cost of operating the Senate?

Mr. STEVENSON. I do not think there has ever been any question about that. It would result for a time in economies for the Senate.

Mr. DURKIN. Including the proposition for minority staffing?

Mr. STEVENSON. Well, that is what I was about to add.

A provision has been added that might offset those savings, depending on how it is interpreted.

Mr. DURKIN. Offset or liquidate these savings?

Mr. STEVENSON. Well, again I cannot be very precise about the costs of the provision for minority staffing. But if I understand the implication of the Senator's remarks it is possible that committees will have to maintain their core professional staffs, and, to comply with the quota of minority in this resolution, hire additional staff. To some extent, this would offset the savings that will result from a consolidation of jurisdictions.

Mr. DURKIN. Assuming the minority staffing position provision is retained as part of the proposal, there will not be any savings in the operation of the Senate but, in fact, it will increase the cost of operating the Senate.

We are asked to economize and to draw the line on the Special Committee on Aging.

The second question—I do not need the answer right now—but if you have a 5 to 3 ratio, and you can only have six subcommittees of the Committee on Human Resources, I would like to know which subcommittee will absorb the functions of the aging and how that absorption will take place. In other words, what subcommittee will be forced to take on the problems of the aging, in addition to their responsibilities today?

I think the aging deserve that answer because they are not going to have their own committee. With the lineup on the Human Resources Committee, labor is not going to tolerate, organized labor is not going to tolerate, the Labor Committee going out of existence. The Subcommittee on Health is going to have a fight. Are we going to pick on the handicapped, the unemployed? Are we going to merge the aging with another subcommittee? Are we going to merge the Subcommittee on Children and Youth? I want to know just what subcommittee is going to be forced to pick up the added responsibility and give second-rate service to the senior citizens of this country.

I hope that when the distinguished floor manager returns from the caucus he can give us those answers.

Mr. CANNON. The Senator was not addressing those questions to me, but I can answer a good many of them.

In the first place, there is a Subcommittee on Aging in the Labor and Welfare Committee so there is a subcommittee there that can logically handle that work.

Second, the Senator said what about the staff? There is a provision in this legislation here, this resolution, to transfer the staff of the committees to the parent committee. There is an attrition period until July 1 to take care of any staff adjustments that might have to be made.

Now, to get back to the Senator's basic question on what happens as a result of the staffing of the minority, yes, if that provision stays in this resolution it would increase the cost. It will do one of two things: it will either result in a lot of firings of staff people who have been on staffs for a long period of time or it would increase the cost by increasing the size of the staffs.

Mr. GRIFFIN. Mr. President, will the Senator yield now?

Mr. CANNON. So the Senator is correct in that respect.

Were those the three questions that were addressed to the Senator from Illinois?

Mr. DURKIN. Just one. I still do not see—the Labor Committee has eight subcommittees. Granted one of them is the Aging Subcommittee. But if the three-subcommittee limitation is continued in the proposal, then you are going to have to reduce the number of subcommittees, so you are going to have to combine the eight you have into six. So instead of having solely an Aging Subcommittee you are going to have aging and something else and something else.

You are going to transfer the staff to another committee so you are not going to save money that way. The only thing you have done is just announced to the elderly of this country that they are on their own once again. I do not think we should draw the line through that.

In fact, all the editorials I am reading state this great resolution is going to save money and, in fact, we will not save money if the minority staffing position is retained, so I think there will be some editorial writers scrambling back to their scratchpads tonight.

Mr. CANNON. First, let me say the whole exercise—and I was not on the select committee appointed for this purpose—was not a money-saving exercise. It was to try to get a more efficient operation here and conserve the time of the Senators so we could devote time and attention to the job we were hired to do.

The Senator has suggested that the Human Resources Committee could only have six subcommittees. That is not at all true. As a matter of fact, here was the proposal that the select committee was proposing, which was education, labor, health, employment, aging, handicapped, arts and humanities, and Indians. That is eight subcommittees they could have.

I am not arguing the case, but I am just saying when the Senator says there are only six subcommittees they could have that is not correct under this resolution nor under the proposal of the select committee.

Mr. DURKIN. If you limit the Members to three subcommittees I do not see how you come up with eight.

Mr. GRIFFIN. Mr. President, may I ask who has the floor?

The PRESIDING OFFICER (Mr. SARBANES). The Senator from New Hampshire has the floor, which was yielded to him by the Senator from Illinois.

Mr. CANNON. The Senator proceeds on the assumption that you have to have eight-Member subcommittees, and that is not a requirement. There are presently a number of five-Member subcommittees in the Senate. As a matter of fact, there are some three but not many three. There are some five.

Mr. GRIFFIN. Mr. President, will the Senator from New Hampshire yield to me briefly

Mr. DURKIN. I am happy to yield.

Mr. GRIFFIN. I seem to detect here the beginning of some sort of debate about minority staffing and what it is going to cost the Senate.

As one who has been one of the principal advocates of section 703(e), I would like to make it clear there is no intent here to increase the size of the pie, the budget at all.

The only intent here is to make some changes as to how it is divided up. I cannot imagine that the Senator from New Hampshire is arguing the minority in the Senate, which has 38 percent of the membership, should not be entitled to at least a third of the staff of the committees. Is that his position?

Mr. DURKIN. No. My position is we have heard debate so far, to quote my friend and colleague from Illinois, that we are trying to emancipate ourselves, we are too busy to pay attention to our work. I just did not want to go on record as saying we were too busy to emancipate ourselves from a committee that is peculiarly and particularly interested in the concerns of the senior citizens. I am not arguing to stay on the select committee or special committe because if it is retained I probably will not have seniority enough to stay on it anyway.

But I am simply trying to pin down what we said at the beginning. Our colleague and friend from Illinois, I gath-

ered, was saying it was going to save money. I wish to know how much money it is going to save. If we crank in as part of the proposal the minority staffing position, then does he still think that is going to save money?

Mr. GRIFFIN. I think the Senator from Idaho, Senator CHURCH, has been trying to say this is really mixing apples and oranges. They are really not related issues at all because as to the minority staffing question there is no attempt in that to increase the size of the budget of any committee. The only thing we are talking about there is how the staff could be allocated and to whom they should be accountable. If the Senator from New Hampshire does not think the minority in the Senate with 38 percent should not have at least 33 percent of the staff, I wonder what he does think the minority should have in the way of committee staff.

Mr. DURKIN. I am not at this time arguing the question of minority staffing.

Mr. GRIFFIN. No.

Mr. DURKIN. There will be time enough for that.

Mr. GRIFFIN. If we agree this really has no relationship to the pending amendment, then we can go on from there. I really do not see that it does.

Mr. DURKIN. Introduced into the record are endorsements of the entire resolution by Common Cause and another group that the Senator from Illinois introduced. I assume that part of their support for this entire package is that it is going to save money. I come from a State that is known for its frugality. I wonder if it is going to save money and is some of their support contingent upon it saving money at the expense of the senior citizens of the country? I do not think we should draw the line to the senior citizens. I think it is a poor argument and overlooks the fact they are real people who do not have any lobby. Most of them are home freezing now. There is the unbelievable cost of electricity, the unbelievable cost of home heating oil, and they do not have a lobby. They cannot come down here. I am wondering if, in fact, there will not be any savings but artificial saving and it will be so that we scuttle the senior citizens on the basis of illusory savings. I am not referring to minority staffing at all. That is a horse of a different color.

Mr. GRIFFIN. I agree with the Senator from New Hampshire. It does not make sense to make such a move on the basis of saving money. If that is the purpose of it, it does not make any sense. I hope he will agree with me, however, that the minority staffing question does not go to that particular point at all.

Mr. DURKIN. How do we choose the senior citizens? They put up the least howl. How were the senior citizens chosen if it were not savings? Did we pick out the group that had the most inefficient lobby or the least unorganized vociferous support retaining their special committee?

I yield to the chairman from Idaho.

Mr. CHURCH. I thank the distinguished Senator from New Hampshire for the important contribution he makes to the debate of the elderly citizens of this country.

UP AMENDMENT NO. 19

Mr. STEVENSON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated. The legislative clerk read as follows:

The Senator from Illinois (Mr. STEVENSON) proposes unprinted amendment numbered 19.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows:

On page 2, in the matter following line 2, strike out "16" and insert "14".

On page 2, line 7, strike out "16" and insert "14".

On page 2, line 11, after the period insert the following: "After the date on which the majority and minority members of the special committee are initially appointed on or after the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the membership of the special committee, the number of members of the special committee shall be reduced by one until the number of members of the special committee consists of nine Senators.".

On page 4, line 17, strike out the closing quotation marks and the second period, and after line 17 insert the following:

"(e) Effective on that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed, paragraph 3(b) of rule XXV of the Standing Rules of the Senate is amended by striking out the item relating to the Special Committee on Aging and inserting in lieu thereof the following:

'Aging ---------- 9' ".

On page 4, beginning with line 21, strike out all through page 5, line 8.

Mr. STEVENSON. Mr. President, as I was saying earlier, the Senator from Idaho and the senior Senator from Illinois, and other Senators, on the Aging Committee have been sympathetic to the objectives of reorganization and they want to be cooperative and to reconcile as best can be done the differences that exist between us. To that end, I have sent this amendment to the desk which would go a long way toward reducing the number of committee assignments and equalizing workloads and responsibility in the Senate without ending or diminishing the important work of the Special Committee on Aging.

Under this amendment the size of that committee would be reduced over this Congress to a total of nine, which I believe would fit in with the other limitations on committee assignments that are proposed in the resolution. It would also make this committee a third committee for purposes of assignment. The effect of requiring Senators to make a choice between their third or minor committees will be vacancies on committees which will then be available to more junior members.

So I would hope that the Senator from Idaho, in a spirit of cooperation and in the interest of the objectives of reorganization, would agree to support this amendment to his amendment.

Mr. CHURCH. Mr. President, I have discussed the text of the amendment offered by the distinguished Senator from Illinois, with him and with the able chairman of the Committee on Rules and Administration as well. It strikes from my amendment two provisions. One, retaining the overall size of the Special Committee on Aging at 16, and, two, grandfathering in the present membership for the balance of this Congress. I agree that the special committee should become a third committee and that Senators should choose. I think that my amendment as modified by the amendment now proposed by Senator STEVENSON would be consistent with the overall reorganizational effort.

I am happy to cooperate to that extent with the understanding that the amendment so modified would then be acceptable to the manager of the bill.

Mr. CANNON. Mr. President, will the Senator yield for a question?

Mr. STEVENSON. I yield.

Mr. CANNON. Do I understand now that under the amendment the committee would be retained similar to the Small Business Committee? It would be a class B committee. Do I understand that it would be retained at the present at a 14-member level with a provision that vacancies would not be filled so that it would reduce down to a 9-member committee or in any event would become a 9-member committee no later than the beginning of the next Congress and that the membership on it would not be grandfathered but the committee would be treated as a third committee for membership purposes so that a Senator would have to designate if he desires to remain on it at this time?

Mr. STEVENSON. That is my intention, and this is the same procedure that was followed with respect to the Small Business Committee.

Mr. CHURCH. Yes; I simply add that this would be consistent, as Senator STEVENSON has mentioned; with the treatment given the Small Business Committee.

Mr. CANNON. Mr. President, I am delighted at the recommendation of Senator STEVENSON, who has put so much time in on the problem, and I am willing to accept the amendment. I have checked with the minority, and they have indicated that they would be willing to accept it on that basis, provided it is treated exactly the same as the Small Business Committee except that it has no legislative jurisdiction, and the membership, by the next Congress, would be down to nine, there would be no countervening interest, and it would be treated as a third committee for the purpose of the resolution. On that basis, I am willing to accept the amendment.

Mr. GRIFFIN. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. Yes; I am happy to yield to the Senator from Michigan.

Mr. GRIFFIN. I wonder if he would take a look at page 4, the language on line 8 and running through line 13.

Mr. CHURCH. Will the Senator wait just a minute until I find a copy of the amendment? Now will he call my attention to those lines again?

Mr. GRIFFIN. On page 4, lines 8 through 13. That language is surplusage, and does not really say anything other than what is already in the Reorganization Act, and might seem to conflict with section 703(e), which spells out in detail what the minority rights are with respect to committee staffing. I would think that in view of the language in section 703(e), this particular language is unnecessary.

Mr. CHURCH. I can only say to the Senator that it does not matter to me whether that language remains in the amendment, but I assure him that the Special Committee on Aging has been eminently fair in giving representation to the minority. I think, at present, that the proportion of minority staff is consistent with the goal sought by the reorganization plan. It may be a few percentage points under. I think 30 percent of our present professional staff is assigned to the minority, and we have gone a long way toward achieving the objectives in that proposal.

Mr. GRIFFIN. I commend the Senator from Idaho. I would just say that under section 703(e), the committee would have 4 years to attain the additional 3 percent, and it seems to me that would be a very reasonable and fair thing, and that the Senator from Idaho should, instead, support section 703(e).

Mr. CHURCH. Mr. President, I wonder if we could get a vote on the Stevenson amendment, and then I would be happy to request that this particular paragraph be deleted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. CHURCH. Mr. President, I ask that my amendment, as amended by the vote that has just occurred, be further modified by striking the paragraph that commences on line 8 of page 4 and ending on line 13 of page 4.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. CHURCH. Mr. President, I yield to the Senator from Michigan, who has asked to be heard on this amendment. I extend my appreciation to him for the support he has given.

Mr. RIEGLE. I thank the Senator. I shall just speak briefly, to say that, like others on the floor, I have been awaiting an opportunity to enter the debate on behalf of the Senator from Idaho with respect to preserving the Committee on Aging. What has happened before our very eyes is the development of the legislative process that has resolved this issue before some of us have had a chance to speak to it. But I wish to take the opportunity to say a special word in behalf of the accomplishments of the Committee on Aging over its 16-year history, and to say that I think this compromise that has been worked out is an important one.

I want also, in passing, to salute the Chairman of the Reorganization Committee for his efforts and his willingness to find an answer here that makes sense. I do not think it involves in any sense a backward step on reform, because we are not talking about a proliferating committee here; we are talking about maintaining in being a committee that has had a membership of 23 Senators, has an excellent record, and provides a place for the elderly and their problems—a place for the elderly to come to be heard and hopefully, in the end, to be responded to.

So I appreciate very much the fact that this compromise has been worked out, and I think our senior citizens across the country and the organizations that represent senior citizens will feel very much encouraged by this change.

I might also say, in listening to the debate today—because this will apply to subsequent amendments we will hear offered, and especially with respect to the Select Committee on Nutrition—that what I have not heard enough on is the question of the excellence of our work product, which is the best method we have to serve the people of America with respect to our committee structure.

I think the impulse to consolidate and to organize into what seems like a streamlined form can go too far sometimes, and I think it can get to a point where we can lose track of what it is we really want to try to accomplish. In the end, we have the excellence of our work product, and I think we ought to be frank enough to say to ourselves and the outside world that much of the work done here in the Senate, and in the other body, is done by competent professional staff people. Regardless of how many committees a particular Member may serve on, much of the work done here—the preparation, the study, and the analysis—is done by professional staff people who work with all of us.

Therefore, in the way we organize to concentrate on a subject—whether it be nutrition, the aging, or small business—the question of how many meetings are held in the period of a year, in terms of a full committee meeting or subcommittee meetings, or about whether a particular Senator is overworked or underworked if he has 12 or 15 subcommittee assignments, or twice that many, misses the basic point of what may be going on in that subcommittee or in the full committee. In the end, the test ought to be the quality of our work product and whether it is meeting some compelling national need.

I think the debate here today has shown that the Committee on the Aging has met that test—and to disband it, transfer it, or swallow it up after 16 years of that sort of history would not meet that test. I am frankly surprised that an organization like Common Cause, in a desire to attain the whole package, would be willing to accept what I consider a backward step.

I think the decision reached here has been a good one. I hope we can do the same thing today or tomorrow with respect to the Committee on Nutrition, because there are policy questions here that have to meet a concentrated staff policy purpose. I think that is one of our goals our present organization has accomplished for us.

Where usefulness may have been outlived, I am willing to hear the arguments case by case; but again I say, that is not the case with the Committee on Aging. I think the effort to preserve that committee here is a worthwhile one, and I applaud Senators for their willingness to reach this kind of a compromise.

Mr. PERCY. Mr. President, I believe a good accord has been worked out. I commend my distinguished colleague (Mr. STEVENSON) and Senator CHURCH for the reasonable approach that has been taken to this question. I think we have fully debated the matter now, and I would suggest we are probably ready for the vote; but I do wish to ask for the yeas and nays on this amendment, because I think it is a very important amendment.

Mr. President, I ask for the yeas and nays on the Church amendment, as amended by the Stevenson amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CHURCH. Mr. President, before we move to the rollcall vote, I ask unanimous consent that the following series of insertions be printed in the RECORD:

First. Statement of Representative CLAUDE PEPPER, Chairman, House Committee on Aging.

Mr. PEPPER is ill, or otherwise would be on hand personally to indicate his support for continuation of the Senate Committee on Aging. His statement says at one point:

As is true in the House, the Senate Committee is needed precisely because legislative jurisdiction over programs serving the elderly is so fragmented in the Congress.

Second. Statement by Senator Pat McNamara in 1961 when arguing for establishment of a Special Committee on Aging (after a 2-year investigation by a subcommittee of the Senate Committee on Labor).

The reasons given then are even more valid now.

Third. A staff summary describing the division of jurisdiction on aging among nine standing committees as called for in the reorganization plan.

Fourth. Excerpts from a sampling of letters from organizations and individuals across the country expressing their concern about proposed termination of the Senate Committee on Aging.

Fifth. A summry describing major legislation with which the Committee on Aging has been associated since 1961.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IN SUPPORT OF RETENTION OF THE SENATE SPECIAL COMMITTEE ON AGING

I appreciate this opportunity to share with the members of the Senate my very strong conviction that the Senate's Special Committee on Aging ought to be retained.

I have great sympathy with the aim of the current committee reorganization effort. The

last time the task was undertaken in the Senate was in the late 1940's, and I had the privilege of serving on the Senate committee that made recommendations for structural change.

But I want to emphasize to you a need every bit as great as the need for streamlining the Senate committee system, and compatible in every way with it: the need to address adequately the plight of America's 22.3 million older persons. Incomes less than half the national median, skyrocketing health care costs, lack of transportation, and dozens of other problems afflict our elderly citizens.

We also know that, when grouped with others the elderly have historically gotten short shrift—in such areas as general revenue sharing, community development block grants, special target programs under employment acts, and social services.

This need for special attention was the driving force behind the creation of the Senate Special Committee on Aging in 1961—and the creation of the House Select Committee on Aging in 1974. The House Committee was created under a floor amendment, approved by a vote of 323–84, in the large part because we could point to the example of the Senate Committtee and the fine work it had been doing.

First in my capacity as Ranking Democrat on the House Select Committee on Aging, and more recently as its Chairman, I have had occasion after occasion to cooperate with our brothers in the Senate Committee, the gentleman from Idaho (Mr. CHURCH) and his colleagues. When we managed to pass legislation to aid older Americans in the House, our Senate counterparts invariably took the lead in securing our victory in the Senate. Occasionally they even managed to improve on our handiwork.

In the last Congress, my own Subcommittee on Health and Long-Term Care had occasion to hold two joint hearings with the Senate Committee on the subjects of nursing home fires and proprietary ("for-profit") home health providers. In the latter case, the hearings spotlighted so well the problems presented by proprietary agencies that regulations permitting their participation in federal home health problems were withdrawn by the Department of Health, Education and Welfare.

When I and other senior members of the House Select Committee on Aging succeeded in adding funding to Older Americans Act programs for 1976 and 1977, Senate Committee members successfully carried the responsibility for explaining the need for the increase in appropriations.

Independently, of course, the Senate Special Committee on Aging has amassed an impressive list of accomplishments, which are well known to all those in the field. It has documented nursing home abuses that have prevented older Americans from getting quality care in long-term settings. It has spotlighted fraud among providers in the medicare and medicaid programs, thus giving Senator Talmadge and the Senate Finance Committee valuable background for legislation to control such fraud. Not only has the Special Committee functioned as a central information center about the elderly, but its annual report is regarded by leaders in the field as a most valuable reference tool.

I have been serving as Chairman of the House Select Committee for only two weeks, but already I am certain of one fact: I and my House colleagues will need the support and assistance of the Senate Special Committee.

As is true in the House, the Senate Committee is needed precisely because legislative jurisdiction over programs service the elderly is so fragmented in the Congress. With housing in one committee, health in two others, transportation in another and social services programs in still another, the Special Committee can provide the kind of focus none of the other committees would have the time or resources for.

The Senate Rules Committee recognized this need for careful analysis in the case of the Joint Economic Committee when it stated,

"Because it does not have any legislative authority, the Joint Economic Committee has been able to provide Congress with careful, long-range economic analyses which cannot be provided by legislative committees of the Senate because of lack of time."

It appears to me that that logic is compelling, not only in the case of the Joint Economic Committee, but also in the case of Senate Special Committee on Aging. The new Human Resources Committee will undoubtedly be sympathetic to the plight of older Americans, but cannot possibly devote the energy and attention to their problems now generated in the Special Committee.

There is one other point I would like to raise. I understand that the Chairman of the Senate Committee on Committees, the gentleman from Illinois (Mr. STEVENSON) cited as one justification for abolishing the Senate Special Committee on Aging, the existence of the House Select Committee on Aging. I quote from a "Dear Friend" letter:

"Moreover, the study and highlighting of the needs of the elderly will be carried on by the Select Committee on Aging in the House of Representatives. That special committee can be retained because the House has 435 members from which to designate members, not the mere 100 of the Senate."

I submit that the reason for the existence of the House Committee is not the 435 members of the House but the 22.3 million Americans over the age of 65, who continue to have pressing needs that require the close attention of the Congress. The number of members in the Senate does not affect that need, and I urge that the Senate's Special Committee on Aging be permitted to continue its excellent work in pursuing solutions to these important problems.

SPECIAL COMMITTEE ON AGING: REPORT

The Committee on Rules and Administration, to whom was referred the resolution (S. Res. 33) establishing a Special Committee on Aging and providing funds therefor, having considered the same, report favorably thereon with amendments, and recommend that the resolution, as amended, be agreed to by the Senate.

This resolution would establish a Special Committee on Aging to continue and expand the scope of the work in which the Subcommittee on Problems of the Aged and Aging, Committee on Labor and Public Welfare, was engaged during the past 2 years. The special committee would consist of nine members, six from the majority and three from the minority, to be appointed by the President of the Senate. It would be the duty of the special committee—"to make a full and complete study and investigation of any and all matters pertaining to problems of older people, including but not limited to, problems of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and, when necessary, care or assistance."

No proposed legislation would be referred to such special committee, nor would it have power to report by bill or otherwise have legislative jurisdiction. The special committee would be authorized to expend not to exceed $150,000 through January 31, 1962, on which date its final report to the Senate would be due and the special committee would cease to exist.

The amendments adopted by the Committee on Rules and Administration, the first three at the recommendation of the sponsor of the resolution, Senator Pat McNamara, are as follows:

(1) Provision that the special committee would consist of nine members;

(2) Provision that six members of the special committee would be appointed from the majority party and three members from the minority party;

(3) Customary provision authorizing the minority to appoint one person to the staff at a rate of compensation not less by more than $1,400 than the highest gross rate paid to any other staff employee; and

(4) Authorizing expenditures by the special committee of not to exceed $150,000 for the purposes expressed in the resolution.

In respect to the last amendment, the amount budgeted and requested was $200,000. The Committee on Rules and Administration authorized an expenditure of $150,000, a reduction of $50,000.

Additional information relative to the need for the establishment of a Special Committee on Aging is contained in a letter to Senator Mike Mansfield, chairman of the Committee on Rules and Administration, from Senator Pat McNamara, chairman of the Subcommittee on Problems of the Aged and Aging, Committee on Labor and Public Welfare, which letter (with accompanying statement and budget) is as follows:

U.S. SENATE, COMMITTEE ON LABOR AND PUBLIC WELFARE, SUBCOMMITTEE ON PROBLEMS OF THE AGED AND AGING,

January 23, 1961.

Hon. MIKE MANSFIELD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: There are about 16 million people in this country 65 years of age and over and in just 15 years, this figure will rise to 22 million. There are 6 million people over the age of 75 and 1 out of every 3 reaching the age of 60 has a parent or close relative over the age of 80 to be concerned about.

I am sure I need to emphasize to you the difficult and complex problems which accompany this quiet revolution in our age structure. Problems of employment, income, housing, medical care, and productive use of time in retirement must be understood and solved.

I, therefore, introduced Senate Resolution 33 on January 13, 1961, calling for the creation of a special committee of the Senate to conduct a comprehensive study of the problems of an increasingly aging population and to make recommendations to meet these problems. I hope that this resolution will be acted on by the Committee on Rules and Administration and that it will be reported favorably to the Senate.

For the past 2 years, I have been privileged to serve as chairman of the Subcommittee on Problems of the Aged and Aging which was established by the Committee on Labor and Public Welfare. I am attaching a detailed memorandum outlining the work of the subcommittee and setting forth the reasons for creating a special committee. I should like to summarize them briefly.

One of the crucial lessons we have learned as a subcommittee is that the problems of older persons are not contained within a narrow subject-matter compass, but cut across the gamut of governmental and legislative responsibility. Employment, for example, is closely related to income; housing is affected by employment, income, and health. Medical care is related to finance, housing, and productive activity.

A number of committees of the Senate are concerned with portions of the problems but there is no committee which is concerned with the relationships of these problems or that can view them as a whole—just as older persons are whole people.

By elevating the study of the problems of the aging from subcommittee status to the proposed new special committee, the Senate will demonstrate to the Nation as a whole its recognition that this emerging area of

public policy requires the highest level of senatorial concern.

I believe that the special committee should, therefore, have wide representation on it and, in turn, it should become a major resource for the various standing committees as they consider legislation in their respective fields. The special committee itself will not have legislative jurisdiction.

I have discussed this matter with Senator Lister Hill, chairman of the Committee on Labor and Public Welfare, and he agrees that the nature of the problem and its interrelationships are of such importance as to require a special committee to replace the subcommittee.

We now have a staff, small but active, and a base of information unparalleled in the country from which to undertake the kinds of studies outlined in the attached memorandum.

I am also attaching a proposed budget of expenditures from February 1, 1961, to January 31, 1962, at which time a report of recommendations shall be filed.

No nation professing the American ethical and moral standards can allow its senior citizens to enjoy anything less than full dignity and a measure of security after retirement. No nation can afford the drain on its economy in the waste of so much of its experience and human resources.

I believe that this Nation which has made such amazing achievements in improving standards of living can devise the ways and means of making it profitable and useful to grow older.

Cordially yours,

PAT MCNAMARA.

STATEMENT BY SENATOR PAT MCNAMARA ON CREATION OF A SPECIAL COMMITTEE ON AGING

Nothing distinguishes our society more from the underdeveloped nations of the world than our concern with the conservation of human life. Nothing in our system of living has been more intended than to prevent death.

We have made great strides toward this end. Life expectancy in this Nation has increased almost 1 year for every 2 since 1900.

Yet, at the very time when we are attempting to exert a worldwide leadership to convince these underdeveloped nations that our way of life is most rewarding, we are faced with the paradox of our success in conserving life.

Yes, we have increased life expectancy. No greater achievement has been recorded than the reduction of infant mortality. We have made great gains in sustaining health in middle and old age. We have adjusted our productive system to prevent deterioration of living conditions.

We have placed emphasis on the protection of children and women. We have written laws to assist the disabled workman and the unemployed workman. No nation enjoys a greater standard of living than ours.

We have made it possible in this Nation for more and more persons who have contributed to their society to live on beyond the years of regular employment.

Now we are faced with the problems which these great achievements have created—the problems of living in a dignified and satisfying retirement. Have we achieved success in extending life only to allow it to wither in declining years? Or does conservation of human life mean more than mere existence?

That our concern with human life goes beyond sustaining mere existence is borne out, I believe, by recognizing that our older citizens face unique problems. There is a growing realization that social action on behalf of the aging should be based on concern not only with biological problems but also with mental and social problems.

This Senate recognized these problems, this paradox, and, in a world of competing philosophies, the importance of finding solutions to them when it authorized the creation of a Subcommittee on Problems of the Aged and Aging.

I am proud of the record of the Subcommittee on Problems of the Aged and Aging, of which I have been privileged to serve as chairman. In a short interval, with a small staff, we have been able to gather a wealth of information, outline the dimensions of the total problem and have recommended priorities for action. We are now underway with the essential and difficult task of translating facts and study into legislative accomplishment.

For example, we were able to illuminate the difficult area of medical insurance for the aged, and last year we introduced a bill with 29 cosponsors. It is a bill which combines a balanced medical program with a sound dignified insurance method of financing. We hope, with a new, positive climate in Washington, that this bill will be enacted shortly.

But the outlines of problems, the presentation of priorities for action do not constitute actual solutions and improvements. These are the great objectives before us as we make effective use of what we have learned. Solutions, analyzed in depth, will be brought before this body for consideration. For the concerns of an increasingly aging population grow in size and complexity at an alarming rate. They affect not only the aging, but all of us who will be growing old. They affect children seeking decent nursing homes for stricken parents. They affect mature workers wrought with fear of age discrimination in employment. They affect us as parents, as children, as wives or husbands, and as members of families who see in others and in ourselves the lengthening of years. They affect us as taxpayers, for the problems of aging are our business and as a people we pay a large part of the costs. As one report states: "Short of birth itself, and death, scarcely any fixed pattern of man's story affects all mankind more."

Here are some basic facts which indicate with what we must cope:

There are now more than 16 million Americans over 65 and there will be 20 million in just 15 years.

Six million are now over 75 and, in a few years, this will rise to 9 million.

Some 13 million people today spend an average of 11 years in retirement; in 40 years, some 20 million will be spending 20 years in retirement.

These and other facts raise a number of questions that demand thorough and systematic consideration by a special committee of the Senate with a special view of the interrelated nature of the total problem.

For example, what is an adequate income for varying categories of older Americans? The Bureau of Labor Statistics recently estimated that a modest budget for retired elderly couples in 20 cities, as of 1959, was slightly over $2,800 for the median. Although the figures are not exactly comparable, the Census Bureau reports for the same year that the median total money income for families with aged heads, either fully retired or working part time, was $2,522. These figures show that about one-half of retired couples are attempting to live on incomes uncomfortably or desperately below the minimal figures for a decent American standard of living.

Second, what new social arrangements are called for by the dramatic changes in the age structure of our older population? To what extent is the American society as a whole being alerted to such changes? As a result of increased longevity we are moving toward a ratio of 2 persons aged 80 and over for every 3 persons just entering old age. Today, the ratio is only 1 to 3. In other words, the trend is toward a doubling of this ratio within 40 years. This means that young Americans, in their early twenties today, will be facing the challenge of preparing not only for their own retirement problems, but also for those of their parents who will still be living, in their eighties and older.

How will these and similar quiet revolutions in population affect the Nation's patterns of consumption, savings, housing, and financial responsibility, to mention only a small fraction of the far-reaching implications of an aging population?

Third, given the demonstrated possibilities of rehabilitative and restorative medicine among the aged, what new health facilities and personnel are called for, and what is the accessibility of such facilities to the aged? Approximately one-half of the aged persons in today's nursing homes could, through such restorative techniques, be released from them for more active participation in their family and community affairs.

Fourth, what share of the national income should be devoted to public and private programs for the aged, and in what particular types of programs? Today, no more than 4 percent of the national income is devoted to public and private programs of pensions, OASI benefits, and OAA payments.

The economic effect of an aging population will be great. Not only will more people have to devote their lives to caring for the aged, but the whole pattern and tempo of employment will, in time, be changed. It would seem important, then, that consideration be given to preventing the aged from becoming too great a burden on their younger contemporaries. But are we capable of devising public policy which would result in the aged remaining fit and independent in their homes with a continuing contribution to our society?

Some of what I have noted here are old but changing problems. Some are new. By far the most serious of the new problems is the ever-increasing emergence of great-grandparents dependent upon grandparents themselves retired and unable to meet the burdens of advanced years. The burden of support in our modern, urban, industrialized society has become a cooperative family-voluntary-public responsibility.

One of the most adequate descriptions of today's conditions of the aged has been written by Dr. Heinz Woltereck in the preface of his book "A New Life in Your Later Years." He said:

"In our century, the potential improvements of human existence have surpassed those of previous historical periods beyond all possibilities of comparison. Science and techniques have achieved success upon success. In the world of sport, one record after another is constantly being broken. In short, our physical and mental abilities have both increased to an astonishing degree. These facts no longer surprise us; we have come to take them for granted. Yet there is one aspect of these new developments, possibly the most important consequence of all, which we can observe daily and which, nevertheless, has as yet made hardly any impact on public opinion. This is the increase in the life span of civilized man. Since our grandparents' day, the average expectation of life has, roughly speaking, doubled. As a result the attainment of the later years in life, or of very old age, is no longer an exception in civilized countries, but is becoming the rule there.

"Until recently, neither our views on the status of the old in our society, nor our social measures, have kept pace with this situation. We are now only beginning to realize slowly that this new social group, the elderly and the old must be fitted into our social organization and suitably cared for. * * *

"Many of us ask ourselves whether the additional years or even decades that have been granted to us are actually worth liv-

ing, or whether those who dread old age are not, in fact, right."

These comments spotlight another emerging and serious problem involving the aged: the progressive decline in the proportion of men over 65 in the Nation's labor force. In 1890, about 70 percent of the men over 65 were in the labor force; in 1959, the proportion was 34 percent and the trend continues downward.

Reemployment of the older segment of the aging population in regular types of jobs may be an unrealistic objective for many reasons, including employer prejudice, automation, health, and, not the least, a growing desire among many to retire to a life of new and more interesting activity. Whatever the reason, the innumerable problems arising from the decline of the older man in the work force are self-evident.

For if the vast majority are to go into retirement, they should not have to view this with guilt feelings as years of parasitism. Retirement is no longer characterized as a period of withdrawal, but as an opportunity for pursuit of a wide variety of avocational interests, civic service, personal development and recreation. It should be an honorable period of life, deserving dignity and respect to continued contributions different from, but as important as, the ordinary job.

To quote again: "* * * old age is the fate of us all, the goal of all our lives. It is a great and fine task to seek the correct solution to a problem that will finally set free the noblest values known to humanity. It is up to all of us to create the appropriate conditions for this purpose."

I have noted here the complex problems of the aged facing this Nation and our moral obligation to solve them. I have described briefly the need for a special committee as the vehicle to find the solutions.

Let me now explain in some detail the job that faces this special committee. But, before I do, it may be helpful to review very briefly the work of the subcommittee in fulfilling its function as charged by the Senate.

The adoption of Senate Resolution 65 in 1959 creating the existing subcommittee was an important recognition by the Senate of the need for a systematic reexamination of a growing and changing problem. It placed in the spotlight of national attention the needs of 16 million Americans over 65. It symbolized, in legislative terms, the extent to which the senior citizens of this Nation have emerged as an area of national concern.

It established a clear point of contact for learning the views, recommendations, needs and grievances of senior citizens. The voluminous correspondence received from older persons all over the Nation describing individual problems, and seeking answers to felt needs attests to its role in partially filling a national vacuum.

A sentiment now exists among the aged—emphasized and reiterated to us from coast to coast—that the action of the Senate in establishing this subcommittee promised a new era for senior citizens and symbolized concretely the concern of the U.S. Senate for their welfare.

The elderly of this country are hopeful that the Senate has not kindled a romance which is fated to burn out quickly. Many asserted that their disillusionment with conditions in their "golden years" already is high. Additionally anxiety and bitterness can only result if this new study is not sustained and does not lead to affirmative action.

Extensive hearings began in Washington when a score of nationally recognized experts presented the best thinking in the field of aging to the subcommittee. In addition, the subcommittee received testimony from Federal agencies concerned with various aspects of the aging problem. It then heard the views of approximately 50 national organizations concerned with the problems of older citizens, providing them an opportunity for the first time to describe their plans and programs, to set forth major problems as seen in their own experience, and to offer their own recommendations for action.

Besides the hearings, the subcommittee surveyed the views of thousands of persons and organizations throughout the country through interviews and correspondence.

But hearings with national experts and surveys were not considered enough. The subcommittee went to the Nation's communities where the practicing experts are. These are public officials, heads of voluntary agencies, State and local, who work full time with older people and daily are on the firing line. Above all, however, the ones who know their problems best are the aged themselves. And these are the citizens that rarely get a chance to speak for themselves.

The subcommittee spoke directly to older citizens not only at the hearings, but in visits to the living accommodations of the aged. Visits were made to nursing homes, homes for the aged, senior centers, housing developments, areas being redeveloped, hospitals, retirement hotels, and retirement villages.

I believe that I ought to emphasize at this point that the older Americans who spoke to us were quite insistent that they sought not charity but the conditions under which they can be independent and self-respecting.

Out of this activity, the subcommittee collected extensive data.

It collected data to show how this problem of aging developed and how it became of great national importance.

It collected information which depicts factually the conditions of the elderly in this country. This includes data on employment, income problems, health, financing medical care, nursing homes, housing for the elderly, social services, and education.

And out of its hearings and study came the subcommittee reports including:

1. "The Aged and Aging in the United States," expert views, hearings.
2. "The Aged and Aging in the United States—Summary of Expert Views."
3. "Federal Programs for the Aged and Aging."
4. "National Organizations in the Field of Aging."
5. "Survey of Major Problems and Solutions in the Field of the Aged and Aging."
6. "The Aged and Aging in the United States, the Community Viewpoint."
7. "The Aged and Aging in the United States, a National Problem," a report to the Senate.
8. "Health Needs of the Aged and Aging."
9. "Health Needs of the Aged and Aging—Highlights of Testimony."
10. "Comparison of Current Health Insurance Proposals for Older Persons."
11. "The Aged in Mental Hospitals," a report.
12. "The Condition of American Nursing Homes."
13. "The Status of Aged Women in the United States."
14. "Aging Americans: Their Views and Living Conditions."
15. "Background Studies Prepared by State Committee for White House Conference."
16. Voluntary Organizations in the Field of Aging."

A report of the subcommittee will be filed by January 31 under the 1960 resolution. It will contain sections on financing medical care, the need for a decent income, the importance of emphasizing research, the problems of the aged mentally ill, productive activity in retirement, and the role of a Federal organization for aging.

The hearings and reports constitute only the supporting phases of the subcommittee's work. Out of these grew a program of legislation introduced in this chamber last year.

Some of this legislation expanded existing programs. But much of it consisted of pioneer approaches to the problems of the aging.

Bills introduced which actually came to a vote in the Senate included:

1. An appropriation of $50 million for direct loans to nonprofit groups to provide housing for older persons at rentals they can afford. (This was reduced to $20 million in conference.)

2. The Senate Housing Act of 1960 would have raised the authorization for direct loans for elderly housing to $75 million; it also included provisions requiring social, recreation, and health facilities for the elderly; in addition, it provided for special subsidies for elderly in public housing.

3. The Retired Persons Medical Insurance Act (S. 3503), the bill which I originally introduced, came to a vote in a modified version and just missed passage. It is the area of legislation which has first priority this year and eventually we, in the Senate, will face up to the necessity of the times by passing the bill.

In the pioneer field, I introduced bills to (1) end age discrimination in employment (S. 3726), (2) to protect purchasing power of retiree savings (S. 3684), (3) provide employment retraining possibilities for older citizens (S. 3793), and (4) establish an Office of Aging in the Federal Government (S. 3807).

It is no longer possible, as it once may have been expedient, to ignore or shrug off these problems and the urgent need to solve them. This legislation prepared after long and careful study should be considered and adopted by the Senate. I intend to reintroduce all these bills.

But what has been done to date is but a portion of the total task which faces us. We have many legislative ideas but they are few when considering the total problem. We have much research and many surveys but these are just the beginnings of what we need to know.

Consider here the areas where such detailed surveys are needed and what we must do with the information. They are:

Pensions: Detailed study must be given to protecting the financial independence of Americans through effective pension systems both public and private. While the Senate has made a number of studies in the area of pensions, little has been done to study them in the light of other problems of the aged.

Nursing home: A thorough study and evaluation of nursing homes must be undertaken. This is one of the most vital means of obtaining necessary health care available to older citizens. We must learn how the quality of care of the Nation's nursing homes can be improved so as to restore disabled persons to independent living.

Medical insurance: This area of need is at the legislative stage. Efficient and effective methods of meeting the medical costs of all senior citizens on a dignified basis can be enacted. Continued studies are needed to reduce excessive hospitalization and increase the efficiency of medical organization.

Mental hospitals: We must find effective means of reducing the number of older persons entering mental hospitals and remaining there for many years. This area of care is the third most costly to State government.

Health: We must learn how to speed up the process of putting into effect the proven research knowledge of today. Many lives can be saved and people can live longer and healthier lives if we could put into practice the knowledge we already have.

New research: We must widen the area of our scientific knowledge by investing in basic research which is our brightest promise to

eliminate disability and deterioration with age.

Employment: This Nation with all its technological know-how must find the means for insuring that the skills of older persons can be maintained in the face of a rapidly changing technology.

Housing: We must make a comprehensive study of what kinds of housing best suit the requirements of older persons and we must evaluate the new trends toward retirement hotels and villages.

Continued activity: An examination must be made of the best means to keep older people in mental and physical activity so they can avoid becoming has-beens in this period of social change.

Education: A study must be made of the value and the feasibility of providing the opportunity for retired and older persons to continue educational pursuits left earlier in life because of the necessity of earning a living. It also should examine the feasibility for providing educational possibilities for those who never had them in their youth. It is entirely within the realm of reality that such educational activity could add years of productive contribution to the Nation by the Nation's older citizens.

I have said before, but I believe I cannot repeat too often, that the most impressive and emphatic demands of our aged have been the insistence that they do not want charity. They seek only the dignity of life that should go with old age. They do not want to be dependent on their children nor burdens on their society. What they want is not to be blocked from continuing their contributions nor forgotten in their needs. These needs can be outlined in the "Declaration of Objectives for Senior Americans" which I set forth last year:

1. An adequate income in retirement in accordance with the American standard of living.

2. The best possible physical and mental health which medical science can make available and without regard to economic status.

3. Suitable housing, independently selected, designed, and located with reference to special needs, and available at costs which older citizens can afford.

4. Full restorative services for those who require institutional care.

5. Equal opportunity to employment with no discriminatory personnel practices because of age.

6. Retirement in health, honor, dignity after years of contribution to the economy.

7. Pursuit of meaningful activity within the widest range of civic, cultural, and recreation opportunities.

8. Efficient community services which provide social assistance in a coordinated manner and which are readily available when needed.

9. Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

10. Freedom, independence, and the free exercise of initiative in planning and managing their own lives.

To achieve these goals means extensive work in several areas by a committee equipped to undertake the task.

It is clear that a great task confronts a special committee of the Senate on aging. It would focus on the totality of the problem and thus provide the Senate with the knowledge to contribute mightily to improving the conditions of America's aged.

One of the crucial lessons we have learned as a subcommittee is that the problems of older persons are not contained within a narrow subject-matter compass. They cut across the gamut of governmental responsibility; each segment fades into the other and is affected by it.

Income, for example, is related to employment; housing is closely connected with employment and income and health; medical care becomes the concern of finance. A number of committees of the Senate are concerned with pieces of the problem, but there is presently no committee which is concerned with their relationships, which can view them as a whole—just as older persons themselves are whole people. The special committee, therefore, should have wide representation on it and in turn it can become a major resource for the relevant standing committees as they consider legislation in this field.

I have said that the problems of the aging are growing in size, scope, and complexity. It is a safe statement to add that these problems will be major matters of congressional concern in the next several years. The more than 16 million aged today will become 20 million in the not-too-distant future.

There is now a staff—small, but active—and a base of information unparalleled in the Nation from which to undertake the kinds of studies outlined here.

It needs to be expanded, to be given the tools with which to do the job.

For the question is, Will we face up to the great challenge confronting our localities, our States, and our Nation, and learn how to foster the social and economic setting in which contributions can flourish and the problems of the aging can be turned into positive civic benefits?

The sinews of the American Federal system are strengthened when States are strong, and they exercise their responsibilities. But the Federal system is weakened when the National Government does not accept and fulfill its proper share of the total obligations.

MATERIAL SUBMITTED BY SENATOR CHURCH

(Fractionalized Consideration of Issues Currently Studied by The Senate Special Committee on Aging Under the Proposed Reorganization Plan.)

The following breakdown is drawn from the organizational jurisdiction plan issued by the Committee on Committees on September 29, 1976, on which S. Res. 586 is based. It is illustrative of the wide range of concerns of the Committee on Aging and the lack of comprehensive oversight for issues affecting the elderly which would result from dissolution of the Committee.

COMMITTEE

(1) Agriculture, Nutrition, and Forestry: Authorizing jurisdiction and oversight for human nutrition and the food stamp program.

(2) Armed Services: Authorizing jurisdiction and oversight of military pensions.

(3) Banking, Housing, and Urban Affairs: Authorizing jurisdiction and oversight for housing.

(4) Commerce, Science, and Transportation: Authorizing jurisdiction and oversight for consumer protection, consumer economics, consumer interests of the elderly, and transportation.

(5) Energy and Natural Resources: Authorizing jurisdiction and oversight for energy policy and conservation and utility rates.

(6) Finance: Authorizing jurisdiction and oversight for provisions of the income tax code, the financing of health, welfare, and income maintenance plans (including Social Security), and the allocation and use of general revenue sharing funds.

(7) Governmental Affairs: Authorizing jurisdiction and oversight for overall study of all government activities, Federal Civil Service hiring and pensions, economic, social, and labor statistics, and the elimination of architectural barriers in public buildings and federally assisted construction.

(8) Human Resources: Authorizing jurisdiction and oversight for nursing home construction, equal employment opportunity and age discrimination, pension plans, railroad retirement, public health, native American health and social programs, community services, and aging.

(9) Judiciary: Authorizing jurisdiction and oversight for crime-prevention programs and legal services.

EXCERPTS FROM LETTERS OR STATEMENTS PROTESTING PROPOSED ABOLITION OF THE SENATE COMMITTEE ON AGING

A. Excerpts from statements sent to the temporary committee to study the Senate committee system, and which appeared on pp. 164–177 of the appendix of the transcript of hearings on September 14 and 15, 1976, by that committee.

SEPTEMBER 22, 1976.

". . . Long ago I learned to look forward to receiving the results of its studies and hearings and particularly to its annual report, Developments in Aging.

"Developments in Aging has no rival as the best annual compendium of information about activities, new approaches, and problems in the field of aging and about what the departments and agencies of the Federal Government are doing to bring essential facilities, services, and opportunities for the older population. These annual reports are, indeed, veritable mines of information.

* * * * *

"Over the years, it has seemed to me and to others that the Special Committee on Aging has been the most effective advocate older people have had. Its record is outstanding, as I am confident you know."

WILMA T. DONAHUE,
Director, International Center for Social Gerontology, Inc.

SEPTEMBER 22, 1976.

". . . Both as Commissioner of the Public Housing Administration (1961–66) and as Special Assistant for the Aging in HUD (1967–73), the Senate Special Committee on Aging, I found that the hearings and studies assisted us greatly in developing sound and economical policy decisions. In addition, the Committee provided opportunity for significant exchanges of experience and knowledge with gerontological professionals in the legislative arena. Airing of diverse points of view have led to a comprehensive program of housing and living arrangements for citizens as they grow older."

MARIE MCGUIRE THOMPSON,
Housing Specialist, International Center for Social Gerontology, Inc.

SEPTEMBER 23, 1976.

". . . With the almost unbelievable increase in the numbers of older people in our nation and their constant increase as a percentage of the total population, there is little question that a special and considerate effort must constantly be put forth in the next coming years to not only keep up with, but try to catch up with, the problems that have been so long neglected, as they relate to our elderly citizens. It seems to me that it is just as important for the legislative branch of government to remain directly involved with these concerns, as it is for the administrative branch to have a special Administration on Aging."

IVER C. MOORE,
Director, State of Utah, Department of Social Services, Division of Aging.

SEPTEMBER 23, 1976.

". . . Our legal project has had ample opportunity since our creation in 1968 to observe the Committee on Aging's work and to assess its importance to the Congress and to those involved with aging issues in the nation.

"The Committee on Aging alone performs the vital function of documenting the needs and problems of older Americans and provid-

ing information on which legislative judgments can be made. We believe that, absent the Committee on Aging, these needs and legislative solutions could not be adequately made."

DAVID H. MARLIN,
Director, Legal Research and Services for the Elderly.

SEPTEMBER 23, 1976.

". . . We rely heavily on the expertise and personal dedication of the Senators who serve on the Special Committee and the staff who serve them. For fifteen years, the Committee has worked unfailingly to improve the quality of life for older people and to inform the Congress and the general public of their growing needs."

JACK OSSOFSKY,
Executive Director, National Council on the Aging, Inc.

SEPTEMBER 23, 1976.

". . . As a six state senior advocacy organization in federal region VIII which is designed to improve the economic and social conditions of older citizens, the Mountain Plains Congress of Senior Organizations would like to comment on your committee's prospective recommendations regarding potential changes in jurisdictional lines of various committees under study.

"The Senate Special Committee on Aging has provided the Mountain Plains Congress of Senior Organizations with considerable guidance and pertinent information during the formative months of our development. The staff of the Senate Aging Committee has been readily accessible to our organization and others like it."

RENEE BRERETON,
Director, Mountain Plains Congress of Senior Organizations.

SEPTEMBER 24, 1976.

". . . We hope and are sure, that by now, you have heard all the reasons why this reorganization action should not be taken but we must add that this would be a calamity in regards to the welfare of the Aging. We can reach no other conclusion and Senior Citizens everywhere would be lost without this Select Senate Committee on Aging to turn to in time of need for consultation."

WALTER A. JONES,
Vice President, Greater Washington, D.C., Area Council of Senior Citizens.

SEPTEMBER 24, 1976.

"I express concern that the proposed reorganization of the Senate Committee System will abolish the Special Committee on Aging. Such action, even absorption of functions under an 'umbrella committee', would in my view mean the loss of valuable advocacy and information functions on behalf of the rapidly increasing proportion of our citizens who are elderly."

A. F. BRAMBLE,
Director, Services for the Aging Section, Kansas State Dept. of Social and Rehabilitation Services.

SEPTEMBER 27, 1976.

"We strongly urge the retention of the Special Committee on Aging. During the deliberation on Senate Committee reform there is yet much which needs to be done to aid the elderly indigent and near indigent."

GERTRUDE LYNCH NEFF,
Chairman, NRTA/AART, Joint Legislative Committee.

SEPTEMBER 27, 1976.

". . . a reorganization which would dissolve the Special Committee on Aging and disperse its activities would be a great disservice to our older Americans. I would appreciate your support of the Special Committee on Aging and its activities."

PHIL. S. PETERS,
Director, Arkansas Office on Aging.

SEPTEMBER 27, 1976.

". . . if there were no Special Committee on Aging, you'd have to develop one all over again. The need is great. In the name of the state units on aging throughout the United States, all of whom have benefited in real and tangible ways from the work of the Senate Special Committee on Aging, I hope that your reorganization will not affect this very special Committee."

LOUISE B. GERRARD, Ph. D.

SEPTEMBER 27, 1976.

"The Special Senate Committee on Aging is too important to older Americans for any consideration of its elimination. It has had a significant role in developing key legislation for the elderly in our country and has encouraged the views of these older people to be heard. In fact, the functions of the Senate Committee on Aging are so important that a similar committee has been formed in the House."

KATHY STREETER,
Executive Director, Wyoming Senior Citizens, Inc.

SEPTEMBER 27, 1976.

". . . Only through the Senate Special Committee on Aging can their interests be represented and acknowledged. A committee addressing the broad spectrum of human service needs could not possibly adequately address those needs which are unique to the aging population."

JOHN G. DETMER,
Chairman of the Board.
NITIA L. PACHAK,
Executive Director.

SEPTEMBER 27, 1976.

". . . The Committee on Aging serves as an effective defender of aging citizens' rights nationwide. We urge that you make a strong recommendation to your peers that the Committee on Aging remain intact."

PRISCILLA R. ENGOLIA,
Director, State of Louisiana, Bureau of Aging Services.

SEPTEMBER 28, 1976.

". . . Because the urban elderly need almost every city service: police protection; health care; housing; transportation; and basic economic security, a need to coordinate the many services delivered by many city agencies that impact our older citizens has arisen. For this reason, many cities have established Mayors' Offices on Aging, Departments on Aging, Commissions on Aging, etc. Likewise, the Administration on Aging was established in the Executive Branch to better coordinate the various Federal programs which impact the elderly. We believe that it is vital for Congress to maintain a separate and distinct Committee which serves as a focal point to coordinate the programs affecting the elderly in both the House and Senate.

"Because so many Congressional Committees have jurisdiction over programs which affect the elderly, the need for the Senate Special Committee on Aging becomes critical to those of us who administer services to the elderly on the local level."

WES UHLMAN,
Mayor of Seattle and Chairman, Task Force on Aging, U.S. Conference of Mayors.

SEPTEMBER 29, 1976.

"The board of directors of the National Council on the Aging urges you to retain the Senate Special Committee on Aging in any reorganization of the Senate committee system. Meeting in Chicago at NCOA's 26th Annual Conference, the board voted unanimously to ask your continued support for this commitee which has worked unfailingly to improve the quality of life for the nation's 22,000,000 older citizens. Only through the retention of this committee can older Americans be assured their needs and potential contributions will receive their just attention."

Mother BERNADETTE DE LOURDES, O.C.,
President, National Council on Aging.

SEPTEMBER 29, 1976.

". . . In the last quarter of a century, there has been an astonishing growth in the over age 65 population. From 1950 through 1975, this segment of our population increased by 80 percent, and indications are that this growth will continue. It seems inevitable that the coming years will see an increased emphasis placed on government programs which serve or involve the elderly. In light of this, we urge you, your committee, and members of the Senate not to diminish the effectiveness of the Senate Special Committee on Aging. To do so would be to deprive the Senate of the research and analysis of issues affecting the elderly and advocacy for needed programs benefiting the elderly which the Committee currently provides."

Rev. Msgr. CHARLES J. FAHEY,
President, American Association of Homes for the Aging.

B. Excerpts from letters received by Senator Frank Church, chairman, U.S. Senate Special Committee on Aging (or from copies sent to Senator Church of letters sent to the temporary Senate Select Committee To Study the Senate Committee System.)

NOVEMBER 30, 1976.

"I, on behalf of some 3,750 Senior Citizens in small rural Garrett County, am concerned about a proposal for the abolition of the Senate Special Committee on Aging.

"I feel the Committee has been a forceful advocate for the elderly, and the projected increase in the numbers of senior citizens over the next 25 years lends further support for its continued existence."

W. DALE ELLIS,
Director, Senior Citizens Programs, Garrett County, Maryland Community Action Committee, Inc.

NOVEMBER 11, 1976.

"We have found that when the interests of older persons are submerged under a broad committee or unit of government, the older people end up as a low priority. We would like to feel that human resources, programs, services would apply equally to all but we are not confident or assured this will happen if the Special Committee on Aging is eliminated. It did not in the past."

MADELINE ARMBRUST,
Director, Senior Centers of Metropolitan Chicago.

DECEMBER 5, 1976.

"This organization has over 25,000 dues paying members in this county and our members have gone on record opposing the abolition of the Aging Committee in the Senate and being placed in Human Resources committee.

"This type of discrimination cannot be tolerated as we object to being placed in the same category as welfare clients. The older you grow in this country the more barriers are put up to prevent you from being classed as 1st class citizens."

GERARD FARLEY,
Chairman of the Board, Suffolk County Senior Citizens Council, New York.

SELECT LEGISLATION WITH WHICH THE COMMITTEE ON AGING HAS BEEN IDENTIFIED OR TO WHICH IT HAS CONTRIBUTED

Hearings conducted by the Senate Committee on Aging have yielded valuable information for standing committees in developing legislation for aged and aging Americans. In many cases the Committee's hearings provided the essential data to enable the standing committees to make the case for many of these important actions. Among the major legislative developments with which the Committee on Aging's fact-finding or oversight hearings have been associated:

Medicare, which provides valuable protection for nearly 25 million aged and disabled Americans against the high cost of hospitalization. In addition, 25 million persons also have coverage under the supplementary medical insurance (Part B) program.

Enactment of the Older Americans Act. Nearly 5 million elderly persons now receive a wide variety of services—such as homemaker, home health, transportation, employment referral, legal counseling, and others—Such services enable a considerable number of elderly individuals to live independently in their own communities, instead of being institutionalized at a much higher public cost.

Creation of a national hot meals program for persons 60 or older in conveniently located centers, including senior citizen centers, schools, or other nonprofit settings. Approximately 425,000 to 450,000 meals will be served daily during fiscal 1977.

Enactment of the 20-percent Social Security increase in 1972, allowing more than 1 million persons to escape from poverty.

Establishment of a cost-of-living adjustment mechanism to protect Social Security beneficiaries from the impact of inflation. In addition, this protection was later extended to Supplemental Security Income recipients.

Creation of a senior community service employment program to provide new and fulfilling jobs for low-income persons 55 or older in a wide range of activities. In July 1977 the number of participants in the program will increase from 15,000 to 22,600.

Continuation and expansion of the section 202 housing for the elderly and handicapped program. Section 202 has produced 43,000 tailor-made units for aged and handicapped persons and at prices they can afford.

Enactment of the Age Discrimination in Employment Act to protect older workers from job bias in hiring, firing, and other conditions of employment.

Creation of a National Institute on Aging to conduct and support biomedical, social, and behavioral research and training relating to the aging process.

Extension of Medicare coverage to more than 2 million disabled persons.

Creation of a Supplemental Security Income program to build a Federal floor under the incomes of the aged, blind and disabled.

A community schools program which has special importance for the elderly.

Provisions in transportation legislation calling for adeqaute consideration of the needs of the elderly and handicapped.

Mr. HUMPHREY. Mr. President, I would like to say a few words in support of the amendment introduced by my friend Senator CHURCH to enable the Special Committee on Aging to continue with its vitally important work.

The proposal to abolish this committee highlights a problem that has persistently plagued the Senate. It brings to the forefront one of the internal contradictions in the committee reorganization resolution.

The Senate has struggled for decades to end the fragmented way we tend to view many problems. The special Committee on Aging is a case in point. Now, that committee was established after considerable study because of the unique nature of the problems that affect the aging in our population. It is a major group, by the way, that is growing. We concluded that a special nonlegislative committee could fill the gap. It has never been my privilege to serve on the special committee, but I am familiar with its work and with the reputation for excellence and effectiveness which it has earned.

But now, in the name of reform, it is proposed that we terminate the special committee and tuck its oversight into a subcommittee of the Human Resources Committee. This just does not make any sense to me. The legislative jurisdictions for aging matters are left spread across nine different committees. When you do this, you fail to focus sufficient attention upon one of the most complex areas of our social structure. It is a disservice to the aging, the Senate, and indeed our whole Nation.

Very few people think that the Human Resources Committee can do as good a job of oversight, advocacy, or of addressing the problems which beset our aging. Senator WILLIAMS, who will probably be the chairman of the Human Resources Committee, also has been very frank in acknowledging the limited capability of the committee to do this job in light of all its other responsibilities. Not one of the major senior citizens groups thinks this vital task can be performed by any new committee. And dozens of local representatives of the elderly and experts in gerontology and people active in the programs we have developed for older Americans, have contacted me to urge that the Special Committee on Aging be retained.

I do not think anyone is arguing that our senior citizens no longer face severe challenges, that their representatives no longer need to be concerned about their situation. But the people who should know are saying that they have looked at this reorganization plan and that we are just tying one hand behind our back when it comes to focusing on those problems, by eliminating the special committee.

That is why I intend to vote in favor of Senator CHURCH's amendment. Just as the Joint Economic Committee has been retained—because the Congress must have one place where we can take the overall view of the economy—so the special committee should be continued. This should be done not just for the benefit of older people, so they can have a "home" in the Senate. Rather, the special committee should be retained so that we in the Senate can do our jobs as we should, so that we have one place where all the needs of older people are tied together with all the information we can gather and positive legislative answers can result.

I am going to conclude by reminding my colleagues, as I have done before, that the word "efficiency" appears nowhere in the great books which give us guidance in our work. Look at the Old or New Testament, the Declaration of Independence and the Constitution, the Gettysburg Address or the Emancipation Proclamation or any of the other great documents of government and law. The words you find are "justice," "service," "compassion," "fairness," and their like. Those are the concepts which must shape our operations.

Mr. President, the elderly of America need a place to be heard in the Senate. The Special Committee on Aging has given it to them. To take it away, and replace it with something subsidiary and inferior, would be a major mistake. I hope my colleagues will join with me in voting to perpetuate the special committee and allow it to proceed with its very necessary job.

Mr. THURMOND. Mr. President, I rise today as a cosponsor of amendment No. 23 to Senate Resolution 4, which would retain the Senate Special Committee on Aging.

I believe that the retention of this special committee is of utmost importance. There are approximately 31 million Americans 60 years and older. They constitute the single largest minority in this great Nation. This minority, since 1900, is growing at twice the rate of our total population. The way in which these older Americans are viewed by society as a whole has important implications for all of those, like myself, who are concerned with the well-being of older persons.

Mr. President, in the spring of 1975, a Louis Harris survey was released which reported the attitudes of approximately 4,000 participants, coast to coast, regarding their views concerning older persons. It was reported that 86 percent of those interviewed agreed that nobody should be forced to retire because of age if he wants to continue working and is still able to do a good job. However, the report further stated, that 4 out of 10 retired men were involuntarily retired, while 30 percent of retired women were also involuntarily retired. Clearly, the picture of individuals looking forward to old age and retirement is a stereotype that has been contradicted by millions of older persons who have been arbitrarily retired.

Mr. President, there are millions of older Americans who are feeble and ill with not enough money for adequate medical care, food, clothing, and housing. Conversely, there are millions who are healthy, reasonably well off, but have been segregated because they have reached the sunset of their life. Most of these individuals are eager and competent to participate in society by doing many kinds of useful work. They are uniquely qualified with experience, wisdom, and energy.

Mr. President, the Harris survey clearly indicates that older Americans cannot be stereotyped and are not a homogeneous group. They are individuals with individual needs and desires. They come in all shapes and sizes with all kinds of dreams and capabilities.

I believe that now, more than ever, we as representatives of all the people should be more responsive to these, our older constituents. Therefore, I strongly urge

the Senate to act favorably on amendment No. 23 and give older Americans a more meaningful voice in Congress.

Mr. McINTYRE. Mr. President, I am pleased to be a cosponsor of the amendment by the Senator from Idaho, Mr. CHURCH, to preserve the Special Committee on Aging.

Mr. President, the goal of our consideration of the Senate committee structure is to enable this body to do its work with the maximum efficiency and effectiveness. We have recognized that the existing structure is not conducive to effective action on certain urgent problems, such as energy legislation, and Senate Resolution 4 is aimed at alleviating a serious problem of fragmentation. But the amalgamation of the Special Committee on Aging with the Committee on Human Resources does not meet this test. Indeed, it will lead, I believe, to a less effective treatment of the pervasive problems of the elderly than we have in the present system.

The Special Committee on Aging was formed because the Senate decided that a nonlegislative focus was needed to deal effectively with the problems of the elderly. It has done an excellent job, serving as a unique forum for the elderly to express themselves; and its wide-ranging investigative activities have contributed much to the efforts of the legislative committees.

The elderly are the fastest growing minority group in the Nation. It would seem to me that the rationale for establishing the committee is growing stronger all the time. No one would dare assert that the problems the committee was formed to meet have diminished. As we learn more about them, we realize how complex they are. No single legislative committee, much less a subcommittee, could encompass the major problem of the aging in our society—no matter how committee jurisdictions were redrawn.

I have heard from many elderly groups and individuals, in my State, as well as those who are involved in providing services to the elderly. They are unanimous in their support for the continuation of the Special Committee on Aging, and in their belief that their interests will not be as well represented by a subcommittee.

Mr. President, I am pleased that so many Senators have joined in this effort. I hope that the strength shown today for the Special Committee on the Aging will be brought to bear in the future as we consider legislation on behalf of the elderly.

Mr. BROOKE. Mr. President, the arguments for continuing the Special Committee on the Aging are compelling. I would call your attention to but a few.

First of all, the concerns of the aging are scattered under the jurisdiction of several Senate committees. The Special Committee on Aging thus provides essential coordination and focus to the needs of the elderly. It does a superb job in this respect. Virtually all legislation affecting the elderly passed in the last few years has borne the imprint of the Committee on Aging. Through its hearings and reports, it has provided powerful impetus for the reform and initiation of legislation. The information and expertise amassed and provided by the Committee on Aging is available no place else. The Committee on Aging is not a little-used, little-listened-to committee. It is one of the most active and effective committees in the Senate. It has one of the most competent staffs. As the ranking member of the Senate Labor-HEW Appropriations Subcommittee which funds many of the programs for the elderly, I know how valuable the assistance and oversight of the Committee on Aging are.

The Rules Committee proposal is to fold the Committee on Aging into the new Human Resources Committee. We have the duty to ask whether the Committee on Aging functions can be performed as well there. And I believe that in asking this we should give great weight to the recommendation of the able chairman of the new Human Resources Committee, Senator WILLIAMS. Senator WILLIAMS has called for the continuance of the Committee on Aging, stating that the Human Resources Committee would not be able to perform its functions as well.

And, finally I believe that we should give some weight to the judgment and actions of our sister body, the House of Representatives. When the House reorganized only a short time ago, it felt that the Senate Committee on Aging had been so effective and so needed in the organization of the Senate that it voted to establish its own aging committee.

Mr. President, there is one more very important, if intangible reason why I support the Special Committee on Aging. The elderly in our society are among the most vulnerable of all our citizens. Too often they feel small and helpless when confronted by their myriad problems. It is imperative that the Government be responsive to them. It is imperative that the elderly feel that we do hear and care about them. The Special Committee on the Aging has proven the Senate's concern to the aging of our Nation. It has their faith and support. We must not vote against that faith, particularly so when we would be voting for a proposal of doubtful efficiency and effectiveness.

Mr. DOLE. Mr. President, the Senator from Kansas wishes to express his support for the Special Committee on Aging, and to voice his hope that this committee will not be eliminated under the committee reorganization bill.

Remembering the legislative origin of this special committee, I recall that one reason for its creation was that there was no central location in the Senate committee structure where programs for the elderly were assimilated and studied. Instead, the elderly issues seemed divided between one committee and another, with little synthesis or coordination between the various responsible bodies. I have no reason to believe that the present situation would be any different should the Special Committee on Aging be done away with.

Rightly, Congress recognized this problem, and established the Special Committee on Aging 16 years ago. With a caseload of over 23 million persons, the staff of this committee has been productively busy in its oversight duties, in studying the needs of the elderly, and in making legislative recommendations. In general, the committee has served as a watchdog for our senior citizens who have no one else to protect their interests.

While I strongly endorse efforts for committee reorganization, I have some reservations about the present program, for it seems that reorganization has ended up being practiced primarily at the expense of the weaker, less influential committees. These are the committees which were designed to watch over our weaker, less influential citizens, who have little political clout.

This appeared to be the case as I looked over the plans to combine the Aging, the Nutrition, the Small Business, and the Veterans Committees in with larger, stronger committees. In most cases, without these special or select committees to look after the needs of the elderly, the malnourished, the small businessman, and the veteran, they would once again be on their own, fighting for recognition in one of our conglomerate committees.

With particular reference to the Committee on Aging, I share the opinion of the Senator from New Jersey (Mr. WILLIAMS), who is in line for the chairmanship of the Human Resources Committee, which would have jurisdiction over the Aging Subcommittee. He expressed his feeling that the Human Resources Committee has too much legislative responsibility to adequately attend to the needs of the elderly.

Furthermore, he added that it is not desirable for the subcommittee to have larger oversight responsibilities than the parent committee, which would be the situation if the Aging Subcommittee is given the duties of the Special Committee on Aging.

The Special Committee on Aging has been a good friend to our elderly population, who appreciates its services. I know that early last fall, I was receiving mail protesting the plan to eliminate the special committee. This came at a time when few had heard of the committee reorganization plans, and those that had certainly were not familiar with its proposals.

In closing, I restate my desire for committee reorganization, but not at the expense of losing such vital services to 23 million Americans. I urge my colleagues to support the Church amendment to retain the Special Committee on Aging.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho, as modified. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Washington (Mr. MAGNUSON), and the Senator from Montana (Mr. MELCHER) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI), and the Senator from Hawaii (Mr. INOUYE) are absent because of illness.

I further announce that, if present and voting, the Senator from Arizona (Mr.

DECONCINI), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MELCHER), and the Senator from Indiana (Mr. BAYH) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BARTLETT), is absent due to illness.

The result was announced—yeas 90, nays 4, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—90

Abourezk	Gravel	Nelson
Allen	Griffin	Nunn
Anderson	Hansen	Packwood
Baker	Hart	Pearson
Bellmon	Haskell	Pell
Bentsen	Hatch	Percy
Biden	Hatfield	Proxmire
Brooke	Heinz	Randolph
Bumpers	Helms	Ribicoff
Burdick	Hollings	Riegle
Byrd, Harry F., Jr.	Huddleston	Roth
	Humphrey	Sarbanes
Byrd, Robert C.	Jackson	Sasser
Cannon	Javits	Schmitt
Case	Johnston	Schweiker
Chafee	Kennedy	Scott
Chiles	Laxalt	Sparkman
Church	Leahy	Stafford
Clark	Long	Stennis
Cranston	Lugar	Stevens
Culver	Mathias	Stevenson
Danforth	Matsunaga	Stone
Dole	McClellan	Talmadge
Domenici	McClure	Thurmond
Durkin	McGovern	Tower
Eagleton	McIntyre	Weicker
Eastland	Metcalf	Williams
Ford	Metzenbaum	Young
Garn	Morgan	Zorinsky
Glenn	Moynihan	
Goldwater	Muskie	

NAYS—4

Curtis	Hayakawa	Wallop
Hathaway		

NOT VOTING—6

Bartlett	DeConcini	Magnuson
Bayh	Inouye	Melcher

So Mr. CHURCH's amendment (No. 23), as amended and modified, was agreed to.

(Later the following proceedings occurred:)

Mr. MAGNUSON. Mr. President, will the Senator yield to me for 20 seconds?

Mr. TALMADGE. Mr. President, I yield briefly to the Senator from Washington without losing my right to the floor.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry: May I ask unanimous consent to be placed on the rollcall? I was at the door and no one paid any attention to me, there was so much going on down here. I ask unanimous consent to vote on the last rollcall.

The PRESIDING OFFICER. The Chair regrets to inform the Senator from Washington that under rule XII, the Chair is not permitted to entertain that request.

Mr. MAGNUSON. Mr. President, may I ask unanimous consent, therefore, that the RECORD immediately following the rollcall show that I would have voted "Aye."

The PRESIDING OFFICER. Without objection, it is so ordered and the RECORD will reflect the statement of the Senator from Washington.

AMENDMENT NO. 16

Mr. ALLEN and Mr. TALMADGE addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. TALMADGE. Mr. President, I ask that my amendment No. 16 at the desk be stated and that it be in order to consider it at this time.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TALMADGE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE's amendment, cosponsored by Mr. DOLE, Mr. NUNN, Mr. HELMS, Mr. HANSEN, Mr. SCHMITT, Mr. HAYAKAWA, and Mr. WALLOP, is as follows:

Insert at the appropriate place in the resolution a new title as follows:

TITLE —REGULATORY IMPACT EVALUATION

SEC. . Rule XXIX of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"5. (a) The report accompanying each bill or joint resolution of a public character reported by any committee of the Senate (except the Committee on Appropriations) shall contain—

"(1) an evaluation, made by such committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (A) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (B) a determination of the economic impact of such regulation on the individuals and businesses affected, (C) a determination of the impact on the personal privacy of the individuals affected, and (D) a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution; or

"(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of subparagraph (a) is impracticable.

"(b) It shall not be in order in the Senate to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of this paragraph.".

Mr. TALMADGE. Mr. President, I first yield to the distinguished Senator from Iowa for a unanimous-consent request only.

Mr. CLARK. Mr. President, I ask unanimous consent that Robert Jackson, of Senator MORGAN's staff, and Andrew Loewi, of my staff, be granted the privilege of the floor during consideration of Senate Resolution 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask unanimous consent that Michael McLeod, staff director and general counsel of the Committee on Agriculture and Forestry, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield briefly to the distinguished Senator from Missouri without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. I thank the Senator.

Mr. President, I ask unanimous consent that Mr. Robert Harris of the staff of the Senate Committee on the District of Columbia be permitted the privilege of the floor during pendency of Senate Resolution 4; the same with respect to Jim Fleming of the staff of Senator FORD of Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

Mr. TALMADGE. Mr. President, the amendment that I have pending at the desk is very simple. It does one thing and one thing only: It amends standing rule XXIX of the Senate to provide that each committee that submits a report to the Senate on any bill will report what the regulatory impact of that particular bill will be.

Mr. President, we hear complaints of people from all walks of life everywhere—North, South, East, and West, big business, little business, small business—who say they are being regulated by the U.S. Government out of business.

Mr. President, the select committee has made a number of useful proposals which will improve our legislative procedures.

But I believe there is another issue relating to legislative procedure on which we have a unique opportunity to act.

It is an issue which finds agreement from all shades of the political spectrum—the need to bring under control the needless and excessive Government regulation which has exploded in recent years.

I am proposing today an amendment to Senate resolution 4, to amend the standing rules of the Senate. It would require that the committee report which accompanies each reported bill or joint resolution contain a statement describing the additional regulatory impact on the legislation.

Political columnists as far apart politically as James J. Kilpatrick and Nicholas Von Hoffman inveigh against needless meddling by Federal bureaucrats. There is a far-flung outcry against loss of personal and individual freedom due to excessive Government regulation.

This is an issue that touches the average citizen, especially the small businessman and farmer. It is no wonder that widespread anti-Washington sentiment was a hallmark of last year's election campaign.

No fewer than 75 Federal agencies today have the power to regulate our lives.

In 1975 these departments, agencies and advisory groups issued 10,245 new regulations—on top of 60,000 pages of existing regulations—all of them in small print. The rate at which these agencies have been proliferating has been growing every year. Three-fourths of these agencies have been created since 1960.

As each new topic of regulatory interest comes along, we create another super-bureaucracy to sit around thinking up new rules to govern our activities.

A recent report stated that many of these agencies "combine under one institutional roof the functions of policemen, prosecutors, judges, and juries," and "have at times distorted the intent of their creators."

Almost 40 years ago the Brownlow commission warned that the independent regulatory agencies were becoming our "fourth branch of Government."

While a reasonable degree of regulation is legitimate and necessary to protect the public interest, there is almost unanimous agreement that Government regulation has become just too much.

Our people are telling us, in a loud voice, "Stop! Enough!"

Excessive Government regulation has extracted a high price from the American economy in terms of higher prices and fewer jobs.

It has led to a frightening maze of paperwork and redtape.

And it has led to the needless proliferation of Federal bureaucracy and wasteful spending.

Former President Ford recently estimated the cost of unnecessary and wasteful regulatory policies at $130 billion every year. That comes to about $2,000 for every American family every year.

President Carter, in his first Cabinet meeting, urged the new Cabinet Members to cut down on the oceans of paperwork that were an irritant to him as a small businessman.

And the cost of Government regulation continues to soar at an even faster rate. One department of a large company reports that its cost to comply with Federal regulations has risen from $164,000 in 1970 to $1.5 million in 1975, from 2 percent of the department's budget to 13 percent.

Excessive regulation also creates wasteful delays between the time a regulatory agency opens a case and the time it makes a decision.

It took 16 years for the FDA to make a decision on red dye No. 2.

Excessive regulation retards introduction of new products. It thwarts innovation.

A case in point is a new asthma drug which has been used successfully in England for some time—but is still under FDA review.

Tragic stories of the excesses of Government regulation are not hard to find. A recent issue of U.S. News & World Report described the following cases:

Early in May, the ICC took three pages of the print to itemize the specific highway routes that a small moving company in Grandview, Mo., must use to haul household goods across the country. Even if the firm wanted to take a short cut, it was prohibited from doing so by the ICC.

Along the main cross-country interstate routes between Cleveland, Ohio, and Jacksonville, Fla., trucks roll along with trailers empty—even though shippers at both ends of the line would eagerly give them cargo.

The truckers are permitted to haul freight one way only, and must make the 1,000-mile return trip empty. Why?

It is because of regulations set years ago by the Interstate Commerce Commission—though the American Trucking Associations, with a staff of 240 to watch over industry interests at its Washington headquarters, argues that empty trucks on the highway are caused by "freight imbalances" along certain routes and by specialized vehicles, such as auto carriers, which can haul only certain kinds of loads.

And an Oregon company that operates three small TV stations reported that its FCC license renewal application weighed 45 pounds—a relatively small paper-work burden considering the 5,146 different types of Government forms approved for public use, a figure that excludes all tax and banking forms.

Other excesses by the Federal policemen are described by William Hoffman in his article, published in the Ambassador magazine, "Who's Regulating the Regulators?":

At U.S. Steel's Clairton Works in Clairton, Pa., EPA has required construction of a special $3.7 million hood to trap fumes from the coke ovens. Now planners have discovered that power plants for the 900 horse power fans inside the hood will cause more pollution than the original coke ovens. And OSHA inspectors say the hood produces a noisy, unsafe working environment. And the Commerce Department complains about rising steel prices.

The Food and Drug Administration requires meat-packing plants to be clean and sanitary. Surfaces easiest to clean are usually tile or stainless steel. But tile and stainless steel reflect noise, and often fail to meet the standards of the Occupational Safety and Health Administration.

An OSHA regulation states that women need lounge facilities in their restrooms. But the Equal Employment Opportunity Commission says that if an employer provides lounges for women he must also provide them for men.

Excessive regulation has crippled many major sectors of the American economy.

Complex regulations of railroad routes and rates has, at least in part, contributed to the economic demise and bankruptcy of a number of railroads.

In several rural Oklahoma towns, doctors maintained that filing reports on patients for medicare and medicaid have left their 20- to 30-bed hospitals in a struggle for survival. Their small staffs could not handle the necessary paperwork and continue to provide adequate health care.

The GAO tells us that environmental and land use regulations result in the loss of over a billion board-feet of lumber each year because the regulations prohibit its harvest.

The examples are endless. But they all point to the fact that Government regulation is out of all control.

We cannot continue to give up more and more personal freedoms in order to protect ourselves against every possible problem which might arise.

Regulations designed to protect the public against every contingency are like refusing to ride in an automobile because there is some probability that you could be hurt in an accident.

Members of Congress have become increasingly aware of the resentment against Federal interference in the lives of the people.

As a result, many Members have introduced bills which would give Congress a veto over Federal regulation.

The solution I propose would be an attempt to make the Congress perform its proper legislative role effectively. And it would have the executive perform its administrative role in the same manner—in a joint effort to reduce the amount of Federal regulation.

This goal could be achieved without increasing the size of the bureaucracy, and without the creation of a new Federal agency.

It simply would require an evaluation of the amount of Federal regulation that would result from each bill considered by Congress.

Under existing rules, all committee reports issued on legislation must include a cost estimate for each bill. There also must be an inflationary impact statement in reports in the House.

My amendment would impose on committees an additional requirement—an estimate of the amount and type of additional regulation which would result from the bill under consideration.

Committee reports today also contain the views of the executive branch on every reported bill. The President easily could direct the exectiuve branch to include in each report on legislation a description of who the bill would regulate, and to what extent. This estimate would be included in every committee report.

As the chairman of the Committee on Agriculture and Forestry, I have noted on many occasions that both the Congress and the executive branch show an institutional bias toward greater regulation.

One example that stands out in my mind is the enactment of amendments to the Packers and Stockyards Act last year.

In the conference on this legislation, we sought to resolve a difference between the House and the Senate bill. The House bill would have required regulation of all wholesale food brokers—even though they had no direct dealings with livestock owners and even though they, in most cases, handled no fresh meat.

I could find no one, either among the conferees or from the Department of Agriculture, who could tell me why it was necessary to place small food brokers under the regulation of the Packers and Stockyards Administration.

However, the House insisted on its amendment and its amendment prevailed because someone in the bureaucracy had told a Congressman that it was necessary to regulate everyone.

Thus, in our attempt to eliminate some problem, we often enact legislation which authorizes broad and sweeping regulation.

Then, when the regulations are issued, and people are affected adversely, Members of Congress scream in anguish and blame the bureaucrats.

I would suggest that we have joint responsibility for excessive regulation of individuals and of businesses.

Therefore, the amendments that I offer today would amend the standing rules of the Senate to require each committee, except the Committee on Appropriations, to provide a detailed estimate of the individuals and businesses who would be regulated and the impact of such regulation on these individuals and businesses.

The committees would be required to determine both the economic impact of the additional regulation and the impact on the personal privacy of the individuals affected.

Since Senate Resolution 4 only amends the Senate rules, this vehicle cannot be used to place a similar requirement on the House of Representatives or on the executive branch.

However, I plan to introduce legislation at a later date which would apply the same requirement to the House of Representatives and would require the executive branch to submit an assessment of the regulatory impact of all legislation when it states its views on bills being considered by committees.

I think that, with a concerted effort on the part of the legislative and the executive branch, we can reverse the institutional bias of these two branches of Government toward ever-increasing governmental regulation.

If the "sunset" legislation that will be considered in the Congress is enacted, then every program will have to be reauthorized every 5 years. This, too, would provide an opportunity and a requirement for both the executive and the legislative branch to examine the impact of regulation under existing statutes as well as under new legislative authority.

Someone once said, "Government cannot do one thing."

What he meant was that each action taken by Government has a number of different impacts on different kinds of people, and little attention is given to all of the potential impacts of legislation on the society, in our single-minded effort to accomplish one purpose.

The process I have outlined will, I hope, force the Congress and the Executive to take a more careful look at the impacts of their actions.

This would merely put the Senate on notice before it considers the bill as to what the regulatory impact of that particular bill would be on the citizens of this country.

Something like 75 Federal agencies today have power to regulate the lives of the American people and virtually tell private business and industry how to run their affairs.

In 1975, these departments and agencies and advisory groups issued 10,245 new regulations on top of 60,000 pages of existing regulations.

One large company reported that it now costs $1.5 million a year to comply with Federal regulations compared with approximately $160,000 just 5 years ago.

The problem has been getting worse instead of better. Excessive Government regulations cost the consumer in high prices. It reduces productivity. It results in fewer jobs. It bloats the Federal bureaucracy. It buries business in paperwork and redtape.

We have rules which require congressional committees to file with each bill a cost estimate and an inflationary impact statement.

I am now proposing we require committees to file regulatory impact statements with each piece of new legislation to provide a detailed estimate of the individuals and the businesses who are going to be regulated and the impact of such legislation upon the economy and personal privacy.

I hope that my amendment will be adopted and that we can put a stop to excessive Government regulation that is virtually driving many businessmen out of their minds and some of them out of business.

I have discussed this amendment with the distinguished chairman of the Rules Committee and also the ranking minority member of the Rules Committee. I hope they are prepared to accept it.

Mr. GRIFFIN. Will the Senator from Georgia yield?

Mr. TALMADGE. I yield to the Senator from Michigan.

Mr. GRIFFIN. I wonder if the author of the amendment will look on page 2, lines 5 and 6, where he refers to "a determination of the economic impact of such regulation on the individuals and businesses affected."

I think that is fine. I wonder if he would not want to insert in there "consumers."

"The economic impact of such regulation on the individuals, consumers" as well.

Mr. TALMADGE. I think that is an excellent suggestion and I modify my amendment accordingly, Mr. President.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

On page 2, line 6, after "individuals" insert ", consumers,"

Mr. GRIFFIN. Mr. President, the only other comment I have, I say to the distinguished Senator from Georgia, is that in line 12 and line 14 he gives each committee a beautiful out. I know that is not his intent. But if they will merely put some kind of statement in there that it is impractical, then apparently they do not have to comply with it.

Mr. TALMADGE. I think that perhaps the Senate itself can judge whether or not it is impractical for the committee to do that. I did not want to make it so rigid that it would tie the hands of the committees.

I think most committees will comply with the spirit of it and I think they can without undue burden.

We should know when we write legislation what the regulatory impact on the citizens will be, and can so state.

Mr. GRIFFIN. I will support the Senator's amendment. I say, however, I have some serious concerns about how the staff of committees are going to make some of these evaluations.

What we do, of course, in legislation to often is to have clauses that delegate to the agencies unlimited regulatory authority.

Mr. TALMADGE. I agree.

Mr. GRIFFIN. To make such as they deem desirable.

We have no idea how many regulations.

Mr. TALMADGE. Before we act on legislation, we request the views of every Federal agency. Many of them testify and if this becomes a rule of the Senate, I think we can ask them at that time for their views on it.

That will give the staff some idea of what the regulatory impact will be.

Mr. GRIFFIN. The Senator is moving in the right direction, I say that.

Mr. STENNIS. Will the Senator yield

Mr. TALMADGE. Yes. I yield to my distinguished friend from Mississippi.

Mr. STENNIS. Mr. President, the Senator's amendment is clear. The statement on it is excellent. The purpose is supreme. I think it will accomplish a lot of good for the leaders here, for our staff of the committees, to take the testimony as they go along.

Mr. TALMADGE. That is correct.

Mr. STENNIS. That is the Senator's purpose?

Mr. TALMADGE. Yes.

Mr. STENNIS. And they will have it in the RECORD and make it in the report.

Mr. TALMADGE. The Senator is exactly correct.

Mr. RIBICOFF. Mr. President, I regret I have to rise in opposition to this amendment.

The PRESIDING OFFICER (Mr. ZORINSKY). Does the Senator from Georgia yield?

Mr. TALMADGE. I yield briefly to the distinguished Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I think we should understand what this amendment does. It would require every committee to include in all reports on legislation an evaluation of the regulatory impact of the legislation. It would include, as I understand, first, an assessment of the number of businesses or individuals regulated; two, a determination of economic impact on the persons affected; three, a determination of the impact on personal privacy of persons affected; four, an estimate of the amount of additional paperwork that would result.

This is what happens. It would create a great deal of additional work which the committees, all of our committees, may not be equipped to handle adequately at the present time.

It would have a large impact on the regulatory agencies and should be carefully studied before being taken up on the floor. Our committee study is considering these issues.

I point out that in 1975, the full Senate directed the Government Operations Committee in cooperation with the Commerce Committee to conduct an 18-month investigation of the Federal regulatory agencies. Over the next several weeks, the Government Operations Committee will be reporting to the Senate its findings and recommendations pursuant to Senate Resolution 71, on which the Rules Committee authorized a substantial sum of money for a study by both the Commerce Committee and ourselves. We are in the process of completing that study to report to the Senate.

The Government Operations Committee and the Commerce Committee are quite concerned about the impact of regulations on our economy and very sympathetic to what the Senator from Georgia is seeking to achieve.

In the last session we had before our committee several bills which sought to improve congressional oversight of regulatory agencies. We have also dealt with legislation which would require cost and benefit assessments.

We have before our committee the sunset bill which Senator MUSKIE's Intergovernmental Relations Subcommittee is considering.

Within the next few weeks, the committee will be releasing its report on improving congressional oversight of regulatory agencies.

The issues raised by Senator TALMADGE's amendment are important and complex and deserve consideration, but I hope the concerned committees will have an opportunity to study the impact of his amendment before the Senate takes action.

I hope there will be an opportunity before final action is taken for Senator TALMADGE's staff and the staff of the Government Operations Committee and the staff of the Commerce Committee to get together to understand what all of us are trying to achieve and do.

This bill, Senate Resolution 4, will be before us a number of days. I hope Senator TALMADGE will agree to temporarily put this aside until our respective staffs can get together and understand what all of us are trying to achieve, the same end and same result.

Mr. TALMADGE. I say to the Senator, that if the committees cannot make a determination as to what the impact of the bill is going to be, they ought not report it to the Senate. If the Senate does not know what the impact is going to be, it should not pass legislation.

Mr. RIBICOFF. That may be very well and good, but we are talking about the requirement of every committee at the present time and whether they are equipped to give all this information—and what about the impact on the regulatory agency?

Mr. TALMADGE. We are talking here not about regulatory agencies. What we are talking about here is that when a committee reports a bill to the U.S. Senate for action, either favorable or unfavorable, it put in the report what the regulatory impact of that specific piece of legislation is going to be.

Mr. RIBICOFF. Let me ask the members of the various committees and their chairmen whether at the present time they believe that on every bill they report, they are in a position to give an assessment of the number of businesses or individuals regulated in this country; second, whether they are in a position to report the economic impact on the persons affected, which could involve millions of people; third, the determination of the impact on personal privacy of persons affected, and so on.

The Senator's objectives are fine, but I ask every chairman and every member of every committee whether they are in a position to comply. If they are not, we are going to be in the position where all legislation could come to a grinding halt.

I think that what the Senator is seeking to do should be our objective, and the work of Senator MAGNUSON's Commerce Committee and the Committee on Government Operations has been to try to reach the issues raised by the amendment of the Senator from Georgia.

We will be reporting to the Senate a series of reports on how to handle the problems of the regulatory agencies, encompassing to a great extent what the Senator from Georgia is trying to achieve.

Senator MUSKIE, in the sunset bill, is requiring all our committees over a period of 5 years to justify and reauthorize all the legislation we have passed in the past. Here, again, there is much to be achieved along the same lines as the amendment of the Senator from Georgia.

I hope the Senate will not take this precipitate action at the present time without understanding the implications on all our work.

Mr. TALMADGE. Mr. President, the people of this country are fed up with Government interference and regulations. Everywhere I go, I hear it. I cannot stop at a filling station and buy gasoline without somebody complaining to me about some Federal agency harassing them. That goes on all over the country, night and day.

All I am trying to do by amending the rules of the Senate is simply this: When the committees bring proposed legislation to the floor of the Senate, we will have a statement of the regulatory impact of such legislation before us. We will have some knowledge of how many people this is going to affect. If it is an agricultural bill, the Department of Agriculture can give us a rough estimate as to how it is going to affect the public and then we can put that in our committee report.

I am trying to alert the Senate in advance, before they act upon the proposed legislation, as to how they are interfering with the operation of farms, filling stations, labor unions, and the other businesses of this country. The Senate has a right to know that before it votes on legislation.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. MAGNUSON. I am not too familiar with this amendment, because I just heard about it this morning. The Commerce Committee does have jurisdiction over almost all the regulatory agencies, with some exceptions.

Mr. TALMADGE. This does not regulate the regulatory agency. All it does is give the Senate information about a bill.

Mr. MAGNUSON. When we report a bill, it is usually an amendment to a basic act—the Federal Communications Commission, the Interstate Commerce Commission Act, or other statutes of that kind. I do not know how we could comply with this amendment in much of our legislation. Already in our Committee reports, we try to give the Senate a description of the ramifications of the bill—be it legislation amending a basic act, repealing an act or enacting a new regulatory statute.

I agree with the Senator from Georgia that the regulatory agencies—and most people do not realize this—have more to do with the economy of the United States than most of the administration jobs. The Federal Trade Commission, for example, is all-embracing.

But to know with particularity what the total impact of each statute will be is virtually an imposible task. We do have a study to see what we could do, but the Senate has not even had an opportunity to review the report, let alone consider the recommendations. The Committee on Committees did not discuss this issue either.

I hope the Senator from Georgia will let the Senator from Connecticut and me and the Rules Committee take a look at the impact of this amendment. The impact of this requirement on the ability of the Senate to conduct its business may be even worse than the adverse impacts of some regulatory programs. The study will be accompanied by a host of recommendations. I am sure of that.

Mr. RIBICOFF. A number of recommendations have been suggested to bring some order out of chaos of the regulatory agencies. I think there have been authorized through the Rules Committee more than $375,000 to the Committee on Commerce and the Committee on Government Operations in order to make this study.

Mr. MAGNUSON. A total of $375,000.

Mr. RIBICOFF. A total of $375,000.

We have had bipartisan experts working on it who have been involved in regulatory agencies, all of whom are very sympathetic to what the Senator from Georgia is complaining about. We hope to deal with these issues in an orderly fashion, to come up with a series of recommendations, and then to bring in some legislative proposals to carry out, in an orderly way, exactly what the Senator from Georgia is talking about.

I would note here that the Senator from Georgia does not require assessments of many aspects of regulatory impact which are of great concern—impact on the economy as a whole, impact on jobs, impact on inflation, impact on other programs, projection of goals for future programs, and so on.

I think the Senate will be tying itself in a knot and backing itself into a box, and it would be most unfortunate. Without adequate consideration of this proposal we would be tying up every committee in this body.

I hope the Senator from Georgia would understand and give us an opportunity to explain what we have tried to do and what we are in the process of completing.

The Government Operations Committee and the Commerce Committee for the past 2 years have done a tremendous amount of work on this particular aspect of our Government and its operation, and it would be too bad if this constructive work is not given the serious consideration which it merits.

Mr. MAGNUSON. For example, consider the Toxic Substances Act—with which the Senator from Georgia is familiar—trying to stop cancer-causing agents in our food. How would we know how many people that would affect? In that statute, we did not set any specific standards—the agency must set regulatory priority. The statute in and of itself has little impact on anyone. The impact

comes once the agency starts promulgating standards.

There is also legislation where the impact is nonquantifiable. Suppose we passed a bill in which we thought the Federal Communications Commission should be doing more about violence on television, or respect to an argument between the CATV and the licensees? How do we quantify the impact of that?

There are many issues where we know of a general problem and that problem is discussed in the report. And we try to solve that problem by delegating rulemaking authority to the agencies. We tell the agencies to get at it; and we give them the authority and delegate the power for them to do so. That is the only way we do it. We cannot do it any other way. How do we comply with the reporting requirements for such statutes?

Mr. RIBICOFF. At the present time, if this proposal were adopted, the work of the Committee on Commerce would grind to a halt.

Mr. TALMADGE. Mr. President, I have the floor, and I should like to respond to that.

This provision would not bring any committee to a halt. It has nothing to do with statutory law. It does not change the regulations or statutes in any manner, shape or form, in any way. All it does is add further information to what committees report to the Senate, and what the committees report to the Senate now are cost estimates. They may be wrong, but they have to report one. What else do they report to the House now? An inflationary impact statement.

All I want to do is to require that committees report a regulatory impact statement. Every bill we bring to this body we take comments on from Federal agencies, and when these Federal agencies are before us we can ask them what is the regulatory impact of such proposed legislation, and they can give us an answer. If they cannot, in response to my distinguished friend from Connecticut, I refer you to page 2, line 12, paragraph (2), and I quote:

> In lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of subparagraph (a) is impracticable.

In other words, if they cannot do it they do not have to.

What I am asking these committees to do is when they bring a bill before the Senate to tell us how it is going to affect the citizens of this country in terms of additional regulation. If a committee cannot do that, they ought not report a bill to the Senate. It is just that simple.

Mr. RIBICOFF. It may sound simple, but I have listened to the catalog of proposals that are now before the Commerce Committee, and we have the distinguished chairman here, and I do not know how the chairman and his committee, the Commerce Committee, can respond.

When you talk about toxic substances or the impact of violence on children, how are they going to estimate the number of individuals and businesses who would be regulated, and how would they determine the groups and classes of such individuals and businesses; how are they going to do that? How are they going to make a determination of the economic impact of such regulation on the individuals and businesses affected? Certainly, I do not know. I do not know how it would affect the television industry and radio. They would have to make a determination of the impact on the personal privacy of the individuals affected.

Let us go to the Labor and Public Welfare Committee, a committee with its welfare legislation. How are they going to explain that? As I say, the objective here is good, but I think to try to adopt this at this stage in Senate Resolution 4 without giving it separate consideration—would be unwise. I do not know whether the Rules Committee had a hearing on this phase of Senate Resolution 4 at all or not—but this is so complex and it is so important that I think the Senater from Georgia should have an opportunity to explain his idea in detail. I think the chairmen of the Commerce Committee and the Labor and Public Welfare Committee should also have an opportunity to consider this proposal—I think the regulatory agencies should have an opportunity to come before the Rules Committee and tell us whether they can supply this material to you, and at what cost.

Mr. TALMADGE. If it is so complex that they cannot do it, they can state why in accordance with lines 12, 13, and 14, of page 2, it is that simple. They can or they cannot. If they can, we want them to do it. If they cannot, they do not have to.

Mr. RIBICOFF. Who is going to make the determination of whether they can or they cannot?

Mr. TALMADGE. The committee, and then the Senate can decide whether the committee used reasonable judgment.

Mr. RIBICOFF. So we are going to have a continuous fight on the Senate floor as to whether the committee is correct in making a determination that the regulatory agency should make a statement, and if the agency cannot, then it gets to be a question of integrity, and whom are we going to believe or not believe?

Mr. TALMADGE. A fight on the Senate floor is not unusual.

Mr. RIBICOFF. I say to the chairman of the Rules Committee, we came before the Rules Committee and we asked for $375,000. We have been engaged for more than 2 years in order to bring forth this report which we are in the process of completing for the Senate of the United States. To throw all that $375,000 down the drain when we are trying to work this out in an orderly fashion would be most unfortunate.

Mr. MAGNUSON. Mr. President, the amendment which my colleague from Georgia, Mr. TALMADGE, offers to Senate Resolution 4 is well intentioned but I believe totally impractical. This amendment would require each committee report accompanying legislation to contain an evaluation of the "regulatory impact which would be incurred in carrying out the bill or joint resolution." It requires that the evaluation include an estimate of the number of individuals and businesses who would be regulated, a determination of the economic impact of such regulation, a determination of the impact on the personal privacy of the individuals affected, and a determination of the amount of additional paperwork that would result from the regulations to be promulgated.

Mr. President, in general, I have no objection to requiring a discussion of the impact or ramification of proposed legislation in committee reports because we do it anyway. It is incumbent upon each committee, in reporting legislation to the floor, to explain the need for the legislation and to convince the Senate that the proposed legislation is the least burdensome and most effective means to achieve a desired result. I am troubled, however, by the specific items which are proposed to be included in the requested evaluation. Indeed, in most legislative proposals, it is extremely difficult if not impossible to know with any precision the answers to the specific items which would be required under this proposal. Let me explain.

When Congress enacts a regulatory program, it is in response to, or in anticipation of, a perceived need. Cancer-causing agents in our food, air and water; consumer products which burn, cut or electrocute; medical devices which cure one disease only to perpetuate another; industrial processes which cut production costs while at the same time significantly shortening the life span of workers: These are all issues which have been addressed through regulatory programs. Congress does not have the expertise to set standards for every hazard that has emerged or may emerge. Nor could Congress hope to be able to anticipate and respond responsibly to every problem in need of governmental attention.

It is for these reasons that Congress has enacted regulatory programs which delegate authority from Congress to executive or administrative agencies which proceed to promulgate standards or regulations pursuant to that delegated authority. Examples of such statutes are the Food, Drug, and Cosmetic Act and the recently enacted Toxic Substances Control Act. Congress, in such situations, could not possibly itemize with particularity the products, services or rates which are to be regulated. The establishment of priorities for rulemaking is left to the discretion of the agency. Furthermore, it is impossible to predict, for example, what new toxic agents will be introduced in the environment in the future.

In other words, Congress cannot accurately predict at the time of enacting legislation which specific products, services or rates will be regulated in the future. It is impossible to know the identity or number of individuals or businesses which will be regulated, the economic impact thereon, the impact on the personal privacy of those individuals and businesses or the amount of additional paperwork, if any, that will result.

In some regulatory statutes, Congress does not delegate general regulatory authority but, instead, seeks in the statute itself to resolve a specific problem. An example of such a regulatory scheme is

the Clean Air Act. In statutes of this type, Congress generally adopts a performance standard rather than a design standard. That is, Congress dictates the goal which must be met but it does not dictate specifically how that goal is to be met. Congress does not prescribe the technology which is to be used in meeting the congressionally established goal. The manner of compliance is left up to industry and it is entirely possible that in many such situations manufacturers will use different methods to achieve the performance requirement. Let me cite a specific example.

The Department of Transportation is considering a motor vehicle safety standard to require passive occupant protection. Some manufacturers may comply, utilizing an airbag at a cost of $100 per vehicle. Others may use a passive belt system at a cost of $20–$30 per car. The choice is entirely up to the manufacturer—not the Government. Thus, it would be impossible to estimate, for example, the economic impact of such regulation.

This amendment would allow a statement by the committee on why it is impractical to comply with these reporting requirements in lieu of providing the evaluation. My own experience with regulatory statutes leads me to conclude that in very few, if any, circumstances would it be practical to provide this information in a committee report and thus the operative provision would be a nullity.

Because of these problems, I must oppose the amendment—not because it is not a good idea, but because it simply will not work. It is already the case that the Commerce Committee considers the matters mentioned in the amendment prior to reporting legislation to the floor. Unfortunately, it is simply impossible to try to make the kind of evaluations that the amendment would require. The net effect of the amendment would not be to reduce unnecessary regulation—but instead would be to increase Federal paperwork in the Congress in an attempt to accomplish something that is simply impossible.

Mr. TALMADGE. Mr. President, I would like to hear from the distinguished chairman and the ranking minority member as to their views.

Mr. MAGNUSON. Mr. President, before the chairman replies, I would like to make an additional statement.

This amendment would require each committee report accompanying a bill or joint resolution to contain a substantial amount of complex and technical information. This amendment may be a good idea, or it may not be. The fact remains, however, that neither the Committee on Committees nor the Rules Committee had an opportunity to review the nature of the committee reports which should accompany legislation or resolutions.

In addition, within the next several months, the Government Operations Committee will be issuing the results of its $375,000 study on regulatory reform. I understand that this study will be accompanied by a host of recommendations designed to insure greater congressional control of our regulatory programs. At the very least, before enacting the requirements contained in this amendment, we should allow the Government Operations Committee and the Rules Committee to review this proposal. The Senate should have the benefit of the findings of the regulatory reform study before it acts on this amendment.

Mr. CANNON. Mr. President, when I first read this proposal, it had some appeal to me because offhand it sounds like a pretty good proposition.

However, I must point out to my colleagues, first, we have never held any hearings on this. This proposes a change in the rules and, I think, an important change that probably should not be legislated here on the floor without our having some testimony as to what the effect would be.

Second, it is not within the scope of the mission we are charged with here today, which was reorganization of the structure.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. CANNON. This certainly is not a part of the reorganization as envisioned within our jurisdiction. Technically a rules change is certainly within the jurisdiction of the Rules Committee, no question about that, though I am not suggesting it is not proper, but I am just saying we were charged specifically in this exercise with a reorganization proposal.

I would at least suggest to the distinguished Senator from Georgia that he ought to be willing to, perhaps, withdraw it tonight and try to get together with the two committees involved. They are quite right. They did come to the Rules Committee and we authorized $375,000.

Mr. TALMADGE. For what purpose?

Mr. CANNON. We authorized $375,000 to the two committees.

Mr. TALMADGE. For what purpose?

Mr. CANNON. To study the regulatory agencies, this problem of regulatory reform, which would include here the regulatory impact the Senator is suggesting.

Mr. TALMADGE. Mr. President, will the Senator yield? This does not affect the regulatory agencies one iota. All it does is to require that the Senate committee report provide the Senate with some estimate on what the regulatory impact of proposed legislation will be.

Mr. CANNON. I do not agree with the Senator there that it is not within the jurisdiction of the studies we have authorized the two committees, the Governmental Affairs Committee and the Commerce Committee to undertake.

Mr. TALMADGE. What they are planning to deal with, as I understand it, are the regulatory agencies themselves. This has nothing to do with the regulatory agencies themselves, absolutely nothing.

Mr. CANNON. There is a determination of the economic impact of such regulation that we propose, and you cannot tell what the economic impact is unless you go to the agency involved and find out what they have to do to furnish you with the information. Now that, it would seem to me, is clearly within the area of the two committees that we authorized. Perhaps the chairman of the Governmental Affairs Committee will make a statement.

Mr. RIBICOFF. What happens here is that it has a great impact on how all the committees of Congress conduct their business concerning the regulatory agencies. It would particularly affect the Commerce Committee, the Labor Committee, the Banking Committee, and all these various committees that deal with the regulatory agencies.

What we are trying to do in Government Operations is to work out the forms and the methods to be of help as to how the regulatory agencies work, so it would not have a major impact on our legislation. But it would have a fantastically adverse effect on all other committees, substantive committees, of the Senate. This is what concerns me.

I can just see the Commerce Committee trying to work this out. I think it would put a definite crimp in all the activities of the Commerce Committee in the foreseeable future.

Mr. CANNON. I must say to my colleague from Georgia that the basic objectives I am in accord with, and I think it is something that could well be accomplished. But I do have a great reluctance for us to legislate this without some knowledge of what we are doing, really. We are legislating on the floor in an area that, it seems to me, is quite a complicated area and a little different and apart from the basic problem of Senate reorganization as I envision it.

I certainly am willing to abide by what my colleagues want to do.

Mr. RIBICOFF. Mr. President, will my colleague yield?

Mr. TALMADGE. May I restate my amendment. There has been a good deal of confusion about what it would do. It has nothing to do with regulating regulatory agencies. Will Senators get a copy of amendment No. 16 at the desk and follow me?

Here is what the committees would be required to do. When they report a bill to the Senate, they will make:

"(1) an evaluation, made by such committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (A) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (B) a determination of the economic impact of such regulation on the individuals and businesses affected, (C) a determination of the impact on the personal privacy of the individuals affected, and (D) a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution; or

"(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of subparagraph (a) is impracticable.

Mr. President, that is simple. It is plain and it is clear. It will not pull the Committee on Commerce to a screaming halt. It will not interfere with the Committee on Government Operations or the Committee on Commerce as to any bill they wish to pass about regulatory agencies. This does not even refer to regulatory agencies. All it requires is information on what the regulatory impact on the legislation will be.

If we report a bill from the Committee on Agriculture and Forestry dealing with grain inspection, as we did last year, it would be a very simple matter for our staff, working with the Department of Agriculture, to find out how many people it is going to affect and what the regulatory impact is going to be, and what is it going to cost. And the report could tell us whether the Government paid the fees or whether the grain industry paid the fees. That is all there is to it. It is simple.

Several Senators addressed the Chair.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield first to the Senator from Washington and then to the Senator from Oregon.

Mr. MAGNUSON. Mr. President, I think we would have to substantially increase the size of committee staffs to comply with every section of this measure.

Mr. TALMADGE. All the Senator would have to do is ask the appropriate questions of the Federal agencies that come before his committee.

I yield now to the Senator from Oregon.

Mr. MAGNUSON. Sometimes when we get that information they do not know what they are talking about.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. HATFIELD. I thank the Senator from Georgia for yielding.

I wonder whether or not it will apply to the Federal Elections Commission for the simple reason that I as a member of the Committee on Rules and Administration say that it would have been very helpful to have this kind of information at the time we were handling the Federal Election Campaign Act Amendments of 1974 and 1976.

I think anyone trying to run for office since enactment of the amendments will welcome the clear understanding of the impact this whole law will have on that whole procedure of election campaigning and election reporting.

It simply seems to me that, even though I can appreciate what the Senator from Connecticut and the Senator from Washington have indicated, I do feel by this experience that we have had just in the campaign reform we had little understanding of the full impact vis-a-vis paperwork and additional cost to campaigns to hire lawyers and accountants to keep a candidate out of jail, not for a deliberate violation but simply for the complexity of trying to adhere to the requirements of those amendments. I think that the principle that the Senator from Georgia offers here is a sound one. I am not aware of some of these problems that have been raised about the implementation, but I can only attest to the fact, based on that one experience of this Campaign Act, what a can of worms we adopted in that because we did not have the data when we tried to project our thinking to the actual implementation of that.

Mr. TALMADGE. The Senator put his finger on the problem that I am trying to forewarn the Senate about. We have been bringing bills out of our committees that seem very worthy on the face of them, and most of them are, and then we pass them without the slightest idea of how they are going to affect 217 million Americans. All I wish to do is alert those 217 million Americans, plus Congress, before we take action. We take action, and then we get an uproar from our citizens. Then we try to correct it, but it is too late.

What I wish to do is forewarn the Senate on the regulatory impact before we pass the legislation. And it is very simple. It only requires some simple answers, and any Federal agency having jurisdiction over the matter can supply the answer at no cost to the committee and, if it cannot be supplied, they do not have to report it. It is that simple.

Mr. RIBICOFF. Mr. President, I shall add one more word, if the Senator will yield.

Mr. TALMADGE. I yield to the Senator from Connecticut.

Mr. RIBICOFF. What the Senator's amendment does is really deal with congressional oversight of regulatory agencies, which is a major portion of our study—over 200 pages long, which will be ready in about 2 weeks. In that study, we make definite recommendations as to how all of our congressional committees should handle congressional oversight of the regulatory agencies because we have not been doing that job as well as we should.

In addition, what the Senator from Georgia is trying to achieve as to whether some of these laws are worthwhile is really being approached in a very serious way by Senator MUSKIE's sunset bill which came out on the floor at the end of the session, but which we did not have time to handle on the floor before adjournment. I have promised Senator MUSKIE early hearings to try to get that bill out again early in this session where for the first time Congress will be trying to get at the fact of whether all our programs work and can we justify them.

At the present time we are not doing the job under the Talmadge amendment that we should be doing.

Senator MAGNUSON's Committee on Commerce and our committee has spent $375,000 of the taxpayers' money to go into the entire scope of regulatory problems, and now we are trying to bypass it completely.

I do believe that we will come up with some recommendations to be translated into legislation to be able to achieve what Senator TALMADGE wants to achieve and then implement it with Senator MUSKIE's sunset bill. Then we will have really accomplished something with which we can live and of which we can be proud.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Montana (Mr. MELCHER) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Arizona (Mr. DECONCINI) are absent because of illness.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) would vote "yea."

Mr. STEVENS. I announce that the Senator from Texas (Mr. TOWER) is necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

I further announce that, if present and voting, the Senator from Texas (Mr. TOWER) would vote "yea."

Mr. GOLDWATER. Regular order, Mr. President.

The result was announced—yeas 74, nays 20, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—74

Abourezk	Garn	McGovern
Allen	Goldwater	McIntyre
Anderson	Gravel	Morgan
Baker	Griffin	Nelson
Bellmon	Hansen	Nunn
Bentsen	Hart	Packwood
Biden	Haskell	Proxmire
Brooke	Hatch	Randolph
Bumpers	Hatfield	Riegle
Burdick	Hathaway	Roth
Byrd, Harry F., Jr.	Hayakawa	Sarbanes
Byrd, Robert C.	Heinz	Sasser
Chiles	Helms	Schmitt
Church	Hollings	Schweiker
Clark	Huddleston	Scott
Culver	Humphrey	Sparkman
Curtis	Johnston	Stafford
Danforth	Kennedy	Stennis
Dole	Laxalt	Stevens
Domenici	Leahy	Stone
Durkin	Lugar	Talmadge
Eagleton	Mathias	Thurmond
Eastland	Matsunaga	Wallop
Ford	McClellan	Young
	McClure	Zorinsky

NAYS—20

Cannon	Long	Pell
Case	Magnuson	Percy
Chafee	Metcalf	Ribicoff
Cranston	Metzenbaum	Stevenson
Glenn	Moynihan	Weicker
Jackson	Muskie	Williams
Javits	Pearson	

NOT VOTING—6

Bartlett	DeConcini	Melcher
Bayh	Inouye	Tower

So Mr. TALMADGE's amendment, as amended, was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. STONE). The Senator from Alabama.

Mr. TALMADGE. Will the Senator yield to me to make a motion to reconsider?

Mr. ALLEN. On the condition that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McINTYRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

Will Senators kindly withdraw from the Chamber if they wish to converse.

PAY RAISE RESOLUTION

Mr. ALLEN. I thank the Chair.

Mr. President, in a few moments I will call up amendment No. 24, proposed by myself, Mr. DANFORTH, Mr. DOMENICI, Mr. HANSEN, Mr. HATCH, Mr. HELMS, Mr. MCCLURE, Mr. WALLOP, Mr. ZORINSKY, and Mr. GARN.

Mr. President, this amendment is an emergency measure. It is needed to save the taxpayers initially some $124 million, but that is only a drop in the bucket to what would happen when this raise for the top officials in the executive, legislative, and judicial branches of Government has come about.

Obviously, these raises in the neighborhood of $12,000 to $13,000 a year would beget similar raises, or raises not quite of that magnitude, throughout the Federal bureaucracy. Instead of being $124 million, it probably will be $1,240 million, before it is over, just as a guess. I might say that would be the regulatory impact, to use the words of the distinguished Senator from Georgia on his amendment. That is what this would cost in, all likelihood, for a beginning.

Mr. President, this may well be the last call for action on this important measure. I refrained from offering this amendment on the other emergency measure, the natural gas emergency measure, because I thought that should be passed at the earliest possible moment. I hope that will be passed before the night is over or tomorrow at the very latest.

We have from now through the 11th of February to take action on this matter. I might say this is the third initiative that has been tried to seek to get action vetoing or disapproving the President's recommended raises for the top bureaucrats.

I believe it is ironic, Mr. President, at the very time the distinguished Senator from Massachusetts (Mr. BROOKE) offered an amendment to the natural gas bill to give those in need a 60-day moratorium on their gas bill because they did not have money to pay the gas bill, that we would come along with this proposed pay increase.

Mr. HELMS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate is not in order. Will the Senators kindly come to order?

The Senator from Alabama.

Mr. ALLEN. At the very time the Nation is in the clutches of the worst cold wave in generations, we, by our silence, are going to allow this terrific ripoff of the American taxpayer to take place because no action translates into the pay raise. So it definitely takes affirmative action in order to veto this pay raise.

I initially, along with the sponsors of this amendment—I have not asked a single Senator to be a sponsor of this; they have volunteered. Initially, the same Senators and I introduced a resolution, Senate Resolution No. 39, and asked unanimous consent for its immediate consideration. That was objected to, and it came over under the rule. It has reposed there on that portion of the printed calendar—it has been on page 10; I have not looked today. It has reposed there because, under the rules of the Senate, when a measure comes over under the rule, it cannot be considered unless there is an adjournment of the Senate and then, on the next legislative day, during the morning hour, if they do not use it in a quorum call, as they did today, after the morning business has been disposed of, then the matter has come over under the rule and we have the rest of that 2-hour period to consider those matters. But, somehow or other, it was not until today, when we adjourned for 2 minutes—we have not had an adjournment since January 19, or the day before that. That was the start of this long legislative day. It lasted from January 19 up until today. So there was no opportunity to bring the measure up because those in control of the machinery of the Senate would not permit it to come up.

I believe the Senate ought to take a stand on this issue. Looking at the legislative history, when this thing was passed back in 1967, it was contemplated that there would be a vote. They learned something recently on these matters of overturning executive orders on reorganization and on matters having to do with expenditures and overruling the actions of the President with regard to not spending money. Those matters come up for a vote automatically under the rule, but somehow or other, it was fixed so that this does not come up automatically and you have to get it up the best way you can unless the leadership brings it up. It is quite obvious the leadership is not going to bring it up, but I do not believe that the Senate ought to refuse to act in this area because the leadership does not want to bring the issue up.

So, I have been despairing, Mr. President, of getting the matter considered under the rule, although coming over under the rule, because we are not allowed to have morning hours and when we do have morning hours, the time is consumed with a quorum call. I think it is rather interesting that two measures have been before the Senate in the early days of this session; whereas, we have always heard the demand and the plea, let us let the Senate work its will, there has not been any inclination on the part of those who run the Senate to have an up-and-down vote on the antiamnesty resolution and there is no disposition on the part of those who run the Senate to have a vote on this resolution disapproving of the pay raise.

So, desparing of getting it up under the item of business of a resolution coming over under the rule, we introduced Senate Resolution 50, which went to the Committee on Post Office and Civil Service, and there it reposes and is likely to repose for some days. It doubtless will not come out in time to have action prior to the 30 days that we have to act.

We are going into recess on the 12th day of February, so we shall have about 10 days to act. So this is an emergency measure. If it were not an emergency measure, I would not bring it up. So, not being able to get action on the resolution coming over under the rule, not being able to get action on the resolution reposing in the Committee on Post Office, then it became necessary to offer an amendment to the pending resolution. So, Mr. President, I anticipate, at an early moment after I introduce the resolution, there probably will not be too much opportunity to discuss it, but at least we shall have an expression by the Senate on its view of this salary grab, it will at least be able to take a stand on this important issue.

We are talking about inflation. We want to contain inflation, we want to hold down the cost of Government. Well, this thing is just an open invitation to raise the salaries of everybody in the Federal bureaucracy. And rest assured, that demand is going to come close on the heels of the expiration of 30 days after this resolution came to the Senate.

So, Mr. President, I think that Senators ought to be willing to take a stand and I object, Mr. President, to this backdoor approach where Members of Congress can raise their salaries without saying a word or without casting a vote. That is what will happen if we do not get a vote on something.

AMENDMENT NO. 24

Mr. President, I do not wish to detain the Senate on this issue and I assume we are going to have a vote on this at some time, whether now or later. But, at this time, I call up amendment No. 24 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes an amendment:

At the end of the resolution add the following new section:

SEC. . Be it further resolved that the Senate disapproves all the recommendations of the President with respect to rates of pay which were transmitted to the Congress pursuant to section 225(h) of the Federal Salary Act of 1967 (81 Stat. 644), on January 17, 1977.

ADDITIONAL STATEMENTS SUBMITTED ON SENATE RESOLUTION 4

Mr. SPARKMAN. Mr. President, I have spent more than 40 years in Congress and have seen a number of efforts to adapt the structure of this body to the changing realities, problems and interests of the Nation we serve. The resolution before the Senate is a fine effort. The sincerity, thoughtfulness, openness and final product of the Stevenson committee's and Rules Committee's work deserve the gratitude of the Senate. I wish to thank Senators STEVENSON and CANNON and the members of their committees for their excellent work.

The Committee on Foreign Relations supports Resolution 4 as it relates to the committee's jurisdiction. The Rules Committee report states that—

The Foreign Relations Committee retains the jurisdiction it has exercised in the past, though it (Rule XXV) does not expand upon its current jurisdiction.

This is the desire of the committee. It sought neither to broaden nor restrict its jurisdiction. However, in the instance of nuclear energy, the committee, by di-

rection of the Rules Committee, assumes certain jurisdictional responsibilities previously exercised by the Joint Committee on Atomic Energy.

The committee's objective has been only to preserve its comprehensive policy formulation and oversight jurisdiction. This objective was compatible with the temporary committee's objective to consolidate jurisdictions in the Senate. I applaud the Rules Committee conclusion on page 10 of its report which states:

The placing of the World Bank group, regional development banks, and other international development organizations in concert with the international monetary organizations under the jurisdiction of the Foreign Relations Committee would mean that the Senate will have the power to view international policy from a comprehensive systems approach similar to that which has been proposed for the new Energy Committee. . . This comprehensive approach will significantly strengthen the Senate's ability to deal with the Executive Branch when international issues are before the nation.

I wish to stress that the Foreign Relations Committee recognizes that the international economic system affects the domestic economy of the United States. It, therefore, welcomes the explicit statement of general authority given to the Banking Committee to study and review international economic policy as it impacts on the U.S. domestic economy. In that the U.S. economy can be seen as part of a larger whole, the Foreign Relations Committee also accepts the idea that legislation dealing with basic issues of systemic monetary organization should be referred sequentially to Banking Committee, upon request of its chairman. In general, this sequential referral applies to the International Monetary Fund and other international organizations established primarily for international monetary purposes.

The Foreign Relations Committee also has general jurisdiction over issues of international economic development and international economic stability, especially as they relate to U.S. national security. However, this policy concern encompasses international issues under jurisdiction of other committees. Foreign Relations looks forward to informal contacts with the Finance Committee to discuss reciprocal trade agreements and taxes which fall under its jurisdiction, and the commodity treaties which fall to Foreign Relations. Hopes are held by the committee for a similar relationship with Banking Committee on the trade legislation that remains with that committee.

Mr. President, I ask unanimous consent to insert into the RECORD following my remarks a short history of committee jurisdiction over international financial and monetary organizations. There has been much confusion over this issue and I would like the record of debate on Resolution 4 to contain as much legislative history as possible since the Legislative Reorganization Act was passed in 1946.

Again, Mr. President, I would like to thank the temporary select committee and the Rules Committee for their fine efforts on Resolution 4. The Foreign Relations Committee expresses its sincere gratitude.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PAST COMMITTEE JURISDICTION OVER INTERNATIONAL FINANCIAL INSTITUTIONS

Enactment of the Bretton Woods Agreements Act (July 31, 1945) was handled by the Banking and Currency Committees of the House and Senate respectively.

On August 2, 1946, the Legislative Reorganization Act of 1946 was signed (effective January 3, 1947) which assigned to the Committee on Foreign Relations jurisdiction over "international financial and monetary organizations."

Notwithstanding the explicit language of the Reorganization Act when the 80th Congress convened on January 3, 1947, by an informal agreement between Senator Vandenberg, Chairman of the Foreign Relations Committee, as well as President Pro Tem of the Senate, and Senator Charles Tobey, Chairman of the Banking and Currency Committee, resulted in the latter Committee continuing to handle matters pertaining to the International Bank for Reconstruction and Development and the International Monetary Fund, participation in both of which was authorized by the Bretton Woods Agreements Act.

No change in this arrangement was made by subsequent chairmen of the Foreign Relations and Banking and Currency Committees—Connally, Wiley, George and Green on the part of Foreign Relations and Maybank, Capehart and Fulbright (to 1958) on the part of the Banking and Currency Committee. Thus, the Banking and Currency Committee handled the establishment of the International Finance Corporation in 1955, as an affiliate of the International Bank.

In 1959, upon the resignation of Senator Green as Chairman of the Foreign Relations Committee, Senator Fulbright resigned as chairman of the Banking and Currency Committee and became chairman of the Foreign Relations Committee. He was succeeded as chairman of the Banking and Currency Committee by Senator Robertson. At the same time, the informal agreement of 1947 respecting jurisdiction over international financial institutions was set aside and the Committee on Foreign Relations asserted jurisdiction over these institutions and those subsequently established—the Inter-American Development Bank (1959), the International Development Association (1960), the Asian Development Bank (1966) and the African Development Bank Fund (1976).

The Foreign Relations Committee, since the informal agreement was set aside in 1959, has had jurisdiction over legislation dealing with the International Monetary Fund. In 1959, 1965, 1968, 1970, 1973 and 1976, IMF bills dealing with amendments to the Bretton Woods Agreements Act were handled by the Committee. In the last case, basic systemic reform of the international monetary structure was contemplated and, by an informal agreement between Senators Sparkman and Proxmire, the Committee on Banking, Housing and Urban Affairs was given sequential referral of the legislation. In a similar circumstance in 1973, where systemic reform was involved, Banking Committee upon the request of Senator Fulbright provided sequential referral of amendments to the Par Value Modification Act.

Mr. CASE. Mr. President, as a cosponsor of both the Dole-McGovern and Church resolutions to retain the Nutrition and Aging Committees in their present form, I urge my colleagues to vote in their favor. The work of the Select Committee on Nutrition and Human Needs and the Special Committee on Aging is far too important to too many people to be transferred to other committees.

I have received hundreds of letters and telegrams and petitions from my New Jersey constituents concerning the past accomplishments of these committees and urging their retention. As Christine Van Lenten of the national child nutrition project, New Brunswick, N.J., wrote:

Nutrition programs require considerations of health, poverty, education and food production issues. It is the unique advantages of the Nutrition Committee to be able to bring all these perspectives to bear on this subject. Should responsibility for oversight of all the nation's nutrition programs be shifted to the Agriculture Committee, there is certain to be a severe reduction in the number of staff persons assigned to them. This alone will make it impossible for these important programs to receive the rigorous and comprehensive congressional review they require. When so much has been accomplished in the area of nutrition programs over the past few years, it would be a sorry step backwards, indeed, to do away with the one committee most responsible for these advances.

With regard to the Aging Committee, Ernest P. Haygood, Sr., chairman of the Newark Senior Citizens Commission, has succinctly put the case:

Our policy makers should re-examine the tireless work, ideas and effort that have come out of this committee. We have been looking forward with great enthusiasm to implementing some of these goals in 1977. This committee has survived because of the competent men serving our elderly. The senior citizens have a vital interest in this committee, it has given them a sense of security.

It seems to me that these arguments in support of retaining the Nutrition and Aging Committees in their present form are valid, and I urge my colleagues to vote to see that they are retained.

Mr. TOWER. Mr. President, I was privileged to serve as a temporary member of the Senate Rules Committee during its consideration of Senate Resolution 4, and in my view our committee has taken a meaningful step toward reform of our sprawling committee system, including reduction of overlapping jurisdictions, limitations of committee and subcommittee assignments, efforts to streamline certain Senate procedures, and assurance that all Senators will receive equal treatment in terms of committee staffing support.

The last comprehensive action in terms of Senate reorganization was the Legislative Reorganization Act of 1946, and in the 30 years which have elapsed since the last pruning, our committee system has once again sprouted out in all directions, subjecting the legislative process to inefficiency, scheduling conflicts, and costly duplication. Our present system could hardly be deemed the most favorable atmosphere for dealing in a comprehensive manner with the urgent problems facing this Nation today.

As we have seen with Government reorganization generally, the task of restructuring is often easier said than done. In this respect, I think the Temporary Select Committee to Study the Senate Committee System must be commended

for designing the basic reorganization proposal. Certainly the Senator from Illinois, Mr. STEVENSON, and the Senator from Oregon, Mr. PACKWOOD, deserve special recognition for their tireless and comprehensive assistance on this issue. I might also add that our former colleague, Senator Brock, was also a major contributor to this proposal.

During the Rules Committee consideration of Senate Resolution 4, we heard from a number of our colleagues regarding proposed changes. While there was a consensus on the need for reform, there were some difficult decisions regarding specific jurisdictional questions, and there exists the probability that further review and changes will be made in future Congresses.

Senate Resolution 4 is not a perfect bill. There are some provisions of this legislation which I opposed in committee, and some which I feel do not go far enough. At the same time, we have made progress in some areas, and I hope that these provisions will stand the test of Senate floor debate.

Consider, for example, the jurisdictional realinement as it affects energy legislation. As I recall, energy jurisdiction was previously shared by 14 standing committees, 1 select committee, 2 joint committees, and more than 40 subcommittees. Under our proposal, energy matters will be coordinated in one committee. This will allow committee members to consider these important issues on a more consistent and comprehensive basis. Perhaps we can even make some headway in terms of long-range energy planning.

Another sorely needed reform which is addressed by Senate Resolution 4 is the limitation on committee and subcommittee assignments. Reducing the average number of subcommittee assignments from 18 to 8 will provide every Senator with an opportunity to devote more time and attention to his particular area of responsibility. By reducing the opportunity for scheduling conflicts, we will provide a more efficient and productive subcommittee system.

I am also pleased that our committee took action in regard to the staffing situation as it affects Republican Senators. While the present language in Senate Resolution 4 represents a compromise from the original amendment, I believe that it represents a significant move toward assuring more equitable treatment for all Senators in terms of staffing support and facilities. I know that there are some committees which historically have worked out an agreeable staff ratio, and I would hope that all committees will proceed to correct any existing imbalances.

Mr. President, I would note only one further provision of Senate Resolution 4, and that is title V, which sets forth a process for continuing review of the committee system by the Senate Rules Committee in conjunction with the Senate leadership. I believe that in the long run, this title may reflect the real "progress" we have made here by assuring that Senate reform will not cease with passage of this bill. On the contrary, it will continue to be an active and current function of the Rules Committee, and I have no doubt that the committee will be vigilant in its exercise of this responsibility.

In closing, Mr. President, I would like to commend the chairman of our committee, Senator CANNON, for the fair and responsible manner in which he conducted the committee hearings and markup. I might also add that the Rules Committee staff did an outstanding job in terms of preparation and backup assistance. I am hopeful that we will be able to support passage of this bill, make our committee assignments, and get on with our legislative business.

Mr. BROOKE. Mr. President, I am very pleased that the Senate Rules Committee has recommended the retention of the Senate Ethics Committee as a separate and independent committee. As I stated in my testimony before the Rules Committee on January 7, the Senate would be making a serious mistake if it decides to make the Ethics Committee, in effect, a subcommittee of the Rules Committee.

Several reasons compelled me to make that statement. First, the Senate Select Committee on Standards and Conduct, or the Ethics Committee, is, in my judgment, a unique Senate committee. Unlike other committees, it has virtually no legislative or oversight responsibilities. Its sole function is to serve as the disciplinary panel for the U.S. Senate.

This grave responsibility is too important to be relegated to a subcommittee of another committee.

Second, I believe that the abolition of the Ethics Committee would be inconsistent with our constitutional responsibilities. Article I, section 5, expressly provides that the Senate must exercise authority over the conduct of its Members and employees. In order to fully comply with the directive, the Ethics Committee must remain a nonpartisan, independent body which reports directly to the full Senate.

Incorporating the Ethics Committee as part of the Rules Committee could weaken its independence and subject it to partisan and political considerations.

Third, abolishing the Ethics Committee would be tantamount to telling the American people that the Senate does not take seriously its constitutional responsibility to discipline its own Members. To send such a signal to the public, and particularly at this time, would be both tragic and irresponsible. Indeed, the times demand that the Senate now respond to the legitimate criticisms that have been leveled at our congressional disciplinary procedures. Rather than appearing to denigrate the function of the Ethics Committee, we must find a way to strengthen the committee and thus demonstrate our commitment to ethical discipline.

I am also pleased to note that the Senate Rules Committee has recommended several reforms which I proposed in my Ethics Committee legislative package Senate Resolution 26. The Rules Committee resolution provides that no Member may serve on the committee for more than 6 years. In addition, the resolution provides a balance between veterans and younger Members. These procedural reforms will help make the Ethics Committee a more viable and effective enforcement mechanism.

Unfortunately, other reform measures contained in title I of Senate Resolution 26 were not included in the Rules Committee resolution. These include a broader Ethics Committee jurisdiction, thorough investigations and reports of the results of these investigations, additional committee staff—including, when necessary, the appointment of independent outside council—and disqualification of Members when there is or appears to be a conflict of interest.

However, the Rules Committee indicated in public session that it was the committee's opinion that although these matters were not in the Rules Committee's mandate, they would be considered by the new Special Committee on Official Conduct.

The Rules Committee also did not vote on title III of Senate Resolution 26, the establishment of a Senate Code of Conduct. But again the Senate has acted on this initiative by establishing the Special Committee on Official Conduct and instructing the committee to report back to the Senate by March 1, a new Senate Code of Conduct.

These recent developments are most encouraging. I am hopeful that the provisions of the legislation which I introduced on January 10 will soon be enacted into law. And if they are, I believe that Congress, by demonstrating that it is willing and able to undertake such genuine fundamental reform, will be well on the way to regaining the trust and confidence of the American people.

Mr. SPARKMAN. Mr. President, under Senate Resolution 4, the Committee on Foreign Relations is granted jurisdiction over international aspects of nuclear energy, including nuclear transfer policy. At the same time the Committee on Governmental Affairs is granted jurisdiction over "organization and management of U.S. nuclear export policy."

These jurisdictional assignments should not been seen as conflicting. As I envision the distinction, the Committee on Foreign Relations would have jurisdiction over the formulation, study, and review of the policies governing nuclear transfers for all purposes. This would surely include matters pertaining to nuclear proliferation. The Committee on Governmental Affairs would exercise jurisdiction over the organization and management of the executive branch to carry out the nuclear transfer policies. Does the Senator concur?

Mr. RIBICOFF. Yes. I believe that the formulation outlined by the Senator speaking on behalf of the Foreign Relations Committee could allow both committees to perform their responsibilities without conflict. I would envision that under certain circumstances legislation might involve joint referral to both committees when that legislation involves both the development of policy and the organization of the executive branch to carry out that policy. As example of such legislation would be S.

1439 of the last Congress, which was referred first to the Government Operations Committee, then jointly to the Foreign Relations Committee and the Joint Committee on Atomic Energy. Under Senate Resolution 4 such legislation would properly be referred jointly to Governmental Affairs and Foreign Relations. Does the Senator concur?

Mr. SPARKMAN. I would think such an arrangement would be most appropriate in the case of legislation which clearly involves the jurisdiction of both committees. In such a situation it would be very helpful for the two committees if a specified period for joint consideration were established. I believe it should be clear also that certain legislation clearly would fall under the jurisdiction of one committee or the other, alone. An example could be consideration of agreements for nuclear cooperation, submitted for congressional approval under section 123 of the Atomic Energy Act, which clearly falls under the jurisdiction of the Committee on Foreign Relations. Does the Senator agree?

Mr. RIBICOFF. I see no difficulty in such an arrangement. I believe it should allow the expertise of both committees to be used when necessary without causing conflict.

Mr. HANSEN. Mr. President, an integral part of committee reorganization, to my mind, is the question of conference committee action.

I see the need for reform more clearly in the conference committee than anywhere else, solving the problems of overlapping jurisdictions, bill referrals, and the like will help the Senate perform its general legislative duties more effectively, but if we are not represented well in conference our effectiveness will be severely limited.

Many times I have felt the frustration of coming out of conference knowing that the Senate position was not upheld as well as it should have been. Comparing the representatives from each Chamber it is easy to see that House conferees are usually far better organized. The Senate conferees, in contrast, come less prepared, if they come at all, and conduct business in an almost haphazard way; one might be hard pressed to realize that they are representing a common cause.

To that end, Mr. President, I have introduced four Senate resolutions—Senate Resolutions 32, 33, 34, and 35—to accomplish reform in some aspects of the workings of the House-Senate conference committee activities.

Although I do not intend to press for a vote on these resolutions as it relates to Senate Resolution 4, the committee reform proposal, their importance to our legislative process is a real one and needs to be given careful attention in the months ahead with an eye to enactment.

It is my hope that the Senate Rules and Administration Committee, under the able leadership of Senators CANNON and HATFIELD can address the work of the committee to that end sometime in the next term.

Briefly, the four resolutions dealing with conference committee reform would provide that:

First. The quorum requirement will prevent a chairman, with proxies in hand, from conducting business in the name of the entire Senate;

Second. The resolution pertaining to the appointment of conferees from more than one committee will prevent a chairman from arbitrarily limiting voting during conference if he knows that he faces opposition from members of a certain committee;

Third. The resolution requiring the formal substitution of conferees will prevent a chairman from substituting like-minded friends for absent conferees; and

Fourth. The requirement that each conferee have a written copy of the motion under consideration for at least 15 minutes will allow each conferee to be sure of the issues on which he is voting.

Mr. President, there is no doubt that when the Reorganization Committee finishes its work and its recommendations are implemented in the Senate, many of these problems will be mitigated. However, due to the nature of the differences between the House and Senate conferees, I cannot hope that we will be able to come to conference on equal footing with the House unless we reform the conference committees themselves.

At present, there are few rules relating to the internal workings of a conference. The publication containing the Senate rules and relevant provisions of the Legislative Reorganization Act is 181 pages long. Only seven paragraphs, or slightly more than a full page, are devoted to conferences. Of the seven paragraphs only two are devoted to the actual conference itself. The remaining five paragraphs pertain to the handling of conference reports on the floor.

The lack of rules seems to favor the House conferees. Business is conducted in such a manner as to leave the Senate conferees confused, divided, and resultingly unrepresentative of the strengths of the Senate position. Granted that there is a need for flexibility in conference in order to work out interchamber differences and that rules are generally inflexible but, at present, flexibility is the ability to recede to the House position.

My service on conference committees has led me to an inescapable conclusion:

To spend as much time as we do in careful consideration of legislation and then to have so much effort overturned in conference does not make good sense.

It is important that we strengthen the weak link of our legislative process so that we will be able to better perform our legislative duties.

I ask unanimous consent that the resolutions now pending before the Senate Rules and Administration Committee be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Mr. HANSEN (for himself, Mr. CURTIS, Mr. DOMENICI, Mr. GARN, Mr. HELMS, and Mr. SCHMITT) submitted the following resolution:

S. RES. 32

Resolved, That rule XXVII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"4. Conferees on the part of the Senate may not consider any motion (other than a motion to adjourn) in a meeting of a committee of conference unless the written text of the motion, or a written explanation of the substantive effect of the motion, has been furnished to each conferee on the part of the Senate prior to its consideration. It shall not be in order to consider the report of a committee of conference if any motion was considered by the conferees on the part of the Senate in violation of this paragraph.".

Mr. HANSEN (for himself, Mr. CURTIS, Mr. DOMENICI, Mr. GARN, Mr. HELMS, Mr. SCHMITT, Mr. STONE, Mr. FORD, and Mr. MCCLURE) submitted the following resolution:

S. RES. 33

Resolved, That rule XXVII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"5. No Senate member who is not an appointed member of a committee of conference may participate in or vote at any meeting of a committee of conference unless he is first appointed to the committee of conference in place of a previously appointed member; in which event the member he replaces shall not be permitted to participate in or vote at any subsequent meeting of the committee of conference. The appointment of a new Senate member to a committee of conference in place of a member previously appointed must be announced on the Senate floor when the Senate is in session and appropriately entered upon and printed in the Senate Calendar of Business before such newly appointed members shall be permitted to participate in or vote on any matter before the committee of conference. If a conference report is ordered reported and any newly appointed Senate member of the committee of conference participates in the committee of conference, other than in conformity with the procedures provided in this paragraph, a point of order may be made against the conference report and if the point of order is sustained, the report shall be recommended to the committee of conference.".

Mr. HANSEN (for himself, Mr. CURTIS, Mr. DOMENICI, Mr. GARN, Mr. HELMS, Mr. SCHMITT, Mr. FORD, and Mr. MCCLURE) submitted the following resolution:

S. RES. 34

Resolved, That rule XXVII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"3. When the Senate has agreed to a motion for the Presiding Officer to appoint conferees on the part of the Senate, if the mater or matters which are to be considered by the committee of conference were referred to and considered by more than one committee of the Senate, the Presiding Officer shall not appoint conferees on the part of the Senate until he has received the recommendation of the majority leader in consultation with the minority leader, and the chairman and ranking minority member of each of such Senate committees with respect to (1) the Senators to be appointed and (2) if Senators are to be appointed from more than one committee, that portion of the matters in conference with respect to which the Senators appointed from each committee are to serve as conferees.".

Mr. HANSEN (for himself, Mr. CURTIS, Mr. DOMENICI, Mr. GARN, Mr. HELMS, Mr. SCHMITT, Mr. STONE, Mr. FORD, and Mr. MCCLURE) submitted the following resolution:

S. RES. 35

Resolved, That rule XXVII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"6. Senate conferees shall not conduct conference business or vote on any committee of conference unless a quorum consisting of a majority of the appointed Senate

conferees, including at least one Senate conferee of the minority party, may agree that a Senate quorum for the purposes of a meeting of a specific committee of conference shall consist of less than a majority of the appointed Senate conferees: *Provided, however,* That a majority of the appointed Senate conferees must be present at a meeting of a committee of conference to agree upon the final text of a conference report in order to order it reported. If, pursuant to the procedures provided in this paragraph, a Senate quorum of less than a majority of the appointed Senate conferees is agreed upon for a specific conference, such an arrangement will be in order during a specific conference only upon the announcement of such an arrangement on the Senate floor when the Senate is in session and only after such announcement has been accompanied by the printing in the Congressional Record of a letter addressed to the President of the Senate, subscribed to by a majority of the representatives of each party appointed to the conference announcing that such an arrangement has been agreed upon. If a conference report is ordered reported other than in conformity with the procedures specified in this paragraph, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.".

Mr. BROOKE. Mr. President, one of my deep concerns about this reorganization of the Senate is that I believe the interests of conservationists and environmentalists have gotten short shrift. Because so many competing interests had to be satisfied in arriving at the assignment of issues and interests to various committees, the result has been the fragmentation of environmental issues and the subordination of the protection of natural resources to development interests.

For example, I strongly feel that it is a mistake to put parks and wilderness areas and similar conservation programs which affect large areas of undeveloped lands in the United States under the jurisdiction of the Energy and Natural Resources Committee. In fact, I believe that it is a mistake to have an Energy and Natural Resources Committee. An Energy and Resources Development Committee would be a more appropriate description of the functions which will actually belong to the committee which I believe to be improperly named. This is not, after all, the Interior Committee as we have known it traditionally. Certain other conservation-related functions have been removed from it and it has been given a concentration of duties related to the development of our energy resources. I regret that it retains a jurisdiction over a few programs related primarily to preserving our wildernesses, either in their unspoiled state or for recreation purposes.

Far more important is the conjunction of environment and public works. It would be more accurate to call this the Public Works and Environment Committee. There is no question that the development of major construction projects will continue to be the primary interest in this committee. While several dedicated environmentalists will continue as members of this committee I believe it will be extremely difficult for them to express their concern and to protect and conserve those natural resources which we need to save. The pressures for physical development will continue to be extreme. It is remarkable that over the last 10 years the Congress has in fact managed to produce important environmental laws and significant protection for our natural resources. But I do not believe our past success should lead us to become confident that we have the capability to oversee environmental protection programs in a coherent and responsible fashion. Nor should it lead us to believe that we have established a sufficient balance of interest between the competing claims of conservation and development.

I recognize that the difficult calculus of committee reorganization has forced the combination of activities that may not be entirely compatible. I would wish that we had been able to establish a clear balance of power among these interests. However, now I believe that it behooves all of us who are concerned about conservation to focus on the pending executive reorganization and see to it that the President proposes to the Congress strong administrative agencies charged with environmental protection. It is crucial that the new energy department be counterbalanced by a strong environment and natural resources department. I pledge my efforts and I am sure that many of my colleagues will join me in working with the administration and with private and public interest groups to produce an executive reorganization plan which establishes a formidable presence for conservationists' concerns.

Mr. STAFFORD. Mr. President, I wish to state my support for Senate Resolution 4, and to commend the select committee, as well as the Committee on Rules, for their most thorough study that has led to this reorganization proposal. It resolves many issues and should make the Senate work more effectively, and make it more responsive to the people of the Nation.

Several weeks ago, I had the opportunity to present testimony to the Committee on Rules on behalf of the minority members of the Committee on Public Works. At that time I argued that we needed to maintain in a new Committee on Environment and Public Works a diversity of interest balancing regulatory activities with various development functions. Such a balance exists presently within the Committee on Public Works. The present committee, for example, is responsible for highway construction legislation and programs to control the air pollution created by automobiles and trucks using the highways. I can assure you that the fact that jurisdiction over these two conflicting interests remains within a single committee, insures that each Member balances his evaluation and analysis of both issues.

To be effective, a committee must have the responsibility for dealing with competing interests. A committee which becomes identified with certain narrow interests cannot bring to the Senate floor legislation which represents a consensus. A resolution of these issues in committee can prevent confrontation, between committees advocating opposing points of view that would turn the Senate floor into a courtroom. It is important that, under the flag of consolidation, we not remove such conflicting considerations from a committee's jurisdiction.

My concern with Senate Resolution 4 as it was introduced was that it appeared to upset this balance, giving more weight to regulatory functions in the new Committee on Environment and Public Works.

I am pleased that the Committee on Rules has addressed this issue with great care. While every specific point I had suggested was not followed, I commend the committee's distinguished chairman (Mr. CANNON), and my good friend the ranking Republican member (Mr. HATFIELD), as well as their committee colleagues for a compromise that is in the public interest.

Maintenance of the Federal-aid highway program within the Committee on Environment and Public Works is most logical, in view of the environmental and economic development characteristics of a hghway, which remains associated and balancing responsibilities of the Committee on Environment and Public Works.

I am pleased that the Committee on Rules agreed to maintain the responsibility for economic development legislation within the new Committee on Environment and Public Works. And while the committee report does not specifically address this point, I would assume that it is the intent of the Committee on Rules and special committee that responsibility for disaster assistance continue with public works, since no alternative language is suggested in either committee report.

I regret that the Committee on Rules did not take the opportunity to focus the attention of the new Committee on Environment and Public Works more strongly upon water resources. I believe it would have made sense to place the responsibility relating to all water-impoundment programs—those of the Bureau of Reclamation, the Soil Conservation Service, and the Army Corps of Engineers—in the same committee. The character of the water impoundment programs is essentially similar, and each are evaluated on a similar cost-benefit basis. The responsibility for making the decison to build such projects—but not necessarily for determining how waters, once available, should be used—and would rest logically with the Committee on Public Works. But I am pleased that the committee did not further fracture this situation by transferring anything away from what is now the Committee on Public Works.

While there may be need to clarify a point or two in colloquys, Mr. President, I wish to thank the Committee on Rules and to urge the Senate's approval of the resolution. In addition I want to say a particular word of thanks to the Senator from Illinois (Mr. STEVENSON) our former colleague from Tennessee, Senator BROCK, and the Senator from Oregon (Mr. PACKWOOD) for their brilliant leadership of the select committee that has enabled us to make the first major re-

forms in the operation of the Senate in a third of a century. Their contribution is a lasting one.

Mr. BROOKE. Mr. President, I am delighted that the Rules Committee concurred with proposals to continue the Veterans' Affairs Committee as an independent standing committee. I have long believed that veterans, who have given so much, so valiantly, and so well of their country are deserving not only of fair and equitable treatment but also of special attention to the unique re-entry, employment, educational, and economic problems which plague many veterans, principally those who served in Vietnam.

To be sure, the enormous pressures facing veterans in these difficult economic times plague all Americans. No one need be reminded of the increases in the cost of food, energy, housing, and health care which we all bear. But these problems are exacerbated by the interruptions, inconvenience, and lack of educational attainment which many veterans suffered when they answered the call of service to their country. Veterans suffer astonishingly high rates of unemployment and underemployment.

As the cost of education skyrockets, veterans who need higher degrees to be competitive in the job market suffer disproportionately due to the family responsibilities which they often must bear even while removing themselves from the job market in pursuit of those degrees. For many wounded veterans, dependent upon the lifeline of Veterans' Administration hospitals and allied services, abolition of this committee might have caused severe disruption of vital services.

I believe that retention of the Veterans' Affairs Committee will allow us to focus attention on the continuing difficulties which veterans face, and will allow us to marshal all the interdisciplinary skill and analysis which those problems require. I commend the Rules Committee for their compassion and sensitivity to these continuing needs in its decision to retain the Veterans' Affairs Committee.

EMERGENCY NATURAL GAS ACT OF 1977—MESSAGE FROM THE HOUSE

Mr. ROBERT C. BYRD and Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, we have been in conference with Members of the House in connection with the natural gas emergency bill which the Senate passed last evening. The House has sent back to the Senate a message, and I ask that the Chair lay before the Senate a message from the House on that measure.

The Chair laid before the Senate the following message from the House:

FEBRUARY 1, 1977.

Resolved, That the House insist upon its amendment to the bill (S. 474) entitled "An Act to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Staggers, Mr. Dingell, Mr. Eckhardt, Mr. Sharp, Mr. Moffett, Mr. Broyhill, and Mr. Brown of Ohio be the managers of the conference on the part of the House.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The second assistant legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[Quorum No. 9 Leg.]

Abourezk	Garn	Muskie
Allen	Goldwater	Randolph
Anderson	Gravel	Ribicoff
Baker	Griffin	Riegle
Bentsen	Hansen	Sarbanes
Brooke	Hart	Sasser
Bumpers	Hayakawa	Schmitt
Burdick	Heinz	Schweiker
Byrd, Robert C.	Helms	Scott
Cannon	Javits	Sparkman
Chafee	Johnston	Stafford
Church	Kennedy	Stennis
Clark	Lugar	Stevens
Cranston	Magnuson	Stevenson
Culver	Matsunaga	Stone
Curtis	McClellan	Talmadge
Dole	McGovern	Thurmond
Domenici	McIntyre	Zorinsky
Ford	Metzenbaum	

The PRESIDING OFFICER. A quorum is present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate disagree with the amendment by the House, agree with the request for a conference, and that the Chair appoint the conferees on the part of the Senate.

Mr. ALLEN. Has a quorum been established, Mr. President?

The PRESIDING OFFICER. A quorum has been established.

The question is on——

Mr. ABOUREZK addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, will the Chair state the question?

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia to disagree with the amendment of the House and request a conference with the House.

Mr. ABOUREZK. Mr. President, I wonder whether the manager of the bill, Senator STEVENSON, would respond to a couple of questions with regard to the motion just made.

Is the only difference between the House bill and the Senate bill the price lid, otherwise known as the Eckhardt amendment?

Mr. STEVENSON. No. There are at least five differences. I understand that there is the so-called Eckhardt amendment, which does establish some price lids, but there is also an amendment which was offered by Mr. BROYHILL and at least two other technical amendments. There are a number of technical differences between the two bills. The technical differences are not in substance, not in the intentions of the two bodies, but there are more differences than the amendment offered by Mr. ECKHARDT.

Mr. ABOUREZK. If the Eckhardt amendment is not disapproved, would there be any difference significant enough to send it back to conference?

Mr. STEVENSON. Yes. These technical amendments have to be addressed; and if they are not addressed, it is possible that the bill as passed by the Senate would not carry out all intentions of the Senate.

What it concerns is that if technical differences between the two bodies are not resolved satisfactorily, the exercise by the President of his authority under this bill, or similar authority by the Federal Power Commission, could create higher natural gas prices in many States through the triggering of most-favored nation clauses and other such clauses.

Mr. ABOUREZK. Are those the technical amendments the Senator referred to that would do that?

Mr. STEVENSON. I regard that as technical, because it is the intention of the Senate, in approving the bill, in the event of the triggering of such provisions, and there may be other such provisions, but that is one difference in the two bills.

Mr. ABOUREZK. Is it the intention of the managers of the bill to disagree to the price lid placed on the legislation by the Eckhardt amendment?

Mr. STEVENSON. It certainly would be my intention, if I am one of the conferees, to uphold the will of the Senate, which passed this bill by a vote of 91 to 2. The Senate bill contains a lid on prices, a lid which, in my judgment, is more effective than that contained in the House bill.

Mr. ABOUREZK. What lid does the Senate bill have on prices?

Mr. STEVENSON. The Senate bill contains a provision which authorizes the President to disapprove any natural gas prices which are not fair and equitable. The House bill contains an elaborate provision which purports to establish fixed prices for gas from two sources, but then it qualifies those provisions with another which gives the President very broad authority to establish higher prices, and it is probable that that authority would be used by the President. That authority is vaguely stated. The standards by which it is exercised are not as clear as they are in the Senate bill.

Consequently, it is possible that any exercise by the President of that authority could be challenged in the courts and that it could, at the very least, lead to uncertainty about prices, with the possibility that gas simply would not be made available in intrastate markets or interstate markets.

So my concern is that it accomplishes none of the purposes of the Senate, which were to establish not only reasonable price ceilings, but also price certainty for producers who otherwise might not sell gas in the interstate market, for fear that the prices subsequently would be rolled back.

Mr. ABOUREZK. Then, the intention of the Senator from Ohio and the other sponsors of the bill—or I suppose the conferees, in this case—would be to knock out the price ceiling placed on the bill by the Eckhardt amendment, as the Senator has just stated, and to try to substitute therefor the President's authority to charge what he deems to be a fair and adequate price. In that respect, let me ask this——

Mr. STEVENSON. I have not been appointed a conferee. No conferees have been appointed. Even if I were appointed a conferee, I could not speak for any other conferees, let alone any other sponsors of the bill. It certainly would be my intention, if appointed, to represent the will of the Senate in conference with the House.

Mr. ABOUREZK. The Senator has no doubt that he will be appointed, has he?

Mr. STEVENSON. Well, I hope to be appointed. I will not presume to act as a conferee until I am.

Mr. ABOUREZK. If the Senator is a conferee—let me state it that way—it is his intention, if that were to be the case, to knock out the Eckhardt amendment if he can and substitute for that provision a provision allowing the President to charge what he deems to be fair and equitable.

In that connection, let me ask the Senator then, further, is it conceivable that the President could charge or allow a charge for gas at a price higher than is set by the Eckhardt amendment?

Mr. STEVENSON. Yes, it is conceivable, and it is also conceivable that the price established by the Eckhardt amendment would produce no additional gas for people who are suffering and, consequently, the President would exercise the broader authority provided him under the House bill than under the Senate bill to establish higher prices.

Mr. ABOUREZK. The Senator is stating that the President has under the Senate bill the authority to charge a fair and equitable price. I think that is the language of the bill. Why would he act any differently under the Senate provision than he would under the House provision with its ceiling, definite ceiling, set?

Mr. STEVENSON. Because the House ceiling could be too low to permit or enable producers to sell to interstate buyers. If those ceilings were to stick then it would be easy for any intrastate buyer to simply bid a penny or two above the price ceilings established in the House bill, and that is why the President probably could not accept those ceilings and exercise the authority which the House bill confers upon him.

Mr. ABOUREZK. I read in the newspapers today, in one of the Washington newspapers, that the President said he could live with the Eckhardt amendment. I am certain my colleague from Illinois has read the same statement. Why then with a price ceiling which provides some measure of protection for the consumers at a time when they are desperate for additional gas supplies, why then would the Senator object to that? Why are we constantly trying to protect the companies instead of the consumers?

Mr. STEVENSON. First of all, the Senator's colleague from Illinois knows better than to believe everything he reads in the newspapers. I do not know what the White House's attitude toward that provision is. I do know the Senate passed the bill that was sent up by the administration, and I believe the administration still prefers that language.

There are other provisions in the House bill which, I am informed—I have not had a chance to study it—are not acceptable to the administration.

Mr. ABOUREZK. Does the Senator know what those are? I wonder also before we are required to vote even on this motion if the Senator is prepared to tell us what the precise differences are without speaking in general terms, but to be a little bit more precise as to what the differences are specifically.

Mr. STEVENSON. We have already mentioned the Eckhardt amendment and the difference between that amendment and the price protection provisions in the Senate bill which, in my judgment, will do more to produce gas and protect the consumers than those in the House bill.

Another, and it is technical, would require the President to take gas from interstate pipelines in such a way that all of the pipelines' customers would be curtailed to precisely the same extent. This is an objective of the Senate bill. In the Senate bill proportionality in curtailments is taken into consideration.

The House bill went to such an extent that it probably made the administration of the allocation provisions impossible. It put a test to the President he could not abide by, and that is one of the provisions which, I believe, is, and for those reasons, unacceptable to the White House.

Mr. ABOUREZK. I wonder what test that is that the President has been put to under that provision?

Mr. STEVENSON. The test I just mentioned.

Mr. ABOUREZK. That he could not abide by?

Mr. STEVENSON. In other words, he could not take gas from one pipeline that was, say, curtailing priority 4 customers as long as any other pipeline in the country was curtailing priority 5 customers.

Our objective is to equalize the burden. But it may be impossible in many cases to make the interconnections to carry out that objective. It just may be physically impossible.

So that would be one of the issues between the House that, I should think, the conferees on both sides would want to examine.

Again it would be my intention, if appointed a conferee, to uphold the view of the Senate, and I would hope in that case the House might recede because the Senate, I believe, accomplishes the result, the result that is intended, but is not possible under the House bill.

Mr. ABOUREZK. Does the Senator know of any specific pipelines where it would be impossible to make the connection as he has just stated?

Mr. STEVENSON. Well, Transwestern is one, United might be another.

Mr. ABOUREZK. The Senator cannot——

Mr. STEVENSON. I cannot tell the Senator what pipelines are going to be affected tomorrow or the day after or during the months ahead.

Mr. ABOUREZK. Well then, if the Senator cannot tell, if he cannot state, which pipelines there are I do not see how he can make the statement that there might even be any. Certainly the Senator ought to give us more definite information than that.

Mr. STEVENSON. I have already indicated to the Senator there are some that would probably be affected now, and it could be tomorrow. I do not see any reason for not getting this legislation passed for the relief of people who are in need, are in the nature of going cold in their homes, and with enough authority in the President to carry out the intention of both Houses.

Mr. ABOUREZK. In my view, I think we have been dealing with vague generalities under the hammer of we have got to keep people from freezing to death, for 3 or 4 days now. But I think the managers of this legislation ought to try to provide something to the Senate and to the country by way of where the problem is and how you are going to solve it, and the Senator is unable to do that in this particular instance.

I want to say one further word. The Senator keeps talking in terms of a price level that will produce gas. The Senator is not talking about people drilling for extra gas under this particular legislation, is he?

Mr. STEVENSON. No. As we have said before, it is not very likely that wells could be drilled in time to provide gas for this winter's purposes, to make whatever gas may be available in intrastate markets available to people who are suffering from a lack of interstate gas.

Mr. ABOUREZK. I am sure nobody could in truth say that you are going to produce more gas as a result of anything in this legislation. But I very frankly do not see why the conferees, yourself, or the managers of the bill, why we cannot agree with what the House has done, with what the President says he can live with so far as the price is concerned. It will make the legislation at least that much more palatable. It still is not palatable, because we are leaving untouched the intrastate supplies that we talked about at great length here. If we really want gas, and if it is really an emergency, I think that is the place to go and get it. But at least the Senator could accept the House version. It would seem to me that there are not really, aside from that House pricing provision, enough differences in the bill to warrant going to conference. If we are in an emergency situation what is wrong with accepting the House amendment and getting the bill up to the President to sign? Are we in an emergency or are we not, which one is it?

Mr. STEVENSON. Mr. President, there are a number of differences, but it is possible—I cannot speak for the conference—the conference would want to accept the Eckhardt amendment. As the Senator from South Dakota knows that amendment had a great deal of support

on the House side. That support came from Representatives of, I believe, all of the producing States. The Representatives from Texas, Louisiana, and other States have supported that proposal.

It certainly deserves serious consideration, and I am certain the conferees would accept it.

I have expressed my own opinion. I also feel that in addition to protecting the consumers and making more gas available, the conference is going to have an obligation to support the position of the Senate. But in representing the Senate and trying to strike a compromise with the House of Representatives it might very well be necessary to do that. I cannot predict what the conferees will do.

Mr. ABOUREZK. The Senator is talking in terms of the Senate working its will in this legislation, and I think the Senator ought to let the Senate work its will.

Let me state what the differences are. According to what the Senator is telling me, the House bill sets a price ceiling of $2.02, and I think it is $2.12 on two different sources of gas, and it has one technical provision in about making sure that everyone shares the loss equally, which I think is fair. So I think the Senate ought to have a chance to vote on this.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. ABOUREZK. I yield briefly for a question.

Mr. FORD. The Senator is citing two points in this legislation that he thinks we ought to accept from the House of Representatives. I am trying, frantically, to find some provisions here that I think are just as important as price ceilings, and, as I understand this bill, it is supposed to take from those who have and give to those who have not. Is that the theory of the bill, to try to help those who are out of gas?

Mr. ABOUREZK. No. The theory of the bill is to deregulate natural gas for 7 months.

Mr. FORD. That is the Senator's interpretation. I am talking about the intent. I, as a legislator from Kentucky, understand that we are supposed to take the gas away from some people and put it in pipelines and get it to those who do not have it during the emergency. That is the intent of the legislation, as I understand it.

The Senator is trying to hang deregulation on this bill, and I think that is wrong.

Mr. ABOUREZK. I did not say that.

Mr. FORD. The Senator is the one who said it. I did not do it.

Mr. ABOUREZK. It is on it. I did not hang it on there.

Mr. FORD. I ask the Senator if that is his interpretation, to take away from those who have and give it to those who have not?

Mr. ABOUREZK. I gave the Senator my interpretation, and the Senator can make his own interpretation over there if he wishes.

Mr. FORD. I am glad to make my own interpretation.

There are other provisions in here that we are taking away from producers, we are taking away from pipelines and sending it to other parts of the country. There is no provision in the House legislation to repay those people from whom gas has been taken away for transportation, and a return in kind. These parts are left out of the House bill, and I think they ought to be in the Senate bill. I do not think we want to break anyone under this legislation, but at least they ought to break even. That is a provision in the Senate bill, not in the House bill.

Mr. ABOUREZK. Mr. President, I would like to have a chance to look at the House bill.

Mr. FORD. I would also.

Mr. ABOUREZK. I have not seen it yet.

Mr. FORD. Let us go to conference.

Mr. ABOUREZK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ABOUREZK. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will proceed.

The second assistant legislative clerk resumed the call of the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the rollcall.

The assistant legislative clerk continued the call of the roll.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BROOKE. Mr. President, is an amendment now in order?

The PRESIDING OFFICER. A motion to concur in the House amendment with an amendment takes precedence over the pending motion. The answer is yes.

UP AMENDMENT NO. 20

Mr. BROOKE. All right. Then, Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. BROOKE) proposes an unprinted amendment numbered 20 to the House amendment to the Senate bill.

Mr. BROOKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE'S amendment is as follows:

On page 13, in lines 13 and 18 after "6(c)" insert "or the provisions of section 14".

On page 13, in lines 14 and 19, after "order" insert "or such provisions".

On page 15, after line 5, insert the following:

PROHIBITION AGAINST CERTAIN TERMINATION OF SERVICE DURING EMERGENCY

SEC. 14. Until the termination of the authority under section 4(a), no agency which has ratemaking authority with respect to the sale of natural gas or electric energy shall permit a supplier of natural gas or electricity to residential users to terminate the service of such gas or electricity to any such user on account of nonpayment for such service unless the agency shall determine through an evidentiary proceeding that user is finanically able to pay for the utility services received.

Provided, that such authority applies only in any State, area, or region which the President determines, by virtue of its experiencing an abnormally severe winter, should be subject to such prohibition.

Mr. BROOKE. Mr. President, this is the same amendment which I offered last evening. It is an amendment which would declare a moratorium on cutoffs of energy during this emergency crisis.

At the time of the debate, I recall both the distinguished majority leader and the distinguished minority leader, and the distinguished floor manager of the bill, approved in concept the amendment that was offered. At the time of the debate, it was felt that we should send over a clean bill to the House of Representatives, but there were 29 distinguished Members of this body who supported this amendment.

Mr. President, I think it was a sound amendment when those 29 Senators voted for it last night. I think it is still a sound amendment. I think it is even sounder now that we do not have the constraint upon us, and that the Senate is not bound to send back to the House a clean bill. Therefore, I have reoffered that amendment, with the hope that my fellow Senators will look favorably upon it. I reiterate the fact that I believe it is absolutely essential, when so many people now are facing cutoffs and when so many people are facing even death as a result of cutoffs of energy sources.

I also remind my colleagues that there is no intent in this proposal to wipe out any debt owing to any utility company, that the moratorium is only for the duration of the emergency, and I hope my colleagues will look favorably upon this amendment and either accept it—I make the following inquiry of the distinguished floor manager of the bill, requesting whether they will accept the amendment and take it to conference, knowing they do now have to go to conference with the House.

Mr. STEVENSON. Mr. President, I wish I could accommodate the Senator for all the reasons mentioned last night when the Senate debated this matter. I would like to do something to provide at least some relief from the high energy rates imposed by the hard winter. It is my understanding that the President will soon have a proposal before the Congress which will provide relief for people who are burdened by high energy bills.

It is not at all certain that this is the best way to provide relief to people who cannot pay their energy bills. Certainly, most States already have the authority to provide relief and to do so now.

Mr. President, I do not intend to presume upon the Senate by taking more time. This was debated last night. It is in the interest of all people, many of whom are poor, that this bill be passed and become law at the earliest possible time in order to provide more energy for those who are running out of it. For that reason, I am going to be compelled to take the same action I did last night. If the Senator is determined to press this to a vote, I will have to move to table in order to get this measure to conference as quickly as possible and the measure to the President.

I hope other Senators will desist from offering amendments so that we can, if possible, still have the conference tonight and have the bill on the President's desk tomorrow morning.

So, Mr. President, unless there is anything further to be said, I move to table the amendment.

Mr. BROOKE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Massachusetts. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Montana (Mr. MELCHER), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HASKELL), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) and the Senator from Hawaii (Mr. INOUYE) are absent because of illness.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) would vote "yea."

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG), are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

The result was announced—yeas 60, nays 28, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—60

Allen	Ford	Moynihan
Anderson	Garn	Muskie
Baker	Glenn	Nelson
Bellmon	Griffin	Nunn
Bentsen	Hansen	Pearson
Bumpers	Hatch	Randolph
Burdick	Helms	Ribicoff
Byrd, Harry F., Jr.	Hollings	Roth
Byrd, Robert C.	Huddleston	Schweiker
Cannon	Humphrey	Scott
Chafee	Jackson	Stennis
Chiles	Johnston	Stevens
Church	Laxalt	Stevenson
Cranston	Lugar	Stone
Curtis	Magnuson	Talmadge
Danforth	Matsunaga	Thurmond
Dole	McClellan	Wallop
Domenici	McClure	Weicker
Eagleton	McGovern	Zorinsky
Eastland	Metcalf	
	Morgan	

NAYS—28

Abourezk	Hayakawa	Proxmire
Biden	Heinz	Riegle
Brooke	Javits	Sarbanes
Case	Kennedy	Sasser
Clark	Leahy	Schmitt
Culver	Mathias	Sparkman
Durkin	McIntyre	Stafford
Hart	Metzenbaum	Williams
Hatfield	Packwood	
Hathaway	Pell	

NOT VOTING—12

Bartlett	Gravel	Melcher
Bayh	Haskell	Percy
DeConcini	Inouye	Tower
Goldwater	Long	Young

So the motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from West Virginia.

The motion was agreed to and the Chair appointed Mr. STEVENSON, Mr. HOLLINGS, Mr. JOHNSTON, Mr. PEARSON, and Mr. STEVENS conferees on the part of the Senate.

ROUTINE MORNING BUSINESS

The following routine morning business was transacted by the Senate today:

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

APPROVAL OF JOINT RESOLUTION

A message from the President of the United States stated that on January 19, 1977, he approved and signed the joint resolution (S.J. Res. 12) to authorize the U.S. Secret Service to continue to furnish protection to certain former Federal officials or members of their immediate families.

MESSAGE FROM THE HOUSE

At 3:05 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that the House has passed the bill (S. 474) to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes with an amendment in the nature of a substitute; that the House insists upon its amendment; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. STAGGERS, Mr. DINGELL, Mr. ECKHARDT, Mr. SHARP, Mr. MOFFETT, Mr. BROYHILL, and Mr. BROWN of Ohio were appointed managers of the conference on the part of the House.

The message also announced that the Speaker has made the following appointments:

Mrs. BOGGS and Mr. BUTLER members of the American Revolution Bicentennial Board;

Mr. BOLLING and Mr. TAYLOR of Missouri members of the Board of Trustees of the Harry S Truman Scholarship Foundation;

Mr. DODD and Mr. SARASIN members of the Board of Visitors to the U.S. Coast Guard Academy; and

Mr. DIGGS, Mr. NATCHER, and Mr. MCKINNEY members of the Temporary Commission on Financial Oversight of the District of Columbia.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC–565. A letter from the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, its initial proposal concerning (A) proposed Revised Rules of Practice, (B) a brief summary of comments made by interested members of the public regarding such rules, (C) matters contained in such rules which, based upon public comment, may require further modification, and (D) possible additional proposed rules (with accompanying papers); to the Committee on Commerce.

EC–566. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of Council Act 1–195 "An act to provide for the registration, licensing of operators, and inspection of motorized bicycles; to provide for rules for the operation and parking of bicycles, motorized bicycles, and motorcycles; and for other purposes" (with accompanying papers); to the Committee on the District of Columbia.

EC–567. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of Council Act 1–205 "An act to amend the District of Columbia Air Quality Control Regulations" (with accompanying papers); to the Committee on the District of Columbia.

EC–568. A letter from the Administrator of the National Aeronautics and Space Administration reporting, pursuant to law, with respect to the scope of the specialized or technical services provided to State or local governments by the National Aeronautics and Space Administration during calendar year 1976 under Title III of P.L. 90–577; to the Committee on Government Operations.

EC–569. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Financial Disclosure System for Department of Agriculture Employees Needs Strengthening" (with an accompanying report); to the Committee on Government Operations.

EC–570. A letter from the Acting Assistant General Counsel for International, Conservation, and Resource Development Programs transmitting, pursuant to law, notice of three meetings relating to the International Energy Program (with accompanying pa-

pers); to the Committee on Interior and Insular Affairs.

EC–571. A letter from the Chairman of the Architectural and Transportation Barriers Compliance Board transmitting, pursuant to law, a report entitled "Report on Transportation Needs of Handicapped Individuals of the Architectural and Transportation Barriers Compliance Board" (with an accompanying report); to the Committee on Labor and Public Welfare.

EC–572. A letter from the Federal Cochairman of the Ozarks Regional Commission transmitting, pursuant to law, the Annual Report of the Ozarks Regional Commission for the period ending September 30, 1976 (with an accompanying report); to the Committee on Public Works.

NEW YORK CITY LOAN PROGRAM—SPECIAL REPORT NO. 95–5

Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs, submitted a report on the New York City loan program, which was ordered to be printed.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 58. An original resolution to pay a gratuity to Flora M. Coan.

S. Res. 59. An original resolution to pay a gratuity to Rosalie C. Coder.

S. Res. 60. An original resolution to pay a gratuity to Geraldine M. Englund.

S. Res. 61. An original resolution to pay a gratuity to Carol A. Hendricks.

S. Res. 62. An original resolution to pay a gratuity to Luella M. Hoffmann.

S. Res. 63. An original resolution to pay a gratuity to Gloria D. Otley.

S. Res. 64. An original resolution to pay a gratuity to James W. Pence, Sr.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. SCHMITT:

S. 546. A bill to provide that any increase of pay for any Member of Congress under any law, plan, or recommendation shall not take effect until the Congress following the expiration of the term of office of such Member during which such increase would otherwise take effect; to the Committee on Post Office and Civil Service.

By Mr. PEARSON:

S. 547. A bill to amend the Interstate Commerce Act, to reform the procedures of the Interstate Commerce Commission regarding common carriers by motor and by water, and freight forwarders, and for other purposes; to the Committee on Commerce.

S. 548. A bill to establish a Bicentennial Commission on American Government to study and appraise the organization and operation of the executive branch of the Government; to the Committee on Government Operations.

By Mr. STEVENS:

S. 549. A bill for the relief of Alaska Methodist University in Anchorage, Alaska; to the Committee on Banking, Housing, and Urban Affairs.

S. 550. A bill to further amend the act of March 12, 1914, as amended, to authorize the financing of capital improvements on the Alaska Railroad; to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY (for himself, Mr. KENNEDY, Mr. MATSUNAGA, Mr. ABOUREZK, and Mr. BAYH):

S. 551. A bill to provide for grants to States for the payment of compensation to persons injured by certain criminal acts and omissions, and for other purposes; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 552. A bill for the relief of Soerjanti Soetarto; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 553. A bill to enlarge the boundary of the Cibola National Forest; to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON:

S. 554. A bill for the relief of Jong Won Rhee, his wife, Kyung Ok Rhee, and their children, Wan Soo Rhee and Min Soo Rhee; to the Committee on the Judiciary.

By Mr. RIBICOFF (for himself, Mr. PERCY, Mr. JAVITS, Mr. WEICKER, Mr. ABOUREZK, Mr. KENNEDY, Mr. CHAFEE, Mr. CHILES, Mr. CLARK, Mr. GLENN, Mr. HUMPHREY, Mr. LUGAR, Mr. MATSUNAGA, Mr. METCALF, Mr. MUSKIE, Mr. NUNN, Mr. SARBANES, Mr. STEVENS, and Mr. ZORINSKY):

S. 555. A bill to establish certain Federal agencies, effect certain reorganizations of the Federal Government, to implement certain reforms in the operation of the Federal Government and to preserve and promote the integrity of public officials and institutions, and for other purposes; to the Committee on Government Operations and, if and when reported from that committee, then to the Committee on the Judiciary for not to exceed 30 days to consider title I, by unanimous consent.

By Mr. DOLE:

S. 556. A bill for the relief of Lee Young Soo; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 557. A bill for the relief of Ricardo Martinez; to the Committee on the Judiciary.

By Mr. METZENBAUM:

S. 558. A bill for the relief of Wing Fai Yan; to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 559. A bill to make more rational and equitable the method of computing benefits under the old-age, survivors, and disability insurance system established under the Social Security Act; to the Committee on Finance.

S. 560. A bill to amend the Communications Act of 1934 with respect to the renewal of licenses for the operation of broadcasting stations; to the Committee on Commerce.

By Mr. SPARKMAN:

S. 561. A bill for the relief of Jae Sill Rim and his wife, Young Ja Rim; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. LONG, Mr. WEICKER, and Mr. WILLIAMS):

S. 562. A bill to facilitate the implementation of section 703 of the Railroad Revitalization and Regulatory Reform Act of 1976, the Railroad Passenger Service Act, as amended to amend the National Visitor Center Facilities Act of 1968, as amended, and for other purposes; to the Committee on Commerce.

By Mr. STONE (for himself, Mr. RANDOLPH, and Mr. CHILES):

S. 563. A bill to amend title 23 of the United States Code in order to provide a program for the completion of the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. PELL:

S. 564. A bill entitled the "Alcohol-Impaired Driver Act of 1977"; to the Committee on Public Works.

By Mr. DOLE:

S. 565. A bill to amend title 5, United States Code, to eliminate an inequity in computing annuities of federal law enforcement officers or firefighters; to the Committee on Post Office and Civil Service.

By Mr. MATHIAS:

S. 566. A bill to amend the act entitled "An Act to for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 567. A bill to amend the Food Stamp Act of 1964 in order to prohibit the distribution of food stamps to any household where the head of the household is engaged in a labor strike; to the Committee on Agriculture and Forestry.

By Mr. HOLLINGS:

S. 568. A bill to regulate the transportation of oil by tankers in the domestic and foreign commerce of the United States, and for other purposes; to the Committee on Commerce.

By Mr. NELSON (for himself and Mr. MCGOVERN):

S. 569. A bill to authorize a study by the Department of Agriculture of anaerobic digestion technology, to direct the issuance of certain reports thereon, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. MATHIAS (for himself and Mr. SARBANES):

S. 570. A bill to amend the Disaster Relief Act of 1974; to the Committee on Public Works.

By Mr. MATHIAS (for himself and Mr. GLENN):

S. 571. A bill to amend title VIII of the act commonly called the Civil Rights Act of 1968 with respect to the awarding of attorney's fees and the authority of the Department of Housing and Urban Development to initiate a civil action to enforce the provisions of such title; to the Committee on the Judiciary.

By Mr. HARRY F. BYRD, JR. (for himself, Mr. ALLEN, Mr. CHILES, Mr. GARN, Mr. GOLDWATER, Mr. HELMS, Mr. MORGAN, Mr. NUNN, Mr. TALMADGE, and Mr. THURMOND):

S.J. Res. 19. A joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of eight years; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PEARSON:

S. 547. A bill to amend the Interstate Commerce Act, to reform the procedures of the Interstate Commerce Commission regarding common carriers by motor and by water, and freight forwarders, and for other purposes; to the Committee on Commerce.

SURFACE TRANSPORTATION PROCEDURAL REFORM ACT OF 1977

Mr. PEARSON. Mr. President, I am today introducing a bill which would reform certain procedures of the Interstate Commerce Commission as they relate to motor carriers, water carriers, and freight forwarders.

The Railroad Revitalization and Regulatory Reform Act of 1976 amended the procedures of the Interstate Commerce Commission as they related to railroads. The purpose of this bill is to extend these reforms to the other transportation modes subject to regulation by the Interstate Commerce Commission.

First, the bill would amend the Interstate Commerce Act to insure that congressional committees have access to in-

formation necessary to perform their oversight duties.

Second, the bill would expedite hearing and appellate proceedings before the Interstate Commerce Commission by placing strict time limits on Commission procedures and by limiting the number of obligatory levels of appellate review before the Commission. The Commission is also required to complete formal investigative proceedings within 3 years.

Third, the bill would permit the Commission to make its orders concerning motor carriers, water carriers, or freight forwarders effective in less than 30 days. Presently, the Interstate Commerce Act prevents the Commission's orders from becoming effective before 30 days. The amendment would give the Commission flexibility to implement its orders on short notice when the situation required expeditious action.

Fourth, the bill enlarges the purview of the Office of Rail Public Counsel to include all transportation matters subject to regulation by the Interstate Commerce Commission. The Office of Rail Public Counsel was created within the Commission by the Railroad Revitalization and Regulatory Reform Act of 1976 as a vehicle for consumer expression in proceedings before the Commission concerning railroad matters. The bill authorizes the office to gather and present to the Commission consumer and shipper views on matters concerning motor carriers, water carriers, and freight forwarders, in addition to railroads. Accordingly, the name of the office is changed to "Office of Public Counsel" to reflect its broadened duties.

Finally, the bill requires the Interstate Commerce Commission to act on all petitions for rulemaking within 120 days of their submission. This requirement presently is imposed on the Commission only in connection with rail-related matters.

Mr. President, the objectives of this bill are to insure evenhanded treatment of all modes of transportation subject to regulation by the Interstate Commerce Commission and to eliminate regulatory lag. Without the extension of reforms in the Railroad Revitalization and Regulatory Reform Act—4R Act—to the other transportation modes, there is a danger that railroad matters may receive more expeditious treatment than other matters to the detriment of the other modes. The Senate version of the 4R Act, S. 2718, would have made the reforms contained in today's bill applicable to all transportation modes subject to Interstate Commerce Commission regulation. Unfortunately, those reforms were made applicable only to rail-related matters because of the jurisdictional division over surface transportation matters in the House of Representatives. Therefore, I am submitting this bill in order that all transportation modes may benefit from the procedural reforms embodied in the 4R Act.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD, together with a summary and analysis of its provisions.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Transportation Procedural Reform Act of 1977".

SEC. 2. Section 17(15) of the Interstate Commerce Act (49 U.S.C. 17(15)), as amended, is further amended—

(1) by inserting "or the Committee on Public Works and Transportation" after "Whenever the Committee on Interstate and Foreign Commerce" in the first sentence thereof; and

(2) by striking out "common carrier by railroad subject to this part" in the first sentence thereof and inserting in lieu thereof "carrier subject to parts I, II, III, or IV of this Act".

SEC. 3. (a) Section 17 of the Interstate Commerce Act (49 U.S.C. 17), as amended, is further amended by striking out paragraphs (5) through (8) thereof and redesignating paragraphs (9) through (15) thereof as paragraphs (5) through (11) respectively.

(b) Section 17(9)(b) of such Act (49 U.S.C. 17(9)(b)), as amended, is further amended by striking out "With respect to any matter involving a common carrier by railroad subject to this part, whenever" in the first sentence thereof and inserting in lieu thereof "Whenever".

(c) Section 17(9)(1) of such Act (49 U.S.C. 17(9)(1)), as amended, is further amended by striking out "Notwithstanding the provisions of paragraphs (5), (6), (7), and (8), the provisions of this paragraph shall govern the disposition of, and shall apply only to, any matter before the Commission which involves a common carrier by railroad subject to this part, except that the" and inserting in lieu thereof "The".

(d) Section 17(14)(a) of such Act (49 U.S.C. 17(14(a)), as amended, is further amended by striking out "with respect to a common carrier by railroad" in the first sentence thereof.

(e) Section 17(14)(b) of such Act (49 U.S.C. 17(14)(b)), as amended, is further amended by striking out "with respect to a common carrier by railroad".

SEC. 4. (a) Section 221(b) of the Interstate Commerce Act (49 U.S.C. 321(b)) is amended by striking out ", not less than thirty days,".

(b) Section 315(d) of such Act (49 U.S.C. 915(d)) is amended by striking out ", not less than thirty days,".

(c) Section 416(c) of such Act (49 U.S.C. 1016(c)) is amended by striking out ", not less than thirty days,".

SEC. 5. (a) Section 27(1) of the Interstate Commerce Act (49 U.S.C. 27(1)), as amended, is further amended by striking out "Rail" wherever it appears therein.

(b) Section 27(2)(a) of such Act (49 U.S.C. 27(2)(a)), as amended, is further amended by striking out "Rail" in the first sentence thereof.

(c) Section 27(2)(b) of such Act (49 U.S.C. 27(2)(b)), as amended, is further amended by striking out "Rail" in the second sentence thereof.

(d) Section 27(3) of such Act (49 U.S.C. 27(3)), as amended, is further amended by striking out "Rail" in the second and fourth sentence thereof.

(e) Section 27(4) of such Act (49 U.S.C. 27(4)), as amended, is further amended—

(1) by striking out "Rail" in the first and second sentences thereof;

(2) by striking out "and which involves a common carrier by railroad subject to this part" in subparagraph (a) thereof;

(3) by striking out "which involves a common carrier by railroad subject to this part" in subparagraph (b) thereof;

(4) by striking out "involving a common carrier by railroad subject to this part" in subparagraph (c) thereof;

(5) by striking out "rail" wherever it appears in subparagraph (d) thereof and inserting in lieu thereof "traansportation"; and

(6) by striking out "rail" wherever it appears in subparagraph (e) thereof.

(f) Section 27(5) of such Act (49 U.S.C. 27(5)), as amended, is further amended by striking out "Rail".

(g) Section 27(6) of such Act (49 U.S.C. 27(6)), as amended, is further amended—

(1) by striking out "Rail"; and

(2) by striking out "$2,000,000" and inserting in lieu thereof "$4,000,000".

SEC. 6. (a) Section 13(6)(a) of the Interstate Commerce Act (49 U.S.C. 13(6)(a)), as amended, is further amended by striking out "relating to common carriers by railroad" in the first sentence thereof.

(b) Section 13(6)(e) of such Act (49 U.S.C. 13(6)(e)), as amended, is further amended by striking out "relating to common carriers by railroad".

SUMMARY AND ANALYSIS OF THE SURFACE TRANSPORTATION PROCEDURAL REFORM ACT OF 1977

I. PURPOSE

The Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) (PL 94–210) reformed the procedures of the Interstate Commerce Commission (ICC) as they related to railroads. The Senate version of the 4R Act, S. 2718, would have made these reforms applicable to all transportation modes subject to ICC regulation. The House Interstate and Foreign Commerce Committee, which produced the House version of the 4R Act, limited itself, however, to consideration of railroad matters because of the jurisdictional split over surface transportation in the House. The House Public Works and Transportation Committee has jurisdiction over all surface transportation matters except those relating to railroads. Therefore, the 4R Act ICC reforms benefitted only the railroads. In order to ensure that all transportation modes subject to ICC regulation receive evenhanded treatment, the "Surface Transportation Procedural Reform Act of 1977" is designed to extend the ICC procedural reforms in the 4R Act to the other modes.

II. SECTION-BY-SECTION SUMMARY

SEC. 2.—The 4R Act added section 17(5) of the Interstate Commerce Act giving the Senate and House Commerce Committees access to information under the control of the ICC that related to railroad matters. Section 2 of this bill would further amend section 17(5) to give these committees access to information under the ICC's control concerning all surface transportation modes. Section (2) would also add the House Public Works and Transportation Committee, which has jurisdiction over all surface transportation except railroads, to section 17(5).

SEC. 3.—Section 3 extends reforms made by the 4R Act to the ICC's hearing and appellate procedure to all modes subject to ICC regulation. Section 3 strikes out subparagraphs (5) through (8) of the Interstate Commerce Act, which contain the ICC appellate procedures relating to transportation modes other than rail. Section 3 then makes subparagraph (9)(b), which contains the 4R Act's procedural reforms, applicable to the other modes subject to ICC regulation as well as railroads. The hearing and appellate procedural reforms are aimed at regulatory lag and streamline ICC procedures by placing strict time limits on ICC procedures and by limiting the number of levels of appellate review before the ICC. Section 3 also extends the time limits that the 4R Act imposed on ICC formal investigatory proceedings relat-

ing to railroads to all ICC formal investigatory proceedings.

SEC. 4.—The 4R Act amended section 15(2) of the Interstate Commerce Act to allow the ICC to make its orders concerning rail matters effective in less than 30 days. Section 4 would permit the ICC to make its orders concerning the other transportation modes effective in less than 30 days by amending section 221(b) of the Interstate Commerce Act (relating to motor carriers), section 315 (d) of such Act (relating to water carriers), and section 416(c) of such Act (relating to freight forwarders).

SEC. 5.—The 4R Act added a new section 27 to the Interstate Commerce Act creating the Office of Rail Public Counsel. The mission of the Office of Rail Public Counsel is to provide a vehicle for public representation in ICC proceedings relating to railroads. Section 5 would amend section 27 of the Interstate Commerce Act to enlarge the responsibilities of the Office to include matters before the ICC relating to all modes subject to ICC regulation. Accordingly, the name of the Office is changed to the "Office of Public Counsel" to reflect its expanded duties.

SEC. 6.—The 4R Act added section 13(6) of the Interstate Commerce Act, which requires the ICC to act on petitions for rule-making within 120 days of their submission. This provision, however, applies only to rail-related matters. Section 6 amends section 13(6) to require that the ICC grant or deny petitions for rule-making that relate to all ICC matters within 120 days.

By Mr. PEARSON:

S. 548. A bill to establish a Bicentennial Commission on American Government to study and appraise the organization and operation of the executive branch of the Government; to the Committee on Government Operations.

EXECUTIVE REORGANIZATION PROPOSAL

Mr. PEARSON. Mr. President, the recurring call for restoration of faith in Government and in our democratic system of government was unmistakable in President Carter's inauguration speech.

The cry from the Nation's citizenry is equally clear. They think Government is unaccountable. They think it is too big and headed in the wrong direction. They object to Government centralization; to promises that cannot be kept. Government seems to be productive only in creating new layers of regulations, additional redtape and unwanted intervention in traditionally private endeavors.

A vast majority of Americans do not think they get their money's worth from their taxes.

Mr. President, it is in concert with this demand for Government efficiency and responsibility that today I introduce a bill patterned after the Hoover Commission bills of the 1940's and 1950's to study and recommend ways to streamline the executive branch.

Twenty years have passed without a public and comprehensive study being done of the executive branch. In those two decades, the executive branch has mushroomed from a $70 billion budget to a $400 billion budget. The deficit with which we have been saddled for this fiscal year is larger than the entire Federal budget for 1955.

The Federal Government is now so large that it takes a manual of over 800 pages to describe its structure. Its nearly 3 million employees work in 11 cabinet departments, 44 independent agencies, and 1,240 advisory boards, committees, commissions, and councils. As of last January, more than 70 new executive agencies have been established by acts of Congress, reorganization plans, Executive orders, and Executive directives in the past 7 years. And in 1974 alone, an additional 85 governmental bodies, with other than agency status, were created.

Today we have nearly 1,000 Federal programs dealing with literally every aspect of life in the United States. In the health field, there are 228 different Federal programs administered by 10 separate agencies. There are 156 income security and social service programs. There are 83 housing programs. I am not at all sure we even know how many different programs there are dealing with energy matters.

The first Hoover Commission in the 1940's emphasized the structural organization of Federal departments and agencies and their interrelated functions. Of the 273 recommendations offered by the Commission, over 200 were implemented. It has been estimated that the adoption of these recommendations has saved the taxpayer as much as $5 billion annually.

The second Hoover Commission in the 1950's was more concerned with operating procedures and policy questions in the Federal agencies and bureaucracy. Of the 314 recommendations offered by the Commission, some 70 percent have been implemented, saving the taxpayer an estimated $4 billion a year. The cost of these two commissions was about $5 million—an excellent return on the taxpayers' investment.

I have been advocating a reinstitution of legislation patterned after the Hoover Commissions for some time. And I have attracted support from such groups as the American Bar Association, the American Assembly, and the National Academy of Public Administration. With the present emphasis on Government reorganization I would expect such an approach would gather strong support from many sectors. And I would urge, Mr. President, that this body consider this legislation at its first opportunity.

Government reorganization is one of the more important issues of the 95th Congress. It is an issue where success will be realized only if partisan labels are discarded and we work together.

The people are demanding a maximum return on every Federal dollar spent. Mr. President, it is time Congress and the administration take up this battle in an effort to bring accountability back into Government.

I ask unanimous consent to have the bill printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bicentennial Commission on American Government Act".

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of the United States to promote improvement in the transaction of the public business within the Government of the United States and to authorize a full and complete study and investigation of the organization and operation of the executive branch of the Government.

ESTABLISHMENT OF COMMISSION

SEC. 3. (a) There is established the Bicentennial Commission on American Government (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of sixteen members appointed from among individuals in private life with extensive experience in or knowledge of American government as follows:

(1) four members shall be appointed by the President;

(2) four members shall be appointed by the President of the Senate;

(3) four members shall be appointed by the Speaker of the House of Representatives; and

(4) four members shall be appointed by the Chief Justice of the United States.

(c) Of the four members of the Commission appointed by the President, he shall designate one as Chairman of the Commission and one as Vice Chairman of the Commission. The two individuals so designated shall be appointed by and with the advice and consent of the Senate.

(d) At no time shall the Chairman or Vice Chairman be individuals who are of the same political affiliation and at no time shall more than one of the other two members appointed under paragraph (1) of subsection (b) or more than two members appointed under paragraph (3), (4), or (5) of subsection (b) be individuals who are of the same political affiliation.

(e) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(f) Nine members of the Commission shall constitute a quorum, but the Commission may establish a lesser number to constitute a quorum for the purpose of holding hearings.

DUTIES OF THE COMMISSION

SEC. 4. The Commission shall study and investigate the current organization and methods of operation of all departments, agencies, and independent instrumentalities of the executive branch of the Government, and if, in the opinion of the Commission it is necessary, the legislative and judicial branches of the Government, to determine what changes therein are necessary to—

(1) alter the current methods of operation of the executive branch of the Government to solve any major problems which the Commission may identify as impediments to the proper functioning of the operation of the executive branch;

(2) provide means whereby the methods of operation of the executive branch of the Government may be adapted to a rapidly changing society;

(3) insure that the methods of operation of the executive branch of the Government do not interfere with the individual freedoms of citizens of the United States;

(4) improve the capacity of the executive branch of the Government to make and implement public policy; and

(5) provide competent personnel to transact the public business.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 5. (a) The Commission may, in carrying out its duties under this Act, sit and act at such times and places, hold such hearings, take such testimony, administer such oaths, have such printing and binding done, and make such expenditures as the Commission deems advisable.

(b) Subject to such rules and regulations as may be adopted by the Commission, the Commission shall have the power—

(1) to appoint and fix the compensation of an executive director, and such additional staff personnel as it deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(c) The Commission may acquire directly from the head of any department, agency, or independent instrumentality, including the Advisory Commission on Intergovernmental Relations, of the executive branch of the Government, available information which the Commission deems useful in the discharge of its duties. The Commission is authorized and directed to request such information from the appropriate officials of the legislative and judicial branches of the Government. All departments, agencies, and independent instrumentalities, including the Advisory Commission on Intergovernmental Relations, of the executive branch of the Government and the appropriate officials of the legislative and judicial branches of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

(d) The Commission is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

COMPENSATION OF MEMBERS

SEC. 6. (a) The Chairman of the Commission shall receive compensation at a rate equal to that for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the Vice Chairman shall receive compensation at a rate equal to that for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) All other members of the Commission shall each receive compensation at the rate of $200 for each day such member is engaged in the performance of the duties vested in the Commission.

(c) All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred in connection with their activities as members of the Commission.

REPORTS

SEC. 7. (a) The Commission shall submit to the President and to the Congress such interim reports as it deems advisable, and, not later than thirty months after the appointment of all of the members of the Commission, a final report together with its findings and recommendations, including proposals for constitutional amendments, legislation, and administrative action, as may be necessary to carry out its recommendations.

(b) The Commission shall cease to exist ninety days after the submission of its final report.

TIMELINESS OF APPOINTMENTS

SEC. 8. It is the sense of the Congress that the appointments of individuals to serve as members of the Commission be completed within ninety days after the date of enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There is authorized to be appropriated, without fiscal year limitation, the sum of $10,000,000, to carry out the provisions of this Act.

By Mr. STEVENS:

S. 549. A bill for the relief of Alaska Methodist University in Anchorage, Alaska; to the Committee on Banking, Housing, and Urban Affairs.

Mr. STEVENS. Mr. President, I am today introducing legislation to give the Alaska Methodist University in Anchorage, Alaska, greater flexibility to function as an independent university. This bill would grant AMU forgiveness on indebtedness to the Department of Housing and Urban Development for service payments on the dormitories and the student union building.

Alaska Methodist University was founded in 1959. It is a small accredited university emphasizing studies in the liberal arts, business administration, and nursing. AMU is located on 505 acres and consists of 8 buildings, including 3 dormitories that house about 165 students and a student union building. AMU is the only 4-year independent university located in the entire State of Alaska.

Alaska Methodist University is presently undergoing a complete reorganization which is quite unique in higher education in America. Faced with extreme financial difficulties, AMU has zealously begun to reorganize and plan for a new future as an effective post-secondary institution.

Presently AMU is about 2 years delinquent in meeting HUD payments on the dormitories and the student center building. If AMU is to survive as a viable, and most of all, independent university, it must be allowed the flexibility to plan with a clean slate. If not, its future will be highly doubtful. In fact without this flexibility, the university would almost assuredly be forced to close its doors as an independent institution.

Mr. President, I would like to emphasize that AMU has the ability to continue functioning as an educational entity. Administratively, AMU is in the process of reorganizing its fiscal management affairs. Furthermore, there is the desire among Alaskans to see the continued operation of the only independent university in the State's largest city and population center. AMU is close to the lives of many Anchorageites and public opinion toward the university is very supportive.

No other State has as many unmet education needs as does Alaska. We have the opportunity to see that these needs are developed. This bill that I am introducing today will be a great step toward helping to meet the higher education needs for the present and the future.

I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall cancel the unpaid principal amount, together with any accrued interest, of the obligation of Alaska Methodist University in Anchorage, Alaska, to the United States insofar as such obligation applies to the construction or purchase of the student union building and dormitories of such university.

By Mr. STEVENS:

S. 550. A bill to further amend the act of March 12, 1914, as amended, to authorize the financing of capital improvements on the Alaska Railroad; to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, for more than 50 years the Alaska Railroad has been a vital segment of Alaska's transportation system. Running between Seward and Fairbanks and serving the major population center of Anchorage, it is the primary transportation link to Alaska's interior. Alaska's bush population relies on the passenger and freight services which the railroad provides. It has been a prime mover of pipeline construction material, and will certainly be involved in future Alaskan projects of similar magnitude.

It has been a long, hard road for the Alaska Railroad. The problems of poor performance, derailments, and loss of railroad traffic affect our railroad as they have the other railroads in the Nation. The Federal Government, although often critical of the management practices of the Nation's privately owned railroads has not provided adequately for its own railroad. The Alaska Railroad is experiencing the grave problem of deferred maintenance. Additional rolling stock is needed and much of what is available now is obsolete. Considering the constraints under which the Alaska Railroad operates, the job they have done in rebuilding cars and engines in keeping this railroad moving can only be termed as miraculous.

If the Alaska Railroad is to survive as a healthy transportation system, I think it is clear that both ties and rails must be replaced and other fixed facilities must be maintained. Much of the Alaska Railroad's roadbed and track have not been rehabilitated since the early 1950's. Estimates of deferred maintenance for track and roadbed run as high as $50,000,000. An average of 65,000 railroad ties should be replaced on the Alaska Railroad every year. The current yearly replacement rate is only about 8,000. Additionally, the repair work on bridges and tunnels is absolutely vital and cannot be deferred much longer.

The railroad continues to be in great need of rolling stock. It has locomotives in service which are over 20 years old and railcars which are over 50 years old. A Federal Railroad Administration study released in 1974 recommended that the Alaska Railroad acquire 1,870 new cars and 15 locomotives to fulfill its traffic and revenue opportunities. In the past 2 years since this study, slight progress has been made in replacing and purchasing some of this rolling stock. However, the need for new cars is still compelling.

In direct response to these problems,

the Appropriations Committee has included money in the Department of Transportation appropriation bills during the past 2 fiscal years for the Alaska Railroad. These appropriations, however, only provided for the railroad's most urgent needs. What is needed is a long-term plan to correct deferred maintenance, acquire new rolling stock, and to provide for the optimum performance of the Alaska Railroad.

The legislation which I introduce today would help correct the situation which presently exists. It would give the railroad the opportunity to incur obligations backed by the United States for capital replacements, improvements, and maintenance. Not only would this measure give the Alaska Railroad a more independent status in managing its own affairs, it would more importantly allow the railroad to maximize market opportunities, and generate revenues.

Mr. President, in the next few years, the Alaska Railroad will be asked to increase its handling capacity to meet the demands of an expanding Alaskan economy. If the railroad is going to provide this service and remain as a healthy transportation system, something must be done now. A continued policy to defer maintenance and to operate obsolete rolling stock will cause the Alaska Railroad to follow the same plight which has befallen too many of our Nation's railroads.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 12, 1914, as amended, is hereby further amended by adding a new section 5 as follows:

"§ 5. Capital improvements

"(a) Notwithstanding the provisions of section 665 of title 31, and section 5 of title 41, or any other provision of law to the contrary, to finance capital improvements on the Alaska Railroad or to acquire by purchase or lease, rolling stock or other necessary equipment, the Secretary of Transportation ('Secretary') is authorized to borrow money for such purposes; lease for a term of years rolling stock or other necessary equipment; issue evidence of indebtedness or other obligations; and pledge or mortgage the properties of the railroad, including revenues to secure payment of the obligations.

"(b) Obligations or leases issued or entered into by the Secretary on behalf of the railroad shall have a maturity date or term as the case may be, including all extensions and renewals thereof, no later than twenty years from the date of issuance, or the useful life of the property acquired or leased, whichever shall be the earlier. The total face value of all obligations issued by the Secretary for such purposes shall not exceed $150,000,000.

"(c) All obligations issued by the Secretary under this section shall constitute general obligations of the United States of America backed by the full faith and credit of the Government of the United States of America.

"(d) In the event the revenues of the railroad, after payment of all operating expenses, are insufficient to make payment of principal and interest or rental due on any obligations issued by the Secretary, the Secretary shall pay to the holders of the obligations the amounts due and payable on such obligations. The Secretary shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations sufficient to meet the payments due on obligations issued by the Secretary, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States on comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. There are authorized to be appropriated to the Secretary sums as may be necessary to pay the principal and interest on the notes or obligations issued by him to the Secretary of the Treasury."

By Mr. HUMPHREY (for himself, Mr. KENNEDY, Mr. MATSUNAGA, and Mr. ABOUREZK):

S. 551. A bill to provide for grants to States for the payment of compensation to persons injured by certain criminal acts and omissions, and for other purposes; to the Committee on the Judiciary.

VICTIMS OF CRIME ACT OF 1977

Mr. HUMPHREY. Mr. President, today, Senator KENNEDY, Senator MATSUNAGA, Senator ABOUREZK and I are introducing the "Victims of Crime Act of 1977."

The number of violent crimes has increased an astounding 259 percent since 1960. Since 1970, the number of violent crimes has increased by nearly 40 percent. These are crimes in which innocent victims are assaulted, maimed, or murdered. Many of the victims are the poor or the elderly—people who can least afford to be hospitalized or out of work. They make very few demands and very little noise. Yet, the injuries they sustain can be economically devastating. The hardship they are forced to bear, through no fault of their own, can leave them destitute. We cannot undo the harm they suffer. But we can and should ease the financial burden they suffer.

That is the purpose of the "Victims of Crime Act of 1977." This act authorizes the Attorney General to make annual grants to qualifying State programs of 50 percent of the costs of compensating victims of State crimes, and 100 percent of the costs of compensating victims of Federal crimes, excluding administrative expenses.

This compensation would be provided for, first, reasonable expenses incurred by the victim for medical, dental, and psychiatric services; second, reasonable expenses incurred by the victim for physical and occupational therapy and rehabilitation; and, third, the loss of earnings within specified limits.

State participation is voluntary; they are not required to establish a crime victim compensation program by this legislation. Any State that seeks funds under this act, is required to submit an application to the Attorney General describing their program; and it must be approved by him before any funds are released. Only victims who sustain personal injuries as the result of qualifying crimes, and surviving dependents of individuals whose deaths are the result of qualifying crimes, will be entitled to compensation.

There are several reasons why I believe this bill should be enacted into law. First, when innocent victims are injured during the commission of a violent crime, it is because our law enforcement agencies have been unable to provide adequate protection. That is the bottom line. Our soaring crime rate is due to many factors—some far less well understood than others. One thing we do know, however, is that we have been unable to protect our citizens from the wave of crime sweeping the country. Until our law enforcement agencies have the resources and programs to adequately protect American citizens from crime, the least this Government can do is to ease the financial hardships these victims suffer as a result.

An equally important reason for supporting the bill is that it helps to combat the victim's sense of alienation and anger at society—it will encourage citizen participation with law enforcement agencies. Furthermore, this legislation is particularly necessary now. Many of the 20 States with established compensation programs are facing serious budgetary problems; the funding of their programs is endangered and there is a real need for Federal assistance.

Mr. President, the Federal Government spends almost $8,000 annually for food, clothing, medical services, psychiatric care, vocational training and general administrative costs for the rehabilitation of violent offenders. Yet, we make little effort to provide for the victims of their criminal acts. I want to see that situation corrected. I want to see crime victims treated at least on a par with the criminal—if we can afford to care for criminals, we can certainly afford to care for their victims as well.

Mr. President, I ask unanimous consent that the text of the Victims of Crime Act of 1977 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Victims of Crime Act of 1977".

ADMINISTRATION

SEC. 2. (a) The Attorney General of the United States (hereinafter in this Act re-

ferred to as the "Attorney General") shall administer the provisions of this Act. The Attorney General shall not delegate primary responsibility for administering the provisions of this Act unless such delegation is made to an individual who is compensated at the rate provided for level II, III, IV, or V of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code.

(b) There is established within the Department of Justice an Advisory Committee on Victims of Crime (hereinafter in this Act referred to as the "Committee") which shall advise the Attorney General with respect to the administration of this Act and the compensation of victims of crime. The Committee shall consist of nine members, one of whom shall be designated the Chairman, all appointed by the Attorney General. Seven members of the Committee shall be officials of qualifying State programs (as defined in section 7). The Committee shall meet at least two times each year, and at such other times as the Attorney General may direct. The term of office for each member of the Committee shall be one year. The Committee shall remain in existence as long as this Act is in effect.

(c) While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel and transportation expenses, including per diem allowance, in the same manner and to the same extent as persons employed intermittently in the Government service are allowed travel and transportation expenses under subchapter I of chapter 57 of title 5, United States Code.

POWERS OF THE ATTORNEY GENERAL

SEC. 3. (a) In accordance with the provisions of this Act, the Attorney General—

(1) shall make an annual grant to each qualifying State program; and

(2) may make, in addition to any grant under paragraph (1), supplemental grants to any qualifying State program.

(b) Except as otherwise provided in section 5, the Attorney General shall pay to each qualifying State program in any fiscal year for all grants made under subsection (a) an amount equal to—

(1) 100 percent of the cost incurred by such State of paying compensation during such fiscal year for all qualifying crimes described in paragraph (7)(B) of section 7; and

(2) 50 percent of the cost incurred by such State of paying compensation during such fiscal year for all qualifying crimes described in paragraph (7)(A) of section 7.

For purposes of this subsection, the Attorney General shall determine and apply the cost of paying compensation at the time such compensation is paid by any State or agency thereof. The Attorney General shall not have the power to modify the disposition of any individual claim which has been processed under any qualifying State program.

(c) For the purpose of carrying out the provisions of this Act, the Attorney General is authorized.

(1) to make such rules as are necessary to carry out the provisions of this Act;

(2) to revise or approve any application for an annual grant under this Act and, in the case of a State program which does not qualify under the provisions of section 4, to deny such application;

(3) to deny, revise or approve any application for a supplemental grant under this Act; and

(4) to promulgate rules and regulations regarding the data to be kept by State programs receiving funds under this Act and the manner in which this data shall be reported to the Attorney General.

QUALIFICATIONS OF STATE PROGRAMS

SEC. 4. (a) Any State expecting to receive payments for any fiscal year to carry out a State program under this Act shall submit to the Attorney General an application describing such program in accordance with the provisions in subsection (b) at such time and in such form as the Attorney General shall require by regulation.

(b) A State program for the compensation of victims of crime qualifies for grants under this Act if the Attorney General finds that such program is in effect in such State on a statewide basis during any part of the Federal fiscal year with respect to which grants are to be made and that such program meets the following criteria:

(1) The program offers—

(A) compensation for personal injury to individuals who suffer personal injuries which are the result of qualifying crimes; and

(B) compensation to any surviving dependent of individuals whose deaths are the result of qualifying crimes.

(2) The program provides any aggrieved claimant the opportunity for a hearing and administrative or judicial review of any decision made in such hearing.

(3) the program requires as a condition for compensation that claimants cooperate with appropriate law enforcement authorities with respect to the qualifying crime for which compensation is sought.

(4) There is in effect in the State a requirement that appropriate law enforcement agencies and officials exercise reasonable care to insure that victims of qualifying crimes are informed of—

(A) the existence in the State of a program of compensation for injuries sustained by victims; and

(B) the procedure for applying for compensation under that program.

(5) There is in effect in the State a law or rule that the State is subrogated to any claim the victim, or any dependent of the victim, has against the perpetrator of the qualifying crime for damages resulting from the qualifying crime, to the extent of any money paid to the victim or dependent by the program.

(6) The program does not require claimants to seek or accept any welfare benefits, unless such claimant were receiving such benefits prior to the occurrence of the qualifying crime giving rise to the claim.

LIMITATIONS ON FEDERAL GRANTS

SEC. 5. In computing the cost of paying compensation in any fiscal year for the purpose of establishing the amount of grants to be paid to any qualifying State program as provided under section 3, there shall be excluded from such cost any amount for administrative expenses incurred in carrying out such program and any amount representing a State compensation award—

(1) for pain and suffering;

(2) for property loss;

(3) to a victim, or to all the surviving dependents of a victim, to the extent that such amount exceeds $50,000;

(4) to any claimant who has received or who is entitled to receive compensation from any other source, to the extent of the amount of such compensation;

(5) for lost earnings in excess of $200 per week for each claimant;

(6) to any claimant who failed to file a claim with the qualifying State program within one year after the occurrence of the qualifying crime, unless good cause for such failure to file has been found by the appropriate State agency; and

(7) to any claimant who failed to report the qualifying crime to law enforcement authorities within seventy-two hours after the occurrence of such qualifying crime, unless good cause for such failure to report has been found by the appropriate State agency.

REPORT OF THE ATTORNEY GENERAL

SEC. 6. Not later than one hundred and thirty-five days after the end of each Federal fiscal year in which grants were made to qualifying State programs under this Act, the Attorney General shall publish and submit to the Committees on the Judiciary of the House of Representatives and the Senate a report which shall include—

(1) with regard to each qualifying program—

(A) the number of persons compensated under such program;

(B) a statistical presentation of—

(i) the kinds of loss compensated;

(ii) the range in monetary value of claims awarded;

(iii) the reason for denial of claims, including the number of claims denied for failure to qualify under a State imposed means test; and

(iv) the types of qualifying crimes which resulted in claims;

(C) a description of the administrative mechanisms and procedures used by such program in processing claims, including claims for emergency assistance if such program provides for such assistance;

(D) the time required under such program to process claims, including claims for emergency assistance if such program provides for such assistance;

(E) efforts taken by each State to publicize such program;

(F) administrative expenses incurred by such program; and

(G) the number of qualifying crimes described in paragraph (7)(B) of section 7 which are compensated under such program.

(2) with regard to the activities of the Attorney General in carrying out the provisions of this Act—

(A) an itemized statement of expenditures;

(B) copies of all rules promulgated pursuant to section 3 (c); and

(C) projected expenditures for the Federal fiscal year in which the report is required to be submitted.

DEFINITIONS

SEC. 7. As used in this Act, the term—

(1) "claim" means a written request for compensation made by or on behalf of a victim or any surviving dependent of a victim;

(2) "dependent" means, with respect to any State compensation program, any dependent as defined by such State for purposes of such program;

(3) "personal injury" means actual bodily harm, including pregnancy, mental distress, and nervous shock;

(4) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory of the United States;

(5) "compensation for personal injury" means compensation for loss which is the result of personal injury, including—

(A) all appropriate and reasonable expenses necessarily incurred for ambulance, hospital, surgical, nursing, dental, prosthetic, and other medical and related professional services and devices relating to physical or psychiatric care, including non-medical care and treatment rendered in accordance with a method of healing recognized by the appropriate State agency;

(B) all appropriate and reasonable expenses necessarily incurred for physical and occupational therapy and rehabilitation; and

(C) loss of past and anticipated future earnings;

(6) "property loss" does not include expenses incurred for medical, dental, surgical or prosthetic services and devices;

(7) "qualifying crime" means—

(A) any act or omission which is criminally punishable under any statute of a State and

which such State designates as appropriate for compensation under its qualifying State; or

(B) any act or omission which is criminally punishable under any statute of the United States and which any State designates as appropriate for compensation under its qualifying State program;

(8) "administrative expenses" includes any fee awarded by the State agency administering a qualifying State progarm to any claimant's attorney, if such fee is paid in addition to, and not out of, the amount of compensation awarded to such claimant; and

(9) "qualifying State program" means a program established by any State which meets the requirements in section 4 of this Act.

AUTHORIZATION

SEC. 8. For the purpose of carrying out the provisions of this Act, there are authorized to be appropriated $40,000,000 for the fiscal year ending September 30, 1978, $50,000,000 for the fiscal year ending September 30, 1979, and $60,000,000 for the fiscal year ending September 30, 1980.

EFFECTIVE DATE

SEC. 9. Grants may be made under this Act with respect to the fiscal year which ends September 30, 1978, and succeeding fiscal years.

Mr. MATSUNAGA. Mr. President, I am today joining my distinguished colleagues, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Massachusetts (Mr. KENNEDY) in introducing legislation designed to provide assistance to States for the purpose of compensating victims of crime.

In 1965, I was one of the first Members of Congress to introduce legislation providing for compensation to crime victims. At that time, the proposal was quite a novel idea with only one State, California, having an operational victims compensation program. However, in the years following 1965, the idea of State assistance for victims of crime attracted much wider attention.

As a direct result of our Nation's sharply increasing crime rate and the growing number of innocent crime victims, many States, including my home State of Hawaii, established State programs providing for compensation to victims of crime. As of 1976, a number of States have enacted crime victim legislation, bringing the total number of State victim compensation programs to 17. In addition, 11 other States have either inactive programs awaiting Federal assistance or have legislation pending in their respective State legislatures.

In either case, Mr. President, these States and many others are waiting for Congress to provide Federal grants for victims compensation programs. As many of my colleagues know, the Senate has taken the leadership role in recognizing the need for victims compensation by passing crime victim compensation bills in each of the past three Congresses. Last year, the Senate passed S. 1399, a bill introduced by Senator Mansfield. Unfortunately, a similar bill, which I cosponsored, was not considered by the other body.

Mr. President, my colleagues and I, who are introducing the "Victims of Crime Act of 1977," ask that the distinguished Members of this body once again recognize the pressing need for Congress to enact a comprehensive crime victims compensation measure. In recent years, we have all witnessed the rising tide of crime in this country. According to FBI statistics, serious crimes rose nearly 9 percent in 1975, reaching an all time record of 11 million serious crimes for that period. As individual citizens, and as a nation, we suffer heavily from the damaging effects of crime. Federal, State and local law enforcement agencies have responded to this increase in crime by spending nearly $15 billion per year on police, courts, prisons and rehabilitation programs in an effort to combat and discourage crime at all levels of our criminal justice system.

However, Mr. President, of this annual crime prevention expenditure, less than 1 percent is allocated to assisting the innocent victims of crime—people who have had the misfortune to be injured as the result of a senseless criminal act.

Mr. President, the need to assist States in compensating victims of crime is extremely clear in the light of our Nation's growing crime problem. However, this need has become even more pressing when we take into account the multiple effects of crime upon a victim. It has been established through studies by both Houses of Congress that neither private means such as insurance, private law suits, and charities, or present governmental welfare programs offer adequate reimbursement to the innocent crime victim for injuries incurred as the result of a crime. The short term effect of a crime upon a victim may be only personal injury. However, what has become the most devastating blow to the victim is the long term financial injury caused by time lost from work without pay and the high cost of medical care. Indeed, the financial injury to most Americans victimized by crime is a heavy burden to carry, particularly at a time when high unemployment, inflation, and high prices for housing and consumer goods provide the economic climate of our Nation.

At the same time, Mr. President, we have become increasingly aware in recent months that the increase in the crime rate in the United States has been directed toward a specific segment of our population—the elderly. America's senior citizens are not only defenseless against criminal assault, but also are extremely vulnerable to financial injury because a great number of them are living on a fixed income. Recent studies conducted during the 94th Congress have shown that our Nation's elderly—in excess of 20 million Americans—have become the primary victims of common street crimes such as muggings, purse snatchings, and assaults. Law enforcement agencies across the country have testified that persons over 60 years of age have been victims of street crimes at a rate much higher than the rate for other age groups.

Mr. President, it is clear that physically, psychologically, and financially, our Nation's elderly who have been victimized by crime suffer more hardships than any other group of Americans. Too many times in the past year have we heard of the plight of elderly couples who have been forced by crime and fear of crime to either move from the neighborhoods that they have lived in all of their lives or to begin a self-imposed imprisonment within their homes. While we should make the prevention of crime against the elderly a high priority of our law enforcement agencies, I believe that State governments in conjunction with the Federal Government must provide financial assistance in the form of compensation to the elderly as well as all other victims of serious crimes.

Mr. President, the legislation that we have introduced today is designed to reach this end. Our bill will entitle State victims compensation programs to 50 percent Federal reimbursement for crimes occurring in State jurisdictions and 100 percent Federal reimbursement for certain crimes occurring in Federal jurisdictions. In addition, the bill sets forth strict guidelines that State programs must meet in order to qualify for Federal assistance, such as guaranteeing victims the right to a hearing and requiring State law enforcement officials to inform crime victims of State compensation programs. While Federal funds for this legislation will be administered by the Attorney General and an Advisory Committee on Victims of Crime, the States will retain full responsibility for establishing, implementing, and administering their own victims compensation programs.

Mr. President, I would like to invite my colleagues to join us in cosponsoring this legislation. We are confinent that the enactment of our bill will not only assist and encourage all 50 States to establish victims compensation programs, but it will also mean a final recognition of society's responsibility to protect its citizens and upon its failure to do so, to compensate them for their injuries. It will be a giant step forward in our criminal justice system.

By Mr. DOMENICI:

S. 553. A bill to enlarge the boundary of the Cibola National Forest; to the Committee on Interior and Insular Affairs.

Mr. DOMENICI. Mr. President, today I am introducing legislation to amend the boundaries of the Cibola National Forest, New Mexico.

This bill would enlarge the boundaries of the Cibola National Forest to include the addition of four separate tracts adjacent to it within the Forest Service boundaries.

The first tract contains 4,556 acres, all of which are owned by the United States. Most of the area is forested with a very small portion open to grassland. From 1912 until 1954 this area had National Forest status; however, it was transferred to the Department of the Army, Corps of Engineers to become a part of the Fort Wingate Army Depot. The corps no longer has need for the area, and has declared it excess to their needs.

The second area contains 14,476 acres and 9,760 acres are Federal lands. The State of New Mexico owns 1,280 acres, and 3,436 acres are privately owned.

The third area contains 520 acres of land owned by the city of Albuquerque. The city purchased this land to prevent commercial or residential development.

The fourth tract contains about 6,578 acres and is part of the Elena Gallegos grant. This is an area that the people of Albuquerque place a very high priority on acquiring for inclusion in the National Forest Service.

Mr. President, the House of Representatives passed a measure similiar to this bill in the 93d Congress. During the 94th Congress the Senate passed a similar measure; however, the House was unable to act on it last year.

I hope that the Senate will take affirmative action on this legislation again this year at the earliest possible date. The bill has wide-range support in the State of New Mexico.

By Mr. RIBICOFF (for himself, Mr. PERCY, Mr. JAVITS, Mr. WEICKER, Mr. ABOUREZK, Mr. KENNEDY, Mr. CHAFEE, Mr. CHILES, Mr. CLARK, Mr. GLENN, Mr. HUMPHREY, Mr. LUGAR, Mr. MATSUNAGA, Mr. METCALF, Mr. MUSKIE, Mr. NUNN, Mr. SARBANES, Mr. STEVENS, and Mr. ZORINSKY):

S. 555. A bill to establish certain Federal agencies, effect certain reorganizations of the Federal Government, to implement certain reforms in the operation of the Federal Government and to preserve and promote the integrity of public officials and institutions, and for other purposes; to the Committee on Government Operations and, if and when reported from that committee, then to the Committee on the Judiciary for not to exceed 30 days to consider title I, by unanimous consent.

PUBLIC OFFICIALS INTEGRITY ACT OF 1977

Mr. RIBICOFF. Mr. President, on behalf of Senators PERCY, JAVITS, WEICKER, ABOUREZK, KENNEDY, myself and a number of other Senators, I introduce the Public Officials Integrity Act of 1977. This legislation is very similar to the Watergate Reorganization and Reform Act of 1976 (S. 495) passed by the Senate last year. A great deal of the credit for the legislation introduced today must be given to the Senate Select Committee on Presidential Campaign Activities—the Watergate Committee. That committee, under the outstanding leadership of Senator Ervin, uncovered and unraveled most of the Watergate abuses. The Nation owes an enormous debt of gratitude to that committee, and particularly to Senator Ervin, for bringing the Watergate abuses to public attention.

The culmination of the Ervin committee's work was a massive report detailing all of its major findings. At the conclusion of that report, the Ervin committee recommended enactment of a series of reforms to prevent further abuses of our political process. A number of the principal recommendations of the Ervin committee report are the basis of the Public Officials Integrity Act of 1977 I am introducing today.

Legislation basically containing these recommendations was first introduced late in the 93d Congress by Senator Ervin. At the beginning of the 94th Congress, Senator PERCY and I, along with a number of other interested Senators, reintroduced Senator Ervin's legislation (S. 495) so that the work begun by Senator Ervin in the Government Operations Committee could continue.

Over a period of 14 months during the 94th Congress, the Committee on Government Operations heard oral testimony from 20 witnesses during 7 days of hearings and received written comments from numerous Government agencies and distinguished members of the American legal and academic communities. As a result of that study, S. 495 was substantially redrafted and improved and was unanimously reported by the Senate Government Operations Committee to the Senate floor. In July of last year, the Senate overwhelmingly passed this legislation by a vote of 91 to 5.

Unfortunately, there was not enough time for the House of Representatives to act on this very important and complex legislation last year. However, the proposals contained in some portions of this legislation have already been endorsed by key members of the House of Representatives. Legislation almost identical to the provisions of the Public Officials Integrity Act of 1977 dealing with the appointment of temporary special prosecutor is being introduced in the House of Representatives today by Congressman MANN, chairman of the Subcommittee of the House Judiciary Committee with jurisdiction over such matters. Financial disclosure legislation almost identical to title III of the Watergate bill passed by the Senate last year has already been introduced in the House by Congressmen KASTENMEIER and RAILSBACK and that bill already has 131 House cosponsors.

Mr. President, for the greater part of 2 years, in our recent past, our attention was focused on Watergate—hardly a day passed without the evening news carrying some new development. The rush of Watergate events drowned out almost everything else.

Fortunately, that period is now behind us. With the completion of the Watergate trial, the Nation has been able to devote its full attention to other areas of critical importance—energy, the economy, and employment.

But the fact that the Watergate period is over does not mean that the need for reform is past. Unless we meet our responsibility to enact—and enact soon—remedial legislation based on our Watergate experiences, we will not have learned our lesson from that sad historical experience and we will not have done our part to make a recurrence of such an experience less likely.

This lesson was emphasized in the final report of the Senate Watergate Committee. Over the last few years, this same concern has been expressed by the American Bar Association in its recommendations on "Preventing Improper Influence on Federal Law Enforcement Agencies" and in the Watergate special prosecution force final report. The time for action is now.

In another sense we are now in an especially good position to act on these recommendations. Because some time has passed since the trauma of the Watergate events, we are able to step back from the emotion and the immediate political effects of those events, and calmly and dispassionately consider the need for any reform and the proper shape any reforms should take. In addition, a Presidential election has recently taken place during which many of the proposals in this legislation were extensively discussed by the candidates. President Carter made the need for a temporary special prosecutor and the need for financial disclosure issues in his campaign. Therefore, there was an opportunity for the people to discuss these issues and express their views as to what reforms, if any, are justified. Because of the new President's interest in this area I, as chairman of the Government Operations Committee and the principal sponsor of this legislation, intend to seek the advice of the new administration and cooperate with the new administration in every way possible in pursuing this legislation.

Title I of the Public Officials Integrity Act of 1977 is a synthesis of ideas and recommendations from a number of distinguished individuals and organizations. These individuals and organizations sought to provide the impetus and focus for consideration of how to improve the handling of Government corruption cases. During the hearings on S. 495 last session in both the Senate and House of Representatives, almost every witness recognized that sufficient priority and resources have not been devoted to this problem in the past and that there can be a serious conflict of interest when the Department of Justice attempts to investigate or prosecute high-level members of the administration.

Under the Watergate reform legislation passed by the Senate last year, a permanent office of special prosecutor would have been created. This proposal was finally agreed upon after the proposal of the Senate Government Operations Committee for a temporary special prosecutor was strongly opposed by former President Ford and former Attorney General Levi. However, the legislation developed by Congressman Hungate in the House Judiciary Committee's Subcommittee on Criminal Justice followed the temporary special prosecutor approach. The temporary special prosecutor approach has also been endorsed by the American Bar Association, the Citizens Committee for Watergate Reform, the Watergate special prosecution force final report, Senator Ervin, Sam Dash, former chief counsel to the Watergate Committee, former special prosecutors Archibald Cox, Leon Jaworski, and Henry Ruth, Common Cause and, very importantly, President Carter and Attorney General Bell.

Therefore, title I of the legislation I am introducing today calls for the creation of a mechanism for the court appointment of a temporary special prosecutor when needed. In drafting this legislation, I relied on the excellent work last session of Congressman Hungate's Criminal Justice Subcommittee of the House Judiciary Committee, the work of the American Bar Association, and the

efforts of the Senate Government Operations Committee in this area in previous years.

This legislation calls for the court appointment of a temporary special prosecutor in the extraordinary cases where the President or the Attorney General has a serious conflict of interest. Thus, in situations where certain high-level members of the present administration are the subject of serious criminal allegations, the Attorney General will be directed by this legislation, after conducting a preliminary investigation to determine whether allegations of criminal conduct are frivolous, to request that the U.S. Court of Appeals for the District of Columbia appoint a temporary special prosecutor to handle that investigation and any resulting prosecution. The second part of title I calls for the creation of an Office of Government Crimes in the Department of Justice to provide the needed coordination and resources for the Department of Justice to effectively handle Government corruption cases not referred to a temporary special prosecutor and the enforcement of the lobbying and election laws.

Title II of the Public Officials Integrity Act of 1977 deals with the integrity of our constitutional system of government and of the separation of powers between the three coequal branches of that government. This title creates an Office of Congressional Legal Counsel to represent the Congress in matters before the courts. It is a fact of life that controversies involving the constitutional powers of Congress are now more often before the courts. Just in the last few years landmark decisions have been handed down by the courts defining the scope of the speech or debate clause of the Constitution, affecting the ability of Members of Congress to communicate with their constituents, and limiting the exercise of Congress investigatory powers. The Justice Department has traditionally represented Congress in the courts—however, in more and more cases the Justice Department's interests as lawyer for the executive branch conflict with the interests of Congress. Therefore, there is a need for Congress to have its own legal counsel to handle this representational duty.

The proposal for a congressional legal counsel was contained in the Watergate Reorganization and Reform Act of 1976 passed by the Senate last year. The congressional legal counsel proposal received broad based bipartisan support at that time. This proposal is a culmination of years of legislative effort by former Senator HARTKE, Vice President MONDALE during his years in the Senate, and Senators JAVITS, HUMPHREY, and ABOUREZK. In drafting and shaping this legislation, I am very grateful for the efforts and cooperation of Senator ABOUREZK'S Separation of Powers Subcommittee of the Judiciary Committee.

Title III of the Public Officials Integrity Act states that it is the policy of the United States to have uniform requirements for public financial disclosure applicable to high-level officials in all three branches of the Federal Government.

A simple understandable comprehensive public financial disclosure statute covering all high-level Federal Government officials is needed. Existing financial disclosure requirements are inconsistent and inadequate. Some top officials, such as the President, Vice President and Supreme Court Justices, are not required to make any financial disclosures whatsoever. High-level officials in the executive branch are required to make confidential financial disclosures to the head of their agency. However, the General Accounting Office has found these statements are often not filed. When filed, the statements are not adequately reviewed by the agency, and when reviewed, the existing conflict-of-interest regulations are not effectively enforced. Members of Congress and congressional employees are required to make limited public financial and more extensive confidential financial disclosure. The latter is only looked at in the course of an investigation of wrongdoing. The limited financial disclosure requirements applicable to the Federal judiciary are voluntary and only cover judicial income—not the identity of substantial assets which could present a conflict of interest.

Title III of the Watergate bill passed by the Senate last year contained detailed financial disclosure requirements uniformly applying to officials in all three branches of the Government. Those provisions were an attempt to carefully balance the public's legitimate interest in information about the personal financial interests of a public official with the legitimate rights of privacy of all citizens including public officials.

Since Senate consideration of the Watergate bill last year, considerable progress has been made in this area.

Again in the recent election, the public clearly stated that it desires that its public officials make a public disclosure of the identity of any financial income or interest which could present a conflict of interest. President Carter, in his statement on conflicts of interest and ethics and his appointees' guidelines covering high-level executive branch employees, has taken significant steps to provide for effective financial disclosure. Also, the report of the Commission on Executive, Legislative and Judicial Salaries strongly supported the enactment of legislation to require public financial disclosure by high-level officials in all three branches of the Federal Government.

There have also been very significant recent efforts in both the House of Representatives and the Senate to consider the need for greater public financial disclosure by the Members of those bodies. I am a member of the Senate Special Committee on Official Conduct, under the excellent leadership of Senators NELSON and THURMOND, which committee has been directed by the Senate to develop by March 1 a code of official conduct, including financial disclosure requirements, applicable to Members, officers and employees of the Senate. The Nelson committee is today beginning public hearings on this very important subject.

Because of the work now being done by the Nelson committee, no specific requirements for public financial disclosure are included in the Public Officials Integrity Act of 1977. However, title III states clearly that uniform financial disclosure requirements applicable to high-level officials in all three branches of the Federal Government are needed. As soon as it is appropriate, such financial disclosure requirements which are not inconsistent with the requirements adopted by the Senate as a result of the work of the Senate Special Committee on Official Conduct, will be added to title III of the Public Officials Integrity Act of 1977.

Mr. President, I hope the Senate will seize the opportunity to work with President Carter and the House of Representatives to quickly enact the very important reform proposals contained in the Public Officials Integrity Act of 1977.

Mr. WEICKER. Mr. President, I join today with Senators RIBICOFF and PERCY in the introduction of the Public Officials Integrity Act of 1977.

This legislation is similar to that which was reported by the Government Operations Committee and considered by the Senate in the last session as the Watergate Reorganization and Reform Act. While the title of the bill has been changed, its basic intent has never changed. It remains the purpose of this proposal to preserve and promote the impartial administration of justice.

No one legislative measure can provide our constitutional government with complete insulation from those who would pervert its processes and threaten its foundation. However, we can set in law mechanisms which reduce the danger of political interference in law enforcement. We can require that our chief law enforcement officer conduct himself according to the highest standards of professional responsibility.

To accomplish these ends we call for a device whereby a temporary special prosecutor would be appointed by a court of laws to investigate and prosecute those cases in which the interests of the Attorney General or the President are too great to guarantee impartiality. In addition, we establish within the Justice Department an Office of Government Crimes to which cases involving misconduct of Government officials would be quickly referred for prosecution.

For a new administration pledged to restoring public confidence in Government, this bill is a logical first step. With full financial disclosure by Government officials and guarantees that Government crimes will be dealt with fully and fairly, the American people can once again start to trust those they elect to public office.

I am hopeful that we will have speedy enactment of this legislation, for, as we stand here today, similar legislation is being introduced across the Hall in the House of Representatives. Both the President and the Attorney General have indicated their support and I look forward to working with them to begin a new page in the history of American justice.

Mr. ABOUREZK. Mr. President, I am pleased to be a cosponsor again in this Congress of legislation on special prosecutors, congressional legal counsel, and financial disclosure. This is the third Congress in which this legislation has been proposed beginning with S. 4227 in the 93d and S. 495 in the 94th. Legislation to insure the integrity of our constitutional system of government is essential if the people are to regain confidence in their Government.

I am particularly strong in my support for title II of the bill which establishes an Office of Congressional Legal Counsel to represent Congress in litigation affecting the exercise by Congress of its constitutional powers. Last session, I sponsored the bill which formed the basis for title II, S. 2731.

Last session the Subcommittee on Separation of Powers held very informative hearings on this subject. Representation of Congress and Congressional Interests in Court, Subcommittee on Separation of Powers, 94th Congress, 2d session—hereinafter "Representation". One hundred and twenty exhibits were introduced for the RECORD, many of which I will refer to here.

In consultation with the Government Operations Committee, I have made some revisions in title II in this bill. I will explain these revisions after explaining the need for establishing this office.

NEED FOR A CONGRESSIONAL LEGAL COUNSEL

It is not widely known that Congress presently relies on the Justice Department for representation in litigation arising out of the exercise by Congress of its constitutional powers. Although Congress has been the object of litigation throughout its existence, such litigation has been continuous and particularly threatening in recent years. Meanwhile, the reliance of the legislative branch on the Department continues despite an increasing conflict of interest in the Department providing this representation.

Although this conflict of interest has not resulted in any charges of corruption, failure by Congress to remedy this conflict may have consequences which will seriously affect the vitality and independence of Congress. In order to assure that Congress will be vigorously and continuously represented before the courts, it is imperative that Congress now establish its own Office of Congressional Legal Counsel to represent Congress and congressional interests in litigation.

The need for creating an Office of Congressional Legal Counsel is clear. It is not surprising that the exercise by Congress of its constitutional powers is frequently challenged in and affected by various court proceedings. As Alexis de Toqueville observed during his travels in America in 1831, "Scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question." Democracy in America, volume I—Vintage Books: page 290. Congress can no longer ignore this fact.

Unlike the executive branch of Government, Congress does not generally attempt to effectuate its will and perform its duties by initiating lawsuits in the courts. With a few notable exceptions, I firmly believe that Congress should rely on its legislative, oversight, and impeachment powers—rather than initiate lawsuits—to fulfill its constitutional responsibilities. However, through no choice of the Congress, many matters vitally affecting Congress end up in the courts. Most of these cases arise where lawsuits have been brought against Congress to challenge an official action of the Congress, a Member or employee of Congress, or a committee or agency of Congress. In cases where Congress is not named as a party, the powers of Congress are often at issue and are interpreted by a court. For example, when a legislative veto provision enacted by Congress is challenged and the executive branch will not or cannot adequately defend the constitutionality of the provision, Congress may be the only party who will defend the veto.

In several recent cases, both Houses have had to intervene to defend the legislative veto. Congress has not been named as a party in the Common Cause franking privilege case, but Congress has an interest in the case even more substantial than that of the Postmaster, who is the named defendant. Indeed, the House has recently intervened in this case.

In each of these types of cases, the vital interests of Congress will be affected whether or not Congress chooses to advocate its position to the court. Because our judicial system relies on adverse parties to sharpen the issues in order for the court to make the best decision, it is essential that the courts have the opportunity to evaluate congressional interests based upon the vigorous and effective presentation of those interests to the court by an attorney representing the Congress.

At present, representation of Congress and congressional interests in these cases is provided on an ad hoc basis by the Justice Department and private legal counsel. Indeed, because no permanent office has ever been given the responsibility to monitor and defend these interests, the Subcommittee on Separation of Powers has often undertaken to warn Congress that its interests must be defended.

The Justice Department's practice of defending Members, officers, and committees of Congress in civil cases has developed gradually, until at present the Congress is almost wholly dependent on the Department for such representation. This practice began as far back as December 29, 1818, when the House adopted a resolution authorizing the Speaker to hire private counsel to defend the Sergeant at Arms in the landmark case of Anderson against Dunn, the first case upholding Congress contempt power. Acting as a private citizen, the Attorney General argued the case on behalf of Congress and was paid a fee of $500. Since 1818 the Attorney General and—after its creation in 1870—the Justice Department have frequently served as defense counsel to Congress.

The only direct statutory basis for the practice is 2 U.S.C. 118, enacted in 1875, which requires that upon request the Department defend an "officer" of either House of Congress for acts performed in the "discharge of his official duty." This statute was enacted after the Speaker of the House, James Blaine, had been sued for having enforced an order of the House. See 36 CONGRESSIONAL RECORD 2016–2017—March 1, 1875—Representation at 38. The Department does, however, represent Members and committees of Congress as well, but there is no direct statutory basis for the practice Of course, the Department handles congressional cases only when requested to do so.

On occasion, Congress has chosen instead to retain private counsel to defend itself; for example, in the civil action brought against Congress by former Congressman Adam Clayton Powell—see 113 CONGRESSIONAL RECORD 6040–6049—March 9, 1967—and in connection with the subpenas issued to Members and staff in the Common Cause franking privilege case. See 120 CONGRESSIONAL RECORD 33020–33023—September 30, 1974—120 CONGRESSIONAL RECORD 38730—38732—December 10, 1974—120 CONGRESSIONAL RECORD 40925–40926—December 18, 1974—121 CONGRESSIONAL RECORD 38719–38720 December 4, 1975—122 CONGRESSIONAL RECORD 5829–5832—March 9, 1976. Committees sometimes defend themselves using existing staff counsel, such as did the Senate Watergate Committee when three cases were brought to restrain its probe of corruption in the executive branch.

In recent years, Congress has involuntarily been subjected to extensive litigation to defend its constitutional powers. Indeed, in the last 5 years the Justice Department alone has defended Members, officers and committees of Congress in at least 56 cases. Representation at 20. This total does not even include the 60 legal matters before the courts in which the Senate Watergate Committe became involved. Senate Report 93–981, Final Report of the Senate Select Committee at 1079. These cases include civil actions brought to enjoin enforcement of committee subpenas or issuance of committee reports; civil actions related to the enforcement of the campaign finance laws by officers of Congress; civil actions related to attempts to hold demonstrations on the Capitol Grounds; a civil action to invalidate the seniority system; a civil suit to recoup salaries paid to Members while absent from Congress; and a civil suit to invalidate the qualifications for membership in the Senate Press Gallery. The court papers of the Watergate Committee alone run almost 2,200 pages. Legal Documents Relating to the Select Committee Hearings, appendix to the hearings of the Senate Select Committee—June 28, 1974—two parts.

Not included in this number are actions involving allegations of criminal conduct, abuse of the franking privilege by an individual Member or contested elections, which the Department and the proposed congressional legal counsel will not and should not handle.

Not only is the number and variety of these lawsuits impressive, but many of them have been so complex that it has required years to resolve them in the

courts. The case of Doe against McMillan, for example, was filed in 1971, but was not resolved until 1974 after having been heard in four different courts. See 442 F. 2d 879 (D.C. Cir. 1971); 459 F. 2d 1304 (D.C. Cir. 1972); 412 U.S. 306 (1973); 374 F. Supp. 1313 (1974). The case of U.S. Servicemen's Fund against Eastland was filed in 1970 and on May 27, 1975, the Supreme Court finally remanded the case back to the district court with instructions to dismiss the action. See 488 F. 2d 1252 (D.C. Cir. 1973), rev.'d 421 U.S. 491 (1975). The case of McSurely against McClellan has now been in the courts for 7 years and the court of appeals has recently issued a new opinion after holding a rehearing en banc of an earlier court of appeals decision. See 426 F. 2d 664 (D.C. Cir. 1970); 521 F. 2d 1024 (D.C. Cir. 1975); and — F. 2d — (D.C. Cir. 1976). In short, many of these cases require a considerable effort.

The importance of the precedents being established in these cases cannot be ignored. In *Powell* v. *McCormack*, 385 U.S. 486 (1969), the Supreme Court limited the right of the Congress to judge the qualifications of its Members; in *United States* v. *Gravel*, 408 U.S. 606 (1972), and in *Doe* v. *McMillan*, 412 U.S. 306 (1973), it limited the ability of Congress to inform the public; in *Buckley* v. *Valeo*, 424 U.S. 1 (Jan. 30, 1976), it limited Congress ability to appoint officers to the Federal Election Commission. Indeed, Senator Ervin warned that the Gravel decision alone poses "a clear and present threat to the continued independence of Congress as a coordinate branch of government and constitutes a further deterioration of its power and prerogatives in relation to the executive and judicial branches." 59 Virginia Law Review 175 (1973).

In each case, the precedents established by the courts have an impact on Congress as an institution, not just on the specific Members, officers, or committees involved. Therefore, Congress as an institution cannot be indifferent to the legal precedents which are established in these cases, even if Congress may have no interest in their effect on individual parties involved.

Court challenges to the exercises by Congress of its constitutional power will continue to occur. For example, officers of Congress have been named defendants in a suit by Ramsey Clark to invalidate the congressional veto over regulations of the Federal Election Commission. This lawsuit may determine the constitutionality of literally hundreds of such provisions in existing statutes. At the very least, this initial challenge will result in protracted and complex litigation involving various methods of oversight presently in use by Congress.

Similarly, criminal defendants recently have issued various subpenas to congressional committees demanding access to documents, raising the issue of the constitutional power of Congress to control access to its papers. These types of subpenas have been and will be issued to the new Intelligence Committee in attempts to declassify information. The executive branch threatened to issue subpenas for House travel records, until the House voluntarily turned over the materials. The nature and novelty of other challenges to Congress power cannot be predicted, but these challenges are sure to occur with regularity.

In cases of interest to Congress where Congress is not a party, the Department of Justice will not intervene or file an amicus brief on behalf of Congress. In such cases, however, congressional interests have occasionally been represented by private counsel retained on an ad hoc basis. For example, the Senate retained private counsel to represent it as amicus curiae in Gravel against United States, where the scope of legislative immunity was at issue. See 118 CONGRESSIONAL RECORD 9902–9921—March 23, 1972—private counsel has also been retained to intervene on behalf of a subcommittee of the House of Representatives in Ashland Oil against FTC, a case where the subcommittee is opposing an attempt by Ashland Oil to bar the FTC from complying with the subcommittee's subpena. See 121 CONGRESSIONAL RECORD 41707, December 18, 1975—Representation at 404. Private counsel is now representing Representative Moss in the case of United States against A.T.T. See House Report 94–1422; 122 CONGRESSIONAL RECORD 27858—August 26, 1976. Private counsel appeared on behalf of the Congress in the Lovett case back in 1943. See Representation at 380–381, 412–414.

The variety and importance of this litigation demonstrates one thing very clearly. The interests of Congress as an institution make its present reliance on the ad hoc services of the Justice Department and private counsel wholly unsatisfactory. These institutional interests make it inappropriate as a matter of principle and of the constitutional separation of powers for the legislative branch to rely upon and entrust the defense of its vital constitutional powers to the advocate for the executive branch, the Attorney General.

In testimony before the Senate Government Operations Committee and the Senate Judiciary Committee's Subcommittee on the Separation of Powers, representatives of the Department of Justice have unequivocally stated the obvious: The Department of Justice is a part of the executive branch and its first and foremost responsibility is to represent the interests of the President and the executive branch. Where the interpretation of the powers of the Congress before the courts is entrusted to the executive branch, the Congress relies on a branch of government with which Congress has, under the constitutional system of checks and balances, an adverse relationship. Without in any way questioning the good will or intentions of the Department, it is clear that the integrity and independence of Congress as a coequal branch of government requires that Congress defend itself through its own counsel. The existence of the conflict of interest involved in the Department representing Congress is an objective fact, not an accusation of misconduct.

More specifically, the Department of Justice acknowledges that it is placed in an untenable conflict of interest situation when called upon to handle certain cases on behalf of Congress. In such cases, the Department states that it will decline to provide representation and will assist in the hiring of outside private counsel. However, the Department's position as to what constitutes a conflict of interest is very limited and covers only those situations where the Department is taking a position in one case which is directly inconsistent with a position the Department simultaneously is advocating in another matter then also in litigation in the same court.

The Department also acknowledges a conflict where the substantive position of Congress in the case would in the Department's view result in an infringement of a power of the President. However, it was clear at the hearings that a conflict may also exist whenever the Department of Justice is in the position of defending a congressional power which may in the future be exercised by Congress against the executive branch. Most cases presently being handled by the Department on behalf of Congress involve precisely such powers and precisely this conflict of interest.

When the Department is able in advance to perceive a conflict in representing Congress, it will, of course, not commence such representation. It is, however, sometimes difficult to determine exactly when the Department will decline to handle a congressional case. Other than in thoughts expressed by the Department in correspondence with various Members and committees, there are no written or formal guidelines applied by the Department in making this determination. The determination is subjective, is made on a case-by-case basis, and requires in essence that the Department prejudge whether the congressional defendant was acting within the scope of his official duty. Because of this uncertainty, Congress already must make ad hoc provisions for retaining private counsel when the Department perceives a conflict.

Unfortunately, in three recent cases the conflict did not become apparent to the Department until after the Department had entered its appearance on behalf of Congress. In fact, in *Doe* v. *McMillan* and *Eastland* v. *United States Servicemen's Fund* (421 U.S. 491 (1975)), the Department withdrew its representation of congressional committees just as the litigation reached the Supreme Court, after having represented Congress in the district court and court of appeals. As a result, Congress then had to hire private counsel at this advanced and crucial stage of the litigation. See Representation at 67 and 375.

In the McMillan case, the Supreme Court remanded the case back to the district court, at which time the Department determined that the conflict had ceased to exist and defended the remaining defendants.

Because of the wide range of responsibilities which are assigned to the Department, there are many ways in which such a conflict can suddenly arise for the Department in the midst of defending a congressional client. For example, if a Member, presently being represented by the Department, chooses to initiate a

separate legal action against some department in the executive branch, the canons of legal ethics would require the Justice Department to withdraw its representation of the Member. The canons provide that an attorney cannot serve as defense counsel in one case for one client when another case has been brought against that client by another client.

The conflict which arose in the Servicemen's Fund case occurred when the Department of Justice voluntarily chose to appear as amicus curiae in opposition to the suit by the Senate Watergate Committee to enforce its subpena for the White House tapes. See Representation at 374. The Department's narrow definition of what constitutes a conflict of interest did, however, enable the Department to continue representing other congressional defendants in cases pending in other courts in which speech and debate clause immunity was also a defense. But the point remains, one cannot predict when a conflict will arise which will force the Department to terminate its services.

The problem of anticipating conflicts is compounded by the fact that it is the Department's official position that even though it has undertaken to represent Congress, if an agency of the executive branch subsequently asks the Department for representation which will create a conflict of interest with the Department's representation of Congress, the Department will automatically force the congressional client to obtain other counsel. With a law firm, such conflicts are easily avoided because the firm will simply refuse to take on the new client. However, the executive branch is always the priority client of the Department. When a conflict arises in representing a congressional defendant, it is clear that the Department does not and cannot continue to represent its congressional clients and, more importantly, when a conflict arises, Congress does not want to be represented by the Department.

As a result of these experiences in a number of congressional cases, committees which were or are being represented by the Department have also retained counsel to protect themselves in the event the Department suddenly feels compelled to withdraw. There is obvious waste when taxpayers must pay for Justice Department attorneys to handle a congressional case and pay as well for a private lawyer to insure that the Department vigorously defends congressional interests and to be ready to undertake the representation of Congress if the Justice Department should choose to withdraw from the case. However, faced with the policy of the Department of Justice with respect to conflicts of interest, it is prudent for Congress to retain these private attorneys.

Further compounding the inherent conflict of interest when the Department serve as the advocate for the Congress, the Department "insists on retaining control of the litigation and making the litigation decisions." Representation at 32. The Department asserts the same degree of control over congressional cases as it asserts over its own executive branch cases. The Department's position on control of the litigation was dramatically illustrated at hearings before the Subcommittee on Separation of Powers. The following exchange occurred between the subcommittee and Irving Jaffe, Deputy of the Civil Division:

STAFF. If the Justice Department has no authority to take a congressional case unless it is requested to do so, why does it have, at that point when it is requested, complete control over the case?

Mr. JAFFE. Because we do it in the interest of the United States. That interest is vested in us.

STAFF. Even to the distinction of the interest of the client?

Mr. JAFFE. In many instances, yes.

Senator ABOUREZK. Then it is a matter of definition between you and the client as to what is in the interest of the United States.

Mr. JAFFE. Except that we have the ultimate determination.

Senator ABOUREZK. Your definition overrides his. (Representation at 77.)

The result of this Department policy is that when Congress wishes to make arguments with which the Department is in disagreement, the Department will take the position that Congress must retain private counsel if it wants to make such arguments. This position can have the effect of inhibiting congressional defendants from asserting proper control over their Department attorney, except on crucial issues.

I wish again to emphasize that this description of the conflicts of interest for the Department of Justice when it represents congressional interests is not intended as a criticism of the Department. The Department only represents congressional interests at the request of its congressional clients. In turn, Congress makes these requests of the Department because there is no adequate alternative but for Congress to do so. Indeed, when Members or committees are faced with litigation, the Members or committees may place substantial pressures on the Department to handle the case despite possible long-term disadvantages for Congress as an institution. In its efforts to maintain cordial relations between the branches, the Department will make every effort to honor congressional requests. The conflicts of interests which inevitably arise are of an institutional nature.

Although no conflict of interest is involved, serious problems also arise with congressional reliance on the use of private counsel when Department representation is not available. First, the use of private counsel is very expensive. One reason for this expense is that few if any private counsel have experience or expertise with the unique substantive legal issues which arise in congressional cases. It can be very expensive repeatedly to subsidize private counsel for the time it takes for them to gain this expertise. Even then private counsel will lack invaluable experience.

Second, the retention of different private counsel to handle different cases provides for little if any consistency among the legal positions and approaches taken in the different cases. A private attorney will only be intimately knowledgeable about the case he is handling—and not with the full range of litigation involving Congress. One attorney might, therefore, inadvertently make an argument or concede a point in one case which has an adverse precedential impact on another case involving Congress. Similarly, individual private attorneys are likely to have little perspective or interest in how the long-range interests of Congress may be affected by any given litigation. They may have little sensitivity to any political implications of a given law suit. They will not have the inclination or the ability to establish contacts with the broad spectrum of congressional views which may exist on various issues. They will have no ongoing relationship with the leadership.

Finally, when faced with a law suit, Members, officers, and committees often have no time to locate, interview, and retain private counsel. This is why in such cases there is little alternative but to request Department of Justice representation, even when they may be aware that retaining private counsel would be preferable. A simple phone call from a committee chairman to the Department, for example, suffices to arrange for the Department to handle a case. However, if private counsel is to be employed, an attorney must be found who is willing and able to handle the case, a fee arrangement must be negotiated and arrangements must be made for payment of the fee. Furthermore, to compensate private counsel it will often be necessary for the congressional parties to request appropriations from the contingent fund, a time-consuming and unpredictable process. A committee or Member must, therefore, be willing to endure substantial additional inconvenience, if they choose not to rely on the Department of Justice.

In addition to mitigating these conflicts and practical problems resulting from reliance on the Department or private counsel, there are substantial benefits which would result from the establishment of an Office of Congressional Legal Counsel which cannot otherwise be achieved. A first-class litigating office in Congress will make available to Congress ongoing advice on how to avoid or anticipate litigation and continuous monitoring of congressional interests in cases where Congress is not a party. Increasingly, the prospect of litigation must be considered whenever Congress exercises its constitutional powers. The adverse consequences of failing to consider the possibiilty of litigation has been most notable when criminal contempt of Congress charges are dismissed by the courts on technicalities. This occurred in the recent Reinecke perjury case—*United States* v. *Reinecke*, 524 F.2d 435 (D.C. Cir. 1975)—because a committee had not published its rules in the CONGRESSIONAL RECORD. Neither the Department nor private counsel can, will, or should perform these advisory functions.

Similarly, when a committee undertakes an investigation, there is a constant need for advice on how properly to frame and issue subpenas and how to utilize other congressional investigative powers so that the committee's actions will, if necessary, be sustained by the courts. Again, it would not be constitutionally proper for the Justice Department or feasible for private counsel to provide such an advisory service.

Existing legislative and staff counsel readily admit that they do not have the time or training to litigate or to provide advice in anticipation of litigation. Staff of one committee might gain some litigation experience but then will be unavailable to assist the next committee in need of counsel. Other than the Clerk of the House, the Secretary of the Senate, and the Permanent Investigations Subcommittee of the Senate Government Operations Committee, no one body in Congress has developed litigation expertise.

The Congressional Legal Counsel would also continuously monitor congressional interests in cases where Congress is not a party. For example, in the litigation concerning the custody of former President Nixon's tapes and papers, the Justice Department is defending an act of Congress which denies Mr. Nixon custody of these materials even though the Justice Department, at the time of the Nixon pardon, issued a written legal opinion that Mr. Nixon had the legal right to custody of the materials. Congress has not chosen to intervene or appear amicus curiae in this law suit. However, the testimony submitted to the Government Operations Committee by Senator NELSON concerning the conduct of the case—hearings, part II, page 142—illustrates the need for an office of Congress with the ability to represent Congress in a legal action, if necessary, and to closely monitor such legal actions. Again, neither the Department nor private counsel can or should perform this role. To the extent that existing legislative or staff counsel presently monitor the course of such litigation, it would still be necessary to retain counsel if congressional interests were being adversely affected.

Finally, if Congress chooses to utilize the procedure set forth in title II of this bill to bring civil actions to enforce its subpenas, attorneys are needed to bring the actions. Presently, Congress can seek to enforce a subpena only by use of criminal proceedings or by the impractical procedure of conducting its own trial before the bar of the House of Representatives or the Senate. However, if the Congress or a committee is interested in compelling compliance with a subpena rather than merely punishing the subpenaed party, civil subpena enforcement will often be preferable to certifying a criminal contempt complaint. Unlike a civil enforcement action, in a criminal contempt action the defendant cannot purge himself of the contempt by finally producing the documents. In addition, with a criminal contempt action, expediting the litigation is more difficult than in a civil enforcement action, committee compliance with its procedures is more strictly reviewed, and the subpenaed party's rights are given greater weight. Neither the Department nor private counsel should handle subpena enforcement cases.

For these reasons I believe it is clear that Congress as an institution must establish an Office of Congressional Legal Counsel. Otherwise the courts will continue to restrict congressional powers.

REVISIONS IN THE PROPOSAL

During the Senate recess I have refined portions of the legal counsel title. I will here discuss these refinements.

During consideration of S. 495, Senator HRUSKA argued that the counsel was a joint officer of both Houses of Congress, a position for which no provision is made in the Constitution. See 122 CONGRESSIONAL RECORD 23046, July 21, 1976. It was always clear to me that the counsel was a joint employee of Congress—not a joint officer. It is clear that joint employees may be appointed, such as the Director of the Congressional Budget Office. See 2 U.S.C. 601(a)(2). Similarly the congressional Members of the Board of the Office of Technology Assessment appoint a Director of that office. See 2 U.S.C. 474(a). In order to make it absolutely clear that the counsel is a joint employee and not a joint officer, reference in section 201 to the "office" of counsel have been revised to refer to the "position" of counsel. Similarly all references to the counsel's "term of office" have been revised to refer to his "term of service."

Section 201(a)(3)(B) on the appointment of the counsel has been modified to eliminate technical deficiencies in S. 495.

In section 201(b)(1) a maximum compensation for assistant counsels has been specified to parallel the limitations on the pay of the counsel and deputy counsel.

A new section 201(d) has been added to make it clear that the franking privilege extends to the office.

A new section 201(g) has been added to make it clear that attorney-client privilege applies to the office. This principle was clear to me in S. 495 but it makes sense to state them explicitly in the bill.

Section 202 has been changed. In S. 495 the Joint Committee on Congressional Operations had the responsibility to oversee the activities of the office and authorize emergency representation by the counsel. In light of the effect of the Stevenson committee proposal on the joint committee, the bill now makes the counsel directly accountable to a bipartisan joint leadership group. The new section 203(a)(1) and (2) authorizes this group by a two-thirds vote to direct the counsel to defend Congress, a House of Congress, a committee, subcommittee, Member, officer, or employee in civil action arising from the performance of official duties. This takes the place of the emergency provisions of S. 495. If for whatever reason the group determines that it is desirable for one or both Houses to consider that question, it may refer the question to the appropriate House or Houses. This is a more flexible and sensible system. The group can authorize the counsel to take on routine cases or emergency cases but reserves to the Congress the decision in less routine cases. Sections 203 (b) and (c) make it clear that at least one House must vote to authorize subpena enforcement, intervention or appearance as amicus curiae. The latter section provides that intervention or an appearance may be in the name of Congress, a House of Congress, or an officer, committee, or committee chairman. In S. 495 intervention or appearance was effectively limited to being in the name of Congress. However, if only one House of Congress wishes to intervene or appear in its own name or in the name of an officer, committee, or committee chairman of that House, such intervention or appearance does not imply that the other House agrees with the position to be taken.

Section 203(e) makes it clear that the counsel shall not advocate any position during any debate on a resolution to authorize him to take on a case. This section complements the requirement that the counsel be strictly impartial.

Sections 204, 205, 206, and 207 are revised to reflect the changes in sections 202 and 203.

Subsections (c), (d), (e), and (f) of section 205 are consolidated from other parts of S. 459. Subsection (b) of the jurisdictional statute is explained below.

Section 208(c) has been tightened up.

Section 212(c) complements the previous provisions regarding the obligation of the Justice Department to defend the constitutionality of statutes and subsection (d) reinstates a provision of S. 495 which was deleted during its consideration.

I would like to emphasize that the Senate sponsors of this proposal remain flexible on both the new and the old provisions of this bill. We look forward to working with the House leadership and will be open to their suggestions.

ACCOUNTABILITY OF THE COUNSEL

The most vital question in valuating this or any other proposal to create an Office of Congressional Legal Counsel is how the office will be controlled and how this control will assure that the office will defend the interest of Congress as an institution.

Both the structure and the provisions of title II assure that the Office of Congressional Legal Counsel will be under the firm and continuous control of Congress. To begin with, the duties of the legal counsel are precisely enumerated in the bill in sections 204, 205, 206, 207, and 208. The counsel may not be directed to perform any duties other than those specified; this delegation of authority is precise and limited. For example, the counsel may not represent a Member in a criminal case because section 204 is expressly limited to "civil" cases. The counsel may not be directed to bring an action to compel an executive branch officer to enforce the law because section 205 authorizes the counsel to bring actions only to enforce congressional subpenas. Section 208(c) specifically precludes the counsel from bringing such actions.

Second, under the bill Congress itself makes the decision on a case-by-case basis on what litigation the counsel will handle. In other words, individual Members or employees cannot privately approach the counsel to request that they be represented; a resolution must be adopted by a majority of at least one House before the counsel will represent a Member or employee unless a bipartisan leadership group can reach a decision by a two-thirds vote to authorize the counsel to take a case. This requirement will

assure that the counsel will undertake representation only when a majority of one House determine that the litigation involves the official duties of the Member or employee and, therefore, that such representation furthers the interests of Congress. In order for the counsel to be authorized to enforce a subpena or intervene or appear as amicus curiae in a law suit, at least one House of Congress must determine it is in their interest to do so.

Third, the counsel is authorized to represent Members, officers, or employees only in civil cases—never in criminal cases—and then only if the case arises in the course of the exercise of official duties. This requirement is expressly stated in section 204(a)(1) and (2). This bill does not provide a legal defense fund for individuals to handle their private legal matters.

Fourth, the office is under the continuous oversight of the joint leadership group. This oversight will principally concern basic policy decisions which arise in the course of litigation.

Finally, section 209 specifically binds the Congressional Legal Counsel to defend the constitutional powers of Congress and the constitutionality of statutes enacted by Congress. This section eliminates any possibility of doubt about whether the counsel and office will defend the institutional interests of Congress. If the counsel is placed in any position of conflict or inconsistency with this or other responsibilities given to the counsel, the bill provides a procedure for resolving them in section 210. In no case can the requirements of section 209 be waived.

It is absolutely clear from these provisions that the office and the legal counsel will be under the firm and continuous control of Congress and can never assume any power not specifically delegated to it by Congress on a case-by-case basis.

COURT ENFORCEMENT OF CONGRESSIONAL SUBPENAS

Section 205 of the bill provides a mechanism for court enforcement of congressional subpenas, just as did section 204 of S. 495. This section warrants discussion in greater detail than occurred in the last Congress. I believe this section is one of the most important provisions of title II and may revolutionize congressional investigations. In particular I would like to discuss a new subsection (b) of the jurisdictional statute which I have drafted which gives guidance to the courts on the applicable procedure in enforcing congressional subpenas. These procedures insure that this new statute will give congressional committees the power to expeditiously and effectively enforce their subpenas.

SUMMARY OF SECTION 1364

Let me first briefly review the new civil subpena enforcement proposal in section 205. In commencing an action under the new section 1364 of title 28, set forth in section 205(e)(1) of the bill, Congress invokes the aid of the court to enforce congressional subpenas and orders. Such actions will be commenced only once it is evident that a party will not comply with a congressional subpena or order. The court will first review the validity of the subpena or order and then, when finding it valid, issue an order to the recalcitrant party demanding compliance. If the party remains recalcitrant, Congress or the court itself may initiate a proceeding to require the party to appear to show cause why he should not be held in contempt of the court's order to comply. After a hearing the party may be held in contempt of the court and fined or imprisoned until such time as compliance is forthcoming. At any point in this chain of events, including after having been held in contempt, the party may terminate his liability by complying with the court's order. The party, therefore carries the keys to the jail in his own pocket and is given every incentive to comply with the court order. *In re Nevitt*, 117 F. 448, 461 (8th Cir. 902). Upon compliance all sanctions against the witness are suspended.

The courts already review the validity of congressional subpenas and orders under the two present enforcement procedures: trial before a House of Congress and criminal contempt. When Congress imprisons a party in the Capitol jail after a trial before a House of Congress, the courts will review the validity of the congressional procedure in a habeas corpus proceeding brought by the imprisoned party. In criminal contempt cases the courts conduct trials under 2 U.S.C. 192, et seq. Under this statute Congress has established contempt of Congress as a criminal offense. In contrast a contempt proceeding under section 1364 would be for contempt of the court's order, not for contempt of the Congress itself. In both cases the courts will first determine the validity of the congressional proceeding before it will impose sanction on the party. Commencing a civil action to enforce a subpena or order, therefore, creates no new dependence by Congress on the courts. It does provide flexibility in enforcing congressional subpenas.

The statute specifically provides that any contempt proceeding arising from a refusal of a party to obey a court order enforcing a congressional subpena or order shall be a civil contempt proceeding, the purpose of which is to secure compliance with the court order. By instituting a civil enforcement action under this statute, rather than certifying a criminal contempt of Congress to the Justice Department, Congress seeks to secure compliance with its subpena or order rather than merely punish the contumacious party or deter future contempts. Indeed, the major problem in instituting a criminal contempt of Congress proceeding is that once the initial refusal has occurred and a contempt proceeding has begun the recalcitrant witness has no incentive to comply with the subpena. The witness cannot purge himself of the contempt.

This choice of a civil proceeding would be contradicted if in the civil enforcement action a court held a party in criminal rather than civil contempt for failing to comply with the court's order. The purpose of a criminal contempt of court proceeding, like that of a criminal contempt of Congress proceeding, is to punish and deter. In contrast the principal purpose of a civil contempt proceeding is remedial and not designed to vindicate the court's authority. Therefore the statute limits the court to imposing civil contempt sanctions rather than criminal contempt sanctions. Congress is then given a clear choice. If the only remedy Congress seeks is compliance with its subpena or order it will institute a civil enforcement action. When it desires to punish a party in contempt or deter future violations it should certify the contempt under 2 U.S.C. 192, et. seq.

PROCEDURAL PROVISIONS OF SECTION 1364

Subsections (b) and (c) of the jurisdictional statute give the district court guidance on the procedures which are applicable to an enforcement action. The provisions of subsection (b) are new. There is no doubt that Congress may regulate the inherent power of the courts to punish for contempt. *Michaelson* v. *United States, ex rel. Chicago St. P., M. and O.R. Co.*, 266 U.S. 42, 65–67 (1924). The courts have also been given general statutory authority to punish parties who refuse to comply with court orders.

See 28 U.S.C. 1826 (civil contempt). The procedures in subsection (b) supplement these general procedures already applicable to court contempt proceedings.

First, section (b) of the jurisdictional statute makes explicit the intention of the Congress that once a court has ordered a party to obey a congressional subpena, any refusal or failure of that party to obey the court order will result in that party being held in contempt of the court order. This enforcement procedure parallels that of numerous sections of the Federal code which authorize Federal agencies to seek the aid of the courts in enforcing their subpenas through the contempt power of the courts. See, for example, 15 U.S.C. 687a(e)—Small Business Administration; 19 U.S.C. 1333(b)—U.S. Tariff Commission; 29 U.S.C. 161(2)—National Labor Relations Board; and 42 U.S.C. 405(e)—Social Security Administration. The constitutionality of such a procedure has been clear since the case of *I.C.C.* v. *Brimson*, 154 U.S. 447 (1894). A similar statute has been implicitly upheld in *Senate Select Committee* v. *Nixon*, 498 F.2d 725 (D.C. Cir. 1974).

Section (b) further provides that any contempt of court proceeding under this section shall be commenced by an order to show cause why the party should not be held in contempt. Courts have held that such notice is required by the due process clause of the fourth amendment when proceeding under 28 U.S.C. 1826. *Parker* v. *U.S.*, 153 F.2d 66 (1st Cir. 1946). Such notice need not be formal but may be inherent in the proceeding itself. *United States* v. *Handler*, 476 F.2d 709, 712–713 (2d Cir., 1973). Although notice would be required in the contempt proceeding, notice might not be necessary in the initial proceeding to obtain the court order when, for example, Congress seeks an order to restrain a party from destroying documents which order might be ineffective if issued after notice.

Upon such notice the party must be given sufficient time in which to prepare his defense. The amount of time which a defendant in the contempt action is

given to prepare his defense will depend on the circumstances. Id. at 713; *United States* v. *Weinberg*, 439 F.2d 743, 746 (9th Cir., 1973); *In re Vigil* 524 F.2d 209, 218–219 (10th Cir. 1975); *In re Tierney*, 465 F.2d 806 (5th Cir. 1972). Rule 6(d) of the Federal Rules of Civil Procedure provides for 5 days notice but a different period may be fixed by the Court. In Weinberg, supra, contempt proceedings were conducted immediately after a witness' refusal to testify. See *United States* v. *Alter*, 482 F.2d 1016, 1022 (9th Cir., 1973).

Section (b) further provides that the contempt proceedings will be tried before the judge. The Supreme Court has expressly held that in a civil contempt proceeding, a defendant has no right to a jury trial. *Shillanti* v. *United States*, 384 U.S. 364 (1966). Under subsection (b) and 28 U.S.C. 1826 the trial would be "summary" in nature; that is, requiring no evidentiary hearing. *In re Bart*, 304 F.2d 631, 637 (D.C. Cir., 1962); *In re Allis*, 531 F.2d 1391 (9th Cir. 1976); *United States* v. *Danenza*, 528 F.2d 390, 392 (2d Cir. 1975); *In re Sadin*, 509 F.2d 1252, 1255–56 (2d Cir. 1975).

In proving that civil contempt has occurred, it is not necessary to prove that the party intended to violate the court's order. *McComb* v. *Jacksonville Paper Co.*, 336 U.S.187 (1949). It would, however, be necessary to show that the defendant had knowledge of the court's order. *Baglin* v. *Cusenier Co.*, 221 U.S. 580 (1910). Similarly, proof beyond a reasonable doubt is not required to prove civil contempt as it would be in a criminal contempt. McComb, Supra, 336 U.S. at 191. See *United States* v. *Greyhound Corp.* 363 F. Supp. 525 (N.D. 111. 1973).

The nature of defenses which can be raised in such a hearing might include a privilege against self-incrimination, lack of compliance with the applicable congressional procedures, or an inability to comply. *Watkins* v. *United States*, 354 U.S. 178 (1957); *Yellin* v. *United States*, 374 U.S. 109 (1963); and *Maggio* v. *Feitz*, 333 U.S. 56, 76 (1948). By enacting a separate contempt statute rather than merely relying on 28 U.S.C. 1826, Congress intends to signify that the array of defenses which could normally be raised under that statute may well be inapplicable to a proceeding involving a congressional subpena. The words "just cause shown" in section 1826, and similar statutes are not carried forward in subsection (b) for precisely this reason.

It is clear that in a contempt proceeding, the defendant may not challenge the validity of the initial order disobeyance of which led to the contempt proceeding. *Cliett* v. *Hammonds*, 305 F.2d 565, 570 (5th Cir. 1962). *U.S.* v. *Leyva*, 513 F.2d 774, 776 (5th Cir. 1975).

Section (b) provides that the purpose of any sanctions imposed upon a defendant be to compel compliance with the court order. As I stated earlier, this means that a defendant may be held only in civil—rather than criminal—contempt of court. When proceeding under a statute the purpose of which is to enforce an agency or congressional subpena, civil contempt generally has been held to be the appropriate remedy. *Penfield Co.* v. *SEC*, 330 U.S. 585 (1947). Absent the provision in subsection (b), however, sanctions for criminal contempt of court could be imposed. See *Cheff* v. *Schnackenberg*, 384 U.S. 373, 378 (1966). Civil contempt is distinguished from criminal contempt by the fact that its purpose is not punitive per se. *Gompers* v. *Bucks Stove and Range Co.*, 221 U.S. 418, 441 (1911). "Imprisonment in such cases is not inflicted as a punishment, but is intended to be remedial by coercing the defendant to do what he had refused to do." Id. at 442. As I stated earlier, if a defendant is imprisoned "he carries the keys to his prison in his own pocket." In re Nevitt, 117 F. 451, 461 (8th Cir., 1902). As soon as the defendant purges himself of contempt, all coercion is suspended.

In the case of an act of contempt which occurs in the actual presence of the court and which obstruct the administration of Justice, such as disruption in the court room, the provisions of subsection (b) do not, of course, limit the power of a court to punish a party for criminal contempt by way of a summary proceeding. See 18 U.S.C. 402; Rule 42(a), Federal Rules of Criminal Procedure; Ex Parte Terry, 128 U.S. 289, 314 (1888); and *Cooke* v. *United States*, 267 U.S. 517 (1925). Cf. *Harris* v. *United States*, 382 U.S. 162 (1965).

Although section (b) leaves to the discretion of the court the nature of the particular sanctions to be imposed, the use of the contempt power is always held to "[t]he least possible power adequate to the end proposed." *Anderson* v. Dunn, 19 U.S. 204, 231 (1821). Section 1826 specifically limits the sentences which might be imposed on a recalcitrant witness. See for example 28 U.S.C. 1826—not to exceed life of court proceeding, term of grand jury, or 18 months. Although no similar limitation is specified in subsection (b), the term of any confinement should never exceed the pendency of the congressional investigation. Once this period has expired, confinement can no longer serve the remedial purposes of civil contempt. See *Shillitani* v. *United States*, 384 U.S. 364, 371–372 (1966). The courts should generally defer to the Congress in determining when an investigation has terminated.

Recalcitrant witnesses may well argue that proceedings to enforce a House subpena should automatically terminate upon adjournment sine die at the end of a Congress. This argument would be based on the fact that it is said in some contexts that the House—unlike the Senate—is not a continuing body. See generally "Constitution, Jefferson's Manual," and "Rules of the House of Representatives," House Document No. 416, 93d Congress, 2d session, rules XI, clause 2(M)(1)(A), Rule XXVI and paragraphs 386, 388, 710, and 901; "Riddick's Senate Procedure," Senate document No. 93–21, 93d Congress, 1st session, Rule XXV(4), XXXII(2) and page 776.

For this reason subsection (b) contains a provision that an action, contempt proceeding or sanction brought or imposed pursuant to this section shall not terminate upon sine die adjournment at the end of a Congress if the committee involved certifies to the court that its interest in enforcement continues. The provision relates only to sine die adjournment at the end of a Congress because sine die adjournment at the end of the first session of a Congress raises no issue of continuity. Let me note that including this provision does not concede that such proceeding would otherwise automatically terminate upon such adjournment, but merely provides a mechanism for notifying the court that it does not.

If a court were to hold that an action automatically abated upon sine die adjournment at the end of a Congress, Congress would be faced with two undesirable alternatives; one, certify a criminal contempt action instead of undertaking a civil enforcement action or two, institute one civil proceeding before Congress adjourns and then reinstitute the same case when the Congress reconvenes. The first alternative undercuts the effectiveness and availability of the civil enforcement mechanism and the second will squander judicial resources. By requiring a committee to take affirmative action to certify its continued interest in enforcement, the provision assures that recalcitrant witnesses will not languish in jail just because a committee has failed to notify a court that its investigation has terminated.

Once a committee investigation has terminated, a criminal contempt of Congress citation under 2 U.S.C. 192, et seq., might be referred to the Justice Department if the Congress finds this appropriate. Such prosecution for criminal contempt would present no double jeopardy problem. *In re Chapman*, 166 U.S. *Yates* v. *United States*, 355 U.S. 66 (1957); *United States* v. *Rollerson*, 449 F.2d 1000 (D.C. Cir. 1971); *City of Macon* v. *Massey*, 106 SE 2d 23 (1958).

In addition to incarceration, civil fines may also be imposed by a court as one means of coercing compliance with the court order; however, the purpose of such fines should never be to attempt to compensate the Congress for the unavailability of the subpenaed information.

If an appellate court finds that a court has unlawfully issued an order to compel compliance with a congressional subpena and wrongfully held a party in civil contempt of that order, any sanctions against the party would be withdrawn or withheld. *Cliett* v. *Hammond*, 305 F. 2d. 565, 570 (5th Cir. 1962); *Hyde Construction Co.* v. *Koehring Company*, 388 F.2d 501, 511 (10th Cir. 1968). Cf. *Walker* v. *City of Birmingham*, 388 U.S. 307 (1967) (criminal contempt not vitiated by holding that injunction improperly issued). There is simply no purpose in continuing to impose civil sanctions once there is no order with which to coerce compliance.

Section (c) of the jurisdictional statute emphasizes the importance of expeditious consideration of all enforcement actions. If the courts are unable to adjudicate civil enforcement actions with dispatch, the utility of the civil enforcement mechanism will be diminished, if not eliminated. Subsection (c), therefore, supplements and emphasizes the provisions of section 1826.

PREVIOUS PROPOSALS FOR CIVIL ENFORCEMENT

The original proposal for enacting a jurisdiction statute such as section 205 (e)(1) was introduced as H.R. 4975 in the House on May 4, 1953, by then Congressman Keating. Four days of hearings were held on H.R. 4975 on June 8, July 19, 26, and 31, 1954. These hearings were never published and a search of the Archives has been unable to locate the transcripts. However, a copy of Congressman Keating's July 19 testimony and copies of two letters presenting the Justice Department's position on the bill dated April 30, 1954, and July 8, 1954, appear in the subcommittee's hearings. See Representation at 556 to 559, 559 to 560, and 560. In the second letter, the Department stated that—

The bill raises policy questions primarily within the purview of the Congress and concerning which the Department prefers to make no recommendation.

Neither letter refers to the potential application of the statute to an executive branch official, despite the fact that its language would extend to such an official. The bill was reported by the House Judiciary Committee, House Report No. 83–2612 (August 4, 1954).

See Representation at pages 560 to 565. During the debate Senator Keating stressed that the most important reason why the statute was needed is that in relying on the criminal contempt statute, Congress loses sight of the fact that "under no circumstances does the committee ever get what it really wants, which is the testimony or evidence * * * the most the committee can even have as a result of a contempt citation is the very dubious satisfaction of seeing the defiant witness punished lightly long afterwards." No action was taken in the Senate on the bill and it died at the end of the session.

In the next Congress, the 84th, Congressman Keating reintroduced the bill as H.R. 780. No hearings were held and it was favorably reported by the House Judiciary Committee, House Report No. 84–87 (March 3, 1955). The bill was debated and again passed on March 15, 1955. See Representation at 565 to 566. Again the bill died in the Senate.

In the 85th Congress on January 3, 1957, Congressman Keating again introduced the bill as H.R. 259. It was again favorably reported, House Report No. 85–137 (February 19, 1957). On March 4, 1957, the bill was defeated in the House on a point of order. See Representation at 567 to 568.

When Mr. Keating became Senator Keating he reintroduced the bill in the 86th Congress as S. 1515 on March 24, 1959. See 105 CONGRESSIONAL RECORD 5024–5025 (March 24, 1959). In the 87th Congress the bill was introduced June 13, 1961, and numbered S. 2074. See 107 CONGRESSIONAL RECORD 10221–10222 (June 13, 1961). Finally, in the 88th Congress on June 28, 1963, the bill was reintroduced as S. 1817. See 109 CONGRESSIONAL RECORD 11940–11941 (June 28, 1963). The Senate took no action on any of these bills.

In the midst of the debate in the Senate Judiciary Committee over whether to cite certain steel company executives for criminal contempt, discussed in detail below, Senator Keating announced that the Justice Department had "enthusiastically approved" of S. 2074. Steel Companies (subpenas), Infra, at 76–77.

In a June 8, 1962, letter Senator Keating had requested the Department's views on the bill in the context of the criminal contempt conviction of Austin J. Tobin, also discussed in detail below. In the Department's September 10, 1962, response, Deputy Attorney General Nicholas de B. Katzenbach stated as follows:

The bill would accomplish the purpose indicated in its title by providing that either House of Congress or any congressional committee or subcommittee may, by a majority vote of its actual membership, invoke the aid of the United States district courts in compelling witnesses to testify or to produce documentary evidence in furtherance of any inquiry which such House, committee or subcommittee is authorized to undertake. The United States district court for the district within which the congressional inquiry is being conducted would be authorized to issue an order requiring the person to appear in compliance with the congressional subpoena and to testify or to give documentary evidence. Failure to obey the court's order would be punishable by the court as a contempt thereof. . . .

Under existing procedures, if a witness refuses to appear or to testify before a congressional investigating subcommittee, the latter must make a report to the full committee, and the full committee must report the matter to the Senate or House, as the case may be. The legislative body must then resolve to cite the witness for contempt. Thereafter, the President of the Senate or the Speaker of the House, whichever body is involved, must refer the matter to a United States Attorney, who in turn presents the case as a criminal matter to a federal grand jury (Section 104 of the Revised Statutes, as amended (2 U.S.C. 194)). If an indictment is returned, a full-scale, time-consuming criminal trial in a federal district court ensues.

Under this measure, if a witness refuses to testify or to produce certain documents, he may be required to appear that very day, or shortly thereafter, in the district court within whose jurisdiction the investigation is being conducted. Upon his appearance, the court could consider the grounds for his refusal to cooperate with the committee. If the court finds that the witness was justified in refusing to testify, his vindication would be prompt, and he would be spared the cost and opprobrium of a criminal prosecution. On the other hand, if the objections of the witness are found to be frivolous or lacking in merit, the court could direct him to answer. If he persists in his refusal, he could promptly be held in contempt of court and even committed to jail until he complies with the court's order.

This procedure could avoid a result such as in the case of *United States* v. *Tobin*, 195 F. Supp. 588 (1961) wherein the court found it had no alternative but to hold the Executive Director of the Port of New York Authority guilty of contempt of Congress although his refusal to comply with a congressional subpoena had been in good faith. The Court noted the deficiencies in the existing law (which provides that if a person refuses to answer he does so at the risk of being held in contempt) and suggested that Congress should consider creating a procedure whereby the issues upon which a committee and witness are divided could be decided by declaratory judgment.

This measure would provide a means for obtaining quick compliance with congressional subpoenas while affording persons resisting such subpoenas an opportunity to have a judicial determination of their right to resist.

The discussion following the Steel Co. and Tobin contempt matters confirms this analysis of Senator Keating and of the Department.

The Keating bills are evaluated in a 1962 law review article entitled "Judicial Review of Congressional Investigations: Is There an Alternative to Contempt?" by Theodore Sky. See Representation at 569 to 600.

EXAMPLES OF NEED FOR CIVIL ENFORCEMENT

Senator Keating did have an opportunity specifically to demonstrate the utility of his proposed procedure in debate in the Senate Judiciary Committee in 1962.

The reluctance of congressional committees to enforce their subpenas under the criminal contempt statute was graphically demonstrated by that debate.

The Subcommittee on Antitrust and Monopoly had subpenaed cost data from the 12 largest steel companies. Four of these companies refused to produce the subpenaed data or even to appear before the subcommittee. On August 21, 1962, the subcommittee voted to reissue the subpenas to the four companies. Refusal of Certain Steel Companies to Respond to Subpenas Issued April 12, 1962, Committee Print of meeting of Subcommittee on Antitrust and Monopoly held on August 21, 1962. The four companies again refused to appear or to produce the subpenaed documents. Refusal of Certain Steel Companies to Respond to Subpenas Issued April 12, 1962, Hearing before the Subcommittee on Antitrust and Monopoly, August 31, 1962. The subcommittee then voted 5 to 2 to report a criminal contempt citation to the full Judiciary Committee.

In the debate on the subcommittee all parties agreed that the steel companies' refusals were based on a good faith belief that the cost data was confidential. Senator Hart stated that what all parties were seeking was "to establish a priority among principles." Id. at 18. The steel companies declared their unwillingness to comply "until required to do so through established Judicial procedures." Id. at 17. One member of the committee speculated that if the companies were held in criminal contempt "the steel company executives (could) produce the records * * * (and) purge themselves from contempt." Id. at 16. (Senator Carroll).

At the request of the steel companies, the Judiciary Committee held 3 days of hearings on the events before the subcommittee. Steel companies (subpenas), hearings before the Committee on the Judiciary, September 12, 14, and 20, 1962. It was again clear that the companies' refusal was their "instrument or * * * approach of testing which of these two principles—of congressional power and business confidentiality—ultimately would prevail." Id. at 38 (Senator HART). Senator Keating pointed out that if the steel company executives had guessed wrong in refusing to comply, "the named individuals would be held in con-

tempt." (Id. at 55.) Senator Keating then stated his preference for a civil contempt statute (Id. at 55), a preference shared by Senator Ervin. (Id. at 75.) Senator Ervin observed dryly that when he was engaged in the practice of law he "always found some consolation in the fact when (he) gave one of his clients advice and (they) took it and it turned out to be wrong, it was (his) clients who had to go to jail instead of (himself)." (Id. at 75.) Senator Keating declared flatly that it was "wrong in cases in which there is no criminal intent to be forced to resort to a criminal prosecution in order to test the validity of a committee's questions or requests for documents." (Id. at 77.)

The dilemma facing the committee was made apparent by the subcommittee chairman, Senator Kefauver, who said:

I would like to make perfectly clear that the subcommittee has no interest in punishing individuals. What we want is the subpenaed material. (Id. at 85.)

Senator Carroll openly stated his hope that "this would go to a court and get a judicial opinion of whether or not the lawmakers * * * are entitled to the cost data." (Id. at 133.) He placed "no connotation in any sort of a criminal sense here at all." (Id.) It is apparent from the committee debate that the availability of a civil enforcement statute could have alleviated the dilemma. Ultimately no criminal contempt citation was voted.

During this same period the U.S. Court of Appeals for the District of Columbia was reviewing the conviction of Austin J. Tobin, the executive director of the Port Authority of New York, under the criminal contempt statute. *Tobin* v. *U.S.*, 306 F.2d 270 (D.C. Cir.) cert. denied 371 U.S. 902 (1962). Tobin had been cited for contempt in refusing to produce certain documents subpenaed by the House Judiciary Committee in an investigation of the 1921–22 interstate compacts between the States of New York and New Jersey. The Port Authority argued that after having approved the compact Congress did not have the constitutional power to rescind it. The Governors of both affected States instructed Tobin not to respond to the subpenas. Tobin did not prevail in his constitutional argument about the committee's jurisdiction but his conviction was nonetheless reversed on the grounds that the Judiciary Committee had been given no power to issue subpenas for the internal memos of the authority.

During the protracted House debate on the contempt citation (106 CONGRESSIONAL RECORD 17278–17312 (August 23, 1960)) it was repeatedly argued by the supporters of the contempt resolution that they had "no choice but to recommend a contempt citation * * * [t]he only way to have the issues which the Port Authority has raised settled is to submit them to the courts via the contempt citation * * *." 106 CONGRESSIONAL RECORD 17307 (August 23, 1960) (Congressman RODINO). See also 106 CONGRESSIONAL RECORD 17284 (August 23, 1960) (Congressman Celler). This fact created a dilemma because—

"(N)o one question(ed) their integrity, their honesty, or the sincerity of the position on which they based their refusal to submit the documents of the Port Authority to committee scrutiny. 106 Cong. Rec. 17306 (August 23, 1960) (Congressman Rodino).

Congressman RODINO even stated that—

Although this is a contempt action, no criminal penalties against these individuals are envisioned. 106 *Con. Rec.* 17306 (August 23, 1960).

Congressman ROGERS then submitted a detailed memorandum arguing that a declaratory judgment action could not be brought to test the validity of the subpenas. 106 CONGRESSIONAL RECORD 17308–17312 (August 23, 1960). No discussion occurred on the alternative of a civil enforcement action.

When the district court considered the case, Judge Youngdahl pleaded for Congress to provide an alternative to criminal contempt:

During the House debate on the contempt citation, the Committee inserted in the *Congressional Record* a memorandum purporting to show that declaratory judgment procedures were not an available means for procuring judicial resolution of the basic issues in dispute in this case. Although this question is not before the Court, it does feel that if contempt is, indeed, the only existing method, Congress should consider creating a method of allowing these issues to be settled by declaratory judgment. Even though it may be constitutional to put a man to guessing how a court will rule on difficult questions like those raised in good faith in this suit, what is constitutional is not necessarily most desirable. Especially where the contest is between different governmental units, the representative of one unit in conflict with another should not have to risk jail to vindicate his constituency's rights. Moreover, to raise these issues in the context of a contempt case is to force the courts to decide many questions that are not really relevant to the underlying problem of accommodating the interest of two sovereigns. *United States v. Fort*, 195 F.Supp. 588 at 616–617 (D.D.C. 1961)

The Court of Appeals in reversing Tobin's conviction quoted Judge Youngdahl's plea and added its own. It specifically noted that—

Appellant is no criminal and no one seriously considers him one. He stands before us convicted of crime merely because no method has been provided for testing the merits of his contentions save that of a prosecution for contempt of Congress. It is truly unfortunate that his choice was so restricted as to the presentation of his case, for it places us in the posture of being asked to answer broad questions of civil law within the framework of reviewing a criminal conviction. Undoubtedly the questions presented to us properly demand resolution, but we should not and cannot permit this appeal for answers to blind us to our duty of administering criminal justice according to traditional concepts. It must be remembered that what we decide in this case will be precedent for another, and far too often has the rashness of today begotten the regrets of tomorrow to induce us to tread unsanctioned by-ways of criminal adjudication merely because the setting of a particular appeal suggests the expediency of such a course. In short, we decide this case as we would any other criminal appeal . . .

A contempt of Congress prosecution is not the most practical method of inducing courts to answer broad questions broadly. Especially is this so when the answers sought necessarily demand far-reaching constitutional adjudications . . . 306 F. 2d at 274.

At the end of its opinion the court made an extraordinary appeal to Congress:

We feel inclined to add a few words in conclusion. If Congress should adopt a resolution which in express terms authorizes and empowers the Committee and its duly authorized Subcommittee to initiate an investigation of the Port of New York Authority as deep and as penetrating as the one attempted here, a challenge of the congressional power so to provide would of course present constitutional issues which we should have to meet and decide. Therefore, we emphasize that all we are saying here is that a due regard for the responsibility of administering justice prompts us to avoid serious constitutional adjudications until such time as Congress clearly manifests its intention of putting such a decisional burden upon us.

"Especially do we say this in view of the unusual nature of the present case, where we are asked to decide essentially civil and jurisdictional issues at the same time that we establish criminal precedent. The conflicting duality inherent in a request of this nature is not particularly conducive to the giving of any satisfactory answer, no matter what the answer should prove to be. Should this controversy be resumed, it is hoped that Congress will first give sympathetic consideration to Judge Youngdahl's eloquent plea. 306 F. 2d at 275–276.

Eight years later the same court renewed this appeal in *United States* v. *Fort*, 443 F.2d 670, 677–678 (D.C. Cir. 1970), cert. denied, 403 U.S. 932 (1971).

RECENT EXPERIENCE WITH CIVIL ENFORCEMENT

The Congress has had recent experience in court enforcement of a committee subpena.

Confronted by President Nixon's refusal to honor its subpena for certain White House tape recordings, the Senate Watergate Committee brought a civil action for a declaratory judgment that President Nixon's claim of executive privilege was unlawful. The committee found the prospect of criminal contempt or trial before the Senate inadequate and inappropriate remedies. Judge Sirica, however, held that the court had no jurisdiction to hear the action. *Senate Select Committee* v. *Nixon*, 366 F. Supp. 51 (D.D.C. 1973). See Representation at 232–246. Senator Ervin then introduced and the Congress soon passed a statute (Public Law 93–190) giving district court jurisdiction over that suit and others the Watergate Committee might bring to enforce subpenas issued by it to the executive branch. The original version of this statute would have confined jurisdiction on the courts to hear suits by all congressional committees to seek subpena enforcement. This provision was deleted prior to passage of the law.

The legislative history of the jurisdictional statute enacted for the Select Watergate Committee (Public Law 93–190) is described in a letter of January 9, 1974, from the committee to Judge Gesell. See Representation at pages 230 to 231. The debate and passage of the statute appears at 119 CONGRESSIONAL RECORD, 19787–19788 (Nov. 2, 1973); 119 CONGRESSIONAL RECORD, 20012–20013 (Nov. 7, 1973); 119 CONGRESSIONAL RECORD, 20130–20136 (Nov. 9, 1973); and 119 CONGRESSIONAL RECORD, 10484–10487 (Dec. 3,

1973). A copy of that jurisdictional statute appears in the subcommittee hearings at pages 524 to 525. The select committee's memorandum of points and authorities on the jurisdictional issue, both before Judge Sirica's opinion and after enactment of the statute, are printed in "Appendix to the Hearings of the Select Committee on Presidential Campaign Activities: Legal Documents Relating to the Select Committee Hearings," Senate Select Committee on Presidential Campaign Activities, volume X, part 1, at pages 695–703, 766–795, 805–853, 877–902, 1048–1064, 1117–1144, and 1172–1179.

After enactment of the statute, the only jurisdictional issue raised by President Nixon was whether the matter presented a justifiable case of controversy within the meaning of article III, section 2 of the Constitution. By Memorandum and Order of February 8, 1974, Judge Gesell held that the court had jurisdiction. See *Select Committee* v. *Nixon*, 370 F. Supp. 521 (1974), aff'd 498 F. 2d 725 (1974). The history of this lawsuit is recounted by James Hamilton, an assistant chief counsel for the Watergate Committee, in his book "The Power to Probe" (Random House, 1976) at pages 23–45, 85–100, 179–189, and 199–207. Hamilton criticized Judge Sirica's jurisdictional ruling against the committee and, in fact, the select committee initially determined to appeal his ruling rather than seek passage of a special jurisdictional statute. The risk inherent in that approach and the lost time which would result from a second adverse ruling prompted the committee to seek enactment of the new statute.

As I indicated earlier, the jurisdictional statute enacted to enable the Watergate Committee to bring its suit does not confer jurisdiction on any court to hear any suit brought by any other committee. However, under a 1928 standing order of the Senate:

> Any committee of the Senate is * * * authorized to bring suit on behalf of and in the name of the United States in any court of competent jurisdiction if the committee is of the opinion that the suit is necessary to the adequate performance of the powers vested in it or the duties imposed upon it by the Constitution, resolution of the Senate, or other law. S.J. 572 70–1, May 28, 1928.

A copy of the standing order appears as exhibit 94 in the appendix at page 525. The order was enacted following the decision of the U.S. Supreme Court in *Reed* v. *County Commissioners of Delaware County, Pa.*, 277 U.S. 376 (1928). Both the Supreme Court and the court of appeals affirmed a decree of the district court dismissing for lack of jurisdiction a case brought by the members of a special committee of the Senate against county election officers to obtain ballot boxes used in the contested Senate election of William S. Vare. The district court's opinion appears at 21 F. Rep 2d 144–152 (E.D.Pa.). Senate Resolution 262, containing the standing order was passed without debate and by unanimous consent the day after the announcement of the Supreme Court's decision; 69 CONGRESSIONAL RECORD 10596 (May 29, 1928). Because the Supreme Court's decision did not come until more than 2 years after the special committee had been formed, the Senate petitioners did not amend their complaint to attempt to proceed with the suit. In 1973, Judge Sirica held in the Select Watergate Committee case that this order only confers standing on a Senate committee and does not confer jurisdiction on any court to hear a suit brought by a committee. The standing order did, however, permit the Select Watergate Committee to bring that case without the need to secure approval of the full Senate. In contrast, under rule XI.2(m)(2)(B) of the House of Representatives:

> Compliance with any subpena issued by a committee or subcommittee * * * may be enforced only as authorized or directed by the House.

In summary, given the absence of any statute conferring jurisdiction on a court to hear a suit by any committee other than the now-defunct Select Watergate Committee, no committee of either House can presently bring suit to enforce a subpena whether authorized to do so or not.

Although the Watergate Committee was able to overcome the jurisdictional barrier to its lawsuit, the District Court and the Court of Appeals dismissed the suit on the merits. *Senate Select Committee* v. *Nixon*, 370 F. Supp. 521 (D.D.C.) aff'd. 498 F. 2d 725 (D.C. Cir. 1974). This ruling has also been criticized. See James Hamilton, supra, at 184–189. The basis for the District Court's February 8, 1974, ruling by Judge Gesell was a balance between "the public interests protected by the President's claim of privileged interests that would be served by disclosure to the committee in this particular instance." Id. at 522. Judge Gesell concluded that the committee did not have "a pressing need for the subpenaed tapes—nor would—further public hearing before the committee concerning the content of those tapes * * * at this time serve the public interest." Id. at 522. The need of the Special Prosecutor to "safeguard pending criminal prosecutions from the possible prejudicial effect of pretrial publicity." (Id. at 523). The "special circumstances" of the case weighed heavily in Judge Gesell's decision to give "priority * * * to the requirements of orderly and fair judicial administration." Id. at 523.

In affirming Judge Gesell's dismissal of the tapes suit, a unanimous Court of Appeals sitting en banc applied the same standard of "public need" for disclosure of the documents." 498 F. 2d 725, 730. In order to meet this burden the court held that the committee must show that its "responsibilities cannot responsibly be fulfilled without access to records of the President's deliberations." Id. at 730. In holding that the committee did not meet this standard, the court argued that "from a congressional perspective" access by the Watergate Committee was "merely cumulative" to that of the House Judiciary Committee. Id. at 732. The court went on to argue that there was "no specific legislative decision that cannot responsibly be made without access * * *." Id. at 733. The court found no need for a legislative committee to attempt a "precise reconstruction of past events * * *." Id. at 732.

This same balancing test was undertaken in a more recent case, *United States* v. *ATT*, F. Supp. (D.D.C. 1976, with similar results. In this case the Justice Department brought suit to restrain ATT from complying with a subpena from the House Subcommittee on Investigations. Judge Gasch applied the balancing from the select committee case and concluded that—

> The particular form in which th[e] information is sought is not absolutely essential to the legislative function. Slip. Op. at pg. 12.

It is not clear whether this same balancing test will be applied in an action to enforce a subpena against a private individual. At any rate in most cases private individuals will not be able to raise privileges as weighty as those raised by President Nixon or the Justice Department. If the subpena enforcement mechanism is ineffective in court balancing of interests, it may become necessary for Congress to limit such court balancing. Such a proposal is included in an amendment in the nature of a substitute to S. 2731. That amendment was introduced on March 31, 1976. Subsection (b) of the jurisdictional statute provides that—

> **The scope of review by the court shall extend only to whether (1) there is a legislative purpose on behalf of which information is sought, (2) authority has been delegated by Congress for the committee, joint committee, or subcommittee issuing the subpena to conduct the inquiry, and (3) the information sought, documentary or testimonial, is pertinent to the subject under inquiry.**

Hopefully, Congress will never need to adopt such a provision.

CONSTITUTIONAL ISSUES

As drafted the jurisdictional statute in this new bill extends only to subpena enforcement actions against "any entity acting or purporting to act under color or authority of State law or to any natural person." The statute expressly provides that it "shall not apply to an action (involving) * * * an officer or employee of the Federal Government acting within his official capacity." The version of S. 495 which was adopted by the Senate on July 21, 1976, was identical in this respect. Inasmuch as this represents a change in S. 495 as introduced, some explanation is in order.

In its final report the Watergate Committee recommended that the Congress "enact legislation giving the U.S. District Court for the District of Columbia jurisdiction over suits to enforce congressional subpenas issued to members of the executive branch, including the President." Final Report at 1084. The committee also recommended careful consideration of S. 2569, Senator Mondale's bill to create an Office of Congressional Legal Counsel, which contained a jurisdictional statute permitting enforcement of subpenas against executive branch officials. Accordingly, S. 2569 was incorporated in Senator Ervin's initial Watergate Reform Act, S. 4227, introduced on December 11, 1974. That proposal was then incorporated as section 102 of S. 495 when it was introduced on January 30, 1975.

Prior to Senator Ervin's introduction of S. 4227, the Senate had adopted S. 2432 on December 18, 1973. This bill provided a mechanism for challenging executive branch claims of executive privilege. That bill had been introduced on September 18, 1973, and reported by the Government Operations Committee on December 11, 1973. Senate Report 93–612. Forming the basis for the legislation was three volumes of hearings on "Executive Privilege, Secrecy in Government, and Freedom of Information" held jointly by three Senate subcommittees. See 119 CONGRESSIONAL RECORD 42101–42104 (December 18, 1973). In the House a similar bill, H.R. 12462, was favorably reported from committee (H. Rept. 93–990) on the basis of hearings on "Availability of Information to Congress." The House took no action on the bill.

At the time S. 495 was being considered in the Senate Government Operations Committee, S. 2170, Senator MUSKIE's executive privilege bill, was under consideration in a subcommittee of that committee. S. 2170 had been introduced on July 24, 1975, and hearings entitled "Congressional Right to Information" were held. The Government Operations Committee concluded it would be better to consider the controversial executive privilege issue separately in the context of S. 2170 and limit the jurisdictional statute in S. 495 to the noncontroversial issue of enforcement of subpenas against individuals and corporations.

S. 2569, S. 4227, and S. 495 also contained a provision authorizing Congress "to bring civil actions, without regard to the sum or value of the matter in controversy, in a court of the United States to require an officer or employee of the executive branch of the U.S. Government, or any agency or department thereof, to act in accordance with the Constitution and laws of the United States." See, for example, section 102(c)(1)(D) of S. 495. This section would probably have been ineffective as these bills did not contain a separate statute conferring jurisdiction on the courts to hear such an action. The amendment to S. 2731 to which I referred earlier did contain such a jurisdictional statute. See section 16(g)(1) of amendment No. 1547 to S. 2731 (March 31, 1976). During the subcommittee hearings, the Department argued vigorously that bringing such suits would be unconstitutional in light of *Buckley* v. *Valeo*, 424 U.S. 1,138 (1976). Representation at 90. Due to this opposition to that section, it was deleted by the Senate Government Operations Committee when the bill was reported. Senate Report 94–823.

I should note, however, that there is no doubt that Congress has the constitutional power to bring lawsuits to enforce committee subpenas. No constitutional objection was ever raised in the Read case or the select committee case. Furthermore, in testimony before the Subcommittee on Separation of Powers the Department has made clear that it continues to have no doubt that Congress has the constitutional power to bring a law suit to enforce a subpena. Rex Lee, Assistant Attorney General for the Civil Division, gave the following testimony before the subcommittee:

STAFF. You are saying in the Select Committee case no constitutional issue was raised about the jurisdictional statute and you are saying that no constitutional issues should be raised about that jurisdictional statute?

Mr. LEE. I certainly would not perceive any.

STAFF. Now, if Congress can enact a specific jurisdictional statute for a given committee to enforce its subpenas, and that is not unconstitutional, is it equally unconstitutional, equally constitutional for Congress to enact a jurisdictional statute allowing any committee to enforce any subpena in a civil action?

Mr. LEE. In other words, a general jurisdictional statute.

STAFF. The situation—only where it deals with subpenas by—

Mr. LEE. Congressional enforcement of its own subpenas. Expressing my own views only, my view would be that that is such a part of the legislative function, particularly after Eastland, that there would not be serious constitutional problems." Representation at 61.

In his opening statement to the subcommittee, Mr. Lee stated that it is "within the control of Congress" to "pass a specific statute investing the courts with jurisdiction to hear civil actions for the enforcement of congressional subpenas." Mr. Lee observed approvingly that—

This permits settlement of the legal issue without the unnecessary jar of contempt proceedings. Representation at 8.

In response to a supplemental question the Department further explained that—

Such suits are arguably distinguishable from other enforcement actions because congressional subpenas are such an integral part of the legislative function that they are included within the protections of the speech or debate clause.

See *Eastland, et al.* v. *U.S. Servicemen's Fund*, et. al. 421 U.S. 491 (1975). (Representation, at 62). The subpena enforcement section of this bill is on strong constitutional ground.

CONGRESSIONAL PROCEDURE FOR AUTHORIZING ENFORCEMENT

Section 205(c) of the bill taken together with subsection (e) of the jurisdictional statute set forth the procedure for congressional consideration of whether to authorize the counsel to commence a civil enforcement action on behalf of a committee. Section 205(d) then provides that adherence to this procedure is for the Congress to determine and shall not itself constitute an additional grounds for review of a congressional request for civil enforcement.

Basically, section 205(c) sets forth voting and reporting prerequisites for congressional consideration of a resolution to authorize the counsel to bring a civil enforcement statute on behalf of a committee. First, the committee must report the resolution by a majority vote of a quorum of its members. Second, that committee must file a report containing a description of the facts relevant to consideration of the resolution.

The voting requirement in this bill has been modified to reflect rules changes recently adopted by the House. In S. 495 a resolution under this section had to be reported by a majority of the members of a committee. Rule XI, clause 2(M)(2)(A) of the House of Representatives then provided that a House committee or subcommittee could only authorize issuance of a subpena by an affirmative vote of a majority of the members of the committee. It made sense to conform the vote requirement for reporting an enforcement resolution to the vote requirement for issuing a subpena. This represented a compromise on the part of the Senate as Senate committees may issue a subpena under any procedure they adopt. 2 U.S.C. 1906(a). Although the practice varies, most Senate committees authorize subpenas to be issued over the name of their chairman. See "Rules Adopted by the Committees of Congress," committee print of the Joint Committee on Congressional Operations, 94th Congress, 1st session. See also *Liverright* v. *United States*, 347 F.2d 473 (D.C. Cir. 1965).

On January 4, 1977, however, the House modified rule XI to more closely conform to Senate practice. 123 Cong. Rec. H5–H22 (January 4, 1977). The House then adopted House Resolution 5, section 25 of which amends rule XI, clause 2(M)(2)(A) to read as follows:

A subpena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpenas under subparagraph (1)(B) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpenas shall be signed by the chairman of the committee or by any member designated by the committee.

Accordingly, section 205(C)(1) has been modified to require that an enforcement resolution may be reported by a "majority of the members voting, a majority being present."

Under the rules of both the House and the Senate, nothing can be reported from a committee by a majority vote, if less than a majority are present. See rule XI, clause 2(1)(2)(A) of the Rules of the House of Representatives; rule XXV, clause 5(a) of the Rules of the Senate. Because subcommittees may not, of course report any matter to the floor, section 205(c)(1) requires that a resolution regarding enforcement of a subcommittee subpena to be reported by the committee of which the subcommittee is a part. In both Houses, subcommittees may issue subpenas.

Section 205(c)(2) sets forth the report requirements for an enforcement resolution. In addition to the obvious requirements that a committee describe the procedure followed in issuing a subpena and that it describe the extent of compliance with the subpena, the bill requires the committee to report any objections or privileges raised by the subpenaed party and the comparative effectiveness of the various means of enforcement. In reporting objections and privileges to the floor, the body will be able to evaluate the need or constitutionality of enforcement. In terms of the choices of remedy, the committee report should focus on whether the subpenaed party may be coerced into compliance or whether deterrence of future violations is more appropriate. These

reporting requirements will assure that debate on the enforcement resolution is informed. Indeed, it would be desirable to follow these requirements with criminal contempt citations as well.

Finally, section (e) of the jurisdictional statute waives the applicability of the 1928 standing order of the Senate allowing its committees "to bring suit . . . in any court . . . if the committee is of the opinion that the suit is necessary to the adequate performance of the power vested in it . . ." Senate Journal 572, 70–1, May 28, 1928. Under that order, a Senate committee might bring a subpena enforcement action without being authorized to do so under section 205. This exemption is closed by subsection (e) of the jurisdictional statute.

The requirement that a House of Congress itself vote regarding subpena enforcement conforms to the rules of the House which provide that "compliance with any subpena . . . may be enforced only as authorized or directed by the House." rule XI, clause 2(M)(2)(B). In proceeding under the criminal contempt statute, a vote of at least one House of Congress is already required.

DEFENSE OF THE CONSTITUTIONALITY OF ACTS OF CONGRESS

Sections 206, 209, and 212 all contain provisions to insure that the constitutionality of acts of Congress is vigorously defended in the courts. These provisions grow out of proposals I made last Congress in S. 2731 and in S. 3854. S. 3854, entitled the "Separation of Powers Defense Act of 1976," was introduced on September 29, 1976. (See 122 Cong. Rec. page 33334, September 29, 1976.) These provisions make it clear that when the Justice Department appears in a case on behalf of "the United States," the Congress expects them to defend—and not to attack—the constitutionality of statutes enacted by Congress.

NEED FOR PROVISIONS

Increasingly, the executive branch and the Department have taken the position that they can pick and choose which acts of Congress they will defend against constitutional attack. The Department asserts the prerogative to attack the constitutionality of statutes in two circumstances. The Department states that it will not defend a statute in cases in which it believes that "upholding the statute would have the effect of limiting the President's constitutional powers or prerogatives." Representation of Congress and Congressional Interests In Court," Subcommittee on Separation of Powers, at 5 (1976). It is, of course, not surprising that in this limited situation representatives of the executive branch may choose or take issue with the constitutionality of statutes which the executive branch believes have this effect. The Department has also asserted the power, however, to refuse to defend statutes which have nothing to do with Presidential power. In testimony before the Subcommittee on Separation of Powers this winter, the Assistant Attorney General for the Civil Division asserted that:

> The Department will not defend against a claim of unconstitutionality where the Attorney General believes, not only personally as a matter of conscience, but also in his official capacity as the chief legal officer of the United States, that a law is so patently unconstitutional that it cannot be defended. *Representation of Congress and Congressional Interests In Court*, at 6.

I find this assertion of the Attorney General's discretion not only surprising but reminiscent of the executive branch's assertion of unbridled discretion to withhold documents from the Congress, to impound funds, and to commit American troops to combat. In each of these instances the "conscience" of the executive branch undermines our constitutional structure of Government.

Not only has the executive branch asserted the right to pick and choose which statutes to defend, but it also asserts the prerogative to take such action in the name of "the United States." It is absolutely clear, however, that neither the executive branch nor the Department of Justice represents the interests of the "United States" when for whatever reason they refuse to defend or when they attack the constitutionality of a statute enacted by Congress. It is incredible enough that they assert unbridled discretion in which laws they will "faithfully execute," but to claim that in such action they represent the "United States" is a direct affront to the Congress.

I have particularly serious objection to the Department relying upon various procedural statutes enacted by Congress as authority for their entering court to further these constitutional challenges. If the executive branch or the Department wish to rely on the grants of constitutional power to the President and the executive branch in article II, section 3, of the Constitution as authority for these constitutional challenges, let them do so. But by cloaking themselves in the aura of "the United States" and by relying on procedural statutes enacted by Congress, the executive branch and the Department falsely imply that the Congress sanctions or encourages these constitutional challenges. I consider this practice to raise a question of high principle in which the Congress must not acquiesce.

The provisions I have proposed here will prevent the Department of Justice from relying on various procedural statutes to bring or to intervene in cases in the name of the United States to challenge the constitutionality of acts of Congress. Section 212(c) amends section 1345 of title 28, which is the basic delegation of authority for the executive branch to bring suit in the name of the United States. This amendment bars use to this authority to bring constitutional challenges. The basic authority of the Department to institute all other court proceedings in the name of the United States remains unchanged. It is the unintended expansion of this authority which I seek to correct.

Section 212(d) amends section 2043 of title 28, which is the basic delegation of authority for the United States to intervene in cases which involve only private parties and which raise constitutional questions. This section amends section 2403 to bar its use to support these constitutional challenges. Under this section 2403 could continue to be used by the Department to intervene to defend the constitutionality of a statute. With respect to these sections, let me emphasize that my purpose is not to prevent the executive branch from bringing actions or intervening in actions which challenge the constitutionality of acts of Congress, but rather to prevent the executive branch from asserting that it represents the United States when it does so.

The remaining sections concern two related issues. Sections 206 and 212(b) enable Congress to intervene in cases where the executive branch has determined not to appeal a court decision holding an act of Congress unconstitutional. By failing to appeal these cases, the Department lets the statute fall, thereby frustrating congressional intent in enacting the law. Section 206 enables Congress to intervene in cases where the United States is the named defendant, but where the Department is not defending the constitutionality of a statute. In neither of these types of cases do these sections of the bill authorize Congress to assert that upon intervening it will represent the Unites States. Upon intervening Congress will represent itself and perform the function the Department has neglected.

HISTORY OF EXECUTIVE BRANCH POSITION ON DEFENSE OF STATUTES

Unfortunately, the Justice Department's position with regard to its obligation to defend the constitutionality of acts of Congress has changed markedly over the years. This change has continually diluted the Department's sense of duty to the Congress and to the constitutional separation of powers.

As early as 1919 Attorney General Palmer stated in an opinion to the Secretary of the Treasury the following:

> Ordinarily, I would be content to say that it is not within the province of the Attorney General to declare an Act of Congress unconstitutional—at least, where it does not involve any conflict between the prerogatives of the legislative department and those of the executive department—and that when an act like this, of general application, is passed it is the duty of the executive department to administer it until it is declared unconstitutional by the courts. 31 OP.A.G. 475 (May 6, 1919).

In this opinion the Attorney General consented to review the constitutionality of the law with respect to which the Treasury Secretary had inquired only because opinions of the Attorney General prior to passage of the statute in question could be construed to conflict with a finding that the statute in question was constitutional. The Attorney General had no difficulty in concluding that the act was, in fact, constitutional.

In 1935 Attorney General Cummings elaborated on the duty of executive branch officers not to question the constitutionality of acts of Congress. He stated:

> Ordinarily, I think, it does not lie within the province of a ministerial officer to question the validity of a statute which, in so far as he is concerned, merely imposes upon him a proper duty and has no bearing upon his constitutional rights. As stated by the Supreme Court in *Aikins* v. *Kingsbury*, 247 U.S. 484, 489, "he who would successfully assail a law as unconstitutional must come

showing that the feature of the act complained of operates to deprive him of some constitutional right." It is not sufficient that the statute may adversely affect the rights of others; and it can make no difference that others who claim to be injured are assailing its constitutionality.

In *Smyth* v. *Titcomb*, 31 Maine 272, 285, 286, a tax collector who refused to collect taxes upon the ground that the statute which levied them was unconstitutional, was required by mandamus to perform the duty imposed upon him by the statute, without regard to whether or not it was constitutional. The court said:

"It does not, however, lie with the respondent, as a ministerial officer, to make this objection. He is not authorized, or required to adjudicate the law. On a summary hearing on a petition for a *mandamus*, this court will not determine the question of the constitutionality of the law, involving the rights of third persons, but will leave that question to be settled, when properly presented by parties to an action. For this hearing, we assume that the act is constitutional. *The People* v. *Collins*, 7 Johns. 549.

"We have thus noticed the principal objections but there are considerations which lie at the foundations of these proceedings, that may be properly suggested at this time. A public officer entrusted with the collection and disbursement of revenue, in any of the departments of the government, has no right to refuse to perform his ministerial duties, prescribed by law, because he may apprehend that others may be injuriously affected by it, or that the law may, possibly, be unconstitutional. He is not responsible for the law, or for the possible wrongs which may result from its execution. He cannot refuse to act, because others may question his right. The individuals to be affected, may not doubt the constitutionality of the law or they may waive their supposed rights or wrongs or may choose to contest the validity of the enactment, personally. Public policy, as well as public necessity and justice, require prompt and efficient action from such officers."

The foregoing language was quoted with approval by the Supreme Court of Errors of Connecticut in *Levitt* v. *Attorney General*, 111 Conn. 634, 646, which denied the right of the Attorney General of the state to refuse to carry out a statutory enactment upon the ground that he had determined it to be unconstitutional, the court saying:

"One administrative officer can not attack the constitutionality of a statute because it may violate the constitutional rights of other administrative officers in order to avoid his own performance of a mandatory duty imposed upon him by that statute." 38 OP.A.G. 252 (August 16, 1935).

He went on to state that:

The constitution has vested in no court or officer the power to remove an enactment of the Congress from the statute books upon the ground of its invalidity. When the Supreme Court has finally declared a statute to be unconstitutional, its decision, because of the great faith which we have in that august tribunal, is accepted as final (38 OP. A.G. 252).

He concluded that the officer should continue to execute the law "at least until the Supreme Court shall have acted or the Congress shall have made further provision." 38 Op. A.G. 252.

Two years later the same Attorney General quoted this admonition that ministerial officers not question the validity of a statute. He stated further:

Save in exceptional cases it has been the practice of Attorneys General to refrain from rendering opinions as to the constitutionality of enactments of the Congress after their approval or disapproval by the President. While the bill which became the Federal Home Loan Bank Act was awaiting executive action, my predecessor was asked to let the President know whether, in his judgment, there were any objections to its approval. Under the established practice my predecessor's report is not available to the pubilc, but I think I may say, subject to your approval, that it suggested no constitutional or other objection to the bill—nor do I find any.

I think I should take this occasion, however, to stress the soundness of the rule which I have mentioned and the grave objections to the rendition of opinions by the Attorney General upon requests from the heads of the Federal Departments and independent establishments concerning the constitutionality of laws they have been appointed to administer. There is no warrant for such requests as the presumption of validity is binding upon them and they must act accordingly. * * *

The head of a department is under no duty to question or to inquire into the constitutional power of the Congress (36 Op. 21, 25). Such matters arise in the Congress, or with the President, and are not "questions of law arising in the administration of his department," within the contemplation of the statute under which the heads of the departments are authorized to require my opinion (U.S.C., title 5, sec. 304). This provision has long been construed as limiting the scope of opinions to specific cases, actually arising, in which the head of a department is authorized to make some determination, or to take some action, in connection with which some guidance is required.[1]

The Attorneys General have at times had occasion to declare their inability under the statutes to render opinions for the guidance of the Congress. 36 Op. 532, and other opinions therein cited. (A comprehensive list of such opinions appears in the CONGRESSIONAL RECORD of March 26, 1936, v. 80, p. 4370). In 36 Op. 21, 25, my predecessor had occasion to point out that questions concerning the constitutionality of contemplated legislation do not arise in the department which would administer the statute, if enacted. In one instance the Congress, recognizing these statutory limitations, specifically "authorized and directed" the Attorney General to render to the Secretary of War an opinion involving the constitutional power of the Congress in connection with certain contemplated legislation, and required the Secretary of War to transmit the opinion in the Congress, 25 Op. 195.

Assuming, therefore, that in the administrative branch of the Government only the President ordinarily can have proper interest in questioning the validity of a measure passed by the Congress, and that such interest ceases when he has expressed his approval or disapproval, it necessarily follows that there rarely can be proper occasion for the rendition of an opinion by the Attorney General upon its constitutionality after it has become law.

Necessarily when the Attorney General, at the request of the President, is considering pending legislation, he must often point out doubts and uncertainties of varying degrees of merit and must deal with the matter in a practical and, at times, argumentative fashion. Since such opinions are merely for the assistance of the President and are ordinarily regarded as confidential,[2] the Attorney General may state his views fully and freely, with advantage to the President and without embarrassment to any one. To illustrate the manner of treatment sometimes required, I quote below from two unpublished opinions rendered during a former administration on proposed legislation, connected in no way with the legislation which has drawn forth this letter.

(A) "The question is one which has been debated back and forth by lawyers, legislators and writers on constitutional law * * *. Substantial arguments have been adduced on both sides of the question. The strict constructionists take the view that Congress has not the power and those inclined to more liberal views reach the opposite conclusion * * *. It is one of those questions where a little statesmanship must be added to legal arguments to reach a sound conclusion. * * * Practical considerations lead to the conclusion that the liberal view, sustaining the power, should be adopted. * * * I do not believe the Congress would pay any attention to an opinion of an Attorney General to the effect that the power does not exist."

(B) "In my judgment it would not be wise to base objection to this measure on constitutional grounds. * * * This measure falls into a class with innumerable others that have been enacted by Congress since the organization of the Government and which, if constitutional at all, would have to be sustained under the so-called general welfare clause because there is no specific authority elsewhere in the Constitution. The question as to the extent of authority of Congress under the general welfare clause has never been decided by the Supreme Court of the United States and is not likely to be.[3] An attack on this measure on the ground that it is not authorized by the Constitution would be met instantly with the argument that many measures open to the same objections have been approved during this and prior administrations; and to single out this one measure for constitutional criticism would result in inconsistency which could not be defended."

The situation is fundamentally different when the Attorney General is asked to pronounce upon the constitutionality of a statute after it has been passed by the Congress and approved by the President. Both then have evidenced their determination that the measure is constitutional. What before remained in the sphere of debate has now been elevated to the domain of law. Should the Attorney General now vouchsafe his opinion holding the legislation unconstitutional, he would set himself up as a judge of the acts of the Congress and of the President. Moreover, should a practice of rendering opinions upon requests such as that submitted in this instance prevail, the occasion surely would arise when, entertaining doubts which he could not conscientiously put aside, he would be compelled to declare, with disturbing public effect, the invalidity of a statute, while in effect voicing only a personal view that might ultimately be rejected in the courts. Of course, if the Attorney General should regard a statute as clearly constitutional, an opinion to that effect might not be immediately harmful—aside from the fact that he might later be called upon to defend the statute in the courts under such tactical disadvantage as may flow from a prior public exposition of his

[1] 20 Op. 463, 464; 32 531, 636.

[2] A number of such opinions have been published, b Op. 254, 259; 10 Op. 426, 435; 12 Op. 337, 347; 18 Op. 18, 87; 36 Op. 194, 243, 248; 26 Op. 422; 27 Op. 330; 30 Op. 88; 37 Op. 403, 407.

[3] Since that time the Supreme Court has had occasion, in *United States* v. *Butler*, 907 U.S. 1, 66, to approve the "Hamiltonian position" of the broad scope of the spending power under the general welfare clause—a view which I had ventured to rely upon in my opinion of August 26, 1966, 88 Op. 958, thus, apparently, ending one phase of the historic controversy regarding the interpretation of the general welfare clause.

position. Often, however, although the Attorney General should conclude in favor of the constitutionality of a measure, he could not deny the presence of doubt; and yet, as the Government's chief advocate in the courts, he would hesitate publicly to express misgivings which would only supply an issue that he must later meet in the performance of his official duties.

Even assuming the existence of some doubts about the validity of enacted legislation, it should always be remembered that its constitutionality may never be drawn into question, or may be questioned only in a particular aspect in its application to a specific set of facts. Just as it is not the function or the practice of the courts to make moot determinations of the constitutionality of enitre statutes, but to decide actual cases arising under specific factual situations to which the statutes may relate, so there would seem to be no reason why the Attorney General should rule upon such broad, abstract questions—especially when, as I have stated, the constitutionality of the statute may never be challenged. . . .

It is true that many opinions of the Attorneys General have dealt with constitutional questions arising in connection with enacted legislation. Some of them have interpreted general statutes in the light of the Constitution, applying the principle that ambiguous language is to be construed, if possible, so as to avoid imputing to the legislature an intention that would transcend prescribed restrictions or raise serious constitutional questions. Some opinions have examined Supreme Court decisions and stated, for administrative guidance, the apparent scope thereof and the resulting effect upon the statutes under consideration. Others come within the recognized exception concerning statutes presenting possible conflict with prerogatives of the executive department. Very few have discussed constitutional authority in sweeping terms. I shall not further attempt to distinguish or classify these prior opinions, but they are to be sharply distinguished from the one asked for in the present instance. The practice which has generally prevailed in the past is salutary and departures from it should be viewed with concern.

These same sentiments were reiterated by Attorney General Francis Biddle in 1942, 40 OP A.G. 158 (February 3, 1942).

Despite these Attorney General opinions, the Justice Department became involved in two lawsuits in which it determined for the first times not to defend the constitutionality of acts of Congress. Both cases were Court of Claims cases brought against the United States.

In the first case the executor of the will of William E. Humphrey brought a claims action against the United States for salary withheld from him when he refused to resign before the expiration of his 7-year term as a Commissioner of the Federal Trade Commission. President Roosevelt had demanded that Humphrey—a Hoover appointee—resign. When Humphrey refused to do so, the President "removed" him from office and withheld his pay. Humphrey never acquiesced in this action, but continued to insist until his death a year later, that he was still a member of the Commission.

The executor argued that the 7-year term of office for the Commissioners specified in the Federal Trade Commission Act did not unconstitutionally infringe upon the constitutional removal power of the President. In the name of "the United States" the executive branch argued first that the act should not be construed to limit the President's removal power, but argued that if it was so construed, it was unconstitutional. The court unanimously held that the statute did limit the President's removal power, but that such limitation was not unconstitutional. *Humphrey's Executor v. United States*, 295 U.S. 602 (1935).

In the second case, unlike in Humphrey's, both the plaintiff and the executive branch agreed that a statute was unconstitutional. The case arose when Congress included in the urgent Deficiency Appropriation Act of 1943 a section barring payment of salary to three named individuals, including Robert Lovett, 57 Stat. 431, 450 (1943). Lovett brought suit against the United States in the court of claims on December 1, 1943, for payment of the salary that had been withheld. He argued that the statute was an unconstitutional bill of attainder.

It was clear from the start that the Justice Department would not defend the constitutionality of the statute even though the President had signed the bill and even though his power was unaffected by it. As a result of the Department's position in a December 4 letter, Congressman John H. Kerr, chairman of the Special Subcommittee of the House Appropriations Committee concerned with the matter, wrote to the Attorney General, Francis Biddle, suggesting that Congress should be afforded an opportunity to be represented by its own counsel and to defend the statute. See House Report No. 1117, 78th Congress, 2d session, at page 3. See also Senate Report No. 724, 78th Congress, 2d session, at page 3. The Department responded in a letter to the Speaker on December 6 that:

At the time that this bill was before the President for approval or veto the question of constitutionality was raised. It was his view as stated in his message that the provision was unconstitutional. He nevertheless approved the bill because of the urgency of the Government's need for the appropriations which would have been vetoed along with this provision.

The Department of Justice proposes to file demurrers to the petitions. The vital questions involved are the constitutional questions, which, in my judgment, can appropriately be raised and disposed of by demurrer.

It is my purpose to give the court the benefit of as candid an analysis as I can make. However, my position concurs with the President's. I think it the right position. It is at odds with the position of the Congress. In these circumstances I feel that the Congress should be afforded an opportunity to be represented by their own counsel. I shall be glad to suggest to the court that anyone you may select be given the right to file a brief and to argue on behalf of the position of the Congresss. I shall also be glad to confer with whomever you name for the purpose of working out the best procedures finally to dispose of these cases.

I regret that in these cases I find it impossible to advocate with conviction the views of the Congress.

See also House Report No. 1117, at 3; Senate Report No. 724, at 3.

On December 13, 1943, the House adopted House Resolution 386, which authorized the special subcommittee to appoint counsel "to represent the United States in the Court of Claims and in any appellate proceedings resulting therefrom" . . . 10882 (Dec. 13, 1943.). The adoption of this resolution led to negotiations between the Department and the Congress. Then in a letter of January 31, 1944, the Attorney General wrote to Congressman Kerr stating:

As you know, we have had several conferences since I received your letter of January 19, 1944, in an attempt to make arrangements which would satisfy the Congress that the issues in these cases were presented in such a way as to raise the constitutional claims of the Congress fairly and adequately. Under the statutes applicable *I cannot divest myself of the responsibility to defend the interests of the United States in these suits.* However, I think it in the interests of the United States that the pleadings should, in the judgment of your counsel, properly raise such issues as he deems relevant to the constitutional claims of the Congress and that the proof should comprehend such facts as he deems material in support of those claims. Also, of course, as I have said before he should have entire freedom in filing briefs and making oral arguments in support of the position of the Congress.

I understand that your counsel feels that general traverses will fully satisfy these purposes as pleadings in the cases, and I am prepared to file such general traverses. I will also make appropriate arrangements so that he can put before the court the proof that he deems necessary and which is appropriate to support the congressional claims.

I trust that this solution of the matter will be considered by your committee satisfactorily to meet what you deem are the rights of Congress in this situation H. Rept. 117, at 4 (emphasis supplied). See also S. Rept. 724 at 4.

It was obvious that if the Department would not allow Congress to represent "the United States" and if it did not at least deny the allegations in Lovett's complaint, the lawsuit would terminate without any defense of the statute. This explains the Attorney General's proposal to enter "general traverses" to the complaint and allow the Congress to introduce evidence.

Congressman Kerr, however, was evidently not satisfied with the Attorney General's unwillingness to allow Congress to represent "the United States" in the Lovett case. On February 2, 1944, he introduced House Joint Resolution 230 which in part waived the application of certain statutes which restricted those persons who could represent "the United States in a lawsuit. This joint resolution was favorably reported from committee in the reports cited above. During the House debate on this resolution, Congressman Kerr explained that the purpose of the resolution was to suspend certain statutes "which would embarrass any counsel and prohibit those who are employees of the Government from appearing in behalf of the United States" in the Lovett case—10 CONGRESSIONAL RECORD 1674, February 15, 1944. The precedent for this resolution cited by Congressman Kerr was Senate Joint Resolution 54, passed on February 8, 1924, to allow a special prosecutor to take charge of investigating the Teapot Dome Scandal. See 65 CONGRESSIONAL RECORD 1520–1538, January 28, 1924; 65 CONGRESSIONAL RECORD 1592–1607, January 29,

1924; 65 CONGRESSIONAL RECORD 1668–1694, January 30, 1924; 65 CONGRESSIONAL RECORD 1718–1729, January 31, 1924; 65 CONGRESSIONAL RECORD 1812–1813, February 1, 1924. The special prosecutor in that case was appointed by the President and confirmed by the Senate. See 90 CONGRESSIONAL RECORD 2543–2566, February 16, 1944, and 90 CONGRESSIONAL RECORD 2637–2641, February 18, 1944.

Despite the efforts of Congressman Kerr, when counsel for the House did appear in Lovett, it did so only as "amicus curiae" and only on behalf of the House. As amicus, however, the House counsel was given permission:

To file with the Court any pledgings, motions or other papers permitted by the Rules, to offer evidence, to produce witnessess and examine them, to cross-examine witnesses, to file proposed findings of fact, to file briefs, to present oral arguments to the Court upon the issues involved, and to do all things necessary and proper to present the issues of fact and law to the Court." Motion to John C. Gall to appear as Amicus Curiae reprinted in Representation of Congress and Congressional Interests in Court, at page 399.

It is extremely unusual that amicus counsel be given such rights, which illustrates that for all purposes the House was a party defendant and did represent the United States. Understandably, the Court of Claims noted in its opinion the somewhat confusing status of the House Counsel, pointing out that "the Special Counsels, are designated variously in the record as representing the House, the Congress, the United States." 66 F. Supp. 142, 143 (Ct. Cl. 1945).

In the Supreme Court, the House Counsel again appeared as amicus curiae. He did so on behalf of the "Congress of the United States." The Solicitor General claimed to appear on behalf of "the United States" but sided with the plaintiff in arguing that the statute was unconstitutional. 328 U.S. 303, 306 (1946). The Supreme Court unanimously held that the statute was, in fact, an unconstitutional bill of attainder. See "United States v. Lovett: Litigating the Separation of Powers," 10 Harvard Civil Rights-Civil Liberties Law Review 1 (1975).

Since the Humphrey's and Lovett cases the Department has intervened in two private lawsuits to attack the constitutionality of acts of Congress; has provided a lackluster defense of the 18-year-old-voter statute; and has gone out of its way to attack the constitutionality of the Federal Election Campaign Act in a brief filed on behalf of the Attorney General, while at the same time the Department was supposedly representing other named defendants in the suit—the Clerk of the House and the Secretary of the Senate. These cases are *G. C. Simkins* v. *Moses H. Cone Memorial Hospital*, 323 F. 2d 959 (4th Cir. 1963); *Ramsey Clark* v. *Federal Election Commission*, Civil Action No. 76–1227 (D.D.C. 1976); *Oregon* v. *Mitchell*, 400 U.S. 112 (1970); and *Buckley* v. *Valeo*, 424 U.S. 1 (1976).

In both the Simkins and Ramsey Clark cases the Department has cited 28 U.S.C. 2403 as authority for its intervening as a plantiff in a lawsuit involving only private parties to join in an attack on the constitutionality of an act of Congress. The Simkins case involved an attack on the constitutionality of provisions of the Hill-Burton Hospital Survey and Construction Act of 1946. In the Simkins case the Department's Intervention as a plaintiff was permitted despite strenuous opposition from the defendant that section 2403 did not authorize intervention for that purpose. See "Representation of Congress and Congressional Interests in Court," at pages 474–498. The Ramsey Clark case involves an attempt to invalidate the "legislative veto" provisions of the Federal Election Commission Act, 2 U.S.C. 438(c), 26 U.S.C. 900(c) and 26 U.S.C. 9039(c). The Secretary of the Senate and the Clerk of the House are named defendants. In Ramsey Clark the Department motion to intervene as a plaintiff on August 6, 1976, under section 2403 was vigorously opposed by the congressional defendants. The district court granted intervention but that action is under appeal.

Section 2403 provides that:

In any action, suit or proceeding in a court of the United States to which the United States or any agency, officer or employee thereof is not a party, wherein the constitutionality of any Act of Congress affecting the public interest is drawn in question, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The United States shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality.

As will be discussed at length below, despite the Department's reliance on section 2403 as authority for its intervention in those two cases, the legislative history of section 2403 clearly limits its application to the Department's defense of the constitutionality of acts of Congress.

In Oregon against Mitchell the Supreme Court reviewed the constitutionality of the Voting Rights Act Amendments of 1970. Among these amendments was a provision, title III, which lowered the minimum voting age to 18 in all national, State and local elections. The Justice Department's lackluster and unenthusiastic argument in defense of this title in the Supreme Court was, according to one critic, partially responsible for the Court's upholding title III only as to national elections. Greene, Richard S., "Congressional Power Over the Elective Franchise: The Unconstitutional Phases of *Oregon* v. *Mitchell*," 52 *Boston University Law Review* 505, 565–566(1972).

The Solicitor General began his oral argument in the case as follows:

The Voting Rights Amendment Act of 1970 originated in the House of Representatives simply as a proposal to extend the Voting Rights Act of 1965 which, by its terms, expired in 1970, and to add a provision making it, in effect, no longer as individious as it had been, by extending the abolition of literacy requirements nationwide.

In the House provisions with respect to residency were added and before it was passed by the House it went to the Senate. In the Senate amendments were proposed to provide for 18 year olds voting; there was extensive consideration and debate in the Senate as to whether this should be done by Act of Congress, or whether it should be done by a Constitutional Amendment.

When it was pending before the Senate, officers of the Department of Justice appeared before the Congressional Committees. I may say, there are three volumes of hearings with respect to this bill and one, the House hearings, deals only with the literacy and residency and then there are two volumes of Senate hearings before different subcommittees in the summer of 1969 and in February 1970, where these matters were extensively considered.

Deputy Attorney General Kleindienst appeared before one of the Senate Committees and presented the view of the President that the change should be made but that it should be done by constitutional amendment. And this appears at pages 78 to 80 of the Senate Committee Hearings for February 17, 1970.

And on March 10, 1970 Assistant Attorney General Rehnquist presented to the same committee a substantial statement against the constitutional validity of making the change by statute.

Now, this appears beginning at page 23 of the hearings and the Court will, of course, want to give consideration to these views.

Finally, when the legislation had been passed by Congress as a statutory provision and not a constitutional amendment and the President signed it on June 22, 1970, the President made a statement, of which I shall read the first two paragraphs. This is the President's statement:

"On Wednesday, Congress completed action on a bill extending and amending the Voting Rights Act of 1965, and sent it to me for signature. As passed the bill contained a rider which I believe to be unconstitutional: a provision lowering the voting age to 18 in Federal, State and local elections. Although I strongly favor the 18-year-old vote I believe, along with most of the nation's leading constitutional scholars, that Congress has no power to enact it by simple statute but rather requires a constitutional amendment.

"Despite my misgivings about the constitutionality of this one provision I have today signed the bill. I directed the Attorney General to cooperate fully in expediting a swift court test of the constitutionality of the 18-year-old provision."

There is more in the statement, but that is the relevant portion. The Attorney General is the party defendant in the two cases now before the court. He signed the complaint for the United States in the two cases which are to follow, the Arizona and the Idaho cases. He has signed the briefs in all four cases. However, because of his relationship to the President, he felt that he should not present the argument in this case. So, I am here and I and my associates have endeavored to support the statutes as vigorously as we are able. "Representation of Congress and Congressional Interests in Court" at pages 350–352.

A more obvious lack of enthusiasm on the part of the Solicitor General for the constitutionality of the 18-year-old vote provision is hard to imagine. But even more significant was his failure to discuss two of the most plausible authorities for the constitutionality of title III, the time, place, and manner clause and the republican government clause. I have already described the predictable results in this case.

Finally, let me turn to the first Fed-

eral Election Commission case, Buckley against Valeo. The Buckley case was filed on January 1, 1975, against the Secretary of the Senate, Frank Valeo, and the Clerk of the House, Pat Jennings, who were then still administering the Federal Election Commission Act of 1971 pending appointment of the Commission under the 1974 amendments to that act. On April 16, 1975, the Department of Justice formally entered an appearance on behalf of Valeo and Jennings pursuant to a January 7, 1975, request under 2 U.S.C. 118. See "Representation of Congress," at 116. The Department never withdrew that notice of appearance or notified their congressional clients that they intended to withdraw as their counsel. "Representation of Congress," at 115.

However, the day after the Commission came into being, the Department filed a brief in the court of appeals on behalf of the Attorney General, who was also named defendant in the suit. At that time the Department was still serving as counsel for the Clerk, the Secretary, and the Commission. In this "Brief for the Defendant Attorney General" the Department argued that the appointment under which their clients, Valeo and Jennings, were appointed, violated the constitutional separation of powers. The Department was later to argue that its filing of this brief did not violate any ethical obligation to defend its congressional clients, the Clerk and the Secretary, inasmuch as it had asserted in a footnote of a separate "Brief for Defendants Attorney General and Federal Election Commission," which was filed simultaneously, that the Commission had superseded the Clerk and Secretary as defendants under rule 25(d) of the Federal Rules of Civil Procedure. "Representation of Congress," at 118.

That rule provides for a substitution of parties when a public officer "dies, resigns, or otherwise ceases to hold office"—none of which occurred in the case of the secretary and the clerk, who remained named defendants as ex officio members of the new Commission. Accordingly, the court of appeals opinion in the case later listed the clerk and the secretary as defendants and still entitled the case "*Buckley* v. *Valeo*" 519 F.2d 821 (D.C. Cir. 1975). Likewise the Supreme Court listed the clerk and secretary as defendants and retained the same title for the case. The Department's treatment of its congressional clients was the subject of extensive correspondence between myself and the Department. "Representation of Congress," at 119–135.

When the Buckley case reached the Supreme Court the Department continued to represent the Commission and the clerk and secretary. Again, however, it filed two briefs, one in defense of the Commission, and a second brief entitled "Brief for the Attorney General as Appellee and for the United States as Amicus Curiae." It is in this second brief that the Department, in effect, filed a brief within a brief. At page 2 the "brief" makes the following statement of the "interest of the Attorney General and the United States":

> The Attorney General is named defendant in this action. The Attorney General as a party, however, joins only the separate portion of this brief that addresses the problem of the scope of the Federal Election Commission's powers, which apparently trench on authority reserved to the executive by article II of the Constitution. (The Federal Election Commission has retained special counsel to represent it on this question.) The Department of Justice represents the Federal Election Commission and its members, who are also parties.
>
> The United States recognizes that this case presents difficult questions close to the core of our system of Government. Whether these particular attempts to purify the electoral process can be reconciled with the first amendment is a matter of vital interest to the United States, which has the responsibility of vindicating both concerns in light of the dual commands to "preserve, protect, and defend the Constitution of the United States" and to "take care that the laws be faithfully executed." In these circumstances, the United States will set forth its views as amicus curiae in the true sense of that phrase with respect to the first amendment issues. We present and analyze the considerations and issues on all sides that we believe, will be crucial to this court's deliberations, Representation of Congress, at 139.

The first four sections of the "brief" present arguments on behalf of the Attorney General as amicus curiae, and present a more or less neutral analysis of the constitutional issues. The fifth section then presents the view of the Attorney General "as a party" and argue against the constitutionality of the act. A copy of the fifth section of the "Amicus Brief" appears as exhibit 19 in the appendix of "Representation of Congress," at pages 355 to 373. The entire brief is reprinted in "Special Report of the Joint Committee on Congressional Operations: Buckley against Valeo," January 30, 1976, at pages 412 to 549. The Attorney General and the Solicitor General signed both the amicus brief and the separate "Brief for the Attorney General and the Federal Election Commission." Id. at 550–644.

Out of this confusion, the Supreme Court unanimously held that the Commission appointment powers were unconstitutional. It did not rule on the legislative veto provisions of the act, thus, opening the way for the Ramsey Clark case.

In addition to these affirmative efforts to have acts of Congress declared unconstitutional, the Department has failed to appeal lower court decisions that hold laws unconstitutional. In the last 3 years the Department has failed to appeal five such cases. "Representation of Congress" at 85–86. Furthermore, the Department's practice is that "Congress is not consulted when the Department determines not to appeal a holding that a statute is unconstitutional under present practice." Id. at 86.

As yet the Department of Justice has never attempted to bring an action—rather than fail to defend or intervene—to challenge the constitutionality of an act of Congress. However, in attempting to intervene in the Ramsey Clark case the Department has argued that, first, Ramsey Clark has no standing; second, the Department does have standing; and third, if the Department becomes the sole remaining plaintiff—rather than just an intervenor—it has the authority to bring the case in the name of the United States under section 1345. Should this argument prevail, the Department will have challenged the constitutionality of an act as a plaintiff, as a defendant, and as an intervenor. The Department will then have utilized every available procedural option except appearance as amicus—to challenge the constitutionality of acts of Congress.

THE PRESENT POLICY OF THE DEPARTMENT

At the hearings of the Subcommittee on Separation of Powers to which I have referred, the Department's present policies in this area were explored in depth. I have already quoted the Department's assertion that the Attorney General can determine to attack the constitutionality of a statute even where it does not affect Presidential power. I would like here to quote some of the dialog at the hearings on this point:

QUESTION. Would you please cite for the record any authority from the Constitutional Convention or other such historical sources for your argument that the Attorney General can—on the basis of conscience alone—choose to challenge the constitutionality of a law rather than defend it?

ANSWER. The Attorney General does not on the basis of conscience alone choose to "challenge the constitutionality of a law rather than defend it." However, he has on a single occasion in *United States* v. *Lovett*, decided on the basis not only of conscience but of legal judgment in his official capacity as the chief legal officer of the United States that a law is so patently unconstitutional that when challenged by some other party, it should not and cannot be defended.

QUESTION. Is there any kind of guidelines which can be stated which will define this apparently unlimited capacity of the Attorney General to make that determination?

ANSWER. As far as I know the only guideline is the one I have stated, and as you mention it is, by its nature, broad, vague, concomitantly so, I suppose, with the high responsibilities of the Office of Attorney General. Also, so far as I know, it has only been exercised on one occasion in *United States* v. *Lovett*. That case, from a number of standpoints, is unique and, of course, the Attorney General's judgment in that case—some 25 years ago—turned out to be correct.

QUESTION. If the Attorney General can exercise this judgment, does that not allow the executive branch to in effect veto legislation enacted by Congress?

ANSWER. In my view, our entire separation of powers construct requires a concomitant degree of restraint on the part of all three branches of government. I really advance this second basis for its theoretical existence and frankly I am pleased as an American citizen that the exercise of this kind of power, has occurred on only one occasion, so far as I know, in our constitutional history. But it ties back to what I feel to be the necessity on the part of all three branches to exercise a degree of restraint in exercising those powers that lie at the outer edges of their respective responsibilities.

QUESTION. The question I was trying to ask is when it is exercised as a matter of judgment by the Attorney General—I am not questioning the honesty of that judgment or anything like that—I am asking whether the effect of that is not to give the executive branch a second way to veto legislation.

ANSWER. Not really because it is a litigating judgment and the final decision will be made by the courts.

QUESTION. You put it very strongly by de-

scribing it as a veto. Actually should it not be viewed in the light that we have three branches of government? Each is apt to make a mistake and every mistake, assuming one is made, is not fatal and if each branch is acting in good faith in accordance with the honest exercise of its duties and they do have a clash it is something that should be foreseen and should not be so alarming.

This is not a question of abuse. There is only one instance in the history of the country in which it has occurred. Certainly it ought to be within the discretion of a chief legal officer of the United States not to present what in his judgment may be a frivolous case.

QUESTION. Should there be an automatic procedure then to assure that at least amicus counsel from the Congress or some other counsel can appear to defend the statute? It happened in *Lovett* that Congress did appear as amicus, but there are other cases in which the Justice Department defense has been a little less than enthusiastic and Congress has not appeared. The courts rely on the adversarial processes. Should there be an automatic process for amicus appearance, at least, by Congress?

ANSWER. You are talking about an opportunity for amicus appearance where you say the Department of Justice representation has been less than enthusiastic or perhaps inadequate. I cannot subscribe to that because if we were going to defend anything I cannot conceive that the best advocacy we could put forward would not be put forward. Where we do make a decision—and the only instance we have is the *Lovett* case—Congress was advised, obviously in ample time, so that other steps could be taken.

If the suggestion is that we make a judgment and we are not wholly satisfied with it, or we make it for reasons that will not permit us to give the best advocacy we can, then I cannot accept the premise. I do not think we ever have so acted, not to my knowledge.

QUESTION. Should there be a procedure by which Congress should be able in those limited number of cases to appear as amicus or alternatively the possibility that Congress or representatives of Congress could and should appear representing the United States in those cases?

ANSWER. As amicus, maybe there should.

ANSWER. Not representing the United States. (by second witness)

ANSWER. Certainly not as the United States.

QUESTION. Can Congress ever appear as "the United States" in a case?

ANSWER. In regard to Congress ever appearing as "the United States in a case," the answer is no. The representation of the United States before the courts is an executive function. See e.g. *United States* v. *San Jacinto Tin Co.*, 125 U.S. 273, 278–280; *The Confiscation Cases*, 7 Wall. 454, 458–459; *Buckley* v. *Valeo*, No. 75–436, decided January 30, 1975, slip option, p. 133.

QUESTION. When the Department made an appearance in the *Lovett* case, it appeared as "the United States" and proceeded to argue that the statute was not constitutional. In what sense did the Department represent "the United States" by arguing that the statute was unconstitutional?

ANSWER. The Department represented the United States in the *Lovett* case due to its interests in correct application of the Constitution and laws. Where there is a patent inconsistency between the Constitution and an act of Congress, the Department, representing the United States, must argue that the Constitution prevail.

QUESTION. A question that I would like to ask here is whether there is any case that you can think of where you could describe it as frivolous to defend the constitutionality of a law passed by Congress, enacted by Congress, and signed by the President?

ANSWER. The only one I would really describe as frivolous that I am aware of and that therefore the Attorney General was justified to not participate—we did not use the word frivolous in the statement; I really think it is a bit stronger than frivolous since we are dealing in constitutional areas—the only one I am aware of is *Lovett*. My guess is that the statute in that case was not signed by the President and that calls to my recollection that it was a matter of—

QUESTION. We are talking about a case where it was signed by the President.

ANSWER. The *Lovett* bill would have been signed—it was a rider to the appropriation bill.

QUESTION.—It may be unfortunate the Department of Justice did not come into existence until after the Tenure of Office Act.

ANSWER. Hopefully we would have had the courage to take the same position there.

ANSWER. There may be some misunderstanding. We do defend positions that are tenable, whether or not we as individual lawyers think the legislation is wise, or whether we think the position asserted is wholly sound. We do represent Government agencies, Congressmen, in every area of litigation activity that we engage in. There are cases which we think are weak. There are cases in which we think our chances of success are poor. But when we talk about exercising litigative judgment we are not saying that we have to agree or that everything that is being done is wholly sound, or 100 percent defensible.

As attorneys, especially for the executive branch, we do assert tenable arguments. If there is no tenable argument then we consider it to be abusing our duties, responsibilities and obligations as lawyers, to burden the courts with them. It is not a question of our disagreement necessarily. (by second witness)

ANSWER. I want to finish my answer.

I would have no objection to a procedure whereby in a circumstance where, for either of these reasons, we cannot uphold the constitutionality of statutes, then notice will be given. As a matter of fact, built into our system, the informal lines of communication are very effective in this regard. The two instances I am aware of where the constitutionality of statutes have not been argued by the Justice Department—*Lovett*—and the issue of the Commission's enforcement powers in *Buckley* v. *Valeo*—Congressmen certainly are aware—

I do not find the Department's responses to these questions reassuring, particularly, in light of the Department's action in the Ramsey Clark case. Certainly the Department's position has changed markedly since the 1919 Attorney General opinion.

THE DUAL ROLE OF THE DEPARTMENT

Having described the evolution in the Department's interpretation of its duty to defend the constitutionality of acts of Congress, let me return to the point I have been making throughout this discussion. I do not doubt that there are rare cases where the President may move to attack the constitutionality of statutes which he believes impinge upon his constitutional power. As I have also emphasized, in these rare cases it is wholly improper for the President's lawyer—usually the Department—to cloak itself in the aura of "the United States."

In fact, in these rare cases the Department has chosen not to represent the interest of the United States but has chosen to represent the narrower interests of the President, the executive branch, or the Attorney General. It is not representing the interests of the other branches of Government and particularly not those of the legislative branch. It follows then that it is presumptuous and improper for the Department to assert otherwise by claiming that its actions defend the interests of the United States.

To be sure the Attorney General often acts as the President's lawyer. The Attorney General is required by law to render legal advice to the President and executive branch. 28 U.S.C. 511 expressly acknowledges that "the Attorney General shall give his advice and opinion on questions of law when required by the President." The origin of this provision dates to the Judiciary Act of 1789, I Stat. 93 September 24, 1789. Similarly, section 512 allows "the head of an executive department to require the opinion of the Attorney General on questions of law arising in the administration of his department." This provision also dates from the Judiciary Act of 1789.

However, the Attorney General serves a dual role. In contrast to his representation of the executive branch, he and the Department are given the high responsibility of representing the interests of the United States in litigation. The Department is not the only lawyer in the executive branch or in the three branches of Government. The Department does not represent the United States because there is no once else to represent the United States. It does not represent the United States by constitutional right. It has been delegated this high responsibility by Congress. But in cases where there is a direct conflict between the executive and legislative branch, neither branch can claim to represent the United States.

I am not asserting that the Congress can claim to represent the United States in these cases. However, there is little doubt that Congress may bring lawsuits in its name under certain circumstances. I discussed this point in great detail in my statement in support of the Watergate Reform Act, S. 495. 122 CONGRESSIONAL RECORD 22792–22797 (July 20, 1976). See "Representation of Congress," at page 61, fn. 1, and page 168 fn. 1. Indeed, Congress has occasionally asserted the right to represent "the United States" in litigation. See "Representation of Congress," at 83, 167, 232–246, 378–379, 380–381, and 382–399. Congress has given other agencies in the executive branch the authority to represent the United States. See "Representation of Congress," at page 145.

SECTION 212(C)—THE DEPARTMENT AS PLAINTIFF

Section 102 of this legislation will require the Department when it brings a case in the name of the United States to defend the constitutionality of a statute. This section accomplishes this purpose by amending 28 U.S.C. 1345 by adding the proviso that "this section shall not apply to the commencement of actions, suits, or proceedings which allege the unconstitutionality of an act of Congress.

SECTION 103—THE DEPARTMENT AS INTERVENOR

Section 103 of this legislation merely confirms the legislative history of section 2403, as it was enacted in 1937. I wish to recount the original legislative history of section 2403 in some detail to emphasize the underlying principle of this legislation. This legislative history demonstrates that Congress intended that the Department would intervene in actions in the name of the United States under section 2403 only to defend the constitutionality of acts of Congress. Accordingly section 103 makes it clear that any arguments the Department makes upon intervention be "in favor of the constitutionality of such Act."

The legislative history of section 2403 makes it abundantly clear that both supporters and opponents of this law assumed and intended that the Attorney General rely on this provision only to defend the constitutionality of laws enacted by Congress.

The chairman of the House Judiciary Committee, Hatton Sumners, introduced a bill containing what became section 2403. H.R. 2260, on February 9, 1937. Chairman Sumners explained his personal interest in the bill as follows:

I do not want to mention the case, but I call to mind that within the last 2 or 3 years the committee of which I am a member reported a very important bill. The constitutionality of that bill was drawn in issue in private litigation. The constitutionality of that act was poorly defended, I thought, and I have always thought none too well considered in the Court. After the committee had gone to a great deal of effort to try to work that thing out and many private persons all over the country had come to depend upon the constitutionality of that act, that whole matter was determined in a private litigation, with the public interest dependent upon a private lawyer hired by a private person to try his case. Nobody anywhere in the whole proceedings undertook to speak for the Government, for the Congress, whose act was under attack for the many and varied interests of other people which were in fact being determined in that lawsuit. 81 Cong. Rec. 3255 (April 7, 1937)

It is not clear to which court case Chairman Sumners was referring, but during that period the Supreme Court had held an exceptionally large number of acts unconstitutional. In 1934 two acts of Congress were held unconstitutional by the Supreme Court. *Booth* v. *United States*, 291 U.S. 339 (1934) and *Lynch* v. *United States*, 292 U.S. 571 (1934). Then in 1935 alone seven acts of Congress were held unconstitutional. See *Panama Refining Co.* v. *Ryan*, 293 U.S. 388 (1935); *Perry* v. *United States*, 294 U.S. 330 (1935); *Railroad Retirement Board* v. *Alton R. Co.*, 295 U.S. 330 (1935); *Schechter Poultry Corp.* v. *United States*, 295 U.S. 495 (1935); *Louisville Bank* v. *Radford*, 295 U.S. 555 (1935); *United States* v. *Constantine*, 296 U.S. 287 (1935); and *Hopkins Savings Assn.* v. *Cleary*, 296 U.S. 315 (1935). Finally, in 1936, four more acts were struck down. See *United States* v. *Butler*, 297 U.S. 1 (1936); *Rickert Rice Mills* v. *Fontenot*, 297 U.S. 110 (1936); *Carter* v. *Carter Coal Co.*, 298 U.S. 238 (1936); and *Ashton* v. *Cameron County Dist.*, 298 U.S. 513 (1936).

Thus, in these 3 years, 13 acts were held unconstitutional, almost one-fourth of the acts that the Supreme Court had invalidated in the previous 150 years. "Acts of Congress Held Unconstitutional in Whole or In Part By the Supreme Court of the United States," The Constitution of the United States of America, Analysis and Interpretation, Congressional Research Service, Library of Congress, at 1597 (1973). Included among the acts invalidated were the National Industrial Recovery Act, the Home Owners' Loan Act, the Agriculture Adjustment Act, and the Railroad Retirement Act.

As introduced by Chairman Sumners on January 8, 1937, H.R. 2260 authorized the Attorney General to present "evidence and argument on behalf of the United States . . . relating to the validity of any statute" which is "drawn in question" in "any suit or proceeding to which the United States * * * is not a party." A second section of the bill provided that when a court decision is "against the validity of any statute of the United States," the Attorney General" shall have the same right of review of such decision in the proper appellate court * * * as if the United States were a party to the suit or proceeding."

When H.R. 2260 was favorably reported by the House Judiciary Committee on February 9, 1937, the only amendment was to substitute the word "constitutionality" wherever the word "validity" appeared. This change emphasized that the need for the bill arose from constitutional—and not other types of—challenges to Federal statutes.

The committee report emphasizes that the need for the bill arose when—

In cases between private litigants in which the constitutionality of an act of Congress is attacked by one of the parties, no representative of the Government may now appear as a matter of right *to defend* the statute. H. Report 212, seventy-fifth Congress, first session, at 1 (emphasis supplied).

When such a constitutional issue arises in a case, the report states that:

The people generally . . . are entitled to have *their* representative appear with the right to present whatever evidence and argument may be necessary fully to develop and adequately to present that issue to the court. Report at 2 (emphasis supplied).

Just prior to the Judiciary Committee's reporting H.R. 2260 to the full House, President Franklin Roosevelt submitted his so-called court-packing plan to Congress. Senator Ashurst introduced the plan as S. 1392 on February 8, 1937. The President had proposed "an increase in the number of judges * * * and for the appointment of additional judges in all Federal courts, without exception, where there are incumbent judges of retirement age who do not choose to retire or to resign." Message of the President to the 75th Congress, 1st session, "Regarding the Judicial Branch of the Government," at page 4 (February 5, 1937). The furor that was created by the court-packing plan is well known and I shall not go into it here. However, tucked into the same statement the President recommended that:

No decision, injunction, judgment or decree on any constitutional question be promulgated by any federal court without previous and ample notice to the Attorney General and an opportunity for the United States to present evidence and be heard. This is to prevent court action on the constitutionality of Acts of the Congress in suits between private individuals, where the Government is not a party to the suit, without giving opportunity to the Government of the United States to defend the law of the land." Message at 5 (emphasis supplied). The President earnestly recommended that "in cases in which any court of first instance determines a question of constitutionality, the Congress provide that there shall be a direct and immediate appeal to the Supreme Court, and that such cases take precedence over all other matters pending in that court. Such legislation will, I am convinced, go far to alleviate the inequality, uncertainty and delay in the disposition of vital questions of constitutionality arising under our fundamental law." Message at 5.

By this statement the President endorsed H.R. 2260 and began to coordinate this support with his efforts to secure passage of S. 1392. There was at the time widespread acceptance of the need to enable the Justice Department to intervene in these constitutional cases to defend the statutes. See New York Times, for February 7, 10, 11, 12, 19; April 8, 9; June 6; August 1, 3, 16, and 26, 1937. For this reason, Chairman Sumners delayed bringing H.R. 2260 up for consideration in the House at the President's request in order to maximize its impacts on the House's consideration of the court packing bill. See New York Times for February 11, 1937.

When H.R. 2260 finally came up for debate in the House in April 1937, Chairman Sumners' introductory statement on the bill described it as providing a means by which "the Attorney General may intervene to defend, solely, the question of constitutionality." 81 CONGRESSIONAL RECORD 3254 (April 7, 1937). Chairman Sumners previously had made the same statement regarding the purpose of the bill, when he had unsuccessfully attempted to bring up the bill under suspension of the rules. 81 CONGRESSIONAL RECORD 3153 (April 5, 1937). At that time he explained that it was not a "proper or rational arrangement to have the defense of the constitutionality of an act of Congress dependent entirely upon private persons engaged in private litigation." 81 CONGRESSIONAL RECORD 3153 (April 5, 1937). The committee bill "sought to remedy" situations in which "acts of Congress are . . . attacked with nobody in court whose business is to defend the acts of the Congress." 81 CONGRESSIONAL RECORD 3255 (April 7, 1937).

The assumption underlying the bill was stated by Chairman Sumners as follows:

When Congress expresses its legislative judgment it thinks it is acting within constitutional limitations and passing a good law. 81 Cong. Rec. 3257 (April 7, 1937).

Congressman William McFarlane stated emphatically that:

He was not willing as a Member of Congress to admit we have not given every consideration to the measures we have enacted into law. 81 Cong. Rec. 3267 (April 7, 1937).

He said,

Certainly every Member of this body ought to want to see the measures we enact into

law, if possible, upheld as being valid." 81 Cong. Rec. 3267 (April 7, 1937).

Similarly Congressman Michener argued that:

The Constitution places all duty upon the Congress to pass only such laws as the Congress believes to be constitutional. We must assume that the Congress never disregards this constitutional mandate. The Congress has taken an oath not to do otherwise. When the Congress has thus conscientiously passed a law, it seems to me that the Congress has a perfect right, as well as a duty, to see to it that the Congress' constitutional right to pass the law is properly presented to the Court, 81 Cong. Rec. 3268 (April 7, 1937).

In cases where the United States is not already a party, the Attorney General would appear "to represent this House of Congress" (81 CONGRESSIONAL RECORD 3254), "the Congress of the United States" (81 CONGRESSIONAL RECORD 3269) and "the rights of the average poor man under an act of Congress" (81 CONGRESSIONAL RECORD 3258). When asked directly to "reconcile * * * having an appointee of the executive department represent * * * the legislative department in a controversy in the courts," Chairman Sumners thought "that is the Attorney General's job. He appears day after day in the Supreme Court in matters in which this government is a party, to defend the constitutionality of the acts of Congress." 81 CONGRESSIONAL RECORD 3269 (April 7, 1937). Congressman Ditter stated that:

It certainly seems to me that the Attorney General being a part of the executive department of the government would be most anxious to establish the constitutionality of the act. 81 CONGRESSIONAL RECORD 3265 (April 7, 1937).

At every point during the debate, it was made clear that everyone fully expected and assumed that the Attorney General would exercise the authority to be delegated to him under the act to defend the constitutionality of laws.

Congressman McFarlane explained that:

As Members of Congress we have a very great interest in seeing our acts upheld, and this legislation will bring this about. . . . This bill will place all the force of the legal department of the Government *behind* the acts of Congress . . . that is what this legislation does. 81 CONGRESSIONAL RECORD, 3267 (April 7, 1937).

Congressman Healy understood the bill to afford an opportunity for the Attorney General "to argue for the constitutionality of the law." (81 CONGRESSIONAL RECORD, 3267 (April 7, 1937.)) Congressman Michener explained the purpose of the bill as an effort "to guarantee that where important constitutional questions are involved before the courts, there is a proper presentation on the part of the Government in an effort to sustain that which the Congress determined was a constitutional law." (81 CONGRESSIONAL RECORD, 3268 (April 7, 1937.)) In questions to the chairman, Congressman Lucas confirmed his understanding that "if this act becomes law, we seek to protect the acts we pass by having competent and reputable counsel." (81 CONGRESSIONAL RECORD, 3258 (April 7, 1937)).

During the debate, Congressman Cox inquired whether the precise terms of the act literally compelled the Attorney General "to defend the constitutionality of the act that has been attacked against his conviction that it is unconstitutional?" (81 CONGRESSIONAL RECORD, 3268 (April 7, 1937)). To this question Congressman Michener responded:

No; there is no such compulsion whatever. The Attorney General is notified and then he will use his discretion in the matter.

Congressman Michener hastened to add that:

My personal opinion is that when the Congress has exercised its constitutional duty and has enacted a law, under its oath, that it believes to be constitutional, it is almost the duty of the Attorney General of the United States to appear . . . and present all the arguments that he has at his command to sustain the Congress in the enactment of a law which the Congress believes constitutional. 81 CONGRESSIONAL RECORD, 3268 (April 7, 1937).

Even the opponents of the legislation fully expected and assumed that the Attorney General would always proceed under the statute to defend the acts of Congress whether explicitly compelled to do so or not. Congressman Ditter stated his conviction that:

Under no circumstances would (the Attorney General) be inclined to question the constitutionality of the Act. 81 CONG. REC. 3265–3266 (April 7, 1937) (emphasis added).

Indeed the reason for his opposition to the legislation was his conviction that the Attorney General "would have but one motive and that is to drive through to constitutionality the acts of the present administration" (81 CONGRESSIONAL RECORD 8266, April 7, 1937). Congressman Ditter was particularly upset with the prospect of bringing "the prestige and power of the entire Department of Justice behind one litigant in order to establish constitutionality and to maintion constitutionality" (81 CONGRESSIONAL RECORD 3265, April 7, 1937). He suggested that:

Congress should bring to the other man a lawyer, a battery of lawyers, paid for by the government to protect his position with the same fervor, and the same enthusiasm, and the same ability, as you give to his opponent to maintain the constitutionality of this particular act. 81 CON. REC. 3265 (April 7, 1937).

The Congress had great expectations also as to the vigor with which the Attorney General would defend its laws. Chairman Sumners stated that:

The committee had the expectation that the great law offices of the United States ought to be the best prepared of anybody to defend an act of the United States Congress when it is challenged. 81 CON. REC. 3255 (April 7, 1937).

Indeed, Chairman Sumners stated that:

It is the duty of the Court not to decide the constitutional question adversely until the Attorney General has been notified and given an opportunity to appear and defend. 81 CON. REC. 3260 (April 7, 1937).

As a procedural matter, when the Attorney General intervened he "would be limited to * * * the defense of the constitutionality of the act." 81 CONGRESSIONAL RECORD 3259 (April 7, 1937). Congressman Miller noted that:

If a "court decides a statute (is) unconstitutional and the Attorney General has not intervened," on the appeal level "(h)e could protect the law just the same." 81 CON. REC. 3260 (April 7, 1937).

At the end of the debate on H.R. 2260, it was adopted by a vote of 122 to 14. 81 CONGRESSIONAL RECORD 3273 (April 7, 1937). After the House passage, H.R. 2260 was referred to the Senate Judiciary Committee, where it lay pending action on S. 1392, the court-packing bill.

On June 7, 1937, the Senate Judiciary Committee took action on S. 1392, reporting it with an adverse recommendation. Senate Report 711, 75th Congress, 1st Session. At this stage in the debate, S. 1392 did not contain the provisions of H.R. 2260. As the Senate debate on the bill began, however, the sponsor of the court-packing bill, Senator Ashurst, proposed an amendment in the nature of a substitute, in order to try to save the bill. 81 CONGRESSIONAL RECORD 6740 (July 2, 1937).

Title I of the substitute contained a modification of the court-packing plan and title II of the substitute contained the provisions of H.R. 2260, with a few technical modifications. Extensive debate, that is a filibuster, on the substitute followed. See 81 CONGRESSIONAL RECORD 6787–8813 (July 6, 1937); 81 CONGRESSIONAL RECORD 6873–6890 (July 7, 1937); 81 CONGRESSIONAL RECORD 6894–6922 (July 8, 1937; 81 CONGRESSIONAL RECORD 6966–6982 (July 9, 1937); 81 CONGRESSIONAL RECORD 7018–7027 (July 10, 1937); 81 CONGRESSIONAL RECORD 7033–7055) (July 12, 1937); 81 CONGRESSIONAL RECORD 7091–7110 (July 13, 1937); and 81 CONGRESSIONAL RECORD 7375–7381 (July 22, 1937).

The only mention of title II during the debate was by an opponent of the court-packing plan, Senator O'Mahoney, who stated:

I grant you there is some very good reason for notifying the Attorney General when the constitutionality of any statute of the United States is drawn in question in litigation, so that he may have an opportunity to come into court and defend it." 81 CONG. REC. 7045 (July 12, 1937).

When it became apparent that the filibuster could not be broken, Senator Logan moved that S. 1392 be rereferred to the Judiciary Committee with instructions to report a bill for the reform of the Judiciary within 10 days. That motion carried. 81 CONGRESSIONAL RECORD 7381 (July 22, 1937). On July 28, H.R. 2260, with amendments, was favorably reported by the Judiciary Committee "to carry out the instructions of the Senate of July 22, 1937, when S. 1392, and all amendments thereto, was recommitted to the Committee." Senate Report 963, 75th Congress, 1st session.

The close relationship of H.R. 2260 and S. 1392 make it clear that the two bills had a complementary purpose—that is defense of the constitutionality of the acts of Congress—and that the Senate preferred the provisions of H.R. 2260 to those in the original version of S. 1392.

In his introductory description of H.R. 2260, the chairman of Senate Judiciary Committee, Patrick McCarran, stated that:

On its intervention the government, then represented by the Attorney General, shall become a party . . . for the purpose of defending and protecting the acts of Congress, or defending and protecting the policy involved in the acts of Congress, 81 CONG REC. 8507 (August 7, 1937).

Senator McCarran later repeated this understanding. 81 CONGRESSIONAL RECORD 8508 (August 7, 1937). Senators Minton and Austin also stated their understanding that the purpose of the bill was to provide for the defense of the constitutionality of acts of Congress. 81 CONGRESSIONAL RECORD 8510 (August 7, 1937). The bill was adopted by the Senate, with only three votes in opposition. 81 CONGRESSIONAL RECORD 8515 (August 7. 1937).

The Senate adopted the conference report on August 10, 1937, without debate (81 CONGRESSIONAL RECORD 8609). The House adopted it on August 11, 1937. (81 CONGRESSIONAL RECORD 8701–8705). The President signed the bill on August 24, 1937. In his statement, the President described the bill as providing that:

The Attorney General shall be given notice of constitutional questions involved in private litigation and accords the Government the right to defend the constitutionality of the law of the land. No longer must the Government stand idly by, a helpless spectator, while Acts of Congress are stricken down by the Courts. White House Press Release, August 25, 1937, at 2.

Thus, the legislative history of section 2403 ended where it began, with the President stating that the purpose of the bill was to enable the Department to defend the constitutionality of acts of Congress.

By adopting section 212(d) of the bill I introduce today, Congress will confirm in unequivocal language the initial intent of the Congress when it enacted section 2403 in 1937.

I might note that an identical provision to section 212(d) was favorably reported by both the Government Operations and Judiciary Committees earlier this year as a part of the Watergate Reform Act of 1976. See section 214(e), S. 495. On my motion it was deleted from the bill during debate at the Department's request, in order to facilitate passage of the bill. See 122 CONGRESSIONAL RECORD 22798, July 20, 1976. At that time I stated:

By deleting this language, Congress is not conceding that the Department may use Section 2403 to intervene to attack the constitutionality of a statute. *Id.*

I determined then to introduce S. 3854 to deal comprehensively with the issue of the Department's practice and policy.

SECTIONS 206 AND 212(b)—INTERVENTION BY CONGRESS

Sections 206 and 212(b) give Congress the capacity to intervene as a party in constitutional cases to protect its interests. The provisions of these sections have already been adopted by the Senate once as a part of the Watergate Reform Act on July 21, 1976. See sections 205(a)(1) and section 211, S. 495.

The constitutional power of the Congress to intervene in lawsuits is analogous to the power of Congress to bring lawsuits to enforce congressional subpenas. The Department has conceded that Congress may bring actions to enforce subpenas. "Representation of Congress" at 61 and 62. See *Senate Select Committee* v. *Nixon*, 370 F. Supp. 521, aff'd 498 F. 2d 725 (1974). Despite the Department's acknowledgment that Congress has the constitutional power to bring a lawsuit to enforce a subpena, the Department has argued that Congress may not intervene in a lawsuit to defend the constitutionality of a law. Let me emphasize at this point that the Department believes that Congress may file an amicus brief in this type of case—Representation of Congress at page 82-83—and that Congress may both intervene and file an amicus brief in a case in which "the powers and responsibilities of Congress under article 1 of the Constitution of the United States are placed in issue." Therefore, the Department concedes that Congress may intervene in some cases, and disputes only whether intervening to defend the constitutionality of a statute is such a case.

In response to the Department's argument, I would agree that Congress cannot and should not assume for itself the function of defending in court the constitutionality of all of the laws it passes. But where the Department is not adequately defending the constitutionality of a statute, I believe Congress can and should intervene to make sure the law is defended. The constitutional standing of Congress is, therefore, created by the Department's failure to discharge its constitutional role.

In conclusion, I believe this is important legislation. By its enactment Congress will insure that all laws are vigorously defended when they are challenged in the courts. It will end the Department's practice of holding itself out as the representative of the "United States" when it challenges the constitutionality of statutes which we toil to enact into law. This legislation will restore some of the vigor which has been lost from the constitutional separation of powers.

CONCLUSION

In conclusion, I strongly support this legislation, particularly title II. Although this statement has been lengthy I ask unanimous consent that a statement on this general subject which I have presented to the Joint Committee on Congressional Operations be printed following these remarks. Together these statements establish a firm basis for the adoption of title II. Let me again express the eagerness of the sponsors of title II to confer with the House leadership. I remain open to their suggestions and hope we will be able soon to reach agreement on adoption of this important legislation.

STATEMENT OF SENATOR JAMES ABOUREZK, CHAIRMAN OF THE SUBCOMMITTEE ON SEPARATION OF POWERS, SUBMITTED TO THE JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

I appreciate the opportunity extended by Chairman Brooks and Vice-Chairman Metcalf to submit this statement for your hearings on "The Effects of Litigation and the Judicial Process on Congress." You have indicated a special interest in the "problem of assuring adequate legal representation" for Congress and it is this problem I will address in this statement.

As you know, the Subcommittee on Separation of Powers, of which I am chairman, has recently printed hearings entitled, Representation of Congress and Congressional Interests In Court. These hearings represent the most detailed analysis yet undertaken of the problems Congress has in obtaining adequate legal representation. The hearings run over 750 pages and include 120 exhibits, many of them never before made public. I understand that your Committee is already making use of the Subcommittee's hearings in preparing this hearing and I will not attempt to summarize them in this statement.

SENATE EFFORTS IN THIS CONGRESS TO ESTABLISH AN OFFICE OF CONGRESSIONAL LEGAL COUNSEL

In conjunction with the Subcommittee hearings, I introduced S. 2731 on December 2, 1975, a bill to establish an Office of Congressional Legal Counsel to represent Congress in court. A copy of that bill is printed in the Subcommittee hearings at pages 92–112. This bill was considered by the Senate Committee on Government Operations at its December 1975 hearings on S. 495, the Watergate Reorganization and Reform Act of 1975, Part 2, pages 9–12, 22–23, 34–35, 48–49, 119–141 (1975). On the basis of the hearings of the Subcommittee on Separation of Powers and a statement submitted to the Subcommittee by the Justice Department on the consitutionality of S. 2731 (Hearings, at pages 87–91), I submitted an amendment in the nature of a substitute for S. 2731 on March 31, 1976. A copy of this Amendment is attached to this statement for your consideration. See Exhibit 1.* When S. 495 was reported to the floor by the Committee on Government Operations on May 12, 1976, the bulk of S. 2731 was substituted for its Title II. See S. Rept. 94–823 (May 12, 1976). I was extremely gratified that the Government Operations Committee adopted my proposal. Indeed my staff assisted the staff of the Government Operations Committee in drafting those parts of their report which explained Title II.

When S. 495 was reported, I arranged for it to be rereferred to the Judiciary Committee. See 122 Cong. Rec., p. 13693 (May 12, 1976). On May 26, 1976, the Judiciary Committee held a hearing on S. 495 at which the Justice Department testified. These hearings were never printed because the Judiciary Committee was automatically discharged from its consideration of S. 495 when, due to a filibuster in committee, it failed to take action within the time period of the referral. For future reference I have attached to this statement an excerpt from Deputy Attorney General Tyler's May 26 statement to the Judiciary Committee, an excerpt from the transcript of the hearing, and an excerpt from a June 11 letter from Judge Tyler to Senator Kennedy which addresses supplemental questions asked by the Committee. See exhibits 2, 3, and 4. In a June 22 letter to Senator Ribicoff and Senator Percy of the Government Operations Committee, a majority of the Members of the Judiciary Committee announced that they would have voted to report S. 495 had they had the opportunity to do so. 122 Cong. Rec., pp. 19959, 19960 (June 23, 1976).

When S. 495 came up for debate in the Senate in July, I made a long and detailed statement on the need for an Office of Congressional Legal Counsel, a copy of which I have also attached for your consideration. See Exhibit 5.

Just before S. 495 came up for debate in the Senate, President Ford belatedly announced his position on the legislation. He offered an alternative to the bill, including

*[Exhibits are on file with Joint Committee]

an alternative Title II which I believe would have gutted the powers of that office. The President's proposal on Title II was ignored in the Senate but was introduced in the House as H.R. 14795 on July 21, 1976. A copy of the pertinent portion of this bill appears as Exhibit 6.

S. 495, with Title II intact except for a few clarifying amendments, was adopted by the Senate on July 21, 1976, by the resounding vote of 91–5. See 122 Cong. Rec., p. 23075 (July 21, 1976). A copy of Title II of S. 495 as adopted by the Senate is attached to this statement. See Exhibit 7.

PRIOR SENATE EFFORTS TO ESTABLISH AN OFFICE OF CONGRESSIONAL LEGAL COUNSEL

Before discussing the fate of Title II of S. 495 in the House, let me digress briefly to refer to various documents which describe in detail the history of efforts prior to this Congress to establish an Office of Congressional Legal Counsel. The initial efforts in Congress to establish an Office of Congressional Legal Counsel are described in great detail in an August 27, 1971 study by Freeman W. Sharp of the Congressional Research Service entitled A Proposed Congressional General Counsel: Origin and History. This useful study has never before been printed in a congressional hearing so I have attached it as Exhibit 8 to this statement. It describes in detail Senator Vance Hartke's 1967 effort to establish a Congressional Attorney General and contains a copy of S. 1384, the first Senate bill on this subject introduced by Senator Hartke on March 23, 1967. The next proposal for establishing such an office was advanced by Senator Mike Gravel on May 7, 1973, as Title III of S. 1726, the Public Information Act. See 119 Cong. Rec. 14456–14464 (May 7, 1973). A copy of Title III appears as Exhibit 9 of this statement. Senator Mondale introduced his first bill on this subject on October 11, 1973, S. 2569. The Watergate Committee recommended that Congress give careful consideration to S. 2569 in its Final Report to "give Congress a litigation arm that would allow it to protect its interests in court by its own counsel." Final Report of the Select Committee on Presidential Campaign Activities, S. Rept. 93–981, at 1085. As a result S. 2569 then became part of Senator Ervin's initial Watergate Reform Act, S. 4227, introduced on December 11, 1974, and became Section 102 of S. 495 when it was introduced on January 30, 1975. A copy of S. 2569 is attached as Exhibit 10. Senator Javits and Senator Humphrey introduced their first bill to establish an Office of Congressional Legal Counsel on August 2, 1974, as Title IV of S. 3877, the National Institutional Reform Act. See 120 Cong. Rec. 26573–26577 (August 2, 1974). A copy of Title IV of this bill is presented as Exhibit 11.

During the debate on S. 495, Senator Vance Hartke presented a detailed statement on the history of the various Congressional Legal Counsel proposals, including his own 1967 bill. I have attached a copy of Senator Hartke's statement as exhibit 12.

HOUSE ACTION IN THIS CONGRESS ON THE SENATE PROPOSAL

Returning now to the saga of S. 495, when it came over to the House it was referred jointly to three committees, Judiciary, Rules, and Ethics. The President's bill, H.R. 14795, was referred to the same three committees. Joint referrals have been required by the House rules since the adoption of H. Res. 988 on January 3, 1975.

It is my understanding that S. 495 and H.R. 14795 were referred to the Ethics Committee because of the financial disclosure title of the bill, Title III. These bills were referred to the Rules Committee because Title II contained provisions which modify House and Senate Rules, particularly with respect to which committee would have oversight over the Office and with respect to the procedural requirements for civil subpoena enforcement. The Judiciary Committee had jurisdiction over those portions of S. 495 which concern civil subpoena enforcement, particularly the enactment of a statute conferring jurisdiction on the District Courts over subpoena enforcement actions brought by Congress. I have no explanation why Title II was not also referred to the Committee on House Administration inasmuch as several bills on this same subject were then pending in that Committee, H.R. 970 introduced by Congressman Fred Rooney on January 14, 1975, and H.R. 6279 introduced by Congresswoman Gladys Spellman on April 22, 1975. Neither of these bills was referred to the House Judiciary or the House Rules Committees.

In the House Judiciary Committee S. 495 was not referred to subcommittee, however, House bills corresponding to the other two titles of S. 455—Special Prosecutor and financial disclosure—were already pending in subcommittee. Representative Flowers' Subcommittee was considering H.R. 3249, a financial disclosure bill and Representative Hungate's Subcommittee was considering H.R. 15634, a Special Prosecutor bill. These bills were reported from these subcommittees to the main Judiciary Committee on September 23 and September 17 respectively. The House Judiciary Committee had a full committee mark-up on September 21 but did not consider the Special Prosecutor bill. It is doubtful whether the Judiciary Committee will have another mark-up meeting before the target date for adjournment, October 2. Whether the Committee would at that time report either bill or any part of the Legal Counsel title is equally doubtful. Even if these bills are reported, it is doubtful if the House will be able to consider them before adjournment. At any rate there is clearly no time for a conference.

PROSPECTS FOR LEGISLATION IN THE NEXT CONGRESS

Assuming that the Senate's proposal to establish an Office of Congressional Legal Counsel is not acted upon by the House in this Congress, let me state my hope that Congress will take action on this important legislation in the next Congress. I would like here to describe the form which I believe this legislation should take.

The bill which passed the Senate has several distinctive features which I believe should be incorporated in a bill next Congress. First, the Senate bill calls for establishing a joint House-Senate office rather than for separate House and Senate offices. When the Senate bill was debated in July, one member drafted an amendment to title II of S. 495 which would have established only a Senate Legal Counsel rather than a joint office. That amendment was never printed or offered, in part because the principal sponsors of Title II, including myself, expressed a very strong preference for a joint office. I continue to hold this preference for a number of reasons.

The way the Senate bill was drafted the Congressional Legal Counsel would never appear in court on behalf of "the Congress" unless both Houses directed him to do so by adopting a concurrent resolution. The only occasions in which the Counsel could appear on behalf of "the Congress" are when he intervened or appeared as amicus curiae in a case affecting the constitutional powers and prerogatives of the Congress under Section 205 of the bill.[1]

Under no circumstances could the Counsel intervene or appear as amicus in any lawsuit in the name of only one House. If one House wishes to intervene or appear in a case but the other does not, that House could not direct the Counsel to represent it.

The reason for these limitations on the Counsel are to avoid any situation where the Counsel would be taking a policy-type position in a case in which both Houses did not concur. By intervening or appearing as amicus, the Counsel inevitably takes such a policy-type position.

It is my firm belief that a Congressional Legal Counsel must, in fact, represent Congress as a whole. In those cases where the two Houses disagree on policy questions, it is no burden for that House to retain its own attorneys and intervene or appear in the name of that House. However, to allow one House to commandeer the services of the Counsel over the objections of the other body would undermine the ability of the Counsel to represent Congress as a whole and place him in an untenable position.

While it is certainly possible that the two Houses may occasionally disagree on when the Counsel should intervene or appear as amicus, there is no such prospect when the Counsel is performing his other functions under Sections 203, 204, 206, and 207 of the bill. Under Sections 203 and 204 one House may direct the Counsel to defend a Member, officer, or committee of that House or to enforce a subpoena of a committee of that House. Under Section 206 the Counsel may represent a committee of one House in an immunity proceeding at the request of that committee. Under Section 207 the Counsel may perform certain advisory functions for either House. Concurrence of the two Houses is not required for the performance of these duties because in none of them—in contrast to intervention and appearance as amicus—will one House have any reason to object to the decisions of the other House. Both Houses agree on the need to represent Members, officers, and committees when they are involved in lawsuits arising out of the performance of official duties. Both will defer to the factual determinations of the other as to whether or not a particular lawsuit involves official duties. Similarly, neither House would have any inclination to interfere in the other House's determination to enforce a subpoena or grant immunity to a witness. The concurrence of both Houses is not necessary in making these determinations.

Only with respect to intervention or appearance as amicus is there the real possibility of occasional disagreements between the two bodies. When such agreements arise, one House is in no way precluded by the bill from intervening or appearing in its own name. The need for this one limitation on the Counsel should not, however, be allowed to cancel out the distinct advantages of having a Congressional Counsel represent Members,

[1] In the extremely unlikely event that a case was brought against "the Congress," the Counsel could defend "the Congress" under Section 203 of the bill. In the equally unlikely event that "the Congress" as a whole issued a subpoena and wished it to be enforced, the Counsel could bring a civil subpoena enforcement action in the name of "the Congress." In both of these situations, a concurrent resolution would have to be adopted to authorize the Counsel to represent "the Congress." For all intents and purposes, therefore, the only cases in which the Counsel would ever represent "the Congress" is by intervening or appearing as amicus under Section 205.

officers, and committees of each House in other types of actions. If the one situation where disagreements between the bodies may occur convinces the Congress to establish separate House and Senate counsels rather than a joint counsel, I believe Congress as an institution will suffer greatly.

There are many advantages to having a joint counsel to appear in court. One of the principle problems for the Counsel is that the Congress—unlike the executive branch—does not consistently and vigorously defend its interests in Court.

When the executive branch is confronted by a series of court challenges to its power, it is able to develop a consistent position, anticipate legal developments, and coordinate the cases as they progress. The advantage which the executive branch has by virtue of its centralization of its litigation in the Justice Department is in stark contrast to the ad hoc and scattered provisions for counsel in the Congress. Even with only two legal offices in the Congress, most of the advantages of consistency, anticipation and coordination will be lost to Congress as an institution. The manner in which the speech and debate clause of the constitution is raised as a defense in a case involving a Senate Committee, for example, may often have direct consequences for the applicability of that defense to a case involving a House officer. Only with a joint office can these consequences be anticipated and resolved.

When a Congressional Counsel appears in court to defend a Member of one House, the Counsel brings to bear the full prestige of the Congress as an institution. By analogy there is a great advantage for an executive branch attorney who can say "the United States government" believes in a certain position. When a Congressional Legal Counsel represents a Member—after a vote of at least one House to authorize such representation—courts are more likely to defer to the arguments of the Counsel. Such prestige will be particularly important when Congress as an institution intervenes or appears as amicus—which is unlikely ever to occur if there are separate House and Senate counsels Cases where both Houses can agree to intervene or appear are bound to be extremely important cases. When it is represented in these cases by a Congressional Legal Counsel, the Congress as an institution can have a tremendous impact. Indeed, in those cases "the Congress" should be represented by a Congressional Legal Counsel.

The Second feature of the Senate bill which I believe is crucial is that the Counsel be an independent employee who is not under the control of any committee or individual Member. In the Senate bill the Counsel is appointed by the Speaker and the President Pro Tempore rather than hired by a committee. Their appointment must then be confirmed by both Houses. The appointment must be made without regard to political affiliation. The Counsel is the director of a new Office of Congressional Legal Counsel rather than being merged with an existing office or affiliated with a committee. The determinations of when the counsel shall represent Congress in court are made by one or both Houses and not by any decision of an Officer of Congress or a committee chairman.

Resolutions to direct the counsel to represent Congress are not referred to committee where a committee or a committee chairman could exercise its or his influence. These provisions are all designed to insulate the counsel from being used by Members or chairman for partisan or personal purposes rather than for non-partisan and institutional purposes.

If the counsel were to become the captive of a committee or a committee chairman, I fear that the Counsel will not be able to represent the best interests of the institution. I will be frank. The services of the Counsel are valuable. There is no reason to conclude that control over the dispensation of these services would be any less sought after than, for example, control over the approval of travel vouchers. There is also temptation for the majority of Congress on a particular issue to deprive an unpopular minority of these valuable services. I believe that the ability of any one group, Member, officer, or committee to influence or control access to the services of this office will destroy the credibility and effectiveness of the office. I also doubt whether the Congress would be able to recruit an experienced attorney of national stature to head this office if that office was subject to partisan or self-serving control.

As important as is this independence, I also believe that the Counsel must be firmly under the control of the Congress. For this reason the Senate bill provides for the removal of the Counsel by adoption of a concurrent resolution. The Counsel may not represent any one—except a committee in an immunity proceeding—unless at least one House directs him to do so. The Counsel is placed under the continual oversight of the Joint Committee on Congressional Operations. The Counsel is explicitly bound to defend vigorously when placed in issue the Constitutional power of Congress and the Constitutionality of Acts of Congress. These provisions guarantee that the Counsel will be the Servant of the Congress rather than a person of independent power.

With respect to the independence of the Counsel I would like to address briefly Senator Hruska's argument during debate on S. 495 that the Counsel would be an officer of the United States who must be appointed by the President under the case of *Buckley* v. *Valeo,* 424 U.S. 1 (1976). See 122 Cong. Rec., pp. 23046, 23047, (July 21, 1976). In making his argument Senator Hruska notes that there is no provision for Congress to appoint joint officers. There is a provision for the appointment by each House of its officers in Article I, Sections 2 and 3. Senator Hruska then assumes that the Counsel is a joint officer, for which no provision is made, and must, therefore, be an officer of the United States under Article II, Section 2.

Unfortunately, Senator Hruska fails to note that the Congress may constitutionally appoint joint employees such as the Director of the Congressional Budget Office. See 2 U.S.C. 601(a)(2). Similarly the Congressional Members of the Board of the Office of Technology Assessment appoint a Director of the Office. See 2 U.S.C. 474(a). In order to make it absolutely clear that there is no viability to Senator Hruska's argument Congress could simply use the words "selected" rather than "appointed" and the words "begin performance of his duties" rather than "take office." This will reinforce my point that the Counsel must be a Servant of the Congress rather than a source of independent influence.

The need for a joint office and an independent counsel are fundamental if Congress next session is to effectively meet the many court challenges to the constitutional power of the Congress. In January I will again be pressing for the establishment of a Congressional Legal Counsel and I hope to find strong support in both the Senate and the House. The hearings by the Joint Committee and the leadership of both Chairman Brooks and Vice-Chairman Metcalf will be important in achieving this objective.

INCREASING CHALLENGES TO THE CONSTITUTIONAL POWER OF CONGRESS

In order to emphasize the pressing need for a Congressional Counsel, I want to briefly review some of the pending cases which challenge the constitutional power of the Congress.

On the issue of speech and debate clause immunity, we are awaiting the decision of Court of Appeals in *McSurely* v. *McClellan,* A three judge court upheld Senator McClellan's immunity defense on October 28, 1975. 521 F. 2d 1025. Subsequently the Court granted a petition for rehearing and heard reargument en banc. The McClellan Case presents a serious challenge to the Constitutional powers of Congress.

Similarly, the Court of Appeals is now considering the case of *United States* v. *American Telephone and Telegraph Co.,* Representative John Moss, and the House of Representatives. See H.R. Rep. 94–1422 (August 10, 1976) and 122 Cong. Rec., pp. 27857, 27867 (August 26, 1976). This case presents a serious test of the relationship between the Supreme Court's holding in *Eastland* v. *United Servicemen's Fund* and the Court of Appeals holding in *Senate Select Committee* v. *Nixon.*

The case of *Hutchinson* v. *Proxmire* raises a serious challenge to the informing function of Congress and Congressional immunity. See 122 Cong. Rec., pp. 26359–26370 (August 9, 1976). I am submitting a copy of the excellent brief on behalf of Senator Proxmire, as exhibit 13.

Aside from these immunity cases, the Congress is now involved in the Common Cause franking privilege case and two major challenges to the constitutionality of the Legislative Veto. The two legislative veto cases are *Pressler* v. *Simon* and *Ramsey Clark* v. *Federal Election Commission.* In the latter case the Justice Department has—for the second time in eight months—asserted the prerogative to challenge the constitutionality of Acts of Congress. This subject was explored in detail in the hearings of the Subcommittee on Separation of Powers to which I have referred. Indeed I have just introduced S. 3854, a bill to prevent the Department from undertaking these challenges in the name of "the United States." A copy of this bill and my Congressional Record statement appear as exhibit 14 and 15 respectively.

These cases demonstrate the continued need for a Congressional Legal Counsel.

CONCLUSION

Again, I appreciate this opportunity to testify. I strongly support the continued effort of the Joint Committee to alert Congress to the seriousness of these court challenges to Congressional power. When I pursue legislation to establish an Office of Congressional Legal Counsel next session, I know I can count on your vigorous support.

EXHIBITS TO STATEMENT OF SENATOR JAMES ABOUREZK *

Exhibit 1: Amendment in the Nature of a Substitute to S. 2731 of March 31, 1976.

Exhibit 2: Excerpt from Statement of Deputy Attorney General Harold R. Tyler before the Senate Judiciary Committee on S. 495 of May 26, 1976.

Exhibit 3: Excerpt from transcript of Judiciary Committee Hearing of May 26, 1976.

Exhibit 4: Excerpt from letter of Deputy Attorney General Tyler to Senator Edward Kennedy regarding S. 495 of June 11, 1976.

Exhibit 5: Statement of Senator James Abourezk during debate on S. 495 of July 20, 1976.

Exhibit 6: Excerpt from H.R. 14795 as Introduced on July 21, 1976.

Exhibit 7: Title II of S. 495 as adopted by the Senate on July 21, 1976.

Exhibit 8: A Proposed Congressional Gen-

* Exhibits are on file with the Joint Committee.

eral Counsel: Origin and History, By Freeman Sharp.

Exhibit 9: Title III of S. 1726 as Introduced on May 7, 1973.

Exhibit 10: S. 2569 as Introduced on October 11, 1973.

Exhibit 11: Title IV of S. 3877 as Introduced on August 2, 1974.

Exhibit 12: Statement of Senator Vance Hartke during debate on S. 495 of July 19, 1976.

Exhibit 13: Brief of Senator Proxmire in Hutchison *v.* Proxmire.

Exhibit 14: S. 3854 as Introduced on September 29, 1976.

Exhibit 15: Statement of Senator James Abourezk upon introduction of S. 3854 of September 29, 1976.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that a summary and the text of this legislation be printed in the RECORD.

There being no objection, the summary and bill were ordered to be printed in the RECORD, as follows:

SUMMARY OF PUBLIC OFFICIALS INTEGRITY ACT OF 1977

TITLE I—TRIGGERING MECHANISM FOR APPOINTMENT OF TEMPORARY SPECIAL PROSECUTOR AND OFFICE OF GOVERNMENT CRIMES

Title I requires the appointment of a temporary special prosecutor by the court whenever there are serious allegations that a high-level member of the executive branch of the government has violated a Federal criminal statute. The persons covered by this statute are the President, Vice President, individuals compensated at levels I or II of the Executive Schedule (cabinet members and subcabinet members), top-level officials in the Executive Office of the President, the Director of the Federal Bureau of Investigation, a national campaign manager or chairman of a national campaign committee seeking the election or re-election of the President, and certain people who held one of these positions in the recent past. The United States Court of Appeals for the District of Columbia would appoint the special prosecutor and define his jurisdiction. Once a temporary special prosecutor is appointed, he would take over full responsibility for the investigation and prosecution of the case. A temporary special prosecutor could only be removed by the Attorney General for cause. Any such removal could then be reviewed by the court.

Title I also establishes an Office of Government Crimes within the Justice Department to handle criminal violations by government officials. The Office would also handle election and lobbying violations.

The new Office would be headed by a Director, appointed by the President and confirmed by the Senate. High-level officials in the President's election campaign are prohibited from being appointed Director of this Office.

TITLE II—CONGRESSIONAL LEGAL COUNSEL

Title II establishes a Congressional Legal Counsel to represent Congress in civil litigation involving the powers of Congress. The Counsel would be jointly appointed by the President Pro Tempore of the Senate and the Speaker of the House. Oversight of the Office would be the responsibility of a Joint Leadership Group.

The Counsel would be authorized to:

(1) Defend a Member, officer, or employee of Congress, or an agency or committee of Congress, in a civil action which arises from performance of official duties. The Counsel would defend the person or committee only if authorized to do so by a two-thirds vote of the Leadership Group of the relevant House or by a vote of the relevant House of Congress.

(2) Bring a civil action on behalf of a House of Congress or a committee to enforce a congressional subpoena. The counsel could bring such enforcement action only if authorized to do so by a vote of a House of Congress.

(3) Represent the interests of Congress as intervenor or amicus curiae when the constitutionality of a statute or the powers of Congress are at issue in a suit in which Congress is not a party. The Counsel could intervene or appear only if authorized to do so by a vote of a House of Congress.

Under no circumstances would the Congressional Legal Counsel become involved in the defense of any Member of Congress in a criminal case or bring a law suit against the Executive Branch.

TITLE III—FINANCIAL DISCLOSURE

Title III states that it is the policy of the United States that there be uniform requirements for financial disclosure by high-level officers and employees of the executive, legislative and judicial branches of the government. As soon as it is appropriate, it is our intention to add specific financial disclosure requirements, applicable to all three branches, which requirements are not inconsistent with the requirements adopted by the Senate as a result of the work of the Senate Special Committee on Official Conduct.

S. 555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Integrity Act of 1977".

TITLE I—AMENDMENTS TO TITLE 28, UNITED STATES CODE

SPECIAL PROSECUTOR

SEC. 101. (a) Title 28 of the United States Code is amended by inserting immediately after chapter 37 the following new chapter:

"CHAPTER 39.—SPECIAL PROSECUTOR

"Sec.
"591. Applicability of provisions of this chapter.
"592. Determination whether to apply for appointment of a special prosecutor.
"593. Duties of the division of the court.
"594. Authority and duties of a special prosecutor.
"595. Reporting and congressional oversight.
"596. Removal of a special prosecutor; termination of office.
"597. Relationship with Department of Justice.
"598. Termination of effect of chapter.

"§ 591. Applicability of provisions of this chapter

"(a) The Attorney General shall conduct an investigation pursuant to the provisions of this chapter whenever the Attorney General receives specific information that any of the persons described in subsection (b) of this section has violated any Federal criminal law.

"(b) The persons referred to in subsection (a) of this section are—

"(1) The President or Vice President.

"(2) Any individual serving in a position listed in secton 5312 or section 5313 of title 5 of the United States Code.

"(3) Any individual working in the Executive Office of the President and compensated at a rate not less than the rate provided for level IV of the Executive Schedule under section 5315 of title 5 of the United States Code.

"(4) The Director of the Federal Bureau of Investigation.

"(5) Any individual who held any office or position described in any of paragraphs (1) through (4) of this subsection during the incumbency of the President or during the period the last preceding President held office, if such preceding President was of the same political party as the incumbent President.

"(6) A national campaign manager or chairman of any national campaign committee seeking the election or reelection of the President.

"§ 592. Determination whether to apply for appointment of a special prosecutor

"(a) The Attorney General, upon receiving specific information that any of the persons described in section 591(b) of this title has engaged in conduct described in section 591 (a) of this title, shall conduct, for a period not to exceed sixty days, such preliminary investigation of the matter as the Attorney General deems appropriate.

"(b)(1) If the Attorney General, upon completion of the preliminary investigation, finds that the matter is so unsubstantiated that no further investigation or prosecution is warranted, the Attorney General shall so notify the division of the court specified in section 593(a) of this title, and the division of the court shall have no power to appoint a special prosecutor.

"(2) This notification shall be by memorandum containing a summary of the information received and a summary of the results of any preliminary investigation.

"(3) This memorandum shall not be revealed to any third party without leave of the division of the court.

"(c)(1) If the Attorney General, upon completion of the preliminary investigation, finds that the matter warrants further investigation or prosecution, or if sixty days elapse from the receipt of the information without a determination by the Attorney General that the matter is so unsubstantiated as not to warrant further investigation or prosecution, then the Attorney General shall apply to the division of the court for the appointment of a special prosecutor.

"(2) The application shall contain sufficient information to assist the division of the court to select a special prosecutor and to define that special prosecutor's prosecutorial jurisdiction.

"(3) The application shall not be revealed to any third party without leave of the division of the court.

"(d)(1) If—

"(A) after the filing of a memorandum under subsection (b) of this section, the Attorney General receives additional specific information about the matter to which such memorandum related; and

"(B) the Attorney General determines, after such additional investigation as the Attorney General deems appropriate, that such information warrants further investigation or prosecution;

then the Attorney General shall, not later than sixty days after receiving such additional information, apply to the division of the court for the appointment of a special prosecutor.

"(2) The application shall contain sufficient information to assist the division of the court to select a special prosecutor and to define that special prosecutor's prosecutorial jurisdiction.

"(3) The application shall not be revealed to any third party without leave of the division of the court.

"(e) If, in the course of any Federal criminal investigation, the Attorney General determines that the continuation of the investigation or that any resulting prosecution may so directly and substantially affect the political or personal interests of the President or the Attorney General or the interests

of the President's political party as to make it inappropriate in the interest of the administration of justice for the Department of Justice to conduct such investigation, then the Attorney General shall apply to the division of the court for the appointment of a special prosecutor.

"§ 593. Duties of the division of the court

"(a) The division of the court which is referred to in this chapter, and to which functions are given by this chapter, is the division established under section 49 of this title.

"(b) Upon receipt of an application under section 592 (c), (d), or (e) of this chapter, the division of the court shall appoint an appropriate special prosecutor and shall define that special prosecutor's prosecutorial jurisdiction. A special prosecutor's identity and prosecutorial jurisdiction shall be made public upon request of the Attorney General or upon the determination of the division of the court that disclosure of the identity and prosecutorial jurisdiction of such special prosecutor would be in the best interest of justice.

"(c) The division of the court, upon request of the Attorney General, may expand the prosecutorial jurisdiction of an existing special prosecutor. Such request may be incorporated in an application for the appointment of a special prosecutor under this chapter.

"(d) The division of the court may not appoint as a special prosecutor any person who holds any office of profit or trust under the United States.

"§ 594. Authority and duties of a special prosecutor

"(a) Notwithstanding any other provision of law, a special prosecutor appointed under this chapter shall have, with respect to all matters in such special prosecutor's prosecutorial jurisdiction established under this chapter, full power, and independent authority to—

"(1) conduct proceedings before grand juries and other investigations;

"(2) participate in court proceedings and engage in any litigation, including civil and criminal matters, as he deems necessary;

"(3) appeal any decision of a court in any case or proceeding in which such special prosecutor participates in an official capacity;

"(4) review all documentary evidence available from any source;

"(5) determine whether or not to contest the assertion of any testimonial privilege;

"(6) receive appropriate national security clearances and, if necessary contest in court, including where appropriate participation in in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

"(7) make applications to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders, and for purposes of sections 6003, 6004, and 6005, of title 18, United States Code, as amended, a special prosecutor may exercise the authority vested in a United States Attorney or the Attorney General;

"(8) inspect, obtain, or use the original or copy of any tax return, in accordance with the applicable statutes and regulations, and for purposes of section 6103, of title 26, United States Code, as amended, and the regulations thereunder, a special prosecutor may exercise the powers vested in a United States Attorney or the Attorney General;

"(9) initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file informations, and handle all aspects of any case in the name of the United States;

"(10) exercise all other investigative and prosecutorial functions and powers of the Department of Justice, the Attorney General, and any other officer or employee of the Department of Justice, except that the Attorney General shall exercise direction or control as to those matters that specifically require the Attorney General's personal action under section 2516 of title 18, United States Code.

"(b) A special prosecutor appointed under this chapter shall receive compensation at a per diem rate equal to the rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5 of the United States Code.

"(c) For the purposes of carrying out the duties of the office of special prosecutor, a special prosecutor shall have power to appoint, fix the compensation, and assign the duties of such employees as such special prosecutor deems necessary (including investigators, attorneys, and part-time consultants). The positions of all such employees are exempted from the competitive service. No such employee may be compensated at a rate exceeding the maximum rate provided for GS–18 of the General Schedule under section 5332 of title 5 of the United States Code.

"(d) A special prosecutor may request, and the Department of Justice shall provide to such special prosecutor, assistance which may include affording to such special prosecutor full access to any records, files, or other materials relevant to matters within such special prosecutor's prosecutorial jurisdiction, and providing to such special prosecutor the resources and personnel required to perform such special prosecutor's duties.

"(e) A special prosecutor may accept referral of a matter by the Attorney General, if the matter relates to a matter within the prosecutorial jurisdiction established by the division of the court.

"§ 595. Reporting and congressional oversight

"(a) A special prosecutor appointed under this chapter may make public from time to time, and shall send to the Congress at least annually, statements or reports on the activities of such special prosecutor. These statements and reports shall contain such information as that special prosecutor deems appropriate.

"(b)(1) In addition to any reports made under subsection (a) of this section, a special prosecutor appointed under this chapter shall, at the conclusion of such special prosecutor's duties, submit to the division of the court a report under this subsection.

"(2) A report under this subsection shall set forth fully and completely a description of the work of the special prosecutor, including the disposition of all cases brought, and the reasons for not prosecuting any matter within the prosecutorial jurisdiction of such special prosecutor which was not prosecuted. The report shall be in sufficient detail to allow determination of whether the special prosecutor's investigation was thoroughly and fairly completed.

"(3) The division of the court may release to the Congress, the public, or to any appropriate person, such portions of a report made under this subsection as the division deems appropriate. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report and prevent undue interference with any pending prosecution. The division of the court may make any portion of a report under this section available to any individual named in such report for the purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and factual information, in whole or in part, may in the discretion of such division be included as an appendix to such report.

"(c) A special prosecutor shall promptly advise the House of Representatives of any substantial and credible information which such special prosecutor receives that may constitute grounds for an impeachment. Nothing in this chapter or section 49 of this title shall prevent the Congress or either House thereof from obtaining information in the course of an impeachment proceeding.

"(d) The appropriate committees of the Congress shall have oversight jurisdiction with respect to the official conduct of any special prosecutor appointed under this chapter, and such special prosecutor shall have the duty to cooperate with the exercise of such oversight jurisdiction.

"(e) A majority of majority party members or a majority of all nonmajority party members of a judiciary committee of either House of the Congress may request in writing that the Attorney General apply for the appointment of a special prosecutor under this chapter. Not later than thirty days after the receipt of such a request, the Attorney General shall provide written notification of any action the Attorney General has taken under this chapter in response to such request and, if no application has been made to the division of the court, why such application was not made. Such written notification shall be sent to the committee on which the persons making the request serve, and shall not be revealed to any third party, except that the committee may, either on its own initiative or upon the request of the Attorney General, make public such portion or portions of such notification as will not in the committee's judgment prejudice the rights of any individual.

"§ 596. Removal of a special prosecutor; termination of office

"(a) A special prosecutor may be removed from office, other than by impeachment and conviction, only by the Attorney General for extraordinary improprieties, for malfeasance in office, for willful neglect of duty, for permanent incapacitation, or for any conduct constituting a felony. An action may be brought in the United States District Court for the District of Columbia to challenge the action of the Attorney General under this subsection by seeking reinstatement or other appropriate relief. In the event of any removal, the Attorney General shall promptly submit to the Judiciary Committees of the Senate and the House of Representatives a report describing with particularity the grounds for such action. The committees shall make available to the public such report, except that each committee may, if necessary to avoid prejudicing the legal rights of any individual, delete or postpone publishing such portions of the report, or the whole report, or any name or other identifying details.

"(b)(1) An office of special prosecutor shall terminate upon the submission by the special prosecutor of written notification to the Attorney General that the investigation of all matters within the prosecutorial jurisdiction of such special prosecutor or accepted by such special prosecutor under section 594 (e) of this title, and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete such investigations and prosecutions. No such submission shall be effective to terminate such office until after the completion and filing of the report required under section 595(b) of this title.

"(2) The division of the court, either on its own motion or upon suggestion of the Attorney General, may terminate an office of special prosecutor at any time on the ground that the investigation of all matters within

the prosecutorial jurisdiction of the special prosecutor or accepted by such special prosecutor under section 594(e), and any resulting prosecutions, have been completed or so substantially completed that it would be appropriate for the Department of Justice to complete such investigations and prosecutions.

"§ 597. Relationship with Department of Justice

"(a) Whenever a matter is in the prosecutorial jurisdiction of a special prosecutor or has been accepted by a special prosecutor under section 594(e) of this title, the Department of Justice, the Attorney General, and all other officers and employees of the Department of Justice shall suspend all investigations and proceedings regarding such matter, except to the extent required by section 594(d) of this title.

"(b) The Attorney General or the Solicitor General may, to the extent provided under existing law, make a presentation to any court as to issues of law raised by any case or proceeding in which a special prosecutor participates in an official capacity or any appeal of such a case or proceeding.

"§ 598. Termination of effect of chapter

"This chapter shall cease to have effect five years after the date on which it takes effect, except as to the completion of then-pending matters, which in the judgment of the division of the court require its continuance in effect, with respect to which matters this chapter shall continue in effect until such division determines that such matters have been completed.".

(b) The tables of chapters for title 28 of the United States Code and for part II of such title 28 are each amended by inserting immediately after the item relating to chapter 37 the following new item:

"39. Special prosecutor.".

(c) There are authorized to be appropriated for each fiscal year such sums as may be necessary, to be held by the Department of Justice as a contingent fund for the use of any special prosecutors appointed under chapter 39 (relating to special prosecutor) of title 28 of the United States Code in the carrying out of functions under such chapter.

ASSIGNMENT OF JUDGES TO DIVISION TO APPOINT SPECIAL PROSECUTORS

SEC. 102. (a) Chapter 3 of title 28 of the United States Code is amended by adding at the end the following new section:

"§ 49. Assignment of judges to division to appoint special prosecutors

"(a) Beginning with the two-year period commencing on the date this section takes effect, the chief judge of the United States Court of Appeals for the District of Columbia shall assign three persons who are judges or justices for each successive two-year period to a division of the United States Court of Appeals for the District of Columbia to be the special panel of the court for the purposes of chapter 39 of this title.

"(b) Except as provided under subsection (f) of this section, assignment to the division established in subsection (a) of this section shall not be a bar to other judicial assignments during the term of such division.

"(c) In assigning judges or justices to sit on the division established in subsection (a) of this section, priority shall be given to senior retired circuit judges and senior retired justices.

"(d) The chief judge of the United States Court of Appeals for the District of Columbia may make a request to the Chief Justice of the United States, without presenting a certificate of necessity, to designate and assign, in accordance with section 294 of this title, retired circuit court judges of another circuit or retired justices to the division established under subsection (a) of this section.

"(e) Any vacancy in the division established under subsection (a) of this section shall be filled only for the remainder of the two-year period in which such vacancy occurs and in the same manner as initial assignments to the division were made.

"(f) No judge or justice who as a member of the division established in subsection (a) of this section participated in a function conferred on the division under chapter 39 of this title involving a special prosecutor shall be eligible to participate in any judicial proceeding involving a matter which involves such special prosecutor while such special prosecutor is serving in that office or which involves the exercise of such special prosecutor's official duties, regardless of whether such special prosecutor is still serving in that office.".

(b) The table of sections for chapter 3 of title 28 of the United States Code is amended by adding at the end the following item:

"49. Assignment of judges to division to appoint special prosecutors.".

DISQUALIFICATION OF OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF JUSTICE AND OFFICE OF GOVERNMENT CRIMES

SEC. 103. (a) Chapter 31 of title 28 of the United States Code is amended by adding at the end the following:

"§ 528. Disqualification of officers and employees of the Department of Justice

"The Attorney General shall promulgate rules and regulations which require any officer or employee of the Department of Justice, including a United States Attorney or a member of his staff, to disqualify himself from participation in a particular investigation or prosecution if such participation may result in a personal, financial, or political conflict of interest, or the appearance thereof. Such rules and regulations may provide that a willful violation of any provision thereof shall result in removal from office.

"§ 529. Office of Government Crimes

"(a)(1) There is established within the Department of Justice an Office of Government Crimes, which shall be headed by a director appointed by the President, by and with the advice and consent of the Senate. The director shall report directly to the Attorney General on a regular basis and when he deems it necessary and shall report to any other person the Attorney General directs. The Attorney General shall determine the organizational placement of the office within the department.

"(2) A person shall not be appointed director of the Office of Government Crimes if he has at any time during the five years preceding such appointment held a high level position of trust and responsibility on the personnel campaign staff of, or in an organization or political party working on behalf of, a candidate for any elective Federal office. The confirmation by the Senate of a Presidential nomination of a director shall constitute a final determination that such officer meets the requirements of this subsection.

"(b)(1) The Attorney General shall, except as to matters referred to a special prosecutor pursuant to chapter 39 of this title, delegate to the Office on Government Crimes jurisdiction of (1) criminal violations of Federal law related directly or indirectly to his Government position, employment, or compensation, by any individual who holds or who at the time of such possible violation held a position as an elected or appointed Federal Government officer, employee or special employee; (2) criminal violations of Federal laws relating to lobbying, conflicts of interest, campaigns, and election to public office committed by any person except insofar as such violations relate to matters involving discrimination or intimidation on the grounds of race, color, religion or national origin; (3) the supervision of investigations and prosecutons of criminal violations of Federal law involving State or local government officials or employees; and (4) such other matters as the Attorney General may deem appropriate.

"(2) Jurisdiction delegated to the Office of Government Crimes pursuant to paragraph (1) of this subsection may be concurrently delegated by the Attorney General to, or concurrently reside in, the United States Attorneys or other units of the Department of Justice. In the event of such concurrent delegation, the director shall supervise the United States Attorneys or other units in the performance of such duties. This section shall not limit any authority conferred upon the Attorney General, the Federal Bureau of Investigation, or any other department or agency of government to investigate any matter.

"(c)(1) At the beginning of each regular session of the Congress, the Attorney General shall report to the Congress on the activities and operation of the Office of Government Crimes for the preceding fiscal year.

"(2) Such report shall specify the number and type of investigations and prosecutions subject to the jurisdiction of such unit and the disposition thereof but shall not include any information which would impair an ongoing investigation, prosecution, or proceeding, or which the Attorney General determines would constitute an improper invasion of personal privacy."

(b) The table of sections for chapter 31 of title 28 of the United States Code is amended by adding at the end the following:

"528. Disqualification of officers and employees of the Department of Justice.

"529. Office of Government Crimes."

(c) Section 5315 of title 5, United States Code, is amended by adding "(105) Director of Office of Government Crimes.".

SEPARABILITY

SEC. 104. If any part of Title I is held invalid, the remainder of the title shall not be affected thereby. If any provision of any part of Title I, or the application thereof to any person or circumstance, is held invalid, the provisions of other parts and their application to other persons or circumstances shall not be affected thereby.

TITLE II—CONGRESSIONAL LEGAL COUNSEL

ESTABLISHMENT OF OFFICE OF CONGRESSIONAL LEGAL COUNSEL

SEC. 201. (a)(1) There is established, as an office of the Congress, the Office of Congressional Legal Counsel (hereinafter referred to as the "Office"), which shall be headed by a Congressional Legal Counsel (hereinafter referred to as the "Counsel"); and there shall be a Deputy Congressional Legal Counsel (hereinafter referred to as the "Deputy Counsel") who shall perform such duties as may be assigned to him by the Counsel and, during any absence, disability, or vacancy in the position of the Counsel, the Deputy Counsel shall serve as Acting Congressional Legal Counsel.

(2) The Counsel and the Deputy Counsel each shall be appointed by the President pro tempore of the Senate and the Speaker of House of Representatives from among recommendations submitted by the majority and minorty leaders of the Senate and the House of Representatives. Any appointment made under this subsection shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person appointed as Counsel or Deputy Counsel shall be learned

in the law, a member of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during the term of such appointment.

(3)(A) Any appointment made under this subsection shall become effective upon approval, by concurrent resolution, of the Senate and the House of Representatives. The Counsel and the Deputy Counsel shall each be appointed for a term of service which shall expire at the end of the Congress following the Congress during which the Counsel or Deputy Counsel, respectively, is appointed except that the Congress may, by concurrent resolution, remove either the Counsel or the Deputy Counsel prior to the termination of any term of service. The Counsel and the Deputy Counsel may be reappointed at the termination of any term of service.

(B) The first Counsel and the first Deputy Counsel shall be appointed, approved, and begin service within ninety days after the enactment of this Act and thereafter the Counsel and Deputy Counsel shall be appointed, approved, and begin service within thirty days after the beginning of the session of Congress immediately following the termination of the Counsel or Deputy Counsel's term of service or within sixty days after a vacancy occurs in either position.

(4) The Counsel shall receive compensation at a per annum gross rate equal to the rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Deputy Counsel shall receive compensation at a per annum gross rate equal to the rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b)(1) The Counsel shall elect and fix the compensation of such Assistant Congressional Legal Counsels (hereinafter referred to as "Assistant Counsels") and of such other personnel, within the limits of available appropriations, as may be necessary to carry out the provisions of this Act and may prescribe the duties and responsibilities of such personnel. The compensation fixed for Assistant Counsels shall not be in excess of a per annum gross rate equal to the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code. Any selection made under this subsection shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Persons selected as Assistant Counsels shall be learned in the law, members of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during their terms of service. All such employees may be removed by the Counsel.

(2) For purposes of pay (other than pay of the Counsel and Deputy Counsel) and employment benefits, rights, and privileges, all personnel of the Office shall be treated as if they were employees of the Senate.

(c) In carrying out the functions of the Office, the Counsel may procure the temporary (not to exceed one year) or intermittent services of individual consultants (including outside counsel), or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72(a)(i)).

(d) The Office shall have the same privilege of free transmission of official mail as other offices of the United States Government.

(e) The Counsel may establish such policies and procedures as may be necessary to carry out the provisions of this Act.

(f) The Counsel may delegate authority for the performance of any function imposed by this Act except any function imposed upon the Counsel under section 206(b) of this title.

(g) The Counsel and other employees of the Office shall maintain the attorney-client relationship with respect to all communications between it and any Member, officer, or employee of Congress.

ACCOUNTABILITY OF OFFICE

SEC. 202. (a) The Office shall be directly accountable to the Joint Leadership Group in the performance of the duties of the Office.

(b) For purposes of this title the Joint Leadership Group shall consist of the following Members:

(1) The Speaker of the House and the President pro tempore of the Senate;

(2) the majority and minority leaders of both Houses of Congress;

(3) the Chairman and ranking minority Member of the judiciary committees of both Houses of Congress;

(4) the Chairman and ranking minority Member of the committee of the Senate and of the House, which has jurisdiction over the contingent fund of that body.

(c) The Joint Leadership Group shall be assisted in the performance of its duties by the Secretary of the Senate and the Clerk of the House.

REQUIREMENTS FOR AUTHORIZING REPRESENTATION ACTIVITY

SEC. 203. (a) The Counsel shall defend—

(1) a House of Congress, a committee, subcommittee, Member, officer, or employee of a House of Congress under section 204 only when directed to do so by two-thirds of the Members of the Joint Leadership Group of that House or by the adoption of a resolution by such House; and,

(2) the Congress or an office or agency of Congress under section 204 only when directed to do so by two-thirds of the Joint Leadership Group or by the adoption of a concurrent resolution by both Houses.

(b) The Counsel shall bring a civil action to enforce a subpena of Congress, a House of Congress, a committee or subcommittee of a House of Congress only when directed to do so by the adoption of a resolution by the appropriate House or Houses of Congress.

(c) The Counsel shall intervene or appear as amicus curiae under section 206 only when directed to do so—

(1) by a resolution adopted by a House of Congress when such intervention or appearance is to be made in the name of that House;

(2) by a resolution adopted by the appropriate House when such intervention or appearance is to be made in the name of an officer, committee, or committee chairman of that House; or

(3) by a concurrent resolution adopted by both Houses when such intervention or appearance is to be made in the name of Congress.

(d) The Counsel shall serve as the duly authorized representative in obtaining an order granting immunity under section 207 of—

(1) a House of Congress when directed to do so by an affirmative vote of a majority of the Members present of that House,

(2) a committee or subcommittee when directed to do so by an affirmative vote of two-thirds of the members of the full committee.

(e) The Office shall make no recommendation with respect to the consideration of a resolution or concurrent resolution under this section.

DEFENDING A HOUSE, COMMITTEE, MEMBER, OFFICER, AGENCY, OR EMPLOYEE OF CONGRESS

SEC. 204. (a) Except as otherwise provided in subsection (b), when directed to do so pursuant to section 203, the Counsel shall—

(1) defend Congress, a House of Congress, an office or agency of Congress, a committee or subcommittee, or a Member, officer, or employee of a House of Congress in any civil action pending in any court of the United States or of a State or political subdivision thereof in which Congress, such House, committee, subcommittee, Member, officer, employee, office, or agency is made a party defendant and in which there is placed in issue the validity of any proceeding of, or action, including issuance of any subpena or order, taken by Congress, such House, committee, subcommittee, Member, officer, employee, office, or agency in its or his official or representative capacity; or

(2) defend Congress, a House of Congress, an office or agency of Congress, a committee or subcommittee, or a Member, officer, or employee of a House of Congress in any proceeding with respect to any subpena or order directed to Congress, such House, committee, subcommittee, Member, officer, employee, office, or agency in its or his official or representative capacity.

(b) Representation of a Member, officer, or employee under section 204(a) shall be undertaken by the Counsel only upon the consent of such Member, officer, or employee.

INSTITUTING A CIVIL ACTION TO ENFORCE A SUBPENA

SEC. 205. (a), When directed to do so pursuant to section 203, the Counsel shall bring a civil action under any statute conferring jurisdiction on any court of the United States, including section 1364 of title 28, United States Code, enacted herein, to enforce or issue a declaratory judgment concerning the validity of any subpena or order issued by Congress, or a House of Congress, a committee, or a subcommittee of a committee authorized to issue a subpena or order.

(b) Any directive to the Counsel to bring a civil action pursuant to section 205(a) of this Act in the name of a committee or subcommittee of Congress shall constitute authorization for such committee or subcommittee to bring such action within the meaning of any statute conferring jurisdiction on any court of the United States.

(c) It shall not be in order in the Senate or House of Representatives to consider a resolution to direct the Congressional Legal Counsel to bring a civil action pursuant to section 205(a) to enforce or secure a declaratory judgment concerning the validity of a subpena or order issued by a committee or subcommittee unless—

(1) such resolution is reported by a majority of the members voting, a majority being present, of such committee or committee of which such subcommittee is a subcommittee, and

(2) the report filed by such committee or committee of which such subcommittee is a subcommittee contains a statement of—

(A) the procedure followed in issuing such subpena;

(B) the extent to which the party subpenaed has complied with such subpena;

(C) any objections or privileges raised by the subpenaed party; and

(D) the comparative effectiveness of bringing a civil action to enforce the subpena, certification of a criminal action for contempt of Congress, and initiating a contempt proceeding before a House of Congress;

(3) the provisions of this subsection are enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and, as such, they shall be considered as part of the rules of each House, respectively, and such rules shall supersede any other rule of each House only to the extent that rule is inconsistent therewith; and

(B) with full recognition of the constitu-

tional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(d) The extent to which a report filed pursuant to subsection (c)(2) is in compliance with such subsection shall not be reviewable in any court of law.

(e)(1) Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1364. Congressional actions

"(a) The District Court for the District of Columbia shall have original jurisdiction, without regard to the sum or value of the matter in controversy, over any civil action brought by Congress, a House of Congress, or any authorized committee or joint committee of Congress, or any subcommittee thereof, to enforce, or secure a declaration concerning the validity of, any subpena or order issued by Congress, or such House, committee, subcommittee, or joint committee to any entity acting or purporting to act under color or authority of State law or to any natural person to secure the production of documents or other materials of any kind or the answering of any deposition or interrogatory or to secure testimony or any combination thereof. This section shall not apply to an action to enforce, or secure a declaration concerning the validity of, any subpena or order issued to an officer or employee of the Federal Government acting within his official capacity.

"(b) Any refusal or failure to obey a lawful writ, order, or decree of the District Court issued pursuant to this section to compel compliance with a subpena or order of Congress, a House of Congress, or a committee, joint committee or subcommittee, may be held by such court to be a contempt thereof. A contempt proceeding shall be commenced by an order to show cause before the court why the party refusing or failing to obey should not be held in contempt, shall be tried by the court, and shall be summary in nature. The purpose of sanctions imposed as a result of such contempt proceeding shall be to compel obedience to the writ, order, or decree of the court. An action, contempt proceeding, or sanction brought or imposed pursuant to this section shall not abate upon adjournment sine die at the end of a Congress if the party which issued the subpena or order certifies to the court that it maintains its interest in securing the documents, answers, or testimony during such adjournment.

"(c) In any civil action or contempt proceeding brought pursuant to this section, the court shall assign the case or proceeding for hearing at the earliest practicable date and cause the case or proceeding in every way to be expedited. Any appeal or petition for review from any order or judgment in such case or proceeding shall be expedited in the same manner.

"(d) The Congress, or either House of Congress, any committee, subcommittee, or joint committee of Congress commencing and prosecuting a civil action or contempt proceeding under this section may be represented in such action by such attorneys as it may designate.

"(e) A civil action commenced or prosecuted under this section may not be authorized pursuant to the Standing Order of the Senate 'authorizing suits by Senate Committees' (S. Jour. 572, 70–1, May 28, 1928).".

(2) The analysis of such chapter 85 is amended by adding at the end thereof the following new item:

"1364. Congressional actions.".

(f) Nothing in this section shall limit the discretion of—

(1) the President pro tempore of the Senate or the Speaker of the House of Representatives in certifying to the United States Attorney for the District of Columbia any matter pursuant to section 104 of the Revised Statutes (2 U.S.C. 194); or

(2) either House of Congress to hold any individual or entity in contempt of such House of Congress.

INTERVENTION OR APPEARANCE

SEC. 206. (a) When directed to do so pursuant to section 203, the Counsel shall intervene or appear as amicus curiae in any legal action pending in any court of the United States or of a State or political subdivision thereof in which—

(1) the constitutionality of any Act of Congress is challenged, the United States is a party, and the constitutionality of such Act is not adequately defended by counsel for the United States; or

(2) the powers and responsibilities of Congress under the Constitution of the United States are placed in issue.

(b) The Counsel shall notify the Joint Leadership Group of any legal action in which the Counsel is of the opinion that intervention or appearance as amicus curiae is necessary to carry out the purposes of subsection (a). Such notification shall contain a description of the legal proceeding together with the reasons that the Counsel is of the opinion that intervention or appearance as amicus curiae is necessary. The Joint Leadership Group shall cause said notification to be published in the Congressional Record for the appropriate House or Houses.

(c) The Counsel shall limit any intervention or appearance as amicus curiae in an action involving a Member, officer, or employee of Congress to issues relating to the constitutionality of an Act of Congress or to the powers and responsibilities of Congress.

IMMUNITY PROCEEDINGS

SEC. 207. When directed to do so pursuant to section 203, the Counsel shall serve as the duly authorized representative of a House of Congress or a committee or subcommittee in requesting a United States district court to issue an order granting immunity pursuant to section 201(a) of the Organized Crime Control Act of 1970 (18 U.S.C. 6005).

ADVISORY AND OTHER FUNCTIONS

SEC. 208. (a) The Congressional Legal Counsel shall advise, consult, and cooperate with—

(1) the United States Attorney for the District of Columbia with respect to any criminal proceeding for contempt of Congress certified pursuant to section 104 of the Revised Statutes (2 U.S.C. 194);

(2) the committees with the responsibility to identify any court proceeding or action which is of vital interest to Congress or to either House of Congress;

(3) the Comptroller General, General Accounting Office, the Office of Legislative Counsel of the Senate, the Office of the Legislative Counsel of the House of Representatives, and the Congressional Research Service, except that none of the responsibilities and authority granted by this title to the Congressional Legal Counsel shall be construed to affect or infringe upon any functions, powers, or duties of the Comptroller General of the United States;

(4) any Member, officer, or employee of Congress not represented under section 204 with regard to obtaining private legal counsel for such Member, officer, or employee;

(5) the President pro tempore of the Senate, the Speaker of the House of Representatives, and the Parliamentarians of the Senate and House of Representatives regarding any subpena, order, or request for withdrawal of papers presented to the Senate and House of Representatives or which raises a question of the privileges of the Senate or House of Representatives; and

(6) any committee or subcommittee in promulgating and revising their rules and procedures for the use of congressional investigative powers and with respect to questions which may arise in the course of any investigation.

(b) The Counsel shall compile and maintain legal research files of materials from court proceedings which have involved Congress, a House of Congress, an office or agency of Congress, or any committee, subcommittee, Member, officer, or employee of Congress. Public court papers and other research memoranda which do not contain information of a confidential or privileged nature shall be made available to the public consistent with any applicable procedures set forth in such rules of the Senate and House of Representatives as may apply and the interests of Congress.

(c) The Counsel shall perform such other duties consistent with the purposes and limitations of this Act as the Congress or a House of Congress may direct.

DEFENSE OF CERTAIN CONSTITUTIONAL POWERS

SEC. 209. In performing any function under this title the Counsel shall defend vigorously when placed in issue—

(1) the constitutional privilege from arrest or from being questioned in any other place for any speech or debate under section 6 of article I of the Constitution of the United States;

(2) the constitutional power of each House of Congress to be judge of the elections, returns, and qualifications of its own Members and to punish or expel a Member under section 5 of article I of the Constitution of the United States;

(3) the constitutional power of each House of Congress to except from publication such parts of its journal as in its judgment may require secrecy;

(4) the constitutional power of each House of Congress to determine the rules of its proceedings;

(5) the constitutional power of Congress to make all laws as shall be necessary and proper for carrying into execution the constitutional powers of Congress and all other powers vested by the Constitution in the Government of the United States, or in any department or office thereof;

(6) all other constitutional powers and responsibilities of Congress; and

(7) the constitutionality of Acts of Congress.

CONFLICT OR INCONSISTENCY

SEC. 210. (a) In the carrying out of the provisions of this title, the Counsel shall notify the Joint Leadership Group and any party represented or person affected, of the existence and nature of any conflict or inconsistency between the representation of such party or person and the carrying out of any other provision of this title, or compliance with professional standards and responsibilities.

(b) Upon receipt of such notification, the members of the Joint Leadership Group of the House or Houses affected shall recommend the action to be taken to avoid or resolve the conflict or inconsistency. If such recommendation is unanimous, the Counsel shall take such steps as may be necessary to resolve the conflict or inconsistency as recommended. Otherwise the Joint Leadership Group of the House or Houses affected shall cause the notification of conflict or inconsistency and the Joint Leadership Group's recommendation with respect to resolution thereof to be published in the Congressional Record of the appropriate House or Houses of Congress. If Congress or the appropriate

House of Congress does not direct the Counsel within fifteen days from the date of publication in the Record to resolve the conflict in another manner, the Counsel shall take such action as may be necessary to resolve the conflict or inconsistency as recommended. Any instruction or determination made pursuant to this subsection shall not be reviewable in any court of law.

(c) For purposes of the computation of time in section 210(b)—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a date certain are excluded in the computation of the period.

(d) The appropriate House of Congress may by resolution authorize the reimbursement of any Member, officer, or employee who is not represented by the Counsel for costs reasonably incurred in obtaining representation. Such reimbursement shall be from funds appropriated to the contingent fund of the appropriate House.

PROCEDURE FOR CONSIDERATION OF RESOLUTIONS TO DIRECT THE COUNSEL

SEC. 211. (a)(1) A resolution or concurrent resolution introduced pursuant to section 203 shall not be referred to a committee, except as otherwise required under section 205(c). Upon introduction or upon being reported when such is required under section 205(c), whichever is later, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution or concurrent resolution. A motion to proceed to the consideration of a resolution or concurrent resolution shall be highly privileged and not debatable. An amendment to such motion shall not be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to.

(2) If the motion to proceed to the consideration of the resolution or concurrent resolution is agreed to, debate thereon shall be limited to not more than five hours, which shall be divided equally between, and controlled by, those favoring and those opposing the resolution or concurrent resolution. A motion further to limit debate shall not be debatable. No amendment to the resolution or concurrent resolution shall be in order. No motion to recommit the resolution or concurrent resolution shall be in order, and it shall not be in order to reconsider the vote by which the resolution or concurrent resolution is agreed to.

(3) Motions to postpone, made with respect to the consideration of the resolution or concurrent resolution, and motions to proceed to the consideration of other business shall be decided without debate.

(4) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to the resolution or concurrent resolution shall be decided without debate.

(b) For purposes of this Act, when referred to herein, the term "committee" shall include standing, select, special, or joint committees established by law or resolution and the Technology Assessment Board.

(c) The provisions of this section are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and, as such, they shall be considered as part of the rules of each House, respectively, and such rules shall supersede any other rule of each House only to the extent that rule is inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

ATTORNEY GENERAL RELIEVED OF RESPONSIBILITY

SEC. 212. (a) Upon receipt of written notice that the Counsel has undertaken, pursuant to section 204(a) of this Act, to perform any representational service with respect to any designated party in any action or proceeding pending or to be instituted, the Attorney General shall—

(1) be relieved of any responsibility with respect to such representational service;

(2) have no authority to perform such service in such action or proceeding except at the request or with the approval of the Counsel or either House of Congress; and

(3) transfer all materials relevant to the representation authorized under section 204(a) to the Counsel:

Provided, however, That nothing in this subsection shall limit any right of the Attorney General under existing law to intervene or appear as amicus curiae in such action or proceeding.

(b) The Attorney General shall notify the Counsel with respect to any proceeding in which the United States is a party of any determination by the Attorney General or Solicitor General not to appeal any court decision affecting the constitutionality of an Act of Congress within such time as will enable the Congress or a House of Congress to direct the Counsel to intervene in such proceeding pursuant to section 206.

(c) Section 1345 of title 28, United States Code, is amended by adding at the end thereof the following sentence: "This section shall not apply to the commencement of an action, suit, or proceeding which alleges the unconstitutionality of an Act of Congress.".

(d) The first sentence in section 2403 of title 28, United States Code, is amended by striking out "and for argument on the question of constitutionality" and inserting in lieu thereof "and for argument in favor of the constitutionality of such Act".

PROCEDURAL PROVISIONS

SEC. 213. (a) Permission to intervene as a party or to file a brief amicus curiae under section 206 of this title shall be of right and may be denied by a court only upon an express finding that such intervention or filing is untimely and would significantly delay the pending action.

(b) The Counsel, the Deputy Counsel, or any designated Assistant Counsel, shall be entitled, for the purpose of performing his functions under this title, to enter an appearance in any proceeding before any court of the United States without compliance with any requirement for admission to practice before such court, except that the authorization conferred by this paragraph shall not apply with respect to the admission of any person to practice before the United States Supreme Court.

(c) Nothing in this title shall be construed to confer standing on any party seeking to bring, or jurisdiction on any court with respect to, any civil or criminal action against Congress, either House of Congress, a Member of Congress, a committee or subcommittee of Congress, or any officer, employee, office, or agency of Congress.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 214. (a) Section 3210 of title 39, United States Code, is amended—

(1) by striking out "and the Legislative Counsels of the House of Representatives and the Senate" in subsection (b)(1) and inserting in lieu thereof "the Legislative Counsels of the House of Representatives and the Senate, and the Congressional Legal Counsel"; and

(2) by striking out "or the Legislative Counsel of the House of Representatives or the Senate" in subsection (b)(2) and inserting in lieu thereof "the Legislative Counsel of the House of Representatives or the Senate, or the Congressional Legal Counsel".

(b) Section 3216(a)(1)(A) of such title is amended by striking out "and the Legislative Counsels of the House of Representatives and the Senate" and inserting in lieu thereof "the Legislative Counsels of the House of Representatives and the Senate, and the Congressional Legal Counsel".

(c) Section 3219 of such title is amended by striking out "or the Legislative Counsel of the House of Representatives or the Senate" and inserting in lieu thereof "the Legislative Counsel of the House of Representatives or the Senate, or the Congressional Legal Counsel".

(d) Section 8 of the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes," approved March 3, 1875, as amended (2 U.S.C. 118), is repealed.

SEPARABILITY

SEC. 215. If any part of this title is held invalid, remainder of the title shall not be affected thereby. If any provision of any part of this title, or the application thereof to any person or circumstance is held invalid, the provisions of other parts and their application to other persons or circumstances shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

SEC. 216. There are authorized to be appropriated to the Office for each fiscal year through September 30, 1982, such sums as may be necessary to enable it to carry out its duties and functions. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding twelve months following the effective date of this subsection, the expenses of the Office shall be paid from the contingent fund of the Senate, in accordance with the paragraph relating to the contingent fund of the Senate under the heading "UNDER LEGISLATIVE" in the Act of October 1, 1888 (28 Stat. 546; 2 U.S.C. 68), and upon vouchers approved by the Counsel.

TITLE III—GOVERNMENT PERSONNEL; FINANCIAL DISCLOSURE REQUIREMENTS

SEC. 301. It is the policy of the United States that there shall be uniform requirements for full public financial disclosure by high-level officers and employees of the executive, legislative, and judicial branches of the Government.

SEC. 302. Such public financial disclosure requirements shall not be inconsistent with the public financial disclosure requirements contained in the Code of Official Conduct adopted by the Senate as a result of the study and recommendations of the Senate Special Committee on Official Conduct.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the Public Officials Integrity Act of 1977 be referred to the Committee on Government Operations and, if and when reported from that committee, it then be referred to the Committee on the Judiciary for a period not to exceed 30 days for that committee to consider title I.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. DOLE:

S. 556. A bill for the relief of Lee Young Soo; to the Committee on the Judiciary.

LEE YOUNG SOO

Mr. DOLE. Mr. President, the Senator from Kansas takes pleasure in reintroducing a bill on the behalf of Lt. Col. and Mrs. Duane L. Ginter of Hiawatha, Kans., for the adoption of Lee Young Soo.

For the past 10 years, Lt. Col. and Mrs. Ginter have sponsored Lee Young Soo, a Korean orphan, through the Christian Children's Fund. Through the past decade, the Ginter's have come to regard Lee Young Soo as more than a homeless Korean child to be supported through monetary funds, therefore in 1974 the Ginter's began adoption proceedings.

Because Lee Young Soo is over the age limitation to freely immigrate into the United States under the Immigration and Nationality Act, I introduced this same legislation in the previous session of Congress to enable her passage to the United States. However, the bill failed to be enacted last session for lack of adequate time for consideration.

To reaffirm the Ginter's request for adoption, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEWPORT NEWS, VA. 23602
December 8, 1976.

Re: Bill S. 3017, Lee Young Soo Immanuel Bo Yook Won Home, Korea, Project No. 1545.

Senator ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I talked with Martha McCabe in your office this week when I was in Washington and she informed me that this bill has died before it reached the House.

My husband, Duane L. Ginter, and I would like very much for you to reintroduce the above bill as soon as possible. We are very anxious to adopt Young Soo. We have been trying, through Holt Adoption Agency, since April 1974 to adopt her so we will appreciate anything you can do for us.

We were told that the file has been lost so if there is any other information that you need please write or call us and we will gladly furnish same.

We are residents of Brown County, Hiawatha, Kansas.

Thank you.

MARTHA A. GINTHER.

Mr. DOLE. Mr. President, I urge the Senate to act upon this legislation as quickly as possible.

By Mr. BENTSEN:

S. 559. A bill to make more rational and equitable the method of computing benefits under the old-age, surivors, and disability insurance system established under the Social Security Act; to the Committee on Finance.

SOCIAL SECURITY AMENDMENTS OF 1977

Mr. BENTSEN. Mr. President, this year 33.1 million Americans will receive a total of $84.7 bililon in social security benefits. All of the beneficiaries of our social security system have contributed part of their paychecks—some for as many as 24 years—to the social security system in order to be assured of an income at the time of their retirement. However, as I am sure my colleagues are aware, the ability of the social security system to offer retirement security to those now contributing to the system now is not assured.

Mr. President, the bill which I am today introducing will return our Nation's social security system to a sound footing by revising the formula by which social security benefits are computed. Today this formula produces a benefit that is "overindexed"—a benefit that is indexed both to wage inflation and price inflation in our economy. Although this "overindexing" has a relatively small effect at the present time, it will be the cause of at least half the projected long-term deficit of the social security system in the next 50 years.

My bill will correct this "overindexing" by freezing replacement rates—the ratio of a person's social security benefits to his preretirement earnings—at the current level. In other words, the proportion of a worker's earnings that is replaced by his social security benefit will remain constant so that a person retiring in the future can expect a benefit at least proportionally equal to benefits being awarded today. Of course, in actual dollar terms, social security benefits can be expected to be higher in the future due to increases over the years in wages from which the benefits are computed. Furthermore, once a person is retired they can expect their benefit to increase each year—as social security benefits do now—by the same percentage as the increase in the Consumer Price Index. However, the initial benefit level, under the Bentsen bill, would bear the same relationship to wages earned before retirement as they do today.

Mr. President, as I have already mentioned, my bill accomplishes its purpose by changing the social security benefit formula. Currently, this formula causes benefits to be "overindexed" by reflecting the effect of inflation twice in 1 year—once for inflation in wages and once for inflation in prices. Although this kind of overindexing is not affecting social security benefit levels to any sizable degree now—because it has been operating only since the passage of the Social Security Amendments of 1972—by the year 2050 we could be seeing social security benefits that are as high as 243 percent of preretirement earnings—that is more than double what the person was earning during his working years in the form of a social security benefit. Clearly, this kind of benefit—one in excess of a worker's highest earnings during his or her working years—was never intended to be offered by the social security system.

My bill would untie the effect of price inflation from the benefit formula so that the initial benefit level would be reflective of inflation only in wages in any one year. After retirement, as I have already pointed out, benefits would be increased as they are now—to reflect increases in the cost of living as measured by inflation in prices in the economy in general. This decoupling or untying of the social security benefit formula from price inflation would assure that replacement rates remain constant.

My bill would also change the method by which wages are computed to come up with the initial social security benefit. Currently, a worker's actual earnings—that are subject to the social security tax—are averaged over a certain period of years—20 years for a person at age 62 in 1976, 21 years for a person at age 62 in 1977 and so on until 1991 when the maximum 35 year averaging period will apply. The resultant average wage yields a benefit computed according to the statutory formula. Under the Bentsen bill, a worker's actual earnings would be indexed to reflect increases in the national average wage between the year in which a person began to work and the year in which he retires. Therefore, if national average earnings rise 20 percent between the time an individual begins to work and the time he retires, his wages for that first year of work would be increased by 20 percent for the purpose of the social security benefit computation.

This method of computing wages—known as "wage-indexing"—does more than simply assure that replacement rates remain at their current level. It also resolves an inequity in the current method of wage computation. Currently, people retiring at the same time may not have earned their retirement benefit at the same time. A person retiring in July 1977, with 10 years of earnings covered by the social security system might have received those earnings between 1951 and 1961. Another person retiring in July 1977 may have earned his social security coverage between 1967 and 1977. Even if both had received the same pay—measured in constant dollars—the one who earned 1967–77 dollars would have a higher average earning in real terms because of wage increases during the decade. Therefore, one person would receive a higher social security benefit simply because he earned his coverage at a later time despite the fact that his earnings—in constant dollars—were really no higher than the earnings of the person who worked in the earlier years. My bill resolves this inequity by updating all wages to the time of a person's retirement by increases in the national average wage.

Mr. President, 5 years ago Congress passed the Social Security Amendments of 1972 unaware of the "double-indexing" of benefits that would result from these amendments. It is imperative that we correct this flaw so that those now contributing to the social security system can be assured of a rational benefit upon retirement—a benefit reasonably related to the earnings they received during their working years.

By Mr. BENTSEN:

S. 560. A bill to amend the Communications Act of 1934 with respect to the renewal of licenses for the operation of broadcasting stations; to the Committee on Commerce.

Mr. BENTSEN. Mr. President, due to the currently complicated and disruptive procedures for the renewal of broadcast

licenses, the very future of many television and radio stations throughout the country is in question. Every station in every State is affected by present license renewal policy which is confusing and ambiguous.

The power to choose broadcast licensees and impose conditions on licenses is the power to control broadcasting in this country. It is in the interest of everyone that such power be exercised fairly and with restraint to provide a stable, responsible broadcasting service as free as possible from Government control. And it is vital that the limits of such power be clearly and unequivocally defined by the Congress.

At present, the obligations and responsibilities of broadcasters are not clear. My bill is designed to clear up the ambiguities and uncertainties involved. The Congress must specify what those holding licenses will have to do to be able to renew them and we must delinate in plain language and well-defined terms the authority of the Federal Communications Commission in this regard. This bill will assure broadcasters that if their broadcasting efforts reflect a good-faith effort to serve the community then their licenses will be renewed—but only if they have, indeed, proven that they have served their community well. I believe that an FCC policy that results in licenses being auctioned off to whatever bidder makes the most promises tends to produce instability, loss of freedom, and irresponsibility.

I wish to emphasize, Mr. President, that I in no way oppose the right of the challenger to challenge. What I do oppose is a lengthy, costly, chaotic renewal process which fails to take into full consideration the licensee's past record of service to the community. Until fairly recently a broadcaster could rely on his having substantially met and served the public interest to give him preference over a new applicant for the license. However, in the landmark WHDH case in 1969, the FCC, giving little credit to the licensee for past performance, took the license away and awarded it to the competing applicant. This decision injected into the license renewal procedure a degree of instability which goes against the public interest.

A series of further FCC and U.S. Court of Appeals decision has done little to clarify the situation. Broadcasters are just not sure what criteria they must meet to have their licenses renewed. Management assumes an unnecessarily high risk in making long-term capital commitments to improve the quality of transmission and service of its station. The costs of such investments may not be amortized over a reasonable length of time because of the increased possibility of arbitrary or capricious cancellation of licenses for factors beyond the control of the licensee. Broadcasting thereby suffers and this is a disservice to the public.

The importance of this issue to the public cannot be overemphasized. The value to the public of a free broadcasting system lies in unintimidated broadcasting and news coverage. Therefore, a stable license renewal procedure is not only beneficial to broadcasters but also it is indispensable to the public. The public deserves to have a broadcasting industry free from pressure emanating from the threat of irresponsible license challenges.

Failure to take prompt action to enact license renewal legislation will result not only in continued instability in the broadcasting industry but also in a lack of faith in the media by the very community the media serve. Freedom of the press is frequently attacked on all sides. We in the Congress must move to assure that this freedom is preserved and protected.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 307(d) of the Communications Act of 1934 (47 U.S.C. 307(d)) is amended to read as follows:

"No license granted for the operation of a broadcasting station may be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefore, a renewal of such license may be granted from time to time for a term of not to exceed five years if the Commission finds that public interest, convenience, and necessity would be served thereby.

"In order to expedite action on application for renewal of broadcasting station licenses and in order to avoid needless expense to applicants for such renewals, the Commission shall not require any such applicant to file any information which previously has been furnished to the Commission or which is not directly material to the considerations that affect the granting or denial of such application, but the Commission may require any new or additional facts it deems necessary to make its findings. Pending any hearing and final decision on such an application and the disposition of any petition for rehearing pursuant to Section 405 of this Title, the Commission shall continue such license in effect. Consistently with the foregoing provisions of this Subsection, the Commission may by rule prescribe the period or periods for which licenses shall be granted and renewal for particular classes of stations, but the Commission may not adopt or follow any rule which would preclude it, in any case involving a station of a particular class, from granting or renewing a license for a shorter period than that prescribed for stations of such class if, in its judgment, the public interest, convenience, or necessity would be served by such action.".

SEC. 2. Section 309(e) of the Communications Act of 1934 (47 U.S.C. 309(e)) is amended by adding the following at the end thereof: "Notwithstanding the preceding sentence, in any hearing involving an application for renewal of a broadcast license an applicant for renewal who is legally, financially, and technically qualified shall be awarded the grant if such applicant shows that its broadcast service during the preceding license period has reflected a good-faith effort to serve the needs and interests of its service area as represented in its immediately preceding and pending license renewal applications and if it has not demonstrated a callous disregard for law or the Commission's regulations, but if the renewal applicant fails to make such a showing or has demonstrated a callous disregard for law or the Commission's regulations, such failure or demonstration shall be weighted against the renewal applicant.

SEC. 3. (a) The Federal Communications Commission shall review its rules and regulations relating to the broadcast license renewal process to determine whether the forms, documents, and other data presently required of each licensee by the Commission for renewal considerations can be reduced and consolidated. In carrying out this review, the Federal Communications Commission shall give special consideration to reducing and consolidating the forms, documents and other data presently required for license renewal consideration of small broadcast stations.

(b) This review shall be completed within six months after the date of enactment of this Act and the Federal Communications Commission shall promptly report to Congress any changes it has made in its rules, regulations, and procedures as a result of this review.

By Mr. MAGNUSON (for himself, Mr. LONG, Mr. WEICKER, and Mr. WILLIAMS):

S. 562. A bill to facilitate the implementation of section 703 of the Railroad Revitalization and Regulatory Reform Act of 1976, the Railroad Passenger Service Act, as amended, to amend the National Visitor Center Facilities Act of 1968, as amended, and for other purposes; to the Committee on Commerce.

UNION STATION IMPROVEMENT ACT OF 1977

Mr. MAGNUSON. Mr. President, I am introducing, along with several of my colleagues, a bill to correct a rather serious transportation problem that has occurred here in the Nation's Capital as a result of a lack of foresight by the Federal Government and a series of squabbling between various departments of the executive branch. Mr. President, the situation I am referring to is very close to the Capitol itself—it is the National Visitor Center and the need for an adequate Union Station to serve the growing number of rail passengers attempting to use the presently inadequate facilities.

The mess that currently exists has been well documented by such media events as the "Sixty Minutes" segment that recently generated a new wave of complaints against the way that the Government has made a mess of the situation both with respect to the Visitor Center and the drastic need to provide an adequate railroad station for the Nation's Capital. The concept of a Visitor Center was originally proposed in 1968 in order to use the terminal facilities. Unfortunately, the theory of a visitor center in the railroad station was premised on the assumption that railroad passenger service was dying out and would be totally gone within a few years. Since then, of course, precisely the opposite has occurred.

In 1969, 1 year after the legislation providing for the Visitor Center was passed the Rail Passenger Service Act

which signalled the beginning of the restoration of rail passenger service in the United States and particularly in the Northeast Corridor. The Metroliner demonstration program was already confirming the fact that large numbers of people would ride the trains if the service was made competitive. Since that time, both the Corridor and long distance services using the station facilities in Washington have grown tremendously in popularity. Most importantly, last year Congress enacted title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, which provides for a massive upgrading of the rail passenger facilities between Washington and Boston in a manner similar to the upgrading projects that have already been accomplished in so many other countries, such as Japan and France. This investment of at least $1.75 billion will provide a cost efficient, energy efficient, and environmentally compatible means of transportation for the growing intercity passengers that move among the urban megalopolis stretching from Boston to Washington. Were it not for this project, we would have to build another set of interstate freeways or urban airports in an area where 20 percent of the population lives on 2 percent of the land. In terms of station facilities, however, we have moved in the other direction. We will have all the passengers at the Visitor Center, where there is no parking, trying to board high speed trains without an adequate station.

The Visitor Center itself, has never been completed, the result of a combination of cost overruns and poor planning. The parking garage that stands unfinished behind it has been abandoned. Already it is one of the world's most expensive garages per place of parking provided, and it is not clear how much it will cost when finished—if it is ever finished. In short, we have provided a Visitor Center that is too large, is seriously draining the budget of the Park Service, and stands in the way of a public facility that is badly needed.

The Commerce Committee has held several hearings on the problems surrounding the Visitor Center, and has passed legislation providing for construction of an intermodal terminal that would serve not only the growing needs of intercity and rail commuter passengers, but also those of intercity bus passengers. I am most hopeful that the bill being introduced today can be amended in order to further the concept of an intermodal transportation terminal in Washington combined with a scaled-down Visitor Center that truly serves the public interest. I am sure that the Commerce Committee, when considering this issue, will give close attention to ways in which this can be accomplished. This bill is largely the result of negotiations between the Transportation Department and the Interior Department, and has the support of both. I feel that it is a good start, and can form the basis of legislation that will move rapidly through the Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. This Act may be cited as the "Union Station Improvement Act of 1977".

SEC. 102. Section 101 of the National Visitor Center Facilities Act of 1968 (40 U.S.C. 801) is amended—

(a) by inserting "(a)" before the first sentence; and

(b) by inserting at the end thereof the following new subsections—

"(b) The Secretary shall assign to the Secretary of Transportation the lease of Union Station which the Secretary entered into pursuant to subsection (a) of this section, together with all rights in, to, or concerning Union Station including, without limitation, the purchase option required by section 102(a)(5) of this Act.

"(c) The Secretary shall sublease from the Secretary of Transportation, his sublessee or assigns that portion of Union Station required for the continued operation of the National Visitor Center and may renew such sublease upon its expiration.

"(d) The Secretary of Transportation is authorized to renegotiate the lease of Union Station which is to be assigned to him pursuant to subsection (b) of this section 101, provided such renegotiation shall not alter the term or rental of the sublease for the National Visitor Center to be entered into pursuant to subsection (c) of this section.

"(e) The Secretary of Transportation is authorized to exercise the purchase option required by section 102(a)(5) of this Act at the earliest practicable date. Exercise of the purchase option shall not alter the term or rental of the sublease for the National Visitor Center to be entered into pursuant to subsection (c) of this section.

"(f) The Secretary of Transportation is authorized to acquire by lease, purchase, or otherwise any property interest not held by the United States after exercise of the purchase option pursuant to subsection (e) of this section which the Secretary of Transportation deems necessary to carry out this title or section 4(h) of the Department of Transportation Act (49 U.S.C. 1653(h))."

SEC. 103. Section 102(a) of the National Visitor Center Facilities Act of 1968 (40 U.S.C. 802(a)) is amended—

(a) by inserting the following at the end of paragraph (7):

"the aggregate annual cost to the United States of the leases assigned to the Secretary of Transportation under section 101(b) of this Act or renegotiated by the Secretary of Transportation under section 101(d) of this Act shall not exceed $3,500,000;"

(b) by adding at the end thereof new paragraphs—

"(9) the sublease entered into by the Secretary pursuant to section 101(c) of this Act shall be for the remaining term of the lease which the Secretary is to assign to the Secretary of Transportation pursuant to section 101(b) of this Act less one day;

"(10) the Secretary shall cause to be completed promptly all improvements undertaken pursuant to paragraph (1), except the parking facility referred to in paragraph (3) and the mass transit facility known as the Southeast Ramp;

"(11) the Secretary shall cause the Company to complete promptly the new railroad station to be constructed pursuant to paragraph (4);

"(12) the Secretary may not operate any concessions unrelated to the National Visitor Center in the space sublet from the Secretary of Transportation pursuant to section 101(c) of this Act."

SEC. 104. Section 103 of the National Visitor Center Facilities Act of 1968 (40 U.S.C. 803) is amended by deleting "leased under this subchapter" and by substituting therefor "sublet under section 101(c) of this Act".

SEC. 105. Section 109 of the National Visitor Center Facilities Act of 1968 (40 U.S.C. 807) is amended—

(a) by inserting "(a)" at the beginning therefor; and

(b) by inserting at the end thereof the following new subsection—

"(b) The Secretary of Transportation is authorized to use funds received in payment of subleases of part or all of Union Station to pay the cost of leasing Union Station pursuant to section 101 of this Act including, without limitation, the cost of subleasing all or any portion of Union Station."

By Mr. STONE (for himself, Mr. RANDOLPH, and Mr. CHILES):

S. 563. A bill to amend title 23 of the United States Code in order to provide a program for the completion of the National System of Interstate and Defense Highways; to the Committee on Public Works.

Mr. STONE. Mr. President, today I am introducing a revised version of a bill that I introduced with Senators RANDOLPH and CHILES in the last session of Congress. I am very pleased that the distinguished chairman of the Public Works Committee and my senior colleague have again joined with me in cosponsoring this legislation.

This legislation would accelerate the completion of the Interstate Highway System by providing States with the opportunity to bond costs for the remaining segments of the system. It should be emphasized that this legislation merely provides States with an optional method of funding interstate highway construction. Those States that do not wish to take this option are not penalized in any way and would continue to receive their annual apportionment from the highway trust fund.

States that do choose to exercise this option would submit a bonding program for the approval by the Department of Transportation. After such approval, the State could issue bonds to pay for interstate construction at today's prices. These bonds would be based on a binding contractual agreement by the Federal Government to pay the principal and interest, which would be repaid from future Federal highway apportionments.

Allowing States to issue bonds would insure earlier completion of important segments of the Interstate System. It would also lessen the inflationary impact on construction costs, a trend which has already increased the cost of completing the Interstate System from a 1958 estimate of $37.6 billion to a present estimate of over $100 billion. In recent years construction costs have increased 10 percent annually, with an increase of approximately 50 percent in the cost-price index for roadbuilding for the period between 1973 and 1975. Unfortunately, there are no indications that the infla-

tion rate of these costs, which are heavily dependent upon prices of petroleum and nautral gas, will level off in the near future.

Interest rates would be lower than average on the type of bonds issued by the States under this optional program. Because of the backing of the Federal Government, the bonds would be considered very low risk and interest rates of 4.5–6 percent could be projected. Therefore, given the historic trends in construction costs and subtracting the interest costs of the bonds, it is reasonable to anticipate that many States could experience direct cost savings under this optional program.

In addition to cost savings, there are also obvious safety and user advantages to an accelerated completion of our interstate system. Studies have shown that travel on interstate highways is about twice as safe as travel on other roads. Safety factors alone dictate the urgent need to expedite interstate construction.

Finally, by enabling States to grant construction contracts for completion of interstate segments, we will be providing our hard-hit construction industries with much-needed jobs. Historically, highway construction has been extremely successful in supplying jobs for our workers.

In conclusion, the bill I am introducing today will provide States with an alternative method of funding completion of their portions of the Interstate System. For those States with substantial portions of interstate mileage to complete, cost savings, safety and user benefits, and increased jobs could be realized by participating in this optional program.

By Mr. PELL:

S. 564. A bill entitled the "Alcohol-Impaired Driver Act of 1977"; to the Committee on Public Works.

THE ALCOHOL-IMPAIRED DRIVER ACT OF 1977

Mr. PELL. Mr. President, I am today introducing the Alcohol-Impaired Driver Act, legislation to combat the alarming problem of alcohol-related highway accidents and fatalities. I believe this bill offers a workable plan for attacking this national problem, and for reducing the spectre of drunk driving on our Nation's highways.

Drunk driving is a problem of alarming proportions. It can victimize those who do not drink, or drive. Experts generally agree that approximately half of all traffic fatalities are alcohol related. When that statement is translated into human terms, it means that between 20,000 and 25,000 deaths each year are caused by drunk drivers. It means that annually hundreds of thousands of injuries and nearly $10 billion in property damages are the result of alcohol-impaired driving.

It means an incalculable loss in human anguish and suffering. It means the loss of many good, innocent people who just happen to be in the wrong place at the wrong time. Two members of my own staff suddenly and tragically were slain by drunk drivers in other cars. Elizabeth Powell and Stephen Wexler represent the senseless and needless slaughter that goes on day in and day out on our Nation's highways. Such carnage must not continue in such proportions. Action must be taken.

The Alcohol-Impaired Driver Act offers a simple yet effective way of attacking the problem of drunk driving. The bill encourages States to enact laws that approach the problem in two ways: stricter sanctions for those convicted of driving while intoxicated, and comprehensive treatment programs for those referred by the courts or other competent authority.

I introduced this proposal late in the 94th Congress as S. 3519. The proposal has generated considerable public interest and support. I ask unanimous consent that a few of the letters I received this past year commenting on S. 3519 be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CRANSTON, R.I.,
June 6, 1976.

DEAR SENATOR PELL: May I offer my most sincere congratulations to you for coming forward with a piece of legislation designed to save thousands of innocent lives. We hear so much on the television about Highway Safety—actually pleading with us to save our own lives and for years all these ads have frustrated me because no one has come forward with positive action before.

Is there anything, I as a private citizen can do to help you in your effort to legally take the drunken drivers off the highway? Thank you for your real concern.

Truly,

DOROTHY GOLD.

NEUSE CLINIC,
New Bern, N.C., June 21, 1976.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: I have just finished reading with much interest a brief summary of the bill you introduced into the Senate on June 4, 1976, tentatively called the "Alcohol Impaired Driver Act of 1976".

The Alcoholism Report of June 11 reports that this is an outstanding piece of legislation. Those of us working in the field of alcoholism and especially those of us with an interest with highway safety and alcoholism programing are very interested in reviewing this piece of legislation as to the impact that it can have on our own local programing. I would very much appreciate it if you would forward a copy of this proposed legislation to us at your convenience so that we may become more enlightened as to its ramifications and possible impact.

Thank you very much for your attention to this matter. We look forward to hearing from you in the near future.

Sincerely,

V. BURTON BRINSON, MSW,
Alcoholism Coordinator.

AUTOMOBILE CLUB OF RHODE ISLAND,
Cranston, R.I., June 25, 1976.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: Thank you so much for forwarding to us a copy of your bill S–3519, the Alcohol-Impaired Driver Act of 1976, a copy of your remarks on this subject in the Congressional Record, and the press release announcing the introduction of this legislation.

I am very pleased to read of the mention you made of the efforts of the American Automobile Association nationally and of our work here in Rhode Island with the Driving While Intoxicated Counterattack School. The Auto Club has remained quite active in this area and is continuing its advisory role with the Administrative Adjudication Division of the Rhode Island Department of Transportation which now has the jurisdiction for the DWI Counterattack School.

I am in complete agreement with your statement in the Congressional Record that "we cannot just wring our hands and say that drunk driving is just an inevitable adjunct for freedom of expression." We have found in our work in this area that it is not just a highway safety concern, but a social problem that has spread throughout the entire range of our culture. It is, however, most noticeable and the greatest danger to all of society when the drunk gets behind the wheel of his automobile.

While the AAA and other national highway safety groups have long realized the dangerous scope of the drunk driver problem, we welcome your activity in the Congress, and we firmly hope that discussion on this legislation will bring to national attention the great need for positive action in this area.

The Auto Club will be happy to assist you in every way possible to educate motorists to the hazards of drinking and driving and to provide some forms of meaningful rehabilitation to those who choose to continue to do so. Please feel free to call upon me if I can be of assistance to you in this matter.

Cordially,

RALPH A. BATEMAN,
Executive Vice President.

YUMA, ARIZ., *July 6, 1976.*

Hon. BARRY GOLDWATER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR GOLDWATER: I urge your support of S. 3519 introduced by Senator Pell, the alcohol-impaired driver act.

As one who has family members with a drinking problem, I know that the present laws and court procedures in Arizona are wholly inadequate. I especially favor the alternative service and alcohol safety programs included in the proposed bill.

I know that you, in common with most Arizonans, are opposed to too much Federal control. However, I have seen no indication that the state legislature has any interest in this matter, nor are there state funds to support it. Senator Pell's idea of an additional Federal tax on alcohol to pay for the program is a good one, in my opinion.

Sincerely yours,

Mrs. GEORGE C. GODDARD.

ALCOHOL SAFETY PROJECT,
Nashville, Tenn., August 10, 1976.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: A recent news item appearing in a National Safety Council publication spoke of your efforts to secure legislation by the States requiring mandatory incarceration (or comparable alternative service) for convicted DUIs. Your interest in the problem is commendable, and you may have selected a useful mode of attack.

We are essentially researchers, so perhaps approach problems with a mixture of curiosity and skepticism This was indeed our mind-set as we entered upon an Alcohol Safety Project venture in Metropolitan Nashville, Tennessee (an area of around 500,000), seeking to replicate some of the more promising interventions of the ASAP efforts across the country.

A two-years-later investigation of our local

efforts has recently been undertaken, and a somewhat "scrubbed" and, (we hope), readable report written on some of our findings. We are enclosing a copy for you and your staff.

Essentially, we seem to have some evidence that "drunk-driver schools" are probably as effective as anything else (including incarceration) for at least two large categories of DUIs: (a) the first-time-caught offender, and (b) the offender whose blood-alcohol concentration (BAC) was below around .20% w/v at the time of his arrest. Even for the remaining drivers, there is some measurable, desirable impact on DUI recidivism rates brought about by such DUI schools (as our "Alcohol Safety Course," which uses a curriculum similar to most—the so-called "Phoenix Model"). The minimal public investment in such schools (far cheaper to run than a jail!) makes them even more attractive.

The courts traditionally have exercised their prerogative of disregarding statutory "mandatory sanctions" or of adapting in a defeating manner to such stresses when they arise (e.g. by dismissing or reducing the charge, etc.), leading us to suspect that legislative efforts at "cracking down" might better be directed toward more creative interventions (though we hesitate to recommend any as being panaceas).

The people over at NHTSA, such as John Krause or John Moulden, are as knowledgeable as anyone around as to "what works," and, we suspect, might be of great help to your staff We would be glad to respond to you in any way as well, and would welcome any communication from you.

Sincerely,

ROBERT T. KNAPP,
Project Director.

DEPARTMENT OF THE NAVY,
BUREAU OF NAVAL PERSONNEL,
Washington, D.C., September 27, 1976.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: Your recent insertion in the August 4th issue of the Congressional Record headlined "An Olympic Lesson for Drinking Drivers" has been called to my attention. I concur wholeheartedly with your views and sincerely hope your bill (S. 3519) receives the attention it deserves.

As a matter of related information, the enclosed booklet describes the Navy Alcohol Safety Action Program (NASAP) which appears to be very much in line with your proposals. Our initial pilot installations at Pensacola, FL and Norfolk, VA have been highly successful and proved the effectiveness of the concept. Consequently we plan to install NASAPs to serve nine additional regions of high Navy population during the coming fiscal year.

I have also enclosed "New Headings" which provides an overview of the Navy's Alcoholism Prevention Program.

Sincerely,

C. F. RAUCH, Jr.,
Rear Admiral, U.S. Navy, Assistant Chief of Naval Personnel for Human Resource Management.

MYRTLE BEACH, S.C., *October 29, 1976.*

Senator JENNINGS RANDOLPH.
Chairman, Senate Committee on Public Works, Dirksen Office Building, Washington, D.C.

DEAR SENATOR RANDOLPH: First of all allow me to extend my heartiest congratulations to Senator Pell for having "guts" enough to introduce a bill requiring "State Highway Safety Programs" to contain strong criminal sanction, alternative services, and alcohol safety programs before they may receive Federal Highway Safety Funds. This is the first positive move in years to cut down on "slaughter on the highways."

I respectively urge, with everything in me, that every effort be made to put such a law on the books. I also respectively urge that our lawmakers, please, put sufficient teeth into this bill to "get the monkey off the back of judges and local law enforcement officers" by not providing for bond. In other words, what I am trying to say, is to make the law strong enough whereby the local "big wig" who has money, prestige, and power, will be denied the privilege of driving drunk, and being able to exert sufficient pressure and ease out of it.

We are all aware, that if it is known, that we will be picked up if we drive under the influence, and that we will not be able to wiggle out of it, this knowledge will be one of the greatest deterrents that we can have, especially if the mandatory law is enforced and the word begins to get around.

Please let me urge you and the rest of our lawmakers to take the "bull by the horns", so to speak, in order to stop, or at least cut down on mass murder on the highways.

Senator, this letter might sound like the letter from a "crank." However, I assure you that I am not a "holier than thou" individual, but I am a recovering alcoholic who has not had a drink in a number of years. I know from experience that every time I was picked up for drunk driving I was able to post bond, and by reason of this posted bond I immediately would forget about what happened, and it wouldn't be long before I was driving under the influence again. God in heaven only knows why I did not cause, or be involved in a serious accident. Senator, nothing, but nothing has the affect, on a person who has a dependency on alcohol, more than definite action which causes that person to realize, and be aware of the fact, that there is no way they can outsmart, outfox, or con themselves out of a situation they may become involved in.

Sincerely,

CORNEIL F. FOY.

Mr. PELL. Mr. President, I am aware that there is a great reluctance to impose national standards on the States. I, too, am sensitive to our delicate Federal-State structure; however, there are situations in which the Federal Government should set minimum standards for the States to follow and the drunk driving crisis is one. In addition, the bill takes into account local views on the question, by permitting State flexibility in the sentencing process.

Section 1 of the bill amends the United States Code section—title 23, section 402 (a)—which defines the broad categories of State highway safety programs requiring approval by the Secretary of Transportation. This section of the bill mandates that "criminal statutes to deter motorists from driving while intoxicated" and "effective alcohol safety programs" shall be contained among the uniform standards promulgated by the Secretary.

Section 2 of the Alcohol-Impaired Driver Act refers to more specific statutory lanaguage—title 23, section 402(b)(1)—instructing the Secretary not to authorize any State highway safety program unless it meets certain requirements. Under section 2 of the bill, a State highway program would not be authorized if it does not:

(G) mandate a jail sentence of at least ten days or a comparable term of acceptable alternative service for persons found guilty of driving while under the influence of alcohol; and

(H) provide for participation in an alcohol safety program by persons found guilty of driving while under the influence of alcohol and others referred by a court or other competent authority.

Section 3 of the bill gives the Secretary the authority to prescribe the date on which the act shall become effective. This section is necessary for two reasons: to insure that States are adequately prepared to provide the services required by the act, and to comply with section 208 (b) of Public Law 94–280.

According to that section of the Federal-Aid Highway Act of 1976, the Secretary shall evaluate the adequacy and appropriateness of all uniform safety standards under section 402 of title 23 and report his findings to Congress on or before July 1, 1977. Meanwhile no funds shall be withheld from States for failure to implement a section 402 highway safety program. The bill in no way infringes on section 208(b) of Public Law 94–280, but it does offer two safety standards for the Secretary to consider in this evaluation: deterrent criminal statutes and alcohol safety programs.

I believe this approach is an effective one. Although the problems of alcoholism are exceedingly complex, drunk drivers can generally be divided into two categories: social drinkers and problem drinkers. According to most experts, the social drinker can be deterred, while problem drinkers are most often impervious to sanctions. Problem drinkers account for approximately two-thirds of the annual alcohol-related traffic deaths. In such cases, treatment is clearly needed.

My own State of Rhode Island has adopted an innovative approach in this area, and one which I believe should be emulated nationally. The Rhode Island program provides a thorough course in the dangers of driving under the influence of alcohol for those referred by Rhode Island courts. Comprehensive followup treatment and further referral are also available. The course has been praised by participants and administrators alike, and has been cited as a leading reason for reduction in alcohol-related accidents in Rhode Island.

Despite the value of programs such as DOT's alcohol safety action program and the Rhode Island DWI counterattack program, it is clear that such programs alone will not alleviate the problem satisfactorily.

There is a need also for stiffer punishment for many drivers convicted of driving while intoxicated.

Sanctions against drunk driving are severe in other countries, with encouraging results. I have seen one of the work camps outside of Helsinki where dignified city fathers were engaged in physical labor as punishment for driving while intoxicated. Embarrassment and inconvenience were caused them, but their plight served as a lesson to others.

I disagree with the view that the Scandinavian system cannot work in this country because our mores do not support efforts to curb alcohol abuse.

There is a growing awareness of the problem here. In some areas of the country the punishment is quite strict. It is now time for the Federal Government to take the lead in this area, without overly intruding into the State's business, and work to reduce drunk driving nationally.

I believe the mechanism I have chosen to reduce drunk driving is the proper and effective method. Under my proposal, stiff and certain punishment would be meted out to those convicted of driving while intoxicated, but the criminal justice system would be given the flexibility it needs to avoid being circumvented. This is often the case when mandatory sentences are used.

Under the bill I have proposed, judges would have the choice of meting out jail sentences in appropriate instances; or ordering comparable alternative sentences—for example, working in hospitals, work camps, public service jobs—and requiring attendance at alcohol safety classes.

These are minimum standards. There can be no suspended sentences, no probation in lieu of jail. Of course, a State can add on other sanctions such as fines, license suspensions, or can extend jail terms to comport with local standards. However, each State will be required to have the minimum standards called for in the bill.

Clearly the cost of such legislation will not be small if we are to establish the requisite alcohol safety programs in each State. Although this bill contains no funding mechanism, a proposal has been submitted to the Secretary of Transportation by the National Highway Safety Advisory Committee that deserves serious attention. Under this proposal, an additional Federal tax on the sale of alcoholic beverages would be levied, and the revenues used for alcohol rehabilitation, educational and drunk driving counterattack programs in the States. This proposal has much merit, and I hope that Secretary Adams will give it serious consideration when he studies the subject.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402 of title 23 of the United States Code is amended as follows:

SECTION 1. Section 402(a) is amended by inserting in line 18 after "locations", the following: "criminal statutes to deter motorists from driving while intoxicated, effective alcohol safety program".

SEC. 2. Section 402(b)(1) is amended by adding two new subparagraphs:

"(G) mandate a jail sentence of at least ten days or a comparable term of acceptable alternative service for persons found guilty of driving while under the influence of alcohol; and

"(H) provide for participation in an alcohol safety program by persons found guilty of driving while under the influence of alcohol and others referred by a court or other competent authority".

SEC. 3. The amendment made by this Act shall become effective with respect to State highway safety programs on such date as is prescribed by the Secretary of Transportation.

By Mr. DOLE:

S. 565. A bill to amend title 5, United States Code, to eliminate an inequity in computing annuities of Federal law enforcement officers or firefighters; to the Committee on Post Office and Civil Service.

HAZARDOUS DUTY RETIREMENT PROPOSAL

Mr. DOLE. Mr. President, during the 93d Congress, we gave our approval to a bill, H.R. 9281—later enacted as Public Law 93–350, to provide Federal law enforcement and firefighting personnel a special 2½-percent retirement computation formula in recognition of the special service which they perform. In doing so, however, we failed to recognize the substantial inequity that would result from premising the incentive credit on a full 20 years of service in such capacity.

In order to correct that oversight, I am introducing today legislation which, if enacted, would extend appropriate annuity credit to retiring Federal employees who have at least 5 years' service as law enforcement or firefighter personnel, but who have not completed 20 years. This would be consistent with the full credit given congressional employees under the higher 2½ percent formula after they have served 5 years. (4 U.S.C.A. 8339(b)).

As the law now stands, Government employees who have performed "hazardous duties" for fewer than 20 years are penalized merely because they fail to reach the magic benefit line. Even though they were exposed to the same dangers, subjected to the same perils, and employed in the same high risk endeavors for our Nation, they receive no recognition if, for one reason or another, they choose or are compelled to leave such service 1 day before their 29 years are up.

Although the Civil Service Commission is on record as opposing preferential computation formulas as a reward for particular kinds of service, it seems to me that as long as the law provides for such treatment, all those entitled should receive it. If they do not, we are going to find ourselves in the business of suppressing lateral movement of these types of Government employees, as well as discouraging the initial recruitment of qualified personnel who may not wish to commit themselves for a full 20 years in such a demanding profession.

In addition to the recruitment argument, it is my belief that the change I am proposing could also operate to help retain qualified and experienced personnel within the Government by encouraging them to stay in, or return to, civil service rather than the private sector. Too often, now, for example, a firefighter or law enforcement officer who has put in perhaps 10 years of service and decides that it is not in his own or his family's best interest to continue for another 10 years, would have just as much motivation to go to private industry as to another Government agency.

It seems to me that 5 years is a reasonable minimum to expect of a career-oriented professional and that, in many instances, we are promoting morale problems and indifference among 15- to 20-year agents who are "putting in their time" simply because of the leverage being held over them by the 20-year requirement. Again, I think we could have a much more dedicated, effective, and inspired contingent of Federal officers if they knew they could transfer at any time from a hazardous position and still receive full credit for the period spent in that position when they eventually qualify for Government retirement.

Since the bill I am proposing would become effective upon enactment, any problem of recomputation for those already retired would be avoided. Moreover, Federal service retirement computations are done on an individual basis anyway, and no additional administrative burden would be imposed.

Any measure designed to eliminate an existing inequity should, Mr. President, receive the priority consideration of the respective congressional committees to which it is referred. It is in the hope that this recommendation will receive the early and favorable action of the Congress that I submit it for consideration.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8339(d) of title 5, United States Code, is amended by inserting "(1)" immediately after "(d)" and by adding at the end thereof the following new paragraph:

"(2) The annuity of an employee retiring under this subchapter with at least five years but less than 20 years of service as a law enforcement officer or firefighter, or any combination thereof, is computed under subsection (a) of this section, except that the annuity of such employee is computed with respect to the service of such employee as a law enforcement officer or firefighter, or any combination thereof, by multiplying 2½ percent of his average pay by the years of that service.".

(b) Section 8339(h) of such title is amended by striking out "section 8336(d)" and inserting in lieu thereof: "section 8336(d)(1)".

SEC. 2. The amendments made by this Act shall become effective on the date of enactment of this Act.

By Mr. MATHIAS:

S. 566. A bill to amend the act entitled "An act for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson"; to the Committee on the Judiciary.

Mr. MATHIAS. Mr. President, last year S. 3035, a private bill for the relief of Mrs. Alice W. Olson and her three children, was enacted into law (Private Law 94–126). As my colleagues will recall, S. 3035 was to compensate the Olson family for the death of Dr. Frank Olson, a Government scientist who was killed as a result of a CIA drug experiment in 1953. Without his knowledge or consent, Dr. Olson was administered a dosage of LSD which directly led to his death. The bill also compensated the Olson family for the Government's deception in failing to

reveal for 22 years the true circumstances surrounding Dr. Olson's death.

In its original form, the private bill for the Olson family provided that Mrs. Olson and her three children would each receive $312,000—a total of $1,250,000 for the whole family. The bill explicitly provided that this compensation is "in lieu of" FECA benefits, which Mrs. Olson had received since Dr. Olson's death.

S. 3035 passed the Senate and was unanimously reported out of the House Subcommittee on Administrative Law and Governmental Relations and the House Committee on the Judiciary. However, on the House floor, the bill, as written, did not have the unanimous consent of all of the Members, and therefore, would not have reached a vote without amendment. The bill was amended to reduce the amount of compensation for each of the surviving Olsons to $187,500—a total of $750,000 for the whole family—and, as amended, passed in the House and Senate. The provision cutting off Mrs. Olson's FECA benefits was not amended. The amended bill was signed into law last October.

The reduction of Mrs. Olson's compensation to $187,500 leaves her no better off financially than she was prior to the private bill. Her FECA benefits provided her with $800 per month, or $9,600 per year, tax free. If she earns 6 percent interest on her $187,500, she will have an income of $11,250 per year, which is subject to taxation. If she lives on the principle, she would be without income or principle within 10 years. Instead of a guaranteed, tax free income of $800 per month for the rest of her life, Mrs. Olson now faces the uncertainty of investments and insufficient income.

The private bill, as amended, has not compensated Mrs. Olson for the death of her husband, nor for the 22 years during which she was needlessly deceived concerning the circumstances of his death. Indeed, it has added uncertainty and the possibility of financial hardship to her life.

The bill I now send to the desk would reinstate Mrs. Olson's FECA benefits—with provision for retroactivity to the time they were cut off—and would result in a total compensation more reasonable than presently provided, yet still within the original amount of $1,250,000 approved by the Senate last Congress. I urge my colleagues to promptly enact this legislation.

Mr. President, I ask unanimous consent that the text of S. 3035 and the floor statement I made at the time of its introduction on February 25, 1976, be printed in the RECORD.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson" is amended in the second sentence of the first section thereof by inserting a period after "death" and striking out all through the end of the section.

SEC. 2. The restoration of benefits effected by the amendment made by the first section of this Act shall take retroactive effect to the date next following the date on which such benefits were terminated and received by the said Alice W. Olson.

Mr. MATHIAS. Mr. President, of all the revelations emanating from the recent investigations of the Central Intelligence Agency, none was more appalling and distressing than the disclosure of the facts and circumstances surrounding the death on November 23, 1953, of Dr. Frank Olson. Not only was Dr. Olson unknowingly administered a dosage of the halucinogenic drug known as LSD, which was determined by the Federal Government to be the proximate cause of his death, but in addition, the CIA purposefully concealed the true details of his demise and allowed his wife and children for 22 years to labor under the misconception that Dr. Olson had committed suicide. But for the recent investigations of the activities of the CIA, it is entirely conceivable that the Olson family would never have learned the truth.

I am introducing a bill today to authorize compensation to the surviving members of the Olson family; namely, his widow and three children in a total amount of $1,250,000. In addition to attempting to compensate the family for their suffering, I believe that this bill is an acknowledgement on the part of our Government of the deception and evasiveness perpetrated upon the Olsons and the absolute necessity of insuring that similarly inexcusable acts are never repeated.

This bill would discharge any and all responsibility of the United States with respect to the circumstances surrounding Dr. Olson's death. It would also negate the necessity of the Olson family resorting to prolonged and costly legal proceedings and is designed to streamline consideration by the Congress and, hopefully, to permit prompt passage.

As you are probably aware, Dr. Olson died as the result of injuries sustained after he had jumped from a hotel room in New York City on November 28, 1953. At the time of his death, he was a civilian biochemist with supervisory responsibilities and employed by a special unit of the Army Chemical Corps at Fort Detrick, Md. This unit maintained liaison with the Central Intelligence Agency, CIA, and participated in meetings with CIA personnel regarding its work.

At one such meeting on November 18–19, 1953, which was attended by seven representatives from Fort Detrick and three from the CIA, a number of those present, including Dr. Olson were administered lysergic acid dipthylamide—LSD—which had been introduced into a bottle of Cointreau liquor without their knowledge by the CIA participants at the meeting. Dr. Olson and the others were told of the "experiment" 20 minutes later. Immediately after the experiment, Dr. Olson exhibited unusual sleeplessness, restiveness, and feelings of depression. Pursuant to arrangements made by the CIA, Dr. Olson, accompanied by a CIA employee, went to New York City, where he received psychiatric treatment from someone contacted by the CIA. During the period of treatment, Dr. Olson apparently threw himself from his 10th floor hotel window and plunged to his death.

Not aware of the true facts and having been led to believe that her husband's death was an unexplained suicide, Mrs. Olson, at the urging of certain Army personnel, applied to the Bureau of Employee's Compensation, BEC, of the Department of Labor for benefits due her and her children under chapter 81—compensation for work injuries of title 5, United States Code—the Federal Employees Compensation Act, FECA—in lieu of civil service retirement benefits. BEC officials personally reviewed the records supplied by the CIA which described the circumstances leading up to and attendant upon the death of Dr. Olson. The BEC officials determined that the material furnished by the CIA was "sufficient to show that the condition responsible for self-destruction was proximately due to the conditions of his employment," and "from a medical standard there was a very definite connection between the illness and the act of self-destruction."

In part, BEC's determination was based on a statement by the General Counsel of the CIA that the death had resulted from "circumstances arising out of an experiment undertaken in the course of his official duties for the U.S. Government." A review of relevant CIA documents reveals that the CIA was eager to arrange payments to the Olson family under chapter 81 and thus end all questions relating to the death of Dr. Olson.

Between that time and November 30, 1975, the family has received $147,573.22 in benefits under chapter 81—compensation for work injuries, 5 U.S.C. 8101 et seq., the Federal Employees' Compensation Act, hereinafter cited as the FECA. The Olson family is currently receiving monthly benefits of nearly $800. Under the FECA, a widow is entitled to compensation until she dies or remarries before reaching age 60; and children are paid until each becomes 18 or if over 18 and incapable of self-support when each become capable of self-support, 5 U.S.C. 8133 (b).

Neither Mrs. Olson nor her children were told or knew of the involvement of the CIA or of all of the circumstances surrounding the death of Dr. Olson until the Rockefeller Commission Report on the CIA was published in June 1975. Although the report did not specifically identify Dr. Olson, it described the events leading up to his death.

On July 17, 1975, the surviving members of the Olson family, with the aid of their attorneys, David Kairys and David Rudovsky, of Philadelphia, filed a wrongful death claim with the CIA pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671 et seq. In their letter the family requested, first, full disclosure to the family of the facts surrounding the death of Dr. Olson, second, an assurance that appropriate steps would be taken to forbid the kind of activities involved in the death of Dr. Olson; and third, monetary damages.

On July 21, 1975, the President met with the family of Dr. Olson. He expressed the sympathy of the American people and apologized on behalf of the U.S. Government for the circumstances of his death. The President also informed the Olsons that the Attorney General had been asked to meet with the Olson's legal representatives to discuss any claims they wished to assert against the Government by reason of Dr. Olson's death. Subsequent to the President's meeting with the Olson family, negotitations began between the Department of Justice and the Olson's attorneys.

In a July 24, 1975, letter, William Colby, Director of Central Intelligence, expressed his deepest personal sympathy to the family and apologized for their suffering and for the failure to inform them of the circumstances surrounding Dr. Olson's death. He further advised them that he was making available to their attorneys the information concerning the death which was available to the CIA. Since that time all of the documents which the CIA were able to find concerning Dr. Olson's death have been delivered to the Olson's along with a signed affidavit testifying as to their completeness.

As a result of the negotiations between the Department of Justice and the Olson family attorneys regarding the Federal Tort Claims Act suit instituted by the Olsons, it became clear that there existed certain potential technical obstacles, which might preclude recovery under the act. Accord-

ingly, everyone concerned, including the President, the Attorney General and the Director of the CIA, agreed that it would be appropriate to proceed by way of a private bill for an amount which would adequately compensate the Olson family for damages suffered.

The private legislation now before us is premised on the assumption of responsibility by the United States with respect to the circumstances surrounding the death of Dr. Olson, and most significantly for the fact that the Olson family was deliberately not informed of these circumstances. I have been assured that the President, the CIA, and the Department of Justice all totally support the amount stated in the bill. Indeed, it must be stressed that this amount is a fairly arrived at negotiated figure, which the Department of Justice is satisfied represents fair compensation for the damages suffered.

This bill recognizes that, in view of the responsibility assumed by the Government, it would be inequitable to subject the Olson family, which has already been forced to live for over 20 years under the inexplicable shadow of Frank Olson's death, to the financial and emotional strains associated with long and protracted legal proceedings.

It should be noted that this bill does not increase compensation to the dependents of an employee under the FECA; rather it would authorize compensation for injuries which are unrelated to the benefits available under that act.

Furthermore, the payment to the Olsons under this bill shall be in full satisfaction of any claims of the entire family against the United States relating to the unique circumstances surrounding Dr. Olson's death and shall also be in lieu of further compensation otherwise due under FECA. It is to be additionally noted that this bill is predicated on the novel circumstances which led to Dr. Olson's untimely death and thus this legislation is by no means intended to establish a precedent for future private bills involving different factual patterns and FECA awards.

As I previously stated, I have been assured that the President, the Justice Department, and the CIA fully support this legislation and I trust that my colleagues will swiftly enact this bill.

By Mr. THURMOND:

S. 567. A bill to amend the Food Stamp Act of 1964 in order to prohibit the distribution of food stamps to any household where the head of the household is engaged in a labor strike; to the Committee on Agriculture and Forestry.

Mr. THURMOND. Mr. President, in previous sessions of Congress, I introduced a bill to amend the Food Stamp Act of 1964 in order to prohibit food stamp distribution to a household where the head of that household is engaged in a labor strike.

This bill has been referred to the Committee on Agriculture and Forestry, but unfortunately has not been reported to the full Senate. I am introducing this bill again today with the hope that it will receive favorable action in the near future.

Mr. President, I do not believe that a majority of our people are aware that striking workers can receive food stamps. When our taxpayers realize that fact, they are outraged because their tax dollars are being used to intervene in a labor dispute.

A strike is a tactic used by one side in a labor dispute. Those going on strike do so in the belief that it will strengthen their position at the negotiating table. By going on strike, they take the risk of loss of salary and other benefits which they receive while they are working. If the Federal Government provides food stamps to these people who voluntarily walk off their jobs, it injects itself into the dispute on the side of labor. This is not fair. It is not fair to the other side of the bargaining table, and, most of all, it is not fair to the American taxpayer who must bear the cost of the food stamp program.

Mr. President, the country now faces a serious unemployment problem. There are many people who wish to work, but are unable to find employment. It is inconceivable that in this situation, the Federal Government would give aid to those who are employed but choose to go on strike. To do so is to corrupt the purpose of the food stamp program, which is to assist those who are in need and cannot support themselves and their families. Our tax dollars should not be spent on food stamps for those who voluntarily refuse to work, but should be used to help those who are genuinely in need.

The time has come to reevaluate our priorities in regard to the food stamp program. I hope this bill will receive prompt and favorable consideration.

I am pleased that Senators CURTIS, GOLDWATER, HOLLINGS, WALLOP, MCCLURE, TOWER, HELMS, HATCH, GARN, and SCHMITT have joined me as cosponsors.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of subsection (c) of section 5 of the Food Stamp Act of 1964, as amended (7 U.S.C. 2013), is amended to read as follows: "Refusal to work at a plant or site subject to a lockout for the duration of such lockout shall not be deemed to be a refusal to accept employment.".

SEC. 2. Section 5 of the Food Stamp Act of 1964, as amended, is further amended by adding at the end thereof a new subsection as follows:

"(d) Notwithstanding any other provision of this Act, no household shall be eligible to participate in the food stamp program if the head of the household is on strike against his employer as the result of a labor dispute, except where such household was eligible for participation in such program prior to the time the head of the household went on strike against his employer. The provisions of the subsection shall not apply in any case in which the head of a household is not working because of an employer lockout. As used in this subsection the term 'head of the household' means the member of any household who provides over one-half of the support for the household.".

Mr. HELMS. Mr. President, I am joining the distinguished senior Senator from South Carolina, Mr. THURMOND, as cosponsor of legislation to prevent strikers from receiving food stamps. This bill would correct a basic inequity in the law which injects the Federal Government unnecessarily into labor disputes and costs the taxpayers millions of dollars unnecessarily. This bill would prohibit the distribution of food stamps to individuals receiving them only because the head of the household is on strike.

The food stamp program was established in 1964 to help provide an adequate diet for those Americans whose incomes are below the poverty level due to their inability to work. It has done a great deal for needy Americans, and I support its operation on behalf of the truly needy of our society—but only the truly needy who are unable to support themselves.

Congress included a work requirement in the Food Stamp Act which makes it plain that the congressional intent in designing the food stamp program was that it should not benefit those who refuse to work.

Congress has failed, however, specifically to prohibit employed workers, who qualify for the program only because of their participation in a strike, from receiving benefits under the program. The interests of the American consumer and taxpayer, and the maintenance of our system of free collective bargaining demand that such a prohibition be established.

Free collective bargaining has been chosen by Congress as the system of labor-management negotiation best able to promote economic stability and avoid industrial strife. This system protects the rights and interests of workers, companies, and consumers. The imperative fundamental premise of free collective bargaining is absolute Government neutrality in the labor-management contest. While the Government acts to oversee and referee the process, the results of the contest are determined by the independent bargaining strengths of the parties.

Public assistance to either side in a labor dispute violates the concept of free collective bargaining and violates the rights of the opposing party. Public assistance in the form of the distribution of food stamps to strikers' households has the undeniable effect of giving a distinct economic advantage to the union in the collective bargaining contest.

The duration of strikes has increased significantly since the advent of welfare payments to strikers. To continue to make these payments will only fuel this trend, thus bringing more pressures on our already troubled economy and further undermining the principles of free collective bargaining which is so vital to the American free enterprise system. In this era perilous inflation, constantly rising taxes, and public discontent with the state of the economy, we should be particularly sensitive to the needs of the working American, who is both taxpayer and consumer. I believe we should respond to any opportunity to lighten the burdens of inflation and taxes and especially when this can be done without hardship to any legitimate recipient of Government services. Due to the average annual income of most union members and the strike benefits available from union funds, few strikers can plead that they are subjected to hardship through no fault of their own simply

because they are denied food stamps to which they are not entitled.

The granting of welfare benefits to strikers deals a double blow to the taxpayer-consumer. Food stamp benefits allow workers to prolong strikes and drive up the costs of production, which are ultimately passed on to the consumer. Our current inflation has been made worse by subsidized, lengthy strikes, and the abnormally high settlements and decreased production of goods and services. By using tax dollars to subsidize strikers, the Government is increasing the consumer's tax burden while using his money to drive up the cost of the very goods and services he must buy.

Now is the time to break the vicious circle which penalizes every American taxpayer and consumer. By prohibiting distribution of food stamps to strikers, Congress can reduce the cost of the program to the taxpayer and reduce the rate of inflation.

By Mr. HOLLINGS:

S. 568. A bill to regulate the transportation of oil by tankers in the domestic and foreign commerce of the United States, and for other purposes; to the Committee on Commerce.

SAFE TANKER PRIORITY ACT

Mr. HOLLINGS. Mr. President, I introduce for appropriate reference a bill entitled the Safe Tanker Priority Act. This bill, I believe, offers a possible method for improving the quality of tankers carrying oil to the United States. In addition it provides a priority to all U.S. vessels built to the highest possible safety standards. This will not only increase the prospect for American jobs, but also give us greater control over the quality of vessels entering our waters and the quality of the crews that man them.

This legislation is still in the formative stages and further work needs to be done to refine its provisions. But the idea, I feel, is a sound one. As testimony before the Senate Commerce Committee clearly pointed out, the risk of pollution or accident involving tankers would be reduced if more American tankers carried the oil we import to our shores. American crews are well trained; they must meet high Coast Guard standards to qualify as seamen.

In contrast, most of the so-called flag of convenience nations do little to regulate crew competence and manning requirements. It has been stated that 85 percent of all maritime accidents are due to human error. But there is no international requirements, statutory or otherwise, which sets out minimum manning requirements. Therefore each maritime nation is free to be as weak, or as tough, as it likes. In many cases, these countries leave it up to the shipowner to control.

The Intergovernmental Maritime Consultative Organization—IMCO—the specialized agency of the United Nations in charge of vessel safety standards, has conspicuously avoided the manning and crew competence issue. This is attributable to the desire of the shipowner community to avoid any such standards. Most owners seem to base their manning decisions on cost rather than safety.

I believe that use of U.S. tankers, coupled with tough U.S. standards, will go a long way to reducing the risk of pollution in our coastal waters.

One way to encourage such use is to establish a system of priority for U.S. tankers built to the highest standards. The Secretary of Commerce would require consignors of oil to use such tankers whenever available. If no class I tanker is available, then a consignor can use a foreign-flag vessel which meets the same qualifications as the U.S. vessels in the class I category. Then if tankers in either class I or class II are not available, then other tankers may be used in the order of the quality of safety of each tanker, as determined by the Secretary.

In this manner, an incentive for building—or retrofitting—tankers to the highest standards is created. In addition, U.S. vessels with American crews are given preference, thereby not only increasing overall safety but also our ability to enforce U.S. safety standards.

As I stated earlier, this is a rather new and novel idea. It merits consideration by the Congress as a solution to our safety problem. Mr. John Leeper, formerly with the National Academy of Sciences, recommended that one of the best ways of dealing with human error is to require the use of U.S. tankers for a much larger share of oil carriage. I share his view and feel that this bill is a method of achieving that larger share in a rational manner.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Safe Tanker Preference Act of 1977".

SEC. 2. DECLARATION OF POLICY.

The Congress hereby finds and declares that—

(1) transportation by tanker of oil in bulk into and within the navigable waters of the United States creates substantial hazards to life, property and the marine environment;

(2) many tankers do not conform to the highest possible standards for the design, construction, maintenance, alteration, repair, manning, and operation, and such tankers must be improved for the adequate protection of the marine environment; and

(3) the security and commerce of the United States and the adequate protection of the marine environment require that United States tankers built to highest standard of design, construction, maintenance, alteration, repair, manning, and operation be accorded a priority for carrying oil into and within the navigable waters of the United States.

SEC. 3. DEFINITIONS.

As used in this Act, unless the context otherwise requires—

(1) The term "domestic trade" means trade between ports or places in the United States, its territories or possessions, either directly or via a foreign port, including trade on the navigable waters of the United States.

(2) The term "fishery conservation zone" means the fishery conservation zone established by section 101 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801).

(3) The term "marine environment" means the navigable waters of the United States, the adjoining shorelands, and the natural resources contained therein, including, but not limited to, fish, wildlife, shellfish, and recreational and scenic values.

(4) The term "oil" means crude oil, unfinished fuels, gasoline, kerosene, aviation fuels, naphtha, cracking stocks, distillate heating oil, diesel oil, residual oil, liquefied petroleum gas, and liquefied natural gas.

(5) The term "Secretary" means the Secretary of Commerce.

(6) The term "tanker" means any self-propelled, ocean-going vessel of 10,000 deadweight tons or more engaged in the transportation of oil in bulk.

(7) The term "United States" means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the territories and possessions of the United States included within the coastwise laws.

SEC. 4. PROHIBITION.

No tanker may offload any oil—

(1) in any port or place in the United States; or

(2) in the navigable waters of the United States or the waters of the fishery conservation zone, if such oil will subsequently be landed in any port or place in the United States,

unless such tanger, as provided in this Act, is—

(A) a Class I tanker;

(B) a Class II tanker and is authorized to be used pursuant to section 5; or

(C) a Class III tanker and is authorized to be used pursuant to section 5.

SEC. 5. PRIORITY FOR USE OF TANKERS.

(a) DOMESTIC COMMERCE.—(1) After December 31, 1979, no tanker, except a Class I tanker, may transport oil in the domestic trade of the United States.

(2) The Secretary may issue a temporary waiver from paragraph (1) for the use of any tanker otherwise eligible to engage in such transportation, if he determines that—

(A) special circumstances and good cause necessitate such a waiver; and

(B) the owner or consignor of the oil to be transported has made every reasonable effort to comply with paragraph (1) and is unable to do so.

Such waiver shall be for the shortest period of time possible and shall be subject to any conditions determined appropriate by the Secretary.

(b) FOREIGN COMMERCE.—(1) Any owner or consignor of any oil that is to be transported by tanker in the foreign commerce of the United States may, except as provided in paragraph (2), transport such oil—

(A) in a Class I tanker;

(B) in a Class II tanker only if, upon application by such owner or consignor, the Secretary determines that no Class I tanker is available within a reasonable period of time and at fair and reasonable rates for such transportation; or

(C) in a Class III tanker only if, upon application by such owner or consignor, the Secretary determines that no Class I or Class II tanker is available within a reasonable period of time and at fair and reasonable rates for such transportation.

(2) The Secretary may, after consultation with the Secretary of State and the Secretary of Transportation, permit Class II tankers to carry not more than 70 percentum of the gross tonnage of all oil imported in bulk into the United States (whether transported directly from the original point of production or indirectly from such point to and from any intermediate points for storage, refining, processing, packaging, unloading or reloading of oil), if he finds that—

(A) the nations of registry of such tankers

have established safety standards, operating procedures, crew training requirements and qualifications and other regulations similar to those established for Class I tankers under section 6; and

(B) such nation has established adequate administrative and enforcement procedures to assure compliance with such standards, procedures, requirements, qualifications, and regulations.

SEC. 6. CLASSIFICATION OF TANKERS.

The Secretary of Transportation shall classify tankers according to the following categories:

(1) A Class I tanker shall be a tanker of United States registry, built in the United States, which incorporates and is equipped with the best available pollution prevention technology, as prescribed by the Secretary of Transportation, including, but not limited to—

(A) segregated ballast capacity;

(B) two radars, at least one of which includes collision avoidance features;

(C) long range aids to navigation with retransmission capacity;

(D) an inert gas system to minimize the risk of explosion:

(E) marine satellite navigation capability;

(F) oil/water monitors for detection of overboard discharges;

(G) if such tanker is contracted for construction after February 1, 1977, a double bottom or a double hull; and

(H) such other features of design, construction and equipment as the Secretary of Transportation prescribes for protection of the marine environment; and is operated—

(i) by officers and crew licensed as to qualifications and training, as prescribed by the Secretary of Transportation;

(ii) pursuant to a manual of operating procedures designed to minimize pollution of the marine environment, as prescribed jointly by the Secretary and the Secretary of Transportation;

(iii) subject to a capital construction fund agreement with the Secretray, which agreement includes such mandatory deposit schedule as the Secretary may prescribe for vessel modernization and construction, and replacement.

(2) A "Class II Tanker" shall be a tanker documented under the laws of any foreign nation and which is certified by the Secretary of Transportation as conforming to the standards set forth in paragraph (1);

(3) A "Class III Tanker" shall be a tanker documented under the laws of any nation which is not a Class I or Class II tanker.

SEC. 7. RULEMAKING AUTHORITY.

The Secretary and the Secretary of Transportation are authorized to carry out the purposes and provisions of this Act, in accordance with section 553 of title 5, United States Code.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary for carrying out the provisions and purposes of this Act.

By Mr. MATHIAS (for himself and Mr. SARBANES):

S. 570. A bill to amend the Disaster Relief Act of 1974; to the Committee on Public Works.

DISASTER RELIEF

Mr. MATHIAS. Mr. President, I send to the desk a bill to amend the Disaster Relief Act of 1974 to reduce the interest rates and to provide for partial forgiveness on Federal loans to disaster victims.

Over the past few years the people of this Nation have been buffeted by repeated natural disasters.

In September of 1975 several east coast States were ravaged by Hurricane Eloise. Damage in my home State of Maryland was so extensive that a major disaster was declared, thereby making disaster victims eligible for Small Business Administration loans.

Last October, my home town of Frederick, Md., was devastated by a freak storm. Again the President declared the area a disaster and the Small Business Administration set up a storefront office to offer loans.

Most recently the severe cold and winter storms which have gripped the country have triggered further emergency declarations by the President.

On January 26, 1977, President Carter, acting on my appeal, declared an emergency for the Chesapeake Bay which has been frozen solid for over 6 weeks. Thanks to this declaration 1,800 Maryland watermen whose fishing boats have been ice-locked since the freeze, will be able to receive unemployment compensation. Because these watermen are self-employed, they normally are not entitled to unemployment compensation. This disaster relief makes such assistance available to them at prevailing payment levels.

I visited Rock Hall and Kent Island on the Chesapeake Bay on Saturday, January 22. While I was in Rock Hall, I met with Larry Simns, president of the Maryland Watermen's Association, and other members of the association. The situation in Rock Hall is incredible.

Maryland's oystermen and crabbers have been losing income at the rate of about $100 a day since the freeze.

The fishing community has been ice-locked for 5 weeks. The watermen cannot dredge for oysters, set out crab pots, or fish. The situation is so bad that it has begun to impact on restauranteurs. Packing houses also have experienced a decline in business.

Fuel oil is running short. Some food supplies must be flown in by helicopter. Boats have been damaged by the ice. Pile driving and wharf construction is at a standstill.

Disaster relief loans are a necessity for many of these businesses and I am relieved and grateful that the President acted promptly on my request and has declared the Chesapeake Bay area eligible for such assistance.

Mr. President, I ask unanimous consent that a Washington Star article describing the freeze conditions on the Bay be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. The 1974 Disaster Relief Act provides help for those victims through loans with an interest rate of 6⅝ percent. Under the 1974 act there is no loan forgiveness provision. But, past experience shows that the high cost of these loans has discouraged disaster victims from applying for the relief they deserve. For example, in Prince Georges County, Md., one of the counties most heavily damaged by Hurricane Eloise, only one-tenth of the estimated 1,000 disaster victims—both households and businesses—even applied for the SBA loans because of their high cost.

As Prince Georges County Council Chairman David G. Hartlove, Jr., stated:

It's no wonder so few applied. Few of our citizens faced with high inflation and little spare money, can afford to take relatively high interest loans over a long stretch. At that percentage, the federal government isn't lending a helping hand to unfortunate victims but instead it's acting like a commercial brokerage house.

The bill I am introducing today would reduce the high cost of loans for victims of Eloise, the 1976 Frederick, Md., flood, and the current disaster in the Chesapeake Bay region. The bill would also cover other victims in declared disaster areas since Eloise as well as extend to future victims of natural disasters around the Nation.

In brief, my bill would provide disaster victims with two options:

First. A 3-percent interest rate with up to $2,500 forgiveness on the loan; and

Second. A 1-percent interest rate with no loan forgiveness clause.

There is sound precedent for these lower terms, in addition to the strong compassionate and humanitarian grounds which exist.

Under the earlier Disaster Relief Act of 1970, the SBA granted loans bearing a 1-percent interest rate with a $5,000 forgiveness clause. As my colleagues can readily see, there is a substantial difference in cost to the disaster victim between loans under the 1970 act and loans under the 1974 act. It is a curious anomaly when the terms of a disaster loan depend entirely on when the disaster occurred. If you had the misfortune to be damaged in 1972 by Hurricane Agnes, for example, you could apply for a 1-percent loan under the provisions of the Disaster Relief Act of 1970.

But, if you were the victim of natural disaster that took place after the law had been changed to provide for higher cost loans, then you had no choice but to pay the higher rates. As a result, when Hurricane Eloise came along in September of 1975, and when a nameless flood struck Frederick, Md., last year, their victims were not only at the mercy of nature but also of the new law—the Disaster Relief Act of 1974 with its higher interest rate loans and no forgiveness clause. Now, we need to act rapidly to correct this inequity.

My bill will do that.

The difference to the disaster victim in terms of a monthly loan repayment between the present 6⅝-percent loan with no forgiveness and my proposed 3-percent loan is significant.

Present holders of 6⅝-percent loans are paying an average monthly payment of $43.90. Under my bill, the average monthly payment would be $34.53, assuming an average loan of $5,000 with a 15-year payback period and no loan forgiveness. The monthly figure would be even lower if part of the loan were forgiven up to the maximum of $2,500.

Should the disaster victim opt for a 1-percent loan with no forgiveness for the same loan amount and term, his monthly payment would be $29.92.

Mr. President, every state in the Union has been hit at least once by a natural disaster since the higher cost disaster loans have been in existence. I ask unanimous consent that a tabulation of those States, the date and nature of the disaster be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MATHIAS. In Florida, the Governor has declared a disaster area covering the vegetable and citrus growing regions of that State. He has also asked the President to declare these areas eligible for disaster relief.

Mr. President, I ask unanimous consent that a Wall Street Journal article detailing the Florida situation be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. MATHIAS. Former President Ford declared a drought emergency for 23 northern and central California counties, making emergency Federal aid available to farmers there.

Mr. President, I ask unanimous consent that a New York Times article describing the California situation be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. MATHIAS. If there is any group of people that inspires compassion, it is the innocent victims of these disasters, who, through no fault of their own, have sustained damage to their homes and businesses. These people deserve a helping hand in the form of low-interest disaster loans.

The problem is national in scope. Every State is subject to the threat of natural disasters. My bill—which would apply to disaster victims throughout the Nation—is designed to help those who have suffered, and are suffering now, from natural disasters. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Disaster Relief Act of 1974 is amended by adding at the end thereof the following:

"DISASTER LOANS

"SEC. 420. Notwithstanding any other provision of law, the Administrator of the Small Business Administration or the Secretary of Agriculture, as the case may be, in the case of any loan which has been or is made with respect to a disaster occurring on or after April 20, 1973, under section 7 (b)(1), (2), or (4) of the Small Business Act or under section 321 of the Consolidated Farm and Rural Development Act, at the decision of the borrower made within a reasonable time, determined by the Administrator and the Secretary, after being informed of the option available under this section, shall either—

"(1) cancel the outstanding principal not exceeding $2,500, of the loan, and set the interest rate to be paid on any unpaid and uncancelled balance of the loan at 3 percent per annum; or

"(2) set the interest rate to be paid on any unpaid balance of the loan at 1 percent per annum.".

EXHIBIT 1

THE FREEZE OF '77—ICE CRIPPLES BAY FISHING INDUSTRY; TANGIER, SMITH RESIDENTS IMPERILED

(By Donald Hirzel)

TANGIER ISLAND, VA.—At 47 big William Daley has been a waterman for most of his life and never has seen anything like the ice now on Chesapeake Bay.

He was standing in his oyster boat yesterday, his weathered face looking out over the harbor to the salt marshes and the open water which separates this island from Virginia's Eastern Shore.

But instead of seeing water he saw only ice. Ice that stretches from the shores of Maryland and Virginia on the western side of Chesapeake Bay.

The ice began forming in the Susquehanna River more than 100 miles to the north and now extend south to near the mouth of Chesapeake Bay with only small areas of open water.

Daley, who had come to his ice-locked boat yesterday to repair crab pots because he had nothing else to do, commented, "I have never seen anything like this in my life."

He recalled times in the past when boats would be unable to get out to the water because of ice, but "we were never locked in like this before."

Daley remembered the Freeze of 1936 when the bay was a solid chunk of ice. "But then I was just a little boy and I really don't recall much about it."

Now he can talk about the Freeze of 1977 and what it means to him and his family, who like most residents of this island depend on the water for their livelihood—crabs and fish in the warm months and oysters in the winter.

While Tangier's future depends upon a break in the ice before fuel does run out, neighboring Smith Island is already having a much rougher time.

Smith, unlike Tangier, has no air strip where light planes can land, and the only visitors now are military personnel in helicopters who are bringing in supplies from Crisfield, Md. to the northeast.

By air, Chesapeake Bay looks like a stretch of the Arctic with ice floes jammed on top of each other by changes of tides and wind. There are some smooth, apparently open stretches of water which actually are frozen but without a crust.

There are some small areas of open water, mainly in deep water off islands on the eastern side of the bay. The western bay and the Potomac and Patuxent rivers appear to be icelocked for their length.

And from the air, boats can be seen stopped dead in the ice off Calvert County, Md., and southward.

The freeze began to be felt around Tangier a few days before Christmas, although Edna Moore recalled that "it was even cold here in October. That's usually the best time here, no mosquitoes and it's not too hot."

When the oyster dredging season started in December, boats went out into the lower bay to dredge for the shellfish, bringing in near record harvests of 30 bushels per boat with three men aboard and 24 bushels for two-men crews—the daily limit.

This translated into $250 to $300 a day in oysters—money that was put away for later in the season when the oyster supply would dwindle or boats could not get on the water because of rough seas.

But the harvests stopped around Christmas with the coming of the ice and Daley said he got out only one day this month and "things were so bad I should have stayed home."

With their income cut off, Daley and other watermen now are tapping their savings and foodstores to keep their families going.

Robert Thorn, mayor of Tangier's 900 residents, and also a waterman, said yesterday the island has enough fuel to keep the electrical generator which supplies power to the white-painted frame homes going for about another week.

Residents also have kerosene and oil to heat their homes at the present time, but all this could change quickly if the cold continues and the ice does not break up.

Thorn said the Coast Guard has suggested that since it cannot get ice breakers through, fuel oil could be flown to Tangier by planes or helicopters which could land on the asphalt runway at the air strip on the island's west side.

Helicopters landed there Friday with bread and milk. And additional aircraft landed yesterday with more food. Thorn said aircraft are to come in tomorrow with more food.

Attempts by oil tankers to crash through the ice have failed. One tanker, the Walter C., loaded with 36,000 gallons of fuel, remained stuck in the ice yesterday about a mile out of the channel from the town of Ewell on Smith Island, the northern neighbor of Tangier.

The two islands are regularly served by oil tankers coming up from Norfolk. But no boats have been able to get into the islands, and those that tried ended up with ruptured propellers.

Thorn estimated that the ice around Tangier is between 12 and 14 inches thick. Ice on the open bay was thick enough for kids to walk out a mile to inspect an old ship now used for target practice by military aircraft.

"There may be ice out there," Thorn said, "but I certainly wouldn't want any kids walking on it."

Yesterday, less adventurous youngsters were skating on the frozen creeks and inlets that lace the lowland marshes around the high ground on which the tiny town of Tangiers is located.

Surprisingly, although ice is all around the island, there is little snow on the ground.

Thorn said that last Sunday the island was struck by a blizzard that lasted for about an hour and was so bad "you couldn't see 20 feet in front of you." The snow was accompanied by 45-mile-an-hour winds that quickly blew it away.

By worrying about their livelihoods and the damage the ice may do to boats frozen to their moorings or piers, islanders have experienced one advantage of the freeze: they have gotten to know each other.

"It has brought us all closer together," was the comment of Daley.

He said the men usually are out on their boats from around 7 a.m. until late in the afternoon. On returning to port, they unload their catches, clean the boats and go home and have dinner. In the short time before bed, they may watch a little television.

"Now, all the men go to the two general stores during the day where they sit around the oil stoves and talk," Daley said. "Before the ice, the only men in the stores during the day would be the clerks."

People are visting each other in their homes during the day, seeing if a neighbor needs bread or milk, "just taking care of each other," he added. And the kids are still going to school since it is within easy walking distance of any house in the settlement.

Maryland Gov. Marvin Mandel was expected to call on the White House today in an effort to expedite his federal disaster aid request to help Marylanders financially damaged by the ice conditions in the Chesapeake Bay.

"I'm going to see if I can't get the President to initiate the disaster declaration that

I requested and get some financial help for these people," Mandel said yesterday after returning from a tour of Smith Island.

EXHIBIT 2

VEGETABLE CROP IN FLORIDA SUFFERS HEAVY DAMAGE—UNITED STATES SAYS FREEZE TO FORCE MUCH REPLANTING; STATE GROUP IS LESS PESSIMISTIC

ORLANDO, Fla.—The U.S. Agriculture Department's Crop and Livestock Reporting Service said Florida's winter vegetable crop suffered heavy damage in three nights of freezing temperatures last week and said most growers will have to start over.

The Florida Fruit and Vegetable Association, however, said its assessment of the impact of low temperatures isn't as pessimistic as that of the Agriculture Department, although the association predicted consumers would begin to see the effects of the killing frost by late this week.

The association also said a secondary impact will be felt at the consumer level several weeks from now when plants that were stunned by the cold temperatures recover and produce a new crop of vegetables. A spokesman for the association said that although the quality of the vegetables produced after the freeze will be as high as those prior to the frost, the size of the vegetables will be smaller.

(In Tallahassee over the weekend, Gov. Reuben Askew declared Florida a disaster area after receiving preliminary reports on the extent of crop damage, the Associated Press reported. The declaration activates emergency plans prepared by state and local agencies and sets the stage for Mr. Askew to ask President Carter for a federal disaster declaration. Aides to the governor said a federal declaration wouldn't be sought until a more complete damage picture is available.)

The crop reporting service said tomatoes, Florida's largest winter crop, were severely damaged by the cold weather. A spokesman for the service said there probably will be a sharp reduction this week from the 757,000 cartons of tomatoes, shipped out of state last week.

PLUNGED TO THE LOW TWENTIES

Some of the heaviest damage to crops occurred in south Florida, where temperatures plunged to the low 20s for several hours. Overall, vegetable crops in the Dade County area around Miami suffered a 90% loss, according to the crop reporting service, with squash and pole bean crops effectively wiped out. No movement of produce out of that portion of the state is expected for a week to 10 days.

At the same time, the Florida Citrus Commission set an embargo on all shipments and sales of fresh citrus fruit. The embargo became effective at 12:01 a.m. EST today and will last 10 days, after which citrus shipments will be closely monitored for an additional two weeks by the state's fruit and vegetable inspection service. The embargo was imposed to assess potential damage to the fruit before shipment out of the state.

The Florida Department of Citrus also was authorized to cancel advertising contracts to prevent overspending its budget, which is based on the number of boxes of fruit utilized. At least $1.5 million in television contracts will be canceled. The state's weight limits on trucks hauling citrus fruit also have been suspended.

Among the Florida vegetable crops affected by the freeze are tomatoes, potatoes, celery, cabbage, squash, beans, radishes, peppers, strawberries, carrots and sweet corn.

SUGAR CANE CROP AFFECTED

Also affected was the state's crop of sugar cane, currently in the harvesting stage. Mature sugar cane in the southern sections of the state suffered some terminal bud damage. Young cane, due to be harvested next year, was killed back to the ground, but some of the youngest canes will sprout back. Older cane will ferment and sour if it isn't harvested during the next few weeks. Sugar producers said they expected to lose 50,000 to 200,000 tons of cane. The state produced 1,061,000 tons last year. In recent years, Florida has accounted for about 15% of total U.S. sugar production.

Florida's foliage plants, raised for landscaping and home decorating, also were severely affected. W. C. McAlister, who retired last year to go into the foliage business in Miami with a partner, said last week's freeze has wiped him out for all practical purposes.

"The only thing I've got left is bottle brush bushes," Mr. McAlister said as he surveyed the ruins of his business. He estimated the killing freeze claimed $150,000 of plants, including black olive trees.

"The black olives look as if they're totaled out," he asserted. "The leaves are blackened and dried up. They may dry up and just drop off and we might get some new buds, but they sure look as if they've been baked in an oven," he said.

FULL-TIME EMPLOYES LAID OFF

The two full-time employes Mr. McAllister and his partner usually have to help them have been laid off. Supplies to start again apparently are unavailable in the Miami area. "They (nurseries) just laugh when I call to ask if I can get some liners (seedlings)," Mr. McAlister said. "If I can't get any liners, I'll just have to wait for the seeds," he added. Seeds won't be available before late summer, he estimated.

"If I can sell some bottle brushes, I'm in hopes I can eat," he said, "but the two employes are off for sure."

Cypress Gardens, a central Florida tourist attraction known for its colorful flowers, said it also suffered flower and foliage damage. A spokesman for the attraction said there will be a 2% to 5% loss in foliage and bloom, mainly in the tops of subtropical trees and vines and in unprotected areas. Cypress Gardens' inventory of some 10,000 annuals, kept in greenhouses, will be used to repair areas killed off by the freezing temperatures.

An added incentive for a perfect show by the water-ski performers who continue to put on daily shows at Cypress Gardens: Water temperature is 48 degrees.

EXHIBIT 3

CALIFORNIA DROUGHT THREATENING CROPS

(By Robert Lindsey)

LOS ANGELES, January 23.—California boasts of its seemingly omnipresent sun and when smog does not tinge the horizon with a sooty brown haze, of its clear, cloudless skies. But these days California is desperately longing for some clouds to go along with that silver lining.

The nation's most populous state, especially its northern reaches, is experiencing a severe drought for the second straight year, and this winter's drought appears to be worse than the last one.

Coupled with the freezing temperatures that ruined much of the Florida fruit and vegetable crop last week, the California drought will "undoubtedly" affect food prices, Gordon Snow, an official of the State Department of Food and Agriculture, said.

The state is waiting for rain—and not a few farmers are praying for rain.

Reserves in many of the state's major reservoirs are their lowest level for this time of the year ever. State officials have warned 29 communities that they should prepare to ration water and alerted 21 others that such a step may become necessary. Farmers have been warned that irrigation water will be cut back.

In the High Sierra range, the snow pack is so light that state engineers say that the spring water runoff will be inadequate to keep scores of hydroelectric generators turning at normal speed, a prospect that means utility companies will have to run to natural gas and other fossil fuels and consumers will pay more for energy.

"The people of California have never experienced having the tap run dry," said Donald H. Neudeck, an official of the State Department of Water Resources, who is in charge of monitoring the drought situation. "Well this year it will be different."

THIRD LIGHTEST IN CENTURY

Last year, the state's rainfall was the third lightest recorded in this century, averaging 40 percent of normal, according to state experts.

This year, with the principal rainy season half over, Mr. Neudeck said in many areas rainfall was averaging less than 20 percent of normal. And, barring a deluge of vast proportions, "which I don't think is very likely, the 1976–77 rainy season will be the driest ever," he said.

"Even if from here on in we got the same amount of rain that we had after this point last year, we'll still be well below 1974, which was the driest year on record," he said.

In one of his last official acts, President Ford on Thursday declared a drought emergency in 23 northern and central California counties, making emergency Federal aid available to farmers in these areas.

Last year, most of the drought's impact in the state's $8-billion-a-year agricultural business was felt by cattlemen who had to buy feed for cattle normally fed by range grass that did not appear on the parched rangeland last year—or was too light to sustain herds.

This year, according to state officials, the water shortage affected producers of cotton, tomatoes and scores of other crops that use irrigation water. California sells more agricultural products than any other state and it uses irrigation more than any other state.

Because reserves of the state's major reservoirs are depleted Mr. Neubeck said that rationing of irrigation water was inevitable.

The Federal Bureau of Reclamation, whose dams and canals irrigate much of the vast Central Valley—a naturally arid basin through the heart of California that ranks as one of the world's most bountiful agricultural centers largely because of extensive irrigation—has warned farmers to expect cuts of at least 25 percent in their water allotments this year.

State officials are considering a plan to cut allotments 25 to 30 percent from their irrigation system that pumps water from northern California to the southern part of the state.

Most of the problems are occurring in northern California, an area, ironically, that in the past has generally been water-rich while the southern part of the state has perennially worried about not having enough water.

The north gets most of its water from melting snows in the high Sierras and adjacent mountain ranges. The populous Los Angeles basin gets some water from the Sierras, but it also imports large amounts of water from the Rocky Mountain via the Colorado River, the source that has not dried up this year.

EXHIBIT 4

DISASTER DECLARATIONS, MAJOR DISASTERS ONLY

Date of declaration, State, and type:

July 21, 1976, Missouri, severe storms and flooding.

August 2, 1976, Colorado, severe storms and flash flooding.

August 5, 1976, Vermont, severe storms, high winds and flooding.

August 21, 1976, New Jersey, severe storms, high winds and flooding.

September 3, 1976, New York, Hurricane Belle.

September 21, 1976, California, flooding from tropical storm Kathleen.
October 14, 1976, Maryland, severe storms and flooding.
October 20, 1976, Pennsylvania, severe storms and flooding.
160 declaration(s).
SOURCE.—Federal Disaster Assistance Administration.
April 8, 1976, Nebraska, ice storms and high winds.
April 16, 1976, North Dakota, flooding.
April 22, 1976, Trust territory, Typhoon Marie.
May 22, 1976, Guam, Typhoon Pamela.
June 5, 1976, Oklahoma, severe storms and flooding.
June 6, 1976, Idaho, dam collapse, flooding.
June 8, 1976, Trust territory, typhoon Pamela.
June 11, 1976, Georgia, severe storms and flooding.
June 17, 1976, Northern Mariana, typhoons Pamela and Therese.
June 18, 1976, Illinois, severe storms, tornadoes, flooding.
June 19, 1976, Texas, severe storms and flooding.
June 25, 1976, South Dakota, flash flooding and mudslides.
June 29, 1976, New York, flash flooding.
July 7, 1976, Pennsylvania, high winds and flash flooding.
July 13 1976, Kansas, severe storms, high winds and flooding.
July 21, 1976, New York, severe storms and flooding.
September 30, 1975, Michigan, severe storms, high winds and flooding.
October 2, 1975, New York, storms, rains, landslides and flooding.
October 2, 1975, Alabama, winds, tornadoes, heavy rains and flooding.
October 4, 1975, Maryland, heavy rains and flooding.
December 7, 1975, Hawaii, earthquakes, seismic waves and volcanoes.
December 10, 1975, Oklahoma, severe storms and tornadoes.
December 13, 1975, Washington, severe storms and flooding.
December 18, 1975, Alaska, fire and freezing.
March 19, 1976, New York, ice storm, severe storms and flooding.
March 19, 1976, Michigan, storms, icing, wind, flooding, tornadoes.
March 23, 1976, Wisconsin, severe storms, icing, winds and flooding.
April 1, 1976, Oklahoma, severe storms and tornadoes.
April 1, 1976, Arkansas, tornadoes.
April 1, 1976, Mississippi, severe storms, tornadoes, and flooding.
June 28, 1975, Montana, rains, snowmelt, severe storms and flooding.
July 5, 1976, Minnesota, flooding.
July 9, 1975, Oklahoma, severe storms, flooding and tornadoes.
July 11, 1975, North Dakota, severe storms and flooding.
July 17, 1975, Minnesota, severe storms, tornadoes and flooding.
July 23, 1975, New Jersey, heavy rains, high winds, hail and flooding.
July 25, 1975, Illinois, tornado.
August 22, 1975, Florida, flooding.
September 11, 1975, Ohio, heavy rains and flash flooding.
September 12, 1975, West Virginia, heavy rains and flooding.
September 15, 1975, Wisconsin, heavy rains, tornadoes and flash flooding.
September 19, 1975, Puerto Rico, high winds, heavy rains and flooding.
September 26, 1975, Florida, high winds, heavy rains and flooding.
September 26, 1975, Pennsylvania, severe storms, heavy rains and flooding.
February 15, 1975, Texas, severe storms and flooding.
March 14, 1975, Alabama, severe storms and flooding.
March 22, 1975, Tennessee, severe storms and flooding.
March 29, 1975, Georgia, tornadoes, high winds and heavy rains.
March 29, 1975, Kentucky, severe storms and flooding.
April 1, 1975, Texas, tornadoes.
April 1, 1975, Arkansas, severe storms and tornadoes.
April 23, 1975, Alabama, severe storms and flooding.
April 26, 1975, Michigan, severe storms, high winds and flooding.
May 3, 1975, Missouri, tornadoes, hail and heavy winds.
May 7, 1975, Nebraska, severe storms and tornadoes.
May 24, 1975, Kentucky, severe storms and flooding.
May 24, 1975, North Dakota, flooding from rains and snowmelt.
June 6, 1975, Louisiana, heavy rains, flooding and tornadoes.
June 7, 1975, Arkansas, heavy rains and flooding.
June 10, 1974, Oklahoma, severe storms and flooding.
June 10, 1974, Kansas, severe storms and flooding.
June 24, 1974, Iowa, severe storms and flooding.
June 24, 1974, Alaska, freeze in spawning areas of red salmon.
July 11, 1974, Ohio, heavy rains and flooding.
July 13, 1974, Minnesota, severe storms and flooding.
July 23, 1974, New York, severe storms and flooding.
September 23, 1974, Louisiana, hurricane Carmen.
September 30, 1974, American Samoa, drought.
November 1, 1974, Louisiana, severe storms.
November 14, 1974, Virgin Islands, severe storms, landslides and flooding.
November 14, 1974, Alaska, severe storms and flooding.
November 26, 1974, Oklahoma, severe storms and flooding.
November 30, 1974, Texas, severe storms and flooding.
November 30, 1974, Puerto Rico, flooding.
January 30, 1975, Mississippi, tornadoes.
April 4, 1974, Tennessee, tornadoes.
April 5, 1974, Georgia, tornadoes.
April 11, 1974, West Virginia, severe storms and flooding.
April 11, 1974, Illinois, tornadoes.
April 12, 1974, North Carolina, tornadoes.
April 12, 1974, Michigan, tornadoes.
April 18, 1974, Mississippi, heavy rains and flooding.
April 26, 1974, Wisconsin, tornadoes.
May 7, 1974, California, severe storms and flooding.
May 7, 1974, Hawaii, heavy rains and flooding.
May 14, 1974, North Dakota, heavy rains, snowmelt and flooding.
May 31, 1974, Arkansas, heavy rains and flooding.
May 31, 1974, Ohio, severe storms and flooding.
June 8, 1974, Arkansas, severe storms and flooding.
June 10, 1974, Illinois, severe storms and flooding.
June 10, 1974, Missouri, severe storms and flooding.
June 10, 1974, Minnesota, heavy rains and flooding.
November 7, 1973, Alaska, heavy rains and flooding.
December 10, 1973, Oklahoma, severe storms and flooding.
January 18, 1974, Maine, severe storms and flooding.
January 21, 1974, New Hampshire, heavy rains and flooding.
January 25, 1974, California, severe storms and flooding.
January 25, 1974, Oregon, severe storms, snowmelt and flooding.
January 25, 1974, Washington, severe storms, snowmelt and flooding.
January 25, 1974, Idaho, severe storms, snowmelt and flooding.
January 29, 1974, West Virginia, severe storms and flooding.
January 29, 1974, Montana, severe storms, flooding and landslides.
February 23, 1974, Louisiana, flooding.
March 22, 1974, Oklahoma, heavy rains and flooding.
April 4, 1974, Kentucky, tornadoes.
April 4, 1974, Ohio, tornadoes.
April 4, 1974, Alabama, tornadoes.
April 4, 1974, Indiana, tornadoes.
June 25, 1973, Texas, severe storms and flooding.
June 25, 1973, North Carolina, severe storms and flooding.
June 28, 1973, Tennessee, severe storms and flooding.
July 6, 1973, Colorado, severe flooding and landslides.
July 6, 1973, Vermont, severe storms, flooding, and landslides.
July 11, 1973, Texas, severe storms and flooding.
July 11, 1973, New Hampshire, severe storms and flooding.
July 17, 1973, Pennsylvania, severe storms and flooding.
July 20, 1973, New York, severe storms and flooding.
August 7, 1973, New Jersey, severe storms and flooding.
September 28, 1973, Kansas, severe storms, tornadoes, and flooding.
October 13, 1973, Oklahoma, severe storms and flooding.
October 16, 1973, Massachusetts, fire (city of Chelsea).
October 20, 1973, Nebraska, severe storms and flooding.
November 1, 1973, Missouri, severe storms and flooding.
May 2, 1973, Kansas, severe storms and flooding.
May 8, 1973, Colorado, dam failure.
May 11, 1973, New Mexico, severe storms, snowmelt, and flooding.
May 11, 1973, Kentucky, severe storms and flooding.
May 11, 1973, Tennessee, severe storms and flooding.
May 16, 1973, Hawaii, earthquake.
May 23, 1973, Maine, heavy rains and flooding.
May 23, 1973, Colorado, heavy rains, snowmelt, and flooding.
May 23, 1973, Iowa, severe storms and flooding.
May 26, 1973, Florida, severe storms and flooding.
May 29, 1973, Alabama, severe storms and flooding.
May 29, 1973, Arkansas, severe storms and flooding.
June 4, 1973, Ohio, mudslides.
June 11, 1973, Georgia, severe storms and tornadoes.
June 13, 1973, Oklahoma, severe storms, flooding, and tornadoes.
February 8, 1973, California, severe storms, high tides, and flooding.
March 12, 1973, Texas, tornadoes, high winds, and flooding.
March 21, 1973, Tennessee, heavy rains and flooding.
March 21, 1973, New York, high winds, wave action, and flooding.
March 27, 1973, Mississippi, heavy rains, flooding, and tornadoes.

March 27, 1973, Alabama, severe flooding and tornadoes.
April 4, 1973, Georgia, severe flooding and tornadoes.
April 12, 1973, Michigan, severe storms and flooding.
April 19, 1973, Missouri, heavy rains, flooding, and tornadoes.
April 26, 1973, Illinois, severe storms and flooding.
April 27, 1973, Louisiana, severe storms and flooding.
April 27, 1973, Arkansas, severe storms and flooding.
April 27, 1973, Wisconsin, severe storms and flooding.
April 27, 1973, Ohio, severe storms and flooding.

By Mr. MATHIAS (for himself and Mr. GLENN):

S. 571. A bill to amend title VIII of the act commonly called the Civil Rights Act of 1968 with respect to the awarding of attorney's fees and the authority of the Department of Housing and Urban Development to initiate a civil action to enforce the provisions of such title; to the Committee on the Judiciary.

Mr. MATHIAS. Mr. President, I am introducing today a bill to provide some enforcement "teeth" to title VIII of the Civil Rights Act of 1968 with regard to discriminatory housing practices.

Present law provides that the Secretary of HUD can enforce title VIII through persuasion, conciliation, and conferences with the disputing parties. This method of enforcement has proven to be inadequate for insuring compliance with fair housing laws.

It is only in cases where a pattern of discrimination can be shown to exist or in cases of general public importance can the Justice Department intervene.

As a result of existing law, the burden of proof falls upon the individual complainant who in most cases, cannot afford the time and expense of Federal court litigation.

Enforcement of nondiscrimination in housing transactions, therefore, is very weak. It is administratively cumbersome and a time-consuming process.

This bill would provide for direct enforcement action by HUD in instances of discriminatory housing practices. I think my colleagues would agree that the time has come for HUD to have the authority to take positive action in the field of fair housing and equal opportunity.

I ask unanimous consent that the text of my bill be reprinted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968, as amended, is amended—

(1) by inserting "or the Secretary" immediately after "compliance with this title, the person aggrieved" in the first sentence of section 810(d); and

(2) by striking out the proviso in section 812(c).

Mr. GLENN. Mr. President, I am pleased to join my distinguished colleague from Maryland, Senator MATHIAS, in introducing legislation that would strengthen title VIII of the Civil Rights Act of 1968 with regard to discriminatory housing practices.

At present, Federal fair housing law only provides the Secretary of HUD with mild, and in my view, inadequate means of enforcing antidiscrimination laws. The present statute only authorizes HUD to use informal methods of conference, conciliation and persuasion in obtaining compliance. If these methods fail, HUD can only refer the matter to the Department of Justice, it does not have the power to institute litigation against parties found discriminating.

It has been estimated that more than 80 percent of the Nation's housing is covered by title VIII's provision banning discrimination in the sale and rental of most housing because of color, sex, race, religion or national origin. It is therefore imperative that HUD have strong enforcement powers. Housing discrimination is one of the root causes of many of our Nation's problems in unemployment, education and equal opportunity. It must become a quickly and easily enforceable right of all Americans to be able to choose a place to live and to be free from discrimination when exercising that choice.

This bill moves us toward that goal and it should be enacted quickly.

By Mr. HARRY F. BYRD, JR. (for himself, Mr. ALLEN, Mr. CHILES, Mr. GARN, Mr. GOLDWATER, Mr. HELMS, Mr. MORGAN, Mr. NUNN, Mr. TALMADGE, and Mr. THURMOND):

S.J. Res. 19. A joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years; to the Committee on the Judiciary.

RECONFIRMATION OF FEDERAL JUDGES

Mr. HARRY F. BYRD, JR. Mr. President, the joint resolution I introduce today requires that Federal judges be subject to reconfirmation by the Senate every 8 years.

This resolution is identical to Senate Joint Resolution 106 of the 92d Congress, which was the subject of hearings on May 19, 1972, before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, to Senate Joint Resolution 13 of the 93d Congress, and to Senate Joint Resolution 16 of the 94th Congress, which was placed directly on the calendar in 1975.

In proposing this amendment, I am joined by the Senator from Alabama (Mr. ALLEN), the Senator from Florida (Mr. CHILES), the Senators from North Carolina (Mr. HELMS and Mr. MORGAN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Utah (Mr. GARN), the Senators from Georgia (Mr. TALMADGE and Mr. NUNN), and the Senator from South Carolina (Mr. THURMOND):

With the wisdom few men ever display and with the opportunity for reflection few are afforded, Thomas Jefferson wrote, toward the end of his life:

> At the establishment of our Constitutions, the judiciary bodies were supposed to be the most helpless and harmless members of the government. Experience, however, soon showed in what way they were to become the most dangerous. . . . In truth, man is not made to be trusted for life, if secured against all liability to account.

Mr. Jefferson's observation has been proven correct, time and again, during the history of our Nation whenever we became deaf to the admonition first expressed in article 30 of the Massachusetts Bill of Rights, 1780:

> (Ours is) a government of laws and not of men.

But while the delicate system of checks and balances in our novel Federal-State scheme of government could resolve the imbalances of power between the executive and legislative branches, the judicial branch has remained immune from such correction.

The independence of the Federal judiciary was the concept which the Framers of the Constitution sought to protect by employing life tenure for Federal judges.

But the real purpose of judicial independence was articulated by the eminent constitutional scholar-lawyer, Prof. Philip Kurland, several years ago when he testified before a Senate committee:

> It should be kept in mind that the provisions for securing the independence of the judiciary were not created for the benefit of the judges, but for the benefit of the judged.

Alexander Hamilton wrote in The Federalist, No. 78, that the judiciary was "beyond comparison the weakest of the three departments of power," having "neither force nor will, but merely judgment."

I submit that there is a well-founded sentiment in this Nation today that some members of the Federal judiciary are exercising a considerable amount of will, armed with too much force, and given to less than a full measure of judgment. There is widespread dissatisfaction with the existing system, under which some judges are exercising dictatorial powers.

Let me begin this discussion by outlining what my proposed amendment would do, and what it would not do.

I want to emphasize at the outset that I fully support the concept of an independent judiciary. The amendment I have introduced simply provides a method by which the courts might be made more accountable.

The spirit in which I introduced this proposal was perhaps best expressed by Thomas Jefferson when he said, in a statement which is one of my favorites:

> In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

My amendment provides that Federal judges serve in office for a term of 8 years, at the end of which term they would be automatically nominated for reconfirmation by the Senate, unless they requested otherwise. If reconfirmed by the Senate, the judges would serve for an additional 8 years, after which they would again be subject to confirmation.

During the period of consideration by

the Senate as to whether or not to give its advice and consent to the reconfirmation of any judge, that judge would continue in office. Moreover, his new, 8-year term of office would commence from the day after the date that the Senate approved the reconfirmation—or from the day after the expiration of his earlier term, whichever date is later.

The amendment would not affect any judge sitting prior to its ratification.

This, then, is the basic mechanism which I am suggesting.

The question arises at once: Is this a radical proposal, out of keeping with American tradition, or is it rather a reasonable means of achieving accountability of judges without destroying their basic independence? I submit that it is the latter.

In the first place, 49 of the 50 States now have fixed terms for their own judiciary. Only Rhode Island has life tenure for judges.

The experience in Virginia may be of significance. Originally the State constitution provided for life tenure. In 1850, a revised constitution established the practice of popular election of judges. Twenty years later, Virginia converted to the present method of election by the General Assembly for specific terms of years.

The present Virginia system, which is directly parallel to the method which I have proposed for the Federal judiciary, has worked well. Even though elected by the General Assembly, the Virginia judiciary has never hesitated to assert its independence. The Virginia Supreme Court has exercised its long-established power to strike down legislative enactments.

The experience of Virginia indicates that any fears of lack of independence on the part of judges who are subject to legislative reconfirmation are without foundation.

In May 1972, I placed the following question to the Honorable Albertis S. Harrison, Jr.: "Has the fact that Virginia's judiciary must be reelected by the legislature at stated intervals affected adversely the independence of the judiciary?"

Mr. Justice Harrison served as Commonwealth attorney of his county; he served as a member of the Virginia Senate; he served as attorney general of Virginia; he served as Governor of Virginia; and he was then and is now serving as a justice of the Supreme Court of Virginia. His response bears careful note by skeptics of this form of judicial accountability:

SUPREME COURT OF VIRGINIA,
Lawrenceville, Va., May 16, 1972.

Hon. HARRY F. BYRD, Jr.
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: Your letter of the fifth, sent to my Richmond office, has just reached me.

You asked the following question: "Has the fact that Virginia's Judiciary must be reelected by the Legislature at stated intervals affected adversely the independence of the Judiciary?"

I can state unequivocally that in my opinion the necessity that judges in Virginia be reelected by the General Assembly at stated intervals has not affected adversely the independence of the Judiciary. I would observe that with one or two exceptions the members of the Judiciary in Virginia have universally been reelected by the Legislature.

I might further add that during my entire career as attorney, public official and a member of the Supreme Court of Virginia I have never heard of a single judge or justice in Virginia voice opposition to Virginia's system which does require reelection of judges of lower courts every eight years and of the Supreme Court every twelve years. and with kindest regards, I am

Trusting that this answers your inquiry,
Sincerely,

A. S. HARRISON, Jr.

Indeed, I know of no documented assertion that the independence or integrity of the judiciary has been compromised in any State as a result of fixed tenure.

When we stop to think about it, why should any official in a democracy have lifetime tenure? In the modern world, only kings, queens, emperors, maharajas—and U.S. Federal judges—hold office for life.

I say again—why should any public official in a democracy have lifetime tenure?

I do not conceive this to be a liberal against conservative issue. Senator Robert M. LaFollette, Sr., of Wisconsin, one of the leading progressives of this century, in 1920, denounced "the alarming usurpation of power by Federal courts." He called for constitutional and statutory changes to end lifetime tenure for Federal judges.

Certainly I see no reason why the question of lifetime appointment for judges, as opposed to a reasonable system of reconfirmation, should not be submitted to the people of this Nation.

For well over a century after the creation of this Nation, the unwritten canon of judicial restraint, as expressed by such eminent justices as Holmes, Brandeis, Stone, Hughes, and Frankfurter, was one of our most hallowed legal principles.

But in this century, and particularly since the 1950's, first the Supreme Court and later the lower Federal courts have cast aside much of the doctrine of restraint. In all too many instances the Federal courts have gone well beyond the sphere of interpreting the law and into the domain of making the law.

Under these circumstances, we are faced with a dilemma. Judges who are accountable to no one are invading the sphere of the elected representatives of the people, handing down decisions which have great impact on the lives of the citizenry. This situation is basically inequitable and contrary to the spirit of democracy.

Recently, the Honorable H. E. Widener, Jr., judge of the U.S. Court of Appeals for the Fourth Circuit, addressed this topic of judicial restraint in an article entitled "Some Random Thoughts on Judicial Restraint." Published in the Washington and Lee Law Review, volume XXXI, No. 3, it provides a cogent commentary on the expansion of the powers of the judicial branch of Government.

Judge Widener notes:

No more than a casual interest in current events, editorials, speeches, and the ever present public opinion polls indicates a growing, if not general, uneasiness in the public mind as to a certain lack of restraint on the part of the judiciary . . . (S)ome of the doctrines which, sometimes by other names, I believe have contributed to the uneasy feeling on the part of many that the day-to-day affairs of government are more properly conducted by responsible officials rather than those enjoying life tenure . . . are the doctrines of substantive due process; the hands-off rule of the courts as they may heed political questions; and the extension of the Federal power to regulate every petty local official as a result of the construction of 42 U.S.C. Sec. 1983. I speak not to the merits of the decisions themselves for they are already on the books. Taken together, though, whether right or wrong, they show a drift toward judicial intervention which may not be ignored.

Under existing law, no real solution is available for the present dilemma. It is not possible to legislate resurrection of the doctrine of judicial restraint.

The Constitution established a subtle system of checks and balances; the question is whether the checks upon the mid-20th century judiciary are not entirely too subtle.

Impeachment has not provided a very useful means of policing judges. Thomas Jefferson referred to the impeachment process as "a bungling way of removing judges—an impractical thing—a mere scarecrow."

Lord Bryce, in his observations of our Government said:

Impeachment is the heaviest piece of artillery in the Congressional arsenal, but because it is so heavy it is unfit for ordinary use.

Characterizing congressional lethargy in this area, Woodrow Wilson said of impeachment:

It requires something like passion to set them a-going; and nothing short of the grossest offenses against the plain law of the land will suffice to give them speed and effectiveness.

During his testimony on May 19, 1972, before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee, Paul Mason Shuford, a distinguished Virginia attorney and former president of the Bar Association of the city of Richmond, noted:

I respectfully submit that each branch of Government has an equally important, though different, responsibility to the American people in regard to the preservation and protection of our liberties. When this equality is threatened by any of these branches. It is incumbent upon the other two to restore it, without in any way seeking to establish a superior position on the part of either of them. This I conceive to be the purpose of Senate Joint Resolution 106. I believe this would be its result, if adopted, because I think the psychological impact of knowing a man is not beyond the power of anybody or anything as long as he lives—and that is what we have now—will have a salutary effect on his demeanor, which will reduce the need for the Senate or any other body to get exercised quite so frequently over some of the decisions that are rendered, and it would leave the activism, the legislative role, to the legislature where it belongs and leave the executive role in the executive where it belongs, and you will have a better, continuing trust. You have controls now to a certain degree over what the President does. They are not final controls. Except by impeachment, you cannot throw him out of office, because only the people can do that. But you have leverage on him. He has lever-

age on this body. The only one upon which there is no leverage—and which recognized this terrible responsibility for years through the doctrine of self-restraint—is the judiciary. In my opinion, they have in many instances, far too many lately, begun to ignore the doctrine of self-restraint.

For lasting reform, aimed at setting the judiciary within the same restrictions on power and authority that are applicable to the legislative and executive branches, some change in the law will be necessary.

Really basic reform could best be achieved through a system automatically applicable to all members of the Federal judiciary, such as the proposal I have just sent to the desk. It is nondiscriminatory in its approach and would serve to guard the interests of the people, through their representatives in the Senate, without compromising the fundamental independence of the judges who would be subject to reconfirmation.

In connection with the issue of independence, we have already seen that the experience of the States indicates no jeopardy of the judiciary's independence need be feared from a fixed-tenure system. But we need to look further into this question of independence. We need to consider what is the real purpose of judicial independence.

I believe this to be a cardinal principle: judicial independence should not be regarded as a fortress for the members of the judiciary, whether or not one believes that some judges are actual or potential oligarchs; on the contrary, it is supposed to be a shelter for the true rights of the people.

It is my contention that a uniform, reasonable system of fixed tenure and reconfirmation, such as I am proposing, would enhance the rights of the people. Therefore, it is, in its main thrust and intent, in line—not in conflict—with the real purpose of judicial independence.

There is no need to provide any official in a democracy with the prerogatives of a medieval baron in order to safeguard his independence of judgment. Indeed, to insulate a judge—or any other public official—from all accountability for his actions is to invite arbitrary action contrary to the will and welfare of the people of the United States.

Life tenure, devoid of restraint and accountability, is not consistent with democratic government. It is time we abolished it.

Returning once again to the sagacity of Thomas Jefferson, I would recall the following thoughts from his "Autobiography" (1821):

> There was another amendment of which none of us thought at the time and in the omission of which lurks the germ that is to destroy this happy combination of national powers in the General Government for matters of national concern, and independent powers in the States, for what concerns the States severally. . . . Our judges are effectually independent of the nation. But this ought not to be.

I submit that basic questions about the nature of our democracy are involved in the issue of judicial tenure. Such basic questions are best decided at the level closest to the people themselves. This is true through the constitutional amendment process.

Therefore, I hope that Congress will conduct a full debate and give final approval to this proposal. Then the question will be taken to the people through their representatives in the several State legislatures.

The call for such action has already been both significant and substantial. On July 27, 1971, the Senate received a memorial from the Legislature of Alabama endorsing the concept of reconfirmation of Federal judges. On July 25, 1972, the Michigan Legislature memorialized the Congress to act upon this proposal. The following year, the Virginia General Assembly made a similar petition to the Congress.

I ask unanimous consent that each of these expressions of support for inclusion of this concept within our constitutional scheme, adopted with the concurrence of both houses of the respective legislatures of the State of Michigan, the State of Alabama and the Commonwealth of Virginia, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1, 2, and 3.)

Mr. HARRY F. BYRD, JR. The Honorable Norman F. Arterburn, chief justice of the Indiana Supreme Court, has strongly endorsed this proposal.

And the Honorable Meldrim Thomson, Jr., Governor of New Hampshire, has said that such legislation "is essential if we are not to have a nation run by judicial dictatorship."

In an editorial last fall, the Richmond Times-Dispatch reviewed this subject, with particular emphasis on the abandonment of the doctrine of judicial restraint by an ever-expanding portion of the Federal judiciary. These incisive comments are indicative of the widespread editorial support which has been voiced on this subject.

I ask unanimous consent that the editorial "Rule by Judges", from the November 21, 1976, Richmond Times-Dispatch, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. HARRY F. BYRD, JR. To delay a critical reappraisal of this matter only allows this flaw in our constitutional framework to continually work its mischief on the lives and liberties of the people.

Mr. President, the time to act is now.

I ask unanimous consent that the text of my resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 19

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Notwithstanding the provisions of the second sentence of section 1 of article III of the Constitution, each judge of the Supreme Court and each judge of an inferior court established by Congress under section 1 of article III shall hold his office during good behavior for terms of eight years. During the eighth year of each term of office of any such judge, his nomination for an additional term of office for the judgeship which he holds shall be placed before the Senate in the manner provided by the law, for the advice and consent of the Senate to such additional term, unless that judge requests that his nomination not be so placed. Any judge whose nomination for an additional term of office is so placed before the Senate may remain in office until the Senate gives its advice and consent to, or rejects, such nomination. If the Senate gives its advice and consent to an additional term of office, that term shall commence from the date of such advice and consent, or the day immediately following the last day of his prior term of office, whichever is later.

"SEC. 2. The terms of office established by section 1 of this article shall apply to any individual whose nomination for a judgeship is submitted after the ratification of this article to the Senate for its advice and consent.".

EXHIBIT 1

A concurrent resolution of the Legislative of the State of Michigan; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION NO. 360

"A concurrent resolution memorializing Congress to pass its joint resolution No. 106 to require reconfirmation of federal judges each eight years after their appointment

"Whereas, The Judiciary Committee of the Senate of the United States has held hearings on qualifications for continuing service of federal judges; and

"Whereas, The Legislature of Michigan believes that periodic review of qualifications of federal judges is vital to the interests of the State in accordance with Senate Joint Resolution No. 106; and

"Whereas, The established principles of government require the appointment of persons having a popular and current influence on decisions affecting society; now therefore be it

"Resolved by the Senate (the House of Representatives concurring), That the Legislature of the State of Michigan urges the Congress to adopt its Joint Resolution No. 106, as originally drafted and to require such terms and conditions that will qualify federal judges before and after appointment; and be it further

"Resolved, That a copy of this resolution be transmitted to Michigan Senators and Representatives in Congress.

"Adopted by the Senate, June 27, 1972.

"Adopted by the House of Representatives, June 27, 1972."

EXHIBIT 2

SENATE JOINT RESOLUTION 42, ENDORSING THE PROPOSAL OF SENATOR HARRY F. BYRD, JR. TO REQUIRE THE RECONFIRMATION OF FEDERAL JUDGES AT REGULAR INTERVALS

Whereas Senator Harry F. Byrd, Jr., of Virginia has introduced in the Congress of the United States a proposal to amend the United States Constitution to require all Federal judges to be reconfirmed by the United States Senate every eight years; and

Whereas when our Founding Fathers created our Government, they provided separate legislative, executive and judicial branches in order to establish a system of checks and balances and to prevent the domination of governmental affairs by any one single branch; and

Whereas, because it was thought that the judicial branch of government would be the weakest of the three branches, provision was made for justices of the Supreme Court of

the United States and the judges of its inferior courts to serve for life to provide protection from political pressure and the vacillations of ephemeral public opinion; and

Whereas the Constitution of the United States provided for and established a representative republican form of government to insure the rights and privileges of the citizens of the component States; by its letter and spirit, the Constitution provided for each individual State to retain and reserve unto itself all its power and sovereignty except that part delegated, granted, and given to effect the union of the States; and by its express language, the Constitution safeguarded each individual State and its people from unauthorized interference in domestic affairs by a strong central government and from tyranny and suppression wrought by such a strong central government; and

Whereas in recent decades the Federal courts have taken unto themselves more and more additional powers under the assumption that the law of the land is whatever the court says it is; they have not only usurped the powers reserved to the States and assumed powers of the legislative and executive branches of government in the process of self-anointed omnipotence, but they have mistaken themselves for God; and

Whereas under the incessant demands of a powerful combination of subversive and minority interests, the courts have fallen into a slough of fallacious reasoning, and in attempting to extricate themselves have resorted to strangely conceived social concepts and idealistic pap in which they insist upon wallowing; and

Whereas the courts, by their arrogant willful and wanton use of judicial fiat and self-anointed omnipotence, but they have forced their tragically ridiculous interpretations of the Constitution and of state and federal statutes on the people of a once proud, powerful and self reliant nation to such extent that many property rights have been destroyed; voting rights have been diluted and restricted; the legislative and congressional districts of many states have been arbitrarily reapportioned without regard to similarity of interests, economic condition or consideration of desires of any groups within the states; orderly systems of public education are impossible; riots are frequent occurrences on college and university campuses; transportation is often halted; welfare cases have risen to astronomical heights; crime in the streets is uncontrolled, and fear and chaos are rife throughout the land; and

Whereas a return to a sane, strong responsible government which is supported by the vast majority of people who work for a living, pay their debts, educate their children, and, with confidence in themselves and faith in the Lord, contribute something to the communities they live in, can be achieved in large part by making federal judges responsive to the will of these people; now therefore,

Be it resolved by the legislature of Alabama, both Houses thereof concurring, That this body and the people of Alabama heartily endorse Senator Byrd's proposal to require the reconfirmation of federal judges by the Senate of the United States at intervals of eight years.

Be it further resolved, That we regard this proposal as an admirable step in the right direction and would recommend that United States Supreme Court Justices be included therein and that the intervals for reconfirmation be reduced to six years.

Be it further resolved, That copies of this resolution be sent to Senator Harry F. Byrd, Jr., to the President and Vice President of the United States, to the Speaker of the House of the United States Congress, to the Chief Justice and each Associate Justice of the United States Supreme Court and to each member of Alabama's Congressional Delegation.

EXHIBIT 3

A joint resolution of the Senate of the Commonwealth of Virginia: to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION No. 130

"Memorializing the Congress of the United States to propose an amendment to the Constitution of the United States, relating to tenure of federal justices and judges

"Whereas, the justices of the Supreme Court and judges of the inferior courts of the United States are appointed for life, and are removable only by impeachment; and

"Whereas, in forty-seven of the fifty states, including this Commonwealth, the judiciary has fixed tenure; and

"Whereas, the experience in this Commonwealth reveals that although the judges may be removed from office at the end of their terms, the judiciary has remained independent; and

"Whereas the Congress of the United States should be granted the power parallel to that which this General Assembly now has, that is, to review the records of its federal justices and judges of inferior courts; now, therefore, be it

"Resolved by the Senate of Virginia, the House of Delegates concurring, That the Congress of the United States is hereby memorialized to adopt and offer to the States for ratification or rejection the following amendment to the Constitution of the United States:

" 'ARTICLE —

" 'SECTION 1. Notwithstanding the provisions of the second sentence of Section 1 of Article II of the Constitution, each justice of the Supreme Court and each judge of an inferior court established by Congress under Section 1 of Article III shall hold his office during good behavior for terms of eight years. During the eighth year of each term of office of any such justice or judge, his nomination for an additional term of office for the judgeship which he holds shall be placed before the Senate in the manner provided by the law, for the advice and consent of the Senate to such additional term, unless that justice or judge requests that his nomination not be so placed. Any justice or judge whose nomination for an additional term of office is so placed before the Senate may remain in office until the Senate gives its advice and consent to, or rejects, such nomination. If the Senate gives its advice and consent to an additional term of office, that term shall commence from the date of such advice and consent, or the day immediately following the last day of his prior term of office, whichever is later.

" 'SEC. 2. The terms of office established by Section 1 of this article shall apply to any individual whose nomination for a judgeship is submitted after the ratification of this article to the Senate for its advice and consent.'

"Resolved further, That the Clerk of the Senate is hereby instructed to send copies of this Joint Resolution to the members of the Virginia delegation in the Congress of the United States and to the President and Vice President of the United States, and the Clerks of the Senate and the House of Representatives.

"Agreed To By The Senate without amendment February 9, 1973.

"Agreed To By The House of Delegates without amendment February 23, 1973."

EXHIBIT 4

[From The Richmond Times-Dispatch, Nov. 21, 1976]

RULE BY JUDGES

Federal judges—unelected, unaccountable to the people—now play, in some ways, the major role in governing the nation.

This is not a new thought, but we have never seen it so forcefully and persuasively presented as in the lead article in the fall issue of the quarterly review *Modern Age*, written by the eminent constitutional lawyer and University of Chicago law professor, Philip B. Kurland.

Unless the present practice of law-making by judges is ended, Professor Kurland warns:

"All law will turn into federal law, especially if the lower courts have their way with the post-Civil War Reconstruction Civil Rights Acts. All laws will be judge-made, except for that which is made by the bureaucracy. All institutions will be the subject and object of judicial management."

He graphically traces the history of judicial usurpation of legislative authority along these lines:

Until recent times, the federal judiciary served as a brake on other branches of government, state and national. It did not purport to tell them what to do; it only stopped them from doing things that were contrary to the Constitution.

That has drastically changed. The courts are now commanding the effectuation of programs of their own creation.

Examples:

The reapportionment cases.

"The Federal judicial system has undertaken to replace what might well have been an invalid allocation of legislative offices with a system described by a slogan—'one man-one vote'. It is a standard that was clearly rejected by the framers of the national Constitution, and it remains a standard unjustified by the court itself. It is one thing to say that specific malapportionment cannot be tolerated under the loose limits of the Constitution. It is quite another to prescribe how a state must apportion its legislative districts, state and federal—and even local."

School desegregation. The federal courts have shifted from banning racial segregation to commanding racial balance, though neither the law nor the Constitution requires racial balance.

"The Boston school system is now in 'receivership,' " writes one-time Supreme Court law clerk Kurland, "which means that the federal district judge determines where repairs are to be made and how much is to be spent for them; whether students are to receive instruction in laboratories and shops or classrooms; which school should get a new piano. In short, the judge has replaced the school board and, whatever expertise he may have as a jurist, I don't believe he qualifies in any manner, shape or form as an educational expert."

Professor Kurland cites the schools of Washington, D. C., as among those where "catastrophe" has resulted from judicial "rigidity" in desegregation orders.

Racial balance in employment. The 1964 Civil Rights Act explicitly states that "nothing contained in this title shall be interpreted to require any employer . . . to grant preferential treatment to any individual or to any group because of race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist . . ." And the two senators who were floor managers for passage of the act submitted a memorandum to their colleagues explaining: "There is no requirement that an employer maintain a racial balance in his workforce." In fact, they said, any deliberate attempt to maintain a racial balance would itself be a violation of the law.

But the record today is full of rulings by federal judges that a lack of racial balance in employment is a violation of the law.

All this judicial law-making is entirely in the hands of lawyers. The judges are all lawyers, and only lawyers may appear before the Supreme Court. The most eminent scientist in America cannot appear before

the court on an issue affecting science; the most eminent educator cannot appear on a school issue; the most knowledgeable industrialist cannot appear on an issue of vital concern to the business community; the most prominent clergyman cannot appear on a moral or religious issue of vast implications. In one sense, then, one profession—the legal—is governing all of us through judicial rule.

Is there any hope for relief from what Professor Kurland calls "legislation without representation"?

He sees some signs that the present Supreme Court is moving away from judicial activism. But lower federal courts are still plunging ahead in that field, and the Supreme Court seems reluctant to rein in the lower tribunals, he says.

Kurland goes into more detail about judicial law-making than can be dealt with in this space—discussing, for example, the rule excluding evidence of guilt in a criminal case because of misbehavior of police. We would like to see a copy of the Kurland article put into the hands of every federal judge in the United States. But perhaps the best hope for reform lies with the other two branches of government which must somehow reassert their right to be co-equal with the judiciary in carrying out the Founding Fathers' plans for the governing of this democracy.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. MUSKIE, the Senator from New Jersey (Mr. CASE), the Senator from Kansas (Mr. DOLE), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Ohio (Mr. METZENBAUM), the Senator from Kansas (Mr. PEARSON), the Senator from Rhode Island (Mr. PELL), and the Senator from Wyoming (Mr. WALLOP) were added as cosponsors to S. 2, a bill to require authorizations of new budget authority for Government programs at least every 5 years, to provide for review of Government programs every 5 years, and for other prposes.

S. 17

At the request of Mr. MCINTYRE, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 17, the Renewable Energy and Energy Conservation Tax Act of 1977.

S. 19

At the request of Mr. MCINTYRE, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 19, the Fair Marketing of Petroleum Products Act.

S. 21

At the request of Mr. DOMENICI, the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of S. 21, a bill to amend the Occupational Safety and Health Act.

S. 25

At the request of Mr. LEAHY, the Senator from Idaho (Mr. MCCLURE) and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 25 a bill to amend the Emergency Petroleum Allocation Act of 1973, and for other purposes.

S. 47

At the request of Mr. STAFFORD, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 47, a bill to amend title XVIII and title XIX of the Social Security Act to include community mental health centers among the entities which may be qualified providers of services for medicare purposes, to require each State having an approved medicaid plan to provide community mental health center services under such plan, and for other purposes.

S. 82

At the request of Mr. BUMPERS, the Senator from North Dakota (Mr. YOUNG) and the Senator from New Mexico (Mr. SCHMITT) were added as a cosponsor of S. 82, a bill to amend title 18, United States Code.

S. 87

At the request of Mr. BUMPERS, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 87, a bill to amend the Social Security Act.

S. 173

At the request of Mr. KENNEDY, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 173, a bill to establish the birthplace of Susan B. Anthony in Adams, Mass., as a national historic site, and for other purposes.

S. 174

At the request of Mr. CLARK, the Senator from Washington (Mr. JACKSON) and the Senator from Minnesota (Mr. ANDERSON) were addded as cosponsors of S. 174, a bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome.

S. 211

At the request of Mr. BUMPERS, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 211, relating to nonprofit health maintenance organizations.

S. 237

At the request of Mr. BARTLETT, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 237, a bill to amend the headnote to the tariff schedules of the United States.

S. 239

At the request of Mr. BARTLETT, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 239, a bill to amend Public Law 88–482.

S. 244

At the request of Mr. THURMOND, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 244, a bill to authorize the construction and maintenanance of the General Draza Mihailovich Monument in Washington, D.C.

S. 247

At his own request, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 247, a bill recognizing the Women's Air Force Service Pilots for services to their country in World War II.

S. 268

At the request of Mr. LEAHY, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 268, a bill to create within the Department of Agriculture an office, specifically charged with the responsibility of assessing the fuel and energy needs of rural residents as such needs pertain to home heating and cooling, transportation, agricultural production, electrical generating, conservation, and research and development.

S. 308

At the request of Mr. LEAHY, the Senator from Iowa (Mr. CLARK) and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 308, a bill to rescind certain budget authority for the CVN nuclear attack aircraft carrier program as recommended in the message of the President of January 17, 1977, transmitted to the Congress pursuant to section 1012 of the Impoundment Control Act of 1974.

S. 364

At the request of Mr. HART, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 364, a bill to provide for judicial review of administrative determinations made by the Administrator of the Veterans' Administration, and for other purposes.

S. 383

At his own request, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 383, to provide for financial disclosure by Federal officers and employees.

S. 394

At the request of Mr. CULVER, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 394, a bill entitled the Bridge Replacement and Rehabilitation Act of 1977.

S. 467

At the request of Mr. DOMENICI, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 467, a bill to amend the Railroad Retirement Act of 1974 with respect to benefits payable to certain individuals who on December 31, 1974 had at least 10 years of railroad service and also were fully insured under the Social Security Act.

SENATE JOINT RESOLUTION 9

At the request of Mr. BROOKE, the Senator from Minnesota (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Florida (Mr. CHILES) were added as cosponsors of Senate Joint Resolution 9, a joint resolution designating January 15 of each year as "Martin Luther King Day."

SENATE JOINT RESOLUTION 11

At the request of Mr. STONE, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of Senate Joint Resolution 11, a joint resolution providing for a National Leadership Conference on Energy Policy to be held during 1977.

SENATE JOINT RESOLUTION 14

At the request of Mr. GARN, the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of Senate Joint Resolution 14, a joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons.

SENATE JOINT RESOLUTION 15

At the request of Mr. GARN, the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of Senate Joint Resolution 15, a joint resolution proposing an amendment to the Constitution of

the United States for the protection of unborn children and other persons.

SENATE RESOLUTION 24

At the request of Mr. CLARK, the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Resolution 24, a resolution relating to the treaty powers of the Senate.

SENATE RESOLUTION 26

At the request of Mr. BROOKE, the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of Senate Resolution 26, a resolution relating to the membership and functions of the Select Committee on Standards and Conduct.

SENATE RESOLUTION 39

At the request of Mr. ALLEN, the Senator from Utah (Mr. GARN) and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of Senate Resolution 39, disapproving pay recommendations of the President.

SENATE RESOLUTION 50

At the request of Mr. ALLEN, the Senator from Utah (Mr. GARN) and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of Senate Resolution 50, relating to the disapproval of the pay recommendations of the President.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. DOLE, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of Senate Concurrent Resolution 3, a concurrent resolution to reaffirm the honor of those who served in Southeast Asia and to urge establishment of a Presidential task force on MIA/POW's.

AMENDMENT NO. 20

At the request of Mr. HATHAWAY, the Senator from Arkansas (Mr. BUMPERS) and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of amendment No. 20 intended to be proposed to Senate Resolution 4, reorganizing the committee system of the Senate, and for other purposes.

AMENDMENT NO. 24

At the request of Mr. ALLEN, the Senator from Utah (Mr. GARN) and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of amendment No. 24 intended to be proposed to Senate Resolution 4, relating to reorganizing the committee system of the Senate, and for other purposes.

SENATE RESOLUTION 58—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution, which was placed on the calendar:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Flora M. Coan, widow of Carl A. S. Coan, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 59—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution, which was placed on the calendar:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Rosalie C. Coder, widow of John P. Coder, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 60—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution, which was placed on the calendar:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Geraldine M. Englund, widow of Merrill W. Englund, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 61—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution, which was placed on the calendar:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Carol A. Hendricks, widow of James W. Hendricks, an employee of the Senate at the time of his death, a sum equal to four months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 62—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution, which was placed on the calendar:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Luella M. Hoffmann, widow of Victor F. Hoffmann, an employee of the Senate at the time of his death, a sum equal to two months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 63—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution, which was placed on the calendar:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Gloria D. Otley, widow of William A. Otley, Jr., an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 64—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution, which was placed on the calendar:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to James W. Pence, Sr., widower of Goldie A. Pence, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE CONCURRENT RESOLUTION 8—SUBMISSION OF A CONCURRENT RESOLUTION TO AUTHORIZE PRINTING OF A SENATE DOCUMENT

(Referred to the Committee on Rules and Administration.)

Mr. RIBICOFF submitted the following concurrent resolution, which was referred to the Committee on Rules and Administration:

S. CON. RES. 8

Resolved by the Senate (the House of Representatives concurring), That the committee print of the Committee on Government Operations, Ninety-fourth Congress, entitled "The Accounting Establishment," prepared by its Subcommittee on Reports, Accounting and Management, be printed as a Senate document, and that there be printed two thousand additional copies of such document for the use of that committee.

AMENDMENTS SUBMITTED FOR PRINTING

COMMITTEE SYSTEM REORGANIZATION AMENDMENTS OF 1977—SENATE RESOLUTION 4

AMENDMENT NO. 25

(Ordered to be printed and to lie on the table.)

Mr. METCALF submitted an amendment intended to be proposed by him to the resolution (S. Res. 4), reorganizing the committee system of the Senate, and for other purposes.

AMENDMENT NO. 26

(Ordered to be printed and to lie on the table.)

Mr. MCINTYRE (for himself, Mr. HUDDLESTON, Mr. NELSON, and Mr. CLARK) submitted an amendment intended to be proposed by them jointly to the Senate Resolution 4, supra.

SENATE COMMITTEES AND PAPERWORK

Mr. McINTYRE. Mr. President, in the 93d Congress I introduced legislation designed to provide the Senate and the House of Representatives with assessments of the paperwork burden of the legislation we pass. That bill, S. 200, would have required that each Senate and House Committee provide copies of the forms that would be required under legislation reported to the floors of both houses for action.

In the 94th Congress Senator NUNN joined with me in introducing a similar measure.

Now we are in the 95th Congress and we have still not taken action to provide us with information about the paperwork burden endemic in legislation we pass.

There are several ways to solve this problem. First, as many of you know, I and several other Senators plan to question legislation on the floor during this Congress to provide us with the answers to questions such as: How much information is required to comply with the provisions of a specific bill? Who will fill out the forms? How much will it cost? and so on.

Senators HUDDLESTON, NUNN, ROTH, GARN, CHILES, STEVENS, BARTLETT, BENTSEN, and HOLLINGS have told me they will join in this. Senator MUSKIE supports the program.

But there is another way.

Rather than tie up the Senate with such questions, I propose that each committee of the Senate, under a change in Senate rules, report on the paperwork impact of specific pieces of legislation when those committees report the bills to the floor.

This can be done by providing copies of forms that may be required under the legislation, or by filing a paperwork impact statement.

This is the central theme of the amendment to Senate Resolution 4 that I am introducing today. Senators NELSON, CLARK, and HUDDLESTON join with me as cosponsors.

There are several reasons for the assessments.

First, we would have an inkling of the burdens we will require of our citizens.

Second, we would be able to provide guidance to the executive and regulatory agencies showing them what we expect from them in the way of data collection.

Third, we would provide ourselves with a ready tool for continuing oversight of Federal programs, because we would have assessed, to the extent practicable, what the paperwork burdens would be.

Mr. President, as chairman of the Select Committee on Small Business Subcommittee on Government Regulation, I held many days of hearings on the problem of Government paperwork. I know that many of the paperwork burdens falling on our citizens come from the legislation we pass.

But, too, as cochairman of the Commission on Federal Paperwork, I know that we do not guide our agencies fully when they must implement programs. We must provide guidance to them.

I believe this amendment will give us a way to work to solve both of these problems. I ask unanimous consent that the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 26

On page 103, between lines 20 and 21, insert the following new title:

TITLE VIII—FORMS AND REPORTS REQUIRED BY CERTAIN LEGISLATIVE PROPOSALS

SEC. 801. (a) Any bill or joint resolution of a public character reported by a committee of the Senate (other than the Committee on Appropriations) shall contain—

(1) a copy of the probable matter and format of each new form or report (or the revision of any such existing form or report), required by, or which is likely to be required by, the enactment of such bill or joint resolution, which is to be provided by the United States Government for completion by any person other than an officer or employee of that Government or of a State government, or any political subdivision of that State;

(2) in lieu of any such copy, a statement listing each such form or report for which that copy is not contained in the report, with a statement of the reasons why the copy of each is not so included; or

(3) a statement, accompanied by reasons, that such bill or joint resolution does not require, or its enactment is not likely to have as a result, any such new form or report of any revision of an existing form or report; or

(4) a statement listing the expected impact of the paperwork and record-keeping required by such bill or resolution.

(b) It shall not be in order in the Senate to consider any such bill or joint resolution if such bill or joint resolution was reported in the Senate after the effective date of this resolution and the report of that committee of the Senate which reported such bill or joint resolution does not comply with the provisions of subsection (a) of this section.

On page 103, line 21, strike out "TITLE VIII" and insert in lieu thereof "TITLE IX".

On Page 103, line 22, strike out "Sec. 801." and insert in lieu thereof "Sec. 901.".

On Page 104, line 1, strike out "Sec. 802." and insert in lieu thereof "Sec. 902.".

On page 104, line 8, strike out "Sec. 803. (a)" and insert in lieu thereof "Sec. 903.".

AMENDMENT NO. 27

(Ordered to be printed and to lie on the table.)

Mr. CURTIS submitted an amendment intended to be proposed by him to Senate Resolution 4, supra.

AMENDMENT NO. 28

(Ordered to be printed and to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to Senate Resolution 4, supra.

AMENDMENT NO. 29

(Ordered to be printed and to lie on the table.)

Mr. McGOVERN (for himself, Mr. DOLE, Mr. KENNEDY, Mr. JAVITS, Mr. PERCY, Mr. RIEGLE, Mr. ABOUREZK, Mr. CASE, Mr. CHURCH, Mr. HUMPHREY, Mr. CLARK, Mr. DURKIN, Mr. MELCHER, and Mr. HOLLINGS) submitted an amendment intended to be proposed by them jointly to Senate Resolution 4, supra.

AMENDMENTS NOS. 30 AND 31

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted two amendments intended to be proposed by him to Senate Resolution 4, supra.

AMENDMENTS NOS. 32 AND 33

(Ordered to be printed and to lie on the table.)

Mr. CLARK submitted two amendments intended to be proposed by him to Senate Resolution 4, supra.

AMENDMENT NO. 34

(Ordered to be printed and to lie on the table.)

Mr. SCHMITT (for himself, Mr. DOMENICI, and Mr. MATHIAS) submitted an amendment intended to be proposed by them jointly to Senate Resolution 4. supra.

NOTICES OF HEARINGS

INTERNATIONAL FINANCE SUBCOMMITTEE

Mr. STEVENSON. Mr. President, on February 21, 22, and 28 the International Finance Subcommittee of the Committee on Banking, Housing, and Urban Affairs will hold hearings on S. 69 and S. 92, bills to extend and amend the Export Administration Act. In addition to extending the Export Administration Act to September 30, 1978, both bills contain measures to deal with national security export controls, nuclear proliferation, embargoes on American agricultural exports, and the Arab boycott of Israel. Witnesses are expected to include Secretary of State Cyrus Vance, on February 28th.

The hearings will begin at 10 a.m. in room 5302, Dirksen Senate Office Building. Interested persons should contact Stanley J. Marcuss, Counsel, International Finance Subcommittee, at 202/224–8813.

SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE

Mr. KENNEDY. Mr. President, the Judiciary Subcommittee on Administrative Practice and Procedure, which I chair, will be holding a hearing on S. 270, the "Public Participation in Federal Agency Proceedings Act of 1977" on Thursday, February 3. The hearing will begin at 9:30 in room 2228 of the Dirksen Building.

S. 270 is a bill to authorize Federal agencies to provide financial compensation to citizens and citizen groups who make significant contributions to agency proceedings. The bill (S. 2715 in the 94th Congress) had been reported by the Judiciary Committee in May of 1976. S. 270 is cosponsored by 16 other Senators. Companion legislation has been introduced in the House by Congressmen RODINO and KOCH.

Witnesses at Thursday's hearing included:

Calvin J. Collier, Chairman, Federal Trade Commission; William J. Scott, Attorney General of Illinois; Satenig St. Marie, Vice President, David Schoenfeld, Consumer Advocate, J. C. Penney Co.;

and Stanley Van Ness, Public Advocate, State of New Jersey.

ADDITIONAL STATEMENTS

THE SECURITY OF THE NATION

Mr. GOLDWATER. Mr. President, with a new administration taking over, it is a good time for us to take a look around the world and see what kind of problems our country is likely to have to deal with in the years immediately ahead. Needless to say, we must be prepared to budget our resources to handle our national needs and to appraise the trends and tensions elsewhere in the world with which we may have to deal.

Recently the Association of the U.S. Army undertook a yearend assessment of world conditions and weighed them against measures we must be prepared to take for the security of the Nation. The study shows that the United States has many strengths and some weaknesses as we confront the realities of world conditions as they are now and as they are likely to be in the future. I ask unanimous consent that the position paper be printed in the RECORD.

There being no objection, the position paper was ordered to be printed in the RECORD, as follows:

THE SECURITY OF THE NATION, 1976—A YEAR-END ASSESSMENT

INTRODUCTION

As a new administration assumes office and we prepare to budget our resources to meet our national needs, we must assess the status and trends of tensions in the world in which we must live if we are to make intelligent and productive decisions. It is a time for weighing carefully the changes affecting the delicate balances in our economic, political and military affairs that have occurred in the past year and to make some judgments based on these trends as to what we must plan for in the future.

Our own country and, indeed, much of the world are grappling with severe economic and human problems. Inflation, unemployment and welfare costs are constants in our own society. Elsewhere economic chaos, starvation and conflict are additional burdens. As 1977 begins, ours is a world of tension and danger just as the year past has been. There is no place to hide so the task is to face up to these difficulties and bring to bear our best thought and energies toward their solution.

In one paper, it would be impossible to examine the multitudinous problems that are our lot. Rather, we have tried in this brief discourse to highlight those activities around the globe in the past year that bear most directly on our foreign policy and our national defense posture.

EUROPE

The continent that spawned our nation 200 years ago still commands the greatest share of our political and military concern and exertion. The North Atlantic Treaty Organization is our strongest alliance and much of what we do in the way of military planning, weapons procurement and force structure is dictated by the role we play in that alliance.

Despite our attention and concern of our allies, the NATO forces are out of balance in the face of growing Warsaw Pact conventional combat power. Speaking before the 1976 Annual Meeting of the Association of the United States Army, NATO Supreme Commander, General Alexander M. Haig, Jr., described the predicament of facing the massed tanks and artillery of the Soviets and their Warsaw Pact allies with just one effective deterrent—nuclear weapons.

". . . the Alliance's conventional posture is absolutely critical to the successful deterrence of aggression in Europe—not because convention forces replace the nuclear elements of our Triad (conventional forces, tactical nuclear weapons and strategic nuclear weapons) but because they are an absolute prerequisite to their credibility," General Haig said.

While the NATO forces have stayed pretty much the same as far as conventional combat power is concerned, the Soviet conventional forces facing NATO's Central Region alone have been increased by 130,000 men over the past ten years. Over the same period the number of Soviet tanks poised against the Central Region has jumped by 40 percent while the Soviet artillery strength there has ballooned by between 50 percent and 100 percent.

General Haig fears the Soviets might take the ultimate risk of launching a massive conventional attack toward the West, knowing that the non-nuclear NATO force they face is inferior and relying on the NATO political leader's reluctance to make an immediate decision in favor of using nuclear weapons. The Soviets might reason that it would take so long to make the nuclear decision that their forces could be well into NATO territory before permission was granted to retaliate with nuclear weapons. By this time, of course, the Soviet forces would also be mingled with the population of overrun NATO territory, thus compounding the pain of a nuclear decision. It is interesting to note that the NATO Foreign Ministers, meeting in Brussels on December 10, 1976, rejected a Warsaw Pact proposal for renunciation of the first use of nuclear weapons.

	Manpower		Equipment	
	Ground	Air	Tanks	Aircraft
NATO				
United States	189	41	2,500	260
Britain	55	9	650	130
Canada	3	2	30	50
Belgium	64	20	325	140
Germany	345	117	2,400	580
Netherlands	78	21	525	160
Total	734	210	6,430	1,320
France	58	.....	325	.....
Total	792	210	6,755	1,320
WARSAW PACT				
Soviet Union	455	60	7,900	1,300
Czechoslovakia	135	45	2,900	450
East Germany	105	36	1,700	400
Poland	204	63	3,200	850
Total	899	204	15,700	3,000

As General Haig sees it, only the presence of a truly credible NATO conventional force can limit the chance of an adventurous escapade by the Kremlin.

The U.S. Army forces stationed in Europe have made great strides in converting manpower from support jobs to combat units but this action, even when combined with improvements by other NATO partners, does not approach the magnitude of Warsaw Pact growth in conventional combat power.

NATO has another painful problem—the obvious decline in the contribution of one of the Alliance's staunchest supporters, Great Britain. Every round of the inflationary spiral has brought a corresponding reduction in British combat capability. The 173,675 men and women of the British Army are spread woefully thin between units on the ground in Germany, scattered in garrisons at home and rotating in and out of the bloody tragedy in Northern Ireland. The British Army on the Rhine is chronically between 5,000 and 10,000 men short of its supposed strength of 55,000.

No one questions the fighting ability or determination of the British forces and, if statistics prove anything at all, the decline in the British contribution to NATO has been due more to economic reality than to any lack of commitment. The British spent between 4.9 and 5.7 percent of their gross national product on defense last year which compares well with the rest of the alliance (the U.S. defense share of the GNP for Fiscal Year 1977 will be 5.5 percent). The hard fact is that inflation has eaten so deeply into the British economy that even this substantial share of the GNP just doesn't buy very much in the form of troops, tanks, planes and ships.

Portugal now has its first freely elected president and seems to have recovered its political equilibrium. It has returned to a state of relative normalcy although there are occasional acts of terrorism such as the recent sabotage of the water supply for the city of Lisbon. While not yet fully back to the state prior to the unheaval of 1975, Portugal is once again in a position to make a significant contribution to NATO.

Although Spain is not a member of the Alliance, the NATO ministers have agreed to invite her membership and conditions favorable to acceptance seem to be improving. The recent election of Spain's first freely-selected parliament since Franco's ascent to power helps clear the way for NATO membership and participation in the European union. The terrorist activity that marked the period just prior to the death of long-time dictator Francisco Franco has dropped off, apparently due in large part to the conciliatory approach being taken by King Juan Carlos. There are still sporadic outbursts of terrorist activity, however, mostly conducted by members of the Basque Separatist movement.

The continued growth of communist political influence in Italy and France could pose a serious problem for NATO, not because the national communist parties are aligning themselves with the Soviet Union, but because it may grow increasingly difficult to sell support of NATO as a defense against a broad communist threat. Quite to the contrary, the national communist parties in those two countries are drawing further away from monolithic Marxist dogma and are attempting to extend their power within their own countries rather than participate in International Communism with the Moscow traditionalists. In its 1976 congress the French Communist Party openly proclaimed its independence from Moscow and struck the Marxist phrase "dictatorship of the proletariat" from its creed.

Despite its seeming independence from Moscow, the French Communist Party still impedes any progress toward reestablishing French participation in NATO. No matter how President Giscard D'Estaing may be inclined personally, he must consider the political realities at home before attempting to undo the damage inflicted on the Alliance by the late Charles de Gaulle. It would be premature to expect any major increase in French participation in the Alliance.

The situation is complicated even further by the emergence of former Premier Jacques Chirac as leader of the Gaullist Party. Chirac has effectively criticized D'Estaing for his patient wooing of both the middle-of-the-road Frenchmen and the Communists in hope of attaining a firm coalition. In speeches to admiring throngs of conservatives, Chirac recalls the past glories of France and appeals for a reestablishment of the "old values." One of the "old values" Chirac espouses is de Gaulle's dislike for NATO.

The Italian Communist Party emerged from this year's election as the second largest vote-getter, just a few percentage points behind the Christian Democrats who have been ruling the country for years. The lack of a clear-cut majority by any party forced

new Premier Giulio Andreotti to take four communists into his cabinet. This prospect drew dire warnings from U.S. Secretary of State Henry Kissinger that NATO could not survive with a communist-influenced member. Other high-ranking NATO officials voiced concern that NATO Southern Command headquarters might have to be moved away from Naples and questioned the continued reliability of Italian participants in the NATO Planning Group. There has been no discerned improvement in Italy's ability to carry out its existing treaty obligations. The Italian Army remains an inadequately equipped and trained force with low morale.

In the six months since the election and the formation of Andreotti's minority cabinet, there has been little or no indication of problems generated by the presence of the Communist members. The Communist party itself has continued to emphasize its assumed role as defender of the Italian middle class rather than making any purely Marxist noises.

The precarious nature of Italy's economy has had more effect on its contribution to NATO than its political shift. With inflation running well over 30 percent, Italian defense funds are shrinking and there have been heavy cutbacks in readiness training for the armed forces, particularly for the Italian Air Force.

While the centuries-old quarrel between Greece and Turkey over the island of Cyprus is still a lively issue, there has been no open combat for well over a year and there are signs that the relationship between those countries and the United States is slowly moving back to normalcy. Greek Prime Minister Constantine Karamanlis, while running the country with a very strong hand, is attempting to overcome the anti-American sentiments generated by the United States' role in the early stages of the Cyprus crises. For the moment, however, Greece continues to be a nonparticipant in NATO military activities.

In Turkey the prospect of a new military assistance agreement with the United States seems to have taken the chill off the relationship between the two countries. Turkish military officers are reported to be accepting social invitations from American friends—something they would not do if they expected high level criticism of that open friendship. Assuming the 95th Congress approves the new Defense Cooperation Agreement (it would provide over $1 billion in military aid over the next four years), the remaining restrictions on U.S. military activity in Turkey are expected to be wiped out.

There has been no change in the Eastern European/Communist Bloc accommodation. Bulgaria remains the most ardently committed member of the Warsaw Pact with Romania and Hungary continuing to show signs of movement toward more open relationships—particularly in trade—with the West. The Soviet Union has been unable to reconcile most Eastern European people to its hegemony. Although there are occasional reports of political unrest in Czechoslovakia and Poland, no experienced observer of the Eastern European scene expects any overt outbreak as long as large numbers of Soviet troops are close by. The Soviet Union remains a totalitarian, heavily armed state determined to continue to dominate Eastern Europe and to extend its influence into the world.

Yugoslavia's President Tito has aged another year and survived renewed efforts by the Soviet Union to woo him into closer ties. At age 84, Tito is not well and his failing health could precipitate the long-expected Soviet efforts to draw Yugoslavia into its influence sphere, by force if necessary.

The political crisis predicted to accompany Tito's eventual departure became an issue in the U.S. presidential election with both major candidates toe-dancing around the question of possible U.S. involvement. There exists no U.S. commitment—and President-elect Carter has made none—to any course of action that would bring the United States to the defense of Yugoslavia if the Soviets marched on a Tito-less Yugoslavia.

Age and ill-health could also bring a shift in the leadership of the Soviet Union if Leonid Brezhnev cannot continue to serve. But although the Western World viewed the departure of Joseph Stalin and Nikita Khrushchev with concern that their successors would take a more militant stand in promoting the goals of international Communism, there is little apprehension about the departure of Brezhnev. In 1977 Russia will need the continued importation of American technology and commodities too much to risk an open political confrontation—particularly with their concerns about the intentions of Red China.

Perhaps the advent of a new U.S. administration will serve to get the SALT II negotiations moving again but, at the close of 1976, there has been little progress toward reaching a new level of arms limitation. Mr. Carter has selected national security and foreign policy advisors known to favor greater arms limitation efforts.

Negotiations to achieve a Mutual Balance of Forces Reduction continued in Vienna for a third year with both NATO and the Warsaw Pact sparring over the true levels of force strength in the area. In June the Warsaw Pact representatives for the first time presented their version of official ground force strength in Poland, Czechoslovakia and East Germany but the NATO delegation still considers them about 100,000 too low. Technically, a NATO offer of December 1975 is still before the negotiators. It would involve withdrawal of 1,000 NATO nuclear weapons, 54 nuclear-capable F-4 aircraft and 36 Pershing missile systems in exchange for establishing a mutual 700,000 man ground force structure on both sides. The proposal would also require the withdrawal to Russia of an entire Soviet tank army (with its 1,500 tanks) in exchange for withdrawal of 29,000 U.S. Army personnel.

While the proposal trades away some of NATO's main strength in nuclear weapons, it also cuts into the Warsaw Pact edge in armored strength. No matter what proposal is set forth, however, no withdrawal of U.S. weapons or forces is directly comparable to a move of Soviet forces back inside their home borders. The distance from the Russian frontier to the West German border is still just 650 kilometers while any U.S. reinforcements would be 6,000 kilometers away. The Soviet forces can be reintroduced into the NATO area anytime by land routes while U.S. units face an ocean crossing.

The negotiations have entered their fourth year with most of the basic disagreements still intact.

With Senator Mansfield's departure from the U.S. Senate there is no present rallying point for the greatly diminished group that favored further reductions in our NATO forces. Senator Sam Nunn of Georgia has become the Senate's NATO expert and his views on this subject are given careful consideration. His present most serious concern relates to the rapid growth in the conventional capabilities of the Warsaw Pact forces. He believes that the unbalance that this has created has given the Soviet non-nuclear forces deployed opposite West Germany an ability to initiate a potentially devastating invasion of Europe with as little as a few days warning. He is concerned that this may have degraded the reliability of NATO's current strategy of flexible response in the use of conventional non-nuclear, tactical nuclear and strategic nuclear forces. Consequently, Senator Nunn and his adherents will espouse efforts to undertake a fundamental enhancement of NATO's conventional capabilities.

On balance, the situation in Europe improved somewhat. To be sure, as Senator Nunn has pointed out, the Soviet conventional forces in Europe have improved dramatically and we are close to having a very delicate balance upset—with a grave potential for Soviet misjudgment. Nevertheless, we can be heartened by the improved political stability on the Iberian peninsula. Similarly, real progress is being made in the repairs of the unfortunate disarray with our allies on the southern flank of NATO. Europe and NATO will continue to require our energetic, patient and unremitting support. Disengagement is impossible.

THE SOVIET UNION

There is a growing, if sometimes reluctant, acknowledgment that the Soviet Union has surpassed the United States in almost every form of military capability. The Soviet Navy has grown from a coastal defense force to a multi-ocean fleet capable of disrupting the sea routes that would be needed so badly during a major war. Soviet missile forces have increased the megatonnage they can throw at any target and have improved their accuracy in targeting U.S. missile silos. The Red Army has had a significant advantage in conventional warfare capabilities for many years and that capability is now backed up by a rapidly growing logistic support system which can sustain those forces for an extended period.

We also reluctantly accept the fact that Soviet strategic forces are backed up by a civil defense program that would apparently permit that nation to recover from a nuclear exchange far more rapidly than the United States could. By limiting the damage that would be inflicted by a retaliatory strike the Soviets could realistically consider a first or preemptive strike.

Perhaps the most alarming aspect of Soviet military superiority is its ability to reproduce itself. While U.S. manufacturers shy away from military contracts in favor of more lucrative production of civilian goods, the Soviet military production base rolls along producing thousands of tanks while U.S. plants are producing hundreds. While the U.S. Navy desperately seeks shipyards to build the vessels it needs, the civilian owners of the yards go to court to clarify contract terms and profit margins. The whole process has a cumulative effect. While our forces are able to improve themselves a little at a time, Soviet defense production has achieved momentum that keeps increasing the gap.

Russia turns to the West when it needs to solve its problems. When grain production falls short it buys wheat and corn in the United States. When Soviet manufacturing plants bog down they import technicians and technology to bring their production lines into the mid-20th century. This continued exportation of advanced technology to our most likely adversary is the source of growing debate.

Of course Russia has other problems. Its blandishments to the Third World are rejected at least as often as they are accepted. The Soviet hierarchy apears to be involved in a debate over who should make defense policy. The military is pressing for a larger role but the civilian leaders have responded by appointing some of their own into controlling military positions. For the first time in many years a civilian has just been appointed Minister of Defense and Chairman Brezhev has just been promoted to Marshal of the Army, the highest military rank.

We can take little comfort in these problems though, there is not the slightest hint of a shift away from the long-range goals of Marixst Socialism. If we give them the chance they will bury us.

Even a casual look at the Soviet armed forces is enough to convince an intelligent observer that their intentions and their growing capabilities go far beyond that need-

ed for just the defense of their present boundaries. The only explanation for building a multi-ocean navy, for building overwhelming conventional ground power and for improving their first-strike nuclear capability is their intent to use that combined power to further their political goals.

	U.S.S.R.	United States
Military manpower	4,800,000	2,100,000
Tanks	42,000	10,000
Major combat ships	226	182
Strategic missiles	2,378	1,710
Strategic aircraft	135	463
Tactical aircraft	6,100	8,500
Missile-launching submarines	73	41
Attack submarines	253	73
Aircraft carriers	1	13

THE MIDDLE EAST

The greatest risk of war continues to lie in the Middle East. The most urgent task facing the United States is to help the Arab states and Israel negotiate a settlement. Major combat in that area during the past year was limited to the bloody civil war in Lebanon although there were a series of border incidents and accompanying sabre rattling by many of the parties involved. The United States was, and still is, faced with the task of trying to maintain good relations with the Arab nations while at the same time helping Israel preserve a local balance of military power. We also must maintain sufficient military presence in the area to deter Soviet military involvement.

The whole Mid-east situation is a crazy quilt of ill-concealed animosities with a few fragments of open conflict. Egypt and Libya are at each other's throats. Several Arab states despise King Hussein of Jordan because of his Western orientation. Iraq is ready to pounce on Syria if its Lebanese adventure weakens it too much and there are intense insurgencies underway throughout the Arab world. But there is one common thread through the whole quilt—to the Arabs, Israel is the enemy.

The bloodshed in Lebanon has been stopped, at least for the moment, primarily by Syrian intervention. At the same time, the vacuum created by the Lebanese civil war provided the Palestine Liberation Front with an opportunity to wield more influence in the ultimate settlement of the conflict. PLO forces in the Beirut area have refused to vacate critical terrain they hold, claiming withdrawal would threaten the security of Palestinian refugee camps nearby.

The Western World was surprised by the unexpected resignation of Prime Minister Yitzhak Rabin on December 20, 1976. Rabin had just won a very narrow victory on a "no confidence" vote precipitated by ultra-orthodox members of his coalition government. They had been angered when a ceremony to welcome the arrival of the first F–15 fighter aircraft from the United States had run over into the Sabbath. The Prime Minister expelled the three National Religious Party members of his cabinet for failing to support him.

Rabin's bold action does two things: It moves up the next parliamentary election from November 1977 to May of this year, giving his opponents, including those in his own Labor Party, less time to develop opposition. The Israeli Constitution also gives Rabin broad authority to operate a caretaker government with little supervision from parliament. Under these conditions Rabin could very well agree to reopen Arab-Israeli talks in Geneva.

A caretaker Israeli government was responsible for negotiating the 1973/74 separation of forces agreements with both Egypt and Syria so there is precedent for what Rabin might try to do. In 1973/74, however, that government had a strong majority in parliament—an advantage Rabin does not enjoy.

In an interview with a Western newsman just before the end of the year, President Anwar Sadat of Egypt took a new approach to long-term peace in the area. While still adhering to the Arab position that a settlement must include the establishment of a Palestinian state, Sadat proposed that the new entity be linked with Jordan rather than with one of the more volatile Arab states. This suggestion coincides with Israel's position on the matter but in exchange for this apparent concession Sadat proposed that the execution of a new agreement be accompanied by a swift and complete Israeli withdrawal from the Arab territory they now occupy. Israel has been holding out for a phased withdrawal over an extended period of time. As yet there has been no opportunity for reaction by the other Arab countries or by Israel, and a new Geneva peace conference will have to be convened before the acceptability of the proposal is fully assessed.

Some Mid-east observers have speculated that the Arabs might choose this time of political strife in Israel for a new military adventure but so far there have been no signs pointing in that direction. The Arab countries have individual and collective problems of their own, as reflected in the inability of the OPEC nations to agree on raises in the price of oil.

In spite of renewed efforts for political unification of Egypt and Syria, there is little unity among the Arabs. The collective strength that was briefly represented by the United Arab Republic almost 20 years ago has long since been fractured by Egypt's movement toward the outside world and by the host of special interests that stand between individual Arab nations. While there is always the strong possibility of conflict between Israel and single Arab countries, the current atmosphere does not seem likely to produce an active Arab alliance.

The Middle East is still sprinkled with paradoxes. At a time when fierce nationalism seems pervasive, the tiny oil-producing nation of Oman is still defended by an army commanded by a British Major General and officered by 350 British and Commonwealth citizens. With the help of a highly-mobile strike force (including U.S.-made helicopter gunships) from Iran, the Omanis have just brought a communist-fomented insurgency under control. The Iranian force was sent there to assure that the Straits of Hormuz which control access to the Persian Gulf and the Iranian oil fields remained in friendly hands.

In a strange sidelight to the defeat of the Omani insurgents, Iran broke diplomatic relations with Cuba, charging that technicians from the distant Caribbean island had been instructing the rebels in the use of Soviet weapons. The break with Cuba was interpreted as an indirect slap at Russia.

Iran can well afford a little assistance to its Persian Gulf neighbors. With massive expenditures for military hardware and training, the forces of Shah Reza Pahlavi are the most potent in the area and are well designed to keep the oil shipping routes open. A very real possibility exists that the Shah may even push his military capabilities to the nuclear level. With India already well along in nuclear development, there would then be a doubled potential for the injection of a nuclear threat into future Mideast crises.

An interesting trend toward improved relations between Egypt and Libya was shattered early in the year by the seemingly irrational decision of Libyan strongman Colonel Muammar Quaddafi to send armed squads of kidnapers into Egypt to bring back two Libyan politicians who had been granted asylum there. Twenty-seven members of the Libyan force were captured. Quaddafi responded by deporting 3,000 Egyptians after confiscating their property. Events in the intervening months have done little to ease the tension between the two countries.

After years of accepting Soviet military and economic assistance, Egypt's President Sadat finally found the accompanying demands for unswerving adherence to the Soviet line unbearable and turned to the United States for help with fewer strings attached. Although the first year's military aid request was a modest one—six C–130 transport aircraft—the new relationship could result in a long-run shift for the better in U.S. Mid-east influence.

But this new relationship opens the door for some further uncertainties:

First of all, it may shake Egypt's traditional role as the focal point of the Arab world because it aligns Egypt indirectly with Israel through common ties to the United States.

Second, although these common ties will tend to keep the pressure off the Egyptian/Israeli border, any U.S. military assistance to Egypt may be viewed by Israel as a diversion of U.S. support for defense against other potential Arab enemies.

Finally, the new relationship will accentuate the need for careful diplomacy on the part of the U.S. in order to maintain this more complicated balance.

The new U.S. administration will inherit a Mid-eastern situation that shows some signs of movement in a mutually satisfactory direction. It will require unremitting effort and the tenderest of touches on the diplomatic steering wheel to maintain that direction.

AFRICA

As the United States turns more and more toward overseas sources for the raw materials needed to keep our industries fed and our people employed, the African continent grows increasingly crucial to our economic scheme. Unfortunately, the vast potential of the continent is diminished by an array of human and poltical problems that will be a long time in solution.

Over the years, since World War II, many new nations have been created from the former colonies and many of those new nations have been split into tribal-oriented fragments. In some instances colonial rule has been replaced by orderly native government but the general rule has been for the former colonial subjects to express their new freedom of choice by supporting demagogues who made large promises but delivered economic chaos and starvation.

The past year has seen little movement toward eliminating the frustrations of Africa. Starvation still dominates the arid countries of the Northwest coast. Insurgencies are active in every quadrant. South Africa remains totally intransigent in clinging to the racial policy of apartheid and the people of Rhodesia are making little progress beyond the point of agreeing in principle to transfer rule to the black majority.

At this juncture it is difficult to guess how long the South African government of Prime Minister John Vorster can ignore the growing swell of discontent in the country. Although there have been many riots and demonstrations against apartheid policies in past years, fatalities have been less than could have been expected. A new round of riots this year were far more violent. There were deaths among the rioters and in the ranks of the police and, for the first time, the black demonstrators were joined by young whites.

While the Rhodesian negotiations stall and sputter, the nation is on the brink of open racial warfare. Insurgents are attempting to lure away the blacks who comprise the bulk of the Rhodesian army and police force and, at the same time, white mercenaries are quietly being assimilated into the government forces. Insurgent raids have begun a pattern of kidnappings that whisk whole

black families away from white-owned farms and into insurgent strongholds along the Mozambique and Zambian borders. The casualties on both sides reached into the hundreds last year.

The United States has acknowledged that pro-Western forces it supported in Angola have been defeated and that the communist faction has consolidated control over the country. But although the Cuban troops who helped achieve the apparent communist victory remain in Angola, there is still an active insurgency there. In fact, the supposed remnants of one of the pro-Western groups range freely through much of the countryside and the newly established communist government has been unable to extend its control beyond the larger towns.

The new military government in Ethiopia has been unable to cope with Eritrean guerrillas. At the same time, though, it has indicated that it is ready to go to war with Somalia for control of the last French colony in Africa, the Territory of the Afirs and Issas (also known as Djibouti). The colony will soon be given its independence by the French and it is expected that a pro-Somalia regime will take control.

There are some success stories in Africa too. The pro-Western government in Kenya remains in firm control, even surviving strong criticism from the Organization of African States for assisting Israeli forces in their dramatic rescue of hostages held by Palestinian revolutionaries at Entebbe, Uganda.

The Sudan has cast off its association with the Soviets and turned to the United States and several Arab countries for aid. This nation reflects all the extremes of Africa, from desert to fertile farmland and has, it is hoped, vast, untapped pools of oil. The Sudan may eventually become a model for other African nations to view as the product of alignment with the United States.

Spanish efforts to bow out of Africa gracefully were complicated by the refusal of Morocco and Mauritania to accede to the United Nation's decision to allow the people of the Spanish Sahara to choose their own future. A fourth party, Algeria, has taken the side of the Saharan independence movement and threatened to go to war rather than let Morocco and Mauritania split up the former Spanish colony. Arguments over the future of the phosphate-rich wasteland continued intermittently all year.

At the year's end, reports from Moscow indicated that Soviet President Nikolai Podgorny plans to visit Zambia, Tanzania and Mozambique sometime in March 1977. The Soviets consider these countries "front line" states in black Africa's struggle to end white minority rule in Rhodesia. All three are active in funneling supplies and giving sanctuary to Rhodesian nationalist guerrillas.

Podgorny's trip is viewed by some as a Soviet attempt to counter the activity of U.S. Secretary of State Henry Kissinger. The Soviets are believed to fear that a successful conclusion of the Rhodesian negotiations, conducted by Great Britain with the advice and support of the United States, would diminish Russian influence in the area.

The new administration in the United States will be forced to keep the pressure on the Rhodesian negotiations and to wield its influence on other African nations to maintain stability while the negotiations continue. But basically our policy in this whole area needs to be one of great restraint.

NORTH ASIA

After years of premature reports of his death—one even debunked by a picture of him swimming in the Yangtze River—the spiritual father of the Chinese Revolution, Mao Tse-tung is, in fact, dead. His place has been taken by a conservative, Hua Kuo-feng, who has managed to suppress a radical movement led by Mao's widow, Chiang Ching.

Western observers had feared that a successful takeover by the radicals might have drawn China closer to Moscow, with the effect of easing border tensions that have kept large military forces committed to border security and unavailable for adventures elsewhere.

Chiang Ching and her "gang of four" radicals have been locked up since shortly after Mao's death but they were blamed, nevertheless, for whipping up riots, bank robberies and raids on arsenals in the industrial city of Paoting, about 110 miles south of Peking. In a speech late in December, Chairman Hua called attention to the unrest in Paoting and said that a major civil war would have broken out if he had not arrested the radical leaders. It has been rare for the Peking government to use the Army to maintain control over the populace but Hua sent it into Paoting and has since used it to take over some of the key railroads when the civilian management appeared to be losing control.

In what may have been a deliberate signal to the rest of the world during the Mao/Hua transition, China detonated a large nuclear device in the atmosphere. The West watched apprehensively as fallout-laden clouds drifted across the United States and out over the Atlantic. The blast not only reminded everyone of China's nuclear capability, but also declared Chinese independence from the atmospheric test ban agreed to by the United States and the Soviet Union.

Japan, too, has made an orderly transition to a new government following revelations that high officials of the previous government had accepted bribes from a U.S. aircraft manufacturer. Despite its own troubles with inflation and an ever-increasing dependency on imported energy sources, Japan remains the key industrial link between the westernworld and the Asian continent.

Japan's role in its own defense becomes an issue whenever a discussion develops about the U.S. presence in Korea. Previous U.S. administrations have recognized the commitment to add to Japan's security by maintaining strong ground forces in Korea. As late as the recent U.S. presidential campaign the Ford administration held that no U.S. troop withdrawal from Korea should be carried out without prior consultation with Japan and, apparently, giving that nation the opportunity to increase its self-defense forces to fill the void. President-elect Carter apparently favors withdrawal of U.S. ground forces but has not specified how he would go about it.

The tension that lies just below the surface on the Korean peninsula erupted this year in the senseless murder of two U.S. Army officers sent to supervise the removal of a tree in the demilitarized zone near Panmunjom. A massive show of force by U.S. air and naval units brought a weak apology from the North Koreans, whose troops bludgeoned and hacked the two officers to death. The incident should have served notice that a seemingly trivial irritation can trigger a violent reaction by a North Korean military government that has always been known for truculence rather than tolerance.

The best available estimates show the South Korean ground forces numerically stronger than those of North Korea but the Northerners have more modern weapons and equipment and there is a major disparity in air forces in favor of the North. At the present time, this airpower gap is at least partially filled by the presence of three U.S. Air Force fighter-bomber squadrons and none of the active plans for a U.S. troop withdrawal envisages a change in that deployment.

U.S. attitudes toward the defense of the Republic of Korea have been muddied by revelations that the Koreans have aggressively sought favors from members of Congress through bribes disguised as "campaign contributions" and by a wide variety of personal favors. A threatened full-scale investigation into those activities will not help dissuade those who favor a troop withdrawal.

The fact remains, however, that the best way to deter war in Korea will continue to be to help maintain a situation in which neither government sees any chance of quick victory. Whatever actions we take, we must take them only after full consultation with Japan. For the defense of Japan continues to represent a U.S. commitment that we could not disown and remains one of the greatest successes of American Foreign Policy.

	North Korea	South Korea
Army:		
Strength	430,000	520,000
Infantry divisions	22	18
Tank divisions	2	.....
Armored brigades	6	2
Infantry brigades	3	2
Airborne brigades	.....	5
Air Defense brigades	3	2
Separate tank battalions	(1)	7
Separate artillery battalions	(1)	30
Navy:		
Submarines	8	.....
Destroyers/escorts	.....	16
Coastal escorts	21	14
Patrol boats (over 100 tons)	40	.....
Patrol boats (under 100 tons)	20	44
Torpedo boats	150	.....
Air Force:		
Combat aircraft	600	204
Light bomber squadrons	2	.....
Fighter/bomber squadrons	13	10
Fighter/Interceptors squadrons	10	.....
Helicopters	40	13
Transports	100	44
Marines:		
Strength	.....	20,000
Divisions	.....	1

1 Unknown.

SOUTH ASIA

Nineteen hundred and seventy-six was a year of peace and relative plenty in South Asia. India reestablished diplomatic relations with its opponents in two major wars when it exchanged ambassadors with Pakistan and the People's Republic of China. Indian agriculture claimed bumper crops for the first time in several years, easing the constant specter of starvation but, at the same time, Prime Minister Indira Gandhi's government became even more repressive. In June the International League for the Rights of Man petitioned the United Nations to investigate new allegations of brutality against political prisoners, denial of free speech and refusal of the right of assembly. According to the League there were between 30,000 and 75,000 politically-motivated arrests in Indian during 1975.

In agreeing to resume normal diplomatic relations, India and Pakistan did not resolve their long-standing dispute over the control of Kashmir but the fact that the two nations are now talking to each other could avert a fourth war since the partition of British India in 1947. The Pakistani government has taken on a new aura of stability under the restrained leadership of Prime Minister Bhutto and seems content to live in the expanding shadow of its larger neighbor.

The impoverished offspring of the last India/Pakistan war, Bangladesh, is now seeking arms from the United States but has apparently received little encouragement. The general feeling is that the new nation's human problems are so overwhelming that it would be a liability to a potential aggressor. At the moment the only aggression against Bangladesh is in the form of harassment of border posts by Bengali rebels, apparently with the aid of Indian border patrols.

During a visit to Moscow in June, Prime Minister Gandhi was given treatment usually reserved for the heads of far more important states—a personal welcome by Brezhnev followed by three days of meetings with the Soviet leader and quarters in the most luxurious Kremlin apartment. However, despite the fact the Soviets like to claim her

as the leading pro-Soviet spokesperson in the Third World, she refused to endorse the Asian collective security pact being promoted by Brezhnev.

The growing rivalry between Iran and India in the Persian Gulf multiplies the opportunities for introducing military confrontation in that area.

SOUTHEAST ASIA

The area that drew the United States into the most frustrating and divisive foreign war in its history is still bubbling with potential pools of political quicksand.

The new communist government in Laos has apparently lost control of most of the countryside as still-vigorous remnants of the old, anti-communist military units return to action. Excessive repression by the communist government of Cambodia has also stirred up trouble and the strong possibility of a reactionary insurgency.

A new military regime in Thailand seems to be making good headway toward gaining acceptance by the bulk of the people but there are occasional reports of a new pro-communist guerrilla movement headed by Thai college students and supported from Vietnam. There are now just 260 U.S. service personnel in Thailand, compared to a high 48,000 during the peak of U.S. Southeast Asia activity.

Although dire predictions of a "bloodbath" in Vietnam as the Communist regime sought out former supporters of the Saigon government and the U.S. have not been fully realized, there have been many reports of brutality, denial of civil liberties and mass political arrests and imprisonment. The reports have been strong enough to cause at least 90 of the former leaders of the U.S. anti-war movement to petition the Vietnamese for relaxation of their repression. Some of the signers of the petition are folk singer Joan Baez, radical poet Allen Ginsberg and Representative Edward Koch (D-NY).

The Republic of the Philippines is beset by a Moslem religious insurgency as well as by the perpetual communist-inspired undercurrent. President Marcos will unquestionably insist on a substantial arms aid package from the United States in exchange for continued use of the Subic Bay Naval Base and Clark Air Force Base. Marcos will probably also insist on a greater degree of control over the lives of the U.S. service personnel stationed there. The U.S. Congress is already unhappy about Marcos' attitude. Late last year they began making noises about moving more U.S. military and naval activity into the U.S. territory of Guam and out of the Philippines.

Shifting U.S. activities to Guam would be better than not having any Western Pacific bases at all but that island is just far enough away from the potential danger centers to slow reaction time considerably. The Navy has already told Congress it would prefer to stay at Subic Bay.

WESTERN HEMISPHERE

As the United States has been forced to turn beyond its borders to maintain the flow of fuel and raw materials that sustain it, our relations with the neighbors in our own hemisphere have grown more crucial and our sense of interdependency has been heightened. Unfortunately, there are a few strains in those relationships.

Canada has reflected a growing nationalism by resisting U.S. industrial efforts to transport oil and gas from Alaska's Northern Slope across Canada and into the lower 48 states. Canada's own internal problems have in turn been accentuated by the election of a "pro separatist" government in the French-speaking province of Quebec. No matter how Prime Minister Pierre Trudeau may be inclined toward the United States personally, his public attitudes must reflect the Canadian fixation on independence.

A new government in Mexico finds itself hard against problems of burgeoning population and accompanying unemployment. Mexicans are finding it more difficult to accept continuing U.S. refusal to permit large numbers of Mexican citizens to migrate northward in search of work. This refusal may explain Mexican delay in putting into action an agreement to exchange U.S. citizens being held in Mexican jails for their Mexican counterparts held in the U.S.

Through most of the year the U.S. teetered on the edge of better relations with Cuba but now it seems nothing short of a Cuban pledge to stop exporting troops and advisors in the hemisphere and elsewhere could move the situation to a solution.

Negotiations on the future of the Panama Canal made little progress during the year. Both parties seemed to be waiting for the outcome of the U.S. presidential election. Panamanian President Torrijos is having serious internal political problems and has even been accused of stirring up riots to divert public attention. In at least one instance U.S. military personnel were jailed by Panamanian police and accused of having instigated an anti-Torrijos riot. They were later released when it became obvious that the charges were trumped-up.

During the U.S. election campaign, President-elect Carter frequently said he was against, ". . . ever relinquishing full control of the Panama Canal." At this time it is difficult to judge whether his attitude will be reflected in a new hard line when formal negotiations resume or if, with the mantle of responsibility settled over his shoulders, he will attempt to find some common ground on which to satisfy Panamanian aspirations.

For the United States the greatest impact of the Panama situation will be on our relations with other Western hemisphere neighbors. Latin American sympathy seems to be entirely on the Panamanian side. There is little doubt that the U.S. would face the combined wrath of much of Latin America if the negotiations fail to produce what they view as an equitable solution.

Public opinion on both sides of the issue seems to reflect more emotion than reason. The Panamanians usually choose to forget that without the United States they would still be part of Colombia and that without the Canal and the U.S. presence in the Canal Zone their economy would still be at a rudimentary stage. The U.S. public pays little attention to the fact that the canal is no longer the military or commercial necessity it was before World War II, nor is the basis of our canal treaty much understood.

There is abundant middle ground on which to reach an intelligent and unemotional settlement of this issue. Public acceptance of the ultimate settlement will depend largely on the way the two governments explain it to their people. It is most important that we move off dead center in these negotiations. The prospects of terrorist activity or guerrilla warfare in Panama are real indeed. U.S. military activity in that area might prove our manhood but would project a poor image of our maturity.

CONCLUSION

This is a look at the real world in which we must pursue our external national goals. To function effectively, our society requires a favorable balance of power in the world. We need unimpeded access to foreign markets, to include friendly and expanding trade relations with the Third World. We must look to our future needs in energy and minerals and, of course, we are obligated to continue the fulfillment of our commitments to our allies. Unless we are willing to honor those commitments, we could not project the total military strength, without allied help, required to make the accomplishment of these vital external goals possible.

Perhaps one of the most encouraging signs of the year past is the growing maturity of our people in their perception of the real world and what it takes to survive and progress in it. They understand, perhaps ahead of some lawmakers, the essential importance of the maintenance of a U.S. defense posture adequate to support these goals. Recently published polls and studies have indicated not only a public awareness of these requirements, but their willingness to support them. We must insure that this awareness is sustained.

Despite serious and unwarranted increases in Soviet military strength, 1976 turned out to be a less troublesome 12 months than could have been anticipated a year ago. No American serviceman was engaged in combat even for a day. American credibility throughout much of the world had recovered from the low point of our pull-out from Vietnam. The maintenance of a steady posture in our foreign relations backed by a believable military establishment helped create a climate of lower tensions. Perhaps even more than at time of armed conflict, our firm adherence to our stated foreign policy goals and the indefatigable efforts of our Secretary of State and others to assist in conciliation provided an important counterweight to the host of confrontations which surfaced during the year. That is a worthy role for a great power and one which reflects credit on our nation.

To be sure, the world in 1977 has great potential for trouble. Nevertheless, we should face the coming year with confidence. To warrant that feeling of confidence, we must maintain our credible deterrent military strength offsetting the Soviet buildups. If we do, we should be able to progress toward an external national goal in the climate of relative peace. Certainly peoples around the world are praying that we will make the effort.

THE CRISIS IN THE COST OF HOME HEATING OIL

Mr. RIBICOFF. Mr. President, throughout most of the current heating season homeowners in much of New England have been forced to endure steadily rising costs for home heating oil. While there has obviously been a greater demand for this oil because of the severe winter, the proportional rise in the cost of the oil is totally out of line. I have been advised that home heating oil bills are up 35 percent in New England even though consumption has increased only 25 percent.

The residents of New England do mind being overcharged. At the present time some homeowners in Connecticut are paying 52.9 cents per gallon for home heating oil. In my view this price is exhorbitant and the increase in the cost of middle distillates in our region is entirely out of proportion to the rise in demand.

For the past several weeks my colleagues from New England and I have been working with the Federal Energy Administration in an attempt to have that agency take some affirmative steps to control this seemingly endless price rise. Some of us have suggested that the trigger mechanism established when middle distillates were exempted from FEA pricing and allocation controls last summer be implemented. We have also questioned the effectiveness of the FEA monitoring system set up at that time to review price increases.

In a partial response to the deep concerns which Senators from New England have shared with former FEA Administrator Frank Zarb and Administrator-designate John F. O'Leary, that agency held hearings in Boston last Friday. The intent of the hearings was to give the FEA information on the availability and prices of home heating oil in New England States. The energy agency hopes to learn precisely what is occurring in the market in more detail than its monitoring system provides. It will use the findings of these hearings as the basis for deciding what FEA action is necessary to guarantee that New England consumers are paying no more than what is appropriate for their heating oil.

I commend the FEA for conducting this session. I urge that it give the testimony and statements presented at the hearings full and careful attention and that it take prompt and effective action to return home heating oil prices in New England to a more proper level.

Mr. President, I ask unanimous consent to have printed in the RECORD the statement I submitted to the FEA in connection with its hearings on Friday.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ABE RIBICOFF ON CONNECTICUT HOME HEATING OIL PRICES

The seemingly endless rise in the price of home heating oil in Connecticut and elsewhere in New England has reached very serious proportions. Clearly, the severe winter which much of the Nation is experiencing has led to this situation. This year's demand for home heating oil has far surpassed that of last year. In my view, however, the increase in the price of middle distillates is wholly out of proportion to the rise in demand. I am informed, for example, that while there has been a 25 percent increase in consumption in New England, bills are up 35 percent.

When middle distillates were exempted from the Federal Energy Administration's pricing and allocation controls last July, the FEA established a monitoring system to examine, on a continuing basis, heating oil prices at national and regional levels. At the same time the FEA administrator, Frank Zarb, made a commitment to the Congress and to the people of our region that unreasonable price increases for middle distillates would not be permitted. A trigger mechanism was established to protect consumers. The FEA's commitment was particularly important to the homeowners of my state as some 70 percent of Connecticut residents heat their homes with number two oil.

Up to this point the 1976–77 winter in Connecticut is 28 percent colder than during the comparable period last season. However, the prices of home heating oil have escalated far beyond this level. Daily I receive letters from constituents throughout the state advising me that they are paying 46.9 cents per gallon, 47.9 cents, 48.9 cents. I have even heard that one homeowner was recently charged 52.9 cents per gallon!

I have advised the FEA of this extraordinary rise in prices and have suggested that the agency consider implementing the trigger. The FEA continually responds that, based on its monitoring activities, the price hikes are within acceptable limits. It contends that prices have not risen as much as they could have under controls. It seems to me that either the FEA's monitoring program is not as effective as it should be or the trigger mechanism fails to fully and properly respond to the actual market conditions. How can the Acting FEA Administrator support the claim—made to me in a January 19 letter—that "we do not at this time anticipate prices to exceed the trigger price." If the prices that Connecticut homeowners are paying have not yet exceeded the trigger price—at the level of 47.9 and 48.9 cents per gallon—then I seriously question the utility of the FEA's review procedures and the criterion on which the trigger is based.

In view of present conditions I believe that the trigger mechanism warrants prompt and thorough investigation. The price of home heating oil in my state and in other New England states has soared far beyond what was anticipated. These price increases have helped to exacerbate the economic dislocations already experienced in New England and are a considerable financial burden on consumers in Connecticut. In some instances people are being forced to choose between food and heat. Families living on fixed incomes and receiving public assistance are simply unable to stretch their meager budgets to cover the additional fuel costs. This situation is clearly unacceptable and must be carefully examined with a view toward providing some relief to those forced to pay ever-increasing prices. They must not bear the burden of higher costs to heat their homes and apartments. Some type of lid must be placed on the price of middle distillates. Jawboning will simply not work. A more effective means to control price hikes must be implemented. This is an issue which demands immediate and positive action by the FEA to remedy this situation.

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, I wish to report that, according to current U.S. Census Bureau approximations, the total population of the United States as of February 1, 1977, is 216,578,409. In spite of widely publicized reductions in our fertility levels, this represents an increase of 1,475,570 since February 1 of last year. It also represents an increase of 124,964 since January 1, 1977, that is, in just the last month.

Over the year, therefore, we have added enough additional people to fill the combined cities of Washington, D.C., and San Antonio, Tex. And in just 1 short month, our population has grown enough to more than fill the city of Garden Grove, Calif.

ENVIRONMENTAL CANCER

Mr. DOMENICI. Mr. President, I would like at this time to have printed in the RECORD Mr. Russell Train's editorial on environmental cancers found in the February 4 edition of Science magazine. Mr. Train's remarks are a timely reminder that the battle for environmental quality is in its infancy. Despite the obvious cliche embedded in this statement, it is something that is quickly forgotten as energy has become the high-visibility crisis.

Mr. Train's remarks are timely in another respect. Environmental legislation has yet to conceptually address the full range of problems posed by environmental carcinogens. The Clean Air and Water Acts are based on a regulatory theory that assumes some threshold of safety below which a pollutant does not harm either man or the environment. Carcinogens, however, possess no readily discernible thresholds. Some risk attends any exposure.

Congress recent attempt to explicitly address the problem of carcinogens is found in the Toxic Substances Control Act. Although its jurisdiction is broad enough to include environmental carcinogens, the principal emphasis of the act lies in its premarket screening provisions. In light of the dimensions of the problem outlined in Mr. Train's editorial, it is safe to say that none of the environmental legislation on the books provides a coherent strategy for regulating environmental carcinogens. Laws are no substitute for knowledge. Mr. Train has done us a service in highlighting the massive knowledge gap that faces us in controlling environmental carcinogens. His remarks also reinforce the truism that achieving environmental quality is an ongoing problem, not one that ends with the catharsis of passing Federal legislation.

Mr. President, I ask unanimous consent that Mr. Train's editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL CANCER

Last year the National Cancer Institute published an atlas of cancer mortality in the United States based on an analysis of death certificates for the period 1950 to 1969.* The atlas contains maps of the United States with each county color-coded to show the mortality rate for different types of cancer. From these maps it is quickly apparent that there are large variations in cancer death rates. Although part of the variation may be genetic, much of it is thought to be due to variations in exposure to environmental carcinogens—some natural, such as sunlight or molds; some due to personal habits, such as cigarette smoking; and some due to carcinogens in air, water, and diet. Recently, for example, increased bladder cancer rates were found in certain counties where chemical industries were concentrated. If estimates are correct that 60 percent or more of all human cancers are due to environmental agents, then about 500,000 cases per year may be involved. The benefit to human health that would accrue from controlling the carcinogens responsible for even a fraction of those cases is obvious.

To determine whether known or possible carcinogens are in the environment of populations with high cancer mortality, the resources of governments, industry, and academia should be applied through a variety of approaches. The U.S. Environmental Protection Agency (EPA) is committed to undertake an integrated assessment of population exposure to environmental carcinogens. The objective of the program is to detect the carcinogens that EPA is responsible for assessing and controlling. A new part of EPA's program will first focus on carefully selected types of cancer and certain well-characterized counties where the mortality rate for those cancers is either significantly higher or lower than the U.S. average rate. Samples of air, water, and food will be analyzed for specific chemicals that are hypothesized to account for local differences in cancer rates. Differences in the results of these analyses between the high-rate and low-rate counties plus leads developed from case-control

*T. J. Mason, F. W. McKay, R. Hoover, W. J. Bolt, T. F. Fraumeni, *Atlas of Cancer Mortality for U.S. Counties: 1950–1969* [Publ. (NIH) 75–780, Department of Health, Education and Welfare, Washington, D.C.]

studies in the high-rate areas may also suggest new candidates for animal carcinogenicity tests. If the approach is successful, it will be used in additional areas and with other types of cancer.

It is hoped that these studies will yield insights into the problem of low-level, chronic exposure to carcinogens. In addition, they may provide an approach for systematic studies of the role of environmental chemicals in causing illnesses other than cancer. Chemicals in the environment have been implicated as causes of diseases other than cancer which, like cancer, may be irreversible, delayed in onset for many years after exposure, and caused by low levels of chemicals that produce no acute distress. Such chemicals include mutagens, teratogens, and some agents that damage the central nervous system.

To provide a scientific basis for the regulation of hazardous environmental chemicals, EPA needs the assistance of a larger segment of the scientific community. Skills of many types of specialists and the close cooperation of all engaged in related endeavors are required. Expertise and data bases in other institutions, combined with EPA's environmental monitoring capability, will constitute potent tools for seeking agents whose control would prevent the development of cancer and other diseases in many persons.—RUSSELL E. TRAIN, *Administrator, U.S. Environmental Protection Agency, Washington, D.C. 20460*

CODE OF CONDUCT FOR SENATORS AND SENATE EMPLOYEES

Mr. HATHAWAY. Mr. President, this morning I testified before the Special Committee on Official Conduct.

Because of the interest of my colleagues in these matters, and because it may be some time before a printed transcript of the committees proceedings will become available, I ask unanimous consent that my testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR WILLIAM D. HATHAWAY BEFORE SPECIAL COMMITTEE ON OFFICIAL CONDUCT

Mr. Chairman, I am pleased to have the opportunity to testify before the Committee on Official Conduct.

You are charged with the vital and extremely difficult task of drafting a code of ethics for the Senate and its employees, and I wish you well in this effort.

Before going into the specific recommendations contained in my testimony, I would like to comment briefly on the events and attitudes which have led us to a consensus that a code of ethics is desirable and necessary.

If the polls are to be believed, the level of trust our constituents place in Congress, and in government in general, is unfortunately low.

The reasons for this are no doubt complex, and I won't speculate on all of them. But one reason is that some voters and, more tragically, non-voters seem to feel that those in political life are solely interested in lining their own pockets or taking junkets to the exclusion of helping those who elected them.

These sentiments are difficult to understand since the vast majority of the men and women in public life whom I have come to know are extraordinarily dedicated and hardworking, and scrupulously honest.

There have unfortunately been an infamous few who have abused and debased public office. And these individuals, with the assistance of vigilant and persistent press, have managed to shape and dominate public perceptions, and thereby obscure the positive examples and clean records of so many others.

This sort of feeling on the part of a significant portion of the electorate represents a cancer on our Democracy which we must take every step to eliminate.

We have various Senate rules, the Federal Election Campaign Act, and provisions of the criminal code already in place, but it is appropriate that we reexamine all of these standards on a comprehensive basis and draft a code of conduct.

But at the outset we should realize that no matter what system we devise there will continue to be a few who will attempt to abuse public office—we cannot alter human nature.

Among 535 members of Congress, and many times more top-level Presidential appointees, civil servants, and federal judges, there will always be some who will try to put personal gain above public service.

After all, ethics are ultimately a matter or personal standards and self-examination—any institutionalized set of rules cannot possibly be expansive enough to yield answers to all of the ethical dilemmas and problems which might arise.

But this should not preclude us from institutionalizing basic standards to apply to all and seting up mechanisms for enforcing those standards upon those who might otherwise ignore and resist them.

In fact, if the public is going to continue to denigrate the vast majority on the basis of a small unscrupulous minority, then we must set up such standards and do all we can to enforce them.

PUBLIC DISCLOSURE OF INCOME, ASSETS, DEBTS AND GIFTS

Senate Resolution 36 as approved by the Senate on January 18, 1977, set out a comprehensive mandate for this Committee, and directed it to report back a code of conduct by March 1.

The first item on the list is full annual public disclosure or income, assets, debts, gifts and other financial items.

This level of priority is appropriate since the problem of public distrust seems to be centered on the belief that some of those in public life have something to hide.

We can correct this view by simply requiring complete annual disclosure of the amounts and sources of incomes and other assets, and making this data accessible to the public.

Rule 44 of the Standing Rules of the Senate is not fully adequate to this task. Senators are required to disclose the amount and source of honoraria of $300 or more, and contributions to their office funds of $50 or more, and this is made public.

The rule does require annual filings on the part of all Senators and all Senate employees earning more than $15,000 per year—the filing must include a copy of federal income tax returns, a list of fees $1,000 or more and their source, or each business interest, of property interests greater than $10,000, any trusts or fiduciary relationships valued at more than $10,000, debts of more than $5,000, and gifts of more than $50.

But this information is not typically made public. Rather, it is filed in a sealed envelope with the Comptroller General, and remains sealed until destroyed seven years later.

In extraordinary circumstances the information may be made public if the Select Committee on Standards and Conduct adopts a resolution requesting the information, then has a closed session regarding the information, and then releases it.

This is an extremely awkward and cumbersome procedure and appears to be calculated to frustrate disclosure.

Instead, we ought to require that detailed disclosure be made available to the public, in a comprehensive and comprehensible form.

In this regard, the provisions of the Watergate Reform Act offer an excellent example. This legislation was approved by the Senate on July 21, 1976, but failed to become public law due to a lack of action on the part of the House of Representatives.

I reintroduced the financial disclosure provisions of this legislation as a separate bill, S. 383, on January 19 of this year in order to insure that this Committee and other Senate committees examine these issues in detail.

This legislation appears particularly desirable as a vehicle for reform because it would apply uniform financial disclosure requirements to all three branches of our federal government.

While I understand this Committee's mandate is limited to putting forth a code governing Senators and Senate employees, the problem of public distrust we currently face will not go away if we deal solely with the United States Senate.

Therefore, this Committee ought to shape standards applicable to the Senate which will be complementary to, and consistent with, those to be applied to all of our federal officials.

Since it is my understanding that the Senator from Connecticut, the distinguished chairman of the Government Operations Committee and a member of this Committee, will again be putting forth the Watergate Reform package in the not too distant future, it would be appropriate to follow, as much as possible, the provisions contained in that legislation, already approved once by the Senate as a whole.

The Watergate Reform bill requires disclosure by the President, Vice President, top level appointees and civil servants, by Members of Congress, by federal judges and candidates for such positions and the top assistants of each of these officials to make annual disclosure of amount and source of all income of $100 or more, of items received in kind of $500 or more, and the identity and approximate value of each asset and debt, worth $1,000 or more.

The legislation would require that the Comptroller General make these reports available to the public within 15 days of filing and that those who willfully file false or incomplete information be subject to criminal penalties of up to $10,000 or 1 year prison sentences.

The legislation requires that those Members or employees of Congress who fail to file or file falsified information be referred to the ethics committee of the House or the Senate, as the case may be.

I believe these provisions would deter those who are not really interested in public service from embarking on such a career and at the same time would succeed in placing on the public record a much more complete statement of the interests and assets of all those currently in public life—and thereby clear the air.

These provisions would also serve as an ongoing deterrent to prevent those who might be tempted from straying.

If the Senate were to quickly adopt these procedures by Rule, there would be increased momentum and incentive to put the same standards into law and thereby affect all other top federal officials.

RESTRICTIONS ON ALL OUTSIDE INCOME, FEES AND INVESTMENTS, AND CONFLICTS OF INTEREST

This committee is also required to address the question of whether there ought to be restrictions on other income on the part of Senators, and the broad questions of conflict of interest.

In this regard, the Committee ought to study carefully the Code of Ethics and guidelines proposed by President Carter on January 5, intended to cover himself, Vice President Mondale, members of the Cabinet, and the top policy makers of the Executive branch, ultimately over 2000 individuals.

It is my understanding that these standards will soon have the force of law, as far as

the Executive Branch is concerned, after President Carter formally promulgates an executive order. It would make sense to consider mandating them for all Branches of our government through legislation. But in the meantime and for purposes of consistency, to insure that the legislative Branch is subject to at least as strict standards as the Executive, I think we ought to borrow heavily from these provisions, and the past requirements imposed on cabinet members and top level executive employees.

One basic area of President Carter's Code involves complete public disclosure of financial assets—I believe the Watergate Reform Provisions adequately address this matter.

In addition, the President has a number of proposals with respect to avoiding conflicts of interest and barring outside earned income on the part of top executive branch officials.

These proposals are intended to give substance and explanation to the provisions contained in Sections 208 and 209 of Title 18 of the United States Code which govern the behavior of such employees, but apparently exclude Members of Congress and their employees.

Section 208 bars executive branch policy makers from participating "personally and substantially" as government employees in decisions directly affecting their own financial interests, and Section 209 prohibits the acceptance of any outside earned income in addition to government salaries, except for certain pensions and health insurance plans resulting from former private employment.

We ought to bring the legislative branch under these or similar provisions. If there are sound reasons for Congress applying them to officials in one branch in prior legislation, there would appear to be equally sound reasons for extending them to our own branch now.

President Carter's proposed guidelines describe in detail the procedures to be utilized to meet these legal requirements.

The guidelines recommend that assets which create conflicts of interest be divested, or alternatively put in trusts for as long as the individual engages in public service.

These trusts must be "blind" in the sense that the trustee is truly independent, the assets are diversified, and the trustee is given total discretion on investment decisions.

The guidelines make exceptions for some real estate interests, savings certificates and government bonds, and sufficiently diversified investments, such as mutual funds or minor holdings in large national corporations.

Independent of the requirements of Title 18 and President Carter's code, it is my belief that all Senators should be prohibited from accepting any earned income whatsoever in addition to their salaries, from any source or for any purpose.

In this way the public would know that their elected representatives are working for them and only for them. Any additional fees, salaries or other earnings would foster a contrary perception.

Such a change would adversely affect a number of Senators, but I think we should all be willing to make this commitment as a condition of our serving in this body.

Senators should still be able to receive unearned income such as interest, dividends, or other results of capital investments consistent with the conflict of interest and divestiture provisions, or by way of a blind trust.

Similarly, Senators should be able to receive fees earned prior to their being elected, from their profession or businesses.

But as long as they are members of the Senate, they should put private affairs aside and concentrate solely on legislative duties and assisting their constituents in dealing with the federal government.

Of course, all of these provisions should also apply to top-level Senate employees—for the same reasons.

OFFICE ACCOUNTS, TRAVEL FUNDS, AND UTILIZATION OF EXCESS CAMPAIGN EXPENDITURES

With the enactment of the Federal Election Campaign Act, Congress went a long way toward cleaning up unsavory campaign practices and fostering openness in our system of government.

By requiring detailed reports on the part of all campaign finance committees and placing strict limits on the amounts individuals and groups can contribute to such funds, we have greatly limited the extent to which narrow special interest groups or the very wealthy can influence our political process.

At the same time, we must carefully scrutinize other types of funds, contributions and behavior and make sure that these are subject to equally rigid standards.

Office funds, comprised of contributions received by an office holder in addition to campaign contributions, along with excess contributions from prior campaigns put into such funds, are utilized for expenses arising out of his job that are not otherwise covered by Senate allowances. The Senate already has reporting provisions as contained in Rule 42 of the Standing Rules of the Senate.

This Rule requires that these contributions be reported, if more than $50, and that such reports are to be made available to the public.

It is my understanding that a number of Senators maintain such funds, and use them for reprints of speeches, for television taping, and for excess stationery costs.

While the existence of these funds has always in the past been recognized by the Rules as being proper, and I maintained one myself until a year ago, I think that on balance they ought to be banned and specifically prohibited by a new Senate rule.

This is in no way to criticize those who maintain such funds, but I have found that some voters consider such funds to be improper and inappropriate, that they feel no Senator should accept any kind of contribution other than a campaign contribution.

They view these contributions, if received throughout the Senator's six year term, as being motivated by a desire on the part of the contributor to influence the day to day voting decisions of the Senator or otherwise curry his favor.

Though most of us would disagree with this analysis, it seems simpler, and more likely to engender trust on the part of the electorate to ban these funds altogether and thereby avoid any improper appearances.

At the same time we are eliminating office funds, we ought to insure that the legitimate expenses which arise out of official duties of Senators are fully addressed and compensated by expense accounts, subject to verification and strict accounting.

Particularly necessary in this regard are sufficient funds for travel, lodging, and meals within the Senator's home state. Direct transportation costs such as plane fare are covered already, but the latter two items are not, and should be.

If office funds are eliminated, there remains the problem of what are permissible uses of excess campaign funds. I do not think that Senators should in any way be able to convert such funds to personal use, except to cover personal campaign debts incurred prior to the contributions being received. Otherwise, Senators would directly and personally benefit from contributions.

If there are excess funds, these should be restricted to use in future campaigns, donated to charitable causes, or returned to the donors.

There are other problems associated with the issue of Senate travel. Some believe that committee trips overseas and elsewhere are by and large junkets, with no valid purpose except the enjoyment of the Members. There have been occasional abuses in this area to in part justify this impression.

But in general the trips of which I am aware have fulfilled a legitimate function of making the Members more knowledgeable of problems in all parts of the country and the world on a direct basis, and have been far more work than pleasure.

However, since the perception of misbehavior is present, we must institute firm procedures to require that these trips be specifically considered and justified prior to approval and, except where necessary for security reasons, be reported publicly during and subsequent to their occurrence.

If a majority of the members of a given committee were required to vote on such travel in open committee session, and those members participating in such trips were required to file in the Congressional Record a report of the goals and findings of the travel, we would accomplish our objectives of virtually eliminating abuses and restoring public trust.

ROTATING MEMBERSHIP FOR SENATE COMMITTEES

In addition to the ethical problems associated with office funds and with personal conversion of campaign contributions, there is the perceived problem on the part of some voters that special interest lobbying groups, by virtue of targeting their political contributions, are able to exert improper influence upon Senators on particular committees having legislative jurisdiction over matters of concern to the group.

The election finance laws, by placing limitations on the amounts which such groups are able to contribute to any one Senator, have largely removed this problem.

But there is another change which could be made that would further foster public trust in the Senate as an institution. And this would be to require that all Senators serve as members of given committees for a limited amount of time. I have introduced an amendment to the reorganization proposal mandating that beginning with this Congress no Senator serves on any one committee more than 8 years continuously.

In this way there would be much less of a possibility of individual Senators becoming overly specialized and narrowly focussed on a limited subject area. Consequently the committees on which they served would probably be more responsive to a wider range of issues and geographical areas, and less susceptible to the charge that committee members are responding simply to the groups which contribute to their campaign funds.

ENFORCEMENT

It is my understanding that this panel is particularly interested in ideas on how a code of conduct might be enforced, or more properly, how violations of that code ought to be punished.

I approve of the basic philosophy behind the restructuring of the Select Committee on Standards and Conduct into the Committee on Ethics as contained in S. Res. 4.

The "new" Ethics Committee would be different from the Select Committee on Standards in one basic and fundamental fashion—its members would serve for a maximum of six years in order to insure that new ideas and new approaches are brought to bear on the complex problems of conflict of interest. Also, the Committee would be composed of Senators with differing lengths of service in the Senate—some having served less than six years, some having served between 6 and 12 years, and some, more than twelve.

This Committee should be empowered to investigate any allegation of conflict of interest, self-dealing, or other improper or illegal activity on the part of any Senator.

It ought to be empowered to report resolutions to the full Senate imposing a wide

range of sanctions, from reprimand to censure, to expulsion.

The exact procedures and the appropriate penalty for each offense, if substantiated, should be left to the Ethics Committee to determine on a case-by-case basis.

In addition, it should be available for advice and consultation with individual Senators on whether and how to divest themselves of particular assets which might present a conflict of interest, how to set up blind trusts when appropriate, and for advisory opinions on all of these matters.

Beyond this, it is my belief that any criminal allegations which might arise and appear to be substantiated ought to be referred to the Department of Justice, or the Special Prosecutor. We are not in the business of deciding criminal guilt or innocence and we should quickly turn such matters over to those who are.

CRUISE MISSILES

Mr. CLARK. Mr. President, President Carter has said several times publicly, including his inaugural address, that he expects to resume the strategic arms limitation talks with the Soviet Union within the next couple of months. With the 1972 interim SALT agreement due to expire in October of this year, successful negotiation of a successor agreement is absolutely imperative to prevent a new round of weapons programs.

Unfortunately, there has been a great deal of heel-dragging in implementing the "breakthrough" announced at Vladivostok in November 1974, when President Ford and Secretary General Brezhnev agreed on a follow-up treaty, would have limited each side to a total of 2,400 missile launchers and heavy bombers, of which 1,320 could be armed with multiple independently targetable reentry vehicles—MIRV's.

Almost immediately problems arose in the Geneva negotiations in which the details of the Vladivostok arrangement were to be worked out. Although over-all force levels for both sides were agreed on, a dispute arose over two "gray areas." Unlike the interim SALT agreement, the Vladivostok arrangement providing for counting strategic bombers, including 460 B–52 bombers, any subsequent B–1 we may build, and 135 Soviet Bear and Bison class bombers. Subsequently, however some U.S. observers became concerned about the technical capabilities of the Soviet Backfire bomber, which although not a strategic bomber did under some circumstances have the capability to strike the United States.

A potentially more serious difference, however, arose over the dispute over cruise missiles, a relatively small, inexpensive and potentially highly accurate subsonic missile which some military planners see as the wonder weapons of the future.

Just what to do about the Backfire and cruise missile problems in these negotiations remains a matter still under discussion in the administration. But cruise missiles are an element of such importance that we should all know more about them. In this regard, I would like to commend to you an article in the February 1977 Scientific American, on cruise missiles by Kosta Tsipis, an extremely knowledgeable physicist at the Massachusetts Institute of Technology.

I wish in particular to emphasize Professor Tsipis' conclusions. First, that with the possible exception of air-launched cruise missiles deployed on tranport planes rather than long-range bombers, the "development and deployment of strategic cruise missiles at this time is counterproductive." Second, that "Negotiable criteria for differentiating between tactical and strategic versions of cruise missiles can and should be devised and incorporated into the design of future cruise missiles."

Professor Tsipis has made a valuable contribution to the discussion at a time when cruise missiles have become so central to the negotiations. I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Scientific American, February 1977]

CRUISE MISSILES

(By Kosta Tsipis)

The partial success achieved by negotiators for the U.S. and the U.S.S.R. in the ongoing effort to limit the deployment of strategic nuclear weapons rests on the mutual recognition that each side has at its disposal the "national technical means" (primarily reconnaissance satellites) to distinguish reliably between strategic, or intercontinental-range, weapons and all the other weapons in the other side's arsenal. The long-range cruise missile, a new type of weapon currently under development in the U.S. may prove to be an exception to that rule. The problem is that there appears to be no observable distinction between long-range cruise missiles (that is, those capable of strategic missions) and short-range cruise missiles (those suitable only for tactical missions). In other words, there is no obvious, unambiguous correlation between the physical appearance of a given cruise missile and its intended target.

According to reports in the daily press, the heralded advent of the long-range cruise missile has already created a major obstacle to the successful conclusion of the second round of strategic-arms-limitation talks (SALT II) between the U.S. and the U.S.S.R. The immediate issue is whether or not cruise missiles should be included in the total of 2,400 strategic delivery vehicles that the 1974 Vladivostok understanding between President Ford and Secretary Brezhnev had set as an upper limit for both parties. The basic properties of cruise missiles that have led to the present disagreement threaten to similarly impede future strategic-arms-limitation negotiations.

The arms-control dilemma presented by the cruise missile is compounded by the fact that although cruise missiles appear to be operationally inferior to existing strategic weapons in either a deterrent role or a counterforce role, they have the potential of becoming extremely cost-effective tactical weapons. For example, short-range cruise missiles could eventually replace the manned fighter-bomber in many of its missions, thereby substantially reducing the number of costly facilities such as aircraft carriers and foreign bases that such aircraft require.

Accordingly the U.S. has opposed the inclusion of cruise missiles in the numerical quota for strategic delivery vehicles, because—given the visual indistinguishability of the different types of cruise missile—such a provision would prevent the deployment of tactical cruise missiles as well as strategic ones. The U.S.S.R., on the other hand, insists on including all cruise missiles potentially capable of long-range missions in the quota for strategic weapons, precisely because there would be no way to determine whether a given cruise missile deployed by the U.S. is a tactical weapon or a strategic one. Thus the impasse at SALT II continues.

But what is a cruise missile? How does it work? What can it do, and why is it not possible to tell one that has a range of 5,000 kilometers from one that can fly only a tenth of that distance?

I shall attempt to answer those questions here by describing the various types of cruise missile now under development or planned, by examining the strategic and tactical capabilities of the different versions and by discussing their potential military usefulness and their implications for arms-control efforts. I shall also address the difficult problem of relating the intended mission of a cruise missile to its observable characteristics by offering a suggestion for a possible technical basis on which the problem might be solved.

A cruise missile can be defined as a dispensable, pilotless, self-guided, continuously powered, air-breathing warhead-delivery vehicle that flies just like an airplane, supported by aerodynamic surfaces. Unlike a ballistic missile, which is powered and hence usually guided for only a brief initial part of its flight, after which it follows a free-fall trajectory governed only by the local gravitational field, a cruise missile requires continuous guidance, since both the velocity and the direction of its flight can be unpredictably altered by local weather conditions or changes in the performance of the propulsion system. A ballistic missile is guided for the first five of the 20 minutes or so it takes to travel 5,000 kilometers; a cruise missile, which usually flies at subsonic speed, would require close to six hours of continuously guided flight to cover the same distance. Hence guidance errors that accumulate with time would be almost 100 times larger for a cruise missile than for a ballistic missile with a comparable range. The cumulative deviation from a preassigned track over a trajectory of thousands of kilometers would be very large in the case of the cruise missile, and therefore its accurate arrival on target could be achieved only with continuous guidance that is corrected from time to time by fresh location information. To obtain the necessary location information accurately a long-range cruise missile employs a device that can correlate information obtained by an on-board sensor about the terrain it is flying over with some kind of map stored in the memory of an on-board computer.

Cruise missiles have served as war-head-delivery systems in the past, beginning with the German V–1 "buzz bomb" of World War II and continuing with such weapons as the U.S. Matador, Regulus and Snark missiles and the Russian Shaddock missile, which is still deployed aboard some Russian submarines and surface warships. None of these earlier versions were capable of obtaining location information to correct their guidance system during flight, and as a result they were not very accurate. Furthermore, they were powered by inefficient jet engines that in general did not allow ranges in excess of a few hundred kilometers.

The main difference between the older versions of the cruise missile and those now under development in the U.S. is that recent advances in technology have made available two important new components: (1) microelectronic devices that can update the location information of a cruise missile while it is in flight and therefore improve its accuracy by three orders of magnitude and (2) small, efficient jet engines that for every hour of flight consume only about a pound of fuel for every pound of thrust they generate. Both of these technological advances affect primarily the performance of strategic cruise missiles, since at tactical ranges the

flight time is measured in minutes and therefore even a moderately accurate guidance system needs no mid-flight correction. Moreover, a tactical missile can be fitted with a homing device, such as radar, that detects the target and guides the missile onto it.

A long-range cruise missile employs an inertial-guidance system, consisting essentially of three or more accelerometers mounted on gyroscope-stabilized platforms, to guide it along a preassigned course. A practical inertial-guidance system suitable for a cruise missile could allow the missile to drift about a kilometer or so off course for every hour of flight. The effects of weather and the imperfections of the jet engine that powers the missile increase the drift. After several hours of flight the missile could be 10 or more kilometers away from its intended impact point. If, however, the missile could from time to time "recognize" where it is and compare its actual position with where it should be according to its preassigned trajectory, then the on-board computer could instruct the automatic pilot to make the appropriate maneuvers to bring the missile back to the correct trajectory. Furthermore, the known difference between the actual position and the intended position is used by the computer to calibrate and reset the inertial-guidance system, a process that compensates for and reduces the missile's drift by a factor of two or three.

There are several ways in which a cruise missile can determine its actual location while it is in flight. I shall briefly describe three such systems; they are called the terrain-contour-matching technique (Tercom in current military terminology), the area-correlation technique and the global-positioning-satellite technique.

The terrain-matching technique, first patented in 1958, relies for its operating principle on the simple fact that the altitude of the ground above sea level varies as a function of location. If one were to make a rectangular map of an area two kilometers wide and 10 kilometers long, divide the map into squares perhaps 100 meters on a side and record in each square the average elevation of the ground in it, one would obtain a digital map consisting of 2,000 numbers, each number corresponding to the elevation of a point of known coordinates on the ground. A set of such maps, which can be made much larger and can have squares with smaller sides if required, is stored in the memory of the computer aboard the missile.

The missile is also provided with a down-looking radar altimeter capable of resolving objects on the ground smaller than the map squares from a height of several kilometers. As the missile approaches the region for which the computer memory has a map, the altimeter starts providing a stream of ground-elevation data. The computer, by comparing these data with the elevation data it has in its memory, can determine the actual location of the missile with an accuracy comparable to the size of the map cell. It then instructs the autopilot to take any corrective steps necessary to return the missile to its intended trajectory. As many as 20 such maps can be stored in the memory of the computer to enable the missile to update its location information and correct its trajectory frequently during its overhaul flight.

The area-correlation method, which is still in the research stage, is based on a similar mapping principle. Instead of ground altitude above sea level, however, it measures the microwave reflectivity of the ground as a function of location. Instead of a radar altimeter the missile has a detector that can sense the differences in the microwave reflectivity of the terrain it is flying over. Advanced area-correlation schemes envision missiles with on-board systems that incorporate terrain maps made at one part of the electromagnetic spectrum and detectors that operate at a different wave-length. For example, such a system might be able to match signals from a microwave radiometer or an infrared detector with data from a map made in the visible part of the spectrum. This approach is possible because features such as lakes, rivers, roads, railroads and other man-made structures offer sharp "contrast edges" over a large portion of the spectrum. The area-correlation technique can be applied to determine the location of the missile over all kinds of terrain, whereas the terrain-matching technique works well only over rough, hilly ground. Neither system work over water.

The third way to locate the position of a cruise missile is the global-positioning-satellite system, which is also under development in the U.S. The projected system will consist of 24 satellites in polar orbits positioned in such a manner that any place on the earth's surface will have at least four of the satellites in sight at all times. Every few thousandths of a second the satellites will broadcast exactly synchronous coded signals that can be received by passive equipment on the cruise missile. By determining the difference in the arrival times of four such signals the missile's computer can calculate the distance of the missile from each satellite. In addition the satellites will broadcast information describing their orbits around the earth. With this information and the four different arrival times of the signals the missile's computer can determine the true position of the missile to within 10 meters in three dimensions without any other external data. From that information it can in turn deduce its velocity at any instant.

Of the three techniques I have described only the satellite system promises to be inexpensive enough to be practical for short-range cruise missiles. Because of their brief flight time such missiles do not require position-updating information. Instead they need to recognize and home on their target. For mobile targets radar homing is preferred where it is possible, but for fixed targets beyond the line of sight the global-positioning-satellite system can be used to maneuver the missile into the known location of the target.

Advances in the technology of small jet engines have been equally important in the development of both tactical and strategic cruise missiles. Small turbofan engines weighing less than 130 pounds and yet capable of generating as much as 600 pounds of thrust are now available. Engines of this type consume less fuel than turbojets of equivalent size; they are more complex systems, however, and hence they cost much more. Accordingly turbofan engines are considered suitable for cruise missiles with a range of more than 500 kilometers that carry expensive payloads such as nuclear warheads, whereas turbojets are cost-effective for cruise missiles with a range of less than 500 kilometers that carry conventional high-explosive warheads.

The difference in the efficiency of the two types of jet engine is related in part to the difference in the temperature of the exhaust gases produced by the engines. Although the turbine-inlet temperature for small engines of both types is limited to about 1,850 degrees Fahrenheit, a turbojet engine exhausts its gases at 1,450 degrees, whereas a turbofan engine, because of turbulent mixing at the outlet, exhausts them at 600 degrees. Obviously the latter engine makes more efficient use of the heat energy of its fuel. The difference between the exhaust temperatures of the two types of engine gives them different infrared "signatures." As a result it should in principle be possible to determine from a distance whether a given missile is powered by a turbofan engine or a turbojet engine.

The rate of progress in microelectronics has been spectacular, but the development of small jet engines is laborious. It takes many years to develop a new engine or to improve the efficiency of an existing one by a few percent. It is therefore reasonable to expect that the power plants for cruise missiles will not change substantially in the next decade or so. Small improvements in efficiency, and hence in range for a fixed volume of fuel, can be expected as new composite materials are adopted for turbine blades, but basically the fuel-consumption rate and the thrust of the small engines are not subject to a technological breakthrough. One can conclude that the aerodynamic performance of cruise missiles will not change greatly in the near future.

The technological advances I have described have been applied in the development of several types of U.S. cruise missile. Of these I shall discuss only two: the Harpoon antishipping missile, which is now entering production and is strictly a tactical cruise missile, and the sea-launched cruise missile (SLCM), which is still under development and which has both a strategic version and a tactical one. These two major types of missile have been chosen because in combination they illustrate the special advantages and disadvantages of cruise missiles.

The Harpoon missile is quite small, measuring 34 centimeters in diameter and 3.84 meters in length. Its total volume is only .3 cubic meter. Without its booster rocket it weighs 1,144 pounds. It can be launched against a ship from a submarine, a surface vessel or an airplane. A ground-based version is also possible. The Harpoon is powered by a turbojet engine that has a thrust of 660 pounds and a fuel-consumption rate of about 1.5 pounds of fuel per pound of thrust per hour of flight. That gives the Harpoon a maximum range of about 100 kilometers at a speed of Mach .85 (85 percent of the speed of sound). Since the engine is expected to work only for a short time it has many cast parts instead of machined ones. Hence it can operate satisfactorily for only a short period but costs substantially less than a turbofan engine of the same size designed to operate for many hours.

The guidance system of the Harpoon missile consists of a radar altimeter that keeps it flying a few meters above the surface of the sea, a mid-course guidance unit that keeps it on a steady course and a sophisticated active radar scanner that can detect a target as small as a patrol boat in all weather conditions at about half its maximum range and a target as large as a destroyer at much greater distances. The missile can distinguish between two targets if they are well separated and will head for the larger one. It carries a 500-pound warhead that penetrates the deck of the target ship and explodes inside by means of a deceleration fuse. In 32 launches from a variety of sea and air platforms the Harpoon has found its target 29 times at operational ranges.

Both the tactical and the strategic versions of the sea-launched cruise missile are 53 centimeters in diameter and 6.24 meters long and have a volume of 1.37 cubic meters without their booster rocket. Without the protective capsule in which they are carried and launched they both weigh about 3,200 pounds. Both versions can be launched from the torpedo tubes of a submarine or from a surface ship, an airplane or a ground platform. The exact ranges of the two versions are classified, but the aerodynamic properties of the missile indicate that the strategic version is capable of a range of 2,000 kilometers at low altitude and perhaps 50 percent more if the first 1,500 kilometers are flown at higher altitude and the rest at tree-top level. The strategic version is powered by a turbo-fan engine with a thrust of 600 pounds and an average fuel-consumption rate at sea level of about a pound of fuel per pound of thrust per hour of flight. At sea level the missile has a cruising speed of Mach .7 and a maximum speed of Mach .85. A much

lower fuel-consumption rate is possible at higher altitudes with a lower net thrust. Since the missile cannot fly at speeds lower than Mach .44, a booster rocket is used that ignites on launching and propels the missile for 12 seconds. At a height of 400 meters (assuming an ascent angle of 55 degrees) and a speed of Mach .55 the turbofan engine takes over. The booster is not necessary for missiles launched from aircraft.

The guidance package of the strategic sea-launched cruise missile consists of an inertial-guidance system with an intrinsic drift of about 900 meters per hour of flight augmented by a terrain-matching system. The radar altimeter of the terrain-matching system enables the missile to fly as low as 20 meters over water, 50 meters over moderately hilly terrain and 100 meters over mountains. This capability makes the missile difficult to detect with ground-based radar. The gyroscopes of the inertial-guidance platform require 25 minutes to align after the missile has been loaded into the torpedo tube of a submarine, a task that in turn requires five minutes. Therefore the strategic SLCM can be launched from a submarine in salvos of two or four (depending on the number of torpedo tubes) at best only once every 30 minutes. The ignition of the booster rocket under water generates a large amount of acoustical energy that can be detected at great distances. In addition the booster creates copious bubbles that are visible on the surface of the water for more than five minutes after the launch, and the exhaust plume of the booster is visible over an area 80 kilometers in radius as the missile climbs to 400 meters. Accordingly the position of the submarine can be determined by a variety of means after it has launched one or more of its missiles under water.

The terrain-matching system of the strategic sea-launched cruise missile is provided with a dozen or more maps, on which the terrain is digitized at intervals of less than 100 meters and the elevations are recorded with an accuracy of better than three meters. Since the missile is expected to fly initially over water, where the updating of location information is impossible, the first land map is made wide enough (perhaps as wide as 10 kilometers) for the missile not to miss the intended landfall. The radar altimeter starts taking readings before the missile is expected to fly over a given map area and stops taking them at an equal distance after it has left that area. The computer uses a simple minimum-absolute-deviance algorithm to match the readings of the altimeter with the points on the map. There is such large redundancy in the altimeter data that synchronization errors or even attempts to jam the altimeter from the ground will not degrade the performance of the system.

The accuracy with which this missile can be guided to its target is at best equal to the size of a map square; in practice it is probably about half that good. Since map squares can be made quite small, say 10 meters on a side, it is possible in principle to have comparable missile accuracy. A number of factors contribute to the degradation of this level of accuracy, however, and so it is expected that the strategic sea-launched cruise missile will have an accuracy of some 100 meters. The biggest errors are expected to come from human errors in mapping, from the injudicious choice of terrain to map and from the absence of suitable terrain for terrain-matching guidance near some targets.

The tactical version of the sea-launched cruise missile is powered by a turbojet engine that gives it a range of about 500 kilometers. It is guided by a system very similar to the one in the Harpoon missile, consisting of a mid-course guidance unit that keeps the missile flying in a straight line but does not adjust for its being blown off course by the wind. In addition the missile has a radar scanner with a comparatively short range, probably no more than 50 kilometers, which is designed to guide it onto the target. The mid-course guidance unit has a drift of about .2 radian per hour of flight. Hence errors as large as 40 kilometers will result at the end of a 500-kilometer flight. Therefore once the missile is in flight it needs some external source of information on the exact position of its intended target.

The line of sight over water does not extend beyond 50 kilometers, so that the necessary information cannot be provided by the launching platform; it has to be obtained by another vehicle, a spotter aircraft or a helicopter, which must be suitably equipped to identify the target and communicate the information to the launching platform or to the cruise missile itself. If the launching platform is a submarine, the tactical version of the sea-launched cruise missile becomes even more troublesome: not only will its launch reveal the position of the submarine but also problems of target acquisition and "friend/foe" identification become extremely complex. The range of the submarine's sonar is considerably shorter than 500 kilometers, and while the vessel is submerged it cannot communicate either with the cruise missile or with an observation platform such as an aircraft. The mismatch of the cruise missile's range to the submarine's target-acquisition range makes the tactical version of the sea-launched cruise missile a weapon of dubious value.

Cruise-missile technology offers such flexibility in range, basing and types of warhead that an almost unlimited variety of alternative designs is possible. Here I have chosen to speculate on the military characteristics and arms-control implications of three possible types of missile because of the particularly challenging policy questions they raise. The first type is a very accurate long-range strategic cruise missile with a conventional high-explosive warhead; the second, which is already under development, is an airborne strategic cruise missile with a nuclear warhead; the third is a short-range land-based or ship-based tactical missile with a conventional warhead.

There is little doubt that guidance techniques either in existence or under development can endow a strategic cruise missile with pinpoint accuracy at the end of a 5,000-kilometer flight. This high degree of accuracy makes it feasible to use conventional warheads instead of nuclear ones against certain strategic targets such as large radar installations, industrial plants, petroleum refineries and so forth. It has been proposed that the U.S. develop a cruise missile that could carry a large conventional high-explosive warhead over intercontinental distances with an accuracy of better than 10 meters. This weapon would have to be about two cubic meters in volume (somewhat larger than the current sea-launched cruise missile), and it would have to be carried by either a surface ship or an aircraft of the cargo type; alternatively it could be land-based. If it were built in sufficiently large numbers, its proponents argue, it could provide to option of a non-nuclear response to some hypothetical coercive actions of an opponent such as the U.S.S.R. Thus it could raise the threshold of nuclear retaliation by enabling the U.S. to destroy specific targets with minimal collateral damage and without the onerous political burdens of a nuclear attack.

The second type of cruise missile that is under serious consideration in the U.S. is the air-launched cruise missile (ALCM). The current version of the air-launched missile is expected to have about half the range of the strategic sea-launched one. It is designed to be carried by either the B–52 intercontinental bomber or the new supersonic B–1 bomber. Armed with such missiles, the bombers would not have to penetrate the terminal air defense of an opponent; they could merely penetrate to a given point and launch the long-range missiles toward their targets. Proponents of the air-launched cruise missile point out that since such a "standoff" carrier plane would not have to penetrate the air defense of an opponent, the plane would not have to have supersonic speed, an elaborate system of electronic countermeasures or the capability of flying very low and very fast in order to avoid detection and evade attack; in other words, it would not have to be a combat aircraft at all. As a matter of fact, it is argued, a commercial wide-bodied jet transport such as the Boeing 77 or the McDonnell Douglas DC–10 could serve to carry as many as 100 cruise missiles. Commercial planes of this type have a longer range without refueling than either the B–52 or the B–1 does. If they were armed with air-launched cruise missiles, they would be able to replace the B–52 bomber in the U.S. arsenal at considerably less cost than the proposed B–1 could.

The third possible incarnation of the cruise-missile concept would be a tactical missile with a maximum range of 500 kilometers and a high-explosive warhead of between 400 and 500 pounds. The missile, its advocates say, could be guided exactly to its target either with the aid of the global-positioning-satellite system or by one of the pattern-recognition techniques; it could even be provided with the means to send back by way of a relaying aircraft or satellite a television outline of the terrain it flies over as it approaches its target so that it could be guided remotely by a human operator.

Such a small missile (less than half a cubic meter in volume) could be equipped with an inexpensive turbojet engine and could be programmed to avoid air defenses, fly at a constant altitude and operate in all weather conditions. It could, its proponents maintain, replace the manned fighter-bomber in many of its missions. If it were built in large quantities, it could cost as little as $50,000 per missile. Manned tactical aircraft, in contrast, currently cost more than $10 million and require a large aircraft-carrier task force to be carried within range of their targets. A typical task force can deploy only 36 attack aircraft, each capable of delivering about a ton of bombs per sortie to the target with less accuracy than that possible with cruise missiles. The entire multibillion-dollar task force could be replaced by a naval force capable of launching 180 tactical cruise missiles per day and consisting of a variety of ships less vulnerable and much less expensive than aircraft carriers. Ultimately, the advocates of this version of the cruise missile point out, such a missile could replace all the tactical nuclear weapons stationed by the U.S. in Europe.

In combination with short-range precision-guided missiles on the ground and remotely piloted vehicles carrying out the observation misson of manned aircraft, the tactical cruise missile armed with a chemical-explosive warhead may completely displace manned fighter-bombers and their long and costly logistical "tail" from the U.S. arsenal. Such a development would constitute a profound change in the entire military posture of the U.S., since it implies the abandonment of high-cost, low-attrition manned aircraft and their replacement with low-cost, dispensable cruise missiles. This prospect raises a host of technical, military and arms-control questions that have so far remained largely unexamined.

Because of the small size, great accuracy and low cost of cruise missiles, it would seem that they would be inherently superior to ballistic missiles as delivery vehicles for ranges greater than 10 kilometers and less than 5,000 kilometers. The long flight times

of strategic cruise missiles and the subsonic speed with which they approach their target, however, make them quite vulnerable to hostile countermeasures. A ballistic missile, in the absence of an anti-ballistic-missile system, cannot be prevented from reaching its target once it is launched. Whereas the outcome of a strategic attack with ballistic missiles is comparatively certain and controlled, the outcome of a cruise-missile attack is uncertain, since it depends largely on the air-defense capabilities of the attacked country. As a result, although the accuracy and range of cruise missiles would suggest that they could serve successfully in a deterrent role, their relatively low speed makes them less suitable than ballistic missiles for that particular strategic mission. In order to be sure that cruise missiles would penetrate to their targets one would have to launch many of them against each target to saturate the air defenses. That would require the deployment of many thousands of cruise missiles, in clear violation of the numerical quota for strategic delivery vehicles established by the Vladivostok agreement.

No matter how many cruise missiles are deployed in a country, however, it would be impossible to verify their number by nonintrusive inspection, since they do not require identifiable launch facilities, such as silos, submarine launch tubes or airfields. Thus it is technically impossible to subject cruise missiles to the kind of numerical limits achieved in SALT II for ballistic missiles. The entire problem of limiting cruise missiles is further complicated by the fact that even during the testing of the weapon it would be possible to deduce from satellite data only the maximum range compatible with the visible characteristics of the missile, not its actual range. Therefore it is not possible at present to tell whether a given sea-launched cruise missile, say, is intended for a strategic mission or a tactical one.

All these considerations may lead one to conclude that the U.S. would have no choice but either to abandon any further efforts at controlling the proliferation of nuclear arms and go ahead with the deployment of cruise missiles or, in order to safeguard the achievement of SALT and the opportunity for further strategic-arms limitation, to forgo the deployment of cruise missiles altogether. Such a conclusion, however, seems unwarranted. A careful examination of the tactical and strategic missions that current and future cruise missiles could perform, and of the required launching platforms in each case, reveals that those applications of this delivery vehicle that makes military sense are not incompatible with arms-limitation goals in general and the numerical reduction of strategic delivery vehicles in particular. Furthermore, it appears that the specific cruise missiles that threaten the SALT negotiations are either unnecessary for the security of the U.S. or are hasty and unexamined applications of the new technologies that do not make military sense.

Consider the strategic sea-launched cruise missile now in the advanced-development stage. This system cannot perform any new missions or outperform in any of the existing strategic missions the U.S. "triad" of land-based intercontinental ballistic missiles (ICBM's), submarine-launched ballistic missiles (SLBM's) and intercontinental bombers. Furthermore, launching a cruise missile of this type from ballistic-missile submarines would increase the submarines' vulnerability, first because they would have to abandon their present secure stations and approach the territorial waters of the U.S.S.R. and second because launching a cruise missile would reveal the position of the submarine for hundreds of kilometers. It would be foolhardy to lessen the invulnerability of our securest deterrent weapons system so that it could launch at most four cruise missiles of uncertain fate every 30 minutes, since the same submarine can stay in safe waters and launch 16 Poseidon or Trident I missiles with 10 warheads each in less than five minutes, making much less underwater noise.

The deployment of a limited number of long-range cruise missiles on "hunter-killer" submarines may appear militarily cost-effective, since it would force an opponent to treat every U.S. nuclear submarine as a strategic nuclear delivery system, thereby increasing the opponent's antisubmarine-warfare requirements. Such a policy is not, however, without serious drawbacks. First, to impose a strategic role on hunter-killer submarines would seriously complicate their command-and-control procedures and thereby impair their operational capabilities. Second, and perhaps more significant, the deployment of strategic nuclear missiles on tactical hunter-killer submarines could reduce the security of the U.S. deterrent fleet of Polaris/Poseidon submarines not only by forcing a rapid growth of Russian antisubmarine-warfare capabilities but also by eliminating the distinction between tactical and strategic submarines and thereby removing the current tacit inhibition against attacks on strategic submarines. In short, the deployment of the strategic sea-launched cruise missile seems on balance to be both unnecessary and unwise.

The hypothetical long-range strategic cruise missile with a chemical-explosive warhead suffers from a different set of fundamental disadvantages. This missile could in principle enlarge the spectrum of strategic options available to the U.S., since it would make possible the precise destruction of selected industrial or military targets without the use of nuclear explosives. Actually, however, such targets in the U.S.S.R. would probably be defended by active or passive air defenses a subsonic cruise missile could not penetrate easily; such terminal defenses would add to the vulnerability of these weapons and therefore make the outcome of an attack with them quite uncertain. Weapons with uncertain results cannot have a deterrent effect against even the mildest provocation, since they are not capable of the assured destruction of their intended targets. Just as the existence of an effective anti-ballistic-missile system could have denied the deterrent role of ballistic missiles, so could a future sophisticated air-defense system deny such a role to cruise missiles, particularly those with chemical-explosive warheads.

Finally, a long-range cruise missile with a chemical-explosive warhead would completely confuse the distinction between strategic weapons, which are now assumed to be nuclear, and tactical weapons, which are usually nonnuclear. Such a development would make strategic-arms-limitation negotiations particularly complex by coupling them to efforts to reduce tactical armaments and by blurring the distinction between nuclear and chemical explosives.

The long-range air-launched cruise missile could in principle have a practical military role. The version of this weapon now under development is burdened with artificial limitations on size and fuel that severely curtail its range to about half that of the sea-launched cruise missile, making it unsuitable as a standoff weapon. A future version capable of longer ranges and carried by large transport planes could, however, replace the B-52 bember in the 1990's and obviate the deployment of the costly B-1 bomber. The deployment of such a cruise missile would create difficult arms-control problems, since again it would not be possible to ascertain the number of missiles deployed. A possible solution is to agree on the number of deployed carrier aircraft that could transport them and count each aircraft against an agreed number of existing ballistic missiles outfitted with multiple independently targetable reentry vehicles (MIRV's). As a matter of fact, if all land-based MIRVed ballistic missiles were replaced by an equivalent number of transport planes carrying airlaunched cruise missiles, the end result could be a more stable strategic balance between the U.S. and the U.S.S.R., for two reasons. First, the long flight time of cruise missiles and their vulnerability to point defenses preclude their use as first-strike weapons; second, their basing, if properly designed, could make them considerably less vulnerable to a surprise attack than land-based ballistic missiles are now.

In spite of the stabilizing effect that such a proposal implies the deployment of the long-range air-launched cruise missile raises some serious verification questions. For example, if cruise missiles were deployed on jumbo jets such as the 747 or the DC–10, how could one determine without intrusive inspection which of these planes is a civilian transport and which carries strategic cruise missiles with nuclear warheads? Moreover, once the development and testing of such missiles is allowed how could another nation ascertain the number of missiles ultimately manufactured in the U.S. or their intended mode of deployment? The U.S.S.R., for example, could fear that in addition to whatever agreed number of air-launched cruise missiles was allowed, the U.S. could secretly deploy large numbers of booster-assisted cruise missiles based on ships or on land in allied countries within easy reach of the Russian interior. Thus it does not seem possible to deploy long-range cruise missiles without upsetting future strategic-arms-limitation efforts.

There are additional disadvantages to such a deployment, even if a formula for the verification of the number of platforms for air-launched cruise missiles and the basing of such missiles could be successfully negotiated. If past experience can be taken as a guide for future behavior, it is almost certain that a U.S. deployment of strategic cruise missiles would induce a Russian counter-deployment. Worse, U.S. development of such a weapons system would serve to validate the cruise-missile concept for other nations desiring a cheap, accurate delivery vehicle and might well convince them to develop a similar missile capable of reaching the U.S. Then it would be necessary for this country to erect a costly air-defense system not only against Russian cruise missiles but also against the cruise missiles of other countries. Such a system has been considered unnecessary until now because of the absence of a credible threat from the U.S.S.R. or any other country. It should not be forgotten that the deployment of an anti-ballistic-missile system in this country was justified on similar grounds: as a defense against Chinese ballistic missiles rather than Russian ones.

Tactical cruise missile, unlike their strategic counterparts, offer considerable military advantages without creating such serious arms-control problems. As the Harpoon missile has demonstrated, it is possible to develop a small cruise missile powered by an inexpensive turbojet engine that has both the range and the accuracy needed for practical battlefield situations. On the other hand, the tactical sea-launched cruise missile is mismatched to the operational conditions of a naval encounter and appears to be grossly inaccurate; moreover, its conspicuous launching jeopardizes the safety of the launching submarine by revealing its position. The tactical SLCM is the perfect example of the misapplication of cruise-missile technology: it creates serious arms-control problems, since it is externally indistinguishable from the strategic SLCM, without incorporating any substantive military advantages.

The proposed tactical cruise missile with a chemical-explosive warhead is perhaps the

most sensible current application of the new technological advances that have made cruise missiles feasible. With a volume of half a cubic meter and a turbojet engine, it can be identified by satellite as an unambiguously tactical missile. Although such identification may not be possible with current systems except over water, the technology exists to support the development of a reconnaissance satellite that could be programmed to detect, track and identify infrared signatures in the atmosphere and thereby distinguish a strategic cruise missile from a tactical one during testing.

The operation of such a monitoring system could be impeded by cloud cover, and therefore it could not verify with absolute certainty another country's faithful adherence to a treaty forbidding the development of long-range cruise missiles. Since no country would have any reason to take advantage of cloud cover to hide the development of a short-range cruise missile, however, it would be possible to develop and deploy those tactical weapons that seem capable of replacing the manned fighter-bomber, without fear of their being mistaken for long-range missiles by the U.S.S.R. and therefore without threatening the efforts to limit strategic nuclear weapons.

Two central conclusions can be drawn from the foregoing analysis of the technology and the performance characteristics of existing and contemplated cruise missiles. The first is that with one possible exception the development and deployment of strategic cruise missiles at this time is counterproductive for three reasons: they are unnecessary, their deployment would nullify the existing strategic-arms-limitation agreements and obstruct similar future efforts, and their deployment on nuclear submarines would increase the vulnerability and probably reduce the operational efficiency of that important deterrent force. The one possible exception is a future version of an air-launched cruise missile that could be deployed on transport planes in place of long-range bombers. The price of such a system, however, must be measured not only in dollars but also in terms of lost arms-control opportunities, the creation of new threats against this country and the abandonment of any numerical ceilings for strategic weapons.

The second conclusion is that negotiable criteria for differentiating between tactical and strategic versions of cruise missiles can and should be devised and incorporated into the design of future cruise missiles. The limiting criteria must be based on observable physical variables such as the volume of a cruise missile or the type of engine it is equipped with rather than on unverifiable variables such as the missile's range or the type of warhead it carries. For example, it is possible to differentiate between tactical and strategic cruise missiles by defining as tactical any missile that (1) has a volume of less than half a cubic meter, (2) is powered by a turbojet engine and (3) has a thrust of less than 600 pounds. A strategic missile, on the other hand, would be one that has a volume exceeding half a cubic meter and a turbofan engine.

The physical characteristics outlined above can be detected from orbiting reconnaissance satellites, and they do not impose (for the U.S. at least) any practical restrictions on the design of a cruise missile, since in each case the values of the relevant physical variables would be chosen within the proposed limiting criteria for economic and technical reasons. Reconnaissance satellites can provide the U.S. with information that something may be taking place in the U.S.S.R., but they cannot ensure that something is not taking place. Therefore although the U.S. can rely on such monitoring systems for early intelligence about cruise-missile developments in the U.S.S.R., the systems do not offer the unambiguous verification capability the U.S. Senate would need in order to ratify a treaty with the U.S.S.R. banning the development of strategic cruise missiles. What such monitoring systems do allow the U.S. to do is to exercise unilateral restraint in the development and deployment of long-range cruise missiles while inviting the U.S.S.R. to agree to a similar restraint. The U.S. can be certain that monitoring systems with the capabilities outlined here can detect the development of long-range cruise missiles at an early stage and so enable this country to abandon the unilateral restraint in plenty of time, if it chooses to do so.

The position of unilateral restraint is feasible for two reasons. First, no urgent response is necessary in case the U.S.S.R. is found to be developing long-range cruise missiles, because according to official accounts the U.S. is at least 10 years ahead in the technologies relevant to cruise-missile development. Second, the stability of the strategic balance between the two countries, in view of the many thousands of deliverable nuclear warheads available to both, cannot be upset unless one of the two deploys many thousands of long-range cruise missiles armed with nuclear warheads. Such a deployment, however, would take several years to complete and would be detected at a very early stage by the other side's monitoring satellites. A policy of unilateral restraint in the development and deployment of long-range cruise missiles by the U.S. not only is safe and desirable on economic grounds but also would allow for the orderly development of an effective tactical cruise missile.

Such a policy would of course impose stringent demands on the reconnaissance capabilities of both sides. It is essential for the success of present and future strategic-arms-limitation efforts to look ahead and define what reconnaissance capabilities will be necessary in order to bring these new weapons under control. The new technology that has made cruise missiles possible can also be applied to the development of monitoring systems with the resolution necessary to ensure compliance with the terms of agreements based on the criteria I have outlined. What has been lacking so far is political leadership with the will and the wisdom to exploit technology for the control of nuclear weapons rather than for their proliferation.

SALARY INCREASE

Mr. STEVENS. Mr. President, the question of a salary increase for Members of Congress, the judicial branch, and the well over 20,000 top officials in the executive branch of the Federal Government is, I know, being considered by Members of this body. The judicial branch of Government has, I feel, the greatest to lose by failure to implement an adjustment as recommended by the President. The case for the plight of the judiciary branch is summed up exceedingly well at the conclusion of Chief Justice Warren Burger's yearend report for 1976. Mr. President, I ask unanimous consent to have printed in the RECORD Chief Justice Burger's comments in his report with regard to adjusting for lost purchasing power suffered by the judges of this Nation.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

One of the most important events in 1976 is the report of the statutory quadrennial Commission on Executive, Legislative and Judicial Salaries which has submitted its recommendations to the President. If approved by the President and accepted by Congress, they will make up in part for the failure to adjust judges' salaries for almost eight years (excluding the 5 percent cost-of-living increase of 1975).

The resolution of this crisis—for it is just that—in compensation of the upper levels of the federal government will have a lasting impact. Failure to adopt these recommendations essentially as made will lead to an increased "brain drain" in the Judiciary and the upper echelons of the Executive Branch career service.

To repair that damage will take a generation. The gross inequity of the seven year pay "freeze", while cost of living has increased more than 60 percent, is not a bright spot in the treatment accorded some of America's public servants.[1] The price we have already paid is this: in the past three years, more federal judges have resigned to return to private legal activity than in the previous half-century. There are obvious limits to the purchasing power of so-called psychic income which some attribute to the prestige of a federal judgeship.

JUDICIAL CONDUCT

Since 1969, the judiciary has been in general complimance with the recommendations on ethics and reporting proposed by the Commission on Executive, Legislative and Judicial Salaries. Judges are totally banned from the practice of law or serving as an officer, director or employee of a corporation organized for profit. Judges cannot perform judicial duties in any matter in which they have any interest—even one share of stock. Judges file complete reports on any outside earned income every six months and these reports are open to the public.

This year end is a good time to pay tribute to the great service rendered by the Senior Federal Judges—the most conspicuous of whom is Mr. Justice Tom Clark, who accepts assignments to sit in every corner of the country. It is sometimes said by the uninformed that federal judges have a generous retirement pension. The fact is, they do not have a "pension", as that term is used to describe retired civil servants or Congressmen who return to private pursuits after earning a pension.

VOLUNTARY SERVICE OF SENIOR JUDGES

Presently, there are 163 Senior Federal Judges, virtually all of whom, like Mr. Justice Tom Clark, literally work for nothing. Only a handful of Senior Judges of advanced years or infirm health are truly "retired" in the sense of no longer performing judicial duties.

Were it not for the continued work of these Senior Judges, the Federal Court system would have collapsed during the past 5 or 6 years—the very years when judges, along with the upper tier of civil service personnel, have been subject to an unparalleled discrimination on salaries.

To refer to Senior Federal Judges as "retired" or as receiving "generous pensions" is a distortion of fact. The value of the continuing services performed by these judges who have no obligation to continue work after age 65 can be measured in the millions of dollars each year.

THE FULL EMPLOYMENT AND BALANCED GROWTH ACT: THE RIGHT PRIVATE AND PUBLIC MIX

Mr. HUMPHREY. Mr. President, as the Congress debates the Carter administration's proposals to reduce unemployment and revitalize the Nation's economy, I hope it is becoming increasingly

[1] Civil service employees below the top echelons have received approximately 70 percent increases, excluding promotions.

apparent that no single approach is going to provide the key to unlock these complex problems.

The administration's economic advisors themselves have made it clear, through their tax and spending proposals, that an effective solution cannot be achieved by emphasizing only a few programs. The final mix of a complete strategy has yet to be decided by the Congress and the administration, but the long- and short-range policies and programs that are adopted will have to utilize all the available tools to stimulate every major economic sector if we are to get people back to work while achieving stable growth and prosperity.

We are not going to achieve a full employment and balanced growth economy by simply providing the business community with additional tax subsidies, although some well thought out relief in this area will and should be made to provide incentives to create new job opportunities.

The same reservations hold true for advocates who concentrate on increasing the money supply to bring down interest rates and expand available investment and consumer credit. At the same time it must be recognized that monetary policy must be kept well away from the point of restriction during the months ahead.

And, we are not going to turn the corner solely by pumping a lot of tax money into emergency public employment programs, even though new efforts are going to have to be made here to answer some of the Nation's most pressing priority needs and to temporarily provide jobs and job training programs.

We are going to have to do all of these things in a carefully orchestrated and consistent manner in the months and years ahead if we are to turn the corner once and for all. This point was recently brought home in an article written by David P. Eastburn, President of the Federal Reserve Bank of Philadelphia for the New York Times. Now, I am not in the habit of agreeing with the Presidents of Federal Reserve Banks and I do not agree with some of Mr. Eastburn's viewpoints or attitudes, particularly those applying to unemployment problems. But in an overall sense, he has articulated the complexity of the problems facing our Government and the cooperative spirit that must be generated and sustained among leaders of various economic camps if we are to succeed.

Mr. President, it may come as something of a surprise to Mr. Eastburn, but his concern for a balanced and cooperative effort is answered by S. 50 and H.R. 50, the Full Employment and Balanced Growth Act of 1977. Representative AUGUSTUS HAWKINS and I have reintroduced the bill following important changes made to it last year by the House Education and Labor Committee.

As you know, S. 50 and H.R. 50 require the establishment of a framework and procedures by which the administration and Congress must develop and implement the long- and short-range policies and programs to achieve a full employment economy while maintaining proper safeguards against inflation.

The major thrust of the bill emphasizes the use of general fiscal and monetary policies to create the kind of economic climate that will promote the establishment of new businesses and the expansion of existing commerce and industry to achieve the employment goals of the bill. Federally funded public works and facilities and public employment programs would be temporarily utilized to fill the gap between public sector performance and that goal.

The original bill introduced last year would have established a goal of reducing unemployment to 3 percent of the adult labor force within 4 years following enactment. Constructive critics of the bill were concerned that this provision, if it was applied to all workers 16 years old and older, would produce unacceptable inflationary pressures. The new version of the legislation restricts immediate application of the 3-percent goal to workers who are 20 years old and older within 4 years and requires that unemployment for teenagers, women and minority groups be reduced to the same level as soon as possible.

Unlike last year's bill, the new version contains a provision that in effect establishes a numerical anti-inflation goal. It states that the annual full employment plan required to be submitted by the administration for consideration by Congress must be consonant with inflation at no higher a rate than that of the preceding year and at no time higher than the rate existing at the time of enactment. As a result, the goal of steadily reducing inflation is now built into the legislation.

Another important change in the revised bill relates to provisions establishing reservoirs of last resort jobs to assure workers of the right to employment opportunities when they are unable to find jobs elsewhere. As it is now written, last resort public employment job programs cannot be implemented until 2 years after enactment of the legislation, in order to fully employ the potential of the private sector and conventional federally funded programs to meet the employment goals of the bill.

With these changes, S. 50 and H.R. 50 achieve greater balance in terms of utilizing both private and public resources to reach and sustain a full employment economy while maintaining proper safeguards against inflation. In its present form, the measure mirrors the private and public mix that Federal Reserve Bank President Eastburn writes is needed to effectively respond to the Nation's economic problems.

Mr. President, I ask unanimous consent that Mr. Eastburn's article in the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOBS: A NEED FOR COMBINED EFFORTS * * *

(By David P. Eastburn)

Despite improvement in the nation's economy, unemployment will stay unacceptably high in 1977. Solutions to the problem will require some tough trade-offs between considerations of equity (the province of Social Man) and efficiency (the preserve of Economic Man). These trade-offs must be made in the three main ways of dealing with unemployment: monetary and fiscal policy, structural measures and sustaining income.

Solution No. 1 would involve monetary and fiscal policy. When it comes to demand management—influencing the total demand for the products of our economy by changes in money growth and interest rates and by government spending and taxing—Social Man would go all out. The basic solution, he feels, is to be sure the economy is operating at full draft.

Economic Man sees some limits. Monetary and fiscal policy, he thinks, should be used only to smooth ups and downs of the economy, not to push unemployment down to zero. His "best" rate of unemployment isn't zero but the rate where all unemployment is voluntary. To try to keep unemployment below this point not only is inefficient but also produces inflation.

Social Man would rather err on the side of accepting more inflation because he sees unemployment as the greater evil; Economic Man leans to policies that reduce the chances of inflation because he sees this as the greater evil. I feel more comfortable with the view of Economic Man. There are limits to how far we can push the economy without setting off skyrocketing inflation. No one knows what unemployment rate is consistent with stable prices, but it is clear that it has risen. We have some room for additional stimulation but should be very alert to prices. Given the recent trauma of double-digit inflation, we should proceed very carefully about reducing unemployment through monetary and fiscal policy. If inflation were to take off again, the outlook for unemployment would be bad indeed.

Solution No. 1 can't do the whole job because what economists call a structural element has been creeping into the unemployment problem over recent years. There are substantial numbers, largely minorities and youth, who are not well equipped to compete in the job market.

Solution No. 2 would involve structural measures. This is a matter on which Economic Man has strong views. He has certain theories about how markets are supposed to operate. When they don't, he is vigorous in urging reform. He looks for more efficient ways to bring job offerer and job seeker together, and he presses for reforms that will eliminate barriers to competition, rigidity of wages or restrictions on movements of people. Social Man would be more inclined to intervene directly to accomplish what he wants.

Economic Man and Social Man both favor the development of human capital through training and education. This is, of course, the fundamental solution. Unfortunately, past history is not particularly encouraging. Despite the lengthy experience with job training programs, we're still a long way from understanding the relation between manpower training and employment experience. Limited evidence shows that government training programs have had positive but rather small economic effects.

There is some danger, moreover, that unsuccessful employment programs can be costly beyond the dollars spent. There is the possible social impact of raising and then disappointing expectations. After an individual devotes time and energy to a training program, there had better be a job waiting if we are to avoid the kinds of frustrations we saw in the 1960's.

Another aspect of structural imbalance is the minimum wage. This is anathema to Economic Man. In general, it imposes an artificial price on labor and hinders free flow of supply and demand in the marketplace. In particular, it makes it impossible for em-

ployers to hire many teenagers and unskilled adults whose output is not worth $2.30 an hour. Economic Man would abolish the minimum wage. But Social Man believes that every worker deserves a decent wage and that allowing employers to pay less than $2.30 an hour is to encourage poverty.

There may be a way to reduce the cost of hiring unskilled workers while still maintaining the guarantee of a living wage. How? By a wage subsidy. One proposal is for the government to issue vouchers to young people looking for employment. Companies could then redeem these vouchers for perhaps 30 to 40 percent of the minimum wage but would be obliged to spend part of this sum on job training. The training presumably would lead to a higher-paying job. This and similar schemes probably have only an uphill chance of being adopted.

Public service jobs, as a structural solution, make sense to Social Man. Since the economic ills that cause unemployment are largely the responsibility of the Government, he feels it is only right for the Government to act as employer of last resort.

Economic Man, however, has several objections to this solution. It enlarges the role of Government. It is expensive in relation to results. It could be hard to terminate when conditions improve. If the wage for public service is set too high, it might simply pull workers out of the private sector.

Economic Man's view of the public-service solution draws a great deal of sympathy. Although there *are* possibilities of temporarily putting people to productive public use, difficulties arise in considering public-service as a solution for chronic unemployment for long periods. Massive public works rank second best to a vigorous private sector, and they are hard to start and hard to turn off. Public-service employment in limited amounts is probably one of several answers, best used as a transition device to move workers into private-sector jobs.

Solution No. 3 is to sustain incomes. What most sets present unemployment apart from that of the 1930's is the fact that we now have several ways of prolonging people's incomes in adversity. Unemployment compensation is one of these. Social Man sees it as a life saver and has been successful in persuading legislators to make it progressively more liberal.

Economic Man has trouble with such a solution. As presently administered, it reduces the efficiency of the economic system, he feels. As legislators have increasingly liberalized the benefits, he says, they have reduced the incentive for an unemployed worker to look for a job. Some preservation of income is only fair, but too high a benefit makes it too attractive to stay out of work.

Various proposals to remedy this situation have been made. They include shortening the period of benefits, requiring the individual to take a job if it is offered to him and requiring him to undergo training. A proposal more likely to be adopted is to make unemployment benefits taxable. As things now stand, a person who is out of a job pays no income tax, while a person with a job and with the same income and family situation pays a tax. This is inefficient and unfair.

Another proposal is to change the way employers contribute to unemployment benefits. The present system, by seting a ceiling on these contributions, subsidizes employers in highly cyclical industries and thus increases the number of short-lived jobs. This is neither efficient nor equitable. The proposal is to tax every employer just enough to cover the benefits paid to his former employees.

Economic Man has a point here. Unemployment insurance probably does reduce incentives. So I would lean toward some adjustments (such as taxing benefits and perhaps changing experience ratings) but would steer clear of drastic solutions.

How does all this add up? A pessimistic view is that each solution has severe disadvantages. Monetary and fiscal policy can do only part of the job of reducing unemployment because it runs into the inflation problem. Training takes a long time. The minimum wage arouses political opposition. Public-service jobs are expensive and of limited feasibility. Liberalizing unemployment benefits would further impair efficiency.

An optimistic view is that action on all of these fronts will produce some results. This is the view I prefer. No quick solution is likely, but we have not yet marshaled all our forces effectively. Inevitably, we will need to trade off equity against efficiency. So neither Social Man nor Eocnomic Man will be completely satisfied. But solving unemployment will require their combined efforts.

BEHIND THE UNEMPLOYMENT NUMBERS

Mr. GOLDWATER. Mr. President, the more I hear and read these days about the unemployment situation, the more I am impressed with how little many people understand what is behind the jobless figures announced each month by the Department of Labor. One of the best recent analyses I have seen of this problem was by Milton Friedman, the Noble Prize winning economist in the February 7 issue of Newsweek magazine. Because of its importance, I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BEHIND THE UNEMPLOYMENT NUMBERS

(By Milton Friedman)

We are spending more than $15 billion a year on unemployment-insurance payments because unemployment has stubbornly remained in the neighborhood of 8 per cent. *OR:* Unemployment has stubbornly remained in the neighborhood of 8 per cent because we are spending more than $15 billion a year on unemployment-insurance payments. Which is the cause, and which the effect?

SOMETIMES IT PAYS * * *

In a recent column (Boston Herald American, Dec. 29), Warren T. Brookes reports that unemployment in Massachusetts went from 7.5 per cent of the labor force in October 1974 to 11.1 per cent in October 1975, to 7.1 per cent in October 1976—yet *employment* changed hardly at all. The drastic changes in unemployment were produced by an initial increase and subsequent decrease in the number of persons recorded as in the labor force.

What produced those changes? According to Brookes, the extension of benefits effective January 1975 "brought 100,000 people out of the woodwork and on to the unemployment rolls—not because they had lost their jobs, but because the state and the Federal government were offering a good deal."

"About a year ago, the governor and the legislature tightened up the state's unemployment-compensation program—making it impossible for people who quit their jobs voluntarily to collect benefits."

The result? "The work force declined by 120,000 . . . while jobs went up about 19,000 . . . Unemployment plummeted—not because our economy was booming, but because the benefits were no longer available."

On the national level, the same phenomenon is shown dramatically in the accompanying charts.

The left-hand chart plots *employment*, expressed as a percentage of the working-age population (i.e., 16 to 64 years old). The solid line is for the current expansion. The dotted line is for the corresponding period of the 1961–1966 expansion. The employment percentage has not only been consistently higher during the current expansion, it has risen more rapidly and is at or near an all-time high. By this standard, the current expansion has been exceptionally vigorous.

The right-hand chart provides a sharp contrast. Unemployment—expressed also as a percentage of the working-age population rather than (as it usually is) as a percentage of the labor force—has not only been systematically higher during this expansion than during the earlier expansion, but has declined much less. By this standard, the current expansion has been exceptionally slow.

* * * TO BE UNEMPLOYED

The number of people unemployed is not a hard number. It depends on the answer, in a sample survey, to the question: "Has [member of the household] been looking for work during the past four weeks?" The answer may well depend on the availability of unemployment benefits. If they are not available, people who do not really want a job have no incentive to look for work or say that they are looking for work; but if eligibility for benefits depends on being available for employment, such people do have a strong incentive to go through the motions of looking for work (to cite a dramatic example, pro baseball players during the off season). Moreover, the availability of unemployment insurance establishes an incentive for people who might otherwise not be in the labor market at all to take a job in order to qualify.

As evidence, note that the sharp rise in the unemployment percentage from the first to the second quarter of 1975 followed the extension and liberalization of unemployment benefits; the milder rise since the second quarter of 1976 followed a further extension.

The reports of unemployment percentages are misleading also since they mix soft cases with hard: the college youngster seeking a part-time job is one unemployed person; the head of a household seeking a full-time job to support a family is one unemployed person. On the other hand, the hard-core unemployed person who is not looking for work because he has become discouraged is not counted as unemployed at all.

The quickest way to reduce the reported unemployment percentage would be to imitate Massachusetts nationwide and tighten up unemployment insurance. That might or might not be a good thing to do. My point is only that the many people who, on the one hand, favor a generous unemployment-insurance system and, on the other, bemoan the high recorded rate of unemployment are being inconsistent. They want to go swimming without getting wet.

Unemployment is a serious and important problem. But emphasis is on the single unemployment percentage, as if it were meaningful and homogenous, gives a misleading impression of both the nature of the problem and its magnitude.

THE NATURAL GAS CRISIS

Mr. CLARK. Mr. President, I voted for final passage of the Emergency Natural Gas Act, because I believe that the people of Iowa will want to do what they can to help if homes and hospitals in other areas of the country are actually threatened by a cutoff of natural gas this winter.

Such a cutoff will be devastating, and I am sure the people of other States would want to help us if we were facing the same threat.

This emergency legislation is very limited in scope. Its purpose is to assure

that high priority users of natural gas—like homes and hospitals—will have enough gas to keep people warm. It gives the President the power to allocate natural gas from a pipeline where supplies are adequate to one where high priority users are threatened. It does not give him power to go beyond that, and even that power is very temporary—through April 30.

In order to assure that such allocation is fair, the bill provides for just compensation for gas transferred from one pipeline to another and it provides that no allocation can be made if it would jeopardize the homes of people on the contributing pipeline.

The bill also permits interstate gas pipelines, which can usually only buy gas at regulated prices, to pay higher prices, and thus to compete for unregulated natural gas in the gas-producing States. The producing States have more gas available than the rest of the country and this bill opens up that supply to other States.

Mr. President, in spite of record cold temperatures, Iowa is holding its own during this natural gas crisis. Due to the foresight of the companies serving our State and the good sense of many Iowans, we have prepared for this situation. This has not been easy. It has forced large industries to convert to energy sources other than natural gas at considerable expense. It has meant that natural gas service could not be extended to new users. It has meant that Iowa ratepayers have paid extra to maintain storage facilities.

Other States were not as well prepared as Iowa and I hope this experience will encourage them to take some of the difficult steps that are necessary.

But, in the meantime, the people in those States are suffering and, if the cold weather continues, the suffering will increase. I do not think we in States like Iowa can afford to be smug. Certainly we do not want to trade a cold home in Ohio for a cold home in Iowa. But if we can help without doing that, we will. Iowa has a tradition of neighborliness. And, in that tradition, we must and we will provide the best help we can. I think this legislation gives us the opportunity to do that.

ALASKA'S OPEN LAND

Mr. STEVENS. Mr. President, a major issue of importance to Alaska in the 95th Congress will be the congressional consideration of approximately 80 million acres of public land which have been withdrawn in Alaska for study as potential additions to the National Forest, Wildlife Refuge, Park, and Wild and Scenic River Systems. Under section 17 (d) (2) of the Alaska Native Claims Settlement Act, Congress has until December 1978 to decide the final dispositions of these withdrawals.

This is an issue of tremendous importance to the State of Alaska. During the 5-year period in which d–2 lands have been withdrawn for study, numerous proposals have been presented on the issue, some in legislative form and others only as concepts. The key to the issue is creating a system in which only those areas which are experiencing a substantial amount of pressure regarding competing and conflicting land uses are immediately established as specific units. Too little is known about the resource values of this land to make final decisions from which there is no return. Instead, Congress must leave to future generations those decisions on land use in Alaska which are better solved further down the road.

It is not a matter of saving Alaska's lands from overdevelopment or allowing Alaska's lands to be used unwisely. The congressional d–2 decision must account for Alaska's needs as a growing State with a vibrant economy, the Nation's needs regarding Alaska's resources which can be of service to the country, and those demands on and needs for Alaska's lands which cannot be adequately evaluated today.

Recently, Jack Horton left office as Assistant Secretary of the Interior for Land and Water Resources. Mr. Horton had a great deal of experience in management of America's public lands with a particular insight for the problems of Alaska's land-use management. His services will be greatly missed as he had a particular feel for the decisions which must be made concerning Alaska's d–2 lands.

The St. Louis Post-Dispatch recently printed an article concerning Alaska's land and Mr. Horton. I commend this article to the Members of the Senate and ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EYES ON ALASKA'S OPEN LAND

(By William K. Wyant, Jr.)

WASHINGTON.—Jack O. Horton is leaving office as assistant secretary of the interior with the conviction that Congress will whittle down federal park proposals that would prevent mining in immense tracts of scenic Alaskan back country.

"The time has come when you can't set aside huge chunks of land for a single purpose," says Horton, a 38-year-old Princeton graduate and Rhodes scholar who expects to be departing soon to run his family's 16,000-acre cattle ranch near Saddlesstring, Wyo.

Horton's mining-oriented viewpoint is shared by the State of Alaska and by the joint Federal-State Land Use Planning Commission for Alaska, of which he was the federal cochairman in 1972–73. Many conservationist groups, including the Sierra Club, do not share it.

"He's a very nice guy, but he's a miner," said Brock Evans of the Sierra Club's Washington office. Evans said conservationists would be fighting for their own Alaskan proposals, which would greatly extend rather than diminish the areas closed to mining.

Horton would be rated a conservationist by many standards. He is, for example, against putting the proposed natural gas pipeline through the Arctic Wildlife Range. He is an avid outdoorsman, and when he talks about his climb up 20,620-foot Mount McKinley—North America's highest mountain—early last summer, he takes on the evangelical fervor of the Sierra Club or the Wilderness Society.

Horton argues that it makes sense, from the national as well as the state's viewpoint, to work out in Alaska an "enlightened multiple-use management" under which unique scenic areas are kept inviolate while mining is allowed in neighboring areas under conditions that fully safeguard the environment.

To this, the standard conservationist reply is that Alaska—where in mid-1974 more than 96 per cent of the land was still under federal control—offers the American people their last chance to safeguard sizable remnants of a wondrous heritage. Mining, they say, is not compatible with other uses.

The American Mining Congress, which represents industry, holds that access to federal lands is essential. Copper and other hard-rock minerals often occur commercially where mountains have been formed. Hence the clash between mining and scenery.

In Alaska, the problem of mining access to which Horton referred is part of the complex process of dividing federal lands among natives and the state, and deciding which the United States wants to keep.

There are diverse and conflicting interests in the Alaskan land barbecue. The barbecue is front-page news in Alaska. In the lower 48 states, it promises to engage wide public attention when the next session of Congress moves toward a decision on thorny issues.

What Congress will be working on is a set of recommendations made by former Secretary of the Interior Rogers C. B. Morton in December 1973, in accordance with the so-called "D–2" section of the Alaska Native Claims Settlement Act signed by former President Richard M. Nixon in December 1971.

The same law established the Federal-State Planning Commission, of which Horton used to be federal cochairman. That post is now held by Burton W. Silcock, who headed the Interior Department's Bureau of Land Management and, like Horton, favors a flexible approach on mining.

In the Interior Department's Alaskan proposals of three years ago, the Secretary made recommendations which, if enacted, would give varying degress of protection to some 83,000,000 acres of federally owned land in Alaska.

The 1975 package, which the department still supports officially, calls for addition of 32,260,000 acres to the National Park System, 31,590,000 to the National Wildlife Refuge System 18,800,000 to the National Forest System and 82,000 acres to the National Wild and Scenic River System.

To those sophisticated in such matters, it was apparent that more than 63,000,000 acres—those included in national parks and wildlife refuges—would be substantially closed to mining. The national forest tracts would not be protected, because they are open to mining.

Morton's plan for Alaska would approximately double the size of the nation's park and wildlife refuge systems, but conservationalists believed that too many compromises had been made, and they offered a greatly expanded plan.

A conservationist coalition stepped forward with Alaskan federal withdrawal proposals totaling more than 106,000,000 acres. The group proposed reducing the National Forest System allocation to 1,600,000 while enlarging to more than 100,000,000 acres the allocation to national parks, refuges and other holdings more or less forbidden to the miner.

While these things were on the back burner, conservationist magazines such as the Audubon Society's published photographs showing the remote and glorious country that was on the chopping block. Federal and state officials pored over the maps. The mining industry agonized about the future.

Late in 1975, the American Mining Congress' Journal ran an article called "Is Our Account Overdrawn?", warning against excessive withdrawal of federally owned land from mineral exploration and development.

The authors were Gary Bennethum and L. Courtland Lee of the Interior Department.

Interior Secretary Thomas S. Kleppe reacted in a speech to the American Mining Congress last January. He announced that he had established a task force on mineral withdrawals, to add up the restrictions imposed on mineral development and recommend future policy. The task force is writing its report.

Around the department, the more flexible policy toward mining suggested by Horton is called "the doughnut approach"—so called because it would fully protect key scenic treasures against mining or other encroachment but allow a controlled type of permit-lease activity outside a doughnut-shaped buffer zone.

What it boils down to, officials here say, is that the state of Alaska and the Federal-State Commission would like to reduce Morton's recommendations for parks and wildlife refuges by 25,000,000 to 30,000,000 acres. Some would be put into a "fifth system"—still in federal ownership but open to controlled mining.

Theodore G. Bingham, a programs analysis officer in Horton's office, said the mining or no-mining struggle in Congress might focus on three proposed national parks—Gates of the Arctic in the north, Wrangell-St. Elias in the east, and the Mount McKinley addition in central Alaska. All have rich copper or other mineral potential.

"How you split the pie is the question," Bingham said. He pointed out, as Horton had, that a mineral belt runs along the Brooks Range in an east-west direction, posing a conflict with the Gates of the Arctic park. Kennecott Copper interests have been working there for years.

SMART WEAPONS—IS OUR STRATEGIC PLANNING OBSOLETE?

Mr. HUMPHREY. Mr. President, in Sunday's Washington Post there appeared a very thought-provoking article written by Arthur T. Hadley, entitled, "Smart Weapons, a Revolution in Arms and Tactics."

The author calls into serious question the ability of our key strategic planners to keep pace with ever-escalating technological advances in military weapons development. I commend the column not only to my colleagues in the Congress, but to the appropriate officials in the executive branch as well. I am deeply disturbed over the implications of what Mr. Hadley has written, particularly since we may be called upon to authorize and appropriate moneys for a generation of weapons which are obsolete before research and development has even begun.

It appears there is a necessity for a complete rethinking in our approach to the development of future generations of military weaponry. It is certainly incumbent upon the Congress to call into question development of new strategic bombers for the Air Force, aircraft carriers for the Navy, and tanks for the Army. It is time the Congress demand an integrated national defense strategy from our planners, rather than special pleas for weapons from each branch of the military with little or no attention to how such weaponry complements or reinforces the role others will play in a war-time situation.

Perhaps the time is ripe for such a reevaluation in our strategic planning. We have a new administration with fresh ideas and approaches. But the Congress must act as a partner in this exercise and demand that our defense dollars be spent in such a manner that we adequately meet our needs in the future, rather than attempting to make adjustments to the past.

It appears we may be on the verge of launching ourselves on a national defense course which is not only wasteful in monetary terms, but seriously deficient in our ability to meet the challenges of a rapidly changing technological age.

Mr. Hadley has rendered the Congress and the executive branch a significant service in raising the issues he has in his article. I sincerely hope that we respond to the challenge on the same high plane and begin serious evaluation of how our defense spending can indeed respond to legitimate national security needs.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 30, 1977]

SMART WEAPONS—A REVOLUTION IN ARMS AND TACTICS

(By Arthur T. Hadley)

In May of 1972 a handful of F-4 fighter-bombers using guided bombs knocked out the Than Hoa and Paul Doumer bridges in North Vietnam. No aircraft were lost. These bridges had withstood six years of conventional bombing by hundreds of aircraft, with the loss of 18 planes.

A year later in October, fighting in the Sinai desert, the 190th Israeli Armored Brigade was destroyed by hand-carried Saggers—Russian-made, wire-guided, antitank missiles. Over 130 tanks burned in two hours. At the same time, above the Golan Heights, Russian-made Sam 6s—infrared, heat-seeking, surface-to-air missiles—drove the Israeli Air Force from the skies. Ninety aircraft downed in two days.

In all three examples, a radically new breed of weapon was doing the killing: weapons known as Precision Guided Munitions (PGM), or "smart weapons" in military argot.

Smart weapons are bombs, missiles, shells and torpedoes that can hit their targets at least 50 per cent of the time—if the weapons can see the targets or sense them. During World War II it took 300,000 bullets to hit one infantryman. This extraordinary change in the ability to kill is revolutionary.

Ever since the first man picked up a stick or stone to hurl at his enemy his expectation has been, in spite of what his coach told him on the rifle range, that he would probably miss the SOB. No longer is this true. The fact that weapons, often fired from great distances, now can hit what they are aimed at is starting to cause turmoil in the armed services. The possiblities of change appears as dramatic as those caused in their time by the machine gun, the tank and the atomic bomb.

The clandestine debate over the changes smart weapons will bring is far more bitter than your usual Washington hassle over who gets how much money for what cherished weapons system. The battle, mostly conducted out of public view, strikes at the foundations of present tactics, strategy and service organization. Nothing like it has been seen since the decision to create a separate Air Force after World War II.

Basically, the debate is over philosophy, not hardware. The results may be as sweeping as the German gamble in the 1930's to forget trenches, barbed wire and masses of infantry and instead mate tanks and aircraft to create the Blitzkrieg.

Weapons systems at the core of the power and the budget of each of the three armed services are threatened: the bomber in the Air Force; the large surface ship in the Navy; the tank in the Army. This has produced a certain schibophrenia about smart weapons and caused the United States to move very slowly, both in buying them and integrating them into our arsenal.

The Roland, an anti-aircraft smart missile we have just started to purchase, was developed by the French and West Germans. The Israelis supplied much of the pressure to speed Copperhead, a smart artillery shell now beginning to be produced. Russian long-range naval smart weapons are faster than our own. More importantly, other nations have begun radically to alter their armed forces to utilize these new weapons.

The last major philosophical/strategic decision made in the Defense Department was in 1948, at Key West, Fla. The Key West decisions assigned the roles and missions of the three armed services as they exist today: The Army can't drop bombs from planes, the Air Force can't train paratroopers, the Navy can't build long-range bombers and so on.

The philosophical question underlying the debate over smart weapons is the speed with which change comes in warfare. The two schools of thought on this question are usually called "conservative" and "progressive," though in moments of heat these are not the adjectives the two groups use about each other. The conservatives, who have the upper hand in all three services today, believe that change comes to the battlefield gradually. They view PGMs (conservatives never use the term smart weapons) as important, yes, but basically just another weapons. They see PGMs as things that can be mounted on existing planes, tanks and ships to increase their effectiveness. They agree that a few tactics might have to be changed—airplanes operating at a greater distance above clouds, the artillery rate of fire increased—but see no need to rethink basic strategy and organization.

An experienced Air Force officer, one of the conservatives, explained their point of view: "Every new weapons system gets you the first time. Then you figure tactics to counter it."

The progressives believes that warfare advances by leaps and bounds through dramatic developments in weapons: the stirrup, the long bow, gunpowder, the machine gun, the tank, the airplane. They believe smart weapons are such a leap; that it is necessary to restructure the three armed services and rethink their relationship to each other.

One of the leaders of this school, John H. Moore, a former deputy assistant secretary of defense, says: "The tank and the surface ship as we know them are vanishing." He stresses the importance of "as we know them." Gen. Frederick C. Weyand, the just departed Army chief of staff, when talking with me about these weapons used the adjective "revolutionary." Since we were talking for background I aked Weyand, a canny man, if "revolutionary" could be on the record. "Yes," he said, "if you qualify it with not right now, but in five to 10 years, sure."

Former Defense Secretary James Schlesinger sees himself as somewhere in the middle: "prudently visionary" about smart weapons. For him they have great strategic as well as tactical rewards. Because of their accuracy a great many targest can be destroyed with smart weapons and high explosives where with the less accurate weapons you had to use a nuclear warhead.

TRACKING THE TARGET

What are these weapons that are wreaking such havoc within the military establishments in both East and West?

The U.S. Maverick, a missile fired from planes against tanks, has a TV camera in its nose. When that camera is focused on the target the missile is fired, and the missile tracks the picture in its nose until it hits the target. These Maverick missiles were the ones rushed to the Israeli army by air in 1973 when that country was in grave trouble. Smart weapon enthusiasts continually quote the comment of an Israeli colonel about Maverick. "The damn thing blows up those Russian tanks so much that we can't fix them up for our own use." Later generations of the Maverick can switch from TV tracking to infrared tracking to penetrate enemy spoofing and bad weather.

The ability to switch guidance systems is a key feature of many of today's smart weapons. The American Harpoon, a naval cruise missile that skims the surface of the ocean for use against ships, continually shifts the radar frequencies that guide it to avoid jamming. The latest Soviet antiaircraft missiles do the same, changing their frequencies at random under computer command. Another naval missile, the even more sophisticated West German Kormoran, shifts from radar to infrared to guide itself to the target. The newer Soviet naval missiles do the same. It was an earlier model of a Soviet naval missile, costing around $20,000, that zoomed over the horizon to sink the $150 million Israeli destroyer, Elath, in 1967. The Israelis have since developed some of the most sophisticated smart weapons. Their Gabriel, another naval missile, switches its guidance from radar to television to chase its kill.

A recent advance in smart weapons used on land has been the separation of the weapon itself from the individual finding the target and doing the guiding. Smart weapons are prime targets for other smart weapons or massed regular fire. To remove the weapon from the individual doing the guiding (who is known as the "designator") is a major step. The Saggers used by the Egyptians against the Israelis were guided from the positions where they were fired, as were the early American anti-tank weapons. Now the British Swingfire allows the "designator" to be away from the missile, whose latest models fly the final part of their course on their own, guided by infrared sensors which home on the tank engine.

The U.S. Copperhead artillery shell rides a laser beam to its target. The West Germans are experimenting with both laser-guided and infrared mortar shells for use against tanks. Then there are a group of specialized smart weapons, such as the American Shrike and Standard, that pick up enemy radar or radio transmissions and home in on the antennas.

One of the generals dealing with the future of smart weapons, himself a progressive, breaks the targets they can kill into three categories: "If it moves, you can kill it; if it has iron in it, you can kill it; if it emits, you can kill it." What he means by "emits" is that the target is vulnerable if it sends out some sort of radiation; radio signals, radar signals, heat from its engines, noise of a certain kind. What this does to an aircraft carrier, a large iron target that is moving while emitting, is part of the reason the Navy has great problems facing the smart weapons future.

To those three categories one could add a fourth: If it's big enough and stationary enough to map, you can kill it. The 747 that lifts off from Kennedy can arrive within 10 feet of its runway in London using only its own inertial guidance system. Present generation long-range missiles that fly through the atmosphere, such as the controversial cruise missile, already have such guidance systems. By 1980, cruise missiles will have stored maps on board for TV comparison with the land below. By 1984, they will be guided by a global positioning system of 24 satellites supposedly able to locate anything on earth within 10 feet. Large headquarters, airfields and supply dumps would appear as dead as those tanks in the Sinai desert. Indeed deader, if that is possible, for they are more important targets. With smart weapons, the front is everywhere.

CONSERVATIVES IN CHARGE

But to focus on the individual smart weapons and their guidance systems is to miss the major point of the smart weapons debate. The question is not whether this or that improvement or electronic fix has given the bomber a temporary advantage or disadvantage over the air defense missile. The question is: What, in the age of smart weapons, is the bomber doing up there? Or the tank down there? Or the large surface ship out there? What are their missions? How does warfare change?

No one service is pushing the use of smart weapons while the others drag their feet. Rather, the clandestine debate between conservatives and progressives spreads through the three services, with the conservatives holding the upper hand. The conservatives have the rank to stop change and stifle debate. Several officers of the progressive school have recently been assigned to out-of-sight jobs. Even civilian scientists who write about weapons have had their funds threatened. Other Western nations, particularly Israel and West Germany, show far more concern over smart weapons than ourselves.

The Israelis, judging themselves correctly to be in a war situation, are highly secretive about the reordering of their armed services. During the 1973 war they defeated the first-generation smart weapons of the Egyptians and Syrians by massed artillery fire and by sending their infantry forward well ahead of their tanks. Once a hole had been punched in the Arab defenses in this fashion, the Israelis could then use their tanks, because the Arab higher command was not able to react fast enough to regroup its antiair and antitank forces.

The problem with relying on such tactics today is that artillery which is made of iron and "emits" is now becoming a prime target of smart weapons. And new smart antipeople mines will cause even heavier infantry casualties. Also there now are more and better smart antitank and antiair missiles around.

Faced with this problem, the Israelis have been pressing the United States for increased shipments of smart weapons and have been rapidly developing their own. At the same time, they have created special units to handle the new weapons. For smart weapons appear to favor the defense, which knows its own terrain doesn't have to move, and can have stocks of the weapons hidden in place. The Israeli losses to smart weapons in 1973 came during their initial counterattacks against the Egyptians and Syrians, not when they themselves were being attacked.

The sweeping changes West Germany is making in its armed forces are more public. The West German 1975–76 White Paper on Defense announced "a new force structure" stressing the creation of special Jaeger brigades and battalions to use the smart weapons. The Germans also have created a sponge of local defense units, much like the American National Guard, only far better trained, that will know their local areas. The West Germans appear to be making an effort to marry the successful hit-and-run tactics of the Vietcong with ultra-sophisticated communications and smart weapons.

"REINVENTING THE WHEEL"

No such winds of change blow through the air-conditioned marches of the Pentagon. With the three armed services firmly under the control of basically conservative men, rebuilding morale and equipment, both of which deteriorated during Vietnam, is seen as the No. 1 problem. "We are still busily engaged in reinventing the wheel," remarks a disgusted and recently transferred officer.

In smart weapons the services face truly staggering problems. Take the example of the guided bombs that destroyed the Than Hoa bridge. These bombs had been available to the Air Force for roughly five years. But their use presented that serve with a wrenching psychological problem. Only the Air Force drops bombs. But the Army can fire missiles. Supposing the guided bomb is considered a missile? Doesn't that open the Pandora's box of the Army horning in on the Air Force mission and destroying bridges in the battle's rear with smart missiles and target-spotting drones? No one makes the first step toward his own possible obsolescence with enthusiasm.

Or another example, one that is hamstringing progress in a vital area of defense today: Who pays for the following? A missile that is fired from the ground, guided through the atmosphere by a combination of radio command and magnetic homing, its target a ship that has been located by a combination of satellite photography and long-range aircraft infrared search. Who funds the development of that damn thing? No service really wants to, yet all would like to share in the funds and promotions that will be there if the weapon works and is deployed in large numbers.

And who is going to pay for the satellite, which has other functions? Who will interpret the pictures and order up the tracking aircraft? And who will decide to fire that portion of the nation's wealth at that particular target, perhaps at a time when a great many other deadly targets are presenting themselves with extreme rapidity?

THE SOVIET PROGRESS

Right now what little public discussion there is over smart weapons is being conducted in the worst possible way. Small bits and pieces of information, not all of it accurate, leak to the public from defense contractors, members of Congress lobbying for a home town weapons system or services defending their own.

One of my favorite military statistics is that during World War II one-third of all the ocean mines made in England were laid at great risk in a gigantic minefield between the Orkneys and Iceland. During the course of the war these mines sank: nine Allied freighters, one Allied warship and one unlucky German submarine.

We just can't afford such decisions today. Wrong choices can easily bankrupt us or leave us so weak we cannot defend our allies and perhaps even ourselves—not tomorrow, but five to eight years from now, when today's decisions will be the realities of our power.

Smart weapons know no national boundaries. The Soviets, with masses of their military power tied up in tanks and armored infantry carriers, are in the process of change. A year after the October Arab-Israeli war, the Soviet Union held a major military conference attended by more than 200 senior generals, party officials and scientists, specifically to discuss the lessons of the Mideast war. Three months later, in February, 1975, a followup conference was held at which the Soviet minister of defense, Marshal Andrei Grechko, himself called for a great debate on the future of the tank and antitank weapons systems. "The main striking force of the attackers, tanks, have become more vulnerable," the marshal is reported to have said. "The continuing process of protecting the antitank weapon has placed before science and technology a serious task." A lieutenant general of tank troops, A. Bondarenko, has said he fears "large unwarranted casualties in materiel and personnel."

Building up the strength of potential enemies is a time-honored Washington tactic to get more money for defense. (Insiders call it "the 10-foot-tall Russian technique.") So U.S. reports on Russian progress should be looked at carefully. Still, there are all

those destroyed Israeli tanks and planes and the sunk destroyer as physical evidence. And those were killed by first-generation smart weapons, the surplus the Russians had let go to their allies.

NEED FOR DISCUSSION

Looking at the famous "big picture," about which Washington loves to talk, smart weapons appear to have sensationally advanced a historical trend in weapons systems. Since the machine gun, ever greater firepower, killing power, destructive power has been placed in the hands of smaller and smaller units. During World War II a battalion commander could often deploy more killing power than Napoleon. Soon a single man with a target designator will be able to command that power.

This dispersal of power into smaller and smaller packages makes control and resupply infinitely complex—especially as the centers for control and resupply themselves become much more vulnerable. Traditional notions of roles and missions, tactics and strategy are being fractured if not broken. The battlefield becomes more deadly and probably great extended in depth.

Paradoxically, civilians may be safer. When you can hit the soldiers in a town you don't have to wipe out the whole town to get at the soldiers. The local defense forces will be guerrillas, small units of about five men, who will operate at the rear of, or surrounded by, the enemy. Using satellite communications and laser optics, by 1980, they will be able to guide onto their targets weapons fired from many miles away. For a cost of several thousand dollars in designating equipment, each hidden guerrilla suddenly commands the killing power of several tank battalions. NATO scientists estimate several such teams could destroy a Soviet armored division in a short time. This is, indeed, revolutionary.

However, at least for those directly involved, warfare will become more intense. The Israelis lost $2.5 billion of equipment in two weeks not to mention the far more painful human losses. Arab losses in the 1973 war are believed to be equal. How long can even the wealthiest nations wage war in a smart weapons environment? And are our medical facilities adequate to handle the enormous casualties that will occur in a brief time? One thing is sure: Smart weapons introduce a new uncertainty as to who will "win" onto the battlefield.

A hard, tough debate about the whole structure of our defense establishment has been necessary for at least four years. The 1973 Israeli-Arab war merely offered dramatic proof of this need. Right now we have inertia broken by occasional squabbles over funds for some favorite weapons system. But our future remains out of control. To bring the debate over smart weapons out in the open is no guarantee that we will make the right decisions. But at least what decisions are made will occur in the light of public knowledge.

AN ALL-ALASKA, ALL-AMERICAN GAS LINE

Mr. STEVENS. Mr. President, I would like to share with my colleagues an article which recently appeared in the Ottawa Journal. It is of special interest as we discuss the problems created by a shortage of natural gas.

This article summarizes a recent interview with Warren Allmand, Minister of Indian and Northern Affairs in the Government of Canada. He discusses Canadian plans for the pipelines proposed to transport Alaskan gas to the Midwest. The point of the article is that it is not at all certain that Canada will approve either of the proposed lines through that country. This points up the difficulties inherent in relying upon any plan which requires the use of a right-of-way through Canada to Alaska's gas to the "South 48." We need to get that gas down here as soon as possible. Our time frame for action obviously is not the time frame Canadians have in mind. This statement again reaffirmed my support for the all-Alaska, all-America gas line.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Ottawa, Ontario, Journal, Jan. 5, 1977]

DO NOT PUT TOO MUCH HOPE ON PIPELINE SAYS ALLMAND

(By Jeff Carruthers)

Indian and Northern Affairs Minister Warren Allmand says he expects the Canadian government will decide by late summer whether to approve the building of the proposed Canada-U.S. Mackenzie River valley gas pipeline.

The timing, he said in an interview, would give the United States government, and in particular the U.S. president, a firm idea of Canada's intentions before the U.S. has to make its final selection from among three competing northern gas transportation systems.

Mr. Allmand warned that, despite what some Canadians might have thought only a few years ago, it is now no longer certain whether Canada will let the Mackenzie pipeline be built.

He said he personally has no prejudice in favor of building the pipeline and added that the government decision "could be a negative one" or could have conditions attached which postpone the Mackenzie pipeline for a number of years.

He stressed that the federal cabinet is going to look at the issue with a completely open mind, with all options open.

He noted that this could mean the government would say no to the joint pipeline project or attach conditions to its being built that could effectively shove it out of the running, at least as far as the U.S. is concerned.

Since Mr. Allmand and the government will decide only after the final reports of the Berger Commission and the special National Energy Board panel are in hand, the announced expectation of an end of summer government decision puts some pressure on the board to wrap up its public hearings sooner than many had expected would be possible.

Mr. Allmand says he expects the Berger final report in March and that he will place a lot of weight on its recommendations on timing and con. Mr. Allmand said supporters of the joint Canada-U.S. Mackenzie pipeline (being proposed by Canadian Arctic Gas Pipeline Ltd. of Toronto) have argued they need a Canadian government decision before the Americans make their decision.

If the Canadian decision is delayed, Canada might lose out, according to their arguments.

Mr. Allmand noted that a few years ago, people seemed to think that the Mackenzie pipeline would definitely be built.

"Now, I'm not so certain it will be built," he said.

"And I personally have no prejudice to build the pipeline."

Mr. Allmand said that consideration of the so-called "Y-line" project that would have seen a Polar Gas pipeline connected with a side lateral to the Mackenzie Delta gas reserves, "has been dropped" for the time being.

On the Polar Gas project, which would connect High Arctic gas reserves with markets in central and eastern Canada, Mr. Allmand said it is premature to try and decide what to do until the Polar Gas consortium makes a formal application to government (expected later this year).

On the Alcan project to bring only Alaskan gas across Canada, following the Alcan Highway through northern Canada into British Columbia and Alberta, Mr. Allmand doesn't seem to think there is as much pressure for the Canadian government to decide quickly as is the case for a joint Canada-U.S. Mackenzie pipeline.

He noted that, as a plus for the Alcan project, it should be considerably less expensive and not as difficult to construct as a Mackenzie pipeline, since it uses an existing highway corridor.

Mr. Allmand said he was unaware of suggestions that a Dempster Highway pipeline could be built later, connecting the Mackenzie Delta with the Alcan route instead of building a separate Mackenzie pipeline.

MR. PAUL RAND DIXON'S REMARKS ON RALPH NADER

Mr. RIBICOFF. Mr. President, I am dismayed that a man in public office once again has been quoted as having made an ethnic slur. I am referring to the distressing remarks made by Federal Trade Commissioner Paul Rand Dixon about Ralph Nader which are quoted today in the Washington Post.

No individual appointed or elected to public office should continue to serve in any position of public trust who has demonstrated such poor judgment and lack of sensitivity. No issue in the public forum should ever be discussed by personal attack. In our country, citizens in public or private life, like Mr. Nader, have a right and duty to speak out on public issues without fear of reprisal. Publicly slandering any citizen by racial or ethnic slur is a serious danger to our country's free spirit.

I share the outrage of the 2 million Arab Americans in this country who have been deeply insulted and dismayed by Mr. Dixon's remarks. I am disheartened that a man in public office would demonstrate such lack of integrity and good judgment.

Mr. Dixon has shown a propensity for speaking out of turn before. On at least two occasions the U.S. Court of Appeals has reversed an FTC decision because Mr. Dixon spoke out on a case while it was still pending and then refused to disqualify himself.

Mr. Dixon now refuses to apologize to Mr. Nader—Mr. Dixon not only should apologize to Mr. Nader but to all Americans whose heritage proudly goes back to another land.

A FOREIGN POLICY AGENDA

Mr. CHURCH. Mr President, the distinguished chairman of the Senate Foreign Relations Committee, Senator JOHN SPARKMAN, of Alabama, has written a very useful article entitled "In Search of a Foreign Policy," which appeared in the Washington Post on January 31, 1977. Senator SPARKMAN's distillation of the findings in a series of hearings con-

ducted by the Senate Foreign Relations Committee, under his leadership, reveals an agenda for discussion and decision that should challenge and stimulate each of us involved in the formation of American foreign policy.

Mr. President, I highly recommend a reading of this agenda for all those interested in international affairs, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN SEARCH OF A FOREIGN POLICY

(By JOHN SPARKMAN)

The dawn of the Carter administration comes at a time when light is breaking through the clouds of dissent and divisions that hung over the foreign relations of the past three administrations. It is encouraging to see that today people across the full spectrum of American thinking once again are asking intelligent questions, not hurling threatening accusations. There is a healthy and positive skepticism about what has happened in the past, and an equally healthy and rational optimism about the future.

In reviewing the testimony from an extended series of hearings conducted by the Senate Foreign Relations Committee, I was struck by two facts: (1) that something of a consensus is building across the land on the kinds of goals our foreign policy should strive to achieve; and (2) that this developing consensus is, at the minimum, parallel and, at best, interwined with the general themes expressed by the Carter administration.

The hearings indicated several acceptable objectives for our foreign policy that represent great progress over what in recent years seemed in the public's mind to be a lack of direction. Those goals are:

There should be worldwide peace.

There should be increased emphasis on social and economic justice.

There is a new closer-than-ever-before relationship between the peoples of the world. Domestic problems have international aspects. International problems have domestic fallout. For example, the sale of arms to Iran is related to the rise in oil prices, which, in turn, affects the cost of driving in Indiana. We must strive to fashion policies that recognize this interrelationship.

The United States cannot avoid playing a leadership role in the world, particularly regarding issues that reflect the basic values of our democratic society.

There is a need to develop a better understanding between the government and the American people on the basic purposes of U.S. foreign policy.

How to attain those goals will be the subject of considerable discussion in the months and years ahead. For instance, there has been much talk of late about the need for a "moral" foreign policy, with less stress on pragmatism. But these concepts are hard to define in a world of great diversity. Western concepts of individual rights and freedoms are alien to much of the globe. One culture's morality may be another's pragmatism. It will be interesting to see how this particular aspect of the current debate will be clarified, since individual freedoms are basic in our society's values.

One prominent reason for my convening the committee's hearings was not to set policy, but to gain a better public understanding of the issues and problems that must be dealt with. The intent was not to come up with solutions but to encourage public discussion.

With that in mind, I asked the Congressional Research Service to evaluate the 730 pages that make up the record of those 13 sessions, and list the most important questions that should be considered in our search for a long-range and positive foreign policy. The questions that evolved are:

1. If worldwide peace and social and economic justice are accepted or acceptable goals of U.S. foreign policy, how should those goals be reached?

2. What moral standards, if any, should guide U.S. foreign policy? Further, what should be the U.S. response in instances where there are gross violations of basic human rights in countries about which we as Americans feel strongly? Is there a danger that over-emphasis on morality and human rights will lead to widespread intervention in other nation's internal affairs?

3. What kind of economic order best meets the needs of the United States, the rest of the industrialized world and the developing nations? If it is different from the existing system, how can the new order be created?

4. What should be the overriding goals of U.S. policy in relation to (a) its tradition allies; (b) the Soviet Union, China and East Europe; (c) developing nations?

5. What steps should the United States take to further international cooperation in dealing with important environmental issues?

6. The distribution of food and resources are interrelated with the population issues. Should there be stockpiling of food and other resources, and, if so, what arrangements should be made to insure that U.S. farmers and businesses do not suffer severe economic losses from such a policy?

7. The worldwide arms race combines economic, strategic and moral issues. What should be the U.S. policy toward the spread and increased sophistication of armaments around the world? What are the risks of continuing the arms race or, on the other hand, supporting a policy of disarmament?

8. Is foreign policy by consensus a feasible or desirable goal? If so, how can decision-making be more responsive to the views of the American people?

Now that we know the basic questions, it will take the combined efforts of the Congress, the administration and the American public to find answers.

Let the search begin.

PRESIDENT SUPPORTS PASSAGE OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, this past month we have witnessed a new administration take office. We see new leadership taking strong hold of the country and moving us forward. One very important example of President Carter's leadership is his call for ratification of the Human Rights Treaties.

On September 8, 1976, the President gave his support to passage of the Genocide Convention. Mr. Carter said that—

". . . we should move toward Senate ratification of several important treaties drafted in the United Nations for the protection of human rights. This includes the Genocide Convention that was prepared 25 years ago. Others include the Convention Against Racial Discrimination, the Covenants on Political and Civil Rights, and the Convention on Economic and Social Rights.

Mr. President, Mr. Carter is not the only one to lend support to this most important treaty. Mr. Richard A. Wiley, General Counsel for the Department of Defense, said that—

The Department of Defense supports the position of the Administration that the United States should accede to the Genocide Convention.

Mr. Wiley agreed that acceding to the Convention would be a positive step in the national interest of our country. Mr. Wilton B. Persons, Jr., Major General for the Army, affirmed that he fully supports accession to the Genocide Convention. Other endorsements have been coming from spokesmen for the Departments of the Navy and Air Force.

Mr. President, it is time for the U.S. Senate to take the initiative and ratify the Genocide Convention. Among others, we have heard from the President of the United States and high officials from the Defense Department calling for swift ratification of this most important human rights treaty. It is my sincere hope that these calls for ratification will yield positive action during the current session.

PART-TIME AND FLEXI-HOUR JOB OPPORTUNITIES

Mr. CLARK. Mr. President, I was pleased to join the Senator from Wisconsin (Mr. NELSON) in introducing S. 517 and S. 518—legislation to improve part-time and flexible-hours job opportunities within Federal Government agencies.

Women, of course, are likely to be the biggest beneficiaries of part-time and flexi-hours legislation. It will allow them to have a job on a part-time or flexible schedule basis, thereby giving them time for family responsibilities as well.

Other groups will also realize benefits. For instance, men who wish to take a greater role in child raising will have additional opportunity for employment. The legislation will benefit handicapped people who cannot work an entire day or who cannot commute to and from work during rush hour traffic, persons who would prefer to take part-time employment rather than early retirement, and students.

This is an area where the Federal Government has lagged badly behind private industry in opening new avenues.

In the private companies and in those Federal agencies that have implemented part-time jobs and flexi-time, however, the results have been successful and encouraging.

We are introducing two bills today. The first provides for a 3-year experimental study of flexible and compressed work schedules in executive agencies of the Federal Government, and the second mandates each Federal agency to—over a 5-year period—provide at least 10 percent of its jobs on a part-time basis.

There are presently about 28,000 Federal workers—only 1 percent of the total—working under a flexi-time system.

The U.S. Geological Survey leads the Government agencies in number of flexi-time employees, and under their setup, employees can arrive at the office anytime between 7 and 9 a.m. to begin their workday. They work 8½ hours—including 30 minutes for lunch—and leave whenever that time is up. Other Federal agencies participating in the same type of program include the U.S. Information Agency, the National Archives, the National Security Agency, and the National Credit Union Administration.

In the private sector, 3,000 organizations employing 1 million workers have implemented a 4-day, 40-hour work week, according to the General Accounting Office. Among them are the headquarters office of Montgomery Ward in Chicago, the Reuben H. Donnelley Corp. in New York, the Nestle Co., Control Data, and Northwestern Mutual Insurance Co.

The Senate Labor and Public Welfare's Subcommittee on Employment, Poverty, and Migratory Labor examined the programs of several of these companies during hearings last April on "Changing Patterns of Work in America."

A survey of 59 businesses and Government agencies using flexi-hours plans—conducted for the Business and Professional Women's Foundation—showed that absenteeism decreased 65 percent, tardiness decreased 89 percent, and productivity increased 54 percent.

Additionally, the survey indicated that none of the companies or agencies claimed a loss of productivity or greater absenteeism after instituting flexible work times.

Clearly, the tailoring of work schedules to coordinate better with the daily lives of employees have not shown to be detrimental, and the concept deserves to be better developed within Federal agencies.

Mr. Chairman, the Congress in the last session indicated interest in the type of legislation we are introducing today. The Senate passed S. 3360, which I also cosponsored, a part-time-jobs bill. The House approved H.R. 9054, the flexi-hours bill.

Unfortunately, the differences of the two Houses were never resolved, but we have another good opportunity in this session, and I hope the Congress will respond to the favorable reports showing flexible hours and part-time-jobs programs to be a viable concept which the Federal Government would do well to promote.

Mr. Chairman, I ask unanimous consent that two documents explaining the concepts embodied in these two bills be printed at this point in the RECORD. One is an explanation of alternative work schedules included in the House report filed last April 12. The second is a fact-sheet on the Part-Time Career Opportunity Act, as prepared by Senator NELSON.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

EXPLANATION OF ALTERNATIVE WORK SCHEDULES

The flexible work schedule

The basic concept of flexible work schedules is a simple one. Fixed times of arrival and departure are replaced by a working day which is composed of two different types of time: core time and flexible time. Core time is the designated number of hours during which all employees must be present. Flexible time is all the time designated as part of the schedule of work hours within which employees may choose their time of arrival and departure from the office within limits consistent with the duties and requirements of their positions.

The two basic elements of flexible work schedules are that (1) the employee must be present during core time and (2) the employee must account for the total number of required hours within a specified time period. Beyond this, the precise working hours are established consistent with the accomplishment of the organization's operational responsibilities and providing for some degree of employee choices consistent with these responsibilities. There can be many variations of flexible work schedules. Currently, however, the configurations which may be introduced in the Federal Government are extremely limited because of statutory constraints.

While only the best basic versions of flexible work schedules can presently be introduced, these offer flexibility and advantages not available under fixed-hour schedules. Following are examples of the flexible hour schedules currently being tested within the Federal Government. For the sake of illustration, the following hours of operation will be presumed: Office open from 6:00 a.m. to 6:00 p.m. and a core time established each day from 10:00 a.m. to 2:00 p.m.

(a) *The scheduled floating day.*—The employee pre-selects his or her arrival time within the flexible time band in this case 6:00 a.m. to 10:00 a.m. Once selected, this becomes the employee's fixed schedule until the next selection period.

(b) *The flexible floating day.*—Just as in the previous instance, the employee selects an arrival and departure time within the flexible time band; however, he or she is free to vary this time between the hours of 6:00 a.m. and 10:00 a.m. to the extent this is consistent with and supportive of the mission of the organization, so long as the employee is present during the core time and completes an eight-hour day.

No additional flexibility is permissible under current law. Even the concept of the Flexible Floating Day has been implemented through regulations and laws which never envisioned this type arrangement and are not particularly well suited to its implementation.

The following are examples of the major types of variations which could be tested. For purposes of these examples the same hours of operation as were used earlier will be presumed.

(a) *The flexible or variable day.*—A core time may be established on each day on which the organization will be open for business, or it may be established only on certain of these days, depending upon the degree of flexibility which is desired. The employee is permitted to vary the length of each day within prescribed limits within the hours of operation, so long as he or she is present during the core time and completes the basic 40 hours within the work * * * nine hours one day and seven hours the next in order to more effectively perform the job and to permit accommodation to a particular requirement in his or her personal life.

(b) *The flexible or variable biweekly pay period.*—This is perhaps the most flexible of the work schedules and may be particularly well suited to research and development activities and jobs requiring little interaction with others or where interaction is largely self-initiated by the employee. In this configuration, the employee has the option to vary within prescribed limits, not only the length of each day, outside of the prescribed core time, but also the length of each workweek. This is accomplished by building up an account of "credit hours," within a biweekly pay period which may be applied against the required number of hours in succeeding weeks. For example, an employee might choose to work 50 hours in one week in order to work 30 hours the following week.

In each of these illustrations it is assumed that the establishment of the operational hours and the core times are consistent with organizational requirements and mission objectives.

The compressed work schedule

The compressed work schedule is distinctly different in concept from a flexible work schedule, but each represents an alternative to the traditional, scheduled five-day workweek.

The most popular form of the compressed work schedule is the four-day, ten-hours per day model. However, a compressed work schedule can be any schedule which is established over less than five full days each week. It may be three, four or four and one-half days. Among the newer configurations of compressed work schedules is the "5–4/9 plan." In this arrangement, the employee works approximately nine hours per day for five days the first week and nine hours per day for four days the second week. Under this model, the employee receives 26 additional days off each year and each work day is extended by only one hour. By alternating the work force as to days off under any compressed work schedule, service can be maintained five days a week if that is considered desirable. The compressed work schedule has the practical effect of extending the length of each work day to some level beyond eight hours, while reducing the total number of days or portions of days during which work is performed by an individual employee.

FACTSHEET ON THE PART-TIME CAREER OPPORTUNITY ACT

1. What is the purpose of this bill?

The purpose of this bill is to direct the United States Civil Service Commission to formulate, implement and thereafter supervise the provision of part-time working opportunities in the Federal Civil Service. Legislation is needed because the current tangle of regulations effectively discourages Federal agencies from offering job opportunities to the millions of Americans who cannot work a full 40-hour workweek.

Part-time working opportunities in the Federal Government are now small in number and limited mostly to low-level positions. At the same time, the demand for such opportunity grows rapidly. Between 1963 and 1972, the number of people working part-time grew from 7.8 million to 12.6 million. A major New York placement agency reported that it receives, "five times as many responses for a part-time job as for a comparable full-time job," and that, "for many jobs, the best people on the market are people who want to work part-time." As the demand for part-time jobs grows, the Federal Government will lose access to a significant source of talent if it fails to promote flexible hours scheduling.

2. Who will benefit from passage?

There will be many beneficiaries.

By increasing the available quantity of part-time positions, the Government will expand its access to many parts of the labor market now beyond its reach. Married women with children, many of whom hold impressive professional credentials, could qualify for federal employment. Many highly experienced, expensively-trained civil servants approaching their final years of Government service would choose to stay on in a less-than-full-time capacity rather than retire early. By providing employment opportunity to people continuing their education, the Government gets increased access to knowledge of new ideas and developments as they evolve in the various academic disciplines.

By helping to end the discrimination imposed by the basic pattern of working hours in our society, this bill would also benefit working parents, particularly working moth-

ers, men and women approaching retirement age, students, and the handicapped who lack stamina to work an ordinary work week.

3. Are there not some jobs in the Civil Service that are not adaptable to part-time employment?

Yes. The bill specifically provides that an agency may request, and the Civil Service may grant, a reduction in or waiver of the percentage target if meeting that target would be substantially disruptive of the ability of the agency to perform its mission.

4. Why not test out the feasibility of part-time employment in the Civil Service with a pilot project?

There have already been a number of successful experiments with programs to provide part-time job opportunities at professional levels in the AEC, the VA and HEW. A study by Margaret A. Howell and Majorie G. Ginsberg entitled, "Evaluation of the Professional and Executive Corps of the Department of Health, Education and Welfare," published in the February, 1973 issue of *Public Personnel Management*, evaluated the HEW program on the basis of the opinions of supervisors. Some of the key findings are as follows:

(a) 77% of supervisors found no difficulty or slight difficulty in terms of availability for conferences or consultation;

(b) 86% of supervisors thought many jobs could be part-time;

(c) 100% felt women could handle high level policy making jobs and should be given the opportunity for such jobs.

5. Will this legislation threaten the jobs of full-time federal employees?

The bill provides several explicit prohibitions against the creation of part-time job opportunities at the expense of full-time federal employees.

First, Section 3 specifically prohibits the creation of part-time jobs where it would be necessary to force full-time employees into a position of choosing either to work part-time or not at all.

Second, Section 2 provides for a gradual phase-in of part-time jobs at the rate of 2 percent per year for 5 years. The part-time employment now extant in the Civil Service will count toward the percentage targets and annual attrition is more than sufficient to permit the adaptation of full-time positions to flexible hours positions with no loss of employment by fulltimers.

Third, Section 2 provides for a mechanism by which an agency can request and obtain a waiver from the percentage target when, for reasons of a major reduction in force, a hiring freeze or other major personnel action, it is not possible to attain the target percentage without adversely affecting full-timers.

6. Is it necessary to provide the employment targets specified in Section two?

Yes. These targets set a standard against which the Civil Service Commission and Congress can evaluate progress toward the promotion of part-time working opportunity. The target percentages are not rigid quotas. An agency can employ more people than the percentage target in part-time positions or less if it obtains a waiver from the Civil Service Commission.

The establishment of goals is an established government policy. FPM Letter 713–22, October 4, 1973, provided guidelines for submission of Equal Employment Opportunity plans. Section 2(g) states: The establishment of numerical goals and timetables is a useful management concept that can significantly enhance Equal Employment Opportunity plans. . . .

FIGHTING THE BATTLE AGAINST WORLD HUNGER

Mr. HUMPHREY. Mr. President, I wish to share with my colleagues a series of articles in the January 30 issue of the New York Times dealing with the world food situation.

The first article by Boyce Rensberger, "Food: A Battle Won, Not the War," indicates that the situation has improved significantly in the last 2 years, but the long-range prospects are still uncertain. A second article by Kasturi Rangan, entitled "The Rains Came and India Eats," points out that India has had good crops in the last 2 years, and it has built up a buffer stock of 20 million tons, although more than half of this has come from imports, largely from the United States.

Another article by Kathleen Teltsch, "Spoilage and Rats Ravage Crops, Too," points out the serious recurring problem of grain storage and losses through rodents, particularly in the Sahel. AID has had a Cornell consultant, Prof. Malcolm C. Bourne, spent 6 months examining this problem in terms of trying to find ways of reducing such losses.

A final article by David Bird, "Population: Winning the War," indicates that there is some ground for optimism regarding the slowdown in the world's population growth which appeared to be accelerating a few years ago.

India has recently undertaken strong measures to bring down its population growth rate from the current 2.1 to 1.4 percent by 1984. India obviously is a key country in both the population and food issues.

Mr. President, I ask unanimous consent that these informative articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

FOOD: A BATTLE WON, NOT THE WAR

(By Boyce Rensberger)

The world food crisis, a phase that a year or two ago regularly lifted the curtain on scenes of bloated bellies, matchstick arms and outstretched hands, is seldom mentioned today. The reason, of course, is that the crisis has gone away. At least for the moment.

The rains in most of the world's major agricultural regions have been frequent and well spaced and, over the last two years, farmers from the Indian Punjab to the American Prairie have been producing more food than their customers need. At least for the moment.

Global agricultural specialists who look beyond the moment, however, insist the world food situation over the long run remains as bleak as ever. They fear that the sudden turn of good weather—the major factor affecting crops everywhere—can just as easily become a sudden turn of bad weather.

Nutritionists say that while the crisis of outright starvation has been interrupted, the far wider problem of chronic malnutrition remains as serious as ever. And whether the good fortune of two straight good crop years and expanded food reserves will have brought time to make improvements in farming and reserve systems is an open question, according to Edouard Soauma, Director-General of the Food and Agriculture Organization of the United Nations.

"It is essential to avoid the danger of relapsing again into complacency at these first signs of a significant recovery in the situation," he says. "There is still a very long way to go to the realization of any of the major goals agreed at the World Food Conference two years ago."

Still, there is no denying that the world food situation in 1976 was a vast improvement over the crisis years of 1973 and 1974. The F.A.O. estimates world cereal production last year at 1.34 billion metric tons, up 8 percent from 1975, itself a good year. The gains came in all major growing areas except Western Europe where there was drought.

The biggest increase, 15 percent, was in wheat, which accounts for about a third of the world's grain production. Coarse grains, mostly corn, were up 8 percent. Rice production, constituting a sixth of the world's grain total but by far the major food grain in poor countries, declined by 1 percent.

In a year-end report, Declan J. Walton, head of the F.A.O.s Economic and Social Policy Department, said the worlds total carry-over stocks of cereals grew for the first time in three years at the end of the 1975–76 season. The rise of 11 percent brought the total to 119 million tons. The F.A.O. forecasts a further climb of 18 percent from the 1976–77 season. While this would bring the world's food reserves up to around 140 million tons, this would be smaller than, for example, the 154 million tons of 1961, when there were one billion fewer people to protect against crop failures.

The improved production helped stabilize or lower food prices in many parts of the world. In India, where it is generally considered that half the world's food problem exists, Indira Ghandi's Government has cut the price of staple grains well below what the country's excellent production would have produced. In addition, India's Food Corporation has guaranteed farmers an attractive minimum price for their grain, thus sustaining crop expansions that might otherwise have contracted because of a price drop.

The food picture was also enhanced last year by some recovery in world fish catches, which had been declining in recent years for the first time in decades. Also fertilizer production has grown with the completion of new manufacturing plants and improved efficiency in others.

Although the across-the-board recovery is welcome, international agricultural analysts point out that it is essentially a return to the old average growth rate of 2.5 percent a year.

Preliminary F.A.O. figures indicate that 1976 total agricultural production, not just the grains, grew by 2 to 3 percent, perhaps closer to 3 percent. This rate barely keeps pace with the total of population increase and the growth in consumption of grain-fed meat, which uses up grain several times faster than if the same amount of nutrition were derived from grain alone.

"In spite of the recent recovery in per capita food consumption levels," Mr. Walton of the F.A.O. said, "they remain woefully inadequate in most developing countries. The total number of people suffering from poverty and chronic malnutrition is likely to have increased still further."

Estimates of the number of people eating less than the number of calories needed to maintain ordinary physical activity run from 460 million to 1.03 billion. When calorie intake is low, the body burns protein for energy, exaggerating any protein deficiencies.

"Whatever the exact number," a recent review by the Worldwatch Institute of Washington concludes, "hundreds of millions of people are simply not getting enough food to lead fully active, healthy lives."

According to agricultural specialists, particularly those working in developing countries, the limiting factor in expanding food production is not a lack of better seeds or farming methods nor a lack of ability or interest among farmers.

The bottleneck, according to Norman Borlaug, Nobel Prize winner for developing high-yielding wheat varieties, the "Green Revolution," is with politicians and economists. They influence the availability of credit to farmers, the profitability of grow-

ing enough to sell a surplus and the efficiency of marketing and distributing food on a broad scale.

Dr. Borlaug and others in the field say farmers will adopt advanced methods if they have access to money to buy fertilizer, to irrigate and so forth. But, he believes there has been a lack of political will to develop agriculture and make resources available to the poorer farmers in many developing countries.

"Farmers will if they can. Politicians can if they will," he says.

THE RAINS CAME AND EAST INDIA EATS

(By Kasturi Rangan)

NEW DELHI.—The rains came.

They turned 1976 into a food bonanza. By design and luck, production exceeded targets, and for the first time officials in India are seized with what they call "problems of plenty" instead of recurring scarcity.

Last year's food output, according to an official estimate, totaled 118 million tons against a target of 114 million, a record yield and 17 million tons higher than the previous year. Food Minister Jagjivan Ram predicts that this production trend will be maintained in years to come, granting a continuation of the factors that made 1976 a success.

A major factor is that monsoon rains were better than normal. This implies, however, that in a normal or poor monsoon, India would revert to scarcity.

"For us in India," said Prime Minister Indira Gandhi, "scarcity is only a missed monsoon away."

But today's success may be a major reason Mrs. Gandhi feels strong enough to free opponents from prison and approve elections.

Agricultural experts here and abroad have often underlined the vast potential of India not only to feed itself, but also to become an exporter of food. But efforts toward that end have been painfully slow. Three-fourths of the total arable land has no assured irrigation and depends entirely on the vagaries of the monsoons. Floods invariably ravage some part of the country, and there is little or no effort to harness the surplus waters of the monsoon.

Productivity is poor compared with other agricultural nations. Eighty percent of India's 620 million people live in villages, and most of them are illiterate and tradition-bound. The new farming techniques evolved in the "Green Revolution" areas of Punjab and Maharastra do not take hold easily in the villages. Half the landholders are marginal farmers who cannot afford to adopt modern techniques and mechanized farming—nor do they desire to.

"The technology is now becoming available, but the mechanism for transferring it to the illiterate and small users in an effective manner does not exist," said M. S. Swaminathan, a top Government adviser on agricultural development. Farmers also complain that getting anything from the Government is a slow and complicated process. A loan application takes several months to be processed, and bribes may be needed for officials along the way. Fertilizers often routed through Government agencies either come too late or are too costly.

"All the Government's benefits go only to the banias [middlemen]", complained a farmer in Rajasthan.

Officials consider it a great achievement to have brought the food output base to 100 million tons a year, drought or rain. Twenty years ago it was less than 50 million tons. What's more, food output has kept pace with the population increase during last decade.

The population rise is estimated at 2.1 percent a year. Food output has increased around 2.7 percent annually. How long this lead will be maintained is disputed by Indian agriculture experts. In a normal year the nation is short of food grains by at least 5 million tons, which have been made up by imports. Last year's output represents only 3 million to 4 million tons of surplus grain.

The Indian Government has built up a buffer stock of 20 million tons with more than half coming from imports of the last two years. An official committee recommends that the stock must not be allowed to drop beyond 10 million tons to avoid food riots like 1973's.

Largely to maintain supplies to ration shops in the cities, the Government has been importing on the average of 5 million tons of grains, mostly wheat, from the United States and paying for the imports with scarce foreign exchange amounting to $1.5 billion. But total imports rarely exceed 5 percent of India's consumption in any year.

Despite the heavy investment needed to buy and store grain as a reserve, the efforts are creating a "food security system." But this strategy runs counter to another plan of the Government to insure a production increase of 4 percent a year by additional investments in fertilizers, irrigation projects and mechanized cultivation.

Sizable amounts were being marked for these projects as of last year, but officials are skeptical about early results. For one thing, the bulk of the fertilizer must be imported. With frequent price increases for petroleum products, more money would have to be spent for fertilizer each year, or less bought.

One Government strategy that has paid off in the short-term is to protect the marginal farmers from price fluctuations. Last year the Government's food-purchasing agencies assured a minimum support price for the output and paid 20 percent more than market rates.

The move eliminated traders who bought surplus grain at harvest at low rates, hoarded it and sold it back to farmers during scarcity at high profits. Now the small farmers, assured of profits, are experimenting with interim crops between the harvest and the sowing of the main crop.

At Ladwa, 100 miles north of here, Harimohn Bawa, is one of the beneficiaries. He grew $300 worth of rice in his wheat fields recently and sold it to the Government. It was the first time he had experimented with rice, an unfamiliar crop, although richer farmers in his area had grown and profited from it.

"But whenever I grew something more, prices went down. I always lost money," he said.

SPOILAGE AND RATS RAVAGE CROPS, TOO

(By Kathleen Teltsch)

UNITED NATIONS, N.Y.—Last year the first adequate sorgham and millet crops produced after the long African drought south of the Sahara were ravaged by hordes of rodents, despite the use of pesticides and even an offer of bounties for rat tails.

Rats attacked the rice fields in Venezuela, destroying an estimated 40 percent of the harvest and compelling the country, once an exporter, to buy in the world market.

India, favored with another good grain harvest, is beset by inadequate warehousing and even after storing the surplus in schools, airfields and a few princely palaces, is putting about 5 million tons outdoors under canvas, which risks losses from spoilage, insects, birds and rodents.

The difficulties exemplify the longstanding complaint of agronomists that despite the emphasis being given to increasing food production, inadequate attention is still being given to reducing losses between field and consumer.

The United Nations General Assembly approved a resolution in September 1975 calling for a 50 percent reduction in such food losses by 1985. The problem is, nobody knows just how much food is being lost, particularly in the poor nations.

"It is easy to pass a resolution, but who knows the bench marks," says Dr. William Hoover, a Kansas specialist in grains.

Experts of the Food and Agricultural Organization of the United Nations acknowledge that their information on post-harvest losses is spotty, but they say the indications are that the annual loss in cereals exceeds 10 percent and runs much higher in less developed countries.

The F.A.O. experts say that the production of cereals by 1985 should be in the range of 1.7 billion tons, with 853 million tons coming from the less developed countries. They say that this could mean a staggering loss of 85 million tons a year unless post-harvest losses can be reduced.

For the Sahel area of Africa, losses are "extremely high," according to K. P. Wagnerd, F.A.O. regional specialist, who says the countries in this area can properly store only about 10 to 15 percent of the cereals harvested.

A rat population explosion was reported in the Sahel last January, with 1.37 billion rats in Senagal alone, a country of 4.3 million people. Rats were said to have overrun the country reducing the rice harvests by 60 percent, severely hurting the country's important crops of groundnuts and corn, and wiping out reforestation programs.

The United States through its Agency for International Development has a $3 million project to seek ways of protecting the Sahelian countries from crop losses from rodents, birds, insects and other pests.

The American agency also has a dozen projects in other regions, and it is expected post-harvest losses will get additional attention. But agency officials insist that a fundamental requirement remains the need for reliable data, and it is financing a study by the National Academy of Sciences for the collection and evaluation of all known data on crop losses and a second by the League for International Food Education to develop methods for assessing grain losses.

New processes for protecting and storing crops may not prove economically feasible, and the ultimate decision may be to stimulate production further and accept certain losses as inevitable, says Leon F. Hesser, director of the Office of Agriculture in A.I.D.'s Technical Assistance Bureau. But he also says all avenues first must be explored, and until now this has not been done.

Prof. Malcolm C. Bourne of Cornell University, spent six months as a consultant to A.I.D., has concluded that it will take several years to obtain the reliable estimates on losses being sought by the National Academy and that major actions have to be initiated without waiting if countries are to approach the United Nations' goal of reducing losses by 50 percent.

Among his recommendations:

Investigating more use of solar energy for "ultra drying" of cereals and reduction of insect growth.

A search for practical information buried in old agricultural journals dating from the era before electrification when farmers were compelled to devise simple techniques for storage.

Greater dependence on salt as a chemical preservative for food.

No college in the United States teaches a comprehensive course in preservation and protection of foods, according to Dr. Bourne, who urged A.I.D. to support such undertakings.

He says he is weighing the possibility of such a course at Cornell, which would mean "taking my own advice."

POPULATION: WINNING THE WAR

(By David Bird)

There is evidence that the population bomb is being defused.

The number of human beings on the planet

reached 4 billion last year, but population experts, for years long-faced with gloom have been sounding optimistic lately, if not downright cheerful.

"The declines in birth rate indicate that the world is at least headed toward, rather than away from, a more slowly increasing population," says a study by the Population Reference Bureau, a nonprofit organization. Its Federally financed report says the world birth rate declined from 34 per 1,000 people in 1965 to 30 per 1,000 in 1974 and could drop as low as 20 per 1,000 in less than 10 years.

Availability of family planning aids and increasingly tough pressure from some of the world's heavily populated nations are credited for the decline. Demographers think some of the slowing resulted from recent famines. But even with bumper crops there is no slackening of the optimism that uncontrolled population growth has been checked at least temporarily.

"The year 1976 saw remarkably favorable food conditions," says Lester R. Brown, president of the Worldwatch Institute in Washington, which is partly funded by the United Nations, "but family planning is clearly the overriding factor in controlling population growth."

This slowdown in population increase is "reversing a long-standing trend of gradually accelerating growth that may have begun with the discovery of agriculture 12,000 years ago," he has said.

"Birth rates are falling impressively in nations with 40 percent of the world's population, in Western Europe, North America and East Asia," he says, with the birth rate down by almost half in Western Europe and a third in North America and Asia in the 1970's.

In West Germany, Austria and Britain, the population growth stopped completely. But what's remarkable, experts say, is the rise in use of contraceptives in underdeveloped countries where low levels of education make it difficult to teach the benefits of family planning.

Another change is the dramatic acceptance of abortion. Today 64 percent of the world's people live in areas where abortion is legal, up from 38 percent at the start of 1971.

In India, with a population of 620 million, the Government has declared that the growth rate will be brought down to 1.4 percent a year from the current 2.1 percent by 1984, which means reducing the birth rate to 25 per 1,000 from 32 per 1,000.

"It is clear that simply to wait for education and economic development to bring about a drop in fertility is not a practical solution," said last year's tough Indian policy statement. The Government says that in eight months of this new policy, 6 million sterilizations were performed, against 2.6 million for the entire preceding year. And 20 million of the 110 million couples in the reproductive age group are using other methods of birth control, such as the intrauterine device.

Money and job inducements with threats of penalty against failure to practice birth control are bringing Indians, and particularly Government workers, to family-planning centers.

One recent national decree says that those having a fourth child will lose salary increases, leave and travel benefits. The Uttar Pradesh Government says annual pay rises will be stopped if the employees fail to be sterilized. Fifteen dollars—a substantial amount for the poor—is offered as an inducement to voluntary sterilization.

In addition, abortion is available across India in Government hospitals, no questions asked, and a law is being enacted raising the marriage age of young women to 18 from 15 and of young men to 21 from 18.

Opposition has been fierce. In New Delhi and parts of Uttar Pradesh, Moslems rioted against compulsory sterilization and more than 100 were killed by the police.

"The opposition has not slackened the tempo of the program," says Vemaraju Bhanumurthy of the Ministry of Health and Family Planning. "On the contrary, the tempo has picked up and the progress is very rapid, indeed."

One criticism of the Indian program is lack of effective follow-up at the birth-control clinics, and the program seems to have made little or no impact on the rural population, some of whom believe vasectomy means impotence.

In China, with 850 million to 900 million people, birth control is tightly organized from Peking down to every neighborhood and farm. The program aims at limiting each family to two children and reducing the rate of population growth to 1 percent annually by the year 2,000 (The world population increase was 1.64 percent in 1975.).

In such cities as Shanghai, Chinese figures suggest, the rate may already be less than 1 percent, but in parts of the countryside it is still above 2 percent. The program, begun in the 1960's and supposedly voluntary, was intensified last year and includes a marriage age of 28 for men and 25 for women. Families are required to space children five years apart, and birth-control devices and sterilization operations are free.

Southeast Asia has one of the fastest growing populations in the world, but there have been some successes, too. One exception is Laos, which is encouraging population growth and even banned contraception to make up for war losses and refugee flight.

And in the entire area there is another problem.

"Much of Southeast Asia is still largely agrarian," says a senior population expert with the United Nations Food and Agriculture Organization in Bangkok. "So small families make no economic sense to these people. They need big families to work their farms, for security in their old age. This is the cycle we must break. And we must do it quickly. With an overall growth rate of 2.14 percent a year in Southeast Asia, the current population of 327 million people will double in 29 years."

One of the striking success stories is in Singapore where the growth rate dropped to 1.6 percent annually from 2.4 percent five years ago. The Government of the crowded island republic, which set the ideal family size as two children, gives tax incentives for small families, but phases out the incentives with a third child.

The Government also tells parents it cannot guarantee a place in public school for a third child and gives priority in the most elite primary schools to children of parents who have been sterilized.

These successes do not mean the threat of overpopulation is ended. In Latin America and parts of Asia and Africa the growth is still a threat.

In Egypt, for example, after a 10-year family planning program, the birth rate dropped to 35 per 1,000 from 43 per 1,000, but better health care also brought a drop in the death rate. The country has about 38 million people now, and twice as many are foreseen in 30 years.

"We were focusing on one aspect and forgetting about the others," says Dr. Aziz Bindari, chairman of the Egyptian Population and Family Planning Board. "We were forgetting that fertility behavior is part of social behavior. After 10 years of effort we are starting to realize the problem is not that simple" as merely handing out birth-control advice and devices.

The country must also provide a means to create an environment that will make the largely agricultural society realize there is a benefit to smaller families, he says.

"Sometime near the beginning of this decade the rate of world population growth reached an all-time high and then began to subside," says Mr. Brown of Worldwatch confidently.

"There is every indication population will continue to slow through the last quarter of this century."

SURVEY SHOWS PUBLIC FAVORS STRONGER DEFENSE

Mr. GOLDWATER. Mr. President, one of the most encouraging signs that have recently been evidenced in our public attitudes is the growing concern of the American people over the state of our preparedness. It is important for us to study the public feeling on this matter as we begin consideration of such matters as our new defense budget and the question of producing the B–1 bomber.

In this respect Mr. President, a recent survey by Opinion Research Corp. of Princeton, N.J., is especially enlightening. It shows that the American public, by a large majority wants a stronger defense and supports a decision to produce the B–1 bomber. The survey indicates that 65 percent of the public believes that the United States should be militarily stronger but only 29 percent feel that we actually are. Only 1 percent felt that the United States should be weaker than the Soviets. Mr. President, I ask unanimous consent that this survey of public opinion be printed in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

NATIONAL SURVEY SHOWS PUBLIC WANTS STRONGER DEFENSE, FAVORS B–1

PRINCETON, N.J., December 15.—The American public wants a stronger defense and supports the recent decision to produce the B–1 bomber, according to results of a national survey released today by Opinion Research Corporation.

The survey indicates that 65% of the public believe that the U.S. should be militarily stronger than Russia, but only 29% feel that we are. Twenty-six percent of those polled think we should be equally strong and 30% believe we actually are.

One percent of the Opinion Research Corporation poll says the U.S. should be weaker than Russia, but 27% say we are.

Questioned on the December 2 Department of Defense decision approving initial production of the B–1 strategic bomber, 64% said they agreed with the decision; 18% disagreed and 18% were undecided.

Forty-two percent of those polled said the present U.S. defense budget should be increased, 29% favored leaving it where it is now, 16% favored decreasing the budget, and 13% had no opinion. Or, of those polled, about two and a half times as many said the U.S. defense budget should be increased as said it should be decreased.

On the subject of the effect of inflation on defense projects, those polled were asked how much of the total B–1 program cost through the 1980's would be due to inflation. Thirty-four percent responded "a great deal," 31% felt "about half," 14% believed "a small amount," 3% felt none, and 18% had no opinion. The Air Force projects that approximately one-half of the $23 billion B–1 program costs will be due to inflation.

The nationwide December 10–12 telephone survey of a scientific random sample of 1,004 persons was designed by Opinion Research Corporation to measure public attitudes toward U.S. defense strength and awareness of and attitudes toward the B–1 program. It was commissioned by Rockwell Interna-

tional, prime contractor for the Air Force's B–1 program.

Forty-four percent of those polled said they considered themselves Democrats, 20% said they were Republicans, and 28% responded as Independents, while 8% said they were undecided or "something else." Eighty-seven percent of the respondents were white, 9% black, while 4% said they were other or declined response.

Age groups of those polled broke down as follows: 8% 18 to 20 years; 8% 21 to 24; 12% 25 to 29; 33% 30 to 49; 39% 50 or over.

Specific data on any aspect of the survey are available from ORC.

Following are the survey questions in the order asked and the results:

"To begin with—how do you think the military strength of the United States should compare to that of Russia—should the U.S. be much stronger than Russia, should the U.S. be somewhat stronger than Russia, should both be about equally strong, should the U.S. be somewhat weaker than Russia, or should the U.S. be much weaker than Russia?"*

	Percent
U.S. should be much stronger	41
U.S. should be somewhat stronger	24
Both should be equal	26
U.S. should be somewhat weaker	1
U.S. should be much weaker	0
No opinion	8

"To begin with—how do you think the military strength of the United States actually compares to that of Russia—is the U.S. much stronger than Russia, is the U.S. somewhat stronger than Russia, are both about equally strong, is the U.S. somewhat weaker than Russia, or is the U.S. much weaker than Russia?"*

	Percent
U.S. much stronger	15
U.S. somewhat stronger	14
Both equally strong	30
U.S. somewhat weaker	22
U.S. much weaker	5
No opinion	14

"In your opinion, should the present defense and military budget of the United States be increased a great deal, increased somewhat, left about where it is now, reduced somewhat, or reduced a great deal?"

	Percent
Increased a great deal	12
Increased somewhat	30
Left where it is now	29
Reduced somewhat	11
Reduced a great deal	5
No opinion	13

*Each of these questions was asked of only half the sample so as to avoid the possible biasing effect of one question upon the other.

"How much have you heard or read recently about the B–1 bomber—a great deal, a fair amount, very little, or nothing at all?"

	Percent
A great deal	6
A fair amount	22
Very little	45
Nothing at all	26
No opinion	1

"Inflation affects everybody and all budgets. The total B–1 bomber program will cost about 23 billion dollars through the 1980's. How much of that cost do you think is due to inflation—a great deal, about half of it, a small amount, or none at all?"

	Percent
A great deal	34
About half	31
A small amount	14
None at all	3
No opinion	18

"Now please listen carefully to some information about the B–1 bomber. The B–1 bomber is a manned aircraft to be added to the land-based missiles and submarine-launched missiles in our strategic national defense forces. After approval of Congress, the Department of Defense, on December 2, approved initial production of the B–1 bomber, saying that it was in the national interest to produce the bomber if the United States is to keep up with the strategic military build-up of Russia.

"Do you agree or disagree with the Department of Defense that we need the B–1 bomber to keep our strategic defenses equal to those of Russia?"

	Percent
Agree with defense department	64
Disagree	18
Undecided	18

WAYNE COUNTY, MICH., COMMISSIONERS URGE ENACTMENT OF S. 170—COMPREHENSIVE YOUTH EMPLOYMENT ACT

Mr. HUMPHREY. Mr. President, recently I receieved a most encouraging letter from Mr. Richard E. Manning of the Board of Commissioners of Wayne County, Mich., urging Congress to enact an employment program for youth. Mr. Manning has been a county commissioner for 8 years and has seen at first hand the terrible effect which prolonged unemployment has on our Nation's youths, their families, and their communities.

With his letter, Mr. Manning enclosed a copy of a resolution passed by the Wayne County Commissioners endorsing S. 170, the Comprehensive Youth Employment Act of 1977, which I introduced on January 11.

Mr. President, I ask unanimous consent that the letter and resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 26, 1977.

Senator HUBERT HUMPHREY,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: An article appeared in the Detroit News within the past several days announcing the introduction of your Senate Bill 170 relating to a youth unemployment program, which indicate that assistance would be sought for employment opportunities in four particular areas involving young people through the age of twenty-four.

As a former township supervisor and county commissioner for the past eight years, I have long been interested in programs which would address themselves to the problem of the disenfranchised youth and the impact for good which would be made upon our entire society if meaningful employment programs could be established for young people across the spectrum of urban to rural areas.

My experience in the past several years in particular has indicated a strong desire by literally hundreds of young people in my district to obtain some kind of employment in order to attain a sense of value of their own person as well as a sense of responsibility and value to their family unit.

Over the years our gradual change in patterns from a basically agricultural to an industrial society has drastically changed the condition of the young people of our country from an asset to what appears in many cases to be financial liability because they lack any reasonable opportunity to be a part of the family unit and to provide meaningful help to keeping that family unit together.

I think this is best illustrated by the high increase in the runaway population as well as the staggering increase in the criminal activity simply because the young person feels himself to be simply a useless appendage simply marking time until he can leave his or her home circumstances and be a part of the adult world.

I want to close by commending you for your attempt to change this serious situation facing so many young people in our country today and to pledge the support of the Wayne County Board of Commissioners as well as myself to eventual passage of this vital legislation. I enclose herewith a copy of a resolution recently passed by our Board of Commissioners which will be circulated among the 83 counties of the State of Michigan where hopefully I can encourage the support not only at the county level but among the members of our Michigan delegation to the House and Senate toward attending to this most vital concern of those of us in public office at the local level as well as the millions of families who would be benefited by your thoughtful program.

Sincerely yours,

RICHARD E. MANNING.

RESOLUTION INTRODUCED BY RICHARD MANNING

Whereas Senators Humphrey, Javits and Representative Simon have introduced legislation to provide meaningful employment opportunities regarding youth in various areas; and

Whereas the availability of job opportunities has become most critical in the urban and suburban areas of Wayne County; and

Whereas the overall youth unemployment rate stabilized at nineteen percent for 1976 and nearly half of all people unemployed are under the age of twenty-four; and

Whereas the availability of current CETA program can be utilized for the implementation of this program. We importune the enaction of this program to reduce the youth unemployment rate, now, therefore be it

Resolved by the Board of Commissioners of the County of Wayne this 18th day of January, 1977, that we do hereby urgently recommend the enaction of this legislation and be it further

Resolved that we urgently recommend the use of the CETA program to be utilized as the mechanism for the implementation of the legislation.

UNITED STATES, PANAMA, AND THE PANAMA CANAL

Mr. CLARK. Mr. President, with the arrival in Washington of Panamanian Foreign Minister Aquilino Boyd, the stage has been set for the resumption of one of the most important diplomatic efforts facing the new Carter administration. Secretary of State Cyrus Vance has met with the Minister in order to reshape the "Agreement on Principles" signed in February 1974, into a viable new treaty protecting the interests of both the United States and Panama.

Since the resumption of negotiations is certain to intensify the debate, I think it is very important to develop an informed public opinion on the Panamanian question.

In this regard, I have recently read with considerable interest a pamphlet produced by the Council of Americas, entitled "United States, Panama, and the Panama Canal: A Guide to the

Issues." The council, an association of 230 major U.S. corporations with investments in Latin America, organized a Work Group on Panama in an attempt to clarify the issues, especially the misconceptions that abound concerning the Panama Canal issue. The 45-member working group which studied the issue has, I believe, done a thorough, a competent job, and offers in their report a balanced presentation.

In an attempt to resolve this issue in a manner responsive to the mutual interests of both countries, it is important that we allow reason, not emotion, to guide our thinking. An informed understanding of the facts, historical background, and current U.S. interests should help us as we deliberate on this important issue.

Mr. President, I ask unanimous consent to have printed in the RECORD the pamphlet "United States, Panama, and the Panama Canal."

There being no objection, the pamphlet was ordered to be printed in the RECORD, as follows:

UNITED STATES, PANAMA, AND THE PANAMA CANAL: A GUIDE TO THE ISSUES

PREFACE

For years, the United States and Panama have been engaged in negotiations for a new Panama Canal Treaty. Observers anticipate completion of a draft treaty by the end of 1977.

These complex negotiations involve such significant economic, political and defense interests for the United States that there has been some disagreement about whether or not negotiations for a new treaty are in the United States national interest. Congress has already begun to debate the matter, even though a treaty has yet to be submitted for ratification.

A productive discussion of the merits of continued negotiations for a new treaty requires a knowledge of the facts and an understanding of the different points of view that prevail in the United States. This booklet is designed to help promote such a productive discussion. All readily available sources of information in the United States—including those that favor a new treaty and those that oppose one—have been reviewed in an effort to set out clearly, simply and objectively the factors involved in this complex issue. It is hoped that an informed understanding may be reached within the United States regarding the common interests involved in the negotiations.

The development of United States foreign policy is served by interested, informed citizens willing to share their views with their representatives in government. A more informed American public can help assure that all U.S. national interests in this foreign policy issue are considered.

SUMMARY

The negotiations under way between the United States and Panama are designed to produce a new treaty to replace the Hay-Bunau-Varilla Treaty of 1903. In that agreement, properly titled the Convention for the Construction of a Ship Canal, Panama granted the United States in perpetuity the use, occupation, and control of a zone of land in order to build, operate and defend a canal across the Isthmus of Panama. The United States was also granted all the rights, power, and authority, as if it were the sovereign, within a zone along the waterway. For these rights, the United States agreed to pay Panama an initial $10 million, plus an annual fee. Soon after, the United States paid a French company, which had failed in an attempt to build a canal, $40 million for its assets.

Over the years, Panamanians have come to resent the 1903 treaty bitterly. Their resentment has become a major irritant in Panama's relations with the United States, and indeed, in hemispheric relations generally. The stated objective of current negotiations is to produce a treaty which accommodates the interests of the Republic of Panama and safeguards the basic, long-term interests of the United States.

PANAMA'S INTEREST IN THE NEGOTIATIONS

Panamanians see the 1903 treaty as a set of concessions extracted from an immature new republic by unscrupulous foreign interests. They particularly object to the fact that the treaty gives the United States—forever—exclusive jurisdiction over a large tract of Panamanian territory, the Canal Zone. They also object to the size of the United States military presence in the zone, the limited economic benefits Panama receives from the canal and the amount of land in the zone that the United States does not use but that is still unavailable for Panamanian use.

U.S. GOVERNMENT INTEREST IN THE NEGOTIATIONS

The goal of the United States in the negotiations is a treaty that promises greater assurance over the long term of a secure, efficient canal that is open to world shipping without discrimination. This country also seeks to reduce sources of friction with Panama and to foster a cooperative relationship, one conducive to protecting United States interests in the canal.

THE STATUS OF THE NEGOTIATIONS

The most recent round of negotiations began in June, 1974. By September, 1976, agreement in principle had been reached on four major issues:

The new treaty with Panama will have a fixed termination date.

Under a new treaty, jurisdiction over the Canal Zone will pass to Panama gradually. The United States will retain the right to use areas necessary for the operation, maintenance and defense of the canal.

During the life of the treaty, the United States will have the primary responsibility for operating the canal. Panamanians will gradually assume larger roles in day-to-day operations until Panama takes full responsibility for operations when the treaty expires.

The United States will have primary responsibility for the defense of the canal during the life of the treaty. Panama will grant the United States use rights for defending the waterway and will participate in its defense as fully as possible.

Several other issues remain to be resolved. These concern the economic benefits Panama will derive from the canal, the right of the United States to expand the canal, the area the United States needs for canal operation and defense, an acceptable formula to insure the canal's neutrality after the treaty expires, the rights of United States citizens in the zone, and finally, the duration of the new treaty.

DIFFERENCES OF OPINION IN THE UNITED STATES

The opponents of negotiations argue that the Canal Zone is sovereign United States territory not subject to negotiation and that the canal itself was bought and built and has been maintained for more than 60 years by the United States.

They say that the canal is too important strategically and economically to allow its control and defense by any other nation, especially the Panamanian government, which they consider to be a leftist military dictatorship with ties to Cuba.

Therefore, they contend, negotiations for a new treaty are not only unnecessary but dangerous to United States security interests and should be terminated.

The proponents of negotiations, on the other hand, say that the current treaty relationship cannot assure the long-term interests of the United States in the canal. Moreover, they say that the Canal Zone is not sovereign United States territory, though the United States has all the rights and authority to conduct its activities in the zone as "if it were the sovereign."

They agree that the canal is important to United States commerce and defense, but say that this country's interest in the canal will be protected only if the waterway remains open, efficient and neutral—available to all the world's shipping. These objectives can best be guaranteed through the conclusion of a mutually satisfactory, new agreement with Panama.

For many years, the supporters of negotiations argue, Panama has considered the treaty to be heavily weighted in favor of the United States, and Panama's consent to the United States presence has declined. If the United States tries to maintain the status quo, they say, it will face mounting hostility in Panama and the rest of Latin America and, perhaps, the loss of the very interests it wants to preserve. A modern treaty arrangement which accommodates Panamanian interests will, they contend, promise greater assurance of safeguarding the national interests of the United States.

THE BACKGROUND

History

The strategic location of the Isthmus of Panama, with its potential as a short route between the Atlantic and Pacific Oceans, generated United States interest in a canal early in the 19th century. The area was then a part of Colombia, and the United States concluded a treaty with that nation for the construction and operation of a canal. Early in 1903 the Colombian Senate rejected the treaty, and by November of that year separatists in Panama had proclaimed their independence and had begun to negotiate with the United States for a treaty of their own. The United States military forces in the area hindered Colombian efforts to put down the Panamanian revolt, and almost immediately, thereafter, the United States recognized the new country.

The Hay-Bunau-Varilla Treaty

On November 18, 1903, the United States and the new Republic of Panama signed the Hay-Bunau-Varilla Treaty, which authorized the construction and operation of a canal across Panama. The agreement was named for its principal architects, Secretary of State John Hay of the United States and Philippe Bunau-Varilla, a French national who negotiated the treaty in the name of Panama. Mr. Bunau-Varilla also had an interest in selling to the United States the remaining assets of the defunct French company which had unsuccessfully tried to build an earlier canal. On December 2, 1903, the provisional government of Panama ratified the treaty.

Because of the long-standing Panamanian dissatisfaction with the treaty, the United States agreed in 1936 and 1955 to revise the agreement, through additional treaties which increased Panama's annual fee from the canal, abolished the right of the United States to intervene in the internal affairs of Panama and sought to give Panamanians commercial and employment equality with United States citizens in the zone.

Although important, those revisions did not remove Panama's fundamental dissatisfaction with the 1903 treaty. Panamanians continue to object to the fact that the United States exercises power as "if it were the sovereign" over some 640 square miles of Panamanian territory, that it operates in the Canal Zone a full-fledged government without reference to the Panamanian government and that it maintains a police force, courts and jails to enforce United States laws upon Panamanians as well as upon United States citizens.

Panama also objects to the fact that it has no voice in the management of the canal and does not receive what it considers an equitable share of the economic benefits derived from the canal. It complains that the Canal Zone divides the country in half, seriously hindering its urban and economic growth, that the United States holds unused large portions of land vital to the national development and that the treaty allows the United States to control all facilities servicing Panama's deepwater ports. They object to the size of the United States military presence in the Zone. Finally, Panama contends that the United States limits Panamanian participation in commercial enterprises in the Canal Zone.

The dissatisfaction resulting from these complaints erupted in serious demonstrations in 1959 and in 1964 led to riots in which three United States soldiers and 21 Panamanians were killed.

Negotiations for a new treaty

In December, 1964, President Johnson, after consulting with former Presidents Truman and Eisenhower, committed the United States to negotiate a new treaty.

The negotiations began in January, 1965, and culminated in a joint announcement in June, 1967, that draft treaties had been completed. No action on the draft treaties was taken by either nation and in August of 1970, the Panamanian government of General Omar Torrijos formally rejected them. Panama did, however, indicate a willingness to pursue further negotiations. Several proposals by both governments were offered in 1971–72 without success. In 1973 Ambassador Ellsworth Bunker was appointed by President Nixon to renew the talks.

In February, 1974, Secretary of State Kissinger of the United States and Foreign Minister Tack of Panama signed a statement of principles that is the basis for the negotiations now under way.

Guidelines for current negotiations

In summary, the principles provide that the 1903 treaty will be replaced by a new one, which will have a fixed termination date; that the United States jurisdiction over Panamanian territory will be returned promptly to Panama; that Panama will grant to the United States, for the duration of the treaty, the right to use the land, water and airspace necessary for the operation, maintenance and defense of the canal and the right to regulate the transit of ships through the canal; that Panama will receive an equitable share of the benefits derived from the canal's operation and will participate in the operation and defense of the canal during the life of the treaty, assuming full responsibility for operations thereafter; and, finally, that Panama and the United States will agree on the provisions that will govern any expansion of the canal.

THE CANAL AND THE CANAL ZONE

The Canal Zone is about 10 miles wide and 51 miles long. It extends across the Isthmus of Panama from the Atlantic to the Pacific, cutting the Republic of Panama in half.

By the terms of the 1903 treaty, the Canal Zone is under the jurisdiction of the United States and is administered under United States laws. The Canal Zone government is, by law, an independent agency of the United States government. It is headed by a governor, who is appointed by the President of the United States for a four-year term.

Canal operations and tolls

The governor also serves as the president of the Panama Canal Company, a corporation wholly owned by the United States government. The Company is responsible for all of the operations directly involved in the movement of ships through the canal. It also controls vessel repairs, harbor terminals, a railroad across the isthmus, an electrical power system, a water system, a communications system, living quarters, retail stores and a supply ship operating between the zone and the United States.

Traditionally, the President of the United States appoints the Secretary of the Army as the sole stockholder of the Company, and names a Board of Directors, which oversees the Company's affairs. Approximately 80 percent of the Canal Company's employees are Panamanian, and the rest are United States citizens.

The Company sets toll rates for the canal with the approval of the President of the United States. By statute, tolls must be set to cover costs but are not intended to produce a profit. Since 1974, however, costs have exceeded revenues, and the Company is attempting to close the gap with several measures, including an increase in tolls.

Toll rates did not change for the first 60 years of the canal's operation. In 1974, however, due in part to rising costs, tolls were increased by 19.7 percent. Merchant vessels now pay $1.08 a ton for laden ships and 86 cents a ton for unloaded ships. A further increase of about 19.4 percent has been proposed.

Annuities to Panama

Under the 1903 treaty, the United States paid Panama $10 million initially and an annual fee (beginning in 1912) of $250,000 in gold. When the United States abandoned the gold standard, Panama received an equivalent annuity of $430,000. As a result of the treaty revisions, the annual payment was raised to $1.9 million. That figure has since been adjusted to allow for the devaluation of the dollar, bringing the annual payment by the United States to Panama to $2.3 million.

THE ECONOMIC PICTURE

The Panama Canal has always been of considerable value to United States commerce. In 1975, about twelve percent of all United States export and import waterborne tonnage used the Panama route. Forty-five percent of the cargo moving through the canal came from the United States, and 23 percent was bound for United States ports.

Despite such statistics, however, the canal is not considered the critical United States trade route that it once was. A Library of Congress study indicates that there are many alternative routes for most important products and commodities. And the use of larger vessels and other means of transportation may serve to limit canal traffic in the future. Nevertheless, for shippers of certain commodities—coal and coke, for instance, and petroleum products—and for certain regions of the United States, the Panama Canal remains an important commercial link.

World trade

The canal is more important to the commerce of Panama and some other Latin American nations than it is to that of the United States. More than 29 percent of Panama's foreign trade passes through the canal. Some 25 percent of its foreign exchange earnings and nearly 13 percent of its gross national product are directly or indirectly attributable to the waterway.

More than 50 percent of the foreign trade of Nicaragua, El Salvador, and Ecuador moves through the canal, as does more than 25 percent of the exports and imports of many other Latin American nations.

Of course, the canal's importance extends far beyond the hemisphere, for 5 percent of the world's seaborne trade uses it. Trade between the East Coast of the United States and Asia accounts for nearly 40 percent of the total canal traffic and is therefore, the major canal trade route.

Of total canal traffic moving from the Atlantic to the Pacific, some 12.5 percent is bound for the West Coast of the United States, 10.5 percent for South America and nearly two-thirds for Asia, principally Japan. About two-thirds of the traffic from the Atlantic to the Pacific originates in the United States.

Of the goods which passed from the Pacific to the Atlantic in 1975, only 12.5 percent originated in the United States. Most of the goods originated in South America—24 percent—or in Asia—37 percent. The remaining tonnage started out in Canada, Central America or Oceania. About 39 percent of all this West to East trade through the canal was destined for United States east and Gulf Coast ports. Another 40 percent was bound for Europe.

Most of the cargo moving through the canal is industrial raw materials and grains, which lend themselves to shipment by sea. Among such cargoes, fossil fuels—coal, coke, and petroleum—predominate, accounting for about 36 percent of the annual traffic. By contrast, finished products—iron and steel manufactures, for instance, or machinery and equipment—represent less than 10 percent of the canal's tonnage.

Transit capacity

Currently, there are fewer than 15,000 transits through the canal each year, and its capacity is estimated at 26,000 transits a year. Projections suggest that this capacity will not be reached until early in the next century.

In case a greater capacity is required, two options have been considered. A third lane of locks could be added to the existing canal at an estimated cost of $1.7 billion, or a new sea-level canal could be built at an estimated cost of more than $5 billion. Thus far, there has been no conclusive evaluation of the economic or military need for or the technical feasibility of either expansion project.

THE DEFENSE SITUATION

The canal is an important defense asset to the United States, for it eases the task of shifting military forces and supplies between two of this country's major areas of strategic interest. The canal will remain important so long as the United States depends upon the sea for large-scale military logistic support. The fact that large aircraft carriers cannot use the canal and that nuclear submarine would have to surface during transit tend to diminish the waterway's importance for strategic purposes, though not necessarily for logistic flexibility. The canal's vulnerability to attack is one of the reasons for the development of United States contingency plans of alternative routes for the movement of military forces and supplies.

The United States is responsible for the defense of the canal and the Canal Zone. It has in the zone a military community of about 22,000, including dependents. The actual combat and support forces total about 9,400. There are four United States administrative installations in the zone encompassing 22 sub-bases. For most situations involving a military invasion in the Canal Zone or for the protection of the entire canal from hostile attack or sabotage, contingency plans require reinforcements from the United States.

Because the efficient operation of the canal depends upon a delicate balance of natural and man-made elements, the Defense Department has acknowledged that, while a sufficient force could defend the waterway, there can be no guarantee that it would remain open continuously. In particular, the Pentagon says, it would be extremely difficult to prevent canal closure by an air attack or by skilled sabotage.

CONTRASTING VIEWS OF THE TREATY NEGOTIATIONS

There are differing opinions in the United States on the negotiations for a new canal treaty, as there are on any question so complex. And this issue is unusually complex;

so much so that a point of view on one facet of the controversy does not necessarily represent a position fully in favor of or opposed to treaty negotiations. Opinions on both sides are mixtures of various interpretations and conclusions.

While any simplified presentation of such complicated issues may fail to take note of some technical points, what appears below is an attempt to be objective in outlining the opinions of opponents and proponents of the treaty negotiations.

PURPOSE OF THE NEGOTIATIONS

Q. Why is the United States negotiating a new treaty?

Opponents

The State Department and the President are giving in to pressures from radical elements in and outside of Panama. The United States government is mistakenly attempting to appease anti-American and Communist interests in Panama and the rest of the hemisphere. Pressure to cede the Canal Zone to Panama stems not from the wishes of the Panamanian people, but from the propaganda of left-wing and extreme nationalist groups. It is unnecessary for the United States to respond to these pressures since its interests are protected by the terms of the present treaty.

Proponents

The United States recognizes that the existing treaty was negotiated more than 70 years ago and requires adjustment if it is to continue to serve the United States and Panamanian interests. For many years, Panama has considered the treaty to be heavily weighted in favor of the United States, and Panama's consent to continued United States presence on Panamanian territory has declined. Since it is much more prudent to operate and defend the canal with Panama's cooperation than without it, a new treaty arrangement is the most practical means of protecting United States interests in the Canal.

Q. How can United States interests in the canal best be served?

Opponents

The United States interest in the canal is too great to be negotiated. The ill-advised talks should be brought to a close in as amicable a manner as possible, and the United States should reassert its rights and authority in the area.

This would allow the United States to accomplish two essential goals: the retention of its undiluted sovereignty, indispensable to the effective operation of the canal, and the modernization of the canal in the future.

Proponents

United States long-term interests are jeopardized by the existing treaty, which has generated increasing dissatisfaction among Panamanians. Given the reliance of each party on the other in the operation of the canal and growing interdependence among all nations, a new arrangement based on partnership promises a greater assurance of safeguarding the basic United States interest—continued access to a well-run canal that is open to the shipping of all nations.

Q. What would the consequences be if the negotiations with Panama failed?

Opponents

Minimal and salutary. Breaking off the negotiations would undoubtedly entail some diplomatic complications but there would be no conflict or retaliation by Panama in as much as it needs the canal for its economy. Moreover, the termination of negotiations would end United States cooperation with a policy that contributes to the perpetuation of the Torrijos regime. It would make clear to Panama and to adventurist Marxists that the United States will not relinquish its interests in the canal. Furthermore, it would reaffirm and maintain the United States strategic position in the Caribbean-Gulf of Mexico area.

Proponents

Perilious. If the United States fails to achieve a new treaty with Panama, the issue which would affect the efficient operation of the canal and could possibly result in the closing of the canal or damage to its facilities. Such a development would adversely affect United States interests in the canal as well as all relations, political and economic, with the countries in Latin America. Moreover, relations would be impaired with all nations which rely on the canal for their trade and commerce.

Q. How do other governments view the negotiations?

Opponents

With quiet alarm. United States policies in operating the canal have been recognized as fair to all nations that use it. American allies who depend on the canal would question the United States determination to defend its vital interests—as well as their own—if the United States gave up control of the canal. While some Latin American governments may publicly support Panama in the negotiations, in private they favor the retention of full control by the United States.

Proponents

With satisfaction and anticipation. Latin America sees the handling of the negotiations as a test of United States political intentions in the hemisphere. In May, 1975, the General Assembly of the Organization of American States unanimously endorsed the concept of a new treaty, and most governments in Latin America have expressed support for it. A substantial number of member countries of the United Nations favor the conclusion of a new treaty. Some foreign leaders have even suggested internationalization of the canal. While other governments throughout the world recognize U.S. interests in the canal, they expect the United States to work out an arrangement with Panama that will guarantee the continued operation of the canal in service to world commerce and trade.

ECONOMIC ISSUES

Q. How can the economic value of the canal best be protected?

Opponents

By standing firm. The best way to preserve the canal's economic value would be to retain sovereignty and jurisdiction over the Canal Zone, which is indispensable to assuring its efficient maintenance and operation; and to begin a modernization program, which could be accomplished at relatively low cost and in a short time with every assurance of success.

These actions would allow an increase in traffic and would thus increase the benefits Panama receives from the canal.

Proponents

By being reasonable. The canal's long-term economic value derives from its being efficient and fully operational. Tolls cannot be collected and goods cannot be shipped if the canal is closed. If the United States tries to maintain the status quo with Panama, it runs the risk of increased political discontent, which could possibly result in damage to or the closing of the canal. A cooperative and mutually agreeable management of the Panama Canal, reflected in a new treaty, would best assure the canal's continued availability to the commerce of both countries as well as to the rest of the world, preserving its economic value for all.

Any new treaty would protect United States long-term interests by including guarantees of continued efficient and neutral operation of the canal after Panama assumes the responsibility for its management.

Q. What would be the impact of greater Panamanian participation in and eventual control of the operation of the canal?

Opponents

Chaos. The Panama Canal is a highly technical operation requiring the close coordination of many elements. It cannot be maintained by a small, technologically underdeveloped country or by one that is, like Panama, without adequate financial competence. Nor could the canal ever be modernized by Panama. Under Panamanian control, tolls would probably rise dramatically, driving away carriers whose operations are sensitive to toll increases.

Proponents

Progress and amity. There is little basis on which to argue that Panama would not be able to keep the canal operating efficiently and economically. Panama has the technological competence and managerial skills to assume greater participation in and control of canal operations. In fact, Panamanians already comprise more than 80 percent of the employees of the Panama Canal Company. While only a small percentage of these employees now serve in management positions, it is reasonable to assume that after a period of United States training, Panamanians will be able to take an increasing share of the burden in operating the canal.

DEFENSE ISSUES

Q. Has the strategic importance of the canal diminished in recent years?

Opponents

Not significantly. The Caribbean, Gulf and canal waters continue to offer mobility, flexibility and versatility to United States military forces at a minimum cost. The canal provides for the rapid deployment of ships from the Atlantic to the Pacific and back again, and history has repeatedly demonstrated the logic and the urgency of such a capability. During both world wars and the Korean and Vietnam conflicts, the canal was used heavily for the transfer of both combatants and supplies.

Beyond the logistic considerations, however, the United States military presence in the canal serves as a strategic deterrent to increasing Communist influences in the area—both Cuban and Soviet.

Proponents

Substantially. Nevertheless, the canal is still very important to the security interests of the United States. However, as a result of developments in modern warfare, the canal has become more vulnerable to temporary closure by air attack or sabotage. Because of that vulnerability, alternative routes have been developed for the movement of military forces and supplies. Furthermore, large aircraft carriers cannot use the canal and nuclear submarines, which would have to surface during any transit, are not likely to use it in wartime. These factors tend to diminish the importance of the canal for strategic purposes, but not necessarily for logistic purposes.

Moreover, the most likely source of increased Communist influence is exploitation of the Panamanian dissatisfaction with the existing treaty. The best deterrent to a Cuban or Soviet threat would be a treaty that gives Panama a role in the defense of a canal in which it has a major stake.

Q. How can the defense of the canal best be assured?

Opponents

By retaining control. Control of the canal by any nation other than the United States would threaten the security of the canal and United States interests in it. The presence of the United States and its control, operation and defense of the canal must continue to insure the security of the waterway. The retention of United States sovereignty and

ownership rights is the only way to assure control of canal operations and defense and the continued availability of the canal to United States security needs.

Proponents

By cooperating. Even now, security for the canal and the Zone depends upon cooperation between the Panamanian and United States governments. Although the area can be defended, even in a hostile environment, it would be impossible to insure the canal's continued operation in the face of a significant deterioration in the relationship between the United States and Panama.

The critical factor in the defense of the canal is not United States sovereignty but a cooperative relationship with Panama. Under a new treaty, the United States would retain the defense rights it needs, but Panama would be able to participate in the defense of the canal. A new canal treaty that fosters this cooperative relationship would be most conducive to a secure canal.

Q. Can the Republic of Panama defend the canal?

Opponents

No. Panama's small National Guard is not comparable either in size or in fighting effectiveness to the United States military presence in the Canal Zone. The National Guard could not successfully defend itself against a Cuban attack. Moreover, the National Guard is commanded by a Marxist general, Omar Torrijos, who heads the Panamanian regime. His irresponsible leadership would threaten the security interests of the United States.

Proponents

Yes, in cooperation with the United States. United States forces are presently in the Canal Zone to provide limited security for the canal. It would be difficult or impossible to insulate the zone from sabotage or guerrilla attack without full cooperation from Panama. The Panamanian National Guard can assume increasing responsibility for the defense of the canal, though in the event of a serious security threat, reinforcement from the United States would be necessary.

POLITICAL ISSUES

Q. Does the present government of Panama have the authority to represent Panama?

Opponents

No. In October, 1968, the National Guard overthrew the legal, constitutionally elected government of Panama. The resulting military regime, led by Torrijos, was imposed by force and does not represent the 1.7 million people of Panama.

Proponents

Yes. United States policy stresses the need to deal with governments that are in power. This policy has determined United States relations with the government of General Torrijos, a military regime that has maintained its power for eight years. General Torrijos' powers as the "constitutional" leader of Panama were confirmed by the nation's 505-member Constituent Assembly, which was chosen in general elections in 1972.

Beyond these considerations, the canal issue is of such importance to Panamanians that it transcends the question of which government is in power. Past governments, both military and civilian, have registered their dissatisfaction with the treaty. It is virtually certain that future governments would press even more forcefully for a new treaty.

Q. Is the Panamanian government communistic?

Opponents

Certainly. The government of Panama is dominated by leftist radicals. The Communist Party is operating openly. The principal government officials—including the chief of state, Torrijos—are considered to be munistic?

Proponents

Hardly. The Torrijos regime is, perhaps, strongly nationalist and populist, but it is not communistic. It is a mixture of political elements, including those of the left, who support Torrijos and his program.

As a manifestation of its political independence—not of its ideological preferences—Panama established relations with Cuba in 1974, as did other Latin American countries. The economy of Panama, far from being communistic, encourages a strong and dynamic private sector.

A new treaty mutually acceptable to Panama and the United States would strengthen Panama's relations with the United States. It would remove the major issue being exploited by the Communists and make Panama less vulnerable to pressures from the left.

Q. What assurance is there—given Panama's many changes of government in 73 years of independence—that a new treaty will be honored by subsequent administrations?

Opponents

None. Panama has been a land of endemic revolution, endless intrigue and governmental instability. There is no assurance of stability in a country that has changed governments some 60 times in little more than 70 years. Only four presidents ever completed their four year term in office. If there is no assurance of stability in Panama, there is no assurance of stability for the canal, should control be transferred to Panama.

Proponents

Sufficient. Panama has had a relatively stable political history since its independence. The statistics some alarmists quote for governmental changes include the instances in which vice presidents have been sworn in as acting presidents while presidents were travelling abroad—a formality that is required by the Panamanian constitution. Since 1946 Panama has had 13 governments; Italy has had 39. In the same period France has had 34 Premiers, the United States six presidents and the United Kingdom nine Prime Ministers.

For many years, Panama has objected to the canal treaty, but it has without exception adhered to the terms of the agreement, no matter who happened to be in power. A new, more satisfactory treaty should be even more firmly supported and observed. Moreover, the treaty is an emotional, nationalistic and economic issue in Panama. If a treaty is negotiated that removes some of the longstanding grievances of the Panamanian people, it should be honored even more readily by subsequent governments.

LEGAL ISSUES

Q. Does the United States own the Canal Zone?

Opponents

Absolutely. The Canal Zone and the Panama Canal are constitutionally acquired territory. They are the property of the United States, paid for and developed by the United States.

Proponents

No. The $10 million the United States paid Panama under the 1903 treaty was not for the purchase of the Canal Zone, but in compensation for the rights, power and authority the United States would exercise there.

The United States does have title to some property in the zone, but property may be owned by one country or individual and still be subject to the sovereignty of another country.

Q. Is the status of the Canal Zone in relation to the United States comparable to that of Alaska or the states formed from the Louisiana Purchase?

Opponents

Yes. There are similarities, at least historically. As territory over which the United States exercises sovereignty in perpetuity, the Canal Zone has similar legal status to that which any other land the United States acquired has had in the past. In as much as Panama ceded to the United States the entire territory comprising the Zone, the Zone was obtained in the same manner as Alaska and the Louisiana Purchase. The relinquishment of the Canal Zone by the United States would, therefore, be analogous to the return of the Gadsen Purchase to Mexico or Alaska to Russia.

Proponents

No. The status of the Canal Zone is not the same as that of Alaska, Louisiana or, for that matter, the Virgin Islands.

The 1903 treaty is clearly different from such treaties of cession as the Louisiana Purchase or the Gadsen Purchase because in the Canal Zone the United States acts under the treaty as "if it were the sovereign" while in the other territories it became the sovereign.

The statute conferring citizenship by birth in the Canal Zone is different from that traditionally applied to persons born in the United States or its territories. People born in the Canal Zone of parents who are not United States citizens do not acquire United States citizenship. But anyone born in the United States or in most any United States territory acquires United States citizenship automatically.

Other territorial purchases by the United States have specified one-time payments for land. But the relationship with Panama has always required annual payments for the rights, powers and privileges granted. Moreover, under the treaty, Panama retains all reversionary rights in the Canal Zone, while the rights of the United States are clearly defined and limited.

Q. Does the United States have sovereignty over the Canal Zone?

Opponents

Certainly. With the 1903 treaty the United States replaced Panama as sovereign in the zone. And both the 1936 and 1955 treaties reaffirmed United States control over the zone. The payment of $10 million gave the United States full rights of sovereignty in perpetuity.

Proponents

No, it doesn't. The treaty of 1903 did not confer sovereignty, it granted rights that were to be exercised by the United States as "if it were the sovereign." As early as 1905, United States officials acknowledged that Panama retained at least titular sovereignty over the zone. This recognition was reflected in the 1936 treaty, in which the zone was referred to as "territory of the Republic of Panama under the jurisdiction of the United States."

Q. What have the United States courts held on the legal status of the Canal Zone?

Opponents

That it is U.S. territory. In the 1907 case of *Wilson v. Shaw* the Supreme Court of the United States said: "It is hypercritical to contend that the title of the United States to the Canal Zone is imperfect and that the territory described does not belong to this nation because of the omission of some of the technical terms used in ordinary conveyances of real estate."

As recently as 1972, the court termed the Canal Zone "unincorporated territory of the United States" over which Congress "has complete and plenary authority" (*United States v. Husband*). Therefore, the modification of the international status of the Canal Zone is a matter requiring the concurrence of both Houses of Congress.

Proponents

Nothing definitive. The rulings of the United States courts do not provide a basis for any definitive conclusion with respect to the international status of the Canal Zone, nor were they intended to do so. Rather, rulings have been made for the sole purpose of extending the effect of a specific provision of United States law to the Canal Zone or of exempting the Zone from its application.

The case of *Wilson v. Shaw* did equate the Canal Zone to territory belonging to the United States, but only to the extent necessary to warrant the expenditure of public funds within the zone.

In other cases, the Court has held the zone to be foreign territory for other purposes. For example, its ports are considered foreign ports for the purposes of the transportation of mail (*Luckenbach Steamship Co. v. United States*). And in the 1948 case of *Vermilya Brown v. Connell*, the Supreme Court described the Zone as "admitted territory over which we do not have sovereignty."

Q. Is sovereignty essential to the protection of United States interests in the Canal Zone?

Opponents

Yes. If the Canal is to be operated efficiently for the benefit of all nations, it is indispensable that the United States retain its exclusive sovereignty over the zone. Without such sovereignty, the canal would be subject to nationalization by Panama, and be open prey to Cuba and the Soviet Union.

United States sovereignty over the Canal Zone is infinitely better for United States interests and for the protection of world commerce than any other negotiated arrangement.

Proponents

No. Sovereignty is not central to the basic issue of how best to assure United States interest in the Canal over the long term. A fully functional, open and neutral canal is not contingent upon continued United States exercise of sovereign-like rights. These objectives can be achieved through a new treaty under which rights and responsibilities are shared and the common interests of both countries are realized.

Q. Will United States citizens employed in the zone be protected under a new treaty?

Opponents

Probably not. It is unlikely that a new treaty would provide United States employees sufficient protection or guarantee their status. The morale of Canal Zone residents is very low now, as recent labor disputes and opinion surveys have shown. Their morale has been drastically eroded by the belief that the canal will be turned over to Panama and that their jobs will be sacrificed. Whatever protection is afforded under a new treaty would end with termination of that treaty.

Proponents

Of course. United States objectives in the negotiations include a guarantee of fair treatment for United States citizens in the Canal Zone. While the legal status of United States residents will change under a new treaty, any new arrangement will guarantee them the same rights and protections enjoyed by other concentrations of United States employees abroad.

Q. If the 1903 Treaty grants rights "in perpetuity" to the United States, why must the United States negotiate a new treaty?

Opponents

Why indeed? There is no need for the United States to negotiate a new treaty that surrenders United States sovereignty. The treaty now in force gives the United States, in perpetuity, all the rights it needs to operate and defend the canal and protect United States interests in the canal. The United States should not surrender sovereignty merely because of threats to the canal.

Proponents

Common sense. It is clear that perpetuating the exercise of total United States jurisdiction in the Canal Zone as the United States has for more than 70 years will not assure the long-term interests of the United States, let alone Panama. The treaty signed in 1903 must be revised and adjusted to deal with the new realities of the 1970's—and to respond to Panama's legitimate grievances. Only in this way can the United States preserve the interests the perpetuity clause in the original treaty was designed to protect.

CONCLUSION

This booklet has reviewed the issues involved in the complex negotiations for a new Panama Canal treaty. It has gathered together and explained the facts. It has presented the arguments for and against negotiations.

Now it's up to you.

It is most timely that you share your views on this important subject with other citizens and your representatives in Congress. A more informed American public can help assure that all United States national interests in this vital foreign policy issue are considered and served.

EQUAL RIGHTS AMENDMENT

Mr. GARN. Mr. President, on January 21, 1977, Elder Boyd K. Packer, a general authority of the Church of Jesus Christ of Latter-day Saints, addressed a group in South Carolina and reaffirmed some important points regarding passage of the equal rights amendment.

Elder Packer's speech clearly points out that, although inequalities are to be deplored, the ERA is not necessarily the solution to equal rights problems for women. Too often, when government is involved in problem solving, the solutions themselves become sizable problems.

We must be alert to the effects of the ERA that are not intended, including those depriving lawmakers and government officials of the right, by legal means, to honor the vital differences in the roles of men and women. The undergirding strength of this Nation lies in the strength of its families, its home environment; and a breakdown of that foundation can only weaken the country. Passage of a single, broad amendment would not advance the equality of women as effectively as judicious and wise legislation to correct particular circumstances.

Mr. President, because of the excellence of Elder Packer's remarks, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE EQUAL RIGHTS AMENDMENT

The invitation to me, an officer of the church, to speak in this public meeting came, I suppose, because the church has taken a position with reference to the equal rights amendment.

Concern for this issue is not limited to one political party or another; to any church as compared to the others; to any organizations; but indeed is an issue that should be of critical concern to everyone in this land.

Our concerns of course are basically moral and spiritual. This is that kind of an issue. It is quite as difficult to separate the spiritual and moral implications from some issues, as it is to include them with some others.

I came to speak my own mind, to tell you what I believe and what I think about the Equal Rights Amendment. But more than that, to emphasize if I can, how I *feel* about this issue.

There are feelings, you know, more important than believing or thinking.

It has been explained to me that others will present an analysis of how this amendment will affect local institutions, and others yet will explain how to go about doing something about it.

I want to emphasize early in my remarks that I recognize, with the proponents of the Equal Rights Amendment, that there are some things that need doing to elevate the status of women in society. Some of them desperately need doing.

Where there are inequalities, they are to be deplored. To emphasize this point, I read the official statement of The First Presidency of the Church, in which they take note of these inequities and yet, recognizing them, they set the Church in opposition to the Equal Rights Amendment as a means to remedy them.

"From its beginnings, The Church of Jesus Christ of Latter-day Saints has affirmed the exalted role of woman in our society.

"In 1842, when women's organizations were little known, the Prophet Joseph Smith established the women's organization of the Church, the Relief Society, as a companion body of the Priesthood. The Relief Society continues to function today as a vibrant, worldwide organization aimed at strengthening motherhood and broadening women's learning and involvement in religious, compassionate, cultural, educational, and community pursuits.

"In Utah, where our Church is headquartered, women received the right to vote in 1870, fifty years before the Nineteenth Amendment to the Constitution granted the right nationally.

"There have been injustices to women before the law and in society generally. These we deplore.

"There are additional rights to which women are entitled.

"However, we firmly believe that the Equal Rights Amendment is not the answer.

"While the motives of its supporters may be praiseworthy, ERA as a blanket attempt to help women could indeed bring them far more restraints and repressions. We fear it will even stifle many God-given feminine instincts.

"It would strike at the family, humankind's basic institution. ERA would bring ambiguity and possibly invite extensive litigation.

"Passage of ERA, some legal authorities contend, could nullify many accumulated benefits to women in present statutes.

"We recognize men and women as equally important before the Lord, but with differences biologically, emotionally, and in other ways.

"ERA, we believe, does not recognize these differences. There are better means for giving women, and men, the rights they deserve."

I recognize that the proponents of the Equal Rights Amendment may be well intentioned in their desire to improve the status of women.

We need to be very alert as to what the amendment would do besides what is intended. It is so easy to set about to solve a problem and end up creating yet a greater one.

Most of our problems, someone has said, came from solutions.

Should the Equal Rights Amendment pass, it threatens to be chief among the problems which were intended to be solutions.

Even with good intentions, so many adverse things can unwittingly be brought about.

When I was in Junior High School we had a mandatory health class. There was a chapter in our textbook on contagious diseases which included the account of an incident that had occurred in the early part of the century. The events recorded were these:

The children came home one day and reported that the neighbor's child had the chicken pox. The mother was upset! The matter of trying to keep her children from being exposed was a nuisance. Often they caught the disease anyway.

About the time one would be recovering another would come down with it, and by the time the disease had run its course from one to another, that telltale chicken pox sign would be in their window for weeks.

Finally, determining that this could be resolved in another way, she called on her neighbor.

"I'm sending my children over," she said. "They might just as well all get the chicken pox at once and then we'll be done with it. They will be immunized thereafter and won't have to put up with that for the rest of their lives. We can solve this problem once and for all."

"I'll send them over to play and perhaps they could have a meal with your child. I wouldn't even care if they ate off the same dishes."

And so it was done. Some days later, after the normal incubation time for the disease, her children showed signs that the plan was indeed working. They were irritable, and fevered, and the rest.

That afternoon word was sent to tell her that things had not gone well at the neighbor's house. They finally had called in the doctor. It was not chicken pox at all, the doctor had told them. It was smallpox. That night the neighbor's youngster died.

How often it is that our solutions become problems. This, it seems to me, is particularly true in the government. One of the major issues, perhaps the major issue, of both parties in the recent political campaign, was big government.

The bigger the government becomes the more lost we are as individuals. Somehow, always under the notion that our rights are being protected, webs are combined with threads, and threads are added to strings, and strings are fashioned into cords, and cords into ropes, and ropes into bonds.

An excellent example of how things can get tangled up is the regulation issued under Title IX of the Education Amendments Act of 1972.

The intent of that act was to prevent sex discrimination in federally assisted educational programs. As passed by Congress, Title IX was stated in 27 words.

The Department of Health, Education and Welfare, charged with its enforcement, published extensive regulations to enforce those 27 words in Title IX.

The regulations put together at sub-levels in the bureaucracy, amounted to about 20 thousand words!

Those who made these interpretations are neither known to be representative of the general feelings of the public, nor to understand the far-reaching effect of the regulations.

Those 20 thousand words of regulation are now being vigorously applied as law. They involve issues that Congress neither acted upon nor intended.

Some of the results must be termed as preposterous, others of them surely must be unconstitutional.

One interpretation, for example, caused the prohibition to schools to sponsor father and son activities of any kind, or mother and daughter activities of any kind.

It took a presidential order from a very irate president of the United States to get some sense into that.

But the rest of it is still imposed. And the requirements seek to compel all public schools to abandon standards of personal morality and conduct.

Should the Equal Rights Amendment pass, those few words would be open to interpretation—not at the local or state level.

The amendment is so undesirable because it would remove the power of interpreting the meaning of laws relating to sex discrimination from state courts and vest it in federal courts.

The way opens then to endless litigation with webs and strings and cords and ropes and bonds.

Existing laws, if properly enforced, could effect the corrections necessary.

Even some proponents of ERA have admitted that a Constitutional amendment is not really needed to achieve the desired legal reforms.

They argue, however, that its adoption represents some kind of a symbolic gesture, some over-correction of a long neglected cause.

The more strident supporters will view it, no doubt, as symbolic support for anti-family and unisex values.

The states presently retain significant powers to regulate family relations and property rights, and some working conditions in harmony with the customs and ideals of the people in their state.

All of this would be gobbled up in the great bureaucracies of the federal government. And like Title IX, a few words intended as a protection will become a threat.

The effort to cure a threat of chicken pox, may once again see us exposed, dangerously exposed, to a virulent and deadly smallpox.

Among the great dangers in the amendment is the fact tht it would deprive lawmakers and government officials alike, the right by legal means to honor the vital differences in the roles of men and women.

Some government officials are sure to see their responsibility, not just to effect equality between men and women, but to attempt by regulation to remove all of the differences between them.

If we are subjected to the same excesses as under Title IX, men and women would be subjected to precisely the same regulations of all kinds, at all times.

(Many thoughtful wives haven't the slightest desire to be reduced to equality with their husbands.)

We cannot eliminate through any pattern of legislation or regulation, the differences between men and women.

There are basic things that a man needs that a woman does not need. There are things that a man feels that a woman never does feel.

There are basic things that a woman needs that a man never needs, and there are things that a woman feels that a man never feels, nor should he.

These differences make women, in basic needs, literally opposite from men.

A man, for instance, needs to feel protective, and yes, dominant, if you will, in leading his family. A woman needs to feel protected, in the bearing of children and in the nurturing of them.

Have you ever thought what life would be like if the needs of men and women were naturally precisely the same?

What would it be like if they both naturally needed to feel dominant all of the time, or both naturally needed to feel protected all of the time.

How disturbed and intolerable things would be.

When God created male and female, He gave each important differences in physical attributes, in emotional composition, in family responsibility. We must protect and honor the vital differences in the roles of men and women, especially in respect to the family.

These issues were raised, not successfully, in the Congress. Senator Ervin introduced an amendment to the Equal Rights Amendment, which I quote:

"This article shall not impair, however, the validity of any law of the United States, nor any state, which exempts women from the compulsory military service or which is reasonably designed to promote the health, safety, privacy, education, or economic welfare of women, or to enable them to perform their duties as homemakers or mothers."

His amendment was defeated, and leaves the home and the family vulnerable.

In the Church we show intense and constant concern for the home and for the family. I think it can be truly said that the ultimate end of all activity in the Church is to see a father and a mother and their children happy at home; to see them happy as a family—eternally.

If the efforts of our Church officers and organizations and the influence of our Church building programs and curriculums are not ultimately to effect the happiness of the individual and the strength and stability of the family, there is grave question as to whether they are any good at all.

We care about the family. We study the family. We pray over the family. We work for the stability of the family. We work to preserve and protect the institution of the family.

We analyze the effect of every influence that comes along as it may ultimately change by way of strengthening, or threaten by way of weakening, the family.

We have the lingering, ominous suspicion that the proponents of the Equal Rights Amendment have paid little, if any attention to the family at all.

I personally deplore the fact, one apparently conceded by some of the proponents, that the Equal Rights Amendment would make it impossible for the government to make any distinction between men and women for military service.

They would be compelled to draft women in time or war in order to draft men, and they would be compelled to force women into combat, lest they could not force men to do likewise.

The proponents of ERA stress that none of these things will happen. A study of how government works, especially in recent years, will not sustain them in that assurance.

Whatever the intention of the advocates may be, the effects of sowing this wind will be the reaping of the whirlwind for all of us and for our posterity.

It is not quick immunization from an aggravating case of social chicken pox they pursue. It is exposure without thoughtful diagnosis and without prior vaccination, to smallpox of a most lethal kind.

There is something else I call to your attention. Another fundamental reason to face these issues and resist the Equal Rights Amendment now. There is something beyond more frightening even than this.

Already, children's rights emerges as an issue. The ugly specter of child abuse, a malignancy that is spreading itself through our society, has social workers, educators, clergymen, political and government leaders restless and anxious and disgusted.

Before any careful diagnosis of what causes this sickening problem, some, no doubt will try to solve it through sweeping legislation.

And, they'll do this before we recognize the fact that child abuse is a pure symptom of broken down families, or disturbed relationships between fathers and mothers and between parents and children.

The cure for it lies in the strength and

stability of the American home—in the spiritual and moral and emotional health of families.

Before we diagnose that correctly, we could further weaken the family with threads and cords and bonds, and smallpox.

One so-called authority has written on the subject and proposes that children should have the right to complete sexual freedom. I quote: "Other societies don't worry about it. It's just a big idea in our society. People are so worried about children having sexual intercourse."

When asked if pre-teens should engage in sexual relations, his answer, "Sure, why not. You can't keep the child systematically ignorant of how they come into this world when they're sexual from birth."

He favors ending compulsory education, giving children the right to choose a home other than that of their parents, and the right to work as an alternative to compulsory education, and the right to vote.

And he states, and I think not without some truth, "Most of my ideals are not radical to people who are professionals in the field." Then he adds, "We are in a position with respect to children that we were to women in 1958."

He then predicts that the move to liberate children "will make the women's movement seem small by comparison."

In the Church we have a deep and abiding faith in the sacred nature of family ties and the sanctity of marriage, in the exalted station of women.

I read earlier the statement released by the First Presidency of the Church. Recently a letter was sent by the President of the Council of the Twelve Apostles, to the leaders of states and missions throughout the United States. I quote a paragraph.

"As the Equal Rights Amendment issue is activated in some state, we suggest that you urge members of the Church, as citizens of this great nation, to join others in efforts to defeate ERA."

And a further sentence:

Please keep in mind that Church buildings and organizations are not to be used for this or any other political or legislative purposes."

We claim the right as citizens to have opinions on these matters and to express them, and to stand in opposition to legislation that threatens the home and the family.

Last June 5th on a Saturday morning, the Teton Dam collapsed. The little community of Wilford, immediately in the path of the flood, disappeared.

A mile or two downstream, Sugar City was likewise completely destroyed.

A few miles further was Rexburg, with seven or eight thousand people in the path of the water.

And farther down the valley, almost to here where we stand, another 25 or 30 thousand people were in terrible danger.

You know of those events. Some interesting lessons came out of that.

A few days after the flood, in company with President Spencer W. Kimball, I attended a meeting at Ricks College where the flood victims were being housed.

A double session with over four thousand atending each session was held, because the fieldhouse was not large enough to get them all together at once.

Near the close of the second session, President Kimball leaned over to me and whispered, "I haven't seen a really unhappy person in the audience."

A strange statement indeed!

You could see courage, and resilience, relief and determination; but there was no evidence of misery or defeat.

They had lost their homes, their farms, their automobiles, their boats, their livestock, their furniture, their personal treasures, but, all of that seemed secondary.

I have gone over reports and read very carefully many personal accounts written by victims of the flood.

What did they think of first in the moment of great crisis? What was uppermost in their minds? They thought of their families!

When the issues of life and death were at hand, the one thing more valuable than all else, more important than all other things that they possessed, was their family.

The water was controlled behind the Teton Dam. When metered out *judiciously*, (and I emphasize that word) and wisely, the water was life-giving and fundamental to the well-being of the people.

When the controls collapsed, all at once it was devastation!

We have something ahead in our society if some of us are foolishly permitted to pull down all of the controls at once.

We might well pray that God would grant that the proponents of equal rights for women will go about their work wisely and judiciously. If they do, we should all join them and should be among them.

I said to begin with that I was here to speak my own mind and give my own feelings, and they are, that the Equal Rights Amendment is not the answer.

One might ask then, if you are against the Equal Rights Amendment, then what are you for?

I am for the equitable enforcement of existing laws. There are sufficient of them to protect the rights of women and of children, and of men, or to enact judiciously and wisely any needed legislation to correct particular circumstances.

I am for protecting the rights of a woman to be a woman, a feminine, female, woman; a wife and a mother.

I am for protecting the rights of a man to be a man, a masculine, male, man; a husband and a father.

I am for protecting the rights of children to be babies and children and youth, to be nurtured in a home and in a family.

I am for recognizing the inherent God-given differences between men and women.

I am for accommodating them so that we can have physically, and emotionally, and spiritually stable, happy individuals and families and communities.

Without that, when the floods come, in the end what will really be worth saving.

CUTTING GOVERNMENT PAPERWORK

Mr. McINTYRE. Mr. President, over the past 6 years I and many other Members of this body have been extremely concerned with the estimated $40 billion paperwork burden imposed by the Federal Government, particularly on small business. Today I am pleased to report great progress to remove this burden. The progress has been made by the Commission on Federal Paperwork, of which I am pleased to serve as cochairman.

Within its first 15 months, 228 recommendations have been made by the Commission. So far 70 have been accepted and are being implemented. These include three pieces of legislation adopted by Congress. The savings from these recommendations already accepted amount to a billion dollars.

The other recommendations which we made are still under consideration by the responsible agencies.

The savings potential from the work of the Commission will certainly be in the many billions of dollars. These are billions of dollars saved in the private sector, to State and local government, and to American citizens as recipients of Federal assistance and to everyone as taxpayers.

Let me tell you about some of the Commission's activities. We have issued two major reports on particularly troublesome programs: OSHA and ERISA. I am pleased to say that the responsible agencies are moving quickly to implement most of these recommendations. These reports were developed in close cooperation with the congressional committees and the agencies involved. I would be happy to provide any of my colleagues with copies of these reports if they are interested.

I am pleased to advise that just last week the Federal Power Commission accepted a series of Commission recommendations which industry estimates will save $450 million a year for the industry and all of us as energy consumers.

But I do not want to leave the impression that all our work involves merely dollar savings. Another important aspect of the Commission activities is removing the fear and distrust and big brother image that Government has acquired. For instance, the Social Security Administration at our request removed a series of questions asked of the elderly such as how many times they go to the hairdressers each month and how much they pay. Questions like that have no place on Federal forms; it is none of the Government's business.

I would like to note also our efforts to develop broad institutional reforms, including reorganization where necessary, to deal with these problems at their roots so that we will never again find ourselves in such a horrible situation. I will shortly be introducing a resolution urging the Congress and the administration to give prompt consideration to these institutional reforms because indeed they will have the most lasting impact of all the Commission's work.

Mr. President since I have been in Washington I am not aware of any commission that has had a record of action and accomplishment even approaching the success of the Paperwork Commission to date.

I want to thank my colleagues in this body, in the House, and also those civil servants in the agencies who are providing such excellent cooperation and assistance in fighting paperwork. By October 3 of this year I look forward to reporting to you a complete catalog of victories and recommendations to be enacted to remove the redtape paperwork burden.

Further, I ask unanimous consent that an article written by Tom Eastham for the Boston Herald-American be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

. . . ISN'T IT GREAT THEY'RE ALL TRYING?

(By Tom Eastham)

WASHINGTON.—As one only recently come to Washington from the hinterland of California, I am wary of rendering judgments about the government I have seen up close for only two months. Or even early impressions.

But, as a citizen-taxpayer come to Wash-

ington, it is altogether appropriate to examine the opinions I bring with me about the government.

First, I worry like most citizens about its sheer size, and of the increasing anonymity that size imposes on each of us.

Similarly, I fret about the staggering costs that come with that size—both as a small taxpayer and as one who questions the logic of rampant bigness in all things.

Apart from just size and cost, I am appalled by the unconscionable waste permeating government.

With it all—the size, the cost, the waste—I object to government's growing remoteness and lack of responsiveness. I feel that even when government does the right things, it does them wrong.

More subtle but equally genuine is a troubling impression that my government no longer trusts me, that it looks upon me as a potential cheat and insists I prove my innocence.

I have the feeling nobody cares, that those who govern do so for their own ends—the governed be damned.

Admittedly, such judgments are harsh. But they are shared in good part by millions of Americans who have found little to counter their mounting disillusionment.

I am equally convinced that this kind of discontent, if allowed to become pervasive, threatens the very fiber of democracy.

It was thus a remarkably illuminating experience to discover last week one area of the federal government—miniscule in this capital of bigness—that shares all my concerns about government's abounding inefficiencies.

And more refreshing still to learn it has done something about them, and is going to do a lot more.

This discovery came during many hours spent in the Rabbit-Warren offices of the Commission on Federal Paperwork.

Although the term "paper-shufflers" is popularly associated wtih government, I had never before fully appreciated the extent to which paperwork—in itself—might break down the processes of government, might clog the system so hopelessly it just plain fails to work.

Nor did I understand its crisis dimensions in the last decade. I see now that in each of my concerns about government, needless and heedless paperwork is at least in part to blame.

Oh, we all know paperwork is a headache. We've cursed over tax forms and heard others curse over other forms. But consider these few harrowing facts:

Ten billion sheets of paper flow through—or just sit—in federal offices every year. Enough to fill 4.5 million cubic feet of space.

There are 50 forms filled out every year for every man, woman and child in the country—all 210 million of us.

The public's time spent filling out federal forms is estimated at 130.5 million man hours. And woman hours.

The federal government in 1973 was using 5,298 different forms—not counting those of two of the biggest data collectors, the Internal Revenue Service and the banking regulators.

The cost to the economy, once put at $40 billion a year, is now considered grossly understated.

While astonishing, those figures are only part of a long, sad story. Hear now the co-chairman of the commission. Sen. Thomas McIntyre (D–N.H.).

"The endless forms to fill out and file are nurturing a growing suspicion that government no longer trusts responsible citizens, that Big Brother has moved out of Orwellian fantasy and into reality."

Hear also his co-chairman. Rep. Frank Horton (R–N.Y.):

"Needless paperwork not only annoys people, it prevents government programs from working well."

The nonpartisan Commission on Federal Paperwork, created by a frustrated Congress in 1975 with 14 commissioners and just two years of life, has only 10 months to finish its job.

Most commissions are born, work quietly their allotted time, deliver a voluminous and sometimes vacuous report and vanish—often without a trace. But not this one.

At the outset, the paperwork team decided to be activist—to get things done. Two months after opening for business it produced results and began to get action.

In its 14-month life, it has made 177 separate recommendations for cutting or eliminating paperwork; 38 of them have been fully implemented, all but four are moving ahead.

Three of five commission bills have already passed Congress. One bill—making employer wage reports annual instead of quarterly—will save the government almost twice the commission's budget, and will save the nation's employers $250 million a year.

Further unlike most, the commission will have an after-life. Congress has ordered the president's Office of Management and Budget to report on implementing its recommendations for two year's after the commission dies.

Next spring, the paperwork force will make its biggest push. It discovered that 41 separate federal and state welfare agencies are using 2,800 pages of application forms. It has come up with a four-page standard form. If adopted, it could save us all $6 billion a year.

The wonderful part of all this is that nobody's fighting it. We sometimes don't realize paperwork is a pain-in-the-neck to government, too.

"There are no villains in paperwork," says commission Deputy Director Michael McGinn, formerly deputy director of the Government Operations Committee.

"A lot of it is the result of inattention. The agencies focus on their programs and paperwork is an afterthought. They're usually delighted when we come in to help relieve the burden."

Is paperwork just a symptom? Is the disease really bad government?

"No—but you may have two diseases," says McGinn. "If a program is wrong, that's one thing. But given the work. The paperwork is not just a symptom, it's a problem in itself."

McGinn says response from the government agencies is "very enthusiastic," from business "tremendous" and from the public it's "God bless you."

One is struck by how much the paperwork team resembles Jimmy Carter's transition planning operation. In each, a task force is assigned to deal with each major activity of government. And each is looking at how the job is done now and how it can be done better and quickly.

McGinn's summary thus fits both efforts: "How do we do the possible here and now?

"If we just cut weeds, although we cut a lot of weeds we won't get the job done. Weeds grow back. We are also looking at the processes of government, at ways to change the systems that create the problems."

It may not work.

Maybe Jimmy Carter can't do it. And maybe the Paperwork Commission and all those willing government workers are just spinning their wheels, and ours.

But isn't it great they're all trying?

ORIGIN AND DYNAMIC NATURE OF THE DECLARATION OF INDEPENDENCE

Mr. MATHIAS. Mr. President, last September 20, Judge Carl McGowan, one of the most respected jurists in the United States, delivered a most thoughtful speech at the Third Circuit Judicial Conference. In his speech, Judge McGowan treated the origin and dynamic nature of the Declaration of Independence. I believe that the ideas which Judge McGowan puts forward merit the consideration of all of us. I urge my colleagues to take the time to read it and ponder its meaning.

I ask unanimous consent to have the speech printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF JUDGE CARL MCGOWAN

In May of 1776, John Adams—at the very center of great events in Philadelphia—upon his return from Sunday morning church attendance wrote a letter to his favorite correspondent, Abigail. He described how the minister in his sermon had "run a Parallel between the case of Israel and that of America, and between the Conduct of Pharaoh and that of George (the Third);" and had concluded therefrom "that the Course of Events, indicated strongly the Design of Providence that We should be separated from G. Britain &c." With his own political objectives so fortified by this assurance of divine approval, John was able to write his wife again on July 3, 1776, reporting the adoption the day before of the Resolution for Independence and telling her that "[Y]ou will see in a few days a Declaration setting forth the Causes, which have impell'd Us to the mighty Revolution, and the Reasons which will justify it, in the sight of God and Man."

It is hardly surprising, thus, that one who reads the Declaration carefully today for the purpose of identifying, in the language of the theme of this session of the Conference, "the opportunities set forth in the Declaration of Independence," finds that document primarily preoccupied with the opportunity of the people to replace one form of government with another, by force if necessary. I hesitate to suggest means by which that particular opportunity should be furthered, at least in the presence of one of the Government's chief law enforcement officers.

I put to one side, accordingly, the Declaration's lengthy inventory of the inequities of the government it was abolishing, and look rather to what its hopes and prescriptions were for a new government to come. The formulation of these in specific language is not extensive. Of relevance in this respect is, of course, the initial premise that "all men are created equal" and are possessed of indestructible rights which include "Life, Liberty and the pursuit of Happiness," the impairment of which rights by any government forfeits that government's legitimacy. But in referring in the next breath to the right of the people "to institute new Government," the Declaration says only that it shall be founded on such principles and its powers organized in such form "as to them shall seem most likely to effect their Safety and Happiness." That is the sum total of the Declaration's explicit references to the nature of any government succeeding the one it was intent upon overthrowing. It is within these concepts, as meager in number as they are broad in content, that we must look for "the opportunities set forth in the Declaration" which are the subject of our present inquiry.

It is interesting, I think, that the two words used to define the goals of a new government are "Safety" and "Happiness." As to the first of these, which in the context tends to have connotations of a physical nature, I have always wondered exactly what Jefferson had in mind when he used this word. Presumably it was not absolute immunity from alteration of a government by its own citizens, since it was used in a document dedicated to the establishment of that

right. It could very easily, of course, be assumed to mean protection against oppression and military invasion by a foreign enemy. But one wonders if that would be the first definitional priority assigned to it by the ordinary citizen today.

Many would, I suspect, respond by reference to the seemingly ever-widening apprehension about crime, and especially would this be likely to be true of those in the poorer sections of urban areas who, so the figures indicate, bear the heaviest burden of danger in this regard. Surely one of the opportunities which we may fairly take to be comprehended within the word "Safety" in the Declaration is greater security for the citizen in this respect. The realization of that goal, however, is not, in my observation, to be had by recourse solely, or even mainly, to measures within the capabilities of the judicial system; and it is for this reason I do not propose to pursue the tangled and frustrating inquiry into the causes and cures of crime in America today.

"Happiness" is the only word used twice in the Declaration—it appears nowhere in the Constitution— as a standard by which the performance of government is to be judged: first, as something each individual has a right to pursue, and, second, as a condition government should seek to effectuate. Since happiness is a highly subjective matter, there are obviously some problems with this second formulation if government is conceived of as the arbiter of what happiness is. No one wants Big Brother telling him that he is happy when he isn't. It is presumably for this reason that, in thinking of the Declaration's relation to happiness, our attention has focused largely on the first formulation, namely, the individual's right to seek it for himself. And even that aspect of the Declaration has, thus far, largely been overshadowed by the accompanying assertions of the equality of human beings and their rights to life and liberty.

Neither do I speak to these latter important issues today, significant as they are in terms of both the progress that has been made towards the ideals they embody, and the difficult distance that remains to be traversed. But they have been at the forefront of public discussion, both in this Bicentennial Year and before, in contrast to the relative neglect of the Declaration's reiteration of the happiness concept. That concept, as an element of our common heritage from the Declaration, may have been overlooked because it appears crass or hedonistic, or perhaps because none of us wishes to face the question of how precisely he would define the term. I am not going to attempt to define it, but instead to look for a moment at what can fairly be thought to be one aspect of it—the problem of income distribution.

That somewhat narrow and worldly focus might be justified because the tradition of economic enterprise and consequential material comforts are central parts of American life. It may also be warranted by the fact that reputable social scientists presently write articles taking issue with the common saying that "money can't buy happiness." But the chief justification is the likelihood that it will assume increasing importance in the area of public policy.

This importance derives from the prospect that there may possibly be a significant decline in the long-term rate of economic growth in this country, at least relatively in relation to population. The energy shortage, the instability of our foreign relations with traditional suppliers of raw materials, and the possibility that adverse weather conditions may at some point in the future impair food production—all can have limiting effects. Concern about conserving resources and increased awareness of environmental hazards will continue to raise second thoughts about the wisdom of some projects that would increase the Gross National Product. One need not be a no-growth nihilist to predict that our expectations about routine growth are subject to revision.

And if the growth rate declines, it seems inevitable that concern about how the pie is sliced will increase. Some legal, political, and economic theorists suggested in the 1950s that, when growth is steady, inter-group conflicts about distribution are of little importance. They seem to me to have overstated the point, but in any event it is inapplicable if economic circumstances change greatly. A distinguished economist presently serving the Congress, Dr. Alice Rivlin, has recently asserted that "income shares and distributional aspects of public actions are going to become a major form of public policy debate in the next few years." Emphasizing the rapid communication, especially by television, of what are becoming increasingly absolute disparities in wealth, the apparent rise of group identities in America, and several demographic factors, she concludes that members of her profession will have to devote careful attention to distribution of income in the years ahead if they are to be any help to the makers of public policy. If so, the lawyers will have the same challenge, both because of the central role they play in so many aspects of public decisionmaking and because of the repeated confirmations we have had of Tocqueville's prescient observation that "[s]carcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question."

Income shares have shown a remarkable stability over time, and the factors that affect them are many, often are difficult to identify, and may not be capable of control. And perceptions differ about what, if anything, should be done to alter income distribution. For example, many expert observers of the results being achieved in the education of the young at the elementary, secondary, and even college stages are beginning to express doubts about the effectiveness of allocating greater resources to the schools themselves, as distinct from ameliorating the poverty in the students' family backgrounds. The distributive implications of this and other particular policy decisions promise to be debated with increasing intensity.

It seems unlikely that concern about income distribution will affect legal decisionmaking through programs for direct transfer of wealth. Rather, it will be in such areas as energy sources, housing and land use planning, health insurance, utility rate regulation, and controls over salaries, wages, prices, and profits. Whether or not, as most economists would prefer, questions of resource allocation and regulatory policy should be considered independently of income distribution, with the latter to be addressed separately through the tax structure and transfer payments, the political realities always have been and seem likely to remain otherwise.

The most direct, but perhaps not the most important way in which the legal and judicial system may be affected by increasing concern about income distribution is by altering the legal norms that provide the rules of decision in particular controversies. One area likely to be so influenced is that of tort law. The dominant purposes of tort law today are to deter harmful conduct by creating a system of liability rules that efficiently distributes accident costs. But they also have another consequence—the liability rules they create affect the distribution of wealth.

If I harm you while driving my car, but I am not acting so as to create an unreasonable risk, I am not liable under the negligence principle. If I set up a steel mill and discharge pollutants or generate noise interfering with the use of your neighboring land, unless I am acting "unreasonably" no "nuisance" arises. It is important to society as a whole to have steel mills and automobiles operating. There is an unstated but underlying premise that all of us benefit in some undefined general way from the activity of steel mills and automobiles; not by imposing liability, we all share in the benefits that accrue.

If economic growth tapers off, then that premise may become questionable. There will be no, or at least fewer, substantial general benefits from economic growth in which we all feel we are sharing. And concern about income distribution will highlight the transfer of wealth that liability rules create. The basic premise may come under attack, and there may be some groping for a system of tort liability that responds more directly to questions about wealth distribution.

The same point can be made about other areas of private law. Such doctrines as unconscienability in contract law, or an implied covenant of habitability in landlord-tenant relations, may be seen as prohibiting arrangements preferring one class over another. It is strongly asserted that these doctrines may backfire and harm those who are the objects of protection. In any event, the question of how such doctrines affect wealth distribution is likely to become a legal question of increasing importance.

In public law areas, courts already have begun to decide cases in a manner that bears upon income distribution. State courts in New Jersey and California have ordered the system of public education restructured to equalize benefits and redistribute costs; state courts in New Jersey and Pennsylvania have required communities with restrictive zoning laws and low housing density to accommodate the housing needs of low-income families. Both of these are areas in which the income distribution aspect of the regulatory problem is right on the surface.

Having said all this, I still do not foresee that courts are likely to become the primary institution for responding to any growing concern about income distribution. It may be, as legal realists are fond of reminding us, that legal decisions are influenced by many unarticulated considerations. But at least at the level of accepted doctrine judicial consideration of distributive problems will probably be limited.

The Supreme Court has taken a quite different approach in interpreting the federal constitution from that of the state courts referred to earlier when interpreting their own charters. In *San Antonio Ind. School Dist.* v. *Rodriguez* 411 U.S. 1 (1973) the Court refused to follow the lead of those state courts that had invalidated educational finance systems, noting that "this Court has never heretofore held that wealth discrimination alone provides an adequate basis for invoking strict scrutiny." And, indeed, as Professor Michelman has suggested, "A de facto pecuniary classification . . . is usually nothing more or less than the making of a market . . . [and] the risk of exposure to markets and their 'decisions' is not normally deemed objectionable, to say the least, in our society." One can add that our society does appear to contemplate some inequality in income distribution, though whether the amount we have today is too much (and if so by how much) or too little is not easily resolved by reference to either economic principles or legal norms. Nor is there any overarching moral principle to which judges can resort; one man's Rawls is another man's Nozick.

If courts do not consider this question, the next institution called upon to do so will be the agencies. They are heavily involved in the administration of a wide range of problems with obvious consequences for wealth distribution. Indeed, it may be hard for the Federal Energy Administration, in deciding what to do about price controls, or the Department of Agriculture, in designing guide-

lines for food stamp eligibility, to ignore the distributional impact of these decisions.

Without specific guidance from Congress, however, agency consideration of distributional factors is likely to be haphazard at best. While agencies may in theory be relatively well equipped to analyze problems requiring technical expertise in a given area of the law, there is no reason to believe that agency officials are particularly well-qualified to make the inherently political choices involved in shaping income distribution. Moreover, in the absence of clearly stated legislative standards, judicial review would be neither an effectual nor a legitimate means of supervising agency treatment of distribution considerations.

If, for example, an agency were to be delegated the authority to try, insofar as consistent with other objectives, to "improve" the distribution of income by making it more equal, agency officials—who are not directly accountable to the voters—would exercise vast power to affect social well-being, largely unchecked by legislative guidance or judicial review. Such a situation might lead some to wonder whether the unconstitutional delegation doctrine ought to be resurrected.

The burden of dealing with this political problem is likely to be most appropriately borne by the legislature. That conclusion is a minimal one only for those whose view of lawyers is closely intertwined with the judicial process. But one question all of us have to consider is which legal institutions are best suited to deal with certain problems. And altogether too little attention is devoted by legal educators, commentators, and practitioners to how the legislative process ought to operate, what programs and, more especially, what law-making procedures are both administratively feasible and responsive to democratic values. Lawyers, as either participants in the legislative process or critics of it, have important roles to play.

Distribution of income is a zero-sum game; those who benefit from subsidies, or regulated prices, or centrally controlled allocations of resources, do so at the expense of others. Hence, any decision with serious distributional impacts is likely to raise strong feelings, especially on the part of those who are the losers. Such feelings place a special burden on public institutions. That burden is to ensure that all viewpoints are fully and fairly ventilated; that objections are entertained and answered as rationally as may be; and that participation is encouraged. This will not eliminate, but can moderate, the tensions inevitably engendered by such decisions.

It is in this context that the legal and judicial areas surely have something to contribute. We lawyers and judges have no demonstrable pretensions to the wisdom that warrants our making the substantive decisions of government by which the nature of our social and economic order is shaped. But we are experts in the processes by which those decisions, either by legislatures directly or by agencies acting under delegated authority, should be made. We can, in my submission, claim a special sensitivity to the critical values in such things as prior notice, fair hearing, the relevance of fact to conclusion, and reasoned, as distinct from wholly arbitrary, policy determination. We know better than most the extent to which these devices can furnish the glue to hold a society together, even one faced, as ours may be, by the fact that a more expansive effort to realize the aspirations of the Declaration's "pursuit of happiness" comes at a time when the physical means to provide greater creature comforts and cultural satisfactions for an increasing population may be in shorter supply.

Mrs. Gandhi, although reared in the Anglo-American legal tradition, says that India cannot continue to be governed through democratic processes when there are so many people pressing upon slender physical resources. The New York Times reported on August 30 her proposed revision of the Constitution, which is apparently assured of adoption because of the two-thirds majority of her party in the national legislature. Her amendments would bar any speech or activity deemed by the Executive to be "anti-national"; eliminate the jurisdiction of the courts to review legislation, including constitutional amendments, and to issue orders, including habeas corpus writs, that might delay "a matter of public importance"; and empower herself, with the advice of her Cabinet, to amend the Constitution for the next two years without legislative consent. These changes, she asserted, were necessary to achieve a "socio-economic revolution which would end poverty, ignorance, disease and inequality of opportunity."

I have no doubt that the Signers of the Declaration would regard the amelioration of these named evils as comprehended within the "Happiness" they conceived it to be the duty of government to promote. I do doubt very much indeed that they would think this is the way to go about it. It is apparently Mrs. Gandhi's view that it is better that civil liberties and representative government go by the board than that the government function at less than the maximum efficiency necessitated by the deplorable conditions assailing the Indian subcontinent. The Rule of Law which Lord Macaulay always believed to be England's greatest and most lasting contribution to India has now descended to something quite different in the recent statement of the Indian Minister of State for Planning:

"When the laws of a social organization are incompatible with its dominant needs, the outmoded laws have to be discarded. It is the dynamics of the social system that has to determine the nature of the legal system, and not the other way around."

We know this to be the Russian and Chinese premise, but it is startling when the same proposition is asserted by educated people nurtured in a legal system basically like our own.

But this only underlines the challenges we may have to face as we seek to further the opportunities contemplated by the Declaration in circumstances vastly different from those obtaining when it was written. Perhaps here in Philadelphia, the birthplace of rebellion 200 years ago, we can take comfort from the mother country we rejected so long ago. One of the constitutional amendments proposed by Mrs. Gandhi, as reported in the Times, was to change the preamble's characterization of India as a "sovereign democratic republic" to sovereign socialist democratic republic," the inference being that the repressive amendments to follow inexorably flowed from the addition of that one word.

England, under the economic battering she has taken incident to two great wars in quick succession and the break-up of the Empire, has undeniably taken on some of the characteristics of a socialist state. But the legal news of transcending importance out of the United Kingdom this summer was the unanimous affirmance by the Judicial Committee of the House of Lords of a decision invalidating an action taken by the Minister of Education. The Minister had attempted to set aside a determination by a local school board to continue its grammar schools (schools which provide more challenging education for secondary school pupils demonstrating advanced aptitudes). The Labor Government had determined as a national policy to end these schools, and has a bill pending in Parliament for this purpose. But the bill has not become law as yet, and the Minister purported to act under a statute authorizing him to overrule any local board which, in the language of the statute, has acted in a manner deemed by the Minister to be "unreasonable." The courts intervened on the theory that, whatever else might be said of the local board's action, it was not unreasonable and that, contrarily, it was the Minister who had been arbitrary.

Friend and critic alike of the court's decision recognized it as an unusual and virtually unprecedented assertion of a judicial right to review the action of a Cabinet officer in a parliamentary government. The London Economist expressed editorially the approving view that the decision would give great encouragement to what it characterized as the great and growing sentiment in favor of substantially enlarging the very limited scope of judicial review traditionally associated with the English parliamentary system.

Now I do not wish to be understood as intimating that judges have greater aptitudes than Congressmen or Cabinet members for defining what happiness is or how it is to be achieved for the greatest number, especially in the trying circumstances of modern life. But they do have a peculiarly urgent and understanding sense of the direct relationship between enlightened legal process, and democratic government commensurate with the eternal verities of the Declaration. In the 21st Century, as in the last 200 years, the one will surely further the other.

HENRY KISSINGER

Mr. CLARK. Mr. President, few individuals have affected American foreign policy to a degree comparable to that of Henry Kissinger. In his 4 years as national security adviser to the President, and then in 4 more years as Secretary of State, Kissinger proved himself an extraordinarily innovative policymaker. We must leave it to history to judge the long-range significance of some of his initiatives, but it is already beyond doubt that he is a geopolitical thinker of uncommon ability.

Shortly before leaving office, Kissinger penned some of his thoughts on America's role in the world, in particular with respect to the enduring conflict between principle and pragmatism. We may differ among us whether Kissinger in office always achieved a proper emphasis, but I think it goes without saying that he thought deeply over the issue. Kissinger's reflections appeared in Time Magazine, "America & the World: Principle & Pragmatism," on December 27, 1976. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICA & THE WORLD: PRINCIPLE & PRAGMATISM

(By Henry Kissinger)

America has perennially engaged in a search of its conscience. How does our foreign policy serve moral ends? How can America serve as a humane example and champion of justice in a world in which power is still often the final arbiter? How do we reconcile ends and means, principle and survival? Today the challenge of American foreign policy is to avoid the illusion of false choices: we must live up to this nation's moral promise while fulfilling the practical needs of world order.

OUR HISTORICAL EXPERIENCE

From its beginning, Americans have believed this country had a moral significance that transcended its military or economic power. Unique among the nations of the world, America was created as a conscious

act by men dedicated to a set of political and ethical principles they believed to be of universal applicability. Small wonder, then, that Santayana concluded: "To be an American is of itself almost a moral condition."

But this idealism has also been in constant tension with another deep-seated strain in our historical experience. Since Tocqueville, it has been frequently observed that we are a pragmatic people—commonsensical, undogmatic and undoctrinaire, a nation of practical energy, ingenuity and spirit. We have made tolerance and compromise the basis of our domestic political life. We have defined our fundamental goals—justice, liberty, equality and progress—in open and libertarian terms, enlarging opportunity and freedom rather than coercing a uniform standard of conduct.

America has been most effective internationally when we have combined our idealistic and our pragmatic traditions. The founding fathers were idealists who launched a new experiment in human liberty. But they understood the global balance of power and manipulated it brilliantly to secure their independence. Franklin and Jefferson perceived that the European powers saw the conflict in North America as part of a global struggle. Their diplomacy led to the involvement of Britain's enemies—France, Spain and Russia—in ways that favored the rebellious colonies, and then cut loose from them in a separate treaty of peace by which John Jay won the British Crown's recognition and liquidated the residual problems of the Revolution.

Thus America's energies were released to populate and build a continental nation and to perfect domestic institutions. As we did so, both our pragmatic nature and our moral commitment took deeper root in the national character—but often as seemingly separate and even contrasting factors. When faced in 1802 with the attempt of France to control the mouth of the Mississippi, Thomas Jefferson was above all concerned with the future prospects of French control over trade in and out of the American heartland.

But as our practical needs were served, so too was our idealistic strain. James Madison declared that "the free system of Government we have established is so congenial with reason, with common sense, and with a universal feeling, that it must produce approbation and a desire of imitation . . . Our country, if it does justice to itself, will be the workshop of liberty to the civilized world, and do more than any other for the uncivilized." The implications of this outlook would lead both to the advocacy of interventionism, as in Edward Everett's 1823 case for supporting the Greek revolution, and isolation, as in William Seward's 1863 rebutal of requests to oppose Russia's mistreatment of Poland.

Yet throughout the 19th century, our greatest achievements came through efforts marked by both moral vision and practical purpose. Theodore Roosevelt noted that long before Jefferson negotiated an end to the French claim to Louisiana, that and other foreign claims had been effectively undermined by the great western movement of Americans and the free communities they quickly founded. But the consolidation of their pioneering achievements was made possible by those negotiations and by subsequent diplomatic successes. The annexation of Florida, the Oregon boundary settlement with Great Britain, the treaty of Guadalupe-Hidalgo, the Gadsden Purchase, the purchase of Alaska from Russia—all were triumphs of diplomacy during decades when most citizens believed America did not have, or need, a foreign policy.

Indeed, our very achievements in dealing with the world brought most Americans under the sway of a shared mythology. As a society of men and women who had fled the persecutions and power politics of the Old World, Americans—whether *Mayflower* descendants or refugees from the failed revolutions of 1848—came to assume that we were beyond the reach of the imperatives of traditional foreign policy.

With our security assured, we became bemused by the popular belief that President Monroe's obligation to defend the Western Hemisphere, and indeed almost any obligation we might choose to assume, depended on unilateral American decisions to be entered into or ended entirely at our discretion. Americans never paid attention to British Foreign Secretary George Canning's justification of the Monroe Doctrine: "We have called the New World into existence to redress the balance of the old." Shielded by two oceans and enriched by a bountiful nature, we proclaimed our special situation as universally valid, even for nations whose narrower margin of survival meant that their range of choices was far more limited than our own.

It was, as C. Vann Woodward has called it, "the age of free security." As usual, Abraham Lincoln depicted it most vividly. "Shall we expect some transatlantic military giant to step the ocean and crush us at a blow? Never! All the armies of Europe, Asia and Africa combined, with all the treasure of the earth in their military chest, with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years."

We disparaged power even as we grew strong; we saw our successes as the product not of fortunate circumstances and considerable effort, but of virtue and purity of motive. The preoccupation of other nations with security only reinforced our sense of uniqueness. Arms and alliances were seen as immoral and reactionary. Our native inclination for straightforwardness brought increasing impatience with diplomacy, which often calls for ambiguity and compromise.

In this atmosphere even the purchase of Alaska—which excluded Russia from our continent—was regarded in its day as a folly. Congress was prevailed upon only with the greatest difficulty to provide the $7 million to complete the deal. The mythology of America ineptitude in its diplomatic pursuits carried into the 20th century. Will Rogers always got a laugh when he cracked, "America never lost a war and never won a conference."

THE 20TH CENTURY

Forgetful of the wisdom and skilled statecraft by which the founding fathers won our independence and secured our safety, and disdainful of the techniques by which all nations—even the U.S.—must preserve their interests, we entered the 20th century largely unprepared for the part we would be called upon to play.

As our power grew, we became uncomfortable with its uses and responsibilities, and impatient with the compromises of day-to-day diplomacy. Our rise to great power status was feared and resisted by many Americans who foresaw a process of deepening involvement in a morally questionable world. In the early decades of this century, we sought to reconcile the tension between ideals and interests by confining ourselves to humanitarian efforts and resorting to our belief in the pre-eminence of law. We pioneered in relief programs; we championed free trade and the cause of foreign investment. We attempted to legislate solutions to international conflicts.

These efforts to banish the reality of power were aborted by our involvement in two world wars. While we had a clear security interest in a Europe free from domination by any one power, Woodrow Wilson argued the case for intervention in wholly idealistic terms. He described it in 1917 as "the opportunity for which the American people have sought to prepare themselves ever since the days when they set up a new nation in the high and honorable hope that it might, in all that it was and did, show mankind the way to liberty." Thus we would do battle for universal moral objectives, not for a new equilibrium—a war to end all wars, not a peace in which victors and vanquished sought a balance of their interests.

Disillusionment set in as the outcome of the war necessarily fell short of expectations, and indeed as the one-sided nature of the peace required ever greater efforts to maintain it against countries with no stake in the settlement. A tide of isolationist sentiment rose, in which moral proclamations were coupled with an unwillingness to undertake concrete commitments. We were loath to face a world of imperfect security, alliances of convenience, recurrent crises and the need for a political structure that would secure the peace.

In the decades after World War II, we undertook our first sustained period of peacetime world leadership with a supreme self-assurance fortunately matched by overwhelming material superiority. And we faced an antagonist whose political system and actions on the world scene explictly threatened the very existence of our most cherished principles.

In a period of seemingly clear-cut divisions we saw little need for an explicit definition of the national interest. We saw economic problems around the world of the kind we had solved successfully in our own country, and sought to overwhelm them with the weight of resources, assuming that economic progress automatically led to political stability. In short, without making a conscious design to do so, we were trying to shape the world to our design.

Our postwar policy was marked by great achievments. America found within itself extraordinary capacities of vision and creativity. Leaders of both parties and many backgrounds—Truman and Eisenhower, Vandenberg and Marshall, Acheson and Dulles—built a national consensus for responsible American world leadership based on both principle and pragmatism. The recovery of Western Europe and Japan, the creation of peacetime alliances, the shaping of the global trade and monetary system, the economic advance of newer and poorer nations, the measures to control the nuclear arms race—these constitute and enduring record of American statesmanship.

OUR CONTEMPORARY CHALLENGE

We face an equally great challenge today. America is thrust into the role of global leadership with a dual responsibility. We must maintain our security and global peace by the traditional methods of power and diplomacy. But we know that nuclear war could destroy civilization, and therefore we must go beyond traditional foreign policy to shape a world reflecting the imperatives of interdependence and justice.

We remain the strongest nation and the largest single influence in international affairs. For 30 years our leadership has sustained world peace, progress and justice. Our leadership is no less needed today, but it must be redefined to meet changing conditions. Ours is no longer a world of American nuclear monopoly, but one of substantial nuclear equivalence. Ours is no longer a world of two solid blocs and clear-cut dividing lines, but one of proliferating centers of power and influence. Ours is no longer a world amenable to national solutions, but one of economic interdependence and common global challenges. Ours is a world where moral affirmation can be carried out only through stages, each of which is by definition imperfect.

Thus for the first time in American experience, we can neither escape from the world nor dominate it. Rather we—like all other nations in history—must now conduct di-

plomacy with subtlety, flexibility, persistence and imagination. We must fuse our great national assets of idealism and realism, our moral convictions and our pragmatic bent. We can no longer impose our own solutions; yet our action or inaction will influence events, often decisively. We cannot banish from power international affairs, but we can use our vast power wisely and firmly to deter aggression and encourage restraint and negotiation. We can help construct a wider community of interest among all nations. We must continue to stand for freedom in the world.

These are worthy goals. They can be achieved. But they summon a different dimension of moral conviction than that of a simpler past. They require the stamina to persevere amid ambiguity, and the courage to hold fast to what we believe in while recognizing that at any one time our hopes are likely to be only gradually fulfilled. It is the essence of moral purposes that they appear absolute and universal. It is the essence of foreign policy to take into account the views of others who may also see their values in this manner.

Clearly, we must maintain our purposes and our principles. But we risk disaster unless we relate our moral convictions to concepts of the national interest and international order that are based not on impulse but on a sense of steady purpose that can be maintained by the American people for the long term.

AMERICA'S AGENDA

America—and the community of nations—today faces inescapable tasks:

We must maintain a secure and just peace.

We must create a cooperative and beneficial international order.

We must defend the rights and the dignity of man.

Each of these challenges has both a moral and a practical dimension. Each involves important ends, but ends that are sometimes in conflict. When that is the case, we face the real moral dilemma of foreign policy: the need to choose between valid ends and to relate our ends to means.

Peace is a fundamental moral imperative. Without it, nothing else we do or seek can ultimately have meaning. Averting the danger of nuclear war and limiting and ultimately reducing destructive nuclear arsenals is a moral as well as a political act.

In the nuclear age, power politics, the struggle for marginal advantages, the drive for prestige and unilateral gains must yield to an unprecedented sense of responsibility. History teaches us that balances based on constant tests of strength have always erupted into war. Common sense tells us that in the nuclear age history must not be repeated. Every President, sooner or later, will conclude with President Eisenhower that "there is no alternative to peace." But peace cannot be our only goal. To seek it at any price would render us morally defenseless and place the world at the mercy of the most ruthless. Mankind must do more, as Tacitus said then "make a desert [and] call it peace."

There will be no security in a world whose obsession with peace leads to appeasement. But neither will there be security in a world in which mock tough rhetoric and the accumulation of arms are the sole measure of competition. We can spare no effort to bequeath to future generations a peace more hopeful than an equilibrium of terror.

In the search for peace we are continually called upon to strike balances—between strength and conciliation; between the need to defend our values and interests and the need to consider the views of others; between partial and total settlements.

America's second moral imperative is the growing need for global cooperation. We live in a world of more than 150 countries each asserting sovereignty and claiming the right to realize its national aspirations Clearly, no nation can fulfill all its goals without infringing on the rights of others. Hence, compromise and common endeavors are inescapable. The growing interdependence of states in the face of the polarizing tendencies of nationalism and ideologies makes imperative the building of world community.

We live in an age of division—between East and West and between the advanced industrial nations and the developing nations. Clearly, a world in which a few nations constitute islands of wealth in a sea of despair is fundamentally insecure and morally intolerable. Those who consider themselves dispossessed will become the seedbed of upheaval. But the tactics of confrontation with which some of the developing nations have pursued their goals are as unacceptable as they are unproductive.

The objectives of the developing nations are clear: economic development, a role in international decisions that affect them, a fair share of global economic benefits. The goals of the industrial nations are equally clear: widening prosperity, an open world system of trade, investments and markets and reliable development of the resources of food, energy and raw materials.

The process of building a new era of international economic relationships will continue through the rest of this century. If those relationships are to be equitable and lasting, negotiation and mutual regard among diverse and contending interests will clearly be required. On the part of the industrial nations, there must be a moral commitment—now, while there is still time for conciliation—to make the sacrifices necessary to build a sense of community. On the part of the developing nations, there must be an end to blackmail and extortion—now, before the world is irrevocably split into contending camps—and a commitment to seek progress through cooperation.

Our third moral imperative is the nurturing of human values. It is a tragedy that the very tools of technology that have made ours the most productive century in history have also served to subject millions to a new dimension of intimidation, suffering and fear. Individual freedom of conscience and expression is the proudest heritage of our civilization. All we do in the search for peace, for greater political cooperation and for a fair and flourishing international economy is rooted in our belief that only liberty permits the fullest expression of mankind's creativity. Technological progress without justice mocks humanity; national unity without freedom is a hollow triumph. Nationalism without a consciousness of human community and human rights is likely to become an instrument of oppression and a force for evil. As the world's leading democracy, it is our obligation to dedicate ourselves to assuring freedom for the human spirit. But responsibility compels also a recognition of our limits. Our alliances, the political relationships built up with other nations, serve peace by strengthening regional and world security. If well conceived, they are not favors to others, but a recognition of common interests. They should be withdrawn when those interests change; they should not, as a general rule, be used as levers.

There is no simple answer to the dilemma a great democracy faces under such circumstances. We have a moral as well as a practical obligation to stand up for our values and to combat injustice. Those who speak out for freedom and expose the transgressions of repressive regimes do so in the best American tradition. But there are times when an effort to teach another country a moral lesson can undermine the very values we seek to promote. When sensitive issues are transformed into tests of strength between governments, the impulse of national prestige may defeat the most worthy goals. Thus we must take care not to elaborate a doctrine of universal intervention. We must remember that in our history such concepts have as often led to abdication as to overcommitment, both with disastrous results.

America's most profound contribution to world affairs has derived from our conviction that while history is often cruel, fate can be shaped by human faith and courage. Our optimism has enabled us to understand that the greatest achievements were a dream before they became a reality. We have learned through experience, as few people have, that all that is creative is ultimately a moral affirmation—the faith that dares in the absence of certainty, the courage to go forward in the face of adversity.

Americans must learn the inescapable need to relate our moral aims—which of necessity are stated in universal terms—to the imperative choices imposed upon us by competing goals and finite resources. Foreign policy is, like life, a constant effort to strike the right balance between the best we want and the best we can have—between the ends we seek and the means we adopt. We need moral strength to select among often agonizing choices, and a sense of ethical purpose to navigate between difficult decisions. But we need as well a mature sense of means, lest we substitute wishful thinking for the requirements of survival. The ultimate test of morality in foreign policy is not only the values we proclaim but what we are willing and able to carry out.

As the greatest democracy in the world, America is a reminder to all that there is an alternative to tyranny and oppression. The revolution begun two centuries ago goes on, for much of the world still seeks the freedom and the dignity of the individual, the sanctity of law that this country has never ceased to seek, enjoy and perfect. The surest path to our own greater success, and the brightest hope for others, is to remain true to the American tradition—a heritage where reality is a point of departure but never our final horizon, and where ideals ennoble reality and enable us to shape our future.

REQUEST FOR A PUBLIC APOLOGY BY FEDERAL TRADE COMMISSIONER PAUL DIXON FOR THE USE OF AN ETHNIC SLUR

Mr. STONE. Mr. President, I was angered to learn this morning that Federal Trade Commissioner Paul Dixon has not denied using an ethnic slur to refer to Ralph Nader during a January 17 speech to a trade association. I am requesting that Commissioner Dixon make a public apology to Mr. Nader and all Americans of Arab descent for his choice of language.

This type of bigotry is contrary to the principles on which our Nation was founded and demeaning to all concerned. In the past, I have spoken out against discriminatory statements by Chairman of the Joint Chiefs of Staff, Gen. George Brown, and former Secretary of Agriculture Earl Butz. The statement by Commissioner Dixon is just as deplorable.

I do not quarrel with Commissioner Dixon's right to differ with Mr. Nader on any matter of policy. However, this does not give him or anyone else the right to publicly slur a group of American citizens by innuendo.

JUDICIAL RETIREMENT

Mr. GARN. Mr. President, the National Association of Attorneys General, at

their 70th annual meeting, set forth a resolution on judicial retirement, recommending the enactment of specific legislation by Congress.

Because I believe legislation such as that recommended by the National Association of Attorneys General is of utmost importance, I ask unanimous consent that the association's resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ON JUDICIAL RETIREMENT

[Adopted at the 70th Annual Meeting, National Association of Attorneys General, San Antonio, Texas, June 3–6, 1976]

Whereas, the United States Judicial Conference in 1970 and 1971 recommended that Congress enact legislation which would require that all federal district court judges retire to senior judge status upon reaching the age of 70 or upon serving 10 years as a federal judge, whichever event should last occur; and

Whereas, the administration of justices in the federal courts would be improved by the enactment of such a law,

Now, therefore, be it resolved that Congress be requested by this resolution to enact legislation which requires all federal district judges to retire as active federal judges upon reaching the age of 70 years or upon serving 10 years whichever event shall last occur.

THE PROBLEM OF INCREASED HOUSING COSTS

Mr. CHILES. Mr. President, I would like to call the attention of my colleagues to a study on the cost of owning a home which was released by the Congressional Budget Office today. The study is entitled "Homeownership: The Changing Relationship of Costs and Incomes, and Possible Federal Roles." The study was conducted in response to questions I raised last spring as chairman of the Budget Committee's Task Force on Capital Needs and Monetary Policy. It is a fine piece of work and will help us all tremendously in assessing the large number of present and proposed Federal policies to stimulate home buying.

The press has given a lot of attention recently to the high costs of new housing, but we have not had much hard analysis of how bad the price situation is, who in particular suffers from it, and what the components and causes are. The CBO study addresses these questions and comes up with some important findings.

There is a real affordability problem but it is mostly for first-time homebuyers, rather than owners of existing homes. Their difficulty is compounded by a downpayment affordability problem. Most components of housing costs and prices have increased substantially, so there is no one easy solution.

The CBO study also shows that cost increases have been particularly great for new homes, increasing over 82 percent from 1970 to 1974, while median family income only increased 39 percent. CBO points out that this decline in affordability for new housing is an important consideration for construction industry activity, for macroeconomic conditions and for the size and quality of the Nation's housing stock.

It also puts upward pressure on the price of existing homes. Since study finds that the costs of owning a median-priced new home are about $435 a year greater than owning an existing home, we will have to pay particular attention to how our policies affect the cost of new homes.

I think it is also important to point out that the question of affordability affects all income levels, since even in the lowest income categories about 50 percent of families own their own home. CBO finds that the affordability problems hold across all income levels, but that moderate income families face a greater squeeze. For example, a family at the 40 percent percentile of income—$11,465 in 1975—would have had to pay 30 percent of its income to own and operate a median-priced house in 1970; by 1975 it would have had to pay 38 percent—a level so high as to require a shift to lower quality housing or failure to buy.

I have been a strong supporter of our efforts to keep a high rate of housing construction and to make homeownership affordable for as many people as possible. But I also want to see that our policies are effective and that we get the most impact for our dollar. I therefore asked the CBO to dig into the general question of housing costs and tell us just what the causes are and who is suffering from it.

Most of our housing policies are built around the assumption that the biggest lever we have on housing starts is through mortgage interest rates. The recent combination of recession and inflation has forced us to reexamine many aspects of Federal economic policy. This may also be the case for housing. The CBO study finds that to restore a 1970 level of affordability of a median-priced existing home for a family of median income, interest rates would have to drop from the present level of almost 9 percent down to 6.25 percent.

For a median priced new home, it would take a drop to 3.9 percent. To achieve these levels through monetary policy would probably be impossible, and certainly be inflationary. To do so by a large scale subsidy program would be vastly expensive. We will therefore have to look for policies that affect other components of housing cost in addition to mortgage rates.

The CBO study shows that while mortgage rates have increased substantially over the last 5 years, they only account for 15 to 17 percent of the total cost increase. When we add about 8.6 percent of selling price increase attributable to construction financing, the total impact of interest rates is about 25 percent. Since there has been a recent downturn in mortgage rates, this is a maximum estimate. This is certainly a significant factor and we should keep it in mind when designing our fiscal and monetary policy.

Factors other than mortgage interest rates account for most of the increase since 1970 in the cost of owning and operating a home. Operating costs account for 34 percent of the increase: 16 percent is due to property taxes, 10 percent is due to heat and utility costs, maintenance and repair. This interesting finding suggests that we might have a greater impact on the monthly costs of housing by budget and economic policy than through mortgage market intervention. For instance, if general revenue sharing holds down local property taxes, that would decrease the cost of homeownership, but it would not be targeted on new homebuyers. On the other hand, an increase in energy prices drives up housing costs. Of course we can affect this with policies encouraging conservation and more efficient use of energy in the home.

The CBO study clearly demonstrates that to stimulate homebuying, we will have to look to the factors driving up the purchase price, not just to mortgage rates and operating costs. Increases in purchase price accounted for 48 percent of the total increase in annual housing costs from 1970 to 1975. The selling price of a typical single family home went from $24,300 in 1970 to $37,300 in 1974. Of that $13,300 increase, the components break down as follows:

Change in sales price components, 1970–74

	Dollar change	*Percent change*	*Percent of total price*
Labor	+1,262	38.6	12.5
Materials	+3,230	35.9	24.8
Land	+3,033	61.6	23.3
Financing	+2,337	147.9	18.0
Overhead and profit	+1,573	53.5	12.1
Other costs	+1,205	72.3	9.3
Total Sales Price	+13,000	53.5	100

Financing responds to similar monetary factors as interest rates. However, financing costs are also compounded by the increases in the land, labor, and material costs, with the result that financing the construction of a typical home increased 148 percent over 4 years.

Labor costs account for 12.5 percent of the increase, since they are such a big part of construction. However, the 4-year increase in labor costs for construction was 39 percent, while the total sales price increase was 54 percent. Labor costs went up 39 percent while median family income went up 30 percent, so they do not seem as far out of line as the other components.

The biggest problems are in land and materials, which account for 48 percent of the increase in purchase price. Land costs are partly due to the filling in of open land after 25 years of suburbanization of the population. Environmental and health regulations have also driven up land costs. While these may be necessary for public safety, we ought to look at how to minimize their effects on the ability of the average family to buy a home. We see that Federal budget policies on aid to highways, railroads and transit, aid for schools and health facilities, and aid for water and sewer facilities can have an indirect but significant effect on the cost and production of housing.

Material costs are hard to control because we are faced with limited supplies of critical materials like lumber, and

high demand for them in other parts of the economy. Seven major items account for 70 percent of the increase in "hard costs," and 26 percent of the purchase price increase: lumber, millwork, hardwood flooring, masonry, concrete, plumbing, and electric wiring. We ought to find ways to encourage local housing codes which allow the substitution of the least expensive materials as market demand conditions vary.

Two other features of the CBO analysis of housing affordability deserve particular attention, since they are not dealt with by most of our housing policies.

First is the problem of downpayments. CBO found that "downpayments for conventionally financed home purchases also generally became more burdensome for first-time homebuyers during the period—downpayments on median priced existing houses rose more than 1¼ times as fast as annual incomes, and on median new houses almost 1⅔ times as fast." If we are going to keep homeownership within reach of young families, we are going to have to find ways of reducing the downpayment, not just the monthly carrying cost. We will be looking at ways to encourage mortgages which allow smaller downpayments but make up the difference in later years when families have higher income. We should also look for ways to insure or guarantee second mortgages on the downpayment with deferred payback, so as to assist young families. Tax incentives for savings are another option we ought to explore.

The second feature I would like to highlight is that we have to differentiate among people who already own homes and those who are buying for the first time. The CBO study shows that existing homeowners do not have a significant problem since their incomes have increased faster than their housing costs—heat and utilities, taxes, maintenance and repairs, and the rising values of existing homes covers them for higher downpayments. "First-time purchasers of homes—about half of all homebuyers in a given year—on average suffered substantial declines in affordability between 1970 and 1975, with their costs for median priced new homes rising almost twice as fast as their income, and their costs for existing homes rising 1½ times as fast as income."

I am aware that the Senate Banking Committee is investigating new types of mortgage instruments to deal with new economic conditions, and I hope they will take these findings into account. Policies to deal with the downpayment problem should also be considered. We, at the Budget Committee, will conduct a seminar later this month to consider this study in conjunction with the conditions in the economy and the housing market. I hope we can explore ways to help hold down the cost of building homes as well as ways to help families afford them. I am sure it will be useful to us as we consider how many aspects of the Federal budget affect the vital role which home ownership plays in our Nation's economic and social well-being.

The staff of the Congressional Budget Office is to be congratulated for a fine piece of work, and I look forward to seeing the rest of their series of budget issue papers on housing.

ON THE DEATH OF ROBERT B. WILLIAMSON

Mr. MUSKIE. Mr. President, Robert B. Williamson, a brilliant jurist and a good friend, died the day after Christmas after more than 30 years of judicial service to his State and the Nation.

Bob Williamson served 4 years on Maine's Superior Court, 6 years as a justice of the Maine Supreme Judicial Court, and 14 years as Maine's Chief Justice. After his retirement from the bench at age 70, he was called upon to serve, and served willingly, on many statewide, and national commissions and panels.

But beyond these facts of his service, his enthusiasm, his boyish manner and his scrupulous fairness won him the respect and admiration of all those who knew him.

As Governor of Maine, I nominated him to be Chief Justice. I knew him as a fairminded man, a man who loved the law, and a good friend. I will miss him, and I know the legal community will feel his loss.

Mr. President, I ask unanimous consent that an article in the Maine Sunday Telegram on Judge Williamson's death be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Maine Sunday Telegram, Jan. 2, 1977]

MR. JUSTICE

(By Bill Caldwell)

It was snowing heavily in Augusta when hundreds gathered at the South Paris Congregational Church last Wednesday to say goodbye to Robert B. Williamson, for 14 years Chief Justice of the Supreme Judicial Court of Maine.

The snowfall gentled all the sounds, so there was no unnecessary noise when the Chief Justice left us.

And there was in keeping. There was never unnecessary noise around Bob Williamson.

Gentleness: Quietness: Graciousness: Humility: Old world courtesy and courtliness. These were the hallmarks of Robert Williamson, a very gentle gentleman. These qualities made the Chief Justice more than a great judge; he was a much loved man, a warm and compassionate human being, even to the accused standing before his bench.

Edith Hary, State Law Librarian, had been getting reference books for Williamson for over a quarter century. "We knew his voice over the phone, of course. And as Chief Justice, we'd jump to satisfy his every wish. But when he wanted a book, he'd phone himself. And that voice we knew instantly would always begin by saying simply 'This is Robert Williamson . . .' He was a modest man."

A shipping clerk, Norman Pierce, used to bring reference books from the Law Library to the office of the Chief Justice. When Norman Pierce died, the Chief Justice sent to his widow a moving, sincere, hand written note saying how much he had enjoyed knowing Norman Pierce.

These are envelopes upon envelopes of news clippings about Williamson in the Telegram's library. Each is an imprint upon the state left by one of Maine's finest sons.

The Smallest is a yellowed, little clipping datelined Augusta, Sept. 2, 1923. It begins "A popular Augusta young man, Robert Byron Williamson, recently took the examination for admittance to the Maine bar and came through with flying colors. Mr. Williamson will soon enter into partnership with Lewis A. Burleigh. Their fathers were also partners in an earlier Williamson and Burleigh firm."

Maybe one reason Robert Williamson carried his high judicial honors with so much grace and modesty, was because he was the fourth in a line of five generations of Williamson lawyers, who began practicing here four years before Maine became a state. His great-grandfather Joseph Williamson began his law career in Belfast in 1816.

Williamson's mother was the daughter of Maine Governor Edwin C. Burleigh.

The clippings tell the march of 24 year old lawyer Williamson up the ladders of Maine. The first appointment, three years after Harvard Law School, came in 1926. He was named the U.S. Commissioner for Kennebec County. He resigned in December 1928, after being elected to his first and only term as a Republican representative in the State Legislature. There is a clipping of his marriage June 2, 1925 to Miss Grace Warren Whitney. Grace, his wife for 52 years, went to Cony High, as did her husband and she went to Wellesley College, while he went to Harvard. For a half a century and more, tiny Grace, just topping five feet, stood by his side, the strong dependable support of her long, lanky, topping six feet husband.

At 46, Williamson was named justice of the Maine Superior Court by Governor Horace A. Hildreth, on Aug. 15, 1945. Within four years, Williamson was elevated to become justice of the Supreme Court, named by Gov. Frederick G. Payne on April 28, 1949.

Six years later, on Oct. 4, 1956, Gov. Edmund S. Muskie gave Williamson the oath of office when he became Chief Justice of the Maine Supreme Court. And seven years later, in Sept. 1963, Gov. John Reed named Williamson to his second seven year term as Chief Justice of Maine.

In August 1970, Williamson reached mandatory retirement age. He had served 25 years on the Maine bench, 14 as Chief Justice. But in retirement, his service continued without let up. He served on many nation wide and state wide commissions and panels.

"He was in the Law Library on the Tuesday before he died on Monday, Dec. 26," Edith Hary said.

Edith Hary considers the Law Library kind of a special monument to Williamson. "He helped us beyond measure. When we opened as a special law library in 1970, I asked him to let us hang his portrait here."

This is the portrait by Waldo Pierce. "I like it. It has his special boyishness. Even at 77, Judge Williamson never lost that boyishness . . . He was up beat, enthusiastic. We'd sit through long, dull meetings. But he would come out saying "Don't you agree So and So spoke very well?," and "So and So made several excellent points."

Lawyers and judges know best what great improvements were made in the whole fabric of Maine's judicial systems during the 14 important years Williamson was Chief Justice.

"He made few waves himself. But he had a quality of a special kind which made everyone around him do better work, and more of it, than they ever dreamed they could," says Edith Hary.

To members of the press, Judge Williamson was always helpful, available, and instructive.

"I like newspapering," he said. "I worked once for the Kennebec Journal. And at Harvard, I was an editor of The Crimson. There have been many times I'd rather have been a newspaperman than a jurist."

Ten years ago, Williamson as Chief Justice, wrote two major articles for the Maine Sunday Telegram on the future of the courts in Maine. A seeming conservative, Judge Williamson broke totally with the tradition that a presiding Chief Justice of the Supreme Court should not speak out publicly about Court reform.

But he was indeed a rebel, the quiet, the gentle, the modest rebel. A colleague has said that one reason such enormous changes occurred under Williamson, was because of his "gentle, conservative way of doing things." Few realized how much he changed the courts, or they might have opposed him.

Seldom has Maine justice been so well personified as it was by Robert B. Williamson. In him, knowledge and compassion, rectitude and humility, authority and humanity, majesty and modesty commingled into the epitome of a Chief Justice of Maine.

THE MILITARY PERSONNEL CRISIS

Mr. THURMOND. Mr. President, a recent article entitled "Carter Faces Military Personnel Crisis," appeared in the December 13, 1976, issue of the Navy Times newspaper.

Written by retired Brig. Gen. J. D. Hittle, the author brings to the subject matter an unusual, but broad personnel background. Besides his service as a general in the Marines, he also served as Assistant Secretary of the Navy for Manpower and Reserve in the peak of the Vietnam war. Upon his retirement a service publication described him as "the best civilian personnel chief any service ever had."

General Hittle correctly perceives that the personnel problem and the union problem are very much related. This article deserves consideration and attention here in the Congress.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(By J. D. Hittle, Brig. Gen. USMC (Ret.))

As President-elect Jimmy Carter is getting prepared to make key decisions when he takes office in January, one of the most useful briefing papers he could have is one on the military personnel crisis.

This may well come as a surprise to the new commander-in-chief. After all, the serviceman—as far as the campaign was concerned—was the really forgotten man.

If there is any such document in the Carter briefing file, it is fervently hoped that it has been written by someone who knows what he is talking about. That means someone who knows what the serviceman is talking about. Such a simple qualification eliminates the computer worshipers whose false economy proposals have generated so many of the military personnel problems the President-elect is going to find on his White House doorstep when he returns from taking his oath of office.

For all too long, too many who should know better have been acting as if a personnel crisis doesn't exist because they say it doesn't. This hasn't helped President Ford in his difficult time in office. And such wishful thinking will be a disservice to the new President. He's the one who is going to have to come to grips with the growing crisis in military personnel matters.

There isn't any more space under even the Pentagon's vast expanse of rugs to sweep personnel problems.

For anyone who thinks that the talk about a military personnel crisis is doomsday rhetoric, here are a few symptoms to mull over:

Dissatisfaction. This covers a multitude of complaints, such as the unrelenting campaign to undermine and destroy the commissaries. Anyone who can claim that this issue hasn't upset service life hasn't talked with irate service wives.

It takes a lot of bureaucratic determination and bumbling to get patient, normally shock-proof service wives so mad they organize and write letters to their senators and congressmen. But this is just what happened when the budgeteers decided that it would save money to start junking the military commissary system. Of course, the computers that totaled up the theoretical savings didn't show the dollar loss resulting from good people leaving the service because of what they believe is promise-breaking.

Incidentally, it was the avalanche of letters, according to old timers on Capitol Hill, that made it possible for the House of Representatives to hold the line in protecting the commissaries—at least for the time being. If the new President doesn't issue the order to "stop picking the serviceman's pockets," however, the chances are that the attack on the commissaries will continue.

Then, there is the matter of medical care of dependents. The bureaucratic mishandling of the ill-conceived "40-mile rule as well as the cutback in Champus, imposed needless confusion and anxiety on service families. The stories of frustrations and difficulties faced by service wives while their husbands were at sea or on distant station are not the stuff of which high morale is made.

Let's not forget recruiting. It may not be at the crisis stage. But it's certainly not far from it when there is so much talk of cutting force levels because of recruiting shortages. That's like tailoring the person to fit the suit.

The shop-worn expedient of cutting requirements to camouflage shortages is no answer to Regular or Reserve recruiting problems. It's a plain fact that Reserve strengths have been rapidly shrinking. According to knowledgeable officials, Reserve totals are now uncomfortably close to a disaster level. And it's not getting any better.

Another basic symptom of the personnel crisis is the threat of a military union. This could be one of the most difficult problems facing the new President. A military union would pose huge problems and dangers to military discipline, effectiveness, and to national security as a whole. But, as things are now going, a union is getting closer. The threat is serious because the idea of a military union is the result of accumulating dissatisfaction. It is the result of the service person feeling abandoned by the civilian leadership that should be looking out for the military.

All the optimistic claims by officials that the serviceman doesn't need a union, and all of the threats of prohibiting a union by law, won't stop one from happening.

The reason: A military union is the result of such massive and fundamental causes it can't be stopped by saying that there shouldn't or won't be a union.

I haven't forgotten the incident, which I reported in a previous article, when I asked 14 Navy first class petty officers if they thought there would be a military union in the next five years or sooner. They unhesitatingly said yes by a 13-1 margin.

The only way a military union is going to be stopped is to remove the causes. The first thing to do is to restore and follow the principles of leadership. The most important single thing the new President could do, as commander-in-chief, is restore top-level civilian personnel leadership in all its meanings.

First, it would mean real attention to servicemen and their families. It would mean considering them as people, not as numbers in a computer.

It would mean a return to the sanctity of an agreement. No longer could the destruction of the commissaries, cuts in medical care for dependents, and all the well-earned entitlements of military service be reduced or taken away on the basis of the flimsy legalistic explanation that there never really was a written contract with the serviceman that he would have these things as part of the package of military life.

He knows what he was given to expect when he took his oath and pledged his life in defense of his country. Good civilian leadership at the top should stop insulting his intelligence by telling him that he didn't exactly understand what he was told when he joined up.

Leadership is just what the serviceman is not getting from what has become almost a cult of "personnel management." This has been a root cause of the proposals that have afflicted the serviceman and his family. Ask any fighting man, "Do you want to be led, or do you want to be managed?"

You don't need three guesses to answer that one!

Personnel managers would have had a tough time of it taking the Anzio beachhead, holding the Nazi thrust at the Battle of the Bulge, and getting "Old Glory" planted atop Mt. Suribachi on Iwo Jima.

The military service is *people*. Leadership and people go together. Put it another way: management of military personnel depersonalizes. Leadership emphasizes the person.

To many in the military, the term "personnel management" means somebody they don't know, and never will know, sitting at a desk in a corner of a faraway room deciding how he will manage the lives of military people he, in turn, will never know.

Leadership has been defined as "the sum of those qualities of intellect, human understanding and moral character that enables a person to inspire, motivate and direct people successfully."

Leadership is knowing what makes the fighting man tick. Management is knowing what makes a computer click.

If there is a real restoration of leadership at the top civilian levels there will be more emphasis on human factors and less on management computers. The trouble with computers, which are inseparable from management—and useful when properly used—is that there isn't a computer that has a key that can be punched for the value of morale, devotion, patriotism, fairness, bravery and good faith.

But this encroachment of the personnel management cult into the military has had some other profound, but not always obvious, effects.

In civilian life, for instance, personnel management thinks in terms of *jobs*. But, when the job concept is carried into the military through the operation of personnel management, it runs contrary to the most basic military attitudes. A person in the military performs a *service* to our country. He doesn't just do a job.

And the more that the job concept carries over into the military, the more the things civilians connect with jobs come along into military thinking. What goes with a job? Regular hours, a salary, overtime pay, working conditions, and that leads to you-know-what—a union. All this, in turn, results in a civilianizing of the military.

In conclusion, there is a broad military personnel crisis. It's not getting better. There must be a real return to top-level civilian leadership. Military "personnel management"

and all the civilianization that goes with it should be given the old heave-ho.

Let's hope that never again will we hear of a military course in "Squad Management," or of noncommissioned officers and petty officers referred to as "part of management."

CUBAN RELATIONS—A QUESTION OF MORALITY

Mr. STONE. Mr. President, both President Carter, in his campaign, and Secreary Vance, during his press conference on January 31, have said that the administration will place a new emphasis on human rights in the conduct of foreign policy. Yet at the same time, there have been strong hints that the administration is putting forth feelers toward the regime of Fidel Castro in Cuba for purposes of normalization of relations between that regime and the United States.

Placing emphasis on human rights in the conduct of foreign policy is not only commendable but also necessary in today's world if America is to regain the moral stature it has lost. If the United States reopens diplomatic negotiations while the Castro regime refuses to release the large number of political prisoners it holds, including U.S. citizens, and continues its exports of revolution and assistance of terrorism in other nations throughout the world, what would be the moral tone of our foreign policy then?

I wish to introduce into the RECORD at this time, editorials from the Miami News of January 14 and the Ft. Lauderdale News of January 18 which call into question the concept of our Government initiating relations with Castro before these morally mandatory actions are taken by Cuba. These editorials emphasize that Cuba has been conducting espionage activities at its consulate in Montreal, has continued promoting unrest in Panama and Puerto Rico, and has made no commitment to begin acting as a responsible member of the family of nations.

I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PLATFORM BETRAYAL

The title page of the National Democratic Platform of 1976 carries this quotation:

"To me, party platforms are contracts with the people, and I always looked upon them as agreements that had to be carried out."—Harry S. Truman, 1948.

And now there is conjecture that the Carter administration will take the initial steps toward normalization of relations with Cuba by easing up on our trade embargo with that Communist dictatorship.

Page 68 of the platform says the following about our policy toward Cuba:

"Relations with Cuba can be normalized if Cuba refrains from interference in the internal affairs of other nations, and releases those U.S. citizens currently detained in Cuban prisons and labor camps for purely political reasons."

The statement didn't go far enough, but forget that for the moment and consider the President-elect's contract with the people. Has Castro gotten out of internal meddling? No! Has Castro released U.S. ctizens? No!

Are there negotiations going on toward that end? Not that we know of. So what's going on here? Let the Carter administration tell the Castro government to first do those things, then let's talk about trade embargoes.

That the Democratic platform made no mention of restitution to those Americans and American companies for property confiscated by Castro, that it made no mention of the thousands of Cuban political prisoners kept in jails there, is a fault of that platform.

But the Carter people at least ought to hold to what they promised. Maybe Cuban affairs don't seem as significant in a city like Washington, D.C., or in Plains, Ga. But in Miami, where almost 500,000 have fled from Castro, it is significant. Miami is Free Cuba and a sellout to Fidel Castro would be a slap in the face to every resident of Dade County; a county, we might add, that cast its presidential vote in favor of Jimmy Carter.

U.S. SHOULDN'T LIFT CUBAN TRADE EMBARGO

Jimmy Carter hasn't even taken office yet, but already his advisers are talking about easing the U.S. trade embargo on Cuba.

The President-elect and his men allegedly see such a move as a gesture that could open the way to a dialogue with Prime Minister Fidel Castro's Communist government.

But the climate for such a dialogue doesn't seem to be any better now than when the Ford Administration proposed normalizing relations with Cuba and then backed off after Castro as much as thumbed his nose at the idea.

If anything, things are worse.

It was just the other day that the Canadian government expelled five Cubans, including three diplomats for "conducting intelligence activities."

The banishment came after it was discovered that the Cuban consulate in Montreal was being used to operate a spy school to train agents for espionage in Rhodesia.

Cuba has been treading a treacherous path for some time now, exporting revolution throughout the world, particularly Latin America and Africa.

But the discovery of Cuba's activities in Canada has given the world a more intimate glimpse of the extent of that treachery.

Confronted with the evidence, Cuba didn't deny its subversive activities, but defended its right to do so.

It's quite evident Castro and his agents intend to go on stirring up trouble wherever they can.

Castro agents have been responsible for a good deal of unrest in Panama and also in Puerto Rico, where the statehood issue fanned by President Ford is certain to bring forth more problems.

Until Castro agrees to keep his subversive hands off other countries and shows as much concern for the rights of political prisoners in his own country as he professes to show for other countries, the U.S. should not lift any trade restrictions.

Dealing with Castro is bad business. He has shown that time and time again. Hopefully, Mr. Carter and his advisers will back off. America can't gain anything by trading with the double-dealing Cuban dictator.—JIM GAY.

HUMAN RIGHTS IN PARAGUAY

Mr. KENNEDY. Mr. President, I have spoken out in the past of my concern for the problems of human rights in Paraguay. Recently I received material documenting another sad and shocking case involving the kidnaping, torture, and murder of a 17-year-old youth, Joelito Filartigo, in Asunción, Paraguay.

This young man could have been any one of the victims each year who disappear from their homes in the dead of night, or who fail to come home from work one day and are never seen again, as testimony before the House International Relations Subcommittee disclosed last year. What was different about this boy is that his father, an internationally renowned Paraguayan artist, decided that his son would not just be quietly buried and forgotten. Instead he has risked his own life, and the safety of his family to do all that he could to bring this ugly incident to public attention. The photographs that he has taken of the pitifully scarred body of his son, Joelito, speak more deeply and powerfully of the savagery of such practices than volumes of testimony. Once seen, it cannot be forgotten or ignored.

Mr. President, I ask unanimous consent that a statement presenting the details of this sorry story be printed in the RECORD. The fact that we can read this is a tribute of Joelito Filartigo and his father.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

POLITICAL MURDER IN PARAGUAY

(By Alberto Cabral, Asunción, Paraguay)

Shortly before midnight on March 29, 1976, seventeen year old Joelito Filártiga was quietly kidnapped from his home in Asunción, Paraguay. Four hours later two uniformed officers from a nearby police station awoke his sister and escorted her to the neighboring house of a police inspector, where she found the whipped, slashed and electric shocked corpse of her brother.

As gruesome as this incident may appear, today it is literally an everyday occurrence throughout Latin America, especially in the right wing military dictatorships of Brazil, Chile, Argentina, Uruguay, Bolivia and Paraguay. In their attempt to eliminate actual or potential opposition, and to generally terrorize the people into submission, the use of Torture as State Policy has come to characterize these totalitarian regimes.

Because of fears of further reprisals, the families of the victims rarely mount any protest. On the contrary, most often they do all that they can to discretely bury their dead without revealing the true causes. This reaction of a terrorized people is brilliantly revealed in the classic novel "One Hundred Years of Solitude": in the passage after the soldiers had shot hundreds of workers at the banana plantation, García Marquéz depicts their frightened neighbors refusing to acknowledge that the killings had taken place, even as the bodies were being carried away in the railroad cars. After the 1968 slaughter at the Plaza of Tlateloco in Mexico City and the 1972 massacre at Trelew, Argentina, I tried in vain to interview the families of the victims, who most often denied that they had recovered the bodies of their loved ones even to distant relatives and friends.

Although difficult for outsiders to believe, and nearly impossible for them to understand, daily kidnappings, torture and murder by the secret police or semiofficial Death Squads are commonplace throughout Latin America. Likewise, the "cover-up" of these atrocities is so widespread that it has now become an identifiable part of these cultures.

The kidnapping, torture and murder of Joelito Filártiga is not in the least uncommon; what is unusual is that his father, Dr. Joel Filártiga, a noted medical philanthropist and artist of international reputation, did not quietly bury his son in the conventional manner. Instead, he has used every means available to publicize the fact and to dig out the truth of the matter. Dr. Filártiga laid the naked body in state so that the hundreds of people that passed through his home to offer their condolences would see the torture wounds. He also distributed photographs of his son's mutilated cadaver to the newspapers, exhumed the body so that three prominent physicians could conduct an honest autopsy, spoke to everyone who would listen, and filed a homicide suit against the police inspector and three other members of the Death Squad.

As the months passed the official police version that the murder was nothing more than just another "crime of passion"—the Paraguayan authorities contend that Joelito was caught in bed with a neighbor's wife and killed on the spot by the irate husband—became so completely discredited that when in early September the alleged cuckold husband, Hugo Duarte, finally "confessed" to the crime, the Asunción newspaper Aquí ran the following headline: Duarte said "I Killed Filártiga" (But Nobody Believes Him)*

Even the United States Embassay evidently has been moved to break with its long established policy of ignoring the constant violations of human rights that have characterized the twenty-two year long rule of General Alfredo Strossner. In a clear display of their disapproval of this particularly clumsy job by the dictator's secret police, in late September it sponsored a widely publicized exhibition of Dr. Filártiga's art work at the USIS Paraguayan American Cultural Center. If the photograph of Ambassador George Landau shaking hands with Dr. Filártiga that was carried in the newspapers the morning after opening night did not get the message across to Strossner, the fact that the exhibition's brochure dedicated the event to Joelito left little doubt as to the Embassay's displeasure.

Together with such efforts in Paraguay, the Filártiga case has recently gained international recognition through the publication of several articles in the United States and Europe, and an Amnesty International report. Such pressure, which includes petitions and letters expressing solidarity, has had the effect of preventing further violence against the Filártiga family.

In recent months numerous people, encouraged by the Filártiga's ability to oppose the police state apparatus, and repulsed by the sadistic murder of his son, have come forward to confidentially provide much valuable information. Thus, it is only now, nine months after Joelito's death that it is possible to reconstruct the complex political and personal intrigue that has grown to become Paraguay's major scandal.

* * * * *

On March 27, 1976, Paraguayan police killed several guerillas shortly after they had crossed the Argentine border and entered Paraguay. The next week, on April 3, several other members of the newly formed guerilla group, the Political Military Organization (OPM)[1] died in an Asunción shootout; and three days later police raided the Catholic Rey High School, which they claim was the center of guerilla operations. In the following months security forces carried out the most brutal and massive wave of repression in recent Paraguayan history. Using the opportunity to eliminate all opposition, they directed their attacks against Church, peasant and student organizations. Killing scores of people and arresting several thousand more, the police routinely torture virtually everyone in their custody. Not uncommonly, the mutilated bodies of people who have been arrested, such as the peasant leader Arturo Bernal and the opposition newspaper vender Mario Arzamenda, are later returned to their families without any official explanation.

But in mid-March, when the police first began receiving reports about the OPM, they were still attempting to gather information and identify their targets. Because of Dr. Filártiga's notoriety as an outspoken critic of the regime, he and his family immediately came under suspicion.

For the past sixteen years Dr. Filártiga has offered free medical services to the impoverished inhabitants of the Ybcyuí Valley in South Eastern Paraguay, thereby becoming a widely respected leader of many of the region's 40,000 peasants. Moreover, his art work, which has been exhibited throughout the hemisphere and Europe, powerfully depicts the oppression and suffering of his people: his message carrying art has not only won him international recognition, but also the enmity of the dictatorship which as imprisoned him on three separate occasions.

Adding to the authority's suspicions was Filártiga's exhibition and lecture tour through California and Mexico in February 1976, during which his art work and speeches drew attention to the repression and poverty of the continent's poorest nation. Furthermore, the family's frequent trips to visit Mrs. Filártiga's mother in Posadas, Argentina, from where guerilla reinforcements reportedly were infiltrating, contributed in making the Filártiga's prime suspects.

Along with these political elements, a number of personal reasons also entered into the picture. Shortly after he returned from the North American tour, Americo Peña, the police inspector who several weeks later organized the kidnapping and torture of Joelito, unsuccessfully pressured Dr. Filártiga for a US $1,500 "loan". Peña is a neighbor, living only two houses away from the Filártiga residence in Asunción with his concubine, Juana Villalba, and her eight children. Even though she is a mother and married to Hugo Duarte (who also lived in the same house), one of the Villalbo children, seventeen year old Rosario, was the object of Peña's sexual ambitions: in fact, he had attempted to rape her in January. Being high school classmates and friends, Rosario confided in Joelito who sided with her in the ensuing family squabble. Thus, not only were the Filártiga's politically suspect, they were also a source of personal frustration to the ambitious police inspector Americo Peña.

According to recent information provided by various informants, it was this combination of political and personal factors that led Peña to seek permission for the kidnapping from his superiors, namely the Chief of the Secret Police, Pastor Coronel, and the Minister of the Interior, Sabino Agosto Montanaro. It was decided that because Dr. Filártiga's international reputation it would be too risky to kidnap him, especially since he suffers from an acute heart condition that might not have withstood the torture. Therefore, Joelito, young and without the political experience of his father, who had steadfastly remained mute while being tortured during his last arrest in 1966, emerged as the logical victim. Indeed, Peña was so confident that Joelito would confirm his suspicions that his father, and possibly even himself, was involved with the guerillas, that a tape recording was made of the one-and-one-half-hour long torture session. With such evidence, Dr. Filártiga and Joelito would have been convicted of sedition, Peña would have eliminated a personal enemy, gaining great prestigue, most likely even a promotion, for his initiative in uncovering the subversives.

But the plan failed miserably because Joelito had nothing to confess. According to two people who actually have heard the recording, Joelito could only repeat over and over again to the torturers "I do not know anything. Why are you doing this to me?" Infuriated by his refusal to "confess", Peña and the three other torturers intensified the beatings and application of the electric shocks to Joelito's finger tips and through a wire inserted into his penis. So strong were the electric shocks, that, unexpectedly, Joelito suddenly died of a cardiac arrest.

Unprepared for this eventuality, Peña and the others now found themselves in the potentially explosive situation of having murdered Joelito without extracting any incriminating evidence. In a state of near panic, they decided to pass the murder off as a crime of passion. After severing the major arteries with a bayonet so that the body could not be embalmed, they brought the bloody corpse back to Peña's house and threw it into Rosario's bedroom. At the same time they called her husband, who worked as a night clerk in the downtown Hotel Guaraní, to tell him that there was an emergency and to return home immediately. Upon arriving, Hugo Duarte agreed to cooperate—after being given a beating and promises that he would be out of jail in a week. In fact it was a reasonable assumption. Paraguayan law is filled with such precedents involving the murder of an adultress and/or her lover. With the expected silence of the Filártiga family, it seemed that all would shortly be forgotten; especially since the coroner, Dr. Hernán Molines, had been summoned to the house where he made out a false medical report, and the Judge that would try the case, Diogénes Martínez, was also present to legalize the falsified death certificate.

Hugo Duarte was arrested on the spot and his wife, Rosario, was detained as material witness. But on April 7, Judge Martínez released Rosario. Five days later, after sending a note to the Filártiga's saying that she wanted to talk with them, she disappeared and has not been heard from since. Yet due to the enormous public interest and sympathy for the Filártigas, not even the elimination of the principal witness, nor the unabashed collaboration of the corrupt judge—(finally in mid-September, Martínez was forced to remove himself from the case as he was so clearly involved in the cover-up)—has been sufficient to gain Duarte's release. Likewise, two motions to have the case dismissed, the first in late June and the other in mid-December, were denied by the Appellate Court.

Even the strong arm tactics of Americo Peña and his cohorts have been thwarted. On September 30, Filártiga's lawyer, Horacio Galeano Perrone, an apolitical attorney with high level governmental influence, was arrested and shackled to the wall of what he describes as a cage in the Central Police Headquarters. Although Galeano Perrone's connections secured his release within eight hours, it was not before Peña has the opportunity to pay him a visit in his cell. At that time, Peña threatened to kill him, Dr. Filártiga and his thirteen year old daughter, and anyone else involved, if they continued to push the case. They are continuing to push the case.

Presently the confrontation is a standoff. The new judge, Rojas Vla, seems to be stalling the case in the courts, evidently awaiting further developments. Peña's Death Squad is being restrained by General Strossner, who has come under increasing national and international criticism for the massive wave of arrests, kidnappings, torture and executions which began last April. At this time Strossner is particularly vulnerable to world opinion

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* For the Spanish translation: the actual headline is Lo Dijo Duarte "YO MATE A FILARTIGA" (Pero Nadie Le Cree).

[1] For Spanish translation: Organización Político Militar.

because he has lost even the veneer of democracy that has so thinly disguised his dictatorship for the past fifteen years: all four legal opposition parties have voted to boycott the mid-February charade of a Constitutional Convention which will duly pass an amendment permitting Strossner to be "re-elected" as President for another five year term. Moreover, given the current attitude of the United States Congress, further criticism of human rights violations in Paraguay could very well mean the end of military and economic aid, as well as hinder foreign loans and investments. In fact, there are strong indications that the international pressure may already be effecting "el jefe's" attitude toward the case; persistent rumors here began in mid-December that Strossner is anxious to see the Filártiga case resolved.

Indeed, it now seems clear that only political pressure will resolve this political murder. Certainly Strossner is reluctant to take punitive action against any part of the powerful police apparatus because its loyalty is essential for him to remain in power. Yet, if the damage to his international reputation proves to be sufficient, there is no doubt that the shark will sacrifice a few sardines. In essence, it is a question of which course of action will result in the least damage to his power base.

Every mention of the Filártiga case in the foreign press is another stain on Paraguay's bloody record of human rights violations. Every petition sent to Strossner demanding justice in the Filártiga case is another reminder that the world is watching. Every letter or telegram expressing solidarity with Dr. Filártiga's struggle sent to Ybycuí, Paraguay, is another weight placed on the scale in his favor.

Even if the balance has not as yet tipped, every indication shows that the international pressure that is now building up will be the deciding factor in who will survive the Peña-Filártiga confrontation.

ASUNCIÓN, NOVEMBER 16, 1976

The dictatorship seems to be tightening up its control and treatment of the political prisoners Since mid-October no prisoners have been released, prisoners continue to be taken from Emboscada to the Asunción headquarters of investigaciones for interrogation where they are routinely tortured (this seems to be especially true for many campesinos who were taken prisoner in the countryside as long as six months ago, and although they were interrogated by local authorities, this is their first interrogation by the "experts" at Investigaciones), and the hope that the five "chronic prisoners" (Maidana, Alcorta, Rojas, Chamorro and Barerro) would be deported to Venezuela is dimming as they three weeks ago were taken from Emboscada and returned to el zótonola tercera where they still remain.

Conditions have also changed in Emboscada. Two improvements are that the prisoners no longer eat on the floor as they have built tables, and some are permitted to take showers since the parents of one of the prisoners donated a portable shower. The craft project seems to have only been minimally effected so far and the Church continues its visits (the Church committees are permitted visits, during which they bring in food and basic materials for crafts, on Wednesdays and Fridays, while the family visiting days are Tuesdays and Thursdays). Men are engaged in leather work, wood carving (crosses), wood work (harps) and some even have begun making soccer balls. Women are often engaged in crochet and making dolls; they are also assigned the task of cooking and washing the dishes.

The prison store, which is run as an inmate cooperative, does not sell basic food goods (e.g. meat, eggs or beans) but rather it is limited to dry goods such as coffee, yerba mate powdered milk, sugar and cigarettes. The prices are very high as their stock comes from a gouging Asunción wholesaler. Also, as it was started by police capital, which has now all been repaid, one-half of all profits go to the police while the other half goes to the prisoners to be used by them to expand the store or purchase necessities.

Food has been severely cut down. The prisoners receive only small and infrequent portions of meat, while vegetables must be provided by their families or the Church. But the most import problem is that since the last week of October, no potable water has been provided for the prisoners. The water that is provided them comes from the nearby Rio Salado, which is polluted by the waste deposited in one of its tributaries, the Rio Piribebuy, by large sugar cane factories. Also of course, along all of Paraguay's rivers people wash clothes, bathe and use them as deposits for garbage and excretements, both animal and human. Minimally the water should be boiled before consumption or an artisian well drilled by the Army Corps of Engineers, neither of which is permitted by the authorities. Consequently, most prisoners are suffering from persistent or chronic stomach ailments such as enteritis.

Also 45 prisoners from Embascada have been passed to the "justicia ordinaria" (see the *ABC* clipping of 29 Oct.) and charged with violating the vague "Defense of public peace and Freedom of Persons" law. Demonstrating the arbitrary nature of these proceedings, the four underlined persons (Smalko, Masi, Espinola and Lójez de Fontclara) were released from prison as long as six weeks to two months ago. There is no reason to hope that their fate will be any different than the 13 political prisoners arrested on 28 Nov. 1974 who have been held in the Tacumbu prison; only on 17 Dec. 1975 were they finally charged, and although most have been transferred to Emboscada (see *ABC* articles of 11 and 12 Nov.) none have been brought to trial. The prisoners from Tacumbú do have lawyers, but there has been no change in the situation of the recently charged prisoners in Emboscada: They are not permitted to see lawyers. It should also be noted that it is difficult, indeed nearly impossible, even for those middle class prisoners who have the financial means to secure experienced lawyers. They are reluctant to take such cases for fear of reprisals from the government or damage to their careers and practices. Consequently, at this time the only hope of legal representation is from a group of Church affiliated young attorneys.

In any event the entire court system is a farce. With no judicial autonomy, all judges are selected from the ranks of loyal strossnistas, thereby making the outcome of the trial a foregone conclusion. All will be eventually found guilty and sentenced to long terms. And of course, just as with many other political prisoners here, even once they have completed their sentences, there is no assurance that they will be released. For these reasons, it is generally a matter of grave concern to be passed to the courts. Chances of ultimately being released are thought to be better, as they can be more easily and directly influenced by political pressure, to be left uncharged and at the disposition of the executive branch of government which has periodically released prisoners as a demonstration of good will (e.g. usually before national elections Strossner releases a number of political prisoners). It is hoped that some will be released before the 6 Feb Constitutional Congress for Strossner's "reelection". Another aspect of the renewed government campaign is the continued publicity to capture "subversives" (see *ABC* articles of 11 and 12 Nov). Among those listed are three people who have received asylum in Embassys here, granted a *salva conducta* by the Paraguayan government, and gone into exile (Javier Cosp now living in Cuernavaca, Mexico; Marta Arce now living in Panama although she initially received asylum in the Venezuelian Embassy; and Luis Alberto Simón now living in Peru). Similarly, the Jesuit Miguel Sanmarti Garcia, accused of being the ring leader of the Organisacion Politico Militar, is also listed on the capture list. This regardless of the fact that the Spanish ambassador presented a notarized affidavit testifying to the fact that Sanmarti was a resident in Spain in April, during which time he supposedly was leading the subversives. Incidentally, Sanmarti has subsequently filed a legal suit against the Minister of the Interior Montonaro, and the Spanish government has issued a warrant for Montonaro's arrest should he ever enter their jurisdiction. Yet perhaps the most blatant example of the government's policy of packing the capture list and using it to intimidate, is the inclusion of Venita Bogado as a fugitive. A political activist of the Church and cousin of Basilica Espínola Nunez (one of the four prisoners that were released but now are charged) Bogado has never been arrested and continues in her capacity of Director of the Church's "Casa de las Empeadas Domesticas", a social service organization which provides counseling, religious instruction, and often a place to live for fired or displaced domestic servants, the majority of whom are young women who have come from the countryside to Asunción in search of work.

In conclusion, it seems as if the dictatorship is stepping up its campaign against the "subversives" to justify the repression and continued imprisonment of the nearly 400 political prisoners. It is incorrect, furthermore, to think that the arrests have stopped (see the *El Radical* article denouncing the imprisonment of seven fishermen last week); the dictatorship has simply reverted back to its traditional methods of selectively imprisoning anyone, or group of people, that may constitute a deviation to its tightly controlled social order.

The enclosed list and comments of prisoners was compiled by interviewing several prisoners who were recently released. It has been confirmed by two separate sources and I consider it to be highly accurate. Although your trip here has resulted in enormous benefits for nearly all of the political prisoners, unfortunately the dictatorship felt the need to express its frustration against Gloria Estrago. Maybe you can make some sort of special protest. See the women's list for details. As my grant here will be ending shortly, I will be back in the States by early January. If you know, or hear of, any positions that I might be interested in, I would appreciate it if you would let me know. Neither career opportunity nor salary is of any concern; I am looking for something useful to do with my time and energy. Enclosed is my resume. In any event, I will get in touch once I return. Hasta pronto.

CONGRESSIONAL RECORD REFORM

Mr. PACKWOOD. Mr. President, I am not speaking on the floor of the Senate.

I am here in my office about to go over a statement written for me by a member of my staff. Had I not preceded my remarks with this disclaimer, they would have appeared in the CONGRESSIONAL RECORD as if I had given a speech to my colleagues on the Senate floor. Only the most experienced people who read the RECORD, or those who are on the Senate floor, can distinguish between inserted statements and actual debate. The fact that this can occur is only one reason why we need CONGRESSIONAL RECORD reform.

One would logically think that since

the RECORD purports to be an account of what is said in the Senate it should follow that what is not spoken by a Senator should not appear. But the practice in the Senate is to allow nearly unlimited charts, graphs, and news articles, all of which are not referred to on the floor. You would assume that, because Senators and Members of the House of Representatives make massive insertions into the CONGRESSIONAL RECORD as well as corrections of previously spoken debate, they are doing so legally. This is not the case.

The Joint Committee on Printing currently has the authority to prevent such abuse under 44 U.S.C. 901:

The Joint Committee on Printing shall control the arrangement and style of the CONGRESSIONAL RECORD, and while providing that it *shall be substantially a verbatim report of the proceedings*, shall take all needed action for the reduction of unnecessary bulk (emphasis added.)

On May 23, 1972, the Joint Committee on Printing adopted rules to carry out their mandate. Rule 2 required that insertions into the RECORD be typed using a different size of print. Rule 12 limited RECORD inserts to two pages unless the Member announced an estimate, in writing from the Public Printer, of the probable cost of publishing the insertion. These rules are simply ignored by the Senate. We cannot expect the staff of the Joint Committee on Printing to enforce rules which we so blatantly disregard.

Also, our failure to comply with reasonable rules has become an expensive practice. During 1975, the CONGRESSIONAL RECORD cost approximately $278 per page. The total bill for the CONGRESSIONAL RECORD in 1975 was nearly $12 million, so it becomes essential that we use the RECORD wisely.

Many people will ask why we should improve the CONGRESSIONAL RECORD when so few people use it. I suggest that if the CONGRESSIONAL RECORD was an accurate reflection of our proceedings many more people would use it. The use of the RECORD by the Judiciary would increase if the CONGRESSIONAL RECORD was an accurate reflection of legislative history. If the members of the press were assured that what appeared in the RECORD was actually spoken on the floor of Congress, they too, could use the RECORD more effectively. Why should we wait until the public's outrage becomes so intense that we are forced to improve the CONGRESSIONAL RECORD? We should stop misleading readers of the RECORD now.

I recommend that we adopt three policies: First, the RECORD should be an accurate, verbatim account of remarks in the order they were delivered on the Senate floor. Second, revisions of the RECORD should be limited to corrections of grammar, not changes of substance. Finally, the resolution I am introducing today would provide that insertions made with the unanimous consent of the Senate have some designation which distinguishes them from verbatim remarks. In other words a bullet or star or bracket would precede and follow any of these inserted statements.

In a 1973 report of the Joint Committee on Congressional Operations, the CONGRESSIONAL RECORD was cited as having "the widest degree of permissiveness in incorporating unspoken material." That report was a comparison of 23 countries which have some form of legislature comparable to our own. There is no reason why we cannot bring the quality of the CONGRESSIONAL RECORD up to the level of integrity shown by the British Parliament's Hansard, or the Official Report of the Canadian Parliament. Those records of proceedings even transcribe jokes and gasps by Members in response to others' speeches.

While we ponder the needs for reform of the Senate committee system, and while President Carter develops his proposals to streamline the executive branch, it seems appropriate that we put the record of our own proceedings in order. We should make the RECORD accurately reflect the proceedings of the Senate.

I hope other Senators will join me in this effort. I especially hope the new Members of the Senate will join me before they discover the comfortable position of being able to say what you did not say, and be on the Senate floor when you are not on the Senate floor.

I ask unanimous consent that the text of this Senate resolution appear at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. —

Resolved, That the body of the CONGRESSIONAL RECORD for the Senate shall contain an accurate and verbatim account of remarks actually delivered on the floor of the Senate together with such permitted tables, statistics, and other supporting data directly relating to the subject matter under discussion. Such remarks and data shall appear in the order in which they were delivered.

SEC. 2. Extensions and revisions of remarks in the CONGRESSIONAL RECORD delivered on the floor of the Senate shall be limited to the correction of grammatical and typographical errors. Such corrections shall not make any change in the meaning, content, or substance of those remarks.

SEC. 3. Senators may, by unanimous consent, make insertions in the CONGRESSIONAL RECORD of remarks not actually delivered on the floor. Such insertions shall appear, as may be appropriate, following the record of the entire debate to which they are germane and prior to the record of a vote except that such insertions shall be preceded and succeeded by a printed designation which clearly distinguishes the insertion from verbatim remarks.

SEC. 4. The Secretary of the Senate shall transmit a copy of this resolution to the Public Printer.

RECESS UNTIL 11 A.M. ON WEDNESDAY, FEBRUARY 2, 1977

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 11 o'clock tomorrow morning.

The motion was agreed to; and at 7:19 p.m., the Senate recessed until tomorrow, Wednesday, February 2, 1977, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 1, 1977:

FEDERAL ENERGY ADMINISTRATION

John F. O'Leary, of New Mexico, to be Administrator of the Federal Energy Administration, vice Frank G. Zarb, resigned.

IN THE ARMY

The following-named officers for promotion in the Army of the United States, under the provisions of title 10, United States Code, sections 3442 and 3447:

ARMY PROMOTION LIST

To be lieutenant colonel

Becque, Peter A., xxx-xx-xxxx
Bowling, Ernest R., xxx-xx-xxxx
Colucia, Nicholas R., xxx-xx-xxxx
Dehnel, Curtis O., xxx-xx-xxxx
Dyck, Donald D., xxx-xx-xxxx
Gardner, Richard A., xxx-xx-xxxx
Grenier, Paul W., xxx-xx-xxxx
Gudmundson, Frank M., xxx-xx-xxxx
Gunnels, Julian R., xxx-xx-xxxx
Hamon, Clarke A., xxx-xx-xxxx
Hill, David E., xxx-xx-xxxx
Honjiyo, William T., xxx-xx-xxxx
Kasa, Stephen J., xxx-xx-xxxx
Meder, William A., xxx-xx-xxxx
Senter, George J., xxx-xx-xxxx
Stamey, Victor E., xxx-xx-xxxx
Tate, Raymond A., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Ahnfeldt, Arnold L., xxx-xx-xxxx
Andersen, Charles A., xxx-xx-xxxx
Armstrong, Chalmers, xxx-xx-xxxx
Bayless, Guy W., xxx-xx-xxxx
Bellaci, Henry F., xxx-xx-xxxx
Benenson, Michael W., xxx-xx-xxxx
Bleck, Robert G., xxx-xx-xxxx
Borowski, John T., xxx-xx-xxxx
Brakemeier, Robert, xxx-xx-xxxx
Buchanan, Bruce D., xxx-xx-xxxx
Cannady, Preston B., xxx-xx-xxxx
Casey, Bernard M., xxx-xx-xxxx
Casull, Brian H., xxx-xx-xxxx
Clark, Jeffrey R., xxx-xx-xxxx
Clemons, Donald E., xxx-xx-xxxx
Cline, William R., xxx-xx-xxxx
Coker, Donald D., xxx-xx-xxxx
Cole, Gary B., xxx-xx-xxxx
Cook, James L., xxx-xx-xxxx
Davy, Edwin G., xxx-xx-xxxx
Dean, William F., xxx-xx-xxxx
Doelle, John C., xxx-xx-xxxx
Donley, James M., xxx-xx-xxxx
Dougherty, Michael, xxx-xx-xxxx
Edwards, David J., xxx-xx-xxxx
Ford, Kiah T., xxx-xx-xxxx
Garcia, Viera J., xxx-xx-xxxx
Gelfond, Stephen D., xxx-xx-xxxx
Geslien, George E., xxx-xx-xxxx
Gillick, John S., xxx-xx-xxxx
Gregory, Garth L., xxx-xx-xxxx
Gregory, Quinones G., xxx-xx-xxxx
Gruschkus, Gerhard, xxx-xx-xxxx
Guyden, Thomas E., xxx-xx-xxxx
Hanking, William H., xxx-xx-xxxx
Hardcastle, Richard, xxx-xx-xxxx
Hardy, Robert J., xxx-xx-xxxx
Harmon, Charles W., xxx-xx-xxxx
Head, David R., xxx-xx-xxxx
Helsel, Robert A., xxx-xx-xxxx
Hemard, Bryan P., xxx-xx-xxxx
Herman, Claude P., xxx-xx-xxxx
Higginbotham, Robert, xxx-xx-xxxx
Hooper, Robert G., xxx-xx-xxxx
Jade, Klaus B., xxx-xx-xxxx
Jenkins, Elray, xxx-xx-xxxx
Jewett, Stiles T., xxx-xx-xxxx
Johnson, James E., xxx-xx-xxxx
Jones, George M., xxx-xx-xxxx
Joyner, Lee Roy, Jr., xxx-xx-xxxx
Keefe, James F., xxx-xx-xxxx
Kilpatrick, George R., xxx-xx-xxxx
Law, Ivan P., xxx-xx-xxxx
Lear, Charles E., xxx-xx-xxxx
Levy, Howard B., xxx-xx-xxxx
Logan, William E., xxx-xx-xxxx
Loleng, Gregorio G., xxx-xx-xxxx
Lonigan, Robert M., xxx-xx-xxxx
Martin, Hal A., xxx-xx-xxxx
Matthews, Joseph I., xxx-xx-xxxx

Mayer, Henry A., Jr., xxx-xx-xxxx.
McCurdy, James R., xxx-xx-xxxx.
McWatters, Jack W., xxx-xx-xxxx.
Mehlman, Ira, xxx-xx-xxxx.
Meyer, Dennis R., xxx-xx-xxxx.
Mitchell, Torrey L., xxx-xx-xxxx.
Molnar, Albert C., xxx-xx-xxxx.
Mulgrew, Paraic J., xxx-xx-xxxx.
Nachtsheim, Daniel, xxx-xx-xxxx.
Nash, Daniel A., xxx-xx-xxxx.
Newberry, Robert C., xxx-xx-xxxx.
Newby, Norwyn R., xxx-xx-xxxx.
Newman, Howard K., xxx-xx-xxxx.
Osman, Mark R., xxx-xx-xxxx.
Owens, Eddie L., xxx-xx-xxxx.
Ozaki, Joe K., xxx-xx-xxxx.
Peake, James B., xxx-xx-xxxx.
Pinder, Thomas, Jr., xxx-xx-xxxx.
Plonsky, Carl A., xxx-xx-xxxx.
Porth, Manuel, xxx-xx-xxxx.
Preston, Richard C., xxx-xx-xxxx.
Quattromani, Frank, xxx-xx-xxxx.
Raines, David R., xxx-xx-xxxx.
Rankin, Thomas V., xxx-xx-xxxx.
Reich, Thomas S., xxx-xx-xxxx.
Rohr, Louis R., xxx-xx-xxxx.
Ryan, Gary T., xxx-xx-xxxx.
Sadoff, Jerald C., xxx-xx-xxxx.
Schantz, Guy T., xxx-xx-xxxx.
Seab, James A., xxx-xx-xxxx.
Smith, Dick R., xxx-xx-xxxx.
Smith, George E., xxx-xx-xxxx.
Smith, Ladd D., xxx-xx-xxxx.
Sorensen, Gregory W., xxx-xx-xxxx.
Spaulding, Vernon C., xxx-xx-xxxx.
Stein, Mark R., xxx-xx-xxxx.
Taylor, Harvey G., xxx-xx-xxxx.
Terry, William T., xxx-xx-xxxx.
Thompson, Needham J., xxx-xx-xxxx.
Thompson, Prentice, xxx-xx-xxxx.
Thornsvard, Charels, xxx-xx-xxxx.
Tijerina, Arthur, xxx-xx-xxxx.
Tuegel, Charles R., xxx-xx-xxxx.
Urban, Robert T., xxx-xx-xxxx.
Varnado, Jimmie W., xxx-xx-xxxx.
Walters, Michael J., xxx-xx-xxxx.
Wambaugh, George W., xxx-xx-xxxx.
Weatherly, Thomas L., xxx-xx-xxxx.
Weber, Richard W., xxx-xx-xxxx.
Weiskopf, Richard B., xxx-xx-xxxx.
White, Philip H., xxx-xx-xxxx.
Wilson, William F., xxx-xx-xxxx.
Wood, Dale A., xxx-xx-xxxx.
Yocum, Harold A., xxx-xx-xxxx.
Yosowitz, Philip, xxx-xx-xxxx.
Young, Timothy R., xxx-xx-xxxx.
Yuille, David L., xxx-xx-xxxx.
Zawadsky, Peter M., xxx-xx-xxxx.
Zurlo, Joseph A., xxx-xx-xxxx.

JUDGE ADVOCATE GENERAL CORPS

To be lieutenant colonel

Coleman, Gerald C., xxx-xx-xxxx.
Hanft, John W., xxx-xx-xxxx.
Hunter, Nancy A., xxx-xx-xxxx.
Kelley, Oliver, xxx-xx-xxxx.

CHAPLAIN CORPS

To be lieutenant colonel

Gardai, Lavern W., xxx-xx-xxxx.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be major

Repischak, Leroy T., xxx-xx-xxxx.

CHAPLAIN CORPS

To be captain

Grace, James N., xxx-xx-xxxx.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

ARMY PROMOTION LIST

To be first lieutenant

Carlson, Kathryn G., xxx-xx-xxxx.
Fish, Joseph L., xxx-xx-xxxx.
Marcum, John R., II, xxx-xx-xxxx.
Pagan, Miguel A., xxx-xx-xxxx.
Olsen, Clark A., xxx-xx-xxxx.
Reed, Charles F., xxx-xx-xxxx.
Turner, Steven C., xxx-xx-xxxx.
Choate, Kenneth, xxx-xx-xxxx.
Clark, Thomas R., III, xxx-xx-xxxx.
Kimball, Alan M., xxx-xx-xxxx.

HOUSE OF REPRESENTATIVES—*Tuesday, February 1, 1977*

The House met at 12 o'clock noon.

Rabbi Barnett Hasden, Beth Israel Synagogue, Bristol, Conn., offered the following prayer:

O Heavenly Father, in these soul-stirring times, we need Thy guidance and blessings. Grant, we pray Thee, a complete and rapid recovery to our energy crisis so that those who are in discomfort may once again become comfortable.

We seek Thy guidance and inspiration for these Representatives who are charged with the responsibility of directing the affairs of our Nation. Bless, guide, and guard the President, Vice President, and leaders of this body who labor zealously for our Nation.

Above divisive differences of race, creed, or social situation, may our feelings be sincere for justice and truth. Unitedly, may we promote friendship and brotherhood for the welfare of our country.

Hear Thou our prayer and bless us with strength and peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 474. An act to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes.

RESOLUTION CONCERNING THE TREATMENT OF SOVIET JEWS AND OTHER MINORITIES

(Mr. MOFFETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOFFETT. Mr. Speaker, I too would like to welcome Rabbi Hasden from Bristol, Conn. He has been a very active and inspirational clergyman in our area.

At the same time I would like to say that I and Senator CHURCH have introduced a concurrent resolution on the subject that the rabbi and many other people are extremely concerned about and that is the subject of harassment of Soviet Jews and other minorities.

The continued harassment of Soviet Jews and other minorities seeking to reunite with their families in foreign lands, makes it imperative that the 95th Congress express the concern of the American people to the Soviet Government regarding the treatment of these individuals. To this effect, Senator FRANK CHURCH and I are introducing a concurrent resolution in the Senate and the House of Representatives.

While the number of Jews allowed to leave the Soviet Union has risen in the past few months, ostensibly because the Soviets want to improve relations with the new administration, there are reportedly still Jews in Soviet prison camps, and as many as 125,000 activist Jews who desire to leave the country.

As cosigners of the Helsinki Declaration, we must continue to press the Soviet Government for compliance with the accords. We must impress upon the Soviets that the new Congress, as well as the new administration, has not forgotten that the Soviet Union is bound to permit emigration and that its continued refusal to permit thousands of persons from leaving is a violation of more than one international agreement, including the final act of the Conference on Security and Cooperation in Europe. The Helsinki Commission will be conducting hearings for the Congress, on the subject of human rights in the Soviet Union, beginning in February. And so it is especially timely for the 95th Congress to send this message, now, to the Soviet Government.

FTC COMMISSIONER PAUL RAND DIXON SHOULD RESIGN; PRESIDENT CARTER SHOULD DEMAND HIS RESIGNATION OR THE CONGRESS SHOULD IMPEACH HIM

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker it is my intention to initiate impeachment proceedings against Federal Trade Commissioner Paul Rand Dixon for his having called consumer advocate Ralph Nader "a son of a bitch and a dirty Arab" in a public forum. My staff is now in the process of drafting an impeachment resolution which I will introduce later this week.

I do not have the right to nor can I control Commissioner Dixon's personal prejudices, but when he gives vent to them in his official public position then I, as a Member of Congress, must not only seek to control him, but also seek his removal. Assume for a moment that he had referred to some other individual as a "dirty Christian" or a "dirty Jew." Is there any question but that there would have been an uproar in this Chamber? I think not. And just as I

would have been enraged at such language against other individuals, I am equally enraged at Dixon's epithets against Ralph Nader.

Ralph Nader is an exceptionally gifted and able individual. But even if he were not, a simple apology from Dixon is not adequate. The reason it is not adequate is that it will not substitute for a judicial temperament and restrained disposition required of someone who sits in a quasi-judicial regulatory position.

I do not expect the millennium when all of us will be devoid of racial and religious prejudice—if indeed that can ever be expected. But we must demand, notwithstanding personal prejudices of an individual, that upon assuming a public office he or she must cast them aside when acting in such capacity. Clearly, Federal Trade Commissioner Paul Dixon is not capable of doing so.

Hopefully Commissioner Dixon will resign forthwith or President Carter will remove him for cause. In either eventuality, the Congress would not have to undertake these proceedings.

EMERGENCY GAS ACT

(Mr. MARTIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN. Mr. Speaker, I will vote for the Emergency Gas Act today, but I want everyone to be sure we all understand that this will not lead to more exploration and production. All it really does is share the shortage—by rationing. That is necessary in February 1977 because in February 1976—a year ago—Congress refused to deregulate natural gas and encourage more production. Republicans and a few conservative Democrats supported deregulation then, but the majority of Democrats voted more than 2 to 1 against it. Their only energy policy has been to wish for a mild winter. That has not worked—and I think its time to hold their feet to the fire—what little fire there is.

Three Carolina Democrats voted against deregulation—as did two Democratic Senators—from our two States hit especially hard even in that mild winter. The vote was so close in the House that if two of the three had switched, deregulation would have passed and the shortage would not have been nearly so severe this winter.

That is bygones, but now is the time to put pressure on these and other Representatives to get their commitment to vote for deregulation when it comes up later in this year.

That is why I find so disappointing the weak resolution just passed by the North Carolina State Legislature. They call on Congress to just approve the emergency bill—so North Carolina can get gas away from customers in other States.

That is easy, to let everybody bear the same shortage; but what about the need to deregulate so that, next year and the year after, there would not be such a shortage? Now is the time for real leadership, from Governor Hunt and the State legislature who continue to be timid about this matter, and from all our leaders; but most especially from the divided Congress, which has dawdled far too long.

Unless we get more gas in the pipe there are going to be more jobs down the tube next year.

NATIONAL HOLIDAY HONORING DR. MARTIN LUTHER KING, JR.

(Mr. TRIBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRIBLE. Mr. Speaker, I would like to join with the Honorable JOHN CONYERS and many other Congressmen and Senators alike in calling for January 15, to be designated a national holiday honoring Dr. Martin Luther King, Jr.

Saturday, January 15, marked the birthday of Dr. Martin Luther King, Jr. Dr. King, "the Apostle of Peace," devoted his life to God. He saw his mission as helping America fulfill the American Dream.

Dr. King was a man who stood unshaken by yesterday and unafraid of tomorrow. When asked if he was afraid of being killed, Dr. King replied:

I'm not concerned with dying now for I've been to the mountain top.

He proved to be instrumental in marking momentous change in our society. Dr. King is often remembered as one who championed the civil rights of blacks. More importantly, he championed the human rights of all men. He believed that America would provide the mechanisms to guarantee liberty, justice, and freedom for all men, regardles of race, creed, or color.

He was noted for his mission of peace by being named the 1974 recipient of the Nobel Peace Prize. Dr. King taught America and the world that an impact and change could be made in society without resorting to violence. He dreamed all children and men would one day walk hand-in-hand brothers and sisters.

Dr. King's life ended tragically with the firing of a gun. Counterposed to Dr. King's dedication to peace in life was his death in violence.

We must not let the death of Dr. King mark the end of his memory. We must insure recognition of his life throughout our time as well as those to come.

In the years to come, filled with days of uncertainty, let us make January 15 a day of peace and solace to America and the world in honor of Dr. Martin Luther King, Jr.

GAS CRISIS COULD HAVE BEEN AVOIDED

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, in view of some of the remarks that have been made today, I think I should point out that had my substitute been enacted into law last year we would not be in this mess now, because it would have done away with this artificial distinction between the intrastate and interstate gas. That is primarily what we are trying to do on a temporary basis. Under that proposal there would have been a formula for doing it in an orderly way and we would not have to have this bill up here today.

FREE SEEDS TO AMERICAN GARDENERS

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, I take this opportunity to bring to the attention of the Members of the House that I have today filed my bill for the Department of Agriculture to distribute free seeds among the American people in this Nation. There are too many Members of this House who have taken this legislation very lightly, but if they look at what is happening down in the State of Florida they can find out that tomatoes this year might go up to a dollar or a dollar and a half a pound. And they will realize the seriousness of this legislation.

The U.S. Government up until the days of Calvin Coolidge distributed free seeds around this Nation for the production of home gardens. We have people in this country suffering from malnutrition, from hunger, and yet we refuse to spend $6 million a year for the distribution of garden seeds. Here we are trying to save $6 million on garden seeds and the gardeners in Florida are telling us that tomatoes are going up to a dollar or a dollar and a half a pound.

In other words, the average family today will be paying $1.50 for three tomatoes. Mr. Speaker, I think it is about time that the Department of Agriculture and this Congress recognize the problem of hunger, not only in this Nation but throughout the world, and start taking the steps that our forefathers took years ago when they developed home gardens. They developed small farms and they had some input into the production of food in this Nation. Let us start to do something constructive by helping people to help themselves. For a small investment the returns are great.

WE HAVE BEEN HAD RE THE NATURAL GAS CRISIS

(Mr. OTTINGER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, we have been had.

I am going to support the emergency gas legislation before us today, but as a member of the Oversight Investigations Subcommittee of the Committee on Interstate and Foreign Commerce, I have become painfully aware that a great deal of gas has been shut in by gas companies and a great many gas fields which are known to exist and have not been explored, awaiting a hoped for decontrol and resulting higher prices.

An artificial shortage has been created which has put us in a perilous position and exposed us unnecessarily to the conditions we have today. I hope that we will take action in order to see that it does not happen again.

Certainly, we need relief from the

emergency we have at the present time, but that emergency should never have been allowed to have been created by the gas companies. It is going to be exactly like the situation with the gasoline shortage during the Arab oil boycott. The gas companies are going to get higher prices as a result of the shortage they laid in wait to create and then we are going to find that there is an ample supply of natural gas in the United States. Consumers are going to suffer for many years.

The previous attitude of the gas producers is indicated by bumper stickers seen in gas producing States reading, "Let the (expletive deleted) freeze to death." Now the producers have indicated they are really prepared to go that far. I think this is unconscionable.

I think it is essential we get a handle on the oil and gas companies to prevent this kind of travesty on the national interest in the future.

THE NATURAL GAS SHORTAGE

(Mr. KRUEGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KRUEGER. Mr. Speaker, I have heard the last part of the comments made by my colleague from New York. I remember well when he appeared here 1 year ago to tell us that there was no gas shortage. He now comes with poorly documented claims of withholding of gas by gas companies. The Federal Power Commission has repeatedly investigated such charges and found them false. The record of my good friend from New York for prophecy regarding this topic is, I think, not that which is most enviable.

The truth of the matter is that we missed an opportunity a year ago to address this question. We missed it by two votes, when we, by that margin, failed to pass long-term deregulation legislation. There would not have been a vast difference in our shortage even today had we begun then, but we would have avoided some of the problems. It is now necessary that this House be willing to address the real questions of long-term energy policy, and the decisions we will make with regard to long-term energy policy will be decisions that will have their impact on this Nation 3 and 4 years from now.

Natural gas is the only fuel we can find for the short and intermediate term to fuel the industry needed for this Nation's economic revival, and that means that we are going to have to stimulate new discoveries of gas. This bill does not do that. The President's bill is a short-term bill. We need it in the interests of short-term allocation for distressed States in the North and Southeast, but it does not address the real needs of this country. That need is long-term deregulation of natural gas.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER. Pursuant to the provisions of section 5(b), Public Law 93–642, the Chair appoints as members of the board of trustees of the Harry S Truman Scholarship Foundation the following members on the part of the House: Mr. BOLLING, Missouri; Mr. TAYLOR, Missouri.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provision of section 194(a), title 14 of the United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House: Mr. DODD, Connecticut; Mr. SARASIN, Connecticut.

APPOINTMENT AS MEMBERS OF AMERICAN REVOLUTION BICENTENNIAL BOARD

The SPEAKER. Pursuant to the provisions of section 10(a), Public Law 93–179, the Chair appoints as members of the American Revolution Bicentennial Board the following Members on the part of the House: Mrs. BOGGS, Louisiana; Mr. BUTLER, Virginia.

APPOINTMENT AS MEMBERS OF TEMPORARY COMMISSION ON FINANCIAL OVERSIGHT OF DISTRICT OF COLUMBIA

The SPEAKER. Pursuant to the provisions of section 1(b)(2), Public Law 94–399, the Chair appoints as members of the Temporary Commission on Financial Oversight of the District of Columbia the following Members on the part of the House: Mr. DIGGS, Michigan; Mr. NATCHER, Kentucky; Mr. MCKINNEY, Connecticut.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
January 31, 1977.

Hon. THOMAS P. O'NEILL, Jr., *The Speaker, House of Representatives, Washington, D.C.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 1:15 P.M. on Monday, January 31, 1977, and said to contain a message from the President wherein he transmits his Economic Recovery Act.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

ECONOMIC RECOVERY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95–68)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Education and Labor, the Committee on Government Operations, the Committee on Public Works and Transportation, and the Committee on Ways and Means, and ordered to be printed:

To the Congress of the United States:

I am proposing to you today a two-year $31.2 billion economic recovery package, whose budgetary costs will be divided almost equally between fiscal years 1977 and 1978 (Table 1). The main components of the program are:

—an increase of $4 billion in authorizations for local public works;

—an expansion of public service employment by 415,000 jobs;

—an expansion of training and youth programs under the Comprehensive Employment and Training Act (CETA) by 346,000 positions;

—an increase in the countercyclical revenue sharing program designed to pay out an additional $1 billion a year at current rates of unemployment;

—a $4 billion program of tax reform and simplification for individuals, through an increase in the standard deduction;

—individual tax rebates, and payments to Social Security, Supplemental Security Income (SSI) and Railroad Retirement beneficiaries, which will total $11.4 billion;

—an optional credit against income taxes equal to 4 percent of payroll taxes or an additional 2 percent investment tax credit for businesses.

While a healthy housing industry is also critical to economic recovery, this area requires long-term commitments, rather than a short-range program. The Secretary of Housing and Urban Development is now developing a long-term housing program for low and middle income families, which will contribute to sustained economic growth.

The economy I found when I took office had 7.5 million Americans out of work, 1.4 million full-time workers forced to take part-time jobs, and still another 1 million workers who had dropped out of the labor force because jobs are so hard to find. The outgoing, Council of Economic Advisers conservatively estimated that our economy operated in 1976 at approximately $132 billion below its high-employment potential; every household in our country lost approximately $1,800 per year as a result. The Nation lost approximately $35 billion in Federal tax revenues and approximately $10 billion in state and local revenues because of inadequate economic performance. Last year, expenses caused by the recession—such as unemployment compensation—were $22 billion higher than in 1973, the last pre-recession year. Economic growth has declined for three consecutive quarters. Most economists have projected that, without further stimulus, the economy would grow by an

inadequate 4½–5% in 1977. The severe weather this winter will probably reduce growth even further, if no action is taken.

A vigorous U.S. economy is vital to our domestic welfare as well as to world stability and order.

In preparing this detailed economic package I have been guided by several principles:

A. *Continuity and Consistency.* Because we sought a sustained expansion in consumer spending and business investment, we have developed a two-year program, which will provide stimulus in both this and the next fiscal year, and will also retain enough flexibility so that we can adjust the program up or down should circumstances require. This two-year program will provide the private sector with a genuine opportunity to plan ahead.

B. *Speed.* Because of the need for an immediate stimulus to consumer purchasing power, we have included an $11.4 billion tax rebate and cash payment section in our package which if promptly enacted by Congress, would permit us to mail checks to taxpayers this spring. It is simply impossible for public works and public service employment programs to get money into the economic stream that quickly.

C. *Fairness.* Because we wanted to target the benefits of this program to those most in need, the bulk of the reduction in personal income taxes will go to low and middle income taxpayers (Tables 2 and 3). The business tax reductions have been specifically designed to reduce costs and provide incentives not only for large businesses but for small ones as well. The spending and job creation programs will be targeted to the hard core unemployed and to those communities hurt most by the recent recession.

D. *Effectiveness.* Our program only promises what can realisitically be done. We are proposing major expansions of existing programs within a short period of time. To force more money, faster, into the system would risk poor administration.

E. *Limitation on Permanent Budget Cost.* Because we are committed to a balanced Federal budget for fiscal year 1981, we want to hold down the size of *permanent* spending increases or tax reduction. The tax rebate and many of the spending programs are temporary, and will end as the economy recovers. The business tax reductions and the increase in the standard deduction are permanent, but we recommend them as ways to simplify the tax code and stimulate business investment.

This program, if it is passed, should increase the Nation's output at a rate of $14 to $18 billion per year by the end of 1977 and $25 to $35 billion per year by the end of 1978. Together, with the previously anticipated growth of the economy, the program should reduce unemployment by almost one million by the end of this year, with further significant reductions in 1978.

The gross budget costs of the program are estimated to be $15.5 billion in fiscal year 1977 and $15.7 billion in fiscal year 1978. But the increased incomes and jobs which a growing economy will produce will increase Federal revenues and decrease expenditures on unemployment insurance and welfare. As a result, we anticipate offsetting reductions in net Federal costs of about $3 billion and $8 billion in fiscal year 1977 and fiscal year 1978, respectively.

The economic program I have proposed will set the stage for substantial growth in the years ahead. It will restore consumer confidence and consumer purchasing power; it will encourage businessmen to invest in a long-term growing economy; it will pave the way for a balanced Federal budget by fiscal year 1981.

The program will not aggravate current levels of inflation in any significant way. With 7½ million people looking for work and 20 percent of our industrial capacity idle, we can now afford to spur recovery without risking significant new inflation.

This administration will never let its guard down against inflation, which robs us all. My proposed credit against payroll taxes will tend to reduce labor costs and will, therefore, also help hold prices down.

I will soon announce a substantial strengthening of the Council on Wage and Price Stability. The Council will analyze the supply and demand trends in particular industries, so that we can spot bottlenecks and potential shortages and try to prevent them. It will also perform a more active job of monitoring wage and price developments. I believe that both business and labor will be willing to cooperate by giving us voluntary prior notice of important wage and price increases.

I have asked all my Cabinet officers to evaluate continuously the inflationary impact of their Departments' programs and regulations. I have already instructed the Secretary of Health, Education, and Welfare to develop a program for reducing the rapid rise in hospital costs.

Most importantly, this Administration intends to work closely and cooperatively with both labor and business to minimize inflation and help insure a solid increase in jobs, real wages, and real profits. Meetings among my economic advisers and labor and business leaders will begin within the next few months.

With these principles in mind, I urge the adoption of the following programs:

A. EXPENDITURE PROGRAMS

1. *Public Works.* I recommend an immediate $4 billion authorization for additional emergency public works beyond the $2 billion authorized by the Congress last year, with $2 billion to be appropriated for fiscal year 1977 and $2 billion for fiscal year 1978.

As the public works program has been implemented, the current formula for allocating funds has left some hard-pressed communities with inadequate funding, while their more affluent neighbors have had substantial programs approved. The Secretary of Commerce is now undertaking a careful review to determine whether the current 70%–30% allocation formula between high and low unemployment areas should be changed. After she completes her study, we will recommend legislation. In the interim, I have asked the Secretary to do everything possible under existing law to direct greater amounts of money into areas of high unemployment.

2. *Employment and Training Programs.* The economic stimulus package is designed to cope with both *cyclical* unemployment, which is caused by the economic recession, and *structural* unemployment, which affects those who lack the necessary training and skills to find work even in good times. The first group can largely be helped by general economic stimulus. The second group requires special training and placement programs.

I propose the following programs to help these groups:

a. *Public Service Employment.* It is time to take our people off welfare and put them to work, with maximum emphasis on creating jobs in the private sector. But it will take time for an expanding private economy to provide a large number of jobs for the unemployed. In the meantime we must expand temporary public service jobs for those who would find it difficult to obtain work in private industry.

I propose an increase in the number of federally-funded public service jobs under the Comprehensive Employment and Training Act (CETA) from 310,000 now to 600,000 by the end of fiscal year 1977 and to 725,000 for fiscal year 1978. This program would cost $0.7 billion in fiscal year 1977 and $3.4 billion in fiscal year 1978 (Table 4).

This public service program will enable the unemployed to use their talents to serve their fellow citizens in hospitals, in mental institutions, in improving our national parks, in recreation programs, in rehabilitating those parts of our cities where crime is high and hope is scarce, and in energy-saving activities. We will target our public service employment programs to areas of national need—such as the improvement of our national parks, and the insulation of homes and public buildings as well as other energy-saving activities.

b. *Youth Training and Employment Programs.* Unemployment among our young people is far higher than the national average for workers of all ages, so we must target specific programs to our unemployed youth. I am proposing to expand the youth-oriented programs in CETA, Titles III and IV, by 176,000 slots from 422,000 to 598,000 (Table 4).

The basic youth programs will be conducted by the state and local governments which are prime sponsors under CETA. An additional program will be established to take rural and urban young people aged 16 to 21 off of the streets and put them to useful work helping to conserve, develop and maintain our natural resources and recreation areas. This, like the Civilian Conservation Corps of 40 years ago, would be a way to let young people serve their nation while expanding their own horizons.

c. *Vietnam-era Veterans.* Military veterans of the Vietnam-era deserve special attention, both because our nation owes them a debt of gratitude for their service and because their employment problems are so severe.

For Vietnam-era veterans between the ages of 20 and 24, the unemployment rate is 18%, compared to 12.5% for non-veterans of the same age, with disabled and black veterans hit even harder. More than 20% of young black Vietnam-era veterans are now unemployed.

I am therefore proposing the creation of 92,000 jobs under Title III of CETA by the end of fiscal year 1978 in a new program called Help Through Industrial Retraining and Employment (HIRE), which will emphasize employment opportunities for Vietnam-era veterans (Table 4).

Under the HIRE program, which could be expanded to include non-veterans, the largest corporations, through Federally-funded initiatives, will be encouraged to make private sector job opportunities and training available to Vietnam-era veterans.

HIRE will initially focus on disabled Vietnam-era veterans and then reach out to include all Vietnam-era veterans. If there are not enough Vietnam-era veterans available in a community to fill job openings, those jobs wil be made available to disadvantaged young jobseekers and then to the long-term unemployed.

The Government will pay a firm a variable amount per Vietnam-era veteran hired—depending on that person's occupational level and job—for each day of employment and training provided to such a person, up to a maximum of 12 months.

In order to insure that this program creates new jobs, we will require, as a condition of Federal assistance, that the employment of target group members not result in the displacement of any worker who is currently employed by the firm, who has been laid off, or who is on strike.

I propose to increase the proportion of Public Service Employment jobs held by Vietnam-era veterans. Local goals will be developed by individual prime sponsors and keyed to the number of veterans available in the area served.

I have also asked the Department of Labor to establish outreach units, staffed by disabled Vietnam-era veterans, in State Employment Service local offices. They will identify other disabled Vietnem-era veterans and guide them to special programs, services, and available job opportunities. Even before this program is enacted, we will urge the CETA prime sponsor to increase voluntarily the number of Vietnam-era veterans in the expanded Public Service Employment program.

d. *Other Employment and Skill Training Programs.* We must improve employment opportunities and skill training for all disadvantaged groups, through innovative approaches to training and private sector employment.

Therefore I am proposing an increase of 58,000 slots in the Skill Training Improvement Program and a doubling of outlays for apprenticeship programs under Title III of CETA (Table 3). In order to better match our training programs to industry needs, I will instruct the Department of Labor to establish a skill training improvement program authorized under Title III of CETA, to be administered by CETA prime sponsors with full involvement of the private sector.

Under the expanded apprenticeship program which I have requested, apprentices will be allowed to continue developing their skills even during periods of unemployment. A similar program will be extended to workers at the journeyman level.

Migrants and Indians require special attention because of their high levels of unemployment. I am therefore proposing an addition of 20,000 slots, largely for migrants and Indians, under Title III of CETA.

I will instruct the Department of Labor to solicit innovative proposals from governmental units, private nonprofit organizations, and tribal organizations. The new initiatives will include residential training for migrant and seasonal farmworkers, training programs coordinated with rural economic development activities, rehabilitation of farm labor housing camps, and publicly assisted home rehabilitation and weatherization projects.

The Indian initiative will support efforts to improve the internal strength of Indian communities. The efforts will include employment and training activities in connection with road building, the development and management of industrial parks, construction of waste disposal systems, domestic fuel development, irrigation projects, and housing development and management.

3. *Countercyclical Revenue Sharing.* Under the countercyclical revenue sharing program passed by Congress in 1975, additional funds are made available to states and localities when the national unemployment rate exceeds 6% a year. I propose to fund the existing program fully through fiscal year 1978 and to expand it further.

Under current law, $125 million is made available in each quarter to state and local governments when national unemployment rises above 6%. For each ½ of 1% of unemployment above 6%, an additional $62.5 million is released in each quarter. Localities then qualify for their portions on a formula based upon their excess unemployment and general revenue sharing allocation.

Under my proposal each 1/10 of 1% of unemployment above 6% would allow $30 million of new funding to be distributed each quarter in addition to the basic $125 million available at 6% unemployment. At 7.5% unemployment, this plan would distribute $2.25 billion annually, compared to $1.25 billion under the current program. By changing the formula we would make the program more sensitive to the unemployment rate.

I therefore now recommend that the new countercyclical revenue sharing be authorized on a five-year basis instead of the current one year, so that it will automatically continue in effect and be ready if needed in the future.

The proposed expansion of this program will add an estimated $500 million in fiscal year 1977 and $600 million in fiscal year 1978 over and above the current program level.

B. *Tax Reductions*

1. *Rebates and Cash Payments.* The rebate and cash payment program which I propose has three components:

a. A $50 non-refundable rebate of 1976 taxes for each taxpayer and his or her dependents up to the limit of the taxpayer's liability. It will cost $8.2 billion.

b. For families who were eligible and file for the earned income credit, a refundable rebate would be paid to bring the total rebate up to $50 per person, even if that exceeds the family's 1976 tax liability. This will be of particular benefit to the working poor. It will cost $1.4 billion.

c. A $50 payment in 1977 to every beneficiary of Social Security, Supplemental Security Income (SSI), or Railroad Retirement. These payments would be of particular benefit to the aged poor. This will cost $1.8 billion.

These rebates are intended to provide prompt spending power to almost every American. The Internal Revenue Service can begin sending checks five weeks after these proposals are enacted by the Congress. The rebates and payments would have a budgetary cost of $11.4 billion in 1977, and no impact in 1978.

This rebate will inject money into the economic stream quickly. It will distribute its benefits widely, require little paperwork, be of particular help to low and middle income families, and use a formula the American people can easily understand.

2. *Tax Reduction and Simplification.* I recommend a permanent increase in the standard deduction, which now ranges from $2,100 to $2,800 for couples and from $1,700 to $2,400 for single persons, to a flat $2,800 for couples and $2,400 for single persons. Thus the existing complex standard deduction would be replaced by a larger, flat standard deduction.

This change would mean that 3.7 million low-income taxpayers and their families would no longer have to pay taxes. An additional 4 million taxpayers would find it more advantageous to use the less-burdensome standard deduction rather than to itemize deductions each year. This would be an important first step in simplifying our tax returns, which are particularly complicated this year.

If this proposal is adopted, roughly 75 percent of American taxpayers will be able to take the standard deduction and make a simple computation of their tax liability. As Table 3 indicates, all the benefits of this reform will go to low and middle income taxpayers.

This proposal would cost about $4 billion per year. The decline in receipts would be $1.5 billion in fiscal year 1977 and $5.5 billion in fiscal year 1978, of which roughly $1.5 billion would be refunds on 1977 tax liability.

3. *Tax Relief for Business Firms.* I rec-

ommend that businesses be allowed to take either a credit against income taxes equal to 4 percent of Social Security payroll taxes paid by the employer, or an additional 2 percent credit for new investment in machinery or equipment. Each firm could choose which credit to take, but its choice would be binding for a fixed number of years.

I hope that the program I have set forth today will receive careful, prompt, and full consideration by the Congress of the United States. Our people are ready to see the Executive and Legislative branches move from an era of confrontation to an era of cooperation. Our common commitment is to put America—its people, its plants, its inventive genius—to work again.

JIMMY CARTER.

THE WHITE HOUSE, *January 31, 1977.*

TABLE 1. BUDGETARY COST OF THE ECONOMIC RECOVERY PROGRAM ABOVE CURRENT LEVELS

[In millions]

	Fiscal year 1977		Fiscal year 1978	
	Budget authority (appropriations)	Budget outlays or reductions in receipts	Budget authority (appropriations)	Budget outlays or reductions in receipts
Increased Countercyclical Revenue Sharing	0.5	0.5	0.6	0.6
Public Service Employment	.9	.7	3.4	3.4
Skill Training and Youth Programs in CETA	1.5	.3	1.3	1.6
Public Works ($4,000,000,000 authorization)	2.0	.2	2.0	2.0
Tax Reform and Simplification for Individuals (increase in standard deduction)	----------	[1] 1.5	----------	[1] 5.5
Business Tax Reduction	----------	.9	----------	2.7
Tax Rebate and Payment to Social Security, S.S.I. and Railroad Retirement Beneficiaries	1.8	11.4	----------	----------
Total stimulus package (Reduced Receipts Plus Increased Outlays)	6.7	15.5	7.3	15.7

[1] While the tax reduction will apply to the full year 1977 tax liability, withholding rates will only be reduced for part of 1977, since passage of the law will come after the year is partly over. As a consequence, taxpayers, in 1978, will receive some additional refunds.

[2] Details do not add to total due to rounding.

TABLE 2.—ESTIMATED EFFECTS OF THE ADMINISTRATION'S TAX REBATE PROGRAM, DISTRIBUTED BY ADJUSTED GROSS INCOME CLASS

[Calendar year 1976 levels of income]

Adjusted gross income class	Tax change resulting from the $50 per capita rebate		
	Amount (millions)	Percentage Distribution	Cumulative distribution
Less than $5,000	—$984	10.3	10.3
$5,000 to $10,000	—2,010	21.0	31.2
$10,000 to $15,000	—2,223	23.2	54.4
$15,000 to $20,000	—1,904	19.9	74.3
$20,000 to $30,000	—1,695	17.7	92.0
$30,000 to $50,000	—564	5.9	97.9
$50,000 to $100,000	—169	1.8	99.6
$100,000 or more	—36	.4	100.0
Total	—9,585	100.0	----------

Note: Details may not add to totals due to rounding. As the chart indicates, over 54 percent of the benefits from the tax rebates will go to those with adjusted gross incomes of less than $15,000 and an additional 20 percent of the benefits will go t othose earning between $15,000 and $20,000.

TABLE 3.—ESTIMATED EFFECTS OF THE ADMINISTRATION'S FLAT STANDARD DEDUCTION PROPOSAL, DISTRIBUTED BY ADJUSTED GROSS INCOME CLASS

[Calendar year 1976 levels of income]

Adjusted gross Income class	Tax change resulting from the $2,400–$2,800 standard deduction [1]		
	Amount (millions)	Percentage Distribution	Cumulative distribution
Less than $5,000	—$616	15.6	15.6
$5,000 to $10,000	—1,953	49.4	65.0
$10,000 to $15,000	—1,245	31.5	96.5
$15,000 to $20,000	—137	3.5	100.0
$20,000 to $30,000	—1	[2]	100.0
$30,000 to $50,000	[2]	[2]	100.0
$50,000 to $100,000	[2]	[2]	100.0
$100,000 or more	[2]	[2]	100.0
Total	—3,951	100.0	----------

[1] Includes the effect of extending the $35 general tax credit to exemptions for age and blindness.

[2] Less than $500 thousand or 0.05 percent.

Note: Details may not add to totals due to rounding.

TABLE 4.—INCREASES IN PUBLIC SERVICE JOBS ABOVE CURRENT LEVELS

[Slots in thousands]

	Fiscal year 1977 recommended additions to current levels	Fiscal year 1978 recommended additions above current levels
Public Service Employment, CETA Title VI: Slots, end of period	240	340
Public Service Employment, CETA Title II: Slots, end of period	50	75
Youth, CETA Title III: Slots, end of period	72	154
Skill Training Improvement Program, CETA Title III: Slots, end of period	58	58
Help Through Industrial Retraining and Employment (HIRE), CETA Title III: Slots, end of period	60	92
Migrants, Indians, Veterans, CETA Title III: Slots, end of period	10	20
Job Corps, CETA Title IV: Slots, end of period	8	22
Apprenticeship Expansion, CETA Title III: Slots, end of period	NA	NA
Total, slots	498	761

CALL OF THE HOUSE

Mr. CHARLES H. WILSON of California. Mr. Speaker, may I be recognized for the purpose of moving a call of the House?

The SPEAKER. The Chair recognizes the gentleman from California (Mr. CHARLES H. WILSON) for that purpose.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 8]

Akaka	Cochran	Jeffords
Andrews, N.C.	Crane	Johnson, Colo.
Beard, R.I.	Diggs	Leggett
Bowen	Evans, Ga.	McDade
Caputo	Ford, Mich.	McEwen
McKinney	Pepper	Teague
Madigan	Pritchard	Tonry
Minish	Rostenkowski	Udall
Mitchell, Md.	Scheuer	
Pettis	Shipley	

The SPEAKER. On this rollcall 403 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RE-REFERENCE OF H.R. 1523

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 1523) to extend title II of the Public Works Employment Act of 1976 for five additional quarters, and that the bill be re-referred to the Committee on Government Operations.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EMERGENCY NATURAL GAS LEGISLATION

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 474) to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes, as amended.

The Clerk read as follows:

S. 474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "Emergency Natural Gas Act of 1977".

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Natural Gas Act of 1977".

DEFINITIONS

SEC. 2. As used in this Act:

(1) The term "high-priority use" means—

(A) use of natural gas in a residence;

(B) use of natural gas in a commercial establishment in amounts of less than 50 Mcf on a peak day; or

(C) any other use of natural gas the termination of which the President determines would endanger life or health, or result in physical harm to plant or other facilities (including material in process).

Subparagraph (C) does not include uses for maintenance of plant production.

(2) The term "interstate pipeline" means any natural-gas company, as defined in section 2(6) of the Natural Gas Act, which is engaged in the transportation by pipeline of natural gas.

(3) The term "intrastate pipeline" means any person (other than an interstate pipeline) engaged in the transportation by pipeline of natural gas.

(4) The term "interstate natural gas" means natural gas (other than natural gas transported pursuant to a transportation certificate issued under 18 C.F.R. 2.79) transported by an interstate pipeline in a facility certified under the Natural Gas Act.

(5) The term "local distribution company" means any person (including a State or instrumentality thereof) which receives natural gas for local distribution and resale to natural gas users.

(6) The term "antitrust laws" means the Sherman Act, the Clayton Act, the Federal Trade Commission Act, the Wilson Tariff Act, and the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a), and similar State laws.

(7) The term "State" means any State of the United States and the District of Columbia.

(8) The term "natural gas" has the same meaning as when used in the Natural Gas Act.

PRESIDENTIAL DECLARATION

SEC. 3. The President may declare a natural gas emergency for purposes of section 4 if he finds that a severe natural gas shortage endangering the supply of natural gas for high-priority uses exists or is imminent in the United States or any part thereof and that the exercise of his authorities under section 4 is reasonably necessary to assist in meeting requirements for such uses. Such emergency shall be terminated when the President finds that the exercise of his authority under section 4 is no longer reasonably necessary to assist in meeting such requirements, or on April 30, 1977, whichever first occurs.

EMERGENCY DELIVERIES AND TRANSPORTATION OF NATURAL GAS

SEC. 4. (a)(1) If the President finds it necessary to assist in meeting the requirements for high-priority uses of natural gas (including storage replenishment or injection for such uses) during the period of the natural gas emergency declared under section 3, on the basis of a request by the Governor of any State pursuant to subsection (c) or on the basis of other information available to the President, the President may, during such emergency, by order, require—

(A) any interstate pipeline to make emergency deliveries of, or to transport, interstate natural gas to any other interstate pipeline or to any local distribution company served by an interstate pipeline for purposes of meeting such requirements;

(B) any intrastate pipeline to transport interstate natural gas from any interstate pipeline to another interstate pipeline or to any local distribution company served by an interstate pipeline for purposes of meeting such requirements; or

(C) the construction and operation by any pipeline of any facilities necessary to effect such deliveries or transportation.

No such delivery or transportation may continue after April 30, 1977, or after the President terminates the emergency declared under section 3, whichever first occurs.

(2) In ordering any delivery from, or transportation by, any pipeline under this subsection, the President, to the maximum extent practicable, shall order deliveries or transportation of natural gas on the basis of the categories of use specified in the regulation contained in section 2.78(a)(1) of title 18, Code of Federal Regulations, as in effect on the date of enactment of this Act. To the maximum extent practicable, deliveries or transportation of natural gas which would otherwise be expected to be used in the categories first to be curtailed under such regulation shall be ordered under subsection (a) before ordering any other pipeline to make deliveries or transportation of natural gas which would otherwise be expected to be used in categories to be later curtailed according to the priorities established in such regulation. For purposes of this paragraph and for purposes of paragraph (3)(B), categories (iv) through (ix) (as specified in 18 C.F.R. 2.78(a)(1)) shall be treated as one category.

(3) No order may be issued under this subsection unless the President, after consultation, to the maximum extent practicable, with the Governor of any State served by the pipeline which will be required to deliver or transport natural gas under such order, determines that such order will not—

(A) create, for the interstate pipeline delivering interstate natural gas, a supply shortage which will cause such pipeline to be unable to meet the requirements for high-priority uses served, directly or indirectly, by such pipeline;

(B) result in deliveries from any interstate pipeline which are excessive (as determined by the President) in relation to deliveries required under such orders from other such pipelines which are curtailing within the same category of use established in section 2.78(a)(1) of title 18, Code of Federal Regulations; or

(C) require transportation of natural gas by an intrastate pipeline except to the extent that it has unutilized transportation capacity.

(4) To the extent consistent with the provisions of paragraphs (2) and (3), in issuing orders under this section, the President shall, to the maximum extent practicable, consider the existing relative economic conditions of areas from which interstate natural gas can be delivered and shall, where practicable, order the delivery of natural gas under subsection (a) from interstate pipelines serving areas where existing economic conditions are more favorable. In assessing economic conditions, the President shall utilize current unemployment statistics and such other economic indicators as he deems relevant.

(b) Compliance by any pipeline with an order issued under subsection (a) shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of State or Federal law. No action required to be taken under an order issued under subsection (a) shall be subject to any provision of the Natural Gas Act and any such order shall supersede any provision of a certification, or other requirement, under the Natural Gas Act which is inconsistent with such order.

(c)(1) The Governor of any State may notify the President of any finding by such Governor that a shortage of natural gas within such State, endangering the supply of natural gas for high-priority uses, exists or is imminent and that the State, and agencies and instrumentalities thereof, have exercised their authority to the fullest extent practicable and reasonable under the circumstances to overcome such shortage.

(2) The Governor shall submit, together with any notification under paragraph (1), information upon which he has based his finding under such paragraph, including—

(A) volumes of natural gas required to meet the requirements for high-priority uses in such State;

(B) information received from persons in the business of producing, selling, transporting, or delivering natural gas in such State as to the volumes of natural gas available in such State; and

(C) such other information as the Governor determines appropriate to apprise the President of emergency deliveries and transportation of interstate natural gas needed in such State.

(d) The President shall monitor the implementation of orders issued under this section to assure that natural gas delivered pursuant to such orders is applied only to assist in meeting the needs of high-priority uses for which deliveries were ordered under this section.

(e) The President may request that representatives of interstate pipelines, intrastate pipelines, local distribution companies, and other persons meet and provide assistance to the President in carrying out his authority under this section.

(f)(1) In order to obtain information necessary or appropriate to carry out his authority under this Act, the President may, before August 1, 1977—

(A) sign and issue subpenas for the attendance and testimony of witnesses and the production of books, records, papers, and other documents;

(B) require any person (including any State or instrumentality thereof), by general or special order, to submit answers in writing to written questions and to submit reports or other information, and such answers, reports, and other information shall be made within such reasonable period, and under oath or otherwise, as the President may determine; and

(C) secure, upon request, any information from any executive agency (as defined in section 105 of title 5 of the United States Code).

Failure to comply with any order under subparagraph (B) shall be treated as a violation of section 11 of the Energy Supply and Environmental Coordination Act of 1974 and shall be enforced under section 12 of such Act. Section 11(d) of such Act shall apply with respect to information obtained under this paragraph. In applying such sections to any failure to comply with any such order or to any such information so obtained, all references therein to the Federal Energy Administrator shall be treated as references to the President.

(2) The appropriate United States district court may, upon petition of the Attorney General at the request of the President, in the case of refusal to obey a subpena or order of the President issued under this subsection, issue an order requiring compliance therewith, and any failure to obey an order of the court may be punished by the court as a contempt thereof.

(g)(1) Each order under subsection (a) shall specify the persons required to pay compensation for the deliveries, transportation, construction, operation, or other expenses incurred pursuant to such order. If such persons fail to agree upon such terms of compensation, the President, after an opportunity for a hearing on the record (either before or after such order takes effect), shall, by supplemental order, prescribe the amount of such compensation to be paid.

(2) A supplemental order under paragraph

(1) shall provide that the compensation to be paid for deliveries, transportation, and other expenses shall be the amount which the President determines is necessary to provide full compensation. In determining compensation under this paragraph, the President shall consider—

(A) in the case of an order for deliveries to the interstate pipeline or local distribution company whose natural gas is subject to an order under subsection (a)—

(i) current prices for such deliveries; and

(ii) reasonable replacement costs for such natural gas;

(B) in the case of an order for deliveries of natural gas owned by any person, other than an interstate pipeline or local distribution company, the reasonable costs of alternative fuels to replace such natural gas; and

(C) other costs, including costs of operation, maintenance, capital amortization, and taxes.

(3) Any terms of compensation agreed to by the persons affected by any order under subsection (a) may be reviewed by the President and if the President finds that such compensation is excessive, he shall, after an opportunity for a hearing on the record, prescribe, by supplemental order, the amount of such compensation in accordance with paragraph (2).

ANTITRUST PROTECTIONS

SEC. 5. (a) There shall be available as a defense to any action brought under the antitrust laws (1) that the activity which is the subject of such action was taken pursuant to a request of the President under section 4(e) or was necessary to carry out an order under section 4(a), and (2) in the case of any meeting, that such meeting was held pursuant to such a request or was necessary to carry out such an order and complied with the requirements of subsection (b). This defense shall not apply if the activity or meeting was taken or held for the purpose of injuring competition. Persons interposing the defense provided by this subsection shall have the burden of proving such defense, except that the burden shall be on the person against whom the defense is asserted with respect to whether the activities or meetings were taken or held for the purpose of injuring competition.

(b) A meeting held pursuant to a request by the President under section 4(e) or pursuant to an order under section 4(a) complies with the requirements of this subsection if—

(1) there is present at such meeting a regular full-time Federal employee designated for such purposes by the Attorney General;

(2) a full and complete record of such meeting is taken and deposited, together with any agreement resulting therefrom, with the Attorney General, who shall make it available for public inspection; and

(3) such other procedures as may be specified in such request or order are complied with.

(c) The Attorney General and the Federal Trade Commission shall, when practicable, participate from the beginning in the development and carrying out of agreements and actions under section 4(a) or 4(e). Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act.

(d) An order under section 4(a) shall describe the types of substantive actions (if any) which may be taken under the order, and shall be as specific in its description of proposed substantive actions as is reasonable in light of known circumstances.

EMERGENCY PURCHASES

SEC. 6. (a) The President may authorize any interstate pipeline or local distribution company served by an interstate pipeline (or class or category of such pipelines or companies) to contract, at reasonable prices (as defined in subsection (d)(1)), and on such other terms and conditions as the President determines to be appropriate, for emergency supplies of natural gas for delivery before August 1, 1977—

(1) from any producer of natural gas if (A) such natural gas is not produced from the Outer Continental Shelf and (B) the sale or transportation of such gas was not, immediately before the date on which such contract was entered into, certificated under the Natural Gas Act, or

(2) from any intrastate pipeline (other than a pipeline operating under court supervision unless such court grants its approval), local distribution company, or other person (other than an interstate pipeline or a producer of natural gas).

In the case of a contract for emergency supplies of natural gas between an interstate pipeline and a producer of natural gas who is an affiliate (as determined by the President) of such pipeline, the President shall not authorize such contract unless he determines that the price at which such natural gas is to be sold does not exceed the price at which such natural gas would be sold if the producer were not an affiliate of such pipeline.

(b)(1) The provisions of the Natural Gas Act shall not apply—

(A) to (i) any sale of natural gas to an interstate pipeline or local distribution company under the authority of subsection (a), or (ii) any transportation by an intrastate pipeline in connection with any such sale; or

(B) to any natural gas company (within the meaning of the Natural Gas Act) solely by reason of any such sale or transportation.

(2) In exercising its authority under the Natural Gas Act, the Federal Power Commission shall not disallow, in whole or in part, recovery by any interstate pipeline, through the rates and charges made, demanded, or received by such pipeline, the amounts actually paid by it for natural gas purchased pursuant to subsection (a).

(c)(1) The President may, by order, require any pipeline to transport such natural gas, and to construct and operate such facilities for transportation of natural gas, as may be necessary to carry out contracts authorized under subsection (a). No such order shall require any pipeline to transport any natural gas except to the extent that it has unutilized transportation capacity.

(2) Compliance by any intrastate pipeline with any order under this subsection shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of Federal or State law.

(3)(A) Each order under paragraph (1) shall specify the persons, if any, required to pay compensation for the construction or operation required under such order or for transportation by an intrastate pipeline required under such order and for other expenses incurred in connection with such construction, operation, or transportation. If the persons affected by any such order fail to agree upon the terms of such compensation, the President, after an opportunity for a hearing on the record (either before or after such order takes effect), shall, by supplemental order, prescribe the amount of such compensation to be paid.

(B) A supplemental order under subparagraph (A) shall provide that the compensation to be paid for construction, operation, transportation, or other expenses shall be an amount which the President determines necessary to provide full compensation.

(C) Any terms of compensation agreed to by the persons specified in any order under paragraph (1) may be received by the President and if the President finds that such compensation is excessive, he shall, after an opportunity for a hearing on the record, prescribe, by supplemental order, the amount of compensation in accordance with paragraph (2).

(d) As used in this section—

(1) The term "reasonable prices" means—

(A) in the case of a wellhead or field sale (as defined by the President) of natural gas produced in a State, any price per Mcf which does not exceed 115 per centum of the average price per Mcf for new contracts for the sale of natural gas produced in such State which contracts were entered into in the second quarter of 1976 and which were required to be reported by Federal Power Commission Order 521 (which average price shall be determined by the President); and

(B) in the case of any other sale of such gas, at a price not in excess of 110 per centum of the amount determined under subparagraph (A) with respect to the State in which such gas was produced;

except that the President may permit a price or prices higher than determined under subparagraph (A) or (B) if he determines such higher price or prices are necessary to permit interstate pipelines and local distribution companies served by such pipelines to compete effectively with other purchasers for available supplies of natural gas. The President shall, by rule or order, prescribe the manner in which a reasonable price shall be determined in the case of natural gas the State of production of which cannot be identified.

(2) The term "Outer Continental Shelf" has the same meaning as such term has under section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

PURCHASED GAS ADJUSTMENT CLAUSES

SEC. 7. In the case of any interstate pipeline receiving compensation under section 4 with respect to deliveries ordered pursuant to such section, such compensation shall be reflected as a reduction in the cost of purchased gas for purposes of any purchased gas adjustment clause applicable to such pipeline. In the case of any interstate pipeline paying compensation with respect to deliveries or contracts for supplies of natural gas under section 4 or section 6, such compensation shall be part of such pipeline's cost of purchased gas for such purpose.

RELATIONSHIP TO NATURAL GAS ACT

SEC. 8. Except as expressly provided in this Act, nothing contained in this Act shall be interpreted to change, modify, or otherwise affect rules, regulations, or other regulatory requirements or procedures of the Federal Power Commission pursuant to the provisions of the Natural Gas Act.

EFFECT ON CERTAIN CONTRACTUAL OBLIGATIONS

SEC. 9. (a) There shall be available as a defense to any action brought for breach of contract under Federal or State law arising out of any act or omission that such act was taken or that such omission occurred for purposes of complying with any order issued under section 4(a).

(b) Any contractual provision—

(1) prohibiting the sale or commingling of natural gas subject to such contract with natural gas subject to the provisions of the Natural Gas Act, or

(2) terminating any obligation under any such contract as a result of such sale or commingling,

is hereby declared against public policy and unenforceable with respect to such natural gas during the period for which an order under section 4(a) or an authorization under section 6(a) applies to the delivery, transportation, or contract for supplies of such natural gas.

(c) The amounts and prices of any natural gas purchases pursuant to an order under section 4(a) or an authorization under section 6(a) shall not be taken into ac-

count for purposes of any contractual provision which determines the price of any natural gas (or terminates the contract for the sale of natural gas) on the basis of sales of other natural gas.

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 10. (a) Subchapter II of chapter 5 of title 5 of the United States Code (other than sections 554, 556, and 557 thereof) shall apply to orders and other actions under this Act, except that in the case of supplemental orders under section 4(g), and section 6(c)(3), and section 11(a)(2) such subchapter II, including such sections 554, 556, and 557, shall apply.

(b) Except with respect to enforcement of orders or subpenas under section 4(f), the Temporary Emergency Court of Appeals shall have exclusive original jurisdiction to review any order issued, or other action taken, under this Act.

(c) Prior to a final judgment, no court shall have jurisdiction to grant any injunctive relief to stay or defer the implementation of any order issued, or action taken, by the President under this Act.

ENFORCEMENT

SEC. 11. (a) Any person who violates an order or supplemental order issued under section 4 (other than subsection (f) thereof) or the terms and conditions of an authorization under section 6 shall be subject to a civil penalty of not more than $25,000 for each violation of such order. Each day of violation shall constitute a separate violation.

(b) Any person who willfully violates an order or supplemental order under section 4 (other than subsection (f) thereof) or the terms and conditions of an authorization under section 6 shall be fined not more than $50,000 for each violation of such order. Each day of violation shall constitute a separate violation.

(c) Whenever it appears to the President that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of any order issued under section 4(a), any supplemental order issued under section 4(g), or the terms or conditions of any order under section 6, the President may request the Attorney General to bring a civil action to enjoin such acts or practices and, upon a proper showing, a temporary restraining order or preliminary or permanent injunction shall be granted without bond. In any such action, the court may also issue mandatory injunctions commanding any person to comply with any such order or supplemental order.

REPORTING

SEC. 12. (a) In issuing any order under section (4) or granting any authorization under section 6, the President shall require from persons subject to the order that the prices and volumes of natural gas delivered, transported, or contracted for pursuant to such order or authorization and such other information as the President determines appropriate shall be reported to him on a weekly basis and such reports shall be made available to any duly authorized committee of Congress upon the request of the chairman.

(b) The President shall report to Congress not later than October 1, 1977, respecting his actions under this Act.

(c) The provisions of chapter 35 of title 44 shall not apply to section 4(f) or this section.

DELEGATION OF AUTHORITIES

SEC. 13. The President may delegate all or any portion of the authority granted to him under this Act to such Executive agencies (as defined in section 105 of title 5, United States Code) or officers of the United States as he determines appropriate, and may authorize such redelegation as may be appropriate. Any action taken by the Administrator of the Federal Energy Administration (or his delegate) under a delegation of authority pursuant to this Act shall not be subject to section 7(1) of the Federal Energy Administration Act of 1974. Any action taken by the Federal Power Commission (or its delegate) pursuant to a delegation under this Act shall not be subject to any procedural requirements applicable to such Commission under any other Act, except as specifically provided in this Act.

The SPEAKER. Is a second demanded?

Mr. BROWN of Ohio. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from West Virginia is recognized for 20 minutes.

Mr. STAGGERS. Mr. Speaker, on January 26 the President sent us a bill to deal with the critical situation caused by natural gas shortages. I introduced the bill at the request of the President and said on this floor that we would "offer our cooperation and expeditious consideration to this matter of great national concern that vitally affects the health, safety, and livelihood of our citizens." I come to the floor today to report to my colleagues that we have done this. On Friday, January 28, a specially constituted temporary ad hoc subcommittee of my committee under the able leadership of JOHN DINGELL, of Michigan, held hearings in which Dr. Schlesinger, representing the administration, the Federal Power Commission, Governors Carey of New York, Shapp of Pennsylvania, Byrne of New Jersey, and Briscoe of Texas, representatives of interstate pipelines, consumers, producers, local distribution companies, and industrial consumers appeared before that subcommittee to give their comments on the President's bill. We also had expert witnesses with respect to long-range weather predictions and endeavored to collect all the necessary information on which to base a sound judgment in considering the bill. Yesterday, Monday, January 31, the Committee on Interstate and Foreign Commerce proceeded to consider this legislation and after 6 hours of discussion and amendment reported this bill to the floor by voice vote.

This bill has not been hastily considered. This bill has been carefully and thoroughly examined, amended and perfected in great haste. Americans are out of work because of the lack of gas. Schools are closing. Soon Americans may not be able to heat their homes or protect their plants because of lack of gas. This bill does not seek to either solve the long-term issues relating to natural gas or seek to assure that everyone who has been laid off because of plant closings will be back to work next week. What it does do is give the President the necessary tools to assure that the most critical needs of our citizens are met, that their homes are warm, that their corner grocery store will remain open to provide them with vital services, and that other vital services will not be curtailed.

This bill also provides the President with the authority to authorize short-term purchases of natural gas by interstate pipelines and local distribution companies. This authority may alleviate some of the curtailment of deliveries of natural gas to industry. However, it is unclear at this point how much gas will be brought into the interstate system under this section of the bill.

We have given the President great flexibility in exercising authority under this bill. This winter has been a severe test for this country. The President has called upon us to make sacrifices to our comforts to assure that vital services and industry can remain open. We join the President in calling upon all Americans not to be wasteful in their use of energy, especially during our time of critical shortage. We join the President in calling upon all Americans to turn their thermostats down to 65 degrees during the day and as low as possible at night to save as much gas and other fuels as possible. Finally, I join the President in calling upon my colleagues assembled here today to pass this bill before us and thereby give some small measure of assurance to our citizens that their homes will be warm, that their children's schools may be opened, that their property will be safe, and that other vital services necessary to the life, health, and physical safety of our people will be maintained.

Mr. Speaker, at this time I yield to the gentleman from Michigan (Mr. DINGELL) such time as he may consume.

Mr. DINGELL. Mr. Speaker, I strongly support the legislation before us. I urge my colleagues to do likewise. The Emergency Natural Gas Act represents the best legislative response which could be developed in the limited time available to address the critical natural gas emergency now facing the Nation.

Many of the most heavily populated and most industrially developed regions of the country are experiencing one of the coldest winters in memory. The record cold has increased tremendously the temperature sensitive demands of high priority users of natural gas for space heating. This demand has forced pipelines to withdraw natural gas supplies from storage at dangerous rates. The continuation of icy winter conditions has increased the consumption of natural gas by high priority users to record levels. In domino like succession industry after industry, then schools and other public institutions have been forced to close to assure that supplies of natural gas remained available to satisfy higher priority demands.

The legislation, proposed by the President and before the House today, is intended to assure that these high-priority needs continue to be met. The legislation authorizes the President to allocate supplies of natural gas between interstate pipelines to assure that the natural gas requirements of these high priority users are satisfied—that homes are kept warm, hospitals continue to operate, other essential services are provided, and property is not damaged by burst water mains. The legislation also authorizes purchases of emergency supplies of natural gas by interstate pipelines to see that the maximum supplies of natural

gas possible are made available to severely natural gas-short interstate pipelines.

But the House and the American people should not expect too much. This legislation cannot and does not address the complex and controversial issue of allocation of natural gas from one industrial user to serve natural gas requirements of other industrial users. Such an allocation program would involve the impossible task of determining which workers to unemploy in order to employ other workers somewhere else. Allocation authority is needed now to assure that human needs are met; delay in enactment of this much needed legislation by reason of debate over expanding the President's request to permit allocation of natural gas to service industrial needs could result in severe hardship.

Indeed, the House should be aware that further legislation to deal with the current emergency may be necessary. Adequate supplies of natural gas may not be available in the interstate system to meet even high priority-human noted related requirements for natural gas. At that time more drastic legislative action may be demanded.

In short, the Nation is now facing an energy crisis of unprecedented proportion. Conditions will almost certainly get worse before they get better. It is essential that we act in a responsive manner to minimize human suffering during this crisis. For that reason I urge quick enactment of the Emergency Gas Act of 1977.

Finally, I can assure my colleagues that it is my intention to bring before the House, at an early time, legislation dealing with our long-term natural gas problems. But enactment of this legislation cannot await consideration of the long-term resolution of our natural gas problems. We must act today on this emergency bill.

Mr. Speaker, I ask unanimous consent to insert at this point a brief explanation of the legislation which is before the House. This explanation is available at the committee table.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SUMMARY OF H.R. 2500 AS REPORTED

I. ALLOCATION AUTHORITY

Authorizes the President to allocate natural gas in the interstate system when severe shortages exist or are imminent, and other available measures are inadequate to protect life, health, or property.

Gives the authority to order deliveries of natural gas and require transportation of gas for high priority users defined as homes, small commercial, and whatever else the President determines necessary to preserve life, health, or the maintenance of property.

Allocation authority expires April 30, 1977.

The President's allocation authority can be triggered by information as to shortages received by him from a State Governor, or brought to his attention by other sources.

The President's authority under this legislation can be delegated to any Federal officer or agency.

Pipelines and other owners of gas, which lose gas by allocation will be reimbursed, either in kind or at an agreed price, by the pipeline or distribution companies which receive allocated gas. If the compensation is not agreed upon, the President is required to provide for full compensation.

Representatives of pipelines and distribution companies subject to allocation orders could meet, along with Government representatives, with limited antitrust immunity for actions necessary to comply with such Presidential order.

The President may require that intrastate pipelines be utilized on an emergency basis to transport natural gas between interstate pipelines but the intrastate pipelines will not become subject to Natural Gas Act jurisdiction thereby.

II. EMERGENCY PURCHASE AUTHORITY

A. Contracts authorized

Allows the President to authorize emergency purchases of natural gas by (1) interstate pipelines and (2) local distribution companies (applicable to gas that is not price-controlled by the FPC).

B. Termination

Deliveries under emergency purchases must occur before August 1.

C. Pricing (Eckhardt amendment)

Sets a maximum price for emergency purchases based on State-by-State determination of price based on 2nd quarter 1976 new intrastate contracts in State or origin plus 15%. If gas is purchased from pipeline rather than a producer, an additional 10% is allowed. The President may let price go higher if necessary to compete effectively with intrastate buyers.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, would the gentleman from Michigan clarify the statement the gentleman just made that was to the effect there would be immediate attention given to a bill to deregulate natural gas?

Mr. DINGELL. Mr. Speaker, let me restate what I have just said, so the gentleman will have a clear understanding. As soon as President's Carter energy package, dealing with a long-range energy policy, which I assume must necessarily include proposals on natural gas, is transmitted to the House, it has been promised that this energy package would be available to the House on the 20th of April of this year, I have pledged we would initiate consideration of the natural gas proposals contained therein forthwith. It is my intention to afford all my colleagues a fair opportunity to have their views considered by the committee and the House under the orderly rules and procedures of the House.

Mr. RHODES. Mr. Speaker, is the gentleman predicating his statement on the receipt of a communication from the President or can the gentleman inform the House what the House will do if there is no communication? Should the House take the lead on this bill and proceed to deregulate?

Mr. DINGELL. I have every reason to believe the President's proposals will embody a long-range natural gas policy and I can assure the gentleman I will proceed with all speed to insure that a long-range natural gas policy is presented to the House. I make this commitment as a result of discussions with the chairman of the Committee on Interstate and Foreign Commerce and commitments previously made by me to the Speaker and others regarding the handling of the matter we are now discussing.

Mr. RHODES. Mr. Speaker, I thank the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, well, here we are again. One year ago almost to the day, this House, by a margin of four votes, defeated the deregulation of the price of natural gas. At that time, and for some years before that, several of us predicted that the continuation of the shortsighted policy of controlling the interstate price of natural gas would further decrease the supplies of gas in the interstate system and increase the demand for that gas.

We said a year ago that the Nation would be in serious trouble were it not that God had given us three successive winters that were much more mild than normal. And now, here we are, obliged to take emergency action under abbreviated parliamentary procedure to give emergency powers to the President in the hope of preventing the suspension of natural gas service to homes and hospitals.

But the Democratic leadership, in its infinite wisdom, has crafted legislation and structured the parliamentary situation in such a way that we cannot address the problem from the standpoint of a long-term solution. There is no way that will let us address the agony that is likely to spread even farther in our land next winter, just as last winter they did not want us to take the only logical step that would have enabled us to avoid this winter's predictable tragedy.

Why? What is the reason the Congress is foreclosed from addressing the long-term solution to natural gas shortages? Is it because the Democratic Congress bears a substantial portion of the responsibility for the policies that have caused the crisis? About 20 years ago our Nation embarked on a policy of having the Federal Power Commission set the price of natural gas—presumably on the basis of costs of production. But as is too often the case, this Federal authority was exercised more out of political logic than out of economic logic—and always too late.

One of the most significant actions taken was in 1968 when the Federal Power Commission, then chaired by Lee White, reduced the price at which natural gas could be sold from the southern Louisiana region to the price at which it was selling 8 years earlier. The case tied up contract sales to interstate pipeline for 2 years before the defendants finally consented to the power of the FPC bureaucracy, and then promptly sued for relief in the Federal courts.

But the result of that effort is the significant thing. The drilling search for natural gas immediately started to decline. The supply of known natural gas reserves began to fall off. And dedications of new natural gas to the interstate market began to diminish. By 1970 the pipelines which supply gas users in the interstate market for the first time fell short of meeting their contract obligations. And the shortfall has increased every year since.

Oh, it is true that the price of gas permitted under the FPC's authority to set a cost-based price has continued since to creep upward, but always too little and too late to stimulate much new gas

into the interstate market. Natural gas has become increasingly difficult to locate in commercially feasible quantities as the years have gone by. Wells must be drilled deeper—as deep as 4 miles into the earth—and in more exotic locations, such as the Outer Continental Shelf and northern Alaska, and the costs have gone up accordingly as the cheap, easily found gas has run out. The result has been that, when gas has been found, producers have sought a market where the prices at which they could sell their product were not controlled and would permit a reasonable return—the intrastate market within the same State where the gas was found and where, under interpretations of the Constitution, the Federal Government cannot reach to freeze prices.

The gas producers were helped by other Federal laws, however, such as the Clean Air Act, which had the effect of severely limiting the use of coal as a fuel because it polluted too much and put a premium on the use of natural gas as a fuel because it is the cleanest fossil fuel. This stimulated the consumption of natural gas.

As the cheaper old contracts ran out, natural gas distributors were obliged to write new purchase contracts at the higher prices more recently permitted by FPC cost-based adjustments. But they found it increasingly difficult to find sellers because the sellers were selling into the intrastate market where the only limit on prices was set by the market—supply and demand. The price differential between natural gas sold interstate—with the top limit set by the FPC—and natural gas in intrastate markets—with the bottom limit set by costs and the top limit set by supply and demand—began to increase until the supply of gas available to the intrastate market began to exceed the demand. Then the price stabilized at about $2 per 1,000 cubic feet. The price set by the Federal Power Commission until the end of December 1976 was 52 cents for the same amount of gas. The result, of course, is that few sales were contracted for in the interstate market. But since the demand and supply is in equilibrium in the intrastate market there is reduced incentive for the expensive effort to find natural gas. And if it is found, there is little enthusiasm for selling it until some assurance about the market situation is established.

That instability has been created in part by those who have been so aggressive in what they call the interests of consumers. Organizations like the Consumer Federation of America, whose energy policy branch is now headed by the former Democratic Chairman of the Federal Power Commission, Lee White, have sued the FPC recently to roll back the cost-based price that the FPC has recently set for interstate sales of new natural gas beginning January 1, 1977. And 2 years ago, the Consumer Federation sued to prohibit emergency sales for 180 days—the same type of sales we are asked to permit by law in this legislation before us today. It will be interesting to see whether our liberal Democratic colleagues, who joined CFA 2 years ago to prohibit 180-day sales above the 52-cent price set then by FPC in order to meet interstate shortages, will concede today that, in order to get gas for the interstate emergency, the price must be permitted to go above the $1.42 price permitted by FPC, a price which Lee White and his group 3 months ago thought too high.

Those colleagues are: Senators HUMPHREY, MCGOVERN, METCALF, MOSS, MONDALE, and PROXMIRE and Representatives ASPIN, GEORGE BROWN, ECKHARDT, FRASER, MOSS, and Reid, all Democrats.

It should be pointed out that the ambition of Lee White is for the Federal Government to establish a Federal Oil and Gas Company to seek oil and gas, produce and refine it and peddle it to consumers. And it is fascinating that one of the most emphatic arguments given by Mr. White is the poor performance of private industry in the natural gas business during a time when the Federal Government had a stranglehold on the economics of that industry through its regulations.

In point of fact, the industry has done much to try to equalize the impact of such things as colder-than-normal winters by establishing gas storage facilities at consuming market locations so that it can fill those storage facilities during summer months—April 15 to October 15 in Ohio, for instance—when usage of gas is reduced. Then they can draw from storage to supplement what comes through the pipeline in winter months when usage demands are high. This has the additional benefit to the consumer of reducing pipeline investment which is one of the most significant parts of his gas bill. As a matter of fact, the cost of the gas itself is only 20 percent of the average bill. The other 80 percent pays for the pipeline, the storage facilities, the meter readers, the billing procedures, et cetera. So one can see that even if the price of wellhead gas were to double, the cost would go up only 20 percent higher than the previous bill. If new gas prices were permitted to rise to $2 per Mcf. rather than $1.42 per Mcf., it would mean a small portion of the gas—the amount covered by a new contract—would push the price up. The rest of the gas supplied would continue to be priced under the old contracts written years ago, some perhaps at 52 cents if the contract were recent, but some as low as 18 or 26 cents if the contracts were written some years ago or if the wells were discovered back then at reduced costs and contracted for their lifetime price which was then appropriate.

Why then have gas bills gone up recently? The reason is that purchases of new natural gas by the interstate market have been inadequate to meet demand because no one will sell at the controlled price—the price set ostensibly to protect consumers from higher prices. Therefore, the distributing companies in Ohio and elsewhere who are dependent on interstate supplies of natural gas have been obliged to supplement their undependable interstate natural gas supplies with synthetic gas which costs $4 per thousand cubic feet—not 52 cents or $1.42 or even the free market price of intrastate natural gas, $2.25. Thus, those organizations, such as the Consumer Federation of America, those bureaucrats and politicians, who joined the recent suit to hold prices down and the suit 2 years ago to prohibit 180 sales above federally controlled prices and those Members of Congress who voted to retain Federal price controls have had the impact of (1) raising gas bills for consumers who could get gas and (2) reducing the prospect that they could get enough gas to meet the needs of their communities.

This has been particularly true in the industrial users category which, under the Federal Power Commission priorities of service and similar priorities approved by most State utility regulatory bodies, are the first users to be cut off when natural gas supplies are short. Temporary inconveniences can be tolerated by some industries who only use natural gas to heat locker rooms or water for employee showers. But if the natural gas is needed to keep the plant running because it is used in the manufacturing process and there is not fuel which can be substituted for it, that becomes a different matter. It is precisely such manufacturing plants that have been shut down—along with those which have had to tell their employees to shower at home—which have today laid off more than one and a half million workers—over half of them in Ohio.

The devastating economic impact on an area where all or most all industry is closed down tight because of natural gas shortages is, I feel, self evident: union supplemental benefit funds are quickly diminished as are company benefits; unemployment compensation funds—already overdrawn by 19 States—are drawn down further; State and local taxes are reduced because of reduced incomes, profits and inventories; and welfare costs go up as do costs to cover suspended public services which must be otherwise made up, like schools.

But that is only a local impact until the local depression starts to spread nationwide because of lost sales and lost production. Ohio, for instance, is a major manufacturer of ball bearings, steel, glass, rubber, and other products which use natural gas in the process of production. When those items run short in plants elsewhere in the Nation because they could not be produced for lack of natural gas in Ohio, the local economic devastation begins to spread inexorably into gas-fat manufacturing plants. Nonetheless, my colleagues on the Commerce Committee, including every Democrat—even some from gas-short areas where factories and schools are closed—refused to give the President authority in this bill to take natural gas away from areas where industrial plants and schools are not curtailed and provide it to areas where curtailments are total and production jobs have come to a complete halt.

All this bill does is to give the President authority to allocate natural gas to distributing pipelines where the shutdown of gas is imminent to residences and small commercial users—under 50 Mcf on a peak day—and public health and safety users. As originally submitted, the bill did not set any criteria by which the President would determine from what areas of the interstate market the natural gas would come to meet these

needs, but such criteria were added to the bill by an amendment by Mr. BROYHILL, of North Carolina. Nowhere does the bill address the question of economic damage from loss of jobs from closed industries and schools.

But the committee did vote to add to the bill two provisions whereby, after the President allocates gas to keep homes and hospitals open, he may require that the entire cost of that allocation—including double costs in some cases—will be paid for by the homeowners and hospital patients who receive the gas in the emergency. These amendments, sponsored by Mr. RODGERS, of Florida, and Mr. MAGUIRE of New Jersey, provide that, if gas is purchased from the Florida Power & Light Co., for example, because it is willing to switch to generating electricity with oil rather than with gas—as they presently do, inefficiently—northern recipients of the gas will get to pay not only for the gas, but could be required to pay for the extra cost of the more expensive oil to hold down the electric bills of Floridians.

And then Mr. MAGUIRE's amendment provides that Ohioans and gas-short consumers in his own State of New Jersey, and anywhere else to which gas might be sent by the President under his allocation authority, could be obliged to pay not only the normal cost of the gas, but any additional costs of operation, maintenance, capital amortization, and taxes that may be incurred by other intrastate or interstate transmission lines in sending that gas to the emergency need areas.

The result, of course, is that people without jobs will pay more for the emergency gas they receive under these allocations than they now pay for gas—and probably more than they would have to pay if gas were deregulated altogether and they could buy it at free market intrastate prices. But their industries which must use gas in the manufacturing process still will not have an assured gas supply for next and subsequent winters. This makes the prospect very real that many northern communities may face the loss of their gas-using industries to areas where gas supplies are more certain.

As originally proposed by the administration, the bill would have permitted gas-short distribution companies to purchase natural gas at prices above the Federal price control ceiling until August 1, 1977. That would have permitted purchases from intrastate supplies—if any could be found where their product was not fully contracted in those producing States which have also been severely impacted by the extremely could winter in their own locales—at whatever price the buyer and seller could agree on. Such a price would probably be above current intrastate prices—$1.45 to $2.25—and below current synthetic fuel prices—$3.50 to $4. But faced with the possibility that the market price might thus be driven higher in producing States, an amendment offered by Mr. ECKHARDT, of Texas, set a price ceiling on what could be paid for gas under these emergency purchases. Since the price ceiling on emergency purchases set by Mr. ECKHARDT's amendment is the price being paid for intrastate gas a year ago plus 15 percent—or about the same price as today—the prospect for sales to the desperately needy interstate market is unlikely.

Mr. ECKHARDT wrote into his amendment what appears to be a way out from this "catch 22," but is not. It provides that the President, on finding that interstate emergency sales cannot be consummated at the Eckhardt price ceiling, can grant sales at higher prices. But that would mean that all such sales would be subject to suit and the prospect that, after the sale and after the gas has been used, a court would determine that the sale price should have been lower. If the court would so find, the companies involved would have to rebate all the difference to all the customers who used the gas. The prospect of that immensely costly procedure is clearly going to discourage the sales of emergency gas.

So the best this bill offers is the allocation of gas into gas-short areas to keep homes and hospitals open—if the President can get whatever bureaucrat he designates to do it in a timely fashion. It is unlikely to produce any more gas anywhere. And it sets the pattern for the Federal Government to run the natural gas business with all the ability and efficiency that it now runs overregulated railroads or the post office. The best advice I can give my colleagues is to vote for this bill without any promise that it will help much this winter and the assurance that it will do nothing for next winter and then pray to God for an early spring.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Speaker, I think it might be helpful to go over some of these things that the bill does and does not do, because many questions are being asked.

First of all, with regard to any kind of substantive help for industry, it probably does not offer that help, as I think everybody knows; and, second, with regard to industries and areas in the Northeast, which are not so hard hit at this point, it is possible that the gas can be taken away to go to homeowners in other areas. That is the bad news. I think the good news is with regard to data collection, with regard to some help for homeowners who are facing a distressing situation. With regard to penalties, the penalty section is strenghtened. With regard to antitrust, the antitrust provision is not too lenient. With regard to taking gas, there is now language in the House version which says the President shall not take gas from a high unemployment area if he can help it. With regard to the provisions of reporting, some people have expressed concern about windfall profits. Under section 12 it is very conceivable the President could report to the Congress on who has made outrageous profits and who has not.

There has been some concern about the Eckhardt amendment. I think it is true, for those Members who are from the intrastate areas, that there will be protection for the intrastate consumers provided by the Eckhardt amendment, although some of us have problems with it in other respects.

On the issue of compensation, our committee has provided language which provides reasonable assurances that our pipelines and local distribution companies will receive compensation for the SWG and LNG they have to purchase to replace any gas taken away under this legislation.

Mr. Schlesinger has provided us also with assurances that the administration appreciates the need to gather more information on the question of the degree of the gas shortage and the cause of it.

Given the amendments and assurances I mentioned, I believe this bill deserves our support.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Speaker, I rise in support of this bill. However, I would point out that this bill, in my judgment, is not going to create any additional supplies of natural gas for gas-starved areas of our country. Its only purpose is to provide the necessary authority to the President to allocate gas from one area to another to meet the needs of high-priority users, which are defined in the bill as the homeowners, small commercial users, and to protect health and property.

Mr. Speaker, I would point out that this gas, if it is allocated from one area to another, will come from the various persons who own or who have control of large volumes of gas who perhaps would have used it for industrial purposes. This gas would not come from new gas wells or new supplies, but would merely be a redistribution of existing supplies of gas.

Of course, we all realize that homeowners and small commercial users of natural gas are affected to a great degree by the shortage because they have the least opportunity to convert to alternate fuels.

In my judgment, Mr. Speaker, what we need is immediate action on a long-range natural gas program, and I would hope that that would include a deregulation of new gas in order to provide the necessary incentives to bring new supplies of gas to the market and permit gas-starved areas such as my State of North Carolina and others to buy gas on the intrastate market and in that way to let us keep our industry at home.

We find in North Carolina, for example, that industries are moving from our State to gas-producing States or they are bypassing our State and locating in gas-producing States. This in my judgment is not in the best interests of not only consumers but potential employees in our State.

So, Mr. Speaker, I urge the leadership of our committee to begin consideration of a long-range natural gas program which would deregulate new supplies of natural gas to make them available to the areas which are in short supply.

Mr. Speaker, with all of the energy related problems our Nation is facing, it is imperative that this Congress work out a long-range energy policy.

Ever since the Arab oil embargo nearly 4 years ago, business leaders, consumer groups, the scientific community, and

various Government leaders have continuously urged Congress to adopt a comprehensive energy package. Although some important legislation has been approved, such as funding for energy research and development, the majority leadership has failed to direct congressional efforts toward adoption of a meaningful, comprehensive energy package.

I believe a major reason for the failure of the Congress to deal effectively with the Nation's energy problems is that jurisdiction over energy matters is divided among so many committees and subcommittees of Congress. Therefore, in an attempt to coordinate an effective congressional effort to solve our Nation's energy problems, I have introduced legislation creating a select House committee on energy.

During the 93d Congress some 2,000 energy bills were drafted. Last Congress over 1,500 energy related bills were introduced. Approximately 90 committees or subcommittees of Congress were involved in some way in consideration of energy related legislation. The result should have been obvious. Efforts and staffs were duplicated, tax dollars wasted, and the resulting energy legislation was incomplete and ineffective in many instances.

For 4 years, Congress has talked about the Nation's energy problems. It is time to stop talking and construct a rational and effective mechanism for dealing with our worsening national energy dilemma.

My proposal for a special select committee on energy would not create a new energy bureaucracy. Rather, it would consolidate, control, and coordinate congressional action. The new select committee would draw on the experience of present standing committees which have had some degree of jurisdiction in the energy field. What we would be doing, in effect, is using what we have more effectively rather than continuing to spread responsibility for energy legislation among 8 or 10 standing committees with their countless subcommittees.

Presently, as soon as an energy bill is introduced, it is lost somewhere in the maze of committees and subcommittees which are all fighting for a piece of the energy action. In recent years I have seen energy issues diluted and torn apart until the only issues left were political ones. I believe a select committee, such as I proposed on January 4, will reflect the balance of the House and will enable us to unite our efforts for a sound comprehensive energy program. Through such consolidation as I have proposed, the House will at least be able to face the Nation's energy problems squarely. We will know where responsibility lies.

Since my bill was introduced, the Speaker of the House has expressed his support for the concept of a select committee. I hope the majority leadership will cooperate and that the Congress will take positive action to create a select committee as soon as possible. Our Nation's energy needs are far too pressing to be laid aside as members of Congress wrestle over jurisdictional control. With more effective organization, I am hopeful that a united Congress will take speedy action on the energy problem which faces all Americans.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. KRUEGER).

Mr. MILFORD. Mr. Speaker, will the gentleman yield?

Mr. KRUEGER. I yield to the gentleman from Texas (Mr. MILFORD).

Mr. MILFORD. Mr. Speaker, with very mixed emotions, I rise in support of this bill. My mixed feelings stem from the fact that we are going through a worthless exercise. If I were to vote against the measure, some would say that "Texans were hogging gas and depriving others."

Yet, if I vote for the measure, those who are now in the cold will continue to be in the cold. Because the simple fact still remains: This bill will not produce additional gas. Only the production of additional gas will solve our Nation's problems.

Proponents of this bill keep saying that this will allow "surplus" gas in Texas, Louisiana, and Oklahoma to be brought into the interstate pipelines. What I am trying to tell you is "there is no surplus gas."

I would like to point out to my colleagues that they should not delude themselves into thinking that section 6 of this bill will bring many new supplies of natural gas from the intrastate market into the interstate system.

The icy winds of winter have not limited their wrath solely to the east coast. Temperatures in Texas have been running from 40 to 80 percent lower than normal. The Federal Power Commission staff has recently projected that in Texas excess residential gas consumption from January through March will almost double the consumption during the fourth quarter of 1976, creating a demand of 52.47 Bcf.

The only gas company in Texas currently making emergency sales to the interstate market is Houston Natural Gas Co. Under the Federal Power Commission order of January 14, 1977, Houston Natural is permitted to roll over emergency sales so that United Gas Pipe Line Co. will receive a maximum of 150,000 Mcf/d and Transcontinental Pipe Line Corp. will receive 85,000 Mcf/d. But Houston Natural Gas delivers gas to the southern portion of Texas where the winter has not been so severe. Lo Vaca Gathering Co. serves customers in south-central Texas. However, it also makes sales to other pipelines which affect virtually the entire State. Lo Vaca has not been making full deliveries on their system through most of January.

In my area of Texas, we have incurred curtailments from Lone Star Gas Co., our intrastate supplier. As a matter of fact, on the weekend of January 9, we had cold weather that was unprecedented. The temperature ranged from 24° F. at midnight on January 8 to 12° F. by 4 a.m. on January 9. While this does not seem cold by Ohio standards, the cold was accompanied by freezing rain, sleet, and finally snow. Winds blew at 25 miles per hour with gusts up to 35 miles per hour. This brought the wind chill factor to between —20° F. and —30° F.

Lone Star Gas Co. had an unprecedented demand from its residential and commercial customers and, therefore, curtailed all power generation customers, all three industrial rate customers, and public schools 100 percent. This means everyone was completely shut down except for priority 1 customers.

Granted, the weather is warmer and the schools and most industrials are now receiving gas to meet their requirements, but Lone Star Gas has to continue to protect its high priority customers.

Unlike interstate pipeline systems which use storage in the winter as a daily supplement in their systems, Lone Star has 11 storage areas intrastate which it uses only for peaking purposes. These storages, when full, can deliver 600 Mmcf/d. However, because of the cold weather, these storages have been drawn down and can now deliver only 350 Mmcf/d when needed. Lone Star is also not receiving full deliveries from some suppliers. And, as I said earlier, we still have 2 more months of extremely cold weather ahead.

As we approach spring, there may be some intrastate gas that will become available to help fill interstate storages. However, intrastate storages will also need to be filled.

I want to caution my fellow colleagues against believing that the intrastate market and access to it will solve our natural gas problems. Three years ago Texas suffered from a gas shortage. Because our gas prices are not regulated, we were able to find enough gas to create a temporary surplus last year when the weather was warm, even in the winter months. However, the weather is no longer warm, the surplus is no longer there, and areas of Texas are again experiencing curtailments because of this very cold winter.

The plain fact is that the only long-term sollution to the problem is finally to make it economically feasible for our energy companies to go out and find and produce and market natural gas from new sources. This is an expensive proposition. It is expensive to find the gas, expensive to clean it and compress it, and expensive to bring it to market.

Right now the incentive to find and produce this gas for the interstate market simply is not there, because the regulated price of interstate gas does not cover the cost of finding, developing, and producing the gas.

I hope this body is ready to face these facts again later this year when, hopefully, we will again have an opportunity to pass legislation to deregulate the interstate price of natural gas.

Mr. KRUEGER. Mr. Speaker, I rise in support of the House version of this bill. There are a number of things that this bill does not do. The bill does not get gas to industry, and it therefore does not maintain jobs. The bill is not a long-term bill, and it is not, as it has sometimes been called, a deregulation bill. It is primarily an allocation bill which gives the President authority to move gas around the country in instances of dire emergency. There is very little of this bill which relates to gas supply, and Dr. Schlesinger was very frank with the committee in his statement that no new gas will be forthcoming as a result of this bill's passage. Section 6 of this bill could

elicit sales of a very small quantity of surplus gas from the intrastate market, but there is no evidence to suggest at this time that any meaningful surplus exists there. We should raise no expectations of an increase in gas supply as a result of this bill's enactment.

The bill is designed to allocate gas between interstate pipelines for residential uses. It is a bill that will apply interties between interstate and intrastate pipelines in order that gas might pass from one interstate pipeline to another interstate pipeline by using intrastate pipelines.

The bill allows emergency purchases by distressed interstate pipelines from intrastate pipelines which might have some surpluses. In committee yesterday we added to this bill emergency price ceilings for those emergency purchases. The amendment was offered by my colleague, the gentleman from Texas (Mr. ECKHARDT), and I supported his amendment. I would like to discuss why I think it is an important amendment for the House to accept.

I am not one who feels that price controls imposed by the Government are ever very effective in solving our problems. Clearly, they have distorted our natural gas markets over a long period of time and have in many ways brought us to the problems that we presently face. But the uncontrolled gas market, as far as the intrastate shipments are concerned, have developed a sufficient quantity of gas for their own needs and have provided perhaps a very slight surplus.

This surplus gas is available only because consumers in the intrastate market have been willing to pay prices for gas high enough to encourage exploration for and production of gas that is somewhat more expensive to find and produce. The supply of gas that has resulted—and I stress that very little of this gas is surplus to our needs, if any—was produced in response to prices in the intrastate market and could have been sold at a profit at the present intrastate market price. However, this bill distorts the market situation by allowing distressed interstate pipelines to enter the intrastate market to bid for this very small increment of gas that might be available. To allow interstate pipelines from all across the Nation to bid on our very small supplies of surplus gas for a very short period of time might well have caused the price of that available gas to go from the current level of $1.70 to some theoretical level such as $3.50.

This, in short, is the major reason why we must resort to the distasteful expedient of price controls: because this is not a "temporary deregulation" bill or anything of the sort. Such terms as "temporary deregulation" have no meaning. This legislation designed to allocate gas in an emergency period is designed also to be the first—and last—of its kind. We set no precedents here nor, for that matter, do we follow any.

My opposition to price controls in any amendment to the Natural Gas Act—and any matter of permanent natural gas pricing policy would amend that act—is firm and immutable. So is my support for long-term deregulation of natural gas.

In closing, I would like to point out that our addition of pricing constraints to this bill is in keeping with the position of Dr. Schlesinger at our Energy and Power Subcommittee hearings last Friday. In questioning Dr. Schlesinger we attempted to ascertain where the administration might come down on the issue of emergency sales prices, since the bill as introduced left with the President oversight of pricing in such sales. Dr. Schlesinger responded that he would in general follow the intrastate market prices in determining what prices were fair and equitable in terms of this legislation. He has since reiterated his determination to do so in a letter to a Member of the other body. My colleague from Texas, Mr. ECKHARDT, asked him if he might not accept price ceilings as a sort of anchor for prices in the emergency sales period, to keep those prices from unnecessary drift from market prices. He replied that the administration would accept any such anchor, provided that it was coupled with flexibility to raise the allowable price if the market level did not allow sales to the interstate market to occur. In addition, I might point out that our delineating a fixed, yet flexible ceiling price in this bill will provide prospective sellers with some certainty as to just what price they may receive in emergency sales. Without this certainty, less gas might be made available to those who have such need of it; on the other hand, I think that producers will do their utmost to help out if they are given a reasonable indication of the final price they may receive for their gas.

Therefore, I am glad that the House has before it today this amended version of the bill requested by the administration, and I solicit your support of this proposal, which is clearly in the national interest. We need to pass this bill and then move on to address our long-term energy needs by enacting natural gas deregulation, which is even more in the public interest than the action we take today.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, it is with some reluctance that I am voting for H.R. 2500, the Emergency Natural Gas Act of 1977. I strongly believe this legislation is being oversold to the American people. The news media talk like H.R. 2500 will miraculously alleviate the natural gas crisis. That is simply not the case.

H.R. 2500 will not produce more natural gas or conserve natural gas. It only provides a mechanism to redistribute the same amount of gas to relieve the worst shortages. Nor will H.R. 2500 restore jobs for the hundreds of thousands who have been thrown out of work. First, the bill does not address this problem. Second, even if it did "promise" to do something about restoring jobs, the gas to accomplish this is just not available.

I am voting for the bill, however, because the people of the 17th District, the State of Ohio and other parts of our Nation are suffering so severely from the natural gas crisis and something must be done immediately. Despite its glaring faults, H.R. 2500 will provide a small measure of relief and protection to Ohioans. In short, I am voting for this bill because it is better than doing nothing at all.

Passage of H.R. 2500 will allow the movement of natural gas from areas not so hard hit to areas such as Ohio which are enduring the worst shortages. The President will be empowered to allocate gas among the interstate pipelines in order to prevent curtailment of residential, small commercial and essential life, health and maintenance of property uses. The President will also be authorized to require intrastate pipelines to move allocated gas between interstate pipelines or distribution companies. These provisions will benefit Ohioans, since it will allow gas to be shipped to where it is most needed.

Also valuable is a section affecting interstate pipeline purchases. Interstate pipelines would be permitted to buy emergency supplies of intrastate gas at higher prices than the current government-controlled prices for a 180-day period. Unfortunately the committee—rather than allowing free market prices—has placed a price ceiling on these emergency sales. This would dilute the effectiveness of this provision and I urge that it be dropped from the final version of the bill. Again, the overall purpose of the emergency purchase authority is to get gas moving to those areas such as Ohio where gas is in short supply.

As previously mentioned, however, there are major shortcomings with this legislation. One obvious drawback is the time factor. As my colleagues are aware, it is now February 1. The House dawdled around through the entire month of January while transacting virtually no legislative business.

Only after our Nation reached a crisis point with factories being shut down, schools closed and residential consumers facing cutbacks has the Democratic leadership moved to bring out legislation. And now, after delaying so long, that same Democratic leadership tells us this bill must be considered under suspension of the rules and without amendments because we cannot risk delaying enactment. This, in my view, is an irresponsible way to legislate.

In fact, the word "delay" summarizes why we are facing such a calamitous situation today. We have known for years that natural gas production was not keeping pace with consumption. Congress, however, has failed to do anything about it. Year after year Congress has put aside gas deregulation legislation which would have increased the production of natural gas. Now Americans are paying the price for congressional delay and inaction.

And this remains the most glaring fault of H.R. 2500. It fails to take steps to insure production of more natural gas. As I stated earlier, passage of H.R. 2500 will not provide one additional cubic foot of gas. Nor will it conserve one additional foot. It merely redistributes the shortage that already exists. It will not end the shortage or reopen the factories and schools. It only insures that we will be

able to maintain essential services such as for hospitals and residential consumers.

If we are truly serious about solving the natural gas shortage for the future, we must permanently deregulate the price of natural gas. As I have said repeatedly on the floor of the House, we must free prices from governmental controls and restore a profit incentive. Such an action would allow exploration and development of new gas supplies.

Natural gas production has been dipping for the past several years. From a high of 22.7 Tcf in 1972, production dipped to 19.5 Tcf in 1976. It is time to reverse this trend by removing Government controls on prices. Failing that, the future will find us allocating ever smaller supplies of natural gas in an ever worsening crisis.

After years of delay, Congress must get down to the urgent business of formulating a national energy policy. Deregulation of natural gas is an essential component of such a policy. As we have seen, Government regulations and controls only produce shortages and layoffs. An artificially low price may sound good on the surface but it does not put any gas in the transmission system to provide our home and industrial needs.

Mr. DEVINE. Mr. Speaker, I guess it does no one any good to say, "I told you so." The chickens have come home to roost.

On February 5 of last year we had a deregulation measure up for consideration, and it lost by a vote of 205 to 201. We are now in a critical situation again, and the same people who claimed that the big monolithic oil companies and gas companies are hoarding the supply waiting for deregulation before they are turned loose are saying the same things today, but they do not present any evidence to that effect.

This bill will do nothing. It will not give us one more foot of natural gas. However, we cannot afford to vote against it. How can we go back to the people who are unemployed, with the schools closed and with people cold, and hear them say, "You voted against an 'energy bill'?"

Mr. Speaker, we cannot afford to do that. Therefore, we will support this bill on this side, I am sure, as well as on the majority side in order to say, "Yes, we did something." Nevertheless, we have to look at the long-range problem.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend the committee for bringing this bill to the House floor so expeditiously and for the part my friend, the gentleman from Ohio (Mr. DEVINE), played in that regard. It is the only chance for relief in Ohio we have. We need whatever help we can get from a very desparate situation. We need the help today.

Of course, what we are called on to do here today is only a preliminary, temporary and emergency step to enable us in Ohio and some other States to get through the next couple of months. Then, we should do what we should have done last year or the year before, or even earlier—and that is to formulate an effective national energy policy and establish efficient machinery to administer it.

It is not my purpose to berate anyone for failure to produce a meaningful energy program. But we all know that for 3 years the Nation has lived with the increasing certainty that a hard winter would bring hard times in the form of fuel shortages, employment layoffs, general discomfort, and worse.

Now we have the hard winter—and the hard times. And this time, the Arabs cannot be blamed. This is no time for blame or reprisal. Rather, it is our responsibility to take whatever steps we can to relieve what has become, in my own State of Ohio, a desperate situation.

The first thing we can do, of course, is to pass this emergency bill that is before us today. But that is only a first step, really a small step. We must, and immediately, get about the formulation of an energy policy for the Nation. The President has indicated to us that he hopes to produce his own recommendations for such a national program by mid-April. But I do not think that the Congress should sit on its hands and wait until then to develop some energy proposals of our own. I think it behooves every committee of the House concerned with energy matters, and every similar committee of the other body as well, to go to work now on proposed energy legislation so that we will have an intelligent perspective on the recommendations yet to be made by the President.

Much of what needs to be done to solve our problems can only be done by the States, and they cannot passively leave everything up to the Federal Government. Nevertheless, the President and the Congress must take the lead in developing an effective, long-range energy policy. Without that, all fails.

But that is for the future—I would hope the near future. For this week, it is our obligation to get this bill through the House, so that it can be meshed quickly with the other body's somewhat different bill and sent to the White House for the President's signature.

This is not a perfect bill. It does not address the problem of the growing number of workers thrown out of their jobs by the fuel shortage. But it does make provision for emergency relief for priority one users, residential consumers, hospitals, nursing homes, and schools. The weather and the accompanying gas shortage has closed schools and factories, taken the lives of some people, and is posing a mounting threat of a cutoff to homes heated by natural gas in Ohio. I urge immediate passage of this bill.

Mr. DEVINE. Mr. Speaker, I thank the gentleman from Ohio (Mr. WYLIE) for his contribution.

I just wanted to conclude by saying, let us not expect the people to say, "They have solved the crisis," because if the weather situation continues as it is now, we are going to be in the same or more critical situation; and we have to face up to this problem now, not at the some time in the future.

The bill before us today is supposed to deal with the immediate natural gas crisis in two ways. First, it creates an authority for the President to allocate natural gas during the rest of the winter and, second, it sets up a method whereby natural gas emergency purchases can be made at prices below the current FPC-set levels.

As a representative from one of the States hardest hit by the present natural gas shortage, I am particularly aware of the real problems that face our Nation today as a result of the miserable failures of Congress to address the long-term problems of natural gas and to regulate new gas. The bill before us is yet another example of this failure and represents at best a small band-aid on a gaping wound that bleeds at a faster and faster rate every day. The bill does provide some very limited sharing of the shortage. It does nothing to bring on the new supplies we need so desperately, and its so-called emergency purchase provisions do not make the interstate market competitive with the intrastate market to anywhere near the extent that is needed. In my view, this bill is nothing but an attempt by the Democrat administration and congressional leadership to pretend to the American people that its leaders are doing something about this severe crisis that is gripping the country.

The glaring defects of the bill should be evident to every Member.

First, the bill provides no long-term solution. Congress rejected the opportunity to deregulate new natural gas prices last year and now is again back to its piecemeal approach to the energy crisis. When the authorities on this bill expire in the next few months, we will again be facing the prospect of more and more gas shortages in the next winter and the winter after that.

Second, the allocation program does nothing about mitigating what has been the most substantial impact of the current crisis—that is, the closing of our factories and industries and the laying off of hundreds of thousands of people because of shortages of natural gas supplies. Amendments were offered in the Commerce Committee to attempt to extend the allocation program so that some gas could be provided for our most essential industrial uses, but these were unfortunately rejected. It is the height of the absurd to write a bill to deal with a crisis and to ignore what has so far been the most serious aspect of that crisis—the problem of industry closings and layoffs.

Third, the drafters of the bill claim that its emergency authority will make gas available to our shortage-ridden industrial areas. Again, an examination of the bill's provisions reveals the absurdity of this assertion. The highly unusual cold weather in the producing areas of our country have eliminated the surplus that often exists in those areas. Even if the weather were to improve and a surplus were to develop during the spring and early summer, there is real question as to whether any seller of natural gas would sell interstate under the formula written into the bill when he could receive higher prices in the intrastate

market. Who is going to voluntarily subject themselves to a price rollback? Even though there is a potential escape clause whereby the President can allow higher prices than the formula would allow, this is a determination subject to judicial review. Again, who is going to voluntarily subject themselves to a judicial determination that the price they are charging is too high when they can sell in the intrastate market without price ceilings or the threat of a judicial inquiry into price levels?

In conclusion, H.R. 2500 has many, many drawbacks and unfortunately under this procedure the House cannot work to improve the bill's provisions. I urge each Member to recognize his vote is a nonanswer to our very real natural gas problems. Only deregulations will increase the supply of natural gas so sorely needed.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I would like to correct some of the statements concerning the Eckhardt amendment that I have heard expressed from the other side of the aisle.

In the first place, the amendment would permit, as an example, in the case of gas purchased from Texas and from intrastate stores for the purpose of going into interstate stores, a price of approximately $2.02—that is the average price in the second quarter of 1976—plus 15 percent.

That happens to be about 4 cents higher than the highest price I know of in which gas was bought by intrastate purchasers for intrastate use.

Mr. Speaker, there is a good reason that ceiling should be a little higher than the high-price intrastate sales, and that is precisely the point which the gentleman from Ohio (Mr. BROWN) raised a minute ago. It ought to be possible to contract for intrastate gas to go into interstate lines at a little higher rate than the highest price now being offered by intrastate purchasers. In that way the question of any rulemaking or appeal could be avoided because Congress has established the permissible ceilings by law. However, in the event that that is not high enough, there is, in addition, a provision in the bill by which the President may determine that a higher price may be permitted, if such is necessary to bid for gas for interstate use and get it away from intrastate bids.

Mr. Speaker, this is beneficial not just to a region, but to the entire country. Certainly it does not make sense to encourage bidding at a higher price than necessary to obtain intrastate gas for interstate use and the amendment takes care of that point.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD of California. Mr. Speaker, I think that in viewing this legislation, it is important for us to realize that this is not an answer to the energy problems of our country.

We must immediately address ourselves to the development of new sources of energy, to the decontrol of natural gas and oil, and we must take the other steps necessary to make ourselves independent in this field. In the alternative, we will constantly have this kind of problem from year to year.

Mr. Speaker, I think it is unfortunate that in this bill the control was taken away from the President to decontrol on a temporary basis because gas that would otherwise have gone into the interstate system will not unless in conference committee this bill is put back into its original form.

Mr. Speaker, this is a bill that is designed to take care of the immediate problem that we have in this Nation, and those States that have gas must share with the others. The bill does not solve the problem, and it does not go so far as it should toward remedying the problems that our country has.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, let us keep in perspective what it is that we are doing today.

When people are drowning, there is no time to build a better ship, nor to argue over the proper scapegoat for their plight. In the crisis at the moment, there is time only to throw out a lifeline. That is the best that we can do and that is the least that we can do.

Today is a day of crisis. Many of our fellow Americans are suffering in the cold. Some have already perished, painfully. In parts of our country the old and the sick have no fuel to heat their homes.

This bill responds to that present emergency. It lets us draw enough from a limited supply to relieve the hardship and the suffering. That is all that it does. That is all we can do today.

The House of Representatives is not deluding itself that this bill in any way solves the long-term energy problems, and those problems must be solved. Other hard winters lie ahead, as also does the real test to our statesmanship.

So, we are not deceiving ourselves. We know that this is not the final and ultimate answer to all of our energy problems. But this is the necessary answer to the immediate problem. This bill relieves the hardships. In the face of the present suffering, this bill must pass. It would be unthinkable for us to vote against it, callous and insensitive. I would earnestly hope that every Member of the House would vote for this bill today.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, I want to thank the gentleman from Texas for putting our present situation in proper perspective. The gentleman has made a very statesmanlike presentation, and I salute him for it.

Mr. WRIGHT. I thank the gentleman for his comment.

Mr. CARNEY. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. CARNEY. Mr. Speaker, I rise in support of H.R. 2500, the Emergency Natural Gas Act of 1977. I heartily commend President Carter for proposing this legislation just 6 days after taking the oath of office. It is a sound and necessary piece of legislation.

I also commend subcommittee Chairman JOHN DINGELL and full committee Chairman HARLEY STAGGERS for the expeditious and effective way they moved this bill through the committee.

Mr. Speaker, the Emergency Natural Gas Act of 1977 is no panacea; it will not solve our Nation's long-term energy problem. Rather, it is an emergency measure and an emergency effort to redistribute available natural gas supplies to areas with a severe shortage. This bill will not produce more natural gas, but it may prevent hardships and suffering.

A large part of the United States is experiencing the coldest winter in this century, and perhaps the coldest winter since temperatures have been recorded. In my judgment, there would have been a shortage of natural gas this winter no matter how much natural gas we had, because of the severe weather conditions. Natural gas cannot flow through the pipelines fast enough, nor storage tanks be replenished quickly enough, to meet the demand caused by this unprecedented cold weather. There is no way to get enough natural gas for a winter like this.

Mr. Speaker, there are some who seek to exploit this crisis to drive up prices and to force the complete deregulation of natural gas at the wellhead. The public must be protected against those who try to take advantage of this situation.

There is enough blame to go around for the current shortage of natural gas. Both those who favor the deregulation of natural gas and those who oppose the deregulation of natural gas should stop pointing the finger at each other and start working on a comprehensive, long-term energy plan for this Nation. The time for placing the blame is past, and the time for compromise and conservation is at hand.

Mr. Speaker, in addition to alleviating the immediate hardships caused by the nataural gas shortage, this legislation is significant because it shows that there will be leadership from the White House, and that the Congress will be responsive to that leadership. I urge the passage of the Emergency Natural Gas Act of 1977, H.R. 2500. Thank you.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. COLLINS), a member of the full committee.

Mr. COLLINS of Texas. Mr. Speaker, this emergency gas bill is like a drowning man treading water in the middle of the ocean. This is temporary relief but what America needs is a full scale life saving plan. Let us face the facts.

Today Congress is legislating authorization for the President to redivide the gas shortage. Net results will be some more gas for homeowners by taking gas from business firms and further limiting the 4,000 plants already curtailed by gas shortage. We hear that 30 percent of residences are heated by gas yet 50 percent of industrial energy is based on gas.

The natural gas industry has gone all out. Production of interstate gas is up

6 percent over last year. But the cold winter was too much for the peak season requirements.

The problem is that America's gas price control has discouraged for these many years the exploration and production of gas. Gas is underpriced for it Btu energy unit. Compare the fact that a natural gas producer gets .39 per million Btu on present contracts; coal—.79 per million Btu; domestic oil—1.30 per million Btu and imported oil—2.40 per million Btu.

Raising the price of gas would not have a severe price impact on the market. Old contracts are mostly for 15 years and would renegotiate 8 percent each year.

Interesting and basic is that the major cost to the homeowner is for the gas distribution and pipeline expenses which are 80 percent of the homeowners cost. The wellhead gas cost is only 20 percent of the residential bill.

All of the headlines about other sources of energy does not alleviate the present economic energy position. Today solar is much lower than 1 percent. Nuclear is still below 2 percent of total energy. Hydro is close to its maximum of 4 percent of America's energy needs. Coal is 19 percent of our energy with great expansion possibilities yet limited by EPA. Gas is 28 percent and oil is 46 percent of our energy requirements.

Let us face it. Seventy-four percent of U.S. energy is derived from gas and oil. So what does Congress do. The U.S. Congress controls the price of oil and pays $14.40 a barrel to the Arabs for OPEC oil while limiting to $5.35 a barrel on American old oil out in Oklahoma, Texas or Louisiana. Price controls caused oil imports to skyrocket from 23 percent of our oil needs in 1970 to 46 percent today. The United States paid out $37 billion in 1976 for raw energy whereas 3 years ago it was only $6 billion.

The United States today has known recoverable reserves of 228 trillion cubic feet of gas. The estimates of unrealized recoverable U.S. gas go as high as 750 trillion cubic feet of gas. Oil reserved in the United States of known recoverable are 34 billion barrels but it is estimated undiscovered recoverables are 104 billion barrels of oil.

We are short on all energy. A couple of years ago cars lined up for gasoline. Now it is natural gas. Schools are closed. Factories are closing, and workers are being laid off. Yesterday New England homeowners were short on fuel oil. Now across the North they need gas for their homes.

Energy from all its broad sources is in short supply. Total energy uses include 19 percent for residential and commercial; industrial takes 27 percent; transportation is 26 percent and electrical generation consumes 28 percent of supply.

One interesting feature of gas is that it loses only 5 percent efficiency in being transported from wellhead to residential use, but loses 35 percent efficiency when it is used as basic energy source to genral electricity.

This cold February the energy issue becomes the No. 1 problem in America. The allocation of shortages gas bill before us today is no solution. The answer is an open market for energy supplies. If your city does not like the open price of gas, go drill and find your own oil or gas production. But keep the money and jobs for energy in the States. Let us produce America's own gas.

Today we have Congressmen suing the FPC for establishing a rate at the wellhead of $1.42 per thousand Mcf. At the same time we are encouraging Canada to sell America at the border all the gas they can possibly provide at $1.94 per thousand cubic feet.

Let us realize that today it costs more for pipe, labor is higher, deeper drilling is much more expensive but we can provide our own energy supplies. But only when Congress provides the incentive to American business instead of paying the bonus to foreign energy countries and providing the only permanent solution which is deregulation of gas.

The SPEAKER. Since the gentleman from Ohio has more time remaining than does the other side, the Chair will recognize the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The Chair will state that the gentleman from Ohio has 6¼ minutes remaining.

Mr. BROWN of Ohio. I thank the Speaker.

Mr. Speaker, I yield 1 minute to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Speaker, the time has come for the Congress of the United States to address the real causes of the natural gas shortage in the eastern part of the country. There is no excuse for what is going on right now—Americans being put out of work, missing school, and freezing in their homes because of the natural gas shortage in Ohio, Pennsylvania, New Jersey, and elsewhere. Wellhead price regulation of natural gas remains the cause of this problem. The Federal price regulation is the reason that there is an abundance of gas in Texas but a shortage in the East.

On intrastate lines in Texas, for example, gas is selling for around $2.50 per thousand cubic feet. But in the East, it sells for something like $1.42 per thousand cubic feet. This latter rate is set by the Federal Power Commission. Consequently, the gas producers contract to intrastate users where they get a higher price for their product. Furthermore, the fact that interstate prices are held down below market levels by Government results in artificially higher prices in the gas-producing States because the intrastate consumers are required to subsidize the rest of the country. Commonsense tells us that if the Federal Government would get out of the way and let the market work on a nationwide basis, there would be ample gas in the East as well as in the Southwest. It is this fact, Mr. Speaker, that many of us in the Congress and elsewhere have been trying to point out for many years now. And while I am on the subject, Mr. Speaker, let us put an end to some of the foolishness being spread by the national news media that the shortage is the fault of the gas companies. The natural gas industry has been warning the Nation for quite a few years now that there was an impending shortage of natural gas in the East and, further, that the problem was the result of distortions in the law of supply and demand caused by Government price controls. I must add, Mr. Speaker, that it strikes me as ironic that the Northeast, the section of the country hardest hit by energy shortages, is the regional hotbed of demogogic attacks on the energy producers in this country. It is from this part of the country that come almost solid blocks of votes in Congress to pass punitive legislation on the oil and gas producers in Texas, placing America even more dependent on foreign energy sources. And now they are screaming for gas from Texas. But one day, Mr. Speaker, there will be no more gas or oil from Texas because the independent producers down there—the wildcatters—will have gone out of business thanks to the production disincentives placed on them by big government and the antienergy lobby.

But let us look now at H.R. 2500. As I understand it, this bill creates two mechanisms to deal with the present natural gas crisis:

First. An allocation program—rationing—which is to expire on April 30, 1977, and

Second. Authority expiring July 31, 1977, for emergency purchases of natural gas at prices above those set by the Federal Power Commission at present.

Now, I think that this bill as sent up here by the administration raises some serious questions.

As far as the temporary lifting of price controls is concerned, I can wholeheartedly support that—but why not lift them permanently rather than for just 6 months. My colleague from Texas, Mr. COLLINS, other colleagues and I have introduced a bill for the simple and complete deregulation of natural gas at the wellhead. This is the only real solution to the problem, so why only lift the controls temporarily?

Actually, it is the provisions in this bill dealing with emergency authorities and Government allocation that concern me. We have been down this road before. In 1973, we—or I should say some of my colleagues—passed the Emergency Petroleum Allocation Act in response to the oil shortage. This particular act did nothing to produce any energy. Rather, it created a huge Federal bureaucracy—a political dumping ground, in some cases—that actually obstructed the efficient distribution of oil and gasoline by the market process. And, originally, Mr. Speaker, the FEA and the emergency petroleum allocation program were to be "temporary" just as this emergency gas authority, but 3 years later they are still with us.

In addition, this bill provides for an unprecedented intrusion into the intrastate natural gas market by providing Presidential authority to require intrastate pipelines to move allocated gas between interstate pipelines or distribution companies. Even more blatant, it authorizes the President to order intrastate pipelines to construct and operate facilities necessary to effect movement of allocated gas or to move gas purchased under the emergency authorities of this bill.

I strongly suspect, Mr. Speaker, that come April 30 of this year, when this authority is to expire, there will be moves

made to extend it and, eventually, to institutionalize it.

In conclusion, Mr. Speaker, I want to take this opportunity to comment on the overall question of energy with some observations of my own. Today, there are over 2 million people out of work due to the natural gas shortage in the East. This is only a taste of what a real nationwide energy shortage will do to the economy and the standard of living in America. Now consider the fact that there is presently a drought in the western part of the United States. This lack of rain and snow is certain to present a threat to hydroelectric power generation in the Northwest, not to mention the threat to agriculture from the lack of irrigation water. So, we may be facing chronic shortages of gas in the East and hydroelectric power shortages in the Northwest.

Yet, even in the face of this, there is a consortium of extreme environmentalists and advocates of a centralized planned economy and a centrally-controlled society who are actively waging a campaign for a complete ban on nuclear power and a near total lock-up of America's coal resources. This is especially alarming since coal and nuclear energy are our only real hope for adequate energy resources and for energy self-sufficiency in the long run. One of the most astounding spectacles of this was recently aired over NBC. An alarming news report of the natural gas shortage, of closed factories, of people put out of work by the energy shortage was then followed by an hour-long "NBC Special Report" that amounted to an advocacy campaign against nuclear power. The program was designed to warn the public about the dangers of radioactive waste disposal from nuclear power reactors, with the subtle sugestion being that maybe nuclear power development should be halted. But, what the program did not mention was that only 1 percent of the radioactive waste in this country comes from commercial powerplants; most of it is a byproduct of the weapons program.

I wonder how many more people are going to lose their jobs before the people of this Nation rise up and put an end to the political interference that is hampering our development of energy resources. I wish that the voters in the areas hardest hit by the gas shortage—Ohio, Pennsylvania, New Jersey, New York, Massachusetts—would take a hard look at the voting record of their Representatives in this Congress on issues involving energy production, and take a look at which ones consistently oppose nuclear energy development, oppose utilization of our vast coal resources, and oppose incentives for domestic oil and gas production.

Finally, I must share with my colleagues my dismay over a letter sent to all Members of Congress by the leadership of the AFL–CIO regarding the legislation under consideration today. One would think that jobs and a good standard of living would be first and foremost in the minds of union leaders. Now, with over 2 million men and women out of work because of factory and other business shutdowns, many of whom are union members, we received a letter from George Meany reaffirming their strong opposition to the decontrol of natural gas at the wellhead and expressing concern over the temporary decontrol provisions of the bill. Well, I would like to know how the 2 million people out of work feel about this. I think it is time for the working men and women of this country to start holding their union leadership accountable. It is time for them to say "No" to their union political contributions being used to support candidates and politicians who, through their environmental extremism, thwart the energy development of this country—and that means fewer jobs for union members.

At this time, I would like to read Mr. Meany's incredible letter for the RECORD:

AMERICAN FEDERATION OF
LABOR AND CONGRESS
OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., January 28, 1977.

HON. JOHN DINGELL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: The AFL–CIO is obviously and deeply concerned about the economic hardship and human suffering caused by the national gas shortage. The picture is an alarming one. Hundreds of thousands of our members are out of work, their children are being deprived of schooling and their homes are cold.

Thus we are prepared to support temporary and limited legislation to alleviate the current emergency, even though we know full well it will have no effect on unempoyment.

While we have reservations about the emergency measure proposed by President Carter, we support his proposal, with two modifications.

We urge the Congress to limit the emergency authorization to purchase intrastate gas at unregulated prices only until April 30, 1977, rather than July 31, 1977 as provided in the President's proposal. The longer period would do nothing to meet the current emergency but is designed only to allow the pipelines to replenish reserves. While this is a legitimate concern, it is not an emergency that requires abandoning measures that protect the consumer.

We believe the bill should specifically provide the President with authority in this emergency period to allocate the sale of gas now sold intrastate to the interstate pipelines at the national price set by the Federal Power Commission for interstate gas.

If it is fair and equitable to allocate gas from one interstate pipeline to another, as the proposed bill provides it is equally equitable to allocate the gas from the intrastate market to the interstate pipelines. This would actually create additional gas for the interstate market.

Our support of legislation to alleviate the current emergency should not be misinterpreted. We have long opposed deregulation of natural gas prices. Deregulation of this natural monopoly would have a devastating overall inflationary impact on their entire economy and would create catastrophic financial hardship for the consumer. Our position on deregulation is unalterable.

Sincerely yours,

GEORGE MEANY,
President.

May I say in closing, Mr. Speaker, that in Texas and other States where natural gas is sold intrastate on a free market basis, there is no shortage, nor are there any allocation or distribution problems. Prices are a little higher—partially because they are subsidizing the regulated interstate customers—but there is no shortage, no unemployment, no idle factories—only the rewards of a higher standard of living provided by a little free enterprise in action. George Meany and the politicians should take a look.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey, (Mr. RINALDO) a member of the committee.

Mr. RINALDO. Mr. Speaker, I rise in support of this bill, because I believe that the allocation and "emergency purchase" provisions of this legisaltion will bring some relief to many sections of our country. I am certainly convinced that such relief is needed as soon as possible.

Nevertheless, while I regard this bill as a step in the right direction, I question whether it goes far enough.

Specifically, I am disturbed by the complete absence of any efforts to put laid-off workers back on the job. There are more than 300,000 workers in my State alone whose jobs have fallen victim to the current natural gas shortages; according to some estimates, this figure may rise to as much as 750,000 in the near future. It is therefore puzzling that the President, in allocating natural gas under this bill, may take into account the needs of "high priority users"—of residential consumers, small businesses, hospital, and the like—but may not take into account the needs of industrial users. In effect, this legislation directs that the President must be blind to shortage-caused unemployment when he allocates natural gas.

I recognize that, if industrial users are given equal priority with residential users, the supplies of natural gas may be spread too thinly to meet anyone's needs. However, I fail to understand why industrial users are not given a second priority, a chance to obtain whatever natural gas supplies might be left over once the needs of Priority One users have been met. I supported Mr. BROWN's amendment to that effect during yesterday's Commerce Committee deliberations; I was disappointed by the committee's decision to reject this amendment.

I was also disappointed by the decision of the House leadership that this bill should be brought to the floor under a suspension of the rules, with no amendments allowed. Amendments to provide relief for displaced workers can never see the light of day under this procedure, nor can any other amendments which might improve this legislation.

I recognize the need for swift action on this measure, but I also believe that it would be worth a delay of 1 day if this body could thereby ease the plight of over a million workers across this Nation.

As matters stand now, I am forced to choose between excessively restricted action and no action at all. Given the gravity of the present emergency, I do not believe that the Nation could afford the loss of time involved in voting down the rule for this bill in the hope that a less limited range of alternatives might emerge. So I will vote for minimal relief, in the form of this bill.

I only hope that my colleagues realize that minimal relief is all that this bill

provides. If that face is widely grasped in this body, then the stage will be set for more comprehensive legislation in the very near future.

The SPEAKER. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. SHARP), a member of the committee.

Mr. SHARP. Mr. Speaker, I rise in support of this bill and believe that, as the majority leader has indicated, it will help us in the short term for this immediate crisis, but we must get on with the long term decisions.

I should like to address myself to two particular concerns. One is the question of why we do not try to allocate for employment. I would have liked to have seen this done in a very limited way, but I can appreciate the reasoning of the President and the Commerce Committee that the complex decisions that would have to be made and the short period of time in which to make them would have rendered such allocation extremely difficult if not impossible.

Second, I should like to address the question of pricing, the pricing amendment offered by the gentleman from Texas (Mr. ECKHARDT). In my judgment, that amendment can only work if the President is willing to use his discretionary authority to go beyond those price ceilings if it is necessary to assure the purchase of intrastate gas. The emergency purchase authority is necessary in order to buy any surplus intrastate gas that may develop in the next weeks or the next months, not only to put people back to work in the consuming States, but also to replenish the storage reservoirs in the summer months so that we will have gas for next fall. We can get the long term decisions in the next couple of months, but they may not solve next winter's problems. The emergency purchase authority is critical, not just for employment now but for employment next November; and I think the price ceilings we have in the bill, frankly, will prove to be too low, because the emergency prices the FTC is presently permitting for 60-day purchases are already above the levels envisioned in this bill.

The President's discretionary authority can protect us from excessive increases and yet help facilitate purchase of intrastate surpluses.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 1 minute in order to yield to my colleagues for unanimous consent requests.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. Mr. Speaker, today, the House of Representatives acknowledges its own deficiency in failing to release the producers and suppliers of natural gas which have resulted in the current critical shortages. The temporary nature of this measure is not an answer to our earlier deficiency. Instead, it is a stop-gap partial—and unsatisfactory response to the natural gas needs of our citizens. It is better than nothing.

Mr. Speaker, the early expiration dates of this emergency measure should be an inducement to this House to take prompt action to provide a permanent or long-range solution to the need for additional sources and supplies of natural gas. I am voting in favor of this measure with the expectation that the Congress—will at long last face up to the need to deregulate natural gas at its source and to increase supplies of natural gas for our homes, schools, and factories.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, it is said that when Attila the Hun was ravaging Italy, the devastation was awesome. For miles in any direction of his march, the countryside was a scene of desolation, destruction, and despair. Someone, looking upon these horrors, said of Attila; "If you seek his monument, look around you."

If you seek the monument of the energy programs and policies of the majority party in the past 4 or 5 years, go around the country and simply look around. You will see families huddled together to keep warm, whole cities shut down, States on the brink of disaster, children out of school, and breadwinners out of work. You will see bitter cold and you will hear of bitter memories, for the people who are suffering know that it has been the majority party that, year after year, blocked deregulation legislation that would have enabled communities to have an abundant supply of natural gas.

But a narrow ideological vision, combined with the more exotic left-wing forms of antibusiness fanaticism of the majority's fringe groups led the majority to block plans to deregulate natural gas. If you seek their monument, look around at the misery of millions of Americans. These suffering people are paying the price of the dawdling and the drifting, the lack of economic commonsense and plain old fashioned intestinal fortitute, and yes, the callousness that comes when one is blinded to the needs of the people because those needs do not fit into the ideology of a political philosophy.

Mr. Speaker, the Democratic majority had their chance to get us started on solving our energy needs 2 years ago when former President Ford pointed the way and you failed us miserably by not getting your act together. That is the single most important political fact to emerge from the crisis we now are enduring. But there is one fact even more important than that: The American people are suffering, and as bad as this temporary emergency measure of President Carter's is, we are going to have to take it.

This legislation is too little, too late, and too gimmicky to really solve our long-range problems. May I add that in typical Democratic fashion, this legislation penalizes those who had the foresight to build up reserves of natural gas, for it will take from those who did build reserves and create the kind of share-the-misery plan that ideologies in the majority party mistake for policy. Central and western Illinois, may I remind you, is one of the areas of the Nation that did plan, that did build up reserves.

The Carter bill will actually take away from the people of my district what they have already paid for in higher costs to build up a reserve. We do not mind sharing our abundance in this time of crisis, but who is going to reimburse us for what we paid extra to insure our adequate supply which now will obviously not be so adequate.

Mr. Speaker, never before in the history of our Nation have so many suffered so much for the follies of so few. The majority party will forever be linked with the disaster of the winter of 1976–77. They brought it on themselves. But their lack of foresight has caused others to suffer and that is why we are now caught in this "catch 22" situation.

Yes, Mr. Speaker, we on this side are forced to accept what little is offered us under the suspension of the rules procedure and only 40 minutes of debate, but we would like something in return—a renewed commitment on your part for a long-range energy program. President Ford listed the following as goals in a comprehensive blueprint for achieving energy independence:

Reducing the rate of growth in energy consumption by cutting waste and improving energy efficiency.

Increasing coal production from 640 million tons to 1 billion tons per year by 1985.

Increasing domestic oil and natural gas production.

Increasing the share of electricity generated by nuclear power from the current 9 percent to 26 percent by 1985.

Completion of a strategic petroleum storage program.

The development of advanced technology needed to maintain energy self-sufficiency in future years.

While some Presidential proposals have been adopted, others are still caught in a congressional logjam. The Congress should:

First. Remove Federal price controls from new natural gas supplies and permit expediting selection of a route and constructing the transportation systems to bring natural gas from Alaska to the lower 48 States.

Second. Improve nuclear plant licensing, authorize commercial pricing for Government-supplied uranium enrichment services, and increase the Nation's capacity for producing enriched uranium for domestic and foreign nuclear plants.

Third. Increase coal production from 640 million tons in 1975 to 1 billion tons by 1985 to help relieve America's dependence on foreign oil.

Fourth. An energy independence authority that would assist private sector financing of new energy facilities to authorize loan guarantees to aid in construction of synthetic fuel plans—for example, from coal and oil shale—and other needed programs.

Fifth. Provide $55 million in weatherization assistance for low-income and elderly persons and a 15-percent tax credit for energy conservation improvement in existing residences.

Mr. Speaker, we can and we must pass such legislation.

The Democratic majority has failed us on this issue and everyone knows it. Now why do you not rise above politics and help us get cracking on the long-range permanent solution I have outlined.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Speaker, my congressional district, the Dayton area, is one of the sections of the country severely impacted by the natural gas shortage.

The shortage, coupled with record cold weather conditions, has created a crisis situation which local and State governments, as well as the free market, are unable to reduce. Long-range weather projections and a serious lack of gas reserves indicate a recurring and worsening problem.

Last week I joined with Senator JOHN GLENN in introducing the Temporary Natural Gas Emergency Supply Act of 1977, to provide for the allocation of natural gas during this period of gas supply emergency.

The bill would empower the President to declare an emergency situation in severely affected States or areas. Upon such Presidential declaration, the Federal Power Commission then would have the authority to order the transfer of gas from pipelines in areas not facing crisis conditions to those in areas where emergencies do exist. Further, the legislation is drawn up to insure that assisting one section of the country does not create the same emergency elsewhere.

The thrust of the measure has been incorporated into President Carter's natural gas emergency legislation proposal. The administration's recommendation also affords additional protection against the increasing likelihood of residential gas curtailments.

I intend to support this bill fully and work for quick passage by the House of Representatives.

Immediate allocation of natural gas is essential to prevent Dayton from becoming a disaster area along with other sections of the country similarly affected.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Indiana (Mr. HILLIS) such time as he may consume.

Mr. HILLIS. Mr. Speaker, I plan to vote for the Energy Natural Gas Act. We are in the midst of a natural gas crisis and immediate steps must be taken to alleviate the ill effects of this severe shortage situation. I will not vote for this measure in the belief it will solve our natural gas problems. I will vote for passage knowing that existing natural gas supplies will be reallocated from low-priority users in some areas of the country to high-priority users in other areas of the country. Enactment will insure adequate natural gas supplies for essential services, homes, and schools—I know it will not solve the problems being encountered by industrial users.

This legislation offers a short-term answer to a crisis condition. In order to avert crisis conditions this bill grants the President temporary authority to control the allocation of existing gas supplies. My fear is that once crisis conditions are averted and spring brings hope that the worst has surely past, we will forget that the natural gas problem has not gone away. I fear we will forget that the present gas crisis is directly related to the failure of the Congress to grapple with known natural gas shortages by producing long-term legislative answers. This Congress cannot afford to forget the lessons of the cold winter of 1977 as previous Congresses have ignored natural gas shortage warnings. The 95th Congress must resolve the issues surrounding natural gas price regulation and exploration within the very near future.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Ohio (Mr. HARSHA) such time as he may consume.

Mr. HARSHA. Mr. Speaker, while I strongly support the passage of S. 474, I believe we should have a clear understanding of what it does and does not do. As the President states in his message to the Congress, this is a "simple, temporary measure to enable the Government to cope with an unprecedented shortage of natural gas supplies."

S. 474 simply authorizes the President to allocate supplies of natural gas from one interstate pipeline to another in emergency situations and allows interstate pipelines to go into the intrastate market to purchase additional natural gas at the free market price. Its implications are strictly limited and temporary, and it does little more than assure that homes, hospitals, and other high priority users will have an opportunity to at least purchase gas at whatever price it may be available in order not to suffer undue hardship caused by extreme temperatures.

I very much regret that this legislation does not deal with the overall problem caused by the energy crisis. It offers no long term solution to our national energy shortage. It does not deal with the critical problem of unemployment aggravated by the closing down of hundreds of plants in the areas hardest hit by the freezing temperatures. It does not address the question of compensating those workers who are out of work through no fault of their own but simply because of the energy shortage.

These are very serious problems in areas where unemployment is already much too high. In my own State of Ohio, the unemployment problem was already grave, and with the loss of hundreds of thousands of additional jobs as a result of the natural gas shortage, the situation is now critical. It is imperative that Congress address these problems without delay. Unless this is done immediately, any efforts on our part to provide more jobs through public works programs, tax incentives, or any other proposals advanced by the administration will be negated.

Let us not forget that this is simply a temporary measure to meet an emergency situation. The national emergency we now face dictates that we quickly approve this bill to meet that emergency, and I urge swift and favorable action. But once passage is accomplished, we must not lose sight of the overall problem. Let us determine to then take up other legislation to deal with problems resulting from the unemployment situation and endeavor to develop a sound and reasonable energy policy which, hopefully, will prevent similar emergencies in the future.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from California (Mr. DON H. CLAUSEN) such time as he may consume.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of the Emergency Natural Gas Act of 1977 today with the same reservations I voiced almost a year ago to the day. Last year we faced natural gas shortages throughout parts of the country, but this year these same shortages have been multiplied by new gas curtailments and intensified by an unusually bitter winter throughout the Midwest and Northeast.

Today we have no choice but to approve emergency legislation. Reports of people freezing to death, massive factory layoffs, and severe economic hardships demand swift and positive action by the Congress. Anything less would be an unconscionable neglect of a national crisis.

But perhaps in this crisis lies the key to a long-term solution so that next year at this time we will not have to legislate "emergency" measures. It is imperative that we provide our constituents with a stable and secure energy supply so that they may be assured of a productive economy in the years ahead; an economy which is not vulnerable to international embargoes and one which will not experience massive job layoffs every winter. We must enact a policy which will promote conservation of our diminishing natural gas supply through a more realistic price structure and at the same time will encourage the exploration, development, and production of untapped gas reserves. The only realistic policy is that of phased decontrol.

It goes without saying that the consumer's interest must be of paramount importance in this emergency legislation as well as any long-term solution. First we must insure adequate supplies of natural gas and second we must insure that it is reasonably priced.

Without a continuing source of gas in the future we will continue to see curtailments to nonpriority users—those who are able to use alternate sources of energy to meet their needs. Our industrial consumers already know the consequences of gas curtailments. The past few years have taught them that these curtailments can be translated into job layoffs, higher costs for consumer goods, and market shortages of agricultural products.

Furthermore, we will also see curtailments to priority users—residential consumers. Homes now heated by gas will experience brownouts and possible rationing and new homes will not even be able to obtain gas hookups. In short, the costs will be monumental.

Continued regulation will maintain artificially low prices of natural gas; it will encourage demand for this cheap energy; and it will discourage the discovery of new sources and supplies. Continued regulation is an antijobs ap-

proach—which will further depress our economy and may cause us to run out of this finite energy source before it is really necessary.

The potential price of natural gas, should deregulation be implemented, is a matter of great political debate. But let us get the facts straight. First, with continued regulation the price will gradually increase year by year. Just in the past year we have seen the Federal Power Commission bear this out. Second, deregulation is uniquely spared from wild inflationary spirals by the simple fact that contracts for supply are usually long term so that prices which would be paid for new gas under phased deregulation will only amount to approximately 10 percent of the total gas supply each year through 1985. The cost increases of the new gas will be rolled in with the lower cost of the old gas and will result in a gradual cost increase.

Phased deregulation will provide incentives for future gas discoveries and development and it will put more gas in the pipelines making it more efficient and less expensive for the transportation of natural gas. Eighty or more percent of the cost of natural gas to the consumer is the price of transportation and distribution. Right now the consumer is paying more for less service since pipelines are only half full and the cost per unit of gas delivered must be raised to cover the inefficient transportation costs. Furthermore, without an adequate supply of natural gas distribution, companies are being forced to substitute much more expensive alternate fuels such as foreign oil and synthetic gas. Who pays the bill? Our constituents.

Finally, let me say a word for California and the Second Congressional District. We have not been immobilized by the severe winter storms like our eastern neighbors, but we are heavily dependent upon natural gas. Our residential communities survive on it, our rural communities depend on propane heat, which is a byproduct of natural gas, our agricultural community would be crippled without a secure source.

On the north coast of California, natural gas is a major feedstock for the manufacture of ammonia, which is a key ingredient in fertilizers; it is used in drying crops; preventing freezing of our fruits in the cooler months; it leads to the containers in which our dairy products, our canned fruits, and our wines are packaged; and it produces the bonding agents used in the plywood industry in the north.

If natural gas is not a secure energy source for my district and for all of California it will be disastrous for our regional economies and it will also affect all American consumers who are dependent on our food to eat and our lumber to build their homes. In an extensive report last year, which was prepared by the California State Assembly it was reported that the situation for California is less blurred than many areas. Deregulation will have clear benefits for California, and I submit that it should be clear to the rest of the Nation, in light of this emergency legislation, that deregulation will have clear benefits for all Americans. With this in mind I am cosponsoring legislation which provides for long-term phased deregulation and I am hopeful that in the wake of this emergency measure the Congress will act quickly on this bill in order to insure adequate energy supplies for coming generations and a strong and healthy economy in future years.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GARY A. MYERS) such time as he may consume.

Mr. GARY A. MYERS. Mr. Speaker, I rise to express my disappointment with the consideration of such a major piece of legislation on the suspension calendar. In light of the haste with which this legislation has been written and approved by the committee, I would have hoped that the full House of Representatives would have been able to consider emergency natural gas legislation in a manner which would have utilized the good ideas of all its membership.

I find this legislation to be shortsighted in the extreme. Rather than looking at all the multiple essential uses for natural gas in our society, this legislation focuses on home, hospital, school, and commercial heating alone.

Perhaps the bill's major shortcoming is its complete disregard for the natural gas needs of industry. An estimated 2 million workers already have been laid off because their employers do not have the natural gas necessary to run their businesses. Certainly some large employers have alternate sources of fuel. Many smaller businesses do not. In other industries, due to the unique properties of natural gas, no alternative fuel exists. It also is impossible to estimate how many small businesses will be forced to close their doors forever and how many lifelong savings will be lost because of mounting debts during periods of business inactivity caused by a lack of natural gas. The bill does nothing to permit productivity. It does nothing to loan small businessmen the money they need to pull through the energy crisis. Instead, the bill provides for the removal of natural gas supplies from industries that still have them in order to meet the other needs of society.

The bill also does nothing for the workers it throws out of work or who have already lost their jobs to the energy crisis. Were the bill open for amendment, I would attempt to add my Energy Related Unemployment Compensation Act of 1977. This bill would stop the drain on State unemployment compensation systems by authorizing the Federal Government to pick up all unemployment compensation payments directly related to our energy crisis. Without this legislation, many of our State unemployment systems, already drained by years of recession, will soon be running out of the money they need to keep our unemployed fed and clothed.

The bill does not recognize that our natural gas problems are longer than 6 months in duration. Without long range decontrol, a repeat performance of this winter's tragedy is likely to occur again next winter. Natural gas producers cannot be expected to come up with the supplies we need when they do not have the opportunity to make a reasonable profit on them. It is time we realized that deregulated natural gas will be cheaper and more plentiful over the long run.

The bill also should not reward improvident companies or penalize those that have made a reasonable effort to provide for the needs of their customers. The bill needs to be amended to make sure that each donor company receives the full price it would have received selling its natural gas in the ordinary course of business and to guarantee that the company receiving emergency supplies of natural gas at the expense of other companies does not unduly profit from these emergency supplies. Furthermore, a donor company should be offered reimbursement in kind before a company receiving emergency allotments can take on any new customers.

I think it should be clear that this emergency legislation is ill-conceived and will lead to other emergencies in the near future. It also is incredible that, in committee, amendments were considered to the first half of the bill only. If we are to be fair to those we represent, we should here and now open up the bill to the amendments which are crying out to be made.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Ohio (Mr. LATTA) such time as he may consume.

Mr. LATTA. Mr. Speaker, this is another typical bandaid approach by a Democrat Congress to a very serious problem. This time, when the Nation is in the midst of an energy crisis due to the natural gas shortage, it is doing nothing to produce a greater supply of natural gas. It is merely granting authority to the President to reallocate the short supply. In testimony before the House Committee on Interstate and Foreign Commerce, the President's own energy czar, James R. Schlesinger, stated and I quote:

> This bill will not solve the present shortage.

I agree with Mr. Schlesinger as it merely gives the President the authority to reallocate gas now in existence in the various pipeline systems in order that the needs of the high priority users; namely, residential, public health, and safety institutions are met. This authority would extend until April 30, 1977. In addition, the bill would permit the President to authorize emergency sales of existing intrastate natural gas to the interstate market through July 31, 1977, at a price not to exceed 115 percent of the average price for the second quarter of 1976. Nothing is being done to grant authority to allocate natural gas in such a way as to assist the industrial and middle-to-large commercial users in keeping their doors open and to keep millions of workers employed.

During the campaign, President Carter promised the American people he would get this Democrat Congress to pass legislation to solve our energy problem. Yet, today, with the energy crisis upon us, we are told by Mr. DINGELL, of Michigan, that his committee, which is charged with the responsibility of bringing forth legislation on this subject, will wait until after April 15 before considering essential, long-range energy legislation. Oddly

enough, April 15 is the date that Mr. DINGELL says Mr. Carter will be making his recommendations on energy to the Congress.

Mr. Speaker, former President Ford warned this Congress and the American people months ago of the dangers involved in delaying the passage of long-range energy legislation. The former Democrat Congress failed to heed his warning and today we are in trouble as a nation. Mr. Speaker, I plead with you to get a message to the new President that comprehensive long-range energy legislation is needed now—not after April 15—and that he should send his recommendations to the Congress forthwith.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Michigan (Mr. SAWYER) such time as he may consume.

Mr. SAWYER. Mr. Speaker, the consumers of gas in the State of Michigan have over the years had included in their gas rate structure additional sums of money to finance the acquisition and development of underground storage facilities in a number of depleted but preserved natural gas fields which are located in the State of Michigan. In order to preserve the natural gas fields for future underground storage, the consumption of this cheap gas was foregone so that pressure was not reduced to the point that water encroachment would irretrievably destroy the fields for storage. There were also large sums expended for the installation of connecting pipelines to consumption centers, repressuring and gathering facilities and similar companion installations. They also contributed to the construction of the so-called Michigan/Wisconsin pipeline connecting Michigan to natural gas producing areas in the Southwest, and paid for the acquisition of either calls upon or outright purchases of sources of supply.

During the off-season, Michigan's two major gas supplying utilities repressurize these depleted fields and use the stored gas during the peak season to supplement the State's maximum allotment brought in via its two interstate pipelines; the Michigan/Wisconsin and the Panhandle Eastern.

During a normal winter, Michigan's consumer demands are met in the amount of 35 to 40 percent from stored gas and approximately 60 percent is met by the maximum peak season pipeline allocation. This year, because of the severity of the winter, 60 percent of the demands of the State's consumers have had to be withdrawn from storage. On this basis, an adequate supply will be available in Michigan until late March or early April at which point, curtailment of Michigan's consumers will be necessary if the weather has not significantly improved. Such an improvement cannot be considered certain or even probable at that time of the year in the State of Michigan.

At this time, all interruptible industrial customers have been long since interrupted, and are using their alternate sources of supply. If mandatory allocation is imposed on the State and significant amounts of its gas diverted, the State will be unable to handle its normal demands for longer than 30 to 45 days. Such a diversion would also require the continued interruption of interruptible industrial customers, probably through the entire off-season in order to replenish the storage fields.

As a Congressman from the State of Michigan, I have objection to the diversion or reallocation of Michigan's natural gas supplies to States whose consumers have enjoyed to the full, cheaper gas supplies when they were available at the expense of Michigan consumers who bore the expensive burden of farsightedness. If we had surplus gas it would be different, but to just spread the hardship around at this point is in my opinion unfair.

For these reasons, I oppose the adoption of the act.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Tennessee (Mr. QUILLEN) such time as he may consume.

Mr. QUILLEN. Mr. Speaker, I support this emergency natural gas bill which is before us today, but I hope that all of us understand that passage of this bill is simply going to spread the critical shortage of natural gas around more evenly throughout the United States. Perhaps this more equal sharing of the misery and economic dislocation brought on by the gas shortage will help to alleviate the crisis in my district, where so many are suffering, as well as throughout the country. I hope that it does. But, I also hope and trust that we all realize that passage of this bill is not going to produce 1 cubic foot of additional natural gas. The problem remains, and it has and will continue to grow steadily worse unless the Congress faces up to its responsibility and acts upon a comprehensive national energy policy that will push America toward self-sufficiency in energy.

For years I have been urging the Members of the House to move forward on sound policies that will provide the economic incentives to produce more American natural gas and more American crude oil. Other Members have joined with me, but unfortunately never has a majority supported these policies to place the United States on the road to self-sufficiency in energy. The result has been that we are importing more oil today than we were before the Arab oil embargo, and the trend is away from self-sufficiency, not toward its realization. The same dismal story is true with gas. And what is the fruit of this policy of putting our heads in the sand and refusing to accept the hard facts? It is several million Americans out of work because there is no gas to run the factories. It is Americans practically freezing in their homes and worried that tomorrow there may be no gas at all.

Let us pass this bill today, but for heaven's sakes, let's wake up and act now at long last and take the action we all know will get us more domestic gas and oil and move us toward the energy self-sufficiency that I have supported these many years.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Ohio (Mr. MILLER) such time as he may consume.

Mr. MILLER of Ohio. Mr. Speaker, I rise in support of H.R. 2500, the Emergency Natural Gas Act of 1977. Even though this measure does not go far enough and it seeks only to alleviate short-term problems, action must be taken immediately to try to get adequate gas supplies to the people of this Nation. There is nothing more basic than warm homes, hospitals, nursing homes, and other essential facilities and jobs.

However, upon passage of the measure in question, I cannot sit back and say well done, I am satisfied. The people of this Nation deserve and must receive more than a piecemeal solution to our energy problems. H.R. 2500 is no panacea. It is only a tardy, temporary, remedial measure.

The 94th Congress failed to enact legislation that would remove counter productive artificial controls on the price of natural gas in the interstate system. The 94th Congress, rejecting leadership from President Ford and the distinguished minority leader failed to adopt and implement a comprehensive, coherent energy policy.

There is no excuse for this negligence. There is no reason why the Congress should have waited for an emergency, until homes are cold, millions are thrown out of work, and our economy is crippled before taking appropriate action.

We must begin to formulate a long-term energy policy that encourages the private sector to meet the energy needs of America. Natural gas must be deregulated. President Carter is on record favoring gas price deregulation. Those members of his own party who are opposing this measure should reexamine their positions. The House must approve a Select Committee on Energy to insure a unified and rational approach to energy matters.

Restrictions on the use of sulfur content coal must be lifted when unemployment figures are intolerable so that this source of energy can be used to keep people at their jobs and homes warm.

The private sector must be encouraged to develop nonfossil fuel energy sources.

Quite frankly, I, along with the rest of the minority in Congress, am tired of talking about what should be done. This Congress ought to be talking about what has already been done.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WALKER) such time as he may consume.

Mr. WALKER. Mr. Speaker, I wish to express my support of the Emergency Natural Gas Act of 1977. It is not a perfect bill but it is necessary in a situation where we must act promptly.

The District I represent, the 16th Congressional District of Pennsylvania—containing parts of Chester and Lebanon Counties and all of Lancaster County—has been hit hard by the shortage of natural gas. Major employers, such as Armstrong's, Lukens Steel, and HMW Industries have layed off hundreds of workers and hundreds more face potential layoffs. This story is being repeated all across Pennsylvania and the Northeast United States.

When people are put out of work we no longer are dealing with statistics or abstractions; we are dealing with very human problems. It is our responsibility to act promptly and appropriately to minimize these human problems.

This country is now paying for years of inaction by Congress. For many years, Congress has heard warnings about fuel shortages but failed to act. Mild winters have enabled Congress to get away with neglecting its responsibility. In fact, the energy policy of Congress for the past several years has been "I hope we have a warm winter." So now we have no coherent energy policy and we face a severe winter. People are put out of work today because our congressional leadership failed to act in years gone by. We must act now in haste because Congress failed to act with deliberate speed in the past.

Through the years, many of my more partisan colleagues have stated that some individuals put dollar figures ahead of their concern for people. I submit that many of those who have made such accusations have opposed deregulation of natural gas. Now, regulated prices are contributing to layoffs, school closings, and other very human problems. On this issue, those who talked most about concern for people promoted a policy that gave top priority to dollar figures. We must move now to right that wrong.

Specifically, I support temporary deregulation of natural gas prices as an emergency measure. Permanent deregulation will be required to help insure that shortages do not occur in the future.

Also necessary is the establishment of a fair distribution system to guarantee that gas gets to the areas most in need.

The action we propose to take today is not a solution to our energy problem. It is a temporary expedient. What this Congress must do is look beyond reaction to an energy emergency. Our next action should be a national program designed to meet our long-term energy needs.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. FORSYTHE) such time as he may consume.

Mr. FORSYTHE. Mr. Speaker, I feel we are faced with a rerun with this Emergency Natural Gas Act of 1977. President Carter calls it a minimum temporary authority. He is right. It will not solve the natural gas shortage. And, being temporary in nature, it will not solve the long-term problem.

I am voting for it, the need is there, now, but something has to be done to solve the long-range problem this Nation faces. For years I have been calling for comprehensive energy legislation, but it appears my appeals have fallen on deaf ears.

We have had months and years of hearings, yet no legislation. If the Congress had responded to the need last year and passed the Natural Gas Emergency Act of 1976, we would be strides ahead this year.

This bill is a band-aid only; it does nothing to prevent the very real long-term natural gas shortage from growing worse. It is not supplying us with natural gas, it is just shuffling around what we already have.

I join my Republican colleagues in asking the Democrat controlled Congress to act now on long-term solutions affecting natural gas which calls for price deregulation. We prefer to prevent emergencies rather than trying to deal with them in a crisis environment. If this does not happen the American people will be seeing a rerun of doing nothing on the energy crisis facing this Nation.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. MOORE) such time as he may consume.

Mr. MOORE. Mr. Speaker, we in Louisiana have been inflicted with an unusually cold winter, like the rest of the United States. Due to the shortage of natural gas, a fuel which supplies approximately 75 percent of Louisiana's total energy needs, Louisiana's interstate pipelines have already curtailed customers, under current Federal Power Commission regulations, to the second highest extent in the Nation. Further curtailment of our gas may well result in high lay-offs and severly impact the economy of our State.

Nonetheless, we do recognize the intensity of the problems affecting other parts of the United States where natural gas pipelines have suffered severe shortages, where lives of individuals are threatened by the extreme cold and where even death has resulted. With this in mind, we in Louisiana have approached the natural gas shortage with a cooperative spirit, a true desire to help our fellow citizens. On a voluntary basis, even before passage of this legislation, our State has been and is now diverting needed gas to distressed pipelines to ease the shortage in other areas of the country. In addition to this voluntary effort, it should be kept in mind that Louisiana has always done its part in supplying the energy needs of the United States. Louisiana alone contributes 44 percent of all the natural gas consumed in the interstate market. We have done all we can do.

Mr. Speaker, I must voice my objections to H.R. 2500, the Emergency Natural Gas Act of 1977, for several reasons. First, this bill only spreads out the Nation's shortages. Warming residences and hospitals are the commendable objectives of this bill but H.R. 2500 does provide any long-term solution to our Nation's very real natural gas shortage. In fact, it may hold the line on any consequential answer. When my colleagues' constitutents are no longer clamoring for congressional action to see them through this winter, due to passage of this bill. I fear my colleagues will not address the long-term solution.

Congress must face this problem; we must provide an incentive for the exploration and production of additional natural gas; we must deregulate the price of natural gas at the well head as is provided in a bill I have cosponsored, H.R. 2088. I do not wish anyone to freeze this winter, but I do believe passage of this legislation will remove pressure from Congress to consider the issue of deregulation, remove pressure to pass legislation which will provide solutions to a shortage which will recur every cold winter hereafter.

Second, aside from not providing any real answer to the natural gas shortage, this bill contains provisions which are objectionable. This bill gives the Federal Government authority over aspects of the intrastate market which it has never in the past had and which I believe are unconstitutional, violating the interstate commerce clause, article I, section 8. Under section 4 of the bill, the President can order an intrastate pipeline to transport gas between interstate pipelines or to any local distribution company served by an interstate pipeline. Under section 6, the President may require an intrastate pipeline to transport natural gas sold to an interstate pipeline to carry out contracts authorized by this act. Although safeguards are written into the bill to protect intrastate pipelines already operating to full capacity, these provisions are an unconstitutional, unwarranted, and unprecedented intrusion of the Federal Government into the intrastate market.

The second major part of the bill allows for emergency sales of unregulated intrastate gas to a distressed interstate pipeline at a price higher than the federally regulated one. Producers in Louisiana are happy to sell their gas to interstate pipelines at a fair price. In fact, an emergency sales provision is contained in the natural gas legislation which I cosponsored.

Although H.R. 2500's intent is to get more gas into the interstate market, in actuality this will not occur, because the emergency purchase provision as contained in section 6 of this bill sets price controls on the sale of this gas and also gives the President authority over other terms and conditions of the contract. This stipulation will defeat the purpose of the bill by working as a disincentive to a producer who can sell in the totally unregulated intrastate market. It is such regulation of the interstate gas market which has caused the shortage problem sought to be rectified in this bill. I cannot support the continuance of such regulation, much less its extension to the intrastate market, in any fashion.

Finally, I object to section 2(1)(B) of this bill which includes as part of the definition of "high priority" small commercial establishments using less than 50 Mcf. on a peak day. I see no reason why factories and industries in Louisiana or other States should shut down because the gas which usually operates them is diverted to an emergency State where it will be used for, in addition to warming residences and hospitals, keeping open someone's dry cleaning establishment. As many as 800 medium-sized industrial and commercial plants will face gas curtailments and could shut down in Louisiana by passage of this legislation. Although we want to keep homes warm, we do not want to keep someone else's small business operating while our factories and plants close. We cannot afford layoffs as a result of such curtailments and shutdowns as our unemployment is presently 7.6 percent, or above the national average, and above that of many of the States our gas will be shipped to.

Therefore, Mr. Speaker, I must vote against this bill not through insensitivity to the overall Federal energy dilemma but because this legislation is not a substantial and equitable solution to the natural gas shortage and will cause grave problems to my State.

Mr. BROWN of Ohio. Mr. Speaker, I

yield to the gentleman from Iowa (Mr. GRASSLEY) such time as he may consume.

Mr. GRASSLEY. Mr. Speaker, to say that the bill we are considering today is complex would be an understatement. The impact of our passing H.R. 2500 is not susceptible of precise determination at this point in place and time. We must consider what will be the effect of the President's proposal upon the United States as a whole as well as the congressional districts we represent in the House. Let me briefly discuss the current situation from the perspective of a Congressman whose home district and State have not yet been crippled by shortages of natural gas.

There are a few facts which, I believe, are not disputed. The first is that we would not be here today considering this emergency legislation, which even its advocates agree is nothing more than a stop-gap measure, had it not been for the indolence and negligence of the 94th Congress. We had the opportunity to adopt a comprehensive energy plan and yet no action was taken. Too many Members of Congress seemed to believe that the energy crisis was a thing of the past. Events of the last couple weeks have proved, beyond the shadow of a doubt, that the opposite is true. We, in the House of Representatives, could have approved a plan which would deregulate the price of natural gas. This would have ensured adequate supplies for this and future winters. Yet, we moved in the opposite direction and passed, by a slim margin, an amendment to H.R. 9464 which would have extended Federal regulation to an additional 10 percent of our domestic natural gas.

Further, the advocates of the Emergency Natural Gas Act of 1977 admit that this bill will not insure that additional natural gas will be discovered and available for the winter of 1977–78. If we continue to ignore the problem and fail to act decisively there is no doubt that acute shortages of energy and power will be an annual, and eventually year round, event.

The hard fact remains that there does exist, within certain regions of the United States, a shortage of natural gas which if allowed to continue will have disastrous consequences. The prospect of our citizens having to leave their homes to reside in community shelters may soon become a reality.

My biggest objection to this legislation is that it will simply spread the shortage of natural gas around. The plan is nothing more than a bailout for the eastern region of the United States. Those in the Middle West, who have planned and been frugal with energy resources, are being penalized while the shortsighted will benefit. My home State of Iowa has implemented energy conservation and planning programs. Therefore, it is not suffering, as are some other States, in spite of the fact that the weather out there has been every bit as cold and inclement as in the East. If natural gas is diverted from the State of Iowa I am advised that there will be no immediate adverse impact on the people of the State of Iowa. However, if the cold continues, shortages could develop later this winter.

Another objection which I have with regard to the emergency legislation is the manner in which it is being considered. H.R. 2500 is on the floor under a suspension of the rules which is traditionally reserved for bills of a noncontroversial nature. There can be no amendments offered and the amount of time for debate is strictly limited. Certainly a problem of this magnitude requires more careful and orderly deliberation. It is often said, and with justification, that action taken in haste is repented in leisure.

There is some good that will come from the House of Representatives considering this bill. Hopefully our attention will be focused on the need to pass meaningful legislation to deal with the energy crisis which will continue to haunt the United States for the foreseeable future. The need to permanently deregulate natural gas and allow the free market system to operate without interference should now be obvious to all. Those who vote in favor of this temporary deregulation should move to see that it is made permanent.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. HAGEDORN) such time as he may consume.

Mr. HAGEDORN. Mr. Speaker, so long as no one believes that this natural gas bill (H.R. 2500) will do much to solve any of our Nation's energy problems, it will probably not do too much damage. Once again, Congress has demonstrated that it is keenly able to identify when emergencies exist; it just has not proven very good at doing anything about correcting them. One thing that I learned during my first term in Congress was to be wary of legislation coming before us on a rush basis and designed to cure some emergency condition or another. There is no doubt that a severe energy shortage has developed in our country; it is not clear, however, how this bill will do anything more than spread this shortage throughout the Nation. Sharing the misery, rather than alleviating it, seems to be the first order of priority.

Despite the fact that natural gas sold in the field is sold in a highly competitive market, with relatively free entry and low industrial concentration, prices for natural gas sold at the well-head have been regulated by the Federal Power Commission since 1954. As with other areas of regulation, regulation of the price of natural gas has been accompanied by a bewildering array of new concepts, such as vintaging, area rates, cost averaging, and "just and reasonable rates," all designed to substitute the decisionmaking of Federal regulators for the decisionmaking of the marketplace.

The results of this substitution can be seen in the current gas shortage. Curtailments have risen from zero in 1970 to at least 25 percent today, with the current winter likely to increase even this level. Production has declined by over 15 percent over the past 4 years alone, while demand has sharply increased. Decreasing proportions of available gas supplies are being released into interstate commerce, and reserves are remaining undeveloped to their full potential in greater amounts than ever before. Reserve additions have been below production during virtually every year for the past decade.

As with all efforts in Government regulation, there are those who benefit from price controls on natural gas and those who suffer. It is interesting to note however that many of the beneficiaries are not those who were intended to be protected by supporters of controls. It is not the residential and commercial user who has profited most from controls, but rather the industrial user. Rather than connecting new residential and commercial users, pipelines and distribution companies have apparently preferred to provide increased, more reliable supplies to high volume industrial users. This has been especially true in those States which do not regulate industrial sales of gas.

Because they are not protected by the FPC, intrastate gas users also benefit from reduced demand by potential competitors at prices above the ceiling price. Intrastate gas consumers are able to enjoy reduced prices, while at the same time being ensured of getting all the gas they want. The interstate consumer who is curtailed or unable to get any gas thus is subsidizing both those who do receive gas in interstate commerce, and those who receive it in intrastate commerce.

Before turning to Canada or other foreign sources, and before involving Washington in decisions on how to allocate each last cubic foot of available natural gas, Congress must show that it can make the hard decisions by decontrolling the price of natural gas. It will not solve our shortage overnight—controls have been with us too long now to permit this—but there can be little question that natural gas supplies are extremely responsive to price. Not only should the current shortage demonstrate this point, but repeated studies have estimated that as much as 13 trillion more cubic feet of gas could be made available through decontrol by 1980.

I have supported legislation which would ensure that so-called windfall profits were channelled into new exploration and production activities. There is no reason that decontrol could not be accompanied by measures to limit unnecessary hardships upon individual groups of citizens, and to prevent such profits from being used for other purposes.

If the current winter can provoke Congress into taking serious action to encourage the production and development of natural gas, it will help to prevent future winters of this sort. If this is Congress' response, we might at some point come to look back upon the winter of 1976 as a blessing in disguise. If this is not Congress' response, we will come to look back upon it simply as the harbinger of things to come.

Mr. STAGGERS. Mr. Speaker, I ask that the gentleman from Ohio use his time because we have only 2 minutes remaining and we would like to close the debate with that.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. MARKS), a member of the Interstate and Foreign Commerce Committee, 1 minute.

Mr. MARKS. Mr. Speaker, I rise in

support of H.R. 2500, the Emergency Natural Gas Act of 1977. I am pleased that I can direct my first remarks on the House floor to legislation that addresses the natural gas crisis which is crippling the 24th District of Pennsylvania.

I have received a constant stream of letters, telegrams, and phone calls from my district urging quick approval of this administration bill. These communications have served to underscore the urgency of this measure.

As reported by the Interstate and Foreign Commerce Committee, of which I am a member, the bill authorizes the President to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses. Under this legislation, high priority uses are residential or small commercial uses or uses related to life, health, and property.

I regret that the committee failed to approve an amendment offered by my colleague from Ohio, Mr. BROWN, which would have included industrial uses among those designated high priority. This amendment would not have pitted industry in competition with homes and the other small users for the gas made available by the bill. Rather, it would have given authority to the President to direct gas to industries suffering from curtailments after home and other priorities were met. I am concerned about the failure of the bill to provide the President with emergency powers to meet the serious cutbacks facing industry in my part of the country.

While H.R. 2500 does not go as far as I would have preferred to see it go with respect to allocation authority, the bill should help to prevent Amercian homes from going cold due to a lack of natural gas. This goal will be achieved if the expeditious action taken thus far by Congress is matched by speedy implementation of this legislation by the administration.

Under the second major part of the bill, the emergency purchase authority provisions, the President may authorize any interstate pipeline or local distributing company served by such pipeline to contract with any intrastate pipeline or local distribution company for emergency supplies of natural gas for delivery before August 1, 1977. The original draft of this measure provided that the price for these purchases would have been left up to the parties involved, subject to review by the President for fairness and equity. This pricing feature was replaced in committee by the Eckhardt amendment, which establishes a pricing formula based upon certain prices for gas in the second quarter of 1976. However, the amendment contains a waiver provision for the President to permit a higher price if he determines a higher price is necessary to permit interstate purchasers to compete effectively with other purchasers for available supplies of natural gas.

The essential thrust of the emergency purchase part of the bill is to permit the interstate pipelines serving the areas afflicted by the extremely cold weather to buy gas for quick transmission from the warmer areas where the gas is more plentiful. It is my hope that the well-intentioned Eckhardt amendment will not serve inadvertently to make such sales less attractive for the intrastate pipelines that have the gas to sell.

Overall, I believe H.R. 2500 will contribute to the alleviation of our present natural gas crisis and head off an aggravation of this crisis, especially as far as home users of natural gas are concerned. Nevertheless, this is a short-term, emergency piece of legislation. The question of long-range policy and planning remains with us. In this regard, I was pleased to hear Dr. James Schlesinger, the President's energy adviser, inform the Ad Hoc Subcommittee on Energy and Power last Friday that he expects the administration to submit a comprehensive energy policy package by the end of April.

I look forward to reviewing the administration's comprehensive energy proposals and to working with my colleagues on the Interstate and Foreign Commerce Committee to develop legislation that will serve to prevent a recurrence of the present shortages we are experiencing. In the meantime, I urge my colleagues to vote in favor of H.R. 2500.

Ms. OAKAR. Mr. Speaker, it now appears that the emergency natural gas bill authored by the Carter administration will be cleared by Congress very soon. I intend to vote for this bill, for it is obvious that a program to allocate natural gas is needed right now. However, I contend that the President already has the authority under law to begin an allocation program, and I regret that he did not choose to exercise this power. For although it is highly commendable for the President to seek the approval of Congress on a matter of such importance, I fear that the price tag on this bill may be a very steep one, which consumers all across the country will be paying for years to come.

The high price tag I refer to is not so much in the provisions of the bill as it is in the promises which the administration reportedly was forced to make in order to assure speedy action on the bill. According to accounts in the media, the administration was able to gain the assent of those who favor ending the price controls on natural gas only by promising to propose and work for the enactment of decontrol in the near future. I would remind my colleagues of what decontrol would cost the consumer. One year ago the General Accounting Office of the United States, after a detailed study, estimated that decontrol would, in a few years, raise the gas bill of the average household by nearly $100 a year.

Thus, rather than permitting the decontrol advocates to hold this emergency bill hostage, I would have preferred that the President act on his own authority to allocate gas. I believe he has such authority under the Defense Production Act, 50 App. U.S.C. 2071, which permits the President to allocate "scarce and critical materials" when the national defense so requires. I had urged the President to take such a course in an urgent telegram I sent him last Friday, and I would now like to insert a copy of this telegram into the RECORD:

JANUARY 28, 1977.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: With temperatures expected to go down to 15° below zero in Ohio this weekend, and with unemployment in Ohio due to the natural gas shortage expected to reach 400,000 to 500,000 in the near future, the time to begin allocating our nation's gas supplies to states such as Ohio is now. I urge you to exercise the power vested in you under the Defense Production Act, 50 App. USC 2071, to begin a national program of allocation of natural gas immediately. This section of the Act authorizes you to allocate "scarce and critical materials" when the national defense so requires, and the current situation of rising unemployment and plant closings and slowdowns in critical industries due to the gas shortage fully satisfies, in my view, these criterion.

I realize you have had introduced in Congress a bill to give you specific authority to establish a gas allocation program, but the need is so urgent, and the possibility of delay in Congress so real, that I believe this extraordinary action is called for. As you know, those who favor lifting entirely the price controls on gas have stated their intention of offering amendments to your bill for this purpose, and such action is certain to cause delay. If and when Congress approves your bill, any allocation program you begin now could be continued under the authority of that law, but the key point is that action should begin immediately.

Sincerely,

MARY ROSE OAKAR,
Member of Congress, 20th District, Ohio.

Mr. CONABLE. Mr. Speaker, I stated in the well of the House yesterday that I thought this bill was the worst of possible worlds, that it would be far preferable to deregulate natural gas prices permanently, phasing in the deregulation to avoid adding substantially to already swollen fuel bills. Such a permanent deregulation would give assurance to the natural gas industry that additional investment would bring appropriate return rather than unrewarded risk.

I regret, therefore, that the procedure under which we are considering this measure precludes amendment. The proposal has not been improved by committee action, and floor action could scarcely make it worse. I particularly regret that I must vote for this measure, because I am aware of its flaws. Conditions in the Northeast, however, leave little alternative when the majority presents us only with the take-it-or-leave-it option. The President must have the emergency power to reallocate natural gas as long as circumstances are as extreme as the natural disaster now afflicting my part of the country. Someone must have the power to maintain the flow of home heat in the subzero temperatures which continue despite the depletion of gas reserves. I wish the President well in the exercise of the power we are giving him today—I fear it may prove a time bomb, and I hope his wise administration of that power will overcome the disabilities of the law as framed.

Mr. HARRIS. Mr. Speaker, the emergency natural gas bill probably will not put those laid off because of the gas shortage back to work, not return our children to school, nor reopen our stores. By allocating natural gas from low priority users served by one interstate pipeline to high priority users served by an-

other interstate pipeline, the bill will assure that few homes in our Nation will be without heat. In all likelihood, the headline in the morning newspapers will read tomorrow that Congress has enacted President Carter's natural gas bill. The public should not be misled: the shortages caused by an unusually cold winter which has strained our ability to provide sufficient gas will not be over. Conservation is still necessary. Although homes will be heated, these may still not be enough natural gas to open schools, offices, factories, or stores.

As I understand this bill, its major feature is that it allocates gas from pipelines with relatively abundant supplies to pipelines which because of the unusual severity of the winter have insufficient supplies are almost at the point that they cannot supply gas to heat homes. If this is truly a national emergency and if homes in this Nation are on the verge of losing heat, I do not understand why this bill only gives the President authority to allocate supplies from one interstate pipeline to another? Surely, a more equitable distribution would include all natural gas in the Nation; gas in the intrastate market as well as gas in the interstate market. If homes in this Nation are going to be without heat, it only seems reasonable also to allocate gas from low priority users in the intrastate market to assure sufficient supplies to heat our homes. Under this bill, a low priority user in the intrastate market will still use gas, while many relatively high priority users in the interstate market will have no gas. This is an irrational allocation scheme.

Proponents of H.R. 2500 maintain that because of the emergency purchase authority in the bill, it is possible that natural gas will flow from the intrastate pipelines to the interstate pipelines. Under FPC regulations, pipelines have been allowed to make 60-day emergency purchases from the intrastate market. Yet little gas has flowed into the interstate system. If gas has not been available for 60-day emergency purchases, why will gas now become available for longer purchases? Producers have been telling the American people that there is no gas being hidden for the right price and timing. If gas begins to flow we will know that the producers in the intrastate market have withheld supplies in the hopes of exacerbating the crisis. They will have withheld supplies until the shortfall between demand and supply was so great that factories, offices, schools, and even homes would be without heat. At that point, buyers in the interstate system would pay almost any price for the gas and profits would be truly phenomenal.

If gas that was not available for 60-day emergency purchases now becomes available because of this legislation, it will be apparent that the producers withheld supplies in the hopes of making the current crises so severe that Congress would be forced to remove all price ceilings on natural gas. I do not have to remind my colleagues that profits are already at record levels, or that the FPC tripled the price of new gas to $1.44. If the new price level for interstate gas is not fair and equitable to the consumer, it is more than fair and equitable to producers; the $1.44 for new gas provides ample incentives for production.

The price of emergency purchases of natural gas ought to be at interstate prices. As I have said, the FPC price level has allowed for record profits. There is no reason why windfall profits should be realized while tremendous hardship is being imposed on many families in our country. An amendment to H.R. 2500 adopted by the Interstate and Foreign Commerce Committee sets price standards for emergency purchases. Prices are not to exceed 115 percent of prices for contracts of new gas sold in the intrastate market during the second quarter of 1976. This puts a limit on how much consumers will be gouged. Charging 300 percent or 400 percent or 500 percent of previous levels will not increase the amount of gas that is available to the consumer. Lead time for new wells is about 3 years. Regardless of the price, little gas that is not currently available for sale will be made available during the current crisis. Without a ceiling a bidding war would result; consumers would be the victims. Frankly, consumers have suffered enough; their hardship is no justification for further windfall profits. I want to thank my colleague from Texas, Mr. ECKHARDT, for offering his amendment during the committee deliberation; prices of 115 percent of intrastate prices for emergency purchases more than compensates intrastate producers and pipelines for what they would otherwise have received. And 115 percent is obviously a much better price for the consumer than the 300-percent price which might otherwise be charged.

We need a single natural gas system. No wonder there are severe shortages in the interstate market. So long as producers can obtain windfall profits from the intrastate market, gas will be diverted from the interstate market to the intrastate market. It is a bitter irony that producers who have failed to meet their interstate contract obligations have diverted gas to the intrastate market and will now sell this intrastate gas to their interstate customers.

A very important aspect of this bill is that it gives the President the authority he needs to obtain information regarding supplies and reserves. For too long we have relied upon voluntary industry reports. I hope the President will use his authority to determine what supplies are available, how large and where reserves exist, and whether gas has been withheld from the market. We know that offices, factories, stores, and homes are either without heat or are on the verge of losing heat, but we do not know the real nature of the shortage. People have a right to know why there is a shortage and what the future holds. We in Congress, as well as the administration, need complete and factual information in order to establish national policy that fairly and equitably and efficiently utilizes our natural gas resources.

Mr. Speaker, this bill is a band-aid. I hope the public does not feel that because Congress has enacted the Emergency Natural Gas Act of 1977 that there is no longer a compelling need to conserve natural gas. I hope consumers in intrastate markets will also realize the need to conserve gas. I believe we would have before us a better bill if we authorized the President to allocate natural gas from the intrastate markets at fair and equtiable prices, as well as from the interstate market.

The bill does provide the President with needed information gathering authority and it does allow the President to allocate natural gas within the interstate market to assure that natural gas is available to heat homes. For these reasons, I will support the bill.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I will vote for passage of H.R. 2500 but with considerable reservation as to its merits and its provisions. I do so for we face more than a shortage of natural gas. We are confronted by all the facets of a full-blown economic disaster—an economic disaster well along in the making and which, if allowed to continue to expand, can do grave harm to the economy of this Nation and bring even greater distress to millions of Americans and thousands of businesses throughout the country.

As proposed by President Carter, the emergency legislation does no more than set the stage for possible relief from the shortage of gas by temporarily legalizing an intrastate-interstate pipeline connection. Whether the gas will flow in quantity sufficient to heat cold homes and permit industrial activity to resume its normal pace will have to be seen. There are genuine doubts that enactment of this legislation can produce such an immediate effect, but it is obvious this step must be taken, or no relief will occur.

This past Sunday I flew to Pittsburgh with President Carter and met with people who have felt the full impact of this winter's discontent. We talked to people already paying as much, if not more, for fuel than they have for food. We met with industry leaders fearful of the consequences of further reduction in the productive capacities of their industries. We met and talked with labor and wondered out loud about the real meaning of job security.

Mr. Speaker, the time for action as to what this Nation must do to avert any repetition of this winter's shortage lies just ahead of us. Today, we take emergency steps only—because we face a very near and present danger. But we must not forget that a long-term permanent solution must be found. Soon warmer weather may arrive. In the past, we have allowed the first wave of balmy breezes to lull us into the confidence that once again we have managed to beat the odds.

As each of our constituents juggles his or her budget and meets incredible fuel costs, some of which will lap over into the summer months, let us not forget the price we have had to pay today.

As each unemployment compensation fund becomes more exhausted, if not emptied, by the events of this winter, let us not forget the price we have had to pay today.

And if the economic stimulus necessary to boost our economy out of the

doldrums of slack production and lagging capacity has been blunted by this winter's weather, let us not forget the price we have had to pay today.

Mr. HOWARD. Mr. Speaker, it is with great reservation that I support the President's energy proposal today, but the natural gas shortage in my own State of New Jersey is so severe, I have little choice. The proposal to temporarily deregulate natural gas is made only slightly more palatable by the provision inserted by the House Commerce Committee to impose a ceiling in the amount of $2.02 to $2.22 on intrastate gas sales to pipelines.

I submit for the RECORD a letter I sent in 1975 to Frank Zarb, Federal Energy Administrator, asking that he answer some very key questions regarding supply and costs of natural gas. Had my questions been adequately answered at that time, and had the problems highlighted been properly addressed, I do not believe we would be facing the critical situation we face today.

The letter follows:

SEPTEMBER 3, 1975.

HON. FRANK G. ZARB,
Administrator, Federal Energy Administration, Washington, D.C.

DEAR MR. ZARB: I read with great alarm that the Federal Energy Administration is anticipating a natural gas shortage this winter that is expected to concentrate in the Middle Atlantic States, including my State of New Jersey. According to reports I have received, the Federal Energy Administration is of the opinion that the anticipated shortages could be eliminated if only controls on the price of natural gas were removed. I am at a loss to understand how the removal of controls could result in additional gas. Either the gas is there or it isn't; if it isn't, all the money in the world isn't going to make it available. The only result I can see from decontrol is an increase in the price to the consumer.

I don't believe I am an unreasonable man and I believe that under our system of government anyone who makes an investment is entitled to a fair return. In regard to natural gas, however, I have been endeavoring for years now to have it proven to me that investors in natural gas are not receiving a fair return. If you can demonstrate this to me, I would be much obliged and much more ready to listen to ideas for redefining natural gas controls.

I have been told that an increase in the price of gas would make economically feasible known gas reserves which cannot be profitably extracted at current prices. If this is so, can you provide me with statistics indicating how much more gas would be available if prices were decontrolled, the source of that gas, the absolute maximum the price of gas would rise, and the margin of profit that would be made on that gas vis-a-vis the profit margin on current gas sales? I would also like to know what percentage of revenues over each of the past five years the gas producers have been plowing back into new exploration. Also, what commitment are they prepared to make in regard to the use of added income to new exploration?

The problem of natural gas supply in the State of New Jersey is of vital concern, as any limitation would sorely affect our people in their homes and in industry. Consequently, I am most anxious to do what I can to resolve the problem in a manner equitable to all parties concerned, including those of our citizens who have invested in natural gas. In the FEA news release of August 28, it is stated:

"The extent to which demand for natural gas outpaces supply is worsened by continuation of Federal Power Commission price controls, which are in large part responsible for supply shortages of interstate pipeline companies which will affect many areas of the nation this winter.

"Their controls effectively force interstate pipeline companies out of the natural gas market by keeping the price producers can charge interstate pipelines far below what they can receive by selling their gas for distribution within the State where it is produced.

"Since 1970, the market share of interstate pipelines has declined by about 5 percent, while new natural gas reserves have largely been sold for distribution within producing States."

Query: Would one way to avoid the catastrophic consequences of a natural gas shortage in the Mid-Atlantic area be to impose controls on intrastate gas sales similar to the existing interstate controls? I would appreciate your thoughts on this query and would welcome your composing draft legislation in this regard for my consideration.

It is my opinion that the people of this nation have reached the end of their rope in regard to their ability to afford substantial increases in the cost of their energy needs. Decontrol at this time would result in vastly increased costs to increasing numbers of people already unable to satisfy their energy needs at existing costs. The imposition of an additional burden on those people should be and is a matter of considerable concern to all of us in government, executive and legislative. We must not add to that burden on the basis of wishful thinking. We must have the facts.

There is another area we in government sometimes lose sight of, and yet if our government is to survive we must always bear it in mind, and that is that the difference between a burden being bearable and unbearable lies in the ability of the bearer to understand why he must carry the load. The people do not understand, and I do not understand, whether there is, in fact, a shortage of natural gas, whether there is, in fact, a need for an increase in profit that would not cross the border into gouging, whether there has been, in fact, a little sacrificing on the part of producers.

Until these doubts can be resolved, Mr. Zarb, and until our citizens can be sufficiently educated to appreciate the need for further sacrifice, government, executive or legislative, will be ill-advised to decontrol prices.

Another way must be found to provide New Jersey and all the States with an adequate supply of natural gas. New Jersey already is suffering massive unemployment; further gas curtailment will compound that unemployment and involve my people in a Catch-22: my people will lose jobs and yet they will be expected to pay higher costs for the energy they need to feed their families and heat their homes. Let's work together, Mr. Zarb, to keep this from happening to them.

Sincerely,

JAMES J. HOWARD,
Chairman, Subcommittee on Surface Transportation.

Mr. LE FANTE. Mr. Speaker, I would like to join with my distinguished colleagues in expressing my firm support for the Emergency Natural Gas Act.

The need for immediate passage of this legislation is inescapable. Many parts of our Nation are suffering under the most severe winter in memory. The health of millions is being seriously endangered by the cold. Old and young alike are being hurt by the unusual temperatures combined with the shortage of natural gas. The weather has forced many industries and businesses to close their doors, causing large numbers of individuals to lose their only source of income. This, in turn, has caused the unemployment rate to increase and thus further aggravate the economic condition of our Nation. Without available natural gas to heat homes, hospitals, schools, and businesses, untold numbers of our citizens will continue to suffer needlessly.

Mr. Speaker, it is the duty of this Congress to support our new President in his valiant efforts to forestall a national disaster. I believe that we must act and act quickly. It is imperative that we do not delay—peoples' lives depend on our actions. I have faith in this new Congress. We care about the people of this country and will not ignore them in their time of need. Those of us who come from the areas hardest hit by the energy shortage know firsthand of the hardships people are enduring. We must join together, regardless of party lines or geographical orientation, to help those suffering. Our Nation has a proud history of coming together when faced with serious troubles. Now is such a time to join hands and hearts and act together.

My friends, we are talking about survival, about people—not about statistics. The action that we take will determine the energy policy of the future. This emergency must be dealt with quickly, with the full realization that long-range comprehensive energy plans must be developed. This must not be forgotten. Our actions on this one bill will not cure the basic problem of energy resource shortages. Let us work together with President Carter and find an immediate solution to the energy shortage facing our citizens during this harsh and bleak winter. And, my fellow Members, let us also fulfill our leadership role for the country and address the serious problem of developing a comprehensive and rational energy program which will protect this country from any future emergencies such as the one with which we are now faced.

Mr. RODINO. Mr. Speaker, this measure contains certain provisions granting a limited antitrust immunity to those responding to a Presidential order or request.

Section 5 reflects our concern that this temporary measure not be used for collusive or monopolistic purposes at the expense of those who face hardship because of the present natural gas problem.

The section is designed to provide for disclosure and monitoring while providing a defense for activities which are responsive to a Presidential directive. It is important that this limited purpose be made clear.

I support this measure, and believe it is responsive to this emergency while at the same time expressing our concern that our free enterprise system is protected against anticompetitive conduct.

Mr. VANIK. Mr. Speaker, I will support the Emergency Natural Gas Act before the House today, but only reluctantly and because of the extreme hardships faced by citizens of my State of

Ohio. As my colleagues know, Ohio seems to be the most hard hit of all States affected by this extraordinary winter. As of today, 1 million Ohio workers have been laid off of their jobs because of plant closings and business slowdowns.

I have consistently opposed decontrol of natural gas. I do not feel that this particular industry can be trusted to adequately monitor itself and we must therefore maintain some Government review. There can be no free market of an essential commodity in short supply that is controlled by so few.

While I will vote for the bill, it has several inadequacies. I regret that H.R. 2500 is a 6-month measure. If it is truly emergency legislation, I would think that 3 months of emergency authority—enough to carry us through the peak winter months, would be enough. This partial decontrol should not be carried on any longer than necessary.

This bill is more likely to produce higher prices rather than more natural gas. We must make an effort to determine gas production and reserves through Government sources rather than from industry sources. We must develop an energy policy which will provide increased supplies at price levels which are reasonably related to the act of search and development. We cannot abandon the American people to those who seek to manipulate supplies and price. On the long-term issue, we must negotiate with the industry when we are more removed from the emergency crisis of this extraordinary winter.

Mr. ANNUNZIO. Mr. Speaker, while today's vote for the emergency natural gas bill will be predictable since we are in a crisis situation I do not want to vote on these measures without asking a few very important questions.

First of all, what has brought us to this situation? Studies show that we are not suffering as much from a natural gas shortage as we are from a shortage of readily available natural gas. The inevitable question then is why are American consumers being asked to bear the burden of such a shortage when reserves could have been made ready?

Why is deregulation being held over our heads again as the price we must pay for readily available natural gas? As one who claims to look out for the consumer I want to know why deregulation of the price has to be the key to supply. Are we once again to be duped into thinking that there is not enough gas only to find that once the price skyrockets, there is plenty?

To me allocation is the key. Since many of the new supplies of natural gas are being channeled toward intrastate needs there is a built-in problem. Without market incentives to sell gas in other States, certain States will own and have the exclusive use of all the natural gas. At a time when some Americans are literally freezing in their homes, gas-rich States are becoming mini-sheikdoms where gas is used as economic leverage to bring on deregulation and the inevitable higher consumer price.

We are not talking about the indirect effects of economic pushing and pulling, but direct suffering. Over 2 million Americans are now out of work as a result of natural gas shortages. Other city dwellers are living with the literal threat of having their gas shut off. We need measures which will stop this kind of monopoly playing, not merely postpone it for 180 days. I am voting for this bill out of concern for those who are suffering from the severe effects of the winter, but my vote on this legislation is cast with great reluctance.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise reluctantly to support this measure, not because I am not convinced that the emergency authority contained in this bill and in the President's original request of the Congress is merited, but because the changes made to the original request in my mind could very well work to the overall disadvantage of the gas-starved U.S. consumer.

My friend and colleague from Ohio, Mr. BROWN, has reminded his colleagues on the committee that the present supply crisis is due in large part to the intransigence on the part of the majority in enacting sensible long-term gas policy goals. Gas delivery requires commitments, not only on the part of the companies who produce and procure gas for their customers but on the part of the government who sets the regulatory framework under which those transactions take place. If there are no commitments or if the commitments are insincere or uncertain, then gas will not be produced and gas consumers will suffer. Such is the case now and in my view the majority party must take full and complete responsibility for the lack of governmental commitment to specific gas policy goals.

My reluctance in giving this bill my unreserved support stems from several sources. My constituents have been paying for extensive gas storage facilities for many years. As a result, there are adequate supplies of gas in northern Illinois and workers in northern Illinois were likely to be kept on the job for most of this winter. Such will not be the case if deliveries are diverted elsewhere, as they will be under this legislation.

While I am frustrated that my constituents are going to be inadequately compensated for their previous efforts in securing supply, I think that the national interest is prevailing and that we must make sure that the hardest hit areas get gas for basic services.

My second reservation is the price anchor which has been placed on new gas purchases by the committee. It is called a consumer amendment by some but I am not sure that this is necessarily true. I can see the need for some kind of a ceiling price to keep the intrastate prices relatively stable. But I cannot understand what justification was marshalled for a 15-percent margin above the intrastate price and I am not personally convinced that such a margin will result in any new gas from this source of supply. If this new gas does not appear, then the consumer will be facing much more dire straits and a few cents more on their gas bill would have been a small price to pay for jobs this winter and for gas in storage for next.

The third reservation I have are all of the procedural requirements placed on the President to purportedly protect the consumer interests. They include economic impact considerations, replacement cost formulas which pay for retrofits of equipment which should be paid by local customers, consultations with more Governors and less flexibility in diverting supplies. All of these serve to hamper the President in acting quickly and all are probably superflous. What they do is introduce more paperwork into the process of meeting this emergency and in some significant cases, they also set the President up for litigation, delaying even further the time in which he can act to meet the emergency.

As I said, I am going to vote for this bill. But I am going to be saying "I warned you" if it fails. And I also will strongly resist any efforts to relax efforts to get long-term gas policy settled as soon as we have muddled through this mess. The consumers deserve a better break than what we have given them so far. Gas prices and gas supplies go hand in hand. We must make sure that we optimize both of them.

Mr. SARASIN. Mr. Speaker, the legislation being debated in this Chamber today is a monument to failure. It is testimony to the unwillingness of this House to face up to problems until forced to, and to then look for the easy way, rather than the right way, to meet the problem.

It was almost exactly 1 year ago today, as some will recall, that this body had the opportunity to adopt legislation specifically drafted to avert the very crisis we face today. We had before us a bill to increase the supply of natural gas through phased deregulation. Those of us who supported that effort pointed to many well-documented studies and projections which indicated that a crisis was inevitable if we did not take positive action to expand supplies.

We attempted to make the point then that it was already late, that any action taken by Congress to encourage the expansion of supplies through the selective repeal of the Federal regulations which are stifling development of interstate natural gas, would take time.

Unfortunately, many here found it easier to play to the grandstand than to face up to a difficult decision. Admittedly, there is no solution to this problem that will not result in increased costs. Those of us fighting for a solution to the problem argued that some increased cost was preferable to the unemployment, economic disruption and human suffering that were sure to come if we did not act.

Recent winters had been warm, however, and like the grasshopper in the fable, who wants to worry about the hard times when things are going well?

The bill designed to avert the disaster which is now upon us went down to defeat, 205 to 201, and its opponents patted themselves on their backs for the great favor they had done for the consumers.

I wonder if those consumers, out of work and shivering in their cold homes, their children's schools closed and their economic futures clouded, continue to be grateful to their benefactors.

That, of course, is history, just another of the many missed opportunities the CONGRESSIONAL RECORD of the last several years can attest to. What is really distressing is the evidence that this body has still not learned the lesson of that 205-to-201 vote and the inevitable suffering it is causing right now.

I raise that question because we are once again choosing form over substance, posturing over action. Our country is, in effect, suffering from pneumonia. Strong medicine, antibiotics, are called for, and Congress is about to say "take two aspirins and call me in the morning."

Hopefully, the aspirin will reduce the fever and alleviate some of the symptoms, so I will reluctantly go along with the prescription. But relieving the symptoms is a long way from effecting a cure. The frustrating thing is that the cure is available to us, and has been for years. We should be considering that cure now, because with the spring thaw, the grasshopper mentality is sure to reemerge.

I understand that President Carter has promised to submit a comprehensive energy plan to the Congress by April 20. There have been indications that he understands the need for deregulation, for encouragement of domestic production, and the equalization of energy prices. All those things, in fact, that President Ford correctly proposed in January of 1975.

The trouble is, by April 20 the cherry blossoms will probably be in full flower in Washington, the crocuses and daffodils will be poking up in New England, and we all devoutly hope the natural gas crisis of January and February will be well behind us. And that is precisely the kind of atmosphere in which this Congress is likely to emulate its predecessors and avoid making any tough decisions on natural gas or energy in general.

I urge the House not to allow the hard lessons of this winter to be lost. We failed to act in time to avert this crisis when the emergency gas act when down to that narrow defeat 1 year ago. It is only if we act quickly that we can avoid the potentially worse crisis of next winter and the other cold winters which are bound to come.

Legislation has been introduced by Mr. KRUEGER and Mr. BROWN of Ohio, which I am proud to cosponsor, which would deal right now with the problems of the future. We should be dealing with that legislation right now, when the full impact of this crisis is still fresh in our minds and the minds of the public.

In the face of the painful symptoms facing many of our people today, I will support this dose of aspirin we are being asked to administer today. But I urge that we also get down to writing the prescription for penicillin that is the real need.

Mr. FINDLEY. Mr. Speaker, the bill under consideration today to grant the President authority to reallocate natural gas to areas of greatest need is only a stopgap measure. It does not begin to solve the problem. It will not provide any additional gas this winter to heat private homes and hospitals—the very facilities it is designed to assist. It may actually worsen the unemployment problem caused by the gas shortage since under this bill natural gas can be diverted from factories in order to heat homes, hospitals and for other critical needs.

The bill also penalizes those areas of the country which long ago saw this day coming and adopted strict conservation measures to protect the little natural gas they had. These areas will now be forced to give up some of their natural gas to help other areas where sound conservation practices were not followed.

The bill is deficient in other respects. It may actually act to discourage the interstate sale of natural gas because in some instances it imposes an interstate price ceiling below the price currently received for gas sold in the intrastate market. Obviously, little gas will be sold at depressed prices.

I will vote for this bill, not because it is the best bill which could be devised to deal with the natural gas shortage, but because it is better than no bill at all.

At the same time, today I am reintroducing my bill to deregulate new natural gas at the wellhead in order to stimulate the production of natural gas so that next winter we need not go through this once again. I first introduced this bill on January 3, 1973.

Natural gas is the cleanest burning and cheapest source of energy available today. The reason it is so cheap is that its price has been kept artificially low by Federal regulations at a time when the price of other fuels has skyrocketed. In fact, the price of natural gas has been kept so low that it has become unprofitable to look for new sources of gas. Many companies have ceased their efforts to bring new gas to the surface for homeowners and businesses.

Long ago I came to the conclusion that we must restore balance to market conditions and create incentives to produce domestic supplies of natural gas.

A single important step that can be taken to achieve these desirable and necessary objectives is the elimination of price regulation at the well to bring new supplies of natural gas into free market competition. The bill I introduced on January 3, 1973, did just that.

There is natural gas in the ground. But much of the gas which geologists say exists is in remote locations—difficult and costly to bring to market.

Time is needed to find new gas fields, develop those fields, and construct the necessary pipelines to bring that gas to homeowners and industry. In the prolific fields of the Gulf of Mexico, the timelag is 5 years or more.

As I said on the floor of the House in January 1975:

> The purpose of proposing this measure is to focus attention on the critical energy shortage and hopefully to persuade others to begin thinking about the problem.
>
> In view of all the circumstances of the energy crisis, our present knowledge as to future requirements and the hardships now being experienced because of the energy shortage, I believe this is a logical and decisive first step to protect our citizens and the national interest.

At that time, I also called upon the House Committee on Interstate and Foreign Commerce to hold hearings on my bill and on the worsening energy crisis. In a letter to Chairman HARLEY O. STAGGERS, I recited the hardships of last winter and went on to predict:

> The future is equally bleak. The major supplier of natural gas in Illinois, Panhandle Eastern Pipeline, has announced that it will curtail gas supplies to its customers in all but four months of 1973, those being June through September. Thus, next winter we can look forward to a replay of the same situation which plagued us this winter—insufficient gas, factories and schools closed down, farmers unable to harvest and market their crops.

In the 4 years since I first introduced my bill, increasing numbers of Americans have come to the realization that decontrol of new gas is essential if we are to have enough natural gas to meet our country's needs. The crisis atmosphere which surrounds consideration of this bill today will undoubtedly add to support for deregulation. It is an idea whose time has come. What a pity it is that it did not come sooner so that the needless suffering of this winter could have been avoided.

Mr. CAVANAUGH. Mr. Speaker, I rise at this time to bring to the attention of my colleagues the very real concerns of my constituents relative to the legislation before us. The people of the Second District of Nebraska appreciate the problems that have beset many areas of the country. Fortunately, our own situation is, at least for the present, somewhat less critical.

Much of the kind of information that is necessary to make a truly informed decision on this most complicated matter is absent. Let me cite a few examples: First, what is the condition of all pipelines which serve Nebraska; second, which of those lines would be considered capable of contributing its gas to other parts of the country; and third, how much industry has been shut down in the areas that would be receiving our gas?

If I understand the legislation, my constituents are being asked to give up their jobs so that their fellow Americans can heat their homes. This, then, is exemplary legislation in the true spirit of our great country and I will support it wholeheartedly.

I do, however, have a serious problem with the bill because I do not think that section 4(2)A provides adequate safeguards for those areas, such as Nebraska, which may be called upon to share its resources with the have-nots. I have been informed by the major gas wholesaler in Omaha, the Northern Natural Gas Co., that if they are required to cut back on their deliveries to the Metropolitan Utilities District, our local retailer, many priority 2 customers will have to shut down their operations. This would include those operations that produce anhydrous ammonia the fertilizer that is essential to our summer crops and many labor intensive industrial operations. Certainly, we should not be asked to close our industry and put our people out of work unless all the industrial operations in those areas that will receive whatever we can give, without cutting into our own priority 1 supplies, have been abandoned. Nor should our gas be used to bring back

on line plants that were forced to close because of the lack of gas in their own areas.

Over the last few years the Metropolitan Utilities District working with the Northern Natural Gas Co. has pursued policies and storage programs aimed at insuring that even in especially cold winters there would be adequate supplies of natural gas for all its customers.

Because of their foresight and responsible planning, even if the weather next month is 12 percent colder than seasonal averages, and we are substantially beyond that range already, our homes will have heat and most of our people will be working. Thus far, the gas curtailments have, for the most part, only affected customers that were able to switch to alternative fuels. Any further cuts, and I emphasize that there is no room here for experimentation, will result in swelling the unemployment rolls.

We are more than willing to help out those who need our gas to heat their homes and high-priority facilities. We will close our schools and factories if it becomes necessary. We will even allow the gas that is required in the production of the fertilizer essential to our summer crop, our livelihood and your food, to be diverted. But surely, before we make these kinds of sacrifices, we should know that everything except the residential load has been removed in the recipient areas. Let us pray hard for a break in the weather.

Mrs. HOLT. Mr. Speaker, H.R. 2500 is a bill to allocate shortages, to shift natural gas from certain areas and uses to other areas and uses. It does not promise a long-range solution, or even a solution for the near term. It is designed only to help the Nation cope with the immediate emergency. It does nothing to increase production of natural gas.

I hope we do not hear too many glowing speeches today about all the good this legislation will accomplish. Let us not pretend it is a solution. Let us avoid demagogery.

There is one major reason why we find ourselves in this crisis today, and that is the repeated failure of Congress to remove price controls on natural gas. The industry has been warning us for years that development of natural gas resources was falling behind the growth of consumption. The industry has been warning us that a cold winter could cause a crisis.

But the Congress decided that artificially low prices were more important than exploration, development, and production of more natural gas. The Congress ignored the need for investment to find and develop new natural gas resources.

Well, the day of reckoning has arrived. Some 2 million American workers have become temporarily unemployed because their jobs depended on adequate supplies of natural gas. In my own State of Maryland, 3,500 businesses have closed or cut their work hours.

I hope we soon get legislation to permanently decontrol natural gas prices, and I hope that the experience of this winter will produce overwhelming votes in both Houses for decontrol. If the Congress fails again to take the necessary action, our experience this winter will be only a glimpse of the future.

And while we debate this legislation, I wonder whether anybody can make a convincing case that the Federal Government is competent to allocate energy supplies.

The Maryland delegation to the Congress spent much of yesterday in meetings in which we attempted to persuade the Federal Energy Administration to allow full production from a synthetic natural gas plant that is ready to begin operations.

This plant will use naphtha to produce natural gas, and the Baltimore Gas & Electric Co. spent more than a year in bureaucratic wrestling with FEA to obtain allocations of naphtha. The company received allocations to test the plant, but no allocations to enter production.

Yesterday we heard that the environmental impact statement for the plant would not be approved until May, which meant that a permanent allocation would be impossible at this time. Then we turned to the question of whether emergency allocations could be granted to permit full production through the current crisis.

Finally, the FEA agreed to allocate sufficient naphtha for full production of synthetic natural gas from the new plant through March 31. This will do much to relieve the current natural gas crisis in Maryland.

But why is the FEA responsible for allocating naphtha? And why was the company required to struggle with FEA for many months just to obtain a minimal supply of naphtha for a test run of the plant? And why did it take the full pressure of the entire Maryland delegation to win a supplemental allocation of naphtha?

Take a good, hard look at H.R. 2500, ladies and gentlemen of the House.

Mr. PICKLE. Mr. Speaker, we are facing a very critical situation in many States as my colleagues from the Midwest, the Southeast and the Northeast have illustrated. We have reached the point where some action must be taken immediately by the Federal Government to protect the welfare of millions of families who soon may be without heat in their homes, our schools, and our businesses.

With natural gas production declining over the past 5 years and with the worst winter storms in recent history, we have been backed into the corner; there are very few courses left open to us now to deal with this immediate crisis.

While I recommend to my colleagues that they support this bill, I also urge them to recognize that this legislation provides little, if any, relief for the current situation. It is a simple fact that there is just not enough gas available in the short run to meet the needs of the gas-starved States. But more importantly, I hope that no one will consider this as a permanent solution, not something that we can renew every 6 months or trot out every winter when the shortage reaches crisis proportions.

This is legislation of desperation brought about by our failure over the past several years to come up with permanent solutions.

This bill will do very little and perhaps absolutely nothing to produce one more cubic foot of natural gas; it will do nothing to conserve natural gas.

Increased production is the only real solution to the natural gas shortage. That is why I have recommended vigorously in the past on two issues: decontrol of interstate prices and offshore leasing.

Only by allowing natural gas to rise to its market price can we attract the massive amounts of private investment money that is needed for exploration. We know where the gas is, generally, and we know how to get it but at 52 cents or even $1.42 per thousand cubic feet it is not worth the trouble of taking it out of the ground.

A second measure to increase production must be a concerted effort to fully develop offshore reserves of natural gas. The Northeast States would not be facing this present crisis if the enormous reserves off the east coast had been tapped a few years ago.

These two steps could have prevented our present situation. If enacted several years ago, they could have prevented 1.5 million workers from being laid off this week; they could have kept the schools open and the furnaces burning in millions of homes.

While decontrol of prices and offshore drilling would do nothing to get gas to people who need it next week, it is time for everyone to realize that they are the only permanent solutions to our problem.

I think that Texas as a producing State is willing to cooperate and help in this present emergency because we cannot allow any regionalism to stand in the way of a national emergency. But I want my colleagues to realize that it may be somewhat of a bitter pill to swallow for my constituents in central Texas.

It is frustrating to represent an area of the country that has been blessed by bountiful reserves of oil and gas and yet at the same time has suffered high prices and severe gas shortages at the hands of an unreliable gas supplier for the past 5 years.

In Austin, Tex., and throughout all of the central part of the State, we have been painfully aware of the shortage of natural gas. A study by the American Law Division of the Library of Congress in October 1974 clearly states the problem. That study states:

> Through an unprecedented action by the Railroad Commission, the LoVaca Gas Company has been placed in a semi-receivership capacity because, in part at least, it was unable to meet its contractual obligation to supply natural gas to electrical companies of various municipalities in Central Texas. The lack of gas supplies to these electrical generating plants in that region has precipitated an energy crisis of much greater proportion than that suffered by any other area in Texas, resulting, for example, in the University of Texas at Austin's suspension of classes for lack of heat and power for its buildings last winter, in the turning off of public street lights of the city of Austin, and in the cutting back of power available for home appliances of private individuals.

While my heart goes out to those in Ohio and Pennsylvania who have had to close their industry and their schools this past week because of the lack of natural gas, I want to point out to my colleagues that we began doing these same things back in 1973 in central Texas.

The point that I hope to make clear to everyone here is that there is no gas available in central Texas to be shared. In the month of January, the city of Austin has had 4 days of 100-percent gas curtailments with smaller curtailments throughout the rest of the month. The small amounts of gas that we have been able to receive from our supplier over the past 5 years has been at a premium price.

It is not pleasant to say to the people in central Texas that they might have to share their almost nonexistent supply of natural gas. I am sure that they will feel much the same as Texas Gov. Dolph Briscoe who said in his statement to the Energy Subcommittee:

> To allow gas-starved interstate pipelines to suddenly enter our intrastate market and purchase this precious commodity amounts to nothing less than allowing consumers in other states, who for years have reaped the benefits of low-cost interstate gas, to now reap the benefits of an extensive drilling program which has been financed entirely by Texas consumers.

The consumers of central Texas suffered first and now they should not be expected to suffer the most.

I am glad to see that the bill reported by the Commerce Committee is aimed at protecting the people of central Texas. It contains an amendment by my colleague, the Honorable Bob Krueger, whose district has also been severely hit by the inability of the LoVaca Gathering Co. to deliver contracted amounts of natural gas.

The Krueger amendment would prevent an intrastate pipeline under court supervision from making sales to interstate pipelines without court approval. This will preserve a court's jurisdiction in an emergency situation where a supplier has more or less gone under. In general, this amendment is crucial to the central Texas consumers.

There is also an amendment by my colleague, the Honorable BOB ECKHARDT, which would put a temporary price ceiling on the emergency sales of natural gas from our intrastate pipelines.

There are only very limited supplies of natural gas available to be shared in Texas. To allow the entire Nation to bid on these small supplies without a price ceiling could cause gas prices to soar to astronomical heights. It will also eliminate sources that LoVaca Gathering Co. must depend upon for spot buys.

Under any other circumstances, I could not support a price limit on natural gas. As much as I dislike the idea of the controls which have led us to this situation, I think they must be part of a temporary program. Without the ceiling on prices it will mean that the consumers of Texas will feel the short-term bad effects of decontrol without receiving the long-range benefits of increased production.

This bill does nothing to help the State of Texas and very little to ease the situation in other parts of the country. I hope that the bill, as amended, will not do much to harm those consumers in central Texas who have already suffered through years of shortages.

President Carter was very frank when he proposed this legislation. He stated that this will not solve the problem. It is not a temporary solution and it is definitely not a permanent solution. This legislation may have come too late to provide significant relief but it is probably better than doing nothing.

The real question now is next winter. The only way to prevent the gas shortage from becoming an annual event is to decontrol the price of natural gas permanently and to find alternate sources of energy.

Mr. ANDERSON of California. Mr. Speaker, I have followed with considerable alarm the recent developments with respect to the natural gas shortages throughout our country. Schools and factories are closed or are in danger of closing, many metropolitan communities are faced with cutbacks in residential heating, and the potential for loss of jobs is a sad and intolerable situation. Incredibly, our country has not planned adequately or intelligently for a natural gas crisis. The demand far exceeds what suppliers can provide. Natural gas supplies one-third the energy requirement in the United States and in some places, supplies all the required energy. This places much of the country in a less than desirable situation.

Although southern California is not hard hit, we do need immediate legislation to mitigate the effect in other parts of the country. The direct cause of the problem is the severe winter, but the key to the issue is the absence of a realistic energy policy for America. The prospect for the future is equally bleak unless determined action is taken swiftly. We cannot control the weather but we can mitigate its effects. This is why I rise in vigorous support of the Emergency Natural Gas Act of 1977, H.R. 2500.

I want to commend the Carter administration for the expeditious work on this problem. The bipartisan work done by the legislative and executive branches, in coordination with President Carter's special assistant for energy matters, Dr. James Schlesinger is outstanding.

The bill authorizes the President to order emergency deliveries and transportation of natural gas to areas with imminent shortages. In effect, Federal price controls of interstate gas will be temporarily lifted to enable and encourage gas to be channeled from States with supplies of natural gas, such as Texas and Louisiana, to those in need, like Maryland, Ohio, and Virginia. The bill will not solve the shortage but it will permit minimum supplies to continue the flow of gas to residences and other essential services.

Unfortunately this bill is only a stopgap solution. We need to do more than turn down our thermostats to 65 degrees. That is a start but already the natural gas crisis has closed schools and factories in 17 States and thousands of workers have been laid off. Continual layoffs will harm our chances for economic recovery. We must present a strategy to include a major initiative toward energy conservation, the development of new energy technologies, and an assurance that all sections of the country will meet energy requirements.

In pursuit of legislative initiatives which will promote rather than discourage energy production, I am confident that President Carter and the Congress, working together, will agree upon an emergency natural gas proposal to assist us in avoiding the most serious hardships brought by this winter's unexpected cold weather.

Again, I want to assert that it is imperative that Congress in the very near future must adopt legislation addressing the long-term fundamental problem of natural gas supply or we are likely to face this same crisis year after year.

Mr. CHARLES H. WILSON of California. Mr. Speaker, the record cold in the Eastern United States is truly an oppressive and brutal force, and I join in supporting the President's emergency natural gas legislation.

However, it is most important we recognize that this emergency measure does not increase natural gas supplies. The legislation to decontrol natural gas prices is a very temporary measure designed to give the President authority to juggle existing natural gas supplies to maintain fuel resources necessary to protect human life in the Eastern United States. By removing controls, the President will have the temporary authority to purchase gas currently held in intrastate markets, and reallocate natural gas supplies in interstate pipelines in areas where there are currently no shortages.

California is, fortunately, not experiencing this bad weather, and during this emergency period it is understandable that allotments be reallocated to critical areas. Nevertheless, it is imperative that if California gas is reallocated to the East, that at some future date, an amount equal to what was borrowed, be returned.

The measure approved by the Senate yesterday contains provisions to protect gas consumers served by donor pipelines. I urge my colleagues to accept the langauge approved by the Senate as a responsible piece of legislation which will meet current emergency needs, while protecting other areas that depend on natural gas.

There is no greater challenge facing the Congress and the President than that of providing adequate energy resources to meet domestic needs. However, I hope we will always recognize our obligation to protect senior citizens and others on limited incomes, from rapid energy price increases which would place intolerable demands on their personal finances.

Mr. FRENZEL. Mr. Speaker, H.R. 2500 is emergency legislation. It was conceived and is now being considered in the midst of a national crisis. There is no time for delay and we must take positive action. However, even though we are anxious to support the President in his request for emergency powers, we ought to admit the bill will do little to alleviate current or future shortages.

If we are going to do what is best for the country it might be helpful to briefly review our natural gas situation. Natural gas provides about one-third of our total energy consumption. It is used in almost 40 million homes, 200,000 industrial plants, and over 3½ million commercial establishments. As of today, the reserve supplies usually intended to serve these end users through the end of March are now reduced to 50 percent below normal. Each of us can list schools, churches, and businesses which have closed in our districts. The effects on these institutions and individual homeowners have been disastrous.

The question of how we got ourselves into this spot requires a very detailed explanation. But a simplified résumé of the situation is that we managed to evolve a natural gas policy that "encourages Americans to use too much of the wrong stuff for the wrong reasons."

The Congress started fouling up under the Roosevelt administration when it passed ambiguous language in the Natural Gas Act of 1938. It continued the process by not acting to modify the law after the 1954 Supreme Court decision. We still have not moved either to cut consumption or to increase supply.

Our failure has not been due to lack of opportunity or lack of leadership. Two of our most recent opportunities, the administration's energy policy program proposed almost 2 years ago and the decontrol plan proposed last session by Representatives KRUEGER and BROWN, demonstrate our cavalier treatment of the issue. The first we ignored and the second we tried to gut before its defeat by four votes. That was folly. And our blunder was premeditated. We had the chance and we knew the numbers.

In the past 20 years we have seen the number of dedications of new gas destined for interstate markets decline almost 90 percent while in interstate markets it has been climbing. In just the past 10 years it has risen at almost 50 percent. Coupling this development with a huge increase in total gas hookups, over 300,000 in 1975 alone, we should have been able to see the coming problems created by our own inaction.

We obviously know the effects of our present crisis. But we still do not know how much gas we really have or where it is all going. President Carter's nominee for FEA Administrator, John F. O'Leary, tells us that one of his highest priorities in this area will be to develop credible data. William Yost, Chief of the Bureau of Natural Gas, says that we do not even know how much we have available on an emergency basis. Nobody knows. We collect tons of information and we do not know. In studies performed since 1970 the differences between American Gas Association figures and those compiled by the Geological Survey and the FPC have amounted to trillions of cubic feet.

What H.R. 2500 does is fairly simple. It grants the President authority to use two newly created mechanisms to combat the natural gas crisis: First, an allocation or rationing program which expires April 30, 1977; and second, the authorization, under controls, for emergency purchases of natural gas at prices above those set by present FPC authority expiring July 31, 1977. What the bill does not do was well explained by President Carter: "This bill will not end the shortage."

It surely will not. It will help allocate the shortage, maybe.

The questions of who will get what and how much are now upon us. However, we do not know what the administrating agency will be. Dr. Schlesinger tells us the program will be used when a State's Governor requests it or when the President is presented with other evidence. What other evidence? How will it be distributed? We have some general guidelines in the bill but there are no criteria set forth for which pipeline or how much it will have to give up.

What the bill does not do is to treat those problems which have been most exposed to the public. School operations and industry closings are not included in the criteria for emergency treatment. The bill's narrowness of scope will prevent any relief for the 400,000 Americans now out of work. Most of the questions are still unanswered. The fact is that the bill will not do very much.

The problems which have been mentioned could probably be fixed by amendments offered here today. However there will be no amendments. There will also be less than 1 hour of debate. This is ludicrous. In choosing to offer this bill under suspension with a 20-minute time limit per side, the leadership of the Democratic Party is playing games with a serious national crisis. Surely this grave an issue deserves more consideration than your lunch break.

The worst of this bill is not that it is mostly hope and little salvation, the worst is that it ignores the one single act, deregulation, that can help increase gas supplies. Long-term deregulation will increase supplies, but only after a 2-year lag. Every day that we ignore deregulation we are causing future shortages and hardships for the American people.

I do not like the way this bill is being considered nor do I believe that it will be able to fulfill its promises, but I will vote for it. I will support it because I am frightened of the consequences of no action at all. We will be anxiously awaiting the promised long-term energy policy programs of the President. We can only hope that they will offer better possibilities for relieving shortages than this one.

Mr. KEMP. Mr. Speaker I am voting yes but, I think it is time this Congress address itself to the causes of our severe natural gas shortage.

The responsibility for our present shortage rests clearly with Congress, and no amount of last-minute, emergency legislation can deny that reality. The very existence of this legislation, as a matter of fact, proves the failure of past Congresses to help assure sufficient supplies of natural gas.

Let there be no mistake about it. The Congress has had ample opportunities to prevent the shortage now putting up to 1.5 million people out of work this week. The past two administrations and many Members of Congress, including myself, have repeatedly called for comprehensive production measures to prevent the kind of crisis now occurring. As recently as last year, Congress had a chance to decontrol natural gas, but it voted the measure down unfortunately for the people of America.

With an arrogance typical of the advocates of big government, a majority in Congress has insisted that it knew better what the people wanted than the people knew for themselves. Instead of permitting the price—and therefore the supply—of natural gas to be set by the competitive interplay between producers and suppliers on one hand and consumers on the other, that majority has insisted on Federal agencies making the decisions, principally the Interstate Commerce Commission, the Federal Power Commission, and the Federal Energy Administration.

Misjudging the desires of the consumers and taking their cues from Congress, these agencies chose the route of lower prices but less supply, the alternative having been higher prices and greater supply. These agencies held the price of natural gas down far below what its real market price would have been. That action precluded suppliers from putting existing gas on the interstate market and from looking for new supplies.

There is no better example of this than one found in the New York Times yesterday and I quote:

Antonio R. Sanchez Jr. sits in his Laredo office on top of enough natural gas to keep Northeast factories humming, schools open and homes warm. The gas may be the largest amount discovered domestically in 20 years. Precise figures are not known yet, but the find may amount to 10 trillion cubic feet—enough to supply the entire nation for six months.

There is one catch. Mr. Sanchez and other Laredo producers sell only to fellow Texans.

Regional bias is not involved. Simple economics are. Texas buyers are paying about $2 per thousand cubic feet for natural gas. Out-of-state buyers are under Federal price controls that prohibit them from paying more than $1.42 per thousand cubic feet. So, naturally, Mr. Sanchez has sold his discoveries on the Texas free market.

"What amazes me is why people in the East cannot understand the simple economics of it," he said, echoing a universal sentiment among Texas gas producers. "Why should I sell my gas out of state for $1.42 when Texas buyers are waiting in line to pay $2 for it? For $1.42, I wouldn't even go out and drill the holes. We wouldn't even consider it. It's simply not commercial. We'd divert our funds somewhere else."

Texas is the nation's largest natural gas producer. But it is also the nation's largest energy consumer. With production declining at a rate of 5 to 8 percent each year, that means virtually all the new natural gas discovered in the state is taken by customers in the state. Under normal conditions, there is very little gas left over to sell, say, to the Northeast under President Carter's emergency energy proposals. In cold spells, Texas runs short, too.

"We let the free market set the price of natural gas, made it profitable for investors to go in and take some real high risks and we've found more gas," Mr. Sanchez said. "We were willing to pay the price and we have virtually all the gas we need for the moment. But look what's happened back East. They may not pay a lot for the gas but now they don't have any gas at any price.

There's got to be a lesson in there somewhere."

What happened when the Congress and its cohorts in the agencies kept the price of natural gas about 50 percent below what would have been its market-determined price Natural gas became the preferred fuel. This is how we ended up with natural gas constituting 30 percent of all the fuel used in the country. It is now used in about 40 million homes, 3.5 million commercial establishments, and 200,000 industrial plants. Yet I doubt if those here in Congress whose actions precipitated this fuel shortage will tell the people back in their districts who are cold or out of work that it did not have to be this way.

During the winter of 1973–74, the people of this country went through a severe crisis because of the shortage of gas and oil arising from the Arab embargo. Yet, the reason why we ran short was not because of the embargo itself, but rather why we had built such a reliance upon Arab oil in the first place. The reason was because federally mandated, artificial controls on domestic oil and gas had made it less profitable than Arab oil. Investment pursues its highest potential return, so new investment went into Arab oil. By having legislated these controls, Congress was clearly to blame, yet the people suffered. This winter's example—this time with natural gas—is no different. Congress is to blame.

Has the majority in Congress really learned anything by these two experiences? I doubt it. The proof of that conclusion is in the bill now before us. The very same people who guaranteed a natural gas shortage by their prior policies haven't abandoned those policies, for the relief provided in the bill in front of us is only temporary.

Does the bill before us provide for any permanent decontrol of natural gas? No. It only gives that authority through the summer, meaning, of course, that no real improvement in supplies will be forthcoming beyond this winter. What happens if it is this cold again next winter—especially in light of the long-range weather forecasts of three consecutive cold winters? It means we will be short again, and Congress will have to repeat this exercise—after people go without jobs and heat again. My constituents in the Buffalo area cannot afford this tragedy one more time.

Does the bill before us allow interstate natural gas pipeline companies to voluntarily allocate fuel supplies based on supply, demand, and price? No. It establishes a bureaucracy-controlled mandatory rationing plan.

Are price controls lifted, even for this temporary period, so as to permit the full increase in gas supplies we need for the Northeast and the Midwest? No. Instead of lifting price controls through this summer—the only way suppliers will divert sufficient supplies from certain intrastate markets to the interstate pipelines, the bill places another—just slightly different—mandatory price ceiling on these fuels. The bill reported by the Committee on Interstate and Foreign Commerce yesterday says natural gas prices can only increase by 15 percent. That would defeat the whole purpose of temporary decontrol—to increase supplies. What it will leave us with, instead of any real temporary decontrol and greater supply, is a new federally mandated allocation system with very little increase in supply.

Why do framers of this legislation insist upon pinning their personal views of the world on their chests and marching forward down the same road that produced this crisis in the first place? Is it because they are afraid of the political consequences of admitting to the American people that they made a serious series of mistakes in prior Congress, mistakes for which the people are now having to pay? In light of this severe shortage, logic says they would recognize their errors and proceed in a different legislative direction.

There are a number of other problems with the bill too.

Areas where industries and schools are closed are not guaranteed they will get gas from other areas where industries and schools are operating fully because the provisions for allocation to industrial and school uses are now confusing at best.

It provides very little criteria as to which pipelines have to give up the gas and how much they have to sacrifice.

And, of course, the worst thing about the bill in front of us is that it does not address the question of how to deal with the long range problem of Federal price controls that created the natural gas shortage originally.

Against all this background of what is wrong with the bill in front of us and with the attitudes of those who put it together in committee, I will vote for its passage. Why? It is one of those cases of something being better than nothing. The people of western New York would rather have some natural gas—some temporary relief—than none at all, and so would I. But they also want permanent relief, and while a majority in Congress is not committed to that principle, I am, and I shall continue to work for complete decontrol.

I have introduced a bill this year—as I have done before—to provide for permanent decontrol. I have also introduced a bill to exempt small natural gas producers—"mom and pop" well owners—from FPC regulation, a measure vitally needed in the Appalachian States stretching from Mississippi to New York. I think everyone probably has some vague idea that anyone who owns a natural gas well is well-off, raking in the money hand over fist. That simply isn't the case, especially in the Appalachians, where the artificially low ceiling on the price of natural gas has forced the closure of low-yield wells and precluded others from being sought. Throughout all the Appalachians, you have these low-yield natural gas wells, owned by people who have little more than a pick-up truck with a deer gun rack and that well. These people are up on the hillsides and down in the valleys throughout the mountain country—the southern tier of New York, Pennsylvania, southeastern Ohio, West Virginia, Virginia, Kentucky, Tennessee, the Carolinas. It is also true in areas as diverse as Mississippi and Michigan. Yet, when taken altogether, this volume of gas would fuel the Northeast and Midwest for years. H.R. 2447 would exempt these small natural gas producers, and I hope it is incorporated in natural gas legislation this year. The distinguished Senate majority leader, Senator ROBERT BYRD of West Virginia, has been the price proponent of putting more money into opening the Devonian shale fields in the Appalachians—fields which may trap as much as 285 trillion cubic feet of gas. The significance of that can be grasped when one considers the estimate for all natural gas reserves in the country, without those Devonian field gases, is only 237 trillion cubic feet.

Mr. Speaker, I hope those who are the leaders on the other side of the aisle for this bill today put their Government oriented predispositions aside this session and get some legislation to this floor to keep this kind of crisis from occurring again.

Mr. KASTEN. Mr. Speaker, the natural gas crisis facing the country today dramatically illustrates a situation that all too many Americans have forgotten. Our energy problems are real and serious. They did not begin with the Arab embargo, nor end with a return to high import levels.

What we have tried to ignor can no longer be ignored. The consequences of our failure to enact a comprehensive national energy policy are with us today, and the people of this Nation are suffering. There can be no more excuses. The Congress must act, and the sooner, the better.

The record cold wave blanketing much of the Nation has precipitated the current crisis. Its dimensions are so widespread as to have dangerously imperiled the life and economy of much of the eastern half of the country. The implications of continued shortages are so serious as to require immediate action even for the short term.

The statistics paint a grim picture. More than half of the major pipelines east of the Mississippi had drawn down 50 percent or more of their storage reserves by January 15. In some cases the amounts remaining were less than half of the amounts in storage this time last year. It is now estimated that the amount of gas available to the interstate system this year is 115 billion cubic feet less than last year.

In my State of Wisconsin, temperatures are averaging 23 percent colder than normal. Dwindling supplies of natural gas have forced interruptions of service to virtually all interruptable customers with industries and commercial operations having to switch to alternative fuels. To further illustrate the severity of the problem, I have learned that Wisconsin Gas Company had a greater total volume of natural gas interruptions during the first 3 weeks of January than in the entire September to March 1975–76 heating season.

A similar story is told in many other States. A genuine emergency exists. We are here today to pass a bill designed to alleviate the severity of that crisis by spreading the impact of the shortage

more evenly throughout the country. In our eagerness to act, however, we must not forget that the legislation before us is only a temporary measure and by no means a solution to our problems.

The Emergency Natural Gas Act of 1977 essentially removes several legal barriers to enable the administration to reallocate natural gas among high priority users. It provides the executive branch with a broad grant of authority to deal with an emergency situation. It accomplishes this goal by creating two mechanisms to facilitate the movement of natural gas.

First, H.R. 2500 would authorize the President to allocate natural gas supplies within the interstate pipeline system so as to serve residential customers, small commercial establishments, or end uses which are vital to life, health, and the protection of property. This authority would expire on April 30, 1977.

Second, the bill would permit emergency purchases of natural gas by interstate pipelines from the intrastate market with imposition of a price ceiling. This authority would expire on July 31, 1977. Natural gas already dedicated to the interstate system would not be eligible for emergency sale, nor would gas owned by an affiliate of an interstate pipeline, nor would gas produced from the Outer Continental Shelf.

Along with the two mechanisms for transferring natural gas, H.R. 2500 establishes a compensation program allowing the President to set compensation rates if individual parties cannot reach agreement.

On the surface, these provisions appear simple. Once enacted, however, I am sure that implementation will not be an easy task. Because of the emergency nature of our action and the need for expeditious followthrough on the part of the Executive, H.R. 2500 gives broad authority to the President with few guidelines or requirements for rulemaking procedures.

The very purpose of this bill implies that some States will be acquiring natural gas at the expense of others, thus alleviating the crisis dimensions of their shortage. Other States will be losing gas supplies for the benefit of some, thus contributing to the ever-worsening gas shortage within their own borders. Such a situation demands understanding on the part of all States as well as fairness and adherence to a standard of equity on the part of the President as he establishes the allocation program.

H.R. 2500 is by no means a perfect bill, though it has been improved since first presented to the Congress last Wednesday. Unfortunately, the procedure the leadership has chosen for consideration of this bill prohibits offering additional technical amendments. Because of this unfortunate situation, I will vote against this bill in the hope that the House will pass in its place the language approved yesterday by the Senate.

I should also like to take this opportunity to underscore my specific concerns with reference to H.R. 2500 and my reasons for supporting the Senate language.

After a briefing by Wisconsin's energy officials, I am concerned that the bill might cause my State to lose a disproportionate share of its gas supplies as compared to other States which will be sharing gas. This potential inequity occurs because of Wisconsin's heavy dependence on natural gas for industrial purposes, which is classified as a low-priority use. Because the State opted for natural gas largely to meet its standards under the Clean Air Act, it may now be penalized on the basis of a bill that allocates gas solely on the basis of end-use. The repercussions for Wisconsin industry are serious, some of which have no alternative fuel source other than already scarce propane.

Yesterday the Senate adopted a series of technical amendments to its counterpart bill which would have the President's allocation program reflect greater protection for States like Wisconsin. These amendments strengthen the requirement for equitable allocation by introducing the concepts of proportionality and end-use curtailments in the determination of the allocation program. For example, the gas which Wisconsin may be required to share would have to be proportional to what other donor States would be sharing.

The second major concern we in Wisconsin have relates to the compensation section. It is important that in the establishment of rates for compensation the parties take into account not only the purchase price of gas, but the additional costs of maintenance, operation, capital amortization, taxes, and switching to alternative fuel sources. Whatever bill we approve should allow for these additional cost factors.

In conclusion, Mr. Speaker, I urge the citizens of my State and the country to realize that this bill will not solve our problems. It is too late for this winter. H.R. 2500 will not end the cold-spell. It will not increase employment. Indeed, more industries may be forced to close. At best, all we can hope is that it will keep peoples' homes heated.

Let us hope we have learned our lesson and will not forget it when the weather turns warm again. Let us prepare now for next winter by establishing a comprehensive national energy policy. A sound natural gas policy is a key element in that national strategy. I think a recent editorial in the Washington Post summarizes the situation very well:

It's been the story of the ant and the grasshopper every year for the past four. Every year when it gets cold, there's a flap over gas supplies; the flap is greater than usual this year because it's colder than usual. But each year when it gets warm, the urgency of the issue fades and Congress' attention wanders. The grasshoppers keep voting for further study of this difficult question, etc., etc., and so far they have generally won. When you think what Aesop extracted from those two mere insects in the way of moral instruction, you can only wonder what he might have done with the 535 members of Congress and the natural gas industry.

Mr. BALDUS. Mr. Speaker, in many States, the shortage of natural gas has reached crisis proportions. The causes of this crisis are not completely clear. But for the moment it is sufficient to say that a crisis does exist.

Because people in our country may suffer terribly if something is not done immediately, I intend to vote for the Emergency Natural Gas Act of 1977. But I do so with strong reservations.

The people of Wisconsin are willing to join with other States to find an equitable solution to this crisis. But I do not believe that Wisconsin, any more than any other State, should be required to make a disproportionate share of the sacrifices necessary to alleviate the natural gas crisis. I am concerned that, because Wisconsin was better prepared for a shortage of natural gas, it may be required to make sacrifices which are not required of those States which were less farsighted. The Senate version of this bill has a more equitable allocation formula. I urge the conferees to adopt the Senate allocation formula.

The supply of natural gas is indeed low in many areas. The question remains: What is the cause of that shortage? Certainly the unusually cold weather has contributed to this situation. But it is not the sole cause. Are we truly running out of natural gas or is it simply that the price is not yet right for those individuals who control the supply? The lack of reliable information in this regard is unpardonable. It is an area which deserves close examination. Such examination is not possible in a crisis situation.

I must emphasize that my support of this emergency measure in no way implies my support for the total deregulation of the price of natural gas. I am concerned that this bill may create an opening; the possibility of backdoor deregulation of natural gas prices. The total deregulation of natural gas prices is a matter which must be examined carefully with full consideration given to both our future energy needs and the possible impact which deregulation would have on our still fragile economy. An atmosphere of crisis makes it impossible to give this question the full consideration which I believe is vital.

A coherent and rational energy policy for this Nation is long overdue. We are today reaping the harvest which gross neglect has fertilized so well. The Emergency Natural Gas Act of 1977 in no way resembles an energy policy. At best it is a short-term response to a situation over which really we have no control. We do not know if there is truly a natural gas shortage. We do not have a solution to the supply problems. We lack the basic information necessary to make an informed judgment. The question of where do we go from here is sorely in need of an answer. This bill does not provide it.

Mr. BEDELL. Mr. Speaker, we are considering legislation today made necessary only by the unexpected harshness of this winter and the very serious lack of adequate or available supplies of natural gas in many of our States.

While I am going to vote for S. 474, I have grave reservations as to its wisdom on anything but a short term, emergency basis. The undeniable fact of that matter, which we face daily in our newspapers and news broadcasts, is that we are now ourselves in the midst of a national emergency. With many parts of the country already faced with closed factories and schools, and mounting un-

employment, with commercial businesses restricting their hours and the potential loss of residential heating capacity, the severity of the situation makes delay unacceptable.

Our actions must be swift and responsible in the hope that relief can yet be provided.

However, I must stress that any action which we take here today must be temporary. We must continue more resolutely than in the past to search for answers to questions about long-term solutions. Those questions include the need for additional and more adequate data on our natural gas reserves. What alternative pricing system would improve the present two-tier pricing system and the abundance of gas on the intrastate market? Have producers deliberately reduced exploration for the very purpose of forcing Government to change its pricing policies and to create greater profits when price controls are lifted? What reponsibility do we have to provide a pricing formula which adequately protects the consumer while allowing sufficient profits to increase exploration of natural gas?

If we pass this measure in the Congress and then do nothing after the crisis has passed to seek those long-term solutions, we will have shirked our duty to those we represent and we will have a difficult time explaining to them during the next hard winter why their Government must continue to make such crucial decisions on an emergency basis.

Mr. BRECKINRIDGE. Mr. Speaker, today we are considering the Emergency Natural Gas Act. We are considering this legislation under suspension of the rules, thus we must take the package as presented. We may not amend to correct or improve what we are offered. But frankly this bill needs improvement.

President Carter has told us that an emergency situation exists throughout much of the United States due to a severe shortage of natural gas—and that is indeed so. The Eastern two-thirds of the Nation is wrapped in the grasp of an unprecedented cold spell, and the President says that if the Congress does not act quickly on this legislation, the energy which goes to heat the homes of millions of Americans in the States most affected by the shortage may be cut off.

The bill gives the President emergency authority to allocate supplies of natural gas from one interstate pipeline to another. It also permits interstate pipelines to enter the intrastate market to make emergency purchases of gas at much higher prices.

I agree with the President that we are facing an emergency situation. My own State of Kentucky is one of those most severely affected. Congressional action needs to be taken swiftly. For this reason I will vote for the bill. I do not, however, believe that this bill goes far enough. It limits the solutions available to us to solve the problem. The President also needs the authority necessary to allocate all natural gas supplies—including intrastate supplies—not just those in the interstate systems.

Approximately 50 percent of the natural gas used in this country each day remains in the intrastate systems of a few States. Published reports say that gas is in plentiful supply in those States. It is even being used to fuel boilers to run electric generating plants—the lowest category on the Federal Power Commission list of priority users of gas.

Gas is also being withheld from production. An article in the New York Times the other day cites a fellow named Antonio Sanchez, Jr., in Houston, Tex. who sits on a new gas line that would be enough to supply the United States for 6 months. He says,

I am going to sit there and sell at the price I feel like.

Mr. Speaker, if we are going to address this crisis effectively and spread the hardship it has caused equitably across the country, the President should have the power to allocate intrastate as well as interstate gas. This is a national resource, and it should be used nationally. We should not permit a few States to hoard gas and use it for low priority purposes while the rest of the Nation is threatened with freezing homes and the loss of over 1 million jobs.

Mr. Speaker, although I am tempted to vote no, to register my disapproval of the consideration of this matter under a rule which prohibits House consideration of an amendment so enlarging the availability of supplies to the American people, I shall support this bill today because the Congress needs to take action now. This bill my temporarily ease our difficulties, but I hope the American people do not think this bill will solve the gas crisis, even in the short term. We are giving the President only half the authority he needs to deal with this emergency; I hope it is proves to be enough.

Mr. HIGHTOWER. Mr. Speaker, I voted for S. 474, the Emergency Natural Gas Act of 1977.

In my judgment it will not help the people whom I was elected to represent, but I trust that amendments supported by my distinguished Texas colleagues on the committe will assure that my constituents will suffer no additional economic hardship as a result of my action.

Although information available tells us insufficient natural gas is now available in the short run to provide much relief to States deprived of this essential energy source, I want the President to have the authority to try to help. That is what we will provide with this legislation.

I am distressed that once again the Congress is placed in the position of reacting to a crisis. We seem to move from crisis to crisis.

Perhaps we are like the person described by the American novelist Robert Nathan, who said that toward men and toward God, she maintained a respectful attitude, lightened by the belief that in a crisis she could deal adequately with either of them.

I believe our present crisis has been created by both men and God. The Congress has failed to enact an effective energy policy. The God of us all has driven the lesson home by sending the severest winter in recent history.

Whatever our intent, crisis-driven efforts to solve the problem will be inadequate.

On the basis of long and bitter experience we should have learned the lesson that reaction to a crisis is a poor way to legislate.

On the basis of long and bitter experience we should have learned that we can no longer afford the luxury of procrastination.

We must set aside our proclivity to assess blame. Warmer weather will help the crisis subside, temporarily. But we must turn our attention, and do it now, to enact a long-term solution to our energy problems.

I hope the Congress will not lose sight of the irrefutable fact that the higher prices paid by consumers in gas-producing States, my constituents, have paid for the exploration and development of natural gas resources that have supplied so much of our Nation's energy needs for so long.

A statement was made on the floor of the House yesterday that Texas and other States are deliberately withholding gas that they have from the market. I trust the gentleman who made the statement is aware that although Texas is the largest producer of natural gas, it also consumes more gas than his State and several other northern States combined, and that they are paying for it at rates three to four times higher than his constituents are paying.

Some of my constituents farmland sets atop reservoirs of natural gas, but they pay prices for gas to supply their irrigation wells that are three to four times higher than prices paid by consumers in northern States for that same gas. When they ask why, I am hard put to provide an answer.

I repeat we can no longer enjoy the luxury of procrastination. We must get ourselves out of the mess we are in and attempt to enact what could be a long-range solution to the Nation's energy problems. As we do so I hope the Congress will follow the very instructive lesson taught daily by the gas-producing States.

Gas consumers in Texas and other producing States are already paying the higher prices.

Mr. BADILLO. Mr. Speaker, I rise in support of H.R. 2500, the Natural Gas Act. I do so in support of the Governor of New York State, where the gas emergency is becoming increasingly critical every day. But I cannot let this opportunity pass without reminding my colleagues that we are voting now to stem a crisis that might have been lessened—or avoided altogether—if the Congress had acted more responsibly last year. It is fine to have an emergency piece of legislation that will put a finger in the dike of the worst energy crisis this country has suffered, but it does, all too vividly, point up the fact that it is a very real crisis, not the abstraction we have chosen to think it is.

A major part of the problem is the way in which our energy legislation was enacted last session. As you may recall, there was little or no consultation with Members outside those serving on the

committee, and it took several days of work on the floor to hammer out the bill that was finally passed. As amendment after amendment was offered, it was impossible to determine exactly what we were accomplishing, or what the shape of the final bill would be. Additions and deletions were passed or defeated by such narrow margins that it was also impossible to determine whether the final bill really served the purposes for which it was intended. And now, we are faced with the first consequences of our hasty action.

I would like to urge the members of the Interstate and Foreign Commerce Committee, as well as my colleagues who are not directly involved in writing new energy legislation, to preclude the possibility of another markup on the floor of this body. It is finally—and critically—imperative that we now take a careful and long-range look at what our domestic energy policy should be. It is also imperative that this legislation should be written in consultation with every member of Congress, for each of us will be affected by its outcome. It is incumbent on all of us to make certain that what comes to the floor this session is not a hastily-constructed pastiche of ideas, but a thoughtful, well-reasoned document that will begin to address the solutions to the grave energy problems we now face.

I would like to add to my words a thoughtful and important article that appeared in the New York Times this morning in which Thomas E. Mullaney clearly defines our need to face up to our energy problems:

U.S. MUST FACE UP NOW TO ENERGY PROBLEM

(By Thomas E. Mullaney)

As the nation concentrates its efforts on near-term solutions for the current energy crisis, thoughtful leaders in various areas of society are renewing their unheeded pleas of recent years that Washington face up to the more substantive long-range questions of energy sufficiency in this country and other parts of the Western world. The United States, with its enormous resources, technology and talent, has risen impressively to the challenge of great tasks in the past—and needs to do so again under the pressure of this latest and most urgent problem.

A nation that could create a Tennessee Valley power project in the Depression, that could mount a fantastic industrial effort to wage a two-front war in the 1940's, that could organize a Manhattan Project to develop the atomic bomb at the same time and that could put men on the moon and satellites in space should be easily capable of mastering the energy crisis of this era, if there is the will to do it.

It will not be easy, and will be costly and controversial. But, in the process of solution, the nation's future interests will be served and it could have the added benefit of helping to ease the nation's chronic unemployment problems with its growing labor force.

Conservation programs, together with emergency regulations to reduce and apportion the use of natural gas, electricity and oil in this shortage period, will certainly be helpful and useful, though they must be recognized as no more than temporary expedients to tide the nation over a relatively brief period of emergency. Remember how quickly oil conservation faded a few years ago? What is basically needed are policies and programs that attack the causes, not merely the symptoms.

The past complacency on energy policy has come home to torment the United States at this moment of critical necessity. However, it makes no sense to try to fix blame for previous sins. What is important is to address the basic problem, late as it is in the game. And the key question is: what is the best strategy?

To many, it seems that the answer is decontrol of prices in the energy field and moderation of the regulatory maze. That avenue may well be appropriate, provided proper consumer and environmental protection is built into the course adopted. Others warn that such a route is too simplistic and that there will have to be other planks in the platform eventually adopted as national policy.

Fortunately, there is no lack of recent thoughtful suggestions that could serve as useful guides for public discussions and debate. One is the rather comprehensive report, "Providing for Energy," issued three weeks ago by a task force of 15 prominent citizens from business and academia, gathered together by the Twentieth Century Fund, the nonprofit research foundation. It was headed by Herbert B. Cohn, vice chairman of the American Electric Power Corporation.

Another is the Energy Independence Authority, first proposed by President Ford in September 1975. It got nowhere after some brief Congressional study when it was first offered, but it deserves another hard look.

The Twentieth Century Fund's program encompassed recommendations for both the near term and the longer range. It urged the creation of a three-to-six-month supply of oil as an emergency reserve, instead of the present 10-day stockpile, to be financed with a "security" tax on all imported oil products; revision or scrapping of energy price controls; cost-oriented guidelines for environmental protection, and new incentive programs to encourage coal development and new sources of energy. It also called for Government financing of research and development programs in a quest for the new sources, but with private capital underwriting those projects once their technological and economic feasibility had been demonstrated.

In calling for another look at the Ford plan on energy independence the other day, George D. Woods, a director of the First Boston Corporation and one of the nation's top financiers, said it was a "carefully thought out piece of legislation, ahead of its time, that ought to provide at least a jumping off place for our thinking, planning and activity on how Government and private industry can develop our energy sources for the future."

Mr. Woods, along with William Donaldson, one of the founders of a leading Wall Street brokerage firm, Donaldson, Lufkin & Jenrette, and Peter Wallison, who had been counsel to former Vice President Nelson A. Rockefeller, were the principal architects of the E.I.A. legislation that Mr. Rockefeller so strongly supported.

That bill was opposed strongly even within the Ford Administration because of its provision for a heavy Governmental financing commitment ($25 billion seed money and $75 billion from the sale of Government-backed bonds), its huge scope and the belief that the goals were to ambitious. It would have financed projects in the private sector too risky or too big for energy companies, but it was designed to recover its outlays for the Federal Government eventually, not to put Washington into permanent operation of energy production, transportation or transmission facilities.

It might also be useful to look at another blueprint used successfully to increase productive facilities—the Defense Production Act of 1950, under which steel capacity was raised 24 percent, alumnum capacity was doubled, electric power output was raised 50 percent, and petroleum refining, chemical and machine tool capacities were also built up substantially in a three-year period.

The Carter Administration has promised to address itself directly and forcefully to the question of a long-range national energy policy in the coming months. That effort should have a top priority that should not be diverted by any easing in the current natural-gas crisis or other great national issues.

Mr. RANGEL. Mr. Speaker, I rise in opposition to H.R. 2500 which would deregulate the price on some interstate shipments of natural gas. The oppressive cold we are facing this winter has drastically increased our consumption of energy. Shortages have caused the closing of many industries, businesses, and schools throughout the eastern two-thirds of the Nation. In fact, home use of natural gas may have to be curtailed unless new supplies are forthcoming soon.

We are now told that the only way to increase the supply of gas is to allow it to flow at an unregulated price much as intrastate gas is now sold. In other words, the supplies may be there, but the rest of the Nation must suffer unless we knuckle under to the blackmail of the gas industry in the producing States. Are we going to reward this industry by delivering to them on a silver platter, during a time of crisis, what they could not get last year when the House acted to defeat deregulation when a less critical atmosphere prevailed?

I find it outrageous that the American public should be forced to pay for gas at a price which is totally unrelated to the cost of production. It is unconscionable that the price of energy in this Nation should be controlled by OPEC. Since late in 1973 when OPEC tripled and later quadrupled the price of oil, the cost of alternative energy sources such as coal and intrastate gas has risen and kept pace with the price of oil. Yet the cost to producers for the exploration and shipment of coal and natural gas has not risen anywhere as precipitously.

Rather than deregulating the intrastate price of natural gas the Commerce Committee's Subcommittee on Energy and Power should be taking the lead of its sister Subcommittee on Oversight and Investigations. In the Oversight and Investigations October 1975, report, "Natural Gas Supplies: Declining Deliverability at Garden City, La.," recommendation "(e)" states:

The Congress should act to bring intrastate natural gas prices clearly within the jurisdiction of the Federal Power Commission and to require full exercise of that jurisdiction on behalf of the consuming public.

Following that recommendation, Chairman Moss intervened in a suit by the American Public Gas Association which would, if successful, require the FPC to regulate the intrastate price of gas.

While the price of regulated interstate gas may from time to time need to be increased in order to reflect more accurately the current market place, I think this can easily be done for both the interstate and the intrastate market if the FPC sets the price. For this Congress to allow the gas industry to decide

for whom and at what price natural gas will be sold, it will have again, as it all too often has done in the past, caved into the pressure of a small powerful interest group at the expense of the vast majority of the American public.

If we enact deregulation today, then I am prepared to introduce legislation which would be coterminous with the period of any emergency deregulation of natural gas. I urge all my colleagues to defeat this anticonsumer deregulation of natural gas, and in the event of its passage to join me in my windfall profits tax legislation.

Mr. WALGREN. Mr. Speaker, I regret that the emergency natural gas bill passed today has no provision to direct gas to factories whose operations have been curtailed causing wide and harmful unemployment. We must deal with the harm these closings are causing and threaten to cause to the lives of our people who rely on the Congress to provide economic policies essential to protect their jobs.

The following telegrams describe the plight of many factories in the Pittsburgh area:

LEETSDALE, PA., *January 26, 1977.*

Representative DOUG WALGREN,
U.S. House of Representatives, House Office Building, Washington, D.C.

Following my conversation with you yesterday, this outlines one of the many problems in Pittsburgh.

The 100 percent gas curtailment announced by Columbia Gas January 24, 1977, to take effect February 1 will cause the Leetsdale plant of the Hussey Metals Division of Copper Range Company to close within a day or two after that date—with layoffs to begin on February 1. These layoffs will amount to about 205 hourly positions and approximately 80 salaried. The salaried people will consist both of clerical and technical people . . . to management staff people. This closing will also jeopardize, within two weeks, the operations of the finishing plant in Kentucky whose primary metal shapes are furnished by this Leetsdale plant.

Hussey is a 129 year old company devoted to the production of copper sheet, strip, plate, and electrical bar—with over seventy percent of its product being incorporated by its customers for electrical current carrying purposes and electronics. The two month shutdown will also affect the operations at five warehouses through the industrial East and Midwest. All conservation of fuel and conversion to other fuel that is technically feasible have been made over the past five years.

We have been able to live with the curtailments, up to and including the recent 65 percent curtailment, for the past two years because of depressed business conditions. We are operating at approximately 55 percent capacity and our normal complement of hourly employees is about 360.

For the two months for which the 100 percent curtailment is announced, the amount necessary for plant maintenance and minimum operations is about the same, as this would provide for our intermediate annealing operations, the heat from which protects our water lines, compressors, and other expensive operating machinery.

We strongly suggest that priorities among commercial, educational and industrial users be amended so as to provide at least the 35 percent figure, which in our case would amount to approximately 15,000 Mcf per month.

The 55 percent capacity figure mentioned earlier results in barely breakeven operations. Anything below this figure would cause a tremendous financial loss and jeopardize the future of this operation.

J. V. O'CONNOR,
President, Hussey Metals Division, Copper Range Co.

PITTSBURGH, PA., *January 27, 1977.*

Hon. DOUGLAS WALGREN,
U.S. House of Representatives, Washington, D.C.

We have been informed by our suppliers, Columbia Gas System of Pennsylvania and Equitable Gas Company, that natural gas supplies necessary for our production will be totally curtailed starting February 1, 1977. This 100% curtailment will mean:

1. Lay-off of 165 employees at our Pittsburgh Roll Works in Pittsburgh, Pennsylvania, resulting in a loss of $150,000 per month in payroll. This plant has been supplied with natural gas by the Equitable Gas Company.

2. Lay-off of 530 employees at our Duraloy Blaw-Knox Works in Scottsdale, Pennsylvania. This will result in a loss of approximately $500,000 per month in payroll.

3. Lay-off of 700 employees at our Blaw-Knox Equipment Company in Blawknox, Pennsylvania, resulting in a loss of $600,000 per month in payroll.

This gas shutoff will also result in very substantial damage to plants and manufacturing facilities. The extent of this damage is not calculable because it will depend upon duration of shutoff and severity of weather conditions. Whenever production is resumed, damages incurred during shutdown will have to be repaired and some facilities will have to be replaced. During this extended period, employment will be curtailed and all production schedules severely delayed.

There is no higher priority in reducing unemployment than obtaining essential oil and gas to put productive people back to work. Normal regulatory procedures and controls at the Federal and State levels should be suspended, and price ceilings on gas should be removed until the normal gas and fuel oil supplies are restored. Concurrently, a coherent, over-all energy policy, unhampered by unrealistic environmental restraints should be established.

Your help in this crisis will be greatly appreciated.

C. F. HAUCK,
President,
Blawknox/Pittsburgh, Pa.

Mr. BAUMAN. Mr. Speaker, the severe winter weather has brought both natural and economic disaster to the Eastern United States.

Some of the problems, such as the frozen Chesapeake Bay which has put watermen in my district out of work, are natural disasters which could not have been avoided save by the providence of the Almighty.

The other critical problem is the shortage of natural gas. This is not a natural disaster but a manmade problem, the result of Government policy. Most particularly the result of poor judgment by this Congress. The small businessmen forced to close, the millions of workers forced off the job and the school closings are due to a shortage of natural gas caused by a Government mandated price structure which we as a legislative body have refused to decontrol several times in the last 3 years.

For a family that must begin living off its savings because Government policy has forced factory shutdowns or a small businessman who must shut down his shop or a home that may be left without heat, it must be difficult to understand why this has happened. But indeed this Congress is responsible for the policy that put those people out of work.

Good people of both parties in this House have tried to end the control policies that have brought this crisis and in the process to help formulate a rational energy policy for the Nation. Time and again these good people have been stopped by the legislative and parliamentary acts of those who favor Government control at the expense of long-range policy and human liberty.

Again today we face the prospect of ignoring a solution to the energy crisis by firmly pasting bandaids on the wound and praying for warm weather. Rather than abdicate our responsibility once again, let us examine the problem, do what we can to heal the wound, and provide a long-range policy which will save Americans from the pain of another Government-caused natural gas crisis next winter.

President Carter has suggested an emergency measure to reallocate the shortages and, if reports hold true, increase by no more than 2 percent the natural gas available for interstate pipelines. Granted, it is necessary for the new administration to take a high profile during this early crisis, but in addition to helping the administration cope with the problem Congress created, we ought to dedicate ourselves to a permanent solution to the problem.

It was 1 year ago this week that the House chose political opportunism instead of an energy policy. Passing the Smith amendment was a vote to continue our headlong pursuit of a natural gas shortage. The facts were clearly put before the House last year and now this wrong-headed policy has reached its fruition in crisis proportions.

Nobel laureate, Dr. Milton Friedman, explains how the policy works:

> Economists may not know much. But we do know one thing very well: how to produce shortages and surpluses. Do you want to produce a shortage of any product? Simply have government fix and enforce a legal maximum price on the product which is less than the price that otherwise would prevail.

This bit of economic illiteracy that we call natural gas regulation was confirmed by the Supreme Court in 1954. It was determined that controls on the price of natural gas were legal. This was reaffirmed by the Supreme Court in 1968, when the interstate price regulations of the FPC were upheld.

The experts were quick to predict the future under such rigid controls. Back in 1969, the FPC's own staff issued a report warning that on a nationwide basis, the ratio of natural gas reserves to production, which then stood at 14.6—less than a 15-year supply, or roughly two-thirds what it was in the midfifties, when the Supreme Court ordered the agency to regulate natural gas prices—would decline to 10.2 by the end of 1973. If anything the reserve to production ratio has fallen even faster.

The reasons for this trend are obvious to anyone with an ounce of economic

sense. As natural gas becomes more difficult to find and thus expensive to produce, if businessmen are unable to make a profit because of price controls, they will only take a risk on the exploration for and production of that gas which is profitable.

This is no nefarious scheme, but simply the free market system at work. Those politicians who attribute evil intentions to the businessmen might do well to contemplate their own purpose. Business, unlike government, cannot operate as a leech on society. It must produce a profit or it will perish. Private business has no printing machine to paper over its losses.

The facts are clear: In 1961 it cost $17.60 per foot to drill for natural gas; today it costs $34.11. Because of inflation and because wells must go deeper to get to oil and gas, and because they make fewer strikes, the result has been that completed costs of a well have skyrocketed. In 1971, a well cost $116,000; 3 years later it cost $189,000.

Contrast the shortage of controlled-price interstate gas with the supply of market-priced intrastate gas. The Carter emergency program is based on this undeniable economic fact: If a profit is possible, producers will search for gas.

Opponents of adequate gas supply have built up several strawmen which they insist require governmental control of the market.

The first argument made is that the consumer must be protected from the increased costs which result from a decontrol of natural gas prices. However, studies conducted by the GAO and the American Enterprise Institute conclude that an initial price increase to the consumer is probable. But deregulation offers the only hope for long-run sufficiency and ultimately only a $30 per year difference in the total gas bill for the homeowner. The alternative is to spend an extra $30 to heat your home or save the money and freeze while temporarily unemployed.

Certainly the policy this Congress has continued by its votes has carefully avoided all reference to fact. And it has caused some rather strange and to me inexplicable arrangements. For example, last year while natural gas sold interstate in the United States was held to 52 cents per 1,000 cubic feet, people in the northern tier States paid over $1 per 1,000 cubic feet for Canadian gas in order to retain adequate supplies. The eastern seaboard has solved its problem by increasing its imports of even higher priced Middle East liquefied natural gas. It seems less than prudent to increase our dependency on foreign energy sources because some politician needs a soapbox.

Yes, it is a difficult decision to make but the tradeoff is clear. Prices for natural gas may increase after decontrol. But the alternative is loss of one's job, business, schooling and perhaps even the heat in one's home. And millions will continue to suffer.

The FPC has done everything within its power to alleviate the crisis caused by Congress. Last summer they raised the price of interstate natural gas to $1.42 per 1,000 cubic feet. Instantly the no-growth, no-jobs bleeding hearts did their part to help bring about the present crisis and took the FPC to court. As the situation stands at the moment, interstate gas can be sold at $1.42, but if someday in the future the court decides it does not approve of this the gas producers will have to refund the money paid for the higher priced gas. Obviously no one will take a risk under those conditions.

As this record-cold winter progressed, the FPC removed the $1.42 control price and allowed 60-day emergency purchases at higher prices. But they have come to the end of their legal rope, and other emergency measures are needed. President Carter's program supposedly is to provide for these.

It is necessary that some emergency action be taken to alleviate the immediate suffering. But let us not stop there.

Hearings have been held on this question in the past three Congresses. We must now admit that those who came here to warn us of a possible crisis have been proven right. It would behoove this body to put away its political prejudices and do what is right for the Nation.

The solution to this problem is deregulation of prices. With the severe drain on natural gas reserves due to the vastly expanded use of gas during this freeze, next year's crisis will be worse than this year's if prices are not decontrolled.

If natural gas producers are to take the costly risks of the search for additional gas, they must be certain that the gas they find can be sold at a market price. Only natural gas deregulation in the form of the Krueger-Broyhill bill (H.R. 2088) can provide such assurances and can thus provide a long-range solution to the problem.

Mr. Speaker, let us provide for the emergency of the moment, let us encourage conservation, but more importantly let us take the first step toward a rational national energy policy. It is about time.

Mr. DICKINSON. Mr. Speaker, with the current discussion about natural gas shortages and emergency legislation to redistribute gas supplies, it appears that Congress will once again miss the boat by not passing legislation to deregulate the price of natural gas. One of Alabama's outstanding newspapers, the Birmingham News, has an editorial aptly titled: "Gas: Wrong Again." I urge my colleagues to read this editorial and see why this Congress must now take action which will have a long-range effect on making more natural gas available, and not just pass stop-gap, emergency legislation.

The editorial follows:

GAS: WRONG AGAIN

Having neglected for more than 22 years to eliminate the price regulations which have caused the current natural gas shortage, Congress now has been asked to go wrong again.

Congress has before it legislation prepared by the Carter administration allowing measures to spread the hardship from the shortage equitably around the country. Part of the legislation is for a temporary deregulation of prices of gas sold in interstate commerce. That's fine, but the deregulation should not be temporary; it should be permanent.

The fact that we have this present drastic shortage represents a failure on the part of Congress that goes all the way back to 1954, when the Supreme Court ruled that under law the Federal Power Commission is required to regulate at the wellhead prices of natural gas in interstate commerce.

Observers at the time said such regulation was folly, and they have been saying it over and over again ever since. FPC regulation kept the price of gas artificially low. That meant that demand for the fuel soared while incentives for greater production were not increased. The increased demand and the lagging production was bound to create a shortage. Yet, Congress continued to ignore calls for deregulation.

All along, natural gas has been the premium quality fuel. It is clean burning efficient and easily transported. It is extracted and consumed with the least environmental damage. Even if Congress years ago did not understand the value of the fuel, it should have wised up in recent years. Because it has been so cheap, it has been wasted in huge quantities. It has been used when coal, which we have in much greater abundance, could have been used instead. Consequently, the artificially low regulated price has caused us to squander a precious national birthright.

Of all the fossil fuels, natural gas is the least abundant in nature. With continued consumption patterns, which Congress has encouraged by refusing to deregulate the price, natural gas will be used up in a relatively few years. Our present reserves will last only eight or nine years more, and since 1972 we have been using more of it each year than is being added to reserves. Estimates of the undiscovered reserves still to be found vary, but none are particularly encouraging.

Congress has not wanted market forces to determine the price of gas because that would have angered consumers. In short, Congress through the years has practiced political expediency instead of looking at the long-term energy needs of the country.

Now we are right where critics of regulation have said we would arrive sooner or later. Cheap prices have made the country vastly dependent on natural gas, the bitter cold has caused consumption to soar, and terrible hardships from the shortage are being experienced all across the country.

Incredibly, the nation's leaders still do not seem to be aware, or are ignoring, what must be done about the problem. It would be harsh to blame President Carter, because he has just taken office. But there are members of Congress who know better and have known better for years.

Deregulation would cause the price to rise, and that would hurt consumers immediately. But the higher price would encourage conservation, and that is vitally important. The higher price would also encourage a switch to coal, our most abundant energy source, in many cases, thereby achieving a more sensible energy consumption pattern for the years ahead. And higher prices would encourage increased production so that an adequate supply could be maintained for those uses for which natural gas has no suitable substitute.

Eventually, natural gas will be gone. Market prices would encourage the search for alternative energy sources and eventually make these sources, when developed, economically feasible.

Mr. Carter very frankly said the emergency legislation will not end the shortage. Amen. But Congress could deregulate gas, and that would eventually end the shortage if anything will.

Mr. RAHALL. Mr. Speaker, I desperately urge my distinguished colleagues to

resoundingly support the President's emergency measure to ease the natural gas crisis in the Northeastern and Middle Atlantic States when it is placed before the House today.

This much needed measure will alleviate the shortage of natural gas which threatens individuals with loss of home heat and has already shut down schools and factories.

In the State of West Virginia alone there are 50,000 shivering in the unemployment lines due to this unforeseen calamity. In my Fourth Congressional District, as the temperature hovers near zero degrees, people in the communities of Shady Springs and Wayne are huddling in blankets in an effort to survive. People are plunged into panic as the National Weather Service issues wave after unrelentless wave of woeful warnings.

The President's emergency measure offers immediate relief by diverting interstate supplies of gas from low-priority users in some areas to high-priority users in needed areas. Under the proposal, low-priority consumers are those using gas for industrial and commercial purposes. High-priority users are homes, hospitals, educational institutions, and essential small businesses. This proposal would remain in effect through April 30, 1977.

The bill would also permit interstate pipelines and local gas companies to purchase gas usually used within the State where produced and pumped across State lines during this emergency period without being subjected to present price limits. This proposal would expire August 1, 1977. This will allow such corporations in my district as Columbia Gas to tap reserves in the more fortunate Gulf States.

We must not let this measure fail. We can each do our part by keeping thermostats at 65, but more importantly, we must keep body temperatures at 98.6.

Mr. CRANE. Mr. Speaker, like all Americans I am greatly disturbed by the current natural gas shortages and the suffering related to them. However, the remedy that is being offered here today disturbs me as well, first because it should be subject to more debate and open to worthwhile amendments, and second because it does not solve the problem. Even President Carter admits that this bill will not stimulate the discovery and development of any new gas and any measure that does not do either of these things fails to effectively direct itself to the issues involved.

For years now, Americans have enjoyed the luxury of energy, in this case natural gas, at artificially low prices. At the same time, this regulation of prices has discouraged producers from finding and developing new sources; their rate of return has not been adequate to cover rising costs of development and without a prospect of a reasonable return on their money, there has been little incentive to invest. So, as demand has gone up supply has gone down and all it took was a cold winter like this one to show us how shortsighted our gas policies have been. No one can really say that today's crunch comes as a total surprise; by letting the whims of politics rather than the laws of economics prevail, we have brought it on ourselves.

The question that arises is—what are we going to do about it? Are we going to resort to the same old shopworn theories of regulation in the name of consumer protection or are we going to face up to reality and do something constructive to promote natural gas development? Allocation of existing supplies and easing restrictions on the sale of intrastate gas, while simultaneously holding the price to interstate levels, regardless of whatever else they may accomplish, do nothing more, in terms of production, than spread existing shortages around. They do not encourage discovery and development of new gas and that is what we need, if the problems we face today are not to become an annual event.

Last year, Congress spent a good deal of time debating the merits of deregulation of natural gas without reaching a definitive conclusion. It is now obvious, if it were not already, that those who argued that deregulation was essential if natural gas supplies were to keep up with demand were right on target. Even if we deregulated now, industry officials estimate that it would take at least 2 years to get new sources on line, so we have no more time to waste. I would certainly hope, instead of stopping with patchwork measures, that Congress would quickly take up the legislation introduced by my good friend and colleague from Texas (Mr. COLLINS) which I have been pleased to cosponsor, that would deregulate the price of natural gas at the wellhead.

Before concluding, I would like to point out some of the problems that I can foresee if we do not go beyond the "pass the shortages around" legislation we have before us today. First of all, allocations of the type contemplated do not produce a drop of new gas. Second, they penalize those firms which have had the foresight to stockpile reserves of natural gas and may lead to situations whereby your constituents and mine are writing in asking why gas they have already paid for, as part of a stockpiling plan, is being given to others who were less farsighted. Third, these allocations do nothing for the unemployment arising from the natural gas curtailments; in fact, they may actually exacerbate it, and, finally, there is the problem of compensation to those who lose gas under any allocation system.

Likewise, the price ceiling contemplated in H.R. 2500 creates certain difficulties. In addition to the fact that there is not very much gas in Texas, Oklahoma, and other gas-producing States to sell to the States worst afflicted by the weather, the ceiling is actually lower than the current market price for intrastate gas. Therefore, this provision will not give intrastate producers much of an incentive to sell and the Senate language would be preferable. Moreover, the provision in the bill to void contracts that permit intrastate prices to rise to interstate levels if the latter are higher suggests, as does the price ceiling, that the objective in some people's minds may be to regulate intrastate gas at some time in the future with this being the first step. I would hope that this is not the case, for the answer lies not in further regulation but in increased deregulation—and the sooner the better.

Mr. Speaker, let me conclude by saying that no one likes to see people suffer. But a worse fate would be to fail to learn from the experience. And experience has shown that artificial regulation and gimmickry will not solve the problem. Only deregulation and the free enterprise system are designed to do that.

Mr. STOKES. Mr. Speaker, I rise reluctantly in support of H.R. 2500, the Emergency Natural Gas Act of 1977. Mr. Speaker, as you know in my State of Ohio over 1 million workers or a quarter of the State's labor force has been laid off work as a result of the heating crisis.

Mr. Speaker, these massive layoffs should be of tremendous concern not only to Ohioans but to all Americans and the Congress. These massive layoffs represent not only a waste of human resources but threaten the very survival of the families of these workers. Mr. Speaker, we must remember that being laid off is a terrible fate for a worker and his or her family. Moreover being jobless and cold is an even worse fate. Top it off with the double evils of the highest utility bills in history—with less money to pay them—and a shortage of natural gas and you have an "emergency" or "crisis," or whatever you wish to label it.

Mr. Speaker, my reservations at supporting H.R. 2500 are not based on a lack of belief in the sincerity of President Carter's statement that "our people are in trouble." Clearly, this statement is true. I simply question the means by which we are helping our people out of trouble. For I know that this crisis will come again and I wonder whether or not the major oil corporations will again be able to create a "fuel shortage" in the name of enriching their corporate tills?

Mr. Speaker, the President's proposal does essentially two things:

It deregulates the price of natural gas until August 1, 1977; and it requires the allocation of gas to areas of shortage from areas where other shortages may be created as a result of the allocation.

The shortcomings in this legislation are threefold. First, it establishes the dangerous precedent of deregulation in an industry that is monopolistic and noncompetitive. The result is that fuel prices will soar and the public will either pay or freeze.

Second, there is serious doubt whether this emergency measure will actually stimulate the movement of gas. At best it appears that this emergency legislation will permit the use of some higher-priced intrastate gas to augment supplies in hardpressed regions over the next few months, as well as the reallocation of gas from some regions where supplies are relatively plentiful to other parts of the country. This measure creates no new gas supply. However, if large quantities of gas are put on the market this only proves that gas has been withheld and that there is no shortage of gas in the United States. And finally, this measure is not specifically directed at immediately putting the vast majority of people back to work. In fact it will take 2 weeks for most Americans to get back to work.

Mr. Speaker, as I stated at the incep-

tion of my remarks, I "reluctantly support" the Emergency Natural Gas Act; and will vote for its passage. I will vote for this measure because there is a crisis and there are a myriad of human needs to be met. H.R. 2500 does address itself to these human needs on an emergency basis and it will eventually put people back to work.

Mr. Speaker, to reject this measure, would be callous, yet to accept this measure without committing ourselves to the effectuation of a long-term energy policy would be turning our backs on those least able to defend themselves against the cold.

Mr. Speaker, I plan to vote for the passage of the Emergency Natural Gas Act and I plan to dedicate myself to the implementation of a viable long-term energy policy. Accordingly, I urge you to join with me in both these efforts.

Mr. QUAYLE. Mr. Speaker, I will support President Carter's Emergency Natural Gas Act of 1977 with the hopeful anticipation that future legislation from this Congress would deal directly with the issue. The issue being deregulation of natural gas.

This so-called emergency legislation has merit only because we are in the throes of what is clearly a natural gas emergency. According to the Washington Post of February 1, 1977, a consensus of studies by Federal and private groups concludes that more than 40 years of natural gas resources are available. The production of the natural gas resources depends upon the action Congress will ultimately pursue. To produce energy and, in particular, natural gas, the private sector must be free and that includes deregulation.

My home State of Indiana has been one of the hardest hit States incurring a severe blizzard coupled with record-breaking cold leaving 50,000 to 60,000 workers without jobs due to the natural gas emergency. Schools are closed, small businesses are confronted with financial crises, and the toll to agriculture is as yet unknown.

The Natural Gas Act of 1977, H.R. 2500, contains three major provisions. First, it authorizes the President to declare a natural gas emergency, and to allocate or ration natural gas among interstate pipelines. This authority would expire on April 30, 1977.

The second major provision authorizes the emergency purchase and sale of intrastate natural gas to the interstate system through July 31, 1977.

Third, the bill provides that escalator provisions of intrastate contracts are null and void with respect to allocation orders and emergency purchases.

President Carter has acknowledged that this emergency legislation will not solve the natural gas shortage. In effect, we are legislating a band-aid approach where only long-term action will solve the crisis. The emergency legislation will benefit a few people but will probably do nothing more than spread the gas shortage around. At best, it will assure American families that their homes will be relatively warm—but many will be jobless because their offices and factories will be closed.

The Emergency Gas Act will not produce a cubic foot more of gas than is already there.

Mr. Speaker, Federal controls have kept the price of natural gas so artificially low that exploration for new gas reserves has declined significantly in the last 10 years while demand has soared.

Since the Arab embargo of 1973, the Congress has been confronted with the need to develop a national energy policy. There has been plenty of talk, but little meaningful action.

We must try once more to solve this problem. This Congress can no longer turn a deaf ear to the American people. We must enact legislation which will deregulate interstate natural gas prices. Regulation does not work. It is as simple as that, but Congress in the past has been unable to grasp this fact. Now we are making the American people pay for our mistakes. The Carter bill will in no way produce any more gas; testimony before the Energy and Power Subcommittee of this body has emphasized this. It will only make everyone share equally in the shortage. In addition, it gives the President powers to dictate functions of business which a free market would have solved long ago.

This Nation desperately needs a permanent solution to this crisis, or we will face similar problems, with worsening intensity, every winter.

While we treat this emergency with a band-aid, let us begin immediately to provide the necessary incentives to encourage domestic exploration for new natural gas supplies through deregulation. Let us take meaningful action that will send the hundreds of thousands of American workers back to their jobs—strengthen small businesses—and return students to their classrooms.

Mr. Speaker, though the crisis is unpleasant and many families are suffering the consequences, I believe that an economic lesson may be learned from the winter of 1977. We need a free market to produce the supply of natural gas and energy that the American consumer demands. Government regulations and controls have not worked and if corrective measures are not taken, the winter of 1978 and other winters could be a repeat of this crisis. I believe that American citizens should be entitled to the privilege of having warm homes, having a job, and sending their children to school without the presence or the threat of an energy shortage. To this end, the 95th Congress must dedicate itself to the principles of a free market which allows our free country the capacity to meet demands of our people.

Mr. GILMAN. Mr. Speaker, I rise in support of the Emergency Natural Gas Act, which would allow the President to order natural gas shipments to areas where there is an existing or imminent shortage of fuel, and to lift price controls, which would enable interstate pipeline companies to make emergency purchases of natural gas.

We all know, only too well, that pipeline companies have already curtailed gas shipments to commercial and industrial users, leaving hundreds of thousands of workers idle, while schools, stores, and factories are left without heat or even fuel to operate. The crisis, once concentrated in pocket areas of the country, is now severely impacting the entire Nation—the result is a national emergency.

On January 31, I met with New York Governor Carey's energy staff in Albany to discuss the remedies for the curtailment of natural gas supplies in that State. My own district, the 26th of New York, reflects the weather-spawned energy crisis that grips our State and our Nation. Over 6,000 commercial and industrial business in the 26th District have been shut down, with the exception of grocery stores, banks, and gas stations, which are open on a limited basis only. Due to the increasing cutbacks in fuel supplies, critical failures in the transport and delivery of natural gas, and the persistence of the most severe weather in almost 100 years, entire communities have been immobilized and economic losses have reached the critical point. As a result, Governor Carey has joined the leaders of other States in announcing that a natural gas emergency exists in New York State.

Facing the certainty of continued bitter and paralyzing cold, which has caused what can only be termed the worst energy crisis to hit this land since the 1973 Arab oil embargo, we have no alternative but to promptly pass this emergency measure. Time is of the essence in providing relief to our suffering communities throughout the land.

Although I realize that supplementary measures should be considered, so that the emergency interstate sales of natural gas can be regulated without causing any undue increase in prices, only prompt action can solve the perilous situation which confronts our Nation. Although no legislation can provide natural gas when a shortage of that commodity exists, it can assure that the minimum supplies that do exist are equitably distributed to those parts of the Nation which have the greatest need. Its success will depend upon the cooperation of all Americans and their willingness to make sacrifices in conserving heat and energy. Only the most strict conservation measures can assure that the shortages can be evenly spread around the country and enough gas freed to put a maximum amount of people back on the job.

Accordingly, I urge my colleagues to cooperate in the immediate passage of the Emergency Natural Gas Act. It is our last line of defense against cold homes, empty classrooms, silent factories, and the ever-present cold.

Because the current curtailment of natural gas will make it necessary to interrupt service to education, industrial, and commercial establishments and because the shortage of natural gas makes necessary the strict conservation of available supplies, I urge that we protect public health and safety by issuing an emergency order to suspend any law or contract fixing minimum indoor temperatures or ventilation. Voluntary conservation procedures to reduce thermostat settings during both the daytime and at

night, the curtailment of gas-heated hot water, and the cooperation of utility companies to insure equitable distribution of supplies throughout the States will help to prevent the further reduction of natural gas supplies. An emergency order of this type has already been enacted by Governor Carey of New York. I urge that it be extended to the entire Nation so that we may prevent the inefficient, wasteful use of natural gas.

Mr. ASHLEY. Mr. Speaker, we are here today to consider legislation to help ease the natural gas shortage which is crippling our Nation. The measure before us temporarily lifts price controls on natural gas, with a ceiling added by the Commerce Committee whereby reasonable prices are defined as not exceeding 115 percent of average new gas sales during the second quarter of 1976. H.R. 2500 also provides Presidential authority to allocate natural gas carried by interstate pipelines.

It is not a simple bill nor is it one of little consequence. The State of Ohio is one of many States which have been suffering terribly since the onslaught of this winter's bitter cold temperatures. Gas curtailments have thrown an estimated 1 million persons out of work and further curtailments are threatened which could cut off heat to our residential homes. The residents of Ohio, as well as people across the Nation, have made a valiant effort to lower consumption by turning down their thermostats—but it is now up to Congress to do its part. Criticism has rained on our heads that Congress' foot dragging has caused this crisis—and we cannot deny that many more months have gone by since Jerry Ford ripped off the calendar pages before a television audience to illustrate the lack of congressional action on a comprehensive energy program. It is now our responsibility to take positive action by giving approval to H.R. 2500.

Many people fear that temporarily lifting controls on natural gas prices will open the door to complete decontrol. Many people allege the gas producers are holding back gas supplies. There may be credence to both views, but let me emphasize that this is not the time to debate total decontrol. We have an obligation to consider the regulation issue post haste; but the gravity of our present situation will not allow total decontrol to be introduced into the legislation before us today. Let me also point out the subpena powers contained in H.R. 2500, which will give Congress the ability to gain the information we must have to determine whether producers are holding back supplies. Passage of H.R. 2500 will give us the tools we need to affirm or lay to rest the allegations leveled against producers. That too is a convincing reason to support this legislation.

The word crisis is used so much it has almost become a cliche. This is the real thing—I urge my colleagues to recognize this fact by voting in favor of H.R. 2500.

Mr. DERWINSKI. Mr. Speaker, I share the frustration of many Members at the restrictive legislative procedure facing us this afternoon. The seriousness of the nationwide energy crisis dictates quick action, imperfect though it may be.

Basically, the President has asked for power to allocate natural gas among intrastate pipelines and power to remove price controls on some gas for a limited period.

This is clearly temporary and patchwork legislation and makes no pretext of solving the Nation's long term energy needs.

Since natural gas provides almost one-third of the energy consumed in the United States and prices are held at artificial rates which inhibits development of further supplies, it would seem logical to deregulate the price of natural gas in order to insure supplies during any future crisis. It must be noted that a future crisis could be caused by severe weather or by a boycott by overseas suppliers.

It is my hope that President Carter will live up to his campaign promise to deregulate newly discovered natural gas, and proceed further to deregulate all domestic natural gas production.

Mr. LUKEN. Mr. Speaker, the emergency legislation before us today will alleviate a critical situation but it will not solve the natural gas crisis in this country. It will not create any new supplies, it will not allow for the lifting of conservation methods now in effect, for it must be clearly understood that there are no great reservoirs to be tapped. What this bill will do is give a lifeline of support to those areas of the country now on the brink of disaster. It will give the President the power to allocate what natural gas there is to insure that priority users of natural gas, our homes and our hospitals, do not become victims of this winter, the worst on record.

To be effective, we must maintain the limited scope of this legislation, namely to supply priority users, and not defeat our purpose by expecting the President to allocate short supplies amongst industrial users. The maintenance of this concept is particularly important to my city of Cincinnati, which has been one of the hardest hit areas in the country.

I might also add that the price ceiling provision of the House legislation should not be an impediment to the bill's final passage. By providing for a price ceiling on intrastate gas, the House is not usurping Presidential authority. The price ceiling not only can be lifted at the President's discretion, but also would have been imposed by the President during the implementation of this bill, according to his own energy adviser, Mr. Schlesinger. The price ceiling is a protection to the consumer, not a detriment. It will insure that exploitation in time of crisis will not occur and that windfall profits will not be made from other peoples suffering.

As my State of Ohio is an area which has suffered most by this winter's weather, I fully support this legislation and the relief it will bring my constituents. I believe we will survive this crisis, but I also believe we should not have to face a situation of this gravity again as unprepared as we are. This is why I will support the deregulation of new natural gas supplies and urge the President and the Congress to favorably consider legislation to that effect.

The winter of 1977 has taught us a lesson in hardship as well as unpreparedness. Let us show our constituents that we have learned from our experience.

Mr. EDWARDS of Oklahoma. Mr. Speaker, for more than a decade, energy experts and informed Members of Congress have warned that the United States was on a crisis course, and would remain so as long as the Federal Government takes the role of an adversary in its policy toward oil and gas producers.

Environmentalists and disinterested Congressmen turned deaf ears to warnings that there would be factory shutdowns, school closings, and rationing to residential fuel users, all in the very near future. Yet, regulations over the energy industry were preserved intact, and, consequently, exploration and production have not reached levels that our natural resources allow.

Not until 2 years ago, when the Arab embargo on oil exports demonstrated to all Americans the validity of the warnings, did Congress begin to act on this important problem. But its response was in the form of public hearings, special investigations, and sharp incriminations, all directed against the industry rather than toward the problem and solution.

Now the Nation is again suffering from a severe energy shortage, and the massive unemployment and related hardships it imposes. Congress has no alternative but to act decisively, by removing the regulations that stifle free market energy production.

Mr. Speaker, the bill we are considering today is unsatisfactory. It would have the effect of penalizing people in my State and elsewhere for the poor judgment of others. For some years Oklahomans have been paying free market prices for their fuel, while many States have enjoyed artificially low prices of as much as 400 percent less. In fact, we have been subsidizing much of the rest of the Nation for the costs of energy exploration necessary to keep the Nation's economy from grinding to a halt. Now, it is proposed that all States be put on gas allocations, so shortages can be spread around. It seems we need not share the responsibility and cost for maintaining adequate supplies of fuel, but must share the hardships when those supplies fall short.

Particularly objectionable is the provision contained in this bill that States with low levels of unemployment, such as ours, would be penalized once more, in the form of still lower allocations. Higher allocations would be awarded States with high unemployment, with the result that some areas would be further deprived of fuel because they have managed their economies better than their neighbors.

The alternative to this bill is one which would eliminate the controls that now dictate the Nation's fuel supply. The effects of Federal price ceilings are clearly enough seen by the decline in the number of producers over the past 20 years. In 1956, there were more than 58,000 gas wells and more than 18,000 producers. This fell to 27,000 wells and 4,000 producers a few years ago, and we can look for further declines unless Congress authorizes deregulation.

If Congress is concerned with implementing a lasting solution, its best alternative is to remedy the weaknesses at the heart of its energy policy, by allowing the private sector to develop this Nation's vast supply of natural resources.

Mr. EDGAR. Mr. Speaker, I reluctantly intend to vote for enactment of the Emergency Natural Gas Act, although I feel that its effectiveness in reducing suffering will be marginal.

This legislation will be very expensive for consumers, but it will not create a single cubic foot of additional natural gas. What it will do, hopefully, will be to provide a fair mechanism for the reallocation of existing interstate pipeline supplies of natural gas. This reallocation is sensitive to the need to provide limited gas supplies to high priority consumers before gas is delivered to nonessential users.

The current market fails to differentiate among priorities with very tragic consequences. At this very moment, natural gas is being used in some producing States to provide electricity and to heat water for various industrial processes. Other fuels could be substituted in many cases for this use of natural gas at a savings of almost 1 trillion cubic feet each year. At the same time, a state of emergency exists in my home State of Pennsylvania. All schools in the Commonwealth were closed temporarily by order of the Governor. Thousands of workers are being laid off directly and indirectly resulting from natural gas curtailments.

This bill's goal is to assure that high priority users will not be curtailed. I endorse this goal. Yet I fear that 5 months of deregulation will have very severe economic consequences. Deregulation will have the effect of bringing to market hundreds of very desperate buyers, such as factories, that will be forced to shut down unless they receive supplies. I predict the price of natural gas will skyrocket temporarily should the Senate bill's provisions be adopted in conference. The provisions of the House bill should have some moderating effect. Yet I am very concerned that there is only a finite supply of deliverable natural gas. Those who have the financial resources to buy gas will not be curtailed. Those who lose this auction will be curtailed. Just as now, there will be some winners and some losers, with both groups eventually poorer.

The true winners will be the producers, who stand to make exorbitant profits. I am amazed at the overwhelming defeat yesterday of an amendment introduced by my friend, the Senator from North Dakota (Mr. ABOUREZK), in the Senate.

The Senator's amendment would have allowed emergency purchases of natural gas from the deregulated intrastate market to the regulated interstate market, for the purpose of relieving the misery of millions of our constituents, at a price not to exceed $1.42 per Mcf. If a producer could demonstrate that a return on equity was not at least 18 percent, certainly a just and reasonable return on investment, the price would be adjusted upward. The amendment was defeated, 9 to 83.

I feel that an 18-percent return on investment is fair. I feel also that a 200-percent return on investment is not fair. However, when the Federal Power Commission considers the present $1.42 price per thousand cubic feet of gas reasonable, I can understand how a 200-percent return on investment may be considered reasonable by the FPC. I do not think that my constituents would agree.

Mr. Speaker, the delivery of natural gas is a monopoly. If my colleagues do not think so, they might try to purchase their natural gas from another gas distributing company. It is impossible. I find it an outrage when the consumers in my district have the choice of paying $2.25 to $2.50 per Mcf or freezing to death.

Their Government leaders should be wise enough so that a Hobson's choice like that should not have to be presented to them. But H.R. 2500 is before us, and my analysis is that this is the choice we have: Your money or your life.

I only ask that after this legislation is enacted, our colleagues should monitor the flow of gas in one direction, and the flow of money in the other. There should be verifiable data on reserves.

We know that there will be endless debate later in this Congress on formulating long-term natural gas policy. I hope that the despair and hopelessness some of our constituents are feeling can be effectively mitigated so that we can consider and debate in other than emergency crisis conditions. Thank you, Mr. Speaker.

Mr. GLICKMAN. Mr. Speaker, as this great body moves forward with the emergency legislation before us that would signal the beginning of a commitment toward a national energy program, we in the Congress must resolve to put our best foot forward to the ultimate resolution of the energy dilemma.

I favor, I will work for, and I will vote for this proposal of the new Carter administration.

However, I will not, and this Congress must not, lay this energy issue to rest.

We all know H.R. 2500 is not a panacea.

We all know that as sure as the Earth turns and the arrival of spring brings warmer temperatures, the winter and cold will come again.

We all must know that this Nation needs to be prepared.

This bill may, if we have luck on our side, bring some relief to Americans yet this winter. It should provide the authority to keep our homes warm, our hospitals functioning, and some of our commercial establishments open.

This legislation even offers the opportunity to allocate natural gas between interstate pipelines to residential users in order to prevent catastrophe from occurring.

But I ask, what about the next winter?

And, what about the winter 5 years from now?

Perhaps over the short term, the deregulation of new natural gas would be beneficial. We need to act, and deregulation of new natural gas offers the incentive to private industry to search for and then pump new supplies.

But this Congress has the responsibility to look beyond the next several years. Indeed, this Congress has the responsibility to look beyond even the next several decades. We must lay the foundation for future generations.

Therefore, we must develop every available means to conserve energy. This means changing long-standing habits. This means sacrifice. But this also means that the American people once again will be able to respond to a great challenge. I have faith that the American people will conserve, will change, will sacrifice, and will meet the challenge before them.

I also urge that we in the Congress keep our minds open to the development and demonstration of new energy technologies and that we in the Congress grant the resources necessary to accomplish their swift implementation.

Mr. CONYERS. Mr. Speaker, I feel it totally inappropriate that only 20 minutes has been allotted for discussion from this side of the aisle, especially insofar as I find my own views totally unrepresented by anyone who has been fortunate enough to be recognized. Moreover, I am dismayed by the orientation of this discussion over the President's emergency natural gas legislation. Throughout the debate, the burden of responsibility has escaped being placed where it properly belongs—on the shoulders of the energy oligopolists who have orchestrated this emergency to their own benefit.

As in all other areas within the energy sector, the natural gas industry has come under the leadership of the so-called "Seven Sisters," the major firms in the international monopoly of oil that work so well together at the national and international level. In a combined effort to maintain the power to exercise their monopoly control over natural gas, these energy corporations have used the extreme winter weather conditions as a ruse for a carefully constructed "mock-shortage" of natural gas, in an attempt to convince Congress that deregulation, now or at least in the near future is the inevitable answer.

Could Congress really be that naive? One of the few things we do know is that there is enough natural gas right now in the United States—an estimated 12 trillion cubic feet will be available between now and August, compared to the combined requirements of 3 or 4 trillion for "high priority" users. Pronounced regional shortages exist only because the existing supply of gas is being used inefficiently, and because the gas companies are withholding their supplies in areas where gas is plentiful, in anticipation of the higher price that we, the President, and the Congress, in our confusion, are now providing.

The impact of the President's emergency natural gas measure will be negligible if not detrimental. Experts have estimated that the amount of gas that can be diverted for immediate use in winter-stricken areas is, at most, 1 trillion cubic feet. This is precisely the amount now being used in establishments and residences that have the facilities to burn other fuels instead of natural gas. The measure, therefore, replaces as much gas as is now being wasted.

What is more, while the President has

asked for the power to direct gas already in the interstate system, this power has already been given to the Federal Power Commission under the Natural Gas Act in times of crisis. In this regard, then, the emergency measure adds no new authority to the executive branch.

The emergency measure is detrimental in that it creates the basis for a price bidding war between intrastate and interstate users. By allowing intrastate gas to become deregulated and flow into the interstate market, the President has opened the door for a permanent deregulation that will shoot the price of natural gas to levels five times greater than the old regulated price. As opposed to approaching the executives of this industry as a group and attempting to work with them to develop an allocation plan, or asking them to provide a complete inventory of all present and potential natural gas stockpiles, this emergency measure merely capitulates to an act of economic extortion by the oil giants.

Our commitment to the free enterprise system should not blind us to the fact that it becomes inoperative in the presence of monopoly, and when it does, it is the mass of American working people and consumers who ultimately pay the price. This is what is happening to us today. An energy program that faced the realities of our present situation would be oriented toward using the power of the executive branch to command gas to its priority uses, would correct the monopoly market structure, and establish a unified system of nationwide one-tiered control for interstate and intrastate gas to prevent speculation on the part of energy companies about future regulatory decisions. The program we have received today ignores these options, and merely forces the American public to enrich a few oligopolies who have used fear, ignorance, and human suffering to achieve their own narrow ends.

Mr. CARR. Mr. Speaker, today, I will vote in favor of the Emergency Natural Gas Act of 1977 as reported by the House Committee on Interstate and Foreign Commerce. Our country is in the grips of a crisis of cold weather so devastating that it must be dealt with now. Businesses and industries have shut their doors, schools have closed, thousands upon thousands of workers have been laid off, whole cities have been shut down, and homes across the Northeast are threatened with imminent disaster. For the Congress not to have acted would have been unconscionable.

At the same time the Emergency Natural Gas Act raises long range policy questions about energy management and pricing over which many of us disagree. First, the act allows the President to declare regional or national natural gas emergencies and to divert, temporarily, intrastate and interstate gas supplies from low to high priority needs across State lines. Second, the bill provides limited deregulation of interstate natural gas prices. As needed by the House, but not as passed by the Senate, interstate gas prices are not to exceed those of intrastate contracts—which are unregulated—by more than 15 percent for new gas and by more than 25 percent for gas now held by intrastate pipelines. However, if the Prseident determines that gas is insufficiently available at those prices, he can permit them to rise. While the bill also exempts pipelines from antitrust prosecution for allocation contracts made under its provisions, it also gives the President the power to review such contracts and reduce compensation if he finds it excessive.

The Emergency Natural Gas Act will have two immediate effects worth discussing. First, Michigan, my State, will lose some natural gas to other States like Ohio and Pennsylvania desperate for supplies. I have been assured by the Commerce Committee that emergency gas allocations will be used only for heating homes, schools, hospitals, and other essential facilities rather than for business, industrial, or general employment. The bill does not put people back to work in Ohio, for example, while it forces layoffs in Michigan. The act also guarantees States that they will not be forced to divert gas from their own home, school, medical, and similar priorities. Still, Michigan will have to make sacrifices to help States whose supplies have been decimated. Our industries and our workers will suffer, but that is preferable to denying our neighbors essential life supporting services.

We in Michigan will be particularly happy to help those States in need, believing that this spirit of cooperation and mutual support is the only way we can solve equitably our economic as well as our energy problems. The national recession has staggered Michigan employment while it has skyrocketed costs of unemployment compensation. In the past Michigan has borne a disproportionately large share of unemployment and a disproportionately small share of Federal support monies.

We look to our fellow States to be as generous toward our problems as we are toward their emergency energy needs.

Second, the deregulatory provisions of the Emergency Natural Gas Act will bring temporarily higher gas prices, though probably not as high as under the emergency deregulation first suggested by the President. I have always opposed decontrol of interstate natural gas prices. I oppose it still. But I see no other expedient between now and August 1 for meeting the desperate gas needs of the Nation other than a limited decontrol coupled with Presidential power to review and renegotiate contracts. Supply is related to price, and the current bill makes the best possible compromise for freeing the flow of natural gas without driving consumers into an economic catastrophe almost as bitter as the weather.

We must not abandon our principles about the price of natural gas, but, even more, we cannot abandon our friends and neighbors in a national emergency. I only hope that this crisis can be met with as little suffering as possible and that its fruit will be a determination by all of us to work together toward an energy policy that will prevent such an emergency from ever happening again.

Ms. HOLTZMAN. Mr. Speaker, I rise in opposition to the motion to suspend the rules on the Emergency Natural Gas Act.

I concur fully with my colleagues that Congress must act quickly to remedy the shortage of natural gas in many States, including my own. This bill, however, is not the answer. Instead of requiring the gas producing States to sell more natural gas to the consuming States, it simply distributes the shortage among the consumers. In other words, New York may have to close its factories so that homes in Pennsylvania can be heated, but natural gas can still warm swimming pools in Texas.

H.R. 2500 gives the President authority to allocate natural gas supplies which are available to the interstate market among prospective consumers. This means that the States which have the worst shortages will receive gas from other States which suffer severe shortages themselves, but are in less critical shape. The bill does not, however, mandate the tapping of intrastate gas pipelines. Thus, States which produce natural gas can continue to use it in the most wasteful and extravagant ways.

In addition, this bill rewards those gas producers who have helped to create the present crisis. Many producers have refused to sell their gas in the price-controlled interstate market—to consuming States like New York—in order to take advantage of higher, uncontrolled prices at home. The gas producers say, in effect, that unless they are given higher prices, they will continue to deny gas to the consuming States, no matter how severe the shortage. This is blackmail, pure and simple, as intolerable as any practiced by the OPEC nations. But the bill before us would yield to the blackmail by giving the President authority to suspend price controls on natural gas and pay the higher price.

Congress had an alternative to the surrender to gas producers provided by this bill. It should have mandated that intrastate pipelines in the producing States sell to the interstate market. This would have ended the blackmail and recognized that the natural gas shortage is a genuine national problem demanding a national solution.

Instead this bill does too little for the States that need natural gas the most and gives too much to the individuals and companies who profit from the shortage. I cannot, therefore, support it.

Mr. WEISS. Mr. Speaker, I intend to vote against S. 474, the Emergency Natural Gas Act of 1977, authorizing the President to establish a 90-day emergency natural gas allocation program, and a 180-day emergency natural gas purchase program, triggered by a declaration of a national emergency.

A front page story in today's Washington Post states:

> The consensus of studies by federal and private groups is that more than 40 years of natural gas resources are available given current rates of production, current technology and current price control by the Federal Power Commission.

Clearly, the problem is not one of natural gas shortages but one of not having that gas available for immediate use. There are large natural gas reserves languishing in Texas and Louisiana that are exempt from price controls because they are "intrastate" gas—those supplies that

are produced and kept for use within the State and sold at a higher price.

It is also the considered opinion of these studies that whatever action the President and the Congress may take in the coming days, it is impossible to convert any increased production into useable gas by the American public during this winter's crisis.

The debate on this bill, especially from the other side of the aisle, has indicated to me that in a few months when the entire energy policy package comes before the Congress, opponents to deregulation who vote in favor of this legislation will have their positions distorted. At the very least, it will be suggested that today's action sets a precedent for deregulation.

The only provision that makes this legislation at all palatable is the ceiling on prices which has been adopted in committee. That amendment, which does not exist in the Senate version, will help in preventing an unbridled run on prices.

While it is clear that my vote in opposition will not affect the adoption of this measure, hopefully, the size of the negative vote will be taken as some indication by the conference committee, that many in the House will not vote to adopt a bill which returns from conference without controls. In my judgment, that kind of legislation would probably be rejected.

I commend the President for his direct efforts to deal with this emergency. I believe that the Members voting against this legislation mean no repudiation of him. I certainly do not.

I do believe, however, that we must give notice to those, who in my opinion, have hoarded natural gas in a deliberate effort to push prices up and are using this emergency as a device to give justification to deregulation, that a large number of the American people and many in this Congress are on to their game.

Mr. BROWN of Ohio. Mr. Speaker, the only time we have remaining I would like to yield to the minority leader and I would like to do that after the majority have concluded their remarks.

Mr. STAGGERS. Mr. Speaker, we have concluded our other remarks except for the closing remarks.

Mr. BROWN of Ohio. Mr. Speaker, I yield the balance of our time to the minority leader, the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Speaker, I am going to support this bill. I am not going to do it with any great amount of zest because I do not think it will really accomplish very much as far as furthering the aspirations of the cold people of the country for more heat is concerned. It is not going to produce any more gas. All it does is to allow the President of the United States broad powers which will allow him to spread around the shortage, and perhaps take care of some temporary situations.

I am pleased that my good friend, the gentleman from Michigan, in response to my questions has agreed that it is necessary for us to bring up the matter of deregulation of gas again.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, in fairness I would suspect the deregulation will be eligible to come up and the matter will be considered but as I have indicated it will be in connection with the broad matter of natural gas policy.

Mr. RHODES. I had hoped the gentleman had agreed to bring up deregulation, because if he does not agree it would change my speech. I was going to say I hope the gentleman's enthusiasm and interest in considering deregulation legislation will be as great when the soft winds of spring are blowing gently around our Capitol as they are when the harsh winds of winter encompass us, and the people of the country are demanding action, but since the gentleman from Michigan has already told me he is not necessarily going to bring up deregulation legislation, I would ask: What is the situation?

Mr. DINGELL. Mr. Speaker, if the gentleman will yield further, I have committed to the House on this floor and I have stated in public that we would consider all questions relating to the long-term natural gas policy. I would think it would be fair to assume that would include deregulation.

Mr. RHODES. Mr. Speaker, the gentleman's track record is so bad as far as bringing up energy legislation for consideration that I am not encouraged. The last two Democratic Congresses have had the probability of a natural gas shortage brought home to it.

Yet, they fiddled, and failed to act. They resembled the grasshopper who hopped around happily on hot summer days, but had nothing stored away when winter came around. While we had warm winters, the Democratic majority did nothing to increase our energy supply. Now that we have a record cold winter, their failure to look ahead and act responsibly has had a tragic effect, resulting in loss and suffering for many of our people. Let the Democratic majority now act wisely, so that next winter we may have less suffering from an energy shortage. It is high time.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Speaker, the last two Democratic Congresses did what the Congress or the President of the United States did in 1958, Mr. Eisenhower, when he vetoed the deregulation of natural gas.

Now, let us make no silly assumptions here. We are faced with the fact that we had the coldest fall in 90 years of record-keeping, that we have the coldest winter on record, and that it has placed the most awesome demands upon a system which was not designed to meet it. Many of the gas distribution companies went into the fall with their reservoirs full, prepared to meet the demands of a normal winter; but we had a departure from normal which had about a 100-to-1 chance of ever occurring.

All the scarcity of heat in this country is not because of a scarcity of natural gas. There are frozen streams and fuel oil cannot move up in barges.

There are people who are suffering extremely, not because this Congress did not act, but because, thank God, we do not have control over the weather. They are in difficulty because the Almighty acted and gave us weather that no one had expected.

Now, the day that the House starts to legislate weather, the public will have something to fear.

Mr. RHODES. Mr. Speaker, if the gentleman will yield, I would like to defend the Almighty.

Mr. MOSS. Mr. Speaker, I am not yielding.

The day that we legislate weather, then the public will have something to fear and I hope to God they do not face that awesome possibility: But there is not here anything but an emergency. We are doing our best to meet it without any demagoguery, as we should meet it in response to the needs of this Nation and for that reason alone I support this.

The SPEAKER. The time of the gentleman from California (Mr. Moss) has expired.

Mr. STAGGERS. Mr. Speaker, I yield 1 additional minute to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Speaker, I hope we can get down to looking at the facts as we move into the long-term legislation.

On the front page of a paper which has traditionally editorialized in support of deregulation today, the Washington Post, they say there is no scarcity anywhere in this country. That statement comes from the president of Washington Gas Light Co.

Mr. Speaker, if some of the people who are making all the noise over here would read the documents and the reports carefully documented, they would illustrate the fact that that is a truthful statement. There is not a scarcity, but there is a very real problem.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I will not.

Mr. BROWN of Ohio. Mr. Speaker, I did not think the gentleman would.

Mr. MOSS. Mr. Speaker, the gentleman had more time than I have. That is why I am not yielding to the gentleman. I have had to listen to the gentleman at length all day yesterday and I did not learn anything new; but let us go ahead and vote for this bill. We can do it in good conscience. It is going to alleviate a critical situation. It is not going to solve the overall problem.

Mr. GORE. Mr. Speaker, to legislate in a crisis situation is undoubtedly the worst way to set public policy. It invites inefficiency and error; it raises additional complex questions and it enhances the possibility for inequity. However, we are facing a critical natural gas shortage—millions are out of work, our homes are threatened with fuel cut-offs, and our schools have been closed. The crisis necessitates action and it is for this reason alone that I urge my colleagues to support the Emergency Natural Gas Act.

I am not happy with this bill. No one is. But we must move swiftly to avert the crisis that is imminent. We must prevent the possibility of people being removed from their homes for lack of fuel. This bill gives us the best chance of avoiding this situation.

Mr. Speaker, President Carter was insistent that the Emergency Natural Gas Act be passed quickly with only limited amendments. The bill that we have re-

ported out of the Interstate and Foreign Commerce Committee accomplishes that goal with a few very important concessions to equity.

One amendment that was successfully blocked yesterday in committee reflects the President's wishes to limit the scope of the bill and avoid delay. The amendment would have expanded allocation authority to cover industrial production in severely curtailed areas. While there is an urgency to get our factories into full production, our first priority must be to protect our residential homes. This bitterly cold winter is far from over. If we begin to divert supplies for lower priority natural gas uses, we could be faced with the intolerable situation of forcing people out of their homes in February or March. No one can assure me that natural gas will be available for both high and low priority uses during the winter and as I have had to make a choice, I want to make certain that we protect our people. In addition, this amendment would have caused regulatory delay in allocating emergency natural gas and would have posed enormous administrative difficulties that we can ill afford at this time. I was pleased to see that my colleagues agreed with this assessment and voted against this debilitating amendment.

The Commerce Committee made a number of changes in the bill which I believe corrected overlooked inequities. The most important amendment placed a ceiling price on emergency natural gas bought in the intrastate market.

Without such a ceiling, consumers will be helplessly caught in a demand squeeze where prices could go as high as $4 per Mcf. It is plainly unfair to force consumers to pay exorbitant prices merely because critical shortages exist. The only beneficiary of such a policy would be the major natural gas producers who would be receiving a tremendous windfall. The people of Tennessee, Ohio, and Pennsylvania have suffered enough already—It is cruel to expect them to dig any deeper into their pockets. There is no market situation to check natural gas prices and this is why this amendment is so necessary in protecting our Nation's natural gas consumers.

There is concern that insufficient gas will become available in the intrastate market under the ceiling price provision. However, if the President makes that finding, he can raise the ceiling price. I believe this amendment is eminently fair, and successfully balances our twin goals of getting sufficient gas flowing while protecting our natural gas consumers.

I was pleased to see the Commerce Committee corrected two other problem areas that were overlooked. One required the President to look at unemployment factors before using his allocation authority. Hopefully this will prevent unbearable burdens on those areas already experiencing high unemployment rates. The second amendment required the President to meet with the Governors prior to making any emergency allocation decisions.

This will insure that the President is fully aware of the situation in severely curtailed States. In Tennessee for example, the Governor, along with our entire congressional delegation, has asked the President to declare the State a Federal disaster area eligible for relief. There is no one who should know the emergency situation in the State better than the Governor and I feel it is important to have this consultation provision.

Mr. Speaker, the events of the last few weeks have adversely affected nearly every American. Hopefully, this legislation will help solve the immediate crisis. Yet, the larger questions remain. For example, the Tennessean, a major newspaper in the Nashville area carried a front page headline on Sunday, January 30, indicating that producers were hoarding natural gas in anticipation of this emergency legislation. This is a most serious charge—one which is supported by the evidence available—one that I will continue to investigate as emergency supplies are made available.

There is little question that this crisis has given us all another painful indication of the need for a comprehensive long-range energy policy. As the Washington Post stated in an editorial today, the last time we faced such a crisis in 1973, "We responded briefly and feebly to the challenge." We cannot afford a weak response this time. As a member of the Commerce Committee, I look forward to working long and hard to find effective solutions.

Basic to any comprehensive policy is a forceful and meaningful conservation program. Homeowners must continue to keep their thermostats down because the shortages of the last few weeks may well be here to stay.

We are all in this together and we will not be able to solve our energy problems unless we have a concentrated effort by all Americans. The legislation we are dealing with today should give us temporary relief. Let us not forget though that this is only the first in a series of energy crises unless we confront the long-range challenge of energy conservation and energy policy.

Mr. BROWN of California. Mr. Speaker, I intend to support the Emergency Natural Gas Act of 1977 because we are truly in a critical situation with many people suffering from the extreme cold and losing their jobs. My State, California, is more than willing to do its share to help the hard hit parts of our country alleviate the shortage of natural gas. For example, quoting from the New York Times today, California on its own volition has already imposed restrictions on natural gas—including a ban on all luxury uses—to let its utilities ship gas supplies to the South and Middle West. Announcing the California actions—which order all utility customers to set thermostats at 65 degrees by day and 55 by night, and which halt such uses of gas as the heating of swimming pools—Robert Batinovich, president of the California Public Utilities Commission, said:

> The energy crisis is indivisible. What affects other parts of the country affects California. The steps are being taken because jobs are being lost and people are dying.

California will even try to do more, possibly diverting greater amounts of its gas due to its own mild winter to date.

However, California would like the rest of the country to recognize the critical problem California will face in the summer. Natural gas is burned in our State during severe air pollution emergencies since natural gas is a clean fuel. This summer will be especially critical because there will be less hydroelectric power due to our current water shortage. Therefore, California wants the standby authority to burn natural gas during its smog emergencies. Deflection of natural gas for public health emergencies should certainly include air pollution as well as extreme cold. California is sharing its limited and vital gas supplies now and hopes that it too will be helped in its emergencies by having the gas repaid in kind. Another farsighted action already instituted in California is the requirement, as a condition for gas hookup for boiler fuels, that users install alternate fuel capability. Users in the East and Midwest should be required to do the same. Also, any diversion of natural gas from California now should not be interpreted as an historical precedent for determining future allocations. In the long run, California feels that there should be national controls over end uses for natural gas. Those customers such as residences and small commercial, which cannot convert to alternate fuels, should have highest priority nationwide. In natural gas producing States, a large part of the fuel is often wasted on low priority and inefficient uses.

Thus, Mr. Speaker, California willingly comes to the aid of its neighbors, but it hopes that the rest of the country will do likewise when California faces air pollution alerts this summer.

Mr. KASTENMEIER. Mr. Speaker, the legislation which we are considering today disturbs me. We do face serious problems with the distribution of natural gas and, in many States, homes are cold and schools and factories are closed.

However, most of us, I believe, have had little or no opportunity to read the Emergency Natural Gas Act which was reported late yesterday. Under the suspension of the rules, we can only have a brief discussion and the bill cannot be amended. From the procedural standpoint, this should demand that the bill be rejected. At the least, this procedure should be strongly protested.

The State of Wisconsin happens to be one of those States which can be adversely affected by this legislation. Wisconsin industry is heavily dependent upon natural gas, much of it on an interruptible basis, which has a low priority. Wisconsin could lose a disproportionate share of her natural gas supplies when her pipelines are required to divert gas to those pipelines in need. The House bill does not address itself to the problems of a possible crisis in those areas which will lose substantial gas supplies. Unlike the House bill, however, the Senate-passed measure does contain language, authored by Senator NELSON of Wisconsin, which would attempt to prevent disproportionate curtailments from certain pipelines. Further, the Senate measure states that the President shall consider the relative availability of alternative fuel to users of the interstate pipelines ordered to make deliveries

under the provisions of this act. In this respect, the Senate bill is preferable to the House measure.

It is obvious, given the critical situation we face, that sacrifices must be made, and the citizens of Wisconsin will have no objection to sharing equally in the effort to get adequate fuel supplies to those areas of the Nation that are in urgent need. It, however, is unreasonable to ask for greater sacrifices on the part of some, but not others.

When it comes to sacrifices, we are all willing to do our share, all, that is, except the energy industry. The oil and gas industry is not willing to sacrifice anything. We can recall that after the oil embargo and the subsequent oil price rises, the oil industry recorded horrendous profits while consumers suffered. Now we read in the press that the gas producers are not willing to sell to the interstate pipelines when they can get higher prices in the intrastate market. I think it is fair to say that the gas industry will show substantially higher profits as a result of our present crisis, and deregulation will be a tremendous boon to the producers. It is incredible that the industry is showing absolutely no sympathy for the plight of those who are in need of gas supplies. Their true colors are out. The producers are only interested in higher and higher profits which will come at the expense of those of our citizens who are suffering. The oil and gas industry has made no offer to sell their natural gas at reasonable prices to help alleviate our present problems, and the voters of the Second District of Wisconsin did not send me to Washington to help line the pockets of the energy industry with excessive profits. I am voting against this legislation.

Deregulation is not the answer to the problem which confronts us. If the industry is unwilling to develop and market natural gas at reasonable prices, then other ways must be found to encourage development, including the temporary intervention by the Government to assure that our citizens are guaranteed adequate supplies of natural gas at fair prices.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the Seante bill (S. 474), as amended.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROWN of Ohio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 367, noes 52, answered "present" 2, not voting 10, as follows:

[Roll No. 9]

AYES—367

Abdnor	Ashbrook	Beard, R.I.
Addabbo	Ashley	Beard, Tenn.
Alexander	Aspin	Bedell
Ambro	AuCoin	Beilenson
Ammerman	Badham	Benjamin
Anderson, Calif.	Badillo	Bennett
Anderson, Ill.	Bafalis	Bevill
Andrews, N.C.	Baldus	Biaggi
Annunzio	Barnard	Bingham
Applegate	Baucus	Blanchard
	Bauman	Blouin
Boland	Goodling	Murtha
Bolling	Gore	Myers, Gary
Bonior	Gradison	Myers, Michael
Bonker	Gudger	Myers, Ind.
Brademas	Guyer	Natcher
Breckinridge	Hagedorn	Neal
Brinkley	Hall	Nedzi
Brodhead	Hamilton	Nichols
Brooks	Hammer-schmidt	Nix
Broomfield	Hanley	Nolan
Brown, Calif.	Hannaford	Nowak
Brown, Ohio	Harkin	Oakar
Broyhill	Harrington	Oberstar
Buchanan	Harris	O'Brien
Burgener	Harsha	Ottinger
Burke, Mass.	Hawkins	Panetta
Burlison, Mo.	Heckler	Patten
Burton, Phillip	Hefner	Patterson
Butler	Heftel	Pattison
Byron	Hightower	Pease
Caputo	Hillis	Perkins
Carney	Holland	Pickle
Carr	Hollenbeck	Pike
Carter	Holt	Poage
Cavanaugh	Horton	Pressler
Chappell	Howard	Preyer
Chisholm	Hubbard	Price
Clausen, Don H.	Hughes	Pursell
Clay	Hyde	Quayle
Cleveland	Ichord	Quie
Cochran	Ireland	Quillen
Cohen	Jacobs	Rahall
Coleman	Jeffords	Railsback
Conable	Jenkins	Regula
Conte	Jenrette	Reuss
Corcoran	Johnson, Calif.	Rhodes
Corman	Jones, N.C.	Richmond
Cornell	Jones, Okla.	Rinaldo
Cornwell	Jones, Tenn.	Risenhoover
Cotter	Jordan	Roberts
Coughlin	Kazen	Robinson
D'Amours	Kelly	Rodino
Daniel, Dan	Kemp	Roe
Daniel, R. W.	Keys	Rogers
Danielson	Kindness	Roncalio
Davis	Koch	Rooney
de la Garza	Kostmayer	Rose
Delaney	Krebs	Rosenthal
Dent	Krueger	Rudd
Derrick	LaFalce	Runnels
Derwinski	Lagomarsino	Russo
Devine	Latta	Ryan
Dickinson	Lederer	St Germain
Dicks	Le Fante	Santini
Diggs	Leggett	Sarasin
Dingell	Lehman	Satterfield
Dodd	Lent	Scheuer
Downey	Levitas	Schroeder
Drinan	Lloyd, Calif.	Schulze
Duncan, Oreg.	Lloyd, Tenn.	Seiberling
Duncan, Tenn.	Long, Md.	Sharp
Early	Lott	Shipley
Eckhardt	Lujan	Shuster
Edgar	Luken	Sikes
Edwards, Ala.	Lundine	Simon
Edwards, Calif.	McClory	Sisk
Ellberg	McCloskey	Skelton
Emery	McCormack	Skubitz
Erlenborn	McDade	Slack
Ertel	McFall	Smith, Iowa
Evans, Colo.	McHugh	Smith, Nebr.
Evans, Del.	McKay	Snyder
Evans, Ga.	McKinney	Solarz
Evans, Ind.	Madigan	Spellman
Fary	Maguire	Spence
Fascell	Mahon	Staggers
Fenwick	Mann	Stanton
Findley	Markey	Steed
Fish	Marks	Steers
Fisher	Martin	Stokes
Fithian	Mathis	Stratton
Flippo	Mattox	Studds
Flood	Mazzoli	Stump
Florio	Meeds	Taylor
Flowers	Metcalfe	Thompson
Flynt	Meyner	Thone
Foley	Michel	Thornton
Ford, Mich.	Mikulski	Trible
Ford, Tenn.	Mikva	Tsongas
Forsythe	Milford	Tucker
Fountain	Miller, Ohio	Udall
Fraser	Mineta	Ullman
Frenzel	Minish	Van Deerlin
Frey	Mitchell, Md.	Vanik
Fuqua	Mitchell, N.Y.	Vento
Gammage	Moakley	Volkmer
Gaydos	Moffett	Walgren
Gephardt	Mollohan	Walker
Giaimo	Montgomery	Walsh
Gibbons	Moorhead, Pa.	Wampler
Gilman	Moss	Watkins
Ginn	Motti	Waxman
Glickman	Murphy, Ill.	Weaver
Goldwater	Murphy, N.Y.	Whalen
Gonzalez	Murphy, Pa.	White
		Whitehurst
Whitley	Wirth	Young, Mo.
Whitten	Wolff	Young, Fla.
Wiggins	Wright	Young, Tex.
Wilson, Bob	Wydler	Zablocki
Wilson, C. H.	Wylie	Zeferetti
Wilson, Tex.	Yates	
Winn	Yatron	

NOES—52

Allen	Edwards, Okla.	Rangel
Andrews, N. Dak.	English	Rousselot
Archer	Grassley	Roybal
Armstrong	Hansen	Ruppe
Boggs	Holtzman	Sawyer
Breaux	Huckaby	Sebelius
Brown, Mich.	Kasten	Stark
Burke, Calif.	Kastenmeier	Steiger
Burleson, Tex.	Ketchum	Stockman
Burton, John	Kildee	Symms
Cederberg	Long, La.	Traxler
Clawson, Del	McDonald	Treen
Collins, Ill.	Marienee	Vander Jagt
Collins, Tex.	Marriott	Waggonner
Conyers	Miller, Calif.	Weiss
Crane	Moore	Young, Alaska
Dellums	Moorhead, Calif.	
Dornan	Obey	

ANSWERED "PRESENT"—2

Burke, Fla.	Leach

NOT VOTING—10

Akaka	Pepper	Teague
Bowen	Pettis	Tonry
Johnson, Colo.	Pritchard	
McEwen	Rostenkowski	

The Clerk announced the following pairs:

Mr. Rostenkowski with Mr. Pepper.
Mr. Teague with Mr. Bowen.

Mr. YATRON and Mr. STOKES changed their vote from "noe" to "aye."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 474, EMERGENCY NATURAL GAS LEGISLATION

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 474) to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes, with a House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, DINGELL, ECKHARDT, SHARP, MOFFETT, BROYHILL, and BROWN of Ohio.

INCREASING SBA LOAN LIMITATIONS AND SURETY BOND AUTHORIZATIONS

Mr. SMITH of Iowa. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2647) to amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan limitations and to increase surety bond authorizations.

The Clerk read as follows:

H.R. 2647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

BUSINESS LOAN AND INVESTMENT FUND

SECTION 1. Section 4(c)(4) of the Small Business Act is amended by striking out "$6,000,000,000" and by inserting in lieu thereof "$8,000,000,000".

ECONOMIC OPPORTUNITY LOANS

SEC. 2. Section 4(c)(4) of the Small Business Act is amended by striking out "$450,000,000" and by inserting in lieu thereof "$525,000,000".

SMALL BUSINESS INVESTMENT COMPANIES

SEC. 3. Section 4(c)(4) of the Small Business Act is amended by striking out "$725,000,000" and by inserting in lieu thereof "$1,100,000,000".

SURETY BOND GUARANTEES

SEC. 4. Section 412 of the Small Business Investment Act of 1958 is amended by striking out "$56,500,000" and by inserting in lieu thereof "$110,000,000".

The SPEAKER. Is a second demanded?

Mr. CONTE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Iowa (Mr. SMITH) and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I rise in strong support of H.R. 2647 and urge the immediate passage of this legislation.

The purpose of this bill is to increase the Small Business Administration's loan limitations and its surety bond authorizations. It does not contain any new budget authority nor provide for any new or increased tax expenditures.

The Small Business Administration is the Federal agency designated to provide the principal source of financial assistance to the Nation's 13 million small businesses. Among its major programs are: Regular business loans; displaced business loans; handicapped assistance loans; economic opportunity loans; direct procurement assistance; small business investment company assistance; and development company loans.

The funds with which SBA makes this financial assistance available are kept in a revolving fund known as the Business Loan and Investment Fund into which repayments of earlier loans are also made. The Small Business Act provides that not more than $6 billion in assistance and obligations under these programs may be outstanding at any one time and SBA calculates that it will reach this figure in February of 1977. Funds have been appropriated, however, which would permit SBA to continue operating these programs throughout this fiscal year but the total amount outstanding would exceed the statutory limitation.

The Small Business Act also contains a sublimitation of $450 million as the maximum amount of economic opportunity loans which may be outstanding at any one time; and $725 million as the maximum amount of financial assistance which may be outstanding to small business investment companies at any one time. These amounts are primarily bank loans whose payment is guaranteed by SBA and which will be repaid and thus the cost to the Federal Government will be much less than the amount loaned to these small businesses.

The Small Business Administration also provides assistance to contractors by guaranteeing to repay a surety company up to 90 percent of any loss it sustains on a surety bond for performance or payment issued to a small concern. The Small Business Investment Act currently authorizes an appropriation of $56.5 million to this fund but this level of operation will soon be reached.

THE NEED FOR THE LEGISLATION

Based upon projected repayments of SBA loans during the current fiscal year, an appropriation of sufficient funds has already been enacted in order for SBA to provide financial assistance of some $2.6 billion—either in direct loans or mostly in bank loans whose repayment is guaranteed by SBA and which will be repaid—during fiscal year 1977. Even though these funds have been made available, it is necessary to increase the statutory limitation on the amount of financial assistance which may be outstanding at any one time. Unless this increase is provided, SBA will be compelled to curtail its programs below a level already approved as it will only be able to provide new financial assistance on a dollar-for-dollar basis as repayments are made on previously provided financial assistance. In effect, SBA would only be able to provide less than one-half of the previously approved amounts of financial assistance under SBA's regular business loan program, displaced business loan program, handicapped assistance loan program, economic opportunity loan program, procurement assistance program, small business investment company program and development company loan program.

In addition, it is necessary to authorize the appropriation of additional funds as capital for SBA's surety bond guarantees program. Part of the necessary increase in the authorization has already been appropriated and it is anticipated that an additional appropriation will be forthcoming. Without such additional funding SBA would lack sufficient capital in the surety bond guarantees program with which to pay claims as they are filed and small business contractors would thus be denied the opportunity to participate in construction projects.

WHAT THE BILL WOULD DO

This bill increases the statutory limitation on the amount of financial assistance and other obligations which may be provided and incurred by SBA at any one time from $6 billion to $8 billion—mainly a limitation on the possible exposure of SBA for losses on bank loans whose repayment is guaranteed by SBA; the vast majority of these loans will be repaid and thus the cost to the Federal Government will be much less. Within the statutory restriction on the amount of such financial assistance, it also increases a sublimitation on the maximum amount of economic opportunity loans which may be outstanding at any one time from $450 million to $525 million and a sublimitation on the amount of financial assistance which may be provided by SBA to small business investment companies from $725 million to $1,100 million. These increases would permit SBA to continue the operation of the affected programs at current levels.

The bill would also authorize an increase in the authorization for the surety bond guarantees program from $56.5 million to $110 million.

CONCLUSION

The increases in the limitations and part of the increases in the authorization for appropriation to the surety bond guarantees fund were contained in a small business omnibus bill (H.R. 13567) passed by the House last year by a vote of 341 to 2. The Senate, however, did not act on this bill prior to adjournment. Due to an immediate need for the increases, we have removed them from the omnibus bill so that the Senate may act promptly. The other provisions of last year's omnibus bill have also been reintroduced and reported from the committee as H.R. 692, which will be on the floor possibly next week, subject to a rule being granted.

The financial assistance provided by the Small Business Administration is extremely vital as otherwise the recipients of this assistance would be unable to secure it elsewhere and thus would not be counted among the viable small businesses in this country today. A decline in the number of such small businesses would, of course, reduce their contribution to our national economy both in terms of tax receipts provided directly to the Treasury and secondarily by increasing our unemployment. Moreover, information supplied to the committee indicates that for each $8,000 provided in the form of SBA financial assistance, one job is either created or preserved, with most of this amount being loan funds which will be ultimately repaid, thereby further reducing the total cost to the Federal Government.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Speaker, I wish to take this opportunity to commend the gentleman from Iowa (Mr. SMITH) for bringing this bill out at this time. I am sure we all know the great importance of our small businessmen to our economy. I think that it is a shame, and the chairman brought this out also in the budget hearing, that the administration did not see fit to provide additional funds

for direct loans to our small business people. We know this because we know there are so many applications that go unfilled. I believe that if the small businessman is helped out with additional funds then our economy also will be helped.

Again I thank the gentleman from Iowa for bringing forth this legislation.

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman from New York for his comments.

Mr. Speaker, I reserve the balance of my time.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill, H.R. 2647.

As my distinguished friend and colleague, Chairman SMITH of Iowa, has explained, this bill is needed now. That is the reason why our Committee on Small Business took the unusual action of reporting this measure at our very first meeting of this Congress; and that is the reason why Chairman SMITH and I have asked that this bill be considered and passed today under suspension of the rules.

Due to an unfortunate lack of action in the other body last year, our bill to raise the SBA ceilings, H.R. 13567, died with the adjournment of the 94th Congress.

Consequently, the SBA is now faced with the very dismal possibility that it will have to cease its financial assistance programs by the end of this month, and perhaps a week sooner. This is not a scare tactic, it is a fact. Just last week I was personally assured by SBA Administrator, Mitchell Kobelinski, that the current SBA ceilings would be reached probably by the third week of this month and certainly by the end of this month.

Fortunately, we are in a position to give SBA what it needs to continue operations—and what it needs is encompassed in the new ceiling contained in the bill before us today.

To meet SBA's needs, we do not need any "back-door spending" or massive raids on the Treasury. All we have to do is raise the statutory ceilings on the number of loans the Agency can have outstanding, so that SBA can continue to use its already existing revolving funds to make new loans. The bill before us raises the ceiling on outstanding regular business loans from $6 billion to $8 billion. It raises the ceiling on outstanding, economic opportunity loans from $450 million to $525 million; it raises the ceiling on Small Business Investment Company loans from $725 million to $1.1 billion; and it raises the authorization for surety bond guarantees from $56.5 million to $110 million.

The bill is noncontroversial. It has strong bipartisan support, as is reflected in the fact that it was ordered reported by our committee by a vote of 23 to 0.

The bill is consistent with the needs documented by our committee at hearings during the last Congress. It is consistent with the bill overwhelmingly passed by this body last July by a vote of 341 to 2. It is consistent with the budget submitted by President Ford last month. Because it only raises ceilings rather than mandates spending, it will certainly be consistent with any new proposals of the Carter administration. And, most importantly, it is vital to the continued operation of the SBA and the needs of the small business community.

The provisions of this bill should have been enacted last Congress. They must be enacted this month. Therefore, I urge immediate and unanimous passage of the bill.

I yield back the balance of my time.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of H.R. 2647, a bill to increase authorizations and loan limitations for the Small Business Administration.

The statutory ceilings on SBA's loan programs will be reached by the end of the month. To insure that SBA will be able to continue to make new loans and guarantees it is imperative that we act quickly on this legislation.

The problems of small business have always been nonpartisan in nature and I am extremely pleased to note that this is reflected in the overwhelming support this legislation has received and the prompt consideration by the House.

I wish to commend the Small Business Committee and its new chairman, the distinguished gentleman from Iowa (Mr. NEAL SMITH) for bringing before the House a piece of legislation which will enhance the ability of the SBA to serve the needs of our small business community. I have had the pleasure of working with the chairman on other matters affecting our small businessmen while he served as chairman of the Subcommittee on SBA and SBIC Legislation and have grown to know him as a pioneer and champion of the small business community.

I am certain that this legislation is only the first of a number of important bills which will be considered by the 95th Congress to infuse new capital and life into our small businesses.

The importance of small business to the American economy cannot be underestimated. They account for more than one-half of all private sector employment, 43 percent of business output and one-third of the gross national product.

Being small and less powerful than big conglomerates, it is inevitable that small business will be more seriously affected during times of economic instability.

Recent inflation and recession have caused the demise of many small enterprises while others cling precariously on the brink of failure. Small business is the heart of our free enterprise system. I am confident that there is no problem so great that we cannot resolve it and that this Congress will move ahead diligently.

Mr. GIAIMO. Mr. Speaker, I would like to bring to the attention of the House a matter relating to H.R. 2647, which amends the Small Business Act. The bill contains a technical violation of one of the Budget Act procedural requirements and would ordinarily have been subject to a point of order. However, since the bill was considered under Suspension of the Rules, no point of order lay against it. While I do not object to the consideration of the bill in this manner, I recognize that the House may wish to hear a brief explanation of the relevant Budget Act issues.

Section 402 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344) provides that it shall not be in order to consider a bill or resolution authorizing the enactment of new budget authority for a fiscal year unless the bill or resolution has been reported from committee on or before May 15 preceding the beginning of such fiscal year. The main purpose of this requirement is to insure that the necessary authorizations are in place in time for the Appropriations Committees to move expeditiously on their legislation. Since H.R. 2647 contains an authorization for fiscal year 1977, it should have been reported from committee by May 15, 1976. In fact, the Small Business Committee did report a bill with substantially identical provisions (H.R. 13567) by the required date; however, that bill failed to pass the Senate in the 94th Congress and the bill died. As a result, the committee reported the new bill in this Congress.

In the past the Budget Committee has supported emergency waivers of Budget Act procedural requirements under certain circumstances. The fact that enactment of H.R. 2647 is necessary to the continuation of certain Small Business Administration programs most likely would have constituted sufficient basis to justify an emergency waiver. It should also be noted that the Small Business Committee complied with the spirit of the Budget Act by reporting the necessary legislation in a timely fashion last year. The consideration could have provided another basis for supporting a waiver of the Budget Act requirement. Since the bill was considered under Suspension of the Rules, however, it was not necessary for the Budget Committee to take a position on any such waiver.

The procedural requirements of the Budget Act are complex and often confusing, but they are essential to the continued success of the congressional budget process. To ease the burden of complying with these requirements, the Budget Committee staff stands ready to provide assistance to any committee or Member with questions or problems relating to the Budget Act.

Mr. BADILLO. Mr. Speaker, today the House will pass a bill, H.R. 2647, which increases Small Business Administration loan limitations and surety bond authorizations. The message of this legislation is clear—Congress wants to not only continue the loan programs in being, but to expand SBA's capability to stimulate small business. In the past several years that message seems to have been lost in transmission from Capitol Hill to the Small Business Administration. Administrative difficulties have hampered the flow of money from SBA to the intended recipients.

Financial assistance provided by SBA is extremely vital. Without this assistance, the recipients would be unable to secure money and thus would not be among the viable small businesses in America today. A decline in the number of small businesses would reduce their

contribution to our national economy both in terms of tax receipts provided directly to the Treasury and secondarily by increasing our unemployment. For each $8,000 provided in the form of SBA financial assistance, one job is either created or preserved, with most of this amount being loan funds which would ultimately be repaid, thereby further reducing the total cost to the Federal Government.

The level of unemployment in the United States needs immediate attention. I am sure that the Carter administration will recommend many programs to reduce high unemployment. These programs will take time to implement though and their effect is unknown. The Small Business Administration loan programs are effective; we know they stimulate the economy and provide jobs if used properly. I urge the new administration to use the SBA as a tool for solving some of these problems by making the small business loans more available and easier to obtain.

The word "Small" before Business Administration is deceptive, for the Agency does big business. Over 13 million small businesses in the United States depend on SBA as their principle source of financial assistance. Their survival, in many cases, depends on how effectively the SBA carries out the intent of Congress. I hope that the Agency will become an example for other agencies to follow and that the business community will be more productive because of SBA's efforts.

Mr. BRECKINRIDGE. Mr. Speaker, today the House considers H.R. 2647 which amends the Small Business Act. I strongly urge my colleagues to support this bill which raises the ceiling on SBA's major loan programs from $6 billion to $8 billion.

The SBA has been one of the most successful programs the Congress has ever devised. In fact, figures cited below show that the operation of the SBA loan programs has resulted in an actual and significant profit to the American taxpayer—both in terms of cash receipts at the Federal, State, and local levels, and in the creation of jobs so important to our economic recovery.

In my March 1976, "Separate Views to the House Agriculture Budget"—as appears at page 45 of House of Representatives committee print, Committee on the Budget, "Views and Estimates on the Congressional Budget for Fiscal Year 1977," March 22, 1976—and in testimony before the House Small Business Committee—as appears in "Hearings Before the Subcommittee on SBA Oversight and Minority Enterprise of the Committee on Small Business," March 4, and April 1, 1976—I noted the jobs creation effect of expanding the loan authority of the Small Business Administration and the Farmer's Home Administration—FmHA. Since that time I have, with the Economic Division of the Congressional Research Service, explored these programs extensively—especially their relation to the problem areas of employment and inflation. The documentation of their present and potential cost and benefits to the American taxpayer appears below. The following data reflect these findings, and I submit them for your consideration, and draw particular attention to the possible implications of these figures in our national battle against unemployment and inflation.

In 1976 the SBA loaned $2 billion to various enterprises throughout the Nation, creating thereby 288,000 jobs in the private sector, at a cost of $300 million, as will appear below. SBA's 4,200 employees cost the taxpayers $200 million in administrative costs, and based on SBA's 5-percent loan ratio—$2 billion times 5 percent—$100 million will not be recovered; $1.9 billion will be repaid in principal and interest. Thus, the 288,000 private sector jobs cost a total of $300 million.

But because these 288,000 jobs are private sector jobs that pay taxes, rather than absorb taxes, the CRS estimates that there is a total benefit to the taxpayer as follows:

1976 TAX REVENUE AND SAVINGS FOR 288,000 SBA JOBS

	Per job	Total
Federal individual income tax	$2,300	662,000,000
Federal corporate tax	1,134	326,000,000
Federal welfare savings	2,500	720,000,000
State and local tax	2,114	609,000,000
Total	8,048	2,317,000,000

Simply stated, the total $2.3 billion in benefits, less the $300 million in SBA costs, leaves a total net benefit of $2 billion to the taxpayers in the first year and annually thereafter. In other words, for every taxpayer dollar invested by SBA, the taxpayers receive back a return of $7—$1 cost for $7 benefits received.

It is significant to note that with 9 million small businesses in the United States, the SBA was able to help less than 30,000 or 0.03 percent. Of the 370,000 new businesses incorporated in 1976, SBA will only be able to help 8,000. Many of these are in small towns and rural communities, as well as center cities. Obviously, the demand is there for an expansion of the SBA programs.

The major advantage in expanding SBA lies in the fact that these are not pilot programs, but rather are highly successful existing programs which are quite familiar to the Congress, the President, and the financial and business communities. Especially important is the fact that by using existing SBA offices, the towns, cities, counties, and regions of high unemployment could be immediately targeted for most of the increased employment activity. Every single new business or expansion of an existing enterprise would reduce inflation by increasing competition, invention, innovation, and aggressive pricing—the basic philosophy of our economy.

The SPEAKER. The question is on the motion offered by the gentleman from Iowa (Mr. SMITH) that the House suspend the rules and pass the bill H.R. 2647.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PUBLIC APOLOGY OWED TO RALPH NADER

(Mr. PHILLIP BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PHILLIP BURTON. Mr. Speaker, I would like to express my own personal sense of outrage at a reported statement by one of our Federal Trade commissioners, Mr. Paul Rand Dixon, reported—and apparently unchallenged in the media.

Mr. Dixon demeaned himself, the office he holds, and the responsibility that I deem to be one shared by all of those holding a position of public trust when he used what I believe to be a most offensive racial or ethnic epithet in describing Ralph Nader.

There are a variety of points of view with respect to Mr. Nader. I happen to be one of those who thinks he is an outstanding human being, a great American, and a protector of and a fighter for the public interest.

But apart from all of that, it is impermissible in my view for anyone holding a position of public trust to feel the need to invoke demeaning and offensive racial epithets in describing either his personal or philosophic differences with anyone in this country. I feel constrained at this time to have the RECORD be clear in that regard and I think it in order that Mr. Dixon publicly apologize to Mr. Nader.

SPECIAL PROSECUTOR LEGISLATION

(Mr. MANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANN. Mr. Speaker, some 4½ years ago seven people were caught during a break-in at the Watergate offices of the Democratic National Committee. At the time, the incident was described by a White House spokesman as a "third-rate burglary." Unfortunately, the Watergate break-in has had a much more profound effect upon our political system than any "first-rate" burglary.

We have seen high Government officials convicted of depriving citizens of their constitutional rights and of obstructing justice. We have seen attempts to impede and interfere with the work of independent special prosecutors appointed to make certain that investigations and prosecutions were fully, fairly, and impartially conducted. We have seen impeachment proceedings initiated against a President of the United States, proceedings that developed evidence that eventually led to that President's resignation from office in disgrace.

Throughout the entire Watergate affair, it has been clear that there is a need to establish procedures to handle criminal matters involving high Government officials. The best way to handle such matters is through a prosecutor who is independent of the Justice Department, a prosecutor appointed not for political considerations but solely because of prosecutorial ability.

I am today introducing a bill that establishes just such a mechanism. It

would apply whenever certain high Government officials are alleged to have committed a Federal criminal offense involving abuse of Federal office, violation of election and campaign laws, or perjury or obstruction of justice. The officials who are covered include the President and Vice President, Cabinet officers, the Director of the FBI and the Director of Central Intelligence, and people in the Executive Office of the White House compensated at not less than the rate provided for level IV of the Executive Schedule—presently $41,800.

The Attorney General, upon receipt of information that one of the enumerated high-level Government officials has committed one of the specified offenses, will have 60 days to conduct whatever investigation the Attorney General deems appropriate. At the end of that time, the Attorney General must report to a special panel of judges. If the Attorney General concluded that the matter is so unsubstantiated as not to warrant further investigation or prosecution, the Attorney General so notifies the court and that ends the matter.

If the Attorney General finds that further investigation or prosecution is warranted, the Attorney General so notifies the court and applies for the appointment of a special prosecutor. The court then appoints someone to serve as special prosecutor and defines that special prosecutor's area of prosecutorial jurisdiction. Within that area of prosecutorial jurisdiction, the special prosecutor is independent of the Justice Department and may exercise all of the powers of the Attorney General—save the power to authorize wiretaps. A special prosecutor is authorized to request assistance from the Justice Department if the special prosecutor believes it necessary, and the Justice Department is directed to provide the assistance requested.

The appointing court is a division of the U.S. Court of Appeals for the District of Columbia Circuit. It consists of three judges who serve on the division for 2 years. The judges who serve on the division are disqualified from participating in the decision of any case involving a special prosecutor appointed by the division.

The court may remove a special prosecutor for extraordinary impropriety or for such incapacitation or other condition that substantially impairs the performance of the special prosecutor's duties. The office of a special prosecutor terminates when that special prosecutor notifies the Attorney General that the investigation and prosecution of all matters within its area of prosecutorial jurisdiction have been completed or so substantially completed that it would be appropriate for the Justice Department to complete them. In addition, the special prosecutor must file a final report with the court. The bill also gives the court the discretion to terminate the office of a special prosecutor at any time—either on its own motion or at the suggestion of the Attorney General.

The legislation contains a sunset provision. The mechanism established by the bill expires 5 years after the effective date of the legislation. However, it also provides, with respect to matters pending at the expiration date, that the legislation shall remain in effect as to those matters until they are completed, if the court so decides.

President Carter and Judge Bell have indicated their support for court appointed special prosecutor legislation. Senators RIBICOFF and PERCY are today introducing a bill whose special prosecutor provisions are substantially similar to the provisions of my bill.

Special prosecutor legislation has been the subject of extensive hearings by the Judiciary Committee's Subcommittee on Criminal Justice during the 93d and 94th Congresses. That subcommittee last year reported a special prosecutor bill very similar to the one I have introduced. Because of this, I expect that the subcommittee, which I chair, will be able to take up the bill early this year. I am hopeful of getting a bill to the full committee and to the House in the not too distant future.

RETIREMENT OF FRANK M. SLATINSHEK AS CHIEF COUNSEL OF HOUSE ARMED SERVICES COMMITTEE

(Mr. PRICE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PRICE. Mr. Speaker, this year for the first time in 18 years the House of Representatives will be without the services of the distinguished public servant Frank M. Slatinshek. Frank retired yesterday as chief counsel of the Armed Services Committee. He completed a distinguished career of service to his country, both in uniform and out, that began more than 30 years ago.

In World War II, as a naval officer, he commanded ships in combat in the Pacific. His career also included a brief stint with the FBI. He returned to the Navy during the Korean war and was instrumental in presenting some important military programs to the Congress as a naval officer. At the request of the Committee on Armed Services and its then chairman, the great Carl Vinson, he forsook his naval career to join the staff of the Armed Services Committee and became counsel to the committee on February 1, 1959. He served in an exemplary manner under five chairmen of the committee, Carl Vinson, Mendel Rivers, Philip Philbin, F. Edward Hébert, and myself. His service was marked always by his loyalty to the committee, to the Congress and to his country. He put national security considerations above partisanship, and he served all members of the committee fully and fairly.

For many years Frank Slatinshek handled all of the legislation which determined the pay and fringe benefits of military personnel. In this regard, he was active in the committee's efforts in the 1960's to increase the pay and benefits for career military personnel, particularly for the junior officers and enlisted men. I believe all members of the armed services owe him a debt of gratitude for his work on their behalf.

Frank also had a major hand in drafting legislation to strengthen and revitalize the Reserve Forces, and much of the legislation in the United States Code today providing for the Reserve and the National Guard bears the stamp of his extraordinary expertise. Beginning in 1972 he served as chief counsel of the committee, and in that capacity the impact of his brilliant mind was felt on the whole range of defense policy. He worked both to insure our national security and to assure that the Congress had its just place in determining the policies which govern that national security.

The work that a fine staff member performs is, by its nature, often invisible and unhearalded. He does not receive public acclaim or visible monuments. But the effectiveness of our democratic system can often greatly depend on the quality of his work and the standard of integrity that he maintains.

For 18 years Frank Slatinshek set a standard for diligence, for high intelligence and for unimpeachable integrity that is a model that all congressional staff personnel could follow. We will miss his great service, and we will equally miss his warmth and his friendship.

Speaking for all members of the Armed Services Committee, and indeed for all of the House of Representatives, I wish to publicly express to him our thanks and our gratitude; and I know I speak for all of his legion of friends in the House when I express our wish to him and his wife Mary for every happiness in a well-earned retirement.

Mr. BOB WILSON. Mr. Speaker, 18 years ago, a brilliant, energetic Defense Department witness appeared before the Armed Services Committee to testify on some military personnel legislation. His talents were spotted quickly and, soon afterward, he was offered and accepted a position on the committee staff. Yesterday, that outstanding gentleman, Frank M. Slatinshek, retired as the chief counsel of our committee, a position he has held since July 1972.

I am sure most of our colleagues know Frank because at one time or other he has assisted them or their staffs on matters dealing with the Defense Department. His willingness to help people, no matter how big or small the problem, has always been Frank's trademark. As the ranking Republican on the committee, I can attest to his openness and evenhandedness in counseling Republicans and Democrats alike, not only on the committee, but within the House. Likewise, the staff under his direction, has developed the same fine trait.

Since its inception, our committee has only had four chief counsels, a fact perhaps unequaled by any other committee of such long standing in the House. Thus, Frank will be leaving a large imprint on our committee's operational routine and its continuity will flow easily because of his past leadership and the decisions he made as the chief counsel.

Speaking for the minority side of the committee, all of us will miss him not only as a professional counsel in the truest sense of the word, but as a friend. We wish him the very best in his future endeavors and hope, that whatever they may be, there will be cause for us to see him from time to time.

To Frank and his wonderful wife, Mary, I personally want to express my deep appreciation for their friendship over the years. I wish them continued happiness in the years ahead.

GENERAL LEAVE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the retirement of Mr. Frank M. Slatinshek.

AMERICAN FOREIGN SERVICE ASSOCIATION NINTH ANNUAL AWARDS PRESENTATION

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on January 18, 1977, several awards were presented at the Department of State under the sponsorship of the American Service Association to American Foreign Service officers who had performed in outstanding manner.

The Christian A. Herter Award was presented in memory of the late Secretary of State, 1895–1966, by Mrs. Christian A. Herter and her son, Mr. Christian A. Herter, Jr. Governor Herter devoted his life to public service as Governor of Massachusetts, Member of Congress, and Secretary of State.

The William R. Rivkin Award was presented in memory of the late Ambassador to Luxembourg, Senegal, and the Gambia, 1919–67, by his family and friends. Vice President HUBERT H. HUMPHREY said of him:

If ever there was a volunteer, if ever there was a patriot, if ever there was a man who wanted to give his life to his country, it is Ambassador William Rivkin.

The W. Averell Harriman Award—although not made this year—was presented by Ambassador Harriman, who has had one of the most brilliant careers in the history of American Government. Over more than 35 years he has served as Ambassador to the Soviet Union and to Great Britain, Secretary of Commerce, Governor of New York, Assistant Secretary of State, Under Secretary of State and Ambassador-at-Large.

The Marks Foundation Award was presented by Hon. Leonard H. Marks, Chairman, U.S. Advisory Commission on International Education and Cultural Affairs and former Director of USIA 1965–68. His career in both public and private sectors has been distinguished by many achievements in the fields of International Communication and Law.

Mr. Speaker, the Herter, Rivkin, and Harriman Awards recognize individuals displaying courage in all its dimensions, independence of spirit, and dedication to the service. They are awarded to members of the Foreign Service nominated for extraordinary accomplishment involving initiative, integrity, intellectual courage, and creative dissent.

This year, Mr. Speaker, the Christian A. Herter Award was presented to Thomas D. Boyatt, FSO–2.

The text of the citation follows:

Mr. Boyatt, while serving as Country Director for Cyprus in the months prior to the coup which temporarily led to the deposition of the Makarios government, repeatedly warned higher levels of the U.S. Government that events were about to transpire which would seriously undermine U.S. interests in the Eastern Mediterranean. Subsequent events have vindicated Mr. Boyatt's exceptionally insightful analysis. After the crisis, he wrote a strong memorandum through the "Dissent Channel" dispassionately analyzing the circumstances and recommending steps to make the best of the situation. Months later, Mr. Boyatt's dissent memorandum became the subject of a Constitutional struggle between the Executive and the Legislative branches of the Government. Despite enormous pressures on him from both sides, he acquitted himself in a fashion which gained the admiration and respect of both branches and thereby reflected the highest credit on himself and the Foreign Service.

This year the William R. Rivkin Award was presented to William R. Lenderking, FSIO–3.

The text of the citation reads as follows:

Despite strong pressures toward "team play," Mr. Lenderking maintained vigorous and independent views on our policy toward a major ally at a time when that policy was a front-page and controversial issue. He gave an example of real commitment to openness and professionalism by bringing forward his reasoned, moderate and cogent observations both at his mission and twice through the dissent channel to Washington without consideration of potential consequences to his career.

The Marks Foundation Award, Mr. Speaker, "identifies and gives recognition to USIA officers who through the imaginative exercise of professional skills have made new and more effective use of communications media to further the objectives of U.S. public diplomacy."

This year, the Marks Awards was presented to Gunther K. Rosinus, FSIO–2.

The text of the citation follows:

For the designing, organizing and executing of four national student leader seminars, known as the Tagaytay Seminars, of major public affairs importance in the Philippines during a period of rapidly rising anti-American sentiment and demonstrations, especially among university youth. For achieving through the seminars and a series of post-seminar publications, objectives within and far beyond intellectual circles in the Philippines, and directed at stimulating a rational dialogue between Americans and Filipinos on the reasons for US military and economic presence in the Philippines. For showing that the complexities of national development and U.S.-Philippine relations could best be resolved by such rational dialogue, and opening key channels of communication with future Philippine leadership.

Mr. Speaker, I congratulate all of the recipients of awards this year. I was especially pleased to see the Herter Award go to Mr. Boyatt, whom I came to know as a consequence of his outstanding work on the Cyprus question, and the Marks Award go to Gunther K. Rosinus, a friend since the days when we were both students at Harvard University.

TRIBUTE TO GERALD R. FORD

The SPEAKER. Under a previous order of the House the gentleman from Arizona (Mr. RHODES) is recognized for 60 minutes.

GENERAL LEAVE

Mr. RHODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RHODES. Mr. Speaker, I reserved this time so my colleagues in the House may pay deserved tribute to the service to our Nation by one of our most distinguished former Members, the Honorable Gerald R. Ford. Goethe once wrote:

Talents are best nurtured in solitude; character is best formed in the stormy billows of the world.

Over the nearly three decades he served in the National Government, Jerry Ford was buffeted by the stresses of events and the pressure of decisions. His character was forged by the tests and challenges of participation in the legislative and executive branches of the Government.

Much has been written and spoken of late about our 38th President. Nearly all of this commentary centers around his character—his innate decency, his lack of pretension and guile.

It has been my great pleasure to have served in the House during much of the quarter century he represented the Fifth District of Michigan. I have always benefited from his wise counsel and his warm friendship during his 9 years as minority leader. After he left this House I worked harmoniously with Vice President and then President Ford toward common legislative goals. Through it all I found Jerry Ford to be unflappable, affable, a man of directness, and a man of dedication to the principles he espoused.

He answered the Nation's call to leadership at a time when we were dispirited by the events of Watergate.

His steadfast hewing to honesty, and his refusal to sacrifice principle on the altar of political expediency, restored respect and trust in our highest office. Our country will forever be in his debt for this display of greatness under challenge.

Mr. Speaker, I also want to add my word of thanks to Gerald Ford. As minority leader, it was my purpose to do what I could to make Pennsylvania Avenue a two-way street. It seems to me that too many times in the past under Republican Presidents and Democrat Presidents the flow of information, the flow of direction was from Pennsylvania Avenue to the Capitol, with very little in return. I was able, with the help of Gerald Ford, to make that a two-way flow so that the wisdom which is certainly apparent on Capitol Hill was given recognition, was made a part of the legislative process before that process was set in concrete.

Many are the times that prior to a legislative proposal being sent to the Hill, those who were most responsible for the carrying out of that process were asked their opinions and those opinions were amalgamated into the opinions of those in the executive branch, so that when the proposal finally did come to the Capitol it was the consensus, not only of the executive branch, but of many of

the people in the legislative branch as well.

When asked my appraisal of Gerald Ford, I have said he is the most honest man I have ever known. I could never pay any person a more deserved compliment as a measure of my personal esteem of him as a man, as a colleague, as our President, and as our friend.

Mr. Speaker, I now yield to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I thank the gentleman for yielding to me. I have a prepared text and actually it is hard to use a prepared text when one knows the former President as I did and served with him for so many years; now after 28 years in public life, Gerald Ford has officially retired from the Government service. In a distinguished career that spanned three decades, Gerald Ford, first as a Representative from the 5th District of Michigan, then as Vice President of the United States and later as President, has made an indelible mark on the annals of American history. President Ford was the right man at the right time. There have been crises in this Nation: First, there was the Civil War, and God gave to the country a Lincoln.

Then there was the crisis of Watergate; and in its aftermath, we were fortunate enough to have a Gerald Ford.

While he has the distinction of being the only nonelected President in history, with no direct mandate from the people, he performed his constitutional duties with a great personal sense of obligation and care and restored decency and honor to the Office of the Presidency.

President Ford realized he was a transient occupant of the most important trust in the world, a position at that time that he neither wanted, nor did he actively seek; yet he never abused the power of that office placed upon him, and through his exemplary conduct, President Ford gave to the American people reason to believe once again in this great Government of ours. For that, we are all indebted to him.

He and I often debated each other on the floor of this House. Our philosophies were, indeed, different, but one of the great things about this democracy of ours is that we can have conflicts of ideas and conflicts of thoughts, but when the Speaker bangs the gavel and we are finished with the legislative business for the day, as Americans, we are just as friendly as we have ever been.

Mr. Speaker, I know that my wife, Millie, joins me in sending to Jerry and Betty Ford an appreciation to them for what great Americans they are. I think a great debt is owed to Betty Ford for what she has done for American womenhood while she was the First Lady of the land.

In the closing day, while I was down at the White House, the President was telling me that he was going to lecture; he was going to teach a little and play a lot of golf. Well, I have played golf with him, and he is just a beautiful individual.

I do hope, as per our last conversation, that he will be playing in the Massachusetts Classic come August of this year.

Mr. RHODES. I thank the distinguished Speaker. As the distinguished Speaker knows, the former President felt that the Speaker was a dear friend of his, and although, as has been said, there were differences of opinion and differences of philosophy, this was a warm, personal friendship which is valued by the President as well as by the Speaker.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I now yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Speaker, I thank the distinguished minority leader for yielding to me, and would associate myself with his remarks and those of the distinguished Speaker in this tribute to one of the very few truly great Americans it has been my privilege to know. I use that term advisedly, Mr. Speaker, because Gerald R. Ford, I am quite certain, personifies the goodness that lies at the heart of the greatness of our country.

Through the many years of distinguished service in the House of Representatives, as minority leader of the House of Representatives, as minority leader of the House, as Vice President, and finally as President at a very crucial time in the history of our country, he demonstrated those qualities which give me great hope for the future of this country, and was an example for all of us in public life and for each President who will follow him.

The very first vote I personally cast as a Member-elect to the Congress was at a Republican Conference. It was for Gerald R. Ford as minority leader, the first time he was elected. I am quite confident that it was the best vote I have cast or shall ever cast for my country.

I thank the gentleman again.

Mr. RHODES. I thank the gentleman for his remarks.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding to me.

Mr. Speaker, words are wondrous tools. They may be used to build temples of hope or cathedrals of prayer or monuments of praise. We are here now to try to put words together to thank Gerald R. Ford, to pay tribute to him in this House which he loved as a second home.

President Ford used simple words invested with great emotion when he helped rally the Nation to him on August 9, 1974. Standing in the White House East Room, about as alone as any man can be, he said:

> I ask you to confirm me as your President with your prayers.

We did. So great was the harvest of hope and trust he planted that when he had become Citizen Ford shortly after noon on January 20, 1977, our new President opened his inaugural address with a tribute. Mr. Carter said:

> For myself and for our Nation, I want to thank my predecessor for all he has done to heal our land.

The applause was warm and sustained. Mr. Carter knew. The people knew. The world understood. And so, I am sure, did Gerald Ford.

He had proven himself a healer. He had succeeded. He left the White House head up, smiling, proud, all of a piece, a man who had done so much so swiftly that we have almost forgotten how shattered were the pieces we handed him early nearly 2½ years ago. He alone held a candle against the darkness until the lights could come on again.

Mr. Speaker, Gerald Ford was no wordsmith. He governed by what he did and how he did it rather than by rhetorical flights or verbal rallying cries. He was one of us and we lay special claim to him and he has taught us much if we will learn.

His word was his coin. In 1965, the first year he was House Republican leader, he honored me with a visit to my district. His words of support for me had impressed my constituents. They believed him as we do. Later, when he was named "Man of the Year" by the Grand Rapids Chamber of Commerce, I was proud to praise him before those people who knew him so well—his longtime friends and neighbors.

Words may be used to conceal as well as reveal. But never had I reason to doubt those of Gerald Ford. When he appeared before the House Judiciary Committee to which I belong for those long, grueling hearings on his nomination as Vice President, his every word was weighed and his every deed judged and reviewed and questioned.

To me it matters much that Republicans and Democrats alike in this House found his words to be true. The vote of confidence given him by both parties was resounding.

Others can recall relationships with Gerald Ford more personal than those I have known.

But to us all he has proved that what is within a man or a woman counts most—character that does not flinch under fire, kindness that refuses to erode when attacked, decency that embraces foe as well as friend, self-esteem that holds steady under withering pressure.

Mr. Speaker, words cannot build a monument to Gerald Ford nor should we ask them to, because words have always failed human beings when emotions run deep and strong.

So we give to Gerald Ford a tribute no one dares seek, because it must be freely given. We carry him in our hearts with honor and respect and gratitude.

Ink fades and walls crumble, but what men perceive to be true lives on. Gerald Ford need not worry about history. This Nation has confirmed him as first among equals. He gave us what we needed. Himself.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Ohio.

Mr. DEVINE. I thank the gentleman for yielding to me. I wish to commend the gentleman from Arizona for taking the time to pay tribute to a man I think history will treat very kindly as one of the great Presidents of this Nation.

I think Jerry Ford is one of the most decent men I ever met in my life. We had a very friendly rivalry, because he was a former football player for the Uni-

versity of Michigan and I was a varsity "O" man for Ohio State University, and that is a rivalry second to none in the country as far as football is concerned.

When Jerry Ford assumed the Vice Presidency and then the Presidency, he assumed a position which he did not ask for. He assumed the Presidency under a situation in this country that was unparalleled. He assumed the steerage of the ship of state on very rough seas in a calm and businesslike manner. It was a transition period from one that bordered on chaos. But we know that the transition was without demonstration, without revolution, without bloodshed. Jerry Ford assumed a low-key posture, a businesslike posture. He commanded the ship of state and steered it on a steady, cool course.

He was not treated particularly kindly by the media. They said he was bland, they said he was colorless. But no one ever challenged his integrity, no one ever challenged the fact that he is probably one of the most decent human beings who has ever served in this House and probably the Vice Presidency and the Presidency. I wish him and his lovely wife, Betty, the very best of everything in the future. I particularly pay tribute to his fine youngsters, who have also been criticized by some. I had the occasion during the Republican Convention in Kansas City to be a part of caucus crews which went out and visited the delegations from various States. Steve joined us and Susan joined us, and one of the other boys from time to time, and they demonstrated the fine background, the fine training that President Ford and Betty Ford gave to these youngsters. The entire family is a great credit to this Nation, and I am pleased to join my colleague in a tribute at this time.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Speaker, it is indeed a personal privilege for me to join with my colleagues today in honoring Gerald R. Ford, a husband, father, a statesman, a President, but above all a great American. Jerry Ford is a man of impeccable character and unquestionable integrity, a man whose inner strength and tremendous stability provided the sound and forward leadership which not only met, but conquered a crisis, which all of us as Americans shared; a man who, through his own personal qualities and ideals, restored and renewed the faith of the American people in the highest public office, the Presidency.

I am proud to call him my friend.

Mr. Speaker, serving as a Representative from Michigan for 25 years, Gerald Ford earned a reputation in the House of Representatives among Democrats and Republicans alike of being an honest, fair, yet stern man, tolerable to compromise, while remaining true to his principles; a man who was not afraid and did not retreat in the face of overwhelming political odds. These, Mr. Speaker, are the virtues and qualities he took with him to the White House in August of 1974.

Having taken office in the peak of the greatest constitutional and moral crisis this Government has ever faced, Gerald Ford set about immediately to restore the high integrity traditionally assigned to the Presidency and to illustrate to the American people, as well as the world, that the institution not only remained, but remained strong. It is true that many considered this single accomplishment not possible, yet through positive, direct action and not mere political rhetoric, Gerald Ford, simply by being himself, brought a new faith and direction to the country as he set about to administer its affairs.

Yes, Mr. Speaker, of all the things Gerald Ford brought to the White House, by far the most important was himself. For it was in the President himself that the American people, disgusted with the politics of politics, saw a new perspective and in short, a new commitment to reaffirm the values that are basic to the people themselves.

You see, Mr. Speaker, Gerald Ford believed, as did Thomas Jefferson, that the Government that governs least is the government that governs best. And as Gerald Ford retires from public service after 27 years of unselfish service to his country and its people this is without a doubt the principle that is indicative of his dream for a better America. An America that provided for the citizen, in the words of Jefferson, "a wise and frugal government which will restrain men from injuring one another, but shall leave them otherwise free to regulate their own pursuits of industry and improvement," was the goal that Jerry Ford set for us. His years in office stand as a tribute for a job well done.

Mr. Speaker, President Carter in his inaugural address opened his remarks with the following statement:

> For myself and for our Nation, I want to thank my predecessor for all he has done to heal our land.

This gesture serves well to illustrate the tremendous accomplishments of Gerald R. Ford and the national recognition of appreciation for what he has done for all Americans.

In closing these remarks, I would like to express my personal appreciation as well as those of the people of the First Congressional District of Alabama, to President Gerald R. Ford and extend our heartfelt wishes for a prosperous and healthy future.

Thank you, Mr. President, for, above all, being yourself.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding, and I join him in the effort he has made to present this tribute to our former minority leader, colleague, Vice President, and President, Gerald Ford.

I, too, would invite the Members' consideration of Jerry Ford's leave-taking from the White House. He left in full control of himself, as the press described it—at peace with himself, after full cooperation—as we would expect of him—with the incoming administration. He left the White House as a hero, as one who was beginning to receive the appreciation that had been denied him during his Presidency.

All this should not be unusual for a person leaving the highest office in the land until we consider that his two predecessors had literally left Washington under seige, and that the immediate predecessor of those two had been assassinated while in office. After this long period of national travail it took a person of Jerry Ford's peculiar and remarkable personality to begin to put this Nation back on the path to normalcy, and to direct it toward a feeling of respect for the old values.

Jerry Ford's service as President has been well recounted before in this House. For me, of course, the relationship with him was closest during his time as minority leader. That is the time in which the memories of Jerry Ford are most vivid to many of us.

He was a remarkable leader, primarily because he valued the opinions and feelings of each of the Republican Members who it was his duty to lead. That sensitivity to the feelings of all the Members was, of course, revealed later during his time as President when all points of view were regularly solicited, heard, considered, and frequently put into operation by the White House.

I think, too, Mr. Speaker, of the remarkable contribution of Mrs. Jerry Ford, our friend, Betty, who did so much to further the status, the rights, and the aspirations of women in this country. Together they made a remarkable and effective duo in the highest office in the land.

It is customary, when our colleagues and other highly placed persons in this Government move from the inhibitions and restrictions of public life to private life, for us to wish them good luck and great success in the future. I do that for Betty and Jerry Ford, but most of all, I say to them, thanks for their unusual and effective service and also for the friendship which they have given to all of us.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Washington.

Mr. HANSEN. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Idaho.

Mr. HANSEN. Mr. Speaker, I thank the gentleman from Arizona (Mr. RHODES), for whom I have a great deal of respect, for yielding.

I certainly appreciate the fact that the distinguished minority leader has made it possible for us to enter into the RECORD those feelings we have for our good friend, Jerry Ford, who served so many years here and who also served with such distinction as Vice President and as President of the United States.

What I have to say I say from the heart and not from a prepared text. I have known Jerry Ford during all my years in political life on a national level. He came to Idaho to assist me in becoming a Member of this body, to begin

with, and later I had the opportunity of helping to elect him as the minority leader of this House at a time when his sense of balance was greatly needed. At that time our particular political party had suffered a severe defeat at the polls, and we were looking for new strength and a new image, and certainly Jerry Ford helped to fill this void. This was the first of two magnificant occasions where Jerry Ford was to fill the role of healing divisions in the political system and in this Nation.

Jerry Ford has always been a gentleman, always compassionate, and always willing to listen and to assist. He is both a family man and a man's man.

Gerald Ford is an all-American, not only on the football field, but he is an all-American in his citizenship and in his service to his country as well.

Mr. Speaker, I think that, as President, Gerald Ford made one serious understatement in his farewell address on the state of the Union. This occurred when he expressed disappointment that, of all his accomplishments, he had not been able to do more with respect to reducing unemployment.

Mr. Speaker, how could a man do more? In 2 short years, he led the Nation away from war, brought the soldiers home, and gave us peace. If there was some resultant unemployment, that is a small price to pay. I think perhaps the real message and the real accomplishments were missed in this respect.

Mr. Speaker, here is a man who has mended the country's political process and united the Nation time after time with his great compassion and through his great commonsense. It is most fitting that we pay tribute to one who has served his country so well.

In fact, Mr. Speaker, I believe that Jerry Ford was so unpretentious that he almost was taken for granted and was, hence, unrecognized for many of the things he accomplished. I expect him to be elevated to increasing prominence by historians as the years pass for the great deeds that he has accomplished for America, for the citizens of this land, and for benefit of people and nations throughout the world.

Mr. Speaker, I again thank the gentleman from Arizona for yielding and commend him for initiating this opportunity to pay our respects to our 38th President upon his completion of office.

Mr. RHODES. Mr. Speaker, I thank the gentleman from Idaho (Mr. HANSEN) for his contribution.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Arizona (Mr. RHODES) for yielding.

Mr. Speaker, I want to join with my colleagues on this side of the aisle who have spoken before me in commending the distinguished minority leader, the gentleman from Arizona (Mr. RHODES), for this welcome opportunity to reflect on the enormous contributions made by Gerald R. Ford as minority leader, as Vice President, and particularly as President of the United States.

I was in the Democratic cloakroom on that day in August of 1974 when the television networks of this country broadcast that most impressive occasion during which Gerald Ford, upon being sworn in as President of the United States, responded to the American people by noting that he was acutely conscious of the fact that he had not been elected by their votes, and asked them to confirm him with their prayers.

Mr. Speaker, that room was hushed by a silence born of respect and hope, and there were more than a few wet eyes among those who had served with him in the House as they watched him assume the responsibilities of the Presidency of the United States.

Mr. Speaker, obviously there were disagreements and difficulties, just as there are in any Presidency and in the President's relationship with the Congress. Yet, on the occasion of what may prove to have been his last appearance, President Ford's final state of the Union address caused that same warmth, that same affection, to well up on both sides of this aisle when, after uttering those very touching few words, he ended his remarks with a prayer for his colleagues and for the Nation.

Mr. Speaker, it is fortunate for this Nation that in times of crisis, fate has a way of calling to responsibility precisely the right person to meet our needs. Certainly in August of 1974 what this country needed most in the Presidency was a person who could command the respect, affection, and support of all Americans. Gerald Ford, through his dignity, competence, integrity, and, in the best sense, his simplicity and warmth toward the American people, restored the Nation's confidence in itself and in the highest and most important political office under the Constitution.

Whatever the disagreements or difficulties that occurred in his administration, I am confident that history will give him the highest accolades for his service. If it were not for his ability, as President of the United States, to begin to restore confidence in the country and especially in the Presidency, our path toward economic and social recovery would have been severely hampered or perhaps distorted.

Therefore, Mr. Speaker, when President Carter spoke those few words, which the gentleman from Illinois (Mr. MCCLORY) and others have recalled, thanking his predecessor, on behalf of himself and the country, for his services in guiding our Nation, there was not only an electric response in the audience, there was a welling of affirmation in that compliment and a sharing of gratitude.

Mr. Speaker, I know the entire American people literally joined in that expression of gratitude; and I am happy that, as the fruit of President Ford's service to the Nation, Gerald Ford can take with him not only the satisfaction that current generations of Americans are grateful to him, but the assurance that those of the future will look back with appreciation to his service to the Nation.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I thank our distinguished minority leader (Mr. RHODES) for yielding to me and I express my appreciation for the time that he has taken today in order that we may pay appropriate tribute to a man who served our country, well, Gerald Ford.

Mr. Speaker, the four qualities that come to my mind relating to the man Gerald Ford both as the President and as a public servant are decency, fairness, balance, and integrity. These are noble qualities that he brought to the office of the Presidency at a time that such qualities were needed.

Many Members have already spoken of his integrity and his openness. Those worthy attributes were especially needed at the time he was sworn in as President. His most vociferous critics easily granted him his due credit on running an open Presidency. Almost no one challenged his integrity. But I, as Representative, and many of my fellow Americans, felt that President Ford's consistent even-handedness and sense of decency in dealing with all segments of our country were very apparent qualities to even those with whom he disagreed. Even when President Ford stood firm or took a definitive position on an issue. He always treated all people with a sense of decency. He expected his associates and subordinates to do the same. I do not think that anybody in this country can quarrel with his obvious fairness.

President Ford knew the importance of balance in Government. He long ago realized that no branch of government should dominate the scene. Through his experience in the House and later as presiding officer of the Senate he had a full recognition that the Congress held a proper and appropriate role in the affairs of our country. He knew, because he had served here for so many years, that it was important to have the balancing effect and the input of the Congress. He encouraged that balance of power and especially contributed to its importance in the affairs of government.

He constantly encouraged Members of this House, individually and collectively, to come to the White House and be heard. He listened. Many times he came to the Capital to listen. In that respect he did restore a sense of balance in the whole equation of government power and decision making as defined in our Constitution.

So, Mr. Speaker, I too wish to join with my colleagues in this tribute. I am reminded that during the last week of the 1977 campaign President Ford came to California and felt it was important to attend a church someplace in the San Gabriel Valley area. The President decided that the historic Mission of San Gabriel, which has been such an important part of our history, not only in California, but in the whole Nation, would be the church he would attend. The President was touched by the service, its parishoners, and the symbols of history. I can remember the throngs that came out to not only say thanks to him but to see him first hand. I can recall the tre-

mendous response that came from all of those people, people who had stood for better than an hour outside of that church just to see their President and to hear him. He of course immediately went over to say hello to them and they in turn to say hello to him as he left the church. All reached out to touch him and he to greet them and return the gesture of outreach. This was not a new or unusual scene in Presidential politics, but both my wife, Vyonne and I, and many others felt that warmth and openness that so characterized the Presidency of Gerald Ford. Gerry Ford did recognize the importance of making the Presidency accessible to all people of all faiths and opinions all the time.

He remarked on that occasion how important it is for a President to make himself totally accessible to the people of this country who respect the Office of the Presidency and want to feel close to the man and the office.

I guess that is the best example I can give as to the total feeling he had for the Office of the Presidency. Gerald Ford deeply felt that responsibility. He did that by his actions on that Sunday morning in San Gabriel, Calif.

Again I thank my colleague, the gentleman from Arizona (Mr. RHODES) for giving us this chance to express in definitive words what all of us felt when Gerry Ford gave us his closing state of the Union address here in this Chamber a few weeks ago. It was a warm, deserved reception for a man who did indeed give it his all.

Mr. RHODES. I thank the gentleman for his comments.

Mr. Speaker, I now yield to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. I thank my colleague for yielding.

Mr. Speaker, I wish today not only to express my respect for former President Gerald R. Ford, but also my sincere appreciation for the manner in which he served this Nation for 29 months as our 38th President.

The 29 months of the Ford Presidency can, in retrospect, be regarded as a period of transition—a transition from the traumatic and turbulent Presidency of his predecessor to the restoration of an administration elected by the people, in the best American tradition. During his Presidency, Gerald Ford achieved what at times appeared to be an almost hopeless task—the restoration of faith, respect, and decency in our entire system of government, and most particularly the Presidency itself.

President Ford reopened the White House to scrutiny by the American people. He reestablished lines of communication, long frayed and worn, with the Congress. He dealt with all of us openly and without deceit.

The country was refreshed by Gerald Ford's lack of pretense—especially in the Nation's Capital where pretense is a way of life. Gerald Ford is a man of untarnished natural qualities who did not allow the glamour of the Presidency to rob him of his humanity.

There may be a tendency to regard Gerald Ford in the role of a mere caretaker. I am convinced, however, that history will accord him a place as a very competent chief executive. I personally believe that his choice of Cabinet members such as Transportation Secretary William Coleman and Navy Secretary J. William Middendorf demonstrate what is perhaps the most important ability of any leader—the ability to attract individuals of high personal and professional integrity and ability to serve in positions of responsibility.

History will regard Gerald Ford as a man who successfully sought to bind up the wounds of a divided Nation; an achievement for which all future American generations will owe him its enduring gratitude.

My wife, Lee, and I wish Gerald and Betty and the entire Ford family the very best in the years to come. We are especially pleased to welcome this gracious and good family to the sunshine of California. May they live in good health, peace, and prosperity.

I thank the gentleman for his comments.

Mr. Speaker, I now yield to the gentleman from New York, (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Arizona for yielding and commend the distinguished minority leader for providing me with this opportunity to join with my colleagues in paying tribute to our 38th President, Gerald Ford. During his Presidency, Mr. Ford exhibited the finest of qualities that are demanded of any public man, that are demanded of America's President. But Mr. Ford was not only an outstanding President, a man of courage and honor, but was one of the Congress's most well versed and capable members and leaders. In his remarkable career in the legislative and executive branches, Gerald Ford has carved a legacy which will not be diminished or forgotten as he returns to private citizenry.

It has been said of Mr. Ford, particularly in these last few monhts, during his arduous campaign, and during his graceful period of transition, that he is a man who bound the wounds of America during one of our most difficult times, that he is a man who made us once again proud of America.

Upon entering the White House in August of 1974, Mr. Ford inherited the burdens of an office which had lost honor, an office whose stature had been diminished and tarnished in the perceptions of most Americans. It was a difficult task, a job which demanded dedication and a courageous negation of personal ambition and gain. It was a job for which he asked Americans' confirmation by prayers, and through which he returned to Americans their trust in the Presidency.

My colleagues have duly praised Mr. Ford for his outstanding qualities and for the inspiring leadership that he provided during his 25 years' of service in the Congress and his 2½ years as President. Although I did not have the distinct honor and privilege of serving with Mr. Ford during all those years in Congress, my association with him over the last 4 years has been a learning experience in the truest sense, an experience for which I am grateful and of which I am very proud.

When I entered Congress in 1973, Mr. Ford provided me with an example of outstanding leadership and dedication to the principles and practicalities which enable our Government to work so well. He was, I learned, a man from whom all representatives regardless of political persuasion or philosophy could learn. His legislative initiative, his solid and consistent voting record and his personal integrity enabled all Americans, not only his fortunate constituents from Michigan, to praise Gerald Ford as one of America's finest legislators.

Although many speak highly of Mr. Ford's legislative and executive qualities, his personal qualities and character provided an inspiration to all of us in the Congress, and to all Americans and citizens of the world. Gerald Ford was the epitome of an American: hard working, self sufficient, honest and modest. His family was an important aspect of his public life, and he is a model of fatherhood and patience. His emphasis on physical fitness and his stamina illustrated that Americans should be concerned not only with the material things in life, but with its natural and healthful aspects as well.

In paying tribute to Gerald Ford, we must also remember his wife Betty whose courage and honesty extended to all aspects of her public and private life. Her intelligence, gracious manner, and independence in thought and action were an integral part of the Ford admiinstration. Betty's generosity and strength added a new dimension to the role of the first lady, and her tireless efforts on behalf of freedom and equality will long be remembered.

I am thankful for the opportunity to have known Gerald Ford, to have had him visit by constituents on three occasions: as minority leader in 1972, as Vice President in 1974, and last fall as we campaigned for his reelection. I am proud to have worked with him in the Congress, and am inspired by his generous and gracious transferrence of office to our new Preident. I join with my colleagues in wishing him much happiness and peace as he retires to a new beginning, and I thank him for his leadership and service to America and the world.

Mr. RHODES. I thank the gentleman.

Mr. Speaker. I now yield to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. I thank the distinguished minority leader for yielding.

Mr. Speaker, I am very pleased to have this opportunity to join with the gentleman in the well in expressing my personal gratitude to Gerald Ford for his service in both the House and the White House. I understand there are literally thousands of letters pouring into his new home in California, expressions of thanks and of respect from the American people as they reflect on the contributions he has made to our country. Many of us have sensed this unique and widely held feeling of friendship—one that normally does not occur for any American leader during his lifetime.

My wife and I are particularly pleased in view of the circumstances of his retirement that the American people are

going out of their way to express their respect to Gerald Ford.

Mr. Speaker, in one sense Gerald Ford was my President as no one else could be. He was a product of this House. His service here gave him a profound respect for Government and an understanding of how it functions. His experience became an important national asset at a time when the Nation might have been troubled by a less secure person, since the Nation itself had lost its sense of security when we turned to him for leadership.

We all knew him, knew how he thought and functioned, and so we were particularly grateful when he assumed the Presidency that he did not change but continued his remarkable unpretensiousness. This was the kind of man we needed for the Presidency at that time and truly be brought a dimension to a very badly crippled Presidency that very few people could have done.

He understood the office also in a sense that many elected Presidents have not understood it. He understood that the job is too big for one man and that it is important to have widespread consultations in the process of making the decisions that affect all the American people. As an unelected President he set a model in decisionmaking for Presidents to come. I hope others will follow the pattern of widespread consultation and encouragement of internal debate which characterized his Presidency. He understood the need for harnessing the best resources of this country behind the leadership of the White House.

I am personally very grateful to Jerry Ford for the friendship he has shown to the Members of this House. All of us who knew him when he served here continued to feel free to speak openly with him and he gave us the respect due close personal friends. He in no way made it difficult for us to continue this posture of familiarity and of direct consultation and understanding. To us, that meant he is a big man.

I am happy to add my voice to the appreciaiton, shared widely in this institution of all institutions, where Jerry Ford served an apprenticeship which proved to be vital to the health of this Nation.

Mr. MEEDS. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Speaker, I welcome this opportunity to express my gratitude and appreciation for the many years of dedicated public service which former President Gerald R. Ford has contributed to this Nation.

For many years, I had the pleasure and the honor of working with him as a fellow Member of the U.S. House of Representatives.

Often, our political views differed sharply. And often, we found ourselves on opposite sides of the aisle, both literally and figuratively.

Yet, those political differences neither dampen nor weaken my respect for this man, who has done such a great service to this Nation during the past quarter century.

As House minority leader and as Representative from the State of Michigan, Gerald R. Ford was one of the most hard-working, dedicated, and honorable Members of this Congress. He worked long and hard to serve the interests of the people who elected him. And he served those interest well.

When he found himself thrust into the awesome role and power of the Presidency, he carried with him the same virtues that were characteristic of his career in the House.

His honesty, his decency, his forthrightness and his dedication helped heal the deep wounds in this Nation at a time when we needed that help most. Gerald Ford guided our country through one of its darkest hours, when the protection and the safeguards of the Constitution had been strained to their very limits.

He restored respect and faith in the Presidency—a respect that is so important to the proper operation of our democratic system.

Today, Americans look upon the office of the Presidency with pride. It is once more an institution which instills respect and confidence.

I believe that all of us owe Gerald Ford a large measure of gratitude for rebuilding our faith in this high office and for guiding our Nation through one of our most perilous periods.

I wish to say thank you to Gerald Ford and I wish him the best of luck in the future.

Mr. BADHAM. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from California (Mr. BADHAM).

Mr. BADHAM. Mr. Speaker, I would like to take these few moments to personally pay tribute to a man who will inevitably be praised forever in the pages of history. That man, Mr. Speaker, is the 38th President of the United States, Gerald R. Ford.

During his 28 years of dedicated public service, Gerry Ford always remained in close contact with the American people and their feelings. In the 40th Congressional District alone, he was able to take time out of his busy schedule and visit us during his tenure as House minority leader, as the Vice President and several times as President of the United States. It was this close contact and action in our Nation's Capital that earned him the respect and admiration of my constituents in the 40th Congressional District along with 68 percent of their popular vote last November 2. On a 1-to-1 level, Gerry Ford greeted me warmly as a candidate for Congress in the Oval Office and again after I joined the Congress, he took the time to welcome me to the White House on the last day of his Presidency. In my meetings with Gerry Ford, he earned more respect from me than any other one person in my 15 years of public life.

His service to his country has earned him high praise from political supporters and opponents alike. I quote from a Washington Post article of January 29, 1977.

Raymond A. Paglier wrote:

I am a Democrat who voted for Mr. Carter in the last election. Although I did not vote for you, the reason I am writing is to congratulate you for the superb job you did in restoring a feeling of decency and respect for our first citizen.

The vast majority of Americans agree with Mr. Paglier that we all owe a debt of gratitude to President Ford for the superb job he did during his Presidency. It was a time of unparalleled challenge for the occupant of the Oval Office, and Gerald Ford met that challenge with a grace and sense of dignity that we will long remember. But I hope we will not forget the substantive accomplishments of his term in the White House. While Gerald Ford was our President we did attain peace at last, and we did bring our economic problems under control. I am firmly convinced that in a few short years we will look back on the Ford years as years of progress and success, and we will recognize just how important a contribution he has rendered to the American people.

With that said, on behalf of myself, my constituents of the 40th District, and all the people of this great Nation—I thank President Gerald R. Ford for all he did to carry this Nation forward during 28 years of valued service including 30 months as our Nation's President.

Mr. RHODES. Mr. Speaker, I yield to the distinguished gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to compliment the minority leader for taking this special order to recognize one of our great leaders in American history. I am happy to join in this special recognition of President Ford.

Mr. Speaker, it has been a great privilege for me to know Gerald R. Ford on a personal basis for over 10 years. I recall vividly our first meeting at a campaign seminar during the summer of 1966. It was a most pleasant meeting. Later in 1966 I became more personally acquainted with Minority Leader Gerald R. Ford at Airlie House in Virginia when my wife, Marjorie and I attended a seminar for newly elected Republican Members of the House.

It was a rewarding experience for me to become aware of his high qualities as I served with him as Minority Leader Ford from 1967 up until he was nominated as our 40th Vice President on October 12, 1973.

We are all aware of the events which elevated him to serve as our 38th President sworn into office on August 9, 1974. He came to the White House under a distinctly unfavorable set of circumstances—probably the worst that had ever confronted a new President.

The new President did not eliminate all our problems, but then no one could have. He did, however, effectively remove us from the Vietnam war, put Watergate behind us, and pull the country from the depths of the worst economic slide since the Great Depression of the 1930's. In effect, he put our ship of state on an even keel.

He has been portrayed as a "nice guy" and I agree, but he should also be portrayed as a "courageous guy." I say this because of his decision to rescue American seamen in the *Mayaguez* incident and his leadership in bringing about the

disengagement of hostile forces in the Sinai.

When Gerald R. Ford turned over the reins of our Government on January 20, 1977, our Nation was at peace, our economy on the road to recovery. And, perhaps more important, he had reestablished the confidence of the people in a government of honesty, credibility, and dignity. He had in short, returned the Office of the Presidency to the people.

Mr. Ford will be remembered by the people as a man of leadership, personal integrity, and political courage. Perhaps his successor said it best on January 20 when he stated—

For myself as for our Nation, I want to thank my predecessor for all he has done to heal our land.

Tradition is that the worth of a President is judged by history. History will prove the worth of Gerald R. Ford and the American people will remember him with affection and gratitude as the years pass.

Marjorie and I wish Betty and Jerry the very best for the future, and knowing them as we do we can be assured that in some way their experience and talents will be utilized in a manner that will be beneficial to the future of our country.

Mr. RHODES. Mr. Speaker, I yield to the gentleman from Indiana (Mr. FITHIAN).

Mr. FITHIAN. Mr. Speaker, I rise to pay tribute to a man who is not of my own political party; who set policy courses with which I frequently disagreed; who has now been retired by the American electorate. But my comments now are in tribute to a man who provided for this Nation the moral leadership we so sorely needed at a critical time in our history and who, for that service, deserves the gratitude and admiration of the American people.

Gerald Ford assumed the Presidency in August of 1974 under the most difficult of circumstances. He came to the White House accidentally, facing a Nation that was suspicious, even of its new unelected and untested President. We were bitter over the deceit of our highest leaders, shamed by the inexcusable behavior of those acting in the name of the White House, distressed by the moral decline of our people.

In the midst of all that, Gerald Ford brought calm. He reflected the basic goodness of the people he served. He led us back into an atmosphere of decency simply by being decent himself. He reestablished trust and reopened communication. Indeed, it is only because Jerry Ford brought moral health to our Government again that we are now able to set out on a new course of action for our Nation.

So today, those of us on both sides of the aisle join in paying tribute to the man who led the healing process in a Nation which was deeply wounded by a betrayal of trust. Our policy differences aside, we all know how much we owe him for the strong moral example he set for our people, and for that, we extend our gratitude and our best wishes for his future.

Mr. RHODES. I thank the gentleman from Indiana.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, I thank our minority leader for yielding to me and commend him for taking this time so that we might say just a couple of words about our friend, our former colleague and our ex-President, Jerry Ford. Jerry Ford, in my opinion, will go down in history as one of the nicest individuals ever to serve as President of the United States. It did not matter when you met Jerry Ford, he was always the same whether he was in this House, at some public function or in the White House in his capacity as President of the United States—he never changed. He was always the same. Jolly, friendly, full of life, and eager to assist you with whatever problem you had on your mind.

Jerry Ford was always a gentleman in the truest sense of the word. He is a man you can trust and rest assured that the same was properly bestowed. He is the type man you want as skipper when your ship of state is passing through troubled waters. I think the American people realize they had the good fortune of having the right man at the helm at a very crucial time in our Nation's history. He did a terrific job for this country under most difficult and trying circumstances. I do not know of another individual who could have quieted the turmoil in this country as Jerry Ford did, and certainly when the historians write of the accomplishments of his administration they will point to this feat as the greatest of all.

There are many things which could be said of Jerry Ford's Presidency. Many of them have been mentioned here today, but certainly his administration will long be remembered by the wives, the sisters and the mothers of young men who might still be fighting and dying if it had not been for Jerry Ford. Jerry Ford went out of office, I think, as honored and as respected as any President in our history. All of the American people wish him and his wife, Betty, well in their future endeavors and pray they will be blessed with an abundance of good health and happiness. Hopefully, he will not retire in the true sense of the word, but will remain as an elder statesman and share his good advice and wise counsel with us from time to time.

Mr. RHODES. I thank the gentleman from Ohio for his remarks.

Mr. STEIGER. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I will be happy to yield to the gentleman from Wisconsin.

Mr. STEIGER. Mr. Speaker, it is impossible for me to be impartial about Jerry Ford since my first meeting with him during the campaign of 1966.

Mr. Speaker, for 26 years Gerald R. Ford has served this Nation so well, in such demanding capacities, I think it is an astounding measure of the man, his character and his leadership that so many people across this Nation think of him first as their friend. I venture to note, a Ford is a lot closer to a Lincoln than Mr. Ford leads us to believe.

Just 2 years ago it was customary to hear it remarked that Gerald Ford was the most investigated man to hold the Office of President. Today it is apparent that he was also the most underestimated man in the Presidency.

As David Broder observed recently, the truth has begun to dawn on people.

Ford leaves the presidency healthier than he found it . . . because he thought hard about what was needed there—and did it.

Thinking hard about what is needed, and doing it, typifies the whole career of Jerry Ford. We saw him do it as minority leader and we saw it especially in his Presidency. Having the foresight to visit China exactly at the time it was most important to do it. Having the courage to debate his challenger at a time when open debate was needed most. Having the strength of character to exercise the great powers of his office firmly and judiciously. Appointing to his Cabinet individuals of the highest caliber, and having the leadership to grant them the authority and freedom to do their jobs.

The list of his contributions in 2½ short years could go on and on. The Washington Post editors said it well:

It is enough to point out that Gerald Ford had an all but impossible assignment—and that he did a hell of a job.

I would like to add a personal note. This past March, I had the honor of accompanying President Ford on his visit to Wisconsin. I notice that in reviewing the news for our part of the country at the end of last year, The Fond du Lac Reporter cited the visit by President Ford as the biggest event of 1976. It is difficult to adequately describe the warm impression Gerald Ford made during that visit.

But a few days ago, during a trip home, I was reminded of this visit of 10 months ago. A young man who is just 3-years-old, my friend and godchild, Master Alan Seefeldt, greeted my arrival with this question, "Did you bring Mr. Ford with you?"

Mr. Speaker, along with Alan Seefeldt, and my wife and son, Janet and Billy, I think all of us feel grateful that for a few short years we had Mr. and Mrs. Ford with us.

As part of these remarks I include the editorial columns by David Broder and the Washington Post:

[From the Washington Post, Jan. 16, 1977]

THE PRESIDENT THE COUNTRY NEEDED

(By David S. Broder)

In an odd, inexplicable way, the truth has begun to dawn on people in the final days of Gerald R. Ford's tenure that he was the kind of President Americans wanted—and didn't know they had.

After a decade of presidential excess, they wanted a man of modesty, good character, honesty and openness. They wanted a President who was humane and prudent, peaceable but firm. Especially, they wanted one uncorrupted by the cynicism and lust for power that they had come to associate with Washington politicians.

Jimmy Carter's campaign was the successful projection of these idealized qualities of the post-Watergate President. It was also a series of promises—to reform the government, end bureaucratic waste, provide an

energy policy, curb the nuclear arms race, cure unemployment, etc.

How well President Carter measures up to these character tests and how many of his goals he achieves remains to be seen.

But Gerald Ford—even while acknowledging in his last State of the Union address and in a series of valedictory interviews his disappointments in the fields of economics, energy and governmental reform—gave people a quiet reminder that he has been exactly the kind of personality they prayed to find in the presidency.

He did so in a variety of ways, large and small, not least of which was his demonstration of equanimity in the face of his first—and any politician's greatest—defeat. Both The Washington Post and the New York Times headlined the fact that Ford was "at peace" with himself and his fate, as if that were remarkable for a departing President.

And, of course, it is. Two of his three most immediate predecessors had left the White House as political exiles; the third had been murdered.

Ford leaves on a tidal wave of good will, of which the cheers in the House chamber the other night were vocal testimony. As he recalled in his farewell interview with The Post, he had originally planned to wind up his public service this January by making the 94th Congress his last as the representative from Grand Rapids.

As it works out, he is leaving only 17 days "behind schedule," having served 29 months as President and with the country the better for his service.

He leaves with the nation at peace, the international scene as tranquil as it is ever likely to be, and the American people more united and confident than at any time in a decade.

Some of that is luck. Some of it is the healing effect of time on the scars of Vietnam and Watergate. But Gerald Ford also leaves the presidency itself healthier than he found it, and that is because he thought hard about what was needed there—and did it.

Take, for example, the matter of the President's relationship to his Cabinet. One central aspect of the "imperial presidency" was the subordination of Cabinet officers to the arrogant whims of the White House staff.

Jimmy Carter has talked a great deal about his desire for strong, autonomous Cabinet officers, and in the final days before his takeover, was still trying to determine what kind of White House staff arrangements would encourage that decentralization of decision-making.

Yet, as James E. Connor, Ford's staff and Cabinet secretary, pointed out to a visitor the other day, almost no one has noted the extent to which Ford himself already demonstrated how to solve that problem.

Yet it is a fact that the outgoing Cabinet has been spared interference from officious White House staff members either in their departmental decision-making or in their access to the President.

Ford cured this ill by quite conscious, shrewd strategies. He required, for example, that no communication from a Cabinet member to the President could be delayed more than five days for White House "staffing." If the staff comments weren't ready in that time, the Cabinet member's paper went into the President's reading file on its own, rather than being pigeonholed endlessly in the White House bureaucracy.

Ford himself set the example for devolution of decision-making. In the face of heavy pressure to bring all major issues to the White House, he insisted, for example, that the Secretary of Transportation should decide the Concorde landing-rights question and that the Attorney General handle the government's response to Boston's antibusing violence.

In these, and other ways equally important, he demonstrated in practice the virtues of which Carter spoke.

Oddly, neither he nor his advocates made much of this fact in the recent campaign. But Gerald Ford can leave office with some confidence that history will record that he was, in truth, the President the country needed at this time and knew that it wanted, even by another name.

[From the Washington Post, Jan. 16, 1977]

THE FORD YEARS . . .

"At no point has he shown a keen or impressive grasp of the complexities of hard questions. Pedestrian, partisan, dogged—he has been the very model of a second-level party man. It is no accident that over his quarter-century of unremarkable service in the House, he has never been put forward for the presidency. . . ." So we spoke in this space a little over three years ago upon learning that Gerald Ford was about to ascend to the office of Vice President. We do not cite our despondent appraisal because we think it was on the money, but rather because we think it was not. Having been forced to replace his Vice President, and being in not-so-secure condition in office himself, Richard Nixon had just informed a waiting world that Gerald Ford was the one. Frankly, it did not occur to us that Gerald Ford was also the right one.

But we were wrong; he was. The President who will leave office this week brought precisely the needed temperament, character and virtues to the high offices he has temporarily held. These qualities are regularly subsumed under the familiar general heading of "decency," a word that does indeed fit the man. What is so revealing about the times in which we live—and the horrendous political circumstances surrounding Mr. Ford's accession to office—is the vaguely condescending way in which this particular tribute is paid to him: *Well, you have to admit he is a decent human being* . . . or . . . *Don't get me wrong: Of course, I think he's a decent person* . . . and so on. Decency, in this context becomes as an attribute something roughly comparable to good posture or punctuality. How odd that so few of us have been willing to acknowledge that decency in the White House can be regarded as a luxury or a bonus or a fringe benefit only at our peril.

It is central. And its absence was central to the sorrows this country endured in the years preceding Mr. Ford's presidency. In his first days and months, it was as if he had liberated Washington—from its personal fears and hostilities and suspicions, from the dark and squalid assumptions that people had come reflexively to make about one another and about the way things "really" worked. God knows who was (and is) still listening in on whose line or who is plotting what gruesome revenge against what political foe. Our point is merely that Gerald Ford brought to the White House an open, unsinister and—yes—decent style of doing things that altered the life of the city and ultimately of the country.

We have found many of the President's programs and positions (and lack of both in some cases) dismal news indeed. But that is yesterday's laundry list. Our summing up of the Ford presidency draws us only to the overriding legacy he leaves.

Will this city under the Carter Democrats be able to preserve that political and personal civility that Gerald Ford did so much, so unexpectedly, to revive? The Carter administration, more activist and energetic, we would guess, than its predecessor, faster-paced, more intellectually self-certain and combative, is almost by nature destined to put some of these homely, but hard-won virtues at risk. We can only hope the new administration will understand their indispensability. Mr. Ford has left it an incomparable gift in the detoxified political atmosphere of the place and the institutions it is about temporarily to inherit.

The outgoing President has also done a great deal for the honor of his party, although you wouldn't necessarily know it to listen to the samurai-like grunts and howls coming out of the struggle for party control. But Gerald Ford did in fact redeem the Nixon moral disaster. His two-and-a-half years gave point and purpose and respectability to the efforts of those innumerable straight-arrow Republicans who had come to work in Washington and who had been let down, in fact betrayed, by their own White House. And the exceptional quality of most of Mr. Ford's own high level appointments—John Paul Stevens, Edward Levi, William Coleman, to name just a few—went a long way to erase the memory of earlier indictment and disgrace.

We will leave it to others to tote up the pluses and minuses of the Ford administration in strict program and/or policy terms. We can frankly do without reviewing it ourselves. We think it is enough to point out that Gerald Ford had an all but impossible assignment—and that he did a hell of a job.

Mr. KEMP. Mr. Speaker, it is a great pleasure to address these chambers regarding the unparalleled public service of President Gerald Ford. Too often we wait until it is too late before we acknowledge our debts to the great men who have served this Nation. Fortunately, in this case we can speak of what is, rather than what was, because a great part of President Ford's career still lies ahead of him.

Beyond his magnificent and positive impact on the dignity and integrity of public office. There are two areas in particular where I keenly feel his departure already: on defense and domestic economic policy.

President Ford recognized clearly that despite the absence of open warfare at present, we do not live in a peaceful world. It is therefore essential that the United States maintain the highest level of preparedness in our military posture. Thus we were able to negotiate with the Soviet Union from strength, rather than weakness. Some are not aware that negotiation from weakness is the same as failure.

This fundamental impact of President Ford extends to the economy as well. President Ford understood that the Government cannot give the people anything it does not take away from them in some other way. And, as he often said, a government that can give you anything you want can also take away everything you have.

A comparison of the Ford budget with the proposal for economic stimulation from President Carter, which is presently before the Congress, will highlight the difference in philosophy.

The most important difference is the recognition by President Ford that the high rate of taxation is a significant reason for the present economic malaise. He proposed permanent tax reductions and cutting the growth of Government spending. This would place the reliance for recovery on the private sector and avoid the "quick-fix" type of approach which has typified the proposals of those in opposition. He wants to leave more money and freedom in the hands of those hard-

working Americans who produce the goods and services.

I feel very strongly that history will look kindly upon the Ford era. In retrospect, he was precisely the right man to heal the wounds of Watergate. I have even detected a recognition of this fact in the press, among writers who rarely had a kind word for President Ford when he was in office.

As I said earlier, I fully expect that President Ford's best years are still ahead of him. I think that he will be a strong voice for the Republican philosophy and I hope that both the party and the country will make much use of his ability and his experience in the years to come.

I thank him for his determination and his steadfastness to principle as well for his friendship and guidance over the years. Jerry Ford and his wonderful family are still to be heard from in this Nation and I wish them continued success and godspeed.

Mr. WRIGHT. Mr. Speaker, I am pleased to join my distinguished colleague, the gentleman from Arizona, in paying tribute to former President Gerald R. Ford.

To get a measure of what Gerald Ford did for this country all one has to do is look back to the disarray of our Government and the state of mind of our people just 30 months ago.

Thirty months—that is a very short time in the history of a nation. And yet it was just 30 months ago that a President had to resign in disgrace.

It was just 30 months ago that the confidence of the American people in their Government hit an alltime low.

It was just 30 months ago that, to all outward appearances, the highest institutions of the Federal Government were in a shambles, bringing on perhaps the second greatest constitutional crisis in our Nation's history.

That our Nation can look back on that period and say that it is done with, that we have moved on to deal with the present and plan for the future, is in large measure because Gerald Ford provided us with the dignity and the example of steady and unpretentious leadership we needed in that dark hour.

I cannot help but believe that his long period of service in the House of Representatives, totaling 25 years, was his most important preparation for the task which befell him when he assumed the Presidency on August 9, 1974.

It was in the House that Jerry Ford learned how to seek accommodations. It was in the House that he learned that people can disagree on particular issues and yet be united in their humanity.

At that moment in our history when, for the first time, the Presidency changed hands through resignation, it was fortunate that we had such a man as Gerald Ford in place, ready to assume that burden.

Jerry Ford brought to that high office his humanity, and as it turned out this was precisely what it needed.

He set about righting wrongs, healing wounds, making new friends and enlisting old ones. No matter that he served but 2½ years. He filled an important place in our history, and future generations can be grateful to him for what he did.

I am proud to have been a colleague of Jerry Ford's. He was already a three-term member when I arrived in 1955. He was already making a mark for himself then as a coming leader with much to contribute to his party and the country.

Books written about the House of Representatives in the 1950's and 1960's make frequent reference to Jerry Ford as able, effective, and articulate. And, of course, it was his effectiveness as minority leader which led to his nomination as Vice President.

On that occasion, too, when he succeeded the first Vice President ever to resign from office, it was Jerry Ford's role to restore confidence in the office. That he did so is further tribute to his humanity and integrity.

Now that President Ford has passed the mantle to President Carter, I am reminded once again of one of the few shortcomings of our system. That is our failure to provide any meaningful role for former Presidents.

John Quincy Adams returned to the House of Representatives to serve many years following his leaving the White House. Others have occupied themselves with writing their memoirs.

I do not know what the appropriate role might be for Jerry Ford, but I know he still has much to contribute. I hope his departure from the Presidency will not keep him from visiting his old friends in Washington often.

I wish him the very best in all his future endeavors.

Mr. ANDERSON of Illinois. Mr. Speaker, over the course of the past several weeks, President Carter has mused in public print about his particular role in history. His offhand comments have set me to thinking about his immediate predecessor, President Gerald R. Ford—about his character, and about the unique set of abilities that he brought to his job as 38th President of the United States.

Part of the Ford legacy to his beloved country can be traced to his "hands-on" ability as a leader. As good an example as any is President Ford's economic record: simply put, he led us out of the worst economic recession since World War II. During his term in office, as we all remember, inflation reached a staggering rate of 12.2 percent. By the end of 1976, as President Ford prepared to leave office, the inflation rate had been driven down to the 5-percent range. Like most of President Ford's accomplishments, this dramatic reduction in the inflation rate was accomplished by dint of little-heralded hard work and tough decisionmaking. It was a triumph of substance over symbolism, and seems to have gone largely unnoticed.

Not surprisingly, substantial progress has been made with respect to jobs, too. Although President Ford in his recent State of the Union message conceded that he wished he had done more to solve our unemployment problem, he still has a comparatively good record. For example, nearly 4 million people have found work since the bottom of the recession—March 1975. At that time, unemployment had reached 8.9 percent. By the time Gerald Ford had departed the White House, the unemployment rate had come down to the 8-percent range. It is not good enough, as President Ford himself admitted, but in view of the recession, and our alarming inflation rate, it is a respectable record. In short, we were on our way out of the economic wilderness, thanks to Gerald R. Ford.

Mr. Speaker, this, is just an example of President Ford's public policy record. Needless to say, he has an equally good record in other aspects of policy formation. But I rise today, not so much to laud those easily quantifiable gains of the Ford administration, but to address an even more important aspect of the Ford legacy—the less tangible, more evanescent qualities and accomplishments of a great and gifted leader. The bulk of the Ford legacy, in my opinion, can be traced to the extraordinary character of our 38th President.

To my knowledge, Gerald R. Ford did not fret about his particular place in history. From his actions in the White House, it is apparent that he was not preoccupied with how later generations of historians would view his occupancy of the Oval Office. Absent that self-serving preoccupation with one's historical reputation, Gerald R. Ford was free to do his job. That job for the past 2½ years has been to heal a nation, to give it back its sense of self-respect, to restore its faith in the dignity of democracy, to reaffirm the legitimacy of the "American experiment."

Others often view us more astutely than we do ourselves. And so it was in the pages of the prestigious British newsweekly, The Economist, which observed last week:

> The common denominator of all those religious dissenters and persecuted minorities from wholly diverse backgrounds in Europe who first settled in America was that they all believed in United States to be synonymous with freedom and opportunity; their idealistic principles were enshrined in the Declaration of Independence and the Constitution and came to be the cement that bound together not just heterogeneous Europeans, but blacks, and Puerto Ricans, and Chinese and all the others.

Gerald R. Ford gave back to us, the sons and daughters of those "religious dissenters and persecuted minorities," our freedom and our opportunity. We are at peace with ourselves and with our Government. Gerald R. Ford is the reason why.

Mr. MAHON. Mr. Speaker, some 3 years ago I rose in the House on the occasion of the confirmation of the first appointed Vice President in the history of our Nation.

Little did any of us realize that just over 6 months later this appointed Vice President would become our first non-elected President. That man of course was Gerald R. Ford—our friend and colleague Jerry Ford.

Later the historians will properly document and analyze his role in history—but let me say now while our memories are fresh and our minds uncluttered with other events—Jerry Ford healed our country; he brought us peace; and he

restored the country to some of its former virtues of honesty, humility, and human kindness.

Mr. Speaker, at this time I would like to repeat the remarks that I made about Jerry Ford when he became Vice President. There is little to add to those words—except that he served for 2 years in the highest offices of his Nation and that these offices were better places because he had been there.

I quote from my former remarks:

Mr. Chairman, as one who has worked throughout the years in various capacities with Mr. Ford, I rise in support of his nomination for Vice President of the United States.

It is most fortunate that the President has nominated a man who is so well known, and I should say, so favorably known to the Congress.

Having been elected to Congress in 1934, I had been here for some time before Mr. Ford arrived in 1949. He was placed on the Appropriations Committee in 1951, and it was at that time that our close relationship began. At the very beginning I was impressed with his calm judgment and steady hand.

After Jerry Ford became minority leader in 1965, we continued to work together on a broad spectrum of legislative matters but particularly in trying to pass appropriation bills that contained a reasonable level of spending.

His service on the Appropriations Committee and as the minority leader has given him an overall view of Government which he could hardly have secured otherwise as a legislator. If you know where the money goes, you know a great deal about the operation of Government.

Jerry Ford has always taken a national view rather than a parochial view. It is evident to me that regardless of the administration in power, he has been thoroughly dedicated to the national interest and to the overall welfare of the Nation. He is a man of good will. He does not take a narrow partisan view with regard to public matters. He does not assume a rigid posture on issues generally. He works toward the accomplishment of the attainable. He listens to the other fellow's point of view and cooperates toward the achievement of worthwhile goals.

Jerry Ford's most obvious traits are his sincerity, his forthrightness, his respect for truth and decency under any and all circumstances. I know of nothing in his background that detracts from this reputation of uprightness as a government official.

Another characteristic that this man possesses with which I am quite familiar is that of diligence and hard work. He is one of those "hewers of wood and drawers of water" upon which our country depends.

I unhesitatingly place Jerry Ford high on the list of those Members of unassailable character and integrity with whom I have served in my years of congressional service. He reflects integrity and generates confidence among those with whom he associates. These are qualities devoutly to be sought in a public official.

Mr. CEDERBERG. Mr. Speaker, to most of us in the House, Jerry Ford was more than the President to whom we paid our respect. He was a close friend of long standing. And like all good friends, we were stirred with deep pride and honor when he distinguished himself in the office of the Presidency.

But we were not surprised. Jerry Ford has always been a man of integrity, a colleague of unquestionable morality and ethics. He set the example while he served in the House, never hesitating to discern the difference between right and wrong in the political quicksand that often enveloped others.

Therefore, when he was nominated for the Vice-Presidency in late 1973, it was with virtual acclamation that the Congress approved his ascendancy to that high office. And it was with an assurance of new hope that we all greeted his eventual move to the Presidency which was thrust upon him under the most taxing and difficult of circumstances. Jerry Ford was to be, for a demoralized and disenchanted nation, the guiding light out of one of the darkest periods of modern political history.

He was a man who never sought prominence, but nonetheless, attained it with his own brand of humility. As a Michigander, an honor that I am proud to share with him, he was a tribute to his Midwest upbringing and to the unique set of values that he acquired there. This is not to say that the Midwest has an exclusive competency in the field of human relations, but rather that Jerry Ford was the embodiment of many of the characteristics for which we all strive.

Jerry Ford was many things to different people. But even among his political adversaries, he was considered warm, trusting, gregarious, principled, considerate, and most importantly, honest. A man of great compassion, he treated his political friends and foes alike, equitably and fairly.

This is not to say that Jerry Ford did not enjoy a good political scrape and share a common sense of political ambition. On the contrary, he relished the give and take of the political arena and in fact became an astute master of it. But he never let the enjoyment of success compromise his values nor the necessities of expediency corrupt his character.

A small group of us recognized that back in 1964 when we engineered his successful race for minority leader. He was an individual of unquestionable character with the needed vision and innovation that would mark his subsequent years of leadership. We were proud of Jerry Ford then as we are of him now.

His leadership has always been marked by a strain of courage and determination that would set him apart from his peers. Rising above the caprices and whims of politics, he would often be called upon in his Presidency to make decisions, that while bearing in the best interest of the Nation, would be politically unpopular. The pardoning of his predecessor and his amnesty program, although sparking sharp controversy, enabled our Nation to terminate the animosity bitterness that characterized those periods in our history and move on to more pressing matters.

But perhaps his greatest contribution to our Nation was just being Jerry Ford, unassuming but unforgettable, humble but inspiring, leading without alienating. His unique personality provided him the special qualifications needed for the task at hand. Once again, people had confidence in the Presidency.

The restoration to the Presidency of the respect and honor due that office was his handiwork, his contribution to history. The outpouring of gratitude, from political friends and foes since his departure from office, reflects the general high esteem in which we all hold him. Nor will we soon forget the rush of emotion when President Carter, speaking for all of us in his inaugural speech, personally thanked Jerry Ford for healing the wounds of the Nation.

Notwithstanding this general tribute to Jerry Ford, I find this moment of special significance as Jerry Ford has been my very close personal friend for over 25 years. My wife, Peg, and I have spent many an enjoyable evening with him and Betty and we can truly say that we have never met a finer couple. Betty is the perfect complement to Jerry as their family is a proud reflection of both of them. While it is difficult for us in the spirit of the moment to make objective judgments of contemporary events, I have no doubt that historians will recognize the Ford Presidency not only for the restoration of credibility to the Nation's highest office, but also for the willingness and determination of Betty Ford to speak out for the rights of women.

In the end we have much for which to thank Jerry Ford and scant ability to demonstrate the appreciation and respect that are properly his due. His place in history and in our memories is guaranteed. But we should not speak of Jerry Ford in the past tense. If I know Jerry Ford, and I think I do, he will continue to serve his country in whatever capacity he can. He has no intention of just fading away, nor should we let him. His shining example of public service, like it has in the past, will be around to guide us in the future.

I know that I am joined by my colleagues from both sides of the aisle in wishing Jerry the best of everything in whatever endeavor he should engage himself. We can only hope that success will greet him at every turn as a continued token of the appreciation shared by all of us.

Mr. CORMAN. Mr. Speaker, I am honored to join in this tribute to our distinguished former colleague and President, and good friend, Gerald R. Ford.

Jerry Ford devoted 25 years of his life to his constituency in Michigan and as a Member of this body. During that time, he dedicated his every effort to serve the public good as he saw best. Jerry Ford and I were not always in agreement on how best to meet the demands of the Nation or how to remedy its ills. Our ideologies were often diametrically opposed. Yet, Jerry Ford won my respect for his fairness, honor, and integrity. Sometimes, however, we did agree on the difficult issues which confronted the House. This always pleased me. I recall we both supported the seating of our former colleague Adam Clayton Powell. Our individual decisions came after weeks of painstaking deliberation. Our support was controversial, yet history alone has proved our decisions to be right.

My recollections of our service together encompass far more than respect for his capabilities. His most memorable qualities were his everpresent gen-

tleness and kindness. Jerry shared these qualities not only with his constituents and House colleagues, but with the Nation as our President.

As we take time in this Chamber to pay tribute to Jerry Ford we must recognize that his most important legacy to this Nation was his ability to heal the wounds of Watergate and restore humility to the highest office in this land.

Jerry was a formidable and honorable adversary in the House, as a colleague from Michigan and as the distinguished minority leader. But even more than a compassionate and conscientious leader, he was a gentle, kind, and honorable friend.

It has been a great honor and privilege to serve in public life with Jerry Ford. I wish for him and his family all happiness, contentment, and good health in the future.

Mr. CONTE. Mr. Speaker, it is a great personal privilege for me to rise today to pay tribute to a dear, valued friend and a noble American, Gerald R. Ford.

I believe our colleagues will agree, Mr. Speaker, that, even in these lofty positions to which our constituents have elected us, it is rare indeed to become intimately acquainted with a true man of history, a consummate public servant, a person who rendered peerless service to his country simply by being true to himself.

I am proud to say that I was fortunate enough to enjoy that rare experience during the 18 years I worked with and for Gerald R. Ford.

He was elected to Congress, time and again, simply because he wanted to be, and was, a good Congressman. He was elected minority leader of this House, time and again, simply because he wanted to prove, and did prove, worthy of the challenges of leadership of one of our two great political parties.

When he became Vice President under the provisions of the 25th amendment to the Constitution, he accepted the responsibility in the quiet and gracious manner called for by the turmoil of the times simply because he wanted to insure, and did insure, that our Constitution would continue to meet the test of time.

When the Office of the President was thrust upon him at a moment of national self-doubt unparalleled in our history, he rose to the occasion, simply because he wanted to heal, and did heal, the wounds inflicted upon the body he loved so much and served so well.

Those of us who know Gerald Ford personally were always proud and honored to call him a friend. Now, after his performance in the highest office of our land, every American is proud and honored to call him a friend.

Mr. Speaker, there has been much concern over the past few years over the adverse effects of our national, official imprudence on the youth of our country. That concern, too, has been largely alleviated because Gerald Ford was there when we needed him; and he remained nothing more nor less than Gerald R. Ford throughout the period of need.

Our young people have seen that one man can rise to the highest position of power in this land simply because he can be trusted not to abuse that power. They have seen one man accept a position sought by others because of its semblance of trust and confidence and personally restore it to a position of trust and confidence.

Not only our youth, but Americans of all generations, saw one man fulfill the expectations of the national, moral conscience by adherence, in both commitment and actions, to the simple virtues of love of country, devotion to duty, and trust in God.

Gerald R. Ford sometimes has been referred to as the "accidental" President. I do not believe it was an accident, because I believe that God continues to shed his grace on this Nation. I will always be thankful that providence allowed Gerald Ford to be available when he was needed.

For that reason, I believe we should all offer a prayer of thanksgiving, each in our own way, to express our appreciation that Gerald R. Ford and his lovely wife and children were our first family when we needed one that was first in the moral virtues that really count.

Such a prayer of thanksgiving is the most fitting way I know of to pay tribute to our 38th President and his family. Nothing could honor them more and nothing would be more appreciated by them.

Mr. DEL CLAWSON. Mr. Speaker, the opportunity to pay tribute to the career, the man, the service of Gerald R. Ford is one for which I am grateful. My own span of service in the House of Representatives, fortunately for me, coincided with the service of this excellent servant of the people. Like others in this House, I was an observer of the events which shaped his destiny and which had no small influence on the future of the United States of America. I saw him assume greater and greater responsibility and move up in our Government hierarchy to the ultimate pinacle without one trace of the personal erosion which is a hazard of increased power.

We Americans place demands on our Presidents which too often defy reason and human endurance, strain family relationships, and in the day-to-day "death defying" work load may wear away the human being under the trappings of office as inexorably as the winds and atmosphere of Mount Rushmore deal with the stone faces carved there for posterity. It is the rare individual who can survive with personal relationships and values intact while rising to the challenges of the office. But Gerald Ford was such a man, and that is only one of the reasons he will be missed in Washington.

The difficult decisions of Gerald Ford's Presidency were never evaded for expediency. That they were announced in a manner devoid of dogmatism with no taint of unbalanced zealotry should certainly not detract from the good sense spoken, nor the applicability to the legislative decisions of this or succeeding Congresses.

An election brochure of this past campaign portrayed Marjorie and DEL CLAWSON upon our arrival in June of 1963 following the special election which sent me to Congress. A somewhat younger "President-to-be" could be seen grinning in the rear of the welcoming group. He was a source of counsel and support as minority leader and as Vice President. His elevation to the Presidency will long be remembered by me and my supporters because it occurred the very day he was scheduled to appear at a dinner in my congressional district honoring us both. His note of congratulation upon my election to chairmanship of the House Republican Policy Committee will be a cherished memento.

It was also my privilege to hear the words of his successor in praise of Gerald Ford and to witness the warmth of the response by Americans gathered in Washington for the inauguration, response felt across the Nation. In commenting on the fate which brought us Gerald Ford at the particular stage in history when we needed him most, and the restoration of confidence in our Government over which he presided, the words of Alexander Pope from "An Essay on Man" seem particularly appropriate:

For forms of government let fools contest:
Whate'er is best administere'd is best;
For modes of faith let graceless zealots fight;
His can't be wrong whose life is in the right.
In Faith and Hope the world will disagree.
But all mankind's concern is Charity:
All must be false that thwart this one great end,
And all of God that bless mankind or mend.

Mr. RONCALIO. Mr. Speaker, I am filled with gratitude to President Gerald R. Ford for his having restored faith for the people of the United States. I feel he devoted his energies toward peaceful and harmonious goals. He brought our Nation through a difficult transition period and I commend him for that.

Wyoming has a special kinship with President Ford. In the summer of 1936 Gerald Ford worked as a park ranger in Yellowstone National Park, and on one of his return visits in August 1976, he reminisced about his experiences in Wyoming praising the wide open spaces as "a necessity for Americans." Wyoming treasures its lands and when Gerald Ford proposed the Bicentennial Land Heritage Act, which would have doubled the Nation's 63.2 million acres of national parks and refuges, he called it "the soundest investment I can envision in the future of America." President Ford lived in Wyoming and from these few moments that he experienced in our boundaries he gained an empathy toward Wyoming thought.

President Ford served our Nation in a time wrought with frustration and turmoil. Our very confidence and trust in our elected officials and leaders was shaken. He brought to the American people a sense of stability and faith in our institutions and the people who have been elected to fill our highest offices. Americans of all political philosophies recognize this service to our Nation and respect and commend him for it. That he has had a special association with my State of Wyoming makes my State even more proud of the service he has rendered and I wish him all things good as he assumes a new life devoting his

energies in new directions but ever for the good of his country and party.

Mr. COHEN. Mr. Speaker, it has been said that the more public responsibility a man carries, the more important it is for him to have a private face that can be displayed in public without embarrassment. Mr. Speaker, no matter what our party affiliation or political ideology, I think all of us in this Chamber would agree that Gerald R. Ford during his 2½ years in the White House admirably fulfilled this dictum.

I believe I know as much about Gerald Ford as any person in this Chamber—not because I worked closely with him when he served in this Chamber as minority leader, but because I, as a member of the Judiciary Committee, was called upon to pass judgment on him when he was nominated for Vice President under the 25th amendment.

No candidate for any public office, and certainly no candidate for the Presidency or nominee for Vice President, ever underwent the searching examination that Gerald Ford had to endure. And no man proved more willing to open his life for public scrutiny.

We put Jerry Ford's private life and public career under the incredible magnification of the national media. We looked for imperfections, for scandal, for corruption, for conflict, for equivocation and weakness. And what we found was a man of honor, a man of conviction, a man of dedication, and above all a man of decency.

When Jerry Ford assumed the Presidency in August 1974, no American citizen had to concern himself with the character of the new Commander in Chief. With directness and dignity, President Ford restored our confidence in a tattered executive branch by demonstrating that the true answer to ethical problems in government is honest people in an open and honest environment.

I have always believed that the measure of a great man is how far he can bend to accommodate himself to matters of seeming small importance.

I am a junior Member of the House and I represent a rural district in a remote corner of our country. Yet on several occasions, President Ford took the time to sit down with me, to discuss the special needs of the people of my district. And frequently he was able to provide assistance.

It has been said of Gerald Ford that he was "the right man for the times." In my view, he was and remains the right man for all times.

The United States, to remain a free and prosperous Nation, needs leaders of personal honor and inner strength—men and women of decency and compassion who bear an abiding commitment to the service of their countrymen. We need leaders like Jerry Ford—individuals who will serve from city hall to the White House honestly and impartially.

In his book, "Stay of Execution," the late Stewart Alsop wrote of a chance meeting he had with Winston Churchill in 1950. Following a congenial dinner, Churchill engaged in some brandied retrospection and said:

America, America. A great and powerful country. Like some strong horse pulling the rest of the world up behind it out of despondency, towards peace and prosperity.

And then he mused:

But will America stay the course?

Mr. Speaker, as long as we are served by men of Gerald Ford's character and integrity. I believe that this great Nation will indeed stay the course. Our greatest tribute to the former President will be if we can live up to the standards of conduct that he has established through his own example.

Mr. DE LA GARZA. Mr. Speaker, as the new President was administered the oath of office on January 20, the outgoing President stood across from him and the first words uttered by President Carter were of praise and thanks for Mr. Ford. I fully concur and am happy to have this opportunity to add my own thanks and best wishes to Jerry Ford.

He did in fact bring our Nation from the depths of despair to a level of unity and order that once again brought respect for our system of government.

Mr. VANDER JAGT. Mr. Speaker, I think that God was looking after America 2 years ago to have a man like Jerry Ford waiting in the wings in our hour of most desperate need. We were torn asunder with growing chasms between young and old, black and white, rich and poor, hawk and dove. There were demonstrations and riots in our streets. And the American flag was pulled down, spit upon, burned, and trampled upon. Americans also hung their heads in shame and disgrace. What we were yearning for, then, whether we knew it or not, was a man with the qualities of goodness, decency, integrity, openness, forthrightness, and devotion; a man who was secure, unpretentious, simple but strong, and solid as a rock; a man who loved and was devoted to his family and to his country; a man of the people. And that is what was waiting for us when Jerry Ford became the 38th President of the United States.

Jerry Ford performed a truly remarkable historic mission for America. And throughout the third century, people will look back on the 38th President with affection, with love, and with gratitude for what he did for America in America's hour of desperate need.

Because of what he is as a man, he inspired in us a patriotism which burst forth on that glorious Fourth of July, 1976. Because of him, this Nation will stride into the third century with a spring in our step, with a lift in our voices, and with a sparkle in our eye.

An equally fine blessing has been bestowed upon many of us in this Chamber because we have the opportunity and the benefit of personally knowing Jerry Ford—of working with him and learning from him. This has been a truly rare and honored privilege for me. He has established a set of principles and integrity which cannot be surpassed—only equaled. I shall always be grateful for this wonderful, personal experience.

Two recent newspaper stories in the Detroit Free Press perhaps have said it best about the tremendous service Jerry Ford has performed for our country. As we honor our former President, perhaps our highest praise can be best said simply by: Thank you President Ford. Our country is in your debt.

The news articles follow:

[From the Detroit Free Press, Jan. 16, 1977]

THE CARDS WERE ALREADY DEALT—MR. FORD, YOU WERE A FINE PRESIDENT

(By Bob Talbert)

DECEMBER 31, 1976.

President GERALD R. FORD,
White House,
Washington, D.C.

DEAR PRESIDENT FORD: I could not let this year come to an end without writing you this letter. And I can say truthfully that I'm writing it for a lot more Americans than voted for you this past election.

I must admit to you now that I voted Democratic as I always have, and I voted, I guess, for change as much as anything, too. But I did not vote against you, I want to make that clear.

You stepped into a White House that wasn't so "perfectly clear" as we had always thought and you settled us down. In your wildest imagination, you could never have dreamed up your route to the presidency.

On Dec. 6, 1973, you became vice-president, an office that had been abused and ridiculed by its previous holder. Less than a year later, on Aug. 8, 1974, President Nixon was forced to resign, and there you were—the president of the United States.

You looked like everybody's Dutch uncle, and this wasn't far from the truth, considering your Grand Rapids background. Nobody in Congress hated you. No one was on your case.

You were clean and honest—as clean and honest as you can expect from a place like Washington, which is power quid power. And you did all right in that awful transition period.

Nixon's pardon? Maybe you were right, even if he was so wrong. Who can possibly say yet? And who can possibly say what sort of president you were? Everyone says that's sort of a gnawing thing always at the back of the mind of anyone who controls that Oval Office.

Gerald Ford, I think you were a damn fine president. First person probably to realize this has been Jimmy Carter, as he's been trying to put together his people. You never had much of a time to do anything like that. You, for the most part, had to play with the cards already dealt.

I think you brought a new respect back to the office. You opened it up for sure. You opened up the president as being a human being, too. Didn't we record your every slip and head bump? I'm glad there's not someone around taking pictures of me all day long.

Your presidency showed us that a real live family can live in the White House—real people, all your children's different personalities.

And your wife Betty—her candidness and openness became total pluses for your presidency. It did a lot for marriages, too. Your family did a lot for the image of the family, whose image has needed a boost for some time.

You really didn't have time to get any Gerald Ford programs going so that you could run for your own term on that. There were too many domestic and international balls to juggle, too many revelations day after day, the Watergate fallout.

You did the best you could with what you had, with what you had inherited and what you were able to shape yourself. I'm no fiscal or political expert, but we seemed to hang in there and hold together while you were at the helm.

Some people have roles to play in life. By odd turns of fate, your role was changed before you had ever given thought about playing it.

I slept better at night because I knew you

were in the White House—and I'd buy a used car from you. I did and I would. You gave the Office of the Presidency trust once again.

For this the nation is in your debt.

As to the election, I'm afraid there was sort of a movement afoot, a feeling that something new was needed in this nation. You were caught in the middle. You didn't represent change. But you didn't represent all that was bad in politics in the mind of the people.

There was an inevitability about Jimmy Carter's election. But you sure made it a lot closer than a lot of people ever thought you would an a lot closer than Jimmy Carter expected, that's for sure.

I think it was because of this trust you had established, your honesty, the candor of your family, the strength of your solidity. All these helped, and you made it a horse race.

You never really had a chance to be the president you might have been. John Kennedy didn't either. So far history has judged Kennedy on his charisma. History will begin to judge you soon, and I think there will be more plus marks than negatives.

But that's instant history. In the long run I think Gerald R. Ford will stand very tall in the place he stood, if only briefly. You kept it together and did what you thought was right for us.

I don't know what you plan to do when it all comes to an end. Write about it, tell us how it was. Maybe even teach about it at the University of Michigan. But please stay in touch with the American public. We won't forget you. You did just fine.

Sincerely yours,

BOB TALBERT.

[From the Detroit Free Press, Jan. 16, 1977]

WITHOUT FORD, WE WOULD BE WORSE OFF

(By Joe H. Stroud)

Reading now the generous tributes he is receiving in the press, Gerald Ford is entitled to ask where all these friendly voices were last November, when he needed them.

President Ford has, in fact, enjoyed a pretty good press all along, even among people who did not wind up supporting him last November. Largely that is a result of his personal qualities, rather than his ideology or his intellect.

I believed last November, and feel it even more strongly now, that it was right for the country to make a change, that the policies of the administration would not suffice for the long pull, that the vision of America that Jimmy Carter projected seemed to have more to do with the realities in the country as I see them.

And yet, as the torch passes this week from Gerald Ford to Jimmy Carter, I feel, as most Americans do, a sense of special appreciation for Gerald Ford and what he has contributed to the country over a lifetime of public service, and especially over the past 30 months.

He was, in an even more valid sense than Lyndon Johnson, an "accidental president." If I had been asked five years ago to name the best Michigan Republican prospects for the presidency, he would have been perhaps third on the list. He did not seem to be a man born to be president.

Though he was for years the minority leader in the House of Representatives, he had not shone through as a strong personality. Where was the monumental legislation? Where the response to crisis, or the bold act? To tell the truth, I was surprised at many aspects of Gerald Ford's personality as it emerged in the White House.

There was more warmth than I had expected, less of a partisan edge, more subtlety, and at a personal level, more of a feeling for people. And in many ways the most appealing part of his personality has been, and is, his wholeness, his lack of inner tension, his easiness in human relations.

By the end of his 30 months in the White House, Gerald Ford had pretty clearly decided he liked being president, or so I sense. The loss in November may not have driven him into a shell as Newsweek reported soon after and the White House denied. Plainly, though, he was disappointed.

It is small consolation, too, to know the odds that were against him, to remember what the Democratic Convention in New York was like, to think what the spirits of Republicans were like at Kansas City and to reflect on how close a race it became. Jerry Ford wanted to win, and he didn't.

But there should be consolation for Mr. Ford and for those partisans who fought and bled for him in knowing how much his interim presidency contributed to the life of this country. True, he leaves an agenda with many of the big questions barely touched: the problem of energy scarcity and price, the opening up of new and deeper class divisions in parts of the American society, the crisis of the cities, now approaching new depths.

When Mr. Ford took office, though, the lion was in the streets. Richard Nixon, whose lack of security was every bit as manifest as Gerald Ford's serenity is, had left the presidency crippled and beset. The loss of faith was profound; the sense of frustration was deep; the lack of direction and self-respect was corrosive.

Gerald Ford did not change all that single-handedly. Congress helped, even though it is much maligned and even though some of its members disgraced themselves. A healthy, open and relatively lively campaign was in itself something of a catharsis. Mostly, it was the American people themselves who, with all their faults, possess a strength and basic hopefulness that has stood up under heavy pressures these last few years.

Jimmy Carter may well turn out to be both a product of, and a contributor to, that continuing catharsis. A few of his appointments seem more dubious to me than I would have hoped. His economic program may not be adequate. But basically I feel pretty good about the sense of steadiness and direction and competence that he evokes.

Still, without Gerald Ford's stability of character and his sense of what is right and appropriate, the country might have been through far more trouble and might be now handed over to President Carter in worse shape. For that, we can all be grateful.

It is hard now to imagine Gerald Ford in the role of retiree or elder statesman. He has many qualities that might be useful to his country, to his party or even to a president elected from the other party. We hope he will find, or be given, outlets for his energies, his talents and his love of country. He does have something to contribute.

And especially for us in Michigan, including those of us who supported his victorious opponent last November, there is an abiding sense that this was and is a solid, straightforward man who saw a duty and did it. A man whose country is better off today because he was there, because of what he is and what he isn't.

Mr. WYDLER. Mr. Speaker, no man that I have met in my life has been more honest or honorable than Gerald R. Ford. There is no doubt in my mind that he was exactly the right man to become President of our country when he did. I will always be proud of the fact that I served with him in the House and was selected by him to be his floor assistant when he served as minority leader.

Recently, I wrote and Newsday published, an article entitled "A Man for This Particular Season." It expresses my views of Gerald Ford as a man and of the importance of his Presidency for our country:

A MAN FOR THIS PARTICULAR SEASON

(By Representative John W. Wydler)

History has a way of judging presidents by their controversial decisions. On this basis, I believe Gerald Ford will be judged to have been good for America. His presidency served to unite us at a time of crisis greater than any we had faced since the Civil War. His two years in office served to restore confidence in our capacity to meet foreign and domestic problems.

It is fair then to ask why he lost the election. My only answer is that his controversial decisions, while right, were also unpopular. In addition, his character would not allow him to make a political decision that would have insured his victory. In a way, I suppose this is the highest tribute I can pay to the man. The controversial decisions on which I believe he will be judged by history were the pardon of Richard Nixon and the Mayaguez incident. I believe history will judge both these decisions as good ones, but many people who voted in this year's election thought otherwise.

Politically there were other damaging decisions. One was the failure to pump into the economy extra federal dollars in the spring of '76. This would have insured an economic upturn in October before the election but, of course, would have resulted in increased inflation after the election. And there was his failure to stick with Nelson Rockefeller as his vice presidential candidate. This would have caused difficulty in the primary period but would likely have given him the edge he needed in the general election. These decisions proved he was a better president than politician. In matters of pure politics, Gerald Ford did not have the killer instinct. He was incapable of guile or trickery.

If we go back in history to the time when he took office, we know the American people were then bewildered about competency and honesty in the office of the president. Although Gerald Ford had not sought the job, he was prepared for it by background and quite ready to assume its responsibilities. In two years he had put the people's doubts in perspective and their fears to rest. He inspired trust.

In his last year as House minority leader, he chose me to be his assistant on the House floor and many times sitting together we discussed his future. I know that his highest political ambition was to be the speaker of the House of Representatives. He was realistic enough to conclude that it was doubtful that we would get a Republican majority in the House in the near future. So he planned to retire in 1974. That wish was also reinforced by the illness of his wife, Betty, and his desire to spend more time with her and his children.

Fate, of course, took a hand in his future. In 1973, he became the first vice president chosen under the 25th Amendment to the Constitution. The overwhelming vote he received in both the Senate and House from Democrats and Republicans alike indicated the high regard in which he was held by his colleagues. It was not an ideological agreement, but a character assessment.

I can remember no clearer illustration of this high regard than one which occurred on the House floor in the summer of 1973. A provision was pending to stop bombing at once in Vietnam. President Nixon sent word that he would accept an August 15th cut-off date for the bombing as a compromise. The Democrats in the House intended to go ahead on the measure and had the votes to do so. They did not believe they could rely on presidential guarantees.

Gerald Ford then took the floor and said he had just spoken with the president and would add his own personal guarantee to the president's. Democrat after Democrat then rose to say that because of their respect for the minority leader and his word and judgment, they would go along. It was a vote of

confidence in the character of Gerald Ford. It was a tribute to the basic honesty and decency of the man. It was also an important moment in our nation's history.

His political opponents had affection for him. I remember most clearly the selection process for vice president. It required President Nixon to choose a nominee. Many names were mentioned. One was Gerald Ford. President Nixon invited the leadership of the House to the White House for the announcement of his selection. We gathered in the East Room. A select group of congressmen went into the Oval Office where the president informed them of his choice. Among that group was the current speaker of the House. As Tip came back into the East Room for the public announcement, I asked him who the selection was and he winked at me and said, "It's Jerry." He said it with a large smile that lit up his face. It showed true affection for the man. Gerald Ford was what the American people wanted—an unpretentious president.

Gerald Ford was a team player who led by example. My last conversation with President Ford took place a few weeks ago during the last White House state dinner, in honor of the prime minister of Italy.

The formal part of the evening had ended and guests were dancing in the foyer of the White House. During an intermission, I had a chance to speak with the president. Among other things, I spoke to him about the future of the Republican Party. I indicated how strongly I felt the importance of his being the titular head of the party was in the next few years, not only in name, but in actions, as well. I thought his answer was most characteristic as he said to me, "We are going to take care of that." The implication, of course, was that he was not thinking of himself alone, but that he was thinking of a group that would work together to keep the Republican Party strong in the future. Gerald Ford always was a team player. He always consulted others and that is the main hope I have for the future success of our party.

Many people have criticized Gerald Ford for his pardon of President Nixon. I understand that but to me that was a proper decision and should have been made. In fact, if it had not been made, it is obvious that for many years and probably until this time, we would be still trying and retrying, hashing and re-hashing the agonies of the Watergate situation. I cannot believe anyone really thinks that would be good for America.

Recently the governor of New York pardoned accused murderers and granted early release from prison of a convicted murderer on the grounds that it would serve to bring the Attica situation to an end. Certainly I think the nature of the Attica crimes were worse than the situation concerning Watergate. Yet little, if any, public outcry was raised by the media or by the public in general. I personally have no doubts in my mind that history will judge the president's decision regarding Richard Nixon's pardon to have been a courageous and correct one.

The Mayaguez decision has also been second-guessed endlessly since the decision was made. Yet it seems that the decision was courageous and historically a very correct one. It had a psychological impact on our nation, showing once again that America was willing to stand up to protect the rights and lives of its citizens. It also had an international impact and served as a warning that we had not lost our ability to act because of Vietnam. I understand, of course, that many Americans were lost in that action but I also understand that those directly affected, the crew members themselves, were most thankful that their government did not desert them but came to their aid.

There is no one who could tell you what four more years of Gerald Ford would have been like. My own assessment is that we would have had four good years with this decent and honorable man. In fact, I think the direction of our country is now correct in defense and domestic matters and that the new administration will follow most closely over the next few years the course that President Ford had charted.

Ford's fond farewell to Congress was an emotional moment. To me the most significant part of his farewell speech was when he warned the American public about taking for granted their military might and national security. Even as President Eisenhower in his farewell address warned America of a "military-industrial complex," it was Gerald Ford who warned America against assuming a "military-inferiority complex." We must never get into a position where we either think we are inferior to the Soviet Union in military might or one in which we actually are.

In writing these many good words about Gerald Ford, the former president and my good friend, I am not unaware of the fact that the ultimate vote of confidence in him, his election to the presidency, did not come to pass. Perhaps the people of America judged that character was not enough. Their decision, while a close one, came down on the side of hope and promise to get more and do better. This apparently was the decisive factor in the election outcome. It certainly was understandable. I hope it was right.

If I had to choose one moment which typified Gerald Ford as president it happened on July 4th in our Bicentennial year aboard the USS Forrestal. We had been treated to the spectacle of "Operation Sail" that morning and the president came aboard at midday to ring the bell symbolizing our nation's liberty. He stood alone on the carrier deck and struck the bell signaling the ringing of bells across our country. It was a pretentious moment and because it was, the president was embarrassed and awkward. But he was earnest and noble as well and symbolized the best in America. It was a moment of pure Ford.

In the gracious opening of his inaugural address, President Carter thanked his predecessor for all he had done to heal the country. His words were well put and well earned.

Gerald R. Ford preserved and upheld the Constitution of the United States at one of the darkest hours of our history. It did not surprise those of us who knew him. He had sworn to do so, but he was incapable of doing it any other way.

He will be missed.

Mr. COTTER. Mr. Speaker, I take this opportunity to join with my colleagues in paying tribute to a veteran public servant, Gerald R. Ford.

I had the privilege of serving with Jerry in the House of Representatives. He was recognized by his colleagues as being an outstanding Member of the House. Hard work and diligence were his trademarks.

In his job as Congressman from the First District of Michigan, he exhibited the type of professionalism and dedication which won him respect and admiration. His Republican colleagues elected him to represent them as minority leader in 1962 and he remained in that position until he was asked to leave his job as a Congressman and assume the duties of the second highest office in the land—the Vice Presidency.

The series of events which followed, changed Gerald Ford's life completely, for he was soon to be sworn in as the 38th President of the United States. He assumed the office of the Chief Executive during one of the most trying times our country has ever witnessed. The people of the United States looked to him to lead us out of the dark period of the Watergate scandal and restore confidence in Government. President Ford did just that.

President Ford during his term in the White House, again exhibited the same dedication, diligence and professionalism which he had as a Member of Congress.

His efforts as a public servant for 27 years are being justly praised by many, and I would like to join in personally thanking Gerald R. Ford for making our country a better place in which to live.

Mr. TAYLOR of Missouri. Mr. Speaker, how can anyone pay adequate tribute to Jerry Ford? To list his virtues, confronts a man with the problem of where to begin. Besides, they would fill an entire edition of the CONGRESSIONAL RECORD.

Jerry Ford came to Congress more than a quarter of a century ago. Some would say that while he served well, his service was inconspicuous. It is true, he was no grandstander. But to those who knew him, who were closely familiar with his record in the House, particularly those who served on the Republican Policy Committee, this is simply untrue. He consistently provided wise and patient guidance.

He is widely thought of as a kind and gentle man. But there was iron in this man's character. And when that iron crept into his voice his colleagues listened closely. No one will ever know how much foolish or dangerous legislation he sidetracked, nor how many good bills he quietly eased toward passage.

But it was in the White House that Jerry Ford faced his moment of truth, the greatest and final test of his courage, his wisdom. It was his baptism of fire and he passed it without flinching.

Most important, Jerry Ford restored respect and trust to the Office of the Presidency at a time when it had sunk to perhaps its lowest point in our history. He reached the Oval Office after a grim and earnest Senate had explored in detail every nook and cranny of his character and his life. There was not a blemish anywhere.

I shall never forget his subsequent address to a joint session of the Congress when he told America and the world:

I am under obligation to no man and to only one woman, my dear wife.

I think the world knew at that moment, here is a man we all can trust.

It is ironic now that Jerry Ford is no longer President. How many of those in the media who patronized him with silly jokes, have suddenly begun to write tributes for the respect and confidence he restored to the Presidency. And it is especially significant that the new President opened his inaugural address with the same tribute.

I suspect we have not heard the last of these tributes.

That they will continue to grow as the perspective of history unfolds the virtue and, yes, the greatness of this man.

He has given us back our national self-respect, and the world has taken note. I suspect that Jerry Ford's service to his country and to his party have not come

to an end. That he has more to give and will give it willingly.

Mr. VAN DEERLIN. Mr. Speaker, I think many of us have come rather belatedly, perhaps, to recognize the great contributions made by Jerry Ford during his 29 months as President.

On many matters of domestic policy I disagreed with Mr. Ford when he was in the White House just as I disagreed with him when he was minority leader here in the House.

But I always liked the man, and I respected his fine qualities—generosity, integrity and just plain decency. After the poisonous atmosphere of Watergate, he was like a breath of fresh air, dispelling the miasma of doubt and doing as much as anyone to restore our national pride and self-confidence.

Mr. Ford can be likened to a relief pitcher who comes into the game in the bottom of the seventh inning to replace a faltering starter. Like the relief ace, he got the job done, without much fanfare. As a nation, we are whole again, thanks in large part to his efforts and quiet example.

I believe President Carter may have put it best, in his inaugural address, when he thanked Mr. Ford "for all that he has done to heal our land." I heartily concur, and I am pleased to have this opportunity to wish Mr. Ford and his family all the best in the years ahead—happily, I might note, as a new fellow Californian. Whatever the benefits of retirement from our Nation's highest office, he has richly earned them.

Mr. SISK. Mr. Speaker, it is a distinct honor and high privilege for me to join with Minority Leader RHODES, Minority Whip MICHEL and my other colleagues, in paying a richly deserved tribute to our departing President, Gerald R. Ford.

My admiration for his sterling personal qualities, consistent decency, and solid character, formed over our 18 years of service together in the House, was manifested expressly by our new President in the deeply moving opening remarks of his inaugural address on January 20 when he spoke for all the people in thanking President Ford for "healing" this Nation.

Under his leadership, the last 2 years and 5 months have been balm on troubled waters, during which time the Nation has been recovering from the wounds of Watergate and the trauma of the Vietnam era. Americans have found that they, and their institutions, could survive these divisive experiences. This has been ennobling for the collective morale of our citizenry.

My fondest personal memories of Jerry Ford stem from our appointments together to the original House Space Committee, right after Sputnik. We were the junior Democrat and junior Republican respectively.

My respect for his integrity and abilities were incubated then, as together we helped write the Space Act legislation which has led to U.S. preeminence in this field.

I also remember with fondness my participation as master of ceremonies at an in-House celebration in March of 1974 when Jerry was selected as "Man of the Year" upon his elevation to the Vice Presidency.

Representing California in the Congress as I do makes it a particular source of pride to me that Jerry and Betty Ford have selected our great State for their retirement home. Reta and I welcome them as we say goodbye simultaneously, and wish them many more years of fruitful happiness in their new locale.

Mr. WALSH. Mr. Speaker, on August 11, 1974, Chief Justice Warren Burger administered the oath of office of the President of the United States to Gerald Ford. Never before had first a Vice President, then a President resigned. Never before had a Vice President been named by the President, confirmed by the Congress, then become President. The power of the Presidency had been passed smoothly and swiftly. A peaceful transition of power had been made.

President Gerald Ford had become our Nation's leader at a time when our country's morale was at one of its lowest in history. When he left office he had been able to do what perhaps no other man in history had done. He had healed the wounds and brought the country back together again.

Gerald Ford deserves nothing but the highest praise. He brought not only unity to the country, but a sense of morality. He and his lovely wife Betty helped strengthen the Nation's families by setting their own example of a closely knit family. And he brought the image of the Presidency down to the level where our forefathers meant it to be; at the level common people want and not one of a king with a court. He did all of this with candor, compassion, dedication, devotion, and humor.

Ford took positive steps during his term of office to help control inflation, reduce unemployment, and improve our relationship with countries around the world.

Ford is a man who possesses outstanding leadership qualities. I am convinced that history will treat him more kindly than current observers have done.

The former President has left the Nation's Capitol to settle in California but he cannot leave the years of precious memories behind. Washington is a place where Ford has seen boys become men, men become fathers, and fathers become grandfathers.

It is a place where he and his wife have shared laughter, anger, sadness, excitement, and sometimes frustrations. It is a place where he has found a friend, a pat on the back when he was up, understanding when he was down. It is a place where he formed lifetime friendships, gathered endless memories. It is a place where he said his last goodby to old friends and welcomed new ones.

He has put away the speeches and packed the administrative and political manuals, at least temporarily, but a little of him will die. For no matter where he goes, a part of him will always remain in Washington.

But even then he is not alone. For even though a part of him is gone from the Nation's Capital, he knows his fellow colleagues will have left a part of themselves here too.

I have the highest respect for Gerald Ford and wish him well in the years to come.

Mr. SPENCE. Mr. Speaker, a wire that I sent to President Gerald R. Ford in May of 1975 included the following phrase:

> You have given us a new cause for pride in our country . . . Congratulations and thank you, Mr. President.

Two weeks ago, the Speaker of the House of Representatives made this comment about Mr. Ford:

> He was the right man at the right time. The country could not have been better served.

These two assessments, coming as they did at the beginning of a term from a conservative Republican, and from a liberal Democrat near the end, say a great deal about the man whom we are privileged to honor today. Some of my colleagues have described in detail the accomplishments of President Ford's administration. These were considerable. But to me, his greatest contributions to our Nation are summed up by comments like these from Americans throughout the land. Whether they have been recorded by the press, as in the case of the Speaker, or merely carried in the hearts and minds of the people, they offer the best testimonial to the stewardship of Jerry Ford.

Gerald Ford was a credit to the office of the President. We look forward to having the benefit of his wise counsel in the years to come.

Mr. QUILLEN. Mr. Speaker, it is with the deepest appreciation and respect that I join with my colleagues to pay tribute to President Gerald R. Ford for his many years of service and dedication to our great Nation. He was the right man at the right time, and he served our country well as our President.

I have known President Ford since my days as a freshman Member of the House in 1963. Always, he has had my respect, and one of my most rewarding experiences as a Member of Congress has been the privilege of knowing him and working with him. As Congressman and then as minority leader and Vice President, Jerry Ford exhibited those personal and political qualities which as President became known to all the American people.

Minority Leader Ford was a tirelessly hard worker, but he was never too busy to stop and listen to others. As the leader of the loyal opposition to the Democratic majority in the House, Jerry Ford was a stanch Republican and an outstanding spokesman for his party and his principles.

He was genuinely liked and respected by not only the Republican Members he led, but also by the Members of the Democratic Party who he opposed in daily political struggle here in the House. For this reason, many Democratic Members testified on his behalf at the time of Congressman Ford's nomination to the Office of Vice President.

When Jerry Ford took over the Office of President at a time of great crisis in the political life of the Nation, his efforts reassured the people of the United States that our President was a man of the highest integrity and capability and allowed us to turn our efforts to dealing with

other serious problems which faced our country. The influence of his sound character in the Oval Office made us all proud of our President and of our political institutions.

President Ford's accomplishments in international and domestic policy we can leave to the verdict of history, and I am confident that history will look favorably on his Presidential record.

Jerry Ford is above all a fair man—a man who can be tough when the situation calls for it, but a man who never permitted temporary party advantage to conflict with the interest and welfare of his country.

President Ford was the President the country needed because his virtues and sound character were what the country needed. God bless you, and thank you, Mr. President.

Mr. BROWN of California. Mr. Speaker, I would like to address my remarks today to the long and distinguished career of public service of Gerald R. Ford, 38th President of the United States. Though we were at times separated by party and issue, I have always had high respect for Mr. Ford and his dedication to the people of this country. His beliefs have held firm and remained intact through a period of extreme difficulty for our country, a period where more than ever all eyes were focused on the Office of the Presidency for a reaffirmation of the guiding principles of this country.

Aware of the necessity to restore public confidence in Government, Mr. Ford used both his extensive experience in Government and his faith in this country's strength to begin healing the wounds left by our tragic experiences of the last few years. Without the fanfare and aggrandizement that would have marked many people's efforts toward this end, Mr. Ford saw his work as an end in itself and set an example of dedication to his task that should be emulated by all of us as we continue to set our house in order.

I know I express the feelings of all of my colleagues in thanking Mr. Ford and his family for 28 years of service to his country and in wishing him well in his future endeavors.

Mr. THONE. Mr. Speaker, as a native of Nebraska, Gerald R. Ford was particularly near and dear to those of us from the Cornhusker State. When I entered the House as a freshman in 1971, then-Minority Leader Ford was especially helpful to me. He not only aided me in learning the ropes but also lent a helpful hand to me in efforts that benefited the constituents of Nebraska's First Congressional District.

During his years in the House, his service as Vice President, and his 2½ years in the White House, Gerald R. Ford demonstrated that he was an admirable man. The Omaha World-Herald in its January 20, 1977, editorial expressed thanks to President Ford. I believe the entire Nation shares this feeling of gratitude, and I include that editorial in the CONGRESSIONAL RECORD:

DIGNIFIED DEPARTURE BY "HONEST MAN"

When he went to the White House the country was awash in venom, bitterness, confusion and fear.

As he leaves the White House today the venom and bitterness have been drained away, the confusion resolved, the fear replaced by rebounding confidence.

Gerald R. Ford was precisely—as few presidents have been—the right man at the right time.

It has been said that it was remarkable how little the presidency changed him.

That's true. The same decent, honest, unassuming man gave the moving State of the Union message this month humbly asked for the prayers of the nation when he moved into the maelstrom 2½ years ago.

The maelstrom is quieted now. The main reason is found in the personal qualities of the man who today leaves the presidency and the country in better shape than he found them.

This is what the Washington Post said:

"In his first days and months, it was as if he had liberated Washington—from its personal fears and hostilities and suspicions, from the dark and squalid assumptions that people had come reflexively to make about one another and about the way things 'really' worked."

It was no small task, restoring a nation's trust in its leadership and faith in its democratic institutions, but Ford did it easily and instinctively, just by being himself—from the pardoning of Richard Nixon, which history will record as a humane and patriotic act, to the gracious transition and exit.

We sense that Jimmy Carter knows of the debt he owes to Gerald Ford. Ford today hands over a country at peace, not only abroad, but with itself. Few incoming presidents have had the blessing of such a legacy.

We also sense that others of his countrymen are coming to realize belatedly what manner of President is leaving them today.

We leave to others the tabulation of a balance sheet on the Ford administration, with pluses for the programmatic achievements and minuses for the disappointments.

For our part, we simply say: Well and truly done, Mr. President. Hail and farewell, happy days—and thank you.

Mrs. SPELLMAN. Mr. Speaker, it has been said that Gerald Ford wanted above all to serve as Speaker of this body. He did not achieve that goal. Instead, he became President of the United States. In those dark hours when our Nation was floundering, a man was called forward to set us once more on course. We were blessed that Gerald Ford was that man.

At a time when our Nation cried out for decency, there was a decent man to respond—Gerald Ford. At a time when many were fearful of an imperial Presidency, we were given as President a most unimperious man—Gerald Ford.

I read a weekend newspaper account about the thousands of letters flooding into the Ford transition office. They are a genuine outpouring of affection and gratitude to the man who, in President Carter's words, "did so much to heal our land."

Many of the letter writers were supporters, like myself, of President Carter in the election. That seems to make the tribute all the more remarkable, and one with which I am happy to associate.

On Inauguration Day, as a new President reached out to clasp the hand of his predecessor, I truly felt as if they both were laying the healing hands of reconciliation on a Nation tired of division and strife. I will always be proud to have witnessed that moving moment.

I believe there surely is a new spirit abroad in the land. And much of it is due to the unassuming man from Michigan who wanted very much to be Speaker of the House but became President, instead.

I join with my colleagues and my fellow citizens in wishing him well. I can think of no better way to close than with President Carter's words: "God bless you, Sir. We're proud of you!"

Mr. MONTGOMERY. Mr. Speaker, I would like to commend the minority leader for reserving this time today in order that Gerald Ford's former colleagues might pay well deserved tribute to his outstanding record of public service.

I consider it a privilege and honor to have been able to serve with Jerry Ford for 6 years in the U.S. House of Representatives and to have benefited from his leadership as Vice President and President for the next 4 years. During all this time he always exhibited the traits of character which make for an outstanding public service.

Mr. Speaker, the contribution for which Jerry Ford shall best be remembered is bringing our country back together at a low point in our Nation's history. America needed a person who could restore trust in our Government and I can think of no better person to exemplify the highest level of integrity than Jerry Ford. At that particular point in our history, we had the best possible person in the White House to do the job that needed to be done.

However, President Ford soon showed that he had many other outstanding strengths needed for effective leadership. He showed the ability to analyze the many problems facing a President on the domestic and foreign fronts and to make the hard decisions necessary to work toward a solution of these problems.

While we might not have all agreed with his decisions, we have to respect the fact that he fought for what he thought was right for his fellow Americans, although he was never so set in concrete that he was unwilling to reach compromise agreements with an opposition controlled Congress.

Mr. Speaker, another trait of Jerry Ford for which I shall always be gratefull is his humility. Even as President, he remained a man of the people. He never allowed himself to become so wrapped up in the trappings of office that he forgot his own humble beginnings or the needs and aspirations of that mythical common man. He knew and understood the hopes of his fellow Americans and he worked to make these hopes and dreams come true.

Mr. Speaker, in the years to come, I believe the American people and the so-called historians will come to realize even more vividly the contributions of Jerry Ford over 25 years of public service, and especially his 2½ years as President. I, for one, am happy he came along at that particular time in history to give our country the leadership and trust which it sought. Most of all, I shall always value most highly our friendship.

One final point I would like to make is to commend the former President for the outstanding cooperation he gave our House Select Committee on Missing Persons in Southeast Asia during its existence. He was always most receptive to the suggestions we made to get talks

underway on the MIA's and I would like to thank him for taking the necessary steps to insure that these talks were begun last November.

Mr. COLLINS of Texas. Mr. Speaker, I thank our minority leader, Mr. RHODES, for yielding. I am proud to have this opportunity to express my appreciation for all that Gerald Ford has meant to this country.

Those of us who served with him in the House remember him so well for his hard work and aggressive leadership of the minority. He spoke for us with eloquence. He fought our fights with determination. His energy was unlimited when he served on the floor of Congress.

When he was selected as Vice President it was a choice of the right man at the right time. When fate moved him into the Presidency, it provided a great era of progress and transition for the United States.

Gerald Ford is a brilliant man with a keen, penetrating mind. But his great success comes from his effective leadership and through his warm and sincere personality. His success in tying the country together evolved around his personal magnetism. His devotion to the long-range growth of our country provided the momentum. It was so wonderful under the Ford Presidency to see our country from coast to coast moving forward. We saw trust reestablished. We saw confidence again on the face of the average American.

History will prove Gerald Ford to be one of the best loved Presidents in the history of our country. And there are many in this country who are hoping that in his second term, he can fulfill so many visions and projects that he launched in his first term.

When Gerald Ford left office there were 88½ million American civilians working in the Nation's labor force. As I looked back at the figures that only 79 million civilians were employed in 1970, I realized that it was the great leadership of Gerald Ford that brought this country to its all time record of employment and dynamic prosperity. With Gerald Ford we had both peace and prosperity with the warmest leadership our country has ever known.

Mr. RINALDO. Mr. Speaker, I welcome this opportunity to honor our 38th President, Gerald R. Ford, and want to thank the minority leader for reserving this time today. It has often been said that Gerald Ford is a good and decent man: A man who rose to the Presidency under unusual circumstances and during extremely difficult times in our Nation's history. He was a good and decent President as well. He met the challenges of his day responsibly and with determination, just as he did those he encountered during his career in the House and as minority leader.

There are a few who cite his conflicts with the Congress. I would like to point out that his 56 vetoes are significantly less than the 250 vetoes of the Truman administration and the 635 vetoes of Franklin Roosevelt. When he took office, the United States was experiencing high unemployment and inflation—problems which traditionally do not respond to quick or simple solutions. President Ford knew this, but did not become discouraged at the task, nor did he expediently adopt popular but inefficient solutions. Rather, he followed a steady, sensible course to cope with these problems; and in his short time in office he was able to halt double-digit inflation and lower unemployment by over 1 percentage point. Today, there are more Americans working—over 88 million—than ever before in our history.

But most importantly, Jerry Ford will be rememberd for restoring trust and openness to the Presidency. When he was sworn in, he promised openness; and his administration was open. He promised accessibility; it was given. He promised to be honest; and he was.

These were the dominant qualities of his administration, and they are the legacy he leaves the American people. We are all in his debt for restoring to the Presidency the respect it deserves.

Mr. MIKVA. Mr. Speaker, 200 years ago, the Founding Fathers provided us with a system of government that became a model for the entire world.

The course we have traveled, however, has not been without obstacles or without detours. As a nation, we have been fortunate that at critical times in our journey, there have been men and women—often in many different ways—who have helped to redirect us toward Democratic ideals.

Gerald Ford, by his example and service, has become a member of that very special group of Americans who have had an extraordinary impact on the course of the Nation. For more than a quarter century, Gerald Ford served his constituents as a Member of the House of Representatives. His Republican colleagues recognized his dedication and integrity by selecting him as minorty leader. He served in that partisan role with distinction. During a difficult time, an American President turned to that man to fill the second highest office in the land. And when that President was forced to resign in disgrace, it was Gerald Ford who stepped forward and accepted what some people no doubt considered an impossible task—to restore to the Nation's highest office the trust and respect of the American people.

That is exactly what Gerald Ford did. One did not have to agree with all or even most of President Ford's positions on the issues to recognize his unequivocal success in what was most important at the time—to restore a sense of decency and humility to an office grown imperial and insensitive to the most basic Democratic values and traditions.

Mr. Speaker, how did Gerald Ford accomplish the seemingly impossible? He did it simply by being himself. He proved that an American president can be warm and caring, honest and sympathetic. He did it by exhibiting the same virtues while in the White House that he did for over 25 years in this Chamber. And in so doing, he gained the same respect and affection among the American people as he had among all of his colleagues in the House.

It has often been said that the Office of the President shapes all those who occupy it. In the case of Gerald Ford, his model of honest and humility will continue to shape the Presidency for years to come. For that the Nation is grateful and indebted—and for that the Nation will always remember Gerald Ford.

Mr. PICKLE. Mr. Speaker, I am glad to join my colleagues in paying tribute to former President Gerald Ford today. It is heartening that his contributions are being acknowledged by Members from both sides of the aisle, for this is as it should be. Although we may have differed on the issues from time to time, the debt that the country owes to Gerald Ford is indeed significant.

At a time in our history when doubt in public officials reached its peak, Gerald Ford became our first appointed President. During his 2 years plus in office, President Ford provided a good example for all officials with his integrity and openness.

Many of us in this body were friends of Jerry Ford when he was selected as Vice President in the fall of 1973. He represented the Fifth District of Michigan from 1948 until his appointment under the terms of the 25th amendment. He was the first President since James Garfield to have served in the House just prior to assuming the highest office in the land. Despite the differences the majority Democrats had with the President, I know that I, and I feel confident that my Democratic colleagues, still consider him as a good friend. He dealt fairly and squarely with the Congress, and we could believe his word.

I wish President Ford and his family well in the years ahead and thank him for the breath of fresh air he brought to the White House during his service as the 38th President.

Mr. ROYBAL. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Gerald R. Ford, a public servant of the highest order. It has been my good fortune to know and work with Jerry as a colleague in the House, and I will always place great value on my friendship with our Nation's 38th President.

Jerry Ford, our first appointed President, provided the American people with what they so desperately need—an honest, open leader. He restored faith to a discredited White House and rebuilt the people's trust in our Nation's highest office. Following 29 months as President, Gerald Ford left the office far healthier than he found it. This is a major accomplishment in itself and one which we owe a sincere thanks to the man responsible, for he brought America out of a time of political scandal and moral crisis. He has restored confidence in the White House and has left the office of the President with a new sense of stability and decency.

Jerry Ford may certainly reflect with pride on his tenure in public office. He has been called on more than most, and has served our country with distinction and honor. He may now look back with satisfaction, knowing that he did his best in a job which was thrust upon him during a period of serious national crisis.

I would like to congratulate Jerry Ford on a distinguished career and wish him continued success in the future.

Mr. COUGHLIN. Mr. Speaker, it is

with great pride that I take this opportunity to express my respect and appreciation on behalf of my distinguished former colleague in the House, Gerald R. Ford, upon his departure from the Washington political arena. Jerry Ford's enduring confidence in his fellow citizens and his dedication to serving them are indeed rare gifts which will be sorely missed by all Americans.

Jerry Ford's positive efforts as U.S. Representative from the Fifth District of Michigan, and as Vice President and Chief Executive reflect his willingness to recognize and meet the changing needs of American society. His long career in the House was focused on the dynamism and transition which has personified our history since the end of World War II. Elected in 1949, Congressman Ford first served on the Public Works Committee and spent the majority of his tenure on the Appropriations Committee. In 1965, Representative Ford was chosen House minority leader by his colleagues. Filling all these positions with distinction, Jerry Ford was also regarded as a major asset to the Republican Party and was the party's permanent national convention chairman in 1968 and 1972.

Jerry Ford's cooperative spirit, leadership ability, and integrity earned him the attention and esteem of both Republicans and Democrats. In 1973, he was nominated by former President Richard Nixon to fill the seat of Spiro T. Agnew who had resigned. Sworn in on December 6, 1973, Jerry Ford was an active Vice President. His great love of people ingratiated him to audiences as he traveled across the United States and overseas, speaking for the President. Vice President Ford also presided ably over the Senate, and contributed valuable advice and counsel at meetings of the President's Cabinet and the National Security Council.

Jerry Ford's greatest challenge, however, presented itself in August 1974 when Richard Nixon resigned. Succeeding to the Presidency on August 9, 1974, Jerry Ford faced the Herculean duties of that office as the first American to do so without prior election to either the Vice Presidency or the Presidency. Acting with steadfast calm, President Ford began the slow, uphill struggle to bind a philosophically divided Nation together in the wake of the Watergate controversy. Serious problems demanding swift consideration were dealt with directly, resulting in the President's decision to rescue the crew of the besieged merchant ship, *Mayaguez*, and the creation of the Board of Review to individually hear cases of Vietnam-era draft evaders. Miraculously, the President also weathered two attempts on his life early in his term.

In the area of foreign affairs, the President worked to solidify President Nixon's accomplishments in China, and persisted with Secretary of State Kissinger in efforts to bring representatives of Israel and Egypt to the conference table. Concerning foreign aid, President Ford emphasized developmental assistance, not charity, to poor countries and stressed the importance of adapting any aid program to the needs of the recipient country.

In other areas, President Ford proposed a comprehensive national energy policy, new research to increase U.S. agricultural production, and the community development block program to improve urban living. He also introduced plans to streamline Federal aid programs for welfare, child nutrition, health, and education. In addition, through his extensive use of the Presidential veto, President Ford sought to reduce double-digit inflation and curtail unnecessary Federal spending.

President Ford's consistency, honesty, and decisiveness began to rekindle America's belief in its policies and its President. His spirited support of our country's Bicentennial activities also helped him to heal the wounds of Watergate. At the conclusion of his term, President Ford left a nation with an improved image of itself, and a better image in foreign capitals. Although he made many adjustments during his Presidency, he never shirked a responsibility or forsook his goal of fostering an efficient Federal Government which is responsive to the needs of the people. By his example, Gerald R. Ford has encouraged all Americans to intelligently meet the challenges of our times. He was a big man in every sense of the word. For this legacy, I extend my sincere thanks and my best wishes for the future to him and his family.

Mr. GRADISON. Mr. Speaker, Gerald Ford was active in his Presidency, and we can be proud of his many accomplishments for the United States in foreign and domestic affairs. In foreign affairs, President Ford was instrumental in securing the participation of American civilian monitors under the Sinai accord, which brought peace between Egypt and Israel. Byproducts of this agreement were a vast improvement in U.S. relations with Egypt and a simultaneous wane in Soviet influence with that country.

President Ford used American diplomacy to persuade the Rhodesian Government and guerillas to negotiate, thereby encouraging a peaceful transition. The Helsinki accord, signed by President Ford, was criticized by many, but it has provided new hope of restored human rights to people behind the Iron Curtain.

In domestic affairs, Mr. Ford was able to hold down Government spending, remedying double-digit inflation in spite of the Democratic Congress spendthrift nature. President Ford's sincere desire to act in America's best interest would not allow him to permit excessive Government spending, although such a move would have been helpful politically.

The refusal to make politically motivated decisions characterized Gerald Ford's Presidency, and that character, itself, was his most outstanding contribution to our country. Mr. Ford's Presidency relied on decency, honesty, and an optimistic and generous view of the American people. The people have responded with a similarly generous view of Gerald Ford. Through the simple virtue of sincerity, Gerald Ford restored the faith of America in its Government and renewed the vitality of the American spirit. For all Americans, I would like to express our appreciation for his service.

Mr. FOUNTAIN. Mr. Speaker, President Carter began his recent inaugural address with the following words:

For myself and for our Nation, I want to thank my predecessor for all he has done to heal our land.

Mr. Speaker, Gerald Ford indeed did a lot to heal our Nation's wounds which were opened by some of the unfortunate domestic and international events of the past few years. For that, we are grateful.

Gerald Ford did not aspire to this position—the Presidency. He was publicly content to serve out the remainder of his public life here in the House. But, he took the responsibility without reservation and served his country, in the White House, with honor nonetheless. He restored trust and dignity to the office. And, he did it in a way entirely characteristic of himself, with a humble approach to the office and with respect for the people of this country. Those of us who were privileged to have known and worked with him in this body for many years have been aware for some time of the good qualities of Gerald Ford, the man. An "accidental" President he was, but he was properly ordained under our Constitution, and he will, in my opinion, be treated kindly by history.

Mr. Speaker, I had the honor of serving with Gerald Ford in this Chamber for over 20 years. Although we sat on different sides of the aisle, he was my close friend and I respected his judgment on many matters which transcended partisan political divisions. He was well respected in the Congress by Members of both parties, as evidenced by the overwhelming confirmation votes he received when nominated to the Office of Vice President under the provisions of the 25th amendment.

Mr. Speaker, Gerald Ford has entered into a retirement of sorts. However, I am sure that he will remain active both personally and politically. Christine and I wish both him and Betty all the best in the many years which lie ahead of them.

Mr. MARKS. Mr. Speaker, I rise to pay tribute to an outstanding American, the 38th President of the United States, Gerald R. Ford.

President Ford's accomplishments during his career as a public servant are many and varied. He served the Fifth Congressional District of Michigan indefatigably for 25 years, the last 9 of which were spent as minority leader of the U.S. House of Representatives. In late 1973, he was nominated and confirmed Vice President, and upon the resignation of President Nixon in August 1974, he became the first appointed President of the United States.

Gerald Ford's execution of the responsibilities of each of these offices has been marked by the qualities he has identified in the American people: "realism, commonsense, and self-discipline." His tenure in public office has been viewed by his constituents, first locally and then nationally, as characterized by honesty, sincerity, and fair consideration of all viewpoints.

Among his achievements, President

Ford successfully worked to reduce tensions with the Communist bloc nations, without jeopardizing America's position as the leader of the free world. Through his leadership, America's national security was strengthened, yet no Americans were involved in wars overseas.

Notwithstanding these accomplishments, historians no doubt will especially commend Gerald Ford for the new direction he signalled in his state of the Union address in January 1975. That new direction essentially was a ratification of the Founding Fathers' premise that a sovereign people have the right and the wisdom to govern themselves and order their lives free from the intrusions of a government grown too powerful. We, the Congress, have before us the challenge to follow the course President Ford charted to limit the size and scope of the Federal Government.

It is clear that history will look with favor upon Gerald Ford's efforts to restore faith and trust in Government and to heal the national divisions which confronted him when he assumed office. I think his achievements in this regard are well summed up by a recent political cartoon that shows him puffing on his pipe and walking away from a gleaming Presidential seal he has just polished. President Ford deserves both our thanks and praise for restoring that shine to the Office of the President. He justly can take pride in a job well done.

Mr. MILLER of Ohio. Mr. Speaker, I am pleased to join the many Members on both sides of the aisle in tribute to our former colleague and President, Gerald R. Ford.

Perhaps Gerald R. Ford's greatest single achievement as our 38th President was vividly revealed in the outpouring of warmth and genuine affection among our people during his departure from office.

Once again, Americans were proud of their President. Few men have left that office with a greater trust and good will of the people than Jerry Ford. That is no small task especially for one who never aspired to that office yet whom the most unusual set of circumstances sought out and imposed problems few Chief Executives have ever faced.

With no electoral claim on the office and a people deeply divided and confused, Jerry Ford calmly and effectively revived our flagging spirits and instilled new confidence in the White House.

We have come a long way since those crisis days in August 1974. We were a nation demoralized by Watergate, divided by a war in Southeast Asia, and gripped by a deep worldwide depression. The character and integrity of the person who sits in the White House sets the overall tone of this Nation to deal with crisis and that certainly proved to be the case in the Ford administration.

Uniquely suited in temperament and mind, Jerry Ford met the greatest test of personal courage and vision and the Nation is better today because he succeeded. In all he said and did, he made us proud and lifted our spirits. His quiet dignity, civility, and common decency have, I believe, left a lasting impression on the Presidency. Years hence we will reflect upon this man who served us at a pivotal moment in our history and be grateful for what he was and what he did.

Mr. ANDREWS of North Dakota. Mr. Speaker, as a personal friend, a former colleague, and as my President, Jerry Ford will always be remembered by me as one of the finest individuals it has been my pleasure to know. Throughout the history of our great Nation, few Presidents have contributed more than he in establishing broad public faith in our democratic system of government and reaffirmation of the wisdom of our Founding Fathers. As President, Jerry Ford accomplished much, but the special hallmarks of his tenure were basic honesty and decency.

Jerry Ford, more than any other individual, led this country out of a period of shaken confidence in Government and into renewed faith and optimism. It is fitting that this important moral transition occurred at the moment this Nation paused to celebrated its 200th birthday.

One of Jerry's exceptional strengths was his ability to resolve conflict with calm reason. This was recognized and appreciated by his many friends, his congressional colleagues, and the American public at large. When I came to Congress in 1963, Jerry Ford stood out as a reasonable, responsible leader in the House. It was my pleasure to endorse and actively support his successful bid for minority leader. He served his colleagues with distinction, with a new look, with fair play. He was a credit to Congress.

I am certain that in the annals of history, Jerry Ford will be remembered as one of the finest human beings ever to serve in the highest office of this land. He served us well, and will be remembered with deep gratitude.

Mr. JONES of North Carolina. Mr. Speaker, it is with pleasure that I rise to join in paying tribute to a former Member of this body, as well as President of the United States, the Honorable Gerald R. Ford. Soon after entering the Congress in 1966, I was introduced to the then majority leader, Jerry Ford. I was immediately impressed with his sincerity and honesty. Certainly these two attributes remained with him during his entire congressional career as well as his tenure as President of the United States.

Of course, I was on the other side of the aisle, but this in no way diminishes my ability to appraise objectively those of the other party, and my respect and admiration for President Ford never waivered. I think President Carter in his Inaugural Address summed up the feelings of the Nation, and certainly they are mine, when he paid tribute to President Ford with these words:

> For myself and for our Nation, I want to thank my predecessor for all he has done to heal our land.

Certainly with literally millions of Americans, I wish him and his family health, happiness, and success in whatever profession he chooses to pursue. I shall always treasure the friendship which existed between us.

Mr. JEFFORDS. Mr. Speaker, I am pleased to join my colleagues in paying tribute to Gerald R. Ford.

When President Ford assumed office, there were two national priorities which eclipsed all others.

One was to restore the Nation's confidence in the Presidency. America was badly shaken by scandal in the highest levels of Government. We needed—desperately—a Chief Executive who would renew America's faith that our system of government can still function in an open and honest manner.

In his words and his actions, Gerald R. Ford demonstrated the highest possible level of integrity, honesty, and good will toward all Americans. By doing so, he was able to put our Government back on course, to allow it to function again, free from the cloud of suspicion of a skeptical general public.

The other major priority was economic recovery. We were moving into a deep recession when Gerald Ford became President, a recession accompanied by one of the worst rates of inflation in our Nation's history.

It is characteristic of Gerald Ford that his actions in response to the economic crisis were not flashy, were not dramatic. He is not, and never aspired to be, a showman. He chose a steady and consistent policy which included a careful balance between needed economic incentives and restraint in inflationary spending.

This policy frequently put President Ford into an adversary position with Congress. I was among those in Congress who disagreed with many of his specific vetoes, although I believed from the start that he had chosen the correct overall spending levels.

It is a tribute to President Ford's leadership and strength of character that he pursued his economic policies firmly and unflinchingly, even at times when this meant vetoing popular bills and facing a hostile Congress. The result has been steady and substantial improvement in the Nation's economy, a magnificent accomplishment under adverse circumstances. Even with the benefit of hindsight, I believe there are few who would suggest that a better economic course could have been followed.

Because he refused to be a showman—refused to play to the headlines—President Ford's accomplishments in office may be underestimated by many of the present generation of Americans. But it is my strong belief that when the history of our era is written, President Ford will be ranked among the greatest of American Presidents.

Mr. FORD of Michigan. Mr. Speaker, I am pleased to join my colleagues today in paying tribute to Gerald R. Ford, with whom I shared for many years the title of "Congressman Ford of Michigan.

Although Jerry Ford and I have seldom agreed, politically or philosophically, we have maintained a firm friendship, and I have the highest regard for him as a statesman, a gentleman, and a friend.

Jerry Ford had already represented Michigan's Fifth District for 16 years when I came to the Congress in January 1965. There was, understandably, some confusion over two Congressmen Fords from Michigan. My first appearance in the well of the House, in fact, was to

make a correction in the RECORD, which had mistakenly attributed one of my statements to "the other Ford."

For 8 years, while we served together in the House, my name followed that of Gerald R. Ford on the rollcall, and I negated his vote time and time again during those years. But when we were asked in 1973 to confirm his appointment as Vice President, to succeed the disgraced Spiro Agnew, I voted without hesitation for his confirmation. There was no question as to his patriotism and ability.

A year later, when Jerry Ford assumed the Presidency following the resignation of Richard M. Nixon, he faced a nation in turmoil, a nation divided and confused after the unprecedented revelations of corruption and coverup during the Nixon-Agnew-Watergate years. The change, since that time, is Jerry Ford's legacy to the American people. His character, his goodness, his integrity, have restored public faith in the highest office of our land, and brought internal peace to the Nation.

Although I disagreed frequently with his programs and policies during the past 2 years, never did I question his basic honesty, nor his desire to do what was best for America.

Speaking as a member of the "loyal opposition," I can say with all sincerity that, since a Republican was to be president, thank God it was Jerry Ford.

For his years as Congressman, as minority leader, as Vice President, and finally as President, he has earned the respect of every thinking American. Together with his admirable wife, Betty, he has done his country great service, under trying circumstances, and I am certain that historians will award both of them a place of honor in the history of our Nation.

I join today in wishing them happiness, health, and contentment in the years ahead.

Mr. STEERS. Mr. Speaker—

> My fellow Americans, our long national nightmare is over.

With these words, Jerry Ford assumed the Presidency at a time when the office itself was stricken with unprecedented scandal. The Vice President, former Michigan Congressman, came to a White House corrupted by cynicism and lust for power. America was tired of these excesses and in Jerry Ford found an end to them.

He spoke plainly to us, "just a little straight talk among friends," and with his solidity, commonsense, courage, and humor weilded a tranquil transition in a deeply troubled time.

Today as President Carter embarks on a new administration, the country is more united, more confident. The economy has recovered from the worst recession to hit the country since the 1930's. The business slump and rampant inflation have improved. Personal incomes have climbed somewhat. The Nation is at peace. Relations with allies are better than in many years and much stronger than anyone imagined was possible 2 years ago.

The respect for the Presidency is restored. Mr. Ford has left it healthier than he found it. He has instilled a calm and dignity to the entire national scene. Stripped of its imperial trappings, unfettered from Watergate and Vietnam, the White House became more relaxed, open, and cheerful. Even liberal foes admit to the straightforward manner Jerry Ford brought to the White House. The press found him more accessible.

Mr. Ford's sense of professionalism in politics taught us all a lesson. As Washington Star Columnist Jack Germond noted:

> Ford has taught us a lesson with his remarkable understanding of the political process and his even more remarkable objectivity about everyone's role in it . . . he has shown himself to be a thoroughly professional politician who knew how to lose as well as how to win.

The wave of cheers from both sides of the aisle at his State of the Union message a few weeks back underscores the respect for this professionalism.

The Ford family, and Mrs. Ford in particular, played an important role in the former President's achievements. The family seemed to understand the White House, particularly its potential to corrupt normality. Their frankness and outward displays of love and affection give us hope for the strength of the family at a time when that institution appears to be breaking down.

As Washington Post columnist David Broder so succinctly stated:

> Gerald R. Ford was the kind of President Americans wanted—and didn't know they had.

It seems fitting then that this President who strengthened peace abroad, and more importantly instilled tranquility here at home, leaves office at peace with himself in the knowledge of a job well done.

At this time, I would like to include the remarks of Stanely H. Eckles, chairman of the Montgomery County, Md., Republican Central Committee in praise of former President Ford:

> The Republican Central Committee of Montgomery County, Maryland wishes to pay tribute to our 38th President, Gerald R. Ford. Mr. Ford unified our country, and reaffirmed the prestige, honor, and dignity of the Executive office. At one of the most difficult periods in our history, his honesty, experience, wisdom, and courage were instrumental in restoring the United States to its rightful position as one of the world's leaders.
>
> Mr. Ford will long be remembered as a President who, perhaps more than ony other man, has demonstrated the validity of the high principles of the American political system embodied in the Constitution set up by the founding fathers of our nation.
>
> Thank you, Mr. Ford.
>
> STANLEY H. ECKLES,
> *Chairman, Republican Central Committee of Montgomery County, Md.*

Mr. KETCHUM. Mr. Speaker, I very much appreciate the opportunity to express my own words of tribute to Gerald R. Ford, and I thank my colleagues for making possible this special order.

Like many of you, I was privileged to know and work with President Ford when he was "Jerry," here in the House of Representatives. I considered him to be a man of integrity, leadership, sound thought, and responsible action. His assumption of the Vice President's role pleased me greatly, as I felt very strongly that his above-mentioned qualities and abilities would give to the American people a badly needed sense of trust in their Government. I believe that I was right.

When he stepped into the Oval Office, Gerald Ford assumed a mantle of responsibility for which he had not asked; he picked up the enormous burden of problems which he had not created, and he devoted himself 100 percent to the tasks at hand. His actions invariably gave dignity to the American people, and he moved through the maze he had inherited with a quite assurance. No one could have stepped into the Presidency at a less desirable time, nor can I imagine any President faced with a greater load than was his. I believe he gave to this Nation what it needed most at that point in its history: Honesty, reliability, and an image of the morality we had thought perhaps was gone.

In addition to the obstacles posed by apathy and lack of confidence in Government among our citizens, Gerald Ford had another hurdle to surmount: As the first Vice President and President who had not been elected by the American people, his actions were subject to perhaps more criticism than those of any President before him—perhaps, too, of any President who will follow him.

Gerald Ford's contributions will not be forgotten by this Nation; certainly, I will not forget them. They can be stated simply, and in that simplicity there is great wealth. Mr. Ford gave us back our self-respect, our trust, and our pride in America. Let us hope to God that we never lose it again.

Mr. JOHNSON of California. Mr. Speaker, I rise to join my colleagues in paying tribute to the outstanding career of a former colleague, the Honorable Gerald R. Ford. Ever since I first came to Congress, 18 years ago, I have felt privileged to work with this outstanding American who served so well in the House of Representatives, as Vice President, and finally as President of the United States.

In recent days we have seen many editorials and commentaries about Jerry Ford and his decency. He was indeed a decent person, but his qualities went far deeper than that, for he had a great deal of compassion for his fellow man as individuals and as a people. He was as honest and straightforward in his dealings with all people as he was in his relationships with us here in the House.

I want to say, "Congratulations to you, Mr. President. Your service was outstanding and it helped to restore stability and confidence in our Government. May the future be happy, pleasant, and profitable. Best wishes."

Mr. HUBBARD. Mr. Speaker, history will remember that President Gerald R. Ford gave us his best, and that nothing could have been better for this country, for the Office of the Presidency, or for the Republican Party. During his brief tenure in the White House, Jerry Ford restored a sense of decency, trust, and

stability to a government plagued with turmoil and doubt, and to a nation which had endured years of sorrow.

Jerry Ford is indeed a decent man whose simplicity, warmth, loyalty, and strength calmed an uneasy nation. Jerry Ford left the White House as he had entered it. He was not obsessed with holding the most important job in the world. He never lost sight of the fact that the virtually limitless powers of the Presidency were nonetheless subject to the limits of his humanity.

Though I am a member of the Democratic Party, I recognize and value the honor Jerry Ford brought to his party. His 2½ years in office restored the faith and confidence of those Republicans who came to serve in Washington. He appointed such capable and honorable men as John Paul Stevens, William Coleman, and Edward Levi to high-level posts, and closed the chapter in our history in which high level officials were the focus of indictment and disgrace.

Jerry Ford has earned the respect and affection of his fellow Americans. He left the Presidency and the Nation in better shape than he found them. Though these achievements may seem modest, he has every right to be satisfied by them.

Mr. BROOKS. Mr. Speaker, it is with deep respect that I pay tribute today to the many accomplishments of the 38th President of the United States, Gerald R. Ford.

President Ford assumed his duties during one of the darkest periods in our country's history and I believe that we can all be grateful to him for restoring the Nation's faith in the Office of the President.

Mr. Ford and his family can take great pride in his many years of public service and I know he will continue to share his wisdom and guidance with the citizens of the United States. I am proud to call President Ford my friend and wish him a full and rewarding future.

Mr. CLEVELAND. Mr. Speaker, the recent change in administrations points out vividly, in the person of Gerald Ford, that life sometimes presents occasions in which it is possible both to lose and to win at the same time. Jerry Ford narrowly lost his well-fought contest to be elected President, but he won something impossible to quantify: The admiration and the gratitude of America.

History will, I am sure, be kinder to President Ford than were the voters last November. The contributions he made as President are of the sort that require time and reflection in order to be properly appreciated, and the opportunity for Americans to realize how much he had done to restore the image of the Presidency was not available in the whirlwind pace of a Presidential campaign.

Mr. Speaker, I am proud to participate today in this special order of tribute to Jerry Ford, a man I am honored to call my friend. When I arrived in the Congress in 1963, Jerry was soon elected chairman of the Republican Conference, and he became minority leader 2 years later following a campaign on his behalf in which I actively participated. Throughout our time together in this body he was an exemplary floor leader. A forceful and dedicated fighter for Republican causes, he was at the same time an affable and generous counselor, guide, and friend to senior and junior Members alike.

Jerry Ford's only public ambition was to serve as Speaker of the House, in addition to giving his constituents in Grand Rapids his most conscientious attention. Events beyond his control, however, which strained our Constitution as it has not been strained since the Civil War, catapulted him in the short space of 9 months to the Vice Presidency and then the Presidency itself.

Gerald Ford thus became President of the United States in August 1974, not of his own choosing, under unique and extraordinary circumstances. The burden upon him was immense—the economy was on a precipitate downswing, events around the world were seemingly only a spark away from disaster and, worst of all, the American public had lost faith in its Government. President Ford set about immediately to restore that faith, bringing to the Presidency those personal qualities that had made him universally respected while one of us—simple decency and integrity.

Time heals all things, they say, but the Presidency of Gerald Ford was exactly the physician our national wounds needed to speed up that healing. Thirty months ago we were a country convulsed by a general distrust of elected officials and our political institutions. Now our Nation is embarking on a new administration with its spirit refreshed and its enthusiasm revitalized. What made that possible was the straightforward, candid, and completely open way in which Jerry Ford ran our executive branch, a style that could not help, but spill over and touch the soul of America. In sum, as his campaign posters proclaimed, he made us proud again.

Mr. Speaker, it was my personal pleasure and honor to serve as New Hampshire State chairman of the President Ford Committee, and I can testify firsthand to the effect that Jerry Ford had on the citizens of my State. He and his charming and lovely wife, Betty, captivated New Hampshire with their simple, neighbor-next-door friendliness, and it is with a great deal of pride that I report New Hampshire in Jerry Ford's column both in the Nation's first primary and in November's election.

During last winter's New Hampshire primary, I sent Republican voters who indicated in a telephone poll that they were undecided about the candidates a letter about Jerry Ford, which the President Ford Committee thought persuasive enough to use in several later State primaries. I would like to insert at this point two key paragraphs from that letter, which brought out what I think were the best points about Jerry Ford's Presidency:

Gerald Ford became President of the United States under unique and extraordinary circumstances. Since assuming office he has displayed a remarkable combination of leadership, frankness and political courage. He has restored the faith of millions of Americans in the integrity of their governmental process. He has saved billions of dollars for the taxpayers of America by his resolute use of the presidential veto. He has established a solid foundation for strengthening our economy and reducing inflation at the same time. He has worked tirelessly to be a realistic and responsible President.

President Ford has moved with increasing confidence and skill in his conduct of our foreign policy in a dangerous, hungry and untidy world. To do this in a manner which will balance the risks of war, the requirements of treaties and other commitments, humanitarian concerns, and our own national interests has to be one of the toughest jobs in the world.

Mr. Speaker, I would also like to include for the benefit of my colleagues a recent editorial that appeared in the Nashua Telegraph in my district, which states very eloquently an assessment of Jerry Ford's tenure as President:

THANK YOU, MR. PRESIDENT

In less than twenty-four hours, the transition will be complete; the United States will have a new president, and all eyes will turn forward. In a few hours, President-elect Jimmy Carter will become President Jimmy Carter, the 39th President of the United States.

As we prepare for tomorrow and what lies ahead, it would be well to look at yesterday and what has gone before. It is very possible that, had it not been for yesterday, tomorrow would be quite different.

Almost thirty months ago, the United States of America reached the climax of what could be described as the second most cataclysmic internal event in the history of the Republic; for the first time in our two hundred year history, a president had been forced to resign in disgrace. We can think of only one internal event to have traumatized the Union more—the Civil War.

The United States has survived wars. Even the bitterly divisive Vietnam War is little more than a nightmarish memory. What occurred between 1972 and 1974, however was something with which the American people were ill-prepared to cope; corruption and criminality in the nation's highest office, the likes of which we have never seen and, we pray to God, we shall never see again.

On August 9, 1974, a nation watched a helicopter carry from the White House a president who had destroyed himself, the people of that nation wondered if they ever again could have faith in the men they had elected, the institutions they had created. It is not an over-dramatization to say—at the very least—that the American people were bewildered and disillusioned.

Out of an era of crime and corruption rose one man; a man who sought no glory; a man who sought no power; a man whose only goal in life was to serve honorably the people who had placed their trust in him for 25 years.

Thirty months ago, Gerald Ford assumed the office of president. To him fell the unsought role of healer; healer of a nation's wounds that ran wide and deep.

Discarding the pomp and ceremony which had so enraptured a number of his predecessors, Gerald Ford went about the task that had befallen him; the task of rebuilding confidence in the presidency.

Gerald Ford's presidency has not been an imperial presidency. And that is probably what we have most to thank him for. In dismantling the pedestal constructed by those who went before him, Gerald Ford has returned the presidency to its rightful owners, the American people. In so doing, he has won for himself an unforgettable place in American history.

There are those cynics who say that Gerald Ford will be little more than an asterisk in our history books. These scoffers sell future generations of Americans short. Their cynicism only shows that they have little faith in the moral values of the American people.

There are those who say that nothing of great magnitude has been accomplished during the thirty months of Gerald Ford's administration. They suffer from an acute case of nearsightedness. Although unemployment is still a nagging problem, our nation's economy is far healthier than when he took office. Although peace is a relative thing, our nation is not involved in any conflict which endangers American lives.

Above all, historians will note of Gerald Ford that he restored trust in the American system of government. Like a phoenix rising from the ashes, confidence in government has been reestablished. That restoration was the result of one man's efforts: the efforts of Gerald R. Ford.

The term simple has been used to describe Gerald Ford. And we agree. He gave us simplicity in place of regality and arrogance. He gave us openness in place of incestuousness. He gave us respect, and the ability to once again respect ourselves.

David Broder, syndicated columnist for the Washington Post, wrote the following: "Gerald Ford leaves the presidency healthier than he found it, and that is because he thought hard about what was needed there—and he did it. . . . Gerald Ford can leave office with some confidence that history will record that he was, in truth, the President the country needed at this time and knew that it wanted."

To Mr. Broder's words, we can only add: Gerald Ford leaves the presidency with an America healthier than he found it.

It is with lasting feeling and respect that the Telegraph says: Thank you, Mr. President.

Mr. HUGHES. Mr. Speaker, I am privileged to join with my colleagues in the House of Representatives as they honor a great American—Gerald R. Ford.

As a Member of this body for over 25 years, as Vice President and then as President of the United States, he served his country extremely well. During his years as a Member of Congress, and minority leader, he earned the respect and admiration of all those that knew or came in contact with him.

I am sure that many of my colleagues will point to many different things that Gerald R. Ford accomplished over his many years in public service. But, I think his single most important contribution to America was the wholesomeness, honesty, and the personal integrity that he took to the White House as President Gerald R. Ford. America and the world was better for his service.

I pray that God will grant him many years of good health, and happiness.

Mr. TREEN. Mr. Speaker, I will count among the greatest privileges of my life the fact that I am able to refer to Gerald Ford as a former colleague of mine in the House of Representatives. I have never known a finer person in public life and I doubt that I ever will.

Others who speak today are much better able than I to chronicle the great and substantial contributions made by Gerald Ford in this House and later as Vice President and then as President of the United States. I would like to remark briefly about one of his attributes as a human being.

Gerald Ford was and is a man of vast generosity. He has demonstrated this in countless ways. I am referring to the generosity of self: Gerald Ford's ever-present willingness to direct his own mind and heart to the needs and troubles of others. As the minority leader in the House, which was the capacity in which he was serving when I first came to Congress, he was ever willing to take time to hear out and respond to any who sought him. I remember approaching Congressman Ford in the spring of 1973 to determine if he would come to Louisiana and be the principal speaker at a fundraising dinner which we planned in order to overcome the deficit from my 1972 campaign. My friends had selected a couple of dates, but Mr. Ford was previously committed on those dates in other parts of the country. I remember to this day his leafing through his small pocket calendar over a period of several months to determine if there was an open date on which he might accommodate my request. He finally came upon a date and said that that was the only one he had open at any time during the span of several months, and he offered to come on that date. He was committed in one fashion or another for every weekend date for several months and gave to me the last remaining opportunity that he might have retained to do something that he might liked to have done for himself. And the only way that he could manage that was to schedule a return flight to Washington at 3:15 a.m. That kind of generosity is typical of our former colleague. He carried that attribute into the Vice Presidency and then into the White House, and it was that quality among other fine personal qualities that has endeared President Ford to the American people.

Mr. Ford carries with him the love and affection of those who were privileged to serve with him in the House, and the grateful appreciation of the American public for the inspirational and healing leadership of his service in the White House.

Mr. ASHLEY. Mr. Speaker, the partisan politics that enable our system of government to function and to be responsive impose difficult choices. But this bipartisan tribute to Gerald Ford is clear evidence that a choice which the political process requires often cloaks, at least temporarily, the high regard in which a losing candidate is held.

The overriding national need at the time Gerald Ford took office was a Presidential leader having the personal qualities and the stature to restore shattered confidence in Government generally, in Washington in particular, and in the White House most especially.

Gerald Ford had the capacity to respond to this monumental challenge. Under the most trying of circumstances, including adverse economic conditions for which his administration had no responsibility, he worked to restore the lost faith in our governmental institutions and in ourselves.

The extent of his success is already evident. From the divisive, suspicion-charged days of mid-1974 our country has come together, reunified in a common understanding that we must put the past behind us as we seek to shape a better future.

For this the Nation owes Gerald Ford a great debt of gratitude. He accomplished the most important task that faced him as President and he accomplished it well.

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, it is with great pleasure that I rise to pay tribute to our former President and former colleague, Gerald R. Ford. When he assumed the Presidency, he was faced with a grim situation that would have overpowered a weaker man. Using his personal resources of honesty, integrity, and a strong faith in the American people, President Ford worked tirelessly to restore respect for the Presidency. In this task he succeeded admirably, and his outstanding stewardship will not soon be forgotten.

When Gerald Ford was selected as our Vice President, many Virginians asked me for my opinion and evaluation of Gerald Ford's ability. I told them without hesitation that he was a man who could serve as President with honor and distinction. I am happy that the passage of time confirmed my views. I am proud of my association with him in the 93d and 94th Congress, and I have been grateful for his contributions to the Presidency.

Mr. McKINNEY. Mr. Speaker, the passage of time often assists us in the evaluation of our Nation's leaders. In some instances it causes the memory of mistakes to be blurred and it enhances the measure of success. Indeed, history has a way of adding inches—if not feet—to one's stature and thereby beginning the gradual metamorphosis which culminates in the affection "statesman." I do not mean to imply by this that in many cases this process is undeserved since an accurate assessment can only come after years of study and review. It simply is not often that a man's worth is instantly acclaimed but such has been the case with former President Ford.

During the past few months, editorialists across the country have been extolling the virtues of the Ford Presidency, but that has not been all. We have recently learned that the Ford transition office has been inundated with letters of praise written by Americans from all walks of life. In my view, this has been a justifiable outpouring of affection for someone who was the right man at the right time. His ascension to the Presidency was as unique as his stewardship marked with the qualities of decency, compassion, and understanding.

Of course, for millions of Americans this was all new, but for those of us who were fortunate enough to have known Jerry Ford in the House, he was nothing less—or more—than he had always been. The Presidency did not change Jerry Ford; he changed the Presidency simply by being himself. This is the man President Carter thanked, on behalf of all Americans, "for all he has done to heal our land."

In that vein, I would like to add a personal footnote to history. On the night of October 14, 1975, I had the personal privilege—but dubious historic distinction—to have been sitting next to the President when his limousine was struck by another auto at an intersection in Hartford, Conn. While that "first" Presidential accident made national news, what was more important to me was the conversation I had with him that night. At the time, you may recall, New York City was in the midst of its financial crisis and my position as ranking Repub-

lican on the Economic Stabilization Committee put me at the center of that issue. Contrary to the fictious "Drop Dead" headline, the President allowed as how he would support some form of aid for the city, but he felt it necessary to follow a course of opposition in order to make the assistance meaningful and worthwhile when it came. As it developed, the President's "errant child" approach turned out to be the right formula as the city made great strides to correct its ways.

He understood the city's needs as he understood the Nation's and in his own calm way, he made it all a little bit better for all of us. One last point, Mr. Speaker, for no tribute to Jerry Ford would be complete without mentioning his gracious First Lady. I would not dare to compete with the accurate and fitting sentiment expressed to her in Kansas City by Cary Grant for what he said, I believe we all felt. There is no doubt that she was first in the Nation and that she will always be first in our hearts.

At the outset, I mentioned some of the editorials which have been written in recent weeks concerning the Ford Presidency and I would like to share with you one which I believe to be second to none. It is from the Bridgeport, Conn., Post and I insert it in the RECORD at this point:

MR. FORD'S FAREWELL

The Irish dramatist, poet, and wit Oscar Wilde once said that a cynic is a man who knows the price of everything and the value of nothing. There is today in our hearts the feeling that the majority of voters did not properly assess the worth of President Gerald R. Ford. They chose an unknown, believing perhaps that it was time for a change in the United States.

The majority of the electorate was blind to the genuine qualities of Mr. Ford and his vigorous attempts to improve the federal government. The promises Jimmy Carter made on the campaign trail were somewhat the same as the Ford programs which a Democratic Congress rejected.

While Mr. Carter talked about religious matters, there was a reluctance on the part of the populace to recognize that Mr. Ford and his family, by conduct—not sermons from political pulpits—had raised the spiritual health of the nation and made significant progress in the restoration of the American ideology.

A lesser man than Gerald Ford would have mounted the podium in the House of Representatives Wednesday night with bitterness. Mr. Ford showed none. Rather, he reviewed, in his State of the Union address, the highlights of his stewardship. His remarks were nostalgic at times and during the last few lines the man's inner emotions threatened to take over. Jerry Ford was saying good-by and it was difficult.

This speech will not be classed with the farewell of President George Washington or the warning about the industrial military complex which Dwight D. Eisenhower issued in his last appearance before both houses of Congress. The Ford speech, however, was delivered by a man dedicated and devoted to a traditional America. Change, he believes, must come slowly if the innovation is to be worthwhile. Like Mr. Eisenhower, Mr. Ford prefers to see government reduce, not increase, its role in the lives of the people it serves.

Mr. Ford, the nation's first nonelected President, declared that the State of the Union is good. Then, in characteristic fashion, he asked Republicans in Congress to give President-elect Jimmy Carter their support in foreign policy matters.

On another issue, with courage, he politely reminded the assemblage of senators, congressmen, members of the Supreme Court, and the diplomatic corps that "there can be only one Commander in Chief." In other words, he asked the 95th Congress not to meddle in the attempts of Mr. Carter to maintain peace.

In some respects, Mr. Ford sounded like a Cold War warrior, though his actions over the past 29 months do not warrant that classification. He talked also about the need for America to develop sufficient sources of energy so it will not be a pawn in the hands of countries which produce oil.

Mr. Ford recognized that his task was valedictory in nature so he did not make specific proposals, choosing instead to speak in generalities.

Mr. Ford rebuilt confidence in government, after the President and Vice President elected in 1972 left their offices in disgrace. Americans of all political stripes should be grateful that in this country's hour of great need an uncomplicated, wholesome man was available to bind the nation together. Today, we do not place him on a pedestal next to Abraham Lincoln. The true worth of the man will not be known for decades to come. But we would not be surprised if historians honored Gerald R. Ford as national healer. That indeed would be a fitting and accurate tribute.

Mr. BRADEMAS. Mr. Speaker, I rise to add my own to the many tributes that are being paid today to our distinguished former colleague in the House of Representatives, the Honorable Gerald R. Ford.

As one of many Members of the House who had the privilege of serving with Gerald Ford during the time when he was a Member of this body, I count it my good fortune to have known this good and dedicated man first, while in the House, as "Jerry," and then as "Mr. Vice President" and, finally, as "Mr. President."

Although many of us on our side of the aisle had differences with Gerald Ford on policy throughout his years of service in all three of these capacities, I am sure that all who know him would agree that Jerry Ford was unfailingly warm and gentlemanly in his dealings with his colleagues.

Mr. Speaker, I think the Nation will always be grateful—and I am sure the point that I am making will be made by many other speakers here today—for the firm way in which Gerald Ford assumed the Presidency of the United States at a moment of immense travail and anguish for the American people.

He brought a much-needed sense of stability in a time of trouble and for this achievement alone we must always be grateful to him.

I believe, however, that there are other accomplishments of Gerald Ford to which attention should be paid and I here cite but one of them; namely, the contributions that President Ford made to the shaping of a national science policy.

Mr. Speaker, I am reminded of this aspect of his service by an editorial in the January 21, 1977, issue of "Science," the weekly journal of the American Association for the Advancement of Science. The editorial, "Science in the Ford Years: Last Things," follows:

SCIENCE IN THE FORD YEARS: LAST THINGS

In the short and troubled Ford presidency, one would have expected the affairs of science to take a back seat. The main issues in that harassed interregnum concerned the stumbling national economy, the low estate of government, and general malaise and drift in the country's sense of purpose. If the Ford Administration was to woo any constituency, the scientific community logically would be about the last on the political list.

But politics and the making of public policy are strange and baffling arts. The departing President, a Midwesterner trained for the law and politics, and lacking any visible reason to care about the advancement of science, has turned out to be its good friend. Mr. Ford leaves a considerable legacy in the form of a statutory expression of national policy toward science and technology, the makings of a White House science policy center, and a research and development budget that provides for sensible growth and variety. There is a wryness in the fact that his political exit coincides with America's sweep of Nobel honors.

True, not everything is in order. The state of national affairs in energy decision-making is still dismal, if not disgraceful. The risks of nuclear proliferation seem more real than at any time in the recent past. The defense budget spirals upward while arms control agreements stumble and falter. There is no progress in negotiating the Law of the Sea. Technological innovation in the industrial sector is far from what it could be. Developing countries face frightening contingencies in meeting the needs of their people and dousing the incendiary potential of their rising dissatisfactions.

Even so, it must be said that a battered presidency alone could hardly surround and settle that formidable agenda. Our failures of resolution are the common indictment of all of us, and presidential power cannot be exercised in a vacuum. Neither Mr. Ford's defeat nor Governor Carter's victory was decided on the basis of how these issues entered into the choice. Indeed, the evidence is that politicians run dreadful risks when they stake their political futures on championing scientific freedom and progress rather than on conventional politics. A Daddario in 1970 and a Hechler in 1976 could not win governorship campaigns despite outstanding work for science and technology in Congress. What James Symington got for all his defense of the National Science Foundation in the "MACOS* fracas" was a sound thumping in his home state. In none of these cases was there an observable gathering of the scientific and technical clans on behalf of their embattled defenders. No one should be shocked if, the next time science is ambushed, politicians look the other way.

Americans tend to smirk when the British Honours List appears each year and eclipses briefly the torrent of bad news. But it is a symbol of grace under stress, and it might not do us any great harm to find civilized ways for expressing thanks for substantial public service. It should not be necessary to accumulate a thousand years of history to see that there is no shame in gratitude, and that it need not be pretentious.

There is a stir in the coatrooms of Washington. A government is retiring and a government is entering. The continuity of the political seasons unfolds as it has been ordained, and there is a touch of fever in the anticipation of things to be. But as the Gerald Fords, Guy Stevers, Charles Moshers and James Symingtons take leave, let them know that their going is noted respectfully and their efforts remembered. If in years to come, science brings somthing of value to the relief of the human condition, it will not only be because of its own drive, but also because

there have been public servants who did not stop to count the votes before putting the advancement of knowledge first.—

WILLIAM D. CAREY

Mr. Speaker, I am grateful for the opportunity to have served in the House of Representatives with Gerald Ford and to have known him as Vice President and President of the United States, and I express the hope that the lives of Gerald Ford and Mrs. Ford and their families will be abundantly blessed.

Mr. ZABLOCKI. Mr. Speaker, it is with great pleasure that I join our colleague, the minority leader, JOHN RHODES, in honoring a great American and good friend, Gerald R. Ford. We in Congress and the American people owe a debt of gratitude for the job he did as President and for his service to his country for which we are deeply grateful.

Jerry Ford and I started together in the 81st Congress and served many years in the House representing our constituents from the upper Midwest. Although of different political parties, we worked toward the same goals in that spirit of bipartisanship which is in the best tradition of our political system. Our friendship has been based on our shared belief in our Nation and our commitment to making Government responsive to the American people.

That commitment, and his integrity and character were the hallmarks of Gerald Ford's stewardship in the House of Representatives. Over the years he earned the respect of his colleagues as he could always be counted on to be true to his word, and could always be counted as a friend. His service in the House was marked by hard work and commonsense, and he was an effective voice for the Republican Party and a leader that party could be proud of. The House lost a good man and a good friend when he was called upon to become Vice President and then of course to assume the awesome responsibilities of the Office of President.

But the Nation gained a man who restored dignity and a sense of integrity to our Nation's highest office. Certainly President Carter, in the beginning of his inaugural address, said it well when he commended Gerald Ford for his service and thanked him for the people of our country for helping to restore respect for the Presidency and for our Nation.

At this time I would like to add my thanks as a Member of Congress for the contribution Jerry Ford made to the improvement of the relations between the executive branch and the legislative branch. In our Nation's history we have had many instances where the administration and the Congress have been of opposite parties, but this should not lead to strained relations between the two branches of Government. Although President Ford clearly expressed his differences with the Democratic Congress, he worked hard to insure that those differences were an expression of legitimate political differences and cooperation was encouraged whenever possible. For this positive and important contribution Jerry Ford deserves the thanks of his former colleagues in Congress and of members of both political parties.

In addition to the fulfillment of the responsibilities of the Office, Jerry Ford and his family helped to restore the pride of the American people in their country and its institutions. Jerry Ford restored respect to the Office of the President, for which we are all deeply indebted and for which he will always have our gratitude.

I was proud to serve with my good friend, Jerry Ford, in the Congress, and I was proud to work with him while he served in the White House. Now I am pleased to be able to stand up and be counted with millions of Americans as we try to find ways to express our thanks.

Mr. Speaker, my wife, Blanche, joins me in wishing our good friend, Jerry, and his wife, Betty, the best of happiness and many productive years ahead.

Mrs. HECKLER. Mr. Speaker, I am pleased to join my colleagues from both sides of the aisle in expressing appreciation to our former President, Gerald R. Ford. He and First Lady Betty Ford have earned the heartfelt gratitude of us all, for healing this Nation and for guiding its progress during the past 2½ years.

It is significant that President Jimmy Carter began his inaugural address with words of thanks—to Gerald R. Ford. For Mr. Ford had assumed the Presidency in a time of travail—a Presidency in disgrace, and economy in trouble, a Nation in division due to the Vietnam war. He restored the Presidency, he renewed the economy, and he revived the spirit of the Nation. It can be said, and I quote his own words, that he presided over "a healed society, and an optimistic one."

At his side was First Lady Betty Ford, who set an example for women throughout this country. Although one did not always agree with her positions, one always admired her for her forthrightness in stating them, for defending her right to be "a citizen." Her support of increased participation for women in the political process leaves a legacy, one which should be pursued in order to make all women equal citizens.

Although this is a day for recognition of the Fords' contributions to public life during the period of the Ford Presidency—August 9, 1974, through January 20, 1977, I would like to point also to Gerald R. Ford's accomplishments during his 25 years in Congress as the Republican Representative from Michigan's Fifth Congressional District. With energy, with reason, with amicability, with accessibility, and with an innate sense of decency, he represented his district and served the Nation for a quarter century. During the last decade of his congressional service, he led the congressional Republican delegation as minority leader, working diligently in behalf of his party and his colleagues, whether he was on the House floor or crisscrossing the Nation.

Aptly described as "a man at home with himself," Gerald R. Ford typifies the best qualities of this country. As he and his wife undertake new tasks and new responsibilities, I wish them both well, with a sense of gratitude for the service they have given this Nation.

Mr. CORNWELL. Mr. Speaker, as a freshman in the legislative body where Gerald Ford served so long and well I want to commend him on his selfless devotion to his constituents in the first district of Michigan.

As a citizen I want to personally thank Gerald Ford for twice choosing the more difficult path; first, when he ascended to the Vice-Presidency in the wake of a predecessor's begrudging resignation, and second when he was thrust into the Presidency in the aftermath of the worst constitutional crisis since the Civil War.

As a Vietnam veteran, I know firsthand the terrible wounds, utter frustration, and disenchantment many felt throughout the war. The aftermath of Vietnam left little spirit in many of us to direct toward the future or betterment of our country.

Although I belong to the opposing party and more often than not disagreed with President Ford's decisions, it gives me pause to contemplate what chance any individual would have had to salvage the two highest offices in our land from disgrace. When the American people had become divided, numb, and worst of all cynical, it took the gentle strength, nonflamboyant approach, and constant plodding of Gerald Ford to mend the wounds and restore confidence.

History, I think, will remember Gerald Ford as a man who gave Americans a chance to catch their breath and begin again.

Mr. MURPHY of Illinois. Mr. Speaker, it is my privilege today to pay tribute to a personal friend and former colleague of mine in the House. Although he served in Congress for over 20 years and was elected minority leader in 1965, he will be remembered primarily for something else. History will record him as the man who restored confidence in the Presidency after it had almost been fatally damaged by scandal. I am speaking of Gerald R. Ford.

It was fitting that President Carter, in his inaugural address, paid tribute to Gerald Ford for all he had done to heal our country. For Gerald Ford, who never sought the Presidency, took office at a time of great national crisis—a crisis of confidence which placed the most severe strain on our governmental institutions since the Civil War.

By restoring honesty and openness to the Presidency, Gerald Ford succeeded in reducing the "imperial" Presidency to something more human in size. And this is the achievement of Mr. Ford's administration—its restoration of simple moral decency. Gerald Ford, as the Washington Post said in its January 16 editorial, "brought precisely the needed temperament, character, and virtues to the high office he has temporarily held." These are qualities, unfortunately, we cannot take for granted. For it was the very lack of these supposedly "common" virtues that discredited—and ultimately destroyed—Mr. Ford's predecessor.

All Americans—regardless of their political ideology or party preference—join me in expressing gratitude to Gerald Ford for restoring confidence and trust to the White House. This is the legacy

Gerald Ford leaves to the Office of the Presidency, and for this alone historians will judge the Ford administration kindly.

Mr. Speaker, all Members of Congress will miss Gerald Ford as he enters private life after 25 years of dedicated public service. And I am confident that Mr. Ford, who had no illusions about the powers and responsibilities of the Presidency, will, like Harry Truman, have no problem adjusting to the life of the average citizen.

Mr. QUIE. Mr. Speaker, decent, understanding, warm, a dedicated public servant—Gerald Ford is all of that, but above all he is himself. Many are impressed with Gerald Ford's character, as I am, being privileged to have had the opportunity to work with this man. Over these years we have become close personal friends, and it is a friendship that I hold dear.

During his years in the House of Representatives, Mr. Ford grew tall in the eyes of his colleagues and it was my privilege to closely assist him to become minority leader. As minority leader, he was most impressive with his command of detail. His knowledge covered all topics, enabling him to continually stay abreast of each committee's activity. From my position on the Education and Labor Committee, I could see firsthand how he adeptly managed the complicated issues over which this committee had jurisdiction.

The tremendous respect which his colleagues held for him I believe grew from his respect for them, his kindness toward them, and his understanding of their differing viewpoints.

Over the past 2½ years, America saw, as I had seen before, Gerald Ford in action. Although never dreaming of becoming our Nation's Chief Executive, a turn of events saw Gerald Ford take the oath of office, forced to quickly learn on the job rather than having the 2½ months to prepare as an elected President does between election and inauguration. There was urgent work to be undertaken on the economy, on energy, and on international concerns. He dealt forthrightly and positively with these issues and proved to be a capable leader. Most important, however, was the healing of a cynical, disillusioned, and divided people, for his belief in God's reconciling power showed through his words and actions.

We can only be thankful that Jerry Ford came along as he did to serve our Nation as was so desperately needed in a great time of need. For the future we can look forward to continued outstanding leadership from now private citizen Jerry Ford.

Mr. RHODES. Mr. Speaker, in closing, I want to pay my tribute to Betty Ford and the Ford family. There is no doubt that the most traumatic experience which any family ever suffered was suffered by the Ford family when they were suddenly thrust into the position of being the First Family of the United States. And I say "suddenly" because, of course, there could not have been more than 2 days in August that they knew or had some inkling that Gerald Ford might become the President of the United States. They handled this job with the utmost in grace. They did everything which could be expected of human beings to support the Office of the Presidency, as well as to support the head of their family, the President of the United States. Each of them deserves the thanks of the American people, and I am sure that each of them has that thanks. Certainly as far as my Betty and I are concerned, we will always be grateful to Jerry and Betty Ford, not only for what they have done for the country, but for being warm personal friends and being the kind of people that they are.

Mr. Speaker, I am reminded of two inaugurations. One occurred in 1973, and I remember it well because the crowds which lined the parade route were not happy. They were puzzled, they were surly, they did not understand what was happening to their country. They knew that something bad had occurred. They did not know quite what it was or where it would take us. There were many policemen who were guarding the President of the United States as he went down Pennsylvania Avenue at that time, and in fact there were present and very much in evidence a lot of armed might of the Nation.

The inauguration of January 20, 1977, was completely different. The crowds which were along the parade route were happy. They were acting as if they were participating in a warm national experience, the inauguration of a new President. But even more importantly, they were people who had regained confidence in themselves, regained a sense that their country was doing things right, not doing things wrong, that this country would survive.

We had just been treated to the Bicentennial year and all that it meant, and the responsibility for carrying on that year belonged to President Gerald Ford.

All I am saying, Mr. Speaker, is that the difference between these two inaugurations did not occur overnight. I suggest to the Members that the crowds that were lining the route that day—the people who were rejoicing, who were proud to be Americans—were behaving in that way just as much because of the 2½ years that Gerald Ford had served as they were at the prospects of Jimmy Carter becoming President. I think that the difference we saw between those two crowds was a tribute to both men, and certainly Gerald Ford can be extremely proud of his 2½ years of service in leading this country.

Mr. Speaker, I believe he can be as proud of that as all his friends are proud of him, not only as a President but as an individual.

TRIBUTE TO PRESIDENT GERALD R. FORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, I am happy to take this special order in conjunction with our leader JOHN RHODES to pay tribute to President Ford, knowing that he is still very much alive and doing well.

All too frequently these occasions take on the aura of a eulogy for one of our departed members, but this has got to be a happy time, a good time for me to reflect upon over 25 years of a personal friendship and a legislative association with Jerry Ford.

Earlier today our Chowder and Marching Club had delivered to our most distinguished charter member a new golf cart. We hope he uses it frequently even though we who have played with him many times know he prefers to walk and get the exercise.

I mention this association first because there are a number of our C. & M. members who have since gone off to become Governors, Ambassadors, Justices, Senators, national chairmen and/or to their private pursuits who would have loved to be here and participate in this tribute.

All of them are indeed mighty proud to be considered personal friends of the 38th President.

My own personal friendship goes back to January 1950, the day I served as Gerald Ford's official host when he came to my hometown of Peoria, Ill., to receive one of the 10 outstanding "Man of the Year" awards given by the National Junior Chamber of Commerce. He was a freshman Congressman at the time. His selection by the Jaycees that year as one who had and would distinguish himself in politics surely proved to be right on target.

While I was only an administrative assistant to my predecessor in those days, I did join Jerry Ford as a colleague in 1956.

We served on the Appropriations Committee together and he became our national security expert.

Everyone serving with him in this House was fond of him and that included every single Member on the democratic side of the aisle as well as those on this side.

As our Republican conference chairman and minority leader, Jerry Ford gave us a lift—a new spirit and he proved to be—just as he would prove to be later—just right for the times.

It was natural therefore with all his experience, his leadership qualities, and his acceptability by all parties concerned to have been selected as our first Vice President under the 25th amendment.

And then when the real crisis came, there he was again to fill the void. We all have to be grateful that the good Lord gave us Gerald Ford in our lifetime.

There are many ways to measure the accomplishments of a President. One can look at historic legislation passed during his administration or how grave issues of war and peace were decided. One can look at statistics, gross national product, the degree of civil unrest or tranquility, major breakthroughs in foreign policy—all of these are legitimate standards of measurement.

Using this customary approach, the record of President Gerald R. Ford deserves the highest praise.

Mr. Speaker, I do not propose to review a "laundry list" of the Ford administration's accomplishments. I am certain my colleagues will be mentioning many wonderful things President Ford did. What I would prefer to do, in the interests of both brevity and of giving a clear picture of why the Ford administration was a success, is to offer two major accomplishments which in effect symbolize the direction and the strength of the Ford administration.

Let us look then at two key areas in which President Ford has left a record of tremendous accomplishment:

He cut the inflation to less than half of what it was when he took office. He did it by courageously and successfully attacking the single greatest cause of inflation—wasteful and bloated Government that comes from overspending. He vetoed more than 60 bills which, if all had passed, would have ruined the purchasing power of every American family through inflation and cruelly destroyed the savings of every elderly American.

In the area of national defense he had the guts and the ability to stop a 10- to 15-year trend in which defense spending, in terms of real dollars, was going down. There was real growth in the Ford defense budgets. In the face of powerful political and media forces arrayed against necessary defense spending, President Ford saw what he had to do and did it. Not for one moment do I believe that we are at a point in our national defense effort where we can relax or cut back. But it is because of what Gerald Ford did that we at least can say we have the opportunity to do what must be done in national defense.

Now any administration that could honestly point to two such accomplishments would be judged kindly by history. When you are able to cut inflation in-half and save American workers and the elderly and families from the ravages of increasing inflation, you are really doing something that people understand and appreciate. And when you do it in the face of a Congress that is hostile to your political philosophy, you have accomplished a great deal. The same can be said about defense. Immediately after President Ford took office this Nation was undergoing a post-Vietnam hangover. All of the antidefense propaganda that had come from the media and, yes, this Chamber, had taken its effect. The American people did not want to hear anything about military spending.

But President Ford knew that we needed to spend more—not less—in terms of real dollars, on defense. And so he provided the necessary leadership and the courage. Although he would be the first to admit we must continue to persevere in our defense effort, he at least provided us with a fresh start after years of decline.

As I said, those two accomplishments alone would suffice to make Gerald Ford's name prominent in the annals of Presidential accomplishment.

But, Mr. Speaker, let me say that history will remember President Ford more for what he brought to this office than for what he did in it—although as I point out, his accomplishments are admirable. He brought character to the highest office in the land precisely at a time when character was needed. He brought personal integrity and decency and, yes, honor. He gave his fellow countrymen a gift beyond price when he assumed the Presidency, for he assumed it as a man of character. Columnist Pat Buchanan has written:

> Whenever Gerald R. Ford strolls into a crowded restaurant anywhere in America, there probably will explode a spontaneous standing ovation. Citizen Ford will deserve it.

History will record that at the beginning of the last quarter of the 20th century, this Nation was as dispirited and full of conflict and inner turmoil as it had been in a hundred years. And yet within 2 years one man had, by the very force of his character, helped restore the faith of the American people in this Nation.

A recent poll taken by Potomac Associates shows that out of 18 major private and public institutions the Federal Executive alone showed 10 percent increase in public confidence during the past 2 years. This astounding rise, unprecedented so far as I know in polls of this type, can be traced solely and directly to the character and the example of President Ford. What a magnificent, unparalleled accomplishment this is.

When President Jimmy Carter began his inaugural address he had words of praise for Gerald R. Ford. President Carter's words were not only gracious—they were perfectly fitting and will be long remembered by all who heard them. They spoke for all of us in saying thanks to a great President.

So, I am certain that history will record that Gerald Ford earned and deserved the thanks of the people of the United States not only for what he did but for who he is. I can think of no finer tribute.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I join with many other Members who are today joining in paying well deserved tribute to a great man who has served his Nation with dignity, honor, and excellence these many years. I join with those who say that we are proud of this man, Gerald Ford, who served in so many ways and in so many capacities. We are proud of him as a man and we are proud of him for the job he did here in Congress and proud of the great job he did as Vice President and as President.

Mr. Speaker, Gerald Ford is a man whom people do respect, a man of integrity. I always think back fondly and cherish the memories of my many contacts with this man over the years when he was a Congressman, the minority leader, Vice President, and President. He was helpful in so many ways, and I admired him so much as he exhibited firm but patient leadership.

Mr. Speaker, one thing that I would recite for the benefit of the Members today is that Jerry Ford always has said that with the exception of his home State of Michigan and, of course, the District of Columbia, and his second home in Virginia, he probably spent more time in North Carolina than in any other State in the Union. He went to school there one summer in the 1930s and then in the 1940s, when he was in the Navy, he was at the University of North Carolina, in the pre-flight program there.

His son, as many know, went to Wake Forest University in North Carolina, in Winston-Salem. Therefore, Jerry Ford had occasion to be there many times during that 4-year period. Then, of course, he was in North Carolina on many, many occasions speaking out for the Republican cause and for the two-party cause in that State. We North Carolinians consequently think of Jerry Ford as an honorary citizen of our State. We do hope that as "citizen Ford" he will have opportunity to visit our State on many occasions. We certainly will welcome him and Betty.

In fact, Mr. Speaker, he was a guest of mine in the mountains of North Carolina on that Sunday before former President Nixon chose him to be the Vice President on that Friday in October, and I know of many occasions when he has remarked about the view from his window there of the mountains of North Carolina and how he would like to have had the opportunity to have relaxed and to have spent more time there. However, from that Friday on, when that yoke of responsibility was placed around his shoulders, he did not have much time then to relax and to have a day or two for himself because of having to work overtime for the people of this country.

Mr. Speaker, I will always be grateful for the opportunities for extra service that Gerry Ford gave to me as he served as minority leader in the House.

Late in the 92d Congress, a special House-Senate Study Committee was formed to study the problem of the ever growing budget and to recommend budgetary reforms that Congress would use to gain more control over Federal spending. I was highly honored to be recommended by then Minority Leader Ford to serve on this committee. I served as the only minority Member who did not sit on the powerful Appropriations or Ways and Means Committee. In other words, I was the unofficial representative of all members on the Legislative Committees, all of whom have a keen interest in the budgetary and appropriations process. Later, as the Budget Committee was formally organized, I was honored to be named as a charter member of this committee. For this opportunity of service, as well as many others, I will always be grateful because Gerry Ford had faith in me and my judgment to recommend me for these posts of service.

I do hope that we can persuade Gerry and Betty Ford to visit North Carolina often. Louise and I want them to know that they are welcome any time!

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, I

want also to join in the special order that has been granted to pay our respects to our friend and former colleague in this body, the former President, Jerry Ford.

I would be able, I think, to go on at some length with personal reminiscences about the man, including the fact that probably more than any other single individual, except for my own father, he may be the reason that I am in this body; that, and a few thousand votes from the Seventh District in Ohio, because at the time of my father's death, Gerald Ford was there for the services. As a matter of fact, he performed the masonic service at the funeral and then at that time had a little time to visit with me and to talk about the kind of Congressman who should serve the district after the period my father enjoyed here.

As a result of that personal association, as a matter of fact, my sister and her husband were pleased to do something that was of a very personal nature with the President and that was to present him and Mrs. Ford with a cover for his new White House swimming pool. That is one of the former President's favorite means of recreation. I know that the whole family, therefore, has the same feeling about President Ford as I do.

Mr. Speaker, it has been one of the greatest personal honors of my life to have been a friend and colleague of a great President of the United States, Jerry Ford. He is one of the kindest, most considerate men I have ever had the privilege to know, Joyce and I miss Jerry and Betty very much already.

Jerry Ford was our minority leader when I first joined this body almost 12 years ago. I particularly admired his steady leadership and adherence to principle even in the face of repeatedly overwhelming opposition from the other side of the aisle.

His performance as President, I think, produced in the Congress a genuine affection for the man and a respectful regard for his leadership in a difficult time, despite the frequent policy differences with those on the other side of the aisle who dominate this House. The roaring applause given President Ford last month in his final appearance here still reverberates in my memory. The President's last appearance here, for his state of the Union message, was a touching personal experience for me.

As he is, I am proud of President Ford's record and accomplishments, not the least of which was his transformation in 2½ years of the Nation's highest office from an object of ridicule and scorn to its proper historical role as the focus of respect and high regard for the good that is America. But my list of President Ford's positive contributions goes far behind that.

Perhaps least recognized, but most significant, is the reversal of America's decline as a positive force for peace in the world. His diplomatic leadership in Europe, in the Middle East, in Africa, and in dealing with the ever-increasing demands of Third World nations in the United Nations is evidence of the continuing strong influence of the United States in the world, in spite of congressional attitudes which border on isolationism.

But the real accomplishment—underlying the Nation's positive world role and making it possible—was President Ford's advocacy of a reversal of the decline in our defense capabilities. In recent years, the buying power of the defense budget had been experiencing sharp declines as the eroding effect of inflation outpaced congressional willingness to fund our Defense Establishment. The President's success in stopping that decline is remarkable when it is noted that he did it in the aftermath of America's most divisive war while faced with the most liberal Congress in history.

At home, President Ford inherited one of the most difficult economic problems ever to face an American President: an unprecedented and difficult combination of high inflation and high unemployment. Two years later we find inflation at less than half its earlier level and declining. Unemployment has not been so fast to abate, but it, too, is receding. Actually, the Nation's economic recovery created record new jobs during the Ford Presidency, but the unemployment rate stubbornly refused to decline in the face of record new entrants to the job market.

The Ford economic policy was based on fiscal restraint by the Federal Government and on the principle that leaving more economic decisions to individual Americans is consistent both with our basic American ideals and with sound economics.

His vetoes of excessive spending bills by Congress saved billions of dollars and prevented Federal budget deficits from being even higher than the record levels voted by Congress during his term. President Ford had proposed both less spending and lower taxes for Americans. Unemployment would be lower if Congress had more closely followed the Ford prescription for creating a climate in which permanent private employment would be created in American industry.

Another basic philosophical thrust of the Ford administration was the desire to decentralize decisionmaking by consolidating Federal financial aid programs and allowing States and localities more latitude in meeting their community needs. The extension of Federal revenue sharing was the President's greatest success in this area; congressional rejection of his block grant proposals in health and education represented the biggest disappointments.

When evaluating the Ford record, it is important to keep in mind that he had to deal with a Congress more heavily dominated by the opposition party than that faced by any President since the end of Grover Cleveland's second term, exactly 80 years ago. Not only that, but it was a Congress puffed up by press and public approval of its Watergate investigation and newly determined to assert its own independent powers.

This serves as an appropriate preface for a comment on the Nation's energy policy or, rather, the lack of one. It is not that President Ford did not do his best to provide leadership. It is that Congress failed to follow his recommendations—or even to develop an alternative. As a principal congressional spokesman for the Ford policy of using the competitive market system to help bring about energy independence by encouraging conservation and domestic energy production, the obstinancy of Congress has been particularly frustrating.

Taken as a whole, President Ford's contributions to his Nation are immeasurable. It is difficult to sum up the career of a man who was the leader of my party in this House during my years in Washington before he went on to become the leader of all Americans. I take comfort in the confident belief that history will regard him as highly as do we who knew him best.

Mrs. BOGGS. Mr. Speaker, it is a pleasure indeed to rise today to express my deep respect and sincere appreciation for the service of our former colleague, Gerald R. Ford, during his tenure as President of the United States.

President Ford entered the White House during one of the most difficult periods of American history, and through his earnest efforts to reunite our Nation, we enjoyed the return of domestic stability and a period of quiet initiatives abroad. Under his leadership, Americans learned to look ahead toward solving our present and future problems rather than dwelling on past events; we were reminded that we are a good and decent people who can rejoice in our 200 years of freedom.

I had the privilege of serving with Gerald Ford in the House, and for many years he and my husband, Hale, worked together in the Congress as colleagues and leaders. The House of Representatives should be proud not only that one of our own colleagues and friends rose to the Presidency, but also proud that he distinguished himself as a warm and human President who brought Americans together again.

I have known the President and his marvelous wife, Betty, for many years and I salute her contributions as well. I will miss their presence here in Washington very much.

Mr. RAILSBACK. Mr. Speaker, less than 2 weeks ago, on January 20, we all took part in the transfer of power from one President and one political party to another, duly elected by the American people.

The fact that this peaceable transfer occurs at all is a testament to the strength and vitality of our system in a world of chaos and tyranny. That it was accomplished in 1977 in such an atmosphere of harmony and good feeling is the achievement of the man we honor today: President Gerald R. Ford.

I entered the House of Representatives 10 years ago, as part of a large freshman class of Republicans elected in 1966. Gerald Ford had been minority leader for 2 years by that time, and he had been a major factor in the party's revitalization following the major loss in 1964. We served together for the next 7 years, and, in 1973, Jerry Ford left the House he loved and took on the task of serving as Vice President in an administration that was facing the greatest political scandal in our history.

In the year that followed, the Nation's political and economic condition became even more grim. Inflation soared, and it became evident that persons in high places had betrayed the public's trust. By August 9, 1974, the day former President Nixon had resigned, the Nation had been through a grave crisis and faith in our Government needed to be restored.

The contrast between the fateful day, when Gerald Ford was sworn in as President, and Inauguration Day 1977 when the office was taken over by Jimmy Carter is remarkable.

Confidence in our Government has been renewed and a feeling of trust and good will prevailed. This restoration of stability was the first and foremost achievement of Gerald Ford. Always at President Ford's side while he bound up the Nation's wounds was his courageous wife Betty. She too will have a special place in our hearts for many years to come.

President Ford said eloquently what he hoped to achieve and what he did in fact accomplish in the words of his inaugural address:

> In all my public and private acts as your President, I expect to follow my instincts of openness and candor with full confidence that honesty is the best policy in the end.
>
> My fellow Americans, our long national nightmare is over.
>
> Our Constitution works; our great Republic is a Government of laws, and not of men. Here the people rule. But there is a higher power, by whatever name we honor Him, who ordains not only righteousness but love, not only justice, but mercy.
>
> As we bind up the internal wounds of Watergate, more painful than those of foreign wars, let us restore the golden rule to our political process, and let brotherly love purge our hearts of suspicion.

Mr. Speaker I can honestly say that Gerald Ford has made me proud to be a Republican and prouder still to be an American. May he and Betty and their family enjoy in future years great happiness, the best of health and good fortune.

Mr. DERWINSKI. Mr. Speaker, I am pleased to join with my Illinois colleague, BOB MICHEL, in paying tribute to former President Gerald R. Ford. However, in so doing, I really want to pay tribute to our former colleague and good friend, Jerry Ford.

The trait that endeared Jerry Ford to us more than anything else was that he is a genuinely warm individual. He does not suffer from an inflated ego or illusions of grandeur.

As minority leader of the House, he appreciated the fact that many of the Members had unusual problems in their own regions or district and recognized that Members of a legislative body maintain legitimate individual aspirations.

He was a sound political leader, but he was not overly partisan. He was a strong political leader, but he did not seek to dominate.

All the wonderful traits that he exhibited in the House of Representatives, Jerry effectively demonstrated through the difficult period during which he served as our President.

Jerry Ford will continue to play a positive role as a respected national political figure. Who knows, he and his family may once again occupy the White House in 1981. Whether or not he once again reaches the Office of Presidency, he has earned the respect of millions and millions of our citizenry. He will retain that respect as he speaks out from time to time on national and international issues.

It was my personal privilege and pleasure to serve for 15 years in the House of Representatives with Jerry Ford. He is one of the finest men I have met in my public service. It is a privilege to join in paying tribute to him this afternoon as a great American, a great legislator, a great President, but above all a great friend.

Mr. CORCORAN of Illinois. Mr. Speaker, in the history of every nation there are great men. Some are great thinkers; some great soldiers. There are great lawmakers, educators, writers, and clergy. Some are great because of their actions, others because of their words. Some achieve greatness because they seek it, while others have greatness thrust upon them.

So it was with Gerald Ford. He did not seek greatness, but when occasion demanded, he was great. He was great not because of what he did, although much of what he did was great. Gerald Ford was, and is, a great man because of what he was: A good and decent man, who loved and served his country to the best of his ability.

During the summer, and on through Inauguration Day, no one questioned Gerald Ford's decency. But always, there were the few who said, "He's a decent man but * * *" These few placed decency and morality in the same category as good table manners.

But, Mr. Speaker, decency is not in that category. It is in a class by itself, and no man, whatever his deeds, can truly be great if he lacks decency and morality. Without those virtues, he is merely successful.

I do not know, Mr. Speaker, how history will judge President Gerald Ford or his administration, for much of history is beyond the control of men. When the final account is written, it will tell of a man who became President under the most difficult circumstances faced by any President since Lincoln. It will tell of a man who took a country infected with fear, suspicion, guilt, and doubt and healed it.

No, Mr. Speaker, I do not know how history will judge President Gerald Ford, but I do know how it will judge Gerald Ford the man. History will find Gerald Ford to be a great American, and a great man. And someday, if I am privileged to serve my country for 30 years, as he did, I can think of no tribute more desirable than to be compared favorably with Gerald Ford.

Mr. CARTER. Mr. Speaker, it is with the greatest pleasure that I join in tribute to our 38th President, Gerald R. Ford.

President Ford was fond of saying, "I'm a Ford, not a Lincoln." But, Mr. Speaker, I submit that like that first great Republican President who led this country through its greatest crisis, Gerald Ford will take a place in history as a leader whose personal qualities and courageous action met the test of his time and ultimately preserved the Union.

I am proud that I served with Gerald Ford here in the House of Representatives for 10 years. I know him to be an honorable man, a good man, a true Christian.

I was pleased at former President Nixon's selection in October 1973 of then-Minority Leader Ford to become Vice President.

He became Vice President after the first resignation of anyone who had held that office in the previous 192 years of our constitutional government. His nomination under the provisions of the 25th amendment subjected Gerald Ford to the most intensive scrutiny of private and public life to which anyone ever had submitted. And that investigation found no hint or substance of anything but a lifetime of decent, upright living.

Eight months after becoming Vice President, Gerald Ford succeeded to the highest office in our land.

For those of us who were in Washington during those summer months of 1974, it is difficult to forget the day-to-day tension and the growing sense that our Federal Government was being immobilized by the political crises.

With Gerald Ford's succession to the Presidency, he swiftly began to restore the confidence of the American people in our constitutional government, a confidence which had been sorely shaken by the events of preceding months. He succeeded in restoring the faith of the American people to a remarkable extent; he brought to the Presidency a sense of decency, and the American people responded positively.

President Ford also demonstrated an ability to make hard decisions and to do what was necessary to carry them out, as shown by the rescue of the crew of the *Mayaguez*.

While the memory of the political discord over the Watergate situation perhaps overshadows the other serious problems that President Ford inherited, I must remind my colleagues that inflation and recession also were burdens he took up and worked to alleviate. During his 2½ years as President, the long-term unemployment situation greatly improved. At the same time, the numbers of persons with jobs rose to the highest levels in our history.

Gerald Ford did not seek to become President. Yet once in office, he acquitted himself well. I feel also that Betty Ford is due praise for the way in which she conducted herself as our First Lady. To millions she was a positive example of personal courage and selfless public service. The Ford children likewise demonstrated the qualities of closeness and love within a family, qualities which some bemoan as things of the past.

In his last formal address to this body on January 12, Gerald Ford told us that—

> Like President Washington, like the more fortunate of his successors, I look forward to the status of private citizen with gladness and gratitude. To me, being a citizen of the United States of America is the greatest honor and privilege in this world.

Mr. Speaker, when Gerald Ford spoke from his heart, as he did that night, it became apparent that whatever is said about him can neither add to nor detract from the honor he already feels as an American. But, Mr. Speaker, I want to thank him and his family for their fine service in behalf of our country. I wish for them the very best in the future, and may God bless them.

Mrs. HOLT. Mr. Speaker, the departure of Gerald R. Ford from Washington was a personal experience for many of us. He was not only the President of the United States until January 20, but he was a personal friend whom many of us learned to know and cherish during his long congressional career.

The press has praised his decency and affability, but there is much more to him than those endearing qualities. Behind that friendly manner is an abundance of intelligence, and much courage.

It is the normal practice of a politician to promise everything, to put off the hard decisions on priorities, to tell the people that Government can somehow solve their every problem. This was not the style of Gerald Ford. He told the truth.

He had the courage to propose painful cuts in Federal programs because he know that the colossal growth of Government is damaging our economy, and might someday strangle it. Even during an election year he had the courage to veto big-spending legislation that was supported by powerful special interest lobbies and constituencies.

Gerald Ford understood that the first obligation of a President must be national security, and he was determined that our national defenses must remain strong to prevent our totalitarian adversary from achieving world dominion. He told us that we could not sacrifice defense for social programs, that there is a price we must pay for freedom and peace.

To a great extent, his leadership succeeded in reversing a dangerous decline in our military strength, and the American people are increasingly aware of our defense needs. America owes him gratitude for this courageous exercise of leadership.

In foreign policy, we watched him tirelessly pursue peace in a world that always seems ready for more bloodletting. The diplomacy of his administration has made lasting peace a possibility in the Mideast.

Gerald Ford assumed the Presidency when an unpopular war, political scandal, and grave economic problems had destroyed the confidence of many Americans.

When he left office, America was not at war, the honor of the Presidential office had been restored, our Nation was rapidly recovering from the worst recession in 40 years, and the American people were recovering their confidence.

Gerald Ford is a man of honor and courage, and we can be grateful that such a man was President at a time when those qualities were desperately needed at the seat of power.

I trust that we will be seeing Gerald Ford again, and hearing from him. He is not retiring from public life, and perhaps some day he will drop in to visit us in this House, where he served 25 years. On that day we will not only be honored; we will be delighted to greet a longtime friend. Knowing Gerald Ford, I know he will continue making a contribution to the country he loves so well.

Mr. HAMMERSCHMIDT. Mr. Speaker, I am pleased to join my many colleagues here in the House today, in paying tribute to Gerald R. Ford, the 38th President of the United States.

During the 200-year history of our Nation, we as a people and as a country have faced many crises, from the struggles of a new land to sustain itself in an already established world of nations, through civil and international war, economic depression, and social upheaval. We have been fortunate, when those times arose, to have men occupying the White House who have been admirably suited to meet the unique challenges confronting them. Gerald R. Ford was such a President.

During the years immediately preceding his Presidency, this country went through one of its greatest periods of turmoil. We faced the possibility of a contitutional test most of us had never really expected would ever come close to occurring. The population was divided and we alienated ourselves from each other and from our leaders, at all levels of government. There were, I dare say, few Americans who did not at some point question the validity of our democratic institutions. It was a time none of us will ever forget, but it was also a time that none of us would ever want repeated.

At such a time, we needed a special kind of leadership. We needed an individual who could rekindle the dwindling faith of a people in its society and its Nation. We needed a person of quiet dignity, calm reasoning and strength of purpose; someone who could continue to hold the respect of his colleagues in the Congress, while earning the respect of the Nation, by demonstrating an integrity of character and a forthright manner with the people.

For over a quarter of a century, Jerry Ford served here in the House of Representatives with distinction and honor. The high regard in which he was held by his fellow Republicans was demonstrated by their selection of this capable man as minority leader. While holding this position, his sincerity and his honesty in dealing with the complex and often sensitive political aspects of his position also earned him the great respect of his colleagues on the other side of the aisle as well. Above all considerations while serving in the House, Jerry Ford strove to approach his responsibilities with the best interests of the Nation in mind.

When Jerry Ford was selected as Vice President of the United States, under circumstances which had never before confronted the Nation, he was overwhelmingly approved by the membership of both Houses of the Congress. Knowing full well that they were personally approving the selection of a man who could conceivably become the next President of the United States, a bipartisan Congress spoke for the Nation and cast its vote for one they knew would continue his efforts on behalf of the American people, no matter what might lie ahead. In so doing, the Congress chose well.

As President of the United States, Gerald Ford faced a task no less difficult than Presidents confronted with great international dilemmas in the past. In fact, the resolution of our domestic difficulties were perhaps more severe, since international conflict tends to bring us together as a people, where domestic discord puts a wedge between us as countrymen. President Ford's great task was to remove that wedge and reinstate a unity of purpose and strength of will among all Americans. He met that challenge well, by providing the kind of national leadership that set a personal example for all of us as individuals, and as citizens of this still great Nation.

On January 20, 1977, Gerald R. Ford ended a distinguished career in Federal service. What added that distinction to his years in political office was his ability to remember that he was first and foremost a man of God, as well as a servant of the people and a holder of the public trust. As a man of conscience, he served his Nation well and will be remembered in the history of our country as a leader of people who never forgot that his strength came from his ability to serve others, and not himself.

It was a great privilege for me to serve in the House of Representatives with Gerald Ford, and an honor to have been associated with his Presidency while continuing to represent the Third District of Arkansas in the Congress of the United States.

Mr. REUSS. Mr. Speaker, in the opening sentence of his inaugural address, President Carter expressed his gratitude to Gerald R. Ford "for all he has done to heal our land."

The new President was expressing a gratitude which all Americans feel toward a man who has given more than 25 years of his life in public service. Events brought Gerald Ford from the Congress to the Vice Presidency, and then to the Presidency, although these were positions which he never sought. At a time of the most serious national tension and disillusionment, Gerald Ford served with strength, decency, and good will. He was what we needed at that difficult time, and his leadership helped to restore to the American people faith in our Government.

I am proud to join my colleagues in this expression of our appreciation of Gerald Ford's service, and our best wishes to him and to his family.

Mr. BOB WILSON. Mr. Speaker, we have all heard numerous times the expression, "Right time, right place." In speaking of our colleague and my old and valued friend, Jerry Ford, I am sure that expression can be paraphrased as "Right man, right time, right job." Jerry Ford was the ideal man to take over the reins of our Government at that particular trying moment in our history.

A few weeks ago, the Washington Post said in an editorial:

The President who will leave office (this week) brought precisely the needed temperament, character and virtues to the high office he has temporarily held. * * * In his first days and months, it was as if he had

liberated Washington—from its personal fears and hostilities and suspicions, from the dark and squalid assumptions that people had come reflexively to make about one another and about the way things "really" worked. * * * Our point is merely that Gerald Ford brought to the White House an open, unsinister and—yes—decent style of doing things that altered the life of the city and ultimately of the country.

Jerry Ford is a man of great courage and great modesty. His hat size is the same as it was when he was a junior Congressman at the time I first met him over 20 years ago. He is a family man and an honest, trusted public servant who is a real credit to our country. I know the American people came to know and appreciate his qualities.

Mr. Speaker, as Jerry Ford retires to private life, I believe we should all thank God for giving us such a good and noble man. My wife Shirley and I wish Jerry and Betty every good wish for happiness and achievement in the future.

Mr. HYDE. Mr. Speaker, Jerry Ford made us all proud of the Presidency once more, and enabled us to regain pride in our political institutions following some of the darkest hours in our history.

To call Jerry Ford a "decent man" hardly does justice to him and his towering achievements. His personal honesty and integrity were so apparent and pervasive that America regained its sense of national dignity as well as its role as moral leader of the free world. For this we owe lasting homage to this uniquely right man at the right time. I will tell my grandchildren about Jerry Ford and how his Presidency was another example of the benevolence Providence extends so often to America in time of great stress.

Mr. CAPUTO. Mr. Speaker, I would like to pay special tribute to Gerald R. Ford, our Nation's 38th President. Mr. Ford served our country as a Congressman, Vice President, and President, spanning 28 years of public life, in an exemplary fashion. Though I do not know Mr. Ford on a personal basis, I do know him as every other American does—as a man of honesty and decency.

Jerry Ford's candor and forthright attitude are refreshing. Integrity, decency, and honesty were the constant qualities that endeared him to the public. It was these human virtues that provided a sound foundation for a restoration of faith and confidence in Government.

Mr. FINDLEY. Mr. Speaker, no President in our history inherited the highest office in the land at a time when it was under a greater cloud of suspicion and mistrust than Gerald R. Ford. None has done more to restore public confidence in the Presidency.

For that reason alone Gerald Ford's place in history is secure. The social programs of the 1930's and 1960's proposed by earlier Presidents will fade or be discarded long before the accomplishment of President Ford ceases to have meaning. For as long as our Nation endures, Gerald Ford's contribution too will endure. That is because our constitutional system requires the existence of a strong President, working in tandem with a strong Congress, to meet the critical problems which daily confront our country. When Mr. Ford assumed the Presidency, the institution was at its weakest point since its inception. When he left office, the President of the United States was again the respected leader of the Nation and the free world.

Mr. FISH. Mr. Speaker, I feel privileged in being able to join with my colleagues on both sides of the aisle in paying tribute to an old friend and a great leader—former President Gerald R. Ford.

In the years I served with Gerald Ford in the House, I came to know him for what he is: a courageous, honest, kind, and decent man. It is my belief history will record that Gerald Ford, in his short term of office as the President of the United States, did more to restore luster to that high office than any other President in our history.

To appreciate Gerald Ford, we must look back on the peculiar set of circumstances that led him from the position of minority leader to the office of the Vice Presidency as the first person to hold that high office under the 25th amendment to our Federal Constitution.

While the circumstances which led to Gerald Ford being the first nonelected Vice President in our history were starkly tragic for our Nation, we tend to forget them, as they paled by comparison to the circumstances that a few months later required him to assume the high office of the Presidency.

For a moment, recall with me those turbulent times, the scandal that became known as Watergate. The events of the 1972 break-in of the Democratic National Committee Headquarters in the Watergate had been unfolding all during the summer of 1973. By December of 1973, as the full engines of possible impeachment were beginning to turn, Gerald Ford was sworn in as Vice President.

By August 1974, he found himself catapulated into the office of the Presidency—the first nonelected President in our history, and the first—we can all hope the only—person who will ever face such a challenge.

After nearly 2 years of revelations of the scandal of Watergate, the image of the highest office of our land was tarnished, as perhaps never before in our Nation's history. There was unrest in the land. The passions generated by impeachment divided our people. For nearly 2 years, our people had been battered by scandal after scandal. The actions of self-defense by the administration robbed it of the ability to lead our Nation in any meaningful way.

And then came Gerald Ford. A quiet man. A steady man. An honest man. A man who in less than 2½ short years would imprint his own honesty and decency on the office. A man, who in less than 2½ short years, would once again restore public faith in the highest office in our land.

Mr. Speaker, I do not feel I exaggerate. As one who lived through those years, and participated as a member of the House Judiciary Committee in the high drama of the impeachment hearings, I can say without fear of contradiction that the mood and temper of our country underwent a total change between the day Gerald Ford assumed the Office of President and the day that he left that Office.

There are many who say that our Nation's ability to survive the stresses of Watergate prove the resiliency and strength of our institutions. And they are right. But also, I believe, that the reason we as a people recovered so rapidly, the reason our Nation was healed, was due to the personality and leadership of Gerald R. Ford.

Mr. Speaker, I am proud to have served under President Ford and to have known him. In all honesty, to have seen him in action makes me proud to be an American.

Mr. O'BRIEN. Mr. Speaker, history will treat kindly the Presidency of Gerald R. Ford. It already has.

President Carter began his Presidency with a tribute to Mr. Ford.

"For myself and for our Nation, I want to thank my predecessor for all that he has done to heal our land."

Applause, then cheers, for Jerry Ford, who leaves America an uncommon legacy.

Jerry Ford has already been eulogized as the right man at the right time in American history; that he restored decency and trust and confidence in the Presidency and in Government. But a restoration of decency almost surely would have happened with anyone who came to the Presidency when Mr. Ford did. His service in the Office was more than that.

To the task of restoration, Jerry Ford brought a special gift, for he was an honest man who had not sought the office. A better politician would have been a worse President for his time.

He said he would do his best. What the job demanded, he tried. With Jerry Ford what you saw was what you got, and that inspired trust. Even those who assailed his programs could not find grounds to challenge his motives.

Mr. Speaker, I would like to share with the House on this day a pair of outstanding editorials summing up the Presidency of Gerald R. Ford; one, from the Joliet Herald News of January 23, 1977, entitled "Gerald R. Ford Stabilized the Nation," and a January 13, 1977, editorial from the Kankakee Daily Journal, titled "Ford Says Goodbye":

GERALD R. FORD STABILIZED THE NATION

Gerald R. Ford left his record to history when he turned the White House over to a new President. The historians may have less to say about the Ford presidency than about most others, but our conviction is that what they say will be good.

When we speak of the Kennedy years, the Johnson years and the Nixon years, a host of images come to mind—some good, some bad, but mileposts marking the eras of our national life.

The images we retain from the Ford years may be less distinct, less colored with dramatic highlights or memorable phrases. Gerald Ford is leaving behind no sweeping legislative programs bearing either a catchy slogan or his name. There is no "Ford doctrine" that would associate him with a new turn in foreign policy. It is hard to single out a characteristic of the Ford administration that would aptly describe its style or tone.

Yet none of this changes the fact that a man of impressive stature and political sensitivity has left the White House. His legacy can best be measured in the intangibles of dignity and respect which once again can be associated with that seat of American political power and international influence known as the Oval Office.

Mr. Ford wanted to contribute more. We think he could have. He had never sought the presidency before the extraordinary series of events that handed it to him, but he rose keenly to the opportunity to fill that office by election and bring to it the stamp of leadership and initiative that go with an electoral mandate.

But that was denied him, and the possibilities of a Ford administration more fully his own will remain conjectural.

His presidency of less than 30 months will be judged on what the times demanded of him, and what he was able to give. And that judgment certainly will recognize achievement of the first order under some of the most difficult circumstances a president could face.

Mr. Ford has conceded that his preoccupation during much of his term was to rebuild the shattered trust of the American people in their own government and to restore credibility and strength to the United States as a world power. He did this by approaching the office of president with the respect it deserves, by giving steady, sober attention to the issues that crossed his desk and by speaking candidly about them to the American people and to Congress. And he showed the rest of the world that the Watergate scandals and the setback of Vietnam had not shaken the resolve of the United States to fill its mission as a force defending freedom and seeking peaceful resolution of international issues.

But to a majority of voters last November, this was not enough. The shortcomings and mistakes that are blamed for Mr. Ford's failure in his first nationwide test at the polls cannot be denied.

But it is fair to ask whether a president more activist in his approach to economic problems, more pliable in his disputes with Congress, and less wedded to the direction of the Nixon-Kissinger foreign policy could at the same time have been the stabilizing figure at the head of the government which the country so sorely needed.

Much is said these days about the presidential "image." The image of President Ford may be the dominant feature in our memory of his brief period now ended—for the simple reason that it was never the product of campaign advisers and political dramatics. It is the genuine image of a conscientious, hard-working man, "square" in the old and the new meaning of the word, giving all he had to the toughest job in the world and, above all, turning the Oval Office over to a new tenant in much better condition than he found it.

FORD SAYS GOODBYE

House Speaker Thomas O'Neill introduced "an old friend, the President of the United States," and the members of Congress rose in a rousing welcome, punctuated by enthusiastic cheers, which lasted for almost three minutes.

There is no doubt about the genuine warmth and affection which greeted Gerald Ford last night as he went before Congress, the Cabinet, the Supreme Court and the diplomatic corps to give the third and final State of the Union address of his brief presidency.

In his last official appearance before Congress, where he served for 25 years before becoming President Nixon's vice president and then successor, Ford made no specific legislative proposals. Noting that President-elect Carter will be outlining his own priorities within a few days, he added, "Tonight, I will not infringe on that responsibility but rather wish him the very best in all that is good for our country."

The president then looked back on the record of his administration and outlined in broad strokes his vision of the path the nation must follow. Characteristically, that vision was modest and restrained and contained no surprises.

He urged that Congress and the Carter administration adopt "prudent" policies at home, warned that the nation must never be "second in defense," and said that he was returning to private life "with gladness and gratitude."

He pointed with considerable pride—and justification—to his role "in rebuilding confidence in the presidency, confidence in our free system and confidence in our future."

He expressed that confidence in the terms of an old-fashioned patriot:

"To me, being a citizen of the United States of America is the greatest honor and privilege in the world . . .

"We can be confident . . . that 100 years from now a freely elected president will come before a freely chosen Congress to renew our great republic's pledge to government of the people, by the people, for the people . . ."

He discussed his disappointment: continued high unemployment, failure to reduce the size of government, the continued lack of a cohesive national energy policy.

And he ended it all on an emotional note, his voice breaking, with a farewell to the Congress in which his political career had begun 28 years before and a simple prayer for God to "guide this wonderful country, its people and those they have chosen to lead them."

The reaction to President Ford's farewell address was bipartisan and as warm and affectionate as his welcome. O'Neill, the president's closest friend among Democrats, all but embraced Ford at the end of the speech and later told reporters: "It is a safe conclusion to say he was the right man at the right time."

Yes. And it is impossible not to agree with Daniel Patrick Moynihan, a freshman Democratic senator from New York and onetime member of the Ford administration:

"It was a lovely speech," said Moynihan. "He is a great man. It is a time to be happy."

Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable Gerald R. Ford, the 38th President of the United States.

President Ford began his career of public service in 1949 when he was elected Congressman of the Fifth District of Michigan. During his years in the House of Representatives, he diligently served his constituents and because of his devotion to duty and his ability and qualities of leadership, he rose in the esteem of his colleagues and was elected House minority leader, where he served with outstanding distinction.

In 1973, Gerald Ford became the first Vice President in our history under the terms of the 25th amendment to the Constitution.

On August 9, 1974, Mr. Ford was sworn into office as the 38th President under circumstances which demanded consistent good judgment, courage, and most important of all, high moral and ethical standards. He carried out the duties of his new office in a way that restored the confidence of the people and the Congress in the Office of the Presidency. With the highest standards of honor and honesty, President Ford brought the country from crisis to stability.

Although President Ford was narrowly defeated in the 1976 general election, he and his wife Betty left the White House with the wholehearted esteem and high regard of the American people. The compassion, understanding, and good humor of the Fords were of inestimable value to the morale of the Nation.

Mr. Speaker, I was proud to serve with Gerald Ford in the House of Representatives. I have known him now for over 12 years and he is a man of the highest standards. His term of service to the American people as President brought our country through 2 of the most difficult years of its history.

I commend President Ford for a job well done, and I extend my congratulations to him for his dedication and splendid example of integrity. I send the President my warmest best wishes for a healthy, happy retirement and further success as he continues his life of service.

Mr. BURLESON of Texas. Mr. Speaker, first I wish to thank my friend and colleague, BOB MICHEL, the minority whip, for arranging this special order and inviting participation on the part of those of us who have had a long and personal association with a mutual friend, former President Gerald R. Ford.

I am aware that once a man is President, he is always, "Mr. President," but in this instance I am overcome with the temptation to call him "Jerry," which is endearing and conveys more personal meaning.

My personal relationship with Jerry goes back to only a few days after he came to the House of Representatives. Over the years, there were occasional disagreements on legislation, but as we know here in the Congress, probably no two of us always agree on everything. In whatever the association, it was always most pleasant and with mutual understanding.

As President Carter said to President Ford at the beginning of his inaugural address, this Nation should thank Jerry Ford for his leadership and healing influence during the period of his Presidency.

We have a way here in the Congress of identifying dedication and the opposite characteristic. Perhaps, more often, it is by osmosis, which of course, is not infallible; but in the case of Gerry Ford's Government service, I have never heard anyone question or even intimate anything other than the highest dedication to serving the best interest of the Nation, the State, and people whom he represented. I have always felt that probably one of the greatest compliments one could pass on to a fellow man is simply to say, "He is a good man."

I wish for him, his wife Betty, and their children, great happiness and satisfaction in the knowledge that all of them have stood before the people of this Nation in admiration. May they enjoy happiness and good health in the future.

Mr. GLICKMAN. Mr. Speaker, it is a pleasure to give credit to Gerald Ford, a man who did much to restore dignity and trust to the Office of the Presidency. Gerald Ford and I are in opposite political parties, and I doubt if he even knows who I am. I have met him only once—

when I was a student at the University of Michigan in the early 1960's. Because he and I were graduates from the same alma mater, I have always felt a special kinship to Gerald Ford as a human being.

Needless to say, the last 3 years have been unusually trying for the Republic. Yet in his own quiet fashion, Mr. Ford managed to handle the Presidency with strength and compassion. And while I disagreed with him many times, I always admired his honesty and warmth. Perhaps the most humanizing aspect of the Ford administration was the beautiful relationship of the entire Ford family, and the love that they shared with each other.

As a new Democratic Member of Congress from Kansas, I am proud to be working with President Jimmy Carter on issues affecting this country's future. But I am also proud that the survival of this country was buttressed by the actions of Gerald Ford and I am positive that he must feel a great sense of pride in his accomplishments.

Mrs. FENWICK. Mr. Speaker, I would like to add my voice to those of other Members who speak today about Gerald Ford, 38th President of the United States. He assumed office in a time of trouble and confusion. He left a Nation at peace, not only in the sense that our armed services were not fighting, but even more in the sense of confidence which he inspired. The good feeling between him and the President-elect was obvious, and a great blessing to the country. An honorable, steady man, good-humored and kindly, he did indeed, as President Carter said, do much "to heal our country." He leaves us all in his debt.

Mr. SCHULZE. Mr. Speaker, as we pay tribute to Gerald R. Ford—the man, the Congressman, Vice President, and President of the United States—I wish to share with my colleagues an editorial that recently appeared in the Canton Repository. I believe it accurately reflects the mood of America and her people; for it is that well-being that Gerald Ford gave the Nation, in his years of service to his country, that we thank him for today:

GERALD FORD: HE RESTORED FAITH

Gerald Ford probably is correct in his observation that he sees his greatest contribution to the country in his brief presidency as the restoration of faith in the federal government.

He made that appraisal in an interview with Barbara Walters of ABC News that was carried by the ABC network Jan. 3.

Ford will be remembered by the American people with increasing affection as the years pass.

He came to the White House under a distinctly unfavorable set of circumstances—possibly the worst that had confronted a U.S. president, at least in this century.

Appointed to the vice presidency to succeed a resigned and disgraced Spiro Agnew, he scarcely had settled into that assignment before he was called to replace Richard Nixon when he resigned, in the wake of Watergate.

That was enough of a burden to shatter many men but on top of it Ford faced other critical problems—the Vietnam war had not been wound down completely, the nation was in the throes of its worst economic slide since the Great Depression of the early 1930s and an energy crisis was growing.

In striving to find his way out of that morass Ford received relatively little assistance from a generally hostile Democratic majority in Congress.

Ford didn't eliminate all the problems. No one could. But he rather effectively removed the Vietnam war and Watergate from center stage in the public mind, pulled the country out of the depths of the recession and, in a great many respects, put the nation back on an even keel.

He said in the interview that his biggest disappointments were his inability to turn the economy around as completely as he had hoped and his failure to negotiate a second strategic arms limitation treaty (SALT) with the Soviet Union.

He also commented that his toughest decision was ordering a military operation to rescue American seamen in the Mayaguez incident. He said another difficult assignment was the achievement of a second Israeli-Egyptian disengagement in the Sinai.

He's naturally better qualified than anyone to make such assessments but we happen to believe his most far-reaching decision, at least in relation to his own political future, was his pardon of President Nixon.

He reflected in the interview that it was something that had to be done and, if given a second chance under the same set of circumstances, he would do it again—even with the full knowledge it would damage his own political chances.

We admire his forthrightness and his courage.

He said that, when he took office, Watergate-related matters were demanding 25 percent of his time and the pardon was the only way he knew to get the country back into something approaching a normal operating posture.

Actually, the stiuation was even bleaker than he pictured it. The federal government was in a shambles and was at a virtual standstill as far as any meaningful progress was concerned.

History no doubt will show that Gerald Ford was a victim of circumstances not of his own making.

If he had assumed the presidency as the result of an election, or even had he succeeded a president who had died in office, chances are he would have been elected to a full term without great difficulty.

He has many of the basic qualities that appeal to most Americans. Honest almost to a fault, open-handed, sincere and friendly in a low-key, Yankee sort of way, he personally has been admired and respected throughout his long public service.

We know of nothing he has done in the presidency that would destroy or damage that image.

It's an oversimplification, of course, but Ford himself became a casualty of Watergate. He had not been involved in the scandal but he was, and is, a Republican, and was a close friend and associate of President Nixon.

Consequently, President-elect Jimmy Carter and his advisers were able to bear down strongly on the "need for a change" during the campaign and it quite obviously was an effective tactic—even though it removed a well-liked deserving man from the White House.

* * * * *

And we hope that somehow, some way, his experience and talents can be utilized in a manner that will be beneficial to the country.

Mr. YOUNG of Florida. Mr. Speaker, it is a privilege to join my colleagues in paying this tribute to Gerald R. Ford. Many honors and privileges have come to me in my lifetime. One of the most highly treasured and longest remembered will be my association with Jerry Ford in the House of Representatives and in his terms of office as Vice President and President of these United States.

Today we honor one of our own, one who served and served well as a Member of this body. It was while he served here that he was called upon to fill the Office of Vice President and soon was called upon to assume the mantle of national leadership during one of the most trying and tragic periods in U.S. history. The Office of the Presidency is one to which Gerald Ford did not aspire. But what other man could have assumed this awesome responsibility under such adverse circumstances and discharged the duties of that Office with such dignity and integrity; what other man in so short a term in office could have restored the trust and support of the American people in their Chief Executive.

Gerald Ford won our hearts because of his genuine sincerity and determination to serve our best interests; he cared for us and about us. Recent in my memory is the manifestation of his compassion for the veteran, particularly in my State of Florida. For a period of more than 2 years I had fought for the construction of a replacement hospital at the Veterans' Administration facility at Bay Pines, Fla. The need for the new hospital had been documented by statistics and personal testimony of those most concerned. Then, in response to my insistence, Jerry Ford visited the site himself. "You will have your new hospital," he promised, and today contracts have been let, and in a few short years this promise will be a reality.

Gerald R. Ford's place in history was etched when he assumed the Presidency as the first man to take that Office without the consent of the electorate. But history will best remember him as the President who restored faith in that high office and healed the wounds of a great country, wounds inflicted by suspicion and distrust.

Thus, President Carter is not confronted with the task of restoring the Presidency to an office of dignity and respect. His gratitude was quickly expressed by the new President when he began his inaugural address by turning to Gerald Ford and saying, "For myself and for our Nation, I want to thank my predecessor for all he has done to heal our land." We do thank you Jerry Ford. I have been privileged to have you as my colleague and my friend. We have all been privileged to have you as our President.

Mr. OBEY. Mr. Speaker, as President Ford leaves office it is appropriate that we take stock of what his service has meant to the country. I have known Jerry Ford for 8 years, first as a colleague in the House and later as Vice President and President, and I have frequently disagreed with the positions he has taken in all of those capacities, especially on economic questions. But I believe the country owes him a debt of gratitude for restoring a measure of public trust in our political institutions and public servants after the trauma of Richard Nixon and Watergate.

As a result of Watergate the American people were overcome by a profound sense of disappointment and disillusion-

ment as it seemed that the trust they had placed in their highest public servants had been betrayed. I vividly recall how difficult it was for a politician to face an audience—especially a high school-age audience—during that period. You could sense that they were almost daring you to prove that you were honest.

That crisis in public confidence was one of the most severe tests our country has ever faced. When people lose faith in their political institutions they also lose faith in the fruits of those institutions and if that attitude prevails for long, the very existence of a democratic government is threatened. Through his personal integrity and candor, I believe Gerald Ford has helped to turn that attitude around and restore the public trust which is so crucial if our form of government is to survive.

Another aspect of the Ford legacy is also reflective of the fact that he is a decent and honorable man. Contrary to popular misconception, most issues in Congress do not divide along party lines—the majority of each party in the House probably agrees with the majority of the other party more often than it disagrees. And one of the pleasures I found in dealing with Jerry Ford was that except in rare instances, he did not equate political disagreement with evil intentions or base motives. That is an especially important lesson for us to remember as we move into a period in which the same political party will control both the executive and legislative branches of the Federal Government.

As I said, however, I believe Jerry Ford's major legacy to this country is his contributions to the restoration of public trust in political institutions. Whatever shortcomings people—including myself—may find he had in other areas, we must agree that that was no small accomplishment.

Mr. POAGE. Mr. Speaker, Gerald Ford has been my friend for more than a quarter of a century. We were never intimate, but our friendship was sound and enduring. That is the kind of man Jerry Ford is—sound and enduring. I disagreed with his judgment on many occasions, but I did not disagree with his broad objectives which were to help us build a greater America.

As a Congressman, he worked for his own people of the Fifth District of Michigan and, as leader of the minority, he worked for the success of the Republican Party. I worked for the people of the 11th District of Texas and for the success of the Democratic Party; but, I think Jerry Ford represented his people ably and honestly and he retained the respect and friendship of those who just as honestly sought to advance our country's interests by other policies.

As Vice President, he retained the "common touch." He provided the liaison between the legislative and executive branches under the most difficult circumstances.

As President, he sought, with a great deal of success, to bind up the wounds and to restore the confidence that had been lacking too long. President Ford was still an ordinary human being who loved his friends and loved his country. He served his country well and he retained his friendships.

His was not an era of innovation or revolution, but when the history of our times is finally written, it will doubtless credit Gerald Ford with having done much to restore and maintain the confidence and the respect for Government that is so essential to the perpetuity of our Republic.

Mr. BROOMFIELD. Mr. Speaker, Congress today joins the chorus of tribute to the competence, the dignity, and the very significant accomplishments of Gerald Ford. Over the past fortnight, some 50,000 Americans daily have taken the time to write and thank President Ford for his service to the Nation. This spontaneous outpouring of affection for such an obviously good and talented man is eloquent testimony to the respect and gratitude accorded to President Ford by the American people, regardless of party, region, or political preconceptions.

As one who has known, admired, and worked with Gerald Ford for over two decades, it has been a source of immense personal satisfaction to witness his reaction to ever-increasing challenge and opportunity. In the short period of 3 years, I have seen a close personal friend, a congressional colleague, mature into a talented statesman and a respected national leader. As ranking minority member of the International Relations Committee, I had frequent occasion to observe President Ford in action and, like millions of other Americans, I was proud and impressed.

President Ford will be remembered as the leader who snapped this country back to its senses after the trauma of Watergate and the disillusionment of Vietnam. Through his leadership he has established standards of honesty, dedication, and quiet competence that will be difficult to emulate.

While there are obviously people, even an occasional Member of this body, who disagreed with specific policies of the Ford administration, there are few indeed who would question the President's motivations. Gerald Ford is not a man to follow the line of least resistance. His transparent determination to do what was right for the Nation quickly won him respect across the political spectrum.

The good feeling about Gerald Ford so evident today strongly suggests that the American people understand that they have been well served by a talented and determined leader. I would like to join them in complimenting Gerald Ford for a job well done. Walter Lippmann once suggested that, "The final test of a leader is that he leaves behind him in other men the conviction and the will to carry on." By this, or any other test, Gerald Ford has succeeded admirably, and we are grateful for his efforts.

Mr. WHITEHURST. Mr. Speaker, I am proud to stand with my colleagues in the House today to pay tribute to Gerald R. Ford. Like many other Members of this House, I had the pleasure and privilege of sharing his friendship in all three aspects of his career here in Washington. I knew him first as minority leader, when I came to the Congress in 1969. What impressed me most about him were his integrity and his strong sense of responsibility, two characteristics that I also remember during his tenure as President.

His virtues of humaneness, warmth, and a lack of arrogance and pretense are the same ones for which he is best remembered by the American people. We are indeed fortunate that a man with these attributes took the reins of national leadership when he did. In possessing them, Gerald Ford brought the highest office in the land once more back to the people.

I believe that we are indebted to President Ford for his determination in the past 2 years to hold the line against reckless fiscal measures. With an election pending, he rose above expedient measures which might have won him part of the electorate, determining instead to do what he knew to be best for the Nation, no matter what the personal political sacrifice might be. He embodied best the maxim of the great Edmund Burke, who wrote to the Electors of Bristol in 1774:

> Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

Mr. DUNCAN of Tennessee. Mr. Speaker, it is a great honor for me to have this opportunity to pay tribute to Gerald R. Ford, our former colleague and our distinguished past Vice President and President.

Gerald Ford's record of public service is a long one, a record which will not soon be equaled and one which should serve as an example for us all.

His many years of service in the House of Representatives were characterized by the diligence and wisdom which were, and are, the essence of the man himself. As minority leader, he gave in ample measure the strength and guidance so sorely needed by his colleagues in trying times.

It was, though, as Vice President and, more particularly, as Chief Executive of this Nation that Jerry Ford's greatness was most truly exhibited. In an era of confusion and mistrust, and at a time when many Americans had grave doubts as to the essential worth of our society, Jerry Ford brought order and helped us feel proud again. He helped us see our human frailties and then gave us direction for overcoming them. He gave us an example of honesty and integrity and a good feeling about America. He made us believe again, and in so doing, helped us gain the courage we need to see our country through present and future crises.

We still have serious problems. Public faith in Government is still low. However, Jerry Ford has made all our jobs easier.

I would be most interested in reading a history book of 100 years from now. Since the odds are greatly against such a possibility, I will hazard a guess about what one would say about Jerry Ford. "Gerald Ford: A man of strength, humanity, wisdom, and humility who, as President during one of our most difficult periods, restored this Nation's confidence in itself and its belief in its own basic goodness."

Surely no man could receive higher praise than that, and surely no man is more deserving of such a description than Gerald R. Ford.

Mr. LAGOMARSINO. Mr. Speaker, today we are gathered to pay tribute to Gerald Ford, the 38th President of the United States; and it is right that we do so for he has served the Nation well during his long and distinguished career. His many years as a dedicated public servant and his courage and wise leadership in the trumatic and difficult times of the past 2½ years have earned him the bipartisan respect of a grateful Nation.

Mr. Speaker, I never had the opportunity of serving with Gerald Ford in the Congress as he had already assumed the Office of Vice President at the time of my election to this distinguished body. Yet I have had the distinct honor, and privilege, of working with him in the Congress to help achieve the common goals and aspirations for the future of America.

Gerald Ford assumed the Office of President without seeking it and without being elected by the people, through an extraordinary chain of events which left the Nation shaken, uncertain, and faithless in its own leaders. These were circumstances which threatened to shatter the time-honored traditions and prestige of the Presidency, and circumstances which did not allow him to even prepare himself for the awesome responsibilities and difficult decisions ahead. Yet, this Nation has been blessed with men of courage, dedication, and character to lead us in times of adversity. Gerald Ford was such a leader and with confidence rose to his responsibilities to the Nation and to the Presidency.

Mr. Speaker, I do not think that any of us can possibly know, or completely understand the monumental task which he faced as he took the oath of office. Yet we can see and experience the very successful fruits of his labor.

In the short 2½ years of his Presidency, Gerald Ford has restored the simple dignity that we, as Americans, have always associated with our President. His wise, stable, and unpretentious leadership have once again restored the values and esteem of the Presidency.

Following his election defeat the same character and dedication to our cherished democratic ideals that we have come to associate with Gerald Ford were again demonstrated by his gracious offer to assist in the transition of the new President.

Mr. Speaker, I was gratified that President Carter, in his inaugural address, expressed, for all of us, his genuine thanks for the cooperation and unselfish manner in which Gerald Ford assisted the incoming administration. Certainly the appreciation of the Nation was exemplified in the ovation given him at the inaugural of the new President.

Mr. Speaker, I know that I speak for all my constituents by saying thank you and a job well done to Gerald Ford.

Mr. SIMON. Mr. Speaker, in one of his final messages to Congress, President Gerald Ford outlined the situation as he sees it in the international economic arena.

In this message of January 18 he described "an agenda of unresolved problems" and among these something that this Nation must address itself to: "the failure to achieve an agreement among developed and less developed nations on an effective and efficient strategy for increasing prosperity for less developed countries in the context of a common effort to improve the world economy."

Let no one in Congress and no one in this Nation believe that somehow we can achieve prosperity while much of the rest of the world lives in abject poverty.

There is no reason that we in the United States should not experience substantial economic growth in the years ahead, but we should be sharing that growth with others. This makes sense both from the viewpoint of justice and it makes sense from the viewpoint of our own future economic prosperity.

Mr. WINN. Mr. Speaker, I rise today with great pleasure to join my colleagues in paying tribute to a great American, Gerald R. Ford.

Many of us here in the House had the distinct honor of serving with Jerry Ford during his years in Congress. I have always felt a special kinship with him and am deeply grateful to him for the efforts he made on my behalf during two election campaigns.

Politics aside, however, I think the Nation owes a great deal to our former President. He may not have been the flashiest guy in town. He may not have been the most learned man to occupy that Office. But the Nation today is in much better physical and emotional shape, thanks to Jerry Ford. His administration was healing, positive, and, in many respects, successful.

We have come a long way since August 9, 1974. We are at peace. We have a fairly stable economy. Our Government has survived its worst crisis. And today we have more pride in ourselves as a nation than we have had in many, many years. This is a tremendous accomplishment and one for which we can all be thankful.

Mr. Speaker, many newspapers throughout the country have written glowing tributes to Jerry Ford, the man, and Jerry Ford, the President. The Kansas City Star summed his stewardship up in this manner:

> It must be remembered that Gerald Ford did not seek the Presidency; that, in fact, he was preparing to retire from a long career in the House of Representatives when the clouds of Watergate began to gather . . . The point is, Mr. Ford did become the President of the United States in an hour of crisis and fear, and that the innate Ford qualities of honesty, openness and the best of patriotic motives served the nation well when confidence and reassurance were sorely needed.

Gerald Ford expressed the hope that history would treat him kindly. Mr. Speaker, I have no doubt that it will.

Mr. FORSYTHE. Mr. Speaker, I have only known Gerald Ford for 6 years, but I grew to like him almost instantly. Gerald Ford has dedicated his life to public service, having served his district and Nation for 28 years. I have not known anyone who has worked as long and as hard as he did for the good of all.

We, over the years, have had our differences, but none were insurmountable. Neither of us held a grudge, there was always tomorrow and a new problem that had to be faced. In my short time here I know how large these problems have been, and I can imagine how they were in Gerald Ford's earlier years.

History will look back at Gerald Ford as a healer. A man who restored this country's confidence and pride in a very short time. I will look back at Gerald Ford as a friend, sometimes confidant, helper, good politician, but most of all as Gerald Ford, leader.

I, along with many of my colleagues, had a difficult time when he assumed the Office of President. It is hard to stop calling a friend by his first name. I had a difficult time with "Mr. President." But on this occasion I want to just say: Good luck, Jerry.

Mr. MARRIOTT. Mr. Speaker, at a time of national unrest and a general lack of faith in Government officials, a man was called forth from the Halls of Congress to reunite the country and restore the faith of the American people in her elected officials. That man was Gerald R. Ford, who was prepared by the Almighty to fill a unique place in American history.

Albert Einstein once said:

> A hundred times every day I remind myself that my inner and outer life depend on the labors of other men, living and dead, and that I must exert myself in order to give the same measure as I have received.

The peaceful circumstances and events that we find ourselves enjoying today are largely due to the efforts of great men such as President Ford. Let us thank him not only with our words but by our actions.

As this world depends more than we know on this Nation, this Nation depends more than we know on men like President Ford, whose character, dedication, and patriotism are unparalleled. Every man, woman, and child in this country owes a debt of gratitude and thanks to this man. Therefore, I wholeheartedly join with my fellow Congressmen and the people of America everywhere in giving this well-deserved tribute to Gerald R. Ford.

Mr. LEACH. Mr. Speaker, President Carter began his inaugural address with the words:

> For myself and our Nation, I want to thank my predecessor for all he has done to heal our land.

Few words could express more appropriately the deep gratitude the American people feel for Gerald Ford and his Presidency.

In August of 1974, we were a divided Nation facing a political crisis as we have seldom faced in our Nation's 200 year history. It was an unhappy time in our land and a time of doubt in the very foundations of our system of government. It was a time that would try the ability and strength of any man about to assume the Oval Office in that difficult summer of 1974.

Yet it was through Gerald Ford's simple honesty, his openness, and his courage that the American people found once more their faith and their trust not only in the Presidency but in the be-

lief that the democratic way of life is truly good and honorable and unequaled in the world. Gerald Ford, a man who did not seek the Presidency but sought only our prayers, returned to us the American dream.

Should our Nation once again face a time of trial and crisis, we shall look back to the summer of 1974. We shall take heart from one man's strength and one man's love for his country and we shall know beyond a doubt that our Nation will prevail.

Gerald Ford, citizen, thank you.

Mr. EVANS of Delaware. Mr. Speaker, it is particularly fitting that the House is today honoring Gerald R. Ford, because he was for a quarter century a man of this House, and of the people which this body represents.

I, of course, did not have the privilege of serving with Representative Ford. But even as a private citizen, I knew the value of Jerry Ford to Congress and to this Nation. In fact, if he had chosen to retire from public life at the end of those 25 years, his record would have ranked him beside the great figures who have stood on this floor.

But Jerry Ford was called to a higher responsibility. Without seeking the job, he was chosen to serve as Vice President during one of the most traumatic periods of our history. Not only had his predecessor resigned in disgrace, but the entire Office of the Presidency was under increasing fire. Because at those upheavals, he was forced to undergo the most rigorous screening that any nominee had ever been subjected. And he passed with flying colors.

Thus, when Gerald Ford became President of the United States, the American people knew they had a leader that they could trust.

Certainly no man has entered the Presidency at a more difficult period of our history than did President Ford. Confidence in the Office and in Government in general had shrunk to an all-time low. The country was rocked by scandal, and many wondered when, if ever, this Nation would recover from those dark days.

Almost immediately, President Ford assured the American people, through his words and his actions, that we were back on a steady course. He returned integrity and honesty to the Oval Office, while at the same time tackling the tough problems of the Nation which had been left unattended during the Watergate period.

For instance, he convened an unprecedented series of economic summits across the country in order to find solutions to our problems, and personally presided over the 2-day conference which climaxed the meetings, despite the fact that his wife was undergoing major surgery at the same time.

Under his leadership, the economy did turn around. Price increases declined sharply, and more Americans were put to work than ever before.

In the area of foreign policy, he reassured our allies and worked for long-awaited agreements, such as SALT, with our potential adversaries.

I believe history will rank Gerald Ford as one of this Nation's best Chief Executives. He restored trust in the Office of the Presidency, in Government, and in ourselves. Few men could have done what Gerald Ford did, and we as a Nation were indeed fortunate to have had his leadership at such a critical and troubled time.

Gerald R. Ford has left us a solid foundation upon which to build, and I join with my colleagues and with my fellow citizens in thanking him for a job well done.

Mr. BUTLER. Mr. Speaker, it is indeed an honor for me to participate in this special order paying tribute to a former Member of the House of Representatives, a good friend and the immediate past President of the United States, Gerald R. Ford of Michigan.

It would be difficult, if not impossible to chronicle even a small portion of the contributions Jerry Ford has made to this Nation.

It is my view that history will recognize the greatness of this man and he will be recorded as one who was decent, honest and was responsible for healing the wounds of a Nation which was deeply injured.

To my former colleague and Chief, I say, thank you for a job well done, good luck, and we will all miss you.

Mr. WALKER. Mr. Speaker, I want to add my views to those honoring Gerald R. Ford. No finer, no more decent man has ever led this country.

One of the pleasant memories we all have of Inauguration Day is our new President's walk down Pennsylvania Avenue. It was a peaceful, symbolic walk, devoid of demonstrations and picketing. It was a walk in an atmosphere of harmony and good will made possible by the Ford Presidency. The legacy he left to his successor is a country united in spirit, and looking, once again, to the future.

While Gerald Ford was our President we were at peace in the world and with ourselves. He provided able leadership and accomplished a great deal in 2½ years. Economic recovery, improved foreign relations and a stronger national defense are all achievements of the Ford administration. These are considerable accomplishments, but Gerald Ford may best be remembered for restoring our confidence in the Presidency—a confidence necessary to our system of governing a free people.

Gerald Ford spent nearly 30 years in Washington serving his countrymen. He served them well. As a Member of the House, Mr. Ford rose to become part of its leadership and through hard work and selfless dedication left a permanent imprint on legislative history. He became Vice President in one of the Nation's most difficult times and served with distinction. He became President during the gravest of crises and provided the moral leadership this country needed.

Some have said that historians will treat Gerald Ford kindly. I believe that is true. But I also feel we should not wait for the passage of time for tributes and honor to be given a man who has given this country so much. I salute and commend Jerry Ford for his service, his dedication and his commitment to our Nation and all of its people.

Mr. MURTHA. Mr. Speaker, in his inaugural address, President Jimmy Carter may well have sounded the theme that will most remember the Presidency of his predecessor. That theme: in changing times, eternal principles.

Former President Ford presided over the United States Government during one of the Nation's most trying periods. During those years, Gerald Ford helped the Nation to hold firm to its ideals, to reassess its future, to test its strength in times of adversity, and to remain firm in its commitments.

I disagreed with former President Ford on many individual issues, but his personal character set the tone for a period of debate and elevation that will help us to solve national problems in the years ahead.

Like all Presidents, history will have the final say on President Ford's successes and failures. For this record of America, though, I want to report that the people of the 12th Congressional District of Pennsylvania gladly paused with President Carter on Inauguration Day to thank Mr. Ford for reaffirming our Nation's pride and principles during perilous times.

Mr. SARASIN. Mr. Speaker, I wish to join my many colleagues in this richly deserved tribute to our esteemed former President, Gerald R. Ford. I am extremely grateful that I was privileged to have served in this Chamber with Mr. Ford, even if for a relatively brief period compared to many of those here. I was honored to call Gerald R. Ford not only my President, but my friend. I will cherish that friendship for the rest of my life.

When Jerry Ford assumed the Vice-Presidency, many of us were confident that this warm, forthright, totally honest and honorable man could contribute much to the restoration of the American spirit. We continued in this conviction in spite of the almost impossible situation when he ascended to the Presidency.

President Ford met our expectations and performed nobly in the most difficult of circumstances. He, and his whole family, epitomized that which was good and wholesome in America. They restored our faith in the Presidency, and in ourselves. To my regret, the magnitude of this contribution was not fully recognized until Jerry Ford was about to leave office, and the awareness of it continues to grow.

In an effort to share some of these thoughts with my constituents, I recently devoted one of my weekly columns to the "Ford Contribution." As part of the tribute to our good friend and great President, Jerry Ford, I would like to offer that column for inclusion in this record of our respect and affection:

RECOGNIZING THE FORD CONTRIBUTION

On Thursday, January 20, this country demonstrated once again the unique ease and grace with which political power is passed from hand to hand here. The only troops in evidence were ceremonial, the incoming and outgoing presidents got together over coffee before the ceremony, and Republican and Democratic Members of Congress alike threw open their offices to welcome visiting constituents of all political persuasions.

An uninformed visitor would hardly guess that this was the culmination of a hard-fought and extremely close election between two strong political partisans and their supporters. This ability to keep political and philosophical differences in perspective and remain united as a nation is one of the great strengths of America and every citizen can be proud of it.

For many of us, of course, this was a bittersweet occasion. One obvious result of political contests is that there must be a loser as well as a winner. And in this case, the loser was a man I respect and admire, a man I supported, a man I consider a personal friend. While I take satisfaction in the smooth functioning of our electoral system and look forward to working with the new Carter Administration to solve the many problems facing our country, I also feel a sense of personal disappointment over Jerry Ford's departure from the White House.

It was with some satisfaction, therefore, that I noted the belated recognition by some members of the national press of the contribution President Jerry Ford made to this country and the debt that we owe him. The passage of time invariably alters our assessments of the performance of past presidents, but I would like to share with you some of these recent comments, which to a great extent reflect my own feelings.

Nationally syndicated political columnist David S. Broder, regarded as among the most astute of contemporary observers, had this to say about the Ford Presidency:

"In an odd, inexplicable way, the truth has begun to dawn on people in the final days of Gerald R. Ford's tenure that he was the kind of President Americans wanted—and didn't know they had.

"After a decade of presidential excess, they wanted a man of modesty, good character, honesty and openness. They wanted a President who was humane and prudent, peaceable but firm. Especially, they wanted one uncorrupted by the cynicism and lust for power that they had come to associate with Washington politicians.

"Jimmy Carter's campaign was the successful projection of these idealized qualities of the post-Watergate President . . .

"But Gerald Ford—even while acknowledging in his last State of the Union address and in a series of valedictory interviews his disappointments in the fields of economics, energy and governmental reform—gave people a quiet reminder that he has been exactly the kind of personality they prayed to find in the presidency."

David Broder was not alone in recognizing the qualities Jerry Ford brought to the Presidency, or how these qualities benefitted the nation. Joseph Kraft, another widely read columnist who frequently was critical of the Ford Administration, had this to say of the outgoing chief executive:

"He personally exemplified truth, openness and affection for other Americans. He democratized the White House and appointed independent persons of rare quality to the highest offices. He delegated authority widely, including the authority to sit in judgment of his own actions. He kept faith with the Congress, even in the midst of the debacle in Vietnam.

"Probably no other man in American public life could have played the role he played—the role, if I may mix the plays somewhat, of Laertes to Nixon's Iago. All Americans are in his debt. If, as he said (in the State of the Union message), the state of the union is more perfect, it is due in large measure to the innate goodness of Jerry Ford."

Nor was this belated appreciation limited to individual columnists or commentators. The Washington Post, recalling its strongly negative comment when Gerald Ford was selected for the vice presidency three years ago and its belief that he was not the right man for the job, editorialized recently:

"But we were wrong; he was. The President who will leave office this week brought precisely the needed temperament, character, and virtues to the high offices he has temporarily held. . . . We think it is enough to point out that Gerald Ford had an all but impossible assignment—and that he did a hell of a job."

Or, as the Broder column concluded:

"But Gerald Ford can leave office with some confidence that history will record that he was, in truth, the President the country needed at this time and knew that it wanted, even by another name."

Finally, I would like to take note of the generous and gracious gesture by new President Jimmy Carter as he turned to Mr. Ford on the inaugural podium and said "I want to thank my predecessor for all he has done to heal our land." I believe this was a tribute not just to Jerry Ford, but to Jimmy Carter, and if we continue in this spirit, we shall succeed.

Mr. ABDNOR. Mr. Speaker, there is little question in my mind that as time goes on the stature of President Gerald R. Ford, both in terms of his personal characteristics and in terms of the contributions he has made to our Nation, will grow. Already his role in the "healing of our Nation" of the bitterness, rancor, division, and self-doubt which he found on taking office, has been acknowledged by friend and foe alike as a singular triumph.

But while they are not yet readily acknowledged, I believe there will be more and more recognition of the wisdom of his steady, evenhanded policies in healing our inflation-recession ridden economy, in trying to set an energy policy and reestablish the fiscal integrity of our Nation, and especially in maintaining peace in the world through our own strength.

Moreover, I believe there will be increasing respect for the fact that he was what you saw—open, sincere, honest, decent. He never promised more than he could deliver: appealing not to faction, but to faith, calling not for partisanship but for patriotism, summoning our courage and our strength by leading with his own sterling example of courage and strength.

During the debate, December 6, 1973, on Gerald Ford's historic confirmation as an appointed Vice President, my assessment of his qualifications noted some attributes which I believed would not only serve him—and us—well as Vice President, but would also be ready for the challenge should he become—as he later became—our President. At the time I said:

Today's historic significance has impressed all of us. The people's elected representatives in Congress are confirming a new Vice President in the first imposition of the 25th Amendment to the Constitution of the United States. We are not only confirming a vice president, we are also reconfirming that regardless of what difficulties may beset our nation, our system of government still functions.

When we were asked to submit recommendations for the office of vice president, only one name crossed my mind—the name of the man who will be sworn into the office today.

One of the qualities that has most impressed me about Jerry Ford has been his ability to get people whose personal philosophies embrace the entire spectrum found within a political party, to work together for a common goal. Every day in the House we have seen in action a splendid ability to work harmoniously with people of all types, from all walks of life, representing all varieties of constituencies in all parts of the country.

In addition to having the ability to unite members of his own party for a common goal, Jerry Ford has earned and gained the respect of his colleagues on the other side of the aisle in both the House and the Senate. Moreover, he has gained the respect of many skeptics throughout the nation in his ability to withstand the most scrupulous and minute investigation ever conducted into a man's private and public life.

The ability to hold respect and work harmoniously with others are qualities we sorely need in positions of leadership today. Our new vice president has both these qualities.

Mr. Speaker, Jerry Ford's qualities have served our Nation singularly well. This is my personal assessment. It is the assessment of hundreds of South Dakotans who have talked to me about President Ford.

It is also the assessment of many South Dakotan newspapers who commented favorably upon the goals and achievements of the Ford administration both during its course and at its close. Typical of the latter sentiments was an editorial in the Watertown, S. Dak., Public Opinion:

President Ford—the right man at the right time?

Many Americans think so, in the wake of Watergate and an almost tidal wave of national distrust in government. Just as Franklin D. Roosevelt was widely considered the right man—criticisms notwithstanding—to guide the nation through its most prolonged depression and biggest war, as Winston Churchill was the right man for Great Britain in its greatest travail, so Gerald Ford was a providential choice.

Reviewing the Ford Presidency in an editorial the Mitchell, S. Dak., Daily Republic reviewed the legacy inherited by Ford as he entered office and the problems he encountered in trying to "overcome his label as 'Nixon's man,' a handicap no amount of campaign money, no amount of paid political advertising, no campaign speeches, no debates, and no Betty Ford could resolve." It said:

Too many people looked on Gerald Ford as an honest man, but carrying out the ideas of Richard Nixon. No matter how hard it was to dispute, the reputation stuck and Ford lost.

But when historians do allow the time to pass and a reasonable assessment to be made, they may look to the Ford Administration as one that was able to mend the country back together after it suffered one of the most traumatic internal decays in its 200 year history. Ford was able as president, to restore some confidence in government leaders. He was able to project himself as a man who brought the nation out of the darkness of corruption and into the sunlight of honesty. That will be his greatest legacy to history. . . ."

The Yankton, S. Dak., Daily Press and Dakotan editorially saying "Good Luck Jimmy: Thanks, Jerry" commented:

And as we greet a new president it would seem appropriate to thank Pres. Gerald Ford, a man who will be stepping down not only

as President of the United States but will be concluding 28 years of continuous government service.

He spent nearly a quarter of a century in the Congress, spent nine months as the first appointed vice president, and two years and five months as the first man to reach the White House without ever being elected to national office.

As we look toward the coming administration of Jimmy Carter, we might take time to compare his peaceful inauguration.

The inaugural might serve as a time for each of us to remember the unprecedented circumstances that confronted Gerald Ford on August 9, 1974 when he assumed that position to succeed Richard M. Nixon who had resigned in disgrace—a victim of Watergate. He had assumed the vice presidency when Spiro T. Agnew resigned in another scandal.

While he might not have accomplished all that America might have expected of him—or, for that matter, all that he had hoped and prayed that he might have accomplished, Mr. Ford served America very well. He is a decent, honest man who did well under some very difficult circumstances.

So as we join millions of other Americans either watching or listening to the inaugural ceremonies—it seems appropriate if all American might join in saying "Good Luck, Jimmy Carter" and "Thank you, Gerald Ford."

The Aberdeen, S. Dak., American News Drummond expressed it so well. portant way for our Nation, what many of us try to achieve in our individual spheres of influence: he made it a better place than he found. I would like to share with my colleagues the entire text of their editorial:

FORD MADE IT A BETTER PLACE THAN HE FOUND

Something needs be said about the grace of the man who just left the White House. Citizen Ford left to his successor an America far different than the one Ford found when he assumed office on Aug. 9, 1973.

The man brought to the office and to the country a sense of integrity, decency, grace.

It would be inappropriate for us, benefactors of that decency, not to bid proper farewell.

The nation is doing that.

What Gerald Ford did for the country is appreciated. He was, remarkably, the right man at the right time. That persons disagreed with him about some things, and the fact that voters chose another to assume the presidency do not diminish the fact that he took a shattered office and restored it in the people's confidence.

There was no disgrace in his departure—no bitterness.

S.D. Sen. George McGovern, who knows something about the quest for the highest office in the land, said of Ford: "Gerald Ford represents much of what is best in the American character—straightforward, plain-spoken, decent and willing to espouse a point of view. His sturdy presence in the White House, in a time of profound crisis, served the nation well."

The senator noted in a Senate speech last week: "Gerald Ford leaves office in the same way he assumed it—in dignity and with the respect and gratitude of his fellow citizens. I have sometimes differed with him on the substance of the issues during his term, but like millions of other Americans, I shall never forget that he acceded to the Presidency in the darkest of times. He bore his weighty responsibilities with courage and determination and he gave us reason to hope that his high office, disgraced at the time he assumed it, could once again serve as a focus for our hopes."

The word decency echoes throughout the many tributes to Ford.

William Sumner of the St. Paul Dispatch says, for instance, ". . . after three generations of deviousness in the executive branch, the immediate predecessor being the most gross and awkward, President Ford apparently succeeded in restoring the word 'decent' to its proper category in the English language."

The Des Moines Register put it another way: "The country has been willing to tolerate ineptitude in its Presidents but not deceit. The nation will be forever in Gerald Ford's debt for the part he played in helping restore confidence in the integrity of its leadership."

He achieved that which is an admirable goal for any man—he made it a better place than he found it.

With the rest of my colleagues, I join in extending very best wishes to a friend and colleague who has served us all so well.

Thanks, Jerry, and God bless you.

Mr. MITCHELL of New York. Mr. Speaker—

Gerald Ford cared for our government when so many were careless with it.

This comment from veteran syndicated columnist Roscoe Drummond capsulizes the basis for the near unanimous sentiment that the Nation was blessed when at 12:03 p.m., on August 9, 1974, Gerald Rudolph Ford became President of the United States.

From that day until January 20, 1977, when he watched his successor take the oath of office, President Ford was our leader in name and in fact. During that most difficult period he earned our respect and won our admiration. As Mr. Drummon expressed it so well,

By his own worth and worthiness, by his radiant integrity and personal honor, Gerald Ford did much—did what was most needed—to restore confidence and trust in the President and in its imperative need to be respected.

There is nothing partisan in this sentiment. It is embraced by nearly all as was so dramatically emphasized in the opening words of President Carter's inaugural address:

For myself and for our Nation, I want to thank my predecessor for all he has done to heal our land.

Despite these many words of deserved praise, which came from so many quarters and from traditional friend and foe alike, it will be the historians who will likely give future generations the best perspective on Gerald R. Ford the man and the President.

I am confident these historians will be kind to both the man and his Presidency because I believe most sincerely that a detached, objective analysis of what was accomplished and the manner in which it was accomplished from the Oval Office in the August 9, 1974—January 20, 1977, period will lead to one conclusion: It was good for America.

We owe Gerald R. Ford a debt of gratitude. He is a good, decent, honorable man. These qualities have been with him all his life but never were they more evident than in his days as our President.

Without question, one of the high points in my life came at that instant when I realized that an individual I was privileged to call a personal friend was also the leader not only of my country, but the free world. He led us well. I am pleased to be identified as one who followed, not by chance or out of a sense of political loyalty, but by choice based upon a commitment to a course deemed in the best interests of all the people.

Mr. President—that truly fine and gracious human being, a guy named Jerry Ford—we thank you.

Mr. ARMSTRONG. Mr. Speaker, after the millions of words that have been spoken on behalf of Gerald Ford, there is little I can add that hasn't been said. Yet, I do not want to let this opportunity pass without joining my colleagues in saluting a man who did so much to bring back honor to the White House and self-respect to this country.

In the 2½ years that Mr. Ford was President, he restored normalcy to this country. Divided and quarreling factions in the Congress were united in their good feelings toward him, and he used this to guide the country off its destructive course. His Presidency will be remembered as a time of steady and honorable leadership. More than that, however, he restored the confidence of the average American in the Office of the Presidency itself.

These personal qualities and his devoted service as President, Vice President and a Member of Congress will long be remembered and have endeared him to the American public. In the words of New York Daily News columnist Pat Buchanan:

Whenever Gerald Ford strolls into a crowded restaurant anywhere in America there will probably explode a spontaneous standing ovation. He took criticism, some of it crude and insulting, with more grace than any other figure in public life. . . . For he is, above all, a magnanimous man.

Mr. LOTT. Mr. Speaker, decency; dedication; hard work.

These words describe Jerry Ford as Congressman, Vice President, and President. I had the opportunity to observe and know this man in all three roles.

Jerry Ford came to the Presidency during difficult times. He faced a crisis of confidence in our institutions and had the task to restore the faith in the American system of government. In a relatively short time, he accomplished this enormous task.

President Ford also faced the tremendous problems which confront every one of our Presidents in this century so abundant with domestic and international troubles. He helped to strengthen our economy and courageously resisted the pressures for more Government spending and more Federal power. He directly tackled the problems of inflation. He worked diligently at these tasks despite the fact that he faced a Congress which was heavily controlled by the opposition party.

Jerry Ford devoted his talents to the delicate field of foreign affairs. He had to establish a working relationship with our allies and adversaries throughout the world. He defended the role of the United States as a leader of free nations and stressed the importance of main-

taining a strong U.S. defense posture. When Jerry Ford left the Presidency in January 1977, he became one of the few U.S. Presidents to leave office with the United States at peace in the world.

It was a hectic election campaign and Jerry Ford just barely missed making it. He revealed the same outstanding characteristics of humility, sincerity, and honesty in accepting defeat as he displayed while he carried out the tasks of the Presidency. It is always difficult to see a good man defeated. Yet, I am sure that Jerry Ford will continue to contribute to the betterment of the United States even though he no longer holds public office.

It is my belief that the people of this country will remember Jerry Ford as a good President who left a record of solid accomplishment in the short time he occupied the Presidency. Jerry Ford had put forth his best effort for the American people.

Mr. GUYER. Mr. Speaker, Gerald R. Ford will be remembered far more magnificently by history than by his contemporaries.

Assuming an office he did not seek, inheriting crises he did not create, this fine American brought order out of chaos, restored integrity where there was distrust, and gave the Presidency a new wholesomeness and the country a restoration of unity and faith.

Jerry Ford paid a heavy price and bore a heavy burden for his honesty, his convictions, and his dedication to duty.

His administration was the first of the past seven that saw no America fighting a war, no turmoil on campuses, and no bloodbaths of protests.

Time will honor him as others were remiss to do. He will be enshrined in American history as the man who turned transition into fruition.

America would do well to breathe a tiny prayer of thanks to the Almighty for giving us a man equal to the task, and more than equal to the challenge in the person of Jerry Ford in war and peace, in office and at home—a leader, a statesman, a friend, and a patriot.

Mr. DICKINSON. Mr. Speaker, my first vote in coming to Congress in 1964 was to organize the 89th Congress and Jerry Ford was running for minority leader. He won by three votes, as I recall. I have often felt that my vote for Jerry Ford was as important a vote as I would cast in the Congress. I was right. I supported Jerry Ford then and I have never regretted it.

Jerry Ford was, and is, a friend. He is as decent and fair a man as I have ever met. Jerry Ford may not always agree with you, but he always lets you speak your own mind and sticks by you when a decision has been made.

As President, Gerald R. Ford will probably be most remembered as the man who restored faith in the Presidency and made us proud to be Americans again. He is truly a man for his time, having brought this country out of the doldrums—out of its economic slump—and put the country back on the bright road to economic prosperity. And, all while he was whipping inflation and fighting a 2-to-1 majority in the Congress. That is quite an accomplishment for a 4-year term, not to mention 2.

I really appreciate all the help Jerry Ford gave me as we labored together in the Congress. This is not a eulogy because I know that President Ford's political career is not at an end, but he is simply taking a much deserved rest. I look forward to working with Jerry Ford in the future as we have worked together in the past.

Mr. ERLENBORN. Mr. Speaker, history will judge the life of Gerald Ford the same as we affectionately know him today—a decent man who removed the tarnish from the Presidential Seal.

Not since Honest Abe resided in the White House have the American people eujoyed such an unpretentious and forthright President.

Gerald Ford spent most of his life in public office. Yet last year he chose not to use dangerous, short-run economic stimulus that would have helped him get elected. He valued steady recovery of the Nation ahead of his own ambitions, and we are all better off today because he did.

I would like to join President Carter in thanking Gerald Ford for all he did to heal our Nation. May this man of the people have a long life, so he can enjoy years full of the honors and tributes he so richly deserves.

Mr. BAFALIS. Mr. Speaker, Washington is a community of transients, of men and women here for just a few years then gone. For the most part, those who come and go are missed only by a few friends and neighbors.

Not so with President Ford.

He will be missed by all of us. He will be missed because this city never has had too many men with the simple human decency Mr. Ford has shown throughout his career in public service.

No imperial President he. No overwhelming ego in need of constant attention.

Although events catapulted him into the highest office in the land—the most powerful office in the world—they did not change him. They did not cause him to lose touch with the people.

It is too early for us to know fully how his Presidency will be judged.

We do know, however, he had many major accomplishments during his short term of office. His administration brought soaring inflation to a rate of under 5 percent. His administration saw a great reduction in the number of persons unemployed in this country. His administration implemented an aggressive and responsible foreign policy that added great stature to our Nation abroad.

In due course, history will tell us whether Gerald Ford was a good President or a great one.

But this I know. History will note that he was a good man in the Presidency, one of the best, most decent men ever to hold that office.

He will be missed.

But the traits which kept him close to the people during his term in office are the same traits which will enable him to enjoy being away from Washington and with his family.

I wish him and his family well in their new life away from Washington. But I hope he returns here occasionally. It is important that we be reminded that human decency is more important than political power or the trappings of high office.

And few men are better equipped to serve as that reminder.

Mr. RODINO. Mr. Speaker, Jerry Ford is my close, personal friend. We came to this House together 28 years ago, and I feel for him a special warmth and esteem.

I have known few people who possessed the decency, the honesty and the good heart of the man who has just left the Presidency, left it far better than when he found it.

Mr. Speaker, Gerald Ford as a member of this House gave unselfishly of himself; as President he somehow did even more than that. He served this Nation under circumstances as difficult as any ever to confront a President of these United States. And we, who endured those circumstances with him, are both pleased and grateful for his service.

The time of President Ford in office was notable, not because it ended a long national nightmare—for the people saw to that—but because it began a new period of restored confidence, integrity, and hope in the institutions of American Government.

I believe history will record that President Ford rightly perceived his responsibility to take the first steps toward restoration and reconciliation. And if he erred occasionally, it was never from meanness of purpose or weakness of spirit.

I believe history will further record that beginning with his Presidency, America moved from darkness into the light, determined to meet its problems openly and honestly, and committed as never before to a strong and free society.

Mr. Speaker, Gerald Ford will be remembered as a good and decent man who helped us all begin again.

Mr. BENNETT. Mr. Speaker, our country was very fortunate to have had the able and dedicated services of President Ford in the crucial and important years of his service. His background of able and effective leadership in Congress made his selection to the Vice-Presidency, and hence the Presidency, a very logical thing.

The most outstanding contribution he made when he was President was the healing of a disturbed and distressed Nation; and he could not have achieved that except by the personal qualities of character which are his, namely: integrity, compassion, stability and above all, his basic fineness of character.

All of us in the House are hopeful that the years ahead of him will be good years. We will miss him in Washington, and his lovely wife; but we know that they both will continue to serve mankind in whatever the future may bring.

I came to Congress the same year as he did and our friendship was certain from the first, and this persistently endured without falter. I think I was the last to shake his hand as he left the joint session on the occasion of his state of the Union address, and as I did so I was

grateful for his good services. And I think all Americans agree on that.

Mr. METCALFE. Mr. Speaker, I wish to associate myself with the many expressions of praise and thanks we have heard here today for Gerald R. Ford of Michigan, the 37th President of the United States. I offer my thanks, my every best wish, and my prayers to him and to his family as he enters private life after nearly 30 years of public service.

When Gerald Ford was nominated for the Vice-Presidency, these were tumultuous times. However, the high quality of leadership that he had displayed during his 25 years in the House certainly made him deserving of the office. Our acquaintance goes back to my college roommate, the late and beloved Paul Phillips, who brought us together into what became close and lasting friendship.

Gerald Ford served our Nation with dignity and courage. His wife, Betty, stood at his side as he assumed the Presidency and as he left that office. Throughout her husband's term, Betty Ford showed that she was a "part of the team." Her presence, too, will be missed by us all.

Gerald Ford has left the Presidency with the same grace with which he entered it. He served the Nation to the best of his ability. He has asked us for our prayers now; I am sure that my colleagues join me in wishing him Godspeed and a peaceful retirement.

Mr. GARY A. MYERS. Mr. Speaker, it gives me great pleasure to join my colleagues here in the House, along with many others, who are undoubtedly great in number, in paying tribute to Gerald R. Ford. As my contribution, I would like to share a letter I wrote to Mr. Ford on the occasion of his last day in office:

JANUARY 19, 1977.

HON. GERALD R. FORD,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On this your last day as President of the United States, I simply want to congratulate you on doing such a tremendous job at a time when our country desperately needed leadership.

Although you have expressed your regret at not completing everything you wished as President, I would like to commend you on accomplishing the most important elements of the challenge you faced when accepting that difficult office.

I believe your handling of the Presidency establishes a standard from which the United States will benefit long beyond the years you served.

Best personal regards and warm wishes for the future.

Sincerely,

GARY A. MYERS,
Member of Congress.

Mr. NICHOLS. Mr. Speaker, I am pleased to participate in this special order arranged by our colleagues in behalf of our esteemed friend and former President of the United States, the Honorable Gerald R. Ford.

It was my pleasure to serve with this outstanding public servant in this Chamber for some 6 years and although we are of different political parties we nevertheless find much in common in the basic principles which made this Nation great.

Some weeks ago I wrote my weekly news column on President Ford's tenure as a public official and yesterday, in a personal letter to President Ford, I expressed my appreciation for his service to this Nation. I would like to submit copies of these items for this special order and join with my colleagues in expressing my best wishes to President Ford and his family in the years ahead.

The items follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 29, 1977.

HON. GERALD R. FORD,
Post Office Box 2345,
Washington, D.C.

DEAR MR. PRESIDENT: In this morning's Washington Post, I noted that your transition team is receiving many, many letters from friends who, like the writer, believe that you did an excellent job in your tenure as President.

Sometime in the months ahead, I hope that you may get around to personally reading this letter from a Southern Democrat who had the great privilege of knowing you as a colleague in the House and serving in the Congress during your tenure as President of the United States. We did not always agree, but in the main I hold the same basic love for this Country of ours as you do. I appreciated your efforts in trying to hold down Government spending and the record will show that, in several of your veto messages, I was of the same persuasion as my President—voting to sustain many of your vetoes.

But I am especially appreciative of the strong and dedicated position you maintained during your Presidency in behalf of sustaining a strong defense. You and I are both aware that the long-time goals of the Soviet Union have not changed and we shall be extremely foolish if, in this and future Administrations, we neglect to keep our defenses strong.

Above all, Mr. President, I appreciate your honesty, your integrity and the high moral principles under which you conducted your public life. I shall always recall the morning you spoke to our Thursday Prayer Group and reflected to your colleagues many of your facts concerning your personal life and that of your family.

I wish for you all of the happiness and success which retirement should bring to you and your family. In my book, you were just as much of an "All American" President as you were an "All American" athlete at your alma mater.

My best wishes and highest esteem.

Sincerely,

BILL NICHOLS,
Member of Congress.

[Report From the Capitol, Congressman Bill Nichols, Jan. 18, 1977]

FORD HAS KEPT HIS ALL-AMERICAN STATUS

In 1932 and 1933, Jerry Ford played football on two national championship teams from the University of Michigan and in his senior year he earned All-American status as the only bright spot on what was otherwise a dismal 1934 Michigan team. Many Americans who recall the highlights of Mr. Ford's football career may soon forget the intricate details of his defeat for President, but we will all surely remember that he kept his All-American status throughout his life as a public official.

In 1973, when President Nixon asked the Congress to approve Congressman Ford as the next Vice President, I stated that Ford's record was "as clean as a hound's tooth" and that his service in the executive branch of government would restore much confidence to the Presidency and Vice Presidency.

As I look back on the 29 months Jerry Ford has served as President, there is no doubt in my mind he was the right man at the right time. America needed someone who was decent, down to earth, someone who was firm but not arrogant, a President who could right the nation still reeling under the most severe political scandal in our history.

As President, Ford succeeded in his task and more. In his last "State of the Union" address President Ford said, "the state of the Union is good" and this is in much contrast to the gray picture he painted in his first address two years ago.

We each have different memories of the Ford years in the White House, and my own relate to how he remained close to his family throughout the traumas of the Presidency. I was most touched at a Congressional Prayer Breakfast at which Mr. Ford spoke. He reflected on his family and how their lives had been changed by a decision made by their oldest son, Mike, to enter the ministry.

He told our Thursday morning group how Mike had initially decided on a career in law but that some months after enrolling at school he became involved with a campus church group. The President explained how his son's decision affected the Ford family and what an inspiration his entering the ministry was to the entire Ford family.

As he enters retirement, President Ford's head is held high, accepting defeat and looking forward to his retirement years. No matter what events he will face in the future, Gerald Ford leaves the Presidency healthier than he found it because of his dedication to the task at hand. History will show America owes much to this All-American from Michigan.

Mr. BURKE of Florida. Mr. Speaker, President Gerald R. Ford deserves the gratitude of the American people. With a steadfastness in righteous convictions and a reasonable commonsense and prudence, President Ford has led his country from the excesses and malignancy of the recent past to a spirit more united, more confident, and full of greater expectations than has been the case for nearly a decade and one-half. In an inexplicable, and yet undeniable way, the Ford Presidency has restored to the national consciousness a revitalized awareness of the unquenched fires of American idealism and it has reminded us of that basic sense of civility without which it could not be maintained. Indeed, the tenure of President Gerald R. Ford constitutes a milestone in the hard march of the American Republic.

Central to the Ford Presidency was a sense of decency and high moral purpose. In stark contrast to the temper of the times, President Ford radiated modesty, good character, honesty, and openness. He was a man who stood unmarked by the cynicism and lust for power which the American people had come to associate with Washington politicians. In short, Gerald R. Ford embodied the "spirit of the gentleman" and for that the American people willingly placed their trust and confidence in him. The result was the restoration of a degree of domestic tranquility and national purpose not seen since the dark days of November 1963.

Much has been made of the sense of decency which President Ford brought to the White House. But the central significance and message of that quality has been almost universally overlooked.

Mr. Speaker, nothing can be more certain than the fact that our manners and our civilization—our entire democratic way of life—depend, and have always depended, upon the spirit of the gentleman. Manners can be good or bad. They

can corrupt or purify, exalt or debase, barbarize or refine the human spirit. By themselves manners do not guarantee that the human beast can remain free from the most virulent hatreds of which we are capable. Throughout this century, civilization has hung in precarious balance and has been frequently disarmed by the seductive power of some ferocious genius. It is only when manners become informed by the spirit of the gentleman that they can be said to be truly uplifting and worthy of the highest esteem. The spirit of the gentleman adds form and color to human life and gives to it those qualities without which democratic life could not long survive.

When the mantle of power was passed to President Ford the Nation was in the throes of one of the most corrosive periods in its 200-year history. Afflicted by political assassinations, involved in a long and costly war, beset by economic difficulties, and in the midst of vast social and moral changes, the American people had begun to despair of their future. The steady ways of the past soured and quickly gave way to the forces of irreverance and anarchy. The grand chorus of national harmony began to quake and the flimsy fabric of democracy itself convulsed against the onslaught. The history of the decade prior to the beginning of President Ford's term was a sad story of complicated idiocy wherein much toil and virtue was consumed.

Through the sheer weight of his character and his moral leadership, President Ford gathered together these mighty forces and tamed them. He introduced us once again to the spirit of the gentleman. He brought civility to our discourse. He calmed the passions and demanded that they be subordinate to the principles of right reason. He set the economy on a path which would in time free it of the excesses of earlier years. And he left the Nation at peace in the world and set in motion policies designed to enhance our national security.

In all that he did President Ford represented a vivid contrast to that licentious philosophy which threatened to bring us to ruin. He gently reminded us that a dissoluteness of manners should not continue beyond the pardonable period of life. He reawakened in us a reverance for those basic American principles of liberty, toleration, and accommodation to principle. And he affirmed the undeniable fact that good manners are the basis of sound law. In short, President Ford set forth for all to see the simple fact that freedom demands responsibility to civility.

There can be no question that it was an accident of history that called Gerald R. Ford first to the Vice-Presidency and to the White House after having distinguished himself in the House of Representatives both as a Congressman and as the minority leader. But it cannot be said that he was simply the right man for the job at the right time. To say this is to miss the entire significance of the role which the spirit of the gentleman must play in maintaining the order of society. President Ford was called upon to defend the Republic in an hour of maximum danger. He tamed the excesses of the passions by appealing to the forces of moderation and the quietness of civility. He ennobled us all by his example and provided us with a reaffirmation of our national moral quest. In short, he added a moral dimension to our manners and made us aware of the spirit of the gentleman.

Over a century and a half ago Edmund Burke, the great English political philosopher, said that—

> Political problems do not primarily concern truth or falsehood. They relate to good or evil. What in the result is likely to produce evil is politically false; that which is productive of good politically true.

This is the central legacy of Gerald R. Ford and it will serve us well in the trials ahead.

Mr. FREY. Mr. Speaker, the words most of us will use today in paying tribute to Jerry Ford are words rarely heard when describing politicians.

Those of us privileged to serve with him in this body remember him as a decent guy, whose word was always good. We remember him as a simple man, whose status as a leader among peers changed him little. We remember that he usually had a kind word for friends and enemies alike.

"A common man in an uncommon situation."

Perhaps my best memory of Jerry Ford is from the Florida primary last March. He had come down to swing through the State under less than perfect circumstances, and the delegation traveled with him.

As his campaign director I was in charge of the trip and stayed close by his side during the 2 days of campaigning.

The schedule was rough: Six cities, as many motorcades and more speeches. I was exhausted, my staff was exhausted, and he was tired. At the end of the last stop, as he was preparing to leave, he turned to my aide and said, "Lou's tired, take care of him."

The remark, so characteristic and so unnecessary, surprised my aide, but came as no surprise to me. The kindness, concern, and caring were something I had come to take for granted during our 10-year friendship.

I will miss Jerry Ford as we all will, as a leader, and as a friend.

And perhaps all of us could learn a lesson from a man who gave us his best and required little in return.

Mr. ARCHER. Mr. Speaker, I thank the distinguished minority leader, Mr. RHODES, and minority whip, Mr. MICHEL, for the privilege of joining in this special tribute to a most special man and former colleague in the House.

For a man whose ultimate political ambition was to be Speaker of the House, Gerald R. Ford must be considered the ultimate overachiever. He did not seek the offices of Vice President and President—but once thrust into them in the most adverse circumstances, he brought back into each of those offices a dignity and respect which some thought had been lost forever.

I can think of no other American who was more ideally suited to the task that President Ford faced when he assumed the Presidency in August of 1974. He brought to the job at hand strong moral leadership, courage, determination, and total dedication to the task of restoring trust to the most powerful office in the world. Jerry Ford did his job well.

Not only did he restore faith and trust in the office of the Presidency, his own openness and candor gave the American people a new sense of pride in the strength of our constitutional form of government.

But I think we are making a grave mistake if we allow history to concentrate only on Gerald Ford's triumph over the adversity of the post-Watergate mistrust in Government.

As President, he was an effective Chief Executive, strong Commander in Chief of our Armed Forces, and thoughtful initiator of responsible legislative solutions to the serious economic and energy problems that faced our Nation when he took office.

How easily we forget the initiatives he proposed 3 years ago that would have helped us avert the severe natural gas shortage we are experiencing now—proposals that were largely ignored by the majority in the 93d and 94th Congresses. Now, with over half a million people out of work and many more schoolchildren being kept home from school because of the shortage, many of the proposals made by Jerry Ford and a number of us in Congress then are being resurrected by his successor—but it is a little late to head off human suffering that has already resulted from the delay.

How easily we also forget President Ford's effective restraint in fiscal affairs that helped cut the inflation rate in half—while at the same time encouraging investment in the private sector to provide for the creation of permanent jobs for the unemployed.

Throughout his career in public office, Jerry Ford has never sought the easy way out.

A man of principle, he did not choose a course of action for its political expediency, but rather for its effectiveness. This was never more true than in the way he approached the question of an individual tax reduction for the American people. Like many of us, President Ford insisted that such a reduction be permanent, not just a token gesture that would result in a higher Federal deficit and a return to higher inflation.

He exhibited great courage on a number of occasions by saying "no" to a majority in Congress that seemingly sought to solve all the Nation's problems by throwing tax dollars at them—dollars the Federal Government did not even have. Jerry Ford is the kind of man who strives for real solutions, not just temporary relief that can only make the final cure more painful.

In all my years in public service, I have known no other man for whom I have more admiration and respect.

Our Nation will forever be indebted to Gerald R. Ford. May God bless him for what he has meant to us and to our future.

Mr. LENT. Mr. Speaker, I rise today with a great deal of pride and some sadness to pay tribute to Gerald R. Ford, as he ends his long and distinguished career in elected public service. He has earned

over the past 28 years, the respect of all of us, regardless of political affiliation.

Many of my colleagues will be talking here about what Jerry Ford has done to heal this Nation, but that fact cannot be emphasized enough. He was truly the right person at the right place at the right time. He restored forthrightness and honesty to the White House and to his Office. In short, he was the type of President Americans needed in a time of crisis: Righteous, decent, modest, and strong. He helped us learn from Watergate without developing a morbid obsession with it, and he led America into its third century proudly with a high sense of purpose.

It is my sincere hope that while Jerry Ford no longer serves in an elected capacity, he will continue to be active in the affairs of his party and his nation. I know that his advice and counsel will always be welcome.

I want to take this opportunity to wish Jerry Ford and Betty the best of everything in their return to private life.

Mr. ADDABBO. Mr. Speaker, Gerald Ford spent a quarter of a century serving his Nation in the Congress, as Vice President and finally, as President of the United States.

And if some of us who served with him during that time recall him as a tough partisan, we must also remember that when his country needed him most, Gerald Ford restored faith in our Government, calmed the voices of protest by his honesty and openness, and made it possible once more, to use his words, "for people to disagree without being disagreeable."

I join with my colleagues in praising a true man of the people who was called upon by events to assume the highest office in this land, and who conducted himself during that difficult period with the highest honor and dignity.

In the many years that Jerry Ford served in this House, and in the years when he served with me on the Appropriations Committee, there have been numerous times when he and I disagreed strongly on legislation and the goals of the Government in dealing with its citizens.

But never once in all those years did a political disagreement become personal. Not once in all that time did partisan conflict deteriorate into nastiness. As he was later to prove during his time in the oval office, Jerry Ford was a good man with strongly held views that he fought hard for. But when the battle was done, you could still call him your friend.

I think the American people sensed that in Jerry Ford the Nation was in strong and capable and decent hands, and the people responded. No matter the results of last fall's elections; in fact, he could be proud of last fall.

With a united Democratic Party, the figures were just not there for the Republican Presidential candidate, not after the disasters that had befallen the party in the previous years. I think it was because of Jerry Ford's recognized decency and abilities that the election was as close as it was.

The Republican Party can be very proud of Gerald Ford. He was a good President for his time. Perhaps history will accord him even higher honors, for if he had not been as good as he was, our Nation faced a very uncertain future.

The Republican Party can be proud that it contains within its ranks men and women of the caliber of Jerry Ford, and I believe that because of this, the Republican Party will survive and endure and will grow in strength again.

And that is good for our Nation because a two-party political system is what has made this Nation work throughout the years. As a lifelong Democrat, I seek political victories for my party. But as an American first of all, we need men of outstanding ability to serve this Nation, no matter what their political persuasion.

All Americans can take pride in Gerald Ford, and I believe we of the House should take a special pride in his record. I know that I do, and I believe the feeling extends to all our colleagues here in this Chamber.

Mr. WAGGONNER. Mr. Speaker, in his inaugural address to the Nation, President Carter paid tribute, and asked the country to pay tribute, to his predecessor, former President Gerald Ford, for the job he did in restoring confidence in Government and in healing the wounds that divided Americans when he took office.

The former President should be honored by his fellow countrymen for the leadership and courage he showed during a difficult and unprecedented time in our history. He took a hard job—a job he had never asked for, but one that fate had selected him for—and he conducted his high office with dignity and skill. He was no stranger to hard work and difficult decisions. His many years as a Member of this House had prepared him well for the arduous duties of the Nation's highest office.

In short, Gerald Ford restored our faith and pride in our country. America was fortunate to have had him as its leader, and he was the stable, courageous leader we needed.

When the Senate was considering his nomination for Vice President in 1973, I testified in behalf of my friend and colleague, Gerald Ford. The observations I made at the time have been proven correct, and they bear repeating.

STATEMENT OF HON. JOE D. WAGGONNER, A MEMBER OF CONGRESS FROM THE STATE OF LOUISIANA

Mr. WAGGONNER. Thank you, Mr. Chairman, gentlemen of the committee.

I want to take this opportunity to thank you for the privilege of appearing before you on the occasion of your breaking new ground and giving consideration to employment of the 25th amendment for the first time in the history of our great country.

I can say without any reservation at the outset, I appear before you in total support of the confirmation of Gerald Ford to be the next Vice President of the United States.

I would be remiss if I did not thank you, Mr. Chairman, and the other members of your committee and this body for the efforts you are making to expedite this hearing, to hasten Jerry Ford's nomination and confirmation.

I think you are doing it because you feel it is in the best interests of the country. I express my personal appreciation to you for that.

Having talked with Jerry from time to time during these intervening days since his nomination and until his appearance here today before you, I am aware of the fact that he has been investigated in a rather thorough way. I suppose he has had about as many questions asked about him as any man ever did.

As a result of this investigation of Jerry, I am sure you have some information about Jerry that I do not have. I am quite sure, as well, and I would not doubt but that you share the same feeling that you are maybe perhaps happy that they have gone into this detailed investigation of Jerry, rather than of us as individuals. Jerry told me at the outset that he wanted this sort of an investigation. He wanted the table tops cleared. He wanted the air to be without odor, because he wanted the people to know and understand what he was.

I think this is a marvelous attitude on his part.

With all of this information which you have had available to you, because of my associations personally and professionally with Jerry in the period of time that I have been in the House of Representatives, our close working relationship, I have gained some insights into this man that I want to talk to you about.

I did not come with a prepared statement today. I did come with rough notes I jotted down in the committee a few minutes ago before I came over here as we attempted in the Ways and Means Committee to tend to some of the affairs of today, as you are doing here.

Now, I am conscious of the fact, having viewed and read the comments of the media, that Jerry at some point in time said to you that he was no saint. Well, who of us is? But this has significance to me, that Jerry would come before you and make a statement like that. It means to me that he knows better than anybody else what his limitations are, and it is his way of saying I am only human, as you are.

He knows with this statement, as he made it to you, that he expresses human frailties as well as we all do. Of course, he was not here to be negative, nor am I. I am not here to talk about Jerry's weaknesses. I do not think he has any real weaknesses. I think he is not just above average, but outstanding in every respect, and I am here to talk to you in a very positive way.

I wish Senator Hatfield was here at this moment to hear what I have to say in view of his question of Senator Bayh about the qualifications a Vice President should possess. I do not say what I say as one expressing just qualifications, but I do believe that I can express some personal reasons why I believe that Jerry Ford should be confirmed as Vice President.

First and foremost, he is a Christian. Secondly, he is qualified in every respect by reason of education and otherwise. He is a proven leader and an able legislator, honest, sincere, a man of integrity and his word is his bond.

He is patient, understanding, practical, a patriot who loves his country, a family man, a man who knows our great system of government, the greatest system of government a man ever enjoyed.

He not only knows this system, he believes in our system. He understands people. In 25 years of representing his district in Michigan, it has kept him close to the people.

Jerry Ford is accessible, not just as a legislator now in the House of Representatives, he will be accessible as Vice President. He is a good listener.

Jerry Ford has something that too many of us in elective office do not have. He has a philosophy and a conviction about government. He knows the relationship of Government to people, what it ought to be, and he

is true to that conviction. He practices that conviction. He does not react to political expediencey. He is a fair-minded man, and an impartial man. He has lived the life of commendable service. He is a man as you have already gleaned from those representing the House who appear here today, a man popular with his colleagues.

He is a man who, in my personal opinion is consecrated to the truth and the needs of this country, a man who has that rare delicate sense of everyday courage, courage to do the right thing when the majority insists that you do wrong, calm depths of everyday courage in my personal opinion, a man who knows that right is still right, if nobody does it, and knows that wrong is still wrong if everybody does it, but a man who practices what he knows to be right.

I have heard, you have heard now, some of these reasons, and these are only partial, concerning Jerry, so I think now it has come time to pose the question: Are there any reasons that Mr. Ford should not be confirmed?

I can only say none that I have any knowledge or any suspicion whatsoever of.

Only occasionally have I ever heard anything of a partisan nature to raise the question as to whether or not Mr. Ford should be confirmed, but I am not a partisan. The only people who appear before you today from the House of Representatives as was the case with Senator Bayn, do not come as partisans, they come believing that Gerald Ford should be next Vice President of the United States.

You know, Mr. Chairman, and gentlemen of the committee, politics is a dirty word in America today and around the world, too, I suppose, because of some of the things that we Americans have been spotlighted for having done.

It is tough for your committee, but we in politics are in large part responsible for that mirrored view of politics of the world.

Politics, however, can be an honorable profession. But we politicians must make it an honorable profession. Gerald Ford has done his part to this point in time.

I have no doubt, no reservation whatsoever, that when he is confirmed that he will continue to view politics and to serve politics in an honorable way in the future as he has in the past.

Mr. Chairman, I just simply believe that Mr. Ford is the right man at the right time, to serve as our next Vice President and will provide the leadership demanded of that high office, both here at home, and abroad. The President knows this and is to be commended for an outstanding nomination.

I would close simply by saying there is only one way for those of us with some responsibility in this respect to proceed, and that is with the Christian attitude, that we want to treat Jerry as if we were Jerry, as we proceed to consider his nomination. Were our roles reversed I'm sure he would proceed in this manner.

Thank you, Mr. Chairman.

I still feel the same way.

It will remain for history to judge Gerald Ford's presidency. It is my belief this history will be much kinder with Mr. Ford's administration than his contemporaries have been. Unfortunately, we are often too quick to judge and underrate the greatness of a President. Such was the case of President Truman, a man and a President greatly admired by Mr. Ford. It is my conviction that one day Americans will look back and find in Gerald Ford the qualities they have called great in other past Presidents.

I have long admired and respected Gerald Ford. His term in the White House is over, but his service to the country that he has devoted his life to will undoubtedly continue. I know that his many friends and former colleagues in Congress join me in wishing the blessing of the future on him and his family. They deserve only the best that life has to offer.

Mr. FUQUA. Mr. Speaker, for nearly 30 years, Gerald R. Ford has served this Nation well, first in Congress, then as Vice President, and finally as President.

Indeed, the American people owe a great debt of gratitude to this dedicated public servant. He assumed the Presidency during one of the most difficult periods in history. Yet, in his characteristic commitment to honesty and unquestionable integrity, he provided calm and rational leadership so desperately needed to heal the wounds of Watergate and help restore confidence in Government.

Under his leadership, a divided Nation began to unify and our country's prestige throughout the world, which had waned dangerously, began to be restored.

He demonstrated a remarkable understanding and sensitivity in facing these and many other problems head-on, without fanfare and with dedicated hard work which serves as an inspiration to many of us in public service.

History will no doubt be kind to Gerald Ford, the right man for the right challenge. Today I join with many of his friends and former colleagues in expressing my heartfelt gratitude for a job well done.

Mr. NEDZI. Mr. Speaker, there is a wave of warm feeling and appreciation for Gerald R. Ford throughout the Nation. It is a feeling most of us share.

In recent weeks, editorial writers, public officials, and especially individual citizens have taken to pen to express their appreciation and high regard for what President Ford did for us as a nation during a particularly traumatic period. It is a tribute well deserved.

I first met Jerry Ford in early 1962, shortly after I had been sworn in following my victory in a special election. Our relationship from that time on was always cordial and straightforward even though we were on opposite sides of the aisle and often disagreed on economic and foreign policy matters.

In the nature of things, the members of the Michigan delegation and their wives would frequently attend the same State-related functions. This is how my wife and I met Betty Ford and developed a high regard for her. The Fords were, and remain, an easy-going couple. They naturally provided a sense of confidence and leadership.

Jerry Ford's Presidency is almost certain to be regarded kindly by historians. And it should be.

Jerry Ford particularly loved the House of Representatives. This special aspect was recognized by all of us and was reflected in the rousing ovation he received when he came to the House to deliver his farewell address.

I extend to the Ford family my best regards and best wishes for the future.

Mr. QUAYLE. Mr. Speaker, it is a privilege to join in this deserved tribute to our Nation's 38th President, Gerald R. Ford.

During one of this Nation's constitutional crises, Gerald Ford became a nonelected President of the United States. He proved that our Constitution works. More than that President Ford helped restore confidence and trust in the executive branch of Government. He indeed helped put Watergate behind us.

Even though he was faced with a heavy Democratic congressional majority, President Ford fought to stem runaway inflation and Federal deficit spending through the successful use of the Presidential veto. His fight against inflation saw double-digit inflationary rates reduced to approximately 6 percent.

If the 94th Congress had the foresight and wisdom to accept his energy proposal, especially the deregulation of natural gas, we would not have been confronted with the necessity for the temporary, emergency action taken today by the House.

Upon his inauguration as President on January 20, Jimmy Carter thanked President Ford for all he had done to "heal our land." Gerald Ford's career in the Congress, as Vice President, and as President was dedicated to adhering to the constitutional principles of our Founding Fathers. We are indebted to him for his courageous efforts to keep America free and great.

Mr. WHALEN. Mr. Speaker, I am very pleased to have this opportunity to pay tribute to a great American, Gerald R. Ford, who dedicated 28 years of his life to serving our Nation.

On August 9, 1974, our former colleague became the 38th President of the United States under "extraordinary circumstances, never before experienced by Americans," as he himself described them. Conscious of the great damage that had been done to the national psyche, Jerry Ford strove to repair Americans' fractured morale and confidence in their Government. An amiable and innately decent man, Jerry Ford gave, and kept, his pledge to heal the wounds of our Nation. The problems which he and the country had endured and then confronted were large—the resignation of the President and Vice President, Vietnam, inflation and recession, and perhaps largest of all, a mood of public criticism and pessimism toward Washington.

Yet Gerald R. Ford was the right man for the job. He did what many expected he could not do—he restored America's confidence and spirit.

Many words can be and have been used to describe Jerry Ford's brief stay in the White House. I think that it is sufficient to say that he brought precisely the needed temperament, character, and virtues to the high office he held.

I am honored to join in this tribute to a great citizen, whose honesty and dedication to the American people is unsurpassed. I extend to him and his wife, Betty, my warmest regards and best wishes for the future.

Mr. ROBINSON. Mr. Speaker, it is a great personal pleasure to join my colleagues on both sides of the political

aisle in paying tribute to our recent President, former colleague and still our respected and valued friend—Gerald R. Ford.

I shall always be grateful for the understanding and helpfulness extended to me as a freshman Member of the 92d Congress by the then minority leader of the House. While I was certainly not alone in being assisted by this thoughtful and able man, I know he helped all of us who were serving our freshman year in 1971 to do a better job for our constituents and our country. Such help was typical of him throughout his long period of service in the Congress.

I am even more grateful, of course, for the superb leadership provided by Mr. Ford as Vice President, then President, of our beloved country. As we all know, Mr. Ford assumed the Presidency at a tragic, traumatic time in America, one of the most difficult periods in the history of the Republic.

He was forced to assume command in the White House when his political adversaries in the press and elsewhere were busy eroding his ability to restore public confidence in government by cruel accusations about his competency. "Pedestrian," "plodding," "a second-level party man," they charged. Thus, our first unelected President received no traditional "honeymoon" free of political attack, such as other new Presidents have enjoyed.

Despite all this, virtually from the moment that President Ford declared our "national nightmare" to be over, conditions in America began to improve markedly, and American spirits began to revive. As the Washington Post put it in a recent editorial:

> In his first days and months, it was as if he had liberated Washington—from its personal fears and hostilities and suspicions, from the dark and squalid assumptions that people had come reflexively to make about one another and about the way things really worked.

It is, perhaps, the finest credit to President Ford's true capability and leadership that many of the Cassandras in the media have now, some 2½ years later, felt themselves obliged to publicly recant their earlier assessments. To cite one example, the Washington Post refreshingly and candidly admitted earlier this month:

> Gerald Ford brought to the White House an open, unsinister and—yes—decent style of doing things that altered the life of the city and ultimately of the country.

There have been many such public recantations about President Ford during this inaugural period here in Washington, especially among the Washington press corps. It has been pleasing to all Mr. Ford's supporters, and stands as an example of candor that Mr. Ford's leadership did so much to encourage.

We now have a new administration in power. In time, we shall see if it can uphold the high standards of political, civic and personal accountability set for the United States during the Ford years. Thanks to President Ford, those standards are of the highest order.

Mrs. PETTIS. Mr. Speaker, no other phrase more aptly describes our former President, Gerald R. Ford, than that which Shakespeare wrote:

> To be honest, as this world goes, is to be one man picked out of ten thousand.

Selected for an office he did not seek, Jerry Ford will be most remembered as the person who restored honesty and integrity to our Nation's highest office. By being the type of person he always has been, whether a Member of Congress, minority leader, or Vice President, Jerry Ford proved to the American people that the words "politican and Government official" can be ones which inspire trust and confidence.

Moreover, when others might have chosen a more popular route, Jerry Ford remained true to his long-held principles and vetoed those pieces of legislation he felt would be damaging to a recovering economy.

While many of my colleagues are saddened by the prospect of losing this fine man to private life, I am convinced that we have not heard the last from Jerry Ford. As the Representative of the 37th Congressional District of California, I would like to take this opportunity to publicly welcome both him and Mrs. Ford to my district, and to add "You did a good job, Jerry."

Mr. CRANE. Mr. Speaker, today I join my colleagues in paying tribute to the man who lead this Nation through 2½ difficult years, President Gerald R. Ford. Though President Ford and I often failed to see eye-to-eye on a number of issues, I accord him the highest respect because of his unquestionable personal integrity and dedication to public office.

Other Members have already enumerated some of the many accomplishments of President Ford's administration, and I join them in their praise. However, as one who believes that we must attempt to balance the budget and reduce the size and scope of government, I admire President Ford for more than any other reason for his courageness in vetoing 61 public bills in his 29 months in office. Many of these bills called for appropriations far in excess in the amounts recommended by the administration budget. Without President Ford's vetoes, which saved over $11 billion, the Federal budgets would have been in excess of the already extravagant amounts and the deficit would have increased still further.

Though Presidents are subjected to much abuse and criticism because of their veto stands, the veto power is a vital factor in our constitutional process, for it is the means by which the executive branch can check the legislative branch. Without the checks and balances created by the geniuses who wrote the Constitution, our system could not have survived for 200 years. Gerald R. Ford deserves our praise and admiration for making the tough decisions necessary to exercise the veto power. At this point I am inserting into the RECORD a list of the 61 vetoes of President Ford.

PRESIDENTIAL VETOES, 93RD CONGRESS, 2ND SESSION

1. H.R. 5094 (Pay Raises for U.S. Marshals). Vetoed: Aug. 13, 1974. No override attempt.
2. H.R. 11873 (Animal Health Research). Vetoed: Aug. 15, 1974. No override attempt.
3. H.R. 15323 (Nuclear Accident Insurance). Vetoed: Oct. 12, 1974. No override attempt.
4. H.R. 15301 (Railroad Retirement Amendments). Vetoed: Oct. 12, 1974. House overrode Oct. 15, 1974, 360–12; Senate overrode Oct. 16, 1974, 72–1.
5. H.J. Res. 1131 (Continuing Appropriations for FY 1975—Ban on Aid to Turkey). Vetoed: Oct. 14, 1974. House sustained Oct. 15, 1974, 223–135.
6. H.J. Res. 1163 (Continuing Appropriations for FY 1975—Ban on Aid to Turkey). Vetoed: Oct. 17, 1974. House sustained Oct. 17, 1974, 161–83.
7. H.R. 12471 (Freedom of Information Act Amendments). Vetoed: Oct. 17, 1974. House overrode Nov. 20, 1974, 371–31; Senate overrode Nov. 21, 1974, 65–27.
8. H.R. 11541 (National Wildlife Refuges). Vetoed: Oct. 22, 1974. No override attempt.
9. H.R. 13342 (Farm Labor Contractor Registration Act amendments). Vetoed: Oct. 29, 1974. No override attempt.
10. H.R. 14224 (Rehabilitation Act Extension). Vetoed: Oct. 29, 1974. House overrode Nov. 20, 1974, 398–7; Senate overrode Nov. 21, 1974, 90–1.
11. H.R. 12628 (Veterans Educational Benefits). Vetoed: Nov. 26, 1974. House overrode Dec. 3, 1974, 394–10; Senate overrode Dec. 3, 1974, 90–1.
12. H.R. 6191 (Zinc Imports—Relief for Flood Victims). Vetoed: Nov. 26, 1974. House sustained Dec. 3, 1974, 249–150.
13. S. 3537 (Willow Creek Project). Vetoed: Dec. 17, 1974. No override attempt.
14. H.R. 11929 (Tennessee Valley Act Amendments). Pocket Vetoed: Dec. 23, 1974.
15. H.R. 14214 (Health Appropriations). Pocket Vetoed: Dec. 23, 1974.
16. H.R. 8193 (U.S. Flagship Preference for Oil Imports). Pocket vetoed: Dec. 30, 1974.
17. S. 425 (Strip Mining). Pocket vetoed: Dec. 30, 1974.
18. S. 3341 (Travel Expenses for U.S. Employees). Pocket Vetoed: Dec. 31, 1974.
19. H.R. 17085 (Public Health Service Act Amendments). Pocket vetoed: Jan. 2, 1975.
20. S. 4206 (Milk Price Supports). Pocket vetoed: Jan. 3, 1975.
21. H.R. 2933 (Filberts Imports). Pocket vetoed: Jan. 3, 1975.
22. S. 3943 (Rural Environmental Assistance and Conservation Programs Extensions). Pocket vetoed: Jan. 3, 1975.
23. H.R. 11897 (Name Federal Building after President Ford). Pocket vetoed: Jan. 4, 1975.
24. H.R. 13296 (Reimburse U.S. Fishermen for Damage by Foreign Ships). Pocket vetoed: Jan. 4, 1975.

PRESIDENTIAL VETOES, 94TH CONGRESS, 1ST SESSION

1. H.R. 1767 (Oil Import Fees). Vetoed: March 4, 1975. No override attempt.
2. H.R. 4296 (Emergency Farm Bill). Vetoed: May 1, 1975. House sustained May 13, 1975.
3. H.R. 25 (Strip Mining). Vetoed: May 20, 1975. House sustained June 10, 1975.
4. H.R. 4481 (Emergency Employment Appropriations). Vetoed: May 28, 1975. House sustained June 4, 1975.
5. H.R. 5537 (Tourism Promotion). Vetoed: May 28, 1975. No override attempt.
6. H.R. 4485 (Emergency Housing). Vetoed: June 24, 1975. House sustained June 25, 1975.
7. H.R. 4035 (Oil Pricing). Vetoed: July 21, 1975. No override attempt.
8. H.R. 5901 (Education Appropriations). Vetoed: July 25, 1975. House overrode Sept. 9; Senate overrode Sept. 10, 1975.
9. S. 66 (Health Service). Vetoed: July 26, 1975. Senate overrode July 26; House overrode July 29, 1975.
10. S. 1849 (Oil Price Decontrol). Vetoed: Sept. 9, 1975. Senate sustained Sept. 10, 1975.
11. H.R. 9497 (Tobacco Price Supports).

Vetoed: Sept. 30, 1975. No override attempt.

12. H.R. 4222 (School Lunch). Vetoed: Oct. 3, 1975. House overrode Oct. 7; Senate overrode Oct. 7, 1975.

13. H.R. 12 (Foreign Missions). Vetoed: Nov. 29, 1975. No override attempt.

14. H.R. 5559 (Tax Cuts). Vetoed: Dec. 17, 1975. House sustained Dec. 18, 1975.

15. H.R. 8069 (Labor-HEW Appropriations). Vetoed: Dec. 19, 1975. House overrode Jan. 27, 1976; Senate overrode Jan. 28, 1976.

16. S. 2350 (National Security Council). Vetoed: Jan. 1, 1976. Senate overrode Jan. 22, 1976.

17. H.R. 5900 (Common-Site Picketing). Vetoed: Jan. 2, 1976. No override attempt.

PRESIDENTIAL VETOES, 94TH CONGRESS. 2ND SESSION

1. S.J. Res. 121 (Milk Price Supports). Vetoed: Jan. 30, 1976. Senate sustained Feb. 4, 37–51.

2. H.R. 5247 (Public Works Employment). Vetoed: Feb. 13, 1976. House overrode Feb. 19, 319–98; Senate sustained Feb. 19, 63–35.

3. H.R. 9803 (Day Care Standards). Vetoed: April 6, 1976. House overrode May 4, 301–101; Senate sustained May 5, 60–34.

4. H.R. 8617 (Hatch Act Revisions). Vetoed: April 12, 1976. House sustained April 29, 243–160.

5. S. 2662 (Foreign Military Aid/Arms Sales). Vetoed: May 7, 1976. No override attempt.

6. H.R. 12384 (Military Construction). Vetoed: July 2, 1976. House overrode July 22, 270–131; Senate sustained July 22, 51–42.

7. S. 391 (Mineral Leasing). Vetoed: July 3, 1976. Senate overrode Aug. 3, 76–17; House overrode Aug. 4, 316–85.

8. S. 3201 (Public Works Jobs). Vetoed: July 6, 1976. Senate overrode July 21, 73–24; House overrode July 22, 310–96.

9. H.R. 12567 (Fire Prevention Authorization). Vetoed: July 7, 1976. No override attempt.

10. S. 2447 (Local Taxation of Congressmen). Vetoed: Aug. 3, 1976. No override attempt.

11. H.R. 12944 (Pesticide Program). Vetoed: Aug. 14, 1976. No override attempt.

12. H.R. 8800 (Electric Car Development). Vetoed: Sept. 13, 1976. House overrode Sept. 16, 307–101; Senate overrode Sept. 17, 53–20.

13. H.R. 5465 (Retirement Benefits—Bureau of Indian Affairs, Indian Health Service). Vetoed: Sept. 24, 1976. No override attempt.

14. H.R. 13655 (Advanced Car Research). Vetoed: Sept. 24, 1976. House overrode Sept. 29, 293–102; Senate sustained Sept. 29, 41–35.

15. H.R. 14232 (Labor-HEW Appropriations). Vetoed: Sept. 29, 1976. House overrode Sept. 20, 312–93; Senate overrode Sept. 30, 67–15.

16. H.R. 5446 (International Navigational Rules Act). Pocket Vetoed: Oct. 10, 1976.

17. H.R. 10073 (Rabbit Meat Inspection). Pocket Vetoed: Oct. 18, 1976.

18. S. 2081 (Agricultural Resources Conservation Act). Pocket Vetoed: Oct. 19, 1976.

19. S. 3553 (Foreign Sovereign Immunities Act). Pocket Vetoed: Oct. 21, 1976.

20. S. 1437 (Grant and Procurement Relationships). Pocket Vetoed: Oct. 22, 1976.

Mr. KINDNESS. Mr. Speaker, the history of our Nation is, in great part, a history of people working together in mutual trust and confidence to accomplish what cannot be accomplished singly. The greatness of our Nation has been found in the people who earn our trust and confidence, and who use that condition honorably and constructively to build a better world.

Such a man is Gerald R. Ford. A great man, an honorable man, a constructive person, is Gerald R. Ford.

Thank God that we have been favored with the many years of public service he has devoted to the United States of America and its people.

It is a signal honor to be a spokesman for hundreds of thousands of Americans in our part of the world in expressing to Gerald R. Ford, and to his supportive family, our grateful thanks.

Mr. STANTON. Mr. Speaker, my first vote as a Member of this legislative body in January of 1965 was for Gerald R. Ford to be minority leader. That small role in Jerry's ascent to leadership remains one of my proudest moments in public service.

Long before the rest of the Nation, we here in the House, and particularly on this side of the aisle, had every reason to have the highest respect and regard for Jerry Ford. No leader of either party in the House during my 12 years experience here has more effectively mustered his forces and consistently delivered a vote than he did. And how highly I valued his wise counsel, not only in my freshman term but throughout his tenure as leader. Hundreds of my colleagues are similarly in his debt.

It was from this cherished association that we proudly supported Jerry for the Vice Presidency. That same esteem for his forthright honesty and basic sense of fairness and decency gave us confidence in his ability to lead us out of our national nightmare when he became President under the gravest circumstances. History has already recorded that our faith was indeed well placed in Gerald R. Ford.

Surely few others were so perfectly suited in talent and temperament to restore respect for the American Presidency both at home and abroad. Jerry Ford's calm competence and sure-footed approach to governing provided the reassurance we all so desperately needed after having been rocked to our very foundations. He made us feel good about ourselves again as a nation and he was assisted magnificently in this task by his delightful family. Betty Ford's refreshing candor and inspiring courage won her a permanent place in the hearts of everyone and together with their great children, who refused to be impressed by their new status, personified the best of American family life.

Gerald Ford very much wanted to be elected President in his own right and millions of Americans thought he deserved it but that was not to be. Perhaps there is no more severe test of a man's character and integrity than defeat and Jerry's gracious magnanimity in the face of that bitter disappointment and his complete cooperation with the incoming administration was further testimonial to his personal stature.

Jerry Ford is now a private citizen for the first time in 30 years. His 30-month Presidency has earned the enduring gratitude of his countrymen and, I believe, a secure and special place in history. He leaves public life with the knowledge that he maximized his unique opportunity to make a truly significant contribution to his Nation. This is Jerry Ford's greatest reward—may he savor it for many productive years in the future.

Mr. REGULA. Mr. Speaker, to just 39 men in our country's history have been given the awesome realization of what Harry Truman meant when he said, "the buck stops here." The burden of the summit, while incomprehensible to the rest of us, can only be surmised. But we do know our own personal sense of distrust and depression at the time Jerry Ford became President of the United States. Our burden seems inconsequential now, but history will forever record what a load he had to carry for all of us.

He carried it well. And those of us for whom he did it will be eternally grateful. Whether or not we knew it at the time, our Nation needed his compassion, character, humility, and understanding. For when the fever raged he showed us that time and rest would heal our wounds and show us that, assuredly, we did have a future. Gerald Ford will be long remembered, and the Nation will take pride in doing so.

Mr. Speaker, on a personal note, President Ford, as my leader, was an individual with an "educated heart," always willing to come to the 16th District of Ohio, to meet with visiting constituents, to take time for a conversation about problems involved with congressional service, and the many small but important acts that mark a dedicated, warm, and compassionate human being.

I shall always cherish my friendship with President Jerry and the opportunity to be a part of his team.

Mr. HOWARD. Mr. Speaker, on January 20, 1977, a great man left Washington, a uniter of the American people during a time of waning faith, and a man who was a symbol of integrity, diligence, and honesty in Congress for 25 years. This man I pay tribute to is Gerald R. Ford, friend of both Democrats and Republicans.

With the resignation of Vice President Agnew in the face of Watergate, President Nixon needed a man who was honest, hard working, and intelligent. Gerald R. Ford of Michigan was such a man.

However, it was not until after the resignation of President Nixon due to the unfortunate incidence of Watergate, that the American people saw the leadership ability of President Ford. During his long dedicated service to Congress my colleagues and I who had the privilege of working with Gerald Ford, have known him as a "workhorse" striving for competent legislation. He was a behind-the-scenes man dedicated to the institutional maintenance of Congress.

Gerald Ford brought his skills to the White House, where he applied them to the split, scarred, and untrusting American public. He realized that if we sat and stagnated because of Watergate the divisions and wounds in our country would continue to grow until there existed a chasm so wide that no bridge could cross it, thereby immobilizing us. Such is not the spirit of America. Gerald Ford got the country moving, he healed our wounds, he seized the divisions and closed the chasm, once again unifying the Nation, restoring faith, enabling the

American people to place trust in their Government.

Not only on the national level did Gerald Ford prove himself, but also on the international level, because he proved our system of government works even in times of utmost crisis. The eyes of the world were upon us during Watergate, as they watched our highest leaders step down from the highest posts in Government, to be tried before courts of law for their wrongdoings. But never was there an uprising or military attempt to seize power and control of our Government. What the world witnessed was the smooth transition of power through a unique and highly respected Constitution. I can safely say that this transition would have gone as smooth in few, if any, countries on the face of the Earth.

Gerald Ford recognized his responsibility and accepted it with courage. He was a righteous President who reconciled the unrighteous acts committed by those before him. During his Presidency he witnessed a cleanup of Government in which his Cabinet and close advisers, and Congress, admired and followed his "workhorse" approach, and together adopted his spirit of integrity. As Confucius, the ancient Chinese philosopher, so amply put it:

> Raise the righteous men into power and let them serve as the measure for the unrighteous, and the unrighteous will return to righteousness.

As President Ford now returns to private life, my wife, Marlene, and I wish him and his family all the best in his future undertaking, and hope the days spent with his family life are many and happy. After nearly 30 years of public service he rightly deserves it. For myself and, I am sure, for my colleagues as well, we are all proud and appreciative for his long dedicated service.

Mr. KOCH. Mr. Speaker, when I came to the Congress on January 1, 1969, Gerald R. Ford was then minority leader. He was, as we all know, one of the most accommodating, gentle, and decent of our colleagues. I was not one of his close friends, so I cannot offer anecdotes on what occurred prior to his being elevated to the position of Vice President and then to President of the United States. I do know that when the question arose as to whom former President Richard M. Nixon would appoint as Vice President, everyone concluded that the only appointment President Nixon could make without having an acrimonious hearing was Gerald R. Ford.

I shall never forget the night that Gerald Ford, upon assuming the office of Presidency from a disgraced Richard Nixon, came to this Chamber to make his first statement to the Congress. Prior to that evening this Chamber, this city and this country was in a state of gloom, anxiety and anger. When Gerald R. Ford assumed the Presidency, it was as though in the words of our new President Jimmy Carter, "we were born again." The House Chamber was filled with the kind of emotion that one sees displayed at intimate family gatherings such as weddings, christenings and bar mitzvahs. On both sides of the aisle, we stood again to cheer him because he represented an end of a despotic era and the beginning of a new day of decency, which was so lacking under the prior President.

Gerald Ford and I did not agree on a whole host of social issues and legislation, but never for a moment did we disagree on our ultimate goal of a better America for all of us. I wish him the very best in his future endeavors. He and his family can be assured that he will hold a high place in the annals of our country. Very much like Harry Truman and vintage wine he will be viewed each year as better than the year before.

Mr. SKUBITZ. Mr. Speaker, I consider it a high honor and a distinct privilege to be able to join with my colleagues on both sides of the aisle in paying tribute to a truly great American, Gerald R. Ford.

Jerry Ford would, I am sure, have been regarded as a great American on the basis of his service to his country as a Member of the House alone. For Jerry was instrumental, time and time again, in putting together bipartisan coalitions of support for legislation that has shaped, and is continuing to shape, the future of our country. In this age of strong-arm politics, Jerry was a master of the art of soft-sell persuasion.

When Jerry Ford left this body to serve as Vice President and then as President, he took with him a vision of what he knew this country could be. He held in high reverence the belief that America should be a place where every man could rise as far and as fast as his abilities could take him. He believed it was the duty of Government to protect the rights of the individual and provide a framework from which the individual could do for himself, those things the Government could not, and should not do.

Jerry Ford as President, was most of all a stalwart defender of the free enterprise system which has served this country so well. He realized that the strength of this country is in its people, not its Government. Jerry Ford took a strong stand against big government and big spending, fully realizing political expediency dictated the opposite course as the wise one.

Jerry Ford's dedication to his vision of what America could be, may well have cost him the highest office in the land. The Washington Post, speaking editorially during the last days of his Presidency praised Jerry Ford for having done so much to raise the prestige of the White House and restore honor and dignity to the Office of the President. It is a pity that the Post did not recognize these attributes earlier in the Ford administration.

When he left the White House for the last time, he did so knowing he had not compromised his principles. He had not. in his own words, "promised more than he could deliver."

Gerald R. Ford will be remembered as a great American because he gave his country 2½ years of exemplary leadership, 27 years of unselfish service, and a lifetime example of what it means to be "a man of honor."

Mr. HORTON. Mr. Speaker, those of us in the House, on both sides of the aisle, owe our former President, Gerald R. Ford, a debt of gratitude for his outstanding service to the Nation, as our colleague in the House and Minority Leader, Vice President and, ultimately, as our 38th President. I consider it a privilege and an honor to have served with former President Ford in the House of Representatives, while he represented his Michigan Congressional District, and later as minority leader of the House.

Without question, Gerald R. Ford's openness, candor, realism and willingness to consider points of view different from his own, distinguished his service both in Congress and as Chief Executive.

Jerry Ford's Presidential service followed a highly successful and exemplary career in the House of Representatives. First elected to Congress in 1948, to represent Grand Rapids, Mich., Jerry Ford went on to assume major responsibilities within the Republican Party in Congress—first as chairman of the Republican conference and later, in 1965, as minority leader. His forceful and dedicated leadership in the House was to be exceeded only by outstanding service and leadership in the White House.

During his 2 short years in the White House, former President Ford restored a level of dignity and respect to the highest office in the land which so many thought had been permanently damaged by his predecessor. Surely his Presidency has given many an enhanced view of their Government.

Unfortunately, he was President during a time when his party was not in the majority in Congress. Because of partisan and philosophical differences, many of his policy initiatives were not implemented by the legislative branch. Gerald Ford's policy initiatives in the energy area, for example, would have greatly benefited the Nation. Instead, the completion of these efforts and others has been turned over to a new President.

As a Republican Congressman, I will work constructively with the new administration in a spirit of progress and compromise which, I had hoped, would have characterized the work of the 94th Congress during President Ford's term in office. I am confident that the Carter administration will benefit from any of the policy initiatives taken by former President Ford during his brief tenure in the White House.

At this point, I would like to insert in the RECORD an excerpt from an editorial in the New York Times entitled "A Tough Act To Follow" which I believe best captures the esteem many Americans held for Jerry Ford:

> Mr. Ford, the country owes you a thank you and a very warm handshake. Not for just the dignity, the integrity, the stability and the quiet trust you brought back in Washington, but for caring for us and about us. Many Americans think you will be a tough act to follow. You do remind us of Truman in one way. It took years for him to be appreciated. Last year, in campaigns everywhere, he was canonized by both parties so that it was sometimes difficult to remember whether Truman was a Democrat or Republican. Your turn will come.

I wish the former President well, knowing that he is a man of vigor and action. To whatever tasks he devotes himself, I know his experience and wisdom will be

a great asset to the people of these United States.

Mr. YATRON. Mr. Speaker, I would like to join my colleagues assembled here today, in paying tribute to President Gerald R. Ford. During his 25 years in the House of Representatives, Gerald R. Ford served his constitutents, and the House as minority leader, with distinction, earning the respect and admiration of his colleagues on both sides of the aisle. When we confirmed his nomination as Vice President of the United States, we knew we were asking him to take upon himself still greater duties. On August 9, 1974. Gerald R. Ford assumed an office he had never sought. The prestige of the Presidency was at its lowest point in the history of the Union. Yet, Gerald R. Ford entered the Oval Office, determined to return the Presidency to a position of respect and to return self-respect and confidence to the American people. Gerald R. Ford, without question, was the right man at the right time for America. To his credit, we, as a people, now look to the future with hope and self-esteem rather than despair and self-doubt.

Mr. BROWN of Michigan. Mr. Speaker, I am very pleased and proud to participate in this special order honoring and commemorating the service of our former colleague, both as a Member of this body and with respect to his tenure as President of the United States, the Honorable Gerald R. Ford.

Although I had had several contacts with Jerry Ford prior to my coming to Congress in 1967, such contacts had never given me the opportunity to know and appreciate him as was made possible by my service in the House. Similarly, though appreciating his tireless and able efforts on behalf of the minority as minority leader in connection with floor debates and activities, I grew to appreciate even more so his religious attendance at our Michigan Republican weekly delegation breakfasts. These breakfast meetings were sometimes a bore or of little consequence, yet I can recall no occasion when Gerald Ford was in town and not otherwise committed to a meeting at the White House, or some other engagement where his presence was demanded, that he did not go to the trouble of joining us.

I, likewise, can recall that he was never too busy nor was any matter too insignificant to prompt him to shrug off, or otherwise neglect, any consideration or problem a member of our delegation raised with him. I am sure this attitude applied not only to members of our delegation, but to all he represented, for it seemed his pockets were constantly bulging with notes, memorandums, and the like of things he had been asked to do by someone.

An able, considerate, and effective minority leader and fellow colleague, he was truly an excellent Member of the People's House.

I, along with all other Members, missed him when he departed our revered House of Representatives for residence in the White House. Since it is probably more objective and was more timely done, I wish to include in these remarks, as reflective of my view of his first year in the Presidency, a little article I wrote at the request of the Booth papers at approximately the time of his first anniversary as our Nation's leader. The article follows:

PRESIDENT FORD

(By Mr. GARRY BROWN, M.C.)

WASHINGTON.—Everything seemed the same at the House of Representatives Gym Dinner. Members were wandering into the Longworth Building cafeteria and were being greeted by Herb Botts, the man-in-charge at the gym, and Bill Natcher, the dapper southern gentleman from Kentucky, chairman of the Gymnasium Committee.

An annual affair supported by dues, it is looked forward to, since it is the one occasion of the year when all members of the House sit down and have a beer and a steak together.

But one thing was different. Carl Albert, the speaker of the House, was not accompanied, as he had been in the past, by Jerry Ford, the minority leader. But soon even that would be the same.

As members continued to arrive I was reminded of the exhilaration, climaxed by cheers and applause, when Presidents Johnson and Nixon had dropped in briefly on the get-together in past years. However, my reflections were interrupted by a colleague saying:

"You know, he'll never be able to be anything but one of us . . ."

With that I looked up and saw that almost unnoticed and with none of the previous presidential fanfare, President Gerald R. Ford had walked in and would be shaking hands and saying "hello" to each and every member before he left.

His was not the usual presidential drop-in; his was a reunion with old friends at an institutional gathering. And, that has been the trademark of President Ford's first year in the White House. He is still the congressman who wanted more to be speaker of the House than be President, yet he is the latter and probably will never be speaker.

An institutional politician, Gerald Ford's presidency reflects the heritage of its leader and though off to an awkward start is fast becoming an administration more characteristic of an ably directed chairmanship than a pretentious, ego-dominated executive.

In short, he has democratized the executive branch both internally and with respect to its relations with others . . . and the cabinet is once again a board of presidential advisors rather than the name unceremoniously given to those individuals who occupy positions at a certain level of government and whose job description is confined to the administration of a department.

Still, his administration has reflected a series of contradictions—probably because there never has been an administration which was born as quickly nor under more adverse circumstances for an orderly transition.

Even on those occasions when the death of a President necessitated an overnight transition, the back-up people were compatible with the new President and the populace, thereby easing the way for the new occupant of the White House. Not so this time. With the disappearance of Richard Nixon from the scene, there followed almost a popular mandate for the departure of all those associated with him. It had to be a new start and unfortunately an almost totally new staff meant they would be untried and their inexperience would show.

President Ford's early personnel decisions caused me some concern. He appeared to be intentionally or unintentionally falling into the cronyism pattern of the previous administration. His early decisions with respect to his closest associates and advisors seemed to be uniformly either his former colleagues in the House or thoroughly "Michigan" with a heavy accent on Grand Rapids.

Since that time, however, his selections have reflected the diversity that is needed and no doubt shows that the uncertainty of that infant administration which sought out the sanctuary of near and dear friends has now become confident enough to welcome, if not seek out, less familiar persons and philosophies. Certainly good examples and good selections were those of Attorney General Levi, Labor Secretary Dunlop and Secretary of Transportation Coleman.

Similarly, this non-attention-getting or promoting President and administration shocked the nation with the Nixon pardon, amnesty and Mayaquez actions—irrespective of whether such decisions were favored or opposed. Clearly much of the anomaly, especially with respect to the early days, can be charged off to the difficulties always encountered in a settling in and the suffering of growing pains.

From my own experience, I am sure this President sees more people, seeks more and varied input, and truly considers such views, more than any of his predecessors I have known. Any, having this direct communication with others, must help to prevent him from being exposed only to the pasturized version of things his staff might otherwise impose.

I am inclined to think this aspect of the presidency was malfunctioning in the early days of his administration when his useless exercise of the veto power caused many to believe the President had somehow misplaced or forgotten the political realism he was known to possess.

He does not wow foreign dignitaries but has gained their confidence; he has not hard-balled the Congress but he has been effective; he has yet to give his first turn-on speech, but he has evoked strong personal support from a goodly portion of the populace.

The issues—the economy, the energy problem, Cyprus, the Middle East—all have a better chance of being resolved, not because we have the world's most fair, honest and able person in the White House, but because the people still recovering from Watergate are beginning to believe we do—and in our American system, that is even more important.

I do not pretend to assume that the foregoing reflects the works of a literary genius or may even fairly portray his first year in the White House. What I do know is that my final comments in that article were very prophetic, since I am satisfied, despite the election returns, that by the end of his administration the people knew that "the issues—the economy, the energy problem, Cyprus, the Middle East—all had a better chance of being resolved" because we had had one of the fairest, most honest, decent, and able persons in the White House that this Nation has had the privilege of ever having as its leader.

Rightfully earned and richly deserved, I wish the very best for Jerry, Betty, and the family as they hopefully enjoy their new lives, freed from the shackles of the political and official confinements of the past.

Mr. DON H. CLAUSEN. Mr. Speaker, it is a rare honor for Members of the House of Representatives to praise one of our own who served with such distinction, not only as the minority leader of this body, but also as President of the United States.

On his departure from office our col-

league is being widely honored and hailed as an All-American, the right man for the right time. These honors and accolades come as no surprise to those of us who have know him and worked with him over the many years he represented the people of Michigan. His reputation for straightforward dealings, for honesty and integrity were so well understood by all of us that we just expected nothing else from him.

Gerald R. Ford assumed the Presidency under circumstances unmatched in American history. The unprecedented resignation of his predecessor after almost 2 years of domestic rancor and turbulence was marked by a general feeling of distrust in public officials.

Claiming that "Our long national nightmare is over," Gerald Ford set up the task of reestablishing trust and confidence. He immediately proclaimed an administration to be marked by candor and openness. As our foreign policy experienced the aftermath of Vietnam, with all its failures and frustrations, as fears of recession and inflation were undermining confidence in the economy, we truly needed a leader we could trust.

It was Jerry Ford who restored integrity in the executive branch of the Government while strengthening our world leadership role. It is truly a mark of the man that he was big enough to be able to entertain criticism of his programs without taking personal affront. His quiet dignity, firm resolve, and dedication to the concepts upon which this Republic is based contributed immeasurably to the success of his Presidency.

All Americans are deeply in his debt. He brought genuine stability to our country and he established a working relationship of mutual respect with the leadership of other countries of the world. He was fair in his dealings with his fellow man and he was firm in his resolve to restore respect for the United States—its people and our institutions.

Jerry Ford was and will always be my great and admired friend. When he told you he would do something, you could count on him to followthrough. He was truly a man of his word—someone you could trust explicitly.

It is interesting to note that even his most severe critics have come to respect and admire him as a man, a President and a world leader. To those of us who knew him intimately, this came as no surprise because we knew he had the qualities of greatness. President Jerry Ford is truly an All-American. I am proud to have had the privilege of working and serving with him in the Congress of the United States.

Mr. GOODLING. Mr. Speaker, I join my colleagues from both sides of the aisle in saluting our 38th President and former colleague, Jerry Ford.

A long soliloquy is not needed to praise the work of President Ford. His deeds speak for themselves. His restoration of faith in the American experience is too familiar to all of us to be repeated at length.

But that was, and is, the strength of Jerry Ford. His every action seemed familiar and reassuring. He gave to America what America needed. He was a constant pilot whose actions were steady in the winds of change and sturdy in the wake of turmoil.

Now, the winds have subsided, the course is steady and our direction fixed. Tomorrow seems less freightening somehow. And Jerry Ford is to be thanked.

Tomorrow's children, our grandchildren, will salute him, as we do, for his candor and forthrightness, for his leadership and friendship.

We wish him well.

Mr. STAGGERS. Mr. Speaker, it gives me pleasure to add my words in tribute to the esteem that Gerald Ford has won from his former colleagues here in the House and from the people of this Nation.

I have known Jerry Ford during all my years in political life on the national level. He and I came to the Congress on the very same day over 28 years ago. We served together until he left the House to become Vice President. During those years we became friends.

Jerry Ford is my friend. He knows it, and I know it.

Our political views differed on many occasions, but we always remained friends.

We have worked shoulder to shoulder and side by side on much legislation benefiting this country.

I was privileged to be in the East Room of the White House on August 9, 1974, when Mr. Ford took his oath of office to become our 38th President. I will always remember that occasion and what he said, "I ask you to confirm me as your President with your prayers," and we did that.

In 1975, President Ford honored me and the people of the Second District of West Virginia with a visit to our district. I will always remember that occasion, and I am sure the people of West Virginia will too. Jerry Ford will be welcome in West Virginia at any time.

Jerry and I both played football during our college years, and we often discussed sports during the many years we were associated.

The greatness of Jerry Ford is that he did not change when he assumed the Presidency. There is no pretentiousness about the man. He was the same type of person while he was President as he was during the many years we served together in this House.

Jerry Ford is a great American and a true patriot. There is no better measure of a man's worth than the character and extent of his influence over others.

Mrs. Staggers joins me in wishing Jerry and his lovely wife, Betty, and their fine children, the very best for the days and the years to come.

Mr. GINN. Mr. Speaker, it is with a great deal of personal pride and pleasure that I add my heartfelt thanks and best wishes to President Ford as he leaves public office for what will be, I know, a rewarding and productive private life.

Having served briefly with him in the House and having been a Member of Congress during his term in office, I am privileged to endorse President Carter's inaugural words that all Americans owe Mr. Ford a tremendous debt. He brought us successfully, and with dignity, through a period of great anguish, disenchantment, and soul searching. In doing so, he has given us a new faith in our system of government and our leaders. He has enhanced the potential of his successors to govern effectively, and with understanding and compassion.

Our words this day are only a small part of the tribute that I believe will ultimately come to President Ford. I believe history will judge him as a protector and careful steward of the constitutional responsibilities of our most important public office. We thank you, Mr. Ford, for your contribution to our heritage and for your work to preserve our system of government.

Mr. RUPPE. Mr. Speaker, I would like to take this opportunity to pay tribute to our 38th President, Gerald R. Ford. As you know, prior to his elevation to Vice President and President, he served for more than two decades in the House of Representatives, representing the Fifth District of Michigan. In his position as minority leader, I benefited tremendously from his intelligent leadership as well as his fairness and candor in dealing with important legislative business before the Congress.

As President, Jerry Ford has left behind a legacy of integrity and fortitude. He brought to the White House an example of a man who could be at once honest and strong in a time of rancor and turbulence. He has restored a sense of trust and dignity to the executive and legislative branches of government, and by doing so, united a divided nation.

Through his openness, President Ford has ended the traditional aura of secrecy that has shrouded past administrations. His integrity has restored a degree of decency and civility, not seen in past years, between the White House and the Congress.

By hard work and by making tough decisions, Mr. Ford has put the country back on its feet economically by simultaneously attacking unemployment and reducing the rate of inflation.

On the international front, we are at peace. The Ford administration has sought a dynamic peace. Through multilateral and bilateral negotiations, President Ford has opened the way to halt nuclear proliferation, to establish a permanent peace in the Middle East, and to have negotiations and progress rather than bloodshed in South Africa.

When Gerald Ford left the Presidency to become a private citizen, the praise of the country went with him. Everyone did not always agree with his policies or decisions. Some never agreed at all. But few can ever doubt his unwavering honesty or integrity. Gerald Ford was the right man for the job and America is a better place for having experienced the Ford Presidency.

GENERAL LEAVE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject matter of the special order I have taken today.

The SPEAKER pro tempore. (Mr. MURTHA). Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKINNEY) is recognized for 5 minutes.

Mr. McKINNEY. Mr. Speaker, if it were not for the seriousness of the situation we face, involving the lives and livelihood of millions of Americans, I think I would laugh out loud. This country has again been unexpectedly crippled by yet another "energy crisis" and Congress is again contemplating "emergency" measures to bring that crisis under control.

Despite my plans to join the ranks of my colleagues who will rush to the aid of the critically stricken regions of our country and support Mr. Carter's emergency allocation bill, I will not do so without a sense of disgust. Connecticut will do its part to free-up supplies for its fellow States and will do so happily in recognition of the assistance we in the Northeast have received in coping with our own, more persistent, energy emergency. However, Mr. Speaker, Connecticut will feel the pinch of further constraints on her already fragile economy.

In the last Congress, you recall that the House spent quite some time debating a proposal to deregulate the price of new natural gas. Opponents of deregulation claimed that industry warnings of severe shortages ranged from inaccurate to intentionally untrue. In the name of consumer protection, opponents of the measure effectively blocked decontrol and eliminated the sorely needed financial incentives to produce additional supplies. As a result, prices for some consumers were indeed held down so effectively that no gas will flow to them now that they are in dire need. Such attempts to repeal the law of supply and demand are what I call consumer protection at its congressional best.

Regardless of how quickly or successfully our relief efforts develop, Mr. Speaker, I do not expect plaudits from the American people for our actions here today. Congress must shoulder the primary responsibility for this most recent crisis. How can we expect anything but intermittent fuel shortages and crises in light of our remarkable failure to develop a definitive and coordinated national energy program within which such seasonal short-falls could be anticipated? The emergency program which Mr. Carter has devised is our only alternative due to the immediacy of the problem. However, the President's proposal should not be mistaken as a solution to our present or future dilemma. This reallocation proposal merely spreads the burden more thinly on the theory that a lot of people hurting a little is better than a few people hurting a lot. There must come a point when the problem can no longer be redistributed but must be solved.

I am afraid that it is an inescapable human weakness, regardless of party affiliation, that near disaster must strike before a problem of this dimension can be properly addressed. Hopefully, this winter's disaster has provided us with the impetus to resist further knee-jerk energy policymaking and tackle the problem in its full scope. To date, the product of this hand-to-mouth energy program has been a national energy policy consisting of three factors: The good will of OPEC, the good graces of the Russian Navy, and our prayers for good weather. The American people have a right to expect a more tangible program for national and regional energy development after 3 years of work.

Mr. Speaker, we must first prioritize our specific needs. If we are to depend on foreign oil imports as a primary energy source for the next 20 years, then let us plan for that. If the American people must pay higher fuel prices in order to stimulate domestic resource production, then so be it—but let us pass an excess profits tax and an energy tax rebate to minimize the economic disruption inherent in that course. We need a definitive timetable to account for the contribution of coal, nuclear, geothermal, and solar resources—a timetable upon which producers, refiners, distributors, and utilities can rely. These priorities, in turn, would require us to structure our environmental goals to complement energy development so energy producers can plan long-range generation needs without fear of fuel interruption or conversion orders. And finally, within that framework, I hope we would also eliminate ill-advised plans to export our energy resources as in the case of Alaskan gas and oil. A national energy policy would provide for the domestic consumption of those resources in areas, like New England, which are dependent on foreign sources for crude and must compete with their domestic neighbors for finished products due to the lack of regional refining facilities. Sadly, these are the problems we do not address today.

Mr. Speaker, I could go on ad infinitum, but each Member of this body knows what must be done. Unless prompt and effective action is taken, next year's energy supply distortions will be even more severe regardless of the winter's burden. I urgently hope we can do what must be done today, learn from this most recent disaster, and get on with the vital task that awaits us.

STATEMENT OF VIEWS OPPOSING THE ESTABLISHMENT OF THE SELECT COMMITTEE ON ASSASSINATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KELLY) is recognized for 5 minutes.

Mr. KELLY. Mr. Speaker, I come before you today to voice my strong opposition to House Resolution 9 which would establish the House Select Committee on Assassinations for the purpose of reinvestigating the assassination of President Kennedy, Martin Luther King, Jr., and any other persons deemed necessary by the committee.

I submit that if we approve this resolution, we will be committing the American taxpayer to a multimillion-dollar fishing expedition for the benefit of a bunch of publicity seekers who plan to build their political fortunes by impugning the motives and abilities of men and institutions that had the highest respect of the Nation at the time the crimes were committed.

The basic question we must ask ourselves is whom—or what—does the committee intend to investigate?

Are we to delude ourselves with the notion that casting a $13 million dragnet today, 13 years after the fact, will provide fresh leads on the assassination and investigation thereof?

Or are we to be swayed by rumors and allegations—running rampant of late—that the CIA, the FBI, the Chief Justice of the Supreme Court, and a whole array of highly respected public officials conspired somehow to keep the real facts about President Kennedy's assassination from the American public? Are we to believe these people were so inept they could not see then what those conducting the current investigation can see 13 years later?

Let us remember that at the time of the tragedy an army of trained investigators from nearly all branches of government swooped down on Dallas in an all-out effort to pick up the slightest shred of evidence on the killing. They included the Dallas Police Department, the Dallas County Sheriff's Department, the Texas Department of Public Safety, the FBI—which dispatched more than 80 additional agents to Dallas to assist in the investigation—the Secret Service, and the CIA.

To avoid parallel investigations and to concentrate the task of factfinding in a body with the broadest possible national mandate, President Johnson, on November 29, 1963, created a nonpartisan Commission to collect the information and present its conclusions to the American people. Lest we forget, members of the Warren Commission were universally acclaimed for their integrity and dedication to this country.

President Johnson selected Earl Warren, Chief Justice of the United States, to head the panel.

Serving with him were: Richard B. Russell, Democratic Senator from Georgia and chairman of the Senate Armed Services Committee, former Governor of, and county attorney in, the State of Georgia; John Sherman Cooper, the Republican Senator from Kentucky, and a U.S. Ambassador to India; Hale Boggs, Democratic U.S. Representative from Louisiana and majority whip; and Gerald R. Ford, Republican U.S. Representative from Michigan—and chairman of the House Republican Conference.

From the private sector the President selected two prominent attorneys who had served in the administrations of both Democratic and Republican Presidents. They were Allen W. Dulles, former Director of the CIA, and John J. McCloy, former President of the International Bank for Reconstruction and Development, former U.S. High Commissioner for Germany, and during World War II, the Assistant Secretary of War.

The Commission's legal staff consisted of persons with high professional qualifications and was drawn from different areas of the United States. Ten major departments of the Federal Government, 14 of its independent agencies and com-

missions, and 4 congressional committees were directed to supply all information relating to the crime.

Today, an ambitious assemblage of latter-day supersleuths would have us believe these same men were dummies, or, worse yet, treasonous, in conspiring with a foreign power to assassinate the President of the United States, and in conspiring to cover up the investigation.

If this is so, then we should not be investigating the assassination of President Kennedy, or that of any man for that matter. If this is so, we should be investigating the basic structure of this Government on the premise that it is in some conspiracy against the people of this country.

I do not believe there is any moral, ethical or practical basis to justify the premise. What really needs investigating are the motives of those who are working so diligently to instill in the hearts of the American people distrust for one another and disrespect for their institutions.

On the other hand, I am not preaching the infallibility of the Warren Commission, or of any other investigatory agency for that matter.

The suggestion has been made, and I am in agreement, that if valid questions have arisen or new facts have come to light that might alter the Warren Commission's findings, then the matter should be investigated—by a properly selected nonpartisan panel of factfinders, not a bunch of free-spending headline grabbers.

To do otherwise would be to discredit our local, State and Federal law enforcement agencies, our court system and the Warren Commission—most of whom, I believe—worked honestly and hard to unravel this great tragedy.

Whether or not there needs to be an investigation is a matter of debate. But if House Resolution 9 is approved many politicians will make their names in this world, at the expense of the American taxpayer and the reputation of the institutions we have come to depend on. That we can be sure of.

This type of smear is immoral and unjust, and I urge my colleagues to oppose it.

LEGISLATION PROVIDING SEVEN ADDITIONAL JUDGES FOR THE SOUTHERN DISTRICT OF FLORIDA

The SPEAKER per tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Florida. Mr. Speaker, today I am introducing legislation which would amend title 28 of the United States Code to provide seven additional judges for the southern district of Florida. If this legislation is passed into law, not less than two of these judges shall be assigned to hold court in Fort Lauderdale, Fla.

Under our system of checks and balances where the legislative, the executive, and the judicial branches share the powers of the Government, it is the responsibility of the Congress of the United States to enact laws and to provide the necessary courts to enforce these laws. But it has been over 6 years since the Congress has seen, in its wisdom, the need to provide additional judgeships to the southern district of Florida. Since that time a dramatic increase in population and a similar rise in the backlog of court cases lends support to the position that additional judges are necessary if the judicial system is not to be overburdened.

Statistics from the U.S. Department of Commerce and the Bureau of the Census show that Florida is now the most rapidly growing State in the Union and that the part of Florida which makes up the southern district of Florida is growing at a faster rate than the remainder of the State. It is the tremendous population growth in this area coupled with a marked increase in commercial activity—both foreign and domestic—which accounts for the unprecedented increase in civil and criminal filings in this court and the particular urgency of this legislation.

Even though there are seven authorized judgeships in the southern district of Florida the workload of this court has increased to the point where it is now one of the heaviest in the United States. The extent of this situation can be seen by comparing the activities of the southern district court with the four criteria establishing the need for new judgeships set forth in Report 94–387 of the omnibus district judgeship bill, S. 287. According to this report each judge should be responsible for no more than 400 case filings. Second, each judge should be responsible for not more than 358 terminations. Third, the bench time for each judge shall not exceed 110 days. And finally, the district shall have made efficient use of existing judges, supporting personnel, and procedural devices. Should the district exceed the limits defined in these criteria, it follows that new judgeships shall be created until compliance with the criteria has been satisfied.

Using the criterion that 400 cases is the proper limit for a single judge to receive, it follows that in a district wherein there are 7 judges, there should be a maximum of 2,800 case filings during any one year. However, between fiscal years 1970 and 1976 the number of civil and criminal cases filed in the southern district court jumped from 2,204 to 4,755. This averages out to approximately 14½-percent increase per year since fiscal year 1970. Translated into caseload per judgeship, the number of civil and criminal cases that each judge in the district must handle has risen from 441 in fiscal year 1970—when there were only 5 judgeships—to 679 in fiscal year 1976. In other words, the judges in the southern district of Florida have been literally staggered by the weight of an increasingly growing caseload.

Just as significant are the figures denoting the number of cases terminated and the bench time per judge. In fiscal year 1975 each judge in the southern district of Florida terminated an average of 447 cases. This is well above the national average of 371 and goes even further beyond the recommendation of 358 per judge as stated in Report 94–387. Also the judges spent an average of 112 days in trial plus 142 bench days per judge on other court proceedings. This far exceeds the recommended limit of 110 days bench time per judge. All in all, there can be no question that the southern district of Florida has made an efficient use of existing judges, supporting personnel, and procedural devices.

Just as startling are those figures which indicate that the situation is becoming increasingly worse. During fiscal year 1975 there were 3,694 cases filed in the southern district of Florida. Of these 2,853 were civil cases and 841 were criminal cases. This total breaks down to 528 cases filed per judgeship of which 408 were civil cases and 120 were criminal filings. The court's civil filings for fiscal year 1975 increased by 822 cases—41 percent—over the filings for 1974—2,853 versus 2,031. Between fiscal year 1974 and 1975 the overall caseload per judgeship increased by 36 percent from 395 to 528. These figures represent the second largest increase of any district in the country. Even more disturbing are the figures for the first 6 months of fiscal year 1976. During this period, the civil case filings have increased by an additional 92 percent over the corresponding period in 1975—2,336 versus 1,218. The criminal cases filed during this same period have increased 21 percent over the first 6 months of fiscal year 1975.

From the standpoint of each criteria established by Report 94–387 the needs of the southern district of Florida require that the additional judgeships requested in this legislation be granted.

The urgency of this particular legislation is further underscored by the projected increase anticipated for the 1976–80 quadrennial. Using the average percentage increase for the years 1970–76—14½ percent per year—as a basis, it can be projected that the number of civil and criminal cases filed in the southern district of Florida will increase from 4,755 in fiscal year 1976 to 8,172 in fiscal year 1980. When translated in caseload per judgeship, the number increases from 679 cases per judge in fiscal year 1976 to 1,167 in fiscal year 1980. It should be remembered that 400 cases is the recommended limit. And on the basis of this recommendation, it follows that the southern district of Florida already needs 12 judgeships and will require 20 in fiscal year 1980 if the projections are correct.

Attention must also be paid to the report of the Director of the Administrative Office to the Judicial Conference of the United States. In this report the Director revealed case filings in the various district courts across the Nation, along with the number of active judges sitting in each court and the percentage of increase in civil filings in each district during the first 6 months of fiscal year 1975. The following figures are taken from the Director's report:

Court	First half fiscal year 1976	Percent increase over fiscal year 1975	Authorized judgeships
N.Y. South (New York)	3,419	14.1	27
Ill. North (Chicago)	2,212	12.2	13
Penn. East (Philadelphia)	1,883	10.2	19
Fla. South (Miami)	2,336	91.8	7

The common interests of justice are not well-served when the southern district of New York with 27 judges has only 1,000 more cases than does the southern district of Florida which has only 7 judges; or when northern Illinois with 13 judges receives 1,124 cases more than southern Florida with 7 judges; or when eastern Pennsylvania with 19 judges and 5 senior judges receives 453 cases less than southern Florida with 7 judges. In spite of these figures, no judgeships have been added to the southern district of Florida for over 6 years.

A further consideration having a dramatic impact on the court system in southern Florida is that the Department of Justice is beginning one of the most massive eminent domain programs ever to be instituted anywhere in the United States. It is anticipated, according to Justice Department officials, that between 65,000 and 100,000 condemnation cases will be tried in the southern district of Florida. This cannot but help to increase an already overburdened court system.

Also, one cannot overlook the fact that tourism is one of the largest industries in the State of Florida. Nearly 20 million persons visit southern Florida annually. Each one of these persons is a prospective diversity jurisdiction litigant in the southern Florida court. In addition, it is becoming ncreasingly apparent that the south Florida area attracts large numbers of the most vicious and incorrigible criminals in this Nation and that they and many of those having permanent residence in south Florida have organized crime contacts. Furthermore, the drug and narcotics traffic coming into the United States from Latin America has added markedly to the sharp increase in case filings and the subsequent overloading of the court system.

Mr. Speaker, we all know that the sixth amendment to our Constitution guarantees the accused in all criminal cases shall enjoy the right to a speedy and public trial. But many of those accused of crimes have good reason today to deny the validity of this statement in practice. An accused person should have a speedy trial to determine guilt or innocence. Unless we can increase the speed with which defendants can get trials, dissatisfaction with the present system will continue to be voiced.

Basically, our system of law is sound. But it cannot function if we as a Congress undermine it and fail to give proper judicial representation in areas where it is needed. If we fail in our obligations, we shall undermine it to the point of chaos.

Mr. Speaker, before closing my remarks, I would like to commend the judges of our Federal courts—and in particular the southern district of Florida—on the job they are doing in view of the vast amount of cases thrust upon them in present undermanned courts. As a lawyer from Florida, I know the problems that the judges of the southern district of Florida have had.

I strongly urge that the U.S. House of Representatives gives its approval to the passage of this much needed legislation. It is essential for the preservation of our system of laws in the southern district of Florida. To refuse to meet our obligations in this matter would be to betray ourselves and those who look to the courts for justice.

COMPREHENSIVE YOUTH EMPLOYMENT ACT OF 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, today I am pleased to join my colleagues in introducing the Comprehensive Youth Employment Act of 1977.

This legislation establishes a number of programs to reduce our youth unemployment rate and to help our young people obtain the experience and job counseling necessary to make informed career decisions. Specifically, title I establishes programs which: First, create jobs for youth in local government projects; second, place youth in private businesses and reimburse industry for on-the-job training costs; third, provide youths with job experience before high school graduation without interrupting their educational programs; and fourth, provide occupational information and counseling to youths. Title II establishes a national Conservation Corps, and title III revitalizes the Job Corps.

Permit me to share with you my reasons for cosponsoring this legislation.

My primary concern is the high unemployment rate among our youth. For the past 2 years, the unemployment rate for teenagers, 16 to 19 years of age, has averaged 30 percent, almost triple the rate for adults. For those 20 to 24, the unemployment rate has averaged 12 percent, double the adult rate. For black teenagers, the unemployment rate has remained near 40 percent, and in major cities, the rate is even higher. Thus, approximately 3.5 million Americans under age 25 are unemployed. This represents half the total number of jobless Americans.

Second, the prospects for improved job opportunities for youth look dim. We know that the size of the 18-to-24-year-old population will continue to increase for the next 5 years. Meanwhile, the 25-to-64-year-old population, which increased dramatically in 1970, is now entrenched in the better jobs. Thus, attrition rates are low and opportunities for new aspirants are fewer. In addition, for every young person whose entry into the labor market is delayed, there is a likelihood of downward displacement—that is, 25-year-olds are getting and keeping jobs formerly sought by younger workers while the younger, less experienced are finding it even more difficult to find any kind of work. Furthermore, in view of the high adult unemployment rate and the expense of training new workers, there is little incentive for businessmen to hire young, inexperienced workers.

Third, continued high unemployment among young people may have serious, long-range social and economic effects. Our jobless youth are missing opportunities to learn the responsibilities and rewards of work and to advance to more productive jobs. This not only wastes approximately $40 billion in potential output per year, but also it suggests that our work force of the future may be less skilled. Its productive, and less attuned to the special needs and demands of the workplace. Most young people are extremely enthusiastic about entering the work force. However, their enthusiasm soon wanes when they are caught in the vicious circle of being denied a job because they lack sufficient experience. Some become alienated and, as an alternative to work, choose inactive or destructive lifestyles, which, for many, follow them into adulthood. We must provide our youth with constructive alternatives that affirm their enthusiasm for work. Otherwise, we will be forced to increase Government spending to counteract the social and economic burdens created by the present conditions.

The Comprehensive Youth Employment Act differs substantially from past congressional efforts to deal with youth unemployment. Previously enacted laws, such as the Vocational Education Act, the Comprehensive Employment and Training Act, and the Law Enforcement Assistance Act, are limited in scope and direct funds primarily to special groups, school dropouts, and delinquent youth. This bill, however, represents a new commitment to developing and employing the talents of all our young people. Most programs established by the bill are open to all teenagers. Furthermore, by integrating Federal and local government plans with those of our schools and private businesses, the bill provides teenagers with the broadest possible range of opportunities for learning about and entering the working world. It symbolizes a new didication to the goals and needs of our young people.

Now is a most opportune time to act on this legislation. During the last 2 years, the effectiveness of programs to improve the youth labor market could easily have been minimized by the recession. However, the present gradual economic recovery will enable us to combine new programs with the momentum of economic growth to substantially diminish teenage joblessness. Furthermore, the new administration has indicated a desire to improve employment opportunities for our young people. Thus, I urge the Education and Labor Committee to give this legislation the prompt attention it deserves.

STATES OPPOSE FEDERAL STRIP MINE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BAUMAN) is recognized for 10 minutes.

Mr. BAUMAN. Mr. Speaker, as certain as we take our oaths of office each new Congress, we face again the prospects of Federal legislation to regulate strip mining. We now have H.R. 2, the worked-over version of the bill we had last year which was worked over from the year before that and the year before that. But its still the same old package even though the paper changes.

In view of the critical energy dilemma

facing the people of this Nation resulting from the shortage of natural gas, I find it ironic and irresponsible that this Congress would continue to pursue anti-coal legislation when all the energy experts agree that the production and use of this country's vast coal reserves and resources are vital toward solving the Nation's energy problems. I urge my colleagues to closely scrutinize this bill and having done so I believe you will agree with me that its absence of flexibility and the arbitrary, confusing, unnecessary, and unreasonable procedural requirements forced upon both the Federal and State governments will undoubtedly delay or prevent the development of this vital national resource.

That the Congress fiddles while the Nation freezes is not unnoticed by the elected Governors, legislators, and energy officials of many States. I am placing in the RECORD for my colleagues perusal some 15 letters from across the country demonstrating the bipartisan opposition to restrictive Federal coal mining legislation.

I urge that we listen to their wisdom. For example: From the Governor of Tennessee, Ray Blanton:

I vigorously oppose the imposition of any new Federal standards . . . or the creation of another Federal agency.

From the Lieutenant Governor of Virginia, John M. Dalton:

I urge you to consider not what the states weren't doing ten years ago, but what they are doing now.

From a State senator in Illinois:

What's good for Wyoming in reclamation certainly would not work in Illinois.

And from the president of Montana's Western Environmental Trade Association:

To pass federal strip mine legislation would only create another bureaucratic nightmare without benefit to the environment or the people.

These are only a sample of the responses. Why do we not listen? Why do we work so hard on legislation which keeps coal in the ground? I urge my colleagues to sample the wisdom in the following letters:

NASHVILLE, TENN.,
January 6, 1977.

Hon. WALTER FLOWERS,
Rayburn House Office Building,
Washington, D.C.

I am advised that new Federal legislation is pending which would further regulate surface mining and reclamation. As Governor of a State that has enacted, and is enforcing, stringent surface mining legislation responsible to the needs and concerns of the people of Tennessee, I vigorously oppose the imposition of any new Federal standards from surface mining and reclamation or the creation of another Federal agency which would serve to compound the problem. State programs must necessarily take into account differences in terrain climate and other conditions that vary widely from State to State. If you want a realistic view of what is being done in Tennessee I invite the committee and you to visit and witness our accomplishments. Federal regulations are not needed to control surface mining and reclamation in Tennessee because a strict and effective program already exists.

RAY BLANTON,
Governor of Tennessee.

STATE OF ALABAMA,
Montgomery, January 5, 1977.

Hon. WALTER FLOWERS,
U.S. Congressman, Cannon House Office Building, Washington, D.C.

DEAR WALTER: It has been called to my attention that Congressman Udall will hold hearings commencing January 12, 1977, respecting the Federal strip mining legislation and other legislation regulating the mining industry.

It continues to be our position and policy that the individual states ought to take the lead in this regard and we have supported strong strip mining legislation in Alabama and will continue to do so.

We would respectfully request that you voice our sentiments as far as their regulatory practice is concerned for the mining industry.

With kindest regards and best wishes for a Happy and Prosperous New Year, I am

Sincerely yours,

GEORGE C. WALLACE,
Governor.

(Following is letter sent to the Honorable Morris K. Udall from Otis R. Bowen, M.D., Governor of Indiana.)

DEAR REPRESENTATIVE UDALL: I write with regard to proposed federal surface mining legislation now under consideration by congress.

As a major coal-producing state, Indiana has long been interested in effective reclamation programs. In 1967 the state enacted a comprehensive and strong surface mine reclamation act which has proved to be workable and effective. For nearly ten years we have been resolving surface mining problems prudently and successfully. From our state standpoint, federal intervention is simply not necessary. Aside from the administrative apparatus that would be involved in federal preemption, we are concerned that any legislation which sets a uniform national standard probably will ignore geology. Furthermore, it may fail to recognize local environmental or economic priorities.

I do believe that federal legislation is needed to address the matter of reclamation on federal lands or lands on which the federal government controls mineral rights. I share the opinion of several other governors that federal standards for federal land should be as stringent as standards imposed by the states in which the federal properties are located.

OTIS R. BOWEN,
Governor of Indiana.

January 6, 1977.

Hon. MORRIS K. UDALL,
Chairman, House Interior and Insular Affairs Committee, House Office Building, Washington, D.C.

DEAR CONGRESSMAN UDALL: It is our understanding that your committee will be considering the need for a Federal Reclamation Law in the near future.

As International President for the Progressive Mine Workers of America and chief spokesman for this organization, I would appreciate that the record show that we are opposed to a Federal Reclamation Law.

Serious thought has been given before reaching our position. It is our belief that to use one rigid pattern for all states, as would be proposed by a Federal Law, is in fact self defeating. Just as the tailor must cut the cloth to fit the individual, so must each state shape its Land Reclamation Law to its own conditions and not those of another state. For example, the objectives incorporated in Reclamation Laws in the states our people are interested in: namely, Illinois, Indiana, Kentucky, North Dakota, Montana and Wyoming, are designed specifically for these states and are not interchangeable. Federal intervention with a blanket law for the varied conditions in these states would only play havoc in disrupting that which most states are now accomplishing on their own.

In studying this problem we have found that all major coal producing states have good, strong Reclamation Laws. We encourage you and your committee to visit the various coal producing states and see first-hand what is now being done in reclamation.

Respectfully yours,

EUGENE HUGHES,
International President, Progressive Mine Workers of America.

RESOLUTION OF THE INTERNATIONAL EXECUTIVE BOARD OF THE UNITED MINE WORKERS

Whereas, the International Executive Board opposes any form of federal regulation or bills pertaining to surface mining; therefore, be it resolved the International Union will support state regulations pertaining to surface mining reclamation as directed and mandated by the 47th Constitutional Convention in Cincinnati, Ohio.

Unanimously Approved: 24–0.

Dated: January 25, 1977.

JANUARY 7, 1977.

Senator LEE METCALF,
Interior Committee, Dirksen Senate Office Building, Washington, D.C.

I wish to express my strong opposition to Strip Mine Bill HR 2. It is my opinion that this bill is not in the best interest of the American people and especially the coal miners of this country. A bill such as this could put our coal miners on the street rather than being employed providing for the livelihood of their families This country has gotten itself in a position now where we are dependent on the foreign oil imports for our energy needs. The HR 2 Bill would cripple the production of coal and make the American people more dependent on foreign oils for our energy needs. I am expressing the feelings of the 11,000 membership in the district I represent. I respectfully ask you to oppose this bill in the best interest of the American people and especially the coal miners who solely depend on the coal industry for their employment. We cannot survive with a bill such as HR 2. Our delegates at the International Convention went on record strongly in opposition to this type of bill.

LEE ROY PATTERSON,
International Executive Board Member, District 23, U.M.W.A.

JANUARY 10, 1977.

Hon. JIMMY CARTER,
President-elect of the United States, the Transition Office, the White House, Washington, D.C.

DEAR GOVERNOR CARTER: I have recently been advised that certain Members of Congress plan to introduce in the current session of Congress another version of the federal surface mining bill which was vetoed last year by President Ford. You stated during the campaign that you would have signed this bill. Since it seems likely that the bill will again be passed, I earnestly urge you to reconsider your position. For it is my firm belief, and the belief of many other Virginians, that federal legislation is simply not needed to control the surface mining of coal in Virginia and in most other states.

Virginia and nearly 40 other states now have laws which, in the opinion of their respective legislatures, meet their requirements. These various state laws take into account the differences between states in climate, terrain, coal quantity, and the desires of the affected citizens.

These are precisely the kinds of factors which cannot be fairly addressed by a single set of federal requirements. Such a federal law could, in fact, be counter-productive since another bureaucracy would be superimposed on state enforcement agencies. This would add confusion, stifle innovation in

mining and reclamation methods, and very likely result in reduced coal production.

The bill vetoed by President Ford last year was aimed primarily at preserving the topography of coal-bearing lands in the West. I suggest that the standards and criteria which may be appropriate to the West are not necessarily appropriate to the different topographical and geological situation in the East.

Virginia's first coal surface mining law was passed in 1966. Stringent new provisions were added in 1972. Still further improvements were made in 1974. In 1975, Virginia's Board of Conservation and Economic Development approved a far-reaching set of new implementing regulations to guide enforcement officials in assuring that our law is effective.

To the best of my knowledge, Congress has held formal public hearings on surface mining since early 1973; therefore, Congress has no basis at present for judging the adequacy of the laws Virginia and many other states have adopted or amended since then.

Virginia law requires coal operators to post a money bond to guarantee that mined lands are reclaimed. Practically every acre of land mined since 1966 has been restored.

Because of its complicated and unnecessarily stringent requirements, the proposed federal law would cause a serious loss of coal production at a time when coal is becoming a precious energy resource. It would result in significant unemployment and economic dislocation in the coal fields of Southwest Virginia. It would create yet another federal bureaucracy just when public discontent with big government has reached a peak.

For these and other reasons, I urge you to consider not what the states weren't doing ten years ago, but what they are doing now. I believe you will agree that control of coal surface mining should be left to the several states rather than handed over to an inflexible federal bureaucracy.

Very truly yours,

JOHN N. DALTON,
Lieutenant Governor, Virginia.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 7, 1977.

Hon. MORRIS K. UDALL,
Chairman, Energy and the Environment Subcommittee, Interior and Insular Affairs Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am very pleased to learn you plan to conduct a briefing session for Members of the Interior Committee so that careful scrutiny can be given to the present status and indicated progress of reclamation efforts of the several coal mining states.

We in West Virginia concentrated our efforts on the development of satisfactory reclamation methods and devices during recent years, and the results have been impressive. I would certainly hope that before you arrive at a decision as to whether or not a Federal surface mining control law is now necessary, and the extent of that law if it is to be proposed, you would take advantage of our open invitation to join with a group of your committee and tour some of our reclaimed areas in West Virginia.

As I am sure you will recall, the major impetus for Federal surface mining control legislation began some ten years ago on the basis of statements to the effect that the land could not be reclaimed, and surface mining by its very nature destroyed the land permanently. We now have solid evidence that this is not untrue, and we are proud of what has been done in the reclamation field. We feel that our efforts deserve concentrated attention as a prime example of what can be done on the basis of the growing expertise and willingness to invest which has been exhibited by the industry. We hope you will accept our invitation at an appropriate time.

Yours sincerely,

JOHN SLACK,
Member of Congress.

STATE OF ALABAMA,
HOUSE OF REPRESENTATIVES,
Montgomery, Ala., January 5, 1977.

Re Federal surface mining legislation expected to be introduced in the new Congress by Morris Udall.

Hon. WALTER FLOWERS,
U.S. House of Representatives, House Office Building, Washington, D.C.

In the 1975 session of the Alabama Legislature we passed a regulatory act regarding coal surface mining in Alabama, and amended this act in the 1976 session. This act is very heavily weighted toward a program of definitive reclamation.

It is my belief that each state should have its own regulations and enforcement of mining laws. The added bureaucracy and governmental red tape would not be to the best interests of conservation or energy production. The proposed strip mining bills would have a very serious adverse economic effect on the areas of employment and related coal industry jobs in Alabama.

I certainly hope that as a member of the United States Congress you will work to defeat these federal mining bills.

Thanks for your help in this matter.

With warm personal regards, I am

Sincerely,

JOSEPH C. MCCORQUODALE, Jr.
Speaker.

HOUSE OF REPRESENTATIVES,
STATE OF TENNESSEE,
Nashville, Tenn., January 11, 1977.

Hon. MORRIS K. UDALL,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN UDALL: I have recently been advised that another federal coal surface mining bill has been introduced in Congress for consideration in the forthcoming session. This is a matter of deep concern to the people of Tennessee, and I would like to take this opportunity to express my views on this matter.

The surface mining of lands in the State of Tennessee and the protection of those lands are a state concern. Tennessee has enacted stringent surface mining legislation that is responsible to the needs and concerns of the people of Tennessee. Detailed standards set out the requirements for contour and area mining that assures sound reclamation after mining is completed. As Chairman of the Conservation and Environment Committee of the House of Representatives of the State of Tennessee, I can assure you that the state Department of Conservation is doing a very fine job of enforcing our surface mining program. Federal surface mining regulation is simply not needed to effectively control surface mining in Tennessee because we are doing that with our program.

Furthermore, I am opposed to the creation of another federal agency with all new procedures and standards to be imposed upon the State of Tennessee. In my judgment, it is questionable whether any benefit will accrue from a federal program. Indeed, imposition of markedly different legislative language, terms, definitions and procedures could have a disastrous result and completely undermine the effective state program that we have today. It is my understanding that all of the major coal producing states have legislation regulating surface mining and reclamation. Like Tennessee's program, these state programs must necessarily take into account the differences in terrain, climate and other conditions that differ from state to state.

Ceratinly, some elements will complain that our program is too strict while others will argue that it does not go far enough. Please be assured that most of the people of Tennessee support our surface mining program. If you want a realistic view of what is being done in Tennessee, I invite you and the committee to visit our coal surface mining areas and see what is being accomplished there. I would be pleased to arrange such a tour and would like to accompany you on any such visit to Tennessee. Please let me know how I can be of assistance.

I look forward to cooperating with you on this matter which is of great concern to me and to the State of Tennessee.

Sincerely,

CONSERVATION AND ENVIRONMENT,
WILLIAM C. WATSON, *Chairman.*

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE ATTORNEY GENERAL,
Richmond, Va., January 7, 1976.

Hon. MORRIS K. UDALL,
Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. UDALL: Having been advised that you will hold hearings in the near future to determine whether federal coal surface mining legislation should again be considered by the Congress, I respectfully request that the following views be made a part of the hearing record.

Coal surface mining provides a significant source of employment in Southwest Virginia. The citizens of the Commonwealth, however, have recognized that uncontrolled surface mining can adversely affect the environment. For this reason, the Virginia General Assembly has enacted legislation to require the proper control of coal surface mining in order to prevent injurious effects upon the people and resources of this State.

Since the inception of this legislation in 1966, Virginia's coal surface mining laws, which are found in Chapter 17 of Title 45.1 of our Code, have become increasingly rigorous in the requirements which are imposed upon mine operators. Pursuant to these laws, new regulations pertaining to mulching, expedited seeding, and improved drainage have been added to Virginia's program. Other regulations which would increase the amount of overburden retained on the bench are now under consideration. It is important to observe that these requirements have been developed and promulgated by Virginia's legislature and administrative agencies, which are in the best position to consider the unique needs of the Commonwealth's environment and its mining industry.

The success of Virginia's regulatory program depends upon its implementation. The agency which administers the program is supported by permit fees which are paid by mine operators. Originally, these fees were set at six dollars per acre for new permits. In 1974, the General Assembly increased these fees to twelve dollars per acre. A bill, which I support, is currently before the legislature which would increase the fees to thirty-six dollars per acre. If this bill is adopted at the upcoming Session, it will enable the Commonwealth to employ more mine inspectors and to upgrade its administrative resources, so that an even more effective job may be done.

I would also point out that Virginia's effort to reclaim orphaned land, which was surface mined prior to the institution of State controls, and has been significantly assisted by a recent agreement between the Tennessee Valley Authority and Virginia's Department of Conservation and Economic Development. This program is underwritten, in part, by a federal grant of $6,000,000. Although the approach embodied in the TVA-State agreement may not find favor with those in Washington who insist that federal

programs should regulate every aspect of an activity, I am confident that this straightforward and cooperative TVA-State project will successfully reach its goal.

In conclusion, it is my opinion that the Commonwealth is fully capable of responsibly addressing and correcting, through her own legislature and agencies, the environmental disruptions caused by surface mining. I believe that the people of Virginia have made, and will continue to make, such a commitment and would very much regret yet another effort by this Congress to preempt their ability to make decisions through their State government. I, therefore, would urge the Congress not to enact a comprehensive surface mining law similar to the one which was vetoed in 1976.

If there is a role for the federal government in the control of coal surface mining, I firmly believe that it should not go beyond the encouragement and reinforcement of State regulatory programs. Such an approach would not only be productive of programs which reflect the unique circumstances found within each State, but would be more economical for the national government as well. My staff stands ready to work with yours to explore alternatives to massive and preemptive federal controls.

With kindest regards, I am,

Sincerely yours,

ANDREW P. MILLER,
Attorney General.

JANUARY 7, 1977.

Congressman MORRIS UDALL,
House Office Building,
Washington, D.C.:

I understand some hearings have been hastily set on surface mining legislation. I would encourage you to be cautious about establishing further restrictions on surface mining. Ohio already has an excellent reclamation law governing surface mining. These requirements are working and if there are unworkable provisions they can be changed without the delays of federal government. Even with the regulations established in Ohio they are restrictive enough that there are no new surface mines planned in the next ten years. This means Ohio will not be able to increase its supply of coal. I hope you will be cautious about extending the federal bureaucracy into the further reaches of states' prerogatives.

ROBERT S RYAN,
Director, Ohio Energy and
Resource Development Agency.

RESOLUTION DESIGNATING FEBRUARY AS "BLACK HISTORY MONTH"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. METCALFE) is recognized for 10 minutes.

Mr. METCALFE. Mr. Speaker, today I have introduced a joint resolution which would designate February as "Black History Month." Begun in 1926 by Carter G. Woodson, often referred to as the "father of black history," Black History Month has increasingly gained popularity in schools at all levels of education, among community and civic organizations, and with individuals. Woodson chose February as Black History Month to coincide with the birthdays of Frederick Douglass and Abraham Lincoln, the two men who probably best symbolize the quest for justice and equality for all of our citizens.

In 1916, Woodson founded the Association for the Study of Negro Life and History. This organization, now named the Association for the Study of Afro-American Life and History—ASALH—has become the Nation's most respected body devoted to black history. ASALH has for many years been in the forefront of educating the American people of the importance of the black tradition in this country. The need to highlight the richness of this tradition is evident in a statement made 40 years ago by the eminent historian Arnold Toynbee, who said:

Only the black race has made no productive contribution to society.

Although the inaccuracy of this statement is obvious to many people, this view still seems to be a much too prevalent one.

It is for this reason that I have introduced this resolution. It is of great importance that all of our citizens learn about and recognize the many contributions black Americans have made to the growth of our Nation. Woodson eloquently described the importance of the black tradition when he said in 1926:

The achievements of the Negro properly set forth will crown him as a factor in early human progress and a maker of modern civilization. He has supplied the demand for labor of a large area of our own country, he has given the nation a pacific stimulus, he has developed the most popular music of the modern era, and he has preserved in its purity the brotherhood taught by Jesus of Nazareth.

Mr. Speaker, the black tradition is one of which all Americans can be proud. Therefore, I strongly urge quick passage of this resolution designating February as Black History Month. I further urge my colleagues to encourage and participate in Black History Month activities which take place in their districts and States.

At this point, I would like to insert the text of the resolution into the RECORD:

H.J. RES.—

Joint resolution to recognize the heritage of black citizens of the United States

Whereas the month of February of each year has been designated by the Association for the Study of Afro-American Life and History as "Black History Month";

Whereas the black citizens of the United States have made unique and valuable contributions to the United States in all areas of American life;

Whereas the extent of these contributions has not been fully recognized by all of our citizens; and

Whereas the rights of black citizens of the United States are not fully recognized by all of our citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby—

(1) recognizes February 1977 as "Black History Month";

(2) encourages all citizens of the United States to learn about and recognize the heritage of our black citizens; and

(3) calls upon all citizens of the United States to commit themselves to rectify the injustices suffered by our black citizens.

RULES OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, pursuant to clause 2(a)(3) of the Rules of the House, I submit for publication in the RECORD the Rules of the Committee on the District of Columbia which were adopted by the committee, by unanimous vote, a quorum being present, in open session, at its meeting of January 31, 1977:

RULES GOVERNING PROCEDURES OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA, 95TH CONGRESS

A. IN GENERAL

(1) The Rules of the House are the rules of this Committee and each subcommittee so far as applicable, except that a motion to recess from day to day is a motion of high privilege in the Committee and subcommittees.

(2) Each subcommittee is a part of this Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable. The rules of the Committee shall be the rules of its subcommittees.

(3) No major investigation by a subcommittee shall be initiated without approval of the Chairman of the Committee or the majority of the full Committee.

(4) Any Member, when recognized by the Chairman, may address the Committee on any bill, motion, or other matter under consideration before the Committee. The Chairman may limit to 5 minutes the time of any such member, after giving due consideration to the importance of the subject matter and to the length of time available.

B. REGULAR MEETING DAYS

(1) The full committee will have its regular meetings on the first Monday in each calendar month at 10:00 A.M. When the House is in recess, the regular monthly meeting of the Committee may be dispensed with at the discretion of the Chairman upon notice of such action to all Members of the Committee.

(2) The Committee shall meet, for the consideration of any bill or resolution pending before the Committee or for the transaction of other committee business, on all regular meeting days fixed by the Committee.

(3) Subcommittee chairmen shall set meeting and hearing dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings wherever possible.

C. ADDITIONAL AND SPECIAL MEETINGS

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the Members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of, and

the measure or matter to be considered at, the special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

If the Chairman of the Committee or sub-

D. RANKING MAJORITY MEMBER TO PRESIDE IN ABSENCE OF CHAIRMAN

committee is not persent at any meeting of the Committee or subcommittee, the ranking Member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

E. COMMITTEE RECORDS AND ROLLCALLS

(1) The Committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be made available by the Committee for inspection by the pubic at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those Members present but not voting.

A record vote in subcommittee may be had upon the request of any subcommittee member, and in full Committee upon the request of any Committee member.

(2) Records of hearings before the Committee shall not be available to the public for quotation of any Member until after such Member has had an opportunity to examine and approve such hearing records.

(3) All Committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the chairman of the Committee or a subcommittee; and such records shall be the property of the House and all Members of the House shall have access thereto.

F. PROXIES

A vote by any member in the Committee or in any subcommittee may be cast by proxy, but shall be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

G. OPEN MEETINGS AND HEARINGS

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee or subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public; *Provided, however,* that no person other than members of the Committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by (2) of this rule, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the Committee or subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives; *provided, however,* that the Committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

H. QUORUM

(1) The number of Members to constitute a quorum for the purpose of taking testimony and receiving evidence in full Committee or subcommittee is two.

(2) One-third of the Committee or a subcommittee shall constitute a quorum for other meetings, except that a majority of the Committee or subcommittee shall constitute a quorum for the purposes of reporting a bill and closing a meeting to the public.

I. CALLING AND INTERROGATING WITNESSES

(1) Whenever any hearing is conducted by the Committee or a subcommittee upon any measure or matter, the minority party Members on the Committee or subcommittee shall be entitled, upon request to the Chairman of the Committee or subcommittee by a majority of the minority party Members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2) The Committee and subcommittees shall apply the five-minute rule in the interrogation of witnesses in any hearing until such time as each Member of the committee or subcommittee who so desires has had an opportunity to question each witness.

(3) Committee Members may question witnesses only when they have been recognized by the Chairman for that purpose.

(4) All questions put to the witnesses before the Committee shall be pertinent to the bill or other subject matter before the Committee for consideration.

(5) Insofar as is practicable, each witness who is to appear must file with the Committee (in advance of his or her appearance) a written statement of the proposed testimony and limit the oral presentation at such appearance to a brief summary of his or her argument.

J. INVESTIGATIVE HEARING PROCEDURES

(1) The Chairman of the Committee or subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the Committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman of the Committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the full Committee may cite the offender to the House for contempt.

(5) If the Committee or subcommittee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) receive such evidence or testimony in executive session;

(B) afford such person an opportunity voluntarily to appear as a witness; and

(C) receive and dispose of requests from such person to subpoena additional witnesses. Full Committee authorization is required to subpoena witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee.

(8) In the discretion of the Committee or subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee.

K. REPORTING BILLS AND RESOLUTIONS

(1) No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) Any Member at a meeting of the full Committee or any Member of the subcommittee involved may make a point of order that a quorum is not present.

(3)(a) Each Committee report shall include in its text a statement of the reported legislation's intent or purpose, need, the results of motions to report, a five-year cost estimate, oversight statement, inflationary impact statement, any statement required by sections 308(a) and 403 of the Budget and Impoundment Control Act of 1974, Administration or Departmental position (if any), and changes in existing law, in addition to such other provisions as the Chairman deems necessary.

(b) If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more Members of the Committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which—

1. shall include all supplemental, minority, and additional views which have been submitted by the time of the filing of the report, and

2. shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted pursuant to the requirements of sections 308(a) and 403 of the Budget and Impoundment Control Act of 1974) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

L. POWER TO SIT AND ACT; SUBPOENA POWER

(1) For the purpose of carrying out any of its functions and duties under these rules,

the Committee, or any subcommittee thereof, is authorized—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) subject to (2)(A) of this rule, to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(2)(A) A subpoena may be issued by the Committee or subcommittee under (1)(B) of this rule in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members voting, a majority being present, and authorized subpoenas shall be signed by the Chairman of the full Committee or by any Member designated by the Committee.

(B) Compliance with any subpoena issued by a Committee or subcommittee under (1)(B) of this rule may be enforced only as authorized or directed by the House.

M. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Whenever any hearing or meeting conducted by the Committee or any subcommittee is open to the public, the Committee or subcommittee may permit, by majority vote of the Committee or subcommittee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under the following rules:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the with the Standing Committee of Press Photographers.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

N. COMMITTEE STAFFS

1. Subcommittee staffs: From the funds provided for the appointment of Committee staff pursuant to primary and additional expense resolutions of the House:

(1) The Chairman of each standing subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority party Member of each standing subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party Member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in 2(c) of this rule or (B) the rate paid the staff member appointed pursuant to 1(1) of this rule.

(4) No member shall appoint more than one person pursuant to 1(1) and 1(2) of this rule.

(5) The staff positions made available to the subcommittee Chairman and ranking minority party Members pursuant to 1(1) and 1(2) of this rule shall be made available from the staff positions provided under clause 6 of Rule XI of the House unless such staff positions are made available pursuant to a primary or additional expense resolution.

2. Committee staffs.

(a)(1) Subject to subparagraph 2(a)(2) of this rule and paragraph 2(d) of this rule, the Committee may appoint, by majority vote of the Committee, not more than eighteen professional staff members. Each professional staff member appointed under this subparagraph shall be assigned to the Chairman and the ranking minority party Member of such Committee, as the Committee considers advisable.

(2) Subject to 2(d) of this rule, whenever a majority of the minority party Members of the Committee so request, not more than six persons may be selected, by majority vote of the minority party Members, for appointment by the Committee as professional staff members from among the number authorized by 2(a)(1) of this rule. The Committee shall appoint any persons so selected whose character and qualifications are acceptable to a majority of the committee. If the Committee determines that the character and qualifications of any person so selected are unacceptable to the Committee, a majority of the minority party Members may select other persons for appointment by the Committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party Members of the Committee consider advisable.

(3) The professional staff members of the Committee—

(A) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(B) shall not engage in any work other than committee business; and

(C) shall not be assigned any duties other than those pertaining to committee business.

(4) services of the professional staff members of the Committee may be terminated by majority vote of the Committee.

(b)(1) The clerical staff of the full Committee shall consist of not more than twelve clerks, to be attached to the office of the Chairman, to the ranking minority party Member, and to the professional staff, as the Committee considers advisable. Subject to 2(b)(2) and 2(d) of this rule, the clerical staff shall be appointed by majority vote of the Committee, without regard to race, creed, sex, or age. Except as provided by 2(b)(2) of this rule, the clerical staff shall handle committee correspondence and stenographic work both for the Committee staff and for the Chairman and the ranking minority party Member on matters related to committee work.

(2) Subject to 2(d) of this rule, whenever a majority of the minority party Members of the Committee so request, four persons may be selected, by majority vote of the minority party Members, for appointment by the Committee to positions on the clerical staff from among the number of clerks authorized by 2(b)(1) of this rule. The Committee shall appoint to those positions any person so selected whose character and qualifications are acceptable to a majority of the Committee. If the Committee determines that the character and qualifications of any person so selected are unacceptable to the Committee, a majority of the minority party members may select other persons for appointment by the Committee to the position involved on the clerical staff until such appointment is made. Each clerk appointed under this subparagraph shall handle committee correspondence and stenographic work for the minority party members of the Committee and for any members of the professional staff appointed under 2(a)(2) of this rule on matters related to committee work.

(3) Services of the clerical staff members of the full Committee may be terminated by majority vote of the Committee.

(c) Each employee on the professional staff, and each employee on the clerical staff, of the Committee, is entitled to pay at a single per annum gross rate, to be fixed by the Chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code, except that 2 professional staff members of the Committee shall be entitled to pay at a single per annum gross rate to be fixed by the Chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of level IV of the Executive Schedule section 5315 of Title 5, United States Code.

(d) If a request for the appointment of a minority professional staff member under paragraph (a), or a minority clerical staff member under paragraph (b), is made when no vacancy exists to which that appointment may be made, the Committee nevertheless shall appoint, under paragraph (a) or paragraph (b), as applicable, the person selected by the minority and acceptable to the Committee. The person so appointed shall serve as an additional member of the professional staff or the clerical staff, as the case may be, of the Committee, and shall be paid from the contingent fund, until such a vacancy (other than a vacancy in the position of head of the professional staff, by whatever title designated) occurs, at which time that person shall be deemed to have been appointed to that vacancy. If such vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party Members shall designate which of those persons shall fill that vacancy.

(e) Each staff member appointed pursuant to a request by minority party Members under paragraph (a) or (b), and each staff member appointed to assist minority party Members of a Committee pursuant to an expense resolution, shall be accorded equitable treatment with respect to the fixing of his or her rate of pay, the assignment to him or her of work facilities, and the accessibility to him or her of committee records.

(f) Paragraphs (a) and (b) shall not be construed to authorize the appointment of additional professional or clerical staff members of the Committee pursuant to a request under either of such paragraphs by the minority party members of that committee if six or more professional staff members or four or more clerical staff members, provided for in paragraph (a)(1) or paragraph (b)(1) as the case may be, who are satisfactory to a majority of the minority party members, are otherwise assigned to assist the minority party members.

(g) Notwithstanding paragraphs (a)(2) and (b)(2), the Committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, upon an affirmative vote of a majority of the Members of the majority party and a majority of the Members of the minority party.

3. Members seeking assistance from the staff shall make their requests through the Chairman or the ranking minority Member.

O. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS TO SUBCOMMITTEE

(1) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within 2 weeks unless, by majority vote of the majority Members of the full Committee, consideration is to be by the full Committee.

(2) The Chairman may refer a matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee.

(3) Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition.

P. SUBCOMMITTEES

(1) There shall be the following standing subcommittees:

Fiscal and Government Affairs.

Judiciary.

Economic Development and Regional Affairs.

(2) Additional legislative subcommittees may be established by a majority of those voting, a quorum being present, of the full Committee.

(3) Each Member shall be given an equal number of subcommittee assignments insofar as practicable.

(4) Bills shall be assigned to subcommittees in accordance with the subject matter of the subcommittees.

(5) The Chairman of the full Committee shall be an *ex officio* Member of all subcommittees and special subcommittees with the right to vote thereon.

(6) Any Member of the full Committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and to participate but shall not have authority to vote on any matters before the subcommittee unless he is a Member of such subcommittee.

(7) The majority Members of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee and shall authorize a Member or members to negotiate that ratio with the Minority; provided, that the ratio on each subcommittee, including the *ex officio* Member, shall be no less favorable to the Majority than the ratio for the full Committee and that the ratio on conference committees also shall be no less favorable to the Majority than the ratio for the full Committee.

Q. GENERAL OVERSIGHT RESPONSIBILITIES

The Committee and each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee or the subcommittee, respectively, and the organization and operation of the Federal and District agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and each subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee or subcommittee, respectively (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee or subcommittee, respectively. Each subcommittee is required to conduct oversight in the area of their respective jurisdiction, to assist in carrying out the full Committee's responsibilities under Rule X 2. of the House of Representatives. The establishment of an oversight subcommittee shall in no way limit the responsibility of the subcommittees with legislative jurisdiction from carrying out their oversight responsibilities.

R. ADDITIONAL FUNCTIONS

(1) The Committee and each subcommittee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph, a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of the House of Representatives.

(2) The Committee and each subcommittee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

S. POINTS OF ORDER

No point of order, other than a point of order that a quorum is not present, against the hearings or business procedures of the Committee shall be sustained unless it is made in a timely fashion (1) at the commencement of the hearing or meeting, or (2) at the time such point of order first occurs. Any point of order not raised in a timely manner in subcommittee shall not be sustained in full Committee.

T. NOTICE OF MEETINGS AND AGENDA

(1) The Committee and each subcommittee shall make public announcement of the date, place and subject matter of any Committee hearing at least one week before the commencement of the hearing. If the Committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest.

(2) The agenda for all Committee meetings, setting out all items of business to be considered, including a copy of any bill or a summary of any bill and of any subcommittee amendments, shall be furnished each Committee Member by delivery to his office at least two full calendar days (excluding Saturday, Sunday and Legal Holidays) before the meeting. This requirement may be waived by a two-thirds vote, a quorum being present, of the Committee.

(3) No bill or other matter shall be brought up for hearing or other consideration except with the approval of the Chairman or by a majority of those voting, a quorum being present; *provided, that* any Member (other than the Chairman) making the motion for consideration under this rule has given 2 days' notice in writing to all Members of the Committee.

U. AMENDING COMMITTEE RULES

The Committee rules may not be amended unless the Member proposing the amendments gives two days' notice (excluding Saturday, Sunday and Legal Holidays) in writing of the text of the proposed changes to all Members.

LEGISLATION PERMITTING TAX CREDIT FOR CONVERSION OF GAS PILOT LIGHTS TO MANUAL TRANSMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, the shortage of natural gas in our country has reached crisis proportions, wreaking disaster, and havoc on a large part of our citizenry. Millions of Americans are suffering from the cold, millions of Americans have lost their jobs, and thousands of schoolchildren have been forced out of their schools.

While I admire the fortitude with which our citizenry have accepted and implemented certain conservation measures, it is my position that more can be done without imposing harsh and unnecessary hardship. It is a little-known fact that the innocent little pilot light consumes up to 50 percent of all natural

gas in cooking stoves, ranges, and ovens. A New York State Public Service Commission study, prepared by Engineers Joseph R. Rizzuto, and Richard E. Fuhrman estimates that between 10 and 90 percent of the gas used for pilot lights, depending on the type of appliance, is wasted because the devices burn up gas. The natural gas used for pilot lights in New York State, they declared, could provide the gas needs to service 220,000 homes.

Although we do not have national figures as reliable as those in this excellent New York study, we do know that there are some 40 million natural gas cooking stoves in the United States and that they use well over a trillion cubic feet of natural gas every year. Anywhere from 30 to 50 percent of the total gas consumed simply goes to keep the pilot lights burning 24 hours a day, 365 days a year.

In an effort to further conservation of this valuable natural resource by eliminating this unnecessary expenditure of energy, I am introducing a bill today, declaring it to be the policy of Congress, to promote the safe conversion of pilot lights on gas cooking stoves, ranges, and ovens to a system of manual ignition. In furtherance of this policy the bill will also provide for a system of credits against tax and deductions, for owners and eligible renters who wish to convert their gas appliances. I call on every American to ease the crisis, and the national drain on our natural gas resources by implementing this policy.

The text of the bill is as follows:

H.R. —

A bill to amend the Internal Revenue Code of 1954 to allow a deduction or credit against tax to individuals and corporations for certain expenses incurred in the conversion of pilot lights to a system of manual ignition in certain gas appliances

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that up to fifty percent of all natural gas consumed by gas cooking stoves, ranges and ovens is consumed by pilot lights, and further that by reducing the number of pilot lights a vital natural resource will be conserved, it is therefore declared to be the policy of Congress, in the interest of energy conservation, to promote the safe conversion of pilot lights on gas cooking stoves, ranges and ovens to a system of manual ignition. In furtherance of this policy it is deemed necessary and desirable that provision be made to encourage homeowners, renters, and owners of rented or leased residences to convert, where safety permits, from pilot lights to a system of manual ignition, by providing credits against tax and deductions.

SEC. 2. Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting after section 39 the following new section:

"SEC. 39A. EXPENSES OF CONVERTING CERTAIN GAS APPLIANCES FROM PILOT LIGHT IGNITION TO A SYSTEM OF MANUAL IGNITION.

"(a) GENERAL RULE.—There shall be allowed to an individual home-owner or qualified renter, as a credit against the tax imposed by this chapter for the taxable year, an amount, determined under subsection (b), of the expenses of converting pilot lights on gas cooking stoves, ranges and ovens to a system of manual ignition.

"(b) LIMITATION.—In the case of a homeowner or qualified renter the credit allowed under subsection (a) for expenses of converting pilot lights on gas cooking stoves, ranges and ovens to manual ignition paid during the taxable year shall be an amount equal to the service or similar charge, including any charges for the necessary modification of such appliances, to convert pilot lights to manual ignition, not to exceed $25.

"(c) DEFINITION.—For the purposes of this section a 'qualified renter' is a person who rents or leases his or her dwelling place and where such rental or lease payment does not include natural gas utility costs.".

(b) The table of sections for such subpart A is amended by inserting, as appropriate, the following:

"SEC. 39A. EXPENSES OF CONVERTING CERTAIN GAS APPLIANCES FROM PILOT LIGHT IGNITION TO A SYSTEM OF MANUAL IGNITION.".

SEC. 3. Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions) is amended by inserting after section 191 the following new section:

"SEC. 192. EXPENSES OF CONVERTING CERTAIN GAS APPLIANCES FROM PILOT LIGHT IGNITION TO A SYSTEM OF MANUAL IGNITION.

"(a) GENERAL RULE.—In the case of a corporation or individual (other than a homeowner or qualified renter as defined in section 39A of this title) there shall be allowed as a deduction, an amount determined under subsection (b), of the expenses of converting pilot lights on gas cooking stoves, ranges and ovens to a system of manual ignition.

"(b) LIMITATIONS.—

"(1) The deduction allowed under subsection (a) for expenses of converting pilot lights on gas cooking stoves, ranges and ovens to a system of manual ignition paid or incurred during the taxable year shall be an amount equal to the service or similar charge and any charge for the necessary modification of such appliances, not to exceed $25 for each appliance so converted.

"(2) No deduction under subsection (a) shall be allowed for a service or similar charge if the person performing the conversion from pilot lights to manual ignition for the corporation or individual is an employee of such corporation or individual.".

(b) The table of sections for such part is amended by inserting at the end thereof the following:

"SEC. 192. EXPENSES OF CONVERTING CERTAIN GAS APPLIANCES FROM PILOT LIGHT IGNITION TO A SYSTEM OF MANUAL IGNITION.".

SEC. 4. The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 1976.

WHAT IS CONSUMER CREDIT PROTECTION?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois, (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today I am announcing a rather unique set of hearings designed not to bring attention to any one issue, but to an entire area of issues—consumer credit protection.

On Tuesday, Wednesday, and Thursday of next week the Consumer Affairs Subcommittee, which I chair, will hold consumer information hearings as its first order of business.

Money and credit issues are important to everyone but often because of their technical nature, they must take a back seat to the immediacy of consumer product safety and the high prices of goods.

In the 95th Congress I want to make a special effort to help consumers understand their rights under the credit protection laws already on the books, and also to invite them to help us in some important areas which need to be legislated. This is the reason for these particular hearings—to kickoff the 95th Congress with the invited participation of all involved; consumers, Government, and industry.

We will have an open forum where legislative goals, and problems with current laws will all be heard for the eventual purpose of setting legislative priorities for the next 2 years.

Jimmy Carter promises a new era of consumerism and I want to make sure that the areas under the jurisdiction of the Subcommittee on Consumer Affairs, namely the protection of the individual's financial well-being, receive due attention.

On February 8, at 10 a.m., consumer representatives will meet with the newly organized subcommittee. The panel for this day will include spokesmen from the Consumer Federation of America, Consumers Union, the National Association of Retired Persons, the United Steelworkers, and the Department of Consumer Affairs in New York City. All will be given carte blanche in their testimony and will be free to discuss any aspect of personal finance from charge accounts to credit discrimination to high prices.

Wednesday, February 9, the subcommittee has scheduled testimony from those agencies most involved in the enactment and enforcement of consumer credit protection laws. Representatives from the Federal Reserve System, the Federal Trade Commission, the Office of the Comptroller of the Currency, and the Office of the President's Advisor on Consumer Affairs will speak. After presenting their perspective on present laws, many of these representatives will field questions from subcommittee members about agency performance, particularly in their handling of consumer complaints. There has been harsh criticism in the past few months that the agencies have been remiss in both investigating complaints as they come in, and replying to the consumer. As many as 70 percent of consumer complaints never receive the proper attention, according to a study done last summer by the Consumer Affairs Subcommittee.

Finally, on Thursday, February 10, several facets of the consumer credit industry will be represented by association spokesmen from the larger banks, the independent banks, the retail merchants, the savings and loans and the finance companies. This panel will most likely concern itself with whether or not present consumer credit protection laws are providing necessary consumer services, or merely burdening the industry with complicated regulations which must be followed to the letter. Some industry officials say that these regulations are well-intentioned but do not work. The subcommittee will of course want to listen to this side of the picture before setting up its legislative agenda.

a process which will follow the hearings.

The title of these hearings will be "Consumer Information Hearings," and as such, I would like for them to provide a chance for my colleagues and their staffs to get a quick education as to what consumer credit protection is and how it may change in the next 2 years. For instance, already projected are bills which would provide comprehensive truth in savings disclosure, prohibit abusive debt collection tactics, redefine what constitutes a finance charge, and perhaps increase the awards consumers can win in class action suits. All are very important areas of consumer protection and I urge the participation and interest of all interested parties at these hearings. All meetings will be held in room 2128.

ABOLISHING THE ELECTORAL COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 5 minutes.

Mr. MINISH. Mr. Speaker, I am rising today, to speak in favor of legislation designed to abolish the Electoral College system by constitutional amendment. If approved by the full Congress, my bill will abolish the Electoral College and replace that system with the direct election of the President and Vice President of the United States.

There are dangerous flaws in the present system of electing our executive officers. A real danger exists that the candidate receiving the largest number of popular votes could lose the electoral vote, thus subverting the will of a majority of the voters.

As a case in point, I mention the fact that a swing of 5,558 popular votes in Ohio and 3,687 votes in Hawaii would have won the last election for Gerald Ford. A 270–268 electoral vote count in Ford's favor would have been the result, even though Jimmy Carter polled 1.6 million more popular votes.

The problems inherent in the Electoral College system are inconsistent with the intent of the democratic form of government under which we live.

My proposed legislation would amend the Constitution to provide that the candidate receiving the greatest number of popular votes would automatically become President if that candidate also polled at least 40 percent of the vote cast. If no candidate polled the required 40 percent of the popular vote, a runoff election would be held between the top two finishers.

There have already been three occasions in American history when the candidate receiving the most popular votes has been denied the Presidency. John Quincy Adams in 1824, Rutherford B. Hayes in 1876, and Benjamin Harrison in 1888, each gained the Presidency while finishing second in the popular vote.

In addition, electors are not now bound by the Constitution to vote for the candidate who wins the popular vote in their State. In a close election, it is possible that a cluster of self-willed electors could choose the President of the United States. In the past, at least nine electors have defied their State electorates, including one in each of the last four elections.

LEGISLATION TO NATIONALIZE THE OIL INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, our Nation and people are suffering one of the most extended periods of violent weather conditions in the memories of most of us.

The consequences are not only limited to loss of employment for millions, disaster conditions and skyrocketing heating bills, but also include loss of life for many.

Certainly this starkly awesome condition should cause all of us to pause and realize that all of man's supposed brilliance, all of our scientific advances are helpless and of little value when confronted with the now obvious unpredictability of nature, the elements and climate and yes, the will of God.

We are now asked in the Congress to approve authority for the President to take action that will hopefully give temporary relief to areas of the country in dire need of natural gas.

Yet, despite this emergency that extends to loss of life, those who have been advocating complete decontrol and deregulation now seek to hold this emergency legislation hostage to achieve complete decontrol and deregulation. My Rhode Island constituents and I also have problems with this measure, but I shall support it.

What has happened to the spirit that made this country great? Where is compassion? Where is the spirit of mutual help?

Does greed never end? Cannot corporate and stockholder profits take a second place to loss of livelihood and life?

Not too long ago all of us waited in lines at gas stations for gasoline. The price was allowed to rise dramatically and the lines disappeared. Is this now being repeated?

Will we suddenly find that with decontrol and deregulation natural gas shortages will disappear in a cloud of dollar signs?

I feel we must conserve. I feel we must act today, despite the suspicions of many of us that this could be a contrived and manipulated shortage.

I feel we can and should no longer rely upon self-serving industry data on supplies, reserves, and costs.

The time has come for the Federal Government to retain an army of its own independent, GAO-type engineers, accountants, and statisticians, to provide the American people with reliable, truthful data.

Perhaps the time has come to say to the monopolist, multitiered energy giants that the natural resources they control belong to all of the people for survival, not to a favored few for profit.

To this end I have today introduced a House resolution to create a select committee to conduct an investigation into the nationalization of the oil industry.

PANAMA CANAL PROBLEM REQUIRES COMMONSENSE SOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, as is generally known in the Congress, the question of the future status of the U.S. Canal Zone and Panama Canal has become a major national issue. Now focused on a proposed new canal treaty that would surrender to Panama the sovereign control over the zone and, eventually, the canal itself, this would be done without any compensation for the huge investment of American taxpayers in the construction and defense of the canal, and all without the prior authorization by the Congress—article IV, section 3, clause 2, U.S. Constitution.

Influential elements in the press and other major news media have been supporting such giveaway in a massive press campaign led by officials in the State Department. In spite of the failure of many publicists to present the subject comprehensively and objectively, the people of the United States have not been fooled. Instead, despite States' specious propaganda, the polls show that the people are overwhelmingly opposed to the projected giveaway.

As partial evidence of such opposition, I would cite my own correspondence. From February 7, 1974, the date of the 8-point Kissinger-Tack "agreement on principles" to govern the negotiation of a new canal treaty, to January 11, 1977, the total responses favorable to my position in the form of letters and petitions was 8,861; opposed to it were 16. This figures out to a ratio of 553.8 to 1 in support of the retention by the United States of its sovereign control over both the canal and its indispensable protective frame of the zone territory.

Mr. Speaker, the Nation now has a new administration. It is not bound by any obligations to repeat the unauthorized mistakes of preceding ones under which the present canal crisis was generated. Instead, it has an opportunity to render a major public service of world importance in solving the problem at Panama based upon common sense, treaty commitment and national interests, and not upon the views of agitators, self-seeking politicians, hidden interests, or servile bureaucrats.

The solution as derived from long experience in the operation and protection of the canal is simple. It consists of two major aspects: First, reaffirmation by the Congress of our historic policy of retaining our full sovereign rights, power authority over the Canal Zone, followed by a strong declaration by the Executive of our determination to continue to exercise our sovereign control over the Canal Zone in perpetuity; and second, the major modernization of the existing canal under existing treaty provisions. This solution is best for the United States, best for Panama and best for the users of the canal who have to pay transit tolls.

A corollary to the sovereignty question is authorization by the Congress for the election by U.S citizens in the Canal

Zone territory of a nonvoting delegate in the Congress as have Guam, the Virgin Islands, and the District of Columbia.

To bring the major issues in the canal question squarely before the proper officials of the U.S. Government, on January 27, 1977, I addressed letters to the President of the United States and the Attorney General inclosing with each, copies of House Resolution 92 on Canal Zone sovereignty and H.R. 1587 on canal modernization. To make the two letters available to the Congress, I quote both as part of my remarks:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 27, 1977.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As a long time student of Isthmian Canal and defense policy questions, I have viewed with deep concern the current indications that your Administration is pushing ahead on the projected give away treaty for the U.S. Canal Zone and Panama Canal. In the Congress, the Canal issue is fundamental and thus transcends all partisan considerations.

Presidents Kennedy, Johnson, Nixon and Ford, misled by poor advice, all made serious errors in regard to it. You are making a fresh start and there is every reason to avoid their mistakes, which could well be your "Bay of Pigs" and prevent your renomination or reelection.

In the opinion of our most experienced engineers and other ship canal experts, the solution of the canal problem is simple: (1) retention by the United States of its full sovereign rights, power and authority over the indispensable Canal Zone; and (2) the major modernization of the existing canal according to the Terminal Lake-Third Lock Plan. This plan was developed in the Panama Canal organization during World War II and won the approval of President Franklin D. Roosevelt as a post war project. The old idea of a sea level canal is irrelevant and strongly opposed by major conservation organizations, as well as engineers, because of the danger of infesting the Atlantic with the poisonous Pacific sea snake and the crown of thorns starfish as well as the other factors.

The attached measures, H. Res. 92 and H.R. 1587, are aimed at clarifying and making definite the sovereign position of the United States over the Canal Zone and at authorizing the Canal's major modernization. I believe that I reflect the predominant view in the Congress that, in line with our historic policy, it will never approve the large expenditures involved except in territory over which the United States has full sovereign control.

I wish to add that the Panama Canal, as originally planned in 1906 under President Theodore Roosevelt, was never completed. H.R. 1587 would complete the work of that great President, render a tremendous service to world shipping, simplify canal management enormously, cause huge benefits to Panama, and bring great credit to your Administration.

With assurances of esteem, I am,
Sincerely yours,

DANIEL J. FLOOD.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 27, 1977.

Hon. GRIFFIN B. BELL,
Attorney General, Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: At this time it seems that the question of a proposed new treaty with Panama that would surrender United States sovereign control over the U.S. owned Canal Zone may come up for early consideration. In such event you will probably be called upon in cabinet meetings or otherwise to advise the President on the legal aspects involved.

As a long time student of Isthmian canal history and problems (Ho. Doc. No. 474, 89th Congress and many subsequent addresses), I would stress that there are only two major canal issues: (1) retention by the United States of its undiluted sovereign control over the Canal Zone; and (2) the major modernization of the existing canal under existing treaty provisions. Both of these matters have been before the Congress for a number of years.

Two measures attached, H. Res. 92 and H.R. 1587, now before the Congress and a recent paper by Alfred J. Schweppe of Seattle give the essential facts in the situation.

You should be advised that there is strong opposition in the Congress, in both House and Senate, to any surrender of U.S. sovereign rights, power or authority over the U.S. Canal Zone and Panama Canal.

In this connection, attention is invited to the fact that the only agency of our government vested with the power to dispose of territory and other property of the United States is the Congress, which includes the House of Representatives (Art. IV, Sect. 3, Clause 2, U.S. Constitution.)

I trust that the information in the attachments will be of assistance to you in the study of this vital matter.

Sincerely yours,

DANIEL J. FLOOD.

LEGISLATIVE PACKAGE FOR THE ELDERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 30 minutes.

Mr. PEPPER. Mr. Speaker, on Friday, January 21, one of the television stations broadcast a program called Twilight: Essay on Aging, that told us about some of the satisfactions, a few of the expectations, and many of the disappointments and frustrations of growing old. They talked about how some older people are involuntarily retired, others are warehoused. What was said made me decide to pursue again in this Congress every kind of legislative proposal that will give our older citizens an equal chance to use their abilities to the fullest and to get the most out of their lives.

And rightly so, because older Americans have given more to our society than any other age group. Yet, despite recent legislative action, persons over 65 have less than one-half the national median income—$4,600 compared to $10,600—are often forced to retire at reduced income, have the lowest standard of living, and often have vital needs unmet in health and social services, nutrition, housing, and transportation. A General Accounting Office study conducted at my request indicated that only two-tenths of 1 percent of all Federal revenue sharing funds are apportioned to the elderly.

As chairman of the House Select Committee on Aging, I have introduced a package of bills that addressed many areas of concern for older people. The legislation in this package would be a beginning in the needed solutions to the deep problems of our Nation's elderly. Many of the bills were introduced in the 94th Congress with the cosponsorship of over 60 Members.

Yet, Mr. Speaker, so often when bills are introduced, only a vague notion of what the bill is intended to do is discernible from the short description published in the CONGRESSIONAL RECORD at the time of introduction, and the bills themselves are couched in technical language that is not easily understood. Under these conditions public comment is difficult to elicit, and suggestions that might produce further legislation or more effective legislative vehicles simply do not materialize. For this reason, I am inserting at this point a description of three of the bills in a package I have introduced which attempts to improve the lives of older people.

(H.R. 1115) AGE DISCRIMINATION IN GOVERNMENT EMPLOYMENT

When first enacted the Age Discrimination In Employment Act of 1967 excluded employers of less than 25 employees, Federal, State, and local government employees. In 1974 the law was amended to include those working for Federal, State, and local governments, and those working for employers of 20 or more employees. Age discriminatory policies and practices are prohibited in every possible form, including hiring, discharge, compensation, terms and conditions of employment, and advertisements stating or implying a preference based on age. Then, as now, the law applies only to those at least 40 years of age but less than 65 years of age. Under the amendment proposed by H.R. 1115, coverage would be extended to those 65 years and over who are now working, or seeking to work, for the Federal Government. As envisioned by the proposed legislation, the Federal Government would take the initiative, and thus become the model for ending age discriminatory employment policies and practices among those 65 and over.

(H.R. 1116) EXPAND HOME HEALTH AND OUTPATIENT SERVICES UNDER MEDICARE; IMPROVE ADMINISTRATION

Extensive revisions of the medicare law, both part A and part B, are proposed in H.R. 1116. Changes in the law would be made to liberalize coverage for home health visits, kinds of services included in home health care, and outpatient medical services; and some modification would be made to improve administration of the medicare program.

CURRENT HOME HEALTH COVERAGE UNDER MEDICARE—PART A

Home health care: Existing provisions of part A of medicare—title XVIII, hospital insurance benefits—allow the insurance beneficiary coverage for 100 home health visits following discharge from a hospital or skilled nursing facility. There is a further restriction that the home health services in order to be compensable under medicare—part A—must relate to conditions for which inpatient hospital or post hospital extended care services were being received. Current provisions of the law also require that such home health services be furnished pursuant to a plan established and periodically reviewed by a physician, and the plan must be established within 14 days after discharge from the hospital or skilled nursing facility.

HOME HEALTH COVERAGE UNDER MEDICARE—PART B

Home health coverage is also available under part B of medicare —title XVIII, supplementary medical insurance benefits. Home health services for up to 100 visits during the calendar year are authorized under part B without any requirement that such home health services be preceded by hospitalization or the receipt of post hospital extended care services. To be eligible for coverage under part B, home health care must be provided according to a plan of treatment established by a physician who has certified that the beneficiary is confined to his home and is in need of skilled nursing care or physical therapy or speech therapy.

HOME HEALTH COVERAGE UNDER PART A AND B COMBINED

Since home health care visits under part B—supplementary insurance—are in addition to those that can be made available under part A—hospital insurance— an eligible beneficiary of both plans could be covered for up to 200 visits, 100 visits for a condition related to a prior inpatient stay, part A, and 100 visits under supplementary medical insurance, part B, either for the same condition or a condition which arose after the inpatient stay.

SECTION 1 OF H.R. 1116—ELIMINATION OF RESTRICTIVE HOME HEALTH PROVISIONS

Home health coverage under part A—hospital insurance—of the Social Security Act—title XVIII—would be broadened under the proposed amendments of H.R. 1116 by modifying existing language (1812a3) that describes the allowable "scope of benefits." Covered home health services would be identified simply as "home health services" rather than "post-hospital home health services," and language would be eliminated than now limits coverage to 100 visits with respect to a single spell of illness following discharge from a hospital or skilled nursing facility. Corresponding revision would be made in other sections of part A. The definition of "post hospital home health services" (1812d) would be deleted, and that section (1812e) that defines how the number of allowable days of coverage will be computed would be modified to omit any reference to "home health services." Another section of part A—hospital insurance—that imposes limitations and conditions on payment for medical services would be modified so that the reference to "post hospital home health services" would be changed to read "home health services" (1814); and the requirement that limits eligibility for insured home health services to those instances where home health services are related to conditions for which the beneficiary was receiving inpatient hospital or post hospital extended care services would be deleted (sec. 1814 of the act). (1814a2d)

(H.R. 1116) SECTION 1—HOME HEALTH CARE COVERAGE DEFINED; PART B, MEDICARE

The proposed legislation (H.R. 1116) would also amend part B of medicare—supplementary medical insurance—to broaden home health coverage. Part B—section 1832—would be amended to strike out language that limits coverage to 100 home health visits, and provide instead that home health coverage is available under part B, to the extent that it is not available under part A, without limit. Limitations in part B that restrict home health coverage to not more than 100 visits a year would be repealed. (Sec. 1834 of SSA)

(H.R. 1116) SECTION 2—SUPERVISION AND REVIEW OF HOME HEALTH SERVICES: INCLUSION OF ADDITIONAL ITEMS AND SERVICES AS HOME HEALTH CARE

Section 2 of the proposed legislation (H.R. 1116) would revise certain procedures with respect to supervision and review of the providers of home health services, and would expand the definition of home health coverage.

ESTABLISHMENT AND REVIEW OF HOME HEALTH PLANS

Language in section 1861 of the Social Security Act—definition of home health services—that states in part that—"home health services means * * * services furnished to an individual under a plan * * * established and periodically reviewed by a physician" would be altered by striking the phrase "by a physician" and substituting "the appropriate health professional under regulations of the Secretary." The effect would be to liberalize the definition of qualified "home health services" to permit other health professionals, as well as physicians, to establish and review home health plans for patient care (sec. 2ai of H.R. 1116)

MEDICAL SOCIAL SERVICES

Requirements that must be met to qualify "medical social services" for coverage would be modified to delete from the definitions section (1861m3) the requirement that "medical social services" furnished to a patient be furnished under "the direction of a physician."

CONDITIONS AND LIMITATIONS ON PAYMENTS

Those sections of the act, detailing conditions of and limitations on payment—part A, section 1814—and relating to procedure for payment of claims of providers of services—part B, 1835a2Aii—would be amended by deleting the requirement that only home health services furnished pursuant to a plan "established and periodically reviewed by a physician" are qualified for insurance coverage, and substituting language that would make such services eligible for payment when provided "by the appropriate health professionals under regulations of the Secretary." (sec. 2A3 of H.R. 1116)

(H.R. 1116) SECTION 2b—ADDITIONS TO HOME HEALTH COVERAGE: CHORE AND HOSPITAL OUTREACH SERVICES; AND NUTRITIONAL COUNSELING

Provisions of the medicare law that now define what home health services are eligible for insurance coverage (sec. 1861m) would be amended by adding language at the end of the definition of home health care that would make periodic chore services, hospital outreach services, and nutritional counseling eligible for coverage. (Sec. 2b1.) To make it clear what would be included in these categories of services, the bill (H.R. 1116) would amend the definitions section (1861) by adding at the end definitions of "periodic chore service" and "hospital outreach service." (Sec. 2b2 of H.R. 1116.)

(H.R. 1116) SECTION 3—AUDITS AND UTILIZATION REVIEW OF HOME HEALTH AGENCIES

Means of achieving control over the quality of performance of home health service providers would be improved by amending the definition of "home health agency" (sec. 1861(o) of SSA) to require home health service providers to have in effect a utilization review plan along the same lines as those now required of hospitals and skilled nursing facilities (1861k). The Secretary would be given authority to make appropriate changes in regulations that would take into consideration the noninstitutional character of home health service providers. Another change proposed by H.R. 1116 would require an annual audit of the financial statements of home health service agencies by a certified public accountant as a basis for cost related reimbursement. To conform other sections of the act affected by the proposed changes, provisions in the Social Security Act (sec. 1155g) dealing with duties and functions of professional standards review organizations would be amended to make it clear that nursing homes, intermediate care facilities, and home health agencies, as well as medical institutions, are to be routinely subject to review by such professional organizations.

(H.R. 1116) SECTION 4—OUTPATIENT REHABILITATION SERVICE ADDED TO MEDICARE PART B

Under another amendment proposed by H.R. 1116, outpatient rehabilitation services would be added as a new category of services eligible for insurance coverage under part B of medicare. Changes would be made in those sections of the medicare law (1835a) detailing the procedures for the payment of claims of providers of services to add outpatient rehabilitation services as a new category of covered services; and to provide that a clinic, rehabilitation facility, or public health agency, meeting the requirements of title XVIII, shall not only qualify for payment as a provider of services with respect to "physical therapy" but also with respect to "outpatient rehabilitation services." (Secs. 4(a)(1) and (a)(2) of H.R. 1116.)

Outpatient rehabilitation services would then be added to the covered services defined in the section on medical and other health services in the Social Security Act (1861s2) (Sec. 4(b)(1) of H.R. 1116). As defined in the proposed amendment, "rehabilitation services" means (in part) "a multidisciplinary approach to services furnished to those with one or more chronic, disabling diseases or injuries under a plan of management directed by a qualified physician to the achievement of specific outcomes regarding functional capacity or the prevention of deterioration in the disabling condition of the patient * * *" The definitions section of the medicare law (Sec. 1861) would be amended by the bill H.R. 1116 to add at the end of the definitions section new subsections defining "rehabilitation facility," "rehabilitation services," and "outpatient reha-

bilitation services" (Sec. 4(b)(2) of H.R. 1116).

(H.R. 1116) SECTION 5—ELDERLY DAY CARE CENTERS

In yet another area amendments proposed by H.R. 1116 would form a new category of health services to be covered under part B of medicare. That section of the medicare law that defines "medical and other health services" (1861s2) would be supplemented to add "health and supportive services furnished, in accordance with regulations, by or under the direction of appropriate health professional in elderly day care centers."

(H.R. 1116) SECTION 6—EXPANSION OF COMPOSITION AND RESPONSIBILITIES OF PROFESSIONAL STANDARDS REVIEW ORGANIZATION

Those functions of Professional Standards Review Organizations detailed in the Social Security Act (Sec. 1155) would be expanded, under an amendment proposed by H.R. 1116, to add a provision that would impose upon Professional Standards Review Organizations the same responsibilities with respect to "skilled nursing homes, intermediate care facilities, and other long term care providers, including home health agencies," as now apply to hospitals. Another proposed amendment to this same section would require the inclusion in Professional Standards Review Organizations of "nurses, social workers, guidance counselors, and other health professionals as well as physicians."

(H.R. 1116) SECTION 7—REQUIREMENT OF COST RELATED PURCHASE METHODS FOR ALL LONG-TERM CARE PROVIDERS

An amendment to that section of the Social Security Act defining "reasonable costs," and authorizing the Secretary to enact implementing regulations with respect to payment of providers of services, is proposed by section 7 of H.R. 1116. Under existing law (1861v1A), the Secretary has authority to issue regulations governing payment of claims of those who have provided services and incidentals to medically insured beneficiaries. The language of section 1861 indicates that:

Such regulations may provide for determination of the costs of services on a per diem, per unit, per capita, or other basis, may provide for using different methods in different circumstances, may provide for the use of estimates of costs of particular items or services, may provide for the establishment of limits on the direct or indirect overall incurred costs or incurred costs of specific items or services or groups of items or services to be recognized as reasonable based on estimates of the costs necessary in the efficient delivery of needed health services to individuals covered by the insurance programs established under this title, and may provide for the use of charges or a percentage of charges where this method reasonably reflects costs.

REASONABLE COST REIMBURSEMENT FOR HOSPITALS, SKILLED NURSING FACILITIES, AND HOME HEALTH AGENCIES

The proposed amendment would supplement that section of the medicare law defining "reasonable cost" (1861v) by adding a proviso that "payment with respect to services provided by hospitals, skilled nursing facilities, and home health agencies shall to the maximum extent practicable be on a reasonable cost related basis..." (Sec. 7 of H.R. 1116)

(H.R. 1116) SECTION 8—COMMITMENT FOR INCLUSION OF COMPREHENSIVE HOME HEALTH PROVISIONS IN OTHER NATIONAL HEALTH PROGRAMS

Included in the bill H.R. 1116 is a legislative proposal that would require a congressional commitment that the home health legislative proposals contained in H.R. 1116 would be included in any national health plan or national health insurance program. (Sec. 8)

(H.R. 1117) HOME HEALTH INFORMATION CLEARING HOUSE; ASSISTANT SECRETARY FOR ELDERLY HEALTH

This bill seeks to establish within the Department of Health, Education, and Welfare a clearing house where the elderly could obtain information on health programs, health care, and home health services. The bill contemplates that existing computer systems available to the Department of Health, Education, and Welfare would be used to store medical information; and personnel in social security offices could be employed, along with their other duties, to gather data on health programs and services. Information gathered by social security personnel would then be assimilated into the computer system, where it could be readily retrieved, and then made available to the elderly through social security offices or area agencies on aging.

(H.R. 1117), SECTION 2—ASSISTANT SECRETARY FOR ELDERLY HEALTH

Another feature of H.R. 1117 would create an office of Assistant Secretary for Elderly Health within the Department of Health, Education, and Welfare. Duties of the Assistant Secretary of Elderly Health would include coordinating and exercising authority over policies and programs concerned with the health of the elderly. Programs specifically mentioned are medicare, medicaid, and those offering benefits to older people that are administered by the Public Health Service. The Assistant Secretary for Elderly Health would also be required to coordinate such agency task force as might be impaneled to make recommendations on institutional long-term care and on health matters affecting older people. In another area, the Assistant Secretary for Elderly Health would be required to oversee health care financing and reimbursement procedures that are being used in health insurance programs for older people.

COMPREHENSIVE YOUTH EMPLOYMENT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SIMON) is recognized for 5 minutes.

Mr. SIMON. Mr. Speaker, today I am reintroducing the comprehensive youth employment bill, H.R. 1731. I am joined by 44 cosponsors. Members who recognize the need for this country to address the urgent question of unemployment among the youth of this Nation.

The unemployment rate for the youth of America is deplorable. There is 20 percent unemployment for teenagers 16 to 19 years old; for young adults 20 to 24, the rate is 12 percent. For black teenagers, the unemployment rate is near 40 percent. In total, there are 3.5 million unemployed young adults under the age of 25. And it should be noted that the current proposals for job creation through economic expansion will not affect most of these young people, simply because they do not have the skills or education to qualify for the jobs that might be created.

The bill which I am introducing, and which Senator HUMPHREY has introduced in the Senate, would address the problem of youth unemployment first, by creating a National Conservation Corps to provide public service jobs; second, by expanding the Job Corps program for severely disadvantaged youth; third, by setting up an occupational information and career counseling program to help youths with their occupational choices; fourth, by establishing a work experience program for in-school youths; fifth, by creating a community service program to create jobs on local community projects; and sixth, by promoting a youth opportunities program in private enterprise to help youths find jobs in the private sector and to reimburse industry for on-the-job training.

I sincerely hope, Mr. Speaker, that the Congress will act on this legislation. The social and economic losses that flow from such staggering unemployment are too much for this country to bear.

Those who are joining me as new cosponsors, in addition to the distinguished Member from Maryland, NEWTON STEERS, who joined me originally as one of the sponsors, are:

COSPONSORS

Robert Roe (N.J.); Charles Rangel (N.Y.); William Brodhead (Mich.); Claude Pepper (Fla.); James C. Corman (Calif.); John Murphy (N.Y.); George Brown (Calif.); Antonio Borja Won Pat (Guam); and Bruce Vento (Minn.).

Edward Beard (R.I.); Charles Diggs (Mich.); Thomas Downey (N.Y.); Robert Edgar (Pa.); Nick Joe Rahall (W. Va.); Richard Gephardt (Mo.); James Blanchard (Mich.); and William Lehman (Fla.).

Parren Mitchell (Md.); Augustus Hawkins (Calif.); Donald Pease (Ohio); Fortney H. Stark (Calif.); Martha Keys (Kans.); Stephen Neal (N.C.); Hamilton Fish (N.Y.); and Charles Whalen (Ohio).

Robert Drinan (Mass.); James Scheuer (N.Y.); Steve Solarz (N.Y.); Charles Carney (Ohio); Don Edwards (Calif.); Jonathan Bingham (N.Y.); Berkley Bedell (Iowa); Michael Harrington (Mass.); and Gus Yatron (Pa.).

Joshua Eilberg (Pa.); Charles H. Wilson (Calif.); Don Fraser (Minn.); Daniel Akaka (Hawaii); Stan Lundine (N.Y.); Louis Stokes (Ohio); Ben Rosenthal (N.Y.); John Seiberling (Ohio); Ned Pattison (N.Y.); and Cardiss Collins (Ill.).

LEGISLATION TO DESIGNATE PART OF ARIZONA'S ORGAN PIPE CACTUS NATIONAL MONUMENT AS WILDERNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, the bill I am introducing today would designate as wilderness some 315,000 acres of Arizona's Organ Pipe Cactus National Monument. It would preserve an unusual and fragile desert environment for the benefit and enjoyment of future generations, while protecting a variety of habitats which support a large assortment of plant and animal life.

Organ Pipe Cactus National Monument, which was established in 1937 and named after a species of cactus that has become increasingly rare in our Nation, is part of the Sonoran Desert extending from northwestern Mexico to southwestern Arizona and California. The area is characterized by an exceptional variety of desert landscapes, including stark mountains, sweeping outwash plains, rugged canyons, creosote-bush flats, and dry washes, which are both a source of pride and pleasure for Arizonans and visitors and a source of life in an unusual desert environment.

The monument is part of nearly 1 million acres of pristine desert wilderness which will be protected if the bill I am introducing today is enacted and accompanied by designation of the adjoining Cabeza Prieta National Wildlife Range as wilderness, which I have proposed in separate legislation.

I am particularly confident about the future prospects of Arizona desert as I introduce this measure today, for with enactment of Public Law 94–429 last year, the principal obstacle to designating the magnificent Organ Pipe Cactus National Monument as wilderness was removed. Congress established the means and procedure by which mining activities in several units of the National Park System—including the monument—will be regulated. In so doing, Congress both cleared the way for preserving Arizona's desert land, and reaffirmed its commitment to the preservation of American wilderness. In the spirit of this commitment, I ask my colleagues to join me in support of the bill I am introducing today.

Mr. Speaker, at a time when Arizona's population is growing at a faster rate than that of any other State, while the American people's appreciation of nature is growing at a faster rate than ever before, it is vital that we seize every opportunity to provide our children with the means to enjoy natural settings which we too often take for granted today, and which, without due care, could be overrun in the rush of society's growth.

At a time when undisturbed desert land is becoming an increasingly valuable and rare commodity in our Nation, we cannot afford to postpone preservation of a prime specimen of desert wilderness. We cannot afford to ignore the pledge of the Wilderness Act, a pledge to guarantee future generations of Americans a natural wilderness of which they can be proud and which will offer each and all the opportunity to appreciate the American landscape in all its diversity and natural beauty, a pledge which is as yet unfulfilled.

Mr. Speaker, by designating the Organ Pipe Cactus National Monument as wilderness, we will be taking an important step toward keeping the Wilderness Act's promise to the American people and toward achieving a goal which Americans hold dear.

THE NATURAL GAS CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, I voted in favor of the emergency natural gas legislation which we had before us today because of the critical nature of the situation with which we are presently faced. There are many homes throughout the eastern part of our country, and in particular there were 1,500 in the Buffalo area which have been without heat in this bitter cold weather. There are also many industries which have had to shut down their operations because of the lack of availability of natural gas. It is a situation which we cannot permit to continue and therefore we must authorize the President to take the emergency measures necessary to insure that people are able to heat their homes adequately and industries can call their people back to work.

The emergency nature of this legislation, however, has meant that we have a measure that is lacking in a number of ways. First of all, it gives the President the authority to order interstate pipelines to deliver gas to one another to prevent interruption of gas to homes and for essential public services, but it does not include the authority to order intrastate pipelines to deliver to the interstate market. Such authority would permit the President to require the delivery of presently unused supplies of natural gas to meet the emergency, no matter where they are located in the United States. Control over the intrastate pipelines as well would place all gas on an equal footing in meeting an emergency. There is no valid reason why this should not be the case in an emergency situation.

On Friday, January 28, 1977 Gov. Hugh Carey of the State of New York testified before the Subcommittee on Energy and Power of the House Committee on Interstate and Foreign Commerce to explain the situation in our State where approximately 8,000 industrial establishments with nearly 100,000 employees have either been shut down or are in danger of closing.

The Governor of New York had two major concerns about this piece of legislation which were not corrected. First, there is no provision made for the fact that many high priority users of natural gas have alternative fuel sources available to them. These users should first be required to seek out these alternative fuel supplies before emergency assistance would become available to them. Second, the bill also leaves the question of compensation for emergency deliveries of gas to negotiation between the pipelines involved. The President only becomes involved only in the event that they cannot reach an agreement. The pipeline that makes the emergency delivery could indeed be satisfied with a price that is only slightly more than the $1.42 per Mcf ceiling price fixed by the Federal Power Commission.

However, if a pipeline's natural gas is taken away from a distribution company that has an alternative gas supply and is only compensated at the FPC price while its alternative supply costs its consumers $4 to $5 an Mcf, the inequity is clear. Thus, it discourages distribution companies from providing supplemental capacity. Compensation should be at the cost of the alternative fuel supplies.

However, the pricing issue poses another problem as well. There is no evidence that the $1.42 per Mcf as determined by the Federal Power Commission is not an entirely equitable amount to permit the natural gas producers to obtain a fair rate of return. Therefore, a sufficient incentive should be available to encourage them to continue to explore for other sources of natural gas. Without question, this temporary measure allowing prices to go above the present ceilings should not be a suggestion to the natural gas companies that we will permit deregulation in the future.

The cost of natural gas cannot be permitted to increase beyond the ability of consumers to pay for it. In an open market as has been shown where gas is available on an intrastate basis, prices have risen astronomically and forced many individuals to sell their homes because they could not pay for heat. Then, too, there are other difficulties which must be looked at in determining the cause of the present natural gas shortage.

First, our gas pipelines and distribution facilities are simply not designed to handle the unusually cold winter we are experiencing this year. We need more gas than the system can provide and the only solution is for everyone, as we are now doing, to turn down their thermostats so that we require less gas.

Second, our transportation facilities are limited. Many of the natural gas users have systems designed to shift to other fuels when natural gas is not available. However, with rivers and bays frozen, it is difficult to move these other fuels from one place to another. In this emergency situation, emergency needs must be met first.

Third, there is an intrastate drain. If you invest $200 in a gas well in Texas which sold in Ohio would yield $250, but if sold within Texas returns $450, obviously you sell in Texas. Consequently, whereas 10 years ago over twice as much gas was placed on the interstate market versus the intrastate market, in 1975 nearly seven times as much gas was added to the intrastate market as was added to the national market. Such a situation creates the wasteful use of natural gas on an intrastate level and must be remedied by controls over the intrastate market.

Finally, there is the complicated issue of the withholding of allocations. There is amply documented evidence presented before both the Subcommittee on Energy and Power and the Subcommittee on Oversight and Investigations of the

House Interstate and Foreign Commerce Committee that gas producers have purposely refused to put gas on the market. They have been anticipating the deregulation of prices which would enable them to sell gas at higher prices in order to receive a greater return on an already lucrative investment.

An article in the Wall Street Journal describes the situation well. It cites a belated disclosure of offshore gas that Mobil found in 1975 and shows as well how the reserve figures of two leading offshore oil exploration companies, Pennzoil Offshore and Tenneco Offshore, are revealed as understated by at least a factor of from 2 to 15 times, based on the companies' own orders for production platforms to lift oil and gas on a limited number of tracts. Thus, the natural gas is presently available; it needs to be allocated and not deregulated. Congress must come up with a long-range solution to our energy needs, but we cannot let our energy industries make these critical determinations for us.

TRIBUTE TO FRANK M. SLATINSHEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

Mr. STRATTON. Mr. Speaker, I rise to convey my own personal sense of great loss at the retirement of Mr. Frank M. Slatinshek, chief counsel of the Committee on Armed Services. Mr. Slatinshek has served on the staff of the committee since February 1, 1959, and as chief counsel since July 1, 1972.

In Frank's time with the committee, he had the unique opportunity during the early days of his service to be educated at what several members of the committee have called Carl Vinson University. Because of this and his active involvement in all of the committee's activities, Frank has become truly the "institutional memory" of the committee. This sense of history is important and has contributed immensely to the finely tuned balance which we have hopefully established between the executive and legislative functions in enacting national security legislation and establishing national security policy.

I will not attempt to restate the obvious importance of competent staff assistance to the ability of the Congress to carry out its responsibilities. We are all profoundly aware of that. Even among the extremely capable staff people serving the Congress, though, Frank's capabilities are distinct and his work has always evidenced this ability. His contribution has been noteworthy, not only because of his own remarkable competence, but more importantly because of his complete devotion to the well-being of the Congress and in particular the Committee on Armed Services.

In terms of tangible legislative accomplishments in which he played an instrumental role, the list would read like the committee's legislative calendar for the last nine Congresses. If I were he, though, in reflecting on my accomplishments, I would like to reflect on the success he has had in demanding both responsiveness and excellence in the material presented to the committee both by the staff itself, and the Department of Defense. These are imprints which are visible and which will survive now that his tenure is over.

Frank Slatinshek can be justifiably proud of his service to this country and our Government. The Congress and the public at large are measurably better as a result of his presence.

I am pleased and honored to be able to express my own personal appreciation to Mr. Frank Slatinshek for the exceptional contribution he has made during his years of service and to wish him and his lovely and very talented wife, Mary, the best of happiness and continued achievement in this new period of life that lies ahead of them.

THE CONDITION OF POLITICAL PRISONERS IN THE U.S.S.R.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 5 minutes.

Mr. FASCELL. Mr. Speaker, last week an American lawyer who had just been in Moscow delivered a letter to the State Department for President Jimmy Carter from Dr. Andrei Sakharov, the Nobel Peace Prize winner and foremost spokesman for the human rights movement in the Soviet Union. In that letter, Dr. Sakharov said,

It's very important that the U.S. President should continue efforts for the release of those people who are already known to the American public and that those efforts not be in vain. It is very important to continue the fight for the very sick and for the women political prisoners.

In his letter, Dr. Sakharov listed 15 political prisoners who were most in need of such support, but added that "there are very many others." Many of them are not known in this country, but some of the details of their difficulties—particularly of those who are seriously ill and whose imprisonment is worsening their illness—have been documented at various times by the Public Group to Promote Implementation of the Helsinki Accords in the U.S.S.R. That Public Group is based in Moscow, headed by Prof. Yuri Orlov, and includes affiliates in the Ukraine and Lithuania. It is a remarkable example of Soviet citizens taking seriously their government's pledge to respect human rights, and it has been a valuable source of information for outsiders about the actual fulfillment of that pledge.

At the same time that the Sakharov letter to President Carter reached Washington, the—Helsinki—Commission on Security and Cooperation in Europe, which I chair, received a report from the Public Group in Moscow on the medical treatment of prisoners of conscience. It makes very disturbing allegations about the health conditions of 50 such prisoners and about the general practice of Soviet prison and labor camp doctors toward them. The quality of medical care is conditioned, it seems, not on the health needs of the individual but by the severity of his punishment. The tougher the sentence, the more restricted is the access to medical help.

The five authors of the report urge two reasonable remedies: access by the International Red Cross to political prisoners and early release for those who are gravely ill. Both measures, if adopted, would fit very well the "humanitarian" spirit of the 1975 Helsinki accords and would reassure outsiders generally as to the seriousness of the Soviet Government in signing those agreements.

The staff of the Helsinki Commission has made a translation of this important report from Moscow, the 17th to be issued by the Public Group. I include that translation in the RECORD for the information of our colleagues, along with a listing of the names of the 50 prisoners whose health arouses special concern among their friends in the Soviet Union and abroad:

DOCUMENT NO. 17 OF THE GROUP TO PROMOTE OBSERVANCE OF THE HELSINKI AGREEMENTS IN THE USSR

"ABOUT PRISONERS OF CONSCIENCE WHO NEED QUICK RELEASE DUE TO THE STATE OF THEIR HEALTH"

The extremely harsh conditions of imprisonment in Soviet prisons and camps destroy the health of the prisoners, aggravating any sickness which predated their arrest, and developing new illnesses. Almost everyone who has endured imprisonment suffers from stomach ulcers, diseases of the liver, the kidney, enteritis, heart and vascular and other diseases.

The awful conditions of life in prisons and camps of the special regimen—where prisoners are always detained in cells which are crowded, damp, badly ventilated and lit, in fact, almost without fresh air or daylight—all this accelerates even further the destructive effects of the meager, low quality diet. Another pernicious factor on the health of the prisoners, is the exhausting forced labor, the harmful types of work which prisoners are not infrequently forced to perform, often in unsuitable buildings without observing health or safety regulations.

Yet another way in which the health of prisoners is ruined, is the system of additional punishments which every prisoner of conscience undergoes if he has not "started on the path to correction"—transfer to a "room of a cell type" (PKT) of a camp prison; "strict regimen" and a "low diet regimen" in the prison; an isolation cell (or punishment isolator—SHIZO) which means combined torture through hunger, cold, lack of sleep, etc.

Prisoners are practically excluded from the possibility of having a normal sexual life: in a camp of the strict and special regime, one is allowed not more than one personal meeting per year, (the length of such visits is from 24 to 72 hours, at the discretion of the head of the camp) only with close relatives—it is usually impossible to have such a visit with a common law wife; "the right" to these meetings can be taken away as a punishment. In prison one has no right to personal visits.

Medical help is limited by the conditions of the regimen of the corrective labor institution and by the terms of additional punishment. (As a rule, even extremely ill people are not let off from additional punishments right up to the isolation cell.) The medical personnel of these institutions are functionaries of the Ministry of Internal Affairs (MVD) and endorse their activity, first of all with the arrangements and tasks of

the punitive—"corrective" organs of the Ministry and the KGB.

For example, several times in 1975–1976 they put Yakov Suslensky, a prisoner of conscience who suffers from cardio-vascular ailments, into an isolation cell; even after a severe heart attack he was not taken out of the cell; in March, 1976, after he left the isolation cell he had a stroke. They put the paralysed prisoner Piatoshizhe (?) in an isolation cell—carrying him in on a stretcher!

A doctor of the Medical Administration of the Soviet Ministry of Internal Affairs in the spring of 1976 explained to the mother of a political prisoner in Vladimir prison, A. Sergienko, who has tuberculosis, that it was not in the power of the doctors to change or ease the terms of his imprisonment; if Sergienko "did not follow the rules" and he was put into solitary, that did not concern the doctors who were there "only to heal"; doctors did not get involved in administrative matters. From May 1975 until April 1976, Aleksandr Sergienko was put in an isolation cell four times where he spent 50 days in all (they said it was because Sergienko wrote complaints about violations of the law, and ridiculed other prisoners). Furthermore, because he had refused to do forced labor in Vladimir prison, Sergienko was put on a "lowered diet regimen" for a month and for almost six months on "strict regimen" with a lowered dietary norm and long walks (on "general regimen" walks are conducted for one hour per day, on "strict", ½ hour per day; one is not allowed to go for walks from the isloation cell).

Frequently, sick prisoners of conscience are deprived of medical help, even if they are in dire need of it. Falling ill, they are occasionally freed from their obligation to work and only rarely land in the hospital; (the regimen is like that in a cell, the sanitary conditions are bad; however, the diet is a lot better than the usual one—here we mean a camp or prison hospital). in the sanitary station and in the hospital, essential medicines are frequently missing, even those which can be had "on demand" in pharmacies, not to speak of medicines which are always in short supply. Attempts of relatives and friends to send needed medicines in most cases are futile: both the administration and the doctors refuse to accept them.

Many prisoners of conscience have appealed to the Soviet government, the leaders of the Soviet Communist Party, with requests and demands to admit into Soviet corrective labor institutions, representatives of the International Red Cross, which have never visited Soviet camps and prisons (although they could get into camps even in Hitler's Germany).

Examining the exchange of political prisoners Bukovsky and Corvalan which was conducted by the governments of Chile and the USSR as a first step in the liberation of all political prisoners—prisoners of conscience, from a humanitarian point of view, we suggest that prisoners who are in a bad state of health should be released before any others.

This measure does not contradict Soviet laws. Article 100 of the Corrective Labor Code of the Russian SFSR, and the corresponding articles of the codes of the other republics, provide that people who have been sentenced, who are psychologically disturbed or otherwise severely ill, are barred from further serving their sentences in places of imprisonment, that they can be freed before the end of the term to which a court has sentenced them. Article 369 defines the process of such liberation: the medical commission makes a conclusion about the state of health of the person under sentence, the administration, on the recommendation of the commission transfers the matter to a local court and the court decides to free a prisoner before his term is up. This procedure is called by the prisoners an "activated" or "commission" one.

However, in practice they "activate" only those prisoners whose days are already numbered.

And so, Aleksandr Sergienko's mother (whom we have already mentioned), turning to the Medical Administration of the Ministry of Internal Affairs of the Soviet Union with a request that they "activate" the case of her son, was told that they "activate" only "invalid" ill (that is, those who already cannot move around by themselves), yes and even then with great difficulty. For example, the political prisoner Mikhail Dyak, who had fallen ill with lymphogranulomatosis, was not freed for three years after confirmation of the diagnosis; they managed to get Dyak to acknowledge the charges for which he had been imprisoned as being criminal and to ask for a pardon; their refusal to "activate" Dyak was also based on the fact that he "had not started on the path to correction". Only then, when Mikhail Dyak was already in an extremely bad state and they feared that he might die at any time, did they commission his case. A year after this he died . . .

In the supplement to this document we give a list of political prisoners whom we know to be severely ill (and who should be "activated" in accordance with Article 100 of the Corrective Labor Code of the Russian SFSR). Unfortunately, our list is far from complete and does not always mention all the ills which afflict each of them. This is explained not only because of the difficulties in collecting such information. (Prison and camp censorship frequently does not pass letters which contain complaints about health. Most ill prisoners do not know the diagnoses of the sicknesses from which they suffer: in certain cases there was no diagnosis of their illnesses, or no diagnosis at all; in other cases the patient was not informed of the results of the diagnosis.) More detailed material which we had collected, perished during a fire in M. Lanada's apartment and was confiscated during search of the apartments of Yu Orlov, A. Ginzburg and L. Alekseeva. We have included in the list, information which we managed to save or to collect again. In the future, we will try to make this information more exact and to amplify it.

LUDMILA ALEKSEEVA,
ALEKSANDER GINZBURG,
MALVA LANDA,
YURI ORLOV,
ANATOLI SHARANSKY.

JANUARY 14, 1977.

Following are the names of political prisoners, listed in the appendix to Document #17, as individuals whose poor state of health justifies their early release:

VLADIMIR PRISON, SPECIAL REGIMEN

Vasili Fedorenko, Trofim Shinkaruk, and Yuri Shukhevich.

VLADIMIR PRISON, STRICT REGIMEN

Zinovii Antonyuk, Vladimir Balakhonov, Nikolai Budulak-Sharygin, Georgia Davydov, Gabriel Superfin, Leib Khnokh, and Bograt Shakhverdyan.

CAMP, STRICT REGIMEN (MORDOVIAN ASSR, INSTITUTION ZHKH-385(1))

Ivan Gel, Svyatoslav Karabanski, Eduark Kuznetsov, Valentine Moroz, Aleksey Murzhenko, Mikhail Osadchi, and Yuri Fedorov.

WOMEN'S POLITICAL CAMP, SPECIAL REGIMEN (MORDOVIAN ASSR, INSTITUTION ZHKH-385 (3–4))

Oksana Popovich, Irina Stasiv-Kalynets, Irina Senik, and Stefaniya Shabatura.

CAMP, STRICT REGIMEN, (MORDOVIAN ASSR, INSTITUTION ZHKH-385)

Paruir Airikyan, Vasili Lisovoi, Vladimir Osipov, Petr Sartakov, Sergei Soldatov, Ludovitsas Simutis, Vasili Stus, Yuri Khramtsov, and Vyacheslav Chernovol.

CAMP, STRICT REGIMEN, IN THE URALS, PERM OBLAST, INSTITUTION VS 389

Dmitri Basarab Gimpu, Stepan Sapelyak, Sergei Kovalev, Valeri Marchenko, Iosif Medelevich, Vasili Pidgorodetski, Razmik Sograbyan, Evgeni Pronyuk, Aleksandr Sergienko, and Ivan Svetlichni.

Those brought to trial from political motives who are now in various criminal camps, having been sentenced on false charges:

Vladimir Arkhangelski, Mustafa Dzhemilev, Aleksandr Feldman, and Mikhail Shtern.

POLITICAL EXILES

Vladimir Gandzyuk, Pavel Kampov, Mykola Gorbal, Aleksandr Bolonkin, and Anatoli Marchenko.

ON THE NEED FOR NONPROFIT CLINICS FOR THE SPAYING AND NEUTERING OF DOGS AND CATS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, because the overpopulation of dogs and cats in this country has reached epidemic proportions in recent years, posing a serious public health hazard as well as a public nuisance, I today reintroduced a bill I have sponsored for several years to provide low-interest loans for the establishment of low-cost, nonprofit clinics for the spaying and neutering of dogs and cats in municipalities and counties throughout the country. The overabundance of pets has resulted in enormous numbers of homeless animals that neither local governments nor humanitarian groups are equipped to handle. One need only read the following list of facts provided to me by the Humane Society of the United States and the Society for Animal Protective Legislation to realize the need for and benefits of the legislation I propose:

An estimated 80 to 100 million cats and dogs are in this country already, and kittens and puppies are being born at the rate of 2,000 to 3,500 an hour.

Some 13.5 million animals are put to death in shelters each year whether sick or healthy.

Between one-quarter and one-half billion dollars of public money is spent each year on killing surplus animals and animal control.

Approximately one-third of the volume of animals released to shelters are puppies and kittens from presently owned pets.

From 45 percent to 60 percent of all animals taken into shelters are brought there by their present owner. This would be drastically reduced if low-cost sterilization were available.

A program initiated in Los Angeles in 1971 has proved that a spay and neuter program can have a significant effect on reducing a community's surplus pet population.

The Center for Disease Control reports that animal bites, fecal contamination, and disease transmission rank animal regulation among the top public health problems within the United States.

A 1973 survey indicated "dog and other pet control problems" as the most frequent topic of citizens complaints to mayor and city councilmen.

In excess of 1.5 million dog bite incidents are reported to public health and animal control officers each year.

Sterilization reduces such drives as the need to roam, making the pet easier to control, less of a public nuisance and more adaptable to contemporary society.

During the last month, representatives of the two above-mentioned organizations have worked with my staff in revising my original spaying and neutering bill, and the product of their labors, the version I am now sponsoring, is, I think, a worthy improvement. Most of the changes are procedural clarifications, leaving the thrust of the new version essentially the same as its predecessor's. The Secretary of HEW would be authorized to make loans to local communities with populations of at least 50,000 persons for the establishment of low-cost spaying and neutering clinics. The interest on the loans would be 5 percent per annum on the unpaid balance, and the repayment period would be a long-term one, determined by the Secretary, but in no case longer than 50 years.

Some substantive changes in the bill were made, however, to insure that this legislation attacks the cause of the animal overpopulation problem as well as its symptoms. A locality would now have to meet the following requirements to be eligible for a loan:

First, it must have a law requiring that a dog be leashed or under the direct supervision and control of an individual whenever not on its owner's property;

Second, the locality must have a mandatory rabies inoculation program for dogs and cats;

Third, it must require the licensing of all dogs and cats owned by residents and charge lower license fees for sterilized animals;

Fourth, and it must prohibit, or agree to prohibit after receiving a clinic under this act, the release of dogs and cats from public shelters, including private shelters receiving public funds, unless such animals have been spayed or neutered first, except that in the case of an animal deemed too young by the shelter's administrator to be spayed or neutered the new owners may sign an agreement to have it spayed or neutered before it is a year old.

The purpose for attaching these stipulations to the Federal loans is to encourage localities, if they have not done so already, to take positive steps against the animal overpopulation problem that would complement spaying and neutering clinics. Without these additional steps, the establishment of spaying and neutering clinics would be futile; and surely such a demonstration of serious intent on the local level is little to ask in return for the generous loans provided for in this act.

Finally, I think my colleagues will be interested in the letter the president of the Humane Society of the United States, Mr. John A. Hoyt, sent me endorsing the new version of this bill. His letter follows:

THE HUMANE SOCIETY
OF THE UNITED STATES,
Washington, D.C., February 1, 1977.

Congressman EDWARD I. KOCH,
Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: The Humane Society of the United States believes that without a strong animal control program, all other attempts to solve the problems of surplus animals are futile. We support your proposed bill to provide loans for the establishment and/or construction of municipal low-cost, non-profit clinics for the spaying and neutering of dogs and cats with the inclusions that it contains at this time.

A one-prone program that concerns itself only with the neutering of pets would not significantly reduce a community's problem of animals running at large. Neutered pets that are not under the control of a responsible owner still add to the destruction of personal property, biting of children and/or other animals, causing of car accidents, and the general nuisance of pets that are allowed to run free.

HSUS strongly supports an enforceable animal ordinance that penalizes irresponsible owners and not just the killing of unwanted pets. It is obvious that the basic requirements that we have outlined for city and county governments, before they can apply for a loan, combined with the spay and neuter program will go much farther in eliminating the problems of nuisance animals to the public, health hazards to the community, and needless suffering of animals. Pets that are allowed to run loose are many times the target for mistreatment by the general public.

We trust that this information will give you the basic facts you need to help in the proposed bill's passage.

Sincerely,

JOHN A. HOYT,
President.

THE UNITED STATES SHOULD NOT BE HELPING TO MAINTAIN THE INTERNAL SECURITY OF OTHER COUNTRIES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, along with 36 Members of the House, I am today introducing legislation to eliminate "maintenance of internal security" as a purpose for which foreign military assistance may be furnished. This restriction applies to grant aid, training, and credit sales made to foreign governments. I am proposing this legislation because I believe that the United States should openly state that, as a matter of policy, we will not provide aid to a government to quell an internal rebellion. I believe that our providing military support to a regime for this purpose reflects a willingness on the part of the United States to side with one group against another in a foreign country. In my judgment that constitutes an interference in the internal affairs of another country.

I consider that one of the major lessons to be learned from our tragic involvement in the war in Vietnam is that it is very dangerous to become militarily embroiled in a foreign internal conflict, especially when that conflict pits one repressive group against another.

Unfortunately, we have not really learned that lesson. We are still providing military aid to countries, especially in Latin America, to help those regimes maintain internal order. More often than not, those regimes are repressive military dictatorships which consider any kind of dissent, peaceful and democratic or otherwise, to be subversive and a threat to internal order.

While our intervention in Chile is the best-known and most spectacular instance of meddling in the internal affairs of another country, there are many other examples of a more insidious interference. The case of Brazil, 1964 is illustrative. Recently revealed documents indicate that the United States was ready to intervene militarily if the Brazilian military had not been able to consolidate power after the coup. In defense of this action, Lincoln Gordon, U.S. Ambassador to Brazil at that time said:

> It was a contingency never put into effect. We feared the possibility of civil war . . . and one side might need some outside help.

While the war in Vietnam has come and gone, the United States still maintains this same attitude in its dealings with Latin American countries. Last year during hearings before the Subcommittee on Foreign Operations of the Appropriations Committee, on which I sit, I found that in case after case the State and Defense Departments justified requests for military assistance to Latin American countries with references to insurgencies in those countries. Oftentimes there was no internal threat, but simply a potential for such a threat. In many of these countries, such as Uruguay, Argentina, Paraguay, Nicaragua, and El Salvador, dictatorial regimes allow no legitimate peaceful avenues of political expression. Obviously, we cannot mandate that countries receiving our assistance be democratic or be in our image, but can we provide military aid for internal security to a country and ignore the repression which goes on in that country? Our history, our ideals, and our conscience tell us that we cannot.

The Congress through various legislative restrictions has tried to limit U.S. assistance for repressive activities in foreign countries, but that effort has not been fully successful. For instance, a GAO report—February 19, 1976—indicated that the prohibition of assistance to foreign police forces could not be fully enforced because in many countries, again especially in Latin America, the military and the police are an integrated national force. To withdraw our support for repressive activities, we must be willing to withdraw our military support for internal security operations in foreign countries. The foreign country need not be a repressive one, either. For example, should the United States provide military support to the British forces in Northern Ireland? I think not. We can only hurt ourselves and others by doing so.

Some have raised objections to this legislation by pointing out exceptional cases. Let them cite those exceptional cases. The problem now is that the present policy allows the United States to give aid to any country to put down any internal rebellion. In effect, what should be the exception is actually the rule. My legislation is needed to clearly state that, as a matter of normal policy, the United States will not involve itself militarily in the internal affairs of another country.

I am encouraged by the new administration's commitment on the issue of human rights in both left-wing and right-wing countries. Some would argue that our speaking out on the issue of human rights is interference in the internal affairs of another country. I do not

believe so. There are internationally recognized standards of human rights to which most countries have agreed to. It is an international concern which must be pursued in both multilateral and bilateral relations. As we launch into a commitment to human rights, we should make every effort that the United States is not supporting violations of human rights, either in our own country or others. I believe such a commitment demands that we end aid to regimes to help them maintain their internal security. Internal security is a matter for each country to deal with as it sees fit. It is folly for the United States to try to help maintain internal order in every country in the world through military assistance, and we should be willing to write that belief into our laws.

Following is a list of House Members who are cosponsoring H.R. 450:

Mr. Badillo, Mr. Bedell, Mr. Brown of California, Mr. John Burton, Mr. Phillip Burton, Mrs. Chisholm, Mr. Conyers, Mr. Dellums.

Mr. Downey, Mr. Drinan, Mr. Harkin, Mr. Harrington, Mr. Hawkins, Ms. Holtzman, Mr. Krebs, Mr. Long of Maryland.

Mr. McHugh, Mr. McKinney, Mrs. Meyner, Mr. George Miller of California, Mr. Mitchell of Maryland, Mr. Mineta, Mr. Moakley, Mr. Nix.

Mr. Oberstar, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Scheuer, Mr. Simon.

Mrs. Spellman, Mr. Studds, Mr. Walgren, Mr. Waxman, Mr. Weiss, Mr. Wolff.

COMPREHENSIVE LEGISLATION TO ASSIST OUR SENIOR CITIZENS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the needs of America's senior citizens cannot be ignored by any of us. Twenty-three million individuals—more than 10 percent of our Nation's population—are persons aged 65 or over, and that number is increasing at an annual rate of 500,000. Through medicare, the Older Americans Act, medicaid, the older Americans' community service employment program, housing for the elderly, social security and SSI, food stamps and nutrition programs, we are attempting to meet the special needs of our elderly. Yet older Americans receive only two-tenths of 1 percent of all general revenue sharing funds and less than one-half of the national median income; they are severely shortchanged in the areas of health, housing, transportation, employment, education, and nutrition. As a nation, we can do a great deal more for our senior citizens, and we must continue to make improvements where we see they are needed.

That is why I am pleased and proud to sponsor in the 95th Congress, along with my good friend and very able colleague CLAUDE PEPPER, chairman of the House Select Committee on Aging, a package of five bills that we believe will significantly improve available health care services for the Nation's elderly. The goal of our legislation is twofold; First, to provide comprehensive support services—such as homemaker aids, visiting nurses and doctors, and rent subsidies—to the elderly in their own homes and communities so that those who wish to do so can live independently in their own homes; second, to insure that the care provided in nursing homes and long-term care facilities is of the highest caliber—responsive to the individual needs and wants of those elderly citizens who for health or other reasons require the services of a nursing facility.

The five bills that we have introduced are the following:

1. H.R. 453—The National Home Health Care Act of 1977. A bill to amend part B of title XVIII of the Social Security Act to broaden the coverage of home health services under the supplementary medical insurance program and remove the 100-visit limitation presently applicable thereto, and to eliminate the requirement that an individual need skilled nursing care in order to qualify for such services, to amend part A of such title to liberalize the coverage of posthospital home health services thereunder, to amend title XIX of such act to require the inclusion of home health services in a State's medicaid program and to permit payments of housing costs under such a program for elderly persons who would otherwise require nursing home care, to provide expanded Federal funding for congregate housing for the displaced and the elderly, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

2. H.R. 452—The Improvement of Nursing Home Regulatory Procedures Act. A bill to amend the Social Security Act to improve the survey and certification process, ratesetting and fiscal audit methods, and general regulation of nursing homes and intermediate care facilities under the medicaid program, and to provide for medical, psychological, and social assessment of long-term care patients under both the medicare and medicaid programs; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

3. H.R. 92—The Nursing Home Reform Act of 1977. A bill to amend the Social Security Act to improve and make more effective the provision of nursing home services under the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

4. H.R. 1136—The Long Term Care Services Act of 1977. A bill to amend the Social Security Act to revise and expand various provisions relating to home health and other long-term care services under the medicare program, and for other purposes; jointly to the Committees on Banking, Finance and Urban Affairs, Interstate and Foreign Commerce, and Ways and Means.

5. H.R. 1114—The Geriatric Health Personnel Training Act of 1977. A bill to amend the Public Health Service Act to provide additional programs of assistance for health personnel training programs and for other purposes; to the Committee on Interstate and Foreign Commerce.

This legislation was developed after I urged the Senate Subcommittee on Long Term Care to hold hearings in 1975 on nursing home problems in New York, which led to the conviction and imprisonment of Dr. Bernard Bergman. As a result of those hearings, the then-chairman of the subcommittee, the Honorable Frank Moss of Utah, sponsored legislation on the Senate side corresponding with our proposed package.

Some progress was made on the legislation when, in 1975, the House Ways and Means Subcommittee on Health extensively reviewed the medicare and medicaid provisions of my National Home Health Care Act. In the 94th Congress, 120 Members cosponsored the National Home Health Care Act alone, while over 60 Members of the House cosponsored the entire package. It appears that support for this package of legislation is strong, will continue to grow, and will hopefully be enacted in this session of the Congress.

Mr. Speaker, I am pleased to report that several of our proposals first introduced in the 94th Congress have actually been enacted into law or are under consideration by the appropriate agencies. During the 94th Congress, legislation was enacted into law providing grants to train in-service nursing home personnel and physician assistants, and providing a $15 million dollar authorization for the continuation of the home health demonstration and training grant program, establishing an Inspector General within HEW to deal with fraud and abuse in medicaid and medicare. In addition, the Health Professional Educational Assistance Act and Health Revenue Sharing Act provided funds to expand geriatric training programs for doctors, nurses, and nurse and nurse practitioners.

These and other reforms are encouraging. Yet the fact remains that, despite the proven cost-effectiveness of several home health care programs across the country, only $400 million out of a total national health budget of $118.5 billion—less than 1 percent—was spent to provide home health services for the elderly in 1975.

Considering the revelations of the past 3 years concerning fraud and abuses in the nursing home industry, and the growing reputation for poor quality of patient care in the industry, our emphasis should be on home health care and stringent controls on the operating procedures of nursing homes. Our legislation does that.

Clearly, home health care is a viable alternative method of care for many older Americans, in monetary as well as human and psychological terms. Our other two bills, the Long Term Care Services Act and the Geriatric Health Personnel Training Act, would demand further improvements in geriatric health care by encouraging training of personnel and the development of innovative approaches to treatment of the elderly.

A great deal of work has been expended in developing our legislative package devoted to improving the quality of health care for the elderly. While I am pleased that recognition has been awarded some of our proposals, our efforts toward enactment of comprehensive legislation will continue until we reach our goal. Inaction on this package of legislation would only be at the expense of a continued high toll on the health of our Nation's elderly. I hope that my colleagues will recognize the importance of these health care bills and will lend their support to their speedy enactment.

LEGISLATION TO SUSPEND TARIFFS ON FOAM RUBBER LATEX

(Mr. OTTINGER asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, today I am introducing, along with Mr. RICHMOND, two bills that suspend for a 3-year period the existing tariffs on certain foam rubber products.

The first piece of legislation suspends the 15 percent ad valorem tariff on foam rubber mattress pad blanks; the other bill suspends the 6 percent duty on sheets of molded pin core latex.

The need for this legislation results from a nationally publicized case of arson that occurred in 1975. At that time, fire destroyed a rubber plant in Shelton, Conn., which served as the only domestic supplier of natural foam rubber latex.

Today, although the United States still lacks a domestic producer of the goods, duties on foam rubber latex still remain in effect. This situation has imposed a severe hardship on the manufacturers of foam rubber mattresses and box spring sets, since they have no alternative now but to import all of their raw foam rubber materials at artificially high prices. This unfortunate situation was first brought to my attention by Mr. Jack Freilicher of Yonkers, N.Y.—president of Rite Foam Sleep Products, Corp.

The purpose of imposing a duty on imported merchandise is to protect competing domestic industries. In this instance, however, there is no longer a domestic industry to protect, and no prospect of resurrecting it. Clearly, no justification remains for maintaining tariffs on the foam rubber imports of Rite Foam and similar firms.

Economic conditions as they are today make it extremely difficult for many small businesses to operate successfully. It seems inexcusable to me that the Government would allow an obsolete duty to remain in effect and further add to the burden certain small businesses must bear.

I first introduced the mattress pad blank legislation in the 94th Congress. It was unopposed in hearings in both the House and Senate and received favorable consideration in all departmental reports. While the House ultimately passed the bill, the Senate failed to act on it in the hectic days preceding the adjournment of Congress at the beginning of October.

Mr. Speaker, this is the sort of legislation which is of narrow scope, but of enormous importance to those who are affected by it. I urge that my colleagues in both Houses act more rapidly in this new session of Congress to rectify a blatant injustice in existing Customs law.

LEGISLATION TO ESTABLISH THE NATIONAL CONSUMER COOPERATIVE BANK

(Mr. ST GERMAIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ST GERMAIN. Mr. Speaker, by way of background, in the last session of Congress, I introduced the National Consumer Cooperative Bank Act which was cosponsored by 78 Members including 25 members of the Banking Committee. The Subcommittee on Financial Institutions, which I chair, held hearings, at which time testimony was received from 22 witnesses including cooperative associations, consumer trade associations, the Treasury Department, the Farm Credit Administration, and Members of Congress. On August 24, 1976, by a vote of 25 to 10 the Banking Committee favorably reported out the National Consumer Cooperative Bank Act after the adoption of several amendments which served to strengthen and perfect the concept embodied in the legislation.

Mr. Speaker, the legislation introduced today is essentially identical to the National Consumer Cooperative Bank legislation perfected by the Banking Committee in the last Congress. This legislation is vitally important for consumers by making it possible for them to take meaningful steps on their own behalf through cooperative action. This legislation is for the benefit of consumers who do not have leverage in the marketplace and all too often are denied access to credit at reasonable rates.

The concept of cooperatives in the free enterprise system is not new. For over 40 years, the cooperative Farm Credit System has provided essential financing for the development of American agriculture. Rural areas also have benefited through public utility and rural electric cooperatives, financially assisted under the Farm Credit Act of 1971. The consumer cooperative bank has been modeled along the lines of the highly successful experience of the Farm Credit System.

Unlike so much Federal legislation, the National Consumer Cooperative Bank Act does not create a permanent new Federal bureaucracy. Under this self-help proposal, the cooperatives—the users of the bank—will repay fully the capital investment of the U.S. Treasury and the institution will become wholly owned and operated by the cooperative organizations. In other words, every penny of the Government's investment in the bank will be repaid.

The consumer cooperatives which will be financed through this bank will give the consumer an important "yardstick" by which to measure both quality and cost in important areas such as food, health, housing, automobile repair, and similar services. The consumer cooperatives can and do help provide a countervailing force to monopolies and expand the possibilities for economic self-determination.

The technical self-help development fund to be established will be especially important to new and small cooperatives by providing equity capital in newly formed cooperatives to serve low-income people and by providing essential technical assistance for management and financial training. This type of financial and technical backup will help consumers to become self-sufficient by giving them the opportunity to take meaningful steps, on their own behalf, to obtain needed services, particularly in inner-city areas all too frequently abandoned by commercial banks and many profit-making businesses.

Mr. Speaker, nothing in this bill can be construed as giving consumer cooperatives an unfair advantage over existing business enterprises. Creditworthy consumer cooperatives, having sound organizational structures and a continuing demand for the goods and services they provide, are given access to credit through the proposed National Consumer Cooperative Bank, at market rates, permitting them to compete on an equal basis with privately owned businesses in the free marketplace. To underscore the fact that eligible cooperative borrowers would not be receiving preferential or below market interest rate loans, this legislation makes it clear that the interest rate for title I loans would not be "less than the rates generally prevailing in the area from other sources for loans for similar functions."

Thus, as long as public money is used to make loans, the bank will not be able to unfairly compete with other lenders and interest rates to be charged borrowers from the bank will not permit them to unfairly compete with borrowers from other credit sources. In this manner, nonprofit consumer cooperatives will enhance competition, not eliminate it, making our Nation's free enterprise system more responsive to consumer needs and may well result in lowering the cost of goods and services, thereby reducing inflation.

The major concept underscoring this proposal is helping people become self-sufficient and giving them the opportunity, through assistance at the outset, to have private enterprise effectively serve their needs.

A YOUNG TEXAS STATESMAN SPEAKS HIS MIND

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, not so many years ago the most general subject for discussion, immediately following comments on the weather, was the deplorable conduct of those of our young people who were expressing their concern about social and economic conditions through disorderly demonstrations. I would like to call attention to the fact that, as evidenced by the following letter from one of my constituents, today's youngsters are no less concerned about government, but they are able to express themselves in a responsible and forthright manner. This young man, Tim Clay, from Carthage, Tex., penetrates to the core of some of our most perplexing problems and suggests alternatives that are reasonable guidelines for a better America.

DECEMBER 17, 1976.

Hon. SAM B. HALL, Jr.,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. HALL: I am a Senior at Carthage High School in Carthage Texas. I am writing you because I'm a concerned citizen. I realize that time is coming when many of the youth my age will be adults soon and will be involved in business and politics. What you do in the government today will determine the opportunities available to us when we be-

come adults. From the things I see and read I feel the federal government should return as many rights and powers as possible to the individual states. The U.S. Government should not be competing in the marketplace with industry and big business.

I feel the best way to curb inflation is by supply and demand. Let the federal government run the government and businessmen run businesses without the interference of O.S.H.A. or H.E.W. and all the other agencies that are tieing the hands of the productive people in this country with ridiculous requirements that cause many companies both large and small to spend millions of dollars to comply to the whims of some power hungry individuals that comprise these agencies.

These requirements do one of two things either force the businessman out of business, which was the case of a small business here in Carthage, or force them to comply to the demands which are usually very costly and this expense is passed on to the consumer in the price of his product which is a cause of inflation. I am also greatly concerned about the massive welfare programs and firmly believe you should do everything within your power to control federal spending in this area. I am watching the outcome of your voting.

Sincerely yours,

TIM CLAY.

RULES ON COMMITTEE ON GOVERNMENT OPERATIONS

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, pursuant to clause 2(a) of rule XI of the House of Representatives, herewith are submitted for publication in the CONGRESSIONAL RECORD the Rules of the Committee on Government Operations, which were adopted on January 27, 1977:

RULES OF THE COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, 95TH CONGRESS

RULE 1.—APPLICATION OF RULES

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Government Operations and its subcommittees as well as to the respective chairmen.

[See House Rule XI, 1.]

RULE 2.—MEETINGS

The regular meetings of the full committee shall be held on the second Wednesday of each month at 10 a.m., except when Congress has adjourned. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee in accordance with the provisions of House Rule XI, 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days prior to each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The minority staff shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2(b).]

RULE 3.—QUORUMS

A majority of the members of the committee shall constitute a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence and one-third of the members shall constitute a quorum for taking any action other than the reporting of a measure or recommendation. Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

RULE 4.—COMMITTEE REPORTS

Bills and resolutions approved by the committee shall be reported by the chairman in accordance with House Rule XI, 2(l).

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed in accordance with House Rule XI, 2(l)(5). The time allowed for filing such views shall be three calendar days (excluding Saturdays, Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such proposed report in subcommittee or full committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee prior to the consideration of the proposed report in such subcommittee or full committee.

RULE 5.—PROXY VOTES

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present; shall be limited to the date and the specific measure or matter to which it applies; and, unless it states otherwise, shall apply to any amendments or motions pertaining to that measure or matter.

[See House Rule XI, 2(f).]

RULE 6.—ROLL CALLS

A roll call of the members may be had upon the request of any member.

[See House Rule XI, 2(e).]

RULE 7.—RECORD OF COMMITTEE ACTIONS

The committee staff shall maintain in the committee offices a complete record of committee actions including a record of the roll-call votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

RULE 8.—SUBCOMMITTEES; REFERRALS

There shall be seven subcommittees with appropriate party ratios which shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement thereon.

[See House Rule XI, 1(a)(2).]

RULE 9.—EX OFFICIO MEMBERS

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

RULE 10.—STAFF

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees subject to appropriate approval.

RULE 11.—STAFF DIRECTION

Except as otherwise provided in House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

RULE 12.—HEARING DATES AND WITNESSES

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week prior to the commencement of any hearings, unless he determines that there is good cause to begin such hearings at an earlier date. In order that the chairman of the full committee may coordinate the committee facilities and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks in advance of the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall, so far as practicable, submit written statements at least 24 hours in advance of their appearance.

[See House Rule XI, 2(g)(3), (g)(4), (j), and (k).]

RULE 13.—OPEN MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rule XI, 2(g).]

RULE 14.—FIVE-MINUTE RULE

A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the direction of the chairman.

RULE 15.—INVESTIGATIVE HEARINGS; PROCEDURE

Investigative hearings shall be conducted according to the procedures in House Rule

XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

RULE 16.—STENOGRAPHIC RECORD

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE 17.—TV, RADIO, AND PHOTOGRAPHS

When approved by a majority vote, an open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions of House Rule XI, 3. In order to enforce the provisions of said rule or to maintain an acceptable standard of dignity, propriety and decorum, the chairman may order such alteration, curtailment, or discontinuance of coverage as he determines necessary.

RULE 18.—ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, 4(c)(2);

(b) Arrange such meetings, designate participants and submit such reports to the House as may be necessary to carry out the coordination of oversight activities and reporting requirements under House Rule X, 2(c);

(c) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, 2(d);

(d) Submit to the Committee on the Budget views and estimates required by House Rule X, 4(g), and to file reports with the House as required by the Congressional Budget Act;

(e) Authorize and issue subpoenas as provided in House Rule XI, clause (2)(m)(1), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee; and

(f) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCEWEN (at the request of Mr. RHODES) for today, on account of being snowbound in the District.

Mr. LONG of Louisiana for February 2, 3, and 4, on account of attendance at bauxite agreement, in capacity as chairman of Joint Economic Committee's Subcommittee on Inter-American Economic Relationships.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COLEMAN), to revise and extend their remarks, and to include extraneous matter:)

Mr. RAILSBACK, for 5 minutes, today.

Mr. MCKINNEY, for 5 minutes, today.

Mr. KELLY, for 5 minutes, today.

Mr. BURKE of Florida, for 15 minutes, today.

Mrs. HECKLER, for 5 minutes, today.

Mr. WHALEN, for 5 minutes, today.

Mr. EDWARDS of Oklahoma, for 10 minutes, today.

Mr. BAUMAN, for 10 minutes, today.

(The following Members (at the request of Mr. GEPHARDT) to revise and extend their remarks and include extraneous material:)

Mr. COTTER, for 5 minutes, today.

Mr. METCALFE, for 10 minutes, today.

Mr. STOKES, for 10 minutes, today.

Mr. DIGGS, for 5 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MINISH, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Mr. PEPPER, for 30 minutes, today.

Mrs. BOGGS, for 5 minutes, today.

Mr. SIMON, for 5 minutes, today.

Mr. ASHLEY, for 15 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. STRATTON, for 5 minutes, today.

Mr. LUNDINE, for 5 minutes, February 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COLEMAN), and to include extraneous matter:)

Mr. MITCHELL of New York.

Mr. YOUNG of Florida in five instances.

Mr. MICHEL.

Mr. LAGOMARSINO in two instances.

Mr. LOTT.

Mr. DERWINSKI in two instances.

Mr. KASTEN.

Mr. BURKE of Florida in three instances.

Mr. STOCKMAN in four instances.

Mr. QUAYLE in five instances.

Mr. ASHBROOK.

Mr. WHITEHURST in four instances.

Mr. ANDERSON of Illinois.

Mr. PURSELL.

Mr. GILMAN in two instances.

Mr. FREY.

(The following Members (at the request of Mr. GEPHARDT) and to include extraneous matter:)

Mr. MURPHY of Illinois.

Mr. WEISS.

Mr. BLANCHARD.

Mr. LEVITAS.

Mr. NATCHER.

Mr. MAZZOLI in two instances.

Mr. MOTTL.

Mr. BRODHEAD.

Mr. RICHMOND.

Mr. COTTER.

Mr. OBEY in 10 instances.

Mr. HOLLAND in three instances.

Mr. DINGELL in three instances.

Mr. EILBERG in 10 instances.

Mr. SISK.

Mrs. LLOYD of Tennessee in five instances.

Mr. ANNUNZIO in six instances.

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. HAMILTON in 10 instances.

Ms. OAKAR in two instances.

Mr. FISHER.

Mr. SOLARZ.

Mr. WRIGHT.

Mr. RAHALL.

Mr. MATHIS.

Mr. MCDONALD in two instances.

Mr. DAVIS.

Mr. TEAGUE.

Mr. MURTHA.

Mr. LUNDINE in 10 instances.

Mr. LE FANTE.

Mr. VANIK in two instances.

Mr. SIMON in five instances.

Mr. UDALL.

Mr. ZABLOCKI.

Mr. PEPPER.

Mrs. BURKE of California.

Mr. MURPHY of New York in four instances.

ADJOURNMENT

Mr. FITHIAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, February 2, 1977, at 3 o'clock p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

638. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting the Board's first annual report on its activities under the Equal Credit Opportunity Act, covering fiscal year 1976, pursuant to section 707 of the act (90 Stat. 255); to the Committee on Banking, Finance and Urban Affairs.

639. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 1-205, "To amend the District of Columbia Air Quality Control Regulations," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

640. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report that no specialized or technical services were provided by NASA to State or local governments during calendar year 1976 under the Intergovernmental Cooperation Act of 1968, pursuant to section 304 of the act; to the Committee on Government Operations.

641. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting the Commission's 18th annual report, pursuant to section 5(3) of Public Law 86-380; to the Committee on Government Operations.

642. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 77-10, finding that it is in the national interest to sell an additional $60 million worth of wheat/wheat flour or other agricultural commodities to Egypt under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, pursuant to section 103(d)(3) and (4) of the act; to the Committee on International Relations.

643. A letter from the Acting Administrator, Federal Energy Administration, transmitting a report on changes in market shares of refined petroleum products during September 1976, pursuant to section 4(c)(2)(A) of the Emergency Petroleum Allocation Act

of 1973; to the Committee on Interstate and Foreign Commerce.

644. A letter from the Acting Assistant General Counsel for International, Conservation, and Resource Development Programs, Federal Energy Administration, transmitting notice of three meetings related to the International Energy Program to be held in New York, N.Y., during the period February 8–11, 1977; to the Committee on Interstate and Foreign Commerce.

645. A letter from the Acting Chairman, U.S. Civil Service Commission, transmitting a report on positions placed in grades GS–16, 17, and 18 during calendar year 1976, by agency, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

646. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a report on the Office's positions in grade GS–17 during calendar year 1976, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

647. A letter from the Chairman, Interstate Commerce Commission, transmitting the annual report on final valuations of properties of common carriers for ratemaking purposes, pursuant to section 19a(d) of the Interstate Commerce Act; to the Committee on Public Works and Transportation.

648. A letter from the Federal Cochairman, Ozarks Regional Commission, transmitting the Commission's annual report for fiscal year 1976 and the transition quarter, pursuant to section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works and Transportation.

649. A letter from the Comptroller General of the United States, transmitting a report on Federal supervision of State and national banks; jointly, to the Committees on Government Operations, and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLLING: Committee on Rules. House Resolution 222. Resolution creating a Select Committee on Assassinations (Rept. No. 95–3). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 230. Resolution providing for the consideration of House Resolution 222, a resolution creating a Select Committee on Assassinations (Rept. 95–4). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mr. YOUNG of Florida, Mr. MADIGAN, Mr. KETCHUM, Mr. CHARLES WILSON of Texas, Mr. ERTEL, Mr. STAGGERS, Mr. BAUCUS, Mr. ICHORD, Mr. DEVINE, Mr. FLOWERS, Mr. CORRADA, Mr. MARTIN, Ms. KEYS, Mr. HEFTEL, Mr. DAVIS, Mr. GARY A. MYERS, Mr. CONTE, Mr. ROBERT W. DANIEL, Jr., and Mr. BURKE of Florida):

H.R. 2766. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain relating existing provisions; to the Committee on the Judiciary.

By Mr. ANDERSON of California (for himself, Mr. APPLEGATE, Mr. BOWEN, Mr. BROWN of California, Mr. BUCHANAN, Mrs. BURKE of California, Mr. CARTER, Mrs. CHISHOLM, Mr. CORRADA, Mr. DAVIS, Mr. DELLUMS, Mr. DRINAN, Mr. DUNCAN of Tennessee, Mr. FORD of Tennessee, Mr. GINN, Mr. HAWKINS, Mr. JENRETTE, Mr. KELLY, Mr. MITCHELL of Maryland, Mr. NICHOLS, Mr. RUSSO, Mr. RYAN, Mrs. SPELLMAN, Mr. THONE, and Mr. YOUNG of Alaska):

H.R. 2767. A bill to amend title 38, United States Code, to provide for the payment of service pensions to veterans of World War I and the surviving spouses and children of such veterans; to the Committee on Veterans' Affairs.

By Mr. BLANCHARD (for himself, Mr. MINETA, Ms. CHISHOLM, Mr. STUMP, Mr. NEDZI, Mr. SCHEUER, Mr. CONTE, Mr. BEARD of Tennessee, Mr. KETCHUM, Mr. HOLLENBECK, Mr. YATRON, Mr. PATTISON of New York, Mr. RUNNELS, Mr. EMERY, Mr. HAWKINS, Mr. PANETTA, Mr. DOWNEY, Mr. KREBS, Mr. BONIOR, Mr. STEERS, Mr. CORRADA, Mr. KOSTMAYER, Mr. WEISS, Mr. MAZZOLI, and Mr. DAVIS):

H.R. 2768. A bill to require authorizations of new budget authority for Government programs at least every 5 years, to establish a procedure for zero-base review of Government programs every 5 years, and for other puropses; to the Committee on Rules.

By Mr. BLANCHARD (for himself, Mr. MINETA, Mr. EDWARDS of California, Mr. HARKIN, Mr. STOKES, Ms. SCHROEDER, Ms. FENWICK, Mr. MURPHY of Pennsylvania, Mr. DUNCAN of Oregon, Mr. BURKE of Florida, Mr. MAGUIRE, Mr. WALGREN, Mr. EVANS of Indiana, and Mr. JENRETTE):

H.R. 2769. A bill to require authorizations of new budget authority for Government programs at least every 5 years, to establish a procedure for zero-base review of Government programs every 5 years, and for other purposes; to the Committee on Rules.

By Mr. BROOKS (for himself and Mr. POAGE):

H.R. 2770. A bill to amend section 142 of title 28, United States Code, relating to the furnishing of accommodations to judges of the courts of appeals of the United States; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.R. 2771. A bill to amend the Internal Revenue Code of 1954 to provide a refundable credit against tax for postsecondary education expenses for tuition and fees paid by the taxpayer attributable to the attendance of a student at an institution of postsecondary education, and for other purposes; to the Committee on Ways and Means.

H.R. 2772. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

H.R. 2773. A bill to amend the Internal Revenue Code of 1954 to allow an incometax deduction for depreciation on capital expenditures incurred in connecting residential sewer lines to municipal sewage systems; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.R. 2774. A bill to amend title 28 of the United States Code to provide additional district court judges for the Southern District of Florida, and for other purposes; to the Committee on the Judiciary.

H.R. 2775. A bill to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 2776. A bill to authorize the Secretary of Agriculture to distribute seeds and plants for use in home gardens; to the Committee on Agriculture.

By Mr. ST GERMAIN (for himself, Mr. REUSS, and Mr. WYLIE):

H.R. 2777. A bill to provide for consumers a further means of minimizing the impact of inflation and economic depression by narrowing the price spread between costs to the producer and the consumer of needed goods, services, facilities, and commodities through the development and funding of specialized credit sources for, and technical assistance to, self-help, not-for-profit cooperatives, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BURLESON of Texas:

H.R. 2778. A bill to amend title XVIII of the Social Security Act to provide coverage for the services of optometrists related to the treatment of aphakia; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. CARNEY:

H.R. 2779. A bill to amend title 18 of the United States Code to provide criteria for the imposition of the death penalty for certain explosives related offenses; to the Committee on the Judiciary.

H.R. 2780. A bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States, and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2781. A bill to provide for grants to States for the payment of compensation to persons injured by certain criminal acts and omissions, and for other purposes; to the Committee on the Judiciary.

H.R. 2782. A bill to provide a penalty for the robbery or attempted robbery of any narcotic drug from any pharmacy; to the Committee on the Judiciary.

H.R. 2783. A bill to establish an independent commission to administer the internal revenue laws; to the Committee on Ways and Means.

H.R. 2784. A bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of tax returns and the disclosure of information contained therein, and for other purposes; to the Committee on Ways and Means.

By Mr. DEL CLAWSON (by request):

H.R. 2785. A bill to amend the Internal Revenue Code of 1954 to provide a refundable income tax credit for basic health insurance premiums and a deduction from gross income for certain additional medical expenses, and to amend title XIX of the Social Security Act to encourage every State to furnish private health insurance plans or policies to pay for medical care for the needy and indigent; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. ROBERT W. DANIEL, Jr. (for himself, Mr. BADHAM, Mr. BURKE of Florida, Mr. CEDERBERG, Mr. CHAPPELL, Mr. CRANE, Mr. DEVINE, Mr. EDGAR, Mr. FORSYTHE, Mr. HILLIS, Mr. KOCH, Mr. LOTT, Mr. MCKINNEY, Mr. MINETA, Mr. MONTGOMERY, Mr. NEAL, Mr. O'BRIEN, Mr. REGULA, Mr. ROE, Mr. ROGERS, Mr. RUDD, Mr. SEIBERLING, Mr. STEERS, Mr. TRAXLER, and Mr. YOUNG of Florida):

H.R. 2786. A bill to provide that the changes made by the Tax Reform Act of 1976 to the exclusion of sick pay shall only apply to taxable years beginning after December

31, 1976; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 2787. A bill to amend the Natural Gas Act to assure adequate supplies of natural gas in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 2788. A bill to amend the Federal Energy Administration Act of 1974, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DODD:

H.R. 2789. A bill to amend the Internal Revenue Code of 1954 with respect to certain charitable contributions; to the Committee on Ways and Means.

H.R. 2790. A bill to amend the Internal Revenue Code of 1954 to exempt nonprofit volunteer firefighting or rescue organizations from the Federal excise taxes on gasoline, diesel fuel, and certain other articles and services; to the Committee on Ways and Means.

H.R. 2791. A bill to amend the Internal Revenue Code of 1954 to eliminate in the case of taxpayers over age 65 the 1-percent floor on the deduction for medicine and drugs, and the 3-percent floor on the deduction for medical expenses; to the Committee on Ways and Means.

By Mr. DUNCAN of Tennessee:

H.R. 2792. A bill to provide that elderly persons residing in dwelling units receiving Federal assistance shall be provided with certain rights in the lease agreements between the elderly persons and the owners of the units; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2793. A bill to amend the Older Americans Act of 1965 to provide relief for older Americans who own or rent their homes; to the Committee on Education and Labor.

H.R. 2794. A bill to amend title IV of the Higher Education Act of 1965 to provide for a National Student Financial Assistance Data Bank; to the Committee on Education and Labor.

H.R. 2795. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities; to the Committee on Interstate and Foreign Commerce.

H.R. 2796. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such home; to the Committee on Interstate and Foreign Commerce.

H.R. 2797. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in establishing graduate programs for nurses in geriatrics and gerontology; to the Committee on Interstate and Foreign Commerce.

H.R. 2798. A bill to establish the National Diabetes Advisory Board and to take other actions to insure the implementation of the long-range plan to combat diabetes; to the Committee on Interstate and Foreign Commerce.

H.R. 2799. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of nurse practitioners to provide primary health care in nursing homes; to the Committee on Interstate and Foreign Commerce.

H.R. 2800. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain limitation respecting the authority of the Secretary of Health, Education, and Welfare to regulate vitamins and minerals under that act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2801. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of assistance under such act that law enforcement agencies have in effect a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

H.R. 2802. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 2803. A bill to provide that in civil actions where the United States is a plaintiff, a prevailing defendant may recover a reasonable attorney's fee and other reasonable litigation costs; to the Committee on the Judiciary.

H.R. 2804. A bill to authorize the financing of parkways from the Highway Trust Fund, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 2805. A bill to amend title 38, United States Code, to provide for the payment of service pensions to veterans of World War I and the surviving spouses and children of such veterans; to the Committee on Veterans' Affairs.

H.R. 2806. A bill to amend title 38 of the United States Code in order to extend under certain circumstances the delimiting period for completing veterans' education programs and to provide a "teach down" period for veterans who have committed themselves to furthering their education; to the Committee on Veterans' Affairs.

H.R. 2807. A bill to amend the Internal Revenue Code of 1954 to exempt nonprofit volunteer firefighting or rescue organizations from the Federal excise taxes on gasoline, diesel fuel, and certain other articles and services; to the Committee on Ways and Means.

H.R. 2808. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for State and local public utility taxes; to the Committee on Ways and Means.

H.R. 2809. A bill to amend the Internal Revenue Code of 1954 to allow individuals an income tax credit for certain expenses of elementary or secondary education; to the Committee on Ways and Means.

H.R. 2810. A bill to amend the Internal Revenue Code of 1954 to provide that the tax rules now applicable to savings and loan associations, mutual savings banks, and certain cooperative banks, shall be applicable to the comparable mortgage programs now undertaken by national mortgage associations; to the Committee on Ways and Means.

H.R. 2811. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

H.R. 2812. A bill to amend title XVIII of the Social Security Act to require the continued application of the nursing salary cost differential which is presently allowed in determining the reasonable cost of inpatient nursing care for purposes of reimbursement to providers under the medicare programs; jointly to the Committees on Ways and Means and Interstate and Foreign Commerce.

H.R. 2813. A bill to amend titles XVIII and XIX of the Social Security Act making unlawful the offer or receipt of consideration for the referral of patients, clients, or customers; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

H.R. 2814. A bill to amend title XVIII of the Social Security Act to require the continued application of the nursing salary cost differential which is presently allowed in determining the reasonable cost of inpatient nursing care for purposes of reimbursement to providers under the medicare program; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

H.R. 2815. A bill to amend the Social Security Act to establish a procedure for the prompt payment of social security benefits to individuals whose social security checks have been lost, stolen, or otherwise delayed; to expedite hearings and determinations respecting claims for benefits under titles II, XVI, and XVIII of the act and part B of title IV of the Federal Coal Mine Health and Safety Act of 1969; and to amend title II of the Social Security Act to limit to 25 percent the reduction that may be made in an individual's benefit check for any month because of any previous overpayments of monthly benefits; jointly to the Committees on Ways and Means, Education and Labor, and Interstate and Foreign Commerce.

By Mr. EARLY:

H.R. 2816. A bill to authorize the acquisition and maintenance of the Goddard rocket launching site in accordance with the act of August 25, 1916, as amended and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EDGAR (for himself, Mr. MURPHY of New York, and Mr. FORSYTHE):

H.R. 2817. A bill to provide for certain additions to the Tinicum National Environmental Center; to the Committee on Merchant Marine and Fisheries.

By Mr. FINDLEY:

H.R. 2818. A bill to stimulate production of natural gas; to the Committee on Interstate and Foreign Commerce.

By Mr. FOUNTAIN (for himself and Mr. BROOKS):

H.R. 2819. A bill to reorganize the executive branch of the Government and increase its economy and efficiency by establishing Offices of Inspector General within the Departments of Agriculture, Commerce, Housing and Urban Development, the Interior, Labor and Transportation, and within the Energy Research and Development Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, and the Veterans' Administration, and for other purposes; to the Committee on Government Operations.

By Mr. FRASER:

H.R. 2820. A bill to add certain lands to the Boundary Waters Canoe Area, to redesignate such area as the Boundary Waters Wilderness Area, to withdraw certain authorities for timber harvesting and vehicle use within such area, to increase the payments made to counties respecting such area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HALL:

H.R. 2821. A bill to provide for quarterly adjustments in the support price for milk, and for other purposes; to the Committee on Agriculture.

H.R. 2822. A bill to amend the Communications Act of 1934 to provide that licenses for the operation of broadcasting stations may be issued and renewed for terms of 5 years, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2823. A bill to amend the Internal Revenue Code of 1954 to exempt activities related to oil and gas from the provisions limiting deductions to amounts at risk, and for other purposes; to the Committee on Ways and Means.

H.R. 2824. A bill to amend the Internal Revenue Code of 1954 to provide that employed individuals over age 65 not be required to contribute to the Federal Insurance Contributions Act; to the Committee on Ways and Means.

By Mr. HARSHA (by request):

H.R. 2825. A bill to amend the National Visitor Center Facilities Act of 1968, as amended, to facilitate the implementation of section 703 of the Railroad Revitalization and Regulatory Reform Act of 1976, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HYDE (for himself, Mr. MANN, Mr. ABDNOR, Mr. BAUCUS, Mr. BEARD of Rhode Island, Ms. COLLINS of Illinois, Mr. CORRADA, Mr. DORNAN, Mr. DUNCAN of Tennessee, Mr. FRENZEL, Mr. FREY, Mr. HEFTEL, Mr. KELLY, Mr. LAGOMARSINO, Mr. LEACH, Mr. MATHIS, Mr. MAZZOLI, Mr. NEAL, Mr. QUIE, Mr. ROE, Ms. SCHROEDER, Mr. SIMON, Ms. SPELLMAN, Mr. WHITEHURST, and Mr. CHARLES WILSON of Texas):

H.R. 2826. A bill to amend title 18 of the United States Code for the purpose of prohibiting the sale of children in interstate or foreign commerce; to the Committee on the Judiciary.

By Ms. KEYS (for herself, Mr. VENTO, Mr. PEPPER, Mr. STARK, Mr. LUNDINE, Mr. BADILLO, Mr. BAUCUS, Mr. MARLENEE, Mr. RYAN, Mr. STOKES, Mr. PIKE, Ms. CHISHOLM, Mr. MCKINNEY, Mr. PATTISON of New York, and Ms. BURKE of California):

H.R. 2827. A bill to relieve taxpayers from liability with respect to certain underpayments of estimated tax, underwithholding, and interest on underpayments of tax attributable to the application to 1976 of the sick pay and other provisions of the Tax Reform Act of 1976; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 2828. A bill to provide loans for the construction and initial operation of municipal, low-rent, nonprofit clinics for the spaying and neutering of dogs and cats, and for other purposes; to the Committee on Agriculture.

By Mr. KOCH (for himself, Mr. BADILLO, Mr. BEDELL, Mr. BROWN of California, Mr. JOHN L. BURTON, Mr. PHILLIP BURTON, Mrs. CHISHOLM, Mr. CONYERS, Mr. DELLUMS, Mr. DOWNEY, Mr. DRINAN, Mr. HARKIN, Mr. HAWKINS, Ms. HOLTZMAN, Mr. KREBS, Mr. LONG of Maryland, Mr. MCHUGH, Mr. MCKINNEY, Mr. MILLER of California, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. NIX, Mr. OBERSTAR, Mr. ROYBAL, and Mr. RYAN):

H.R. 2829. A bill to eliminate maintenance of internal security as a purpose for which foreign military sales may be made and military assistance may be furnished; to the Committee on International Relations.

By Mr. KOCH (for himself, Mr. MINETA, Mr. SCHEUER, Mr. SIMON, Mrs. SPELLMAN, Mr. STUDDS, Mr. WALGREN, Mr. WAXMAN, and Mr. WEISS):

H.R. 2830. A bill to eliminate maintenance of internal security as a purpose for which foreign military sales may be made and military assistance may be furnished; to the Committee on International Relations.

By Mr. LAGOMARSINO:

H.R. 2831. A bill to terminate any phosphate lease or rights issued or pending under serial No. Riverside 04843 pursuant to the Mineral Leasing Act of February 25, 1920, as amended, within the Los Padres National Forest; to the Committee on Interior and Insular Affairs.

By Mr. LLOYD of California (for himself, Mr. MIKVA, Mr. ANDREWS of North Dakota, Mr. BAFALIS, Mr. BONIOR, Mr. CARR, Mrs. CHISHOLM, Mr. HEFTEL, Mr. MILFORD, Mr. PURSELL, Mr. ROUSSELOT, Mr. WALKER, Mr. WHITEHURST, Mr. WHITLEY, and Mr. ZEFERETTI):

H.R. 2832. A bill to abolish certain Federal regulatory agencies and to bring about the abolition of certain Federal regulatory agencies or their successor agencies after a specified period of time, and for other purposes; jointly to the Committees on Government Operations, and Rules.

By Mr. LOTT:

H.R. 2833. A bill to amend the Internal Revenue Code of 1954, and title II of the Social Security Act, to provide that certain service performed by individuals in the processing of seafood shall not be treated as employment, for purposes of the social security program, the Federal unemployment tax, and income tax withholding; to the Committee on Ways and Means.

By Mr. McDONALD:

H.R. 2834. A bill to amend the Natural Gas Act to assure adequate supplies of natural gas in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN (for himself, Mr. DRINAN, Mr. MAZZOLI, and Mr. HYDE):

H.R. 2835. A bill to amend title 28 of the United States Code to provide for the appointment of a special prosecutor in appropriate cases, and for other purposes; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H.R. 2836. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

H.R. 2837. A bill to reform the method by which the pay for Members of Congress is determined; jointly to the Committees on Post Office and Civil Service, and Rules.

By Mr. MEEDS:

H.R. 2838. A bill to amend the Federal Crop Insurance Act, and for other purposes; to the Committee on Agriculture.

H.R. 2839. A bill to amend the Federal Civil Defense Act of 1950 to allow Federal civil defense funds to be used by local civil defense agencies for natural disaster relief, and for other purposes; to the Committee on Armed Services.

H.R. 2840. A bill to amend the Public Works and Economic Development Act of 1965 to provide for authorization of disaster recovery planning by the Secretary of Commerce; to the Committee on Public Works and Transportation.

H.R. 2841. A bill to authorize Federal participation in modifying the Upper Baker project, Baker River, Wash.; to the Committee on Public Works and Transportation.

H.R. 2842. A bill to amend the Small Business Act and the Consolidated Farm and Rural Development Act to provide for reduced interest rates on disaster loans under the Small Business Act, and for other purposes; to the Committee on Small Business.

H.R. 2843. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of certain farm losses in disasters; to the Committee on Ways and Means.

H.R. 2844. A bill to amend the Consolidated Farm and Rural Development Act and to assist farmers in disasters; jointly to the Committees on Agriculture, and Banking, Finance and Urban Affairs.

By Mr. MEEDS (for himself, Mr. BOLLING, Mr. CONTE, Mr. DIGGS, Mr. DINGELL, Mr. FORD of Tennessee, Mr. GIBBONS, Mr. HARKIN, Mr. KREBS, Mr. LUJAN, Mr. MITCHELL of Maryland, Mr. NEAL, Mr. PREYER, Mr. ROYBAL, Mr. STRATTON, Mr. TRAXLER, and Mr. VENTO):

H.R. 2845. A bill to create the Young Adult Conservation Corps to complement the Youth Conservation Corps; to the Committee on Education and Labor.

By Mr. MINETA (for himself, Mr. JOHNSON of California, Mr. HARSHA, Mr. RONCALIO, Mr. WALSH, and Mr. GINN):

H.R. 2846. A bill to amend the John F. Kennedy Center Act to authorize funds for certain repairs and other purposes; to the Committee on Public Works and Transportation.

By Miss OAKAR:

H.R. 2847. A bill to establish under title VI of the Comprehensive Employment and Training Act a special provision for jobs for Vietnam veterans; to the Committee on Education and Labor.

By Mr. OBEY:

H.R. 2848. A bill to amend titles II and XVIII of the Social Security Act to include eligible drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. OTTINGER (for himself and Mr. RICHMOND):

H.R. 2849. A bill to suspend for a 3-year period the rate of duty on mattress blanks of rubber latex; to the Committee on Ways and Means.

By Mr. OTTINGER (for himself and Mr. RICHMOND):

H.R. 2850. A bill to suspend for a 3-year period the rate of duty on certain latex sheets; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 2851. A bill to amend the Social Security Act to provide for inclusion of the services of licensed practical nurses under medicare and medicaid; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PICKLE:

H.R. 2852. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator and other purposes; to the Committee on Ways and Means.

By Mr. RICHMOND (for himself, Mr. FISH, Mr. BADILLO, Mr. BINGHAM, Mr. BONKER, Mr. BRODHEAD, Mr. BROWN of California, Mr. DELANEY, Mr. DELLUMS, Mr. DOWNEY, Mr. EILBERG, Mr. FAUNTROY, Mr. KILDEE, Mr. KOCH, Mr. JEFFORDS, Mr. LEHMAN, Mr. MAZZOLI, Mr. METCALFE, Ms. MIKULSKI, Mr. MITCHELL of New York, Mr. MOAKLEY, Mr. MOORHEAD of California, Mr. NEDZI, Mr. OBERSTAR, and Mr. RODINO):

H.R. 2853. A bill to authorize the Secretary of Agriculture to make grants to States for urban forestry, and for other purposes; to the Committee on Agriculture.

By Mr. RICHMOND (for himself, Mr. BEDELL, Mr. BURKE of Florida, Mr. CORRADA, Mr. GEPHARDT, Mr. MAGUIRE, Mr. MCKINNEY, Mr. ROE, Mr.

ROYBAL, Mr. SIMON, Mr. SOLARZ, Mr. STARK, Mr. WOLFF, Mr. YATRON, and Mr. ZEFERETTI):

H.R. 2854. A bill to authorize the Secretary of Agriculture to make grants to States for urban forestry, and for other purposes; to the Committee on Agriculture.

By Mr. ROSENTHAL (for himself, Mr. BADILLO, Mr. BURKE of Florida, Mr. CARNEY, Ms. CHISHOLM, Mr. KOCH, Ms. SPELLMAN and Mr. STOKES):

H.R. 2855. A bill to protect purchasers and prospective purchasers of condominium housing units and residents of multifamily rental structures being converted to condominium units, by providing for the establishment of national minimum standards for condominium sales and conversions to be administered by an Assistant Secretary for Condominium Housing, Department of Housing and Urban Development; and to insure that financial institutions engaged in the extension of credit to prospective purchasers of condominium units make credit available without discrimination on the basis of age, sex, race, religion, marital status or national origin; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RUNNELS:

H.R. 2856. A bill to provide that interstate ambulance service, including rates charged for such ambulance service, shall be subject to regulation by the State in which such ambulance service originates; to the Committee on Interstate and Foreign Commerce.

By Mr. SATTERFIELD:

H.R. 2857. A bill to amend title 38, United States Code, to increase the number of nursing home and/or intermediate care beds for which the Veterans' Administration contracts; to the Committee on Veterans' Affairs.

H.R. 2858. A bill to amend title 38 of the United States Code in order to provide medical care to a deceased veteran's parent(s) who receive dependency and indemnity compensation; to the Committee on Veterans' Affairs.

H.R. 2859. A bill to amend title 38 of the United States Code in order to provide outpatient dental services and treatment to any veteran who has a service-connected disability rated at 80 percent or more; to the Committee on Veterans' Affairs.

H.R. 2860. A bill to amend title 38 of the United States Code in order to authorize an agreement with the Republic of the Philippines providing for hospital care and medical services to be furnished Commonwealth Army veterans and new Philippine Scouts for service-connected disabilities; to authorize the continued maintenance of a Veterans' Administration office in the Republic of the Philippines; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SATTERFIELD (by request):

H.R. 2861. A bill to amend title 38 of the United States Code to permit veterans to determine how certain drugs and medicines will be supplied to them; to the Committee on Veterans' Affairs.

By Mr. SEIBERLING:

H.R. 2862. A bill to authorize the Secretary of the Interior to acquire, without the expenditure of appropriated funds, interests in land adjacent or related to units of the national park system, or in or adjacent to registered national historic and natural landmarks, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SIMON (for himself, Mr. ROE, Mr. RANGEL, Mr. BRODHEAD, Mr. PEPPER, Mr. CORMAN, Mr. MURPHY of New York, Mr. BROWN of California, Mr. WON PAT, Mr. VENTO, Mr. BEARD of Rhode Island, Mr. DIGGS, Mr. DOWNEY, Mr. EDGAR, Mr. RAHALL, Mr. GEPHARDT, Mr. BLANCHARD, Mr. LEHMAN, Mr. MITCHELL of Maryland, Mr. HAWKINS, Mr. PEASE, Mr. STARK, Ms. KEYS, Mr. NEAL, and Mr. FISH):

H.R. 2863. A bill to provide meaningful and productive work for the Nation's youths, and to provide comprehensive job counseling and placement services for youths, and for other purposes; to the Committee on Education and Labor.

By Mr. SIMON (for himself, Mr. DRINAN, Mr. SCHEUER, Mr. SOLARZ, Mr. CARNEY, Mr. EDWARDS of California, Mr. BINGHAM, Mr. BEDELL, Mr. HARRINGTON, Mr. YATRON, Mr. EILBERG, Mr. CHARLES H. WILSON of California, Mr. FRASER, Mr. AKAKA, Mr. LUNDINE, Mr. STOKES, Mr. ROSENTHAL, Mr. SEIBERLING, Mr. PATTISON of New York, Mrs. COLLINS of Illinois, and Mr. WHALEN):

H.R. 2864. A bill to provide meaningful and productive work for the Nation's youths, and to provide comprehensive job counseling and placement services for youths and for other purposes; to the Committee on Education and Labor.

By Mr. SISK (for himself and Mr. JOHNSON of California):

H.R. 2865. A bill to provide for the preservation and enhancement of critical habitat for migratory waterfowl and other wetlands-dependent migratory birds of the Pacific flyway in the grasslands area of the San Joaquin Valley, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. TRAXLER:

H.R. 2866. A bill to amend title 18 of the United States Code to increase the sentences for certain gun-related offenses and to extend the mandatory nature of such sentences to certain additional gun-related offenses; to the Committee on the Judiciary.

H.R. 2867. A bill to amend title 39, United States Code, to provide for the mailing of correspondence to Members of the Congress free of postage, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2868. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. TRAXLER (for himself, Mr. YATRON, Mr. BADILLO, Mr. GILMAN, Mr. SOLARZ, Mr. MOTTL, Mr. RODINO, Mr. FLORIO, Mr. CORNELL, Mr. LLOYD of California, Mr. FORD of Michigan, Mr. TONRY, Mr. BAUCUS, Mr. WHITEHURST, Mr. FORD of Tennessee, Mr. ROE, Mr. LEHMAN, Mr. LAFALCE, Mr. YOUNG of Alaska, Mr. WON PAT, Mr. HANNAFORD, Mr. MOAKLEY, Mr. ANDREWS of North Dakota, Mr. DIGGS, and Ms. HOLTZMAN):

H.R. 2869. A bill to provide for the monthly publication of a consumer price index for the aged and other social security beneficiaries, which shall be used in the provision of the cost-of-living benefit increases authorized by title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. TRAXLER (for himself, Mr. EILBERG, Mr. EDGAR, Mr. CHARLES H. WILSON of California, Mr. RAHALL, Mr. BONIOR, Mr. CORRADA, Mr. HUBBARD, Mr. MITCHELL of Maryland, Mr. STARK, Mr. BEARD of Rhode Island, Mr. OTTINGER, Mr. CONTE, Mr. SIMON, Mr. WEISS, Mr. SCHEUER, Mr. PEASE, Mr. HUGHES, Mr. STOKES, Mr. CARR, Ms. CHISHOLM, Mr. MICHAEL O. MYERS, Mr. MINETA, Mr. WAXMAN, and Mr. SEIBERLING):

H.R. 2870. A bill to provide for the monthly publication of a consumer price index for the aged and other social security beneficiaries, which shall be used in the provision of the cost-of-living benefit increases authorized by title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. TRAXLER (for himself, Mr. BURKE of Florida, Mr. BLOUIN, Mr. HAWKINS, Ms. COLLINS of Illinois, Mrs. LLOYD of Tennessee, Mr. LAGOMARSINO, Mr. EDWARDS of California, and Mr. RICHMOND):

H.R. 2871. A bill to provide for the monthly publication of a consumer price index for the aged and other social security beneficiaries, which shall be used in the provision of the cost-of-living benefit increase authorized by title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. TRAXLER (for himself, Mr. YATRON, Mr. BADILLO, Mr. HARRINGTON, Mr. GILMAN, Mr. COHEN, Mr. SOLARZ, Mr. MOTTL, Mr. RODINO, Mr. FLORIO, Mr. CORNELL, Mr. FORD of Michigan, Mr. TONRY, Mr. BAUCUS, Mr. KINDNESS, Mr. FORD of Tennessee, Mr. ROE, Mr. RANGEL, Mr. FRASER, Mr. LEHMAN, Mr. GRASSLEY, Mr. LAFALCE, Mr. YOUNG of Alaska, Mr. WON PAT, and Mr. HANNAFORD):

H.R. 2872. A bill to amend title II of the Social Security Act to provide that the automatic cost-of-living increases in benefits which are authorized thereunder may be made on a semiannual basis, rather than only on an annual basis as at present; to the Committee on Ways and Means.

By Mr. TRAXLER (for himself, Mr. MOAKLEY, Mr. BRODHEAD, Mr. ANDREWS of North Dakota, Mr. DIGGS, Mr. EILBERG, Mr. EDGAR, Mr. CHARLES H. WILSON of California, Mr. RAHALL, Mr. BONIOR, Mr. CORRADA, Mr. HUBBARD, Mr. MITCHELL of Maryland, Mr. STARK, Mr. WOLFF, Mr. BEARD of Rhode Island, Mr. OTTINGER, Mr. CONTE, Mr. WEISS, Mr. SCHEUER, Mr. KOSTMAYER, Mr. STOKES, Ms. CHISHOLM, Mr. MICHAEL O. MYERS, and Mr. CARNEY):

H.R. 2873. A bill to amend title II of the Social Security Act to provide that the automatic cost-of-living increases in benefits which are authorized thereunder may be made on a semiannual basis, rather than only on an annual basis as at present; to the Committee on Ways and Means.

By Mr. TRAXLER (for himself, Mr. MINETA, Mr. WAXMAN, Mr. SEIBERLING, Mr. COUGHLIN, Mr. BURKE of Florida, Mr. BLOUIN, Mr. HAWKINS, Ms. COLLINS of Illinois, Mrs. LLOYD of Tennessee, Mr. LAGOMARSINO, Mr. EDWARDS of California, and Mr. RICHMOND):

H.R. 2874. A bill to amend title II of the Social Security Act to provide that the automatic cost-of-living increases in benefits which are authorized thereunder may be made on a semiannual basis, rather than only on an annual basis as at present; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 2875. A bill to designate certain lands in the Organ Pipe Cactus National Monument, Ariz., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, Mr. BEILENSON, Mr. BROWN of California, Ms. BURKE of California, Mr. DOWNEY, Ms. FENWICK, Mr. HAWKINS, Mr. HOWARD, Mr. KOCH, Mr. KOSTMAYER, Mr. MCKINNEY, Mr. MIKVA,

Mr. Moss, Mr. NEAL, Mr. PANETTA, Mr. PATTEN, Mr. PATTERSON of California, Mr. REUSS, Mr. RICHMOND, Mr. ROE, Mr. ROSENTHAL, Mr. SCHEUER, Ms. SPELLMAN, Mr. STOKES, and Mr. VAN DEERLIN):

H.R. 2876. A bill to designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers and National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

By VANDER JAGT:

H.R. 2877. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WAMPLER (for himself and Mr. PEPPER):

H.R. 2878. A bill making appropriations to carry out title IX of the Older Americans Act of 1965 during fiscal year 1978; to the Committee on Appropriations.

H.R. 2879. A bill to amend the Older Americans Act of 1965 to authorize the Commissioner on Aging to make grants for preretirement education programs, and for other purposes; to the Committee on Education and Labor.

H.R. 2880. A bill to amend the Older Americans Act of 1965 to establish a program designed to provide continued employment opportunities for older Americans; to the Committee on Education and Labor.

By Mr. WHALEN (for himself, Mr. APPLEGATE, Mr. ASHLEY, Mr. COUGHLIN, Mr. EDGAR, Mrs. FENWICK, Mrs. KEYS, Mr. KINDNESS, Mr. MITCHELL of New York, Mr. PEASE, Mr. PRICE, Mr. SEIBERLING, and Mr. ST GERMAIN):

H.R. 2881. A bill to amend the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST:

H.R. 2882. A bill to provide for the transfer of Old Cape Henry Lighthouse, the DeGrasse Monument, the Overlook, and the old railroad station at Fort Story, Va., to the Department of the Interior for inclusion in the Colonial National Historical Park; to the Committee on Armed Services.

H.R. 2883. A bill to amend the Older Americans Comprehensive Services Amendments of 1973; to the Committee on Education and Labor.

H.R. 2884. A bill to require the Secretary of the Interior to make a comprehensive study of the wolf for the purpose of developing adequate conservation measures, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 2885. A bill to amend 39 U.S.C. 3682 to increase the size and weight limits for parcel post mail; to the Committee on Post Office and Civil Service.

H.R. 2886. A bill to include in the definition of law enforcement officer contained in ticle 5, United States Code, employees whose duties include both the investigation, apprehension, or detention of criminals, and the protection of human lives and property; to the Committee on Post Office and Civil Service.

H.R. 2887. A bill to amend the Internal Revenue Code of 1954 to encourage the use of methanol as an alternative fuel for motor vehicles by allowing the rapid amortization of facilities producing methanol and by providing that fuels which are at least 10-percent methanol will not be subject to the Federal excise taxes; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 2888. A bill to amend the Internal Revenue Code of 1954 to allow a deduction or credit against tax to individuals and corporations for certain expenses incurred in the conversion of pilot lights to a system of manual ignition in certain gas appliances; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 2889. A bill to amend the Emergency Petroleum Allocation Act of 1973 to provide for the equalization of residual fuel oil prices charged to public, private, and investor-owned utilities and other persons using such oil; to the Committee on Interstate and Foreign Commerce.

H.R. 2890. A bill to authorize the Secretary of the Treasury to reimburse State and local law enforcement agencies for assistance provided at the request of the U.S. Secret Service; to the Committee on the Judiciary.

H.R. 2891. A bill to require candidates for Federal elective office to resign any elective public office the term of which ends after the beginning of the term of such Federal office before filing in the general election for such Federal office; to the Committee on House Administration.

H.R. 2892. A bill to prohibit travel at Government expense outside the United States by Members of Congress who after the adjournment sine die of the last session of Congress are not candidates for reelection in the next Congress; to the Committee on House Administration.

H.R. 2893. A bill to amend title 38, United States Code, to provide that remarriage of the widow of a veteran after age 60 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

H.R. 2894. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of an individual's civil service retirement annuity, or other Federal retirement annuity, shall be exempt from income tax; to the Committee on Ways and Means.

H.R. 2895. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives for the modification of certain facilities and vehicles so as to remove architectural and transportational barriers to the handicapped and elderly; to the Committee on Ways and Means.

H.R. 2896. A bill to amend the Internal Revenue Code of 1954 to allow individuals a credit against income tax for electrical energy fuel surcharges imposed by public utilities; to the Committee on Ways and Means.

H.R. 2897. A bill to amend title II of the Social Security Act to provide that the marriage or remarriage of an individual entitled to widow's, widower's, or parent's insurance benefits shall not terminate such individual's entitlement to benefits or reduce the amount thereof; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 2898. A bill to amend the Internal Revenue Cde of 1954 to provide individuals a limited exclusion from gross income for interest on deposits in certain savings institutions; to the Committee on Ways and Means.

H.R. 2899. A bill to amend the Internal Revenue Code of 1954 to relieve employers of 50 or less employees from the requirements of paying or depositing certain employment taxes more often than once each quarter; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. MOORHEAD of California, Mr. ARCHER, Mr. KETCHUM, Mr. ERLENBORN, Mr. MCDONALD, Mr. SCHEUER, Mr. GOLDWATER, Mr. SYMMS, Mr. DINGELL, Mr. DORMAN, Mr. BURKE of Florida, Mr. KELLY, and Mr. ROUSSELOT):

H.R. 2900. A bill to amend title 39, United States Code, to eliminate certain provisions relating to private carriage of letters, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FREY:

H.R. 2901. A bill to amend title 10 of the United States Code to afford the Secretary of the appropriate military department greater flexibility in programing space for inpatient care in facilities of the uniformed services for areas having a large concentration of retired members of the uniformed services and their dependents; to the Committee on Armed Services.

H.R. 2902. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

H.R. 2903. A bill to amend section 511 of the Career Compensation Act of 1949, as amended, to equalize the retired pay of certain officers of the uniformed services retired prior to October 1, 1949, under the same law and with the same service, as those retired after September 30, 1949, but prior to June 1, 1958; to the Committee on Armed Services.

H.R. 2904. A bill to provide financial assistance to the States for improved educational services for exceptional children; to establish a National Clearinghouse for Exceptional Children; and for other purposes; to the Committee on Education and Labor.

H.R. 2905. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to establish minimum mandatory sentences for persons convicted of offenses involving narctic drugs, to provide emergency procedures to govern the pretrial and posttrial release of persons charged with offenses involving certain narcotic drugs, to provide procedures to reach large sums of money used for narcotic trafficking, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2906. A bill to establish the Controlled Substances Administration to administer all Federal programs relating to the regulation of narcotic and other dangerous drugs, the treatment and rehabilitation of abusers of such drugs, and education and training respecting such drugs; to the Committee on Interstate and Foreign Commerce.

H.R. 2907. A bill to amend the Controlled Substances Act to provide increased penalties for distribution of heroin by certain persons, and to provide for pretrial detention of such persons; to the Committee on Interstate and Foreign Commerce.

H.R. 2908. A bill to promote rail-highway safety by requiring light-reflecting markings on railroad locomotives and cars; to the Committee on Interstate and Foreign Commerce.

H.R. 2909. A bill to permit the transportation of passengers by foreign vessels between ports in the United States if such transportation is not in direct competition with U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

H.R. 2910. A bill to amend the Internal Revenue Code of 1954 to allow individuals an income tax credit for certain expenses of

elementary or secondary education; to the Committee on Ways and Means.

H.R. 2911. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

H.R. 2912. A bill to provide for tax counseling to the elderly in the preparation of their Federal income tax returns; to the Committee on Ways and Means.

H.R. 2913. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on the amounts paid for communication services shall not apply to the amount of the State and local taxes paid for such services; to the Committee on Ways and Means.

H.R. 2914. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 2915. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

H.R. 2916. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' service and eyeglasses; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. LONG of Maryland:

H.R. 2917. A bill to prohibit, except in cases of extreme emergency, assistance under the Agricultural Trade Development and Assistance Act of 1954 to any country which does not make reasonable and productive efforts, especially with regard to family planning, designed to alleviate the causes of the need for assistance provided under such act; to the Committee on International Relations.

H.R. 2918. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him in connection with his education or training, or the education or training of his spouse or any of his dependents, at an institution of higher education or a trade or vocational school; to the Committee on Ways and Means.

H.R. 2919. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pension, or other retirement benefits; to the Committee on Ways and Means.

H.R. 2920. A bill to amend the Internal Revenue Code of 1954 to provide for the payment of interest at a rate of 5 percent on excess amounts withheld from individuals' wages; to the Committee on Ways and Means.

H.R. 2921. A bill to amend the Internal Revenue Code of 1954 to provide individuals a limited exclusion from gross income for interest on deposits in certain savings institutions; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 2922. A bill to amend title 18 of the United States Code to prohibit the transportation or use in interstate or foreign commerce of counterfeit, fictitious, altered, lost, or stolen airline tickets; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 2923. A bill to grant a Federal charter to the National Opportunity Camps; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 2924. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 2925. A bill to amend the Internal Revenue Code of 1954 to impose a windfall profits tax on natural gas which is sold in interstate commerce and which is exempt from price regulation under emergency natural gas legislation; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 2926. A bill to amend title 18, United States Code, to prohibit union organization of, and collective bargaining on behalf of, members of the Armed Forces and to amend the Uniform Code of Military Justice to prohibit union organizing, union membership, and collective bargaining by members of the Armed Forces, and for other purposes; jointly, to the Committees on the Judiciary and Armed Services.

By Mr. ST GERMAIN:

H.R. 2927. A bill to amend title 5, United States Code, to make Presidential Election Day a legal public holiday; to the Committee on Post Office and Civil Service.

H.R. 2928. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Mr. SISK:

H.R. 2929. A bill to amend title XVI of the Social Security Act to make needed improvements with regard to the attribution of parents' income and resources to children; to the Committee on Ways and Means.

By Mrs. SPELLMAN:

H.R. 2930. A bill to authorize Federal agencies to experiment with flexible and compressed employee work schedules; to the Committee on Post Office and Civil Service.

H.R. 2931. A bill to amend chapter 89 of title 5, United States Code, to establish uniformity in Federal employee health benefits and coverage provided pursuant to contracts made under such chapter by preempting State or local laws pertaining to such benefits and coverage which are inconsistent with such contracts; to the Committee on Post Office and Civil Service.

H.R. 2932. A bill to require that buildings financed with Federal funds utilize the best practicable measures for the conservation of energy and the use of solar energy systems; to the Committee on Public Works and Transportation.

H.R. 2933. A bill to amend the Internal Revenue Code of 1954 to deny certain benefits to taxpayers who participate in or cooperate with the boycott of Israel; to the Committee on Ways and Means.

By Mrs. SPELLMAN (for herself, Mr. ABDNOR, Mr. BADILLO, Mr. BAUCUS, Mr. BEDELL, Mr. BINGHAM, Mr. BLANCHARD, Mr. BRODHEAD, Mr. BUCHANAN, Mrs. BURKE of California, Mr. CARNEY, Mrs. CHISHOLM, Mr. CORRADA, Mr. DRINAN, Mr. EDGAR, Mr. EDWARDS of California, Mrs. FENWICK, Mr. FORD of Tennessee, Mr. GILMAN, Mr. HAWKINS, Mr. HEFTEL, Mr. HOWARD, Mr. JEFFORDS, Mr. KOCH, and Mr. KOSTMAYER):

H.R. 2934. A bill to amend title 38 of the United States Code in order to extend specially adapted housing benefits to certain disabled veterans; to the Committee on Veterans' Affairs.

By Mrs. SPELLMAN (for herself, Mrs. LLOYD of Tennessee, Mr. MARLENEE, Mr. MAZZOLI, Mr. MCKINNEY, Ms. MIKULSKI, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MOORHEAD of California, Mr. NEAL, Mr. NIX, Mr. PATTERSON of California, Mr. RANGEL, Mr. ROE, Mr. STEERS, Mr. STOKES, Mr. TREEN, Mr. WALGREN, Mr. WHITEHURST, Mr. CHARLES WILSON of Texas, Mr. ZEFERETTI, and Mrs. COLLINS of Illinois):

H.R. 2935. A bill to amend title 38 of the United States Code in order to extend specially adapted housing benefits to certain disabled veterans; to the Committee on Veterans' Affairs.

By Mr. TAYLOR (for himself, Mr. PICKLE, Mr. WRIGHT, Mr. ICHORD, Mr. YOUNG of Missouri, and Mr. HAMMERSCHMIDT):

H.R. 2936. A bill to amend the Federal Aviation Act of 1958 to limit under certain circumstances the discretion of the Civil Aeronautics Board in determining the rate of compensation to be paid to an air carrier for the transportation of mail by aircraft; to the Committee on Public Works and Transportation.

By Mr. WOLFF (for himself, Mr. LENT, Mr. AMBRO, Mr. WALSH, Mr. MURPHY of New York, Mr. RICHMOND, Mr. MCHUGH, Mr. LUNDINE, Mr. PATTISON of New York, Mr. MITCHELL of New York, Mr. GILMAN, Mr. SOLARZ, Mr. ZEFERETTI, Mr. MCEWEN, Mr. WEISS, Mr. ROSENTHAL, Mr. KEMP, Mr. BADILLO, Mr. SCHEUER, and Mr. STRATTON):

H.R. 2937. A bill to amend the Federal Water Pollution Control Act relating to the period of time for which certain funds allotted to States for the construction of treatment works shall remain available; to the Committee on Public Works and Transportation.

By Mr. WOLFF (for himself, Mr. LENT, Mr. AMBRO, Mr. WALSH, Mr. DELANEY, Mr. LAFALCE, Mr. BIAGGI, Mr. CONABLE, Mr. NOWAK, Mr. RANGEL, Mr. HORTON, Ms. HOLTZMAN, Mr. KOCH, Mr. ADDABBO, Mr. FISH, Mr. PIKE, Mr. WYDLER, Mr. DOWNEY, and Ms. CHISHOLM):

H.R. 2938. A bill to amend the Federal Water Pollution Control Act relating to the period of time for which certain funds allotted to States for the construction of treatment works shall remain available; to the Committee on Public Works and Transportation.

By Mr. BURKE of Massachusetts:

H.J. Res. 218. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. BYRON:

H.J. Res. 219. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in national emergency; to the Committee on the Judiciary.

By Mr. CARTER:

H.J. Res. 220. Joint resolution designating the American rose as the national floral emblem of the United States; to the Committee on Post Office and Civil Service.

By Mr. GOLDWATER:

H.J. Res. 221. Joint resolution to provide for the designation of a National Aviation

Week; to the Committee on Post Office and Civil Service.

By Mr. METCALFE:

H.J. Res. 222. Joint resolution to recognize the heritage of black citizens of the United States; to the Committee on Post Office and Civil Service.

By Mr. ROBINSON (for himself, Mr. EDWARDS of Oklahoma, and Mr. WALKER):

H.J. Res. 223. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of the Supreme Court and of inferior courts; to the Committee on the Judiciary.

By Mr. ROE:

H.J. Res. 224. Joint resolution authorizing the President to proclaim September 8 of each year as "National Cancer Day"; to the Committee on Post Office and Civil Service.

By Mr. WHITEHURST (for himself, Mr. BREAUX, Mr. KELLY, and Mr. TREEN):

H.J. Res. 225. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.J. Res. 226. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and the Vice President of the United States; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H. Con. Res. 96. Concurrent resolution establishing a Commission on Legislative-Judicial Relations; to the Committee on the Judiciary.

By Mr. MOFFETT (for himself, Mr. BRODHEAD, Mr. HOLLENBECK, Mr. SOLARZ, Mr. RANGEL, Mr. PHILLIP BURTON, Mr. LONG of Maryland, Mr. EDWARDS of Oklahoma, Mr. TUCKER, Mr. BENJAMIN, Mr. ERTEL, Ms. MIKULSKI, Mr. HARRIS, Mr. MILLER of California, Mr. COUGHLIN, Mr. DICKS, Mr. BEILENSON, Mr. ROSENTHAL, Mr. CONTE, Mr. PATTISON of New York, Mr. MAZZOLI, Mr. KREBS, Mr. GRADISON, Mr. WAXMAN, and Mr. SCHEUER):

H. Con. Res. 97. Concurrent resolution expressing the concern of Congress regarding the harassment of Soviet Jews and other minorities; to the Committee on International Relations.

By Mr. MOFFETT (for himself, Mr. STEERS, Mr. TRAXLER, Mr. WALGREN, Mr. WOLFF, Mr. CARNEY, Mr. HARRINGTON, Mr. RINALDO, Mr. STOCKMAN, Mr. GLICKMAN, Mr. WHITE, Mr. LEDERER, Mr. TONRY, Mr. KOCH, Mr. THOMPSON, Mr. DODD, Mr. LAGOMARSINO, Mr. EDWARDS of California, Mr. MAGUIRE, Mr. BURKE of Florida, Mr. YOUNG of Missouri, Mr. BAUCUS, Mr. JOHN L. BURTON, Mr. DELLUMS, and Mr. CRANE):

H. Con. Res. 98. Concurrent resolution expressing the concern of Congress regarding the harassment of Soviet Jews and other minorities; to the Committee on International Relations.

By Mr. MOFFETT (for himself, Mr. STUDDS, Mr. DRINAN, Mr. FORD of Tennessee, Mr. WHITEHURST, Mr. ROE, Mr. EILBERG, Mr. SANTINI, Mr. BONIOR, Mr. WALKER, Mr. KEMP, Mr. BADILLO, Mr. MOAKLEY, Mr. DOWNEY, Mrs. MEYNER, Mr. STARK, Mr. O'BRIEN, Mr. MARKS, Mr. KOSTMAYER, Mr. SIMON, Mr. SCHULZE, Mr. ARCHER, Mr. RUSSO, Mr. SARASIN, and Mr. CLAY):

H. Con. Res. 99. Concurrent resolution expressing the concern of Congress regarding the harassment of Soviet Jews and other minorities; to the Committee on International Relations.

By Mr. MOFFETT (for himself, Mr. MITCHELL of Maryland, Mr. CORRADA, Mr. GILMAN, Mr. HUGHES, Mr. FISHER, Mr. NIX, Mr. BRADEMAS, Mr. HAWKINS, Mr. MCKINNEY, Mr. SEIBERLING, Mr. JENRETTE and Mr. CAVANAUGH):

H. Con. Res. 100. Concurrent resolution expressing the concern of Congress regarding the harassment of Soviet Jews and other minorities; to the Committee on International Relations.

By Mr. WOLFF (for himself, Mr. HARRIS, Mr. BAUCUS, Mr. STEERS, Mr. MOORHEAD of Pennsylvania, Ms. SPELLMAN, Mr. MOFFETT, Mr. LENT, Mr. ROGERS, Mr. BIAGGI, Mr. RANGEL, Mr. KOSTMAYER, Mr. KREBS, Mr. YOUNG of Missouri, Mr. SOLARZ, Mr. GILMAN, Mr. MITCHELL of Maryland, Mr. DAN DANIEL, Mr. BINGHAM, Mr. MANN, Mr. GUYER, Mr. YATRON, Mr. BURKE of Florida, Mr. CAVANAUGH, and Mr. MINETA):

H. Con. Res. 101. Concurrent resolution expressing the sense of the Congress that the President actively seek an international convention which has as its goal a multilateral treaty to deny sanctuary to international terrorists; to the Committee on International Relations.

By Mr. BOLLING:

H. Res. 222. Resolution creating a Select Committee on Assassinations; to the Committee on Rules.

By Mr. JOHN L. BURTON (for himself, Mr. BEARD of Rhode Island, Mr. KOSTMAYER, Mr. AUCOIN, Mr. PICKLE, Mr. BURLESON of Texas, Mr. HOWARD, Mr. BONIOR, Mr. STARK, Mr. TRAXLER, Mrs. LLOYD of Tennessee, Mr. SIMON, Mr. BALDUS, Mr. SEIBERLING, Mr. EDGAR, Mr. YATRON, Mr. BONKER, Mr. ST GERMAIN, Mrs. MEYNER, Mrs. CHISHOLM, Mr. PATTERSON of California, Mr. BADILLO, Mr. MINETA, Mr. GEPHARDT, and Mr. HAWKINS):

H. Res. 223. Resolution amending rule XXII of the Rules of the House of Representatives to remove the limitation on the number of Members who may introduce jointly any bill, memorial, or resolution, and to provide for the addition and deletion of names of Members as sponsors after the introduction of a bill, memorial, or resolution; to the Committee on Rules.

By Mr. DUNCAN of Tennessee:

H. Res. 224. Resolution to require approval by the House of Representatives with respect to the fixing or adjustment of certain allowances for Members of the House; to the Committee on House Administration.

By Mr. GOLDWATER:

H. Res. 225. Resolution to disapprove the pay recommendations of the President transmitted in the Budget for fiscal year 1978; to the Committee on Post Office and Civil Service.

By Mr. OTTINGER (for himself, Mr. BLANCHARD, Mr. CONTE, Mr. CORMAN, Mr. COUGHLIN, Mr. EMERY, Mr. FORSYTHE, Mr. MCDADE, Mr. PICKLE, Mr. RINALDO, and Mr. TRAXLER):

H. Res. 226. Resolution in support of the President's policy on a nuclear test ban; to the Committee on International Relations.

By Mr. RHODES:

H. Res. 227. Resolution to create a select committee to audit accounts of committees, Members, and officers of the House of Representatives; to the Committee on Rules.

By Mrs. SPELLMAN:

H. Res. 228. Resolution expressing the sense of the House of Representatives with respect to the need for a balanced budget and the steps which must be taken to achieve such a budget by 1980; jointly to the Committees on Government Operations, and Ways and Means.

By Mr. ST GERMAIN:

H. Res. 229. Resolution creating a select committee to conduct an investigation of the nationalization of the oil industry; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAUMAN:

H.R. 2939. A bill for the relief of Mr. Derrick Tan; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 2940. A bill for the relief of Daniel Crowley; to the Committee on the Judiciary.

By Mr. EARLY:

H.R. 2941. A bill for the relief of Miriam U. (also known as, U, Pui-Ching); to the Committee on the Judiciary.

By Mr. FITHIAN:

H.R. 2942. A bill for the relief of Renard A. Koehnemann; to the Committee on the Judiciary.

By Mr. HEFNER:

H.R. 2943. A bill for the relief of Tamas and Julia Oberbauer; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 2944. A bill for the relief of Ricky Lee Trautvetter; to the Committee on the Judiciary.

H.R. 2945. A bill for the relief of Mrs. Amelia Doria Nicholson; to the Committee on the Judiciary.

H.R. 2946. A bill for the relief of Ralph W. Clayton; to the Committee on the Judiciary.

By Mr. KELLY:

H.R. 2947. A bill for the relief of John G. Donahue; to the Committee on the Judiciary.

H.R. 2948. A bill for the relief of Ruth Wilhelmina Irene Brookes; to the Committee on the Judiciary.

H.R. 2949. A bill for the relief of Anastasia Araliou Hourdas; to the Committee on the Judiciary.

By Mr. LOTT:

H.R. 2950. A bill for the relief of Frances Alethea E. Smith; to the Committee on the Judiciary.

By Mr. MOFFETT:

H.R. 2951. A bill for the relief of Joseph Brodsky; to the Committee on the Judiciary.

By Mr. PREYER:

H.R. 2952. A bill for the relief of M. Sgt. William E. Boone, U.S. Army, retired; to the Committee on the Judiciary.

By Mr. SNYDER (by request):

H.R. 2953. A bill for the relief of Dr. Benedicto Principe and his wife, Erlinda Madula Principe; to the Committee on the Judiciary.

By Mrs. SPELLMAN:

H.R. 2954. A bill for the relief of Dalia Cuero de Obregon; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII.

37. The SPEAKER presented a petition of SP4 James O. Sozio and others, B Battery 1/333 F.A., APO New York, relative to displaying photographs in their barracks, which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

METHANOL AS AN ENERGY SOURCE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. WHITEHURST. Mr. Speaker, I am today introducing legislation to encourage the use of methanol as an alternative fuel for motor vehicles. This bill would encourage the construction of methanol-producing facilities by allowing a 5-year rapid amortization in addition to a 10-percent investment tax credit. Second, it would exempt fuels which are at least 10 percent methanol from Federal excise taxes.

I believe it is time for the Congress to begin a real program for the development of methanol as a viable substitute for gasoline. Why methanol? Methanol, more commonly known as wood alcohol, is more easily obtained, cleaner, and more efficient than gasoline. In a recent test performed at the Massachusetts Intitute of Technology, a compact car running on a fuel mixture of 30-percent alcohol and 70-percent gasoline got better mileage than on plain gas. The cars tested at MIT used between 5 and 13 percent less fuel. Methanol can be substituted for from 15 to 30 percent of the gasoline in automobile fuel tanks without having to make any major changes in present engines.

Methanol is a cleaner fuel, and its use would negate the necessity for the clean air devices and smog controls that presently clutter our automobile engines. And potential sources of methanol are all around us. It can be made from wood, and this does not apply only to fresh cut wood. Methanol can be produced from sawduct, scrap wood, and even grass. The United States is as rich in coal as the Arab States are in petroleum and synthesizing methanol from coal is one of the most practical ways of producing it. Also important is the fact that methanol can be produced from industrial wastes. By relying more heavily on methanol as a fuel, we would not only be decreasing our consumption of and dependence on oil, we would also be partially solving our ever-increasing problem of waste disposal.

In the United States, about 1 billion gallons of methanol are produced each year. Much of this is used in the manufacture of plastics. It was originally thought that methanol production would be too expensive, but the price of gasoline continues to climb and eventually may exceed the price of methanol. In addition, if the production of methanol was substantially increased, the price would surely be reduced. And, as industrial waste was converted into methanol on a wide-scale basis, the price should drop even lower. All the arguments stack up on the side of methanol as a worthy alternative to gasoline as our chief source of fuel. At the present time, the amount of methanol made in the United States is only about 1 or 2 percent of the amount of gasoline we refine. If we do not improve these statistics, we are neglecting a potentially abundant source of energy.

The United States comprises 6 percent of the world's population, yet we burn up 33 percent of the world's energy. The severe energy crunch we are now experiencing coupled with the oil embargo by the Arabs in 1973 surely dramatize the need for increased energy supplies and self-sufficiency. We need to explore every possible avenue of new energy sources. My bill is a rational one designed with our future energy needs in mind. It represents the kind of concrete energy program the American people are calling for. I urge my colleagues in the House to join me in supporting this measure.

THOMAS H. TEAR

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. ROBINSON. Mr. Speaker, I desire to join the distinguished gentleman from Illinois (Mr. ANDERSON) in his remarks recognizing the invaluable service, over 30 years, of the minority chief page, Tom Tear.

Tom has maintained a home in Rappahannock County, Va., in the congressional district which I am privileged to represent, for many years, and, on acquiring property there, set about at once to associate himself with the community.

He was an organizer of the Amissville Fire Department and has been a participant in other civic endeavors of the area—a good neighbor in the full sense.

What we seek to note publicly here this afternoon, however, is Mr. Tear's dedicated service to the minority side of this House. His title—minority chief page—does not identify adequately the scope of his work. The courtesy and efficiency of the minority pages certainly is attributable not only to the high standards of the selection process but also to the careful tutelage of Mr. Tear. We are the minority, and we do not have a high level of "bench strength" in our page team, but these young people, few in number, do a remarkable job. I know their performance has been a source of continuing pride to Tom.

Beyond this primary responsibility, though, Tom has helped us in countless ways, individually and as a group, through three decades. A particular chore might not have been, technically, part of his job description, but Tom Tear never was one to quibble when service to the minority was concerned.

The tradition of service will be maintained, but we will miss Tom greatly.

He has earned his retirement by faithful, consistent performance of duty in an assignment essential to the orderly and efficient operation of the minority side of the House, and, with a tinge of regret, I join in a fond farewell.

May Tom and his family enjoy good health and contentment in the years ahead—and may he be inclined to visit often with his many friends here.

SICK PAY TAX EXCLUSION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. CLAY. Mr. Speaker, the sick pay tax exclusion by the Tax Reform Act of 1976 has been a matter of grave concern to large groups of persons.

I wish to share with my colleagues a letter from a representative of the American Federation of Government Employees which sets out in simple language the reasons why this aspect of the Tax Reform Act is offensive:

JANUARY 11, 1976.

Hon. WILLIAM L. CLAY,
House of Representatives,
Washington, D.C.

DEAR MR. CLAY: The emasculation of the Sick Pay Tax Exclusion by the Tax Reform Act of 1976 constituted a gross disservice to the ill, the infirm and the handicapped. The ability of the ill, the infirm and the handicapped employees and the disabled retirees to survive economically was rendered nugatory by the tax formula designed in the above cited enactment.

The changed law eliminated, by progressive stages, the exclusion which previously existed after the employee or retiree attained the $15,000 level of income. Consider, if you please, the economic pressure on such employee or retiree where the disabled person must pay a large part of the health insurance premium, share in the cost of medical treatments under the co-insurance clause, provide for home care (non covered), provide for comforts, provide for special forms of transportation, provide for aid and attendance, among other things, while at the same time providing for the family and paying the full range of federal, state and city taxes, excise and sales taxes, property taxes, etc. which seem to be on an unending incline.

The emasculation of the Sick Pay Tax Exclusion hardly eliminated any reasonably important loop hole, if such it can be called. Rather, it injured and deprived very many people in the lower economic strata and rendered their ability to economic survival very difficult. For these reasons, we request restoration of the law governing the Sick Pay Tax Exclusion as it existed prior to the 1976 amendments.

In our past relationships, you have always demonstrated sincere, high level and rare sympathetic outreach to federal employees. This, we deeply appreciate. We would ask your kind assistance in treating this letter and the accompanying copy of my letter, published in the Federal Times of January 10, 1976 as a memorial on this most important subject and having both, this letter and the accompanying published letter, published in

the Extension of Remarks of the Congressional Record as the expression of the concern of federal employees and federal retirees.

Sincerely,

HARRY H. ZUCKER,
Past President, Chairman, Legislative Committee.

ENERGY SHORTAGE

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. FREY. Mr. Speaker, we are all aware of the severe disruptions throughout the Midwestern Middle Atlantic, and New England States caused by the energy shortage and weather conditions. One of the most serious consequences of the weather, of course, is the closing of schools and the interruption of classroom instruction for thousands of students in the affected regions. I wanted my colleagues to be aware of the fact that in order to reverse this the National Cable Television Association announced on January 28 the installation of a cable cold line and an emergency strike force to help school districts with their local cable television systems to bring emergency classroom programing to students via cable access channels.

I am sure my colleagues will agree with me that the response to the school shutdowns by cablecasters, as well as other segments of the communications industry, is just one example of the services which cable television can perform.

A telegram announcing the cable cold line was sent by the National Cable Television Association to the education officials in 17 Midwestern, Middle Atlantic, and New England States hardest hit by severe weather. The telegram and background information follows:

[TELEGRAM]

JANUARY 28, 1977.

To: State Board of Education Chairman—Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, New York, Pennsylvania, New Jersey, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, Wisconsin, Minnesota, Michigan, Connecticut, Maryland, Delaware.

In an effort to assist in the current energy emergency, the cable television industry is making its access channel facilities available to school systems in your state for the purpose of continuing education in the home while schools are closed.

Tho help school districts use cable television, we have initiated the Cable Cold Line (202/457-COLD), and an emergency strike force. School districts which want to use cable television to reach their pupils should call the Cable Cold Line. Special personnel will help callers work with their local cable television system(s) to bring emergency classroom programming to students via cable access channels. Will you please help the cable television industry and the national media make the information regarding the Cable Cold Line available to school districts in your state.

ROBERT L. SCHMIDT,
President, National Cable Television Association.

BACKGROUND

Cable television today reaches 12 million American homes. Because cable does not use the airwaves, it has a channel capacity that far exceeds over-the-air television. This channel capacity is used by cable systems for many purposes—to present local television broadcast signals, to present programming imported from afar by microwave and satellite, and to present locally originated programming.

This local origination programming typically uses what is called the "access" channel of a cable television system. This is channel capacity set aside for local or community services. Typically carried on these access channels are city council meetings, minority group programs, children's programs, education and health and medical information program.

EMERGENCY ACCESS FOR SCHOOLS

Educational institutions forced to close because of fuel shortages can use the access channels of local cable systems to continue education in the home. The National Cable Television Association will assist school districts in working with their local cable system to put emergency classroom instruction on the access channels.

CATV

	Systems	Subscribers
Connecticut	13	112,904
Delaware	9	65,816
Illinois	84	351,403
Indiana	77	224,245
Kentucky	108	166,190
Maine	32	65,560
Maryland	30	93,336
Massachusetts	33	175,967
Michigan	82	278,207
Minnesota	90	139,772
New Hampshire	38	81,909
New Jersey	35	262,619
New York	182	921,390
Ohio	171	586,721
Pennsylvania	317	1,123,308
Rhode Island	1	3,017
Vermont	38	54,781
Virginia	70	161,300
West Virginia	142	242,268
Wisconsin	78	156,832
Total	1,640	5,267,545

Sources: *Television Digest* and *Television Factbooks*, figures estimated as of Sept. 1, 1976. West Virginia figures from 1976 *Television Factbook*, No. 45, Services Volume.

TRIBUTE TO TOM TEAR

HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. MITCHELL of New York. Mr. Speaker, I welcome this opportunity to join with my colleagues in saluting Tom Tear who is retiring after 30 years of service with the House of Representatives.

I first met Mr. Tear shortly after my arrival in Washington and from that day until the present I have known him to be a cheerful yet conscientious individual who always takes his important work seriously. He has been efficient in discharging his duties and always willing to offer extra assistance whenever possible.

This great body called the House is a collection of different people with varied outlooks and approaches to their individual tasks. Despite all the divergence, the House functions well thanks in large measure to the dedicated efforts of able staff people like Tom Tear.

Those of us who have been privileged to work with Tom these past years thank him for a job well done and wish him all the best in the years to come.

REFORM THE ELECTORAL COLLEGE SYSTEM

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. WHITEHURST. Mr. Speaker, the Framers of the Constitution experienced considerable difficulty in deciding on a method for electing the President. The method finally settled on by the delegates to the Constitutional Convention—the electoral college system—has been severely criticized ever since. The problems inherent in the electoral college system essentially involve the system's high potential for frustrating the will of the American people.

The most obvious difficulty with the system is that it does not bind the electors to vote for the winning candidates in their States. Although electors usually vote for the winning candidate, each of the last five elections have produced a handful of electors who have refused to follow their States' election results. In 1960, a serious effort was made to form a coalition of Republican electors, who would be expected to cast futile votes for Richard Nixon, and defecting Southern Democratic electors. While the plan did not succeed, it demonstrates the freedom of electors. Moreover, it shows that defecting and unpledged electors could hold the balance in the electoral college in a close election.

A more serious problem is that the national popular vote winner can lose the election in the electoral college. In fact, this occurred in the elections of 1824, 1876, and 1888. On numerous other occasions, including the last Presidential election, a shift of a relatively small number of votes in a few key States, could have elected the candidate who came out second best in the popular vote.

A related potential problem was highlighted in 1968 when Governor Wallace ran a strong campaign as a third party candidate. Although Mr. Wallace had no chance of winning the election, he could have denied the popular vote leader, Richard Nixon, a majority in the electoral college. This would have thrown the election into the House of Representatives where each State would have had one vote. Thus, the five smallest States, with one Representative each and a combined population of less than 2 million, would have enjoyed the same voting

power as the five largest States, with a total of 154 Representatives and a combined population of 64 million. In addition, the Senate would choose the Vice President if a majority was not present in the electoral college. Consequently, it is not inconceivable that the House and Senate could select a split ticket—the President from one party and the Vice President from another—as a result of different political compositions of the two bodies.

Among the many imperfections in the present electoral vote system, none is more dangerous and undemocratic than the unit rule, sometimes described as the "winner take all" formula. As a result of the unit rule, the popular vote totals of the losing candidate in each State are completely discounted in the final electoral result. In effect, millions of voters are disfranchised if they happen to vote for the losing candidate in their State, because the full voting power of the State—that is, its electoral votes—is awarded to the candidate they opposed.

A more serious consequence of the unit rule is the distortions it produces in the value of individual popular votes. As all careful observers of Presidential elections recognize, the unit rule tends to inflate the voting power of residents of large, urbanized States. Today, it is possible to win an electoral majority on the basis of only 25 percent of the popular vote; or, put another way, the 11 largest States and the District of Columbia can produce an electoral majority.

To overcome the glaring problems inherent in the present electoral college system, I am introducing today a constitutional amendment providing for the proportional system of electing Presidents. Under this system, every State's electoral votes would be divided among the candidates in proportion to their shares of its popular votes. Electors are eliminated, thereby solving the problem of the "faithless" elector. Forty percent of the total number of electoral votes is necessary for election. Requiring only 40 percent of the electoral votes serves as a deterrent to third party movements. In the event no candidate receives 40 percent, election is by the House and Senate in joint assembly with each member having one vote and a majority of the votes being necessary for election. This overcomes the current inequity resulting from each State having one vote regardless of population. This provision also combines the voting for President and Vice President.

The primary advantage of the proportional system is that the will of the people is more accurately reflected while the role of the States in electing our Presidents is maintained. Direct election of Presidents, based solely on the popular vote, would, of course, come closest to insuring that the candidate receiving the most votes is elected. However, in my view, real damage to our principles of federalism could result if parties and candidates became unconcerned with State interests. I believe it is important to insure that Presidential elections have a sound balance of local, State, and National interests.

Another advantage of my amendment is that Presidential candidates would be encouraged to devote greater attention to the needs of smaller States. As I pointed out above, under the large States, and particularly to large, well-organized blocks of votes in those States. Lack of attention to smaller States would probably be continued with a direct election system, because the small States would lose the advantage of having at least three electoral no matter how small their populations. Presidential candidates should have an incentive to seek votes and to learn the problems of citizens in all States.

The plan I am proposing today is hardly a new one. A constitutional amendment for the proportional system was first introduced in Congress in 1848. In 1950, it passed the Senate by a vote of 65 to 27, but failed to be considered in the House. Concern over the electoral college system has surfaced periodically throughout our history, particularly following close elections. But, this concern has been fleeting, and no remedial action has been taken. It is now time to abolish the anachronistic electoral college and adopt a system which recognizes the realities of our modern political system while maintaining the basic principles of federalism enunciated by the Founding Fathers.

UTILITIES MUST SACRIFICE, TOO

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. MAZZOLI. Mr. Speaker, the people of my district are facing inconveniences and financial losses, because of the severe weather which has depleted our reserves of natural gas and alternative fuels.

Not only are our thermostats at less-than-comfortable temperatures, but many business and industry operations are curtailed and, in some cases, completely shut down. Already, this has meant lost revenues and lost jobs. And the problem threatens to worsen as spring approaches.

On top of these hardships, everyone is faced with budget-breaking utility bills. In fact, these bills and other energy matters, were "the talk of the town" when I was in Louisville over the weekend.

It is the popular belief that the energy crisis is a fake—that when prices go sky-high, plenty of natural gas will materialize. People point to the gasoline shortage of 1973 as an example. And, they remember that when they followed the President's request and reduced use of energy, the utilities, including Louisville Gas & Electric Co., subsequently raised rates, because of decreased sales.

Now, the people are skeptical. And, so am I. I want some concrete proof that our crisis is genuine—and the best proof I can think of is for the utility industry to join the rest of us in making the kind of sacrifices which are needed to steer our Nation through this severe winter.

I hope my fellow Members of Congress will join me in demanding that our utility companies and natural gas suppliers not profiteer while other citizens are being asked to make sacrifices. I just do not believe our people will stand still if they find themselves being gouged again.

As an example of what I am talking about, the Louisville Gas & Electric Co. has recently requested a general rate increase. Yet, we know that the increased residential sales of natural gas have already pushed up the company's profit margins. So, I have written to the president of L.G. & E. to urge that this request for a general rate increase be withdrawn.

On the national level, I believe that other sacrifices must be asked of the utility industry.

In this severe weather, when utility bills are beyond the means of those with low or fixed incomes, no company should shut off electricity or natural gas for nonpayment of bills.

Neither should natural gas suppliers hold their product hostage until a higher price is paid. Such a practice is almost criminal.

In my view, gas suppliers would go far to restore public confidence in their industry if they would announce a decision to sell their excess intrastate supplies on the interstate market at the FPC's regulated price.

The public interest demands sacrifice by everyone. And, I believe that investors and shareholders in these gas companies should, and would, support efforts by their companies to make plentiful supplies of intrastate gas available to meet the critical supply needs of interstate customers.

If sales of gas to the interstate companies are not made voluntarily, the Congress should search for a way to authorize the President to order such sales.

In summary, Mr. Speaker, the people think they are about to be "taken to the cleaners" again. All of us in this Congress should be alert to see that this does not happen. For if it does, I am afraid the further damage to public confidence in this body, and in our Government, will be irreparable.

TRIBUTE TO TOM TEAR

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. MILLER of Ohio. Mr. Speaker, after 30 years of service to this body, Tom Tear, the minority chief page, is retiring this month.

No one has been more able and dedicated in the discharge of his duties than Tom Tear. His cooperation and good nature have meant much to me personally, and I will miss him.

All who have known and worked with Tom have always appreciated his hard work and wish him all the best in his retirement.

INCLUDING SERVICES OF LICENSED PRACTICAL NURSES UNDER MEDICARE AND MEDICAID

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. PEPPER. Mr. Speaker, one of the most important issues facing our country today is the need to provide competent health care services for all Americans. While the Congress and the new administration begin to study the question of national health insurance, it is imperative that any program which is finally enacted into law reflect the philosophy that quality health care should be delivered at the lowest possible cost.

One way to insure that competent health care can be delivered at the lowest possible cost is to utilize those health providers who are educationally prepared to administer needed health and medical services and whose fees are less than other groups of providers. One group of health providers who have been underutilized, though consistent in providing low-cost quality and competent health care, is licensed practical nurses.

It is for this reason that today I am introducing legislation which would provide for the inclusion of licensed practical nursing services under the medicare and medicaid programs. This proposal, which has been introduced in the Senate by Senator MATSUNAGA, would, for the first time, recognize on the Federal level the invaluable contributions licensed practical nurses have made to the Nation's health care delivery system.

Because of the vigorous and well-rounded educational preparation licensed practical nurses receive, there are approximately 500,000 licensed practical nurses working in various settings, such as home health programs, nursing homes, hospitals, schools, and community health services. Also, a large part of the educational preparation which LPN's receive is on-the-job training. Therefore, after graduation, they are uniquely prepared to administer to patients directly because they have had the experience in dealing with a wide range of patient needs.

Many licensed practical nurses are working in hospitals in such specialty areas as intensive care units, obstetrics, surgical recovery rooms, emergency rooms, and coronary care units. In each of these settings, the skilled licensed practical nurse is providing necessary and competent health and medical services to patients. Similarly, licensed practical nurses have been providing bedside care to millions of Americans in our Nation's long term care facilities. The various services they provide are done with the same high degree of skill and dedication which they have been taught, and they can be done at a lower cost than that at which they are currently being done.

An area in which I believe LPN's are making a unique and outstanding contribution is in providing home health services. Skyrocketing hospital costs make it impractical and prohibitively expensive for patients to receive routine and continued care at hospitals. One solution to this growing problem has been a national commitment to provide home health services to those who cannot afford hospital care or nursing home care or to those who are well enough to be at home but nevertheless need skilled care. This new commitment to expand home health services can only succeed if we have competent health providers such as licensed practical nurses to provide these services at a lower cost. One way to insure that those who need home health services are able to receive it is to have licensed practical nursing services included under medicare-medicaid programs.

For years, licensed practical nurses have worked unselfishly to provide skilled care and compassion for all those who have had the need for LPN services. Licensed practical nurses have made valuable contributions to our health and medical care systems by virtue of their skill and dedication to their profession. What is more significant, however, is that often those services can be provided at a significantly lower cost than that of a registered nurse or a physician.

As we move toward a national health insurance program and as we begin a comprehensive review of our medicare programs, it is extremely important that we expand our health and medical services. At the same time, however, we must keep the cost of these programs at a minimum and still provide skilled and quality care. It becomes increasingly clear, Mr. Speaker, that in a multitiered, cost-controlled health care system, licensed practical nurses will play an important role in the delivery of basic health care.

I urge my colleagues to give this legislation careful consideration, and I hope that they will join me in helping to provide the kind of health care for all Americans that can be both comprehensive and economical.

SOLAR ENERGY ON CAPITOL HILL

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. PICKLE. Mr. Speaker, recently I introduced House Resolution 81, which calls for the Architect of the Capitol to conduct the necessary studies to see if we can use solar energy to supply part of our energy requirements in the office buildings on Capitol Hill. Congressman OTTINGER and Congressman ROSE have joined me in this effort.

I am working with the Architect closely and hope to have a more complete version of the bill ready shortly. I am most pleased that our Architect, Mr. George White, has readily and enthusiastically agreed to work with me to see what can be done.

Solar energy is not for every time and every location. But it can be of significant help to our national energy supply if we pursue it avidly. The important thing is to realize that the technology is here. The time is ripe. The dawn has come on the solar energy age. The entrepreneurs are out there waiting with their solar equipment. We need only to start using it—and using it wherever and whenever we can.

What better method to get the message across than using solar energy ourselves on Capitol Hill?

I know of none and hope that when we finish this preliminary work on this measure many of you will want to join me in letting the Sun do some work for us on Capitol Hill.

PALMETTO GUN CLUBBERS SHOW SUMMERVILLE YWCA LADIES HOW TO SHOOT

HON. MENDEL J. DAVIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. DAVIS. Mr. Speaker and my fellow colleagues, I would like to call your attention to a recent article in the American Marksman concerning a program in the First Congressional District of South Carolina. This presentation was in the use and safety of guns and was conducted for the women residents of Summerville, S.C. I think this article makes very interesting reading and I commend it to your attention:

PALMETTO GUN CLUBBERS SHOW SUMMERVILLE YWCA LADIES HOW TO SHOOT

When the Summerville, S.C., YWCA asked the Charleston chapter of the National Wildlife Federation last Spring where some young ladies of their organization could learn to shoot, they were given the right answer. The YWCA was referred to Al Cannon, a Charleston NRA member and rifle instructor, who took the request to the Palmetto Gun Club, of which he is a member. The club agreed to underwrite the training program, and Cannon took charge of getting things underway.

Cannon, who promoted the first NRA hunter safety course in South Carolina and who produced two state championship shooting teams through the Jaycee shooting education program, met with the interested YWCA members and outlined the following instructional sequence:

1. Teach gun safety, plus the concepts of laws, ethics and responsibility concerning firearms;

2. Teach more gun safety; illustrate and demonstrate types of guns, their mechanics and ammunition;

3. Review gun safety, then in an easy and relaxed manner (as opposed to stricter techniques of training shooters to obtain high scores) teach each woman to score effectively with her own gun on a silhouette target at room distance.

For approach and instructional content, the Palmetto Gun Club members drew on the hunter safety course, the Boy Scouts shooting merit badge manual, the home safety program and the Jaycee shooting education program. Two hours of indoor instruction and another two hours of outdoor instruction on the range were planned, with supplemental outdoor instruction if the women wanted it.

As it worked out, the indoor sessions ran out of time. The first session covered the

safety aspects, laws and responsibility, and the NRA film "It Could Happen To You" was shown. The hunter safety program was described for the class by Melvin Cumbee of the South Carolina Wildlife and Marine Resources Dept. The second hour outlined the mechanics of guns and cartridges, supplemented by slides furnished by the West Virginia Paper & Pulp Co. The guns included all popular actions and types and were representative of those owned by the women themselves.

Staffing the program were Palmetto Gun Club members Cannon, his son Steve, Al Clark (a Summerville gunsmith), Billy Tidmore of the Jaycee shooting education program and his son Dean of the Jaycee shooting team.

Enthusiasm for the outdoor sessions on the range grew following the indoor classes, and the entire YWCA group showed up at the club range, despite a rainy morning and a nearly impassable road under repair. In the face of these difficulties, the first day's shooting went off well, with the assistance of other club shooters who were on hand for a State Police match scheduled later in the day.

The second outdoor session went much more smoothly, and the women were soon getting 90% of their shots into the targets. One petite blonde, whose husband's attempts to teach her to shoot ended with her flatly refusing to continue after the first shot, came to the opening class and just watched. By the end of the second session she had blazed her way through a box of full loads and was happily banging away with the club's wadcutters.

Probably the best reason for the enthusiastic success was the high level of motivation among the women. One's mother had found it necessary to shoot a burglar after he forced his way into her home. Another had retreated with her children to a locked bedroom when she heard the outside door being jimmied; help arrived as the intruder was working on the bedroom door lock. The neighbor of one of the women had been stopped at a roadside park with her husband when four men attacked them and knocked him out; they were stripping the wife when two truck drivers came to the rescue. Such experiences indicated to the women in the class that they needed to be better prepared to protect themselves. And in helping them achieve this goal, the Palmetto Gun Club members found the training experience a highly rewarding one.

THE NEED FOR A LONG-TERM ENERGY POLICY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. RAHALL. Mr. Speaker a dangerous and disruptive fuel shortage now afflicts West Virginia and the country. In the past the Nation responded only briefly and feebly to the challenge. H.R. 2500 in contrast is striking precisely the right tone—a bit grim in this bleak season, but realistic and candid.

The underlying shortage is permanent and it will get worse. However, with new technology and an end to interstate price controls temporarily, might provide more natural gas, and the Nation also can anticipate substantial quantities of synthetic gas in future years—particularly through conversion of coal to gas.

Mr. Speaker, at best H.R. 2500 will permit the use of some higher-priced intrastate gas to augment supplies in hard-pressed areas like West Virginia over the next few months. However, this is only a short-term measure and must be augmented by a long-term solution energy which will provide alternatives to heat homes, small businesses, and factories.

The country has now had two massive fuel shortages in 3 years. The pattern is obvious. If we insist on unlimited fuel consumption, we expect a steady secession of similar calamities.

I urge the Congress to develop a sound long-term energy policy so that the people of West Virginia and the Nation will not suffer any undue fuel shortages next winter.

IMPORTS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. MURTHA. Mr. Speaker, it is time for the United States to adopt an import policy that protects the American worker and consumer.

In many industries the United States has become a dumping ground for cheap products from foreign nations. In the short run this has meant some cheaper prices, but in the long run it means a loss of jobs, a decline in American industry, and dependence by the consumer on foreign nations.

In the 12th Congressional District alone, we have felt the impact of imports on the production of steel, gloves, combs, women's apparel, shoes, and TV sets.

Through subsidies by foreign governments to their industries, low ages, and incomplete international agreements, the United States has become a major international selling market.

Japanese imports account for 75 percent of the U.S. black-and-white TV sales and 30 percent of color sales. Clothes are assembled in the United States after being produced abroad where a textile worker earns 75 cents an hour in Hong Kong or 42 cents an hour in Taiwan. Specialty steel imports total 48 percent of the U.S. wire rod market.

Already this has had a significant employment impact. The textile industry has lost 271,000 jobs nationally in the last 6 years; the electronics industry has lost 100,000 since 1971; in Pennsylvania 8,600 jobs have been lost in shoe production; and the specialty steel industry is threatened by the potential loss of 65,000 jobs. Workers in the 12th Congressional District producing combs and gloves have also been seriously undercut by foreign products.

Obviously, the United States must trade with foreign countries for products and materials we do not produce ourselves. The time has come, however, for a series of multinational agreements to provide orderly marketing and employment stability. We must stop trading small savings for American jobs.

The year 1977 will be a key year in deciding U.S. trade policy and I believe our unemployment and economic stability requires forceful action.

A GOLDEN JUBILEE

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. RUSSO. Mr. Speaker, during that confusing and amusing time innocently known as the teen years, I suffered as most of us do when we were trying to determine the difference between child and adult and then how to act accordingly.

I can only be grateful that during this crucial time when the direction of my own life was being determined, I not only had wonderful parents but also a teacher, confidant, and counselor who was to leave impressions on my mind and heart to last a lifetime. He never pushed, but gently guided and assisted those who need it in their journey to understanding.

Now, Rev. George A. Wallenhorst, S.J., is celebrating his golden jubilee as a Jesuit, 50 years in the service of the Lord. The Jesuits of St. Ignatius College Prep in Chicago are sponsoring the celebration. At a mass of thanksgiving on Sunday, February 6, in Holy Family Church, friends will gather to share the joy of this occasion, and a reception will follow.

The room will be crowded, for Father Wallenhorst has traveled countless miles in his work and touched the lives of many people.

Father Wallenhorst was born in Buffalo, N.Y., and attended school in Springfield, Ohio, before joining the Jesuits at Milford, Ohio. He taught at old St. John's in Toledo from 1933 to 1935 and was ordained in 1939 at St. Mary's, Kansas. After his ordination, he came to St. Ignatius where he taught theology, latin, and English. During World War II he was the chaplain in the 15th Air Force Command in Italy, serving in the final days of the war in the China-Burma-India theater.

Following the war, Father taught English and served as a guidance director at the University of Detroit High School and in 1959 he returned to St. Ignatius and combined his work as teacher and counselor. Several years ago he became a chaplain at Cook County Hospital where he continues his ministry.

What a privilege it is for those of us who love him to see this humble, just, and devout man celebrate one of the church's most extraordinary observances. One-half of a century of service is quite a milestone to celebrate. During those years, Father has served with all his heart, mind, soul, and strength; his friendship and understanding have been a gift offered selflessly to others. He is truly an instrument of God.

I know my colleagues join with me in congratulating Father Wallenhorst on the occasion of his golden jubilee.

STATEMENT OF THE HONORABLE JOHN M. MURPHY ON THE INTRODUCTION OF A BILL TO PROHIBIT THE INTERSTATE TRANSPORTATION AND USE OF STOLEN AIRLINE TICKETS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. MURPHY of New York. Mr. Speaker, one of the most urgent criminal problems faced by the American transportation industry is the use of counterfeit, altered, fraudulent, lost, or stolen airline tickets, particularly those which have been channeled through a travel agency. The cost to the airlines, and eventually to the American traveler, runs into many millions per month. The legislation I introduce today will address that problem directly by amending the United States Code to specifically include such tickets in title 18's prohibition of the transportation or use of such negotiable instruments.

While one would presume such tickets, if stolen, would fall under the ordinary criminal codes, the law does not operate on presumptions. There is a somewhat gray area in the theft of a blank ticket which has no specific value attached to it until it is filled in with a travel itinerary and used in interstate commerce. Bear in mind that it could be as little as a few dollars for excess baggage charges, or a few thousand dollars for a round-the-world trip.

My legislation would expand the definition of the term "security" in title 18 to include airline tickets and blank ticket forms. Since airline tickets are as good as cash, or stolen securities, they should be treated as a negotiable instrument under Federal law. It is urgent that these items be included under the Criminal Code so that travel agencies, the commercial air travel industry, and the traveling public can be protected in the effort to halt this immense diversion of tickets for criminal use. Until it becomes a Federal criminal offense, the FBI is effectively blocked from entering the investigation of what is generally a local crime.

Until now, ticket thieves have been handled as simply petty offenders. A very basic problem is that there has been no central control of airline tickets; each carrier operates its own accounting system independently, and accepts the good faith of every other carrier's tickets without so much as a passing inquiry as to the legitimacy of each ticket. And even more critical is the fact that each theft is handled locally, by a police department with no cooperative method of crosschecking such tickets. Each police investigation acts and reacts independently.

My bill would allow the Federal Bureau of Investigation and the Justice Department to investigate and prosecute those involved in the trafficking in stolen and counterfeit tickets. Under the penalty provisions of the title—section 2315, title 18, United States Code—violators will be subject to a $10,000 fine and/or 10 years in jail for the theft, sale, or receipt of stolen tickets. Because this activity many times involves the crossing of State lines, however, a separate $10,000 fine and/or 10 years is added for interstate trafficking—section 2314, title 18, United States Code.

There is presently no legal control over the printing, issuance, or distribution of airline tickets. The Air Transport Association's efforts to institute controls have been less than effective. Traffic in stolen or counterfeit tickets has become commonplace among people of all walks of life, but the bulk of the problem can be attributed to organized crime. The professional criminal has spotted a lucrative business with a low profile and low chance of getting caught, and has moved into the field with a vengeance.

While outright counterfeits are a definite problem, the two main sources of illegal supply are the theft of airline and Air Transport Association ticket stock. Rand McNally prints all ATA tickets, which are then distributed in bulk directly to travel agencies which handle airline business. That distribution process spawns the greatest percentage of losses, with tickets disappearing between the printers and the agencies. Transporters such as UPS and Wings and Wheels have atrocious records of tickets stolen in transit, whether from theft by conspiracy or by simple mishandling. The subsequent illegal sale and/or illegal use of these stolen tickets costs the airlines millions of dollars, which, in the long run, is subsidized by you, the paying passenger.

Although ATA limits the number of tickets on hand in an agency, a popular criminal gambit has been to simply purchase a small agency, sell all the available tickets in a short period of time, make no payments to the airlines, and close up the agency. The airlines must honor the tickets without compensation, as they are legitimate, and the agent gets away with it claiming financial difficulties. This operation is so familiar to police, they have given it a special name: A "bustout operation."

Recent cases in my own city of New York illustrate the scope of the problem: 7,000 stolen tickets and 175 persons in one case; 900 tickets missing from one agency, 250 tickets from another, 1,500 from yet another, and 1,825 tickets from another.

Other cities have been hit just as hard. Los Angeles Airport had $3 million in stolen tickets go through just that one location recently; police indicate it is not at all unusual to turn up theft rings with over $1 million in blank tickets.

The problem is clear, and I believe the solution is equally easy to see. Tickets have been poorly handled and accounted for in transport, armed robberies have plagued travel agencies, and Federal, State, and local law enforcement agencies have been hampered by an indefinite status of stolen tickets, as well as a lack of coordination in handling a racket which, by its very nature, ranges not only nationwide, but worldwide.

The legislation I propose today will place such tickets in the realm of Federal law, and thus add some teeth to the prosecution of criminals who are heaping massive economic losses on the transportation industry and the American public.

BILINGUAL BALLOTS COST $88 EACH

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. LAGOMARSINO. Mr. Speaker, on June 4, 1975, this body considered and approved legislation to amend and extend the Voting Rights Act of 1965. While I was in agreement with some of the provisions of this measure, I strongly opposed those sections which mandated the printing of bilingual ballots by counties in which 5 percent, or more, of the population are non-English speaking. I voted against this legislation because in my opinion, bilingual ballots would place an excessive and unnecessary hardship on those counties which must bear the cost of printing two, or possibly more, separate ballots.

At the time we considered this measure, the proponents argued that there was sufficient numbers of eligible voters who were denied their right to vote to justify the added expense of printing bilingual ballots.

It now appears that my opposition was entirely justified. I have just received a breakdown of costs incurred by the county of Santa Barbara due to the bilingual ballot provision of the Voting Rights Extension Act of 1975. Mr. Speaker, each bilingual ballot cast during the November general election cost the taxpayers of Santa Barbara County $88.12 as compared to 33 cents for all other ballots. In addition, of the 149,495 ballots cast only 71 were the Spanish bilingual ballots mandated by the Voting Rights Act, or 58 thousandths of 1 percent of the votes cast.

At this point I would like to insert in the RECORD the table of costs incurred by Santa Barbara County for the November general election because of the bilingual ballot:

RECAPITULATION OF SANTA BARBARA COUNTY COSTS OF NOV. 2, 1976 GENERAL ELECTION ATTRIBUTABLE TO THE FEDERAL VOTING RIGHTS EXTENSION ACT, 1975 AMENDMENT

Item of cost comparison	English ballot allocation	Spanish ballot allocation
Official ballot printing	$21,636.59	$1,602.72
Sample ballot printing	9,781.38	231.55
Ballot format printing variations	2,080.00	2,080.00
Voter pamphlet printing:		
Local measure A	4,148.00	513.80
Local measure B	355.75	133.45
Spanish translation		483.00
Bilingual elections day office help		87.00
Legal publications, voter information	2,093.62	1,124.79
Total	40,095.34	6,256.31

NOTES

122,743 English ballots cast: Cost per English ballot cast (40,095.34 ÷ 122,743) — $0.33.
71 Spanish ballots cast: Cost per Spanish ballot cast (6,256.31 ÷ 71) — $88.12.
Total number of registered voters was 149,495. Ballots were printed separately in Spanish and English. A supply of 20 Spanish ballots was provided to each precinct. The "cubic" paper ballot vote counting system was employed. 71 Spanish voters represents 0.05781 percent or 58 thousandths of 1 percent of those who voted (71 ÷ 122,814).

THE UNFINISHED AGENDA

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. DINGELL. Mr. Speaker, the wave of concern about the status of our environment has been growing for decades, to the point where environmental awareness is now part of the conscious social concerns of virtually everyone.

But repeatedly the question is asked: "What do the environmentalists really want?"

Now a group of thoughtful environmental leaders has come forth with an answer. It is contained in the report of the Environmental Agenda Task Force, a consensus document drafted and endorsed by leaders of the Nation's 12 largest direct-membership environmental organizations. Assembled by the Rockefeller Brothers Fund of New York City, the task force evaluated more than 100 of what the Nation's most knowledgeable and professional environmental leaders regarded as the key problems to be faced. They concentrated attention on the ones they identified as "most important" and recorded the essence of their deliberations in a book that will be published next month. Gerald O. Barney, an officer of the fund, chaired the task force and edited the book, which is titled "The Unfinished Agenda: The Citizen's Guide to Environmental Issues."

Members of the task force spoke their own convictions, not necessarily those of 4.3 million members of their respective organizations. The members are:

John H. Adams, executive director, Natural Resources Defense Council; David R. Brower, president, Friends of the Earth; George D. Davis, executive director, The Wilderness Society; Robert T. Dennis, former executive director, Zero Population Growth; Thomas L. Kimball, executive vice president, National Wildlife Federation.

Also, Ian C. T. Nisbet, director of scientific staff, Massachusetts Audubon Society; G. Jon Roush, former executive vice president, The Nature Conservancy; Arlie Schardt, executive director, Environmental Defense Fund; Maitland S. Sharpe, environmental affairs director, Izaak Walton League of America; Anthony Wayne Smith, president and general counsel, National Parks and Conservation Association; Elvis J. Stahr, president, National Audubon Society; and Paul Swatek, associate conservation director, Sierra Club.

As chairman of the Subcommittee on Energy and Power of the House Committee on Interstate and Foreign Commerce, and as an individual with a long-standing interest in this area I will welcome members of the task force and more than 250 participants at a symposium to be held Wednesday in the Caucus Room of the Cannon House Office Building on the issues raised in "The Unfinished Agenda." Remarks by Laurance S. Rockefeller, president of the Rockefeller Brothers Fund, will open a discussion on those issues by members of the task force and other authorities.

Mr. Stuart Eizenstat, assistant to President Carter for domestic affairs and policy will speak at noon. The issues discussed by the book are forcefully and succintly summarized in its introductory chapter. I insert the said chapter at this point in the RECORD:

INTRODUCTION: THE CALL TO ACTION

The environment is a complex mixture of factors which interact constantly with each other: People need food; raising food requires energy; energy production utilizes materials from the earth's crust; the extraction of these materials demands energy; and all of these activities depend upon the labor and ingenuity of people, who need food. Thus when any single factor in the environment is altered, either intentionally or accidentally, the repercussions are felt throughout the entire system. The human population, an integral component of the ecosystem, influences and ultimately is affected by these alterations; the environmental actions that this country decides to take will affect everyone. Because ill-considered changes that may have irreversible consequences threaten our welfare, immediate action on some issues is critical.

POPULATION

If the current annual population growth continues, the world population, which is now about 4 billion, will reach 8 billion soon after the year 2000. Most of the number added will be poor families in poor nations with insufficient food supplies. On a global scale therefore it is recommended that:

Continuation and increased funding of family planning programs, research into fertility control methods, and training of paramedical personnel in recipient nations be provided to administer and follow up on simple techniques of contraception, abortion, and sterilization.

Special emphasis be given to foreign-aid measures that have an indirect negative effect on fertility, such as female education, female employment, or social security programs.

A population policy for the U.S. should aim for two interrelated goals: to increase the quality of life experienced by the population and to stabilize the population size. To this end, several basic goals are recommended:

Establish a national goal of population stabilization or gradual population decrease, with the small family as a desirable and socially responsible ideal.

Increase support for established family planning organizations and provide aid for clinics that offer contraceptives, pregnancy testing, abortion, and sterilization.

Establish sex and family education programs, especially for pre-teens and teenagers.

Give positive publicity to women in positions of responsibility and authority and to the creative possibilities open to those with small families.

Remove taxation discriminations against single people and childless couples and eliminate additional tax benefits for those with three or more children.

Make day-care facilities, paternity and maternity leaves, flexible work schedules and other such measures available to permit coordination of parenthood duties with other career duties.

Provide education for stable marriage and responsible parenthood and encourage public education in the basics of demography.

Introduction

Gradually reduce and stabilize quotas for legal immigration and take steps to encourage economic development in countries which are significant sources of illegal aliens, to remove the root causes of immigration.

Congress should adopt a policy statement on immigration which relates immigration to national population, resources, employment, and education policies.

FOOD AND AGRICULTURE

During the 1950s and 60s, the world agriculture system produced more food than could be sold; during the early 70s the situation changed markedly. World demand for food outstripped the capacity of farmers and fishermen to produce. At its lowest point, the world carry-over stores of grain were capable of meeting less than one month's demand.

In some parts of the world, such as Bangladesh, food shortages are severe enough to interfere with population growth by raising death rates, at least in years of bad weather. In the Sahel, Ethiopia, Nepal, and the Andean area of South America, explosive population rates could actually undermine and destroy major food-producing systems, doing enormous environmental damage in the process.

Three approaches are possible for the world food problem: increase food production, redistribute more effectively the food that is already grown, or stabilize world population growth. U.S. policy currently emphasizes the first of these, through agricultural research, economic aid and agricultural assistance, and export of surplus agricultural production. But the urgency of the world food situation requires that, with the priorities in reverse order, all three be vigorously pursued.

Major recommendations are that:

All forms of assistance be linked to bringing birth rates into line with death rates.

A U.S.-Canada Commission on Food Policy be formed to guide the use of North American food in solving the world food shortage.

The United States, already a leading producer of almost every agricultural commodity, will be taking steps to increase its output further. To increase total food production while decreasing adverse environmental impact and the drain on resources that are needed for other purposes, America must:

Restore and increase soil-conservation programs at the federal, state, and local levels.

Stop the conversion of prime agricultural lands to other uses.

Promote research and development of intermediate agricultural technologies, both for use at home and to aid agricultural development abroad.

Recycle organic nutrients as a supplement to and partial substitute for chemical fertilizers, thus partially reducing the energy-intensiveness of American agriculture.

Promote the use of biological methods of pest control.

ENERGY

Like population and food, energy problems are global in scope. The number of nations now able to export energy has declined to only a few; for many, energy supplies are limited primarily to firewood and animal dung. The United States, once an exporter and now increasingly dependent on foreign suppliers, has a major role to play in the resolution of global energy problems. It is essential to devise and build a new type of energy economy far less dependent on dwindling supplies of gas and oil.

A viable energy policy requires much elaboration, but the basic recommendations are:

To recognize that nuclear fission is rapidly dying as an energy option because of its high capital, environmental, social, and energy costs.

To avoid the formidable economic and political costs of further electrification, make every effort to supply energy only in the quality needed for the task in hand.

To inventory energy end-uses by quality needs, geographical clustering, and unit scale.

To develop appropriately smaller-scale energy generation systems.

To move rapidly from dependence on depletable energy capital to renewable energy income.

High priority should be given to:

Intelligent coal technologies, both for direct combustion and for the local extraction of premium fluid fuels from coal.

Solar space-conditioning.

A dispersed fuel-alcohol industry.

Integration of solid-waste management with energy and materials-recycling systems.

Rejuvenation of urban mass transit and intercity railways.

An overhaul of energy-intensive agriculture practices. Since none of these measures will succeed if conceived as purely technical, institutional barriers such as antique utility practices, mortgage regulations, and building codes, must be overcome. These reforms in turn rest on public understanding of their importance, enhanced by a more wide-ranging discussion of energy options and goals. Therefore:

Public participation, so far mainly formal, must become substantive.

There must be a progressively increasing gasoline tax, the proceeds of which should be used to begin reducing the ill effects of automobiles.

Mandatory fuel-economy standards must be maintained for automobiles and extended to other vehicles, including aircraft.

Expansion of the interstate highway system must be discontinued and the funds and attention diverted to the nation's railroads.

The 55 mph speed limit must be enforced through federal sanctions against states that do not comply.

Subsidies to nuclear energy industries must be withdrawn and existing facilities phased out in orderly fashion.

Utility price structures must be overhauled to reflect both policy priorities and sound economic principles.

It will also be necessary to enforce antitrust and securities laws, so that alternative energy sources are not deprived of the benefits of competition and entrepreneurial vigor.

NATURAL RESOURCES

The broad problem of energy supply implies a correspondingly broad problem of the availability of natural resources. The prosperity of the industrialized world, which has been built on abundant supplies of easily accessible energy and minerals, is now approaching a period of general scarcity. Therefore, it is recommended that:

The United States adopt as a long-range goal the achievement of a "Conserver Society," in which materials are used to maximum advantage with minimum resource depletion.

Such a program would involve resource conservation, recycling, re-use, increased product durability, and long-term economic and social changes to minimize demand for materials in particularly short supply. We further recommend that:

The U.S. require that all goods sold in interstate commerce be labeled with disposal instructions.

The principle be established that the sale price of manufactured products include disposal costs.

The government adopt uniform legislation promoting recycling of beverage containers by requiring returnable deposits.

Recycling of automobiles be promoted.

Mandatory minimum standards be set for automobile durability.

Special conservation and recycling measures be taken for scarce and critical elements whose future stocks are in question.

WATER AND AIR

There is no question that air and water pollution continue to pose serious problems for the nation, and although some progress has been made, available data are insufficient to assess fully the extent of progress or the effectiveness of present regulatory approaches.

Better monitoring systems are needed as a management tool for the nation's very significant investments in air and water pollution control.

During 1977 Congress will be reviewing the Federal Water Pollution Control Act and the Clean Air Act Amendments. Ill omens for this process are already appearing.

The integrity and goals of both of these Acts should be reaffirmed and defended against debilitating changes.

EPA's air pollution research budget should be increased drastically for a comprehensive research program on the health effects of air pollution, especially toxic pollutants.

TOXIC SUBSTANCES

An intractable problem of modern industrial society is that of the pervasive presence of toxic chemicals. It is estimated that as much as 90 percent of human cancers are caused by environmental factors, including carcinogenic chemicals. Cancer is now the number-two killer of Americans, and is expected to develop in 25 percent of the U.S. population.

Cancer is not the only delayed health effect of concern to environmentalists. Many toxic substances are known to cause birth or genetic defects, learning disabilities, and behavioral disorders, while concentrations of toxic chemicals such as PCBs cause extensive contamination of natural ecosystems. Accordingly, we recommend that:

The Toxic Substances Control Act be implemented as fully as possible both for new chemicals and for those already in the environment.

Special priority in research be given to filling gaps in scientific knowledge necessary for evaluating chemicals.

Priorities in the National Cancer Plan be shifted to cancer prevention and away from the search for a cure for cancer.

An all-out effort should be initiated to eliminate the single most significant cause of human cancer—tobacco smoke.

THE LIFE-SUPPORT SYSTEM

The passengers together on the little spaceship Earth are not only beginning to harm the economic system; they are beginning to strain the entire life-support system of the spaceship, and to impinge on the health and welfare of other species, on whom it depends in ways more fundamental than is known.

Some of the man's activities are now on such a large scale that they are beginning to modify biogeochemical cycles and to change the physical or chemical bases of the global life-support system, producing regional or global effects. Of special concern are the effects of various pollutants on the ozone layer of the stratosphere.

It is recommended that:

Special efforts be taken to preserve endangered species on islands, especially Hawaii.

U.S. efforts be continued to protect marine mammals.

Congress act favorably on pending wilderness legislation.

The provisions of the Endangered Species Act be better enforced.

Increased funding be committed to allow proper management of public lands, especially National Parks.

Congress act in 1977 to protect Alaskan wildlands.

The 1872 Mining Law be drastically reformed or replaced with enlightened legislation.

The urgently threatened ecosystems of U.S. lands be preserved and restored.

Federal support be provided to State programs for regulation of areas of critical concern.

In addition:

The United States must develop a worthy land ethic.

NEW BIOLOGICAL THREAT

The possibility of creating new forms of life in the laboratory presents a monstrous threat to every species on earth. Using the recombinant DNA techniques, scientists can create new forms of life by cutting and splicing genes to transfer genetic material from one organism to another. Once successfully established, new forms of life are irreversible. The benefits to science are matched by unprecedented and unknown risks.

A human epidemic would be the worst possible consequence, but massive outbreaks of crop disease or a major disturbance of the regional ecology could amount to nearly the same thing. For these compelling reasons, it is recommended that:

All laboratory efforts involving genetic engineering techniques be covered by the most comprehenivse guidelines.

E. coli be prohibited as host for recombinant DNA molecules.

Appropriate health surveillance be made of laboratories.

Recombinant DNA research be restricted to specific laboratories of the highest reputation, and training courses provided for all personnel.

Certain experimental research be banned entirely.

SOCIETY AND DECISIONMAKING

High inflation, unemployment, and growing dependence on foreign-oil imports have made it increasingly clear that all parts of the national socio-economic system are not working harmoniously toward any well-understood goal. Environmentalists believe that these problems could be lessened by improved planning techniques, the management of technologies, and an economic and social transition to the intelligent use of resources.

First, since so many of the nation's problems require long-term solutions, we recommend that:

A full and active national discussion be launched immediately on how the nation can best develop a long-range planning capability.

Second, since technologies have been developed (nuclear explosives, for example) with which single individuals could imperil large portions of our civilizations, it is necessary:

In the decade ahead not only to develop new controls over the application of existing technologies, but also to consider the full sociological implications of nascent technologies.

And third:

The environment must be recognized as a top national priority on a level with defense, employment, health, education, and commerce.

To this end, there must be major changes in the U.S. economy, which would induce environmentally beneficial behavior and curb economically destructive practices while still preserving the meritorious aspects of free enterprise. Specific recommendations are that:

Antitrust laws be vigorously enforced.

A program of legislation and economic sanction be initiated promptly against manufacturers who produce throw-away or unrepairable products, and who refuse to stock spare parts.

A Presidential commission be estabilshed immediately to develop and recommend a more adequate set of national economic indicators.

Research funds at the National Science Foundation and the Commerce Department be set aside and specifically earmarked for a study of a steady state economy to define the concept further and examine how best to manage it.

The tendency of modern education to mold minds into narrow disciplinary specialties may be a root cause of modern environmental problems. Therefore it is recommended that:

Much further attention be given to education for environmental literacy, emphasizing causal relationships and feedback phenomena.

Environmental literacy will also require attention to the content of the principal medium of continuing education—television. By the time the average youth graduates from high school, he will have spent 18,000 hours watching television—more time than it takes to earn a B.A. Television controls and sends out a message with unmistakable environmental consequences: Buy more products for self improvement.

Recognizing the influence of merchandising interests through the television medium, environmentalists recommend that:

The Council on Environmental Quality, with support from the National Science Foundation, undertake to monitor and analyze the explicit and implicit environmental message contained in both the programming and commercials on U.S. television. The analysis should document clearly what is being said about environmental issues, resource consumption, pollution and lifestyles, and the implications for society if the viewing audience follows the example set by the role models on television.

TRIBUTE TO TOM TEAR

HON. DAVE STOCKMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. STOCKMAN. Mr. Speaker, Tom Tear came to Congress over 30 years ago as a page for Congressman Leo Allen from Illinois, and gained knowledge and expertise which has become invaluable to Republican Members. He has always shown a willingness to assist Members and their staffs in any way, whether through attaining information on a bill or acquiring extra tickets for special sessions of Congress.

Tom's management of the minority pages has been exemplary, especially under great stress when the House has been in full swing. His wit and good humor in these past years have helped to keep us all on an even keel.

Much of Tom's vacation time has been spent in campaigning for our party, and know we will hear from him as he continues to work for the party in Virginia where he resides.

Mr. Speaker, there will be void left where Tom used to stand, and may he know that his friends here in the House of Representatives will always remember and appreciate what he has done for us.

CONSTITUENTS HARD HIT BY RISING GAS PRICES

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. ANDERSON of Illinois. Mr. Speaker, on the day when the Natural Gas Emergency Act is being debated on the floor, I think it is appropriate for me to call to the attention of my colleagues the hard work and sacrifice which two of my constituents have invested in this issue.

Maryann Aiello and Peggy Clark, both of my district in northern Illinois, have been hard hit by the soaring gas bills of this winter. In our area the cold winter and a 20 percent increase in delivered gas have coupled together to double and in some cases triple the monthly bills to consumers. They have been particularly hard hit and they have found many like them who are deeply worried about what will happen to them and their homes if prices continue to go up.

They have collected more than 10,000 signatures on petitions requesting that the Federal Power Commission investigate the rate increases granted Northern Illinois Gas Co. recently and I think that such a review is appropriate. I have sent the FPC a letter to that effect.

Ms. Aiello and Ms. Clark were invited to testify before the Energy and Power Subcommittee of the Interstate and Foreign Commerce Committee last week. Their message was simple and compelling and I think that it is important for all Members to hear how my people have been affected. I am including their remarks in the RECORD at this point:

STATEMENT ON NATURAL GAS BY: MARY ANN AIELLO

My name is Mary Ann Aiello. I'm here from Rockford, Illinois with my friend Peggy Clark. We have come to Washington with over 10,000 signatures to testify before your Committee on the problems that we are facing in Rockford.

We are facing a serious problem with the increased gas prices recently charged to Northern Illinois gas customers.

Since November 1, 1974, the price of natural gas has risen 66% in our area. As of December 1, 1976, we have had a rate increase of 20%. Coupled with the extreme weather conditions our bills have doubled and even tripled. While petitioning for these signatures we spoke to many hardship cases.

I received a letter from an elderly woman who has received a gas bill for a two-month period of $282.33. Her total monthly income from social security is only $212.00 per month.

Another case was a woman who had her home insulated through Northern Illinois Gas. Her average bill last winter was $43.00. This year, even with the added insulation, her bill was $148.00 for two months. We have spoken to hundreds of similar cases such as these. We feel these increases are too extreme.

Yesterday we spoke to Mr. Lisle Reed, the Director of Oil and Gas at the Federal Energy Administration. He commented that if we want the natural gas we need we must pay the price. And, if we cannot pay the added increase, then we must change our life styles by either selling our homes or by seeking tax subsidies for those unable to pay for this increase.

Our wages cannot compete with these excessive price increases from the producers of natural gas. What good is having the gas if the consumer cannot pay for it. We feel the producers are using this natural resource which is a necessity to drive up the prices way beyond the already high levels to rip off the consumer and make even more grossly outrageous prices.

President Carter has asked the American people to sacrifice their extra warmth and comfort by turning down the thermostats to 65 degrees to try to conserve our natural gas resources. The American people are willing to conserve, but we would like to know what types of sacrifices the producers are making. We feel that any type of price increase is too much to bear during inclement weather.

We have been asked to make sacrifices but does this mean that we—the consumer—must lose our homes because we cannot pay our gas bills? And should our elderly be forced into leaving their homes after many many years of being hard working, productive, taxpaying citizens, simply because they cannot pay the increases.

If money means more than the health and welfare of our people, then God help us.

BUILDING THE SKILLS OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. NATCHER. Mr. Speaker, the Future Homemakers of America will be celebrating their national week February 6 to February 12 and it is once again a pleasure for me to call attention to the many achievements of these fine young men and women.

Some years ago I had the privilege of becoming an honorary member of FHA and, therefore, it is with special pride that I speak to you today of this unique organization.

Future Homemakers of America was founded in 1945 and is open to any student who is taking or has taken a course in home economics or a related area. FHA stretches beyond the classroom and has demonstrated its appeal by attracting one-half million members. The 12,000 chapters of FHA are located in all of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and American Schools overseas.

There are two types of chapters: FHA chapters focus their attention on consumer education, homemaking, and family life education combined with job and career exploration. HERO—Home Economics Related Occupations—chapters place major emphasis on preparation for jobs and careers with the recognition that workers also fill multiple roles as homemakers and community leaders.

The young people in FHA have expressed a deep sense of commitment to their communities and to their future through the many and varied activities in which they participate. Through Program Action Impact, developed by FHA, members design and carry through in-depth projects based on their concerns and interests.

The Barren County High School Chapter of Kentucky has chosen to work with three different nursing homes as their Impact project. Every month a group of FHA members go to each nursing home to visit with individual residents and

provide group entertainment. Strong friendships have developed as a result of these regular visits and there is a great deal of affection and personal contact between the older people and FHA members.

Often the residents save their treats of candy and gum for the young people and FHA'ers perform such services for their adopted grandparents as writing letters and shopping for personal items. Other activities in which FHA'ers participate range from working with children and participating in school and community projects such as health care and environmental quality to consumer education and career choices.

Through their involvement in these and many other activities the young men and women in FHA develop leadership skills and the ability to work well with others which, I believe, will stand them in good stead as they face future responsibilities in our ever-changing world.

The Future Homemakers of America is a unique youth organization as it emphasizes personal growth and the individual's desire to work toward change rather than recognition. The enthusiasm and community spirit generated by FHA/HERO chapters is certainly an inspiration to us all and carries promise for an even brighter future.

This year's theme for the National FHA Week, "Building the Skills of America," clearly expresses a sense of commitment to the development of our great land and I sincerely admire the far-reaching goals of this fine organization. FHA youth play a vital role in our communities as they assuredly grow through their experiences into our resourceful and responsible leaders of tomorrow.

Mr. Speaker, I am extremely proud of these outstanding young men and women and I wish them continued success as they proceed to meet the challenges that lie ahead.

UKRAINIAN INDEPENDENCE DAY, 1977

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. NEDZI. Mr. Speaker, a few days ago, millions of Ukrainians around the world observed the 59th anniversary of the Ukraine's brief independence.

As we know, the Ukraine proclaimed its independence on January 22, 1918, during a turbulent period in world history. Invading Russian troops forced the short-lived government into exile in 1923 and the Ukraine became part of the U.S.S.R.

Nevertheless, the Ukrainian people have continued to maintain a strong sense of separate identity and an enduring preference for nationhood.

There are 47 million Ukrainians in the U.S.S.R. They retain the familiar ties of language, customs, and ethnic history despite attempts to change them.

Robert G. Kaiser in his recent book "Russia: The People and the Power," has written:

> Resurgent nationalism in the non-Russian Soviet republics probably worries the authorities in Moscow more than any other form of dissidence, because it is not restricted to a narrow intellectual elite. Ukrainians of all kinds, from the humblest peasant to the most educated professor, share a sense of Ukrainian nationality which, if aggravated, can manifest itself in dissident behavior.

The Ukraine's history and struggle of its people deserve the attention of the American Congress.

While no early change in the Urkaine's status can be anticipated, the course of history suggests that there will be changes in the long run. The Ukrainian people in Russia and abroad are preserving their language, religion, culture, and quest for self-determination. As long as they do so, and as long as there are people to listen, a brighter future is not foreclosed.

TRIBUTE TO STEPHEN R. BURNS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. ANDERSON of California. Mr. Speaker, the Young Men's Christian Association has long been one of the outstanding community organizations in the United States. Although they are best known for working with youth, the YMCA involves the entire family in its activities while providing moral leadership, recreation, and education on a scale unparalleled by most groups.

It is not surprising that those who work for this organization often become regarded as very special people within their communities. Thus, when the Torrance Area Family YMCA's executive director, Stephen Burns, leaves his job at the end of February, his steady leadership and ability will be missed by many.

Steve has been with the Torrance Area Family YMCA since 1969 when he became a full-time program director in charge of the Indian Guide program. On March 1 of this year, his promotion as vice president of branch financial development for the Metropolitan Los Angeles YMCA becomes effective. I would like to take this opportunity to thank Steve for his fine years of service to our community and to wish him well as he assumes his new duties.

Born on February 4, 1947, Steven Burns became an active YMCA member at a very early age. By the time he was attending San Fernando High School, he was working part time at the North Valley YMCA, was president of the Hi-Y Council—an organization for high school students active in YMCA activities—and was selected Hi-Y Boy of the Year in the San Fernando Valley and runner up in city-wide competition.

While studying at the University of California at Los Angeles, Steve worked at the Pacific Palisades YMCA. After graduating from UCLA with a bachelors degree in sociology, he joined the Torrance Area Family YMCA in October of 1969. On November 4, 1974, he was promoted to the executive director's position.

The Torrance Area Family YMCA serves the communities of Carson, Harbor City, Lomita, Torrance, and Wilmington—most of the Los Angeles Harbor area. In addition, much of the South Bay area is expected to come under the supervision of the Torrance Area YMCA in the near future.

With such a large area to cover, Steve Burns dedicated himself to providing all of these communities with the best service possible. One of his projects is a proposal for a YMCA-run senior citizen project, which will include feeding, counseling, and recreation. Already approved by the city of Carson, the proposal is now pending before the city of Torrance.

Besides his busy schedule as executive director, Steve has also been active in the community, serving as an officer in the Torrance Rotary Club. In addition, he is a family man with his lovely wife, Virginia, and their young son, Michael.

When he moves to the Metropolitan YMCA in March, Steve will be in charge of financial support in the greater Los Angeles area. He is well qualified for the job: In one 4-week period he directed a support drive that raised approximately $147,000 for the Torrance Area YMCA, still a national record for YMCA's. In addition, he will be a resource person for fund raising for all 115 YMCA's in the southern California region.

Steve Burns' leadership at the Torrance Area Family YMCA will be missed, but he has received a promotion that he richly deserved, and his abilities will now benefit even more people. My wife, Lee, joins me in congratulating Steve on his new duties and in extending our best wishes to his family as well.

THE PRESIDENT'S PARDON

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. EVANS of Delaware. Mr. Speaker, I am deeply disappointed that President Carter has granted blanket and unconditional pardon to Vietnam-era draft evaders.

During the Vietnam conflict, 2 million American men and women served in Southeast Asia, some willingly, most reluctantly. They received, at best, mixed support from the American people during their service overseas, and little honor or even notice when they returned home. Even today, the Vietnam-era veteran is the victim of high unemployment and sometimes indifference from both the Government and the private sector.

Of those who served, over 50,000 did not return at all. They made the supreme sacrifice for their country, yet few, if any, monuments have been erected in their memory.

This pardon is an insult to the sacrifices made by those who served, and will do nothing to ease the pain suffered by the families of men who were killed, wounded, or lost during the conflict. Additionally, this pardon will serve as a dangerous precedent for our country in case of future emergencies, by making our manpower requirements more difficult to achieve.

Our Nation would have been better served if we had continued a compassionate, reasoned, and case-by-case review program for those who wish to return to this country or clear their record. I believe all those who broke the law by avoiding military service should have been given the opportunity to perform a period of alternative service in programs or facilities which serve the needs of our people. By this action, we could have healed the wounds which still plague our country without insulting the memory of those who served so valiantly.

Mr. Speaker, for the RECORD, I include the text of Delaware Senate Resolution 1, which expresses the views of the Delaware General Assembly, and which was approved by the Governor on January 15, 1977, at the conclusion of my remarks:

SENATE CONCURRENT RESOLUTION NO. 1

Requesting President-elect Jimmy Carter to reconsider his decision to grant a blanket pardon to draft evaders during the Vietnam war

Whereas, the public press and radio have carried a number of news stories stating that President-Elect Jimmy Carter will grant a blanket pardon to all draft-evaders during the Vietnam War period; and

Whereas, these news announcements, confirmed by the President-Elect's press assistant, have brought dismay and bitter resentment to veterans' organizations and to the parents and other relatives of hundreds of thousands of American youths who served honorably during the Vietnam War; and

Whereas, the decision by President-Elect Carter to issue a blanket pardon to draft-evaders would have a serious effect on the morale of all members of the armed forces presently serving; and

Whereas, such a decision by President-Elect Carter, if put into effect, would seriously affect the installation of a new selective service system if such is required in the near future by a crisis in the foreign relations of the United States; and

Whereas, such a blanket pardon for more than 113,000 men who were involved in draft evasion cannot help but confuse the allies of the United States as to our sincerity of purpose and to weaken them in their resolve to remain with us against the enemies behind the Iron Curtain; and

Whereas, the decision by President-Elect Carter to grant a blanket pardon to the draft-evaders appears to have been made without serious consultation with leaders of the several veterans' organizations; and

Whereas, the people of Delaware, through their elected representatives in the 129th General Assembly, wish to express their rejection of any decision granting pardons to draft-evaders.

Now therefore:

Be it resolved by the Senate of the 129th General Assembly, the House of Representatives concurring herein, and the Governor approving by the affixing of his signature, that this Concurrent Resolution requests President-Elect Jimmy Carter to reconsider his decision to grant a blanket pardon to all of the draft-evaders during the Vietnam War.

Be it further resolved that this Concurrent Resolution be sent to President-Elect Carter at the White House, Washington, D.C., as soon as it has been signed by the Governor of Delaware.

Be it further resolved that copies of this Concurrent Resolution be sent to the members of the Delaware Congressional Delegation.

Be it further resolved that a copy of this Concurrent Resolution be sent to the Secretary of the Senate of the United States and that a copy be sent to the Chief Clerk of the House of Representatives of the United States for insertion, at their direction, in the Congressional Record.

THE ACLU ALSO RISES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. MICHEL. Mr. Speaker, it has come to my attention that Mr. John H. F. Shattuck, director of the Washington office of the American Civil Liberties Union—ACLU—has presented his organization's views on the scope and procedures of the investigation that might be undertaken by the Select Committee on Assassinations—if and when that committee is reestablished. While it has long been my opinion that not everyone who respects and fights for civil liberties—as I do—will agree with all of the ACLU's positions on various matters. I want to take this opportunity to place Mr. Shattuck's views in the RECORD as he outlined them in a letter to Representative JAMES DELANEY, chairman of the Committee on Rules.

I am particularly impressed with Mr. Shattuck's proposed guidelines which seem to me to reflect on the whole commonsense and common decency. His comments on the limitations of congressional inquiries is of particular importance. As you know, I have raised doubts about the language of the resolution calling for the reestablishment of the Select Committee, since that language is overly broad. I am pleased, if, quite frankly, somewhat surprised to see that my feelings on this matter coincide with those of the Washington Director of the ACLU. The ACLU has risen to the occasion and I am more than glad to bring to your attention the fact that in principle and in many details, the ACLU agrees with the strong civil liberties position taken not only by myself but by members of both parties regarding the proposed investigation.

At this time I include in the RECORD the full text of Mr. Shattuck's letter to Representative JAMES DELANEY:

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., January 25, 1977.

Hon. JAMES J. DELANEY,
Chairman, Committee on Rules, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to express the views of the American Civil Liberties Union concerning the scope and procedures of the investigation to be conducted by the Select Committee on Assassinations.

The power of Congress to conduct investigations is broad but not unlimited. The Supreme Court on several occasions has spoken about the proper scope of legislative investigations.

Chief Justice Warren, writing in *Watkins v. United States*, 354 U.S. 178 (1957), set out the parameters of Congress' power to investigate: "There is no general authority to expose the private affairs of individuals without justification in terms of the functions of the Congress . . . Nor is the Congress a law enforcement or trial agency. These are functions of the executive and judicial departments of government. No inquiry is an end in itself; it must be related to and in furtherance of a legitimate task of Congress." 354 U.S. at 187.

Two years later in *Barenblatt v. United States*, 360 U.S. 109 (1959), Justice Harlan reiterated the limitations on the Congressional investigative power: "Congress may only investigate into those areas in which it may potentially legislate or appropriate; it cannot inquire into matters which are within the exclusive province of one of the other branches of the government. Lacking the judicial power given to the Judiciary, it cannot inquire into matters that are exclusively the concern of the Judiciary. Neither can it supplant the Executive in what exclusively belongs to the Executive. And the Congress, in common with all branches of the Government, must exercise its powers subject to the limitations placed by the Constitution on governmental action, more particularly, in the context of this case, the relevant limitations of the Bill of Rights." 360 U.S. at 111–112.

Two constitutional principles emerge from these cases. First, Congressional investigations must be limited to the legislative function. In the context of this investigation, there is a strong argument to be made that Congress lacks the power to investigate a homicide. Such an investigation is the function of the law enforcement agencies of the Executive. Second, any legislative investigation must be conducted in a manner consistent with the protection of individual rights. Investigative techniques must conform to statutory and constitutional standards.

The Supreme Court has recognized the restraints of the Bill of Rights upon Congressional investigations. In *United States v. Rumely*, 345 U.S. 41 (1953), for example, the Court was forced to construe narrowly a resolution authorizing a Congressional investigation into lobbying activities in order to avoid abridging First Amendment rights.

In *Watkins* Chief Justice Warren wrote, "The Bill of Rights is applicable to investigations as to all forms of governmental action. Witnesses cannot be compelled to give evidence against themselves. They cannot be subjected to unreasonable search and seizure. Nor can the First Amendment freedoms of speech, press, religion, or political belief and association be abridged." 354 U.S. at 187.

Any Congressional investigation, therefore, must proceed along well-developed and clearly defined guidelines which not only embody the principles of the Bill of Rights but also, at the very least, conform to existing statutory and criminal procedures. Accordingly, the ACLU proposes the following guidelines to protect the rights of individuals involved in the Select Committee's investigation:

1. Before airing defamatory, adverse or prejudicial information, the Committee should screen such material in executive session to determine its reliability.

2. An individual whom information tends to prejudice should be properly notified and given an opportunity to appear before the Committee in executive session. He or she should be allowed to call supporting witnesses if requested, and to produce other evidence in order to rebut prejudicial information. The same requirement of fair notice

pertaining to witnesses at public hearings should apply, including a ban on disclosure of names of witnesses in advance of their appearance.

3. There should be an absolute prohibition on the publication of information discussed during the executive session, prior to a determination of whether to hold a public session at which the defamatory information will be presented.

4. The Committee should not be permitted to recall for a public hearing a witness who has claimed the privilege against self-incrimination in executive session in response to certain questions put to him or her, merely in order to ask the same questions publicly.

5. If adverse testimony is given in public session after the Committee has determined in executive session that it is appropriate to the investigation, any person about whom such testimony is offered should be afforded an opportunity to:

a. testify or offer sworn statements in his or her own behalf;

b. subject the witnesses offering prejudicial testimony to cross-examination;

c. obtain the assistance of the Committee in compelling the attendance of witnesses and the production of documents reasonably necessary to rebut the charges against him.

6. Intrusive investigative techniques which raise serious constitutional questions, such as wiretapping and polygraph testing, should be flatly prohibited. The invasion of individual rights which results when these techniques are used in criminal investigations would be greatly magnified if they were to be employed in a broad Congressional probe such as the one to be undertaken by the Select Committee.

We do not offer these suggestions to impede the search for the truth about these tragic assassinations. We believe, however, that any Congressional investigation, regardless of the subject matter, must comport with the Constitution. We therefore request that the Select Committee's investigation not continue until the guidelines we are proposing have been established.

Yours sincerely,

JOHN H. F. SHATTUCK,
Director.

NO CONGRESSIONAL PAY RAISE

HON. DAVE STOCKMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. STOCKMAN. Mr. Speaker, inflation is a fact of life for all Americans. It affects every aspect of how they live their lives. Unfortunately for most Americans, only 535 of us can assemble in Congress and vote ourselves a big pay raise when the pressure gets too severe. For the Congress to grant itself a pay increase that is greater than the median income of this country can only set a bad example. It makes us hypocrites as we call on others for restraint.

Although the series of recommendations transmitted to the Congress by the President on January 17, 1977, includes pay increases for employees of all three branches of Government, an increase for the Congress presents significantly different issues from those presented by an increase for executive branch officials or judges. The "compression" phenomenon that reduced the differentials in pay at the highest levels of the executive, the substantial increases in private sector salaries, and the resulting reduced attractiveness of Federal service may harm executive branch recruitment. The Federal judiciary must compete with lucrative private law practice for the best legal talent.

For the Congress to approve pay raises for these two coordinate branches of Government is appropriate; but for a sitting Congress to approve a pay raise for itself is contrary to generally accepted principles of good government. If, after study and consideration of the issues, the Congress believes it necessary to give its Members higher salaries, it should do so gradually, beginning with the next Congress. It should not give itself a raise through the back door of letting stand a recommendation transmitted by the President.

One of the principal arguments advanced by supporters of the big jump in congressional pay is that the Members cannot devote full time to their jobs. They are compelled, the argument goes, to fly all over the country on speaking engagements because they need the money from the honoraria. If this is indeed a problem, it should be addressed directly. Raising the pay of the Members provides no assurance that this practice will stop.

For these reasons, Mr. Speaker, I will join Mr. PRESSLER in sponsoring a resolution to disapprove that part of the President's submittal that would raise the pay of the Congress.

KASTEN CONGRESSIONAL CLUB

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. KASTEN. Mr. Speaker, again this year I am pleased to report on the operation of the Kasten Congressional Club, organized in 1975 to assist me in communicating with constituents of the Ninth Congressional District.

The following is a report of the receipts and disbursements of the club:

KASTEN CONGRESSIONAL CLUB, NINTH CONGRESSIONAL DISTRICT, STATE OF WISCONSIN

ANNUAL REPORT OF FINANCES—1976

Receipts:	
Memberships (254 members at $25 each)	$6,350.00
Disbursements:	
Newsletters	5,020.44
Meetings	730.39
Travel	409.84
Membership solicitation	115.26
Supplies	71.96
Total disbursements	6,347.89
Excess of receipts over disbursements	2.11
Cash at beginning of year	77.10
Cash balance at end of year	79.21

For the record, may I restate the purposes of the club as described in its articles of incorporation:

The purposes of the Kasten Congressional Club shall be to assist the Representative to the U.S. House of Representatives from the Ninth Congressional District of the State of Wisconsin in communicating from time to time with the constituents of the Ninth Congressional District and to provide financial assistance for those ongoing functions of office which may not be adequately provided by the U.S. Government. It is the intent of this club that the fulfillment of such purposes will enable the electorate of the Ninth Congressional District to be served more effectively and openly in the U.S. House of Representatives; and it is the belief of the club that two-way communication between citizens and their elected officials is an essential ingredient of effective democracy.

Any campaign involvement by the club is strictly forbidden by its articles of organization which state:

Under no circumstances shall this club participate in any way or in any activity which has as its purpose influencing the nomination for election, or election, of any person to Federal office.

Mr. Speaker, the club is governed by an executive committee consisting of four outstanding community leaders in the Ninth District. It includes Henry O. Allen, chairman; Mrs. James Englander, secretary; Ralph S. Huiras, and M. E. Nevins.

Membership is open to any resident of the Ninth District who voluntarily pays annual dues of no more than $25 per person. All 1976 contributions were personal, and no funds were contributed by corporations or labor unions.

Organization of the Kasten Congressional Club has provided a service to the constituents of the Ninth District by increasing the opportunities for two-way communications. It has served as a valuable supplement to the official duties of my congressional office.

A TRIBUTE TO AN OUTSTANDING JOURNALIST

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. MOTTL. Mr. Speaker, the golf courses of Greater Washington became the biggest winners today when one Robert Crater called it a career as Washington correspondent for the Ohio Scripps-Howard Bureau. Bob, an avid golfer, is hanging up his typewriter and substituting it for his trusty putter.

But where there are winners, there are also losers. And the losers in the Crater retirement are many. They include the millions of readers in Ohio who have learned to enjoy and benefit from the daily articles that Bob has written for them. They include U.S. Senators, U.S. Representatives and other Government employees that Bob has covered during the years with such a great degree of fairness and dignity. And they include his fellow-newsmen who possess great respect and admiration for their retiring colleague.

I have had the opportunity to get to

know Bob Crater fairly well during the past 2 years. I did not always agree with the articles he wrote, but they were fair and accurate. His readers and the public couldn't ask for more.

It is reassuring to us on the Washington scene that Bob and his wife Sally will not completely close the door behind them. They plan to stay in this area—at least for a while—while Bob straightens out those minor flaws in his golf game which he has been working on to correct since Bobby Jones won the grand slam.

Seriously, though, Bob will be missed by all of us. His dedication, his integrity and his other fine qualities set the standard for other newsmen to emulate.

Join with me in offering him our best wishes for a happy and enjoyable retirement.

INTERNATIONAL TERRORISM MUST BE STOPPED

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. SIMON. Mr. Speaker, last week our new colleague from New York, Representative THEODORE WEISS, asked several of us to join him on the floor to discuss the incident in France which has disturbed so many people in this country and around the world. I regret that I could not join the discussion at that time, but I want to add a word now.

International terrorism has become an unfortunate fact of modern life. Each year brings new cases of innocent citizens being kidnaped, maimed, and murdered by members of desperate political movements. Consider a brief listing of some of the atrocities committed in the past 5 years:

The killing of two American diplomats in Khartoum in 1973. The raid on the 1975 OPEC meeting in Vienna, resulting in three deaths and the kidnaping of a number of oil ministers. The June 1976 murder of the U.S. Ambassador to Lebanon, his aide, and their chauffeur in Beirut. And the plane hijacking which was ended by last year's famous Entebbe raid.

The infamous act which kicked off this half-decade of terrorism occurred in Munich. The murder of 11 Israeli athletes during the 1972 Olympic games follower a mass kidnaping reportedly planned by Black September terrorist Abu Daoud.

Last week, the French arrested Daoud, thus presenting the opportunity to turn him over to the Israelis and West Germans for trial. Instead, France capitulated to economic blackmail and shipped Daoud off to asylum in Algeria. In the process, the French ignored their responsibility to the world—for only with a united worldwide stand against international bandits such as Daoud can the spread of terrorism be halted. France's refusal to stand up to the extremists among the Arabs can only have the effect of encouraging future atrocities and making it difficult for the rest of us to win the war against such violent, disruptive acts.

After the Entebbe raid last July, Israeli Prime Minister Rabin declared:

> This is Israel's contribution to the fight against terrorism, a fight that has not yet ended.

Unfortunately, it is also a fight that some nations have apparently decided to sit out.

LOW-INCOME HOUSING UNITS BAD BARGAINS FOR TAXPAYERS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. BURKE of Florida. Mr. Speaker, I would like to call the attention of all my colleagues to an editorial appearing in the December 29, 1976, edition of the Miami Herald. The editorial, entitled "Give Stiff Penalties in Housing Scandal," lashes out at the mismanagement, the neglect, the vandalism, and the possible conflict of interest and public corruption involved in the FHA-insured Crystal Lake Gardens low-income housing project in North Hollywood, Fla.

The Crystal Lake Gardens housing rental project—an outgrowth of section 236 of the National Housing Act—had its original beginning in 1971. At that time it was designed to contain 201 units having from one to four bedrooms to be rented at a minimum cost of $118 per month and at a maximum of $146 per month.

However, for a variety of reasons the project was closed down by the contractor for the second and final time in early 1974. At that time the project was estimated to be 70 percent completed. Since then, however, the project has been subject to extensive vandalism. A study done by the city of Hollywood engineers revealed in 1975 that the estimated retrievable portion of the project may now represent only 20 percent. A Broward housing authority official has stated publicly that only 100 of the 201 housing units may be salvageable. If this is true—and the evidence indicates that it is—the total cost of one small cramped apartment could run in excess of $62,000.

This and similar evidence coming from around the country is clear. And the verdict is undeniable. If we in this Congress are truthfully concerned with helping the poor, we must begin to look beyond our intentions to the consequences of the actions we take. The plain truth about projects such as Crystal Lake Gardens housing project is that they do not help the poor who were the intended recipients of the program. Instead, these projects give to a few corrupt individuals an incredible opportunity to profit at other people's expense. But, to the many who were told to anticipate the completion of this project, it has become a nightmare. And to the country which has demanded help for the poor, it has become a national disgrace.

Mr. Speaker, I submit this editorial for publication in the RECORD and I ask my colleagues to review it carefully before passing similar legislation in this 95th Congress. While this and similar programs bespeak of the good intentions of the Congress, it is becoming increasingly clear that good intentions are no longer sufficient. Certainly, good intentions have the potential to unleash vast amounts of political reward. But the American people want much more from their tax dollars. And we here gathered together are obliged to give it to them. To do otherwise is inexcusable.

The editorial follows:

GIVE STIFF PENALTIES IN HOUSING SCANDAL

Somebody ought to be fired, or put in jail.

It's that simple. The people responsible should be punished for the handling of the Crystal Lake Gardens low-income housing project in North Hollywood.

The incredible mismanagement and possible corruption involved in the Crystal Lake project could push the eventual price of one cramped apartment to an incredible $62,000.

The story of Crystal Lake Gardens is perhaps the sorriest in the sorry history of the Federal Housing Administration in South Florida.

The 201-unit derelict looks like a bombed-out complex, so complete has been the vandalism at the site since work was stopped in January 1974. The Fort Lauderdale builder who started the job, David Howell of Well Built Construction Co., spent $2.4 million on the project before he ran out of money with the project 76 per cent completed.

Now the Broward County Housing Authority is about to get $3.8 million to rehabilitate the project. But it can't start work until an architect completes an $80,000 evaluation of how many of the original 201 units can be salvaged from the vandalized ruins.

Is it any wonder many people in Broward shudder at the thought of low-income housing?

A highly respected Broward housing official, acutely aware of the essential need to provide low-cost housing to thousands of our residents, concedes that people can't be expected to look on calmly while they pay $62,000 for one cramped apartment.

A confidential memorandum prepared by an FHA underwriter suggested Well Built was "the recipient of favoritism by a particular (FHA) official." The memo didn't name the official, but an audit now underway and due out next month should.

The memo also points out that more money was drawn out of FHA-insured accounts than wsa paid out to subcontractors at the Crystal Lake Gardens apartments.

The underwriter noted that Howell's firm had a nearby conventional project that "causes me to wonder if the funds not paid to the HUD project subcontractors were not diverted to the conventional project subcontractors. I believe only a proper audit would determine what actually occurred."

Several other financial "oddities" were discussed in the memo and someone needs to be held responsible.

The FHA also neglected to hire a security guard when the work stopped at Crystal Lake. The vandals ran wild. They broke nearly every pane of glass in the complex, stripped electrical and kitchen fixtures and turned the place into a trash heap. Derelicts now use the complex, cooking fires in the tiny living rooms and using closets and bedrooms for toilets.

When about everything imaginable was vandalized, the FHA finally got around to hiring a security guard.

If mismanagement on this scale occurred in private business, several people immediately would be looking for a job. In the federal agency, the bureaucrats too often just

move on to the next mistake and the builder isn't forced to answer for what happened.

That must stop.

One sure way would be to fire the people responsible, or put them in jail if they broke the law.

CONGRESSMAN HOWARD OFFERS FAR-REACHING PROPOSAL FOR BALANCED TRANSPORTATION PROGRAM

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. WRIGHT. Mr. Speaker, last week my good friend and colleague, JAMES J. HOWARD of New Jersey, revealed a total surface transportation program that promises to be the most far-reaching and innovative proposal of this nature to date. I insert it in the RECORD so that others may be apprised of his recommendations to establish a mass transportation trust fund and a program that dramatically increases the Federal Government's commitment to bridge repair and reconstruction.

I know that Mr. HOWARD, as chairman of the Surface Transportation Subcommittee of the Public Works and Transportation Committee, plans to move ahead swiftly with these proposals. I urge that others read his words so that the full House as well as the Public Works and Transportation Committee can become a forum to determine just how we can meet the transportation needs of all the people in this country:

SPEECH BY REPRESENTATIVE JAMES J. HOWARD

I am very grateful for the opportunity to meet with you today to discuss one of the most important duties of the 95th Congress. And that is the formulation of a national total surface transportation policy and the implementation of a national total surface transportation program. What we will be doing together over the next two years will involve the most substantive changes in transportation since the invention of the automobile.

It is appropriate that those of us in transportation review where we have been, where we are now and what we have to do in the near future. As many of you are aware, in the last Congress we modernized the jurisdiction of many committees, particularly the Committee on Public Works and Transportation. And the subcommittee I chair, which had been known as the Subcommittee on Roads, became the Subcommittee on Surface Transportation.

We retained all the jurisdiction we've had through the years over the highway program, implementation of the Highway Trust Fund, beautification, relocation, safety, and added a portion of motor vehicle safety, jurisdiction over the ICC, except for railroads, and jurisdiction over mass transportation. We put ourselves finally in the position to look at surface transportation as one unit—to study this broad category of services which constitutes close to 20 percent of the Gross National Product and 15 percent of the civilian labor force. We finally had the opportunity of meeting *all* the needs of *all* the people in *all* the sections of the country in the area of surface transportation.

In the last Congress, as you know, we went through exhaustive hearings on a highway bill. They lasted over a year. We heard personally from 168 separate witnesses. We had testimony sent to the Subcommittee from an additional 75. We spent days marking up a bill. And after the passage of the bill in the House, we spent weeks in meeting with the Senate to iron out the 77 items in disagreement we had before the Federal Aid Highway Act of 1976 was ready to be sent to the President. You are all familiar with the bill, its new flexibility, its streamlining and its cost. We're proud of it. But we knew it was only a holding action, a temporary measure. Perhaps only a hedge while we looked to the future.

We asked those who testified to give us their views, not merely on this year's or next year's highway bill, but their views as to what the Federal government ought to do during the coming 20 or 30 years in the field of surface transportation. We now have two volumes representing 1,895 pages of testimony from people from all walks of life—from both the public and private sectors—offering valuable insights into the possibilities for transportation to the year 2000.

We told our colleagues that during the 95th Congress, we would come up not only with a surface transportation policy and its implementation by legislation, but also a funding mechanism that would assure that our proposals would be backed with a sound source of funding. We made many commitments and in this Congress we must meet those commitments. And we're going to need the help of everyone of you, as well as many other people to put this program in motion.

We do have the advantage of a new Administration we feel will cooperate in this endeavor. The wish to modernize the surface transportation policy of this nation has been stated many times by the President and others downtown. In Brock Adams, we have a transportation secretary who is an expert in the field. He approaches problems with vigor. His solutions are logical and imaginative and he is a master of the legislative and budget processes.

So as we look forward to the next two years, what must we do? We certainly must continue our commitment in the fields of highways and highway-related areas. We have to do all we can to complete the Interstate System. But I think the time has come to look at this system, to look at what remains to be completed and to admit that there are many portions that will never be completed; to try to finish what we can as soon as possible and to begin to divert funds that may not be needed for the Interstate System to other highway-related needs.

And what are these needs? What's new? Well, one new thing, only new as far as talking seriously about doing something about it, is the condition of our nation's bridges. We have, according to a recent report, over 100,000 unsafe bridges in this country. Every state in the nation is plagued with decrepit and hazardous bridge spans. The estimated cost to correct the problem of unsafe bridges on the Federal system alone is $11.4 billion. And equal amount is needed for the off-system bridges. None of the states have, or will have, the wherewithal financially to do anything about them.

And what are we doing in our own Federal effort? Under the present legislation, we are making a commitment of only $180 million per year Federally on the total bridge replacement program. This is almost an embarrassment, it is *so* inadequate. During this Congress, we have to come up with a bridge replacement and reconstruction program for the next six years at a rate of approximately $2 billion a year.

Our primary system has been neglected for many years due to the tremendous attention and priority given to the Interstate System. We're going to need somewhere between 1 and 2 billion additional dollars per year for upgrading of the primary system in this country.

We can and should do more in the broad field of safety on the streets and highways of this country. We have no idea as yet as to how much additional funds should be put into that. But we're talking right there—aside from everything we're doing now—about an additional $3 to $4 billion in highway programs alone. And what we're going to have to do is go back to our states and to assure ourselves that if we here in the Congress make this effort, if we increase the amount of money in the Trust Fund, the states then are going to have to do their share to come up with the matching money. We certainly can't afford to have a repeat of what we had last year, where we authorized $7.6 billion for the year. We fought tooth and nail with the Budget Committee and the Appropriations Committee, who wanted to put a $7.2 billion ceiling on expenditures for last year. We fought the battle for weeks. We won it, for awhile, but finally we lost. We saw by the end of the year that the states with their matching effort were only able to utilize $4.5 billion. So far this year, there has been some improvement and it appears that if we continue at the same rate, we will be getting much closer to the allowable obligational ceiling. Still, finding adequate matching funds will have to be a priority item among the states if we are to make this program succeed.

Mass transportation. We have a commitment also in the field of mass transportation. The only way that we can provide adequate mass transportation in this country, in my estimation, is by providing mass transit with the same kind of long-range, stable, secure funding mechanism that we have provided over the past years to the highway program. *And that means a mass transit trust fund.* A fund upon which cities and states could draw for both capital and operating expenses. A fund which could improve rail beds for the commuter trains of this country. A fund which, perhaps down the road, could set the stage for acquiring additional money to create a kind of Interstate Railroad System.

We are working with two question marks here. Where are we going to get the money? How are we going to spend it? Well, in this Congress we have to develop a program. We talked for two years about it. We have urged everybody in transportation, whether they be roadbuilders, truckers, contractors, subway operators, bus people, to work together, because this Congress will not approve any piecemeal surface transportation programs. We have to come up with a whole package.

And so today I'm presenting a plan and a program, a very rough outline, to be sure, but a start. My program may not be the answer. But what I have tried to do in formulating this program is to be logical and practical and fair.

And so here it is—for better or for worse—The Howard Plan. And I invite everyone here and across the country who may have a better idea, may have a better program: Bring it to the Congress. We're ready and willing to listen. We're flexible. We're open-minded. We're not locked in concrete so to speak to any specific program. But we need *something* with which to start. The main problem we face is: where are we going to get the money?

First, for the highway programs, we're going to need three to four billion dollars additional as I've said, for the programs for bridges, and the primary system and safety. The only place we can get that money is from the Highway Trust Fund. But not the Highway Trust Fund as it exists today. There is not enough money coming into the Highway Trust Fund each year, to meet the costs of the needed programs that we have. We're only taking in $6.7 billion dollars a year, from our four cent gasoline tax and the

various excise taxes. And yet we're authorizing expenditures of $7.6 billion a year, and in 1975 we obligated $7.9 billion. So what we're talking about is additional money.

Since 1959, the Highway Trust Fund share has remained constant, four cents a gallon. The time has come, for the Public Works and Transportation Committee, to go to Ways and Means, and ask for an additional three to four cents a gallon for the Highway Trust Fund.

During the past few years, we have heard a great clamor, by many people in the Administration and across the country, urging us to increase the cost of gasoline for conservation purposes. If the price goes up a little bit the people will use less, and that will help us in combating the energy problem.

Well maybe it will and maybe it won't. Let's raise the gas cost three to four cents. But instead of taking that money and just putting it in the pockets of the oil companies, let's take it and put it in the Highway Trust Fund where it can do a lot of good for all the people in all the areas of the country, creating jobs, improving the transportation system, making our roads safer, improving the bridges so we won't have the disasters we have seen in the past few years. That would be a good and proper use of the additional money.

So one part of my plan, is to increase the money in the Highway Trust Fund an additional three to four billion dollars a year to meet the added needs we see in the future.

And now what about mass transportation?

We need a program, in a rough amount, of $2 billion dollars a year, *in addition to what we have in our present programs*. This money could come from taking two percent of the present corporate profits tax, and placing it into a mass transportation trust fund.

For the past few years, we had former President Ford sending tax reform proposals to the Congress. In his proposals, each time he asked the Congress to reduce the corporate profits tax on earnings over $50,000 a year from 48 percent to 46 percent. Apparently, it's not needed in the treasury. My proposal is to take that two percent, which in a moderate economic year, would amount to approximately $2 billion, and to place it in a mass transportation trust fund. Each percent in a year such as we've just experienced represents about a billion dollars. It's not a new tax. It's not increasing any tax. What corporation in this nation does not have a vested interest in a transportation system serving commuter railroads and buses in this country? So I think it's about as close as we can come, for practical purposes, to a user tax. We certainly can't dip into the fare box from the subway system of the City of New York and expect to generate enough money to improve the mass and rail transit in that city.

What will we do with the money? Our minds are open as to how we may be able to use the money. Certainly we can expand and revise the programs already authorized by the Congress. And here's a possibility for the future if additional funds become available after we have taken care of our urban and commuter needs. It might be wise, short of nationalizing the railroads and mass transit systems in the country, to create in a federal-state partnership, a 50,000 mile interstate railroad system from the existing system. We know that there's a tremendous need in this country, to improve the rail beds. We just had a report a few days ago concerning the Amtrak trains, the new engines. The report said that they are tremendously restricted, not able to travel as fast as they might, for one reason: the rail beds are inadequate. Well, if we can establish this program, use the federal funds in a partnership with the states, on the major rail lines in this country, to upgrade these rail beds, to relieve the railroads of the burden of the taxes that they pay on them and some of their other expenses. . . . that in turn would release a lot of money for the railroads which they could put into other services to improve their own systems. This along with other programs would not only create jobs and give the economy a boost, but would free up a great deal of money to upgrade the actual comfort, dependability and operation to entice people, where possible, to use mass transportation in this country.

I think that we should also consider the water transportation in this country. Perhaps it ought to be brought, on some sort of trust fund system, into the whole transportation network.

And of course, there might be money in this program that we could "formula out" to the states to enable them to put it to use in *any* particular surface transportation improvement that they deem necessary for themselves. There's no doubt that mass and rail transportation and highways are all part of a national need and national responsibility and we have a duty to make sure that we have as adequate a system as possible.

But there also has to be recognized that the various states are very different and they may have, in addition to the overall national need, *particular* needs. And I think that we ought to put into this program as much as possible a flexibility to improve the surface transportation within each state.

I feel certain that if we're going to be successful, we're going to have to go to the Ways and Means Committee and then later to the Floor of the House Representatives with a *total package*. We're going to have to prove to our colleagues that we followed up on the promises we made during the last Congress—that in this 95th Congress we will come up with a *total program*. We cannot, maybe we should not, be permitted to just add on an improvement, in addition to the Federal Highway Act that we have had in the past, to say that we need another $3 or $4 billion in the Highway Trust Fund for our bridge program, our primary system or whatever. And say, "Later on down the road, we'll take care of mass transit, sometime in the future." Well, the future is now. In this Congress, we're committed to go to the Ways and Means Committee with a total program, and say, "This is what we have for railroads, this is what we have for mass transit, this is what we have for highways."

Al Ullman told me last year—he's the Chairman of the Ways and Means Committee, as you know—that his Committee is going to be so busy during this Congress that they will not have time to go in depth into the problems of funding transportation in this country. If we want a new program, if we want an expanded program, if we want an additional trust, fund, we will have to do the research, we will have to do the work, and then bring our proposal to his Committee. This is a tremendous responsibility, but it's also a tremendous opportunity for all of us. We can do our work during this next year or 15 months and come up with the best program for all.

As I said, maybe my program, maybe the corporate profits tax of two percent and the addition to the gasoline tax is *not* the answer. If there is a better answer, all we want to do is hear it, have it shown to us, have it proven to us, and we'll be willing to accept it. But we have used up all the time that we can in discussing the "possibilities," and "how abouts", the "maybes." "Maybe we should", "maybe we shouldn't." We've got to begin to move now.

As Chairman of the Surface Transportation Subcommittee, I intend to move with this program and to stay with this program until I hear of a better one. We cannot let this 95th Congress end without presenting to the states, the municipalities, the cities, the suburban areas or the people of this country, a comprehensive surface transportation policy backed up with a solid, stable funding mechanism that can assure them that as they determine their needs down the years that the Federal government will do its part in providing the wherewithal, namely the funding, so that they can implement these programs.

And so, let's work together. Let's cooperate. Let's put together the plan.

One of the things I have found since becoming Chairman of the Subcommittee on Surface Transportation, is that all the members of my committee, whether they be liberal, conservative, Democrat or Republican, urban, suburban, or rural, are willing to look at their total responsibility, for the good of the whole nation. Not only their own parochial city needs for subway money, ignoring everything else, not merely just new highways from place to place, ignoring the other needs, the needs for reconstruction, resurfacing in some of our older states. They're willing to listen and be sympathetic to and responsive to the needs of the entire nation. And I'm happy that, not only members of my committee, but interested groups all over the country, have taken this broad view. And it is only by taking this view, with our own input concerning what we need but also a responsiveness and a concern for the needs of *all* the people, can we come up with the kind of program that will benefit the entire nation.

Some things are desperately needed, such as the bridge program, and commuter transportation. They must be a part of this program. It's a program that can only be put into operation with the expertise, the interest, the care, and the cooperation of all of you.

So come and see us. We're ready to talk. We're ready to listen. But hurry! Because we're ready to go! We're ready to put together the total surface transportation policy and program for the next 30 years. It's a job for all of us. We need you.

Thank you.

CODY BAND MARCHES IN PRESIDENTIAL INAUGURATION

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. BRODHEAD. Mr. Speaker, the inauguration of a new President is one of the most important of our national celebrations. Every 4 years Americans gather in Washington to swear in our new national leaders and to recommit ourselves to the principles on which the Nation was founded.

Every State in the Nation participates in the inaugural parade that traditionally follows. To be chosen to appear in this important event is a great honor, an honor that this year was conferred upon the Cody High School Band representing Detroit and the State of Michigan.

The Cody High School Marching Band, located in the congressional district I represent, richly deserves this recognition. The band, 130 members strong, performs on an average of once every week, not only in Detroit and in Michigan, but in such faraway places as Mexico and Italy. The Cody band played bicentennial concerts in Philadelphia and in

Washington, D.C. and was chosen the outstanding marching band in Windsor, Ontario.

These achievements were possible only because of the hard work of Band Director James Harris and his dedicated students. The band practices daily during the school year from 3 to 5 p.m. and attends intensive training during the summer at Oakland University in Rochester, Mich. Although the financially strapped Detroit public schools have been forced to discontinue music classes, over 60 percent of the students, encouraged by Director Harris, take private music lessons at their own time and expense. These extraordinary efforts have greatly benefited the school and the community. The band is renown for its precision formations and rousing music, written expressly for the band by Jerry Bilik of the University of Michigan.

The Cody band is the first band to represent Detroit in a Presidential inaugural parade, and they performed outstandingly. I commend Director Harris and his students on their latest in a long list of accomplishments.

PARDONING DRAFT VIOLATERS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. MAZZOLI. Mr. Speaker, on the first full day of his administration, President Carter pardoned most Vietnam-era draft offenders. Those who used force to resist or dodge the draft were excluded from the pardon.

The pardon took the form of an Executive order, which becomes effective the moment it is signed by the President.

Even though Congress does not vote on Executive orders, President Carter's pardon is such an important issue that I feel all Members of Congress should make their positions on the pardon known.

I support President Carter's action, but I do so with real concern. It could cause us to forget that our obligation—as a nation—goes beyond closing the book on Vietnam. It includes devoting our Nation's abundant resources to meeting the educational, social, medical, and financial needs of those who put aside family and self and answered their country's call.

Since coming to Congress, I have given my wholehearted support to veteran's legislation which improves disability, employment and retirement compensation, improves health services and educational benefifts, expands housing assistance, and expands our national cemetery system.

Already in the 95th Congress—just a few weeks old—I have cosponsored a bill entitled the Comprehensive Veterans Readjustment Assistance Act of 1977. That is a "mouthful" but the bill contains a "mouthful" of improvements to the GI bill.

I have also cosponsored in the 95th Congress three additional measures of direct interest to veterans: a bill to insure that recipients of VA benefits receive their full measure of any future social security increases; a bill which qualifies hemiplegics for all mortgages assistance programs available to veterans; and a bill to provide for a better system of reviewing and upgrading less than honorable discharges.

So, Mr. Speaker, as Mr. Carter's attempts to bind up our Nation's wounds by pardoning draft violaters, I hope he will not fail to give tribute—in word and in action—to the men and women who served in this Nation's Armed Forces honorably and well.

PROHIBITION OF TRAVEL ABROAD BY LAMEDUCK CONGRESSMEN

HON. DAVE STOCKMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. STOCKMAN. Mr. Speaker, every 2 years we witness the familiar mass exodus of lameduck Congressmen on trips abroad. It is in an effort to bring a halt to this unwarranted expenditure of public funds that I am cosponsoring with the distinguished assistant minority leader legislation to prohibit travel abroad at Government expense by Members of Congress who will not be Members of the next Congress.

Our Nation is currently going through a period of economic strain. We are facing the combined threats of inflation, recession, and unemployment. Prices are on the rise, and some assembly lines are closing down.

In order to help weather this economic crisis, we have called on the American people to tighten their belts and make sacrifices where it hurts—in their pocketbooks. Under these circumstances, it is especially incumbent on us in the Congress to set our own House in order.

This legislation is by no means intended to prevent Members of Congress from fulfilling their constitutional responsibilities. I am fully aware of the important benefits to the legislative process which can be derived from prudent congressional travel. Congressmen can use these opportunities to gather valuable background information for their committee work, lay the foundation for new legislative initiatives, and exercise their investigative powers and responsibilities over programs which Congress has instituted. This bill is not meant to interfere in any way with the normal workings of this legislative process.

However, it is hard to imagine what legitimate purpose is to be served by a trip of this nature when a man's term of office is about to expire and he is not returning to the new Congress. This is the area about which the public feels very uncomfortable and over which they have every right to hold us accountable. Common sense should dictate which trips are of benefit to the taxpayer and which are ripoffs. Taxpayers should not be forced to foot the bill for "going away" parties for departing Members of Congress.

Mr. Speaker, it is always important for Congress to set an example of prudence and self-restraint in regard to our own salaries and perquisites. This piece of legislation is a small but significant step in the direction of rebuilding confidence and restoring public trust in the Congress.

Finally, I hope that President Carter will take note of this action and instruct the executive agencies to curtail any superfluous travel by their officials, particularly those about to retire.

TRIBUTE TO G. HOMER SKARIN

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. GIAIMO. Mr. Speaker, in my years in the House of Representatives, I have had the good fortune to make many friends on the Hill. Perhaps the only unfortunate result of this is that the longer I remain, the more likelihood that some of my old friends will be leaving Capitol Hill. In this instance, such an event has once again occurred. My good friend, Homer Skarin, chief clerk of the HUD-Independent Agencies Subcommittee of the Committee on Appropriations, has announced his retirement after 29 years of devoted service with the committee.

When Homer Skarin came to Capitol Hill in 1948, the House was a far different institution from what it is today. Homer was one of the principal architects of the process by which our present structure developed. He and other old hands who make up the strength of the Appropriations staff have seen a great deal of change in the substance and scope of committee work, reflecting the modifications of agency functions by legislation and the increasing role of Federal expenditure in our Nation's economy. Homer's clerkship of the Deficiency Subcommittee and the HUD-Independent Agencies Subcommittee over the years has brought these sometimes flexible, other times fragile alliances through the periods of change and crisis which have formed the basis of Federal policy these past 3 decades.

During my years of tenure on the HUD-Independent Agencies Subcommittee, Homer was a valued coworker and a ready source of expertise and humor. His unfailing labors for the subcommittee were such that Members' reliance on him constituted one of the salient facts of our committee life. His modest but thorough style was felt by all Members who came to respect his judgment as always prudent and readily available. Homer's character was found to be valued both on the Hill and downtown; he has remained one of the bulwarks of our system of government.

We shall all miss Homer from these halls. I wish Homer and Lois, his wife, the best of everything in their well-deserved retirement.

LET US INCLUDE THE COST OF PRESCRIPTION DRUGS UNDER MEDICARE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. OBEY. Mr. Speaker, today, for the fourth successive Congress, I am introducing legislation to add out-of-hospital prescription drug coverage under medicare. This bill would expand medicare benefits for the millions of elderly and disabled people who suffer the double jeopardy of chronic illness and financial insecurity.

Since 1966, the medicare program has provided coverage for almost all of the inpatient hospital expenses of the elderly and for a significant portion of their expenses for physicians' and other medical services. However, a serious gap in coverage which affects the most vulnerable population group in our society—the chronically ill—remains to be closed. Prescription drugs are the most essential life-sustaining treatment for many of the serious long-term illnesses that afflict the aged and disabled. Yet for too many of these people the choice between purchasing the drugs prescribed for their chronic conditions and providing for their basic food and shelter needs has become an untenable dilemma. This situation is intolerable and the time for action to change it is long overdue.

In 1971, 1973 and 1975 more than 100 House Members joined me in the effort to relieve the financial burden that prescription drug expenses place upon senior citizens and other medicare beneficiaries. In 1972 and 1973 the Senate overwhelmingly approved amendments to the Social Security Act to add outpatient drug coverage for medicare recipients.

However, in spite of the significant support by House and Senate Members, the full House has never had the opportunity to vote on this critically important program. Both times the Senate amendments were either deleted or died in conference.

This year there will probably be moves to deal with the problem of social security financing as well as some steps toward a comprehensive national health care plan. The prescription drug coverage provision under medicare which I am proposing can certainly be considered along with these two issues. The inclusion of out-of-hospital prescription drug coverage under medicare should be considered one of the building blocks for national health insurance. In fact, most of the proposals for national health insurance include a comprehensive benefit for prescription drugs. However, I believe that we should work to expand medicare coverage on a small scale now to relieve the deteriorating conditions of life and dignity among our Nation's elderly and disabled.

Under my bill, eligibility for out-of-hospital prescription drug coverage would extend to medicare patients who suffer the most common or life-threatening chronic diseases. Such coverage would target the program expenditures toward patients with such conditions as diabetes, high blood pressure, cancer, arthritis, rheumatism, and chronic cardivascular, respiratory or kidney disease. Aside from the discomfort and disability these conditions often cause, they create additional financial burdens and worries for those people who are already having a difficult time getting along on fixed incomes. On the average, the elderly with chronic illnesses have prescription drug expenses nearly three times higher than those who are not so afflicted.

Generally, the drugs to be covered include those prescription drugs and insulin, necessary over a prolonged period of time for treatment of the most common chronic illnesses. For example, people with chronic heart disease often use digitalis drugs to strengthen their heartbeat, anticoagulant drugs to reduce the danger of blood clots and drugs to lower their blood pressure. These types of drugs would be covered but sedatives and tranquilizers would not.

Briefly, the program would work this way:

First. It would be financed under the payroll tax, part A portion of medicare, which means that individuals would pay for their drug insurance during their working years, rather than later when their incomes are sharply reduced due to retirement or disability. Financing under part A also means that all medicare beneficiaries would be presumptively eligible for prescription drug coverage when they require maintenance drugs, thus avoiding the complicated and expensive administrative determinations of eligibility that often accompany programs that are not universally available.

Second. A special committee called a Medicare Formulary Committee composed of physicians, pharmacists and other health professionals would select the drugs to be covered, and issue a detailed list of eligible drugs, a formulary, each year, with periodic updates as appropriate. The formulary would include drug price limits and other information essential to rational prescribing in order to promote safe and effective drug use as well as program cost control. Although the use of a formulary is a controversial issue, it would be difficult, if not impossible, to achieve high quality medical care, rational prescribing, effective utilization review and control of costs in a drug program without it.

Third. Medicare recipients would make a copayment of $1 each time they had their prescriptions filled. Recipients would not have to pay monthly premiums, keep records or file claims for their drug coverage. The copayment provision is a way to hold down program costs and overutilization and yet it is a nominal fee which preserves the financial relief aspects of the program.

Fourth. Reimbursement would be made to participating pharmacies on the basis of maximum allowable cost of eligible drugs plus a professional dispensing fee. This type of reimbursement system is currently applied in all drug programs supported with Federal funds through the Department of Health, Education, and Welfare. It provides a significant measure of cost control by taking advantage of competitive pricing wherever possible, while recognizing that costs and services vary among pharmacies.

Mr. Speaker, coverage of out-of-hospital prescription drugs has been recommended for inclusion in the medicare program for many years. I believe that this bill contains the proper ingredients for an economically and medically feasible program. While the design for national health insurance will continue to be debated and its implementation undoubtedly delayed even further because of the competition for scarce Federal funds, I believe that a prescription drug program for the elderly and disabled with chronic illnesses is both timely and sound enough financially to warrant prompt consideration by this body apart from the broader health care insurance proposals.

It is estimated that this type of medicare coverage would cost about $1 billion. Admittedly, the program is an expensive proposition. However, there would be an off-setting saving of up to $100 million in the medicaid program, thus making the net cost of prescription drug coverage about $900 million. Furthermore, with an expanded coverage for prescription drugs, many medicare patients who would otherwise be unable to purchase such drugs would avoid the more serious complications of chronic diseases which would require more intensive and expensive medical care in hospitals.

In the final report of the HEW Task Force on Prescription Drugs issued in 1969, it was stated that:

> For many elderly people, illness serves as a major cause of their poverty by reducing their incomes, while poverty serves as a major contributory cause of illness by making it difficult for them to obtain adequate health care.

This vicious circle continues to plague elderly people. It is time to break that circle and remove the barriers that frustrate better health care for the elderly. I believe that the legislation I am introducing today will receive some hope that we can achieve that goal. We should be expected to do much more, and certainly we should do no less.

THE 75TH ANNIVERSARY OF LOUIS ALLIS CO.

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. ZABLOCKI. Mr. Speaker, during the recess I had the opportunity to at-

tend the 75th anniversary celebration of the Louis Allis Co. in Milwaukee, Wis.

Since its founding in 1901, the company has grown steadily, not only in volume of business, but also in its standing within its own industry. Now a division of Litton Industries, Louis Allis ranks among the country's five leading producers of electric motors and related drives and systems. Currently, the company employs over 1,500 people.

Louis Allis customers and competitors alike agree that the company's products deserve their reputation for reliable performance and long life in an unusually wide variety of applications. Louis Allis developed and manufactured auxiliary propulsion motors for America's fleet of nuclear submarines; motors and drives for sophisticated satellite tracking antennas; and many motors and systems used on board ships of the U.S. Navy.

The products of this outstanding Milwaukee company are also in daily use throughout a broad spectrum of American industry, and in a number of countries overseas as well. They work in chemical and petroleum processing; in basic metals; in papermaking, in textiles; in power generation; in pollution control; and in hundreds of other fields.

I am proud of the successful record which the management and employees of this company have achieved throughout their 75-year history, and I am confident that they will continue in their excellent work.

SUPPORT FOR LEVITAS' BILL ON CONGRESSIONAL VETO

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. MATHIS. Mr. Speaker, as an early supporter of Congressman LEVITAS' bill providing for congressional veto of administrative rules and regulations, I commend to my colleagues an editorial which appeared in the Atlanta Journal on January 31 strongly supporting the congressional veto legislation. I worked closely with my colleague Congressman ELLIOTT LEVITAS in the 94th Congress on this bill, known as the Administrative Rulemaking Reform Act. I am pleased that my colleague from Georgia has reintroduced this bill and that to date 120 Members of the House have sought to be cosponsors of the congressional veto concept of administrative rules and regulations.

This editorial speaks not only of Congressman LEVITAS' leadership on this matter, but the pressing need for enactment of this legislation. The editorial reads as follows:

TIME TO STAND UP

Georgia's Rep. Elliott Levitas is renewing his fight to get Congress to exercise veto power over rules and regulations written by federal agencies.

One version of his proposal got the support of 265 House members last year but since it had reached the floor under circumstances where a two-thirds vote was required, it fell two votes short of the number required for passage.

It's time for Congress to quit evading responsibility. The tendency has been for Congress to pass vague, highsounding legislation and then when the bureaucrats start the hard job of interpreting it through administrative rules, congressmen blame the bureaucrats for whatever is unpopular about the interpretation and enforcement. It's time for Congress to tell bureaucrats when they have incorrectly interpreted the intent of the law.

This would not only make for better regulations, as Levitas argues, but it would also make for better legislation by forcing the lawmakers to think through what they intend. And it is the only way to get lawmaking back into the hands of elected representatives.

There has been some concern that congressional review of these regulations might give them more of the force of law than they now have, but some of them already carry penalties of fine or imprisonment for violators, and a procedure in which Congress simply vetoes measures it doesn't approve shouldn't change the status of those which are not vetoed.

This time both houses of Congress should complete action on the Levitas proposal and put an end to the refusal to take responsibility for the laws of the United States.

NAVAL STATION LAW ENFORCEMENT OFFICERS' BENEFITS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. WHITEHURST. Mr. Speaker, there are hundreds of law enforcement officers at the Norfolk Naval Station who do not receive the special retirement benefits that other similar personnel are entitled to due to a technical interpretation of the law. Since the Naval Base police are substantially, not primarily, as the law dictates, involved in the "investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States," these men have been excluded from the special benefits they have earned.

The Naval Base police are essential to the security of the installation as well as the personnel and dependents. Each day, they are subject to the same perils as other Federal law enforcement agents. Mr. Speaker, these men do investigate, apprehend, and detain persons who would do harm to life or property on the Naval Station. In fact, these duties are performed quite frequently. Yet, because these officers also have other less perilous tasks, they are actually discriminated against. In all fairness, I do not see any justification for this.

In view of these officers' dilemma, I have today introduced a bill designed to amend section 8331 of title 5, United States Code, to include therein employees the duties of whose position: First, primarily involve the protection of human life and the protection of property; and second, frequently involve—as determined by the employing authority—the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States; third, if the area over which the employing agency is responsible for protecting includes residential properties.

I hope that my colleagues in the House will join me in supporting this measure to correct this serious inequity.

NATIONAL LUPUS WEEK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. ANDERSON of California. Mr. Speaker, over a third of the elected Representatives of this House have now cosponsored House Joint Resolution 24, a bill to recognize a deadly, widespread disease of the connective tissues that currently afflicts over 500,000 citizens throughout this Nation. This legislation will bring this unknown disease to the public's attention and give hope to our many constituents who must now think that nobody cares.

Mr. Speaker, our goal is 219 cosponsors. I hope that 87 of our colleagues will join with those listed below and agree to cosign this bill. Then the Post Office and Civil Service Committee can consider and hopefully report the legislation at the earliest possible time.

The list of cosponsors of this "National Lupus Week" bill as of this hour is as follows:

James Abdnor of South Dakota.
Daniel Akaka of Hawaii.
Clifford Allen of Tennessee.
Herman Badillo of New York.
Tom Bevill of Alabama.
David Bonior of Michigan.
David Bowen of Mississippi.
John Brademas of Indiana.
John Breckinridge of Kentucky.
Jack Brinkley of Georgia.
William Brodhead of Michigan.
Garry Brown of Michigan.
George Brown of California.
Clair Burgener of California.
J. Herbert Burke of Florida.
Yvonne Burke of California.
Phillip Burton of California.
Charles Carney of Ohio.
Tim Lee Carter of Kentucky.
Del Clawson of California.
E. Thomas Coleman of Missouri.
Silvio Conte of Massachusetts.
James Corman of California.
David Cornwell of Indiana.
Baltasar Corrada of Puerto Rico.
William Cotter of Connecticut.
George Danielson of California.
Mendel Davis of South Carolina.
E. de la Garza of Texas.
Ronald Dellums of California.
Ron De Lugo of the Virgin Islands.
Thomas Downey of New York.
Robert Drinan of Massachusetts.
Mickey Edwards of Oklahoma.
Allen Ertel of Pennsylvania.
Millicent Fenwick of New Jersey.
Hamilton Fish of New York.
Daniel Flood of Pennsylvania.
William Ford of Michigan.
Dan Glickman of Kansas.
Barry Goldwater of California.
Henry Gonzalez of Texas.
Tennyson Guyer of Ohio.

Sam Hall of Texas.
John Paul Hammerschmidt of Arkansas.
Mark Hannaford of California.
George Hansen of Idaho.
Augustus Hawkins of California.
Margaret Heckler of Massachusetts.
Cecil Heftel of Hawaii.
Frank Horton of New York.
James Howard of New Jersey.
William Hughes of New Jersey.
Henry Hyde of Illinois.
Andy Ireland of Florida.
Ed Jenkins of Georgia.
Harold (Bizz) Johnson of California.
Ed Jones of Tennessee.
Jack Kemp of New York.
William Ketchum of California.
Peter Kostmayer of Pennsylvania.
John Krebs of California.
John LaFalce of New York.
Robert Lagomarsino of California.
Raymond Lederer of Pennsylvania.
Norman Lent of New York.
Jim Lloyd of California.
Marilyn Lloyd of Tennessee.
Trent Lott of Mississippi.
John McFall of California.
Matthew McHugh of New York.
Stewart McKinney of Connecticut.
Andrew Maguire of New Jersey.
Ron Marlenee of Montana.
Dawson Mathis of Georgia.
Romano Mazzoli of Kentucky.
Barbara Mikulski of Maryland.
Clarence Miller of Ohio.
Norman Mineta of California.
Joe Moakley of Massachusetts.
Anthony Moffett of Connecticut.
Robert Mollohan of West Virginia.
Carlos Moorhead of California.
William Moorhead of Pennsylvania.
Austin Murphy of Pennsylvania.
John Murphy of New York.
Michael Myers of Pennsylvania.
Stephen Neal of North Carolina.
Robert Nix of Pennsylvania.
Richard Nolan of Minnesota.
James Oberstar of Minnesota.
Richard Ottinger of New York.
Jerry Patterson of California.
Claude Pepper of Florida.
Carl Perkins of Kentucky.
Melvin Price of Illinois.
Albert Quie of Minnesota.
James Quillen of Tennessee.
Nick Rahall of West Virginia.
Frederick Richmond of New York.
Ray Roberts of Texas.
Peter Rodino of New Jersey.
Robert Roe of New Jersey.
Edward Roybal of California.
Marty Russo of Illinois.
Jim Santini of Nevada.
James Scheurer of New York.
Paul Simon of Illinois.
B. F. Sisk of California.
John Slack of West Virginia.
Stephen Solarz of New York.
Gladys Spellman of Maryland.
Harley Staggers of West Virginia.
Fortney Stark of California.
Louis Stokes of Ohio.
Richard Tonry of Louisiana.
Bob Traxler of Michigan.
Al Ullman of Oregon.
Bruce Vento of Minnesota.
Joe Waggonner of Louisiana.
William Walsh of New York.
Henry Waxman of California.
Ted Weiss of New York.
Charles Wiggins of California.
Charles Wilson of Texas.
Charles Wilson of California.
Larry Winn of Kansas.
Antonio Won Pat of Guam.
Sidney Yates of Illinois.
Gus Yatron of Pennsylvania.
Don Young of Alaska.
Leo Zeferetti of New York.

RURAL AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. HAMILTON. Mr. Speaker, I prepared a speech on rural America for delivery before the North Central Jurisdiction Urban Network and the North Central Jurisdiction Town and Country Association in Chicago, Ill., on January 3, 1977. The speech, entitled "Rural America," is inserted in the CONGRESSIONAL RECORD for the benefit and use of my colleagues:

RURAL AMERICA

I. THE NATURE OF RURAL AMERICA

A. National leadership

A national columnist has recently observed that, with the exception of John F. Kennedy, every President of the United States in this century was either born or reared in a small community. The columnist might have mentioned the home town and rural origins of this past year's Presidential candidates and the new leaders of Congress.

When our Nation was young and most of its people lived on the land, it was to be expected that its leaders would have such beginnings. But I have been struck by the fact that persons from small towns and farms continue to provide a large share of the national leadership even though America has become highly urbanized.

B. Values

Why do these men and women rise to the top in leadership? Why do they often refer to their humble beginnings with pride? Why did President Carter return to his home in Plains, Georgia so frequently during the grueling campaign? Many social scientists believe that a tightly knit, small community, where the influence of family and church is strong, creates in people a certain self-confidence and an ability to cope with stress. These same social scientists also cite the smaller scope of rural life: Problems are more easily placed in perspective. In contrast to this, a sprawling, impersonal urban area weakens the influence of family and church, and the fast pact of urban life overwhelms city dwellers with problems that seem too big to handle.

I myself cannot say whether these facts account for the leadership qualities of rural Americans, but there is something about the small towns and farms of America that produces steady, reliable and moderate people of uncommon good sense. After a few days in the supercharged atmosphere of Washington it is always reassuring to me to encounter stable people from the small communities of Southern Indiana. They and people like them have made rural areas the balance wheel and backbone of the Nation.

C. Economy

Rural America, many of whose inhabitants are engaged in agriculture and related pursuits, may not be the most spectacular part of the United States. All too often life there is considered to lie outside the pitch and thrust of "important" affairs. However, the lesson of the Great Depression is clear: a decline in the prosperity of rural America not only hurts the farmer but drags down the economy of the entire country as well. Clearer still is the more recent lesson of the world food crisis: the prosperity of America's agricultural producers is a critical part of the global economy.

Regrettably, with less than 5 percent of all Americans now engaged in agriculture and only 14 of 435 Congressional Districts presently classified as rural, these lessons can be easily forgotten.

D. Summary

Perhaps these thoughts are more appropriate for philosophers, sociologists and economists than they are for Congressmen. What must be appreciated by those of us in Congress are the reasons for supporting the health and vitality of rural America. As I have pointed out, the reasons are:

Its contribution to national leadership;

The values that it instills in its people; and

The close relationship between its prosperity and the soundness of the national and global economies.

II. WHAT IS HAPPENING IN RURAL AMERICA

There are some interesting things going on in rural America today. Let us consider both advances and problems in several areas.

A. Population

In recent years rural America has made strong gains in population. The number of people living in rural areas is increasing at a faster rate than is the number of people living in cities, and even counties not adjacent to metropolitan areas are experiencing rapid growth. A great migration to the countryside has taken place since 1970, reversing the declines in rural population that characterized the 1960's.

For all the talk we hear of the excitement of urban life, it is not hard to understand why thousands of Americans are fleeing from the central cities and suburbs. They seek a life with less violence, pressure and pollution, with more open space, green grass and fresh air. For these Americans the lights of the city no longer glitter and the hope of a peaceful life in the country looms large in their thoughts.

Of course, the rural population boom has been a mixed blessing. It has brought:

Pollution;

Permanently scarred landscapes;

Social tensions; and

Great strains on underfinanced local governments and public facilities.

B. Jobs

Along with people have come jobs. Employment opportunities are increasing rapidly in rural America and the number of poor living there is declining. Labor experts estimate that rural areas have far brighter prospects for economic development than many urban areas have. The figures tend to bear these experts out: according to the latest data, unemployment is lower in non-metropolitan regions than it is in metropolitan regions, and employment in the countryside is increasing at an annual rate nearly twice as high as in the city.

Rural areas also seem to be bouncing back from the recession at a faster pace than are the urban areas, though rural youth still faces a situation in which occupational choices are few.

C. Income

Following trends in population and employment, rural income is also showing strong improvements. For the period from 1970 to 1974, median family income in rural regions rose faster than in urban regions, and there is no reason to expect that this phenomenon will not persist. Rising median income holds the promise of better standards of living in America's small towns and on America's farms.

Other statistics, however, reveal problems still unsolved. The median income of rural workers is about 20 percent less than their urban counterparts. Worse yet, the rural poor receive only 25 percent of all Federal funds for income maintenance and only 30 percent of all food stamps even though they

constitute a full 50 percent of the Nation's poor.

D. Education

Comparisons of statistics on a nationwide basis indicate that rural Americans are reaching ever higher levels of educational attainment. The upward trend is especially marked among the young, who are now better schooled than their elders. This gives us some reason to believe that the age-old cycle of poor education, which in the past afflicted most rural Americans regardless of generation, is being broken.

Of course, there is room for improvement. The road to self-betterment that education represents still has many obstacles for rural students. They achieve less, miss school more and have higher rates of illiteracy than do urban students. Furthermore, the gap in educational attainment between rural and urban students continues to widen.

E. Health

Although it comes as a surprise to many people, national surveys show that rural Americans are as healthy as urban Americans. It has also been established that, by and large, people in rural regions are satisfied with the health care they receive.

These facts, however pleasant they may be, should not blind us to the crisis in rural health care. Even though rural regions contain a high percentage of America's elderly and poor; 138 rural counties with over 500,000 inhabitants have no resident doctor; over 90 percent of all counties suffering from critical health manpower shortages are rural.

While Federal programs to attract doctors and other health professionals to rural regions would help to remedy these problems, the greatest improvement in rural health care could be accomplished by reducing unemployment and raising incomes in order to provide better housing, nutrition and sanitation.

F. Housing

Rural America, always plagued by substandard housing, has seen a considerable improvement in housing in the past few years. It is unclear whether this improvement is due in the main to 40 years of Federal programs, increases in rural incomes, or the recent migration of more affluent Americans from the city to the country.

In any case, staggering problems remain and the relevant statistics tell a grim tale:

More than 1 million families in rural areas are ill-housed; and

Rural areas wiht 25 percent of the Nation's population have 60 percent of its substandard housing.

Decent shelter is extremely scarce for migrant farm laborers, the rural elderly and lower income groups.

G. Community facilities and services

Everyone will agree that adequate community facilities and services are necessary for the economic well-being of rural residents and the further development of rural areas. Without such facilities and services as

Water;

Waste disposal;

Fire and police protection;

Schools;

Health services;

Recreation; and

Roads and highways, rural development is impossible.

Unfortunately, in spite of some progress rural areas have lagged behind urban areas in *per capita* expenditure for such facilities and services in every category except the last. Among the most pressing problems are

An estimated 20 to 30 million rural citizens without adequate waste disposal facilities;

Grossly neglected means of public transportation; and

A jump in the rate of serious crime that has not been curtailed by undermanned police forces.

H. Summary

The scene in rural America today, then, is a mixture of laudable progress and nagging problems. On balance, there is much evidence to persuade us that rural areas are no longer in decline. A turnaround seems to be taking place. The problems, though serious, are not as overwhelming as they once were.

III. WHAT NEEDS TO BE DONE IN RURAL AMERICA

The problems I have just discussed will continue to demand attention until a sustained period of economic growth in rural areas is achieved. We should not be deceived into thinking that Federal programs can make the difference, though of course they may play a valuable, supplementary role. Consequently, economic growth is the primary objective. What must we do to make this growth possible?

A. Understanding rural America

1. Diversity of Rural America

First, we need to understand rural America in all its diversity and its problems in all their complexity. Rural America is most emphatically *not* a homogenous expanse of land on which similar people make their living doing similar things. The logging towns of Minnesota, the ranches of Wyoming, the mining towns of Pennsylvania and the farms of Indiana are all part of rural America's varied face. We ought to rule out any single program or approach from the start.

2. Lack of Attention to Rural America

Second, our attention, the talents of our policymakers and our vast information-gathering systems must be focused on rural America and its problems. This is not to say that we should ignore other troubled sectors of our society, but only that we should give rural America the priority it deserves and needs.

How sorely rural America suffers from this lack of attention! I am often visited in my office by able representatives of the Urban Coalition, the Urban Institute, the Urban League. Where is the Rural Coalition, the Rural Institute, the Rural League? Almost daily I either hear of a meeting of persons concerned about the future of cities or read an article analyzing urban problems and proposing innovative solutions. Seldom do I hear of such meetings or read such articles about rural America.

I am impressed by the fact that, in our excessively organized society, so few are organized to speak for rural Americans in our policymaking councils. Farm groups exist, to be sure, and they are very well organized, but their interest is the economic interest of the farmer *qua* producer of a salable commodity. Most rural Americans, however, are small town dwellers. They are not organized at all.

3. Theories of Rural Development

Third, we need to understand better the theories of rural development. Proponents of these theories are in competition with one another, and so far no clear consensus has emerged from the dispute.

Some argue for the "growth center" as the key to development. They believe that by concentrating investment in these centers growth will occur and spread.

Others do not think that concentration of investment is necessary. They claim that a single plant in a single area may be the best way to develop.

Some question whether development itself is necessarily a good thing. They say that rural areas should simply be left to their own devices.

Others vigorously espouse development in any way, shape or form. They believe that rural areas should seek development aid from any source.

Some contend that many rural communities must recognize that they cannot expect to develop. They assert that the best solution is investment in community services, particularly education, so that rural residents can be equipped with the skills they need to migrate out successfully.

Others talk of economic diversification. They believe that the first priority of any rural area intent on developing is the attraction of industries not already represented in the area.

These alternative approaches to rural development illustrate the complexity of the problem even at the level of theory. The problem is immeasurably more complex at the level of practice.

4. Competition for Development

Fourth, we should understand the competition for development that exists among various rural areas. Every small community would like to attract new industries and new jobs, but there are only a few hundred new plants built in the United States every year and there are approximately 14,000 groups seeking to locate those plants in their own preferred areas.

B. Policy for rural development

It is a sad fact that Federal, State and local governments have not been equal to the task of formulating a comprehensive policy for rural development. Rural development efforts today are fragmented. Responsibility for the coordination and implementation of Federal and State programs often rests with the governmental unit having the least manpower and financial resources: local government.

1. Federal Policy

Even after 40 years of Federal programs to bring adequate housing to rural America there is still no complete estimate of rural housing needs. As a consequence, there is no standard against which policy options can be asesssed, goals can be set, and performance can be monitored.

The beginnings of a Federal policy are in place. In the 1970 farm bill Congress committed itself to "a sound balance between rural and urban America." Congress declared this balance to be so essential to the prosperity of all Americans that it assigned "the highest priority to the revitalization and development of rural areas." In support of its commitment and declaration Congress passed the Rural Development Act in August of 1972. This act, the most significant legislation for rural America ever passed by Congress, expressed the intent of Congress to set specific goals for rural development. However, it remains for Congress to fulfill its intent through practical programs.

2. Local Participation

Local communities also need to do a much better job in formulating their own policies and implementing their own programs. They must consider every device to encourage private investment: tax incentives, grants, loans, guarantees, subsidies and industrial parks. They must coordinate their actions with Federal and State initiatives, private groups, institutions and individuals. Strong local participation is indispensable to the ultimate success of rural development.

3. What Is Missing

The Federal government has decided that one of the best ways to help rural communities is to assist them in providing themselves with adequate facilities and services. In some cases the facilities and services have given rise to an infrastructure solid enough to support substantial development. In other cases the facilities and services have not spurred development, but they have resulted in a better standard of living in the community. The missing element in this scheme is a comprehensive policy. With such a policy we can do much better than we have done in the past.

C. Organization for rural development

It will do us little good to attack the problems of policy for rural development if we continue to neglect the problems of organization for rural development. To date, the organizational problems have been

A lack of communication;

Too much duplication of effort;

A lack of professional staff; and

Too many demands on local leadership.

1. Models of Organization

How can such problems be overcome? One answer is consolidation. Tiny jurisdictions simply do not have the expertise and professional skills required to pursue development successfully, and they are deficient in their capacity to conceive, plan, design and implement policy. Only a larger jurisdiction can marshall the needed resources. Consequently, multi-community and multi-county coalitions must be formed.

Consolidation of governmental units and functions, however, is not the only answer. Also to be tried are:

Direct services by private firms;

Contractual arrangements between governmental units;

Contractual arrangements between governmental units and private firms; and

User fees.

Depending on local conditions, any of these models of organization may be preferable to consolidation. We should never forget the diversity of rural America. Any organization for rural development must be adapted to local circumstances.

2. Simplicity of Organization

Several years ago the Department of Agriculture identified 25 Federal agencies that administered 400 different programs for rural development. What local government, with part-time officials and no staff at all, could possibly sort through such a tangle?

Greater simplicity of organization for rural development is desirable for many reasons. Too many programs mean too much time spent on paperwork, briefings, correspondence and the like, and not enough time spent on the important business at hand. It goes without saying that there is room for improvement here.

3. Institutional Capacity

We must beware of too much emphasis on rural programs and projects. Just as important is the need to improve institutional capacity to implement the programs and projects that are available.

Any program or project is only as good as the ability of the administering agency to carry it to completion. The rural community must be able to:

Learn about the program or project;

Respond to it;

Produce a sound application for it; and

Persevere in efforts to obtain funding for it.

Such a capacity requires leadership; the single most important ingredient in rural development.

4. Rural Leadership

The quality of rural leadership is a matter that should deeply concern those of us interested in rural development. I do not need to expound the obvious. Suffice it to say that no matter how perfectly understood the problem, nor how well conceived the policy, nor how carefully designed the organization, there will be no worthwhile rural development without good local leadership.

D. Summary

Though the obstacles to rural development are formidable, there is no reason to be discouraged. People are beginning to see more and more clearly

That the problems of rural America and the problems of the cities are closely interrelated;

That the cities suffer on account of migration from impoverished rural areas;

That the solution to urban problems requires the acceleration of rural development; and

That it is not in the best interest of the Nation to depopulate the countryside and overcrowd the cities.

There is hope that rural and urban interests are coalescing.

There is hope in the recent findings that Americans appreciate rural life.

There is hope in the rising tide of concern for the environment.

There is hope because progress has been made.

We are concentrating today on the problems, but we should not overlook the prosperous farmers, the progressive small communities and the vital rural centers of the Nation. The climate for rural development has some favorable winds. We must work to ensure that they blow steadily and ever more forcibly.

OPERATION CONTACT—GEORGIA'S "STING" AGAINST CRIME

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. LEVITAS. Mr. Speaker, on October 5, 1976, Georgia officials revealed publicly that law enforcement units had concluded a 6-month undercover antifencing operation in DeKalb County and in the cities of Atlanta and Savannah, resulting in the immediate arrest of 156 suspects.

Operation Contact, as it was called, was funded by a $100,000 grant from the Law Enforcement Assistance Administration—LEAA—and implemented as the result of a cooperative effort between local, State, and Federal law enforcement agencies. Operation Contact resulted in the recovery of 1,700 items of stolen goods and property worth over $1.5 million. It is anticipated that the project should eventually result in the issuance of more than 650 warrants and the total arrests of more than 450 individuals.

This is indeed an example of effective and coordinated police work, and I should like to share with my colleagues in the House, an account of what transpired in Georgia.

Operation Contact—Cooperative Operational Network to Arrest Criminal Receivers and Thieves—had its beginning when agents from the Federal Alcohol, Tobacco, and Firearms—ATF—Atlanta office came to the Georgia Organized Crime Prevention Council, chaired by the able DeKalb County Police Chief, F. D. Hand, and stated that while attempting to buy weapons, they were offered various kinds of stolen goods, and offered the idea of a phony fencing operation. The Savannah Police Department also proposed the operation of an antifencing store front operation, similar to the highly successful Washington "Sting."

The Georgia Organized Crime Prevention Council approached the State Crime Commission and asked for these two operations. The commission agreed to fund through the council a $50,000 grant to the Georgia Bureau of Investigation and, later, an additional $50,000 was added to the grant to complete the operation.

A board was formed to oversee and monitor the two operations which included Council Chairman F. D. Hand, Council Executive Director Jim Foughner; ATF Federal officials Maurice Floyd and Bill Slayton; GBI Director Beverly Ponder, Deputy Director Tom McGreevy and Robbie Hamrick; Commissioner A. Reginald Eaves and Maj. W. W. Holley from the Atlanta Police Department; Jack Mallard, vice chairman of the Organized Crime Council—and Assistant District Attorney from Fulton County—DeKalb County District Attorney Randy Peek; Savannah Police Chief David Epstein and Sgt. Marvin Edwards, Savannah intelligence; and Chatham County District Attorney Andrew Ryan III.

The two operations were in progress for 6 months. It was a joint Federal, State, and local effort in which more than $1.5 million worth of stolen goods and drugs were purchased for about $68,000, less than a nickel on the dollar.

On the evening of October 4, 1976, some 200 State and local officers fanned out across the metropolitan Atlanta and Savannah areas in what Gov. George Busbee said was the most extraordinary example of Federal, State, and local law enforcement cooperation in his lifetime. Eighty-five individuals were arrested the first night and warrants issued for 251 people. While most of the charges involved burglary and theft by receiving, some 50 drug charges were filed as an outgrowth of the investigation.

Special agents and police officers worked for months infiltrating and gaining the confidence of burglars and thieves in both areas prior to opening the investigation. Officers rented houses in Atlanta and DeKalb in residential, high-crime areas and, while posing as fences, began buying stolen property which included television sets, typewriters, stereos, tape players, automobiles, trucks, tractors and trailers. In the Savannah operation, a sundries store was opened and attracted such contraband as diamond rings, rifles, fur coats, credit cards, boat motors, and even a checkwriting machine.

It is interesting to note that the three counties targeted in these undercover operations account for 41.5 percent of the larcenies committed statewide and 38.5 percent of the burglaries. Operation Contract was an all-out effort to curb these crimes, and additional coordinated Federal, State, and local operations will in the very near future be launched against major organized criminal activity throughout the State.

Mr. Speaker, I commend all who had a part in Operation Contact. They represent the best in law enforcement, and present a shining example for others to follow.

REMOVAL OF EARNINGS LIMITATION ON SOCIAL SECURITY RECIPIENTS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. BURKE of Florida. Mr. Speaker, today, I am again reintroducing legislation which I have previously introduced in the 90th, 91st, 92d, 93d, and 94th Congress to eliminate the earnings limitation on social security recipients.

I am hopeful that my dogged determination with respect to this much needed legislation will bear fruit in this Congress. My bill is designed to permit America's senior citizens free access to productive participation in our work force.

To be sure, there have been token increases in the amount social security beneficiaries can earn—the latest increase raising the amount to $3,000. But the amount of injustice and suffering still caused by this law is of no pygmy proportions. Quite the contrary. By the very fact of qualifying for social security benefits, vast numbers of Americans are needlessly forced to comply with severe restrictions on their individual freedom. No longer do they have the option to improve their lot through their own labors. Rather, many are forced to rely on an all too meager social security income. And this often results in an impoverishment of their material existence.

This grave injustice is compounded by the fact that those who can least afford to live on their social security income are the one's most directly affected. The present earnings limit on income applies only to the income received from working. Other sources of income such as savings, investments, insurance, real estate, and the like are not similarly restricted. Regardless of the amount of income received from these sources, a retiree can receive his full social security benefit so long as he does not work to earn more than $3,000 in any 1 year. The net result of this discriminating policy is to force those who have previously relied on their working income to adjust to a standard of living lower than what they have become accustomed.

We must face up to the fact that to deny a man the opportunity to reap the benefits of his labors is contrary to the most basic principles of the American concept of the individual. To deny benefits to a person—benefits for which he has worked and to which he should be entitled—stifles his initiative and smothers his desire for self-improvement. This strikes at the very heart of the freedom of the individual. In addition, it sets up a policy of discrimination. To deny benefits to those whose income comes largely from work is to discriminate against those who have not managed to provide themselves with alternative sources of income. This is a double injustice. And to the extent that it continues, it will deliver to a large segment of America's elderly often cruel and unnecessary hardships.

It is my opinion that since social security benefits are related directly to the contributions made by the worker himself and his employer, it should be a matter of right that the employee should upon reaching a certain age be given those benefits for which he has labored and for which he anticipates. Unfortunately, this has not been the case. Today we are supplementing the income of the prosperous persons who have pensions, insurance, and investments while we are penalizing the less fortunate who have for one reason or another little or no resources to fall back upon in their later years. It is this class of men and women who are forced to work in order to maintain the minimum standard of living. The denial of these benefits not only creates extra burdens and sources of discouragement. It also robs the country of a much needed resource found in the experience and skills which the elderly richly possess.

Those who oppose the removal of the earnings limitation for social security recipients tend to overlook this basic right. They argue that the basic principle of the social security system would be violated by such a removal. They also tend to discount the ill-effects imposed on the working man and working women by saying that those adversely affected are only few in number. Finally, they say that to remove the earnings limitation would add substantially to the costs of the present program. In short, to change the basic intent of the program would be an expensive way of helping those few who are adversely affected.

In the first place, it is literally true that the removal of the earnings limitation would go against the original purpose of the social security system. When the social security law was being written in the 1930's, the authors wanted it to be a social insurance system under which workers and their dependents would be insured against the loss of work income resulting from the worker's death, disability, or retirement. To this end, the authors felt it was desirable to be sure a person was retired before he was given social security benefits. In other words, the original intent of the earnings limitation was to prevent senior citizens from working and at the same time collecting social security payments.

This rationale was designed to alleviate the employment situation of the Depression years. It was felt that an early retirement of the elderly—given increased impetus by the guarantee of a limited retirement income—would help to create jobs for the countless unemployed younger people. However, to continue to apply the rationale of the Depression era to the problems confronting today's elderly is to admit that the policy of invoking earnings limitations is arbitrary and needlessly unfair. It was designed to accomplish something which is no longer necessary considering the present state of the economy. And it is a source of great injustice to our senior citizens.

To argue that the earnings limitations should not be removed, because it would help only the few is to entertain a policy of discrimination and injustice. Since when are the few not worthy of the same just treatment as the many? We should never forget that those who deserve our special attention are the minority who are incapable of helping themselves. Justice is intended for all—the many and the few alike.

Finally, there is the question of costs. There exists a certain amount of evidence that the passage of this legislation would add additional costs to the social security system. At present there are men and women who have had to choose to forego their social security benefits simply because they have been unable to live without the income derived from their labors. If they are given their due benefits through an abolishment of the earnings limitation, the costs to the social security system will indeed rise. But to view these added costs as thought they were a mandate for the denial of those benefits is to overlook the basic rights and just claims which the individuals has to these benefits. These benefits for which he and his employer have paid are his as a matter of right and should not be subject to some arbitrary and antiquated law or some faceless Federal bureaucracy.

For too many years we have placed the discriminatory stranglehold of an earnings limit on our elderly. In many instances this has stopped the healthy initiative of those still able to offer years of productivity. The legislation which I am introducing today will allow our elder citizens to help themselves and to keep their dignity.

Social security should not be looked upon as a supplement to individual retirement plans—even if those plans should include continued work. They should be treated by the Government as any other private annuity fund that an individual can or has paid into. A significant step in that direction would be the removal of the arbitrary limitation imposed upon an individuals earning capacity.

As we begin to move into America's third century, let us rethink the role of the elderly in our society. Let us remove that barrier which has for so long separated them from the rest of productive society. Let us start anew and build anew a more vibrant image of our senior citizens. If given the opportunity, they can and will play a much more vital role in the fulfillment of the American dream.

I urge my colleagues in the U.S. House of Representatives to give careful consideration to this proposal and to take favorable action on it.

KOREAN INVESTIGATION

HON. DAVE STOCKMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. STOCKMAN. Mr. Speaker, allegations of influence-buying by persons representing South Korean business interests and their government have filled the newspapers for many months now.

Yet the Congress has failed to display the kind of investigatory zeal that a sense of its responsibilities should dictate.

Public confidence in our institutions is an evanescent but vital part of the system of government that has made this the greatest Nation in world history. We must earn that confidence continually. Past efforts at ferreting out abuses will be forgotten the moment it appears that we are protecting ourselves from bad publicity or protecting some among our ranks from the just sanctions of the law.

Deservedly or not, past investigations into the activities of its Members conducted by this body have given the public the impression that we are more concerned with protecting one another than with doing justice. Now that we are faced with new allegations of misconduct, we must take the opportunity to show that we are serious about our investigation, that wrongdoing can find no shelter in the Congress.

The best way to show our intent, Mr. Speaker, is to establish a select committee with a full mandate to conduct a thoroughgoing investigation of all the allegations arising out of the activities of persons acting on behalf of South Korean interests.

UKRAINIAN INDEPENDENCE DAY

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. BLANCHARD. Mr. Speaker, January 22 marked the 59th observation of Independence Day for the largest and most populous non-Russian captive nation, Ukraine.

The period of true independence for Ukraine and its 47 million citizens was brief indeed, lasting only from 1918 to 1920, when it was ended by the Soviet Union. From that day to this, Ukrainians have continued an unequal struggle against Russian domination.

While that domination continues today, the last year has been an eventful one, with the establishment of our commission to monitor the human rights provisions of the Helsinki Accords, the freeing of mathematicians Leonid Plyushch, and continuing agitation on behalf of noted historian Valentyn Moroz.

Nevertheless, much remains to be done. I have joined with other Congressmen during recent months in documenting the shameful treatment of Ukrainian women political prisoners, and I intend to continue speaking out on these matters in the future. To me, the treatment of persons imprisoned for their political beliefs in the U.S.S.R. offers the clearest possible indication of the extent to which that country's policies and aims are actually changing. Needless to say, the discrepancy with the Soviet leaders' protestations of friendship is obvious to all.

Ukraine, Mr. Speaker, has sought its freedom for hundreds of years. As we all know, the thust for individual freedom is one which will not be quenched. And it is our responsibility, as the elected leaders of a nation which holds out to the world the ideals of liberty and justice, to lend our support, both now and in the future, to the legitimate aspirations of the Ukrainian people.

I am proud to join my colleagues in recognizing the 59th anniversary of Ukrainian Independence Day.

CONFERENCE AGAINST INTELLIGENCE GATHERING—PART II

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. McDONALD. Mr. Speaker, the National Lawyers Guild's National Conference Against Government Spying opened its formal session on the evening of January 21 with three speakers. Approximately 300 persons who registered at $25 each attended the opening.

National Lawyers Guild President Bill Goodman introduced the speakers who were Frank J. Donner, Frank Wilkinson, and Jose A. Lopez. Frank Donner was identified as a Communist Party member by three witnesses in testimony before congressional investigating committees. He has been counsel to the United Electrical Union which was expelled from the CIO for its CPUSA domination, and has long coordinated the Communist Party's attack on the FBI and local intelligence-gathering agencies. He also heads the ACLU's antisurveillance project.

Donner provided the usual "historical overview" of "local and State red squads." According to Donner, intelligence units, or as he insisted "red squads" were originally designed to disrupt the labor movement: The Wobblies—Industrial Workers of the World, and the Molly Maguires—broken by the Pinkerton agency—were mentioned. Donner described the World War I and 1920's raids on subversives—"dissident groups"—as having the purpose of intimidation and of seizing records and documents.

Donner stated that the greatest hinderance to local intelligence agency performance was their lack of integration and coordination. He attacked the use of local intelligence unit information by Federal agencies, and attacked the LEIU—Law Enforcement Intelligence Units—as a step in the direction of a national red squad. Donner further speculated that organized crime intelligence was a mere "cover" for antisubversive intelligence; asserted that the police were forming coalitions with "right wing groups"; and ended with the comment that "red squad" activities were examples of "politics by other means."

Donner, in contrast to the second speaker, Frank Wilkinson, also an identified Communist Party member, has a clear intellectual grasp of his task and his role; and plainly knows when he was spouting propaganda and when he is dealing with factual matters.

Wilkinson, longtime head of the National Committee Against Repressive Legislation—NCARL—a Communist Party front, rambled on at length attacking liberals, liberal Democrats, and Democratic Congresses since World War II for having supported loyalty oaths under President Truman, CIA activities under President Kennedy and the Omnibus Crime Control Act under President Johnson. He concluded by denouncing the new administration which, he asserted, would perpetuate the system against dissenters.

The concluding speaker was Jose Lopez, who teaches at Northeastern Illinois State University and is a founder of the Rafael Carmen Miranda High School in Chicago. Lopez, subpenaed to appear before a Federal grand jury investigating a FALN bomb factory, attacked the "chilling effect" caused by surveillance of "community groups."

A little more than 200 persons were present for the morning panel. Henry DiSuvero, founder of the NLG's People's Law School in Los Angeles and head of the Greater Watts Legal Services, limited his participation to introducing the panelists and making grimaces appropriate to the panelists' more fatuous remarks.

The first speaker was the aged Richard Criley, director of the Chicago Committee to Defend the Bill of Rights, a CPUSA front, and founder of the Alliance to End Repression. As I documented previously in my report on the AER on October 1, 1976:

> * * * As of 1963, Criley was a member of the Garfield Club of the Communist Party of Illinois. A short time later he dropped his formal membership in the CPUSA for security reasons. At that time a number of active, trusted CPUSA cadre operating in front organizations dropped their CPUSA membership as a result of the exposure before the Subversive Activities Control Board of the Communist Party leadership in a number of fronts. They hoped this technical resignation from the Communist Party would protect their front organizations from having their cases brought before the SACB.

Next was Ken Lawrence, from Jackson, Miss., who stated he had been able to gather some information about police intelligence operations from such sources as the annual report of the Mississippi highway patrol, the comprehensive plan of the State Criminal Justice Planning Agency, and various LEAA documents describing the particulars of its funded projects. He denounced the Sovereignty Commission as a "state level red squad"; and then blasted the Department of Justice Civil Rights Division's Community Relations Service as a "secret spy apparatus" of the Justice Department. Lawrence was particularly disturbed that Community Relations Service records are exempt from disclosure under the Freedom of Information Act.

Dave Riddle, a Detroit nonlawyer, stated the NCGS was missing the real point, that "police repression" and "red squads" are "not a legal question, but a class question—one class opposing another." Riddle urged that "police spying" be fought on the local level by community activists using public forums, newsletters, and the like to inform activists and the people.

Franklin Siegel, of the NLG national

office, gave a languid presentation on the Panther 13 in New York, and on the organizational structure of the New York City Police Department's Special Services Division which were revealed through Handschr against Special Services Division. Siegel apparently felt there was some special significance in the fact that SSD was divided into "desks," but did not bother to explain just what that was.

The panel was followed by the inevitable and unavoidable small group sessions. Morton Halperin, a roast beef sandwich on a roll, and some potato chips were featured at lunch which was held in the Thorne Auditorium. Some 250 persons attended, and the NCGS organizers ran out of food.

Halperin's remarks were rather disjointed and a rehash of old material, and of his old speeches. Halperin tried to place the blame for the assassination of the CIA Chief of Station, Richard Welch, in December 1975. He said that once Welch had been exposed—in "Counter-Spy"—it was the CIA's responsibility to remove him from overseas duty. Halperin did not charge that "Counter-Spy's" actions were irresponsible or that the unknown assassin's were terrorist. The consensus among the activists present was that Halperin was disappointing.

However, Ken Tilsen, attorney for the American Indian Movement—AIM—and a leader of the Native American Solidarity Committee—NASC—provided an energetic account of Wounded Knee and other AIM litigation and was by far the best public speaker at the National Conference Against Government Spying.

Only about 175 persons returned for the afternoon panel.

Syd Stapleton, of the Socialist Workers Party, discussed technical aspects of their suit against the FBI. Stapleton showed how material that has appeared in newspaper stories can be used to get information from confidential law enforcement intelligence files. He cited an instance in which a Denver newspaper published a story about an FBI informant, Timothy Redfearn, who also was involved in YSA and SWP activities. The SWP used this newspaper article to argue to the judge that the informant and his activities were not confidential, contrary to the FBI's claim.

Stapleton said that this incident had given them the idea of having newspapers print information, which then becomes part of the general public knowledge, and then going into court and using the newspaper article to gain access to denied information. Stapleton admitted that twice they had twice provided information for New York City newspaper articles in order to implement this tactic.

Sheila O'Donnell, from the Washington, D.C., NLG, using a prepared text, was clearly the conference's "speed" reading champion. Ms. O'Donnell works with the guild investigative project—GIG—whose purpose is to investigate the activities of this Congressman in exposing the terrorist activities supported and aided by her organization.

O'Donnell told her attentive audience that the Guild Investigative Project was formed in February 1976, as the result of a visit to their office by an employee of the Office of Legislative Oversight of the New York State Assembly which had commenced an unauthorized private inquiry into the activities of my staff researcher, Mrs. Louise Rees, and her husband, an investigative journalist, who have examined and exposed the actions of many terrorist groups and their support networks in this country at the risk of their own safety.

O'Donnell stated that the NLG was investigating this Congressman, his staff researcher, and her husband in order to expose an "elaborate network" of intelligence agencies, conservative groups and the "corporate infrastructure."

Ms. O'Donnell continued with her machinegun delivery of fantasies and Ian Fleming-style speculation for a considerable time. No questions were permitted, because the panel did not wish to hold up the proceedings.

Richard Soble followed with anecdotes about his Michigan State police suit; and was followed in turn by G. Flint Taylor's rhetorical account of the alleged murder of Black Panther Fred Hampton.

Jerry Berman, of the Center for National Security Studies, followed, and spoke in support of the National Campaign Against Government Spying his group is supporting. Berman was asked from the floor how the activities of the Information Digest and its publishers could be stopped. Berman replied that if the Institute for Policy Studies/CNSS could prove that they and the Information Digest were actually secretly funded by a Government agency or agencies, "then we've got them." But, he lamented, they had been unable to prove any such connection. The meeting adjourned on that note.

SUNDAY MEETINGS

Fewer than 100 activists gathered for the final day of the National Conference on Government Spying. The reports from the small group workshops generally expressed the frustration of the nonlawyer activists with the meeting. The NCGS steering committee was sharply criticized by the few blacks who attended, women's liberationists, and radicals oriented toward labor and community organizing, particularly the Detroit contingent.

It was noted that the NCGS steering committee was overwhelmingly white and male; and the nonlawyer blacks, women, and labor activists wanted it more than doubled in size so that those constituencies would be in the majority. They proposed that no new organization be formed, but that an expanded steering committee develop a detailed report on anti-intelligence resources, list all the known ongoing intelligence gathering agencies and programs, and assemble information on what each local group was doing to stop them. They further wanted clear and simple anti-intelligence project models written out for local groups to use.

The women's caucus was irritated because no feminist speakers had been invited to the NCGS, because the registration fee was high, and because, shocking at a "movement" gathering, no free daycare had been provided.

The dozen members of the black caucus charged that the conference was "elitist" since only lawyers had been invited to speak. They felt that "victims of oppression" should have led the discussions and that the "lawyers must realize that they are the servants of the people."

The black caucus demanded that "resources"—money, and "technical resources"—legal aid—be provided; that the money be used to set up similar conferences for blacks only—"the real victims of racist oppression"—that the black caucus be responsible for distribution of any anti-intelligence information to black groups; and that the manuals be rewritten for street groups.

As criticism mounted, CNSS's Robert L. Borosage struggled to keep control of the meeting. Borosage argued that local groups should fight their own police intelligence units and that they should not unite to form a national coalition against "Government spying." Borosage urged that the local groups instead feed information into the new Campaign to Stop Government Spying—CSGS, 201 Massachusetts Avenue, NE, Washington, D.C. 20002 (202/547-4644) which Borosage and some of his associates at the Institute for Policy Studies, CNSS, PEPIC, and the ACLU have formed. Although Bososage was supported by his associates such as Counter-Spy's Perry Fellwock, aka Winslow Peck, who wore his usual rose-colored glasses, the split between the national elitists and the local activists was not resolved. Under continuing pressure, Borosage was forced to retort:

> The Campaign to End Government Spying did not participate in organizing this conference and we should not have to bear that rap.

When Borosage was asked from the floor whether, since his CSGS brochure stated that churches, businessmen's associations, and conservative groups were also being spied on, the campaign would seek support from these groups. He replied that there were no plans to contact conservatives.

Borosage also announced that the problem of funding the Campaign to Stop Government Spying would be discussed at a meeting to take place on February 8, 1977. He stressed that the GSGS's national goals were to "end covert operations abroad, end political spying in the United States, and end secret budgets and secret charters of the intelligence agencies."

Mr. Speaker, in the face of increasing international terrorist activities by groups which have supporters, contacts, and agents in our own country, the United States needs to increase its internal security investigations, not cut them back.

We need to reconstitute the House Committee on Internal Security to provide us with continuing information on the extent of the threats posed and to recommend appropriate control legislation. We need to strengthen the FBI's internal security responsibilities, not abolish them. And we need to rebuild the CIA which has been shattered and demoralized by irresponsible leaks and attacks.

In an era when we are under constant

attack by hostile intelligence agencies, we should not be considering further curbs on our own, vitally needed secret services. As former Supreme Court Justice Goldberg remarked:

The Constitution of the United States is not a "suicide pact." The Nation has the right and duty to protect itself from acts of espionage and sabotage and from attempts to overthrow the Government.

STRANGE SEABEDFELLOWS

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. LOTT. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues a timely article by William Safire, which appeared in the New York Times on January 27, 1977. The article follows:

STRANGE SEABEDFELLOWS

(By William Safire)

WASHINGTON, Jan. 26.—In June of 1963, President Kennedy appointed Henry Cabot Lodge of Massachusetts, who had been the Republican candidate for Vice President in 1960, to be Ambassador to South Vietnam. This foreclosed "mainstream" Republican opposition to the way the war was conducted until 1967.

This week, President Carter appointed Elliot Richardson of Massachusetts, who has served in four Cabinet posts under two Republican Presidents, to be Ambassador and Special Representative of the President for the Law of the Sea Conference.

The Presidential intent appears to be similar: to avert vigorous discussion of a controversial issue by cloaking it in bipartisanship and to induce a prominent Republican to sell a Presidential policy to the treaty-ratifying Senate.

At stake in the Law of the Sea negotiations is the greatest material treasure known to man—trillions of dollars in nickel, copper and other minerals—which lies on the ocean floor in the form of nodules, spongy lumps the size of potatoes. To whom does this treasure belong?

The United States has held that the deep seas have always been and are now no man's land, a free and open area in which anyone from any nation can fish for fish or for minerals.

Undeveloped and landlocked nations want to change all that. They argue that the treasure belongs to "all mankind"—a U.N. phrase that has come to be the code words for every nation but the U.S.—and that the tradition of finders-keepers by risk-taking explorers and entrepreneurs is now over.

The United States has the technology, as well as an economic system powered by the much-abused profit motive, to go after these minerals now. The third world, which has neither, wants the U.S. to do the exploration for a fee and to turn the profits over to a U.N. corporation, which would be a super-OPEC dominated by the African-Arab bloc.

Other items being negotiated are important, too. For example, some nations are claiming sovereignty 200 miles out to sea, which could restrict passage through the Straits of Gibraltar and of Malacca, as well as make difficult U.S. overflights to help allies in trouble. But the crux of the matter is economic.

Last summer, as Democratic nominee Jimmy Carter began making noises about how we should be more forthcoming to third-world demands, the smaller nations stopped negotiating.

In September, Secretary Kissinger, desperate to look like a deal-maker, made a too-generous offer: half the ocean floor finders-keepers, half for the countries that took no risk and had no technology. Instead of that being the final settlement, our public offer was just a step in negotiations.

The third world, as might be expected, made no move toward a treaty and awaited the Carter Administration for an even better offer, which would further subordinate U.S. interests to some cartel-minded "interdependence."

No sooner were Secretary of State Cyrus Vance's shoes under his desk at the Fudge Factory than it became known that he had the answer: Elliot Richardson, a respected Republican political figure, who would be able to sell the Senate a treaty that no Democrat could.

But perhaps I underestimate Ambassador Richardson. Perhaps he sees the obvious ploy, and will cross up Mr. Carter by being a negotiator with U.S. interests in freedom of the sea firmly in mind.

First, he should take advantage of the third world's scorn at the Kissinger half-and-half offer, and promptly withdraw it.

Next, he should urge passage of a bill to indemnify U.S. companies from losses incurred by any treaty the Senate ratifies. That will let U.S. private enterprise hold its nose and plunge in, in the knowledge that the Government will not cut off its aid. (An old cartoon comes to mind of a deep-sea diver's puzzled expression as he hears over his radio, "Quick, come up, the ship is sinking!")

Then, with active exploration and development underway, we can listen as other nations come to us with proposals for getting in on our projects—perhaps half-and-half, as our previous Administration foolishly suggested, or less, depending on the degree to which commodity monopolies are being used against us.

Such gumption would be welcome and effective. But Ambassador Richardson will be under pressure from a State Department that quivers deliciously at the anticipation of giving in; from U.N. Ambassador Andrew Young who wants to be liked by third-world colleagues; and from a President whose statement yesterday stumbled into a code-word trap with his hope that "a treaty may be successfully negotiated to serve the interests of all mankind."

The cartel-minded blocs want the seabed minerals for "all mankind"; the U.S. should counter with a defense of free enterprise, free trade, freedom of movement on the high seas, and—not least—American national interests.

The seabed controversy, which has yet to surface as a political issue, could turn out to be Carter's Helsinki. One hopes that Elliot Richardson, who once resigned a post on a point of honor, would resign again before letting himself be used as the Republican cover for a Democratic Administration's giveaway.

REQUIEM FOR A MAYOR

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. ANNUNZIO. Mr. Speaker, Chicago's late beloved mayor, Honorable Richard J. Daley, left our town with a legacy of greatness, and he will never be forgotten by the generation of Chicagoans he served so well. The mayor extended the same love and devotion to the people of his city that he extended to his own family, and the people returned this devotion by giving him their overwhelming support in election after election.

My constituent, Harry "The Horse" Lyons, 3923 N. Tripp, Chicago, has written a poem in honor and memory of Mayor Daley, and at this point in the RECORD I wish to insert his poem:

DECEMBER, 1976.

REQUIEM FOR A MAYOR

Oh, He was just a kid from Bridgeport
Near the Yards across the track
That grew up to love a City
and the City loved him back.
He could smile and charm your socks off
and he always drew a crowd
but his first love was Chicago
where they make 'em tough and
proud.
And tho he walked with Presidents and
Royalty and such, his strength
was with the people—it's called
the common touch.
Now his City by the Lakefront is his
Monumental Crown—for that kid
that came from Bridgeport 'twas
indeed . . . his kind of Town.

HARRY THE HORSE.

A TRIBUTE TO TOM TEAR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. MICHEL. Mr. Speaker if you will excuse what I consider to be a justifiable home-State pride, I want to pay tribute to a native of Rockford, Ill., my friends, the Minority Chief Page, Tom Tear. I am not saying that the kind of excellence he has demonstrated in a very important role can be traced only to the fact that he is an Illinois native—but the known connection between Illinois and excellence cannot be ignored either.

As you know, Tom is retiring this month and I want to take this occasion to simply point out that our duties here have been made easier by the devotion to duty and the impressive knowledge of the House and its ways that have marked Tom Tear's performance for many years. We all know that the pages do their job so well that quite often we are scarcely aware that they are here. No higher tribute could be paid to their skill and their training. Tom Tear, the Minority Chief Page, has consistently aided those of us who are temporarily in the minority and has done so in an efficient, unobtrusive manner.

From time to time, it is good for all of us to be reminded that our work depends not on one Congressman, or on one faction or even on one party, but on a concerted effort of Congressmen, staff and House personnel. Everyone helps in the passage of legislation, and not least among those who help are the pages who, one might say, provide the lubrication needed by the great machinery of this House.

To Tom Tear, then, I say thanks. We will miss him and I wish him the very best in the future.

CASTRO'S FAIR-HAIRED BOY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. ASHBROOK. Mr. Speaker, while political prisoners are rotting in Cuban jails, at least one American, Kirby Jones, is doing what he can to help Castro make contacts among the American business community. In a recent column John D. Lofton, Jr., writes that Jones seems to view Castro's regime as less than repressive. When Lofton asked Jones if Castro's regime is repressive, Jones answered, "Uhhh, it depends on how you define 'repression'."

The political prisoners in the prisons throughout the island could tell Jones what repression is. The hundreds of thousands of Cuban refugees who have escaped from Castro's island could tell Jones what repression is. When Jones worked for Senator McGOVERN he did not seem to have trouble identifying our allies in Southeast Asia as repressive.

At this point I include in the CONGRESSIONAL RECORD John Lofton's recent column entitled "Front Man for Fidel":

FRONT MAN FOR FIDEL

(By John D. Lofton, Jr.)

Kirby Jones is the kind of guy who gives capitalism a bad name.

In flagrant disregard of the U.S. trade embargo, which has been in effect against Cuba since 1962, Jones is acting as a go-between for U.S. business and the Castro government, according to Havana sources of the communist newspaper, Daily World.

Jones "is making it possible for U.S. businessmen to travel to Cuba," writes the national financial weekly, Barron's, "despite their inability to obtain passports or spend money because of the U.S. boycott. Jones arranges for the visitors to be guests of the Cuban government, thus eliminating the need to spend money."

For his services, Jones, naturally, gets a nice fat consulting fee.

Interestingly, Jones once worked for Sen. George McGovern where, among other things, he used to crank out smoking press releases denouncing the United States for propping up the "corrupt, repressive" regime of Vietnam's president, Nguyen Van Thieu.

NERVOUS LITTLE LAUGH

How does Jones rationalize his present role in encouraging economic trade with the corrupt, repressive Castro regime?

Not very well.

"You know, that's a . . . I can't answer that question," he tells me with a nervous little laugh. "All I can tell you is that I'm responding to the desires of American businessmen to trade."

But isn't it true you approached David Hopkins, a senior vice president of the I. S. Joseph Co. in Minneapolis, Minn., and suggested he go to Cuba to explore business opportunities there? I ask.

This is correct Jones admits, but he says the majority of his clients approach him. Who these others are, he refuses to say.

But what about the Castro regime, isn't it repressive? I ask.

"Uhhh, it depends on how you define repression," he replies.

Well, I respond, how about the Organization of American States' (OAS's) Fifth Report of the Inter-American Commission on Human Rights on the Status of Human Rights in Cuba, issued in May of last year—the one that says that, in the 10 to 20 concentration camps in each Cuban province, thousands of Cuban political prisoners are being victimized by torture, lack of food and medical attention, forced labor, solitary confinement for long periods and degrading conditions?

What about the special chapter in this report which says female prisoners have suffered "extremely humiliating treatment designed to break down their moral resistance and to degrade their dignity as women."? What about this, would this be repression?

Well, "I'm not involved in that, this is not my area," Jones says. "It's not my job to respond to this. I'm not a spokesman for the Cuban government, or Fidel Castro's press aide."

It's just too bad Kirby Jones didn't drop by the prison for women in Gaunajay. If he had, he might have learned about the death of Lydia Perez Leon, who died in childbirth because she was refused proper medical care.

The OAS report says her husband, a prisoner elsewhere, hanged himself when he learned of the death of his wife and son. But, Jones tells me:

"It's no big trick to see political prisoners in Cuba. A friend of mine went down and filmed interviews with them. But so what?"

Jones' friend ought to tell the OAS his secret because for 16 years this organization has tried to get Fidel Castro to respond to the reports coming out of his prisons. Thus far, however, Castro has neither acknowledged nor answered any of these allegations.

Footnote: Jones says the internal policies of Cuba are irrelevant to his work setting up contracts between U.S. business and the Castro government.

But when I ask him if he'd arrange trips between U.S. businessmen and representatives of the governments of South Africa or Chile, he refuses to answer the question, saying it's hypothetical and he'd "have to think about it."

CLOSE THE TAX LOOPHOLES FOR THE RICH

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. UDALL. Mr. Speaker, for many years Congress has been wrestling with the problem of creating an equitable tax system for all Americans. A variety of ideas have been discussed and some have been accepted, while many others have been rejected.

An interesting essay on some of these problems has been sent to me and I believe the points it makes are worth sharing with my colleagues. Therefore, I would like to enter into the RECORD at this point an essay entitled "Close the Tax Loopholes for the Rich," by Mr. Alfred Lewis, a resident of Riverside, Conn.:

CLOSE THE TAX LOOPHOLES FOR THE RICH

Our Federal tax system is full of loopholes unjustly favoring the rich and the owners of stocks and bonds. So many and important are they that it is estimated that the Federal Government could raise seventy seven billion dollars by closing these special favor loopholes without making any changes in the tax rate on the ordinary man or woman.

This in turn is important because we should spend more money, not less, through the Federal Government on social welfare purposes such as meaningful jobs on useful public works for the unemployed, or for those who may lose their jobs if we reduce our swollen expenditures for war materials not only here but for other countries as well. These public works would include more slum clearance and urban renewal provided it is accompanied by more public low rent housing, better environmental protection, more funds for stricter enforcement of our civil rights laws, more Federal financial aid to education, and more money for food stamps to help improve the diet of the poor, and at less cost instead of for a higher price as President Ford proposes.

Particularly we need free hospital and medical care for everyone though a system of national health insurance that would treat good medical and hospital care as a right for us all, just as a chance to go to school is a right for everyone. All of these are examples of valuable use of additional Federal funds than can be gotten by closing the loopholes.

Here are some of the loopholes:—

1. The most glaring is the 22½% oil depletion allowance. If an ordinary person invests in equipment that is likely to last for ten years, for example, before needing replacement, he can take 10% off his income from the investment as a non-cash deduction from his income tax base before figuring his tax. But after ten years when the original investment has been recouped in his way, he can no longer do that. Yet, an investor, corporate or individual, in an oil well can take 22½% off his income each year and can continue doing so even after the entire cost of his original investment has been returned, as long as the oil well continues to produce.

This is justified—falsely—on the ground that "wildcatting," sinking oil wels in the hope that they might pay off, resulted some ten years ago in nearly nine dry holes out of ten. But they have now developed sonar techniques for sounding out whether there are the sort of rock or shale formations below the surface which are likely to be oil bearing, so that "wildcatting" is no longer that, but "tame pussycatting." Nearly one half of the wells sunk are productive. This loophole has been repealed for big oil companies but not for small ones.

2. There is a very important tax shelter furnished by municipal bonds, the interest on which is entirely free from Federal and State income taxes. It might be that an attempt to tax such interest on bonds already being held would be held unconstitutional. I believe this is by no means certain. The Federal Government is not supposed to tax agencies of the state and local governments. But in imposing an income tax on people receiving interest from state and local government bonds, as well as from other bonds, it is taxing people, not state or local government agencies.

Even if it were held to be unconstitutional to tax the interest on such bonds already issued, there is no reason why the interest on municipal bonds, issued or bought after the enactment of a new law, should not be subject to tax like any other interest. Thus, this tax shelter could and should be gradually phased out.

3. Then there is the 10% investment tax credit to favor the rich. If an individual or corporation is rich and successful enough to make a new investment out of savings or undistributed profits, they can take 10% of the cost of it off their income or profits tax base. They are richer by the new investment

but pay less tax. This is justified—also falsely—on the ground that new investment means more jobs. That may have been true some years ago when new investment usually meant a new factory or other productive equipment, or an addition to existing production facilities, and it did require more workers to operate the new facility.

But today new investment is far more likely to take the form of automated equipment, and automation reduces jobs, does not create new ones. For automation consists of machines directing and controlling other machines.

4. Then there is what I call tip-tilted depreciation allowance, the technical name, I believe, is declining balance depreciation allowance. If a person invests, say, in an apartment building which is likely to last for 25 years, he can take 4% depreciation each year off his income tax base. Under the declining balance depreciation scheme he can start by taking 8% depreciation; then a little less each year until in the last year the depreciation he can take is only a small amount. In the middle of the 25 year period he would be getting the average amount of depreciation, namely 4%.

But when he, or it, if a corporation, reaches the average amount, he can then sell his property to someone else, or just exchange properties, and then the advanced rate of depreciation begins all over again.

5. Depreciation is available to the owners of property getting property income. It is not available to those getting service income in the form of wages or salaries. But the income of a professional football player or boxer, or of a female model, will obviously last for only a few years, despite the durability of Hank Aaron. Yet individuals cannot take a depreciation for their fading ability to earn money by physical prowess or beauty.

6. The oil companies which derive income from foreign, mainly Arab, oil sources, have to pay royalties to the governmental owners of the oil. This should properly, like any other expense, be deducted from their income, and would be advantageous to the extent of the corporate profit tax of 47 percent. But instead, they are allowed to deduct such royalty payments in full from their tax due to the U.S. on the ground that is a tax paid to a foreign country, not just a royalty. So they profit by 100 percent of the royalty paid, not by 47 percent.

7. An extremely unjust situation favoring the rich exists regarding social security payments. If a person getting social security, as I do, earns money, they can do this up to $2,100 a year without deduction of social security receipts. Thereafter, if they are between the ages of 65 and 72, they are taxed at 50 percent of their earnings in that they lose one dollar of social security for every two dollars earned. Thus, if they earn $3,100 a year, they get net only $500 of the extra $1,000 earned.

This is bad enough. You can imagine the howl of anguish that would go up if the income tax began to bite at 50 percent of all income above $2,100. But that is not the worst of it. A wealthy person can get tens of thousands of dollars from interest and dividends without a penny reduction in his or her social security receipts. I know, because I am in that situation. It is completely unjust.

8. Then there is the income tax shelter, available for rich persons operating a so-called "gentleman's farm," in connection with their country estate. They can take a deduction of loss on the "farm" from their incomes from other sources. The IRS has wisely said that they can only do that if they get a profit from the farm at least one year out of five. Otherwise the "farm" is clearly not a business operation but a hobby.

But they can earn—or report—in one of the five years $1,000 of profit, and take losses of $10,000 a year in each of the other four years.

9. The reduced tax on capital gains is also a favor to the rich. The top tax rate on such gains is now 33 percent, recently raised from 25 percent. Furthermore, the capital gains tax is eliminated entirely on property held until death. Thus, if a decendent has bought property for X dollars some years ago and it is worth at death 4X dollars, for example, his heirs pay only the succession, or estate tax; there is no tax on the capital gain of 3X dollars.

A very informative book on this whole subject of unjust taxes is Philip M. Stern's "The Rape of the Taxpayer."

While the Federal Government's tax system is full of loopholes favoring the rich, it is still better than the state and local government tax systems.

The states raise most of their money by sales taxes. A sales tax bears much more heavily in proportion on the poor than on the rich. Nearly every dollar spent by a poor person is hit with a sales tax. But many expenditures typical of rich people totally escape a sales tax. These include expenditures for domestic service, for trips abroad, and for investments. They may be half or more than half the expenditures of a rich family.

The cities, towns, and counties raise most of their money by taxes on real estate. This hits the tenants as well as the homeowner, for the landlord includes in the rent the money to pay the tax. Also, ownership of real estate is a very inaccurate measure of a person's wealth. For most of the wealth of rich persons is held in the form of stocks and bonds; which are called intangible personal property and are not reached by the local governments' tax on real estate and tangible personal property.

That is why revenue sharing of money raised by the Federal Government, with the states, cities and towns is reasonable and a gain in social justice. However, the money so provided by the Federal Government to local government bodies should not be in block grants with no strings attached as is the case at present. It should be granted for specific social welfare purposes such as for more nearly adequate welfare relief particularly for the aged and the mothers with young children, more educational facilities, better equipped hospitals, health care centers and nursing homes for the aged, and more low rent and moderate rent housing to make it possible to push further on slum clearance and urban renewal without leaving those whose homes are torn down because they are substandard with no place to live except by paying exorbitant rents.

TOOTS SHOR

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. MURPHY of New York. Mr. Speaker, yesterday's CONGRESSIONAL RECORD included a brief account of the eulogies for our departed friend, Toots Shor, but by an error in the submission of my text, a fuller account of his life as printed in the New York Times was omitted. I wish to correct that error of omission today with the insertion of that text. Perhaps it was meant to be this way. Toots' life was always a little bit disjointed, but even now, he has the last word:

TOOTS SHOR, "SALOONKEEPER" AND HOST, IS DEAD AT 73

(By Dave Anderson)

Bernard (Toots) Shor, a confidante of celebrities as a boisterous but sentimental New York "saloonkeeper" for more than 35 years, died just before midnight Sunday night at New York University Hospital. He was 73 years old.

According to the hospital, where he was admitted on Dec. 13, the cause of death was cancer of the colon.

One of New York's most famous restaurant owners after having been a bouncer, greeter and manager earlier in his career, Mr. Shor has been credited with originating the saying, "I don't want to be a millionaire, I just want to live like one." Prosperous or not, he did live like one in the company of politicians, athletes, actors, entertainers, authors, business executives and newsmen.

"I think I got the best joint in America," he once said of his restaurant. "Because to me, New York is America."

Since 1940, there have been several "Toots Shor's" restaurants—at 51 West 51st Street, 33 West 52d Street and 5 East 54th Street. Those three, which he owned, are all closed. The four restaurants in New York that now bear his name are owned by the National Restaurant Management chain.

They are situated at 233 West 33d Street, 41 East 43d Street, 64 West 52d Street and 253 Broadway—the last one having opened just last Wednesday night. Mr. Shor made no investment in those restaurants, but was under contract and received a salary from the chain, according to Arthur Riback, a vice president of the company.

"I sell food and whisky, but I'm no restaurateur," he once said. "I'm a saloonkeeper, Tootsie the pretty Jew."

For many years, his restaurant was a tourist attraction because Frank Sinatra or Joe DiMaggio or Jackie Gleason was often there. In his noisy way, Mr. Shor emerged as a celebrity himself, moving from table to table with an old-fashioned glass of Monnet brandy and soda. Occasionally he drank bullshots—vodka with beef bouillon.

"Drinkin'—that's my way of prayin'," he once philosophized.

In his role as host, he often had as many as two dozen drinks from the time he arrived at his restaruant in the late morning until the early morning hours of the following day. Whatever he started drinking at lunch he continued to order until he returned to his 12-room duplex apartment at 480 Park Avenue where he lived for many years with his wife, Mario, known as "Baby," and—when they were younger—their three children. In recent years he and his wife lived at the Drake Hotel.

"I'm always ready to go the next morning," he often said. "I've never had a hangover. I think it's because I don't smoke."

When a midnight curfew was imposed on nightclubs, bars and restaurants during World War II, he reacted with patriotism, and with realism.

"Any bum who can't get drunk by midnight," he proclaimed, "ain't tryin'."

Big and brash at 6 feet 2 inches and usually 250 pounds, he thrived on insulting his famous customers, using words such as "bum," "crumb," "creep" and "crumb-bum" but always with endearment, always with meaning.

"With me," he once said, "a bum is someone who remembers where he came from, who knows who he is. With me, a bum is a good guy, a pal."

And his famous friends always accepted his jovial insults with gratitude, as if they were being knighted by him.

"If he doesn't insult you, he doesn't love you," Pat O'Bren, the actor, once said. "And if he doesn't love you, then you have missed a chunk of life."

Mr. Shor was the subject of a three-part profile in The New Yorker magazine in 1950, entitled "Toots's World." The author, John Bainbridge, later turned the series into a book. Twenty years later, Mr. Shor was the subject of another biography, "Toots," written by Bob Considine, the Hearst columnist.

"I spent 30 years on Toots, and Gibbon only spent 20 on "The Decline and Fall of the

Roman Empire,'" Mr. Considine says. "There must be a lesson there somewhere."

At the time, Toots was in decline too. In 1971, his 52d Street restaurant was padlocked for nonpayment of $269,516 in Federal, state and city taxes. Confidently, he announced, "I'll be open in three weeks." But it was 18 months before the 54th Street restaurant opened.

NAMATH NEVER WENT BACK

Some of Mr. Shor's tax problems are still pending, according to Mr. Riback of the restaurant concern, who said that until the time of his death Mr. Shor was continuing to pay for his tax debts.

By the time Mr. Shor temporarily reopened his place on 54th Street, much of his clientele had drifted away. Many died. Many moved to the suburbs. Many preferred to gather in night spots closer to the new Madison Square Garden, whereas the old Garden had been only a few blocks away. And many younger people preferred the livelier East Side bars.

"All he ever talked about was Joe DiMaggio and Mickey Mantle and Charlie Conerly, as if nobody now knew how to play football or baseball," a friend recalls. "He lived in the past."

Joe Namath, the New York Jets' quarterback, never returned to Mr. Shor's restaurant after having been insulted by him several years ago.

Not everybody appreciated Mr. Shor's humor. Many years ago, Louis B. Mayer, of Metro-Goldwyn-Mayer, had to wait 15 minutes before being seated for dinner.

"I hope we'll find that the food has been worth the wait," the motion-picture producer said.

"It'll be better," Mr. Shor retorted, "than some of your pictures I've waited in line to see."

Mr. Mayer never returned to the restaurant.

In his brusque manner, Mr. Shor sometimes alienated strangers. Once, when two customers complained about having to wait to be seated, he glared at them.

"Who sent for you?" he snapped.

For better or worse, Mr. Shor stirred an emotional reaction among people. They either loved him or loathed him.

"I'd rather be standing outside Shor's starving," Joe E. Lewis, the comedian, once said, "than inside Ciro's belching."

But Mr. Shor didn't pretend to be everybody's friend.

I'm not like Will Rogers," he once said. "I've met plenty of guys I didn't like. I don't mean hate guys. I don't understand hate. You can dislike a man, but not hate him. But if I don't like a guy, I wouldn't do nothin' for him. If I like him, there's nothin' I wouldn't do. I ain't braggin' but I got something. Maybe it's how to be a friend."

For all his bluster, his sentimental attachment to his friends was sincere.

"When I see a friend I haven't seen for a few moments, we kiss each other. My son, Rory, kisses me each morning and night," he said when his only son was a boy, "It's all right for men to show affection. No one's going to think I'm a fairy."

At funerals, he invariably burst into tears.

"You can make Toots cry with card tricks," the comedian Rags Ragland, once said.

Mr. Shor used "class" as a barometer for his friends.

"Class is when a guy does everything decent," he once said. "One time Larry MacPhail, when he owned the Yankees, wasn't speaking to me but for the World Series that year, he made sure I had my usual allotment of tickets anyway. That's class."

With his friends, he was unfailingly generous.

"When I was out of action one time," Paul Douglas, the actor, once said, "I went six months without paying a tab in Toots' joint. And I never got a bill until I asked for it."

UNIMPRESSED BY THE FAMOUS

Mr. Shor liked to say, "Friends are better than money." And if his friends needed money, he often loaned it to them.

"When I loan a guy something, it's out of my mind," he once said. "I don't think I've ever been cheated. What the hell, if I have not got it back, it's still owed to me."

What Mr. Shor allegedly owed others became the subject of a libel suit that he brought against Sherman Billingsley, a longtime rival who owned the Stork Club.

"I wish I had as much money as he owes," Mr. Billingsley said on television in 1955, leading a judge to rule that slander on television was the same as published libel, in an out-of-court agreement, Mr. Billingsley agreed to pay $48,500 for the comment and had to provide an apology in writing.

Mr. Shor tipped big, as much as $20 to a limousine driver.

"I don't overtip," he said. "It's impossible to overtip."

When he wasn't in his restaurant, he usually was at sports events. He was devoted to the baseball Giants before Horace Stoneham, the Giants' owner who was a frequent customer, moved the team to San Francisco after the 1957 season. Once, when the Giants were on a losing streak, he shook his head in confusion.

"I been thinkin' lately," he said. "I'm raisin' my kids to be Giants fans. I don't know if I'm doin' the right thing."

In a showdown, Mr. Shor always preferred to socialize with one of his pals rather than a stranger, no matter how famous. Once he was sitting with Sir Alexander Fleming, the discover of penicillin, when he was told that Mel Ott, who had hit the 500th home run of his Giant career that day, had arrived.

"Excuse me, Sir Fleming," said Toots, "but somebody important just came in."

He always was prominent at the World Series, the big football games, the big fights and the big horseraces. For many years, he attended most of the afternoon weekday games at the Polo Grounds and Yankee Stadium. He had season tickets, which he cited as a business expense on his income-tax returns.

"Going to the ball game, that's pleasure, isn't it?" a Federal tax auditor asked him.

"Did you ever have to watch the St. Louis Browns three days in a row?" Mr. Shor replied.

The deduction was allowed, without Mr. Shor even mentioning his political friendships. He knew several Presidents, and Harry Truman was his favorite. After a White House lunch once with President Roosevelt, he was asked what serious issues they had discussed.

"I kept eating the cake," he said. "It was damned good cake. I wish I could get the recipe for my joint."

Mr. Shor never pretended to be a devotee of the cultural arts, although he occasionally attended them. After the intermission in "Hamlet" once, he said:

"I bet I'm the only bum in the joint who's going back just to see how it comes out."

Another time, at a concert, Mr. Shor was annoyed when Leopold Stokowski took several bows during the performance.

"Look at that creep," Mr. Shor told a companion. "I saw Carl Hubbell pitch a no-hitter and he didn't take bows. Let's leave at the half."

The son of a German immigrant father of Austrian descent and a Russian immigrant mother, he was born May 6, 1903, in Philadelphia, and his speech was characterized by the flat nasal accent of that area. As a boy, he and his two older sisters lived above the family candy store. When he was 15, his mother was killed by an automobile as she sat on the stoop of their home. His father, broken-hearted, committed suicide five years later.

In later years, Mr. Shor enjoyed giving the impression that he was uneducated, but he attended Drexel Institute and the Wharton School of Business at Penn University before becoming a traveling salesman of shirts and underwear. But in 1930, he moved to New York where he was a bouncer at the Five O'Clock Club—his introduction to celebrities.

Soon he moved to the Napoleon Club, then to Billy LaHoff's, the Ball and Chain, the Maison Royale and Leon and Eddie's, all nightspots of another era.

"I was learning how to live," he said. "I learned how important it was to be a spender, to buy a drink for people. There are savers and there are spenders. I don't hang around with savers."

He was a big gambler then. During the 1936 baseball season, he was understood to have won $60,000 betting on the Giants but he lost it when they lost the World Series.

LOST WITHOUT HIS SALOON

In 1959, he sold the lease to his original restaurant for a reported $1.5 million. The next year, he opened the 52d street restaurant with the same decor—a circular bar, wood-and-brick panelling, oak-plank floors. But his camaraderie proved to be stronger than his business acumen. After the tax agents padlocked the door, he was a lost soul, drinking in Jimmy Weston's or Duncan's, alone or with his wife, a saloonkeeper without a saloon.

"I'll get square," he kept saying. "I'll get square, my family will get square, my friends will get square, the whole world will get square."

When he opened his East 54th Street restaurant, many of his pals returned, but not as regularly as they once did. No longer was the restaurant the attraction it once had been. The decor was the same, but the atmosphere was not. Typically, for all the celebrities who had been his customers, there never were any pictures of them on the walls of Mr. Shor's restaurants.

"I'm an emotional guy," Toots explained. "If there are pictures hanging of friends who had died, it wouldn't work."

At one of the many dinners in his honor through the years, Toots Shor perhaps best summed up his reign as a saloonkeeper.

"It's been like New Year's Eve every night all these years," he said. "Except when some wonderful pal has gone away."

Public viewing of the body will be today at the Frank E. Campbell funeral home at 1076 Madison Avenue. The hours are from 3 P.M. to 5 P.M. and from 7 P.M. to 9 P.M. The family asked that in lieu of flowers contributions be sent to the American Cancer Society.

Funeral services will be held tomorrow at 10:30 A.M. in Temple Emanu-El.

On Thursday, at 2:30 P.M., a tribute to Mr. Shor will be held in the newest restaurant to bear his name—at 253 Broadway, near City Hall. Lew Rudin, the chairman of the Association for a Better New York, is expected to announce the establishment of a scholarship in Mr. Shor's name.

Mr. Riback said that an annual scholarship of $5,000 would be presented to a journalism student chosen by the New York Press Club. It was decided to offer the prize in journalism, Mr. Riback said, "because Toots was the greatest public relations man that ever existed."

WE SHOULD RECOGNIZE BOTH CHINA AND TAIWAN

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. SIMON. Mr. Speaker, the Washington Post recently published an article

called "The Case for Not Recognizing Peking" written by C. Martin Wilbur, who is identified as a professor emeritus of Chinese history at Columbia University.

It touches on a policy area and suggests something that I think is basically sound.

It makes sense to recognize the Government that exists on the mainland of China. But I do not believe it makes sense to turn our back on the Government of Taiwan. There is neither historic justification for such a move, nor a defense or economic justification for such a move.

Such a posture—of recognizing both Governments—is not satisfactory either to the Government on Taiwan or to the Government on the mainland of China. But it is a policy that makes sense and it is a policy that should be pursued by this Nation quietly but firmly. We should be ready to work with the Governments of both Taiwan and China and I hope that under Secretary Cyrus Vance such a policy will be pursued by our leaders.

The article follows:

THE CASE FOR NOT RECOGNIZING PEKING

(By C. Martin Wilbur)

Many persuasive arguments are advanced in favor of speedy normalization of U.S. relations with the People's Republic of China, yet there are equally strong arguments why this should not be done under Peking's three conditions, namely that the United States abrogate its security treaty with the Republic of China, remove all troops from Taiwan, and withdraw recognition from the government of the Republic of China.

With new administrations taking shape in both countries, is it possible that quiet diplomacy can find a way around this dilemma?

What would be the probable consequences of abrogating our security treaty with an ally and transferring recognition from the government in Taipei to the government in Peking? At the least it would call into question America's commitment to the defense of Japan, South Korea and our allies in Western Europe and the steadfastness of our support for Israel. Even more serious is the moral issue—the U.S. government's bargaining the continued security and economic prosperity of 16 million Chinese who, by enormous effort and with American help and encouragement have established a viable state and a thriving economy.

Recognition of the government in Peking as the government of all China must imply acceptance of the position that Taiwan is a province under the authority of that government; it must imply that laws and regulations of that government prevail in all matters pertaining to its provinces. After recognition, could our government sanction, let alone support, U.S. business activities and investments in Taiwan that were not approved by Peking? Could the United States continue to accord most-favored-nation treatment to one province of China—an arrangement that has greatly helped Taiwan in its trade with us? Could the Export-Import Bank guarantee loans made to a province of China without sanction of the government we recognize? Transfer of recognition would give Peking many means for undermining Taiwan's economy.

There are no American philanthropic, cultural or missionary institutions in the People's Republic of China: Its leaders expelled them all. Would normalization of relations with Peking mean the end of such enterprises in Taiwan sooner or later? Americans and most other nationals may travel freely to and in Taiwan, and Chinese residents have considerable freedom to travel abroad where they can arrange visas. Many American students study in Taiwan while numerous Chinese from there study in American colleges and universities. Scholars and scientists from both countries collaborate in many research projects. Contrast these situations with conditions on the Chinese mainland, a virtually closed world even for those countries that recognized the People's Republic 25 years ago.

The United States has assisted the Republic of China militarily, with training and equipment for its navy, air force, and army. Because of this program, the defense of the island by Chinese forces depends upon access to replacement of parts and updating of American equipment. Suppose we abrogate our defense treaty with the Republic of China. Would the U.S. government or American manufacturers then be in a position to provide spare parts for the defense forces of a province of China? Suppose Peking forbade it and declared a blockade of Taiwan.

The real situation facing the United States is that there are two Chinese governments, each controlling large territories and governing effectively. Each claims to be the government of all China, but this is a fiction that the United States need not involve itself in. Better for the present to seek a formula for recognition of each as the government of the territory it controls.

Let the Carter administration explore quietly whether the rival contestants will accept a different arrangement for American relations with a divided China, leaving aside questions of legitimacy and sovereignty. There is much that the People's Republic would gain from improved relations short of American transferrence of recognition from Taipei to Peking: the possibilities of a commercial treaty, most-favored-nation treatment, transfer of advanced technology, and possibly some settlement of property claims. If such exploration fails because the new Peking leadership insists upon its preconditions for recognition, then the U.S. government can explain to the American people that an earnest effort was made to improve relations with the People's Republic of China but again foundered over issues of principle that neither side would compromise. No diplomatic impasse need last forever.

REPRESENTATIVE JOHN M. MURPHY OF NEW YORK SALUTE TO CBS SPORTS COVERAGE OF THE AMERICAN BICENTENNIAL EVEREST EXPEDITION'S ASSAULT

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. MURPHY of New York. Mr. Speaker, I am sure many of my colleagues had the opportunity to view the CBS Sports documentary "To the Top of the World: Assault on Mount Everest" on the CBS television network, Friday, January 9, 1977. I am prompted to commend this effort.

CBS Sports has ushered in America's tricentennial with a historic event for television—the successful attempt by a team of Americans to climb and film the world's tallest peak, Mount Everest. This was the first time in 13 years that an American team has tried to reach Everest's summit, and only the second American mission to the mountain. The American Bicentennial Everest Expedition team consisted of nine men and two women.

CBS Sports covered the climb with a six-man film crew to record the event. Directing the film team was Mike Hoover, an experienced mountaineer and cinematographer. Ed Goren, a CBS Sports producer, accompanied the climbers to the Khumbu Icefall, which is the most treacherous part of the climb.

I was pleased to present, on behalf of President Gerald Ford, the President's Sports Award from the President's Council on Physical Fitness to the American Bicentennial Everest Expedition for their dedication and determination.

In announcing the television special, Mr. Barry Frank, vice president, CBS Sports, said:

CBS Sports realized that this was a perilous climb and a television gamble, but we recognized the courage and faith of this group of intelligent explorers. We feel this climb is a reaffirmation of the toughness, determination and the spirit of adventure that characterized early America which is the kind of bicentennial tribute CBS Sports is proud to bring to its viewers.

Said Phil Trimble the team's leader:

As opposed to the other Everest expeditions, this one was mounted in a very, very short time. The biggest difference is the way the group was formed and the people in it. We started with a group that had climbed together in various areas of the world, but who were not the strongest national team in climbing ability. The group evolved without a formal selection process, and the expedition didn't go through a lot of "hoopla" about announcing plans and receiving applications.

Trimble added people who brought necessary strengths to the party. Thus, the group, as a whole, has more high-altitude climbing experience than the 1963 American expedition. In addition to Trimble, who heads the legal staff of the Economic Affairs Section of the U.S. State Department in Washington, D.C., there were Arlene Blum, a biochemist on the faculty of Stanford University Medical School in Palo Alto, Calif.; Barbara Roach, a modern dance teacher and performer in Boulder, Colo. and her husband, Gerry, a computer scientist and professional photographer; Chris Chandler, a Seattle doctor specializing in emergency medicine; Hans Bruyntjes, a Dutch chemist; Dan Emmett, coowner of a diversified real estate firm in Los Angeles; Frank Morgan, an international lawyer practicing in Indonesia; Rick Ridgeway, a freelance writer; Robert Cormack, a glider tow pilot; and Dee Crouch, a staff physician at the Boulder, Colo., community hospital.

The expedition was assembled in Kathmandu, Nepal, in late July–August 1976. The approach through the Nepalese jungle was made during August, at the tail end of the summer monsoon. The successful climb to the summit was made during the "window" of relatively good weather that normally occurs in late September. The climbers used the South Col route blazed by Sir Edmund Hillary and Tenzing Norgay, in 1963, in the first successful ascent.

Mike Hoover, leader of the film crew, and Ed Goren, CBS sports producer, were the coproducers of the Everest ad-

venture. Mike Hoover was the director, Jack Whitaker was the narrator.

The American Bicentennial Everest Expedition believes that the successful assault may help to open new horizons for climbers and others who prefer not to believe such tough and distant goals beyond their reach.

TRIBUTE TO ARTHUR EDDY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. LAGOMARSINO. Mr. Speaker, a man I know and admire has recently received a joint resolution from the California Legislature. I believe it fitting that we in Washington also recognize this man, Arthur Eddy. In recognizing Arthur Eddy we pay tribute to the American ideal of advancement through hard work. Due to his enormous industry Mr. Eddy spent much of his life working with the stars of Broadway and Hollywood. He looked on as some of the greats in show business, such as Katherine Hepburn, James Cagney, and Clark Gable, rose to fame. Despite his constant association with celebrities, Mr. Eddy has not lost his love of life or his humility; he still prefers to talk of others rather than himself.

Arthur Eddy was born in Pawtucket, R.I., and began to work for his local paper as a teenager. By age 19 he was a Senate correspondent for that paper and by 1922 he was the youngest editor-manager of a newspaper while running the Windham County Transcript in Danielson, Conn. Arthur Eddy's press career was interrupted momentarily by World War I but soon he was back to the Transcript until Mr. Eddy broke with the paper over its decision to suppress a news story.

Arthur's break with the paper signaled the beginning of his career in New York where, at various times, he served as an editor for the Billboard, the Film Daily, and the Motion Picture Daily. While working for the Billboard Mr. Eddy was always in on the action reviewing 13 to 14 pictures a week and in a tuxedo every night. He reviewed some of the most famous pictures in history. He was there for the premiere of "Don Juan," the first motion picture with synchronized score and sound effects, for the opening of "The Light of New York," the first picture with dialog, and he was also present at the premiere of "The Jazz Singer" starring Al Jolson. Besides this, to stay on top of the motion picture scene, Arthur Eddy did more than review films; he even got the first newspaper story on the death of Rudolph Valentino.

Ever on the move, Arthur Eddy was a pioneer in personality radio interview shows during the Prohibition Era. At the same time he was writing for Screen Secret Magazine, Mr. Eddy rubbed shoulders with the stars, interviewing such celebrities as D. W. Griffith, Colleen More, Hoot Gibson, and Pauline Strike. Arthur was now a sophisticated New Yorker who traditionally lunched at Sardis. One of his lunching friends was Walter Winchell whose first motion picture Mr. Eddy wrote in collaboration with Sig Herzig.

In 1932 another "first" took place in Mr. Eddy's life; he was married to his wife Lillian. Soon afterward Arthur Eddy's diligence attracted the attention of Warner Brothers and the large studio brought him to Hollywood in 1937 to handle their trade paper publicly. Once again Mr. Eddy was mingling with the celebrities as he managed publicity for Bette Davis, Edward G. Robinson, Erroll Flynn, Jane Wyman, Ronald Regan, and Humphrey Bogart. As Eddy came to know Hollywood, his traditional lunch was shifted to the Brown Derby and a nightly coffee session with instigated at Schwab's Drug Store. Arthur Eddy's job with Warner Brothers came to an end in 1940 but he remained in Hollywood and turned to publicizing and writing for Edward G. Robinson's "Big Town" radio program. He also struck out on his own to establish a public relations agency in 1941.

Since 1941 Arthur Eddy has represented a distinguished list of clients. The Pasadena Playhouse heads his diverse list of past patrons which includes other concerns such as the Sister Kenny Polio Foundation, the Protestant Film Commission, the Superman television show, the Ruthrauff and Ryan Advertising Agency, the Chianti Restaurant and Richard Blalock and his Orchestra. Among the individual celebrities that solicited Arthur Eddy's help were Louella Parsons, Jane Greer, Ilona Massey, Charles Ruggles, Alan Young, Guy Madison, composer George Dunning, and vocal characterizer June Foray. Even after his retirement to Ojai, Calif., in 1965, Arthur Eddy retained June Foray, George Dunning, and the Ventura County Fair as clients.

Today, needless to say, Mr. Eddy's daily luncheon and coffee sessions persevere. Arthur Eddy continues his profession in the town of Ojai by serving the community as public relations director of its hospital and the Ojai Valley Inn, and by also providing speakers for service clubs. Hard work propelled Arthur Eddy into the star-studded world of show business but he never allowed himself to be overwhelmed by such an environment. When asked if he misses the glamour of Hollywood Arthur Eddy firmly responds, as in a recent interview ". . . Not a bit . . .".

WELFARE REFORM: A PROGRAM WE CANNOT AFFORD NOT TO HAVE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. SOLARZ. Mr. Speaker, the current system of public assistance in the United States is so poor that the words, "welfare" and "mess" have become inextricably linked in our political vocabulary. The existing welfare system has among other things contributed to the near bankruptcy of some of our cities, caused the dislocation of thousands of poor people who emigrated from the rural South to the urban North, and created both strong disincentives for family breakups.

In the case of the city of New York, where I come from, the cost of welfare and related programs stands between fiscal solvency and continuing deficits. In this fiscal year the city's deficit will be approximately $650 million, while its expenditures for welfare and medicaid will total $1 billion. Thus, if New York City were relieved of the cost of these programs its considerable deficit would be turned into a sizable surplus.

Given the serious flaws and devastating effects of the current system, I believe welfare reform should be placed high on the agenda of the 95th Congress. I have, therefore, introduced two bills which together would both provide the cities with immediate fiscal relief and provide for long-term reform of the entire welfare system.

The first bill I have introduced is a temporary measure which would bring immediate relief to our financially distressed States and localities. It would do this by simply changing the existing Federal reimbursement formula for the medicaid and aid to families with dependent children—AFDC—program to provide for a flat 75 percent reimbursement. Currently, 49 of the 50 States are reimbursed at a lower rate, with many States required to pay half the cost of these programs.

The immediate measure that I have just outlined is in many ways identical to the bill introduced last session by Representative Abzug and cosponsored by over 50 Members. However, my bill contains one significant improvement. It requires that the 25-percent local contribution be borne entirely by the State and forbids any State from requiring any of its subdivisions or municipalities to contribute to the cost of the program. It would thus relieve all municipal and county governments of all their welfare and medicaid costs and, thereby, save New York City $1 billion a year.

The cost to the Federal Treasury of this change in the reimbursement formulas would be $5.7 billion and would only require an increase in the current budget of 1.4 percent. This additional expenditure is clearly affordable and would serve as a fine complement to the economic stimulus package now being discussed.

The second bill I introduced is the family income maintenance program which would totally change the current welfare system by consolidating existing SSI, AFDC, food stamp and home relief programs into one comprehensive program. At the heart of it would be a minimum payment of $4,700 a year which would serve as an income floor for all Americans. I have suggested the $4,700 figure because it is our current rural poverty level and is, therefore, the amount of money required to purchase the goods and services necessary for living in a manner consistent with health and decency in areas having the lowest cost of

living. For families in areas which have significantly higher costs of living—10 percent or more above the national average—a cost-of-living bonus of 10 percent would be added to their entitlement.

This two-tier approach is the most sensible and efficient method of dealing with the problem of variations in the cost of living. Unlike a system which varied payments in accordance with the cost of living in each area, this system would not impose great administrative burdens on the program, but would provide needed funds in areas where high prices do cause significant hardships.

Even with the cost-of-living bonus, recipients in some States would be receiving less in benefits than under the existing SSI, AFDC, and food stamp programs. In order not to penalize these people, the legislation I am introducing would contain a maintenance of benefits clause. Thus, for example, a family of four in New York State on AFDC now receiving approximately $510 a month, or $6,120 a year in cash payments, rent allowance and food stamps, would receive $5,170 a year from the Federal Government and $950 a year from the State.

Though some States would still be contributing to welfare costs, there would nevertheless be tremendous savings even for those States and localities. For one, cities would be relieved of their entire welfare load since the bill would mandate that the State supplement be funded by State funds. Thus, in the case of New York City, the program would result in the permanent takeover of all of the city's $450 million income maintenance costs and would alone cut this year's deficit by nearly half. In the case of New York State, FIMP would assume approximately $100 million of the State's current $687 million expenditure for income maintenance. In addition, because of the annual cost-of-living increase in the national level of benefits, all of New York State's mandated costs under the program will be phased out in a period of 6 years, assuming an inflation rate of 5 percent a year.

The family income maintenance program would also be an improvement over the current system because it would finally deal with the issue of work and welfare in a rational and comprehensive way. The question for work and welfare is an important one, both for practical and philosophical reasons. We live in a society with a strong work ethic which holds that the primary resonsibility for supporting an individual lies with that individual. I share that belief. I do not believe that anyone who can support themselves by their own labor—assuming that work is available for them—should be supported by the labor of others.

Having decided on a work requirement, we should induce welfare recipients to seek employment in the most fair and efficient way. As we know from experience, the best incentive for employment is the retention of earnings. The bill I have introduced, therefore, contains a 50 percent negative income tax on all earned income less $65 a month for work expenses. This would, in effect, allow welfare recipients to keep more than one-half of their earnings. Thus, for example, welfare recipients under the program would find it to their advantage to take a full-time minimum wage job which pays about $4,500 a year, because they would still be able to retain $2,250 a year of that amount. In addition to creating work incentives, the negative income tax would provide real economic aid to the working poor. Under the negative income tax program, a family of four with an income of $7,000 excluding work expenses would receive $1,200, or $1,640 in benefits, depending on whether they resided in a high income area.

Besides using the negative income tax as an inducement to work, FIMP would have a work registration requirement under which recipients would have to register with their local State employment office. Of course, the aged, dependent children, the disabled, and persons engaged in socially productive activities, such as providing care for a young child or a severely disabled individual, would be exempted from the work requirement. However, all nonexempt recipients would be required to take any reasonable job proffered by the State employment office which pays the minimum wage.

This work registration program would take the place of the existing WIN program which has in some areas required welfare recipients to earn their benefits by working for the local government. However, most experts agree that the WIN programs are usually so poorly run that their cost of administration usually exceeds the value of the work they produce. The problem of employing able-bodied persons on welfare should be dealt with in the context of a full employment plan, and should not be dealt with by segregating welfare recipients into meaningless jobs where both society and the individual participants expect little from their employment.

In summary, the family income maintenance program would be a vast improvement over the existing system in the following ways:

First. It would be beneficial to recipients of the welfare system by providing a national minimum level of payment to all poor households. No longer would the level of one's benefits be determined by the place of one's residence or the cause of one's impoverishment, and no longer would there be an incentive for families to uproot and move to other parts of the country in order to receive decent benefits.

Second. It would be cheaper to administer. The consolidation of the three existing Federal programs and the one exclusively State program into one comprehensive system would save enormous amounts of money in administrative costs. No longer would separate bureaucracies—each keeping its own records, making its own eligibility determinations and arranging for its own payment mechanisms—have to be maintained to perform similar functions. The entire cost of the food stamp program with its expensive costs for printing, safeguarding, and distributing its coupons, would be eliminated. In fiscal 1976, this alone would have saved us $618 million. Assuming some additional savings by consolidation of the other programs, it would be reasonable to assume that at least $700 million in administrative costs could be saved with the adoption of my proposal.

Third. It would greatly relieve the financial burden now imposed on State and local governments. Under such a plan, municipal and county governments would no longer bear any of the costs of welfare, while only a few States would continue to have relatively minimal costs for the payment of supplementary benefits.

The cost of the entire, long-term proposal would be slightly more than $32 to $34 billion. In fiscal 1976, approximately $24.5 billion was spent on the AFDC, SSI, and food stamp programs. Approximately $17 billion of this total came from the Federal Treasury while the remaining amount came from State and local coffers. Therefore, in order to finance the program, the Federal Government would have to spend an additional $15 to $17 billion a year and increase its budget by slightly more than 3 percent. The Federal Government clearly has the capacity to absorb such an additional expenditure. A 1-percent decrease in the unemployment rate would increase Federal revenues by $16 billion. But even assuming we did not want to finance the entire program out of the natural growth of revenues, we could still finance a good portion of it through the elimination of some minor wasteful defense expenditures, and through the closing of the more egregious tax loopholes such as DISC and the deferral of taxes on foreign income.

It is clear that we can now afford a comprehensive national welfare program with adequate benefits. Given the financial condition of our cities and the social problems of our poor, it is also clear that we cannot afford not to have such a program.

PROTECTION OF THE ALASKAN WOLVES

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. WHITEHURST. Mr. Speaker, today I am introducing legislation which will provide the means to develop proper and intelligent game management of the wolf, and insure the preservation of this endangered species in its last great preserve—the State of Alaska. This measure calls for a study to determine beneficial methods of animal management. Until such a study is complete, I propose a moratorium on aerial hunting and other means of wholesale killing which may cause irreparable damage to an ecosystem already strained by a myriad of complex forces.

There are those who feel that this measure is unnecessary. The wolf, they say, is not endangered in Alaska. Mr. Speaker, this is sheer semantics. The very existence of the wolf is threatened, and rhetoric asserting that the species is still secure in Alaska does not easily

erase their overall endangered status. In the continental United States the wolf is all but gone, with only 1 percent of their former numbers surviving. According to the U.S. Fish and Wildlife Service, the red wolf, which once roamed the southeastern part of the country, has been reduced to less than 100 animals. Also, five out of the eight subspecies of the grey wolf which once ranged throughout the entire continental United States are considered extinct, with the other three on the endangered list. True, the wolf is not legally defined as endangered in Alaska, but viewed from this overall perspective, the species is in danger of extinction, especially given the conditions which some State officials consider proper game management. Man's encroachment upon the domain of this, and other species is inevitable as we utilize and develop fast shrinking wilderness areas. But in Alaska, we are afforded a rare opportunity, as there remains the last great refuge of the wolf. As in the case of the passenger pigeon, the golden bear, and other animals, once these animals are destroyed, they cannot be replaced, and we had better be sure of what we are doing to a major contributor to our ecosystem before any drastic action is taken that proves irreversible.

In response to declining moose and caribou herds, Alaskan game officials have adopted a policy of retribution against the wolf as the predator which has singlehandedly accounted for these decreasing numbers. Alaskan policy states: "Whenever substantial conflicts arise between humans and wolves over the use of prey, the wolf population will be managed to minimize such conflicts." Recently, this code has been carried to limits which exceed commonsense and common decency. Locating wolf packs with the aid of radio collars, which were originally placed on wolves to record their patterns of movement, men ruthlessly gunned down the animals from planes and helicopters—all in the name of game management. In unit 13, just one of several planned aerial hunts, the Alaskan Board of Game has proposed a scientific experiment whereby 100 percent of the wolves in a designated sector are to be gunned down from planes and helicopters over the next 3 to 5 years, just to see what happens to ungulate populations. This crude and ill planned action, lacking a sound scientific basis, cannot be disguised or dignified in the name of science.

Wolf kills on an ever larger scale are constantly being announced by Alaskan officials. The Washington Post reported on January 27—of this year—that plans have now been formulated for an aerial hunt covering the northwest portion of the State. This time the kill quota is up to 1,000 wolves. They are to be butchered from the air in order to attempt to speed the natural processes which will eventually foster an increase in the number of caribou if men are prohibited from repeating the gross mismanagement of past years.

I believe we have neither the wisdom nor the right to carry out such a policy. The reductions of ungulate herds appear, upon closer examination, to be the result of a variety of contributing factors. To blame the game decreases on the wolf is an all too simplistic and convenient notion which takes advantage of many myths which are only now being replaced by sound scientific research. There have been lax hunting laws resulting in widespread game overkills, extremely severe climatic conditions which have discouraged breeding, and economic development such as the Alaskan oil pipeline which has disrupted migratory patterns. The detrimental effects of these forces has yet to be fully understood, and they are being ignored by Alaskan officials as major contributors to the decrease in game populations.

Responsible animal management has been lax, and hunting laws have been overly lenient. For example, in 1973 hunters bagged 710 moose out of a population of approximately 3,000 in one of the game units. Over half of those killed were female animals. Only recently has the State realized their error and restricted the taking of females in order to promote reproduction. Caribou were hunted in unrestricted fashion—no bag limits or seasonal restrictions, and there are numerous reports of gross overkills. This leniency has persisted for years, and we should not expect instantaneous recovery nor allow callous and experimental shortcuts without careful evaluation.

Economic development in Alaska has proven to be as much of a challenge to area wildlife as it has been for man. It is difficult to ascertain the extent of the disruptive effects of economic developments such as the oil pipeline on the migratory patterns of big game. I cannot emphasize enough the value of the proposed study in determining the effects of these factors on game populations. It would provide an intelligent basis for developing adequate measures to assure the future of big game and their natural predators.

It is not difficult to observe, however, the aftermath of the boom in roadbuilding and recreational vehicles such as the snowmobile that has accompanied economic growth. They have given native and tourist alike increased accessibility to areas of Alaska where big game can be found. The plight of unit 20A, one of the areas where aerial wolf hunts have been proposed, exemplifies these conditions and forces of which I speak. Don McKnight of the Department of Fish and Game in Juneau, and Bob Hinman, the regional director in Fairbanks reconstructed for Audubon magazine the details of the game management there. Moose hunters—the human variety—during the late 1960's killed between 250 and 300 animals; a take acknowledged as twice as much as the herd could support. Yet somehow, no one noticed. In fact, pressure was applied to attract even more hunters to that area. In the 1971 season, hunters killed 350 moose. In 1972, the number of moose killed by hunters jumped to 485. Then the new Rex Trail road opened making the area accessible not just to snowmobiling hunters, but allowed conventioned vehicles passage. The kill for the 1973, 100-day season rose to 710 moose—including females. Finally the board of game responded to the intense human hunting pressure by reducing the 1974 season to 50 days, but yet another miscalculation was made as hunters still took 350 moose. By 1975, area biologists considered the situation serious enough to warrant a recommendation to the board of game to close the season entirely; a suggestion which was ignored. Instead, they opened hunting for a token 10 days which placed further undue pressure on the chances for the herd's survival as 50 more moose were shot. The Fairbanks Daily News-Miner published a letter to the editor from a local trapper which read as follows:

> Unit 20A has suffered such hunting pressure in the past three years as you would find hard to believe, with snow machines and tracked vehicles the mode of destruction. One would have to be out here to observe the number of carcasses and the waste . . . cows, calves, and bulls alike . . .

Needless to say, this is only one example of the waste I have been talking about. Yet somehow all this has been ignored, and the wolf, an easy target, became the Alaskan State scapegoat.

There are still other factors that have not been taken into consideration which have adversely affected big game populations. Preliminary studies indicate that climate can be, and in recent years has been, a major factor in reducing animal numbers. Still others suspect a significant amount of predation is due to the Alaskan bear population. No one, however, knows just how significant, yet I hesitate to even dare mention this possibility for fear bears will soon find themselves the victim of a brutal extermination program. Again, more information is urgently needed so that policies can be formulated which will benefit both man and his fellow living creatures. Yet it must be accurate data, oriented specifically to the conditions which have shaped the problems Alaska now faces.

Purdue's Prof. Durward Allen has studied the interrelationship of wolves and moose on the secluded Isle Royale in Lake Superior. There, on an island isolated from the depredations of man, wolves and moose have survived together for over 15 years. It has been observed that wolves tend to feed on the sick, lame, and weak moose, leaving the strong to reproduce and enhance the species. This fact has led Farley Mowat, author of "Never Cry Wolf" and long-time authority on the subject, to state:

> The caribou feeds the wolf, but it's the wolf who keeps the caribou strong.

An important fact to emerge from the Isle Royale observations is that the balance between wolves and their big game prey has remained intact, without one species completely overwhelming and eradicating the other. Clearly, the survival rate of moose and caribou has been better with wolves than with man.

A natural balance between wolves and caribou has existed for thousands of years, each being necessary for the maintenance and welfare of the other. I seriously doubt that 1977 has seen any drastic change in the laws of nature. Why not let nature continue her course?

The process of natural selection allows for survival of only the fittest. If there is a lesser amount of prey, then Ma Nature will compensate by reducing the number of predators. And she will do it at no cost to the taxpayers.

Alaska's extermination policy is as impractical as it is needlessly cruel. There were approximately 100 animals killed in last January's aerial kill which involved an area of 10,000 square miles. The total cost of the project was $250,000 which breaks down to about $2,500 per wolf. The cost of conducting this massacre over 144,000 square miles, more than 10 times the area of the January wolf hunt, would be astronomical I submit that there are more constructive ways to manage wildlife than to spend a ridiculous sum of money for the needless destruction of a species.

The debate over the Alaskan situation has deteriorated into a question of jurisdiction as animal management has traditionally been within the exclusive realm of the States. But as man increasingly lays waste to his environment, and as the very existence of many species is threatened, a new national awareness has grown. My proposal is not without precedent. The Federal Government, cognizant of its environmental responsibilities, enacted the Endangered Species Act, which supercedes any State law in an effort to protect fast dwindling populations of animals threatened with extinction. The Wild Horse and Burro Act has a similar framework, placing those animals under Federal jurisdiction. Alaska is not unfamiliar with Federal participation in affairs which are important to citizens throughout the land. Congress, further shouldering its responsibility to preserve the natural environment for all Americans and for all time, granted 80 million acres of Alaskan land for conservation purposes, as part of the Alaskan Native Claims Settlement Act. In addition, there is a joint Federal-State Land Bureau to provide recommendations regarding the most advantageous use of these wilderness lands. As one of our last great wilderness preserves, Alaska cannot help but feel the effects of Federal environmental responsibilities to the Nation. Given the situation there, it seems both prudent and necessary that we take action to insure the safety of all members of the Arctic ecosystem.

The crux of the matter remains one of proper animal management. The present policy regarding wolf management in Alaska, whether pursued by State or Federal officials is highly questionable, having weak scientific justification. Hunting laws have been lax and abused. Economic development has had detrimental effects. Climatic conditions in recent years have been especially harsh, further reducing the rate of healthy reproduction. It is time to make an earnest effort to evolve constructive conservation measures. Mass poisonings, bounty hunting, and aerial slaughter have been sanctioned for too long.

Efforts to block this needless killing have proven ineffective. There were two lawsuits filed by conservationists to stop the proposed wolf hunt. The first court case resulted in an injunction that was quickly lifted. In the other court battle, a U.S. district court judge refused to grant an injunction, so the destruction has continued. Thus, this bill constitutes the final recourse available.

There are so many species on the brink of extinction in the Continental United States. It is a telling reminder of the consequences of unrestrained mismanagement. My proposal asks merely that an objective study be conducted which will determine the best possible alternatives regarding the management of wolves, in order to assure their continued survival. Such a study would undoubtedly provide us with a fuller understanding of other forces and conditions, particular to Alaska and presently ignored by State officials, which have combined to reduce the ungulate herd population. At the moment, my major concern is that action as drastic as the proposed wolf kills is prevented, and thus have taken appropriate action to restrict it. I have suggested that $50,000 be appropriated annually, not to exceed a 3-year limit to fund the project. This in no way is intended to affect or limit any other projects in this area, but is only aimed at providing the necessary support for this study.

We are faced with a dilemma. To do nothing might result in further reductions in game herds; a proposition unsatisfactory to the wolf as well as man. But to engage in crude and inhumane methods might also tip delicate ecological scales too far for recovery, resulting in the extinction of a species which plays an important role in the scheme of arctic life. The consequences of such an event will only lead to further imbalances in an already strained system. We must move to insure the safety of that system, but move in an intelligent and responsible manner. I believe my proposal will effectively equip us to do just that.

MILITARY MUSCLE KEY TO RUSSIANS' SYSTEM NEW NSC AIDE SAYS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. McDONALD. Mr. Speaker, one of President Carter's new advisers on the National Security Council will be a retired U.S. Army Col. William E. Odom. Colonel Odom's views on the Soviet military build-up were recently discussed by Henry S. Bradsher in the Washington Star on January 25, 1977. In this article it was pointed out that the Soviet Union has geared its whole system to military power and little else. Indeed, the educational system of the U.S.S.R. is geared in large part to militarization of its society. Colonel Odom's thesis flies directly in the face of those who proclaim that owership of a few more private automobiles or color television sets will somehow mellow the Politbureau and its goals of world conquest in the name of socialism. I commend the article to the attention of my colleagues:

MILITARY MUSCLE KEY TO RUSSIANS' SYSTEM, NEW NSC AIDE SAYS

(By Henry S. Bradsher)

The goal of the entire Soviet political, social and economic system is military power, according to a key figure on the new staff of the National Security Council.

The Soviet Union has "a war-mobilization economy." Its educational system has carried out "the militarization of the entire population."

"By the time a child is in second grade, he receives his first formal instruction in survival in nuclear war," and after basic military training in the 9th and 10th grades a young man is drafted directly into a combat unit.

This description of the Soviet Union has been given in recent articles by William E. Odom, a U.S. Army colonel who is going to work for President Carter's national security adviser, Zbigniew Brzezinski. Odom will work on Soviet affairs with William G. Hyland, an NSC holdover from handling arms control negotiations for former Secretary of State Henry A. Kissinger.

A former Army attache at the U.S. Embassy in Moscow. Odom has recently been teaching politics at West Point. He has also been associated with the Research Institute on International Change at Columbia University, which Brezezinski headed.

Odom wrote in the summer of 1975 that the Soviet Communist party's general-secretary, Leonid I. Brezhnev, was negotiating with the United States on arms control "to improve his economy's capacity to produce military power. both for today and for the long run, whereas Kissinger presumably is concerned not with increasing economic capacity but with shifting present capacity to nonmilitary activities. . . .

"Without peace and Western credits, the (Soviet) armed forces obviously cannot be strengthened as rapidly," Odom said. He suggested that Soviet generals might want arms control agreements "which make the future more predictable for them."

"It is not a question, in the Soviet view," Odom explained, "of guns and butter—what mix for social satisfaction? It is a question of how much butter must be produced in order to obtain the highest rate of military growth."

Odom called this a "reversal of priorities" from Western thinking, with the Soviets "making military power an end social product rather than treating it as a social overhead cost."

In another article published last autumn, Odom said both the czarist traditions of Russia and the nature of communist organization combine so that "the militarization of Soviet society is neither an aberration nor an unusual or extraordinary state of affairs."

Odom said a 1967 change in the military service law ostensibly reduced army draft time from three years to two. In practice, however, "part of that time has simply been pushed back into the civil sector" by giving in high schools the kind of military preparation that recruits to Western armies get in four to eight months of basic training.

A drafted youth "proceeds directly to a regular unit. Drafted, say, in Kiev one day, he could be in a combat division in East Germany, Czechoslovakia or on the Chinese border two or three days later," Odom wrote.

He added that "the system is far from uniformly and completely installed, but . . . it is being methodically and persistently developed, though possibly another decade may be required to get it into full swing."

Odom quoted Soviet estimates that up to a third of all military inductees have not only basic training but also a military specialty. This is acquired through the Voluntary Society for Assistance to the Army, Air Force and Navy, or DOSAAF from its Russian initials.

A privately funded organization under military direction, thus also distorting budget comparisons, DOSAAF was loosely run until 1967. Then it began to be improved so that its part-time activity for civilians would teach them military technical skills.

JOBS FOR VIETNAM VETERANS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Ms. OAKAR. Mr. Speaker, on January 21, immediately after President Carter issued his pardon of the draft evaders of the Vietnam war, I wrote to him urging his support for a proposal I was making in behalf of those who did choose to serve their country during this very difficult time. My proposal was that he expand the public service jobs aspect of his proposed economic recovery program so as to create an additional 60,000 jobs this year exclusively for Vietnam veterans.

I was extremely pleased to see that last week, the President did amend his economic recovery program so as to include a program for jobs for Vietnam veterans, the major part of which is an allocation of public service jobs which is nearly identical to what I had suggested.

It seems to me that with unemployment among these veterans being so high, and with a pardon having been granted to the draft evaders, simple justice requires that the Government take whatever action is needed to guarantee that all veterans who want jobs will have them. Many other improvements remain to be made in the program of benefits for Vietnam veterans, but providing jobs is, to me, the first priority.

Thus I look forward to prompt action by the House of Representatives on this vitally important matter. I am today introducing a bill which would implement the proposal I made to the President, and I will closely examine the bill that the President offers. I insert into the RECORD a copy of the letter I had sent to President Carter, and a factsheet on the issue I prepared:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 21, 1977.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In this time immediately following your pardon of the draft evaders of the Vietnam war, my thoughts are with the eight million men and women who served in our armed forces during this long and painful war. Your action in behalf of those who refused to serve raises in my mind the question of whether our government has provided adequately for those who did serve. It seems to me that in at least one major respect, this government has failed the Vietnam veteran terribly, and that is in helping them to find jobs.

At the end of 1976, the number of Vietnam veterans unable to find work was a shocking 560,000. Among young veterans, age 20 to 24, the unemployment rate was 18.2%—more than double the national unemployment rate. A large number of these veterans are in the greater Cleveland area, and I can tell you that nothing has caused them more disillusionment than their inability to find work. Besides having relatives who served, I became acquainted with many young veterans during the time I served as an assistant professor at Cuyahoga Community College in Cleveland. I saw the injury, both physical and mental, that the war had caused to most of them, and rather than being treated as heros, like veterans of past wars were, their sense of duty and their sacrifice were ignored. Frankly, to grant a pardon to those who refused to serve without acting at the same time in behalf of the Vietnam veterans would, in my view, be a message to the veterans that what they did in serving their country was somehow wrong.

But I also believe that now, as the new Administration and new Congress take office, we have an opportunity to establish in this land a spirit of honor and concern for Vietnam veterans. I can think of no better way we could begin such an undertaking than to take concrete action to provide jobs for Vietnam veterans. Congress will soon be acting upon the series of proposals you recently outlined to counter the recession and reduce joblessness. In order to guarantee that veterans will partake fully of the benefits of this package, I propose adding to it a special provision for Vietnam veterans.

Specifically, your economic program calls for spending an additional $1.4 billion in 1977 to create 240,000 new jobs under the existing Public Service Employment Program. I am very familiar with the operation of this program and believe it is an excellent one, for the money granted to states and cities places unemployed people to work for their government performing services needed by their community. What I propose, and what I will next week be introducing a bill to accomplish, is adding initially to the Public Service Employment Program, in addition to what you propose, $650 million in 1977 which would be distributed among states and cities solely for the hiring of unemployed Vietnam veterans. About 60,000 Vietnam veterans would be placed on payrolls, doing important, constructive work, with this amount of money.

I do not doubt that there are many improvements which can and should be made in the program of benefits for Vietnam veterans. But the enactment of legislation for jobs such as I have described would be vitally important, not only to the many veterans who would gain employment directly as a result of it, but also as a symbol of the high esteem which these veterans will be accorded from now on. Thus I ask your support for the enactment of this program.

Sincerely,

MARY ROSE OAKAR,
Member of Congress.

FACT SHEET ON VIETNAM VETERANS' UNEMPLOYMENT

Unemployment among Vietnam Veterans, as of the fourth quarter of 1976:

Unemployment rate for veterans age 20 to 34, 8.7 percent.

Number of veterans these ages unemployed, 560,000.

Unemployment rate for veterans age 20 to 24, 18.2 percent.

Number of veterans unemployed in this age group, 175,000.

(Source for above info: Bureau of Labor Statistics, U.S. Department of Labor.)

Total number of Vietnam-era veterans, 8,332,000.

Unemployment among Vietnam Veterans in the Cleveland area:

November 30, 1976, 10,615.

January, 1976, 9,548.

January, 1975, 6,550.

(Source for above info: Ohio Bureau of Employment Services.)

Unemployment nationally as of the fourth quarter of 1976:

Percent unemployed, 8.0 percent.

Number unemployed, 7,558,000.

(The unemployed Vietnam veterans are 7.4 percent of all unemployed persons.)

U.S. BEEF ECONOMY AT CROSSROADS

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. COTTER. Mr. Speaker, independent agricultural economists predicted last year that retail beef prices could increase by as much as 50 percent by the end of 1978. Developments since then have done nothing to discourage that prediction.

I would like to insert the following two articles, from a series by Dan Morgan printed this week by the Washington Post, for the information of my colleagues:

[From the Washington Post, Jan. 30, 1977]

U.S. BEEF ECONOMY AT A CROSSROADS—THREAT OF FINANCIAL RUIN HANGS OVER THE CATTLE INDUSTRY

(By Dan Morgan)

WALDEN, COLO.—In the back country ranges of the Rocky Mountains, ranchers such as Bob Brownlee have been fighting a constant battle against winter this year.

On a recent day when the temperature was near zero, Brownlee and his son-in-law, Newell Geers, were hacking a hole in the frozen creek with a double-edged axe to find water for the cow herd, and giving out whoops of joy when a trickle of water appeared. Then they were off in their pickup truck, bumping across a washboard pasture and dropping off hay for the animals.

It was all part of the cycle of work at the far end of the country's beef pipeline, the $20-billion-a-year system that keeps Americans supplied with the juicy steaks and hamburgers that are almost a national symbol of American affluence.

Yet raising beef animals today is anything but a sure way to prosperity. The threat of economic ruin hangs over the cattle industry, and the American beef economy is in the throes of major changes brought about by the heaviest losses since the Dust Bowl days of the 1930s.

Even in this remote valley, circled by mountains and once populated mainly by prairie dogs, antelopes and Indians, ranchers are feeling the painful effects of sweeping economic and social developments over which they have had virtually no control.

Brownlee reckons that he lost $30,000 on his 1,500-acre operation in 1976, and he may have been lucky. As far as he is concerned consumers are getting a bargain on beef while he has been taking a financial beating. Brownlee and the ranchers around here have lost money most of the last 36 months. Yet the price of steaks and hamburger in supermarkets is about what it was three years ago.

Paradoxical as this situation may seem, economic analysts say it is logical. But the same logic holds that the situation is certain to be reversed. Then it will be the turn of American consumers to pay more for beef.

Starting in 1967, cattlemen steadily increased the size of their herds, from 108 million head then to 131 million head in 1975.

By late 1973, there was too much beef going to market. Retail stores had to keep prices low in order to sell it all. These low prices

were passed back through the beef pipeline to wholesalers, meat packers, cattle fattening yards, and finally to ranchers.

All through the period, inflation and higher prices of hay, corn and other animal feeds were adding to the costs of running ranches and farms, even as the prices that the cattlemen received when they sold their young steers and heifers in the fall was staying too low to make money.

Ranchers began reading the economic message they were getting two years ago and reacted by reducing the size of their herds. Since then, a beef slaughter unprecedented in the history of the United States has been under way.

In 1973, only 33 million animals were butchered. The number jumped to 36 million the following year, then to a record 40 million in each of the next two years. The total number of cattle in this country declined in 1976 by 4 million. More important than that, the country's cow herd—the "factory" that produces tomorrow's steers and heifers—has been drastically depleted.

In 1976, 10 million cows were killed, about twice as many as three years earlier. Most of them were ground up for hamburger meat.

Consumers have been the immediate benefactors of this massive slaughter. It has helped to hold down beef prices at a time when everything else seems to be going up.

Consumers ate up all the meat that came to market, but only after retail stores had set a price for it that was low enough to induce them to buy. Americans tend to spend a constant 2.5 per cent of their money for beef. When it is a good bargain they buy more, and when it is expensive they switch to other food, such as cheaper pork or chicken. With beef prices fairly reasonable in 1976, they ate a record 129 pounds per person, compared with 116 pounds four years earlier.

In effect, Americans are eating their way out of a huge surplus of beef.

Brownlee and ranchers such as him still have a fundamental faith in the laws of supply and demand. They figure that when less meat goes to market, prices should start to rise again and they can begin turning profits.

But nobody knows for sure when the losses will end in the cattle industry. If the prices of steak and hamburger rise too abruptly, consumers might switch to pork, poultry, or even spaghetti. That happened in the 1973 beef boycott, and it sent prices plummeting. If it happens again, it could signal a fundamental change in the American diet.

Americans have eaten a steadily increasing amount of beef since 1920, but there are at least some signs that the trend is ending. If it is, cattlemen could be in for some further unpleasant shocks.

In the 90 years since settlers moved into this valley the grassy ranges have been fenced, a railroad spur has been driven through from Wyoming, and oil and coal companies have dug wells and opened surface mines. But cattle is still a mainstay of the economy.

At Brownlee's Bar-Slash-Bar ranch, the cycle of breeding and birth sets the agenda for the farm work. The 550 cows in the herd will have their calves in April. Brownlee, Geers and a hired hand will take up a 24-hour vigil then, checking on the mothers and calves and scaring off intruding coyotes with spotlights. It costs about $176 to keep one of the cows for a year. That is money down the drain when a young calf dies or is killed.

In August, the father and son-in-law will become cowboys, riding horses to round up cows and head them back to the pens around the barns for artificial insemination with bull semen.

They will also turn bulls loose in the herd as a failsafe measure in case the artificial breeding doesn't work. There are no second chances for cows. If they fail to get pregnant, they are sent to the packinghouse.

This same breeding cycle also imposes a rigid, economic framework on the rancher's operations.

In a few months, Brownlee will be making decisions that could have financial repercussions in 1980.

This fall, Brownlee will decide how many of this spring's calves to keep as replacements for old cows sold for hamburger. These heifers won't be bred until the summer of 1978. They will calve in the spring of 1979, and the steers or heifers they produce won't be ready for slaughter until mid-1980. Only then will Brownlee get a return, unless he decides to sell the animals when they are younger.

Brownlee finds himself locked into such a cycle now. He figures he needed to get 65 cents a pound for the 450-pound steer calves he was ready to sell last December. But the best offer he got was 36 cents a pound. Rather than lose money, he decided to place them in a fattening yard in Greeley, Colo. He says he needs 45 cents a pound for the fattened animals. But packinghouses were paying under 40 cents in late January.

Last fall he lost $26 a head on the full-grown animals he sold to a packinghouse. At some periods in the last three years, cattlemen have lost as much as $100 a head, according to the U.S. Department of Agriculture.

The atmosphere was all gloom at a weekly cattle auction at the Greeley Producers Public Stockyards in January.

Standing in front of a big sign that said, "Enjoy Beef Everyday," a professional auctioneer called out asking prices and offers to rows of overalled cattlemen, as a cowboy cracked a whip and drove the animals into a sawdust covered corral. When the animals got rambuctious, cowboys in the corral stepped behind wooden barriers.

Tom Nix, a 61-year-old farmer from Eaton, Colo., sold 35 steers to another farmer, Don Anderson. Nix had bought the animals in September and "grained them," fed them corn for the last month, waiting for cattle prices to start up. But he had grown tired of waiting.

"I don't know how he (Anderson) can buy 'em and still expect to make money," he said.

The government doesn't have any exact estimates of the cattlemen's losses, but bankers say they are in the billion of dollars. The cattle industry is stretched financially to the breaking point.

Denver banker Ron Hays says the debts of ranchers and cattle fatteners are "staggering," because they have acquired huge long-term mortgages from banks to cover the costs of their losing operations.

Hays said that because of the great demand for money insurance companies such as Prudential, Connecticut General and Connecticut Mutual have moved aggressively into agricultural lending in the West, using land as collateral.

There have been few actual foreclosures of the kind that swept the West after the 1930's Depression. However, many hard-pressed cattlemen have had to raise money to keep operating by putting first and second mortgages on their property. This has been possible only because land values have risen rapidly.

The rising land values have provided a safety net for the western cattlemen. East of the Rocky Mountains, in Colorado, South Dakota, Oklahoma and Texas, undeveloped pastureland that can be irrigated for crops has jumped in price from around $150 an acre to nearly $1,000.

Inflation, climate, and population growth have played a part in rising western land values, but so has the increased return on crops such as wheat and corn after 1972.

Thousands of acres of grasslands have been switched to crops as prices of those grains rose.

The equation of land, crops and cattle does not seem to be working to the long-range advantage of consumers. At some point, beef prices will have to reflect the price of the land on which the cattle are raised. If they do not, farmers and ranchers will find other uses for their valuable real estate. That can only mean less beef at higher prices.

[From the Washington Post, Jan. 31, 1977]

CATTLE FEEDLOTS IN ECONOMIC PINCER

(By Dan Morgan)

KUNER, COLORADO.—Today's beef animal has been called "a hide stuffed with corn."

That is a good description of the 75,000 cattle living at Monfort of Colorado, Inc.'s sprawling computerized fattening facilities just east of the Rocky Mountains here.

Each animal will devour more than a ton of corn during the four months it spends in Montfort's mile-and-a-half-long, labyrinthine feedlot. At the end of the four months, the animals will weigh a half-ton each and will be ready to go to Monfort's own high-speed slaughtering plant 15 miles away.

Twenty-five years ago such mammoth beef fattening facilities were almost unknown in the United States, just as they still are in most other countries. But today most of the choice steaks and ribs that Americans buy in stores and restaurants have been carved from animals fattened in places like it.

Looked at one way, Monfort's feedlot is a highly efficient factory for turning the protein of plants into meat.

A computer calculates daily feed rations of corn, silage, wheat, hormones, vitamins and supplements for the cattle in each pen, according to the age, weight and condition of the animals.

Corn hauled in by the rail carload is processed into corn flakes to make it easier to digest. Nutritionists check the progress of the animals, and when all goes well each steer gains 2.6 pounds a day until it reaches 1,100 pounds and is ready for slaughter.

For all their efficiency, huge cattle feedlots such as this one are under attack as wasteful and possibly uneconomic—as symbols, in fact, of an era of American agricultural abundance and luxury that may be passing.

It takes about six pounds of corn to add a pound of meat, fat and bone to beef animals. Humanitarian organizations say this is wasteful in a world of widespread hunger and malnutrition.

Others say it is unhealthy. The Senate Select Committee on Nutrition and Human Needs issued a report in January saying that the American diet, which includes a steady fare of fatty, grain-fed beef, contributes to obesity and illness.

And in the last three years, a sharp increase in the price of corn—the raw material of these fattening facilities—has raised doubts about their economic future.

Fifty years ago, grass was the main food of beef animals. Cattle came off ranges and pastures to be slaughtered after eating hay, wheat shoots, alfalfa, or the plentiful mesquite, brome and buffalo grasses of the western plains and prairies.

As the nation's corn supply became more plentiful because of new hybrid seed varieties and powerful chemical fertilizers, some Corn Belt farmers started buying young steers from western ranches and fattening them on local grain.

These animals reached full weight faster than if they had been fed only grass and hay, and their meat tasted juicier and was less lean.

Then, in the 1950s, another phase began with the opening of giant commercial facilities that could fatten from 30,000 and 100,000 animals at a time.

These enormous feedlots, which had a voracious need for more and more corn, had a major impact on American agriculture and on American diets. Many of these commercial

cattle fattening operations set up in dry southwestern states such as Texas and Arizona rather than in Iowa and Illinois where animals often lost weight slogging through the Corn Belt's winter mud.

And the rapid growth of the big feedlots, made possible by a plentiful supply of extremely cheap corn, vastly increased the amount of inexpensive, grain-fattened beef that consumers could buy.

Between 1960 and 1976, Americans increased their beef eating from 85.1 pounds a year to almost 129 pounds each. And the number of cattle fattened in feedlots nearly doubled from 7 million head to over 12 million. The animals in the feedlots are only one stage removed from the juicy steaks treasured by American consumers.

Today, however, fundamental and perhaps permanent changes are under way in the American beef economy, spurred by a bewildering array of social and economic developments. And the big feedlots are at the center of the storm.

One of the major developments is the rise of the fast food industry. The billions of hamburgers sold by McDonald's so far is indicative of the evolution of this country into a hamburger eating society. Fast-food restaurants specializing in hamburgers are spreading, and almost half of the beef eaten in the United States is now in hamburger form.

Hamburger meat doesn't have to be made from beef animals fattened on corn. Some of it comes from the ground-up trimmings of carcasses of beef animals from feedlots. But a substantial amount is made from lean, imported beef, or from ground-up cows that spent most of their life eating hay and pasture.

At the same time, a sharp increase in corn prices that started in 1973 has completely upset the old profit-and-loss equation that made feedlot operators rich in the 1960s and early 1970s.

In 1972, it cost less than 30 cents to add one pound to a beef animal in a fattening yard; today it costs as much as 45 cents, and in some periods of the last three years the cost was more than 50 cents. The increased price of corn is the main reason.

These changes have already caused substantial adjustments in the operations of feedlots. Monfort and other operators are economizing by shortening the time they feed corn to animals.

Even so, the fattening yards have been caught in an economic pincer of high feed cost and low market prices for the fattened cattle. Monfort, which may be the world's largest, lost $10 million on its feedlot operations in the last fiscal year.

Surprisingly, the company's president, Kenneth W. Monfort, says he feels the adjustment may be a good thing. When corn was very cheap some calves were put on a heavy corn diet when they weighed as little as 350 pounds and left in fattening pens for a whole year. The final month tended to add fat but not much meat.

Monfort says this practice was extremely wasteful. "We're in the process of going back to a more reasonable industry," he says. "We have a cattle feeding industry with twice as much capacity as we really need. We're trying to eat our way out of a problem."

When grain prices were low and cattle were bringing good prices in the 1960s, the beef business was a glamour field. Thousands of wealthy outsiders, ranging from Hollywood stars to big city dentists, bought steers from ranchers and turned them over to professionally managed feedlots for fattening.

The beef boom encouraged the spread of commercial cattle fattening in the Southwest, particularly in the Texas panhandle. At the peak of the boom nearly half the cattle being fed corn were in those big commercial feedlots, the government estimates.

Outside newcomers, nicknamed "Wall Street cowboys," owned a substantial amount of the cattle, and corporate conglomerates, meatpacking companies and grain exporting firms also bought up some feeding facilities. Many private investors were apparently lured by the possibility of using the feedlots to shelter some of their income from federal tax liabilities.

Subsequently, these investors lost millions of dollars, and may have withdrawn their money.

"We overbuilt our feedlot capacity in this country by 20 per cent," says Bill Jones, executive vice president of the National Cattle Feeders Association. "Before the energy crunch it looked as if the demand for meat protein would never stop growing. We were jerked up short," he said.

Some of the big commercial feedlots built in Texas have closed down, and at least one major one went bankrupt.

The farm magazine, Agri Finance, reported last summer that outside investors were "waiting in the wings" to buy cattle again as soon as it became more lucrative.

Yet, many farmers, feedlot operators and their bankers are wondering when, if ever, that will be.

The cattle fattening industry in the United States, and the era of inexpensive grain-fed beef, was based upon a seemingly limitless supply of cheap corn. That luxury existed in no other country in the world and it helped to explain why the cattle feedlot is a uniquely American institution.

Beef animals eat nearly one-sixth of the country's corn crop every year—and America grows half of all the world's corn.

Today, it is by no means certain that corn will ever again be available at bargain prices. The price of growing corn has been increasing because the higher costs of petroleum-based fertilizers and pesticides, and rising land prices, have made crop farming a costly business.

The American beef economy is also indirectly experiencing the impact of global economic and diplomatic developments over which it had little or no control. The demand for American corn has been steadily increasing abroad, as foreigners eat more hogs and poultry and need grain to raise the animals.

In 1972 and 1973, U.S. corn exports jumped from 27.1 million metric tons to 43.1 million tons, partly because of the Russian grain purchases, which were part of Washington's detente strategy.

Then the weather gave the agricultural economy another jolt.

In 1974, the drought-stricken crops in the United States were so poor that the country would have had to import grain if American livestock and dairymen had used as much grain as they had in 1973. They didn't though, because corn prices reached record levels as foreign buyers outbid users of corn here at home. In Washington, officials argued that the country needed these sales abroad to help offset the cost of importing more and more expensive oil.

In that respect, the American beef industry has been a major victim of the 1973 price hikes by the oil producing countries.

Many farmers slaughtered their animals instead of paying more for grain. This process of killing animals instead of feeding them is still under way in the beef industry.

Most predictions are that there will be much smaller supplies of corn-fattened beef coming to market by late this year. That could push up prices. If consumers refuse to pay those prices—which should then begin to reflect the higher price of corn—cattlemen might be forced to turn to more economical ways of producing beef for the nation.

Cattle industry officials insist that there can be no permanent return to the days of raising beef on grass and pasture. They say there is not enough good grazing land to support the country's 127 million head of cattle. That is especially true in the West, where most of the cattle are.

The American National Cattlemen's Association disputes claims that animals could be raised more cheaply on grass. ANCA says farmers would have to keep animals a year longer on hay and pasture than on corn to reach full weight. During that time, ranchers would have to pay for hay (now selling at $50 a ton) and other expenses. Ultimately, ANCA insists, a grass-fed steer would cost only a few dollars more than a corn-fed one, and its carcas would produce less usable meat.

Young steers and heifers could be slaughtered instead of being sent to feedlots—but at that stage of their growth their carcasses are bony, not meaty.

Yet farmers do raise beef cattle on nothing more than pasture hay and silage. That is done in the East and South, where extremely thick pastures can support large numbers of cattle per acre.

To some, that seems to be an appealing model.

"There will be less and less beef that's fed a lot of grain," says a Denver banker. "The fact is you can still turn out a beef animal into the desert and he'll survive. He'll put on half a pound a day instead of two and a half—but he'll survive."

CONDEMNATION OF FRANCE FOR RELEASE OF POLITICAL TERRORIST ABU DAOUD

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. BURKE of Florida. Mr. Speaker, the action taken by the Government of France on January 11, 1977, releasing the alleged leader of the Munich Olympic games massacre, Abu Daoud, is in complete disregard of the fundamental principles of human decency and international justice. No action by any major Western power since the dark days of World War II can even begin to surpass the cynicism and total lack of moral responsibility inherent in these recent actions. By following this course France has signaled to the rest of the world that she no longer has the willingness, or perhaps even the capacity, to provide the moral leadership usually accorded a power of her station. She has gone against her own high political principles symbolically contained in her national emblem, the Tricolor—liberty, equality, fraternity. In fact, France has become a party to those very same kinds of actions which she has consistently deplored throughout her long and fruitful history.

Mr. Speaker, let there be no mistake about the kind of man who stands at the center of this moral outrage. Mr. Daoud is a member of the Revolutionary Council of Al Fatah, the principal guerrilla organization of the Palestine Liberation Organization as well as being a confessed member of its Black September group. On September 5, 1972, at the Olympic games in Munich, Germany, members of the Black September organization attacked the quarters of Israeli

athletes resulting in the death of 11. In 1973 the American Ambassador, Mr. Cleo Noel, was killed by this same organization while being held hostage against the release of Mr. Daoud who was being incarcerated in Jordan. As late as 1975 two officers of a French police branch were murdered by the mysterious "Carlos" who was a colleague of the Black September organization. Unquestionably, Mr. Daoud is at the center of one of the most notorious international terrorist organizations.

To all responsible individuals even a semblance of justice would demand this man be brought to trial to determine his guilt or innocence. But to deny this opportunity is to cast a pale over the face of a civilized society and the expectations of those individual members who look to its writ for their own security and happiness. It calls into question the very legitimacy of that government called upon by the good people of France to rule. There can be no doubt—and let the record of this august body of Congress so state—that the recent actions of the Government of France demeans the very concept of justice and reduces it to a process of selective discrimination based on the self-serving principles of material gain and material comfort.

In conclusion, I would like to include into the RECORD a summary of the facts relating the Abu Daoud case—with particular reference to its legal aspects—as released by the Embassy of Israel in Washington, D.C., on January 17, 1977. The statement is as follows:

On January 10, 1977, on the basis of the Extradition Convention between Israel and France, Israel submitted, pursuant to Section 10 of this Convention, an urgent request to the French authorities for the provisional detention of Daoud Uda Oith el-Halidi el-Silwani also known as Abu Daoud, born in 1937 in Jerusalem. The subject entered France on January 7, 1977 with Iraqi Passport No. 1044138, issued on March 6, 1973 in the name of Raji Yusef Hana.

Israel's request was transmitted to the French authorities both through our Ambassador in Paris and through the Police. Under the provisions of Section 11 of the Extradition Convention between France and Israel, which has been in effect since November 14, 1971, the French authorities were obliged to keep the subject in provisional detention for a period of up to 60 days, pending the submission of the formal request for extradition.

A warrant of arrest was issued for this person by Judge Shalgi of the Jerusalem Magistrate's Court on January 10, 1977. The subject was accused of murder (Section 214 of the Criminal Code Ordinance of 1936), manslaughter (Section 212), conspiracy to commit a felony (Section 33), abduction (Section 256), causing grievous bodily harm (Section 235 and 238), unlawful wounding (Section 241), wounding and assault in grievous circumstances (Section 251A) and aiding abetting, counselling, procuring and conspiring to commit the said crimes (Sections 23 and 24).

We stated in our request that the offenses were committed in connection with the attack on members of the Israeli team at the Olympic Games held in Munich, Germany, in September 1972.

We were informed by the press media that the French authorities, despite our request, and in violation of an explicit international obligation undertaken by France, had released the requested person. Our Ambassador in Paris was not kept informed of the proceedings, the legality of which is more than arguable, and only after repeated contacts, with both the Ministry of Justice and the Ministry of Foreign Affairs, did he receive confirmation of the illegal release of the requested person.

DISTORTED ACCOUNT

From reports appearing in the media, it appears that the French Government has been circulating a highly distorted account of the legal position. It is claimed that the Extradition Treaty between France and Israel entered into force only in 1974 or 1975 and that, since the acts attributed to Abu Daoud were committed in 1972, the Extradition Treaty does not apply to them. It is also alleged that the murder in Munich is subject to Israeli jurisdiction under an amendment to the Israeli Criminal Code which was passed on March 1, 1973, whereas the crime itself was committed in 1972, so that—once again—the Extradition Treaty does not apply.

In order to clarify the legal aspects of this matter once and for all, we call attention to the following points:

1. The Extradition Treaty between France and Israel was signed on November 12, 1958 and ratified on November 14, 1971. It is on the basis of this Treaty that Claude Lipsky was extradited to France in November 1971, and that other requests for extradition to France have since been granted.

2. The murders in Munich were committed in September 1972; but even had they been committed previously, Article 23 of the Treaty expressly states that it also applies to crimes committed prior to its entry into force.

3. The allegation that the amendment to the Israeli law conferring jurisdiction upon Israeli courts in respect of acts of terrorism committed outside Israel was passed by the Knesset only on March 1, 1973 is not correct. The amendment took effect on March 28, 1972, in other words, prior to the Munich murders.

4. The argument that in 1972 French courts had no jurisdiction over terrorist acts committed outside French territory is not valid, since Article 55 of the French Constitution of October 4, 1958 expressly states that, in the event of a contradiction between an international treaty and French Law, the treaty shall be applied.

5. The French Government conducted its case in camera, although the French Extradition Law of March 10, 1927 expressly states that such cases must be considered in open forum unless the court decides to hold proceedings in camera on grounds which must be expressly stated.

6. Contrary to universally accepted practice, and to the procedures which we have always maintained in our relations with France whenever the latter has submitted an extradition request to us, France maintained no contacts with us, on either the diplomatic or the legal level, during the court proceedings. The French authorities deliberately withheld all information about this matter from the Israel Embassy in Paris. It it a generally accepted rule that the State legal authorities represent the interests of the requesting State in all extradition matters. Yet on this occasion all the proceedings were deliberately carried out without Israel's knowledge and with a degree of secrecy which is usually to be expected only from totalitarian regimes.

7. Furthermore, the proceedings were carried out with inordinate haste. Whereas the tribunal which dealt with the matter normally meets only on Mondays, in order to deal with the most urgent matters, this time it met on Tuesday. The only other time that this tribunal met other than on a Monday, in an urgent matter in which human life was at stake, four days' advance notice was needed. The hallowed principle that judicial proceedings must be conducted publicly was grossly violated in this instance.

8. France signed the European Convention for the Suppression of Terrorism on November 10, 1976. This Convention has admittedly not yet entered into force; it does, however, state that the taking of hostages and the use of grenades and automatic firearms shall not be regarded as political offenses, and that these are crimes for which extradition must be granted. By its conduct, France has violated the spirit of this Convention and has acted in contradiction to all its international obligations under its Extradition Treaty with Israel.

To Sum Up:

1. France stands in breach of the Extradition Treaty with Israel, under whose terms it was obliged to arrest Abu Daoud immediately upon receipt of the Israeli application.

2. There was no justification for France's decision to submit the case to any tribunal at this stage. The arrest should have been automatic, and legal proceedings ought only to have been held in connection with the formal request for extradition that was to have been submitted at a later stage.

3. Even if French Law permitted such proceedings, Israel ought to have had the opportunity to be present.

These breaches of International Law by France will only serve to encourage international terrorists, who will from now on be aware that a legal precedent exists making it possible for murderers to find asylum on French soil under the cloak of secret proceedings.

SATELLITE PICTURES MAY EXPLAIN DESERTS AND DROUGHTS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. TEAGUE. Mr. Speaker, an Israeli scientist using NASA Landsat data has outlined a mechanism which may explain the reasons of deserts and cyclical droughts in some parts of the world. I urge my colleagues to take a few minutes to read about another example of how mankind here on Earth may benefit from knowledge gained through space technology:

Dr. Joseph Otterman, Landsat investigator at Israel's Tel Aviv University, has used Landsat and other satellite data, ground and aircraft reflectance and temperature measurements in a study which concludes that the highly reflective soils of the Sinai, denuded because of overgrazing by domestic animals, are cooler under Sun illumination than the controlled grazing lands of the neighboring Negev.

The Negev, virtually undisturbed by goats or sheep, has a more stable soil condition, more vegetation and more dark plant debris. Because of these factors the Negev absorbs more of the Sun's radiation, causing a mass of heated air, or "heat mountain," which rises to form clouds and precipitation. The Sinai, with no such heat mountain, has much less rainfall.

Dr. Otterman says his theory possibly explains the formation of deserts along North Africa's Mediterranean coast and also patterns of cyclical drought: if, because of drought animals die off or move, the vegetation recovers. The ground reflectivity then decreases, surface temperatures increase and rains return to normal. The population then gradually increases, begins overgrazing with domestic animals and starts the cycle again.

"As a gross oversimplification, it can be postulated that a population explosion in grazing herds during the 'seven fat years' is the cause of the 'seven lean years,'" Otterman says.

Interviewed at NASA's Goddard Space Flight Center, Greenbelt, Md., home base for the Landsat project, Otterman suggested that this mechanism might be studied in other parts of the world.

One of the Landsat photos of the area studied by Otterman clearly shows the denuded, high albedo (reflectivity) regions of the Sinai and Gaza Strip in sharp contrast to the darker western Negev. The line between the light and dark area coincides with the 1948–49 Armistice Line between Israel and Egypt, where a fence was built about five years ago.

A precision radiation thermometer flown over the Sinai-Negev border in August 1973 showed that surface radiation temperatures were about 45 degrees C (113 degrees F.) on the Negev side and about 40 degrees C (104 degrees F.) on the Sinai side. In February 1974, these measurements were repeated with the instrument hand-held at ground level. These averaged about 33.5 degrees C (92.3 degrees F.) on the dark side and about 30 degrees C (86 degrees F.) on the bright side. Although weather satellite (NOAA–2) thermal imagery shows the Negev warmer than the Sinai, a more satisfactory quantitative assessment is expected from a third Landsat satellite which will carry more precise heat-measuring instruments.

Otterman was a 1974–75 Research Associate of the National Academy of Sciences, National Research Council, at Goddard Center.

Landsat, circling the globe 14 times a day 912 kilometers (560 miles) overhead, surveys Earth natural resources with an electronic multispectral scanner that returns data for visual images and computer tapes from which experts can distinguish different types of terrain, vegetation, soils, rock outcrops and other surface features.

Besides mapping forests and possible mineral areas, the data has been used for—among other things—measuring crop acreages, mapping snow cover, detecting oil slicks, mapping urban and agricultural land use, detecting offshore dumping of sewage and industrial waste, monitoring the environmental effects of strip mining and locating potential earthquake zones.

Landsat-1 has been in operation since July 1972 and a sister spacecraft, Landsat-2, since January 1975. A third one is planned for launch by NASA next year.

TRIBUTE TO THOMAS H. TEAR

HON. M. CALDWELL BUTLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. BUTLER. Mr. Speaker, it is a privilege for me to join with other Members of Congress in paying tribute to Thomas H. Tear, who is retiring this month after serving as minority chief page of the House of Representatives since 1953.

The page program is not only an important service to Members of Congress but it is one which is a tremendous influence on the lives of the young men and women who serve as pages.

Tom has played a major role in the success of this program.

Tom came to the House with a distinguished background which included service in Europe during World War II where he received the Purple Heart and Oak Leaf Cluster.

To Tom and his wife Carolyn, I say "good luck" and we will all miss you.

THE PARDON AND THE VIETNAM VETERAN

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. PURSELL. Mr. Speaker, recently, President Carter announced his pardon of many draft offenders with the intent of healing the Nation's wounds. Many of those voicing opposition to the pardon cited the sacrifice of the Vietnam veteran as the basis for their opposition. Yet of all the voices speaking out on behalf of the pardon, few have voiced similar concern for the wounds—emotional and physical—of the Vietnam veteran. Likewise, of those using the sacrifice of the Vietnam veteran as an instrument to blunt the pardon, few have mentioned reaching out to the Vietnam veteran to help ease his sacrifice. How can we bind the Nation's wounds without dealing with theirs?

In all honesty, is this not an anomalous position for those truly concerned with the Nation's wounds and/or the sacrifice of the Vietnam veteran?

I hope each Member of this House will closely scrutinize Congressman DOWNEY's discharge review legislation and Congressman WOLF's accelerated entitlement legislation, both of which I believe will substantially assist these veterans.

I am aware that veteran's legislation has been productive in the past; however, in light of the pardon, I feel the Congress must move commensurately to recognize the military service of the men and women who complied with our laws or served voluntarily.

I would also hope that President Carter in choosing his Veterans Administrator, appoints a person sympathetic to the Vietnam veteran and not a business-as-usual individual. The article appearing in the January 23, 1977 Washington Post by William Greider bears this out.

In addition, another group of people whose wounds still fester are those orphans whose men remain MIA. I think it is just as anomalous that neither supporters nor opponents of the pardon mentioned these men.

Finally, and probably most importantly, in light of the pardon, I believe it is time to erect a memorial or some other form of recognition on behalf of the 56,000 men and women who gave their lives in the war.

The article follows:

(By William Greider)

Certain scars from the war probably lie beyond the healing power of a presidential proclamation, like little bits of shrapnel buried too deep for easy removal.

These pop up, now and then, briefly aggravating, according to young men who were there. A recurring dream perhaps, fighting in an unnamed patch of jungle, the helpless feeling where people are shooting at you but you can't see them.

A former chaplain's casual remembrance of one particular death notification, then spontaneous tears. An abrupt tremor in a young businessman's voice as he attempts to explain, in clinical terms, this anger which lies deep within, beyond clear expression.

The war was over long ago and mainly forgotten when this new President issued his pardon proclamation for those who refused to serve in it. His action seemed to distress some citizens, in part because it reminded them that there had been a war.

It is this loss of memory which seems most to rankle the veterans from Vietnam, not the pardon, not the old arguments of whether the war was right or wrong, whether it was moral to fight or to resist or to run. What aggravates the old scars is this strange notion that they are the only souls walking around in this great nation with anything left of the war inside them.

What follows are brief conversations with three men from the millions, a quick glimpse only of what must surely lie out there across America. They are successful people, moving forward with their private lives, capable and self-confident and, therefore, their feelings are probably less dramatic than others which might be told.

The purpose of their words is not to reopen the old political arguments, the old wounds, but to make a simpler statement: it is a terrible thing, even obscene, that other Americans should forget so easily when something more needs to be done. A monument or a law or something. The problem is nobody has yet figured out how to say to all those veterans the healing words they need to hear.

Giovanni Pacheco, a 31-year-old marketing executive in New York, is one of those handsome success stories that walk around America, advertising the best opportunities for those who will struggle.

"Gino" Pacheco grew up in Los Angeles, a Chicano son who wanted to break through the traditional barriers which excluded Mexican-Americans. Thanks partly to the Army, he made it.

After flunking out of college, he enlisted, and the Army made him an officer. He did two tours in Indochina with the Green Berets, he became a student of guerrilla warfare, the tactics and history from the American Revolution to Algeria and Vietnam. After the service, Harvard Business School accepted him as a bright minority applicant, and now he has a master's degree and a promising career.

Still, the war seems like a fresh experience when he talks about it, like a burden that is still following him as he goes briskly up the ladder.

"I don't think most guys are ever going to forget combat, especially in Vietnam," he said. "If you come home and get a pat on the back, you're willing to forget all the bad stuff. When you come back and you get a lot of crap, guys saying you were a fool to go, guys saying you're a murderer, you can't really put it away, it's impossible to forget."

As Pacheco explains it, the Vietnam experience put a lot of minority group young men like himself through a kind of vicious double-door—first offering them acceptance and mainstream status for their able performance in uniform, then taking it away when they got home and found that Vietnam was a national disgrace.

"I guess minorities feel this more strongly than anyone else," he said. "Having been outcasts, they feel like, damn it, I earned my spot. I proved myself. Then we come back and we get none of this. Instead, they give you a penny when you need a dollar and they want to forget about the whole thing."

Pacheco is in hock for $12,000 for his college, which doesn't bother him greatly since he has a good start with a major corporation and the benefits of a classy education. What rankles him is the memory of the Mexican-American and black kids he counseled at Ft.

Carson, Colo., who couldn't make the same leap and weren't getting much encouragement to try.

"When I first went in, a lot of us were apprehensive about Vietnam," he said. "It was '66, the thing was getting heavier over there. We accepted the fact that we were going to Vietnam. We were kind of looking forward to it."

Pacheco won a slot at officer candidate school, then volunteered for Green Beret training at Ft. Bragg, N.C. He went to war—as adviser to a Vietnamese army unit on the Cambodian border in the delta region—well-schooled in guerrilla tactics, but unprepared for the backlash from home.

"I stopped reading the American newspapers," he said. "They were so pro-North Vietnam. I got very close to the Vietnamese I was advising. I got to know them. I liked them. I got to the point where I really didn't care what people in the states thought."

But he heard from friends, who wrote to him as though they feared he had lost his senses.

"They couldn't understand what happened to me," he recalls. "Why I joined this 'killer' organization, the Green Berets. Why I got sucked in."

At one point, Pacheco wrote a 27-page letter to a friend, trying to explain the war in terms that made sense to him. And he heard from his younger brother, Patrick, who at 18 was applying for conscientious objector status and was ready to go to jail if turned down.

"Even though I was looking at the military as a career," Pacheco said, "We were very close. I really admired him for it. I think it takes a helluva lot for a man to say I'm going against the society and I'm willing to pay the price."

In November, 1968, when his tour ended, Pacheco was back in the states only a few days when he wired Washington, asking for reassignment to Southeast Asia.

"The vibes were too bad here," he said. "Everyone I talked to was a negative. What is it like to kill? How does it feel? Like that. A lot of it was just well-founded curiosity, I think but a lot of it was twisting it in you. It was like—hey—you're really a loser."

Pacheco went back to the war, caught a little bit of shrapnel in his posterior. From home he heard that one cousin was court-martialed for refusing an order. Another was discharged with psychological problems when a close friend was killed.

"I did have a difficult time adjusting when I got back," he said. "It was sort of an eye-opening experience. We did our job, guys got killed, but we expected that. I lost some damn close friends, and I never really cried over it because they were doing a job. Then when I got back, I really freaked out."

Pacheco worked it out, with support from his family. "Vietnam was good for me," he said. "The Army made me an officer, gave me management experience, got me into Harvard, made me take a good look at myself and at the world as it really is. Nothing good was going to happen to me unless I was going to do it for myself."

But why didn't the other Vietnam vets, he wondered, band together and build their own mutual-support organizations like the ones from earlier wars?

"I've thought about this and I always come out at the same point," Pacheco said. "We were a bunch of losers, and no group is going to get together and be tagged a bunch of losers. I think people want to forget us as soon as possible."

What could anyone do now? Pacheco isn't sure. A TV campaign perhaps, or a monument or better GI benefits, some gesture of respect. He doesn't know the remedy, but he still feels the burden:

'I think veterans feel, I would like the load taken off me. Something to say: look, you jerks, I didn't start the war. I didn't make the policies. I did what I did because it was my obligation, like my father's obligation, like my grandfather's. If it was wrong, fine, but don't burn us for it."

Lyman Sale Jr., a sturdy man with reddish brown hair and the resonant voice of a natural-born preacher, grew up in north Georgia, and was called to the Baptist pulpit when he was 17 years old. After several churches, he became an Army chaplain, where God's ministry seemed so much more immediate and necessary.

"When I was 17, I guess I thought I was going to convert the world," he said smiling. "Now at 41 I just hope to be able to somehow make it myself without getting in the way of my family and the other people I meet."

Chaplain Sale left the Army and the pulpit, and drifted away from orthodox faith. He now sells automobiles in Northern Virginia ("selling tangibles instead of intangibles," he jokes). Maybe this would have happened to him anyway, without Vietnam.

On his first tour in 1968, Capt. Sale was hospital chaplain in the Eighth Field Hospital at Nhatrang, the coastal zone which he remembers as strangely idyllic, mornings gathering sea shells along the beach, afternoons praying with the wounded.

"It was a bad scene in the sense that it was war," he said, "but it's something that, if you lived through it, you look back on it with some real genuine feelings of, well, it was one of the greatest times of my life."

The war came and went in that strange way. He drank coffee in the morning with brave friends, the air medics, and one evening he looked over their incinerated bodies, trying to help identify them.

But strangely enough, the war reached him more profoundly in 1969 back home in Washington where he was assigned as battalion chaplain of the Presidential Honor Guard, stationed at Ft. Myer. He conducted more than 600 funerals at Arlington Cemetery and delivered "death notifications" to the families of Vietnam casualties. He remembered:

"That was the hardest part of my job . . . To be the first one to say that, you know, your husband or your son was on a military mission in a military aircraft and shot down and burned. That was a rather terse message. It was the official one, about all that you could give them at that particular moment. I think it cut into a lot of my own idealism about how beautiful the world can be . . . To think that we allow it to continue and we just go right on as though it were a part of life and there's nothing any body can do about it."

Usually, the chaplain did not have to say much. The people knew the meaning of his visit.

Once, he remembers, a woman pounded on his uniformed chest, wailing: "Why couldn't it be you instead of him?"

"I never did answer," the chaplain said. "It was just something she was feeling at the time."

Back in Vietnam in 1972, the American presence was diminished greatly, but the chaplain still traveled by helicopter to visit troops in the field.

"I'd have my own helicopter and pilot and co-pilot, lower gunner and crew chief," he recalled. "I would think about it as I'd be flying along, I'd be thinking, if we got shot down, somebody would have to take the notice for each of those men as well as my family.

"I got thinking about what I was doing and whether it was worth taking them out there like that, so I stopped taking them out."

For a while he flew with a general into hot areas where perhaps someone wanted to see a chaplain, perhaps not. After a while, that seemed pointless too.

"I just said to hell with it," he said. "I don't think it's worth it. I don't think it's that important. I'm not going to do it anymore."

When Capt. Sale resigned his chaplaincy, his home denomination, the American Baptists, was upset. "I got the impression they thought I had chickened out," he said. Later when he made himself understood better, he had to explain that he didn't want to crusade against the war or the Army, which he still admired. He simply no longer believed in what he was doing or what they were doing in Vietnam.

So he left the church as well and started a new career.

The real world, he says he believes, is a lot tougher place than orthodox religion or pacifist philosophy prepares one to encounter.

"Religion to me now is simply a father wish projected against the heavens," he said. "And we would like it to be true that God is there. We don't know whether He is or not, we'd like it to be true. We would like it to be so that there is going to be peace in the world and that, if we all lay down our arms, nobody's going to run over us. But, in reality, that doesn't happen."

Lyman Sale's changed thinking could be a metaphor for so many Americans, painful knowledge gained from the hard experience. He still believes in God but it is no dogma ("I simply hope there is"). He still believes in peace, but he thinks pacifists must be aggressive ("taking peace to the enemy before he brings war to you").

And he yearns sometimes to go back to Vietnam and see the places where he once served, but he has moved on to a different perspective of himself.

"I decided I'm going to stop trying to convert the world and other people", he said, "and I'm just going to live my own life and let other people live theirs."

Jan Scruggs, a slender and serious young man who lives in Silver Spring fingered the little bit of shrapnel underneath the skin below his knee. "I ought to get it taken out," he said idly.

Scruggs caught 12 bits of metal from a rocket-propelled grenade one day on an infantry patrol in the Xuanloc region, but he had his poncho rolled up tight on the back of his belt and it caught a fragment headed for his spine.

So he was lucky then and, in a way, Scruggs is lucky now. Unlike a lot of other veterans, he has found a way to focus on the resentments and frustrations left over from Vietnam without getting lost in them. Indeed, Scruggs has found a way to objectify them—to measure the scars and reduce them to social science statistics.

The 26-year-old veteran studied psychological counseling at Prince Georges Community College and did graduate work at American University and on his own, has surveyed the Vietnam after-effects among Washington area veterans.

He tramped around the campuses handing out questionnaires to veterans and non-veterans, to those who served, in combat and those who didn't, and now he is preparing the results for publication in a professional journal.

The numbers on Scruggs' tables are dry, but their message is chilling. Only about half of the Vietnam veterans in his sample feel the war did not leave them with psychological problems. The effects were stronger among those who saw heavy combat, among draftees rather than enlistees, among those

who opposed the war afterward, among black veterans.

Scruggs found that the men who served in combat, especially when their units suffered heavy casualties, are more likely to have lower trust in other people, greater political alienation, more divorces, lower self-esteem.

"It's still a live issue, it's not a dead issue," Scruggs insisted. He thumbed through the short bibliography to demonstrate how little research has been done by psychologists to understand these things or what to do about them.

Scruggs went through the same "negative feelings" when he came home from the war, when nobody was interested in his medal for gallantry or the different world he had seen in the jungle.

"As far as it affects me now, I don't know," he said. "When I think about the social-class implications, the people I served with, the Navajos and Apaches, the blacks and Chicanos, people from Puerto Rico who were drafted, the ones I saw die, it just tends to give me some pretty negative feelings."

Like many of the combat veterans who answered his questionnaire, Scruggs still dreams about it occasionally, not one recurring dream but certain themes that he recognizes as reflections of his war service.

The dream, he explained, is this:

"Basically you are in combat situations. You are kind of helpless to do anything—frustrating type of situation in combat. You never really saw the enemy during battle. All you saw was a thick vegetation in the jungle, explosions to your right and left and bullets hitting trees all around you."

THE AMERICAN PARDONERS: FROM WASHINGTON TO EISENHOWER

HON. THEODORE S. WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. WEISS. Mr. Speaker, the ongoing discussion of the amnesty issue could not be complete without reference to actions by past Chief Executives relative to pardons and other acts of amnesty. Our distinguished colleague, FRANK THOMPSON of New Jersey, together with Prof. Dan Pollit of the University of North Carolina, pointed out in a recent letter to the New York Times, that 12 past Presidents have granted pardons for the national good. I would like to share Mr. THOMPSON's and Mr. Pollitt's letter with my colleagues; it provides information which can assist us in making judgments about President Carter's pardon plans. The letter follows:

THE AMERICAN PARDONERS: FROM WASHINGTON TO EISENHOWER

To the EDITOR:

Mr. Westmoreland's recent comments ("No Pardon for Draft Evaders," Op-Ed Dec. 12) that President-elect Carter's proposed pardon for all Vietnam draft evaders "would be without precedent" indicates that history, like war, is too important to be left to the generals.

A partial listing of the "precedent" includes pardons by George Washington (for those guilty of treason in a "whiskey rebellion"); by John Adams (for those convicted of treason in the insurrection by the Pennsylvanian John Fries); by Thomas Jefferson (for those convicted under the Alien and Sedition Laws and for those who deserted the militia during the affray against Aaron Burr), and by James Madison (for those who had "deserted from the Army" during the war of 1812).

During the Civil War, Abraham Lincoln pardoned all citizens of the Confederacy who agreed to lay down their arms; and he pardoned all Union soldiers "now absent from their regiments without leave" who "report themselves to a rendezvous." Death sentences for desertion were commuted to imprisonment for the duration of the war. Andrew Johnson pardoned all those who had participated in the rebellion, excepting only Jefferson Davis. The only condition was an oath "to henceforth faithfully support, protect and defend the Constitution."

In modern times, Woodrow Wilson "furloughed" from prison those who, for reasons of conscience, violated the World War I Selective Service laws. Warren G. Harding pardoned Eugene V. Debs and others convicted under the World War I espionage laws. Calvin Coolidge pardoned all those who had violated the World War I draft or espionage laws and those who deserted the armed forces after the Armistice. Franklin Roosevelt pardoned and restored to full citizenship all those who had violated any World War I law, excepting only those who had fled the country.

Harry Truman exercised the pardon power on three occasions: In 1945 for World War II deserters who had one year's honorable service; in 1947 for those who had violated the World War II draft laws for reasons of conscience, and in 1952 for those who deserted after World War II hostilities had terminated.

During the Korean War, a large number of American soldiers were captured, and some 4,500 or so became "turncoats" who aided the enemy. President Eisenhower ordered that none of them be prosecuted absent "the most compelling and convincing evidence" of additional "serious crime."

Thus, the American tradition is one of reconciliation; in the words of Lincoln, to do "all which may achieve a just and lasting peace among ourselves," President-elect Carter's announced program of amnesty lies well within that high tradition.

FRANK THOMPSON Jr.,
Member of Congress, 4th Dist., N.J.
(Prof.) DANIEL H. POLLITT,
University of North Carolina.

WASHINGTON, *Jan. 14, 1977.*

THE ENERGY PROBLEM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. DERWINSKI. Mr. Speaker, as the House today debates the so-called emergency energy bill, it is well for us to ponder the entire energy problem facing the country.

The Chicago Tribune's Washington columnist, Frank Starr, in an article in the January 31, Tribune, analyzes the positive contributions of nuclear power to effectively help in alleviating energy shortages that this country is facing during this abnormal winter season.

The article follows:

NUCLEAR POWER DID MUCH TO SAVE THE U.S. IN FRIGID CRISIS

(By Frank Starr)

WASHINGTON.—On a cold morning two weeks ago Monday an event of major significance occurred: the whole eastern half of the nation had an electric power emergency.

That it didn't develop into a major blackout like the one in 1965 was partly a result of new procedures instituted after that earlier event to prevent such blackouts. Nonetheless some power companies had to go to their last-resort procedure—cutting off power to customers.

What was especially significant about it was that, whereas such crises had heretofore been summer phenomena, this one occurred in the dead of winter—partly because of record low temperatures. Combined with natural gas [or other fuel] shortages which already threatened, this new problem could mean serious economic and human damage in the future.

What happened was this. Utilities in a band of states from Indiana, Michigan, and Kentucky east to Virginia experienced a record winter demand of 56,200 megawatts that day. But in addition to the 11,000 megawatts of Midwest generating capacity already out on routine maintenance, another 9,000 megawatts was incapacitated because coal piles were frozen, coal was wet, or oil and coal barges were paralyzed in Ohio River ice.

Elsewhere, equipment was crippled by ice deposits, and high winds snapped ice-heavy transmission lines. Across the whole interregional networks of power exchanges, the 60-cycle frequency began to sag—a sign the demand was not being met.

Phone calls began between regional power pools and to individual companies. All excess capacity was ordered onto the line in an effort to hold the frequency up. The next step was 5 per cent voltage reductions. Then came appeals to industrial consumers to cut back demand. And finally in Virginia, Georgia, and some parts of Florida, customers, including residential users, suddenly found their power going off for an hour or more at a time.

The New England and New York power pools were exporting electricity to the Midwest and the South. New York, for the first time ever in winter, reduced voltage by 5 per cent in order to be able to export. Even New Brunswick in Canada was putting on extra capacity.

An unusual thing had happened.

Previously the nationwide weekly output had always peaked in the summer. A record of 41.79 billion kilowatt hours set in the summer of 1973 had stood for almost three years until last summer when it hit 43.8 billion.

But even on the week before that Monday, Jan. 17, the record had been broken once again—with a 45.5 billion total.

But here is the kicker. The East Central states were 90 per cent dependent on coal, much of which was locked under mountains of ice or was wet when brought in. Dayton [Ohio] Power and Light, for example, was operating at 50 per cent of capacity.

But the areas that were bailing out the coal-fired generators were largely nuclear powered. In the New England pool, all seven of the nuclear plants were operating and providing 30 per cent of the output. Only one plant there is coal-fired; the rest use oil. Northeast Utilities in Hartford, Conn., is entirely nuclear.

According to the Edison Electric Institute, the utilities' trade association, Chicago's Commonwealth Edison, which is normally 40 per cent nuclear, had coal freezing problems. But with a 5 per cent voltage reduction, it

met its demand through an increase of nuclear output to 48 per cent. Six of its seven plants were on line with one out for routine maintenance.

The only nuclear-powered plant reported incapacitated by the cold weather was Virginia Electric Power Company's Surrey installation, which failed because ice from the James River clogged its water intakes.

In short, it probably can be said, with only slight exaggeration, that nuclear power bailed the country out of an emergency on the morning of Jan. 17.

The antinuclear lobby won't be pleased about that, but it did happen.

WORLD WILDLIFE FUND

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. FISHER. Mr. Speaker, during the World Wildlife Fund Fourth International Congress, held in San Francisco, November 29–December 1, 1976, a number of resolutions dealing with wildlife resources throughout the world were adopted.

Today I am inserting into the CONGRESSIONAL RECORD seven of the resolutions adopted at the meeting. Also I am introducing into the RECORD the World Wildlife Fund's San Francisco declaration on the seas.

While I do not necessarily endorse every position taken by the World Wildlife Fund, I did want to bring the resolutions to the attention of my colleagues:

FOURTH INTERNATIONAL CONGRESS OF THE WORLD WILDLIFE FUND

DRAFT CONGRESS RESOLUTIONS

21. The ratification, accession and implementation of international conventions by non-party States

Recognizing that the fullest application of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention Concerning the Protection of the World Cultural and Natural Heritage, and the Convention on Wetlands of International Importance Especially as Waterfowl Habitat would be of great consequence for the conservation of the world's wildlife and natural heritage;

Aware that the ultimate effectiveness of these Conventions depends upon their universal application;

Noting that a resolution promulgated by the First Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Bern, Switzerland, 2–6 November 1976, called for greater participation in that Convention;

Appreciating the spirit of universality which prevailed at the time of adoption of each of these Conventions;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Urges that States that are not yet doing so, should ratify or accede to each Convention at the earliest possible opportunity and, until they become Parties, should act in the spirit of each Convention.

22. Trade in wildlife products not covered by the Washington convention

Realizing that demands for certain wild animals and plants and their products are rapidly increasing;

Regretting that many of these demands arise from whims, fads and fancies rather than from essential requirements of human society;

Being concerned that such demands encourage over-exploitation of these wild animals and plants not included in the Convention on International Trade in Endangered Species of Wild Fauna and Flora, consequently threatening their continued survival;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Draws attention to the threats to wild resources from demands for curios and souvenirs promoted through the tourist industry; for specimens of, for example, butterflies, sea shells and corals; for live animals by the pet trade; and for wild skins, furs and other products to satisfy fashion or human vanity;

Urges all Governments to institute effective measures to regulate the taking, processing and trading of these wild species for these purposes;

Appeals to conservation organizations and the public of all countries to exercise their influence and pressure to encourage rejection of the ethics by which these demands are at present promoted.

24. Use of anticoagulant chemicals to control vampire bats

Being aware that vampire bats (*Desmodus rotundus*) cause major problems in parts of Central and South America;

Knowing of recently developed chemical control programs based on anticoagulant substances;

Recognizing that these chemicals may be applied intraruminally (in hosts), or directly on captured bats, and on the walls of roosts (caves and trees);

Believing that every effort must be made to develop control methods that are species specific;

Being convinced that the topical application of anticoagulants either on captured bats or roost walls presents a potential danger to wildlife other than vampire bats;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Urges a total ban on all topical methods of application of anticoagulant chemicals to control vampire bats;

Requests that all other methods of vampire bat control be implemented only within defined problem areas and that the existence of these problem areas be documented;

Welcomes data from independent field studies on the long-term effects of vampire chemical control programs on vampire bat population densities, both locally and over the vampire bat's geographical range, and on any indirect effects on other speices of wildlife; and

Recommends further research by independent organizations to determine the pathways of chemicals and their breakdown products used in control programs for vampire bats.

25. Support for youth conservation organizations

Recognizing the necessity of education to create awareness and knowledge of conservation among the young people of the world to ensure the long-term maintenance of all conservation efforts;

Recognizing that the African-born idea of Wildlife (Nature) Clubs is today accepted as one of the most effective means of creating awareness of conservation needs among the young by involving them actively in the practical aspects of conservation;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 1 November to 1 December 1976:

Congratulates the young people of Cameroon, Kenya, Uganda, Zambia and India on their initiative in forming wildlife clubs, and trusts that the Governments of these countries will give them increased support;

Urges other Governments of the world to facilitate and encourage the establishment of youth organizations for conservation in their respective countries.

Recognizes that lasting conservation of nature and natural resources can only be achieved in the context of balanced development;

Being aware that both the international and national agencies that provide aid for development have been paying increasing attention in recent years to the need to conserve the potential of natural resources and to avoid incidental or indirect harmful effects of development;

Considering that, in order to ensure balanced development, each country should have a national plan to provide *inter alia* for the conservation of representative ecosystems and of the generic resources of its fauna and flora;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 1 November to 1 December 1976:

Recommends that Governments should develop such national plans as soon as practicable;

Urges the World Bank, the United Nations Development Program, and other international and national funding agencies to provide resources for the development of these plans;

Recommends further that such funding agencies should ensure that an ecological impact statement should be prepared by a competent independent organization in the planning stage of the developments and that developments should only be supported that conform to sound ecological principles.

No. 28. Conservation and saving of energy

Convinced that prospective energy deficiencies in the 1980's could produce a crisis of potentially disastrous proportions for both rich and poor nations;

Believing that it is possible to avoid or mitigate this new energy crisis by urgent and determined action, particularly by the high energy consuming countries, including: (1) acceptance of the fact that we must make the transition to a society in which energy costs are high; (2) special measures to deal with the problems of those who may be disproportionately or inequitably hurt by this transition; (3) urgent action to secure agreement between OPEC countries and oil importing countries on levels of price and supply during the important transition period of the next ten years; (4) a vastly stepped up commitment to the development and use of environmentally sound energy sources and in particular such "soft" technologies as solar and wind power; (5) a massive commitment to energy conservation and energy/saving practices; including more efficient use of existing energy sources, not as one option among others, but as an indispensable pre-condition to the successful transition to the high energy cost economy; (6) use by Governments of the public policy levers available to them to make the important adjustments in the sytsem of incentives and penalties which motivate the economy so as to bring about these changes;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Calls upon governments and their leaders to give such measures highest priority;

Further calls upon citizens as individuals and through their own organizations to pro-

vide the support required to make such measures possible—through their own attitudes, their expectations, their behaviour as consumers, as voters and as the prime actors in the social environment in which these changes must be effected.

29. Support from oil producing countries

Whereas the Permanent Representative of the Kingdom of Saudi Arabia, Ambassador Baroody, on November 1st, 1976, introduced into the 31st session of the United Nations General Assembly a resolution which "Appeals to all oil producing countries to consider introducing a levy of a VAT of 1 cent per barrel which, though insignificant, would amount to between 200 and 300 million dollars per annum which shall be deposited in a special account of the United Nations Environment Program to help save the biosphere for mankind";

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Congratulates and commends the Governments of the Kingdom of Saudi Arabia for this enlightened initiative which offers new hope and encouragement to all those who are concerned that our fragile planet Earth continues to be a secure and hospitable home for the whole human family; and

Further pledges its full cooperation and support to the Government of Saudi Arabia and the Secretary General of the United Nations in their efforts to obtain the acceptance and effective implementation of this vitally important proposal.

THE WORLD WILDLIFE FUND'S SAN FRANCISCO DECLARATION

The seas that wash the shores on which this great city is built reach out to all the peoples of the earth. Ocean waters temper heat, soften cold, and fall as rain to slake the thirst of all communities, however far inland.

The seas give life. They sustain many of the creatures of our planet. They feed us, and bring us pleasure, beauty and peace.

The seas give life—and in return we humans take that life. We harvest greedily, careless of the ability of fish or whales or turtles to maintain their numbers. We pollute in ignorance of the seas' capacity to absorb our wastes. We devour the homes and larders of the life of the seas, destroying tomorrow for the sake of today.

The Seas Must Live. Without them, we shall be less able to feed the generations to come. Without them, the lives of all of us will be irredeemably impoverished. Already this impoverishment has begun. The Steller's sea cow is extinct. The Carribean Monk Seal too has almost certainly followed it to oblivion. Many species of whales, dolphins and porpoises, seals, the sea otter, dugongs and manatees, crocodiles, turtles and sea birds are threatened with extinction.

All of these species play their parts in the generous processes of the seas. If we are unable to live with them that generosity will be undermined.

The seas reach out to us all. Let us all for our part reach out to them and to the creatures that dwell in them. We, the participants of the Fourth International Congress of the World Wildlife Fund assembled here in San Francisco call on our fellows throughout the world to join in a common endeavour. We must protect the feeding, breeding and resting areas of the animals of the seas. We must safeguard the nutrient sources and the nurseries of our fisheries. We must regulate our use of marine animals at levels that can be sustained. We must control the extent to which we use the seas to dump our wastes. We must recognise the interdependence of all species: we cannot contemplate the exploitation of the food species of animals already exploited by us without facing up to the possibility of these resources disappearing.

Today national boundaries are being extended far into the oceans—but for as long as marine animals cross those boundaries or occupy the diminishing areas of international waters, and for as long as we remain unwilling or unable to adopt management procedures that recognize the needs of these animals, the potential for control offered by increased national jurisdiction will remain small.

The seas are a resource but much more than a resource. They are a symbol of humanity's ability to live in harmony with our only home. This ability is now gravely in doubt. Only an immediate and enormous effort by all the peoples and nations of this planet can change that doubt into hope. Our programme is such an effort.

TAX EQUITY FOR SINGLE PERSONS AND MARRIED WORKING COUPLES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. MAZZOLI. Mr. Speaker, I have joined 92 Members of the House of Representatives in cosponsoring Rep. EDWARD KOCH's bill, H.R. 850, ending tax discrimination against single persons and married couples where both persons work.

This legislation would extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married persons filing joint returns on a single income. The bill would also assist married couples where both persons work, who in some cases are more highly taxed than two single individuals earning the same income.

This quirk in our tax laws has created the absurd situation where couples sometimes obtain divorces to avoid paying higher taxes, though they have continued living together.

At present over 54 million taxpayers are discriminated against solely on the basis of their marital status. Whether widowed, divorced, or unmarried, a single person who works pays up to 20 percent more in taxes than a taxpayer with a nonworking spouse filing a joint return.

By filing a joint return, those married couples where only one spouse earns an income can split that income and thus pay taxes at a lower rate. A person earning $30,000 a year can file a joint return with his or her spouse, and pay two taxes on $15,000. Since the tax rate on $15,000 is lower, that method is significantly cheaper than a single person filing alone.

Single persons now pay higher taxes than married couples, where the husband alone is the wage earner. Those married couples filing jointly are penalized, as their tax schedule has higher rates than the schedule for single persons filing alone.

To give some examples: A single taxpayer earning $12,000 annually will pay $2,630 in taxes before credits. If he or she is married, however, they will pay $2,260—a difference of $370. The tax penalty for being single at $8,000 is $210; at $14,000, $450; at $16,500, $570; at $20,000, $850; and at $50,000, $3,130.

Even those singles who file as head of household are discriminated against. A widowed, divorced, or single parent with children to support pays up to 10 percent more than the married couple with one income. At an $8,000 income, the single parent pays $1,480—$100 more than the married couple with one income.

A woman who goes to work to supplement the family income is now penalized by the tax system for such initiative. For example, if a woman goes to work to supplement her husband's $5,000 a year income, and her income is $5,000, the couple will pay $200 more in taxes than if they were two single persons filing individual returns.

These higher rates for singles and for married working couples were mandated in the 1940's, when most families consisted of a working husband and a wife who lived at home. Then, a working wife was the exception, and her income was added to that needed to sustain the household.

Today, the pressures of inflation and the changing view of women's role in society have drastically changed that situation; 89 percent of wives who work are from families with a total income of $25,000 or less per year. The great majority of working women come from lower- and middle-income families. As the role of women in society has changed, so has their employment patterns. More women today are entering the labor force than ever before, and indications are that that trend will continue gaining momentum in the years ahead.

These changes in societal standards and in the purchasing power of the dollar necessitate a complete revamping of the tax laws affecting single persons and married couples where both wife and husband work.

Last year the Ways and Means Committee set up a task force to study the problems of tax treatment of single persons and working married couples. That task force has yet to produce its recommendations. I hope that the Ways and Means Committee will take up this issue in 1977, and establish a universal, progressive tax rate for all taxpayers, whatever their marital status, as embodied in H.R. 850.

DRAFT EVADERS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. TEAGUE. Mr. Speaker, before President Carter chose to pardon the Vietnam-era draft evaders, I expressed to him my opposition to any such proposal. Now that the pardon has been granted, I would like to express my views for the public record.

In beginning his inaugural address, President Carter stated:

For myself and our nation, I want to thank my predecessor for all he has done to heal our land.

Yet, in beginning his administration

with a blanket pardon of Vietnam-era draft evaders, he has opened old and new wounds alike. The pardon has brought the Vietnam war back onto the front pages of our newspapers and painfully into the minds of those individuals and families who suffered the most from the war.

I fear that the pardon's main effect will not be to heal our land, but to lower the morale among those men and women in our armed services who are dedicated to protecting our land.

As an American citizen who fought and was injured in World War II, I would ask just whose "wounds" will the pardon "bind up?" Surely not the overwhelming majority of the next of kin of the 56,234 American dead from all causes in Vietnam; the 303,000 wounded; the families of the hundreds still carried as missing in action; the 591 prisoners of war; the 2½ million who served honorably in Vietnam; or the 600,000 conscriptees who served in Vietnam, like it or not, of which 71,500 were killed and/or wounded while so doing.

As past chairman of the House Veterans Affairs Committee, I have visited with thousands of the 29.7 million presently living veterans—citizens who have served this country in time of war and peace. I have visited hundreds who were in hospitals, many of those for life, as a consequence of service to their country. Others with whom I have talked—parents, wives, and children—were not so lucky. Their loved ones made the ultimate sacrifice of life.

The pardon of draft evaders can only make these wounds more painful. The pardon will not "get the Vietnam war over with"; it can only prolong the agonizing memories of those who served when called upon. I question whether that price is too high to pay simply to placate the few who refused to serve in any capacity.

In our concerns for those who evaded the draft for moral reasons, let us not forget that our country provided alternatives. They could have served in noncombat positions. In contrast to most societies throughout history, they were given a second chance after the war. President Ford's amnesty program would have allowed them to work in peaceful activities in lieu of military service. However, only 14 percent chose to do so. In effect, they were saying their citizenship entailed no responsibilities of service on their part. They not only did not want to fight; they did not want to work in behalf of their country.

In a free society, we must respect the right of all individuals to their moral beliefs. Yet, when those beliefs differ with the laws established to maintain that free society, the individual must face the obligation his beliefs entail. In this case, we only asked that conscientious objectors offer alternative service which did not conflict with their views. Should an individual not be willing to face this obligation, I would truly question the depth and sincerity of his moral positions.

In our concern for those who evaded the draft for moral reasons, let us also not forget that the large majority of draft evaders were probably not motivated by moral objectives. An Army survey of Vietnam deserters showed that only 14 percent of those processed under the amnesty program were motivated by objection to the war. Personal problems and concern for their own safety were most often mentioned.

If the pardon of draft evaders was itself a moral decision, then on what moral basis should draft evaders receive pardons while deserters receive jail terms? Although I condone neither desertion nor evasion, the moral basis for pardoning one group and not the other seems tenuous at best. In fact, one could argue that deserters, at least, served their country up to a point—they made an effort, however little or much, to serve their military obligations; while evaders served not a single day for their country.

Who can say what the consequence will be of pardons to those who evaded their responsibilities as citizens because of personal inconveniences? Who can say whether the fine moral line between draft evading and desertion will be used as justification for future desertion? Even today there is a serious desertion problem that the pardon may compound. In 1976, for example, the Navy suffered the highest desertion rate in its history, more than double the highest Navy rate during the Vietnam war. The Marines and the Army are also experiencing serious desertion problems.

If wartime draft dodging is to be excused by the Commander in Chief, why not the less serious offenses of peacetime absences? Most importantly, for the safety of all Americans, should future conscription become necessary, will not young people be tempted to evade the draft in the hopes of future forgiveness? Who then will be left to defend our freedoms?

While Presidential pardons are provided for in our Constitution, a blanket pardon is tantamount to a mass burial of due process of law. Judicial findings in light of individual circumstances are circumvented; and while our judicial system is not perfect, no American should expect more, nor settle for less, than his fair day in court.

More than most, I know full well that wars are fought by boys, suffered by women, and started by men old enough to know better. But—and here is the crucial "but"—while we hate war, we, as a free nation, should never desist in our support for those who are called upon to fight.

History will judge what wars are "just" ones; but without a firm and recognized obligation of its citizens to serve when asked, our Nation's history could be shortlived; for no free nation can survive unless its people are willing to accept the huge obligations of their freedom.

THE IRISH SOCIETY HOLDS FIRST ANNUAL DINNER

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 1977

Mr. LEDERER. Mr. Speaker, the Irish Society, a broad-based group of Irish-Americans and their friends who are dedicated to the advancement of Irish culture and interests, held its first annual dinner at the Sheraton Hotel in Philadelphia on January 12, 1977. This dinner was attended by over a thousand persons, including clergy, union leaders, and members, and civic and political leaders.

I was privileged to attend along with many of my constituents, and with Mayor Frank L. Rizzo, President Judge Joseph R. Glancey, Supreme Court Justice Michael J. Egan, Commonwealth Court Justice James C. Crumlish, Jr., Auditor General Robert P. Casey, and Deputy Mayor Philip R. C. Carroll.

The Irish Society's President James J. O'Neill, president of Plumbers Union 690; register of wills, Thomas A. Leonard; prominent attorney Michael J. Stack; and the society's able administrator, George Costello, directed the evening's festivities. Awards were given to industrialist and philanthropist John McShain; author and civic leader Owen B. Hunt, a native of Ireland; and the distinguished Irish poet Thomas Kinsella.

Mr. Kinsella's award was presented by Philadelphia lawyer, John M. Elliott, whose remarks eloquently underscore the lyrical, forceful, and abiding role of poetry in Irish life. America's cultural and social pluralism has been enhanced by these contributions. I too hope that the traditional values of the power and purpose of poetry, including Tom Kinsella's become contagious.

On behalf of the Irish-American Society and their friends I wish to include a copy of remarks made by Mr. John Elliott at the society's recent dinner in the RECORD:

REMARKS OF JOHN M. ELLIOTT

The Irish Society tonight honors the distinguished Irish poet Thomas Kinsella. This evening Tom, presently a Professor of English at Temple University, is admirably enjoying his holiday sabbatical in Ireland.

Too often Irish history and culture are well kept secrets. Ireland's history has too frequently been written by her enemies. In America, and indeed Philadelphia, the Irish do not control the press, the media, the international publishing houses, the leading academic institutions, the foundations or the major financial institutions. Our story has not yet been told. Unfortunately, no Irish have been appointed to the incoming President's cabinet. We have become too content and fragmented.

Thus, tonight is highly appropriate for this diverse and vast group of Irish-Americans—and our friends—to honor Thomas Kinsella, a great Irish poet, and to recall the great glory of Irish poems.

Poems are not the exclusive preserve of the educated and the affluent. Generations of hard working Irish-Americans infused the American dream with a rich lyricism and indomitable hope which sprang from their keen minds, devoted hearts, and strong backs. Great poetry can be written by the quiet dignity of housewife's love for her family; by a nun's commitment to her pupils; by a policeman's hazardous sacrifices to maintain civilization; by the daily and often unheralded contributions of the teamsters, miners, steel workers and teachers, whose daily labors strengthen the sinews of our land; and by the men of public commitment—like the late Mayor Richard J. Daley—whose careers reach back into a tradition of hardship and sharp discrimination which drove the Irish to politics, an art through which they have well served the Commonwealth.

May the strength and the beauty of our traditional devotion to God, country, family, and freedom continue to fuel our poetry—and our purpose. Let us not forget the Cardinal Doughertys, Jack Kehoes, John F. Kennedys, and the men and women of the row homes, the patches, the coal holes, the parishes, the union halls and the city halls, who have contributed so much to the vindication of the American dream.

Remember a Jew was elected Mayor of Dublin before one even ran for Mayor of Philadelphia, and the Irish born Sister Feehan opposed the viciousness of apartheid by opening her school to all children regardless of race or religion, and in doing so reminded the world that she was "merely following the teachings of Christ to whom the color of children's skin means nothing". The beauty and the truth of her actions is an enduring poem, which sharply contrasts with the insensitivity of many of the worlds more affluent, more sophisticated citizens, who benefit from, tolerate or blink away this intolerable discrimination.

Centuries of Penal Codes, Acts of Union and other brutally oppressive measures made the Irish a uniquely oral culture. Battles won and lost; hopes and dreams; God, sky and the sea—all found full expression in our poetry, song and oral tradition.

As you know, many of Ireland's greatest patriots were poets. Catholic and Protestant alike they gave their words and often their lives for a free Ireland. The men of the Easter Rebellion were a great amalgam of humanity. They were idealists without illusion, who shared a common heritage with many of us.

James Connolly and James Larkin were courageous pioneer union organizers. Padraic Pearse was a teacher, poet and linguist; his younger brother Willie, a sculptor.

Thomas MacDonagh was a widely published English scholar whose book on the influence of early Anglo-Saxon metres in Irish poetry is still a classic.

Joseph Plunkett was a poet and editor of the Irish Review. Except for James Larkin, who was absent in America, all these men of extraordinary talent, vision and sensitivity were brutally executed by the British.

The wounded Connolly was too weak to stand and was shot in a chair; Padraic and Willie Pearse were shot within a few days of each other.

Padraic's epic poem to his mother, which hangs over Rose Kennedy's bed, would move even a stone:

"I do not grudge them: Lord, I do not grudge
My two strong sons that I have seen go out to
Break their strength and die; they and a few in
Bloody protest for a glorious thing
"They shall be spoken of among their people
The generations shall remember them
And call them blessed
"But I will speak their names to my own heart
In the long nights. The little names that were
Familiar once round my dead hearth
"Lord, Thou art hard on mothers
We suffer in their coming and their going
And though I grudge them not, I weary, weary of
The long sorrow, and yet I have my joy; my Sons were faithful and they fought."

Thomas MacDonagh was shot the next day. He said:

"The proclamation of the Irish Republic has been adduced in evidence against me, one of its signatories.

"You think it is already dead, a buried letter, but it lives, it lives.

"From minds alight with Ireland's vivid intellect, it sprang. In hearts aflame with Ireland's mighty love, it was conceived. Such documents do not die."

Next, Joseph Plunkett was executed just hours after marrying his fiance, the talented artist Grace Gifford in his cell. As a wedding present he gave her his immortal:

"I see his blood upon the rose
And in the stars the glory of his eyes
His body gleams amid external snows
His tears fall from the skies
I seek his face in every flower
The thunder and the singing of the birds
Are but his voice—and
Carven by his power
Rocks are his written words
"All pathways by his feet are worn
His strong heart stirs the ever beating sea,
His crown of thorns is twined with every thorn
His cross is every tree."

Their beautiful and immortal words, joining those of Shaw, O'Casey, George Moore, Countess Markievicz, Maud Gonne and many of other great Irish literary talents rang like the blows of a million hammers on the anvil of oppression and made sparks fly which still light Ireland's soul.

Thomas Kinsella's resonant and lyrical works are in this great tradition. His classic *Another September, Downstream, Nightwalker and Other Poems* have won critical acclaim.

His *Butcher's Dozen* powerfully decries the sectarian and religious strife which our enemies have diligently planted in Ireland to obscure the common purpose and sacrifices of the Irish people.

We must never forget that Robert Emmett, Erskin Childers, and Charles Stuart Parnell did not go to the same church as Eamon de Valera, Michael Collins or Daniel O'Connell, but they all worshipped and served the same God of justice and liberty, which thanks to their great efforts today smiles on the Irish Republic.

However, Tom Kinsella's strong voice has not forgotten that Ireland will not be free until justice also reigns in the North.

In a compelling blend of lyricism, history and force, Tom's *Butcher's Dozen* reminds us:

"—An Empire-builder handing on.
We reap the ruin when you've gone,
All your errors heaped behind you:
Promises that do not bind you,
Hopes in conflict, cramped commissions,
Faiths exploited, and traditions."

"My curse on the cunning and the bland,
On gentlemen who loot a land
They do not care to understand;
Who keep the natives on their paws
With ready lash and rotten laws;
Then if the beasts erupt in rage
Give them a slightly larger cage
And, in scorn and fear combined,
Turn them against their own kind.
The game runs out of room at last,
A people rises from its past,
The going gets unduly tough
And you have (surely . . .?) had enough.
The time has come to yield your place
With condescending show of grace"

We have a great culture and a rich history. Men like Thomas Kinsella enhance it, but we must all individually and collectively join the fight. The Irish Society has significant work to do in Philadelphia and indeed throughout Pennsylvania. We must become a strong voice and a vital force in protecting and expanding our traditional contributions: to religious vocations, to government, to education, to public safety, to the medical, legal and business professions, and to virtues of family and community life, if the quality of life in this region is to be enhanced.

Another Irish poet, President John F. Kennedy in his epic speech at Amherst, reminded us of the power and purpose of poetry: "When power leads man toward arrogance, poetry reminds him of the richness and diversity of existence. When power corrupts, poetry cleanses."

Our contemporary challenge is eloquently sounded in Yeats "Under Ben Bulben," which urges us to seize inspiration from our splendid heritage and

"Cast our minds on other days
That we in coming days may be
Still the indomitable Irishry"

Tonight is a great beginning. Philadelphia is lucky to have the indomitable Tom Kinsella's quality and strength with us. May his example be contagious.

SENATE—*Wednesday, February 2, 1977*

(Legislative day of Tuesday, February 1, 1977)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, our God, make us good workmen this day. May there be no apathy, no indifference, no wasted minutes, no fiddling with trivia, no unseemly procrastination, no unnecessary postponements. Help us to use the pauses for silent prayer and creative refreshment. Grant us strength and wisdom to persevere for what is right and good for the Nation—a day productive of sound legislation. When evening comes grant us the peace of those whose minds are stayed on Thee.

We pray in His name, who went about doing good. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 2, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, February 1, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time that was allotted to Mr. BUMPERS under the order be allotted to my control.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Does the distinguished Senator from West Virginia desire to use any of that time at this time?

Mr. ROBERT C. BYRD. Not at the moment.

I thank the Chair.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Hawaii (Mr. MATSUNAGA) is recognized for not to exceed 15 minutes.

(At this point, Mr. SASSER assumed the chair.)

S. 572—DEPARTMENT OF PEACE

Mr. MATSUNAGA. Mr. President, peace, as we know, lends itself to more than one definition. From the standpoint of international relations, which is the sense I intend to use today, peace generally is a period that is characterized by freedom from hostilities. In this sense of the word, history tells us that peace among nations has been a rather elusive ideal. A quick review of this century's history reveals this truth.

Nevertheless, I am idealistic enough to believe that peace in the international sense is attainable. I also believe that the United States can and must assume world leadership in this effort. In my judgment, the best way to do this is to establish a Federal Department of Peace, headed by a Secretary of Peace, with full Cabinet status.

The idea of establishing a Department of Peace is as old as the Republic itself; shortly after the Revolutionary War ended, an essay entitled "A Plan of a Peace Office for the United States" proposed that such an office be established and presided over by a Secretary of Peace. The authorship of this early proposal is controversial, sometimes being attributed to Benjamin Banneker, a Negro mathematician and publisher of the almanac in which it first appeared, and sometimes to Dr. Benjamin Rush, a signer of the Declaration of Independence. The principal aim of the Office to be created was to influence the American public and its Government toward peace. Further, the Peace Office was to undertake extensive educational efforts in each American community.

The idea of creating a Department of Peace lay forgotten until this century, when it was revived in various versions by a number of Congressmen and Senators.

One important parallel can be drawn from the histories of the two centuries that gave rise to the drive for the creation of a Department of Peace—the prevalence of war. Dr. Benjamin Rush and Benjamin Banneker were witnesses to the chaotic and often violent international political struggles of their time. Without a doubt, it was the specter of the destruction of civilization through violence in the community of nations that led these men to propose a Department of Peace. We who are witnesses to the political struggles of the second half of the 20th century can understand their emotions. In our time, the single most important factor in international politics is the threat of nuclear war.

There are currently five established members of the "nuclear club": The United States, Great Britain, the Soviet Union, France, and China. India tested a "peaceful" nuclear device in May 1974. In addition, Israel and South Africa may also possess operational nuclear devices. Of course, the United States and the Soviet Union remain the two nuclear and thermonuclear superpowers.

Although most people may have become accustomed to living with the bomb, we still live in an age of a nuclear balance of terror, and détente between the United States and the Soviet Union is premised on the desperate need to avoid the outbreak of strategic nuclear war. In fact, the whole concept of war as a means of foreign policy has been rendered obsolete, at least with regard to direct war between the superpowers.

On the other hand, the spread of nuclear capability to lesser powers around the world, added to the seemingly ever-present threat of international terrorism, can only cause grave concern on the part of thoughtful citizens everywhere.

It is indeed a new world we face today. The emergence of almost 80 new states in Africa and Asia in the decades since World War II, the tremendous advances in transportation and communications which have literally shrunk the geographical and psychological distances between nations, and the growing recognition that our planet possesses limited resources, a fragile environment and a life support system that can no longer be recklessly and uncontrollably exploited—these are some of the new challenges that are now before us.

The creation of a Department of Peace would allow the incorporation of already existing Federal agencies into a cohesive body dedicated to the furtherance of brotherhood and cooperation among all nations, and the peaceful resolution of conflict. These agencies could include the Peace Corps—the embodiment of the spirit in which a Department of Peace is proposed—and the Arms Control and Disarmament Agency. An International Peace Academy and a Peace by Investment Corporation would be newly created programs of the Department.

When Senator Alexander Wiley of Wisconsin stated on the floor of the Senate in 1943 that he would introduce a bill to establish a Department of Peace, he declared:

> I crave for my government, the distinction of being the first government on earth to establish a Secretary of Peace.

I have long shared that fervent wish, and I am convinced that the American people would joyfully welcome a newly created Secretary of Peace. If we are to succeed as a nation committed to the attainment of world peace, we must establish within our governmental structure a department dedicated to that purpose. Let us then, by taking this unprecedented but unequivocal action, rededicate ourselves to an ideal which we, as a nation, have cherished since our very beginning for two centuries: Peace at home and abroad.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, several measures appear on the general orders calendar which have been cleared on both sides. I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 7 through 13.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, reserving the right to object—and I will not object—I say to my distinguished colleague the majority leader that there are seven of these, through Calendar No. 13, and all have been cleared on our side.

Mr. ROBERT C. BYRD. I appreciate the statement by the distinguished minority leader.

FLORA M. COAN

The resolution (S. Res. 58), to pay a gratuity to Flora M. Coan, was considered and agreed to, as follows:

> *Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Flora M. Coan, widow of Carl A. S. Coan, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ROSALIE C. CODER

The resolution (S. Res. 59), to pay a gratuity to Rosalie C. Coder, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Rosalie C. Coder, widow of John P. Coder, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

GERALDINE M. ENGLUND

The resolution (S. Res. 60), to pay a gratuity to Geraldine M. Englund, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Geraldine M. Englund, widow of Merrill W. Englund, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

CAROL A. HENDRICKS

The resolution (S. Res. 61) to pay a gratuity to Carol A. Hendricks was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Carol A. Hendricks, widow of James W. Hendricks, an employee of the Senate at the time of his death, a sum equal to four months' compensation at the rate he was receiving by law at the time of his death, said sums to be considered inclusive of funeral expenses and all other allowances.

LUELLA M. HOFFMANN

The resolution (S. Res. 62) to pay a gratuity to Luella M. Hoffmann, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Luella M. Hoffmann, widow of Victor F. Hoffmann, an employee of the Senate at the time of his death, a sum equal to two months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

GLORIA D. OTLEY

The resolution (S. Res. 63) to pay a gratuity to Gloria D. Otley, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Gloria D. Otley, widow of William A. Otley, Junior, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

JAMES W. PENCE, SR.

The resolution (S. Res. 64) to pay a gratuity to James W. Pence, Sr. was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to James W. Pence, Senior, widower of Goldie A. Pence, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time under the majority leader's order.

Mr. BAKER. Mr. President, I intend to yield back my time under the standing order, but first I wish to say a brief word on another subject.

REPUBLICAN INITIATIVE WITH RESPECT TO THE ECONOMY

Mr. BAKER. Mr. President, I have just come from a meeting of the Republican conference this morning, where final disposition was taken on the Republican initiative with respect to the economy of the country and unemployment. A statement with respect to that will be brought to the attention of the Senate in due course.

I take this opportunity to thank my colleagues on the Republican side of the aisle who, in conference, accepted this proposal and offered this Republican initiative to the country. I think it is an exercise of the highest political responsibility and that it will find much appeal to many people in this country.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I yield back the remainder of my time under the standing order.

Mr. ROBERT C. BYRD. Mr. President, I also yield back the time that was allotted to me from the order previously entered for the recognition of Mr. BUMPERS.

COMMITTEE SYSTEM REORGANIZATION

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to the consideration of Senate Resolution 4, which will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY NATURAL GAS ACT OF 1977—CONFERENCE REPORT

Mr. STEVENSON. Mr. President, I submit a report of the committee of conference on S. 474 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 474) to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of today's RECORD.)

Mr. STEVENSON. Mr. President, I ask unanimous consent that the printing requirement be waived.

The PRESIDING OFFICER (Mr. SASSER). Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, I suggest the absence of a quorum.

Mr. BAKER. Mr. President, if the Senator will withhold for just a second, I am fairly sure we can clear for action promptly in this respect. If the distinguished Senator from Illinois will do that, it will give us a chance to contact our members.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, the text of the conference substitute is the same as the Senate bill except for four clarifying and technical amendments.

Section 2, paragraph 2, in the Senate bill defining "interstate pipeline" was changed to make clear that gathering lines in a producer's field are not included within the definition of interstate pipeline. This was in fact the intent of the Senate in passing the bill.

Section 2, paragraph 4 of the Senate bill defining "interstate natural gas" was modified to make it clear that such term includes natural gas in the possession of those natural gas companies that are exempted from FPC jurisdiction under section 1(c) of the Natural Gas Act. These high volume, high-pressure natural gas companies are connected to interstate pipelines and are engaged in statewide transportation of natural gas. The modification also clarifies the exclusion from the definition of interstate natural gas of high priority gas authorized to be sold directly to end users under the FPC's section 533 sales regulations.

Section 9(c) of the bill, insulating renegotiation and most-favored-nation clauses in gas contracts from any triggering effect by sales under this act, was also modified to clarify that such insulation extends to any sales during the effective period of the bill under the

FPC's section 2.68 60-day emergency sales provisions.

Finally, section 10 of the bill was modified to insure that criminal prosecutions under the act are heard in the district courts as opposed to the Temporary Emergency Court of Appeals.

Mr. President, I move the adoption of the conference report.

Mr. GLENN. Mr. President, I should like to ask the distinguished Senator from Illinois to clarify the intent of section 6(a)(2) of the bill. Columbia Transmission which services Ohio and several other States may be able to obtain 1.8 billion cubic feet under emergency sale provisions from the Pacific Gas & Electric of San Francisco. However, to ship the gas to Ohio will require the utilization of LoVaca, an intrastate Texas pipeline. My question therefore is whether section 6(a)(2) applies only to sales by LoVaca—which I believe is the case—or does the section extend to the transportation of interstate gas?

Mr. STEVENSON. Mr. President, I would like to assure the distinguished Senator from Ohio that the language to which he has referred in section 6(a)(2) applies only to emergency purchases under the bill, not the voluntary transportation interconnects provided for in paragraph 6(c) or 4(a)(1)(B). Under the language to which the Senator has referred, the LoVaca pipeline could be used to transport interstate gas from Pacific Gas & Electric to the Columbia Transmission System and Ohio without seeking approval from any supervising court to which it might otherwise be accountable. The language at the end of section 6(a) refers only to emergency sales, not transportation interconnects.

Mr. JOHNSTON. Mr. President, I notice that in section 2 of the conference report under the definition of the term "interstate natural gas" is additional wording which did not appear in either the Senate or House passed bills. I am informed by those knowledgeable and expert in the interpretation of the Natural Gas Act that pipelines exempt from the Natural Gas Act under section 1(c) often transport intrastate gas or gas produced, transported, and consumed in the same State. It has been my understanding throughout the debate relative to this bill that there is no intent to allocate intrastate gas under section 4 of this act. Therefore, am I correct in assuming that the intent of the bill has not been changed in that regard by the addition of this language and that intrastate gas is not reached under section 4?

Mr. STEVENSON. Mr. President, Yes, that is correct. There is no intent to extend allocation authority to noncertified intrastate gas carried by a 1(c) natural gas company (so-called Hinshaw Company) and produced and sold by intrastate producers. The intent of the definitions in section 4(2) and 4(4) is to include gas flowing from an interstate pipeline into a 1(c) type pipeline.

Mr. PEARSON. Mr. President, this conference report on S. 474, the Emergency Natural Gas Act of 1977, reflects the provisions of the Senate bill with the following four modifications.

First, an amendment to the definition for "interstate pipeline" (sec. 2(2)) which clarifies that producer-gathering facilities are not included within the definition.

Second, an amendment to the definition for "interstate natural gas" (sec. 2(4)) which excludes from the definition high priority gas authorized to be sold under the FPC end-use purchaser regulations and which includes within the definition that gas owned and transported by those natural gas companies that are exempted from FPC jurisdiction under section 1(c) of the Natural Gas Act. These latter natural gas companies are connected to interstate pipelines and are engaged in statewide transportation of natural gas.

Third, an amendment to section 9(c) which states that for the period of the emergency purchase program 60-day nonregulated sales now authorized by the FPC under the Natural Gas Act will not trigger most-favored-nation clauses in intrastate pipeline contracts.

Fourth, an amendment to insure that the Temporary Emergency Court of Appeals review under section 10 would be limited to civil cases. Criminal cases would, as under other laws, be referred to Federal District Court for trial.

Mr. President, this legislation is urgently needed to avoid possible loss of residential service in States whose pipeline suppliers have depleted storage natural gas. This legislation provides the President, or his delegate, with adequate authority to order an allocation of natural gas supplies to those pipeline systems who face an imminent loss of residential service threatening life, health, and property.

But I stress, Mr. President, that this legislation will not solve the natural gas crisis. Next winter, as the distinguished Senator from Illinois (Mr. STEVENSON) has observed, the crisis will be even more severe.

There is only one responsible course for the Congress to take following final action on the administration's emergency bill. As a matter of highest priority, the Congress must proceed to consider permanent legislation to deal with the chronic supply shortage that has been caused, in the interstate system, by Federal wellhead price regulation at unreasonably low levels for a generation.

Mr. President, along with the distinguished Senator from Texas (Mr. BENTSEN), I have introduced S. 256, the Natural Gas Act Amendments of 1977. In our judgment, this legislation—which reflects the major provisions of a bill approved by this body on October 22, 1975, on a rollcall vote of 58 to 32—will provide the necessary incentives to elicit new supplies of natural gas for interstate consumers. Our legislation also calls for mandatory conservation of natural gas by phasing out boiler fuel use of that fuel.

The Washington Post of today's date contains the lead story that industries shut down by the natural gas shortage may remain closed, in selected areas, until April. Unemployment—massive unemployment—that was predicted by Senator BENTSEN and me in October 1975, has come to pass.

We do not come to this Chamber to say, "I told you so." We come to this Chamber with renewed dedication and commitment to the Pearson-Bentsen bill. We come to this Chamber today to state, categorically, that the Senate shall have an opportunity to work its will on S. 256 before too many weeks have passed.

The national interest requires nothing less of us, and of this body, in the face of this current economic crisis.

Mr. BAKER. Mr. President, I will be brief.

I think our action in passing the conference report is entirely appropriate. I think it probably is the best response we can now make to an emergency situation. Obviously, it does not address the long-term problems, and there is much yet to be done in formulting a permanent energy policy and a natural gas policy for the country. I am sure that nothing we are doing here will jeopardize the prospects for successfully undertaking those assignments early this year.

I am gratified to have the assurances of the majority leader and, through him, of the administration that we will soon have a comprehensive energy package from the administration.

I say to the majority leader that there will be a Republican initiative in this respect as well. It will be timely, and it will be couched in terms that will give the Senate an opportunity to consider the issues.

I think the country should understand that what we do today will not solve the problem, but it is the best we can do, I believe, under the exigencies of the moment.

I commend the Senator from Illinois as the majority floor manager, and the Senator from Kansas as the minority floor manager, for their diligent efforts in this respect. I shall vote for the conference report.

Mr. ROBERT C. BYRD. Mr. President, I share the view that this measure will not solve the energy problem. The energy problem is something that is going to be with this country a long, long time. This measure is a very temporary and emergent measure. It is meant only to deal as best we can with the current crisis.

The administration has assured me that a comprehensive energy policy measure will be sent up to the Hill no later than April 20. I have assured the Senate it will be my intention to get that legislation before the Senate as soon as possible. The legislation, of course, has to go through the committee process and, in due time, certainly at the earliest possible moment, it will be my desire, my intention, and my purpose to bring that legislatoin before the Senate.

I compliment Mr. STEVENSON and his comanager on the other side of the aisle, Mr. PEARSON, for their dedication to duty, for the excellent work which has been done, for the cooperation and understanding on the part of all Senators and, particularly, on the part of the Republican leadership. I especially compliment those who wanted to offer amendments but refrained from doing so in the interests of passing a measure in the Senate as quickly as possible, which in-

cluded the provisions of the administration bill.

That was done. I think ultimately it was conducive to quick action on the part of the House, quick action on the part of the conferees and, hopefully, the conference report will be sent to the President by midafternoon or late afternoon. I thank all Senators.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. SCHMITT. Mr. President, I address a question or two to the Senator from Illinois. Will we have in front of us shortly a list of the technical changes that have been made to the Senate-passed version of the Emergency Natural Gas Act?

Mr. STEVENSON. Yes, there will be such a list. If the Senator would like one, I can share one with him now.

Mr. SCHMITT. I thank the Senator. I have a copy of some changes here, and I will review that. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. STEVENSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE SYSTEM REORGANIZATION

The Senate continued with the consideration of the resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

The PRESIDING OFFICER. The pending business before the Senate is Senate Resolution 4, which the clerk will state by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

AMENDMENT NO. 24

The PRESIDING OFFICER. The pending question is on agreeing to amendment No. 24 by the Senator from Alabama (Mr. ALLEN).

Mr. HARRY F. BYRD, JR. Mr. President, I support the position of the Senator from Alabama. I hope that the Senate will have an opportunity to vote up or down on the amendment he has offered.

I think it is a mistake, Mr. President, to increase congressional salaries at the present time by $13,000, which represents a 29-percent increase.

I feel that the most dangerous long-range problem facing the United States is that of inflation. I am convinced that if we are to get inflation under control we must first get the cost of Government under control.

Or, to put it another way, if we are to get the cost of living under control we must get the cost of Government under control.

Mr. President, I think it is a very bad system that Congress has adopted in regard to handling congressional salaries. The proposal before the Senate was submitted by the President of the United States as a result of a commission appointed by the President.

When this system was first proposed, some 10 years ago, I opposed it, because I thought that Congress itself should make the decision in regard to congressional salaries. I felt it unwise to delegate that responsibility to either the President of the United States or to a commission appointed by him.

When it was proposed that this commission be established 10 years ago I fought the proposal on the floor of the Senate, and the Senate knocked out the recommendation of the Committee on Post Office and Civil Service that a Congressional Salary Commission be established. My view prevailed in the Senate, but the committee of conference between the Senate and the House of Representatives adopted the House position to create the commission.

The way the situation now is, the President of the United States has recommended a salary increase for Congress of $13,000, a 29-percent increase.

To me if such an increase becomes law it will make it very difficult for the Members of Congress to fight inflation.

My mind goes back to 1969. At that time, just this time of year, in 1969, the salary of the President of the United States was doubled from $100,000 to $200,000 and the salary of a Member of Congress was increased by 42 percent, from $30,000 to $42,500.

I suggested at the time, Mr. President, that such action would make it impossible for the President of the United States and for the Members of Congress to go before the citizens of our country and seek to hold down the cost of living, to hold down inflation. Inflation was not then anywhere near what it is now.

And it happened exactly that way. For more than 2 years neither the President nor Congress tackled the problem of inflation. It took 2½ years before recognition was given of the importance of tackling inflation, and then President Nixon, in August 1971, put on wage and price controls.

If this 29-percent increase proposed by Congress is allowed to go into law and become effective, then I predict something similar will happen, in that every Member of Congress will be virtually immobilized from this fight on inflation.

I say again I feel that inflation is the greatest long-range threat to our Nation. I think it is very important that if we are to get inflation under control we begin in the top echelons of our Government in Washington. What the Senator from Alabama proposes would eliminate the salary increases for Federal judges and top officials of our Government, including Members of Congress. The Allen amendment would reject the proposal submitted by the President and the commission established by the President.

I support the amendment offered by the Senator from Alabama. I hope the Senate will approve the proposal of the Senator from Alabama, and reject the salary increases for the Members of Congress.

I think $13,000 is an unjustified increase. It represents a 29-percent increase which I think is unwise and not in keeping with the problems of our Nation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, first I ask unanimous consent that the names of distinguished Senator from South Carolina (Mr. THURMOND) and the distinguished Senator from Oklahoma (Mr. BARTLETT) be added as cosponsors to three legislative initiatives:

The first is Senate Resolution 39, which is on the printed calendar as having come over under the rule but on which we have not yet had an opportunity to vote.

The second is Senate Resolution 50, which also vetoes the President's suggested pay plan, and it is in the Committee on Post Office and Civil Service with very little chance, I am advised, of it ever seeing the light of day, certainly not until after its efficacy has departed.

The third is this amendment, amendment No. 24, which has been resorted to because we have been prevented from obtaining an up or down vote on Senate Resolution 39 and Senate Resolution 50.

Mr. President, I ask unanimous consent that the names of those Senators be added to these three legislative initiatives, two Senate resolutions, and one amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, there has been a filibuster of sorts going on in the Senate since we convened on January 4. The first effort was aimed at preventing the Senate from taking action on the blanket amnesty or pardon proclamation of the President. There were six votes cast in connection with that resolution, but we were never able to get an up or down vote. On one occasion, 53 Senators as against 43 voted in favor of invoking cloture in order to obtain an up or down vote on the amnesty resolution.

Then, after the President had acted in part of this area, the pardoning of the draft dodgers but not the pardoning of the deserters—even after he had taken action in that limited area, the Senate, by a 53-to-43 vote, voted to continue on that resolution until it had been finally disposed of. Then when it was finally tabled on a leadership motion, the motion to table carried by an extremely close vote of 48 to 46.

After that effort to obtain action on that resolution had taken place, then the efforts were concentrated on the resolution seeking to disapprove the President's recommended pay raises for top officials in the legislative, executive, and judicial departments. So this amendment is made necessary by the fact that action has been prevented on Senate Resolution 39 and Senate Resolution 50. Resort has had to be made, in order to get the Senate to take a stand on this issue, to filing this amendment on a piece of legislation that we trust will pass before the recess.

At one time top priority was assigned to Senate Resolution 4, and it was laid aside by unanimous consent in order that we could proceed on the President's emergency natural gas bill. And, Mr. President, I, together with my colleagues who are cosponsors of the resolution, some 12 in number, refrained from pressing that proposal in favor of a piece of must legislation, because it might hold that up, and we wanted to see action on that piece of must legislation.

Now, we have before us a resolution which does not have to be passed today or tomorrow; it could be passed at any time before the recess, which would carry us on to February 11. So any time between now and February 11 is time to pass Senate Resolution 4. So, assuming we can get cooperation for a vote on this amendment, we would not slow down at all Senate action on Senate Resolution 4; but it does give the Senate an opportunity to work its will with respect to this important matter.

Mr. President, we claim to be servants of the people. The people in Government make a great claim to being servants of of the people. The people in Government is permitted to go into effect, it will have us, as servants of the people, earning more than 99 percent of the people whom we serve. So that would make us pretty high-class servants, receiving more than 99 percent of the people that we represent.

Mr. President, it is important to stress the fact that no action by the House of Representatives or the Senate results in the pay raise. That is the reason why we are having this filibuster. I am ready to vote right now on this issue, but I know that as soon as we quit talking on it, a motion to lay on the table will be filed by the leadership—the joint leadership—which has expressed itself publicly as being in favor of the pay raise.

That is all right, if the leadership wants to take that position. What I object to in the leadership's attitude is that the leadership, which is supposed to push matters to a final decision here in the Senate, is using delaying tactics on seeing this issue come to a vote up or down. They want to hide behind all sorts of legislative manipulation—exercising the right that the leadership has to get recognition and make all sorts of delaying motions—and that is what we are seeing here in the Senate.

The Senator from Alabama has been criticized in the past, and I assume in the present, for that matter, about the fact that from time to time he wants to see the Senate deliberate on matters before the Senate. And the leadership has always been anxious to ram measures through the Senate. So it is passing strange, Mr. President, to the Senator from Alabama that on these issues, antiamnesty and opposition to the pay raise, the leadership has successfully prevented an up or down vote on the antiamnesty or pardon issue, and it seems to be using every device possible in order to prevent this amendment from coming to a vote, or any legislative initiative that would have the effect of vetoing the President's action.

Mr. President, the public does not completely understand, and many in Congress, I assume, do not understand how this situation operates.

Back in 1967, they passed this law designed to provide salary raises for people in Government in top positions without Congress having to vote those raises. I would look with a whole lot more favor on this pay raise situation if Congress took a position that the pay raise is justified, and would be willing to vote itself a pay raise. But we are hiding behind the President's Pay Commission and the recommendations of the President, because under the novel procedure of this pay plan, the Pay Commission makes recommendations, the President can accept them or revise them, then he makes a recommendation, and that recommendation goes into effect unless the Senate or the House of Representatives—either one is sufficient; it does not take both bodies—unless either house takes affirmative action vetoing or disapproving the pay raises.

So it is possible, just by delaying tactics—this must be done within 30 days after the submission. Well, the pay plan was submitted on January 17, I believe, which would run it on to February 17 or somewhere in that area. The problem is that Congress is recessing on the 12th—at the close of business on the 11th, actually—so we do not have the full 30 days.

Obviously, the Senate or the House could not act while it is in recess. Therefore, we have only until the 11th to take affirmative action in this area.

We have been thwarted from getting action on Senate Resolution 39 and Senate Resolution 50.

By the way, I noticed on the wire service they said the majority leader promised to vote on this issue. Well, I am ready to vote on it right now. But I know the vote will not be up or down, or I rather imagine the vote will not be up or down. It will be a vote on a motion to table.

Mr. President, I dislike very much this back door approach to a tremendous salary increase. Also, so far as I know, there has been no change in the present law that, of all things, puts the Members of Congress, the heads of the departments, the Cabinet members and judges on the same cost-of-living arrangement whereby cost-of-living increases are handed out annually. So this would not be the end of this salary grab. Each year, the cost-of-living factor would have to be added to this figure.

It seems to me we are getting just a little bit greedy in the matter. Worse than that, we are not willing to do it ourselves. We have to hide behind this schedule which has been set up for the convenience of top Federal officials.

Mr. President, it has been estimated that this increase provided by the President's pay plan just going to the top people will cost $124 million. But that is a drop in the bucket as to what the total cost will be. Obviously, raising the top echelon of Federal officials will breed requests by everybody down through the Federal bureaucracy to the very bottom. This is just the tip of the iceberg, or not even the tip. I think it is about one-eighth of an iceberg which is above the water. This is less than the tip of the iceberg. The ultimate cost, I believe, will be more than eight times the initial cost when everybody else puts in his claim for a raise.

Mr. President, it seems to me this is the last call, though I assure you it will not be, to get a vote on this issue.

First, I hope the leadership will let us have an up-or-down vote on this issue. Then I am hoping they will let Senate Resolution 4 come to a vote. I do not see any need of hiding behind a motion to table. If a motion to table carries, that is the end of this particular amendment, and if a motion to table fails we still would not have adopted the amendment. I do not feel that is allowing the Senate to take a stand on this important issue.

As I say, first I am hoping that the leadership will not move to table but let us have an up-or-down vote. I would feel with an up-or-down vote on this issue it would move in the direction of the Senate having taken a stand, though I would feel that the opportunity would still be available to file other amendments or seek to act upon Senate Resolution 39 and Senate Resolution 50.

Some would rather not go the amendment route. If the leadership would allow us to bring up either of the other resolutions, I would be willing to abandon this amendment approach. But we are not being allowed by the leadership to act on the resolution. Therefore, I feel it is only fair to suggest that we act upon this amendment.

They say, "Let us not encumber this resolution with this amendment. Let us not weigh it down with that."

I would remind Senators that Senate Resolution 4 is a Senate resolution. The amendment does not encumber it. We can take action in a matter of seconds, just as we did on the emergency natural gas bill. It would serve its function. It would veto or disapprove the pay plan thereafter. It would be what might be called functus officio; it would have served its purpose. The purpose would be served. It would not have further force and effect. It would not encumber Senate Resolution 4 at all. It would have no effect after its initial killing of the pay raise, assuming that Senate Resolution 4 passes before the recess with this amendment added to it.

I am hopeful, Mr. President, we can have an up or down vote on the amendment. I have taken this time to explain the necessity for the amendment. In fact, time is running out. If the Senate wants to take a stand on this issue, this is the opportunity it has to take that stand.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. ALLEN. Yes.

Mr. HARRY F. BYRD, JR. Will the Senator agree that it would be somewhat awkward for a Member of the Congress who has received a 29 percent increase in salary to effectively urge the labor unions to hold down their demands for wage increases, and that it would be difficult for Members of Congress to urge businesses to hold down their price increases when the Congress itself has re-

ceived, if indeed it does—and it will unless the Senator from Alabama prevails—such a large salary increase of 29 percent.

Mr. ALLEN. I believe the Senator is exactly right. It would open the gate for large increases, both in the Federal bureaucracy and, having set the tone for increases, it would add increases throughout the entire economy.

I believe one of the best points which has been made in this whole area is the point made by the distinguished Senator from Virginia on more than one occasion on these pay increases. That is that the Congress is largely responsible, by its tremendous deficit spending, for the inflation that we have. But Members of Congress can insulate themselves, and they are the only people who can, from the ravages of inflation by simply raising their salaries. They are the only people who can do that.

Mr. HARRY F. BYRD, JR. Will the Senator yield further at that point?

Mr. ALLEN. Yes.

Mr. HARRY F. BYRD, JR. Is it not a fact that the law now provides for an automatic annual cost of living increase for the Congress?

Mr. ALLEN. That is right. We just reached this plateau. It is not only for the Congress but for Federal judges, Cabinet people, agency leads, all of those.

Mr. HARRY F. BYRD, JR. Yes. The top Federal officials.

Mr. ALLEN. That is right. We have reached this plateau and we build on to that by annual salary increases. The Senator is absolutely right.

Mr. HARRY F. BYRD, JR. That provision really insulates the top officials of Government from the ravages of inflation.

Mr. ALLEN. That is certainly true. Not only the top but throughout the Federal bureacracy on the automatic increases.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. METZENBAUM). The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I will not take very long. Before I proceed, I ask unanimous consent that Steve Bell of my staff be granted the privileges of the floor during the consideration of the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I think it is generally known that I am a strong supporter of the reorganization efforts, the subject matter before the Senate.

I served on the special committee that spent about 5 months preparing the recommendations for reorganization that we then, by unanimous action of the Senate, sent to our Committee on Rules. They spent a great deal of time on it. But I am joining with my friend from Alabama in his efforts to have his matter considered here and now—not because I want to, because I would much prefer that this not be burdening the reorganization effort. We all anxiously await its conclusion. Everyone is waiting for permanent assignments. Some other reform is much needed and long overdue, and I think will receive unanimous support from this body.

It appears to me that the basic issue that we have to address is, why can the U.S. Senate not vote on the Allen-Domenici resolution which was submitted separately—not as part of this—in a very normal manner? It seems to me that, although I am a rather new Member of this institution, I ought not to be expressing my views on what we ought to do or what our leadership ought to do, but I feel compelled to.

I believe the American people are going to react disapprovingly to this pay raise if we do not decide for ourselves whether we are going to take it or not. I do not think, for those out there in America who can be convinced that we are right, for those who want to vote for it—I am not going to vote for the pay raise—I believe they will almost be incensed if we use the backdoor approach of saying, well, we set in motion years ago an outside committee that analyzes this to try to recommend equitable salaries and they recommended this and it is law unless we vote it down; therefore, we hide our heads and say we did not have anything to do with it. It is clear that if we do not vote yes or no, we have said that we want a 30-percent pay increase for Members of the Congress of the United States, all at one time, and that we want to try to bring equity to the hierarchy of the civil servants all at one time, when the inequities that are there have grown up over the years.

We have to understand that there is no way to get out of this. We have to vote on the issue and decide whether we want the package recommended by the President of the United States, somewhat similar to the Commission that studied it, or not. I think we are fooling ourselves if we try to imagine some justification for not voting on it. I think we create a whole new issue by going at it this way. I am sure that the distinguished Senator from Alabama, when he introduced the resolution for himself, me, and others, would have agreed that perhaps we need 8 or 10 days, rather than follow the exact procedure which should have brought it up within a couple of days after it was introduced, so that various Senators could analyze it and the American people could become informed. I believe my good friend would have been very willing to have that. But where we are now is that there is no other way. We either do it this way or receive some assurance that at some specific time, prior to a point when it will be a nullity to vote on it, we will have an opportunity for the Members of this body to say yes or no to this pay package.

I do hope that our leadership will give us that opportunity. I do not want to do it as part of the reorganization. But, on the other hand, if that is the only way, it is not really going to burden that process, because it is a unilateral decision of this body. We do not have to wait on the House on our reorganization. It is our legislation, and the resolution, by operation of law, can be voted down by one body. So it is just us, and if it takes another 2 hours and we vote, we will have finished. You and I and those who support this issue will have to await the passage of this resolution that it is part of. We understand that, and we will watch it carefully and make sure that we do not lose the right and effectiveness of that vote, be it one way or another.

The other issue that I want to address is the issue that has been raised that, somehow, in order to justify to the American people a pay package, we are going to agree to pass a code of ethics and standards for this body. I want to say for myself that I have voted for almost every proposal that has come before this body that is directed at financial disclosure. I shall support and have supported the new Ethics Committee, bipartisan in nature, that will be active and prepare a code of ethics for us. But I think it is, again, not giving the American people the respect and understanding that they deserve if we rely upon the proposition that a pay package becomes justified by our doing what we ought to do anyway. A code of ethics for our institution is long overdue, and we all know it.

Perhaps, one might ask, what if we had had that code of ethics 8 months ago? For those who say it is long overdue, it was already done. Then, what would we say about this?

Does the pay package that we have described and that everyone knows about, somehow change? Is it any better or any worse if we already had the code of ethics? If not, it is not any better or any worse if we agree to do what we ought to do anyway. I do not think we ought to, in either instance, attempt to mislead the people of this country.

Inaction on the resolution of the distinguished Senator from Alabama, now or separately, is a positive vote by this institution and its Members to accept a 30-percent pay package all at once and to try to adjust the inequities in the hierarchy of our civil servants all at once. It is an affirmative act on our part if we do not vote on it, and I do not think the American people will be misled into thinking that, somehow, we did not do that when we obviously did, no matter what procedure we try to circumvent and get around it.

Second, I honestly do not believe we ought to continue to extract a quid pro quo in this situation by saying it is justified if we pass a code of ethics or establish an appropriately active ethics committee for the U.S. Senate. They are not quid pro quo at all. They stand on their own and one is absolutely necessary and unanimously agreed to; that is, that we need a code of ethics for this institution. We will disagree on what is in it, but we all agree we need it. There is not unanimous agreement on the other, and we deserve the right to separate the issues here and now. The American people are going to do it anyway, no matter what we try to say here.

I have heretofore expressed my concerns about the package itself. Today I am expressing some other concerns that I have But I really do believe that there is a need to do some adjusting, especially among the upper level civil servants. It is a shame, in America, to have somebody in charge of an agency with four levels of public servants under them getting the same pay. I do not think that is American. I do not think we can expect them to do their job with concern and

commitment if we leave them stuck at a certain rate and let everyone under them catch up. But I do not believe a $120 million pay package, averaging 30 percent for cabinet people, Senators and Representatives, and others is the way to address that issue, either.

I believe that ought to be addressed, and addressed by itself. I am saying here today that I support the proposal that realistically did that.

I do not have any serious qualms about my pay versus theirs. I think we ought to consider our own separately, also, and decide what we are worth, and not disguise it in this package, as we are trying to do here today.

Likewise, it seems to me, a good point can be made that there are many people in the United States who bargain for better wages, and there are many who, when they approach the bargaining table, one on one or through their collective unions, know that they have made too little for too long. Yet they do not come to that bargaining table and say, "Let us play catch-up all at once and give us a 30-percent increase so we can catch up in 3 or 4 years." Why don't they? They don't because they know that nobody will understand that and no one will believe that; it is not a realistic approach.

We have not yet seen anyone else asking for 30-percent pay package increases, fringe benefits and all included, in the United States. And many feel that they have not been getting their proper share of the productive pie that they helped create. They do not do that because most of them are concerned about the overall impact of their activities on the American economic system.

That point has been well made here vis-a-vis this package.

While we urge restraint in difficult economic times, it is pretty tough, in this Senator's opinion, to justify under any circumstance the enormous 28- to 30-percent pay increases that are provided under this package.

So, in summary, I hope we will strip the issues of the frivolous procedural tieups and vote on it now or under Senate Resolution 4 at a time certain, that we will strip it of any subterfuges by saying it is justified by a commitment on the part of this body to adopt a code of ethics and a strong bipartisan Ethics and Standards Committee.

I think both matters are irrelevant. What is relevant is, do we as the lawmakers and spenders of tax dollars, those who establish policy for this country, accept this package in whole or in part?

We have a responsibility to take a stand here individually, and collectively as an institution.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, our distinguished colleague Senator ALLEN and other distinguished colleagues submitted Senate Resolution 39 on January 18, 1977. I was under the impression that I was a cosponsor of that resolution, but it seems that my name is not on there.

I ask unanimous consent to have my name added to it.

Mr. ALLEN. I have had the Senator's name added, I say to the distinguished Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. On all three.

Mr. THURMOND. I thank the Senator very much.

Mr. President, this resolution would place the Senate on record as disapproving of the President's recommendation for a pay increase for top officials in the executive and judicial branches of Government and Congress. Unless acted upon by Congress, these hefty raises would go into effect 30 days after the President's message.

Mr. President, this measure, Senate Resolution 39, was printed on the calendar as having come over "under the rule." However, the Senate cannot express its will on this inflationary measure unless there is a morning hour in the Senate, and a morning hour can come only after there has been an adjournment. As I understand it, until yesterday this body has been in the same legislative day since January 19; therefore, until yesterday there has been no morning hour for almost 2 weeks.

Monday of this week, January 31, Senator ALLEN called upon the leadership to take the necessary action to allow a morning hour so that the Senate could have an up or down vote on this resolution. However, no adjournment had occurred until yesterday; therefore, no morning hour on the following legislative day, and no chance for a vote until today on this most timely resolution.

Mr. President, at the present, this resolution has become amendment No. 24 to the Senate reorganization resolution, Senate Resolution 4, and, as I understand it, there will be an effort today to "table" this amendment.

This amendment should not be tabled. I believe that the Senate is missing an excellent opportunity to practice what it preaches. During the past several days, much debate has occurred in which individual Members have called for a streamlined and efficient Federal Government. Members have stated that should this measure or that measure be adopted, then a great saving of the taxpapers' money would result. In our recent natural gas emergency, many Senators were concerned about two things: Who will get the gas and how much will it cost? There was a great outcry for protection of the consumer from exorbitant costs for this precious fuel.

Yet, Mr. President, the Senate will not come face-to-face with Senator ALLEN's amendment and vote to approve or disapprove of giving themselves a $12,900 pay raise. This increase is greater than the annual income of a vast majority of American people. Perhaps I should say South Carolinians, for in some areas of this Nation, $13,000 may be considered a justifiable raise.

The tabling of this amendment would give the Senate a procedural "out." I repeat, a procedural "out." Each Senator can go back to his constituents and truthfully say that he did not vote himself a pay raise. Yet, as we all know, a vote to table this amendment would effectively "kill" this legislation and allow the 30-day time limit to expire without any action on the part of the Senate. This inaction or procedural chicanery is an irresponsible method of making a difficult decision. It is my opinion that a vote to table this amendment is a vote for inaction and for a pay raise.

Mr. President, several newspaper articles have been written which disapprove of these pay increases for top officials in the executive and judicial branches of Government and Congress. These articles range from the Wall Street Journal to the Seneca Journal and Tugaloo Tribune which is located in the small town of Seneca, S.C. These newspapers represent a wide and diverse group of Americans. I believe it is time for us, as representatives of the people, to listen to our constituency and not try to "duck" the issue, repeat "duck" the issue. That is what the Senate is trying to do in this instance. Much has been said about this pay increase, and I believe that we owe a duty to our constituents to vote on this matter and let our intentions be known.

Mr. President, in order that my colleagues may benefit from these newspaper accounts, I ask unanimous consent that several representative articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Charleston Evening Post, Dec. 28, 1976]

PAY FOR CONGRESS

Former Sen. Harold Hughes of Iowa, head of the Commission on Operations of the U.S. Senate, has reported that members of the legislative body are overworked and underpaid. This point of view, apparently given with a straight face, is not surprising. It is ridiculous.

Congressmen from both the House and the Senate, while trying to finagle a new pay raise, also face charges of corruption. Now we hear how overworked and underpaid these people are. We think we are supposed to conclude that lack of money and exhaustion from work have reduced them to accepting bribes. In fact, President Ford plans to recommend a substantial pay raise for congressmen and top government officials accompanied by a demand for tighter ethical standards. Mr. Hughes also found insufficient safeguards against ethical violations.

Paying more money and expecting honesty does not take into account the nature of dishonesty. Integrity cannot be purchased. Closer examination of the pay and working conditions in Congress shows a steady increase in allowances for travel and office expenses, in addition to salary increases. Since 1970, congressional staffs have increased 44 per cent.

Past increases have not improved the legislative effectiveness or the honesty of congressmen. We doubt that more money now will help the situation.

[From the Seneca Journal and Tugaloo] Tribune, Jan. 19, 1977]

KILL THE PAY RAISE

It is a sad state of affairs when Congress can increase its own salary and the salary of federal executives and judges simply by remaining silent. But this is what can and probably will happen this year.

Under our federal law, the raises would automatically take effect 30 days after being sent to Congress by the president unless they were amended or defeated on the floor of either house. In other words, remain silent and everything is all right.

Looking at the situation, it is true that congressmen have had only five per cent pay raise since 1969. But it is also true that members of Congress earn $44,600 per year which

is about $30,000 more than the average income of most wage earners. This congressional salary doesn't even include the numerous fringe benefits which increase the monetary value of the salary substantially.

If members of Congress want to vote themselves a pay raise, there is little we can do about it. But let them be forced to do it by a yes-or-no vote and not by this evasive system of remaining silent.

That way each and every one of us can know and remember who voted yes.—J.D.

[From the Seneca Journal and Tugaloo Tribune, Jan. 19, 1977]

TIGHTEN THE BELT, BOYS

It came as no surprise that former President Ford requested a substantial pay raise for all congressmen, cabinet members, federal judges and top level bureaucrats in his final budget.

This could not have come at any worse time. It was no way for Mr. Ford to end his administration and it is no way for the Congress to begin 1977.

There is more than $37.8 million of tax money involved in the request. The vital question at stake is the public confidence in its government. Congress would be the loser.

The new congressional leadership is promising a session of legislative reform. A large federal pay increase, one that exceeds the cost of living, is hardly reform. It is especially bad since this pay raise can be approved by Congress without a voice vote.

This is the same old politics that put our trust in government at an all-time low.

Americans are now about to forget that Congress resisted a pay raise in 1976 because it was an election year. How does it look for them to return and make that pay raise one of the first items of buisness for 1977.

We have heard a lot about the quality of people entering government and that the pay scale is too low to attract the really good people. True, several studies, one by Congressional Quarterly, show that the gap between salaries paid high government officials and income at similar levels of private enterprise is widening in favor of industry.

Yet, not one of these studies considers the lavish government pension plan, free medical care, free parking and free mail.

President Ford, for example, is entitled to $40,500 a year in pension benefits for his 25 years in Congress and a $63,000 annual pension as a former president.

We do not contend that government officials should never get a pay raise. This is not the case at all—from local city governments right on up to the top.

But we do favor a system of merit raises as opposed to the across the board increases.—J.D.

[From the State, Jan. 30, 1977]

CALL THE ROLL

Once again the U.S. Congress faces the troublesome question of approving raises in its own pay and that of the ranking personnel in the executive and judicial branches.

Every four years, a nine-member Commission on Executive, Legislative and Judicial Salaries makes recommendations to the President, who forwards it along with his own advice to the Congress for action. Unless Congress votes them down, the pay raises will become effective on February 16.

Former President Ford approved the increases before he left office and said that President Carter concurred. And it should be said that between 1969 and 1976, some 2,600 officals who would be involved in the raises only received a 5 per cent hike, and that in 1975.

The recommended changes would up the salaries of congressmen and senators from $44,600 to $57,500, and the pay raises for others will average about 28 per cent.

There is resistance to increasing congressional pay by some conservative members of Congress, but there is no indication yet of the outcome. We strongly urge, however, that Congress not further impair its image by letting the increase take effect without a vote.

If the congressmen and senators think they deserve $57,500 a year salaries, they should be willing to answer a roll call for the public and not silently duck the question.

[From the Wall Street Journal, Jan. 27, 1977]

GOVERNMENT PAY RAISES NOT JUSTIFIED

(By Jim Davidson)

Peter G. Petersen and his colleagues on the pay commission believe they have fashioned strong arguments on behalf of dramatic pay increases for members of Congress, federal judges and high ranking government bureaucrats. In fact, they have proven only that the present salary component of their compensation has been eroded since 1969. As lamentable as that may be, it in no sense follows, either logically or politically, that pay raises are justified. Here is why:

First, these persons have not been singled out by the fates to suffer the sole adverse consequences of inflation. Millions of Americans have lost income. During the last two years the average person has suffered a decline of income in real terms. More to the point, even many whose salaries have been adjusted to recover purchasing power have nevertheless suffered an overall decline in real wealth.

The value of cash, demand deposits, savings accounts, pension and insurance reserves, stocks and bonds have all declined in real terms. It is a rare investor whose portfolio does not reflect this fact. Those who purchased annuities in 1969 have experienced drastic depreciation of their purchasing power. Yet no one claims that their losses should be indemnified by the taxpayers.

For these millions who have suffered depreciation not just of income but their overall financial assets, the full burden of inflation is yet to be felt in old age, when living standards are most directly determined by wealth. The Congressmen, federal judges and supergrade federal bureaucrats need not worry about their financial futures. They are all protected by lavish pension plans which are fully insured against inflation. Contrary to the suppositions of the pay commission, the total compensation package of high level federal employes continues to exceed much of what is available in private industry.

Members of Congress, for example, have voted themselves the most generous pension on earth. After 20 years, they can retire on an annuity one could rarely obtain in a lifetime's work.

Federal judges also are more than compensated for foregoing higher salaries. They receive full-pay for life. Their average additional future earnings have a present value of $500,000 in capital. Furthermore, federal judges who worked for the government before their appointment can also collect regular civil service pensions.

Top level government executives also qualify for lavish pension benefits. The average supergrade government employe will receive $400,000 in pension income if there is no inflation after his retirement at the age of 57. Of course, his income is protected against inflation by indexing in a way that no private investment could be.

Contrary to what we have been told, no pay increases are necessary to make already lucrative employment more attractive. The best evidence of this is that attrition in high level government jobs continues to remain considerably lower than in private industry—2.8% per year. Much of even this is accounted for by those who came only temporarily into government service. Among persons with career executive assignments, the dropout rate is 1%. For every vacancy, there are 30 applicants.

The dropout rate among federal judges is perhaps the lowest of any profession. Since 1970, an average of only one-third of one percent of federal judges have left the bench each year to return to private practice.

And there is no earthly evidence that Congressmen are underpaid. The average Congressman gets a raise in salary on assuming office. He made $700 a year less in private life. In addition to his higher salary, he also qualifies for free medical services, stationery allowances, a $3,000 tax break and even free parking spaces at the airports to expedite free travel after working a three day week.

Those Congressmen who say that one must be a millionaire to serve are totally misrepresenting the facts. They might better say that one must be a millionaire to live like a millionaire. That many try on $44,600 a year shows they have the same light regard for budgeting their own affairs as they have for limiting the government's expenditures to match income.

Perhaps no aspect of the current federal pay push is more cynically remote from the facts than the suggestion that granting top federal officials raises of up to 47% will purchase a more ethical government. It will not.

To tie such a procedure to ethical reform is an absurdity. It affronts not only the good sense of the voters, but their memories. The last time Congressmen granted themselves substantial pay increases in 1969, it was done under the charade of "ethical reform." New "ethical standards" were drafted.

To suppose that an ethical reconstruction can be based on the heartfelt desire of politicians and bureaucrats to obtain more money is to misconstrue the nature of the ethical crisis and the resulting decline in public trust. The problem is that politicians at every level have sought to conceal the truth. The pay commission itself was conceived to disguise responsibility for setting federal pay levels, so Congressmen can enjoy higher salaries without voting for them and thus making themselves accountable to the voters. Even the facts the commission draws upon to support its recommendation of higher salaries are often distorted or misleading.

For example, the commission says that the Social Security Administration was unable to find a new chief actuary for more than a year because of the low pay. Supposedly, 30 candidates refused the job on that basis. Yet, Robert Myers, a member of the search committee charged with filling the post, has another explanation. He claims the personnel bureaucracy was at fault: "Many well qualified candidates were willing to accept the position, and in fact, such an individual has been on the job for over one year." Mr. Myers further charges that the claim that 30 people turned down the job because of low pay is "a great overstatement."

This is the real ethical crisis in government: Rather than discuss the public policy options openly, every feasible abuse of language and logic is employed to trick and gull the public; to rationalize programs which cost billions but do nothing. The move for higher federal pay levels is just the same old process. It is part of the problem, not the solution.

Mr. HELMS. Mr. President, when I was a boy in my delightful hometown of Monroe, N.C., I read each morning the front page of the Charlotte Observer, which was, and still is, the biggest paper serving that community.

Each morning there appeared on the front page a column by a much beloved American named Will Rogers. Will used to poke fun at the Congress. I did not know then with how much accuracy, but in intervening years I have learned that

Will Rogers was quite accurate with his good-natured barbs.

I remember one column in particular that appeared one January morning and I think I can recite it verbatim. He said:

I see where the Congressmen have returned to Washington and will go into session today at noon.

Then the next paragraph read:

I was afraid they were going to do that.

[Laughter.]

Mr. President, I am delighted to cosponsor the resolution submitted by the able Senator from Alabama. I join him in all of the comments he has made. I commend him, as I do the able Senator from South Carolina (Mr. THURMOND) and the able Senator from New Mexico (Mr. DOMENICI) for their well-reasoned observations.

As they spoke, I was thinking of a little practice that I have. About every 2 weeks, I request the Treasury Department to give me the exact Federal debt, down to the penny, as of that date. The last time I did this, Mr. President, was on January 25, 1977. At that time, the Federal debt was $655,440,900,027.98.

Exactly 1 year earlier, Mr. President, and that date was, of course, January 25, 1976, the Federal debt was $582,208,440,-016.25, which represents in 1 year's time an increase in the indebtedness of the Federal Government, of $73,232,460,011-.74.

Mr. President, a question is beginning to occur to the American people with more and more regularity: Who is responsible for this debt?

The responsibility lies right here where we work, with the Senate of the United States, and across the way with the House of Representatives. And downtown and all around, with the executive branch, the bureaucrats, and others who make the decisions—far too easy decisions, I might add—about how to spend more and more of the taxpayers' money. It is so easy, Mr. President, to spend other people's money.

This little game began quite a while ago, but it is now in full swing, which is evidenced by the fact that the Federal Government has increased its indebtedness by more than $73 billion in the last 12 months.

I might add that the interest alone on this indebtedness costs almost half as much as the entire operation of the Federal Government cost just about 15 or 16 years ago.

Why am I mentioning these figures? That is a good question. This automatic pay increase scheme—and I use that word advisedly—is designed to reward the very people who have helped create this enormous Federal debt. This debt, as anybody who knows anything about arithmetic understands clearly, is the direct and almost sole cause of the inflation in this country, which is plaguing every American citizen.

Here they are, the big spenders of the U.S. Senate, the U.S. House of Representatives, the executive bureaucracy, the high-level bureaucrats. What is proposed under this scheme, I ask the Senator from Alabama, but to bail out these very people from the hardship that they, themselves, have created? And leaving the struggling taxpayers holding the bag.

Mr. President, the Senator from North Carolina is having nothing to do with this scheme. I commend the Senator from Alabama, and I am delighted to join him in his fight to block, if we can, this reward to those who have wrought distress upon the American people. Frankly, I would be ashamed to participate in a scheme such as this, let alone support it.

Senators may have a high opinion of themselves. I have heard some of them say, "Oh, I can make so much more money on the outside." Well, the door is open. They can go; they can resign. It takes only one piece of paper, filed at that desk, and they can be on their way to those big incomes they say they can make. There is not one of us in the Senate who did not know what his salary would be as a Senator when we sought the office.

I ask the Senator from Alabama if that is correct.

Mr. ALLEN. Yes, that certainly is correct, I say to the distinguished Senator.

Mr. HELMS. Mr. President, it is a matter of economics, but it is more than that—it is to me a matter of morality. I do not see how this Congress can reward the architects of inflation at the expense of the helpless taxpayers all across this land.

The Senator from Alabama and the Senator from New Mexico, among others, have discussed a little ploy making the rounds—a proposal to tie a code of ethics to this bill. That sounds to me as though some are saying, "If you pay us more, we will be honest." I think the American people are already paying us to be honest.

So, first, last, and always, this is a wrong thing to do, at the wrong time, for the wrong reason. I reiterate, with as much strength as I have, that I will have no part of it; nor will I have any part in allowing the leadership of the Senate to go unchallenged in obviously blocking an up or down vote. They may pull it off; they may succeed in blocking a clear-cut stand by Senators; but I think Senators should be willing at least to stand up and take a stand on the proposition itself, and not hide behind a parliamentary procedure, to wit, a tabling motion.

All of us understand the name of the game on these tabling motions. Senators vote to table an issue, rather than face up to it. Then they go home and when a constituent raises a question, there comes that old dodge: "This matter really never came up. There was never a vote on it. There was a procedural vote, and we were busy, and we had to get on to something else." The Senator from Alabama has heard of that explanation having been made time and time again.

Let there be no mistake about it, Mr. President. If a motion is made to table the Allen amendment, which is cosponsored by the Senator from North Carolina and others, that will be a motion to give Senators, Representatives, and the high-level bureaucrats this automatic pay increase. I believe that the American people, one way or another, are going to perceive what has happened; and to the extent I am capable, I am going to assist in spreading the word on that score.

Again I commend the able Senator from Alabama on his resolution, and I thank him for the privilege of cosponsoring it.

Mr. ALLEN. I thank the distinguished Senator from North Carolina for his excellent remarks and for his dedication and strong opposition to this back door approach to tremendous salary increases for the top-level Federal bureaucrats, which, as he has stated, would cost at this time some $124 million. But that is just the start of it, because when the 3,000 Federal employees receive an increase of the same percentage, it will run into the billions of dollars; and I assume that the same percentage would be sought by members of the Armed Forces. So, instead of being $124 million, it would lead the way to a multibillion dollar addition to the cost of Government.

Mr. HELMS. The Senator is absolutely correct. It reminds me of Tennyson's brook—it rolls on and on and it accumulates; and in the end, the taxpayer gets stuck, as usual.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 1:30 p.m. today.

The motion was agreed to, and at 12:41 p.m., the Senate took a recess until 1:30 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. TOWER).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. An absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MOYNIHAN). Without objection, it is so ordered.

RECESS UNTIL 1:45 P.M.

Mr. ROBERT C. BYRD. Mr. President, I understand there are still several Senators who are attending the Hearst luncheon and that that luncheon has been slightly delayed. So, if it is agreeable with Members of the Senate, I ask unanimous consent that the Senate recess until the hour of 1:45 p.m., which would be an additional 13 minutes.

There being no objection, the Senate,

at 1:32 p.m., took a recess until 1:45 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. MOYNIHAN).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 10 Leg.]

Allen	Cannon	McIntyre
Anderson	Cranston	Moynihan
Baker	Curtis	Riegle
Bayh	Griffin	Talmadge
Burdick	Hart	Tower
Byrd, Robert C.	Long	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be requested to direct the attendance of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Illinois (Mr. STEVENSON) is necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

The result was announced—yeas 93, nays 4, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—93

Abourezk	Gravel	Morgan
Allen	Griffin	Moynihan
Anderson	Hansen	Muskie
Baker	Hart	Nelson
Bayh	Haskell	Nunn
Bellmon	Hatch	Packwood
Bentsen	Hatfield	Pearson
Biden	Hathaway	Pell
Brooke	Hayakawa	Percy
Bumpers	Heinz	Proxmire
Burdick	Helms	Randolph
Byrd, Harry F., Jr.	Hollings	Ribicoff
	Humphrey	Riegle
Byrd, Robert C.	Inouye	Roth
Cannon	Jackson	Sarbanes
Case	Javits	Sasser
Chafee	Johnston	Schmitt
Chiles	Kennedy	Schweiker
Church	Laxalt	Scott
Clark	Leahy	Sparkman
Cranston	Long	Stafford
Culver	Lugar	Stevens
Curtis	Magnuson	Stone
Danforth	Mathias	Talmadge
Dole	Matsunaga	Thurmond
Domenici	McClellan	Tower
Durkin	McClure	Wallop
Eagleton	McGovern	Williams
Eastland	McIntyre	Young
Ford	Melcher	Zorinsky
Garn	Metcalf	
Glenn	Metzenbaum	

NAYS—4

Goldwater	Stennis	Weicker
Huddleston		

NOT VOTING—3

Bartlett	DeConcini	Stevenson

So the motion was agreed to.

The PRESIDING OFFICER (Mr. JOHNSTON). With the addition of Senators voting who did not answer the quorum call, a quorum is present.

The Senator from West Virginia is recognized.

Mr. STEVENS. May we have order, Mr. President?

The PRESIDING OFFICER. Let there be order in the Senate. Senators will please take their seats.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will indulge me momentarily——

(At this point the Vice President assumed the Chair.)

[Applause, Senators rising.]

The VICE PRESIDENT. The Senator from West Virginia.

VICE PRESIDENT MONDALE

Mr. ROBERT C. BYRD. Mr. President, as Senators have noted, our former colleague, the Vice President of the United States, has assumed the Chair this afternoon in his new capacity.

It is with special pleasure that I welcome him back to the Senate. He has traveled 22,300 miles, a somewhat circuitous route, on his way to assume his new constitutional duties. Our Vice President is a world traveler and, now, an accomplished and respected diplomat, having circled the globe as the President's special emissary to the leaders of Great Britain, France, Italy, Germany, Belgium, Japan and Iceland.

This is a particularly noteworthy occasion for it has been just a little more than 8 years since a Senate colleague has presided as President of the Senate. I think I can speak for all Senators when I say: "Mr. Vice President, we are delighted to have you here with us and we hope to see you, as I understand Minnesotans are fond of saying, early and often."

COMMITTEE SYSTEM REORGANIZATION

The Senate continued with the consideration of the resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

AMENDMENT 24

Mr. ROBERT C. BYRD. Mr. President, the amendment which has been offered by the distinguished junior Senator from Alabama (Mr. ALLEN) poses a very difficult question for all of the Members of this body. Taking the fact that Mr. ALLEN's amendment is a very popular one, it is, of course, difficult for the Members of the Senate to vote against it or to vote to table it—difficult, in the main, because of such a widespread misunderstanding on the part of many Americans as to the necessity for the implementation of the salary recommendations proposed by President Ford and supported by President Carter, such proposal being based on the recommendations of the Commission on Executive, Legislative, and Judicial salaries.

This is my 25th year in Congress, and I have never voted for a congressional pay increase during that quarter of a century. When I first came to Congress, the salary for Members was $15,000 a year. The present salary of a Member of Congress is $44,600—which represents a 5 percent pay increase during the past 8 years. In 1969, the salary for Members of Congress was raised to $42,500. This is to say that, during the period of 8 years, dating back to 1969, the salary of Members of Congress has been increased 5 percent, while the cost of living has increased 61 percent. During that period, the pay of general schedule Federal employees has increased 66 percent; and the compensation for nonfarm employees in private industry has gone up 70 percent.

Now, I realize that to the average American, the present salary of a Member of Congress, being $44,600, appears to be, and is, a high salary. And, of course, every American has read the stories about all of the so-called perquisities that Members of Congress are supposed to enjoy. The people are told that Members of Congress have stationery accounts from which they can pocket the money that remains unused at the end of the year. Members of the Senate know that this is not so. No Member of the Senate can pocket any leftover funds from his stationery account at the end of the year. The American people are constantly reminded that Members of Congress have travel and telegraph allowances and that they have a certain number of paid trips back to their home districts or home States annually, and the impression is left with the average citizen that such allowances are for the personal benefit of the Members of Congress themselves. The opposite is true. Telephone and telegraph and travel allowances are for the purpose of service to the constituents of Members of Congress.

Each Senator receives a single allowance, which includes stationery, telephone, telegraph, and travel. At the end of the year, the unexpended moneys automatically revert back to the U.S. Treasury, and no Member of the Senate can pocket any of this allowance.

Much is also said about the franking privilege of Members of Congress, and there is no doubt but that the privilege has, in some instances, been abused. Congress has been moving and is continuing to move, to eliminate the abuses of the franking privilege that have occurred from time to time. However, here again, a Member of Congress cannot benefit financially from the use of the frank. Without the franking privilege, Members of Congress could not respond to the correspondence and to the needs of their constituents. That is what the franking privilege is intended to serve—the needs of the people whom we represent.

Then, much is said about all of the clerk-hire and the office space available to Members of Congress, and the impression is left with the people that Members of Congress benefit financially therefrom. Nothing is further from the truth. When I came to Congress 25 years ago, my correspondence workload was small compared to what it is today. As the population has grown, the needs of the population have grown, and there is a much increased requirement for com-

munications with, and on behalf of, our constituents. Obviously, Members of Congress cannot afford to pay out of their own pockets for the staff personnel required to serve the people whom we represent. I represent a State with a little under 2 million people. Even my mail is heavy, but it is nothing as compared with the mail that comes to Senators representing States with much larger populations.

Staff members require office space and office equipment in order to respond to constituent mail and to make agency and departmental inquiries on behalf of constituents; and the money required for such staff personnel, staff operations, and staff equipment does not inure to the financial benefit of Members of Congress.

Much more could be said about some of the impressions that do not accurately present all sides of this subject, but which do leave the American people under the false belief that a Member of Congress is paid not only $44,600 as a salary, but that he is the recipient of, and can financially benefit from the hundreds of thousands of dollars annually required to operate his office, meet the needs of his constituents, and stay in contact and communication with the people he represents.

Let us talk for a moment about the $44,600 which each Member receives in salary. He pays, on the average, around $300 a month into his retirement—which comes to roughly $3,600 a year. He pays approximately $1,000 annually for health and life insurance. He pays Federal and State income taxes. Many Members have to maintain two residential properties—one in the home State and one in the Washington area. For those Members who do maintain residential properties in their home States—and I do not—the upkeep on the property at home—the cost of fire insurance, property taxes, utilities and repair bills—is a constant cost, in addition to the cost of maintaining a home or apartment in the Washington area, where real estate costs and real estate taxes are exorbitantly high.

The cost of living in Washington is higher generally than the cost of living in many of the areas represented by Members of the House and Senate, and, in addition, there are many financial burdens that go with serving in the Federal Legislature. For example, when constituents come to Washington, Members of the House and Senate are often expected to entertain those constituents, and Members of both Houses receive many requests for financial contributions to worthy causes. Such worthy contributions cost me, on the average, about $5,000 annually, which comes out of my income; and I am sure that there are many other Senators who contribute much more than do I.

Fortunately, my wife and I were able to put our two daughters through school a good many years ago when the costs of tuition, books, and so on were much less than they are today. Younger Members of the House and Senate are not quite so fortunate in this regard.

I mention all of these things just in an attempt to more accurately portray a clearer overall picture of what is really involved here. Many Members of Congress find it difficult to cast a vote which, either directly or indirectly, supports a pay increase for themselves.

It would be easier for me to vote against a pay increase for Members of Congress or to vote against a motion to table any resolution rejecting the President's recommended pay increase. But the time has come for us to face the facts. This problem is not going to go away. I have cast such a vote many times.

Let there be no illusions. While a minority of us may be either fairly wealthy or, like myself, can live frugally and have no children in school or college, most Members are in the position that, if the President's recommended salary increase is rejected, they will have to increasingly go on the speaking circuit to earn honoraria with which to supplement the $44,600 they now receive in salary. This will mean that while they may be voting down the President's recommendation for a pay increase, they will, by the same token, be increasing the need for earned income from honoraria and other outside sources. Most speaking engagements—unless they are in the District of Columbia area—require Members to be away from home, and often away from committee meetings and Senate floor activities, thus infringing to that extent upon their services to the Senate and to the people they represent.

The second thing I want to say about the matter before us today is that it involves branches of government other than the legislative branch. In all, 2,496 people in the Federal Government at high policymaking levels will be affected directly. Indirectly, 20,365 additional upper grade Government personnel, whose pay it tied to congressional salary levels, will be affected.

Because of the salary lag, the Federal Government is losing some of its best people. In the last 3 years, 4 of the 11 Institute directorships at the National Institutes of Health have become, and remain, vacant; 85 out of 87 outside candidates have refused the positions due to the low pay. The Directorship of the Institute of Cancer Research, for example, is vacant and was vacated because the then Director could not maintain his family on the low pay. So he left the position in order to take a position that would pay more.

The Social Security Administration lost 9 out of 19 of its most senior civil service employees at one time last year, and was unable to fill the position of Chief Actuary for more than a year, with 30 candidates refusing the job because of the low pay.

The legislative branch continuously loses some of its most able support personnel because of higher salaries available to them in the business community.

So, we will want to keep in mind that what we do here today does not affect the salaries of Members of Congress alone; it cuts across all three of the equal and coordinate branches of the Government.

As I say, I realize that it is difficult for each of us here to vote for a pay increase. It is difficult for each of us to vote for a motion to table the pending amendment by Mr. ALLEN. But unless we face up to the situation, this is a crisis in Government that will continue to grow. It wil not go away; and, more and more, only the wealthy will be able to make the financial sacrifice necessary to render Government service in the Nation's capital.

This is the first time, in my recollection, that the leadership—the joint leadership in the House; the joint leadership in the Senate; the leadership of the Federal judicial branch; the former President of the United States, Mr. Ford, and the current President of the United States—Mr. Carter—have all come down on all fours in support of a general pay increase for executive, judicial, and legislative personnel.

I urge each Senator, therefore, to join with the leadership in a united effort in this regard. After all, the people get just what they pay for, as a general rule, and I believe that it is in the best interests of the people that this pay increase go into effect.

President Ford coupled his pay increase proposal with a code of conduct proposal, also based upon the recommendation of the Peterson Commission. A few days ago, the minority leader and I appointed a temporary special committee to be known as the Special Committee on Official Conduct, composed of 15 Members of the Senate—8 Democrats and 7 Republicans—to propose a code of conduct for Members, officers, and employees of the Senate in the performance of their official duties. I designated Senator NELSON to be the chairman of the select committee, and the other Democrats on the committee are as follows: Mr. RIBICOFF, Mr. INOUYE, Mr. EAGLETON, Mr. NUNN, Mr. GLENN, Mr. CLARK, and Mr. MELCHER. That committee, under the chairmanship of the distinguished Senator from Wisconsin (Mr. NELSON), is holding hearings, and the resolution creating the committee mandates the committee to report legislation by March 1 establishing a code of conduct.

That legislation will immediately become the pending business before the Senate under a time agreement limiting debate thereon.

Your leadership, therefore, is not only committed to the pay increase but also to the enactment of a code of conduct for the Senate. The House of Representatives is already moving toward the enactment of a code of conduct for that goes into effect, the Senate will act on a body. But whether or not a pay increase code of conduct.

Finally, I want to make reference to the parliamentary situation that confronts us. The Senate is presently debating the Stevenson committee proposal dealing with reorganization of the Senate committee structure. The Stevenson committee spent weeks of hard work in the development of its proposal which later went to the Rules Committee under an order of the Senate. The Rules Committee spent a good many hours in the conduct of hearings and markup of the measure which was reported back to the Senate and which we now have before us. Eighteen new members of the Senate have not been given permanent committee assignments, and will not be given permanent committee assignment

pending the outcome of Senate action on Senate Resolution 4, the committee reorganization measure. That measure has already been modified in a number of ways, but I think that, as it now stands, it still represents a considerable improvement over the present Senate committee structure and reduces the number of overall assignments on the average of each Member of the Senate, thus alleviating to just such a degree the conflicting demands upon and the concommitant fragmentation of the limited time of each individual member.

To attempt to attach a totally irrelevant amendment, such as the amendment by Mr. ALLEN to the important committee reorganization proposal before the Senate, is to create further risks to the timely and ultimate enactment of Senate Resolution 4, and to further delay action on permanently assigning new members to Senate committees. The new members have been very patient, understanding, and cooperative, and they are entitled to prompt, permanent assignment to committees. It is my plan to call the steering committee together as soon as possible after the Senate finally acts on Senate Resolution 4, so that the 10 new Democratic Senators can receive their permanent assignments, and I am sure that the Republican leadership intends to do the same with respect to the new Republican Senators. So, I repeat, the Allen amendment not only promises to delay Senate action on the reorganization resolution No. 4; it also hazards the early implementation of assignments of new members to committees on a permanent basis.

Yesterday morning, I sought to get unanimous consent for the Senate to proceed on next Monday to the consideration of a measure which was introduced by Mr. ALLEN, which is presently on the calendar of resolutions and motions over under the rule—Senate Resolution 39. I did so with the thought of assuring the Senate that the Senate would have an opportunity to debate this matter. So, I presented that unanimous-consent request assuring Senators that if the Natural Gas Emergency Act was disposed of before that time, and if the resolution dealing with committee reorganization was disposed of by that time, the Senate would, in accordance with the unanimous-consent request, take up the resolution that was coming over under the rule, and that resolution would not have to follow the usual procedure under rule XIV to become the business of the Senate.

Mr. ALLEN objected to my request. So, I offered the Senate an opportunity for a resolution rejecting the pay increase to be brought before the Senate in an orderly way on next Monday with at least 5 days, if need be, in which Senators could debate and act on that resolution.

Mr. ALLEN sought to get included in that unanimous-consent request a provision that there would be an up-or-down vote. I declined to include such a proviso. I cannot give assurance at any time that there will be an up-or-down vote on any matter unless there is a time agreement to that effect or unless cloture is invoked or unless there is a general consensus in the Senate that there will be an up-or-down vote.

So, I declined to include that in the request. I assured the distinguished Senator that, if the request were adopted, we would have the matter up on next Monday, Senators would not waive their rights to make any motions that are available to them under the rules; and he, within his rights, of course, objected to the request.

Now, he has chosen to attach the amendment, which would achieve the same purpose, to another resolution now before the Senate. The amendment is not relevant to that resolution, and the Senate is about to cast a vote in connection therewith.

I just wanted Senators to be aware of the fact that in good faith I had sought yesterday to obtain unanimous consent to bring Mr. ALLEN's resolution before this body on next Monday, and Senators could then make whatever motions they desired. But he chose to object to the request, and now we are about to take action on the amendment he has called up.

Here again the motion will be to table. In objecting to my request yesterday, the distinguished Senator, while within his rights, did not accomplish what he sought to accomplish in connection with the resolution that is on the calendar of resolutions and motions coming over under the rule.

There is no way to assure any Senator that he will be given an up-or-down vote on any matter; and I reserve the same right that any other Senator has, to move to table on this matter or any other matter.

So, the record will show that the leadership tried yesterday to bring up Mr. ALLEN's resolution which deals directly with the rejection of the President's proposal enabling the Senate to debate that resolution, and take whatever action it desired but with each Senator having available to himself any motions that are available under the rules.

Several Senators addressed the Chair.

CLOTURE MOTION

Mr. HELMS. Mr. President, I send to the desk a cloture motion and ask that it be read.

The VICE PRESIDENT. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

The undersigned Senators, under the provisions of Rule 22, move to bring to a close the debate on the pending amendment to S. Res. 4.

Jesse Helms, Clifford P. Hansen, Malcolm Wallop, James A. McClure, Pete V. Domenici, Strom Thurmond, Jake Garn, John C. Danworth, Orrin G. Hatch, James B. Allen, Robert Dole, Edward Zorinsky, Barry Goldwater, John Tower, Harrison Schmitt, S. I. Hayakawa.

Mr. ROBERT C. BYRD. Mr. President, this is an illustration precisely of what I have been talking about. This is an action that can further delay final action by the Senate on the basic matter that is before the Senate today, the resolution dealing with committee reorganization.

Mr. ALLEN. Mr. President, will the Senator yield for a question?

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Tennessee (Mr. BAKER) first, reserving my rights to the floor, Mr. President.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I rise first to welcome our distinguished Presiding Officer whom we receive with enthusiasm and respect.

On the matter at hand, Mr. President, I wish to say the most difficult thing to do in the course of one's service in the Senate is always to take some action which has potentially political consequences. Clearly nothing is more potentially damaging, even devastating, to one of us than to exercise the constitutional requirement that we set the level of our own salaries, compensation, and emoluments.

But it is there. It is the grandfather conflict of interest of all time. It is in the Constitution and we have got to do it. We can delegate a part of the responsibility to commissions and boards, to the recommendations of Presidents and the like, but finally the authority and the responsibility to act in this matter is ours, and we have sworn upon our oath to exercise those constitutional responsibilities as we are about to do, I judge, in a few minutes on this tabling motion.

No one understands better than I do the flak that any one of us can catch for engaging in this granddaddy conflict of interest. No one knows better than I do the criticism that can flow from it. But, Mr. President, it seems to me that an exercise in reality requires that we face this question squarely at this time.

It may be that some of you, as I do, wish there were some other technique available to do this. I wish, for instance, we could go back to an earlier time, many years ago, when my father could come to Congress as a citizen legislator on the train in January and leave Washington for Tennessee in May, knowing that the Congress would not reconvene that year.

He was involved in setting the general policies for the Government of the United States, and I rather suspect that that is what the Founding Fathers had in mind when they thought of Congress. But since that time and since I came to Congress—I generally fly here in an hour's time in a jet airplane, I spend the entire year here, with the exception of the August recess and the other nonlegislative periods that we have and, essentially, I am a full-time legislator: I am not a citizen legislator, and sometimes I think I am nothing but an elected bureaucrat, who engages in the business of passing on 1,000- and 1,500-page bills that I barely comprehend and sometimes have not even read in their entirety.

Maybe if it were another era, maybe an earlier time, we could address this problem of compensation in a different way. Maybe my father's time was a better time because, in addition to going back home in May as a citizen legislator, he also went back to his law practice,

which I do not; he went back to the board of his bank or his business, which I do not; and he participated fully in the mainstream of the economic and social and political life of his community, his district, and his State. I return to Tennessee weekly, or every 2 weeks, or so, but I do so in quick trips; I do so without an opportunity to fully sup at the table of public opinion in my State to understand the subtleties of their opinions of us in Government.

So maybe another time would be a better time, and a different way, a better way, to set compensation, but it is not that way. Maybe there would be better ways in the future. Maybe, for instance, the Constitution should be amended to permit the Supreme Court of the United States to conduct an ex parte proceeding to take proof on what our salary and compensation ought to be. Maybe that is a better way. Maybe that would deprive us of the onerous burden of engaging in an apparent conflict of interest in setting our own salaries, but it is not that way yet and may never be that way. So my wish fulfillment is again postponed.

Maybe there is something else we could do. Maybe a Member of the Senate of the United States ought to be closer to the original role visualized. We should remember that it is only a recent development that we are elected by popular vote. It has been only recently that the States themselves have not supplied Senators in this Chamber. Maybe we ought to get back to that idea, at least to the extent that possibly our State should bear a part of the burden of paying us for this service in this body because we are truly the representatives of our State. The States supply a house, a car, staff, and expense allowances for their Governors and their lieutenant governors. Maybe someday in the future our States, according to their own means and desires, may do that for Senators. But not now. And again, my wish fulfillment is postponed in that respect.

Mr. President, in a word, this is a bad situation. It is a bum deal for us to have to face this issue of the setting of our own salary and compensation. But it is simply a fact: It is our responsibility to do it, and it is our duty to face up to it.

And, Mr. President, if we do not do it now, as the distinguished majority leader said, if we do not do it under these circumstances—upon the recommendation of a distinguished panel of citizens, on the recommendation of an outgoing and incoming President of the United States of different parties, with the unanimous urging of all of those in public service who have had an input to this issue, including the courts, the judicial system—if we do not do it now, I very much doubt we can ever do it under the present scheme, and it may become urgent, indeed, that we find a different way to allocate either our responsibility of service or the method for establishing our pay.

Mr. President, it is a long and tedious course to change fundamentally the nature of Congress, and I doubt that it will occur in the next few years. So we are left with nothing but this hard decision on how we are going to do it.

Frankly, I would have wished for an opportunity to vote on a tabling motion on the resolution of disapproval next week at an agreed time. Over a period of time, many of us and some others in the press and elsewhere have asked: "Well, is it true that you are not ever going to have a vote on this; it is just going to take effect without a vote?" I believe I have uniformly told those who have asked it: "Sure we are going to have a vote."

I even supposed that we might try to set a time for a vote, but that initiative has sort of been taken away from us now. We tried to set a time, and it did not work, and now we are confronted with the issue as an amendment to this resolution. As I say, I wish we had a clearer shot at it, but we do not. We have to do it right now. As I look around and see most of our colleagues in the Chamber, it is just as well.

My final remark, Mr. President, is to thank the majority leader for permitting me to yield, and to urge all our colleagues, but particularly those on this side of the aisle, to permit us first to table this amendment, to remove it as an overhang to the legislative reorganization bill and permit us to face up to the constitutional responsibility, onerous as it is but as vital as it must be. If we do not, by our inaction, by our failure to establish a satisfactory pay level or to change the nature of Congress, we will have fundamentally altered the nature and the function of Congress and the courts.

I thank the Senator for yielding.

Mr. STENNIS and Mr. ROBERT C. BYRD addressed the Chair.

The VICE PRESIDENT. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I believe the distinguished Senator from Mississippi was seeking recognition first. I yield to him, and then to Mr. ALLEN.

Mr. STENNIS. Mr. President, I shall not detain the Senate long.

I asked for the floor.

Mr. ROBERT C. BYRD. I protect my rights to the floor.

The VICE PRESIDENT. The Senator from Mississippi.

Mr. STENNIS. I beg your pardon? Will the Chair indulge me? I did not hear what was said.

Mr. ROBERT C. BYRD. I was going to yield to the Senator.

Mr. STENNIS. Mr. President, I will not take but a few minutes, but I asked for the floor myself. I want it to be on my time.

Mr. ROBERT C. BYRD. All right. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Mississippi for the purpose only of his making a statement.

Mr. STENNIS. Do not put limitations on it. I will take my time. I mean I will take my own time.

Mr. ROBERT C. BYRD. I say to the distinguished Senator I intend to move to table this amendment.

Mr. STENNIS. I only ask for time to discuss the matter on its merits and wish to address the Chair in my own right for not over 5 minutes.

Mr. ROBERT C. BYRD. I yield the Senator as much time as he wishes. I am glad to yield to the Senator. I simply want to be recognized thereafter so I can move to table.

Mr. STENNIS. Sure.

Mr. ROBERT C. BYRD. I am glad to yield to him with that understanding.

Mr. STENNIS. Mr. President, I do not wish to be insistent. I think a Member is entitled to address the Chair and get the floor, if he can, so I address the Chair for recognition.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may yield the floor——

The VICE PRESIDENT. The Senator from West Virginia has the floor under the unanimous-consent agreement.

Mr. ROBERT C. BYRD. That I may yield it to Mr. STENNIS with the understanding that upon the completion of his remarks I am recognized again so I can make the motion to table the pending amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, before I proceed, if a Senator asks me a question I certainly do not want to refuse to answer that question. But I shall take only about 4 minutes of my own time.

Mr. President, on the facts themselves, and leaving out a principle that I shall mention, I can agree with virtually everything our esteemed majority leader has said.

In the past I have voted for some pay increases, and I have testified before Senate committees whose duty it was to recommend bills for increasing salaries. I have testified at length and under cross examination. I do not deserve any credit for that, but I mention it only to show that I am not running from the issue.

Mr. President, I would vote for some reasonable pay increase at a level set in a direct and positive manner by the membership of this body, but that is not the kind of floor issue we have to vote on now. If the increase were set by our membership it would then be a proposal representing the judgment of our fellow Senators. But we have no such proposal before us. The proposed level of pay was set by a Commission appointed by the President; the amount recommended was approved and recommended by former President Ford and, I believe, by President Carter. Incidentally, then, the Commission went on and, entirely beyond its authority, tied to its recommendations a proposal for some kind of a code of ethics.

But we are hemmed in now, as I understand the parliamentary situation, to voting yes or no on figures which we did not set and on which no amendments are in order to increase or decrease them.

We are going a long way beyond what I understood the responsibility of this body to be, and that has been my position all the time, as the record will show.

A further part of the proposal is that the higher pay level is really without any affirmative action by the Senate. Even though some reasonable increase is justified, I emphasize, and as an open proposition would have my support, I do not think a pay increase should be granted through or by the mere lapse of time, which is just 30 days. That is what the Constitution requires of us, as I under-

stand. The Senator from Tennessee substantially agreed to that.

It seems to me therefore, Mr. President, that we have here involved a principle that cannot be waived and should not be ignored. It seems clear to me that we should not let this increase become law.

Further, we should also repeal, with some other measure, that provision of law which provides for a commission or any other person or any other group to directly or indirectly set our salaries.

I just hope the Senate will not further set precedents along this line which avoid its own constitutional responsibility which, of course, while very unpleasant, is its duty.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, I promised to yield to the Senator from Alabama.

Mr. ALLEN. I believe I have 12 minutes remaining. I know the Senator from West Virginia wishes to make a motion to lay on the table, but I would like to clarify some things. Will the Senator permit me to proceed?

Mr. ROBERT C. BYRD. Yes, indeed.

The VICE PRESIDENT. The Senator from Alabama is recognized.

Mr. ALLEN. I listened with great interest to the distinguished majority leader about the parliamentary status. He called attention to the fact that this amendment is being added to the committee resolution and it might bog it down. Actually, if we have an up or down vote on it, the matter will be disposed of in the time it takes to call the roll, which is 15 minutes. So it would not bog it down.

As to the provision being in the resolution, at the end of 30 days after the President's plan was submitted, this provision or the efficacy of this amendment would be gone. It would have performed its function. It would be functus officio. Having performed its function of vetoing the pay raise, it would be held for naught. It would have no further operation. So it will not burden Senate Resolution 4 whatsoever.

The Senator from Alabama and his colleagues, some 12 Senators, tried two methods with a resolution. Senate Resolution 39 is pending on the printed calendar as coming over under the rule. That would give Senators an opportunity to vote on it if we have a morning hour after the transaction of routine morning business. We did not have a morning hour for about 12 days. When we had one yesterday, when the majority leader adjourned the Senate for 2 minutes, the time was taken up by quorum calls and the matter was never reached.

I have absolutely no objection, if the distinguished majority leader is so opposed to having it added to this resolution, to calling up, by unanimous consent, Senate Resolution 39 and agreeing to an up or down vote on it.

Inasmuch as we saw the majority leader was not going to allow Senate Resolution 39 to come up as coming over under the rule, another resolution was introduced. It went to the Post Office and Civil Service Committee. There it reposes. It will repose there until the expiration of the 30-day period.

Mr. President, I believe we ought to have an up-or-down vote on this matter.

The distinguished majority leader pointed out that he offered, very generously, to allow this matter to come up next Monday. What is the use of waiting until next Monday? If we wait until next Monday, it will be brought up. I ask, "Will it be brought up for a vote?"

A vote, maybe, but not a vote up or down. A vote to table.

I have been reading in the press that a vote is promised, that it is going to be brought up for a vote.

Yes, but what kind of a vote? It will be on a motion to table. That is the only kind of vote that has been promised.

I am hopeful that the motion to table will not carry. I hope we will have an opportunity to vote up or down on this important issue. The Senate should not try to hide behind a motion to lay on the table.

I believe our constituents are possibly a little smarter than Senators seem to want to give them credit for being. When we hide behind a vote on a motion to table, they will know that a vote for a motion to table will be a vote for a pay increase.

The initial pay increase will run around $124 million in this inflationary time, at a time when we have legislation before the Senate to give a moratorium to people who cannot pay gas bills, if they can get gas. Here we have an average of a $13,000 pay increase to the top Federal officials; $124 million is just the start of the expense. Obviously, this would escalate. It will go through the Federal bureaucracy and get into the private economy. There is no telling how many hundreds of millions of dollars this will cost. It will go into the billions, in my judgment. So it is an emergency measure.

The two resolutions, Senate Resolution 39 and Senate Resolution 50, to bring this matter up for a record vote up or down have been thwarted. The only available method was to seek to add an amendment to this bill.

When the distinguished majority leader made his offer to bring the matter up just about when the horse has left the stable, so to speak, and then we were given the opportunity to lock the door, someone asked the distinguished majority leader, "According to your plan, do you think this issue will ever come up for an up or down vote?"

The distinguished majority leader, being the honorable man that he is, gave his understanding of that, his view of that. He said, "I doubt it."

Well, I do not believe that is giving us an opportunity to vote on this issue.

If the Senator wants to move to table this amendment, a vote on the motion to table will be a vote for the pay increase, which has great ramifications far beyond the initial amount of expense to the taxpayers.

In my remaining time, I want to commend the distinguished Vice President. I welcome him back to the Senate Chamber. As a matter of fact, I believe I would rather have him in the Presiding Officer's chair than as an advocate here on the Senate floor. I believe that is much more enjoyable.

I do welcome you, Mr. Vice President.

The VICE PRESIDENT. The Chair thanks the Senator.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Wyoming without losing my right to the floor.

Mr. HANSEN. Mr. President, I appreciate the majority leader yielding. I will not take very long.

I want to explain why I am interested in having an up or down vote, as is the distinguished junior Senator from Alabama, on this issue.

There is no question at all but that our distinguished majority leader is right when he tells about the problems of trying to live in Washington, trying to discharge the responsibilities that we have as Senators, and trying to meet the increased cost of living, which we all know about only too well.

There is no doubt at all but what our dollars do buy less; that inflation has indeed overtaken us, as he knows and as we all know since we have been Members of this body. I cannot challenge one word he said.

But I make this point, Mr. President: This is the only opportunity I have that I know of to make the full Congress, aware that the problems that we have are not unique and do not affect only us. They affect every American. In my State of Wyoming, 3 years in a row, the agricultural net income dropped from $121 to $62 million, last year to $14 million. I think the answer has been pointed out time after time. No one listens. We do not have the attention of the Members of Congress.

My good friend the Senator from Virginia Mr. HARRY F. BYRD, JR.—I happen to have two good friends, both named Byrd, in this body; I refer now to the senior Senator from Virginia—has pointed out, time after time, that there is only one body which can do very much about inflation; that is the Congress of the United States. And we do not, somehow, seem to face up to the obligation we have.

We have changed the tax laws. We have fixed it so that if you sell a little business now, or a home, or whatever it may be—the capital gains tax used to be 25 percent. Then we raised it to 35 percent. Later it went up to 42.5 percent, and under certain situations, it can now go up to 52.5 percent. With the bite that inflation has taken out of the value of things, when you try to balance that out, it will not balance out.

There is no way that the average citizen has any chance at all to keep abreast of inflation. If you are working for wages, you have gotten higher salaries as the years have gone by if you are fortunate enough, as most workers are, to be where salaries have increased. But you are also in a higher tax bracket, and that higher tax bracket erodes away what you otherwise might be able to have for yourself in the true value of the dollars that you are earning.

So, I must say, with reluctance, that I shall vote not to table this resolution.

I appeal to my colleagues to join with me, because we, the Congress of the United States, are the only body in this great Republic that can address a problem that affects everyone of 215 or 220 million Americans. Their dollars buy less just as our dollars buy less, and we must have the courage and the fortitude to balance the budget. I served as Governor of Wyoming before coming to the U.S. Senate. In my State, we have to have a balanced budget. We should be a little more realistic, Mr. President, and understand that we cannot promise everything to everybody and pay for it with unbalanced budgets without doing irreparable harm to all Americans. We should move toward that utopian time that I hope may yet come to America, when we shall have balanced budgets and when we can address the problems of all Americans, not of an exclusive, small group.

All this pay raise does is to pick out very selectively a small group of people and say, "We know you have a problem with inflation, so we are going to raise your wages." But we do not say anything at all to most Americans, who will look upon this as the farmers and ranchers in my State of Wyoming will, as they have seen their net incomes just go through the basement floor, and say, "Is this not a fine way for the Congress of the United States to address our problems?"

I thank my friend from West Virginia.

Mr. HUMPHREY. Mr. President, will the Senator yield to me?

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Minnesota (Mr. HUMPHREY) with the same understanding.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I rise primarily to commend our majority leader, who has had the fortitude and the courage to stand here and ask this body to follow regular procedure, No. 1; and also to face up to the realities of the economic situation that faces a number of people in the Federal Government Establishment, including Members of Congress.

The majority leader has placed in the RECORD his comments today on matters that should be understood by the American people. Many is the time that I have gone to my home State, and heard people say, "Oh, I understand that you get 40-some-thousand dollars." Well, let me just say that we get over 1,200 letters a day in my office. I do not enjoy answering my share of them. I was on the dictaphone last night, the IBM machine, until 1 a.m. And every night I work on my correspondence. I have a staff that works, and I demand service. I take pride in the fact that, in the State of Minnesota, the mail is answered. Much of my mail comes from around the rest of the Nation. But we try to give service.

We have a constant stream of visitors, over 200 a day, that come into my office from my State. We average and we log in over 700 telephone calls a day, in one office. Besides, I would like to have anyone who thinks that we have such good conditions come and look at the offices. I want to tell you, when I was teaching school at McAllister College, I had a palace compared to what I have down here. If the Department of Labor would come over here and enforce the same laws that they enforce on my family drugstore, we would close up the Senate Office Building. There is not a toilet up there that is not used today for an office. You really have to have certain physical capacities far beyond human endurance to be able to work in some of those offices.

This is a dramatic presentation, yes, but it is a fact; it is a fact. The offices violate the Federal law in reference to occupational safety, that is No. 1. But, more significantly, the Congress of the United States has a responsibility to set its own standards, not only of conduct but of compensation.

Now, there are differences of opinion, honest differences of opinion, here. Why? Because there are differences of circumstance. When I first came to Congress, I got $12,500 a year, and a $2,500 tax-free expense account. I paid $25,000 for a home. That same home can sell today for $90,000 in the real estate market in this city. I had little children, none of college age, and even had they have been of college age, as was pointed out here, college expenses at that time were much less than they are today. We have practically priced a large number of Americans out of a college education.

Senators are not necessarily special people, but we have special responsibilities. I have a luncheon account down here in the dining room. I do not know how the rest of the Senators do it, but I take a few constituents to lunch once in a while and it costs a little money. I do not mind; I have the money. I am in much more favorable circumstances today than I was earlier. And one of the reasons is that I have made a lot of speeches around the country and I got paid for them, and took a lot of heat for it. I have gotten a lot of razzing. I have a house out in Minnesota with a sign in front of it, "The House that Wind Built." I could not have built that without that income. It is a fact.

When I became Vice President of the United States, I put everything I had, including my wife's money that she had inherited from her dad, in a blind trust. Thank God or I would not have it.

I am not complaining about HUBERT HUMPHREY. I can get along without this salary increase. But what about these younger Members who have young people coming up of college age? It is a different ball game for them entirely. Some of us have land, farms, offices, securities, stocks. We get extra income from that. There are a number around here who do not. And I remember the distinguished Presiding Officer telling me, our distinguished Vice President that we applauded as he came into this Chamber—and rightly so—of the difficulties that he and his wife were having in this city when we voted on the pay raise a year ago. It ought not to be that way.

We have younger Members of this body who have to think twice as to whether or not they can do this or do that or whether they can send their son or daughter off to a good school or good college. Frankly, I think it is our duty to face up to this issue, but to do it in an orderly manner.

The Senator from West Virginia has said that he was prepared to vote up or down or to vote on a tabling motion on a resolution offered by the distinguished Senator from Alabama on Monday, so there was no reason to believe that we would not have a vote. We are not going to hide behind some fencepost and hope that nobody is going to see us. We are going to vote on it. But if we add this measure to the Senate reform, we are going to open up a Pandora's box of trouble and we are not going to get much Senate reform. We are going to be around here arguing for a mighty long time.

Not only that. We are not just talking about Senators and Congressmen. We are talking about cabinet officers and judges, we are talking about a number of Federal employees that, today, are underpaid. We have judges leaving the bench. We have technicians and scientists who refuse to work for this Government, because they can go out and work for McDonald's hamburger company for more.

Even though the money is not everything, it runs a good second best in most families.

I think we should just face up to it. That is what the majority leader has asked us to do.

There was a time around here, we used to just sweat and hide out every time a pay raise came up. So what did we do? We established by law the commission that the President appoints to look at the matter of the Federal salaries. That was to get it away from us so we would not be self-serving.

That commission was headed by a distinguished businessman, the former Secretary of Commerce, and they made recommendations. Those recommendations are before us. We did not make them. These are the recommendations of people who have some idea of what is going on in this country and who are not worried that somebody is going to vote against them because they get a pay increase.

I voted for the pay increase the last time and I got more votes than I ever got in my life.

There were some articles about that. I got some letters, got a little heat.

But we had it up here for a vote, and I was one of those on the losing side of the issue that voted for the pay increase.

Some Senators may find it difficult, and I understand that. They may feel they cannot afford to do it. It is a political risk.

But I say, if they do not think they are worth much, they will only reveal to the public what they already surmise. I suggest they feel they are at least worth as much as somebody they are going to hire.

This body, this Congress, goes around pretending it is walking in ashes and sackcloth, thinking it is going to impress the people.

I ran on the poverty ticket one time, and it was the last. I gave that up.

I do not think the American people think because you plead poverty you are a better man. I think the important thing is what we do here, attending to business here, whether we earn our salaries, whether we earn our keep, and there is

plenty of work to do here starting at 7 in the morning going on to midnight.

There is a large number of Members of this body who work long hours. If people do not believe so, they can ask their respective wives.

It is not an easy life, but it is an enjoyable one, and exciting. That is why we are here.

I compliment the distinguished leader. This is the first time I have heard a majority leader stand up and ask the Members of his party, and the minority leader ask the Members of his party, to back them on a procedural motion, No. 1, on the matter of a pay raise, but also to hear the majority leader and the minority leader of the Senate speak out courageously and intelligently and effectively on the need of this so-called pay raise.

We have been saying, what about others? Well, people in my office have been getting a cost-of-living increase every year. I am happy for them. They need it, rightly so.

Senators have had one 5-percent cost-of-living increase since 1969.

We may think that makes one courageous and bold and honorable. I think it makes them look stupid. I think the American people understand what is going on, even if we do not.

I hope we will have the courage, those of us that may think there is a need for it, to vote our convictions.

If a person has a big outside income, if he has all he needs coming in because grandpa and grandma took care of him or because somebody had a premature death and the person inherited before he thought he would get it, or if he has a lot of stocks and dividends, if he does not think he needs it, he can always give it back.

There is no law against that. I think he could write a check to the Government and say, "I'm doing fine, I like public service, I don't think I'm worth this much. Not only that, there seems to be an increasing view in my State to support that observation."

They can send back their money.

But I say in all sincerity, do we want this to be a rich man's club?

I am not against people being well-to-do. I frankly enjoy a little privilege. I worked hard to get it and I have never been against it. I have been for private property so much that I think everybody ought to have some of it and not a few have most of it.

I happen to believe that people in this country ought to live well.

But I do think the Senate of the United States ought to set an example for some type of courage when it comes to facing up to issues that affect its membership. We all know there are Members of this body that do not need a pay increase. That is a fact. They stay here or get elected to come here. But there are a number in this body, a number of younger Members, that do need it.

I think we have an obligation to make sure that the channels of opportunity to serve in the Congress of the United States are wide open to a person who may have nothing but indebtedness, that when they come here they will be able to provide for their family, that they will be able to provide for themselves, that they will be able to provide for their constituents to the best of their ability.

That is why I rise to support my leader.

I say again to the Senator from West Virginia (Mr. ROBERT C. BYRD), the majority leader, that he has exemplified courage and intelligence here that merits our faith and trust and confidence.

He is supported in this by the President of the United States, as he noted, the former President of the United States, by the judiciary, he is supported by organizations outside of this Congress and he is supported by the commission that this Congress authorized.

We authorized that commission because we wanted an objective, outside evaluation as to what the pay scales ought to be.

Mr. President, I urge we support the leader in his motion.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Minnesota (Mr. HUMPHREY).

Mr. SCHMITT. Mr. President, will the Senator yield very briefly?

Mr. ROBERT C. BYRD. I yield, Mr. President, briefly, with the understanding I not lose my right to the floor, for the purpose of the Senator making a statement.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senator from New Mexico is recognized.

Mr. SCHMITT. Mr. President, I agree with the distinguished leaders on both sides of the aisle about the necessity for a pay raise at some time.

I enjoyed the remarks and associate myself with some of them of the distinguished Senator from Minnesota, that beautiful State where I have had a chance to own a small amount of property for some years.

My father was born in Mankato. Senator Francis Case, of South Dakota, who was associated with this body and with the State of Minnesota, is a second cousin of mine.

It is a delightful State.

I have enjoyed every eloquent statement that was made on the floor, but I do think our problem is much deeper than a question of a pay raise right now. For that reason, I also associate myself with the remarks of the Senator from Wyoming.

I believe very strongly there is a need for a pay raise in the top levels of Government. I have been there. I know the problem. I tried to hire people and could not. I have seen good people leave the Government. We could not replace those people.

I think there is even a problem in attracting good candidates to run for office—both the House and the Senate.

But I do not think today is the day. I do not think it is the day because we are asking for sacrifice throughout this great country from all levels of our society, and we must be willing to sacrifice ourselves.

I also do not think today is the day because we have not done it right. Our contract is with the voters of this country. They are the ones that, in a sense, give us the contract to work for a salary, and if we wish to vote for a pay raise that includes ourselves, I think we must create a situation so that the voters of this country can approve that pay raise before we accept it.

So just for the record, I call attention to a bill I introduced, S. 546, which, in the event of any pay raise being passed by this body, delay the receipt of that pay raise until the next election to fill the seats that we hold.

I recommend that bill strongly as a way in which we can get around our difficulties in supporting what is obviously a very necessary increase in salary for top-level Government officials. This would remove politics to a large degree and I think would make it much more fair not only to ourselves but to the people of this country as well.

Mr. President, I will have to vote against any pay raise or any procedural motion to prevent an up-and-down vote on that question, but I do think that in the very near future we all must address ourselves once again to this question, with the right statutory framework. Otherwise, the good government, the ethical government, the efficient government that we all have promised our constituents will not come and in fact the situation will get worse.

I thank the Senator for yielding.

WHY I OPPOSE MAJOR PAY INCREASES AT THIS TIME

Mr. CHURCH. Mr. President, President Ford, 3 days before he left office, recommended substantial increases of pay for all top-level officials in the Federal Government.

His recommendations, unless rejected by the Senate or the House of Representatives, will take effect by the 1st of March, 1977, and would establish the following increases:

	From—	To—	Percent of increase
Vice President	$65,600	$75,000	12.5
Chief Justice	65,600	75,000	12.5
Speaker of the House	65,600	75,000	12.5
Associate Justices	63,000	72,000	14.3
Executive level I (Cabinet heads)	63,000	66,000	3.3
President pro-tem, majority and minority leaders	52,000	65,000	25.0
Judges:			
Circuit Courts of Appeals	44,600	57,500	28.9
Court of Claims	44,600	57,500	28.9
Court of Military Appeals	44,600	57,500	28.9
Court of Customs and Patent Appeals	44,600	57,500	28.9
U.S. District Courts	42,000	54,500	29.8
Customs Court	42,000	54,500	29.8
Tax Court	42,000	54,500	29.8
Executive level II	44,600	57,500	28.9
Comptroller General	44,600	57,500	28.9
Members of Congress	44,600	57,500	28.9
Executive level III	42,000	52,500	25.0
Director, Administrative Office, U.S. Courts	42,000	54,500	29.8
Executive level IV	39,900	50,000	25.3
Librarian of Congress	39,900	50,000	25.3
Public Printer	39,900	50,000	25.3
Architect of the Capitol	39,900	50,000	25.3
Commissioners, Court of Claims	37,800	48,500	28.3
Bankruptcy judges (full time)	37,800	48,500	28.3
Executive level V	37,800	47,500	25.7

Except for one 5-percent cost-of-living adjustment granted 2 years ago, salaries for all the above-mentioned Federal positions have been frozen since 1969. This freeze, owing to the inflation during the intervening years, has reduced the purchasing power of the top-level salaries in Government by at least 40 percent.

Meanwhile, all other Federal workers have kept pace with the inflation through an annual comparability adjustment in their pay, based largely on the degree to which the rising cost of living during the previous year has depreciated the dollar.

The purpose of this annual adjustment is to keep the Federal pay scale commensurate with the rising cost of living. It is a treadmill mechanism, designed to hold Federal salaries in line with the pay in private industry for comparable work. Nearly everybody on the Federal payroll receives such an incremental adjustment in pay annually, including millions of retired people on social security.

From the start, Members of Congress, Cabinet officers, Federal judges, agency directors, and those who occupy the highest posts in the civil service should have been treated the same way. For this reason, I voted in 1975 to include them in the cost-of-living automatic adjustment system applicable to all other Federal employees. As it happened, however, Congress gave effect to this decision for that year only.

A similar cost-of-living adjustment now, like that given all other Federal employees, would prevent further erosion at the top of the pay scale. But the major pay increases proposed by former President Ford represent an effort to reach back and rectify the maladjustment caused by the 8-year freeze in top level pay. This is not the time, in my judgment, to try, all at once, to correct the errors of the past. The proposed pay boosts are too large, given the size of the Federal deficit, the extent of unemployment, and the sluggish performance of the economy. When inflation is checked, prosperity restored, and the budget brought back into balance, then will be the time to consider a real pay raise, for then we will have earned it, and the people will not begrudge it to us.

Accordingly, I will vote against the top-level pay increases recommended by former President Ford.

Mr. BAYH. Mr. President, the Senate is today considering the very politically charged issue of pay raises for senior Government officials. The recommendations pending before the Congress were submitted by former President Ford on January 17 and reflect the results of a careful study made by the Commission on Executive, Legislative, and Judicial Salaries, the Peterson Commission.

The more than 23,000 persons affected by the proposed salary increases are high level officials of the executive branch, including the Vice President and members of the Cabinet, Federal judges, and Members of Congress. These people represent less than one-half of 1 percent of the total Federal civilian work force which totals about 2.8 million. Salaries and benefits for these persons totals only 1.5 percent of the total cost for Federal salaries. So we are talking about a very small percentage of the total Federal employees.

For the past 8 years these officials have received one pay raise of 5 percent. During this same period, 1969 through 1976, the average hourly private nonfarm earnings increased by 70.1 percent; general schedule Federal civil service pay covering other Federal employees increased an average of 65.7 percent and executive pay in private industry increased by 52.5 percent. The Consumer Price Index rose 53.3 percent during this time. In fact consideration of all economic indicators shows that the official covered by this salary proposal should have received a 50-percent increase to keep up with other salaries and the rise in the cost of living over the past 8 years.

The result of this 8-year salary freeze has made it difficult or impossible to fill vacancies in top Government positions and has forced many top people to leave Government service for higher paying positions in the private sector.

To bring the effect of this problem down to specifics, let me mention some cases brought out by the Peterson Commission's report. More than half of the civil service supergrades, GS–16 through 18, have retired in the last 3 years. Over 30 persons have been interviewed for the position of Chief Actuary at the Social Security Administration. None of the qualified applicants would accept the job primarily due to the salary level. In an area of great concern to me, the position of Director of the National Cancer Institute is vacant. The very able doctor who held that job left for a position with comparable responsibilities at double the salary paid by the Government. Three other units of the National Institutes of Health are also without Directors. In order to have the most effective leadership at the top levels of Government, we need to be able to attract able and experienced people. To achieve that end, the Government must offer salaries that are at least somewhat competitive with the private sector.

While I recognize the political problems involved in approving salary increases for top Federal officials are significant, I believe that the time has come to face the fact that we are approaching a crisis stage at the top levels of Government. We can no longer tolerate the high retirement rate of our most experienced civil servants and Federal judges. The Government cannot offer the kind of salaries paid by our largest corporations, and the present pay proposals do not offer salaries at that level. However, Government salaries need be sufficiently high to make Government service an attractive alternative for persons with the expertise judgment and commitment to serve the American people in the Federal Government.

The continued reluctance of Congress to approve their own salary increases has resulted in no raises for more than 20,000 employees whose salaries are tied to congressional pay. Continuing this 8-year pattern is not going to provide the Nation with quality service by the Federal Government.

I realize that part of the difficulty in approving raises has to do with the mistrust by the American people in the integrity of their Government officials. For a number of years, I have introduced financial disclosure legislation which would affect all top officials in the legislative, executive, and judicial branches of the Federal Government. I, myself, have published my own statement of finances in the CONGRESSIONAL RECORD since 1969.

The Peterson Commission has argued that along with the proposed pay raises should go a series of reform including strong financial disclosure regulations. The Senate leadership is committed to reform of its code of ethics and a special committee has been appointed. Their report is due on March 1 for immediate consideration by the Senate. President Carter is also committed to a strong code of ethics for his top officials.

With these efforts to strengthen the code of ethics for public officials, the American people can be reassured that there will be effective regulations to make government officials truly accountable to their employers, the citizens of this Nation.

Because I believe that the proposed pay increases are necessary in order to attract the best possible people to Government service and because there is a firm commitment by all branches of Government for a truly effective code of ethics and financial disclosure, I will vote to table the amendment disapproving the proposed pay increases.

Mr. HATHAWAY. Mr. President, I am casting my vote today in support of former President Ford's pay raise proposal for top-level civil servants, for members of the Cabinet, for Federal judges and for Members of Congress, and against the Senator from Alabama's (Senator ALLEN) amendment disapproving that pay raise. This proposal was included in President Ford's budget recently submitted to Congress and has been endorsed by President Carter.

I realize that this is not a popular position with many voters, but it is a necessary one given present-day economic realities and their impact on our Federal Government's ability to attract and retain the very highest caliber of public servant for all three branches of Government.

It would be very appealing politically to cast a vote in favor of symbolic belt-tightening and thereby highlight one's concern for fiscal responsibility. But Congress has by and large yielded to such impulses over the past 7 years and I am convinced that over the long term such a policy has been and will continue to be disastrous to the quality of our Federal Government.

I am not alone in this position, and base it upon the findings of the President's Commission on Executive, Legislative and Judicial Salaries, which filed its report in December of 1976. Chairman of the Commission is Peter Peterson, former Secretary of Commerce.

This Commission highlighted the present dilemma of our top Federal Officers and the impact this has had on our Government. Since 1969 there has been but one pay raise for these officials of 5 percent.

Over this same time period the cost of living has increased over 60 percent, the hourly earning of nonfarm workers jumped 70 percent, and the average civil servant received raises totaling 65 percent. The President's Commission also surveyed the raises received by corporate executives and found that these averaged 52 percent for the last 7 years.

Thus while all of these individuals have managed to keep pace with or ahead of the rising cost of living, our top Government officials have seen the purchasing power of their paychecks in real terms decline significantly.

This has had a devastating effect. I would like to quote from a letter sent by President Ford to the Members of the House of Representatives over a year ago, in connection with their consideration of a prior pay proposal:

More than twenty percent of the Government's top officials are either quitting their jobs or retiring early. From 1969 to the present, the rate of executive resignations and retirements has more than doubled. In fact, employees whose salaries are frozen are retiring early at three times the rate of all Government employees. . . . While the salaries fixed in 1969 quite understandably seem more than adequate to many, we must face the fact that such salaries are today far out of line with comparable salaries in the private sector—and indeed in a growing number of State and local governments—for skilled, experienced administrators, senior professionals and judges. . . .

The report of the President's Commission showed that in the past year the situation has not improved and, if anything has deteriorated.

Last year, 9 of the 19 highest ranked employees of the Social Security Administration retired, and the position of Chief Actuary for the Administration remained vacant for more than 1 year, because 30 eligible candidates refused the job due to the pay. In the past 3 years, 4 of the 11 directorships at the National Institutes of Health became vacant and remained vacant for over 1 year, with 85 of 87 outside candidates refusing the jobs because of pay.

The Environmental Protection Agency has had difficulty attracting needed senior physicians because they are earning up to $80,000 in private practice or medical schools. In the last year all of the agencies have had increasing difficulty in dealing with situations where employees, because no pay raise is forthcoming, refuse promotions or relocations which involve moves to Washington and New York City because of cost-of-living considerations.

With regard to those costs of living, the President's Commission found that the average home purchase price in Washington, D.C., for 1976 was $68,400, substantially higher than any of the other cities surveyed.

The Commission also found that other costs-of-living factors were similarly higher for Washington.

All of these factors have had a particularly adverse effect on our judicial branch of Government, and have made it difficult to attract and retain top-quality Federal judges.

These findings have been detailed in a study by the Administrative Office of the U.S. Courts, the administrative arm of the Supreme Court and all other U.S. courts in a study dated November 12, 1976. That study indicates that on the average, individuals appointed to the Federal bench earned twice as much prior to such appointment.

In other words, to become a Federal judge it is ordinarily necessary that an individual cut his or her pay in half. Since the Constitution guarantees that appointments of Federal judges be for their lifetime, this is a fairly substantial sacrifice to ask, and no doubt many potential appointees have refused and will continue to refuse such appointments.

I would like to make a few observations with respect to the impact that the proposed pay raise will have upon Members of Congress—it would raise our annual pay from $44,600 to $57,000. But at the same time, the proposal would also raise Cabinet members' salaries to $66,000, and their top assistants to $57,000. It would raise the salaries of the Supreme Court to $72,000, and Federal appeals judges to $57,500. The Vice President, the Speaker of the House, and the Chief Justice would all earn $75,000.

The plan thus envisages parity and equality among all three branches of our Government—as is similarly mandated by our Federal Constitution.

This is as it should be. The peoples' branch of Government, the Congress, should be accorded full equality with the other two branches.

Since we claim to be the greatest democracy in the world, it makes little sense for the people's elected representatives to earn less than those Federal employees over whom they have ultimate responsibility to the people, or markedly less than some of those in the private sector holding jobs which are less demanding and requiring less responsibility.

Unlike 20 or 30 years ago when Congress was in session for just a few months a year and was made up of individuals engaged in other professions or businesses, it is now a full-time, year-round occupation, often involving marathon sessions. Its Members work as hard or harder than executive branch policymakers and Federal judges.

I have received hundreds of inquiries that the inequitable Federal pay system for top-level civil servants and judges be corrected. The people would only be shortchanging themselves to require that any less be done for their own representatives.

But in addition, as I testified yesterday, I feel that all Members of Congress should be barred from accepting any outside earned income whatsoever. In this way the people would know that their elected representatives are working for them and them only.

I also proposed complete annual disclosure of all income and assets by Senators, Congressmen, top-level members of the executive branch, and Federal judges.

In addition I proposed that any assets creating conflicts of interest be divested or placed in a blind trust, controlled by a totally independent trustee.

I proposed that all of these requirements be monitored by a strong Ethics Committee and that any criminal activity be promptly referred to the Justice Department or the Special Prosecutor.

My views on these matters appeared in their entirety in the CONGRESSIONAL RECORD of February 1, 1977. In addition, on January 19, 1977, I introduced the Financial Disclosure Act of 1977 mandating full public financial disclosure on the part of all top Federal officials.

I believe that with prompt implementation of all of these provisions the public will be assured that their elected representatives are men and women of integrity, devoted to fulfilling their legislative duties and assisting their constituents in dealing with the Federal Government.

Mr. HASKELL. Mr. President, I support Senator ALLEN's amendment blocking the proposed pay increase from taking effect.

I oppose this pay increase not out of any feeling that our career civil servants, Federal judges, and Members of Congress are not worth a fair market rate commensurate with their experience and qualifications. I oppose it, rather, out of a strong feeling that we are putting the cart dangerously before the horse in allowing ourselves this substantial pay increase at this time. The Commission on Executive, Legislative, and Judicial Salaries recommend pay increases conditioned upon acceptance, formulation, and enforcement of a strict government-wide Code of Public Conduct.

To that end, both the House and the Senate have established committees which are now in the midst of a diligent effort to enact the kinds of standards and procedures which will help repair the severe damage done by the long list of recent scandals involving public officials.

But the American people are properly skeptical of our intentions. They have heard such talk before, and many believe that all talk of real reform will quietly diminish once this hefty pay raise is on the books.

We have to demonstrate tangibly—and before the fact of a pay raise—that this effort is more than just another exercise in congressional "jawboning," more than just a passing outburst of sound and fury.

The pay raise should wait until a code of conduct is down on the books in clear, cold black and white. That code should contain requirements for public financial disclosure with a provision for outside auditing and monitoring of that disclosure, severe restrictions if not outright elimination of outside earned income, elimination of such often abused items as office accounts, lameduck travel, and the outrageous practice of "double-dipping" on per diem expense funds abroad.

When these reforms have been translated into reality—not just rhetoric—then, I think we will have a right to talk about pay raises for people who have not had them for quite some time.

But now, we need to get on with the most important business before us, and that is getting on with the people's business by restoring public confidence in the integrity of their elected representatives. No greater challenge faces the new administration or the new Congress than this most fundamental of issues.

Mr. DOLE. Mr. President, I oppose the proposed pay increase for Members of Congress and executive-level Govern-

ment employees which was recommended earlier this year by both the Ford and Carter administrations. For that reason, I am voting today in support of the Allen amendment, which would disapprove the projected pay increase. The law provides that disapproval by one House of Congress will effectively reject such a pay increase proposal.

Last December, following the pay increase recommendation by the Special Commission on Executive Salaries, I sent a letter to President Ford urging him not to recommend that the increase be implemented. My principal objection to the Commission's recommendation at that time, and today as well, is that the Commission report dealt only with top level positions in Government. Before we institute dramatic increases in executive level salaries, we need to totally review the entire pay structure throughout the Federal Government and make necessary adjustments where needed. It is inequitable, and illogical, to tamper only with one small portion of the pay structure without taking into consideration all others. We do not legislate in a vacuum, and the likely effects of top level pay increases should be carefully examined before taking such a step.

COMMISSION REPORT

In accordance with public law, the President's Quadrennial Pay Commission must issue salary recommendations for executive level Governments officials once every 4 years. Their latest report was issued last December, and suggested pay raises ranging from 7 percent to 47 percent for top Government officials, Members of Congress, and the Federal judiciary. At the same time, the Commission recommended that Congress adopt a strong code of public conduct for itself and other top Government officials. While I am opposed to a blanket adoption of the Commission's recommendations, I do support a number of their recommendations. Salary increases may be warranted for some executive and judiciary appointments. But I believe additional investigations need to be undertaken to identify those positions which warrant increased compensation and for which increased compensation must be paid in order to attract the most qualified personnel.

The Commission's studies revealed that compensation had a minimal impact on the ability of the Federal sector to attract new talent to executive level positions, but that it did have an impact on the Government's ability to retain its personnel over an extended period of time. I would submit that the ability to attract qualified personnel is the most important criteria to judge the adequacy of compensation, for it is this ability which assures the Government will continue to be operated by qualified personnel. The fact that compensation levels are not adequate to meet the financial aspirations of appointees over a long period of time is not significant so long as qualified and competent replacements can be employed and retained for a length of time which assures reasonable continuity of Government.

CONGRESSIONAL SALARIES

Applying this same standard to congressional pay increases, it would seem that the Commission's proposed increase of about 29 percent is most difficult to justify. The Commission's report focuses on the lack of confidence in public officials. I would submit that, to some extent, that lack of confidence arises from the public perception that Government is costing more and more but delivering less. Certainly Congress is perceived in the same manner. I doubt that many Kansans feel that my current salary is inadequate. It is definitely adequate to attract other candidates who have political aspirations. With the prospects of a tight budget facing us this year, it would seem that congressional calls for belt-tightening would be much more credible if we would practice what we preach. In brief, the current compensation levels for Members of Congress seem adequate to attract qualified congressional candidates and maintain those who are currently serving. In addition, leadership requirements on the issues of fiscal responsibility and public accountability make the increase impractical at this time.

CONDUCT RECOMMENDATIONS USEFUL

The President's Commission also asked that Congress create a Commission on Public Conduct to make recommendations within 6 months on legislation to set up a code of conduct for Members of Congress, Government officials, and members of the Judiciary. I am supportive of the Commission's recommendation in this regard, and certainly feel that the issues of public disclosure and conflict of interest deserve prompt attention by this body. Nevertheless, I cannot support the pay increase proposal on the basis of this factor alone.

It may well be necessary to adjust certain judicial and executive level salaries in the near future, but I reiterate my conviction that this should only be done following a comprehensive review of the entire Federal pay structure, with appropriate adjustments where necessary at all levels. Only then can we be sure that salary adjustments are necessary, adequate, useful, and conducive to the interests of the public.

Mr. President, I ask unanimous consent that the text of my December letter to President Ford be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, D.C., December 29, 1976.

President GERALD R. FORD,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: After having carefully reviewed the recommendations of the Commission on Executive, Legislative, and Judicial Salaries, I do not believe salary increases for Members of Congress, the Judiciary, and Executive-level appointees should be recommended at this time. I, therefore, urge you to reject the recommendations of the Commission in your 1978 budget message to Congress.

This is not to say that the Commission's report should be disregarded. The Commission's recommendations regarding Code of Public Conduct, Public Disclosure, Conflict of Interest, and Postal Service Employment have merit and should be explored further.

Salary increases are unquestionably warranted for some in the Judicial and Executive branches of government so that the most qualified individuals will be attracted to these positions of great responsibility. Congressional salaries also need to be revised to assure that Congress will continue to attract the most qualified persons, not just those of independent means. Nevertheless, the Commission's report deals only with top level positions in government.

I, therefore, believe a more comprehensive study of the entire federal employee system should be undertaken before any salary adjustments are recommended.

Sincerely yours,

BOB DOLE,
U.S. Senator.

Mr. ROBERT C. BYRD. Mr. President, I move to lay the amendment by Mr. ALLEN on the table, and I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), is absent because of illness.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI), would vote "yea."

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BARTLETT), is absent due to illness.

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—56

Abourezk	Griffin	Metcalf
Anderson	Hathaway	Metzenbaum
Baker	Hollings	Moynihan
Bayh	Huddleston	Nelson
Bellmon	Humphrey	Packwood
Bentsen	Inouye	Percy
Brooke	Jackson	Randolph
Bumpers	Javits	Ribicoff
Byrd, Robert C.	Johnston	Riegle
Cannon	Kennedy	Sarbanes
Case	Laxalt	Sasser
Chafee	Long	Schweiker
Cranston	Lugar	Scott
Culver	Magnuson	Stafford
Eastland	Mathias	Stevens
Ford	Matsunaga	Stevenson
Glenn	McClellan	Weicker
Goldwater	McGovern	Williams
Gravel	Melcher	

NAYS—42

Allen	Hansen	Pell
Biden	Hart	Proxmire
Burdick	Haskell	Roth
Byrd, Harry F., Jr.	Hatch	Schmitt
	Hatfield	Sparkman
Chiles	Hayakawa	Stennis
Church	Heinz	Stone
Clark	Helms	Talmadge
Curtis	Leahy	Thurmond
Danforth	McClure	Tower
Dole	McIntyre	Wallop
Domenici	Morgan	Young
Durkin	Muskie	Zorinsky
Eagleton	Nunn	
Garn	Pearson	

NOT VOTING—2

Bartlett	DeConcini

So the motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 19

Mr. BURDICK. Mr. President, I call up my amendment 19.

The VICE PRESIDENT. The clerk will report.

The Senate will be in order.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota (Mr. BURDICK), for himself, Mr. STEVENS, Mr. HOLLINGS, Mr. EASTLAND, Mr. DURKIN, and Mr. SARBANES proposes amendment numbered 19.

The amendment is as follows:

On page 64, beginning with line 23, strike out all through page 65, line 4.

On page 65, line 5, strike out "11." and insert in lieu thereof "6.".

On page 70, between lines 23 and 24 insert the following:

"(p') Committee on Post Office and Civil Service, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Federal Civil Service.

"2. Status of officers and employees of the United States, including their classification, compensation, and benefits.

"3. Postal service.

"4. Census and collection of statistics, including economic, social, and labor statistics.

"5. Archives of the United States.".

On page 72, at the end of the following line 2, strike out the period and insert the following:

"Post Office and Civil Service---------- 9.".

On page 83, line 7, strike out "or the Committee on Post Office and Civil Service".

On page 94, in the table preceding line 1, insert after the item relating to the Committee on the Judiciary the following:

"Post Office and Civil Service-- Post Office and Civil Service,".

On page 94, line 4, strike out ", the Committee on Post Office and Civil Service,".

UP AMENDMENT NO. 21

(Modification of amendment No. 19)

Mr. BURDICK. Mr. President, I send to the desk a modification of my amendment numbered 19 and ask that it be read.

The VICE PRESIDENT. The clerk will report the amendment, as modified.

The assistant legislative clerk read as follows:

The Senator from North Dakota (Mr. BURDICK) proposes an unprinted amendment numbered 21 as a modification of his printed amendment numbered 19.

On page 2, line 5, strike out ", social, and labor statistics" and insert in lieu thereof "and social statistics".

Mr. BURDICK. Mr. President, the purpose of this amendment is merely to delete the word "labor" because it was never intended that this amendment should embrace labor statistics.

Mr. RANDOLPH. Mr. President, point of order.

The Senate is not in order. I hesitate always to do what I am now doing, but this is a very important amendment being offered, and when we think of the scope and responsibility that Senator BURDICK is presenting to us I hope we can have the Senate listening to the presentation and subsequent debate.

The PRESIDING OFFICER (Mr. NUNN). The Senator's point is well made. The Senate will be in order. Senators will take their seats and cease all conversations.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BURDICK. I yield.

Mr. STEVENS. I ask unanimous consent that Wayne Schley of my staff be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I ask unanimous consent that Walker Nolan of my staff be granted the privileges of the floor during the consideration and voting on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABOUREZK. Mr. President, will the Senator yield briefly for a unanimous-consent request?

Mr. BURDICK. I yield to the Senator for a unanimous-consent request.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that a member of my staff, Glenn Feldman, be entitled to the privilege of the floor during voting and consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURDICK. Mr. President, I ask unanimous consent that the name of the Senator from New York (Mr. MOYNIHAN) be added as a cosponsor of amendment No. 19.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURDICK. Mr. President, I understand from the manager of the bill that he will consent to a 1-hour time limit, to be divided 30 minutes for each side.

UNANIMOUS-CONSENT REQUEST

Mr. CANNON. Mr. President, I ask unanimous consent to have a time limit on the pending amendment of 1 hour, to be equally divided 30 minutes to a side.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, reserving the right to object, will the Senator withhold that for just a moment?

Mr. BURDICK. Certainly.

The PRESIDING OFFICER. The Senate is not in order.

Is there objection?

Mr. STEVENS. Temporarily, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BURDICK. Mr. President, I ask unanimous consent that the distinguished Senator from Alabama (Mr. ALLEN) be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURDICK. Mr. President, this amendment to Senate Resolution 4 would retain the Committee on Post Office and Civil Service as a standing committee of the Senate. Joining me as cosponsors of the amendment are Senators GOLDWATER, HOLLINGS, STEVENS, EASTLAND, SARBANES, DURKIN, MOYNIHAN, and ALLEN. I urge Members to support this effort to continue a committee governing a service which touches the life of every American—the U.S. Postal Service.

In both areas of its jurisdiction, this committee is facing formidable and troublesome problems. The Postal Service needs early, top-level Senate attention and oversight. The Federal civil service, just now emerging from serious threats to the merit system upon which it is based, requires constant knowledgeable Senate surveillance.

Abolishing this key committee, subordinating its important functions by assigning them to a minor subcommittee, denies the magnitude of the issues involved.

The effect of this amendment would be to constitute the Post Office and Civil Service Committee as a so-called third committee. Under Senate Resolution 4, Senators would be permitted assignments to two committees in a group called "paragraph 2" committees. In addition, Senators would be permitted membership on one additional committee listed in paragraph 3 (a) or (b) of rule XXV, as amended.

As reported, Senate Resolution 4 lists these so-called "third committees" as Budget, Rules and Administration, Veterans' Affairs, Intelligence, Small Business, the Joint Committee on Taxation, and the Joint Economic Committee.

The amendment would add Post Office and Civil Service to the list in paragraph 3(a), along with Budget, Rules, and Veterans' Affairs. It would have nine members. Its status, then, would be substantially what it is today.

I have been named temporary chairman of the Post Office and Civil Service Committee, and I have served as a committee member since 1965. Thus, I am fully aware of the breadth and depth of the questions needing committee attention, and I pledge vigorous action in the areas of the committee's jurisdiction if the committee is allowed to retain its autonomy. I will do my utmost to lead the committee toward lasting solutions to the problems of the Postal Service and the Federal Civil Service as a whole.

There is an attitude abroad which suggests that opposition to any aspect of Senate Resolution 4 is opposition to helpful and progressive change; perhaps there is even some self-deception to the effect that, if we assign major problems to minor subcommittees, the problems will shrink or even disappear. Well, I am for change which brings improvement, but I strongly believe that assigning major controversial questions to Members who have had no background in how these questions came to be—and giving those Members very little authority—makes no sense at all.

A staff study prepared by the Postal Service concludes with an observation about the status of the Postal Service.

"Given its present charter and goals.

The study says:

The Postal Service is destined to be a continuing source of dissatisfaction, ag-

gravation, and frustration for the parties involved with it. Too many constituencies demand too many conflicting results from the institution.

Late last year, Senators will recall, Congress established machinery to help sort out those conflicting results; to help define what the American people can reasonably expect from the institution of the Postal Service. In enacting Public Law 94–421, the Postal Reorganization Act Amendments of 1976, Congress established the Commission on Postal Service to make a comprehensive study of the postal problem taken in all its aspects, and to recommend a future course of legislative action to Congress. In short, the new Commission is expected to resolve the conflicts among the Service's many constituencies and point the way for corrective legislation. With no limit on the subject areas it may study and report on, the Commission has moved forward posthaste and is now proceeding with inquiries to identify the public service functions of the Postal Service, studies to determine how these functions may be quantified and evaluated, service levels, electronic fund transfers, ratemaking and other key issues. The Commission has contracted for several related in-depth reports and has scheduled public hearings across the country.

Its March 15 report to Congress will provide invaluable guidelines for early committee action. The issues involved demand standing committee attention and early, authoritative recommendations to the Senate.

The Nation faces some very fundamental public policy questions on the nature of our Postal Service in the years ahead. We must decide where, in the face of myriad other demands, postal services rate on the scale of national priorities. That means how many billions—yes, billions—of dollars, above the revenue collected from users, we are willing to spend to maintain this service at the present level of expectations. There is a corollary question—whether or not we can afford to, or need to, maintain services as we have come to expect them. But first, in order to make an informed decision, Congress must know, as well as it can, what the inevitable long-term costs will be if traditional services are to be maintained. And we must know, too, what other choices we may have in ordering the future.

The Commission's report will help us immeasurably as we proceed to answer these hard questions.

In establishing the Commission, the committee did not slip the burden. The Commission's life was intentionally kept brief so that the committee itself, established for the purpose of recommending public policy to the Senate, could move ahead early this year in its own major effort to assess and redirect the 200-year history of the American mails, and especially the past 5½ years of experience under the Postal Reorganization Act of 1970.

The staff of the committee has been sitting in to observe at virtually all meetings of the Commission on Postal Service, and the committee is prepared to begin its own hearings and its own investigations, even prior to the Commission's March 15 reporting date. We are quite aware of all that the Commission is doing, and, I trust, of any biases it might have.

Again, I believe it is clear that the scope and significance of the postal problem are so great as to require the attention of a Standing Committee of the Senate over a period of time. If history has taught us anything, it has been that persistent oversight must be maintained over this vital function of Government, which binds families and friends together and touches virtually every business in the Nation.

Last year's postal legislation, besides establishing a study group to recommend long-term solutions, also authorized the appropriation of a billion dollars to the Postal Service—an authorization which has been called a temporary short-term fix. Some would say a costly fix. But that billion-dollar price tag on Public Law 94–421 makes a point which is important to the Senate's decision today on this issue—that the committee whose jurisdiction includes the Postal Service makes decisions involving substantial sums. Such decisions clearly ought to be based upon first-hand experience in shaping the recent history of the Postal Service.

To facilitate congressional oversight, Public Law 94–421 requires the Postal Service to report in detail early each year to the House and Senate Committees on its plans, policies, operations, revenues and expenditures; and it requires a budget hearing prior to March 15, at which committee members may challenge the Postal Service's budget. Again I believe the kind of inquiry made at such a hearing should be undertaken by a Standing Committee—insofar as possible, a committee consisting of the same members who drafted and approved the reporting requirement.

The second, though equally important, area which concerns the committee involves the Federal civil service and the status of officers and employees of the United States, including their compensation, classification, and retirement.

This is an area also fraught with controversy which takes several forms. To begin with, there are the serious questions surrounding the merit system and the Civil Service Commission's own policing of that system in recent years. Charges, indeed evidence, of political manipulation and personnel systems and of favoritism have been common of late and must be dealt with, and the committee must soon consider the qualifications of new members of the Commission itself.

The propriety of continuing to curtail the political activities of Federal employees has been called into question. The Congress last year approved legislation to significantly amend the Hatch Act, though it fell by the wayside under a Presidential veto. But that, too, is a sensitive issue which related directly to the need to establish the right mix of political responsiveness and independence within our Federal civil service.

It is with some irony that members of the Committee on Post Office and Civil Service, as well as some former members, view the current developments leading toward a pay adjustment for top officials in the three branches of government. That is an issue which has concerned us for some time, but one which has so far eluded our efforts to reach a solution equitable to the affected officers and employees as well as to the public at large.

In fact, the entire range of Federal compensation and benefits is a matter of increased interest, occasioned largely by growing public realization of the numbers involved. Although the Congress did alter the cost-of-living formula for civil service retirement adjustments in floor action late last year, many questions remain. Here, again, there is a need to develop the best estimates possible of true future costs so that the Congress can make wise decisions.

At the request of the Post Office and Civil Service Committee, the Congressional Budget Office is now engaged in an analysis of the civil service retirement and disability fund, with emphasis on its financing. We hope to have that analysis available within a few weeks so that we can proceed with an orderly process of considering what steps to recommend to the Senate in order to insure long-term stability at an acceptable cost for the taxpayer. And we should be fair, too, to our Government's employees who, unlike the Government itself, have always contributed their statutory share into the fund.

Mr. President, if there has been a thread of talk about costs in what I have said here today, it is not without reason. In direct spending authority, the Committee on Post Office and Civil Service has greater jurisdiction than any other standing committee of the Senate, save the two fundamentally financial committees, Finance and Appropriations.

The vast bulk of our jurisdiction lies with the committee's authority over the civil service retirement and disability trust fund and the statutory payments to that fund. More than $20 billion in annual new budget authority involved demonstrates the impact of even relatively minor amendments affecting that one program under our jurisdiction.

The committee's present jurisdiction also encompasses the Archives and the Bureau of the Census, as well as the collection of statistics generally. Among the 20 measures the committee reported to the Senate in the 94th Congress was the bill, now Public Law 94–521, establishing a mid-decade census, a not inconsiderable step. It is our belief as a committee that the reliability of Federal statistics becomes increasingly important with each passing year, particularly because of various programs which direct major social and economic programs, and expenditures, therefore, on the basis of census enumerations and other statistical data.

Mr. President, from what I have been able to construe of the deliberations which have led to this proposal, in effect, to abolish the Committee on Post Office and Civil Service, there seems to be a set of mind which holds that this is a "special interest" committee. That is so, if the public at large is a special interest, if the people who send and receive mail and, through their taxes, support the Federal civil service, somehow constitute a special-interest group. The budget of the Postal Service approaches $16 billion a year; the Service employs

a small army of some 700,000 men and women. The Federal civil service is made up of almost 3 million employees whose payroll amounts to more than $57 billion a year. The conditions of employment of these employees whose work is of paramount importance to our national welfare, their pay and fringe benefits, ought to be regulated by a full committee. These functions of our Government need and deserve constant, knowledgeable, top-level Senate oversight.

Mr. President, just a word in conclusion about a special Post Office and Civil Service Committee concern. The Postal Reorganization Act contains the following unequivocal requirement,

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining.

That requirement, reflecting a legitimate congressional position, appears in the law because the Senate committee which drafted the policy section of the act was largely composed of members with heavily rural constituencies. I, of course, am among those members. If the committee retains its autonomy, the Senate can be assured that attentiveness to the postal needs of rural Americans will continue.

Mr. President, I urge the Senate to retain the Post Office and Civil Service Committee as a full standing committee of the Senate by voting "yea" on my amendment.

Mr. STEVENS. Mr. President, will the Senator yield temporarily?

Mr. BURDICK. I yield.

Mr. STEVENS. Mr. President, I temporarily objected to a unanimous consent request earlier because of a problem on this side of the aisle. I would like to withdraw the objection to the unanimous-consent request and enter into whatever time agreement the Senator would like to have on this amendment.

Mr. BURDICK. It would be that we have 1 hour of debate, equally divided between the proponents and opponents.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. BURDICK. I yield.

Mr. THURMOND. Mr. President, I ask unanimous consent that John Pressly and John Napier, of the Judiciary Committee staff, be granted the privilege of the floor during the consideration and votes on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BURDICK. I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I join the Senator from North Dakota in expressing the need to retain a strong and viable Senate Post Office and Civil Service Committee.

It is becoming increasingly evident, as we continue to debate the question of reorganizing the committee structure in the Senate, that the Post Office and Civil Service Committee has not received the attention it should have in the recommendations before us. The responsibilities of the Post Office and Civil Service Committee are significant and they remain so today. The original Post Office and Civil Service Committee began during the Continental Congress as the Committee on Post Offices and Post Roads, carrying out the constitutional responsibility of the Federal Government to maintain post offices and post roads. Soon after passage of the Pendleton Act of 1883, establishing the civil service system, the Senate Committee on Civil Service was established. In 1946 the Committee on Post Office and Post Roads was combined with the Civil Service Committee to form the Post Office and Civil Service Committee.

The Post Office and Civil Service Committee oversees, with the exception of the Appropriations and Finance Committees, the largest expenditures of Federal funds of any in the Senate. The significance of the responsibility of the committee is even more evident when one remembers that some 2,843,000 Federal employees' salaries, retirement, health, and sundry benefits come under the jurisdiction of this committee. Included in this figure are approximately 700,000 employees of the U.S. Postal Service, the largest single employer in the Federal Government with the exception of the Department of Defense.

I could continue listing the importance of the numerous matters currently under the jurisdiction of the Post Office and Civil Service Committee. However, being from a great State whose population is dispersed throughout an area one-fifth the size of the entire United States, I am particularly concerned with the essentiality of an efficient Postal Service to individuals in the remote areas of the Nation such as in Alaska. Most of the people in my State do not have access to modern, inexpensive means of communications so often taken for granted in many parts of this Nation. Consequently, the U.S. mail and the U.S. Postal Service continues to be an essential part of the Alaskan communications system. We can all remember our days in the military when mail call was extremely important. That same situation exists in much of Alaska and in other rural areas of this Nation. I want to make sure that the concerns and needs of rural Americans who depend so heavily on an efficient U.S. mail system are understood and addressed.

Mr. President, I believe that these concerns can best be met by a separate committee whose oversight function is not diluted by other interests. As we all know, we enacted legislation last year establishing the Commission on Postal Service, which the Senator from North Dakota has mentioned. When that commission has made its report, I think we shall have the basis for the solutions that are necessary to meet the problems in the Postal Service and in terms of the reorganization that is necessary to maintain the rates of the Postal Service.

The Commission members and the staff of that Commission are doing a yeoman job and they, I am informed, will be issuing their report on time. If we are to insure that their report receives the fullest attention of the Senate, we should maintain our committee which, through the years, has developed the expertise to handle matters such as this report by the Post Office Commission on the Postal Service. If we are to treat the report and the efforts of the individuals who are working on the committee in the manner that we should treat it, I feel that the current structure of the Post Office and Civil Service Committee would be best to handle the report.

In addition to postal matters, there are a great number of needs confronting our postal system, and our Federal employees in particular, that need a full-time committee to understand and act to meet their problems. The total cost for civilian and postal employees' compensation and benefits in fiscal year 1978 will exceed $61 billion. That is not a small expenditure, and I know of no reason why an expenditure of that size should be handled in terms of the oversight function by a subcommittee of any committee of the Senate.

It is not a matter to be treated lightly, and I hope that the Members of the Senate will not treat it lightly. There is a staggering unfunded liability in the Civil Service Retirement Fund, for instance, that ought to be addressed, and it ought to be addressed through the oversight function of a full committee of this body. As we handle the matter of committee reorganization, I hope that the amendment that has been offered by the Senator from North Dakota will receive the support from the other Members of the Senate that it should receive.

With the consent of the Senator from North Dakota, I ask unanimous consent to have printed in the RECORD a telegram I have received from the president of the AFL–CIO, Mr. George Meany, which sets forth the position of the AFL–CIO, strongly opposing the dismantlement of the Committee on Post Office and Civil Service and urging support of Senator BURDICK's amendment.

I also have a telegram from the American Postal Workers Union of the AFL–CIO, again supporting very strongly the amendment that has been offered by the Senator from North Dakota. I ask unanimous consent that it be printed in the RECORD also.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. TED STEVENS,
Senate Office Building,
Washington, D.C.

The Senate will soon consider a major reorganization of its committees' jurisdictions. The legislation effecting these changes, as reported by the Rules and Administration Committee, recommends the abolishment of the Senate Post Office and Civil Service Committee. Such action would eradicate the only forum available to Federal and postal employees—the people's workforce who manage the day-to-day operations of the Federal Government. This committee's long record of legislative effort on behalf of these workers and its oversight activities concerning problems both within the Postal Service and the Civil Service have been a credit to congressional diligence, oversight and concern for equity.

The AFL–CIO therefore strongly opposes the dismantling of the Post Office and Civil Service Committee and we urge your sup-

port for Sen. Burdick's amendment retaining this important standing Senate committee.

GEORGE MEANY,
President, AFL–CIO.

Hon. TED STEVENS,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: On December 16, 1976 we went you a mailgram opposing the elimination of the Senate Post Office and Civil Service Committee as proposed by the temporary Select Committee to study the Senate committee system. The recommendation was subsequently included in Senate Resolution 4 to reorganize the structure of the Senate Committee system and we understand it will be a part of the Senate Rule Committee amended resolution when reported to the Senate on or about January 25.

The 300,000 members of the American Postal Workers Union, AFL–CIO, are concerned that such a controversial proposal will not accomplish its announced goals or serve the best interests of the U.S. Senate, Government or the citizens of this great country of ours.

We are particularly disturbed with the proposed elimination of the committee on Post Office and Civil Service and assignment of its functions to a new subcommittee of a committee on governmental affairs. Certainly the many and serious postal problems plaguing the American public, mail users, the Congress and postal workers cannot and will not be best served by such a downgrading of an essential and longstanding committee of the Senate. This is not the time to destroy the only committee in the Senate which has the members and staff with experience, knowledge, and expertise to intelligently and objectively respond legislatively to the postal and civil service needs of all concerned.

The Senate Committee on Post Office and Civil Service should be retained to similarly respond to the legislative needs and many acute problems facing postal and Federal employees, retirees and survivors and all other matter affecting the nation's civil service system. The same justification of experience, knowledge and expertise among members and staff in these areas of legislative endeavor support retention of the existing committee.

We understand an amendment will be offered to the Rules Committee report on Resolution No. 4 to retain the Post Office and Civil Service Committee as presently constituted. We request your support and vote for the amendment.

The 300,000 member American Postal Workers Union urges you to oppose and vote against any proposal which would eliminate or downgrade the Senate Committee on Post Office and Civil Service. Thank you for your consideration of this request and we would appreciate hearing from you concerning your views on this subject.

PATRICK J. NILAN,
Legislative Director.
FRANCIS S. FILBEY,
General President, American Postal Workers Union, AFL–CIO.

Mr. SPARKMAN. Mr. President, will the Senator yield to me?

Mr. STEVENS. The Senator from North Dakota controls the time.

Mr. BURDICK. Mr. President, I yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I subscribe to the remarks made by the Senator from North Dakota and the Senator from Alaska, and I ask that my name be added as a cosponsor.

Mr. BURDICK. Mr. President, I ask unanimous consent that the name of the Senator from Alabama be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, will the Senator from North Dakota yield me some time?

Mr. BURDICK. I yield the Senator from South Carolina such time as he may require.

Mr. HOLLINGS. Mr. President, I was yielded some time last year on this same subject and we lost very decisively. This is not a new matter; and I can well see why the distinguished Senator from Illinois said we might as well do away with the committee, because, at that time, we had the subject of oversight of postal affairs brought before the U.S. Senate and they rejected it. They said, "We will send this to a special blue ribbon commission."

In saying this, I am just emphasizing the attitude, and the approach of the Senate as a body to this particular responsibility: simply put, "Out of sight, out of mind." They have tried to shed this responsibility for several years now, and I think it is a bad mistake, the Post Office Department having been the first executive department of the U.S. Government.

Admittedly, while I opposed it, I tried to cooperate in the early stages, and perhaps that is why the Stevenson Committee could point to our Post Office and Civil Service Committee and, on the basis of activity, determine that there would be no need for a major committee or a minor committee, and at best, only a subcommittee was needed.

But historically, that occurred because Congress was so intent at the time on the establishment of a quasi-public, or private corporation, that they even included a provision in there that if a Congressman or a U.S. Senator ever recommended or discussed the appointment of a single postmaster, it would be an offense. They had an instruction from the Postmaster General himself, "Do not talk or communicate with Congress."

That has been amended in practice, in a sense, by the Postal Service, because it just did not hold that we could continue with nobody talking and nobody discussing. But the simple fact remains that at this particular point, Congress is going in two different directions with the recommendation.

One direction, of course, is the great enthusiasm for sunset legislation. Simply put, Mr. President, sunset legislation means that we have not really organized or orchestrated the responsibility of oversight in the legislative branch for the executive departments. We ought to have every law respecting every department and every function come up periodically for oversight so that we can look and see, and declare that their departments are still needed, there is no duplication, and we can really outlaw the unnecessary. As we go down that road, looking for authority for oversight, here we are with the responsibility of $2 billion going out annually, part by law and part by deficit financing. For the last several years, $2 billion by Congress yearning for oversight, and it will not even do the job it has right now under the law, and when we come to it, we say, in one breath, "Let us put it into a subcommittee and make sure it is never found over there and cover it up."

Perhaps it was the concept that we would have major reform with Small Business, Veterans, and Aging, and then put Post Office there and some of the others. But it is absolutely clear now that this is not major reform, because we have Aging, we have Veterans, we have Small Business, and everybody has theirs except those who have been trying to respond—not just to the rural, as my friend from Alaska points out, but to every segment of our economy, small or large, rural or urban, business or otherwise—who have said, "Why can we not clean up the Postal Service?"

I think a formative committee, with a permanent staff, and providing, if nothing else, a line of communication with this important department, is fundamental. While we might rule it out now, it is going to come back; we might have to lose today, but sometime later on, we will take it back on.

The truth of the matter is that people down in my State ought to know why, after mailing a package, it has to go from Charleston, S.C., all the way up to Greensboro, N.C., in order to be delivered in Jacksonville, Fla.

They want to know why it is that the postmaster out on the Atlantic or East Coast of the United States has to go all the way to the Mississippi River, to Memphis, Tenn., for a regional meeting. We talked to every member of the great industries in South Carolina and they thought they might have had the division headquarters at Charlotte, N.C., or Atlanta, Ga., but none of them ever thought it was a good business decision to go to Memphis, Tenn.

People want to know why, in these facilities, a competitor, like the United Parcel Service, over in Atlanta, can build a building that is one-third the cost and handles 3 times the volume with one-half the employees.

These are the kinds of things that the Chairman of the Postal Operations Subcommittee was looking to and working on under our new chairman, the Senator from North Dakota (Mr. BURDICK), because we were determined to assume this responsibility.

I can tell you here and now, if the Senators go along with us, they will win no bouquets or awards for this thankless task, but I think in the end we can provide that line of communication, because there are some good things with the Postal Service. We noticed with interest during the last fall period, when United Parcel Service went on strike, the Postal Service took that task over and delivered and began giving more than one a day, even four and five deliveries, as United Parcel Service had been doing. This is a pretty good job within the economics of that particular segment.

We noticed also that the Christmas mail, for the first time, was delivered out on time. Maybe it was because they abandoned it. I do not think it is. I think the volume is still there. I think the Postal Service ought to be commended for that.

There are a lot of practices and a lot of functions that can be overseen, com-

municated with, with a formative committee that we cannot get done with a subcommittee shuffled off to Government operations and all the major functions in reorganization.

Mr. President, I urge the Senate to act favorably upon the Burdick amendment which would maintain the Post Office and Civil Service Committee as a separate committee.

Sometimes changing old structures and practices is necessary and helpful; and my position on this issue should not be polarized against those in favor of an updating of the Senate's institutions from time to time. But abolishing a key Senate committee, and subordinating its important functions by assigning them to a minor subcommittee, goes too far. Such a move is a denial of plain and evident fact: The U.S. Postal Service is in trouble and needs early, top-level Senate attention and continuing oversight; and the Federal civil service—only now beginning to recover from vicious attacks upon the merit system—demands constant knowledgeable Senate surveillance.

With the exception of the Defense Department, the Postal Service is the largest Federal employer. No other form of public service touches the lives of every American throughout this Nation like that of the Postal Service. However, since the inception of the U.S. Postal Service in 1971 and during the past 5 years, we have experienced a continuing decline in service. Much of this has been brought about by the lack of guidance by Congress, and the absence of committee hearings; where the American public and the postal organizations would have the opportunity to come before Congress to inform them regarding cutbacks in service and the deterioration of the morale of postal employees. Even with the Senate Post Office and Civil Service Committee, as an independent committee, there have been many occasions when this opportunity was not afforded, because the chairman was too busy and did not elect to hold hearings.

If this committee is consolidated with other committees, even less time will be afforded the postal organizations and the mail users. Experience has shown that last year, bills presented by Members of Congress for vote did not receive adequate hearings to give the Senators proper information for decisions to be rendered.

We have shared the experience of having the Postal Service as a separate, quasi-corporation, under its own directorship.

We have seen the needless waste of money for projects and policies that did not materialize.

We have seen millions of dollars being invested into bulk mail facilities without any program to test the equipment to determine if this was the type of mechanization that was needed to speed up the movement of our mail without damage.

We have experienced blanket clerical cuts within the Postal Service, in order to live within a restricted budget, thereby forcing the field managers to curtail services the American public has enjoyed for many years. These economies made it impossible to render the service due the American people.

We have seen the Postal Service continue to come before Congress requesting additional subsidies, with absolutely no guidance or strings attached. Thus no guidance was given by the Congress as to the upgrading of facilities for improved service, which was guaranteed in the Postal Reorganization Act.

Without a strong, separate committee, we will continue to see a decline in our postal system. It appears to be the general consensus of top management of the Postal Service that we must continue to economize, even at the cost of service to the American public. The American people are growing tired of the persistent cutbacks in service and delays in mail. In the face of these cuts, we find that if the Postal Service were truly a business, it would be bankrupt. Their annual report for 1976 shows a net loss of $1,176,000,000. Total current assets are $1,344,984,000 while total current liabilities are $2,098,010,000. In the private sector, an excess of liabilities over assets, coupled with revenues that regularly fail to cover expenses, strongly suggests that the entity is bankrupt. Of course, the Postal Service's equity is not quite like that of a corporate entity since most of the Service's liabilities are held by the Federal Financing Bank of the U.S. Treasury, another Government entity.

Mr. President, the committee's area of responsibility is too important to be put in the hands of a subcommittee chairman who would have no authority to bring a bill to the floor, who would have to take his place in line behind other subcommittee chairmen in order to get the full committee's attention.

Aside from the pressing Postal Service problems, the Civil Service also needs our attention. The Senate Committee on Civil Service came into being after the passage of the Pendleton Act of 1883—the basic legislation establishing the Civil Service Commission and the merit system. It was the Pendleton Act which ended the spoils system. In 1946, the old Committee on Post Office and Post Roads, which originated in the Continental Congress, was combined with the Civil Service Committee.

Today the Federal service is made up of 2,843,195 employees whose payroll amounts to $57,228,841,000 per year. These employees constitute a substantial proportion of our national work force. All matters related to their pay and fringe benefits, as well as the merit system which has undergirded Federal public employment for almost 100 years, are based upon public policy originating chiefly in the Post Office and Civil Service Committees of the Senate and House. The resolution being considered by this body would derogate the establishment of that public policy in the Senate by putting it in the hands of a minor subcommittee whose members would probably be appointed from the ranks of junior Senators.

What civil service issues are touched by that public policy? Let us consider some of them.

Pay for rank and file white collar employees. Congress has established the principle of comparability; that is, pay for Federal employees equal to pay outside the Government for employees doing the same work. But we do not know whether the method used to equate Federal and private pay is fair and just. The Federal employee groups say an inequitable formula is being used. This issue needs early inquiry, if not investigation.

Pay for top officials of the three branches. The Quadrennial Commission has recommended substantial pay increases for Federal judges, Members of Congress, and Cabinet and subcabinet officials. This year, the Civil Service Committee will deal with this question, always a difficult one because it involves congressional compensation. It would be my hope that later this year the full committee would study the question of whether the Commission should make its recommendations more often than every 4 years. This is not the sort of question, in my view, which should be assessed by a minor subcommittee.

Health benefits. Blue Cross-Blue Shield premiums continue to spiral. They doubled between 1975 and 1977. The Federal Employees Health Benefits program, once considered among the best in the world, is now considered one of the most expensive. What can be done about it?

Retirement. The Retirement Act, governing the annuities of every Federal employee, may need complete overhaul. The act has been added to piecemeal over the years, and its provisions and the adequacy of the retirement fund to meet its obligations in the years ahead need early assessment. The Congressional Budget Office is currently conducting an analysis of the retirement fund, but CBO's recommendations will require committee evaluation and recommended action. You will recall that last year the Congress accepted a Senate floor amendment which changed the formula for computing the cost-of-living increases for annuitants. The 1-percent kicker was eliminated and a twice-a-year increase procedure was substituted for it. Whether the new formula allows annuities to keep pace with the Consumer Price Index has been questioned and requires further inquiry.

The merit system. The Commission's Bureau of Personnel Management Evaluation, the "watchdog" arm of the Federal service, needs strengthening. Too often, in my view, the policy governing this function permits a passive acceptance by the Commission of agency explanations of alleged irregularities. Even within the Commission, the view is becoming more common that the Commission's role should be to detect and enforce. This question needs the Senate's attention.

Union recognition. Federal employee unions, led by the postal groups which under law negotiate for wages and fringe benefits, are becoming increasingly important and effective in determining conditions of employment. The question of union recognition by law, instead of by Executive order, now deserves investigation and possibly public hearings. The question is whether or not to give statutory permanence of union recognition.

Employee appeals. An employee against whom an adverse action is taken can be removed from the payroll before

his appeal is heard. Is this equitable, or should the employee be allowed to continue earning his pay until he has exhausted his administrative remedies?

Archives and Census Bureau. The purview of the committee's jurisdiction includes these two agencies, as well as the collection of statistics generally. Recognizing that reliable statistics are becoming more important every year, the committee in the 94th Congress enacted Public Law 94–521, establishing a mid-decade census. Surveillance over the collection of statistics must continue. National statistics must be reliable because major social and economic programs and their costs are based upon census enumerations and other statistical data.

Mr. President, I have mentioned briefly some areas of the Federal service which I believe urgently require the attention of a standing committee of the Senate. You may ask: If the problems are so pressing, why is the Senate called upon so infrequently to consider post office and civil service legislation? My response would be that the former chairman and ranking minority member were insufficiently active. During the 94th Congress, 25 bills passed the House and were referred to the Post Office and Civil Service Committee. Only 14 of these bills moved out of the Senate committee. Eleven of them were not—so far as I know—even considered. Among those ignored were a White House personnel authorization bill, a measure to establish a pilot program of flexible hours in the Federal service, a bill to strengthen the rights of employees under investigation, and a measure to allow an annuitant to vest survivor rights in his new spouse when he remarries.

A committee's influence, of course, cannot be measured entirely by the number of bills it reports or ignores. Its influence is more closely related to the extent to which continuing oversight is conducted and to the degree of involvement of the chairman and members. For example, in 1972, direct assaults were made by some administration officials upon the merit system. In the summer of 1973, the Civil Service Commission began an inquiry which revealed widespread abuses of the system. Subsequently, the House committee held hearings and conducted an investigation of system abuses. The Senate committee took no action whatever, even though the facts themselves were known and remedial legislation was clearly indicated. The Commission appointed a merit staffing review team to inquire into the Commission's own part in the irregularities and illegalities which threatened the merit system. When the team's report was published in May 1976, a statement by the Commission said:

[The report] describes instances of misuse of staffing authority and procedures that facilitated the granting of preferential treatment to individuals, spotlights systemic shortcomings that were subject to misuse both by CSC and agencies, and addresses weaknesses in our enforcement policies and posture prior to 1973.

If the Commission's own self-investigation could acknowledge such serious defects in the system, one wonders what a hard-hitting Senate inquiry would have revealed, what legislative needs it would have indicated.

Important work is there for the committee to do. Senator BURDICK has been appointed acting chairman and, if the committee is not downgraded to subcommittee status, he will be named chairman. It is my belief that he will provide the leadership and concern needed to attack the serious issues before the committee. Certainly I will pledge him my full support.

Mr. President, I urge my colleagues to retain the Post Office and Civil Service Committee as a full committee of the Senate.

Mr. President, I thank the distinguished chairman (Mr. BURDICK). It has been a privilege to work with him; it has been a privilege to work with my colleague from West Virginia, who really is the senior member of our committee. There is no one who has worked more diligently and with greater conscience and greater application than the senior Senator from West Virginia (Mr. RANDOLPH).

He has a feeling that we continually try to impart to our colleagues about the service. The Pentagon does not make a profit; the Labor Department certainly does not make a profit. I know my Commerce activities do not make a profit. There is this basic, original, fundamental service that cannot and should not make a profit in delivering to the small, rural areas and the little odd jobbers.

I think a mix of the quasi-public operation would be very good. I think we should continue on and that we have learned some valuable lessons in 5 years.

I plead with my colleagues to vote affirmatively on the Burdick amendment.

I yield back the remainder of my time.

ORDER OF BUSINESS

Mr. CRANSTON. Mr. President, I ask unanimous consent that I may speak for 2 minutes on another matter, without it being charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PAUL WARNKE

Mr. CRANSTON. Mr. President, I announce that I have talked today to the White House and to the Secretary of State in regard to the nomination of Paul Warnke to be Director of the Arms Control Agency.

I have been authorized to state by Secretary of State Vance that the administration plans to proceed as soon as possible with the nomination of Mr. Warnke.

I suspect that will mean very swift action in terms of making the nomination.

Mr. Warnke has previously served in the Department of Defense in high posts—as General Counsel, and as Assistant Secretary of Defense for International Security Affairs. He had FBI clearances at that time, of course, so there can be no undue delay completing that part of the nomination process.

This announcement is made for the purpose of making plain to those who may have questions about the nomination, or who might seek to delay or prevent it, that it will indeed be made by the administration.

I must say that I am delighted that this decision has been made by the President and by Secretary Vance, and perhaps by others in the administration.

I know Mr. Warnke personally. I have a great admiration for his understanding of the arms race—based upon his experience in the Department of Defense—and his deep awareness of the dangers of nuclear war to all of us in this country and to everyone else in the world.

There are some who have questioned some statements he has made on these subjects. These statements, I think, would be likely to come—in one form or another—from the lips of anyone who has studied the arms race, who understands it, and is concerned about the dangers the arms race poses to the people of our country.

One who did not have this knowledge, and who did not have that concern, would not have spoken about these dangers—and might not really be qualified, because of a lack of understanding, to undertake such high responsibilities. The man who will do the negotiating with our potential adversaries, the Soviet Union and perhaps other nations, on the grave dangers presently confronting us must have such concern and understanding.

Mr. President, I commend President Carter for his superb choice in picking Paul Warnke to be the Director of the Arms Control and Disarmament Agency and also the top negotiator for our country in SALT talks with the Soviet Union.

I know that this man has the strongest backing from the President—not just because of his qualities of character but also because he shares the deep commitment of the President of the United States to bring under control the nuclear arms race and to reduce drastically the likelihood of another nuclear weapon ever being used on humankind again. President Carter revealed his own commitment on this issue in the interview with the wire services on the first weekend of his Presidency. And he gives meaning to it by his selection of Paul Warnke.

Mr. President, I will briefly review the experience of this man that qualifies him for what he is to do. Paul Warnke gave up a partnership with the law firm of Covington and Burling to enter the Department of Defense as its general counsel in 1966.

As I mentioned earlier, in 1967, he became the Assistant Secretary of Defense for International Security Affairs and served until 1969. This is the office in DOD that endeavors—or should endeavor—to relate the defense posture of the United States to our foreign policy goals.

Since leaving the Defense Department in 1969, Mr. Warnke has been a partner in the law firm of Clifford, Warnke, Glass, McIlwain & Finney. In addition, his strong sense of public service led him—during the Nixon-Ford era—to ad-

dress forthrightly the leading national security issues of our time. His has been a steady voice of sanity in efforts to guide our thinking about the nuclear and conventional arms races. This man has spoken to the great issues of war and peace. The titles of two of his articles—"Apes on a Treadmill" and "We Don't Need a Devil (To Make or Keep Our Friends)"—suggest that he approaches the arms race with balance and moderation and perspective. He has championed "a policy of restraint, while calling for matching restraint from the Soviet Union."

Perhaps it is useful, Mr. President, to review the original purpose of the Arms Control Agency as set up by Congress in the early 1960's—at a time when the United States had overwhelming strategic superiority over the Soviet Union. The Arms Control and Disarmament Act states—Senator HUMPHREY helped to write this language:

An ultimate goal of the U.S. is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. It is the purpose of this Act to create a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament.

The formulation and implementation of U.S. arms control and disarmament policy in a manner which will promote the national security can best be insured by a central organization charged by statute with primary responsibility for this field. This organization must have such a position within the Government that it can provide the President, the Secretary of State . . . and the Congress with recommendations concerning U.S. arms control and disarmament policy, and can assess the effect of these recommendations upon our foreign policies, our national security policies, and our economy.

That is the language Congress wrote in establishing ACDA. And it is for the directorship of that agency which President Carter has chosen Paul Warnke.

Again, ACDA was established in the early 1960's. How much more relevant are its purposes now in a world in which we and the Soviets are approaching strategic parity, a world in which many other countries have the bomb or will soon get it, and a world which is threatened by the unchecked proliferation of nuclear materials and technology.

ACDA should have a strong voice at its head to carry out its purposes. And to compete with the powerful bureaucratic forces that drive defense budgets ever higher—on both sides—while urging weapons that add to further instability in relationships among the major powers.

Mr. President, we need a sane voice to guide us through complex, realistic negotiations and bring the threat of nuclear extinction under control. We need a man who will report to Congress candidly and forthrightly on the SALT talks and in the "arms control impact statements" on the implications of weapons we are building for peace in the world.

Paul Warnke is the man.

I repeat, I talked today to the White House and Secretary Vance about this nomination. It will be proceeded with. I, for one, am delighted.

Mr. SPARKMAN. Mr. President, will the Senator yield on that?

Mr. CRANSTON. Yes.

Mr. SPARKMAN. Mr. President, lest the idea be received by some that there is going to be immediate action, there is a great backlog of appointments, of which I am sure this is one, in the White House.

The PRESIDING OFFICER (Mr. RIEGLE). The Senator's 2 minutes have expired.

Does someone yield time?

Mr. CANNON. Mr. President, I ask unanimous consent that the Senator be permitted to proceed for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I have been told that it is going to take considerable time to work out that backlog and get them up here.

We have quite a number before the Foreign Relations Committee, and we are eager to move on them just as fast as we can. But we cannot move until the name has been submitted to us.

They told us not to be in too big a hurry or uneasy, because it is going to take considerable time to get them worked out.

Several Senators addressed the Chair.

Mr. CHURCH. Mr. President, will the Senator yield to me for just a minute on that particular subject?

Mr. CANNON. Not out of my time, on that subject.

Mr. CRANSTON. It should be on nobody's time.

Mr. CHURCH. On nobody's time, if I may have unanimous consent.

The PRESIDING OFFICER. Is there objection? None is heard.

The Senator is recognized.

Mr. CHURCH. Mr. President, I simply want to join with the Senators who have spoken in connection with the appointment and the hearings to be held on Paul Warnke.

It seems to me that this nominee is extremely well-qualified for the post to which he has been nominated. I am sure that any question concerning his competency to deal with the important questions that will face him in the SALT negotiations will be satisfactorily resolved by the appropriate committees of the Senate when the hearings take place.

Mr. NUNN. Mr. President, I ask unanimous consent that I may have 2 minutes without it being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I appreciate the assistant majority leader giving the Senators notice.

As the Senator who raised some questions in the Armed Services Committee yesterday concerning some of the alleged statements that Mr. Warnke has made in the past, I would like to make it clear that I do have serious concern about this particular nomination.

I have not made any decision in my own mind about whether Mr. Warnke should be in these crucial positions that he is being appointed to. But I do believe that the Nation will be well served by a thorough examination of Mr. Warnke and his positions on crucial weapons that protect our national security.

I think the Nation will be well served by an examination of the attitudes that he will carry with him to the crucial SALT negotiations.

I, for one, will welcome the opportunity to hear other Senators examine him before the appropriate committees, and I also hope to have the chance to ask questions myself.

But I did want to emphasize that I think anyone who has statements attributed to him deserves the full opportunity to appear before the appropriate committee and dispel the statements, to explain the context in which the statements were made, and to state very frankly whether or not opinions have changed, or there are changed circumstances.

I think this is an opportunity for our Nation to have a rather thorough examination of some of the crucial issues that do confront the SALT II negotiators. I believe the Nation will be well-served by this thorough examination that I anticipate will follow once the nomination is forwarded to the Senate.

COMMITTEE SYSTEM REORGANIZATION

The Senate continued with the consideration of the resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. CANNON. Mr. President, I yield such time to the Senator from Illinois as he may require.

Mr. MATHIAS. Will the Senator yield for a unanimous-consent request?

Mr. STEVENSON. Mr. President, I thank the Senator from Nevada. For that purpose, I yield to the Senator from Maryland.

PRIVILEGE OF THE FLOOR

Mr. MATHIAS. Mr. President, I ask unanimous consent that Kent Steinkamp of my staff be granted the privilege of the floor during the debate on the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, this committee has nine members, four subcommittees, and an appropriation for fiscal 1977 of approximately $565,000. It occupies nine rooms, including one hearing room, in the Senate Office Building. Its members have, in 2 cases, 22 committee and subcommittee assignments, in another 17, and in another 18.

The same arguments have been made in favor of the retention of this committee that have been made and will be made in favor of the retention of every committee. If those arguments are allowed to prevail, the Senate will be right back where it was in the beginning.

I do not wish to presume upon the time of the Senate to repeat all the arguments against a proliferation of committees. Suffice it to say that only 2.7 percent of

the bills referred to committees in the last Congress were referred to this committee. It reported 1.6 percent of the bills reported in that Congress.

If this committee is to be continued, the proliferation of committees and of assignments to committees of members will continue. At some point, the line must be drawn.

The jurisdiction of government organization and operations generally will be fragmented, as will be many other general subject matters. It will become more difficult to equalize responsibility and work among all the committees and all Senators.

No one familiar with the Postal Service could minimize the importance of the work of this committee; but, as in the case of all the other committees that the Members will be considering, it is our contention now that the Postal Service and the problems of civil service generally will be better served if this jurisdiction is transferred to the major standing committee of the Senate.

There is every reason to believe that these resources, if transferred to the newly constituted Governmental Affairs Committee, could enable the Senate to get on with all its work, including its work with respect to the jurisdiction presently under this committee, as well as help to stem the proliferation of committees, reorganize the jurisdictions, and equalize and distribute fairly the work of the Senate.

For all those reasons, Mr. President, I urge the Senate not to support this amendment.

Mr. CANNON. I yield myself such time as I may require.

Mr. President, I certainly sympathize with the position in which Senator STEVENSON finds himself. His committee, a bipartisan committee, spent long hours trying to make a report so that the Senate could reorganize itself to better carry out its business. When that report was made, we proceeded to hold hearings in the Rules Committee.

Great interest was evidenced by the fact that we had almost 50 percent of the Senate appear and testify. If we consider the number of Senators on the Rules Committee and those who listened, we had more than 50 percent of the Senators represented there, and every one of them, with one exception, complimented Senator STEVENSON and his committee for the great job they did in recommending this reorganization plan. But—and the "but" was a big hanger, because everyone was there to testify to try to support and protect his own little bailiwick, his own special interest bailiwick.

That is the difficult position in which we found ourselves—trying to sift out what really should be done to try to reorganize the business of the Senate so that we could perform it more efficiently and more effectively for the people of this country. This was one of the recommendations of the committee that we did approve.

From the comments thus far by some of my colleagues here, I would anticipate that the persons who wrote those speeches thought we were doing away with the Postal Service entirely. That is the farthest thing from the truth. We are not even doing away with a good committee to look after the affairs of the Postal Service. We have even provided, on page 83 of the resolution reported to the Senate, for the transfer of the ranking majority and the ranking minority members of the committee to the Governmental Affairs Committee, and provided an exception for them so that they could be there to look after the responsibilities of the Post Office Committee that is being consolidated into the Governmental Affairs Committee.

If any kind of job should be consolidated, it is that of looking after the Government employees and the workers in the Post Office Department of this country, under Governmental Affairs.

It is rather interesting here that of the people from whom we have heard in this colloquy so far, with the exception of Senator STEVENSON and myself, only one person who has spoken was not a member of the committee which is proposed to be done away with.

Mr. DURKIN. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. DURKIN. Mr. President, as a nonmember of the committee, I wish to speak in favor of retaining the committee.

There are few Federal programs and agencies which affect the life of almost every American on a daily basis as does the Postal Service. The Postal Service has a significant daily impact on almost every American and all businesses. This vastly important service has, in recent years, been troubled by serious problems and controversies. It is in these times of difficulty that such an important service for the American people be assured the most complete and most effective oversight by their duly elected representatives. In order to guarantee that the Senate will take a leading role in surveillance of the Postal Service and an active part in resolving its troubles, I am cosponsoring the amendment to Senate Resolution 4 which will retain the Post Office and Civil Service Committee as a standing committee of the Senate.

Under Senate Resolution 4, as presently written, the Post Office and Civil Service Committee will become a subcommittee in the expanded Governmental Affairs Committee. The Postal Service presently maintains nearly 700,000 employees. The total costs of its operation will exceed $16 billion in the next fiscal year. Postal issues, by themselves, are overwhelming. We need to provide a special forum for these important matters, and not exhibit any lack of concern by relegating the Post Office and Civil Service Committee to subcommittee status.

We have established a special commission which is presently studying postal policies. The commission is expected to report major legislation to the Senate during the 95th Congress. It will be necessary for an independent standing committee to review such important legislation which will affect so many millions of Americans and businesses. The Post Office and Civil Service Committee is further responsible for issues concerning the Federal Civil Service. Compensation and benefits in the next fiscal year for civilian and postal employees is likely to exceed $61 billion.

The Post Office and Civil Service Committee, in order to successfully perform its legislative and oversight responsibilities, must be retained as a separate standing committee. If the Senate is truly concerned with fulfilling its obligation to the American public, I urge that all Senators support this important amendment to Senate Resolution 4.

I appreciate the concern of the chairman of the Rules Committee and the chairman of the select committee; but I am afraid that if the Post Office Committee is now relegated to subcommittee status in the Government Operations Committee, and that if the Government Operations Subcommittee which has the responsibility for postal affairs takes seriously the responsibility——

Mr. CANNON. Mr. President, I yielded only for a question. I do not have too much time. I do not like to permit a speech against me on my time. I have limited time.

Mr. DURKIN. At the end of my remarks, I was going to ask the Senator if he would agree with me. [Laughter.]

Mr. CANNON. The answer now is, "No," so that will save the question. [Laughter.]

Seriously, if the Senator wants to take a couple of minutes I yield a couple of minutes to him.

Mr. DURKIN. I thank the Senator. I am going to be very brief. My point is that we have a major crisis facing us.

If the new Subcommittee on Government Operations is going to do the job that is going to have to be done, then it will be a case of the tail wagging the dog.

I would suggest that for at least another couple of years, 2 or 3 years, until we do get a handle on the postal situation, that the status not be changed.

I thank the distinguished Senator from Nevada for the time.

Mr. CANNON. Mr. President, I will say I am sorry Senator Hollings is not here because last year when he made his proposal I supported him. We were in the minority. He told about how terribly the Postal Service was being run, and I agreed with him.

We tried to make a change. He proposed an amendment here and we were beaten on it, so I was a little surprised to hear him a few minutes ago make a statement which, to me, was a 180-degree change in position.

I recognize he is a member of the committee. No member of a committee wants to lose any authority, at least very few of them want to lose any authority. But the consolidation of this committee, the duties of this committee, in governmental operations or under the committee that is charged with governmental affairs—that is the title of it—was recommended by the Stevenson committee. We even provide for the transfer of the key staff over, with a provision to protect them for a period of time.

We provide a grandfather clause, as I said earlier, in this bill to protect the majority and minority members, to transfer them over to Governmental Affairs, so as to have some continuity in the key leaders of that committee to carry out the duties of that committee.

Certainly we want the Post Office Department to be supervised more closely;

we want a more efficient Post Office Department than we have now, and we do not want to see the cost of stamps go up any more than they are. We want to see a good delivery of mail, and we recognize the fact that we have to have deliveries to rural areas. It cannot be economically sound in Alaska to deliver to all of the post offices any more than it can be to deliver to all of the post offices in my State. It cannot be made to pay. It is a service to the people of this country.

But I submit that the Stevenson proposal is not detracting from that service. It consolidates the governmental affairs in Governmental Affairs, including the Post Office. It provides for Senator STEVENS and Senator BURDICK to be transferred to the Governmental Affairs Committee and to carry on the very important duties they carry on as the leaders of the majority and minority parties on this committee.

So I submit, Mr. President, if we are going to have reorganization we are going to have to try, because I must say, Mr. President, having reported this measure out, if the Senate does not see fit to go along with this and one or two others, as the indications seem to be now, then I am going to recommend that we table the whole darned thing and do away with it, and forget about reorganization. We might just as well go along in our sloppy, inefficient manner that we have been going along in for years and not try to improve the organization of this body and try to make it a better place so that we can better serve the people of this country.

Mr. President, that is all I have to say on it.

If no one else wants time, I am prepared to yield back the remainder of my time and, at the proper time, I expect to move to table the amendment.

Mr. STEVENS. Mr. President, will the Senator yield for just one comment?

Mr. CANNON. Yes.

Mr. STEVENS. You know, I appreciate the problem the Senator has, and I certainly have the desire to see some reorganization in the Senate. But I am constrained to say I see that the only two committees really being reorganized are Aeronautical and Space Sciences and Post Office and Civil Service.

Undoubtedly my good friend from Illinois (Mr. STEVENSON) and my good friend from Nevada (Mr. CANNON) will answer me and disagree with me on this, but from my point of view, as the Senator from Alaska, one of the most important committees in Congress is the Post Office and Civil Service Committee. We have an extremely large group of Federal employees; the postal system, as I and the Senator have mentioned, is extremely important, and I ask respectfully, could my good friend from Nevada, soon to be my neighbor across the hall, answer my question? I just do not understand how we can say this is really true reorganization.

I understand the District of Columbia Committee and the Nutrition Committee are slated for dismantlement, however, I do not consider them to be really full standing committees of the same caliber as the Post Office and Civil Service and Aeronautical and Space Sciences Committees. But of the major committees that have been involved, these latter two are the only ones that are going. I just think the emphasis is wrong when we are dealing with something as large as the whole governmental structure in relation to civil service and all of the problems related to the Postal Service, if they become relegated to a subcommittee status.

Let me ask the Senator, is there not some other way by which other committees could be combined? I made a suggestion, for instance, that we would be most happy to have a Veterans', Post Office, and Civil Service Committee to have some standing where you would have full committee jurisdiction rather than having the employees of the Federal Government and the postal system become lumped into a Governmental Affairs structure that basically is going to be dealing with the reorganization of the Government, and is going to be dealing with a Permanent Investigations Subcommittee.

It just seems to me with the emphasis that we in the Post Office and Civil Service Committee have tried to have in the past in terms of expertise for retirement benefits, for salary structures in the civil service area, with all of the related problems regarding the Civil Service Commission on the one hand and the Post Office and its myriad problems on the other, that we are just not going to come out of this reorganization as we should.

Maybe it is all in the name, but I just do not think the people are going to think of the Post Office or Civil Service problems when they talk about the Governmental Affairs Committee.

Mr. CANNON. Mr. President, I will say maybe they will not. Maybe they think the Post Office is so far removed from Governmental Affairs that they would not consider them together. But I personally happen to think it is a very important part of our Governmental Affairs.

I am really pleased to hear the Senator from Alaska point up the strong importance of the Post Office and Civil Service Committee and yet, on the other hand, downgrade the importance of the District of Columbia Committee. I recall when I was first assigned to the Rules Committee we had three very, very strong, very unimportant class B or class 3 committees, whichever you want to call them, Post Office and Civil Service, the District of Columbia Committee, and the Rules Committee, and nobody wanted to serve on them. You were appointed to them as a matter of assignment of a duty rather than a committee that you wanted to be on. That has traditionally been the way they have been handled over the years.

I would certainly think that—and I know Senator STEVENSON so testified before our committee—they are not denigrating the important job of this committee, and we recognized that by providing for a transfer of Senator STEVENS and Senator BURDICK, if they wanted to transfer over so they could do that important job.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. CANNON. Yes.

Mr. BURDICK. We can transfer, but what does that mean for other committee assignments?

Mr. CANNON. Well, the Senator is excluded. The Senator is given a transfer opportunity here.

Mr. BURDICK. Do we have to give up another committee to do it?

Mr. CANNON. You are on a third major committee as a result of this transfer authority here, if you already had two class A committees.

Mr. BUMPERS. Mr. President, will the Senator yield for a brief observation?

Mr. CANNON. Yes.

Mr. BUMPERS. As the distinguished Senator from Illinois knows, ever since I have arrived in the Senate I have been dismayed by the way in which we operate by what I consider to be anachronistic rules that have been in place far too long. I really think the U.S. Senate is at best an 18th and 19th century institution. So when the committee started working on this problem I was literally euphoric about the possibility of streamlining the Senate, not to the detriment or deprecation of any constituency, the elderly, the postal workers, the veterans, or anybody, but I thought the whole purpose of this reorganization was to make the Senate more effective, to try to streamline our operations so that we were not supposed to be three places at one time, so that we could cut down our committee assignments, we would have more opportunity to review the bills before markup, and all of the other things.

All of a sudden, the minute the Stevenson committee came out with a finished product, and all this intense lobbying by all these interested groups—and certainly they are entitled to be here; but I have told all those people who have come to my office and who have written me that the purpose of this thing is to try to make us more effective, try to make us more efficient. It is really for the Senate's benefit. It is not to put the veterans or the postal workers or anybody else on the back burner. Who in this body is going to depreciate 15 or 20 million veterans in this country? Who is going to say we no longer believe veterans are entitled to be heard as they have been in the past?

Who is going to say to the 25 million to 50 million elderly that we took out yesterday that we are no longer concerned about elderly problems? Who is going to say to any group that has had a committee lobbying for them, "We no longer care anything about you?" That idea is sheer insanity, and every Senator in this body knows it.

I am going to vote the same way on Veterans' Affairs that I voted in the past. I am going to vote the same way on bills that affect the elderly that I have voted in the past. It is not going to change my philosophy. It is not going to change my interest, concern, or sensitivity for any of those groups.

But we are at the point now where, as I understand, we have originally had 35 committees, cut them down to 21 and now we are back up to 24; and as the distinguished floor manager has aptly

said, we may be reaching the point where maybe we ought to just torpedo the bill.

It is not easy for me to say to the postal workers of my State, who want to keep their independent committee, "I cannot support you on that because I want the Senate to be a more effective cost-efficient body," because that does not really make a great deal of sense. But what I am saying to all my constituents and all of those interest groups is that, "None of this is to denigrate you or your interest but simply to try to help us do a better job on your affairs," and I thought that is what this bill was all about.

So I first said—and I must say I said this privately and I will recant in public—originally that if any committee was left out of this reorganization I was going to vote to leave them all and just forget it. I realize that was sort of said, I guess, in a pique of anguish and dismay about the way we operate. But I am going to support this motion to table, simply because at some point and at some time we are going to have to subordinate those personal interests, and we are going to have to quit seeking to be introduced as the chairman of some prestigious and powerful committee and face up to our responsibilities.

I thank the Senator.

Mr. CANNON. I thank the Senator.

Does the Senator from Illinois desire to be yielded some time?

Mr. STEVENSON. Yes.

Mr. CANNON. I yield the Senator such time as he may need.

Mr. STEVENSON. I thank the Senator for yielding.

Mr. President, virtually every Member of this body, in fact I think every Member with whom I have discussed this subject, has, before expressing any other complaint—stressed the need to cut down on the number of committee and subcommittee assignments.

Senators have, on the average, 18 assignments.

Mr. McGOVERN. Mr. President, will the Senator yield on the very point that he just made?

Mr. STEVENSON. If the Senator will simply let me finish, then I will be happy to yield. I will be very quick.

Mr. McGOVERN. I only wish to ask a question.

Mr. STEVENSON. There is no way that the Senate can cut down on the number of conflicting assignments for each of its Members without cutting down on the number of committees.

The line has to be drawn somewhere. The fact that the Senate has, in my opinion, already made some mistakes in the course of considering this measure does not mean it should make more. This is still a major reform of the Senate, or at least it can be.

So far five joint committees are proposed for consolidation. The Aeronautics and Space Committee is proposed for consolidation, as well as the District of Columbia Committee, the Nutrition Committee, and the Post Office and Civil Service Committee which we are considering now. If we prevail at this point the total number of committees will have been reduced from 31 to 23, and those 23 will include some committees, such as the Joint Committee on the Library and the Joint Committee on Printing, which are of very little consequence. It will have been a major reform. Of course, there are other parts to this proposal which are just as important if not more important than reducing and rationalizing the jurisdiction of the committees.

So I underscore what the Senator from Nevada has said, which was echoed by the distinguished Senator from Arkansas. If this institution is not capable of disciplining itself and quickly, I will be one of the first to join with the Senator from Nevada in tabling the whole resolution rather than expend our efforts and the time of the Senate on a half-baked reorganization. We can then go back to the drawing board; and perhaps with a little more suffering for the people as well as for the Members, we will come to the point where we do have the discipline with which to make the personal sacrifices that are necessary, in order to serve the institution and the public. If the line is not held at this point, I do not know whether it is going to be possible to hold it at all. If it is held at this point, then it will still be possible, in my judgment, to complete the most far-reaching reorganization in either body of this Congress since the committee system was formed in the early 19th century. If we succeed, it will be a far more responsive and effective institution of American self-government.

Mr. McGOVERN. Mr. President, will the Senator yield for a brief question?

Mr. STEVENSON. I yield.

Mr. McGOVERN. The Senator has mentioned several times that the average Senator serves on some 18 subcommittees. Did I hear correctly? Is that the average workload for Senators?

Mr. STEVENSON. I believe I said—if not, I intended to—it is a total of 18 committee and subcommittee assignments.

The PRESIDING OFFICER. If the Senators will withhold, the Chair is not clear as to who exactly is yielding time.

Mr. CANNON. I yielded to Senator STEVENSON such time as he might require of the time I had.

Mr. STEVENSON. And I was yielding for a question which I attempted to answer.

The PRESIDING OFFICER. I thank the Senators.

Mr. STEVENSON. Senators in the last Congress and those who are continuing over have on the average 18 committee and subcommittee assignments. If other boards, commissions and the like are included, the total goes up to 21.

Some Members have as many as 34 subcommittee and committee assignments. One of the objectives of consolidating the Post Office and Civil Service Committee is not only to reduce the total number of assignments for all Senators but also to make it inevitable that every Member receives an assignment to a major committee of the Senate, and in so doing to distribute the assignments, work, and responsibility of the Senate equally among the committees and the Members.

Mr. McGOVERN. The reason I raised the question is as follows: I have been in the Senate now for 14 years. I am the fourth-ranking member on the Committee on Foreign Relations, which the Senator knows is an important committee. I am the third-ranking member on the Committee on Agriculture and Forestry. I am the chairman of the Select Committee on Nutrition and Human Needs. I serve on only eight subcommittees, and it puzzles me. Am I not doing my fair share of the work or how is it that a Senator in his third term and beginning his 15th year of service in this body serves on only 8 subcommittees when the Senator from Illinois tells us that the average load is 18? I am puzzled as to whether I am shirking my duties, or not being given the same opportunities other Senators are, or how this happens. Why is it necessary for any Senator to serve on 18 subcommittees with or without reorganization? Is there anything about the existing Senate structure that requires a Senator to serve on 18 subcommittees? I find it very difficult to do my work on eight subcommittees and to chair the Select Committee on Nutrition. As I said to the Senator from Illinois yesterday, we do not have any subcommittees at all on the Select Committee on Nutrition. That work is done by the committee as a whole.

Even on the two major committees on which I serve, Foreign Relations and Agriculture and Forestry, the subcommittees really do not do very much. Most of the work is done by the full committees.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from North Dakota has 10 minutes remaining.

Mr. McGOVERN. Will the Senator yield a couple more minutes so the Senator from Illinois may respond?

Mr. BURDICK. I yield 2 minutes for a response.

Mr. STEVENSON. I think one reason that there are so many subcommittees is that the jurisdictions of the committees are fragmented. Subcommittees insinuate themselves into the structure of each of these committees to pick up jurisdiction which is repeated over and over again in other committees. That is not altogether true of the committees on which the Senator from South Dakota is serving. The jurisdictions of Foreign Relations and of Agriculture and Forestry are very well defined. Perhaps that is the reason those committees do not have very many subcommittees.

The fact of the matter is, however, that each Senator has, on the average, 18 committees and subcommittees. If the Senator from South Dakota has less than that, it only means that others have more than that. There is at least one Senator with 34 committees, subcommittees, not to mention boards, commissions, and other assignments.

Mr. McGOVERN. I just make this point because later when I plead for the continuation of the Nutrition Committee, I do not want the Senator to think I am overworked with 18 subcommittees when I have only 8. I say to those Senators who have 18, 20, or 34 assignments, if they cannot handle the work, with the load I have I can handle it.

Mr. STEVENSON. If the Senator will yield me 30 seconds——

The PRESIDING OFFICER. Who yields time?

Mr. BURDICK. I yield 1 more minute.

Mr. STEVENSON. I would just make the point that if this reorganization proposal is approved by the Senate, without any further damage instead of an average of 18, the average for each Senator will be about 11. Then every Senator will be just as fortunate as the Senator from South Dakota.

Mr. McGOVERN. Except that to extend the Nutrition Committee, since we have no subcommittees, would do very little damage to the organization chart.

Mr. BURDICK. I yield 2 minutes to the Senator from Alaska and the remaining 5 minutes to the Senator from West Virginia.

Mr. STEVENS. I thank the Senator. If the Senator from Illinois is worried about subcommittee assignments, I am sure those of us on the Post Office and Civil Service Committee would agree to abolish all subcommittees and handle everything in one committee.

I am one of those in the position that the Senator from Illinois mentioned. I believe I have 21 committees and subcommittees. The interesting thing is, as a result of this reorganization bill I will end up with 23. I am not sure that we are going in the right direction in terms of what the Senator is saying.

We say that the prestige value of the Post Office and Civil Service Committee is not something we are seeking because we are members of it, but because of the jurisdictional aspects of dealing with this very important subject matter as a full committee and not as a subcommittee of another committee.

Two of us, I understand, will be assigned to the Government Affairs Committee. We will be grandfathered in there. I assume we will have other duties assigned to us as members of the Government Affairs Committee. I believe we will have the privilege of going to the chairman and ranking member of that Government Affairs Committee seeking funds for hearings, or seeking permission to have hearings. We will have to coordinate our activities with them because the members of our subcommittee on Post Office and Civil Service will undoubtedly have other duties. Their duties will be different than those of the two of us on Government Affairs.

I appreciate the concern and the gesture of the Senator from Nevada in that respect.

I think we could have accomplished the reorganization we seek along the lines the Senator from South Dakota has mentioned. That could be by eliminating some of the subcommittees and trying to deal with the full committee concept of jurisdiction rather than increasing the number of subcommittees in the Government Affairs Committee, for instance.

Mr. BURDICK. I concur in what the Senator has said.

Mr. STEVENS. I appreciate that. I really believe that is one way we could have reduced the total workload and conflict in our daily lives, by reducing the number of assignments we have on subcommittees, and, at the same time, maintaining the visibility that is necessary in these two very vital areas of our Federal Government.

The Senator from Arkansas is no longer in the Chamber, but as I see this bill going along the line, it seems that there is something that has been worked out in every other area but the two.

Incidentally, the District Committee was mentioned. Since I served on the District Committee a form of home rule has been adopted. They have a delegate in the House of Representatives. Certainly, their relationship is much different, as far as the Congress is concerned. There is no longer that day-to-day supervision that there used to be in the District Committee.

To the contrary, as far as the Post Office and Civil Service Committee is concerned, we are now reaching the height of our oversight responsibility in terms of the reorganization of the Postal Service. There are bills which have been introduced and which are before us now, to go backwards, in my opinion, to the days when the Post Office Department was a political department and it was not attempted that it be managed as part of the total communications system of the country.

At the very time when we ought to have visibility and confidence from the total economy, from the business sector, from the labor sector, and from the users of the postal system as a whole, we are supposed to go to a subcommittee status and be placed in the situation where we would be, as I say, sort of secondary to the other functions, the more principal functions, of the Government Affairs Committee.

I am sorry to see that happen. I wish there were some way we could work out an agreement with the manager of the bill that we would abolish all of its subcommittees and treat the Post Office and Civil Service Committee as a single committee with total jurisdiction.

Mr. BURDICK. Mr. President, I yield the remainder of my time to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I have the genuine respect for Senator STEVENSON, who has done his job so well, with the assistance of other colleagues. When I rise to speak, discussing something about which I feel strongly. I can still commend the work of the Select Committee and also the chairman, (Mr. CANNON) of the Rules and Administration Committee and its members.

Still, there is the opportunity for individual Senators to speak earnestly on reorganization matters that are in dispute.

There are 2,800,000 civil servants of the United States. I am often weary of the attacks made on Federal employees. In the main, I believe they are diligent and they have an expertise in the jobs they do.

We have, in addition to that number, approximately 700,000 persons who are in the Postal Service in the cities, the smaller towns, and the rural sections of our country. They are the men and women who serve people. I express thanks to them for their concern for people—their service to citizens, many of whom are elderly and need special aid.

The Congress is asked to deal with $61 billion in fiscal 1978 in Federal salaries and other payments. That assignment, certainly, is an important part of the work of the Post Office and Civil Service Committee.

This committee has a very vital and important role to carry forward and it should not be relegated to the status of a subcommittee or a smaller unit within the structure of the proposed Senate system.

I urge Members of the Senate to support the amendment offered by Senators BURDICK, STEVENS, HOLLINGS, GOLDWATER, EASTLAND, SARBANES, and DURKIN to retain the Committee on Post Office and Civil Service as a standing committee of the Senate.

The committee's sphere of responsibility, I repeat, includes the Postal Service and its approximately 700,000 employees plus the Federal Civil Service including all fringe benefits, pay and employment and nearly 3 million employees. These citizens and issues deserve first-line representation in the Senate. The committee chairman needs authority to take bills to the Senate and to move legislation with expertise.

The importance of the Postal Service itself warrants standing committee representation. Members will recall last year—when the committee considered the Postal Reorganization Act amendments—the intense public interest which attended the movement of the bill through the Congress. Members of Congress are aware that the people of this country are particularly sensitive to changes that affect their postal service. It is accordingly inappropriate, in my view, to relegate consideration of the Postal Service and Postal Service legislation to a subcommittee.

Last year's postal bill established a Commission on Postal Service—a Commission which is now duly constituted and in pursuance of its mandate to inform Congress by March 15, 1977, how the Postal Service should be reshaped. The Commission has held hearings across the country and last week more than 40 witnesses representing a wide variety of interests testified before the Commission in Washington.

The legislation that created the Commission specified five areas for study and a report thereon; rate making, levels of service, future revenues and costs, public service functions and Federal subsidies, and electronic communications. These areas constitute the very heart of public policy concerning the Postal Service. The Commission is compiling a voluminous record of public opinion and that record will, by March 15, be distilled into solid recommendations.

At the present time, furthermore, members of the Post Office and Civil Service Committee and the Congress are unsure of President Carter's position on the Postal Service—whether the break-even goal is realistic, whether the Postmaster General should be appointed by the President, and what the role of the Postal Rate Commission should be. The President needs time to formulate a policy position.

Thus it seems to me, Mr. President, that there should be a standing commit-

tee of the Senate to receive and translate into appropriate legislation the recommendations of the Commission and any recommendations which President Carter may submit for our consideration.

The Federal Civil Service, the guardian of the merit system, needs a standing committee to oversee its functions and to provide prompt legislative support. The fields of white collar and blue collar pay, health benefits, retirement, union participation, the merit system, employee appeals—these areas and more require close, top-level Senate surveillance and updating.

It is essential to ask the question whether the committee to which postal and civil service affairs are being given will have the time for these major issues? It appears to me that these problems will not have the attention they merit.

Senator BURDICK, who will be chairman of the Senate committee if this amendment carries, will be, I know, an energetic and effective chairman. Senator STEVENS would be the able ranking minority member of the committee.

Mr. CANNON. Mr. President, I move that the amendment be laid on the table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, would it be possible to make a 1-minute statement on this?

Mr. CANNON. Mr. President, this started to be an hour agreement and we have had 30 minutes of interruption and additional statements now. I am going to object to any further time.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Louisiana (Mr. LONG) is necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) would vote "yea."

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—55

Baker	Glenn	Packwood
Bayh	Griffin	Pearson
Bellmon	Hansen	Pell
Bentsen	Hart	Percy
Biden	Hatch	Proxmire
Bumpers	Hatfield	Ribicoff
Byrd, Harry F., Jr.	Hathaway	Roth
	Hayakawa	Schmitt
Byrd, Robert C.	Heinz	Scott
Cannon	Helms	Stafford
Chafee	Huddleston	Stennis
Chiles	Inouye	Stevenson
Cranston	Leahy	Stone
Curtis	Lugar	Tower
Danforth	McClure	Wallop
Dole	Metcalf	Weicker
Eagleton	Metzenbaum	Young
Ford	Muskie	Zorinsky
Garn	Nelson	

NAYS—42

Abourezk	Haskell	Melcher
Allen	Hollings	Morgan
Anderson	Humphrey	Moynihan
Brooke	Jackson	Nunn
Burdick	Javits	Randolph
Case	Johnston	Riegle
Church	Kennedy	Sarbanes
Clark	Laxalt	Sasser
Culver	Magnuson	Schweiker
Domenici	Mathias	Sparkman
Durkin	Matsunaga	Stevens
Eastland	McClellan	Talmadge
Goldwater	McGovern	Thurmond
Gravel	McIntyre	Williams

NOT VOTING—3

Bartlett	DeConcini	Long

So the motion to lay on the table was agreed to.

(At this point, Mr. HART assumed the Chair as Presiding Officer.)

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. CANNON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator, if I may, without losing my right to the floor, in order that he may submit his amendment tonight. There will not be any action tonight on the amendment.

Is that satisfactory to the distinguished Senator?

The PRESIDING OFFICER. Will the majority leader suspend until the Senate is in order? The Senate is not in order. Senators will please clear the aisle.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota.

AMENDMENT NO. 15

Mr. McGOVERN. Mr. President, on behalf of myself and Senators DOLE, JAVITS, PERCY, KENNEDY, RIEGLE, ABOUREZK, CASE, CHURCH, HUMPHREY, CLARK, DURKIN, MELCHER, and HOLLINGS, I call up my amendment No. 15 as modified and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. McGOVERN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 72, line 7, insert the following:

"Select Committee on Nutrition and Human Needs ---------- 9".

On page 79, between lines 5 and 6, add the following new section:

"SEC. 106. (a) The temporary Select Committee on Nutrition and Human Needs, established by S. Res. 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended.

"(b) In studying matters pertaining to the lack of food, medical assistance, and other related necessities of life and health, the Select Committee on Nutrition and Human Needs is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the service of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services, (6) to interview employees of the Federal, State, and local governments and other individuals, and (7) to take depositions and other testimony.

"(c) Expenses of the committee incurred under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

"(d) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee on Nutrition and Human Needs shall not be taken into account if such Senator, on the day preceding the effective date of title I of the Committee System Reorganization Amendments of 1977, was serving as a member of the select committee. However, in no case shall a member or a chairman of the select committee be a member or chairman of more than three other standing, select, or special committees of the Senate, or joint committees of Congress.".

On page 93, in the table following line 21, insert the following:

"Nutrition and Human Needs---------- Nutrition and Human Needs".

On page 94, line 5, strike the following: "the Select Committee on Nutrition and Human Needs,".

Mr. McGOVERN. Mr. President, does the majority leader wish me to yield to him at this time?

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

Mr. President, there will be no action on this amendment today. It is my intention, as soon as the distinguished Senator completes his remarks on the amendment, to recess until tomorrow.

ORDER FOR RECESS UNTIL 1 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 1 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO RECEIVE MESSAGES AND TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DURING RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate until 1 p.m. tomorrow, the Secretary of the Senate be authorized to receive messages from the House of Representatives and the President of the United States, and that the Vice President of the United States, the President pro tempore, the Deputy President pro tempore, or the Acting President pro tempore be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE SYSTEM REORGANIZATION

The Senate continued with the consideration of the resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

The PRESIDING OFFICER. The Senate will be in order. The staff is not in order. There is too much conversation on the Senate floor, and the Chair asks staff members and Senators to take their seats.

Mr. McGOVERN. Mr. President, I am not going to detain the Senate at length tonight.

The purpose of the amendment now pending, and which will be the pending business when the Senate resumes on tomorrow, is to extend the life of the Select Committee on Nutrition and Human Needs. We are asking for roughly the same consideration that was given to the Committee on Aging and other special and select committees.

Mr. President, at the conclusion of the Rules Committee's work on Senate Resolution 4, I understand that the Senator from Texas, Mr. TOWER, mentioned to the principal author of this reorganization plan, Senator STEVENSON, that this was the first plan he had ever come across that had 11 lynchpins.

I agree fully with what I take to be the spirit of that remark. As I argued at some length in the Senate last week, there were strong grounds for disputing some of the basic organizational principles of the original Senate Resolution 4. I took particular exception to the conclusion in the original Senate Resolution 4 that all special, select and joint committees are a bad idea. I have been thoroughly convinced that just the opposite is true. And my main fear has been that we would become so bedazzled by the very idea of reorganization, and by this strange misperception that reorganization and reform are inevitably the same, that we would overlook the practical consequences of the plan, especially as it applied to select, special and joint committees.

I argued the case last week that special, select and joint committees can be a highly worthwhile feature of Senate structure. I pointed out that:

> . . . They can consider broad issues, such as economic growth, which easily cut across the boundaries of two or more standing committees. They can be responsive to large groups of people—such as the aging—whose special problems might be neglected or downplayed by committees organized along purely functional lines. They can bring another perspective to oversight. They can focus a fresh lens on problems. Without the pressure of day to day legislation, they can take a wider view of present programs and they can look ahead and draw attention to issues which may be upon us a few years hence. And they can do that without creating any overlap in legislative jurisdiction at all.

I have heard no compelling response to those arguments. All we have ever heard from the proponents of Senate Resolution 4 is that the principle was fundamentally important—that in order to cut down on proliferation of jurisdictions, select, special and joint committee had to go. And against that it was useless to make the case for a value judgment—whether or not this or that special, select or joint committee was doing good work and dealing with issues of importance to the country. In support of the principle, the generality was everything and the specific had no bearing at all.

My basic point today—and the strongest justification for my amendment—is that all of this principled argument is now irrelevant. The Select Committee To Study the Senate Committee System approved a principle which I thought was debatable—that there should be no select, special or joint committees. But there is no sense debating it now. It has already been rejected. The Rules Committee turned it down. By deciding to continue the Select Committee on Aging, the Senate itself reinforced that decision earlier this week.

I would not claim that either I or the points I raised last week had any influence on that decision. It should be clear to any Member or observer of the Senate that the reasons for the Rules Committee's decision were quite different from those I have outlined.

But whatever the reason, I submit that as it applies to select, special and joint committees, the lynchpin of this plan has, in fact, been removed.

But I simply cannot bring myself to believe that this resolution is consistent with the sponsors' original design. I submit that on this aspect of the issue, the Rules Committee's product is so different in content as to be different in kind from the original Senate Resolution 4.

This is not to either belittle or dispute the other adjustments Senate Resolution 4 would make in the standing committee structure or in the management of the Senate. It is worthwhile to rationalize and realine the committee jurisdictions, and to recognize the importance of such issues as the environment, energy, and international economic policy by making them the specific concerns of specific committees. There is great merit in limiting assignments, to avoid the fragmentation of time and attention which has become one of the primary conditions of Senate service. The principal author of this reorganization, Senator STEVENSON, has noted that the internal management innovations might be regarded as unglamorous. But the progress in those areas—methods for multiple referrals, computer scheduling, and the like—may well have the greatest lasting effect, and the most salutary effect, of this entire effort. Those changes are the product of long and arduous work by the gentleman from Illinois and other members of the select committee. And when the resolution passes with those provisions and those principles pretty much intact, the authors of this proposal will be able to point to a real accomplishment—even though these matters have been scarcely noticed by the press.

But the same is not true on the matter of select, special, and joint committees.

We will have a Select Committee on Small Business, a separate standing Committee on Veterans Affairs, a Special Committee on Aging, a Joint Economic Committee, a Joint Committee on Internal Revenue and Taxation, a separate Committee on Ethics, a Joint Committee on the Library, a Joint Committee on Printing, a Select Committee on Intelligence, and a new Select Committee on Indian Affairs. And it is just incredible to me that anyone who wanted all those committees to go would stand here and claim victory because at least they were able to get rid of the Senate Select Committee on Human Needs. It is inconceivable to me that anyone would even want to claim that as a victory for reform.

That means we have now reached the point—and our amendment presents it—where those who would abolish the Select Committee on Nutrition must make the case on the merits. There is no longer any grand organizational principle to obscure the issue. Plainly and simply, the votes against this amendment will be votes not to defend reorganization, but to defeat the Nutrition Committee and what it does.

Since that is the case, let me raise a number of points about the committee, for Senators who may not be wholly familiar with how it is organized and how it works.

The select committee was created for two reasons. One was that there was undisputable evidence that the issue of hunger and malnutrition in the United States had been neglected. In the country which is blessed with the greatest food abundance in the world, we found that many people were cursed by malnutrition and nutrition-related diseases most Americans had thought were reserved for the poorest and most food-deficient countries in the world.

But there was another important reason for a select committee. There issues crossed committee boundaries, touching in particular on the jurisdiction of both agriculture and labor and public welfare. Senator Phil Hart, one of the original sponsors of the resolution creating the committee, concisely summed up the situation in the Senate in April of 1968:

> The difficulty is that because of the several committees, all of which have a measurable responsibility in this area, we are not able to zero in on the problem, identify its extent, the opportunities to meet the need, and then the action to assure that the need is met.

The select committee therefore was established with a particular membership—five members from the Committee on Agriculture, five from Labor and Public Welfare, and five appointed without reference to other committee assignments. And the resolution mandated the select committee to consider not only matters of supply and distribution of food but to study, "all matters pertaining to the lack of food, medical asistance, and other related necessities of life and health. . . ."

To implement that directive, the committee has examined and developed policy ideas across a broad range of areas—among them food security, nutrition education, special food programs for the elderly, nutrition and health, the impact of the pregnant mother's diet on childhood development, and most recently the relationship between diet and such major killers as heart disease and cancer.

The committee has no legislative jurisdiction, nor have we ever sought it. Some of our legislation goes to the Labor and

Public Welfare Committee, and would go to Human Resources under the reorganization—essentially those matters relating to the health and income security aspects of nutrition. When we deal with the nutrition and food supply, including food stamp and school breakfast and lunch programs, then the legislation must originate in the Committee on Agriculture. Especially since the select committee draws membership from both of those standing committees, the arrangement has worked remarkably well.

That raises what is to me one of the most puzzling aspects of the argument for abolishing the committee. The gentleman from Illinois keeps telling me and others who are concerned about food and nutrition issues that we will be able to serve these needs even better as a Subcommittee on Agriculture because we will have legislative authority. It has the ring of a great concession. But the promise of "legislative authority" is, in fact, wholly devoid of meaning.

In the first place, we must all be aware that it is not in the power of any Senate reorganizer to grant or withhold from any Senator the authority to author and introduce legislation. That authority goes with the office. It is conferred not by those who write the Senate rules, but by the Constitution and by the people who elect Members of the Senate.

Further, in the case of the select committee, we would have no more legislative authority within the committee—and most likely less—than we already have. Five members of the select committee serve on the Agriculture Committee, and can initiate legislation on food supply issues within that committee. And whether we serve on a select committee or a Subcommittee on Nutrition, we have to win precisely the same votes from the same Senators in the Agriculture Committee in order to get that legislation reported to the floor. Of course five members of the select committee also serve on the Labor and Public Welfare Committee. And the net effect of the reorganization in their case is that we will lose their expertise, they will lose the support of the committee's staff, and health, education, and income maintenance aspects of nutrition inevitably will be fragmented and slighted.

So I hope I will be forgiven if I do not appear appropriately grateful for the promise of legislative authority. On that score my gratitude is reserved for the people of South Dakota. And I am decidedly ungrateful to those who want to dissipate our focus on the parts of the nutrition issue which the Agriculture Committee cannot handle.

Because nutrition is a broad issue which goes beyond major Senate guidelines, it makes no sense at all to worry about depositing legislative jurisdiction over it in a single place—unless, perhaps, we wanted to fold agriculture and human resources, at a minimum, into a single committee, which the reorganization plan does not propose. The select committee does not need and should not have the authority to report legislation. What we do need—what the Senate needs—is a forum in which all facets of the nutrition issue—regardless of where they fall in the jurisdictional chart—can be considered together. And that is what Senate Resolution 4 would abolish.

That is one reason why I dispute the claim that we can deal with these issues just as well as a Subcommittee of Agriculture. There is another—the question of staff resources.

In addition to promising legislative authority, the Senator from Illinois has been telling me and others that this plan contemplates no reduction at all in the resources available for the work now done by the select committee. Even without further checking I had some doubts about those assurances. After all, Senate Resolution 4 itself provides for a staff transition period and severance pay. It was logical to assume that those provisions were inserted for a reason—and you do not worry about such things if you are not contemplating that someone will get the ax.

But we thought it would be unfair to draw any firm conclusions from the resolution language. So Senator DOLE and I went to discuss this matter with the distinguished chairman of the Agriculture Committee, Senator TALMADGE. We talked about the current budget and staff of the select committee and what resources might be available if it became a Subcommittee of Agriculture.

To my surprise, Senator TALMADGE was not aware of any plan to accept a wholesales transfer of the select committee. He was not in favor of such a transfer.

Senator TALMADGE can, of course, speak much better for himself than I can. But I do not believe his view on staffing for a Nutrition Subcommittee is either capricious or hostile to the work of the select committee. The Agriculture Committee is one of several in the Senate which traditionally have not had separate subcommittee staffs appointed by subcommittee chairmen; instead a professional staff under the supervision of the committee chairman serves all subcommittees and all members of the committee.

The creation of a Nutrition Subcommittee with a separate staff would violate that practice and would set a precedent for a series of separate subcommittee staffs answerable to subcommittee chairmen.

But the net effect is that we are talking about the possibility of a Nutrition Subcommittee staff of 2 or 3 professionals, replacing the 12 professionals—majority and minority—who now cover these issues for the select committee.

That staff is made up of competent specialists in food and nutrition issues ranging from child nutrition to school lunch to food stamps to diet and health. In addition to helping in the design of new policy, they follow programs in the Department of Agriculture alone which amount to about $9 billion a year—over 60 percent of the Department's budget.

I wish some of the reporters who have been offering superficial explanations of this issue had taken the time to examine that staff structure. Some apparently find it unthinkable that I and others who want to continue the select committee are concerned about proper attention to the issues involved.

Rather, it is written that this is simply a matter of protecting turf. The guiding assumption is that this is an exercise in parochialism or self-interest—that I want to maintain the Nutrition Committee staff so they can be used for some greedy or illicit purpose.

Well, in the last two Congresses the Nutrition Committee staff has helped to develop legislation for every one of the 14 members of the committee; each one has been the principal sponsor of a series of nutrition-related bills. It is noteworthy that while there is no such requirement in the committee's mandate or budget resolutions, our practice has been that the minority members receive a proportionate share of the budget and hire their own staff. But even with that arrangement, every member of the staff has been available to serve every member of the committee. Whether they were hired by the majority or the minority, the select committee's professional staff members apply their primary attention to developing expertise on specific issues, not to representing partisan or personal interests. Throughout the entire life of the committee I have never heard a complaint from any member that the staff was neglecting their needs.

And if anyone in the Senate is inclined to believe the cynical assumptions about this committee that have been appearing in some newspapers, I suggest that they talk to some of the other members of the committee to get a better informed perspective.

Or simply consider that a number of those members, of both parties, are cosponsoring this amendment. I do not think they are doing that because they want to build a grandstand or a platform for GEORGE MCGOVERN. I think instead that they are concerned about nutrition issues and want to continue to apply the kind of expertise, professionalism, and dedication that we have been able to assemble in the select committee staff.

So I hope we will drop this premise that the work now handled by the Select Committee on Nutrition and Human Needs can be covered just as well by a Nutrition Subcommittee of Agriculture. The addition of legislative authority means precisely nothing. On resources, the most likely outcome would be the elimination of three-fourths of the professional staff. The subject itself will be fragmented and dissolved in the Senate committee structure.

In my view that brings this contest down to a single question. Many of the sponsors of Senate Resolution 4 seem to prefer not to see it in these terms—most profess their own strong commitments on nutrition questions. But I think I have demonstrated that there is really nothing left but this: Whether the nutrition issue and the people who have been served by the select committee are important enough to the country to warrant this kind of special attention in the Senate.

That, of course, is a question upon which conscientious people can disagree. Quite a number of Senators opposed the select committee when it was first created and have since opposed its extensions. But let us at least make sure that our disagreement is properly defined—that we make up our minds on the basis of the real issue involved here, and not on an organizational premise that has already been rejected or on assurances of staffing and power which have no basis in fact.

I maintain that the issues before this

select committee—both those we have addressed in the past and the ones we are just taking up—are among the most important facing the country.

Beyond the earlier work involved in drafting basic food programs, the select committee has been forced in recent years to spend much of its time struggling to assure that congressional intent and directives were actualy being carried out by the executive branch. We also have had to deal with some serious distortions of fact about these programs—highlighted, perhaps, by former Treasury Secretary Simon's assertion in 1975 that the food stamp program was a "well known haven for chiselers." Ironically, the food stamp program is the one form of Federal assistance which is available to jobless workers after their unemployment compensation runs out. As the ranks of the unemployed have swelled it literally has kept millions of American families from destitution.

The select committee has been the focal point of the defensive effort, to avoid the destruction of the food stamp program either by erroneous publicity campaigns or deliberate maladministration. And it is my considered judgment that without the select committee, those efforts would have failed.

During the same period we received an administration block grant proposal which would have had the effect of slashing $800 million from basic child nutrition programs.

The select committee staff analyzed that plan and helped design an alternative, which was ultimately approved by the Congress. In that case only seven Senators voted to sustain the veto. Again, we might well have lost without the resources of the select committee.

The point is that over the years the fight to keep this committee has always divided along ideological or philosophical lines. Those who do not agree with the policy premise of the committee, who oppose or want to sharply restrict food stamps and other food programs, should want the select committee terminated. They have made efforts in that direction. On the other hand, strong majorities of the Senate have agreed that there is a national responsibility to help our people meet this most fundamental requirement of life and health. And to press that view, the select committee has been not only helpful; it has been an absolutely essential element in the effort.

I am hopeful that with a different administration we will not have to repeat these fights, and that we can get on to more constructive endeavors. But I am not yet ready to assume that we can let down our guard. And there is still much to be done on the food supply side of our mandate.

Given the stakes—the physical and mental development of our children, the basic food security of unemployed workers, the minimal essentials of life for the unemployable poor—I think the Senate must stay fully involved in this area of national policy. And we simply cannot do that if we deliberately blind our watchdog.

But it may well turn out that we will have less of a defensive battle on our hands. If that is the case, then the select committee will be able to devote a growing share of its resources to an area where we have barely been able to scratch the surface—the broad question of diet and health. The condition of the people this affects may not be as extreme as the plight of those who cannot afford enough food. But it involves every man, woman, and child in the country. And it, too, was a central part of the select committee's original mandate.

We have made a beginning. In 1974 we held a series of preliminary hearings on such questions as fad diets and the relationship between sugar in the diet and diabetes and heart diseases. Last July we had two days of hearings on the relationship between diet and killer diseases—primarily cancer, heart attack, and stroke.

Our most recent committee publication, "National Dietary Goals," may turn out to be one of the most widely read and influential studies we have ever done.

I take it as a measurement of how seriously the public takes this matter that we have already received more than 5,000 requests for that study.

But the most eloquent and meaningful testimony of all on this subject came from Senator HUMPHREY, when he testified before the Rules Committee on Senate Resolution 4. He said:

> Mr. Chairman, I want to tell you a little bit about nutrition right now. I have just had an operation for cancer. The foresight on cancer cure and prevention is nutrition; the building up of the immunity system of the body.
>
> I learned more about my intake of food and what we ought to have for food from the nutrition hearings in one day than I have learned in sixty years. As a matter of fact, that select committee on nutrition has brought to the attention of the medical schools of this nation the importance of nutrition. Most medical schools have never even stressed it.

Our work in this area is just underway. We have begun to help raise the nutrition consciousness of the American people. But I cannot at this point make any considered or sensible legislative recommendations. There has been too little time. What does seem clear to me is that we do need a coherent national policy in this area. And it is also clear that a vote to end the Select Committee on Nutrition and Human Needs will be a vote to abandon the efforts that are now underway, to dismantle the expertise we are beginning to form, and to abandon any meaningful role for the Senate in designing such policy for the Nation—a policy which accounts for the interests of both producers and consumers, which only a select committee can adequately represent.

I have discussed the work of the select committee at some length because I do not think such matters have yet been considered in the reorganization debate. The sponsors of Senate Resolution 4 did not make such value judgments; at least none of them have told me they consider the select committee's work unimportant or its minimal budget a waste of the public's money. Instead they adopted a broad principle against select, special and joint committees, and would take no exceptions. Of course the Rules Committee dismantled the principle.

But with a grand total of 11 legislative days, they obviously had no time to consider each case on the merits. Instead, to put it bluntly, the lynchpins of the plan were removed on the basis of who had the most pull.

For reasons I have explained at length, I do not quarrel with what the Rules Committee has done—as far as it goes. I cosponsored a number of the amendments, and I think a strong case can be made, based upon far more than muscle, for each of the committees that was retained.

But it has left us with a sad and intolerable condition. Now while it accepts such committees in principle, the reorganization plan denies the special attention of a select committee to those who need it most—to the poor, the disorganized, the hungry. Above all the Select Committee on Nutrition and Human Needs has been their defender and their advocate in the Senate—a forum where their pleas can be heard, and their clear and dependable route into the complicated system through which national policy is made. They cannot lobby effectively for their cause. Are we going to make the nutritional health of the American people the only lambs to be sacrificed on the altar of reorganization?

I cannot believe that the Senate will accept that result. The pending amendment is the appropriate answer. I urge its adoption.

Mr. President, the reorganization committee made an original judgment that I think was a mistaken one—that all select, special, and joint committees should be abolished. That recommendation apparently was made on the ground that it would simplify the work of the Senate simply to abolish these committees, other than the regular standing committees of the Senate.

On further reflection by the Rules Committee, and in some cases by action on the part of the Senate as a whole, a number of exceptions now have been made to this general principle. So a decision was reached, either in the Rules Committee or on the floor of the Senate, that we should preserve the Small Business Committee; a decision was made that the Committee on Veterans' Affairs should be preserved, and that the Committee on Aging should be extended. The same consideration was given to the Joint Economic Committee, to the Internal Revenue and Taxation Committee, to a separate Committee on Ethics, even to the Committee on the Library, to the Joint Committee on Printing, to the Select Committee on Intelligence, and to a new Select Committee on Indian Affairs.

Mr. President, it is not my intention today to challenge the judgment of the Senate or the Rules Committee in giving special exception to those committees, because I think that in most cases it will serve the interests of the public and will serve the interests of the Senate that those exceptions be made that have been made. But I do want to impress upon the Senate that, having made the judgment that these special committees I have just listed should be continued, I believe it would be a great injustice to the American people if we were now to single out

the Select Committee on Nutrition as the one we are going to sacrifice.

There is no one of these select committees or special committees that deals with any more important subject matter than that of the Committee on Nutrition. This is the committee that has done much to deal with the special problems of the poor. It is the committee that primarily has been responsible for the development of a nutrition awareness in the United States.

We have had no quarrel with the Committee on Agriculture, on which I serve. We have had no quarrel with the Committee on Labor and Public Welfare, which has a joint jurisdiction over some of the matters that fall in the nutrition field.

As a matter of fact, the Senate, in its initial judgment to create this committee, provided that five of the members on the Nutrition Committee should be selected from the Committee on Agriculture, five should be selected from the Committee on Labor and Public Welfare, and five should come from the Senate at large. I believe that this committee, composed as it is of Members cutting across these various jurisdictions, has done an excellent job of making Congress and the Nation aware of the need for action on this nutritional front.

The fact is that, while we have made great progress in dealing with the problems of the poor as they relate to nutrition, great progress on the food stamp front, on the school lunch front, on the special problems of the elderly, and on the special problems of women, infants, and children in the field of nutrition, there are other areas in which the committee has just begun to do the kind of work that needs to be done.

We have been reminded over the last few months that 6 of the 10 leading causes of death in the United States are related to the question of what we eat, are related to diet. Some of the best experts in the country who have testified before our committee have pointed out that the medical bills in this country now total some $135 billion, and we could reduce that medical bill of $135 billion by as much as 20 percent if we should do a better job on the dietary front here in the United States.

Some 750,000 Americans are now dying every year from heart attacks. We could reduce that enormous toll by as much as 25 percent if we could improve the dietary standards of the American people, and that in itself would be a saving of $25 billion.

So what we are appealing for in this amendment, which has broad bipartisan support here in the Senate, is an extension of this committee that has done so much in the field of nutrition so that we can continue our work.

I think it is impossible, given the present structure of the Committee on Agriculture, to transfer these functions to that committee and accomplish the same results.

We would lose the excellent professional staff we have built up on the Select Committee on Nutrition if that were to happen.

There is a misconception some Senators have that the professional staff would be transferred with the nutrition function if it were moved from the select committee status to the Committee on Agriculture. I have discussed this matter with the chairman of that committee and he feels very strongly that we should not increase materially the present size of the staff of the Committee on Agriculture, and we would be forfeiting the expertise we have built up in the select committee if this transfer were made.

So while I do not want to belabor the Senate with a long appeal here tonight, I hope we can get at this matter seriously tomorrow, and that the same kind of considerations that led us to the extension of the Committee on Aging—that I think was a very wise move—will prevail when ths matter comes to a vote tomorrow.

Mr. President, I now yield the floor.

Mr. ROBERT C. BYRD. Mr. President, does another Senator wish to speak to this matter?

Mr. DOLE. Mr. President, none among us would argue that the existing Senate committee structure is perfect. We have all seen its imperfections, experienced the frustration of its inefficiency, and have wondered how the committee structure could be improved. Through much diligence and hard work, the Committee on Committees has constructed a committee reorganization bill.

I laud its intentions. However, I cannot go along with its recommendations for a merger of the Agriculture Committee and the Select Committee on Nutrition and Human Needs. The situation is simply not so simple to resolve.

We continue to have hunger in America, and children whose mental and physical growth is stunted because of malnutrition. As was written in a Washington Post editorial on January 31, 1977:

> Of course, there is still a food problem—an enormous one. Some people in this country and many around the world are hungry, and some federal programs have gotten so rich as to be indigestible.

The Nutrition Committee is in a good position to oversee these indigestible Federal programs. Nutritional concerns are legislated by the Agriculture Committee and by the Labor and Public Welfare Committee. They are administered by the Departments of Agriculture and of Health, Education, and Welfare. This select committee has the advantageous opportunity to synthesize the ongoing programs, and to evaluate them as a whole.

We can gather information on the total program, not merely on the agricultural or health components. Congress had this in mind when the committee was organized, and I think these objectives have been carried out successfully. It is regrettable if this service will not be continued because of some reorganizational dictate.

IMPORTANCE OF NUTRITION

Nutrition is the most vital commodity in our lives. It largely determines who and what we are to become as individuals, for it is a determinant factor in the mental health of the newborn infant; in the educational achievements of the child; and in the total health and well-being of any person. Even with the knowledge we presently have about nutrition, we are just beginning to see what cause and effect relationships exist between nutrition and health.

In spite of its obvious importance, relatively little attention has been paid to nutrition and its influence, until just recently. It was a shock to realize that this area has been so slighted that many medical schools do not have a nutrition department. The graduating medical student knows more about open heart surgery than about basic nutrition. We still do not know what man's standard nutritional needs are, nor of what his normal diet should consist. Nothing is more basic to man than his diet, and I am beginning to think that little is more abused and misunderstood.

CONCERNS OF THE NUTRITION COMMITTEE

The Nutrition and Human Needs Committee deals with topics in too much depth to risk its assimilation—and dissimilation—in the Agriculture and Forestry Committee. In addition, nutrition is really quite different from the normal business of the Agriculture Committee.

The business of the Nutrition Committee is not food policy, import-export regulations, or farm assistance measures. Rather, it is studying and making recommendations on how health is affected by the nutritive values of food, how this information can be most beneficial to the public, and what legislative measures might be in order. The Nutrition Committee charts the nutrition profiles of persons in different geographic and economic areas of our country.

OVERCONSUMPTION

Since its inception, the committee has assumed responsibility in many different phases of malnutrition. No longer does our major nutritional problem deal solely with underconsumption of food. Last summer we began investigative hearings on the relationship of diet to disease, and diet to cancer, which are largely problems of overconsumption. Continuing on that general topic, this week we held hearings on the ways in which diet can act as a catalyst for cardiovascular diseases.

We looked at obesity, and discussed how it could be treated more successfully. Annually, our Nation spends $10 billion on treatment of obesity. In 1976, cardiovascular disease cost our Nation $45 billion in sickness, lost wages, and benefits. We are dealing with problems of major importance.

Overconsumption was once considered a rich man's disorder, as only the wealthy could afford to overeat. It has now spread like an epidemic into all socioeconomic levels and, in fact, has become most severe among the poor. Lacking the money and education for more healthy food habits, the poor usually settle for fatty, starchy food items which have little or no nutritive value.

Many persons in our country do not really know what to change in their diets, nor how to do it on a limited budget so that obesity can be circumvented. Just as serious is that although persons may intellectually acknowedge the problem, they fail to follow the prescribed diet remedy.

Until we convince persons that their bad eating habits are wrecking not only their bodies, but also are placing unnecessary strains on our budget, we will continue to feel the suffocating pressure of overeating. Fatness is more serious than second helpings and outgrown clothes.

COST EFFECTIVENESS

The amount of money which we are presently spending in the treatment for diet related disorders is tremendous. A USDA study estimated that an adequate diet would reduce the incidence of heart disease by 25 percent, with a savings of $30 billion for this one nutritional problem alone. As I just stated, $45 billion was spent in 1976 in sickness, lost wages, and benefits because of cardiovascular disease. Treatment of obesity costs $10 billion annually.

We stand to realize notable savings under the supplemental food program for women, infants, and children as this program promotes better mental health and reduces the costs of expensive treatment for mentally retarded and sickly children.

COMMITTEE LEGISLATIVE RECOMMENDATIONS

The recently introduced Meals-on-Wheels Act is another economical piece of nutritional legislation, for it helps the homebound handicapped and elderly citizen maintain better nutritional health. It makes it possible for many of these persons to remain in their homes, rather than enter an institution simply because of their inability to prepare meals for themselves.

These are a few of the topics which have been addressed by the Select Committee on Nutrition and Human Needs. My listing is far from complete, for other subject matters have included the school lunch program, the summer lunch program, food assistance for migrant children, fad diets, world famine, dental decay, nutrition education, TV advertising of food to children, et cetera.

CONCLUSION

I remain in agreement with the desire to reorganize the Senate committee structure, but I support the plans only where it is constructive change. Change for change sake, or change for the worse, is not desirable. Such change may fulfill the definition of reorganization, but it is not reform.

I favor improving our committee structure, but do not see how this will be accomplished by subjecting the Nutrition Committee to the jurisdiction of the Agriculture Committee. Too much might be lost in the transfer, and the health of our Nation is a stake too big to risk.

I urge my colleagues to give special study to this proposal, and to vote for continuing the Select Committee on Nutrition and Human Needs.

The scope has been broad, and its influence equally as far-reaching. We have received letters and telegrams of support from such groups as the American Medical Association, the Amalgamated Meat Cutters & Butcher Workmen—even though we have recommended less meat in the diet—the American Academy of Pediatrics, the Community Nutrition Institution, the Council for Responsible Nutrition, et cetera.

Mr. President, I ask unanimous consent that a statement indicating those in support of the Nutrition Committee be made a part of the RECORD as well as facts concerning the need for the Nutrition Committee, and the topics dealt with by the Nutrition Committee since its inception.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SUPPORT FOR NUTRITION COMMITTEE

Letters of support from:
Amalgamated Meat Cutters and Butcher Workmen.
American Medical Association.
Council for Responsible Nutrition.
Community Nutrition Institute.
Consumer Federation of America.
National Consumers Congress.
National Consumers League.
Consumer Action for Improved Food and Drugs.
American Academy of Pediatrics.

Facts:
2½ million Americans suffer cardiovascular disease each year, 850,000 die. Many could be controlled or averted through proper diet.
Obesity costs our country $10 billion each year in treatment costs.
Last year, $45 billion was spent for sickness, lost wages, and benefits because of cardiovascular diseases.
U.S.D.A. study showed that by reducing the incidence of heart disease 25%, we could save $30 billion.
10 million needy schoolchildren rely on the school lunch program for their diet requirements.

Nutrition Committee has dealt with the following topics:
School lunch program.
Summer lunch program.
Food assistance for migrant children.
Fad Diets.
World Famine.
Dental decay.
Nutrition Education.
Television advertising of food to children.
Food Stamps.
Supplemental Food Program for Women, Infants, and Children (WIC).
Relation of diet to disease.
Meals-on-Wheels.

Mr. DOLE. I heard the concern discussed by the distinguished Senator from South Dakota. Mr. President, the Senator from South Dakota has stated in a preliminary way the very real need for the Nutrition Committee. We have had testimony just in the past 2 days indicating— and I think making a case for— the necessity for a separate Nutrition Committee.

It seems to the Senator from Kansas who, I confess, became a member of that committee with some reservation, and he is now convinced it serves a worthwhile purpose, and that this service cannot be duplicated by the Committee on Agriculture.

The Senator from Kansas points out that those who have an interest in this committee, both the Senator from Kansas and the Senator from South Dakota, are members of the Committee on Agriculture. We have great confidence in the chairman of that committee.

We also understand there is a difference in the Committee on Agriculture, which is concerned with production, and the Committee on Nutrition, which is concerned about the consumers, the plight of the poor, malutrition, obesity, cardiovascular problems or whatever. It just seems to the Senator there is some inconsistency, and that there is every reason to continue the Nutrition Committee in its present form.

I yield the floor.

Mr. BROOKE. Mr. President. I support the McGovern-Dole amendment to continue the Select Committee on Nutrition and Human Needs. It would be tragic and a sad commentary upon the Senate if a committee needed by so many was abolished largely because its constituency was mostly poor or disorganized and thus unable to bring pressure to bear upon Congress as effectively as more powerful interest groups. And yet, this is one of the unfortunate aspects of the fight to continue or to abolish the Nutrition Committee.

I believe that the Nutrition Committee should be an independent committee. If, at the very least, the proposal before us were to merge the Nutrition Committee with the Human Resources Committee, I would give that proposal serious consideration, for most of the programs the Nutrition Committee oversees are health and welfare programs. But the proposal is to merge the Nutrition Committee with the Agriculture Committee, and we must ask whether the functions of the Nutrition Committee can and will be adequately performed in the Agriculture Committee.

The Agriculture and the Nutrition Committees have quite different constituencies. The primary focus of the Agriculture Committee has been on the farmer and the agricultural producer. The Nutrition Committee, on the other hand, represents poverty groups, medical groups, consumers, and nutritionists. Indeed one of the most valued testimonials to the worth of the Nutrition Committee comes from Dr. Jean Mayer, president of Tufts University and Chairman of the White House Conference on Food, Nutrition, and Health. As Dr. Mayer authoritatively states:

> The Committee has continually provided a forum for those who have had no other place to voice their concerns The elderly, new mothers and infants, the hungry. It has spoken for consumers on food prices and food quality. In short, the committee has supported not only those who must depend on food programs, but also responsive consumers who feel that we must monitor governmental action and create a meaningful food policy for health in this country.

We must ask whether the Agriculture Committee will devote adequate attention to the concerns of the Nutrition Committee.

To me, the most compelling argument is the amount of resources the Agriculture Committee is willing to allocate to the work of the Nutrition Committee if reorganization takes place. Senator TALMADGE, the chairman of the Agriculture Committee, has stated that a Nutrition Subcommittee under Agriculture would be allowed only 3 staff members in place of the 12 staff members it now has as an independent committee. Most importantly, this would mean, Mr. President, that in terms of the total budget of the Agriculture Department, three staff people would be handling 60 percent of all Agriculture Committee business. This

is clearly inadequate. It would seem to indicate to us and to those who depend upon the Nutrition Committee that its functions would be given but short shrift if the Stevenson committee proposal is enacted.

The work of the Select Committee on Nutrition has been invaluable as can be attested to by the 50 million Americans directly affected by programs developed by the committee: The school lunch program, the special supplemental feeding programs for women, infants, and children, the school breakfast program, and the nutrition program for the elderly. The committee's present work examining and publicizing preventive health care through improved nutrition proves that its work in health and nutrition is far from finished. If we support the Stevenson committee proposal there is serious doubt that it will be.

For all these reasons, I shall vote for and urge my colleagues to support the McGovern-Dole amendment to continue the needed, and important work of the Select Committee on Nutrition and Human Needs.

THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS SHOULD BE RETAINED

Mr. HUMPHREY. Mr. President, I rise today to urge the Senate to retain the Select Committee on Nutrition and Human Needs.

When the Senate created the select committee in 1968, most Americans were unfamiliar with the fact that there were many areas of hunger and malnutrition within the United States. That committee has done an outstanding job in bringing these issues to the forefront. Since that time the level of attention and public awareness has been gradually increased, and in large measure the select committee has played a lead role in this process.

The select committee has recently issued a national call for a better diet, titled "Dietary Goals for the United States." This report points out that 6 of the 10 leading causes of death in the United States—including heart attacks and cancer—are linked to our diet.

In recent years, we have become increasingly aware of the importance of diet in maintaining good health. A great deal of work yet remains in terms of delving further into this area and bringing the message of nutrition education to our children and our people.

As our national health bill climbs ever higher toward the $200 billion mark, we need to find ways to stem this rise along with the associated costs of lost work days and long-term illness or disability. One critical action to accomplish this is to emphasize preventive health measures, especially a major improvement, nationwide, in the dietary habits of the American people.

The job which the select committee began 9 years ago is still unfinished today. We need a focal point to bring together all of these concerns and issues.

If we absorb the select committee within the Committee on Agriculture and Forestry, these concerns will be fragmented and not receive the attention which they warrant.

I am very concerned that the Rules Committee has not been willing to retain the Select Committee on Nutrition and Human Needs.

This committee provides a voice not only for more rational food policies and better nutrition, but also for the downtrodden of society who are in need of special attention, be they in the early stages of life or in their twilight years.

These groups have come to know and respect the select committee as their voice and the way whereby their problems will receive attention. I would suggest that this role needs to be continued and the service provided is well worth the modest outlay involved.

I sincerely believe that food and nutrition issues will become increasingly important in the years ahead, and the continuation of this select committee will be an important step in addressing that need.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements limited therein to——

Mr. LONG. Mr. President, will the Senator withhold?

Mr. ROBERT C. BYRD. Yes.

UP AMENDMENT NO. 22

Mr. LONG. I have an amendment which I believe could be agreed to with only a brief discussion.

I send an amendment to the desk. I ask unanimous consent, Mr. President, that it be considered without prejudice to the amendment of the Senator from South Dakota.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. It will just take a moment to explain.

The PRESIDING OFFICER. Without objection, the amendment will be considered at this time. The clerk will report the amendment.

The second assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. LONG) proposes unprinted amendment No. 22:

On page 62, beginning with line 8 down through line 10, strike the entire paragraph.

Mr. LONG. Mr. President, this amendment merely strikes the language which concerns the comprehensive study and review authority of the Finance Committee. Since that language mentions only revenue policy it might appear to limit the oversight jurisdiction of the Committee on Finance. That is not the intent, and the deletion will make it clear that the Finance Committee's oversight jurisdiction is as broad as its legislative jurisdiction. I have discussed this subject with the Senator from Nevada as well as the Senator from Illinois and I believe we understand one another.

Under the Legislative Reorganization Act of 1946 each committee has oversight jurisdiction to the extent that it has legislative jurisdiction. The language that appears in the bill with reference to comprehensive study and review says that the Finance Committee "shall also study and review on a comprehensive basis the revenue policy of the United States and report thereon from time to time." By striking that language, the language of the Legislative Reorganization Act would be controlling, and it would thus be clear that this resolution does not seek to limit or restrict the oversight function of the Committee on Finance. The oversight jurisdiction remains where we find it today, and that means it is as broad as the legislative jurisdiction of the committee.

Mr. STEVENSON. Mr. President, the Senator is correct. There was no intention of changing the oversight jurisdiction of the Finance Committee.

Under the Legislative Reorganization Act of 1946, as amended, each standing committee of the Senate already has a mandate to "review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee."

The wide-ranging oversight jurisdiction of the Finance Committee is a particularly extensive example of that existing mandate. Because Finance is a committee concerned with process extending throughout the governmental system, it already carries on oversight of a wide variety of programs with implications for the revenue of the United States.

Comprehensive policy oversight assigned in Senate Resolution 4 has a somewhat different aim: to fix responsibility for oversight of matters that overlap the jurisdictions of the Senate's committees. Revenue policy, assigned to the Finance Committee, is one of those overlapping subjects.

However, if the Finance Committee considers that the charge of comprehensive policy oversight responsibility for revenue policy is unduly restrictive, that section simply should be deleted as this amendment proposes to do.

Therefore, Mr. President, I have no objection to the amendment. In fact, I think it is a good amendment and I would be happy to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. LONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 15

Mr. KENNEDY. If the majority leader will yield me a few minutes, Mr. President, I know the first order of business will be the consideration of the disposition of the Nutrition Committee. I have a conflict in the morning with hearings that have for a long time been scheduled, but I wanted this evening just very briefly, because the hour is late, to say that I strongly support the position that has been taken by not just the members of the Nutrition Committee but by many other Members of this body and many people across the length and breadth of

this country, who recognize the very special contribution the Nutrition Committee has made to needy people in this Nation as well as to those in this Nation who generally are overfed.

Yesterday, I spoke on the Senate committee reform and at this time, I take the opportunity to reiterate my long standing commitment and support of Senate Resolution 4.

I am concerned, however, that in our efforts to reform and streamline the Senate committee structure, we do not lay waste to a select committee whose objectives and focus has been beneficial to the American people. I am speaking specifically of the Select Committee on Nutrition and Human Needs chaired by Senator GEORGE MCGOVERN of South Dakota.

It is my belief that the Select Committee on Nutrition has performed effectively in the interest of the American consumer. I have received numerous letters of support for the women, infants, and children's program as well as the school lunch program pioneered by the select committee. Both of these programs have made significant impact in communities across the country in meeting health, nutritional, and economic needs of low-income Americans. The American people need to have a Senate body which will continue to apply health concerns to our food policy.

The Nutrition Committee brought to the Nation's attention the relationship between diet and the leading causes of death. This same committee has led the way in formulating guidelines for the American public on how and what to eat to stay healthy.

I join with others who have taken an indepth look into the rising cost of health care and share the opinion that "the improvement of health through good nutrition is the only sound approach to a sizeable reduction of this mounting cost."

Continuation of programs developed by this committee, such as food stamps, meals on wheels, and others are essential. This committee has implemented studies that have led to publication of six major reports on developing food and nutritional policy. It has also provided us with the first report from any Federal agency explaining the risk factor to certain elements of diet.

I urge the Senate, in the interest of a sound nutrition policy, to preserve this select committee as a wise additional source of information and innovation.

We have not yet solved the problems of health in this country. Many of our citizens do not yet understand the significance of proper diet. Unless we concentrate our efforts to reverse this situation, we will perpetuate those causes of death linked to diet among our citizens.

We need a Senate committee capable of taking a comprehensive view of the complex field of nutrition. Neither the Agriculture Committee nor the Human Resources Committee can do the job effectively alone, since neither committee will have comprehensive jurisdiction over both the food and health aspects of nutrition. In this situation, where legislation jurisdiction is necessarily split, the Nutrition Committee has an extremely valuable role to play in coordinating and developing the Senate's overall approach to the complex challenge of nutrition.

The Select Committee on Nutrition stands out as the most visible unit in Congress focusing on nutrition problems of the poor. It has served as a ray of light in the darkness for thousands of urban and rural Americans. To extinguish this flame will be to take away the hope for a better, more productive, and healthy life for those who are in the greatest need.

In some instances, criticism is made of the Nutrition Committee that it is working in jurisdictions which duplicate existing committees in the Senate. I am chairman of the Health Subcommittee, and certainly the work that has been done by the Nutrition Committee has been complementary and supplementary of the work of that subcommittee over the time that I have been the chairman of it for the last 7 years. Only in the last 2 days, the very extensive and most compelling hearings that were held about the relationship between diet and the important killer diseases of stroke, cancer, and diabetes, have made a record which, if the American people paid attention to it, would have perhaps one of the most important impacts in the reduction of cost of health care for our society that we could possibly achieve.

It has not been only the question of diet. If we talk to the millions of Americans who are benefiting from the school lunch programs, which have really been spearheaded by the Nutrition Committee, or the millions of Americans who have benefited from the food stamp programs, and the millions of women and children who have benefited from the WIC program, all of these people, if they could be heard this evening, would be imploring this body to continue the Nutrition Committee.

So, I join with the chairman and the ranking minority members of the committee, the Senator from Illinois (Mr. PERCY), the Senator from Kansas (Mr. DOLE), and our other colleagues who have urged the Senate to continue this very important and vital committee.

I thank the chairman of the committee for the opportunity of saying these few words.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, when this committee first started it was the result of the initiative taken by Senator MCGOVERN and myself years ago, and I was the first ranking minority member. It happened because Senator KENNEDY's brother and others went into some Southern States and found actual starvation. This was such an abhorrent thing to all of us that we felt only a special committee could do something about it. Senator MCGOVERN and I promised the Senate that it would be a temporary committee at that time. For very good and sufficient reason, with my full support, the committee has continued to this day, and I am still with it. It is a highly critical and desirable activity which crosses over many other committee lines and, in my judgment, cannot be done any other way.

But I wish to honor so much the work which Senator STEVENSON and Senator PACKWOOD have done that I appeal to my colleague and friend, Senator MCGOVERN, to find some way in which, given a reasonable period of time, the committee might be phased into this consolidation that he has in mind. I am not asking for that. I will still be with him, but I am making it as a suggestion. If that is done and sufficient time is afforded for that to be the case, then we will be trying, consistently with our obligations, to honor the concept of consolidation which is contained in this reorganization proposal.

Mr. MCGOVERN. Mr. President, will the Senator yield so I may respond to the Senator?

Mr. KENNEDY. I yield.

Mr. MCGOVERN. I think the Senator's point is well taken. If I could only suggest this procedure, that we move ahead with the debate tomorrow on the function of the Nutrition Committee and keep open the question, as we sense the wishes of the Senate as a whole, as to whether the most feasible course is to press for an indefinite extension of the committee, as we did on the Aging Committee, or whether we should consider the possibility of a cutoff date of possibly a couple of years as a compromise. I have an open mind on that matter, but I hope that at least for the time being we could simply pursue the question of whether we need the select committee to continue its work, looking at these dietary problems as they relate to health, looking at the question of whether maybe we need to change some of the production patterns in agriculture, whether we need to do something about the question of high fat content in the meat that we are producing in the country, and some of those questions that obviously reach into the jurisdiction of the Agriculture Committee but which also reach into the health care where the Senator from Massachusetts, Senator KENNEDY, has had primary jurisdiction as the chairman of that subcommittee. I think we need to explore those questions in open debate in the chamber. Then maybe at some point, if the Senator from New York will raise this question again, it might seem to be a wise thing for us to put a terminal date on the committee.

Mr. JAVITS. Mr. President, will the Senator yield for 1 additional minute?

Mr. KENNEDY. I am glad to yield the floor.

Mr. JAVITS. Do not yield the floor. Just yield 1 minute.

Mr. KENNEDY. All right, I yield 1 minute.

Mr. JAVITS. I add that if we are going to pass this on to another committee that committee ought to be receptive, ready, and have time to prepare for it, and we ought to have assurances on that score. Therefore, I thoroughly agree with the Senator and will abide by his suggestion.

Mr. MCGOVERN. All right. I thank the Senator from New York. I am extremely grateful for the work he did

on this committee in the early years when it was so difficult to get the attention of the country or Congress on this problem of nutrition. Now more and more people are becoming aware of it, thanks to the work of the Senator from New York and the Senator from Illinois (Mr. PERCY), and certainly the work that has been done by the Health Committee under the chairmanship of Senator KENNEDY.

Many Senators and staff people in the Senate have had an important role to play in this effort. It has been a bipartisan effort from the very beginning. Last year Senator DOLE and I took the lead in the Senate in a food stamp reform effort that was a very broad bipartisan effort. I hope that it is in that spirit that the debate can proceed tomorrow.

Mr. PERCY. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I will yield in a moment.

I thank the Senator from New York for his references to Senator Robert Kennedy. I remember the visits that he made through South Carolina and the States and we had strong support from many political leaders and others in those areas. The results of those hearings and the awakening of the conscience of both this body and the American people to a great extent were due to that trip, and were especially due to Senator MCGOVERN, Senator JAVITS, Senator PERCY, and Senator DOLE, who have made a very important contribution to the nutritional needs of the people of this country and the work of this committee.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I associate myself with the comments made by our distinguished colleague from Massachusetts. I really wish to address my comments to my distinguished colleague from Illinois.

As he knows, I testified before his committee and indicated that I would be very happy, in the spirit of accommodation, to give up the Committee on Nutrition and Human Needs, if it could be adequately provided for in other ways; the same thing is true on the Aging Committee and the same thing is true as to the Joint Economic Committee, all three committees on which I serve. But I did lay down certain standards that I felt had to be met.

With respect to the Committee on Nutrition and Human Needs, I do not know of another committee which has had to come before the Congress every single year and give a report card on everything it has done; which had to lay bare its whole soul and have an accountability to the Senate, as we have had year after year after year.

There was so much disturbance in the country, so many people were so dismayed at the thought of the attention being given to nutrition for the elderly, mothers, infants, that we simply were not able to fulfill what we had hoped would be a pledge which had been made by some members to have this committee go out of business.

Year after year this committee has had to justify itself on the basis of its accomplishments.

I would like to say to my colleague from Illinois, I do not know of any committee which has been more cost effective in what it has done. Programs for feeding the malnourished in this country were financed, to a great extent, out of the crop support and price support programs for farmers, when we were paying farmers, year after year—and had been for decades—billions of dollars for not growing crops.

What kind of a foolish policy could we have had if we continued that indefinitely?

We argued years ago that we ought to be setting aside funds to buy food for the malnourished for this country, infants, mothers, and elderly people, who become welfare cases, who, if they become sick, become public charges.

We have paid for half of the programs that we have had in the field of nutrition by simply cancelling out the programs for price supports we have been carrying on far too long. Thank heavens we have a policy now which encourages planting from fence post to fence post. We have developed not only enough food and fiber for our own people but we have also provided for sufficient exports to cover $22 billion in balance of trade payments from agricultural exports alone.

The report just published by this committee, on which we have been holding hearings for the last 2 days, I consider one of the most significant and important reports for 215 million Americans, not just the 50 million who somehow are touched by food and nutrition programs the Congress has enacted but by every single American. We are a Nation, for instance, of cardiovascular diseases that today are affecting the lives of 28 million Americans and taking 1 million lives a year and an increasing number of young people. Hardly anybody was afflicted with these diseases at the turn of the century.

These are the kinds of things and facts which have been brought out by this committee.

Our studies show that we know more about how to better feed chickens and cattle, and we know more about how to better feed hogs, through Government research, than we do human beings. We are really very light in the area of research on the human being. That emphasis has been placed by this committee in the definitive report which has just been published. I believe it should be a guidebook for every American. Everyone in this Chamber would benefit tremendously by that knowledge which has been published. The cost of the committee has been relatively small.

Two outstanding members, of the Agriculture Committee, Senator MCGOVERN and Senator DOLE, the only ones who serve on both, the Agriculture and Forestry Committee and the Nutrition and Human Needs Committee, know there is not adequate provision to have this work performed in the Committee on Agriculture and Forestry.

Mr. MCGOVERN. Senator HUMPHREY should be added to that list.

Mr. PERCY. That is correct. He has been one of the staunchest supporters for the continuation of this committee.

In talking with members of the Agriculture Committee, I stated that if the Agriculture and Forestry Committee would go out and do the kinds of pioneering work the members of this committee have done, I would be the first to give up part of the overburdened workload that some of us really have. But I have seen no real inclination of interest by the Agriculture Committee, and no evidence of desire to do so. Not a single hearing that I know of has been held on this subject by the committee.

Many times it appears to this Senator from Illinois that the Agriculture Committee would have great reservations about putting out some of the reports the Nutrition Committee has been able to publish. After all, there is the constituency they are serving—the beef producers, the dairy farmers, with some of them in Illinois, who are very reticent to have some of the material put out in these factual, scientifically based reports, reports which indicate the dietary habits of the American public are generally poor and are getting worse all the time.

When we talk about national health insurance, we are eating ourselves into a problem. We are eating improperly. Obesity is probably a greater killer than undernourishment in the malnourishment field, as testimony brought before our committee this morning indicates.

I would like to indicate to my colleague from Illinois, though I supported the Stevenson committee and really believe a magnificent job has been done by it in approaching the problems of the Senate, in trying to rationalize it. But I do not see how anyone today can say we are solving a problem when we take this kind of a function and put it some place we know is not now prepared for it.

There are members of the Agriculture Committee, I believe the chairman and the ranking Republican member, who would get ready and who would prepare. But they are not prepared today to undertake this task. As I understand it, they do not want the responsibility.

To walk away from this problem which affects the lives of 50 million Americans today, which affects the weak, the young, the old, and the ill-informed—and that goes for affluent Americans—and, by so doing, increase tremendously the health care costs of this country, would be the greatest abdication of responsibility in the name of reorganization that I have yet heard of in the Senate.

It makes no sense whatsoever.

I believe what we do has to make sense. This approach would not make sense. I intend to fight it right down to the end.

We must work out some accommodation, some accord, some understanding. The best I have been able to come up with so far is simply to continue the committee on a year-by-year basis, forcing the committee to come to the floor of the Senate and justify its existence based on what it did in the last 12 months. Let that report card show whether or not it has performed,

There is not a single member on that committee who did not want to serve on it, who has not been interested in it. Certain members have sought to get on that committee when they saw the kind of work that was being done.

Of all the committees on which I have served, no single committee has changed more my life style, my eating habits, and the habits of all those I can talk to and reach.

This morning, Good Morning America sought us out and wanted to broadcast live from our committee hearing. That is a very unusual procedure for them; usually we have to run down to the studio if we want to get a message across. But they came right here to room 1224 in the Dirksen Senate Office Building. We were in our chairs—Senator KENNEDY, Senator MCGOVERN, Senator DOLE, and myself—at 8:30, to tell the American public across this country the problems we are facing which have been revealed for the first time, in such a dramatic way, by this committee.

I appeal to my distinguished colleagues to find some basis to not just say, "In the reorganization plan, what we are going to do is wash our hands of this problem—by organization chart we will dump it over here, but in our hearts we know they are not going to do a thing with it."

That is not reorganization; that is shirking our responsibilities. I do not think that is justified by having a clean organization chart—I have seen a lot of bankrupt companies with beautiful organization charts. We would be a bankrupt Senate if we did not learn how to deal with this problem and not walk away from it. We have not found the solution yet. Until we do, I do not think we ought to give up on this particular point.

Mr. MCGOVERN. Will the Senator yield for just one moment to me?

Mr. PERCY. I yield the floor.

Mr. MCGOVERN. Mr. President, I do not see how the Senator could have stated the case any better. I hope every Senator will read his remarks in the RECORD overnight. If they read them and take them to heart, we are going to win this fight.

Mr. RIEGLE. Mr. President, I would like to comment briefly, having just listened to the remarks of the Senator from Illinois, which I want to associate myself with, because I think, although the hour is late and the Chamber is nearly empty, that the points that are being made now are profoundly important points about this decision on this particular select committee.

I want to say, if I may, to the junior Senator from Illinois (Mr. STEVENSON) that I have been very deeply impressed by watching his leadership and his efforts to try to steer through this body a reorganization plan that tries to strike some balance between a number of conflicting and competing points of view. I think he has done a brilliant job and I respect him for that.

I want to appeal directly to him on this particular issue, on the merits of the case, and on the effect on human beings of what is being talked about here. I think the hearings that took place today, that the senior Senator from Illinois (Mr. PERCY) just referred to, very clearly would not have taken place if we were operating under the old arrangement where work in this area would be done or not be done under the aegis of the full Committee on Agriculture. They in all likelihood would not have taken place. There is absolutely no guarantee, looking forward, that they would take place in the future, given the basic sense that we all have for the kind of attention this subject would get if this consolidation recommendation of the committee were to be accepted.

There is a built-in conflict of interest. The Committee on Agriculture has to worry about every kind of food production. If I am not mistaken, it is concerned also with the production of tobacco and sugar as well as beef, as well as a host of other products that it has to concern itself with. Considering the conflicts that are inherent in that, in terms of the effects of overuse of underuse, in some cases, and the public health and nutrition needs, it is obvious that one cannot be sure that the kind ow attention that ought to be given to these questions would necessarily be given by a committee whose basic purpose and function is agriculture and the production of agricultural products in this country.

The one thing that troubles me the most in terms of the reading and study that I have done in recent years is the fact that medical science has now established the fact that there is a direct relationship between malnutrition that is experienced when a woman is carrying an unborn child and the first months and years of that child's life, when, if the mother is undernourished or malnourished, permanent brain damage can occur. We all know if that takes place, there is no remedy that anybody knows about now to correct that difficulty.

The thing that pains me is we have seen actions taken here by certain groups, certain organizations, with a legitimate interest that relates to other parts of this reorganization plan. They have come on with great strength—the veterans have. I support the fact that they have. The small business people have, and I support the fact that they have. But we all know, and I think the Senator from Illinois knows that if we are talking about somebody, whether it is an expectant mother, an unborn child, or an infant who may be 3 or 4 months old, or if we are talking about a migrant child in this country, there is no way they can petition us now to really protect their interests on this subject.

The fact that this committee was formed to deal with that purpose, the fact that it has done exceedingly good work and is generally recognized by everyone to have demonstrated over a period of time that it can be effective in what it does, and the fact that senior Senators, like the ones we have just heard from who serve on that committee, feel so deeply about it from their own personal perspective—to back off in the name of reorganization, in the name of reform, in the name of consolidation, deeply troubles me.

I want to say this as well: I saw the headline in the Washington Post today and I thought it was an unfortunate headline, suggesting that because the Committee on Aging was preserved as is, somehow this is a defeat for reform and somehow, by inference, it would reflect badly on those who have engineered this reform plan, the Senator from Illinois and the chairman of the Committee on Rules. I know how headlines like that have a tendency to harden people into not wanting to give any ground at all, because of the domino theory, thinking in terms of, if you change here, you have to change there also, and so forth. I do not want to be intimidated by headline writers or anybody else with respect to the case-by-case analysis that has to go on.

The effort to keep the Post Office Committee was not successful today. The effort with the Committee on Aging yesterday was successful. The thing that I am concerned about most is making sure that we have the capacity to meet a legitimate national need.

We are able to do it now. I have not heard the Senator from Illinois or the Senator from Nevada, who is not on the floor, give any guarantee that we can do that in the future if this consolidation takes place with respect to this particular select committee.

The fact that we are talking about a constituency out there that is not organized, that cannot speak for itself or fight for itself, troubles me deeply. To pigeonhole things and say it has to be done in the name of reform just does not make sense. I do not think that washes.

I hope that tomorrow, when more of us are here and we have the chance to debate this issue, we can go into the history of the record, but only insofar as it bears on the future, because I have not heard one person in private conversation or public conversation say he feels comfortable in giving a guarantee that these functions would be done in the same fashion or done as well in the future under the consolidated basis. I have not heard the Senator from Illinois say that, I have not heard the chairman of the Committee on Rules say that, I have not heard anybody say that. I think the reason I am not hearing that is that no one is under any illusion that it will be done as well on a consolidated basis.

I hope that tomorrow we can find some way to resolve this issue so that the people who are injured are not the ones who are out across the country, whose interests are at stake, and who are not in a position to make their voices heard on this issue.

I yield the floor.

Mr. PELL. Mr. President, for the past month, the able and very hard working chairman of the Committee on Rules and Administration (Mr. CANNON) has occupied the hottest spot in the Senate as manager of Senate Resolution 4, the Senate committee systems reorganization amendments.

In conducting the Rules Committee hearings and markup sessions on this resolution, and in managing the resolution here on the floor, Senator CANNON has been the focal point for all of the contending forces, from within and with-

out the Senate, that hold strong and differing views on the Senate committee structure.

As the ranking Democratic member of the Rules Committee, I commend and congratulate Senator CANNON on the skill, patience, and leadership he has demonstrated in managing this sensitive and important reform of our Senate organization structure. Senator CANNON's own views on committee structure have not prevailed 100 percent in the Rules Committee or here on the floor of the Senate. But throughout the proceedings, Senator CANNON has been fair and forthright, and he has made a distinct contribution to the entire Senate through his hard work and leadership on reform of the committee structure.

I commend and congratulate the chairman of the Senate Committee on Rules and Administration.

Mr. NUNN. Mr. President, I want to congratulate my senior colleague, Senator TALMADGE, for his initiative in requiring that Senate committees consider the regulatory, economic, and paperwork impact of legislation which they report to the Senate for action, and I am pleased to be the cosponsor of his regulatory impact evaluation amendment to Senate Resolution 4.

As Senator TALMADGE has pointed out, the increasing amount of Federal regulations which are daily imposed upon our Nation's citizens is becoming intolerable. As a member of the Select Committee on Small Business, I am particularly aware of the impact these excessive regulations have on our Nation's businessmen, whose existence is already threatened by our current economic state and the severity of the energy crisis. Unless Congress acts quickly and effectively to cut the existing levels of paperwork and insure against their continual growth, I fear that we will either regulate small businesses out of business or smother them with paperwork.

It was for these reasons that I introduced the Paperwork Review and Limitation Act during the 94th Congress. This measure was designed to reduce the volume of Federal paperwork required of private individuals and businesses, and would have required all congressional committees to report on the paperwork impact of legislation they send before the Senate or the House of Representatives. The committees would also be required to report on the paperwork requirements of the Federal agencies under their respective jurisdictions. Finally, this bill would have restricted approval of reporting forms by the Office of Management and Budget to 1 year and provided that citizens need not submit any form when this approval has expired.

I intend to reintroduce this bill during the 95th Congress, and I am hopeful that it will receive the support of the Senate. It must be recognized, however, that Senator TALMADGE'S amendment is a noteworthy first step in the effort to require Congress to consider the practical burden imposed on the average American by programs which are laudable in theory. Far too often, this body is motivated by broad, well-meaning rhetoric without according sufficient study to the statute's hidden demands upon the smaller segments of our economy—the very people we purport to assist.

Therefore, Mr. President, I want to commend the senior Senator from Georgia for this amendment. I also want to pledge that I will not only work diligently to insure that its mandate is complied with, but also to continue my efforts to expand and broaden its purvue throughout our Federal Government.

SENATE RESOLUTION 4—COMMENTS ON CONTRIBUTIONS TO ITS LEGISLATIVE HISTORY MADE BY THE TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM

Mr. STEVENSON. Mr. President, the purpose of making this statement during the Senate's consideration of Senate Resolution 4 is to review briefly the legislative history of its major provisions except those relating to shifts in jurisdictions. In the order presented in its first report (S. Rept. No. 94–1395), I shall state the principal findings and recommendations of the Temporary Select Committee and comment on the amendments adopted by the Committee on Rules and Administration.

MANDATE AND PRIORITIES

Because certain of our commissions and omissions have become matters of some controversy, it would be well to restate our mandate and procedure. Section 2 of Senate Resolution 109, adopted on March 30, 1976, directed the select commitee to—

> Conduct a thorough study of the Senate committee system, the structure, jurisdiction, number, and optimum size of Senate committees, the number of subcommittees, committee rules and procedures, media coverage of meetings, staffing, and other committee facilities, and to make recommendations which promote optimum utilization of Senators' time, optimum effectiveness of committees in the creation and oversight of Federal programs, clear and consistent procedures for the referral of legislation falling within the jurisdiction of two or more committees, and workable methods for the regular review and revision of committee jurisdictions.

The scope is broad but the language is specific. We were to examine the committee structure as a whole, not to evaluate it in bits and pieces. To cite an obvious example, the number and size of committees are inseparable from the number of assignments allowed each Senator. One cannot reduce the latter without corresponding reductions in the former. The select committee was to weigh all of these relationships and recommend a more effective committee system.

On the other hand, it was not our job to determine among other things whose power ought to be enhanced and whose diminished. We had no authority to reform the seniority system which governs standing in party conferences, seating in the Chamber, and allocation of office and parking space in addition to committee assignments, rankings, and chairmanships.

In addition, the short lifespan of the select committee, in relation to the prospective adjournment of the 94th Congress and the beginning of the 95th, compelled us to establish priorities among our assignments. For reasons that I have explained elsewhere, the committee decided in its first organizational meeting to study and report recommendations concerning the structure of the committee system before considering subsidiary and dependent questions. Such matters as internal committee procedures, staffing, facilities, and communications will be addressed in forthcoming hearings and reports.

Mr. President, the purpose and procedure of the select committee are elaborated in part I—Organization, Purpose, and Procedure of the Select Committee—of the committee's first report; and I include it at this point in the RECORD:

PART I. ORGANIZATION, PURPOSE AND PROCEDURE OF THE SELECT COMMITTEE

Senate Resolution 109, adopted on March 30, 1976, created the Temporary Select Committee to Study the Senate Committee System and directed it, among other assignments, to ". . . conduct a thorough study of the Senate committee system, the structure, jurisdiction, number and optimum size of Senate committees, the number of subcommittees . . ." and ". . . to make recommendations which promote optimum utilization of Senators' time, optimum effectiveness of committees in the creation and oversight of Federal programs, clear and consistent procedures for the referral of legislation falling within the jurisdiction of two or more committees, and workable methods for the regular review and revision of committee jurisdictions."

The resolution authorized the Committee to make interim reports and recommendations, but required it to submit a final report of findings and recommendations ". . . at the earlier practicable date, but not later than February 28, 1977."

The Senate last generally reorganized its committee system 30 years ago, in the Legislative Reorganization Act of 1946. That plan quickly grew out of date in the rapidly changing post-war world. The Senate approved piecemeal amendments to the Legislative Reorganization Act from time to time, and instituted major reforms in the Congressional Budget and Impoundment Control Act of 1974. But growing recognition of the inefficiency and ineffectiveness of the basic organization of the committee system led 58 Senators, as sponsors of Senate Resolution 109, to call for creation of the Select Committee. The Committee on Rules and Administration reported the resolution on March 30, 1976, and the Senate adopted it without objection on the following day.

Creation of the Committee late in the 94th Congress allowed only five months for the Committee's work between its organizational meeting on April 29 and the scheduled adjournment of the Congress. The Committee immediately made two procedural decisions:

To study and report recommedations concerning the structural organization of the Senate committee system before attempting to make recommendations on other questions;

To attempt to approve such structural recommendations prior to the adjournment of the 94th Congress, and to file a report on this aspect of its study by November 15.

The Committee adopted this plan of action for three compelling reasons. First, reaching agreement at the outset on basic principles for the organization of the Senate committee system would facilitate orderly discussion of other dependent elements such as staff,

facilities, internal committee procedures, scheduling, management of the system, planning of committee work, oversight, foresight, confirmation of Presidential appointments, media applications, and information gathering techniques. At its organizational meeting, the Committee directed the staff to initiate studies in some of these areas, but to concentrate on structural questions in the time available before adjournment.

Second, the Committee felt that the extremely difficult transition to a new committee structure could best be implemented by taking advantage of attrition in the Senate's membership and staff at the beginning of a new Congress.

Third, the Committee recognized that in the short time available, some Senators and other interested persons would find it impractical to study seriously a variety of complex optional plans, but would study a single set of specific recommendations.

The Committee based its recommendations on the information and analysis developed in 16 meetings, hearings, and "mark-up" sessions, and through staff studies, some of which were published in three staff reports.[1] That process was open and publicized, as documented by Appendix F of this report. It began with extensive interviews of Senate committee staff representatives separately designated by the chairman and ranking minority member of each committee. The Committee staff, with assistance from specialists in the Congressional Research Service, produced a comprehensive report on the structure of the committee system and all known proposals for reform thereof prior to public hearings which the Committee held in July. Thereafter, the Committee issued a second staff report analyzing three different "starting points" or models for structural organization of the committee system. That report served as the basis for public hearings in September. In the meantime, the Committee met several times to discuss these matters with Senators, staff, and other persons with relevant experience. A third staff report, compiled with the assistance of the General Accounting Office and the staff of each Senate standing committee, identified the subject and program responsibilities of each committee according to current practice. Immediately following its September hearings, the Committee held a series of nine "mark-up" sessions which culminated in the adoption of its recommendations on September 29. Senator Stevenson entered the recommendations in the Congressional Record of September 30. This report describes them in greater detail.

Also on September 30, the Senate by unanimous consent authorized the Committee to file this report, and the chairman and co-chairman to submit, prior to November 15, a Senate resolution incorporating the Select Committee's recommendations. The Senate further directed that the resolution be referred to the Committee on Rules and Administration. On October 15, Senator Stevenson and Senator Brock submitted Senate Resolution 586, which embodies the Committee's recommendations. The Committee determined that the best way to state the recommendations in sufficient detail to facilitate the work of the Rules Committee was to state them in the form of a resolution. The Committee informed the Chairman of the Committee on Rules and Administration of this procedure by letter. No assertion of legislative authority is intended.

[1] Those staff reports are: (1) The Senate Committee System: Jurisdictions, Referrals, Numbers and Sizes, and Limitations on Membership: July 1976, 224 pages. (2) Three Starting Points for Organization of the Senate Committee System: August 27, 1976, 102 pages. (3) Jurisdictions of Senate Committees Tested by Bill Referral Subjects and Programs: September 14, 1976, c. 800 pages. The Select Committee's July 1976. Hearings on Jurisdictions, Referrals, Numbers and Sizes, and Limitations on Membership, 314 pages, and its September 1976. Hearings on Three Starting Points for Organization of the Senate Committee System, c. 150 pages, include testimony, supplementary statements and staff studies.

FINDINGS

The select committee was impressed that many features of the committee system support the Senate's explicit constitutional duties and its political role in the federal system. Nevertheless, there emerged a consensus from our hearings, interviews, and staff studies that Senators have excessively heavy but unevenly distributed responsibilities, that there are too many committees and subcommittees, and that policy jurisdictions are extremely fragmented. These problems are exacerbated by lack of systematic scheduling and inadequate procedures for the multiple referral of legislation to committees.

The consequences of these circumstances for the Senate are uncoordinated policy, wasteful jurisdictional competition, excessive duplication of effort, proliferation of staff exercising greater authority, conflicts in meetings, unreasonable burdens on the executive branch and on citizens who seek access, inability to anticipate major problems, and committees and subcommittees that are unrepresentative of the whole. Individually, Senators are unable to do justice to their responsibilities and are thus severely handicapped in being either specialists or generalists.

The committee therefore concluded that the fundamental objectives of reorganization should be to reverse the proliferation of committees and subcommittees, to integrate subject jurisdictions, to align legislative and policy oversight authority, to balance the workload among committees as a check on the creation of even more committees, and to distribute work and leadership positions more equitably among Members. Because some inefficiencies inevitably remain, we also sought to devise procedures that will ameliorate them.

Mr. President, the general conclusions and objectives of the select committee are elaborated in part II—Principal Findings and Goals Underlying the Recommendations of its First Report. I include it at this point in the RECORD:

PART II. PRINCIPAL FINDINGS AND GOALS UNDERLYING THE RECOMMENDATIONS

The structural recommendations in this report are intended to reach three goals—which may also be stated as "findings"—for which the Committee discerned strong support. It derived them from the experience of its own members, the recommendations of other Senators, Representatives, Senate staff, lobbyists and government officials, staff studies and relevant literature. These major goals are:

1. The Senate should establish a committee system that is consistent with the Senate's unique constitutional responsibilities and characteristics while preserving the many elements of its present committee structure which have served it well.

2. The Senate should significantly reduce the wasteful demands on Members' time resulting from the large number of committee and subcommittee assignments now held by Senators.

3. The Senate should strengthen the committee system's ability to develop integrated legislation, perform comprehensive oversight, *and* reduce present wasteful demands on Senators' time, by consolidating subject jurisdictions in fewer committees while preserving acceptable levels of jurisdictional competition.

THE UNIQUE RESPONSIBILITIES AND CHARACTERISTICS OF THE SENATE

Despite the inefficiencies and fragmentation of the present committee system, the Committee finds considerable merit in its basic organization, leadership and traditions. The Committee, therefore, does not advocate that the Senate adopt reforms that would ignore the useful traditions and historic missions of Senate committees. The reorganization proposed by the Committee retains many committees which have venerable histories and traditional mandates which remain important in the modern world. Examples are the Committees on Foreign Relations, Judiciary, and Finance, all of which date from 1816, and were among the first legislative standing committees of the Senate. Moreover, in keeping with Senate traditions the Committee's recommendations on such matters as scheduling are designed to strengthen both committee and floor debate. The proliferation of committees and subcommittees has led to increasing conflict of committee meetings and hearings with meetings of the Senate, to the detriment of both. The Select Committee's proposals for more rational scheduling are intended to enhance both the traditional role of the Senate as a deliberative body and the effectiveness of its committee system.

The Constitution intended the Senate to perform unique functions in addition to those it shares with the House: to oversee American foreign relations and approve treaties, to advise and consent to major Presidential appointments, to represent broader interests through Senators' statewide constituencies, to debate complex issues thoroughly, and, under the protection of Senators' six year terms, to raise long term, even unpopular, policy questions. Yet the Senate's ability to perform these historic duties is eroded increasingly by the proliferation of committees and subcommittees (and Senators' assignments to them), the fragmentation of committee jurisdictions, and the very number and complexity of the issues on which the Congress must act.

A Senate committee system parallel to that of the House of Representatives may facilitate relations between the two bodies. Nevertheless, the Senate of only 100 members, with significantly different responsibilities and opportunities, cannot maintain a committee and subcommittee system modeled after a House of 435 members. In many important cases, the present committee systems are not parallel between the two bodies. Thus, despite the parallel structures established by the Legislative Reorganization Act of 1946, the Senate handles health legislation not related to revenue primarily through its Committee on Labor and Public Welfare, whereas the House through the Committee on Interstate and Foreign Commerce; for many years the Senate had no Veterans' Affairs Committee and handled veterans legislation through the Committees on Labor and Public Welfare, Finance and Armed Services; the Senate at present has no Science and Technology Committee, as does the House, but instead distributes responsibilities in this area among a number of standing committees; the Senate alone has a Select Committee on Intelligence Oversight; the Senate

Committee on Foreign Relations now handles international financial and monetary organizations, while the House refers such matters to the Committee on Banking, Currency and Housing; the Senate refers transportation matters to the Committees on Commerce, Banking, Housing and Urban Affairs, and Public Works, but the House assigns the Committee on Merchant Marine and Fisheries some of the same jurisdictions; the Senate handles clean air legislation in its Public Works Committee, the House in its Interstate and Foreign Commerce Committee; the Senate's version of the National Environmental Policy Act originated in the Interior Committee, but the House version came from the Committee on Merchant Marine and Fisheries; the Senate for thirty years has combined the responsibilities for Senate rules and procedures with those for internal administration under a single committee, Rules and Administration, while the House has maintained two separate committees.

Questions of independence aside, the Select Committee intends that the Senate strengthen opportunities for its members to be generalists, but not that it leave solely to the House of Representatives the responsibility for specialization. Rather, the Committee would increase the Senate's ability to formulate comprehensive policy, anticipate future problems, debate controversial ideas, and assure the proper execution of laws, while enhancing each Senator's opportunity to specialize selectively. As matters stand, the committee system handicaps Senators in both roles and the Senate in facing its broadest duties.

As the Co-chairman observed at the Committee's organizational meeting:

"If I can lay down one criterion that I have established for myself, it is to try to restore to the Senate its constitutionally described function of being the nation's generalist. We are not the House, and we have greatly overburdened ourselves for the last fifty years by trying to compete with the House, by trying to be specialists on every subject matter. And that isn't the role of the Senate. It wasn't how we were conceived of in the beginning and should not be our standard today.

"We were created to take the national overview, and to sit back and try to give the nation some sense of total perspective, and the thing that is missing in the Senate today is that we get caught up so often in these day-to-day debates without a national or a broad perspective, without an overview, or foresight capacity. The Senate can contribute something unique, and that is a sense of perspective, a broader view of the whole."

And as the Chairman stated when he described the Committee's recommendations to the Senate:

"Some people believe Senators should be specialists, devoting our attention to thorough review of a very few detailed matters. Others argue we should be generalists, ranging widely among the diverse issues that affect our States. We are neither. We are compartmentalists: we have sliced our daily routines into superficial fragments, and we have divided and subdivided large problems into a host of committee cubbyholes. It is no wonder that there is little consistency or coherence to what we do here. Do we have anything that could fairly be called a "policy" in such fields as energy conservation, environmental protection, or health care? If we do, it would be hard to find evidence of it in our fragmented committee system."

Proliferation of committees, subcommittees and assignments

Since it implemented the Legislative Reorganization Act of 1946, the Senate has restricted to five the net increase in the number of its committees. It had 26 committees in 1947 (including all standing, special, select and joint committees) and has 31 in 1976. But in the same period the Senate has vastly increased the number of its subcommittees. In 1947, the 15 standing committees of the Senate had 44 subcommittees. Today, the 18 standing committees have 140 subcommittees, an increase of more than 300 percent. Select, special and joint committees have added another 34 subcommittees for an overall total of 174. The House of Representatives, with a membership four and one-third times larger than the Senate's, has a nearly identical number of such panels: 33 committees and 180 subcommittees. The addition of committees and subcommittees obviously can bring benefits to the committee system: concentration of attention on new problems, greater capacity to consider the views of groups and individuals, expose of new ideas and initiatives, provision of investigative resources, and leadership opportunities for junior Senators. Nevertheless, the proliferation of committees and subcommittees levies costs on the system and its members; fragmentation of jurisdiction, uncoordinated public policy, wasteful jurisdictional competition, unnecessary duplication of effort, proliferation of staff, excessive exercise of authority by staff, unreasonable reporting burdens for the Executive branch, additional monitoring burdens for representatives of interest groups, conflicts in meetings of committees and subcommittees, and committees and subcommittees that are unrepresentative of the Senate as a whole.

It is however, on Senators themselves that the most striking cost of the excessive number of committees and subcommittees is levied. Proliferation of committee panels means proliferation in assignments held by Senators. And the burdens and frustrations of too many assignments, whatever the benefits, produce inefficient division of labor, uneven distribution of responsibility, conflicts in the scheduling of meetings, waste of Senators and staff time, unsystematic lawmaking and oversight, inadequate anticipation of major problems, and inadequate membership participation in committee decisions.

In 1947, Senators served, on an average of only 5 committees and subcommittees. By 1976, the average number of assignments had increased nearly fourfold, to 18 (4 committees and 14 subcommittees). Overall, including all standing, select, special and joint committees and subcommittees, and commissions, panels and boards, Senators now have, on the average, 20 assignments each.

During the course of the Committee's hearings, Senators' discontent with the proliferation of committees, subcommittees and assignments was a recurrent theme:

Senator Strom Thurmond:

"There are an increasing number of scheduling conflicts among subcommittees of one committee and subcommitttees of another committee. . . . On a busy day, it is not uncommon for me to have five or six subcommittee meetings scheduled for the same morning. Additionally, like other members of the Senate, I have concurrent responsibilities for floor debate, roll calls, meetings with agencies concerning oversight responsibilities, constituent duties, and other nonlegislative calendar items. Legislators who chair one or more subcommittees have an even greater burden on their time and energy."

Senator Hubert H. Humphrey:

"One of the great problems here in the work of the Senate is the incredible number of subcommittees to which members belong. Even the fact of the assignment to the subcommittee makes you feel a sense of responsibility and then all at once you feel the sense of futility, knowing that it is absolutely impossible to attend that many meetings—ths proliferation of subcommittees is primarily a matter of ego satisfaction, frankly, that we all think we have to be on subcommittees. It is my judgment that they have to be cut back, and cut back sharply."

"We obviously must, in the course of our work, reduce as much as possible the number of committees that exist in order to keep us from being spread too thin and to reduce the conflicts in scheduling that are a consequence of too many committees. We must also drastically reduce the number of subcommittees. We now have way too many of them."

Senator Wendell Ford:

"If we are not running all over the place, being 15, 20 minutes to an hour late to every committee that we are going to, if we don't have an opportunity to study legislation, we are to a point where we need to make some changes in individual responsibility, limitations of assignments, limitations on membership. It is humanly impossible to make all the committee meetings. They (Senators) may have the mental capacity and I congratulate them to know that, but I don't believe physically they can make all of these meetings."

Senator Barry Goldwater:

"I think it would be very worthwhile to just say, there are the committees and that is what we are going to have and we are not going to have any more subcommittees. All it takes is somebody to get up and enter a resolution for a subcommittee and off we go into the wild blue yonder."

Senator James Buckley:

"The Senate's committee system is often less than an effective instrument for the public's business. Legislation is often reported out by a subcommittee without the active participation of a substantial percentage of its members. It is then rubberstamped by the full committee and more often than not adopted as is by the Senate as a whole, often before the report on the bill is generally available. With the exception of headline-catching legislation about which most members must form positive opinions, there is an institutional tendency to assume that the relevant committee has done its job and that the resulting bill represents the informed judgment of members expert in the area of concern."

Senator William Hathaway:

"We are all well aware of the fact that once we get to be a subcommittee chairman, that subcommittee has a propensity to legislate on just about anything in order to justify its existence. It certainly clutters up our calendar with a lot of cats and dogs that should probably be eliminated."

Senator Bob Dole:

"We are so involved in running from one committee to the other, we don't have time often to get into the merits of the legislation."

Senator Patrick Leahy:

"I think that many of the problems that we have now are simply because we have had standing committees that don't necessarily reflect the problems of today's age; that have grown up so large and with so many subcommittees that they have to exist to justify their existence.

"They will go on as some of the others have stated; they will have legislation brought up simply because if they don't, either a taxpayer or a careless journalist may even ask the question of what they are doing; and for what purpose hundreds of thousands of dollars of the taxpayers' money are being spent.

"We may even reach the point where we ourselves might ask those questions and I think it would be a very good thing."

FRAGMENTATION OF JURISDICTIONS

Fragmented subject jurisdiction is perhaps the second most significant cost associated with the proliferation of committees and subcommittees. Not all the fragmentation, however, is a result of the proliferation. The

enormity and complexity of problems confronting the United States and the world and new demands made on government have contributed to fragmentation. Nevertheless, the creation of new committees and subcommittees has been an unsatisfactory response to the emergence of new problems.

The fragmentation of jurisdictions in major policy areas has reduced the effectiveness of the Senate in developing systematic, coordinated and comprehensive policies and oversight. Numerous witnesses at the Committee's hearings made this criticism. David Cohen, President of Common Cause, said:

"There is no point in the authorization process when competing energy programs are examined together, tough decisions made, and the resulting tradeoffs accomplished. Energy policy is never looked at as a whole.

"It is not surprising that some of the committees established 30 years ago have little or nothing to do while others are overburdened. And there are areas of public policy which do not fit logically into the present committee structure—health services, environmental concerns, energy.

"Since heightened public awareness about the energy crisis arose in the fall of 1973, the absence of any clear energy policy has been all too apparent. If there were not so many committees and subcommittees in the Senate with responsibility for some aspects of energy legislation, the Senate woud have been better equipped to deal forcefully and effectively with formidable problems involved."

In a letter to the Select Committee, ten members of the Senate Interior and Insular Affairs Committee noted:

"Obviously the formal statements of committee jurisdiction set forth in the Senate rules are obsolete and have little resemblance to the actual responsibilities of committees today. These statements do not reflect the emergence of the major new policy issues like energy and environment which, in recent years, have become a regular part of the Senate's business."

Senator Hubert Humphrey:

"A major barrier to be overcome, and to which this Select Committee's recommendations will be addressed, is the fragmentation of the committee and subcommittee system of Congress.

"During the 93rd Congress, over 1800 bills and resolutions dealing with food, agriculture, and nutrition were introduced. Yet less than half of these bills were referred to either the Senate Committee on Agriculture and Forestry or the House Committee on Agriculture."

Senator Barry Goldwater:

"Energy usually comes under the jurisdiction of five committees. The environment I think, comes under about nine committees, and I could go on and on. Needless to say, this piecemeal approach wastes a lot of time and energy. Think how long it has taken us to get a major legislation reported out. This perhaps should be our focal point on jurisdiction—mainly, national priorities."

Senator Pete V. Domenici:

"I am not fighting for the jurisdiction. But it is kind of a ridiculous management effort to have five experts on Public Works, send them all around the country to discuss recycling, conversion of solid waste to energy, conversion of various kinds of manure to it, only to find another committee already authorized $1.5 billion for loan guarantees. It just adds to the enormous management frustration."

Senator Bob Dole:

"The overlapping of functional categories, committees, and departments creates serious problems for effective evaluation and oversight of Government programs. It is very likely that this is one of the reasons that committees have not been practicing more enthusiastic, comprehensive, and effective oversight."

Some Senators do not agree that fragmentation of subject jurisdiction seriously impairs the formulation of coherent policy, or, conversely, that consolidation of jurisdictions in fewer committees and subcommittees will promote the formulation of comprehensive policy or the more timely enactment of laws. Tough and complex problems will remain tough and complex despite the structure of the committee system. What one Senator may see as inefficient fragmentation another may see as competition which generates new ideas and action by one committee when another is immobilized.

The Committee, while acknowledging the merit of both points of view, concludes that fragmentation in the Senate is excessive. Its recommendations strike a balance in most areas of policy between the excessive fragmentation which now exists and the total integration of jurisdictions along functional lines. The Committee seriously considered, in fact, a system in which jurisdictions would be consolidated in five "management" committees with broad functionally organized jurisdictions in defense and foreign policy, governmental resources, human resources, natural resources, and financial resources. It rejected this abstraction in favor of a limited consolidation of present jurisdictions and the reduction of committees and subcommittees.

The Committee believes that the fundamental thrust of any reorganization of the committee system should be the integration of subject jurisdictions. It desires, however, to preserve some checks and balances, creative overlap in jurisdictions, and open access of citizens to the lawmaking process. The committee system should promote the integration of national policy, but in any event, neat jurisdictional divisions along functional lines are not possible in an era of rapid change.

In our governmental system of checks and balances, disintegrative elements abound: the periodic election of Members of Congress by district and state; the presentation of citizen and group views to committees and at other points of access in the government; the presentation of agency and Executive branch views in committee; minority reports and individual views in committee reports; the independent views of Senators during floor debate; the views of majority and minority groups and of individuals in the committees of the House of Representatives; the independent views of Members of the House during floor consideration of conference reports; expression of OMB and agency views on Acts of Congress prior to Presidential approval; Presidential approvals or vetoes; administration of the laws by a separate branch of government; committee oversight of the execution of the laws; administration of many aspects of federal legislation by state and local governments; and review of the laws and the execution thereof by a separate judicial system, both at the federal and state level.

In other words, with all these elements of the system providing checks and balances, openness and opportunities for initiative, the Senate need not establish even more checks and balances within the committee system. To the contrary, it should insist on a greater measure of policy integration in its assignment of committee jurisdictions.

The Committee, therefore, recommends that the Senate create new comprehensive legislative jurisdictions for a number of policy areas most importantly, energy, environment, transportation and international economics—and clearly assign comprehensive oversight responsibilities for other policy fields. The recommended consolidations neither strifle creativity nor eliminate opportunities to express differing views on these subjects. Nor do they reduce the Senate's attention to the needs of constituencies such as small business and the elderly for which the Senate now has select or special committees. In fact, the consolidation of a temporary study committee with a reorganized major standing committee to which the Senate has assigned both legislative and comprehensive policy oversight jurisdictions will strengthen representation of these consitituencies. The Committee's plan retains balanced opportunities for committees, subcommittees, and individual Senators to examine complex national problems from different perspectives. Indeed, some of the Committee's proposals—for example, the creation of ad hoc committees with legislative jurisdiction and memberships drawn from relevant standing committees, or the joint referral of bills by motion—should encourage consideration of opposing perspectives in committee.

OTHER FINDINGS AND OBJECTIVES

The Committee's recommendations for structural change follow from other findings and objectives in addition to the principal goals. These additional objectives concern: the distribution of workload among committees, the distribution of work and leadership responsibility among Senators, multiple accountability of Executive branch officials, ability to anticipate major problems, scheduling, and referral of bills.

DISTRIBUTION OF WORKLOAD AMONG COMMITTEES

A further consequence of committee proliferation and jurisdictional fragmentation is the uneven distribution of legislative and oversight work among Senate committees. Some committees are major, some are minor; committees are grouped into three classes for assignment purposes. Some have broad legislative jurisdictions, some have less and some have none. Moreover, there is little uniformity in the sizes of committees. Committees range in size from 7 to 26 members, with little direct relationship between size and workload. The assignment system frequently penalizes junior Senators by placing them on the less interesting or less active committees. Some committees do not attract Senators as members, or the work fails to attract the interest of their members. Important groups, though they have a committee named in their behalf, do not always get an effective hearing.

Senator John Culver, in the July hearings, argued for "elimination of the distinction between major and minor committees" and establishment of "reasonably comparable workloads among the committees and . . . a better sharing of responsibility among individual Senators." Cochairman Bill Brock also recommended during hearings that the Senate abandon major and minor committees. Senator Dale Bumpers presented strong documentation of the disparate responsibilities and workloads among committees and subcommittees, as did also the staff of the Commission on the Operation of the Senate.

The Select Committee believes a system in which all committees do not have major responsibilities and nearly equal workload contribute to the proliferation of committees and subcommittees, and to the fragmentation of jurisdictions. Unless the Senate adopts equal workloads as an organizational principle, it cannot easily defend itself against the creation of weak new committees to serve limited constituencies or consider relatively narrow questions.

The Committee recognizes that quantitative comparisons of committee workload are imprecise. Counts of activity—bills referred, bills reported, hearings held, for example—tell little about the range of committee activity and nothing about the quality or significance of committee work. So while the Committee did review workload data, it does not use them as the basis for recommending

the consolidation of any committee or the transfer of any jurisdiction. It called primarily upon the experience of its members in designing a plan to eliminate major and minor distinctions and to set important responsibilities for each committee, consistent with its principal objectives of balanced consolidation of jurisdictions and significant reduction in the number of committees.

DISTRIBUTION OF WORK AND LEADERSHIP RESPONSIBILITIES AMONG SENATORS

A corollary of uneven distribution of work among committees is the unequal distribution of responsibility in committee work among Senators. In a letter to the Select Committee, Senator Jennings Randolph, Chairman of the Senate Public Works Committee, suggested that "limitation on the subcommittees which any Senator can chair would increase the interest and participation of more junior members in committee work."

In the July hearings, Senator Robert Morgan commented:

"There are some whom I can think of who chair very, very important committees in the Senate. The work of those committees is such that they could not possibly give adequate time to the business of other subcommittees. I see that happening "while I see bright, new, young, capable men in the Senate with almost no committee responsibilities."

Senator Morgan recommended that:

"The chairmanship of subcommittees be rather severely restricted to the extent that no person should hold more chairmanships than he can adequately handle."

Senator John Culver recommended:

"Reduction in the number of subcommittees but the widest spread of chairmanships of those which are established so that no one member would chair two before each had one."

Senator Strom Thurmond said:

"Some of these newer members stay around here for a long time and never get to be in any position of power. They are just as able as members who have been here for forty years."

The Committee recognizes that an untempered reduction in the number of committees and subcommittees and consolidation of jurisdictions could exacerbate this problem for some Senators. For this reason, as well as for the independent desirability of assuring equal opportunity, the Committee recommends strong and uniformly applied limitations on assignments and committee leadership positions. Such limitations, of course, would help implement the reduction in committees and subcommittees.

BURDENS IMPOSED BY THE COMMITTEE SYSTEM ON EXECUTIVE BRANCH OFFICIALS

Proliferation of committees and subcommittees and fragmentation of jurisdictions create difficulties for the Executive branch as well as for the Senate. Many Executive branch officials must "report" to a large number of Senate panels. Senators, outside observers, and Executive branch officials alike complained about this problem at the July hearings.

One Committee Member noted, "Mr. Zarb, the Energy Administrator, reports to 14 committees, one select committee, two joint committees, and 40 subcommittees in just the Senate." He also recalled:

"I have heard the Secretary of State, as well as others, complain, and very convincingly, about the extraordinary amount of time they have to spend preparing for and testifying before one committee after another in the Congress."

Senator John Culver gave critical testimony on the:

"Excessive demands on the executive to make congressional appearances, the redundancy of those appearances, and the proliferation of power centers to which they have to tip their hat all the time."

Roberts Seamans, Jr., Administrator of the Energy Research and Development Administration (ERDA), in a letter to the Committee, pointed out that the Congress reorganized and consolidated many energy R & D programs into a single agency, ERDA, but did not correspondingly consolidate jurisdictions of its committees. Required by law to "keep the appropriate congressional committees fully and currently informed," Dr. Seamans found such appropriate committees "amounted to 35 full committees and 75 subcommittees during the first session of the 94th Congress," before which "ERDA witnesses testified for 231 hours." He further noted that on a single bill in the complex energy research field, he may appear repeatedly before different committees in each house. Dr. Seamans named 16 full committees and 33 subcommittees to which he reports in the Senate, not counting three joint committees and eight subcommittees thereof. His conclusion is noteworthy:

"In addition to the time spent in testimony, the jurisdictional requirements of reporting to such a large number of committees tends to place my staff and myself at a comparative disadvantage in relation to agencies that report to fewer committees. This cannot help but reduce the time available for managing the agency."

ANTICIPATION OF MAJOR PROBLEMS; COMPREHENSIVE POLICYMAKING

The inability of the Senate to anticipate emerging problems received serious attention in hearings and staff studies. Senator John Culver stated, for example:

"If there is anything more woeful about congressional performance than its inability to properly conduct oversight, it is the total failure to significantly engage itself in a foresight activity. Increasingly, we find ourselves off course, lurching from crisis to crisis, making legislative judgments based on obsolete data and information."

David Cohen, President of Common Cause, commented:

"Just as a Senate committee should monitor the implementation of laws that have previously been approved, it is essential that each committee also consider the potential impact of future trends, conditions, and events on the subjects within its jurisdiction."

Senator Hubert H. Humphrey stated:

"I would urge that final recommendations by this committee to the Senate also take account of the serious need for comprehensive analysis and planning to assist legislative policymaking.

"A key problem confronting our Federal Government is the failure to plan, failure to analyze problems properly, failure to look ahead, failure to consider carefully the major impacts of proposed programs or enacted Federal policies. But it also is recognized that this process of Federal program evaluation in relation to stated objectives in initial authorizing legislation, is only part of the answer.

"Our basic problem in both the executive and legislative branches of the Federal Government is that we are institutionally and structurally unable to respond to research findings and to make policy decisions that cut horizontally across the vertical bureaucratic boundaries that separate individual Federal agencies, and across Congressional committee jurisdictions. And, we are not able to take a sufficiently long-term view of the impacts of our current decisions.

"Improving the process through which our Government formulates and carries out national growth and development policy—to focus on long-range policy and program questions and to estimate long-range impact of current decisions— . . . must be built into the reforms recommended in the Senate committee system."

The Committee agrees that greater foresight capacity is needed and concludes that this deficiency can be corrected in part by reducing the number of subcommittees, consolidating jurisdictions, and assigning comprehensive policy oversight responsibilities. Such structural reforms would encourage the integrated study of complex problems. They reduce the danger of foresight "falling between two stools," or, as in the Senate, among a dozen subcommittees. Of course, structure alone will not produce adequate anticipation or evaluation of problems. The Committee plans to report other recommendations concerning general committee responsibilities for oversight and foresight, internal committee procedures, and information gathering techniques which will augment Senate capabilities. It anticipates receiving relevant recommendations from the Advisory Committee on National Growth Policy Processes.[2]

Agenda-setting, scheduling, bill referrals

Senators and others also made suggestions regarding the setting of legislative agendas, the streamlining of scheduling, and the multiple referral of bills to two or more committees. For example, Senator William Roth stated in a letter: "I believe that in addition to setting budget priorities, Congress or its individual committees might also establish legislative priorities."

In his letter to the Committee, Senator Jennings Randolph noted:

"While some conflict of committee work is unavoidable as long as any Senator serves on more than one committee, a centralized system of establishing meeting times and rooms would be helpful."

Common Cause President David Cohen described the usefulness of multiple referrals to help manage the problem of overlapping jurisdictions. He also suggested streamlining the process and instituting controls over the scope and time frame of such referrals.

The Committee's recommendations implement some of these suggestions, described in Section III of this report. But the Committee emphasizes its belief that mere changes in scheduling and in procedures for the multiple referral of bills are inadequate. The central problems of the system are the proliferation of committees and subcommittees, fragmentation of jurisdictions, and the uneven distribution of workload.

In summary, the Committee finds there is no single "solution" to the very real inefficiencies of the Senate committee system. To make the committee system more effective, the Senate must preserve its considerable strengths and correct all its weaknesses: the proliferation of committees, subcommittees, and subcommittee assignments; the inequitable distribution of committee and subcommittee chairmanships; weak procedures for multiple referral of bills; scheduling conflicts among committees or subcommittees and Senate floor sessions; and the fragmented distribution of subject matter jurisdictions.

RECOMMENDATIONS

To achieve the objectives I have outlined, the select committee made the following recommendations:

COMMITTEES

We proposed to reduce the number of committees to 14 standing committees and one select committee. In the amend-

[2] The Advisory Committee on National Growth Policy Processes to the National Commission on Supplies and Shortages was created by Public Law 93-426 to develop recommendations for improving the Federal Government's policymaking process within the Executive and Legislative Branches. It plans to report such recommendations by the end of 1976.

ed resolution Senate Resolution 4, Senator PACKWOOD and I and other Senators introduced earlier this month, we designated one of the standing committees, Rules and Administration, as a leadership committee. The Governmental Affairs Committee was to make a recommendation as to the status of the Intelligence Committee after the 95th Congress. Functions of the present special, select, and joint committees were to be transferred to the 14 standing committees. Pending enactment of legislation to be reported by the appropriate standing committees, to terminate the joint committees, none would have legislative authority and vacancies would be filled from the membership of relevant standing committees. The committee provided for adjustments in committee sizes of up to two members to reflect changes in party ratios. It barred committees from reporting measures or amendments not within their jurisdictions.

The recommended committees and their sizes are listed in the following section of the committee's report:

COMMITTEES; JURISDICTIONS

The Committee recommends that the Senate reduce the number of its committees to 14 standing committees and one select committee having, as much as possible, equal workloads, and none designated as "major" or "minor." The Select Committee on Intelligence, which the Senate established only a few months ago, would continue its work in the 95th Congress. Before the 95th Congress adjourns, however, the Senate would consider the Governmental Affairs Committee's recommendation as to the future of the Intelligence Committee. The Committee recommends the transfer of the functions of all other present special, select and joint committees into 14 standing committees. Pending the enactment of joint resolutions to consolidate the functions of all joint committees into the standing committees, each Senator would be limited to one assignment on a joint committee, Intelligence, Budget, or any ad hoc committee. The Senate would not refer legislation to, or receive legislation from any joint committee. Vacancies on joint committees must be filled from the membership of relevant standing committees. The 15 committees and their sizes would be:

Agriculture and Small Business (15).
Appropriations (22).
Armed Services (15).
Banking, Housing, and Urban Affairs (15).
Budget (15).
Commerce, Science, and Transportation (17).
Energy and Natural Resources (17).
Environment and Public Works (15).
Finance (15).
Foreign Relations (15).
Governmental Affairs (15).
Human Resources (15).
Judiciary (15).
Rules, Administration, and Standards (9).
Select Intelligence (15).

The sizes listed may vary by one or two Members from Congress to Congress to satisfy party ratios.

Committees may not report measures or amendment on subjects outside their jurisdictions. To enforce this, Senators may raise points of order against committee amendments which contain important matter not within the committee's jurisdiction.

The Rules Committee amended Senate Resolution 4 to provide for 18 standing committees and two joint committees, whose titles and normal sizes are as follows:

Agriculture, Nutrition and Forestry	16
Appropriations	24
Armed Services	16
Banking, Housing and Urban Affairs	15
Commerce, Science and Transportation	18
Energy and Natural Resources	17
Environment and Public Works	15
Finance	17
Foreign Relations	15
Governmental Affairs	19
Human Resources	16
Judiciary	15
Budget	16
Ethics	6
Intelligence	15
Rules and Administration	9
Small Business	14
Veterans	9
Joint Economic	10
Joint Taxation	5

The Small Business Committee is to be reduced from 14 to 9 members by the 96th Congress. The Intelligence Committee is made permanent. In addition, the Rules Committee agreed to establish a five-member Temporary Select Committee on Indian Affairs during the 95th Congress, after which its jurisdiction would be transferred to the Committee on Human Resources. The appropriate standing committees are required to report legislation terminating the authority of the Joint Committee on Atomic Energy, the Joint Committee on Congressional Operations, and the Joint Committee on Defense Production and to report recommendations with respect to the Joint Committees on Printing and on the Library. In the meantime, no legislation would be referred to or reported by the Joint Committee on Atomic Energy; and joint committee vacancies will be filled in the manner originally proposed. The prohibition on committee amendments outside its jurisdiction, enforceable by a point of order, remains, as does the maximum increase in the size of standing committees to accommodate changes in party ratios.

LIMITATIONS ON ASSIGNMENTS

The select committee recommended that each Senator serve on two but not more than two standing committees; not more than one special, select, joint, or ad hoc committee; not more than two subcommittees of each of his standing committees; and not more than one subcommittee on his third committee. Service on the Budget Committee or the Select Intelligence Committee would have constituted a third committee assignment precluding membership on any other joint, special, select, or ad hoc committee. In Senate Resolution 4 as introduced we proposed that membership on the Rules Committee also be considered a third assignment. Ex officio memberships on the Appropriations Committee would be abolished. These recommendations are outlined in the following section of the committee's report:

LIMITATIONS ON ASSIGNMENTS

The Select Committee recommends that Senators serve on two standing committees, but no more than two, and be limited to service on no more than one special, select, joint or ad hoc committee. During the 95th Congress, Senators could hold assignments on the Budget Committee or Select Intelligence Committee in addition to assignments on two standing committees, but such Senators would not serve on any other standing, joint, special, select or ad hoc committee.

No Senator would serve on more than two subcommittees on each of his standing committees, on more than one subcommittee on his third committee, or, thus, on more than five subcommittees in all.

Furthermore, the Committee recommends repeal of paragraph 6 of Rule XVI, which permits ex officio membership on the Committee on Appropriations. Currently, nine committees—Agriculture and Forestry, Post Office and Civil Service, Armed Service, District of Columbia, Public Works, Foreign Relations, the Senate members of the Joint Committee on Atomic Energy, Aeronautical and Space Sciences, and Finance—are entitled to name three members each to sit ex officio with Appropriations during consideration of certain appropriations measures. In addition to questions about the equity of and need to continue this decades-old committee reform compromise, it is important wherever possible to reduce extra committee assignments that Senators may better conserve their time and concentration. Therefore, the Committee recommends the elimination of ex officio membership of Appropriations, rather than extension of such membership to all standing committees.

The Select Committee did not study the approximately 200 assignments of Senators to boards and commissions. The proliferation of assignments on commissions and boards is a part of the overall problem of too many panels and too many assignments. In some cases such service costs Senators as much or more time as do committee assignments. Senate representation on boards and commissions is desirable nonetheless.

Inasmuch as such service usually is topical and temporary, the Committee makes no specific recommendations to govern such service, but requests the Senate leadership to distribute such assignments evenly among Senators, in the spirit of these recommendations generally. Furthermore, the Senate should exercise restraint in approving future proposals for the service of Senators on such bodies. The fact that Representatives serve on such a body is not sufficient reason to require the service thereon of an equal number of Senators. Also, the Committee notes that one board in particular—the Technology Assessment Board—uniquely composed of Senators and Representatives, has some similarity to a joint committee, but chiefly performs management functions. With the consolidation of science and technology jurisdiction in a new Committee on Commerce, Science, and Transportation, the Senate may wish to consider whether this Board should be treated as a committee in the proposed reorganization.

The Rules Committee made several changes in the provisions of Senate Resolution 4 relating to committee assignments. Each Senator will serve on two major standing committees and not more than one committee among Intelligence, Small Business, Veterans, Joint Economic, Joint Taxation, and Rules and Administration. For the 95th Congress, the Budget Committee is considered a third committee for continuing members and a second major standing committee assignment for new members; thereafter service will count as one of two major committee assignments for all members. The new Committee on Ethics, whose members will serve staggered 6-year terms, is exempt from these limitations, as is the Temporary Indian Affairs Committee. Three grandfathered Senators now serving on three major standing committees would be permitted to retain those committees.

The chairman and ranking minority

members of the consolidated District of Columbia and Post Office and Civil Service Committees would be allowed to serve on the Governmental Affairs Committee in addition to two other major committee assignments so long as they remain in continuous service on Governmental Affairs. In rare cases, should a narrow party majority in the Senate make it impossible to insure majority control of all standing committees under the two-committee limitation, a new provision permits relaxation of the rule, but only temporarily. An exception is provided for the chairman and members of the Joint Library and Joint Printing and Joint Taxation Committees, who are required to be also members of the Rules Committee, but each Senator may not serve on any other joint, special, or select committee.

The Rules Committee also amended the subcommittee assignment provisions, with the consequence that in most cases Senators may serve on a maximum of eight subcommittees rather than five, as proposed by the select committee. Each Senator would be limited to membership on three subcommittees of each major standing committee and the Budget Committee and two subcommittees of Intelligence, Small Business, Veterans, Joint Economic, Joint Taxation, and Rules and Administration. The Committees on Appropriations, Ethics, and Indian Affairs, however, are exempt from subcommittee limitations. Committee chairmen may serve ex officio members of all subcommittees of their committees, as the select committee proposed, but it is stipulated that they may not vote. Finally, the Rules Committee concurs with the select committee's recommendation to repeal the provision of rule XVI permitting ex officio membership on certain appropriations subcommittees.

CHAIRMANSHIPS

The select committee recommended that a Senator be limited to one committee chairmanship of any kind and to no more than one subcommittee chairmanship on each of the committees on which he serves and that the minority party follow the same principle in designating ranking minority positions:

CHAIRMANSHIPS

The Select Committee recommends that a Senator be limited to no more than one committee chairmanship, whether it be standing, select, special, joint or ad hoc, and to no more than one subcommittee chairmanship on each committee on which he serves.

The Committee recognizes that the parties—under party rules or tradition, not Senate rules—set limits on the ranking minority positions a Senator may hold on committees and subcommittees. It recommends the minority party apply to its committee leadership positions the same principles that the Senate and majority party apply to chairmanships, but does not recommend such a requirement be stated in Senate Rules.

SUBCOMMITTEE NUMBERS

The select committee decided to reduce the number of subcommittees indirectly rather than to specify an inflexible number for each committee or set an absolute maximum for all committees. We provided, however, that new committee subunits, whether subcommittees, task forces, special subcommittees, or panels could be created only by resolution of the Senate. The practical effect of reducing the number of committees to 15 and imposing assignment and chairmanship limitations would have been to reduce the present 174 subcommittees to approximately 100, as explained in the following section of the committee's report:

SUBCOMMITTEE NUMBERS

The Committee recommends an immediate and substantial reduction in the present number of subcommittees and continued restrictions on the number allowed. It does not, however, set a maximum number for each committee or for the system as a whole. It recommends that each committee, within flexible restrictions, set the number and sizes for the subcommittees it needs.

The Committee's recommendation would reduce the number of subcommittees by: (1) reducing the number of full committees from 31 to 15; (2) requiring each Senator to serve on two, and no more than two, standing committees; (3) permitting each Senator one additional committee assignment, but not on a standing committee; (4) limiting each Senator to no more than five subcommittee assignments—two on each standing committee of which he is a member and one on a "third" committee; and (5) limiting each Senator to no more than one subcommittee chairmanship on each of his committees.

The practical effect of these limitations, lacking unusual efforts to circumvent them, would be to reduce the present 174 subcommittees to approximately 100. If the majority party held 62 seats, a maximum of 124 subcommittees of standing committees may be formed. But if each standing committee appointed a maximum number of subcommittees with an average membership of five, only 81 standing subcommittees would be created. Some committees would not create the maximum number of subcommittees, judging from current practice, and all committees would be likely to vary their subcommittees' sizes. Table 1 states a likely distribution of subcommittees under the Committee's recommendations, using for illustrative purposes the party ratio in the 94th Congress. The same ratio is expected in the 95th Congress. Committee sizes are those recommended by the Committee with ratios on committees calculated to comply with the overall party ratio; the actual committee sizes and ratios might vary somewhat in a given Congress. The table takes account of only the two "third" committees that it recommends be retained. Additional ad hoc, special, select or joint committees could be retained or created by the Senate, providing up to 70 additional assignments and perhaps as many as 15 additional subcommittees with an average size of five. The table is based on the Committee's recommendations for the 95th Congress, which place the Budget Committee in the "third" non-standing committee assignment category. In the 94th Congress, the Senate has 174 subcommittees, 140 of standing committees and 34 of special, select, and joint committees. The current average size of Senate subcommittees is 7.8.

TABLE 1

Committee	Party ratio (94th Cong.)			Number subcommittee slots (2 times committee size)	Maximum number of subcommittees	Number of subcommittees with average size of 5
	Total	Democrats	Republicans			
Agriculture and Small Business	15	9	6	30	9	6
Appropriations	22	14	8	44	14	9
Armed Services	15	9	6	30	9	6
Banking, Housing, and Urban Affairs	15	9	6	30	9	6
Commerce, Science, and Transportation	17	11	6	34	11	7
Energy and Natural Resources	17	11	6	34	11	7
Environment and Public Works	15	9	6	30	9	6
Finance	15	9	6	30	9	6
Foreign Relations	15	9	6	30	9	6
Governmental Affairs	15	9	6	30	9	6
Human Resources	15	10	5	30	10	6
Judiciary	15	9	6	30	9	6
Rules, Administration, and Standards	9	6	3	18	6	4
Subtotal	200	124	76	200	124	81
Budget	15	9	6	30	9	6
Select Intelligence	15	10	5	15	10	3
Overall total				245	143	90

The Rules Committee increased the number of allowable subcommittee assignments to three on each "paragraph 2." committee and two on the Senator's "paragraph 3.a or 3.b" committee. In practice, these limitations, the chairmanship limitations, and the exceptions thereto, probably will result in about 110–120 subcommittees of standing committees—instead of 140 in the last Congress and 10–20 subcommittees of other committees—instead of 34 in the last Congress. The Rules Committee adopted the provision requiring all subunits of committees to be designated subcommittees unless the Senate by resolution authorizes otherwise.

BILL REFERRAL PROCEDURES

To facilitate multiple referral of bills, possibly with instructions, the Select Committee proposed to give the joint leadership new authority as explained in the committee's report:

BILL REFERRAL PROCEDURES

The Committee recommends that the joint leadership have the responsibility to propose, if necessary, motions for the multiple referral of bills, jointly or sequentially, in whole or in part, to two or more committees. Such motions may include instructions to report by a time-certain or describing other procedures.

The Rules Committee has retained this provision, including the provisions in Senate Resolution 4, as introduced, for advance notice in the CONGRESSIONAL RECORD and privileged status for such a motion with debate limited to 2 hours. Amendments may be made only to change the instructions. This provision adds to the Rules of the Senate the present procedures for the referral of

legislation now stated in section 137 of the Legislative Reorganization Act of 1946.

AD HOC COMMITTEES

The Select Committee recommended that the joint leadership also have authority to introduce a resolution creating temporary ad hoc legislative committees to consider major issues cutting across two or more committees' jurisdictions. The report states:

AD HOC COMMITTEES

The Committee recommends that the joint leadership have the responsibility to propose by resolution the creation of ad hoc committees with legislative authority for new or complex subjects that cut across the jurisdictions of standing committees. It also authorizes the leaders to appoint the members thereof after consultation with the chairman of the committees whose jurisdiction is involved. Such ad hoc committees may exist only during the Congress in which they are established, and are subject to the assignment limitations for "third" committees.

The Rules Committee voted to delete this provision altogether from Senate Resolution 4, but did so without prejudice and invited an additional report from the Select Committee on this subject.

SCHEDULING SERVICE

The Select Committee made several recommendations intended to reduce conflicts among committee meetings and between committee meetings and floor proceedings. They included the establishment of a computerized scheduling service, a provision for two morning periods for committee meetings, postponement of recorded floor votes until 2 p.m., permission for committees to meet until 2 p.m. but not later without the consent of the two leaders, and advance scheduling of floor activities by the majority leader. These are described in the following sections of the committee's report:

SCHEDULING SERVICE

The Committee recommends that the Senate leadership and the Committee on Rules, Administration, and Standards establish a computer-assisted Senate Scheduling Service to receive and make available, on-line to the offices of Senators and Senate committees, the details of all scheduled committee hearings and meetings. The service would immediately record changes in the scheduling of committee and subcommittee meetings and hearings so the information is always current. Each committee would report immediately the scheduling or cancellation of any meeting, and would be encouraged to use the system when making scheduling decisions.

ALTERNATIVE TIME PERIODS FOR COMMITTEE MEETINGS

The Committee recommends that committees and subcommittees be required to schedule their sessions during one or both of two time periods each day. The first period would end at 11 a.m. The second would begin at 11 a.m. and end no later than 2 p.m. Committees and subcommittees would be permitted to meet during both time periods if they so informed the scheduling service in advance. The purpose of this provision is to open the possibility of more periods in which meetings may be held and to reduce conflicts among scheduled meetings by establishing commonly used time periods and a better source of information about potential conflicts.

POSTPONEMENT OF YEA AND NAY (RECORDED VOTES)

The Committee recommends that the Senate postpone until 2 p.m. or later all yea and nay votes requested and ordered during the early hours of each daily session unless, on a previous calendar day, it ordered otherwise by majority vote or unanimous consent. This proposal complements the committee meeting provision. Its purpose is to insure that committee sessions are not interrupted by yea and nay votes during the first two hours of a Senate session or before 2 p.m. If the Senate orders such votes, it must at least give advance notice to Members.

COMMITTEE MEETINGS DURING FLOOR SESSIONS

The Committee's recommendations would permit committees and subcommittees to meet during the first two hours of a daily session before 2 o'clock. Except for the Committees on Appropriations and Budget and committees of conference, no panel (including the Senate members of joint committees) would be permitted to meet after the conclusion of the first two hours and in no case after 2 p.m. unless the Majority Leader and Minority Leader or their designees grant permission to do so.

This recommendation complements the roll call recommendation. Its adoption would give committees more time in which to conduct their business without substantially affecting attendance or the conduct of business on the floor. This change would give committees assurance they may meet during the first two hours of a session but also assures all Senators that important floor business will not be delayed by committee meetings after 2 p.m. unless explicit permission from the joint leadership is granted and announced in advance.

ADVANCE SCHEDULING BY THE MAJORITY LEADER

The Majority Leader, in consultation with the Minority Leader and other Senators, has the prime responsibility to synchronize floor activities with committee sessions, to assure that related issues reach the floor in coordinated fashion, to provide advance notice to all Senators as to when legislation will be called up or roll call votes taken, to establish the recess schedule for each Congressional session, and otherwise facilitate efficient scheduling of business. In providing this and other management of the Senate's business, the Leader is guided by the rules, the availability of Senators, and the customs and practices of the Senate.

To supplement the recommendations which would make more time available for committee meetings and reduce the conflict among committee and floor sessions, the Committee recommends that the Senate assign further duties to the Majority Leader: To announce to the Senate, as far in advance as is practicable, the days on which he plans to have the Senate meet and the hours of the meetings, and to assure maximum time for committee meetings by not convening the Senate unnecessarily, or before the regularly prescribed time.

The Rules Committee approved the recommendations with respect to committee scheduling; namely, the creation of a scheduling service, the requirement that committees meet in one of both morning periods, and the permission for all committees to meet until 2 p.m. unless extended by the consent of the joint leadership.

However, the committee struck the provisions relating to the scheduling and advance notice of Senate floor business on the grounds they were inappropriately included in a resolution on committee reform.

CONTINUING REVIEW

The select committee recommended the majority and minority leaders to reexamine the committee system and report to the Senate every 2 years.

CONTINUING REVIEW

The Committee recommends the Majority Leader and Minority Leader have the responsibility to review the performance of the Senate committee system on a continuing basis, and to issue a report thereon, with recommendations, at the close of each Congress.

The Rules Committee gives this responsibility to the Committee on Rules and Administration, in consultation with the joint leadership.

TRANSFER OF SENATORS

The select committee recognized that committee assignments and transfers are the responsibilities of the two parties but sought to give some assurance to Senators deprived of leadership positions because of jurisdictional transfers or committee consolidations. It settled on language urging that party committees give such Senators "first and full consideration" in appointing Senators to the standing committees and "in establishing seniority of Senators on such standing committees." The select committee intended the latter phrase—"establishing seniority"—to apply only among newly appointed Senators, not in preference to Senators who carried over their service in the parent committee. This language and its rationale appear in part IV of the committee's report:

PART IV. TRANSITION QUESTIONS

The Committee calls for substantial changes—additions as well as subtractions—in the powers, duties, and staff of committees. Nonetheless, the Committee recommends the immediate implementation by the Senate of all elements of the proposed reorganization. It expects to make further recommendations before the 95th Congress convenes, but it presents in this report a basic structure, both workable and consistent with the practices of the Senate, which will achieve goals whereon Senators agree. Its presentation of this plan three full months before the convening of the 95th Congress, and in accord with its mandate from the Senate, permits time for adoption and implementation when the Senate organizes in 1977, taking advantage of the attrition which occurs among Senate Members and staff after the November election.

The impact which implementation of this report would have on each Senator will depend on his choices among alternative assignments, after assessing the new jurisdictions and composition of the committees on which he now serves or would like to fill a vacancy, in the context of the new limits on committee and subcommittee assignments and leadership positions. To illustrate its collective impact, however, if all present 100 Senators returned as Senators in the 95th Congress, nearly all would have to relinquish at least one committee or subcommittee assignment or chairmanship or would lose an assignment now held on one of the 16 committees recommended for consolidation in the recommended 14 standing committees.

Whether the impact of this plan generates the support of a majority will depend on its fairness and net benefits for all Senators and the public. Members of the Committee are particularly sensitive to this question of fairness and recommend action by the Senate, Senate leaders and party committees that

will continue each Senator's opportunity for committee work of substance and of consequence to himself and his constituents, and to have enough staff assistance to permit him to do his work effectively. The Committee has no authority to guarantee seniority rights of Senators. Nor does it have the authority or knowledge to devise a guarantee which meets the problem of each Senator without emasculating the committee reorganization plan or imposing unmanageable burdens on the party committees which make committee assignments.

Committee assignments and transfers of individual Senators, election of committee chairmen or ranking minority members, applications of seniority, and procedures for recommending such decisions to the Senate the the responsibilities of the respective parties. Traditionally, such matters have not been decided by the Senate rules. Moreover, assignment recommendations are complex, private, and individualized, requiring confidential knowledge of Senators' preferences and objectives. The Committee, therefore, believes that while the Senate cannot give specific advance assurances to each Senator, it can provide guidelines to the Democratic Conference, the Republican Conference, and their committees-on-committees. Such guidelines should assure all Senators fair treatment in the transition to a revised committee structure, recognizing that a few Senators will suffer losses for which redress shoula be provided. The Committee recommends adoption of the following provision:

"It is the sense of the Senate that in appointing Senators to the standing committees pursuant to the Standing Rules of the Senate (as amended by this resolution) and in establishing seniority of Senators on such standing committees, first and full consideration should be given to those Senators who, on October 1, 1976, were serving as chairmen and ranking minority members of standing committees whose jurisdictions are transferred to, or consolidated in, other standing committees and as chairmen and ranking minority members of select or special committees and subcommittees of standing committees whose jurisdictions and functions are so transferred or consolidated."

The purpose of the "first and full consideration" provision is to assure that, if possible, the expertise of Senators who held leadership positions would not be lost and that their rights would not be abrogated because of jurisdictional transfer or consolidation. Where transfers to consolidated committees are not possible or do not satisfactorily resolve these dislocations, the party committees making assignments would be expected to offer alternative choices in the usual manner. Such party committees would be urged to arrange understandings with the new committees to appropriately recognize a transferred Senator's former status as chairman or ranking minority member when determining the Senator's leadership position on the new committee.

This provision was adopted without change by the Rules Committee.

STAFF TRANSITION

In its first report, the select committee expressed concern about the rights of displaced committee staff members but reserved the question for further study:

STAFF TRANSITION

The Committee also is concerned about the rights of potentially dislocated Senators to staff, and the employment security of the staff persons themselves. Implementation of the Committee's recommendation would directly affect the staffs of four standing committees, four special or select committees, and seven joint committees. The standing committees are Aeronautical and Space Sciences, with a staff of 22; District of Columbia, with a staff of 14; Post Office and Civil Service, with a staff of 25; and Veterans' Affairs, with a staff of 31. The approximate total number of standing committee staff members thus affected is 92, including 36 professional staff members (28 majority and 8 minority), 21 S. Res. 60 personnel, and 35 clerical staff.

Select or special committees affected by the proposed changes are the Special Committee on Aging, with a staff of 27; Select Committee on Nutrition and Human Needs, with a staff of 15; the Select Committee on Small Business, with a staff of 38; and the Select Committee on Standards and Conduct, with a staff of two. These special and select committee staff members total 82. Of these, 41 are professional staff, 32 are employed by the majority and 9 by the minority, and 22 are S. Res. 60 personnel. The remaining 19 are clerical staff.

The joint committees that would be consolidated under the proposed changes include Atomic Energy, with a staff of 19 (5 professional and 14 clerical); Defense Production, with a staff of 8 (6 professional and 2 clerical); Congressional Operations, with a staff of 28 (8 professional and 20 clerical); Economic, with a staff of 40 (21 professional and 19 clerical); Internal Revenue Taxation, with a staff of 55 (34 professional and 21 clerical), and Printing, with a staff of 14 (6 professional and 8 clerical). The Joint Committee on the Library, which would also be terminated, has no committee staff. The total number of joint committee staff members affected is 164, 80 of whom are professional staff. The majority or minority status of joint committee staff persons is not readily apparent. Nor is the Senate or House origin of their employment. Thus, it is difficult to estimate the number of staff affected by displacement of a Senator. Another uncertainty is whether the House, if it agreed to Senate withdrawal from a joint committee, would retain that committee as a House body and continue to employ the staff. In any case, the number of staff affected in the first year of transition would be few, and probably limited to those cases in which an employing chairman or ranking member resigned.

Further, the plan calls for transfer to other committees of the jurisdictions of approximately 8 subcommittees, but none of these employs separate staff. Some full committee staff who work with these subcommittees may be affected.

In total, approximately 338 staff members of Senate standing, select, and special committees and of the joint committees of the Congress ultimately would be directly affected by these proposed changes in the Senate committee system. This represents approximately 25 percent of the total staff of Senate committees in the present Congress. But in the first year of transition, since joint committees will undergo further review, approximately 174 staff are affected, 13 percent of the total staff of Senate committees.

Reorganization may also affect, in addition to the committee-employed staff, as many as 54 persons employed through the provisions of Senate Resolution 60 to assist Senators in their work related to the 16 committees recommended for consolidation. Enforcement of assignment limitations may affect a few others.

Uncertainties about the choices Senators will make and attrition of both members and staff at the outset of a new Congress make it difficult to devise a recommendation for protection of Senators' staff rights and employee security.

The Committee therefore makes no specific recommendations on these subjects in this report. It has directed its staff to study these transitional problems along with issues of staffing generally. The Committee expects to report recommendations on these subjects before the beginning of the 95th Congress.

The Committee emphasizes that it does not anticipate that acceptance by the Senate of committee reorganization will result in immediate and drastic loss of staff positions to Senators or loss of jobs. It expects reorganization of the Senate committee system eventually will bring about considerable savings in Congressional spending by reducing the number of committees and subcommittees that must be staffed, housed and maintained. But the Select Committee expects such immediate savings will occur mainly through transfers and attrition.

This study was undertaken by the committee staff after the adjournment of the 94th Congress, and completed in December. In the resolution (S. Res. 4) Senator PACKWOOD and I introduced on January 5, we recommended a transition period extending to July 1, 1977, during which staff members of consolidated committees would be transferred at full pay to the committees receiving those jurisdictions—and staff displaced by subcommittee consolidation with a committee would also be retained—and following which any displaced staff members would be eligible for severance pay based on length of Government service. In addition, we proposed all Senators, except those already entitled to appoint committee staff, would retain their rights to the full Senate Resolution 60 allowance—of $113,226—equal to the allowance for three committees, even if they have only two committee assignments.

The Rules Committee adopted these recommendations while making technical changes in the language and reserving the severance pay provisions for further consideration. The committee also approved codification of current practice in the administration of Senate Resolution 60 funds with respect to reductions in a Senator's entitlements due to service as a chairman or ranking minority member or due to his appointment of committee staff to assist him in his committee work.

SUBCOMMITTEE ASSIGNMENTS

The Select Committee made no recommendations concerning the process of appointing Senators to subcommittees. The Rules Committee, however, adopted an amendment stating that it is the sense of the Senate that, in order of seniority, each committee member should receive one assignment and then, again in order of seniority, each member should receive a second assignment, and so forth until all assignments have been made.

MINORITY STAFFING

As I mentioned earlier in my statement, the select committee decided early on to postpone consideration of issues secondary to or dependent upon the overall structure of the committee system. Among them were the questions of committee staff size, composition, and allocation. The Rules Committee, nonetheless, examined the allocation of committee staff to the minority party and recommends that, upon the request of minority members, they receive one-third of committee staff funds and a compa-

rable share of space, facilities and equipment. To comply with such a request, a committee's budget will be adjusted over a 4-year period; but one-half of the adjustment is to be made in 2 years.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS JURISDICTION

Mr. RANDOLPH. Mr. President, there are several issues involving the jurisdiction of the Environment and Public Works Committee which should be clarified. The report of the Rules Committee does not make definite the jurisdictional responsibility of the committee in the areas of water resources, disaster relief, abolishment of Joint Committee on Atomic Energy. The report makes no reference to the jurisdiction over the Tennessee Valley Authority.

I wish to discuss with the able floor manager these issues.

Mr. CANNON. I will be happy to respond to any questions from the Senator from West Virginia (Mr. RANDOLPH).

DISASTER RELIEF

Mr. RANDOLPH. I call to the attention of the floor manager an issue of jurisdiction which the Rules Committee did not address. Authorization of the disaster relief program has been handled by the Public Works Committee since the first major comprehensive disaster act was written in 1970. What was the intention of the Rules Committee on this issue?

Mr. CANNON. The nature of the disaster relief activities are such that the function should most logically be located in the Environment and Public Works Committee. The program focuses on replacement of damaged public facilities and economic recovery activities. These are the types of activities which the committee will address after the reorganization. Jurisdictional assignment of disaster relief in the Environment and Public Works Committee would be proper.

HYDROPOWER

Mr. RANDOLPH. Under the jurisdictional plan established by the Rules Committee, hydroelectric power is assigned to the Energy and Natural Resources Committee. Retained by the Public Works Committee is responsibility for the civil works function of the Corps of Engineers. Many of the projects authorized for construction by the Corps are multipurpose in nature. They have many project features, only one of which may be hydropower. Mr. Chairman, was it the intention of the Rules Committee to split jurisdiction for authorization of such a project between the Environment and Public Works Committee and the Energy and Natural Resources Committee?

Mr. CANNON. I would respond by saying that it was the committee's intent to assign jurisdiction of the marketing, distribution, and regulation of power following construction to the Energy Committee. The committee did not believe that authorization of a single project could be split between two committees. Public Works would authorize the construction but should consult with the Energy Committee regarding the need for power in the region to be served by the facility.

Mr. RANDOLPH. I raise for consideration an additional jurisdictional area for the Committee on Public Works. Since the committee was formed in 1947, matters relating to the Tennessee Valley Authority have been handled by the Public Works Committee. The function of the Authority is development of the resources and economy of the Tennessee Valley.

The report of the select committee assigned this function to the Environment and Public Works Committee. The Rules Committee has not addressed this question directly in Senate Resolution 4. Retention of this jurisdiction by the Committee on Environment and Public Works is, therefore, continued under the jurisdictional assignment to the committee set forth in Senate Resolution 4.

I ask the floor manager, Mr. CANNON, if that was the intent of the Rules Committee as it reviewed jurisdictional matters?

Mr. CANNON. Yes, the Tennessee Valley Authority is certainly an element of the Committee on Environment and Public Works jurisdiction.

Mr. RANDOLPH. Mr. President, I would like to inquire of the managers of the bill regarding the jurisdiction over the Tennessee Valley Authority.

This agency has been under the jurisdiction of the Committee on Public Works since the committee was created in 1947. That jurisdiction is founded upon the fact that TVA is a regional development agency the prime mission of which is the development of the resources of the Tennessee River Valley. Public Works Committee, of course, retains both regional development and water resource jurisdiction.

The select committee's report affirms our jurisdiction over TVA, but the Rules Committee report is silent on the point.

I assume that this silence indicates the intention that the jurisdiction over TVA would remain with the Public Works Committee. Am I correct?

Mr. CANNON. The Senator is correct.

ABOLITION OF JAEC

Mr. RANDOLPH. Would the floor manager address the issue of abolition of the Joint Atomic Energy Committee for a moment. Section 201(d)1 of the resolution provides that the authorizing committees to which nuclear energy is assigned will report the legislation abolishing the joint committee. Should not the Environment and Public Works Committee be involved in such legislation?

Mr. CANNON. I agree with the chairman of the Public Works Committee, Mr. RANDOLPH, that the legislation to abolish the Joint Committee on Atomic Energy should also be reported by the Committee on Environment and Public Works.

Mr. RANDOLPH. I thank the chairman.

Mr. STEVENSON. Mr. President, the Congress is now an object of such scorn that even its efforts to render itself more competent to govern are scorned. The conventional wisdom has it that the Rules Committee emasculated the recommendations of the Select Committee on Committees. And the conventional cynicism permits little heed to what in fact has been done. The truth is that the Senate is moving to reform itself.

Each part of this resolution is a major reform. Such relatively small parts as the elimination of ex officio membership for certain favored committees on the Appropriations Committee have nettled the conscience of Members for as long as I have been here—and gone uncorrected. Such major parts as the creation of an Energy Committee are not yet within the reach of the other body—and will render this body competent for the first time to cope with the hard realities brought painfully to our attention by the hard winter.

The history of the Congress discloses no such restructuring of either body since the committee system was created in the early 19th century.

The Senate will never be a tidy, efficient institution of self-government. A certain amount of messiness is inherent and healthy in an institution which must reconcile all the conflicting interests in our pluralistic, fast-moving society, representing all people, and all States. This is not a for-profit corporation. Efficiency is not in itself an objective. We are not proposing an organization chart. The Senate has evolved over 200 years; it has its strengths as well as its weaknesses. It is a system one tinkers with respectfully.

Our possibilities are limited. Certainly reorganization will not guarantee sound public policy. It can only make it possible—or more likely. My own judgment after devoting some time to this necessary exercise is that the institution is basically sound. I am not aware of models elsewhere in the Nation or the world more deserving of emulation than the U.S. Senate. Its achievements and its strengths tend to be neglected, its faults highlighted. Like all institutions of American Government, it is the victim of attitudes created by the failures of Government. Those failures in recent years have been the failures of men, not institutions.

This is the most extensive reorganization ever acted upon by the Senate, but it is a modest proposal. Time and events have overtaken the Senate. The hull is sound, but it is encrusted by barnacles. We propose to remove them. And then our movement will depend upon the wind and the tide over which we in this effort can exercise little control.

The select committee found that members had too many committee assignments and consequently we proposed to reduce them. We found that work and responsibility were distributed unequally and unjustly among committees and members. And so we proposed to distribute them fairly and more equally. The select committee found that jurisdictional boundaries were out of keeping with the issues, so we proposed to realine them along basically functional lines, seeking to make comprehensive policymaking possible.

It is said now that our work was undone by the Rules Committee and that will be believed by those who want to believe it. But it is not true.

The select committee proposed 15 committees, the Rules Committee 21, as against the present 31. It retained the

Joint Economic Committee, as I recommended. It retained an independent, bipartisan Ethics Committee, as it should have. And it makes no great difference if the Joint Committees on Library, Printing, and Internal Revenue Taxation are retained, as the Rules Committee proposed. Those who are interested in this matter will look beyond such superficial and misleading numbers to see what in fact is being done. Senate committees are being reduced by a third.

The select committee proposed a limit of two subcommittees assignments for each Senator on each of his two major committees and one for each minor committee. The Rules Committee raised the limits to three and two, respectively, as I suggested. Total committee and subcommittee assignments would then be reduced from an average of 18 to about 10. This subcommittee limitation assures newly elected members a fair share of the assignments. It assures all members subcommittees of significance, and still gives committees the flexibility they need to cope with their newly enlarged responsibilities.

In some respects the Rules Committee improved upon the work of the select committee. In most respects, its changes accommodated Members and interests, doing no violence to our objectives. In some respects its changes did do violence to the objectives of reorganization. The amended resolution retains the Veterans and Small Business Committees. Americans who are veterans and small businessmen are among the stoutest supporters of a reorganized, more effective Senate. But the organizations which purport to represent them put their access to old pressure points and the comforts of the status quo first, and reorganization suffered a defeat. And yesterday the Senate voted to retain the Aging Committee—but a vastly changed Aging Committee. Its size will be reduced from 24 to 9, and members will be forced to choose one "third" committee, creating vacancies which will be filled by juniors. That was not a mortal blow. Reorganization has suffered only one other defeat of proportions similar to the retention of the Veterans, Aging, and Small Business Committees.

As part of the effort to rationalize jurisdictions, the select committee recommended a comprehensive transportation jurisdiction in the Commerce Committee. That jurisdiction was retained—but minus the authorizing jurisdictions for the construction of highways and mass transit systems. In that case, inertia and the interests of certain Members prevailed over the acknowledged need for committees that can fit together all the pieces of national policy on such complex, multifaceted subjects as transportation.

Mr. President, I could cite other disappointments and minor defeats, but those are the only actions which did any real violence to the objectives of reorganization. Any fair observer would set them alongside the improvements recommended by the Rules Committee—and look at the totality of this most unprecedented reformation.

Most Senators subordinated their interests to the welfare of the institution and the public. They are the unheralded heroes of this effort and will deserve the tributes if it succeeds.

Before embarking on a detailed account of the history which brought us to this point and the proposal itself, I caution the Members to beware of disturbing more parts of this delicately balanced system. It has already suffered some harm. More will be perceived as mortal—and could be. This chance may not come again; let us not lose it. Issues come and go, but this chance to leave an enduring mark upon the U.S. Senate is without precedent since its earliest days. So, I urge the Members to treat this body with care, lest one part be removed that turns out to be vital. All the parts are connected.

This is an unprecedented reform, but it is the minimal step toward the effective and responsive institution the Senate can be. I urge the Members to take it.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the Allen amendment having been tabled today and disposed of today, what is the status of the cloture motion that was offered prior to the vote on the motion to table the Allen amendment?

The PRESIDING OFFICER. It becomes nugatory.

ORDER FOR RECOGNITION OF SENATOR HART TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, Mr. HART be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. CRANSTON. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for the purpose only of inclusion in the RECORD of statements, bills, resolutions, petitions, and memorials, with no resolutions to come over under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 592—FEDERAL GRAIN STANDARDS ACT AMENDMENTS

Mr. DOLE. Mr. President, today I am introducing a bill to provide some important amendments to the U.S. Grain Standards Act of 1976. During the consideration of that legislation in 1976 I attempted to amend the legislation several times to prevent an "overkill" approach to what was known as a "grain inspection scandal."

I did accomplish some changes on the floor but several amendments were defeated by one or two votes. Subsequently, I was successful in obtaining some improvements in the joint conference committee in our efforts to prevent a Federal takeover of all grain inspection systems in the Nation. However, there were some other provisions which should have received more scrutiny as to their effect on our farmers and the grain industry as a whole. On January 18, I held a meeting with many of my constituents from Kansas and other interested people from several States and with officials of the Federal Grain Inspection Service. As a result of that meeting, I am introducing this bill today to correct and clarify two of the problem areas that have surfaced in recent weeks as the Federal Grain Inspection Service prepares to implement the provisions of the act. In addition, Senator HUDDLESTON, chairman of the Subcommittee on Agricultural Production, Marketing and Stabilization of Prices, has scheduled oversight hearings this Thursday and Friday to provide a closer examination of these issues.

My bill requires the Secretary of Agriculture to establish an advisory committee for the next 2 years to provide consultation to the Federal Grain Inspection Service at the U.S. Department of Agriculture in interpreting the provisions of the Grain Standards Act and in the promulgation of subsequent regulations. The advisory committee is to assure that the implementation will comply particularly with the stated objective of the Grain Standards Act that "grain may be marketed in an orderly and timely manner."

It is important that the normal flow and marketing of grain not be disrupted by the provisions of this act, for any such delay or disruption would result in increased costs and a resultant reduction in prices farmers would receive for their grain.

The particular problems this legislation addresses are:

The transfer of funding for Federal supervision of official inspection from appropriations to fees paid by the inspection agencies.

The requirement that all commercial elevators should keep, for 5 years, records of "purchases, sales, transportation, storage, weighing handling, treating, cleaning, drying, blending, and other processing."

TRANSFER OF FUNDING TO FEES

The bill passed last year provided that the funding for direct Federal supervision of official grain inspection should be paid through fees collected from official inspection agencies. It would seem that this provision was justified by assuming that the grain companies would absorb this cost. This is not true, as has been ably pointed out by many farmers and elevator operators throughout the Nation, for such fees are considered as normal operating costs by any elevator or grain company and merely add onto the margin they deduct from the price they pay farmers for their grain. Therefore, in my State of Kansas, under present proposals of the Federal Grain Inspection Service, these fees would take nearly $500,000—a half million dollars—from our Kansas grain farmers. The farmers are already paying for the official inspec-

tion and I feel that this supervisory fee should be borne by the Federal Government through appropriations.

RECORD-KEEPING

A provision contained in last year's bill would require that all commercial elevators—that would include every country elevator—would be required to keep complete and extremely detailed records of their operations for 5 years. My bill would amend this provision to require—

First, only the maintenance of records of purchases, sales, transportation, storage, weighing, and official inspection and official weighing of grain—which are the types of records kept by all elevators in the normal course of business—and

Second, such other grain processing records as the Administrator may prescribe as necessary to facilitate the administration of the act.

However, in conjunction with these requirements, my bill would also require that the Secretary of Agriculture review all recordkeeping requirements for grain elevator operators under the U.S. Grain Standards Act, the rules of the Commodity Credit Corporation, and the U.S. Warehouse Act. Based on his review, the Secretary would then be required to develop a single recordkeeping system that meets the requirements of the Commodity Credit Corporation and these acts, and which takes into account the varing sizes, complexity, and business purposes of grain elevators. In other words, instead of adding new and burdensome redtape requirement, my bill would force the Federal Government to simplify its rules and regulations and, I hope, actually reduce the number of records that need be kept.

Mr. President, I do not mean to imply that the Grain Inspection Act was inadequate or improper, but it is clear that, in the period since its passage, these problem areas have been identified. It is proper that this body move to correct the inequities before full implementation of the act over the next 2 years. I assure you that I shall work closely with Senator HUDDLESTON, chairman of the subcommittee with oversight of the Grain Standards Act, and my other colleagues on the Committee on Agriculture and Forestry to identify any additional areas of concern that may surface in the future.

Mr. President, I shall say very quickly that when we passed and when we amended the Grain Standards Act, we accomplished a great deal, but at the same time, we have since discovered that some mistakes were made, or at least, some questions have been raised and the amendments I am offering, along with Senators CLARK, TALMADGE, YOUNG, MCGOVERN, HUMPHREY, PEARSON, CURTIS, and HUDDLESTON, we believe would correct some of the problem areas.

The Senator from Kansas also states that, starting tomorrow morning, he will have hearings, chaired by the chairman of our subcommittee (Mr. HUDDLESTON) and if further changes are indicated, we shall so modify our amendments. It seems to this Senator that the changes incorporated in the amendments are necessary, they are worthwhile, and I hope that, following the hearings, immediate action will be taken by the full Committee on Agriculture and then by the Senate and the House.

I ask unanimous consent to have printed in the RECORD a summary of the provisions of the bill at the conclusion of my remarks, including a table indicating funding for inspection and grading of other commodities, and the bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to assure the normal movement of grain in an orderly and time manner, the Secretary of Agriculture shall establish, within 30 days after the effective date of this Act, a temporary advisory committee, consisting of not more than 7 members representing the interests of grain producers, consumers, and all segments of the grain industry including grain inspection and weighing agencies, to provide consultation and advice to the Administrator of the Federal Grain Inspection Service with respect to the implementation of the United States Grain Standards Act of 1976, as amended by this Act.

OPERATIONS OF THE ADVISORY COMMITTEE

SEC. 2. (a) The advisory committee shall be governed in full by the provisions of the Federal Advisory Committee Act, except as inconsistent with this section.

(b) The Secretary of Agriculture shall provide clerical assistance, staff personnel, and quarters to the advisory committee, adequate for the advisory committee to carry out its duties.

(c) Members of the advisory committee shall serve without compensation, if not otherwise officers or employees of the United States, except that members shall, while away from their homes or regular places of business in the performance of services under this Act, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5 of the United States Code.

(d) The advisory committee shall cease to exist at the expiration of two years proceeding its appointment.

SUPERVISION FEES

SEC. 3. (a) Section 7(j) of the United States Grain Standards Act (90 Stat. 2873–2874; 7 U.S.C. 79(j)) is amended by—

(1) repealing paragraph (2) thereof in its entirety; and

(2) striking out "(1)" immediately before the first sentence.

(b) Section 7A(1) of the United States Grain Standards Act (90 Stat. 2877; 7 U.S.C. 79a(1)) is amended by—

(1) repealing paragraph (2) in its entirety;

(2) striking "(1)" immediately before the first sentence.

(3) striking "except as otherwise provided in paragraph (2) of this subsection" and inserting in lieu thereof "except when the services related to weighing are performed by designated official agencies or by States under a delegation of authority".

(c) Section 21 of the United States Grain Standards Act (82 Stat. 769, as amended; 7 U.S.C. 87h) is amended by striking out "those Federal administrative and supervisory costs incurred within the Service's Washington office or not directly related to the official inspection or the provision of weighing services for grain", and by inserting in lieu thereof "Federal administrative and supervisory costs".

RECORDS

SEC. 4. (a) Section 12(d) of the United States Grain Standards Act (90 Stat. 2882; 7 U.S.C. 87a(d)) is amended to read as follows—

"(d)(1) Every State, political subdivision thereof, or person who is the owner or operator of a commercial grain elevator, warehouse, or other storage or handling facility or is engaged in the merchandising of grain other than as a producer, and who, at any time, has obtained or obtains official inspection or weighing services shall, within the five-year period thereafter, maintain

"(A) complete and accurate records of purchases, sales, transportation, storage, weighing, and official inspection and official weighing of grain; and

"(B) such other records of handling, treating, cleaning, drying, blending, or other processing of grain as the Administrator may prescribe, as necessary to facilitate the administration of this Act.

"(2) Every State, political subdivision thereof, or person required to maintain records under paragraph (1) of this subsection shall permit any authorized representative of the Secretary or the Administrator, at all reasonable times, to have access to, and to copy, such records and to have access to any grain elevator, warehouse, or other storage or handling facility used by such persons for handling grain.".

(b) The United States Secretary of Agriculture shall, within six months after the effective date of this Act,

(1) review the record-keeping requirements of the Commodity Credit Corporation and the provisions of the United States Warehouse Act, as amended, and the United States Grain Standards Act, as amended, relating to requirements for the maintenance of records, as such requirements or provisions apply to grain elevators, warehouses, or other storage or handling facilities for grain; and

(2) based on such review, establish a single system for record-keeping by such facilities, that will meet the requirements of the Commodity Credit Corporation and such Acts.

The Secretary of Agriculture shall take into account the varying sizes, complexity, and business purposes of the facilities, in making the study and establishing the record-keeping system.

SUMMARY OF PROVISIONS OF S. 592

This resolution would establish an advisory committee to provide consultation and advice to the Administrator of the Federal Grain Inspection Service (FGIS), and would amend the record-keeping requirements and repeal the supervision fee requirements of the United States Grain Standards Act.

1. The advisory committee would be composed of seven members from all segments of the grain industry, from farmers to consumers. The advisory committee would exist for two years, to consult with and advise the FGIS during the two-year period during which the 1976 amendments to the Grain Standards Act are being initially implemented. The advisory committee would address such matters as: the development of regulations under the Act, registration requirements for export elevators, conflicts of interests, supervision of weighing, the improvement of grain standards, and any other areas in which FGIS would benefit from its input. (Similar advisory committees were very effective during the initial implementation of the Act establishing the Commodity Futures Trading Commission.)

2. Federal fees for the supervision of State or private inspection and weighing agencies would be eliminated.

3. The record-keeping provision which applies to grain elevators which use inspection or weighing services under the Act,

would be amended to require that complete and accurate records be kept of purchases, sales, transportation, storage, weighing, and official inspections and official weighings. These are records that elevators generally keep in the normal course of business. Also, the Administrator of the FGIS could prescribe the keeping of other records concerning the processing of grain, as required to facilitate the administration of the Act.

However, the Secretary of Agriculture would be required to complete a study within six months after enactment of this Bill, that addresses the various record-keeping requirements of the Commodity Credit Corporation, the United States Warehouse Act, and the Grain Standards Act. The Secretary would be required to develop a single record-keeping system for use by grain elevators, that would be applicable to all three programs. Also, the system would be adaptable to individual elevators, based on their size, complexity, and business purposes.

EXPLANATION

Section 1 provides for the establishment of a temporary advisory committee to provide consultation and advice to the Administrator of the Federal Grain Inspection Service with respect to the implementation of the United States Grain Standards Act of 1976, in order to assure that orderly and timely movement of grain from the farmer to the consumer is facilitated by the new requirements of this Act.

The Committee would be composed of 7 members representing grain producers, consumers, and all segments of the grain industry, including grain inspection and weighing agencies. The Secretary would be required to appoint the Committee within 30 days after the effective date of this Act.

SECTION 2—OPERATIONS OF THE ADVISORY COMMITTEE

Section 2 provides that the Committee shall generally operate under the provisions of the Federal Advisory Committee Act.

The Secretary of Agriculture would provide the Committee with necessary clerical assistance, staff personnel, and quarters.

Members of the Committee would not receive any compensation for their work on the Committee, other than travel expenses.

The Committee would cease to exist at the expiration of two years proceeding its appointment.

SECTION 3—INSPECTION SUPERVISION FEES

Section 3 would repeal paragraph (2) of section 7(j) and paragraph (2) of section 7A(1) of the United States Grain Standards Act, which require that designated official inspection and weighing agencies and State agencies to which authority has been delegated for the performance of inspection and weighing at export port locations, pay fees to support the cost of direct Federal supervision of their activities.

This section would also amend section 21 of the United States Grain Standards Act, which provides for appropriations. The authorization for appropriations to cover administrative and supervisory costs would be expanded, in conjunction with the changes made in the Federal fee structures, to include all Federal administrative and supervisory costs.

SECTION 4—RECORDS

Section 4(a) of this bill would amend section 12(d) of the United States Grain Standards Act, which requires commercial grain elevator operators and grain merchandisers who use inspection or weighing services under the Act to keep certain types of records enumerated in the law, and gives the Secretary of Agriculture and the Administrator of the Federal Grain Inspection Service access to such records and the elevator facility.

The requirement for the maintenance of the enumerated types of records would be amended to require—

(1) the maintenance of records of purchases, sales, transportation, storage, weighing, and official inspection and official weighing of grain; and

(2) such other grain processing records as the Administrator may prescribe as necessary to facilitate the administration of the Act.

Section 4(b) of the bill would require the Secretary of Agriculture to review the record-keeping requirements for grain elevator operators, under the United States Warehouse Act, the rules of the Commodity Credit Corporation, and the United States Warehouse Act. Based on his review, the Secretary would be required to develop a single record-keeping system that meets the requirements of the Commodity Credit Corporation and these Acts, and which takes into account the varying sizes, complexity, and business purposes of grain elevators.

FUNDING FOR INSPECTION AND GRADING OF OTHER COMMODITIES

[In millions]

Commodity	From fees	From appropriations
Cotton	$0.2	$8
Tobacco	.8	5
Livestock	16.3	240
Fruits and vegetables	15.6	.6
Poultry	9.0	.03
Eggs	.2	5.5
Dairy	3.0	None
Grain:		
Grain, 1974	[1] 30	3.1
Projected fiscal year 1978	[2] 48	13
	[1] 20	
Effect of this bill	[2] 43	18
	[1] 20	(5.3)

[1] State and private.
[2] Federal.

Note: Also cost of Warehouse Administration Act if $2,500,000 all from appropriation.

Source: USDA AMS and FGIS.

THEODORE SORENSEN

Mr. HUDDLESTON. Mr. President, on January 17, the President's designee for the position of Director of Central Intelligence, Mr. Theodore Sorensen of New York, withdrew his name from consideration. Withdrawal came at the beginning of the hearings scheduled by the Select Committee of the Senate on Intelligence with responsibility for considering that nomination.

Following that rather dramatic and unexpected turn of events, there was naturally a rash of press reports attempting to describe the circumstances and the actions and motives of some members of the committee that led to Mr. Sorensen's withdrawal.

Virtually all of those press reports vastly overstated the conditions that actually existed. Some bordered on hysteria.

Today in the New York Times there appeared a story of some length prepared and written by a number of separate journalists which attempted to get the facts and tell the story as it actually happened.

I have read the story as a member of the select committee. I have talked to other members of the Select Committee on Intelligence who contributed to this story or are recorded in it.

We all agree generally it is a factual account of what actually happened, what various members of the committee did or said relating to this particular nomination.

I believe it goes a long way toward setting the record straight as far as this situation is concerned. I believe it is important that the misconceptions and the inaccuracies that had been presented to the American people following the withdrawal of Mr. Sorensen's name as a nominee for Director of Central Intelligence should be corrected.

I think it is important that the Senate itself understand what most members of the select committee felt was their responsibility in this matter.

Mr. President, I ask unanimous consent that the story that appeared today in the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE REJECTION OF SORENSEN: A DRAMA OF HUMAN FAILING

WASHINGTON, February 1.—President Carter's effort to install Theodore C. Sorensen as the Director of Central Intelligence was not blocked. It collapsed.

After his dramatic withdrawal—on Jan. 17 at the start of televised confirmation proceedings—Mr. Sorensen suggested and the conspiracy-conscious capital embraced the notion that militarists, spies, right-wing activists and partisan politicians had combined to prevent a liberal, pacifist critic of covert espionage tactics from undertaking institutional reform.

But a reconstruction of the events that led to the collapse of the nomination—a rare defeat for an incoming President—shows that it was instead a drama of narrower human dimensions.

REFLECTION ON CARTER

Involved were Mr. Sorensen's own reluctance to become the chief of the intelligence community, personality conflicts, timidity among Senate liberals and Democrats, and, above all misjudgments and an apparent failure of nerve by the new Administration.

To those involved in it, the episode said at least as much about the style and motives of the new President as it told about the nomination he scuttled.

Mr. Carter promised to select a Cabinet carefully and to consult extensively with the Democratic Congress. But he evidently selected Mr. Sorensen without a thorough inquiry into his background. Mr. Carter never spoke to the chairman of the Senate Select Committee on Intelligence, Senator Daniel J. Inouye of Hawaii, until the nomination was in trouble. Surprised by the extent of dissent the nomination generated among Senate Democrats, Mr. Carter never asked the Senators to put aside their doubts and support his nominee. Mr. Carter backed away from the nomination without consulting the Senate Democratic leader, Robert C. Byrd of West Virginia, about either the chances or desirability of a fight to confirm Mr. Sorensen.

Five days before he took office, the President told Mr. Sorensen it was "up to you" whether the embattled nominee should fight for confirmation.

But then the new President, anxious to avert a narrow, partisan victory or an outright defeat by Congress at the start of his Administration, guided Mr. Sorensen to a decision to abandon the contest. When the nominee's deliberations hinged on an accurate count of support among Senate Demo-

crats Mr. Carter gave Mr. Sorensen a tally that was incomplete and misleading. And he urged Mr. Sorensen to consult a confidant who, Mr. Carter knew, would likely counsel withdrawal.

Still nursing his wounded pride in the Virgin Islands until today, Theodore Chaiken Sorensen, 48-year-old former aide to Presidents Kennedy and Johnson, was described as being puzzled even now over what had happened to his nomination. What follows, based on interviews with more than 40 persons who were involved, including several who reconstructed key conversations but insisted on anonymity, is the account.

THE SELECTION

On Dec. 22, Senator Robert B. Morgan of North Carolina, a Democrat on the Senate Intelligence Committee, read a speculative account in The Washington Star that Mr. Sorensen would be named to direct the Central Intelligence Agency. When Frank Moore, Mr. Carter's assistant for congressional liaison, telephoned on another matter, Senator Morgan told the aide: "Lord, I'm glad you called. Don't appoint him to the C.I.A. job."

The Senator based his objection on a belief that Mr. Sorensen had not been candid with the intelligence committee when he testified that President Kennedy had been unaware of C.I.A. plots to assassinate Fidel Castro, the Cuban Prime Minister. The Senator said as much to Mr. Sorensen, who could not dissuade Mr. Morgan.

The Carter aide reassured Senator Morgan; "he's not going to be appointed," Mr. Moore told him.

That same day, Kenneth P. O'Donnell, a Boston business consultant who had been President Kennedy's appointments secretary, spoke by telephone to Greg Schneiders, a Carter assistant working at the transition offices in Americus, Ga.

Mr. Sorensen, protested his old colleague from the Kennedy White House, was a conscientious objector during the Korean war and would be in an untenable position dealing with military officers in the intelligence agencies. "They're not going to stand for it," Mr. O'Donnell said. "I don't want to see Carter get hurt by this."

ADVICE RELAYED TO CARTER

The conversation was interrupted by a call to Mr. Schneiders from Mr. Carter in nearby Plains. Coming back on the line with Mr. O'Donnell, Mr. Schneiders said he had passed the advice on to the President-elect.

The next day, Dec. 23, Mr. Carter announced the Sorensen nomination.

Most of the eight Democrats and seven Republicans on the Intelligence Committee, whose consent to the nomination was essential, were mystified. Mr. Carter's aides called the selection "unexpected." As recently as last week, few participants in the episode of the ill-fated nomination understood how and why Mr. Sorensen was chosen.

As an assistant to President Kennedy, he had been known as a brilliant speech writer and "chief of staff for ideas." As a New York City lawyer, he was a sometime adviser to political candidates, had raised campaign funds for Mr. Carter and had contributed ideas for speeches and the Presidential campaign debates. But he had a limited foreign policy background and no experience at managing large institutions.

The explanation for the choice lay in the contact Mr. Carter and his senior advisers had with Mr. Sorensen's keen intellect, in the new President's search for a gifted outsider to control the intelligence agencies—and in an accidental conversation.

SORENSEN'S COUNSEL SOUGHT

Jack H. Watson Jr., who planned Mr. Carter's transition and is now the President's Cabinet secretary, elicited Mr. Sorensen's advice in choosing Cabinet nominees. Among others Mr. Watson consulted was Richard H. Neustadt, the Harvard professor of government who had advised President Kennedy on Cabinet selection.

Mr. Watson's method was to determine the likely challenges confronting Cabinet-rank officials, decide what characteristics were appropriate to the task and, to illustrate the concept in a memorandum to Mr. Carter, name an individual familiar to the President-elect who would meet the criteria.

In his C.I.A. memo, he recommended that Mr. Carter choose an individual with intelligence of a "sharp, high level" who had "profound" personal and intellectual integrity, healthy skepticism and a perspective that would be fresh in the intelligence field. Mr. Watson discussed the characteristics one day with Mr. Neustadt.

"You know who's perfect?" The professor said. "Ted Sorensen."

To Mr. Watson the suggestion was so logical that he was surprised not to have thought of it. He used Mr. Sorensen's name as the illustration in the memo and turned it in to Mr. Carter shortly after the election.

DOUBTS ON SUITABILITY

Mr. Neustadt and others began contacting Mr. Sorensen to say they, too, had recommended him for the post. Mr. Sorensen, who had recommended David E. Bell of the Ford Foundation, told Mr. Neustadt the job was "full of snares and headaches," told Mr. Watson, "No, that's not the job for me," and told Senator Edward M. Kennedy he had grave doubts about his suitability.

On Dec. 15, confronted with a speculative newspaper account that he had been chosen, Mr. Sorensen telephoned Mr. Carter to say he would be willing to discuss the matter.

Three days later Mr. Sorensen stopped in Plains for the discussion. Mr. Carter asked if Mr. Sorensen would have any investments that would pose conflicts of interest and Mr. Sorensen said no. The conversation drifted to other areas, then suddenly the President-elect returned to the C.I.A. job.

"Well, I want you to do it," Mr. Carter said.

Mr. Sorensen was startled, having presumed that the Carter staff would take time to check his background and suitability for the sensitive position. But he made what he later described as a "lightning" calculation. Even though he had three times denied interest in the job to others, he told Mr. Carter: "Yes."

Mr. Sorensen returned to New York where, the following day, he was said to be surprised by an indication that his background had not been plumbed. Hamilton Jordan, one of Mr. Carter's senior assistants, telephoned to ask whether it was true that Mr. Sorensen had been a conscientious objector. For the first of many times the nominee explained that he had sought and received classification as a noncombatant but had never tried to avoid military service. Mr. Sorensen offered to suggest other matters in his personal history that could give rise to Senate concerns, but Mr. Jordan told him that was not necessary.

THE REACTION

To be sure, the Sorensen nomination was greteed icily on the political right. Senator Barry Goldwater, Republican of Arizona, refused to grant even the customary courtesy call by the nominee. Human Events, a conservative publication produced a negative answer to its rhetorical question, "Should a Conscientious Objector Be the New C.I.A. Chief?"

Senator Robert J. Dole, who was President Ford's running mate last fall, sampled sentiment among Republicans and urged on Jan. 8 that the nomination be withdrawn. Representative Lawrence P. McDonald, a Georgia Democrat, organized a Jan. 10 meeting of conservative opponents. Some former and retired intelligence officers spread word in friendly Senate quarters that, as one of them stated it, Mr. Sorensen would be "about as well-received at Langley," the C.I.A. headquarters, "as Sherman was in Atlanta."

Human Events would ultimately credit "diligent" conservative groups and Republican senators with having stirred the momentum that thwarted the nomination. Yet Frank McNamara of the American Conservative Union was pessimistic a week before the scheduled confirmation hearings that the opponents could muster more than five of the 15 Senators.

All that week the antagonists searched for a copy of an affidavit Mr. Sorensen had given the defense in the trial of Dr. Daniel Ellsberg and Anthony J. Russo Jr., who were accused of disclosing classified information—the so-called "Pentagon papers"—on United States involvement in Vietnam. The opponents thought it could be a rock setting off ripples in a pool. It was. But the document was found first by a Sorensen supporter, Senator Joseph R. Biden Jr., Democrat of Delaware.

Looking back on it, what astounded Mr. Carter's staff was that the opposition to Mr. Sorensen was not confined to the right. The discovery reflected the new Administration's naivete in assuming that Mr. Sorensen, as an articulate, intellectual, charter member in the Kennedy coterie, would be welcomed back into power.

If Mr. Carter's victory suggested the country had changed since the Democrats last reigned, Mr. Sorensen's reception among Senate liberals and Democrats demonstrated that Congress had changed too.

Senator Kennedy, eager to champion the cause of his late brother's ally, was reduced to a circumspect role. Visible activity on behalf of Mr. Sorensen, the latter's strategists decided, would have drawn attention to the nominee's presence as an adviser to Mr. Kennedy at Chappaquiddick, after a young woman drowned when the Senator's car ran off a bridge on that island near Edgartown, Mass.

There were other, seemingly less consequential objections raised in quarters where the Carter camp had expected praise. Jody Powell, the White House press secretary, said later that he had been dumbfounded by "personal, catty, sniping stuff" from liberals who had been expected to rally to Mr. Sorensen's defense.

Two early advocates, Senator Gary Hart of Colorado and Senator Walter Huddleston of Kentucky, detected the qualms among their colleagues. Mr. Huddleston thought the mood made Mr. Sorensen a "marginal" prospect for confirmation. Mr. Hart warned Vice President-elect Mondale early in January of growing "resentment" over Mr. Sorensen.

Senator Inouye, who lost his right arm in World War II and once said he would give the left if necessary to fight Communists, told colleagues he was particularly troubled by Mr. Sorensen's renunciation of personal violence, which the Senator found incompatible with a job in which violence might one day have to be abetted.

All the early jitters were magnified with sudden vengeance when Senator Biden found the Pentagon Papers affidavit.

THE KEY ISSUE

The opponents were already complaining of Mr. Sorensen's support of Dr. Ellsberg and the committee's minority staff had obtained a Justice Department transcript of the nominee's March 15, 1973 testimony in the Pentagon papers trial. The transcript showed Mr. Sorensen had made an affidavit six months earlier that was not admitted as evidence.

Uncertain of what the document contained but wary that the opposition would use it, Senator Biden's aides scoured Washington until they found a copy on Jan. 13.

Describing the preparation of his book, "Kennedy," in 1965, Mr. Sorensen said in the 1972 affidavit that he took 67 boxes of documents, letters and other material from the White House when he left in 1964 and that they included seven boxes of "classified" information.

Mr. Biden found that statement "very disturbing." He took the affidavit to Senator Inouye, the committee chairman, that Thursday—four days before the start of the confirmation hearings—and urged that Mr. Carter be notified immediately.

The implications were clear. Mr. Sorensen, whose prospects had already been described as "marginal" by a supporter, would now have to defend his use of classified information when being considered for a post in which confidentiality was regarded as the first principle of conduct. It would make little difference that Mr. Sorensen's actions had not, technically, broken any law. The affidavit would become a reason for opposition on plausible ground.

I WANT TO FIGHT

Mr. Sorensen happened, at that moment, to be with the President-elect at a meeting with the Joint Chiefs of Staff in Blair House. As the meeting adjourned, Mr. Mondale drew Mr. Sorensen into an unoccupied room and said that Senator Inouye had just telephoned him to report the development and recommend that the nomination be withdrawn.

Mr. Carter and Zbigniew Brzezinski, the national security adviser, entered the room, and Mr. Mondale outlined the problem to Mr. Carter. Mr. Sorensen noted that the affidavit was a public record, was defensible and created a clear choice. He could withdraw or fight. "I want to fight," he said. "I agree," Mr. Carter replied.

They telephoned Senator Inouye and asked to have a copy of the affidavit delivered to Mr. Carter, and the Senator requested that Mr. Sorensen come to his office five hours later, at 10:30 P.M.

When Mr. Sorensen got to the Senator's office Mr. Inouye was talking on the telephone with Mr. Carter, who told the Senator he had found nothing objectionable in the affidavit and wanted to proceed with the confirmation process. A few minutes later Mr. Carter repeated the encouragement in a telephone call to Mr. Sorensen.

Mr. Inouye, who earlier had counseled withdrawal, said he thought a concerted effort could produce a 10-to-5 vote for confirmation and "even 9-to-6 wouldn't be so bad." He urged that Mr. Sorensen meet the next day with as many committee members as might be in the city.

Encouraged, Mr. Sorensen went to the C.I.A. headquarters and, until 5:30 A.M. that Friday, drafted an opening statement for the confirmation hearing. He would never read it.

With one hour's sleep, Mr. Sorensen went from the home of his in-laws in suburban Maryland to Senator Kennedy's home in suburban Virginia. They had coffee with Stephen E. Smith, Mr. Kennedy's brother-in-law. Mr. Sorensen was tired but in good spirits. The Senator promised to spend part of the day contacting members of the committee.

Mr. Sorensen roved blithely across Capitol Hill much of the day, looking for committee members to shore up his support. It would take an emotional encounter late in the day to demonstrate to him that the support instead was crumbling.

Mr. Mondale, still working in the Senate office he would vacate in a week—it was across the hall from Senators Inouye and Biden—telephoned Senator Hart, who had gone home to Colorado. Mr. Hart had been an enthusiastic supporter of the nomination. Now he was troubled, not by the contents of the affidavit but by Mr. Sorensen's failure to have apprised the President-elect that it existed. Mr. Hart's sentiments were understandable. In 1972, he had been manager of Senator George McGovern's Presidential candidacy when Senator Thomas E. Eagleton of Missouri neglected to mention he had undergone hospital treatment for depression, a matter that surfaced after Mr. Eagleton was the Vice-Presidential nominee.

Senator Hart nonetheless recommended a strong, positive defense be made for Mr. Sorensen's conduct.

MEETING OF SENATORS

Across the hall, however, Senator Inouye was again coming to the conclusion the nomination was doomed. Closeted at noon with Senator Adlai E. Stevenson of Illinois, and Senators Morgan and Huddleston, they talked of the withdrawal option again. Of the four, only Mr. Huddleston had been enthusiastic about Mr. Sorensen and now his judgment was crucial.

Mr. Huddleston had respected and shared Mr. Sorensen's plans to reform the intelligence community, but the affidavit made him conclude that Mr. Sorensen would not be able to develop the confidence of its officers or of intelligence officials in allied nations.

Senator Stevenson expressed similar but stronger misgivings. If confirmed, Mr. Stevenson said, Mr. Sorensen might be "isolated" by his subordinates, denied knowledge out of mistrust, and rendered incapable of preventing abuses in the name of intelligence.

A central consideration among the four was the committee's own credibility with the intelligence agencies. Mr. Stevenson said the panel had managed to establish confidence that it could be trusted with intimate knowledge of clandestine activities, and that "the credibility we had established would be disestablished" if Mr. Sorensen were confirmed.

After a while, they invited Mr. Mondale to join the discussion. Mr. Morgan left in the meantime, but the three other Senators recited their misgivings and counseled withdrawal. Mr. Mondale promised to advise Mr. Carter.

Not long after the meeting, Mr. Sorensen stopped to see Mr. Stevenson. The Senator was brutally candid, telling him that Mr. Carter should have known of the affidavit and adding: "If you didn't tell him, it reflects badly on your judgment and if he didn't ask you it makes me wonder about his judgment."

The Senator told associates Mr. Sorensen was surprised and disbelieving, at times defiant, as if Mr. Stevenson had been the first to give him a true assessment of his prospects.

"You don't know me very well if you think I would withdraw from a fight," Mr. Sorensen told the Senator.

THE VOTE COUNT

Mr. Sorensen continued his rounds, winding up at 5 P.M. that Friday at Mr. Mondale's office. The Vice President-elect was alarmed at the state of affairs. He called Senator Inouye over and the Senator, who had been consulting with colleagues all afternoon, told Mr. Sorensen, "At most we can get you one or two members of the committee."

When Senator Inouye left, Mr. Sorensen said he could not believe the appraisal was accurate. If so, he had lost seven or eight votes overnight. He and Mr. Mondale agreed they needed an accurate head count of committee members.

In one of several conversations with Mr. Carter that evening, Mr. Sorensen asked him to begin calling committee members on Saturday. Mr. Carter agreed, but said he doubted that the Senators would tell him anything more "determinative" than that they would delay a judgment until after the hearings.

On Saturday morning, Mr. Sorensen had breakfast at the C.I.A. headquarters with Clark Clifford, the former Secretary of Defense. The meeting, planned as one of a series with elder statesmen whose advice Mr. Sorensen felt would be useful to him, turned instead into a strategy session.

Mr. Clifford agreed that an accurate reading of the Democratic committee members' attitudes was essential and that Mr. Carter also should sound out leading Senate Democrats who were not on the Intelligence Committee. As they conceived it, the President-elect should also bring his weight to bear. They decided to ask Mr. Carter to make the conversations three-pronged; He should first say he considered the growing objections to Mr. Sorensen to be unfair and wanted the nomination confirmed, then ask for assistance and, finally, ask for an appraisal of the situation.

It was early afternoon before Mr. Sorenson could get through to Mr. Carter, who was in Plains. The President-elect was not enthusiastic about the strategy because he was busy, but he offered to call as many Democrats on the committee as possible.

CALLS TO FOUR SENATORS

During the day, Mr. Carter reached four of the eight Democrats: Senators Inouye, Biden, Stevenson and Birch Bayh of Indiana. Of the suggested three elements of the conversation Mr. Carter employed only the third, a request for an assessment.

Senator Biden, reached in Wilmington, Del., told Mr. Carter, "I think we're in trouble. I think it is going to be tough," and asked what Mr. Carter intended to do.

"I'm leaving it up to Ted to do whatever he wants," said the President-elect. "I forced the job on him in the first place. He did not really want that job."

Mr. Carter found Senator Stevenson in Washington. The Senator said he had no tally but was not at all sure Mr. Sorenson could make it, called it a "no-win" situation and recommended withdrawal of the nomination. Mr. Carter thanked Mr. Stevenson for his candor.

Senator Bayh, the strongest Sorenson ally on the committee, had been traveling across Indiana since Thursday, virtually out of touch with the rapidly deteriorating situation in Washington. When Mr. Carter located Mr. Bayh Saturday evening, at St. John Baptist Church in Gary, the Senator told him: "There are questions that have to be answered. I assume they will be."

Mr. Carter and his aides never reached Senator Hart, Senator Morgan or Senator Huddleston. Senator Hathaway, who was at funeral services for a relative in Canada, could not be reached on Saturday, but telephoned Mr. Carter when he returned to the capital Sunday night.

At about 9 p.m. that Saturday, Mr. Carter telephoned Mr. Sorensen. As Mr. Sorensen's associates remembered the conversation, the President-elect said he had called six of the eight Democrats and only one vote was secure. "It's up to you," Mr. Carter told him, adding that he would support the decision if Mr. Sorensen chose to fight.

Mr. Sorensen said he would "have to think about it."

The President-elect said he had just spoken to Clark Clifford. "Call Clark if you want some advice on this," Mr. Carter suggested. "He's sitting by the phone."

Mr. Sorensen telephoned, and Mr. Clifford did not try to dissuade Mr. Sorensen from abandoning the effort.

A CALL TO HIS WIFE

About midnight Mr. Sorensen called his wife, Gillian, and said he would withdraw at a news conference Sunday afternoon.

While Mr. Sorensen drafted a withdrawal announcement, two of his New York law partners, Arthur Liman and Mark Alcott, prepared a brief responding to the questions raised about the use of classified data 13 years earlier.

For the second morning in succession, the

newspapers were loaded with leaked versions of the fateful affidavit, speculation that the nomination was in jeopardy and anonymous complaints from the Senate about Mr. Sorensen. The nominee got angrier and angrier, convinced he had been judged without a hearing.

He went to Langley and told his lawyers he would answer the critics at the hearing Monday morning and withdraw there, with a national television audience to hear his side of the story, rather than at a news conference.

Mr. Sorensen telephoned Mr. Carter once more in Plains and described his intentions. Mr. Carter asked him to meet with Mr. Mondale and Hamilton Jordan about the plans.

Early Sunday afternoon, Mr. Mondale met with the two men at Mr. Mondale's home in the District of Columbia.

THE VOTES AREN'T THERE

"I recognize that Jimmy Carter has tried and the votes aren't there," Mr. Sorensen said. "Therefore, it's a losing battle." But he said he was determined not to withdraw without a hearing. Mr. Mondale and Mr. Jordan concurred.

Arthur Liman, aware that some 30 hours had passed without a statement of support for Mr. Sorensen from the President-elect and that Mr. Carter had avoided reporters outside the Plains Baptist Church that morning, called Mr. Carter's conduct "unfortunate."

Later that afternoon, Mr. Carter did issue a statement defending Mr. Sorensen's handling of classified documents and saying it would be "most unfortunate" if frank acknowledgement of common practice should "deprive the administration and the country of his talents and services."

The next morning, Monday, Jan. 17, Mr. Sorensen was en route to the hearing in a C.I.A. limousine. Eventually, Jody Powell would say the new President had abandoned the fight on Saturday. Another White House official would explain the capitulation by saying Mr. Carter had limited political coinage in the Congress and "nobody wanted to spend it yet."

As the limousine moved across the capital, the Langley command post notified the driver by radio that Mr. Carter wanted Mr. Sorensen to telephone him right away. The vehicle pulled up to the Old Senate Office Building, and Mr. Sorensen ducked into a phone booth in the building. He told the President-elect he was about to withdraw.

Mr. Carter said he was terribly sorry about the way it had turned out.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting the nomination of Clifford L. Alexander, Jr., of the District of Columbia, to be Secretary of the Army, which was referred to the Committee on Armed Services.

MESSAGES FROM THE HOUSE

At 5:21 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 474, to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short term emergency purchases of natural gas; and for other purposes.

ENROLLED BILL SIGNED

At 5:46 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the Speaker has signed the enrolled bill (S. 474), supra.

The enrolled bill was subsequently signed by the President pro tempore.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, February 2, 1977, he presented to the President of the United States the following enrolled bill:

S. 474. An act to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

S. Res. 65. A resolution authorizing additional expenditures by the Committee on the Judiciary for routine purposes. Referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following reports of committees were submitted:

John F. O'Leary, of New Mexico, to be Administrator of the Federal Energy Administration.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. MATSUNAGA (for himself, Mr. RANDOLPH, and Mr. HATFIELD):

S. 572. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mr. MATSUNAGA:

S. 573. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Commerce.

By Mr. BAKER (for himself, Mr. TOWER, Mr. BENTSEN, and Mr. SASSER):

S. 574. A bill for the relief of Doctor Lawrence Chin Bong Chan; to the Committee on the Judiciary.

By Mr. PEARSON:

S. 575. A bill to amend section 236 of the National Housing Act, to require the payment of operating subsidies for projects subject to mortgages insured under such section, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

By Mr. MAGNUSON:

S. 576. A bill for the relief of Anacleto Aboyabor Dotollo and Turtosa Acompanado Dotollo; to the Committee on the Judiciary.

S. 577. A bill for the relief of Neam Vone Sae-Kuan (Paul Kuan); to the Committee on the Judiciary.

S. 578. A bill for the relief of Joaquin T. Quijencio; to the Committee on the Judiciary.

S. 579. A bill for the relief of Imelda C. Jayag Potter; to the Committee on the Judiciary.

S. 580. A bill for the relief of Sang Il Tong; to the Committee on the Judiciary.

S. 581. A bill for the relief of Judith Karen Bliss Halvorson of Edmonds, Washington; to the Committee on the Judiciary.

By Mr. JACKSON (for himself, Mr. MAGNUSON, Mr. CHURCH, Mr. METCALF, Mr. MELCHER, Mr. HATFIELD, Mr. PACKWOOD, and Mr. MCCLURE):

S. 582. A bill to amend the Colorado River Basin Project Act to extend the period during which the Secretary of the Interior shall not undertake reconnaissance studies of any plan for the importation of water into the Colorado River Basin; to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 583. A bill to amend the corporate name of AMVETS (American Veterans of World War II), and for other purposes; to the Committee on the Judiciary.

By Mr. HEINZ:

S. 584. A bill for the relief of Ilias Tsakalis; to the Committee on the Judiciary.

By Mr. BROOKE:

S. 585. A bill to amend title II of the Social Security Act to increase the amount a recipient may earn before deductions are made from benefits due to excess earnings; to the Committee on Finance.

S. 586. A bill to amend title II of the Social Security Act to shorten the marriage duration requirements for eligibility for benefits for a divorced wife; to the Committee on Finance.

By Mr. STEVENS:

S. 587. A bill to amend section 170 of the Internal Revenue Code of 1954 with respect to certain charitable contributions by members of the Civil Air Patrol; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. BARTLETT, Mr. GOLDWATER, Mr. MELCHER, Mr. RIEGLE, Mr. THURMOND, and Mr. YOUNG):

S. 588. A bill to amend title II of the Social Security Act to increase to $5,100 the annual amount which individuals may earn without suffering deductions from benefits on account of excess earnings; to the Committee on Finance.

By Mr. McINTYRE:

S. 589. A bill for the relief of Ioannis Tsironis; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. HATCH):

S. 590. A bill to amend title 38, United States Code, to make the Veterans' Administration an executive department, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PERCY:

S. 591. A bill to reorganize the executive branch of the Federal Government to restructure Federal energy agencies, to establish an Energy Policy Council and a Department of Energy Supply and Natural Resources, to enhance energy conservation programs throughout the executive branch, to study energy regulatory policies, and for other purposes; to the Committee on Government Operations.

By Mr. DOLE (for himself, Mr. CLARK, Mr. TALMADGE, Mr. YOUNG, Mr. MCGOVERN, Mr. CURTIS, Mr. HUMPHREY, Mr. PEARSON, Mr. EAGLETON, Mr. HUDDLESTON, Mr. DANFORTH, and Mr. TOWER):

S. 592. A bill to establish an advisory committee to provide consultation and advice to the Administrator of the Federal Grain Inspection Service and to amend the U.S. Grain Standards Act with respect to supervision fees and recordkeeping requirements; to the Committee on Agriculture and Forestry.

By Mr. HUDDLESTON:

S. 593. A bill to amend the U.S. Grain Standards Act with respect to recordkeeping requirements, and to establish an advisory committee to provide consultation and advice to the Administrator of the Federal Grain Inspection Service; to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATSUNAGA:

S. 573. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Commerce.

Mr. MATSUNAGA. Mr. President, I am introducing today a bill which would amend the Federal Aviation Act of 1958 to authorize reduced fare transportation on a space-available basis for the elderly—age 60 and over—and the handicapped.

There are several existing Federal programs which attempt to make transportation for the elderly and handicapped more readily available and accessible. There are, however, no special programs for these individuals in air transportation. Furthermore, at the present time the Civil Aeronautics Board has only limited authority to permit discount fare transportation for deserving groups, such as the elderly. My bill would make air transportation more widely available to the public.

Every citizen needs the mobility which air transportation affords. Unfortunately, for many consumers, inflation has placed air transportation far beyond their reach. The problem is especially acute for the elderly and the handicapped, many of whom tend to have below-average incomes and often rely upon public transportation.

Fares presently charged for air transportation tend to exclude both the elderly and the handicapped. A survey by United Airlines, for instance, indicated that only 5 percent of its passengers were 65 years of age and older.

Yet, persons in this age bracket account for 10 percent of the total population. Such disparity is largely attributable to the low income levels of many of the elderly.

The merits and appeal of this proposal are obvious. It would enable those retired persons who generally have the time and desire to travel, but all too often lack the money, to do so. It would enable more of our elderly and handicapped citizens to visit their relatives and close friends living in widely scattered and far-distant areas of the country. Such a program would be of great importance to my own State of Hawaii. One can well imagine the numerous difficulties a large percentage of the senior citizens on neighbor islands encounter in traveling to vital medical facilities on the other major islands.

Well-designed reduced airfare programs for the elderly can be highly successful and beneficial to both the traveler and the airlines. To illustrate, for 7 years—between 1967 and 1973—Hawaiian Airlines offered reduced standby fares for the elderly. During this period when such fares were effective, the senior citizens traffic aboard the carriers grew by 340 percent, while the overall traffic grew by only 80 percent.

My bill would not only remove a barrier to mobility by the elderly and the handicapped, but would enable airlines to decrease their operating losses by filling otherwise vacant seats. This legislation envisions no expenditure of Federal funds. It would work very much to the advantage not only of senior citizens and handicapped but of the transportation industry, as well.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the last sentence of section 403(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(b)) is amended by inserting "elderly persons and handicapped persons" immediately after "ministers of religion".

(b) Such section 403(b) is further amended by adding at the end thereof the following new sentence: "As used in the preceding sentence, the term 'elderly persons' means individuals aged sixty and older; the term 'handicapped persons' means individuals who have severely impaired vision or hearing, and any other physically or mentally handicapped persons as defined by the Board".

By Mr. PEARSON:

S. 575. A bill to amend section 236 of the National Housing Act, to require the payment of operating subsidies for projects subject to mortgages insured under such section, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

Mr. PEARSON. Mr. President, in 1974 the Congress amended the National Housing Act with the intention of securing the long term housing needs of families and elderly in lower-income brackets. A substantial expression of that intention was contained in amendments providing that operating subsidies for section 236 housing projects be made for rent increases resulting from rising utility and tax rates. It is now 1977, and operating subsidies have yet to be paid. And so, Mr. President, I am today offering an amendment that simply seeks to assure that express congressional intention in this area is no longer thwarted.

Mr. President, the Banking, Housing and Urban Affairs Committee was concerned, during consideration of the 1974 amendments, that rapidly rising utility and tax costs might endanger the success of Federal housing projects. The committee rightly feared that after an initial operating expense level was established and rent subsidies set, that there would be no mechanism to adjust the subsidies to meet these rising costs.

The increases would become an ever-growing burden for the tenants, who would then be required, in direct contradiction of the program's goals, to pay much more than 25 percent of their incomes for rent. To avoid this problem, the committee proposed, and Congress passed, a provision that authorized the Secretary of the Department of Housing and Urban Development to pay subsidies for those rent increases justified by increased utility and tax rates. But the Department has not authorized such payments except in those instances when tenants have resorted to the courts.

As section 236 tenants have suffered the blows of repeated rent increases, they have been forced from the projects or have brought suit under the 1974 amendment. Those who have litigated the issue have been successful without exception. Every action regarding operating subsidies has been resolved with the same result—the court finds HUD must fulfill its congressional mandate. In a typical decision, the District Court for the District of Utah found:

The Court is convinced that the primary purpose of the 1974 amendments is to aid Section 236 Low-Income Housing Projects. The funds are to go directly to the project owner, but the real purpose of the legislation is to aid the low-income tenants. If the rental payments from tenants in existing projects are allowed to increase too much, many tenants may be forced to leave and the success of the individual project may be jeopardized. It is incumbent upon the Secretary to respond to the Congressional emphasis on fulfilling the purpose of existing projects. . . . It is clear that the wording of the Act gives some discretion to the Secretary. It seems certain to the Court, however, that the Secretary cannot refuse to exercise her discretion at all by completely refusing to implement the operating subsidy program.

Mr. President, I am confident that an action on behalf of all section 236 tenants will be heard and that the courts will eventually require HUD to fulfill its intended role nationwide. But I see no reason to further clog our court dockets, no reason to force expensive litigation. Mr. President, the bill I have just introduced will avoid these problems and

should quickly bring relief to section 236 tenants and save a valuable Federal program.

I should note, Mr. President, that the operating expense subsidy does not involve unreasonable sums of money. In Kansas, for example, it would mean approximately $100 to $150 per year for section 236 tenants. There are some 47 projects in Kansas with a total of 3,500 housing units. In any event, these expenditures were justified when the 1974 amendments were debated and passed.

This is not a program under which owners can merely raise rents with the protection of Federal assistance. The subsidies only compensate for increases due to jumps in costs accountable to utilities and taxes. Before HUD authorizes any increase, it must determine:

First, whether the application includes a current financial statement and a detailed statement of the basis for the requested increases;

Second, whether there has been an excessive accumulation of residual receipts that would require deferring the rent increase;

Three, by actual inspection, whether the project is properly maintained;

Fourth, whether the statement of the expenses is accurate and whether it is reasonable in comparison with those of comparable properties;

Fifth, whether economies of operation can reasonably be achieved;

Sixth, what the management fee should be;

Seventh, what the vacancy allowance should be; and

Eighth, whether new rents would be reasonable to the tenants.

HUD also demands additional evidence before approving any increase. Evidence of increased expenses in the form of official notices of increased tax rates, recently audited financial statements and a survey of the present residents' attitude on the reasonableness of a proposed increase.

These procedures now insure against undue increases. They will, likewise, protect against abuse when subsidies for limited increases are paid.

Mr. President, this bill creates no new program, establishes no new authority. It merely mandates that what Congress intended 3 years ago will now, finally, be implemented without further costly delay. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 236(f)(3) of the National Housing Act is amended—

(1) by striking out "is authorized to" in the second sentence and inserting in lieu thereof "shall"; and

(2) by striking out "only if the Secretary finds that the increase in the cost of utilities or local property taxes is" in the last sentence and inserting in lieu thereof "unless the Secretary finds that the increase in the cost of utilities or local property taxes is not".

By Mr. JACKSON (for himself, Mr. MAGNUSON, Mr. CHURCH, Mr. METCALF, Mr. MELCHER, Mr. HATFIELD, Mr. PACKWOOD, and Mr. MCCLURE):

S. 582. A bill to amend the Colorado River Basin Project Act to extend the period during which the Secretary of the Interior shall not undertake reconnaissance studies of any plan for the importation of water into the Colorado River Basin; to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of my colleagues in the Pacific Northwest (Mr. MAGNUSON, Mr. CHURCH, Mr. HATFIELD, Mr. PACKWOOD, and Mr. MCCLURE) I am sending to the desk for appropriate reference a bill to extend the Colorado Basin Project Act interbasin water transfer study moratorium for an additional 10 years.

As my colleagues in the Senate are well aware, various proposals have been made over the years for the diversion of Pacific Northwest rivers to other parts of the country. Several plans were proposed: The Western Water Project, the Snake-Colorado Project, the North American Water and Power Alliance, and others. All had the common goal of moving so-called excess water from areas of so-called abundance to areas of shortage.

The existing moratorium was included in the Colorado Basin Project Act to provide the time needed by the States in the Pacific Northwest to develop sound projections of water needs so that future demands from outside the Pacific Northwest could be examined in light of State and regional requirements. Studies of in-stream uses for the production of hydroelectric power in the Pacific Northwest show that in the near future 100 percent of the water will be used 100 percent of the time. This power is a clean renewable resource which the Pacific Northwest already shares with our Southwestern neighbors.

Additional studies indicate a potential for increasing irrigated acreage in the Pacific Northwest from 7 million acres to 11 million acres with the development of the necessary facilities. No State can be said to have an abundance of water before it has achieved its full economic potential. No State can be said to have an excess of water until its resources have been developed to the level that the people of that State desire. I believe that we in the Pacific Northwest have a long way to go before we achieve an optimum level of resource development.

Water is a critical ingredient in the wise management and use of our lands, our industry, our wildlife, and our scenic resources. It is the basis of our aspirations to make a better life for present and future generations in our region. The Columbia River is a key to continued prosperity in the Northwest and, indeed, benefits the entire Nation. Rumors of impending diversion studies or schemes serve to delay the development of needed Pacific Northwest projects and water uses and pose uncertainties for which comprehensive planning for future water uses throughout the West is based. Hesitancy in the development and expansion of water use when faced with the uncertainty of diversion, does a disservice to the Pacific Northwest and the Nation. By extending the moratorium for an additional 10 years, expanded water use and conservation may continue at a rational pace.

I am pleased by the unity of strength shown by my colleagues from the Pacific Northwest in cosponsoring this legislation and I am hopeful that this measure will be considered by the full Senate in the near future.

I ask unanimous consent that the bill I have just introduced, an editorial from the Astoria, Oreg., Daily Astorian, and an article from the Seattle Times dealing with these water resource issues be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso contained in section 201 of the Colorado River Basin Project Act (43 U.S.C. 1511) is amended by striking out "ten years" and inserting in lieu thereof "twenty years".

[From the Seattle Times, Jan. 28, 1977]

REGION CONSERVATION COMMISSION PROPOSED

(By Bob Lane)

Oregon Gov. Bob Straub will ask the governors of Washington and Idaho to join him in forming a commission to direct programs that will save energy, water and jobs in the Northwest.

"It is too early to know if we have a power crisis," Straub said in Portland yesterday. "But from a water point of view we already have a crisis right now."

Don Hodel, administrator of the Bonneville Power Administration, speaking at a briefing requested by Straub, said the National Weather Service has forecast that the odd weather which has kept Northwest skies clear for several months could continue another 90 days. If that happens, the runoff next summer could be a record low, Hodel said.

Electrical utilities have agreed they need to be ready to react to an energy shortage, Hodel said. But they believe a major program to conserve energy may not need to begin until August.

Brig. Gen. Wesley E. Peel, North Pacific division engineer for the Corps of Engineers, told Straub the region must consider the impact of low water on fish migration, water quality and irrigation.

Peel said the Willamette River is at a record low and that its major reservoirs will not fill next spring and summer even with normal precipitation in the next few months.

"It is desirable to conserve every acre foot of water we can," Peel said.

Hodel said utilities are concerned about how the public might react if they began an energy-conservation program now and it proved to be unneeded later after heavy precipitation. He said, however, the utilities would cooperate with the states in a broad regional conservation program.

"From a power point of view we have more lead time than for the other factors,"

Hodel said. "But we will be ready as early as the states want to meet."

Straub said he is "anxious" for the states to take measures on "a phase-in basis so we will not face drastic layoffs in the spring . . .

"I think Oregon people would want that. We want to be calm, but we want to be prepared."

The B.P.A. has told the Northwest's aluminum industry deliveries of electricity will be cut about 25 per cent in mid- or late February because of dwindling water supplies.

Hodel said the aluminum plants now are using some electricity "that basically is on loan" and which may have to be repaid if water conditions do not improve. The industry has said 1,200 to 1,400 employes may be laid off if the flow of electricity is curtailed.

Hodel said "every utility up and down the coast is in trouble" and there is little chance the Northwest could import energy. He said British Columbia halted the delivery of electricity to Northwest industries last night.

The government will publish a new snowpack report in February, Hodel said, and "there is a fairly good chance" it will show some conservation would be needed to save water. There will be another snow report in March and it could indicate "an intensified conservation effort is justified," he added.

Hodel said it is possible a wet spring could fill the region's reservoirs.

"We don't want to ask people to make crisis savings only to discover in two or three months that we can ship surplus (electricity) to California," Hodel said.

Straub said he would attempt to activate the Northwest conservation committee within a week.

"We want to avoid closing industries," Straub added. "People probably would prefer to save (energy) at home to keep their jobs going."

"Our motive is to avoid a crisis in power—and to ease the shock if it comes."

[From the Astoria (Oreg.) Daily Astorian, Dec. 20, 1976]

NEW CAUSE FOR CONCERN

The moratorium on studies of the possibilities of moving water from the Pacific Northwest to the Southwest, set forth in legislation designed by Sen. Henry Jackson, is about to run out. But there are no signs of panic in the Northwest generated by fear that powerful political interests in the Southwest will mount a campaign to siphon off some of the Northwest's water. Concern in the Northwest is rapidly focusing on the probability that this region will not have enough water if it does not find ways to store more of it.

After Sen. Jackson clamped on the moratorium, agreement soon developed in this region that the best way to fend off the Southwest when the moratorium ran out was to establish uses in the Northwest for all the water in the Northwest.

No one predicted that that condition would arrive as early as 1976. But it has and for the most part because there has been so much more land brought under irrigation than anticipated and there is so much more land projected for irrigation than anyone dreamed would be possible by this time.

When the Nixon Administration in effect put the Bureau of Reclamation out of business there were dire warnings that it would mean the end of irrigation in the Northwest. Exactly the opposite has been occurring. Much more privately financed irrigation has come on than expected and much more is on the drawing boards.

The combination of the growing demand upon water resources for irrigation and to turn additional turbines to be installed in major federal dams in the Columbia Basin, has created an ultimatum. Additional storage facilities upstream from Grand Coulee Dam must be built or either hydroelectric power production or irrigation, or both, must be curtailed.

There is growing awareness in the region that the abnormally low rainfall at this time of the year must not persist or the region will be in serious trouble a year hence. Reservoirs were full going into this period of heavy water use, but if rain does not come in copious quantities the region could have the extreme low water situation of 1973–74 years.

That's much on our minds now. But the much bigger problem will be finding enough water, when all is normal, to take care of growing power production and irrigation. That could be a bearcat. It could make those worries that we used to have about losing water to the Southwest seem inconsequential.

Mr. CHURCH. Mr. President, I join with my colleagues from the Pacific Northwest in introducing legislation to amend the Colorado River Basin Project Act by extending the interbasin water transfer study moratorium for an additional 10 years.

Proposals to divert waters from Pacific Northwest rivers to other parts of the country, particularly the arid Southwest, have been made frequently in the past. Of the 17 proposals advanced in recent years, 11 would either utilize waters flowing in or from Idaho or would have conveyance facilities within Idaho. With the expiration of the study moratorium contained in the Colorado River Basin Project Act, the Pacific Northwest can expect interests representing the Southwest to renew pressures for studies of alternatives for importation of water from the Northwest. And the call for diversions of water will become all the more fervent as the Colorado River States increase efforts to develop their rich coal and oil shale deposits. The development of these resources is dependent upon adequate supplies of water.

Idaho has no water to spare; in fact, the State is developing a comprehensive plan for the future use and conservation of water resources within Idaho and a principal conclusion reached in development of that plan has been that the waters in and passing through the State can and will be effectively appropriated. As former Governor and now Secretary of the Interior Cecil D. Andrus observed in comments before the 1975 Idaho Water Conference:

We in Idaho have been blessed with an abundant supply of one of our most precious resources: Water. . . . (W)e were still thinking that the question was how much surplus did we have, not how could we stretch our supplies to meet our needs.

However, as we began to complete the studies and gather information necessary to complete a water plan, it became evident that our problem was one of choices among potential uses of a scarce resource. When this situation became evident, careful consideration and planning of our alternative future courses of action became very important.

That planning process is still in progress. But Idahoans, having long since erased any illusion that a surplus of water exists, are now more concerned with questions about how diminishing quantities of unappropriated waters of the State will be divided among such conflicting interests as irrigation, energy, and instream flow maintenance.

The interbasin diversion of waters is a legitimate alternative only when sufficient water exists in an exporting basin for both its own future needs and those of the importing basin. It is becoming more evident that such transfers cannot take place between the Pacific Northwest and the Southwest without seriously jeopardizing the future growth and development of Idaho, Washington, and Oregon. Even the threat of diversion studies can and will impede full development of projects requiring water within the Pacific Northwest. Why should there not be some hesitancy and a good deal of skepticism about expanding the use of water resources where the uncertainty of diversion persists? How can Idaho effectively plan for the use and conservation of its water resources when threatened by the possibility of diversions? Continuation of the study moratorium will help to allay any uncertainty and provide the proper length of time under which water conservation or development efforts can proceed at a rational pace.

Each State must first take all steps possible to develop usable water supplies from within its borders. Until that full potential is achieved, no State can be said to have an abundance of water. Idaho is in the midst of making those determinations and the studies already conducted for our State water plan indicate that quenching the thirst of the Southwest will be at the economic and environmental expense of the Pacific Northwest. There is no need for further studies.

Finally, I am pleased to inform the Senate that in response to questions submitted subsequent to his confirmation hearing, Secretary of the Interior Cecil D. Andrus expressed support for an extension of the moratorium on interbasin transfer studies. With the support of the Secretary, I am hopeful that this legislation will receive quick and favorable action.

For these reasons, I am just as firmly convinced now, as I was almost a decade ago, that studies to transfer water from Pacific Northwest rivers can only serve a detrimental purpose and therefore should be prohibited.

By Mr. BROOKE:

S. 585. A bill to amend title II of the Social Security Act to increase the amount a recipient may earn before deductions are made from benefits due to excess earnings; to the Committee on Finance.

Mr. BROOKE. Mr. President, ever since the social security program was first presented to Congress in 1935, a major problem has been what rules to use in determining when an individual has retired and should qualify for benefits. When the original act passed the House of Representatives there was no restriction on an individual's earnings because, the historians of the program say, the House drafters did not know how to go about writing such a provision. The Senate, however, went ahead and added

a prohibition against paying benefits to an individual for any month in which he "received wages with respect to regular employment." This year—1977—an individual can earn as much as $3,000 a year and still get all of his social security benefits. If he earns more than $3,000, his benefit is reduced by $1 for each $2 of earnings in excess of $3,000. However, he will get a benefit for any months in which he earns no more than $250.

The exempt amount now increases each year at the same rate average wages rise. However, the test itself remains unsatisfactory. The minimum wage for a 40-hour week now amounts to $398.67 a month. It would seem that a reasonable test might permit an individual to work for at least 1 week a month for something a little better than the minimum wage. Therefore, I am proposing that the test be increased to $5,200 a year. This would mean that an individual who earned over $5,200 in a year would have his benefits reduced by $1 for each $2 of earnings above $5,200 and that he could continue to receive a benefit for any month in which he earned no more than $433.33. This would mean one full, 40-hour week each month for $2.50 an hour, 20 cents an hour more than the present minimum wage.

Enactment of this legislation would mean that in the first full year about 1.7 million people would be paid about $1.8 billion in benefits which they will lose under present law.

This legislation is reasonable and fair. I urge my colleagues to support it.

By Mr. BROOKE:

S. 586. A bill to amend title II of the Social Security Act to shorten the marriage duration requirements for eligibility for benefits for a divorced wife; to the Committee on Finance.

SOCIAL SECURITY BENEFITS FOR DIVORCED WOMEN

Mr. BROOKE. Mr. President, until enactment of the 1965 social security amendments, the law made no provision for paying benefits to a woman on the basis of the earnings of the man from whom she was divorced. The 1965 act provided for the payments of wife's and widow's benefits to divorced women. As the report of the Committee on Finance to the Senate said, the benefits were for "women who have spent their lives in marriages that are dissolved * * * (and) who have not been able to work and earn social security protection of their own." Under the 1965 provision, these benefits were payable to women who had been married for at least 20 years and who could meet a complicated dependency test under which actual dependency was not required; all that was required was that the woman have an enforceable right to some sort of payment from her former husband. Both the duration-of-marriage and the dependency test were arbitrary and the dependency test was removed in 1972. However, the 20-year duration-of-marriage requirement remains.

I have been told by some of the people who worked on the 1965 provision that the 20-year duration requirement came about because some duration requirement seemed necessary so that there would not be several women getting wife's benefits based on the earnings of one man. This, however, seems to work quite a hardship on a number of women and if a man can earn rights to social security benefits with not more than 10 years of work, it does not seem unreasonable to permit 10 years of marriage to allow a woman to qualify for benefits as a divorced wife or widow.

I have, therefore, introduced this legislation to reduce the duration-of-marriage requirement for divorced women from 20 years to 10 years. The Social Security Administration actuaries have estimated that if this were done, about 45,000 women would qualify for $90 million in benefits in the first year the change is effective.

The 10-year requirement is more equitable, and should speedily be enacted into law.

By Mr. STEVENS:

S. 587. A bill to amend section 170 of the Internal Revenue Code of 1954 with respect to certain charitable contributions by members of the Civil Air Patrol; to the Committee on Finance.

Mr. STEVENS. Mr. President, the many pilots in the United States who fly search and rescue operations for the Civil Air Patrol should be commended. Not only do these individuals donate their time, but they also fly their own aircraft. Through their dedication many lives are saved each year.

Unfortunately, current tax laws do not recognize the valuable contributions made by the Civil Air Patrol members. Charitable contribution tax deductions are not allowed for many of the expenses incurred by aircraft pilots in performing search and rescue operations. Only unreimbursed expenses incurred for the operation of the aircraft directly attributable to the performance of the gratuitous services are deductible. This means that deductions for a proportionate share of the expenses for general maintenance and general repairs of the aircraft are disallowed. Also prohibited are deductions for depreciation occasioned by the use of the aircraft or for the fair market rental value of the aircraft.

The unjustness of this situation is even more apparent when one considers the deductions allowed an individual who is operating an airplane for trade or business purposes. Section 162 of the Internal Revenue Code of 1954 provides that all ordinary and necessary expenses paid or incurred in carrying on a trade or business can be deducted. However, with respect to Civil Air Patrol missions, section 170 of the Internal Revenue Code allows a deduction for only those out-of-the-pocket expenses necessarily incurred in rendering donated service. This distinction allows a far greater deduction to the individual who flies his airplane for personal gain as opposed to the individual who flies his airplane for humanitarian purposes.

The legislation which I introduce today would correct this situation. Pilots engaged in official Civil Air Patrol activities would be allowed to deduct as charitable contributions expenses incurred for operation, maintenance, and repairs proportionately attributable to the use of the aircraft in performing the search and rescue services. Rather than be discouraged from participating in Civil Air Patrol missions pilots will be appropriately rewarded for the valuable service which they perform.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 170(c) of the Internal Revenue Code of 1954 (relating to definition of charitable contribution) is amended by adding at the end thereof the following new sentence: "For purposes of this section, in the case of an individual who is a member of the Civil Air Patrol, as incorporated under the Act of July 1, 1946, chapter 527 (60 Stat. 346; 36 U.S.C. 201), the term 'charitable contribution' includes a portion of the expenses paid or incurred by the taxpayer during the taxable year which are attributable to the operation, maintenance, and repair of vehicles, including aircraft, owned by the taxpayer which bears the same ratio to the total amount of such expenses paid or incurred by the taxpayer during such taxable year as the amount of time which such taxpayer uses such vehicles for the purpose of rendering gratuitous services to the Civil Air Patrol during such taxable year bears to the total amount of time such taxpayer uses such vehicles during such taxable year.".

(b) The amendments made by this Act apply to expenses paid or incurred by a taxpayer after December 31, 1975.

By Mr. STEVENS (for himself, Mr. BARTLETT, Mr. GOLDWATER, Mr. MELCHER, Mr. RIEGLE, Mr. THURMOND, and Mr. YOUNG):

S. 588. A bill to amend title II of the Social Security Act to increase to $5,100 the annual amount which individuals may earn without suffering deductions from benefits on account of excess earnings; to the Committee on Finance.

Mr. STEVENS. Mr. President, beginning in 1977, an individual between the ages of 65 and 72 can earn up to $3,000 in a year without having any social security benefits withheld. This breaks down to a total of $250 per month that an individual between these ages can earn in wages before social security benefits are reduced. If earnings go above this limitation, $1 in benefits is withheld for each $2 received above $3,000.

In 1972 Congress amended the Social Security Act to provide for annual automatic adjustments in the earnings test. Recognizing that retirement income was insufficient to meet the needs of senior citizens, Congress provided for an automatic increase in the earnings limitation as the level of average wages rises. In 1975 the annual earnings limitation was $2,520 and in 1976 that limit was increased to $2,760.

It is generally agreed that in many instances our senior citizens are forced to live within highly insufficient income budgets. My own State of Alaska recognized this circumstance and in 1972, the State legislature authorized a longevity

bonus for residents of Alaska who are 65 years of age and have lived in the State at least 25 years.

As a nation, we need the experience and guidance of senior citizens to develop our country to its fullest potential. I believe that Congress has a special responsibility to see that we provide a decent standard of living for these citizens and encourage their active participation in the community.

Mr. President, DHEW Publication No. (SSA) 76–10035, a booklet which includes a section on the 1976 earnings limitation states:

> No matter how much you earn a year, you can get full benefits for any month in 1976 in which you do not earn more than $230 in wages and you don't perform substantial services in self-employment. The decision as to whether you are performing substantial services in self-employment depends on the time you devote to your business, the kind of services you perform, how your services compare with those you performed in the past years, and other circumstances of your particular case.

In my opinion it is deplorable that our senior citizens are encouraged to remain inactive. It is our duty to reverse this trend. During the 95th Congress we must initiate full participation of all citizens into the active work force.

Mr. President, the bill I am introducing today would, if enacted, increase the social security earning limitation to $5,100. While I fully support any effort to completely abolish the requirement, I do not believe it would be possible for us to enact that objective at this time. I have become a cosponsor of Senator GOLDWATER's bill which would repeal the means test on social security benefits, however if Congress does not enact the Goldwater bill we can at least take the first step. We must assist those individuals affected by the earnings limitation as soon as possible.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraphs (1) and (4)(B) of section 203(f) of the Social Security Act are each amended by striking out "$250" and inserting in lieu thereof "$425".

(b) The first sentence of paragraph (3) of section 203(f) of such Act is amended by striking "$250" and inserting in lieu thereof "$425".

(c) Paragraph (1)(A) of section 203(h) of such Act is amended by striking out "$250" and inserting in lieu thereof "$425".

SEC. 2. The amendments made by this Act shall be effective with respect to taxable years beginning after December 31, 1977.

By Mr. THURMOND (for himself and Mr. HATCH):

S. 590. A bill to amend title 38, United States Code, to make the Veterans' Administration an executive department, and for other purposes; to the Committee on Veterans' Affairs.

Mr. THURMOND. Mr. President, today I am introducing legislation to upgrade the Veterans' Administration to a cabinet level department, and to provide for a Secretary of Veterans' Affairs within the President's cabinet.

The VA, with a $20 billion budget and over 226,000 employees, administers programs for over 29 million veterans, plus their dependents and survivors. The VA is clearly the largest independent agency in the Federal Government and employs more personnel than any other Federal agency or department except the Department of Defense.

Mr. President, together with their dependents and survivors, veterans represent almost one-half of the total population of this country. The programs of the VA touch practically every facet of life and every family in America. These programs range from the largest health care and medical system in the world to a multibillion dollar compensation and pension program; from GI housing and home loans to burial benefits and the National Cemetery System; and from a $5 billion education and training program, to a multibillion dollar insurance system.

Basically, the programs of the Veterans' Administration are divided between the veterans benefits system, which employs approximately 20,000 people, and the medical care system, which employs over 196,000 personnel. The VA has 53 regional offices within the United States, with at least one in every State. The medical care system is comprised of 171 hospitals, 217 outpatient clinics, 86 nursing homes, and 16 domiciliaries. In 1973, the Congress gave the VA the added responsibility of administering the National Cemetery System, which was transferred from the Department of the Army.

Mr. President, the immensity and diversity of the duties of the office alone, should qualify the Administrator as a member of the President's Cabinet. However, there are other important justifications which warrant the elevation of the office of the Administrator of the VA to Cabinet-level status.

Providing adequate and innovative readjustment programs for our Vietnam-era veterans remains an important domestic issue facing our country today. Additionally, our older veterans from World War I and World War II are placing new demands upon our hospital and health care system. Never to be forgotten, of course, is our commitment to provide the best in medical care and other benefits to our 2.2 million disabled veterans.

For some time, there have been efforts on the part of social welfare theorists and policy planners to subordinate the VA health care system to HEW, and to integrate the veterans' benefits and compensation programs with other Federal programs. This movement recently culminated in the recommendations of the Select Committee To Study the Senate Committee System as they pertain to the Senate Veterans' Affairs Committee and the future of veterans' programs in general. The proposals of the select committee, as contained in Senate Resolution 4, would have abolished the Senate Committee on Veterans' Affairs and would have relegated veterans' programs, except housing, to the Committee on Human Resources. Fortunately, due to the combined efforts of the major veterans organizations and the national veterans population as a whole, the Rules Committee recently reported Senate Resolution 4 after voting to retain the Veterans' Affairs Committee as a full standing committee. Retention of the Veterans' Affairs Committee at this time, however, does not provide complete assurance that future attacks will not be launched against the integrity of our veterans' programs. Mr. President, the elevation of the Veterans' Administration to a Cabinet-level status would go far to insulate veterans' programs from the future whims of policy planners and the caprices of passing factions within our own body.

The proposal which I place before the Senate is by no means a novel one. It has been talked about for years. However, at a time in our Nation's history when the climate is favorable for change in the institutions of government and the needs and demands of administering the programs for our veterans' population are greater than ever, it is incumbent upon us to act now to effect this meaningful change.

Mr. President, I, therefore, send a bill to the desk to establish a Cabinet-level Department of Veterans' Affairs, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 201 of title 38, United States Code, is amended to read as follows:

"§ 201. Establishment of Department of Veterans' Affairs

"There shall be at the seat of government an executive department to be known as the Department of Veterans' Affairs. There shall be at the head of such Department a Secretary of Veterans' Affairs who shall be appointed by and with the advice and consent of the Senate.".

(b) The table of sections at the beginning of chapter 3 of such title is amended by striking out

"201. Veterans' Administration an independent agency."

and inserting in lieu thereof the following:

"201. Establishment of Department of Veterans' Affairs.".

SEC. 2. Section 210(d) of title 38, United States Code, is amended to read as follows:

"(d) There shall be in the Department of Veterans' Affairs an Under Secretary, an Assistant Secretary for Veterans' Benefits, an Assistant Secretary for Medical Affairs, and a General Counsel of the Department of Veterans' Affairs, each to be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary, Assistant Secretaries, and the General Counsel shall perform such functions and duties as the Secretary may prescribe. The Assistant Secretary for Veterans' Benefits shall have as his principal duty the overall supervision of general benefits, other than medical care, and readjustment and related benefits of the Department of Veterans' Affairs. The Assistant Secretary for Medical Affairs shall have as his principal duty the overall supervision of health and hospital care programs of the

Department of Veterans' Affairs. The Under Secretary shall be Acting Secretary of Veterans' Affairs during the absence of or disability of the Secretary or in the event of a vacancy in the office of Secretary. An Assistant Secretary or the General Counsel, as determined by order of the Secretary, shall be Acting Secretary of Veterans' Affairs during the absence or disability of both the Secretary and the Under Secretary or in the event of a vacancy in the offices of both Secretary and Under Secretary.".

SEC. 3. Title 38, United States Code, is amended by—

(1) striking out "Administrator" wherever such term appears and inserting in lieu thereof "Secretary"; and

(2) striking out "Veterans' Administration" wherever such term appears and inserting in lieu thereof "Department of Veterans' Affairs".

SEC. 4. Title 5, United States Code, is amended—

(1) striking out "Veterans' Administration" in section 5102(c)(3) and inserting in lieu thereof "Department of Veterans' Affairs";

(2) striking out "Veterans' Administration" in section 5301(c)(3) and inserting in lieu thereof "Department of Veterans' Affairs";

(3) striking out "Veterans' Administration" in section 5303(a)(3) and inserting in lieu thereof "Department of Veterans' Affairs";

(4) adding at the end of section 5312 a new clause as follows:

"(14) Secretary of Veterans' Affairs.";

(5) striking out clause (5) in section 5313;

(6) striking out clause (14) in section 5314 and inserting in lieu thereof the following:

"(14) Under Secretary of Veterans' Affairs.";

(7) striking out in clause (38) of section 5314 "Veterans' Administration" and inserting in lieu thereof "Department of Veterans' Affairs";

(8) striking out "Veterans' Administration" in clause (31) of section 5315 and inserting in lieu thereof "Department of Veterans' Affairs", and adding the following new clauses at the end of such section:

"(105) Assistant Secretaries of Veterans' Affairs (2).

"(106) General Counsel of the Department of Veterans' Affairs.

"(107) Chief Benefits Director, Department of Veterans' Affairs.";

(9) striking out clauses (20), (104), and (110) in section 5316, and striking out "Veterans' Administration" in clause (133) of such section (relating to the Director of the National Cemetery System) and inserting in lieu thereof "Department of Veterans' Affairs"; and

(10) striking out "Administrator of Veterans' Affairs" in section 5355 and inserting in lieu thereof "Secretary of Veterans' Affairs".

SEC. 5. Whenever reference is made in any provision of law (other than any provision of law amended by this Act), regulation, rule, record, or document of the United States to the Veterans' Administration, the Administrator of Veterans' Affairs, the Deputy Administrator of Veterans' Affairs, or the General Counsel of the Veterans' Administration, such reference shall be deemed to be a reference to the Department of Veterans' Affairs, the Secretary of Veterans' Affairs, the Under Secretary of Veterans' Affairs, or the General Counsel of the Department of Veterans' Affairs, respectively.

SEC. 6. (a) All delegations of authority by the Administrator of Veterans' Affairs and all orders, rules, authorizations, determinations, contracts, regulations, certificates, directives, issuances, or other official actions of the Administrator of Veterans' Affairs, or of any other agency officer or office, which are in force on the date of enactment of this Act, shall continue in full force and effect until modified, amended, superseded, or revoked by the Secretary or such other officer or office of the Department of Veterans' Affairs as, in accordance with applicable law, may be appropriate.

(b) No suit, action, or other proceeding commenced by or against the Veterans' Administration or by or against any officer of the agency in his official capacity, shall abate by reason of the enactment of this Act.

SEC. 7. This Act shall take effect when specified by Executive order of the President, but in no case later than six months after the date of its enactment.

By Mr. PERCY:

S. 591. A bill to reorganize the executive branch of the Federal Government to restructure Federal energy agencies, to establish an Energy Policy Council and create a Department of Energy and Natural Resources, to enhance energy conservation programs throughout the executive branch, to study energy regulatory policies, and for other purposes; to the Committee on Government Operations.

OMNIBUS ENERGY AND NATURAL RESOURCES REORGANIZATION ACT OF 1977

Mr. PERCY. Mr. President, today I am introducing the Omnibus Energy and Natural Resources Reorganization Act of 1977.

The history of this bill goes back to the early 1970's when I introduced a bill to create a Department of Energy and Natural Resources—DENR. Hearings were held on the bill, but no further progress was made. Since that time the energy crisis has reached alarming proportions.

In 1974, as an interim step, the Congress created the Federal Energy Administration, the Energy Resources Council, the Nuclear Regulatory Commission, and the Energy Research and Development Administration. However, these preliminary reorganization moves were viewed at the time as stopgap measures preceding a more comprehensive energy and natural resource reorganization.

There is one fundamental concern underlying the provisions of the bill that I am introducing today, and it is conservation. I am continually appalled by the way in which this country continues to waste energy. Study after study has indicated that conservation is the cheapest and most available source of energy, and I intend to do everything I can to see that we make conservation the No. 1 energy priority in America.

One reason our national energy policy has been biased against conservation and weighted toward supply augmentation is that both supply and conservation programs have been put together under common management in the Federal Energy Administration and the Energy Research and Development Administration. Supply interests command hundreds of billions of dollars of private capital and billions of dollars in Federal programs. Conservation commands only $100 million or so in Federal programs and a paltry amount of private capital.

Moreover, conservation is much more difficult to implement than supply systems. Energy supply is a high technology, capital-intensive exercise engaged in by only a small number of very large, well-organized companies. Energy conservation, on the other hand, takes place individual by individual in millions of separate, independent decisions.

My proposal for a Department of Energy Supply and Natural Resources—DESNR—separates the management of public lands from the development of energy resources within this Department, and proposes an internal structure for the Department which is designed not only to optimize the Nation's use of its publicly held energy resources but also expands and strengthens its management of the public lands for the good of all the people.

We have identified land management-related, data-related, and development-related activities within the many agencies and bureaus in Interior, FEA and ERDA, and reassembled these functions into three separable generic functions for the proposed Department.

At my request, CRS has constructed an organization table for DESNR, and I ask unanimous request that this table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

A DEPARTMENT OF ENERGY SUPPLY AND NATURAL RESOURCES: DESNR

(NOTE.—National energy policy formulation is to be lodged in an independent Energy Policy Council in Executive Office of President)

A chart to accompany the report *Considerations to be Taken into Account in Reorganizing Energy Agencies*, by William E. Warne, December 24, 1976, 12 pp. Mr. Warne, as consultant to CRS, presents options for restructuring the Department of Interior, FEA and ERDA into a Department of Energy Supply and Natural Resources. His major innovation is identification of land management-related, data-related, and development-related activities within the many agencies and bureaus within Interior and in FEA and ERDA and reassembly of these functions into three separable generic functions for the proposed Department. A fourth Under Secretary would handle internal Departmental functions of planning and budget. The chart is illustrative of one way under which these functions might be reorganized. Drafted by David Gushee and Frances Gulick, Environment and Natural Resources Policy Division, Congressional Research Service, Library of Congress.

SECRETARY

DEPUTY-SECRETARY

Office of Internal Management

Assigned responsibility for development and improvement of Department's Management processes.

Directs staff functions for:
Personnel Management
Audit and Investigations
General Management Consulting
Automatic Data Processing
Management Services and Operations
Financial and Technical Information Systems
Manpower Training and Youth Activities
Natural Resources Library
Aircraft Management and Services
OEOpp.

Office of Territorial Affairs and Regional Projects

Office of Public Liaison

Office of Minerals Policy Development

Serves as focal point for Department's mineral policy development activities.

Reports Departmental positions to NSC and Energy Policy Council.

Commissioner of Indian Affairs
Bureau of Indian Affairs
Solicitor
Office of Hearings and Appeals

Under Secretary Management of Public Lands

Assistant Secretary, Fish, Wildlife and Parks

From Interior:

National Park Service:

Manages nearly 300 natural historic, recreational, and cultural parks.

Supports System of National Historic, Natural, and Environmental Education Landmarks.

Provides assistance to States, local governments, and private owners for surveys and plans to save historic and cultural properties.

U.S. Fish and Wildlife Service:

Operates 377 national wildlife refuges for migratory waterfowl, endangered species, and other nationally significant species, and conducts wildlife research at 37 laboratories. Operates a national system of 90 fish hatcheries and 24 fish research centers.

Provides financial and technical assistance to States and foreign countries and maintains cooperative research programs with universities.

Enforces the domestic and international aspects of Federal wildlife laws and overseas national programs designed to protect endangered species and to regulate imports of foreign injurious exotic wildlife.

Through its Biological Services program determines the effects on fish and wildlife of energy and related development projects and develops scientific baseline studies on coastal and upland ecosystems for use in environmental impact assessment programs.

Bureau of Outdoor Recreation:

Prepares and maintains continuing inventory of outdoor recreation needs and resources of United States.

Serves as Federal focal point for coordinating, planning, and financing public outdoor recreation.

Assistant Secretary Land and Water Management

From Interior:

Bureau of Land Management:

Responsible for multiple-use management of 450 million acres of national resource lands encompassing renewable resources such as timber, range forage, wildlife management.

Provides baseline studies in Outer Continental Shelf. Surveys public lands and maintains public lands records. (Receipts Fiscal 1974: $7.2 billion from sale of lands and resources).

From Geological Survey:

Classifies Federal land.

Bureau of Reclamation:

Investigates and develops plans for water and related land and power resources. Administers and conducts water research programs.

Administers the Small Reclamation Projects Act.

Office of Land Use and Water Planning:

Develops Departmental legislative and program initiatives to strengthen State and local land and resource management capabilities. Coordinates Department support of intergovernmental land use and water planning endeavors.

From Agriculture:

Forest Services:

Under Secretary Program Planning & Budget

Assistant Secretary Conservation of Energy

From FEA:

All conservation programs related to energy supply.

Responsible for infusing all Departmental programs with energy conservation component.

Assistant Secretary Program Management

Office of Environmental Quality:

A new office, upgrading former Environmental Project Review function.

From Interior:

Assigned responsibility for developing natural resource programs, goals, and objectives.

Direct staff functions for:

Policy Analysis; Resource Allocations; Economic Analysis; Program Planning and Budgeting; Outer Continental Shelf Program Coordination.

Congressional and Legislative Affairs:

Assigned responsibility for the enactment of the Department's legislative programs and for liaison with the Congress in all areas where there is Congressional interest in the activities of the Department.

Drafts and coordinates proposed legislation.

Provides briefings on Departmental matters for individual members of Congress, Congressional committees and staffs.

Coordinates Department's position on legislation.

Coordinates Department's response to matters of interest to the Congress.

From FEA and ERDA:

Combine comparable functions.

Under Secretary ESNR Data Collection & Analysis

Administrator for ESNR Data & Analysis

From Interior:

Geological Survey:

Determines and appraises mineral and mineral fuel resources of U.S.

Prepares and publishes National Atlas and topographic maps.

Bureau of Mines:

Investigates world availability and demand for mineral raw materials.

From FEA:

The Office of Energy Information and Analysis

Under Secretary Development of Energy, Water, & Natural Resources

Assistant Secretary R & D:

From ERDA:

All R&D on Energy Supply:

Fossil:
Coal
Oil
Gas
Shale

Solar, including:
Wind
Ocean Thermal
Biomass

Geothermal

Nuclear (military and civilian)

MHD:

Laser-fusion

Improved

Efficiencies in processes relating to energy supply and

ERDA Laboratories

From Interior:

Office of Water Research and Technology:

Conducts research and development activities to solve current and projected water problems, and a R&D program to convert saline water for beneficial uses; trains water scientists and engineers through student participation in ongoing research.

Bureau of Mines:

Conducts research and development in mining and mineral processing and demonstration in proved technology for minimizing adverse environmental effects of mineral production.

Assistant Secretary Environment and Safety

From Interior:

Mining Enforcement and Safety Administration:

Investigates and inspects metal, nonmetal, and coal mines to determine conformance with public laws.

Develops and/or revises standards prescribed by public laws for promulgation with respect to mine inspection and enforcement.

Analyzes records and statistics on mine health and safety to determine conditions and events that need attention.

Formulates and provides programs of education, training, and safety motivation (or this could go to labor).

From ERDA:

Environment and safety functions.

Assistant Secretary Development of Supply

From Interior:

From Bureau of Land Management:

Responsible for non-renewable resources, such as energy and non-energy related minerals, Minerals Leasing Program.

Geological Survey:

Supervises mining, oil and gas leases on Outer Continental Shelf and other Federal lands.

From Bureau of Reclamation:

Designs, constructs, and maintains Federal water and power projects.

Bonneville Power Administration:

Constructs, operates, and maintains power transmission system and markets power from Federally constructed dams in Pacific Northwest.

Alaska Power Administration:

Plans for development and utilization of water, power and related resources of Alaska. Operates and markets power for Federal hydroelectric projects in that State.

Southeastern Power Administration:

Markets electric power at Federal reservoir projects in Southeast.

Southwestern Power Administration:

Markets electric power generated at Federal reservoir projects in Southwest.

Defense Electric Power Administration:

Provides organization and plans a program in readiness for operation in event of civil defense emergency.

Ocean Mining Administration:

Promotes and encourages ocean mineral resource recovery from the seabed and subsoil beyond the limits of national jurisdiction.

From FEA:

All functions of Office of Regulatory Programs and Office of Resource Development.

Mr. PERCY. Mr. President, up to this point I have talked about some of the fundamental issues underlying the bill which I am introducing today, and have also indicated how the energy supply and public land management functions might be accommodated within a single department to their mutual benefit.

Let me emphasize that this proposed legislation is not set in concrete. Undoubtedly it will require many refinements before it is suitable for enactment into law. I invite comments on the ideas in our bill from anyone concerned about our national energy policy.

My main purpose in introducing this bill is to broaden the range of reorganization options under consideration and focus attention on the issues involved. The issues of how best to formulate energy policy, how best to deal with the divergent values of suppliers and users, and how best to rationalize and streamline energy regulatory programs, are issues that need wide debate and discussion.

My hope is that the ideas I have described will help focus the debate and make some contribution toward sharpening the discussion of Government re-

form as it related to our vital energy needs.

Mr. President, I want to emphasize how helpful the Congressional Research Service has been to me and my staff as we have developed this bill. I would like to single out for special mention the two key CRS staff people who have worked closest with my staff over the last year—Mr. David Gushee and Dr. Frances Gulick. I am also indebted to Mr. William Warne, an independent consultant, who offered a number of suggestions as to how my proposed DESNR might be organized.

Mr. President, I ask unanimous consent that the text of the Omnibus Energy and National Resources Reorganization Act of 1977 be printed in the RECORD at this point, together with a summary of its main provisions.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Energy and Natural Resources Reorganization Act of 1977".

DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby determines that—

(1) The Nation's first energy need is to complete the development of a new national energy policy through an organizational mechanism which is independent of existing programmatic and economic interests.

(2) Energy conservation options must be forced up to parity with supply options in formulating and implementing national energy policy so that conservation can play a much larger role in all major sectors of our society.

(3) Primary energy data collection activities must be strengthened with minimal duplication of effort.

(4) Energy regulatory reform is dependent on prior resolution of energy policy issues.

(5) Energy research, development and demonstration is most productive when closely associated with those organizations which will use its results.

(b) The purpose of this Act is to reorganize Federal energy related activities in accordance with these findings to provide mechanisms for the development and implementation of a national energy policy in which energy conservation is as important as energy supply, Federal monies spent on research, development and demonstration result in economical and socially viable technologies acceptable to potential users, and wasteful duplication in Federal activities is reduced.

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Energy Policy Formulation Act of 1977".

ENERGY POLICY COUNCIL

SEC. 102. (a) There is established in the Executive Office of the President an Energy Policy Council (hereafter called the "Council"). The Council shall be composed of three members, who shall be appointed by the President by and with the advice and consent of the Senate. Each of the members, except the Chairman, shall be compensated at the rate provided for Level I of the Executive Schedule under section 5313 of title 5, United States Code. The President shall designate one of the members of the Council to serve as Chairman. The Chairman shall be compensated at the rate provided for Level II of the Executive Schedule under section 5312 of title 5, United States Code. Each member shall be a person who, as a result of his training, experience and attainments, is exceptionally well qualified to analyze and interpret energy trends and information of all kinds; to integrate these trends and data into recommendations for energy policy for delivery to the President; to appraise programs and activities of the Federal Government with respect to existing and recommended energy policies; to be conscious of and responsive to the economic, environmental, cultural, social, aesthetic, and international needs and interests of the Nation; and to be especially sensitive to opportunities for furthering programs for the conservation of energy in all walks of life. Members of the Council shall not simultaneously serve in any other appointive or elected Federal office except as specified in section 107(a)(1) of this title.

(b) The Council shall have a Director who shall be appointed by the President upon the recommendation of the Chairman by and with the advice and consent of the Senate. The compensation of the Director shall be fixed by the President at a rate not in excess of the rate of compensation payable to the Director of the Office of Management and Budget.

(c) The Chairman is authorized to employ such officers and employees (including experts and consultants not to exceed 25 including the ten provided for in the exception in this subsection) as may be necessary to enable the Council to carry out its functions under this title—

(1) unless he submits a request to the Committees on Government Operations of the Senate and the House of Representatives for such additional staff as may be necessary; and

(2) no resolution stating in substance that either House disapproves any such increase is passed within the first thirty legislative days after the date of the transmission of such request to the Committees provided for in paragraph (1).

The Council may employ no more than ten specialists and other experts without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5.

(d) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to sectons 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) in carrying out his functions.

DUTIES AND FUNCTIONS

SEC. 103. It shall be the duty and function of the Council—

(a) to assist and advise the President in the preparation of the Energy Report required by section 105;

(b) to develop and recommend to the President policies designed to integrate energy supply and conservation policies developed within the Council and elsewhere in the Federal Government with other national policies to meet the social, economic, environmental, cultural, esthetic, and international goals and requirements of the Nation;

(c) to assist the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government;

(d) to review the adequacy of existing systems for monitoring and predicting energy supplies and demand in order to achieve effective coverage and efficient use of research facilities and other resources;

(e) to assist in coordinating among the Federal departments and agencies those programs and activities which affect energy policy;

(f) to assist the executive departments and agencies of the Federal Government and of the State in the development of energy and energy-related policies within the jurisdictions of the various departments and agencies so as to insure that these policies are in accordance with overall national policies and goals;

(g) to conduct investigations, studies, surveys, and analyses as necessary to develop national energy policies and to determine their viability with respect to other national policies and goals; and

(h) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

ADMINISTRATIVE REPORT TO THE PRESIDENT

SEC. 104. The Council shall make an annual report to the President in December of each year concerning its activities and functions under this title.

ENERGY REPORT OF THE PRESIDENT

SEC. 105. (a) The President shall transmit to the Congress within sixty days after the beginning of each regular session an energy report (hereinafter referred to as the "Energy Report") setting forth all aspects of major policy questions including but not limited to—

(1) the levels of supply and demand for the various energy forms obtained in the United States;

(2) current and foreseeable trends in the levels of supply and demand;

(3) a review of the energy programs of the United States, their objectives, and the extent to which those objectives are being achieved;

(4) a set of forecasts for energy supply and demand in the United States for the ensuing five, ten, and twenty-five years.

(5) a program of action required in order for the United States to assure optimum development of domestic energy resources for the purpose of reducing dependence on imported energy materials to levels of zero, 10 percent, and 25 percent of the total forecast energy demand and such other levels of dependency as may be deemed appropriate by the President;

(6) a set of recommendations for Presidential and Congressional actions required to achieve the level of dependency determined to be in the national interest; and

(7) such other information as may be deemed worthy of inclusion.

(b) The President may transmit from time to time to the Congress reports supplementary to the Energy Report, each of which shall include such supplementary or revised recommendations as he may deem necessary or advisable to achieve the policy of the nation.

TERMINATION

SEC. 106. The Commission shall terminate three years after the date on which the last of the initial three members is appointed and qualifies.

CABINET COMMITTEE ON CONSERVATION

SEC. 107. (a) There is hereby created in the Executive Office of the President a Committee on Conservation (hereinafter called the "Committee"). The Committee shall be composed of the following members:

(1) the Secretary of State;

(2) the Secretary of Defense;

(3) the Secretary of Agriculture;

(4) the Secretary of Commerce;

(5) the Secretary of Health, Education, and Welfare;

(6) the Secretary of Housing and Urban Development;

(7) the Secretary of Transportation;

(8) the Secretary of the Department of Energy Supply and Natural Resources established by title II of this Act;

(9) the Chairman of the Energy Policy Council; and

(10) the Administrator of General Services.

The Chairman of the Energy Policy Council shall be the Chairman of the Committee. The President shall designate one of the members of the Committee as vice chairman.

(b) It shall be the duty and function of the Committee—

(1) to assist and advise the President in the preparation of the Energy Report with respect to conservation;

(2) to gather timely and authoritative information concerning national energy conservation policy particularly such information as may be useful in furnishing the basis for the effective coordination of effort and activity between and among Executive departments and agencies;

(3) to study individual and collective impact of Federal energy conservation programs on the economy, employment, and quality of life; and

(4) to make and furnish such studies, reports thereon, and recommendations with respect to matters of Federal energy conservation policy and programs, and proposed legislation as the President may request.

(c) The Committee shall make an annual report on Federal energy conservation activities to the President in December of each year.

(d) In exercising its powers, functions and duties under this Act the Committee—

(1) may constitute such advisory committees and may consult with such representatives of industry, agriculture, labor, consumers, State and local governments and other groups, as it deems advisable;

(2) shall, to the fullest extent possible, utilize the services, facilities, and information (including statistical information) of other Government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided;

(3) shall utilize the staff of the Energy Policy Council for administrative support as may be necessary; and

(4) shall use staffs of all Federal agencies for technical support as necessary.

TERMINATION

SEC. 108. The Committee shall terminate three years after the date on which the members appointed under section 107(a)(8) is appointed and qualifies.

AUTHORIZATION OF APPROPRIATIONS

SEC. 109. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE—II

SHORT TITLE

SEC. 201. This title may be cited as the "Department of Energy Supply and Natural Resources Act".

ESTABLISHMENT OF DEPARTMENT

SEC. 202. (a) There is hereby established at the seat of government an executive department to be known as the Department of Energy Supply and Natural Resources (hereinafter referred to in this Act as the "Department"). There shall be at the head of the Department a Secretary of Energy Supply and Natural Resources (hereinafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department a Deputy Secretary of Energy Supply and Natural Resources, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary (or, during the absence or disability of the Deputy Secretary, or in the event of a vacancy in the office of Deputy Secretary, an Under Secretary, an Assistant Secretary or the Solicitor, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of the Secretary. The Deputy Secretary shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

(c)(1) There shall be in the Department the following Under Secretaries:

(A) Under Secretary for Management of Public Lands;

(B) Under Secretary for Program Planning and Budget;

(C) Under Secretary for Data Collection and Analysis; and

(D) Under Secretary for Development of Energy, Water, and Natural Resources.

(2) Each Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated as provided for level III of the Executive Schedule under section 5314 of title V, United States Code.

(d)(1) There shall be in the Department the following Assistant Secretaries and officers:

(A) Assistant Secretary for Fish, Wildlife, and Parks, who shall be under the supervision of the Under Secretary for Management of Public Lands;

(B) Assistant Secretary for Land and Water Management, who shall be under the supervision of the Under Secretary for Management of Public Lands;

(C) Assistant Secretary for Conservation of Energy who shall be under the supervision of the Under Secretary for Program Planning and Budget;

(D) Assistant Secretary for Program Management, who shall be under the supervision of the Under Secretary for Program Planning and Budget;

(E) Assistant Secretary for Research and Development, who shall be under the supervision of the Under Secretary for Development of Energy, Water, and Natural Resources;

(F) Assistant Secretary for Environment and Safety, who shall be under the supervision of the Under Secretary for Development of Energy, Water, and Natural Resources;

(G) Assistant Secretary for Development of Supply, who shall be under the supervision of the Under Secretary for Development of Energy, Water, and Natural Resources;

(H) An Administrator for Energy Supply and Natural Resources Data and Analysis, who shall be under the supervision of the Under Secretary for Data Collection and Analysis; and

(I) the Solicitor of the Department of Energy Supply and Natural Resources.

(2) Each such Assistant Secretary, the Administrator, and the Solicitor shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated as provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) There shall also be established under the general authority of the Deputy Secretary of Energy Supply and National Resources the following internal administrative offices—

(1) Office of Internal Management;

(2) Office of Territorial Affairs and Regional Projects;

(3) Office of Public Information;

(4) Office of Minerals Policy Development;

(5) The Commissioner of Indian Affairs and Bureau of Indian Affairs;

(6) The Office of the Solicitor for Energy Supply and Natural Resources.

(f)(1) There are hereby established the following Assistant Secretaries and an Assistant Administrator who shall be appointed by the President by and with the advice and consent of the Senate and who shall be compensated at the level provided for under section 5315 of title 5, United States Code.

1. Assistant Secretary of State for Energy Conservation, Department of State;

2. Assistant Secretary of Defense for Energy Conservation, Department of Defense;

3. Assistant Secretary of Agriculture for Energy Conservation, Department of Agriculture;

4. Assistant Secretary of Commerce for Energy Conservation, Department of Commerce;

5. Assistant Secretary of Health, Education and Welfare for Energy Conservation, Department of Health, Education, and Welfare;

6. Assistant Secretary of Housing and Urban Development for Energy Conservation, Department of Housing and Urban Development;

7. Assistant Secretary of Transportation for Energy Conservation, Department of Transportation; and

8. Assistant Administrator of General Services for Energy Conservation, General Services Administration.

(2) Each such Assistant Secretary and the Assistant Administrator shall supervise all activities of their respective Executive Departments or Administrations with respect to energy conservation.

DUTIES OF THE SECRETARY

SEC. 203. (a) The Secretary in carrying out the purposes of this title shall, among his responsibilities, exercise leadership under the direction of the President in energy supply and natural resource matters including public lands and waters, including those affecting the national defense and those involving national or regional emergencies; provide leadership in the development of efficient national energy supply and natural resource policies; programs, and systems, and make recommendations to the Energy Policy Council, Cabinet Committee on Conservation, the President and the Congress for their consideration and implementation; promote and undertake development, collection, and dissemination of technological, statistical, economic, and other information relevant to domestic and international energy supply and natural resource matters; consult and cooperate with the Secretary of Labor in promoting industrial harmony and stable employment conditions in all phases of energy industries; promote and undertake research and development relating to energy supply and natural resources; consult with the heads of other Federal departments and agencies on the energy supply and natural resource requirements of the Government, including the procurement of energy or the operation of their own facilities for energy generation in order to encourage them to establish and observe policies consistent with the maintenance of a coordinated energy supply and natural resource system; and consult and cooperate with State and local governments, labor, and other interested parties, including, when appropriate, holding informal public hearings.

(b)(1) Nothing in this title shall be construed to authorize, without appropriate action by Congress, the adoption, revision, or implementation of any energy supply or natural resource policy.

(2) In exercising the functions, powers, and duties conferred or transferred to the Secretary, the Deputy Secretary, or an Under Secretary or Assistant Secretary by this title, each such officer shall give full consideration to the need for operational continuity of the functions transferred, to the need for effectiveness, efficiency and safety in energy sup-

ply and natural resource systems, and to the needs of the national defense.

(c) Orders and actions of the Secretary, the Deputy Secretary, or an Under Secretary or Assistant Secretary in the exercise of functions, powers, and duties transferred under this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the department or agency exercising such functions, powers, and duties immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this title shall apply to the exercise of such functions by the Secretary, the Deputy Secretary, or an Under Secretary or Assistant Secretary.

(d) In the exercise of the functions, powers, and duties transferred under this title, the Secretary, the Deputy Secretary, or an Under Secretary or Assistant Secretary shall have the same authority as that vested in the department or agency exercising such functions, powers, and duties immediately preceding their transfer, and their actions in exercising such functions, powers, and duties shall have the same force and effect as when exercised by such department or agency.

(e) The Secretary, the Deputy Secretary, or an Under Secretary or Assistant Secretary shall cooperate and consult with the Energy Policy Council, the Secretaries of the several Executive Departments and other agencies and instrumentalities of the Federal Government and with the States in developing energy supply and natural resource plans and programs.

(f) After the effective date of this title, the Secretary shall not approve any program or project which requires the use of any land from a public park, recreation area, wildlife and waterfowl refuge, or historic site unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

(g) In addition to the requirements of subsection (e) the Secretary and the Secretaries of the several Executive Departments shall consult and exchange information regarding their respective energy supply and natural resource policies and activities; carry on joint planning, research and other activities; and coordinate assistance for local energy supply and natural resource projects. They shall jointly study how Federal policies and programs can assure that energy supply and natural resource systems most effectively serve both national energy supply and natural resource needs and the comprehensively planned development of urban, suburban, and rural areas. They shall, within one year after the effective date of this title, and annually thereafter, report to the President, for submission to the Congress, on their studies and other activities under this subsection, including any legislative recommendations which they determine to be desirable.

TRANSFERS TO THE DEPARTMENT OF ENERGY SUPPLY AND NATURAL RESOURCES

SEC. 204. (a)(1) Except as provided in subsections (b) through (g) there are hereby transferred to and vested in the Secretary all energy supply functions, powers, and duties of—

(A) the Secretary of the Interior and other offices and officers of the Department of Interior;

(B) the Administrator of the Federal Energy Administration;

(C) the Administrator of the Energy Research and Development Administration.

(2) Except as may otherwise be provided in paragraph (1) of this subsection or in section 205, there are hereby transferred to the following offices and officers the following functions:

(A) to the Assistant Secretary for Fish, Wildlife, and Parks—

(i) all responsibilities and authorities exercised by the National Park Service, the Department of the Interior;

(ii) all responsibilities of and authorities exercised by the United States Fish and Wildlife Service, the Department of the Interior;

(iii) all responsibilities of and authorities exercised by the Bureau of Outdoor Recreation, the Department of the Interior;

(B) to the Assistant Secretary for Land and Water Management—

(i) all responsibilities of and authorities other than the minerals leasing program exercised by the Bureau of Land Management, the Department of the Interior;

(ii) the Federal lands classification functions exercised by the Geological Survey, the Department of the Interior;

(iii) all responsibilities of and authorities exercised by the Bureau of Reclamation, the Department of the Interior under the Small Reclamation Projects Act of 1956;

(iv) all responsibilities of and authorities exercised by the Office of Land Use and Water Planning, the Department of the Interior; and

(v) all responsibilities of and authorities exercised by the Forest Service, the Department of Agriculture;

(C) to the Assistant Secretary for Conservation of Energy shall be responsible for all conservation programs related to energy supply now or heretofore carried on by the Federal Energy Administration;

(D) to the Assistant Secretary for Program Management—

(i) all responsibilities of and authorities exercised by the Office of Environmental Quality;

(ii) all responsibilities for congressional and legislative affairs formerly performed by the Department of the Interior, the Federal Energy Administration, or the Energy Research and Development Administration;

(E) to the Administrator for Energy Supply and Natural Resource Data and Analysis—

(i) all responsibilities and the authorities exercised by the Geological Survey, Department of the Interior related to determination and appraisal of mineral and mineral fuels resources of the United States, and all mapping and related functions;

(ii) all mineral and energy data and related responsibilities of and authorities exercised by the Bureau of Mines, Department of the Interior;

(iii) all responsibilities of and authorities exercised by the Office of Energy Information and Analysis, Federal Energy Administration;

(F) to the Assistant Secretary for Research and Development—

(i) all responsibilities with respect to research and development on energy supply matters from the Energy Research Development Administration including, but not limited to, fossil fuels, solar, geothermal, nuclear, and laser fusion energy sources and laboratory research;

(ii) all responsibilities of and authorities exercised by the Office of Water Research and Technology, Department of the Interior; and

(iii) all mining and mineral processing research and development functions exercised by the Bureau of Mines;

(G) to the Assistant Secretary for Environment and Safety—

(i) all responsibilities of and authorities exercised by the Mining Enforcement and Safety Administration, Department of the Interior; and

(ii) all environment and safety functions exercised by the Energy Research and Development Administration; and

(H) to the Assistant Secretary for the Development of Supply—

(i) all aspects of the Minerals Leasing Program exercised by the Bureau of Land Management, Department of the Interior;

(ii) all mining and leasing functions on the Outer Continental Shelf and other federal lands exercised by the Geological Survey, Department of the Interior;

(iii) all water and power research, planning, design, construction, and operational projects exercised by the Bureau of Reclamation, Department of the Interior;

(iv) all responsibilities of and authorities exercised by the Bonneville Power Administration, Department of the Interior;

(v) all responsibilities of and authorities exercised by the Alaska Power Administration, Department of the Interior;

(vi) all responsibilities of and authorities exercised by the Southeastern Power Administration, Department of the Interior;

(vii) all responsibilities and authorities exercised by the Southwestern Power Administration, Department of the Interior;

(viii) all responsibilities of and authorities exercised by the Defense Electric Power Administration, Department of the Interior;

(ix) all responsibilities of and authorities exercised by the Ocean Mining Administration, Department of the Interior; and

(x) all functions of and authorities exercised by the Office of Regulatory Programs and the Office of Resource Development of the Federal Energy Administration.

(b) There are hereby transferred to the Secretary of Commerce all responsibilities, authorities, offices, and officers and personnel under the following provisions of law:

(1) sections 161, 451 and 461 of the Energy Conservation and Production Act;

(2) sections 104, 321 through 339, 361 through 366, and 371 through 376, of the Energy Policy and Conservation Act;

(3) section 5(b)(7) of the Federal Energy Administration Act of 1974; and

(4) all aspects of all activities of the Federal Government associated with the conservation of energy by industry.

(c) There are hereby transferred to the Energy Policy Council established by section 102 of this Act, the responsibilities, authorities, offices, and personnel established or operating under the following provisions of law:

(1) section 109 of the Energy Conservation and Production Act; and

(2) paragraphs (1) through (6) and (8) of section 5(b) of the Federal Energy Administration Act of 1974.

(d) There are hereby transferred to the Secretary of Transportation—

(1) the responsibilities, authorities, offices, and personnel relating to alternative automatic power systems under section 104(g) of the Energy Reorganization Act of 1974; and

(2) all aspects of all activities of the Federal Government associated with the conservation of energy in the transportation sector.

(e) There are hereby transferred to the Secretary of Housing and Urban Development the responsibilities, authorities, offices, and personnel under the following provisions of law:

(1) sections 411 through 422 of the Energy Conservation and Production Act;

(2) section 104(f)(1) of the Energy Reorganization Act of 1974;

(3) all functions and activities of the Federal Government relating to solar heating and cooling; and

(4) all aspects of all activities of the Fed-

eral Government associated with the conservation of energy in the housing sector.

(f) There are hereby transferred to the Secretary of Defense—

(1) the responsibilities, authorities, offices, and personnel established or operating under section 102(g) and 104(d) of the Energy Reorganization Act of 1974; and

(2) all aspects of all activities of the Federal Government associated with the conservation of energy by the Department of Defense.

(g) There are hereby transferred to the Administrator of General Services the responsibilities, authorities, offices, and personnel established or operating under section 381(a) of the Energy Policy and Conservation Act.

(h) In addition to those transfers to the Secretary established under subsection (a), there are hereby specifically transferred to the Secretary the responsibilities, authorities, offices, and personnel determined by the President to be related to energy supply policy.

(i) All Executive departments and agencies shall review their respective efforts with respect to primary data collection on energy and energy flow through the sector of the economy for or with respect to which they have any responsibility and report the results of such review at least annually to the Congress.

(j) The provisions of subchapter II of chapter 5 and of chapter 7 of title 5, United States Code, shall be applicable to proceedings by the Department except that notwithstanding this or any other provision of this title, the transfer of functions, powers and duties to the Secretary or any other officer in the Department shall not include functions vested by subchapter II of chapter 5 of title 5, United States Code, in hearing examiners employed by any department, agency, or component thereof whose functions are transferred under the provisions of this Act.

(k) Each Executive department or agency to which any duty or function is transferred under this title shall assess and study the best and most efficient means by which it can assimilate the responsibilities transferred under this Act without increased manpower or other requirements and shall report to Congress the results of such assessments and studies together with a prepared plan of implementation for the assimilation of such duties within 90 days after the date of enactment of this Act. Each such plan shall vest the supervision of all authorities transferred by this section to the Assistant Secretary or Assistant Administrator, as the case may be, designated by the Secretary or Assistant Administrator, as the case may be designated by the Secretary or agency head.

ADMINISTRATIVE PROVISIONS

SEC. 205. (a) In addition to the authority contained in any other Act which is transferred to and vested in the Secretary the Secretary is authorized, subject to the civil service and classification laws, to select, appoint, employ, and fix the compensation of such officers and employees, including investigators, attorneys, and hearing examiners, as are necessary to carry out the provisions of this title and to prescribe their authority and duties.

(b) The Secretary may obtain services as authorized by section 3109 of title 5 of the United States Code, but at rates not to exceed the highest daily rate for individuals compensated at Grade GS–18 under section 5332 of title 5, United States Code.

(c) The Secretary is authorized to provide for participation of military personnel in carrying out the functions of the Department. Members of the Army, the Navy, the Air Force, or the Marine Corps may be detailed for service in the Department by the appropriate Secretary, pursuant to cooperative agreements with the Secretary.

(d) (1) Appointment, detail, or assignment to, acceptance of, and service in any appointive or other position in the Department under the authority of subsection (c) shall in no way affect status, office, rank, or grade which officers or enlisted men may occupy or hold or any emolument, prerequisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade, nor shall any member so appointed, detailed, or assigned be charged against any statutory limitation on grades or strengths applicable to the Armed Forces. A person so appointed, detailed, or assigned shall not be subject to direction by or control by his armed force or any officer thereof directly or indirectly with respect to the responsibilities exercised in the position to which appointed, detailed, or assigned.

(2) The Secretary shall report annually in writing to the appropriate committees of the Congress on personnel appointed and agreements entered into under subsection (c) of this section, including the number, rank, and positions of members of the armed services detailed pursuant thereto.

(e) (1) Except where this title vests in any administration, agency or board, specific functions, powers, and duties, the Secretary may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to or vested in the Secretary in this title, delegate any of his residual functions, powers, and duties to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions, powers, and duties as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions, powers, and duties.

(2) In addition to the authority to delegate and redelegate contained in any other Act, in the exercise of the functions transferred to or specified by this title to be carried out by any officer in the Department, such officer may delegate any of such functions, powers, and duties to such other officers and employees of the Department as he may designate; may authorize such successive redelegations of such functions, powers, and duties as he may deem desirable; and may make such rules and regulations as may be necessary to carry out such functions, powers, and duties.

(3) Prior to his initial exercise of his authorities to reorganize the Department granted in subsection (1) of this section, the Secretary shall submit a comprehensive reorganization plan to the Congress. The Secretary, in developing this reorganization plan, shall insure that conservation, environment, esthetic, and other values shall be given equal consideration to that given to energy supply. The Congress shall have 30 days after receipt of the plan to disapprove it by majority vote in either House. If the Congress fails to act in 30 days, the plan shall automatically become effective.

(f) So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available in connection with the functions, powers, and duties transferred by this title as the Director of the Office of Management and Budget determines relate to the functions so transferred shall be transferred to the Secretary. Except as provided in subsection (g), personnel engaged in functions, powers, and duties transferred under this title shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(g) The transfer of personnel pursuant to subsection (f) shall be without reduction in classification or compensation for one year after such transfer.

(h) In any case where all of the functions, powers, and duties of any office or agency are transferred pursuant to this title, such office or agency shall lapse. Any person who, on the effective date of this title, held a position compensated in accordance with the Executive Schedule, and who, without a break in service, is appointed in the Department to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position, for the duration of his service in his new position.

(i) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and opreation of such common administrative services as he shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain said fund.

(j) The Secretary shall cause a seal of office to be made for the Department of such device as he shall approve, and judicial notice shall be taken of such seal.

(k) In addition to the authority contained in any other Act which is transferred to and vested in the Secretary, or other officer in the Department, as necessary, and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote localities:

(1) emergency medical services and supplies;

(2) food and other subsistance supplies;

(3) messing facilities;

(4) motion picture equipment and film for recreation;

(5) reimbursement for food, clothing medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons; and

(6) living and working quarters and facilities.

The furnishing of medical treatment under paragraph (1) and the furnishing of services and supplies under paragraphs (2) and (3) of this subsection shall be at prices reflecting reasonable value as determined by the Secretary, and the proceeds therefrom shall be credited to the appropriation from which the expenditure was made.

(l) (1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a sepa-

rate fund and shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(2) For the purpose of Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for use of the United States.

(3) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities, and from any other property held by the Secretary pursuant to paragraph (1) shall be deposited to the credit of the fund, and shall be disbursed upon order of the Secretary.

(m)(1) The Secretary is authorized, upon the written request of any person, or any State, territory, possession, or political subdivision thereof, to make special statistical studies relating to foreign and domestic energy supply problems and special studies relating to other matters falling within the province of the Department, to prepare from its records special statistical compilations, and to furnish transcripts of its studies, tables, and other records upon the payment of the actual cost of such work by the person or body requesting it.

(2) All moneys received by the Department in payment of the cost of work under paragraph (1) shall be deposited in a separate account to be administered under the direction of the Secretary. These moneys may be used, in the discretion of the Secretary, for the ordinary expenses incidental to the work and/or to secure in connection therewith the special services of persons who are neither officers nor employees of the United States.

(n) The Secretary is authorized to appoint, without regard to the civil service laws, such advisory committees as shall be appropriate for the purpose of consultation with and advice to the Department in performance of its functions. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (b) of this section, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(o)(1) Subject to the approval requirement of paragraph (5) the Secretary is authorized to enter into contracts with educational institutions, public or private agencies or organizations, or persons for the conduct of scientific or technological research into any aspect of the problems related to the programs of the Department which are authorized by statute.

(2) The Secretary shall require a showing that the institutions, agencies, organizations, or persons with which he expects to enter into contracts pursuant to this subsection have the capability of doing effective work. He shall furnish such advice and assistance as he believes will best carry out the mission of the Department, participate in coordinating all research initiated under this subsection, indicate the lines of inquiry which seem to him most important, and encourage and assist in establishment and maintenance of cooperation by and between the institutions, agencies, organizations, or persons and between them and other research organizations, the Department, and other Federal agencies.

(3) The Secretary may from time to time disseminate in the form of reports or publications to public or private agencies or organizations, or individuals such information as he deems pertinent on the research carried out pursuant to this section.

(4) Nothing contained in this subsection is intended to amend, modify, or repeal any provisions of law administered by the Department which authorize the making of contracts for research.

(5) All proposed contracts under this subsection shall be submitted to the Committee on Government Operations of the Senate and the House of Representatives and may become effective only if neither such committee, within the first 30 legislative days following the date of submission of any such contract, passes a resolution stating in substance that it disapproves any such contract.

CONFORMING AMENDMENTS TO OTHER LAWS

SEC. 206. (a) Section 19(d)(1) of title 3, United States Code, as amended, is hereby amended by striking out "Secretary of the Interior" and inserting in lieu thereof the following: "Secretary of Energy Supply and Natural Resources,".

(b) Section 101 of title 5, United States Code, is amended by inserting at the end thereof the following:

"The Department of Energy Supply and Natural Resources".

(c) The amendment made by subsection (b) of this section shall not be construed to make applicable to the Department any provision of law inconsistent with this Act.

(d) Subchapter II (relating to executive schedule pay rates) of chapter 53 of title 5, United States Code, is amended as follows:

(1) Section 5312 is amended by adding at the end thereof the following:

"(13) Secretary of Energy Supply and Natural Resources.".

(2) Section 5313 is amended by adding at the end thereof the following:

"(23) Deputy Secretary of Energy Supply and Natural Resources.".

(3) Section 5314 is amended—

(A) by striking out "(7) Under Secretary of the Interior"; and

(B) by adding at the end thereof the following:

"(65) Under Secretary for Management of Public Lands, Department of Energy Supply and Natural Resources.

"(66) Under Secretary for Program Planning and Budget.

"(67) Under Secretary for Data Collection and Analysis, Department of Energy Supply and Natural Resources.

"(68) Under Secretary for Development of Energy, Water, and Natural Resources, Department of Energy Supply and Natural Resources . . ."

(4) Section 5315 is amended—

(A) by striking out "(18) Assistant Secretaries of the Interior (6).";

(B) by striking out "(42) Solicitor of the Department of the Interior."; and

(C) by adding at the end thereof the following:

"(101) Assistant Secretary for Fish, Wildlife, and Parks, Department of Energy Supply and Natural Resources.

"(102) Assistant Secretary for Land and Water Management, Department of Energy Supply and Natural Resources.

"(103) Assistant Secretary for Conservation of Energy, Department of Energy Supply and Natural Resources.

"(104) Assistant Secretary for Program Management, Department of Energy Supply and Natural Resources.

"(105) Assistant Secretary for Research and Development, Department of Energy Supply and Natural Resources.

"(106) Assistant Secretary for Environment and Safety, Department of Energy Supply and Natural Resources.

"(107) Assistant Secretary for Development of Supply, Department of Energy Supply and Natural Resources.

"(108) Administrator for Energy Supply and Natural Resources, Department of Energy Supply and Natural Resources.

"(109) Solicitor of the Department of Energy Supply and Natural Resources.

"(110) Assistant Secretary of State, Department of State;

"(111) Assistant Secretary of Defense, Department of Defense;

"(112) Assistant Secretary of Agriculture, Department of Agriculture;

"(113) Assistant Secretary of Commerce, Department of Commerce;

"(114) Assistant Secretary of Health, Education, and Welfare, Department of Health, Education, and Welfare;

"(115) Assistant Secretary of Housing and Urban Development, Department of Housing and Urban Development;

"(116) Assistant Secretary of Transportation for Energy Conservation, Department of Transportation; and

"(117) Assistant Administrator of General Services for Energy Conservation, General Services Administration.

(e) Section 11(e)(1) of the Energy Supply and Environmental Coordination Act of 1974 is amended—

(1) by striking out "distribution, and consumption", and

(2) by inserting in lieu thereof the following: "and distribution".

(g) Section 11 of the Energy Supply and Environmental Coordination Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking out "the Federal Energy Administrator," the first time it occurs therein and inserting in lieu thereof "the Executive Branch,";

(B) by striking out "The Federal Energy Administrator" in the second sentence thereof and inserting in lieu thereof the following: "Each Federal agency"; and

(C) by striking out "the Federal Energy Administrator" in the second sentence thereof and inserting in lieu thereof "each Federal agency".

(2) in subsection (b) by striking out "the Federal Energy Administrator" each time it occurs therein and inserting in lieu thereof "each Federal agency";

(h) Section 5(a) of the Federal Energy Administration Act of 1974 is amended by striking out "conservation, use".

(i) Section 13(b) of the Federal Energy Administration Act of 1974 is amended by striking out "or major energy consumption".

(j) Section 108 of the Energy Reorganization Act of 1974 is repealed.

(k) Section 162 and 163 of the Energy Conservation and Production Act are repealed.

(l) Section 381(b) of the Energy Policy and Conservation Act is repealed.

(m) Section 381(c) of the Energy Policy and Conservation Act is redesignated as subsection (b).

(n) Section 381(b), as redesignated by subsection (m) of this section, is amended to read as follows:

"(b) The Administrator of General Services shall submit to Congress an annual report concerning all steps taken under subsection (a) as transferred to him by section 204(1) of the Department of Energy Supply and Natural Resources Act."

ANNUAL REPORT

SEC. 207. The Secretary shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Department during the preceding fiscal year.

SAVINGS PROVISIONS

SEC. 208. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective—

(A) under any provision of law amended by this title, or

(B) in the exercise of duties, powers, or

functions which are transferred under this title, by (i) any department or agency, any functions of which are transferred by this title, or (ii) any court of competent jurisdiction, and

(2) which are in effect at the time this title takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this title shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), functions of which are transferred by this title; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the department or agency before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted; and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this title shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this title had not been enacted.

No suit, action, or other proceeding commenced by or against any officer acting in his official capacity as an officer of any department or agency, functions of which are transferred by this title, shall abate by reason of the enactment of this title. No cause of action by or against any department or agency, functions of which are transferred by this title, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this title takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this title—

(A) such department or agency is transferred to the Secretary, or

(B) any function of such department, agency, or officer is transferred to the Secretary,

then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the department, agency, or officer which was a party to the suit prior to the date of enactment of this Act).

(d) With respect to any function, power, or duty transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any department or agency, officer or office so transferred or functions of which are so transferred shall be deemed to mean the officer or agency in which this title vests such function after such transfer.

SEPARABILITY

SEC. 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this title, and the application of such provision to other persons or circumstances shall not be affected thereby.

CODIFICATION

SEC. 4. The Secretary of Energy Supply and Natural Resources is directed to submit to the Congress within two years from the effective date of this Act, a proposed codification of all laws relating to energy and natural resources.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 5. (a) This Act shall take effect ninety days after the Secretary of Energy Supply and Natural Resources and the Chairman of the Energy Policy Council first take office, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Any of the officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred pursuant to this Act.

ENERGY REGULATORY REORGANIZATION STUDY

SEC. 6. (a) The Comptroller General of the United States shall forthwith undertake a comprehensive study of Federal energy regulatory activities particularly independent regulatory agencies and other instrumentalities of the United States with respect to their statutorily mandated energy regulatory missions and implementation policies and functions including a catalog of their statements of policy and the relationship of the policies and practices to existing national energy policies.

(b) The Comptroller General shall present to the Congress a report embodying the results of the study authorized by subsection (a) together with his recommendations with respect thereto not later than two years after the date of enactment of this Act.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

AGENCY COMPLIANCE

SEC. 7. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which and shall propose to the President not later than July 1, 1977, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

POLICY SUPPLEMENTATION

SEC. 8. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

SUMMARY OF THE MAJOR PROVISIONS OF THE OMNIBUS ENERGY AND NATURAL RESOURCES REORGANIZATION ACT OF 1977

POLICY

To the extent that a comprehensive, widely agreed upon energy policy is necessary, it is important to ensure that the process of developing that policy is not dominated by supply interests. Therefore, energy policy formulation should be separated from energy supply policy formulation and implementation.

This legislation would create an Energy Policy Council (EPC) in the Executive Office of the President—similar to the Council of Economic Advisors—which would both be free of day-to-day programmatic concerns, as well as free of the biases of on-going programs. EPC would supply the President with objective energy policy recommendations and be able to relate energy goals with other high-priority national goals. It would also produce an annual energy report to the President comparable to the Council of Economic Advisers' economic report to the President.

In essence, the EPC would perform the policy tasks now fragmented among FEA, ERDA, Interior and ERC. It would have three members—with the Chairman having Cabinet rank—and a small staff.

EPC would have a sunset clause to force a re-examination of the continuing need for its existence after 3 years.

CONSERVATION

Since conservation depends for its success on a good understanding of the end-using sectors, conservation programs should be collected in those agencies most knowledgeable about each end-using sector. Conservation programs in the transportation sector, for example, including R, D and D, planning and promoting functions, should be wholly in the Department of Transportation, rather than spread throughout a number of agencies.

Energy conservation efforts must be increased substantially. One reason such efforts have been ineffective is that conservation efforts associated with given end-use sectors have been distributed among several agencies, including those responsible for energy supply. The evidence indicates that under these circumstances, conservation tends to be neglected, and many opportunities overlooked.

Thus, this legislation would transfer the conservation programs in FEA and ERDA for each end-use sector (housing, transportation, etc.) to the department most closely associated with that sector, where they would be consolidated with other on-going conservation programs already in that department.

This should increase accountability by fixing responsibility for conservation in a particular end-using sector on one institution. This would remedy the present situation where, for example, several agencies are partly responsible for conservation in housing, but none have the full range of resources (technical, promotional, etc.) to bring to bear.

An Assistant Secretary would be responsible for conservation in each Department and would be directed to increase conservation programs so that conservation and efficiency of energy use become integral parts of that Department's mission.

To promote and coordinate Federal energy conservation programs, and to encourage conservation opportunities between sectors, a new Cabinet Committee on Conservation, chaired by the Chairman of EPC, would also be created for three years. It would consist of the heads of relevant departments and agencies.

In the President's annual energy report, quantitative conservation goals for the next fiscal year would be established.

EPC would monitor all conservation programs, just as it does for supply programs.

SUPPLY

Several agencies (primarily FTA, ERDA and DOI) are currently involved in energy supply. These programs should be consolidated. Note that because conservation efforts are a relatively small budgetary component (e.g., 1 per cent of ERDA's budget), consolidating the energy supply parts of DOI, FEA and ERDA is almost like consolidating the three

agencies in total—one of the many variants of the old DESNR idea.

This legislation would thus create a Department of Energy Supply and Natural Resources (DESNR). I described earlier how this Department would be organized.

DESNR would, first, manage public lands; second, encourage increased energy supplies; third promote R, D and D in new energy supply systems; fourth, develop programs to improve supply system efficencies; and fifth, serve as the lead agency for collecting energy supply data.

DATA

FEA's data collection functions relating to energy supply would be transferred to DESNR, to be integrated with tasks now undertaken by the Bureau of Mines and the Geological Survey.

Each Cabinet department would continue to collect primary data on the use and flow of energy through the economy; that is, energy demand data. For example, Commerce, in a strengthened statistical bureau, would continue to collect energy data from industry and business.

The integrity of data collection efforts would be protected by the institutional separation of the key unit for policy recommendations (EPC) from those agencies responsible for assembling energy data.

REGULATION

More than 40 Federal agencies, bureaus and commissions have some role in energy regulation. Inconsistencies and conflicts cannot be resolved until there is a clearer identification of national energy policy.

One of the major conclusions of a September 1976 study by CRS was that there is as yet no agreement on how the various energy regulatory functions relate to each other, what the major regulatory issues are, and how regulatory policy might relate to energy policy. This fact indicates that significant regulatory reorganizational initiatives would probably be premature at this time.

Pending development of an integrated national energy policy by FPC, my bill would direct the General Accounting Office to review regulatory performance in the light of existing agency missions, and recommend appropriate reorganizations of regulatory activities to Congress within 2 years.

Since FEA under the legislation I am proposing today would be eliminated, its remaining oil price regulatory responsibilities—to be phased out completely by May, 1979—would be transferred to the Federal Power Commission, so that the regulation of oil and gas can be coordinated.

By Mr. HUDDLESTON:

S. 593. A bill to amend the U.S. Grain Standards Act with respect to recordkeeping requirements, and to establish an advisory committee to provide consultation and advice to the Administrator of the Federal Grain Inspection Service; to the Committee on Agriculture and Forestry.

Mr. HUDDLESTON. Mr. President, the United States exports over $22 billion worth of agricultural products yearly. This produces a net balance of trade surplus for such products of $12 billion, with grain playing a major role in reaching that favorable balance.

The U.S. grain inspection system plays a key role in facilitating the marketing and sale of grain produced by American farmers as most of the exported grain is officially inspected and sold to foreign customers on the basis of grades established by the grain inspection system. Yet, as my colleagues will recall, there have been many problems in the past few years with our grain inspection system.

Just within the last year, the General Accounting Office "Report on Irregularities in the Marketing of Grain," witnesses before my Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, the Senate Committee on Agriculture's own investigation, and many stories in the news media have repeatedly shown that grain handling irregularities such as shortweighing, misgrading, and bribery have been pervasive.

The General Accounting Office told us that of the many foreign buyers of American grain they interviewed, 40 percent indicated that they had diminished their purchases of American grain within the last few years because of problems associated with grain inspection, and several buyers indicated that they had dropped out of the U.S. market entirely.

The 68 individuals who have been indicted on 450 counts with 60 convictions having been handed down illustrate the scope of corruption in the grain inspection system and the export trade. Five of our largest grain firms have been fined a total of over $900,000 as a result of having been indicted and pleading guilty or nolo contendere to charges of wholesale theft and misgrading of grain bound for foreign markets.

Mr. President, in an effort to correct the irregularities in the grain marketing system and to restore integrity and confidence in American produced grain, the 94th Congress enacted the U.S. Grain Standards Act of 1976 to improve the grain inspection and weighing system.

This law created and established within the USDA the Federal Grain Inspection Service. At present FGIS is beginning to implement the 1976 Grain Standards Act. But already, as chairman of the Senate Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, I am being advised of problems in implementation.

During committee consideration of the grain inspection bill the USDA asked that the U.S. Grain Standards Act of 1916 be amended with a new subsection, (d), to section 12. The Department indicated in order to enforce the provisions of the act language should be included to require that certain records be kept by grain elevators. Specifically the law states:

Every State, political subdivision thereof, or person who is the owner or operator of a commercial grain elevator, warehouse, or other storage or handling facility or is engaged in the merchandising of grain other than as a producer, and who, at any time, has obtained or obtains official inspection or weighing services shall, within the five-year period thereafter, maintain complete and accurate records of purchases, sales, transportation, storage, weighing, handling, treating, cleaning, drying, blending, and other processing, and official inspection and official weighing of grain, and permit any authorized representative of the Secretary or the Administrator, at all reasonable times, to have access to, and to copy, such records and to have access to any grain elevator, warehouse, or other storage or handling facility used by such persons for handling of grain.

Mr. President, it was never the intent of Congress to require these records of country elevators but this records keeping section is being interpreted by the legal counsel of USDA to mean that if any grain elevator sends just one submitted sample to an official inspection agency for official inspection then that elevator must keep the records required by section 12(d) of the U.S. Grain Standards Act.

These records would be impossible for subterminal elevators and country elevators to keep. For example, if a country elevator operator received three trucks in a row of soybeans and one truck is 12 percent moisture, one truck 13 percent, and one 14 percent moisture, and the elevator operator puts them in the same tank, he has blended these soybeans. And he must keep a record of how many bushels, what tank, et cetera.

I think it can easily be seen that no country elevator or subterminal elevator has the facilities to keep such records. Their only choice then is not to use any of the provisions and services of the Federal Grain Inspection Service. In my judgment, this would set grain marketing back 60 years to before the Grain Standards Act of 1916.

Mr. President, I rise today to introduce legislation which would clarify the intent of Congress regarding the recordkeeping provisions of the U.S. Grain Standards Act of 1976. The legislation I am introducing also contains a provision which will permit smoother implementation of the act.

Section 1 of the bill I am introducing today would amend section 12(d) of the U.S. Grain Standards Act, which requires commercial users of grain inspection or weighing services under the act to keep certain business records for 5 years following any use of services under the act, and gives the Administrator of the Federal Grain Inspection Service and the Secretary of Agriculture access to such records.

Under my proposal, country elevators and grain merchandisers would be excluded from the application of the recordkeeping requirements of section 12 (d). Section 12(d) would apply only to export elevators located in export port areas and major terminal elevators located in the interior of the United States.

Rather than specify the types of records to be maintained by the elevator operators, as under present law, the amended section 12(d) would authorize the Administrator to prescribe, by regulation, the types of records that would have to be kept, in order to facilitate the administration of the U.S. Grain Standards Act.

Section 2 of the bill provides for the establishment of an advisory committee within the U.S. Department of Agri-

culture to provide consultation and advice to the Administrator of the Federal Grain Inspection Service with respect to the implementation of the U.S. Grain Standards Act of 1976, in order to assure the orderly implementation of that act.

The committee, to be known as the Grain Standards Act Advisory Committee, would have a term of 2 years and be composed of 10 members appointed by the Secretary of Agriculture. The members would be appointed so as to give equal representation on the committee to: First, grain producers; second, grain elevators and other commercial users of services under the U.S. Grain Standards Act; third, official inspection or weighing agencies; fourth, consumers; and fifth, law enforcement agencies.

The committee would generally operate under the provisions of the Federal Advisory Committee Act.

The members of the committee would not be compensated for their work for the committee; although they would receive travel expenses, including per diem.

Appropriations would be authorized for the implementation of this section.

And section 3 of the bill requires the Administrator to consult with and receive the advice of the Grain Standards Act Advisory Committee on the record-keeping requirements of the U.S. Grain Standards Act for grain elevator operators, prior to his initial promulgation of regulations pursuant to section 12(d) of the more act.

Mr. President, this legislation will define clearly for the Federal Grain Inspection Service the intent of Congress. It also will allow FGIS to get on with the task of implementing Public Law 94-582.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 12(d) of the United States Grain Standards Act (90 Stat. 2882; 7 U.S.C. 87a(d)) is amended to read as follows—

"(d) Every State, political subdivision thereof, or person who is the owner or operator of an export elevator located at an export port location or an inland terminal elevator and who, at any time, has obtained or obtains official inspection or weighing services shall, within the 5-year period thereafter, maintain such records of the operations of the elevator as the Administrator may, by regulation, prescribe in order to facilitate the administration of this Act, and permit any authorized representative of the Secretary or the Administrator, at all reasonable times, to have access to, and to copy, such records and to have access to such elevator. As used herein, the term 'inland terminal elevators' means grain elevators, warehouses, or other terminal grain storage or handling facilities located in the interior of the United States, as determined by the Administrator that receive grain primarily from other inland elevators, ship grain out primarily to export elevators or grain processors and millers, and handle a total volume of grain in an average year, of 10,000,000 bushels or more."

ESTABLISHMENT OF ADVISORY COMMITTEE

SEC. 2. (a) In order to assure the orderly implementation of the United States Grain Standards Act of 1976, the Secretary of Agriculture shall establish within the United States Department of Agriculture an advisory committee to be known as the Grain Standards Act Advisory Committee (hereinafter in this section referred to as "the Committee"), which shall consist of not more than 10 members. The Committee shall provide consultation and advice to the Administrator of the Federal Grain Inspection Service with respect to the implementation of the United States Grain Standards Act of 1976, as amended by this Act.

(b) Members shall be appointed so as to give equal representation on the Committee to (1) grain producers, (2) grain elevators and other commercial users of services under the United States Grain Standards Act, (3) State or local governmental agencies and persons performing inspection or weighing functions under the United States Grain Standards Act, (4) consumers, and (5) Federal, State, or local law enforcement agencies.

(c) The Committee shall be governed in full by the provisions of the Federal Advisory Committee Act, except as inconsistent with this section.

(d) The Secretary of Agriculture shall provide clerical assistance, staff personnel, and quarters to the Committee, adequate for the Committee to carry out its duties.

(e) Members of the Committee shall serve without compensation, if not otherwise officers or employees of the United States, except that members shall, while away from their homes or regular places of business in the performance of services under this section, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5 of the United States Code.

(f) The Committee shall cease to exist at the expiration of two years proceeding its appointment.

(g) There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

CONSULTATION WITH ADVISORY COMMITTEE

SEC. 3. Notwithstanding any other provision of law, the Administrator of the Federal Grain Inspection Service shall consult with and receive the advice of the Grain Standards Act Advisory Committee established pursuant to the provisions of section 2 of this Act, with respect to the implementation of section 12(d) of the United States Grain Standards Act, as amended by this Act, prior to the initial promulgation of regulations thereunder by the Administrator.

ADDITIONAL COSPONSORS

S. 92

At the request of Mr. WILLIAMS, the Senator from Michigan (Mr. RIEGLE), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. PELL), and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 92, to amend and extend the Export Administration Act of 1969.

S. 104

At the request of Mr. INOUYE, the Senator from Vermont (Mr. STAFFORD) and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 104, to amend the Social Security Act.

S. 123

At the request of Mr. INOUYE, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 123, to amend the Social Security Act.

S. 124

At the request of Mr. GLENN, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Arizona (Mr. DECONCINI), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 124, to amend the Internal Revenue Code.

S. 143

At the request of Mr. TALMADGE, the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of S. 143, relating to fraudulent activities under the medicare and medicaid programs.

S. 230

At the request of Mr. INOUYE, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 230, to amend the Federal Water Pollution Control Act.

S. 247

At the request of Mr. GOLDWATER, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 247, to provide recognition to Women's Air Force Service Pilots.

S. 258

At the request of Mr. RIBICOFF, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 258, to provide for the development of programs for children and youth camp safety.

S. 507

At the request of Mr. PROXMIRE, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 507, the Limousine Limitation Act.

S. 528

At his own request, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 528, relating to collective bargaining contracts.

S. 528

At the request of Mr. WILLIAMS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 528, supra.

S. 543

At the request of Mr. PELL, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of S. 543, a bill to amend title VII of the Social Security Act to provide that benefit checks shall be mailed for delivery on the day preceding a Saturday, Sunday, or legal public holiday, and to amend section 3020 of title 38, United States Code, relating to the time of delivery of benefit checks paid under laws administered by the Veterans' Administration.

SENATE RESOLUTION 39

At the request of Mr. ALLEN, the Senator from South Carolina (Mr. THURMOND) and the Senator from Oklahoma (Mr. BARTLETT) were added as cosponsors of Senate Resolution 39, disapproving pay recommendations of the President.

SENATE RESOLUTION 50

At the request of Mr. ALLEN, the Senator from South Carolina (Mr. THURMOND) and the Senator from Oklahoma (Mr. BARTLETT) were added as cosponsors of Senate Resolution 50, relating to the disapproval of the pay recommendations of the President.

SENATE JOINT RESOLUTION 11

At the request of Mr. STONE, the Senator from Minnesota (Mr. HUMPHREY) was

added as a cosponsor of Senate Joint Resolution 11, providing for a National Leadership Conference on Energy.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. DOLE, the Senator from Utah (Mr. GARN) was added as a cosponsor of Senate Concurrent Resolution 3, urging the establishment of a Presidential Task Force on MIA/POW's.

AMENDMENT NO. 24

At the request of Mr. ALLEN, the Senator from South Carolina (Mr. THURMOND) and the Senator from Oklahoma (Mr. BARTLETT) were added as cosponsors of Amendment No. 24, intended to be proposed to Senate Resolution 4, relating to reorganizing the committee system of the Senate, and for other purposes.

SENATE RESOLUTION 65—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL COMMITTEE EXPENDITURES

(Referred to the Committee on Rules and Administration.)

Mr. EASTLAND, from the Committee on the Judiciary, reported the following resolution:

S. RES. 65

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate, during the 95th Congress, $40,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

SENATE RESOLUTION 66—SUBMISSION OF A RESOLUTION DISAPPROVING PAY RECOMMENDATIONS OF THE PRESIDENT

(Referred to the Committee on Post Office and Civil Service.)

Mr. GARN submitted the following resolution:

Resolved, That the Senate disapproves the recommendations of the President with respect to rates of pay, for the offices (other than the office of the Vice President of the United States) referred to in sections 225(f)(A) of the Federal Salary Act of 1967 (relating to Members of Congress), transmitted to the Congress on January 17, 1977, pursuant to section 225(h) of that Act.

Mr. GARN. Mr. President, I am introducing today, a resolution disapproving the pay recommendations of the President, for Members of Congress, while allowing those recommendations for the Vice President, the Judiciary, and top level Federal executives to go into effect.

This resolution is a first step in an effort to reassess our current method of Federal compensation. While this resolution obviously singles out the Congress for a denial of the proposed increase, I believe this is as it should be. Because the deeply complex problem of Federal salaries is clouded by the combined consideration of Federal executive, judicial, and congressional salaries, I intend to introduce, in the very near future, a bill that would remedy this confusion. The bill would have four major provisions as follows:

First. Separation of congressional salaries from other top level Federal employees;

Second. Transition from a quadrennial to a biennial Federal Pay Commission;

Third. A provision requiring the Congress to consider the matter of its own compensation as a separate issue requiring an affirmative vote for its determination; and

Fourth. A deferral of pay mechanism whereby Members of Congress may choose to personally defer the effect of an increase until a time when they have stood for reelection.

Mr. President, the case for an Executive level Federal pay increase has been persuasively made. The facts are that, in the last 8 years, there has been only one 5-percent increase for top level officials in the Federal Government despite the fact that during that same period, the cost of living has increased more than 60 percent, general schedule Federal employees' salaries by 66 percent, and compensation for private, nonfarm employment has increased more than 70 percent.

It is acknowledged that because of this discrepancy the Federal Government is losing some of its best people and that there are currently many vacancies in important Federal jobs. It is also true that it is increasingly more difficult to attract top people to Government because of the depressed executive salary levels.

I am convinced that these problems have come about not only because of inflation, but as a result of political considerations which relate directly to congressional salaries. This translates into a reluctance by Congress to deal with salary increases. Most assuredly this is as it should be, as far as the Congress is concerned. Congressional salary adjustments are always surrounded by political controversy. The constitutional debates reveal that it was this very pressure that was meant to serve as a check upon the potential conflict of interest involved when any official raises his own salary. Speaking of the value of this check, James Madison said:

Should the General Congress assess wages disproportionate to their service, or repugnant to the sense of the community, they would be universally execrated. The certainty of incurring the general detestation of the people will prevent abuse.

However, the effect of this stringent political check has proven damaging when attached to Federal executive and judicial salaries.

All in all, I feel the bill I will introduce subsequent to this resolution will go far toward remedying important problems in the present Federal compensation systems. Its success will bring about a more effective Federal work force, one in which Federal employees can realistically plan career and salary objectives.

I urge all those who can to join me in this effort to separate congressional salaries and their inherent problems from any and all others. It is possible that increases are warranted across the board but I am certain that, as long as our own salaries are at stake, the other merits to be considered will remain in obscurity.

SENATE RESOLUTION 67 AND SENATE RESOLUTION 68—SUBMISSION OF TWO RESOLUTIONS RELATING TO SENATE TRAVEL EXPENSES

(Referred to the Committee on Rules and Administration.)

Mr. HASKELL submitted the following resolutions:

S. RES. 67

Resolved, That notwithstanding any other provision of the law, after the date on which any general election is held for election of Members of the Senate, no part of any appropriation and no local currency owned by the United States shall be available for payment of any expenses, nor shall transportation be provided by the United States, in connection with travel within or outside of the fifty States and the District of Columbia of any individual who is a Member of the Senate whose term expires at noon on January 3 following the date of such general election, unless such individual is reelected or elected a Member of the Senate for a term which begins at noon on January 3 following the date of such general election.

SEC. 2. The provisions of Section 1 shall not apply with regard to the use of funds for travel authorized by law for any Member of the Senate between the District of Columbia and the State which he represents.

SEC. 3. The Committee on Rules and Administration shall prescribe rules to carry out the provisions of this resolution.

S. RES. 68

Resolved, That it is the purpose of this resolution to prohibit Members of the Senate, their employees, and employees of standing committees and select committees of the Senate from being paid or reimbursed for the difference between the cost of first-class accommodations with respect to air travel and the cost of other air travel accommodations, except for reasons described in section 2, and to make possible a reduction in the amount of funds necessary to defray travel expenses of such Senators and employees as a result of such prohibition.

SEC. 2. Until otherwise provided by law, a Senator, an employee of any such Senator, or an employee of any standing committee or select committee of the Senate, may not be paid or reimbursed for the difference between the cost of any first-class accommodation with respect to air travel, and the cost of any other accommodation with respect to air travel, unless—

(1) no other accommodations are available;

(2) first-class accommodation is necessary because of the health of the Senator or employee involved;

(3) in the case of foreign travel, only first-class accommodation meets satisfactory standards of sanitation, health, or comfort; or

(4) the cost of first-class accommodation provided by the air carrier involved does not exceed the cost of other accommodations provided by other air carriers.

SEC. 3. The Committee on Rules and Administration shall prescribe rules to carry out the provisions of this resolution.

Mr. HASKELL. Mr. President, today I am submitting two resolutions to help reduce the expense of Senate travel. It is my hope that by instituting a few reasonable economies in our travel budget we might demonstrate our sincerity about practicing economy in Government, and restore a small measure of public confidence in the way the Senate conducts its business. Very soon I

will also be introducing legislation to help improve the way we finance and report our foreign travel expenses.

My first resolution prohibits the Government from paying for first-class air travel by Senators and Senate employees except when other accommodations are unavailable or when there is a special health factor involved. The second prohibits the Government from financing foreign travel by lame-duck Senators once they have failed to win reelection either through a decision not to run again or by a defeat at the polls.

First-class air travel is a luxury which few of our constituents can afford these days. As representatives of the people traveling at public expense on public business, I think it is difficult for us to justify our continued use of this added luxury. Rules presently in force under Government Services Administration regulations allow the Government to pay for coach fare only. Should Government employees desire first-class accommodations, they have to pay the difference out of their own pockets. My first resolution, which I initially introduced in the 94th Congress, simply brings the Senate under a similar rule. It does provide certain reasonable exceptions if other accommodations are not available, or if there is a special health problem which necessitates special accommodations. In the case of foreign air travel, if first-class accommodations are the only ones meeting satisfactory standards of sanitation, health or comfort, then first-class air fare may be paid. Although this will mean that Senators and Senate employees will have to forgo a small item of comfort, I think we should be willing to make this relatively insignificant sacrifice on behalf of the hard-pressed American taxpayer.

Congressional travel abroad is essential to the performance of our duties and I believe that Senators and Senate staff members must be free to travel abroad in relative comfort and with convenience on official business which has a direct bearing on our duties in the Senate. It is, however, extremely difficult to understand, justify, or defend, the common practice of defeated or retiring Senators using their last months in office to tour the world at public expense. Any knowledge or enlightenment gained thereby certainly will not be applied in future congressional actions. Frankly, these trips are quite correctly perceived by our constituents as luxurious foreign vacations at public expense. Recurring reports of lame-duck travel deeply offend our constituents and just further erode the public's confidence in Congress. While I know that many Members would never undertake foreign trips at public expense during a lame-duck period, it is evident that this practice will continue unless it is prohibited by law or Senate rule. I am therefore offering a resolution which would prohibit retiring Senators from using public funds to finance their foreign travel between the immediately preceding general election at which they failed to gain reelection and the convening of the next Congress. There may be rare occasions when a highly respected retiring Member of this body is called upon to represent the United States abroad on a mission of importance to the Nation, and such a trip obviously should be financed by the Government. But such exceptions certainly can be handled on a case basis, and, in my view, do not represent a valid argument against a lame-duck foreign travel rule. My resolution would allow the continued funding of travel between the retiring Member's home State and Washington, D.C., until the expiration of his or her term.

These are simple, commonsense rules of conduct and economy which we should have adopted years ago. But with a new public awareness of, and concern about, congressional conduct, and a long overdue public demand for economy and openness in Government, I think we must at least take these modest steps now. I might add that I am extremely pleased that President Carter is moving in the same direction to reduce excessive travel expenditures and perquisites in the executive branch.

We must further continue by straightening out the confusing, inefficient, and wasteful procedures by which we finance and account for the expenses of our foreign travel. The present system is complex, confusing, and permissive in the extreme. Many individuals probably waste money unintentionally because they do not know the true cost of such items as ground transportation and/or various services provided by the military, including military air travel. The reporting requirements are lax and the reports themselves provide very limited information which gives an incomplete if not inaccurate picture of the extent and nature of expenditures on foreign travel. I will be introducing a resolution to help correct some of these defects and streamline and open up accounting and reporting procedures. But for the moment I would like to outline some of the problems and suggest changes which I think would be useful in saving money and ending abuses and giving the public the detailed information they have a right to expect.

Foreign travel by Members of Congress and their staffs is financed in several ways. The most common is by the use of excess foreign currencies owned by the United States in the countries visited—so-called counterpart funds. The State Department administers the funds out of which it pays our transportation costs and reimburses out-of-pocket expenses of traveling members and Senate employees. In addition, $75 per diem in counterpart funds is allowed for meals and lodgings while overseas.

When Senators travel abroad as members of an interparliamentary group or a special delegation representing the United States, costs are usually paid out of a special appropriation for that specific conference or trip. This is the case with meetings of the Interparliamentary Union, the Canada-United States Interparliamentary Group, and the Mexico-United States Interparliamentary Group. It is the practice for the chairman or the executive secretary of the group to pay all expenses, including hotel and meals, out of the appropriated funds. But members may also draw the $75 per diem in counterpart funds even though meals and lodgings are already paid for. Presumably, this extra per diem, when drawn—and not all individuals draw it—goes for legitimate official expenses such as meals for foreign guests, et cetera. But $75 a day in extra pocket money is overly generous by any standards, especially when all other expenses are fully paid or reimbursed. It is a misuse of the per diem allowance, and causes excessive expenditures just by being available. The practice should be promptly discontinued and prohibited.

The law also permits Members of Congress to travel abroad at the expense of the Department of Defense or other executive agencies to inspect the operation of U.S. military installations and/or other programs overseas. This standing authority is contained in section 1314 of Public Law 83–207 and has been very liberally interpreted to authorize extensive congressional travel for practically any purpose, often at excessive cost to the taxpayer. Under this provision, the Defense Department authorizes a sum of money to be drawn from its budget to pay all travel expenses of a Member and assigns a military escort officer to accompany the traveling Member and pay his bills out of this special fund. This is in addition to air and ground transportation which is usually provided by the military when travel is authorized under this provision. There is no meaningful limit on a Member's total expenditures and few, if any, restrictions on the kinds of expenses which may be paid. Federal agencies dependent on Congress for their funding are understandably reluctant to tell Members of the Senate and committee staffers to limit their travel expenditures or to impose strict regulations on them with regard to allowable expenses. This situation is a virtual invitation to abuse and overspending which clearly needs correction. Some Members traveling at Defense Department expense even draw the $75 per diem in counterpart funds, if press reports on this subject are accurate. There is no law or Senate rule which would prevent it. I understand that the Army and the Navy have regulations forbidding the payment of meals and lodgings if counterpart funds are available for the purpose, but the Air Force has no such rule. But I think it is up to the Senate to regulate its own conduct, not the Defense Department.

I have serious reservations about this standing travel authorization itself, which makes a strict justification for foreign trips unnecessary; and I believe it should be re-examined with a view toward repeal. But, at the very least, we must prevent this so-called double-dipping into duplicate travel funds such as the counterpart funds, per diem allowance and Defense Department budgetary funds to pay for the same expenses. Senate rules should clearly prohibit this practice in every form.

Double-dipping also occurs in another form when a Member goes abroad at the invitation of, and expense of, a private foundation or a foreign nation and also draws upon the $75 per diem in counterpart money even though all of

his expenses are being fully paid already. Incredible as it may seem, there presently exists no law or Senate rule prohibiting such a practice. I have serious concerns about the acceptance of gifts of travel from foreign nations or foreign groups, but under no circumstances should Members be allowed to collect counterpart funds for expenses which have already been fully paid by an outside source.

One would hope that private scruples, mature judgment and plain good sense would prevent such cases of double-dipping. Sad to say, experience proves this not to be the case in all instances, although I believe that the majority of Members exhibit a sound sense of propriety and integrity in such matters. To uphold the integrity of the Senate and to curb wasteful spending I think it is both necessary and advisable to enact strict rules prohibiting the simultaneous drawing of appropriated funds and counterpart per diem funds to finance the same expenses while abroad. We should also clearly define those expenses which are allowable and those which are not so that Members will have precise guidelines upon which to base their use of public funds. Moreover, in my view, no Government funds should be available to those whose foreign travel is being financed by foreign governments or private organizations.

I think the major reason that such careless if not dishonest practices have arisen is because we lack strict accounting and reporting procedures. We should require a full report of all travel expenditures made by the executive branch and Congress for every trip, and make complete and accurate reports of these expenditures promptly available to the public in a meaningful format.

Under current practice, the various standing committees set their own rules for the reporting of foreign travel expenses by members and committee employees. Although the Senate uses a standard expense report form, there is no Senate rule setting a deadline for submission of these reports to the committees; and the reports are often incomplete because members cannot assess the cost of services provided by the executive branch. Presumably, under the present system, a member could take a trip in January and not report his expenses until December, although it is unlikely to happen. The one reporting requirement set by law requires that each committee authorized to use counterpart finds submit a consolidated report of each Member's and employee's foreign travel expenditures for the year to the Secretary of the Senate within 60 days of the convening of a new session of the Senate. These consolidated foreign travel reports which provide minimal information at best, are then to be printed in the CONGRESSIONAL RECORD within 10 legislative days of receipt. Until last year, the Senate was only required to hold these reports in the Secretary of the Senate's office for public inspection, although at times in the past they have been published. For a citizen to ferret out this information from the record office requires no little initiative; and, at that, the records are not that detailed and complete. So the publication requirement is a step forward. But, in my view, further reforms are needed if we are to level with the public and thereby hold ourselves to a justifiably strict accounting for our use of public funds in foreign travel.

I intend to propose changes along the following lines:

One. Every Senator or Senate employee traveling abroad should be required to submit a full account of all expenditures for each trip, including estimated costs of services provided by the government, within 15 days of returning, to the chairman of the authorizing committee. Such reports should be published in their entirety in the CONGRESSIONAL RECORD when submitted to the committees.

Two. Within the same time frame, the State Department or Defense Department or any other executive department or agency providing funds or services to a Senate traveler should be required to submit a complete accounting of its expenses for such trips to the chairman of the authorizing committee. This report should also be printed in its entirety in the CONGRESSIONAL RECORD when it is submitted. Until 1973, the State Department was required to provide such reports to the authorizing committees but that practice has been discontinued. I propose that it be reinstituted under strict time rules and extended to every agency providing travel services and funds to Senators and Senate employees. Often the agency itself has the only records of such costs and in the case of military air transportation, which is very expensive, the Defense Department has the only valid records. This cross reference will give a more complete and accurate picture of the true costs of foreign travel, and I think we owe our constituents such an accounting. It will also instruct us better in our efforts to economize.

These two rules together will help us to report this information promptly while it is still fresh in our minds and will make it available to the public on a timely basis. There is no reason why the public should have to wait 14 months for a partial accounting of such expenditures when they can be made available promptly and in full detail.

Third. In the case of special groups and delegations traveling abroad, such as the various interparliamentary groups, the same procedures should apply. Not only should the expenditures of the group and its individual members be reported in detail within 15 days, but the costs of services provided and paid for by the State Department and Defense Department and/or other executive agencies should be submitted within the 15-day period and published in the CONGRESSIONAL RECORD.

Fourth. Finally, I suggest that we retain the present requirement for a consolidated report on foreign travel expenditures from each committee at the beginning of each session—showing expenditures per member, per country, per trip—but shorten the period from the present 60 days within the convening of the new session to 30 days. These reports should also continue to be published in the RECORD.

With individual reports being promptly submitted and fully recorded during the year, the consolidated reports will present a relatively minor paperwork problem and can be prepared more quickly. But I think the public should be offered a full accounting of each committee's annual expenditures on foreign travel as well as the annual foreign travel expenditures of its members. With the annual consolidated committee reports, I would also suggest the publication of consolidated annual reports by those agencies providing funds and services to Senators and Senate employees during the year.

Perhaps this will seem like an unnecessary burden of paperwork and reporting to some Members, but if we err at this point it should be on the side of overdisclosure rather than underdisclosure. All of our new rules will amount to little if travel expenditures are easily concealed or incompletely and inaccurately reported. We should simply open up our books to the public. We are spending their money and should be fully accountable for those expenditures.

In closing, I would like to re-emphasize my concern that we bring greater system and discipline as well as strict accountability to our method of financing Senate travel abroad. I think we need well-defined rules governing the use of public funds for such travel and strict reporting and disclosure rules. I think that it is important that every Member and Senate employee traveling abroad know what it is costing the taxpayer and that the taxpayer know what it is costing. I do not believe in blanket travel authorizations such as that contained in section 1314 of Public Law 83-207, and I urge the Senate to consider repeal of such authorization. In my view, each trip should be justified fairly stringently. I think this can be done without unduly restricting necessary and warranted Senate travel. I believe that when the public realizes that we are not attempting to hide expenditures or mislead in any way and when we effectively halt abuses which have occurred they will have greater faith in and respect for this body, its Members, and the ways in which we conduct ourselves and our business.

AMENDMENTS SUBMITTED FOR PRINTING

COMMITTEE SYSTEM REORGANIZATION—SENATE RESOLUTION 4

AMENDMENT NO. 32

(Ordered to be printed and to lie on the table.)

Mr. HUDDLESTON submitted an amendment intended to be proposed by him to the resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

ADDITIONAL STATEMENTS

THE EMERGENCY NATURAL GAS ACT OF 1977

Mr. TOWER. Mr. President, I was one of only two Senators to vote against Senate passage of S. 474, the Emergency Natural Gas Act of 1977. The Senate has now finally approved that bill, and I think it would be appropriate for me to elaborate on my objections to it.

My decision to oppose the Emergency Natural Gas Act was a painful and reluctant one, because the objective of the bill, in and of itself, is indisputably of very high national importance. The bill seeks to insure an adequate supply of natural gas for high priority users supplied by the interstate pipeline systems. No one can quarrel with that. Certainly I do not. The prospect of running out of fuel for home heating and for other essential purposes is not something to be shrugged off.

What set of circumstances brought us to where we now find ourselves? In 1954, the Federal Power Commission reluctantly assumed jurisdiction to regulate the wellhead price of natural gas sold in the interstate market. The FPC did not ask for that job; it was thrust on the Agency by the Supreme Court through judicial construction of the Natural Gas Act of 1938. In the two decades since the 1954 court decision, the Commission has tried several different approaches to wellhead price regulation, all mostly with the same results—redtape, bureaucratic delay and uncertainty, and low ceiling prices for the gas subject to FPC jurisdiction.

Those low prices for natural gas, compared to other fuels, had two results: They served as a disincentive to exploration for and production of new supplies of gas, and it encouraged the wasteful use of existing supplies. That has been apparent for years. When you are using up what you have, and not replacing it, only one thing can happen—sooner or later you run out. Thanks to Congress and the FPC, that is exactly what happened in the interstate natural gas market.

The blame for the gas shortage lies with Congress, because Congress is responsible for the perpetuation of the regulatory policies which directly caused the problem. To be sure, not all Members of Congress share responsibility for what has happened. As a body, however, Congress is to blame because it lacked the courage to tell the people the truth about what artificially low gas prices were doing to the supply of natural gas.

Advocating higher natural gas prices is not easy for any politician. Throwing around unsubstantiated, demagogic accusations about the oil and gas industry is much easier, makes better headlines, and is lots more fun.

At least until the facts catch up with you. To cover your tracks when that time comes, all you have to do is to repeat some of those charges about the industry, and then pass an emergency bill to give the President the power to try to cope with the problem.

That brings us back to the Emergency Natural Gas Act of 1977. Not even President Carter thinks the bill will make more gas available, and, of course, it will not. It has been a hard winter in the gas-producing States, as elsewhere, so that even with the additional flexbility provided by the emergency sales portion of the bill, the interstate pipelines are unlikely to be able to find substantial quantities of new gas supplies.

The mandatory allocation portion of the bill will, as a practical matter, only spread the existing shortage thinner by diverting gas to areas where it is needed to meet specified high priority uses and away from less urgent needs such as industrial use. As has been noted, the bill will not keep plants and factories open or reduce employee layoffs. Stated simply, the bill gives the President the power to decide which homes have heat and which factories are forced to close.

The bill does provide some desirable legal protection for interstate pipelines. Even here, though, I think we are too willing to delegate powers to the President.

In other words, the bill will, at best, accomplish little in the way of solving the immediate problem. On the other hand, the bill and the circumstances of its passage will have a number of side effects—adverse side effects, from my perspective.

The bill vests very substantial power in the President. It authorizes the President to allocate natural gas by ordering pipelines to transport and deliver gas to meet the needs of high priority users as determined by the President. It empowers the President to order intrastate as well as interstate pipelines to construct whatever facilities are necessary to comply with an allocation order. The bill provides that if parties to an allocation order disagree on the matter of compensation, the President determines the amount of that compensation. The bill contains very broad information-gathering powers, enforceable in Federal court.

It provides that the President may issue subpenas for the attendance of witnesses and the production of books, records, papers, and other documents. Under the bill, he may issue orders to any person to answer questions and submit reports or other information. These information-gathering powers are not limited by restrictions in the bill on the disclosure of proprietary or confidential information.

This is not a bill which deregulates natural gas, even temporarily. Contracts for emergency purchases pursuant to section 6 of the bill are to be subject to "such terms and conditions as the President determines to be appropriate—including provisions respecting fair and equitable prices". It is not a deregulation bill, but it may well hinder efforts to achieve deregulation, and deregulation is the only realistic solution to the problem.

Section 9 of the bill voids or makes inoperable certain existing contractual agreements.

The bill generally contains a number of vague provisions which cannot help but generate litigation, redtape, and delay.

The bill will be detrimental to Texas. For most Texas gas consumers, there is the possibility that the bill will increase prices without providing any additional assurance of continued supply. There is the danger, sooner or later, that the bill will endanger the continued availability of adequate supplies of natural gas. The bill may ultimately threaten the continued health and vitality of the Texas oil and gas industry through Federal intervention in the intrastate gas market. There can be no question that the bill moves us a step closer to a permanent system of Federal allocation of all natural gas.

This legislation was designed to be a temporary, emergency measure. I am afraid that it will not be temporary, but rather that it will be extended and will ultimately serve as the basis for more, not less, Federal regulation of the natural gas industry. That would not be in the interest of the industry and it will not be in the interest of the public.

In 1973, we pased the Emergency Petroleum Allocation Act. That too was as a temporary, short-term emergency measure designed to deal with the immediate crisis. That law is still alive and functioning, and is, of course, the basis for the absurd oil price control program under which we now operate.

Finally, our consideration and enactment of this legislation further misleads the public and encourages them in the belief that the Congress can pass a law and miraculously solve the energy problem. Federal regulation is what got us in this mess. It will not get us out.

S. 429: SYNTHETIC FUELS DEVELOPMENT

Mr. FORD. Mr. President, I take great pleasure in joining the distinguished senior Senator from West Virginia in sponsoring S. 429. Senator RANDOLPH's interest in synthetic fuels derived from coal and oil shale dates back to 1943 when he participated in a joint committee hearing on synthetic fuels. In fact the Randolph-Mahoney Act of 1944 authorized construction of demonstration plants for synthetic fuels from our abundant supplies of coal and oil shale. But new discoveries of oil and natural gas have repeatedly postponed the inevitable.

For some time experts have agreed that oil and natural gas are approaching depletion. Now a frigid winter is convincing the public that oil and natural gas are becoming expensive if not scarce.

The time has come for an aggressive national energy program. And S. 429 will provide the one form of financial incentive missing from ERD's charter.

Mr. President, last year in the Congress there was considerable opposition to legislation aimed at creating a commercial synfuels industry. On the House side a battle erupted over H.R. 12112, a bill that sought blanket loan guarantee authority and budget authorization for a synfuels commercialization program. In particular the General Accounting Office issued a report entitled "An Evaluation of Proposed Federal Assistance for Financing Commercialization of Emerging Energy Technologies," that urged the Congress to reject H.R. 12112.

I want to emphasize to my colleagues that S. 429 is quite a different matter. This bill only permits ERDA to seek guarantees on a plant-by-plant basis for new energy technologies. It does not authorize any funds, or specify the size or number of plants to be built, or commit the Nation to any particular energy technologies.

Judging from GAO's report and its testimony before Congress last year I would conclude that they will support this bill. I certainly invite them to do so.

For instance, in the report's section on "Matters for Consideration by the Congress," GAO recommended that the Congress:

6. Consider further actions, including the provision of loan guarantee authority, to encourage municipal waste combustion.

So GAO is certainly not opposed to ERDA having loan guarantee authority. S. 429 would provide ERDA with general authority to seek loan guarantees for municipal waste combustion as well as for any other new energy technologies.

In addition, Mr. Monte Canfield, Director of Energy and Minerals Division, GAO, told the subcommittee hearing which I chaired on September 28, 1976:

And I do appreciate the opportunity to clarify that we are strongly supportive of the synthetic fuels research, development, and demonstration programs, and that in no way did we say anywhere that we were against that kind of a program for liquefaction from coal and oil shale.

The GAO report itself echoes this statement on page 60.

GAO's quarrel was with the size of the synfuels plants to be built—they preferred demonstration plants to commercial plants—and with the magnitude of the overall synfuels loan guarantee program. S. 429 does not single out any particular energy sources, much less the size of new plants or program magnitudes.

Finally, GAO felt that loan guarantees, if used, should be included in the budget to reflect their cost to the Government. S. 429 provides that authorizations for loan guarantees would become budget items at the time the loan guarantees are awarded. In fact each proposal for a loan guarantee would require a line item authorization and appropriation.

To sum it up, granting ERDA this generic loan guarantee authority will give the administration a complete array of financial incentives to get us moving toward a secure energy posture. Should the Congress deny ERDA this authority it could only raise a question about the basic confidence we have in this Agency.

Factions may quarrel as to what are the most suitable energy sources and about the best timing and magnitude of new programs, but who can disagree that ERDA needs a full complement of options from which to fashion a national energy plan. I urge my colleagues to support this bill.

Mr. President, I want to submit for the RECORD a copy of a letter I sent to the Administrators of ERDA and NASA, the Secretary of Defense, the Secretary of the Navy, and the Acting Secretary of the Navy for Naval Petroleum and Oil Shale Reserves. This letter summarizes the results of the hearings on alternative fuels for aviation—at which GAO testified—which I chaired in September 1976. While focusing on the future needs of aviation, it addresses the more general problem facing our entire economy.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 17, 1977.

Hon. ROBERT C. SEAMANS, Jr.,
Administrator, Energy Research and Development Administration, Washington, D.C.

DEAR DR. SEAMANS: I am writing you and the Administrator of NASA, the Secretary of Defense, the Secretary of the Navy, and the Acting Secretary of the Navy for Naval Petroleum and Oil Shale Reserves, in the hope that some coordinated effort can be initiated now toward fulfillment of a vital national need. On September 27 and 28, 1976, in response to growing concern about the future availability of petroleum, the Subcommittee on Aerospace Technology and National Needs held hearings on "Alternative Fuels for Aviation." It should be noted that the Committee on Aeronautical and Space Sciences previously had initiated a NASA program to develop the technology for a 50% improvement in aircraft fuel economy. This program includes major new aircraft propulsion developments. The Committee wanted to ensure that such developments were realistic in view of the projected future availability and specifications of aviation fuel. The results of the Subcommittee's hearings and subsequent staff studies are, quite frankly, alarming. I am summarizing them below for you, and I am submitting a series of recommendations of urgent importance, not only for aviation, but for the national economy as well.

FINDINGS

1. Not just aviation, but almost the entire U.S. system of transportation is dependent upon liquid fuels, specifically petroleum derivatives. Nearly half (43%) of the petroleum consumed in the U.S. is imported, and 70% of that is from OPEC nations. In short, our system of commerce is highly vulnerable to damage through oil embargoes or large increases in the price of imported petroleum.

2. This vulnerability also threatens our national security. Even if our military could protect sources of oil abroad, the prospect of keeping sea lanes open for importation of half our petroleum needs is grim indeed. DOD testimony indicates that 95% of our Pacific Command and 81% of our European Command's petroleum needs are met with foreign oil.

3. Even if the OPEC nations remain thoroughly cooperative with us, we still must reckon with the eventual depletion of the world's oil reserves, which at projected rates of consumption is a matter of several, perhaps only three, decades away. Concurrently, as the pinch is felt, the price will rise until petroleum will become too expensive to be merely burned as a fuel.

Testimony indicated that premium grade crude petroleum (low aromatics content) is in short supply even now in some parts of the country.

4. For aviation the cost of fuel is a higher fraction of total operating costs than in any other major industry. Thus, aviation will probably be the most sensitive to future rounds of price increases or embargoes. Consequently, it is appropriate that aviation take the lead among petroleum consumers in seeking alternative fuels.

5. For aviation the only alternatives to petroleum that offer a satisfactory combination of price and energy density are synfuels produced from coal and/or oil shale. All other candidates such as methanol, liquid methane, hydrogen and nuclear power are unsuitable or unaffordable for the foreseeable future. It is only a matter of time before aviation must turn to synfuels made from coal and/or oil shale.

6. Eventually the rest of the transportation system will also turn to synthetic liquid fuels, although there may be additional suitable feedstocks besides coal and oil shale. Even if nuclear power, solar power or fusion eventually become massive sources of base electric power, the transportation industry will probably still depend in large measure on liquid fuels.

7. Aircraft and ship engines already have been successfully powered by synthetic fuels. Actual tests with jet engine components have demonstrated that fuels derived and refined from oil shale are compatible with jet engines with little or no engine changes. Coal-derived fuels require more refining and redesign of some jet engine components.

8. Should the environmental problems of shale oil production prove solvable, then shale oil will probably supplement and eventually replace crude petroleum as the source for middle distillates such as jet fuel. Coal-derived liquids will be more suitable as a replacement for high octane gasoline, and this use would tend to "free" petroleum for aviation's needs. However, coal could be the feedstock for aviation jet fuels, if necessary.

9. NASA feels that within five years it will have the knowledge to permit a broadening of petroleum-based fuel specifications for aviation and the development of any necessary jet engine modifications. This knowledge will permit aviation to draw on a wider cut of petroleum, thus enlarging the usable fuel supply. However, the actual process of revising the fuel specifications may take much longer.

10. The Department of Defense is preparing for the day when synthetic fuels will become available. As the nation's largest single user of petroleum, the military would appear to be an excellent first customer for a fledg-

ling synfuels industry because of the variety and quantities of fuels the military consumes. The military is also a potential producer of synthetic fuels from oil shale. The Naval Oil Shale Reserves contain vast quantities of oil shale, but no current significant production capacity exists. Recent amendments to the Naval Petroleum Reserves Act grant considerable authority to the Secretary of the Navy to develop the Naval Oil Shale Reserves and to seek to produce synthetic fuel. A special Treasury account is available to finance development of the reserves so that the DOD budget would not have to absorb the costs.

RECOMMENDATIONS

1. In cooperation with the appropriate agencies, NASA should continue to determine the characteristics of the synfuels derived from coal and oil shale and to determine the optimum jet engine characteristics for burning these fuels.

2. ERDA should use its existing legislative charter to seek to build synthetic liquid fuel demonstration plants as soon as possible. New legislation could provide increased flexibility in the approaches taken (such as granting loan guarantees), but we think that ERDA already has the necessary basic authority to move the nation toward a credible liquid synfuels production capacity. In short, we see little reason for further delay.

3. The grave national security implications of our extensive reliance on petroleum place a heavy responsibility on the Department of Defense to assist ERDA in stimulating a synthetic fuels production capability. In particular, as the Secretary of the Navy exercises the authority granted him under the Naval Petroleum Reserves Act, he should give emphasis to ensuring that fully refined synthetic fuels flow into the Defense fuel system in significant quantities at an early date. Shale oil production facilities would convert the Naval Oil Shale Reserves into a ready and demonstrated source of emergency fuel. This effort by the military should be concurrent with a broader national effort to initiate commercial synthetic fuels from coal and oil shale. In the event of oil embargoes or excessive petroleum price increases, we will have options available emanating from the exploitation of our massive fossil fuel resources.

4. As a part of these recommendations, ERDA and the DOD (in particular the Navy as lead agency) should explore the possibilities of a joint cooperative effort in synthetic fuels derived from both oil shale and coal. DOD could serve as the market for initial production while ERDA through its continuing research, development and demonstration cooperative projects with industry would apply its technical expertise to the problems of production and refining. In the case of oil shale, the Naval Petroleum Reserves Act deserves special attention as a means of offsetting the cost of building and operating synthetic fuel demonstration plants. We would urge ERDA and DOD to submit to the Congress early in this session a plan for such a cooperative effort. Finally, we think that in order to meet both DOD and ERDA objectives, the effort with respect to oil shale should include construction of a small-scale refinery for research, development and demonstration purposes.

Sincerely,

WENDELL H. FORD,
Acting Chairman.

RUSSELL TRAIN—A JOB WELL DONE

Mr. HATFIELD. Mr. President, as the new administration assumes the responsibility of managing the many agencies of the Federal Government, I want to take the opportunity to recognize the outstanding service of the Administrator of one of the most controversial of those agencies. I am speaking of Mr. Russ Train, the ex-Administrator of the U.S. Environmental Protection Agency, and a personal friend of mine.

I am sure that all of my colleagues in the Senate, and this is true for myself as well, have had occasion to disagree with policies and decisions made by Mr. Train. I am also sure, however, that we would all agree that Russ always made every attempt to maximize the effectiveness of his communication with Members of Congress regardless of their viewpoint on difficult environmental issues.

Russ Train, since assuming the top position at the EPA on September 14, 1973, succeeding William D. Ruckelshaus, has administered one of the Federal Government's largest and most controversial agencies. Among the issues within the broad scope of the EPA's authority are air, water, and noise pollution, solid waste management, the control of toxic substances and pesticides, safe drinking water, and the control of radiation pollution.

As more and more environmental laws or amendments to existing laws are passed by Congress, the burden of implementation and enforcement of these laws grows. All too often we in the Congress pass comprehensive environmental legislation, establishing general guidelines on a specific issue, and then leave it to the EPA to iron out the details necessary to effectively and fairly enact the law.

As these responsibilities increase so does the EPA's need to work efficiently with not only the Congress, but experts in the private sector as well. In working with Russ, I have always found him to be scrupulously fair and honest at all times. Furthermore he was always willing and able to provide me with assistance in dealing with particular environmental problems facing the State of Oregon.

As Russell Train reenters private life, I personally want to express my gratitude to him for a job well done.

ENERGY SHORTAGE—IMPACT ON THE ECONOMIC STIMULUS PACKAGE

Mr. HUMPHREY. Mr. President, the weather report has become the latest addition to the list of economic indicators. The price of energy is up and the thermometer is down. That adds up to trouble for the American pocketbook. I asked the Library of Congress to estimate just exactly how much trouble. Yesterday evening, the Library sent me the results of their study: American families are going to spend $8.4 billion more dollars to heat their homes this winter than they spent last winter. And that is a detailed and conservative estimate.

During the next few months, that $8.4 billion will offset 70 percent of your proposed tax cut and more than 50 percent of your entire fiscal stimulus package. I am afraid that the cold winter will take all the warmth out of your proposed tax cut.

The regional impact can be even worse. I can tell you right now that the people in Minnesota are not going to see much of that rebate.

What we are going to need is more fiscal stimulus.

This added stimulus should cover both higher heating bills and income lost due to the energy shortage.

According to the Library of Congress, higher heating bills may total up to $8.4 billion. If factory shutdowns stretch until April, up to $1.6 billion in wages will be lost as well, even allowing for unemployment compensation.

That is a total slash in consumer incomes of $10 billion. The effect will be felt throughout the year.

Now these figures are preliminary, but they indicate the magnitude of the problem and raise questions of an urgent nature.

Mr. President, the Joint Economic Committee has compiled a series of estimates on the impact of the cold weather on the economy. I ask unanimous consent that the unemployment impact of energy shortages table be printed in the RECORD. I also ask unanimous consent that the Library of Congress, Congressional Research Service, study entitled, "Increase in Residential Heating Costs, 1976–77 Heating Season Over 1975–76," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNEMPLOYMENT IMPACT OF ENERGY SHORTAGES

According to State-by-State Surveys by the Department of Commerce and UPI, unemployment now totals between 1.6 million and 2 million persons:

850,000 to 1,000,000 production workers are now unemployed, plus.

800,000 to 1,000,000 service workers (migrant workers and retail/wholesale clerks).

If weather continues colder than normal (as predicted by the U.S. Weather Service) and holds unemployment at present levels through February, lost wages will range between $800 million and $1 billion even allowing for unemployment compensation payments.

Lost income for present unemployment level over five week period (last week in January through end of February):

Lost production wages ($220/wk): $935 million to $1.1 billion.

Lost service wages ($120/wk): $480 million to $600 million.

Total: $1.4 billion to $1.7 billion payments.

Less: Unemployment Compensation payments ($74/wk): $600 million to $740 million.

Total lost wages (less unemployment compensation): $800 million to $1 billion. If factories stay shut until April, lost wages will total: $1.26 billion to $1.6 billion.

Production and service weekly wage and weekly unemployment compensation data from Department of Commerce.

Fiscal stimulus package:

1. Total proposed fiscal package 1977, $15.7

billion; tax rebates and increase in the standard deduction, $11.4 billion (by mid 1977).

Home heating cost increases (estimates):

1. Library of Congress, $8.4 billion (assumes continued cold weather a 1 to 1 relation between increases in cold weather and energy use).

2. CEA (Council of Economic Advisors), $2 billion (assumes warmer weather).

3. CEA (Council of Economic Advisors), $5 billion (assumes continued cold weather a 1 to .3 relation between increases in cold weather and energy use).

4. Chase-Econometric, $8 billion (for all 1977—including losses due to unemployment and other weather related expenditures).

5. Data Resources, $7 billion (assumes continued cold weather).

The difference between the Library estimate ($8.4 billion) and the CEA estimate ($5 billion) is entirely due to different assumptions about how much energy use goes up in response to cold weather. The Library assumption (a 1 to 1 relationship) is an industry figure used to predict very short run fluctuations in demand. The CEA assumption (a 1 to .3 or a 10 percent increase in cold weather results in a 3 percent increase in energy use) is derived from a number of empirical studies. It is probable that consumers do conserve energy in prolonged cold spells to avoid high bills and in response to public appeals. For this reason, the CEA number may be somewhat more appropriate for a winter-long estimate.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., January 31, 1977.

To: Honorable Hubert H. Humphrey, Chairman, Joint Economic Committee. Attention: Kent Hughes.

From: John W. Jimison, Analyst, Environment and Natural Resources Policy Division.

Subject: Increase in Residential Heating Costs, 1976–77. Heating Season over 1975–76.

This memorandum responds to your request, of January 21, 1977, for an assessment of the additional residential consumer expenses for home heating this winter as compared to last winter. A preliminary estimate of $5.1 billion dollars incremental cost was provided by phone on January 21, based on tentative and conservative assumptions and partial data.

A more complete analysis was requested at that time, which this memorandum attempts to provide.

The gross national residential heating bill for a given winter heating season is a function of several factors: the number of housing units heated, the breakdown of those housing units by type of heating fuel consumed, the prices of each of those fuels, and the total demand for fuel, a function of the severity of the winter weather. This analysis attempts to determine a value for each of these factors and to compute the increased total expenditure for heating from last winter to the current winter. The following sections deal with the data used, assumptions made, and approach taken to the determination of each of these factors.

WEATHER

According to degree day data of the National Weather Service published in the January 11, 1977, Platt's Oilgram, the winter of 1976–77 through January 8 was 33.8% colder (more degree days) than the corresponding period last winter. This analysis assumes that this trend will continue for the entire winter. Since January 8, the reported degree days have increased yet further above last year, exceeding last year's total by 100% in some regions for recent weeks. The use of a 33.8% average increase in degree days over last year in this analysis is thus below the current actual average, and would be fairly accurate even with an unexpected warm spell.

HEATING DEMAND

The American Gas Association reported that during the calendar year 1975, the average gas consumption by residential natural gas furnaces was 1,141 therms per customer. The calendar year 1975 included the last half of the heating season of 1974–75, and the first half of the heating of 1975–76. Because the second half of the winter of 1974–75 and the second half of the winter of 1975–76 were roughly comparable in degree days, the use of calendar year 1975 data instead of heating season 1975–76 data (which are not available) for gas furnace consumption is probably a workable assumption, unlikely to have a significant distorting effect on the totals.

The heating requirement data from AGA is based on a survey of gas utilities serving 68% of the 41,336,500 residential gas customers in the United States. The heating efficiency of oil furnaces and LPG furnaces is equivalent to that of natural gas. There is no reason to assume differing levels of house insulation for oil and propane. Electric heat on the other hand, is more efficient of conversion (excluding the power plant conversion of fuel to electricity and transmission losses, which are reflected in the higher rate per delivered therm) and electrically heated homes tend to be better insulated. For this reason, it is assumed that electric consumption would be two-thirds the consumption of any of the other fuels for an equal heating demand.

BREAKDOWN OF HOUSING UNITS BY HEATING FUEL TYPE

The data used in this analysis is that of the 1970 census of housing. Although it is clear that there are more housing units now than there were in 1970, and that there are more units now than there were last winter, the increase has not been quantified. The use of 1970 data has a conservative impact on the overall totals, both because the total number of users has increased and because the natural gas shortage of recent years has led to most of the new housing being heated by other, more expensive fuels. The 1970 data indicate that of 60.2 million housing units, 35 million (58%) were heated with natural gas, 16.5 million (27%) with liquid fuels, 4.9 million with electricity (8%), and 3.8 million with bottled gas (6%).

FUEL PRICES

The price data for natural gas and oil (largely #2 distillate) is obtained or derived from the Bureau of Labor statistics. The natural gas data is presented in therms. The oil data is converted to therms (1 bbl=58.25 therms=42 gallons; 43¢/gallon=31.1¢/therm). The electricity data is converted to therms (29.3 Kwh/therm) from data in the Federal Power Commission's Typical Electric Bills on the United States, which indicates an average of approximately 3.5¢/Kwh in November 1976, and 3.25¢/Kwh in 1975, for 1000 Kwh service. Average retail propane price information is not published by any public or private agency. A reasonably conservative estimate is 37.5¢ per gallon in 1976 and 35¢ per gallon in 1975 (converted at 1.1 gallons/therm). It should be noted that the prices assumed for this analysis are from November reports for both years. The 1976–77 prices, for example, do not include any effects of the OPEC oil price rise of December, or recent natural gas price rises. The totals are somewhat understated for this winter as a result.

DEGREE DAY—FUEL CONSUMPTION RELATIONSHIP

This study has assumed that an increase in degree days will yield an equal percentage increase in fuel consumption. Other estimates of the financial impact of this winter heating season as opposed to last have utilized a different assumption of fuel/degree day elasticity, based on determinations of numerous econometric models.* Without such elasticity differences, the conclusions of this analysis and the conclusions of the other analyses would have been very close. The authority relied upon for this analysis has been the *Gas Engineer's Handbook*, a publication of the Industrial Press, which reports:

"The American Gas Association determined from records in the heating of residences that the gas consumption varies directly as the degree days, or as the difference between 65° F and the mean outdoor temperature. In other words, on a day when the mean temperature was 20° below 65° F, twice as much gas was consumed as on a day when the temperature was 10° below 65° F. (p. 12/106)."

This application of engineering principles and empirical evidence was concluded to be adequate evidence of a 1:1 degree day to fuel consumption relationship for the purposes of this analysis.

Another consideration to be kept in mind is that the winter of 1975–76 was a warmer winter than normal. For the corresponding period through January 8th, for example, last winter was nine percent warmer than normal. The corresponding period is used here, rather than the full winter, in establishing the percentage difference in degree days for the purpose of computing the increase in heating demand this winter.

CONCLUSION

As is shown on the accompanying table, the difference between the estimated total national expenses for residential heating for the 1976–77 heating season and the estimated total residential heating bill for the winter of 1975–76 is $8.4 billion. This is the extra consumer income which is estimated to be required to meet this basic living expense, a 49% increase nationwide over last year by a combination of colder weather and higher fuel prices. This is equivalent to an average of more than $139 per housing unit.

Of the two major contributing factors to the overall increase—colder weather and increased fuel prices—the weather was the more important factor. If fuel prices had stayed the same, the impact of the colder weather would have raised total costs $5.5 billion, under the assumptions in this analysis. If the weather had remained the same, but fuel prices increased, the increment would only have been $1.9 billion.

It should be recognized that widespread conservation may reduce this cost—additional fuel price rises, colder weather than assumed, and additional housing units will increase it. It also should be remembered that heating requirements and thus the fi-

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*One such estimate, by the Council of Economic Advisors, estimates an increase ranging from $2 to $5 billion.

nancial impacts hypothesized by this analysis are quite varied from region to region. In some northern areas of the country, the impact may be twice the average. On the West Coast, on the other hand, the winter has been mild, and many consumers will pay less for heating than they did last year. The drain on the economy represented by this incremental heating expense is, of course, added to by the fact that the heating demand has pulled fuels from industry, forcing factory closedowns and loss of GNP. Moreover, this estimate does not include the increase in the cost to commercial and industrial customers of space heating, which would likely have increased a similar percentage.

Some quantification of the effect of general energy conservation on the reduction of this financial impact may be helpful. A standard rule of thumb is that a one degree thermostat turn-down results in approximately a 3% fuel saving. As fuel consumption varies regionally, however, so does the percentage of fuel saved per degree of thermostat reduction. According to a Department of Housing and Urban Development contract study by Abt Associates of Cambridge, Massachusetts, the effect of an eight degree thermostat reduction results in a 19% saving in the Northern Great Plains, Michigan, and New England; a 24% saving in the Pacific Northwest, the Central Great Plains, the Great Lakes Region, and the Middle Atlantic States; and a 35% saving in California, the Central Southwest, and the Southeast. These percentages would presumably apply directly to the heating bills in these regions. Thus, assuming a weighted average of a 24% saving from a general reduction of thermostats by eight degrees, the total fuel bill for 1976–77, calculated to be $25.65 billion, would be reduced about $6.2 billion to $19.5 billion. The gross increase over last winter's total bill would thus be $2.2 billion instead of $8.4.

COMPARISON OF TOTAL RESIDENTIAL HEATING EXPENSE, 1976–77 HEATING SEASON AND 1975–76 HEATING SEASON

Heating season, fuel	1. Number of housing units heated, (1970) (millions)	2. Estimated heating requirement (therms)	3. Energy consumption (quadrillion Btu's)	4. Fuel price per therm (dollars)	5. Total residential expense (billions of dollars)
1975–76:					
Natural gas	35.0	1,141	3.99	0.1625	6.48
Fuel oil (No. 2)	16.5	1,141	1.88	.296	5.57
Electricity	4.9	760	.37	.952	3.55
LPG (propane)	3.8	1,141	.43	.381	1.65
Total	60.2		6.67		17.25
1976–77:					
Natural gas	35.0	1,526	5.34	.193	10.31
Fuel oil	16.5	1,526	2.52	.312	7.85
Electricity	4.9	1,016	.50	1.025	5.10
LPG (propane)	3.8	1,526	.46	.4125	2.39
Total	60.2		8.82		25.65
Difference (1976–77 minus 1975–76)			2.15		8.40

NATIONAL ARCHIVES HELPS HISTORY COME ALIVE

Mr. HATFIELD. Mr. President, during this past year, we have all witnessed a variety of Bicentennial ventures undertaken by public and private institutions, some of merit and some of only passing notice. But I wish to draw your attention to a Bicentennial program that proved a meaningful experience for the people of my State, and to other Americans as well. In doing so, I hope to lend encouragement to this sort of activity, and to afford my colleagues an opportunity to participate in such programs in the future.

The National Archives, keeper of our Nation's 200 years of governmental records, has within its walls a collection of documents that are milestones of our Nation's history—from the Declaration of Independence and U.S. Constitution, to the Louisiana Purchase Treaty, to the Emancipation Proclamation, to current agreements. Filling the gaps between these many milestone documents are many millions of other papers, maps, drawings, and photographs which record the events of our past and the triumphs of our people. Beyond its task of protecting and preserving these valuable records and making them available to scholars, the National Archives is bringing this heritage of original documents to the American people through its exhibits at the Archives Building here in Washington.

But not everyone can take a Bicentennial trip to Washington, D.C., particularly when home is 2,000 or 3,000 miles away. And although this documentary heritage can be published, photographed, and televised, there is no substitute for being able to view these actual documents, penned and signed by our forebears, to feel an intimacy with our exciting past.

Because of this, the Archivist of the United States has coordinated for the Bicentennial a generous, but prudent, document-loan program. I say generous, because during this year, the Archives has negotiated exhibit loans with more than 30 institutions—and Archives documents have been displayed in the Smithsonian museums, the American Freedom Train, and a variety of State and local exhibits. In this way, people throughout the Nation have had an opportunity to view first-hand some of the important documents in the history of their country and of their own regions.

However, the Archives document-loan program has been necessarily prudent, because these documents are in many ways more priceless than our most valuable art treasures. They are indeed, irreplaceable and they contain a feeling for historical events that no painting can capture. For this reason, the Archives will only grant exhibit loans on documents in suitable condition to withstand the rigors of travel, and to borrowing institutions that can provide adequate measures for protection and preservation while documents are in transit or on exhibit.

One necessary measure required by the Archives is that historic documents must be personally transported from the National Archives to the place of exhibit and back again by a representative of the borrowing institution. Although this protective measure is strictly necessary, the expense of sending a representative to Washington to pick up and return a package of documents is often beyond the means of State and local institutions. However, because of its desire to make these materials available, the Archives has endeavored to find ways of allowing museums to provide couriers at little expense.

Last year, the Archivist of the United States, Dr. James B. Rhoads, granted a request from the Oregon State government for loan of historic documents of real significance to the people of my State, to be displayed in our State capital building in Salem. Because of the special security and insurance required, my State government could not have afforded the extra expense of sending a courier to Washington to bring shipments of documents for different phases of the exhibit. Because of this, Clay Myers, Oregon Secretary of State, and James D. Porter, State archivist, contacted my colleague, Senator PACKWOOD, and me to request that we serve as their representatives in bringing documents to Oregon during regular visits home. Those of you familiar with my background know that I was delighted to cooperate, as the history of Oregon has always been one of my fondest interests. As a result, Senator PACKWOOD and I, on regular trips back to Oregon, were able to serve as couriers for three shipments of 12 documents exhibited over the course of the summer.

Included were treaties, maps, and letters of great meaning to Oregonians, such as the Adams-Onis Treaty of 1819, which helped establish American claims in the region; one of President Jefferson's reports to Congress on the Lewis and Clark expedition; and letters having to do with the region by Abraham Lincoln, Meriwether Lewis, and Brigham Young. The enthusiasm of the people of Oregon for the opportunity to view these original documents is explained in a letter I wish to share with you from Secretary of State Myers. I ask unani-

mous consent that this letter appear at the end of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. I wish to note also that Oregon is not the only State that has been fortunate enough to receive a loan of documents under these conditions. It is my understanding that other Members of Congress have had similar opportunities to participate in bringing Archives documents home for exhibit for the people of their States.

During March 1976, I understand that Congresswoman PAT SCHROEDER served as courier for the Louisiana Purchase Treaty, loaned to Denver for a Bicentennial exhibit, and that Senator HART was present with her to receive the document at the Archives Building. I also understand that Congresswoman LINDY BOGGS was active in arranging for transfer of the American original text of the same agreement when that document was loaned to the Louisiana State Museum during April 1976, and that other Members from that State, including Senator JOHNSTON, were on hand with the Speaker and the House minority leader on occasion of the formal transfer.

These documentary loans by the National Archives have enriched the Bicentennial experience of large numbers of Americans, and I am proud that my colleagues and I have been able to assist in making them possible. I have also been assured that the National Archives will continue to evaluate requests for exhibit loans of historic documents, and that this most worthwhile government activity will continue into the future.

Following the letter from Mr. Clay Myers, I ask unanimous consent that a sampling of news articles be printed in the RECORD which give a flavor of the public attention and interest in this worthwhile project.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

SALEM, OREG.,
October 12, 1976.

DR. JAMES D. RHOADS,
Archivist of the United States, General Services Administration, National Archives and Records Service, Washington, D.C.

DEAR DR. RHOADS: Thank you for permitting us to borrow such valuable and interesting records for display in the Oregon State Capitol this summer. They added a breadth and interest to our Bicentennial observance that could not have been achieved without your cooperation.

The selections made for us by Dr. Lee Scott Theisen of your staff were perfect for the purpose. Also, please express our deep appreciation to Lee. Each of the three sets of documents received excellent coverage by our press corps and attracted a steady stream of visitors to the display vault. It has become such an attraction that continuing displays from our State Archives will get full attention.

I was also very pleased with the thoughtfulness and extra effort displayed by your staff in arranging and coordinating delivery and return of the documents. Both Senator Hatfield and Senator Packwood expressed enthusiasm for the project and were pleased with their involvement in it.

Sincerely,

CLAY MYERS.

EXHIBIT 2

[From the Oregon Journal, Aug. 12, 1976]

HISTORIC OREGON PAPERS GO ON DISPLAY IN SALEM

(By Howard Scott)

The third in a series of original documents relating to Oregon's history arrived Wednesday for display in the State Capitol in Salem.

The historical papers are on loan to the state as part of a Bicentennial project of the National Archives in Washington, D.C., according to Oregon Secretary of State Clay Myers.

The documents include a treaty for the final settlement of British claims in the Oregon Territory, letters by Abraham Lincoln and Brigham Young and a watercolor sketch by James Madison Alden.

Myers, at Portland International Airport to receive the set, said the documents will be displayed in a special case outside the secretary of state's office in the East Wing of the Capitol for the "next month and a half or two months."

Under the terms of the loan agreement with the archives office, the papers can only be transported by an official of the state, he said. Sen. Mark Hatfield carried the set on a flight Wednesday from Washington, D.C.

"Oregon is one of the first states to participate in the loan program, because of the friendship of Clay Myers and the head of the National Archives," Hatfield said.

Earlier sets of historical papers displayed in the Capitol included a treaty with Spain regarding the Northwest, a letter from Capt. Meriwether Lewis to President Thomas Jefferson in 1805 and a letter from Jefferson to Congress in 1806.

A second collection, which Myers plans to carry to Washington, D.C., Friday, includes letters from the federal government to Oregon Indian chiefs and a request for a passport for missionary Jason Lee.

"None of these documents have been in Oregon before," Myers said. "In fact, some have never been outside of the National Archives."

Two copies of the 1863 treaty with England, setting terms for buying the interests of the Hudson's Bay Company and the Puget's Sound Agricultural Company in Oregon Territory, are in the display.

"These are the exchange copies of the treaty," Hatfield said when turning the items over to Myers. "Each country kept an original and sent one to the other nation."

One copy of the treaty bears the signatures of President Lincoln and Secretary of State William Seward. Attached to the other treaty, signed by England's Queen Victoria, is a six-inch wax seal in a sterling silver case.

The letter written by Lincoln on Aug. 21, 1849, to Secretary of State John M. Clayton declines an appointment as secretary of the Oregon Territory and recommends the naming of Simeon Francis to the post. Francis did receive the nomination and accepted it.

Later the same year Lincoln was offered the governorship of the territory, which he also declined in order to pursue his political aspirations in the East.

"We had the display case for these exhibits specially constructed," Myers said.

[From the Portland Oregonian, Aug. 12, 1976]

ABE LINCOLN REFUSED 1849 OREGON JOB OFFER

Abraham Lincoln wrote a letter on Aug. 21, 1849, that may have saved him from obscurity. In it he turned down an offer to be appointed as secretary of the Oregon Territory. After his election as president in 1860, his wife took credit for preventing her husband from coming to Oregon.

That letter is among the several historical documents relating to Oregon's history loaned to the state by the National Archives in Washington, D.C., for display in the Capitol Building in Salem.

Sen. Mark O. Hatfield delivered the documents to Secretary of State Clay Myers Wednesday. Myers said the letters and treaties will be on display for about two months on the main floor of the Capitol. The documents will be locked in a bullet-proof window display case located near Myers' office.

Other documents in this third and final set on loan to the state are the original American copy and the British exchange copy of a treaty signed by Queen Victoria and Lincoln in 1863 that settles the reimbursement claims by the Hudson Bay Co. for withdrawing from the Oregon Territory.

Also on display will be a letter from Brigham Young written in 1845 in which the Mormon offers to build blockhouse fortifications along the Oregon Trail. Also loaned for display is a watercolor by James M. Alden. The painting is titled "Rocky Mountain Peaks from the Summit of Flathead Pass." It was drawn while Alden was the official artist of the Northwest Boundary Survey, which was completed in 1863. The survey was to establish the border which had been set as the 49th Parallel by the Oregon Treaty of 1846.

Myers said he thinks this the first time any of these documents have been on display in Oregon.

FOUR HISTORIC DOCUMENTS UNVEILED

[From the Lake Oswego (Oreg.) Review, July 1, 1976]

When Secretary of State Clay Myers went east this spring on the public's business, he had no idea the trip would result in four historic documents coming to Oregon.

But they did. They arrived last Thursday evening in time for their Oregon debut Friday. All four are integral parts of early Oregon history.

The documents are a report of the Lewis and Clark expedition to President Thomas Jefferson which is signed by Meriwether Lewis; the message to the U.S. Congress by President Jefferson of the Lewis and Clark Expedition; and a two-in-one document, the 1819 treaty between Spain and the U.S. in which Spain ceded all interest in the Oregon Territory to the U.S.

The story of the journey of the four documents to Oregon began in a crowded conference room in Virginia where Myers met an old fraternity brother. The friend is involved with U.S. historic documents. He happened to mention that some were on loan to various states for the Bicentennial. When Myers heard that the documents could be transported only by official courier and at the expense of the state, Myers' interest in securing some for Oregon dimmed, but flared immediately when his friend revealed that a U.S. Congressman could substitute for an official courier. Myers drew up a list of 11 or 12 selections.

Early last week he heard that U.S. Senator Hatfield would arrive in Oregon last Thursday evening. By discreetly putting through person to person calls to Washington, D.C., Myers succeeded in getting seven to return at no expense to Oregon. By the time Hatfield was ready to depart from the Washington, D.C. airport, the documents were, under guard, turned over to him. The attache case was not padlocked to his wrist but he was warned and strictly, that he must not let the case out of his sight.

"I didn't even get off the plane at Denver to telephone friends as I usually do," Hatfield said, prior to a luncheon speech at the Tri-City Chamber of Commerce Friday at West Linn Inn.

At the Portland International, Hatfield was met by a bevy of state troopers, and by State Archivist James D. Porter. Porter and company relieved Hatfield of the documents for the night, but were on hand again next morning to escort Hatfield to West Linn. At the city limits, city officers took over and escorted the Hatfield car to the Inn. With the Senator came a West Linn officer to guard the documents while Myers unveiled them with Hatfield being the first Oregonian to view them. The documents remained at the Inn for most of the afternoon where Tri-City Chamber members, educators and others inspected them. Then along came state troopers who scooped up Porter and the documents and escorted them down I–5 to Salem.

The four documents are now on display in the window vault outside Room 121 on the ground floor of the State Capitol. Myers invites Oregonians to view them when they visit Salem this summer.

Eventually the documents will be returned to the National Archives, and positively by some U.S. Congressman; no all-expenses paid official courier for thrifty Myers.

The letter from Meriwether Lewis was posted from Fort Mandan in the Dakotas, April 7, 1805. Two of the six page documents were on exhibit. Despite the fact that Meriwether was camping, hiking, canoeing his way across the wilderness, the letter is a shining example of the "calligraphic" script of those days. In fact, the beautiful scrolling, curving letters, and the old confusion of "S" and "F" usage makes the document difficult for moderns to read.

President Jefferson's report on the expedition to the U.S. Congress is dated February 19, 1806. The exhibit contains the first of the four page report. Jefferson's penmanship is far from the beautiful and graceful penmanship of Lewis. It is cramped, restricted in style, but is very easy to read, perhaps because it resembles much of today's penmanship.

The most imposing document is the 1819 treaty between Spain and the U.S. The treaty transferred all of Florida and Texas to the U.S. for a pittance with the proviso that the U.S. assume the financial obligations of Spain to residents and firms of the two enormous land masses. It also includes wording that cedes all Spanish interest in the Oregon Territory to the U.S. This treaty was valuable in establishing the U.S. claim to the Oregon Country in the final show-down with the Hudson Bay Co. and England.

The treaty is written in English and in Spanish. Both versions journeyed from Spain to the U.S. and then back to Spain for signatures two years later. The Spanish version is encased in a handsome, silk velvet cover in a red which is still rich and bright. In the upper center of the cover is the Spanish coat of arms: a silver medallion with a fleure de lis and olive branch and the king's initial F VII for Ferdinand VII. The velvet case has a silver border and tassels. To it is attached a gold skippet protecting the seal of the treaty. The skippet is a three-inch wide, half-inch deep gold container with a hinged lid. Upon the outside face of the lid is the seal of Spain with the Spanish crown highlighted by miniatures of sailing freighters and fishermen. Within is the original red wax from which the treaty seal was impressed.

The treaty is signed by Ferdinand the Seventh for Spain and by John Quincy Adams on Feb. 22, 1819. J. Q. Adams was then U.S. Secretary of State. He served as U.S. President from 1824–1828.

LETTER FROM LINCOLN REFUSING OREGON JOB IS ON DISPLAY AT SALEM

SALEM.—The letter Abraham Lincoln wrote refusing appointment as secretary of the Territory of Oregon is on display in the Capitol.

Loaned to the state by the National Archives in Washington for exhibit at least until Oct. 1, the letter is signed "Your Obt Servt A. Lincoln" and is headed, "Springfield, Illinois, August 21st 1849."

Addressed to "Hon. J. M. Clayton, Secretary of State," the letter reads: "Dear Sir:

"Your letter of the 10th Inst, notifying me of my appointment as Secretary of the Territory of Oregon and accompanied by a Commission, has been duly received- I respectfully decline the office-

"I shall be greatly obliged if the place be offered to Simeon Francis, of this place- He will accept it, is capable, and would be faithful in the discharge of its duties- He is the principal editor of the oldest, and what I think may be fairly called the leading Whig paper of the state- the Illinois Journal. His good business habits are proved by the facts that the paper has existed eighteen years, all the time weekly, and part of it tri-weekly and daily and has not failed to issue regularly in a single instance.

"Some time in May last, I think, Mr. Francis addressed a letter to Mr. Ewing, which I was informed while at Washington in June, have been seen by the cabinet, and very highly approved- You possibly may re member it- He has for a long time desired to go to Oregon, and I think his appointment would give general satisfaction."

Francis did receive the nomination and accepted it.

Later the same year, Lincoln was offered the governorship of the territory, and declined that, too.

Lincoln's letter is one of several historical documents loaned to Oregon by the National Archives.

The others include a treaty for the final settlement of British claims in the Oregon Territory, a letter from Brigham Young and a watercolor by James Madison Alden.

All are on display in a case outside the secretary of state's office in the East Wing of the Capitol.

The documents are the third such group loaned to Oregon by the National Archives in observation of the nation's bicentennial.

[From the Utica (N.Y.) Observer-Dispatch, Aug. 3, 1976]

MYERS RECEIVES HISTORICAL DOCUMENTS

Secretary of State Clay Myers today received the additional historical documents from the United States Archives for display in Oregon. Myers, whose office administers Oregon's Archives, initiated a unique loan program with the United States Archives as a part of the State's bicentennial celebration.

"Rarely does the National Archives loan its original documents for display outside Washington, D.C." Myers explained. "We were fortunate this summer to arrange three exhibits significant to Oregon's history."

"U.S. Senator Robert Packwood personally transported the documents in this second exhibit from Washington, D.C. His participation assisted the security arrangements necessary for these invaluable documents," Myers explained.

Senator Packwood presented Myers with four documents about Oregon's frontier settlement. The documents will be displayed in a specially designed display cabinet in the Capitol Building.

The exhibit documents include the Nez Perce Indian Treaty, signed by Chief Joseph and President Buchanan which granted the now famous Indian fishing rights. Chief Joseph's signature consists of an "X". Other signatures on the Treaty include Superintendent of Indian Affairs Joe Palmer. Palmer founded the Oregon city of Dayton, and also mounted an unsuccessful campaign for Governor of the young state.

The exhibit also features the only known copy of Missionary Marcus Whitman's passport, and a letter relating to this early settler's passport. In addition, an 1830 Petition encouraging the settlement of the Oregon Territory, one of the earliest known references to the expansion of the Northwest, will be displayed.

"The exhibit will replace documents currently on display, brought to Oregon by Senator Mark O. Hatfield, including a letter from President Thomas Jefferson, and a rare Spanish Treaty relating to Northwest claim," Myers stated.

"Documents may be photographed only through filtered plastic in order to protect their original and sometimes fragile condition," he continued.

"I hope many Oregonians and visitors to the Capitol will enjoy this very special exhibit made possible by cooperative efforts between Oregon state and national officials," he concluded.

[From the New Orleans (La.) Times-Picayune, Apr. 1, 1976]

LOUISIANA PURCHASE TO RETURN

The Louisiana Purchase Treaty of 1803 will return to Louisiana Friday.

The treaty, which secured the Louisiana Territory for the United States, and the documents transferring Louisiana from Spain to France and from France to the United States, are being borrowed from the National Archives by the Louisiana State Museum for the museum's Bicentennial exhibition to open at the Presbytere April 11.

The Louisiana Congressional delegation and state museum director Robert R. Macdonald will receive the documents from Dr. James O'Neill, assistant archivist of the United States, at ceremonies at 11 a.m. Friday in the Rayburn House Office Building, Room 2471.

[From the New Orleans (La.) Times-Picayune, Apr. 4, 1976]

LOUISIANA PURCHASE PAPERS ARRIVE

Original documents from the Louisiana Purchase of 1803 were obtained Friday for the Bicentennial exhibit at the Louisiana State Museum.

The new papers added to the collection from the National Archives will include the American original copy of the Louisiana Purchase treaty with France; the U.S. Senate ratification of the treaty; the official record of the transfer of Louisiana from Spain to France; and the document transferring Louisiana from France to the United States.

[From the New Orleans, (La.) Times-Picayune, Apr. 11, 1976]

EXHIBITION TRACES STATE'S COLONIAL PAST

History buffs have a treat in store in a "Louisiana from Colony to State" exhibition which will be previewed this Sunday at a 6 to 9 p.m. gala in the Louisiana State Museum's Presbytere and open to the public Tuesday.

The display will include the United States copy of the Louisiana Purchase treaty between the young American nation and France; this document and related papers are loans from the National Archives in Washington, D.C.

The whole, which is divided into sections, was assembled to point out that the Louisiana Colony, which was established in the Mississippi River basin, developed simultaneously with the 13 English colonies on the Atlantic seaboard.

The first section begins in 1699, when Louis XIV was still firmly in control in France; Iberville, by then, had established a settlement on the Gulf Coast and is believed to have touched ground in what is now Louisiana.

Father Hennepin's 1683 chart of New France and Louisiana is among the exhibits as is the "Carte Particular des Environs du Fort de Maurepas," sent for the occasion from the Bibliotheque Nationale in Paris.

The second section deals with Louisiana under the great "Sun King" and includes letters of patent giving Antoine Crozat rights of exploitation of the commercial and natural resources of the lower Mississippi River Valley.

This section also has important later material on John Law and his Company of the Indies, whose gigantic failure is known as the "Mississippi Bubble."

The third section records the years of Spanish rule and the Louisiana Rebellion which antedated the American Revolution by eight years, a "Report Relative to the Expulsion of Ulloa in 1768" will be among the displays.

The latter days of Spanish dominion are also chronicled with documents and letters underlining the aid that the Spanish governors, through Oliver Pollock, played in aiding the American Revolutionary cause.

Another section treats the disputes that developed when the United States began its period of westward expansion; it contains, among other exhibits, the 1796 copy of the Treaty of San Lorenzo, on loan from the Historic New Orleans Collection.

The Louisiana Purchase treaty is, of course, the star of the section devoted to that momentous 1803 event.

The period after the purchase, which saw the crises of the Aaron Burr Conspiracy and the opening of the War of 1812, is illustrated with letters from early American leaders and the final exhibits relate to Louisiana's campaign for statehood and to successful culmination on April 8, 1812.

The Archives Nationales in Paris and Tulane University are also among those contributing displays.

The exhibition will run through the year.

[From Lagniappe, Apr. 10–16, 1976]

LOUISIANA PURCHASE ON EXHIBIT

(By John Pope)

Louisianians have always prided themselves on getting things first—even in revolutions.

The Louisiana revolt of 1768, in which the state's French colonists rebelled against Spanish rule, was the first revolution on American soil against a foreign power, and it happened seven years before "the shot heard 'round the world" was fired in Massachusetts.

In this movement, the French booted out the Spanish governor, Antonio de Ulloa, and published the "Report Relative to the Expulsion of Ulloa," which became one of the most important documents in Louisiana history. This report, along with a wide variety of papers that trace Louisiana's development from a colony to statehood, will be on display at the Presbytere starting April 13.

The prize of the exhibit, "Louisiana: From Colony to State," is the original Louisiana Purchase, on loan from the National Archives. For this event, the document is coming home in a double sense: not only to Louisiana but also to the same block in which it was signed in 1803. The Louisiana Purchase, in which Napoleon unloaded the entire Louisiana Territory for $15 million, was signed in the Cabildo, just two buildings away.

In addition to the National Archives items, this show displays materials from the Historic New Orleans Collection, Tulane University's Special Collections Division and France's Archives Nationales and Bibliotheque Nationale. The scope of the display reaches back to a time before there was even a New Orleans, starting with Fr. Hennepin's "Chart of New France and Louisiana," which dates from 1683.

[From the New Orleans (La.) States-Item, Apr. 12, 1976]

PRESBYTERE PANORAMA

(By Pie Dufour)

Perhaps the most prestigious historical exhibit ever presented by the Louisiana State Museum will open to the public tomorrow at the Presbytere.

A "pre-preview" which Director Bob Macdonald gave me Thursday, while his excellent curatorial staff was still putting the exhibit together, was an exciting eyeful.

The exhibit tells graphically, with documents, maps, prints, portraits and artifacts, the story of Louisiana from colony to state, with the *piece de resistance* being the actual English version of the Louisiana Purchase treaty, signed by Robert R. Livingston and James Monroe for the United States and Barbe-Marbois for France.

Materials for the exhibit—it's the Louisiana State Museum's contribution to the Bicentennial—are for the most part from the rich collection of the museum itself, but many significant items came from the National Archives in Washington, Tulane's Special Collections Department, the Historic New Orleans Collection and Paris' Bibliotheque Nationale and the Archives Nationales.

The exhibit is divided into six sections, each of which has an overhead theme label. These themes are as follows:

I. Exploration and Colonization (1699–1718). This section covers the early French efforts in the Mississippi Valley, the establishment of Fort Maurepas at Ocean Springs by Iberville. Hennepin's "Chart of New France and Louisiana in 1683," and "Map of the Environs of Fort Maurepas" from the Bibliotheque Nationale feature this section.

II. Nouvelle-Orleans (1718–1762). This section covers John Law and his fabulous banking schemes which bankrupted France but colonized Louisiana and established New Orleans. Among significant documents is "The Retrocession of Louisiana to the King by the Company of the Indies" in 1731. Also, a contemporary table with painted scenes depicting Law's "Mississippi Bubble."

III. The Age of Rebellion (1763–1796). This section covers the Revolution of 1768, the expulsion of Ulloa and the putting down of the revolution by Alexander O'Reilly's "Proclamation of Amnesty" is included in the exhibit.

IV. Nueva-Orleans (1793–1803). This section is dedicated to the last two decades of the Spanish regime in Louisiana, and it contains the clerk's copy of the Treaty of San Lorenzo, which in 1795 opened the port of New Orleans to Ohio Valley Americans, and most important of all, the Louisiana Purchase Treaty.

V. New Orleans (1803–1812). This section depicts the nine-year period between the purchase and statehood for Louisiana.

"Many documents in this exhibit are being shown for the first time," said Director Macdonald. "We feel it is one of the most important exhibits ever at the state museum."

The exhibit was planned by Archivist John Kemp and Assistant Archivist Ghislaine Pleasanton. J. Burton Harter of the museum staff designed the exhibit and volunteer assistance by Mrs. James Byrne was most valuable.

Kemp and Mrs. Pleasanton have done a splendid job in bringing order out of chaos in the rich archival holdings of the Louisiana State Museum, restoring documents, arranging, catalogue, etc. Mrs. Pleasanton has just received a scholarship from the Institute of Modern Archives Administration at the National Archives in Washington, May 11 through 22. It is sponsored by the Colonial Dames of America, Washington Chapter.

[From the Louisiana Weekly, New Orleans (La.) Apr. 17, 1976]

BICENTENNIAL EXHIBIT OPENS AT STATE MUSEUM

Louisiana: From Colony to State will open with a preview reception for the Friends of the Cabildo on Sunday, April 11 from 6:00 to 9:00 p.m. The exhibition which will feature the American Original Copy of the Louisiana Purchase Treaty is the State Museum's major contribution to the Bicentennial. The exhibition, located in the Presbytere, will open to the public on Tuesday, April 13 and continue through December. The Presbytere hours are 9:00 to 5:00 Tuesday through Sunday. Closed Mondays.

Louisiana: From Colony to State traces, on paper, the history of the State from early colonial times to early statehood. It includes many of the most important manuscripts and printed documents relative to political events, economic concerns and daily life in Louisiana from the founding of the colony in 1699 to her admission to the Union in 1812.

These paper objects, fragile with age and sometimes stamped, with royal seals and coat-of-arms, are the documents which shaped lives and controlled the actions of many of our Louisiana ancestors. The result of these papers is the State and her people as we know them today.

Recognition of our colonial origins is the over-riding purpose of the exhibition which vividly points out that a colony with viable economy, society and culture was growing in the heart of the North American continent simultaneous to the development of the thirteen English colonies on the Atlantic seaboard.

This Louisiana Colony figured prominently in the American Revolutioin and even staged a "revolt" of its own against Spanish government prior to the break from England by the East Coast colonies.

[From the Baton Rouge (La.) Sunday Advocate, May 9, 1976]

FROM COLONY TO STATEHOOD

(By Vaughn L. Glasgow)

"From Colony to State," the bicentennial exhibition of the Louisiana State Museum, is now on view on the ground floor of the Presbytere at 751 Chartres St. on Jackson Square in New Orleans. The exhibition traces, on paper, the history of the state from early colonial times to early statehood. It includes many of the most important manuscripts and printed documents relative to political events, economic concerns and daily life in Louisiana from the founding of the colony in 1699 to her admission to the Union in 1812.

These paper objects, fragile with age and sometimes stamped with royal seals and coat-of-arms, are the documents which shaped lives and controlled the actions of many of our Louisiana ancestors. The result of these papers is the state and her people as we know them today.

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This Louisiana colony figured prominently in the American Revolution and even staged a "revolt" of its own against Spanish government prior to the break from England by the East Coast colonies.

In the first segment of the exhibition, documents are presented which record and depict the voyages of the early explorers of the Mississippi Valley and the first French attempts at colonization in the closing year of the 17th century. Father Hennepin's Chart of New France and Louisiana of 1683 is among the germane illustrations.

While early outposts were established for Indian trade and protection against invasion from the Spanish colonies of South and Central America, Louisiana was much more. To those with vision, the Mississippi River provided an excellent means of transport and communication. Whoever controlled the mouth of the Great River would control the commercial development of one-third of North America. The Bibliotheque Nationale in Paris has sent the Carte Particular des Environs du Fort de Maurepas of 1699 to show an early military outpost.

Section II of the exhibition deals with the French Colonial Period. Initial administration of the Louisiana colony was through the Sun King, Louis XIV and his various ministers. In 1712 it was transferred to the status of a proprietary colony under the rule of Antoine Crozat, who was allowed rights of exploitation of the commercial and natural resources of the lower Mississippi Valley. The Letters of Patent to Crozat are included at this point in the exhibition.

Government was to be administered in accordance with the laws, edicts and ordinances of France. Crozat's regime lasted only five years. The Indians' fur trade had failed to develop as predicted and commercial intercourse with Spain and Spanish colonies deteriorated due to strained relations between the mother countries in Europe. Due largely to his economic losses, Crozat gave up the proprietorship in 1717.

John Law, an enterprising Scotsman, formed the Company of the West which was granted a charter to Louisiana in 1717. Law had sold speculative shares in the venture which were quickly snapped up by European investors. Two years later he merged with other colonizing ventures under the title of Company of the Indes, with additional commercial privileges in Africa, South America and the Orient.

Continuing troubles with the Indians, Spanish trade and other colonial hardships led to the collapse of this speculative "Mississippi Bubble" in 1720. The Company of the Indes, without John Law, reorganized and gave the Louisiana colony a desultory administration for the next decade, and then petitioned the King, now Louis XV, to take it back. The Retrocession of Louisiana to the King by the Company of the Indes of 1731 is among documents included to illustrate this section of the exhibition, as well as the famous John Law Table with its painted decorations.

Louisiana existed as a Royal Colony for thirty years. During the French and Indian Wars the French Crown ceded the colony to Spain in 1762. Most agree that the secret treaty of transfer, signed at Fountainbleau, relieved the French King of an obligation, which had been costing him his Royal Shirt.

The third segment of the show is called the "Age of Rebellion," dealing with the Louisiana revolt of 1768 and the American Revolution. French colonists in Louisiana were not pleased at becoming Spanish subjects. The colonial economic situation worsened. A New Orleans-based group openly defied Spanish authority and expelled the first Spanish Governor, Antonio de Ulloa. Their Report Relative to the Expulsion of Ulloa of 1768 is shown. They petitioned the French Crown to reassume Louisiana.

This "Revolt of 1768" was short lived, and the ring leaders were executed by Ulloa's successor, Don Alexandro O'Reilly, an Irishman in Spanish service. O'Reilly's Proclamation of Amnesty of 1769 is included in the exhibition. This "revolution" has been credited as the first on American soil against a European government, antedating the Declaration of Independence by some eight years.

Spain governed continuously until the transfer ceremonies of 1803, and ushered in a period of relative growth and prosperity. Under Spanish government, Louisiana contributed significantly to the American Revolution.

Under Governors Unzaga and Galvez, large quantities of supplies were provided to the revolutionaries through Oliver Pollock, their New Orleans agent. Various Pollock documents are included in the exhibition. Louisiana became a sanctuary for American commander James Willing who led raids against British West Florida. Governor Galvez led military expeditions, which captured both East and West Florida from England. Galvez' Letter of 1777, reporting on a military intelligence gathering mission to British Pensacola, is displayed.

Section IV of the exhibition covers the last twenty years of Spanish rule. The "affair de coeur" between Spanish Louisiana and the infant U.S. came to a speedy end as the new nation became more and more deeply involved in westward expansion. Border disputes symbolized the new American desire to control larger and larger portions of the Mississippi Valley. The U.S. demanded and got navigational rights to the river and use of the port of New Orleans. The 1796 copy of the Treaty of San Lorenzeo has been loaned to the exhibition by the Historic New Orleans collection. However, these privileges were revoked in 1802.

Napoleon Bonaparte had, in the meanwhile, forced Spain to retrocede Louisiana to France in 1800. President Jefferson authorized negotiations to obtain the Isle of Orleans (i.e. the port) from France. Napoleon ultimately offered the whole colony at a price of $15,000,000. The U.S. didn't have that amount in the Treasury, and sold bonds to raise the funds. With interest, claims, etc., the total cost was $23,527,872.57. The National Archives in Washington, D.C., has loaned the original Louisiana Purchase and related documents to illustrate this section of the exhibition.

France quickly took possession of Louisiana in November of 1803, something she had neglected to do, even though Spain had ceded ownership. Twenty days later, the week before Christmas, the French flag was lowered and the Stars and Stripes were raised over the Place d'Armes (now Jackson Square) and all or part of thirteen subsequent states became the territorial property of the U.S.

All lands comprising the current state of Louisiana was created under the title of the Territory of Orleans. W. C. C. Claiborne was appointed territorial governor. The territorial years took in such crises as the Burr Conspiracy and the opening of the War of 1812, in both of which Louisiana played a significant role. Various letters of Governor Claiborne and General Wilkinson are included at this point in the exhibition.

During the nine years of territorial status, Louisianians drew up codes of law and a proposed constitution, although many, including Jefferson, felt a long period of time must elapse before statehood could be achieved. Louisianians were not satisfied with what they considered second class citizenship under territorial government. The Petition From Citizens of Louisiana to the House of Representatives and the U.S. Senate of 1811 illustrates their views. The proposed constitution was approved by the Congress on April 8, 1812, and Louisiana was shepherded into the Union.

Most of the documents, portraits, paintings, engravings and artifacts in the exhibition were drawn from the collections of the Louisiana State Museum which include the French and Spanish Colonial Judicial Archives. Other institutions which have generously loaned materials to the show are the National Library and National Archives of France, the National Archives of the United States, the Historic New Orleans Collection and Tulane University.

John R. Kemp, curator of manuscripts at the Louisiana State Museum, has selected documents and other materials and organized the exhibition. He has been ably assisted by Mrs. Ghislaine Pleasanton, associate curator. Museum volunteer Mrs. James Byrne has painstakingly restored many of the documents on display.

The exhibition was designed by J. Burton Harter, utilizing duo-tone blue super-graphic stripes around the gallery walls. The stripes provide enormous eye-level bands in which the documents are displayed. Cases mounted to wall panels and placed on platforms contain three-dimensional materials.

The Louisiana State Museum is an official state agency which collects, preserves, displays and interprets materials significant to the history and cultural development of the state. The museum complex consists of eight buildings in the New Orleans French Quarter, five of which, including the Presbytere, are official National Historic Landmarks.

[From the New Orleans (La.) States-Item, Apr. 2, 1976]

LOUISIANA PURCHASE DOCUMENTS WILL BE DISPLAYED HERE

(By Sam Hanna)

WASHINGTON.—The original Louisiana Purchase is on its way to New Orleans.

At a ceremony today in the Capitol Building Louisiana State Museum Directof Robert R. Macdonald accepted possession of the original American version of the 1803 treaty for a nine-month exhibition at the museum. The ceremony was arranged by U.S. Rep. Lindy Boggs.

Deputy archivist James O'Neil displayed part of the collection of documents which are all encased in yellow tinted plexiglass to prevent fading.

The first page of the treaty, in the clear, precise handwriting of the time, sets forth the initial terms of the agreement by which the United States paid $11.3 million and doubled the size of the country.

On the last page of the treaty there are two dates, the 10th day of Florial under the French Revolutionary calendar of the time and the 30th of April, 1803 under the conventional dating.

* * * * *

Besides the eight pages of the American treaty document, the exhibit will include the Senate ratification of the treaty, a "procesverbal" which officially transferred the territory from Spain to France and another French document transferring the property from France to the United States.

Napoleon had taken possession of Louisiana from Spain by a secret treaty in 1800 but it was not until this became publicly known that Jefferson sent envoys to France with the intentions then of buying only the city of New Orleans.

Attending today's ceremonies was Dominique Souchet, first secretary of the French embassy, who said he often wonders about Napoleon's wisdom in selling the territory but laughingly added, "we don't intend to renegotiate for it now."

Also attending was Joaquin Cervino, first deputy at the Spanish embassy, who said he was there "on behalf of the last possessor' before Napoleon appropriated the land and sold it to the U.S.

Other dignitaries included House Speaker Carl Albert, Minority Leader James A.

Rhodes, R-Ariz., and most of the Louisiana delegation.

Macdonald said he would fly back to New Orleans with the documents later today and will be met by state police to escort them to the vaults at the museum at 751 Chartres St. * * *

[From the Denver (Colo.) Catholic Register, May 5, 1976]

LIBRARY DISPLAYS LETTERS

"Nothing Is Long Ago," a display sponsored by the Denver Public Library (DPL) Foundation, is currently open, free to the public, at the Main Library, 1357 Broadway.

Among some 200 items documenting the development of Colorado before statehood, are original letters and diaries by Zebulon M. Pike, who, in 1806, commanded an early government expedition to the then newly-acquired Louisiana territory. Pike observed, after attempting to scale the mountain later named after him, "I believe no human being could have ascended to its pinical" (sic).

The second American expedition to Colorado in 1820, was commanded by Maj. Stephen H. Long. The party's biologist Edwin James, with two others, succeeded in climbing Pike's Peak. Major Long was not favorably impressed with the country east of the Rockies. He called it the "Great American Desert," and it is labeled as such on maps of the time.

Also on exhibit at the library is a facsimile of the Long report to the Secretary of War, courtesy of the National Archives and Records Service; the original Edwin James dairy; and an Alfred E. Mathews colored lithograph of "Pike's Peak and Colorado City."

FLOATING CORPS MUSEUM TO VISIT KANSAS CITY JULY 4–6

An encore—and perhaps last—visit will be paid Kansas City July 4–6 by the "Sergeant Floyd," floating Bicentennial museum of the U.S. Army Corps of Engineers.

The vessel then will proceed downstream, stopping at Napoleon, Mo., July 6; Waverly, Mo., July 7; Glasgow, July 8; Boonville, July 9; Jefferson City, July 10; Washington, July 11–12; St. Charles, July 13–14; and St. Louis, July 15.

The Sergeant Floyd's Bicentennial Exhibit recently won for the Corps the Public Relations Society of America's Silver Anvil Award for the "most outstanding public relations program during 1975" in the Institutional Programs Government category. The award was presented to Maj. Gen. John W. Morris, Deputy Chief of Engineers, at the Society's 32nd annual Silver Anvil Awards banquet in Chicago May 18.

Since the 44-year-old towboat-converted-to-showboat was at Kansas City last June, about 350,000 persons have boarded to enjoy a free, 1-hour multi-media show re-creating the Corps' 200-year history. Highlights dramatize the Corps' participation in development of water resources, fish and wildlife care, recreation, hydroelectric projects and construction of the Panama Canal.

There also is an extensive collection of photographs of early river scenes, old maps and a wealth of memorabilia from the days of the river steamboat. Manncraft Exhibitors Service assisted in preparation of the exhibit, much of which is from the National Archives Bldg., Corps installations, other governmental agencies and private collections and museums.

Nearly 200,000 photos, maps, documents and artifacts were screened for the final selection. Eight of the 13 exhibits tell their story using either audio or audio-visual techniques. The multi-screen, multi-sound finale uses six screens and a multi-track tape recording of music and lyrics scored for the "Museum Aboard the Sergeant Floyd" and performed by 20 musicians and a vocalist. There are 40 film and slide projectors and eight tape recorders on board.

The Sergeant Floyd pushes a specially outfitted barge which is available to communities for Bicentennial celebrations. It may be used as a gathering place for visitors, exhibit space for local displays or a bandstand. The deck of the barge, which is 100 feet long and 24 feet wide, is covered with green Astroturf and the entire barge is equipped with power for public address systems.

Launched May 31, 1932, at the Howard Shipyards, Jeffersonville, Ind., the boat was delivered to the Kansas City District in August of that year. It was named in memory of Sgt. Charles F. Floyd, an Engineer soldier who accompanied Captains Lewis and Clark on their famous exploration to the Pacific Northwest in 1804. He died near the present city of Sioux City, Iowa, and his grave is on a site called "Floyd's Bluff," a part of the city's Municipal Park. Sgt. Floyd is believed to have been the first American soldier to die in Louisiana Territory.

The vessel for many years was used on the Missouri River to inspect river control and flood control structures, tow large construction barges and fuel for dredges, reset buoys and transport community officials and civic groups on tours of Corps projects.

Captain Henry A. Billiot of New Orleans, a veteran of nine years with the Corps and a skipper 18 years, is master of the Sergeant Floyd and her 12-member crew. James Schmid, Chicago, is chief engineer, and Melvin Schlickling, St. Paul, is pilot.

Powered with two 600-horsepower Diesel engines that drive twin 50-inch propellers, the craft is capable of 11 miles an hour in still water. Its steel hull is 138 feet, 5 inches long and its beam is 30 feet, 9 inches wide. Depth amidship is 5 feet.

Its tour of the nation's waterways and intracoastal waters began June 17, 1975 at St. Louis, Mo., and will end December 31. After its 18-month, 22,000 mile voyage, according to Col. Richard L. Curl, Kansas City District Engineer, the "Sergeant Floyd" may be converted into a permanent floating museum and exhibit at a location to be designated later.

Up to 2 million persons are expected to have boarded the boat by year's end. Popularity of the exhibit is credited to the Bicentennial spirit, the present "nostalgia" interest in "old, forgotten, far off things," and the love of steamboats in river communities.

The vessel faced decommissioning a year or so ago, following a shift to contract construction, until Corps officials, looking ahead to the Bicentennial Celebration, suggested she be launched on a final, historic voyage as a memorial to the Corps. Congress approved and the Sergeant Floyd has logged more than 12,000 miles and delighted visitors in more than 150 communities.

Following are some of the responsibilities the Corps has successfully undertaken since the Revolutionary War:

Explored the Missouri Valley.

Was principal agent for the Government in exploration of the West to locate wagon and railroad routes.

Surveyed all U.S. territory west of the 100th meridian.

Surveyed and mapped the Great Lakes.

Marked all U.S. and most state boundaries.

Catalogued wildlife and other natural resources in the areas of their expeditions.

Helped preserve from private exploitation such national treasures as the areas now included in Yellowstone, Yosemite and Sequoia Parks.

Has been principal developer since 1824 of the nation's water resources nationwide.

Is responsible for coastal protection and flood control.

Involved in projects that provide multiple benefits, such as bydroelectric power, water supply, recreation and conservation of fish and wildlife.

During the last 148 years, the Corps has completed more than 4,000 civil works projects ranging from 19,000 miles inland and intracoastal waterways to harbor development, reservoirs, levees, floodwalls, hydroelectric projects, recreation areas and 150 fish and wildlife areas as well as 400 state, county and municipal parks.

THE POTATO FUTURES MARKET ABUSE

Mr. CHURCH. Mr. President, on January 28, I introduced legislation that would ban the trading of potato futures on commodity exchanges. At that time, I cited a long history of abuses and manipulations of the potato futures market which have ultimately hurt the potato grower. The most recent example being the Maine default of 1976.

However, recent activity on the New York Mercantile Exchange indicates the possibility that another series of market abuses may already have taken place.

In a recent article in the Washington Post, Jack Egan points out how false reports of large export deals in potatoes may have served to depress the futures market. It has also come to my attention that additional misinformation may have added to the unstable condition of the market. This information dealt with the impact of recent cold weather on the Florida potato crop, Common Market import restrictions, and the size of the European potato crop, and served to disrupt and depress the futures market.

There are few who argue that the potato futures market does not have some impact on cash prices paid to growers. For example, in Idaho, at the present time, contract negotiations are taking place between the growers and the processors for next year's crop. The activity of the futures market, even in Maine potatoes, is looked at as an indication of market conditions that will affect price. Hence, if the futures prices are down, it is likely that the cash price will also be depressed.

We must recognize that even a nominal effect on the cash price of potatoes spells big money. Let us assume that the cash price of Idaho potatoes dips 10 cents. Since some 57,000,000 hundredweight of Idaho potatoes may be used in processing, the processor is able to buy his requirements at a savings of some $5.7 million. It is easy to see that, with a total of over 100 million hundredweight of potatoes being processed in this country, the rewards for market manipulation can be very high.

If the futures market is being artificially depressed through news management and waves of contract selling, then the Idaho potato grower, as well as his counterparts across the country, is being denied a fair price.

Mr. President, the potato growers of this country are rightly concerned. If the New York Mercantile had not stepped in yesterday to raise the margin requirements on the Maine potato future contract to 100 percent of the contract price

for those individuals who were involved in last year's potato trading default, I wonder if anything would have been done about this highly unusual trading activity.

When Congress set up the Commodity Futures Trading Commission to be the watchdog of the commodity exchanges, some felt that the long string of abuses and irregularities was behind us. But then the 1976 Maine default on potatoes took place. Some suggested that the CFTC could be excused for its lack of action in the Maine default since it was still in its infancy. But the emergence of a pattern that so closely parallels the activities of 1976 makes one question whether the CFTC has the will to oversee the trading of potato futures at all.

There can be no doubt that after this latest episode farmers will lose the little faith they may have had in the futures market. I remember an old adage that seems appropriate here. "Fool me once, shame on you. Fool me twice, shame on me."

Potato farmers are not about to be fooled twice. It is unlikely than many will again use the futures market to insure their crops if they ever did. And without growers hedging in the market, I can see no reason to have a futures trade except to satisfy speculators. Potato farmers are sick and tired of a potato futures market that defies efforts to end manipulation and impacts adversely on their cash price.

When will we be assured that this type of abuse has vanished from the scene? I share the opinion of the National Potato Council that we can only end this abuse by ending the potato futures market.

It is time to put an end to it once and for all. We should follow the precedent established in the trading of onion futures. When the futures market in onions caused an unnatural depression in the price of fresh onions over 20 years ago, Congress banned onions from futures trading. Potato futures have had a long history of abuse and the most recent experiences have taken place, despite Federal regulation. The trading of potato futures should be banned, for it has failed to serve the purpose for which it was intended.

I ask unanimous consent that two articles on potato futures from the Washington Post be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 1, 1977]

COMMODITY AGENCY STARTS NEW PROBE OF POTATO TRADING

(By Jack Egan)

NEW YORK, January 31.—The Commodity Futures Trading Commission is investigating new allegations involving the same individuals who last year defaulted on delivery of Maine potatoes to fulfill contracts traded on the New York Mercantile Exchange to see if any price manipulations are taking place.

Specifically, the CFTC is looking at two press reports originating from Simtag Farms last week. Simtag is a large potato growing operation in the Pacific Northwest owned jointly by Jack R. Simplot and Peter J. Taggeres, the two individuals primarily involved in the celebrated potato default.

The first report last Wednesday, which apparently was confirmed by Taggeres, said Simtag had agreed to sell 150,000 long tons of potatoes to a European importer. The following morning, Taggeres, in a clarification, said the amount sold was actually only 15,000 tons, with the larger figure referring to what was possible in the future.

Between the two reports, the price of potato futures rose sharply, and dropped steeply when the clarification was received.

According to trade sources, Taggeres was actively involved in Maine potato futures trading during both the price runup and the subsequent drop, and holds a sizeable "short" position of about 3,000 contracts. That means he is committed to come up with 50,000 pounds of Maine potatoes for each contract he is short when the contracts expire—a situation reminiscent of the one that led to the 1976 default.

It is not believed, however, that Simplot is involved in futures trading at present.

"The allegations were made and conversations are under way" with the New York Mercantile Exchange, according to CFTC chairman William T. Bagley who would confirm the inquiry but would not give specific details other than to say that his regulatory agency first heard about the situation in a telephone call from officials of the Merc last week.

"The basic fact is we are on top of the situation and aware of the problem," said Bagley. "We have alerted our enforcement people and they are on top of it."

New York Merc president Richard Levine would only say that his "exchange is involved in market surveillance on a constant basis" and was looking to see whether the discrepancy in the two reports could be "nothing more than an honest error."

Taggares and Simplot could not be reached for comment.

The five-man CFTC, which watches over futures trading and was embarrassed when last year's default seemed to catch it napping, is supposed to get a preliminary report on the current situation Tuesday morning, a CFTC spokesman indicated.

A full report on what happened in the 1976 potato futures trading debacle has not yet been completed and is now expected about March 31 when it is probable the CFTC also will file a complaint against those whom it decides were responsible.

In the current situation, the first press dispatch reported last Wednesday by Reuter—the wire service which closely monitors commodity activities—said that Simtag farms had "reached a final agreement with a European importer to sell approximately 3 million hundredweight (150,000 long tons) of Northwest potatoes," and that Taggares, reached by phone, "confirmed trade reports" of the sale.

The following morning, more than an hour after trading had commenced on the New York Merc, Reuter ran a dispatch headlined, "Simtag Clarifies Report of Potato Sales to Europe," which reduced the amount actually sold to only one-tenth of the original report.

"Asked to clarify his confirmation of a report that Simtag would supply 3 million hundredweight (150,000 long tons) to the European importer, Taggares told Reuters that the larger figure referred to the amount of business that could be secured . . . in the event that supply problems develop with the Maine potato crop," according to the dispatch.

Trading in the May delivery potato contract on the Merc that Thursday morning ran the price up to $10.60 per hundredweight before the clarification came out. The market had closed at $10.19 the day before. After the clarification, the price on the May contract dropped back to $10.03, but rallied a bit to close the day at $10.10, off 9 cents for the day.

MARGINS RISE FOR DEALERS IN POTATOES

(By Jack Egan)

NEW YORK, February 1.—The beleaguered New York Mercantile Exchange today raised margin requirements on its Maine potato's future contract to $5,000 or 100 per cent of the contract price for those individuals who were involved in last year's potato trading default.

The extraordinary action followed a special meeting of the exchange membership and comes in the wake of new allegations that prices on the exchange are being manipulated by Peter J. Taggares and Jack R. Simplot, two western potato growers and processors who held most of the 1,000 contracts to deliver potatoes that were unfilled at expiration last May.

There was a legal question, however, whether the exchange could raise margins only for specific individuals and not across-the-board.

The increase in margins—from about $500 to $5,000 on a standard-size contract of 50,000 pounds of Maine potatoes—must be paid by Feb. 3. And the move effectively forces individuals subject to this increase to either try to liquidate their positions before then or pay a substantial penalty in order to stay in.

Trading sources have estimated that Taggares holds a "short" position of about 3,000 contracts, which would mean he would have to come up with nearly $15 million to meet the increased margin call. Simplot, who is a partner with Taggares in Simpag Farms, a big Oregon potato-growing operation, is not believed to be currently active in the market in his own name.

The Commodity Futures Trading Commission meanwhile, is looking into questions surrounding reports on export sales originating from Simpag Farm last week. The first report indicated that Simpag had concluded a sale of 150,000 long tons of potatoes to a European broker. The second report the following day was a clarification by Taggares which put the size of the export sale at only 15,000 tons.

Between the two reports the price of potatoes rose sharply and then dropped equally sharply after the clarification was issued.

KEEPING OUR TIES WITH THE REPUBLIC OF CHINA

Mr. GOLDWATER. Mr. President, an article appeared in the Washington Star 2 days ago regarding our Government's China policy that is highly disturbing, if true. The thrust of the story is that an adviser has been employed at the National Security Council to help formulate China policy, who has preconceived positions strongly favorable to the Chinese Communists. The individual, Prof. Michel C. Oksenberg, reportedly has proposed that the United States should unilaterally break our country's official diplomatic relations and defense treaty with the Republic of China and grant full diplomatic recognition to the Communist regime on the China mainland.

Mr. President, it would be sheer folly for the United States to adopt such a policy. If the report is true that an individual with such designs has assumed an influential spot in the formulation of China policy, it is vital that President Carter remain staunch in his own sensible principles expressed during the election campaign. I am referring to Mr. Carter's strong pronouncements about the need for our country to be a beacon

for those nations who are searching for freedom, individual liberty, and basic human rights. I also recall Mr. Carter's admonition that we can only be strong and respected if we are faithful in meeting the needs and obligations that we have expressed to our allies in existing commitments. I am also reminded of Mr. Carter's pledge to just tap the sound commonsense and the good judgment of the American people in developing our foreign policy.

By adhering to each of these standards which he himself has set for establishing and conducting foreign affairs, I am confident that President Carter will reject the immoral and dangerous suggestion that the United States should alter its diplomatic and defense ties with the Republic of China.

Mr. President, it would betray the wishes of the American people and the principles of our country if we should turn our backs on the freedom-seeking people of Taiwan. The American public has expressed its voice many times on the subject of China. The last Gallup poll to ask the question reported that 7 out of every 10 Americans favor keeping official diplomatic relations with the Republic of China. Numerous petitions from all across the country have been brought before the U.S. Congress by cities, counties, and State governments urging the continuation of our diplomatic ties with free China. In the last Congress, a clear majority of the House of Representatives introduced a resolution expressing the same sentiment. Thus, if we are to tap the judgment of the people and involve them in the shaping of our foreign policy, it is certain that our Government must not falter in its commitment to the Republic of China.

On another ground, being the beacon of hope for the millions of peoples in the world who are searching and striving for greater human dignity and individual liberty, there is no way open for the United States except adherence to our defense and diplomatic ties with the Republic of China. There is no comparison between the two governments of China. The Communist totalitarians on the mainland have enslaved 850 million people under a system which suppresses any open expression of thought, worship and human dignity. What example would it give to the freedom-seeking peoples of the world for our Government to legitimize by diplomatic recognition the lawlessness and godlessness of the Communist regime?

The Chinese Government on Taiwan is the true model by which our commitment to traditional American principles can be measured. The 16 million people of Taiwan have achieved a great degree of freedom and individual liberty and they are constantly working for the expansion of these principles. There is no stage management for foreign visitors to Taiwan. American and other foreign nationals can travel freely throughout the island. Private enterprise is encouraged. Religious worship among diverse faiths is promoted. Free world publications are visibly evident and available to both residents and tourists. Sizable and steady advances in the economic well-being of the average citizens living on Taiwan is also apparent to any regular visitor to the Republic of China.

In other words, a policy that would shun a people who are endeavoring to follow many of the same moral, economic and political principles, that we ourselves have set as an example for the rest of the world, would betray our innermost beliefs and convey weakness.

To reward a system of government which has suppressed the most basic human rights of its population, and which is currently flaunting its lawlessness and disregard of world concern for the environment by poisoning the atmosphere with dangerous radiation from atmospheric nuclear testing, would have a dangerous impact on the confidence which the nations of the world, both allies and adversaries, place in us. U.S. capitulation to Communist China would be a clear sign that we are not a credible ally even to those governments who have been most loyal to us.

Mr. President, what good would a policy of dropping Taiwan for Peking have for the American people? It would destabilize the chances for world peace. It would not transform Communist China into a decent, God-fearing country. It is not an indispensable concession needed as a counterweight to the Soviet Union, because Red China needs contact with the United States due to its fear of the Soviets regardless of what we do about Taiwan.

And, surely no one in the Carter administration is duped by the prospect of large-scale trade with Red China. Now, I know the Communists are uttering this propaganda. It is identical to the tactics used by the Nazis at the onset of World War II. They held parties for prominent American businessmen and industrialists who were urged to switch sides between Britain and Germany. They were lured with promises from German trade officials who said that "the prospects for American trade with the new German empire will be beyond your wildest dreams."

Executives from U.S. corporations were supposedly susceptible to the argument that the Nazis would allow American business to operate in a Nazi-dominated Europe. They were actually offered trade monopolies inside the new Nazi empire. Nevertheless, these executives understood the correct political responsibilities of international corporations. They understood the meaning of morality and human freedom. They saw through the phony, gold-coated arguments held before them by the Nazis.

The efforts of the Red Chinese can be likened to those of the Nazis. Their statements are covered with glitter and gold, but in back of the statements there is neither substance, nor human decency.

There are no great prospects of trade with Communist China. And if there ever were, dropping Taiwan and allowing the mainland regime to take it over would enable it to absorb the Western technology and development in place on Taiwan which our exporters may have hoped to sell. If our policy is so stupid as to permit the Communists to acquire by intimidation or force the technology and resources it wants, then the Communists would have no need for engaging in the trade from which certain American exporters hope to make a commercial profit. The very policy which they promote of breaking defense and diplomatic relations with the Republic of China would backfire on them by enabling the Communists to obtain the technology they want without trade.

Moreover, as the American Chamber of Commerce on Taiwan has concluded, the potential market for U.S. products in Red China is limited to but a small number of select product categories. The chamber also advises that the absence of free choice by the consumer in a State-controlled economy will block the ability of U.S. exporters to develop new markets for their products.

Thus, the prospect for enormous commercial trade with Communist China is a facade. The opportunity just is not there and never will be. On the other hand, the real trade market with China is between the United States and the Republic of China. In 1976, our trade with Taiwan reached $4.5 billion. In comparison, our trade with Communist China was only $325 million. Trade between the Republic of China and the United States is 14 times greater than our trade with Red China.

Mr. President, in conclusion I would also point out that regardless of the academic credentials of the individual who has reportedly joined the National Security staff, there are far more specialists with equal or greater expertise who totally reject the idea that the United States should terminate its military and diplomatic links with the Republic of China. For example, I would ask those people in the Carter administration who are working in this area to study the transcript of a day-long seminar on China held recently in Washington, D.C. The seminar was sponsored by at least 19 different organizations, including such groups as the AFL–CIO Executive Council, American Legion, Jewish Rights Council, SINO-American Cooperative Organization, VFW, and many others.

Twenty nationally recognized experts on China participated on panels during the seminar. The unanimous conclusion of these specialists was that the United States must uphold its moral and treaty commitments to the Republic of China.

As I mentioned earlier, this is the strong majority position among the American public and if President Carter will only listen to the sensible voice of the people, I am certain he will reject the dangerous and dishonorable suggestion for weakening or ending U.S. political and military ties with the Republic of China.

Mr. President, I ask unanimous consent to have printed in the RECORD the news article described in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Jan. 31, 1977]

NSC EXPERT WOULD DUMP TAIWAN FOR PEKING

(By Henry S. Bradsher)

The new National Security Council expert on China thinks the United States should break diplomatic and defense relations with Taiwan and establish full ties with Peking

which claims Taiwan as part of the People's Republic.

Michel C. Oksenberg, a University of Michigan professor who is one of the most prominent U.S. academic specialists on Chinese internal politcs, was hired by President Carter's national security adviser, Zbigniew Brzezinski, to help formulate China policy.

He inherits the thorny issue of how to reconcile the U.S. moral and treaty commitments to Taiwan with a widely felt American desire to have fully normal relations with the Communist regime on the China mainland.

Although Oksenberg has not commented publicly on the subject since beginning work two weeks ago, indications of his thinking can be gleaned from earlier statements.

Oksenberg has said that ending the U.S. defense treaty with the Chinese Nationalist regime on Taiwan "need not imply that the United States has abandoned its commitment to a peaceful solution of the issue."

He has published suggestions that the U.S. government should seek a Chinese commitment not to try to capture Taiwan by force, but "Peking has thus far been unwilling to renounce the use of force . . . Congress will have little choice but to support an ambiguous commitment."

A congressional resolution on "U.S. continued interest in a peaceful solution . . . might be particularly helpful" in working out an informal understanding with Peking, Oksenberg told a congressional committee in March.

By opening direct contacts with Peking in 1971 after two decades of hostility, the Nixon administration grasped the problem. But it was unable to resolve it before the culmination of Watergate in Washington and the power struggle in Peking cooled relations.

President Ford backed away from the problem rather than antagonize U.S. domestic supporters of Taiwan.

Any weakening of the U.S. political and military ties to Taiwan still arouses highly vocal opposition here. But, despite this, Oksenberg and a majority of other academic China specialists long have argued for switching diplomatic relations.

In an article published recently in the "Critical Choices for Americans" series sponsored by former Vice President Nelson A. Rockefeller, Oksenberg rejected the idea "that the United States should simply terminate its relations with Taiwan and not retain military links to the island."

"The United States simply has the obligation, as a historical legacy," he wrote, "to enable these people (on Taiwan) peacefully to plan their relationship with the People's Republic at a pace they help set."

He foresaw the possibility of semi-governmental U.S. links to Taiwan after ending diplomatic relations and breaking the military treaty, and even the continued sale of "defensive weapons" to Taiwan.

The question, Oksenberg wrote, is whether Peking can realistically be expected to accept that arrangement "plus . . . acknowledge American interest in the peaceful solution of the Taiwan problem.

"Is it worth seeking that solution? Our opinion is 'yes,' even if Peking acquiesces to continued U.S. interest at the weaker end of the scale"—by not objecting to or even commenting on a U.S. statement of interest in a peaceful settlement.

"The United States should be prepared to accept a weak Chinese pledge on this issue only in exchange for adequate arrangements on the other matters of bilateral concern—trade, cultural exchanges, and so on," Oksenberg said.

Appearing before a House International Relations subcommittee in March, Oksenberg took a similar position. Answering questions, he said he thought it unlikely that China would try to capture Taiwan by force.

He also said that "full diplomatic relations can be carried out with Peking without inflicting damage on Taipei except with respect to its claim to be the government of all China."

In his "Critical Choices" article, Oksenberg said, "the opportunity should not be dismissed lightly" of U.S. military equipment sales to China.

"Enhancing Chinese military capability perhaps would further reduce the chances of a Sino-Soviet war or of Soviet intervention in Chinese politics . . . ," he wrote. Oksenberg said it might also develop useful Western links with the Chinese People's Liberation Army.

NOMINATION OF JOHN F. O'LEARY TO BE ADMINISTRATOR OF THE FEDERAL ENERGY ADMINISTRATION

Mr. JACKSON. Mr. President, the Interior Committee today approved the nomination of John F. O'Leary to be Administrator of the Federal Energy Administration. Because the Federal Energy Administrator has critically important responsibilities for the Nation's current energy problems, I hope the Senate will act promptly in this nomination.

Mr. O'Leary has a long record of Public service which includes detailed familiarity and practical experience with each of the principal sectors of U.S. energy supply: Petroleum, natural gas, coal, and nuclear energy.

From 1962 to 1967, he was Deputy Assistant Secretary for Mineral Resources at the Department of the Interior where he was deeply involved in the petroleum policies then being administered from the Department.

From March 1967 to October 1968, he was Chief of the Federal Power Commission's Bureau of Natural Gas and principal adviser and consultant to the FPC with respect to matters related to natural gas.

From October 1968 to February 1970, as the Director of the Bureau of Mines, he was intensively involved in coal issues: The Coal Mining Safety Act of 1969, comprehensive analyses of the impact of coal mining, and research and development in coal mining and utilization.

After a period as a private consultant in energy matters, Mr. O'Leary served, from 1973 to 1974, as Director of Licensing at the Atomic Energy Commission. He now comes to the Federal Government from the State of New Mexico, where he has served as energy administrator.

Mr. O'Leary testified before the committee at public hearings on January 26 and 28. He has also responded for the record to written questions from Senators on a number of issues. I ask unanimous consent that Mr. O'Leary's responses to these questions be printed in the RECORD at the end of my remarks.

Mr. President, Mr. O'Leary has submitted to the committee a sworn financial statement which has been made public in accordance with the committee's rules. In the committee's review of this financial statement, it developed that Mr. O'Leary is receiving deferred compensation from three companies—Union Pacific, Resources Sciences, and El Paso Natural Gas—for services rendered as a consultant during the period 1970 to 1972. The annual payments due Mr. O'Leary from these three companies aggregate $11,100. Although Mr. O'Leary has long since completed his obligations under these consulting contracts, he has agreed to terminate the contracts so that he will not be in a position of receiving payments from these companies while he is serving as Administrator of the Federal Energy Administration.

Mr. President, I ask unanimous consent that a copy of Mr. O'Leary's biography, his financial statement, his opening statement to the committee, questions posed to him, and his answers thereto, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOHN F. O'LEARY

Address:

Route 3, Box 124S, Santa Fe, New Mex. 87501.

Date and place of birth:

June 23, 1926, Reno, Nev.

Marital status:

Married to the former Patricia Eagleton.

Three children: David, 15, Karena, 11, Mark, 10.

Education:

George Washington University, 1947–1950, A.B. Economics, 1950.

Employment record:

November 1975 to present—Energy Administrator, State of New Mexico.

Administered state energy agency while also serving as Governor's energy and science advisor. Responsible for formulation of energy plan for State of New Mexico. Provided energy policy options and advice to the Governor in areas of uranium, coal, petroleum, and natural gas. Directed state's Solar Energy Research Institute proposal efforts. Developed on-going programs in energy conservation and energy impact assistance. Directed state's energy R & D program. Responsible for management of state fuel allocation program.

October 1974 to November 1975—Technical Director, Energy Resources, and the Environment Division, The MITRE Corporation.

Responsible for the direction and management of work conducted by MITRE in the energy, resources and environment field.

June 1974 to October 1974—Energy Consultant.

Private consultant working with government agencies and other orgnizations, including the MITRE Corporation, advising on energy matters in general, and the role of nuclear energy in the future, in particular.

June 1973 to June 1974—Director of Licensing, U.S. Atomic Energy Commission.

Directed the staff of approximately 500 professionals within the Atomic Energy Commission responsible for licensing of commercial nuclear generating plants, fuel cycle facilities and nuclear materials. Had responsibility for the timely completion of comprehensive safety, environmental and antitrust reviews. Served as a principal advisor to the Commission in its activities related to creation of nuclear generating industry.

March 1970 to June 1972—Energy Consultant.

Self-employed as a consultant in energy matters working with a number of firms in the petroleum, natural gas and coal industries. Provided extensive advice with regard to the overall energy position of the United States and conducted specific studies related to new commercial opportunities including the development of new coal mining capacity, construction of facilities for production of synthetic natural gas, construction of fa-

cilities for production of synthetic coke and development of LNG facilities. Served as a Director to several companies in the energy field. During this period, prepared for publication several papers relating to various aspects of the impending energy shortage.

October 1968 to February 1970—Director, Bureau of Mines.

Provided executive direction to program involving annual expenditures of more than $100 million, and approximately 4,500 employees. The Bureau then conducted physical and economic research to the value of approximately $50 million a year. As Director was active in developing and securing passage of the Coal Mining Safety Act of 1969 and obtained authorization for the Bureau to initiate a major coal/gas conservation program. Initiated numerous economic studies relating to the mineral industry including comprehensive analyses of the oil import program and of the physical and social problems associated with mining activities. These included the landmark analyses of post-mining influences in Appalachia and a major study of the environmental impacts of the extractive industries. The initiation of these environmental and social studies marked a departure from past practices of the Bureau. During tenure secured funding support for a major R & D effort aimed at improving coal mining technology to minimize the social and environmental costs traditionally associated with this activity.

March 1967 to October 1968—Chief, Bureau of Natural Gas, Federal Power Commission.

Duties included development of capability within the Bureau of Natural Gas for analysis of complex regulatory issues relating to public utility rates and services of the producing and transmission industries. Position involved direction of activities of highly specialized experts in various fields of natural gas regulation. In addition to program development and supervisory activities, incumbent served as principal adviser and consultant to the Federal Power Commission with respect to natural gas matters, including their relationship to the alternative energy resources and to the national economy. Duties also included extensive consultation and negotiation with representatives of regulated utilities affected by the Natural Gas Act, including companies in interstate commerce and local distributor companies. In the course of this assignment obtained thorough familiarity with the attitudes and methods of doing business utilized by utility companies.

May 1962 to March 1967—Deputy Assistant Secretary—Mineral Resources, Department of the Interior.

Assisted the Secretary and the Assistant Secretary in exercising direction and supervision over the Bureau of Mines, Geological Survey, Office of Minerals and Solid Fuels, Office of Oil and Gas, Oil Import Administration, and Office of Coal Research. In this position, took substantive responsibility for formulation and implementation of programs related to international petroleum relationships of the United States, serving as U.S. representative to OECD Oil and Energy Committees, NATO Oil Committee and the Oil Committee of the I.L.O., played an active role in development of Federal oil shale policy, oil import control policy, Outer Continental Shelf leasing policy, coal export policy, formulation of energy R & D programs within the Department, and related matters.

June 1952 to May 1963—Served as Economist and later as Senior Staff Economist in the Office of the Assistant Secretary of the Interior for Mineral Resources.

Conducted and supervised economic studies relating to individual mineral and energy industries, particularly, the non-ferrous minerals industry. Served as one of five international experts on lead and zinc providing guidance to the International Lead/Zinc Study Group. Participated as a U.S. representative at the initial meeting of the International Copper Study Group. Provided economic advice to the Secretary of the Interior with respect to the development of mineral resource programs, including programs related to acquisition and disposition of strategic stockpiles. Served as a departmental representative to the Presidential Advisory Committee on Mineral Policy and prepared final drafts of the recommendations of that group, served as departmental representative on the International Advisory Committee on Export Policy.

July 1951 to May 1952—Management Intern.

Served as management intern in the Department of the Interior's third management training program.

July 1950 to July 1951—Commodity Industry Analyst, Bureau of Mines.

In this capacity prepared the volume "Minerals Handbook—Zinc" and was responsible for preparation of chapters on lead and zinc for inclusion in Bureau of Mines Annual Minerals Handbook.

Government experience:

Energy Administrator, State of New Mexico (See above).

Director of Licensing, Atomic Energy Commission (See above).

Director, Bureau of Mines, Department of the Interior (See above).

Chief, Bureau of Natural Gas, Federal Power Commission (See above).

Deputy Assistant Secretary—Mineral Resources, Department of the Interior (See above).

Memberships:

Member, Chesapeake Bay Foundation.

Member, Cosmos Club.

Member, National Academy of Sciences' Coal Forum.

Member, Resources for the Future's National Energy Strategies Forum Project.

Chairman, Curtailment Strategies Technical Advisory Committee, National Gas Survey, Federal Power Commission.

Member, Research Advisory Committee, National Science Foundation.

Adjutant Professor, Public Administration, University of New Mexico.

Honors and awards:

Distinguished Service Award, Department of the Interior, 1967.

Distinguished Service Award, Federal Power Commission, 1968.

Published writings:

"A State Energy Plan for New Mexico," University of New Mexico Printing Plant, 1977.

"Coal—Energy of the Past for Future", "The Changing Economics of World Energy," edited by Bernhard J. Abrahamson, Westview Press, 1976.

"Nuclear Energy and Public Policy Issues", "Energy Supply and Government Policy," edited by Robert J. Kalter and William A. Vogely, Cornell University Press, 1976.

STATEMENT OF JOHN F. O'LEARY, NOMINEE TO BE ADMINISTRATOR OF THE FEDERAL ENERGY ADMINISTRATION

Mr. Chairman and Members of the Committee, it is an honor and a privilege for me to appear before you today. I want to thank Senators Domenici and Schmitt for their kind remarks this morning. I also wish to express my appreciation to President Carter for nominating me for the position of Federal Energy Administrator.

During most of my career, I have been involved in some aspect of energy, and, should the Senate act favorably on my nomination, I would regard the opportunity to fill that position not only as an exceptional personal honor, but also as a unique challenge to serve the Nation in a most critical area at a most critical time in its history.

As we all know, the energy crisis is back in the headlines. After several years in the business sections of our newspapers, stories about our deteriorating energy situation are again on the front page. Three years ago it was the embargo and lines at service stations; today it is cold weather, curtailments and layoffs that are focusing attention on the energy situation. Three years ago it was oil that put energy in the spotlight; today it is natural gas.

The shortage of natural gas and the resulting curtailments of deliveries constitute a danger equal to that of the embargo. But at least during the embargo we were dealing with rational men with well defined objectives. Today, we are at the mercy of the weather, and there is every indication that we can expect little consideration from that quarter.

In all likelihood, the cold wave will continue for the next several days. And that will bring continuing demand for natural gas that can't be supplied, or for alternative fuels that, in some cases, can't be delivered.

Of the 22 major pipelines reporting to us as of Monday, only five had not begun curtailing customers with the second highest priority. Though alternative fuels have modified the worst effects of curtailments, adequate supplies are unavailable to some areas of the country because of shortages of transport and rivers that have frozen over.

Clearly, we must cope with the present shortages—shortages that have put thousands of workers on the street, that threaten the jobs of thousands of others and that have led five governors to declare states of emergency. But, while coping with the immediate problem, we must look down the road to 1978, 1980 and the years and decades beyond. Spring and summer may take energy off the evening news, but we cannot let it be taken off our list of national priorities. The complexity and immensity of the energy crisis will demand our continued attention for many years to come.

But the situation we face is more than just a matter of supply; it is a question of the environment, of the economy and of the position of the United States in world affairs. It impinges on every aspect of our lives.

Such a situation requires a unified approach at the national level. We can't continue to confront problems *after* they have matured, and to engage in constant crisis management.

The resources of the federal government must be organized in a rational manner and integrated into an overall comprehensive plan. Consequently, I see the most urgent task facing us as the re-organization of the federal government's energy functions—functions that are now fragmented in purpose and responsibility.

But we need more than organizational and functional unity within the Executive branch. We need a close, productive, working relationship between the Administration and the Congress. Otherwise, no policy—regardless of how well it is conceived—can be successful.

I don't mean a relationship between a Democratic Administration and a Democratic Congress, but between two Constitutional equals—a national Administration on the one hand, and the Nation's representatives on the other. And I can assure you that—to the fullest possible extent—I will cooperate with the Congress, whether its mood is liberal or conservative, and with its members, whether Democratic or Republican.

Similarly, my most recent experience with the State of New Mexico has reinforced my appreciation of the need for federal-state cooperation.

These are matters of attitude. I would like to turn briefly to a few issues, not in detail, but in terms of the emphasis that they require.

First, President Carter and Dr. Schlesinger have stressed the need for greater efforts to conserve energy. I share their view. New

emphasis must be given to energy conservation. Major increases in the production of energy take time. We can buy that time and decrease the growth rate of our consumption by using energy more efficiently. But conservation is not just a temporary expedient. It must be made part of the American character and economy. And if mandatory energy conservation is necessary to accomplish this, then I believe we must be prepared to adopt the measures that will accomplish our goals.

There are a number of major areas where efficiency can be substituted for waste. Industry, which now uses 40 percent of our energy, can conserve and still remain productive. The same is true of commercial and residential buildings, of transportation and of the electrical utility industry.

Second, energy policy must finally come to grips with environmental responsibilities. Environmental concerns are not a passing fad; they are a political—and healthy—reality. Development of energy policy must go hand-in-hand with consideration of the environment. I believe that the Nation's needs and goals in both areas are not only reconcilable, but, in fact, complementary. Energy conservation, for example, is one of the key means of maintaining the integrity of the environment.

These are a few of the major issues that I feel demand urgent attention. Certainly, there are others, and I will be happy to discuss them with you.

I have one final comment on how we must approach any solution to the Nation's energy problems. Philosophically, I value the free marketplace as a mechanism for achieving our economic goals. But I also recognize that government involvement can be necessary if problems overwhelm the ability of the marketplace to adjust to them. And, this has certainly been the case in energy over the past few years.

The solution of our energy problems will require responsiveness from both government and the private sector. Such responsiveness can be effective now as it has been during critical periods in the Nation's past. But it cannot begin to take form and to produce results until we have established clearly what our national goals are.

As a member of the new administration, with your approval, I would look forward to participating in the definition of those goals and the development of a national consensus on energy.

Thank you. Now I would be happy to answer your questions.

U.S. SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

(Information requested of Presidential nominees)

Rule 9 of the Rules of the U.S. Senate Committee on Interior and Insular Affairs requires that each Presidential nominee considered by the Committee shall submit a financial statement sworn to by the nominee as to its completeness and accuracy. Under the rule all such statements must be made public by the Committee unless the Committee in executive session determines that special circumstances necessitate a full or partial exception to this requirement. Rule 9 also provides that in any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any member, any other witness shall be under oath.

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Financial Statement and Statement For Completion By Presidential Nominees.

The original and twenty (20) copies of the requested information should be made available to Honorable Henry M. Jackson, Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C. 20510 (Attn: Staff Director) as soon as possible.

FINANCIAL STATEMENT

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS

Cash on hand and in banks, $10,000.

Due from others, $153,600.

Real estate interests, including mortgages—add schedule, $450,000.

Personal property, $60,000.

Life insurance—cash value, $10,000.

Total assets, $683,600.

LIABILITIES

Notes payable to banks—unsecured, $41,000.

Real estate mortgages payable—add schedule II, $144,000.

CONTINGENT LIABILITIES

Total liabilities, $185,000.

Net worth, $498,000.

Shady Oaks Ranch, Maryland Residence, Maryland National Bank—Annapolis	$34,000
Santa Fe, New Mexico Residence, Mutual Building & Loan—Santa Fe	95,000
Howry Cove, Calvert County, Md., Building Lot, Calvert National Bank	15,000
Total	144,000

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers.

Deferred income for services performed in 1970–1971–1972:

Union Pacific Corporation—$6,300 annually for remaining 16 years of 20 year term.

Resource Sciences Corporation: 2,400/year for remaining 16 years of 20 year term.

El Paso Natural Gas Company—2,400/year for remaining 6 years of 10 year term.

2. Are any assets pledged? (Add schedule.) No.

3. Are you currently a party to any legal action? Yes—Suing builders for over-runs on new house built in Santa Fe, New Mex.

4. Have you ever declared bankruptcy? No.

AFFIDAVIT

District of Columbia, ss:

John F. O'Leary, being duly sworn, hereby states that he/she has read and signed the foregoing Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

JOHN F. O'LEARY.

Subscribed to and sworn before me this 25th day of January, 1977

CARL THORNTON,
Notary Public.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: O'Leary, John Francis.

Position to which nominated: Administrator, FEA. Date of nomination: January 1977.

Date of birth: June 23, 1926. Place of birth: Reno, Nevada.

Marital status: Married. Full name of spouse: Patricia Eagleston O'Leary.

Name and ages of children: David, 15; Karena, 11; and Marc, 10.

Education: George Washington University, 1946–51, A.B. in economics, year 1950.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Distinguished Service Award, Department of the Interior, 1967.

Distinguished Service Award, Federal Power Commission, 1968.

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Cosmos Club, 1967 to date.

Chesapeake Bay Foundation, 1970 to date.

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

June 1950 to June 1951—Community Industry Analyst—U.S. Bureau of Mines.

June 1951 to May 1962—Staff member, Office of Assistant Secretary of the Interior—Mineral Resources.

May 1962 to March 1967—Deputy Assistant Secretary of the Interior—Mineral Resources.

March 1967 to October 1968—Chief, Bureau of Natural Gas, Federal Power Commission.

October 1968 to March 1970—Director, U.S. Bureau of Mines.

March 1970 to June 1972—Consultant.

June 1972 to June 1974—Director of Licensing—Atomic Energy Commission.

July 1974 to October 1974—Consultant.

October 1974 to November 1975—Technical Director, Mitre Corporation, McLean, Va.

November 1975 to present—Administrator, Energy Resources Board, State of New Mexico.

Government experience: List any experience in or direct association with Federal, State, or local governments, including any advisory, consultative, honorary or other part-time service or positions.

In addition to above, served as consultant to:

Federal Trade Commission; Government Accounting Office; Office of Technology Assessment; National Science Foundation; Senate Committee on Government Operations.

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written.

"A State Energy Plan for New Mexico," University of New Mexico Printing Plant, 1977; "Coal-Energy of the Past for Future," "The Changing Economics of World Energy," edited by Bernhard J. Abrahamson, Westview Press, 1976; "Nuclear Energy and Public Policy Issues," "Energy Supply and Government Policy," Edited by Robert J. Kalter and William A. Vogely, Cornell University Press, 1976.

Qualifications: State fully your qualifications to serve in the position to which you have been named. (attach sheet)

Future employment relationships: 1. Indicate whether you will sever all connections with your present employer, business firms, association or organization if you are confirmed by the Senate.

I am committed during the next 60 days to assist in appearances before the New Mexico State Legislature to secure passage of the State's energy plan.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization: None.

3. Has anybody made you a commitment to a job after you leave government?: No.

4. Do you expect to serve the full term for which you have been appointed?: Yes.

Potential conflicts of interest: 1. Describe any financial arrangements or deferred compensation agreements or other continuing

dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None—The deferred payments referenced to on page 2 are firm obligations of the paying companies.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated: None.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

None except as employee, advisor or consultant as referred on pages 4 and 5.

4. List and describe any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat of modification of any legislation at the national level of government or for the purpose of affecting the administration and execution of national law or public policy: None.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items: Not applicable.

QUESTIONS TO AND ANSWERS FROM THE HONORABLE JOHN F. O'LEARY, ADMINISTRATOR-DESIGNATE, FEDERAL ENERGY ADMINISTRATION

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., January 28, 1977.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to your request of January 26, 1977, enclosed are responses to questions by Members of the Interior Committee. Responses to Senator Johnston's questions have already been submitted under separate cover.

Of course, many of these questions relate to policy considerations where the President's desires will have to be consulted. Therefore, the enclosed are tentative answers, intended to give a range of possible alternatives, rather than suggesting final policy.

I look forward to working with you in the future.

Sincerely,

JOHN F. O'LEARY,
Administrator-Designate.

QUESTION FROM SENATOR ABOUREZK (FIRST OF TWO)

Q. Are you going to honor the rights of Indians to control development on their reservations without coercion on the part of FEA?

A. I am aware that Western Indian tribes have control over many important natural resources including important coal reserves that could contribute significantly to a national resource development program. I acknowledge the right of American Indian tribes for self-government and self-determination and I will at all times honor the right of the Indian tribes to make their own decisions on resource development.

QUESTION FROM SENATOR ABOUREZK (SECOND OF TWO)

Q. You were an energy official in New Mexico, you are prospectively assuming an official national position as an energy official. What is your attitude concerning Indian water rights in the San Juan River Basin pertaining to energy, and more generally, are you going to honor Indian water rights in planning energy facilities in the West?

A. The subject of Indian water rights in general and water availability on the San Juan River in particular, is one of the most complex problems facing Federal officials and private business enterprises in the area of energy development. I should note at the outset that discussion of Indian water rights on the San Juan River represents an especially delicate problem because those water rights are the subject of litigation now pending in Court between the State of New Mexico and the United States. For obvious reasons, I do not wish any comment I make on this subject to have even the appearance of an attempt to prejudge or influence the outcome of pending litigation.

I will attempt to coordinate energy policy and decision-making in areas involving Western water resources, and particularly Indian water rights, with affected tribal officials, Interior Department personnel, and concerned local government officials. This will insure that full respect is given to the water property rights of Indian tribes, determined by the Court. Of course, the principal responsibility in the area of determining and protecting Indian water rights must rest in the Interior and Justice Departments, in the tribes themselves, and in the Courts. However, I agree with the premise of your question that it is of the highest importance that the significant water rights of the Indian tribes be considered and protected in the policy-making process in the Federal Government. I will undertake to discharge my responsibility in that spirit.

QUESTIONS BY SENATOR CHURCH (FIRST OF THREE)

Q. The Special Committee on Aging, which I chair, has received reports fom a number of areas throughout the country which indicate that many low-income elderly are having their heat shut off because of inability to pay utility bills. At the same time, we hear that emergency funds available for crisis intervention are either already gone or nearing depletion. What would be your estimate of the magnitude of this problem? How many people are affected?

A. I am uncertain of the magnitude of the problem at this time, but believe it to be extensive. The Community Services Administration (CSA) has apparently estimated that some two million people are presently affected. Recent increases in telephone and written complaints to FEA also seem to indicate that the problem is growing.

QUESTION BY SENATOR CHURCH (SECOND OF THREE)

Q. Do you, or does the FEA, have a plan to meet this need on an emergency basis?

A. I do not believe that FEA has any authority to grant such emergency relief at this time. As a general rule, this problem could probably best be handled by the Public Service Commissions and individual utilities within each state, by either encouraging or requiring those utilities to exercise appropriate safeguards before terminating particular customers.

QUESTION BY SENATOR CHURCH (THIRD OF THREE)

Q. If funds were made available for emergency energy assistance grants, what would you recommend as the quickest way to distribute the money to those most in need.

A. Again, my experience in this particular area is limited. The quickest way to distribute such emergency funds, if available, would probably be through either local branches of the Community Services Administration or through the appropriate state agencies.

QUESTION FROM SENATOR HATFIELD (FIRST OF THREE)

Q. What consideration will you give to the question of adequate water supplies for the development of energy resources?

A. It is necessary to give the highest priority to insuring adequate water resource availability for energy development. It is useless to locate and plan for the development of coal, oil shale, uranium or natural gas if water is not available to make possible the mining and processing of these energy resources. Western water resources are affected by a great number of complex legal institutions including vested property rights of Indian and non-Indian water right owners, interstate stream compacts, international water treaties, and the distinct interests of State governments interested in ensuring adequate water supplies for present and future use. The question of water resources for energy is an extremely difficult one. Urgent policy considerations call for allocation of sufficient water to develop, where possible, the energy resources necessary to achieve national energy independence. At the same time, it is essential that such allocation be made without disrupting existing water use patterns in agriculture and in municipalities. It s also essential that allocation be achieved without encroaching on the water rights of Indian tribes or disrupting the development plans of local water administrators.

QUESTION FROM SENATOR HATFIELD (SECOND OF THREE)

Q. Do you favor augmentation to increase the water supplies in the Southwest?

A. I am aware that physical augmentation of the Colorado and perhaps the Rio Grande system by diversions from more abundant supplies in the Pacific Northwest and the Missouri/Mississippi system have been discussed and studied for many years. I think it is reasonable to expect that the Congress will continue to give the most careful and possibly even skeptical attention to such proposals, because of their tremendous capital cost and possible impact on future development in the Basins of origin. Certainly, economic, legal and political considerations indicate that physical augmentation to Southwestern rivers can only be viewed as an unlikely last resort for the solution of water supply problems for energy in the Southwest.

It is essential that we also consider the potential of water resource conservation in industrial and resource development. We now have in use hybrid systems which can conserve up to 80% of current water requirements. In addition, promising technological advances have been made in the areas of dry cooling.

We only should consider the question of augmentation after we have determined the total water requirements, including the benefits which can be derived from conservation.

QUESTION FROM SENATOR HATFIELD (THIRD OF THREE)

Q. Do you support an extension of the 1968 Congressional moratorium on studies of diversions from the Pacific Northwest to the Southwest?

A. This decision is, of course, one which rests essentially with the Congress. The Executive Branch must conform to the Congressional decision on the matter.

QUESTIONS FROM SENATOR JACKSON—FEA ENERGY CONSERVATION PROGRAMS

On October 29, 1976, I wrote to FEA Administrator Frank Zarb concerning the status of a number of energy conservation programs assigned to FEA by statute. No reply to that letter has ever been received. (A copy of my letter is attached.)

These conservation programs are all far behind the statutory schedules prescribed for them. The story of the neglect by the past Administration of energy conservation authorities—authorities with overwhelming support in the Congress—has real dimensions of scandal.

I'm going to list these programs. I would like to request a full report from you of your plans, including your plans for budget requests, with respect to each of them.

Any comments you'd like to make now would also be appreciated.

(1) Appliance labeling, efficiency targets, and consumer education (P.L. 94–163).

(2) State energy conservation programs (P.L. 94–163); $25 million was appropriated for these programs in fiscal year 1977, but no money has been spent.

(3) Industrial energy conservation efficiency targets and reporting (P.L. 94–163).

(4) Federal energy management program (P.L. 94–163); a 10-year plan for energy conservation in Federal buildings.

(5) Electric Utility rate design proposals, reform initiatives and load management projects (P.L. 94–385).

(6) Energy conservation performance standards for new buildings (P.L. 94–385).

(7) Weatherization assistance for low income persons (PL 94–385); $55 million authorization.

(8) Supplemental State energy conservation programs (P.L. 94–385); public education and energy audit procedures.

(9) Low interest loans to homeowners for energy conservation investments (P.L. 94–385); $200 million authorization.

(10) Loan guarantees for business, schools and municipalities for energy conservation investments (P.L. 94–385); $2 billion guarantee authorization.

U.S. SENATE,
Washington, D.C., October 29, 1976.

Hon. FRANK G. ZARB,
Administrator, Federal Energy Administration, Washington, D.C.

DEAR MR. ZARB: As you know, the Energy Policy and Conservation Act of December 22, 1975 (P.L. 94–163), as amended by the Energy Conservation and Production Act of August 14, 1976 (P.L. 94–385), includes a variety of highly important energy conservation initiatives to be carried out by the Federal Energy Administration. I refer to the major appliances and consumer education programs provided for in Part B, sections 321 through 33(g) of the Act, the State Energy Conservation Plan program mandated by Part C, sections 361 through 367, the Industrial Energy Conservation program contained in Part D, sections 371 through 376, and the public education program required by section 381(b)(1) of the Act. In addition, P.L. 94–385 includes important new programs for the development of energy conservation standards for new buildings (Title III) and energy conservation and renewable resource assistance for existing buildings (Title IV).

The legislation in question also established time frames for the implementation of various aspects of a number of these programs. For example, under the major appliances program statutory deadlines were established (June 30, 1976 and September 30, 1976) for the publication of proposed test procedures for a variety of covered consumer products. Under section 302(b) of EPCA, regulations prescribing guidelines for state conservation plans were to have been prescribed not later than June 20, 1976 in order to permit the states to submit their proposed plans by November 20, 1976. As part of the Industrial Conservation program, section 374(a) of EPCA requires that energy efficiency improvement targets be established for each of the nation's 10 most energy-consumptive industries by December 22, 1976.

Information received informally by the Committee staff indicates that FEA has encountered serious difficulty in moving these programs ahead in accordance with the statutory schedule. It appears that both the major appliances programs and the state conservation plan program have lagged materially.

I am particularly concerned over the state conservation plan program, for which $25 million was appropriated as part of FEA's fiscal year 1977 budget. As noted above, the statute required the promulgation of program guidelines by June 20, 1976. In a letter to me of July 1, 1976 FEA's Deputy Administrator, Mr. Hill, advised that the final regulations for the program would be issued by the end of July. Such regulations are now almost three months overdue under Mr. Hill's schedule and more than four months late under the statutory schedule. The hope had been that state energy conservation plans would be submitted by November 20, and that the program would be operational early in 1977. It is not clear now when implementation of the program can be expected.

The Committee will appreciate receiving a prompt report in writing concerning the present status of each of the energy conservation programs for which FEA has responsibility under EPCA and the Energy Production and Conservation Act. Your report should detail both the reasons for the delays you have encountered and FEA's present schedule for meeting the requirements of the statutes. Special attention should be focused on the requirements, the current delay, and the present schedule for the State Energy Conservation Plan program.

You immediate attention to this request will be appreciated.

Sincerely yours,

HENRY M. JACKSON, *Chairman.*

I have been informed by the Acting Administrator of the Federal Energy Administration (FEA) that a response to your letter of October 29, 1976, concerning the status of a number of energy conservation programs was sent to you on January 21, 1977.

My plan with regard to the energy conservation programs assigned to FEA by statute is to take a positive and aggressive role for their implementation. Energy conservation is an important aspect of my concept of an energy program. Those initiatives that constitute an effective approach to energy conservation will receive my full and enthusiastic support.

You also inquired as to my budget plans. Because the President is still developing his budget proposals, I am unable to respond to your question regarding budget requests.

ALASKA/WEST COAST SURPLUS—FEA DRAFT REPORT

Q. In November, 1976, the Federal Energy Administration released a draft of a lengthy study analyzing the options for the disposition of oil delivered through the Trans-Alaska Pipeline System.

Subsequently, FEA Administrator Zarb made several unequivocal statements opposing any shipment of surplus Alaskan oil to Japan as part of a swap arrangement even though the draft report shows that it might be possible to cut consumers' oil costs through such swaps due to the transportation savings which could be realized.

What plans do you have to review the November FEA draft study?

What are your views with respect to swap arrangements that would send some of the Alaskan oil to foreign consumers—in Canada, in Japan, or elsewhere—in return for U.S. access to additional imports—say from Saudi Arabia?

A. The FEA study on the alternatives for the transportation and distribution of Alaskan oil was released on November 30, 1976, for review and comment to the West Coast States and to other Federal agencies participating in the FEA study. Comments have now been received from most other Federal agencies and the interested States. I intend to review the draft study and the comments during February and expect to have a draft final report prepared in early March.

I believe that every effort should be made to ensure fair and equitable distribution of Alaskan crude oil to all portions of the United States which have been dependent on Canadian crude oil or are increasingly dependent on foreign imports.

A logistics network must be established to deliver the oil from Alaska, California onshore, and the OCS areas of the Pacific to other parts of the United States. Such a transportation system is needed in the long run to protect the United States against the effects of a selected embargo, to avoid unnecessary reliance on lengthy and possibly insecure tanker routes, and to provide incentives to maximize domestic oil production. In the short run, I have not ruled out the possibility of exchanges between the United States and foreign refiners which may be consistent with national economic objectives and with environmental concerns.

OPEC PRICING SPLIT

Q. The decision by Saudi Arabia and the United Arab Emirates to raise crude oil prices by less than 5 percent while other OPEC countries were raising prices by 10 percent offers the consuming nations a real chance to drive a wedge into OPEC's pricing solidarity. Already, Iran, a "10 percenter," is feeling the pressure to reduce oil sales because of its high prices.

Incredibly, the trade press has recently reported that FEA is considering adjustments to the crude oil entitlements program which would equalize costs among importers of "5 percent" and "10 percent" foreign oil, thus removing the incentive for U.S. firms to reduce imports from countries like Iran.

What is your view of such a proposal?

What other ideas do you have which could be used to increase pricing disparities among OPEC members?

A. I think our existing regulations—including the crude oil entitlements program—should be re-examined and changed if necessary to assure that we import the least expensive oil from the most secure sources, and sell it to consumers at its lowest price. We should also consider proposals that could provide opportunities for favorable price treatment by potential suppliers of crude oil to our Strategic Petroleum Reserve. We should take no actions that would discourage price competition among oil producing countries.

NORTHERN TIER REFINERIES

As you know, the Canadians have begun a phased cutback of some 500,000 barrels per day of exports to the U.S.

While the number of barrels per day involved is small, the cutback represents a life or death situation for some of the Northern Tier refineries because Canada has been their only source of supply.

Have you reviewed this situation and do you have any comments to make at this time about how it can be solved?

A. While I have not had an opportunity to review this situation in detail, I am aware that various measures are being taken in response to the Canadian Government's policy of phasing out exports to the United States.

On January 1, 1976, FEA implemented the Mandatory Canadian Crude Oil Allocation Program. This program offers an immediate solution to the problems of Northern Tier refineries. It gives preference to those refineries which are not able to replace the lost Canadian crude oil with crude oil from other sources, and will continue to do so.

The ultimate solution to provide crude oil to Northern Tier refineries is to construct new pipelines to provide access to non-Canadian crude oil. Several proposals have been made regarding the construction of pipelines, including proposals to bring Alaskan oil to the affected Northern Tier refineries. However, a major pipeline cannot be in place for two or three years.

An interim solution to reduce the impact on Northern Tier refineries is to facilitate crude oil exchanges with Canada until a major new pipeline can be operational, especially in those areas where refiners can process only light crude oils which will probably be phased out more rapidly than heavier oils. A mechanism has been established to facilitate exchanges via the mid-continent sys-

tem. In addition, we have been working with the Canadian Government to define the conditions under which exchanges via Montreal can take place. It appears that when the refineries have fully utilized the mid-continent route, exchanges via Montreal will be important to provide an interim solution.

SURFACE MINING

Q. The previous Administrator of the FEA helped lead the effort to sustain President Ford's veto of Congressionally-enacted surface mining legislation. What is your view on the need for Federal suface mining legislation?

A. I am in favor of Federal surface mining legislation which will provide the necessary environmental safeguards, especially regarding proper standards and guarantees for land reclamation while at the same time ensuring access to the resource.

COAL LOAN GUARANTEES

Q. FEA was granted authority in the Energy Policy and Conservation Act to offer up to $750 million in loan guarantees for the opening of new coal mines. The Energy Conservation and Production Act extended this authority to include the expansion of existing mines. Appropriations have never been requested for this program by the past Administration. In addition, no procedures or guidelines have been published relating to applications for these guarantees. Would you review your authority under this program and notify the Committee of your intentions with respect to coal loan guarantees?

A. Consideration should be given to implementing the coal loan guarantee program if one of two conditions exist: (a) if forced rapid expansion of coal supply is accompanied by inadequate private financing, or (b) if small mine producers are being pushed out of the money markets by large coal companies. At the present time, however, neither condition exists and there appear to be no significant constraints to achieving desired coal production that the loan guarantee program could reasonably be expected to impact. It is useful, however, to have such authority that could be implemented if necessary.

ENERGY PRICING

Q. The Energy Policy and Conservation Act provides for a system of controls which hold average domestic crude oil prices at levels below those set by the OPEC cartel. The law also permits a gradual increase in this average price over time to compensate for general inflation and provide incentives for new production.

The policy of the Ford Administration concentrated almost entirely on price as a mechanism for implementing energy policy. Accordingly, Ford proposed raising U.S. oil prices, through tariffs and import fees *above* OPEC levels.

What is your view of the role of prices in U.S. energy policy?

A. Under current conditions it would be probably unwise to rely primarily on market forces to achieve the necessary adjustments in the Nation's energy economy, principally because of the massive artificiality injected into the system by OPEC's pricing actions. As a supplement to normal market forces, we should develop other mechanisms to achieve necessary conservation and fuel shifting objectives. Some of these may be regulatory in character.

At the same time we should recognize the enormous rigidity introduced into the system by continued Federal controls on prices and begin to move away from the current heavy reliance on those controls.

REFINED PRODUCT DECONTROL

Q. President Carter recently directed the Acting Administrator of the FEA to withdraw the proposal submitted by the Ford Administration to remove price and allocation controls from motor gasoline. What are the conditions under which you would favor the decontrol of refined petroleum product prices?

A. In withdrawing the proposal the President stated simply that he wanted time to review it in the context of his overall energy policy.

Controls designed for a shortage should not be applied during a period of ample supplies unless there are other overriding reasons, in terms of other objectives of the Emergency Petroleum Allocation Act, to continue them. In that event, they probably would need to be modified substantially.

During the extraordinarily high gasoline demand period of March to June of 1976, it was demonstrated that U.S. refining capacity is adequate to meet unforecast high demand surges. In the current period of unforecast high distillate demand, we have found that there is no overall shortage of domestic distillate product capacity. Regional supply problems are logistical distribution problems, not refining capacity or total supply problems. Given these demonstrations of the adequacy of domestic refining capacity, I believe that controls should be removed from refined products as rapidly as possible in any case in which there would be no significant price impacts on consumers solely as a result of the exemption. The ability of the President to reimpose controls whenever necessary to achieve the objectives of the EPAA provides adequate security for consumers and for all segments of the industry.

HEAVY OIL SURPLUS

Q. All indications are that there will be a surplus of heavy gravity, higher sulphur oil in the U.S., concentrated on the West Coast. Assuming some of this surplus is delivered to the U.S. Gulf Coast or midwest refineries the need to refine higher volumes of heavy oil elsewhere will also arise.

What programs would you think might be considered to encourage the refineries to undertake the modifications necessary to process this type of oil?

A. I believe it is incumbent upon the oil companies to make any necessary investments to modify refineries to utilize available heavy-gravity, high-sulfur oil. In the past, refiners have shown great flexibility in adapting to the various types of crude oil available. I do not believe the U.S. Government should set a course of providing industry with incentives to do what they already are capable of doing. There have been allegations that the current price and allocation regulatory programs have discouraged refinery modifications. I propose to examine this early in my tenure. However, I favor steps to ensure the maximum domestic production of heavy crude oil.

CALIFORNIA GRAVITY DIFFERENTIAL PROBLEM

Q. The Energy Conservation and Production Act, signed in August, 1976, mandated the removal of price ceilings from oil produced from stripper wells and directed an upward adjustment in the price ceilings affecting heavy gravity crude oils. Prior to this Congressional directive, the FEA's pricing policies operated to hold the price for California heavy gravity crudes at an average of $1.00 per barrel less than the national average for "old oil".

In November, 1976, FEA published new rules for stripper and heavy gravity oils. With respect to stripper well oil, FEA adjusted its regulations to permit the same entitlement treatment as imported oil. However, no adjustment in entitlement treatment was made for the heavy gravity crudes.

Because of this heavy gravity crudes are now more expensive to refiners than imported oil because the wellhead ceilings have been raised, but the entitlement obligation is the same.

So the net result of the FEA's implementation of the Act has been to make matters in California worse by imposing a regulatory disincentive for the purchase of domestic heavy crudes relative to imported oil. Do you intend to adjust FEA's entitlements program so that the Congressional directive in the ECPA with respect to heavy gravity oil is complied with?

A. While California crude oil prices reflect historical pre-FEA market price levels, one of FEA's objectives is to maximize production of domestic crude oil of all types. I will consider additional regulatory actions to the extent required to assure continued maximum production of California heavy gravity crude oil.

IMPORTED PETROLEUM PRODUCT SUBSIDIES

Q. Domestic refiners who process imported crude oil currently receive a subsidy through the operation of the crude oil entitlements program. This program approximately equalizes feedstock costs for domestic refiners even through access to price-controlled domestic oil varies throughout the industry.

Partial entitlements for imports of foreign-refined residual fuel oil are now granted by FEA, and part of this subsidy has been captured by foreign refiners. Proposals have been made to extend this sort of treatment to other refined petroleum products—notably home heating oil.

What are your views with respect to the policy of granting entitlement subsidies for imports of refined petroleum products?

A. Generally, I would not tend to favor an entitlements program for imported petroleum products. Such a program detracts from incentives to increase domestic refining capacity and to become more self-sufficient in meeting future product demands. However, an entitlements program of this type may be necessary in certain cases to preserve the competitiveness of independent marketers, and objective stipulated in the EPAA.

It would be inappropriate to comment further at this time because FEA is currently conducting hearings on the residual fuel entitlements program regulations and has scheduled hearings early in February on temporary middle distillate entitlements. If confirmed, I will have to consider the merits of any proposal in conjunction with the information developed by the rule-making procedures.

FINANCIAL INFORMATION

Q. The previous Administration consistently opposed Congressional initiatives which would have required the systematic collection of financial and economic data relating to costs, profits, rates of return and so forth in the energy industry. As you know, firms in this industry are often highly integrated, and this kind of data is frequently unavailable in any meaningful state of disaggregation. FEA, in September of 1975, proposed a limited effort to obtain some of this sort of data from petroleum refiners, but nothing ever came of the proposal.

In testimony before the Senate Interior Committee in March 1976 you expressed the view that "we are in a sense in our infancy in the generation of techniques for handling the problems of data development and analysis and how the data relate to economic responses from both the producer and consumer".

What initiatives would you propose as FEA Administrator with respect to improving our understanding of the economics of energy supply and consumption?

What is your view of proposals, such as the one offered last year by Governor Boren of Oklahoma, which would mandate "vertical accountability", that is, full reporting of financial and operating data by integrated energy companies on the basis of function or profit center?

A. I believe that the Federal government, both the Executive and Legislative Branches, should have enough information, including financial information, to make appropriate judgments and decisions. In my view, FEA should use its authorities to assure that sufficient information is available.

While I do not know all the specifics of the proposal offered by Governor Boren on vertical accountability, I do believe that the government should have access to the functional, financial and operating data of integrated energy companies to the extent that it is required to make decisions.

PROPRIETARY DATA AND INFORMATION

Q. The attitude of the previous Administration towards the publication of energy data and information obtained under its authority was strongly weighted towards the maintenance of confidentiality. What are your views with respect to confidentiality in energy information?

What should be the limits, if any, on FEA's access to data?

What should be the limits, if any, on exchange of information among Federal agencies?

What should be the limits, if any, on public access to energy information?

A. With regard to confidential or proprietary data, I believe that there should be very few limits on FEA's access to such information. Generally, I believe that within the Federal government there should not be limits on the exchange of proprietary information among Federal agencies, so long as the recipient agency has a reasonable need to know the information and agrees to appropriate protection of the confidentiality of such information.

With regard to public access to confidential or proprietary information, a balance must be struck between the public's need to know and the preservation of competition within the industry. As FEA Administrator, I would review the possible dissemination of such information to the public on a case by case basis under the provisions of law.

CRUDE OIL PRICING POLICY

Q. Please report to the committee on your plans with respect to the unfinished compliance audits for the major oil companies.

A. My preliminary review of FEA's major refinery compliance program reveals that it, like the other nine compliance programs, is continuous in nature. As long as price controls are in effect, there will be a need for continuous audits of the major refiners. Special emphasis is being given to audits of crude production.

Although substantial auditing has been completed, my preliminary review has also revealed a number of actions that need to be taken to expedite audits at the major refiners. Some of these are:

Resolution of several legal interpretations and rulings so that the compliance auditors can complete their work. I plan to give high priority to this.

More legal support is needed for the Compliance program in the processing of formal actions. I will see that such support is made available, and will seek to streamline the overall legal support system for the program to speed up the processing of Compliance actions.

Finally, I will conduct an early and thorough review of the organization and management of FEA's Compliance program, including the adequacy of its legal support, and take such measures as may be required to maximize its effectiveness.

RELIANCE ON INDUSTRY DATA

Q. FEA has always relied on unaudited oil industry sources such as the American Petroleum Institute or the trade press for current information on the energy system. The most current data from FEA's own series are always several weeks, or even months, behind. This reliance continues, despite, for example, recent indication of severe problems with the accuracy of API numbers.

What is your opinion of this kind of reliance on information sources which are really beyond government verification?

A. FEA presently has the authority to collect information directly from industry sources. When such information is essential for government decision-making, we should have reliable and verified data in order to obtain the information necessary to develop new audit and verification procedures.

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., January 28, 1977.

Hon. J. BENNETT JOHNSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JOHNSON: Pursuant to your request of January 26, 1977, enclosed please find the responses to the twenty-five questions which you posed concerning energy policy. As you will note, I have not answered certain questions. I do not mean to be evasive in this matter; however, these subjects are currently being considered in the rulemaking process. If confirmed, I will have to consider the issues presented in these rulemaking proposals and the information developed in the rulemaking process. I am advised by counsel that any comment on the merits of the issues that are presented would be inappropriate.

In addition, many of these questions relate to policy considerations where the President's desires will have to be consulted. Therefore, the enclosed are tentative answers, intended to give a range of possible alternatives, rather than suggesting final policy.

I look forward to working with you in the future.

Sincerely,

JOHN F. O'LEARY,
Administrator-Designate.

1. President Carter indicates he favors deregulating the price of "new" natural gas sold into the interstate system. Do you favor deregulating the price of "new" natural gas sold into the interstate system?

Past prices have not been adequate to stimulate production. Obviously, FPC 770A has brought about some adjustments and it is possible that some additional price adjustments could bring additional production increases. Deregulation is one way in which additional price adjustments could augment production. Any such policy, however, must be viewed in the context of broader national objectives and must, therefore, allow consumers time to adjust to higher prices. Thus, a phased approach to deregulation is essential.

2. Do you favor extending Federal jurisdiction over natural gas to the intrastate market? If so, under what conditions?

Under circumstances of all but the most extreme emergency, there is no need for extension of federal jurisdiction to the intrastate market.

If an extreme emergency were to develop, requiring interstate supplies, a temporary, short-term extension of Federal jurisdiction to the intrastate market might be considered to secure adequate supplies of natural gas for essential human needs and protection of physical property.

3. Do you favor price controls in intrastate natural gas, whether imposed by the Federal Government or state governments? If so, please explain your concept.

Under extraordinary circumstances, I reluctantly supported intrastate price controls in the State of New Mexico.

As a result of redetermination and favored nation clauses in New Mexico's intrastate contracts, a situation occurred in which only four gas contracts at the upper vintage FPC opinion 770A price ($1.43) were necessary to trigger the majority of all intrastate contracts to this upper level. This triggering occurred and the average cost of New Mexico's intrastate gas more than tripled in four months with further escalations imminent. This situation created an untenable burden for the agricultural, residential, commercial and industrial sectors of New Mexico's economy. After exhausting all potential legal and tax-oriented remedies, I was forced by these circumstances to support state imposed price controls.

I can conceive of no circumstance short of an extreme emergency that would justify the imposition of federally imposed price controls on intrastate gas.

4. Do you favor the allocation of intrastate natural gas by the Federal Power Commission (FPC)? Please explain.

If an extreme emergency were to develop, and emergency intrastate sales and redistribution of available interstate supplies were not adequate to meet the essential requirements necessary to protect life and health and to maintain physical property, then I would lean toward the allocation of intrastate natural gas by the FPC, or some other appropriate Federal agency, on a short-term, emergency basis.

5. Do you favor putting price controls on imported LNG?

Under the current system any imports of LNG or LPG must first be approved by the Federal Power Commission (FPC). Among other things, the FPC ensures that the price negotiated between the exporting country and the importing company is reasonable and that it is based on actual or expected costs plus a fair rate of return. Some type of control over import prices is probably necessary to give a clear signal to exporting countries that we will not allow unwarranted price increases once very expensive LNG docking and transportation facilities have been put in place.

6. What is your position on the mandatory conversion of natural gas from boiler fuel use? If you favor such forced conversion, please state your plans for dealing with the economic and environmental impact on those forced to convert.

In order to meet priority requirements for natural gas, it is probably desirable to achieve a phased conversion of boilers currently using natural gas as their primary fuel source. These conversions may require mandatory action. However, such forced conversions should be cost-beneficial, taking into account the overall national energy situation and full environmental cost requirements, assuming no relaxation from applicable environmental regulations. Further, these conversions should be scheduled to avoid placing any undue economic burden on affected regions of the country. In addition, direct financial assistance may be required.

7. To what factors, other than weather, do you attribute the present shortage in the interstate natural gas system? Please explain fully, ranking the factors discussed.

Several factors have led to the present shortage:

a. Pricing policies over the last two decades have resulted in insufficient incentives of the exploration and development of new wells, especially in the deeper offshore and frontier areas.

b. Pricing policies have led to misallocation of available natural gas supplies. Examples are its extensive use as the boiler fuel and the small proportion of properly insulated gas-heated homes.

c. Our domestic natural gas resource base is dwindling. Additions to the inventory of natural gas reserves in the lower 48 States failed to equal production for the ninth consecutive year in 1975, leaving these reserves at their lowest levels since 1951. Even in areas such as Texas, which have enjoyed pricing in recent years approximating equilibrium, marketed production has declined.

8. Do you favor an Alaskan natural gas pipeline? If so, which route do you favor; which factors do you consider to be most important in determining distribution of the gas; and, if the gas is to be subject to price controls, which method of pricing would you suggest?

I favor a transportation system which can deliver Alaskan natural gas to United States markets if deliveries can be accomplished at prices that make economic sense.

9. Please assess the importance of full OCS development to our nation's supply of gas and oil. Do you favor immediate development of the OCS, particularly in the Gulf of Alaska and on the East Coast?

I believe that the development of oil and natural gas resources from the OCS area is an essential element of our domestic energy program. Forecasts of the oil and gas reserve base provided by the U.S. Geological Survey (USGS) indicate that 37 percent of potential undiscovered oil reserves and 28 percent of potential undiscovered gas reserves lie in the offshore areas. Therefore, I believe that continuing development, under adquate environmental standards, should occur in all the OCS areas on a priority basis. This development should be closely coordinated among federal, state, and local officials in order to minimize any adverse socio-economic impacts that could occur in conjunction with the development.

10. Do you favor continuation of oil product price controls, most of which have been removed? Please explain.

I tend to favor elimination of price controls over petroleum products where possible. However, the exemption from controls must not result in abrupt price increases to consumers.

As long as domestic refining capacity is adequate to meet domestic demand, continuation of oil product price controls may impose some significant cost on consumers. I believe that a free and unregulated market stimulating competition can be expected to benefit consumers. The ability of the President under current law to reimpose controls, if the situation warrants, adequately guarantees that the interests of the consumer will be protected against unanticipated shortages or market distortions.

If product price controls can be removed without incurring price increases to the consumer, consumers should benefit from the ability of refiners to reallocate costs among products as necessary when seasonal demand surges require production adjustments.

11. Do you favor continued regulation of the price of domestic crude oil? If so, when do you believe such price controls should cease?

I tend to favor continued regulation of domestic crude oil prices at this time, but those prices should be allowed to move gradually to the world market price. This probably should be done in order to encourage tertiary and other high-cost or high-risk recovery methods, such as offshore and remote-area production; to encourage an early start on the essential shift away from natural gas and crude oil to other domestic energy sources, such as coal and solar energy; and to promote conservation of petroleum products. I believe, without commenting on future Administration policy, in the provision of special incentives to encourage new field wildcat drilling. This might be in the form of freeing from any price controls an incentive volume of production from newly discovered fields. Petroleum-based products should be reserved for those uses for which there are few, if any, practical substitutes at a reasonable cost.

At the same time, the gradual movement to world prices should be achieved incrementally so that the attainment, over time, of greater energy sufficiency will not interfere with a sustained high level of economic activity.

12. Do you believe any incentives, in addition to those in existence today, are necessary to insure maximum domestic crude oil production? Please explain fully.

Yes. I believe that, without commenting on Administration policy considerations, we need special incentives for new field wildcatting by the petroleum industry. Such incentives might take the form of releasing from price controls an incentive volume of production from new fields developed by wildcatters. It might also be desirable to provide incentives for tertiary recovery methods.

13. What is the maximum portion of our nation's crude oil and oil product needs which will be provided by domestic crude oil by 1980? 1985?

Currently the United States provides nearly 60 percent of its petroleum needs from domestic production. Under current policies, after allowing for Alaskan production, this market share will decline sharply. We should probably take action in two directions to expand the domestic share: first, seek additional sources for domestic production both onshore and offshore through increased exploration and by tertiary recovery methods; and second, reduce the growth rate in domestic consumption of petroleum products.

14. In 1976, a product entitlements program was created for residual fuel oil. Do you favor retention of that program? If so, do you favor any modification of that program? Please explain fully.

This question is currently being considered in a rulemaking. I am advised by counsel that it would be inappropriate for me to comment on particular modifications to the existing regulations because, if confirmed, I will have to consider the merits of any proposal on the basis of the information developed by the rulemaking procedures.

15. Do you favor creation of a product entitlements program for home heating oil? If so, please explain fully.

This question is currently being considered in a rulemaking. I am advised by counsel that it would be inappropriate for me to comment on particular modifications to the existing regulations because, if confirmed, I will have to consider the merits of any proposal on the basis of the information developed by the rulemaking procedures.

16. Do you believe that certain Federal Energy Administration policies, including the product entitlements program, have had an adverse impact on the creation of domestic refining capacity? Please explain. If you agree, please suggest remedies you would propose.

It is possible that past price controls, designed as a temporary emergency measure to restrain prices, have unintentionally served as a disincentive for development of domestic refining capacity. For example, such controls have not allowed the recovery of depreciation as a nonproduct cost, which may have discouraged refinery investment. I believe this may be more true of downstream refinery processing equipment than of absolute capacity, but one cannot discount the possibility of an effect on absolute capacity. I intend to examine whether recent changes in the refinery price rules have adequately removed these disincentives.

Product entitlements have been in effect for too short a time to have had any measurable influence on the development of domestic refining capacity. However, the FEA has recognized the possibility for problems in this area and is now conducting hearings on certain proposed modifications of the entitlements program to reduce any such risk. Product entitlements, selectively and carefully applied in conjunction with the appropriate import fee structure, can operate to encourage essential imports of selected products into specific parts of the country that have no alternate domestic sources, without inhibiting domestic refining capacity development. I intend to re-evaluate this topic thoroughly to see that FEA regulations achieve this objective to the maximum practicable extent.

17. What policies would you propose to encourage the development of domestic refinery capacity, particularly capacity owned and operated by small and independent refiners?

As pointed out in the answer to the previous question, I recognize the problem and will address it as a matter of priority, but I have no particular measures to propose at the moment that would serve to increase domestic refining capacity. I view incentives for refining capacity expansion, particularly for small and independent refiners, as a generally desirable objective.

18. In your opinion, have the policies of the FEA discouraged the sale of oil products from Gulf Coast refineries to the East Coast market and encouraged the sale of oil products from Caribbean refiners to the East Coast market? If so, how would you modify these policies?

This question is now being considered in a rulemaking. I am advised by counsel that it would be inappropriate for me to comment on particular modifications to the existing regulations because, if confirmed, I will have to consider the merits of any proposal on the basis of the information developed by the rulemaking procedures.

19. Please explain the policy you would support concerning the pricing of Alaskan crude oil.

The pricing of crude oil transported through the trans-Alaskan pipeline will be the subject of a rulemaking. I am advised by counsel that it would be inappropriate for me to comment on particulars because, if confirmed, I will have to consider the merits of any proposal on the basis of the information developed in the rulemaking procedure.

20. Please explain the policy you would support concerning the disposition of the Alaskan crude oil which is not needed for the West Coast market?

I believe that every effort should be made to assure fair and equitable distribution of Alaskan crude oil to all portions of the United States, especially to those areas that are experiencing shortages or are increasingly dependent on foreign imports.

It is necessary to establish a logistics network to deliver oil from Alaska, California, and the OCS areas of the Pacific to other parts of the United States. Such a transportation system could include one or more pipelines as well as tanker capability. For the shortrun, I have not ruled out the possibility of exchanges between the United States and foreign refiners which may be consistent with national economic objectives and with environmental concerns.

21. What is the maximum portion of our nation's total energy needs which can be met by coal in the year 1980? 1990?

By 1990 there could be a substantial increase in coal's market share, depending upon policies adopted now regarding shifts of existing and incremental capacity to the use of coal. There are no major overriding physical or financial constraints to a rapid increase in the use of coal.

22. Please discuss your views concerning the method of transporting coal to the various regions, including the role of a coal slurry pipeline in such a transportation system.

I believe that our nation's railroads will play a major role in the transportation of both Eastern and Western coal to the various areas of the country that will be expanding

their utilization of coal as an energy source. I believe that an expansion of some of the rail lines to the West will be required and that careful attention will have to be given to the portions of the CONRAIL system that serve coal-producing and coal-using areas of the East and Midwest. I believe that our inland waterway systems will assist in the movement of increased volumes of coal. In addition, we should begin now to develop the necessary legislative framework to permit the construction of coal slurry pipelines where such systems are necessary and economically feasible.

23. What is the maximum portion of our nation's total energy needs which can be met by nuclear energy in the year 1980? 1990?

The amount of nuclear generating capacity that will be available to the country in 1980 will depend upon the future development of national policy. President Carter has indicated that he wants to be circumspect about the development of nuclear power. The maximum portion of the nation's total energy needs that could be supplied from this source, therefore, is not readily apparent at this time.

Keeping that qualification in mind, it is my best judgment that the amount of nuclear generating capacity that will be available to the country in 1980 is basically fixed by those plants currently in operation or under construction. As a result, only about five percent of the nation's total energy needs could be met by nuclear power in 1980. At the current rate of new orders, nuclear power will probably provide seven to eight percent of the country's energy needs by 1990. However, capacity apparently exists to increase this share to ten percent or more by 1990.

24. Do you support the further construction of and development of nuclear energy facilities? If so, please explain fully, including the priority of nuclear energy in our nation's total energy program.

Given our overall energy situation, we cannot abandon the nuclear option. We should probably continue the cautious development of nuclear power plants and predicate new commitments on the energy requirements that result after accelerated conservation and coal utilization programs. There are many unanswered questions regarding the utilization of nuclear power, and answers to these questions should be promptly developed and implemented. In considering development of nuclear power, regional-economic considerations should be taken into account.

25. Please explain fully your position regarding the proposed modifications or revocation of the product import fee system, including the impact such modification or revocation would have on domestic refiners.

This question is now being considered in a rulemaking. I am advised by counsel that it would be inappropriate for me to comment on particular modifications to the existing regulations because, if confirmed, I will have to consider the merits of any proposal on the basis of the information developed by the rulemaking process.

TRIBUTE TO CHARLES HORTON

Mr. DANFORTH. Mr. President, it has come to my attention that Mr. Charles Horton, social studies teacher from Mehlville High School in St. Louis, is in Washington, D.C. this week with a group of St. Louis area high school students on the Close Up program. In these times of voter apathy and disillusionment Mr. Horton exemplifies the spirit of a true teacher and leader in helping our youth to a greater understanding of our Government.

In his quarter century of working with students he has been the catalyst for widening their horizons and stimulating their interest in our democratic process. In working with students he has gone beyond the confines of the classroom and carried the spirit of learning not only into the community but throughout the country. Through his spirit and years of long work he has educated many young men and women who have themselves been inspired to become teachers and to continue this work with our youth.

I applaud Mr. Horton for his many years of dedication to our youth. His efforts have contributed to the betterment of us all.

THE AGRICULTURE OF INDIA

Mr. HUMPHREY. Mr. President, in the September 1976 issue of Scientific American there appeared a very thought-provoking article on the agricultural potential of India.

The article was written by John Mellor, chief economist of the Agency for International Development, who is on leave as professor in the department of agricultural economics at Cornell University, where he directs the program in comparative economic development.

Mr. Mellor's views are particularly relevant in light of his professional background. He has served as a consultant for the Rockefeller Foundation, the World Bank, the Food and Agriculture Organization and other international development agencies. He is also vice-chairman of International Voluntary Services, a private predecessor of the Peace Corps.

As Mr. Mellor noted in the opening paragraphs of this article:

Contrary to standard stereotypes, India increased its production of food grains approximately 2.8 percent per year from 1950 to the present, a rate significantly higher than the population growth rate of about 2.1 percent for the same period. The result has been a modest improvement in diets and a substantial decline in death rates. That is in sharp contrast to the last several decades of the colonial period, prior to 1947, when food-grain production virtually stagnated, with an insignificant .11 percent per year growth rate, as population was growing at a rate of 1.5 percent per year. In the last decades of colonialism, India's capacity to feed itself deteriorated rapidly as a consequence of an effort to provide the exportable surpluses expected of a colony. The result was not only a growing food and welfare problem, but also a legacy of poverty and institutions inappropriate for development. Both would impede growth for decades.

Yet, as the author also points out, in the period since 1950, India's growth in agricultural production was higher than that of the People's Republic of China—2.8 percent for the former compared to 2 percent for the latter.

Again, quoting from Mellor:

India has a population of 600 million (two-thirds that of China and nearly three times that of the U.S.), is the fourth-largest grain producer in the world and has one of the largest potentials of any nation for future increases in grain production. Given India's central place in the world food situation, it is crucial that close analysis of past trends of the nature of the future potentials and of the essentials of appropriate investment and political policy be substituted for the existing stereotypes of the Indian food economy.

Mr. Mellor then spells out what must happen for India to realize her agricultural production potential, noting that it will be in large part a political choice involving both internal and external considerations. On the external side, he points out that there are four aspects to take into consideration.

First, assistance in the form of grain or credits can ensure basic supplies of food in the face of fluctuating weather conditions and lags in production. Such a food-security system, backed by the international community, may encourage the shift to a rural, employment-oriented strategy.

Second, foreign technical assistance in research, education and many other aspects of rural development can lessen the constraint on growth that would otherwise be set by the shortage of trained personnel. The level of assistance must be skillfully measured because the objective is to accelerate the immediate performance of the needed tasks without delaying India's long-term capacity to perform the tasks by itself. Since India now has the basic agricultural institutions in place and a large corps of highly skilled and experienced administrators, it is quite able to effectively absorb assistance in clearly defined technical areas.

Third, financial assistance on a major scale can not only relieve the capital requirements of rural growth but also meet the crucial need for foreign exchange while the Indian economy adjusts to the more favorable environment for the export of labor-intensive modern industrial and processed goods, which is implicit in the new strategy.

Fourth, and perhaps most important is an international environment that gives first priority to the humane aspects of development rather than to gaining short-term political advances in the arena of great-power politics. Although in the long run the rural-oriented strategy has a greater potential for faster growth than the alternative urban-industrial strategy, in the short run it calls for a greater dependence on others for food, fertilizer, technology and capital. Certainly the sharp decline in net foreign aid to India from $1.2 billion in 1965 ($2.63 per capita) to essentially nil in 1972 argues against increased dependence on Western countries and hence for a more cautious, narrowly based and inward-looking approach to growth. Political success tends to be judged on the short run, and politicians frequently choose strategies of growth that maximize short-term security at the expense of long-term security. Before other countries judge India's decisions they should examine their own short- and long-term priorities. It is not only the world view of India's leaders that is being tested.

Mr. President, I think the points made by Mr. Mellor go to the crux of our policies which must necessarily deal with the world food problem. Development is a continuing process, not one which should be contingent upon momentary frictions in relations between nations. We must effectively utilize resources at our disposal to enhance global food production potential. In other words, it is time that we in the Congress begin taking a global view, rather than entrapping ourselves in narrow, parochial perceptions of our relations with nations like India. It is with this background in mind that I believe it is incumbent upon the Congress to seriously revaluate not only relationships with India, but also the prospects for once again establishing a bilateral

aid relationship. We cannot afford to do less.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE AGRICULTURE OF INDIA

(By John W. Mellor)

Contrary to standard stereotypes, India increased its production of food grains approximately 2.8 percent per year from 1950 to the present, a rate significantly higher than the population growth rate of about 2.1 percent for the same period. The result has been a modest improvement in diets and a substantial decline in death rates. That is in sharp contrast to the last several decades of the colonial period, prior to 1947, when food-grain production virtually stagnated, with an insignificant .11 percent per year growth rate, as population was growing at a rate of 1.5 percent per year. In the last decades of colonialism India's capacity to feed itself deteriorated rapidly as a consequence of an effort to provide the exportable surpluses expected of a colony. The result was not only a growing food and welfare problem but also a legacy of poverty and institutions inappropriate for development. Both would impede growth for decades.

Compared with China, the other huge low-income country, India has achieved a somewhat higher rate of increase in food-grain production, albeit a rate of increase from a substantially lower base of average yields and lower proportion of land area irrigated. Making precise comparisons between the two countries is difficult, given differences in the years when production was depressed by weather or internal disturbances and differences in reporting systems. Subject to such complexities, the long-term growth trend in Chinese grain production in the period since 1950 is estimated at 2 percent per year, compared with the 2.8 percent for India.

India has a population of 600 million (two-thirds that of China and nearly three times that of the U.S.), is the fourth-largest grain producer in the world and has one of the largest potentials of any nation for future increases in grain production. Given India's central place in the world food situation, it is crucial that close analysis of past trends, of the nature of the future potentials and of the essentials of appropriate investment and political policy be substituted for the existing stereotypes of the Indian food economy. The bases of these stereotypes are four, and in themselves they explain much of the nature of India's food problems and food requirements.

First, India experiences substantial year-to-year fluctuations in its weather and in the past has had a tendency to fill the resulting gaps in food supplies by imports rather than by the more costly domestic storage. Thus in the postindependence period, although there have been substantial year-to-year fluctuations in grain imports, there has been no upward or downward trend in their relative importance. China's record in this respect has been surprisingly similar, including the scale of the imports and the emphasis on supplying the major urban centers.

Second, India, unlike China, maintained its ties with the developed nations and therefore substantially employed food-aid channels rather than commercial ones for its imports, which tended to overpublicize the periodic domestic shortfalls. Third, and perhaps most important, since India did not have a massive sociopolitical revolution comparable to China's, it has a distribution of income essentially the same as that of the U.S. The result is that in a country as poor on the average as postcolonial India is, there is a large proportion of people who even in normal times do not have enough income to get food through market processes and who in times of crop failure are subject to extreme stress and even famine. The Indian system of government, unlike the Chinese, is not suited to acquiring sufficient control of production through coercive measures to alleviate such stress.

Fourth, agricultural development is largely a process of institutional change that is necessarily slow. The myth of India's relatively poor food performance impedes analysis of the extent to which such changes are occurring and hence analysis of the basis for future growth. In addition there is a reduced rationale for analysis of the extraordinarily rich Indian experience in agricultural development, from the Community Development Program to the Intensive Agricultural District Program and the Small and Marginal Farmers Program. All three not only offer important lessons for the solution of the world food problem but also have led to an evolution of mature domestic institutions servicing the agricultural sector that is generally not comprehended by the now less involved Western advisers of developing countries

In a country such as India agriculture is central to the economy. Nearly half of the country's gross national product is generated in agriculture; more than half of all consumer expenditures are for food. In years of poor crops total consumer expenditures consistently decline, and there is an even greater decrease in industrial investment. It is now well established that people with low incomes will spend the bulk of any increased income on food. The lesson is clear: a strategy of growth that mobilizes low-income people for production purposes will give rise to a greater drain on the food supply than would be the case if they were left unemployed or marginally employed.

On the other hand, a strategy that stresses the growth of capital-intensive heavy industry at the expense of agriculture and the less capital-intensive consumer goods combines a static farm output with a slower increase in the demand for food, since capital-intensive industrialization yields its income benefits to a smaller fraction of the population. Thus agricultural policy involves much more than a race between food and population: it fundamentally determines who will and who will not participate in a country's economic growth. The choice of a policy therefore involves a host of considerations.

It was neither accident nor ignorance that gave India a plan in the late 1950's and early 1960's that provided scant participation of the poor, little emphasis on agriculture and much emphasis on the growth of heavy industry. In the 1950's the essential ingredients of the "green revolution" were just emerging from agricultural research, and they offered no assurance that a heavy investment in agriculture would pay off.

Even though India did not make a single-minded commitment to the agricultural sector in the 1950's and 1960's, it had a generally fair record of growth, with regional high and low points and a good deal of experimentation. Perhaps the most interesting experiment was the massive Community Development Program. Initiated in 1952 in 25,000 villages, and by 1961 covering 500,000 villages and 300 million people, that program with all its limitations, was among the first anywhere to take those integrated approaches that are currently fashionable among rural developers. The green revolution achieved its greatest success in the Punjab of northwestern India, which showed faster agricultural growth rates than Taiwan, often regarded as the model of agricultural success. (Taiwan and the Punjab have populations of nearly the same size.) Two other regions of India, parts of Gujarat in the west and Andhra in the south, also achieved striking agricultural production records in spite of having quite different cultural and institutional traditions. But India also includes Bihar, which has land-tenure customs that discourage increases in production, West Bengal, which combines great agricultural potential with low performance, and Madhya Pradesh, which has large areas with poor agricultural prospects. It is clearly difficult to generalize about the agriculture of a country whose regions exhibit such diversity. At the same time that diversity affords striking opportunities to make comparisons and draw lessons.

The growth of India's food-grain production in the two and a half decades since 1950 can be divided into three periods: a decade of accelerated growth based on traditional technology (1950–1960), a five-year period of transition (1960–1965) and a period of increasing dependence on new technology for raising production. The factors that accounted for the radical acceleration in grain production from the .11 percent rate of the colonial period to the 2.8 percent rate of the 1950's are hard to identify with precision. The burst of growth was clearly not due to investment in modernization. To be sure, the use of fertilizer grew at a high rate, but it did so from an initial base that was close to zero. New crop varieties probably did little more than maintain yields in the face of diseases such as wheat rust. Moreover, there is scant evidence that the newly organized Community Development Program had an immediate impact on agricultural production.

Perhaps as much as a fifth of the production increase was due to the expansion of irrigation, some two-fifths to the increased utilization of labor associated with population growth and perhaps a third simply to increasing the amount of land under cultivation. The latter two factors and even the first can be attributed in large measure to new energies released and new incentives provided by national independence. An important stimulus was the reforms that removed the British system of collecting land taxes through a privileged group, whose members had become virtual lords of large estates.

India's creditable record of food-grain production in the 1950's deteriorated in the early 1960's (on a weather-adjusted basis) to about 2 percent per year at the same time that population growth accelerated to nearly 2.5 percent per year and per capita incomes were rising at a higher rate than ever before. The rise in incomes was spurred by an industrial growth rate of almost 10 percent per year. Thus in spite of the fact that this was a brief period of increasing food aid from the U.S., food-grain prices rose faster than prices of other commodities. Partly as a result there was a slowing of industrial growth. This, combined with the disastrous drought of 1965–1967 and a precipitous decline in foreign aid, set the stage for a decade of overall economic stagnation.

Even as the pace of grain production was slackening, however, the prime movers of growth in agricultural output were shifting away from the forces associated with the end of colonial domination toward those associated with new technology. The bringing of new land under cultivation became less significant and the use of fertilizer became more so: the latter accounted for nearly 40 percent of the increase in grain production in the period 1961–1965, compared with less than 10 percent of the increase in the previous decade. Later the adoption of new high-yielding varieties of grain and new crop practices would increase the capacity of India's farms to absorb still more fertilizer, giving promise of further growth in the year ahead. Although the term green revolution was not yet current in 1961–1965, the insti-

tutional groundwork for the revolution was laid in those years.

Before the green revolution had arrived, however, and almost as if to dramatize its urgency, the drought of 1965 cut grain production by 19 percent, or 17 million tons, canceling a full decade of grain-production growth. When the drought continued into the next year, with grain reserves wiped out, the hardship was immense, in spite of U.S. shipments of grain equal to almost 15 percent of India's diminished domestic production. Only the country's impressive capacity for operating relief programs averted a major disaster.

The influence of India's weather not only on Indian agriculture but also on how outside observers perceive the world food situation can hardly be exaggerated. In the years of good harvest in India (1949–1950, 1954–1955, 1961–1962, 1964–1965, 1970–1971 and 1975–1976) the world food situation has seemed bright and the talk has been of surpluses. In the years of poor harvest (1957–1958, 1965–1967 and 1972–1973) the situation has looked grim and the prophets of doom have been ascendant.

The first harvest after the drought, the harvest of 1968, showed a record-breaking gain in grain production of 28 percent in one year. The green revolution had arrived. Wheat production alone increased by five million tons and was to double over the next seven years, an average compound rate of growth of more than 10 percent per year. By the mid-1970's well over half of the land planted to "miracle" wheat varieties in the less developed countries was within the borders of India.

In India, however, the tonnage of wheat was then less than a third that of rice, and the impact of new technology was much less dramatic for rice than it was for wheat. The highly heterogeneous conditions of rice production make it much more difficult to breed successful new varieties. Moreover, the rice-growing regions of India have a less developed structure of supporting institutions than the wheat-growing ones. As a result the rice regions have lagged several years behind the wheat regions in benefiting from new technology.

Nevertheless, total grain production climbed at an average rate of 3.3 percent per year between the closely comparable and excellent weather years of 1964–1965 and 1970–1971. Sixty percent of the increase was attributable to the complex of factors associated with the intensified use of fertilizer. Because of the nature and the location of the new production the amount of grain reaching urban markets in the period from 1964–1965 to 1970–1971 accelerated at the impressive annual rate of 4.5 percent. In the short run this additional grain was used largely to displace imports, a strategy encouraged by the uncertain availability of U.S. supplies. In the long run the accelerated growth had profound implications for both the pace and the pattern of India's economic growth.

From 1971 to 1975 the growth of Indian grain production appeared to be stagnant. A series of droughts in 1972 and 1973 was quickly followed by a worldwide shortage of fertilizer caused by a worldwide lack of adequate fertilizer-production capacity and what can only be described as gross mismanagement of the worldwide fertilizer economy, particularly given the basic role of fertilizer in any effort to improve permanently the worldwide balance of food and population. This latter phenomenon hit hard exactly that aspect of the modernization of agriculture in which India's food hopes were necessarily being placed. The crop year 1975–1976, however, with its good weather and the beginning of recovery in the availability of fertilizer, saw production jump to 116 million tons and food reserves increase by some 10 million tons. Whether or not India maintains and accelerates these agriculture growth rates depends on many complex factors and on the vigor with which new measures are pushed by the government and are accepted by the farmer.

One of the greatest problems that face the farmer, the agricultural statistician and the development planner is deciding whether or not a given change in technology or strategy is paying off. A change of a single percentage point in the growth rate of grain production can make an immense difference in the level of the minimum diet for millions of people and in determining the success of a development strategy. But how can one statistically detect a 1 percent change in the underlying trend when production has changed, as it has in India, by more than 10 percent in each year of six years of the past 25 and by more than 5 percent in more than half of the 25 years? Under such erratic conditions a judgment of a change in a trend cannot be based on standard statistical methods. About the best one can do is to try to match years of comparable weather and to trust that any difference in production can be attributed to policy and human effort.

The uncertainty faced by the statistician is of course an even more serious problem for the individual farmer. Judging whether an innovation will pay off is difficult enough after the fact. To judge the payoff before the fact is virtually impossible. Not only may the penalty for error be large but also it may be compounded by the random effects of the weather. The risk is further heightened if the farmer has little experience with recommendations from agricultural experiment stations and if the farm agent transmitting the advice is new at the job.

For the planner the year-to-year fluctuations in farm production are equally troubling as he tries to decide what level of foreign exchange to allocate for imports or what provisions, if any, to make for famine relief. Does he dare to increase employment, and hence the demand for food, by pushing an agriculture-based strategy, knowing that it may be politically irreversible? The reduction of the uncertainties that are the bane of agriculture calls for an enormous investment. The size of the investment may, in view of the magnitude of the uncertainties related to weather alone, dissuade the planner from following a strategy based on agriculture in favor of another kind of strategy that is stable but provides a slower growth in employment and incomes for the poor and a correspondingly slow growth in the demand for food.

Many people in developed countries still do not understand that the demand for food in developing countries is not rigidly linked to the laws of human biology. For countries such as India the demand is in large part the product of policies determining the choice of development strategy and the rate of employment growth and hence the fraction of the total income that is in the hands of the poor. Out of additions to income the laborers who constitute the bottom 20 percent on the income scale in India spend 60 percent on grain and 85 percent on agricultural commodities in general. The people in the top 10 percent on the income scale spend only 2 percent of additions to income on grain. Thus the effective demand for food depends significantly on who is receiving more income. A high-employment strategy must be backed by a successful agricultural strategy.

The Indian election of 1971 is instructive on this point. In that year Mrs. Gandhi won a massive victory on the slogan of *garibi hatao*—abolish poverty. It was a slogan at least potentially appropriate to that year, when good weather and the green revolution combined for an extraordinarily large harvest. It proved not to be appropriate to the reality of the next five years, when the weather and external factors combined to stagnate agriculture and when the sharp decline in foreign assistance was retarding the growth of other sectors of the economy as well.

Thus there is a dilemma. On the one hand a strategy of growth oriented toward the reduction of poverty must, at least for a country of India's proportions, be based on accelerated growth in the agricultural sector. And that growth must be secured by countering fluctuations in the weather by a massive investment in assured irrigation and by certain access to foreign supplies of grain or the domestic storage of grain (with the consequent delay in the alleviation of poverty as the grain stocks are being built up). A strategy of poverty alleviation itself implies a political commitment and a restructuring of the political power base that cannot be reversed with a change in the weather.

On the other hand, a commitment to agriculture requires the allocation of resources on such a large scale as to preclude alternative strategies. India elected not to make a total commitment to agriculture in the late 1950's and early 1960's. Whether an agricultural strategy is chosen now depends on how the potential for success in agriculture is perceived; on the extent to which the world community chooses to assist in the realization of the agricultural potential and to provide guarantees against the vagaries of the weather; on whether the Indian world view sees national integrity and dignity as lying with alleviating poverty or with strengthening the sinews of heavy industry, and on the realities of whether political power will be maintained on the basis of appeal to a coalition of the highly organized upper-income civil-service class and the wealthy big-business interests or appeal to the less organized but more numerous poor. Hence the rate of growth in food production is an interactive result of a basic political decision and a choice of an overall strategy of development. Only after these decisions are made do the details of agricultural production strategy become relevant and operational.

The potential role of foreign assistance and other external factors in the choice of a development strategy is also illuminated by the events of this period. In 1965 foreign assistance represented more than 20 percent of India's gross investment. By 1972 that aid had dropped to zero in terms of actual net resource transfers, with a consequent sharp drop in real investment and in government revenues. After 1972 the total of foreign assistance increased again, but it increased by less than the huge, price-induced rise in the bill for imported food and oil. Thus just when crops were poor, the resources to finance the importation of food and the goods needed for development were sharply reduced. Compounding the problem, the grain stocks built in the first flush of the green revolution were wiped out by the temporary but heavy impact of some 10 million refugees from Bangladesh, of the enormous rise in grain prices following the dramatic move of the U.S.S.R. into world grain markets in 1973 and of the drought in 1974. It is no wonder that Mrs. Gandhi could not deliver on her promises and has had to reexamine the basis of her 1971 political strategy.

Not only are agriculture and income linked but also both are closely bound to population growth. It is still thought by many, particularly in developed countries, that the obvious way for a country such as India to win the food-population race is simply to reduce the fertility rate of its people. It is now clear, however, that the extent to which birthrates decline is a function of how broadly the population participates in economic and social benefits. And, for the reasons I have outlined, that participation is a function of the extent to which agricultural growth can be accelerated to meet the food

demands associated with a growth in employment.

It is now well documented that in economic systems providing broad participation, such as those in Taiwan, China, Sri Lanka (formerly Ceylon) and the state of Kerala in India birthrates may decline sooner and at lower levels of average income than one would have predicted from the experience of Western Europe and the U.S. Although family-planning efforts deserve credit for an important assist, there is little evidence to support the view that such efforts, even with subtle (and not so subtle) forms of persuasion, can succeed alone. Hence the paradox: more food production now is necessary for the decline in fertility that will reduce the pressures to increase food production later.

After more than two decades of gradual evolution in India and elsewhere the broad outlines of a successful rural strategy are clearly evident. What is less clear are the details of implementation and the probable quantitative successes of the strategy.

One can say with some confidence that India has the potential to accelerate its agricultural growth to a rate of 3.5 to 4 percent per year. Indeed, such estimates actually leave a margin for error and underfulfillment. To enumerate the requisites for such growth is to illuminate the risks and the underlying dilemma. The requisites fall into four categories: massive investment in irrigation, power and transportation; huge increases in fertilizer supplies; effective organization of agricultural research, and widespread improvement of institutions for rural development (including the difficult-to-orchestrate participation of the small farmer. Regionally the key to short-term success rests heavily in the states that lie on the fertile plain in the eastern downstream reaches of the Ganges. These, however, are the states with institutional foundations that are less well developed for agricultural growth than the average for the country. Politically the key to success is a decentralization of decision making, with all the risks attendant on building new bases of political power. The necessary reallocation of resources will weaken the political bond to traditional groups while creating the potential for support from new groups. It is no wonder that the simplistic advice of outside observers for raising production (for example "Get your prices right") is viewed with disdain by those wrestling with the actuality of achieving growth in agriculture in India.

The accelerated growth of Indian agriculture depends fundamentally on the development of new varieties of high-yielding crops. These in turn will provide their maximum benefits only with assured supplies of water and fertilizer. The transportation of fertilizer and other farm inputs, and the resulting increased output, calls for further investment in vehicles and roads.

The rapid increase in grain production in the late 1960's was achieved in large part through the expansion of irrigation, which required a big investment not only in conventional irrigation works but also in electric power to operate the pumps needed for well irrigation in the responsive wheat areas of the northwest. Comparable agricultural growth can be extended eastward on the Gangetic Plain with high-yielding varieties of rice, assuming that abundant groundwater resources are tapped to supplement the monsoon rains. If water is made available, an irrigated wheat crop can be planted after each rice harvest. That development is already in progress, proving its potential, but it has a long way to go. The added investment required will be even larger than the one made in the late 1960's. Even in that period large tonnages of potential wheat output were lost because of power shortages, particularly in dry years, when deficits of water curtailed the electric power for irrigation pumps.

The fertilizer requirements for the accelerated growth of farm output are also immense: annual growth rates of 15 to 20 percent, annual increments of 200,000 to 400,000 tons of nitrogen alone, representing hundreds of millions of dollars of investment per year, compounded at staggering rates. Such a prodigious investment for fertilizer may clash with the rest of the agricultural-growth strategy, let alone with a capital-intensive industrial-growth one. The alternative of importing fertilizer raises all the hard political questions presented by dependency on outside sources of supply. It is out of such enormously complex considerations that development dilemmas are made. Achieving high rates of growth in agriculture is not just a matter of knowing what to do to raise farm output; it quickly involves problems of national independence, guesses about the volume of aid that may be expected from other countries and sharp shifts in political constituencies and loyalties, depending on the growth strategy chosen.

If agricultural success in India, and elsewhere, depends fundamentally on new crop varieties, it is clear that they must be developed within the country for which they are intended. They can rarely be transferred from the very different conditions of California, Iowa, Mexico or the Philippines. India's peasants have evolved highly effective production and storage methods, well suited to India's wide diversity of environments. Successful change is not to be sought in changing the peasants' wise and perceptive minds but rather in changing the environment within which the peasants make their decisions. To effect such a change a complex institutional structure combining research and local services must be built. Great strides in filling this need were made in the late 1950's with assistance from the Rockefeller Foundation, which drew on experience gained from effective work in Mexico and elsewhere. The institutional structure needs further strengthening and continued interaction with such centers of excellence as the International Rice Research Institute in the Philippines. Unfortunately the structure is still weakest in the part of the rice area that has the greatest immediate physical potential.

The implementation of policies to spread new agricultural technologies requires a comprehensive system of institutions for distributing fertilizer, teaching new methods, providing credit, organizing knowledge of individual regions and marketing farm output. Such institutions must be staffed by trained personnel and are unlikely to work effectively unless farmers are literate enough not only to grasp and exploit what the institutions have to offer so that they perform effectively and efficiently but also to influence the institutions and the formally educated people who run them. Hence a broadly based educational system is also an important ingredient of agricultural growth. Although the number of boys aged six to 10 enrolled in the primary schools of India increased from 60 to 99 percent between 1951 and 1965, and the proportion of girls enrolled increased from 25 to 56 percent, the overall educational base remains narrow and continues to act as a brake on growth in farm output.

The task of effecting change is complicated by the fact that the farms accounting for a fourth of the agricultural land in India are smaller than two hectares (five acres). The very small farmers are poor and are wary of experimentation. If they can be persuaded to innovate and if they are serviced with the necessary institutions, however, they are at least as effective in their use of fertilizers, pesticides and water as farmers with larger holdings. Carrying the message of new technologies to the small farmer and integrating them into the credit, marketing and educational institutions also require a costly investment in trained personnel.

India has gone far in two decades, in building farm-centered institutions, in experimenting with community development, in creating the Intensive Agricultural District Program and the Small Farmers' Development Agency, in establishing cooperative credit unions and rural banks and more. The substantial success of such ventures provides a firm case for optimism. There is nonetheless still much to be done, and it requires time and the careful assignment of priorities at a high level in the society. The success of the past effort must be seen in the perspective of an initially very low base of accomplishment at the time of independence, and the scale of that effort is indicative of the additional effort needed if the large remaining potentials of Indian agriculture are to be realized.

The region with probably the greatest potential for agricultural growth lies on the eastern Gangetic Plain, where four principal states produced 22 percent of India's grain in 1970–1971 while accounting for only 10 percent of the country's consumption of nitrogenous fertilizer. The region is richly endowed with groundwater. The principal brake on its agricultural growth has been its failure to develop adequate institutions of the type I have been describing.

In West Bengal, a key state in the region, much of the land is held by a system of petty landlords that probably inhibits the institutional development crucial to agricultural modernization. The landlords typically each own an average of about four hectares, worked by three or four tenants and their families. There are of course a great many landlords. In neither a Western-style democracy nor a more centralized regime is a landlord class of this size to be treated lightly in the political process. Can it be reformed now by legislation securing tenancy and fixing rents? Is a more radical land reform possible? Can production be increased without reform? If production increases, will underlying social tensions become so exacerbated as to upset the political stability necessary for continued gains? The questions are familiar to those in power. The answers come easily—to those without responsibility for the consequences. From such complexity arises indecision that is all the greater when the resources are so limited and the political risks so great.

Beyond the political problem lies the uncertainty about how best to build institutions: by extension of the better institutions from other states or by the slower and more acceptable process of reforming existing structures within the state. If it is the latter, one must work with the full knowledge that the present structures are deficient precisely because of the flaws in existing political and institutional relations.

In the face of such complexity and uncertainty, what may one expect for a growth rate in Indian agriculture? If irrigation expands at the high rate of the period 1961–1968, if the use of fertilizer expands at nearly as high a rate as it did in the same period, if agricultural researchers come up with the improved varieties and practices, particularly for rice, that are essential to the profitable application of irrigation and fertilizer, if the efforts to reach the small farmer succeed, then a growth rate approaching 5 percent is plausible. If the 3.3 percent growth rate of 1965 to 1971 qualified as a green revolution, 5 percent is a grand prospect indeed. If one makes a somewhat more conservative estimate of the response to the physical inputs, say the actual response of

the 1950's, the agricultural growth rate should still reach 4 percent. The underlying quantities projected for each of the inputs are reasonable; that they should all be achieved simultaneously is perhaps not. With allowances for shortfalls a growth rate of 3.5 to 4 percent seems a safe projection. Such a growth rate in agriculture is consistent with an overall strategy that would provide accelerated growth in industry and a broadly participatory pattern of development. An increase in food-grain production of half a percentage point may seem small, but it is not when it is applied to such a large and basic sector or when it is seen in terms of the actual improvement in diet and reduction in human misery.

One can see that the extent to which India accelerates agricultural production is in large part a political choice involving both internal and external considerations. Four aspects subject to foreign influence are of importance.

First, assistance in the form of grain or credits can ensure basic supplies of food in the face of fluctuating weather conditions and lags in production. Such a food-security system, backed by the international community, may encourage the shift to a rural, employment-oriented strategy.

Second, foreign technical assistance in research, education and many other aspects of rural development can lessen the constraint on growth that would otherwise be set by the shortage of trained personnel. The level of assistance must be skillfully measured because the objective is to accelerate the immediate performance of the needed tasks without delaying India's long-term capacity to perform the tasks by itself. Since India now has the basic agricultural institutions in place and a large corps of highly skilled and experienced administrators, it is quite able to effectively absorb assistance in clearly defined technical areas.

Third, financial assistance on a major scale can not only relieve the capital requirements of rural growth but also meet the crucial need for foreign exchange while the Indian economy adjusts to the more favorable environment for the export of labor-intensive modern industrial and processed goods, which is implicit in the new strategy.

Fourth, and perhaps most important, is an international environment that gives first priority to the humane aspects of development rather than to gaining short-term political advantages in the arena of great-power politics. Although in the long run the rural-oriented strategy has a greater potential for faster growth than the alternative urban-industrial strategy, in the short run it calls for a greater dependence on others for food, fertilizer, technology and capital. Certainly the sharp decline in net foreign aid to India from $1.2 billion in 1965 ($2.63 per capita) to essentially nil in 1972 argues against increased dependence on Western countries and hence for a more cautious, narrowly based and inward-looking approach to growth. Political success tends to be judged on the short run, and politicians frequently choose strategies of growth that maximize short-term security at the expense of long-term security. Before other countries judge India's decisions they should examine their own short- and long-term priorities. It is not only the world view of India's leaders that is being tested.

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NEW APPAREL CENTER OPENS IN CHICAGO

Mr. PERCY. Mr. President, I would like to take note of a new contribution being made in Illinois to the economic well-being and quality of life of the American people. On January 22, the 25-story Apparel Center opened in Chicago just down the street from the city's world-famous Merchandise Mart. This retailing complex, built at a cost of over $50 million, is surely the most exciting and architecturally innovative modern merchandising center in the world. There are 1,000 manufacturers and agents represented in the physically striking 2.2 million-square-foot structure. Retail buying is simplified as 4,000 collections of men's women's, and children's wear are housed within 1 structure. Buying amid the largest grouping of manufacturers assembled in any one complex can be accomplished more efficiently and effectively than running from building to building in a large metropolitan city.

The new Apparel Center already has a 95-percent full occupancy and is an economic boon to Chicago and the entire Midwest. For years Chicago has been the center of wholesale sales in the carpeting, housewares, and contract—nonresidential—furnishings industries.

Within the metropolitan area there are over 11,000 wholesalers selling $45 billion in goods annually. Now new enterprises are expected to develop as fashion merchandising sales add to the city's international and national importance in this field.

In a January 24, 1977, article on this subject, the New York Times quotes Jerry Silverman, a tenant of the new Apparel Center and the president of a major New York manufacturing concern, as saying that this new marketing center would even benefit New York apparel producers. Thus the sales activity generated by the Apparel Center will lead to increased manufacturing and more jobs for those involved in fashion merchandising.

Mr. President, the opening of the new Chicago Apparel Center is an event of great significance. It reaffirms the importance of Chicago and the Midwest as a leading retailing center of the Nation. It also indicates the continuing economic vitality of Chicago and shows confidence in the future of the central city. It is a tribute to the strength and vitality of the apparel industry.

I ask unanimous consent that the New York Times article of January 24, 1977, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHICAGO'S APPAREL CENTERS MAY CUT INTO NEW YORK BUSINESS

(By Rita Reif)

CHICAGO.—The Apparel Center, a two-towered, $50-million plus complex built by the Joseph P. Kennedy family in the shadow of its massive Merchandise Mart here, is expected to propel this city to a top position nationally in fashion merchandising. But the mart, which opened here Saturday, may also adversely affect New York and other cities.

"It's the most modern and visually arresting retailing complex in the world," Jerry Silverman said enviously, echoing the opinions of his colleagues on New York's Seventh Avenue. "I only wish New York, which is still the nation's fashion capital could offer its equal."

Mr. Silverman, president of the manufacturing concern that bears his name and of the Fashion Capital of the World promotion for New York, is one of 1,000 manufacturers and agents represented in the 2.2-million-square-foot structure that houses 4,000 collections of women's, men's, children's and boys' wear.

The boxy fortress of a building is windowless from the ground up through its lower 15 floors of showrooms and an exhibition area, all heated by the light that illuminates these sprawling spaces.

One of the towers is topped by a 10-story, 527-room, glass-framed Holiday Inn. The hotel, now described by the chain as its design flagship, was completed by Skidmore, Owings & Merrill, architects of the entire complex, under the direction of Richard Smith. It boasts the building's only windows, opening on a serene, tree-filled interior lobby-courtyard where guests dine under umbrellas surrounded by Amish quilts that decorate the walls.

Mr. Silverman expressed regret as he acknowledged that the mart is bound to "nibble a bit from New York, Dallas and Los Angeles." But, he said, it is obvious that, for the retailer, shopping would be easier there than anywhere else. And, he added, New York producers in the mart would benefit from its sales activity.

Mollie Parnis, another tenant, is certain that the cost to New York and its hotels, restaurants and theaters, will be "in the millions." "It just breaks my heart," she said, conceding that despite her reluctance, she too had taken a showroom, her first such move away from New York. "It just means fewer and fewer people are coming to New York," she continued.

For Chicago, however, the 25-story addition to the Kennedy family's holdings on Wolf's Point—the early 19th century trading-post site from which the city grew—promises long-awaited economic dividends, after a decade of erosion of the city's position as a marketing center.

Of course Chicago is still the dominant wholesale sales center in the carpet, housewares and contract (non-residential) furnishings industries. There are 11,400 wholesalers in all fields in its metropolitan area who sell a total of $45 billion in goods annually. But the city has lost its pre-eminent sales position in major appliances and residential furniture.

Now the Apparel Center promises to woo buyers—albeit from a different industry—back to down town Chicago, increasing business in its hotels, stores and restaurants. To accomplish this, the Apparel Center has not only assembled the largest number of manufacturers shown in any single complex, but has also induced some top style leaders and giant manufacturers to lease space at $9.50 a square foot, a higher rate than most are paying in New York.

According to Harry Finkel, leasing director and a top executive at the Merchandise Mart, about 95 percent of the showroom space has been leased.

Among the hundreds of tenants are Donald Brooks, Abe Schrader, Clovis Ruffin, Albert Nippon, Bonnie Cashion, Givenchy, Pierre Cardin, Gloria Vanderbilt, David Crystal, Kimberly and Originala. Many, including Mr. Silverman, are already complaining that they need more space and cannot get as much as they want.

Mr. Finkel insists that the Apparel Center is not an attack on New York's Seventh Avenue. But, he concedes the mart will undoubtedly affect New York.

"Store buyers have already been told by their managements that they should make fewer trips to New York and cut the time they spend there," he said. Because of this he said, his leasing staff is prepared to give all the reasons buyers will now be coming five times a year to Chicago.

Here, he said, it takes two or three days to do in one building what it takes a week or more to accomplish in New York. For the buyers who live close enough to Chicago to drive in, there is a garage at the center awaiting their convenience. This means, too, that a store's expenses for a day or two at market are drastically reduced from, for instance, the tabs run up when buyers travel by air to New York, Dallas or Los Angeles.

The buying potential in the Midwest has yet to be fully tapped, Mr. Finkel insisted. He said that government statistics show that 19 percent of the nation's population lives within 300 miles of Chicago and 33 percent lives within 500 miles.

The figures also show that wholesalers within 500 miles of Chicago sell $145 billion, or 31 percent of the United States total, he said. And, he pointed out, in 1975, retail sales for the Great Lakes and Plains regions increased 14 percent above the national average.

EFFECT OF GENOCIDE CONVENTION ON U.S. FOREIGN RELATIONS

Mr. PROXMIRE. Mr. President, over 30 years ago, the United States took the lead role in drafting the Genocide Convention on human rights. In the 27 years since President Truman submitted the Genocide Treaty for ratification, the Senate has not once voted on the merits of the Treaty.

This lack of action has a particularly adverse affect on U.S. foreign relations. World opinion of the United States' commitment to human rights becomes very questionable when the rest of the world observes us taking a very lax attitude. Charles W. Yost, former U.S. Representative to the United Nations, considered the convention to represent a "position of unique symbolic importance as an act of worldwide condemnation of what is perhaps the most dreadful crime men commit."

Mr. Yost explained that a fundamental American principle is at stake. That principle states "that whatever evils may befall any group or nation or people are a matter of concern not just for that group, but rather for the entire human family. These principles and human feelings lie very deep in the American tradition, and indeed express our Nation at its best."

Mr. Yost concluded by saying that "to remove such a needless source of ambiguity and confusion from our foreign relations would not fail to serve the interests of the United States."

Mr. President, it is very difficult to comprehend why the United States would fail to take a stand on this issue. This is an extremely unfortunate situation in which we find ourselves. I will continue to pursue this matter until ratification of this important treaty has been accomplished. I encourage all the Members of this body to act swiftly in ratifying the Genocide Convention.

DEVELOPMENT OF OIL SHALE

Mr. HANSEN. Mr. President, at the risk of being called another "I told you so'er" and criticized for advertising my prior warnings of the energy crisis, I would like to repeat a few remarks I made in this Chamber exactly 10 years ago.

This was, in fact, my maiden speech in the Senate, as I pointed out that day, February 2, 1967.

My subject that day was the development of oil shales and the highly important minerals that have been found in conjunction with these oil shales in the States of Colorado, Utah, and Wyoming.

Without burdening my colleagues with all of the details of the remarks I made that day, I will quote only a few to emphasize what some of us have been saying about the need for an energy policy for a good many years:

Mr. President, turning from the question of imports for a moment, we are confronted with a serious decline in our own domestic energy producing capabilities. In contrast to the phenomenal growth of the oil industry in foreign countries, our domestic drilling for oil has fallen off by 41 percent in the past decade and our oil finding success ratio is the lowest it has been in 30 years. Our ratio of domestic reserves has declined accordingly. In 1950, the ratio of reserves to production in the United States was 13.6 to 1. Last year, it was only slightly more than 12 to 1. This steady decline of exploration in this country has reached a point where annual consumption of petroleum products exceeds new reserves found.

In pursuing this course we have enabled many foreign countries to operate without any national debts and we have greatly increased our own balance-of-payments and deficit problems.

The net effect of this combination of circumstances is that our Government has exposed our Nation to the whims and demands of foreign oil producing countries. This exposure is doubly serious in light of the fact that energy is, of course, the key to our complex industrial economy.

We have, by our own practices, and by the lack of any comprehensive policy, placed a club in the hands of foreign countries and this club is being used more and more effectively on a daily basis.

Mr. President, continuing my assessment of the need for a positive national policy, I continued:

The U.S. petroleum industry showed a trade deficit of $649 million in 1964, nearly 75 percent more than in 1960. During 1960 to 1964, exports remained level while imports rose by over $300 million. The petroleum industry imported some $1,080 million worth of crude oil in 1964 plus another $590 million of refined products. Projections up to 1975 indicate that the trade deficit in the petroleum industry will continue to rise with estimates up to $1,702 million of trade deficit by 1975.

Earlier, I indicated the dominant role played by just seven companies in the rapid increase of oil production in foreign countries. These seven companies paid $2,451 million to foreign governments in 1965. The percent paid to foreign governments rose from 50 to 65 percent in the 8-year period, 1957–65.

In light of the growing competitiveness, indeed of the growing hostility, on the part of foreign governments whose countries produce vast quantities of petroleum or aluminum minerals, I believe that it is high time our own country, the United States, reassess its position in the world marketplace and take immediate steps to increase our competitiveness for the years ahead. Instead of simply reacting to circumstances as this government has been wont to do in the past, we should now act affirmatively by establishing a comprehensive and thoughtful policy which considers the needs of our industries and provides for the full development of our great natural resources.

Mr. President, the U.S. trade deficit in 1976 was more than $9 billion and is expected to widen to $15 to $18 billion in 1977.

U.S. exports could not overcome imports of about $35 billion in crude oil, LNG, and refined oil product imports.

The OPEC price of oil is 10 percent higher this year and oil imports continue to increase.

There seems at last to be some urgency on the part of Congress to enact an energy policy now that the full impact of a gas shortage along with a severe winter has brought the wolf to the door.

Another oil embargo at the same time would be a national disaster if the gas shortage alone is not.

It remains to be seen whether this great deliberative body can rise to the occasion of developing a truly comprehensive national energy policy or procrastinate and quibble for another 10 years. Our Nation can ill afford another decade of inaction.

I thank my colleagues for their indulgence in my remarks of 10 years ago.

WORLD HUNGER

Mr. CRANSTON. Mr. President, Lester Brown who is the president of World Watch Institute wrote a timely article which appeared in the New York Times concerning food shortages and international food reserves. He pointed out that "twice during this decade food shortages have been followed by severe nutritional stress and loss of life," and later emphasized that "without adequate food reserves, the international community has lost the will and the wherewithal to effectively respond to crop shortfalls in individual countries."

Mr. President, I would like to share the rest of the article with my Senate colleagues and ask unanimous consent that Lester Brown's article entitled "Hunger" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUNGER

(By Lester R. Brown)

WASHINGTON.—A moderately successful grain harvest this fall may lull world leaders into a false sense of security over the world food situation. Few realize that even this year's promising crop will do little to rebuild depleted grain reserves.

Recently available data for death rates during the food-scarce years for Bangladesh, India and several African countries underscore the urgency of rebuilding food reserves. As food prices rose, in a situation of scarcity, so too did death rates, taking a heavy toll among the poor, young and elderly.

The impact of global food security on Bangladesh is particularly harsh. Like most poor countries, Bangladesh does not have good vital statistics, but the International Cholera Research Laboratory has kept meticulous birth and death records for Matlab

Bazar, the largely rural district in which it is situated.

Twice during the decade food shortages have been followed by severe nutritional stress and loss of life. Daily per-capita cereal consumption fell to near-starvation levels in 1971 because of adverse weather and the war with India. The death rate for Matlab Bazar jumped by 40 percent; accepting a Ford Foundation team's assumption that it is a representative district, an extrapolation for the entire country indicates an additional 427,000 deaths.

After two good crop years, extensive flooding caused the harvest levels to fall again. A Bangladesh representative at the 1974 World Food Conference, in Rome, implored the international community to come to his country's aid. But because additional food-relief exports would have further raised food prices in the supplier countries, the response was belated and inadequate; consequently, Matlab Bazar's death rate climbed again, this time suggesting a nationwide increase in deaths of 333,000.

Bangladesh has suffered in company. In 1972, uncommonly poor harvests in several key countries led to an absolute decline in world grain production of 3 percent. The Soviet Union imported nearly 30 million tons of grain, tying up most of the world's exportable wheat supplies. United States crop levels sank below average, and the Indian subcontinent reaped one of its poorest harvests in years.

Unable to obtain enough food from abroad, India stood by helplessly while food consumption dropped. Poorer Indian states were the most severely affected; death rates climbed in Bihar, Orissa and Uttar Pradesh in 1972, claiming about 829,000 lives. Nationwide, the toll was far greater.

Outside Asia the sheer numbers of people caught in the often fatal food squeeze were fewer, but the plight of the hunger-stricken groups was, if anything, worse. The drought in the Sahelian zone of Africa had fastened its grip well before the outside world finally began to take notice in mid-1973. According to testimony before Congress, perhaps 100,000 to 250,000 lives were lost—no one will ever know for sure.

An equally grisly crisis was unfolding in the mountains of Ethiopia. There, the famine became even more serious as efforts were made to keep it a secret from the outside world. One of the most costly, life-consuming cover-ups in history, the Ethiopian disaster eventually claimed some 200,000 lives.

Wherever acute food shortages have occurred, their demographic effects have followed a common pattern. The countries most devastated by food scarcity were the poorest ones, and, within these, the poorest groups—landless laborers in Bangladesh, those in India's poorest states, nomads in the Sahel—have paid the highest price.

Without adequate food reserves, the international community has lost the will and the wherewithal to effectively respond to crop shortfalls in individual countries. The world community, led by the United States, was able to stave off major famine during the 1950's and 1960's, most notably in India during 1966 and 1967, when the United States shipped one-fifth of its wheat crop there. Unfortunately, without adequate reserves large-scale unilateral rescue efforts of this sort are no longer possible.

Only the United States, with its tremendous production and export capacity, can take the lead in establishing an international food reserve. Led by the Department of Agriculture, we have dragged our feet during the two years since the Rome conference, often squabbling over details. The human cost of inadequate reserves has now been documented. A world without food reserves is a dangerous place for the poor.

CONSERVATION ENERGY

Mr. PERCY. Mr. President, the February 1 issue of the New York Times contains an exceptionally insightful article entitled "Cheaper Warmth" by Roger Sant and Jim Cubie. The article recommends conserving energy through utility company programs to insulate the homes they service. It also calls for broad new roles for the utilities to play in our society.

These programs and new roles make sound economic sense and should be encouraged. We can tap a vast source of energy by using "conservation energy"—the energy we can produce by employing more efficent technology in everyday life. "Cheaper Warmth" describes a practical example of how we can exploit conservation energy.

It is hardly surprising that such experts as Messrs. Sant and Cubie have written such a fine article.

Both writers, who are well-known experts in the energy field, know we simply cannot afford to continue consuming energy in the huge ever-growing quantities we use today. The Conservation Energy Institute, knowledgeable experts and commentators, and citizens throughout the Nation can all help to provide relief from our energy woes through programs similar to that referred to in this article.

Mr. President, I urge "Cheaper Warmth" as timely and excellent reading for legislators and citizens, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 1, 1977]

CHEAPER WARMTH

(By Roger Sant and Jim Cubie)

WASHINGTON.—The case for increasing energy conservation has been made repeatedly. Experts in and out of government agree that it costs about half as much to save a barrel of oil or the equivalent amount of electricity or natural gas as it does to produce similar amounts of new energy.

Implementing all proved money-saving energy-conservation investments in residences, commercial buildings and industrial plants could save the equivalent of 30 to 50 percent of the total expected energy demand for 1985.

The problem is that few such investments are actually taking place. Conservation these days is just another good idea, but not producing any results.

To change this situation, we make the following proposal:

Energy-conservation measures should be placed on an equal footing with energy-production investments. For electricity and gas, this means that the private utility would propose, and the public utility commission would agree, that every home, for example, in a given area should have storm windows and the equivalent of 12 inches of insulation in the attic as long as the cost of the insulation and storm windows is cheaper than the cost of new gas or electricity—as it clearly is now. The costs of implementing this program would be estimated on a per-kilowatt-hour or per-unit-of-natural-gas basis. This amount would be added to the utility bill of all energy consumers.

In the next five years, the local public utility would insulate every home in its service area to specifications accepted by the public utility commission. The insulation and storm windows would be as "free" as a new power plant—that is, no one would pay for it as it was put in.

The local utility, using contractors, would do the insulation work, just as it now changes electric or gas meters. In a given week, all the houses in a certain neighborhood would receive the insulation and storm windows. Any person who had already made these investment would receive a credit for the economic life of the investment.

The insulation and the storm windows would remain a part of the utility's rate base for a determined period of time or until they paid for themselves in energy savings. And since the utility would be buying in such large quantities, the cost per house would be much cheaper than if the home owner did the work. (There should be no offsetting labor-cost inflation because there is such a surplus of construction labor.) Similar examples can be given for industrial and commercial customers.

This approach to implementing energy-conservation investments clearly has significant advantages:

1. It is cheaper than building new nuclear or coal power plants or producing new natural gas.

2. It overcomes, without changing rates, the existing bias against energy-conservation investments.

Energy-conservation investments are now made only when the investment is cheaper than the average cost of new (expensive) and old (cheaper) energy.

But, new production investments are made in comparison only to other new (expensive) energy-production investments. This difference is crucial when you realize the average cost of energy is now roughly half the cost of new energy.

3. It is easier to implement than convincing millions of individuals that they should save energy, especially when they are not paying the full cost of new energy.

4. Reasonable estimates of how much energy will be saved can be made, and public-policy decisions based on them.

Now, why is it, with all these advantages, that this proposal is not now being carried out by our nation's utilities? The reasons appear to be conceptual rather than institutional and could easily be overcome if we were to adopt three simple principles.

First, we must think of utilities as energy utilities, and not as electricity or natural-gas utilities. Second, we must understand that saving energy is just another form of energy production. Third, the energy utility should be required to propose to the local public utility commission the most economically efficient method of producing (or saving) a given amount of energy and implementing the investment.

This proposal is obviously a very rough outline of a new notion. A number of details must be worked out, but there appears to be no serious legal or regulatory hurdles.

Certainly, if it is reasonable and feasible to build hundreds of expensive, and environmentally threatening, power plants, is it not also reasonable to finance and implement energy-conservation investments through the public-utility structure?

COMMONSENSE AND COMPASSION ON VIETNAM

Mr. McGOVERN. Mr. President, I have nothing to add except "Amen" to a moving appeal for commonsense and compassion in our subsequent actions to heal the wounds of the Vietnam war. This appeal sponsored by some of our finest

citizens appears in the New York Times on Sunday, January 30, 1977. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the appeal was ordered to be printed in the RECORD, as follows:

[An advertisement in the New York Times, Jan. 30, 1977]

VEITNAM: A TIME FOR HEALING AND COMPASSION

After 30 years of war, peace came to Vietnam in 1975. Some Administration leaders had argued that the war must continue because, if the United States gave up, a bloodbath would ensue in which "our" Vietnamese would be slaughtered. In fact, almost all the Vietnamese who worked for the Saigon regime, and who remained, have by now returned to their families and are pursuing normal lives. Peace has come to Vietnam without any bloodbath and without any cruel policy of reprisal. It is time for Americans of good will to recognize and applaud this achievement. It is time for Americans to insist that our government adopt policies that will bring the fruits of genuine peace to the people of Vietnam who continue to suffer from the lingering effects of the war. Such policies will also help bring peace of mind to those many Americans whose anguish cannot end until our government begins to behave with decency and generosity. A new year and a new administration give us fresh hope that initiatives of good will can be quickly undertaken.

In the weeks ahead our government should take the following steps to normalize relations with the sovereign state of Vietnam, to satisfy our nation's duties to the Vietnamese people and to deal justly with the American victims of the war:

1. The President should open direct negotiations between Washington and Hanoi on all outstanding issues;

2. The President should support the admission of Vietnam to the United Nations;

3. The President should lift the embargo on American trade and travel to Vietnam;

4. The President should extend diplomatic recognition to the government of Vietnam and enter into full diplomatic relations at the Ambassadorial level;

5. The Congress can provide substantial economic aid for the reconstruction of Vietnam as promised by agreement and in the spirit of our generous policy after other wars;

6. The Presidential pardon must be extended to military deserters and to recipients of less than honorable discharges during the Vietnam era;

7. The treatment and programs directed at Vietnam era veterans must be reviewed and improved.

(*Write or wire your Representative, Senators and President for the implementation of the above program.*)

A program of this kind if fully implemented in good will, would put the Vietnam war really behind us. One pretext for not going ahead with this program is the allegation that the Vietnamese government is guilty of human rights abuses. We have examined these charges and find them to be based on distortion and exaggeration.

True, some Saigon collaborationists have been detained in reduction centers, perhaps 40,000 at present. But such a number is surprisingly small considering the several million Vietnamese involved in Saigon's war effort. It is well to recall the savagery with which the Saigon regime pursued its war policy before condemning the new Vietnam leadership for taking steps to punish and re-educate the worst wrong-doers. Many of those detained engaged in crimes against their own people including rape, murder, torture, bribery and extortion. On balance consider the terrible difficulties left behind by the war and made worse by America's continued hostility. The present government of Vietnam should be hailed for its moderation and for its extraordinary effort to achieve reconciliation among all of its people.

We share the view that American citizens should be gravely concerned about abuses of human rights, whether they occur in our country or abroad. This concern is especially appropriate where our government supports a foreign regime that is engaged in flagrant abuse of its own people—abuses including systematic torture. But Vietnam presents a very different case. The present suffering of the Vietnamese people is largely a consequence of the war itself for which the United States bears a continuing responsibility.

Aside from the enslavement of Black people and the near-genocide of the American Indian, our role in Vietnam is the darkest page in the history of America. Vietnam today calls for understanding not accusation, for reconciliation not continuation of American enmity.

We appeal for action now!

James Armstrong, Bishop, United Methodist Church.*

Richard Barnet, Co-Director, Institute for Policy Studies.*

Norma Becker, Chairwoman, War Resisters League.*

Atlee Beechy, Menonite Central Committee.*

Robert McAfee Brown, Professor, Union Theological Seminary.*

Robert S. Browne, Director, Black Economic Research Center.*

Mrs. Eleanor Brussel, Educator.

David Dellinger, Seven Days Magazine.*

Prof. Richard A. Falk, Milbank Professor of Law, Princeton University.*

Howard Frazier, Executive Director, Promoting Enduring Peace.*

Rev. Stephen H. Fritchman, Unitarian Minister.

Don Luce, Co-director, Clergy and Laity Concerned.*

John McAuliff, Coordinator, Appeal for Reconciliation.*

Paul F. McCleary, Executive Director, Church World Service of the National Council of Churches.*

Grace Paley, Author.

Dr. Paul Sweezy, Co-editor, Monthly Review.*

George W. Webber, President, New York Theological Seminary.*

Cora Weiss, National Coordinator, Friendshipment.*

Corliss Lamont, Author, Coordinator, P.O. Box 42, New York, N.Y. 10025.

*Organizations listed for identification purposes only.

PROTECTION OF CERTAIN COLLECTIVE BARGAINING AGREEMENTS

Mr. INOUYE. Mr. President, I ask unanimous consent that my name be added as a cosponsor to S. 528 which was introduced by Senator WILLIAMS for himself and Senator JAVITS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. That bill would require an employer who assumes the ownership or operation of a business to honor the terms and conditions of a collective bargaining contract.

As a consequence of a 1974 Supreme Court decision—*Howard Johnson v. Detroit Local Board Hotel and Restaurant Employees and Bartenders Union*, 417 U.S. 249 (1974)—union employees who successfully negotiate a collective bargaining agreement cannot be entirely secure in the knowledge that its terms and conditions will protect them for the full term of the contract, if that business is sold during the life of the contract.

All the new owner need do is terminate the employment of a majority of the employees, and he will not be obligated to fulfill any of the conditions of the collective bargaining agreement with respect to the remaining employees.

What makes this result especially inequitable, in my judgment, is that the new owner may do this even though the business continues without interruption at the same location, offering the same products and services to the same public, under that same name and in the same manner, with almost the same number of employees.

I believe the Supreme Court's interpretation of the law could give rise to serious consequences. It could place a premium on firing union employees; or as to employees who retain their jobs, they may find themselves stripped of pension rights, and confronted with drastically reduced income, fringe benefits and, of course, seniority.

Either of these results is, of course, completely contrary to social policy and the letter and spirit of the Federal labor laws, and cannot be tolerated.

In its decision the Supreme Court indicated that it would welcome congressional guidance in this very clouded area.

I believe S. 528 would provide that guidance and is therefore in the public interest.

COMPUTER SECURITY IN FEDERAL PROGRAMS

Mr. RIBICOFF. Mr. President, on May 10, 1976, as chairman of the Senate Government Operations Committee, I directed that a preliminary staff investigation be initiated concerning problems associated with computer applications in Federal programs. The investigation placed special focus on the capability of the executive branch to secure its computer systems against compromise, unauthorized access and physical damage.

In connection with the preliminary staff investigation, a committee print, "Problems Associated With Computer Technology in Federal Programs and Private Industry," was issued June 21, 1976.

Today, for myself and Senator CHARLES H. PERCY, the ranking minority member of the committee, I am announcing the issuance of a staff study entitled, "Computer Security In Federal Programs."

The staff study demonstrates that the executive branch has neglected to take adequate steps to secure its computer systems. The staff study shows that computer security problems are especially prevalent in civilian agencies whose computer systems are involved in the disbursement of public funds, economically valuable data and privacy information.

At the committee staff level, the investigation was conducted by Fred Asselin, an investigator on the committee who is now on my personal staff; and

Philip R. Manual, an investigator on the Senate Permanent Subcommittee on Investigations who is detailed to the full committee.

Mr. President, I ask unanimous consent that my memorandum of transmittal referring the staff study to other members of the committee, the introduction of the staff study, and the staff study's findings and conclusions and recommendations for corrective action be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: Members of the Senate Government Operations Committee.

From: Senator Abe Ribicoff, chairman.

This staff study by the Senate Government Operations Committee staff addresses several problems associated with computer programs in the executive branch.

Of significant interest are problems having to do with personnel security, the awarding of federal contracts for computer services to commercial firms and strengthening the integrity of the Internal Revenue Service computerized tax return system.

In addition, the staff sought to provide information on how federal agencies secure computer systems that are involved in the disbursement of public funds, economically valuable data and personal privacy data.

The Government Operations Committee has been assured by the Office of Management and Budget, which has fiscal and policy control over computer operations in the executive branch, that this staff study will be given careful review and a response to issues raised in the staff study will be submitted to the Committee.

It is also noteworthy that OMB Director Thomas Bertram Lance, when he came before the Committee for his confirmation hearings January 17, 1977, discussed the computer issue and the staff study.

I asked Mr. Lance this question:

"The Office of Management and Budget has fiscal and policy control for computer operations in the executive branch. On May 10, 1976, the staff of the Senate Government Operations Committee began a preliminary investigation regarding problems in federal computer operations. A Committee Print entitled "Problems Associated With Computer Technology in Federal Programs and Private Industry" was issued June 21, 1976. The investigation went forward and resulted in a staff study being written entitled "Computer Security in Federal Programs." The Government Printing Office now has the staff study and it will be made public as soon as it is printed and returned to us, which should be in a few days. It is my understanding that my staff has briefed your staff on the substance of the study and provided certain sections of it to you, including the findings and conclusions and recommendations for corrective action. On the basis of this information, what is your initial response to the staff study and do you contemplate any corrective actions as proposed by the staff?"

Mr. Lance replied:

"I have received the staff study mentioned in this question and presently have it under review. The central point made by the study—that the security of federal computer operations, particularly in such areas as distribution of public funds and highly private or economically valuable data should be improved—is, in my judgement, useful and valuable.

"I believe that the primary responsibility of establishing such safeguards in federal computer operations rests with the relevant departments and agencies. OMB's role can be both to insure that the executive branch is aware of important issues in this field and periodically to review procedures to insure security of information. Studies like the one you have forwarded to me are certainly helpful in alerting us to the most significant problems. After the study has been reviewed, appropriate actions will be taken to implement pertinent recommendations for corrective action in accordance with OMB's role as outlined above."

I found Mr. Lance's response to my question to be most satisfactory. Moreover, the Committee has been assured that OMB will provide a more detailed response to the staff study as one of its early priorities for 1977. It will be my intention to insert OMB's more detailed response in the Congressional Record or to reprint it in the form of a Committee Print. The Committee may then wish to initiate further actions in this area.

I. INTRODUCTION

In April and May of 1976, the Financial and General Management Studies Division of the U.S. General Accounting Office (GAO) issued three reports on problems associated with computer technology in Federal programs.

The first report, dated April 23, 1976, was entitled "Improvements Needed In Managing Automated Decisionmaking By Computers Throughout The Federal Government."

"Computer-Related Crimes In Federal Programs" was the title of the second GAO report. It was dated April 23, 1976.

May 10, 1976, was the date of the third report, "Managers Needed To Provide Better Protection For Federal Automatic Data Processing Facilities."

Each of the reports was delivered as they were made public to Senator Abe Ribicoff of Connecticut, the chairman of the Senate Government Operations Committee. The General Accounting Office, as an investigative and auditing arm of the Congress, submits its Reports to Congress to the Senate and House Committees on Government Operations, the President pro tempore of the Senate and the Speaker of the House. The GAO Reports to Congress are then made available to other interested congressional committees, Senators, and Representatives and the press and, upon request, to other parties.

On May 10, 1976, as chairman of the Senate Government Operations Committee, Senator Ribicoff announced in Senate remarks that the committee staff would begin a preliminary investigation concerning issues raised in the three GAO reports on computer problems.

The preliminary staff investigation was to examine problems associated with computer technology in Federal programs and private industry. Senator Ribicoff directed that the inquiry focus specifically on the two major issues raised in the GAO reports, computer crime, and computer security. To conduct the preliminary staff inquiry, Senator Ribicoff assigned Fred Asselin, a committee investigator, and Philip R. Manuel, an investigator from the Senate Permanent Subcommittee on Investigations detailed to the full committee.

On June 21, 1976, the Senate Government Operations Committee issued a 447-page committee print entitled, "Problems Associated With Computer Technology In Federal Programs and Private Industry."

The committee print contained the three GAO reports on computer problems, as well as articles selected at the committee's request by the Science Policy Research Division of the Congressional Research Service of the Library of Congress. The articles were selected by the Library of Congress to provide Senators with the views of experts in the field of computer technology in connection with computer abuses and computer security.

Also included in the committee print were articles selected by the committee staff reflective of a broad range of computer-related problems.

Meanwhile, the preliminary staff investigation, begun May 10, 1976, continued. The staff assembled sufficient information on computer security and computer crime in Federal programs and private industry to lead to a preliminary finding that serious problems did exist. In light of that staff finding, Senator Ribicoff directed that this staff study be issued.

The jurisdiction of the Government Operations Committee to conduct this investigation is spelled out in rule XXV of the Standing Rules of the Senate.

Rule XXV asserts that the Senate Government Operations Committee has the responsibility to receive and examine reports of the General Accounting Office and to recommend to the Senate corrective actions which may be called for as a result of information obtained by the GAO.

In addition, rule XXV directs the Government Operations Committee to study the operation of Government activities at all levels to assure economy and efficiency.

Moreover, according to rule XXV, the mandate of the Government Operations Committee also extends to matters relating to "budget and accounting measures, other than appropriations."

In each of these jurisdictional areas—GAO reports; economy and efficiency in Government; budget and accounting "other than appropriations"—there is a clear connection to computer applications in Federal programs. To a significant extent—the true measure of which no one knows—the U.S. Government could not function, as presently organized, without computers.

In turn, the Office of Management and Budget (OMB), the General Services Administration (GSA), and the National Bureau of Standards of the Department of Commerce are the three agencies in the executive branch with responsibility for establishing Government-wide policies and procedures for computer operations. Two of these lead agencies in computer matters—OMB and GSA—report directly to the Senate Government Operations Committee in the legislative oversight process.

In addition, the full committee has, by virtue of Senate Resolution 363 (Mar. 1, 1976), authority to investigate syndicated or organized crime and fraud and other irregularities in all branches of Government.

In examining the issue of computer security in Federal programs, this staff study incorporates information obtained from several departments and agencies of the executive branch including the Office of Management and Budget, the General Services Administration, the National Bureau of Standards of the Department of Commerce, the Departments of Defense, Agriculture, Justice and Health, Education and Welfare, the Federal Bureau of Investigation, the Bureau of Prisons, the Central Intelligence Agency and the Internal Revenue Service. Also included in this staff study is information provided by the General Accounting Office and a number of persons knowledgeable about computer applications who do not work for the Government.

In summary, the staff study examines findings of the General Accounting Office regarding problems and inefficiencies in computer systems in Federal programs.

Next, the staff study traces the development of computer technology and its growth in the executive branch.

Then, the staff study describes various responsibilities carried out by the National Bureau of Standards and the General Services Administration regarding automated data processing (ADP) systems in Federal programs. Special focus is placed on security procedures and policies.

To demonstrate what the committee staff

feels are inconsistencies and questionable practices in Federal ADP programs, the staff study reports on information obtained in connection with a rehabilitation and training project at the U.S. Penitentiary at Levenworth, Kans.

At the prison, inmates are trained to be computer programers. With their programing skills, the inmates then are engaged by Federal Prison Industries, Inc., an enterprise owned by the U.S. Bureau of Prisons. Under contract to the U.S. Department of Agriculture, the inmates write programs for the Agriculture Department that have to do with financial transactions that result in the disbursement of millions of dollars in public funds through programs such as the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service.

Conversely, it is the view of the U.S. Civil Service Commission, as articulated in the staff study, that personnel working on ADP projects having to do with the disbursement of public funds should be subjected to full field background checks to demonstrate a reasonable level of personal integrity and suitability to hold sensitive positions.

The Leavenworth inmates are felons, many of whom have relatively high rates of recidivism or have committed white collar crimes such as bank embezzlement and interstate transport of stolen or bogus securities or have murdered or kidnapped people.

The Leavenworth computer is also connected to the Computer Sciences Corporation's Infonet system, the time-sharing service which does about $25 million a year in business with Federal agencies including the Internal Revenue Service.

The staff study also describes how various persons, including a prisoner at Leavenworth, have apparently figured out how IRS computers evaluate individual income tax returns and have used this information to generate illegal returns for themselves and their accomplices.

The prisoner at Leavenworth, who was not enrolled in the computer rehabilitation program, filed fake returns with IRS that led the IRS computer to send him totally undeserved refunds of nearly $20,000. The prisoner, once apprehended, claimed that he was framed by a fellow prisoner who was enrolled in the Leavenworth computer rehabilitation program.

In connection with the Leavenworth aspect of the committee's preliminary staff investigation, the staff study contains an evaluation of and information about the prisoner rehabilitation project from the U.S. Bureau of Prisons and an evaluation of the Leavenworth project by a computer scientist whose specialty is computer security.

The computer scientist is Robert P. Abbott of Berkeley, Calif., who was retained as a consultant by the Senate Government Operations Committee for this preliminary staff investigation.

Abbott's previous assignments include having headed a team of computer experts under contract to the Department of Defense to pinpoint vulnerabilities in ADP systems housing national security information.

The staff study also contains information provided by the Agriculture Department on programs operated at the Department's Kansas City Computer Center, the Federal installation whose computers are on-line with the computer at the Leavenworth prison.

Space considerations compelled the staff to limit the number of individual agencies which were asked to comment on ADP security policy and procedures.

The Federal agencies which were selected were those which were deemed to have had extensive experience with computers or whose computer policies and practices were felt to be reflective of a wide range of ADP security problems and safeguards.

Accordingly, presentations on ADP security policy and problems were requested and are represented in the staff study from the Central Intelligence Agency, the Department of Defense, the Department of Justice, the Federal Bureau of Investigation, the U.S. Civil Service Commission and the Department of Health, Education and Welfare and other departments and agencies.

In turn, the staff study contains an explanation of the potential for white collar criminals and organized crime in general to exploit computers for illicit profit.

In that connection, another section of the staff study is devoted to a legal analysis of current laws which may apply in litigation involving alleged computer abuses.

Also included in the staff are a description by Jervis S. Finney, the U.S. Attorney for the District of Maryland, of the approach he took in the successful prosecution of a major crime by computer; and a report from the IRS on what measures revenue officials are initiating to foil computer-related tax refund schemes.

The Office of Management and Budget (OMB) has the responsibility to set policy regarding ADP operations in Federal programs throughout the executive branch.

OMB Director James T. Lynn wrote the Senate Government Operations Committee on December 29, 1976 to advise the committee of steps OMB is taking in connection with improving computer operations in the executive branch.

Director Lynn's letter is reprinted in the staff study.

The staff study ends with a series of staff findings and conclusions and recommendations for corrective actions.

FINDINGS AND CONCLUSIONS

This staff study on computer security in Federal programs supports and endorses the conclusion of the General Accounting Office that the executive branch needs to improve its safeguards against criminal exploitation of and damage to automated data processing (ADP) systems.

In addition to those problem areas which were documented in the three GAO studies issued last spring, the committee staff found two areas of computer operations which are in immediate need of improved security policies and procedures.

These problem areas are, first, those concerned with the distribution of public funds, and, second, those which offer the opportunity to divert highly private or economically valuable data.

The staff finds that these two categories of computer-based operations need improvement in terms of physical security, as demonstrated in the GAO reports. But reform is also called for in terms of personnel security, an area where there have been inconsistent and inadequate policies and safeguards to insure that qualified and trustworthy individuals are selected to work on sensitive computer operations.

The staff finds that these physical security and personnel security improvements are needed in computer systems which are owned and operated by the Federal Government. In addition, computer systems and services which the Federal Government contracts to privately owned companies should be improved as well.

The staff finds that there are three categories of Federal computer operations that should be designated as critical sensitive because of the harm or loss that could result from criminal abuse, unauthorized access or manipulation of data.

These categories of computer operations are, first, those involving access to classified and national security information; second, those concerned with the distribution of public funds; and third, those offering the opportunity to divert or otherwise abuse highly private or economically valuable data.

The staff finds that the Federal Government has taken appropriate steps to insure the integrity of those computer systems which process national security data. The staff finds that there is a keen awareness in top management of Federal agencies processing classified defense and intelligence data. But there are no corresponding safeguards, standards or adequate security procedures in many Federal programs unrelated to national defense.

As indicated in the body of this staff study, numerous experts in computer technology and systems security asserted that no computer system is absolutely secure from concerted penetration attacks. Computer experts also said that computer crimes, especially those which divert funds or convert economically valuable data, are likely to become prevalent white collar crimes in the future.

The committee staff finds that the judgments of computer experts in these matters apply to computer operations which support Federal Government projects. The committee staff wishes to alert the Congress and the executive branch that Federal Government computer systems which disburse billions of dollars in assorted benefits, tax refunds and payrolls and hold economically valuable and personal data of untold value can become targets of white collar computer criminals. That is to say, Government computer-supported projects can be victimized by white collar criminals.

Until the issuance of the GAO reports and the commencement of the committee's preliminary staff inquiry, most Federal agencies have been unprepared to cope with computer crime and the threat of physical damage. For example, at the Department of Health, Education and Welfare where computer systems distribute approximately $85 billion a year under a variety of programs—programs such as medicare, medicaid, social security and student loans—there was no capability to prevent, detect or investigate computer abuse.

It was not until June of 1976 that HEW officials made an effort to pinpoint vulnerabilities in their computer systems. The results of these efforts by HEW, as reported to the committee and detailed in this staff study, show in most instances a long-term lack of basic kinds of security and audit precautions. However, because of the establishment of more effective investigative and audit capabilities, HEW is taking action to correct deficiencies.

Under the guidance and leadership of the Office of Management and Budget (OMB), each executive agency whose computer systems are involved in the distribution of funds or the processing of valuable economic and personal data should evaluate its particular vulnerabilities and invest its resources to correct any deficiencies in ADP security. At this writing, OMB has advised the committee that such an effort has been initiated.

In the personnel area and in dealing with private contractors, the executive branch should reevaluate, clarify and strengthen security procedures. Regarding personnel practices, the committee staff found that there was agreement among Government officials and private computer experts that no matter how secure a computer is in a physical sense, physical security is of diminishing value if personnel procedures and controls are lax.

Robert E. Hampton, Chairman of the U.S. Civil Service Commission, informed the committee that Federal personnel involved in ADP work which is designated critical sensitive should be subjected to full field background investigations as a condition of employment.

Hampton's response to the committee made clear that the kinds of ADP operations which should carry the designation critical sensitive for employment purposes are those which have to do with national security data, with personal privacy information and eco-

nomically valuable data, and with ADP systems that involve transactions that result in or affect the disbursement of public funds.

Hampton was careful to distinguish between those computer operations which can carry the designation critical sensitive and those which are "casual or routine" in nature and, therefore, should not require the strict security standards associated with critical sensitive computer-related employment.

The committee staff agrees with Chairman Hampton's position in this regard and finds that in applying both physical and personnel security improvements to Federal computer systems a distinction should be made between those duties which carry the designation critical sensitive and those whose purpose and functions do not require such designation.

Chairman Hampton said that the Civil Service Commission, at the committee's request, had contacted several agencies which have major computer facilities and found "that these agencies have not designated computer-related positions as critical sensitive for the most part; this means that a preappointment full field investigation is not a requisite for employment. The notable exception is DOD where multiple entry computers containing national security information necessitates critical sensitive classification for users."

The committee staff was assured by Defense Department and Central Intelligence Agency officials that data having to do with national security is processed in computers by persons who have been subjected to appropriate security clearances. This clearance requirement is applied to government employees as well as to employees of contractors who have access to national security data.

The committee staff found that outside the defense and intelligence realms, however, there are no personnel or physical security controls to insure that private contractors maintain standards consistent with critical sensitive computer work.

As ADP systems are used more and more by government and as more and more of these systems and related services are provided by commercial companies under contract, an increased amount of attention should be given to physical and personnel security policies in Federal programs.

The staff does not question the wisdom of the Office of Management and Budget for issuing circular A–76 directing that services, including ADP services, for Federal programs should be contracted out to private industry whenever appropriate. However, OMB circular A–76 should be revised or amended so that it gives fair and reasonable attention to the issue of computer security. Controls should exist to provide Federal agencies with reasonable assurances that the personnel working for private firms on Federal ADP projects are trustworthy and that commercial computer facilities maintain physical security standards consistent with the sensitivity of the ADP work to be performed.

The government already insists on that assurance in the awarding of sensitive national security contracts. Defense contractors and defense contractor employees must agree to submit to background checks and other personnel security controls and maintain other security standards.

But no such requirement exists in contracts issued by Federal agencies for services unrelated to national defense but which, nonetheless, are of considerable consequence and sensitivity. Contracts to commercial firms for computer services related to the disbursement of public funds, for the housing of privacy information and for the assessment of economically valuable data should contain language attesting that personnel of the contractor firms, as well as the contractor firms themselves, are suitable for government employment. The level of suitability should be commensurate with the degree of sensitivity inherent in the Federal contracts the firms are carrying out.

In his statement given the Senate Government Operations Committee, Clarence M. Kelley, Director of the Federal Bureau of Investigation, expressed apprehension about the personnel security implications of OMB circular A–76. "Those concerned with computer security in government systems," Kelley said, "should be aware that OMB A–76 which requires government agencies to obtain all services, including computer services, from the private sector whenever possible, does not permit agencies to exempt security requirements. In the computer area, just as in any other area, the level of security can only be as high as the trustworthiness of the personnel who design and operate the system. Given the transitory nature of personnel in the private sector, it is difficult to insure the reliability of all vendor personnel." The staff finds Director Kelley's concerns about the personnel security implications of OMB circular A–76 to be valid.

OMB should make it an early priority in 1977 to strengthen circular A–76 in an appropriate manner so as to allow for consistent personnel security and suitability standards whenever the nature of the computer contract is such that it can be reasonably characterized as critical sensitive.

Owing to their national security mission and the fact that this mission leads them to think in terms of securing an installation as well as attesting to the suitability of those who work there, the defense and intelligence communities have more experience in safeguarding their own ADP systems. CIA spokesmen, for example, told the committee staff that they operate on the assumption that, first, a computer system can be penetrated, and, second, that an attempt will be made to penetrate it. Therefore, the CIA spokesmen said, they try to design and manage their computer systems in a way that makes a single compromise of less impact. Defense Department spokesmen gave the committee staff similar information.

CIA Director George Bush, in the statement he gave to the committee, said he did not think his organization should serve as a model for other Federal agencies in the computer security field. The committee staff agrees. But it is the staff's view that, in light of the potential for criminal compromise in the computer field, the fundamental principal defense and intelligence gathering agencies adhere to—that every system is able to be compromised; and that, therefore, an attempt will be made to achieve that compromise—has value throughout the executive branch. It is a principal all Government ADP officials should keep in mind when they set out to design, purchase, operate and manage their own non-defense computer programs.

All too often Government agencies outside the defense realm are not security conscious. As a graphic example of inconsistencies in the area of personnel security, felons incarcerated in the Federal prison at Leavenworth, Kansas were found to be engaged in computer programing functions for the U.S. Department of Agriculture. These programing functions had to do with ADP systems which are involved in the distribution of many millions of dollars in public funds. Some of the prisoner programmers had relatively high rates of recidivism. Others had past connections with organized crime or had committed white collar crimes such as bank embezzlement, counterfeiting and interstate transportation of stolen or bogus securities, Several of the prisoner programers were in prison for having killed or kidnapped people or for armed bank robbery.

Based in part on the report of computer scientist and ADP security expert Robert P. Abbott of Berkeley, Calif., who served as a consultant in this preliminary inquiry, the committee staff's view is that it is an unwise policy for Federal Prison Industries, Inc., and the Department of Agriculture to have entered into an agreement whereby felons incarcerated at Leavenworth Federal Penitentiary are programming ADP systems that are involved in financial transactions.

There is no intention in this finding to in any way seek to discredit the principal of the rehabilitation of prisoners. Prisoners in Federal penitentiaries should have an opportunity to learn skills which will enable them upon release to find meaningful and productive work on the outside.

However, that being said, the committee staff finds that the Bureau of Prisons and the Agriculture Department are taking an unwarranted risk by having felons with backgrounds in bank embezzlement, counterfeiting, interstate traffic in stolen and bogus securities, murder, armed bank robbery and kidnapping, entrusted with programing computer systems that are used in financial disbursements and lending programs such as the Agriculture Department's Commodity Credit Corp. and several of the Department's farm disaster and emergency aid services.

Millions and millions of dollars are disbursed annually through these programs and the persons programing the systems that disburse these funds should be of a reasonable level of integrity. Having felons program these ADP systems is an unsatisfactory policy. It makes far more sense to have the prisoner programmers do work for Federal agencies that offers them no opportunity to compromise Government ADP systems or gain knowledge about critically sensitive processes. It is the committee staff's view, in fact, that having imprisoned felons do government financial computer programing may in the long run cause the very concept of rehabilitation to lose credibility with the government and the public.

As computer scientist Robert Abbott observed in his report to the committee, the prisoners could do equally productive ADP work by writing programs involving data which is not related to individual privacy or the disbursement of large amounts of Federal dollars.

The irony of the peculiar Leavenworth situation is that the felons are able to write ADP programs on systems which support financial transactions while incarcerated but, owing to their felonious backgrounds, it is doubtful that they could qualify for such sensitive Federal employment once they are released.

As a result of its inquiries into the criminal cases of Leavenworth inmate Frank E. Ready, former IRS revenue official David Robinson and the Betty Marie Gholston prosecution in Detroit, as well as other information provided by the Internal Revenue Service, the committee staff finds that the IRS computerized process of auditing tax returns is vulnerable to multiple filing schemes and other tax frauds.

These schemes are initiated by criminals to "beat" the tolerance levels of IRS computers in order to obtain tax refunds. The essence of such tax frauds is the creation of false tax returns, fraudulently using W–2 forms, employer identification numbers, social security numbers and bogus items of income, deductions, depreciations and other expenses.

During the course of this preliminary staff inquiry, IRS officials worked closely with the committee staff, demonstrated their concern and took remedial actions to eliminate this vulnerably. Unfortunately, the massive volume of paper and records, plus time, cost and geographic constraints, make the total elimination of this vulnerability very difficult.

The IRS has incorporated various recommendations of an internal committee composed of representatives of each IRS compo-

nent concerned with the tax fraud problem. The IRS internal group members are seeking to improve their computer systems, audit procedures and investigative techniques. These steps should increase the ability of the IRS to detect and prosecute these frauds more effectively.

At the request of IRS the steps taken by the IRS in this regard will not be detailed on this staff study.

IRS also responded to a committee inquiry regarding the feasibility of matching all W–2 forms attached to an individual return against all W–2 forms that IRS recieves from employers to detect fraudulent refunds. On this subject, a report dated December 23, 1976 was writtten by James Owens, Assistant IRS Commissioner for Accounts, Collection and Taxpayer Services. Thomas V. Glynn, Assistant to IRS Commissioner Donald C. Alexander, forwarded Owens' report to the committee. Owens said, "We do not now check individual W–2 forms attached to tax returns against the total universe of withholding records filed with IRS by employers to assure that withholding tax credits match. Our information returns program (IRP) currently compares both income reported and withholding tax credit claimed by taxpayers with amounts reported by employers, but only a portion of the approximately 450 million information documents filed by payers of wages, dividends, interest, etc. Notices are sent to taxpayers whose income reported on the return is equal to the income reported by employers but whose withholding tax claimed does not agree with that reported by employers. Criteria indicative of refund fraud have been developed and are being incorporated in the IRP computer programs. These criteria will be applied against the tax year 1974 IRP file on a test basis and in subsequent tax year IRP matches if the criteria prove effective."

James Owens also said:

"Notwithstanding the fact that IRP does not appear to be the complete answer to stopping fraudulent refunds before they are made, this procedure may be useful in bringing to justice those who have already perpetrated such schemes. Once a complete IRP file is available for matching, we pursue leads developed by the program and our success in prosecution will hopefully be a deterrent to those who might attempt such schemes in the future.

"We should also mention that the Service (IRS) is now conducting a test on what is sometimes called the "reverse IRP concept." Basically, we are testing the theory that returns claiming refunds of withholdings where the Service has no record of W–2A from employers and no record of FICA wages from the Social Security Administration constitutes valid leads to fraudulent refund schemes. At this point in time, a sampling of such returns has been taken. Processing instructions are in draft status and will be issued to our field offices shortly."

The committee has been informed that the Intelligence Division of IRS is continuing its investigation of tax fraud matters that surface in both the Frank Ready case at Leavenworth and the Gholston case in Detroit.

However, the staff finds that management of security procedures and overall security awareness must be improved in the Federal Government.

Government users of the executive branch's largest commercial time-sharing bureau, Infonet, have been found to be careless.

The basic document on security in Federal programs, the Federal Information Processing Standard Publication 31 (FIPS–31), promulgated by the National Bureau of Standards, is vague and inadequate. Moreover, there is still no requirement that Federal agencies use FIFPS–31 as even a "guideline."

Since FIPS–31 has no compliance mechanism to enforce its use, the document is not being tested and refined sufficiently to inure that one day a set of security standards for ADP programs will be adequate for governmentwide application.

In turn, the National Bureau of Standards is not the appropriate agency which should be responsible for enforcing security in Federal computer programs. NBS cannot bring to this pursuit the necessary persuasiveness to see to it that its guidelines, standards or requirements will be used, evaluated and ultimately enforced with some measure of effectiveness.

Given the present structure of the executive branch, only OMB, in coordination with the General Services Administration (GSA), can be the Federal office capable of effective leadership in this field. OMB, working with GSA, should take it upon itself to be the "lead" agency in this field, using the management authority and persuasive powers only it enjoys in the executive branch.

There is nothing new in this finding. As the staff interprets the Brooks Act and the Privacy Act of 1974 and the legislative intent of both these measures, it is the mission of OME to be the "lead" agency in insuring that ADP systems in Federal programs be reasonably secure. It is now up to OMB to exercise that leadership. Once OMB's leadership is demonstrated, government agencies will begin the testing and document workable and, to the degree possible, enforceable.

In addition, OMB can bring to this pursuit more of the resources available in the Federal Government. For example, the problem of computer security is directly related to the problem of computer crime and crimes made easier by computer technology. It is regrettable, that Federal authorities are not doing more to study, understand and control computer-related crime.

Government should be more assertive in mobilizing the Nation in controlling computer crime. The Law Enforcement Assistance Administration (LEAA), which has spent billions of dollars in crime control projects including funding for the use of computers in law enforcement, has spent nothing to research the area of computer abuse to strengthen the ability of local, State and Federal criminal justice systems to cope with computer crime.

Law schools should be encouraged to train young attorneys in the computer field. Law enforcement officers should be trained in computer abuse. As many experts have informed the committee staff, all too often prosecutors do not know enough about computers to effectively prosecute crimes. By the same token, police frequently do not know enough to investigate computer-related crime. In the computer crime abuse continuum, all too often, the only persons who know what they are about are the violators.

The FBI and the armed services are improving their computer abuse training programs for law enforcement officers. The Justice Department has begun to make U.S. attorneys more knowledgeable in this field.

A recent case in Baltimore involving an unauthorized penetration of Federal Energy Administration files resulted in a criminal conviction in Federal court. This conviction, although it is being appealed, has given the Justice Department increased hope that U.S. prosecutors will be able to respond effectively to computer crime cases.

However, as Richard L. Thornburgh, the Assistant Attorney General for the Criminal Division, said in his statement for this committee, the Baltimore case, encouraging as it may be, still reflects weaknesses in the government's ability to prosecute computer crime. Thornburgh pointed out, for instance, that had the defendant not used a telephone in the transmission of ADP data across State lines—from Maryland to Virginia—and had he limited his transmission of the classified data to an intrastate transaction there might not have been Federal jurisdiction, even though Federal energy records were involved. Thornburgh asserts, and the committee staff agrees, that new laws such as an expansion of the mail fraud and wire fraud statutes to include intrastate as well as interstate violations may be required.

Similarly, in response to the committee's inquiry regarding problems associated with the prosecution of computer crimes, Jervis S. Finney, U.S. Attorney for the District of Maryland, described difficulties his office faced in the prosecution of the FEA case. Finney included specific recommendations for corrective action regarding the prosecution of computer cases. The committee staff finds Finney's recommendations to be worthwhile and has incorporated them into the recommendations for corrective actions which appear in the next section of this staff study.

The committee staff also finds that Federal authorities, working in coordination with law schools and other institutions capable of conducting studies, should begin now to evaluate the criminal justice system in light of computer crime. For example, the staff finds it unfortunate that LEAA, which funds all manner of law enforcement activities—from "buy-bust" pursuits of local drug agents to the purchase of armored personnel carriers for local police departments—has not sponsored research and other efforts to enable government to cope with computer crime. It is hoped that LEAA will take an active role in this area in 1977.

In addition, the American Bar Association and other private organizations concerned with the law should initiate study programs to determine what steps can be taken in curriculum development so that more courses are taught in computer abuse cases.

No computer abuse case can ever get to trial unless it is, first of all, properly investigated. In Federal programs, criminal investigators should, at the minimum, be required to enroll in the FBI's computer abuse investigations course at the Bureau's Academy in Quantico, Virginia.

The new Inspector General at the Department of Health, Education, and Welfare should see that HEW's criminal investigators continue to take this course. Investigative personnel in other agencies whose computers distribute taxpayers' money should also be required to enroll in this FBI course.

RECOMMENDATIONS FOR CORRECTIVE ACTION

The staff of the Senate Government Operations Committee, in putting forward a series of recommendations for corrective action in computer programs in the executive branch, has divided its proposals into two categories—administrative and legislative.

Administrative corrective actions are those which would not require an act of Congress. In that regard, it is the staff's view that certain computer operations within the Federal Government are in immediate need of improved security procedures and policies. This is especially true relative to those computer systems which (1) control the distribution of public funds; and (2) contain and process information which offers the opportunity to divert highly private or economically valuable data.

These two types of computer systems should be designated critical sensitive so that personnel security procedures associated with these systems can be upgraded in a consistent manner and physical security can be improved.

The Office of Management and Budget (OMB) should exercise its management responsibility with respect to improved se-

curity in Federal computer programs by taking six fundamental actions.

First, OMB should direct that executive branch departments and agencies implement the recommendations of the General Accounting Office in GAO's three reports on Federal computer operations issued in April and May of 1976.

Second, OMB should give priority to coordination of the activities of certain Federal agencies which have important functions in the improvement of computer security. In this recommendation, the committee staff has specific reference to the National Bureau of Standards, General Services Administration, the U.S. Civil Service Commission and others.

Third, under the management of OMB, the National Bureau of Standards should prepare a definitive schedule for workable physical and personnel standards to be applied by Federal agencies and private contractors consistent with the sensitivity of their particular systems.

Fourth, under the management authority of OMB, a compliance mechanism should be created to assure that these security standards are maintained by individual agencies.

Fifth, under the management authority of OMB, the General Services Administration should insure that computer-related contracts under its jurisdictions contain security requirements consistent with the sensitivity of the work to be performed by the contractor.

Sixth, under the management authority of OMB, the U.S. Civil Service Commission should be made responsible for appropriate personnel security policies consistent with computer programs that are designated critical sensitive.

In addition, those officials with security and investigative authority in Federal agencies whose computer systems either distribute public funds or contain highly private or economically valuable data should take appropriate steps to insure that their personnel are trained in the prevention, detection and prosecution of computer abuse.

Along with the above recommendations for corrective action which can be implemented by administrative direction, the committee staff wishes for Senators to also consider the feasibility of adopting three separate legislative measures. The committee staff developed these recommendations in the legislative area in consultation with representatives of the Department of Justice and other persons knowledgeable about the problems associated with the prosecution of computer crime.

There is ample evidence to suggest that much of the computer-related criminal activity has involved, or will involve in the future, government computer systems. Accordingly, consideration should be given to the feasibility of these legislative remedies:

First, legislation should be considered which would prohibit unauthorized use of computers owned by, operated for, under contract with, on behalf of or in conjunction with the U.S. Government.

Second, legislation should be considered to expand the wire fraud jurisdiction to reach any use of the facilities of wire communications, regardless of whether the actual signal travels interstate.

Third, legislation should be considered to clarify definitional guidelines as to whether checks, securities, and other negotiable instruments issued by computers in both the public and private sectors are forgeries if issued on the basis of improper or fraudulent data.

STATE OF THE ELDERLY

Mr. CLARK. Mr. President, I am pleased to have this opportunity to report on the state of the elderly. This is the fourth consecutive year that I have shared with my colleagues and others my thoughts on the current situation of older Americans.

No one can deny that much progress has been made since 1973, when I issued my first report. Among the highlights of the past 4 years have been:

Increases in social security, veterans, and civil service retirement benefits to compensate for inflation;

Implementation of the supplemental security income—SSI—program, which provides benefits to 2.3 million older Americans; and

Significant expansion and improvement of the Older Americans Act, which authorizes programs that provide social services and nutritional assistance to the elderly.

Statistical data bears out the improvement in the status of the elderly in the past several years. While in 1970, nearly 5 million persons age 65 and over had poverty-level incomes, this number had dropped by 1.5 million by 1975. Stated another way, the proportion of older Americans that live below the poverty line has decreased from one-quarter to one-seventh.

Furthermore, with the help of Federal funds, community-based programs for the elderly are blossoming throughout the country. Examples of these programs are the congregate meals program, information, referral, and outreach services, transportation programs for the elderly and handicaped, home-delivered meals, education and recreation programs, legal assistance, homemaker health aide programs, handyman and chore services, and community service employment programs.

All of these programs attempt to facilitate the independent living of senior citizens. Their greatest strength is that they truly flow from the grassroots with a remarkable amount of input from older Americans themselves.

I wholeheartedly support these programs, and I urge that the new administration increase the Federal support for them so that they may continue to prosper and be expanded to more communities.

I intend to devote the bulk of this report to the basic source of problems for senior citizens—financial insecurity. The elderly today face a retirement income crisis that is unprecedented in our Nation's history. In bygone years, older Americans did not face the multitude of problems that confront them today. Long periods of retirement were uncommon, since older persons often worked their entire lives. Furthermore, they probably never experienced inflation of the extent that exists today in the essential areas of health, utility, and food costs.

The income problems of older Americans are affecting an ever-growing proportion of this Nation. The number of Americans 60 years and older is expected to grow by 30 percent in the next 25 years. This means that at the end of this century, nearly one out of every six Americans will be a senior citizen.

Despite the fact that poverty is declining among the elderly, we cannot ignore the more than 3 million older Americans who are still poor. The official definition of poverty itself is a rather meager standard, currently set at $2,580 for elderly individuals and $3,260 for elderly couples.

When we include the "hidden poor"—those who are institutionalized—and the "near poor," the number of low-income older Americans grows to about 7 million, or 1 of every 3 Americans 65 years or older.

I am especially concerned about the 7.5 million older persons who live in rural areas. The percentage of the rural elderly who have incomes below the poverty line is much higher than the overall national figure. To make matters worse, existing income supplement programs inadequately respond to this critical situation. The income crisis of the rural elderly is further complicated in many areas by a lack of sufficient health services and employment opportunities, dilapidated housing conditions, and nonexistent transportation services.

All older Americans, who live on fixed incomes and who spend a large proportion of their incomes on these necessities, are probably more seriously affected by inflation than other groups. Nearly all elderly individuals rely on the social security program, which provides about half of all income for aged persons living alone.

Because of this heavy dependence of older Americans upon the social security program and other fixed income programs, every effort should be made to insure that benefits are adjusted for increases in the cost of living.

At the present time, social security benefits are increased only once a year—in July—to reflect changes in the cost of living for the year ending in the first quarter of the calendar year. This cost-of-living adjustment is surely of great relief for the elderly, but it does not accurately compensate for the loss in their buying power that results from inflation.

First, the Social Security Administration uses a cost-of-living index that is based on the spending patterns of all Americans. To correctly measure the elderly's cost of living, the index should represent the actual types of spending done by senior citizens. Since older people tend to spend a greater proportion of their incomes on health and food costs, the existing cost-of-living index understates the impact of inflation on their budgets.

Second, there is a long time lag between the actual cost increases and the adjustment in social security benefits. For example, if food prices increase significantly during the fall of a given year, a social security cost-of-living adjustment would not occur until the following July. In such a case, the elderly would suffer the burden of inflation for 10 months before they received a benefit increase.

Two basic reforms should be made in social security and similar retirement income programs to solve these two problems. In terms of total program cost, they would be insignificant. However, they should be implemented for the purpose of helping the elderly keep pace with inflation.

The Social Security Administration should, first, redesign the cost-of-living index so that it is more relevant to older Americans and, second, should make cost-of-living adjustments twice a year rather than just once. These two proposals are contained in legislation I intend to introduce this year, and I urge my colleagues in the Senate and House to consider them carefully.

Another serious flaw in the social security program—the retirement test—discourages older people from working, reduces their income, and affects their ability to lead productive and meaningful lives. Beneficiaries are currently allowed to earn $3,000 a year without a reduction in benefits, but, beyond that point, benefits are decreased by $1 for every $2 of earned income.

This earnings limitation should be changed. It discriminates against those who derive part of their income from work and it serves to encourage the retirement of those who could continue to work.

Several proposals have been made this year to increase the ceiling on earnings, but the approach I favor is one suggested by the Advisory Council on Social Security in 1975. It concluded that the best way to improve the retirement test is to reduce benefits by $1 for every $3—rather than $2—of income about the ceiling. Such a change would maintain the social security program as a retirement program, would provide greater equity for those older Americans who have earned income, and would not constitute a significant increase in program costs.

The supplemental security income—SSI—program must also be improved in order to meet the actual financial needs of our poorest senior citizens. It is a disgrace that SSI benefits, which go to over 2 million aged persons, do not even approach the official poverty threshold. Annual benefits now amount to $2,013.60 for individuals and $3,021.60 for couples, as compared to the poverty levels of $2,580 and $3,260, respectively. These benefits should certainly be increased at least to the poverty level if this Nation is sincerely committed to providing an adequate income for the elderly.

The financial problems of older Americans will never be alleviated unless we confront the escalating costs of the items they buy and the services they use. Among the most blatant examples of serious inflation is health costs, which is draining the income of older Americans.

Americans over the age of 65, who represent only 10 percent of the population, account for nearly 30 percent of the Nation's total health care bill. As a group, they face the highest incidence of illness and disability, despite the fact that they are least able to bear the costs of adequate health care.

Private health expenditures for the aged amounted to about $470 in 1975, an increase of more than 50 percent over the expenditure in 1966. The costs of prescription drugs have nearly doubled in that period, and nursing home care has quadrupled.

The medicare program, which is intended to shelter the elderly from high medical costs, has probably served to reinforce health care inflationary trends. Older Americans now pay nearly twice as much in out-of-pocket health expenses than they did when the medicare program began in 1966. Sixty percent of a senior citizen's health care bill must still be paid from personal funds or other sources besides medicare.

As an initial step, we must do all that is possible to contain health costs. Abuse and fraud in the medicare program must be exposed and strictly prosecuted, for it robs our Nation and the elderly of funds that could be used for health care services.

We must also act to reduce the reliance upon hospitalization, which is one of the costliest forms of health care. This requires a new emphasis upon maintaining health. Americans must be kept out of hospitals and away from the expensive, sophisticated medical tests and procedures that accompany hospitalization.

We should expand the types of health expenditures that are reimbursable by medicare. Such items and services as prescription drugs, eyeglasses, footcare, and physical checkups are not currently covered by medicare. This means that older Americans must pay for these necessary services out of their own pockets.

Our older rural residents have special problems, because the general lack of primary health services forces them to travel to physicians and hospitals in larger cities to receive care. I will soon introduce legislation to allow medicare reimbursement to rural primary health care clinics, thereby increasing the program's usefulness to rural citizens.

Nursing home care, which is so expensive that it wipes out the income and savings of many older persons, should be discouraged when other alternatives are available and sufficient. This requires a national campaign to expand community services such as home health care, adult day care, homemaker health aides, and outpatient health clinics for the elderly.

Further opportunities should be provided to older Americans who wish to work, either in paid or volunteer positions. The Age Discrimination in Employment Act should be enlarged to include workers over the age of 65, so that senior citizens are treated equitably by employers. Programs like the Foster Grandparent program and the Senior Companions program, which are excellent examples of how programs can simultaneously serve several worthwhile purposes, should receive priority funding. Finally, such Federal efforts as the community service employment program and the CETA public service employment and training program should be expanded to include many more older workers, who have experienced high levels of unemployment.

I urge the Carter administration and Congress to join in taking vigorous action on all these fronts—improving social security to make it more responsive to changes in the cost of living, changing the social security retirement test to allow older workers to keep more of their earned income, increasing SSI benefits at least to the official poverty level, reducing health costs, expanding the types of services covered by medicare, exploring alternatives to the institutionalization of the elderly, and providing additional employment opportunities for senior citizens.

Each of these steps is achievable during the 95th Congress, and I can assure my colleagues and constituents that I will work hard to make them realities.

As we look to the future, we must remember that efforts taken to assist older Americans are truly actions to improve the lives of all Americans. The concerns of senior citizens should be our concerns, for all of us will sooner or later join their ranks.

THE NEW CORPORATE HOMESTEADERS

Mr. McGOVERN. Mr. President, last year I introduced a bill to assist young farmers entering agriculture in these days of high land values and soaring operating costs. The Young Farmers Home-approach to land tenure. Our then majority leader, Senator Mansfield, support the measure said:

> I hope that the administration will look with favor upon a proposal of this kind—and I think it should—because this, in effect, is a conservative suggestion, but one which will bear great fruit if enacted and put into effect.

Later that year at hearings on the legislation a portion of the banking lobby testified in loud protest that the proposal was a step toward socializing the farming industry, would make the Government the lord and master of land holdings, and that the program was financially unsound.

With these words of explanation I want to expose the apparent answer of some bankers to the problems of young farmers. It is referred to as "Ag-Land Trust" and was put together by the Continental Illinois Bank & Trust Co. and the Nation's largest brokerage house, Merill Lynch, Pierce, Fenner & Smith. Their scheme would involve an initial acqusition of $50 million worth of prime farmland acquired by an underwriting from Merrill Lynch through public sale and mutual fund investing, including the use of pension funds for the capital acquisition. The bank would manage the land and operate it through a chain of tenant farmers who already possessed the machinery but who were too poor to buy the land. Though they envision only a modest return of, say, 3.5 percent from farming, they see wild sugarplums from the escalation of land values.

All this is further enhanced on the part of managers and investors by gaining an IRS ruling that Ag-Land would be tax exempt.

Mr. President, the people of my State are not going to take kindly to a new generation of sharecroppers. Author Jim Hightower used to warn of these coming schemes which he referred to as "rent a farmer." In last week's moving series on ABC–TV based on Alex Haley's book "Roots," the old Southern State Senator portrayed by Burl Ives remarked something like this:

It never makes any difference who works the land, what makes the difference is who owns the land.

Mr. President, the managers, though they proclaim only an interest of $50 million, which in itself is somewhat modest, are already referring to their initial trust as "Ag-Land I." Are we prepared to watch "Ag-Land II" and "Ag-Land III?" It is my judgment that there is little redeeming social or economic benefit for the Nation in this proposal. It is my further judgment that the Congress and the administration can be of little public service to its people if it sits idly by and permits this proposition to go forth unchallenged.

I have asked Secretary Bergland to immediately assemble a task force of highly competent people to look at this issue. I have also written IRS Commissioner Alexander regarding the managers' tax-exempt application. I intend to pursue the matter at every corner and down every avenue. For the additional information of Senators with interests in preserving the integrity of rural America, I ask unanimous consent that an article from the February 1, 1977, issue of Forbes, a similar article from the St. Louis Post-Dispatch of January 27, 1977, entitled "A New Trust Aims at Farms," and my own press release dated January 28, 1977, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Jan. 27, 1977]

A NEW TRUST AIMS AT FARMS

(By Jerri Stroud)

Just about the only investment that has kept pace with double-digit inflation is the double-digit rise in the value of farmland.

The value of cropland in the United States has doubled in the last five years. In the last year alone, farmland values increased 17 per cent nationwide and a new regional record was set when average land prices in the Corn Belt leaped 33 per cent, the U.S. Department of Agriculture said.

Illinois land values rose 41 per cent to $1497 an acre, the largest gain in any state. Farmland in Illinois was worth 119 per cent of its November 1973 price by last November.

In Missouri, land values were up 10 to 13 per cent in 1976 over 1975. Since 1940, Missouri land has increased in value 5 per cent a year, and the average rise since 1970 has been 11.5 per cent.

A Chicago bank has put two and two together and come up with an investment trust for pension funds using land—not stocks—as its base.

Although the agriculture department says the rise in land values has tapered off, it still estimates an annual rise of 9 per cent, or doubling of land values every eight years.

Continental Illinois National Bank and Trust Co. has taken those figures, added an annual income of 3 to 5 per cent for an average farm, and designed a package called the AG-Land Fund that the bank thinks should prove irresistable to holders of pension funds.

The annual income, a spokesman at the bank said, is at least as good as that of blue chip stocks, and the steady increase in value makes land a sound investment.

If the Internal Revenue Service gives its blessing, the bank plans to begin selling AG-Land through Merrill Lynch, Pierce, Fenner & Smith in February. The fund would be a closed-end trust of $50,000,000, sold in units of $25,000 exclusively to pension funds.

The minimum investment by each pension fund would be four units, or $100,000, for a minimum of five years. The maximum investment by each would be $5,000,000.

Terry Thompson, vice president in charge of trust properties for Continental Illinois, says that farmers worried about the fund competing with them for land should put their minds at ease. The bank, which has been involved in agricultural financing since the Depression, will take care to avoid competing with farmers for land and driving up its price.

"We're not going to get into bidding wars," Thompson said. "We'll look for land that's priced fairly." He said the bank would avoid buying land at auction.

The bank will invest no more than 30 percent of AG-Land funds in any one state, Thompson said. The bank plans to buy about 20 farms of about 640 acres each in Midwest, the mid-South and Texas. Smaller farms might be bought if they are efficient units.

To avoid the financial disaster that a drought or flood might bring, the bank will buy different types of farms in scattered states "so that any one property would not make or break the fund," Thompson said. All farms will be in row crops; no livestock operations will be bought.

Thompson stressed the differences between trust ownership of land and corporate farming, an ill-fated and unpopular experiment where it was tried in the Midwest. "We're not going to actually farm it," he said.

Instead, the bank plans to buy existing farms and lease them to local farmers. The renters would pay cash or share rent, according to local custom. The renter would make all the actual farming decisions, with the bank supervising him only on the basis of over-all management.

The rent would provide an annual income for pension funds who invest in AG-Land.

Although Thompson admitted that the proposal had encountered some opposition from farm organizations, particularly the Illinois Farm Bureau, he said most of the criticism was based on misunderstandings about how the fund would operate.

Thompson said several young men had inquired about running farms for AG-Land if the bank buys farms in their area.

Because AG-Land is a trust, the bank should be able to buy land even in states that restrict farming by corporations. Unless the state specifically prohibits farmland ownership by trusts—which probably would have to include estates of farmers held by the heirs in trusts—AG-Land would be free to invest there.

However, Thompson said, AG-Land would avoid states that restrict farmland ownership by trusts.

There is some question about the legality of AG-Land buying farmland in Missouri. Missouri law prohibits public corporations not yet involved in farming from starting to farm. However, it is unclear whether the AG-Land trust would be regarded as a corporation. Illinois has no laws restricting farming by corporations.

Thompson said the trust would like to buy Missouri land, but attorneys for the bank have been unable to determine whether such purchases would be legal. A bill introduced this session in the Missouri Senate is designed to clarify bank management of trusts that own farmland.

Thompson defended the trust as a means of injecting long-term capital into agriculture, which is suffering from oil and equipment price increases in addition to rising land values. "We feel here, pretty strongly, that this is a good way to get capital into farming."

Neither Thompson nor a spokesman for Merrill Lynch said they anticipated any difficulties with the IRS. The major ruling needed is a guarantee that AG-Land would be tax exempt. The bank needs another ruling on how hedging of crops through commodity futures buying might be handled.

The Merrill Lynch spokesman would not confirm reports that the trust was fully subscribed already. But he said, "We know from our point of view that pension and profit-sharing funds are interested in this type of investment."

Both Thompson and the Merrill Lynch spokesman said AG-Land would be attractive to such funds because of requirements in the Pension Reform Act of 1975 that pension funds diversify their holdings.

"(Farmland) has been a good hedge against inflation, and we feel there's going to be inflation world-wide for a few years," Thompson said. "If the U.S. remains a major factor in the world food market, this should remain a good investment."

[From Forbes, Feb. 1, 1977]

LAND ANYONE?

The return is anemic, but Merrill Lynch and Chicago's Continental Illinois National Bank are betting that investors will go for their new land fund all the same.

A logical long-term hedge against just about anything that can possibly go wrong in the world ought to be good farmland. Why not a mutual fund investing in such land? Why not indeed, figured Merrill Lynch and Chicago's Continental Illinois National Bank, who are readying what they call AG-Land Fund. If the fund sells out, you can be sure there will be a Fund II and III and so on, plus countless imitators. The initial plan is to raise $50 million. Merrill Lynch will do the marketing for a 3.8% load; Continental will manage the fund for an annual 1% of principal.

This new closed-end fund won't just be for anyone. The yield will be so low—3% to 5% net—and the return so long term that only tax-exempt pension funds will be able to afford holding its shares.

Harvey Borsuk, vice president of Merrill's Hubbard real estate wing, believes the pension funds will go for it because they need to diversify their portfolios under the new Employee Retirement Income Security Act. The eyes of bankers besides Continental's are ablaze because they see a new market among pension funds that rival money managers may find hard to enter. The reason is that banks, because they are big agricultural lenders, have agricultural knowhow; other money managers do not.

The pension funds buying in, for a minimum of $100,000, have to be prepared to stay awhile. To pull out, they'll have to give a year's notice.

"The game really is in long-term land appreciation," says Merrill Lynch's Borsuk. Good farmland in midwestern states like Illinois has doubled in value over the past three years, and foreign buyers poured more than $100 million into U.S. farm purchases in 1976. But are the city slickers getting into the cropland game as it's about finished?

Merrill Lynch and Continental argue that this is not the case. Farmers have stopped leaving the land, and Continental says it has a large pool of experienced farmers itching to lease properties they can't afford themselves. Meanwhile, every year there are hundreds of millions of new mouths to feed around the world.

How do farmers feel about all this? They feel rather hostile. More than 15,000 members of the American Farm Bureau Federation meeting in Honolulu last month shouted through a resolution strongly opposing such funds. They fear big fund purchases will drive up agricultural tax assessments, which have long represented a special break for the farmer—and, ultimately, for the consumer.

That's one side of the issue. The other side is that if the farmers are all that wor-

ried about the likelihood of higher tax assessments, AG-Land's sponsors may be right about farmland being an underpriced investment for the long pull.

McGOVERN BLASTS CORPORATE LAND GRAB

WASHINGTON, D.C.—Senator George McGovern today called on the new Secretary of Agriculture, Bob Bergland, to begin an immediate investigation of reports that Continental Illinois Bank and Trust and the nation's largest stock brokerage firm, Merrill, Lynch, Fenner and Smith have laid the groundwork for a financial scheme to gain control of $50 million of prime farmland.

The joint venture plan calls for the two financial giants to make the purchases of farmland with a pool of funds invested by Pension Funds and Profit Sharing Plans. Land so acquired would then be leased to farmers to operate on shares.

"I see it," McGovern said, "as nothing more than a high-handed attack on the basic premise of the family farm system. It is a cynical scheme by corporate interests and big money investors to take advantage of rapidly rising land prices that will not serve the best interest of farmers or those who buy their products."

McGovern said that the effect of the plan would be to re-establish the worst aspects of the old share-cropping system since it contains no provision for eventual ownership of the leased land.

"Last year when I introduced the Young Farmers Homestead Act in an effort to provide a mechanism to help young people get started in farming, the bankers and the investment houses were first to line up to testify loud and long against the idea," the South Dakotan said.

"They now have the gall to come up with their own version of a plan that will do just the opposite and piously try to tell us that what they want to do is help young farmers. Their real intentions are to buy up the best land, rake off half of the productive value, establish a new generation of share-croppers, and in the end reap an additional profit from escalating the price of land by their own machinations," McGovern said.

"If this is the banking industry's answer to the problems of young farmers, then I want to put them on notice that I intend to fight it with every ounce of energy I can muster," he continued.

McGovern, Chairman of the Senate Subcommittee on Agricultural Credit, said the plan highlights the need for a serious effort by the Congress to pass his Young Farmers Homestead Act.

Further, he asked Secretary Bergland's views on the subject and promised that he would introduce legislation to halt the program if such legislation was necessary.

HOPE FOR GREAT BRITAIN

Mr. RIBICOFF. Mr. President, for many years the flow of news from the United Kingdom has been a discouraging recitation of economic decline and social strain. I think all Americans would be reassured by some cause for optimism regarding the British economy. Lately the British Ambassador to the United States, the Honorable Sir Peter Ramsbotham, has brought some very encouraging facts and analysis to our attention.

In a recent Op-Ed page piece in the New York Times Ambassador Ramsbotham reported that it was generally recognized in the United Kingdom that economic and industrial objectives must take precedence over social ones. There has been acceptance of the kind of harsh medicine Britain needed: cuts in social spending, trade union support for a profitable manufacturing sector, and attention to productivity and personal incentives. All of this is heartening news to Americans who have been discouraged by Britain's problems.

American businessmen have demonstrated their confidence in the British economy. U.S. Department of Commerce figures estimate that 37 percent of American investment in Europe during 1976 was in the United Kingdom, as was 25 percent of expenditure in Europe by U.S. manufacturers.

The International Monetary Fund and a group of central banks have recently expressed confidence in the economic future of the British by short-term support to be repaid from long-term recovery. The prospects offered by North Sea oil and gas for Britain to become self sufficient in energy in the 1980's and to realize balance-of-payments surpluses are encouraging. If incentive can be returned to British business and the position of business manager can be accorded the social and economic prominence it deserves, then optimism is warranted.

Mr. President, those who are eager for good news from the United Kingdom will be encouraged to read a speech given in Houston, Tex., in December by Ambassador Ramsbotham. I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE BRITISH AMBASSADOR, THE HONORABLE SIR PETER RAMSBOTHAM

Mr. President, Ladies, and Gentlemen: It is a great pleasure to be back in Texas after an absence, I regret to say, of two years. And it is a particular privilege to be enjoying again the distinctive hospitality of the Chamber of Commerce. I am grateful to you all for your warm welcome.

James Thurber tells of a teacher who gave her pupils a book on penguins to read, and asked them to write an essay on it. I have great sympathy for that little girl whose essay consisted of a simple sentence: "This book," she wrote, "told me more about penguins than I wanted to know."

I have come to Houston to talk about Britain. If I tell you more about my country than you want to know, please forgive me.

Britain has been much in the news this year, mainly because of the economic battle we are fighting; and, if I may say so, it is of no small importance to the United States that we win that battle. Not only do we share the strong affections of our long association, but we are each the oldest practitioners of our particular form of democracy; indeed the future of democratic government in the world is closely bound up with the fortunes of our two countries.

But before I talk about Britain's problems—and about her brighter hopes—may I say what an especial privilege it has been to be Britain's Ambassador to the United States during the year of your Bicentenary. There are very few countries in the world that could match the American capacity for sustained celebration—and it has been a source of wonder to me how technically inventive man can become in making merry. I congratulate you on a year of colour, surprise and fun. More seriously—let me express my admiration (which I have shared with my Government) at your astonishing resilience. What other democratic country could have emerged from the traumatic years of the early seventies—the devalution of the dollar; the Vietnam venture; Watergate—with its Constitution held high and proud. Despite the doubts of the Cassandras and the Jeremiahs—who talked of "loss of confidence" and of failure of "will"—you have rallied magnificently to the patriotic call of your own Bicentenary—and I now detect again the old self-confidence seeping back into the body politic of America.

The Bicentennial celebrations have, inevitably, had an historical character—and so, too, the State visit of The Queen and her husband in July. And yet, the relationship between us that The Queen symbolized so graphically, when your President received Her, is a very vital one, and entirely relevant to our future. After the long experience that each of us has had of the other's similar, but distinct, form of democracy, we still have the inclination—and sometimes the need—to learn from the other, and to share each other's originality of mind and genius for adaptation. This continuing vitality of our relationship is, I am sure, a source of strength to us both.

It is never easy to characterise one's own countrymen. Foreigners can sometimes do it better. You may have heard it said of the British that we are a race of self-made men—thereby relieving the Almighty of a dreadful responsibility. We are also a self-deprecating people. We often paint too black a picture of our own failings—and that picture is too often reflected in the American media, without discounting the element of self-effacement with which we regularly belabour ourselves. After all, the spoken word—and perhaps more important, the written word—has a powerful effect. I recall an incident in one of our former African colonies when an anti-British demonstration was taking place. One of the placards, borne by a man with a passionate expression on his face, read "We are fed up with the British". Unfortunately for him, he could not get the whole sentence on one line; and so the placard read "We are fed—Up with the British".

So do not believe all you read about us. Better, come and see for yourselves. You will always be very welcome.

The key to understanding Britain's difficulties is to see them in perspective. Since the end of World War II we have been undergoing constant changes—substantial economic, social, cultural and therefore political changes—all of which have required throwing off old habits and giving ourselves a more modern look. The opportunity for higher education is now universal; real poverty is minimal; the class system is, at last, vanishing, as anyone studying the relationships between young people in Britain today will see; political stability is unquestioned. Some of our critics turn these points upside-down and say that more university places are needed, that great wealth is rare, that lords and labourers are still on different wavelengths, that the trade unions have too much political power. But in doing so, they make the mistake of trying to apply an American stencil to the British situation. We just do not fit.

In Western Europe we are trying to find solutions to problems some of which have not yet confronted you in the United States with any real force: problems caused by high population density, by resource shortages, by the scars of continental conflict and by the proximity of the Communist powers. Other problems of ours, social and economic, you do share: urban decay, violence, the increasing expectations of a well-educated people, racial tensions, pollution and the stresses created by the competitive atmosphere of modern life. Most West European countries, with their distinctive histories and constraints, and with a clear awareness of their own natural resources, have been trying to solve these formidable problems by searching for a constructive balance: a balance be-

tween the imperative need to preserve a free and open society, and the growing demands for social justice. The nature of our situation, therefore, and the intensity of our problems, lead us into the realm of the mixed economy, with a considerable public as well as a private sector. It is a pattern of evolution characteristic of most of the countries that comprise the European Community today; and though there are keen differences in policy between the contending political parties as to what the correct mix or balance should be, the British nation, as a whole, now accepts the main ingredients of the mixed economy (and I believe this is broadly true throughout Western Europe).

The more I have lived and travelled abroad (including, of course, the United States), the less sure I become that one system or one solution is right and another wrong. You may say, with an echo of Professor Higgins in "My Fair Lady": "Why can't the British be more like us?". It is true that what some of you may deplore as over-active Government involvement in British industry would be inappropriate in your situation. It is not inappropriate in ours: the American stencil does not fit. Britain is a smaller, poorer, a less dynamic country than yours, with a tightly-knit, more static population. These are our facts of life and have little or nothing to do with the policies of one government or another. With circumstances such as these, Britain cannot be made to conform to American standards. Certainly the other leading industrial countries do not. Japan has had great industrial success in a very different social climate. Germany, that tremendous economic success of the past thirty years, had worker participation twenty years ago, whereas Britain's thinking on the subject is still undeveloped. Sweden, with a Social Democratic Government for forty years, until recently, has had one of the highest standards of living in the world. France, without changing its political course for some time, has been up one decade and down the next. No-one to my knowledge, has yet found a convincing correlation between the existence of a high degree of free market and the relative absence of nationalised business, on the one hand and a stable prosperous and growing economy on the other.

There were good reasons—indeed unique ones—for the growth of the nationalised industries in Britain. Remember that for two years before you joined us in World War II, we fought alone. We were obliged to liquidate enormous assets, both at home and overseas—assets which had been built up by decades of hard work. Again—in the three years after the war (between the ending of Lend-Lease and the beginning of the Marshall Plan), we were mopping up the damage, on our own. It was not possible then to restore industry by the normal process of capitalist enterprise, because there was no prospect of early profits to be made.

In the United States it was very different. You came later into the war, and indeed your industry was given an enormous fillip by the demands of the war. Look at the way in which your merchant fleet overtook ours in size, within those five years.

In Britain there is no question now of the established public sector industries—e.g. the railways, the coalmines, the gas industry, the airlines—being unwound and split into separate, capitalist enterprises: no Tory Government would think of doing so. There is no inherent reason why our nationalised industries should not be run efficiently and profitably. In fact, these industries today are beginning to look rather efficient, when set against the usual business standards you and we employ. British Airways, for instance, the largest international airline in the world, is one of the few to have made a profit in this recent period, without detracting from its excellent service. At the same time, it is helping to pioneer one of the greatest technological advances of our age, the supersonic Concorde.

And please may we avoid the mistake, too, of picturing Britain with a millstone of social security hanging around her neck. We spent 8% of our GNP, at market prices, on social security last year, while the United States spent 8.3% and Germany and France 12%. This is one of several instances I can give you where Britain's image is not borne out by the facts. I think that we get more value for our money in this public sector; being small and compact, we do not have your problem of overlap and duplication of Federal, State and local funds for social security and welfare.

As I see it, the position Britain has reached today is near the end of a long sea-change. It is not easy to adjust, in the space of thirty years, from a great Empire to a medium-sized power, with all the changes in perspective that that implies. But we have now made the basic social and political adjustments. Equality of opportunity, together with political stability, are established as firm principles of our way of life.

But—and here is the rub—the economic adjustments have not yet been completed. It has taken too long in Britain to rekindle the fires of industrial growth—in the way that Germany, Japan and France were able to do—out of the ashes of the Second World War. We are suffering now for having lived on borrowed time; and we recognise that the decline of confidence in us, shown by our friends and trading partners, is a serious thing for us.

Our image in the United States is a particularly important measuring-stick. Just as the UK is the biggest foreign investor in the United States, so the United States is the biggest investor in the UK. American manufacturing industrial enterprises established in Britain account for about fifteen percent of British manufacturing assets; for ten percent of employment in British manufacturing industry; and for about seventeen percent of British exports. These are substantial figures. At present, however, the overall mood in the United States is one of caution about overseas investment, anywhere. I could understand that American companies might prefer expansion in the United States itself, where inflation is now more under control; where making profits is a very respectable activity; and where there would seem to be less of a threat of disruption from government interference or trades union activity.

There is uncertainty, too, about the firmness of economic growth in Europe. An immediately disturbing influence is the effect of sharply fluctuating exchange rates and the requirement to translate foreign assets into main corporate accounts at current rates, under the new Accounting Board regulations.

And yet, despite these factors, there has recently been a steady re-investment by American companies in Western Europe, and new investment, too. Other things being equal, I believe that American investment flows naturally towards Britain, rather than elsewhere in Europe, because of language, legal and cultural affinities, along with our highly developed infra-structure and technological skills.

From mid-1975 to mid-1976, American corporations appeared to become more (not less) comfortable with Britain, as inflation was tackled, shop-floor discipline improved and British Government policies shifted, noticeably, towards the encouragement of a profitable and efficient manufacturing industry. The costs of production in the United Kingdom, too, compare very well with the options in other West European countries. And since most American investors contemplating Britain as a location are interested in Britain as an export base—more, perhaps, than in the British home market—the great improvement in our export competitiveness is now another attraction.

The fall in sterling which has brought this about is, nevertheless, a two-edged weapon: as an indicator of economic uncertainty I admit that it does not help, and our efforts are now bent on stabilising the position of the pound. But the facts are that Americans have been continuing to invest steadily in Britain. The statistics are quite interesting and belie the gloomy reports about Britain and her future, that seem to be the fashionable pablum of so much of your press and television. American investment in Britain is expected to reach 4.3 billion dollars in 1976 alone—that is thirty-seven percent of all American investment in Western Europe: the figure speaks for itself. Although oil dominates the picture, 1.8 billion dollars of this is in the manufacturing sector, accounting for twenty-seven percent of that sector's investment in Europe: more than in West Germany, and a good deal more than in France. In short, Britain has climbed in the past year from a position where the American investor was seriously disturbed about the future, to one where we are back in the short-list of options for what investment is going, and where substantial reinforcement of existing investment continues.

I have been speaking about the renewed confidence in Britain by the American investor, which has been steadily building up over the past years. Unfortunately we have suffered a recent set-back. Events of the last month or two, with the further run on the pound, have re-awakened latent worries about Britain. Are we really getting inflation under control? Has the Government abandoned nationalisation ambitions, or will they return? Will moderation by the trade unions continue, or is it only a honeymoon? Not surprisingly, the American "worry-list" matches that of British entrepreneurs. But what is interesting is that American corporations appear to feel more confidence in us, and our prospects, than some of us have in ourselves.

By virtue of my position as Ambassador to the United States, I have been looking at the British economy over the past two years as much from an American, as from a British, viewpoint. I think there are many indications that we have already turned the corner, although we will need another two or three years really to put our economic house in order. Thereafter our prospects for the 1980s are quite bright. But our requirement for a further loan from the International Monetary Fund underlines the difficulties we face in bridging the gap between now and the period two years hence, when our balance of payments will be brought into surplus by our oil production from the North Sea, and when, hopefully, world trade will begin to pick up at a good pace.

We need, literally, to buy more time—and every businessman or banker recognises that that is a perfectly acceptable procedure, so long as the ultimate prospects are good.

I firmly believe that the prospects are good. For I cannot see British industry, or the British economy as a whole, reverting to the mistakes we have been making, on and off, since the Second World War. In this present struggle, several bogies of the British economic scene since 1945 have been exorcised:

First, that social security comes before industrial efficiency: we have now switched the priorities.

Second, that "profit" is a dirty word: now even the trades unions accept that the job and the profits go together.

Third, that Government and Industry, Management and Labour, cannot work together in a sound industrial policy: on the contrary, the tripartite co-operation of government, management and labour that we have seen in the new industrial strategy of the past eighteen months has saved us from much worse trouble—our excellent recent

strike record demonstrates that—and promises well for the future.

And the fourth bogey is the feeling that workers can only snatch good wages out of the mouths of their employers: it is now clearly seen that wealth must be created before it can be distributed.

In brief, in this past two years, some hard lessons have been learnt the hard way. There has developed a much healthier respect for economic growth, for profitability of private industry and for a harmonious approach to industrial policies. I do not think we shall lose these beneficial attitudes, now that they have at last sunk in.

I want to mention two other points which I know greatly concern American businessmen with an interest in Britain: one is the weight of personal taxation and the consequent lack of incentives; and the other is that workers think in money-wage terms, but not enough in productivity terms. The first step is, of course, that we should recognise these as problems. This we have now done. Denis Healey, the Chancellor of the Exchequer, underlined to the House of Commons last week what he has recognised for some time: "I believe" he said, "that the level of income tax is already dangerously high and is already doing real damage to our economic performance, particularly through its effect on those at each end of the earnings ladder." In addition, Mr. Healey made clear his concern about the disincentive effect of the overlap between unemployment benefits and wages, regarding this as one of the many good reasons for a reduction in the burden of direct taxation. I am sure that any British Government, Conservative or Labour, will take steps to deal with this problem as soon as the economy is sound enough for the necessary changes to be made.

Productivity in Britain is one of the problems we have to tackle and are tackling. It is in certain eye-catching industries—the automobile industry is a prime example—that our productivity has been particularly poor. In fact some of you will know that our rate of productivity growth has been as good as the United States over the past two decades although admittedly from a slightly lower base. But both of us have been well behind e.g. the Germans and the Japanese. Some American Chief Executive Officers with operations in both our countries are satisfied that the productivity of their British plant is as good as, or even better, than their American operation. But this is not normally the case and so the importance of productivity is very much in the forefront of our minds. I am sure you will see an improvement in this area, once industrial reinvestment begins again on a big scale in Britain, and unemployment starts coming down.

My central point is this. We are going through the roughest shaking we have had in peacetime since the great depression of the thirties. But we see very clearly that there is no point in going back to bad old habits. And Britain's fibre—her stability, her rationality, her sense of humor—is undamaged. Once the trend is upwards again, it will move upwards fast. It is all a matter of adjustment. And there are plenty of adjustments going on, as in the case of the investment banker, who hired a plumber to repair a faucet. He took ten minutes on the job and charged fifty dollars. "I say," said the investment banker, "I couldn't make fifty dollars for ten minutes' work." "Nor could I", said the plumber, "when I was an investment banker." If Britain becomes a nation of profitable plumbers, that's fine.

I think you are all aware that our most promising economic prospect is our strong position in energy resources. It is particularly appropriate for me to describe this position here in one of the great energy capitals of the world. You are now, potentially, only a seven-hour Concorde flight away from London; and the North Sea has become as familiar an oil province to you as your own backyard in the Gulf of Mexico.

The future of each of our separate fuel resources appears increasingly bright.

In oil, as you know, total North Sea production will, by the end of this year, meet a quarter of our national consumption. Six oilfields are already on stream in the North Sea, including the giant Forties and Brent fields. Next year, in 1977, we should receive some forty-five million tons of oil from those fields, nearly half our present annual consumption. And the latest indications are that by 1980—or even, we now think, a year earlier, thanks to the excellent progress being made in developing these fields, we should be self-sufficient in oil. In the longer term, we are looking for the discovery of about the same number of new fields as the fourteen already declared commercial.

With natural gas and coal, our position is equally fortunate. I shall not go into further statistical detail now; but it is an indication of the significance of these resources that, by 1980, we shall be producing forty-five percent of the total energy production of the nine countries that make up the European Economic Community.

What does all this mean to us in economic terms?

While I am always careful not to make unduly optimistic claims, particularly before this expert audience, I can say that this situation gives us comfort and encouragement. By 1980, we should benefit by some six billion pounds from our oil production on the UK balance of payments, and by four billion pounds from gas production. Altogether this will represent some five to six percent of our Gross National Product at present rates. We shall, of course, as a country, have to pay off the immense borrowings which were necessary to develop the oil and gas in the first place. But by 1985, the UK balance of payments could benefit by about twenty-four billion pounds, equivalent to about eight percent of GNP.

As soon as next year, according to some recent (unofficial) estimates, our North Sea oil and gas should bring us a balance of payments surplus. When you place the amount of our future production beside the fact that we are already covering our non-oil deficit with exports from manufacturing industry, the picture looks pretty satisfactory.

On behalf of the British people, I pay a warm and heartfelt tribute to all the American companies with stakes in the North Sea who, by their technological skill and their physical and financial courage, in some of the toughest conditions in the world, have contributed so much to render all this possible. We in Britain value immensely all the strength they have brought to bear in making the benefits of this raw material of industry available to the UK, and to other industrial nations, for whom it is so essential a commodity.

As we look at Britain and at our prospects over the remainder of this century, one can feel a quiet confidence. We have come through a pretty rough passage over the past thirty years, with all that we value intact. Indeed, as President of one of your largest universities said to me a few weeks ago—we have managed our transition with a remarkable patience and stability. That is true. When I travel through Britain, I see no sign that the real heart of the nation has been damaged. On the contrary. Our zest for life, our art, our theatre, and television, our good humor (I hope), the beauty of our countryside and ancient towns; all are cherished, and as healthy as ever. We are a balanced and, believe it or not, a happy people.

Some of you, looking at our present difficulties, may remain sceptical. You may indeed dismiss what I have been saying as over-optimistic. But I would ask you to give us in Britain the benefit of the doubt, acknowledging what we are now doing to put our economic house in order—just as we gave you the benefit of the doubt during your difficult years of Vietnam and Watergate. This is what tested and trusted partners and allies mean to each other. By the 1980s, we—and you—will be able to judge whether or not we have succeeded in achieving the challenging transitions which we are now striving to complete.

HUMAN RIGHTS

Mr. CASE. Mr. President, in recent days the administration has made some very welcome statements on behalf of human rights.

It is important that the leaders of other countries, in the Soviet Union, Eastern Europe, and the developing world, understand that the concern for basic human rights is widespread and deeply felt. It is not a partisan matter, or the result of alleged domestic political considerations.

Rather, it is an outgrowth of our basic American attitudes, stemming from our political and social history.

The support for human rights also is expressed in the 1975 Helsinki Accord signed by the Soviet Union and other Warsaw Pact nations, the United States, and the nations of Western Europe.

Principle VII of the Helsinki Accord says in part:

> The participating states will respect human rights and fundamental freedoms including the freedom of thought, conscience, religion or belief, for all without distinction, as to race, sex, language or religion.

Thus, I was pleased that Secretary Vance, in his response to questions I submitted for the record of his January 11 Senate Foreign Relations Confirmation hearings said:

> It would seem to me that signing the Final Act—including Principle VII—imposes an obligation on all signatory states to expect that other signatories, including the United States, might raise questions about any and all violations of human rights and fundamental freedoms.

The State Department's statements January 26 on the situation in Czechoslovakia and January 27 on Andrei Sakharov are commendable and consistent with the Secretary's previous position. They provide specific illustrations of the general concern.

The minidispute over whether the Sakharov statement was properly cleared at the highest levels should not obscure the basic outline of our position; that human rights considerations should be given a high priority in our foreign policy.

Secretary Vance, in his press conference Monday said:

> We will speak frankly about injustice, both at home and abroad. We do not intend, however, to be strident or polemical, but we believe that an abiding respect for human rights is a human value of fundamental importance, and that it must be nourished. We will not comment on each and every issue, but we will, from time to time comment when we see a threat to human rights, when we believe it constructive to do so.

Of course there are likely to be differences in opinion as to when comment is constructive.

I trust that the Russians are mature

enough to understand, as President Carter put it so well yesterday:

We are not attacking the Soviet Union, but we are expressing our commitment on human rights.

As the ranking Republican member of the Senate Foreign Relations Committee and a member of the Helsinki Commission, I lend bipartisan support to that position.

It is important that Soviet officials understand that the United States is not going to ignore this commitment just because Moscow might be unhappy. The best way to remove this possible source of friction is for the Soviets to abide by the pledges to support reunification of families and other human rights measures they accepted in signing the Helsinki Accord.

Important steps in that direction would be ending the harassment of Dr. Sakharov and Soviet citizens who have sought to emigrate.

It should be noted that there are those in the Soviet Union who also are concerned about compliance with the Helsinki Accord.

On May 12, 1976, a group of Soviet civil rights leaders formed the Group to Promote Observance of the Helsinki Accords in the U.S.S.R. The leader of the group, Yuri Orlov, is a well known Soviet Scientist. Other members are Ludmilla Alekseevna; Mikhail Bernshtam, emigrated; Elena Bonner, Sakharov's wife; Aleksandr Ginzburg, a writer who is in charge of the Solzhenitsyn Fund for the Aid of Political Prisoners; Maj. Gen. Petr Grigorenko; Aleksandr Korchak; Malva Landa; Anatoli Marchenko, a political prisoner who is currently in exile; Vitali Rubin, who has since emigrated to Israel; Anatoli Shcharansky and a later member Vladimir Slepak.

This group has been issuing documents to the 34 embassies of the CSCE signatories on Soviet violations and compliance with Basket Three provisions. The reports of this group are well documented and have focused on the following areas of concern: divided families; postal and telephone communication; political prisoners, continued discrimination against them after their terms are up; severe health problems among prisoners; repression against religious families; including taking away their children; continued incarceration in psychiatric clinics for political reasons; the situation of Mufstafa Dzhimelev who is in camp for his defense of the cultural rights of the Crimean Tartars; repression against people who wish to emigrate for political reasons; and on the village of Ilyatka from which many Jewish families want to emigrate and other issues.

The members of this group have been subject to various types of recrimination from the Soviet authorities. Just 3 days after the formation of the group, Yuri Orlov, was detained and threatened by the KGB, and was accused of anti-Soviet activity. More recently, he has again been detained, questioned, and kept inside his own apartment by guards waiting to take him in for questioning. Other members of the group have also been subjected to other types of official repression: there were extensive apartment searches of the Orlovs, Ginzburgs and Alekseevna. Despite these and other pressures, the Orlov group continues its work even though the authorities have confiscated some of their working materials.

Similar groups to monitor Soviet compliance of the accords have recently been established in Kiev and in Lithuania.

I ask unanimous consent to print in the RECORD the text of the questions and answers from the January 11 Senate Foreign Relations Committee, the State Department's statement on Sakharov and several related press articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From printed record of Vance's Jan. 11 Senate Foreign Relations Committee confirmation hearing]

MR. VANCE'S RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD FROM SENATOR CASE

Question 1. There have been indications that the Cuban government is interested in normalization of relations with the U.S.

Do you think that the atmosphere for such efforts might be improved if the Castro government released Huber Matos and let him rejoin his family in the United States?

Answer. Yes, the release of Mr. Matos would help the process of normalization of relations with Cuba. The Cuban Government holds a number of other political prisoners including some American citizens. The release of these political prisoners as a gesture of goodwill and as a humanitarian act would be one indication that Cuba is seriously interested in starting a dialogue with the United States.

Question 2. What is your view on whether the Helsinki Accord gives the U.S. a standing to raise human rights matters with the Soviet Union, especially those involving reunification of families by emigration to non-signatories such as Israel as well as to signatory nations?

Answer. The question of whether the Helsinki Accord gives the U.S. standing to raise human rights matters with the Soviet Union involving emigration to non-signatories is a complex legal issue which I have not been able to consider. Reunification of families clearly falls under the provisions of Basket III. I can state now that the Carter Administration will vigorously pursue human rights matters with the Soviet Union which come under the terms of the Helsinki Accord. We will also discuss other human rights problems with the Soviets which are of concern to American citizens.

Question 3. How broadly do you interpret Principle VII of the Helsinki Accord, "Respect for human rights, and fundamental freedoms, including the freedom of thought, conscience, religion or belief." Does this principle give signatory nations the right to raise questions concerning alleged violations of rights of minority groups?

Answer. Principle VII—"respect for human rights, and fundamental freedoms, including the freedom of thought, conscience, religion or belief" can be interpreted very broadly. That is how I see it. The real problem, however, is encouraging the other signatory nations—who may not share the same traditional respect for these rights—to interpret it as we might. It would seem to me that signing the Final Act—including Principle VII—imposes an obligation on all signatory states to expect that other signatories, including the United States, might raise questions about any and all violations of human rights and fundamental freedoms.

Question 4. Mr. Vance, President-elect Carter addressed the Platform Committee of the Democratic Party last June. On the subject of the Middle East he said, and I quote, "This country (the U.S.A.) should never attempt to impose a settlement on Israel, nor should we force Israel to make territorial concessions which are detrimental to her security. We should attempt to promote direct negotiations between Israel and her neighbors. Israel must be allowed to live within defensible borbers." Do you subscribe to this statement, and will you work to bring the Arab states into a situation where they would negotiate directly with Israel?

Answer. I fully agree that a settlement of local conflicts imposed by outside powers against the will of one or both of the sides to the dispute will have little chance of succeeding. To be durable, a Middle East settlement must be regarded by all parties as one in which they have a sufficient vested interest to want to keep the arrangement intact. Similarly, this is the compelling argument for negotiations between the parties, since through the give and take of negotiations the parties build up a stake in the acceptance of the resulting agreement. There have been negotiations between the parties in the past few years, in part through the good offices of the United States and in part around the negotiating table. I would expect such negotiations to continue according to whatever pattern promised the best prospects for success and was agreed to by the parties themselves.

The parties to the Middle East dispute, in accepting United Nations Security Council Resolution 338, have accepted the principle of negotiations between them. They have, moreover, in the recent past emphasized their desire to have such negotiations take place and the United States will continue its efforts to help get this process started.

By the same token, we have no intention of forcing Israel to make territorial concessions that are detrimental to her security. Security Council Resolution 242 has set forth the principles upon which such negotiations should be based, and has been accepted as such by the parties. It is true that the parties have differing interpretations of Resolution 242, and the ultimate objective of negotiations is to achieve a peace settlement that reconciles those differences.

Question 5. Last year the United States sold billions of dollars worth of arms to Saudi Arabia and Kuwait. We even began a supply relationship with Egypt by selling her six C–130 cargo planes. She has now indicated she wants 14 more. And there has been talk about increasing the volume of arms to Egypt this year to include such offensive weaponry as F–5 fighter aircraft, Sidewinder air-to-air missiles, TOW antitank missiles and advanced radar equipment.

In an address in April, President-elect Carter said: "I do not believe arms sales buy lasting friends. I am concerned with the way in which our country, as well as the Soviet Union, Britain and France, have poured arms into certain Arab countries far beyond their legitimate needs for defense—5 or 6 times more than Israel receives. This headlong rush for weapons increases the chance of war. It postpones peace negotiations. It defers development. It erodes security.

"That is why it would not be wise at this time to supply strike weapons to Egypt, despite that nation's recent signs of friendship for the United States. With its vast population and deep poverty, Egypt needs housing and jobs and health care far more than offensive weapons such as tanks and planes and missiles."

Mr. Vance, what is your position on supplying arms to the Arab states? Will the new Administration place high priority on developing and executing a coherent arms sale policy throughout the Middle East and, indeed, throughout the world?

Answer. I have stated previously we must examine arms requests from Middle East

states in a broader context, and look at three basic questions:

Are the arms necessary to meet the legitimate security requirements of the requesting country?

Will the arms requested upset the critically important military balance in the region?

How will the sale affect movement toward a peace settlement?

I can assure you that the new Administration places the highest priority on developing a sound and coherent arms transfer policy throughout the world, and particularly to troubled areas such as the Middle East. We will also be considering new procedures and organizational arrangements for effectively implementing such a policy.

ANSWER TO QUESTIONS TAKEN AT STATE DEPARTMENT'S DAILY PRESS BRIEFING—JANUARY 26, 1977

Q. Do you have any comment on the stories concerning the warnings the Soviets have given to Sakharov about his activities?

A. We have long admired Andrei Sakharov as an outspoken champion of human rights in the Soviet Union. He is, as you know, a prominent, respected scientist, a Nobel laureate who, at considerable risk, has worked to promote respect for human rights in his native land.

Any attempts by the Soviet authorities to intimidate Mr. Sakharov will not silence legitimate criticism in the Soviet Union and will conflict with accepted international standards in the field of human rights.

[From the New York Times, Jan. 31, 1977]

CARTER SAYS WARNING ON A SOVIET DISSIDENT REFLECTED HIS VIEWS—DIDN'T KNOW OF IT IN ADVANCE—BUT PRESIDENT ASSERTS STATEMENT "WAS MY ATTITUDE" AND HE WON'T "BACK DOWN" ON HUMAN RIGHTS

WASHINGTON, Jan. 30.—President Carter said today that he had not known in advance that the State Department press office would issue a warning to the Soviet Union that it should not silence the political dissident Andrei D. Sakharov. But, he said, the statement "was my attitude."

"We're not going to back down" on the issue of human rights, the President said. He added that the warning to the Soviet Union, which was issued by a State Department official, probably "should have been said by myself" or Secretary of State Cyrus R. Vance.

Mr. Carter, speaking in an informal interview with three reporters during a 170-mile helicopter trip to Pennsylvania, stressed his desire to speak out for human rights around the world while not "aggravating" relations with the Soviet Union.

EFFECT ON SAKHAROV QUESTIONED

The President's words today about the Sakharov incident could be open to widely differing interpretations. However, his intent seemed to be to emphasize that while criticism of the Soviet Union was by no means unthinkable, it should be made only after consideration at the highest level.

He was not convinced, he said, that a "statement by a subordinate" would help improve Mr. Sakharov's status or rights.

When it was suggested that it might be easier for the Soviet Union to endure a critical remark made by a subordinate than one made by the President, Mr. Carter said: "It depends on the relationship I have with Brezhnev." Leonid I. Brezhnev is the Soviet Communist party chief.

Mr. Carter went on to say that it was important that there be accurate understanding in the Soviet Union of "our deep commitment to human rights and our inclination to be at peace with the Soviet Union, on the other hand."

WARNING ON "PREACHING" TO OTHERS

He suggested that mere "publicity stunts meant to goad" another government were unwise and that "preaching to other governments" could exacerbate relations.

Mr. Carter also said that he intended to make a speech at the United Nations in early spring, but he gave no date.

The conversation aboard the helicopter bringing the President back from a trip to Pittsburgh, where he inspected an industrial plant affected by the severe winter, was chatty and relaxed. It ranged over topics as diverse as high-level diplomacy, the problem of motion sickness that affected some of the passengers and an exercise machine—once owned by President Eisenhower—that Mr. Carter had retrieved from a White House storage room.

Among the points the President made were these:

He feels "no pressure" to act quickly to nominate a Director of Central Intelligence and "will take my time." Six or seven persons are under consideration for the post, from which Theodore C. Sorensen withdrew his name. To fill the post the President is "certainly" still looking for an outsider who is not part of the intelligence community.

He feels hopeful about talks with Panama over a renegotiation of the Panama Canal treaty and has received from the National Security Council firm recommendations on a negotiating stance. He has not changed his previous opinion that the United States should not surrender "practical control" of the canal, but he thinks that Panamanian aspirations can be satisfied within that formula.

NAVAL EXPERIENCES RECALLED

The conversation with three "pool" reporters on the comfortably appointed helicopter began when one of them apologized for having been airsick, an affliction that struck two reporters and a Secret Service agent during a somewhat bumpy flight. Mr. Carter solicitiously urged the reporter not to feel apologetic and said he had been queasy himself.

"I never got over seasickness" when in the Navy, Mr. Carter said, "My former shipmates, when asked what they remember about me, usually remember how sick I was during my first week on a submarine. To my credit, they also usually remember that I never missed a watch."

The President attributed his tendency to seasickness to a savage storm that damaged the radio transmitting equipment on the submarine Pomfret in January 1949 during his first undersea cruise as a junior Naval officer. The radio was out of commission so long that the Navy suggested that dependents of the crew members be informed it was "presumed sunk," he said.

More than 25 years later, he said, he still "cannot forget" the sour smell of diesel fumes, cigarette smoke and sick men in the hull at that time.

The President gave some insights into his new life at the White House. During the first few days in office he usually ate lunch with his family, but he will now begin to eat only a sandwich at his desk, he said. Since he has no breakfast other than orange juice on most days, he explained, "with that regimen, which suits me, I don't have any weight problem and I can eat all I want in the evening, including dessert."

His son, Chip, discovered in a White House storeroom a "really fancy" exercise machine resembling a stationary bicycle and a treadmill, both used by President Dwight D. Eisenhower, Mr. Carter said. The cycle machine is now installed in his study and the treadmill in Mrs. Carter's study, and he "works out" on both, he said, getting much better exercise than he had enjoyed in previous months.

[From the New York Times, Jan. 31, 1977]

A CRAVING FOR RIGHTS

(By Anthony Lewis)

BOSTON, Jan. 30.—Jimmy Carter's commitment to the support of human rights abroad was almost certain to produce a clash with Soviet authorities at some point. But it has come much sooner than could have been expected, in the affair of Andrei Sakharov.

Soviet prosecutors began it when they called in Sakharov, the most important voice for human rights in the U.S.S.R., and threatened to charge him unless he ceased "hostile and slanderous" activities. State Department spokesmen said any attempt to "intimidate" Sakharov would violate "accepted international standards"—a reference to the Helsinki Agreement. Tass denounced the department for an "unsavory play."

The episode is no doubt awkward for a new Administration, and Mr. Carter and Secretary of State Vance were annoyed that they were not consulted before the spokesman made his critical statement. But it may be just as well that it came so early, if wise lessons are drawn about how to deal with the Soviets on this delicate but profoundly important question.

One need is to make Soviet leaders understand that there is a genuine, widespread American concern for human rights. President Carter surely reflected a popular feeling when he emphasized the issue in his campaign, and when he spoke in his Inaugural Address of people around the world "craving . . . basic human rights."

Americans are especially interested in the Soviet situation. The brutal treatment of dissenters arouses intense sympathy here, as indeed it does in Western Europe, because the afflicted individuals are enough like us so that we identify with them—and because their stories are often such nightmares of cruelty.

In a letter to President Carter, Sakharov mentioned 15 current Soviet victims. Any one of those cases would arouse any thoughtful person in the West: Pyotr Ruban, for example, sentenced to eight years in a labor camp and five more in internal exile for making a wooden Statue of Liberty in honor of the Bicentennial; Dr. Mikhail Stern, eight years on crudely-fabricated charges of soliciting bribes for medical treatment, after his two sons left for Israel; Semyon Gluzman, a psychiatrist, sent to a labor camp for defending the sanity of a dissenter who was kept in a psychiatric ward.

Concern about such uncivilized Soviet official behavior is not just a phenomenon among little circles of soft-hearted American liberals. It is a political fact of life in the United States, and one that has to be understood if détente is to have a lasting place in Soviet-American relations.

Failure to understand that proved deeply damaging, perhaps fatal, to the Nixon-Kissinger version of détente. Americans got the impression that the United States had implicitly agreed to be silent about Soviet suppression of human rights. That seemed a soulless kind of détente, and it lost support right across the political spectrum. Public opinion can certainly not be expected to support a new effort for improved relations now unless there are elements of hope for greater humanity in Soviet policy.

But it is also necessary to reassure Soviet leaders that the new Carter emphasis on human rights is not part of a political offensive against them. And if we step back and try to imagine how the United States looks to them at this moment, we may see some reason for such a fear.

The beginning of the Carter Administration has coincided with an enormous cam-

paign of military fear in this country. The Pentagon, Republican politicians, right-wing intellectuals and others are painting a picture of imminent Soviet military superiority and demanding greater American defense spending—which would produce, as night follows day, more Soviet weaponry.

Soviet leaders, knowing of those factors in current American opinion, might mistake expressions of concern for human rights as the work of people with a political ax to grind. The Tass statement the other day took that line, saying some elements in Washington had "a very strong anti-Soviet itch."

Washington also has to be understanding of political realities in Moscow, and not crowd those who do want better relations with the West. They have their internal opposition, and right now the leadership is also embarrassingly uncertain how to deal with West European Communists and their liberal ideas. An Italian Communist delegation recently made a pointed call on a Soviet dissenter, Roy Medvedev, and signed him up for a book.

What the Carter Administration can rightly offer Soviet leaders, in these circumstances, is assurance that it does genuinely want to ease tensions. Secretary of State Vance has doubtlessly already followed that course, in the wake of the Sakharov episode, by emphasizing to the Soviets the seriousness and urgency of the President's desire for agreement on arms limitation.

In short, the new candor on human rights has to be accompanied by vigorous moves toward other desirable goals in Soviet-American relations. The Administration must persuade the Soviets that the American feelings about human right is real—but that there is a real desire for agreements on arms and trade if basic terms can be met.

[From the New York Times, Feb. 1, 1977]

CARTER DISCUSSES HUMAN RIGHTS AND ARMS WITH DOBRYNIN

(By Bernard Gwertzman)

WASHINGTON, Feb. 1.—President Carter told Ambassador Anatoly F. Dobrynin today that the United States would not back down on its commitment to strengthen human rights in the Soviet Union and elsewhere, the White House said.

According to an official statement, Mr. Carter, in a meeting devoted mainly to arms limitation matters, made a point of raising the rights issue by saying, "We are not attacking the Soviet Union, but we are expressing our commitment on human rights."

The White House statement echoed comments reporters had earlier heard Mr. Carter make to Vice President Mondale aboard a helicopter on the way from Andrews Air Force Base. It tended to refute news reports that the Administration had been embarrassed by a State Department statement to Moscow not to try and silence Andrei D. Sakharov, the physicist and human rights advocate.

The State Department statement was not cleared by either Mr. Carter or Secretary of State Cyrus R. Vance, and the President told reporters on Sunday that he was not happy with the way the department had handled the matter, although he supported the substance of the statement.

Mr. Vance and others have since said that the Administration was not trying to scale down its interest in the issue. Complicating the situation was a complaint on Thursday by Mr. Dobrynin that the statement constituted interference in Soviet affairs.

Although the President raised the matter with Mr. Dobrynin in their hour-long session today, it appears that, initially at least, the White House intended to avoid mentioning it and to focus instead on strategic arms matters.

Reporters were allowed to witness Mr. Dobrynin's arrival in the Oval Office. On meeting the envoy, who has served here since 1962, Mr. Carter said: "I've heard great things about you and your service in Washington. I hope to have a great relationship with you and also with Mr. Leonid Brezhnev."

Mr. Dobrynin said the United States and the Soviet Union had mutual interests and "we must not let them go by." He handed over presents from Mr. Brezhnev, the Soviet leader—for the President, a miniature silver samovar and for Amy, his daughter, a set of hollow wooden "matryoshka" dolls, a traditional Russian peasant article in which smaller dolls fit into increasingly larger ones.

CARTER'S COMMENT TO MONDALE

After the session, which was attended by Mr. Vance and Zbigniew Brzezinski, the national security adviser, the White House issued a statement prepared by Mr. Brzezinski's office that did not mention human rights and said the participants had reviewed the whole range of United States-Soviet relations, with particular emphasis on the forthcoming negotiations for a limitation of strategic offensive weapons.

By that time, Mr. Carter had gone to Andrews Air Force Base to welcome Mr. Mondale on his arrival home from his round-the-world mission. As they flew back to the White House in a Marine helicopter with a small group of reporters aboard, Mr. Mondale asked Mr. Carter whether "the Sakharov flap had died down."

The President was quoted by the reporters as having replied:

"I told Dobrynin that we're not going to back down on that. We have a commitment on human rights and when statements like that are made it's not an attack on the Soviet Union but an expression of support for that commitment."

After the reporters aboard the helicopter had briefed their colleagues, the White House press office issued the following additional statement about Mr. Carter's session with the Soviet envoy:

"The President specifically raised the human rights issue. He told Ambassador Dobrynin that the United States will not back down on the human rights issue. We have a commitment on a position. We are not attacking the Soviet Union, but we are expressing our commitment on human rights."

It could not be immediately learned how much of the conversation between Mr. Carter and Mr. Dobrynin had been spent on the Sakharov matter, but it was assumed that it did not play a major role since the two men had many matters to cover.

[From the New York Times, Jan. 31, 1977]

HUNGER FOR RIGHTS IN SOVIET BLOC SPURS OPEN PROTEST AND CRITICISM

(By Flora Lewis)

PARIS, Jan. 30.—Open criticism and protest have intensified recently in several countries of the Soviet Bloc and seem to be gathering increasing strength and urgency.

The common theme is a demand for more freedom, realization of human rights pledged in many solemn documents but not granted, and rule of law instead of rule by police and censor.

A close look at the dissident movements and the reaction of governments, country by country, shows a wide variety of tactics, participation, and official response. The movements do not seem to be a wave spreading from a single impulse; they seem to have arisen from specific situations.

To the extent that there are international links, they are between the various groups and the West, rather than among protesters of different nationalities. The links with the West provide a peculiar new communications route within each country.

The Western press and radio have long been the only facilities in which nonofficial, non-controlled information about Eastern Europe can circulate freely, and some of it has always leaked back eastward. The difference now seems to be the discovery by the protesters that contacts with Westerners or an outcry in the West about specific individuals can bring relief and protection rather than certain disaster.

A dramatic example was the case of Alexsandr N. Solzhenitsyn, the writer who drew international attention when he was allowed to publish a searing critique of Stalin's labor camps during the brief period of thaw under the late Nikita S. Khrushchev, and went on to win a Nobel Prize.

By the time the policy of allowing such grievances to be aired—though only about the Stalinist period—was reversed, Mr. Solzhenitzyn had gained sufficient prominence to make himself heard abroad. He also apparently made Soviet officialdom leery of overtly hustling him back into prison, or, worse, of arranging his permanent disappearance in familiar ways.

Instead, the novelist was forced into exile, a totally new Soviet manner of dealing with recalcitrants. His case confirmed the effectiveness of the technique of Eastern-bloc citizens, unable to communicate with one another openly at home, in getting their views back to their compatriots via the West.

There is no clear, documentable explanation why groups of people in several countries are now at the point at which they dare to use this risky system of rebound telegraphy. A number of developments, some local and some international, have obviously played a part.

A review of the situation in the Soviet bloc, country by country, reflects several of the factors involved.

BULGARIA

Still the most Stalinist of the Eastern European countries, Bulgaria is the only one with a pro-Russian tradition, and has not produced any noticeable dissent.

RUMANIA

Little has surfaced in Rumania from beneath an ever-intensive system of cultural and political repression. Recent Rumanian travelers in the West have spoken of a "cultural revolution" in progress, by which they mean a renewed crackdown on any expressions that stray from the official line, even in the arts. There is evidently ferment beneath the surface. Workers are reported to be slacking off in large numbers, and drinking on the job is said to have become a problem.

However, Rumania has followed an intensely nationalist line in foreign affairs for more than a decade, refusing lip service and obedience to Soviet positions, and this show of national independence has been popular.

HUNGARY

The obverse of Rumania's policy has been applied in Hungry, where there has also been overt dissidence. Budapest follows Moscow meticulously on international questions, but at home allows its citizens a large degree of individual ease. As a Western diplomat said: "You can have fun and be comfortable, even if it isn't Vienna."

Constraints are subtle and limited to issues on which the Government feels a political challenge, not just reluctance to toe the line. "In a sense," a veteran traveler in Eastern Europe said, "the Hungarians won their revolution. They couldn't get out of the Warsaw Pact, but they have achieved a fairly tolerable life within it."

Since Hungary is centrally situated, ordinary Western radio and television, as well as programs specially beamed to Eastern Europe, are easily received in large areas of the country.

Individuals are allowed pleasure trips to the West only once in three years, officially because of a foreign currency shortage, but 300,000 people were allowed to take those

trips in 1975 and perhaps a few more were last year.

CZECHOSLOVAKIA

After some 300 intellectuals and ex-Communist leaders and functionaries signed the "Charter 77," the police launched a campaign of repression and are now threatening to exile eight of the most prominent persons involved. It is an important evolution in the history of Eastern European protest that instead of demanding the right to leave, critics are now demanding the right to stay and fight for reform.

Charter 77 bases its demands on international human-rights conventions, the European security document signed by heads of 35 nations in Helsinki two years ago, and the Czechoslovak Constitution itself. The movement does not challenge the Marxist philosophy of government, nor does it explicitly challenge the structure of the Prague Government and the exclusive dominance of the Communist Party.

Rather, Charter 77 calls upon the Government to fulfill promises, saying that they continue to exist "only on paper," for rights of expression, information and religion, freedom from police harassment, and representation of workers. Essentially, it is a revolt of intellectuals and of disillusioned Communists, many of them purged after the 1968 Soviet military liquidation of the Czechoslovak experiment with liberalization.

Drive seems cued to Belgrade talks

The Government has begun to use the police to isolate and silence the group, but seems to have grown a little hesitant in the face of loud protests in the West, including two new and significant voices—some Western Communists and the United States Government.

The timing of the Czechoslovak dissidence seems to have been affected by the coming Belgrade East-West conference to review the results of the Helsinki meeting. Experts say it is also likely that the leaders of Charter 77 were influenced by two other major factors.

These were the liberal stand of Western Communist parties, which was accepted, though not endorsed, at the East Berlin meeting of European Communists last summer, and the perception that there have been no changes the Soviet Union despite rumors early last year that Leonid I. Brezhnev would step down from the party leadership after the Soviet Communist Party Congress.

Reaction to western contacts

Throughout Eastern Europe, there has been a noticeable tightening of an automatic "defense" reaction tied to the policy of detente and more open exchanges with the West, bolstering contraints in order to minimize the impact of broader Western contacts.

Czechoslovakia and others are inclined to think that that reaction was inevitable after the tensions of 1968, the dangerous period of economic decline that followed, and the subsequent effort to appease the sullen people with material benefits. Still others are more inclined to blame the instinctive reflexes of the apparatus that runs the system.

EAST GERMANY

Most East German dissent has been expressed in the flood of applications for the right to move to the West. Just when East Germany has finally won international recognition as a sovereign state, the people are forcing the reminder that the East German state is not a new nation in itself.

There is, according to Western statistics, one Soviet soldier for every 48 inhabitants in East Germany. The Government implicitly confirmed that it had given up trying to persuade its citizens that they were a new and different "German nation" by dropping the phrase from the new Constitution adopted on Sept. 27, 1975. Instead, the charter proclaimed "the definitive and irreversible alliance with the Soviet Union."

East Germany has also imposed the new tactic of forced exile, notably on the poet and singer Wolfgang Biermann, who was allowed to go on tour in West Germany in November and then notified that his citizenship had been voided.

POLAND

Polish workers rioted last June and forced the Government to back down immediately on an announced increase in food prices that was meant to correct shortages of everyday supplies—shortages that were essentially the result of hidden inflation.

Earlier last year a group of intellectuals signed a petition protesting against two clauses in the new Constitution. One was like the East German clause proclaiming perpetual alliance with the Soviet Union, and the other proclaimed the perpetual "ruling role" of the Communist Party.

But the workers' upheaval brought a linkage between the intellectual dissent and the popular discontent, precisely the situation that Communist governments dread most.

A small opposition group then established a committee of support for workers arrested or otherwise punished for striking as well as rioting. The group has been harassed and publicly attacked but so far the Government has been trying to avoid creation of martyrs by arrests or expulsion. Nonetheless, support for the oppositionists has spread.

Concentrating on economy

In 1956 and 1970, popular upheavals forced a change at the top and a degree of reform. There are evident reformist demands within the Communist hierarchy now. For the time being, the official policy is to concentrate on restoring the economy, in the belief that dissent will die out when the shops fill up.

The dissenters, former Communists and Socialists are convinced not only that the problem goes much deeper but that the economy cannot be improved without liberties to motivate the workers. Jacek Kuron, one of the most active dissidents, said in an interview with a Western correspondent that he sought the "Finlandization" of Poland.

This is the first time the word has been used publicly in that sense. It was invented to mean subtle Soviet dominance and constraint upon an otherwise free Western society, and connoted to menace for the West. After Helsinki, it is being used as a goal for the East.

Mr. Kuron, and his friends are not optimistic. "Since the path of democratization is blocked," he said, "the regime will choose the path of regression." The Polish leaders, however, are acutely aware of the risk of provoking such grave national disorder that nothing short of massive Soviet intervention could control it.

Poland is about on a par with Hungary—some say ahead—in the relatively high degree of internal cultural freedom that is permitted and the relatively low degree of police interference with everyday life. But this has proven inadequate.

A long-time Communist sympathizer in Poland suggested that the unrest in large parts of the bloc was "the inevitable consequence of becoming a developed Socialist society, and we are a developed society now."

There is a distant analogy between what happened in the Western world in 1968 and what is going on through Eastern Europe now: A swell of dissatisfaction with things as they are, with purely material rewards with conformist pressures and what seems social cynicism and indifference at the top.

SOVIET UNION

The Soviet Union remains the crustiest and toughest of all. There has been an important evolution in a generation in material standards and in the measures and intensity of repression, but so far as is known, only in the Soviet Union have psychiatric wards been used to reduce the prison-camp population.

Again, so far as is known—information from the Soviet Union remains most thoroughly suppressed—opposition has been expressed only by intellectuals who are in a position to contact Westerners.

However, Vladimir K. Bukovsky, who, in yet another totally new development in the treatment of dissidents, was exchanged for the Chilean Communist leader Luis Corvalan late last month, has said that there have been revolts and strikes among political prisoners.

The official warning from the United States last week against mistreatment of dissident physicist Andrei D. Sakharov was bound to disturb the Russians, according to Western experts, and to pose a sharp question to the leadership.

Moscow may think twice

Experts believe that the reflex reaction would normally be to increase repression. But if the United States seems to be redefining detente in a way that makes caution the price of important gains from the West, the Kremlin may think twice.

Officials of the Carter Administration have indicated that, so far, no such link has been made in Washington and that the American statement was simply a fulfillment of the President's campaign pledge to restore a moral ingredient to foreign-policy declarations.

The endemic quandry of how to keep authoritarian power and deal profitably and rewardingly with a disapproving world has been raised again for Communist leaders, along with the issue of how to keep people at peace and at work without the freedoms they have come to consider necessary.

MOSCOW REBUTS U.S. ON SAKHAROV PRAISE—TASS CHARGES 'UNSAVORY PLAY,' WITH OR WITHOUT VANCE'S KNOWLEDGE

(By Christopher S. Wren)

Moscow, Jan. 29—The Soviet Government's press agency Tass said today that the State Department engaged in "unsavory play" on Thursday in issuing a statement in defense of Andrei D Sakharov, the physicist and civil rights advocate.

The press agency said the American action, taken "with or without the knowledge of its new leader," Secretary of State Cyrus R. Vance, was part of a campaign aimed at discrediting the Soviet Union concerning compliance with the 1975 Helsinki agreement on East-West cooperation.

The agency accused Western correspondents in Moscow of "stirring up the theme of dissidents" by reporting on their situation. It contended that such coverage constituted interference in Soviet affairs and thus violated the Helsinki act.

The commentary, by Yuri Kornilov, a Tass writer on foreign affairs, was the first public reaction here to the State Department's gesture of support for Dr. Sakharov.

[From the Washington Star, Feb. 1, 1977]

KISSINGER'S GONE, BUT WHAT'S AHEAD?

(By Mary McGrory)

His predecessor always surged in, surrounded by bodyguards, like a gangster or a rock star. Cyrus Vance ambled in alone for his first press conference and was at the podium, peering over his half-glasses, before anyone realized he was in the room.

The torch of American foreign policy has passed from the most imperial and theatrical secretary of state in history, whose every whim and quip was chronicled by a worshipful press corps, to a calm, gray-haired profes-

sional who apparently expects to be treated like an ordinary mortal, not a super-celebrity or a sovereign power.

At the last, Henry Kissinger, in his greed for notice, was reduced to accepting a uniform from the Harlem Globetrotters—anything to delay the dread moment when the spotlight would be turned off and the curtain would go down. Kissinger loved the power, the jets, the limousines, the adulation. His Secret Service protection is being extended to soften the withdrawal pangs.

Kissinger's abiding problem, apart from his ego, was his distrust of democracy. No one was more nettled by its inefficiency, its tedium, at home and abroad. He made friends with dictators, in Vietnam, Chile, China, South Korea. He made a secret of everything but his resentment of the "meddling" which is prescribed by the Constitution in the management of foreign policy.

He felt so strongly about the need for one-man rule that he prevailed on Gerald Ford in his farewell State of the Union to include a reproachful passage about "the regrettable tendency towards congressional intrusion into, or obstruction of presidential responsibilities"—a final warning against the dangers of democracy.

Vance, by contrast, seems perfectly willing to tolerate congressional intervention. He is, he declared, quite looking forward to it.

That's style, of course. But what of substance? What will this country's attitude be towards people in other countries who speak up for freedom? Kissinger regarded Solzhenitsyn as a nuisance, like the war protesters who so hampered Kissinger's 4½-year search for peace in Vietnam, like the senators who blocked his way to further adventure in Angola.

The first time out on this vexing, and central question of foreign policy, the Carter administration spoke out clearly, unequivocally—and then retreated.

Last week, to the satisfaction of those Americans who think we should stand for human rights, the State Department told the Soviets to lay off Andrei Sakharov, the valiant Nobel laureate, who is facing new and more sinister oppression from his government.

Alas, it turned out to be a clerical error. That is, some underling, admirably literal-minded, in the European Affairs Bureau, had seen in the threat to Sakharov a clear violation of the Helsinki accords, and put out the proper response.

It may have been bureaucracy's finest hour. But it caused consternation at the top. Jimmy Carter, on being advised of a howl from the Soviet ambassador, made a mealy-mouthed statement which at once said, "I wish I'd said that" and "I wish it hadn't been said."

Vance, in his press conference, reflected his chief's ambivalence. When asked about the heart-stirring statement, he reacted rather like John Kennedy after the Bay of Pigs.

"I did not see it (the statement), it was cleared at lower levels. I am not going to give the name of the individual. I have the responsibility in this department, and therefore, I accept that responsibility fully."

We will speak out again, it seems, but not in "a strident or polemical" way. But does that take us back to the Kissinger era, when the price of SALT was silence on human rights?

Vance wants normalization of our relations with Cuba, Vietnam and other small countries which Kissinger saw as intolerably disrespectful to American strength and face. But the question about the Soviets, who have more citizens to abuse than all the others combined, remains unanswered.

It is good to have a secretary of state who promises to act openly and speak on the record, who won't tap his friends or record his telephone calls. But the most heartening aspect of the Sakharov episode is the evidence it offers that in the State Department, at the lower levels anyway, there are people, who in spite of the unilateral Kissinger years, continue to believe that treaties, even the Helsinki accords, mean what they say, and that America has the right and obligation to say a word for brave men who are in trouble for saying what they believe.

Perhaps those people in the European Affairs Bureau will pay for their "mistake." Maybe they, like others outside, jumped too quickly to the conclusion that everything would be different, that Jimmy Carter was serious about "morality" in foreign policy.

Kissinger is gone, but pragmatism, apparently, is a holdover. And "linkage" still occupies a large corner office at Foggy Bottom.

[From the Washington Star, Jan. 28, 1977]

THE FRUITS OF HELSINKI

Those who were constrained, as we were, to speak of the 1975 Helsinki accords as "humbug" did not reckon on the literal significance that Eastern Europeans might find in them.

The remarkable "Charter 77" recently signed by 300 bold Czechs, at great personal risk, invites second thoughts—as does the equally remarkable news that 100,000 East Germans, no less, have applied for emigration visas.

Between the willingness to advance these claims, and the willingness of the appropriate governments to honor them, the distance is formidable, of course. But a beginning is a beginning. It is ironic that a document widely attacked in this country as a feckless concession to Russian imperial claims has had these results.

Boris Pasternak's Dr. Zhivago, when it suddenly appeared almost 20 years ago, demonstrated the durability of values which the Soviet regime has bent every effort to snuff out. The same may be said of "Charter 77"; the tanks have not eliminated the spirit of the "Prague spring" nine years ago.

By its own profession, the Charter "is not intended to be a basis for opposition political activity," nor do the signers view themselves as a political movement. Indeed, none of the advertised social and economic principles of communism are explicitly attacked. As always, however, any listing of basic human political rights constitutes an indictment of the communist system in practice. As always, the question is whether that system can live with the values the Charter affirms—among them, "the right of free expression . . . the right to education . . . freedom of speech . . . religious freedom . . . the right of assembly . . . the right to equality before the law . . . the right to strike." In most places, it cannot. At least no communist government, with the exception (in some respects) of Yugoslavia, has risked the experiment. Most of these rights are ritually affirmed in most communist constitutions, including the Soviet Union's. But the catch is that definitions alien to our own understanding are usually implied.

"The fundamental question," as Prof. Jan Patoka put it the other day, "is whether this action will bring about more freedom or more repression." Sad experience suggests that the short-term answer to that question may be "more repression." Already there are arrests, up to 200 by some reports, and other harassments of the signers, And the five Russian divisions sent to snuff out the Dubcek heresy are still around to remind dissidents who has the upper hand.

What can the U.S. do to help or hurt? What should be our public attitude, there being no doubt of our private and unofficial attitudes?

In his inaugural address last week, President Carter said: "Because we are free we can never be indifferent to the fate of freedom elsewhere." But the practical meaning of this traditional presidential—and American—sentiment may be hard to discover. Perhaps it began to emerge this week when the State Department, without prompting, issued a written statement applauding the "Charter 77" and deploring the repressive reaction of the Husak government. We are told that the statement opens a more "talkative" policy at the State Department.

We know, or certainly can guess, how such talkativeness will be received in Moscow. But that is neither here nor there. The real test, again, is whether it is a help or a hindrance to those who seek substantial meaning in the Helsinki accords.

Talkativeness, as to Eastern European problems, invariably has its pluses and minuses. The plus is obvious. If 300 Czechs, or 100,000 East Germans, are moved by the search for "moral dignity" to risk small freedoms for greater ones, the least we can do is let them know we are listening. The drawback is that talk, unaccompanied by effective action, is cheap—the cheapest of political exports. If words could remove Russian soldiers and tanks from Czechoslovakia they would be well spent. But as we know from the bitter experience of the Dulles era, bold and easy moralizing about the freedom of others can raise hopes and aspirations we are powerless to reinforce.

Further, if we are going to talk tough to Mr. Husak, who is caught between two worlds, are we going to talk the same way to Mr. Brezhnev, and to the other repressive governments of all stripes with which we necessarily do business? If we are, the probable result, no less than the admirable sound and sentiment of it, should be carefully weighed in every instance. There is probably a line between playing the cynic and playing the blabbermouth. It should be found and followed.

[From The New York Times, Jan. 27, 1977]

HUMAN RIGHTS: THE PRESIDENT'S PROMISE

Throughout his long campaign for the Presidency, Jimmy Carter said that he would give the enhancement of human rights in other nations a central place in his foreign policy. Thus it was no surprise that he emphasized human rights in his Inaugural Address and also in his subsequent message to "citizens of the world."

To demonstrate that this was more than just inaugural rhetoric, however, and actually to achieve some improvement in the behavior of governments toward their own peoples, will be formidably difficult. For ruling regimes seldom violate human rights casually. They do so because they fear the loss of power, or to advance strongly-preferred economic and social strategies, both left and right. Such motivations are common to governments, and social systems, as dissimilar as those of the Soviet Union and South Korea, or Vietnam and Argentina. They are tenaciously held.

Policy-makers in Washington who care about human rights abroad should seek to strengthen the hands of those in other governments who wish to move away from repression and toward a more equitable distribution of benefits—if, indeed, such persons can be found. Sometimes this can be done with carrots, with promises of more aid, or credits or trading concessions (such as most-favored-nation tariffs to governments that relax emigration restrictions), or with favorable votes in multi-lateral institutions. Sometimes it can be done with sticks—the denial of concessions already extended, negative votes in international bodies, or public statements of disapproval that may not only embarrass but also indirectly discourage American investment, trade and tourism.

Yet sometimes it can scarcely be done at all. That may be because contact is so slight as to allow Washington no meaningful leverage, as is currently the case with Vietnam or Cambodia; or because private contacts are

so pervasive as to drown out points of governmental connection, as is probably the case today between the United States and Argentina or Brazil. In the latter cases, expressions of disapproval or the cessation of scarcely-needed military assistance are lost among the collaborations of private corporations wanting to carry on business as usual. And pressures for business as usual often come as well from the working levels of the armed forces and intelligence establishments of both sides.

A commitment to foster human rights abroad must therefore extend beyond the President and policy-level officials in Washington to the entire American Government and also to private sectors of our society. The attitudes that individual American military, police and intelligence advisers display, in missions abroad and at training schools in this country, often have a far-reaching effect upon their foreign colleagues and students. The same holds true for American business and the ways in which its representatives routinely conduct themselves with foreign officials and private persons. If they wink at Washington's concern about human rights, their opposite numbers will do so also.

President Carter must now move, through concrete American policies and programs, to make actual his expressed concern for human rights. To gain private support, he must also go on to explain why it is that "because we are free we can never be indifferent to the fate and freedom elsewhere." The answer is not obvious, and it is not easily stated. It is bound up in the fact of shared humanity, in "the basic rights of every human being to be free of poverty and hunger and disease and political repression," as the President put it last Thursday. But it also lies in the assumption that the political and moral well-being of our own nation is profoundly affected by what happens to people in other countries. We share that assumption. It is not easy to locate the fixed point in the erosion of human rights abroad at which Americans are directly undermined or threatened. But such a point exists and even before it is reached, indifference is likely to bring about a similar erosion of the standards we uphold at home.

[From the New York Times, Jan. 25, 1977]

POPE URGES FAITHFUL APPLICATION OF PROVISIONS IN HELSINKI ACCORD

ROME, Jan. 24 (UPI).—Pope Paul VI called today for total and faithful application of the Helsinki accords by all countries who signed them.

The call came as the Pope received the credentials of the new ambassador to the Vatican from Finland, Seppo Toito Pietinen.

"These accords have attracted the attention and hopes of many people," the Pope said. "We hope that these expectations are not disappointed and that the Helsinki accords are applied totally and faithfully by all who signed them."

The 1975 Conference on Security and Cooperation in Europe in Helsinki dealt broadly with aspects of European security, economic and other forms of cooperation, humanitarian issues and increased East-West contracts.

[From the New York Times, Jan. 17, 1977]

SOVIET JEWS CHARGE BORDER HARASSMENT—ARRIVING IN VIENNA, THEY SAY AUTHORITIES CONFISCATE GOODS AND HUMILIATE EMIGRANTS

(By Paul Hofmann)

MARCHEGG, Austria, Jan. 16.—Soon after the travelers from the Soviet Union were on Austrian soil, one of them, Lev Perel, borrowed a piece of paper and, his brows knitted, jotted down some addresses and phone numbers.

"The Soviet guards took away my notebook with the names of relatives and friends in Israel and America," Mr. Perel, a 42-year-old accountant from Odessa, explained afterward. "But I was forewarned and memorized the most important contacts."

Mr. Perel and his wife said they had also been searched, shouted at, stripped of some of their belongings and, at the end, jostled by uniformed Russians, who may have been customs guards or policemen, in a shed near the tracks at Chop, a small railroad station close to the Czechoslovak-Soviet border.

Harassment at Chop is for many Jewish émigrés the last impression they take with them from the Soviet Union. "It is as if Chop were meant to inflict an ultimate humiliation on people who don't want to live in Russia," a case worker in Vienna said the other day.

Mr. Perel—his name has been changed at his request—and his wife arrived at Vienna's East Railroad Terminal in a group of about 30 Soviet Jews. Similar groups arrive there every day.

A KNACK FOR LOSING LUGGAGE

Some of them come by way of Brest on the Soviet-Polish border where final clearance procedures are said to be less harsh than they are at Chop. Currently, most of the refugees arrive by the Chop route.

The Perels rode in a three-coach train today to Vienna from Bratislava, Czechoslovakia, about 20 miles from this Austrian border town. The train was escorted by 15 Austrian policemen with submachine guns. Heavy security measures have become routine since pro-Palestinian guerrillas hijacked a train with Jewish refugees in October 1973, and took hostages.

Talks with émigrés who arrived in Austria over the last few weeks and today brought out admissions from many that their experiences at the customs shed at Chop had been intensely unpleasant and sometimes traumatic.

Some refugees who had reached Vienna by train from Moscow via Brest, or by air from Moscow or Leningrad, also had complaints. It seems that Leningrad Airport has a special reputation for losing the checked luggage of émigrés.

However, those who have undergone the ordeal of Chop describe it as methodical. Apart from the émigrés, few others travel from the Soviet Union to Czechoslovakia by way of Chop, and the frontier controls for such passengers apparently offer a setting different from the customs shed.

Many émigrés know that they have to expect rough treatment at Chop. What is going on there has apparently become known fairly widely among Jews living in Odessa, Kiev and other Soviet cities.

A SCRAMBLE FOR BELONGINGS

"Quite a few of us had been traveling with burlap bags, and they came in handy," a woman refugee from the Ukraine reported. "We had been told that the Chop guards would open our suitcases and spill the contents on the floor. That's exactly what happened, and suddenly someone yelled, 'Quick, quick! Your train is leaving!' We threw what we could into the bags, and in Vienna we found we had left a lot behind."

Some émigrés said they would write to the authorities in Moscow to lodge formal complaints against the procedures at Chop. It could not be ascertained whether any had.

A few of the refugees who were interviewed suggested that the Soviet central authorities had no knowledge of the pilfering and the badgering at Chop. Others contended that the indignities heaped on the departing Jews at that border stop would be inconceivable without encouragement from Moscow.

Officials of welfare agencies in Vienna said they were aware of the situation at Chop, but they did not want to comment for publication, apparently for fear that the Soviet Government would curb the exit operation.

Two Americans, Senator Claiborne Pell, Democrat of Rhode Island, and Representative Millicent Fenwick, Republican of New Jersey, visited Vienna recently and received first-hand reports on the harassment at Chop. The legislators had come to Austria as members of the Congressional Commission on Security and Cooperation in Europe.

A LOCKET-CHAIN RIPPED AWAY

The long list of grievances against Soviet guards at Chop includes several instances in which émigré families were separated. In one recent case, a woman from Odessa was detained at Chop while her husband and children were ordered to proceed to Vienna.

The woman's trouble apparently stemmed from the fact that she had tried to take two winter coats with her, instead of the one that the regulations allow. She was eventually permitted to go on to Vienna after she signed a statement that she had intended to sell her second coat on the black market.

A welfare worker in Vienna observed: "The Russians seem to think there is a big black market all over the world."

Several recent émigrés said they were forced to wait in a bleak hall at the Chop station for days. However, it appears that no one who arrives in Chop with valid exit papers has ever been turned back.

Many émigrés said the Chop guards were especially zealous in enforcing a rule that no émigré may take out of the Soviet Union more than one small piece of jewelry.

One Jewish woman who arrived in tears a few weeks ago said that a uniformed man at Chop had ripped a small gold chain with a locket from her neck. The locket contained a miniature portrait of her mother.

For unexplained reasons, the émigrés said, the guards at Chop have lately also taken personal documents, such as divorce decrees, from émigrés. To obtain copies of such documents and have them notarized requires much time and effort in the Soviet Union.

PERMANENT JOBS AND INVESTMENT FOR AMERICANS

Mr. BAKER. Mr. President, the Republican Caucus of 38 Senators acted today in a very normal and responsible fashion. But its action has unusual consequences for the present, I believe, and important symbolism for the future.

Today, the Caucus approved a program for "permanent jobs and investment for Americans." My distinguished colleague from California, Senator HAYAKAWA, the prominent semanticist, prefers the title, "Two Million Jobs That Last." My distinguished colleague from Pennsylvania, Senator SCHWEIKER, says the action is the most significant Republican initiative by a Senate or House caucus in his experience.

The significance of the proposal for the moment is twofold. First, from the Republican perspective, it addresses perhaps the principal concern of American families. We are a party that relies upon and encourages personal initiative and self-sufficiency. That sort of initiative depends in our country upon a certain amount of economic independence for as many individuals as possible. In our country, that means jobs. It means good jobs. It means, most importantly in today's context, permanent jobs. And the Republican Caucus of 38 Senators, virtually unanimously, has agreed upon a set of principles and proposals which offers just that. It is a keystone for our fundamental discussions of today. It should serve as a keystone of our party's

attitude, philosophy, and basic framework of principles for the future.

The second important aspect of today's action is simply that we did it at all. It is not easy to collate, digest, respect, and synthesize the opinions of so many individual spokesmen on so vital an issue. That we have done, working over a period of 3 weeks. We have revised our thoughts, adjusted our thoughts, argued about their differences, but we have agreed. That is important not only for the future of the Republican Party, but for the future of responsible government in America.

In this respect, I would pay particular credit to the initial members of an ad hoc working group of Senators who advised me on the development of a leadership position on the jobs question. These were initially Senators DOMENICI and MCCLURE who expanded their working group to include Senators JAVITS, BELLMON, DANFORTH and LUGAR. After preliminary discussion, their ideas were referred to the Senate Policy Committee composed of all the Republican Senators. Under Senator TOWER'S able leadership the matter was then referred to the Policy Committee Subcommittee headed by Senator JAVITS which developed the framework and basis for the final result. I could not commend too much the able assistance of a broad variety of professional minority staff members from various committees who worked extraordinarily long hours to assist in this project.

The summary which follows these remarks outlines in more detail our proposal for "permanent jobs and investment for America." Today's action is not the end of our proposal. It is only the beginning. We hope it will be understood by Senators on both sides of the aisle. We intend to bring it to the attention of opinion leaders across the country, most especially for our constituents to hear and understand what we believe is in their best interests.

I would, however, make these observations about the several parts of the proposal:

First, we are talking about permanent stimulation of the economy. We are not talking about quickie, pep-pill, band-aid remedies. The leading quickie, pep-pill, band-aid remedy under discussion at the moment is the administration's incredible proposal that the Federal Government spend $11 billion immediately for small, $50 tax rebates to individual taxpayers. We believe the American taxpayers know better than that. We think they expect us to have more judgment than to offer them a proposal which requires the Federal Government to borrow $11 billion and send it back to them in small checks. We think they want a permanent solution. That is a major difference between the Republican proposal and that of the Carter administration.

Second, our permanent solution rests upon the idea that the boldest, best, and most stable method of stimulating the economy is a permanent across-the-board tax reduction for individuals and business entities. This we propose. Everytime our Government has had the courage and good sense to reduce taxes, the economy has been stimulated. We are confident that will happen again. Therefore, we fully expect the economy to quickly recover for the Federal Government revenues that would pay for the cost of our proposals. That is another difference between the Republican proposal and the Carter administration proposal. The Carter administration proposal adds to the deficit. Ours does not.

Finally, we have targeted our proposals. Every single Republican Senator expressed grave concern about structural unemployment in America and about the fact that this seemed particularly centered upon young people, especially those from minority groups, and women.

Rather than propose broad-based stimulation that will cost a lot and affect a little, we targeted our proposals toward these persons who cannot get jobs under today's conditions. The Republican proposal for a targeted employment tax credit encouraging private businesses, especially small businesses, to hire unemployed persons is an original, significant Republican initiative that deserves the attention of the country.

I am enormously pleased by the action of the Republican Caucus. I commend its proposal, not in a partisan sense, but in a hope that it will greatly benefit working American families and those who should have a better opportunity to work.

Mr. President, I ask unanimous consent that a summary of the program and a table attached thereto may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PERMANENT JOBS AND INVESTMENT FOR AMERICA

HIGHLIGHTS

1. Permanent personal tax reductions effective April 1, 1977, totaling $17.3 billion in FY 77 and FY 78.

2. A targeted youth employment and training program totaling $3.1 billion in FY 77 and FY 78.

3. A targeted employment tax credit encouraging the private sector to hire persons unemployed over 26 weeks; $1.00 credit per hour for the first six months, $.50 per hour for the second six months; estimated $2.3 billion total revenue cost in FY 77 and FY 78.

4. Longer term investment incentives through (a) permanent tax reductions emphasizing small businesses, and (b) several programs designed to encourage smaller investors; total $2.8 billion in FY 77 and FY 78.

5. A housing rehabilitation program through GNMA; $200 million outlay in FY 78.

6. Energy conservation incentive through 30% tax credit on the first $750 of residential insulation investment; $500 million total in FY 77 and FY 78.

7. The job impact of the package is to create 1.38 to 1.85 million new jobs by the end of 1978, plus an additional 450,000 training and work experience positions.

8. For a total gross cost of $26.2 billion over fiscal years 1977 and 1978 (the net cost is $21.1 billion), the unemployment rate is reduced to an estimated 5.5% by the end of calendar 1978 from the current level of 7.9%. Moreover, the longer term investment components in the package should insure a sustained recovery with additional jobs created in 1979 and beyond to accommodate the expected growth in the labor force.

ECONOMIC ANALYSIS

There is little doubt that the economy is continuing a broadly based recovery. Moderate growth appears to be assured over the next several quarters and additional economic stimulus is not required in the near future to avoid a recession. However, there is evidence that an economic package to sustain the recovery is probably needed in order to assure significant and continued improvement in the unemployment rate and to reinforce consumer and business expectations which have been formed on the presumption that a stimulus package was forthcoming.

Nevertheless, considerable care must be exercised regarding the size and the components of that package. Too much stimulus will likely cause another inflation cycle and the wrong components of the package will merely be an inefficient way of adding to the deficit and adding to inflation without a lasting improvement in the unemployment picture.

A successful stimulus package must recognize that the current unemployment problem consists of several component parts, each of which requires a different solution. Of the 7.9 percent current unemployment level, only about 1.5 to 2.0 percentage points is considered cyclical unemployment; that is, unemployment which might improve with demand generated by a broad stimulus program. As much as 3.0 percentage points of the current unemployment picture is structural unemployment; that is, unemployment caused by labor force skills and behavior that are not appropriate for available employment opportunities, or those that flow naturally from an improving economy. The solution to this problem requires sharply focused programs. Finally, there is a longer term need for capital formation in order to provide expanding employment opportunities at rising real wages. Unless that problem is addressed at this time, inflationary pressures caused by shortages, decreased output per worker and lack of additional employment opportunities appear likely in the future.

Therefore, the following criteria are essential to any economic package:

(1) In attacking unemployment caused by lack of demand, it must be recognized that temporary solutions have had very limited success in the past; thus, permanent, confidence-building solutions must be used now and this means a permanent tax cut, not some form of temporary gimmick.

(2) The package must include programs which are focused on the special unemployment problems of youth and minorities (50 percent of the present unemployment consists of persons aged 16–24).

(3) The package must provide for the longer term economic growth in order to sustain the recovery beyond the immediate 1977–1978 period. This requires programs which encourage investment for creation of future jobs.

(4) The package must utilize the private sector, rather than the government sector, to the fullest extent possible in the creation of jobs and in training and work experience programs.

(5) The package must attempt to minimize the inflationary impact of its components.

The proposed Republican plan for permanent jobs and investment for America was designed with these criteria in mind. Table I provides details of the proposed economic package, including costs and job creation estimates for each component. In summary, for less cost ($26.2 billion gross cost

here versus $31.2 billion for the Carter package), more jobs are created by this proposed package. This is primarily due to the fact that the Carter temporary rebates create only temporary demand, and thus only have temporary job creation impacts.

Regarding inflation, the Republican package can be expected to have a more favorable impact on inflation than the Carter proposal. The inflation pressures associated with employment increases are moderated by the focus on structural employment, the reduction of labor costs from the employment tax credit, and the investment incentives. Moreover, the temporary rebates of the Carter package are likely to create a surge in the money supply or a sharp increase in interest rates.

In summary, rather than try to solve all economic problems through macro-economic stimulation and publicly initiated projects of low productivity, the package described here attempts to address specific problems with specific solutions.

TABLE I.—DETAILS OF THE REPUBLICAN PLAN FOR PERMANENT JOBS AND INVESTMENT FOR AMERICA

[Dollar amounts in billions]

	Fiscal year—		2-year cumulative cost	Jobs by end of calendar 1978 (thousand jobs)
	1977	1978		
1. Permanent personal tax reduction (affects all taxpayers, emphasis for low and middle income, effective Apr. 1, 1977)	$4.5	$12.8	$17.3	450–600
2. Structural unemployment policies:				
(a) Youth employment and training, new CETA title VII	1.0	2.1	3.1	[1] 250–350
(b) Targeted employment tax credit (persons unemployed 26 weeks or longer)	.4	1.9	2.3	450–550
3. Policies to stimulate long-term investment (for 3(a), 3(b), 3(c), 3(d) and 3(e)):				100–200
(a) Permanent corporate tax reduction for small business (cut rate to 18 percent for first $100 000 profit; effective Jan. 1, 1978)	0	2.1	2.1	
(b) Increase in dividend exclusion to $600 (helps stimulate equity investment, effective Jan. 1, 1978)		.2	.2	
3. (c) Interest income exclusion ($100 exclusion, helps smaller savers, effective Jan. 1, 1978)		.2	.2	
(d) Accelerated depreciation for investment in high unemployment areas (retroactive to Jan. 1, 1977)		.2	.2	
(e) Broadened stock ownership plan to encourage common stock ownership (effective Jan. 1, 1978)		.1	.1	
4. Program to stimulate housing rehabilitation (budget authority—$1,000,000,000 in fiscal year 1977, $2,000,000,000 in fiscal year 1978; but outlays small)		.2	.2	80–100
5. Energy conservation: Home insulation tax credit	.2	.3	.5	50
Gross cost	6.1	20.1	26.2	[2] 1, 380–1, 850
Less expenditures saved due to higher employment	−.8	−4.3	−5.1	
Net cost	5.3	15.8	21.1	

[1] Does not include an additional 450,000 training and work experience positions created.

[2] Total jobs (plus 450,000 training and work experience positions created).

AMERICAN COLLEGE OF NUCLEAR PHYSICIANS

Mr. TALMADGE. Mr. President, at this time, I would like to draw attention to a relatively new and interesting group—the American College of Nuclear Physicians—a group which is giving considerable assistance to Congress and other governmental agencies in our attempt to better understand and upgrade health care services in this Nation.

Nuclear medicine is that discipline of medicine that is concerned with the diagnostic and therapeutic use of radioactive materials called radiopharmaceuticals. Officially organized in 1974, the college's main role is to help solve those problems which are confronting the orderly dissemination of nuclear medicine services throughout the health care field.

Nuclear medicine is a vigorous, dynamic field of medicine that has shown phenomenal growth over the past few years and continues to grow in response to the increasing needs of society.

The American College of Nuclear Physicians was a natural outgrowth of the Society of Nuclear Medicine since the latter organization is devoted principally to the scientific advancement of nuclear medicine. A group of far-sighted physicians and other scientists within that group saw the need to deal with problems of a socioeconomic nature which hamper or threaten to impede the safe and economical delivery of this health care service.

Public fear and lack of understanding of this new field of medicine that employs radioactive agents are problems which helped to propel the college into existence.

The main thrust of the college is in the direction of fostering educational and informational activities which will help practitioners of nuclear medicine deliver nuclear medicine services to the public—safely and at minimal costs.

The college is helpful in our efforts to pass comprehensive legislation regarding health services. For instance, it has given its support to the general principles embodied in two pieces of legislation which are much needed now. I speak of the Medicare/Medicaid Antifraud and Abuse Act of 1977 (H.R. 3, S. 143) and the related measure, the Medicare/Medicaid Administrative and Reimbursement Reform Act of 1977. These two pieces of legislation are aimed at upgrading services under the medicare/medicaid programs by increasing efficiency and effectiveness as well as elimination of any fraudulent activities.

The college also is active in communicating health care needs to a number of other Federal Government bodies which affect the practice of nuclear medicine. Some of these, to name only a few, are the Food and Drug Administration, the Nuclear Regulatory Commission, the U.S. Department of Transportation, the Civil Aeronautics Board, and the U.S. Postal Service.

In addition, there are State agencies that require assistance from the college in updating regulations which will enhance rather than hamper the nuclear medicine field.

The college's efforts have been summarized aptly by its current president, Dr. Jack K. Goodrich. He said:

The Federal agencies can serve the health needs of this Nation—it is our job as nuclear medicine practitioners and scientists to help them in many ways such as responding to their notices of advisory committee public meetings, their notices of proposed rulemaking, and various other opportunities as we may perceive to be appropriate.

He elaborated:

At the forefront of our activities is our Washington Executive Office that maintains a point of contact for legislative activities and will disseminate pronouncements made by the various Federal bureaus and agencies.

Our purpose is to guide rulemaking and lawmaking which affect nuclear medicine to assure efficient, uninterrupted health care of the highest quality at a reasonable cost.

Legislative and regulatory on-the-scene activity is not enough, however. We must pursue aggressively internal housekeeping programs which will preclude any need for bureaucratic intervention.

This, I believe is a laudable goal for any organization. The college is adhering to Dr. Goodrich's pledge. Its efforts are many pronged and too numerous to detail here. My purpose today is mainly to commend this group for its efforts in this field.

The college is closing its third year of service with an annual meeting in New Orleans beginning February 9, 1977. During the meeting, members of the college will discuss ways of assuring cooperative efforts to foster the safe and economical delivery of nuclear medicine. Recognizing the vital importance of progress in preventing and treating diseases with the best methods and technologies that are available, I welcome my colleagues to join me in wishing the nuclear medicine practitioners well.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PROGRAM

Mr. CRANSTON. Mr. President, tomorrow the Senate will convene at 1 p.m. After the two leaders or their designees have been recognized and after Senator HART has been recognized for not to exceed 10 minutes by special order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes for the purpose only of the inclusion of statements, bills, resolutions, petitions, and memorials in the RECORD, and for statements limited to not more than 5 minutes, with no resolutions to come over under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 1 P.M. TOMORROW

Mr. CRANSTON. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 1 p.m. tomorrow.

The motion was agreed to; and at 6:18 p.m., the Senate recessed until Thursday, February 3, 1977, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate February 2, 1977:

DEPARTMENT OF DEFENSE

Clifford L. Alexander, Jr., of the District of Columbia, to be Secretary of the Army, vice Martin R. Hoffmann, resigned.

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Brig. Gen. John C. Faith [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Emil L. Konopnicki, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Paul M. Timmerberg, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles K. Heiden, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Hillman Dickinson, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Sinclair L. Melner, [redacted], Army of the United States (colonel, U.S. Army).

Lt. Gen. Marvin D. Fuller [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Phillip Kaplan [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Jere W. Sharp [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles P. Graham, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Lucien E. Bolduc, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Louis W. Prentiss, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Jack V. Mackmull, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John B. Blount [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. James H. Merryman, [redacted] Army of the United States (colonel, U.S. Army).

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general;

Warren R. Johnson	William B. Fleming
Calhoun J. Killeen	Charles G. Cooper
Edward J. Megarr	John K. Davis

HOUSE OF REPRESENTATIVES—*Wednesday, February 2, 1977*

The House met at 3 o'clock p.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Serve the Lord with gladness * * * For the Lord is good; His mercy is everlasting, and His truth endureth to all generations.*—Psalms 100: 2, 5.

Almighty God, Creator of the world and Sustainer of life, in Thy presence we bow our heads and lift our hearts unto Thee. We come to Thee for strength, wisdom, and an inner renewal of spirit. May Thy light and Thy love lead us in these demanding days that we may be faithful to Thee, true to the highest interests of our country, and loyal to the royal within ourselves.

Grant that the spirit of justice and good will may dwell in our hearts and in the hearts of all. May the evils of pride and prejudice cease from the Earth and may brotherhood, cooperation, and understanding increase among all people.

With our trust in Thee, may we serve our country this day with clear minds, courageous hearts, and clean hands. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAUMAN. If unanimous consent to approve the Journal is not granted, is a motion to approve the Journal in order?

The SPEAKER. The gentleman is correct.

Is there objection to the Journal's standing approved?

Mr. BAUMAN. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. WRIGHT. Mr. Speaker, I move that the Journal be approved.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. WRIGHT).

The question was taken, and the Speaker announced that the aye appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 413, nays 2, not voting 16, as follows:

[Roll No. 10]

YEAS—413

Abdnor	Archer	Bedell
Addabbo	Armstrong	Beilenson
Akaka	Ashbrook	Benjamin
Alexander	Ashley	Bennett
Allen	Aspin	Bevill
Ambro	AuCoin	Biaggi
Ammerman	Badham	Bingham
Anderson, Calif.	Badillo	Blanchard
	Bafalis	Blouin
Anderson, Ill.	Baldus	Boggs
Andrews, N.C.	Barnard	Boland
Andrews, N. Dak.	Baucus	Bolling
	Bauman	Bonior
Annunzio	Beard, R.I.	Bonker
Applegate	Beard, Tenn.	Bowen
Brademas	Dent	Goldwater
Breaux	Derrick	Gonzalez
Breckinridge	Derwinski	Goodling
Brinkley	Devine	Gore
Brodhead	Dickinson	Gradison
Brooks	Dicks	Grassley
Broomfield	Diggs	Gudger
Brown, Mich.	Dingell	Guyer
Brown, Ohio	Dodd	Hagedorn
Broyhill	Dornan	Hall
Buchanan	Downey	Hamilton
Burgener	Drinan	Hammer-schmidt
Burke, Calif.	Duncan, Oreg.	
Burke, Fla.	Duncan, Tenn.	Hanley
Burke, Mass.	Early	Hannaford
Burleson, Tex.	Eckhardt	Hansen
Burlison, Mo.	Edgar	Harrington
Burton, John	Edwards, Ala.	Harris
Burton, Phillip	Edwards, Calif.	Harsha
Butler	Edwards, Okla.	Hawkins
Byron	Eilberg	Heckler
Caputo	Emery	Hefner
Carney	English	Heftel
Carr	Erlenborn	Hightower
Carter	Ertel	Hillis
Cavanaugh	Evans, Colo.	Holland
Cederberg	Evans, Del.	Hollenbeck
Chappell	Evans, Ga.	Holt
Clausen, Don H.	Evans, Ind.	Holtzman
	Fary	Horton
Clawson, Del	Fascell	Howard
Clay	Fenwick	Hubbard
Cleveland	Findley	Huckaby
Cochran	Fish	Hughes
Cohen	Fisher	Hyde
Coleman	Fithian	Ichord
Collins, Ill.	Flippo	Ireland
Collins, Tex.	Flood	Jeffords
Conable	Florio	Jenkins
Conte	Flowers	Jenrette
Conyers	Flynt	Johnson, Calif.
Corcoran	Foley	Johnson, Colo.
Corman	Ford, Tenn.	Jones, N.C.
Cornell	Forsythe	Jones, Okla.
Cornwell	Fountain	Jones, Tenn.
Cotter	Fraser	Jordan
Crane	Frenzel	Kasten
D'Amours	Fuqua	Kastenmeier
Daniel, Dan	Gammage	Kazen
Daniel, R. W.	Gaydos	Kelly
Danielson	Gephardt	Kemp
Davis	Giaimo	Ketchum
de la Garza	Gilman	Keys
Delaney	Ginn	Kildee
Dellums	Glickman	Kindness

Koch	Myers, Michael	Sisk
Kostmayer	Myers, Ind.	Skelton
Krebs	Natcher	Skubitz
Krueger	Neal	Slack
LaFalce	Nedzi	Smith, Iowa
Lagomarsino	Nichols	Smith, Nebr.
Latta	Nix	Snyder
Leach	Nolan	Solarz
Lecerer	Oakar	Spellman
Le Fante	Oberstar	Spence
Leggett	Obey	Staggers
Lehman	O'Brien	Stanton
Lent	Ottinger	Stark
Levitas	Panetta	Steed
Lloyd, Calif.	Patten	Steers
Lloyd, Tenn.	Patterson	Stockman
Long, Md.	Pattison	Stokes
Lott	Pease	Stratton
Lujan	Perkins	Studds
Luken	Pettis	Stump
Lundine	Pickle	Symms
McClory	Pike	Taylor
McCloskey	Poage	Thompson
McCormack	Pressler	Thone
McDade	Preyer	Thornton
McDonald	Price	Tonry
McEwen	Pritchard	Traxler
McFall	Pursell	Treen
McHugh	Quayle	Trible
McKay	Quie	Tsongas
McKinney	Quillen	Tucker
Madigan	Rahall	Udall
Maguire	Railsback	Ullman
Mahon	Rangel	Van Deerlin
Mann	Regula	Vander Jagt
Markey	Reuss	Vanik
Marks	Rinaldo	Vento
Marlenee	Risenhoover	Volkmer
Marriott	Roberts	Waggonner
Mathis	Robinson	Walgren
Mattox	Rodino	Walker
Mazzoli	Roe	Wampler
Meeds	Rogers	Watkins
Metcalfe	Roncalio	Waxman
Meyner	Rooney	Weaver
Michel	Rose	Weiss
Mikulski	Rosenthal	Whalen
Mikva	Rostenkowski	White
Milford	Rousselot	Whitehurst
Miller, Calif.	Roybal	Whitley
Miller, Ohio	Rudd	Whitten
Mineta	Runnels	Wilson, Bob
Minish	Ruppe	Wilson, C. H.
Mitchell, Md.	Russo	Wilson, Tex.
Mitchell, N.Y.	Ryan	Winn
Moakley	St Germain	Wirth
Moffett	Santini	Wolff
Mollohan	Sarasin	Wright
Montgomery	Satterfield	Wydler
Moore	Sawyer	Wylie
Moorhead, Calif.	Scheuer	Yates
	Schroeder	Yatron
Moorhead, Pa.	Schulze	Young, Alaska
Moss	Sebelius	Young, Fla.
Mottl	Seiberling	Young, Mo.
Murphy, Ill.	Sharp	Young, Tex.
Murphy, N.Y.	Shipley	Zablocki
Murphy, Pa.	Shuster	Zeferetti
Murtha	Sikes	
Myers, Gary	Simon	

NAYS—2

Jacobs	Martin

NOT VOTING—16

Brown, Calif.	Harkin	Steiger
Chisholm	Long, La.	Teague
Coughlin	Nowak	Walsh
Ford, Mich.	Pepper	Wiggins
Frey	Rhodes	
Gibbons	Richmond	

Messrs. ANNUNZIO, PRITCHARD, BOB WILSON, FORSYTHE, and LONG of Maryland changed their vote from "nay" to "yea."

Messrs. SATTERFIELD and McCLOSKEY changed their vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that on February 1, 1977, the Senate disagreed to the amendment of the House to the bill (S. 474) entitled "An act to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENSON, Mr. HOLLINGS, Mr. JOHNSTON, Mr. PEARSON, and Mr. STEVENS to be the conferees on the part of the Senate.

The message also announced that on February 2, 1977, the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 474) entitled "An act to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes."

SIX MORE WEEKS OF WINTER

(Mr. MURTHA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURTHA. Mr. Speaker, an extremely important development occurred early this morning concerning the Nation's energy crisis.

A key to Government planning has involved estimating how much more winter weather the Nation could expect. The most definitive prediction yet made occurred this morning at 7:27 when Punxsutawney Phil emerged from his burrow and saw his shadow, insuring 6 more weeks of winter.

I will stake my predictions on Punxsutawney Phil more firmly than any U.S. Weather Service forecast. I hope my colleagues and Dr. Schlesinger will take note of this new fact as we shape emergency energy legislation.

For the RECORD, Mr. Speaker, I wish to read the official proclamation from Punxsutawney, Pa., on the events this morning, and the prediction of Punxsutawney Phil.

Hear ye, hear ye, to all faithful followers assembled here on Gobbler's Nob, and to all believers around the world, I, Charles M. Erhard, Jr., President of the Punxsutawney Groundhog Club, hereby proclam that his Imperial Majesty, King Philip, emerged from his snow covered burrow at 7:27 this morning.

Braving the blast of Arctic winds only long enough to cast a long dark shadow, the King of all weather prognosticators quickly raced back into the warmth of his official residence, so there will be six more weeks of winter, but the time will go fast. That is the official word today from the weather capital of the world. Punxsutawney, Pennsylvania, the home of the only reliable weather forecasting groundhog.

THE 1976 WOMAN OF ACHIEVEMENT

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, one of the truly outstanding civic leaders in my congressional district, Dr. Lillian A. Parks, has been chosen by the St. Louis Globe-Democrat as a winner of a 1976 Woman of Achievement Award.

This is an honor richly deserved by Dr. Parks, who is administrator in charge of secondary curriculum in School District 189.

Lillian Parks has been an educator for nearly 25 years, having taught on every level from preschool through college.

The list of her civic accomplishments reflects her sincere commitment to her community in diverse social, educational, and charitable endeavors. The addition of a Woman of Achievement Award could have gone to no more deserving person than Lillian Parks. I am indeed proud to know that such outstanding individuals are at work in my district.

IN DEFENSE OF PRESIDENT CARTER'S NOMINATION OF PAUL WARNKE

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY. Mr. Speaker, I had not intended to speak on the President's nomination of Mr. Warnke for the directorship of the Arms Control and Disarmament Agency, but I feel compelled, since my colleague, the gentleman from New York (Mr. STRATTON), made some disparaging remarks concerning that gentleman, to stand up here and say that I think the President's decision is an excellent one.

I would point out that the question of arms control in this country has not been as public as it should be, and it is my hope that with Mr. Warnke at the directorship of that Agency we will be able to discuss meaningful questions of limited nuclear war and arms control. I think he is an excellent choice, and I hope the Senate confirms him quickly.

COMMISSION ON ADMINISTRATIVE REVIEW CAN DEFINE "EARNED INCOME"

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, as the Members know, one of the task forces of the Commission on Administrative Review has made recommendations involving congressional ethics. We are getting a great number of questions asking exactly what our interpretation is of the term, "earned income."

I would suggest that any Member of the House who has more than a passing interest in that subject and does indeed want to know what we are recommending call our Commission phone number, which is 5-3543, and get a definition of

that term from our staff. I would suggest that the Members talk with either Dr. Cooper, Mr. Katz, or Mr. Terry.

Mr. Speaker, I repeat again for the benefit of the Members, the phone number is 5–3543.

THE NEW CARVER POTATO

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, world demand for agricultural products continues to increase at a staggering rate. Improved farming techniques and agricultural research are helping the farmer to meet this rising demand and some of our most dramatic accomplishments are being achieved in our smaller colleges.

Following the legacy of the famous scientist, George Washington Carver, the horticulture department at Tuskegee Institute, a predominantly black college in my district, has developed two new hybrids of the sweet potato which hold much promise for both improved yields and improved quality than present varieties.

The two new sweet potato cultivars—the Carver and the Rojo Blanco are the first to ever be developed in Alabama; the first to be developed, tested on a regional basis, named and released under certification by Tuskegee Institute and to my knowledge the first to be developed solely by a black institution.

The Rojo Blanco is a red skin, white flesh sweet potato, a favorite among the Spanish Americans. For some time there has been a marketable need for a new type red skin, white flesh sweet potato and the development of the Rojo Blanco will fill this need.

The release of the Carver potato is even more exciting. Research indicates that this new potato has greater crop yields and is more resistant to disease and insects than the presently utilized Centennial or Jewel potato. With these new improved qualities, scientists and some food experts predict that the Carver will replace other types of sweet potatoes in America and around the world.

The development of the Carver and the Rojo Blanco underlines the outstanding work achieved at Tuskegee Institute. Under the direction of college president, Dr. L. H. Foster and with the scientific instruction and research of Dr. Booker T. Whatley, this outstanding Alabama college is addressing the agricultural problems of Alabama, the United States, and the world. Their work and dedication is to be commended.

POINTING OUT DEFECTS IN RESOLUTION TO REESTABLISH SELECT COMMITTEE ON ASSASSINATIONS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the latest resolution seeking to reestablish the Select Committee on Assassinations, House Resolution 222 is just as bad, if not worse, than House Resolution 9.

In our appearance before the Rules Committee we questioned the loosely drawn, broad language dealing with legislative purpose and now I find the new resolution, rather than tightening up the language, actually adds language dealing with "disclosure and sharing of information and evidence among agencies and departments."

We now have an even broader scope of inquiry being called for.

I still have grave reservations about the "designated counsel" that is provided for in the resolution. An inquiry by delegation of authority is precisely the practice that has caused people to have doubts about the validity of the Warren Commission's findings.

Finally, Mr. Speaker, the resolution states that if the select committee is to be formed it would dissolve on March 31, 1977. Now, we all know very little, if anything, of consequence is going to be done by that time and we ought to come to grips with this thing right here and now. Either we put a stop to it once and for all right here and now or if we do proceed, do so only in a very limited and precise way.

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 231, WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 474

Mr. DELANEY, from the Committee on Rules, reported the following privileged resolution (H. Res. 231, Rept. No. 95–6), which was referred to the House Calendar and ordered to be printed:

H. RES. 231

Resolved, That immediately upon the adoption of this resolution it shall be in order to consider without the intervention of any point of order the conference report on the bill (S. 474) to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes, and all points of order against said conference report are hereby waived.

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 231 and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. The question is, Will the House now consider House Resolution 231?

PARLIAMENTARY INQUIRY

Mr. PICKLE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. PICKLE. Mr. Speaker, I had asked for time to speak on the question of the adoption of the rule, and I wish to preserve my right. That is all I want to do.

The SPEAKER. The Chair will state that the gentleman from Texas (Mr. PICKLE) should defer at this time. This is on the question of whether the House will now consider House Resolution 231.

Mr. PICKLE. I thank the Speaker.

POINT OF ORDER

Mr. MOORE. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. MOORE. Mr. Speaker, I make the point of order that the resolution has not been printed.

Mr. DELANEY. Mr. Speaker, if the gentleman will yield, this is merely to consider taking up the rule.

Mr. MOORE. Mr. Speaker, I would like to make the point of order that I believe under this rule we are waiving all points of order; is that not correct?

Mr. DELANEY. Mr. Speaker, if the gentleman will yield further, that matter will be taken up at the proper time. This is merely for consideration, at this particular time, of House Resolution 231.

The SPEAKER. The Chair will state that the point of order of the gentleman from Louisiana (Mr. MOORE) is not well taken and is therefore overruled.

There is no requirement that this resolution be printed before it can be called up, although the Chair ordered the resolution printed when it was filed and referred to the House Calendar.

The question is, Will the House now consider House Resolution 231?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 231.

The SPEAKER. The gentleman from New York (Mr. DELANEY) is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, this is a rather unusual procedure which we have here today.

This resolution was brought to the Committee on Rules, and I believe I received the communication last night.

Mr. Speaker, this resolution provides for the consideration of the conference report on S. 474, the Emergency Natural Gas Act of 1977, without the intervention of any point of order. The resolution also provides that all points of order against the conference report are waived.

The conference report was filed today and thus does not meet the 3-day layover requirement, the 2-hour availability requirement. Section 9(c) of the report contains matter which was not in either the House or Senate bills and is thus beyond the scope of the conference. It is possible that this language is also nongermane.

Mr. Speaker, I urge the adoption of the resolution in order that the House may consider the conference report on S. 474.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a rule making it possible to have a discussion on the conference report which is being brought before the House to help solve a crisis which is facing the American people today, the industries in America, the workers in America, the farmers in America, and all Americans. I support

this rule and I urge its adoption, but I would like to point out to the Members of the House that the passage of this conference report is not going to produce 1 more cubic foot of extra natural gas that can be consumed in America. I believe that this Congress for the past 2 years has not performed its duties in passing a permanent solution to our problem, that of allowing more domestic production. But, as I say, today we face a crisis. This conference report is mandatory and I urge its passage.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Louisiana.

Mr. MOORE. Mr. Speaker, as I understand this rule, it waives all points of order on the conference report on the Emergency Natural Gas Act, is that correct?

Mr. QUILLEN. Yes, it does waive all points of order because there is some language in the conference report on page 7 on which it is necessary to waive points of order. But, in waiving them I do not think the House is giving up any of its rights and is only responding to the present crisis that faces us today.

Mr. MOORE. Mr. Speaker, I would ask the gentleman from Tennessee to yield further to me.

Mr. QUILLEN. I yield further to the gentleman from Louisiana.

Mr. MOORE. Mr. Speaker, I would ask the gentleman from Tennessee if it is not true that the definition of interstate natural gas has been expanded in the conference report to include language that was neither in the House or the Senate passed versions?

Mr. QUILLEN. There is language in the conference report that was not in either the House or Senate bill and that is why the waivers are necessary. We went into detail on this in the Committee on Rules and I do not find it objectionable at all.

Mr. MOORE. I certainly find it objectionable if the intent of this new definition is to bring under the emergency allocation provisions of this act previously excluded intrastate natural gas.

So, Mr. Speaker, I would like to ask the gentleman from Tennessee, or someone who can answer this question, if that is in fact the intent of this new expanded definition to bring, for the first time in the history of the laws of this Nation, natural gas which is currently excluded from the Natural Gas Act, to waive the provisions of that act in this definition, and to now bring that gas for the first time under control of the Federal Government and under control of the emergency allocation provisions of this bill.

Mr. QUILLEN. I would like to yield to the chairman of the committee, the gentleman from West Virginia (Mr. STAGGERS) for a response to the question.

Mr. STAGGERS. Mr. Speaker, it does not change anything with respect to intrastate gas or control of it, in fact it goes beyond and it protects it from becoming jurisdictional.

Mr. MOORE. Mr. Speaker, will the gentleman yield further to me?

Mr. QUILLEN. I yield further to the gentleman from Louisiana.

Mr. MOORE. Mr. Speaker, I thank the gentleman from Tennessee for yielding further to me. I would like to pose through him a question to the Committee on Interstate and Foreign Commerce, and to my chairman thereof, and to say that it appears to me that what we are in fact exempting here are certain provisions of the Natural Gas Act that say that natural gas, intrastate, which is produced in a State, but shipped in an interstate pipeline to a point within the same State, still remains intrastate natural gas. It does not make it interstate natural gas simply by moving it in an interstate pipeline. It appears in the definition of this bill that we are waiving that provision, which could be construed to mean that intrastate natural gas which enters an interstate pipeline then becomes interstate gas and becomes subject to the allocation provisions of this bill. Is that correct?

Mr. DINGELL. Mr. Speaker, would the gentleman yield to me for an answer to that question?

Mr. QUILLEN. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the answer to that question is that the gas does not become jurisdictional gas by reason of the fact that it is covered under the bill, whether or not it is the so-called Hinshaw gas. The answer, however, as the gentleman from Louisiana should know, is that the Hinshaw gas, to which the gentleman alludes, is covered for the purposes of the bill and subject to allocation under the bill to the extent it comes from interstate sources.

Mr. MOORE. Mr. Speaker, will the gentleman yield still further?

Mr. QUILLEN. I yield to the gentleman from Louisiana.

Mr. MOORE. Mr. Speaker, I would like to ask the chairman of the subcommittee, the gentleman from Michigan (Mr. DINGELL) to answer this question for me: Would that mean, referring to the Hinshaw pipeline, that intrastate natural gas moving in the Hinshaw pipeline would become subject to the allocation provisions of this bill?

Mr. DINGELL. If the gentleman from Tennessee (Mr. QUILLEN) would yield further, the answer would be the intrastate gas referred to would not become subject to allocation. The answer is also no, that the gas would not become jurisdictional gas for purposes of Federal Power Commission regulation because we do not here either amend the Natural Gas Act or make gas which comes under allocation in this bill jurisdictional by reason of the fact that it comes under the bill, or is subject to allocation, or is subject to the emergency interstate sales provision of section 6.

Mr. MOORE. I would ask the gentleman from Tennessee (Mr. QUILLEN) to yield further in order that the gentleman from Michigan might answer another question.

Mr. QUILLEN. I yield to the gentleman from Louisiana.

Mr. MOORE. I thank the gentleman for yielding.

I am not sure I understand. Is the gentleman from Michigan saying that the intrastate gas in the Hinshaw pipeline, for instance, would become subject to allocation and could be diverted and allocated by the President for priority No. 1 use in another part of the country, or it would not become diverted and reallocated?

Mr. DINGELL. If the gentleman from Tennessee would yield further, the answer to the last part of the question is yes, intrastate gas would not be diverted and reallocated.

Mr. MOORE. If I may ask the gentleman from Tennessee to yield further, would this not also affect natural gas in other parts of the country, intrastate natural gas, that is likewise traveling in intrastate pipelines such as in Louisiana, New Mexico, and California?

Mr. DINGELL. Did the gentleman say would this not affect intrastate natural gas?

Mr. MOORE. Intrastate natural gas.

Mr. DINGELL. The answer to that question is no, it would not affect natural gas except as alluded to here and referred to specifically in the definition sections of the bill.

Mr. MOORE. May I ask the gentleman from Tennessee to yield further in order that the gentleman from Michigan may continue to answer my question, which I very much appreciate?

Mr. QUILLEN. I will be happy to yield to the gentleman from Louisiana.

Mr. MOORE. I thank the gentleman.

We do have intrastate natural gas in Louisiana, New Mexico, and California, for example, that does fit the definition of section 1(c) of the Natural Gas Act which we are submitting now to the new definition of this act. Therefore, why would that gas not become the same as the intrastate natural gas the gentleman just described in the pipeline, meaning it would become subject to the allocation provisions of this bill?

Mr. DINGELL. Without arguing whether or not the gas would or would not under the language of the bill—and it appears to be a philosophical question that the gentleman is asking, and I am trying to respond to the question—the reason is that Hinshaw pipeline gas is largely pipeline gas which is received at or within the boundaries of the State from an interstate pipeline, and it then is sold entirely within the State into which it has been transported by the interstate pipeline. It was felt that this was interstate pipeline gas and, therefore, should be subject to allocation.

Mr. MOORE. If the gentleman from Tennessee would yield one last time, I would very much appreciate his patience.

Mr. QUILLEN. I will be happy to yield to the gentleman.

Mr. MOORE. I thank the gentleman.

I would ask the question of the gentleman from Michigan: Why would this be different with any other pipeline that is carrying both intrastate and interstate gas in an interstate pipeline, but the gas meets the description of section 1(c) which we are waiving here, in the sense that the intrastate gas is picked up in Louisiana, goes into an intrastate pipeline and then is delivered to Louisiana?

Would it not be in the same position as intrastate natural gas in the interstate pipeline?

Mr. DINGELL. The Hinshaw pipeline is a creature which in 1954 was exempted from the Natural Gas Act and prior to that time it was included under the Natural Gas Act. It is fairly settled that gas carried in Hinshaw under 1(c) is not subject to regulation under the Natural Gas Act. At a given point in history, I would say to the gentleman, the Congress has decided that gas is not subject to regulation because they got it from an intrastate or interstate source within the boundaries of the State and sold it within the boundaries of that State.

Mr. MOORE. If the gentleman will yield one last time, I can see no distinction in fact. When we are waiving 1(c) of the Gas Act we are waiving any intrastate natural gas which meets that description, which means any of it could become allocated under the provisions of this bill by becoming interstate natural gas by definition in this bill.

I do not think in the Interstate Commerce Committee of which I am a member, we had any intention of taking that intrastate gas and making it subject to the provisions of this bill, which we have done here by expanding the definition of interstate natural gas in the conference committee, and that was never voted upon. This rule is crafted to in effect allow an expansion of this bill which we did not vote on.

Mr. QUILLEN. Mr. Speaker, this resolution only makes in order the consideration of the conference report. The conference report is not the measure I would like to have, it is not the solution to the crisis I would like to have, but there is a crisis and we must face it.

Mr. Speaker, I urge the adoption of the resolution.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker, I thank my friend, the gentleman from Tennessee, for yielding.

I want to try to clarify this situation as best I can. I would appreciate the indulgence and the attention of the gentleman from Michigan (Mr. DINGELL).

Mr. QUILLEN. Mr. Speaker, I yield to the gentleman from Michigan for a response to the questions of the gentleman from Louisiana.

Mr. DINGELL. I will be glad to answer the gentleman's questions.

Mr. WAGGONNER. Mr. Speaker, is it true that the conference report which we are now beginning to consider—or at least we are now considering a rule which waives points of order—contains language which was included in neither the bill which we considered yesterday nor the Senate considered earlier?

Mr. DINGELL. If the gentleman will yield, will he identify the language, and I will be glad to answer.

Mr. WAGGONNER. If the gentleman will turn to page 2, the first paragraph, numbered (4), he will see that I refer specifically to that language on line 4 which begins after the words "Natural Gas Act" and which says:

. . . or which would be required to be so certificated but for section 1(c) of such Act.

Mr. DINGELL. I have the language the gentleman refers to.

Mr. WAGGONNER. Is that new language?

Mr. DINGELL. In my view it is a mix of or a meld of the language of the House and the Senate.

Mr. WAGGONNER. I have looked at the Senate language and the House language and neither bill contains that language.

Now I refer to page 7 of the conference report.

Mr. DINGELL. If the gentleman will yield further, the gentleman may very well be correct in saying that that language is present in neither the House bill nor the Senate bill.

Mr. WAGGONNER. Then the answer to my question is "Yes" with regard to that language?

Mr. DINGELL. No, that is not the answer to the gentleman's question. The answer to the gentleman's question is that in my view the language is a meld of the language in the House and in the Senate bills and that language is not new at least in spirit.

Mr. WAGGONNER. All right, let us move from that language to the language on page 7, subparagraph (c):

or a contract entered into pursuant to 18 C.F.R. 2.68 after the date of the enactment of this Act and before August 1, 1977,

Is that new language which was in neither the House-passed or the Senate-passed bill?

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. Mr. Speaker, I have the time, but I will be happy to yield to the gentleman from Michigan to respond.

Mr. DINGELL. Mr. Speaker, the answer to that question is that in the view of the Senate this policy was already in the Senate bill. In point of fact, it was not. It is that language which has occasioned the rule which we have requested, because it waives possible points of order.

To be more specific, the Senate thought this was what they had done. In sitting down in conference, we found they had not and the language was put in there at the request of the gentleman from Texas (Mr. ECKHARDT) to cure that particular situation with respect to triggering the escalation clauses with regard to sales entered into pursuant to 18 C.F.R. 2.68 gas.

The statement that the chairman, the gentleman from West Virginia (Mr. STAGGERS) made in the Committee on Rules said:

Both the Senate bill and the House amendments had insulated intrastate gas from such purposes under section 6 of this bill.

Therefore, the conferees looked upon this as carrying out the intent of both bodies.

I can clearly state that is the intent and was the intent of the conferees in this matter.

Mr. WAGGONNER. Mr. Speaker, the situation we are faced with is this. Clearly by the admission of the gentleman from Michigan, the conferees have brought us back now a conference report that is subject to a point of order and makes necessary the adoption of this rule waiving points of order.

Now, it might well have been the intent of the Senate and of the House to insulate intrastate gas, and I think it originally did; but the narrow effect now of this language is exactly this: get the distinction between jurisdictional gas and Hinshaw gas. Jurisdictional gas is that gas which is subject to the regulations of the Federal Power Commission. Hinshaw gas is that gas which is intrastate gas. Put such gas into an interstate line or an intrastate line and if it is taken out of either of those lines before it crosses the State line it is in every respect intrastate gas.

Now, the net effect of this added language is this, that the President can allocate intrastate gas under the provisions of this legislation and the net effect is to limit by such action the Natural Gas Act.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield further on this point, the conference report and the legislation clearly says we do not affect the Natural Gas Act and make jurisdictional any gas.

Mr. WAGGONNER. Mr. Speaker, will the gentleman admit that the net effect of this language is that under the provisions here it makes applicable the allocation provisions of this legislation to intrastate gas.

Mr. QUILLEN. Mr. Speaker, I yielded to the gentleman from Louisiana for questions only. I wonder if the gentleman from New York (Mr. DELANEY) would care to yield the gentleman from Louisiana some time?

Mr. DELANEY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker, the net effect of what the conferees have done is to make applicable the allocation provisions of this legislation to intrastate gas and the effect on my State is this, Louisiana is putting 43 percent of all the gas that goes into interstate commerce into interstate commerce; but Louisiana takes 30 percent of all the gas that it uses in Louisiana from these interstate lines and under the provisions of the Natural Gas Act it is in every respect intrastate gas.

So, the net effect is now that the administration can allocate intrastate gas into interstate commerce, and we have gone far beyond anything that the House or the Senate considered. My friends, that is not in good faith with what this body thought it was doing.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. It was my understanding as we attempted to reach an agreement in conference last night—if I could get the attention of the gentleman from Michigan—that the purpose of this language was to provide the opportunity for the President to have intrastate lines connect up interstate lines so

that we would expedite the movement of natural gas, and it was so represented.

Mr. WAGGONNER. That might have been represented to the gentleman, but as it is written here, they can now allocate intrastate gas into interstate commerce. Admittedly, it does not become jurisdictional gas and come under the authority of the Federal Power Commission, but this language gives the administration authority over intrastate gas which is delivered by interstate lines.

Mr. DELANEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ECKHARDT). I think he can clear the issue up.

Mr. ECKHARDT. Mr. Speaker, the purpose of section 4 of the act is to create some flexibility with respect to the movement of natural gas so that it may go to the distressed areas. The purpose of the act is not to commit or dedicate any additional gas to interstate commerce so that the Natural Gas Act would control its price, or would ultimately control its flow.

The only result of the amendment is to permit the flexibility during the emergency for movement of the gas of the nature that has been described here as Hinshaw gas but not to create or make Hinshaw gas what the chairman has called jurisdictional gas. That is, it does not make it subject to price control and it does not make it subject to continuing dedication to interstate commerce.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, there is one point the gentleman from Louisiana must have before him at this point. That is, that nothing in this legislation, in the case of the Hinshaw pipelines, permits the allocation of intrastate gas from that Hinshaw pipeline to meet the needs in other States, but only the interstate gas in the pipeline which could be subject to allocation in any event.

Mr. DELANEY. Mr. Speaker, I now yield 2 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I opposed this measure in the conference, and I oppose the rule. When we had this bill up before us yesterday, I voted for it, as did nearly every member of the Texas Democratic delegation. I thought that those of us in the producing States ought to try to help those gas-starved States that need it, and I still feel the same way.

The bill, I should note, had a provision in there which placed a ceiling on interstate gas so that there could not be too heavy an increase in price. I must admit that I have personal district concern, and I ask the Members' indulgence, and I have asked for additional time in the consideration of the bill when we do bring it up, assuming that the rule passes.

My district is in central Texas and has been faced with an unreliable supplier of natural gas, and my district and central Texas has been faced with that problem for 3 or 4 years.

When we take off this ceiling, my intrastate gas is likely to go much higher. My district has been paying three or four times more for gas in the last 4 years than almost any district in the United States.

When we take off this ceiling I do not think that the consumers in Austin or San Antonio are going to have sufficient protection.

I would like to see price ceilings removed, and I would vote for a decontrol bill. But when we have a temporary measure before us and we have taken out the Eckhardt amendment, then those of us in central Texas stand the possibility of our prices going two or three times, or considerably higher, than other parts of the country.

Mr. Speaker, I speak against this rule and I am going to speak against the measure when it comes up for consideration.

Mr. DELANEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. I thank the gentleman for yielding.

Mr. Speaker, I want to have a brief colloquy with the gentleman from Texas (Mr. KRUEGER), who has a question relating to the same matter discussed by the gentleman from Louisiana (Mr. MOORE), and the gentleman from Louisiana (Mr. WAGGONNER).

I yield now briefly to the gentleman from Texas (Mr. KRUEGER).

Mr. KRUEGER. I thank the gentleman for yielding.

Mr. Speaker, I notice that in section 2 of the conference report under the definition of the term "interstate natural gas" is additional wording which did not appear in either the Senate- or House-passed bills. I am informed by those knowledgeable and expert in the interpretation of the Natural Gas Act that pipelines exempt from the Natural Gas Act under section 1(c) transport some intrastate gas or gas produced, transported, and consumed in the same State.

It has been my understanding throughout the debate relative to this bill that there is no intent to allocate intrastate gas under section 4. Therefore, am I correct in assuming that the intent of the bill has not been changed in that regard, that is, that all of the gas produced, transported, and consumed within the same State is not subject to allocation or the operative provisions of section 4 of the act, except that in the case of commingled intrastate and interstate gas the President will be authorized to allocate the commingled gas, but only in amounts which are equivalent to portions which he determines are derived from sources outside the State?

Mr. DINGELL. If the gentleman will permit me to answer, and I ask for the attention of the gentleman from Louisiana (Mr. MOORE) and the gentleman from Louisiana (Mr. WAGGONNER), the answer is "Yes."

Mr. CHARLES WILSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas (Mr. CHARLES WILSON).

Mr. CHARLES WILSON of Texas. I thank the gentleman for yielding.

Mr. Speaker, it has been my interpretation all through this thing, and the people with the administration, the energy people, can affirm this, but I would like to ask the gentleman this question: Is it not true that in the bill concerning the problem of the gentleman from Texas (Mr. PICKLE), that there is a provision for the President to disapprove the price if he believes it to be exorbitant?

Mr. DINGELL. That provision is in the bill at this time. It was in this bill when it was originally introduced. It remains in the bill at this time.

Mr. WAGGONNER. If the gentleman will yield, I want to be sure I understand the gentleman. Is the gentleman saying that in spite of the language of the bill, it was the intent of the conferees?

Mr. DINGELL. I am not describing, if the gentleman will permit me, the intent of the conferees. I am describing the consequences of the language to which the gentleman alluded, and it is as I pointed out in response to the question of the gentleman from Texas.

Mr. DELANEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding.

As I understand it, there is the provision that gives the President the right to control by a rollback process. That control would go to interstate gas, not intrastate gas.

Second, the time that he would enter into any kind of a rollback would be 30, 60, 90 days before he would take action—and his delay could cause great damage.

In the meantime the price has gone up, and the rollback would affect interstate gas, not intrastate gas. The gentleman from Texas (Mr. CHARLES WILSON) surely must understand that, and he must admit that, does he not?

Mr. CHARLES WILSON of Texas. No, I do not.

Mr. PICKLE. Mr. Speaker, I suggest that the gentleman look again. That is definitely the fact. That is the control that is exercised, but it affects interstate gas and not intrastate gas. And that directly affects my district and my State.

Mr. DELANEY. Mr. Speaker, for the purpose of answering that question, I yield 1 minute to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I suggest that we take section 4 of the bill and read that section with the definitional section. I will state to the gentleman that if he will take the time to do that, he will find that the only order the President can level against the pipeline under section 4 is against an interstate pipeline. He cannot level it against an intrastate pipeline.

Mr. PICKLE. Mr. Speaker, if the gentleman will yield, that is just what I said. But in the process of the controlling of it, this has no effect on intrastate gas; it is only interstate gas.

Mr. DINGELL. Mr. Speaker, there is only one clear answer on that point. Any

Member who wants to inform himself as to that section should read section 9(c) on page 7. That section deals with the entire question to which the gentleman alludes. If he will read that section, he will get a fair answer to his question.

Mr. DELANEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I wish to be perfectly candid and honest about this, and I will say that I was correct in what I said a moment ago, and that the gentleman from Louisiana (Mr. WAGGONNER) is correct in saying that such Hinshaw gas is subject to allocation. It is not subject to price control under the Natural Gas Act nor does it become dedicated to interstate commerce as a permanent proposition.

As I understand it, it was more or less by inadvertence that the language of the amendment provides that a mix of interstate gas and intrastate gas within these pipelines could be allocated to interstate commerce. I do not believe that will be done, but in all honesty I think the language would permit it.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for yielding this time to me.

I have a question relative to companies which now have in their own storage, held in reservoirs, gas that has been pumped out of an interstate gas line.

Will that gas that is now held in storage be subject to reallocation under the provisions of this conference report?

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I thank my friend for yielding.

The answer to that question is the same as that which was given to the gentleman from Texas (Mr. KRUEGER), and that is that the only gas subject to allocation under section 4 in that reservoir, in that storage reservoir or in that pipeline, is that gas which is interstate gas. That is the only portion which is subject to allocation by the President.

Mr. MYERS of Indiana. It was all interstate gas, to the point that it was transported via interstate pipelines.

It is now taken out of those lines and stored in storage areas, and it is owned by a local distribution company. Is that now subject to reallocation?

Mr. DINGELL. Mr. Speaker, the only portion that is subject to being reached under the allocation provisions is that portion which was delivered across a State line. That is all.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, in the interest of trying to straighten this situation out, I would like to try to get the same answer from the gentleman from Michigan (Mr. DINGELL) and from the gentleman from Texas (Mr. ECKHARDT) on the issue. I think we have gotten two different answers here, and that is going to fuzz up the legislative history considerably.

As I understand it, the basic reason for this language being put into the bill is this: I will concede that I think it goes beyond the scope or it may go beyond the scope of the action of the two bodies, but the reason was, at least as far as the Senate was concerned, that it embraced the order they had in mind. So they told us.

The purpose of the language flows from the fact that in order to get interstate gas from one location to another location where it will be used to alleviate a shortage of interstate gas, it will be necessary to make pipeline connections between two interstate lines that run across intrastate lines.

Therefore, the idea was to say that if one was moving interstate gas across interstate lines, it would not necessarily have the impact of making the intrastate line subject to interstate rules or law.

The other part of the problem is that we have interstate gas and intrastate gas mixed in the same reservoir and that interstate gas coming out of that reservoir across an intrastate line and going into an interstate line, where the gas is needed under the allocation authority. The bill does not make either the intrastate line or the intrastate gas subject to interstate law or allocation. Is that correct?

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, the answer is that it is correct; and that is the answer to the question which I gave earlier. I am in full accord with the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I wonder whether I can get the gentleman from Texas (Mr. ECKHARDT) to agree that it is correct.

Mr. ECKHARDT. If the gentleman will yield, I could not understand the question.

Mr. BROWN of Ohio. Maybe that is why we had the difference of opinion between the gentleman from Texas (Mr. ECKHARDT) and the gentleman from Michigan (Mr. DINGELL).

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I will be glad to yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, it does, in the opinion of the gentleman from Texas (Mr. ECKHARDT), make intrastate gas delivered within a State by an interstate line subject to allocation.

Mr. BROWN of Ohio. I would ask that question of the gentleman from Michigan (Mr. DINGELL); is that correct?

Mr. DINGELL. If the gentleman will yield, the answer is that I am in agreement with the gentleman from Ohio (Mr. BROWN), and I agree that his position is correct.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, I understand that, literally read, where there is an admixture of interstate and intrastate gas——

Mr. BROWN of Ohio. In a reservoir.

Mr. ECKHARDT (continuing). In an intrastate line, which travels only within a State, that as far as the allocation authority of this act applies, it applies to the entire mixture. It does not, however, affect the price of the intrastate gas nor does it commit it to interstate commerce.

Mr. BROWN of Ohio. Mr. Speaker, I might say, since this is my time, that that is apparently not the position of the gentleman from Michigan (Mr. DINGELL) and myself, that that is a correct interpretation.

Now I would ask the gentleman from Michigan (Mr. DINGELL) whether he concurs with that view.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, the answer is that the intention of the conferees was as set out by the gentleman from Ohio (Mr. BROWN). I agree with the gentleman from Ohio with regard to the meaning and agree that the language is only directed at allowing allocation of that gas which is originally interstate gas, and I think that should be the end of the discussion.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker, I thank the gentleman for yielding.

I wonder whether I might have the attention of the gentleman from Texas (Mr. ECKHARDT). The gentleman, in answer to the question I posed a moment ago, totally ignored the answer with regard to intrastate gas which was put into an interstate line as intrastate gas and delivered by that interstate line as intrastate gas.

Is it the gentleman's literal interpretation—and he used that word a moment ago—that this conference report would allow the allocation of gas which is put into an interstate line as intrastate gas prior to the enactment of this act to be subject to the allocation provisions if it is delivered as intrastate gas by an interstate line?

Mr. ECKHARDT. The answer is: Only if it is commingled. If it is commingled, the gentleman is correct.

Mr. WAGGONNER. Mr. Speaker, clearly intrastate gas which is commingled with interstate gas, and delivered prior to the provisions of this act as intrastate gas, will now be subject, not to the provisions of the Natural Gas Act, but by the provisions of this act to allocation elsewhere. I am just telling you that this will gut my State of Louisiana that puts 43 percent of all the gas that goes into interstate commerce into interstate commerce and we get 30 percent of all the gas we use from interstate lines, which is not interstate gas, it is wrong. This is in every respect intrastate gas.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, and my colleagues, the purpose of the questions and the answers that the Members have probably boringly sat through, was not to bore the Members but the purpose was to try and find out what this new language does mean

so that we might have at least a true picture of its intent and possible impact.

The President sent this bill to the Congress to have it passed and signed quickly. He did not want the issue of whether or not intrastate natural gas should be regulated or taken over by the Federal Power Commission. He wanted that issue specifically left out of the bill. No portion of the Natural Gas Act was to be amended or in any way affected. Yet we find now, as a result of good intent but bad wording, that just the opposite has happened. We have waived provisions of the Natural Gas Act that affect intrastate natural gas, and in so doing, we may have subjected, for the first time, intrastate natural gas to the emergency allocation provisions of this bill.

I know that is not the intent of the gentleman from Michigan (Mr. DINGELL) but the point is, as the gentleman from Texas (Mr. ECKHARDT) pointed out, it could very well happen and the language says it can happen.

Therefore I think it is incumbent upon the Members of the House who agree with the President and do not want to address this issue of whether intrastate natural gas should or should not be involved to defeat this rule which waives all points of order. We should be allowed to make a point of order and let the Speaker decide whether or not this new language was before either House and then move on to pass the bill and send it to the President of the United States. Let us not get bogged down on the intrastate gas issue. If we pass this rule, this provision in the bill may wind up in the courts. The President of the United States asked us not to get into that quagmire and yet we have done it by inadvertence through poor wording in the conference report. That was not the intent of either House because it is clear that this language was not in either House's versions. Therefore I urge the defeat of the rule.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BROWN) to wind up the debate on this side.

Mr. BROWN of Ohio. Mr. Speaker, the situation which we face in our country, particularly in the State of Ohio where right now we have 1 million people out of work, is because of the energy shortage. I have tried, as a representative of my district, and the State of Ohio, and as the ranking minority member of the energy power subcommittee, with responsibility in this area, to support the President in a rational solution to the problem.

I believe that the gentleman from Michigan (Mr. DINGELL) and I have fairly, directly and forthrightly given an honest interpretation of what the language intends to do. Were it not for divergent views on the technical interpretation of that, I think we would have had a clear legislative history of what the language was intended to do.

I hope the record indicates that those of us on the minority side who are concerned about trying to solve the problem at this moment, have not in any way either slowed down or tried to confuse this legislation.

I would hope that we would go ahead and pass this rule and pass the conference report.

Mr. DELANEY. Mr. Speaker, I yield 1 minute to the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, I would like to agree with the gentleman from Ohio who just spoke that we have an emergency in this land. There has been a lot of effort directed toward trying to lead us off of what we are trying to do.

We have an emergency we need to solve. I should like to say categorically now for the record that any gas ordered to be allocated will be paid back either in kind or with the monetary compensation. We are not trying to take any intrastate gas, or regulate it, and the Members cannot point to any place in the record where the bill does. Every individual in this House knows that we must do something or we will be called a do-nothing Congress, and then they ought to turn us all out. There are many people who are sick and do not have heat and who are disabled. We need to do something now, and I think that we ought to vote the rule up now and vote out the bill. I think every Member of the House knows that, and I think if they do not vote that way, there will be something the matter with their thinking.

Mr. DELANEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, this is the front page of the Washington Post: "Gas Crisis May Close Factories Until April."

People are out of work, and there are real dangers that pipelines are not going to have enough gas to distribute to the home heating users at the other end of the pipeline.

The real question before us now is, Are we going to move on legislation which helps the President and the Nation meet the natural gas crisis? That is what is before us. Whether or not some gas might be jurisdictional, or whether or not some might come under the allocation provision is not really important. What is important is do we meet the needs of the people in Ohio or elsewhere for warm homes, and to keep houses and hospitals going? That is the question.

Vote for the rule; vote for the conference report; and let us move ahead.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MOORE. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

EMERGENCY NATURAL GAS ACT OF 1977

Mr. STAGGERS submitted the following conference report and statement on the Senate bill (S. 474) to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes:

CONFERENCE REPORT (H. REPT. 95–7)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 474) to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act may be cited as the 'Emergency Natural Gas Act of 1977'.

"DEFINITIONS

"SEC. 2. As used in this Act:

"(1) The term 'high-priority use' means—

(A) use of natural gas in a residence;

(B) use of natural gas in a commercial establishment in amounts of less than 50 Mcf on a peak day; or

(C) any other use of natural gas the termination of which the President determines would endanger life, health, or maintenance of physical property.

(2) The term "interstate pipeline" means any natural-gas company, as defined in section 2(6) of the Natural Gas Act, which is engaged in the transportation by pipeline of natural gas.

(3) The term "intrastate pipeline" means any person (other than an interstate pipeline) engaged in the transportation by pipeline of natural gas.

(4) The term "interstate natural gas" means natural gas (other than natural gas transported pursuant to a transportation certificate issued under 18 C.F.R. 2.79) transported by an interstate pipeline in a facility which is certificated under the Natural Gas Act or which would be required to be so certificated but for section 1(c) of such Act.

(5) The term "local distribution company" means any person (including a governmental entity) which receives natural gas for local distribution and resale to natural gas users.

(6) The term "antitrust laws" means the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 13, 14–19, 20, 21, 22–27), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8–9), and the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a), and similar State laws.

(7) The term "State" means any State of the United States and the District of Columbia.

PRESIDENTIAL DECLARATION

SEC. 3. The President may declare a natural gas emergency if he finds that a severe natural gas shortage endangering the supply of natural gas for high-priority uses exists or is imminent in the United States or in any region thereof and that the exercise of his authorities under section 4 is reasonably necessary, having exhausted other remedies to the maximum extent practicable, to assist in meeting requirements for such uses. Such emergency shall be terminated when the President finds that such shortages no longer exist and are no longer imminent.

EMERGENCY DELIVERIES AND TRANSPORTATION OF NATURAL GAS

SEC. 4. (a)(1) If the President finds it necessary to assist in meeting the requirements for high-priority uses of natural gas (including short-term storage replenishment or injection for protection of high-priority uses), on the basis of a notification by the Governor of any State pursuant to subsection (c) or on the basis of other information available to the President, the President may, during a natural gas emergency declared under section 3, by order, require—

(A) any interstate pipeline to make emergency deliveries of, or to transport, interstate natural gas to any other interstate pipeline or to any local distribution company served by an interstate pipeline for purposes of meeting such requirements;

(B) any intrastate pipeline to transport interstate natural gas from any interstate pipeline to another interstate pipeline or to any local distribution company served by an interstate pipeline for purposes of meeting such requirements; or

(C) the construction and operation by any pipeline of any facilities necessary to effect such deliveries or transportation.

No such delivery or transportation may continue after April 30, 1977, or after the President terminates the emergency declared under section 3, whichever is earlier.

(2) No order may be issued under this subsection unless the President determines that such order will not—

(A) create for the interstate pipeline delivering interstate natural gas a supply shortage which will cause such pipeline to be unable to meet the requirements for high-priority uses served, directly or indirectly, by such pipeline;

(B) result in a disproportionate share of deliveries or curtailments of natural gas experienced by such interstate pipeline when compared to deliveries and resulting curtailments which are experienced as a result of orders applicable to other interstate pipelines (as determined by the President); and

(C) require transportation of natural gas by any pipeline in excess of its available transportation capacity.

(3) In issuing such order the President shall also consider the relative availability of alternative fuel to users of the interstate pipeline ordered to make deliveries pursuant to this section.

(b) Compliance by any pipeline with an order issued under subsection (a) shall not subject such pipeline to regulation under the Natural Gas Act (15 U.S.C. 717 et seq.) or to regulation as a common carrier under any provision of State or Federal law. No action required to be taken under an order issued under subsection (a) shall be subject to any provision of the Natural Gas Act and any such order shall supersede any provision of a certification, or other requirement, under the Natural Gas Act which is inconsistent with such order.

(c)(1) The Governor of any State may notify the President of any finding by such Governor that a shortage of natural gas within such State, endangering the supply of natural gas for high-priority uses, exists or is imminent and that the State, and agencies and instrumentalities thereof, have exercised their authority to the fullest extent practicable and reasonable under the circumstances to overcome such shortage.

(2) The Governor shall submit, together with any notification under paragraph (1), information upon which he has based his finding under such paragraph, including—

(A) volumes of natural gas required to meet the requirements for high-priority uses in such State;

(B) information received from persons in the business of producing, selling, transporting, or delivering natural gas in such State as to the volumes of natural gas available in such State; and

(C) such other information as the Governor determines appropriate to apprise the President of emergency deliveries and transportation of interstate natural gas needed in such State.

(d) The President may request that representatives of interstate pipelines, intrastate pipelines, local distribution companies, and other persons meet and provide assistance to the President in carrying out his authority under this section.

(e)(1) In order to obtain information to carry out his authority under this Act, the President may—

(A) sign and issue subpenas for the attendance and testimony of witnesses and the production of books, records, papers, and other documents;

(B) require any person, by general or special order, to submit answers in writing to interrogatories, requests for reports or for other information, and such answers shall be made within such reasonable period, and under oath or otherwise, as the President may determine; and

(C) secure, upon request, any information from any Federal department or executive agency.

(2) The appropriate United States district court may, upon petition of the Attorney General at the request of the President, in the case of refusal to obey a subpena or order of the President issued under this subsection, issue an order requiring compliance therewith, and any failure to obey an order of the court may be punished by the court as a contempt thereof.

(f)(1) If the parties to any order issued under subsection (a) fail to agree upon the terms of compensation for deliveries (which may include compensation in kind) or transportation required pursuant to such order, the President, after a hearing held either before or after such order takes effect, shall, by supplemental order, prescribe the amount of compensation (which may include compensation in kind) to be paid for such deliveries or transportation and for any other expenses incurred in delivering or transporting such gas.

(2) If, for the purpose of a supplemental order pursuant to paragraph (1), the party making emergency deliveries pursuant to subsection (a)—

(A) indicates a preference for compensation in kind, the President shall direct that compensation in kind be provided by August 1, 1977, to the maximum extent practicable,

(B) indicates a preference for compensation, or the President determines pursuant to paragraph (A) of this subsection that any portion thereof cannot practicably be compensated in kind, the President shall calculate the amount of compensation for deliveries of natural gas, based upon the amount required to make the interstate pipeline delivering such natural gas and its local distribution companies whole for loss of sales resulting therefrom; including the actual amount paid by such interstate pipeline or any of its local distribution companies for the volumes of natural gas or higher cost gas such as synthetic natural gas which were needed to replace natural gas delivered pursuant to an order under subsection (a); and for transportation, storage, and other expenses, based upon reasonable costs, as determined by the President.

(g) In order to effect the purposes of this Act, the President shall monitor the operation of any order made pursuant to this section to assure that natural gas delivered pursuant to this section is applied to high-priority uses only.

ANTITRUST PROTECTIONS

SEC. 5. (a) There shall be available as a defense for any person to civil or criminal action brought for violation of the antitrust laws (or any similar law of any State) with respect to any action taken or meeting held pursuant to a request or order of the President under section 4 (a) or (d) of this Act, if—

(1) such action was taken or meeting held solely for the purpose of complying with the President's request or order;

(2) such action was not taken for the purpose of injuring competition; and

(3) such person complied with the requirements of subsection (b) of this section.

Persons interposing the defense provided by this subsection shall have the burden of proof, except that the burden shall be on the person against whom the defense is asserted with respect to whether the actions were taken for the purpose of injuring competition.

(b) A meeting held pursuant to a request by the President under section 4(d) or pursuant to an order under section 4(a) complies with the requirements of subsection (a) if—

(1) there is present at such meeting a full-time Federal employee designated for such purposes by the Attorney General;

(2) a full and complete record of such meeting is taken and deposited, together with any agreements resulting therefrom, with the Attorney General, who shall make it available for public inspection and copying;

(3) the Attorney General and the Federal Trade Commission have the opportunity to participate from the beginning in the development and carrying out of agreements and actions under sections 4(a) and 4(d), in order to propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act; and

(4) such other procedures as may be specified in such request or order are complied with.

EMERGENCY PURCHASES

SEC. 6. (a) The President may authorize any interstate pipeline or local distribution company served by an interstate pipeline (or class or category of such pipelines or companies) to contract, upon such terms and conditions as the President determines to be appropriate (including provisions respecting fair and equitable prices), for emergency supplies of natural gas for delivery before August 1, 1977—

(1) from any producer of natural gas (other than a producer who is affiliated with the purchaser as determined by the President) if (A) such natural gas is not produced from the Outer Continental Shelf and (B) the sale or transportation of such gas was not, immediately before the date on which such contract was entered into, certificated under the Natural Gas Act, or

(2) from any intrastate pipeline, local distribution company, or other person (other than an interstate pipeline or a producer of natural gas).

The President may not authorize any emergency purchase contract under this sub-

section for emergency supplies of natural gas for sale and delivery from any intrastate pipeline which is operating under court supervision as of January 1, 1977, unless the court approves.

(b)(1) The provisions of the Natural Gas Act shall not apply—

(A) to any sale of natural gas to an interstate pipeline or local distribution company under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with any such sale; or

(B) to any natural gas company (within the meaning of the Natural Gas Act) solely by reason of any such sale or transportation.

(2) In exercising its authority under the Natural Gas Act, the Federal Power Commission shall not disallow, in whole or in part, recovery by any interstate pipeline, through the rates and charges made, demanded, or received by such pipeline, the amounts actually paid by it for natural gas purchased, transported, or other costs incurred pursuant to subsection (a).

(c)(1) The President may, by order, require any pipeline to transport such natural gas, and to construct and operate such facilities for transportation of natural gas, as may be necessary to carry out contracts authorized under subsection (a). The costs of any such required construction shall be paid by the party receiving such natural gas. No such order shall require any pipeline to transport any natural gas in excess of such pipeline's available capacity.

(2) Compliance by any pipeline with any order under this subsection shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of State law.

(d) As used in this section, the term "Outer Continental Shelf" has the same meaning as such term has under section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

ADJUSTMENT IN CHARGES FOR LOCAL DISTRIBUTION COMPANIES

SEC. 7. Compensation received by an interstate pipeline pursuant to section 4 in excess of the amount such pipeline would have charged its local distribution companies shall be credited to such local distribution companies in proportion to their share of any natural gas not delivered together with credits necessary to make whole any local distribution company which replaced such natural gas with higher cost gas such as synthetic natural gas as prescribed in section 4(f)(2)(B). Compensation paid by an interstate pipeline for deliveries or emergency purchases of natural gas pursuant to section 4 or section 6 shall be charged to such interstate pipeline's local distribution companies in proportion to their share of such natural gas deliveries or purchases.

RELATIONSHIP TO NATURAL GAS ACT

SEC. 8. Except as expressly provided in this Act, nothing contained in this Act shall be interpreted to change, modify, or otherwise affect rules, regulations, or other regulatory requirements or procedures of the Federal Power Commission pursuant to the provisions of the Natural Gas Act.

EFFECT OF CERTAIN CONTRACTUAL OBLIGATIONS

SEC. 9. (a) There shall be available as a defense to any action brought for breach of contract under Federal or State law arising out of any act or omission that such act was taken or that such omission occurred for purposes of complying with any order issued under section 4(a).

(b) Any contractual provision—

(1) prohibiting the sale or commingling of natural gas subject to such contract with natural gas subject to the provisions of the Natural Gas Act, or

(2) terminating any obligation under any such contract as a result of such sale or commingling,

is hereby declared against public policy and unenforceable with respect to such natural gas if an order under section 4(a) or an authorization under section 6(a) applies to the delivery, transportation, or contract for supplies of such natural gas.

(c) The amounts and prices of any natural gas purchases pursuant to an order under section 4(a), an authorization under section 6(a), or a contract entered into pursuant to 18 C.F.R. 2.68 after the date of the enactment of this Act and before August 1, 1977, shall not be taken into account for purposes of any contractual provision which determines the price of any natural gas (or terminates the contract for the sale of natural gas) on the basis of sales of other natural gas.

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 10. (a) Subchapter II of chapter 5 of title 5 of the United States Code (other than sections 554, 556, and 557 thereof) shall apply to orders and other actions under this Act.

(b) Except with respect to enforcement of orders or subpenas under section 4(e), the Temporary Emergency Court of Appeals, established pursuant to section 211(b) of the Economic Stabilization Act of 1970, as amended, shall have exclusive original jurisdiction to review all cases and controversies under this Act, including any order issued, or other action taken, under this Act. The Temporary Emergency Court of Appeals shall have exclusive jurisdiction of all appeals from the district courts of the United States in cases and controversies arising under section 4(e) of this Act; such appeals shall be taken by the filing of a notice of appeal with the Temporary Emergency Court of Appeals within thirty days of the entry of judgment by the district court.

(c) Prior to a final judgment, no court shall have jurisdiction to grant any injunctive relief to stay or defer the implementation of any order issued, or action taken, by the President under this Act.

ENFORCEMENT

SEC. 11. (a) Any person who violates an order or supplemental order issued under section 4 or an order under section 6(c) shall be subject to a civil penalty of not more than $25,000 for each violation of such order. Each day of violation shall constitute a separate offense.

(b) Any person who willfully violates an order or supplemental order issued under section 4 or an order under section 6(c) shall be fined not more than $50,000 for each violation of such order. Each day of violation shall constitute a separate violation.

(c) Whenever it appears to the President that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of any order issued under section 4(a), any supplemental order issued under section 4(f), or any order under section 6(c), the President may request the Attorney General to bring a civil action to enjoin such acts or practices and, upon showing, a temporary restraining order or preliminary or permanent injunction shall be granted without bond. In any such action, the court may also issue mandatory injunctions commanding any person to comply with any such order or supplemental order.

REPORTING

SEC. 12. (a) In issuing any order under section 4(a) or granting any authorization under section 6, the President shall require that the prices and volumes of natural gas delivered, transported, or contracted for pursuant to such order or authorization shall be reported to him on a weekly basis and such reports shall be made available to the Congress.

(b) The President shall report to Congress not later than October 1, 1977, respecting his actions under this Act.

DELEGATION OF AUTHORITIES

SEC. 13. The President may delegate all or any portion of the authority granted to him under this Act to such executive agencies (within the meaning of 5 U.S.C. 105) or officers of the United States as he determines appropriate, and may authorize such redelegation as may be appropriate. Except with respect to section 552 of title 5 of the United States Code, any officer or executive agency of the United States to which authority is delegated or redelegated under this Act shall be subject only to such procedural requirements respecting the exercise of such authority as the President would be subject to if such authority were not so delegated.

PREEMPTION OF INCONSISTENT STATE OR LOCAL ACTION

SEC. 14. Any order issued pursuant to this Act shall preempt any provision of any program for the allocation, emergency delivery, transportation, or purchase of natural gas established by any State or local government if such program is in conflict with any such order.

And the House agree to the same.

HARLEY O. STAGGERS,
JOHN D. DINGELL,
BOB ECKHARDT,
PHILIP R. SHARP,
ANTHONY TOBY MOFFETT,
JAMES T. BROYHILL,
CLARENCE J. BROWN.

Managers on the Part of the House.

ADLAI E. STEVENSON, III,
ERNEST F. HOLLINGS,
J. BENNETT JOHNSTON,
JAMES B. PEARSON,
TED STEVENS.

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 474) to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text, and the Senate disagreed to the House amendment.

The committee of conference recommends that the Senate recede from the disagreement to the amendment of the House, with an amendment which is a substitute for both the text of the Senate bill and the House amendment to the text of the Senate bill.

The text of the conference substitute is the same as the text of the Senate bill with four changes described below.

Section 2(2) of the Senate bill defines the term "interstate pipeline" as any person engaged in the transportation of interstate natural gas.

The conference substitute adopts the House language which defines the term "interstate pipeline" as any natural gas company, as defined in section 2(6) of the Natural Gas Act, which is engaged in the transportation by pipeline of natural gas.

Section 2(4) of the Senate bill defines "interstate natural gas" as natural gas which, but for this Act, is subject to the Natural Gas Act.

Section 2(4) of the conference substitute adopts the House language which defines "interstate natural gas" as natural gas (other than natural gas transported pursuant to a transportation certificate issued under 18 C.F.R. 2.79) transported by an interstate pipeline in a facility certificated under the Natural Gas Act and adds at the end of the House language the following: "or which would be required to be so certificated but for section 1(c) of such Act".

Section 9(c) of the Senate bill provides that the amounts and prices of any natural gas purchased pursuant to an order under section 4(a) or an authorization under section 6(a) will not be taken into account for purposes of any contractual provision which determines the price of any natural gas (or terminates the contract for the sale of natural gas) on the basis of sales of other natural gas.

Section 9(c) of the conference substitute closely follows the Senate bill and the House amendment and provides that the amounts and prices of any natural gas purchases pursuant to an order under section 4(a), an authorization under section 6(a), or a contract entered into pursuant to 18 C.F.R. 2.68 after the date of enactment of this Act and before August 1, 1977, shall not be taken into account for purposes of any contractual provision which determines the price of any natural gas (or terminates the contract for the sale of natural gas) on the basis of sales of other natural gas.

Section 10 of the bill was modified to insure that criminal prosecutions under the Act are heard in the district courts as opposed to the Temporary Emergency Court of Appeals by the addition of the word "civil" before the words "cases and controversies" in section 10.

The House conferees receded from the House position on the Eckhardt amendment, which appeared in section 6(a) and (d)(1) of the House amendment (relating to reasonable prices), on the basis of the representations made by Dr. Schlesinger in his letter of January 31, 1977, to Senator Stevenson. The letter reads as follows:

THE WHITE HOUSE,
Washington, D.C., January 31, 1977.

Hon. ADLAI E. STEVENSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENSON: This is in response to your inquiry about the implementation of the "Fair and Equitable" price standard in Section VI of S474, the Emergency Natural Gas Act of 1977.

It is our intention to provide price certainty so that once a specific transaction has been authorized by the President, there would be no risk of a price roll-back for that transaction.

We believe a fair amount of flexibility is desirable to assure the maximum flow of natural gas to areas of shortage. Toward that end, we would expect to establish a threshold level, such as, for example, the price at which natural gas has recently been sold in intrastate commerce at which sales would be authorized by general rule and not subject to roll-back. Sales above that level might be subject to specific review. In any event, there would be no roll-back of the price for a specific transaction once it had been authorized by the President.

Sincerely,

JAMES R. SCHLESINGER,
Assistant to the President.

Similarly, the House conferees receded from the House position on the Broyhill amendment, which appeared in section 4(a)(2) and (a)(3)(B) of the House substitute, on the basis of the representations made by Dr. Schlesinger at the hearings before the Ad Hoc Subcommittee on Energy and Power of the Committee on the Interstate and Foreign Commerce on January 28, 1977 in the following colloquy:

"Mr. BROYHILL. I have been concerned that perhaps there are not enough guidelines in this bill to give some Congressional intent and direction as to how you would carry out this allocation authority. It had been my purpose to offer an amendment that would tend to spell this out.

"Briefly, it would go like this: That your order, first, would be limited to the natural gas which would be expected to be burned as boiler fuel by users served by those interstate pipelines or distributing companies.

"If no more fuel gas is available on any of these interstate pipelines, then the President could order the diversion of gas that would be going for priority number three and then if all gas in priority number three has been diverted, then the President can order the diversion of priority gas number two.

"I wonder if you would give your comment as to a plan of this kind for the orderly diversion of gas that might be available?

"Mr. SCHLESINGER. It will be the judgment of the Congress with regard to the specific powers given to the President. We intend to follow such orderly procedures as you have indicated in diverting gas from lower priority users and those pipelines still serving such uses where the supplies are relatively abundant to those that are beginning to cut in or threaten to cut into priority one users.

"It would be my immediate reaction, since we are intending to follow such procedures, that if the Congress includes in the law those procedures in a rigorous way, that it might tie our hands in circumstances that it would not be the desire of the Congress to do.

"Mr. BROYHILL. Would you say that it is your intent to divert that gas that would ordinarily be burned as boiler fuel as your first order of diversion?

"Mr. SCHLESINGER. That would seem to be the appropriate thing to do. I would put it in a more general way, that throughout the East, we are down to priority two users at most, overall. In some places, in the West, priorities three, four, five and even higher, are being observed by interstate pipelines.

"So, quite naturally, the conclusion to be drawn is one that we need not spell out."

The conferees were of the view that, because of that fact that the bill was an emergency measure requested by the Administration, it should not be regarded as a precedent for subsequent Congressional action on matters to which the bill relates.

HARLEY O. STAGGERS,
JOHN D. DINGELL,
BOB ECKHARDT,
PHILIP R. SHARP,
ANTHONY TOBY MOFFETT,
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JAMES B. PEARSON,
TED STEVENS,
Managers on the Part of the Senate.

Mr. STAGGERS. Mr. Speaker, pursuant to House Resolution 231, I call up the conference report on the Senate bill (S. 474) to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER. The gentleman from West Virginia is recognized for 30 minutes.

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appear before the House to ask for its expeditious consideration of a conference report relating to emergency natural gas authorities. This conference report was worked out between the House and Senate last night in an effort to resolve minor differences between the House and the Senate language.

I would like to clarify one misconception that some of the press and others have about this conference report. Although the House conferees accepted in large measure the Senate-passed bill, since that bill was very close to the House amendment, the House in large measure got its way in this matter.

There were two matters which were contained in the House amendment which were deleted by the conferees. Both matters were satisfactorily resolved in the minds of the House conferees by inclusion in the statement of managers and by statements and a letter from Dr. Schlesinger expressing his intent to administer this bill in conformity with those House amendments. On the basis of those representations the House conferees felt that they could drop the statutory language and still be assured that the policy of the House had prevailed.

The first item that was dropped related to the Broyhill amendment adopted in committee with respect to the standards with respect to ordering gas to be delivered from any pipeline. Although the language of the Broyhill amendment was dropped, members of the Rules Committee will find the colloquy between Mr. BROYHILL and Dr. Schlesinger on pages 10 and 11 of the statement of managers before them which explains the basis for this agreement.

The second item that was deleted by the conferees was the pricing formula in the House bill authored by Mr. ECKHARDT. On the basis of the Schlesinger letter which appears on page 10 of the statement of managers before you the House conferees felt that their concerns were adequately addressed.

The House in reaching these agreements with the Senate insisted upon the Senate conferees accepting four matters, three of which were contained in the House bill and one of which although

understood by the Senate to have been covered by their bill, was not.

This item related to insulating the intrastate market from any escalation of intrastate prices which may be caused by emergency 60-day sales allowed by the Federal Power Commission under existing law. Both the Senate bill and the House amendment had insulated intrastate prices from any such effects caused by purchases under section 6 of this bill and therefore the conferees looked upon this as carrying out the intent of both bodies.

The other three items that the Senate accepted at the wish of the House conferees related to:

First, defective Senate language which unintentionally included producers as interstate pipelines,

Second, which raised ambiguities—clarified by the House—as to which gas was subject to allocation orders, and

Third, which unintentionally put criminal proceedings which under the Constitution require a trial by jury in an appellate court.

I hope the Members will agree that this conference report adequately embodies its intent and and urge its adoption so that we may speedily send the legislation to the President for his signature.

The SPEAKER. The gentleman from Ohio is recognized for 30 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I rise today in somewhat reluctant support of the conference report which is slightly better than the bill the House passed yesterday. To the extent that this bill could provide some relief from the current crisis, I am in support of the legislation. However, no one should be under any illusions that this bill will provide any natural gas for the industries that are closed or any relief for the next winter—and as much as this body has been unable to accept it, there will be another winter.

This emergency legislation permits the President to take two courses of action to deal with the problem. First, he may declare a natural gas emergency and allocate the shortages to protect high-priority users. High-priority users are residential, public health and safety, and some small commercial users. Once again, this does not include industrial users who have been curtailed 100 percent in some area. Therefore, the only way that the jobless will go back to work is if the Almighty decides to give us warm weather soon.

The conference report also provides that any interstate pipeline or local distribution company can contract for emergency supplies of natural gas for delivery before August 1, 1977, with producers or intrastate pipelines. Such a sale would not be subject to FPC price regulation under the Natural Gas Act. The House bill contained the so-called Eckhardt amendment that would have placed a price ceiling on such sales.

This provision has been deleted from the conference report because of assurances that the administration will establish a threshold price for such sales that will be reflective of current prices in the intrastate market. While this agreement is more flexible than the rigid ceilings in the House bill, the President must authorize a fair and equitable price on the emergency sales. Now, no one, least of all our court system, can readily agree on what fair and equitable means. This uncertainty as to the potential legal interpretation of Presidential price-fixing action will serve to deter sellers of intrastate gas from entering into emergency sales with pipelines to help our Northern and Eastern States that so desperately need the gas.

The conferees made a change in the bills that probably goes beyond the scope of the conference and breaks the House germaneness rules. The bill as passed by both House and Senate had identical language dealing with the so-called most-favored-nation clauses in intrastate commerce. These clauses in intrastate natural gas contracts state that if the price of natural gas goes up anywhere in the State, the price of the gas under the contract will rise to that highest level. The fear among many people in the producing States was that the type of emergency sales authorized by this bill, and other sales authorized under the Natural Gas Act, would trigger these contractual provisions and cause substantial increase in prices to intrastate customers. The original language of both the House and Senate bills would have prevented this from happening with respect to emergency sales under this bill, but did nothing about the impact of such sales under existing law, the Natural Gas Act. Mr. ECKHARDT attempted to add a similar ban with respect to existing Natural Gas Act authority in committee markup, but the amendment was ruled nongermane. The conferees, however, added this amendment to the conference report.

Finally, the conference report permits some additional storage gas to be allocated to gas short areas, and assures that direct industrial sales—the so-called 533 sales—will not be subject to allocation.

Mr. Speaker, this bill is, at best, a band-aid applied to a gaping wound. To the extent that it will keep people from freezing to death in homes and hospitals it is commendable legislation. But it is too little, too late, and it does nothing about the economic impacts of this energy crisis. There are an estimated million people in Ohio alone out of work due to the lack of natural gas, and if anyone bothered to read the Washington Post today, the headlines indicated that there is little hope that these folks will be going back to work until April.

Two hundred and one Members of the last session of the House voted to deregulate natural gas and provide this Nation with a long-term solution to its natural gas problem. Unfortunately that vote was four shy of being successful. If it had been, we would have been on our way now to bringing additional supplies of gas into the interstate market and would have been less grievously affected than we are currently.

We heard yesterday commitments being made from the other side of the aisle to consider long-term solutions to our problem. Each day that goes by without our addressing long-term decontrol means that more and more supplies will not be available for next winter. But apparently we will wait until the Carter administration sends to the Congress a national energy policy package sometime in April.

However, I would submit that the legislation today embraces the concept that short-term sales at a higher price—that of the current market price in intrastate markets—will bring more supplies of gas to the interstate market. It is only logical that if short-term higher prices will bring some supplies, long-term deregulation at market clearing prices will bring more.

A related news article follows:

CATASTROPHE DUE IF GAS CONTROLS STAY, TAW SAYS

(By W. Joseph Campbell)

It was a warm day in September 1975 when Dudley J. Taw first spoke publicly about natural gas supplies for this winter.

The 1976–77 season, he said then, a few days after becoming president of East Ohio Gas Co., "will be the critical winter."

Now Taw says he takes little satisfaction in calling it right for this winter. And he makes no claim to being any sort of seer.

Yet he doesn't shrink from making other, more jolting predictions, particularly in pushing the case for price deregulation of new-found natural gas.

"If we don't get deregulation," Taw said the other day, "and if next winter is another winter like this one, we'll have a catastrophe.

"We won't have a crisis like we have now," he said with more volume. "We'll have a catastrophe."

Speaking louder, faster and rapidly gesticulating with his fingers and hands, he underscored his prediction: "It will be the damnedest catastrophe we've ever had . . . It will bring this country to its knees."

Thousands of homes might have to be evaculated in such a situation, Taw said, adding, "I hate to even think of a thing like this."

It's not just the specter of another abnormal winter that keeps Taw preoccupied. He has been putting in about 14 hours a day coordinating East Ohio's efforts to keep natural gas flowing to its one million customers.

East Ohio, which serves Cleveland and 18 counties in northeast Ohio, has for two weeks instructed its 1,100 industrial customers to use no more gas than maintenance levels—the amount that it takes to prevent equipment and machine damage.

"You tell me when the weather will improve and I'll tell you when we lift maintenance curtailments on industries," Taw said.

Prospects even for average temperatures next month are slim. And because of this weekend's brutal cold, East Ohio extended maintenance level allotments through midnight Friday.

Even with the curtailments to industrial users and pleas for conservation to residential and commercial customers, demands for natural gas have been enormous. Since Nov. 1, East Ohio has drawn 40 billion cubic feet of natural gas from its reserves. That is more than what Boston's gas company sells in a year, Taw said, adding that only a fraction of the 40 billion cubic feet has been restored for use later this winter.

"The burden on East Ohio has been tremendous," Taw said. "It's a test of our capabilities, and I think we're doing a fantastic job."

He added: "We've had problems before. We just have more problems now."

As for Taw: "Maybe I've been running

faster," he said. He might do anything during a week, from meeting with Gov. James A. Rhodes in Columbus and huddling with executives of Consolidated Natural Gas Co., East Ohio's parent in Pittsburgh, to talking with consumers who call him in his spacious, paneled office on the eighth floor of the East Ohio Building, 1717 E. 9th St.

(As might be expected, there is a thermometer propped against his large office window. It reads 55 degrees at the window, 60 degrees when moved elsewhere in the room.)

Public skepticism about natural gas shortages—and he sometimes hears of it from callers—does not seem to alarm Taw, who said he believes the skepticism to be slackening.

"The only time they believe it is when they're out of work . . . It makes many believers. And it's a shame."

Taw will not predict how many persons may lose jobs before winter abates, although he sees himself as "fighting for jobs for people."

He insisted it will take price deregulation to prevent economic dislocation.

The price of natural gas shipped across state lines is regulated by the Federal Power Commission. Gas utilities contend that prices are artificially low and discourage exploration or the tapping of new supplies. Hence, demand for gas begins to outstrip supply.

"That's the problem," Taw said. "The demand is great, but the supply isn't there."

Deregulation "would help next winter. But it is too late for it to help us now."

In making such arguments, Taw shows he still has a lot of the salesman in him. (He was Revlon Inc.'s vice president for sales before joining East Ohio in 1964 as vice president and general sales manager. He became vice president for marketing before being named president.)

Taw is a short, affable, fast-talking man (he said he drives fast, too) whose hand and finger gestures can be captivating. When he talks, his light brown eyes widen behind wire rimmed bifocals. He has a penchant for blue shirts, dark suits and, on occasion, the unusual.

One day last week, Taw left the car in which he was riding to direct traffic tied up on St. Clair Ave. NE by a jacknifed tractor-trailer rig.

Asking him about such incidents seems to embarrass him, as do questions about his age (he's 59), annual salary (he won't say), how much he pays for gas (bills to his condominium in Rocky River are budgeted at $26 a month and deducted from his paycheck) and whether he voted in November for Democrat Howard M. Metzenbaum, who has castigated gas companies for seeking price deregulation. (Taw voted for Sen. Robert Taft Jr., who lost).

"What a booster he'd be if we could turn him around," Taw said of Metzenbaum.

Taw also discussed needs for a comprehensive federal energy policy which not only calls for price deregulation and the expedited tapping of new natural gas supplies but also accents less dependence on imported fuels.

But natural gas, he said, "is the principal fuel. And without it, this country is in trouble."

Mr. KETCHUM. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Speaker, I have been most interested in the debate concerning the proposed Natural Gas Redistribution Act to allegedly solve the crisis with which we are met. There is, of course, some satisfaction for some of us in this body in saying "I told you so—4 long years ago." This, unfortunately, does not solve the problem. Neither does this bill.

To be sure, it attempts to allocate and share the shortage, but it will not produce 1 single cubic foot of gas for anyone. The bill should grant total repeal of gas price regulation laws, and then, for the purpose of meeting the present situation, grant very temporary powers to the President to spread the gas to those most needful.

Another weakness is this bill's granting a priority to home heating. If one were to ask those unemployed by the shortage which they would prefer, I am sure they would prefer jobs to superheated homes.

Aside from all this, the American people are looking for a place or persons upon which to place the blame for the situation we are now in—quite rightly so. The American people surely deserve an answer. They have a right to expect a body this big, with its enormous data resources, to have foretold and prepared for these kinds of problems. The fact is that there is a small group of Members who have for at least 4 years tried to convince the Congress and the American people that an energy crisis was rolling down on us at supersonic speed. We were "pooh-poohed" by demagogic Members and an elite national media who tried, successfully, to convince the public that this was all some sort of energy corporation and producers' conspiracy to rip off America. Well, Mr. Speaker, hundreds of thousands of unemployed and millions of cold people have become doubters of that thesis, and have become "believers."

To be sure, this has been a record-breaking winter. Equally true is the fact that we have experienced three very mild winters preceding this one, during which the goblin was swept under the table. The demagogs are running for cover once again, blaming it all on some nebulous "they." That just will not wash any longer. Until this body straightens itself out, there will not be any solution at all to the whole energy problem. We Americans are wasteful of our energy; that is, heated swimming pools; lights left on, and water left running. Laws will not solve this—education will. The American responds better than any group once aware of the problem.

Let me now turn, Mr. Speaker, to another emergency, one at least equal to the present one. Understandably, those of you from the East are unaware of what is involved—you soon will be. Based on the present situation in the West, we will be facing not only water shortages, but also serious electrical energy shortages, labor dislocations, food production, and general serious discomfort. They are all impending, and, again, they are all due to a complete lack of foresight.

I close, Mr. Speaker, remembering that 4 years ago the Joint Committee on Atomic Energy completed a very comprehensive forecast of energy deficiencies along with suggested alternatives and the problems accompanying some of those proposed alternatives. At the same time, energy producers, notably Shell Oil Co., also released studies forecasting much the same result. None of these reports were pro or con energy producers; they simply laid out the problem.

With all this information available, Mr. Speaker, the American people have a perfectly valid right to ask of the Congress, "What in the hell have you been doing for the past 4 years besides raise your salaries and generally screw up the economy?"

They await a reasonable answer.

The SPEAKER. The time of the gentleman from Ohio has again expired.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 1 additional minute.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I appreciate the gentleman's explanation of the conference committee report, and his very eloquent statement yesterday.

It was represented in some of the arguments yesterday on this floor that the problem we were facing was the result of an extremely cold winter. There is no doubt about the extremely cold winter, but the real deficiency, as the gentleman in the well articulated so clearly yesterday, is the deficiency in the Congress of the United States in failing to provide and give an opportunity to the utilities, the suppliers of natural gas, to provide against the emergencies such as we are facing now. I hope, at long last, as the gentleman also hopes, that we will take action during this session which will protect us from the kind of emergency stopgap measure which we are considering at this time. We should adopt promptly a measure which will enable us to avoid such future crises.

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, yesterday when the House considered the Commerce Committee's emergency natural gas bill, I voted for it. I felt that the committee's bill might be able to provide a small amount of relief for the gas-starved States and at the same time protect the consumers of central Texas who have been dealing with a gas shortage for more than 4 years.

The committee bill contained Mr. ECKHARDT's amendment that would have prevented an all-out bidding war over the small amounts of gas available in Texas.

I am sorry to see that the conference committee removed this provision from the bill and opened the door for even higher prices and a more critical shortage in central Texas. The city of Austin, the lower Colorado River Authority the city of San Antonio and most of the surrounding areas have managed to survive these past 4 years only because of the availability of spot gas sales. With the passage of the conference committee bill, the only gas that will be available for spot sales may be at astronomical prices insuring that central Texas consumers will have even higher utility bills.

This bill will not create 1 additional cubic foot of gas. It will not provide producers any incentive to drill a single additional well. It will not, by the President's own admission, provide any significant help for the people in hard hit areas. It is a cruel hoax to pretend that this bill is a solution to the present crisis.

There simply are not sufficient supplies available.

The only thing that this bill will do is guarantee that the people of central Texas, who have been paying four times more for natural gas than consumers in other States, will have to pay even higher prices. It allows the consumers in other States, who have paid unrealistically low prices for years, to reap the benefits of an exploration program financed by the consumers of Texas.

A temporary decontrol of prices will only magnify the injustices of our Government regulated pricing system. A temporary decontrol saddles the consumers of Texas with all of the short-term bad side effects of decontrol without any of the long-range benefits of increased production.

Mr. Speaker, I must oppose this temporary natural gas program and once again state that the only answer to the gas shortage is to increase production by permanently eliminating the Federal regulation of interstate gas prices.

Mr. Speaker, it was obvious, when we could not get enough votes to get a recorded vote on the rule, that the House is of the mood to advance this bill. I accept that, although I do not favor it in its present form.

I want to repeat again to all the Members that I voted for this measure yesterday because I thought that the gas-producing States ought to try to help as best they could. That bill yesterday had in it Mr. ECKHARDT's amendment, which set a ceiling on gas, 115 percent above a certain quarter of last year. Now, I do not like those kinds of ceilings normally. A year ago, we were debating this question, and Mr. ECKHARDT and I were on opposite sides of the fence. Our position perhaps is changed now, but many Members a year ago fought like tigers to put a ceiling on gas, and now they are as quiet as pussycats. When the ceiling is taken out today, we do not hear a single voice of objection raised.

I think it is vitally important, and while it affects central Texas, more than most areas, I must say to the Members that it is going to affect many districts in the United States. On this temporary bill, I do not think we should have a bill that would not have some kind of ceiling on all natural gas. I think it is vitally important today to do this.

I repeat again to the Members, although I will admit that it affects my district more, perhaps, than others, it affects Austin, the Lower Colorado River Authority, the city of San Antonio. It is not fair to my State of Texas; it is not fair to Louisiana and to Oklahoma; but I could accept uncertain provisions of the ceiling was maintained. What the Members are doing, though, is not fair. This is what is going to happen: We take the ceiling off, and natural gas is going to $1.50, $2, or more. Very likely, it will soon go up to $2.50, $2.75, $3, or more before the President will step in and try to exercise some kind of rollback; if needed. There are going to be delays before that is in effect, and in the meanwhile, those of us who are not protected because our intrastate prices goes up, must go out and buy that gas as best we can.

Now, there is a provision in the bill which says that present contracts are protected. There is some element of truth to the existing contracts, but people are going to be after that spot gas, and they are going to be buying it fast. While we might say, "My supply is there," if we can get it, the contract does no good if we cannot get it. It does not affect new gas, and therefore the price of intrastate gas is going to go way up to $3 or more. We do not know what will happen, but very likely that will take place.

So I must say to the Members that because in central Texas we have an unreliable supplier, I will not vote for this bill, although I would like very much to help in every way I can. I have tried to show that. But I do think in trying to pass the President's bill in haste we are taking an improper procedure.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Speaker, we have had quite a bit of discussion from lawyers around here, and I still do not understand all of the legal language in this bill. But I think that before we finally vote on this conference report we need to have an opportunity to fully understand what the bill itself is doing.

The first issue that has been brought up time and again is the discussion about the sick people in the hospitals who are in the cold and how they are suffering. So far as I can determine, in this entire United States from coast to coast gas has not been denied to a single hospital in this country.

Here is another essential fact that we need to remember: Gas has not been denied for homeowners in any city in the United States. In other words, America has not been turning off the gas on any homes anywhere. Allocations have continued to provide gas for all hospitals and homes in our land.

What has been happening from the gas shortage is that schools and businesses in many areas have had to close down.

What this emergency gas bill is going to do is simply this: They are going to reallocate the shortages. Where they happen to be short in one State, they are just going to penalize and close the factories in another State. That accomplishes very little. It is similar to a man drowning in the middle of the ocean and telling him that if he keeps treading water a little longer he will not drown for a few more hours.

The basic issue in the United States is that gas has simply been priced too low. We have priced gas so low that we have encouraged everybody everywhere to buy it as the primary source of energy. Rather than alternate types of energy.

I want the Members to study the comparison on Btu. This will amaze any Member who compares costs. Thirty-nine cents per million Btu is what gas producers get on gas. On coal the coal producers are getting 79 cents per Btu. On dometic oil we see oil companies being paid $1.30 per Btu, and on imported oil from the Arabs and OPEC we are paying for foreign oil $2.40 per Btu.

What I am reminding you today is that per Btu on energy we are paying six times as much for foreign oil as we do for domestic natural gas.

What happens? These factories all over the country have been using gas as energy, and we have aggravated, we have accentuated this problem. Gas is priced too low and held too low by price control.

Let us also take the situation on oil. For oil in this country today, old oil, which is the other basic energy source, we are now paying the Arabs, the OPEC countries, $14.40 per barrel of oil. Yet we are paying for American oil, old oil from Oklahoma, Texas, and Louisiana, $5.35 a barrel. But do all of you realize what we have been doing? We have been buying and importing more and more oil from the Arabs and OPEC. Just in the past 5 years the U.S. imports have gone from 23 percent of our total oil needs to where we are 46 percent dependent on imports. This proves that when we defy the natural laws of economics, we doom our country and we doom our basic sources of energy which are oil and gas.

I would like to add one other matter that we ought to keep in mind. We have heard a lot of talk in this country about this source of energy and that source of energy. I saw one of my colleagues waving a copy of a newspaper. Usually on the front page of most papers we read big stories about solar energy and what solar energy means to this country.

Do you all realize that solar energy represents less than 1 percent of the energy in America? In debate on this floor we go on and on about nuclear energy. Nuclear energy represents less than 2 percent of the energy of our country.

Finally we discuss a source of energy that is major. Coal is most essential to U.S. energy but coal only supplies 19 percent of U.S. energy.

Oil and gas account for 74 percent of the energy in this country. Seventy-four percent of this country's energy comes from oil and gas. What Congress through the years has legislated by price control on gas and oil has decimated new production efforts. These price controls have forced America to rely more and more on foreign imports. The question which faces our country today is: Should we pay the same price for domestic oil and for domestic gas that we pay for foreign oil and foreign gas?

Until we face that question squarely, we are headed for an energy shortage today and tomorrow and for all time of the future.

The first thing we have got to move for action when we get out of this cold winter—and I hope that is very soon—is that the Committee on Interstate and Foreign Commerce would bring up this bill on deregulation of gas.

Mr. Speaker, this emergency gas bill solves nothing. This bill solves absolutely nothing. There is only one answer, for energy in America and that is complete deregulation of gas.

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, since the other side of the House has been addressed by the last speaker, I wish to

address this side of the House at this point.

This is our "swine flu" bill. We have devised a vaccine that is worse than the disease.

Why do I say this? Certainly this is a drastic thing to say. I say it for this reason:

We do not know that any significant amount of gas will go into interstate gas by virtue of section 6 beyond that which would have flowed under the 60-day provisions of the Federal Trade Commission.

Mr. Speaker, I hear one Member calling for a vote. We will vote in a minute. A week from the very start to finish is not too long a time for us to consider an important bill like this. I will address the minority side, too, since the voice calling for a vote at this present time comes from that quarter.

There was a time when we on this side of the aisle said to the other side, "We are not going to take a President's word that he will do right without establishing the principle under which we insist upon the right." I say the same thing today with a Democratic President in office.

It is the duty of the U.S. Congress, Democrats and Republicans, to establish the principles under which any limitation on price is established; it is not fulfilling that duty to delegate that authority.

As the gentleman from Texas (Mr. PICKLE) said a moment ago, let us suppose the price of intrastate gas flowing into interstate lines went to, say, $4. What would that do to his city of Austin? What would that do to the home city of the gentleman from Texas (Mr. GONZALEZ), the city of San Antonio? Within 1 year it would increase the price of gas from Lo-Vaca from $2 to $4.

Now, can the gentlemen and gentlewomen, who live in the Eastern and Northern States say it is proper to let that happen in the consumers in these Members' district?

Of course, when say 175 million Mcf of gas is mixed with a relatively small quantity of high-priced gas, we increase the price from perhaps 50 cents per Mcf to let us say about 63½ cents. That is an example of what Texas Eastern might transport, buy and sell, as a practical matter. But if Lo-Vacca, which is buying gas at about $2 in San Antonio, has all its gas increase in price to $4, San Antonio consumers have their rates doubled.

Mr. Speaker, we can do something about that. We did do something about that in this House when we agreed to my amendment. We said that the price of gas flowing into interstate commerce could not be increased beyond about $2 unless the President found a greater increase necessary in order to compete with intrastate purchasers' bids.

Mr. Speaker, I urge the House to treat this matter which is of grave significance with more care and concern with respect to its effect on the various regions of this country than we would be showing if we were to pass a bill of this sort at this time, less than 1 week from the time that we received the text from the President.

Now, I do not often agree with my friend, the gentleman from Louisiana (Mr. WAGGONNER), but say what we will—we cannot change what we have done in the language that is in the bill with respecting admixed gas moving in interstate pipelines.

That is the kind of thing that comes from hasty consideration of a bill of this complexity and importance. What we will do is bid up the price of that very store of gas that all of us, not only the consumers from my State but those from Massachusetts, from Maine, from Pennsylvania, from Wisconsin, from all over the country have to buy eventually.

We will bid up that gas from what it is now, about $2, to at least $2.50 and possibly $3 or $4.

What will happen then? If we get decontrol of new gas, we will be buying our gas at 50 percent, 100 percent, or 150 percent higher than the price at which we would have bought it had we not bought this ill-conceived bill at this time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to engage the gentleman from Michigan (Mr. DINGELL) in a little colloquy about one of the provisions in the conference report.

The conference report provides for allocation of gas to high-priority users, which includes use of natural gas in a commercial establishment using less than 50,000 cubic feet on a peak day.

Under Federal Power Commission regulations, such establishments include hospitals and schools.

Is it the intent of the conference agreement that the language of the bill before us include hospitals and public and private schools and colleges in the high-priority use category if they use less than 50,000 cubic feet of natural gas on a peak day?

Mr. DINGELL. If the gentleman will yield, the answer to the question is yes.

Mr. Speaker, questions have been raised regarding some other provisions of this act, in particular certain provisions added by the Senate. Some explanation of these provisions may be useful to my colleagues in evaluating this legislation and the intent of the conferees.

The term "natural gas" as used in the conference report has the same meaning as it does in the Natural Gas Act.

Section 6(c)(2) of the conference report states that compliance by any pipeline with orders to transport gas sold under the section 6 exemption will not subject the pipeline to regulation under the Natural Gas Act. This language does not have the effect of exempting an interstate pipeline from regulation with respect to its transportation charges for that or any other gas.

Section 6 authorizes the President to permit emergency purchases of natural gas by interstate pipelines. This authority was not intended to provide a basis for an intrastate pipeline under court supervision to sell natural gas to an interstate pipeline without the approval of the supervising court. Language has been added to the introduced bill to accomplish this result. It should be noted, however, that this language is not intended to require court approval of transportation of emergency gas supplies, purchased by an interstate pipeline from any other person, where that transportation is made pursuant to an order under section 6(c).

The language of section 7 is intended to assure that there is a flow-through, to an interstate pipeline's customers, of any excess compensation received by the interstate pipeline by reason of the allocation from the pipeline of natural gas under section 4 of the act. The compensation provisions of section 4(f)(2)(B) were intended to assure full compensation of an interstate pipeline whose natural gas is allocated away. These sections must be read together. Section 7 is not intended to require pass-through to a pipeline's customers of compensation received by the pipeline to repay the pipeline for additional costs experienced by the pipeline in complying with an allocation order.

Mr. BROWN of Ohio. Mr. Speaker, I would also ask the chairman of the full committee if that is not his understanding.

Mr. STAGGERS. If the gentleman will yield, insofar as it includes those that are to be picked up, yes.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. KRUEGER), a member of the committee.

Mr. KRUEGER. Mr. Speaker, I thank my distinguished chairman for yielding me this time.

I should like at this point to engage in a colloquy with my subcommittee chairman, the gentleman from Michigan (Mr. DINGELL).

First, does the Presidential authority to make declarations and findings under section 3 of this bill terminate with all other authorities under this legislation?

Mr. DINGELL. If the gentleman will yield, the answer to the question is that Presidential authority terminates April 30, 1977.

Mr. KRUEGER. I thank the gentleman.

Mr. Speaker, I observe that sections 4 and 6 provide authority to the President or his designee to order intrastate pipelines to transport interstate natural gas on an emergency basis, so long as the amount of gas which these intrastate pipelines are asked to transport is not in excess of the pipeline's available transportation capacity. Does this mean that the President and his designee may only order these pipelines to transport amounts of gas which are not in excess of that pipeline's unutilized capacity? That is, is it not true that no supply of intrastate natural gas flowing in that pipeline may be preempted by the President's authority to require transportation by these pipelines under sections 4 and 6 of this legislation?

Mr. DINGELL. If the gentleman will yield further, the answer to that question is "Yes." Obviously, they could not transport more gas than they have unutilized capacity to transport.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. KRUEGER. If I yield, I lose even more time.

Mr. BROWN of Ohio. If the gentleman will yield, Mr. Speaker, I wish the gentleman would not make legislative history so rapidly because it is very difficult for those of us on this side of the aisle to understand what the gentleman is saying.

Mr. KRUEGER. Mr. Speaker, I understand the problems of the foreign accent, and I shall speak more slowly.

Third, what protections are available to the supplier of such information to insure that such information will not be made public if it is of a confidential or of a proprietary nature?

Mr. DINGELL. The answer to that question is that the Freedom of Information Act does apply to that section and does cover the rights of the parties affected.

Mr. KRUEGER. Next, I notice that the conference report has language similar to my amendment to the House bill which would not allow an intrastate pipeline under court supervision to make an emergency sale under this bill without the approval of the supervising court. Am I correct in stating that this stipulation applies only to emergency sales of gas by that pipeline, and is in no way meant to prevent transportation by that pipeline of gas sold by other parties under section 6 of this legislation?

Mr. DINGELL. The answer to that question again is "Yes."

Mr. KRUEGER. Mr. Speaker, my next question is that participating pipelines are required to transport and deliver gas and to construct facilities necessary for doing so under both sections 4 and 6 of this bill. Yet, I note that in section 4 the participating pipelines will be reimbursed for construction, transportation and delivery costs, while in section 6 specific provision is made only for reimbursement of construction costs. Am I not right, or is it not the intent of this legislation to make whole any participant who makes a sacrifice under this emergency bill and, therefore, should this provision for reimbursement under section 6 not be also construed as to cover transportation and delivery costs?

Mr. DINGELL. Mr. Speaker, in answer to the inquiry of the gentleman from Texas, let me state that the House bill covered and treated this differently than this conference report does, but it was the intention of the conferees that those costs be covered.

Mr. KRUEGER. Further, is it the intent of this legislation that the so-called anticommingling clauses declared against public policy in keeping with section 9, subsection (b) are only declared as such during the limited time period in which this legislation has effect?

Mr. DINGELL. The answer is "Yes."

Mr. KRUEGER. Finally, Mr. Speaker, is it the hope of the gentleman from Michigan, as it is mine, that the President or his designee responsible for administration for this plan will give the prospective seller of gas under section 6 as much certainty as possible as to the price he may expect to receive in making this emergency transaction, so that it would be advisable for the President or his designee to publish at the earliest possible date the guideline prices for each producing State in which such sales might take place?

Mr. DINGELL. The answer to that question is "Yes," but it is found more specifically in a letter from Dr. James R. Schlesinger, which appears on page 10 of the conference report, in the statement of the managers, wherein we set out the fashion in which Dr. Schlesinger proposed that this matter be administered.

Mr. KRUEGER. Mr. Speaker, I thank my distinguished chairman of the subcommittee, the gentleman from Michigan (Mr. DINGELL). I only wish that those people in the Senate who drafted the bill had done the job that he has done on this side.

Mr. DINGELL. I could not agree more, our bill was much better drafted.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time.

Mr. STAGGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Speaker, I too would also like to ask the distinguished chairman of the subcommittee, the gentleman from Michigan (Mr. DINGELL) one question that is of particular concern not only to the people in the northeast but also to people in other parts of the country.

It is my understanding now that with regard to compensation to either pipelines or local distribution companies for the gas that they give up, that they will be compensated with regard not to the gas that they gave up but with regard to the replacement costs on gas that they will then have to acquire; is that correct?

Mr. DINGELL. Mr. Speaker, if the gentleman will yield, in response to his question, it was the intent of the conference and the intention of the legislation insofar as we are capable to see to it, that no donor pipelines or distributors are adversely affected by this act and see to it that full compensation according to either the replacement value or the full cost and value of the gas including capital construction costs, interests, principal, taxes and fuel costs, and so forth, as might necessarily have gone into the gas which they lose. And the further intention is to see to it that there be a pass through to assure that there will be a limited effect on the buyers.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Speaker, yesterday I voted for the bill. I thought then it was a bad bill but a necessary one in view of the grave emergency involving heat and jobs. I do not pretend expertise on this subject, but I know a ripoff when I see one. This is a consumer ripoff bill, and I am voting "no." The removal of the Eckhardt provision, setting controls on the prices that might be charged, from the bill in the conference report, should cause Members to pause and reflect upon the consequences of passing this now outrageous legislation.

Mr. BIAGGI. Mr. Speaker, I will support this legislation and I do commend the President for responding so quickly and thoroughly to the critical energy problems which presently confront this Nation. I also wish to take this time to express my strong criticism of this body and the Senate for its collective failure to develop a comprehensive energy policy, despite the fact that we have been working on such legislation for much of the past 3 years.

When are we going to learn that we cannot approach our energy problems in this piecemeal fashion? Our energy problems are not only national, but international in scope. Yet we continue to act on energy legislation only when prompted by an acute crisis, such as the one we are now enduring.

Our Nation continues its dangerous reliance on foreign sources of energy. We continue to subject ourselves to the impulsive whims of the oil cartel. As a people, we continue to act as though we are on an energy picnic. Energy conservation is merely an expression—a cliche—a fad. Not enough Americans are taking it seriously. The problems we are faced with today are attributable to our excesses of yesterday. "What price conservation," to coin a literary phrase. How many more persons are going to be found frozen in their own homes before we take decisive action on the energy crisis in its entirety.

Certainly, what we are doing today will alleviate some of the more immediate problems facing those regions of the United States which rely heavily on natural gas. Yet the question is, will this legislation be a catalyst, or just a flash in the pan response? I trust it will be the former. We cannot continue to fiddle while Americans are freezing. Let us swiftly act on this bill today and begin at once to develop legislation which will provide this Nation with a comprehensive energy policy to meet all of its future energy needs.

Mr. DEVINE. Mr. Speaker, since it has been demonstrated the emergency energy bill is addressing itself to the effect rather than the cause, and would not produce any new gas to meet the shortage, we should seek to go to the cause of the problem, and that is deregulation.

I am including with my remarks a column that appeared in the Columbus, Ohio, Dispatch, Sunday, January 30, 1977, addressing this important subject:

OUTSPOKEN OILMAN SAYS: DEREGULATION KEY TO ENERGY POLICY

(By Max B. Skelton)

HOUSTON.—Michel T. Halbouty says "confidence in continuity and consistency" should be key words for a national energy policy.

"Oil operators all over the country, regardless whether they are independents or majors, must have confidence in continuity and consistency in what we can look forward to," Halbouty said.

In an interview, the outspoken Houston independent, geologist and petroleum engineer said President Carter "missed the boat" by calling for emergency six-month decontrol instead of calling for deregulation of natural gas prices.

"What the administration doesn't realize is what we have to have is a good energy policy and we have to start with deregulation," Halbouty said.

"That is the first thing for the policy. And so long as we don't have an energy policy,

and I don't care how you cut it, our foreign policy will not be made in Washington. It will be made in foreign areas."

Halbouty said all presidents since Harry S. Truman have talked about energy programs but accomplished very little.

"I just think Carter missed the boat again, just like the other presidents," he said. "Six months, will not cut the mustard at all. Nothing is going to be created unless we get something that really will do some good in finding oil and gas."

The former president of the American Association of Petroleum Geologists said, "A lot of oil and gas" remins to be discovered but the industry is not drilling the wildcats tests that should be drilled.

"And we are not going to drill the wildcats until we have confidence in the continuity and consistency," he said. "We just don't have the confidence. The few independents that are really left and really staying in there pitching are reaching the point they don't know what to look forward to. Not only independents, but the major companies are the same way."

He added that few rank wildcats are being drilled any more.

"Everybody's hugging right close to proven areas so as to reduce risks. When we do that we are not finding large reserves. We are just finding small fault blocks and just making enough money to keep our heads out of the water."

Halbouty said there is a need for the spirit of the old wildcatters "but our spirits have been whipped down because of what government has done to us."

"We need the confidence to know we can do something for years or at least a long period of time without the government cutting it out from under us," he said.

"And that means confidence in continuity and consistency. Until we have that, not only in the oil industry but in all industries, this country is not going to grow. It is just going to stay on a status quo basis and unemployment is going to increase."

Halbouty said there also is need for "a real, honest to goodness study" of possible restoration of the industry's depletion tax allowance that has been practically eliminated.

"Maybe not the old 27½ percent, maybe 25, maybe 22½ percent, but sustain it and keep it there," he said.

"You'd be surprised at the amount of money that would flow into risk capital for drilling more wells that would give us more oil and gas and more lead time."

"I am not going to say we are going to have a continuous supply of oil and gas," he said.

"But we can find enough to give us the lead time so we can go ahead and research, develop, and produce all the other sources of energy, which we should have been doing 15 years ago."

Halbouty said an energy policy that includes deregulation, depletion allowance, and energy conservation "would give us the ability to know we have enough oil and gas at least for some few years."

"We would then be able to move ahead fast on the development of coal liquefaction and gasification and we could go on with some of the other exotic things such as solar energy and wind," he said.

"Then when oil and gas do start depleting down to the point we'd have to depend on some of the other sources, they would be moving right in and taking their places."

Mr. AMMERMAN. Mr. Speaker, I am pleased that the Congress was able to give final approval today to the Emergency Natural Gas Act of 1977, less than a week after President Carter requested it.

But I must warn the citizens of the 23d Congressional District and the rest of the Nation that this bill does not guarantee any quick end to the natural gas crisis. Nor does its swift passage insure that the Congress is any closer to agreeing on a comprehensive national energy policy.

The emergency bill is just that—an emergency bill.

According to some estimates, nearly 10,000 factories have been shut down and some 2 million persons are out of work across the Nation.

Pennsylvania citizens know the dimensions of this crisis only too well. Schools, businesses, and factories have been shut; residential thermostats have been turned down to chilly levels. A state of emergency has been proclaimed and the Governor has asked the President to declare the State to be a major disaster area.

Pennsylvania has been one of the States hardest hit by the gas shortages. Therefore, whatever faults I might find with the President's bill, I believe it was essential to adopt this legislation.

But everyone should bear in mind that the act only gives the President the authority to allocate natural gas among interstate pipelines and to allow interstate purchases of natural gas at the unregulated intrastate market price—measures which at best will even out the shortages, not end them.

No real relief will be possible until the weather eases. Our Nation will have to continue to practice stringent conservation measures for the foreseeable future if we are to keep the long-term damage caused by this terrible winter to a minimum.

The enactment of this bill does not mean that the natural gas crisis is over but only that we are beginning to deal with it at the Federal level.

Mrs. HECKLER. Mr. Speaker, in considering the conference report on the Emergency Natural Gas Act of 1977, I would like to point out sections 4 and 7 of the bill which address the issue of compensation and adjustment in charges for local distribution companies.

While I recognize the importance of diverting natural gas to areas which are especially hard pressed and to respond to their needs in a humanitarian spirit, I also feel it is absolutely essential to protect those areas from which the natural gas is being diverted.

I speak specifically of the potential problem faced by New England—where we experienced the coldest fall in 60 years, and a winter which has been 24 percent colder than last year and 16 to 18 percent colder than normal.

The diversion of lower priced pipeline gas from New England may mean that homes in Pennsylvania and Ohio will be kept warm. It may also mean, however, that distributors in New England will be left with only higher priced supplemental gas such as propane, synthetic natural gas, and liquefied natural gas. Gas distributors in Massachusetts have prepared for a natural gas shortage by building up a storage of the supplemental gas, but previous curtailments of the pipeline gas have already resulted in the distribution of supplemental gas to 30 percent of their customers.

The difference in the price of the gas is significant—$1.75 per 1,000 cubic feet for pipeline natural gas as compared to $4 per 1,000 cubic feet of the supplemental. It would be unfair to burden the distributor—and ultimately the consumer—with a 100-percent increase in cost, and it is imperative that compensatory action is taken to relieve the problem.

The issue we are debating today is not limited to access to supplies of natural gas. There is also an overridiing economic question at hand. We must be assured that the economically depressed Northeast consumer will not be placed in the position of absorbing the costs of this energy proposal.

Mr. Speaker, this is a plea for fairness and a call for equitable treatment. We must be able to assure the citizens of New England that they will not pay the penalty for the natural gas shortage of the Nation. The provisions of this bill which deal with compensation and adjustment in charges for local distribution must be implemented forcefully.

Mr. MARRIOTT. Mr. Speaker, I am acutely aware of our Nation's serious natural gas shortage. I drove through the Midwest just last week and saw the effects this harsh winter weather is having. The scene not only showed me the immediate problem; it also convinced me that we need more than a 90-day miracle to solve our energy problem. We need a comprehensive, long-term national energy policy. We needed it last year when the natural gas deregulation bill was killed. We will need it next year if these shortages continue.

My negative vote on today's emergency natural gas bill is a vote against punishing States that had the foresight to build up stored reserves to avert just such a disaster as we are seeing in the East and Midwest. This legislation will not solve the problem, but will only disrupt the natural gas market and endanger those areas not in a crisis situation, especially if intrastate gas is allocated along with interstate gas. Mountain Fuel Supply Co., in Utah, for instance, has already volunteered nearly 80 million cubic feet of gas a day to the Indianapolis area, the Northwest, and Colorado. Any more than that will put a serious drain on Utah reserves, and if they are not replenished in time, Utah could be the next crisis area.

This temporary stopgap measure will surely lead to extensions like we saw in 1973 when this same thing happened with gasoline. We still have a Federal Energy Administration growing out of that temporary measure—certainly not the energy panacea some hoped it would be. If we want a solution, let us deregulate!

So I vote against this bill and call for immediate action by the Interior Committee to take the lead in drafting a comprehensive energy policy for this country, so that what we are seeing today will not be repeated, and the Government can finally fulfill its obligation to set a natural energy standard.

Mr. MOTTL. Mr. Speaker, I am casting a reluctant "no" vote on the conference report on the Emergency Natural Gas Act of 1977. I feel that Ohio and

other emergency-stricken States are in dire need of additional allocation of natural gas from other States, but we do not need the runaway prices that deregulation will bring us.

As you know, I voted for the House version of this legislation yesterday because it contained a provision which retains a form of government regulation over the price of natural gas. I am speaking of the Eckhardt amendment which set a price ceiling of $2.02 per Mcf.

I feel it is incumbent upon us to retain some control over the gas industry. If we do not they will gouge the public either by overcharging or withholding gas supplies from a market direly in need of this commodity.

I sincerely pity our senior citizens and those on fixed or low incomes who will see their large gas bills zoom skyward again with passage of this legislation.

It is the giant gas companies—not you or me—who are to blame for not preparing adequately for the winter of 1976–77. They are the ones who are underproducing and holding back supplies from the market in hopes of permanent deregulation.

Adoption of the conference report is supposed to provide us with enough gas to see our way through this winter. I hope it does. By the same basis, I hope it does not lead to permanent deregulation because if it does, the victim will be the American public.

Mr. STAGGERS. Mr. Speaker, I have no further requests for time.

I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. BROWN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 336, nays 82, answered "present" 1, not voting 12, as follows:

[Roll No. 11]

YEAS—336

Abdnor	Boland	Conable
Addabbo	Bolling	Conte
Akaka	Bonior	Corcoran
Alexander	Bonker	Corman
Ambro	Bowen	Cornell
Ammerman	Brademas	Cornwell
Anderson, Calif.	Breckinridge	Cotter
	Brinkley	D'Amours
Anderson, Ill.	Brodhead	Daniel, Dan
Andrews, N.C.	Broomfield	Daniel, R. W.
Annunzio	Brown, Calif.	Danielson
Applegate	Brown, Ohio	Davis
Ashbrook	Broyhill	Delaney
Ashley	Buchanan	Dent
Aspin	Burgener	Derrick
AuCoin	Burke, Calif.	Derwinski
Badillo	Burke, Fla.	Devine
Bafalis	Burke, Mass.	Dickinson
Baldus	Burlison, Mo.	Diggs
Barnard	Butler	Dingell
Baucus	Byron	Dodd
Bauman	Caputo	Downey
Beard, R.I.	Carney	Duncan, Oreg.
Beard, Tenn.	Carter	Duncan, Tenn.
Bedell	Cavanaugh	Early
Beilenson	Chappell	Edgar
Benjamin	Chisholm	Edwards, Ala.
Bennett	Clausen, Don H.	Edwards, Calif.
Bevill		Eilberg
Biaggi	Clay	Emery
Bingham	Cleveland	Erlenborn
Blanchard	Cochran	Ertel
Blouin	Coleman	Evans, Colo.
Evans, Del.	Lloyd, Calif.	Roe
Evans, Ga.	Lloyd, Tenn.	Rogers
Evans, Ind.	Long, Md.	Roncalio
Fary	Lott	Rooney
Fascell	Luken	Rose
Fenwick	Lundine	Rosenthal
Findley	McClory	Rostenkowski
Fish	McCloskey	Rudd
Fisher	McCormack	Russo
Fithian	McDade	Ryan
Flippo	McEwen	St Germain
Flood	McFall	Santini
Florio	McHugh	Sarasin
Flowers	McKay	Satterfield
Flynt	McKinney	Scheuer
Foley	Madigan	Schulze
Ford, Mich.	Maguire	Seiberling
Ford, Tenn.	Mann	Sharp
Forsythe	Markey	Shipley
Fountain	Marks	Shuster
Fraser	Martin	Sikes
Frenzel	Mathis	Simon
Fuqua	Mazzoli	Sisk
Gaydos	Meeds	Skelton
Gephardt	Metcalfe	Skubitz
Giaimo	Meyner	Slack
Gilman	Michel	Smith, Iowa
Ginn	Mikulski	Smith, Nebr.
Glickman	Mikva	Snyder
Goldwater	Miller, Ohio	Solarz
Goodling	Mineta	Spellman
Gore	Minish	Spence
Gradison	Mitchell, Md.	Staggers
Gudger	Mitchell, N.Y.	Stanton
Guyer	Moakley	Steed
Hagedorn	Moffett	Steers
Hamilton	Mollohan	Steiger
Hanley	Montgomery	Stokes
Hannaford	Moorhead, Pa.	Stratton
Harrington	Moss	Studds
Harris	Murphy, Ill.	Stump
Harsha	Murphy, Pa.	Taylor
Hawkins	Murtha	Thompson
Heckler	Myers, Gary	Thone
Hefner	Myers, Michael	Thornton
Heftel	Natcher	Trible
Hillis	Neal	Tsongas
Holland	Nedzi	Tucker
Hollenbeck	Nichols	Udall
Holt	Nix	Ullman
Horton	Nolan	Van Deerlin
Howard	Oakar	Vanik
Hubbard	Oberstar	Vento
Hughes	Obey	Volkmer
Hyde	O'Brien	Walgren
Ichord	Ottinger	Walker
Ireland	Panetta	Wampler
Jacobs	Patten	Waxman
Jenkins	Patterson	Weaver
Jenrette	Pattison	Whalen
Johnson, Calif.	Pease	Whitehurst
Johnson, Colo.	Perkins	Whitley
Jones, N.C.	Pettis	Whitten
Jones, Tenn.	Pike	Wiggins
Jordan	Pressler	Wilson, Bob
Kasten	Preyer	Wilson, C. H.
Kelly	Price	Wilson, Tex.
Kemp	Pritchard	Winn
Keys	Pursell	Wirth
Kindness	Quayle	Wolff
Kostmayer	Quie	Wright
LaFalce	Quillen	Wydler
Le Fante	Rahall	Wylie
Lagomarsino	Railsback	Yates
Latta	Regula	Yatron
Lederer	Reuss	Young, Fla.
Leggett	Richmond	Young, Mo.
Lehman	Rinaldo	Zablocki
Lent	Robinson	Zeferetti
Levitas	Rodino	

NAYS—82

Allen	Drinan	McDonald
Andrews, N. Dak.	Eckhardt	Mahon
	Edwards, Okla.	Marlenee
Archer	English	Marriott
Armstrong	Gammage	Mattox
Badham	Gonzalez	Milford
Boggs	Grassley	Miller, Calif.
Breaux	Hall	Moore
Brooks	Hammer-schmidt	Moorhead, Calif.
Brown, Mich.		
Burleson, Tex.	Hansen	Mottl
Burton, John	Hightower	Myers, Ind.
Burton, Phillip	Holtzman	Pickle
Carr	Huckaby	Poage
Cederberg	Jeffords	Rangel
Clawson, Del	Jones, Okla.	Risenhoover
Cohen	Kastenmeier	Roberts
Collins, Ill.	Kazen	Rousselot
Collins, Tex.	Ketchum	Roybal
Conyers	Kildee	Runnels
Crane	Koch	Ruppe
de la Garza	Krebs	Sawyer
Dellums	Krueger	Schroeder
Dornan	Lujan	Sebelius
Stark	Treen	White
Stockman	Vander Jagt	Young, Alaska
Symms	Waggonner	Young, Tex.
Tonry	Watkins	
Traxler	Weiss	

ANSWERED "PRESENT"—1

Leach

NOT VOTING—12

Coughlin	Harkin	Pepper
Dicks	Long, La.	Rhodes
Frey	Murphy, N.Y.	Teague
Gibbons	Nowak	Walsh

The Clerk announced the following pairs:

Mr. Teague with Mr. Long of Louisiana.
Mr. Murphy of New York with Mr. Gibbons.
Mr. Pepper with Mr. Harkin.
Mr. Nowak with Mr. Dicks.

Mr. LEDERER changed his vote from "nay" to "yea."

Mr. VANDER JAGT changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make the following announcement:

The House is operating under a new standing order in which we meet on Monday for suspensions, on Tuesday for suspensions, and on Wednesday for regularly scheduled business.

The Chair appreciates that we go in at 11 o'clock on tomorrow morning, and that there is no business scheduled other than an informal session, but the purpose is to permit uninterrupted committee meetings tomorrow.

So, we will continue on with the scheduled program and we will complete the legislation this evening so that on tomorrow, we will adjourn to meet on Monday next.

CREATING A SELECT COMMITTEE ON ASSASSINATIONS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 230

Resolved, That upon the adoption of this resolution it shall be in order to consider the resolution (H. Res. 222), creating a Select Committee on Assassinations, in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, this is a slightly unusual rule, but it has been used a number of times before. It in effect provides, when it is adopted—I think some of the Members may be interested in knowing how the matter is going to proceed—that the House will go into the House as in the Committee of the Whole to consider the matter contained in House Resolution 222, which would reconstitute the Select Committee on Assassinations for a limited period and, under the provisions of House Resolution 11, would provide for approximately $84,000 a month, a few hundred dollars more than that, for the 3 months, one of which has already passed.

The House Select Committee on Assassinations would be reconstituted until the 31st of March.

The reason we chose this procedure, rather than providing for an open rule or dealing with a closed rule, is to try to be fair to Members who want to offer amendments in the House as in the Committee of the Whole. We proceed without general debate under the 5-minute rule. The Speaker continues to preside. He does the recognizing. The Members are recognized on either side for 5 minutes, pro forma, on all questions of amendments. Pro forma amendments are in order.

But this is the important difference: the manager of House Resolution 222—and I will be that manager—has control of the previous question.

I do not intend to use the previous question to shut off debate in a hurry. I intend to see to it that the Members have an opportunity to offer amendments. When I sense and the House feels that enough has been done on the matter, I have the opportunity to move the previous question either on the amendment that is pending or the amendments and all matters to a final action.

The reason that we chose this kind of a resolution is that at least the majority of us in the Committee on Rules felt that it was appropriate and proper and right to give the new committee an opportunity to go into the problems, the ones that have been raised on the developments that have been achieved by the committee that had a short life in the last Congress. A committee that had a limited time, approximately 2 months, in which to organize itself. There are safeguards in this resolution, that they must follow the rules of the House. They must have written rules. There was a considerable amount of negotiation with a variety of Members who were concerned about certain civil liberties aspects.

The committee will have to come back, obviously, before the 31st of March and justify its future existence. And presumably it will not only have a set of rules, it will also have a proposed program, a method of operation.

Mr. Speaker, it seems to me that this is the only fair way in which the new Congress, this Congress, could deal with the problem. The last Congress constituted a committee which functioned for a few months, most of the time with the Congress actually not in session.

There is now to be a new chairman and a committee composed largely, as I understand it, of members of the previous committee. This will give them an opportunity to adopt rules and to develop a program to justify to the House the continuation of the committee presumably for the rest of the Congress. At the same time it will give the American people an opportunity to see that we were purposeful in our original acceptance of a Select Committee, and that we are proceeding in a reasonable and orderly way to deal with it.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I oppose this rule, and I oppose the resolution this rule makes in order.

We are here today to consider important issues, and we have been debating a natural gas crisis. That is really an important issue, and what we do should be for the benefit of all the people of this country.

But do the Members know that in the Committee on Rules we debated for 2 days whether or not this resolution to re-create the Select Committee on Assassinations should even come up on this floor.

I think it is time that this House sets its priorities. I cannot conceive of the Members of this House veiwing this restructuring of the Select Committee on Assassinations as a top priority, as the first issue that this House should consider, instead of getting down to business and solving the problems of this country.

Just this morning, Mr. Speaker, one of the major wire services reported that the Justice Department after months of investigation has concluded that James Earl Ray acted alone in assassinating Martin Luther King, Jr. This conclusion is contained in a 148-page report prepared by the Director of the Department's Office of Professional Responsibility at the direction of the former Attorney General.

Mrs. BURKE of California. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I will be happy to yield to the gentlewoman from California.

Mrs. BURKE of California. Mr. Speaker, has the gentleman seen that report?

Mr. QUILLEN. I have not seen the report. I saw the news report, and I have it in front of me.

Mrs. BURKE of California. Mr. Speaker, I asked that question because I would like to share with the Members an experience that I had today.

I have been trying to see that report. I have been advised that the material in that report is too sensitive. As a member of the Committee on Appropriations and a member of the Subcommittee on State, Justice, Commerce and the Judiciary, the committee that has jurisdiction over the Attorney General's office and the Justice Department, I find it very irregular that I have not been able to see that report.

I also find it irregular that the Justice Department had 12 to 15 deputies originally assigned to this investigation, that those deputies came back with a report to Assistant Attorney General Pottinger concluding that there should be an independent investigation, but that as a result there was another person appointed, Michael Sheehan, and that person has now come up with a report that was on the former Attorney General's desk at least 2 weeks ago, although the Attorney General has been gone for some weeks. This morning, the report was leaked.

The Justice Department told me this morning that they know nothing about the leak.

Mr. Speaker, I would like to ask the gentleman from Tennessee (Mr. QUILLEN) if he will get a copy of the report so we can look at it and if he will give us some further information about the report.

Mr. Speaker, I thank the gentleman very much for yielding.

Mr. QUILLEN. Mr. Speaker, if the gentlewoman cannot get a copy of the report herself, I cannot furnish her with a copy. I have not asked for the report. I have in front of me a copy of a wire service story which moved this morning by a very responsible news-disseminating organization, the United Press International, and I understand the Associated Press had a story later in the day. The wire service story states that the report concludes that no one except James Earl Ray acted in the assassination of Martin Luther King, Jr.

Mrs. BURKE of California. Mr. Speaker, will the gentleman yield further?

Mr. QUILLEN. I would be happy to yield to the gentlewoman from California.

Mrs. BURKE of California. Mr. Speaker, I was advised by the Justice Department that they had nothing to do with this UPI report and they do not know where it came from.

Mr. QUILLEN. Mr. Speaker, I have not talked with the Justice Department. I have not asked for a copy of the report.

In my remarks I read from excerpts from the wire story, and there is nothing on the wire denying the report.

Therefore, if, after months and months of investigation by the Department of Justice, a 148 page report is prepared, and if someone saw it and then prepared a news article as to its contents, I think that the Members of this House should take note of that. I do not know why the Members would think this is top priority and think we have to go back for another run around the mulberry bush.

Mr. Speaker, especially in view of the finding of the Department of Justice, I believe more harm than good will come from re-creating this select committee. Further, I think it is irresponsible for the House to relaunch, as a high priority, this apparently erratic investigation into these two tragic events of the past, at a time when the country is confronted with very real and pressing national problems which the Congress must address and solve.

Mr. SLACK. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Speaker, the fact remains that this subcommittee and a member of this subcommittee were denied the privilege of seeing this report. I am told that there are Members of this House who have seen the report, but the Justice Department denied it to the very subcommittee which has jurisdiction over the appropriation of Justice Department funds.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman from West Virginia (Mr. SLACK) for his comment.

As I said, I have not seen the report. I have not asked for it, but an inquiry directed to the President could result in getting the full facts in the case. I would recommend, if the gentlewoman from California (Mrs. BURKE) would want to do that, that it would seem to me the report would be forthcoming. I think the gentlewoman should do that.

Mr. Speaker, let us not argue about 1963 and 1968. Rather, let us begin to act on the issues of 1977 and the issues coming up next year.

We have an opportunity now, in the early days of this Congress, to set the pace and establish the priorities for the next 2 years. It is essential that we start off in the right direction. We have the opportunity now to move, at last, toward establishing a national energy policy that will put America on the road to self-sufficiency.

Mr. Speaker, today unemployment is at a record level; and more and more and more people are being laid off due to the closing of factories. Electric power rates are skyrocketing because of our failure to come to grips with the energy problem. I suggest we do so now.

Mr. Speaker, we have the opportunity to enact permanent tax cuts for every American taxpayer and to recognize and reduce the size and cost of Government. The people demand it, and they should have it.

We have the opportunity now to put an end to the chaos and to the appalling waste of our welfare system, which is a national disgrace.

Other pressing problems and challenges lie at the door of this Congress. We have a full agenda of high national priorities, and I think it is time to get down to the serious responsibility we bear as Members of Congress to deal with this agenda and to solve these problems.

Mr. Speaker, let us stop beating around the mulberry bush with these proposals to drag out this dismal ghost of a tragic era that is now behind us. Let us get on with the serious national business of 1977.

Mr. Speaker, the Select Committee on Assassinations was established without sufficient reflection and thought in the waning days of the 94th Congress. I opposed the creation of the Select Committee last September. I felt then that the procedures proposed would result in a misguided and loosely structured approach that would soon get out of control and cause us to regret the hasty action taken.

That is precisely what has happened Mr. Speaker, I know that Members are anxious to get out tonight.

Now we are to decide whether or not the Select Committee should be established. I do not believe that an adequate case has been made that it should. The scope of the investigation is too broad. The question of funding, which has caused such an uproar, is unresolved. The control of the staff is unresolved.

So are the serious reservations that have been raised regarding the protection of civil liberties during the course of the investigations. Questions have been raised about committee staff traveling around the country and overseas, without a committee member being present, and taking testimony under oath. I have doubts about the wisdom or even the legal standing of such procedures. Grave doubts exist in regard to the unintended damage that may be done to an already weakened Central Intelligence Agency and Federal Bureau of Investigation because we really do not know what directions this Select Committee will wobble into.

It is said that since the resolution this rule makes in order merely extends the Select Committee until March 31st, that all of these questions and all of these problems will be solved. I do not believe so.

Mr. Speaker, I would urge my colleagues to vote down the rule and to kill this committee now.

Mr. Speaker, I now yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, House Resolution 230 provides for the consideration of House Resolution 222 in the House, as in the Committee of the Whole. That means that if we adopt this rule after the 1 hour of debate allotted, we will proceed to consider amendments to the Assassination Committee resolution under the 5-minute rule.

Mr. Speaker, I am in the unique position of being both a member of the Committee on Rules and the Select Committee on Assassinations, and perhaps not surprisingly, I support both the rule and the resolution it makes in order to reconstitute that select committee.

Mr. Speaker, the Rules Committee held 2 days of hearings on this matter, and, as a result of some legitimate concerns raised during the first hearing, particularly with regard to the protection of individual rights, a new resolution was offered by the gentleman from Missouri (Mr. BOLLING) and reported from the Rules Committee yesterday as House Resolution 222. I think this new resolution goes a long way toward meeting most, if not all of the concerns raised over the first resolution, House Resolution 9.

Specifically, House Resolution 222 limits the existence of the select committee to March 31 of this year, at which time it must issue a report; it holds the funding level of the committee down to last year's levels, which comes to about $84,000 a month; it specifies that any deaths investigated other than those of Kennedy and King must be deaths which the select committee determines might be related to those two deaths; it adds to the legislative purpose of the committee the task of determining whether there was full disclosure and sharing of information on these two deaths among the various Federal agencies involved in the investigations, and if not, why not; the resolution retains the one-third quorum requirement for the transaction of business but adds the two-member quorum provision for taking testimony, consistent with the present House rule; the new resolution drops the blanket subpena authority grant to the select committee chairman, though the select committee could still provide for this in its own rules; and there is an added requirement that the committee rules must be made public.

Mr. Speaker, three main objections remain to this resolution in terms of new language not contained in House Resolution 1540 adopted in the last Congress, originally creating the select committee. It is charged that all three of these changes broaden considerably the scope and authority of the select committee. The first objection is to the new language which gives the select committee a legislative purpose, which can be found at lines 3 through 24 on page 2 of House Resolution 222. This language says in effect that the select committee shall determine the adequacy of existing laws and agency enforcement efforts and cooperation with respect to the matters under investigation, and report back any proposals for change in present law or new legislation. This language is necessitated by numerous Supreme Court decisions that any congressional inquiry must be related to and in furtherance of a legitimate task of Congress. And I cite here, *Watkins* v. *United States*, 354 U.S. 178 (1957), and *Barenblatt* v. *United States*, 360 U.S. 109 (1959).

In short, without this language, the select committee's inquiry might be subject to a constitutional challenge. The prospective chairman of the select committee, Mr. GONZALEZ, assured us that this language was in no way intended as a license for a fishing expedition and would not be used to "get" various Federal agencies involved.

The second objection is to the new language granting the authority to the select committee to sit and act and obtain statements in "any other country." The resolution adopted in the last Congress was confined to the United States and its territories. Since the adoption of the resolution in the last Congress, it has become apparent to our select committee that many potential witnesses are not now residing in the United States and it will be necessary, if we are to thoroughly investigate these matters, to take testimony abroad. It is not the intention of the chairman of the select committee or its members to engage in any extensive foreign travels, and that is one of the reasons new language was included in House Resolution 222 to make clear that as few as two members may sit to take testimony and, in the alternative, that a designated counsel may obtain statements from witnesses placed under oath by proper authorities.

The third objection is to the language

beginning on line 13 of page 3 permitting a designated counsel of the select committee to obtain statements from witnesses under oath. Contrary to statements which have been made, this is not unprecedented. Similar language was contained in House Resolution 803 in the 93d Congress authorizing the House impeachment inquiry. To quote from section 2 of that resolution:

For the purpose of making such investigation, the committee is authorized to require—

(1) by subpena or otherwise—

(A) the attendance and testimony of any person (including at a taking of a deposition by counsel for the committee); and

(B) the production of such things; and

(2) by interrogatory, the furnishing of such information as it deems necessary to such investigation.

Similarly, Senate Resolution 60 in the 93d Congress, authorizing the so-called Watergate inquiry, contained the following provision:

To have access through the agency of any members of the select committee, chief majority counsel, minority counsel, or any of its investigatory assistants jointly designated by the chairman and the ranking minority member to any data, evidence, information, report, analysis, or document or papers relating to any of the matters or questions which it is authorized and directed to investigate and study . . . etc.

While I can understand the concern of some Members about this designated counsel provision, I would simply stress the precedent of our own impeachment inquiry, and would add that if you are concerned about foreign travel by Members, this is one way to save money. Moreover, keep in mind that the committee is now severely limited as to funds by House Resolution 11 and that we have plenty of work to keep us close to home during this 3-month period of the select committee's existence.

Mr. Speaker, I urge adoption of this rule and then of the resolution creating the select committee.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, it is not my intention to use the full 5 minutes, so that the gentleman controlling the time will have greater flexibility.

Mr. Speaker, on January 25, 1977, I appeared before the House Rules Committee in support of House Resolution 9, which provided for the reestablishment of the Select Committee on Assassinations and providing interim funding under the provisions of House Resolution 11.

The Rules Committee has reported out House Resolution 222 which includes certain amendments which provide for great constraints, insure the greatest possible protection for the rights of witnesses and require the select committee to adopt rules governing its procedures which rules shall be public. The resolution limits the life of the select committee to March 31, 1977.

The limited reestablishment of the select committee will allow time to reorganize, to adopt rules of procedure and rules for the staff, to carefully reassess staff and budget requirements. It will allow a calm, quiet, and orderly consideration of how we are going to proceed to investigate these two tragic assassinations.

Once this period of reorganization has been accomplished the committee will be prepared to return to this House and justify every procedure for the conduct of the investigation, and every proposed expenditure.

It is important to point out that I have not yet served as the chairman of the select committee. Even though I was the originator of the legislation creating the select committee on assassinations, I was not named as chairman when it was first established. Thus, I have inherited problems which occurred when I was not the person in charge.

I have devoted myself and much of the time of my personal staff to meeting the challenge of these circumstances. It is my judgment after careful consideration that the problems which exist can be resolved and corrected. The work which has been done thus far by the legal and investigative staff has been outstanding. But the simple fact is that in the waning days of the 94th Congress, the committee did not adopt rules of procedure governing either itself or the investigative techniques to be employed. On September 23, 1976, I wrote to Chairman THOMAS DOWNING and specifically requested that the committee adopt rules, determine the nature and scope of the investigation as well as staffing requirements. I am submitting for the RECORD a copy of that letter as well as a copy of my testimony before the House Rules Committee.

I have long sought the enactment of legislation establishing a House study of political assassinations. I feel strongly about the need for assessing the impact of these assassination on our citizens and the institutions of our democratic government.

The 1960's was a decade of political turmoil which began with the assassination of President Kennedy and included the assassination of the winner of the Nobel Prize for Peace, Dr. Martin Luther King, Jr. These assassinations shook the foundations of our democracy and have had a lasting effect on our citizens.

The essence of our democratic process is the election of our national leaders. When the express will of the electorate is preempted by a bullet—it eliminates those who have been duly elected to serve and those who seek to serve.

We are a committee in search of the truth about these two assassinations. We seek not to condemn or discredit agencies or institutions of our Government—but to simply find the truth and in so doing we strengthen the confidence of the public in our democratic processes and in our institutions.

"In a free and democratic society the greatest infidelity of a government to its people is the suppression of the truth." I strongly believe that a professional, thorough and independent investigation will lead to the truth.

The material referred to follows:

SEPTEMBER 23, 1976.

Hon. THOMAS N. DOWNING,
Chairman, House Select Committee on Assassinations, Rayburn House Office Buildings, Washington, D.C.

DEAR MR. CHAIRMAN: I was pleased to learn today that the House Administration Committee approved $150,000 for the duration of this Congress for support of our new Select Committee on Assassinations.

As I indicated in my remarks at the preliminary meeting which you called yesterday afternoon, I believe the committee should operate as a committee. It should seek to develop and maintain a consensus on the work to be accomplished and methods to be followed. Staff should be selected, I believe, by the committee as a whole. I am enclosing with this letter a suggested list of staff positions and qualifications for these positions.

In consideration of the general philosophy of the committee, I believe the committee should eschew any statements that it believes in this or that theory. The requirement is to develop the facts and let the facts speak; it is self-defeating to proclaim at the outset that the committee believes there was a conspiracy, or that there was not.

I believe the committee should speak through announcements only. Leaks are inevitable, but the committee itself should assure that official information is given only in the name of the committee, preferably through a staff representative, and in written form, insofar as possible. Announcements should be approved by the committee in advance.

The committee should organize itself in a way that allows all information to be received; but it should not allow itself to be bogged down by well-meaning individuals. The information specialist and staff could provide an effective filter whereby all information is received and catalogued, so that investigators have access, but are not beseiged by offerors of information, theory, or fancy.

I am hopeful that we can think in terms of phasing of the work of the committee in these terms:

I. Organizational Meetings—rules, determination of scope of investigation, staffing pattern (tasks and qualifications of staff), phasing of investigation,

II. Information Collection and Collation,

III. Evaluation of Information,

IV. Hearings—evaluation of hearings and determination of whether to hold further hearings, and

V. Report Preparation.

With warmest regards, I remain

Sincerely Yours,

HENRY B. GONZALEZ,
Member of Congress.

STATEMENT OF CONGRESSMAN HENRY B. GONZALEZ IN SUPPORT OF HOUSE RESOLUTION 9, BEFORE THE HOUSE RULES COMMITTEE, JAN. 25, 1977.

Mr. Chairman, Members of the Committee, I appreciate having an oportunity to appear in support of House Resolution 9, reestablishing the Select Committee on Assassinations and providing interim funding under the provisions of House Resolution 11.

I have come here today making this request for approval of H. Res. 9 fully realizing the impact of some of the controversy surrounding the use of various investigative techniques, the proposed budget and the activities of the Chief Counsel.

First, a proposal was made by the staff for the use of polygraphs and stress analyzers. These items have never been used. I am personally opposed to their use. Before they could be used they would have to be approved by the full committee after careful debate and deliberation. I am confident that once it is reestablished and the Members have an oportunity to meet, that the Committee for the 95th Congress will not sanction the use of such devices.

Furthermore, I have made it clear that each and every investigative technique proposed to be used will be carefully considered and decided by Members of the Committee.

Second, questions have been raised about the size of the proposed budget of $6.5 mil-

lion. Until we are reestablished as a Select Committee there cannot properly be a budget request. Once the Committee is reestablished, the Members will have to thoroughly review and evaluate the proposed budget. We will then be in a position to justify each and every expenditure. At this point, we do not know what the budget request will be. I can only state that whatever the amount of the request, the Committee will be prepared to justify it and I believe it will be acceptable to every Member of the House who wants to see a thorough, professional, independent investigation.

Third, various questions have been raised about the activities of the Chief Counsel, Richard A. Sprague. Some of the stories which have been published about him were dredged from the turgid and murky waters of big city politics. They are political and bear no credence. As to his frequent contact and visibility in the media, I have already prepared a draft of proposed rules for both the staff and the Members of the Committee. Once we are reconstituted the Members of the Committee will then be able to immediately consider and adopt such rules.

Fourth, while I propose to speak for no other Member, I am sure that I reflect their strong feelings that this investigation will be conducted under the highest professional and ethical standards. I can personally assure the Members of this Committee and of the House that this investigation will be carried out in the most professional manner so there will be no doubt as to our credibility or that of this House.

It is important to point out that I have not yet served as the Chairman of the House Select Committee on Assassinations. Even though I was the originator of legislation creating the Select Committee on Assassinations I was not named the Chairman of the Committee when it was first established last September. Therefore, it is important to understand that I have inherited the errors and misjudgments that have been made during a period when I was not the person in charge.

I have devoted myself, and much of the time of my personal staff, to meeting the challenge of these circumstances, and it is my judgment after very close consideration that there is nothing so dire that cannot be resolved or corrected. The work that has been done thus far by the legal and investigative efforts of the Select Committee's staff is commendable and outstanding.

At such time that this Committee is reconstituted and I am officially made the Chairman by House Speaker, Thomas O'Neill, it is certain that some staff adjustments will be made, and there is no doubt in my mind that after these adjustments are made we can work together in such a way that no further missteps are taken that could cause harm to this body or these investigations.

Mr. Chairman, my colleagues, I have long sought enactment of legislation establishing a House study of the political assassinations.

I feel strongly about the need for assessing the impact of these assassinations on our country, and getting to the truth of why they happened so that we can prevent such events from happening again.

There has never been a period of time in the history of our country like the decade of political assassinations which began with the murder of President Kennedy and included the death of Dr. King.

This decade of assassinations shook the foundations of our democracy and has had lasting effects on the people—too many of whom have very serious doubts and fears about their government and its ability to cope with forces both within it and loose throughout the land.

I sincerely did not seek the establishment of this Select Committee so that I could become the Chairman. The thought did not even cross my mind. Maybe it should have, because I certainly have other objectives and responsibilities which must be considered too.

All I have wanted from the beginning is the truth about these crimes against the people, and this is why I seek reestablishment of the Committee first established through legislation I originated.

I cannot think of anything more important for us to do here in the Congress, as elected representatives of the people, than to insure that the people have the option to choose their national leaders by ballot, rather than subjecting them to the possibility that bullets may eliminate those who could possibly serve, or who might continue to serve, in either a volunteer or elected position.

When I first introduced my proposal in the 94th Congress—on February 19, 1975—calling for a Select Committee to study the circumstances surrounding the deaths of President Kennedy, U.S. Senator Robert F. Kennedy, Dr. King, and the attempt on Governor George Wallace's life—I was serious, but since I was not taken too seriously at the time I had no reason to know much about the forces in this country that are dedicated to keeping the truth from being known.

Now that the Committee has been a reality and the investigations begun, I know full well that there are strong and organized forces dedicated to stopping these investigations in their tracks.

Nevertheless, I am willing to stand up to these forces, and I hope that you are willing to give me and my colleagues, who want to continue to serve on this Committee a chance to give the people a full accounting of why President Kennedy and Dr. King were slain.

Those of you who served on the House Rules Committee during the 94th Congress know that this Committee on September 15, 1976 favorably reported out House Resolution 1540, which authorized a Select Committee on Assassinations. On September 17, 1976, the House passed that resolution. Thus, four months ago, the House debated, deliberated and determined that there should be full and complete investigations into the assassinations of President John F. Kennedy and Dr. Martin Luther King Jr.

The initial reasons for the establishment of a Select Committee were thoroughly discussed and obviously dispositive to the overwhelming numbers of the Members of the House who voted in favor of that resolution.

First of all, the inadequacies of the investigations in both assasinations and the questions which have been raised, as well as independent findings of other Congressional Committees that in the case of the assassination of President Kennedy the Warren Commission was not provided with all the evidence, continue to be compelling reasons why the investigations must be carried out.

Similarly, Mr. Chairman, it was certainly the will of the American people that these investigations should once and for all solve these assassinations and determine the truth. To this end I would simply remind the Members of this Committee that both a CBS and a Detroit News poll indicated that 65% and 87% of those polled do not believe the conclusion of the Warren Commission. A poll by the Philadelphia Daily News indicated that 96% of those polled supported the need for investigations. Thus, the will of the American people to fully investigate these assassinations was carried out by the House last September by the passage of House Resolution 1540. A recent Gallup Poll indicated that only 11% of the people believe the conclusion of the Warren Commission.

During the span of its short life in the 94th Congress, the Select Committee found previously undisclosed evidence, critical witnesses who had never been questioned, and revelations which lead to serious questions that must be resolved.

Can we, like an ostrich, now hide our heads in the sand and pretend this evidence does not exist? If we do, I submit we can be accused of the greatest Congressional coverup in history. To do so would be tantamount to the Senate Watergate Committee discovering the existence of the tapes and not inquiring further, or the House Impeachment Committee drawing a Bill of Impeachment and not proceeding.

Further unwarranted delay would demonstrate vacillation and indecisiveness which ultimately damages our credibility as Members of this House.

Mr. Chairman, the evidence is compelling—it will not be washed away—it cannot be ignored. As I said earlier, to stop now would be unthinkable. It would demonstrate to the American people that when faced with this challenge we turned our backs on the quest for the truth.

In closing, I would like to call your attention to a comparison of H. Res. 9 to H. Res. 1540 of the 94th Congress which I am submitting with this testimony, also copies of material from the CONGRESSIONAL RECORD relative to the need for the reconstitution of the Select Committee, and to the exchange of correspondence I have had with Congressman Don Edwards in response to his initial letter to former Select Committee Chairman, Congressman Thomas Downing, who is now retired.

Again, I ask for your support of this effort to find the truth, and welcome any questions you might have.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Speaker, I find myself in a very difficult position today, being the ranking minority member on the now extinct but hopefully to be reestablished Select Committee on Assassinations. I am troubled by a number of aspects. I think it passing strange that the Justice Department has issued what has been reported today about Dr. King and the findings they have made. I think it passing strange that that happened to be issued today.

It is passing strange also I think that just last Monday the U.S. District Court in the District of Columbia, Judge John Lewis Smith, issued an order that all known copies of tapes and recorded transcripts having to do with Dr. King be turned over to the court and placed in the National Archives under seal for 50 years. I do not know if this select committee if reconstituted would have access to or jurisdiction over those or not. But these things are troubling.

I happen to be one of the 65 Members that voted against the creation of the select committee when it was created in the last session. I was not sure a useful purpose would be served. I was afraid the tragic assassinations would be exploited by a number of persons. However, the committee was created and it was the will of this House by a substantial vote that it go forward, so when I was placed on the committee I felt we should not be hamstrung or handcuffed, but we should be provided sufficient funds to do a thorough and efficient job to settle the problems having to do with these assassinations. I think the Members all know about the starts and stops of the previous committee. I am not troubled by Mr. Sprague. I think he is a highly com-

petent lawyer and investigator, so I am not troubled about that.

What troubles me is this resolution today, or at least the first two lines of it, which say:

> . . . That effective January 3, 1977, and until March 31, 1977, there is hereby created a select committee . . .

Mr. Speaker, that is the day this Congress convened, and it says "until March 31, 1977," which is just 60 days from now.

Mr. Speaker, what we are doing, we are pumping life into this for 60 days and I do not think Mr. Sprague or the gentleman from Texas (Mr. GONZALEZ) can do justice to any investigation in this short period of time. I would be much more comfortable if this investigation said 1978, to at least give the staff time to do a good professional job; so that is what troubles me more about this resolution than anything else. I think we should examine closely what we are doing here today, whether we are really hamstringing the select committee for a period of 60 days and then have to reconstitute it or kill it again in 60 days. That is the problem today; so let us weigh what we are doing here very intelligently and do what we think is in the best interests of the country.

Mr. BOLLING. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. MILFORD).

Mr. MILFORD. Mr. Speaker, I rise to oppose this rule and I oppose the establishment of a House Select Committee on Assassinations.

While I know that several conscientious, sincere and dedicated Members have sponsored this resolution—including my distinguished colleague from Texas (Mr. GONZALEZ)—I must respectfully disagree with their efforts.

Many of the Nation's wounds inflicted by the assassination of John F. Kennedy have healed. The anger and resentment directed at the city of Dallas—much of it very vicious and vindictive—has subsided. However, as a Representative of the city of Dallas, I can assure you that the memories of those feelings are still fresh in the minds of the people of Dallas.

At a time when we are answering calls for unity and healing, it seemed ludicrous to me to relive the pain, to revive the hurt and restore the bitterness. The deaths of President Kennedy and Dr. King produced painful traumas for the American people in general and the citizens of Dallas and Memphis in particular; this resolution would only add to that trauma.

State and Federal law enforcement agencies investigated these crimes with an intensity unequalled in our national history. If there are reasons to discredit these investigations they must be obvious and clearly spelled out for the American public. I contend no substantial evidence has been offered to discredit the Warren Commission or the findings of our judicial system.

I further submit that it is an exercise in futility to establish a small congressional committee with limited resources and honestly expect it to sort out the truth in 2 short months—especially when those who have called for this action have been arguing about it for 13 years.

The Select Committee on Assassinations in its report of December 31 indicates that one of the new issues which the committee should investigate is whether or not the Central Intelligence Agency deliberately withheld critical information or acted improperly. In fact, this seems to be one of the major issues discussed by the committee's chief counsel, Richard Sprague, in many news articles I have since read on the subject.

In this regard, I would like to point out that President Ford on January 4, 1975, established a Commission on CIA Activities Within the United States, which was chaired by Vice President Rockefeller. This Commission looked into the matter of the Kennedy assassination and reached the conclusion that, though many allegations had been made about possible CIA activity in this assassination, the Commission had to conclude that there was no evidence that the CIA had any improper involvement.

These same allegations were later investigated by the Select Committee on Intelligence, of which I was a member, and the committee reached the same conclusion. I am advised by my colleagues in the Senate that the Senate Select Committee To Study Governmental Operations With Respect to Intellignce Activities also investigated the possibility of critical evidence being withheld by the FBI and also reached the conclusion that there had been no improprieties by the FBI in that area.

The resolution also declares that the express purpose of this select committee would be to assess whether or not statutes already on the books need to be changed or new legislation enacted to enhance the President.

I would like to bring the committee's attention to the fact that the Warren Commission during its investigation required the Secret Service to submit a detailed report regarding its policy and procedures for Presidential protection. The Commission's review of these procedures led them to make a series of recommendations to deal with the deficiencies they found—six involving internal procedural changes and one which later became Public Law 89–141, making it a Federal crime to attempt to assault, assassinate, or kidnap the President or other Government officials in line for the Presidency and establishing penalties for conviction of such acts.

Also as a result of the Kennedy assassination, President Johnson ordered a broad assessment of Presidential protection to be undertaken—known as Project Star. This project incorporated reports, studies, and recommendations from numerous Federal agencies and private research institutions, and took 2 years.

There are a number of other important factors that must be recognized concerning the original investigations and the Warren Commission: First, all witnesses were then alive, with fresh memories and good recall of important facts; second, all physical evidence was then present for careful examination; and third, all possible theories and hypotheses could be evaluated against the then-present witnesses and physical evidence.

If there exists evidence or one credible eyewitness or one piece of definitive, scientific evidence to point to an alternate conclusion from that of the Warren Commission, I would be the first to sponsor a resolution to reopen the investigation.

Mr. Speaker, the point I am trying to make is that there is a great deal of difference between "evidence" and a "hypothesis" or "theory." Evidence requires that there must be a physical manifestation, a credible witness with sworn testimony, or a scientifically provable assumption.

On the other hand, "hypothesis" or "theory" simply means an "idea" or "proposition" that no one else can disprove. The hypothesis or theory is not evidence.

I have carefully read the theories presented by those who want to reopen the Kennedy assassination investigation. None contain evidence that can be directly tied to the assassination or admitted in a court of law. As of this day, no one seems to have either hard evidence to discredit the findings of the Warren Commission or evidence to indicate that a new investigative body could produce a new finding.

In the alternative, if—in the wisdom of this House—a Select Committee on Assassinations is established, then it must be provided with adequate resources to completely reinvestigate both the Kennedy assassination and the King murder. In other words, if we are to discredit the State police agencies, the FBI, the Secret Service, the CIA, our Federal court system, and the Warren Commission, then the House must be prepared to produce investigative funds and facilities to replace the work done by all of them. To do less would be to perpetrate a hoax on the American people and to revive cruel pains of the past.

If we are to take this alternative plan, I can assure you that the amount of funding originally requested by the proposed Select Committee on Assassinations would be woefully inadequate.

I plead with the House to vote down House Resolution 222. No one has come forward with a single shred of creditable evidence to show that a new investigation is needed. Existing standing committees already have the necessary jurisdiction to make any needed changes in our laws dealing with assassination.

The Kennedy and King murders were followed by another national trauma that tore our Nation apart—Watergate. Our people lost faith in our Government institutions. If there exists creditable and legally acceptable evidence to show that our State and Federal institutions have erred, then spell it out—in spades—so the American people can understand, and provide the select committee with the necessary funds and resources to do a creditable reinvestigation of the entire matter.

I thank the Members for their attention.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Speaker, I want to concur in what the gentleman from

Texas (Mr. MILFORD) has just said. The gentleman and I served on the Select Committee on Intelligence in the last Congress. Let me tell this House, it was a real disaster. I supported the gentleman from Missouri (Mr. BOLLING) in the creation of that select committee. We had good intentions; but if some Members have any problems with the staff, let me attest to the fact that an uncontrolled staff can destroy the work of a good committee. We had that problem with some members of the Intelligence Committee staff. The staff was very ambitious. It did a great disservice to this body. We had to actually prohibit the publication of the report which the staff had prepared and which I described as a cheap paperback labeled as a committee report. Fortunately, the House never permitted the publication of that report.

I think we would face the same kind of dilemma with this kind of undertaking. I hope the rule and the resolution will be defeated.

Mr. Speaker, with the creation again of a Select Committee on Assassinations, this House would wander far afield from its constitutional duties of lawmaking and oversight. Murder investigations are normally left to law enforcement agencies and the judicial branch, and I doubt that any previous Congress has undertaken criminal investigations of this type.

Apart from this very legitimate question of appropriateness, we might also ask ourselves if these proposed investigations will settle anything. As the distinguished commentator Eric Sevareid has rightly noted, a veritable "cottage industry" has developed concerning conspiracy theories. New hypotheses have proven very profitable, regardless of their relationship to known facts. Will another investigation, many years after the events—with many witnesses deceased and much evidence undoubtedly lost—put an end to such speculation? Commonsense suggests that it will not.

Given our marginal prospects for success, we might also consider the problem of quantifying the debt many of us obviously believe we owe to history. With so many other more pressing needs facing the country, do we owe history as much as $13 million over 2 years—or any lesser figure that may be dreamed up to secure approval of this measure? The response must be in the negative.

Finally, we should ask ourselves to consider seriously the civil liberties issues so appropriately raised by our distinguished colleague from California (Mr. EDWARDS). Do we want a committee, without even a set of operating rules at this point, to be jeopardizing private citizens through secret recordings, what amount to secret lie detector tests, surveillance, and the untimely use of public hearings?

These possibilities, bizarre as they seem, were all raised recently in the CONGRESSIONAL RECORD by authorized committee spokesmen. Assurances that secret lie detector tests would not be used came only after a press report to the contrary had been brought to our attention by Mr. EDWARDS.

Mr. Speaker, as presently proposed, these investigations have the potential of intensifying everything people already think is wrong with Congress. They are outrageously expensive, badly organized, and possibly destructive.

The 95th Congress needs to work hard to regain the respect its predecessor lost. This Select Committee on Assassinations is not the way to begin our task.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Speaker, I rise in support of House Resolution 222. I do so because, as one of three cosponsors of the resolution which was passed by the House in the 94th Congress by a 280-to-65 margin, I remain convinced of the need for a thorough investigation of these assassinations by this body. As a result of 3 months' service on the select committee that has conducted only a threshold inquiry into the matter, I am even more convinced now of the necessity to continue these investigations.

Little attention has been given to the fact that threshold inquiries by a thoroughly professional staff assembled by the committee in the last 3 months have produced literally a thousand questions unanswered by the investigations of record into these assassinations. But as much as I would like to focus upon these matters, I realize that these things are not of primary concern to my colleagues who must vote on this resolution today.

You are concerned, I know, about whether the Congress should spend a proposed $6.5 million this year to conduct these two investigations. You want to be sure that the civil and constitutional rights of all who may be touched by these investigations are scrupulously protected. You want to be sure that illegal devices and tactics are not used in the conduct of this investigation, and that the rules and procedures of this House are meticulously followed by both members of the committee and the staff. And some of you fear that such a thorough investigation might be used to "destroy" the CIA and FBI in the eyes of the American people.

I support this resolution, Mr. Speaker, because I believe that these are legitimate concerns on the part of my colleagues and that the reconstitution of the committee until March 31 will give us the opportunity to address these concerns to the satisfaction of a substantial majority of the Members of this House.

If you are reluctant to support this resolution, because you have serious questions about the proposed budget, let me assure you that an aye vote today on this resolution will give the reconstituted committee not only time to carefully review the budget proposal, but also to adequately discuss it with Members. Thus, when you are asked to take a vote on reconstituting the committee for the life of the 95th Congress in March, you will have a much clearer picture of what you are voting for in terms of funds.

If you are reluctant to support the resolution, because you have concerns about whether the investigation will be conducted in a fashion that neither the constitutional rights of citizens are violated, nor the authority of the Congress exceeded, nor the integrity of the House compromised, let me assure you that both the language of this resolution and the intent of this reconstituted committee to draft clear rules of procedure and conduct between now and the time you will be asked to extend the life of the committee insure that you will have adequate basis for making a judgment then.

For those of you who are concerned about the image of the FBI and the CIA, let me assure you that a thorough investigation of these assassinations will not destroy the confidence of the American people in these agencies; it will help restore confidence in them.

I submit that a measure of the confidence of the American people in our CIA was destroyed when its agency head, Richard Helms, had to testify before the Senate Committee To Study Government Operations that the CIA withheld information from the Warren Commission concerning CIA plots to kill foreign leaders, particularly a CIA plot to kill Fidel Castro. Now there may be a perfectly reasonable explanation for this that can help restore the confidence of us all in the Agency. If not, actions by the Congress to prevent such conduct in the future will certainly help restore the confidence of the American people in the integrity of this Agency.

I submit that a measure of the confidence of the American people in our FBI was destroyed when we learned through the Senate select committee of J. Edgar Hoover's infamous CoIntelPro program which used, in the words of the committee report:

> Dangerous and degrading tactics which are abhorrent in a free and decent society.

The committee went on to state that—

> The sustained use of such tactics by the FBI in an attempt to destroy Dr. Martin Luther King, Jr. violated the law and fundamental human decency.

I submit that a thorough investigation of the assassination of Dr. King by this House will restore confidence in the FBI either by proving that their investigation of his death was thorough or by assuring the passage of legislation by the Congress that will guard against abuses of authority and responsibility in these matters.

Once these and other questions about the investigations of these assassinations are answered, including why Lee Harvey Oswald was questioned by seven FBI agents for 12 hours and no transcript of what was said was provided the Warren Commission, why the American people were not told that Lee Harvey Oswald was at one time an FBI employee; answers to questions like these will not destroy these agencies, but restore the confidence of the American people in their present and future integrity.

It will also serve notice on any who would attempt to assassinate present or future leaders in our Nation that there will be no weaknesses in the intelligence agencies of our Government through which they may slip undetected.

For all these reasons, I urge today, your support of House Resolution 222.

IN RESPONSE TO MR. MILFORD'S STATEMENT

At the outset, it is important to note that Mr. MILFORD addresses himself to

only one facet of the select committee's task. As he himself says:

(M)y purpose here is to examine realistically the proposition: "Should the House of Representatives appoint a committee to re-examine the Kennedy assassination?"

He pays scant attention to the select committee's other, and equally important purpose, to conduct a full, thorough, and comprehensive investigation of the assassination of the most renowned civil rights leader of our time, a Nobel Peace Prize laureate, Dr. Martin Luther King, Jr.

In justifying his opposition to House Resolution 222, Mr. MILFORD displays an unfortunate tendency to put the evidentiary cart before the investigative horse. He demands "hard evidence" or "substantial evidence" or "creditable evidence" to show, for example, that "the Warren Commission's conclusions were substantially in error." In other words, he wants the select committee to produce the fruits of a thorough and comprehensive investigation before it can undertake that investigation. In short, he has devised an impossible task for the select committee, placing on it a burden that no other standing or select committee of the House could carry, or should be expected to carry.

Thus, Mr. MILFORD wants the select committee to justify its existence by producing "a credible witness with sworn testimony." It is only stating the obvious to point out that, until it is reconstituted, the select committee does not even have the power to swear witnesses and, until it is funded, it lacks the resources to conduct the kind of investigation needed to determine whether a particular witness is in fact credible.

In his statement, Mr. MILFORD has clearly misunderstood the meaning and use of a hypothesis. He believes that it is a theory or proposition "that could neither be proved or disproved" or that "no one else could disprove." Yet the primary dictionary definition of "hypothesis" is "a tentative assumption made in order to draw out and test its logical and empirical consequences." Thus, Mr. MILFORD to the contrary notwithstanding, a hypothesis is not a theory that can never be verified. Rather, it is a theory that exists precisely to be verified. The verification, the testing of the numerous hypotheses that have arisen in the Kennedy and King assassination cases can only be done by the kind of full, thorough and comprehensive investigation that the select committee proposes to undertake. In passing, it should be noted that most, if not all, technological and scientific progress is based on the development of a hypothesis by a particular physicist or chemist who then proceeds to test that hypothesis empirically. The select committee proposes to do no more, and no less, with the hypotheses that have arisen in the context of the Kennedy and King assassinations.

Moreover, Mr. MILFORD is clearly mistaken about the purpose of the select committee. It is not, as he seems to believe, to "discredit the State police agencies, the FBI, the Secret Service, the CIA, our Federal court system, and the Warren Commission." The select committee does not propose to discredit anyone. Its purpose, without preconceptions of any kind, is to conduct a full, thorough, and comprehensive investigation of the assassinations of President Kenedy and Dr. King. At the conclusion of the select committee's investigation it will present the evidence it has gathered to the House and to the American people. Whether that evidence reflects credit or discredit on the agencies cited by Mr. MILFORD is a judgment that the House and the American people will have to make. One thing is clear: At the present time, before the select committee has been reconstituted, before it has been funded, and before its investigation has fairly begun, it is impossible for anyone to make that judgment.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Speaker and Members of the House, my time is essentially short, so I would like to try to cover a few things in this statement that I have covered in much greater detail in today's RECORD.

I think it is necessary for us in this Congress, though not controlled by the last, to think about the basic subject which reaches out to all the American people from the halls of this building; the credibility of the American system of government.

In the last Congress, whether you agreed or not, a vast majority of the Congressmen in this House representing a vast majority of the American people of this country said:

Yes, we should investigate the assassination of Dr. Martin Luther King and President John F. Kennedy.

That was a decision we made far too late in time and it was a decision we made on a very poorly written resolution which left the committee with no direction and no startup time at the end of the last Congress.

Here we are. The press has titillated us with what they say we found, which is usually inaccurate. Our sense of purpose is at stake, as is our word.

I stand here, I hope, considered an honorable Member of this body, and say that we have found at least new avenues and some new facts. We must go on. Are we going to add to the total credibility factor of this Government that every time something difficult comes forward we turn and run? Are we, the Congress that wailed and screamed about Watergate, going to pull our own mini-Watergate, our own head in the sand act?

I think it is time we must look forward. Whether we are for the resolution or not, it was the will of the representative assembly of this country, and to run from it now simply says we do not have the will, we do not want the truth, we do not want to face the fact that 90 percent of the American people believe they were lied to.

I am convinced that under our new chairman's direction the committee will be properly run. Certainly I am not happy with this resolution. I am convinced that in 60 days we will come back with printed rules of order. We will come back with the printed, written rules for interrogation protecting the civil rights of Americans and others. We will come back with an explanation as to why we must go through the unique process of taking testimony under oath in foreign countries. We will come back to the Members, I believe, with a budget which is realistic, sensible, and explains itself. The Members then can in their wisdom reconstitute the committee to finish its job in this Congress and to answer the questions that the American people want to know.

And what if we do not find anything new? If we do not find anything new, I for one will say, "Halleluja." But at least we have answered the questions, the people who are sent to Washington to run this country have not run away from an issue that they said they were interested in a mere few months ago.

I want to say something about the chief counsel of this committee. Certainly he does not know how Congress works. My wife has been married to a Congressman for 6 years and she does not know how we work. But he has had a hatchet job done on him, the likes of which I have never seen. I do not know why so many people would be so interested in such a hurry in doing a job on Mr. Sprague. Mr. Sprague did not set up this committee. He did not ask for this job. We went to him, and our past chairman hired him. I wish I could have been consulted, but since then I have had the chief counsel in my office, I have read to him the allegations that have been made about him. I have received his answers. I agree with the gentleman from Ohio (Mr. DEVINE), that the gentleman will do a fine job. We do not have political friends on this committee.

Mr. Speaker, we have prosecutors, investigators, and police officers from some of the finest police divisions and prosecutorial offices in the United States of America. They have not been paid for a month, they are dedicated and hard working, and they deserve to be given a chance to show what they can do.

Mr. BOLLING. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, I am not about to go into the merits or the demerits of the issue involved. We have constituted a committee, and I think it is incumbent upon us to continue with it.

But let me give the Members a perspective that has not been as yet introduced, and that is in relation to the assassinations of the late President Kennedy and Dr. Martin Luther King, Jr., as they relate specifically to crime and criminal investigations.

As most of the Members know, I was a police officer for some 23 years. I retired as a squad commander of detectives in the city of New York.

Speaking from experience, I would tell the Members this: that if either one of these individuals had been just plain John Doe, we would not close those cases. There are too many questions that remain unanswered. We would carry both these cases as open cases.

So if we are dealing in terms of honest investigations carried on for the purpose of finding answers to questions that would have to trouble an investigator,

we have no choice but to continue the investigation. The people have a right to know the truth.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER. Mr. Speaker, I think we all realize there has been a pronounced shift in opinion from enthusiasm for this investigation last fall to some skepticism about it today. I think there are a number of reasons for that.

There is one general reason, it seems to me, and that is that we have been going through a transition period in this country. We are looking toward new beginnings, and we want to put the nightmares of the past behind us; then here comes this committee raising these old ghosts of the past.

We wish that we could put all the evils of the past behind us, but nothing is settled finally until it is settled right, and this matter just has not been settled finally.

There are other specific reasons for this skepticism. One is the budget. Let me emphasize that we are not approving the budget here today. Our vote in favor of reconstituting this committee does not indicate any sense of approval of the budget. We will come back to the Members with that on March 31.

Another problem is that there is a feeling that we have greatly expanded this resolution and have attempted to aggrandize our power as a committee. The gentleman from Illinois (Mr. ANDERSON) addressed himself to that point and I associate myself with his remarks.

Another element, I think, in this attack—I guess that is the right word—on the committee is the question of Mr. Sprague. Mr. Sprague has been made the issue by some people. There is a feeling that somehow he is running away with the committee, that he is speaking for the committee.

Well, from my experience with Mr. Sprague, I found that he has always handled himself in a thoroughly professional manner. He is dedicated. He will get the job done, and so will his staff.

I think there has been a wrong impression by some that he is always running to the press. For example, the committee told Mr. Sprague that he and Mr. Downing together should go on television when we would finish each of our sessions and answer the questions of the press so that all the rest of us would not be speaking in many voices. Since Mr. Sprague was the new man on the block, most of the attention was focused on Mr. Sprague and not on Mr. Downing. He was speaking with our agreement when he spoke.

Some of the questions that have been raised as to material being leaked from the committee indicate absolutely the reverse of that. For example, one network indicated that a published story contained the announcement that a staff member was going to Cuba to interview Castro. That was totally false. Mr. Sprague was outraged about it. He immediately called the network, and he prevented the story from going to other news media. Yet we were told that that represents an irresponsible leak from Mr. Sprague. That is a plant from somebody; that is not a leak.

The same is true with a network TV interview this morning. The interview with Mr. Sprague was filmed several weeks ago, and it was to depict the fact that staff morale was high and they were continuing to work even though the select committee had not been reauthorized. Unfortunately, that interview of several weeks ago was juxtaposed with an interview with the gentleman from California, DON EDWARDS, and it created an impression of a debate between Mr. Sprague and the gentleman from California (Mr. EDWARDS).

It appeared that Mr. Sprague was taking the prerogative of speaking for the committee and answering the gentleman from California (Mr. EDWARDS), and that is absolutely not the case.

He is new in working with Congress. He has made some mistakes. He has indicated willingness to learn Congress ways.

Mr. Speaker, questions have been raised by the gentleman from Colorado (Mr. WIRTH) in the CONGRESSIONAL RECORD of January 11 and January 24 about the Applegate case and the Walter case as well as several other matters. My threshold inquiry into that case satisfies me that there is nothing seriously involved there which compromises Mr. Sprague, but that is a threshold inquiry and not exhaustive.

Mr. Speaker, I want to say to the gentleman from Colorado (Mr. WIRTH) that I talked with the chairman of the committee, and we have agreed that the committee will go into the charges made in the two issues of the CONGRESSIONAL RECORD that I referred to and will give the gentleman from Colorado an answer as part of our first order of business.

Finally, Mr. Speaker, let me answer the charge that the gentleman from Texas (Mr. MILFORD) raises that somehow this will foster distrust in our system of government and that we will tear the Nation apart if we go into this matter again.

On the contrary, and I agree with the gentleman from Connecticut (Mr. MCKINNEY), this is a question of the credibility of our system, and in a democracy the system has to have credibility. That is not necessary in a monarchy or totalitarian form of government.

The SPEAKER. The time of the gentleman from North Carolina (Mr. PREYER) has expired.

Mr. BOLLING. Mr. Speaker, I yield 1 additional minute to the gentleman from North Carolina.

Mr. PREYER. Mr. Speaker, I thank the gentleman for yielding me this further time.

As I was about to say, if we were a monarchy, not a democracy, we would not have to have credibility to exist. However, a democratic system has to have it.

Mr. Speaker, the latest poll shows that only 10 percent of the American people believe Oswald was the lone assassin of President Kennedy. Only 10 percent, in other words, believe the Warren Commission report. That is a serious credibility gap.

Mr. Speaker, we are not out to tear the Nation apart. We are out to restore credibility, just as the Watergate hearings did not tear the Nation apart; they restored belief in our Government.

Mr. Speaker, this question is not just one of two murders of two men. It is a question of assassination, of regicide, in President Kennedy's case the killing of the representative of the State itself. Assassination is a peculiarly horrible crime. It arouses our deepest fears. It is going to continue to raise questions down the future unless we answer this matter once and for all.

Mr. WIRTH. Mr. Speaker, will the gentleman yield?

Mr. PREYER. I yield to the gentleman from Colorado.

Mr. WIRTH. Mr. Speaker, I just want to thank the gentleman from North Carolina (Mr. PREYER) for the presentation that he has made.

The SPEAKER. The time of the gentleman from North Carolina (Mr. PREYER) has expired.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Speaker, and my colleagues, I ask you to join me in opposing this rule on the Select Committee of Assassinations. With all of the important issues facing Congress we should not distract ourselves on some investigation that would serve no useful purpose.

From the time this issue was originally raised under H.R. 1540, we have seen the entire thrust changed under H.R. 9. It calls for smaller Member participation as only one-third of the Members shall constitute a quorum. It provides that only two members are necessary in order to take testimony. It establishes this select committee as a committee of the House for the apparent purpose of providing regulations providing immunity for witnesses. And therein we have a very serious issue, as they contended they are trying to find guilty people but one of their major concerns is to provide immunity for those they find guilty.

I was disturbed to see that under the authority of the act it did not merely cover the United States, but they have now added "any other country." So here we have a committee that is authorized to investigate the world.

My major objection to the broad resolution is the wide scope of its jurisdiction. H.R. 1540 is not only going to investigate the deaths of President Kennedy and Martin Luther King but "any other person the select committee shall determine in order to ascertain whether the existing laws of the United States * * * deprivation of civil rights, as well as the investigatory jurisdiction and capability of agencies and departments of the U.S. Government." It is apparent from the preliminary statements of this committee that one of their major concerns is to try to smear the FBI and CIA. With the press field day that we have had the past few years, it is time that we tried to establish and build a strong FBI and CIA for the security and law and order of America. There is no need today to create a new file with innuendoes, committee leaks, and wild statements.

After the last CIA hearings it reached a point where foreign nations were blaming the CIA for the earthquakes, floods, or any homicide that occurred in any country. Our friends abroad who were giving us intelligence information were apprehensive of reporting anything because we provided them no security and their own lives could be in jeopardy.

The FBI and CIA cannot make public all their operations. But we all know that politicians can make the front page with broad half true statements. The FBI is efficient, effective and absolutely essential to the security of America. We do not need a witch hunt committee.

We have talked about financial responsibility in this session of Congress yet once we create this committee we are talking about pouring money into unlimited witch hunts with a $13 million appropriation.

If there is one thing that America has learned in the past 2 years it is the right of privacy and protection of an individual's rights. And yet with the fiery spirit of the Klu Klux Klan and the electronic bugging of a special investigator this assassination committee desires to intimidate, shadow, and coerce citizens from one end of the world to the other.

President Kennedy's family did not ask for this resolution. There is no proved evidence that has come available that would justify Congress in creating the witch hunt committee. I call on my colleagues in the name of rationalized commonsense and dedication to a sound term of Congress that we repudiate this resolution and vote "no."

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, we have a resolution before us which makes in order a new authorization for the Select Committee on Assassinations, giving it a 60-day reprieve.

It has been said that during a period of calm and in a reflective atmosphere the committee will consider what their purpose is to be and what they are to do. However, they have already had 90 days to do precisely that, and they have failed. That is why we are here today debating this problem.

Certainly, Mr. Speaker, when the Washington Post and the gentleman from Maryland can agree on an issue, there has to be a broad spectrum of concern reflected, as there is in this particular case.

One investigative reporter from that publication said, basing his particular comment, I assume, on his observation of what the committee has done in the last 90 days, Mr. Walter Pincus calls it perhaps the worst example of congressional inquiry run amok.

He said that—

The present House investigation into the Kennedy and King assassinations, pushed by publicity and pressure from a narrow but vocal constituency, what amounts to a multimillion-dollar criminal investigation is going to be conducted in the name of the House.

Mr. Speaker, I voted for this investigation originally because I felt there were legitimate questions raised about the deaths of these two American leaders. I thought possibly a forum in the Congress of the United States could properly deal with the questions that were raised, fill in the gaps and provide answers.

I frankly now believe that the committee and its staff have shown that it is incapable of dealing with these sensitive matters. In fact, for us to permit the committee to go ahead will only raise more questions and defeat the very purpose it professes to hope to achieve.

The Kennedy family did not want this investigation and they have made that abundantly clear. We are informed that the Department of Justice has indeed investigated the King assassination. Both of these matters have been dealt with by official forums at great length.

I am aware that some of the American people do not believe many of the conclusions that have been reached, but I also suggest that if the American people were asked whether they wanted to spend $13 million over 2 years, to hire 170 staff members to conduct an investigation of these matters by the Congress that their answer would be an emphatic "no." Indeed, it is a matter of credibility that we have here before us today.

I would suggest that the Members address themselves very carefully to the contents of the resolution that they find before them because it does expand the scope of the investigation, in my opinion. It does constitute a downpayment on a possible $13 million or even more dollars, expenditure. It will mean the creation of a committee that will be larger in funding and staff than the investigative group which dealt with Watergate. It will be larger than any committee in this House, larger than committees dealing with energy or any of the other serious problems we are facing.

I am well aware that this matter arouses certain passions. Last night the Speaker was subject to a public demonstration in Massachusetts warning that "They are watching, TIP O'NEILL, what you do in this matter," a statement from Richard Feldman who has been a champion of such an investigation.

I myself received a veiled threat of physical harm that I turned over to the FBI for investigation, because I had the temerity to stand up and ask, "What are you folks going to do with this investigation, and why are you doing it?"

I think we have a chance to restore credibility in the House. At the same time I think, a responsible job of answering these questions can be done through the proper channels. If there are new questions to be raised in the judicial or executive branches, then let it be done. Let existing congressional committees act. But this committee and its staff has proven that this is not the proper place where this kind of investigation should take place. I believe we would do well to put this committee to rest now.

Mr. QUILLEN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to say to the Members of the House again that I have a report from the Department of Justice and that copies of that report were delivered to the appropriate committee chairman. I say that if we pass this resolution, if we restructure this committee, then we are, in effect, obligating the American taxpayers for some $13 million.

It is time we closed the gates on spending. It is time we get down to business and kill this resolution and stop it now dead in its tracks.

Mr. BOLLING. Mr. Speaker, I yield myself the balance of my time.

Mrs. BURKE of California. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentlewoman from California.

Mrs. BURKE of California. Mr. Speaker, I would like to ask a question of the gentleman from Tennessee (Mr. QUILLEN). Did I understand the gentleman to say that a copy of the report was delivered to the committee?

Mr. QUILLEN. If the gentlewoman will yield, I said to the appropriate committees. That is the information I have, that it was delivered to the appropriate committees.

I understand that the chairman of the committee in the Senate has the report. He has not read it, and also that the chairman of the committee in the House has been delivered the report.

Mrs. BURKE of California. What is the source of the information that the report is being held in the committee?

Mr. QUILLEN. The Department of Justice has reported that copies have been sent to the appropriate committees.

Mrs. BURKE of California. Did the Justice Department also advise the gentleman that other committees that have jurisdiction also have received copies?

Mr. QUILLEN. I have not talked to the Justice Department. I feel that I have opened the door for the gentlewoman from California to find out who has the report so that she can have a copy of it if she so desires.

Mrs. BURKE of California. Let me say that I have asked the Justice Department all day and I have been asking the Attorney General. The chairman of my committee has been asking, and has been advised, we cannot have the report.

Mr. QUILLEN. Has the gentlewoman asked the chairman of the appropriate committee?

Mrs. BURKE of California. I have just talked to the chairman of the committee in this House.

Mr. BOLLING. Mr. Speaker, I decline to yield further.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) has the time.

Mr. BOLLING. Mr. Speaker, I reluctantly must refuse to yield further.

I do not expect to take more than a minute, but I think that the issue before us has been somewhat twisted. What we are talking about is extending the life of the committee for a nominal 3 months—actually 2 months—so that the committee with a new chairman will have the opportunity to come back to the House and say that we are organized; this is the way we are going to function; and this is our program. It seems to me that it would be absolutely ridiculous to cut this committee off because of the reasons given. We are asking for an extension of 60 days so that a new committee of a new Congress will have an opportunity to prove to the House that it deserves to be extended for the life of the Congress. That is all the issue is. There

is not any other issue. I hope very much that we will have an overwhelming vote in support of the revival of this select committee in this Congress.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 265, nays 145, answered "present" 1, not voting 20, as follows:

[Roll No. 12]

YEAS—265

Addabbo	Delaney	Krebs
Akaka	Dellums	Krueger
Alexander	Derwinski	LaFalce
Allen	Dicks	Lagomarsino
Ambro	Diggs	Leach
Ammerman	Dodd	Lederer
Anderson, Calif.	Downey	Le Fante
	Drinan	Leggett
Anderson, Ill.	Early	Levitas
Andrews, N.C.	Eckhardt	Lloyd, Calif.
Andrews, N. Dak.	Edgar	Long, Md.
	Edwards, Calif.	Luken
Annunzio	Eilberg	Lundine
Ashley	Emery	McCloskey
Aspin	Evans, Colo.	McDade
AuCoin	Evans, Ind.	McFall
Badillo	Fary	McHugh
Baldus	Findley	McKinney
Baucus	Fish	Madigan
Beard, R.I.	Fisher	Maguire
Bedell	Fithian	Mann
Beilenson	Flood	Markey
Benjamin	Flowers	Marks
Biaggi	Foley	Mathis
Blanchard	Ford, Tenn.	Mattox
Blouin	Fountain	Meeds
Boggs	Fraser	Metcalfe
Boland	Frenzel	Meyner
Bolling	Fuqua	Mikulski
Bonior	Gammage	Mikva
Bonker	Giaimo	Miller, Calif.
Bowen	Gilman	Mineta
Brademas	Glickman	Minish
Breaux	Goldwater	Mitchell, Md.
Brinkley	Gonzalez	Mitchell, N.Y.
Brodhead	Gore	Moakley
Brooks	Gradison	Moffett
Brown, Mich.	Gudger	Mollohan
Broyhill	Guyer	Montgomery
Buchanan	Hagedorn	Moorhead, Pa.
Burgener	Hamilton	Moss
Burke, Calif.	Hanley	Murphy, Ill.
Burke, Fla.	Hannaford	Myers, Gary
Burke, Mass.	Harrington	Myers, Michael
Burlison, Mo.	Harris	Natcher
Burton, John	Hawkins	Neal
Burton, Phillip	Heckler	Nichols
Byron	Hefner	Nix
Caputo	Heftel	Nolan
Carney	Hollenbeck	Oakar
Carr	Holtzman	Oberstar
Carter	Horton	Obey
Cavanaugh	Howard	O'Brien
Cederberg	Hughes	Ottinger
Chisholm	Ichord	Panetta
Clausen, Don H.	Jacobs	Patterson
	Jenrette	Pattison
Clay	Johnson, Calif.	Pease
Cohen	Johnson, Colo.	Perkins
Collins, Ill.	Jones, Tenn.	Pettis
Conte	Jordan	Pickle
Conyers	Kastenmeier	Preyer
Corman	Kazen	Price
Cornell	Kemp	Pritchard
Cotter	Keys	Quie
D'Amours	Kildee	Rahall
Danielson	Koch	Rangel
de la Garza	Kostmayer	Regula
Reuss	Slack	Vanik
Richmond	Smith, Iowa	Vento
Rinaldo	Solarz	Volkmer
Roberts	Spellman	Walgren
Rodino	Staggers	Waxman
Roe	Stanton	Weaver
Rogers	Stark	Weiss
Roncalio	Steers	Whalen
Rooney	Stokes	White
Rose	Studds	Whitley
Roybal	Stump	Whitten
Rosenthal	Thompson	Wilson, C. H.
Ruppe	Thone	Wilson, Tex.
Russo	Thornton	Wirth
St Germain	Tonry	Wolff
Santini	Traxler	Wright
Sarasin	Trible	Yates
Sawyer	Tsongas	Yatron
Scheuer	Tucker	Young, Mo.
Schulze	Udall	Zablocki
Seiberling	Ullman	
Sharp	Van Deerlin	

NAYS—145

Abdnor	Gephardt	Murtha
Applegate	Ginn	Myers, Ind.
Archer	Goodling	Nedzi
Armstrong	Grassley	Patten
Ashbrook	Hall	Pike
Badham	Hammer-schmidt	Poage
Bafalis		Pressler
Barnard	Hansen	Pursell
Bauman	Harsha	Quayle
Beard, Tenn.	Hightower	Quillen
Bennett	Hillis	Risenhoover
Bevill	Holland	Robinson
Breckinridge	Holt	Rostenkowski
Broomfield	Hubbard	Rousselot
Burleson, Tex.	Huckaby	Rudd
Butler	Hyde	Runnels
Clawson, Del	Ireland	Ryan
Cleveland	Jeffords	Satterfield
Cochran	Jenkins	Schroeder
Coleman	Jones, N.C.	Sebelius
Collins, Tex.	Jones, Okla.	Shuster
Conable	Kasten	Sikes
Corcoran	Kelly	Simon
Cornwell	Ketchum	Sisk
Crane	Kindness	Skelton
Daniel, Dan	Latta	Skubitz
Daniel, R. W.	Lehman	Smith, Nebr.
Davis	Lent	Snyder
Derrick	Lloyd, Tenn.	Spence
Devine	Lott	Steed
Dickinson	Lujan	Steiger
Dingell	McClory	Stockman
Dornan	McCormack	Stratton
Duncan, Oreg.	McDonald	Symms
Duncan, Tenn.	McEwen	Taylor
Edwards, Ala.	McKay	Treen
Edwards, Okla.	Mahon	Waggonner
English	Marlenee	Walker
Erlenborn	Marriott	Wampler
Ertel	Martin	Watkins
Evans, Del.	Mazzoli	Whitehurst
Evans, Ga.	Michel	Wiggins
Fascell	Milford	Wilson, Bob
Fenwick	Miller, Ohio	Winn
Flippo	Moore	Wydler
Flynt	Moorhead, Calif.	Wylie
Ford, Mich.		Young, Alaska
Forsythe	Motti	Young, Fla.
Gaydos	Murphy, Pa.	Zeferetti

ANSWERED "PRESENT"—1

Young, Tex.

NOT VOTING—20

Bingham	Frey	Railsback
Brown, Calif.	Gibbons	Rhodes
Brown, Ohio	Harkin	Shipley
Chappell	Long, La.	Teague
Coughlin	Murphy, N.Y.	Vander Jagt
Dent	Nowak	Walsh
Florio	Pepper	

The Clerk announced the following pairs:

Mr. Teague with Mr. Brown of Ohio.
Mr. Dent with Mr. Walsh.
Mr. Bingham with Mr. Railsback.
Mr. Shipley with Mr. Chappell.
Mr. Gibbons with Mr. Coughlin.
Mr. Florio with Mr. Long of Louisiana.
Mr. Pepper with Mr. Frey.
Mr. Harkin with Mr. Brown of California.
Mr. Murphy of New York with Mr. Nowak.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BOLLING. Mr. Speaker, pursuant to the provisions of House Resolution 230, I call up the resolution (H. Res. 222) creating a Select Committee on Assassinations, and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That effective January 3, 1977, and until March 31, 1977, there is hereby created a Select Committee on Assassinations to be composed of twelve Members and Delegates of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

The select committee or a subcommittee thereof is authorized and directed to conduct a full and complete investigation and study of the circumstances surrounding the assassination and death of President John F. Kennedy and the assassination and death of Martin Luther King, Junior, and of any other persons the select committee shall determine might be related to either death in order to ascertain (1) whether the existing laws of the United States, including but not limited to laws relating to the safety and protection of the President of the United States, assassinations of the President of the United States, deprivation of civil rights, and conspiracies related thereto, as well as the investigatory jurisdiction and capability of agencies and departments of the United States Government, are adequate, either in their provisions or in the manner of their enforcement; and (2) whether there was full disclosure and sharing of information and evidence among agencies and departments of the United States Government during the course of all prior investigations into those deaths; and whether any evidence or information which was not in the possession of any agency or department of the United States Government investigating either death would have been of assistance to that agency or department, and why such information was not provided to or collected by the appropriate agency or department; and shall make recommendations to the House, if the select committee deems it appropriate, for the amendment of existing legislation or the enactment of new legislation.

For the purpose of carrying out this resolution the select committee, or any subcommittee thereof authorized by the select committee to hold hearings, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or in any other country, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tangible objects, and other things of any kind as it deems necessary; to take testimony on oath anywhere within the United States or in any other country and to authorize designated counsel for the select committee to obtain statements from any witness who is placed under oath by an authority who is authorized to administer oaths in accordance with the applicable laws of the United States or of any State; except that neither the select committee nor any subcommittee thereof may sit while the House is reading a measure for amendment under the five-minute rule unless special leave to sit shall have been obtained from the House. The chairman of the select committee may establish such subcommittees of the select committee as he considers appropriate. One-third of the members of the select committee shall constitute a quorum for the transaction of business as permitted by the rules of the House, except

that the select committee may designate a lesser number as a quorum for the purpose of taking testimony, but not less than two. The select committee may employ and fix the compensation of such clerks, experts, consultants, technicians, attorneys, investigators, and clerical and stenographic assistants as it considers necessary to carry out the purposes of this resolution. The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the select committee, other than expenses in connection with meetings of the select committee or any subcommittee thereof, held in the District of Columbia.

The procedure for the select committee or any subcommittee to authorize and issue a subpena shall be that provided for in clause 2(m)(2)(A) of rule XI of the Rules of the House of Representatives. Subpenas may be served by any persons designated by the chairman or any member.

The select committee shall be considered a committee of the House of Representatives for all purposes of law, including but not limited to section 102 of the Revised Statutes of the United States (2 U.S.C. 192); and sections 6002 and 6005, of title 18, United States Code, or any other Act of Congress regulating the granting of immunity to witnesses.

The select committee shall adopt the Rules of the House of Representatives as part of the rules governing its procedures. It shall adopt additional written rules governing its procedures, which rules shall not be inconsistent with this resolution or the Rules of the House of Representatives, and which rules shall be public.

The select committee shall report to the House as soon as practicable during the present Congress, but not later than March 31, 1977, the results of its investigation and study, together with such recommendations as it deems advisable. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

The provisions of H. Res. 11, Ninety-fifth Congress, shall apply to the select committee.

Mr. BOLLING. I move to strike the last word.

Mr. Speaker, I sought this time in order to say once again that this resolution, House Resolution 222, constitutes in this Congress a Select Committee on Assassinations and gives it until March 31, 1977, to come back to the House with rules and a plan to proceed.

This matter is being considered, of course, in the House as in the Committee of the Whole, which means we are operating under the 5-minute rule now. The Speaker will recognize Members for amendments. The manager of the resolution, myself, has the opportunity at any time to offer or propose that the previous question be ordered. I do not intend to cut off amendments by doing that until I sense that the House is ready to conclude the matter. But it is available, and it is available both in connection with an amendment or with a group of amendments and the resolution itself.

Mr. Speaker, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. DEL CLAWSON

Mr. DEL CLAWSON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEL CLAWSON: On page 2, line 3, strike all after the word "death" through the word "department" on line 21.

Mr. DEL CLAWSON. Mr. Speaker, the amendment that I offer is a very simple amendment in just what it does. It is not so simple in the substantive nature of the amendment, and yet it does no violence whatever to the resolution.

The amendment is intended to do just one thing, and that is to delay the full-scope definition of the select committee investigation until the time that the House acts at the expiration of this extension on whether or not there is going to be a full and complete investigation of these assassinations. And, of course, this could be done during the time of the extension of the committee to March 31, 1977.

Let me read to the Members exactly what the resolution now says and then read what my amendment would provide.

The committee is authorized and directed to conduct a full and complete investigation and study of the circumstances of the assassinations to ascertain:

(1) whether the existing laws of the United States, including but not limited to laws relating to the safety and protection of the President of the United States, assassinations of the President of the United States, deprivation of civil rights, and conspiracies related thereto, as well as the investigatory jurisdiction and capability of agencies and departments of the United States Government, are adequate, either in their provisions or in the manner of their enforcement; and (2) whether there was full disclosure and sharing of information and evidence among agencies and departments of the United States Government during the course of all prior investigations into those deaths; and whether any evidence or information which was not in the possession of any agency or department of the United States Government investigating either death would have been of assistance to that agency or department, and why such information was not provided to or collected by the appropriate agency or department:

The amendment strikes that language, but it leaves in this language:

The select committee or a subcommittee thereof is authorized and directed to conduct a full and complete investigation and study of the circumstances surrounding the assassination and death of President John F. Kennedy and the assassination and death of Martin Luther King, Junior, and of any other persons the select committee shall determine might be related to either death . . .

And it also provides the legislative purpose. We leave that language in to meet the concerns and the constitutional question that some have raised. So this language is left in the resolution:

. . . and shall make recommendations to the House, if the select committee deems it appropriate, for the amendment of existing legislation or the enactment of new legislation.

During the discussion of the rule, my good friend and colleague, the gentleman from Missouri (Mr. BOLLING), indicated if I understood him correctly, that this would give the committee an extension of time, time to adopt rules, determine the scope and nature of the investigation, develop a procedure, and design a program for the investigation.

Mr. Speaker, my amendment provides, that is exactly what they can and should do. During the course of the next 60 days they can adopt the rules, they can design a program of investigation, and they can decide at that point the scope of the investigation rather than leaving this language in the resolution as it is now drafted.

Mr. Speaker, the amendment is just that simple. I think it is a very good amendment and one that certainly can accommodate the wishes of the House.

Mr. BOLLING. Mr. Speaker, I rise in opposition to the amendment.

My very able friend and colleague on the Committee on Rules, the gentleman from California (Mr. DEL CLAWSON), has as usual done an excellent job of presenting the best possible argument for his amendment.

The problem with the amendment is that if it were adopted, it might very well make the whole matter unconstitutional by eliminating the purposes and outlines necessary to make this a House matter. It might also cause a great many people who have agreed with this particular form of resolution, which is a modification of the original proposal, to turn against the resolution on grounds that have been raised by certain civil libertarians.

I do not question the intentions of my friend, the gentleman from California (Mr. DEL CLAWSON), because they are always good, as is his skill of presentation, but I feel that the adoption of this amendment would have a mischievous effect, no doubt not intended, and that it is very important that the amendment be defeated.

Mr. Speaker, I urge the defeat of the amendment.

Mr. BAUMAN. Mr. Speaker, I rise in support of the amendment.

Mr. Speaker, the language which the gentleman from California (Mr. DEL CLAWSON) seeks to strike out is in fact a blank check if indeed this committee or its members wish to divert this investigation into the deaths of these two American leaders into an investigation of the FBI, the CIA, and related agencies.

We have received a number of assurances in this debate that that is not the intent, but I am not assured. For instance, the remarks made by my colleague, the delegate from the District of Columbia (Mr. FAUNTROY), indicated that he had little faith in the conclusions of these agencies, and that, at least as I understood his remarks, he saw in the investigation the possibility of going into the activities of the FBI and CIA.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. Yes, I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, I wish to remind the gentleman that I was not speaking in my own right. I was merely quoting statements from the Select Committee on Intelligence of the Senate with respect to the thoroughness of the investigations by these agencies into these assassinations.

For your consideration, I have noted the following statements from book V—Final report of the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, U.S. Senate:

The Committee has, however, developed evidence which impeaches the process by which the intelligence agencies arrived at their own conclusions about the assassination, and by which they provided information to the Warren Commission. This evidence indicates that . . . the investigation of the assassination was deficient and that facts which might have substantially affected the course of the investigation were not provided the Warren Commission or those individuals within the FBI and the CIA, as well as other agencies of Government, who were charged with investigating the assassination.

Mr. BAUMAN. Mr. Speaker, I take the gentleman's statement to be a clarification, and I accept it as such.

Nevertheless, the language sought to be stricken is overly broad, so broad that it could be used for that purpose. I suggest to the Members that when this resolution was adopted last September, none of this verbiage was in there; and at some time during the last 3 or 4 months it has become necessary, for whatever reason, to broaden the scope well beyond the original jurisdiction.

If this amendment is adopted, read what language is remaining. It gives the committee full authority to investigate the two assassinations and to make legislative recommendations regarding their findings, and that surely answers the constitutional question which the gentleman from Missouri has raised.

Therefore, Mr. Speaker, when we vote on this amendment we are really voting on whether or not we want to investigate the deaths of these two persons, Reverend King and President Kennedy, or whether we want to go well beyond that into a rehash of what the FBI and the CIA did, going over the ground that has been plowed by the select committee in the House and the select committee in the Senate. This language is precisely the kind that offers the chance for publicity seeking and sensationalism.

Mr. Speaker, if we are really serious in wanting these two deaths investigated, instead of having a legislative circus, we ought to adopt this amendment.

Mr. DEL CLAWSON. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from California.

Mr. DEL CLAWSON. If, after the committee has met for the next 2 months and is able to consider all of these matters that are now included in this resolution, it would be possible at that point for the House to consider that broad scope of the committee's jurisdiction and the scope of the investigation itself and it could then be incorporated into a new resolution that could be adopted at that time. Is that not true?

Mr. BAUMAN. I agree with the gentleman from California (Mr. DEL CLAWSON). I do not think the removal of this language will in any way affect the limited 60-day role that this committee is being assigned. Mr. Speaker, we will prejudge this matter if we do not adopt the amendment.

Mr. DEL CLAWSON. Mr. Speaker, I thank the gentleman.

The SPEAKER pro tempore (Mr. NATCHER). The question is on the amendment offered by the gentleman from California (Mr. DEL CLAWSON).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DEL CLAWSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 165, nays 237, not voting 29, as follows:

[Roll No. 13]

YEAS—165

Abdnor	Gaydos	Myers, Michael
Allen	Ginn	Myers, Ind.
Andrews, N. Dak.	Goldwater	Nedzi
Annunzio	Goodling	Nichols
Archer	Gradison	O'Brien
Armstrong	Grassley	Pettis
Ashbrook	Guyer	Pike
Badham	Hagedorn	Poage
Bafalis	Hammer-schmidt	Pressler
Bauman	Hannaford	Pritchard
Beard, Tenn.	Hansen	Pursell
Bennett	Harsha	Quayle
Bevill	Hefner	Quie
Biaggi	Hillis	Quillen
Bonker	Holt	Regula
Brinkley	Hubbard	Rinaldo
Broomfield	Huckaby	Robinson
Brown, Mich.	Hyde	Rostenkowski
Brown, Ohio	Ichord	Rousselot
Buchanan	Jeffords	Rudd
Burgener	Jones, N.C.	Runnels
Burke, Fla.	Jones, Okla.	Satterfield
Burleson, Tex.	Jones, Tenn.	Schulze
Butler	Kasten	Sebelius
Byron	Kelly	Shuster
Carter	Ketchum	Sikes
Clausen, Don H.	Kindness	Sisk
Clawson, Del	Lagomarsino	Skubitz
Cleveland	Latta	Smith, Nebr.
Cochran	Leach	Snyder
Coleman	Lederer	Spence
Collins, Tex.	Leggett	Stanton
Conable	Lent	Steed
Corcoran	Levitas	Steers
Crane	Lloyd, Calif.	Steiger
Daniel, Dan	Lloyd, Tenn.	Stockman
Daniel, R. W.	Lott	Stratton
Davis	Lujan	Symms
Derwinski	Luken	Taylor
Devine	McClory	Treen
Dickinson	McDonald	Trible
Dingell	McEwen	Vander Jagt
Dornan	McKay	Waggonner
Duncan, Tenn.	Madigan	Walker
Edwards, Ala.	Marks	Wampler
Edwards, Okla.	Marlenee	Whitehurst
Erlenborn	Marriott	Wiggins
Ertel	Martin	Wilson, Bob
Evans, Del.	Michel	Winn
Fenwick	Milford	Wydler
Findley	Miller, Ohio	Wylie
Florio	Mitchell, N.Y.	Young, Fla.
Flynt	Moore	Young, Tex.
Fountain	Moorhead, Calif.	Zablocki
Frenzel	Mottl	Zeferetti

NAYS—237

Addabbo	Bolling	Corman
Akaka	Bonior	Cornell
Alexander	Bowen	Cornwell
Ambro	Brademas	Cotter
Ammerman	Breaux	D'Amours
Anderson, Calif.	Breckinridge	Danielson
Anderson, Ill.	Brodhead	de la Garza
Andrews, N.C.	Brooks	Delaney
Ashley	Broyhill	Dellums
Aspin	Burke, Calif.	Derrick
AuCoin	Burke, Mass.	Dicks
Badillo	Burlison, Mo.	Diggs
Baldus	Burton, John	Dodd
Barnard	Burton, Phillip	Downey
Baucus	Caputo	Drinan
Bedell	Carney	Duncan, Oreg.
Beilenson	Carr	Early
Benjamin	Chisholm	Eckhardt
Blanchard	Clay	Edgar
Blouin	Cohen	Edwards, Calif.
Boggs	Collins, Ill.	Eilberg
Boland	Conte	Emery
	Conyers	English
	Evans, Colo.	Lundine
	Evans, Ga.	McCloskey
	Evans, Ind.	McCormack
	Fary	McDade
	Fascell	McFall
	Fish	McHugh
	Fisher	McKinney
	Fithian	Mahon
	Flippo	Mann
	Flood	Markey
	Flowers	Mathis
	Foley	Mattox
	Ford, Mich.	Mazzoli
	Ford, Tenn.	Meeds
	Fraser	Metcalfe
	Fuqua	Mikulski
	Gammage	Mikva
	Gephardt	Miller, Calif.
	Giaimo	Mineta
	Gilman	Minish
	Glickman	Mitchell, Md.
	Gonzalez	Moffett
	Gore	Mollohan
	Gudger	Montgomery
	Hall	Moorhead, Pa.
	Hamilton	Murphy, Ill.
	Hanley	Murphy, N.Y.
	Harrington	Murphy, Pa.
	Harris	Murtha
	Hawkins	Myers, Gary
	Heckler	Natcher
	Heftel	Neal
	Hightower	Nix
	Hollenbeck	Oakar
	Holtzman	Oberstar
	Horton	Obey
	Howard	Ottinger
	Hughes	Panetta
	Ireland	Patten
	Jacobs	Patterson
	Jenkins	Pattison
	Jenrette	Pease
	Johnson, Calif.	Perkins
	Johnson, Colo.	Pickle
	Jordan	Preyer
	Kastenmeier	Price
	Kazen	Rahall
	Kemp	Rangel
	Keys	Reuss
	Kildee	Richmond
	Koch	Risenhoover
	Kostmayer	Roberts
	Krebs	Rodino
	Krueger	Roe
	Le Fante	Rogers
	Lehman	Roncalio
	Long, Md.	Rooney
		Rose
		Rosenthal
		Roybal
		Ruppe
		Russo
		Ryan
		St Germain
		Santini
		Sarasin
		Sawyer
		Scheuer
		Schroeder
		Seiberling
		Sharp
		Shipley
		Simon
		Skelton
		Slack
		Smith, Iowa
		Solarz
		Spellman
		Staggers
		Stark
		Stokes
		Studds
		Stump
		Thompson
		Thone
		Thornton
		Tonry
		Traxler
		Tsongas
		Tucker
		Udall
		Ullman
		Van Deerlin
		Vanik
		Vento
		Volkmer
		Walgren
		Watkins
		Waxman
		Weaver
		Weiss
		Whalen
		White
		Whitley
		Whitten
		Wilson, Tex.
		Wirth
		Wolff
		Wright
		Yates
		Yatron
		Young, Mo.

NOT VOTING—29

Applegate	Frey	Nolan
Beard, R.I.	Gibbons	Nowak
Bingham	Harkin	Pepper
Brown, Calif.	Holland	Railsback
Cavanaugh	LaFalce	Rhodes
Cederberg	Long, La.	Teague
Chappell	Maguire	Walsh
Coughlin	Meyner	Wilson, C. H.
Dent	Moakley	Young, Alaska
Forsythe	Moss	

Mr. BALDUS changed his vote from "yea" to "nay."

Messrs. LUKEN and LEVITAS changed their vote from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LOTT

Mr. LOTT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOTT: On page 3, strike all after line 13 through the word "State" on line 18.

Mr. LOTT. Mr. Speaker, this amendment would strike the language allowing the committee to designate a counsel to take statements from witnesses.

House Resolution 222 contains a provision on page 3 which permits the select committee to designate counsel to obtain statements from any witness who is placed under oath by an authority who is authorized to administer oaths in accordance with the applicable laws of the

United States or of any State. This means that the select committee could designate a staff member of its professional staff to interview a witness who had been placed under oath by any person authorized to administer oaths either by Federal or State law. The interview could be recorded, transcribed, and made a part of the official record of the select committee. All of this, it should be pointed out, could be done without even one member of the select committee being present at the time.

It is claimed that there is a precedent for a designated counsel. It is said that House Resolution 803, which authorized the House Judiciary Committee's impeachment investigation, granted that committee very similar authority.

What the impeachment investigation resolution did was to require by subpena or otherwise the attendance and testimony of any person, and this power was extended to include the attendance and testimony by a witness at the taking of a deposition by counsel for the committee. Translating this provision in House Resolution 803 into practice, I am advised that the Judiciary Committee sent its counsel, both majority and minority, to interview potential witnesses. Statements were taken and brought back to the committee. Based on the information revealed in these statements, or deposition if you prefer, the Judiciary Committee would make a decision as to whether or not to call a particular witness to testify before the full committee.

What kind of a precedent is this for allowing a designated counsel to take the sworn testimony of a witness without even one member of the select committee being present and having this testimony made a part of the official select committee record?

I submit that the provision cited as a precedent is not one, that there is no precedent for such conduct by a select committee of the House of Representatives, and that there is no compelling reason to allow this loose method of investigation to begin today with the passage of this resolution as it now reads.

I wonder how many of you have been satisfied with the actions of the Select Committee on Assassinations we established last year?

How many of you approved of the press statements of select committee counsel Richard Sprague?

How many of you were shocked when Sprague asserted that his committee had to have $6.5 million this year alone to do its job? The House Judiciary Committee only spent $1.5 million over a 1-year period with its impeachment investigation and hearings.

How many of you feel select committee counsel Sprague should be allowed to hire 170 people for this investigation?

Did you know that the select committee placed 23 people on its payroll on January 1 with full knowledge that its authority would expire January 3? The prospective chairman of the select committee GONZALEZ has testified that he did not know about this.

And now the Sprague committee has demanded this unusual, if not unprecedented, designated counsel.

Should we not at least preserve this one small last vestage of control over the select committee? Let us wait and see what they do for this 60 days. Let is look at the rules they adopt.

We can change our position then if we feel it is justified. Let us witness their actions and judge their sincerity.

Therefore, I urge the adoption of my amendment to knock out the designated counsel provision. If we must conduct this investigation, let us, the elected representatives of the people, do it and not farm out to others a responsibility that we have created for ourselves in the first place.

Mr. PREYER. Mr. Speaker, I rise in opposition to the amendment.

I submit, Mr. Speaker, that this is neither new, nor novel authority which the committee is being given. It simply will help make this a better investigation. The gentleman from Mississippi (Mr. LOTT) argues that there is no precedent for it. The House Impeachment Committee was authorized to use this procedure, and actually its authorization was not as restricted as the one that is being used here.

Second, I think that it may not be understood that the fact that designated counsel may take a statement does not give them subpena power. What it in fact does, is allow a willing witness who wishes to make a statement do so under oath. The oath is not given by counsel, it is given by a notary public. Once he is placed under oath, the witness can refuse to answer the question, but it will help keep a witness from giving false information. If a witness knows that his testimony is under oath and that possible risk of perjury can ensue from it, it is going to focus his attention wonderfully on being more truthful.

Third, the purpose of this is to avoid the expense of either bringing witnesses to Washington or requiring committee members to travel to take the testimony of those witnesses whose statements may be relatively inconsequential and would not justify that sort of trip.

Again, I want to emphasize that the gentleman from Texas (Mr. GONZALEZ) has said that the committee will establish strict guidelines covering the rights of witnesses and making sure that they are protected. This procedure is implicit in rule XXVIII of the Federal Rules of Civil Procedure. It is like taking a deposition in a normal civil or criminal case, and it does not seem to me that there is any sweeping authority we are giving. It is neither too new, nor too novel. It is very helpful to those conducting the investigation, and I urge defeat of the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Mississippi (Mr. LOTT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LOTT. Mr. Speaker, I object to vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Two hundred fifty-one Members are present, a quorum.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. THOMPSON

Mr. THOMPSON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON: On page 4, line 25, after the word "witness", insert the following, ", except that the select committee shall not be considered a standing committee of the House of Representatives for the purpose of Clause 6(a) and Clause 6(b) of Rule XI of the Rules of the House of Representatives"

Mr. THOMPSON. Mr. Speaker, the amendment which has been read is proposed to clear up what I perceive as an ambiguity in the resolution that we are considering.

I wish to ask the gentleman from Missouri (Mr. BOLLING) if it is his intention that the language in question would authorize the select committee to employ the standing committee staff members authorized under clause 6 of rule XI of the House.

Mr. BOLLING. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I yield to my distinguished colleague, the gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, it is not the intention of the Committee on Rules nor of the members of the select committee from the last Congress that that be the case. There is no intention that the select committee have the right to the staff provided under the section of the House rules the gentleman cited.

Mr. Speaker, I am happy to accept the amendment.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. I thank the gentleman for yielding.

Mr. Speaker, is it my understanding that unless this amendment is adopted, the possibility exists that the committee could make claim to well in excess of $100,000 a month and 30 staff members, as every standing committee might have?

Mr. THOMPSON. The gentleman is quite correct. Under clause 6 of rule XI of the House Rules, committees having the status of a standing committee are entitled to 30 statutory employees. Currently, the annual cost for them would be $1,192,400 or, as the gentleman has stated, aproximately $100,000 per month in addition to that which is authorized in the resolution.

Mr. BAUMAN. I thank the gentleman, and I support the amendment.

Mr. BOLLING. Mr. Speaker, I accept the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. THOMPSON).

The amendment was agreed to.

Mr. SIMON. Mr. Speaker, I move to strike the last word.

Mr. Speaker and my colleagues in the House, I rise in opposition to the resolution.

I would like to make clear that I do not for a moment defend the action of the Justice Department in releasing the report it did today, which the gentlewoman from California referred to ear-

lier, nor in their denial of access to that report. I think that both actions are not defensible.

There are questions on both assassinations. But we should remember that last year a new book came out, the latest of a series of books, on the assassination of Abraham Lincoln. A hundred years from now there will be books published on the assassinations of John F. Kennedy and Martin Luther King, Jr. I think we are best advised to let historians look at these matters.

A few weeks ago I received a letter from a gentleman in Saginaw, Mich., a Dr. Mudd, who knew of my interest in history. His grandfather set the leg of Mr. Booth, who killed Abraham Lincoln, and Dr. Mudd says his grandfather was wrongly imprisoned, and that Congress should act on the matter to clear his grandfather's name.

I am interested in history, and I hope that historians will delve into these matters very, very carefully, but I see nothing productive happening by our doing it.

This afternoon I called the distinguished John J. McCloy. Many of us here know him. He served on the Warren Commission. I asked him, "How would you vote if you were voting today?" He said:

> Frankly, I do not know the details of the King assassination, but nothing is to be gained in the area of the Kennedy assassination.

I think we in Congress do the right thing and honor these two men by fighting for the things they stood for, such as getting jobs for people who are unemployed. Let us concentrate our efforts in this session of Congress and the attention of the people of this Nation not on what might have been but on what should be.

Mr. Speaker, I think the resolution should be defeated.

Mr. DODD. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of House Resolution 222 to recreate a House Select Committee on Assassinations to continue studying the deaths of President John F. Kennedy and the Rev. Martin Luther King, Jr.

This resolution would allow the committee to operate on a limited budget for the next 2 months. This would give the committee the opportunity to reevaluate and justify its proposed, overall budget and to prove through its investigation that it should be allowed to continue with its inquiries after that date.

I urge all my colleagues in the House of Representatives to cast their ballots for this measure, and to defeat any possible amendments aimed at hampering this select committee in its future efforts to carry out a much-needed reinvestigation into these terrible crimes.

During the last 3 months of the 94th Congress and the first month of the new, 95th Congress, the select committee and its recreation have been the source of many questions and much controversy.

Some of these questions have been based on legitimate concerns, Mr. Speaker, but the controversy itself has, I believe, been unwarranted and has diverted attention from what should be the central concern of all of us in this matter.

That concern should be whether the deaths of a President and the foremost civil rights leader of our time should be reinvestigated—whether ample reasons exist for having the House of Representatives spend its time and the taxpayers money on such a study.

I believe such reasons do exist, Mr. Speaker, and that a properly directed, prudently administered investigation—conducted by a dedicated select committee staff and controlled by the Members of Congress on the committee—will justify the time and reasonable expense of such an investigation.

I will not dwell on the many reasons for this new inquiry other than to say significant unanswered questions exist about the deaths and about the past investigations into those assassinations. These questions are documented in many official sources, including the report issued by the select committee at the end of the last Congress and in testimony before the House Judiciary Subcommittee on Civil and Constitutional Rights, which has oversight responsibilities for the Federal Bureau of Investigation—FBI.

As a member of both the select committee and the Judiciary Subcommittee last Congress, I can assure my colleagues that these questions are compelling. I also belive they should be answered once and for all, and that this House Select Committee on Assassinations represents the best opportunity for this to happen.

What I would like to concentrate on in my remarks, today, Mr. Speaker, are the questions of controversy which have surrounded the select committee recently. I think I can provide some useful information to my colleagues, which should serve to answer their questions and to still their doubts.

I further believe that the answers to these questions demonstrate that the members and staff of the select committee have been aware of these concerns, and that they are committed to dealing with them in a manner which can only bring credit and increased credibility to this House and the Government of the United States.

These questions are primarily focused in four areas:

First, a proposed overall budget for the select committee; second, constitutional and civil rights concerns about committee investigative techniques; third, whether members of the committee, or its staff, will be in charge of the investigation; and fourth, what will be the committee's attitudes toward the FBI and the Central Intelligence Agency—CIA?

As a member of the House Rules Committee, I asked these very questions 2 weeks ago to our colleague from Texas (Mr. GONZALEZ), who is expected to become the chairman of the select committee.

His responses, which I shall place in the RECORD at the conclusion of my remarks, establish the following:

First. That the proposed $6.5 million budget for the select committee already is being reevaluated with the view toward decreasing it to the "irreducible minimum" necessary to carry out the independent, thorough investigation the House would want.

To exercise strict control over any committee expenditures, and insure that control is placed in the hands of the members of the committee, our distinguished colleague (Mr. GONZALEZ) also stated he would be willing to have written in the committee's rules language to the effect that all major expenditures, including travel, should be approved by the appropriate subcommittee or committee chairman.

My own feelings are that the proposed budget can and should be reduced, and that strict spending controls can be built into the committee's rules, so that any expenditure is carefully considered and determined to be necessary before it is actually made.

Second. That the committee rules will contain language aimed at protecting the constitutional and civil rights of witnesses; that any investigative techniques will be discussed and voted on by the committee before they are used; and that the committee is committed to carrying out an investigation of the highest professional and ethical standards.

Third. That language will be considered for the committee rules to exercise strict control over all members of the committee staff and to insure that only the chairman and subcommittee chairmen will issue policy statements to the press and report on the progress of any investigations. I might add that leaks should be strictly prohibited.

Fourth. That the select committee is not out to "get" the FBI or the CIA, but rather intends that its investigation deal objectively with the actions of these agencies as they relate to these assassinations.

It would be my personal hope that whatever legislative recommendations which stem from the select committee's investigations will result in these agencies being better able to fulfill the responsibilities they were established to handle.

In summary, Mr. Speaker, I believe that the questions raised about recreation of this committee have been addressed, and that the answers should satisfy those concerned about protecting constitutional rights, reducing the committee budget, controlling the committee staff, and avoiding attacks on the FBI and CIA.

I think this select committee should now be allowed to get down to business—to continue the work the last Congress in its wisdom thought should be done, and which I believe the American people support—reinvestigation of the assassinations of President Kennedy and Dr. King.

I am confident the select committee will more than prove its worth in this time and demonstrate without question that it should be allowed to continue to complete these needed inquiries.

I call my colleagues attention to the following testimony by the distinguished gentleman from Texas (Mr. GONZALEZ)

before the House Rules Committee, on January 25, regarding the House Select Committee on Assassinations:

Mr. DODD. Mr. Chairman, I would like to compliment you on your statement and your response to these questions that have been brought forth by the members of this committee. I feel, as Mrs. Chisholm does, and others on this committee, that the main thrust, the main purpose for which we are here today has been somehow sidetracked as a result of several questions which have been raised since the committee was constituted in the last Congress, and I would like, if I could, to try and synthesize, being the last person on this committee to have an opportunity to question you, to try to bring together some of these questions and ask you some direct questions in regard to these three or four areas that I think have really, in a sense, sidetracked our efforts to have this committee constituted.

I can't help but feel this is reminiscent of other committees that have been charged with similar responsibilities, who have seen their efforts sidetracked because of ancillary issues that have surfaced.

I feel, as I listened to my colleagues on this committee and in the House, that there is strong support for the constitution of this committee, albeit some problems may exist in the three or four areas I would like to ask you about.

One is the budget; the second is the techniques, certain techniques that have been raised; the third is staff; and the fourth I suppose would be the focus of the committee's attention with regard to certain agencies, specifically the F.B.I. and the C.I.A.

With regard to the budget, would you instruct your budget officer to begin a complete reevaluation of the entire budget with the view toward reductions in that budget? Are we wedded to any particular figure, the $6.5 million, or is there going to be an entirely new reevaluation process of our budget needs and demands?

Mr. GONZALEZ. There never has been a thought in my own individual mind that we were wedded to any figure and, as a matter of fact, as a suggestion, because really I know nothing; I have precisely asked for a reevaluation on the part of the professional staff, what really is the irreducible minimum without in any attempt trying to make that the main order of business now, but looking forward in case the committee is reestablished, to bring up for discussion with the committee and get a consensus of the committee.

I believe in traveling on consensus, where I have had the honor of being chairman of subcommittees and so forth; it is the only way I have of going, and I wouldn't want it any other way. So I would say that that would be an absolute need to reevaluate, to re-estimate, and to re-organize.

Mr. DODD. In conjunction with that, would you be willing to have written into the rules of the committee language to the effect that all major expenditures, particularly in the area of travel, purchases, and so forth, should be approved by the appropriate subcommittee or chairman of that committee so that we would have, or the committee would have, some sort of control over the budgetary process as we move through the investigation?

Mr. GONZALEZ. Yes, sir; I would favor that.

Mr. DODD. I wonder if in light of that, and I don't want to take up too much more of the committee's time with it, but I think it might be helpful for the members of this committee to have some idea if you could describe in broad detail the magnitude of the task we are undertaking in terms of documents, the possible number of people—just in broad figures—you may be wanting to talk to, so the committee might have some idea of how large this undertaking will be.

Mr. GONZALEZ. I don't have as precise a figure as I would like to have, and I would like to ask your indulgence to recognize the chairman of the subcommittee on Kennedy, who has been briefed on this, and is on top of the matter, and if he is present, the chairman of the subcommittee on the Martin Luther King assassination, Congressman Fauntroy, because I think they can give you a better grasp of what we are talking about in the number of witnesses and the range of the investigation than even I could at this time.

Even though I have been briefed, I think they have been there from the beginning and have had a chance to follow it more closely than I have, and I think briefly they could better fill in than I could at this point, if you think it is all right.

Mr. PREYER. To try to put that one in some sort of manageable compass, I would say in the Kennedy assassination subcommittee the staff has drawn up a list of almost three hundred questions which they consider as basic questions to which they are committed to finding answers, and they have drawn up a list of witnesses which run over a hundred, as I recall right now, so I think that gives you some idea of the scope of the investigation.

Mr. DODD. That is an initial list. Presumably these questions will raise additional questions and witnesses will raise questions about potential other witnesses?

Mr. PREYER. Yes, as you go into the investigation of this sort, it creates a sort of bandwagon effect that people begin to volunteer information, apparently feeling that the committee is going to get them and they are going to get in first with their information, or again maybe it is a sort of bandwagon effect from other volunteering, so new leads come in every day.

One of the reasons I think it is important that the committee go forward with a substantial investigation and not some preliminary study investigation is that you would dry up these leads and this sort of bandwagon effect.

Mr. GONZALEZ. May I emphasize one point? As vice chairman, I was not consulted on hiring. I was just as much informed as some of you were on the number of twenty-three on January 1. so the briefings I received were briefings in conjunction with other members of the committee, and about a week or so ago, Congressman Preyer had the courtesy of having some of the staffers of his subcommittee brief us on their developments, and this is the reason I don't know how to grasp the magnitude because I don't know what consultation there had been at the time between the staff director and the then chairman, and this is why I favor your suggestion that before you have any substantial hiring or appreciable hiring, that this be cleared through the subcommittee first.

Mr. DODD. That will be a practice that you will follow as chairman of that committee?

Mr. GONZALEZ. I would hope to.

Mr. DODD. With regard to some investigative techniques, and I will try to move along, I am going to read some statements and I ask you to either respond yes or no, and expound if you want

To increase the assurance that all constitutional, lega. and ethical requirements will be preserved, are you willing to spell out in the committee rules the following: one, that before being employed, all investigative techniques will be discussed and voted on by the full committee?

Mr. GONZALEZ. Absolutely; yes.

Mr. DODD. Would you be willing to consult with the appropriate committees of Congress, for instance, the Subcommittee on Constitution and Civil Rights of the Judiciary Committee, with regard to some of these techniques as to their possible concerns or questions they may have?

Mr. GONZALEZ. I would consider that indispensable.

Mr. DODD. That the committee is committed to the following highest constitutional, legal, moral and ethical precedents, methods in carrying out the investigation?

Mr. GONZALEZ. Yes, sir; I have committed myself to that before, and I wish to reiterate that position.

Mr. DODD. That the rights of witnesses will be scrupulously protected to the extent of reiterating what is already in the House Rules as to witnesses being allowed counsel, rights during a hearing, allowed counsel even when giving testimony and depositions to one committee staff during field investigations?

Mr. GONZALEZ. Absolutely. Yes, sir.

Mr. DODD. On what basis, Henry, will the committe use polygraphs and stress analyzers? This has raised questions that have been brought out in the past, and are you willing to stipulate strict controls over these uses in committee rules?

Mr. GONZALEZ. In my opinion, none whatever. If such were to be desired, it would have to be on the request of some individual who would want to prove a point himself and volunteer to do so, but under no circumstances where it would involve the purchase on our part of that type of equipment, or even the use of it without all of the constitutional safeguards.

Mr. DODD. With regard to the staff, the problems that have been raised in this area, some suggestions have been made, and I think members of the committee particularly were reassured by your response to Mrs. Chisholm's question regarding the status of staff people jeopardizing the existence of the committee, but I would like to know whether or not you, as chairman of the committee, would be willing to draft in the committee rules specific language along the lines of those drafted for the House Impeachment Committee, stipulating no statements by staff to the press, and that leaks will be absolutely prohibited?

Mr. GONZALEZ. Yes, sir. May I point out I requested such rules and received some written that had no reference to that but then it was communicated to me by a member of the staff that the counsel on the committee said they had unwritten but verbal understandings as to the rules they would follow along this line. I would prefer to have some written guidelines, pinning this down as you suggest.

Mr. DODD. In light of that, with that, are you willing to state in the committee rules that only the chairman or subcommittee chairman articulate policy statements and speak for the committee as to the progress and nature of the investigations?

Mr. GONZALEZ I would, and I would add that that be done only after a consensus has been attempted to be obtained from the committee.

Mr. DODD. The last point, Henry, I would like to address is the question of our focus with regard to the Federal investigatory agencies. It has been the feeling of some Members of Congress that part of the investigation, just by the very nature of the investigation, would have to address the role that the C.I.A. and the F.B.I. and other possible agencies had with regard to these two assassinations, but that, in itself, has raised some questions as to whether or not we would, in effect, be bringing down or bringing to their knees these agencies.

I wonder if you might address what you see as the focus of the committee's attention with regard to those agencies? Is my statement basically correct, or do you see a broader role for this committee to play?

Mr. GONZALEZ. I think you are essentially correct. As a matter of fact, what has happened up to now clearly indicates that we have had—I don't think we can truthfully say we have not received the cooperation of the F.B.I. The committee, even though it has issued subpoenas, has not acquired any physical control of evidence because there has been no ability to safeguard it, so if the staff is searching documents that have been described in a subpoena, they have done so on

the premises of the F.B.I. or C.I.A., so I can't visualize coming in with a frontal attack and making that the main basis of the committee's work on these agencies.

Mr. DODD. Thank you, Mr. Chairman.

Mr. BOLLING. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I know of no other amendments to be offered, and I propose to take 1 minute to reiterate my view.

I have great sympathy with my friend, the gentleman from Illinois (Mr. SIMON), and I have great respect for him.

I happen to believe that there is a strong possibility that there is real evidence, new evidence, particularly in the Martin Luther King matter. I respect the gentleman's view and perhaps agree with it in part, but I think it would be a disaster if this House did not reconstitute this committee and did not take the opportunity to see if there is not real new evidence in the King matter and in this case satisfy the American people and also the members of the King family who are now living.

Mr. Speaker, I urge that the resolution be agreed to overwhelmingly.

Mr. RUDD. Mr. Speaker, I strongly oppose recreation of the Select Committee on Assassinations to conduct an unnecessarily expensive exhaustive investigation of the assassinations of our President John F. Kennedy, and Martin Luther King.

Such an effort is wasteful duplication of work that has been satisfactorily done before.

To my knowledge, absolutely no new evidence has turned up since the original investigations to question earlier conclusions in the reports on the two respective assassinations.

Neither has any new evidence turned up to indicate that assassins other than Lee Harvey Oswald or James Earl Ray were responsible for and committed the two crimes involved.

Quite frankly, I think this has been a headline-hunting operation. How could it be anything else?

The fact that the House is now being asked to extend the life of this committee for only 2 additional months, just so its staff can try once again to produce any hard evidence of new information to justify a further 2-year investigation, demonstrates that this entire assassination probe is a frantic exercise in futility, rather than a serious and needed effort in the public interest.

If such hard evidence of new information does not exist now—after the committee has worked for 4½ months with access to all the voluminous material that is available—then the committee deserves to go out of existence immediately.

Mr. Speaker, it has been 13 years since the death of our President Kennedy, and more than 8 years since the death of Dr. King. Since the original exhaustive investigations of their deaths, and the public disclosure of all known facts about these assassinations, original physical evidence has been repeatedly examined, resulting in the same conclusions.

Memories have faded, principal witnesses have died or moved away—even to foreign lands.

The trail is stone cold, and even a trained professional investigative arm such as the Federal Bureau of Investigation would have difficulty conducting a proper investigation now.

The 4½-month existence of this committee has already fanned the flames of rumor, distortion, and unwarranted distrust of law enforcement agencies. Widespread publicity and the dissemination of unprovable theories and allegations have created further unnecessary emotional trauma and public confusion.

But the committee has not contributed one iota of new information for the public record. It has not benefited the public in any way, or been a credit to the Congress.

I urge a "no" vote on re-creation of the Select Committee on Assassinations. The Congress needs to turn away from media events, and get down to the real business of helping to solve some of our Nation's pressing economic problems.

Mr. SKUBITZ. Mr. Speaker, the underlying questions before us today is what will be accomplished if the Select Committee on Assassinations is established as provided by House Resolution 222. Thirteen years ago the tragic death of President Kennedy shocked the Nation. Extensive investigations were held and the Kennedy family has not indicated its dissatisfaction or requested the case be reopened. Martin Luther King was murdered 8 years ago.

I sincerely believe that after 13 years nothing will be accomplished other than a needless expenditure of taxpayers' dollars, a possible international incident or two caused directly by the Select Committee, and perhaps the publication of a book or two by enterprising staffers based on materials gathered at public expense.

Should the Select Committee be reestablished, there will still be questions left unanswered about the deaths of President Kennedy and the Reverend King. It may well be that some years later another Select Committee will be established but the purpose of this committee will be to investigate the methods and findings of the Select Committee on Assassinations established by House Resolution 222.

Nobody wants to put truth on the back burner. But there is simply little the select committee could do which is not now within the authority of the Judiciary and Government Operations Committees and the other standing committees of the House.

Nothing the Select Committee can do will bring back the lives of President Kennedy and Reverend King. And there is nothing a Select Committee can do to lift these two men to higher levels of esteem by our Nation's people.

There are very significant legal problems with this resolution.

As you will recall the original resolution establishing the Select Committee last year provided that the committee would have the authority to conduct its investigation only within the United States and our territories.

The language of House Resolution 222, however, would provide that the Select Committee could hold hearings in "any other country." And authorizes the select committee—

To hold hearings . . . in any other country . . . and to require by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary; to take testimony and oath anywhere within the United States or in any other country . . .

Under the doctrine of United States against Cuesta, a committee must be authorized to conduct investigations in geographic areas, and without such an authorization a committee would have no jurisdiction to act. In this particular case an indictment for contempt of Congress for failure to appear in response to a subcommittee subpena was discussed because no authority had been adopted to empower the subcommittee to hold hearings in Puerto Rico.

In House Resolution 222 not only is the select committee authorized to hold hearings and issue subpenas within the United States, including any commonwealth and possession, but also in any other country.

The addition of the last phrase "in any other country" is not an authorization such as could have provided jurisdiction to the committee in the Cuesta case to act in Puerto Rico.

It is not the kind of authority such as was possessed by U.S. courts as an aspect of international good will to empower the taking of depositions from courts of foreign jurisdictions, a power now granted by statute, and covered by an international convention.

As it was stated in 1887 California Federal Circuit Court Pacific Railroad Commission case, no act of any kind, for the securing of information abroad, could be invoked by an investigation committee appointed by Congress. To my knowledge the situation is no different now than it was then. If a congressional committee is to carry on hearings in other countries to subpena witnesses, its ability to do so will depend entirely upon the consent of the sovereign foreign nation. No convention exists nor does any concept of international treaty exist upon which such an exercise of authority by a congressional committee can be made.

Disagreeable or unsatisfactory situations might arise unless the House is certain in advance, that another nation would be cooperative to a request from a select committee.

Before the House grants the proposed select committee any such authority, I believe that we should be informed of the countries where investigations are planned, whether cooperation can be expected, and what guarantees exist for their cooperation. If the sponsors of the resolution cannot now provide this information, surely the wisest course would be to defeat this proposal before it votes a possible international incident into being.

Mrs. HOLT. Mr. Speaker, I am aware that many citizens of our country still harbor grave doubts and questions relating to the circumstances of the assassinations of President John F. Kennedy and the Reverend Dr. Martin Luther King Jr., although those tragic events occurred 13 years ago and 9 years ago, respectively.

A cloud of suspicion attendant to

those events has been hanging over our political life for too many years. It has fueled by rumors, speculation, and publicity-seeking sensationalists who profit from making astounding assumptions about conspiracies.

Some members of this House argue that House Resolution 222, authorizing creation of a select committee of the house to investigate the assassinations and related matters, is necessary to resolve all the lingering doubts, suspicions, and rumors.

What worries me, Mr. Speaker, is that the revival of this select committee, which has already done some preliminary work by authority of the 94th Congress, will start our country on a new orgy of suspicions and ugly speculations inspired by publicity on every scrap of information unearthed by the committee. It may resolve nothing.

Are we about to set off on a long fishing expedition for sensations? Have we not had enough sensations in the past few years? What, specifically, does the committee hope to accomplish?

I must say that I hope my doubts about House Resolution 222 can be resolved by the debate today on this matter. Perhaps those who have served on this select committee can persuade me that there is substantial new evidence to be unearthed. Perhaps they can persuade me that the official investigations of the assassinations did not go far enough or produced wrong conclusions.

If such is the case, then I could see the justification for a new investigation by the select committee, but I continue to have serious qualms about the impact of a new investigation on our country.

The events to be investigated occurred years ago. Since that time, we have struggled through an unpopular war, political scandal at the highest levels, a terrible recession, and the wounds inflicted by those grave national troubles.

Many of us in recent days have been talking about a new mood of public confidence abroad in the land, the feeling that America is recovering from the unhappy experiences of recent years.

Is this the time to return to older tragedies? Is this the time to open old wounds and revive unpleasant passions?

Mr. Speaker, we should not breathe life into this select committee except for the most compelling reasons. And I want to hear the reasons.

Mr. BARNARD. Mr. Speaker, one of my top priorities as a Member of Congress is to get across to the managers of government the importance of economy in the spending of tax funds. And much like charity, economy must begin at home.

That is why I have worked to eliminate the incredible $6.5 million budget for the House Select Committee on Assassinations.

If the 1960's taught us anything it is that throwing money at problems will not necessarily lead to solutions. Neither will creating a huge bureaucracy within the House of Representatives necessarily lead to a definitive answer to conspiracy questions involving the tragic murders of a President and a famed civil rights leader.

In recent history there have been a number of significant congressional investigations, but the cost of even the most wide-ranging of these probes amounted to a mere fraction of what some would have us spend on the assassinations panel.

I have no objection to a congressional committee or a division of the Justice Department allocating some experienced and trustworthy investigators to examine whether government investigative agencies properly pursued all leads in recent assassinations. If they uncover wrongdoing or find hard evidence of conspiracy, then we can allot more resources to get at the truth.

But thus far the press has raised almost as many serious questions about the man named to manage this assassination probe and the methods he sought to use than many of us have seen about the assassinations themselves.

Based on the evidence at hand, it is ludicrous to spend $6.5 million this year alone to hire 170 people to chase the windmills of assassination theories.

The Federal Government's printing press does not turn out free money. Every penny of this $6.5 million would come out of your pocketbooks. There's more than a bit of truth behind the contention of a colleague that this select committee is "a bureaucrat's dream and a taxpayer's nightmare."

Mr. STOKES. Mr. Speaker, I rise in support of House Resolution 222, the Select Committee on Assassinations.

Mr. Speaker, on November 22, 1963, President John F. Kennedy was slain in Dallas, Tex., and on April 4, 1968, Dr. Martin Luther King, Jr., was murdered in Memphis, Tenn. The fact that these murders took place is a matter of history. This is clear. What is not clear, however, is what person, group, or nation committed these atrocities? I do not mean to imply that the sole impetus to resolve these crimes is out of historical curiosity or out of a desire to solve two of the most insidious murders of this century. The real issue, the burning question behind the slayings of President Kennedy and Dr. Martin L. King, Jr., represents a constitutional dilemma. For in a government under law, in a government where officials are elected to represent the people, and in a society where free speech is a guarantee of the first amendment, it is an affront to every man, woman, and child to have two national leaders silenced by the pulling of a trigger.

Mr. Speaker, as Congresspersons FAUNTROY, BURKE, FORD, and I wrote in our December 31, 1976, supplemental views to the Select Committee's report, 80 percent of Americans polled do not believe that the assassination of President Kennedy has been resolved, while 69 percent of the Americans polled do not believe that the assassination of Dr. King has been resolved. In short, the majority of Americans have little guarantee that the mandate of the first amendment will have future viability.

Mr. Speaker, if Congress is to restore confidence to the people of this Nation it must begin with a thorough investigation of the Kennedy and King assassinations. House Resolution 222 offers the Congress the opportunity to do just that.

Mr. Speaker, as you know, the select committee was originally created by House Resolution 1540 on September 17, 1976. It officially expired at the conclusion of the 94th Congress on January 3, 1977. Since the inception of the select committee, I have been extremely impressed by the work that has been done by its legal and investigative staff. However, since January 3, 1977, the committee has had no authority to issue subpenas, pay staff, or guard against the destruction of valuable evidence.

Mr. Speaker, it is also important for the Congress to realize that a vote in favor of House Resolution 222 is only to reconstitute the committee. It is not a vote to authorize the annual $6.5 million budget that the committee has requested. The proposed budget will be debated and voted on in the near future. Moreover, the limits of the investigative techniques and ethical considerations will be closely scrutinized under House Resolution 222.

Mr. Speaker, by our votes in favor of the Select Committee on Assassinations we can and must continue the important work that has already begun.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 237, nays 164, answered "present" 1, not voting 29, as follows:

[Roll No. 14]

YEAS—237

Addabbo	Cavanaugh	Gammage
Akaka	Chisholm	Giaimo
Alexander	Clay	Gilman
Ambro	Cohen	Goldwater
Ammerman	Coleman	Gonzalez
Anderson, Calif.	Collins, Ill.	Gore
	Conte	Gradison
Anderson, Ill.	Conyers	Gudger
Andrews, N.C.	Corman	Hamilton
Annunzio	Cornell	Hanley
Ashley	Cotter	Harrington
AuCoin	Crane	Harris
Badillo	D'Amours	Heckler
Baldus	Danielson	Hefner
Baucus	de la Garza	Heftel
Beard, R.I.	Delaney	Hollenbeck
Bedell	Dellums	Holtzman
Bellenson	Dicks	Horton
Benjamin	Diggs	Howard
Biaggi	Dodd	Hughes
Blanchard	Downey	Ichord
Blouin	Drinan	Jeffords
Boggs	Early	Jenrette
Boland	Eckhardt	Johnson, Calif.
Bolling	Edgar	Johnson, Colo.
Bonior	Edwards, Calif.	Jordan
Bowen	Emery	Kasten
Brademas	Evans, Colo.	Kastenmeier
Breaux	Evans, Ind.	Kazen
Brodhead	Fary	Kemp
Brooks	Fenwick	Kildee
Brown, Ohio	Findley	Koch
Broyhill	Fish	Kostmayer
Buchanan	Fisher	Krebs
Burke, Calif.	Fithian	Krueger
Burke, Mass.	Flood	Le Fante
Burlison, Mo.	Florio	Leach
Burton, John	Flowers	Lederer
Burton, Phillip	Foley	Leggett
Byron	Ford, Tenn.	Levitas
Caputo	Fountain	Lloyd, Calif.
Carney	Fraser	Long, Md.
Carr	Frenzel	Luken

Lundine	Pease	Stark
McCloskey	Perkins	Stokes
McDade	Pettis	Studds
McFall	Pickle	Stump
McHugh	Preyer	Thompson
McKinney	Price	Thone
Markey	Pritchard	Thornton
Marks	Rahall	Tonry
Mathis	Rangel	Treen
Meeds	Reuss	Trible
Metcalfe	Richmond	Tsongas
Mikulski	Rinaldo	Tucker
Miller, Calif.	Roberts	Udall
Mineta	Rodino	Ullman
Minish	Roe	Vander Jagt
Mitchell, Md.	Rogers	Vanik
Mitchell, N.Y.	Roncalio	Vento
Moakley	Rooney	Volkmer
Moffett	Rose	Walgren
Montgomery	Rosenthal	Waxman
Moore	Roybal	Weaver
Moorhead, Pa.	Ruppe	Weiss
Murphy, Ill.	St Germain	Whalen
Myers, Gary	Santini	White
Myers, Michael	Sarasin	Whitley
Natcher	Sawyer	Whitten
Neal	Scheuer	Wilson, C. H.
Nix	Schroeder	Wilson, Tex.
Nolan	Schulze	Wirth
Oakar	Seiberling	Wolff
Oberstar	Sharp	Wright
Obey	Shipley	Yates
Ottinger	Slack	Yatron
Panetta	Smith, Iowa	Young, Mo.
Patten	Solarz	Zablocki
Patterson	Spellman	
Pattison	Staggers	

NAYS—164

Abdnor	Gephardt	Murtha
Andrews, N. Dak.	Ginn	Myers, Ind.
Applegate	Glickman	Nedzi
Archer	Goodling	Nichols
Armstrong	Grassley	O'Brien
Ashbrook	Guyer	Pike
Badham	Hagedorn	Poage
Bafalis	Hall	Pressler
Barnard	Hammer-schmidt	Pursell
Bauman	Hannaford	Quayle
Beard, Tenn.	Hansen	Quie
Bennett	Harsha	Quillen
Bevill	Hightower	Regula
Bonker	Hillis	Risenhoover
Breckinridge	Holt	Robinson
Brinkley	Hubbard	Rostenkowski
Broomfield	Huckaby	Rousselot
Brown, Mich.	Hyde	Rudd
Burgener	Ireland	Runnels
Burke, Fla.	Jacobs	Russo
Burleson, Tex.	Jenkins	Ryan
Butler	Jones, N.C.	Satterfield
Carter	Jones, Okla.	Sebelius
Clausen, Don H.	Jones, Tenn.	Shuster
Clawson, Del	Kelly	Sikes
Cleveland	Ketchum	Simon
Cochran	Keys	Sisk
Collins, Tex.	Kindness	Skelton
Conable	Lagomarsino	Skubitz
Corcoran	Latta	Smith, Nebr.
Cornwell	Lehman	Snyder
Daniel, Dan	Lent	Spence
Daniel, R. W.	Lloyd, Tenn.	Stanton
Davis	Lott	Steed
Derrick	Lujan	Steers
Derwinski	McClory	Steiger
Devine	McCormack	Stockman
Dickinson	McDonald	Stratton
Dingell	McEwen	Symms
Dornan	McKay	Taylor
Duncan, Oreg.	Madigan	Traxler
Duncan, Tenn.	Mahon	Van Deerlin
Edwards, Ala.	Mann	Waggonner
Edwards, Okla.	Marlenee	Walker
English	Marriott	Wampler
Erlenborn	Martin	Watkins
Ertel	Mattox	Whitehurst
Evans, Del.	Mazzoli	Wiggins
Evans, Ga.	Michel	Wilson, Bob
Fascell	Mikva	Winn
Flippo	Milford	Wydler
Flynt	Miller, Ohio	Wylie
Ford, Mich.	Mollohan	Young, Fla.
Fuqua	Moorhead, Calif.	Zeferetti
Gaydos	Mottl	

ANSWERED "PRESENT"—1

Young, Tex.

NOT VOTING—29

Allen	Cederberg	Eilberg
Aspin	Chappell	Forsythe
Bingham	Coughlin	Frey
Brown, Calif.	Dent	Gibbons
Harkin	Meyner	Railsback
Hawkins	Moss	Rhodes
Holland	Murphy, N.Y.	Teague
LaFalce	Murphy, Pa.	Walsh
Long, La.	Nowak	Young, Alaska
Maguire	Pepper	

The Clerk announced the following pairs:

On this vote:

Mr. Teague for, with Mr. Walsh against.

Mr. Dent for, with Mr. Young of Alaska against.

Mr. Cederberg for, with Mr. Forsythe against.

Until further notice.

Mr. Eilberg with Mr. Coughlin.

Mr. Hawkins with Mr. Railsback.

Mr. LaFalce with Mr. Frey.

Mr. Pepper with Mr. Murphy of Pennsylvania.

Mr. Murphy of New York with Mr. Brown of California.

Mr. Novak with Mr. Aspin.

Mr. Moss with Mr. Long of Louisiana.

Mrs. Meyner with Mr. Maguire.

Mr. Harkin with Mr. Chappell.

Mr. Gibbons with Mr. Holland.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE ON ASSASSINATIONS

The SPEAKER. Pursuant to the provisions of House Resolution 222, 95th Congress, the Chair appoints as members of the Select Committee on Assassinations the following Members and delegates of the House: Mr. GONZALEZ, Texas, chairman; Mr. PREYER, North Carolina, Mr. STOKES, Ohio; Mr. FAUNTROY, District of Columbia; Ms. BURKE, California; Mr. DODD, Connecticut; Mr. FORD, Tennessee; Mr. FITHIAN, Indiana; Mr. DEVINE, Ohio; Mr. ANDERSON, Illinois; Mr. MCKINNEY, Connecticut, and Mr. THONE, Nebraska.

APPOINTMENT AS MEMBERS OF TECHNOLOGY ASSESSMENT BOARD

Mr. SPEAKER. Pursuant to the provisions of section 4(a), Public Law 92–484, the Chair appoints as members of the Technology Assessment Board the following Members on the part of the House: Mr. TEAGUE, Texas; Mr. UDALL, Arizona; Mr. BROWN, California; Mrs. HOLT, Maryland; Mr. MILLER, Ohio, and Mr. WINN, Kansas.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of the 46 U.S.C. 1126c. The Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House: Mr. WOLFF, New York; Mr. WYDLER, New York.

APPOINTMENTS AS MEMBERS OF U.S. GROUP OF NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Chair appoints as members of the U.S. Group of the North Atlantic Assembly the following Members on the part of the House: Mr. PHILLIP BURTON, California, Chairman; Mr. RODINO, New Jersey; Mr. BROOKS, Texas; Mr. ANNUNZIO, Illinois, and Mr. ZABLOCKI, Wisconsin.

APPOINTMENT AS MEMBER OF NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

The SPEAKER. Pursuant to the provisions of section 202, Public Law 93–526, as amended, the Chair appoints as a member of the National Study Commission on Records and Documents of Federal Officials the following Member on the part of the House: Mr. ERTEL, Pennsylvania.

COMMUNICATION FROM COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

The SPEAKER laid before the House the following communication from the Committee on Banking, Finance and Urban Affairs:

WASHINGTON, D.C.,
February 2, 1977.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On January 31, 1977, I sent you a letter listing the five Members of the Committee on Banking, Finance and Urban Affairs I wished to appoint to the Joint Committee on Defense Production. (A copy of the letter is enclosed.)

Please disregard the above-mentioned letter and consider the following Members as my recommendation for appointment to the Joint Committee on Defense Production.

Honorable Parren Mitchel (D-Md.).
Honorable David Evans (D-Ind.).
Honorable Paul Tsongas (D-Mass.).
Honorable Garry Brown (R-Mich.).
Honorable Chalmers Wylie (R-Ohio).

Sincerely,

HENRY S. REUSS,
Chairman.

MANDATORY INCARCERATION AND FEDERAL OFFENSES ACT

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKUBITZ. Mr. Speaker, I have introduced today a bill which would make the use of a firearm while committing a crime of violence a Federal offense. This legislation also provides for a mandatory penalty of 10 years on the first offense and 25 years for each subsequent offense. Contained in the measure are provisions which require that those convicted of such a crime would not be eligible for parole or a probationary sentence, nor could such a conviction be served concurrently with another.

There are some who would say this legislation is too harsh. The same individuals would probably invoke the Bill of Rights in an attempt to argue that the legislation constitutes cruel and unusual punishment against an offender.

It is my sincere hope that the assem-

bled Representatives and Senators of our Nation's people should enact legislation such as I have introduced. We should do so because our constantly evolving society and civilization is demanding no less. We should do so because the Congress must recognize that the common good of our people is served not only by justice in the court room, but also by the sentence conferred when an individual commits a crime of violence with a firearm. We should do so because of Congress recognizing that our people's welfare can best be promoted by promoting and providing legislation for the benefit of our citizenry.

The Congress has yet to act on such legislation because many of its Members have not realized that just as our Government has enacted laws to prohibit the carrying of firearms whenever and wherever one chooses, as in the days of the old West, so too must we enact laws that provide an appropriate and just punishment for an individual who commits a violent crime with a firearm.

Thousands of our citizens each year are the victims of crimes in which firearms were used by the assailants. Last year alone more than 90 percent of the police officers killed in the line of duty died because of a firearm. We cannot allow this outrage against our citizenry to continue.

As we are a civilized society, "commonsense" justice demands that we protect our people. I know of few measures before this body which would so add to the realization of a genuinely good life for our people as the legislation which I have now introduced. It is now left for the Congress to act—for our people's sake it is my hope that the action is swift.

PAUL WARNKE SHOULD NOT BE CONFIRMED AS DIRECTOR OF THE ARMS CONTROL AGENCY AND CHIEF SALT NEGOTIATOR WITH THE RUSSIANS

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, it has recently been reported in the press that Paul Warnke, a former Assistant Secretary of Defense is being considered for appointment as Director of the Arms Control and Disarmament Agency and also as chief U.S. negotiator at the forthcoming SALT II negotiations.

I believe that it would be a serious mistake for Mr. Warnke's name to be submitted to the Senate for approval. Formal confirmation, in the event the nomination is submitted, is of course exclusively up to the Senate. But in the case of the chief SALT negotiator it ought not to be forgotten that in the past SALT agreements have been submitted not only to the Senate but also to the House. Therefore the House has an equal concern with the Senate in the nominee for SALT negotiator and strong opposition in the House to an individual could well imperil support for any SALT treaty that might subsequently be presented to the House for approval.

The Director of the Arms Control and Disarmament Agency bears an important responsibility for our own national defense. Of course all of us fervently hope that we can reach satisfactory arms limitation agreements with the Soviet Union, even agreements that might result in a mutual reduction in the current level of armaments. But it is obvious that any such agreements must be drawn up with extreme care and precision. They must be unambiguous, verifiable, and self-enforcing.

The mere desire to reduce armaments is not enough for the one who is going to undertake the chief responsibility for conducting these SALT negotiations. What is also required is a hard-nosed realistic attitude toward the other side which would be capable of recognizing any attempt to put into those agreements provisions that might, on closer inspection, turn out to be disadvantageous to the United States. That was of course the problem with SALT I. We got an agreement, all right, but there were many ambiguities in that agreement which have subsequently created problems as to whether the implementation of that agreement has actually maintained a balance between ourselves and the Soviet Union. Certainly we do not want to perpetuate in SALT II these same ambiguities and inadequacies. And so the outlook of the Chief Negotiator will have a profound bearing on the nature of the agreement we finally get.

In my judgment Mr. Warnke is not qualified for this job because his position on disarmament is markedly out of step with the mainstream of thinking in United States today. Essentially he favors a unilateral disarmament approach, and has expressed skepticism about the value of any SALT negotiations at all. Oddly enough, he regards such negotiations as actually contributing to an escalation of the armaments race rather than the reverse. For that reason he believes we should discontinue those negotiations and instead simply undertake a limited disarmament of our own in the hope of setting a good example for the Soviet Union.

This may be a noble thought but it is hardly realistic in today's world, particularly in view of the intensive drive the Soviet Union has been making recently to improve its military posture, a fact which all of the responsible experts, including the Joint Chiefs of Staff, have acknowledged.

Not only that but Mr. Warnke on several occasions has argued that it is the United States not the Soviet Union which is the major threat to world peace; and it is the United States not the Soviet Union that has been the real initiator of the nuclear arms race.

How could someone who hold those views actually emerge from SALT II negotiations with an agreement that would really protect the security of the United States. Such a negotiator, I fear, would be likely to give away the store in a mistaken mood of guilt and good will.

For example, in the spring 1975, issue of Foreign Policy magazine Mr. Warnke writes as follows:

> The existence of the negotiations themselves has been an occasion for acceleration of strategic arms development . . . The question inescapably arises whether, under our current defense policies, we can afford to negotiate about arms control . . .
>
> I would not like to see the SALT talks stop . . . But if we must accept the insistence that the momentum of our strategic weapons programs must be maintained in order to bargain effectively, the talks have become too expensive a luxury . . .
>
> Insofar as formal agreements are concerned, we may have gone as far as we can now go . . . We should, instead, try a policy of restraint, while calling for matching restraint from the Soviet Union . . . The chances are good . . . that highly advertised restraint on our part will be reciprocated.

Mr. Speaker, in recent days a memorandum has been circulating here on Capitol Hill summarizing these and other views of Mr. Warnke, including extensive quotes. That memorandum concludes as follows:

> Warnke supports unilateral arms reductions to levels far below anything being proposed in current arms limitation talks. He doubts the usefulness of such talks, preferring to see unilateral U.S. initiatives. He believes that American policy has long been overly fearful of Soviet intentions, and that it is primarily American actions which have spurred the arms race. He believes that the U.S. is far ahead of the Soviets in strategic forces, but that even if the Soviets are far ahead of us, this would not matter in the current era. Irrespective of whether he is right or wrong in any or all of these views, they are in marked contrast to the views expressed by President-elect Carter in the Presidential campaign, and they are views which are not shared, for the most part, by a majority of Americans.

Mr. Speaker, Mr. Warnke is manifestly not the man to provide leadership in this very sensitve and important field at this critical time in our history, and I strongly urge that his name not be submitted to the Congress, and if it is submitted that it not be confirmed.

At this point I include the full text of the memorandum:

MEMORANDUM

Re Paul Warnke

Paul Warnke, former Assistant Secretary of Defense, is under consideration for appointment as Director of the Arms Control and Disarmament Agency. Since leaving the government at the end of the Johnson Administration, Mr. Warnke has played an active role in the national debate over defense policies. He has lectured and written on the subject; he has been prominently associated with a number of citizens' organizations formed to lobby for reductions in defense spending (among them the Council on National Priorities and Resources, the Project on Budget Priorities, and the Center for Defense Information); and he was the principal advisor to Senator George McGovern on National Security Issues during the 1972 presidential campaign.

The Arms Control and Disarmament Agency is responsible for advising the President on arms control negotiations. It participates in choosing the American negotiating team and provides various back-up services to our negotiators. It can be expected to continue to play an important role in the SALT negotiations. The record which Mr. Warnke has established shows him to hold views on U.S./Soviet relations and on strategic issues which pose the gravest questions about his suitability to lead A.C.D.A. in fulfilling these functions.

Simply stated, it is hard to see how the American side in SALT can be effectively upheld by someone who advocates, as Warnke does, the unilateral abandonment by the United States of every weapons system which is subject to negotiation at SALT (as well as

many others which are not under discussion.)

The "Alternative Defense Posture", a campaign paper which presented McGovern's defense budget proposals, and which was strongly defended by Warnke, advocated, among other things, discontinuation of depoyment of MIRVs, Minuteman III, and any other steps to upgrade U.S. ICBMs; dismantling of all Titan ICBMs; cessation of conversion of Polaris to Poseidon submarines; halt to development of a B-1 prototype; cessation of deployment of the Safeguard system; and cutting by more than half the Army's surface-to-air missile capability and the Air Force's interceptor force. A supplemental document, the "Report of the McGovern Panel on National Security", which Warnke led, also opposed U.S. MIRV programs, the B-1, improvements in missile accuracy and the development of hard-target capability, the Cruise missile, the ABM and bomber defense, and the development of AWAC. Arguing that the United States should rely on submarines "the primary element in our strategic forces," the Panel argued against "expensive replacements or additions" to our land-based ICBM or strategic bomber forces "even if these should become increasingly vulnerable." (p. 12) But even while advocating this overwhelming reliance on submarine forces, the Panel opposed MIRVing the Polaris/Poseidon force and opposed development of the Trident submarine.

On various occasions since the 1972 elections Warnke has reiterated many or most of these proposals. At no time in the SALT negotiations have the Soviets advocated, even as a bargaining position, such sweeping cuts in American strategic forces.

II. Warnke, himself, gives evidence of perceiving the ironic disparity between the levels of unilateral disarmament which he advocates for the U.S. and those which Soviet negotiators urge upon us in the SALT talks.

Thus he proposes, in the Spring, 1975 issue of Foreign Policy magazine ("Two Apes on a Treadmill"), that we move away from negotiations and toward a policy of unilateral initiatives. The following excerpts illustrate his ambivalence about continuing the SALT talks.

"In trying to end this irrational arms competition, total reliance is now placed on negotiations looking toward formal agreements . . . But the ongoing process seems to aggravate the problem . . .

"The mindless build-up has continued while the negotiators wrestled with the difficulties of designing formal controls for two nuclear arsenals that developed on different lines . . .

"Moreover, while the negatiators fumble for formulas and the summiters pursue their loftier processes the existence of the negotiations and the agreements already reached are used to justify new nuclear weapons programs . . .

"Accordingly, rather than creating a climate in which restraint can be practiced, the existence of the negotiations themselves has been an occasion for acceleration of strategic arms development . . . The question inescapably arises whether, under our current defense policies, we can afford to negotiate about arms control . . .

"I would not like to see the SALT talks stop . . .

"But if we must accept the insistence that the momentum of our strategic weapons programs must be maintained in order to bargain effectively, the talks have become too expensive a luxury . . .

"Insofar as formal agreements are concerned, we may have gone as far as we can now go . . .

"We should, instead, try a policy of restraint, while calling for matching restraint from the Soviet Union . . .

"The chances are good . . . that highly advertised restraint on our part will be reciprocated. The Soviet Union, it may be said again, has only one superpower model to follow. To date, the superpower aping has meant the antithesis of restraint . . .

"It is time, I think, for us to present a worthier model . . . We can be first off the treadmill." (pp. 25-29)

III. Warnke's preference for a unilateral initiatives approach to arms control seems to find its roots in two ideas: 1) that the U.S. was, and continues to be, the initiator in the U.S./Soviet arms race, and 2), that, in the nuclear era, any concern about equivalence or relative strength of strategic forces is unwarranted.

Warnke has repeatedly expressed the view that new American weapons developments will be "destabilizing" and will stimulate the arms race, but almost never expresses a similar concern about Soviet arms build-ups.

In the above cited article he writes:

"As its only living superpower model, our words and our actions are admirably calculated to inspire the Soviet Union to spend its substance on military power and weaponry. Ex-President Nixon asserted repeatedly that he could not negotiate effectively if he went to the bargaining table with the Soviet Union as the world's second strongest military power. There is every reason to feel that we have persuaded the Soviets on this score." (p. 23)

In a debate with Senator Buckley in 1972 he expressed the same view:

"As a superpower, Russia has only one example to follow. We can be quite sure that it will follow any bad example we provide." (Strategic Sufficiency: Fact or Fiction?, pub. American Enterprise Institute, Wash., D.C., 1972, p. 37)

Warnke begins with the assumption that American policy makers have taken too dim a view of Soviet intentions. He chides the U.S. for having engaged in "defense expenditures based on the most apocolyptic assumptions of hostile intentions and capabilities." (Ibid., p. 22) And his McGovern Panel Report complained that "we are transfixed by implausible risks of external aggression." (p. 1) The Center for Defense Information, to which he is an advisor, argues in its current bulletin that "the U.S. needs a more realistic view of the Soviet Union than the obsessive one that has dominated U.S. foreign policy for many years," and describes the Soviet military posture as largely defensive. (*Defense Monitor*, December, 1976)

From this assumption Warnke is led to the conclusion that it is American actions which are constantly spurring the arms race and interfering with the progress of arms reduction. Defending McGovern's proposed unilateral freeze on nuclear arms production, Warnke argued that "construction [of U.S. nuclear weapons] would simply unsettle the situation and provoke another round." (N.Y. Times, September 13, 1972) The McGovern Panel Report excoriated the American administration for having "committed itself to a major new expansion in the arms race," (p. 7) and for seeming "determined to use the SALT agreements as a hunting license to step up the arms race." (p. 10)

The Report makes no similar criticisms of Soviet actions. Even on the single greatest obstacle to further nuclear test ban agreements—Soviet refusal to permit on-site inspection—the Report finds no fault with Soviet policy, but attempts to shift the blame onto the U.S.: "The difficulty of reaching agreement for on-site inspections no longer is reason for not negotiating a test ban. It is now an excuse." (p. 13)

Warnke's view of what "destabilizes" the arms race was born well before his leadership in the McGovern campaign. In testimony before the Senate Foreign Relations Committee on July 13, 1971, "Warnke . . . contended that continued deployment of the Safeguard antiballistic missile system and multiple warheads for offensive missiles only lessened chances of reaching an arms-control agreement." (N.Y. Times, July 14, 1971) The fact that two arms control agreements subsequently were reached (in the view of most observers not despite, but because of, such continued deployment) apparently has had no impact on Warnke's thinking.

The imbalance between his vehement criticism of U.S. policy and relative silence about Soviet activities is rendered all the more remarkable by the fact that these views were expressed over a period when the Soviets have been engaged in a massive arms buildup while the United States had leveled off its force levels and was cutting, in constant dollars, defense outlays—a situation which has led to a recent report by C.I.A. analysts and independent experts warning that the Soviets may be driving toward all-out nuclear superiority. (see N.Y. Times, December 26, 1976)

IV. Warnke's opinion that we ought not to concern ourselves with the question of equivalence in nuclear forces seems to be composed of the notions that, (a) we are ahead of the Soviets in strategic forces, and (b) that even if they are ahead of us, it doesn't matter. This is compounded by some faulty technological assumptions.

Thus, the Center for Defense Information, to which he is an advisor, argues:

"If there is any measure of military power or accumulation of hardware by which the U.S. towers over all the other countries in the world, it is in its massive strategic forces." (*Defense Monitor*, June, 1976)

The Project on Budget Priorities, headed by Warnke, asserts that "[the U.S.] will continue to lead them in the numbers of missile warheads well into the 1980s, no matter what the Russians do," (Military Policy and Budget Priorities—FY '75, p. 13) a statement which simply flies in the face of the facts of Soviet MIRV development and the option, available to Soviet planners, of turning to the use of smaller warheads.

In his debate with Buckley, Warnke expressed the view that "when both sides have assembled thousands of warheads, the numbers game is not worth playing." (Op. Cit., p. 21) In the same speech he denies that there is even political advantage in nuclear superiority:

"Even substantial nuclear superiority, short of nuclear monopoly, could not be a decisive factor in any political confrontation between the United States and the Soviet Union." (p. 46)

There seems to be a certain ironic tension between these views on the irrelevance of equivalence and his constant criticisms of the U.S. for spurring the arms race. Why, one wonders, if equivalence doesn't matter, is each new American weapon "destabilizing"?

V. Summary. Warnke supports unilateral arms reductions to levels far below anything being proposed in current arms limitation talks. He doubts the usefulness of such talks, preferring to see unilateral U.S. initiatives. He believes that American policy has long been overly fearful of Soviet intentions, and that it is primarily American actions which have spurred the arms race. He believes that the U.S. is far ahead of the Soviets in strategic forces, but that even if the Soviets are far ahead of us, this would not matter in the current era. Irrespective of whether he is right or wrong in any or all of these views, they are in marked contrast to the views expressed by President-elect Carter in the Presidential campaign, and they are views which are not shared, for the most part, by a majority of Americans.

Mr. MOFFETT. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there are many people

who do not agree with the gentleman. I think Mr. Warnke is probably closer to the mainstream than the gentleman might think and closer to the mainstream than the gentleman himself.

Mr. STRATTON. Mr. Speaker, I think there might be some differences of opinion. But I urge the gentleman to read the memorandum.

AMENDMENT TO PORTS AND WATERWAYS SAFETY ACT OF 1972

The SPEAKER. Under a previous order of the House, the gentleman from Maine (Mr. EMERY) is recognized for 5 minutes.

Mr. EMERY. Mr. Speaker, last week my colleague, Congressman LENT, and I introduced an amendment to the Ports and Waterways Safety Act of 1972. Our amendment accomplishes principally two things: It extends the U.S. Coast Guard's jurisdiction from the current 3 miles to 200 miles, and it allows the National Transportation Safety Board investigatory powers over marine accidents. Under the Ports and Waterways Safety Act of 1972, the U.S. Coast Guard has jurisdiction over vessel traffic, foreign and domestic, operating within the navigable waters of the United States, or 3 miles.

The Coast Guard has the authority to monitor vessel traffic and control traffic areas through routing schemes, times of entry and departure, vessel size and speed limitations, and vessel operating conditions. In addition, they may prescribe minimum standards for safety equipment and establish procedures for examination to assure compliance. While this authority allows the Coast Guard to board vessels within 3 miles of our coasts, and refuse entry if conditions warrant, it does not attack the problem of situations such as that in which the *Argo Merchant* was involved.

The *Argo Merchant* disaster could have been avoided had the Coast Guard been monitoring all vessel traffic within the 200-mile limit.

Therefore, I am suggesting that a land-based vessel traffic control system be devised to protect our Nation's coastline from negligent seamanship. Such a system could be set up along our coasts in much the same manner as we use radar to monitor air traffic. This system can be established within the language of the Ports and Waterways Safety Act and our legislation, which extends U. S. jurisdiction to 200 miles.

In addition to extending U. S. jurisdiction, our legislation would allow the National Transportation Safety Board investigatory powers over marine accidents. The 1974 amendments to the Federal Railroad Safety Act granted the NTSB independent investigatory jurisdiction over all transportation-related accidents which raise significant policy questions. This act, however, excluded marine accidents.

Currently, the NTSB may investigate such accidents only on the request of the Coast Guard. In practice, this means that the Coast Guard must assess the effectiveness of its own regulatory activities in preventing or handling marine accidents. Our legislation would allow for a more objective assessment of the Coast Guard's activities in this area, similar to that now required of other functions of the Department of Transportation.

Oil tanker traffic in U.S. waters promises to grow as our country becomes increasingly dependent on imported foreign crude. With the opening of the Alaska pipeline, and the development of the Outer Continental Shelf's oil and gas reserves the increased transportation of oil in waterborne commerce can, likewise, be expected. Current statistics, however, are fully adequate to convince me of the necessity for positive action.

Presently, there are more than 6,700 oil tankers in the world. Of these, only 218 are U.S.-flag vessels; the remaining are registered under a foreign flag. Liberia, the country whose vessels have been most in the news lately, has the world's largest merchant navy—although it does not have one natural deep-water port. Out of 2,518 Liberian registered vessels, 945 are oil tankers.

Foreign-flag supertankers carry 98 percent of the U.S. petroleum imports. These supertankers represent 50 percent of the carrying capacity of the 6,700 tankers in the world, but we should look forward to having their carrying capacity grow even more in the years to come. The following facts illustrate a trend in oil tanker growth.

Since World War II, oil tankers have increased their carrying capacity from 1,600 tons to 500,000 tons. Anything over 100,000-ton capacity is considered a supertanker. Any vessel carrying between 200,000 to 400,000 tons is classed a very large crude carrier—VLCC. Over 400,000 tons carrying capacity is an ultra large crude carrier—ULCC.

These statistics on tanker size and oil transportation by water point to the fact that we must confront the inevitable problems of potential groundings, oil spills, and vessel safety construction standards. One question, of course, is who will eventually set the necessary standards.

While unilateral action by the United States is not ideal, we are faced with a situation which forces us to take a positive stance. Often we can rely on international agreements such as the IMCO conventions. The status of these conventions, however, is not encouraging. There are currently 15 different conventions, dating from 1954 through 1975, which deal with various issues such as tonnage requirements, safety of life at sea, collision regulations, tanker size, oil damage and pollution liability, and safe container and maritime traffic provisions. With the exception of the collision regulations of 1972, none of the 15 IMCO conventions is near ratification. How long must we wait for such agreements?

Will it mean continued groundings and oil spills as a result of poor vessel safety standards, outdated equipment, or an untrained crew? It appears to me that our marine environment, that area 200 miles off our coasts, deserves whatever protection we can provide. For this reason, our legislation attempts to take a positive step toward the protection we need.

One question perhaps we need to ask is what are the effects of an oil spill on marine organisms, waterfowl, and on our beaches. The answer is we just do not know. We do know that nets and boats can be fouled and that our beaches may be covered with an oily mess, but we do not know the concrete scientific effects on marine organisms.

In Casco Bay, Maine, tumors have been found in clams, a lowered growth rate has been noted in a variety of shellfish, and misshapen lobsters appear to be more frequent, as a result of the *Tamano* oil spill of 1963. With each of these species, however, there is no specific data to prove or disprove the above speculation. The long term effects of oil contamination of marine organisms are not known. Therefore, who can say what a thorough scientific evaluation of these organisms may reveal. It appears to me that we cannot afford to allow a succession of oil spills to contaminate waterfowl and marine life without further scientific examination.

While we cannot at this time evaluate the effects of oil on marine life, we can judge quite accurately what our abilities to contain spilled oil are. The various ways to deal with a grounded oil tanker are finite. The oil can be off-loaded by a pumping operation, it can be burned, or it may be contained by an oil boom and subsequently pumped off the water's surface. Each of these methods, however, depends upon the type of oil being carried and the weather conditions.

No. 6 oil is very thick and cannot be pumped unless it is at a temperature of 100 degrees Fahrenheit. If the boilers which keep the oil warm are inoperative, as in the *Argo Merchant* incident, then any pumping operation is severely handicapped.

No. 6 oil is also very difficult to burn. Once it has escaped the confines of the oil tanker, it sits in pancake shaped globules about 6 inches to 1 foot below the surface. It needs great quantities of oxygen and it needs to be 150 degrees Fahrenheit to combust. Therefore, some kind of combustion agent would have to be present at all times, thus complicating any burning operation.

The final method is containment, whereby oil is confined by booms to a specific area and then pumped off. Unfortunately, this method can only be employed in seas with 4-foot waves and 20 knots of wind. Given the fact that bad weather may often be a cause of groundings and oil spills, containment is very often impractical.

Mr. Speaker, we are faced with a variety of problems. Tanker sizes, tanker traffic, and our dependence on the transportation of oil in foreign-flag vessels by water are all increasing. The status of international agreements to establish uniform vessel safety standards, minimum equipment requirements, and crew competency licenses are tenuous. In addition, we admit that should a spill occur, we very often can do little to prevent further damage or initiate cleanup on the seas. At the same time, we have little scientific data to help us evaluate an oil spill's long term effects on the marine environment. Therefore, it is our belief that a law which allows the Coast Guard jurisdiction out to 200 miles is desperately needed. Our emphasis, then, is on prevention. By extending the provisions

of the Ports and Waterways Safety Act of 1972 to include foreign-flag vessels operating within the 200-mile zone, I believe we will have made a positive step toward controlling tanker traffic and thus preventing oil spills.

Mr. LEGGETT. Mr. Speaker, today I am cosponsoring legislation that would amend the Ports and Waterways Safety Act of 1972 to make its provisions applicable to all vessels coming within the 200-mile fisheries zone of the United States.

Mr. Speaker, as you are well aware, there has been an increase in oil spills off our coastal shores during the past several weeks, such as the recent grounding of the *Argo Merchant*. I believe it is imperative that action called for by this legislation be taken to prevent the occurrence of these disasters off our coastal shores in the future.

Mr. Speaker, as I am sure the Members will recall, my Subcommittee on Fisheries and Wildlife Conservation and the Environment reported legislation during the 94th Congress that became Public Law 94–265, the Fishery Conservation and Management Act of 1976, more commonly known as the 200-mile fisheries zone act. This act extended the fisheries zone of the United States from 12 to 200 miles. It had as its purpose to reduce considerably or possibly to eliminate foreign fishing off our coastal shores, which has resulted in the depletion and severe reduction of many of the fishery resources of the United States. In view of recent oil spills and planned future offshore developments, additional steps are now required to provide increased protection for our fishery resources from these hazards. Otherwise, the action taken to extend protection of these fishery resources from foreign fishermen through the enactment of the 200-mile fisheries zone act may have been in vain.

Mr. Speaker, I might point out that this action is consistent with the action that has been considered and will be considered again this May at the Law of the Sea Conference in New York. It concerns one of the issues that has to be resolved by the negotiations concerning activities in the proposed 200-mile economic zone. In view of the fact that the negotiations at the Law of the Sea Conference are proceeding at a snail's pace, it appears that the remedy to be provided by this legislation is a necessity now.

I am still hopeful that the Law of the Sea Conference will continue to seek a resolution of this matter in the international forum but past experience prevents reliance on such hopes to save our valuable fishing resources.

Briefly explained, the bill would extend the regulatory provisions of the Ports and Waterways Safety Act to foreign vessels operating within our 200-mile fisheries zone and would require such vessels to comply with our vessel traffic control systems for ports and harbors, including the carrying of certain electronic devices, and with established requirements concerning pilotage, minimum safety equipment, speed limitations and traffic routing.

In addition, the bill would authorize the National Transportation Safety Board, rather than the Secretary of Transportation, to investigate marine accidents occurring within the zone.

Finally, Mr. Speaker, this bill will extend the same protective regulations contained in the Tank Vessel Act, now applicable only to foreign vessels operating within our territorial waters, to apply to all such vessels operating within 200 mile miles of our shores. That act requires the establishment of comprehensive minimum standards for vessel design, construction, alteration, repair, maintenance, and operation to prevent or mitigate the hazards to life, property, and the marine environment.

Mr. LENT. Mr. Speaker, first of all, I want to express my gratitude to the gentleman from California (Mr. LEGGETT), the distinguished chairman of the Subcommittee on Fisheries and Wildlife, for cosponsoring the bill introduced by Mr. EMERY and I (H.R. 2427).

Only a year ago, the Congress was engaged in debate over the question of whether or not the United States should undertake the responsibility of preserving the fish which live adjacent to our shores.

When the matter came to a vote, the decision was yes, the United States should. In March of this year, the Fisheries Conservation and Management Act of 1976 will become a working reality.

But the job which began with the passage of H.R. 200 last year is not yet complete. For centuries, mankind has relied on the seas to consume waste in all forms. For centuries, the processes of nature have kept us from choking in our own filth. But even nature is finite in her ability to cope with strain, and the time is approaching when our seas will no longer be able to contain the residue of civilization without sacrificing much of their vitality.

The continued dumping of oil in the seas—from accidents or bilges—particularly strains our oceans and the life they support. The prospect of the future is for more oil to travel on the seas. With "business as usual" we can only expect more oil to find its way into the seas.

Since the beginning of December, we have witnessed a rash of oil tanker mishaps which have fouled our waters, killed fish and birds on and near our shores, and required large commitments of manpower and resources to clean up. The *Argo Merchant* wreck typifies these mishaps. The *Argo Merchant* ran aground in international waters, spilling some 700 million gallons of oil into the Atlantic off Nantucket Island.

Our Government has the capability to prevent mishaps like the *Argo Merchant*, if it chooses to act. My colleagues and I who are cosponsoring H.R. 2427 believe there is a clear need to provide our Nation with the means of preventing these types of accidents, whether they occur within 12 miles of our shore, 15 miles, or 200.

Our legislation will require that other nations respect the resources near our shore, following the clear precedent of the Fisheries Conservation and Management Act. It will require that nations whose vessels ply our water be responsible for the quality of their vessels, and follow the "rules of the road" designed to make their voyages uneventful.

The current direction of U.S. policy with respect to our oceans is one of recognizing the need and responsibility we have to protect our oceans. The future will see our Nation relying more and more heavily on the seas—for food, minerals, and transportation—and it is imperative that we act now to insure rational and orderly development. The Congress took such action last year in passing the Marine Fisheries Conservation Act. We believe our legislation represents a next step in completing the job, and we urge the support of our colleagues.

GENERAL LEAVE

Mr. EMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

SELECT COMMITTEE ON ASSASSINATIONS SHOULD CONTINUE INVESTIGATIONS

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 5 minutes.

Mr. MCKINNEY. Mr. Speaker, I rise in support of the resolution to reconstitute the Select Committee on Assassinations. Having participated in the proceedings of the committee to date, I have no doubt as to the necessity for continuing this investigation. I regret, Mr. Speaker, that every Member could not have witnessed the progress of the investigation firsthand. Had that been possible, I am certain we would not be debating a mere temporary reprieve for the committee, but we would be granting a unanimous mandate to continue this probe to its ultimate conclusion.

Mr. Speaker, 6 months ago the 94th Congress approved the creation of the Select Committee on Assassinations by a wide margin. At that time, I can only assume that it was the weight of the facts which convinced an overwhelming majority of this body to authorize an investigation into the deaths of President Kennedy and Dr. King. Since that time, the facts have not changed. Rather, the commitee's work to date has provided further substantiation for completion of an independent, dispassionate investigation.

What then, Mr. Speaker, could be the basis for the sudden change of heart on the part of so many Members? Have we found new evidence to sufficiently answer the serious questions which have plagued the American people for so long? Not according to a recent Gallup poll which shows a vast 80 percent of the American public is uneasy with the conclusions of prior investigations into these tragedies. Does the passing of election-time pressures reflect insincerity in the original vote of a strong majority of this House? Free of the watchful eye of the

electorate, are we now too timid to complete that which we voted to undertake? I think not. However, I am truly at a loss to explain how the desire of so many to ascertain the facts involved in these two murders has been mitigated.

In its original approval of House Resolution 1540, the 94th Congress placed its reputation on the line. In the 6 months since its inception, the committee has uncovered sufficient evidence, pertinent to both crimes, to protect the integrity of that decision and to justify continuing the committee's task. Working with the limited resources available, the committee has become privy to previously undisclosed information, located and interviewed new witnesses whose testimony may ultimately challenge the findings of prior investigations, and has confronted the questions of possible complicity on the part of various individuals or groups in the commission of these crimes.

However, in carrying out this assignment, the committee has been subject to severe criticism. Perhaps the greatest controversy concerns the alleged overzealous desire of the committee to review the work of our Federal investigatory agencies in connection with these two assassinations. Mr. Speaker, these charges are without foundation. In my view, the personal histories of those employed by the select committee should alone be enough to allay those fears. The chief counsel and director of the investigations, who has himself been recognized as one of the country's best criminal prosecutors, has been able to secure the services of the best legal and investigatory talent in the Nation. These people have for years enhanced the image of law enforcement through their work. I believe they now have neither the intention nor disposition to discredit any Federal law enforcement agency. Nor do I expect them to endanger their own professional integrity through the use of investigative techniques or devices which will compromise the civil rights of others. In this respect, Mr. Speaker, critics of the committee are misguided. Those with doubts as well as those, like myself, with no preconceptions about the ultimate findings of this committee, can view the assembled investigatory know-how of the select committee staff as an asset rather than a threat.

This is not a battle between the select committee and the rest of the House. The entire Congress has already accepted responsibility for a new investigation into these deaths, and rightfully so. To shirk that responsibility now on the basis of procedural differences or budget disputes without adequately addressing the troublesome questions which still remain unanswered would be an injustice. We cannot feign disinterest now, Mr. Speaker, without badly discrediting this body and intensifying the charges of coverup and conspiracy. I urge all my colleagues to support the committee now and in the future and thereby grant the American people their right to know.

THE SEABROOK SCANDAL

The SPEAKER. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Speaker, yesterday's edition of the Wall Street Journal contained an excellent editorial about the regulatory nightmare threatening the proposed nuclear powerplant in Seabrook, N.H. It follows an editorial on the same subject that appeared in the Journal early last month, and I would like to have them both reprinted in the RECORD for the benefit of my colleagues.

As these editorials make abundantly clear, the new Carter administration has to show its hand very soon about Seabrook. The current tangle of regulations, jurisdictional squabbles, and appeals is horrifying to envision, all the while costing unnecessary time and money and holding back sorely needed energy and jobs. The time for a final, binding decision about the Seabrook plant is right now, and the Carter administration would do well to make Seabrook an example of his commitment to cleaning up our bureaucratic mess.

Mr. Speaker, the Congress today is considering an emergency bill to ease our natural gas crisis temporarily, but I hasten to point out that we cannot lose sight of our obligation to move forward rapidly on all fronts to find new sources of energy. America will soon need every available type of energy—oil, gas, geothermal, wind, nuclear, and solar, and delay now will only be at our future peril. I commend the editorials to my colleagues:

[From the Wall Street Journal, Feb. 1, 1977]

THE SEABROOK SCANDAL

If President Carter was serious in his campaign promises to clean up the governmental mess of Washington, we propose that he start with the Seabrook scandal.

The way to start is to call up John Quarles at the Environmental Protection Agency and ask: Why should consumers and investors in New England be facing an economic loss amounting to hundreds of millions of dollars merely because the EPA can't do its job?

For readers still unfamiliar with this monumental regulatory snafu, Seabrook is the site where Public Service Co. of New Hampshire is trying to build two nuclear power plants to meet New England's future energy needs. We say "trying" because even though construction has started and $140 million has been spent, the project is currently stalled indefinitely while two federal agencies quarrel over who gets to decide what kind of reactor cooling system the plants will have.

PSC got its go-ahead for construction last summer from the Nuclear Regulatory Commission with a design that pumps sea water into the cooling system and discharges it back into the ocean, using an elaborate tunnel connection between the plant and the sea. Before the NRC approved the permit, the EPA administrator in Boston made an "initial determination" that the plant met EPA requirements. Fine. At that point the project had only been delayed about two years by the regulatory bureaucracy, and that is really quite good.

But, as we have recounted here before, the regional administrator reversed himself in November—something to do with clam larvae. That meant his bosses in Washington had to make a decision. They haven't. How could any self-respecting federal bureaucrat make a decision inside of three months?

So now the NRC is pondering whether to uphold a decision by its appeals board to suspend the construction permit. With everything up in the air at the EPA the NRC obviously is doubtful about letting the utility proceed with the plant. If the final outcome is a decision in favor of cooling towers rather than tunnels, much of the work might have to be scrapped and a whole new site selection process started, assuming that the utility would still be in business by then. Such is the logic of bureaucratic delay.

Not surprisingly, PSC had slowed down construction anyway to reduce the drain on its cash resources after the Boston EPA administrator did his flip-flop. But every month of delay still costs the company $15 million. Mr. Quarles, acting EPA administrator now that Russell Train has departed, has told the utility not to expect a decision before the end of February. There will have to be a lot of talk about clam larvae among the armies of Washington lawyers before anyone can give a yes or no.

So, will it be the cooling tunnel already in the works or cooling towers? No one knows, and no one knows when he *might* know, even after all the long years that the bureaucracy has been pondering this monumental question. If it is cooling tunnels, PSC presumably will proceed and New England will have some new power coming on stream in 1981. If the EPA apparatchiks prevail and the answer is cooling towers, all bets are off. The people of New Hampshire would be well advised to set *their* thermostats at 55, in preparation for winters to come. Rather than finding a new site and starting a new project, PSC of New Hampshire may have to forget the whole thing and try to recover what it can of its $600 million in sunk costs. PSC is not General Motors, even if one assumes that GM could afford this kind of beating.

As for the radical fringe of the environmentalist movement, they couldn't be happier. They have learned a few things about economics and now know that all they have to do to kill off nuclear power generation entirely is to bring about enough regulatory delay to make costs prohibitive.

If Mr. Carter can't find some way to put a stop to this sort of thing, we all are a lot worse off than we ever suspected.

[From the Wall Street Journal, Jan. 5, 1977]

WHO, ME?

We direct attention to the letter in today's columns in which John A. S. McGlennon, EPA's man in Boston, describes his change of heart on the Seabrook power station in New Hampshire. It should be preserved in the Smithsonian as an example of bureaucratic mindlessness.

Public Service Company of New Hampshire wants to build the Seabrook plant, to the tune of shelling out $2,000,000,000. The Nuclear Regulatory Commission wants to build the plant, and has issued the permits necessary to a nuclear plant. The State of New Hampshire wants to build the plant which would supply some 80% of its citizens' electricity come the 1980s. At one time Mr. McGlennon wanted to build the plant, and gave the environmental green light for its seawater cooling system. The NRC approval, the state approval, and Public Service Company's decision to start construction were all based on this decision.

Now Mr. McGlennon has changed his mind. If his decision stands, the plant will almost surely not be built. Indeed, the courts are even pondering the question of whether given that the NRC permit is contingent on seawater cooling, construction must stop forthwith. And Mr. McGlennon now says, "What Kill the Seabrook plant? Who, me? It must have been someone else."

Mr. McGlennon's bureaucratic logic, of course, is that he has one and only one responsibility, protecting the environment, and that his job is simply to follow the established procedures for that purpose. As a matter of fact, to reach his most recent decision he had to bend the procedures out

of all recognition. The decision is time and again predicated on the observation that the company has failed to satisfy its burden of proof. Yet in logic and EPA law, once the initial approval is given, the burdean of proof rests not on the company but on the appealing party.

Even putting that problem aside, Mr. McGlennon's decision is a splendid example of the lengths to which such bureaucratic logic can be carried. There is nothing under the sun about which "more information" cannot be demanded. His decision be demanded. His decision complains that the company has not discharged its burden of proof about damage to the larvae of the soft-shelled clam, which he prissily notes are of "recreational importance" in the neighborhood. To our astonishment, the company has in fact offered studies of soft-shelled clam larvae; the reason more conclusive information is not available is that the larvae cannot be distinguished from the larvae of another species of clam.

Now, as one of our correspondents urges us to concede, Seabrook is an exaggerated case. Few regulatory decisions are quite *this* feckless, and few rationales quite *this* frivolous. Anyone wondering about the investment climate under the Carter administration might look to see if Mr. McGlennon is reappointed as a reward for this out-burst of environmental zealotry. For that matter, unless EPA Administrator Russell Train reverses his own indecisive action of refusing summary reversal and instead asking for briefs, the disposition of Seabrook will be an early test of the new administration.

No one should assume here that the issue is merely one power plant in New Hampshire. Meeting the nation's energy needs in the 1980s requires investment now, and $2 billion projects are serious business. Even if the Seabrook decision is promptly reversed, Mr. McGlennon will have added a new deterrent to the necessary investment by demonstrating that a $2 billion investment can be jeopardized by second thoughts about clam larvae. If this kind of thinking is allowed to stretch out in endless procedural delays—let alone if Mr. McGlennon is somehow upheld—it is almost certain that enough investment will not be forthcoming, and the energy needs will not be met.

For an admittedly extreme case like Seabrook serves to illustrate wider tendencies in government regulations on environment, safety and the like: The bureaucratic tunnel vision, the impossible demands for certitude, the lack of any cost-benefit analysis, the loss of reality, the unwillingness to accept responsibility for the results of decisions. Too many regulator, like Mr. McGlennon, take the attitude captured in those immortal lines:

> I shot an arrow in the air,
> Where it lands
> Is someone else's department.

FOR THE RELIEF OF MARCUS BRUCE PAINE

The SPEAKER. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker I would like to request the assistance of my colleagues in helping a constituent of mine, Marcus Bruce Paine, gain admission to the Military Academy at West Point. While researching an article defending the honor code at the service academies, Marc visited the Military Academy and spoke with a number of officials as well as cadets. He determined at that point that he would like to attend the Academy, and applied to my office for a nomination, only to learn that he would be several months too old by the time the appointment could take place.

I would like to nominate this fine young man to the Military Academy, but am unable to do so because of the laws governing Academy requirements. It is my belief that in such an instance, this requirement could be waived and he should be allowed the opportunity of competing with other qualified candidates from the State of Alaska. Receiving a nomination would not, of course, insure his appointment, but he would be given the chance to try.

In order to allow the necessary time for the candidate to fulfill all the Academy requirements for admission this year, I urge your immediate action on this request.

H.R. —

A bill for the relief of Marcus Bruce Paine

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 4346(a) of title 10, United States Code, shall not apply with respect to the eligibility of Marcus Bruce Paine, of Anchorage, Alaska, for admission to the United States Military Academy with the class entering the Academy in July, 1977.

AN INCENTIVE FOR FAMILY FUNDING FOR HIGHER EDUCATION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 15 minutes.

Mr. FISH. Mr. Speaker, I have today reintroduced, with 36 cosponsors, the Higher Education Trust Fund Act of 1977.

This legislation will permit parents to set aside, in a tax-free trust fund, the lesser of $750 per dependent per year, or 15 percent of their income not to exceed $7,500 per year. If the parents decide to put aside the full $750 per year for one dependent, they will deduct that amount from their gross income as though they had one additional dependent and the interest earned on the money would not be taxable. If, for any reason, the funds are not used for the education of a dependent, the total amount would then become taxable.

In addition to establishing the trust fund, I have expanded the definition of high education to include business, trade, vocational, and professional schools, similar to those now approved for VA programs.

When I originally introduced this legislation in 1970, I felt there was a dire need for some vehicle by which middle income families could meet the high cost of college by putting aside a small amount of money per year to send their children to a university or college. I feel that by promising this type of incentive, families would have the opportunity to plan for the future education of their children.

The reasons for my introducing the bill in 1970 are even more pertinent today. As a matter of fact, it appears that our universities, as well as middle income families, are facing a financial crisis.

Over the past 5 years, the cost of higher education in both private and public institutions has outstripped the rise of the cost of living.

Public universities now average almost $3,000 per year for tuition, fees, room and board, as opposed to approximately $1,700 5 years ago. Private universities are averaging just over $4,500 per year, increasing from $2,700 during this same period. If parents wish to send their child to one of the better private schools, they can expect to pay up to $7,000 per year.

The direct result of this is the fact that parents earning from $12,000 to $24,000 per year are neither affluent enough to afford this expense, nor poor enough to qualify for one of the many Government assistance programs. Therefore, they are forced to forgo additional education for their children or go deeply into debt.

As of January 1975, less than 4 percent of funds from the basic educational opportunity grant program went to students from families earning more than $12,000 per year, while almost 44 percent went to families earning less than $6,000 and 65 percent to families earning less than $9,000 per year.

Mr. Speaker, I do not want to be misunderstood. The BEOG program is desperately needed as it is one of the only avenues open to those young people from low income families that want to go on to higher education. What I am saying is that the average American family is finding it impossible to educate their children beyond high school. This is reflected in the startling statistics on enrollment in our universities and colleges.

The U.S. Census Bureau reports that there has been a startling decline in the number of 18 to 25 year-olds attending institutes of higher learning. It has further been determined that the majority of these young people are from middle income families. The decline in college attendance has been so great that many universities and colleges have been operating under a deficit for many years and have turned to adult education to increase enrollment.

Three years ago, Hofstra was operating at a $2 million deficit, and has only this year balanced their books. This was achieved by increasing adult enrollment. Columbia University of New York has been operating at a $2 million deficit for 2 years with no relief in sight.

The majority of the decline in enrollment is directly attributable to the overwhelming expenses. A smaller impact has been made by the increased attendance in vocational and business schools.

The number of new vocational schools has increased by over 100 percent in the past few years, while at the same time, the proficiency of institutions and types of courses offered have increased.

Subjects such as paralegal, paramedical, computer programing and others have brought these schools into the forefront of higher education for those interested in training that will immediately equip them for a career.

Unfortunately, these schools are expensive and many young people wishing to attend cannot afford to go.

The legislation I have introduced will solve many of the problems I have mentioned. The impact of this bill on the economy has not been determined, but

will not be as great as the tax credit education bills that have been introduced. In addition, these tax credit bills do not solve the real problem facing the middle income family—providing a vehicle that avoids parents having a sudden expense of upward of $2,700 per year out of their pockets for the higher education of their children.

Mr. Speaker, I believe this legislation represents a commonsense approach to solving a real problem and I hope that Congress will give it the judicious consideration it deserves.

COMPREHENSIVE YOUTH EMPLOYMENT ACT OF 1977

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. STEERS) is recognized for 5 minutes.

Mr. STEERS. Mr. Speaker, yesterday, my distinguished colleague from Illinois, Mr. SIMON, reintroduced the Comprehensive Youth Employment Act of 1977. I joined Mr. SIMON as an original sponsor, because I feel that this legislation will ameliorate the devastating problem of unemployment among our youth. I urge my colleagues to join the 44 Members who have already joined in cosponsorship of this bill.

Crime is the scourge of American society. Even those who have not had the personal misfortune of being robbed, raped or mugged suffer from a pervasive anxiety about crime that can make life more of a burden than a joy.

It is a mistake to view the rising crime rate of the last few years in isolation. To understand it, and to make any progress in reducing it, we must see the close connection of crime and unemployment, particularly youth unemployment.

Crime rates and unemployment rates are both very high among our youth. The problem is worse in our cities. Almost 50 percent of the urban, nonwhite youths who want to work cannot find a job. As anyone who has been unemployed for a long period knows, unemployment breeds frustration with the system. Among the poorest and youngest of our citizens, this frustration is most profound.

These urban youth live next to the world's wealthiest society, able to see the glitter and excitement but unable to participate in the American dream. Unstable family life, underfunded and dangerous schools, and substandard housing are bad enough, but when topped off by the inability to get a job, a vicious cycle is created. This cycle leads to low self-esteem, attempts to escape through heroin and alcohol, bitterness toward the larger society and, eventually, the antisocial response of criminal behavior. This cycle must be stopped and I feel that a meaningful program of job creation, counseling, and training for youths is the most promising plan of attack.

The youth unemployment problem and the difficulties it creates are not limited to the cities. In my district of Montgomery County, Md., though the youth unemployment rate is probably less than half of the innercity rate, the human toll is high. Kids cannot get the jobs traditionally reserved for them because adult workers have had to take them in recent years. Bored kids in the suburbs turn to the same outlets that frustrated kids in the city do. In my district, mental health problems and alcoholism are increasing among youth, and so is crime.

The Comprehensive Youth Employment Act of 1977 is an attempt to get at the problem of youth unemployment by: encouraging creation of jobs in private businesses; creating public employment for young people in community projects; by creating work programs for youths still in school; by providing job counseling; and creating special job opportunities for disadvantaged youths.

We must attack our society's problems at their source. We must make sure that all our citizens can gain the satisfaction and dignity that comes with making a meaningful contribution to the common good. We must make sure that young people, who are especially vulnerable in periods of social and economic dislocation, but have little say in the affairs of government and business, are not left out.

MILITARY STRATEGY: ITS BUDGET TIME

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, with the advent of a new administration, a propitious time has arrived for serious budgetary and strategic reevaluations of U.S. defense needs. Indeed, the press has been recently reporting vigorous debates concerning the U.S.-U.S.S.R military balance, and Vice President MONDALE's maiden voyage overseas has highlighted the deep and serious concerns of our allies about U.S. policy.

I would like to insert for the RECORD a commentary on this subject by Gen. George Buis which was published in the French newsweekly Le Point, on January 17, 1977, General Buis, former French Army Chief of Staff, presently heads the Fondation pour les Etudes de Defense Nationale, a well-known French research organization. He concludes that American military superiority is beyond question but that neither superpower can attack the other without signing its own death warrant. These views and their implications deserve careful attention by both U.S. policymakers and the American public:

MILITARY STRATEGY: IT'S BUDGET TIME

(By Gen. George Buis)

Every year at the beginning of winter the NATO Council meets, European budgets are voted on, and the American defense budget is presented. It is the time when military chiefs call for more men and more arms, when Europeans exaggerate their alarm at the decline in military equipment deployed by the great American protector (as the Belgian, General Close, has just spectacularly done), and when Americans request their allies to agree to a greater military effort. This year, the whole picture is affected by a significant factor: the change of administration in Washington.

However, American superiority, whatever some say, remains indisputable. The U.S. has won its "gamble on technology". "The technological gap" between the U.S. and U.S.S.R. "is widening on all fronts from the intercontinental missile to the electric razor," CIA director W. Colby affirmed recently. The overall American lead is about five years. Regarding specific weapons systems, the lead often covers the lag between one generation and the next: ten years.

Furthermore, the economic, financial and industrial superiority of the U.S. allows it to force the Soviet Union into an arms race which exhausts the latter. The Soviet taxpayer must spend 4 to 5 dollars for a result which his American counterpart achieves with one dollar. That is why Americans can carry on their efforts in the most highly advanced and costly sector, that of research and development.

The essential fact remains that neither of the two superpowers can attack the other without signing its own death warrant. The Americans have at their disposal 40 nuclear warheads for each Soviet city of 100,000 and above. By comparison, the Soviets have only 15. But only one warhead is sufficient to do the job. That is why the two superpowers are more partners than they are adversaries. And that is why Europe is alarmed about a de facto equilibrium in which European territory is a possible theater of nuclear operations without jeopardizing the homeland "sanctuary" of its protector.

THE DISQUALIFICATIONS OF AMBASSADOR YOUNG

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 20 minutes.

Mr. ASHBROOK. Mr. Speaker, on January 25, 1977, my distinguished colleague, LARRY MCDONALD of Georgia testified against the confirmation of Ambassador Young to the United Nations. With the exception of Human Events and Review of the News, the press neglected to adequately report this testimony, and in order to clear up any misconceptions I want to bring Congressman MCDONALD's Senate testimony to the careful consideration of my colleagues.

Representative MCDONALD pointed out from the very ample public record that Ambassador Young will have difficulty in representing American views forcefully in the United Nations because of his strong personal views, views that differ greatly from those held by almost all Americans and from the long-held policies of our Government.

In particular the Ambassador has stated that if Western civilization must be destroyed to attain the ends in which he believes, then he would support the destruction of our way of life.

Furthermore, the Ambassador has alined himself in support of organizations, which as a matter of policy use terrorism against innocent civilians to attain their political and social goals.

This country has traditionally opposed terrorism and has asked the United Nations to take a stand against this barbarism; but the United Nations cannot oppose terrorism because so many of its totalitarian dictatorships use terrorism as a matter of routine both abroad and against their own people.

Mr. Speaker, about 1 week after the gentleman from Georgia offered the testimony I include with these remarks to the Senate Foreign Relations Committee, the Washington Post carried an extraor-

dinary interview between CBS newsman Dan Rather and Ambassador Young. In it Ambassador Young flat out stated that from his point of view there was a way in which Cubans brought, "A certain stability and order to Angola." More telling than anything could be was his gratuitous remark, "Communism has never been a threat to me."

Yet President Carter would send this lamb to the flesh pits of the United Nations where Communist nations in aliance with African nations and Arab third worlders run the show. Can anyone hope that the average American who does believe in communism is a threat to him, his home, his job, and his country would have any voice at all in the United Nations I believe not.

Here is the complete text of that astounding interview:

[From the Washington Post, Feb. 1, 1977]

THE CUBAN PRESENCE: INTO THE AFRICAN "VACUUM"

The following is excerpted from an interview conducted by Dan Rather of CBS News with Rep. Andrew Young, newly named Ambassador to the United Nations, who departs today on a tour of Africa.

Q. You support blacks throughout southern Africa. All right, isn't it a mistake to state it that flatly, that publicly, out front and isn't it going to lead inevitably to a bloodbath if we take that position?

A. No, it's not. It's going to lead to a blood bath if we don't take that position.

Q. But isn't an armed protracted guerrilla warfare already assured—with the presence of the Cubans and the Soviet Union's influence in that part of the world?

A. No. It's not assured. In fact, there's a sense in which the Cubans bring a certain stability and order to Angola, for instance, and that the enemy—all over the world, I think, is chaos. When there's a nation with a military unit that's disciplined, it can be ordered in, it can be ordered out. I have no question in my mind but that we could negotiate very successfully withdrawal of Cuban troops from southern Africa.

Q. If it was wrong for the United States to be in Vietnam, why isn't it wrong for the Cubans to be in Angola?

A. The Cubans were in Angola at the invitation of—the MPLA and—

Q. We were in Vietnam at the invitation of a series of governments—South Vietnam.

A. You got me there. And at the time I thought it was wrong for the Cubans to be there—and I've let you make me defend the Cubans, in the sense of an argument. The Cubans went to Angola because we were not there with a rational movement first.

Q. But they went in with an iron fist.

A. No—only because it was a vacuum. Now, I guess the only justification that I could make personally for the Cuban presence was the South African presence. And I must say that I share the kind of total abhorrence to racism which I think is characteristic of two thirds of the world. Most colored peoples of the world are not afraid of communism. Maybe that's wrong, but communism has never been a threat to me. I have no love for communism. I could never be a communist. I could never support that system of government. But—it's never been a threat. Racism has always been a threat—and that has been the enemy of all of my life and—and everything I know about life . . .

Q. Friends of yours would say, "Why would Andy Young, who was the most powerful black person in this country, as long as he stayed outside the Carter administration, given his relationship with the President, now come inside and is just another face sitting around the Cabinet meetings?

A. Well, another face sitting around the Cabinet meetings is not—is another person with a particular background from the civil rights movement, from the peace movement, sitting in on the decision making. Now that's a considerable amount of power, whether I ever get credit for it or not. I have a sense of—a Biblical view of the world—and in a sense it was really a religious decision on my part and most of the decisions about my personal life are intensely religious decisions. I don't want to blame God for anything that happens from now on. I may mess it up from here on, but I really felt that this was something that was right for me to do.

Mr. Speaker, it is difficult to expect that Ambassador Young will be able to forcefully argue this country's antiterrorist position in the United Nations, to urge the outlawing of terrorism in the United Nations, the nonrecognition of terrorist movements or against the admission of new regimes based on terrorism such as Vietnam. Nor is it likely he can represent the majority of Americans who want American interests placed first.

My friend LARRY MCDONALD has taken a leadership role in the Congress in documenting the growing threat posed to the United States and the civilized world by terrorist movements, most of them Communist dominated or supported and their networks of sympathizers. Mr. MCDONALD has introduced a bill, (H.R. 48) similar to my bill H.R. 15 to reinstitute the House Committee on Internal Security and he has joined with me and others of my colleagues in sponsoring a strong antiterrorism bill (H.R. 152) in this Congress.

I urge my colleagues to carefully consider the issues raised in the testimony by Representative MCDONALD on Ambassador Young's disqualifications, and to join with us in asking that H.R. 48 be reported out of the Rules Committee, and that H.R. 152 be acted upon by the Committee of the Judiciary.

Mr. MCDONALD's testimony follows:

TESTIMONY OF REPRESENTATIVE LARRY MCDONALD BEFORE THE COMMITTEE ON FOREIGN RELATIONS

Mr. Chairman, Members of the Senate Committee on Foreign Relations: I am Larry McDonald, Member of the U.S. Congress for the 7th District of Georgia.

I have asked for this opportunity to testify on the nomination of Andrew Young only after great consideration. As a member of the Georgia delegation in the House of Representatives, I have personally observed the dedication that Representative Young has brought to his work. Although often disagreeing with him, like my colleagues I have been impressed with his sincerity, tenacity and the strength with which he fights for his convictions.

These traits are, of course, invaluable in a member of a legislative body; but not, perhaps, in our country's representative to an international forum where he must represent the viewpoints of our country and its form of civilization against a battery of unprincipled attacks from the Communist countries and their allies in the Third World. This is not difficult for a man who usually agrees with our country's policies, but could create great difficulties for one who is often in opposition.

Despite my personal high regard for my fellow Congressman and for the honor that his nomination reflects on my State, Georgia, I am compelled to speak out against his confirmation as United States Ambassador to the United Nations.

My considerations toward this testimony very naturally encompassed the fact that Andrew Young is the personal choice of the President. As I have said on other occasions, all of us in both the Senate and the House, and in both political parties respect the rights of a President to select his own team. Generally, while there may have been disagreement with a presidential choice, it has not been appropriate to ask that a nominee not be confirmed.

However, the Honorable Andrew J. Young, although well qualified in many particulars for high office, has in this case a major and unusual disqualification. Mr. Young has publicly expressed strongly held personal convictions that are at variance with long standing U.S. policies and which are also at variance with the beliefs of the great majority of Americans.

If Andrew Young were not a principled man, he could subordinate his strong personal views to those of the United States and serve his country's interests at the United Nations. But Andrew Young is a man of principle and will of necessity find his own views coming into conflict with the United States' foreign policies. As he himself told the *New York Times* last month, "I'm going to be actively working within the State Department, the Congress, the executive for my own concerns." [1]

That is his right, but United States foreign policy cannot be based solely on Mr. Young's concerns. Sooner or later as U.S. Ambassador to the U.N. he will be placed in the position of being required to express and argue a viewpoint he does not share, and it is unfair to put him in such an untenable position.

In April 1970, Andrew Young appeared on a television program which examined the activities of the group of revolutionary malcontents called the Black Panther Party.[2] According to a transcript of the program, Mr. Young said:

"Western technology and western militarism has so interfered with the right of the possibility of say democracy in Latin America, or real freedom in Africa and Asia, that it may take the destruction—and this of course is Panther ideology—that it may take the destruction of western civilization to allow the rest of the world to really emerge as a free and brotherly society and if the white west is incapable of brotherhood with colored peoples then this small body of colored peoples, black people within the white west, may be the revolutionary vanguard that God has ordained to destroy the whole thing." [3]

Mr. Young was then asked the question, "Would you support the destruction of Western civilization if you were convinced that the rest of the world would thereby be liberated?" He responded, "I probably would."

Mr. Chairman: To avoid any misunderstanding as to the context or tone of that statement, I would ask that the film be shown now.

Clearly it is the responsibility of the United States to defend western civilization with its tradition of individual rights and orderly process under law regardless of the desires of petty dictators in various parts of the world who believe its destruction would enable them to achieve world power.

Mr. Chairman: In 1968, Mr. Young, who was then the executive vice-president of the Southern Christian Leadership Conference, was one of the two leaders of the Poor People's March on Washington.

While many of us recall the disruption and disturbances of that year, we may have forgotten the Marxist revolutionary principles espoused by many of those involved. At a meeting, Rev. James Bevel, an SCLC spokesman and leader, cited the objectives of the Poor People's March as being:

(1) To re-distribute the wealth of the U.S.

Footnotes at end of article.

and turn the means of production over to the people.

(2) To eliminate all armaments.

(3) To eliminate all violence in the world, and

(4) To rid the world of all the "fascists and jitterbug fascists." [4]

I have no record of Mr. Young having dissociated himself from those remarks made by his colleague and SCLC associate, Rev. Bevel. However, there is a published report that Andrew Young himself said at that time, "We have marched here to demand that Congress and the executive branch of government share with us the power of self-government. If Congress doesn't give us some of their power, we will take it all away from them." [5]

Power in the United States under our Constitution is determined at the ballot box: For two hundred years we have defended the ballot against would-be tyrants and street mobs. By his statements cited above, Mr. Young has made it clear that his views are outside the mainstream of American constitutional thought and tradition.

Those concepts are, however, consistent with the principles taught at the Highlander Folk School at which, according to an interview with Mr. Young in the Atlanta Constitution [6] he had been a student in the early 1960s when he first joined the Southern Christian Leadership Conference. The Highlander Folk School was characterized by Paul Crouch, a former high official of the Communist Party, U.S.A. and one of its principal organizers in the South, in sworn testimony before the Senate Internal Security Subcommittee as "a school operated at Monteagle, Tenn., ostensibly as an independent labor school, but actually working in close cooperation with the Communist Party." [7]

In 1971, Mr. Young spoke at the annual stockholders meeting of the Gulf Oil Corporation in support of a shareholders motion brought by a group known as the Gulf Boycott Colation. The purpose of the Gulf Boycott Coalition was to aid the Marxist-led, Soviet-equipped guerrilla movements in Angola by putting severe economic pressure on Portugal through persuading Gulf to end all involvement in Angola and southern Africa.[8]

At that meeting Mr. Young urged the adoption of himself; Angela Davis of the Communist Party, U.S.A.; Agostinho Neto, head of the Soviet-controlled Angolan MPLO terrorist movement and Marxist-Leninist theoretician who now heads the Cuban-conquered puppet state of Angola; and Amilcar Cabral, the since assassinated head of the Soviet-controlled PAIGC terrorist movement which now rules the former Portuguese colony of Guinea-Bassau, as directors on an expanded Gulf Board.[9]

Mr. Young further urged Gulf to immediately end its investment and involvement in Angola and Cabinda as long as those areas were under "colonial domination."

In 1973, Mr. Young joined with Marxists and militants as a sponsor of the Pan-African Liberation Committee whose main demand was that Gulf "cease this rapacious exploitation of Africa's wealth." Other sponsors included identified Communist Party member Dr. Carleton Goodlett, a leading member of the Soviet-controlled World Peace Council; Venceremos Brigade leader Johnetta Cole; admitted Marxist lawyer and propagandist for the Mozambican Marxist-Leninist guerrillas, Robert Van Lierop; and vitriolic militants such as LeRoi Jones, Howard Fuller and Nathan Hare.[10]

This in indicative of the type of people that Mr. Young has collaborated with to attain his goals. Yet the ultimate success of the Marxist-Leninist totalitarian cause of Angela Davis, Agostinho Neto and Amilcar Cabral would indeed involve the ultimate destruction of the United States and western civilization.

Wanting to disagree with Andrew Young without being disagreeable, I see little point in noting at length his well known opposition to the war in Southeast Asia against Communist aggression, or his involvement with organizations in the U.S. that sought to end the war in order to inflict the greatest defeat possible on this country such as the Trotskyite Communist controlled National Peace Action Coalition.[11]

I would mention, however, that in February, 1975, Mr. Young was among the sponsors of the Second National Conference in Solidarity with Chile which was organized by the Communist Party to support the deposed Marxist-Leninist government of Salvador Allende. The other sponsors included a roll call of old Soviet spies like John Abt and Louise Berman; a large number of well-known CPUSA members like Helen Winter, Michael Myerson, and Herbert Aptheker; and a large contingent of Castroites like Saul Landau of the Institute for Policy Studies and Sandra Levinson.[12]

Last September, Mr. Young, as a member of the Congressional Black Caucus and with some one hundred other black leaders, produced a document, "The African-American Manifesto on Southern Africa."

I would ask that this document be entered into the record of this Committee, and would in particular draw attention to paragraph two which reads:

"We totally support the liberation of Southern Africa from white minority rule by means of armed struggle, where necessary, and affirm the right of the African liberation movements to seek necessary assistance from whatever sources available to achieve self-determination and majority rule."

This is a de facto call for the United States to support what some have euphemized as "guerrilla warfare" but which has in practice been terrorist violence against unarmed civilians, both black and white.

I would also point out that, the approval given to the terrorists seeking "assistance from whatever sources available" condones the 15-year record of the Soviet-bloc providing the guns and training for the guerrillas. And it also condones the importation of white Cuban Communist mercenaries to secure victory for the local revolutionaries.

Our country has taken a firm stand against terrorism; it has called upon the United Nations to provide international sanctions against the terrorists and their supporters. The United Nations has not taken such action against terrorism because of the large number of its member states with tyrannical governments, repressive internal programs and foreign policies which conform with those of the Communists and therefore support the use of terror tactics.

In view of this document, this so-called "manifesto," it is difficult to expect that Mr. Young would be able to continue with America's long-standing anti-terrorist policy at the United Nations.

Of equally great concern is Mr. Young's personal friendship with the African terrorist, Robert Mangaliso Sobukwe, founder and leader of the outlawed Pan Africanist Congress of South Africa (PAC). As outlined in the staff study, *Terrorism*, published by the House Committee on Internal Security, "PAC turned to Maoism in 1963 and organized its members into clandestine cells. In 1963, PAC claimed sponsorship of the Poqo guerrilla terrorists in South Africa." PAC's strategy was later outlined by another of its leaders as "simultaneous, protracted rural and urban guerrilla warfare" which would "pin down the enemy in the cities at the outset."

According to press reports, Mr. Young met Sobukwe, who has been jailed for his involvement with PAC, in South Africa in 1974, and the PAC leader wrote to Mr. Young asking him to arrange U.S. visas for his adult children to attend college in this country. Sobukwe's daughter and son have been living with Mr. Young's family since May of 1975, and Mrs. Sobukwe was his house guest for some three months.[13]

I am sure that this Committee will confirm the Honorable Representative from the Fifth District of Georgia to be our United Nations Ambassador. However, I believe it would be in the best interest of our country and of my distinguished colleague and friend, Mr. Young, to ask that he request the President to withdraw his name from consideration of this post.

POSTSCRIPT

Mr. Chairman: It has come to my attention that a group known as the National Caucus of Labor Committees, also known as the U.S. Labor Party, will be testifying against the nomination of Congressman Young. This organization is a violence oriented Marxist-Leninist group with a reputation for irrational and slanderous statements against government officials and public figures.

On March 11, 1975, Clarence Kelley, Director of the FBI, testified before the House Appropriations Committee and characterized the NCLC as "violence-oriented." He went on to say "during the past two years its members have been involved in fights, beatings, using drugs, kidnappings, brainwashings, and at least one shooting. They have been reported to be armed, to have received 'defensive training' such as karate, and to have attended cadre schools, and a training camp to learn military tactics." [14]

I would like to disassociate myself from any statement made by this organization, and to suggest to my colleague, Congressman Young, that responsible persons must repudiate extremist and irrational statements that are made in their presence.

FOOTNOTES

[1] *New York Times*, December 17, 1976.

[2] ABC News, "The Panthers," April 13, 1970, 10:30–11:00 P.M., E.S.T.

[3] *Ibid.*

[4] *Human Events*, June 15, 1968.

[5] Quoted by Senator Strom Thurmond, *The Ledger*, 5/30/68.

[6] *Atlanta Constitution*, July 24, 1963.

[7] Hearings, "Southern Conference Educational Fund," Senate Internal Security Subcommittee, Committee on the Judiciary, May 18, 19, 20, 1954, p. 47.

[8] Leaflet, "Gulf Boycott Coalition Statement, July 4, 1971." For background documentation of the Soviet Union's control of the Angolan MPLA, see staff study, "Terrorism," House Committee on Internal Security, August 1, 1974, pp. 50–54.

[9] *Gulf Disc* (stockholders newsletter), Spring 1971.

[10] Leaflet, "Pan-African Liberation Committee—Sponsors," 1973.

[11] *Human Events*, January 27, 1973 reported Rep. Young's support for the anti-Vietnam activities of the People's Coalition for Peace and Justice (PCPJ) and the National Peace Action Coalition (NPAC). The House Committee on Internal Security held major hearings into PCPJ in 1971 documenting the leading role played in it by the Communist Party, U.S.A., and its connections with the Soviet-dominated World Peace Council. The same series of hearings also documented the control of NPAC by the Trotskyist communist Socialist Workers Party (SWP) which is the U.S. section of the Fourth International, the Trotskyists' coordinating body. In 1971, the French Fourth International leader Pierre Frank sent a letter to the SWP National Convention which said:

"First of all I express to you the attention and the passion with which the international Trotskyist movement in its entirety follows the action against the Vietnam war, waged in the U.S.A. and in which you, the S.W.P., play such an important role. It is this mass mobilisation increasingly large and increasingly firm to "Bring the GIs home now" which, after the heroic resistance of the Vietnamese people, contributing deci-

sively to sap at the determination of American imperialism and to paralyze its forces. This anti-war activity must not stop for one minute, even if the victory of the Vietnamese revolution seems imminent. It must continue in the U.S.A. as in the whole world to prevent American imperialism from making an orderely retreat, to insure that its defeat henceforth inevitable should be the worst possible."

The letter was published by the SWP in November 1971, and in the Congressional Record, 10/1/76, p. 35458.

[12] Congressional Record, February 6, 1975, pp. 2690–2692.

[13] *New York Times*, December 18, 1976, p. 2.

[14] A detailed documented report on the National Caucus of Labor Committees appeared in the Congressional Record, January 26, 1977, pp. 2428–2430.

A SALUTE TO FORMER SECRETARY OF LABOR W. J. USERY

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, during the past several weeks, we have witnessed a steady flow of Georgians into Washington to assume positions in the new administration. I would like to take just a few minutes this afternoon to call attention to the long, dedicated, and effective service of a singularly talented gentleman from Georgia who is leaving the public sector for new lines of work. I am referring, of course, to our outgoing Secretary of Labor, W. J. "Bill" Usery.

Bill Usery was born in Harwick, Ga., and grew up in Milledgeville, Ga.—a section of the country where union organizers were not looked upon with any special fondness. Indeed, Usery later noted that he had, himself, been "run out of a few towns by the Ku Klux Klan." He was raised in the rural red clay country in a working class family. His parents worked at the nearby Georgia State Hospital and he was sent to military school with but two uniforms—these were the Depression years—one of which his mother laundered every day. "I was as well-dressed as any kid," he recalls.

During the early 1940's, Usery began his working life as a welder—his career being interrupted for a tour of duty with the U.S. Navy—1943–46. After the service, he returned to his craft by day and studied at Mercer University in Macon, Ga., at night. Gradually, as his family responsibilities increased—he married in 1942—school gave way to the priority of work. In 1949, while at the Armstrong Cork Co. in Macon, Usery joined the local union affiliated with the International Association of Machinists—IAM—an event which influenced the direction of his life ever after.

Gradually, he worked his way up through the local union hierarchy, gaining experience with each step. In 1954, the IAM sent him to Cocoa Beach and to Cape Canaveral for 3 days to see if there was any opportunity to organize. When he arrived at the cape, the Machinist local there had 17 members—a figure which rapidly increased to over 4,600. For the next 14 years. Usery spent much of his time involved in the labor-management side of the space industry—at Canaveral, at the Manned Spacecraft Center in Houston, Tex., and at Marshall Space Flight Center in Huntsville, Ala. From 1961 to 1967, Usery was Machinists' representative on the President's Missile Sites Labor Committee. In 1967, he helped form the Cape Kennedy Labor-Management Relations Council, serving as its chairman in 1968.

Over the bargaining table in aerospace, Usery became acquainted with James D. Hodgson, chief labor negotiator for Lockheed—the latter recognizing the very special talents of the husky Georgian. When Hodgson was named Under Secretary of Labor in the Nixon administration, he recommended his estwhile adversary to then-Labor Secretary George Shultz and Usery was brought to Washington as Assistant Secretary of Labor for Labor-Management Relations, February 1969.

Shultz and Usery hit if off from the beginning. "Although George and I come from different worlds," Usery noted of the then-Secretary, a former dean of the University of Chicago's Business School, "We have become very good friends. Why, the first day I came on this job George came in and told me to only do and say things that I believed in. That's just the way I have operated, and I have never once felt uncomfortable."

Shultz returned the confidence, terming the Georgian an "immensely talented" individual "who has this knack or ability to get people working together along constructive lines." As the months and years passed, Usery became increasingly valuable to the administration—and to labor. "To the delicate task of helping labor and the administration understand each other, Mr. Usery 'brings a pretty highly developed sense of what unions like and don't like,' declared an AFL–CIO staffer. 'There has to be a person like Usery who is current with the problems of the trade union movement and the administration whom we can talk to frankly.' " Gradually, he became the day-to-day link between the Department and the trade union movement.

In the second Nixon administration, February 1973, Usery was moved to the Federal Mediation and Conciliation Service—FMCS—as Director. Later that fall, almost as a testimonial to his impartiality, Usery received an invitation from the AFL–CIO to become director of its new Department of Organization and Field Services. For a trade union professional, it must have been a great temptation. The directorship of the new Department offered challenge and a further opportunity to serve. It held, potentially, the prospect of still higher honors within labor. But, Usery declined.

By late 1973, the Nixon administration was under attack. Some insiders attributed Usery's decision to a feeling that "It would be cowardly to desert" even though he was not regarded as a strong political supporter of the President—his own partisan views being an open secret. One can only speculate about the real motivations in this case; but, knowing Bill Usery's essential decency and fairness and sense of honor, one need not look far for an answer.

In January 1974, Labor Mediator Usery was given the additional assignment of Special Assistant to the President. In April of 1975, that title was changed to Special Assistant to the President (Gerald R. Ford) for Labor-Management Negotiations.

As you will recall, Mr. Speaker, throughout 1975, with the encouragement of Secretary of Labor John Dunlop and, it appeared, of President Ford, the Congress labored to produce long overdue legislation to reform the Taft-Hartley Act as it applies to collective bargaining in the construction industry. By December of 1975, both the House and the Senate had passed common situs picketing bill legislation, drawn to the specifications of the President and with the direct guidance of his Secretary, Mr. Dunlop.

On January 2, 1976, President Ford vetoed the measure.

On January 13, 1976, Secretary Dunlop resigned.

On January 22, 1976, President Ford nominated Bill Usery for the post of Secretary of Labor, affirming:

> I want to thank Bill for assuming this responsibility and express to you, Bill, the gratitude of not only myself but, I think [of] the American people. We are very fortunate to have you available and willing to assume this very tough job here, in which we have a number of prospective disputes, legitimate labor-management problems, in the rubber industry, in the automobile industry, in the trucking industry, as well as others. The department will be in very good hands.

The President was correct in his assessment. The Department of Labor, under the direction of Bill Usery, was in the very best hands.

In labor-management relations circles, he is universally respected for his fairness and for his impartiality. His endurance is legend.

During a recent period of labor-management negotiations that was being mediated by Bill Usery, the labor representatives were advised, so the story goes, by old hands at the business:

"Watch out for Usery. He's going to keep you up all night. He's not going to let you go. He's going to make emotional appeals to your patriotic duty and to your interest in the community."

A few hours later, the trade unionists returned from bargaining.

"He did exactly what you said, and we were on to him," they reported, "but we settled anyway."

During the 1973 Philadelphia teachers' strike, an unusually bitter affair, he used what might be termed "endurance bargaining" to the hilt. An associate recalls:

"First he had to persuade a judge to let two union leaders out of jail to negotiate. Then he ran them and their school board opponents through 36 hours of talks.

"When they were really on the ropes," Usery's colleague recalled, "he said, 'OK, we need to take a break.' Everybody go back home, have a shower and get something to eat—and meet back here in 2 hours.' When they got back he said, 'Now we're not going to have any more of that 36-hour stuff, are we?' The strike was settled in another 3 hours."

Usery is unorthodox, to be sure—but

effective. "No matter how tired I am," he notes, "I never walk into a room. I burst in. Negotiators think, 'Hell, we better settle this before he kills us all.' "

In pursuit of labor-management peace, Usery may open with an unabashedly patriotic appeal to both sides, cite the moral obligations of the parties and the need to make collective bargaining work. In especially tough, hostile circumstances, he may resort to a bit of earthy, rural humor.

Recently, Usery recalled that he had been involved with over 300 collective bargaining agreements and had only 11 strikes. "I have a great respect for economists and all their theories," he admits, "but I try to live in the real world."

With his thick southern drawl, his fracturing of the English language, his pragmatic approach to things economic, Bill Usery will be missed at the Department of Labor and by official Washington.

I think it is only fitting, Mr. Speaker, as he now steps down from his all-too-brief service as Secretary of Labor—to say: Bill Usery, you have done a fine job.

LEGISLATION TO EXTEND FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974 TO CONGRESSIONAL PRIMARIES AND GENERAL ELECTIONS

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. CORNELL) is recognized for 10 minutes.

Mr. CORNELL. Mr. Speaker, we have just experienced the first publicly funded Presidential campaign in our country's history. For the first time candidates seeking the office of President could solicit votes without being dependent on the financial support of special interests. Those with great economic power in our society found that money did not translate into political power. Surely this legacy of the Watergate revelations is one of the healthiest changes in American politics.

Today 13 colleagues are joining me in sponsoring a bill which is the natural extension of the Federal Election Campaign Act Amendments of 1974. It extends financing to congressional primaries and general elections. The basic premise of this legislation is the same as that for funding Presidential campaigns: Special interests ought not to be permitted to cover the costs of the election of any Federal officeholder. We would never allow these same interests to pay the salaries of our Senators and Representatives, so why should we allow them to have a practical monopoly on funding the efforts of candidates to gain congressional office?

Our bill would make full public funding available to nominees of major parties in general elections for the House and Senate. In Senate elections, the candidate would receive 14.4 cents for every eligible voter in the State or $180,000—whichever is greater. Each candidate for the House would receive $100,000. No person would be required to accept any public funds. He or she could even decide on a combination of funding both public and private.

Minor party candidates would also be eligible for partial public funding in general elections. This would be based on the party's showing in the preceding election or could be retroactive, depending upon the candidate's vote in the subsequent election.

Unlike some other proposals for public financing of congressional campaigns, our bill provides for partial funding of primary elections. We have long recognized that primaries are an inseparable part of the electoral process. To finance general elections with public funds while ignoring the large cost often involved in achieving a party nomination undermines the whole point of public financing. This measure makes Federal matching funds available for every private contribution of $100 or less in primary campaigns. Candidates for the senatorial nomination who raise 15 percent of the spending limit or $100,000—whichever is less—and candidates for a House seat who raise $5,000 would be eligible for the matching funds.

Mr. Speaker, if justice and logic support the present system of matching Federal funding for primaries and total funding of the general election campaign for the Office of President, then that same justice and logic demand that we extend public financing to congressional races. I urge my colleagues to support this badly needed reform.

LET'S OPEN OUR COUNTRY TO INCREASED TOURISM

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, our new President has set a fine precedent by opening the inaugural celebration to the people. Millions converged on Washington to help President Jimmy Carter celebrate.

I ask my colleagues, what better way to continue this sentiment than by opening our country to the millions of tourists from all over the world who yearn to see our shores and cities and people firsthand. The potential is there because every year over 200 million trips are taken by people all over the world.

Throughout the world, the United States is generous with its help and funds—why not get a bigger piece of the tourism pie since these people so desperately want to visit here anyway? There is an immensely profitable tourist market out there on which other countries actively capitalize. Why not us? As it is now, we do have a U.S. Travel Service that has been trying to promote the allure of our country in foreign lands, but the Service works on a very limited budget. Jamaica, the size of our State of Connecticut, has four times as large a budget for tourism as our entire country.

It has been two Congresses since the National Tourism Resources Commission submitted its report on the tourism needs and resources of the United States through 1980. It outlined the magnitude of tourism and its potential. In 1970, for example, tourism expenditures in the United States totaled $50 billion, and the Commission report projected expenditures of $127 billion in 1980.

Money like this could significantly affect our general economy—an economy that can use all the help it can get. For every $4 of income earned directly by tourism, another $3 is generated indirectly. Each $20,000 spend by foreign tourists in the United States creates one new job.

For all these reasons, I have sponsored H.R. 135, which amends the Immigration and Nationality Act to facilitate the entry of foreign tourists in the United States. It would grant the Secretary of State and the Attorney General authority to exempt visitors coming for 90 days or less from all but the most serious of the 30-odd grounds of ineligibility, as well as from the visa requirement. Only a valid passport would be necessary from countries who offer us the same reciprocal agreement. Approximately 35 nations do not require visas from American tourists; we require them from nationals of all countries except Canada and Mexico.

By relaxing some of the cumbersome requirements visitors must now face, we would, at the very least, be providing a welcome mat for our foreign guests and visitors. Once and for all, we could turn around the travel deficit—the difference between what U.S. travelers spend abroad and what foreigners spend here, and create new jobs for our own citizens as well.

There is no danger that this legislation could create loopholes in our immigration law or escape hatches for illegal aliens. In fact, there are sections specifically aimed at curbing the employment of illegal aliens by establishing penalties both for their employers and for nonimmigrants who accept employment in violation of their status.

Moreover, foreign visitors would be required to possess a valid passport and a nonrefundable round trip ticket. Any alien who willfully remained beyond the 90-day period would be penalized by a delay of 2 years in his priority date for issuance of an immigrant visa. Those individuals who might threaten danger to our citizens would still be excluded. But the bill would simplify the procedure for granting a visitor's permit without in any way jeopardizing the security of our country.

Our President started something that the Congress can readily continue, at great benefits to our country. We can spread the goodwill that comes from firsthand knowledge of our beautiful Nation, expediting the path for tourism, and we can generate new sources of revenue as well. What are we waiting for?

MIDDLE EAST PEACE: AN AMERICAN INITIATIVE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. OBEY) is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, 1 month after our Bicentennial year, the United States is at peace. Nowhere are our servicemen firing weapons in anger at an enemy.

We remain alert to threats, and we

have the will—and the means—to protect ourselves, our allies, and our interests.

But the price of peace, and of liberty, is more than simply eternal vigilance. It is more than costly military preparedness. In a world where communication is instantaneous, where people can move about the globe at twice the speed of sound, and where total destruction is only minutes away, in a world of intense interrelationships and increasing interdependence, the price of security and freedom for a country such as ours is also, inevitably, the willingness to assume the burdens and risks of leadership.

I am not suggesting that we revert to the role of world policeman. We tried that for 25 years, at times with remarkable success. But the tragedy of Vietnam demonstrated all too vividly that such a role is no longer possible or desirable.

And although we should promote our ideals of social justice and should, in good measure, choose our friends based on shared values, we should not be lured into attempting the role of mankind's conscience. Despite this country's greatness, we have enough trouble solving some of our own most basic problems without trying to claim that our judgment and our system are valid for nations with vastly different histories, cultures, and political circumstances.

But leadership, as opposed to dominion, is a role both appropriate and necessary for the United States. We possess a strength unique in world history and unparalleled by any other nation today. We simply cannot decline to accept a commensurately active role in working constructively with others to solve the most urgent problems facing all of us before those problems reach the crisis state. If we decline that role, it is likely that several of those problems will either intensify until we have no choice but to intrude in a provocative and dangerous way, or will be exploited by other powers in ways inimical to our welfare and that of our allies.

MIDDLE EAST—LEGACY OF HOSTILITY

The area of the world crying most desperately for creative American leadership today is the Middle East. It is there that the danger of war, including nuclear confrontation, is the greatest. Paradoxically, it is also there that imaginative and courageous policies could lead to a degree of peace and tranquility unknown for generations.

The history of the Arab-Israeli dispute is well-known and does not need to be repeated here. But it would be useful to review some of the more pertinent facts and to set the background against which current U.S. policy must be formulated.

On one side, of course, is Israel, to which we are tied by deep and long-standing bonds of moral, social, historical, political, and economic interest. On the other are the Arabs. Formerly of little concern to the United States, they now are the object of increasing American attention because of the radical change in the oil price and supply situation, the dramatic increase in American business interests in the area, the increasing pressures in and on Israel, and the strategic implications for our relations with the Soviet Union.

For years the Arabs dedicated themselves to the obliteration of Israel. They exerted direct military, political, and economic pressure on Israel. They constantly inflamed Palestinian irredentist ambitions. Four wars and countless incidents have left the two sides glowering at each other across a gulf of hatred and death, economic strangulation and terrorism, displaced peoples, seized property, and occupied territory.

There is little to be gained by trying to assess responsibility for past events. One would need to attempt the impossible and pointless task of assigning relative weights to such factors as Arab intransigence, the fact that Israel was imposed on the area, the horror of Nazi tyranny—and Western failure to perceive it in time—and centuries of anti-Semitism in Europe and colonialism in the Arab world.

Today's pertinent fact is that Israel does exist. As Secretary Kissinger recently expressed it, "We shall never forget that Israel's security has a special claim on the conscience of mankind." [1] Today's pertinent fact is also that there are new realities in the Arab world. A combination of leadership changes and a decade of military history have led all of her immediate Arab neighbors to declare that they are willing to live in peace with Israel, that they desire to devote themselves to solving their own pressing domestic economic and social problems. Their words have been backed up by numerous actions including Egypt's rebuilding of cities along the Suez Canal and Syria's intervention in Lebanon when the civil strife threatened to deteriorate to the point that Israel would feel compelled to enter. Given the potential explosiveness of the Lebanese situation, it was gratifying that Israel acted in a responsible and imaginative manner.

Despite the continued adherence of the PLO to an uncompromising public line, many Palestinians—including PLO members—have openly indicated that they, too, are reconciled to Israeli sovereignty and are prepared to drop their challenge to that state's legitimacy in exchange for a homeland of their own outside the pre-1967 Israeli borders. Even PLO leader Yasir Arafat has taken this position in private.

Recent developments in Lebanon may alter the PLO's mandate from the Rabat summit of 1974, but that is something which remains to be seen. Considering PLO resiliency in the wake of the 1970 "Black September" confrontation with Jordan, and looking at the recent PLO election successes in the West Bank, that organization may well survive as the only centralized focus of the Palestinian cause. Indeed, at this stage any other result would seem likely to remove the only possible negotiator for the foreseeable future, thus leaving the more extreme Palestinian elements free to step up their activities. In any case, the Arabs will have to give us a new signal in this regard if they withdraw support from the PLO. In the absence of any such signal, we must proceed on the assumption that, although we may not like it, the PLO is a viable negotiating entity, because at this time there is no concrete alternative in sight.

Footnotes at end of article.

An important goal of American policy in the Middle East, as will be discussed in some detail below, should be to create a framework which will strengthen the moderate tendencies in all camps and allow them to prevail over the radical elements.

As many others have observed, this is not a time to delude ourselves or to avoid candor and honesty in our relations with any of the parties, including Israel. In Senator JAVITS' words:

> It is time to offer new alternatives, new perspectives and new possibilities." [2]

My purpose here is to make such an offer and to propose a concrete policy which can, I believe, meet the legitimate concerns of both sides and move them to the type of just and lasting peace which has eluded us all since 1948.

THE ISSUES—DIFFERING PERSPECTIVES

Before proceeding to the specifics of my proposal, I would like to lay out what I perceive to be the views and needs of each side.

For Israel, the crucial necessity is explicit Arab acceptance of the Jewish State and assured arrangements to protect its security. Prime Minister Rabin has said that Israel will make major territorial concessions and that a just settlement of the Palestinian question will be possible—but only within the context of an overall peace settlement. Rabin does not, however, promise withdrawal from all territories nor does he foresee an independent Palestinian State. Rather he seems to envision a continuing Israeli presence in strategically important areas. And any Palestinian entity is pictured by the Israeli Government as part of Jordan, not as a sovereign state. In line with these policies, although the Government of Israel recently forbade the establishment of a new Israeli settlement in the heart of the West Bank, it continues to permit and encourage numerous Jewish settlements in the Golan Heights, the Jordan Valley, the West Bank area surrounding Jerusalem, the Gaza strip, and the Sinai Peninsula along the Gulf of Aqaba leading to the port city of Eilat.

On the Arab side, although Egypt, Jordan, and Syria, through their endorsement of U.N. Security Council resolutions, have all accepted Israel's right to exist, they are unwilling to declare an end to the state of belligerency or grant formal recognition of Israel until the Israelis give up all of the occupied territory and settle the Palestinian question. There is some discrepancy between their positions on post-settlement recognition of Israel's Government. President Sadat stated at a press conference on April 25, 1976, that Israel "is an established reality indeed" and that his acceptance of Security Council Resolution 242 included "a recognition of Israel." President Assad of Syria, on the other hand, told interviewers last December that diplomatic recognition is a matter of sovereignty for each government to decide on its own and is not necessarily part of the peace settlement. [3]

It is difficult to speak with confidence about a Palestinian position, but given

the decisions of the Rabat summit and the subsequent positions taken by all major Arab leaders, thus far there seems little choice but to accept the PLO as the de facto, official Palestinian spokesman. The PLO has not publicly backed away from its dream of creating a secular state in greater Palestine comprised of the West Bank, Gaza, and Israel. But Arafat's private statements to many Westerners, including Senator ADLAI STEVENSON, suggest genuine flexibility in accepting a Palestinian State outside the bounds of pre-1967 Israel.[4] Assad indicated this too, telling a Western correspondent as early as 2 years ago that, although he would support any decision taken by the PLO, he "would imagine that what the PLO decides will not exceed the spirit of U.N. resolutions. And these do not call for the dismantling of Israel."[5]

Just as Rabin may feel boxed in by domestic political considerations from taking a tougher line with his right wing, or a more flexible one on the overall question of negotiations, Arafat may well believe that he cannot soften his public position without risking ouster by more militant leaders until he has a firm commitment which he can offer to the Palestinians in justification of such a change.

ASSUMPTIONS UNDERLYING A NEW INITIATIVE

In a sense, what we face is a chicken-and-egg problem. Israel will not pull back from the occupied territories until the Arabs grant—and guarantee—recognition and security, and the Arabs will not grant recognition until Israel pulls back.

But the problem, of course, runs far deeper. In important part, it involves on the Israeli side a deep-seated fear that, in giving up tangible real estate assets which they perceive to be of great strategic value, they would be receiving in return only promises and paper protocols. In addition, given the Palestinian public insistence to date on its more grandiose ambitions of absorbing the Jewish state, only a small number of brave Israeli voices outside the Rabin administration call for acceptance of an independent Palestinian state. Even those people generally insist that, before Israel negotiates with any Palestinian group, that group must publicly state its acceptance of Israel's right to exist under the terms of the U.N. resolutions.

Whatever one's view of former Secretary of State Kissinger's marathon efforts in 1975 and the second Sinai accord, it is now clear that the remaining issues are not susceptible to solution through step-by-step diplomacy. In part this is due to the geographic limitations which exist in the West Bank and the Golan Heights where partial pullbacks are difficult. But primarily it is because in political terms neither side is prepared to give up what it sees as its principal bargaining chips for anything short of a full settlement.

Israel's concern over the impact on her security of relinquishing the occupied territories is understandable. If the 1973 war had been launched from the pre-1967 borders, the heavy losses would have been far more severe, and the ultimate result of the war might have been quite different. And foreign Minister Allon was quite right when he suggested to the graduating class at the Hebrew University in Jerusalem recently that technological advancement has not reduced the importance of secure borders.

But quite frankly I do not believe that the occupied lands provide nearly as much security as is generally assumed. During the period between the end of the 6-day war in 1967 and the truce in the 1969–70 war of attrition, for example, there were about as many casualties as in the 1967 war itself.[6] And the buffer nature of the occupied territories has been seriously undermined by the establishment of so many new Israeli settlements right up against the temporary borders. Meanwhile, the recent riots in the West Bank suggest that continued occupation only serves to bring the violent aspects of the Arab-Israeli dispute within Israeli borders rather than in any way providing a solution. And while a function of many factors, Israel's problems in international organizations in the last year or more are at least partially attributable to the continuing occupation and the establishment of new settlements, which even our Government publicly opposes.

Even more important, however, is the fact that without return of those territories to the Arabs, there is simply no chance of the peace for which the Israeli people have fought for so long. The problem is not to find a way to force Israel back to the 1967 borders and the 1967 insecurities. The problem is to find a way of bringing about an overall peace settlement which will meet the needs of all parties concerned—Israel for its peace and security, the Arab States for return of their territory and national pride, and the Palestinians for a homeland of their own.

If this is achieved, no matter what the shape of its borders, Israel will be far more secure than it has ever been before. As Israeli peace activist Amos Kenan stated in 1974:

> In the absence of such a peace, our attempt to hold on to all the areas as a means of defense has already, in the last year [i.e. in the Yom Kippur war], proved only to stimulate war and not to prevent it.[7]

And in the words of David Ben Gurion—

> Peace is more important than real estate. We don't need the territory.[8]

AN AMERICAN PROPOSAL

Such a settlement is possible. But because none of the parties directly concerned has the political flexibility to propose it, the impetus must come from outside. Because of our political, economic and military involvement with both sides, the United States is in a unique position to provide that impetus.

Before going any further, let me state clearly that while we should assure that Moscow is not permitted to subvert our efforts or gain strategic advantage in the area, at the same time it is important that we make sincere efforts to secure Soviet cooperation in this venture. Shuttle diplomacy effectively excluded the Russians from Middle East politics for some time, and the temptation for them to play the role of spoiler would be great if we tried to keep them out of the final settlement as well. Moreover, a constituent part of such a setlement would be an effort to control the arms race in the area, and Soviet cooperation would be extremely important to success. We must build in mechanisms for creating and maintaining peace which could not be upset by Soviet failure to cooperate. But our own interests, and those of the Middle Eastern countries, demand that we strive for participation by Moscow, and that we give it a stake in maintaining the peace agreement.

And it is urgent that we renew efforts to create that peace agreement now.

The stalemate which has existed for more than a year now cannot be allowed to continue. We simply must get the peacemaking machinery moving again because while the peacemakers may be frozen, the warmakers are not. In the pressure cooker atmosphere which characterizes the Middle East, it is impossible to escape the conclusion that standing still is not a reasonable alternative. History has amply demonstrated that in the Middle East, one either moves towards peace—or towards war.

A future Arab-Israeli war would not only mean far greater devastation and loss of life than any of the four previous wars; it would not only bring with it the danger of nuclear confrontation with the Soviet Union; it would also inevitably lead to another oil embargo, bringing havoc to the world's economy and to our own. The Arabs, the Palestinians, and the Israelis are the ones who will have to make the difficult and painful decisions if a just and permanent settlement to that tragic conflict is to be achieved. The responsibility for success—or failure—is theirs. The consequences of their success or failure will affect us all.

Today Israel enjoys widespread support in the United States. Senator STEVENSON said in a speech last year before the Anti-Defamation League:

> America's commitment to Israel is unequivocal. The day America abandons Israel will be its last day as a great power.[9]

I think most Americans share that view. But if we are to assure the continuation of this broad consensus, we must steer a course away from war and move effectively toward peace.

I do not propose an imposed settlement, forcing the various parties to accept conditions which are incompatible with their political, military or psychological needs. But I do urge that we seize the initiative to create a framework in which the basic needs of all parties can be met.

One of the most serious problems with many discussions of Middle East peace has been the fact that while the elements of an overall settlement are presented, the process suggested is either piecemeal, or is not addressed at all. I believe that the critical element which can move peace proposals from the rhetoric of speeches to the dialog of negotiations is the concept of simultaneous acceptance by all parties of a set of principles regarding a final settlement, with that settlement itself to be achieved through a series of verified, progressive stages. The principles would include most importantly:

First. The termination of all claims or

Footnotes at end of article.

states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force, and the eventual establishment of full diplomatic and commercial relations between all of these states;

Second. Eventual withdrawal of all Israel Armed Forces and administrative organs from all territories occupied since June 4, 1967, except as mutually agreed, with the specific exception of Jerusalem which would be the subject of special provisions;

Third. The establishment of a Palestinian national entity in areas outside the June 4, 1967, Israel borders, with the nature and degree of its relationship with other Arab entities to be determined by the Palestinian people themselves; and

Fourth. The creation of demilitarized zones along all borders between Israel and its neighbors, supervised for such time as both sides consider necessary by international peace-keeping forces which could not be removed except by agreement of both sides.

These principles would be incorporated into the invitations extended by the United States—and hopefully the Soviet Union—all concerned parties to attend a reconvened Geneva Conference, or a new Paris, Rhodes or Hague Conference if the symbolism of Geneva is a problem. Acceptance of the invitations would, by definition, indicate acceptance of the principles—and nothing more. The parties invited to attend would include Israel, Egypt, Jordan, Syria, and the PLO or its successor(s) to the Rabat mandate.

Assuming that Israel accepts the invitation under these terms, I would also advocate, in the context of a peace settlement, a public bilateral assurance, by treaty if necessary, that if Israel is subjected to unprovoked attack, and if the Government of Israel so requests, the United States will take whatever steps are necessary to protect Israel, including deployment of forces.

Each of these points deserves further amplification and justification.

Point 1: The first principle is merely an expansion of one of the crucial parts of the 1967 Security Council Resolution 242, simply adding the logical step of establishing full-scale relations. In declaring an end to the state of war and recognition of each state's right to exist peacefully within secure and recognized boundaries, it represents the bottom line for Israel. Without acceptance of this provision by all parties, Israel cannot negotiate a full-scale peace.

Only the Palestinians, of course, have refused thus far to accept the basic principle. But it is a fundamental aspect of the proposal I am suggesting that the Palestinians will be achieving their real objective—Israel acceptance of a Palestinian state in the now occupied territories—and thus will have a basis for reciprocating with a recognition of Israel's right to exist.

I suggest extending Resolution 242 to encompass eventual establishment of diplomatic and commercial relations, not only because they represent the logical symbol of a true peace settlement, but because they will provide the kind of interrelationships in the area which will help maintain the peace. As I observed earlier, Syrian President Assad has asserted that recognition is a matter of sovereignty. I agree, but that is as true for the country receiving recognition as for the one proferring it. As such, I believe it is an important element in giving mutual reassurance regarding long-term intentions.

Agreement to end terrorism would be part of the specific provisions stemming from this principle. But no one should be so naive as to believe that all violent incidents will end or that indeed an intensification of terrorism will not take place as a genuine peace is at hand. The hysterical and isolated acts of a small number of diehards, however, are quite a different matter from the pattern of organized and supported terrorism which has been condoned and encouraged in the past by all of Israel's neighbors.

Point 2: The Israel withdrawal from all occupied territories is another aspect of Resolution 242 and is one of the two bottom-line requirements for the Arabs without which no agreement is possible. As I stated before, the occupation is now a major political stumbling block to peace, and its removal as a part of this package will both permit forward movement on the negotiating front and at the same time enhance rather than diminish Israel security.

Certain small areas, such as land over which roads run between neighboring towns, might by mutual agreement become exceptions to the general rule. In fact this would likely take place in both directions. But any argument that this or that piece of land must be retained for strategic reasons or because it provides an intelligence base otherwise infeasible cannot be permitted to hold sway. Irredentist sentiment would find fertile soil in such exceptions and would threaten eventually to undo that which all of the other efforts are designed to achieve.

Jerusalem is the single exception. That city holds a special place in the hearts of Jews, Moslems and Christians as well as embodying sensitive political interests. The Israelis cannot be asked to abandon Jerusalem, nor can the Arabs reasonably be asked to relinquish their claims. Various solutions have been proposed, most of which envisage control by each religion over its holy places and substantial political autonomy for each national group in those sections where it dominates. I will not pretend to hold a magic solution in my pocket, but I do believe that all parties can be expected to understand the need for special treatment of Jerusalem and, accordingly, to accept the need for special, negotiated arrangements.

As part of the Israeli agreement to withdraw from all other occupied territories, it will be necessary for the Israelis also to accept the fact that any Jewish settlements which exist in those territories will come under Arab control at the time of reversion. I realize the sensitivity of this issue in Israeli domestic politics, but I also am aware from personal conversations with Arab leaders during my visit to the area in August 1975 that Israel's toleration—and encouragement—of Jewish settlements in occupied Arab lands is the single most tangible piece of evidence to which the Arabs point in their attempts to prove that Israel is determined not to give up those territories and is therefore unwilling to reach a meaningful peace agreement.

Not only are those settlements in violation of the Fourth Geneva Convention, as former Ambassador Scranton recently pointed out,[10] but they encourage the hard-line elements within Israel, and abroad, who hold the misguided belief that a "greater Israel" is somehow more compatible with a genuine peace than is a "greater Palestine."

The eventual reversion to the Arabs of jurisdiction over these settlements is legally and practically necessary. In the meantime, the continuation of the current policy unnecessarily puts Israel on the defensive in the arena of the world public opinion. Therefore, both as a signal of good intent, and as a matter of prudent policy, the Government of Israel would be well advised to call a halt now to the establishment of new settlements.

Point 3: The establishment of a Palestinian entity addresses the other vital element on the Arab requirements list. As expressed by a recent Brookings Institution study on the Middle East:

> The Palestinians for the most part believe that they have a right to self-determination. For a peace settlement to be viable, indeed for it even to be negotiated and concluded, this right will have to be recognized in principle and, as a part of the settlement, given satisfaction in practice.[11]

There is no question that some sort of affiliation of a Palestinian entity with Jordan would be preferable from the Israeli point of view and probably, objectively speaking, from the Arab perspective as well. But the time is past when we or the Israelis can afford to indulge ourselves in the belief that we can legitimately dictate that aspect of the settlement.

As suggested to me by President Sadat a year ago, once the Palestinians have a homeland, an international supervised plebiscite could be held to determine their relationship with Jordan, if any. But as the Brookings study suggests, the simple fact of the matter is that unless Israel accepts the possibility of an independent Palestinian state, negotiations with the PLO or any other Arab authority will be out of the question. No Arab leader inside or outside the Palestinian movement will accept responsibility for imposing anything less than choice of a free state on the Palestinian people—perhaps because they believe it would be unjust; certainly because they know they could not enforce it and would only jeopardize their own positions.

Point 4: The demilitarized zone—DMZ—concept is already embodied in Security Council Resolution 242 and is a necessary psychological if not military element. A permanent peacekeeping force is an obvious requirement given the pre-

Footnotes at end of article.

vailing mutual distrust. Two extensions of the normal DMZ setup would also likely be in order and would be appropriate subjects for negotiation.

The first of these would be agreement to third-party aerial surveillance of the border areas. This type of arrangement has worked well in the Sinai for a number of years, with each side receiving relevant information assuring that the other side is not massing for an attack.

The second extension of the DMZ concept would probably have to be some agreement that, although the Palestinians could maintain their own armed formes and could arrange alliances as they saw fit, no troops or weapons under the control of a foreign power could be stationed within the Palestinian State.

Another aspect of this subject would be an effort by all countries in the area, on a mutual basis, to restrict, and hopefully end, the arms race. Part of this effort should be agreement among all major suppliers, East and West, not to continue to fuel a military buildup on either side. Neither side of the arms control effort—supplier or recipient—could realistically be expected to refrain altogether from arms transactions. But the volume of weapons should be carefully monitored and the introduction of entirely new systems, upsetting the balance, should be avoided by mutual agreement. We must squarely face the fact that for the United States this will require a major change in our present practice of transferring ever larger quantities of increasingly sophisticated weapons to Israel, and increasingly selling them to the Arab world, with no apparent policy to effectively control the flow to either.

Although specific U.N. action—aside from establishing the peacekeeping force—would be outside the scope of these negitiations, it would be fully appropriate if the United Nations pledged to come to the aid of any signatory state subjected to threat or use of force by any other signatory state. How far the Security Council could or would go in this regard, however, is a matter of some doubt. It may be able to do no more than, as in the case of Korea, facilitate the actions of individual members.

Therefore, in recognition of this country's close ties to Israel and the political difficulty involved in any decision by the government in Tel Aviv to participate in the type of arrangement I am describing, a bilateral U.S. commitment to Israel is probably essential if real peace is to be obtained and war avoided. Whether by treaty, executive agreement supported by a joint congressional resolution, or some other method, a formal American commitment to help defend Israel in the event of an unprovoked attack is, I am convinced, required to instill in Israel the confidence in that country's secure future necessary for it to embrace this settlement.

Moreover, I believe such a guarantee accords with our national will and our national interest. As Secretary Kissinger so eloquently put it in his April 4, 1976, address to the American Jewish Congress:

> The survival and security of Israel are unequivocal and permanent moral commitments of the United States. Israel is a loyal friend and a fellow democracy whose very existence represents the commitment of all free peoples.[12]

Quite frankly, it is my assumption that, even in the absence of a formal commitment, if Israel were on the brink of disaster, there is a strong likelihood we would become directly involved anyway. A pledge such as I am proposing would merely eliminate any doubts in the minds of both the Israelis and potential adversaries and troublemakers, thus minimizing both the chance of miscalculation and the likelihood of American participation in a future war.

Returning to the overall package, let me emphasize once again that the crucial feature of this peace proposal is that agreement in principle be reached now on the key elements of a final settlement, with implementation to be carried out in verified stages. I believe this concept holds great promise for acceptance. King Hussein suggested just such an outline to me when I visited Jordan in August 1975. Former Israeli Foreign Minister Abba Eban endorsed the same idea in a September 1975 interview.[13] And the distinguished members of the Brookings study group, representing a broad spectrum of views on Arab-Israeli relations, supported the concept in their study published at the end of last year.[14]

The vital point at this stage is to get simultaneous agreement to the four principles I have outlined, thus allowing the various parties to justify their participation and permitting the implementation to proceed within a clear framework of understanding on where the process is heading.

The later phases of staged implementation will also provide continuing reinforcement and reassurance to each side that it is getting as much as it is giving and that we will not reach the end of the road with a backlog of misunderstandings and disagreements which would eventually undermine the peace. I have no specific suggestions as to how it would be constituted or operated, but an arbitration mechanism will be an obvious requirement.

I have no illusions about the difficulty of getting the U.S. Government to make such a sweeping proposal so early in a new administration. But there is never a "good" time for bold strokes. I believe that any delay can only increase the frustrations and bitterness and massive, uncontrolled military buildups on both sides, and, in the charged atmosphere now prevailing, only heighten the possibility of war. The situation in Egypt alone, where economic problems and political pressures bring that country closer and closer to the breaking point, demands that renewed diplomatic activity not be postponed. The time available to Sadat to show that cooperation with the United States can bring tangible results grows shorter with each passing day.

It is not too soon to act. There are new realities on both sides which we must take advantage of before they are overtaken by events. Their partial successes in the 1973 war have brought the Arabs to the realization that while they cannot eliminate Israel, they can negotiate with honor. And the same war brought the Israelis to the understanding that the moral basis of Zionism and the delicate requirements of democracy cannot long endure continued forced rule over a million Palestinians or the crushing burdens of defense in a state of perpetual belligerency.

Those who guide the course of American foreign policy in the administration and Congress, the supporters of Israel who have poured their hearts and resources into sustaining that beleaguered state, and all of us concerned with peace and justice in that troubled area must rise to the challenge of American leadership.

There are right times and wrong times, right issues and wrong issues over which to assume an active role. Vietnam was wrong. And Angola was wrong. But if there ever was or ever will be a right time and place to commit ourselves to bold initiatives in the cause of peace, it is now and it is in the Middle East.

FOOTNOTES

[1] Speech at Chizuk Amuno Synagogue, Baltimore, Md., May 9, 1976.
[2] Speech before the American Jewish Committee, Washington, D.C., May 12, 1976.
[3] *Time*, December 8, 1975.
[4] Washington *Post*, February 28, 1976.
[5] *Newsweek*, June 10, 1974.
[6] Merrill A. McPeak, "Israel: Borders and Security," *Foreign Affairs*, April, 1976.
[7] *Israel and the Palestinians: A Different Israeli View*, New York, Breira, 1975.
[8] John McCook Roots, "Peace is More Important Than Real Estate," *Saturday Review*, April 3, 1971.
[9] May 6, 1976.
[10] Speech before U.N. Security Council, March 24, 1976.
[11] *Toward Peace in the Middle East, Report of a Study Group*, Washington, D.C., the Brookings Institution, 1975.
[12] Washington, D.C.
[13] *New Outlook*, September, 1975.
[14] See 11 above.

LEGISLATION TO MEET THE NEEDS OF THE ELDERLY

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 30 minutes.

Mr. PEPPER. Mr. Speaker, today I am inserting in the RECORD, immediately following my remarks, a brief commentary on some bills that are part of the "legislative package for the elderly" that I introduced on January 4 and that I mentioned in remarks on February 1. At that time I said that I would have more to say about gaps in our social policies that relegate older people to an inferior role. I am back today to highlight needed changes in social policy.

Within the past few years, this body, as indeed the whole Nation, has been given a graphic view of what its like to be 80 and living in a nursing home. Mendelson in "Tender Loving Greed" opened our eyes to things that most of us would have preferred not to see. What was said by Mendelson was reinforced in the re-

port of the U.S. Senate Special subcommittee on Long-term Care, "Nursing Home Care in the United States: Failure In Public Policy." Not much had changed when Ralph Nader made his investigation, and published his findings under the title "Old Age: The Last Segregation." All of us would like to think that the nursing home scandals were long ago, and that all of that has changed, but just when we get to feeling comfortable about nursing homes again, an article appears, like the one that appeared in the Los Angeles Times in November of 1976, that makes us feel uncomfortable again by asking such questions as: "Nursing Homes: Are They Really Bad?"

But nursing homes are not the only issue. Many older people need to talk with lawyers to help steer themselves through the maze of laws and regulations that rightly, or wrongly, have come to characterize an increasingly complex society. But what are the chances for those 16 percent who are at the threshold of poverty? For others age discrimination, or bodily attrition, may become an acute problem that seemingly leaves them with nowhere to turn. This is where job, health, and financial counseling can enter in, and perhaps give hope to desperate situations.

To meet some of these needs I have introduced this "Legislative Package for the Elderly."

(H.R. 1118) OLDER PERSONS COMPREHENSIVE COUNSELING ASSISTANCE ACT OF 1976

A comprehensive system of providing counseling to older people would be authorized by the bill H.R. 1118. Adoption of a State plan for providing counseling assistance would be required in order to be eligible for grants from the agency charged with carrying out this program. The Administration on Aging would have responsibility for carrying out the program. Each State electing to participate would be required to designate an appropriate State agency to develop the counseling plan; the State agency designated need not necessarily be the State Agency on Aging. Area Agencies on Aging would implement the counseling assistance program at the local level, largely by drawing upon available counseling resources in the planning and service area thus magnifying the effects of grant money by adding the contributions of nearby organizations and individuals. Mentioned in the proposed legislation are a wide range of suitable counseling projects, and a variety of settings in which counseling could take place. Declared objectives of the proposed legislation are outreach to assist the homebound and to assist nursing home residents, preretirement counseling, career counseling, referral for physical or mental health services, social and life support needs, sensitizing professional counselors and educators to the needs of the aged, providing supportive counseling media, equipment and personnel, including paraprofessionals, and supplying education and job placement information and counseling. Separate sections of the proposed legislation would authorize the Commissioner on Aging to make grants for the training and retraining of counseling personnel, and for demonstration and evaluation programs. Forty-five million would be authorized to fund State and area counseling service plans; and $10 million would be authorized for preservice training of professional counseling and support personnel, $10 million for inservice training of counselors, and $15 million for demonstration and evaluation programs.

(H.R. 1119) LEGAL ASSISTANCE FOR THE ELDERLY IN CONNECTION WITH HOME HEALTH SERVICE CLAIMS

Under this bill an amendment to the Older Americans Act would be authorized for the purpose of enabling disadvantaged older persons, those 60 years of age or older, to contest the denial of claims for certain health benefits, primarily home health benefits. A new title, title VI, would be added by H.R. 1119 to the Older Americans Act. No program is currently being carried on under title VI, because this title was the legislative vehicle for the "National Older Americans Volunteer Programs," most of the provisions of which were incorporated into the Domestic Volunteer Service Act of 1973, and at that time the national older Americans volunteer programs were repealed. An appropriation of up to $10 million is authorized for the Commissioner on Aging to make grants to public or nonprofit private agencies or organizations with preference to be given to national organizations of proven ability in providing legal services to individuals 60 years of age or older. Legal assistance would be furnished to those contesting eligibility determinations for home health services covered under medicare, or to those contesting denial of claims for home health services under medicaid, or to those in need of representation incident to any hearings under title XX (2003d1A) of the Social Security Act that might be directed to determining eligibility for "community-based care, homebased care, or other forms of less intensive care".

(H.R. 1120) HOME HEALTH AND MULTIPURPOSE SENIOR CENTERS UNDER TITLE XX

Amendments proposed by H.R. 1120 to title XX of the Social Security Act are intended to divert more title XX money to the furnishing of home health care and to the provision of social services through multipurpose senior centers. One of the amendments would require that title XX funds that States certify as being in excess of their requirements shall, after certain statutorily mandated distributions of such excess funds to Puerto Rico, $15 million; Guam, $0.5 million; and the Virgin Islands, $0.5 million, be distributed to those States who will use such funds "during the succeeding year" to increase the delivery of home health services to eligible title XX beneficiaries.

Another proposed amendment to title XX of the Social Security Act (2002a1) is intended to attract more title XX funds to senior centers by increasing the allowable Federal contribution that might be applied to defraying the State's cost of providing social services "in or through multipurpose senior centers." Existing provisions of the Social Security Act (2002a1) indicate that Federal funds allotted to a State for title XX social services can be used to pay no more than 90 percent of the cost of "family and planning services" and not more than 75 percent of the cost of other eligible services. The amendment proposed by H.R. 12669 would permit a State to use title XX Federal funds allotted to the State to pay up to 85 percent of the cost of providing social services "in or through multipurpose senior centers," thus reducing the percentage of matching funds required of the State, and increasing the incentive to spend more money on social services benefiting the elderly.

STANDARDIZE SENIOR CENTERS ELIGIBILITY REQUIREMENTS

A companion feature of H.R. 1120 (sec. 3) would amend the Social Security Act (sec. 2002) by adding a requirement that the Secretary of Health, Education, and Welfare "clarify and standardize eligibility requirements" for participation in multipurpose senior center programs receiving assistance under title XX.

(H.R. 1121) EXPANDED FEDERAL ASSISTANCE FOR GERIATRIC CLINICS, SENIOR CENTERS, AND DAY HEALTH CARE SERVICES UNDER THE HOUSING ACTS

A number of amendments to the National Housing Act and the Housing and Community Development Act of 1974 are proposed in this bill (H.R. 1121) with the object of increasing the number and, therefore, the availability of geriatric clinics, multipurpose senior centers, and intermediate health care facilities. Those provisions of the National Housing Act that make available Federal mortgage insurance for medical group facilities (12 U.S.C. 1749aaa) are modified to include a specific direction to the Secretary to give special emphasis to insuring mortgages that provide group practice facilities for those 60 years of age or older.

ADD ON 10 PERCENT WHERE COMMUNITY DEVELOPMENT INCLUDES A SENIOR CENTER

A modification in the allocation and distribution formula (sec. 106) for making grants to States and units of local government for community betterment projects, as authorized under the Housing and Community Development Act of 1974, would entitle a grantee to an additional 10 percent of any Fedeal grant received if the grantee used the additional amount for construction or maintenance of a multipurpose senior center. (Sec. 2a of H.R. 1121.)

FEDERAL MORTGAGE INSURANCE FOR SENIOR CENTERS

Another proposed change would make multipurpose senior centers eligible for Federal mortgage insurance by an amendment to section 231 of the National Housing Act. Section 231 authorizes the Secretary to provide mortgage insurance incident to the construction or rehabilitation of congregate housing—eight or more units—for the elderly. The amendment to section 231 proposed by H.R. 1121 (sec. B) would make multipurpose senior centers eligible for mortgage insurance "regardless of whether such centers offer housing facilities".

BLOCK GRANT IMPLEMENTING REGULATIONS FOR SENIOR CENTERS

Although construction or rehabilitation of senior centers is mentioned among the kinds of projects eligible for grants under the Housing and Community Development Act of 1974 (42 U.S.C. 5305a2), no explanatory information or regulations have been published by the Secretary of Housing and Urban Development to encourage or facilitate the use of Federal grants for this purpose and, therefore, promote the construction of senior centers. As contemplated by H.R. 1121 (sec. 3), an amendment would be made to the eligibility requirements for community development block grants to require the Secretary to issue regulations that would provide guidelines and clarify what kinds of facilities are to be considered senior centers for the purpose of qualifying for community development block grants.

DAY HEALTH CARE SERVICES

The last provision of H.R. 1121 (Sec. 4) would amend a section of the National Housing Act that authorizes mortgage insurance for nursing homes and intermediate care facilities (12 U.S.C. 175W). Certain provisions of this section which now confine eligibility for loan insurance to loans on projects designed for and used by persons in need of "continuous care" would be amended to allow such facilities to continue to qualify for loan insurance in instances where "certified day health care services" are "offered at any such facility to the extent necessary to serve the needs of the elderly persons served by the facility."

(H.R. 1122) TAX DEDUCTION FOR DONATING USE OF BUILDING AS SENIOR CENTER OR GERIATRIC CENTER

An amendment to the Internal Revenue Code is proposed by H.R. 1122 to allow a taxpayer a charitable deduction for donation of the use of a building to house a multipurpose senior center or geriatric center. Current provisions of the Internal Revenue Code do not allow a deduction from taxable income for contribution of partial interests in real property unless the transferor parts with the interest for such a period of time that the deduction would be allowable under those provisions of the law dealing with transfers in trust (IRC 170f3A). For the donated use of such building as a senior center there would be an allowable charitable deduction under the amendment proposed by H.R. 1122 of the lesser of 50 percent of the fair market rental value, or the amount of State or local real property taxes accrued during the occupancy of the building as a multipurpose senior center. The same amendatory provision would apply with respect to the donation of the use of a building to house a geriatric clinic.

(H.R. 1123) SENIOR CENTERS, DEFINITION AMENDED AND AUTHORIZATION INCREASED; HOME HEALTH COVERAGE AS A PART OF NATIONAL HEALTH INSURANCE

Contained in this bill (H.R. 1123, Sec. 1) is a proposal to amend the authorization for appropriations clause for senior centers in the Older Americans Act (Sec. 505a) by substituting a level of funding of $100 million a year for the general language of section 505(a) which now authorizes the appropriation of "such sums as may be necessary." The amendment might act as a suggestion to the Appropriations Committee that Congress intended a substantial sum to be made available for the support and growth of senior centers.

OPERATING COSTS ELIGIBLE FOR GRANTS

Another section of this same bill (H.R. 1123, 2a) would enlarge the Commissioner's authority to make grants for senior centers by authorizing him to make grants for administrative and operating costs, not currently allowable, as well as for the acquisition, alteration, and renovation of existing structures.

NUTRITIONAL GUIDANCE REQUIRED

The defintion of multipurpose senior centers (sec. 501c of the act) would also be expanded by specifically including "nutritional guidance" among the "broad spectrum of services" that should be included in determining whether a facility qualifies as a multipurpose senior center.

HOME HEALTH COVERAGE IN NATIONAL HEALTH INSURANCE

A proposed declaration of congressional policy on elements of medical care that should be included in any national health insurance program is set out in the second part of this same bill, H.R. 1123. This part (sec. 4) of the proposed legislation would invite Congress to make a declaration that it is the "sense of the Congress" that a national health insurance program should include, first, provisions for the expansion of home health benefits; second, elimination of any limitation on the number of home health visits; third, reimbursement for homemaker services; fourth, reimbursement for home health care, as well as intermediate care, under any State medical insurance plans; fifth, annual checkups and diagnostic services, nutritional counseling, professional guidance, and counseling for the homebound, and those leaving nursing homes; sixth, coverage for hearing aids, eyeglasses, sight aids, hearing and sight examinations, foot care and dental care; seventh, reimbursement to accredited hospitals for home health services; eighth, authorization for any appropriate health professional to provide home health care; and, ninth, assurance of satisfactory long-term health care through the use of professional standards review organizations.

(H.R. 1124) APPROPRIATIONS FOR HOME HEALTH GRANTS UNDER THE HEALTH REVENUE SHARING ACT; AND FOR SENIOR CENTERS UNDER THE OLDER AMERICANS ACT

Objectives of the bill (H.R. 1124) are to increase the amount of Federal money available for home health grants authorized by the Health Revenue Sharing Act (S. 66, Public Law 94-63, section 602, 7/29/75), and to also appropriate money for the acquisition, alteration, and renovation of senior centers as authorized by the Older Americans Act (section 501). Under the proposed legislation (H.R. 1124), an additional $7 million would be appropriated for fiscal year 1977 to make grants for demonstration projects directed to the establishment or expansion of home health agencies, and to make grants for demonstration projects directed to "training of professional and paraprofessional personnel to provide home health services." Also this bill (H.R. 1124) would appropriate funds for multipurpose senior centers (section 501 of the Older Americans Act), and would provide a level of funding of at least $100 million per year through an appropriation of $100 million for fiscal year 1977, and $100 million for fiscal year 1978. There was some recent congressional action in this area; the second supplemental appropriation (Public Law 94-303; June 1, 1976) included $5 million for senior centers for the transitional quarter (July 1 to September 30, 1976), and the 1977 Labor-HEW appropriation bill (H.R. 14232) (Public Law 94-439; September 30, 1976) supplied $20 million for senior centers.

(H.R. 1125) RIGHT TO TERMINATE NURSING HOME CONTRACT; RESTRICTION ON CONTROL OF PATIENT'S CHECKS

The problem of returning control to the patient of his social security retirement check, or other income, in those instances where the nursing home has been appointed representative payee, or an assignment has been made of social security benefits, or the nursing home, skilled nursing or intermediate care facility, is otherwise in a position to dominate the patient, is dealt with in the bill H.R. 1125. A remedy is proposed in the form of an amendment to title XI, part A of the Social Security Act—General Provisions and Professional Standards Review. A new section would be added after section 1123—Qualifications for Certain Health Care Personnel—that would give to the nursing home patient the right to terminate any contract for care after giving 30 days notice of intent to leave. Under a companion feature, any home or facility participating in the medicare or medicaid program is "prohibited from requiring any patient to turn over to it any periodic benefit check or other income received after the patient has given such notice." A failure to comply with this provision would result in loss of eligibility to participate in medicare and medicaid programs.

(H.R. 1126) HOME HEALTH GRANTS AND LOANS; HEALTH REVENUE SHARING

Legislation proposed by the bill H.R. 1126 (sec. 1) would amend section 602 of the Health Revenue Sharing Act to authorize not only the making of grants, but also loans, subject to terms and conditions fixed by the Secretary, for both home health demonstration projects and the training of home health personnel. For these purposes appropriations would be authorized in the amount of $20 million for grants and $20 million for loans to aid in the establishment and expansion of home health agencies, and in the amount of $10 million for grants and $10 million for loans to promote the training of home health service personnel.

EXPANSION OF MEDICAID

An expansion of medicaid coverage is also called for under the bill H.R. 1126 to be accomplished through amendments to title XIX of the Social Security Act (Sec. 1905a). Items not now covered, but which would be covered under the proposed amendments are extension of cov-

erage for such preventive health care measures as an annual physical examination and diagnostic services; hearing aids, foot care, dental care, eyeglasses, hearing and vision examinations; and care and services furnished by outpatient clinics specializing in health care for the elderly whether or not such clinics are associated with a hospital or institutional provider.

MEDICAID; HOME HEALTH COVERAGE EXPANDED

The proposed legislation (H.R. 1126, Sec. 2B) would also amend title XIX of the Social Security Act (Sec. 1905a7) to include an expanded definition of home health services that would qualify for medicaid coverage. This expanded definition of home health services would make medicaid funding available for nutritional counseling, professional guidance and personal counseling, periodic chore service, and hospital outreach services.

MEDICAID; HOME HEALTH CARE ELIGIBILITY LIBERALIZED

Federal requirements imposed on State plans to qualify them for Federal funding under the medicaid law (Sec. 1902(a)(13)(A)(ii) of the Social Security Act) would be amended by the bill H.R. 1126 (Sec. 2c) to provide that State plans shall not only include provision of "home health services for any individual who under the State plan, is entitled to skilled nursing home services," but may also expand such coverage to include beneficiaries who require less intensive levels of care consistent with that made available at "intermediate care facilities."

For persons receiving benefits under certain other titles of the Social Security Act (titles I, X, XIV, XVI, and IVA), the bill H.R. 12675 (Sec. 2d) would require that State plans for medical assistance—medicaid—would include for this category of beneficiaries not only the first five services—inpatient hospital, outpatient hospital, laboratory and X-ray, skilled nursing facilities, and physicians services—as presently required, and defined in section 1905A of the Social Security Act, but also those services that would be added by the bill's previously mentioned proposed amendments (H.R. 1126, 2a and 2b), dealing with home health care (para. 7), preventive health care (para. 17), hearing aids, foot care, et cetera (para. 18), and outpatient clinics specializing in health care for the elderly (para. 19).

To harmonize and clarify the proposed medicaid amendments, the definitions section of title XIX (Sec. 1905) is supplemented by the bill (H.R. 1126, Sec. 2e) to add an explanation of what kinds of services qualify as "periodic chore services" and what kinds of services qualify as "hospital outreach services."

PAYMENT ON COST RELATED BASIS UNDER MEDICAID

Another proposed amendment of H.R. 1126 (Sec. 3a) provides that the Federal requirement for State medical plans (1902a13E) that makes it necessary for States to pay "for skilled nursing facility and intermediate care facility services provided under the plan on a reasonable cost related basis," after July 1, 1976, shall also apply to "nursing homes, health agencies, and other long-term care providers."

ENLARGED RESPONSIBILITY FOR PSRO AND GREATER PROFESSIONAL PARTICIPATION IN PSRO

A separate section of this same bill (Sec. 3b of H.R. 1126) enlarges the scope of responsibility of Professional Standards Review Organizations by requiring that Professional Standards Review Organizations shall have the same responsibility for reviewing "health care services in skilled nursing homes, intermediate care facilities, and other long-term care providers" as are applied in reviewing the health care services of hospitals (Sec. 1155 of the Social Security Act), and this same section of H.R. 1126 would also require Professional Standards Review Organizations to include "nurses, social workers, guidance counselors, and other appropriate health professionals as well as physicians."

NATIONAL HEALTH INSURANCE; DECLARATION OF CONGRESSIONAL INTENT

Assuming that Congress did enact the remedial legislation proposed by H.R. 1126, it would offer only short-term relief unless the gains could be preserved in any program of national health insurance that might be enacted. Section 3(c) of H.R. 1126 is directed to providing assurances of preservation and continuity by requiring a declaration from Congress that any such national health insurance programs and plans should include provisions for medical care for the elderly of the same scope and character as is provided under title XIX as amended by the proposed changes contained in sections 2 and 3 of H.R. 1126.

SPECIAL HEALTH GRANT PROGRAMS, GRANTS TO FAMILIES OF ELDERLY, HEALTH FAIRS, COMMUNITY CARE ENTITIES, AND EMERGENCY MEDICAL SERVICES

Under sections 4, 5, 6, 7, and 8 of the bill H.R. 1126, the Secretary of Health, Education, and Welfare would be authorized to initiate a variety of programs designed to enhance the well being of older persons, or to provide alternatives to institutionalization, through different approaches, but with the same objectives. For instance demonstration projects would be funded to explore the feasibility of providing cash benefits to families of institutionalized elderly to determine whether such elderly people can be taken care of by their families outside the institutional setting (Sec. 4 of H.R. 1126); and grants would be authorized to political subdivisions of States to conduct annual health fairs at which free medical checkups would be provided to those 60 and over (Sec. 5 of H.R. 1126). An appropriation of $15 million would be authorized for demonstration grants that would be awarded for the purpose of establishing and operating community care entities that would be involved in providing a range of services to the elderly as an alternative to institutional care (Sec. 6 of H.R. 1126). Grants would also be authorized for the funding of Mobile Health Units to "operate programs under which regular medical services for persons over the age of 60 would be provided." (Sec. 7 of H.R. 1126) The last provision of H.R. 1126 (Sec. 8) would amend those provisions of the Public Health Service Act relating to appropriations for emergency medical service systems by adding a provision that of the sums appropriated for fiscal year 1978, 20 percent or $20 million, whichever is greater, should be used for grants and contracts under section 1203—Establishing and Initial Operation of Medical Services Systems, and section 1204—Expansion and Improvements; Contracts for Research—to provide "emergency medical services systems specializing in the emergency health needs of the elderly * * *"

LEGISLATION AUTHORIZING MEMORIAL IN HONOR OF SIGNERS OF DECLARATION OF INDEPENDENCE

The SPEAKER. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 5 minutes.

Mrs. BOGGS. Mr. Speaker, I rise today to introduce legislation authorizing the Secretary of the Interior to erect a memorial in honor of the 56 signers of the Declaration of Independence. I am joined in doing this by my distinguished colleague and fellow member of the American Revolution Bicentennial Board, the gentleman from Virginia (Mr. BUTLER).

The 56 representatives of the Thirteen Colonies who pledged their "lives, their fortunes, and their sacred honor" in signing the Declaration are, and deserve to be, regarded as heroes in the history of our Nation. The principles to which they committed themselves in the Declaration served as the basis of the American Revolution and of the Constitution under which this Nation has functioned effectively for two centuries.

The American Revolution Bicentennial Board has passed a resolution that it would be fitting to pay tribute to the signers of the Declaration of Independence by erecting a memorial on an appropriate site in the District of Columbia. One likely site is the area known as Constitution Gardens, which comes under the jurisdiction of the National Park Service.

No appropriations will be required for design and erection of the memorial which will be funded solely from nonappropriated revenue funds of the American Revolution Bicentennial Administration, which funds the Board has approved for this purpose, and which the administration is prepared to transfer to the Secretary of the Interior. Thus this memorial to the signers of the Declaration of Independence will also be a permanent legacy of the Nation's Bicentennial.

Finally Mr. Speaker, all of us serving on the Board have emphasized that such a memorial be both functional and suitable to the overall design and purpose of the site.

I insert this bill to be printed in its entirety in the RECORD at this point:

H.R. 2960

A bill to authorize the Secretary of the Interior to erect a memorial in honor of the 56 signers of the Declaration of Independence in Constitution Gardens in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter in

this Act referred to as the "Secretary") may erect a memorial in honor of the 56 men who signed the Declaration of Independence, such memorial to be erected on a suitable site selected by the Secretary, after consultation with the National Commission of Fine Arts and the National Capital Planning Commission, in the area known as "Constitution Gardens," or other appropriate location, in the District of Columbia.

SEC. 2. The Administrator of the American Revolution Bicentennial Administration (hereinafter in this Act referred to as the "Administrator") shall prepare, in consultation with the American Revolution Bicentennial Board, the Secretary, the National Commission of Fine Arts, and the National Capital Planning Commission, the design and plans for the memorial authorized by the first section.

SEC. 3. (a) Not to exceed $500,000 of the funds, other than appropriated funds, which are available to the American Revolution Bicentennial Administration under the Act entitled "An Act to establish the American Revolution Bicentennial Administration, and for other purposes," approved December 11, 1973 (87 Stat. 697), and as approved by the American Revolution Bicentennial Board, may be used to carry out the provisions of the first two sections of this Act.

(b) Of the funds described in subsection (a) which are not used by the Administrator in carrying out the provisions of section 2, the Administrator shall transfer to the Secretary such sums as may be necessary to enable the Secretary to carry out the provisions of the first section of this Act.

SEC. 4. (a) The construction of the memorial authorized by the first section may not begin unless the Secretary determines that sums expended in carrying out the first two sections of this Act will not exceed $500,000. Such determination shall be made in consultation with the Administrator if the American Revolution Bicentennial Administration has not terminated pursuant to section 7 of the Act of December 11, 1973 (87 Stat. 701).

(b) The authority contained in the first section shall expire unless the construction of the memorial authorized by such section is begun within two years after the date of the enactment of this Act.

SEC. 5. (a) The maintenance and care of the memorial authorized under the first section shall be the responsibility of the Secretary.

(b) There are authorized to be appropriated for the fiscal year beginning on October 1, 1977, and each fiscal year thereafter such sums as may be necessary to carry out the provisions of subsection (a).

SEC. 6. No funds other than funds described in section 3 and funds authorized to be appropriated in section 5(b) may be used by the Administrator or the Secretary to carry out this Act.

SEC. 7. The Secretary shall carry out any functions of the Administrator under this Act after the termination of the American Revolution Bicentennial Administration pursuant to section 7 of the Act of December 11, 1973 (87 Stat. 701), provided that the Secretary shall consult with those persons who were members of the American Revolution Bicentennial Board on the date of its termination.

LIFTING THE TRADE EMBARGO ON VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

Mr. BINGHAM. Mr. Speaker, one of the major items of unfinished business of the Vietnam war is the establishment of normal trade relations between our two countries. We are the only country besides South Korea that continues to embargo trade with Vietnam. This anachronistic and vindictive policy is contrary to our best traditions, hampers normalization of relations, denies us leverage in Southwest Asian politics, and increases the very reliance of the Vietnamese on the Russians and the Chinese which we profess to want to prevent.

In the last Congress, along with 21 cosponsors, I introduced legislation to lift the embargo on nonstrategic trade with Vietnam. A bill was unanimously reported out of subcommittee after 3 days of hearings, approved by the Committee on International Relations, as amended, as section 415 of the International Security Assistance Act of 1976, approved by the House and adopted in conference. Only a Presidential veto prevented enactment of the legislation.

I am today reintroducing legislation to lift the embargo. The Subcommittee on International Economic Policy and Trade, which I chair, plans an early hearing on the bill to reassess the issues involved. I am encouraged to note that the Carter administration intends to move to normalize relations with Vietnam, and I hope soon to invite administration witnesses to discuss with the subcommittee how we can best move toward that end.

In my judgment this unconditional action on the part of the United States is a necessary first step toward normalization of relations and, particularly, toward securing maximum cooperation from the Vietnamese on the MIA question.

In addition to the hearings, a legislative briefing on "The Unfinished Business of the War" will take place on February 9 from 9:30 to 11:30 a.m. in room S–207 of the Capitol. I am pleased to be a sponsor of this briefing along with Representatives DELLUMS, HARKIN, HOLTZMAN, MILLER, MOFFETT, and SOLARZ, and Senators HATFIELD and MCGOVERN. The briefing is being held in conjunction with the Coalition for a New Foreign and Military Policy, Friendshipment, and the National Council for Universal and Unconditional Amnesty. Its purpose is to expose the issues of postwar reconciliation to discussion and debate so that Congress will be better prepared to assess the requirements of future relations with Vietnam. I hope Members and their aides will avail themselves of this opportunity.

Mr. Speaker, it is past time to end the war. I commend my bill, the text of which follows, to the attention of my colleagues:

H.R. 3047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(b) of the Trading With the Enemy Act as amended (50 U.S.C. App. 5) is further amended by adding at the end thereof the following new subsection:

"(4) Notwithstanding any provision of this or any other Act, no embargo on trade with Vietnam shall be authorized or implemented except with respect to war and other materials defined by the Mutual Defense Assistance Control Act of 1951 as amended (22 U.S.C. 1611–13) and regulations pursuant thereto.".

A NEW DAY AT THE STATE DEPARTMENT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, in the past I have been known on occasion to criticize the State Department, and I will continue to do so when I believe that Department is mistaken. I am delighted, then, to praise that Department when it performs admirably, as it has recently.

Since President Carter has assumed office, a new spirit of commitment to human rights has begun to converge at the State Department. I am genuinely impressed with the openness, candor, and, indeed, courage evinced by Secretary of State Cyrus Vance and other Department officials in speaking out on the violations of human rights in various countries.

I am proud that the United States, officially and publicly, is supportive of those Czechoslovakian dissidents who brave certain government repression by speaking their beliefs.

I am proud that the United States is willing to publicly notify the Soviet Union of our concern for the human rights and well-being of Andrei Sakharov. How honorable an act this is when one remembers, with some shame and much anger, that less than 2 years ago the President of the United States refused to meet with Alexander Solzhenitsyn because such a meeting was considered to be an affront to the Soviet Union. Actually, not meeting with Solzhenitsyn was an affront to the American conscience.

Certainly it is going to take much time and effort to develop a comprehensive foreign policy which makes human rights a top priority. But I am encouraged by the intentions and actions of the State Department thus far. Condemnations of human rights violations have not just been directed toward Communist countries. Last week Jaime Lavin Farina, a Chilean official visiting the United States, cut short his trip and returned to Chile after it was learned that he had taken part in torture practices. It is clear that both public and State Department pressure made it impossible for him to remain in this country.

President Carter is serious about the commitment of the United States to human rights. That message has been carried to the State Department and beyond. Some people are arguing that the United States is becoming overly moralistic. I disagree. Those in charge at the State Department are simply attempting to recreate a reasonable balance between moral and pragmatic considerations. Clearly, we lost that balance in years past. We are now, happily, in the process of renewing our commitment to humane and democratic values.

FEDERAL OIL PRICE POLICIES NEED CAREFUL REEXAMINATION

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 15 minutes.

Mr. COTTER. Mr. Speaker, while Congress and the administration are preoccupied with emergency measures to avert critical shortages in natural gas and home heating oil, and rightly so, we should not lose sight of the fact that some Federal policies may have exacerbated the crisis.

Escalating oil prices in the Northeast have hit homeowners at a time when they are forced to buy more home heating oil than ever. A Federal "trigger" mechanism should have averted this problem, but it failed.

I would like to take this opportunity to insert testimony I offered on this subject during a Federal Energy Administration hearing in Boston last week:

TESTIMONY OF THE HONORABLE WILLIAM R. COTTER

Mr. Chairman, I appreciate the Federal Energy Administration's prompt action in scheduling these hearings, but I would be remiss if I did not point out that hearings are no substitute for action.

Homeowners need relief from escalating oil prices, and they need relief now. With every new oil delivery, the residents of my district have seen the price of home heating oil increase almost a penny a gallon.

When the present heating season began in October, the retail price in Connecticut was less than forty-three cents a gallon.

According to a spot check by my staff, the price is now almost forty-eight cents.

All of us realize that record cold temperatures are a principal cause of this crisis. Our winter to date has been thirty-two percent colder than last year, and more significantly, twenty-two percent colder than normal.

Neighbors of mine who have lived in the same house for forty-five years had to arrange for two oil deliveries this month. In forty-five years, they cannot remember ever making two oil purchases in one month.

Perhaps the high oil prices might seem more moderate if the consumer did not have to buy so much. The fact is, however, that home owners this winter *do* have to buy more oil, and a lot of people, especially homeowners on fixed incomes, are experiencing real hardship.

I welcome the proposal F.E.A. made this week to increase entitlements for imported middle distillates in New England. If adopted, this action should lower the cost of imported residential oil by five cents a gallon. When the lower-priced imported oil is mixed in the market with domestic oil, our region should get some price relief.

However, this relief will not last long. The eight to ten percent price increase that the OPEC nations voted last year will wipe out any temporary savings from entitlements when that costlier foreign oil hits the market.

We must anticipate that—in the very near future—we may need to impose temporary price controls for the remainder of the winter heating season, as Governor Grasso has advocated.

Both entitlements and controls are only temporary measures. After the present crisis has passed, I think F.E.A. should take a long, hard look at the so-called "trigger" or "index" mechanism. If this mechanism is going to protect the consumer from exorbitant price increases, it must be changed.

Last summer, when Congress accepted F.E.A.'s recommendation to de-control oil, Mr. Zarb assured us that the "trigger" would warn us when prices were rising beyond the acceptable levels. I have to admit I was skeptical of this mechanism, but I relied on the F.E.A.'s commitment to protect the consumer.

This "trigger" was supposed to give F.E.A. a weekly estimate of what the price limit for middle distillates would have been under controls. F.E.A. was to have the authority to roll back prices if their weekly price estimate exceeded the limit by two cents.

The system has not worked. All F.E.A. data indicate we have an adequate supply of middle distillate oil, although some regions have experienced dislocations because of delivery problems. If there is an adequate supply, why do homeowners have to pay prices that are twelve percent higher than they were last year? If F.E.A. cannot protect the consumer now, I am afraid to think what will happen when higher OPEC prices hit the market.

The "trigger" mechanism simply is not sensitive enough to the actual price homeowners pay for residential heating oil.

There are two problems I think are responsible for the failure of this mechanism.

First, F.E.A.'s weekly price estimate includes, as a factor, the relatively cheap oil that utilities and industries buy in bulk quantities.

Second, New England is treated as part of the larger northeastern region for the purpose of computing our regional "trigger".

The F.E.A.'s weekly middle distillate price estimate and the corresponding "trigger" or "index" are composite figures. That is, the price estimate and the "trigger" are based on a number of factors, including the prices paid by big utility and industrial users of middle distillate oil. Since many utilites and industries purchase bulk quantities of oil, closer to the source, they can pay a lower price than the retail oil dealer or the homeowner.

For example, Exxon announced last week that it will charge thirty-four cents a gallon for its major bulk customers in the port of New York. That means a utility like consolidated Edison can buy a shipload of number two middle distillate oil for only thirty-four cents a gallon. There is nothing wrong with that, but when the relatively cheap price a bulk customer like Con Ed pays per gallon is added to the weekly price estimate, the regional average is depressed, even when a volumetric factor is added.

The volumetric is supposed to compensate for the lower bulk prices. For example, sixty-eight percent of the middle distillate oil purchased in the northeast last year went to individual home owners, only eleven percent was purchased by utilities, and twenty-one percent by commercial and industrial users. With the "volumetric" factor, F.E.A. gives more weight to the prices that represent the largest volume of purchases: namely, retail and wholesale home heating oil.

This "volumetric" factor lessens the impact of the lower "bulk" price when the weekly index is calculated, but it does not entirely eliminate the bulk price as a factor.

The addition of bulk oil to the weekly price estimate may account for the "trigger" mechanism's failure to register the exorbitant price increases New England consumers are facing this winter.

For example, F.E.A. estimated for one week this month that the composite price estimate for middle distillates as 42.9 cents. The "trigger" for the week was 44.9 cents, well above the F.E.A. composite price estimate.

During that same week, Connecticut homeowners were paying 46.9 cents for home heating oil.

I, therefore, believe that the F.E.A. should consider separating the "trigger" mechanism into two components: one "trigger" for the bulk price utility and industrial purchasers pay every week, and one "trigger" for wholesale and retail residental prices.

By separating bulk and residential prices, the mechanism will be more sensitive to the price that matters most to consumers: the price they actually pay for home heating oil.

My second recommendation is that the F.E.A. separate New England as a distinct region for the purpose of computing the weekly "trigger." At present, the six New England states are included with New York, New Jersey, and Pennsylvania as one region. This distorts the weekly price estimate in New England because we have a different price situation here.

Consider, for example, the "volumetric" factor F.E.A. uses to compensate for the preponderance of middle distillate oil sold to homeowners. Last year, as I pointed out, sixty-eight percent of the oil in the entire northeastern region was purchased by homeowners, eleven percent went to utilities, many of whom bought in cheaper bulk quantities, and twenty-one percent went to industrial and commercial users.

However, if New England were a separate region, the "volumetric" would have been significantly different because New England homes are more dependent on oil than the three mid-Atlantic States. In New England last year, eighty-seven percent of the middle distillate oil went to homeowners. Only four percent went to utilities and nine percent went to industrial and commercial users.

You can see the effect of this difference. Since the lower bulk price has the effect of depressing the weekly price estimate, the fact that more bulk oil is purchased in New York, New Jersey and Pennsylvania distorts the mechanism.

In general, retail prices are higher in New England. According to a spot check of retailers in the northeast, a gallon of home heating oil will cost the Connecticut consumer 47.9 cents this week. A homeowner in the Boston-Springfield area will pay 46.9 cents, in the Philadelphia area, however, the price is 45.9 cents; two full cents below the Connecticut price.

I do not deny that New York, New Jersey, and Pennsylvania are facing as much of an energy crisis this winter as we are in New England, but the different energy mix and different price situation here ought to justify the separation of New England as a distinct region.

The F.E.A. is right to consider the present emergency as the most pressing concern of these hearings. But it would strongly recommend that if long-term price controls are to be avoided, the Carter administration should consider needed changes in the "trigger" mechanism that failed to protect the New England homeowner this winter.

MARIHUANA LAW REFORM ACT OF 1977

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 15 minutes.

Mr. KASTENMEIER. Mr. Speaker, I am today introducing the Marihuana Law Reform Act of 1977, which proposes to remove minor marihuana offenses from the Federal law.

I offer this bill because I believe that, given what is known about marihuana, the Federal law provides excessive penalties by making private marihuana use criminal behavior.

The controversy surrounding the marihuana question has centered on two separate issues—the health problem and the criminal justice problem. And, they

are two separate and distinct issues which, too often, have been erroneously linked.

Considerable research has been undertaken on the health consequences of marihuana use. A chronicle of the findings would be almost impossible. However, some important observations can be cited.

In 1970 the Congress commissioned, and former President Nixon later created, the National Commission on Marihuana and Drug Abuse. The Commission was headed by Raymond Shafer, former Governor of Pennsylvania, and contained respected and thoughtful medical, academic, law enforcement, and congressional members.

The Commission, in 1972, issued its first report—appropriately titled: "Marihuana: A Signal of Misunderstanding." In this report, issued after intensive study of the marihuana issue, the Commission stated:

> Marihuana's relative potential for harm to the vast majority of individual users and its actual impact on society does not justify a social policy designed to seek out and firmly punish those who use it.

In early 1975, the Drug Abuse Council, a private research and policy organization, sponsored a conference in Washington, D.C. designed to comprehensively review the major marihuana studies reported since the Shafer Commission issued its final report in March 1973. The participants were 19 distinguished scientists from the fields of immunology, genetics, endocrinology, pharmacology, psychiatry, psychology, internal medicine, and neurology—areas where the more serious allegations of potential harm have been raised.

There was general agreement among the participants that "there are no new reasons to be especially disturbed by the use of marihuana."

The National Institute on Drug Abuse, charged with the responsibility of reporting yearly to Congress on research related to marihuana and health, in five consecutive annual reports has never concluded that marihuana use poses a significant health danger. NIDA does caution that marihuana use may cause certain genetic changes and interfere with driving abilities. There is an established consensus that it is wise to abstain from marihuana if pregnant or when driving a motor vehicle.

And, most responsible scientists would agree that marihuana taken in high dosages over an extended period of time can be harmful, as is the case with any drug, licit or illicit. Yet, our response to other drugs which pose hazards to our health has been vastly different.

The health problems associated with alcohol drinking are well known and substantial. We have considerable evidence of the physical damage cigarette smoking causes. Yet, we do not jail those who drink or smoke.

What we do in the case of alcohol and cigarettes is attempt to inform people as to the possible risks involved and, thus, discourage use. We have attempted to prevent minor children from gaining easy access to alcohol and cigarettes. We have placed certain restrictions on advertising. But, we have not resorted to criminal sanctions.

Removal of criminal sanctions for possession of marihuana for private use is attracting increasing support.

The National Marihuana Commission recommended in its first report that possession of marihuana for personal use no longer be a criminal offense and that casual distribution of small amounts of marihuana for no remuneration or insignificant remuneration not involving profi. no longer be an offense.

In February 1976, the Director of the National Institute on Drug Abuse, Robert L. DuPont, M.D., at a news conference called to discuss the Government's fifth annual report to Congress on marihuana and health, endorsed the view that civil penalties should be substituted for criminal prosecution of possession of small amounts of marihuana. DuPont declared alcohol and cigarettes to be far more dangerous to the health of the user than marihuana.

President Ford's Domestic Council Task Force on Drug Abuse followed a somewhat similar course in its white paper to the President in December 1975. Although not endorsing decriminalization, the Task Force did recommend that the marihuana laws go virtually unenforced.

President-elect Carter repeatedly indicated during the past year that he supports the concept of decriminalizing the possession of small amounts of marihuana for personal use.

Eight States have enacted laws which decriminalize the possession of marihuana in small quantities for personal use: Oregon, California, Maine, Colorado, Ohio, Alaska, South Dakota, and Minnesota.

The Alaska Supreme Court carried the matter one step further and declared in the case of Ravin against State, May 27, 1975, that criminal sanctions for private marihuana use violated the right to privacy guaranteed in the State constitution. The court held that the right to privacy in the home is "fundamental" and that the State had not shown sufficient interests to justify prohibiting the use of marihuana in the home.

In arriving at that decision, the court evaluated the governmental interests behind the marihuana prohibition and the potential dangers caused by marihuana use. The court reviewed considerable expert opinion, many studies and documents dealing with the effects of marihuana and its use. In the end, the court stated that there was "no firm evidence" that marihuana was harmful to the user or to society, and that mere scientific doubts cannot justify Government intrusion into the privacy of the home.

Two surveys conducted by the Drug Abuse Council to assess the impact of the Oregon law resulted in interesting findings with respect to the effect of decriminalization.

The first survey was conducted 1 year after the new law went into effect, and the second survey was conducted 1 year after the first.

The first survey found that the number of individuals using marihuana had not significantly increased among Oregon adults during the year following the removal of criminal penalties for simple possession of 1 ounce or less. Of those surveyed, only 9 percent reported being current marihuana users and only 0.5 percent reported that they had started using it in the year following decriminalization.

Interestingly, and of some surprise, of those adults using marihuana at the time of the survey, 4 of every 10 reported an actual decrease in the amount they smoked during that year, while only 1 of 20 reported an increase.

The followup survey 1 year later showed little change in the findings. The percentage of adults who had ever used marihuana increased from 19 percent in the first survey to 20 percent in the second, while the percentage of current users declined to 8 percent.

And, Oregonians accepted the change. The surveys showed that almost 6 of 10 adults favored the elimination of criminal penalties for the possession of small amounts of marihuana.

Public attitudes generally seem to be leaning in a more moderate direction. Survey results compiled by the National Institute on Drug Abuse indicate that 86 percent of adults are against sending marihuana smokers to jail for first conviction of possession.

The latest nationwide survey concerning drug usage patterns and attitudes, part of an ongoing project funded by the National Institute on Drug Abuse, with surveys taken periodically by the Response Analysis Corp. of Princeton, N.J., shows that 35 million Americans have tried marihuana. The data further shows that about 8 percent of the general population, 13 million, are current marihuana users.

What this means is that, under Federal law, about 35 million Americans have engaged in criminal behavior and 13 million regularly break the law. Use cuts across all demographic lines.

Obviously, the threat of punitive criminal sanctions has failed to deter millions of people using marihuana.

Despite the fact that large numbers of individuals are ignoring the law, it is hardly an insignificant matter for those who have been ensnared by it.

In 1975 there were more than 400,000 marihuana arrests, the overwhelming number for possession, not for sale. And, while less than 1 percent of those arrests occurred under Federal law, the Federal statute is still a constant reminder to States across the country that the U.S. Congress still officially classifies marihuana smokers as criminals.

I believe it is time to end the hypocrisy which exists with regard to our marihuana possession laws. What we have today, across the country, is a confusing law which imposes widely varying punishments in different States, and even in different jurisdictions within the same State, all for use of the same substance, marihuana.

Additionally, young people, in particular, question why society chooses to criminalize a behavior with so little visible ill effects or adverse social impact. The varying nature of the law, coupled with basic questions about its

severity, has resulted in a disrespect for the possession laws which, in turn, fosters a disrespect for all law and the system in general.

While the bill I am proposing today only changes Federal law and does not affect State jurisdictions, hopefully by removing criminal sanctions for possession of marihuana for personal use on the Federal level, we can provide a more realistic framework within which the States can write their own laws.

All of this is not to say that I am in any way encouraging the use of marihuana by proposing the removal of criminal penalties for its private use. I do not propose to do so any more than I would encourage the use of alcohol or tobacco. Further, I strongly oppose making marihuana readily available to young children, or condoning its use in public.

It seems to me that what is needed is a stronger national campaign to discourage the use of all substances which may be injurious to one's health—whether it be marihuana, alcohol, or cigarettes.

Meanwhile, I believe it is important that our Federal law be changed to reflect the fact that marihuana users are not and should not be treated as criminals.

The bill which I am offering today removes Federal criminal penalties for the possession of up to 100 grams—approximately 3½ ounces—of marihuana possessed privately for personal use. This reflects the basic recommendation of the Marihuana Commission that those individuals whose only offense is to use marihuana privately should not be penalized in any manner.

The amount of 100 grams is the amount decriminalized by the State of Ohio in 1975. Alaska decriminalized possession of any amount for personal use in private. Although other States which have enacted decriminalization laws have set limits lower than 100 grams, the bill I am offering follows the Ohio and Alaska models in recognition of the fact that setting the limit too low may fail to protect the individuals the reform is intended to help. Most marihuana smokers often have several ounces on hand in the event friends drop by or for long-term use due to the uncertainties of a black market. The purpose of decriminalization is to separate the consumer and consumer-related offenses from the commercial trafficker and traffic-related offenses, and the presumption behind the 100-gram limit is that amounts less than this are relatively insignificant amounts for personal consumption only.

The bill also removes criminal penalties for the not-for-profit transfer of marihuana lawfully possessed and limits the amount to 100 grams. However, the bill retains criminal penalties for such transfer from an adult over 18 years of age to a minor under 18 years of age.

Under the bill, an individual caught smoking or possessing an ounce or less of marihuana in public would be subject to a maximum $100 civil citation. An individual caught possessing publicly more than that amount would remain subject to traditional criminal penalties.

Any amount of marihuana possessed or distributed in public would remain subject to summary seizure under the bill.

The text of the Marihuana Law Reform Act of 1977 follows. I believe this to be an honest reasonable approach and urge the studied consideration of this bill by my colleagues:

H.R. 2997

A bill to amend certain provisions of the Controlled Substances Act relating to marihuana

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marihuana Law Reform Act of 1977."

SEC. 2. That the Controlled Substances Act is amended by inserting immediately after section 404 thereof the following new section:

"SEC. 404A. (a) Notwithstanding the provisions of section 308, 401(a)(1), 404, or any other provisions of this title or any other Federal law, it shall not be considered unlawful for any person to

"(1) possess not more than 100 grams of marihuana within a private dwelling or other residence for personal use, or for the use of others, within any such residence or dwelling, if such marihuana is not possessed with the intent to distribute, transfer, or sell such marihuana in violation of this title or any other Federal law; or

"(2) distribute or transfer, in private, any marihuana lawfully possessed, to any person for a private use within the purview of subparagraph (1) of the first paragraph of this subsection, if such distribution or transfer is not made for profit, except when such transfer is made by a person over eighteen years of age to a person under eighteen years of age.

"SEC. 404A. (b) Notwithstanding the provisions of section 308, 401(a)(1), 404, or any other provision of this title or any other Federal law, any person who possesses in a public area, not more than one ounce of marihuana if the possession of such marihuana is not with the intent to distribute, transfer, or sell such marihuana for profit in violation of this title or any other Federal law shall be guilty of an offense, for which such person shall be subject to a civil fine of not more than $100. Such acts shall not constitute crimes against the United States and such person shall not be subject to arrest or suffer any disadvantage or disability except that specified in this section.

"SEC. 404A. (c) Nothing in this section shall be construed as requiring the Attorney General to initiate proceedings involving violations of this section whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

"SEC. 404A. (d) In the prosecution of any persons charged with an offense in violation of any Federal law, the fact that such person was suffering from marihuana intoxication at the time of the commission of that offense shall not be a defense to that charge or any element thereof, unless such intoxication was not self-induced.

"SEC. 404A. (e) Any amount of marihuana possessed or distributed in public is subject to summary seizure under section 511.

U.S. SPECIALTY CROP EXPORTS TO THE COMMON MARKET

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. MCFALL) is recognized for 10 minutes.

Mr. McFALL. Mr. Speaker, I am today introducing a House resolution that addresses a very serious point in our trading relations with the European Economic Community. As a result of efforts and actions by the EEC over the past many months, it has become clear that the EEC is determined to establish and maintain a hostile posture regarding European importation of American dried prunes and walnuts.

The economic stability of America's domestic dried prune and walnut industries are of great importance to both my congressional district and the State of California generally. First, nearly 100 percent of the domestic production of these crops is in California. Additionally, these crops represent a major segment of America's agricultural community. Approximately 15,000 growers of these crops employ nearly 50,000 year-round employees, and about 150,000 workers during harvest. The combined annual sales of these crops now exceeds $320,000,000.

In regards to dried prunes, the EEC's hostility toward the importation of this U.S. specialty crop became particularly clear in the late summer and early fall of 1975. During that period the EEC unilaterally imposed several restrictive regulations without benefit of hearings, prior notice, or explanation. This action was taken in spite of a long period of mutually acceptable and economically sound trade between U.S. suppliers of dried prunes and their customers in the EEC.

These regulations take effect in January 1978. They relate to license systems, prior deposit schemes, and put in place a mechanism for establishment of minimum import prices at some future time.

The EEC imports of dried prunes represent approximately 55 percent of the total U.S. dried prune export market. By the end of the 1976 crop year, the value of EEC imports of U.S. dried prunes had become nearly $48,000,000. Because of the importance of the EEC segment of dried prune exports to the total success of the American dried prune industry, the EEC's restrictive importation regulations promise to have a very serious depressing effect on this segment of the American specialty crop industry. As a matter of fact, industry representatives have advised me that these regulations have already adversely affected future marketing contracts between U.S. suppliers and their EEC customers.

I also wish to point out that in light of the level of internal EEC production of dried prunes, the need for these restrictive regulations is non-existent. France is the only EEC member nation that produces dried prunes, and France's total production is consumed within the EEC. This accounts for only 28 percent of the EEC's total consumption, however. Obviously, if France doubled its production, or even tripled it, the EEC would still have to import dried prunes to meet its needs. A similar situation exists in reference to EEC internal production of walnuts.

In regards to U.S. walnut exports to the EEC, the EEC represents approximately 55 percent of the total export

market for U.S. walnuts, amounting to about $36,000,000 for the crop year ending July 1976. At present, the EEC has yet to impose restrictive importation regulations for U.S. walnuts. However, efforts have been undertaken within the EEC to promulgate such regulations, and as recently as June 1976, U.S. walnut industry representatives were advised that unless U.S. producers voluntarily restrict their exports to the EEC, the imposition of such regulations could become a reality. Needless to say, this harassment by the EEC has had a dampening effect on the sales and general health of the U.S. walnut industry. U.S. producers are operating under a constant threat that at any time unilateral action by the EEC may cause havoc with their crop production and export calculations.

Mr. Speaker, the resolution I am introducing today expresses the sense of the House that the President shall use all means at his disposal to obtain the immediate removal of these restrictive trade regulations as well as obtain agreement from the EEC Commission that similar regulations will not be imposed in the future. In light of GATT, the Trade Act of 1974, and the spirit of the Rambouillet Conference, this is a totally consistent position for the United States to adopt, and I urge the favorable consideration of this resolution by the House.

ETHICS BEFORE A PAY RAISE

The SPEAKER. Under a previous order of the House, the gentleman from Virginia (Mr. HARRIS) is recognized for 5 minutes.

Mr. HARRIS. Mr. Speaker, I am introducing today a bill to freeze the salaries of U.S. Representatives and Senators until comprehensive, strong ethics requirements are established. Under this bill, no Congressman, Senator, Federal judge, or Federal executive would receive a pay raise until firm ethics standards are in place. The bill would not affect Civil Service merit system employees.

Former President Ford submitted to the Congress a proposal to increase the salaries of those individuals on the so-called executive schedule—Members of Congress, Federal judges, and Federal executives. Under the law, this increase will become effective within 30 days if it is not overturned or modified by Congress. My legislation does not address the merits of the "pay raise," which are mixed. The effect of my bill is that the Nation's top officials—elected and appointed—should not receive an increase in salary until we create strict rules governing their conduct.

CURRENT ETHICS REQUIREMENTS INADEQUATE

Current ethics requirements are a mishmash of inconsistent, inadequate, confusing rules and laws. We have regulations governing Federal executives. We have laws governing elected and appointed officials. We have separate codes of conduct in the House and Senate. All are ridden with loopholes and ambiguities. For example, in the House of Representatives, the source but not the amounts of income over $5,000 from a "single source" are reported. Thus, amounts of income over $5,000 remain hidden from the public eye. And in the House, gifts do not have to be disclosed.

As a public official, I have always personally disclosed my income, assets, and liabilities beyond the requirements of the law. My constituents have had access to my tax returns. My financial affairs are not hidden from their view.

ACTION URGENT

The American people have had enough Watergates and Korean influence buying scandals. Respect for and trust in Government has dropped to a record low level. We the Congress cannot go on with business as usual without addressing this pressing need for real reform. We must act quickly and affirmatively to provide for full financial disclosure, rigorous restrictions on outside income, removal of conflicts of interest, and accountability for official expenses. This bill sets these as minimum principles an ethics code must include.

We must act now for several reasons. First of all, in principle, the people have a right to know what private influences are coming to bear on the decisions made by their public officials. Public officials have the responsibility to perform in the public light. Since public officials are subject to the will of the people, the people deserve the facts. I believe that when a public official accepts the public trust, that official commits himself or herself to a public accounting.

Sunlight is the best disinfectant. I believe that most public officials are honest and dedicated to the public interest. However, if a Member of Congress knows that he or she may have to justify his voting record alongside a particular investment, he or she may think twice about that investment. Knowing that one's financial affairs will be public—like one's votes—is an important deterrent to questionable acts. Disclosure is 95 percent of the battle.

Another compelling justification for disclosure is that it would provide public servants the strong ground of truth on which to stand against unfair charges and innuendo. If the facts are reported, the public isn't left guessing as to whom to believe. Public officials will have laid open their actions before the fact and will have an open record to back them up if they are unreasonably charged with wrongdoing.

ELIMINATES AUTOMATIC RAISES

A second feature of my bill is that it eliminates the automatic October pay raise for Members of Congress, Federal executives, and Federal judges. In July 1975 Congress adopted legislation which linked Members to the annual comparability process, a procedure that insures that Federal and civil service salaries keep pace with those in private industry. I believe it is wrong to politicize the pay of rank-and-file, career Federal employees. This bill would take politics out of their pay. I also believe it was wrong to give Members of Congress an automatic pay raise every year.

WHY ACT NOW?

The Congress must act now because this legislation is needed. We must face up to the fact that our current laws and rules are inadequate. We must put behind us charges of laundered money, questionable junkets, and hidden influence peddling. We must show the public we are serious about integrity.

The pay raise issue is part of this picture. I believe that we do not deserve a pay raise until we step forward and discipline ourselves. The "Quadrennial Commission," which recommended pay raises to the President, did not recommend them without conditions. The Commission said to the President:

> We believe it an exercise in political futility (a judgment Congress has confirmed more than once) to propose any significant increase in executive, legislative, and judicial salaries unless you are satisfied that the leaders of the other branches of government will join you in a commitment to major reform . . . we would not have proposed significant salary increases except in the context of such reform. Such reform must be sufficiently tangible to persuade a substantial majority of Americans that the post-Watergate era has truly begun. Such a majority is by no means persuaded now.

Thus, they have preconditioned any salary increase on ethics reform. And I agree.

I commend President Carter and the leadership of the House and Senate for the initiatives they have taken toward this reform. We have in fact started. My bill is not inconsistent with those efforts. I would hold off any pay raise until those efforts reach their full culmination. The integrity of Government is at stake. The confidence of the American people in Government is at stake. We must demonstrate our serious commitment to clean up and open up all three branches of Government and get on with the Nation's business.

THE EQUAL OPPORTUNITY FOR SECOND CAREERS ACT OF 1977

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. SCHEUER) is recognized for 10 minutes.

Mr. SCHEUER. Mr. Speaker, today I am introducing legislation, cosponsored by my colleague from California (Mr. WAXMAN) to establish equal employment opportunities for individuals over 40 years of age. The Equal Opportunity for Second Careers Act of 1977 would—

Provide specific employment services for persons over 40 years of age, including job development and job inventory procedures to catalog current available and suitable jobs for this age group and to develop new employment opportunities;

Support programs which will demonstrate the capabilities of this age group for sustained work and for advancement;

Encourage research projects to develop technologies in the areas of re-

training, occupational change strategies, and placement methods taking into account life and work experiences;

Emphasize the value of such concepts as flex-time—allowing an individual to schedule his required work hours around his personal needs—job redesign, task analysis; and

Subsidize work experience for a maximum of 3 months.

Mr. Speaker, at this time I would like to include at this point in the RECORD an address which I delivered on Monday to the Conference on Older Persons: Unmet Resources for Unmet Needs, sponsored by the Social Policy and Gerontological Center, of the City University of New York, CUNY:

OLDER PERSONS, A RESOURCE NOT A PROBLEM

(By James Scheuer)

Perhaps the single most important thing I will say today is contained in the title of my talk, "Older Persons, A Resource Not A Problem." It is that perception of older persons, it is that view of their capabilities that must focus our thinking.

While I trust that such a view is one which you hold and support it is not, unfortunately, the perception which has been the basis of our public policy.

For we have long disdained the contributions of older persons; indeed, we have driven them out of the labor force.

Between the first quarter of 1975 and the first quarter of 1976, labor force participation rates of persons 55 and older dropped, with nearly 5% non-white males dropping out of the world of work in that one year.

During the same period, for all groups over 55 but white women the unemployment rate rose, again most dramatically for Black males.

Thus at time of so-called recovery, the number of older workers seeking work declined as did the number who found it.

To summarize: in the first quarter of 1976, 7.8 million persons 55 years of age and older were unemployed or were discouraged workers.

It is clear, then, that we have no public policy commitment to older persons as a resource. Of course, we do have various programs which employ older persons. Programs such as Operation Mainstream with its Project Green Thumb, The National Retired Teachers senior community aides, The National Council of Senior Citizens' Senior Aides, and The National Council on The Aging's Senior Community Service Aides, and The U.S. Forest Service's projects. Also, the Title IX program and the opportunities available in Title X of the Public Works Act (which has over a thousand enrollees here in New York City), as well as the support available through Titles II and VI of CETA, (the Comprehensive Employment and Training Act) and the ACTION programs—Foster Grandparents, Senior Companions, R.S.V.P.

As you know, the history of the past few years has been one of low budget requests from the Administration—indeed, in 1975 President Ford scught to rescind the entire Title IX appropriations—and Congressional action to "save" the programs.

Hopefully, the days of systematic Presidential veto and Congressional over-ride is over. As welcome as that is, it is not enough.

We have come out of the past years with a variety of concrete program models. We know that such programs work—They work in terms of the services older persons provide, and they work in terms of benefit to the older person. Benefits of income, a sense of pride and self-worth, a chance to play a positive role in their communities.

Now is the time to move beyond models, to take what has worked and to develop it to a scale commensurate with the problem. Recall here, the 7.8 million persons 55 years and older who were unemployed or discouraged workers. In the context of that number, the Title IX program employs barely twenty thousand persons.

As you know, the Congress will at the current session consider the Comprehensive Employment and Training Act (CETA). I propose to introduce legislation to incorporate in CETA, beyond the present national projects under Title III, a public service employment program for older persons. For such a program to be effective, it must be flexibly designed to meet the special needs of older persons. It must accommodate the desire of many older persons to work part-time. It must encourage imaginative ways we organize the work—allowing persons to work, for example mornings only or afternoons only, or to work full-time two or three days, or for two or three people to share a position which needs to be covered full-time. Similarly, the program must be flexible as to the work sites and the sponsoring organizations. While many of the older persons will work in public agencies, so, too, opportunities must be available at private not-for-profit agencies and with local organizations.

Let me suggest some of the kinds of things I have in mind which the older persons can do.

Work with young mothers and fathers, couples and single parents, providing assistance in parenting. This in addition to the fine work demonstrated by Foster Grandparents who work directly with children. A special opportunity is available in working with abused children and their all too frequently abusing parents.

Work as a neighborhood counsellor, providing general assistance to the community, tying into the rich extended family networks in many inner-city communities.

Working as volunteers in hospitals, nursing homes, and day care centers, as tutors, counsellors, aides. A special area of opportunity is in providing help in schools as they "mainstream" handicapped children. And as you know, last week Alex Haley's "Roots" was on television. Wouldn't it be a good idea if every school were to develop its own program of community history where older persons would come to school as "life historians." Indeed, one can imagine an entire course revolving around the study of roots.

Work as career counsellors. We hear much about the problems involved in the transition from school to work. In older persons, we have people who have made that transition and who can guide, advise, and provide support to younger people in that process.

Work concerning safety, training people about safety and crime prevention, work in Jane Jacobs' phrase as "street watchers," as organizers of safety patrols.

Work in neighborhood arts projects—theatre, music, the plastic arts. The development of community arts programs can give new vitality to the community, as well as opportunities for the older persons. We have in New York City, for example, the richest body of artists in the country. Through such a program, we could have available to every school a musician, every community group an artist, every neighborhood a drama group.

Work in housing rehabilitation. Many older persons have skills either from the previous work or otherwise acquired in working with their hands which can provide a valuable resource to the maintenance and rebuilding of our neighborhoods.

Work in health programs, as visitors to the home-bound, as health educators, as trainees of others in self-care, in family planning, in sickness prevention.

Work in civic organizations, as ombudspersons, as advocates. Here the exciting work of groups such as The Queens Lay Advocates can be expanded to provide advocates for handicapped children as we implement The Education for All Handicapped Children Act, as advocates for persons discharged from mental health institutions who require community care, as advocates of consumers.

An area of special opportunity grows out of the rapid development of mutual aid and self-help groups. Older persons can help organize such groups, can be "sponsors" of them, can help persons find their way to a group appropriate to their needs whether it be Alcoholics Anonymous, or Parents Anonymous, or Recovery, Incorporated. And, there are new areas for self-help, with groups of hypertensives, in developing health support groups, and the like.

Last year, The National Center for Career Planning of the American Management Association developed a "Declaration of Independence and Opportunity for Older Americans." In its summary they state:

Older people are a national asset that should be more fully utilized not a liability for which dependency programs must be provided. Therefore, this Nation should invest in preserving and utilizing the wisdom of its aging, retired, and elderly citizens. Above all, we must create opportunities for older persons to participate in and contribute to our society, we must establish methods for channeling them into useful, meaningful activities that will provide them with monetary and psychic compensation, and we encourage them to exercise their options and utilize their opportunities.

Finally, we must increase the demand for the services of older persons, support ongoing programs that are effective and abolish those that are not.

PRESIDENT CARTER AND THE PEOPLE OF PENNSYLVANIA

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 5 minutes.

Mr. GAYDOS. Mr. Speaker, I rise at this time to express my sincere appreciation to President Carter for his unexpected—but most welcome—visit last Sunday to southwestern Pennsylvania and my 20th Congressional District.

Although the President had been in office less than 2 weeks, he took time from other highly important matters for a firsthand look at the critical problems created by the extended frigid weather which has paralyzed Pennsylvania and other States.

In near zero temperatures, President Carter saw our snow-covered highways and ice-choked rivers which have effectively blockaded shipments of vitally needed residential and industrial energy fuels into the area. He flew over the smokeless smokestacks of a mighty industrial complex crippled by the lack of fuel supplies. He learned from local officials about the closing of schools due to lack of heat and the deaths of people which have been attributed to the freeze which has locked the district for more

than a month. He toured the Westinghouse Electric Co. plant in east Pittsburgh where hundreds of workers, engaged in the production of massive generators, have had to be furloughed because of the weather.

The President saw and heard all this and more. He also recognized the potential flood threat to the area by the huge ice gorges which glut the Monongahela, Youghiogheny, Allegheny, and Ohio Rivers. He realized what could happen if those floes, softened by warmer temperatures and/or rain, break loose and begin moving downstream. Nor did the empty tow barges, helplessly locked in rivers of ice, escape his notice.

Those barges, which carry the supplies of energy fuel and other materials so necessary to the area's economy, could be smashed by the moving ice or crushed against the pilings of one of the numerous bridges which span our rivers. The mass of ice and the twisted wreckage could create unnatural dams, forcing the rivers to spill over the banks and flood the hundreds of homes and industrial plants which border our waterways.

Immediately upon his return to Washington, the President ordered the U.S. Army Corps of Engineers to formulate a flood disaster program. Furthermore, he declared Pennsylvania a disaster area, paving the way for Federal financial help to help the State and its residents recover from the onslaught of this winter.

One of his proposals to alleviate the threat to human and economic life has been the temporary removal of Federal controls on the price and provide allocation of natural gas. The bill, passed by the Senate, was passed overwhelmingly by the House.

Although I have not supported deregulation measures in the past, I supported this bill. I realize, as does President Carter, that it is emergency legislation for an emergency situation. However, I emphasize my vote on this bill must not be construed as a firm commitment to any permanent deregulation of natural gas. I will withhold my decision on that matter until I receive from the General Accounting Office the report I requested last August.

At that time, I sought from Mr. Elmer B. Staats, Comptroller General of the GAO, an audit to determine if a price increase on natural gas discovered after January 1, 1973, was justified. That increase, authorized by the Federal Power Commission, would have tripled the price at the wellhead.

You recall, Mr. Speaker, many of us in the Congress had earlier voted against deregulation on the basis that the industry and the administration had failed to make a compelling case for the removal of Federal controls. In view of the FPC's action, however, which effectively vetoed the decision of Congress, I sought to have the GAO determine the reserves of our natural gas and to look into the costs and profits to the gas companies.

In September, I was informed by GAO that such a study, because of its scope and complexity, would require considerable time and effort. Accordingly, I was advised that an audit would be divided into three phases and the findings furnished me as soon as possible. To date, I have not received any further information.

Therefore, until I have the GAO report, I cannot, in good conscience, say I will support a full and permanent removal of Federal controls on natural gas. However, under the present circumstances, which threaten the health and safety of millions of Americans, I endorse the President's call for emergency legislation in this instance.

Mr. Speaker, again I wish to thank President Carter for his interest in the people of Pennsylvania. I hope he will come back to us many times and under more pleasant conditions. Nevertheless, his appearance Sunday was a warm occasion in what otherwise has been a cold, bitter, and savage winter.

NEED FOR U.S. REFUGEE POLICY

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, I am introducing comprehensive legislation designed to establish orderly, fair, and flexible procedures for admitting refugees into this country.

While the Attorney General's "parole authority" under section 212(d)(5) of the Immigration and Nationality Act has served us well on many occasions in the past, I believe that it is the responsibility of the Congress to establish a humanitarian, well-reasoned, and permanent refugee policy. In my judgment this parole power is ambiguous and overly broad. In fact, as currently exercised even with congressional consultation, it represents an improper delegation of our constitutional responsibility to formulate immigration and refugee policy.

Further, it is evident that the definition of refugee contained in existing immigration law is outmoded and must be replaced by one which removes any ideological or geographical limitations.

Another primary purpose of this proposal is to provide for meaningful congressional input into the decisionmaking process while at the same time preserving a certain degree of administrative flexibility which is essential in order to allow for an immediate response by this country to an emergent refugee situation.

It is my intent as chairman of the Subcommittee on Immigration, Citizenship, and International Law to schedule early hearings on this proposal, and I am most anxious to receive the comments of the executive branch, refugee and migration organizations, refugee experts, and other interested parties from both the public and private sector.

In order to expedite this process, I am including at this point in the RECORD a copy of the legislation and a brief summary of its major provisions:

SUMMARY OF EILBERG REFUGEE BILL

1. Definition of Refugee.—With slight modifications, the "refugee" definition contained in the proposed bill is almost identical to that which is contained in the U.N. Convention on the Status of Refugees. The definition simply requires that a person be outside of the country of his nationality or last habitual residence and be unable or unwilling to return to such country, and avail himself of the protection of that country, because of persecution, or a well-founded fear of persecution, based on race, religion, nationality, membership of a particular social group or political opinion. In effect, this definition removes from existing law the ideological and geographical limitations regarding refugees.

2. Normal Refugee Flow.—The proposed bill authorizes the Attorney General to admit to the U.S. 20,000 refugees annually. Five thousand numbers (5000) of this total may be used to adjust the status of those aliens who have been in the U.S. for two years and who qualify as refugees.

3. Extraordinary Refugee Situation.—In the event of an extraordinary or emergent refugee situation, two procedures are established which authorize the President to respond by admitting groups or classes of refugees into the U.S.

(a) In the event of an appeal from an international refugee organization (generally the U.N. High Commissioner for Refugees) the President may admit 15 percent of the total number of refugees involved or 5,000 of such refugees, whichever is less. The President's authority is contingent upon his determination that other countries in the international community will accept for resettlement their fair share of such refugees;

(b) In the event of a determination by the President that the United States has a "special concern" or obligation with regard to a particular emergent refugee situation, the President is authorized to admit 20,000 such refugees. The President is also required to simultaneously solicit the cooperation of the international community in resettling such refugees.

The President's authority under either of the above methods is also contingent upon his consultation with the House and Senate Judiciary Committees and his written determination to the Congress that the admission of these refugees: (a) will significantly promote the national interest; (b) is justified by grave humanitarian concerns; and (c) is not possible under the normal refugee provisions.

The President's authority to admit a particular group of refugees under either of these methods shall be terminated with regard to such refugees in the event a resolution is adopted by either body of the Congress expressly disapproving of the continued exercise of the President's authority for that group of refugees.

Detailed reports to the Congress are required with regard to all refugees admitted under these two procedures.

4. Adjustment of Status for Refugees.—All refugees admitted under either the normal or the extraordinary procedures shall be eligible to have their status adjusted (retroactively to the time of admission) after he has been in the United States for a period of two years.

5. Conforming Amendments.—A variety of technical and conforming amendments are included in the proposed bill. For example, section 203(a)(7)—seventh preference—is repealed and the parole authority set forth in section 212(d)(5) is restored to its original intent—the admission of aliens due to isolated, emergency circumstances rather than the admission of groups or classes of refugees.

AIRPORT NOISE CONTROL ACT OF 1977

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MIKVA. Mr. Speaker, at the present time, people living in communities

surrounding airports have no control over the noise pollution which disrupts their lives and impairs their health. These are the people who really want to do something about airport noise, and nothing will be done about the problem in the near future unless they are given the power to do it.

Today I am introducing the Airport Noise Control Act of 1977, which will give communities endangered by noise pollution the authority to implement noise control procedures, including prohibiting certain kinds of jet aircraft and regulating hours of operation. This bill provides for the creation of noise impact boards where more than 50 percent of the population within the impact area—as determined by the Department of Transportation Noise Exposure Forecast System—are not residents of the governmental unit having ownership or control of the airport.

A formula for community representation is provided for in the bill: Every community or group of communities whose impacted population exceeds 10 percent of the total population of the "noise impact area" will be entitled to representation on the Noise Impact Board. In addition, the governmental unit owning or controlling the airport will have automatic voting membership on the Board. The FAA and the CAB, as well as the State environmental agency, will be entitled to ex officio membership.

Jet noise is more than minor irritant. It is destroying the quality of life for many, many people living near an airport. People have a right to "domestic tranquility," and we have an obligation to help them recover it.

EMERGENCY ENERGY STAMP ASSISTANCE ACT OF 1977

(Mr. MURPHY of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of Pennsylvania. Mr. Speaker, today I am introducing the Emergency Energy Stamp Assistance Act of 1977. The bill is a short-term measure designed to provide emergency relief to millions of low- and moderate-income Americans subjected to increased fuel costs aggravated by the extremely cold weather and fuel shortages of this winter.

Ever since the OPEC-initiated energy crisis of 1973, Americans living on fixed incomes and in the lower-income categories have disproportionately shouldered escalating utility fuel costs. These people are forced to spend intolerably higher portions of their small income on food, clothing, shelter, and energy. In many cases, these citizens are forced to do without basic necessities.

Mr. Speaker, today I am introducing an emergency measure providing assistance to households caught up in this dilemma. A temporary program created under this bill would provide assistance in paying the costs of utility fuel bills somewhat similar to that which the food stamp program provides in paying the cost of food.

The temporary energy stamp program created under this bill provides that all eligible households with a gross annual income under $12,500 receives a minimum of $25 worth per month of energy stamps—up to a maximum of $50—which can then be applied as payment toward household monthly fuel bills. The types of fuel bills covered under this bill include natural gas, propane gas, oil, coal, kerosene, and electricity. In order to provide greater relief to those households located in emergency or major disaster areas, priority energy stamp allotments by the Administrator of the Federal Energy Administration of $50 maximum per month are authorized. Allotments to households would be retroactive to January 1, 1977, and would terminate on April 30, 1977. Those households renting and not directly paying their fuel bill would use their energy stamp allotment to offset any rent due.

Mr. Speaker, this bill is intended only as temporary emergency legislation. It is designed to provide immediate assistance to households currently most plagued by rising fuel bills, certain to rise even higher before the end of this severe winter.

Mr. Speaker, the purpose of this legislation is to assure that during this current energy crisis, lower and moderate income Americans will not have to decide whether they should spend their scant income on food to eat or fuel for heat.

The bill I am introducing today does not address the serious long term socio-economic aspects of energy shortages, in part because Congress has failed to agree on longer term policies and solutions, and in part because the current crisis demands immediate and expeditious attention. I hope, however, that the Congress will go on record in the near future in addressing the longer term problems and reducing the likelihood of future crises.

Mr. Speaker, I strongly urge my colleagues to support this emergency energy stamp measure as a necessary complement to President Carter's Emergency Natural Gas Act of 1977 (H.R. 2500), and I respectfully urge that all avenues be explored to bring this badly needed emergency legislation to the floor of the House for consideration as soon as possible.

The text of the bill is as follows:

H.R. 3008

A bill to establish a short-term energy stamp program to provide energy stamps to low and moderate income households to help meet the costs of rising fuel bills caused by the severe winter of 1977.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Energy Stamp Assistance Act of 1977".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the unusually cold and severe winter weather of 1977 has aggravated supply and allocation problems of fuels used in heating households;

(2) that these fuel problems are rapidly increasing the costs of residential utility services creating a substantial financial burden on low and moderate income households;

(3) that these households are not able to pay the costs of utility services wtihout expending funds normally used to purchase other necessities of life; and

(4) that these households should not be forced to assume the burden of making a choice in purchasing products and services which are necessary to the health of these households.

(b) It is, therefore, the purpose of this Act to help alleviate the hardships imposed by the high costs of fuel by herein authorizing an energy stamp program which will permit low and moderate income households to use such stamps to help pay their fuel bills.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "Administrator" means the Administrator of the Federal Energy Administration;

(2) the term "coupon" means any coupon, stamp, or similar type of certificate, issued pursuant to the provisions of this Act;

(3) the term "household" means a group of related individuals living as one economic unit, and also means a single individual living alone;

(4) the term "State" means each of the several States and the District of Columbia;

(5) the term "income" means the gross annual income received by all members of a household; and

(6) the term "energy products" means fuel or energy used in a household heating system, including natural gas, propane gas, oil, coal, kerosene, and electricity.

USE OF COUPONS; REDEEMABILITY

SEC. 4. (a) The Administrator is authorized to formulate and administer an energy stamp program under which, at the request of any State, any eligible household within such State shall be provided with an opportunity to offset a portion of its fuel bill through the issuance to such household of coupons in accordance with its coupon allotment.

(b) The coupons so received by any such household shall be used only to purchase energy products except as provided in subsection (c).

(c) If an eligible household rents a dwelling and does not pay their fuel bill directly, such household shall use the coupons to offset any rent due. The landlord shall use such coupons to pay a portion of his or her fuel bill and shall not increase household rents in connection with or as a result of the issuance of fuel stamps.

(d) Coupons issued and used as provided in this Act shall be redeemable at face by the Administrator through the facilities of the Treasury of the United States.

(e) The Administrator shall issue such regulations, consistent with the purposes of this Act, as he or she deems necessary or appropriate for the effective and efficient administration of the energy stamp program.

ELIGIBILITY

SEC. 5. Participation in the fuel stamp program shall be limited to a household which has a gross annual income under $12,500.

COUPONS

SEC. 6. Coupons shall be printed in such denominations as may be determined to be necessary, and shall be issued only to households which have been duly certified as eligible to participate in the energy stamp program.

ADMINISTRATION OF PROGRAM

SEC. 7. (a) Each participating State shall assume responsibility for the certification of eligible households and for the issuance of coupons, except that such State may, subject to State law, delegate its responsibility

in connection with the issuance of coupons to an agency of the State pursuant to State law.

(b) Each State desiring to participate in the fuel stamp program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State, the political subdivisions thereof in which State desires to conduct the program, and the effective dates of participation by each such political subdivision.

(c) The State shall provide for the granting of a fair administrative hearing and a prompt determination thereafter to any household aggrieved by the action of a State under any provision if its plan of operation as it affects the participation of such household in the fuel stamp program.

(d) The Administrator in order to carry out the purposes of this Act in the shortest possible time and with expedience, shall utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and, in accordance with such agreements, pay for such services either in advance or by way of reimbursement.

AMOUNT OF ALLOTMENTS

SEC. 8. (a) Each eligible household shall receive a minimum coupon allotment of $25 worth of coupons per month, with maximum monthly coupon allotments not to exceed $50 worth of coupons per household.

(b) Priority determination for households which are to receive the maximum monthly allotment will be for those households located in States, or portions thereof, which have been declared by the President of the United States as being in a state of emergency or determined by the President to be major disaster areas, as a result of fuel supply, allocation, and costs problems.

(c) Any and all allotments made under the provisions of this Act shall be retroactively effective as of January 1, 1977, and shall terminate on April 30, 1977.

RELATION TO BENEFITS FROM OTHER STATE AND FEDERAL PROGRAMS

SEC. 9. (a) Any allotment received by any household under this Act shall not be considered as income for purposes of—

(1) the Internal Revenue Code of 1954; or

(2) determining the eligibility for benefits administered with regard to any other federally related program.

(b) Any benefit received by any household or landlord under this Act shall be in addition to, and not in lieu of, any other benefit received by the landlord or by a member of a household from any other federally related program.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as are necessary for carrying out the provisions of this Act.

TERMINATION

SEC. 11. The energy stamp program authorized by the provisions of this Act shall be terminated by the Administrator effective at the close of April 30, 1977.

PROTECTIVE EASEMENTS AROUND OUR NATIONAL PARKS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SEIBERLING. Mr. Speaker, I am today introducing a bill which would authorize the Secretary of the Interior to acquire, without the expenditure of appropriated funds, interests in lands adjacent or related to units of the National Park System or lands in or adjacent to registered national historic or natural landmarks.

I want to point out that the bill would not authorize the Secretary to acquire actual fee title to any lands outside the boundaries of national parks or landmarks. It would be limited to conservation easements or other less than fee interests which are needed to properly preserve, protect, interpret, or manage these parks and landmarks.

Under this bill, the Secretary could acquire easements only by donation, purchase with donated funds, transfer from any other Federal agency, or by exchange. The properties would, in most cases, remain on the local tax rolls. No interests in lands could be acquired without the consent of the owner. Interests in lands owned by a State or any political subdivision could be acquired only by donation.

Mr. Speaker, the concept of allowing the Secretary to accept conservation or other easements outside park boundaries is not new. Most State and local park agencies have such authority. The acts establishing two units of the National Park System—Indiana Dunes National Lakeshore—as expanded by the 94th Congress—and the Big Thicket National Preserve—already allow the Secretary to accept donations of lands or interests in lands outside their boundaries.

Many other of our national parks are threatened by nearby developments that can destroy the very values for which the parks were preserved. In some cases, Congress has had to expand the boundaries of the parks to include the adjacent lands. In many cases, however, an easement would be all that is needed to provide the necessary protection. My bill would simply give the Secretary the authority he needs to acquire such easements.

I urge my colleagues to support this legislation.

LEGISLATION AFFECTING EMPLOYEES OF AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ICHORD. Mr. Speaker, I am introducing today legislation which would permit county office employees of the Agricultural Stabilization and Conservation Service to transfer their leave earning capacities, insurance, and seniority benefits to governmental departments other than USDA. Current law provides that employees of non-Federal ASC county committees who are appointed to positions with the U.S. Department of Agriculture may transfer their accumulated annual and sick leave, may receive credit for their ASC county service for retentions preference purposes, and may be appointed at a step of their grade higher than the first step provided that their new salary does not exceed their salary as an employee of an ASC county committee.

The Agricultural Stabilization and Conservation Service—ASCS—was established by the Secretary of Agriculture in 1961. ASCS administers specified commodity and related land use programs designed for voluntary production adjustment, resource protection, and price, market, and farm income stabilization. There are approximately 8,600 ASCS county committee employees in the United States.

The county committee employees are not Federal employees although they do contribute to the civil service retirement fund and regulations issued by the Secretary of Agriculture control most aspects of their employment, including classification of positions, rates of pay, and procedures for filling vacancies. Public Law 90–367 enacted on June 29, 1968, provided certain benefits under which ASCS county committee employees could enter into Federal employment with the Department of Agriculture. The purpose of this bill is to broaden the coverage of the unique service-credit benefits Public Law 90–367 now provides former employees of Agricultural Stabilization and Conservation Committees—ASC—county offices who subsequently become employees of the Department of Agriculture.

I firmly believe that former county employees should receive the same Federal benefits regardless of which Federal department employs them. Under this legislation former ASC county office employees later employed by any Federal department, not just the Department of Agriculture, would be entitled to longevity credit for non-Federal ASC service in determining their basic pay, annual leave accrual rate, and retention standing in reduction-in-forces.

PROPOSED CHANGE IN TAX REFORM ACT OF 1976

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ICHORD. Mr. Speaker, one of the major accomplishments of the 94th Congress was the Tax Reform Act of 1976 which promises to do much to simplify tax laws for the American taxpayer and to abolish many inequities. The subject of much dedicated study and complicated compromise, the Tax Reform Act is a clear indication that Congress is acting seriously upon its intention to make government more sensitive to the people and to follow through in the spirit of reform to trim excessive bureaucracy.

In general, the Tax Reform Act accomplished these goals through closing certain loopholes and a general easing of tax requirements for the average taxpayer. There is essentially only one toughening provision included—the section declaring that sick pay is no longer exempt from taxation as of January 1, 1976—and it is this section, section 505, that is of concern to me. While I do not object to the content of the new law, I do challenge the necessity of its being effective over 9 months retroactively from the date of its signing. Today I introduce a bill to make section 505 relating to the exclusion for sick pay of the

Tax Reform Act of 1976 effective with respect to taxable years beginning after December 31, 1976.

Mr. Speaker, the Tax Reform Act was in the making for almost 4 years. It passed the House in December 1975 with the effective date of this section written as December 31, 1975, and was reported from the Senate Finance Committee in June of 1976 with the date unchanged. When it reached the conference committee in September of 1976, only the section with the original date and a Senate amendment to abolish this aspect of the bill were available for consideration. Its enactment on October 4, 1976, therefore made all sick pay received in 1976 taxable, a situation unanticipated by most taxpayers.

It is simply for this reason that I advocate a change of effective date. The mail I have received in this regard exhibits real frustration and resentment, not in response to the change of the law, but in response to its retroactive demands. Unexpected taxes for 1976, coupled with the already present burden of unexpected medical bills, clearly seems to be an unfair and avoidable example of this Government's insensitivity to the people of this country. In this regard, I respectfully request that my colleagues give serious consideration to an amendment changing the effective date of the Tax Reform Act's sick pay exclusion, in order to avoid the burden of unforeseen tax demands on American taxpayers and to achieve more fully the original intention of this act—fair, simplified, and responsive tax laws.

CONSUMER CONTROVERSIES RESOLUTION ACT

(Mr. BROYHILL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROYHILL. Mr. Speaker, I am introducing today legislation to establish national goals for the effective, fair, inexpensive, and speedy resolution of consumer complaints. The purpose of the bill is to help States establish various kinds of consumer redress mechanisms such as small claims courts, arbitration programs, and other devices that would assist in the speedy and effective resolution of consumer disputes in the marketplace.

Specifically, the legislation would establish within the Department of Commerce a program of grants to States with the available moneys to be used to develop a comprehensive program for the resolution of consumer complaints. The grants would be available on a 70-percent Federal, 30-percent State matching basis. In addition, the legislation also directs the Department to make certain kinds of discretionary grants for the establishment of consumer complaint resolution programs by, for example, nonprofit private organizations.

The moneys available under this act may be used in a number of ways. For example, funds could be used to recruit, train, and compensate personnel to assist in the preparation of consumers' claims and in the collection of judgments. The bill also encourages the States to establish public education systems so that consumers can be informed of the availability of the various consumer complaint programs established under the act. In addition, a State could choose to sponsor a complaint-handling program set up by a private nonprofit organization. Of course, upgrading the State's small claims court system would be an appropriate use for the funds.

The need to establish informal, inexpensive, and fast mechanisms to resolve consumer disputes has become more and more apparent in recent years. For example, in 1973, the Presidentally established National Institute for Consumer Justice made a number of specific recommendations in this area.

Hearings in the other body during both the 93d and 94th Congress also focused on the need to establish consumer complaint mechanisms. It is also important to recognize that a number of innovative steps are now being undertaken by private organizations. For example, certain industries are banding together to establish consumer action panels to hear consumer complaints. Several business groups are calling for reform of this country's small claims courts. Finally, and most significantly, the Better Business Bureau has recently initiated voluntary consumer arbitration programs in a number of cities across the country. These efforts will be considerably complemented and enhanced by the legislation which I am introducing today.

This bill is similar to legislation which passed the other body during the 94th Congress. Similar bills also have been before us during the 93d Congress. However, in spite of the need for the legislation, the House has never acted in this area. It is time that we did so. Therefore, I hope that the bill I am introducing today can be a vehicle for speedy consideration of methods to aid consumers by the establishment of effective dispute resolution mechanisms.

Mr. Speaker, I include at this point a section-by-section analysis of the bill:

SECTION-BY-SECTION ANALYSIS OF CONSUMER CONTROVERSIES RESOLUTION ACT

Section 1—Short Title.

Section 2—Findings and Purpose.

Section 3—Definitions.—The major definitions include the term "Secretary" which is defined to mean Secretary of Commerce; the term "State Plan" which means a 4-year plan developed by the state for the development or maintenance of consumer controversy resolution mechanism; and the term "State Program" which means all of the various mechanisms detailed in the state plan.

Section 4—Office of Consumer Redress.—This section directs the Secretary of Commerce to establish an Office of Consumer Redress within the Department of Commerce. The major purposes of this office are to negotiate cooperative agreements with states, provide financial assistance to states under the terms of these cooperative agreements, award discretionary grants for research and demonstration projects, draft and promote the adoption of model small claims court statutes by state and local governments, and coordinate the functioning of business sponsored and public consumer controversy resolution mechanisms.

Section 5—Financial Assistance to States.—In order for a state to be eligible to enter into a cooperative agreement, the state must submit an application to the Director of the Office of Consumer Redress assuring that (1) the state will designate an administrator authorized to receive and disburse money (2) that the state will carry out a comprehensive survey of the various consumer controversy resolution mechanisms within that state—both public and business sponsored—with the survey providing various kinds of statistical data showing such things as annual case load, jurisdictional limits, number of cases filed, etc., (3) that the funds are being expended in a manner which will further the purposes of this act, (4) the state has submitted or will submit a 4-year state plan for the development and maintenance of these consumer controversy resolution mechanisms, and (5) consumer participation in the development of such state plans will be assured.

The Director of the Office of Consumer Redress is directed to take into account population density and must seek to achieve an equitable, geographic balance in connection with the distribution of funds available under this act.

This section also sets forth the purposes for which the money can be used. These purposes include such things as recruiting, organizing and educating personnel, public education programs, and sponsoring programs for nonprofit organizations. The grants would be on a 70% federal—30% state matching basis.

Section 6—Research and Demonstration Projects—The Director may use 25% of the total amount of funds appropriated for discretionary grants to local governments, combination of local governments, and private nonprofit organizations for research and demonstration projects. However, before the Director may make such a grant, he must consult with the state administrator or other appropriate state officer of the state involved.

Section 7—State Plans—This section sets out the procedures which a state must go through in order to be eligible to receive money under this act. This section also provides for review of each state plan not less than once every two years. Further, the Director may terminate any state plan which is not in accordance with the purpose of this act.

Section 8—Goals—This section generally sets out the goals which are sought to be achieved by the legislation. For example, with respect to consumer controversy resolution mechanisms, in general, the goals include the utilization of procedures which are easy for potential users to understand and inexpensive to use, the assurance that there will be sufficient para-legal personnel available to help people in pursuing claims and collecting judgments, that the mechanisms will be available during hours that are convenient for consumers, that in areas where there are substantial non-English-speaking populations arrangements are made for translation, and that the state will establish reasonable and fair rules and procedures. With respect to a small claims court, the goals set out in the bill include, among others, the establishment of adequate jurisdictional limits, adequate notice, the dissemination of information to individuals seeking to use the small claims courts, inclusion of informal means for resolving disputes prior to trial, such as conciliation, mediation, or arbitration, and the discouragement of default judgments.

Section 9—Records, Audit and Annual Report—This section directs each recipient of assistance to keep adequate records and provide the Director with such records for the purposes of audit and examination to guarantee that funds are being used in accordance with this act. Finally, this section directs the office to submit an annual report to the President and Congress reviewing the activities of the office during the preceding year.

Section 10—Authorization of Appropriations—$5,000,000 are authorized for fiscal year 1978, and $20,000,000 are authorized for fiscal year 1979. The bill specifies that not

more than 10% of the amount appropriated may be used for federal administrative expenses.

INTRODUCTION OF LEGISLATION AS ALTERNATIVE TO PUBLIC WORKS EMPLOYMENT ACT OF 1976 PROVISIONS

(Mr. BROWN of Michigan asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROWN of Michigan. Mr. Speaker, today I introduced legislation which was introduced by myself and a number of my colleagues last year as an alternative to the countercyclical provisions of the now enacted Public Works Employment Act of 1976. This bill is virtually identical to the provisions embodied in the Housing Authorization Act of 1976 as it passed the House. Unfortunately, those provisions were deleted in conference with the Senate for reasons totally unrelated to their merits.

Since the public works bill is now law, one might ask why I am introducing the Supplemental Community Development Employment Assistance Act of 1977. There are two major reasons: First, I believe it is a better approach—as does the President's Committee on Urban Development and Neighborhood Revitalization; and second, there have already developed pressures to extend or augment the current public works program. If there is to be any consideration of new or expanded jobs programs, then my proposal should be seriously considered. I urge the new administration to proceed carefully on this matter and to review the merits of my proposal before acquiesing in the demands for more of the same type of jobs programs.

Many of my colleagues who supported the public works bill have expressed concern that it is too costly and leaves much to be desired with respect to its directing of funds to areas of greatest need. The folly that surrounds title I of the Public Works Act is already achieving legendary proportions. First, the setting up of the 70–30 percent categories in each State has resulted in gross inequities where areas of high unemployment have had no projects approved while areas of lower unemployment have had several projects approved. It would actually behoove a community in a high unemployment State like Michigan to understate its unemployment to below the national average in order to have a shot at the 30-percent pot with little competition than to be truly in need and be forced to compete with hundreds of others for the 70-percent pot.

On top of this is placed the requirement of a case-by-case Federal review by EDA and the resulting distortions of communities proposing low priority projects because they appear to meet the EDA guidelines. It was just this sort of jerry-rigging in the HUD categorical programs that led to the community development block grant program in 1974.

In view of this, I have introduced H.R. 2955 which I feel is a much more direct, effective, efficient and equitable program of relief for those areas and communities hardest hit by unemployment. My proposal combines the best aspects of titles I and II of the Public Works Act and utilizes an in-place, efficient delivery system.

By distributing funds through a formula—as in title II—there is no need for a case-by-case project review for funding; and by targeting the funds for community development activities with ample provision for public service jobs the project emphasis is maintained—as in title I—but kept flexible. Communities would be allowed to choose their highest priority projects at a known level of funding and could plan much more effectively for future actions.

As the interim report of the President's Committee stated:

> The flexibility provided to local officials by a countercyclical block grant would greatly enhance their capacity to use Federal aid to their communities' best advantage and to convert those funds into private sector jobs quickly and efficiently.

As I stated previously, this proposal tracks to a certain extent the countercyclical assistance program incorporated in title II of the Public Works Employment Act of 1976. However, it is significantly different with respect to its method of distribution of funds in that it uses the existing mechanism of the community development block grant program; which is already in place and can provide the conduit for the immediate financing of projects on an accelerated basis.

Under my bill, the supplemental assistance would be activated when the national unemployment rate is over 6 percent, as it is now, and would make available for distribution each calendar quarter a sum determined by multiplying $15 million by each one-tenth of 1 percent by which unemployment exceeds 6 percent.

Since, under my proposal, distribution of funds is based upon the next preceding quarter's unemployment and since unemployment in the fourth quarter of 1976 was approximately 8 percent, as of April 1 of this year, $300 million would be available for distribution for that calendar quarter—8 percent minus 6 percent equals 2 percent, and 20 times $15 million equals $300 million.

If unemployment remained at the 8-percent level, a total year's funding of this program would cost $1,200 million—four quarters multiplied by $300 million. However, since unemployment has been dropping and is expected to continue to fall during the next year, and the art of accurate projections is suspect, the bill calls for an authorization of such sums as may be necessary.

Approximately 75 percent of the assistance under my proposal would be provided to cities and urban counties with unemployment over 8 percent, based directly and proportionately on the extent to which their unemployment exceeds 8 percent. In the same manner, the remainer of the funds would be distributed to States for distribution in nonurban areas having unemployment over 8 percent.

Grants under this supplemental program would automatically flow to the recipients' community development programs upon the submission of a brief statement of the recipients' planned use of the funding, referencing its community development plan and the proposed job intensive use, acceleration of planned projects, and reduction of unemployment to be accomplished by such assistance.

The special advantages of this program over the Public Works Employment Act are:

First, areas and communities with the highest unemployment receive the greatest amount of assistance and the assistance tracks increases and reductions in unemployment;

Second, being an emergency program, it automatically triggers in and triggers out when unemployment exceeds 6 percent or is reduced below 6 percent;

Third, in addition to stimulating the local economy with new money, the supplemental assistance will allow recipients to attract and keep industry and stabilize and improve declining neighborhoods. These activities will create other private sector jobs and improve local economies; and

Fourth, it avoids a Federal case-by-case project approval.

This bill also avoids the problem usually associated with new legislation in that it uses the existing bloc grant administrative structure at the Federal, State, and local level. This practically eliminates startup time and administrative costs and will result in funds being available almost immediately for the creation of jobs for our unemployed, and the betterment of our living environment. It should also be pointed out that since the community development bloc grant program has been running successfully since 1974, there is on hand in almost every community, a list of projects just sitting there awaiting future funding. These projects could—and should—be aided by my supplemental assistance program and in this way provide jobs and physical development at the same time. I urge support of H.R. 2955.

ON RURAL POST OFFICES

(Mrs. SMITH of Nebraska asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. SMITH of Nebraska. Mr. Speaker, the Commission on Postal Service, which was created by the Congress to make recommendations on the future of the U.S. Postal Service, recently held public hearings in Washington, D.C. It was my pleasure to be able to present a statement to the Commission on my special concern—small town post offices and rural routes. I would like to have printed in the RECORD at this point my remarks to the Commission:

TESTIMONY OF THE HONORABLE VIRGINIA SMITH, 3RD DISTRICT, NEBR., BEFORE THE COMMISSION ON POSTAL SERVICE, WASHINGTON, D.C.

Mr. Chairman, I greatly appreciate the opportunity to submit this statement to the Commission on Postal Service. These hearings

provide a unique opportunity for all Americans to contribute to the process of re-evaluating our postal system.

In land size, my Congressional District comprises about three-fourths of the State of Nebraska. The cities and towns, for the most part, are small and far apart. In some counties, there are only three or four communities. Many of the people live on farms and ranches and earn their living from the land.

Although they are not great in numbers, they play a vital role in keeping the economy of this country healthy. Their products keep America—and some of the world—fed and clothed. They value the limited services they receive from local, state and federal governments. Unfortunately, as government has become bigger and bigger, it also has become more centralized and the people who live in rural areas are losing contact with those who make decisions affecting their lives.

As their representative in the Congress, I am doing everything in my power to see that their voice is heard in Washington. That is why I am submitting this statement today.

For the many people who live on farms, ranches and in small communities throughout America, the mail is one of the primary means of contact with the outside world. Yes, telephone communications and road systems have improved throughout the years for our folks in rural America, but the delivery of the U.S. Mail has always—and will continue to be—something special and symbolic.

Small towns depend greatly upon the post office for their identity. The tradition of the post office, and the service it provides, is rooted deep in the heritage of communities in my part of the country.

Of prime importance to persons living in rural areas is the rural route. Its link between the small community and those who reside in the country is as essential to rural America as the continued existence of the post office. This is a most important issue.

Within the past several months there have been examples in my Congressional District of a very disturbing trend which I believe, and so do my constituents, will lead to the closing of many small town post offices.

As you know, the law that created the Commission on Postal Service also mandated a moratorium on the closing of post offices by the U.S. Postal Service. However, the Postal Service was given certain authority to adjust routes and make other administrative changes in mail delivery service.

The scenario in my district—and in how many others I do not know—has been this: A small town with a rural route originating from its post office loses its permanent postmaster. No attempt is made by the Postal Service to replace the permanent postmaster. Then, an announcement is made, for reasons of economy, the rural route from that small town post office will be changed to originate from a nearby, larger town. Patrons of the affected rural route will experience a delay in receiving their mail because they are now part of that larger rural route coming from a town much further away.

The Postal Service adamantly expresses its intention to keep the Post Office open after the March 15 moratorium has passed.

It does not take much, however, to write the next chapter in this American tragedy: March 15 arrives and the Postal Service says: "We have reconsidered our position, and in the interests of economy and convenience, we are closing the small town post office." The Postal Service feels perfectly justified in doing this because the small town post office no longer has a postmaster or a rural route. It is a simple step to close it down.

I am here today to ask you to bring down the curtain on this scenario before the final, tragic act. We cannot let rural America die because the post offices are pulling out. We need people to stay in rural America. We need to get our farm youths to return to the land. But, we cannot accomplish these objectives if we continue to cut back on governmental services. First, the post office goes; then the community goes; then the farmers and ranchers go. Where does it end? You can do your part by recommending that this sequence of events end before we kill rural America.

I believe the Commission should consider the impact on communities and surrounding areas that lose rural route delivery. Granted, there are instances where a post office or a separate rural route cannot be justified. Appropriate action must be taken. In my District already there have been many rural route consolidations. Many have resulted in more efficient postal operations with little loss in service to the citizens. But consider the instance where the county seat of a rural county contains the last post office in that county. What is the impact if that post office goes through the sequence of events I described above? This means that the people of that county no longer receive their mail from a post office in their own county. They believe their county seat is no longer as important as it once was. Its identity begins to fade and the community begins to die. What effect does this have on local government? I do not believe it is good. A county seat in my District without a post office is a hardship on all concerned. This is not an isolated case. It could happen anywhere in rural America. It is happening now in Nebraska.

I ask that you please remember the public service responsibilities of the Postal Service when you make your recommendations. We all want to make the Postal Service operate as efficiently as possible, but we also must ensure that all Americans—whether they live in Los Angeles, Chicago, Topeka, Lincoln or Tryon, Nebraska—have equal access to the services provided.

The frustration of those who feel because they live in a farm area and are not getting equal treatment is typified by a letter I recently received from a constituent who gets his mail delivered three days a week, but must come to town to pick it up the other three days.

He writes: "I can get by with three day delivery, but I don't really like it. I pay the same for stamps as most other people, but only get half the service."

THANK YOU TO THE PEOPLE OF WEST BERLIN

(Mr. BROOMFIELD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROOMFIELD. Mr. Speaker, ever since World War II West Berlin has symbolized the determination of all free people to resist the incursions of Soviet expansionism. Backed by the United States and the democracies of the West, the brave people of West Berlin have paid the price of freedom and successfully withstood a series of challenges to their beleaguered city. During the period of the Cold War, Berin was a flash point in international relations, several times bringing the world to the brink of confrontation. The United States, however, has never backed away from its commitment to West Berlin, and as a result, the city has entered the era of détente with its freedom and prosperity intact.

The people of the United States have long admired the bravery and determination of West Berliners. And the people of West Berlin, in turn, have recognized the vital part played by the United States in protecting their city.

Mr. Speaker, I would like to call the attention of my colleagues to a recent statement by Mr. Peter Lorenz, president of Berlin's city assembly, calling on West Berliners to support a drive to aid Americans in areas severely affected by winter weather conditions. Assistance from West Berlin obviously will not solve the problems of our most severe winter in memory, but this is the sort of honest, generous gesture that all Americans deeply appreciate. I, for one, would like to thank Mr. Lorenz and the people of West Berlin for generously and spontaneously offering their help in our hour of need.

FEDERAL GRAND JURY REFORM

(Mr. EILBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EILBERG. Mr. Speaker, as chairman of the Judiciary Subcommittee considering proposals to reform the Federal Grand Jury, and as the author of H.R. 94, a bill to make those reforms, I have been receiving numerous letters and cards concerning the cases of Phillip Shinnick and Jay Weiner. Most of these communications request an investigation of these cases. It is the policy of the Judiciary Committee not to get involved in pending cases. However, an analysis of complaints concerning alleged grand jury abuses provide information about specific reforms.

Therefore, I asked the Library of Congress to analyze these cases and my staff to collect press articles on them.

I would like to include in the RECORD, the Library of Congress study and newspaper articles:

CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., January 19, 1977.

To: Honorable JOSHUA EILBERG
Attn: David Umansky
From: American Law Division
Subject: Examination of Cases of Jay Weiner and Phillip Shinnick

This is in response to your inquiry and our subsequent telephone conversation in which you requested an examination of the case of Jay Weiner and Phillip Shinnick to determine whether the facts may suggest areas where the powers available in connection with federal grand jury investigations are subject to abuse.

Jay Weiner and Phillip Shinnick were granted immunity and subpoenaed to appear as witnesses before a federal grand jury in the Middle District of Pennsylvania investigating the possibility that Patricia Hearst and William and Emily Harris were harbored within the district in violation of 18 U.S.C. § 1071. Mr. Weiner and Mr. Shinnick were ultimately incarcerated for failure to comply with the grand jury subpoenas, see 28 U.S.C § 1826. They had previously tried unsuccessfully to have the subpoenas quashed, *United States* v. *Weiner*, 418 F. Supp. 941 (W.D.Pa. 1976), aff'd without opinion sub nom. *In re Grand Jury Proceedings*, No. 76–2286 (3d Cir. Oct. 27, 1976).

Mr. Weiner and Mr. Shinnick were among those whom Patricia Hearst named in testimony at her bank robbery trial as having been present while she was a fugitive and staying near South Canaan, Pennsylvania, within the Middle District of Pennsylvania.

Mr. Weiner's testimony was sought as part

of the grand jury's investigation into the possible harboring of Miss Hearst within the Middle District and the grand jury sought to obtain Mr. Shinnick's fingerprints, samples of his handwriting and clippings of his hair to compare with evidence found during the course of the investigation.

Mr. Weiner and Mr. Shinnick sought to have the subpoenas quashed on several grounds. They contended that the subpoenas should be quashed because of prosecution misconduct and because the subpoenas were returnable to an improper situs. They also filed a motion for disclosure of any wire or oral interception of their communications.

The court ordered the government to submit affidavits affirming or denying the instances of wire or oral interceptions of the communications of Mr. Weiner and Mr. Shinnick. The court found the affidavits submitted in response sufficient to meet the witness' allegations of illegal electronic surveillance.

The witnesses argued that the subpoenas were returnable to an improper situs because they instructed the witnesses to appear before the grand jury sitting in Scranton while the investigation had been originated by a federal grand jury in Harrisburg. The witnesses felt that the second grand jury investigation had been convened to "avoid the possibility that the Harrisburg grand jury . . . would decide that [their] testimony was not necessary" 418 F. Supp. at 951, and because the Scranton grand jury had a longer unexpired term so that the amount of time the witnesses could be incarcerated under 28 U.S.C. § 1826 would be longer. The court accepted the government's response that the witnesses had been subpoenaed to appear in Scranton rather than Harrisburg because the possible criminal violations under investigation were alleged to have occurred within the Scranton division of the district and as a result the Scranton panel would have been selected from a group of potential jurors which would have included residences of the county where the harboring was believed to have occurred while the Harrisburg panel would not.

Mr. Weiner also contended that he had been subjected to governmental misconduct in that he had been subpoenaed four times to appear before the grand jury investigating Patty Hearst. The court rejected this pointing out that two of the subpoenas had been quashed and one of those had been issued in connection with a federal grand jury investigation in California and that the final subpoena involved an appearance before Patty Hearst testified.

Mr. Weiner also moved to have the government instructed to affirm or deny whether he was a target of the investigation and for a transcript of his testimony. The court denied the latter as premature and held that the government was under no obligation to inform him whether he was a target of the investigation.

Mr. Shinnick also sought to quash on the grounds that his fingerprints and examples of his handwriting were already in the government's possession because of his service in the armed forces and that the cuttings of his hair would be inadmissible evidence. The court responded that the grand jury was entitled to fresh evidence if it chose; that the government should not be forced to undergo the burdens of establishing chain of possession and other problems in using the evidence from Shinnick's service record, and that the hair was not necessarily inadmissible.

Those who feel that present federal law permits abuse of the power associated with grand jury investigations might point to any of a number of features in the Weiner and Shinnick cases to document their contentions.

For example, many may feel that use of grand jury subpoenas reenforced by 28 U.S.C. § 1826 to secure physical evidence such as fingerprints and handwriting samples that could be secured in other ways far more convenient for the witness and yet no less effective is repressive.

Others may feel that the issuance of four subpoenas to appear before the grand jury is harassment even if two of the subpoenas are ultimately quashed.

It might also be argued that the government's investigation could not be substantially impaired by providing the witness with a copy of his grand jury testimony or with indicating whether or not the witness was the target of the grand jury's investigation. Of course, many would feel that prosecution of Weiner and/or Shinnick after their appearances before the grand jury would be in violation of the spirit of the Fifth Amendment in that they will have been made to participate in the preparation of the case against themselves.

Finally, there may be those who feel that the cases exemplify instances where the government has used the grand jury and 18 U.S.C. § 1826 as a shortcut for prosecution; thereby bypassing the rights that would ordinarily be afforded a criminally accused.

A copy of *United States* v. *Weiner*, 418 F. Supp. 941 (M.D. Pa. 1976) is enclosed.

CHARLES DOYLE,
Legislative Attorney.

Nos. 4636 MCD, 4643 MCD

The United States v. In re Grand Jury Proceedings: Subpoena of Jay Weiner.

The United States v. In re Grand Jury Proceedings: Phillip Kent Shinnick.

United States District Court, M. D. Pennsylvania. July 13, 1976.

Opinion on the Merits Aug. 6, 1976.

On filing of various motions by witnesses subpoenaed by grand jury investigating the possible harboring of federal fugitives, the District Court Nealon, J., held, inter alia, that an initial government denial that the witnesses had been subjects of electronic surveillance was insufficient to satisfy the requirements of applicable statute, but that supplemental affidavits later filed by the Government were sufficient in such regard.

Witnesses' motions denied.

1. Grand Jury—36

If questions posed to grand jury witness or requests for other information or materials have been based on information derived from illegal electronic surveillance, "just cause" for witness not to answer or respond exists. 18 U.S.C.A. §§ 3504, 3504(b); 28 U.S.C.A. § 1826(a).

See publication Words and Phrases for other judicial constructions and definitions.

2. Grand Jury—36

Where potential grand jury witnesses claimed that they had been subjected to illegal electronic surveillance, United States did not satisfy requirements of statute requiring it to affirm or deny occurrence of such surveillance by filing affidavits which obviated possibility of any nexus between such surveillance and grand jury proceedings and contained statement by United States Attorney who caused issuance of subpoenas in question that he was unaware of any electronic surveillance of witnesses. Fed.Rules Civ.Proc. rule 6(e), 28 U.S.C.A.

3. Grand Jury—36

Under statute requiring that, on claim by grand jury witness that evidence is product of illegal electronic surveillance, government should affirm or deny occurrence of such surveillance, adequacy of Government's response depends upon sufficiency of its denial of existence of electronic surveillance of witness, not on relationship of affiant to proceedings and whether he is in position to conclude that there could be no nexus between those proceedings and any unlawful activity. Fed. Rules Civ.Proc. rule 6(e), 28 U.S.C.A.

4. Grand Jury—36

Affidavits filed by United States Government in response to charge by grand jury witnesses that they had been subjected to illegal surveillance did not satisfy requirements of statute providing that Government should admit or deny such surveillance where, although affidavits purported to be based in part on check of federal agencies, results of such check were out of date and there was no affidavit from person making or supervising such check or explanation of mechanic's utilized or record-keeping systems of agencies involved. 18 U.S.C.A. § 3504.

5. Grand Jury—36

Where grand jury witness claims that he has been subjected to illegal wiretap, it is appropriate for governmental agency closest to investigation to scrupulously search its files and submit affidavits affirming or denying validity of such claims and indicating which agencies had been checked. 18 U.S.C.A. § 3504.

ON THE MERITS

6. Grand Jury—36

Affidavits filed by United States denying that grand jury witnesses had been subjected to illegal wiretaps were sufficient to satisfy requirements of applicable statute. 18 U.S.C.A. §§ 3504, 3504(b); 28 U.S.C.A. § 1826(a).

7. Grand Jury—36

Only those grand jury witnesses who claim their own conversations were illegally monitored or against whom such monitoring was directed have standing to require Government to respond under statute requiring Government to affirm or deny claims of illegal wiretapping. 18 U.S.C.A. § 3504.

8. Grand Jury—1

United States acted properly in removing grand jury investigation into possible harboring of federal fugitives to another division in order to have investigation conducted by grand jury selected from division in which activity most prominently connected with alleged harboring occurred. 28 U.S.C.A. § 1826(a)(2); U.S.C.A.Const. Amend. 6.

9. Grand Jury—36

Affidavits submitted by United States in support of subpoenas ordering witnesses in testify before grand jury investigating into possible harboring of federal fugitives were sufficient to make preliminary showing that witnesses' fingerprints and hair and handwriting exemplars sought from such witnesses were relevant to grand jury investigation and properly within its jurisdiction, and not sought primarily for another purpose. 18 U.S.C.A. § 1071.

10. Grand Jury—36

Quashing of subpoenas requiring grand jury witnesses to furnish fingerprints, handwriting exemplar and hair sample was not required by witnesses' contentions as to governmental misconduct.

11. Grand Jury—36

Alledged abusive behavior by Federal Bureau of Investigation agents was not necessarily grounds for quashing grand jury witness subpoenas.

12. Grand Jury—36

Fact that Government may already have requested materials in its possession will not ordinarily prevent grand jury from obtaining them in connection with its own independent investigation; thus, subpoena to require grand jury witness to furnish fingerprints and samples of his handwriting was not subject to being quashed because Government already had in its possession witness' fingerprints and samples of his handwriting from military records.

13. Grand Jury—36

Witness may not interfere with course of grand jury's inquiry by urging objections of incompetency or irrelevancy; thus, grand jury witness was not excused from furnishing subpoenaed hair samples because of samples' alleged inadmissibility in evidence on grounds of incompetency and irrelevancy.

14. Grand Jury—36

Grand jury witness, subpoenaed to provide hair samples, fingerprints and handwriting exemplars in proceeding in which grand jury was investigating possible harboring of federal fugitives, was not entitled to protective order requiring Government to file affidavit stating whether or not he was target of investigation.

15. Grand Jury—36

Government is under no obligation to inform witness before grand jury whether he is target of jury's investigation.

16. Criminal Law—42

In event that immunized grand jury witness is subsequently indicted, prosecution has affirmative duty to prove that evidence it proposes to use is derived from legitimate source wholly independent of compelled testimony.

17. Criminal Law—42, 627.9(1)

Subpoenaed grand jury witness was not entitled to protective order certifying existing evidence that jury had regarding witness in order that witness might be certain that Government did not violate immunity afforded him before grand jury by using that testimony in prosecution at later date, and to furnish transcript of grand jury testimony; request for transcript was premature, inasmuch as witness had not been indicted in connection with instant investigation; in event that witness was so indicted in future, propriety and necessity of his obtaining copy of grand jury testimony would then materialize. Fed.Rules Crim. Proc. rule 16(a)(1)(A), 18 U.S.C.A.

Laurence M. Kelly, Asst. U.S. Atty., Scranton, Pa., for plaintiff.

Holly Maguigan, Kairys & Rudovsky, Philadelphia, Pa., Morton Stavis, Newark, N.J., for defendants.

MEMORANDUM AND ORDER

Nealon, District Judge.

These are matters arising out of an investigation by a grand jury from this district into the possible harboring of federal fugitives Patricia Hearst and William and Emily Harris within this district during the summer of 1974, in violation of 18 U.S.C. § 1071. In connection with the investigation, grand jury supoenas have been served on Jay Weiner and Phillip Kent Shinnick, ordering them to testify before the grand jury.[1] Both prospective witnesses have submitted numerous motions in connection with the subpoenas. Each has filed a motion to quash the subpoena on the grounds of governmental misconduct and improper purpose, a motion to quash the subpoena as returnable to an improper situs, and a motion for disclosure of electronic or other surveillance. In addition, Weiner has filed a motion for protective orders and a motion requesting instructions to the grand jury. The issues raised by the motions have been briefed by the witnesses' attorneys and the attorney for the government, and oral argument was held before this Court on July 8, 1976. This memorandum will address only the motions for disclosure of electronic or other surveillance. The other matters will be considered in a subsequent opinion.

[1] In order to isolate the issues raised by the motions in question, their statutory framework must first set forth. 28 U.S.C. § 1826(a) authorizes a court to confine a witness who refuses "without just cause" to testify before or provide other information or materials to a grand jury when ordered by the court to do so. If the questions posed to the witness or the requests for other information or materials have been based on information derived from illegal electronic surveillance, then "just cause" not to answer or respond exists. *Gelbard* v. *United States*, 408 U.S. 41, 92 S.Ct. 2357, 33 L.Ed.2d 179 (1972). To facilitate the determination of whether information was derived from illegal electronic surveillance when a witness claims that such surveillance has occurred, 18 U.S.C. 3504 provides in pertinent part:

"(a) In any . . . proceeding in or before any grand jury . . .

"(1) upon a claim by a party aggrieved that evidence is inadmissible because it is the primary product of an unlawful act or because it was obtained by the exploitation of an unlawful act, the opponent of the claim shall affirm or deny the occurrence of the alleged unlawful act."

Section 3504(b) defines an "unlawful act" as one involving illegal wiretapping or electronic surveillance. In the instant case, the witnesses have asserted that the subpoenas were based on information obtained from illegal electronic surveillance, and the government has denied any connection between the subpoenas and electronic surveillance of any kind. The dispositive questions here are whether the parties have satisfied the requirements of section 3504(a)(1).

At the outset, before analyzing the particular contentions and representations of the parties, it would be well to put this case in proper perspective. This is not a normal case of limited interest involving routine investigative efforts. The "Patty Hearst case" aroused unusual and nationwide interest and concern that exerted an undue amount of public pressure on the government to apprehend Miss Hearst and her Symbionese Liberation Army captors. This pressure undoubtedly stimulated special law enforcement efforts to locate her, including the possible participation of agencies in addition to the F.B.I. Under these circumstances, the possibility that extraordinary measures such as electronic surveillance were used in the investigation seems greater than in most cases. Mindful of the nature and scope of this case, as well as of the court's responsibility under section 3504 to determine whether proceedings have been tainted by illegal electronic surveillance, see *infra*, it would seem that the government's response should be as unambiguous, unequivocal, and reliable as reasonably possible, and should be more dispositive of the possibility of electronic surveillance than in a less extraordinary case. In the usual case which does not have any significance extending beyond this district, the affidavits of the U.S. Attorney and the F.B.I. agent in charge of the case may suffice, but this is not such a case.

It should also be pointed out that this case does not present the situation of an interruption of proceedings of a grand jury that is presently in session and awaiting the appearance of the witnesses who have filed motions resisting an appearance. The grand jury is not currently in session and no date has been fixed for the appearance of the witnesses involved. While the factor of grand jury delay is, nevertheless, still important, it is not as crucial as it might be were the circumstances different from what they are here.

In support of their assertions of illegal electronic surveillance, both Weiner and Shinnick have filed affidavits describing clicking, hollow and banging sounds and other audio interference during conversations on their telephones and on telephones that they customarily use, especially, in the case of Weiner, during conversations with other persons who were questioned or sought for questioning by the F.B.I. in connection with the Patricia Hearst case. In addition, Weiner describes two coincidences that may be explainable only by wiretapping: on one occasion, he received a telephone call from Jack Scott, warning him that the F.B.I. may question him, and the next day Weiner was visited by F.B.I. agents who asked him about Jack Scott; on another occasion, soon after Weiner's mother told someone over the telephone that Weiner was on his way to Oberlin, Ohio, from Philadelphia, Weiner was apprehended by F.B.I. agents shortly after his arrival in Oberlin. Shinnick alleges no such coincidences, but does state that information was relayed to him from an acquaintance that ". . . the State Police and the F.B.I. had been doing wiretaps the weekend of my visit on Nantucket." Affidavit of Phillip Kent Shinnick, attached to Motion to Quash Subpoena, para. 15. On the basis of these assertions, both witnesses have asked that the government disclose the records of any electronic or other surveillance of any conversations to which they were parties, as well as of any communications at several locations and over several telephones, including the residences and telephones of their attorneys and several other telephones whose numbers the witnesses have listed in connection with the motion.

The government conceded at oral argument that the witnesses' assertions of illegal electronic surveillance amount to "claims" under section 3504, and thus have triggered its obligation under the statute to "affirm or deny the occurrence of the alleged unlawful conduct." The government denies the existence of such surveillance, and, therefore, the critical question here is whether, in the context of this case, that denial is sufficient to satisfy the statute. The government's response to both witnesses is an affidavit by Laurence M. Kelly, an Assistant United States Attorney for the Middle District of Pennsylvania, who is participating in the investigations and who caused the subpoenas at issue to be served.[2] With respect to both witnesses, Mr. Kelly states that the source of information leading to the subpoena, and upon which any questions or requests will be based, is the "testimony of Patricia Hearst given at her bank robbery trial between February 9, 1976 through February 20, 1976, in the U.S. District Court for the Northern District of California, No. 74–364 OJC.", Affidavit Denying Electronic Surveillance, para. 4; that the subpoenas are not based on any electronic surveillance at any location; and that he is unaware of any electronic surveillance of the witnesses. In addition, with respect to Weiner, the affidavit states that a check was made with seven federal agencies that customarily conduct electronic surveillance, and that, based on the results of that check, as of the summer of 1975, "there has been no electronic surveillance occurring on premises known to have been owned, leased or licensed by Jay Weiner . . ." Affidavit Denying Electronic Surveillance, para. 10.[3] The affidavit concerning Shinnick makes reference to no agency check whatsoever.

[2] The government makes a two-pronged argument that its affidavits here are sufficient. It argues first that, regardless of whether there has in fact been any electronic surveillance of the witnesses in this case, the affidavits have obviated the possibility of any nexus between such surveillance and the grand jury proceedings, in that the affiant, the Assistant United States Attorney in charge of the investigations, who caused the issuance of the subpoenas in question, and who will determine what questions are addressed to the witnesses, has stated that he is unaware of any electronic surveillance of the witnesses. Moreover, the government points out, Mr. Kelley has affirmatively identified the source of the present grand jury proceedings—the trial testimony of Patricia Hearst. Because section 3504 is only concerned with whether something is the "product" of unlawful surveillance, rather than with the unlawful act itself, the government concludes, its affidavits in this case are sufficient. The government's position is contrary to the plain meaning of the statute's language, is inconsistent with the cases construing section 3504, and fails to satisfy the court that the subpoenas in question are not the product of unlawful activity.

[3] Upon a claim that evidence is the prod-

Footnotes at end of article.

uct of illegal electronic surveillance, section 3504 requires the government to "affirm or deny the occurrence of the unlawful act." It is clear from the plain meaning of the language of the statute that the government's response should go to the existence of the unlawful activity itself, and should not be concerned with the connection such activity may have with the proceedings at issue. The latter is for the court to determine, once the government has completed its function under the statute. *In re Testa*, 486 F.2d 1013, 1016 (3d Cir. 1973). Thus the language of the statute suggests that the adequacy of the government's response depends on the sufficiency of its denial of the existence of electronic surveillance of the witnesses, and not on the relationship of the affiant to the proceedings and whether he is in a position to conclude that there could be no nexus between those proceedings and any unlawful activity.

If the government's position were correct, then all that would be required in every case where a "claim" of illegal electronic surveillance has been made would be a denial by the prosecutor that the proceedings have been tainted by unlawful activity, regardless of whether he is in a competent position to know whether unlawful activity has in fact occurred. The cases which have evaluated the sufficiency of a denial under section 3504, however, have almost all involved affidavits or other documents by persons in a position to know about the existence of electronic surveillance. Most often, the denials contain the results of a so-called "agency check" of the federal agencies that customarily conduct electronic surveillance. *See, e.g., In re Freedman*, 529 F. 2d 543 (3d Cir. 1976); *In re Horn*, 458 F. 2d 463 (3d Cir. 1972). The courts have frowned upon "to my knowledge" affidavits by persons not in a position to have complete knowledge regarding the existence of electronic surveillance. *See, e.g., In re Quinn*, 525 F. 2d 222, 225 n. 5 (1st Cir. 1975); *United States* v. *Vielguth*, 502 F. 2d 1257, 1261 (9th Cir, 1974) (Chambers, J., dissenting).

Finally, in spite of the good faith of the Assistant United States Attorney in this case, which this court has no reason to question, if there has been illegal electronic surveillance of these witnesses, the instant proceedings could be tainted in a manner of which he might be unaware. The investigation of the possible harboring of Patricia Hearst within this district predates her trial by more than a year. Mr. Weiner, for example, testified before a grand jury in Harrisburg investigating the same activity more than a year ago, in March, 1975. Mr. Kelly acknowledged at oral argument that he was not involved in the previous grand jury investigation in this district, and thus a good portion of his knowledge of the pertinent facts of the investigation was presumably acquired by his reading of the government file. There could be some information concerning these witnesses in the file, with its source unknown to Mr. Kelly,[4] that is the product of electronic surveillance. Unless a reliable record of such surveillance is disclosed, it will be impossible to determine whether it has tainted the instant proceedings. With respect to Mr. Shinnick, his counsel stated at oral argument, and the government did not deny, that Patricia Hearst's trial testimony identified other persons besides Mr. Shinnick and Mr. Weiner who may have been involved in the harboring of herself and the Harrises in this district. That information would seem to call into question the accuracy of the government's assertion that the sole basis of the grand jury's current interest in the witnesses is Miss Hearst's testimony. If that assertion were correct, then it would seem that the other persons identified by Miss Hearst would have been subpoenaed. Since they were not, it may well be that the source of the current interest in the witnesses is more than simply Miss Hearst's testimony. Because the other sources could be tainted by the illegal electronic surveillance alleged by the witnesses in this case, it is incumbent upon the government to direct its response to the existence of illegal electronic surveillance *vel non*.

[4] The government argues alternatively that its response is sufficient, under the facts of this case and under the law of this Circuit, to satisfy the requirements of section 3504. An analysis of the government's affidavits leads to the contrary conclusion. With respect to Weiner, several inadequacies are evident. Although the affidavit purports to be based in part on an agency check, the results are out of date, inasmuch as they only cover a period of up to a year ago. In addition, without regard to its date, the report of the agency check leaves much to be desired. There is no affidavit from the person making or supervising it, nor is there an explanation, by one in a position to know, of the mechanics utilized, or of the record-keeping systems of the agencies involved, so that it is impossible to independently assess the reliability of the check. As to Shinnick, the response is even more deficient. There is no reference to an agency check in the response, nor even an affidavit from the investigating agent. The government simply relies on the "to my knowledge" affidavit of the prosecutor handling the case. These responses fall far short of the comprehensiveness of the denials which have been held to be sufficient by the Court of Appeals for the Third Circuit, see, e. g., *In re Horn* 458 F.2d 468, 469 n. 3 (3d Cir. 1972); *In re Freedman*, 529 F.2d 543, 549–550 (3d Cir. 1976). Moreover, none of the Third Circuit cases have involved the national overtones and unusual public attention that are present here. In addition, the Court of Appeals has been critical of several of the responses which it has considered. *See, e. g., In re Horn*, supra at 471; *United States* v. *D'Andrea*, 495 F.2d 1170, 1174 n. 12 (3d Cir. 1974). Such criticism is consistent with the concern that has recently been expressed by other courts about the reliability of affidavits in support of section 3504 denials. *See, e. g., In re Quinn*, 525 F.2d 222, 225 n. 5 (1st Cir. 1975); *In re Turgeon*, 402 F. Supp. 1239, 1240–1241 (D. Conn. 1975). In view of these considerations, as well as of the court's task under section 3504, itseems only fair and proper to require a meaningful and authoritative response by someone who is in a position to attest to the *modus operandi* and dependability of the check.

[5] It would appear to be appropriate for the governmental agency ". . . closest to the investigation [to] scrupulously search [its] files and submit affidavits affirming or denying the validity of the aggrieved party's claims and indicating which agencies have been checked." *In re Millow*, 529 F.2d 770, 774 (2d Cir. 1976).[5] In that regard, government counsel stated at oral argument that he believes the F.B.I. has an index card file identifying by name any person whose telephonic conversation had been intercepted, whether or not it was such person's phone that was tapped. In other words, if A, using an outside phone, engaged in a telephone conversation with B, whose phone was under electronic surveillance by the F.B.I., and A was identified during the conversation, then this fact would be placed on an index card bearing A's name even though he was not the immediate subject of the surveillance. Consequently, a reference to an index card bearing A's name would disclose whether there had been any electronic surveillance of *any conversation* in which A was a participant. It would be helpful for the court to have this information as to the procedure utilized, in as precise a form as reasonably possible, in order to confidently decide whether the government's response is adequate under section 3504. In addition, such information would also provide a basis for evaluating the argument advanced by government counsel at oral argument that an agency check is a burdensome process. It is all too easy to state in conclusory fashion that the undertaking is onerous. The project could conceivably turn out to be a relatively simple assignment. See in this regard Judge Newman's observation in *In re Turgeon*, 402 F. Supp. 1289, 1242 (D. Conn. 1975), with respect to a file check by the F.B.I. similar to the check ordered here, that "(i)t is hard to understand why the task . . . could possibly entail more than one hour's work by a file clerk." Be that as it may, it is impossible to evaluate the merits of the government's claim of burden without some information about the mechanics of the process.

With respect to any delay that might be caused by the procedure ordered here, while any unnecessary delay in grand jury proceedings must be avoided, in circumstances such as those presently before this court we cannot assume that a file check and preparation of affidavits would consume so much time as to cause any inordinate delay. If there is to be an intolerable delay, we should know specifically why a delay is inevitable, the reasons for it, and what can be done to shorten or eliminate it. The issue of electronic surveillance is a volatile one and has caused considerable concern and, indeed, alarm, in our society. Nothing should be left to assumption or speculation. If a responsible check is made and the government has no record of any electronic surveillance, then the denial is official and ". . . the matter is at an end . . ." *Gelbard v. United States*, 408 U.S. 41, 71, 92 S.Ct. 2357, 2373, 33 L.Ed.2d 179 (1972) (White, J., concurring).

In order to insure a fair and appropriate disposition of the motions to quash the subpoenas, the government will be allowed ten days from the date of this order to file a supplemental affidavit or affidavits in accordance with the views expressed in this memorandum. In the meantime, the witnesses' motions will remain under advisement.

ON THE MERITS

In a memorandum and order dated July 13, 1976, this Court ordered the government, pursuant to 18 U.S.C. § 3504, to file supplemental affidavits affirming or denying the occurrence of illegal electronic surveillance which has been claimed in a motion filed by the two witnesses, Jay Weiner and Phillip Kent Shinnick, who had been subpoenaed in these two cases to appear before a grand jury in this district that is investigating the possible harboring of federal fugitives Patricia Hearst and William and Emily Harris within this district during the summer of 1974. In addition, motions to quash on the grounds of improper purpose and the fact that the subpoenas are returnable to an improper situs were filed by both witnesses, and Jay Weiner alone submitted a motion for a protective order and a motion requesting supplemental instruction to the grand jury. In the July 13 memorandum, I deferred ruling on the other motions pending resolution of the electronic surveillance issue. The government has now submitted supplemental affidavits denying electronic surveillance in these cases, and the electronic surveillance issue is ripe for decision. Accordingly, I now turn to that issue, as well as to the other motions filed by the witnesses.

[6] Upon analysis, the affidavits appear to fulfill the conditions imposed by the July 13 memorandum and, therefore, to constitute satisfactory denials of unlawful activities under 18 U.S.C. § 3504. The filings with respect to both witnesses are identical. In each instance, the primary document is an affidavit by John J. Smythe, an F.B.I. agent in Washington, D.C., who is "respon-

Footnotes at end of article.

sible for maintaining the records containing the names of individuals who have been identified as being participants in conversations monitored by electronic surveillances conducted by the Federal Bureau of Investigation from 1960 to the present." The Weiner affidavit states that Smythe searched the records in Washington and caused a search to be made of the appropriate field offices of the F.B.I., and that as a result of those searches, the affiant has determined that "Jay Weiner was never the subject of electronic surveillance coverage nor were any of his conversations ever monitored by the Federal Bureau of Investigation." In addition, Smythe states that he has determined that the F.B.I. "did not maintain any electronic surveillance on premises which were known to have been owned, leased, or licensed by Jay Weiner." The Shinnick affidavit is identical in all material respects.

Accompanying the Smythe affidavits are two affidavits by Brandon Alvey, an attorney in the Criminal Division of the United States Department of Justice, one concerning Weiner and one with respect to Shinnick. The Weiner affidavit states that Alvey caused an inquiry to be made of the following six agencies to determine if there has been any electronic surveillance of the witnesses: Drug Enforcement Administration, United States Secret Service, Internal Revenue Service, United States Customs Service, Bureau of Alcohol, Tobacco and Firearms, and the United States Postal Service; and that, as a result of those inquiries, the affiant states that "there has been no electronic surveillances occurring on premises known to have been owned, leased or licensed by Jay Weiner . . ., that there was no electronic surveillance directed against Jay Weiner . . ., [and] that there have been no overhearings by electronic surveillance of conversations, at any location, to which Jay Weiner was a party." Alvey's Shinnick affidavit is identical in all material respects. In addition, Gary L. Penrith, Bureau Supervisor at the F.B.I. headquarters, Washington, D.C., submitted an affidavit to the effect that he has been involved in all aspects of the Hearst investigation since the kidnapping February 4, 1974, and that the original source of information concerning the alleged activities of Weiner and Shinnick in connection with this investigation was an individual to whom one of the alleged participants made statements and admissions, all of which was corroborated by the testimony of Patricia Hearst during the course of her trial on bank robbery charges in San Francisco, California, November 10, 1975, through March 20, 1976.

[7] The Smythe affidavit is a denial, by one in a position to know, of electronic overhearing 'by the F.B.I., the governmental agency closest to the investigation in this case, of any conversations of the witnesses. Together with the Alvey affidavit, which sufficiently obviates the possibility that other federal agencies authorized to conduct wiretapping have overheard conversations of the witnesses, the Smythe affidavit conclusively and unequivocally denies the claim of the witnesses, under 18 U.S.C. § 3504, that the subpoenas were the product of unlawful electronic surveillance of their conversations. Moreover, the Penrith affidavit identifies the original source of information concerning the two witnesses. As such, the denial is official, and ". . . the matter is at an end . . ." *Gelbard v. United States*, 408 U.S. 41, 71, 92 S.Ct. 2357, 2373, 33 L.Ed.2d 179 (1972) (White, J., concurring).[6]

[8] Turning to the other motions, both witnesses argue that the instant subpoenas should be quashed as returnable to an improper situs, in that they are returnable to the current grand jury sitting in Scranton rather than to the Harrisburg grand jury which had previously begun to investigate the alleged unlawful harboring of federal fugitives that is being inquired into here. The witnesses argue in their briefs that this transfer deprives the Harrisburg grand jury of its historic function of deciding for itself what evidence will be produced before it, and is designed "to avoid the possibility that the Harrisburg grand jury, if he were subpoenaed there, would decide that his testimony were not necessary." Weiner's Motion to Quash the Subpoena as Returnable to an Improper Situs, para. 5. At oral argument counsel also maintained that the government's unstated motive in transferring the investigation to the Scranton grand jury is to grain greater leverage over the witnesses by having a grand jury with a longer unexpired term conduct the investigation—under 28 U.S.C. § 1826(a)(2), a witness who refuses "without just cause" to comply with a court order requiring him to testify before a grand jury may be confined for the duration of the term of the grand jury.

The government's response is that it has transferred the investigation to the Scranton grand jury in order to have the investigation conducted by a grand jury selected from the division in which the activity most prominently connected with the alleged harboring occurred—Wayne County, one of the nine counties from which members of the Scranton grand jury are selected. Grand juries in this district are selected on a sectional basis, and thus the Harrisburg grand jury, being selected from a section that does not include Wayne County, could not possibly contain any members who reside in the community where the alleged crime under investigation occurred. Government counsel represented to the court that the investigation has been transferred to the Scranton grand jury out of an abundance of caution in light of the Third Circuit's holding in *Zicarelli v. Gray*, Civ. No. 75–1773 (3d Cir., Nov. 18, 1975), *vacated and rehearing en banc ordered* (January 19, 1976), which held that the exclusion from a petit jury of residents from the county in which the crime allegedly occurred denied the defendant his Sixth Amendment right to the fair possibility for obtaining a jury composed of a representative cross-section of the community.

The government's stated purpose in removing the investigation to Scranton is reasonable, and the court declines to draw the inference offered by the witnesses that the government's motive is underhanded and unlawful, an inference for which the witnesses offer no support other than their own speculation. That the government's concern in light of the *Zicarelli holding* is legitimate and may be well-founded is reflected by the "tentative view" of the Committee on the Operation of the Jury System of the Judicial Conference of the United States "that the indictment for a crime alleged in one division of a judicial district by a grand jury sitting in and selected exclusively from a different division of the district raises some doubt as to whether the rights of the defendant to indictment by a grand jury drawn from a 'fair cross section of the community' are being realized." Memorandum to all Chief Judges, United States District Courts, from William E. Foley, Deputy Director, Admiinstration Office of the United States Courts, March 24, 1976, p. 2. Moreover, the Scranton grand jury would be just as free as the Harrisburg grand jury to decide that the testimony of these two witnesses is not necessary. The motions to squash the subpoenas as returnable to an improper situs will be denied.

[9] To the witnesses' argument that the subpoenas should be quashed because of misconduct and improper purpose, the government has responded in the form of affidavits by Mr. Laurence Kelly, the Assistant United States Attorney in charge of the instant investigation, that set forth the scope and purpose of the investigation, as well as the relevance to that investigation of the testimony and materials sought by the subpoenas at issue, and disavow any improper purpose on the part of the government. With respect to Weiner, the affidavit sets forth that the investigation seeks to determine whether Patricia Hearst and William and Emily Harris were unlawfully harbored within this district, that there is reasonable cause to believe that Jay Weiner knows the identity and role of the participants in the alleged harboring effort, and that the purpose of the present subpoena is to elicit Weiner's knowledge regarding the alleged harboring.[7] The government's affidavit regarding Shinnick sets forth the same investigation, states that fingerprints, hair strands, and handwriting samples were recovered from the location in this district where the harboring is suspected to have occurred, and says that the purpose of the subpoena is to obtain fingerprints, handwriting and hair samples from Shinnick for comparison with the items recovered from the harboring location.[8] These affidavits are sufficient to satisfy the government's obligation "to make some preliminary showing by affidavit that each item is at least relevant to an investigation being conducted by the grand jury and properly within its jurisdiction, and is not sought primarily for another purpose." *In re Grand Jury Proceedings (Schofield I)*, 486 F.2d 85, 93 (3d Cir. 1973).

[10] The witnesses' contentions as to governmental misconduct are not persuasive. Weiner alleges that he has been harassed by being subpoenaed four times in connection with the Hearst case and by having the grand jury situs changed from Harrisburg to Scranton; that he has been victimized by illegal electronic surveillance; and that he has been subjected to a pattern of abusive behavior by government agents investigating this case. It has already been determined, *supra*, that the subpoena is not the product of illegal electronic surveillance, and that the government's purpose in moving the grand jury investigation to Scranton is proper. The argument concerning the number of times the witness has been subpoenaed is unpersuasive. As the government points out in its brief, the instant subpoena seeks to compel only the second appearance of Weiner before a grand jury investigating the unlawful harboring within this district, and is intended to elicit information from him in light of a development that has occurred since his initial appearance in March, 1975—the trial testimony of Patricia Hearst in February, 1976. One other subpoena of Weiner to testify before a grand jury in this district was withdrawn after he filed a motion to quash in April, 1975. The fourth subpoena referred to by the witness sought to compel his testimony at the trial of Patricia Hearst in the Northern District of California, and thus has no bearing on possible harassment caused by the number of subpoenas issued in this district. In any event, the Northern District of California subpoena was also withdrawn without Weiner testifying after Weiner again moved to quash.

[11] The witnesses do not draw any direct connection between the alleged abusive behavior by government agents, particularly F.B.I. agents, and the grand jury process at issue here. For example, they do not claim that any physical evidence pertinent to the grand jury investigation was obtained as a result of the agents' allegedly unlawful actions, a claim which, incidentally, would not necessarily be grounds for quashing the subpoenas. (*See United States v. Calandra*, 414 U.S. 338, 94 S.Ct. 613, 38 L.Ed.2d 561 (1974), where the Court held that a witness summoned to testify before a grand jury may not refuse to answer questions on the ground that they are based on evidence obtained

Footnotes at end of article.

from an unlawful search and seizure. They simply maintain that the subpoenas should be quashed, or at least that an evidentiary hearing should be held, because of the alleged abusive behavior of the agents. Such allegations do not constitute grounds for quashing a valid grand jury subpoena. *Cf.* the unreported opinion of Judge Herman in *In re Grand Jury Proceedings* (Scott and Miller), MCD Nos. 4541 and 4542, filed August 22, 1975, at pp. 8–9. As Judge Herman points out in his opinion, a person allegedly victimized by such misconduct may consider an action against the agents themselves, *see Bivens* v. *Six Unknown Named Agents of Federal Bureau of Investigation*, 403 U.S. 388, 91 S.Ct. 1999, 39 L.Ed.2d 619 (1971), but may not attempt to thwart a grand jury investigation that has been demonstrated by government affidavit to be proper. Furthermore, to require the ventilation by hearing of every allegation of government misconduct before a witness would be required to respond to a grand jury subpoena ". . . would saddle a grand jury with minitrials and preliminary showings [which] would assuredly impede its investigation and frustrate the public's interest in the fair and expeditious administration of the criminal laws." *United States* v. *Dionisio*, 410 U.S. 1, 17, 93 S.Ct. 764, 773, 35 L.Ed.2d 67 (1973).

[12] Many of Shinnick's arguments concerning misconduct and improper purpose are similar to Weiner's and are unpersuasive for the reasons described, *supra*. Shinnick argues in addition that the subpoena, by which the grand jury seeks to have him produce fingerprints and handwriting and hair samples, should be quashed because the government already has in its possession two of the items sought—his fingerprints and samples of his handwriting from the military records of his service in the United States Air Force from 1967 to 1971—and because the third item, the hair sample, is irrelevant as it would not be competent evidence against him during a criminal trial. These arguments are also unconvincing. With respect to the fingerprints and handwriting samples, which Shinnick does not deny may be obtained under ordinary circumstances by a grand jury subpoena, see *In re Grand Jury Proceedings (Schofield II)*, 507 F.2d 963 (3d Cir. 1975), the government is entitled to "competent fresh evidence," *In re Grand Jury Subpoena Duces Tecum (Southern Motor Carriers Rate Conference, Inc.)*, 405 F.Supp. 1192, 1198 (N.D. Ga. 1975), and the fact that the government may already have the requested materials in its possession will not ordinarily prevent a grand jury from obtaining them in connection with its own independent investigation. This is particularly so in the case of fingerprints and handwriting samples, since, even assuming the government does have military records with fingerprints and handwriting samples that purport to be Shinnick's, it would have a difficult time at trial establishing that those prints and samples are in fact the witness's. The government does not have to be confronted with such a potential chain of possession problem, and may obtain new fingerprints and writing samples from the witness via the instant subpoena.

[13] Shinnick's argument regarding the hair samples requires little comment. Without deciding whether or for what purpose hair strands may be admitted against a defendant during a criminal trial, although it should be noted that Shinnick's contention that they are *inadmissible* as incompetent and irrelevant would not appear to be correct, *cf. United States v. D'Amico*, 408 F.2d 331 (2d Cir. 1969), it is sufficient to note that a witness may not interfere with the course of the grand jury's inquiry by urging " 'objections of incompetency or irrelevancy, such as a party may raise, for this is no concern of his.' " *United States v. Calandra*, 414 U.S. 338, 345, 94 S.Ct. 613, 619, 38 L.Ed.2d 561 (1974), quoting *Blair v. United States*, 250 U.S. 273, 282, 39 S.Ct. 468, 63 L.Ed. 979 (1919). The motions to quash on the grounds of governmental misconduct and improper purpose will be denied.

[14–17] Weiner has moved for a protective order requiring the government to file an affidavit stating whether or not he is a target of the investigation, to certify existing evidence that it has regarding Weiner in order that the witness may be certain that the government does not violate the immunity afforded him before the grand jury by using that testimony to prosecute him at a later date, and to furnish him a transcript of his grand jury testimony. This motion will be denied. The government is under no obligation to so inform a witness before a grand jury whether he is a target of the investigation. With respect to protection against a possible violation of the witness's immunity, he is sufficiently protected by the holding of *Kastigar v. United States*, 406 U.S. 441, 92 S.Ct. 1653, 32 L.Ed.2d 212 (1972) that, in the event that an immunized witness is subsequently indicted, the prosecution has "the affirmative duty to prove that the evidence it proposes to use is derived from a legitimate source wholly independent of the compelled testimony." *Id.* at 460, 92 S.Ct at 1665. The request for a transcript of the witness's grand jury testimony is also made with an eye to protecting the witness's rights following a grant of immunity. Weiner argues that he should have a copy of the transcript of his testimony in order that he can more easily determine whether that testimony was used by the government against him in the event that he is indicted in the future. This request is premature, however, inasmuch as Weiner has not been indicted in connection with the instant investigation. In the event that he is so indicted in the future, the propriety and necessity of his obtaining a copy of his grand jury testimony will materialize. Indeed, under those circumstances, Weiner would be able to obtain by discovery from the government a copy of his grand jury testimony. *See* Rule 16(a)(1)(A), Federal Rules of Criminal Procedure.

Weiner's motion for supplemental instructions to the grand jury will remain under advisement.

FOOTNOTES

[1] Although the subpoena of Shinnick commands him to appear to testify before the grand jury, the government has acknowledged, in its brief in opposition to Shinnick's motion to quash and at oral argument on the motion, that it only intends to have Shinnick produce fingerprints, a handwriting exemplar and a hair sample for the grand jury, and that it does not intend to request his testimony.

[2] With reference to Weiner, the affidavit provides:

"Laurence M. Kelly, being duly sworn according to law deposes and says:

"1. He is an Assistant United States Attorney for the Middle District of Pennsylvania.

"2. In such position he is participating in an investigation relating to alleged violations of 18 U.S.C. 1701—the Federal 'Harboring' Statute—within the Middle District of Pennsylvania.

"3. He caused a subpoena to be served upon Jay Weiner, through his counsel, on May 19, 1976, requiring his presence before the Federal Grand Jury, Scranton, Pennsylvania.

"4. He knows that the source of information upon which the questioning of Jay Weiner will be based is the testimony of Patricia Hearst given at her bank robbery trial between February 9, 1976 through February 20, 1976, in the U.S. District Court for the Northern District of California, No. 74–364 OJC.

"5. None of the information upon which the questioning of Jay Weiner will be based is the result, directly or indirectly, of any electronic surveillance of Jay Weiner.

"6. The undersigned is unaware of any electronic surveillance of Jay Weiner, directly or indirectly, at any time.

"7. That inquiry was made of the appropriate Agencies of the Federal Government to determine if there had been any electronic surveillance of the conversations of the witness Jay Weiner.

"8. These Agencies were selected as appropriate for inquiry because at the time the requests were made they were the only Agencies that had requested authority to conduct and had conducted electronic surveillance pursuant to Title III of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90–351. All national security electronic surveillances authorized by the Attorney General have been conducted solely by, and all records of such surveillances have been maintained by the Federal Bureau of Investigation.

"9. The Federal Agencies to whom this inquiry was directed are listed as follows, together with the most recent date that a response was received to the inquiries made by the Department of Justice.

"a. Federal Bureau of Investigation—July 16, 1975.

b. Drug Enforcement Administration—June 25, 1975.

c. United States Secret Service—June 26, 1975.

d. Internal Revenue Service—June 27, 1975.

e. United Customs Service—July 8, 1975.

f. Bureau of Alcoholic, Tobacco and Firearms—June 24, 1975.

g. United States Postal Service—June 23, 1975.

"10. Based upon the results of such inquiry the deponent hereby states that there has been no electronic surveillance occurring on premises known to have been owned, leased or licensed by Jay Weiner, as of the dates set forth above."

With reference to Shinnick, the affidavit provides:

"Laurence M. Kelly, being duly sworn according to law deposes and says:

"1. He is an Assistant United States Attorney for the Middle District of Pennsylvania.

"2. In such position, he is participating in an investigation relating to alleged violations of 18 U.S.C. 1071—the Federal 'Harboring' Statute—within the Middle District of Pennsylvania.

"3. He caused a subpoena to be served upon Phillip Kent Shinnick on May 24, 1976, requiring his presence before the Federal Grand Jury, Scranton, Pennsylvania.

"4. The purposes of this subpoena are as set forth in another 'Affidavit' of the undersigned filed herewith and made a part hereof by reference.

"5. The undersigned is the person who issued the instant subpoena, and knows the source of the information upon which this subpoena is based.

"6. The source of the information leading to this subpoena is the testimony of Patricia Hearst at her Bank Robbery Trial as set forth in the other Affidavit of the undersigned filed herewith, paragraphs 6 and 7, together with the items of physical evidence obtained from locations relevant to the investigation.

"7. The undersigned has no knowledge of any electronic surveillance of Phillip Kent Shinnick at any location at any time.

"8. This subpoena is not based upon any information obtained through any electronic surveillance of Phillip Kent Shinnick at any location."

[3] Mr. Kelly stated at oral argument that he had reviewed his materials and could now state that as a result of the check, as of the summer of 1975 there had been no electronic

surveillance at any situs of any conversations involving Jay Weiner. He stated that he would submit a supplemental affidavit and the court will assume for the purposes of this discussion that the affidavit is to that effect.

[4] The inquiry may have been based ". . . in some part, on information or leads furnished by other agencies about whose sources and activities neither [the U.S. Attorney nor the F.B.I. agent in charge of the investigation] may know." *In re Quinn*, 525 F.2d 222, 225 (1st Cir. 1975). Furthermore, for the § 3504 response to be adequate ". . . there must be included an explicit assurance indicating that all agencies providing information relevant to the inquiry were canvassed." *id.*, at 226.

[5] ". . . courts have interpreted the statute to require the Government to make it reasonably clear that its denial is based on sufficient knowledge to be meaningful." *In re Quinn*, 525 F.2d 222, 225 (1st Cir. 1975).

[6] It could be argued that the government's response does not constitute a denial of all possible means by which information concerning the witnesses could have been gathered by illegal wiretapping, in that it does not deny the possibility that information concerning the witnesses was learned by overhearing the conversation of two other individuals who may have been discussing the witnesses. The short answer to such a contention is that section 3504 does not require the government to respond to such a claim. The statute requires the government to respond "upon a claim by a *person aggrieved* . . ." (emphasis supplied). Although section 3504 itself does not define the term "person aggrieved," Title III of the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. § 2510 *et seq.*, to which section 3504 expressly relates and in light of which section 3504 should be construed, defines an "aggrieved person" as "a person who was a party to any intercepted wire or oral communication or a person against whom the interception was directed." 18 U.S.C. § 2510(11). Applying that definition to section 3504, it appears that only those who claim their own conversations were illegally monitored or against whom it was directed have standing to require the government to respond under section 3504. This conclusion is supported by the legislative history of section 3504, which indicates that the government is required to affirm or deny unlawful electronic surveillance only upon a claim "by the defendant *with standing to challenge the alleged unlawful conduct.*" H.R. No. 91–1549, 91st Cong. 2d Sess. (1970), 2 U.S. Code Congressional and Administrative News 4027 (1970) (emphasis supplied).

[7] The Weiner affidavit provides:

"Laurence M. Kelly, being duly sworn according to law deposes and says:

"1. That he is an Assistant United States Attorney for the Middle District of Pennsylvania.

"2. In such position, he is participating in an investigation relating to alleged violations of 18 U.S.C. 1071—the Federal 'Harboring' Statute—within the Middle District of Pennsylvania.

"3. The investigation seeks to determine if during the Summer of 1974, Patricia Campbell Hearst, William Harris and Emily Harris, who were Federal fugitives at the time were harbored near South Canaan, Wayne County, Pennsylvania, within the Middle District of Pennsylvania; and if so, whether any person or persons may have violated 18 U.S.C. 1071.

"4. The investigation seeks to identify all those persons who may have participated in such efforts to harbor and conceal the persons named in paragraph three (3) above, and determine the extent of their respective roles therein.

"5. On September 22, 1975, the fugitives named in paragraph three (3) were captured in San Francisco, California.

"6. Subsequently, Patricia Campbell Hearst was tried on charges of Bank Robbery in the U.S. District Court for the Northern District of California, Cir. No. 74–364 OJC. Between February 9, 1976, and February 20, 1976, she gave testimony at said trial.

"7. Said testimony reflects that several persons may have been involved in the effort to harbor her and the Harris' at a farmhouse in Pennsylvania near Scranton.

"8. Patricia Hearst, as aforesaid, testified that this witness, Jay Weiner, was brought to the farmhouse by two persons where he met Patricia Hearst and the other fugitives names in paragraph three (3) above.

"9. On the basis of this testimony it appears that this witness, Jay Weiner, may have been made privy to the scope of the effort to harbor and conceal the fugitives, including the identity and role of each of the participants.

"10. It is the purpose of the present subpoena to seek information from Jay Weiner before the Grand Jury relating to those persons who may have participated in the efforts to harbor the fugitives named in paragraph three (3).

"11. While some duplication is inevitable, this subpoena is in quest of information different from any previously given by this witness to either Federal Agents or to any other Grand Jury.

"12. This subpoena is not intended to harass the witness in anyway, but is being issued in quest for information relevant to the inquiry.

"13. No prior testimony of this witness has been divulged by the Government to any person not authorized to obtain such testimony under Rule 6(e) F.R.C.P. to the best of the undersigner's knowledge, information and belief.

"14. It is not the purpose of this subpoena to induce the witness to commit perjury. To the contrary, it is hoped that Mr. Weiner will testify fully and honestly in all respects.

"15. It is not the purpose of this subpoena to 'freeze' the prior testimony of the witness. In the first place, such prior testimony is already 'frozen'; in the second place, as stated in paragraph ten (10) above, new and different testimony is sought here.

"16. It is not the purpose of this subpoena to 'rehearse' this witness for any future trials."

[8] The Shinnick affidavit provides:

"Laurence M. Kelly, being duly sworn according to law deposes and says:

"1. That he is an Assistant United States Attorney for the Middle District of Pennsylvania.

"2. In such position, he is participating in an investigation relating to alleged violations of 18 U.S.C. 1071—the Federal 'Harboring' Statute—within the Middle District of Pennsylvania.

"3. The investigation seeks to determine if during the Summer of 1974, Patricia Campbell Hearst, William Harris and Emily Harris, who were Federal fugitives at the time, were harbored near South Canaan, Wayne County, Pennsylvania, within the Middle District of Pennsylvania; and if so, whether any person or persons may have violated 18 U.S.C. 1071.

"4. The investigation seeks to identify all those persons who may have participated in such efforts to harbor and conceal the persons named in paragraph three above, and determine the extent of their respective roles therein.

"5. On September 22, 1975, the fugitives named in paragraph three were captured in San Francisco, California.

"6. Subsequently, Patricia Campbell Hearst was tried on charges of Bank Robbery in the U.S. District Court for the Northern District of California, Cir. No. 74–364 OJC. Between February 9, 1976, and February 20, 1976, she gave testimony at said trial.

"7. Said testimony reflects that several persons may have been involved in the effort to harbor her and the Harris' at a farmhouse in Pennsylvania near Scranton.

"8. Said testimony mentioned several persons in connection with the three fugitives being brought to the Wayne County premises.

"9. In connection with the investigation several fingerprints were obtained from locations relevant to the inquiry.

"10. In connection with the investigation, several strands of human hair were obtained from locations relevant to the investigation.

"11. In connection with the investigation, items of handwriting were obtained from locations relevant to the investigation.

"12. The purpose of this subpoena is to obtain known fingerprints, handwriting and hair samples of this witness for comparison with the above items that have been recovered during the investigation.

"13. This subpoena is being issued for no purposes other than described above.

"14. No information obtained through the production of the items requested of this witness will be divulged by the Government to any person not authorized to obtain it under Rule 6(e) F.R.C.P.

"15. It is not the purpose of this subpoena to harass the witness in any way.

"16. It is not the purpose of the subpoena to interfere with the employment opportunities available to this witness in any way or to otherwise reduce his opportunities for employment."

[From the Washington Star, Jan. 11, 1977]

PHIL SHINNICK GOES TO PRISON—PATTY HEARST GOES FREE

(By William Taaffe)

Before the student uprisings of the late 1960s, Phil Shinnick was a jock. The title wasn't as disparaging as it later would become, and Shinnick didn't mind being described that way. He was a winner and proud of it, forever demonstrating on the athletic field the kind of excellence so appreciated and rewarded in the America of the Kennedy years.

In his way, Shinnick was a kind of Renaissance athlete. He was a marvel of stamina and field events within minutes of each other in a single meet.

In 1964, when he was 22, he set an unofficial world's record in the long jump and held Canada's record in the decathlon. That fall he flew to Tokyo to compete in the 18th Olympiad.

Twelve years later, Shinnick appeared before the gates of a federal prison in a place called Allenwood, Pa. No longer was he considered a model American by this nation's sports establishment, much less by those who enforce the country's laws.

Shinnick will never forget the date: Nov. 30, 1976. Before his two daughters, aged eight and 10, he was handcuffed and escorted into the prison to begin serving a sentence of indefinite length.

Phil Shinnick's voyage through the late 1960s and middle 1970s has been replete with irony. In the late sixties he tried to reform the very sports establishment that one year named him Athlete of the Year at the University of Washington.

He was sent to prison by the very country he served as a captain in the Air Force and as a kind of goodwill sports ambassador in Africa and Latin America. And not least of all, he was jailed exactly one week after Patricia Hearst went free on $500,000 bond.

The Shinnick-Hearst connection is a tenuous one at best, an amalgam of allegations leaked by the FBI to the news media over the last 2½ years and the uncorroborated trial testimony of Hearst, who said Shinnick transported Symbionese Liberation Army member Emily Harris from San Francisco to Scranton, Pa., in the summer of 1974.

Federal prosecutors investigating the alleged harboring of Hearst at a farmhouse in South Canaan, Pa., have obtained no indictment of Shinnick and admit that he is not even a target of the investigation at this time.

Yet Shinnick now is in prison while Hearst is free. That fact may say something about the state of the so-called "athletic revolution" he and several other athletes tried to begin around the time of the Olympic Games in 1968. It is a circumstance that does say something about the administration of justice in America in 1977.

Shinnick was sent to prison on civil contempt charges stemming from his appearance before the federal grand jury in Scranton last August. U.S. Atty. S. John Cottone has said that Jack Scott and his wife, Micki, close friends of Shinnick and also radicals in the athletic movement, are the focus of the probe.

Cottone apparently called Shinnick before the jury because he believes the former athlete was involved in harboring Hearst or has knowledge the government could use in obtaining an indictment against others.

Shinnick was sent to jail not because he refused to testify before the grand jury under a grant of immunity (he was willing to answer all its questions), but because he refused to comply with a certain demand of Cottone, the prosecutor.

At the August session, Cottone handed the jury foreman instructions that Shinnick should be forced to supply the FBI with his fingerprints and samples of his handwriting and hair in a room near the jury chamber.

It so happens under the American system that the FBI itself has no power to subpoena evidence from a person who has not been convicted of a crime. The right to such protection from indiscriminate police power is a right guaranteed to all Americans, whether they be Mafia dons, alleged murderers or the most peaceful of grandmothers.

Shinnick refused to comply with the jury's (initially Cottone's) request, arguing that the FBI could easily obtain his fingerprints and handwriting samples from the Air Force, where his job involved the preparation of hand-written reports.

Shinnick offered to provide the jury a sample of his hair that would be kept under the control of the U.S. District Court for comparison with any independent samples the FBI may have. Such procedure would guard against any mix-up of hair samples, he felt.

Nevertheless, Shinnick was cited for contempt and sent to jail, where he will remain until the end of the jury's term July 31 or until he agrees to provide the FBI with his hair.

"Once a witness states the conditions under which the grand jury can receive evidence that it is entitled to, then the grand jury becomes less independent to that extent," said Cottone's assistant, Lawrence Kelly.

Also cited for contempt and sent to Allenwood was Jay Weiner, a 23-year-old sportswriter and friend of Scott and Shinnick. According to Hearst's testimony at her trial for bank robbery last year, Weiner once appeared at the Pennsylvania farmhouse where she was hiding from authorities. He refused to testify under a grant of "use immunity," which prohibits the government from using the words of his testimony against him at a later date.

The imprisonment of Shinnick, especially at a time when Hearst is free to return to her pre-revolutionary life and grant interviews on national television, has angered civil libertarians in this country as few other grand jury cases have in recent months.

Cottone and the FBI have served as judge and jury, they argue. For more than two years the government has been unable to indict Shinnick. His imprisonment for civil contempt is mere vindictiveness, the only way prosecutors can "convict" him, the government's opponents insist.

A group called the Coalition for Grand Jury Abuse, supported by former Atty. Gen. Ramsey Clark and dozens of other well-known lawyers, has denounced Shinnick's jailing.

"In our view," a spokesman for the coalition told Congress recently, "there is no process or institution in America today more potentially destructive than the unregulated, unchecked, unbalanced grand jury inquisition. With it prosecutors and police agencies have the power to compel the appearance of any person anywhere at any time, to introduce illegal evidence, to grill witnesses about *anything* in the absence of constitutional restraints and to jail without trial."

When Shinnick said goodby to his daughters and friends on that gray day in November, he entered a minimum security institution. The handcuffs, really just a brutish ceremony, came off once Shinnick got inside the front door. He began to adjust; friends brought him running shoes for laps around Allenwod's track.

But the prosecutor wasn't quite through with Shinnick. On Dec. 16, the Philadelphia Daily News published an interview with Shinnick and Weiner. Although convicted prisoners have a basic right to speak to the press, Cottone promptly prohibited both men from talking to reporters.

Cottone was able to deny their First Amendment rights because of a loophole in the law. Felons fall under the jurisdiction of the U.S. Bureau of Prisons. Those cited for civil contempt technically are subject to the court and U.S. marshals, who take orders from the prosecutor. Several lawyers last week said they thought Cottone's order was unprecedented.

"It's an appalling procedure," said Richard Gerstein, a prosecutor for 23 years in Miami and chairman of the American Bar Association's grand jury committee. "There is no legitimate basis for it whatsoever. If you're conducting a prosecutor's office and conducting it fairly, you have nothing to fear by those cited for contempt talking to the press. I don't care if they're Mafia. It's still appalling."

"It's outrageous," Clark said. "These two men haven't even been convicted of a crime. I don't see how you can deny them access to the press."

Cottone defended his action by arguing that Shinnick and Weiner are involved in a case, still under investigation and that if indictments are issued, any news stories could allow defendants to move for a mistrial on grounds of prejudicial publicity. But yesterday, Judge William J. Nealon overruled Cottone and ended the ban after it had been enforced for three weeks.

Friends of Shinnick and Weiner say they were greeted as heroes by Allenwood inmates (among them Bernard Bergman, the New York nursing home bandit, and G. Gordon Liddy of Watergate notoriety) because they had not been charged with any crime. Outside of prison, the lionizing of Shinnick and Weiner also has begun.

College students in New York have staged fund-raising races for the two men. Faculty and students at Rutgers University's Livingston College, where Shinnick is an assistant professor in a sports-sociology program, have demonstrated for his release.

New York Times columnist Tom Wicker recently featured Shinnick on the paper's op-ed page. There are reports that CBS is preparing a segment on Shinnick's plight for "Sixty Minutes." And finally, out going Atty. Gen. Edward Levi has decided to review the entire Shinnick-Weiner case—to determine, an aide said, "if the necessary evidence can be obtained any other way."

Shinnick has said from prison that he believes the government is "out to get" the critics of the sports establishment, not simply to build a case against Scott. But why the sudden attention surrounding Shinnick?

Part of it may involve the public's appetite for all things relating to Hearst. Some of it may stem from the arguable tactics the government has used against him. And much of it may be based on the metamorphosis of American Olympian into U.S. prisoner.

If you had written the story of the quintessential All-American youth in the early sixties, you would have written the story of Phil Shinnick. At Washington, he married a beauty queen who served as the head baton twirler. Amazingly, he won the school's best athlete award at a time when only football players were used to getting it. He belonged to the local Newman Center, a Catholic lay organization, and once spent an entire summer's vacation building a church in Alaska.

He loved Seattle and the city returned his affections. Just after college he went to work in the mayor's office and Seattle gave Shinnick its annual "distinguished citizen" award. At one time, he worked in the middle levels of Sen. Henry (Scoop) Jackson's campaign. Then he entered the Air Force, working behind a desk in Los Angeles and participating in State Department tours by athletes to what then were called the emerging nations.

Perhaps it was these trips that transformed his ideas about the way sports were administered and athletes were treated in the United States. When the Olympic Games were held in Mexico City in 1968, Shinnick, an alternate member of the U.S. team, was one of few white athletes in this country who endorsed the black power salute of John Carlos and Tommie Smith on the reviewing stand.

After those games, Shinnick enrolled at Berkeley to pursue a doctoral degree in educational psychology. It was now the late 1960s, the antiwar movement was consuming the nation, the feminists were crusading, and Berkeley offered such a ferment of ideas and radical politics that there seemed to be a campus chapter for every cause espoused in America.

It happened in Berkeley, 1969, that Shinnick crossed paths with Jack Scott. Scott had organized and grandiloquently named the Institute for the Study of Sport and Society, and he and Shinnick became close friends, both of them working toward one end—to stop the glorifying and the dehumanization they professed to see of amateur and professional athletes.

A few years later Scott accepted a job as athletic director at Oberlin College in Ohio, where he put some of his radical concepts of sport into effect. Shinnick went to Livingston. One of his first actions was to open the gymnasium to the local community and urge inner-city residents to participate in athletics.

"Phil always thought through his commitments," Scott says. "He came to identify with the type of commitment Phil and Dan Berrigan (the activist priests) had. He never identified with Che Guevara, for example, or the Yippies or the crazies."

Nevertheless, Shinnick had come full circle by last November. Marie Coles, a friend of Shinnick from Livingston, was one of several people who visited him just before Christmas. She recalls that Quincy Shinnick, his eight-year-old, was there to say hello.

"Daddy, you're going to be home for Christmas," she assured him.

Shinnick, who eventually was granted a five-day furlough for the holidays, "just was silent for a moment, not knowing what to say," Coles recalls. "Then he said, 'Well, I might not be.' His daughter was just sitting there. Maybe it takes a parent to feel that. But it was sad."

[From The Philadelphia Evening Bulletin, Jan. 19, 1977]

U.S. DROPS ACTION IN HEARST CASE

SCRANTON.—The Federal Government said yesterday it no longer needs hair and handwriting samples or fingerprints from Phillip Shinnick, jailed for contempt since Nov. 30 in the Patricia Hearst case. The U.S. attorney's office said recent developments in its investigation of the harboring of the kidnaped California heiress in a farmhouse near here in the summer of 1974, no longer requires such evidence.

Shinnick, 34, of Livingston, N.J., was jailed along with Jay Weiner, 22, of Philadelphia, for refusing to cooperate with a federal grand jury investigating the case.

Weiner had been given immunity from prosecution and was cited for contempt when he continued to refuse to testify. Shinnick declined to give hair and handwriting samples or his fingerprints to investigators.

Chief Judge William J. Nealon, of the U.S. District Court here, was informed of the government's petition while hearing a case in Harrisburg. An aide said he probably would sign an order to release Shinnick later today.

However, a source in the U.S. attorney's office said the grand jury might now seek Shinnick's verbal testimony in the case, in which case he, too, would be granted immunity and would face contempt charges if he continues to refuse cooperation.

Both men have been held in the Allenwood, Pa., federal prison.

[From the Washington Star, Jan. 21, 1977]

SHINNICK IS FREE AFTER GOVERNMENT REVIEWS CASE

(By William Taaffe)

Phil Shinnick, the former Olympic athlete imprisoned last month for refusing to comply with demands of a federal prosecutor and grand jury investigating the harboring of Patricia Hearst in 1974, has been freed at the request of the government.

Shinnick gained his release four weeks after he was charged with civil contempt and sentenced to an indeterminate term at Allenwood, Pa. His release also came one week after The Star published stories of his plight and former Atty. Gen. Edward Levi ordered the case reviewed.

In a telephone interview from Scranton yesterday, Asst. U.S. Atty. Lawrence Kelly insisted that the publicity surrounding Shinnick and Levi's interest in the case had nothing to do with the prosecution's sudden about-face.

Shinnick's imprisonment stemmed from his refusal to comply with a jury request last August that he supply the FBI with his fingerprints and samples of his hair and handwriting in a room just outside the grand jury chamber.

Shinnick argued that it was the chief prosecutor, S. John Cottone, who instructed the jury foreman to demand these samples for the FBI and that such instructions were improper. Police agencies have no power to subpoena evidence. Shinnick offered to submit the samples directly to the court, but Cottone refused.

Cottone was unavailable for comment. But Kelly, his assistant, said "further field investigation" of the Hearst case made unnecessary the comparison of Shinnick's fingerprints, hair and handwriting with other samples the FBI apparently possesses.

Shinnick, 32, was released from Allenwood Wednesday after U.S. Judge William J. Nealon approved Cottone's request. Kelly refused to disclose what discovery led to Shinnick's release, or when new information came to light.

Cottone and Kelly have been investigating the harboring of Hearst for 2½ years. They believe that sports activist Jack Scott and his wife, Micki, rented a farm house for her in South Canaan, Pa., and that Shinnick, a close friend of the Scotts, appeared at the house on occasion.

Jay Weiner, a 23-year-old sportswriter who also was sent to Allenwood last month on civil contempt charges, was not released with Shinnick this week. However, Weiner had refused to answer all grand jury questions while Shinnick merely refused to furnish the FBI potential evidence.

Shinnick said yesterday that he feels publicity surrounding his case (New York Times columnist Tom Wicker also wrote about Shinnick) may have influenced his release.

Shinnick completed in the long jump at the Tokyo Olympics in 1964 and later became part of the so-called "athletic revolution" which tried to reform establishment sports in this country. He now is an assistant professor of sports sociology at Rutgers University's Livingston College.

Despite his release, Shinnick's problems may be far from over. Kelly said it is "possible" Shinnick may be subpoenaed before the grand jury again.

[From the Philadelphia Inquirer, Jan. 22, 1977]

U.S. ASKS RELEASE OF HEARST PROBE FIGURE

SCRANTON.—The U.S. Justice Department has asked that Phillip Shinnick, a former Olympic track athlete jailed since Nov. 30 for refusing to cooperate with an investigation of the Patricia Hearst case, be released from Allenwood Federal Penitentiary.

"I'll be very surprised if he's not out of jail by the end of the day Wednesday," said Laurence Kelly, assistant U.S. attorney for the Middle District of Pennsylvania.

Kelly said that his office had not petitioned the court for the release of Jay Weiner, 23, a restaurant employe from Philadelphia, also jailed at Allenwood for contempt.

Shinnick, 34, an athletic director at the Livingston, N.J., campus of Rutgers University, was cited for civil contempt after he refused to obey a grand jury order that he give his fingerprints and samples of his hair and handwriting to the FBI.

Kelly said he had petitioned the court for Shinnick's release "because further investigation has made the comparison of his fingerprints, handwriting and hair sample no longer necessary to the case.

Shinnick was asked to turn over the samples last August by a grand jury in Harrisburg. He claimed that the jury had no power to ask for them and that investigators were attempting to link him with the harboring of Miss Hearst at a farmhouse in South Canaan, Pa., during the summer of 1974. She was being sought in connection with a San Francisco bank robbery.

Shinnick has denied that he ever visited the farmhouse, or ever knew Miss Hearst.

[From The Philadelphia Bulletin, Jan. 23, 1977]

LET A JURY DECIDE, JAY WEINER SAYS IN PRISON INTERVIEW

(By Robert W. Kotzbauer)

"I'm fine. I'm angry about still being here, but I will never again be coerced into testifying."

It is 2 o'clock and Jay Weiner, 22, of Philadelphia, is speaking in the noisy visiting room at Allenwood Federal Prison near Williamsport.

Outside, the central Pennsylvania countryside is crackling with hard snow. It is a vast patchwork of white fields and black forests, unbroken by walls or fences, and the cold is visibly etched on the red-brick buildings of the complex.

But inside this busy room, people are embracing, clinging to a few desperate moments of inner peace.

Despite his own turmoil, Weiner is smiling, pleasant, appearing relaxed in khaki fatigues, as he explains his frustrations and determination.

For almost two months Weiner, a former Temple University student, has been in jail for refusing to testify in the Patricia Hearst investigation.

He is lonely among the nearly 500 inmates. His best friend, Phillip Shinnick, was set free Wednesday, and 24 hours later, Weiner feels there is no one with whom he can confide. Except a reporter. And, he is cautious.

"I hope you don't make me out to be crazy," he says.

"I want to be out. I can't get back the time I'm here. I don't want to chisel myself into martyrdom, but I will fight everything they do to intensify my punishment.

"My testifying could hurt other people, and would make me an accomplice of the government's cruelty. My feeling is there's a basic human right to be silent, to be left alone.

"They can't immunize me against the wrath of my conscience, or the scorn of my friends. I am guilty of contempt of court, as that is defined, but every day I spend here I have more contempt.

HE COULDN'T EXPLAIN

"If I have committed some crime, I should be charged and have a trial. I didn't have a chance to explain to people what I was doing.

"I feel that a jury might nullify the contempt. I feel I could explain my reason.

"Also, I and my family and friends have been treated horribly. To testify would be to endorse that. The grand jury is being used illegally, in my opinion, and I won't be part of that."

Jay Weiner is being held at Allenwood by order of U.S. Judge William J. Nealon of the Middle District of Pennsylvania, until he agrees to tell a grand jury in Scranton more about what he knows of Patty Hearst's 1974 hiding in a South Canaan, Wayne County, Pa. farmhouse.

Or, until the current session of this grand jury expires in July. Whichever comes first.

Authorities want to question Weiner about reports that Miss Hearst and her kidnapers in the radical Symbionese Liberation Army were harbored in the Northeastern Pennsylvania farm house during their flight from law enforcement officials in 1974.

He has testified about much of this before another grand jury in Harrisburg on March 13, 1975.

"I talked about Patty," he said, "and the Scotts," (former Oberlin College athletic director Jack Scott and his wife Micki who are suspected of harboring Miss Hearst during her long flight from the law.)

"I think it was a horrible mistake to testify then, but I was frightened. Had I not made the mistake, and learned from it, I wouldn't be so strongly determined not to testify now. The Jay Weiner of then was not the Jay Weiner of today.

DENIED FURLOUGHS

"The government," he continued, "had enough information from me to indict people for harboring. Patty herself gave far more explicit information in her trial (at which she was convicted of a California bank robbery). Yet no one has been indicted for harboring. I think the government is using the grand jury for some other reason.

"The only new questions I've refused to answer are, do I know Phil (Shinnick), and did I see him during the Summer of '74? But the FBI had stacks of pictures they didn't show me in Harrisburg. God knows who they would have asked me about."

Under law, which holds that a federal grand jury is entitled to every man's evidence, a person who refuses to testify, on grounds of his Fifth Amendment privilege not to incriminate himself, may be granted immunity from prosecution for his own actions and ordered to testify.

Failing to do so, he may be ordered to prison until he recants or the term of the grand jury expires. But, as in Weiner's case, he remains the responsibility of the federal marshal.

Thus, Weiner is denied the freedom of other Allenwood prisoners to leave the grounds for weekend furloughs. For a time, he was not permitted to speak with reporters, but Judge Nealon lifted this restriction.

Weiner said he is not being badly treated or harassed by prison staff or other inmates.

HE FEELS SAFE

"I'm not being beat up," he said. "I don't feel unsafe. I was exercising a lot until the cold weather. I don't eat the meat. It looks like doormats. My weight has dropped about 10 pounds."

He and Shinnick entered Allenwood last November. Shinnick had refused to give authorities samples of his hair, handwriting and fingerprints which, the FBI hoped, might tie him to the South Canaan farmhouse where Patty Hearst stayed. U.S. Attorney S. John Cottone decided last week that these materials were no longer needed, and the former Olympic athlete from New Jersey was released.

As for Weiner, he says he is reading a lot and tutoring three other inmates as part of his assignment in Allenwood's educational department.

Superintendent Eldron Jensen said Weiner is causing no problems, and because of his indefinite status, he isn't assigned to any specific rehabilitative programs.

Weiner said that he gets along well with other inmates, but doesn't talk with them.

"Most of the guys are here because someone testified against them. They're supportive," he said. "Also, they recognize they made a mistake, and can see the contradiction in my being jailed without any crime."

Weiner indicated G. Gordon Liddy, who was talking with a visitor in another corner of the room. Liddy, too, was jailed for refusing to tell all he knew and for crimes he committed in the Watergate scandal. He has been imprisoned for four years.

"That's wrong, in relation to how (former President) Nixon was treated," said Weiner. "Four years is long enough. Liddy's life has been ruined. He shouldn't be here."

"SLA IS NOT ME"

But what about Jay Weiner's life? Is it being ruined by his refusal to cooperate with the law? And how does he equate his professed non-violence with his involvement, however limited it may have been, with the Symbionese Liberation Army?

"The Scranton thing is about harboring," he said, "and not about bank robberies and other violence. I'm not here for the alleged crimes of the SLA. I've never held a gun. I've never done anything wrong.

"The SLA is not me, it never was me. When the government began hitting me, I said to myself, 'I'm on the SLA side.' But then I went to China (on a tour with Shinnick and other athletes, last year), and it became important to me to be critical of the SLA. Not just for its acts, but their clearly mistaken notion that things were going to change through kidnaping and such.

"There is certainly a need to change fundamental relationships in the United States. I've been thinking a lot about the power of the central government over the individual.

"If I were in the Soviet Union or China," he went on, "I would maintain there, too, that I have a right to be silent, and I know they would also jail me.

"William Penn was in jail four times. He too confronted this central question. I want to change things. I think it is everyone's responsibility.

"When I get out, I'd still like to get into sportswriting, although I realize I may be too hot an item to handle. I will always be identified as the Temple University graduate who refused to testify in the Patty Hearst case.

"I believe the job of a journalist," he said, 'is to construct reality, not just observe it. Am I being too idealistic?

"I don't mind that as much as being considered naive," he said, and walked back out to the cold.

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

(Mr. ROBERTS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROBERTS. Mr. Speaker, pursuant to clause 2(A) of rule XI of the House of Representatives, herewith are submitted for publication in the CONGRESSIONAL RECORD the rules of the Committee on Veterans' Affairs, which were adopted on February 2, 1977:

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, 95TH CONGRESS

RULE NO. I—GENERAL PROVISIONS

The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

RULE NO. II—MEETINGS

(a) The regular meeting day for the full committee shall be at 10:00 A.M. on the second Tuesday of each month, and at such other times and in such places as the chairman may designate; however, a regular Tuesday meeting of the committee may be dispensed with by the chairman.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to the call of the chairman.

(c)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereto shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however*. That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however*, That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

RULE NO. III—RECORDS AND ROLL CALLS

There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to each record vote by the committee to report any bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting of such bill or such resolution shall be included in the committee report.

RULE NO. IV—QUORUMS

A majority of the members of the committee shall constitute a quorum of the committee for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business: *Provided*, That any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE NO. V—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the chairman or the subcommittee chairman, whichever the case may be, shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 24 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman of a majority of those minority members before the completion of such hearing, to call such witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a

witness. The 5-minutes period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

RULE NO. VI—OVERSIGHT

(a) In order to assist the House in:

(1) Its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstnaces which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropirate, the various subcommittees, consistent with their jurisdiction as set forth in Rule VIII, shall have oversight responsibilities as provided in paragraph (b).

(b) Each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(c) Each subcommittee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdictions.

RULE NO. VII—BROADCASTING OF COMMITTEE HEARINGS

Broadcasting, either by radio or TV of all open committee hearings and meetings shall be permitted when, in the judgment of the chairman, in consultation with the ranking minority member, such action is warranted. Photographs shall be permitted during hearings of the full committee and subcommittees as the chairman decides.

All coverage shall be subject to the following provisions:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE NO. VIII—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be five standing subcommittees as follows: Compensation, Pension and Insurance; Education and Training; Medical Facilities and Benefits; Housing; Cemeteries and Burial Benefits. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively:

Compensation, Pension and Insurance: Compensation, pensions of all the wars of the United States, general and special, and life insurance issued by the Government on account of service in the Armed Forces.

Education and Training: Education of veterans, vocational rehabilitation, and readjustment of servicemen to civilian life.

Medical Facilities and Benefits: Veterans' hospitals, medical care, and treatment of veterans.

Housing: Veterans' housing programs.

Cemeteries and Burial Benefits: Cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior.

(b) The chairman and the ranking minority member shall serve as ex-officio members of all subcommittees and shall have the right to vote on all matters before the subcommittee.

RULE NO. IX—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

PRINTING OF RULES OF PROCEDURE FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. UDALL. Mr. Speaker, as chairman of the Committee on Interior and Insular Affairs, I submit herewith for printing in the CONGRESSIONAL RECORD the rules of the Committee on Interior and Insular Affairs, in accordance with clause 2(a) of House rule XI:

RULES OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

A. RULES OF GENERAL APPLICATION

Rule 1. Rules of the House.—The Rules of the House of Representatives are the rules of its Committees and Subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in Committees and Subcommittees. Written rules adopted by the Committees, not inconsistent with the Rules of the House, shall be binding on each Subcommittee. Each Subcommitee of a Committee is a part of that Committee and is subject

to the authority and direction of that Committee. Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the Rules of the Committee which are supplementary to the Rules of the House.

Rule 2. Time, Place of Meetings.—(a) While Congress is in session, regular business meetings of the Committee shall be held in the regularly assigned committee room, Longworth House Office Building, beginning at 9:45 a.m. on each Wednesday, except that whenever any party caucus or conference conflicts with such meeting of the Committee, then the Committee shall meet on Thursday or on such other day as may be mutually agreed upon by the Chairman and the Ranking Minority Member. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the ranking majority member of the Committee present.

(b) Special meetings shall be held at the call of the Chairman or upon written request of Members of the Committee as provided in Rule XI, Clause 2, of the Rules of the House. When a regularly called party caucus or party conference is scheduled to be in session after 10:00 a.m. on any day, and the Chairman is so advised not later than 12:00 noon on the preceding day, the regularly scheduled Committee meeting for that day shall be rescheduled as provided in paragraph (a) of this rule.

(c) Each meeting of the Committee or any of its Subcommittees for the transaction of business, including the mark-up of legislation, shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than Members of the Committee and such congressional staff and such departmental representatives as they may authorize stall be present at any business or mark-up session which has been closed to the public. This paragraph does not apply to any meeting that relates solely to internal budget or personnel matters.

Rule 3. Agenda for Meetings.—The agenda fcr Committee meetings, setting out all items of business to be considered, shall be furnished each Member of the Committee by delivery to his Office at least two calendar days in advance of the meeting: *Provided,* That this requirement may be waived by a majority vote, a quorum being present.

Rule 4. Adjournment of Meetings.—A motion to adjourn shall not be approved unless the Chair, in his discretion, recognizes a Member for the purpose of making such motion and the motion is approved by a majority of the Members present and voting.

Rule 5. Committee Procedure.—(a) The date, time, place and subject matter of all public hearings of the Committee or any of its Subcommittees shall be announced at least one week in advance of the commencement of such hearings. If the Committee, or any of its Subcommittees, determines that there is good cause to expedite the hearing, it shall make the announcement at the earliest possible date. Any such announcement shall be promptly published in the Daily Digest.

(b) Each hearing conducted by the Committee or Subcommittee thereof shall be open to the public when the Committee or Subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided,* That the Committee or Subcommittee may by the same procedure vote to close one subsequent day of hearing.

(c) No Member may be excluded from nonparticipatory attendance at any hearing of the Committee, or its Subcommittee unless the House, by majority vote, authorizes the Committee or its Subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close such meetings to Members by the same procedures designated in this rule for closing meetings to the public.

(d) Each witness who is to appear before the Committee or one of its Subcommittees shall file with the Committee, at least 24 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless this requirement is waived by the Committee.

(e) The right to interrogate witnesses before the Committee or any of its Subcommittees shall alternate between the Majority Members and the Minority Members. In recognizing Members to question witnesses, the Chairman may take into consideration the ratio of majority and minority party Members present and may recognize two majority Members for each minority party Member recognized. Each Member shall be limited to 5 minutes in the interrogation of witnesses until such time as each Member of the Committee who so desires has had an opportunity to question the witness.

(f) No bill, recommendation, or other matter reported by a Subcommittee shall be considered by the Committee until two calendar days have elapsed from the time of the action of the Subcommittee and such action has been reported by the Committee Clerk to all Members of the Committee and, in the case of a bill, a copy has been delivered to the office of all Members, so requesting the same, together with a section-by-section explanation and, if a change in present law is involved, a section-by-section comparison with the present law: *Provided,* That this requirement may be waived by a two-thirds vote of a quorum of the Committee Members.

Rule 6. Quorum.—No measure of recommendation shall be reported from the committee unless a majority of the Members of the Committee is present, but for the purpose of transacting any other Committee business one-third of the Members shall constitute a quorum. Testimony and evidence may be received at any meeting at which there are present two or more members of the Committee. A quorum, once established, shall be deemed present unless a Member objects to the transaction of business due to the lack of a quorum, but it shall not be in order to make or for the chair to entertain a point of order that a quorum is not present unless the pending motion or proposition is put to a vote. When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be so notified and the Members shall have not less than ten minutes to prove their attendance. The Chairman, in his discretion may waive this requirement when a quorum is actually present or whenever a quorum is secured and he may direct the clerk to note the names of all Members present within the 10 minute period.

Rule 7. Proxies.—A vote by any Member in the Committee or in any Subcommittee may be cast by proxy, but such proxy must be in writing. Each proxy shall designate the Member who is to execute the proxy authorization, shall assert that the Member is absent on official business or otherwise unable to attend, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Rule 8. Subpoenas and Oaths.—(a) A subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities when authorized by a majority of the Members of the Full Committee, a quorum being present. Authorized subpoenas shall be signed by the Chairman of the Committee or by any other Member it may designate.

(b) The Chairman of the Committee, the Chairman of any of its Subcommittees, or any Member designated by such Chairman, may administer oaths to any witness.

Rule 9. Journal, Roll Calls.—(a) The proceedings of the Committee shall be recorded in a journal which shall, among other things, include a record of the votes on any question on which a record vote is demanded. A copy of the journal shall be furnished the Ranking Minority Member through the Minority Counsel. A record vote may be demanded by one-fifth of the Members present or, in the apparent absence of a quorum, by any one Member. No demand for a roll call shall be made or entertained except for the purpose of securing a record vote or in the apparent absence of a quorum.

(b) At the beginning of any meeting of the Committee, the Chairman may announce to the Committee, in his discretion, that he will postpone further proceedings on any motions on which a recorded vote is ordered or on which the vote is objected to under Rule 6 until immediately preceding the conclusion of the meeting. In such instances, the Committee shall proceed with the consideration of the next regularly scheduled measures or matters until all such business is disposed of or until such time as the chair announces that the question will be put on the matter deferred. The question on any motion so postponed shall be put by the Chairman and shall be disposed of by the Committee, without further debate, as expeditiously as possible. If the Committee adjourns before the question is put and determined on such motion, then the first order of business at the next meeting shall be the disposition of such motion.

(c) The result of each roll call vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public.

Rule 10. Filing of Committee Reports.—(a) All Members of the Committee shall be given an opportunity to review each proposed Committee report for at least two days (excluding Saturdays, Sundays, and legal holidays) prior to filing.

(b) If, at the time of approval of any measure or matter by this Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) after the copy of the Committee report in substantially final form is completed excluding formal or technical changes, in which to file such views, in writing and signed by that Member or Members, with the Clerk of the Committee. In the event that substantial or significant changes are made in the Committee report, such Member shall have not more than one calendar day to review such changes and alter his or her views in responding thereto. All such views so filed by one or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

Rule 11. Inserts in Record.—No insert shall be admitted to the record of any hearing unless it is presented, with the permis-

sion of the Committee, by a witness who is the author thereof or who adopts it as his own statement and vouches for its accuracy or unless the Committee finds it necessary or helpful for the understanding of a matter under consideration.

Rule 12. Broadcasting of Committee Hearings.—(a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which Committee hearings, or Committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its Committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photograph, or by any of such methods of coverage, and the personal behavior of the Committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of Committee members in connection with that hearing or meeting or in connection with the general work of the Committee or of the House; or

(2) cast discredit or dishonor on the House, the Committee, or any Member or bring the House, the Committee, or any Member into disrepute.

(d) The coverage of Committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause. No recording of Committee or Subcommittee proceedings shall be permitted except as authorized pursuant to these rules.

(e) Whenever any hearing or meeting conducted by any Committee of the House is open to the public, that Committee may permit, by majority vote of the Committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the Committee may adopt in accordance with the purposes, provisions, and requirements of this clause.

(f) The following rules shall apply to the Committee and its Subcommittees:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed on the Committee rostrum or in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, on the Committee rostrum or between the witness table and the members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Rule 13. Committee Staffs.—(a) Pursuant to Rule XI, Clause 6, of the Rules of the House, the permanent staff of the Committee shall consist of not more than thirty staff members who shall be selected on the basis of fitness to perform the duties of their respective positions as follows:

Three shall be chosen by the Committee from nominations approved by a majority of the members of the Minority party of the Committee;

One shall be chosen by the Committee from nominations submitted by the Chairman of each of the standing subcommittees of the Committee;

One shall be chosen by the Committee from nominations submitted by the ranking minority party member of each standing subcommittee of the Committee; and

The balance of any unfilled positions shall be chosen by the Committee from nominations approved by a majority of the members of the Majority party members of the Committee;

The staff members selected by the Majority party shall be assigned such legislative oversight, and administrative duties and responsibilities as the Chairman of the Committee may prescribe and shall assist Committee Members in connection with matters related to Committee business. Each staff member nominated by a Subcommittee Chairman shall be under the general supervision and direction of that Subcommittee Chairman. The staff members selected by the Minority party shall be under the general supervision and direction of the Minority party members of the Committee who may delegate such authority as they determine appropriate.

(b) A subcommittee Chairman shall be entitled to select and designate additional staff members, subject to the approval of a majority of the Majority party members of the Committee, to assist the Subcommittee in carrying out its legislative, investigative and oversight responsibilities. The Minority shall be accorded fair and equitable consideration with respect to the appointment of additional staff, but minority staffing shall continue to be approximately one-third Minority representation on the Committee. Such staff members shall be assigned such duties pertaining to Subcommittee business as the Subcommittee Chairman or the Minority, respectively, deem advisable and shall be compensated at a salary commensurate with the responsibilities prescribed by such Subcommittee Chairman or by the Minority.

(c) Notwithstanding paragraphs (a) and (b) of this rule, the Committee may employ such additional nonpartisan staff as it deems necessary to conduct the administrative and clerical functions of the Committee. Such staff shall be in addition to any staff designated exclusively for the Majority or Minority party and shall be appointed only with the approval of a majority of the Members of the Majority party and with the approval of a majority of the Members of the Minority party. The Chairman of the Committee shall establish and assign the duties and responsibilities of such members of the staff and they shall be compensated at a salary commensurate with the responsibilities he may prescribe.

(d) In the event that staff is not otherwise available pursuant to paragraphs (a) and (b) of this rule, from the funds provided for the appointment of Committee staff pursuant to any primary and additional expense resolution:

(1) The chairman of each standing Subcommittee is authorized to appoint at least one staff member who shall serve at the pleasure of the Subcommittee Chairman.

(2) The ranking minority party member of each standing Subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (a) and (b) shall be compensated at a rate determined by the Subcommittee chairman pur-

suant to Rule XI, Clause 5(d) of the House of Representatives.

(4) The staff positions made available to the Subcommittee chairman and ranking minority party members pursuant to subparagraphs (1) and (2) of this paragraph shall be made available from the staff positions provided under Rule XI, Clause 6 unless such staff positions are made available pursuant to a primary or additional expense resolution.

(e) All staff selected pursuant to this rule shall be approved by the Committee and shall not be assigned any duties other than those pertaining to the business of the Committee and its Subcommittees. The staff of a Subcommittee shall be under the general supervision and direction of the Chairman of that Subcommittee. The staff assigned to the Minority shall be under the general supervision and direction of the Minority party members of the Committee who may delegate such authority as they determine appropriate. The staff of the Committee not assigned to a Subcommittee or to the Minority shall be under the general supervision and direction of the Chairman of the Committee, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate.

B. SUBCOMMITTEES: JURISDICTION, COMPOSITION, AND POWERS

Rule 14. Subcommittee Rules.—The Rules of the Committee, where applicable, shall be the Rules of its Subcommittees.

Rule 15. Reference of Legislation.—(a) Every bill, resolution, or other matter referred to the Committee shall be referred to the standing Subcommittee having jurisdiction over its principal subject matter within two weeks from the date of its referral to the Committee unless the Chairman, with the approval of a majority of the Majority Members of the Committee, orders that it be retained for consideration by the Committee or that it be referred to a select or special Subcommittee.

(b) A bill, resolution, or other matter referred by the Chairman to a Subcommittee may be recalled from such Subcommittee at approval of a majority of the members of the Committee for the Committee's direct consideration or for referral to another Subcommittee. The Chairman shall so inform the members of his recommendation, in writing, and such recommendation shall be effective within one week if approved by a majority of the members of the Committee.

(c) A bill, resolution, or other matter referred by the Committee to a Subcommittee may be recalled from such Subcommittee at any time by majority vote of a quorum of the Committee for its direct consideration or for reference to another Subcommittee.

Rule 16. Subcommittees.—There shall be the following seven standing Subcommittees of the Committee: Subcommittee on National Parks and Insular Affairs, Subcommittee on Water and Power Resources, Subcommittee on Energy and the Environment, Subcommittee on Mines and Mining, Subcommittee on General Oversight and Alaska Lands, Subcommittee on Indian Affairs and Public Lands, and Subcommittee on Special Investigations. Additional standing subcommittees may be created by resolution of the Committee.

Rule 17. Jurisdiction of Subcommittees.—(a) The jurisdiction, including legislative, investigative, and oversight responsibilities, of the seven standing Subcommittees shall, subject to alteration as other Subcommittees are created, be as follows:

Subcommittee on National Parks and Insular Affairs

(a) The national park system and its units.

(b) Other national units established for the protection, conservation, preservation, or recreational development of areas on public domain lands, or on reservations created out of the public domain, or under the jurisdiction of the Department of the Interior.

(c) Military parks, battlefields, and national cemeteries administered by the Secretary of the Interior, and parks within the District of Columbia.

(d) National outdoor recreation plans and the Land and Water Conservation Fund programs.

(e) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs, including the historic preservation fund.

(f) Puerto Rico, Guam, the Virgin Islands, American Samoa, Antarctica, the Trust Territory of the Pacific Islands, and the Insular possessions of the United States, except matters affecting revenue and appropriations.

Subcommittee on Water and Power Resources

(a) Irrigation and reclamation projects and other water resources development programs, including policies and procedures relating thereto.

(b) Compacts relating to the use and apportionment of interstate waters.

(c) Water rights.

(d) Saline water research and development program and water resources research program.

(e) Water resources planning conducted pursuant to the Water Resources Planning Act.

(f) Programs involving major interbasin movement of water or power.

(g) Legislation affecting the use of geothermal resources for the production of water and power.

Subcommittee on Energy and the Environment

(a) Recommendations with respect to laws and programs under the jurisdiction of the Committee made by the Council on Environmental Quality in its annual Environmental Quality Report to the Congress.

(b) Selected matters and proposals, as referred by the Chairman, involving the environmental impacts of any laws or programs under the jurisdiction of the Committee.

(c) Regulation of the domestic nuclear energy industry, including regulation of research and development of reactors and nuclear regulatory research and special oversight functions with respect to nonmilitary nuclear energy and research and development, including the disposal of nuclear waste.

(d) Petroleum conservation on the public and other Federal lands and conservation of the uranium supply in the United States.

Subcommittee on Mines and Mining

(a) Mining interests generally.

(b) Mineral resources of the public lands.

(c) Mineral land laws, and claims and entries thereunder.

(d) Geological survey.

(e) Mining schools and experimental stations.

(f) Proposed long-range domestic minerals programs, including availability of domestic minerals to fulfill all domestic requirements.

Subcommittee on General Oversight and Alaska Lands

(a) General and continuing oversight of the activities, policies and programs of the Department of the Interior and all of its bureaus, agencies, and other components, including both budgetary and operational matters.

(b) All legislation concerning the implementation of Section 17d(2) the Alaska Native Claims Settlement Act.

Subcommittee on Indian Affairs and Public Lands

(a) Relations of the United States with the Indians and Indian tribes.

(b) Indian matters, including but not limited to the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

(c) Matters relating to Alaska Native land claims.

(d) Special oversight function with respect to all programs affecting Indians.

(e) Public lands generally, including entry, easements, withdrawals, and grazing.

(f) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(g) Forest reserves created from the public domain.

(h) National wilderness preservation system.

Subcommittee on Special Investigations

Investigative authority of matters referred to the Subcommittee by the Chairman with respect to the use of Federal funds, statutory compliance, organization and procedural activities of Federal departments, bureaus, agencies, and commissions having responsibilities in or for the administration or implementation of programs within the legislative jurisdiction of the Committee.

(b)(1) In order to enable the Committee to carry out its responsibilities under Rule X, Clause 2 of the Rules of the House, each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that Subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such Subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that Subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(2) Pursuant to Rule X, Clause 2, of the Rules of the House the Chairman of the Committee and the Chairman of the Subcommittee having jurisdiction over the matter involved or their respective designees, shall meet with representatives of the Committee on Government Operations to discuss and to assist in co-ordinating oversight plans of their respective committees.

Rule 18. Party Ratios.—The Chairman shall negotiate with the Minority with respect to the size of each Subcommittee, with due regard for the preference of Members for Subcommittee assignments, except that party representation on each Subcommittee shall be no less favorable to the Majority party than the ratio for the Committee.

The Chairman, if approved by a majority of the Members of the Majority party, and the Ranking Minority Member, if approved by a majority of the Members of the Minority party, may serve as members of each subcommittee.

Members shall be assigned to a Subcommittee by the Majority and the Minority, respectively, with due regard for previous Committee service and individual preference. The size and party representation for each Sub-

committee during the 94th Congress shall be as follows:

Subcommittee*	Total members	Majority party	Minority party
National Parks and Insular Affairs	22	16	6
Water and Power Resources	15	11	4
Energy and the Environment	25	17	8
Mines and Mining	13	9	4
Indian Affairs and Public Lands	15	11	4
General Oversight and Alaska Lands	18	13	5
Special Investigations	14	10	4

*The Delegates from Guam and the Virgin Islands and the Resident Commissioner from Puerto Rico do not count for purposes of the ratio between the majority and minority parties.

Rule 19. Special or Select Subcommittee.—The Chairman is authorized, after consultation with the Ranking Minority Member of the Committee, to appoint such special or select Subcommittees as he deems advisable for carrying out the responsibilities and functions of the Committee. Party representation on each such Subcommittee shall be in the same proportion as that on the Committee.

Rule 20. Powers and Duties of Subcommittees.—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Subcommittee Chairmen shall set dates for hearings and meetings of their respective Subcommittees after consultation with the Chairman and the other Subcomittee Chairmen with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings wherever possible.

Rule 21. Travel.—(a) Subcommittee hearings outside of Washington, D.C., and travel by Members and staff shall be subject to approval by the Chairman pursuant to regulations promulgated by the Committee on House Administration. The Chairman of each Subcommittee may, for the purposes of field trips or hearings outside of the District of Columbia, assign any Members of the Committee to that Subcommittee.

(b) Staff members assigned to any Subcommittee may travel in connection with their respective duties only with the approval of the appropriate Subcommittee Chairman and with the approval of the Chairman of the Committee. Prior to submitting such travel requests to the appropriate Subcommittee Chairman, all Minority staff travel shall be subject to such approval as the Minority Members of the Committee deem appropriate. All such travel shall be subject to the regulations promulgated by the Committee on House Administration.

Rule 22. Subcommittee Chairmanship.—(a) The Majority Members of the Committee shall have the right, in order of Full Committee seniority, to bid for Standing Subcommittee Chairmanships. Any such bid shall be subject to approval by a majority of the Majority Members of the Committee. The Minority shall select a counterpart to the Subcommittee Chairmen for each of the Subcommittees. The Chairman of select and special Subcommittees shall be appointed by the Chairman of the Committee, subject to approval by a majority of the Majority Members of the Committee except that no Subcommittee Chairman shall be Chairman of another legislative Subcommittee of the House.

(b) Members chosen as Subcommittee Chairmen shall retain a ranking position on not more than one other retained Subcommittee. Any Subcommittee Chairman serving on more than two Subcommittees shall be assigned positions on additional Subcommittees only after all other Members are assigned to Subcommittees and their ranking established on such Subcommittee, then the Subcommittee Chairmen may serve in the order of their ranking on the Committee.

Rule 23. Duties of Chairman Upon Favorable Action by Committee.—Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee, the Chairman shall report the same or designate some Member of the Committee to report the same to the House and he shall use or cause to be used all parliamentary methods to secure passage thereof, without such additional authority being set forth particularly in the motion to report each individual bill or resolution. Without limiting the generality of the foregoing, the authority contained herein extends in appropriate cases to moving in accordance with Rule XXIV, Clause 5, of the said rules that the House go into the Committee of the Whole House on the State of the Union to consider the bill or resolution; and to moving in accordance with Rule XXIV, Clause 2, of said rules for the disposition of a Senate bill or resolution that is substantially the same as the House bill or resolution as reported.

Rule 24. Committee Budget and Expenses.—(a) Each Subcommittee chairman and the ranking Minority members of the Committee shall submit to the Chairman a budget for each session of the Congress covering the funding required for staff, travel, and miscellaneous expenses. The Chairman shall prepare a consolidated budget for each session of Congress which shall include amounts required for all activities and programs of the Committee and the Subcommittees, except those Committee expenses to be paid from appropriations provided for by statute.

(b) Upon approval by the Committee of each such budget, the Chairman, acting pursuant to Rule XI, Clause 5, of the Rules of the House, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Administration and by the House.

(c) The Chairman shall report to the Committee any amendments to each expense resolution and any changes in the budget necessitated thereby.

(d) Authorization for the payment of additional or unforeseen Committee and the Subcommittee's expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(e) Committee members shall be advised of the availability of each monthly report, prepared by the Chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel.

Rule 25. Recommendation of Conferees.—Whenever in the legislative process it becomes necessary to appoint conferees, Majority Members shall be recommended to the Speaker as conferees as determined by the Majority, and Minority Members shall be recommended to the Speaker as conferees as determined by the Minority. Recommended party representation shall be in the same proportion as that in the Committee.

PRINTING OF RULES OF PROCEDURE FOR THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. FLYNT. Mr. Speaker, pursuant to rule XI, clause 2(a), I submit for printing in the CONGRESSIONAL RECORD the Rules of Procedure adopted on January 31, 1977, by the Committee on Standards of Official Conduct for the 95th Congress:

RULES OF PROCEDURE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Adopted Jan. 31, 1977, 95th Congress, 1st Session.)

RULE 1. SCOPE AND AUTHORITY.—These rules govern the procedures to be followed by the Committee on Standards of Official Conduct, and are adopted pursuant to Rule XI 2.(a) of the Rules of the House of Representatives, 95th Congress.

GENERAL PROCEDURES

RULE 2. MEETINGS.—(a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House is not meeting on that day. When the Chairman determines that there is sufficient reason, he may call a meeting on additional days. A regularly scheduled meeting need not be held when the Chairman determines there is no business to be considered.

(b) Insofar as practicable, notice will be provided seven days in advance of meetings. However, the Chairman is authorized to waive such time period at his discretion, for good cause.

RULE 3. QUORUMS.—(a) A quorum for the purpose of taking Committee action consists of seven Members of the Committee. Except as provided in Rule X 4.(e)(2)(A) of the House of Representatives and Rules 8(a), 9(c), and 13 of these Rules of Procedure, action may be taken by the Committee by a simple majority; a quorum being present.

(b) Two members of the Committee shall constitute a quorum for taking testimony and receiving evidence.

RULE 4. SUBCOMMITTEES.—(a) The Chairman may establish subcommittees and may assign to them such functions as he may deem advisable. The membership of each subcommittee shall provide equal representation for the majority and minority parties. The Chairman may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration or investigation and may recall any such bill, resolution, or other matter from the subcommittee to which it was referred.

(b) The Chairman and the ranking minority member of the Committee shall be ex-officio members of each subcommittee and may vote on any subcommittee action.

(c) Any member of the Committee may sit with any subcommittee, but only regular members of the subcommittee, the Chairman and the ranking minority member of the Committee may vote on any matter before the subcommittee.

(d) So far as applicable, the Rules of the House of Representatives and the Rules of the Committee on Standards of Official Conduct shall be the rules of each subcommittee, but each subcommittee may prescribe additional rules not inconsistent therewith.

COMPLAINTS FROM OUTSIDE THE COMMITTEE

RULE 5. COMPLAINTS.—(a) A Complaint filed under Rule X 4.(e)(2)(B) of the Rules of the House of Representatives shall be in writing and under oath, setting forth in simple, concise and direct statements:

(1) the name and legal address of the party filing the complaint (henceforth, the complainant);

(2) the name and position or title of the Member, officer, or employee of the House of Representatives alleged to be in violation of the Code of Official Conduct or any other law, rule, regulation, or standard of conduct (henceforth, the respondent);

(3) the nature of the alleged violation, including, if possible, the specific section of the Code of Official Conduct or any other law, rule, regulation, or standard of conduct alleged to have been violated;

(4) the facts alleged to give rise to the violation;

Where facts are alleged upon the information and belief of the complainant, the complaint shall so state, and set forth the basis for such information and belief.

(b) All documents in the possession of the complainant that are relevant to and in support of the allegations shall be appended to the complaint.

(c) A complaint by a Member of the House of Representatives may be transmitted directly to the Committee. A complaint by an individual not a Member of the House may be transmitted through a Member who agrees, in writing, to accept it for that purpose. If a complaint by an individual not a Member of the House is submitted to three Members of the House who refuse, in writing, to transmit the complaint, the complainant may transmit the complaint directly to the Committee, provided an affidavit is attached, stating under oath, the names of the Members to whom the complaint was submitted and by whom it was reiected.

RULE 6. COMPLAINT PROCESS

(a)(1) The staff shall examine each complaint for compliance with Rule X4.(e)(2)(B) of the Rules of the House of Representatives and Rule 5 of these Rules of Procedure.

(2) Complaints determined to be in compliance shall be transmitted to all Committee members and the respondent by the staff within 5 days. The transmittal shall include the date upon which the complaint was received, a statement that the complaint conforms to House and Committee Rules, and a statement that the complaint has been placed on the Committee's agenda for consideration not later than at its next regularly scheduled meeting.

(3) Complaints determined not to be in compliance with House and Committee rules shall be returned immediately to the complainant with a general statement that the complaint is not in compliance and a copy of the appropriate rules for filing complaints. The complainant may resubmit the complaint in the proper form. The respondent shall be notified of the action taken.

(b) At the first scheduled meeting after a complaint has been placed on the Committee agenda, the Committee shall determine whether the alleged violation is within the Committee's jurisdiction, and, if so, whether the allegations merit further inquiry. The complainant, and the respondent, shall be notified, in writing, of the action taken by the Committee.

RULE 7. ANSWER; MOTIONS, AND PRELIMINARY STAFF INQUIRY

(a)(1) If the Committee determines that the allegations merit further inquiry, a copy of the complaint and these Rules of Procedure shall be sent to the respondent with notice that he has 21 days to respond to the complaint, either by way of answer or motion. Any answer or motion shall be in writing, signed by the respondent or his counsel, and shall be limited to the following:

(A) An admission or denial, under oath, of the allegations set forth in the complaint, including negative and affirmative defenses thereto, and any other relevant information, including supporting evidence which the respondent may desire to submit;

(B) An objection to the complaint on the grounds of improper form or failure to state facts constituting a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct;

(C) An objection to the jurisdiction of the Committee to investigate the complaint;

(D) An objection to the participation of any member of the Committee in an investigation of the complaint on the grounds that the Member cannot render an impartial and unbiased decision in the case. (The Committee member against whom the objection is made shall be the sole judge of his qualifications.) A motion under this sub-paragraph (D) is not in lieu of an answer.

Any motion submitted pursuant to this Rule shall be accompanied by a memorandum of points and authorities. Except for good cause shown, no other pleadings or motions will be considered by the Committee, nor will answers or motions not submitted within such 21-day period be considered.

(2) The staff shall submit a written response to the Committee with respect to any motions submitted pursuant to clauses (a)(1)(B) and (a)(1)(C) of this Rule, and a copy of such response shall be furnished to the respondent and the complainant. The Committee shall pass upon such motions as soon as practicable and notice of the decision shall be furnished to the respondent and the complainant. If the motions are denied, the respondent will have 14 days to answer the complaint.

(b) Within 30 days after receipt of the answer, or of its due date if no answer is submitted, the staff shall conduct a preliminary inquiry and prepare a report of its findings and recommendations. For this purpose, the staff may serve written interrogatories on the respondent or his counsel. The interrogatories shall be answered within 14 days. Failure of the respondent to answer shall be cited in the report.

(c) Time limitations imposed by clauses (a) and (b) of this Rule may be extended when in the discretion of the Chairman such extension would facilitate a fair and complete inquiry, and may be shortened when the Chairman determines that there are special circumstances compelling expedition.

RULE 8. DECISION WHETHER TO UNDERTAKE INVESTIGATION.—(a) As soon as practicable following completion of the preliminary inquiry report, the Committee shall act, by the vote of a majority of the members of the Committee, either to:

(1) undertake an investigation through an investigative hearing;

(2) defer action pending completion of any judicial proceeding; or

(3) dismiss the complaint.

(b) In determining whether to undertake an investigation relating to the official conduct of the respondent, the Committee shall consider, among other matters, whether:

(1) there is credible evidence of his violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to him in his official capacity;

(2) the suspected violation if of the type that might warrant administrative or disciplinary action by the House; and

(3) there are no other circumstances, such as the pendency of a related criminal investigation or judicial proceeding that may justify deferring or declining action by the Committee.

(c) The complainant and respondent shall be notified in writing of the action taken.

COMMITTEE INITIATIVE

RULE 9. INVESTIGATIONS ON THE COMMITTEE'S INITIATIVE.—(a) Notwithstanding the absence of a complaint filed in accordance with Rule X 4, (e)(2)(B) of the House of Representatives, the staff shall present to the Committee any evidence available to it reasonably indicating that any Member, officer, or employee of the House may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to him in his official capacity. Evidence developed during any study conducted by or on behalf of the Committee, including evidence obtained in connection with legislative or general oversight hearings, may be used for this purpose. Any other probative evidence may also be used. The staff shall specify the section of the Code or of any other law, rule, regulation or standard of conduct that was apparently violated.

(b) If the Committee determines, on the basis of the evidence submitted to it under clause (a) of this Rule, that there is reason to believe that a violation has taken place, the Committee may direct the staff to transmit to the Member, officer, or employee (henceforth, the respondent) a plain and concise statement of the alleged facts and a reference to the provision which may have been violated. The respondent shall have 21 days to respond. The response shall be in the form provided for by Rule 7(a)(1), except that the denial of any alleged fact in the statement of alleged violation which is not supported by sworn testimony need not be submitted under oath.

(c) Further proceedings shall conform to the procedures specified in Rule 7(a)(2), (b), and (c) and Rule 8 of these Rules of Procedure.

INVESTIGATIVE HEARING PROCEDURES

RULE 10. INVESTIGATIVE HEARINGS.—(a) An investigative hearing shall be held to receive evidence upon which to base findings of fact and recommendations, if any, to the House. The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Depositions, interrogatories and sworn statements taken under Committee direction may be accepted into the Committee record. The procedures set forth in Rule XI 2.(k) of the Rules of the House of Representatives shall apply to hearings under this Rules.

(b) Prior to setting a hearing date and issuing subpoenas for witnesses, the Committee shall resolve the scope and purpose of the hearings. A copy of this statement of scope and purpose shall be furnished to all witnesses. During the course of the hearings the Committee may expand or contract the scope in light of evidence received.

(c)(1) The order of the investigative hearing shall be as follows:

(A) The Chairman shall open the hearing by stating the Committee's authority to conduct the investigation, the purpose of the investigation and its scope. The Committee shall then determine in accordance with Rule XI 2.(g) or 2.(k)(5) of the Rules of the House of Representatives whether to receive the testimony of specific witnesses in executive session.

(B) Testimony from witnesses and other evidence pertinent to the matter under investigation shall be received in the following order whenever possible: (i) witnesses and other evidence offered by the Committee staff or the complainant, (ii) witnesses and other evidence offered by the respondent, (iii) rebuttal witnesses.

(C) The Committee counsel or authorized staff member shall examine each witness. The Committee members may then question the witness under the five-minute rule. The respondent or his counsel may then cross-examine the witness. Redirect and recross may be permitted in the Chairman's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or his counsel, and then may be cross-examined by Committee counsel or authorized staff member. Committee members may then question the witness under the five-minute rule. Redirect and recross may be permitted in the Chairman's discretion.

(2) Testimony of all witnesses shall be taken under oath. The form of the oath shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this Com-

mittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?" The oath shall be administered by the Chairman or Committee member designated by him to administer oaths.

(d) The investigative hearing shall consist of two phases, unless the Committee determines that a single phase is more appropriate. The first phase shall be for the purpose of obtaining probative evidence upon which the Committee can base its findings and conclusions. The second phase shall be for the purpose of making recommendations for action. Evidence offered solely as a reflection of the respondent's character or which tends to mitigate the charges against the respondent shall be received only during the second phase.

(e) The Committee may adopt by resolution any special investigative procedures deemed necessary to a particular investigation. Copies of such supplemental procedures shall be furnished to the respondent and all witnesses.

RULE 11. ADMISSIBILITY OF EVIDENCE.—(a) The object of the hearing shall be to ascertain the truth. Any evidence that is relevant and probative shall be admissible, unless privileged or unless the Constitution otherwise requires its exclusion. Objections going only to the weight that should be given to evidence will not justify its exclusion.

(b) The Chairman or other Member presiding shall rule upon any question of admissibility of testimony or evidence presented to the Committee. The Chairman or other Member presiding may limit the presentation of repetitious evidence. Rulings shall be final unless reversed or modified by a majority vote of the Committee members present.

RULE 12. WITNESSES.—(a) A subpoena to a witness shall be served sufficiently in advance of his scheduled appearance to allow him a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel should he so desire.

(b) Except as otherwise specifically authorized by the Chairman, no member of the Committee or staff shall make public the name of any witness subpoenaed by the Committee before the date of his scheduled appearance.

(c) Witnesses at investigative hearings may be accompanied by their counsel for the purpose of advising them concerning their constitutional rights and to raise objections to procedures or to the admissibility of testimony and evidence. Counsel for a witness other than the respondent shall not be permitted to engage in oral argument with the committee. After a witness has testified, his counsel may submit to the committee, in writing, any questions he wishes propounded to his client, and any request for additional witnesses or other evidence. Such request may be granted at the committee's discretion.

(d) The respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his behalf. The application shall be granted upon a concise showing by the respondent that the proposed testimony or evidence, is relevant and not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(e) Each witness subpoenaed by the Committee may sign appropriate vouchers for travel allowances and attendance fees, which may be obtained from the Committee staff.

(f) Each witness appearing before the Committee shall be furnished a printed copy of the Rules of the Committee and the pertinent provisions of the Rules of the House applicable to the rights of witnesses.

RULE 13. FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS.—After completion of the investigative hearings, the Committee, by the affirmative vote of a majority of its members, shall adopt an appropriate resolution, report, or recommendation, which shall be made public and furnished to the complainant, if any, unless a majority of the members of the Committee determines that there is good cause not to do so.

OTHER RULES

RULE 14. BROADCASTING OF COMMITTEE PROCEEDINGS.—(a) Whenever any hearing or meeting by the Committee is open to the public, the Committee may permit, by majority vote of the Committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, under the following rules prescribed in Rule XI 3.(f) of the House of Representatives:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to Rule XI 2. (k)(5) of the House of Representatives relating to the protection of the rights of witnesses.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 15. CONFIDENTIALITY OF CERTAIN COMMITTEE RECORDS.—(a) The Chairman of the Committee shall, with the approval of the Committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any information or testimony received by the Committee or its staff.

(b) Unless otherwise authorized by the Committee, the contents of a complaint and the fact of its filing shall not be disclosed publicly by any Member of the Committee or by the staff unless or until the Committee directs service of a copy of the complaint on the respondent under Rule 7(a)(1) for the purpose of obtaining a formal response or directs transmission of a statement of alleged facts and violation under Rule 9(b) for that purpose.

RULE 16. CHANGES IN RULES.—The Rules of the Committee on Standards of Official Conduct may be modified, amended, or repealed, by a majority vote of the Committee, provided that prior written notice of the proposed change has been provided each member of the Committee.

PRINTING OF RULES OF PROCEDURE FOR THE COMMITTEE ON RULES

Mr. SISK. Mr. Speaker, pursuant to clause 2(a)(3) of rule XI of the Rules of the House of Representatives, and in behalf of Chairman Delaney and the Committee on Rules, I submit for the RECORD a copy of the Rules of Procedure for the Committee on Rules which were adopted in final form on Tuesday, February 1, 1977, by a voice vote:

RULES OF PROCEDURE FOR THE COMMITTEE ON RULES, 95TH CONGRESS

(Adopted Tuesday, January 25, 1977.)
(Amended Tuesday, February 1, 1977.)

RULE 1—MEETINGS

(a) The Committee on Rules shall meet at 10:30 a.m. on Tuesday of each week when the House is in session. Meetings and hearings shall be called to order and presided over by the Chairman or, in the absence of the Chairman, by the Ranking Majority Member of the Committee present as Acting Chairman.

(b) A minimum 48-hour notice of regular meetings and hearings of the Committee shall be given to all members except that the Chairman, acting on behalf of the Committee, may schedule a meeting or hearing for the consideration of emergency and/or procedural measures or matters at any time. As much notice as possible will be given to all members when emergency meetings or hearings are called; provided, however, that an effort has been made to consult the Ranking Minority Member. In the event of his absence, an effort shall be made to consult the member next in rank, and so on down the line until an effort has been made with

respect to all members of the minority. Copies of bills and reports to be considered for a rule by the Committee are to be sent to members of the Committee at least one day in advance of consideration by the Committee, except in cases of emergencies.

(c) Meetings, hearings, and executive sessions of the Committee shall be open to the public in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(d) For the purpose of hearing testimony on requests for rules, seven members of the Committee shall constitute a quorum.

(e) For the purpose of hearing and taking testimony on matters or measures of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(f) For the purpose of executive meetings, a majority of the Committee shall constitute a quorum.

(g) The following Committee meeting and hearing procedures shall be determined by the Chairman, acting on behalf of the Committee, in cooperation with the Ranking Minority Member.

(1) Measures or matters before the Committee which are deemed non-controversial as to both type of rule and substantive content may be scheduled for consideration by the Committee without hearings.

(2) Measures or matters before the Committee which are deemed non-controversial as to substantive content but controversial as to type of rule may be the subject of Committee hearings at which time the principal proponents and opponents will be provided an opportunity to testify only as to the type of rule to be granted.

(3) Measures or matters before the Committee which are deemed controversial as to substantive content by a minimum of six committee members will be the subject of Committee hearings at which time all interested Members of Congress, who are proponents or opponents, will be provided a reasonable opportunity to testify.

(h) There shall be a transcript of regularly scheduled hearings and meetings of the Committee which may be printed if the Chairman decides it is appropriate, or if a majority of the members request it.

(i) A Tuesday meeting of the Committee may be dispensed with where, in the judgment of the Chairman, there is no need therefor, and additional meetings may be called by the Chairman, or by written request of a majority of the Committee duly filed with the Counsel of the Committee.

(j) The Committee may permit, by a majority vote on each separate occasion, the coverage of any open meeting or hearing, in whole or in part, by television broadcast, radio broadcast, and still photography under such requirements and limitations as set forth in the Rules of the House of Representatives.

(k) The five-minute rule in the interrogation of witnesses, until such time as each member of the Committee who so desires has had an opportunity to question the witness, shall be followed.

(l) When a recommendation is made as to the kind of rule which should be granted, a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the meeting where such language is to be considered or as soon thereafter as such recommendation becomes available.

RULE 2—VOTING

(a) No measure or recommendation shall be reported, deferred, or tabled by the Committee unless a majority of the Committee is actually present.

(b) A rollcall vote of the members of the Committee may be had upon the request of any member.

(c) The result of each rollcall vote, including the names of Committee members and how they voted on specific issues, shall be available for public inspection at the office of the Committee.

RULE 3—REPORTING

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee, the Chairman or Acting Chairman shall report the same or designate some member of the Committee to report the same to the House, such report to include the totals of any record vote thereon.

RULE 4—COMMITTEE STAFFING

(a) The professional and clerical staffs of the Committee shall serve under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of the members of the staffs and delegate such authority as the Chairman deems appropriate, with the exception of the minority staff, who shall serve under the general supervision and direction of the Ranking Minority Member of the Committee.

(b) The appointment of staff members of the Committee shall be made as follows:

(1) Each member of the Committee shall be authorized to appoint one (1) staff member;

(2) The Chairman of the Committee, with concurrence of the majority party members, shall be authorized to appoint the remaining staff members authorized under clause 6 of rule XI of the Rules of the House of Representatives;

(3) The Ranking Minority Member of the Committee, with concurrence of the minority party members, shall be authorized to appoint the remaining minority staff members authorized under clause 6 of Rule XI of the Rules of the House of Representatives.

(c) Each staff member appointed under subsection (b)(1) shall be paid at a rate of pay of not more than $27,600 per annum.

RULE 5—MISCELLANEOUS

(a) The Committee shall have prepared, maintained, printed and published a calendar listing all matters formally before it. Information on this calendar shall include the number of the bill or resolution, a brief description of the measure's contents, including the legislative committee reporting it, and the name of the principal sponsoring Member.

(b) The staff shall prepare, maintain, and furnish to the members of the Committee a list of all pending bills or resolutions from other committees concerning which a hearing request has been properly filed with the Committee. This list shall be distributed to the members of the Committee on a regular weekly basis when the House is in session and shall include the number of the bill or resolution, the name of the legislative committee reporting it, the principal sponsoring Member, and the date upon which the request for a rule was filed, along with a brief analysis of the contents of the scheduled measures and a description of the rule requested by the reporting legislative committee, if so requested.

(c) For purpose of this rule, matters formally before the Committee include: bills or resolutions over which the Committee has original jurisdiction, and bills or resolutions from other committees concerning which the chairman or designated member of such committee has requested a hearing in writing and forwarded to the Committee on Rules a copy of such bill or resolution as reported, together with the final printed committee report.

(d) Executive meeting minutes shall be available to Members of Congress in compliance with clause 2(e) of rule XI of the Rules of the House of Representatives.

(e) Upon adoption of the rules and procedures of the Committee at the opening of each Congress, the Chairman may have these rules and procedures printed in an early issue of the Congressional Record.

PRINTING OF RULES GOVERNING PROCEDURE OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY

Mr. FUQUA. Mr. Speaker, in accordance with House Rule XI, clause 2(a), the Rules Governing Procedure of the Committee on Science and Technology for the 95th Congress were adopted by the committee at its organization meeting on January 27, 1977.

A copy of the rules is attached and is submitted herewith for printing in the CONGRESSIONAL RECORD as prescribed by the Rules of the House of Representatives.

Submitted for, and on behalf of, OLIN E. TEAGUE, chairman, Committee on Science and Technology.

RULES GOVERNING PROCEDURE, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, 95TH CONGRESS

A. GENERAL

1. The Rules of the House of Representatives, insofar as they are applicable, shall govern the committee and its subcommittees. The rules of the committee, insofar as they are applicable, shall be the rules of any subcommittee of the committee.

B. COMMITTEE MEETINGS AND PROCEDURES

1. The meetings of the committee shall be held on the 1st and 3rd Tuesday of each month the House is in session at 10 a.m. and at such other times and in such place as the chairman may designate; however, a regular Tuesday meeting of the committee may be dispensed with by the chairman.

2. The chairman of the committee may call and convene as considered necessary additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the chairman.

3. If at least three members desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

4. If the chairman of the committee is not present at any meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting; the same rule shall apply to all subcommittees.

5. One-third of the Members of the committee shall constitute a quorum for all purposes except that a majority must be present in all cases in order to: (1) report

any legislation, measure or matter out of the committee, (2) close committee meetings or hearings, or (3) authorize the issuance of subpoenas. This Rule shall also apply to all subcommittees of the committee to the extent applicable.

6. No general proxies may be used for any purposes; however, a Member may vote by special proxy. The special proxy authorization shall be in writing, shall assert that the Member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

7. A rollcall of the Members may be had at the request of three or more Members.

8. No measure or recommendation shall be reported or tabled by the committee unless a majority of the committee is actually present, nor shall the committee or any of its subcommittees make any determination by poll on any measure or matter involving their substantive, or non-procedural, legislative or oversight functions.

9. (a) It shall not be in order for the committee or any subcommittee of the committee, to consider any new or original measure or matter:

(1) unless a written copy of the measure or matter to be considered has been available in the office of each Member of the committee or subcommittee for at least three calendar days, excluding Saturdays, Sundays, and legal holidays;

(2) unless written notice of the date, place, and subject matter of consideration has been available in the office of each Member of the committee or subcommittee for at least three calendar days in advance of consideration, excluding Saturdays, Sundays, and legal holidays;

(3) unless a transcript, and a record of all motions and votes by each Member present, is maintained during the meeting, and is made promptly available upon demand to any Member of the committee or subcommittee.

(b) No subcommittee shall meet for markup or approval, when any other subcommittee of the committee is meeting to consider any measure or matter for markup or approval.

(c) Notwithstanding the foregoing sections of this rule, consideration of any measure or matter by the committee a subcommittee shall be in order by vote of two thirds of the Members present, provided that written notice of the meeting and motion for consideration, and a description of each specific measure or matter to be considered, has been delivered to the office of each Member of the committee or subcommittee, at least one hour in advance of the meeting.

(d) For the purposes of this rule: (1) the Members of a subcommittee shall include ex-officio Members; (2) the term "measure or matter" shall include but not be limited to, bills and resolutions, including reports thereon, other reports, subpoenas, and the disposition of committee or subcommittee resources.

10. The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each such rollcall shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting.

11. All legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdiction within 2 weeks unless, by majority vote of the Majority Members of the full committee, consideration is to be by the full committee.

12. The order of business and procedure of the committee and the subjects of inquiries or investigations will be decided by the chairman, subject always to an appeal to the committee.

13. Bills will be taken up for hearing only when called by the chairman of the committee or subcommittee or by a majority vote of a quorum of the committee or subcommittee, except those matters which are the subject of special-call meeting outlined in rule B 3.

14. The time any one Member may address the committee on any bill, motion, or other matter under consideration by the committee or the time allowed for the questioning of a witness at hearings before the committee will be limited to 5 minutes, and then only when he has been recognized by the chairman, except that this time limit may be waived by the chairman or acting chairman. The rule of germaneness will be enforced by the chairman.

15. Any legislative or non-procedural motion made at a regular or special meeting of the committee or its subcommittees and which is entertained by the chairman shall be reduced to writing upon the demand of any Member present and a copy made available to each Member present.

16. No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the committee.

17. The majority of the Majority Members of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee and shall authorize the Chairman to negotiate that ratio with the Minority Party; *Provided, however,* that party representation on each subcommittee (including any ex-officio members) shall be no less favorable to the Majority than the ratio for the full committee. *Provided, further,* that Majority Party representation on conference committees also shall be no less favorable to the Majority Party than the ratio for the full committee.

18. The chairman and ranking Minority Member shall serve as ex-officio members of all subcommittees and shall have the right to vote and be counted as part of the quorum on all matters before the subcommittees.

19. Whenever any hearing is conducted by the committee on any measure or matter, the Minority Members of the committee shall be entitled, upon request to the chairman by a majority of them, before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to the measure or matter at least 1 day during the hearing.

20. No committee or subcommittee hearing may be held unless one Member of the Majority and one Member of the Minority are present.

21. The number of Members to constitute a quorum for taking testimony and receiving evidence shall not be less than two.

22. Each meeting for the transaction of business, including the markup of legislation, of the committee or any of its subcommittees shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* that no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(3) of Rule X of the Rules of the House of Representatives or by Rule B–21 contained herein, or to any meeting that relates solely to internal budget or personnel matters.

23. Each hearing conducted by the committee or any of its subcommittees shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however,* that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

24. The committee shall make public announcement of the date, place, and subject matter of any of its hearings at least one week before the commencement of the hearing. If the committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest.

25. The committee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

26. The committee or any of its subcommittees may sit while the House is reading a measure for amendment under the 5-minute rule, *provided* 10 or more Members on the House floor do not object when special leave for such committee or subcommittee to sit is requested.

27. Clause 2(k) of Rule XI of the Rules of the House of Representatives is hereby incorporated by reference.

C. SUBCOMMITTEE STRUCTURE, JURISDICTION AND PROCEDURES

1. The committee shall have the following standing subcommittees with the jurisdiction indicated. All bills, resolutions and other matters relating to subjects within the jurisdiction of each subcommittee shall be referred to such subcommittee.

(a) *Subcommittee on Space Science and Applications.*—Authorizing legislation, general and special oversight and all other matters relating to the National Aeronautics and Space Administration (except aeronautical research and development), and national programs of research and development in space exploration, space applications and related matters.

(b) *Subcommitte on Fossil and Nuclear Energy Research, Development and Demonstration.*—All legislative and oversight matters related to research, development, and demonstration of energy technologies utilizing fossil and nuclear resources, including the fuel cycle, except space nuclear applications and nuclear science.

(c) *Subcommittee on Advanced Energy Technologies and Energy Conservation Research, Development and Demonstration.*—All legislative and oversight matters related to research, development, and demonstration related to energy conservation technologies

and of energy technologies utilizing solar and geothermal resources, and including space nuclear applications, basic energy sciences and high energy physics.

(d) *Subcommittee on the Environment and the Atmosphere.*—Legislation and other matters relating to environmental research and development (including, but not limited to, EPA's research and development program, ERDA's environment and safety program, life sciences and biomedical applications), the National Weather Service; the National Environmental Satellite Service; and the research and development activities of the National Oceanic and Atmospheric Administration.

(e) *Subcommittee on Transportation, Aviation, and Weather.*—Legislation and other matters relating to civil aviation research and development (includes that part of the annual authorization of the National Aeronautics and Space Administration relating to aeronautics research and development and the annual authorization of the Federal Aviation Administration's research and development and operational weather programs of the National Oceanographic and Atmospheric Administration; and oversight of surface transportation research and development (includes Department of Transportation, Urban Mass Transportation Administration.

Federal Railroad Administration, Federal Highway Administration, National Highway Traffic Safety Administration and the Coast Guard).

(f) *Subcommittee on Science, Research and Technology.*—Authorizing legislation and other matters relating to the National Science Foundation (NSF), to the National Bureau of Standards (NBS), all scientific research and development and applications; science programs; national science policy; science centers and libraries; scientific resources (including manpower); science scholarships; technology transfer; technology assessment; technological innovation; standards (weights, measures, etc.); patent policies as they relate to Federal research and development programs; and special oversight into all non-military research and development not falling under other subcommittees and which transcends the responsibility of two or more executive agencies.

(g) *Subcommittee on Domestic and International Scientific Planning, Analysis, and Cooperation.*—Special oversight and evaluation of single agency, non-military research and development programs for those agencies not included in the jurisdiction of other subcommittees; legislation, oversight, and other matters relating to intergovernmental mechanisms for research, development, and technology transfer; international technology transfer including economic effects; international cooperation in science and technology, including bilateral agreements and relationship to foreign policy; and interagency and international coordination of population-related research and development, including food, crime control, health, housing, and resources, not within the jurisdiction of other subcommittees.

2. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it. Each subcommittee shall conduct legislative and general oversight, future research and forecasting, and budget impact studies on matters within their respective jurisdictions. Subcommittee chairmen shall set meeting dates after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

3. All Members of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

4. A majority vote of any subcommittee will be required to report any bill, resolution, or other matter to the full committee, or to table any bill, resolution, or other matter before it.

D. REPORTS

1. The report of the committee on a measure which has been approved by the committee shall include (A) the oversight findings and recommendations required pursuant to the last sentence of clause 2(b)(1) of Rule X of the Rules of the House of Representatives separately set out and clearly identified; (B) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures; (C) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and (D) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of Rule X of the Rules of the House of Representatives separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

2. Each report of the committee on each bill or joint resolution of a public character reported shall contain (A) a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy, and (B) with respect to each rollcall vote on a motion to report such bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting of such bill or resolution.

3. If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of Rule D1) are included as part of the report. However, this Rule does not preclude (1) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph or (2) the filing by the committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

4. The Chairman of the committee or subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed. If the Chairman of the committee or subcommittee, as appropriate, decides to extend the time for submission of views beyond 3 days, he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

5. Any Committee, subcommittee or staff report published by the committee or a subcommittee shall follow the same procedure for its approval, including the opportunity to submit views, as is followed in the case of a report accompanying a measure or matter which is intended to be filed.

6. It shall be the duty of the chairman to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken the necessary steps to bring the matter to a vote.

7. In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

8. Reports and recommendations of a subcommittee shall not be considered by the full committee until after the intervention of 3 calendar days, excluding Saturday, Sunday and holidays, from the time the report is submitted and printed hearings thereon shall be made available, if reasonably possible, to the Members, except that this rule may be waived in the discretion of the chairman.

E. BROADCASTING OF COMMITTEE HEARINGS

1. The committee may permit, by majority vote, hearings or meetings which are open to the public to be covered in whole or in part by television, radio and still photography—or by any such methods of coverage—in accordance with Clause 3 of Rule XI of the Rules of the House of Representatives.

2. The authority contained in Rule 1 above shall extend to the standing subcommittee of the committee, subject to the same regulations and procedures.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EMERY) to revise and extend their remarks and include extraneous material:)

Mr. MCKINNEY, for 5 minutes, today.

Mr. CLEVELAND, for 5 minutes, today.

Mr. EMERY, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

Mr. FISH, for 15 minutes, today.

Mr. STEERS, for 5 minutes, today.

Mr. WHALEN, for 5 minutes, today.

Mrs. HECKLER, for 5 minutes, today.

Mr. ASHBROOK, for 20 minutes, today.

(The following Members (at the request of Mr. BONIOR) to revise and ex-

tend their remarks and include extraneous material:)

Mr. Moss, for 15 minutes, today.
Mr. Dent, for 5 minutes, today.
Mr. Cornell, for 10 minutes, today.
Mr. Annunzio, for 5 minutes, today.
Mr. Obey, for 60 minutes, today.
Mr. Pepper, for 30 minutes, today.
Mrs. Boggs, for 5 minutes, today.
Mr. Bingham, for 10 minutes, today.
Mr. Koch, for 10 minutes, today.
Mr. Eckhardt, for 15 minutes, today.
Mr. Cotter, for 15 minutes, today.
Mr. Kastenmeier, for 15 minutes, today.
Mr. McFall, for 10 minutes, today.
Mr. Gonzalez, for 15 minutes, today.
Mr. Harris, for 5 minutes, today.
Mr. Dodd, for 10 minutes, today.
Mr. Scheuer, for 10 minutes, today.
Mr. Gaydos, for 5 minutes, today.
Mr. Eilberg, for 5 minutes, today.
Mr. Drinan, for 30 minutes, on February 3, 1977.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Eilberg, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $2,431.

(The following Members (at the request of Mr. Emery) and to include extraneous matter:)

Mr. Erlenborn.
Mr. Myers of Indiana.
Mr. Derwinski.
Mr. Kemp in three instances.
Mr. Pressler in two instances.
Mr. McKinney in two instances.
Mr. Crane.
Mr. Cohen.
Mr. Bafalis.
Mrs. Holt in three instances.
Mr. Whitehurst.
Mr. O'Brien.
Mr. Steiger.
Mr. Marriott.
Mr. Pritchard.
Mr. Ketchum.
Mr. Ashbrook in three instances.
Mr. Gilman.
Mr. Stanton.

(The following Members (at the request of Mr. Bonior) and to include extraneous material:)

Mr. Rosenthal.
Mr. Weiss in two instances.
Mr. Alexander.
Mr. Blanchard.
Mr. Lehman.
Mr. Harkin.
Mr. Vento.
Mr. Hamilton in two instances.
Mr. Moorhead of Pennsylvania.
Mr. Brodhead.
Mr. Mazzoli.
Mr. Corman in five instances.
Mr. Ottinger in two instances.
Mr. de la Garza.
Mr. Richmond in two instances.
Mr. Baldus.
Mr. Early.
Mr. LaFalce.
Mr. Pepper.
Mr. Annunzio.
Mr. Bonker.
Mr. Waxman.
Mr. Mottl.
Mr. Rangel.
Mr. Miller of California.
Mr. Dent.
Mr. Hubbard.
Mr. Moakley.
Mr. Fisher.
Mr. Udall in 10 instances.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 474. An act to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes.

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Thursday, February 3, 1977, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

650. A letter from the President of the United States, transmitting a proposed supplemental appropriation for the Department of the Interior for fiscal year 1977 (H. Doc. 95–69); to the Committee on Appropriations and ordered to be printed.

651. A letter from the President of the United States, transmitting notice of a delay in the preparation of the administration's conclusions and recommendations to accompany the annual report on international broadcasting; to the Committee on International Relations.

652. A letter from the Secretary of the Air Force, transmitting a report on the Air Force Reserve Officers' Training Corps flight training program for calendar year 1976, pursuant to 10 U.S.C. 2110(b); to the Committee on Armed Services.

653. A letter from the Acting Secretary of the Navy, transmitting a report on the Naval Reserve Officers' Training Corps flight instruction program for fiscal year 1976, pursuant to 10 U.S.C. 2110(b); to the Committee on Armed Services.

654. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 1–225, "To amend laws of the Council affecting elections and Latino community development; and for other purposes," pursuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

655. A letter from the District of Columbia Auditor, transmitting a report on the fee structure at D.C. General Hospital, pursuant to section 455 of Public Law 93–198; to the Committee on the District of Columbia.

656. A letter from the comptroller, Washington Gas Light Co., transmitting a copy of the balance sheet of the company as of December 31, 1976, pursuant to section 313 of title 43, D.C. Code; to the Committee on the District of Columbia.

657. A letter from the Chief Commissioner, U.S. Court of Claims, transmitting a report on the allowance of attorney expense claims in proceedings under the Alaska Native Claims Settlement Act, pursuant to section 20 of the act; to the Committee on Interior and Insular Affairs.

658. A letter from the Secretary, Interstate Commerce Commission, transmitting a report that the Commission is unable to render a final decision in Investigation and Suspension Docket No. 9129, "Increased Switching Charges at Kansas City, Mo.," within the 7-month period specified by law, pursuant to section 15(8)(a) of the Interstate Commerce Act (90 Stat. 37); to the Committee on Interstate and Foreign Commerce.

659. A letter from the Director of Economic and Policy Research, Securities and Exchange Commission, transmitting the Commission's fourth report on the effect of the absence of fixed rates of commissions, pursuant to section 6(e)(3) of the Securities Exchange Act of 1934, as amended (89 Stat. 108); to the Committee on Interstate and Foreign Commerce.

660. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act (76 Stat. 1247); to the Committee on the Judiciary.

661. A letter from the controller, Boys' Club of America, transmitting the audit report of the organization for the year ended September 31, 1976, pursuant to section 14 of Public Law 84–988 and section 3 of Public Law 88–504; to the Committee on the Judiciary.

662. A letter from the Chairman, Marine Mammal Commission, transmitting the Commission's fourth annual report, covering calendar year 1976, pursuant to section 204 of Public Law 92–522; to the Committee on Merchant Marine and Fisheries.

663. A letter from the Comptroller General of the United States, transmitting a report on the financial disclosure system of the Energy Research and Development Administration (FPCD–77–14, January 26, 1977); jointly, to the Committees on Government Operations, Science and Technology, the Judiciary, and Post Office and Civil Service.

664. A letter from the Comptroller General of the United States, transmitting a report on key energy issues facing the Nation in the immediate future (EMD–77–16, January 27, 1977); jointly, to the Committees on Government Operations, Interstate and Foreign Commerce, Science and Technology, Interior and Insular Affairs, and Ways and Means.

REPORTS ON COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBERTS: Committee on Veterans' Affairs. Report on allocation of budget totals to subcommittees (Rept. No. 95–5). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELANEY: Committee on Rules. House Resolution 231. Resolution waiving points of order against the conference report on the bill S. 474 (Rept. No. 95–6). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 474 (Rept. No. 95–7). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Michigan:

H.R. 2955. A bill to amend the Housing and Community Development Act of 1974 to provide supplementary community development block grant assistance to communities with high unemployment due to adverse national economic conditions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ALEXANDER:

H.R. 2956. A bill making supplemental appropriations for grants to improve museum services under the Museum Services Act, for payments to local governments based upon the amount of certain public lands within the boundaries of such locality, and for other purposes; to the Committee on Appropriations.

H.R. 2957. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator, and other purposes; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 2958. A bill to amend title 18, United States Code, to increase the penalties imposed for using a firearm to commit a felony or carrying a firearm unlawfully during the commission of a felony; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 2959. A bill to amend the Strategic and Critical Materials Stock Piling Act, and for other purposes; to the Committee on Armed Services.

By Mrs. BOGGS (for herself and Mr. BUTLER):

H.R. 2960. A bill to authorize the Secretary of the Interior to erect a memorial in honor of the 56 signers of the Declaration of Independence in Constitution Gardens in the District of Columbia; jointly to the Committees on House Administration and Post Office and Civil Service.

By Mr. BOWEN (for himself and Mr. MONTGOMERY):

H.R. 2961. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator, and for other purposes; to the Committee on Ways and Means.

By Mr. PHILLIP BURTON:

H.R. 2962. A bill to amend the Immigration and Nationality Act to permit more persons to immigrate from colonies of foreign states; to the Committee on the Judiciary.

By Mr. BREAUX:

H.R. 2963. A bill to repeal the earnings limitation of the Social Security Act; to the Committee on Ways and Means.

H.R. 2964. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has 40 quarters of coverage, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. BROYHILL:

H.R. 2965. A bill to regulate commerce by establishing national goals for the effective, fair, inexpensive, and expeditious resolution of controversies involving consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL (for himself, Mr. BROWN of Ohio, and Mr. KRUEGER):

H.R. 2966. A bill to assure the availability of adequate supplies of natural gas at reasonable prices for consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER:

H.R. 2967. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to provide that elections of officers of intermediate bodies of labor organizations may be by officers representative of the members in good standing only if any officer representative of less than 50 members is entitled to 1 vote and any officer representative of more than 50 members is entitled to 1 additional vote for every additional 50 members; to the Committee on Education and Labor.

H.R. 2968. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to provide that local labor organizations may not be consolidated unless such consolidation has been approved by majority vote of the members of each local labor organization to be consolidated; to the Committee on Education and Labor.

By Mr. CLAY (for himself, Mr. MIKVA, Mr. NOLAN, Mr. PATTISON of New York, and Mr. ROE):

H.R. 2969. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COHEN:

H.R. 2970. A bill to amend the Federal Credit Union Act in order to improve the efficiency and flexibility of the financial system of the United States by permitting Federal credit unions to operate more efficiently and to better serve the family financial needs of their members; by reorganizing the National Credit Union Administration; by establishing a Central Liquidity Fund for Federal and State credit unions; and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COLLINS of Texas:

H.R. 2971. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ANDERSON of Illinois, Mr. ASHLEY, Mr. BADILLO, Mr. BAUCUS, Mr. BIAGGI, Mr. BINGHAM, Mr. BLOUIN, Mr. BOLAND, Mr. BOLLING, Mr. BONIOR, Mr. BRADEMAS, Mr. BRODHEAD, Ms. BURKE of California, Mr. JOHN L. BURTON, Mr. PHILLIP BURTON, Ms. CHISHOLM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CORMAN, Mr. CORNWELL, Mr. COTTER, and Mr. DELLUMS):

H.R. 2972. A bill to designate the birthday of Martin Luther King, Jr., a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. CONYERS (for himself, Mr. DE LUGO, Mr. DIGGS, Mr. DODD, Mr. DOWNEY, Mr. DRINAN, Mr. DUNCAN of Oregon, Mr. ECKHARDT, Mr. EDGAR, Mr. EDWARDS of California, Mr. FAUNTROY, Ms. FENWICK, Mr. FISH, Mr. FORD of Tennessee, Mr. FRASER, Mr. GILMAN, Mr. HARRIS, Mr. HARKIN, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HORTON, Mr. HOWARD, Mr. JACOBS, Mr. JENRETTE, and Ms. JORDAN):

H.R. 2973. A bill to designate the birthday of Martin Luther King, Jr., a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. CONYERS (for himself, Mr. KASTENMEIER, Ms. KEYS, Mr. KILDEE, Mr. KOCH, Mr. KOSTMAYER, Mr. LEGGETT, Mr. LUNDINE, Mr. MCKINNEY, Mr. MAGUIRE, Mr. MAZZOLI, Mr. METCALFE, Ms. MEYNER, Mr. MIKVA, Mr. MILLER of California, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MOSS, Mr. MURPHY of New York, Mr. MURPHY of Illinois, Mr. NIX, Mr. NOWAK, Mr. NEAL, Mr. OTTINGER, and Mr. PANETTA):

H.R. 2974. A bill to designate the birthday of Martin Luther King, Jr., a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. CONYERS (for himself, Mr. PEPPER, Mr. PRICE, Mr. RANGEL, Mr. RICHMOND, Mr. ROE, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, Mr. SEIBERLING, Mr. SHARP, Mr. SIMON, Mr. SOLARZ, Mr. STARK, Mr. STEERS, Mr. STOKES, Mr. STRATTON, Mr. THOMPSON, Mr. TRAXLER, Mr. TRIBLE, Mr. UDALL, Mr. VENTO, Mr. WAXMAN, Mr. WEAVER, and Mr. WEISS):

H.R. 2975. A bill to designate the birthday of Martin Luther King, Jr., a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. CONYERS (for himself, Mr. CHARLES WILSON of Texas, Mr. CHARLES H. WILSON of California, Mr. WOLFF, Mr. YATES, and Mr. YATRON):

H.R. 2976. A bill to designate the birthday of Martin Luther King, Jr., a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. CORNWELL:

H.R. 2977. A bill to provide for the exclusion of industrially funded personnel in computing the total number of civilian personnel authorized by law for the Department of Defense in any fiscal year; to the Committee on Armed Forces.

H.R. 2978. A bill to amend Title VII of the Social Security Act to require that social security and SSI benefit checks be mailed in time for delivery prior to the regularly scheduled delivery day whenever that day falls on a Saturday, Sunday, or legal holiday; to the Committee on Ways and Means.

By Mr. CORNELL (for himself, Mr. BAUCUS, Mr. EDGAR, Mr. CONYERS, Mr. BADILLO, Mr. SOLARZ, Mr. TSONGAS, Mr. BEDELL, Mr. OTTINGER, Mr. SIMON, Mr. HARRINGTON, Mr. MEEDS, Mr. STUDDS, and Mr. CARR):

H.R. 2979. A bill to provide public financing of primary and general elections for the Senate and the House of Representatives; to the Committee on House Administration.

By Mr. DELANEY:

H.R. 2980. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for tuition expenses incurred in providing nonprofit elementary and secondary education; to the Committee on Ways and Means.

By Mr. DENT (for himself and Mr. ERLENBORN):

H.R. 2981. A bill to amend the Walsh-Healey Act to exempt transportation employees of private carriers of property by motor vehicle from the provisions of such act relating to maximum and overtime hours of labor; jointly to the Committees on Education and Labor, and the Judiciary.

By Mr. DRINAN:

H.R. 2982. A bill to suspend for a 2-year period the duty on synthetic tantalum/columbium concentrates; to the Committee on Ways and Means.

By Mr. DUNCAN of Tennessee:

H.R. 2983. A bill to amend chapter 49 of title 10, United States Code, to prohibit union organization in the Armed Forces, and

for other purposes; to the Committee on Armed Services.

By Mr. DUNCAN of Tennessee (for himself and Mr. PICKLE):

H.R. 2984. A bill to amend the Internal Revenue Code of 1954 to exempt from the excise tax imposed on trailers any trailer designed to be used with a light-duty vehicle for farming purposes or for transporting horses or livestock; to the Committee on Ways and Means.

By Mr. EDGAR (for himself, Mr. BLANCHARD, Mr. DOWNEY, Mr. DRINAN, Mr. GEPHARDT, Mr. HAWKINS Mr. LAFALCE, Mr. MOAKLEY, Mr. MINETA, Mr. MURPHY of Pennsylvania, Mr. PATTISON of New York, Mr. PURSELL, Mr. SCHEUER, Mr. STEERS, Mr. CHARLES WILSON of Texas, Ms. MIKULSKI, Mr. WEISS, Mr. BONIOR, Mr. FISHER, Mr. AMBRO, and Mr. KOSTMAYER):

H.R. 2985. A bill to authorize appropriations for ridesharing programs, to consolidate existing Federal ridesharing programs, to foster ridesharing programs in States and localities, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. FISH (for himself, Mr. BAUCUS, Mr. BLOUIN, Mrs. BOGGS, Mr. CEDERBERG, Mr. DAVIS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDWARDS of Oklahoma, Mr. EILBERG, Mr. ERTEL, Mrs. FENWICK, Mr. HOWARD, Mr. HYDE, Mr. LAGOMARSINO, Mr. LENT, Mr. LUNDINE, Mr. MATHIS, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MOORHEAD of California, Mr. NEAL, Mr. NOLAN, Mr. PRITCHARD, and Mr. PURSELL):

H.R. 2986. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. FISH (for himself, Mr. RAHALL, Mr. REGULA, Mr. ROBINSON, Mr. ROE, Mr. ROSE, Mr. SCHEUER, Mr. SOLARZ, Mrs. SPELLMAN, Mr. TSONGAS, Mr. WALKER, Mr. WALSH, and Mr. YATRON):

H.R. 2987. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 2988. A bill to amend title 39, United States Code, to increase to 90 days the period before an election during which a Member of, or Member-elect to, the Congress may not make a mass mailing as franked mail if such Member or Member-elect is a candidate in such election; to the Committee on Post Office and Civil Service.

H.R. 2989. A bill to authorize the construction of a lock and dam project on the Mississippi River near Alton, Ill., to revoke existing authorities for 12-foot channel studies on the Upper Mississippi and for other purposes; to the Committee on Public Works and Transportation.

H.R. 2990. A bill to create a Joint Committee on Intelligence Operations with exclusive jurisdiction over intelligence matters and to impose conditions on the expenditure of funds by or for the Central Intelligence Agency for nonintelligence-gathering operations; to the Committee on Rules.

By Mr. HARRIS (for himself, Mr. MAGUIRE, and Ms. SCHROEDER):

H.R. 2991. A bill to provide that the rates of pay for Members of Congress shall be the rates in effect on September 30, 1976, until such time as they are fixed otherwise by law, and to provide that the pay for certain executive, legislative, and judicial offices and positions may not be increased until a comprehensive code of public conduct has been enacted; to the Committee on Post Office and Civil Service.

By Mr. HAWKINS:

H.R. 2992. A bill to authorize appropriations for fiscal year 1978 for carrying out the Comprehensive Employment and Training Act of 1973 as amended; to the Committee on Education and Labor.

By Mr. ICHORD:

H.R. 2993. A bill to clarify and reaffirm the intent of Congress with respect to the transmission and sale of electric power and energy generated or purchased in the southwestern power area; to the Committee on Interior and Insular Affairs.

H.R. 2994. A bill relating to the settlement of debts owed the United States by foreign countries; to the Committee on International Relations.

H.R. 2995. A bill to amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2996. A bill to amend the Tax Reform Act of 1976 to provide that the effective date of the amendment made by section 505(a) of such act (relating to exclusion for sick pay) shall only apply with respect to taxable years beginning after December 31, 1976, and for other purposes; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 2997. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. BINGHAM, Mrs. BURKE of California, Mr. JOHN L. BURTON, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr. FRASER, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. MCCLOSKEY, Mr. MCKINNEY, Mr. MILLER of California, Mr. MITCHELL of Maryland, Mr. RANGEL, Mr. RICHMOND, Mr. ROSENTHAL, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. WAXMAN, and Mr. WEISS):

H.R. 2998. A bill to prohibit discrimination on the basis of affectional or sexual preference, and for other purposes; to the Committee on the Judiciary.

By Mr. LOTT (for himself, Mr. WHITTEN, Mr. BOWEN, Mr. MONTGOMERY, and Mr. COCHRAN):

H.R. 2999. A bill to authorize a project for channel deepening for navigation at Gulfport Harbor, Harrison County, Miss.; to the Committee on Public Works and Transportation.

By Mr. MARLENEE:

H.R. 3000. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary, and Rules.

By Mr. MEEDS (for himself and Mr. DICKS):

H.R. 3001. A bill relating to a pilot Young Adult Conservation Corps; to the Committee on Education and Labor.

By Mr. MIKVA:

H.R. 3002. A bill to establish a system of local control over airport noise problems; to the Committee on Public Works and Transportation.

By Mr. MILLER of California (for himself, Mr. ANDERSON of California, Mr. APPLEGATE, Mr. BADILLO, Mr. BAUCUS, Mr. BEARD of Rhode Island, Mr. BONIOR, Mr. BRADEMAS, Mr. BRODHEAD, Mr. CARNEY, Mr. CARTER, Mrs. CHISHOLM, Mr. CLAY, Mr. COHEN, Mr. CONYERS, Mr. CORMAN, Mr. DELANEY, Mr. DELLUMS, Mr. DOWNEY, Mr. DRINAN, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. FASCELL, Mr. FISH, and Mr. FORD of Michigan):

H.R. 3003. A bill to amend the Older Americans Act of 1965 to provide a national meal-on-wheels program for the elderly, and for other purposes; to the Committee on Education and Labor.

By Mr. MILLER of California (for himself, Mr. FORD of Tennessee, Mr. FRASER, Mr. GEPHARDT, Mr. HANNAFORD, Mr. HARRIS, Mr. HAWKINS, Mr. HOWARD, Mr. HUGHES, Mr. JOHNSON of California, Mr. KOCH, Mr. KREBS, Mr. LEHMAN, Mr. LUNDINE, Mr. MAZZOLI, Mr. METCALFE, Mrs. MEYNER, Miss MIKULSKI, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOFFETT, Mr. MOSS, Mr. MURPHY of New York, and Mr. PANETTA):

H.R. 3004. A bill to amend the Older American Act of 1965 to provide a national meals-on-wheels program for the elderly, and for other purposes; to the Committee on Education and Labor.

By Mr. MILLER of California (for himself, Mr. BINGHAM, Mr. BLOUIN, Mr. EDWARDS of California, Mr. HARKIN, Mr. MIKVA, Mr. OTTINGER, Mr. PATTEN, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. ROYBAL, Mr. RYAN, Mr. SANTINI, Mr. SCHEUER, Mr. SIMON, Mrs. SPELLMAN, Mr. STARK, Mr. STRATTON, Mr. STUDDS, Mr. WAXMAN, Mr. CHARLES H. WILSON of California, Mr. WIRTH, Mr. WOLFF, and Mr. WON PAT):

H.R. 3005. A bill to amend the Older Americans Act of 1965 to provide a national meals-on-wheels program for the elderly, and for other purposes; to the Committee on Education and Labor.

By Mr. MILLER of California (for himself, Mr. BEDELL, Mr. PHILLIP BURTON, Mrs. COLLINS of Illinois, Mr. CORNELL, Mr. MCGUIRE, Mr. MCKINNEY, Mr. MOORHEAD of Pennsylvania, Mr. NOLAN, Mr. PATTERSON of California, Mr. ROSENTHAL, Mr. STOKES, Mr. TSONGAS, and Mr. ZEFERETTI):

H.R. 3006. A bill to amend the Older Americans Act of 1965 to provide a national meals-on-wheels program for the elderly, and for other purposes; to the Committee on Education and Labor.

By Mr. MOTTL:

H.R. 3007. A bill to amend title 38 of the United States Code in order to improve the administration of the educational assistance programs; to the Committee on Veterans' Affairs.

By Mr. MURPHY of Pennsylvania:

H.R. 3008. A bill to establish a short-term energy stamp program to provide energy stamps to low- and moderate-income households to help meet the costs of rising fuel bills caused by the severe winter of 1977; to the Committee on Interstate and Foreign Commerce.

Mr. GARY A. MYERS (for himself, Mr. SCHEUER, and Mr. CHARLES WILSON of Texas):

H.R. 3009. A bill to amend the Local Public Works Capital Development and Investment Act of 1976 to increase the authorization, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. PREYER:

H.R. 3010. A bill to amend title XIX of the Social Security Act to include podiatrist's services as physician services for the purposes of the medical assistance program authorized by that title; to the Committee on Interstate and Foreign Commerce.

By Mr. RANGEL:

H.R. 3011. A bill to amend title 10 of the United States Code in order to count, for purposes of nonregular retirement pay, service before World War II in certain State militia units which were racially segregated; to the Committee on Armed Services.

H.R. 3012. A bill to repeal the provisions of Postal Reorganization Act and to reenact the former provisions of title 39, United States Code; to the Committee on Post Office and Civil Service.

H.R. 3013. A bill to amend title II of the Social Security Act to provide that the marriage or remarriage of a beneficiary shall not terminate his or her entitlement to benefits or reduce the amount thereof; to the Committee on Ways and Means.

H.R. 3014. A bill to amend title IV of the Social Security Act to stabilize State welfare costs by providing full Federal reimbursement for any increases in State's aid to families with dependent children payments which reflect rises in the cost of living since 1973 or are due to increased caseload, if the State agrees to make provision for cost-of-living adjustments in such payments, to implement a program of aid to dependent children of unemployed fathers, and not to impose any new restrictive requirements under its approved State plan; to the Committee on Ways and Means.

H.R. 3015. A bill to amend title XX of the Social Security Act to provide that any individual 60 years of age or over may conclusively establish financial eligibility for services thereunder by filing a written statement that his or her income is within the limits required by law; to the Committee on Ways and Means.

By Mr. RICHMOND:

H.R. 3016. A bill to provide emergency financial assistance to local firefighting units in order to maintain essential firefighting services at an adequate level; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3017. A bill to amend the Internal Revenue Code of 1954 to exempt nonprofit volunteer firefighting or rescue organizations from the Federal excise taxes on gasoline, diesel fuel, and certain other articles and services; to the Committee on Ways and Means.

By Mr. RICHMOND (for himself, Mr. BADILLO, Mr. BRODHEAD, Mr. BURKE of Massachusetts, Mr. COHEN, Mr. DOWNEY, Mr. EDWARDS of California, Mr. EILBERG, Mr. FORD of Tennessee, Mr. HAWKINS, Mr. JENRETTE, Ms. KEYS, Mr. KOSTMAYER, Mr. MCKINNEY, Mr. MILLER of California, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MURPHY of New York, Mr. RANGEL, Mr. ROE, Mr. ROUSSELOT, Mr. SCHEUER, Mr. STARK, Mr. STOKES, Mr. WEAVER, and Mr. ZEFERETTI):

H.R. 3018. A bill to provide an opportunity to individuals to make financial contributions, in connection with the payment of their Federal income tax, for the advancement of the arts and the humanities; to the Committee on Ways and Means.

By Mr. ROE (for himself and Mr. BEARD of Rhode Island):

H.R. 3019. A bill to increase the authorization for the Local Public Works Capital Development and Investment Act of 1976; to the Committee on Public Works and Transportation.

By Mr. ROGERS (for himself, Mr. ROSTENKOWSKI, Mr. BRODHEAD, Mr. CARNEY, Mr. CARTER, Mr. CORMAN, Mr. COTTER, Mr. FLORIO, Mr. FREY, Mr. LENT, Mr. MAGUIRE, Ms. MIKULSKI, Mr. OTTINGER, Mr. PIKE, Mr. PREYER, Mr. RUSSO, Mr. SCHEUER, Mr. VANIK, Mr. WAGGONNER, Mr. AMMERMAN, Mr. ANNUNZIO, Mr. BEARD of Rhode Island, Mr. BEVILL, Mr. BIAGGI, and Mr. BRADEMAS):

H.R. 3020. A bill to strengthen the capability of the Government to detect, prosecute, and punish fraudulent activities under the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. ROSTENKOWSKI (for himself, Mr. ROGERS, Mr. BROWN of California, Mr. BURKE of Florida, Mrs. CHISHOLM, Mr. COHEN, Mr. CORRADA, Mr. Mr. COUGHLIN, Mr. DAVIS, Mr. EDGAR, Mr. EILBERG, Mr. ERTEL, Mr. FARY, Mr. FASCELL, Mrs. FENWICK, Mr. FISH, Mr. FLOOD, Mr. FUQUA, Mr. GILMAN, Mr. HARRINGTON, Mr. HEFTEL, Mr. HUBBARD, Mr. HYDE, Mr. ICHORD, and and Miss JORDAN):

H.R. 3021. A bill to strengthen the capability of the Government to detect, prosecute, and punish fraudulent activities under the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce

By Mr. ROGERS (for himself, Mr. ROSTENKOWSKI, Mr. KOCH, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LEHMAN, Mr. LLOYD of California, Mr. MCCLOSKEY, Mr. MCKINNEY, Mr. MATHIS, Mrs. MEYNER, Mr. MINETA, Mr. MITCHELL of New York, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOORHEAD of Pennsylvania, Mr. MURPHY of Illinois, Mr. NOLAN, Mr. PEPPER, Mr. PERKINS, Mr. PRICE, Mr. RAHALL, Mr. RODINO, Mr. RYAN, and Mr. ST GERMAIN):

H.R. 3022. A bill to strengthen the capability of the Government to detect, prosecute, and punish fraudulent activities under the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. ROSTENKOWSKI (for himself, Mr. ROGERS, Mrs. SPELLMAN, Mr. STRATTON, Mr. STUDDS, Mr. THOMPSON, Mr. WALGREN, Mr. WHITLEY, Mr. CHARLES WILSON of Texas, Mr. CHARLES H. WILSON of California, Mr. WOLFF, Mr. ZAFERETTI, Mr. CORNELL, Mr. SEIBERLING, Mr. PATTISON of New York, Mrs. COLLINS of Illinois, Mr. MANN, Mr. ROE, and Mr. MURPHY of New York):

H.R. 3023. A bill to strengthen the capability of the Government to detect, prosecute, and punish fraudulent activities under the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 3024. A bill to amend the National Housing Act and other acts for the purpose of providing assistance for outpatient geriatric clinics and for multipurpose senior centers, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3025. A bill to provide for the inclusion of emergency power equipment in federally assisted multifamily housing facilities which are designed for occupancy in whole or substantial part by the elderly, and to authorize Federal loans to finance the provision of such equipment for those facilities; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3026. A bill to amend the United States Housing Act of 1937, and the National Housing Act, to provide that future social security benefit increases shall be disregarded in determining eligibility for admission to or occupancy of low-rent public housing or the rent which an individual or family must pay for such housing, and that such increases shall also be disregarded in determining eligibility for (and the amount of) other Federal housing subsidies; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3027. A bill to establish a fuel stamp program which will provide fuel stamps to certain low-income elderly households to help meet fuel costs incurred by such households; to the Committee on Interstate and Foreign Commerce.

H.R. 3028. A bill to authorize the Secretary of Housing and Urban Development to encourage and assist in the development of a demonstration basis of several carefully planned projects to meet the special healthcare and related needs of elderly persons in a campus-type setting; to the Committee on Interstate and Foreign Commerce.

H.R. 3029. A bill to amend the Urban Mass Transportation Act of 1964 to provide operating assistance for projects located in areas other than urbanized areas, to provide for mass transportation assistance to meet the needs of elderly and handicapped persons, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 3030. A bill to amend title XVI of the Social Security Act to provide for the payment of a special housing allowance to each recipient of supplemental security income benefits whose housing expenses exceed an amount equal to 25 percent of his or her income, so as to reduce such expenses to that amount; to the Committee on Ways and Means.

By Mr. RUPPE:

H.R. 3031. A bill to amend title XI of the Merchant Marine Act, 1936; to the Committee on Merchant Marine and Fisheries.

H.R. 3032. A bill to provide for permanent tax reductions for individuals and small businesses in order to expand both job opportunities and productivity in the private sector of the economy; to the Committee on Ways and Means.

H.R. 3033. A bill to amend the Internal Revenue Code of 1954 and certain other provisions of law to provide for automatic cost-of-living adjustments in the income tax rates, the amount of the standard, personal exemption, and depreciation deductions, and the rate of interest payable on certain obligations of the United States; to the Committee on Ways and Means.

By Mr. SATTERFIELD:

H.R. 3034. A bill to amend title IX of the Education Amendments of 1972 to provide that an educational institution shall not be subject to the provisions of such title if such institution does not receive any direct Federal financial assistance; to the Committee on Education and Labor.

H.R. 3035. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SKUBITZ:

H.R. 3036. A bill to amend title 18, United States Code, to prohibit the use or possession of a firearm during the commission of certain acts; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 3037. A bill to provide for the protection of franchised distributors and retailers of motor fuel; to encourage conservation by requiring that information regarding the octane rating of automotive gasoline be disclosed to consumers; and to prevent deterioration of competition in gasoline marketing; to the Committee on Interstate and Foreign Commerce.

By Mr. STUDDS (for himself, Mr. HOWARD, and Mr. ZEFERETTI):

H.R. 3038. A bill to establish a comprehensive legal regime governing liability and compensation for removal costs and other damages caused by oil pollution, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, and Public Works and Transportation.

By Mr. UDALL:

H.R. 3039. A bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALSH:

H.R. 3040. A bill to amend title II of the Social Security Act to provide that the marriage or remarriage of an adult beneficiary shall not terminate his or her entitlement to benefits or reduce the amount thereof; to the Committee on Ways and Means.

By Mr. WAMPLER:

H.R. 3041. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

H.R. 3042. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 3043. A bill to amend title II of the Social Security Act to provide that an individual may become entitled to widow's or widower's insurance benefits, subject to the existing actuarial reduction, at age 50 whether or not disabled; to the Committee on Ways and Means.

H.R. 3044. A bill to amend title II of the Social Security Act to provide that any fully insured individual may qualify for disability insurance benefits and the disability freeze if he has 40 quarters of coverage, regardless of when such quarters were earned, even if he does not have 20 quarters of coverage during the 40-quarter period immediately preceding his disability; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 3045. A bill to amend the National Labor Relations Act to provide that the duty to bargain collectively includes bargaining with respect to retirement benefits for retired employees; to the Committee on Education and Labor.

By Mr. ZEFERETTI:

H.R. 3046. A bill to extend the coastwise laws of the United States to the U.S. Virgin Islands with respect to the transportation in bulk by water of crude oil, unfinished oils, residual fuel oil, and finished petroleum products; to the Committee on Merchant Marine and Fisheries.

By Mr. BINGHAM (for himself, Mr. HARKIN, Mr. JOHN L. BURTON, Mr. BEDELL, Mr. BROWN of California, Mr. DELLUMS, Mr. DRINAN, Mr. EDWARDS of California, Mr. FRASER, Mr. HARRINGTON, Mr. HAWKINS, Mr. STARK, Mr. ROSENTHAL, Mr. TSONGAS, Mr. SOLARZ, Mr. MCCLOSKEY, and Mrs. MEYNER):

H.R. 3047. A bill amending the Trading With the Enemy Act to repeal the embargo on United States trade with Vietnam; to the Committee on International Relations.

By Mr. BROYHILL:

H.R. 3048. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for expenditures by a taxpayer for solar heating and cooling equipment installed in new or existing buildings, and a tax credit for expenditures by an individual for insulation in such individual's principal residence; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 3049. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 3050. A bill to amend section 451 of the Internal Revenue Code of 1954 to provide for a special rule for the inclusion in income of magazine sales for display purposes; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. HUGHES, and Mr. MOORHEAD of California):

H.R. 3051. A bill to amend the Tariff Schedules of the United States to provide duty-free treatment of any aircraft engine used as a temporary replacement for an aircraft engine being overhauled within the United States if duty was paid on such replacement engine during a previous importation; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. BLOUIN, Mr. BONIOR, Mr. BURGENER, Mrs. BURKE of California, Mr. DRINAN, Mr. FORD of Michigan, Mr. FRASER, Ms. HOLTZMAN, Mr. HOWARD, Mr. LEGGETT, Mrs. LLOYD of Tennessee, Mr. MOFFETT, Mr. NEAL, Mr. NOLAN, Mr. PATTERSON of California, Mr. PEPPER, Mr. REUSS, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. SIMON, Mrs. SPELLMAN, Mr. STOKES, and Mr. WIRTH):

H.R. 3052. A bill to amend title XVIII of the Social Security Act to provide coverage for services which may be performed by a dentist on the same basis as presently allowed for physicians under the medicare program, and to authorize payment under such program for all inpatient hospital services furnished in connection with dental procedures requiring hospitalization; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. CORMAN (for himself, Mr. BURLESON of Texas, Mr. GIBBONS, Mr. WAGGONNER, Mr. RANGEL, Mr. COTTER, Mr. STARK, Mr. JONES of Oklahoma, Mr. MIKVA, Mr. FISHER, Mr. FORD of Tennessee, Mr. HOLLAND, Mr. BRODHEAD, Mr. CONABLE, Mr. DUNCAN of Tennessee, Mr. FRENZEL, Mr. MARTIN, Mr. BAFALIS, and Mr. KETCHUM):

H.R. 3053. A bill to amend title XVIII of the Social Security Act to provide coverage for services which may be performed by a dentist on the same basis as presently allowed for physicians under the medicare program, and to authorize payment under such program for all inpatient hospital services furnished in connection with dental procedures requiring hospitalization; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. DANIELSON:

H.R. 3054. A bill to amend chapter 171 of title 28, United States Code, to alter procedures with respect to certain malpractice suits against Federal medical personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 3055. A bill to amend title 5, United States Code, to improve the administration of the provisions thereof relating to compensation for Government employee work injuries through the establishment of a medical review board to review occupational disease claims, and for other purposes; to the Committee on Education and Labor.

By Mr. EILBERG:

H.R. 3056. A bill to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. BAUCUS, Mr. BURKE of Florida, Mrs. BURKE of California, Mr. JOHN L. BURTON, Mr. BYRON, Mr. CEDERBERG, Mr. CONTE, Mr. DODD, Mrs. FENWICK, Mr. HANNAFORD, Mr. HARRINGTON, Mr. HAWKINS, Mr. LAFALCE, Mr. MCHUGH, Mr. MANN, Mrs. MEYNER, Ms. MIKULSKI, Mr. NIX, Mr. O'BRIEN, Mr. PATTISON of New York, Mr. PRICE, Mr. PURSELL, Mr. RINALDO, and Mr. ROE):

H.R. 3057. A bill to establish a task force to study and evaluate the taxation of real property by State and local governments, the effects of such taxation on certain taxpayers, and the feasibility of Federal taxation and other policies designed to reduce the dependence of State and local governments on such taxation; jointly to the Committees on Ways and Means, and Government Operations.

By Mr. GILMAN (for himself, Mr. SCHEUER, Mr. STOKES, Mr. WALGREN, Mr. WEAVER, Mr. CHARLES H. WILSON of California, and Mr. WON PAT):

H.R. 3058. A bill to establish a task force to study and evaluate the taxation of real property by State and local governments, the effects of such taxation on certain taxpayers, and the feasibility of Federal taxation and other policies designed to reduce the dependence of State and local governments on such taxation; jointly to the Committees on Ways and Means, and Government Operations.

By Mrs. HECKLER:

H.R. 3059. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, to provide benefits for widowed fathers with minor children, to make certain other changes so that benefits for husbands, widowers, and fathers will be payable on the same basis as benefits for wives, widows, and mothers, and to permit the payment of benefits to a married couple on their combined earnings record where that method of computation provides a higher combined benefit; to the Committee on Ways and Means.

By Mr. KEMP (for himself, Mr. BURKE of Florida, Mr. CARTER, Mr. DON H. CLAUSEN, Mr. CLEVELAND, Mr. ROBERT W. DANIEL, Jr., Mr. DUNCAN of Tennessee, Mr. EDWARDS of Alabama, Mr. FINDLEY, Mr. FORSYTHE, Mr. FRENZEL, Mr. FREY, Mr. GILMAN, Mr. JOHNSON of Colorado, Mr. MARRIOTT, Mr. MATHIS, Mr. MCEWEN, Mr. MCCLOSKY, Mr. RAILSBACK, Mr. ROBINSON, Mr. SCHULZE, Mr. SHUSTER, Mr. STOCKMAN, Mr. TAYLOR, and Mr. VANDER JAGT):

H.R. 3060. A bill to provide for permanent tax reductions for individuals and businesses in order to expand both job opportunities and productivity in the private sector of the economy; to the Committee on Ways and Means.

By Mr. KEMP (for himself and Mr. WAGGONNER):

H.R. 3061. A bill to provide for permanent tax reductions for individuals and businesses in order to expand both job opportunities and productivity in the private sector of the economy; to the Committee on Ways and Means.

By Mr. LAGOMARSINO:

H.R. 3062. A bill to amend section 202 of the Housing Act of 1959 and section 8 of the United States Housing Act of 1937 for the purpose of providing assistance to mobile home projects to be used as residences for the elderly or handicapped families; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McFALL:

H.R. 3063. A bill to amend title II of the Social Security Act to permit retirement of all persons in the United States at the age of 60 years with benefits sufficient, in the absence of any other resource, to assure elderly persons freedom from poverty and also to assure elderly persons generally full participation in prevailing national standards of living, to provide like benefits for physically, mentally, or vocationally disabled persons aged 18 and over, and to provide benefits for certain fufil-time students aged 18 to 25, and to provide benefits for certain female heads of families and for certain children, and to provide for the establishment and operation of this system of social security by an equitable gross income tax, and for other purposes; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. McKINNEY:

H.R. 3064. A bill to provide that a U.S. passport shall not disclose the place of birth of the person to whom it was issued; to the Committee on International Relations.

By Mr. McKINNEY (for himself, Mr. ANDERSON of Illinois, Mr. BURGENER, Mr. COLLINS of Texas, Mr. DUNCAN of Tennessee, Mr. HARRINGTON, Mr. HOWARD, Mr. HYDE, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEHMAN, Mr. MARTIN, Mr. MATHIS, Mr. MOLLOHAN, Mr. SARASIN, and Mr. THOMPSON):

H.R. 3065. A bill to amend the Internal Revenue Code of 1954 to allow an individual to exclude from gross income the gain from the sale or exchange of the individual's principal residence; to the Committee on Ways and Means.

By Mr. NEAL:

H.R. 3066. A bill to limit the use of limousines; to the Committee on Government Operations.

By Mr. NOLAN:

H.R. 3067. A bill to enact the National School-Age Mother and Child Health Act of 1977; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 3068. A bill to amend section 8 of the United States Housing Act of 1937 for the purpose of reducing the amount of rent required to be paid by elderly families residing in dwelling units assisted by Federal contributions authorized by such section; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROUSSELOT (for himself, Mr. EDWARDS of Oklahoma, Mrs. COLLINS of Illinois, Mr. SIKES, Mr. SNYDER, Mr. SKUBITZ, Mr. KINDNESS, Mr. DORNAN, Mr. LOTT, Mr. BADHAM, Mr. BROWN of Michigan, Mr. REGULA, Mr. ROBERTS, Mr. MICHEL, Mr. CHARLES WILSON of Texas, Mrs. HOLT, Mr. EDWARDS of Alabama, Mr. HANNAFORD, Mr. THONE, Mr. BEARD of Rhode Island, Mr. DEL CLAWSON, Mr. LLOYD of California, Mr. ASHBROOK, Mr. QUIE, and Mr. BURGENER):

H.R. 3069. A bill to amend chapter 49 of title 10, United States Code, to prohibit union organization in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. ROUSSELOT (for himself, Mr. SYMMS, and Mr. MOORHEAD of California):

H.R. 3070. A bill to protect the constitutional rights of citizens of the United States and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing the disclosure of certain financial information by financial institutions to governmental agencies, and for other purposes; to the Committe on Banking, Finance and Urban Affairs.

By Mr. SCHEUER:

H.R. 3071. A bill to amend chapter 4 of title 23, United States Code, relating to the addition of safety belt use requirements as part of the highway safety program of each State; to the Committee on Public Works and Transportation.

By SCHEUER (for himself, and Mr. WAXMAN):

H.R. 3072. A bill to establish equal employment opportunities for individuals over 40 years of age under a nationwide program for full employment and balanced growth; to the Committee on Education and Labor.

H.R. 3073. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit with respect to housing senior citizens in the principal residence of the taxpayer; to the Committee on Ways and Means.

By Mrs. SPELLMAN:

H.R. 3074. A bill to amend the Budget and Accounting Act, 1921, to require that all departmental budget requests made to the Office of Management and Budget with respect to any fiscal year be submitted to the Congress along with the President's budget for such year, and that officials of the Office of Management and Budget, when requested to do so by the appropriate committees of the Congress, testify before such committees on the President's budget and on such departmental budget requests; to the Committee on Government Operations.

H.R. 3075. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

H.R. 3076. A bill to promote services and program designed to assure the opportunity for adoption for all eligible children; jointly, to the Committees on Education and Labor, and Ways and Means.

By Mr. STEIGER:

H.R. 3077. A bill to amend the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. TREEN (for himself, Mr. COLLINS of Texas, Mr. BEARD of Tennessee, Mr. DICKINSON, Mr. BAFALIS, Mr. CHARLES WILSON of Texas, Mr. WAGGONNER, Mr. KETCHUM, Mr. EDWARDS of Oklahoma, Mr. MOLLOHAN, Mr. LOTT, Mr. SYMMS, Mrs. HOLT, Mr. MARTIN, Mr. CRANE, Mr. HANSEN, and Mr. MOORE):

H.R. 3078. A bill to amend title XX of the Social Security Act to repeal the mandatory child day care requirements which are presently contained therein; to the Committee on Ways and Means.

By Mr. WINN (for himself, Mr. SEBELIUS, Mrs. KEYS, and Mr. GLICKMAN):

H.R. 3079. A bill to provide for the establishment of the Agricultural Hall of Fame National Cultural Park in the State of Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MAHON:

H.J. Res. 227. Joint resolution making urgent power supplemental appropriations for the Department of the Interior, Southwestern Power Administration for the fiscal year ending September 30, 1977 and for other purposes; to the Committee on Appropriations.

By Mr. BURLISON of Missouri (for himself, Mr. BURGENER, Mr. ROYBAL, Mr. BROWN of California, Mr. BUCHANAN, Mr. EMERY, Mr. MEEDS, Mr. PEPPER, Mr. PERKINS, Mr. PRICE, Mr. ANDERSON of Illinois, Mr. CAVANAUGH, Mr. HANLEY, Mr. HOWARD, Mr. LUKEN, Mr. MITCHELL of New York, Mr. GIBBONS, Mr. KREBS, Mr. MURPHY of Pennsylvania, Mrs. PETTIS, Mr. TONRY, Mr. WOLFF, Mr. GEPHARDT, Mr. STARK, and Mr. WEISS):

H.J. Res. 228. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BURLISON of Missouri (for himself, Mr. SEIBERLING, Mr. MITCHELL of Maryland, Mr. BAUCUS, Mr. DOWNEY, Mr. HANNAFORD, Mr. WON PAT, Mr. FORD of Michigan, Mr. RICHMOND, Mr. KILDEE, Mrs. COLLINS of Illinois, Mr. PEASE, Mr. BEDELL, Mr. DUNCAN of Oregon, Mr. BREAUX, Mr. CORNELL, and Mr. NOLAN):

H.J. Res. 229. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. CONTE (for himself, Mr. EDGAR, Mr. PURSELL, Mr. SARASIN, Mr. MILFORD, Mr. KETCHUM, Mr. DUNCAN of Oregon, Mr. BAUCUS, Mr. BONIOR, and Mr. BEDELL):

H.J. Res. 230. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. CONTE (for himself, Mr. OTTINGER, Mr. NEDZI, Mr. MINISH, Mr. LEGGETT, Mr. YATRON, Mr. CHARLES H. WILSON, of California, Mr. BALDUS, Mr. WINN, and Mr. PATTERSON of California):

H.J. Res. 231. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. ICHORD:

H.J. Res. 232. Joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States; to the Committee on the Judiciary.

H.J. Res. 233. Joint resolution proposing an amendment to the Constitution to permit the States to regulate or forbid abortion; to the Committee on the Judiciary.

By Mr. MOTTL (for himself, Mr. ANNUNZIO, Mr. DAN DANIEL, Mr. ROBERT W. DANIEL, Jr., Mr. DERWINSKI, Mr. HYDE, Mr. KELLY, Mr. KETCHUM, Mr. LAGOMARSINO, Ms. LLOYD of Tennessee, Mr. LOTT, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. ROBERTS, Mr. SNYDER, Ms. SPELLMAN, Mr. WALKER, and Mr. WHITEHURST):

H.J. Res. 234. Joint resolution proposing an amendment to the Constitution of the United States to prohibit compelling attendance in schools other than the one nearest the residence and to insure equal educational opportunities for all students wherever located; to the Committee on the Judiciary.

By Mr. NEDZI (for himself and Mr. BLANCHARD):

H.J. Res. 235. Joint resolution proposing an amendment to the Constitution of the United States relative to the assignment of public school students; to the Committee on the Judiciary.

By Mr. RUPPE:

H.J. Res. 236. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. TREEN (for himself, Mr. MILFORD, Mr. DAN DANIEL, Mr. MCDONALD, Mr. HALL, Mr. KINDNESS, Mr. DERKWINSKI, Mr. LAGOMARSINO, Mr. CARTER, Mr. MONTGOMERY, Mr. KETCHUM, Mr. KEMP, Mr. SIMON, Mr. LOTT, Mr. BADHAM, Mr. HANNAFORD,

Mr. EDWARDS of Oklahoma, Mr. MOTTL, Mr. RUDD, Mr. KELLY, Mr. HAMMERSCHMIDT, Mr. COLLINS of Texas, Mr. BURKE of Florida, and Mr. SNYDER):

H.J. 237. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; to the Committee on the Judiciary.

By Mr. BROWN of Michigan:

H. Con. Res. 102. Concurrent resolution relative to the release of Gunars Rode from imprisonment in the Soviet Union; to the Committee on International Relations.

By Mr. DEVINE:

H. Con. Res. 103. Concurrent resolution expressing the sense of the Congress in favor of eliminating the reduction in veterans' pensions which results when cost-of-living increases in social security or railroad retirement benefits occur; to the Committee on Veterans' Affairs.

By Mr. HAGEDORN (for himself, Mr. BEDELL, Mr. SNYDER, and Mr. KELLY):

H. Con. Res. 104. Concurrent resolution to establish a Commission on Legislative-Judicial Relations; to the Committee on the Judiciary.

By Mr. PRESSLER (for himself, Mr. ABDNOR, Mr. BAUCUS, Mr. BEDELL, Mr. BURGENER, Mr. CEDERBERG, Mr. KETCHUM, Mr. LEGGETT, Mr. LUJAN, Mr. MONTGOMERY, Mr. QUIE, Mr. RONCALIO, Mr. STEED, Mr. THONE, and Mr. CHARLES WILSON of Texas):

H. Con. Res. 105. Concurrent resolution to disapprove the determination of the President denying import relief under the Trade Act of 1974 to the U.S. honey industry; to the Committee on Ways and Means.

By Mr. EDGAR (for himself, Mr. TSONGAS, Mr. CAVANAUGH, Mr. COLLINS of Texas, Mr. KEMP, Mr. LLOYD of California, Mr. STARK, Mr. LENT, Mr. CHARLES WILSON of Texas, Mr. SANTINI, Mr. WALKER, Ms. SPELLMAN, Mr. WOLFF, Mr. TRIBLE, Mr. QUAYLE, Mr. RYAN, Mr. MCDADE, Mr. ROYBAL, Mr. MIKVA, Mr. CONTE, Mr. ASHBROOK, and Mr. BEDELL):

H. Res. 232. Resolution condemning terrorist activities and the premature release of Abu Daoud; to the Committee on International Relations.

By Mr. FLYNT:

H. Res. 233. Resolution providing funds for the expenses of the Committee on Standards of Official Conduct; to the Committee on House Administration.

By Mr. FLYNT (for himself, Mr. SPENCE, Mr. TEAGUE, Mr. QUILLEN, Mr. BENNETT, Mr. QUIE, Mr. HAMILTON, Mr. COCHRAN, Mr. PREYER, Mrs. FENWICK, Mr. FLOWERS, and Mr. CAPUTO):

H. Res. 234. Resolution providing that during the 95th Congress, first session, all of the expenses of the Committee on Standards of Official Conduct shall be paid from the contingent fund of the House of Representatives upon vouchers signed by its chairman and ranking minority member; to the Committee on House Administration.

By Mr. FLYNT (for himself and Mr. SPENCE):

H. Res. 235. Resolution to authorize and direct the Committee on Standards of Official Conduct to determine whether Members of the House, their immediate families, or their associates accepted anything of value, directly or indirectly, from the Government of the Republic of Korea or representatives thereof; to the Committee on Rules.

By Mr. FRENZEL:

H. Res. 236. Resolution expressing the sense of the House that the U.S. Government should seek agreement with other members of the United Nations on prohibition of weather modification activity as a weapon of war; to the Committee on International Relations.

By Mrs. LLOYD of Tennessee (for herself, Mr. MCCORMACK, Mr. LUJAN, and Mr. RUNNELS):

H. Res. 237. Resolution disapproving the proposed deferral of budget authority for the Energy Research Development Administration for Community Operations; to the Committee on Appropriations.

By Mr. MCFALL (for himself, Mr. DEL CLAWSON, Mr. CORMAN, Mr. JOHNSON of California, Mr. KETCHUM, Mr. LEGGETT, Mr. MINETA, Mr. MOORHEAD of California, Mr. BOB WILSON, and Mrs. PETTIS):

H. Res. 238. Resolution expressing the sense of the House with respect to the immediate removal of certain regulations unilaterally put in place by the European Economic Community which have the effect of damaging and interfering with historic and acceptable trade patterns in the United States exports of dried prunes, and efforts made to restrict exports of walnuts to the European Economic Community; to the Committee on Ways and Means.

By Mr. MOTTL (for himself, Mr. ANDREWS of North Dakota, Mr. BEDELL, Mr. DAN DANIEL, Mr. HAGEDORN, Mr. HAWKINS, Mr. HOWARD, Mr. HYDE, Mr. KEMP, Mr. KINDNESS, Mr. MCKINNEY, Mr. MILFORD, Mr. MOORHEAD of California, Mr. NEAL, Mr. SARASIN, Mr. STEIGER, Mr. TONRY, and Mr. WEISS):

H. Res. 239. Resolution to create a select committee to conduct a study of the circumstances surrounding both product liability and professional liability insurance rate increases, and of any other product and professional liability insurance coverage issues the committee shall determine; to the Committee on Rules.

By Mr. REUSS (for himself and Mr. ANNUNZIO):

H. Res. 240. Resolution providing for the printing of 4,500 additional copies of the subcommittee print of the Subcommittee on Consumer Affairs of the Committee on Banking, Finance and Urban Affairs entitled "Give Yourself Credit: Guide to Consumer Credit Laws"; to the Committee on House Administration.

By Mr. SCHEUER (for himself, Mr. ABDNOR, Mr. AMBRO, Mr. BINGHAM, Mr. BRODHEAD, Mr. CARTER, Mr. CEDERBERG, Mr. CORNWELL, Mr. DUNCAN of Oregon, Mr. FORD of Tennessee, Mr. HARRINGTON, Mr. HOLLENBECK, Mr. HUCKABY, Mr. KOSTMAYER, Mr. LEACH, Mr. MCCORMACK, Mr. MCFALL, Mr. MAZZOLI, Ms. MIKULSKI, Mr. MILLER of California, Mr. NEAL, Mr. NIX, Mr. PEASE, Mr. SOLARZ, and Mr. TREEN):

H. Res. 241. Resolution to establish a Select Committee on Population; to the Committee on Rules.

By Mr. SCHEUER (for himself, Mr. TUCKER, Mr. WHITEHURST, Mr. WIRTH, Mr. HEFTEL, Mr. PEPPER, Mr. ROSE, and Mr. JACOBS):

H. Res. 242. Resolution to establish a Select Committee on Population; to the Committee on Rules.

By Mr. WALSH:

H. Res. 243. Resolution to disapprove the proposed increase in executive, legislative, and judicial salaries transmitted by the President; to the Committee on Post Office and Civil Service.

By Mr. KELLY:

H. Res. 244. Resolution to provide that the salary increase recommended by the President for certain executive legislative, and judicial positions shall not take effect; to the Committee on Post Office and Civil Service.

By Mr. NEAL:

H. Res. 245. Resolution to disapprove pay increases proposed by the President for the Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. MOSS:

H. Res. 246. Resolution providing for the printing as a House document of a report of the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 3080. A bill to convey the mineral rights in certain real property located in Izard County, Ark., to L. M. Brown, the owner of such real property; to the Committee on Interior and Insular Affairs.

By Mr. GRADISON:

H.R. 3081. A bill for the relief of Mrs. Chong Sun Yi Rauch; to the Committee on the Judiciary.

By Mr. HAGEDORN:

H.R. 3082. A bill for the relief of Robert H. Carleton; to the Committee on the Judiciary.

By Mr. HAMILTON:

H.R. 3083. A bill for the relief of the family of Zohair Moghrabi; to the Committee on the Judiciary.

By Mr. HARRIS:

H.R. 3084. A bill for the relief of Morris and Lenke Gelb; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 3085. A bill for the relief of Milos Forman; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 3086. A bill for the relief of Dina Elizabeth Guzman; to the Committee on the Judiciary.

By Mr. TREEN:

H.R. 3087. A bill for the relief of Mr. and Mrs. Hugh Mapp; to the Committee on the Judiciary.

By Mr. TSONGAS:

H.R. 3088. A bill for the relief of Helen Xiggers Jeck; to the Committee on the Judiciary.

H.R. 3089. A bill for the relief of John Kolias (a.k.a. Ioannis Georgios Kolios, a.k.a. John Kolios) to the Committee on the Judiciary.

By Mr. WAXMAN:

H.R. 3090. A bill for the relief of Fidel Grosso-Padilla; to the Commitee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 3091. A bill for the relief of Marcus Bruce Paine; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII:

38. The SPEAKER presented a petition of the Suffolk County Legislature, N.Y., relative to the recent awarding of grants under title I of the Public Works Employment Act of 1976; to the Committee on Public Works and Transportation.

EXTENSIONS OF REMARKS

TRIBUTE TO JOSEPH L. BALZANO—EXEMPLARY PUBLIC SERVANT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. BIAGGI. Mr. Speaker, it is my personal honor to pay tribute to a good friend and outstanding public servant, Joseph L. Balzano, who is retiring after more than 12 years as president of the New York City Housing Patrolman's Benevolent Association.

Joe leaves behind a legacy of service and dedication which will endure for years to come. Joe's association with the housing police department encompasses more than two decades, more than half of these years spent serving as president and vice president of their Patrolmen's Benevolent Association. He exhibited strong but compassionate leadership, selflessly working to project and protect the rights of his fellow housing policemen. He owes much of his success to the personal touch he brought to the presidency and his ability to keep his members informed on all matters important to them.

As a 23-year veteran of the New York City Police Department I have developed many close friendships with others in law enforcement. None of mine are any closer than that I have with Joe Balzano. He displays the same qualities of dedication, loyalty, and compassion to his friends and this attributes to the enduring quality of his friendships.

The housing police as well as the city of New York are losing a fine leader in Joe Balzano. He will be missed by the members of the housing police. Yet his lovely wife Mickey and children Louis Joseph, Jr., and Donna, will have a golden opportunity to spend more time with Joe, so our loss is their gain.

At this time I would like to insert into the RECORD the text of Joe Balzano's farewell statement to the members of the Housing Patrolman's Benevolent Association contained in the November-December addition of On the Beat magazine:

THE PRESIDENT'S REPORT

(By Joseph L. Balzano)

For more than two decades I have had the honor and privilege of being associated with one of the finest police groups in the nation. I have been a member of the Housing Police Department for twenty-two years. For more than twelve years I have served as president of the Housing Patrolmen's Benevolent Association, and for more than two years before that as vice president.

This is my final message to my brothers as head of the union. I thank you for the opportunity you gave me to serve you. It has been a period of my life that I shall never forget and one which I shall always appreciate.

I step down now from the presidency confident that your leadership rests in a splendid team. Over the years they have worked closely with me and I know them "up close," not as casual acquaintances.

If I would ask one thing of our wonderful membership, it would be to urge that you continue to work with the new leadership as you did with me, and to give them your support for without it they cannot function effectively.

To be realistic, we must recognize that there are difficult days ahead and the officers of the association will need you if they are to overcome the obstacles they will be facing.

An honest appraisal tells us that police unions and, indeed, all unions of public employees will have rough going in the future. Our association must strengthen its ties with brother unions, both statewide and citywide, to hold to the gains we have won in the past. That will be no mean task when we consider the fiscal straits that our city finds itself in.

Your new president, Jack Jordan, is an able and politically wise gentleman. He and his team will be pursuing the priority programs important to all of us—the drive to rehire all of our laid-off officers and protecting the bill passed three ago known as the Precinct Bill. They will fight to secure a good contract for the membership because they know how hard the job is and how much effort and dedication our men put into their tasks.

As I look back over the years, my administration met successes and disappointments alike, but, fortunately, I think that our successes outnumbered the areas in which we met disappointments.

It is my wish and prayer that the future will show an increase in our success ratio, and I know the new officers will be battling towards that end.

My entire professional life has been in the field of law enforcement and with our union that I cherish so dearly. All of us mellow as the years pass, but my love for my fellow officers holds as much passion now and burns with as much vigor now as it did in the days when I was a much younger man.

You, my brother officers, have made a better person of me. I hope I have contributed in some measure to improving your lives as the head of your union. I thank you again for permitting me to have served you. I wish you well in the years ahead and a happy holiday season, coupled with good health for you and your families.

This is my so-long for now, but it will never be goodbye.

NATIONAL AIRLINES NEEDS EXPEDITIOUS ACTION OF THE CAB

HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. BAFALIS. Mr. Speaker, serious snags have developed in the United States-British renegotiations of the existing international agreement authorizing and regulating U.S.-U.K. air services. These difficulties have serious implications to the American airlines which currently serve London. If these agreements are not resolved shortly, air service between the United States and Britain could be disrupted.

The airline most affected by these problems is National Airlines. The Miami-London route granted National 7 years ago is that airlines sole European route. If negotiations do stall, National stands to lose a great deal. Last year National carried over a quarter of a million passengers on its London-Miami route.

In view of these facts, the petition National has filed with the Civil Aeronautics Board to provide service between Miami and Paris for 1 year is given added urgency. If the petition is approved expeditiously, air service between these cities could begin as early as May 1 of this year. Therefore, if the renegotiation stalls further, National can continue its service to Europe.

Further, it would seem logical that the extension of this air service would certainly provide a good bargaining tool to U.S. officials in trying to secure an agreement with British officials. If Britain is aware of the fact that Paris is available as an attractive alternative, it may relent on its protectionist efforts to divide its air market.

National has proven its ability to provide outstanding service to its air customers. The European route has proven a boon to Florida's tourist economy. A second gateway to Europe would certainly be in the best interests of all involved—National and its employees, Florida and its economy, and the U.S. Government and its balance of payments.

As a representative of the State of Florida, I heartily endorse National's petition. I urge the CAB to give it the affirmative and expeditious attention it deserves.

FEDERAL SHIP FINANCING PROGRAM

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. RUPPE. Mr. Speaker, on January 19, 1977, the former Secretary of Commerce, Elliot L. Richardson, announced that the Maritime Administration of the Department of Commerce had agreed to guarantee the financing for the construction of seven liquefied natural gas—LNG—vessels by and for the General Dynamics Corp. These guarantees, totaling $730 million, pursuant to title XI of the Merchant Marine Act, 1936, represent the largest single guarantee not only in the history of the Federal ship financing program but any Federal guarantee program dwarfing the Federal loan guarantee extended to Lockheed Aircraft by almost a half billion dollars.

I understand the LNG vessels are being built in General Dynamics' Quincy, Mass., shipyard, will sail under the U.S. flag, and will be manned by U.S. seamen. They will be chartered by General Dynamics to Energy Transportation Corp., a U.S.-flag operator, which in turn will charter them to a subsidiary of Burmah Oil Co., Ltd., a British corporation, to transport LNG from Indonesia to Japan. While I do not question either the legality or the propriety of the transaction under existing maritime law, I have grave reservations on the broad policy issue of whether the U.S. Government should guarantee the financing of vessels ultimately chartered to a foreign corporation to carry LNG between two foreign countries. My reservations are essentially twofold.

First, admittedly there are certain benefits to be derived by the U.S. maritime community, but why should the U.S. Government risk the sums of money involved in this transaction, that is, the amount of the guarantee is more than 10 percent of the total guarantee authority of the Maritime Administration, to transport LNG from Indonesia to Japan? It appears to me that the benefits to be derived by the Governments of Indonesia and Japan, and Burmah Oil far outweigh those benefits. Second, the record developed during the year and a half Merchant Marine and Fisheries Committee's examination of U.S. Maritime Policy establishes that the primary rationale for Federal assistance to the U.S. merchant marine, of which the Federal ship financing program is a part, is national security. I question how those seven LNG vessels can be considered an asset to the national security if they never touch our shores. Obviously, as a practical matter, we do not have any control over them. In my view the U.S. Government should not guarantee the financing for the construction of vessels in such circumstances.

Accordingly, I am introducing legislation today designed to preclude the Secretary of Commerce from making a guarantee of an obligation which aids in financing the construction, reconstruction, or reconditioning of a vessel engaged in foreign-to-foreign trading. I believe this legislation will serve as the vehicle for a full and frank exchange of views on this broad maritime policy issue.

THE LEVI LEGACY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. EDWARDS of California. Mr. Speaker, Edward H. Levi, outgoing Attorney General, is to be commended for the respect and trust he restored to the position of highest law enforcement officer in the land.

He appeared before my Civil and Constitutional Rights Subcommittee of the Judiciary Committee two times; first, to give testimony about COINTEL and domestic intelligence, and the last time to give testimony about new FBI and Justice Department guidelines in dealing with domestic intelligence. Both times he was impressive in his efforts to be cooperative and helpful.

In written communications with Mr. Levi, he helped reestablish a climate of trust between the legislative and executive branches.

During his tenure, Mr. Levi never simply waited for an event to happen to react, but frequently initiated communication with us on matters concerning his jurisdiction and ours.

I commend him for restoring public confidence to the office and for taking politics out of it.

I would like to enter another tribute to Mr. Levi which appeared in the January 26, 1977 edition of the Christian Science Monitor as an editorial:

THE LEVI LEGACY

Edward Levi set a refreshing tone as Attorney General when he offered no political or bureaucratic justification of FBI abuses but simply called them "outrageous." That was early in a tenure that went on to restore a sense of ethics and professionalism to an office which his successor will be challenged to leave in equally good order.

"I think there's enough dishonesty, and lack of candor, and instability, in our society as it is, and I don't think a government agency should add to that," Mr. Levi said. And he acted on his words.

Mr. Levi's record would have been even better if he had supported more stringent handgun control, for example, and not supported a return to capital punishment. He unfortunately also contributed to an air of uncertainty as to how far the Ford administration genuinely supported desegregation law.

But Mr. Levi eventually came out specifically against seeking the reversal of Supreme Court desegregation rulings. And he decided against the Justice Department's joining an appeal for Supreme Court review of the Boston desegregation decision. Thus he seemed to follow through on his answer to a question about the possible impact of Justice Department intervention in the Boston case: "You can be sure the Justice Department will do nothing to encourage violence." Some had felt that such high-level intervention might have fostered resistance to the law.

Mr. Levi also followed through on his stated concern about FBI abuses in counterintelligence harassment and other matters. He reined in the agency with guidelines. He ended the years-long unproductive campaign against the Socialist Workers Party. He abided by strict standards on wiretapping.

When questions arose about President Ford's past political financing, Mr. Levi initiated an investigation. When Mr. Ford was cleared, the climate had become such that the finding could be accepted as truth rather than cover-up.

Mr. Levi had a lot to do with establishing that climate. We thank him for it and wish him well back in Chicago.

TRIBUTE TO ROGER LAWTON SIMMONS

HON. W. G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. HEFNER. Mr. Speaker, it is speculated that just before the instant of death, the memories of one's entire lifetime flash across the screen of consciousness. I personally can neither prove nor disprove that theory. But I can say with greater certainty that some people who have approached death, and yet survived, seem to have drawn a profound strength from the experience.

Such a man was Roger Lawton Simmons, late a resident of Hamlet, N.C. Mr. Simmons barely escaped death on a World War II battlefield in the Netherlands—and finally kept the appointment on October 23, 1976. And upon the loom of the intervening years was woven a life of sacrifice, on the one hand, and on the other, a life of extraordinary human achievement.

It is not enough to declare that Roger Simmons was my friends, or that he was beloved by the citizens of his hometown. His compassion and his generosity knew no bounds. He poured them freely upon anyone in need and spent energy which he scarcely could spare upon any worthwhile cause.

Roger Simmons was disabled March 1, 1945, during a German artillery barrage on his command post near Horn, Holland. Injured in the left leg, he received routine field treatment and remained in the lines 4 days before being evacuated to a hospital. He ended up with gangrene, and almost lost the leg to amputation. Instead, he spent months in various hospitals undergoing treatment and recuperation.

It would have been perfectly natural for Roger to conclude that he had contributed to his country all that reasonably could be required of him. Quite to the contrary, he seemed to have assumed a greater debt of gratitude which he sought to pay through continual service to his fellow man.

Time does not permit a litany of Roger Simmons' activities in behalf of his community, his neighbors, and humanity at large. He spent almost 30 years as a newspaper editor, a profession notorious for its demands on personal time and energy. But in addition to this, Mr. Speaker, he left the following record of contribution:

He served as drive chairman, public relations director, or member of the board of directors of the March of Dimes, the Cancer Crusade, the Diabetes Association, Easter Seals, Cerebral Palsy, the Heart Association, the American Red Cross, the YMCA—and was chairman of the Mayor's Council for Employment of the Handicapped for 7 years.

He served on the boards of directors of McLaurin Vocational Center, First Methodist Church, Hamlet Rotary Club, the North Carolina Peach Festival, the United Way, the Bicentennial Commission, Hamlet Planning Board, the Biracial Commission, the Railroad Museum, and the Boosters Club.

He was a member of Disabled American Veterans, the American Legion, Veterans of Foreign Wars, AMVETS, Military Order of the Cootie, Order of the Trench Rats, U.S. Army Association, and the Legion Go-Getters.

He served as commander of his American Legion post three times; as commander of his VFW post twice; chapter commander of DAV twice, and commander of his AMVETS post once. Further, he served in all four organizations at the district or department levels during his 30 years of membership, and once at the national level as the commander's aide-de-camp.

He was a director and club president of Rotary International in Hamlet and on the staff of the Rotary district governor as conference chairman in 1971. He was a Jaycee, serving that organization as club secretary, vice president and director, as well as being a State Jaycee director.

His greatest reward was the appreciation of his friends, but his distinguished service was not unnoticed by the organizations in which he served. He was win-

ner of the Jaycee Distinguished Service Award; the American Legion Meritorious Service Award; the VFW Loyalty Award; and in 1975, won the North Carolina Award for Distinguished Service to the Handicapped. Finally, he was honored by both the Governor's council and the President's Committee for Employment of the Handicapped. His military decorations included the Bronze Star for valor.

Mr. Speaker, those who labor under a heavy load of responsibility or find it difficult to reach out and take the hand of others in need would do well to look to the example of Roger Simmons for inspiration. Few of us have the interest or the energy to accomplish as much as he did, but all of us have the opportunity.

Had Roger Simmons died on the battlefield that day 32 years ago, the loss would have been deeply felt by intimate friends. He was spared, I believe, for greater purpose—and having achieved that purpose, his loss is felt by legions he has befriended. His life was an inspiration to us. We shall miss him. And we shall ponder who is capable and willing to take his place in the community, and in the State, here and for which he lived.

VOLUNTEER ARMY IS A SUCCESS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. STEIGER. Mr. Speaker, the Volunteer Army is a success. Yet, those who have opposed it from the start again have begun an offensive aimed at making America's youth liable to conscription.

Because of all the misinformation disseminated about the representativeness of today's Army and the cost of our military personnel to the American taxpayer, I would like to insert into today's CONGRESSIONAL RECORD a report I have written my constituents on this important issue.

The facts are on the side of the Volunteer Army. In coming months, I will be doing all I can to bring them out. For those who may have missed it, I placed George Will's excellent piece, "Profile of an Army," in the RECORD of Monday, January 31. My report follows:

WASHINGTON REPORT BY CONGRESSMAN WILLIAM A. STEIGER

The volunteer army is a success. Both the quality and quantity of young men and women joining the nation's military forces since the last draft call, exactly four years ago, have been excellent.

Despite this fact, those who have always opposed the all-volunteer concept—such as Senators Sam Nunn and John Stennis—have recently begun an offensive aimed at again making America's youth liable to conscription. Apparently the change of administration is viewed as an opportune time to push for a return of the draft. There is no other good reason for this effort.

Even opponents of the volunteer army have had to admit that the services have been meeting their quotas and that the calibre of recruits has been very good. The only thread they've been able to find in their fight to return to the draft has been the share of the defense budget taken up by military personnel costs.

That argument is spurious at best. What is not being told is that the percentage of the defense budget going to active military personnel has gone down from 31% to 27% from FY72 to FY77. There has also been a 1% decrease, from 18% to 17%, in the Defense Department Civil Service payroll.

Retired pay's share of the defense budget has tripled over the past 12 years. This, however, reflects the large number of retirees over this period, as we've shrunk to a smaller force, as much as it does the increase in pay.

What many volunteer force opponents forget is that well before the volunteer army came into being, the Defense Department was seeking to upgrade military pay. The reason was simple. Far too many enlisted men and women in the lower ranks were well below the poverty level. I visited a number of bases in the period before Congress raised military pay in September 1971 and was appalled at the conditions under which many of those serving this nation were forced to live.

Many service families still need food stamps and other government assistance to meet their daily needs. If the people seeking a return to the draft want to save money by doing so, they're going to have to reverse Congress' decision that those serving this country in the military are entitled to pay comparable to their civilian counterparts.

Defense Department officials have estimated that if pay comparability were abandoned and the draft re-enacted, a saving of $1.7 billion is all that would be realized. If we simply abandon the volunteer force, retaining the present wage scale, defense budget savings would be much, much smaller—about $300 million.

Curbing the pay of recruits means one thing: government at all levels will incur higher costs for welfare, other assistance payments and programs for those once again subjected to servitude at poverty-level wages.

If a return to the draft will save little money and create a lot of problems, what's to be gained? Rather than conscript the young and fool the taxpayers about the cost, Congress might better focus attention on needed reforms of the pay system for retirees.

Seldom in the nation's history have we had a stronger professional force than today. The services use two yardsticks to evaluate the quality of enlistees, the level of education and standardized test scores. High school graduates have been joining the services in increasing numbers since 1974. A higher percentage of enlistees are high school graduates today than in fiscal year 1964.

Furthermore, a recent study showed that as judged by test scores, quality has been maintained and in some instances improved significantly between 1964 and today. We've had a steady increase in enlistees with above average scores, a moderate increase in those with average scores and a steady decrease in those with below average scores.

There is just no case for those who claim we must return to the draft, and its concomitant disruption of families and young lives.

LET US CHANGE THE RULE FOR THE POSTAL SERVICE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. WHITEHURST. Mr. Speaker, in the January 10, 1977, Washington Post, Bill Gold's "District Line" column had a most interesting item regarding the major inconsistency in the congressional mandated Postal Service regulations governing the size of packages that may be mailed from the various classes of post offices.

As a direct result of Mr. Gold's article, I have introduced H.R. 2885, which will restore consistency to the Postal Service's package size rules. I hope that my colleagues will see fit to take prompt and favorable action; I would add that this proposal has the support of Postal Service authorities.

Bill Gold's column follows:

ADD ANOTHER ITEM TO THE 1977 AGENDA

(By Bill Gold)

During the busy weeks before Christmas, several District Liners wrote to tell me they had difficulty in mailing large packages.

Their problem was that although small post offices will accept packages weighing up to 70 pounds, the limit at large first-class offices is 40 pounds. It seemed silly to readers that postal clerks should have to refuse them service on packages ranging between 40 and 70 pounds in weight—and then suggest on the sly that the package be taken to a smaller office, where it would be accepted. "Who makes such silly rules," one reader asked.

As we have learned in tracking down hundreds of life's little mysteries like this one, there is usually a reason for silly rules, or at least an explanation for how they came into being.

A bit of investigation in the present case turned up the fact that the weight limitation rule wasn't dreamed up by the U.S. Postal Service. It is a law passed by Congress (39 U.S.C. Sec. 3682).

As so often happens, private interest groups (spearheaded in this instance by REA Express) lobbied effectively to minimize the competition USPS would be permitted to give them. Congress bought their argument and ruled that only small rural USPS offices could accept packages up to 70 pounds (because the private carriers didn't have offices in rural areas).

USPS has repeatedly asked Congress to change the rule and permit all post offices to accept the larger packages. In recent years, USPS has accompanied this request with a reminder that REA Express has long since gone out of business. But Congress, in its infinite wisdom, has chosen to take no action.

Unless President-elect Carter can get Congress to put this matter on its agenda for 1977, postal patrons will continue to wonder why the post office nearest them refuses some of their packages and thus makes it necessary for them to drive 10 or 15 miles to a small rural office.

DEATH SENTENCE DESERVED

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mrs. HOLT. Mr. Speaker, when Gary Gilmore recently became the focus of sick sensationalism, there was very little mention of his victims. A citizen of the Fourth Congressional District of Maryland has sent me a clipping of an editorial that provides the needed perspective. The editorial was written by A. W. Scott, publisher of the Gazette-Patriot of Carrollton, Ill., and I submit it for your consideration:

DEATH SENTENCE DESERVED

If we were to nominate the most nauseating news story of 1976, it would be the announcement that some money-hungry book publishers and motion picture producers are said to be interested in dramatizing the sordid story of killer Gary Gilmore—with Gilmore featured as a sort of hero. The propaganda buildup has evidently already started. Washington news writer Patrick Buchanan cites the following gem written by an unidentified "national correspondent": "Despite the violence that has punctuated his life in and out of prison, Mr. Gilmore had one side of his personality that showed some sensitivity, and he dabbled in poetry and oil painting." Buchanan promptly and accurately labeled this description of Gilmore as "sentimental swill."

In all of the attention being given to Gilmore's suicide attempt, his hunger strike, his jail-house bethrothal and his past record as something of a prison escape artist, the reason why he was sentenced to death seems to have been forgotten. It is time that we remembered.

On July 20, Gilmore murdered David Jensen, 24, in a nickels and dimes gas station holdup. Jensen, a former missionary in the Mormon church, was working at the service station to help pay his way as a law student at Brigham Young University, and to support his wife and baby. None of that mattered to Gilmore, of course. David Jensen was gunned down in cold blood.

On the very next night, July 21, Gilmore pulled another holdup. This time his victim was Bennie Bushnell, a motel clerk in Provo. Bushnell, also married with one small child and another baby on the way, was working to earn money to get back into school. Bushnell followed the instructions of the robber to the letter. He turned over the money from the till: $120. Then he was ordered to lie face down on the floor, which he did. Then Gary Gilmore, who, we are now told, "has some sensitivity," coldly fired two shots through his young victim's head.

If our sob-sisters are determined to weep tears, why don't they weep for the two widows and three orphaned children?

YOUTH UNEMPLOYMENT

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. ERLENBORN. Mr. Speaker, the Federal minimum wage stands as a barrier between hundreds of thousands of teenagers and their first jobs. This fact is skillfully illustrated in a column by Dr. Howard E. Kershner of the economics department, Northwood Institute. The column appeared in the January 20, 1977, issue of the Naperville Sun, a weekly newspaper serving part of the 14th Congressional District in Illinois.

I want to share Dr. Kershner's insight with my colleagues. I have in the past and will in the future support an apprentice wage law to cut teenage unemployment. I have also cosponsored the Honorable BARBER CONABLE'S Youth Apprentice Tax Credit Act (H.R. 2404), which offers tax incentives to businesses who will hire and train young workers at apprentice stipends. Much good could come from this legislation. It is my hope that more of my colleagues will agree with me after they read this column:

THE MINIMUM WAGE

(By Dr. Howard E. Kershner)

A black boy of about 17, with good health and good habits, spent his time in a playground, swimming, shooting basketball and drinking soda with a group of associates. The owner of a nearby garage and service station asked him why he wasn't working. He said he could not find a job because he had no marketable skills worth the minimum wage of about $90.00 a week at the time.

"Why don't you learn a trade?" asked the man. "Because I don't have the money to attend school," replied the boy.

The man then said, "We could make a mechanic out of you at my garage in a year or two, if you would be willing to clean up, pump gas, wash cars and do jobs not requiring skill while you were learning the trade. Besides teaching you, we would pay $1.00 per hour." The boy was eager for the job and said nothing would please him more. However, he added, "I have had such offers before, but Uncle Sam will not let me work for less than the minimum wage."

I used to park my car near the playground. There were many teenage boys, and often girls, whiling away the time in the swimming pool and at various games, drinking sodas and eating popcorn.

These young people are idle for the same reason just described.

Now and then one of them is recruited into the ranks of the criminal element. They are taught how to snatch purses, pick pockets, steal from stores, steal automobiles, sell dope, and other serious crimes.

"Satan finds some mischief still for idle hands to do."

Idleness is the greatest recruitng ground for crime. If these youngsters and millions like them throughout the country had jobs, the crime problems would be reduced to normal. But who can afford to employ them at present minimum wages when they have no marketable skills?

Why not have an apprentice wage that would enable these youngsters to earn something while they acquire some useful skill and gain the experience necessary to qualify them as full wage earners?

Why have the minimum wage? It is the principle cause of unemployment. But, if we are going to have it (for political reasons) why not establish an apprentice wage in order to save our precious teenagers, of both sexes and all races, from idleness. They would like it much better than loafing. They would earn something and would be acquiring useful skills.

Why breed crime? Why not make the boys and girls happy by offering them opportunities to do useful work and earn something while they are doing it.

This is the way to solve the problem of unemployment.

Where are the boys who used to deliver groceries and telegrams?

Where are the office boys who used to build fires, sweep floors, run errands, seal and stamp envelopes, wrap packages and make themselves useful around our offices?

I used to build fires and sweep floors for $4.00 a week and was thankful to have the job. It kept me from being idle and was a stepping stone to something better.

The minimum wage and the lack of an apprentice wage is cursing millions of young people with idleness, breeding mischief and crime, and aggravating all the other economic problems that assail us.

WE CANNOT SAY WE HAVE NOT BEEN WARNED ABOUT NHI

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. CRANE. Mr. Speaker, for some years now there has been an increasing clamor for national health insurance, mainly confined to special interest groups and their advocates in the Government who are convinced they can have their cake and get someone else to pay for it. Recently, the Democratic Presidential candidate campaigned on a platform which called for the adoption of a "comprehensive national health insurance system with universal and mandatory coverage * * * financed by a combination of employer-employee shared payroll taxes and general tax revenues." Within the first few days of the 95th Congress, major proposals for NHI were introduced offering a variety of plans for coverage and payment.

We have been told by the doomsayers that our Nation's health care system is approaching a crisis and that the only way to solve its problems are by imposing more rules, regulations, paperwork, and bureaucratic institutions on an already overburdened medical profession. Great hue and cry has been raised over the high costs and allegedly inferior quality of our health care in comparison to that of other Western countries, charges which I believe are not justified. National health insurance is demanded by some as a miraculous cure for whatever ails our system, with little thought as to the chaos such a solution would cause in the delivery of health care in this country.

A careful look at systems of socialized medicine in Great Britain, Sweden, and Canada should convince all but the diehard advocates of a nationalized health care plan of the disastrous effect it would have on the overall health of Americans. Shortages of hospital beds, long waiting lists, even for necessary surgery, and the emigration of skilled physicians are serious problems in countries with national health systems, yet are unheard of in the United States. Such nationalized medicine is far from free, judging by the astronomical taxes in Sweden and Great Britain.

Many of those who have worked under systems of nationalized health services are now advising us to learn from their mistakes and to carefully consider the effects that the adoption of a comprehensive health program would have on the United States. Mr. L. F. Detwiller, an administrator in Canada's health program and an internationally recognized consultant and lecturer on health economics, warns of the costs and problems caused when free medical care on demand becomes a "right" paid by tax dollars and administered by Government bureaucrats. I am inserting his

article here for the benefit of my colleagues:

[From the American Medical News, Jan. 17, 1977]

DRAMATIC COST ESCALATION TRANSFORMS HEALTH CARE PLANS INTO POLITICAL LIABILITIES

(By L. F. Detwiller)

The dramatic cost escalation of health care plans in recent years, especially those that are government sponsored, has changed them from political assets into liabilities.

Promised as a citizen's "right," the universal and comprehensive health program has become a financial nightmare for governments, which must provide the social capital to sustain the schemes. Perhaps Great Britain is the best example as to how difficult and controversial a government health system can be.

Underlying the whole problem are the basic principles on which the systems were established and whether health care is to be viewed as a "right," individual responsibility, or privilege.

This writer views it as the latter, it being something that a society bestows on itself by political decision and does so at the expense of other services, such as education, defense, and roads. Health care as a "right" has been promised by politicians seeking the vote since the early '30s, but in North America especially since World War II.

When viewed as a "right," this suggests an entitlement and not just something the individual would prefer or like to have. Instead, he can demand it, unless the promise carries conditions under which the "right" does not apply. Without such restrictions, any service promised as a "right" to one individual or group must be provided to all, regardless of cost and inconvenience. And, it must be of equal quality.

Little wonder then that demand, and hence costs, have soared under government-sponsored health schemes without adequate control mechanisms.

Most countries where the social programs have been implemented as a "right" are founded on free-enterprise economies. There are bound to be problems in meshing these two, especially if the hospitals, physicians, and other producers of health services continue to operate as autonomous units—in a free market place—but are financed by government money requiring political review and control.

Since the demand for care is literally insatiable, government regulation is inevitable. We must ration the procedures, with the criteria for entry and coverage eligibility becoming more important to the sick citizenry. Not only does the demand for care exceed supply, but each new medical discovery aggravates this situation.

Since the demand for care is initiated by the individual, in response to a symptom, the volume of care will depend on the priority that the individual assigns to his health, in relation to his other wants and needs. However, if there is no need to make any decisions as to whether or not something must be sacrificed if treatment is sought, there is no reason for the individual not to enter the system, and hence, there is an increase in demand.

By introducing prepayment health plans, both voluntary and governmental, we have radically altered the market place. We do not apply the price or sacrifice principle in deciding whether or not to use health services, as is the case in other areas of our activities. The public demand for health care is unleashed, because people can now have health care and other desired items as well.

We are not prepard to withhold services from anyone who has failed to provide for them through savings or prepayment, for to do so would be a denial of the Christian ethic. As a result a laissez-faire society with a charitable conscience has created an inefficient and ineffective system of health care.

The priceless life has become priceable, with the health system having to compete with other services offered the public. In those cases where the government provides all of the funds, health must compete on a political basis with other governmental services.

The time has now arrived where governments are finding that the cost of their health systems is exceeding the political return. In some instances there is a political backlash because the government cannot afford to provide the service offered in return for the vote. While the cost of the original health plan was reasonable at the time the plan was started, medical advances have developed new treatments, some of which are terribly expensive (organ transplant) and must be made available to all of the population who can benefit from them, since they have been promised as a citizen's "right."

If all of the system capital comes from government, in order to have equal quantity, quality, and access, it may be necessary to lower the standard of care for some in order to have equal standards for all, although there are many people who are prepared to pay for higher quality as a matter of personal preference and priority.

Taken further, if the amount of social capital going into the health programs was totally committed to the delivery system, and there was little likelihood of this being increased, a government might look unfavorably on research simply because it would not have the funds necessary to provide the new treatments or drugs to all of the population as their "right."

Carried to the extreme, this could eliminate the research and development of new drugs and procedures. The drastic cuts in the National Institutes of Health budget in the United States and the Medical Research Council in Canada suggest that this may already be taking place.

It is probable that, in the long run, any government committed to a universal and comprehensive health plan as a citizen's "right" would be wise to build in some type of abatement or buffer to modify the public's demand for the "best possible health care" in order that it can at least provide a high level of basic health services.

If this isn't done, the government may become so hard pressed by the health professions and the public to continue to extend the system to include new and exotic treatment programs that it will have difficulty providing essential services. Add to that the pressures for "convenience health care" and the subsequent political backlash if it is not forthcoming, and the political liability of the system increases even more, adding to the already serious financial problems of operation.

It is not difficult to identify the effects of these policies in certain countries.

For example, in Canada, it has been necessary to impose firm administration controls on the construction and operational aspects of the hospital system. In spite of this centralized direction, the cost of the system has risen alarmingly, to the extent that the federal authority is now wishing to cancel out its 50% sharing program with the provinces. Understandably, the provinces are reluctant to agree to this, since the move would in essence, shift the entire responsibility of system control to the provincial governments and saddle them with the majority of increased cost of operations in the future.

For the past five years, federal-provincial conferences have been held at many levels to attempt to modify the federal-provincial sharing agreements but, to date, they have not been successful.

The federal authority unilaterally reduced the percentage of sharing last year, and will be reducing the percentage further in the future, without the agreement of the provincial governments.

In Australia, a national health program was implemented on July 1, 1975, modeled on Canada. The problems of implementation and the escalating cost of the system were a major factor in the defeat of the Labor Government in December 1975.

One of the first moves of the new government was to modify the "Medibank" plan and return many of the features of the voluntary programs that had existed previously.

In both Canada and Australia, the programs were developed on the concept of health care as a "right," but the cost changed the systems into a liability that is still a problem in Canada, but will likely be less of a problem in Australia—due to the modifications that have been put into effect.

In the United States, health care as a "right" has been proposed since the early '30s and was the vote-catching phrase on which Medicare was implemented in the '60s. It is the concept which has been proposed recently by many U.S. legislators.

The United States should examine the experience of other countries very carefully, the most important, perhaps, being Australia, so that it can learn why the Australian government moved so rapidly to alter its health care system modeled on the Canadian program.

It is probable that the United States, when it finally does adopt national health insurance, will continue with its pluralistic system.

The cost of health care has risen precipitously all over the world and is not restricted to government-sponsored health care programs.

However, any government planning to introduce a national health care insurance program should carefully examine the basic principles on which it is to be structured, and the types of controls that will keep its costs within reason.

Otherwise, it will turn into a political liability when what was hoped for was a political asset.

CREDIT UNION MODERNIZATION ACT OF 1977

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. COHEN. Mr. Speaker, I am pleased to introduce legislation which would permit Federal credit unions to operate more efficiently and to better serve the financial needs of their members.

As member-owned, member-managed, nonprofit organizations, credit unions are unique among financial institutions. Since 1934, they have been organized throughout the country by people who share a common bond. Credit unions have pioneered in providing low-cost consumer credit, consumer counseling and education, and other services to their members. Frequently, credit unions provide loans to persons who would have difficulty obtaining financing at other financial institutions.

In Maine, credit unions have enjoyed great popularity. There are 180 credit unions with a total membership exceeding 227,000 in the State. Credit unions in Maine grant approximately 120,000 loans per year to their members. And,

with the aid of the legislation I am sponsoring today, credit unions could be even more responsive to the needs of their members.

One of the most important provisions of the bill would allow credit unions to offer long-term home mortgage loans. This power should help stimulate the depressed housing industry as well as providing an additional source of mortgage funds for individuals wanting to purchase or build homes. Under the provisions of Maine's banking code, State-chartered credit unions are already permitted to offer home mortgage loans. Federal legislation is needed to extend the same powers to federally chartered credit unions.

In addition, Federal credit unions would be permitted to make conventional mobile home and home improvement loans with a maturity of 15 years. The present maximum maturity for all loans is only 10 years.

These two proposals—the long-term residential mortgages and the extension of the maturity limit to 15 years for home improvement and mobile home loans—would better enable credit unions to meet the housing needs of their members.

The legislation also establishes a National Central Liquidity Fund under the control of the National Credit Union Administration. This fund would assist insured credit unions in meeting a temporary high demand for cash. In times of severe credit restraint, a credit union may face an emergency and be unable to acquire short-term funds from the banking system. Emergency situations, such as a plant closing or a massive lay-off, could cause extraordinary savings withdrawals from credit unions. In this case, the liquidity fund would meet the need for capital, if the local traditional money source could not supply needed funds at reasonable rates.

Another provision of the bill would permit credit unions to offer personal checking accounts to their members. This provision was included in the Senate version of the Financial Reform Act, on which the House did not complete action in the 94th Congress.

Mr. Speaker, most of the powers of credit unions are unchanged from 42 years ago, when the Federal Credit Union Act was passed. We need to update and expand the services which credit unions may offer in light of the countless changes in society and in our financial system. The legislation which I am introducing today would provide credit unions with the financial tools to serve their members in the years ahead.

THE MARTIN LUTHER KING, JR., NATIONAL HOLIDAY BILL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. CONYERS. Mr. Speaker, on January 15, we commemorated the 48th anniversary of the birth of Rev. Martin Luther King, Jr., and I am again introducing legislation to declare his birthday a legal public holiday. Nearly 9 years have passed since his tragic assassination in Memphis. Each year subsequently, I have introduced this bill in Congress and I am pleased to be joined this session by 102 of my colleagues from both side of the aisle. Eleven States, as well as most of the major cities across the the country, already have set aside his birthday as a time of formal observance.

At this point in our Nation's history, Martin Luther King's life and work continue to exemplify in the most powerful way the striving of Americans for equality and justice, peace in the world, and reconciliation at home. Even after his death, respect continues to grow for his unshakable faith in people, his indomitable courage, and his magnificent ideals. To make Dr. King's birthday a national holiday would not only be a way to commemorate his life and to foster understanding among all members of society, but also it would enable citizens to reflect upon, and rededicate themselves to, what surely must be our overriding purposes as a nation.

It is my strong hope that this year we will finally enact this tribute to one of the greatest Americans of this century and thereby establish the first national holiday honoring a black American.

OSHA REAPS LITTLE PRAISE FROM NATION'S FARMERS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. DERWINSKI. Mr. Speaker, Richard Orr, rural affairs editor of the Chicago Tribune, is most knowledgeable in matters relating to the agricultural sectors of our country.

In his column of January 31, he analyzes the adverse affects of OSHA regulations on the Nation's farmers. His article follows:

OSHA Reaps Little Praise From Nation's Farmers

(By Richard Orr)

Farmers across the nation last summer guffawed derisively at a pamphlet, "Safety With Beef Cattle," issued by the Occupational Safety and Health Administration (OSHA).

"When floors are wet and slippery with manure, you can have a bad fall," the pamphlet advised cattlemen. "You could trip over junk or trash."

As if that weren't sufficient warning of the obvious, OSHA went on to say "hazards are one of the main causes of accidents," adding, "You can make your work area safe by finding hazards and removing them."

Sen. Carl Curtis (R., Neb.), a member of the Senate Agriculture Committee, thought such advice was "so incredibly arrogant and insulting that it nearly leaves me speechless." Rep. Thomas Hagedorn (R., Mich.), a member of the House Agriculture Committee, said the pamphlet must have been written "for a New Yorker about to visit a farm for the first time."

Hagedorn said 155,000 copies each of the "Beef Cattle" and 27 other OSHA pamphlets dealing with farm safety were printed at a cost of $347,000, and that the government paid Purdue University specialists $119,500 for developing the material.

This is the only laugh farmers have had from OSHA, the Department of Labor agency which has become an increasingly dirty word in rural areas since it started in 1971. While the Environmental Protection Agency (EPA) ranks a close second in farmers' lack of esteem, OSHA has created the most dismay of the federal agencies attempting to regulate agriculture.

Farm leaders assert that farmers are not opposed to improving safety and health standards. However, they consider many of the OSHA proposals and regulations unreasonable, arbitrary, unnecessarily costly, and devised by bureaucrats unfamiliar with farming.

"How much cost do you think we've added to the price of a tractor with OSHA?" former Secretary of Agriculture Earl Butz once asked. "About $1,000, I'd say."

Apparently he was referring to OSHA regulations requiring tractors to be equipped with roll bars or roll-over protective cabs and seat belts.

OSHA created a furor last year over a proposal interpreted to require toilets and drinking fountains in corn and wheat fields. The proposal, apparently based on California fruit and vegetable growing conditions, spelled out detailed requirements for inside locks, toilet paper holders, water quality, signs for the basins, how the water should flow from the drinking fountains, and water temperature.

Rep. Daniel Flood (D., Pa.) said the proposal would require any farm with five or more employes to have a toilet within 5 minutes walking distance, regardless of whether an employe was riding a tractor, which would mean nine toilets per square mile on larger Kansas wheat farms.

Rep. Marvin Esch (R., Mich.) once pointed out that OSHA required 64 pages in the Federal Register to define and outline regulations pertaining to construction, use, and safety of a simple ladder.

The American Farm Bureau Federation (AFBF), which wants Congress to repeal the law authorizing OSHA, is still boiling over so-called emergency pesticide safety regulations the agency promulgated in 1973. The federation and other organizations went to court to show there was no emergency and that even if there were, the proposed regulations would have been impracticable.

One of the proposed regulations, for example, specified that workers entering a field within two days after it had been sprayed with a pesticide would be required to wear impermeable clothing, face masks, gloves, and boots. Even workers who wanted more protection against pesticide contamination protested they wouldn't wear such clothing in the 100-degree-plus heat in which they often work.

The proposed regulation also required farmers to pay for washing such clothing or to construct their own washing facilities of a prescribed design. To comply with the latter requirement, some Wisconsin farmers would have had to apply for zoning law changes.

The AFBF spent $10,000 to fight the case. The court returned $94.56 for costs of printing the brief and the filing fee.

"The thing that burns up farmers most is the duplication of regulations and laws between state and federal governments, and even within the federal government," said C. David Mayfield, an AFBF attorney.

For example, OSHA regulations for temporary housing for migrant workers spell out detailed requirements for such things as size and construction of buildings, window screens, lighting, cooking equipment, beds to be a specified number of inches from the floor and a specified number of feet apart,

doors that have to swing shut automatically, air-tight trash cans, and toilets.

Another labor department agency, the Employment and Training Administration (formerly the Manpower Administration), has similar, though somewhat different, housing standards. Farmers must comply with one or the other set of standards, both enforced by OSHA.

But in addition, many states have their own public health laws that also prescribe housing standards—making three sets of detailed regulations with which farmers must struggle to avoid trouble with the law.

Last Dec. 30 a Federal District Court in Boise, Idaho, ruled that OSHA provisions authorizing safety inspections of business establishments and farms without a search warrant violated the Fourth Amendment to the Constitution, which prohibits unreasonable search and seizure. Rep. George Hansen (R., Idaho) hailed the decision as putting OSHA "out of business," but farm leaders are awaiting an anticipated OSHA appeal to the Supreme Court.

Farmers' difficulties with EPA center mainly on its ban of several highly effective pesticides, which they contend increases their production costs. Farmers charge the EPA often takes an arbitrary and unreasonably rigid attitude toward pesticides, prohibiting their use without concusive evidence of the risk of such chemicals to human health.

Allan Grant, AFBF president, recently requested a conference on the pesticide problem with President Carter. Grant hopes to obtain the Georgia peanut farmer's support for transferring EPA's administration of agricultural chemicals to the more sympathetic Department of Agriculture and for legislation exempting family farms from EPA regulations.

"Without the use of agricultural chemicals and drugs, agriculture cannot continue to provide sufficient quantities of high quality food and fiber to supply our existing markets," said Grant. "In any evaluation of chemicals and drugs, the rule of reason must prevail, with the possible detrimental effects considered in relation to the known benefits."

Many farmers also are concerned over current and potential EPA antipollution regulations pertaining to livestock feedlots. Current regulations force farmers with specified numbers of cattle, hogs, and sheep to obtain permits to operate.

To obtain a permit the farmer must install devices or take other measures to prevent pollution of rivers and streams by polluted water flowing from tiles, ditches, drains, or other "point sources."

Such measures are often expensive, and farmers point out that, unlike business firms, they cannot recover such costs by adding to the price of their product, which has to be sold for whatever it may bring on the open market.

ENERGY

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. HARKIN. Mr. Speaker, the fiscal year 1978 budget for energy research, development, and demonstration programs presented to Congress by President Ford shows an overall 25-percent increase, with dollar cuts in only two areas: Energy conservation and solar heating and cooling.

This is, quite simply, an outrage.

The budget authority for the present fiscal year—1977—shows that 63 percent of the energy research dollar goes for nuclear energy, 18 percent for fossil fuels, 11 percent for solar energy, 6 percent for energy conservation, and 2 percent for geothermal.

President Ford's new budget for fiscal year 1978 has the fraction for nuclear energy rising to 65 percent, that for fossil fuels remaining at 18 percent, solar energy decreasing to 9 percent, and energy conservation decreasing to less than 5 percent, while geothermal increases slightly.

The total requested funding for nuclear energy is $2.15 billion, while solar energy and energy conservation together account for only $465 million.

The increase in nuclear energy funding—$498 million—totals more than the combined funding for solar energy and energy conservation.

We are, once again, in the midst of an energy crisis that is gripping the Nation's attention. The crisis has actually been with us several years, and will assuredly remain with us for quite a few more years. Breeder reactors and fusion reactors cannot contribute significantly to our energy situation before the year 2000, by the most optimistic assessments, yet the fiscal year 1978 budget includes nearly $1.4 billion for research into these options.

Energy conservation and certain solar energy technologies—such as solar hot water heating—can begin to contribute to an improvement in our energy situation right now—not in the 1980's or the 1990's or the 21st century, but in 1977—and they can do so economically.

Does it make sense that funding for research, development, and demonstration into these areas is reduced? Funding for energy conservation and solar heating and cooling is down from $247 million in fiscal year 1977 to $205 million in President Ford's fiscal year 1978 budget.

Solar hot water systems purchased for dwellings under HUD's residential solar energy demonstration program are costing under $1,000 per unit on the average despite the lack of economies from mass production. A year ago the average cost was over $1,800.

If the $500 million increase for nuclear energy in the fiscal year 1978 budget had been applied to demonstrations of solar hot water systems, as an example, it would pay for over 1,000 demonstrations in every congressional district of the country—perhaps 2,000 units if prices continued to drop as they did in 1976.

President Carter is due to present a revised budget later this month. It is clear that the energy research, development, and demonstration budget of the Energy Research and Development Administration badly needs revision. Energy conservation and solar energy need increased funding. As a member of the energy subcommittees of the House Science and Technology Committee I intend to push for funding in these areas to reflect current realities.

TABLE.—BUDGET AUTHORITY FOR ERDA'S ENERGY RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAM

	Fiscal year 1977		Fiscal year 1978 request	
	BA (millions)	Fraction (percent)	BA (millions)	Fraction (percent)
Nuclear energy:				
Breeder reactor	686	26.0	855	25.9
Other fission	552	20.9	784	23.7
Fusion	416	15.7	513	15.5
Fossil energy	483	18.3	598	18.1
Solar energy:				
Heating and cooling	86	3.3	45	1.4
Electric and other	204	7.6	260	7.9
Energy conservation	161	6.1	160	4.8
Geothermal	55	2.1	88	2.7
Total	2,643	100.0	3,303	100.0

Source: ERDA fact sheet.

ONE COMMUNITY'S APPROACH TO SOLVING JUVENILE CRIME

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. BIAGGI. Mr. Speaker, I wish to bring to the attention of my colleagues an article which appeared in the Christian Science Monitor of January 25 discussing the approach which the city of Deerfield, Ill., is taking to deal with its growing juvenile crime problem.

Central to Deerfield's program is to subject certain juvenile criminals to adult prosecution. Included among these crimes are vandalism. Since this program was implemented, vandalism crimes have decreased by nearly 40 percent.

Other features of the program deal with juvenile crime as a social problem, placing families in a position of accountability for acts committed by their children.

I have proposed legislation which would subject juveniles at the age of 15 to adult penalties for certain serious crimes committed. I consider this to be a fundamental need nationally if we are to arrest the growth of juvenile crime.

I offer this article for the consideration of my colleagues:

DEERFIELD STEMS JUVENILE-CRIME TIDE: "GET TOUGH, WORK CLOSER WITH YOUTH"

(By Robert M. Press)

DEERFIELD, ILL.—Bucking a state trend, reported acts of juvenile vandalism in 1976 dropped nearly 40 percent and bicycle thefts nearly 50 percent in this affluent suburb north of Chicago.

U.S. Government sponsors of a six-year study of juvenile delinquency in Illinois recently reported in Washington that an estimated one-third of all juveniles in Illinois have committed "at least one serious offense."

In Deerfield (population approximately 19,000), where the "serious" juvenile crime is usually burglary, the answer seems to be a combination of getting tough—and working closer with youth to steer them clear of trouble.

During late 1975 and 1976, several things happened here.

Among them:

The village passed two ordinances making juvenile vandalism an adult offense. Previously only the busy juvenile court heard such cases under state law. But sending 12 juveniles in the first nine months of 1976 to an adult court on vandalism charges has been a "deterrent" to others, village officials assume.

One ordinance subjects parents to a fine of up to $500 if their children are convicted of vandalism twice within a year. So far, no parents have been fined under the ordinance, used only in the most flagrant of cases—but some parents are on notice following a first finding of guilt of their child.

In June, however, a New Jersey appellate court found a similar ordinance of Trenton, New Jersey, unconstitutional on grounds it denied parents due process.

Possession of small amounts of marijuana was made an adult offense.

A youth drop-in center program was expanded with the help of a full-time director. At the center, which teen-agers help run themselves, they can play Ping-Pong, watch TV, join "rap" groups, and plan trips.

Youthbound, a program of rock climbing and other events led by police, was expanded to include more frequent outings.

The trips "build up your confidence and you find out they [police] are not all that bad," says Danny, a 16-year-old youth who entered the program after he robbed a gas station.

The federally sponsored study in Illinois showed that of all youths questioned statewide: 13 percent admitted taking part in robbery; 40 percent admitted keeping stolen goods; and 50 percent admitted shoplifting.

The Illinois Mental Health Department is conducting the study with financing from the federal Law Enforcement Assistance Administration, which released the report. Researchers interviewed 3,180 youths between the ages of 14 and 18 in 40 of Illinois' 102 counties, and talked with 1,970 parents of those youths.

The study found that "peer group" influence, from youthful associates rather than parents, determines whether a specific youth will become delinquent. Sex, race, social class, coming from a broken home, or living in an inner city "really have relatively little influence."

One sociologist spent two years in an affluent Chicago suburb. He found that, so long as youths did "important things" right, other acts were not strongly opposed, the report says.

"Adolescents live in a near-vacuum of morality enclosed by the perimeter of the edict to achieve," the sociologist reported. "Anything that jeopardizes their occupational future is bad. The rest really doesn't matter."

Dr. Gary Schwarts, an Illinois state anthropologist and co-director of the study, said parents and institutions do have an influence on the "norms" or peer groups—but once peer standards are established they become the overriding influence.

Deerfield has had a full-time youth director, Thomas A. Creighton, for about four years. He works closely with the police, especially two officers assigned full-time to work with juveniles.

Youth "still want to know where the line is painted—and want to know the consequences, if they cross it," says Mr. Creighton. "Kids aren't let off the hook," he added in an interview at his office.

But neither are they simply prosecuted for their offenses. Offenders get a lot of time and attention from Mr. Creighton and the police youth officials who help them find better things to do.

"We're not in the business of collecting fines," says police chief Richard Brandt. "Our program is to change the behavior of the child."

Chief Brandt says he does not know which element in the village's "package" is bringing down the number of juvenile offenses, but he assumes it is a combination of all of them.

The ordinance involving parents was recommended by Mayor Bernard Forrest who says: "We felt parents were not paying attention to what the kids were doing."

But, asks Milton Rector, president of the National Council on Crime and Delinquency: "What good does it do to [involve] parents who have been incapable of disciplining the youngsters? It couldn't please some youngsters more than to see the old man have to pay up."

A better alternative, he suggests, would be to make greater use of juvenile courts to impose work orders and other forms of restitution on the offender—ideas being tried in Deerfield.

The good news from Deerfield has attracted widespread attention. More than 60 suburban and other officials in some 13 states—and even La Ville D'Alma in Quebec, Canada—have written here for "how did you do it?" information.

UNEMPLOYMENT AND TAXES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. KEMP. Mr. Speaker, in the last session of Congress one of the most widely discussed pieces of legislation was the so-called Humphrey-Hawkins bill. Though it was never acted upon, it served the purpose of focusing attention on a particular philosophy of economics and Government policy. This philosophy, in effect, argues that unemployment results from a failure in the market mechanism. Government, therefore, must step in and guarantee full employment.

I would be the first to agree that unemployment is an unnatural phenomenon which indicates a malfunction somewhere in the system. However, I believe that the source of this malfunction has been misdiagnosed by those who support the Humphrey-Hawkins concept. The malfunction does not lie in the free enterprise system, but rather at the doorstep of Government itself. In this sense, I think that everyone will agree that Government can and should do something about the unemployment problem.

In the following outstanding article, Prof. Arthur Laffer of the University of Southern California presents what I believe to be a persuasive argument that high tax rates are a fundamental cause for the current economic malaise. It would follow logically, therefore, that these tax rates must be reduced as a prelude to full economic recovery. Any so-called full employment program which does not significantly adjust the tax rates will inevitably fail. I believe that Professor Laffer's elaboration of this point is highly significant and I commend it to my colleagues:

UNEMPLOYMENT AND TAXES

(By Arthur B. Laffer)

The Humphrey-Hawkins Full Employment and Balanced Growth Act, which never came to a vote last fall because of the pre-election congressional rush to adjourn, will be re-introduced in the new Congress, possibly under an expanded sponsorship and in a slightly amended form designed to make it more acceptable to its congressional critics. But in purpose and intent it will remain the same.

Now, there is no economic issue ever that is more important than relieving unemployment and the related ills of misemployment, underemployment, and withdrawals from the labor force. Unemployment brings misery to the wage-earner and his family: everyone knows that. In addition, however, the market's failure to make use of a perishable natural resource makes all of us poorer, the loss far exceeding any strict dollars-and-cents measure. A large part of the United States' role as world leader is predicated upon our economic prowess. Our capacity to deter potential belligerents rests not only on our defense capabilities narrowly defined, but also on our production base.

But is a Humphrey-Hawkins type of program the solution to the problem?

No proposition is more obvious in economics than that if taxes on a product are raised there will be less of that product. Likewise, if subsidies for a product are increased, there will be more of the subsidized product. In the United States today we are taxing employment through a multitude of imposts such as personal and corporate income taxes. We are also subsidizing inefficiency, non-work, and the absence of production through agricultural subsidies, Export-Import Bank subsidies, the "retirement test" for Social Security, etc.

No wonder the United States today has so much unemployment! And the Humphrey-Hawkins bill will, if enacted, only continue and intensify these trends. First, the money to pay for it can come only from current producers and employers, thus adding to the already onerous tax on employment. Second, the money will be paid out as yet another subsidy of non-production. Thus it is inconceivable to me that such a program will do anything other than hurt workers, consumers, and the truly needy who rely on other government programs.

A firm's decision to hire is based, in part, upon the *total* cost to the firm of the employee's services. The more it costs a firm to hire workers the fewer it will hire; conversely, the less it costs a firm to hire workers the more it will hire. By the same token, a man's decision to work is based, in part, on the amount of money he will get for that work. The more the employee gets the more willing he is to work, and *vice versa*. Employees, it should be noted, are not concerned with the total cost picture; all they care about is how much they get, after taxes.

The difference between the wages firms pay and the wages employees receive is called the "wedge." This wedge consists of income taxes, payroll taxes, excise taxes, sales taxes, property taxes, and the cost of government-mandated paperwork.

Let us consider a case where the wedge (or tax) on a worker's gross wages of $200 per week is 20 per cent. Assume that the employer pays half of that tax and the employee half. Under these conditions the total cost to the employer is not $200 per week but $220 per week. The firm's decision to hire is based exclusively on the $220 figure. But the employee, after he has subtracted his tax-wedge share of $20, is left with only $180 per week.

It is easy to see what happens if the wedge is increased to, say, 40 per cent. Assuming it is still divided evenly, then wages paid by the firm rise from the $220 figure to $240; the firm will hire fewer workers. Meanwhile, wages received by employees will fall from $180 to $160; employees will be less willing to work. Both the firm's desire to hire workers and the workers' willingness to be hired will be reduced as the wedge increases. Output falls and the level of total employment falls as the wedge increases.

In the United States the wedge can be represented either by total government spending, or by the total of transfer payments. Basically, transfer payments are transfers of real resources from producers to people who do not produce; as such, they reduce the amount of goods and services available to the people who produced them. Transfer payments are therefore a tax on production and work, and a payment based upon a characteristic other than work. Some of the transfers may be based on population characteristics: age, residence, health, sex, race, etc. In many instances, transfers are a payment explicitly for non-work: agricultural subsidies, food stamps (which have a maximum income requirement), Social Security payments (which impose retirement), housing subsidies, and, obviously, unemployment compensation itself.

GOVERNMENT SPENDING AND TRANSFER WEDGE[1]

[In billions of dollars]

Year	Government spending: Federal, State, and local	Spending wedge (spending divided by GNP)	Government transfers: Federal, State, and local	Transfer wedge (transfers divided by GNP)
1950	61.0	0.213	22.5	0.079
1955	97.9	.245	22.9	.057
1960	136.4	.270	36.1	.071
1965	187.8	.273	49.4	.072
1970	312.0	.318	93.1	.095
1975	525.2	.350	194.0	.129

[1] Source: Economic Report of the President.

In the table I have attempted to construct a time-series on the wedge, both in absolute magnitude and as a share of GNP. Of necessity, much is omitted from the figures, e.g.: 1) the market equivalent of the value to the owners of productive factors lost through restrictions on the use of their resources such as transportation regulations, pollution controls, health requirements, etc.; 2) the market value of the time people spend to comply with government regulations and forms; and 3) the total cost to firms of accountants and lawyers hired to assure compliance with government regulations. In spite of these omissions, which tend to understate the size of the wedge, the table is roughly indicative of the recent trends in the United States toward the growth of the wedge.

Depending upon the specific assumptions underlying the cost estimates, one will come up with a larger or smaller figure by which the Humphrey-Hawkins bill will increase the wedge. However, in virtually every respect this bill will place additional burdens on producers and workers and simultaneously give little in the way of final output in return.

The "reordering of national priorities" mentioned in the bill in fact means a continuation of current policy trends. The general tendency, with some notable exceptions, is already to make the economy less efficient, especially in the areas of energy and transportation. The added levels of bureaucracy required by Humphrey-Hawkins will be of little ultimate benefit to the country. And the value of the production of those to be employed under this program will, through no fault of their own, not be as high as the payments made to them.

Viewing the cyclical nature of the economy from this vantage point also gives us a slightly different perspective.

Let us imagine for a moment an economy that produces, say, 1,000 real units of output and has government transfers and purchases of 500 real units. In this case, the producers and workers who produce the 1,000 real units of output are able to keep 500 of those units. For every two units a man produces he gets to keep only one. Fifty per cent, the wedge, is taxed away and given to someone else.

Let us see now what happens if, for whatever reason, there is a shortfall of income or output from the 1,000-unit level to 900 units. In our economy, as output and employment fall, government spending rises, almost entirely as a result of increased transfer payments. Increases occur across a whole range of categories, including open-ended automatic increases in food stamps, Social Security benefits, education loans, and unemployment benefits. There will be newly legislated increases as well. For the sake of the example, let's imagine that government spending rises by 40 real units.

Therefore, while output falls from 1,000 to 900, government spending rises from 500 to 540. The wedge in the economy rises from 50 per cent to 60 per cent. Producers and workers receive only four-fifths of one unit for every two they produce, where as they used to receive a full unit for every two they produced. By increasing its spending during a recession or downturn in production, the government *reduces* the incentives to produce and work. Far from stabilizing the economy, such "countercyclical" spending will, in fact, *accentuate* the cyclical aspects of the economy.

Several features of Humphrey-Hawkins as drawn up last year directly accentuate the cyclical nature of the economy. By having a permanent countercyclical grant program to state and local governments, this bill would increase the severity of recessions and heighten excessively expansionary booms. The employment program would do the same. This program for all practical purposes raises the tax wedge during recessions and lowers the tax wedge during booms. As a consequence, the economy would become more unstable than it already is. Not surprisingly, the U.S. has just experienced the worst recession of the postwar period at a time when government spending is taking its greatest share of GNP and is geared most closely to the level of unemployment. The impact on inflation follows directly from the impact on real output and production. Inflation results primarily from too much money chasing too few goods. Reducing output and production, as I believe this bill would do, will lead to higher prices.

In sum, Humphrey-Hawkins will do the reverse of what it promises. It will 1) reduce total employment, 2) make growth more cyclical and less stable, resulting in 3) higher prices.

Nothing is more important than achieving full employment and balanced growth. But the way to achieve more employment and greater output is to make it more profitable for workers to work and for employers to employ. An economy does not reduce unemployment and increase output by taxing work and employment.

If we are ever to achieve a sustainable high level of output, we must reduce the tax wedge on producers and workers. These reductions must occur predominantly in the already overtaxed and therefore underemployed factors of production. It is especially important for the reductions to be on marginal rates of taxation. Three areas of taxation deserve special attention: taxes on corporate-held capital, personal income taxes, and the implicit taxes (such as minimum-wage laws) on the less-educated and disadvantaged participants in our economy. In addition to reducing tax rates on production and work, inequitable and distorted spending must also be restrained.

Corporate-held capital is taxed today at exceptionally high rates on the margin. Corporations pay a marginal tax rate of 48 percent on each additional dollar of profit before anything goes to the ultimate owners of the capital. On what they receive after the corporate tax has been paid, the owners of the capital must then pay additional personal income taxes. Exen if the marginal personal income tax rate were only 42 percent, this would imply that the tax wedge on corporate-held capital would be close to 70 percent. And that means the corporate and personal income taxes on *reported* profits. Because of the effects of inflation, reported corporate profits overstate actual economic profits. Inventory price increases are reported as profits when, in reality, they are not. Similarly, depreciation is calculated from the purchase price of the capital good, not the replacement cost.

In addition to these obvious considerations, some allowances should be made for capital-gains taxes, excess-profits taxes, property taxes, sales taxes, the cost of restrictions on the use of resources, and the cost of accountants and lawyers hired to comply with government regulations. All things considered, the total marginal tax wedge on corporate-held capital may well be in excess of 90 percent.

There must be some post-wedge yield if people are to be induced to save in order to provide the capital to employ workers. Thus reducing tax rates, especially the high marginal tax rates on capital, will reduce unemployment, decrease misemployment, reduce under-employment, and attract potential workers back into the labor force.

Another tax drastically in need of reduction is the presonal income tax, especially since a substantial portion of the current rise in tax rates is due to the effects of inflation on progressive tax schedules. Perhaps the best single measure here would be to index the personal income tax. As a second best, individual exemptions and deductions should be increased across the board. And an across-the-board reduction in the tax rate (a *negative* tax surcharge) could be enacted.

The effect of minimum-wage regulations on the less-educated, disadvantaged workers is exceedingly severe. If a minority youth in a poor neighborhood would like to work for $1.50 an hour, and a small minority-run business would like to hire him at that wage rate, it can't be done because of the minimum-wage law. After being chronically unemployed for a long period, such a person becomes close to, if not literally, unemployable.

Complicated tax schedules, arcane building codes, and other modern bureaucratic developments present a serious impediment to economic development by entrepreneurs in poor neighborhoods. As if it weren't already hard enough to start up a successful business in a poor neighborhood, the government-imposed tax wedge is probably highest there. It is precisely in these neighborhoods that another massive government program, Humphrey-Hawkins, is expected to undo the effects of all the previous similar programs.

I doubt very much whether the United States can maintain peacetime full employment without a substantial reduction in the level of government spending as a share of GNP. At the very least, this spending must be redirected in such a way as to reduce the direct incentives for nonproduction and nonempoyment.

The proponents of Humphrey-Hawkins argue that if the market won't provide ample employment opportunities, then government spending must take up the slack. By hiring previously unemployed workers, the logic runs, the government will place purchasing power in the hands of people who will spend. This spending in turn stimulates employ-

ment, and so the process continues. Even if the government employees produce nothing of value (such as holes first dug and then filled up again), the argument goes, the economy will still be better off in terms of total production and employment.

There are two critical qustions to be asked here. First, how and from whom does the government get the additional rsources to pay for the program? In the case of direct taxes the answer is clear. For every dollar a recently hired government employee gets, some private employee gets one dollar less; the increased spending by the government employee is exactly offset by the reduced spending of the now-taxed private employee. If the spending is financed by debt issue, then some borrower will be "crowded out" of the capital market and his spending will fall by the amount by which the government employees' spending rises.

Whether private producers are taxed out or crowded out, total aggregate demand will not change. Only if we totally ignore the real effects of the financing will we expect an increase in demand much less in real supply.

The second question is whether the total wedge will not increase and thereby lead to lower output. Using an admittedly extreme example, what would happen if the government raised taxes and spending to the entire amount of GNP? Does anyone for a moment think that output would not fall? People who feel that full employment legislation will move the economy to a higher level of employment and output have overlooked the facts that 1) the people who are taxed or can't borrow because of the financing of this program will reduce their spending to offset increased spending by those who receive the funds, and 2) with a larger share of output going to the tax wedge, employers and employees will switch from work and production into non-work and non-production.

TELEVISION VIOLENCE

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. MURPHY of Illinois. Mr. Speaker, television violence, as many of my colleagues know, has been the subject of much discussion over the past few years. For better or worse, watching television has become an American pastime and an estimated 15 to 20 million viewers are children of school age and younger. It is no wonder that parents are worried and alarmed over the impact television violence may have on their children.

In Chicago, local parent-teacher associations are joining with the national PTA in calling for a halt to such television programing. Concerned parents, educators, and civic leaders met last week at the Sheraton Hotel to express their opposition to the continued use of violence on television. Through their efforts, attention is being focused on the effects of television violence on our young people.

The House Subcommittee on Communications of the House Committee on Interstate and Foreign Commerce held hearings in July of 1975. At those hearings it was brought out by John Schneider, president of CBS broadcast group, that between the hours of 8 and 9 p.m. the number of young viewers between the ages of 2 and 11 is about 14 million. This figure, according to Mr. Schneider, declines to around 5.6 million between the hours of 10:30 and 11 p.m. Quite a substantial number when you consider the age group.

Television is a prime learning tool in the lives of these youngsters. But unfortunately, television programing does not reflect the magnitude of its responsibility to viewers of all ages.

The participants at the hearing in Chicago cited the lack of reality in television programs. A stabbing, a shooting, a beating are portrayed as the natural way to get things done. Children learn that acts of violence will get them what they want.

Television, for the most part, is a world of fantasy and for children the distinction is never made between fantasy and reality. We see violence romanticized or having glamour. We see the he-man who gets what he wants through violence. What we do not see is the agony and suffering and death which accompanies these acts of violence. To children it is just a make-believe game where a man is shot, gets up, brushes himself off, and walks away.

In 1968, President Lyndon Johnson established the National Commission on the Causes and Prevention of Violence. This Commission studied the violence portrayed in television programs. In 1969, the Commission issued the following statement:

> We believe it is reasonable to conclude that a constant diet of violent behavior on television has an adverse effect on human character and attitudes. Violence on television encourages violent forms of behavior and fosters moral and social values about violence in daily life which are unacceptable in a civilized society.

The Commission went on to say that television was emphasizing "antisocial styles of life."

In 1975, a study by University of Utah researchers reported that children who view television heavily can become desensitized to violence in real life:

> Normal emotional responses to human suffering become blunted and this desensitization may easily cause not only major increases in our society of acts of personal aggression but also a growing attitude of indifference and nonconcern for the victims of real-life violence.

Since the Federal Communications Commission instituted the "Family Viewing Hour," it has met resistance. In a recent court decision the FCC was held in violation of the first amendment. In spite of this adverse ruling, the FCC continues its fight for the "Family Viewing Hour."

Local PTA groups should be commended along with the national organization in drawing attention to the scope of this problem. Researchers and psychologists point out that regardless of family background, school performance, or home life, the single most important determinant of a child's aggressiveness is the amount of television violence he views. This is a powerful conclusion that no parent can take lightly.

EQUITY FOR DIVORCED WOMEN

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. McKINNEY. Mr. Speaker, today I am introducing legislation to reduce from 20 to 10 the number of years a divorced woman must have been married to an insured individual in order to qualify for social security benefits based on the earnings of her former husband.

Over the years the social security system has undergone continuous reevaluation to insure adequacy and equity. While the essential principles of the program have been maintained, social security benefits have been adjusted, thus demonstrating a sensitivity to a changing society and to the changing needs of particular segments of our populace. Nevertheless, there remain certain categories of persons, among them divorced women, who are still inadequately protected by social security.

Under current law, a divorced woman must have been married for at least 20 years in order to receive a wife's or widow's benefits. This 20-year marriage requirement is unduly harsh. Women who have been married, 14, 15, 19, even 19½ years, find themselves without any social security benefits, because of the arbitrary 20-year duration-of-marriage requirement. Yet a woman who was married for just a few years less than 20 years may have spent her prime working years in the home and, as a result, be left with either no social security protection or a very meager benefit based on her own earnings. Her likelihood of remarrying or finding new employment are dismal, at best.

This 20-year duration-of-marriage requirement is all the more inequitable in view of the fact that an undivorced woman may become entitled to a wife's benefit after only 1 year of marriage or to a widow's benefit after having been married for a minimum of 9 months.

The estimated cost of this legislation, $70 million, is not prohibitively expensive, particularly in light of the fact that in the first year the legislation would affect close to 20,000 to 30,000 women. Approximately 5,000 more women would be eligible each succeeding year since most women who would be eligible for the benefits, were they to be enacted this year, are older women. Younger women, whose marriages last 10 years or more, if they do not remarry, generally do work, and upon retirement become eligible for benefits on their own account.

Mr. Speaker, our efforts to end discrimination against women—in this case, divorced women—must continue unabated, and I urge my colleagues to support the reduction in the duration-of-marriage requirement for divorced women:

H.R. —

A bill to amend title II of the Social Security Act to reduce from 20 to 10 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 216(d) of the Social Security Act is amended by striking out "20 years" in paragraph (1) and (2) and inserting in lieu thereof in each instance "10 years".

SEC. 2. Section 202(b)(1)(G) of the Social Security Act is amended by striking out "20 years" and inserting in lieu thereof "10 years".

SEC. 3. The amendments made by this Act shall apply only with respect to monthly insurance benefits under title II of the Social Security Act for months after the month in which this Act is enacted.

THE NEED FOR GAS DEREGULATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. COLLINS of Texas. Mr. Speaker, as we enter into one of the coldest winters our Nation has experienced in recent years, Americans are becoming acutely aware of the need for a permanent supply of energy resources. Natural gas, the most efficient and cleanest of our fossil fuels, is the energy resource in greatest demand. Yet, this winter, an estimated 14 of our Nation's States are experiencing severe shortages of their natural gas supplies.

The demand for natural gas has increased steadily since World War II, rising from 18 percent of total U.S. energy consumption in 1950 to 30 percent in 1974. By 1975, natural gas had emerged as the primary heating source for 40 million homes, 3.4 million commercial establishments, and 200,000 industrial plants. Despite the growing demand, the production of natural gas remains minimal—a direct result of continued congressional regulatory price controls imposed on our Nation's oil and gas industries.

Clearly the natural gas shortage is the direct result of decreasing production and discouraged recovery efforts by our Nation's producers. The gas producers could not afford to initiate new exploration and recovery programs under the old FPC price control limits. Recent statistics show natural gas producers receiving $0.39 per million Btu, while coal producers are receiving $0.79 Btu, followed closely by domestic oil at $1.30 Btu, and imported oil at $2.40 Btu.

What is the answer to our dwindling gas reserves? Deregulation is the only logical solution. The supply availability of the intrastate gas market points vividly to the success of deregulation in the interstate market. Intrastate gas is in plentiful supply, because intrastate gas sells in the open market. Where producers are drilling for intrastate contracts, demand for rigs has been strong.

The Federal Power Commission's July 1976 decision to increase the base ceiling rate for new interstate gas was one of the most positive steps taken to date in alleviating the natural gas crisis. Mr. Speaker, I would like to share the results of the FPC's July decision as it affected two gasfields in southern Texas and Louisiana owned by Conoco. In a recent article published by the company, Bob Lee, head of Conoco's Houston Natural Gas and Gas Products Division, summed up the present natural gas situation as follows:

The differential between prices for interstate (regulated) and intrastate (non-regulated) gas amounts in some instances to more than $1.50 per thousand cubic feet. This sharp difference in price has two inevitable consequences. First, its means that producers put as much of their production as possible into intrastate markets. That's what happened at Conoco. Three years ago, two thirds of our gas was sold on interstate markets. Today, the percentage has dropped to about half.

Another consequence of the multitier pricing structure is that marginal fields—those with low reserves or that are particularly expensive to produce, simply won't be developed if the gas can't be sold within the State at free market prices.

Mr. Speaker, the FPC's July ruling was only the first step in the right direction. Complete deregulation is needed immediately if America is ever going to realize energy self-sufficiency. Many people do not seem to understand how deregulation would affect the price of gas to the consumer. Only 20 percent of the final price of gas to the consumer is the wellhead price: 80 percent of the price is involved in pipeline and distribution cost.

Second, only about 8 percent of the total production of natural gas would come up for deregulation every year. Deregulation applies to so-called new gas not covered by old existing gas contracts. Many contracts will be in effect for the next 15 years, so it will be a gradual process absorbed by the economy.

The answer to our dwindling natural gas reserves is clear, Mr. Speaker—deregulation. I have recently introduced a gas deregulation bill in the House, H.R. 1562. It is urgent that Congress take some positive action in the quest for energy self-sufficiency. I urge my colleagues to lend their support to this bill for a free unregulated market so America can finally realize domestic energy independence.

ETHNIC SLURS IN PUBLIC LIFE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. MURTHA. Mr. Speaker, I was both shocked and dismayed to read recently of Federal Trade Commissioner Paul Rand Dixon's remarks directed toward Consumerist Ralph Nader. While I do not deny Mr. Dixon the right to disagree with Mr. Nader I do take very strong exception to his irresponsible and irrational language wherein he cast aspersions on Mr. Nader's ethnic origin.

It is truly a sad day when a man of Ralph Nader's unquestioned integrity should be assailed by a member of the executive branch whose very office would demand the utmost in balance and objectivity.

In my estimation it is intolerable that a person in such a responsible position as Mr. Dixon should be allowed to make derogatory statements with impunity.

Bigotry should not be countenanced in any public official; Mr. Dixon has regretted his remarks but he has not offered a public apology to Ralph Nader. I believe this is the least that should be expected. It would not surprise me to see a serious effort to force his resignation develop over the next few days.

His resignation would illustrate once and for all that racial and ethnic slurs have no place in our American public life.

A CASE OF BRAVERY WITH A GUN

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. RONCALIO. Mr. Speaker, the American people possess an advantage over the citizens of almost every other nation, the right to defend ourselves. This is a right which is exercised many times, but rarely do we hear of the acts of bravery performed by the individuals who are protecting their own lives or the lives of others.

An editorial in the Wyoming State Tribune of Cheyenne praised the successful attempt of a hunter to stop a criminal who had just gunned down a highway patrolman in cold blood.

The editorial noted the "value of the armed, and concerned citizen." This story is just one example of many lives which are saved each year due to the presence of a gun.

It is my feeling that honest, law-abiding citizens should not be disarmed. Otherwise, everyone would be at the mercy of the criminals who will always be armed.

At this point, I would like to share with my colleagues the story of a brave man who risked his own life to shoot a killer so that other lives may be saved. The editorial follows:

THE ARMED CITIZEN IN ACTION

We hope you read the story in yesterday's issue of this newspaper about the deer hunter from San Angelo, Tex., and his son who were returning home from New Mexico and a hunting trip.

If you didn't we'll repeat it here. If you did maybe we can bore you again because it bears on some current thinking in this country concerning ownership of firearms and the law-abiding citizen.

The unidentified San Angelo man and his son according to the UPI account were driving along a highway in West Texas when they observed a pickup truck being pursued by a highway patrol cruiser.

The latter overtook the pickup and pulled it off to the side of the highway and the West Texas man and his son then saw the officer running toward the back of the vehicle. Then as they pulled into a roadside park to observe further they saw the patrolman lying on the ground with a man standing over him shooting the officer.

One of the pair, either the man or his son, the story did not say which, took a high-powered rifle and firing from 100 to 150 yards away, hit the gunman at least once killing him.

The officer was dead, slain by at least 10

bullets fired into his body by the gunman who was driving a vehicle stolen in San Francisco last week.

The district attorney of the jurisdiction where the shootings occurred says that the man who killed the gunman with the high-powered rifle ought to be given a medal; he made clear anyway he would not be prosecuted.

But more than that, it points up the value of the armed, and concerned citizen. Recently we noted arguments against a Massachusetts proposal involving handguns which would have been confiscated by the state, after due compensation. These firearms, admittedly, only involved handguns and not shoulder-fired weapons of 16 inches or more in length but nonetheless the moral seems clear. Because one spokesman for a police association pointed out that such a movement would disarm honest and lawabiding citizens whom law enforcement agencies need; the police, he pointed out, cannot do it all.

This would seem to have been amply proven in the Texas incident; what would have happened, we would like to ask, had this person, whoever he may be, not bestirred himself to act in behalf of law and order by killing this murderer in the act of taking the life of the patrolman? How many other innocent victims' lives, either other law enforcement officers or else civilians, might have been killed by this slayer had he not been shot down there.

In the words of the local district attorney who investigated the case, this unnamed hero does deserve a medal because he risked his own life to take gun in hand, stand out on that highway and dare to shoot that killer in the act of taking another man's life.

He deserves the thanks of all persons of good will who owe him a debt of gratitude if only for the great example he has provided of the law-abiding citizen in action in behalf of society where in too many instances, especially today, the individual simply does not want to get involved because it might mean some risk to himself. He'd rather let somebody else do it even if it means that person's death.

STATEMENT OF THE HONORABLE JOHN M. MURPHY ON THE OTA REPORT AND THE PROPOSED OCS BILL

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. MURPHY of New York. Mr. Speaker, on December 2, 1976, the Office of Technology Assessment issued a report on the "Coastal Effects of Offshore Energy Systems." After a comprehensive review of the present problems and hopes for offshore development in the Mid-Atlantic Region off New Jersey and Delaware, OTA concludes that exploitation of our offshore resources can proceed, and should proceed, provided adequate safeguards are established and maintained.

The Ad Hoc Select Committee on Outer Continental Shelf, after its almost 2 years of work, agreed with these conclusions. The bill, S. 521, passed by both Houses but not enacted into law because of parliamentary maneuvers at the end of the 94th Congress, contained the necessary safeguards detailed in the OTA report.

I introduced on January 11, 1977, the OCS bill as outlined in the conference report of the 2d session of the 94th Congress and I have asked the staff of the select committee to analyze the OTA report, and specifically its findings and suggestions to Congress for legislation. This comparison, which is attached, indicates that the proposed OCS bill will insure prompt and safe development of our offshore resources:

COMPARISON OF REORGANIZATIONS BY OFFICE OF TECHNOLOGY ASSESSMENT IN THEIR 1976 REPORT "COASTAL EFFECTS OF OFFSHORE ENERGY SYSTEMS" WITH PROPOSED HOUSE BILL TO AMEND THE OUTER CONTINENTAL SHELF LAND ACT TO BE CONSIDERED BY THE AD HOC SELECT COMMITTEE ON THE OUTER CONTINENTAL SHELF

OFFSHORE PRIORITIES AND PLANNING

OTA Report

Future deployment of ocean technologies on a large scale could create serious conflicts among users and impose excessive burdens on ocean and coastal environments unless a system for setting priorities of use and for zoning ocean areas, much as land areas now are zoned, is established.

Proposed House bill

In its findings, purposes, and policies, the proposed OCS bill notes the need for detailed planning by the Federal government, and affected states, to minimize conflicts and adverse impacts, and notes the possible conflicts among ocean users and the need for the Federal government to assume responsibility for the minimization or elimination of conflicts.

CONGRESSIONAL OPTIONS

OTA report

Congress may wish to deal with problems arising from conflicting ocean uses on any of a number of policy levels. It could:

1. Mandate a detailed study of conflicting ocean uses to assemble a data base on present and future uses and suggest priorities for development and control. Such a study could also assess present Federal organizational capabilities to deal with such conflicts and, if appropriate, propose changes, if any, required in the Federal structure.

2. Provide one ocean-related agency with authority to resolve ocean-use conflicts that result from increased offshore activities. Any such delegation of authority probably would have to specify arbitration, public or private, as an avenue for resolving some conflicts.

3. Require joint planning for offshore uses by conflicting parties, public and private, domestic and foreign.

Proposed House bill

1. The proposed OCS bill requires the Secretary of Interior to prepare an exploration program to obtain necessary information to allow adequate evaluation of the value and risks of OCS development, the impacts on State and local governments; requires studies to be undertaken of the state of the environment and effects of OCS activities on the environment.

2-3. The proposed OCS bill requires a five year leasing program to be prepared by the Secretary of Interior, after consultation with states, other government agencies, and interested citizens; the leasing program must consider impact on other resources users, and the environment; must discuss location of leasing areas in relation to other uses of the sea and seabed; and must be based on a proper balance between oil and gas development, environment protection, and advance impact on coastal areas.

FEDERAL MANAGEMENT SYSTEM

OTA report

Federal management of the offshore oil and gas program is fragmented within the Department of the Interior and coordination with other Federal agencies which share jurisdiction is ineffective.

Proposed OCS bill

The proposed OCS bill finds that there are a number of administrative problems that retard development, and requires coordination and consultation of all Federal departments and agencies to assure the elimination of inconsistant on duplicative requirements.

CONGRESSIONAL OPTIONS

OTA report

1. Assign a single policy-level office within the Department of the Interior the authority and responsibility for OCS policy coordination.

2. Assign to a single policy-level office within the Department of the Interior general responsibility for program coordination with all Federal agencies with OCS responsibilities and specific line authority and responsibility for operations of:

Those sections within the USGS which now draft and enforce technical regulations for offshore oil and natural gas activities;

Those sections within the Bureau of Land Management which now supervise offshore leasing and environmental studies programs; and

All land uses, ocean use, economic, geological, and other planning that is now carried on independently in various sections within the Interior Department that relate to OCS operations.

Proposed OCS bill

1. An Office of Assistant Secretary for OCS matters is established, with responsibility for all Interior Department OCS matters.

2. This Office of Assistant Secretary is statutorily given *all* the functions of the Secretary pursuant to the OCS Act, which includes—

Drafting, promulgation and enforcement of OCS regulations—except for surveying and preparing maps;

Preparation, use, and evaluation of various leasing systems; coordination of NEPA requirements; and cooperation with NOAA for environmental studies.

General planning and preparation of leasing program based on weighing of relevant factors, interests, and problems.

REGULATION AND ENFORCEMENT

OTA report

Inadequate regulation and enforcement of offshore oil and gas technology could result in more accidents and more oil spills than would occur if a more effective system were implemented.

Proposed OCS bill

The proposed OCS bill finds that safety regulations need to be reviewed in light of new information, and demands; and makes it a purpose of the Act that OCS operations be safe, with well designated regulations and newest technology, precautions, and techniques.

CONGRESSIONAL OPTION

OTA report

The following options are available for making changes to the present system:

1. Require that OCS orders be completed prior to, and made part of, all lease sales. Such orders should include design standards for the complete system, along with test and inspection schedules. Require development plans to be complete and comprehensive, to utilize environmental data developed for the region, and to follow specified standards and practices for the system.

2. Transfer regulatory and enforcement authority from USGS to the U.S. Coast Guard for major OCS systems, and apply existing Coast Guard regulations on drill ships and floating platforms to other offshore technology.

3. Separate regulation and enforcement for daily OCS operations within the Federal Government by assigning these responsibilities to an agency, or department, other than

Interior, while preserving Interior's OCS development responsibilities.

Proposed OCS bill

1. A comprehensive set of safety regulations are to be prepared, requiring best available and safest technology; regulations are to be prepared for inspections, testings, and investigations. Development plans detailing all facilities and operations, and implementation of environmental and safety standards are required. Specified standards for requirements of such plans, as to safety standards, their details, and their implementation, are listed. Plans can be disapproved, modified, or altered so as to ensure safe operations.

2–3. Department of Labor and the Coast Guard are given specified regulators and enforcement authority; investigations by Labor and Coast Guard as to accidents, and spills, respectively are required; allegations as to safety violations must be investigated by Labor and Cost Guard; regulations by Labor are mandated for hazardous worker's activities.

ENVIRONMENTAL STUDIES

OTA report

Environmental research and baseline studies are not formally coordinated with the interior Department's leasing schedule and there is no requirement that information gathered be used in the decisionmaking process for sale of offshore lands and subsequent operation.

Proposed OCS bill

The proposed OCS bill requires that the leasing program be based on adequate information about environmental hazards and ecological characteristics of region to be leased. Both exploration and development plans, submitted by leasees, require consistency with a balance of protections of ecology and development.

CONGRESSIONAL OPTIONS

OTA report

The following options could be employed for making such changes in the present system as may be needed:

1. Require that environmental studies be made a formal part of the lease-management process by providing data for milestone decisions.

2. Require that environmental studies that would define baselines and identify sensitive or hazardous areas and conditions be completed prior to preparation of a development plan, and that the data be used in evaluating and approving development activities.

3. Separate the responsibility for environmental studies from the agency in charge of development (Interior) and put a scientific agency in charge (such as the National Oceanic and Atmospheric Administration).

Proposed OCS bill

1. Baseline studies are required for every lease area, to commence prior to a lease sale and be completed prior to authorization of development and such studies are to result in specified information as to the various elements of the existing status of the environment and predict changes resulting from OCS activities.

2. Studies are to be completed prior to approval of a development plan, and the Secretary can use this information in evaluating the sufficiency of a plan.

3. The Secretary of Commerce, using NOAA is made responsible for baseline studies and follow-up monitoring.

STATE ROLE

OTA report

The limited role of State governments in the decision-making process for OCS development under existing laws and practices may lead to unnecessary delays and improper planning for such development.

Proposed OCS bill

Findings, purposes, and policies, listed in the bill detail the need for additional state input into OCS decisions, the need of states for additional information, and the role of the states in planning.

CONGRESSIONAL OPTIONS

OTA report

1. Congress could require the Department of the Interior to solicit State comments on proposed lease sales, State proposals for stipulations to be written into leases, and State comments on development plans to protect economic and environmental interests. The Department of the Interior could be required to explain in writing why any State proposal was rejected and States could have a right of appeal.

2. Congress could require enforcing agencies to submit to the States long-range and detailed plans for enforcing lessee compliance with operating orders, evaluate State comments on the plans, and modify the plans, or explain a failure to modify them, to accommodate State objections.

3. Congress could require that an impact statement be prepared to accompany each development plan and that major development plans include detailed descriptive, design, and procedural information on offshore and onshore facilities that industry wants to build.

Proposed OCS bill

1. State comments are to be solicited for the leasing program, lease sales, exploration plans, and development plans. Any comments by states must be responded to in writing, and recommendations by states as to lease sales and development plans are only to be overriden if necessary for national security or overriding national interests. Detailed procedures for review of Interior decisions by the courts, with standing to affected states, are provided.

2. Both exploration and development plans must include details as to compliance with safety regulations. All states are given the right to comment on plans and their comments must be responded to.

3. At least once in every frontier area, an EIS is required prior to approval of development. *All* development plans require a statement of information to be submitted as to on-shore impact, and detailed.

4. To insure state involvement, a Division of State and local liaison is established within the Department of Interior.

OIL SPILL LIABILITY AND COMPENSATION

OTA report

Existing laws are not adequate either to assign liability or to compensate individuals or institutions for damages from oil spills resulting from exploration, development, or production in the Baltimore Canyon Trough area.

Proposed OCS bill

Findings, policies, and purposes detail the need for adequate funds for prompt removal of oil spilled or discharged, and for damages caused by spilled or discharge oil.

CONGRESSIONAL OPTIONS

OTA report

1. Congress could adopt legislation dealing with liability and compensation for damages associated with offshore oil and gas production that would be comprehensive enough to cover such problems as indirect damages, class actions, and unlimited liability.

2. Congress could adopt liability and compensation legislation that addresses only direct damages and let other issues evolve through case law.

Proposed OCS bill

1. The proposed OCS bill has a detailed title establishing strict liability for spills; provides for responsibility for spills; establishing procedures for removal; providing compensation for spills by lessees and a fund; authorizing judicial remedies, including class actions.

2. If areas of definition or procedures are not sufficiently specified, detailed standards for administrative and court review so as to fill in gaps are provided.

OIL SPILL CONTAINMENT AND CLEANUP

OTA report

There is no assurance that the technology utilized in the Baltimore Canyon Trough or in any other OCS frontier region would be adequate for oil spill surveillance, containment, and cleanup.

Proopsed OCS bill

Proposed OCS bill contains findings, purposes, and policies, calling for procedures for limiting possibility of spills and providing for prompt removal of spills.

CONGRESSIONAL OPTIONS

OTA report

1. Provide authority and funding for the Coast Guard to patrol for oil spills and take charge immediately should a spill occur.

2. Prepare definitive regulations for industry to follow, including standards for equipment, minimum levels of manpower readiness, and responsibility for coverage on all OCS oil spills.

Other Options

Federal and State officials could develop a strong information program to advise local officials and the public of procedures that would be followed and parties who are responsible for actions in the event of a spill.

Proposed OCS bill

1. Coast Guard is given authority to assure adequate enforcement of oil spill protections; is to promptly act to remove discharges; and is to make report on spills, actions taken as to spills, and lessons learned.

2. Safety standards, required by the bill, are to ensure safe operations, so as to minimize the possibilities of spills. Lessees and permittees are made responsible for all cleanup costs.

3. The oil spill title details procedures for information as to spills, compensation, and removal procedures, to go to states, local communities, and affected citizens.

CONFLICTING OCEAN USES

OTA report

There are potential conflicts between OCS oil and gas activities and vessel traffic engaged in commercial shipping and fishing activities. However, there has been no comprehensive study and analysis to identify all conflicts and to find ways of resolving them.

Proposed OCS bill

Findings, purposes, and policies detail possible conflicts of OCS activities with other users of the sea and seabed. The leasing program, safety regulations, and exploration and development plans are to be prepared so as to minimize such conflicts.

Regulations as to all aspects of OCS activities are to be coordinated so as to eliminate conflicts avoid duplications, and insure resolutions of disputes. Studies, regulations, provisions, and plans, are to be based on the need to minimize conflicts.

CONGRESSIONAL OPTIONS

OTA report

Some of the options available to Congress for minimizing offshore conflicts are:

1. Congress could expand the authority of the U.S. Coast Guard to give it jurisdiction to establish an effective offshore traffic control system. Such authority already exists for Coast Guard jurisdiction over navigable waters and areas around deepwater ports.

2. Congress could authorize specific studies of conflicts in ocean uses and means to resolve them.

Other Options

1. Departments of Transportation and the Interior could draw up a memorandum of

understanding in which they agree to a system for resolving conflicts between vessel traffic and OCS oil and gas activities.

2. Industry, with or without Department of the Interior regulations, could deploy as many subsea completions on oil and gas wells as is practical and economically possible to reduce the number of surface structures required for OCS production.

3. Informal planning groups, with the industries and public involved, could be established to resolve conflicts.

TRIBUTE TO TOM TEAR

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. CONTE. Mr. Speaker, it is with pleasure that I join my colleagues in citing a hard-working member of the House staff, Minority Chief Page Tom Tear, who is retiring this month.

I know I express the sentiments of my fellow Members on this side of the aisle when I say a hearty thank you to Tom for all of his dedication and service over the many years that he has been an integral part of the mechanics of this branch of the Government. His work here has made our work proceed with greater ease. And, he has contributed immeasurably to the educational experience of the young pages over whom he has had supervisory authority.

At this time, I want to wish Tom a happy, healthy retirement and all of the good things he so richly deserves.

CONGRESS AND FOREIGN POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. HAMILTON. Mr. Speaker, during the 2d session of the 94th Congress, the Special Subcommittee on Investigations of the House Committee on International Relations conducted hearings on the congressional role in the formulation of American foreign policy. A report based on those hearings, entitled "Congress and Foreign Policy," has just been issued. It examines the congressional role in foreign policymaking, the nature of executive-legislative relations, and ways improvements can be made in those relations and Congress performance in foreign policy matters.

I would like to bring to the attention of my colleagues the 17 recommendations of the report.

RECOMMENDATIONS

A. Congressional committees:

1. Both Houses of Congress should reform committee structures, streamline jurisdictions and improve intercommittee coordination on foreign policy issues. The foreign affairs committees of both Houses should have overall responsibility in coordinating the foreign policy activities of Congress. The practice of using sequential or concurrent referral of the most important legislation affecting foreign relations to the foreign affairs committees of both Houses should be established.

2. While the current practice of holding hearings in various committees on the same foreign policy issues provides checks and balances invaluable to the congressional oversight function, joint hearings among committees and subcommittees with overlapping jurisdictions and even joint hearings between House and Senate committees and subcommittees should be initiated.

3. To exercise Congress' oversight powers more effectively, the House International Relations Committee and the Senate Foreign Relations Committee should hold hearings more frequently, both at the committee and subcommittee levels, on subjects not directly related to legislation.

B. International Economic Policy:

4. Both the legislative and executive branches must organize themselves for handling the many pressing international economic issues confronting the Nation.

The executive branch should give primary responsibility for international economic policy to the Department of State, while Congress should have its foreign affairs committees in both Houses acquire primary jurisdiction over international trade policy, including tariffs.

C. Measures to improve consultation:

5. The current system of consultation between the Department of State, as the principal executive agency responsible for foreign policy, and the Congress is inadequate and must be improved, with the emphasis on prior consultation.

Consultation of Congress by the executive branch *before* decisions are made is essential for the equal participation of Congress in foreign policymaking and for the existence of a good working relationship between the two branches.

6. In the case of crises or special foreign policy problems, joint "ad hoc" groups should be instituted to serve as additional focal points for consultation with the executive branch. Their memberships would be chosen by the leadership of each House and would draw on the staffs of the relevant committees.

The membership of these "ad hoc" groups would be chosen by the congressional leadership and would be composed not only of chairmen and ranking minority members of committees having international concerns, but also of middle- and junior-ranking members with special interest or expertise in a crisis or problem at hand.

7. To enhance further the consultative process, the Department of State should provide: Regularly scheduled formal briefings before the foreign affairs committees by senior officials on U.S. foreign policy activities and international developments; special briefings before those committees on sudden and developing crises, without exception and as soon as they occur; and frequent informal briefings of members by senior and junior State Department officials, at the request of individual members and committees or at the initiative of the State Department itself, on other foreign policy concerns that may arise. Such briefings should be complemented by weekly, written "foreign policy bulletins" for Members of Congress from the regional and functional bureaus of the Department of State.

8. Early in the 95th Congress, the executive and legislative branches should agree to initiate a "question hour" period, during which the Secretary of State in particular, but also other Cabinet officers, answer questions from Members of Congress.

Such sessions would be open to the entire membership of the House and Senate, would be limited to foreign policy matters, and take the form of "question-and-answer" periods.

9. The legislative veto should continue to be used as a basic device for insuring effective prior consultation by the executive branch.

The legislative veto is a useful and essential device of last resort to check on the executive branch.

10. The office of Assistant Secretary of State for Congressional Relations should be upgraded to an Under Secretaryship and be made a major policymaking post.

D. Information:

11. Congress must legislate a statutory basis for information classification and develop new security procedures for handling classified information and dealing with sensitive intelligence reports.

Such a statute would guarantee a congressional role in an area now exclusively controlled by the executive branch.

12. To make better judgments on foreign policy issues confronting the United States, Congress must make better use of available information and acquire new sources of information.

Better information for Congress will involve more efficient use of the present research and investigative agencies of the legislative branch, increased use of outside "think-tanks," and the possible creation of a congressional "foreign policy assessment office," which would have access to a broad range of executive branch information, including intelligence analyses, policy options and alternatives, and field reporting.

E. Additional mechanisms to insure congressional oversight of and participation in foreign policy:

13. Although the President's Special Assistant for National Security Affairs should not be compelled to testify before congressional committees, he should be confirmed by the Senate. In addition, greater efforts shoud be made to develop closer contacts between the National Security Council (NSC) and Congress.

Some initial congressional scrutiny of appointees to this position has become necessary because of the growing tendency of that office-holder to play a key role in the formulation of foreign and national security policy.

14. It is in the national interest and in the interest of a coherent foreign policy for Congress to be represented at international conferences and for participating members to have a substantive voice in decisions made by the American delegation. Members should also participate in major international trips by senior American officials, including the President.

15. The Department of State should reinstitute the publication of the Secretary of State's "foreign policy report," which would provide a basic and comprehensive statement of our foreign policy.

16. The President should institutionalize the practice of delivering a "state of the world" report or message to Congress, which would outline broad foreign policy goals.

Such an address would not only outline American foreign policy goals, but also serve as a basis for a general debate, in Congress, on the tenets and objectives of U.S. foreign policy.

17. Without necessarily enlarging congressional staffs, except perhaps in the area of international economics, Congress should improve its foreign affairs staffs' effectiveness and oversight capabilities, and thereby the state of overall relations between the executive and legislative branches.

The increased effectiveness of congressional staffs would be accomplished by augmenting the number of informal and free-wheeling exchanges of views between Capitol Hill and the executive branch, instituting exchange programs for congressional aides with agencies of the executive branch, and allowing committee staffs to travel more, attend international conferences more often, and improve their oversight work abroad.

This report, which also contains "conclusions" and "findings," is available from the House International Relations

Committee. I hope my colleagues will find the report useful in the continuing discussions over foreign policy formulation in the United States.

TRIBUTE TO TOM TEAR

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. ARCHER. Mr. Speaker, I appreciate this opportunity to join my Republican colleagues in the House in saying "Thank you and Godspeed" to Tom Tear, who is retiring after so many years as the Minority Chief Page.

All of us owe Tom a deep debt of gratitude for his assistance over the years, and we will certainly miss him.

I join my Republican colleagues in wishing him, and his wife Carol, every happiness in the years ahead.

TRIBUTE TO STEVEN TRIMBOLI—NEIGHBORHOOD LEADER AND FRIEND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. BIAGGI. Mr. Speaker, on January 7, 1977, the Queens Tribune paid a tribute to one of the borough's most outstanding citizens, Steven Trimboli. It is my pleasure to insert the article into the RECORD and pay tribute to Steve.

Steven Trimboli epitomizes the image of the involved American citizen. Many years ago, Steve saw his role in his community as that of a participant rather than an observer. The results are now history. Steve has lent his considerable talents to numerous community activities and in each case he has brought a sense of dedication and commitment with him.

Steve has served for the past 2 years as chairman of Community Planning Board No. 4 in Queens which encompasses the communities of Elmhurst and Corona. He has provided the board with his unique brand of dynamic leadership which is based on his abilities to attack problems squarely and doggedly pursue solutions. In his capacity as chairman, Steve has much contact with myself and other elected officials from Queens County. In my dealings with Steve, I have always found him to be an articulate spokesman for his community.

Steve's other main activity is his work as executive director of the 5,700 member Italian Senior Citizens Center. Steve is deeply involved in the day-to-day operations of the center and under his leadership the center has become one of the best known and active senior citizens organizations in the city. The center is politically involved. I have had the pleasure of seeing hundreds of their members in attendance at several different congressional hearings I have held in New York.

The article which follows provides more detailed information on Steve's activities. I am most pleased to pay tribute to this outstanding community leader, humanitarian, and good friend. The article entitled "Steve Trimboli and His Family of 5,000" follows:

STEVE TRIMBOLI AND HIS FAMILY OF 5,000

(By Phyllis Cohen)

The building housing the Italian Charities of America at 83-20 Queens Boulevard is a rather unimpressive white brick edifice, when viewed from the outside. Just cross the threshold, however, and you enter an atmosphere bustling with life and joy.

These are the environs in which Steven R. Trimboli surronds himself five days a week. And although married for 28 years with two daughters to his credit, he considers the 5,700 components of the Italian Senior Citizens Center his other "family." He is the Center's executive director. He is responsible for coordinating its activities—choral groups, dancing, band practice, exercise, classes, painting, sewing, drama workshops, and rap sessions—a job in which he takes great pleasure and pride.

"I love it. I really do. It's the least money I've ever made in my life, but it's given me perhaps the most enjoyment," Trimboli explained with a toothy grin.

He was born in Massachusetts but has lived in New York ever since he was nine years old. Corona and Elmhurst have been his homes for most of his adult life. Although extremely active in Italian civil affairs as well as in his church, St. Bartholomew's Parish, he is perhaps best known in the community as the chairman of Community Planning Board 4.

Board 4 (Corona-Elmhurst) includes all the area bounded by the Long Island Expressway, Queens Boulevard, 69th Street, Roosevelt Avenue, and Flushing Meadow Park. Trimboli has been at the helm for two years and a participant for six years, and in both capacities he has guided his neighborhood through a number of controversial issues.

One of the more fiery crises, which threatened the board's very existence, occurred this past year during the hearings for City Charter revision. Essentially, according to Trimboli, the city proposed eliminating Board 4 and dividing the district between Board 2 and Board 3 because it "did not meet the criteria for the creation and maintenance of a community planning board," (i.e., a population of no less than 100,000 and no more than 250,000 residents). Trimboli was able to keep the board intact by proving vis-a-vis studies from the post office and the Board of Education that there were at least 175,000 people living within the confines of Board 4, "taking into account the census figures for 1970 and the influx of illegal aliens into Corona, Elmhurst, and Jackson Heights."

"Now, at least, we will have a say in what happens in our community. Grass roots—that's where the power belongs. All these years we've been only an advisory force. We've won some and lost some. Naturally, there has to be a marriage between business and residential interests, and the community board will have to be responsible for the whole. But now, after the first of the year, we'll be able to be more responsive to the people because we'll have more clout," reflected the affable board head.

ILLEGAL ALIENS

This, of course, introduces another thorny situation with which the civic leader and his community have had to contend, and that is the infiltration of illegal aliens ("perhaps our biggest crusade"), and the problems they bring in their wake, affecting jobs, housing, schools, the crime rate, sanitation, and police protection.

Trimboli explained, "A lot of these people (illegal aliens) are not counted. They're not getting the money (due them) because these people don't exist . . . they don't show up any place. So how can you get the per capita money based on population, and how are Queens and the city going to get paid for services (telephone, electricity, sanitation) that they give?"

He further pointed out that in some rent-controlled buildings and one- and two-family homes, "landlords are getting rid of senior citizens" (who are on fixed incomes) and are taking in "the illegals who put down $100,000 in cash."

Trimboli also said that the unlawful "melting" of these people with the rest of the population has resulted in an increase in the number of children attending school, making for overcrowded classrooms and double sessions.

Trimboli has been quite instrumental in combatting this dilemma. He helped to organize a demonstration at Sunnyside Gardens recently, denouncing the presence of aliens. He reports to the Immigration Naturalization Service any incidence of activity by an illegal alien. Finally, he and other concerned citizens plan to go to Washington, D.C., to lobby for passage of Congressmen Rodino's and Biaggi's bills. The bills state that "employers who knowingly hire illegal aliens will be penalized" and which asks that "additional funds be given to the INS to hire more agents to track down these offenders."

Other priorities on which Trimboli and his community have taken a definite stand include the alleged deterioration of Lefrak City, the completion of I.S. 227 on Northern and Junction Boulevards, and the transfer of Rescue Company 4 from the Woodside firehouse to Williamsburgh in Brooklyn, against which the chairman bore witness last week.

STABILIZATION

"We are being funded by the City Commission on Human Rights for the purpose of opening up an office in Sherwood Village to try to stabilize Corona Heights, namely Lefrak City and Sherwood Village, because the whole area has turned. We've had meetings with Lefrak management, businessmen, and the commission to stop the degeneration of that neighborhood—in other words, the occurrence of crime, vacancies, and vandalism—and make it a decent place to live, work, shop, and go to school again," mused Trimboli.

The chairmanship is a voluntary, nonsalaried position for which Trimboli has devoted a large chunk of his time. He has been intensely involved in community affairs for ten years. His schedule has been so hectic that he laughingly remarked that "my kids call me uncle now."

The drab green walls of his somewhat cramped office bear testimony to the active role he has enjoyed within the community. He was very modest about his achievements and had to be prodded to discuss the many citations and awards that decorate his headquarters. Among them were plaques from New York Safety Alumni Association, Borough President Donald Manes for services rendered to Queens and his community, and the HRA for his work with senior citizens.

Yet, the tone of his voice went from matter-of-fact to excited when he began to describe the 100 or more pictures of his beloved seniors and their activities—entertaining in Central Park and Rockefeller Center, field trips all over the country and abroad, dinners, protesting at City Hall, and lobbying in Washington, D.C., a few years ago against the "Means Test," and "just plain having a good time."

The robust man broke into a warm smile when he told the story of a 74-year-old woman who had, a few days before, experienced her first hairset. "She never had one. She was like a queen," commented Trimboli. And of the light octogenarian who refused Trimboli's offer of aid when the former attempted to pick up a heavy 80-cup coffee pot.

"That man needed to feel needed and important despite his frailty," said the director.

But in the midst of recounting the anecdotes of these people of "all colors, shapes, and sizes, who get along like peas in a pod," there was a catch in his voice and a hint of tears in his eyes as he remembered a few close members who had recently died.

"You know, you kid around with these elderly people, you make friends with them, and then you lose them. Though useless, I try to tell myself and my staff, 'don't get too involved with them.' That's the only thing I dislike about my job," sighed Trimboli.

OPTIONS FOR THE UNITED STATES IN SOUTH AFRICA

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. BONKER. Mr. Speaker, if it means to maintain positive relations with black Africa, and to promote international respect for itself as a nation of ideals, the United States sooner or later will have to address forthrightly the crisis not only in Rhodesia and Namibia, but in South Africa itself.

In seeking a solution to the crisis in that troubled area, the United States should avoid being thought to impose its will on another sovereign nation, and I do believe we must be sensitive even to appearances; but as President Carter put it in his inaugural address, being a nation of freedom, we cannot be indifferent to the fate of freedom elsewhere.

I have asked Susan Mowle, an analyst in international relations of the Congressional Reference Service, to outline a range of options from which our Government might choose in its efforts to induce a peaceful change in South Africa, and I reproduce her memo in the RECORD for the benefit of my colleagues:

U.S. POLICIES WHICH HAVE BEEN PROPOSED FOR MODIFYING SOUTH AFRICA'S SYSTEM OF APARTHEID

1. The United States could downgrade its representation in South Africa to the Charge Level to express its concern for self-determination and human rights.

2. The United States could officially and more forcefully condemn the violence and police tactics in recent racial disturbances, and the detention without trial of political activists.

3. The United States could cease condemnation of the efforts of blacks in South Africa to achieve their freedom by forceful means, and in reaffirmation of the principles enunciated in the Declaration of Independence, acknowledge their right to use whatever means are necessary to achieve self-determination.

4. The United States could make it clear to the present government of South Africa that the United States will not go to its defense or give aid in the suppression of internal revolt related to its apartheid policies, and that the United States would not seek to oppose support for such a revolt from neighboring black African states.

5. The United States could contribute substantially to the United Nations Trust Fund for South Africa. (The Fund is made up of voluntary contributions and is used for legal assistance, education, and refugee relief for refugees from South Africa. U.N. General Assembly Resolution 2397, December 1, 1968.)

6. The United States could support multilateral (via the Organization of African Unity or the United Nations) or bilateral programs of humanitarian support to the liberation movements through the provision of educational and medical supplies.

7. The United States could adopt a program of assistance to political refugees from South Africa. (For example, South African students now in exile in Botswana have reportedly requested U.S. aid for obtaining travel documents and scholarships in the United States.)

8. The United States could take a stand against business expansion in South Africa until such time as South Africa ends its racial policies, and implement an effective means of discouraging U.S. business involvement in South Africa.

9. The United States could advise U.S. businesses that, if they decide to staty in South Africa, they do so at their own risk, and, in the event of difficulties with liberation elements, the U.S. Government will not support them or afford protection.

10. The United States Government could actively and publicly use its power and influence to encourage U.S. firms in South Africa to establish fair employment practices in their South African enterprises.

11. Executive Order No. 10925 could be amended so that, with respect to those U.S. businesses in South Africa, fair employment practices in their South African enterprises be a condition for the eligibility for government contracts.

12. The U.S. arms embargo against South Africa could be expanded to include the provision of spare parts, componentry and repairs; all sales of light aircraft, including civilian, to South Africa; and training to South African military personnel, including correspondence courses and participation in conferences, and cooperation in the transfer of, research, development and/or military know-how, including the testing of military equipment.

13. The United States could support a United Nations mandatory arms embargo against South Africa.

14. The role of the U.S. military attache in South Africa could be terminated.

15. The United States could institute an expanded educational and cultural program with South African blacks, coloureds and Asians, and those institutions and individuals working for change to majority rule.

16. The United States could end the sale of weapons-grade uranium to South Africa and end all nuclear collaboration.

17. U.S. policy in international financial organizations could be made consistent with a policy of supporting change in South Africa and not of economically undergirding the status quo.

18. U.S. banks and other financial institutions could be prohibited from providing financing to South Africa and/or to firms in South Africa.

19. U.S. visa policy toward South Africa could be based on quid pro quo considerations. (U.S. Congressman, academics, and journalists have been denied visas by South Africa.)

20. The United States could end all remaining Export-Import Bank facilities still available to South Africa. (Current policy permits insurance and guaranteed coverage in commercial sales. It normally limits the term of such coverage to two to five years, but can extend it if necessary.

21. The U.S. Department of Agriculture Commodity Credit Corporation (CCC) credits to South Africa, which have been extended to firms in South Africa making purchases from U.S. suppliers, could be ended.

22. The United States could forcefully make clear its opposition to the Bantustan program and plans for other independent "nations" such as the Transkei.

NO GAS SHORTAGE: LITTLE CAN BE DONE NOW

HON. THEODORE S. WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. WEISS. Mr. Speaker, in stating my opposition to H.R. 2500 in the RECORD of February 1, I quoted from a front page Washington Post article. I would like at this time to share the entire article with my colleagues as I believe it presents helpful conclusions and an overview that can assist all of us in considering the emergency natural gas legislation:

STUDIES FIND NO SHORTAGE OF NATURAL GAS

(By William H. Jones)

There is no shortage of natural gas in the United States.

A consensus of studies by federal and private groups is that more than 40 years of natural gas resources are available given current rates of production, current technology and current price control by the Federal Power Commission.

New technology and an end to interstate price controls might provide even more natural gas and the nation also can anticipate substantial quantities of synthetic gas in future years—particularly through conversion of coal to gas.

"The gas industry has reverses, proved and potential, to carry it well into the 21st century," according to Washington Gas Light Co. Chairman Paul E. Reichardt, whose distributing firm supplies natural gas throughout metropolitan Washington and other areas of Virginia, West Virginia and Maryland.

What the nation faces today, he said, "is a shortage of readily available supply."

Although some energy experts would quarrel with Reichardt's optimistic forecast about future natural gas resources, there is no question that adequate supplies exist today.

However, nothing can be done by Congress in the next few days or weeks to convert those supplies into natural gas readily available for shipment in the nation's 200,000-mile system of interstate pipelines.

And next winter could be a carbon copy, if the weather is just as cold. Even if all controls on the price of newly discovered natural gas are lifted this year, as proposed for many years by industry, the time involved in searching for new supplies will delay appreciably increases in available gas for at least a year, according to government and industry estimates.

In addition, most newly discovered natural gas in recent years has been channeled to markets within the state of discovery, where it has been sold at prices much higher than the federally regulated interstate market.

At best, emergency legislation proposed by President Carter will permit the use of some higher-priced intrastate gas to augment supplies in hardpressed regions over the next few months, as well as reallocation of gas from some regions where supplies are relatively plentiful to other parts of the country.

If there is a consensus about actual resources and an inability to increase dramatically the available natural gas for the next year or so, there is no such agreement on why supplies currently are inadequate.

In the simplest terms, the gas industry says it is not profitable enough to conduct extensive drilling for gas aimed at the interstate market when prices in the intrastate markets are much higher.

Critics have stated that the gas producers deliberately have reduced exploration and

kept their discovered natural gas out of the interstate market for the very purpose of forcing the government to change its pricing policies and to create greater profits if and when the price controls are ended.

Under a controversial decision by the Federal Power Commission last year, the price ceiling on newly discovered natural gas was tripled to $1.42 a thousand cubic feet. Despite a challenge by consumer and labor organizations filed with the U.S. Court of Appeals here, the higher price now is in effect under bond—which means that refunds must be made if the rates are found to be illegal.

At the same time, natural gas is being sold today in intrastate markets at $2.25 to $2.50 per thousand cubic feet. The price differential has led to a reversal in the percentage of newly discovered gas going to intrastate markets over the past decade—from 68 per cent in 1966 to 13 per cent in 1975.

In planning for the current winter, many gas distribution firms expected to buy some of the higher-priced, intrastate gas on an "emergency" basis, with special permits from the FPC. And even though the FPC has been liberal in granting such permits, distributing firms are finding that extra gas is hard to buy at any price.

Producers in the key gas states—Texas, Louisiana and Oklahoma—say they don't have enough gas to meet contractual obligations within their own states because of the cold weather.

"The producers are withholding gas from the market. There is absolutely no question about it," James C. Cotham, executive vice president of Nashville Gas Co., said last week.

But Reichardt, the Washington Gas chairman, said, "There is no hard evidence any gas is being withheld." It would be "criminal" if any producers are engaged in such an effort, he added.

Reichardt said that in instances where producers have been accused of withholding already discovered natural gas from the nation's marketplace, independent studies have found "good reasons" why the gas is not flowing.

A recent example was a charge presented to the FPC, alleging that Shell Oil Co. closed off wells with more than 2 trillion cubic feet of gas in 1974. The company provided evidence to the commission that showed the 2 trillion cubic feet figure to be accurate—but also that 31 per cent of that amount was awaiting new production plants, that 25 per cent was in reservoirs that couldn't be tapped until deeper supplies were first depleted, that 19 per cent was in newly discovered fields not drilled sufficiently for commercial sales and that 25 per cent was awaiting pipeline construction or final sales agreements.

According to the Federal Energy Administration, about 30 per cent of all energy in the United States comes from natural gas and 95 per cent of these gas supplies comes from this country, a percentage expected to decrease in the next decade with imports of liquefied gas from abroad. Gas heats 40 million residences and 3.4 million commercial buildings and is used in 193,000 factories—many of which must have gas for production.

The reason why these homes and factories fact a shortage today (aggravated by the weather) is a reduction in drilling for new gas over the last decade. John D. Moody, president of the American Association of Petroleum Geologists, said exploratory drilling for new oil and natural gas fields declined from a high of 8,742 wells in 1956 to a low of 4,463 in 1971.

Large oil companies, who also are major producers of gas, often discovered gas while searching for oil. Since the oil firms have switched their search for new petroleum to other regions of the world, they are not finding natural gas as an adjunct and do not find it profitable enough to search only for gas, industry officials said.

RANK-AND-FILE POSTAL WORKER EXPLAINS WHYS AND WHEREFORES

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. VENTO. Mr. Speaker, when something goes seriously and persistently wrong with a business or industry almost never does anyone ever think of asking a rank-and-file employee what went wrong, why it went wrong, and what should be done to correct the operation and restore it to health.

Yet the long experience of American enterprise offers proof that lower-echelon employees quite frequently have a sharp understanding and insight that can rectify management errors and guide corporate operations along paths of improved efficiency.

Unhappily in the case of semiprivate, semipublic enterprise, like the U.S. Postal Service, employees are all-too-frequently discouraged either by legislation, such as the Hatch Act, or by management practices from offering advice and the benefit of their technical wisdom.

The U.S. post office may have had a sad modern history of inefficiency and fiscal failure prior to 1970 when President Nixon signed legislation converting the agency into a quasi-private corporation.

But it is incontrovertibly clear that the U.S. Postal Service in the past 6 years has chalked up just as sad a history of inefficiency and fiscal failure.

It could be argued that the Postal Service is Amtrak in reverse and the analogy is not too farfetched. But there is a vital distinction we never should lose sight of: The conveyance and delivery of mail was never intended by Benjamin Franklin or his successors, nor any of the Congresses down through 200 years, to be a profitmaking enterprise. Always it has been viewed as an indispensable public service, an obligatory function of Government.

And because the concept is that of public service rather than profitmaking, management should be more than ordinarily interested in utilizing the insight and practical experience of the Service's workers. It may well be that the counsel of these men and women can prove as useful and valuable as the counsel of outside consultants who are often paid hundreds of thousands of dollars for opinions of dubious validity.

We can find more than a little verification of that in a revealing interview with a rank-and-file letter carrier by columnist Jack Mabley published earlier this week in the Chicago Tribune. This postman's assessments of some of the Service's large problems and his recommendations might well be heeded by our top Postal Service executives. I have in mind particularly those executives who have been warning Congress and the American people of late that under their stewardship new hikes in postage prices may be necessary combined with new reductions in the frequency of deliveries. I insert this interview in the RECORD:

FOOT SOLDIER'S POSTAL ADVICE

(By Jack Mabley)

If the postal service would let the letter carriers run the operation, instead of just sorting letters and then going on the street to put them in mail boxes, it might solve its troubles.

That's the impression I get after talking with a number of postmen, who are the bottom line as far as service is concerned.

Here's a visit with one of them who's been carrying a suburban residential route for 13 years. He chatted with a reporter in the study of his pleasant home. Protocol being what it is, he thought he could be more candid if his name weren't printed.

"It seems to me it would be a good idea to keep first and second class mail separate from third class, which is basically solicitation," he said.

"There's been talk of five-day weeks, and even three days of delivery. I think first class could be delivered five days, and third class separately. That would give you an extra man for every five routes, and if the carrier was delivering only first class, the route could be made longer."

A big tiger cat rubbed against the visitor's leg. The postman grinned.

"I opened a collection box in my neighborhood eight years ago and there was this kitten. Somebody didn't want him. I brought him home and named him Zip.

"Now I think 95 percent of people in the Post Office want to be proud of their job. But when some high-paid knucklehead does something like those bulk mail centers, well . . . We're the ones, you know, who have to deliver a busted package or try to explain why one hasn't arrived.

"Most carriers take it very personal how they take care of their patrons. The regular carrier isn't always happy with the guy who takes his route on his day off.

"I have just over 300 patrons. I get personable with 20 or 25 percent, and I get to know just about everyone. You get to know who's had a death in the family, who's got a child in college. Some people ask me if I'd bring them stamps. If it's a widow who can't drive or someone else who has a hard time getting out, sure, I'll buy stamps and leave them the next day.

"Part of my route is walking, but the last three hours are in a truck or jeep. I enjoy it. I like the exercise. One of the reasons I stay is for my health, getting the exercise and staying outside."

He complained about the difficulty of handling odd-sized envelopes. A requirement for uniform sizes would be an obvious and simple way to improve mail handling.

"But the Post Office isn't too interested in suggestions from us," he commented.

"Another thing is the cheap postage. The mix varies from day to day but I'd say less than half of my mail is first class.

"If the Post Office is going to be run like a business let's start collecting like business.

"Official mail from a bank is 7½ cents. That can include solicitation for loans. Charity mail goes for two cents. Here's a letter from the Paralyzed Veterans in Wilton, N.H. It contains 10 greeting cards and envelopes and solicitations, and weighs between two and three ounces. If you mailed that regularly it would cost about 52 cents. For them it's 2 cents. (It actually weighed 3.6 ounces, and was three-eighths of an inch thick.)

"It doesn't matter to the Post Office what's in the letter. I understand a lot of these people sending out solicitations for 2 cents as a charity keep half or more for themselves as expenses."

Why do postmasters usually get a cushy job in a related industry when they leave office, he wondered. Why don't the big shots study United Parcel Service and find why UPS can do such a good job and still make money. Why not uniform envelope sizes? Why not pay more attention to patrons' complaints and suggestions? Why not listen to the carriers?

"Management could profit from Plutarch," he said. "He wrote, 'Know how to listen, and you will profit even from those who talk badly.'"

FEDERAL INCOME TAX DEDUCTION CHECKLIST

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. BRODHEAD. Mr. Speaker, each year at this time millions of Americans begin the chore of figuring out their Federal income taxes. Because of the many deductions, credits, exemptions, and allowances that exist, filing a personal income tax return can be a confusing and frustrating experience that often resutls in tax overpayments. Recent congressional studies have made it clear that many older Americans pay more income taxes than are legally due. Tax overpayments create a special burden for retirees on fixed incomes who could put this money to better use.

In an effort to help retired persons in preparing their Federal personal income tax returns, the Committee on Aging has developed a checklist of itemized deductions. This summary follows:

CHECKLIST OF ITEMIZED DEDUCTIONS FOR SCHEDULE A (FORM 1040)

MEDICAL AND DENTAL EXPENSES

Medical and dental expenses (unreimbursed by insurance or otherwise) are deductible to the extent that they exceed 3% of a taxpayer's adjusted gross income (line 15c, Form 1040).

INSURANCE PREMIUMS

One-half of medical, hospital or health insurance premiums are deductible (up to $150) without regard to the 3% limitation for other medical expenses. The remainder of these premiums can be deducted, but is subject to the 3% rule.

DRUGS AND MEDICINES

Included in medical expenses (subject to 3% rule) but only to extent exceeding 1% of adjusted gross income (line 15c, Form 1040).

OTHER MEDICIAL EXPENSES

Other allowable medical and dental expenses (subject to 3% limitation):

Abdominal supports (prescribed by a doctor).
Acupuncture hire.
Ambulance hire.
Anesthetist.
Arch supports (prescribed by a doctor).
Artificial limbs and teeth.
Back supports (prescribed by a doctor).
Braces.
Capital expenditures for medical purposes (e.g., elevator for persons with a heart ailment)—deductible to the extent that the cost of the capital expenditure exceeds the increase in value to your home because of the capital expenditure. Taxpayer should have an independent appraisal made to reflect clearly the increase in value.
Cardiographs
Chiropodist
Chiropractor
Christian Science practitioner, authorized
Convalescent home (for medical treatment only)
Crutches
Dental services (e.g., cleaning, X-ray, filling teeth)
Dentures
Dermatologist
Eyeglasses
Food or beverages specially prescribed by a physician (for treatment of illness, and in addition to, not as substitute for, regular diet; physician's statement needed)
Gynecologist
Hearing aids and batteries
Home health services
Hospital expenses
Insulin treatment
Invalid chair
Lab tests
Lipreading lessons (designed to overcome a handicap)
Neurologist
Nursing services (for medical care, including nurse's board paid by you)
Occupational therapist
Ophthalmologist
Optician
Optometrist
Oral surgery
Osteopath, licensed
Pediatrician
Physical examinations
Physical therapist
Physician
Podiatrist
Psychiatrist
Psychoanalyst
Psychologist
Psychotherapy
Radium therapy
Sacroiliac belt (prescribed by a doctor)
Seeing-eye dog and maintenance
Speech therapist
Splints
Supplementary medical insurance (Part B) under Medicare
Surgeon
Telephone/teletype special communications equipment for the deaf
Transportation expenses for medical purposes (7¢ per mile plus parking and tolls or actual fares for taxi, buses, etc.)
Vaccines
Vitamins prescribed by a doctor (but not taken as a food supplement or to preserve general health)
Wheelchairs
Whirlpool baths for medical purposes
X-rays

TAXES

Real estate
State and local gasoline
General sales
State and local income
Personal property

If sales tax tables are used in arriving at your deduction, you may add to the amount shown in the tax tables only the sales tax paid on the purchase of five classes of items: automobiles, airplanes, boats, mobile homes, and materials used to build a new home when you are your own contractor.

When using the sales tax tables, add to your adjusted gross income any nontaxable income (e.g., Social Security, Veterans' pensions or compensation payments, Railroad Retirement annuities, workmen's compensation, untaxed portion of long-term capital gains, recovery of pension costs, dividends untaxed under the dividend exclusion, interest on municipal bonds, unemployment compensation and public assistance payments).

CONTRIBUTIONS

In general, contributions may be deducted up to 50 percent of your adjusted gross income (line 15c, Form 1040). However, contributions to certain private nonprofit foundations, veterans organizations, or fraternal societies are limited to 20% of adjusted gross income.

Cash contributions to qualified organizations for (1) religious, charitable, scientific, literary or educational purposes, (2) prevention of cruelty to children or animals, or (3) Federal, State or local governmental units (tuition for children attending parochial schools is not deductible). Fair market value of property (e.g., clothing, books, equipment, furniture) for charitable purposes. (For gifts of appreciated property, special rules apply. Contact local IRS office.)

Travel expenses (actual or 7¢) per mile plus parking and tolls) for charitable purposes (may not deduct insurance or depreciation in either case).

Cost and upkeep of uniforms used in charitable activities (e.g., scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g., postage, stationery, phone calls) while rendering services for charitable organizations.

Care of unrelated student in taxpayer's home under a written agreement with a qualifying organization (deduction is limited to $50 per month).

INTEREST

Home mortgage.
Auto loan.
Installment purchases (television, washer, dryer, etc.).
Bank credit card—can deduct the finance charge as interest if no part is for service charges, loan fees, credit investigation fees, or similar charges.
Points—deductible as interest by buyer where financing agreement provides that they are to be paid for use of lender's money. Not deductible if points represent charges for services rendered by the lending institution (e.g., VA loan points are service charges and are not deductible as interest). Not deductible if paid by seller (are treated as selling expenses and represent a reduction of amount realized).
Penalty for prepayment of a mortgage—deductible as interest.
Revolving charge accounts—may deduct the "finance charge" if the charges are based on your unpaid balance and computed monthly.
Other charge accounts for installment purchases—may deduct the lesser of (1) 6% of the average monthly balance (average monthly balance equals the total of the unpaid balances for all 12 months, divided by 12) or (2) the portion of the total fee or service charge allocable to the year.

CASUALTY OR THEFT LOSSES

Casualty (e.g., tornado, flood, storm, fire, or auto accident provided not caused by a willful act or willful negligence) or theft losses to nonbusiness property—the amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the $100 limitation. You may use Form 4684 for computing your personal casualty loss.

CREDIT FOR CHILD AND DEPENDENT CARE EXPENSES

Certain payments made for child and dependent care may now be claimed as a credit against tax instead of as an itemized deduction.

If a taxpayer maintained a household that included a child under age 15 or a dependent or spouse incapable of self-care, a taxpayer may be allowed a 20% credit for employment related expenses. These expenses must have been paid during the taxable year in order to enable the taxpayer to work either full or part time.

For detailed information, see the instructions for Form 2441 on page 17.

MISCELLANEOUS

Alimony and separate maintenance (periodic payments).

Appraisal fees for casualty loss or to determine the fair market value of charitable contributions.

Union dues.

Cost of preparation of income tax return.

Cost of tools for employee (depreciated over the useful life of the tools).

Dues for Chamber of Commerce (if as a business expense).

Rental cost of a safe-deposit box for income-producing property.

Fees paid to investment counselors.

Subscriptions to business publications.

Telephone and postage in connection with investments.

Uniforms required for employment and not generally wearable off the job.

Maintenance of uniforms required for employment.

Special safety apparel (e.g., steel toe safety shoes or helmets worn by construction workers; special masks worn by welders).

Business entertainment expenses.

Business gift expenses not exceeding $25 per recipient.

Employment agency fees under certain circumstances.

Cost of a periodic physical examination if required by employer.

Cost of installation and maintenance of a telephone required by the taxpayer's employment (deduction based on business use).

Cost of bond if required for employment.

Expenses of an office in your home if employment requires it.

Payments made by a teacher to a substitute.

Educational expenses required by your employer to maintain your position or for maintaining or sharpening your skills for your employment.

Political Campaign Contributions.—Taxpayers may now claim either a deduction (line 32, Schedule A, Form 1040) or a credit (line 52, Form 1040), for campaign contributions to an individual who is a candidate for nomination or election to any Federal, State, or local office in any primary, general or special election. The deduction or credit is also applicable for any (1) committee supporting a candidate for Federal, State, or local elective public office, (2) national committee of a national political party, (3) State committee of a national political party, or (4) local committee of a national political party. The maximum deduction is $100 ($200 for couples filing jointly). The amount of the tax credit is one-half of the political contribution, with a $25 ceiling ($50 for couples filing jointly).

Presidential Election Campaign Fund.—Additionally, taxpayers may voluntarily earmark $1 of their taxes ($2 on joint returns) for the Presidential Election Campaign Fund.

For any questions concerning any of these items, contact your local IRS office. You may also obtain helpful publications and additional forms by contacting your local IRS office.

OTHER TAX RELIEF MEASURES

Filing states	*Required to file a tax return if gross income is at least—*
Single (under age 65)	$2,450
Single (age 65 or older)	3,200
Qualifying widow(er) under 65 with dependent child	2,850
Qualifying widow(er) 65 or older with dependent child	3,600
Married couple (both spouses under 65) filing jointly	3,600
Married couple (1 spouse 65 or older) filing jointly	4,350
Married couple (both spouses 65 or older) filing jointly	5,100
Married filing separately	750

Additional Personal Exemption for Age.—Besides the regular $750 exemption allowed a taxpayer, a husband and wife who are 65 or older on the last day of the taxable year are each entitled to an additional exemption of $750 because of age. You are considered 65 on the day before your 65th birthday. Thus, if your 65th birthday is on January 1, 1977, you will be entitled to the additional $750 personal exemption because of age for your 1976 Federal income tax return.

General Tax Credit.—A new general tax credit is available. For this credit, the taxpayer may claim the greater of (1) $35 per exemption shown on line 6d, Form 1040A or Form 1040, or (2) 2 percent of taxable income (line 15, Form 1040A or line 47, Form 1040) but not more than $180 ($90, if married, filing separately).

Multiple Support Agreements.—In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met: (1) Support, (2) gross income, (3) member of household or relationship, (4) citizenship, and (5) separate return. But in some cases, two or more individuals provide support for an individual, and no one has contributed more than half the person's support. However, it still may be possible for one of the individuals to be entitled to a $750 dependency deduction if the following requirements are met for multiple support:

1. Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test—together contribute more than half of the dependent's support.

2. Any one of those who individually contribute more than 10% of the mutual dependent's support, *but only one of them,* may claim the dependency deduction.

3. Each of the others must file a written statement that he will not claim the dependency deduction for that year. The statement must be filed with the income tax return of the person who claims the dependency deduction. Form 2120 (Multiple Support Declaration) may be ued for this purpose.

Sales of Personal Residence by Elderly Taxpayers.—A taxpayer may elect to exclude from gross income part or, under certain circumstances, all of the gain from the sale of his personal residence, provided:

1. He was 65 or older before the date of the sale, and

2. He owned and occupied the property as his personal residence for a period totaling at least 5 years within the 8-year period ending on the date of the sale.

Taxpayers meeting these two requirements may elect to exclude the entire gain from gross income if the adjusted sales price of their residence is $20,000 (this amount will increase to $35,000 for taxable years beginning after December 31, 1976) or less. (This election can only be made once during a taxpayer's lifetime.) If the adjusted sales price exceeds $20,000 (this amount will increase to $35,000 for taxable years beginning after December 31, 1976), an election may be made to exclude part of the gain based on a ratio of $20,000 (this amount will increase to $35,000 for taxable years beginning after December 31, 1976) over the adjusted sales price of the residence. Form 2119 (Sale or Exchange of Personal Residence) is helpful in determining what gain, if any, may be excluded by an elderly taxpayer when he sells his home.

Additionally, a taxpayer may elect to defer reporting the gain on the sale of his personal residence if within 18 months before or 18 months after the sale he buys and occupies another residence, the cost of which equals or exceeds the adjusted sales price of the old residence. Additional time is allowed if (1) you construct the new residence or (2) you were on active duty in the U.S. Armed Forces. Publication 523 (Tax Information on Selling Your Home) may also be helpful.

Credit for the Elderly.—A new, expanded, and simplified credit for the elderly has replaced the former more complex retirement income credit.

A taxpayer may be able to claim this credit and reduce taxes by as much as $375 (if single), or $562.50 (if married filing jointly), if the taxpayer is:

(1) Age 65 or older, or

(2) Under age 65 and retired under a public retirement system.

To be eligible for this credit, taxpayers no longer have to meet the income requirement of having received over $600 of earned income during each of any 10 years before this year.

For more information, see instructions for Schedules R and RP.

Earned Income Credit.—A taxpayer who maintains a household for a child who is under age 19, or is a student, or is a disabled dependent, may be entitled to a special payment or credit of up to $400. This is called the earned income credit. It may come as a refund check or be applied against any taxes owed. Generally, if a taxpayer reported earned income and had adjusted gross income (line 15c, Form 1040) of less than $8,000, the taxpayer may be able to claim the credit.

Earned income means wages, salaries, tips, other employee compensation, and net earnings from self-employment (generally amount shown on Schedule SE (Form 1040) line 13).

A married couple must file a joint return to be eligible for the credit. Certain married persons living apart with a dependent child may also be eligible to claim the credit.

For more information, see instructions for Form 1040 or 1040A.

NATIONAL MEALS ON WHEELS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. MILLER of California. Mr. Speaker, I am introducing today legislation to create a national meals-on-wheels program under the auspices of title VII of the Older Americans Act. The purpose of this program would be to provide nutritious meals to homebound senior citizens and, as an important benefit, reduce the level of institutionalization of elderly Americans. This legislation, which I originally introduced in the last Congress, is also being submitted today to the Senate by Senator GEORGE MCGOVERN.

When I introduced this measure in the 94th Congress, over 40 of my colleagues

joined me in support of the legislation. Today, more than 80 Members have cosponsored this important piece of legislation, which hopefully will soon be the subject of committee hearings.

The elderly feeding programs under title VII predominantly offers meals for the elderly in congregate settings. Of the $300 million expended for the program last year, just 13 percent went for home-delivered meals, equaling just 30,000 meals of a total 240,000. Considering that there are between 3 and 4 million homebound elderly Americans who could make great use of a meals-on-wheels program, the inadequacy of the present program is obvious.

This legislation would establish a separate funding under title VII for home-delivered meals at a level of $80 million for the first year, and $100 million for the second. Separate funding is required for two reasons. The present appropriation for elderly feeding is low considering the universe of senior citizens who could benefit from the program. Only about 1 percent of the elderly population is currently served, which means that there are some 7 million men and women unable to participate at present. Therefore, we do not want to take funds away from congregate programs which are already hard pressed in order to better provide for the homebound.

Second, we want the local meals-on-wheels programs, which have been struggling for years without adequate Federal support, to know that they will not have to compete with congregate programs for needed funds. The specific appropriation under title VII will achieve that goal. In addition, this legislation makes a special attempt to support those programs which have demonstrated their expertise in providing meals and operating a meals-on-wheel efforts.

A primary side benefit of providing the homebound elderly with nutritious meals is the probable reduction in the institutionalization of senior citizens. A lack of ability to purchase or prepare adequate meals is a primary reason for the elderly having to enter nursing and retirement homes, or institutions.

Some studies have concluded that as many as 40 percent of our institutionalized elderly have been placed in care solely because of their inability to provide themselves with meals. The price-tag for the institutionalization of our elderly is about $5 billion annually. By comparison, the cost of the legislation I am introducing today would be minimal, and beyond its cost-effectiveness, would have the great social benefit of allowing the elderly to remain in their own home communities, living independently and with dignity in proximity to friends and family. By doing so, this legislation could have an important social impact not only on the elderly themselves, but on the American family.

The Senate Select Committee on Nutrition and Human Needs conducted hearings on this legislation last year, and has concluded that enactment of the national meals-on-wheels program could actually save between $200 to $400 million in institutionalization and medical costs in its first year of operation. The legislation contains provisions which will require the Commissioner on Aging to assess the cost-effectiveness of this program, and to work with others in government to expand and coordinate preventive and community based service programs for the elderly, and for the blind and disabled who will also be served under the terms of this legislation.

Since first introducing this legislation last July, I have learned of successful pilot programs, underbudgeted local efforts, and demonstration projects around the country who need Federal support. I have received letters and project descriptions from groups in California, the State of Washington, New Jersey, Alabama, and Illinois, which are looking to this Congress for the assistance they require to maintain their operations.

The national meals-on-wheels program makes sound fiscal, medical, nutritional, and human sense, and can be supported by Members of all political persuasions, as the present list of cosponsors indicates. I invite all of my colleagues to join in sponsoring this vitally needed legislation and pressing for its enactment this year.

A brief description follows:

BRIEF DESCRIPTION OF THE NATIONAL MEALS-ON-WHEELS ACT

Provides support for a nutrition project which delivers, at a minimum, one home-delivered hot meal containing a minimum of one-third the daily recommended dietary allowances;

Provides that no more than 15 per cent of those served may be blind or disabled and not elderly;

Establishes an information and referral system to coordinate the program with other services to the home-bound elderly;

Establishes appropriations of $80 million for fiscal 1978, and $100 million for fiscal 1979, and sets a ceiling of 20 per cent of this amount for administrative costs, and 5 per cent for the administration of the State plan required under title VII;

Provides for a study of the effectiveness of the program and the identification of the areas with greatest need for the program, to include an evaluation of the impact on decreasing institutionalization, to be submitted within 18 months after enactment;

Provides for a three state demonstration project, in conjunction with the National Aeronautics and Space Administration, to develop innovative means of packaging and distributing meals to inaccessible locations, and provides $500,000 for this project during fiscal 1978;

Mandates the Commissioner on Aging to work with others to identify and develop methods for serving the elderly, blind and disabled better;

Gives a priority to organizations able to demonstrate an ability to operate such services and which can show the need within the community for them;

Encourages the use of volunteers in operating the program in order to reduce costs.

TESTIMONY GIVEN AT PRINCE GEORGES COUNTY SCHOOL BOARD MEETING, JANUARY 13, 1977

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mrs. HOLT. Mr. Speaker, the opening of each schoolday with a prayer and the pledge of allegiance to the flag were very splendid traditions in our country. When a tiny minority objected to prayer and took their case to the courts, prayer was withdrawn from the public schools. And now the pledge of allegiance to the flag may also vanish from our schools, because an extremely small minority objects.

I invite your attention to the testimony of Mrs. Patricia Dunlap to the Board of Education of Prince Georges County, Md. She is working to have the pledge of allegiance restored to the opening exercises to remind our children of the stirring ideals of our Nation.

TESTIMONY GIVEN AT PRINCE GEORGES COUNTY SCHOOL BOARD MEETING, JANUARY 13, 1977

My name is Patricia Dunlap and I represent two organizations, The Conservative Caucus and Guardians of Traditional Education.

Last Sunday evening I attended a political meeting in Bowie. During the question and answer period a young Prince Georges student asked why there was no flag flying outside his school, as required by State law. He also wanted to know why he could not obtain permission to have the Pledge of Allegiance recited on a daily basis in his classroom. The answer was that the salute to the flag had probably become as controversial as the Lord's Prayer.

As I sat and listened to this exchange, it brought to mind a simialr occurence a few years ago in an elementary school in Bowie. At that time a fifth grade teacher was asked by a delegation of parents why his students did not salute the flag or even have one in his classroom. They were told that this was a very controversial subject.

It would seem that the symbols of patriotism have not only become very controversial, but are definitely on their way out. Therefore, citizens should thank God for nationally televised sports events. Here, at least, our children are given the opportunity to recognize by sight their national banner, and by sound their national anthem; otherwise they could grow up and never become familiar with the outward symbols of a nation for which scores of thousands of young men have given their lives. We suggest to you that this is a national disgrace.

We also suggest to you that H.E.W. regulations, which say that children now have the right NOT to recite the Pledge of Allegiance in the classroom if to do so would violate their convictions, DOES NOT MEAN that the flags have to be removed from the classrooms and that NO ONE has to say the Pledge of Allegiance. This is just another example of local education officials' overreaction to the federal bureaucracy's pronouncements. Surely the removal of the flag and the ending of the salute to the flag is as much a violation of the rights of those children who desire to practice these outward symbols of Americanism, as it is to make the other group be forced to do something that might bruise their tender anti-American convictions.

In conclusion, ladies and gentlemen, we ask you to introduce a resolution that would make it a policy to require all public schools in Prince George's County to fly the American flag, and that each class not only contain an American flag, but have a daily salute to the flag. If the purchase of these flags works a hardship on the county's finances, we further suggest that each school contact a local veterans' organization in its area and ask that group to donate the missing flags.

Ending our thoughts, we ask you to remember that we are privileged to live in the most blessed and most glorious nation ever conceived in the history of the world, and to pay symbolic tribute to it seems a small price to ask for the freedoms and material benefits it has given us.

WHAT KIND OF STIMULUS?

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mrs. HOLT. Mr. Speaker, since it seems that the economy is in store for additional stimulus, the important question becomes, what kind of stimulus? The alternatives that are being considered—a permanent tax rate reduction, a tax rebate, an increase in Federal spending, and a rapid increase in the money supply—do not have the same stimulus effect on the economy.

Some of the policy alternatives being discussed would stimulate spending, deficits, and inflation. Others would stimulate work, investment, and real output. It is obvious that in our stimulus policy we must avoid the former and attain the latter.

The January 1977 "World Report" of the First National Bank of Chicago explains the effect of the different policy alternatives on the economy. This informative report is of great relevance to the budget process that is now underway. The report follows:

WHAT KIND OF STIMULUS?

Certain tax cuts would indeed stimulate long-run real growth if they were explicitly designed for that purpose. But two different types of tax reductions which might seem to yield the same loss of revenues (at least on paper) could nonetheless cause radically different effects on long-run real growth. A tax cut should be targeted toward providing permanent incentives for workers to work, for employers to employ and for investors to invest.

In the case of individual income taxes, the most serious drag on additional labor effort is probably the steep tax rates on added income among average and high income families. The top five percent of all families—those earning over $32,000 a year in 1974—have, on the average, about two and a half family members working. With joint returns, income from secondary workers (housewives and older children) is taxed at very high rates—up to 50%.

The capital gains tax and corporate income tax also depress capital investment. The combined effect of such taxes is to make it necessary for additional investments to earn a very high pre-tax return in order to provide sufficient after-tax income to induce the required investments. A permanent reduction in tax rates on capital would make expansion of the economy's productive capacity more attractive to investors, and would promote the increased supply of products to keep ahead of demand at stable prices.

The precise form of a tax cut matters much. A temporary stimulus cannot produce more than a temporary improvement, and even that would be trading a short-term benefit for a long-term headache. A tax rebate, for example, is simply a one-shot transfer payment, unrelated to future productive effort or an assurance of continued income. It is rightly viewed as a windfall, and therefore of little effect on long-term consumer expenditure.

More important, a temporary stimulus can have little, if any, effect on business investment decisions. Such decisions require confidence in future market demand to validate large scale commitments to expand and modernize plant capacity. Yet it is such plant and equipment spending that has become identified as both the weakest link in the global recovery and, at the same time the key to increasing productivity, employment and real income in the future.

BIG SPENDING MEANS TROUBLE

Increased federal spending could provide only a temporary stimulus at best, since the financing of that spending must eventually preempt private claims to real resources. Not only will expanded federal borrowing make more difficult the immediate task of assembling investment in the private sector, but it also ultimately will require higher taxes to service the added national debt. Moreover, new government spending programs are slow to start and virtually impossible to reduce or eliminates after they have outlived their countercyclical rationale.

Because inflation has pushed more and more families into higher tax brackets in recent years, the progressive marginal tax structure affects incomes well below the top 5%. In the early 1960s, only about 3% of all tax returns were subject to marginal tax rates of over 30%. Today, nearly a third of all tax returns are in these higher brackets.

DISINCENTIVE TO WORK

Evidence from the earlier period suggested that high marginal tax rates already reduced the supply of labor of housewives and teenagers—now about 45% of the labor force. But effort is not easily measured. The disincentive to work can take many forms—a preference for shorter hours, early retirement, and less time devoted to improving skills.

Lower marginal tax rates would not only provide incentives that encourage additional work effort, but to the extent that these tax reductions also reduce the cost of labor to employers, they would encourage additional employment.

MORE INCOME, LESS DEFICIT

If lower marginal tax rates increase the long-run supply of jobs, they may generate more taxable income, more tax revenues, and lower deficits than would be implied by static arithmetic. The apparent reduction of tax revenues caused by a rate cut would also be limited by the diminished incentive to escape taxation.

Real savings are needed to channel resources from immediate consumption into augmenting our productive capacity. Yet earnings from savings are heavily taxed, thus shrinking the major noninflationary source of investment capital.

While there may have been a case for a brief acceleration of the money supply to counteract the monetary stringency of late 1974, a sustained period of rapid money growth would fuel an accelerating inflation (partly by depressing the dollar on foreign exchange markets) that would soon push interest rates up—not down.

Since houses and factories are not bought with three-month loans, the nation needs a policy of lowering long-term interest rates. But long-term interest rates are dominated by expectations of inflation, and rapid expansion of the money supply would inspire fears of more inflation ahead. It is therefore important that any temporary increase in the deficit resulting from tax cuts should not be financed by printing money.

Finally, the specific problems of the older cities, with their pockets of high unemployment, require equally specific remedies. Policies that affect the overall economy are too broad to deal effectively with specific structural problems.

Any policy that is simply geared to promoting spending, without providing a tax and regulatory climate that encourages additions to real output and income, will simply end in inflation. Demand does not create its own supply.

Unfortunately, what makes sense in economics rarely makes sense in politics. So if the past is prologue, the sore of stimulus likly to emerge is apt to be weighted in favor of consumption rather than investment, and in favor of spending rather than producing.

IN COMMEMORATION OF THE 59TH ANNIVERSARY OF THE INDEPENDENCE OF THE UKRAINE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. KEMP. Mr. Speaker, as America enters her third century of independence, I would like to bring to the attention of my colleagues the fact that there are other nations around the world who have fought for their own freedoms, but were not as successful as we.

Last Saturday, millions of Americans celebrated the 59th anniversary of the declaration of independence of the Ukraine. But the celebration of liberty within that country was short-lived, as by 1922 the Ukraine had been annexed by the Soviet Union. Subsequent forced collectivization of the agricultural community in the Ukraine resulted directly in the starvation of approximately 4 million Ukrainians; and along with physical torment came the psychological and political persecution that was designed to erase the rich heritage of Ukrainian culture and language.

Despite Soviet terrorism and genocide, the Ukrainian people have retained their sense of national heritage, and still strive for freedom. With a population now of almost 50 million people, the Ukraine is the largest captive nation in Europe, and the second largest State in the Soviet Union.

Despite the Helsinki agreements to which the Soviet Union was a signatory, human rights and freedom of movement have not been pursued in the Ukraine. Persecution for ideological reasons has tightened, and such esteemed persons as the Ukrainian historian Valentyn Moroz languished in prison for daring to criticize the oppressive Communist regime in power in his native land.

We in America are truly blessed with the God-given gift of freedom, and it is thus our solemn duty to defend this most precious of riches against such deliberate and wanton oppression as is felt today in the Ukraine. I am therefore introducing legislation first, to appeal to the Soviet Union to adhere to the Helsinki accords in dealing with human rights in the Ukraine, and second, to urge the Ukrainian government to allow Valentyn Moroz to be released from prison to accept the offer of Harvard University to come to the United States and be a visiting lecturer in Ukrainian affairs.

In this time of international change, when new leaders are assessing the relative influence and power of the three superpowers, the United States must stand up and be counted against tyranny, oppression, and inhumanity—in strong support of the twin pursuits of personal dignity and individual liberty.

VETERANS' LEGISLATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. LEHMAN. Mr. Speaker, on January 4, I introduced two bills which would assist a group to whom we owe much, but whom we too often neglect, namely, our veterans. At a time when the United States is not actively engaged in hostilities, it is very easy to allow the problems of the veteran to slip by unnoticed and unsolved.

The first of the two bills, H.R. 476, would amend title 38 of the United States Code to eliminate the time period in which a veteran must use his educational benefits, and extend the months of eligibility from 36 to 45 months—or the equivalent thereof in part-time educational assistance.

Under the current law, a veteran may not use his educational benefits after more than 10 years after his last discharge or release from active duty. My bill would permit veterans to use their educational benefits at any time. This provision is particularly timely when there are so many veterans of the Vietnam era who were not able to take advantage of the educational benefits because of family responsibilities or the fear of hostile feelings from other members of the student body. We must not forget those turbulent days of the sixties when many veterans would have felt unwelcome to our Nation's college campuses.

Veterans' educational benefits are one way in which we can show our gratitude to those who gave up part of their youth in order to serve their country. Let us not be stingy in giving our thanks to these men and women by placing an arbitrary date on this otherwise excellent program.

The second bill, H.R. 474, is directed at our older veterans, but will eventually benefit all veterans. This legislation would amend title 38 of the U.S. Code to make certain that recipients of veterans' pensions and compensation will not have the amount of such pension or compensation reduced because of cost-of-living increases in monthly social security benefits.

We all know that the first victims of inflation are those on fixed incomes. Most of these persons are elderly and, for the most part, pay their rent, buy food and medicine and other necessities out of their pensions, social security benefits, and life savings. Social security benefits are structured to offset unavoidable increases in the cost-of-living. It is most unfair to reduce the pension of the veteran, who legally is entitled to both the veteran's pension and social security benefits, because of inflationary pressures.

As prices continue to climb, it is appropriate and necessary that Congress enact measures which will insure that the veteran who gave so much of himself to his country will be able to take care of himself and his family.

Mr. Speaker, the passage of these bills would alleviate some of the difficulties now facing our veterans. I, therefore, urge my colleagues to give this legislation speedy consideration and approval.

ROSEDALE BLUE PREDICTS WINTER WILL CONTINUE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. MYERS of Indiana. Mr. Speaker, having just checked with officials in Indiana, I can report that reliable Old Blue, the Rosedale, Ind., groundhog did in fact see his shadow early this morning, darted back into his burrow, thus setting the stage for 6 more weeks of winter. In view of the disastrous winter Indiana and much of the rest of the Nation has suffered to date, I know this news does not exactly thrill you.

Those of us who have lived in and around Rosedale in Parke County, Ind., have always had complete faith in the weather forecasting expertise of Old Blue whose record of accuracy deserves a place in the "Guinness Book of Records." To be sure we have never had the publicity that has been showered on Punxsutawney. We chose to keep Old Blue's professional touch to ourselves, at least until now, for fear that it might provide some advantage to the non-Hoosier. But, alas, the secret is out and I wish to share with you the story of Old Blue as told in the Indianapolis Star by Ben Cole, native of western Indiana, chief of the Star's Washington bureau, and professional groundhog watcher:

ROSEDALE BLUE PREDICTS WINTER WILL CONTINUE

(By Ben Cole)

WASHINGTON.—Next Wednesday is Groundhog Day, the best of all our national celebrations. You needn't send out Groundhog Day greetings, there's no shopping for Groundhog Day gifts. Just let the Groundhog do the work.

And again, it is hoped that Old Blue (or his descendant) in his lair near Rosedale in Parke County, Ind., will perceive that winter is over and will avoid seeing his shadow.

Word from Rosedale is that the weather this year has been so cold that Old Blue might not even leave his burrow at all and might just go right on snoozing away until St. Patrick's Day, another of the better holidays on the calendar.

You can bet on it: Up in Punxsutawney, Pa., they will be advertising their groundhog as the one, the only, the sole harbinger of what is to come weatherwise. But don't believe it.

It's all right if folks in Punxsutawney, Pa., want to believe in their local rodent; but the last word on whether we're to have six more weeks of winter will eventually come from that old pasture at Rosedale.

THE FUTURE OF EGYPTIAN AID

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. RICHMOND, Mr. Speaker, earlier this month, Egypt experienced its worst civil disorder in 25 years. Over 70 people were killed, 700 injured, and close to 1,000 people were arrested and jailed. The causes of this unrest were not dealt with. The disorders are likely to erupt again at any time. This unrest threatens not only the political and economic stability of Egypt, but of the Middle East and thus the world.

The catalyst for the civil disorders was the government-sponsored increase in the price of food and other necessary commodities. This provoked widespread rioting and looting. Faced with $12 billion in unpaid foreign debts, Egypt could no longer borrow sufficient income to purchase its growing imports of food and fuel. The price rises were an attempt to generate some of the needed income.

Egypt finds itself in a cruel dilemma. The price increases were required by its international debtors. The price rise caused the food riots. The riots caused the government to withdraw the proposed price increases. This retrenching action raises a doubt in Egypt's creditors: should they provide additional assistance? For, without additional funds to purchase needed imports of fuel and food, Egypt faces the probability of even more widespread riots and economic chaos.

Writing in the Christian Science Monitor of January 21, 1977, John Cooley noted from Cairo:

Though the population of 41 million grows by 1 million a year, *less food is grown* on the narrow strip of green land around the Nile, which is growing increasingly salty due to the effects of the Aswan High Dam."

Thus, as the number of people to feed grows, the domestic food supply and ability to produce it shrinks, making it necessary to borrow more and more (the debt burden now exceeds $12 billion) to buy imported food, fuel, and other necessities."

This cycle cannot, of course, continue forever. In fact, it probably cannot continue for even a very short period of time. Less than a month ago, the Washington Post reported that the Great Western Desert in Egypt was moving toward the Nile River farmland at a fantastic rate of speed, devouring 8 miles a year and threatening to destroy the great bulk of Egypt's food-producing capacity in less than 20 years.

Egypt, however, has not always been a chronic food importing nation. About 2,000 years ago Egypt and North Africa supplied the Roman Empire with most of its grain. It was why Caesar met Cleopatra—she held the key to the granaries of the world at the time. Without a friendly sovereign in Alexandria, the Roman Army would have collapsed—and the Empire soon after. Like many developing countries, Egypt's glory was in her past. The key to the long decline is often found in the population figures.

In her glory, Egypt supplied Rome with 13 million bushels of wheat every year. The grain supplied by the Nile valley farms brought yields equal to those of today.

Yet, today, Egypt is hungry and in desperate economic condition. Why is this?

Mr. Speaker, it stems from Egypt's rapidly growing population. This is her real problem—overpopulation.

At the beginning of the 19th century, Egypt's population was estimated to be about 2.5 million people. Fifty years later, it had doubled to 5 million. The first modern census in 1897 gave a figure of 9.75 million people. By 1950, the population had reached 19 million. Every 50 years, Egypt's population doubled.

But, in 1960, Egypt's population reached 26 million and by 1976 had reached 38 million, doubling the 1950 population in less than 26 years.

Growing numbers of people have placed greater and greater stress upon the food producing system of Egypt. Land is overgrazed and farm crop land is abused. Widespread irrigation leads to widespread salinity in the soil. The soil thus loses its fertility and is simply unable to support its present population, to say nothing of future, guaranteed larger populations.

However, according to the Scientific Director of the International Biological Programme, overpopulation is not new to Egypt:

In the ancient past and until the present century, control of the Nile was the concern of only one country, Egypt, whose population has always been almost completely dependent on the river. We are accustomed to think of overpopulation as a modern problem, but Egypt, which has been from time immemorial one of the richest and at the same time one of the smallest countries—the area inhabited even today is only the size of a large English county—has been through it before. Indeed, the history of ancient Egypt shows cycles of prosperity followed by disaster, and there is not much doubt that they were accompanied by and caused by, big increases in population.

Though overpopulation in Egypt is not new, the dimensions of the impending tragedy are. We are no longer dealing with a few million people. We are dealing with the 40 million people of Egypt, the 130 million people of the Middle East and, ultimately, in the nuclear age, the 4.2 billion people on this planet.

The Egyptian Government hopes to solve its economic and food problems by borrowing billions more in assistance funds from its Arab and Western friends.

This will not deal with Egypt's fundamental problem. The environmental carrying capacity of Egypt has long since been exceeded. She is overpopulated. Development efforts as proposed will do nothing to help alleviate her plight. They simply will prolong the agony and insure that more millions of people will be starving and gripped by misery in the future.

Raymond Dassmann of the International Union for Conservation in Switzerland spoke about Egypt and her development programs nearly 5 years ago. His words are still true today:

We have had about 150 years of development aimed at improving the productivity of the Nile. However, if you take the average lot of the average Egyptian today and compare it with the average Egyptian lot of 150 years ago, I think you might seriously question whether the effort has been worthwhile. Perhaps we might just as well have spent the money in building a big pyramid, bigger than anything built before. In so doing, we might have forced the population of the Nile Basin to come to grips earlier with the realities of its environment.

Instead of holding up the illusory hope that the carrying capacity of the environment can be increased indefinitely to accommodate an expanding population, Egypt should face its population problem.

Mr. Speaker, if Egypt explodes into chaos, we must consider what will happen to her neighbors—where terrorism and government by assassination are still fighting against the bonds of 20th century governments.

We must think of the Suez Canal and the future of Europe.

We must think of the oldest democracy in that part of the world—Israel—and all that they have fought for.

We must think of the mischief nations outside of the area could foment when chaos reigns.

We must think of the petroleum supplies in the area and what their interruption means for a global economic stability.

It is frightening that, in this day and age, man continually looks to explanations of his problems which make the minimal of sense. Simply stated, more borrowing by Egypt, and more indebtedness will not miraculously produce prosperity.

We must face the hard fact that a nation with limited resources cannot endure a population which doubles every 30 years. If Egypt will tackle her poulation problem in earnest, perhaps then the assistance we render will be worth it. But if she will not, then we might as well help build them bigger and bigger pyramids.

COMMENTS ON SELECT COMMITTEE ON ASSASSINATIONS

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. O'BRIEN. Mr. Speaker, taken together the report of the Rules Committee is a fair and decent approach to establishing the Select Committee on Assassinations.

Removal of authority to dabble with wire taps, bugs, lie detectors and stress analyzers is certainly necessary to a fair and just investigation.

There is, however, another area equally important to the credibility of the select committee's work that has not been dealt with in the Rules Committee's report, namely the matter of what constitutes a quorum for the select committee and its subcommittees.

The Warren commission has been frequently and fairly criticized because more than half the members never heard more than half the witnesses. One Warren commission member heard only 6 of the 94 witnesses. Fairly, then, it has been written—

They were part-time investigators of the (Kennedy) assassination thus leaving themselves open to charges that they were serving as "front men."

To prevent this devastating criticism from being used to undermine the efforts of the select committee, Mr. Speaker, it is clear that the requirements that only two members need to be present to hear testimony needs to be strengthened.

It is absolutely essential that these invesigations be carried out by the House, not by Philadelphia lawyers in the employ of the House.

I therefore support the requirement that at least one-half the members of the select committee or the subcommittees must be present to take testimony.

TAXES MUST BE EQUALIZED FOR SINGLES AND WORKING MARRIED COUPLES

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. ANNUNZIO. Mr. Speaker, I rise in support of H.R. 2451, which would extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns and would also remove the rate inequities which occur when married persons are both employed.

Under the present law four sets of tax rates apply: First, one to married individuals filing joint returns and surviving spouses; second, one to single persons who qualify as heads of households; third, one to single individuals—who do not qualify as heads of households or surviving spouses, for tax purposes; and fourth, one to married individuals filing separate returns and for estates and trusts. All four sets of rates range from 14 to 70 percent. However, they vary in the steepness, or graduation, at which they rise for increasing levels of taxable income.

The schedule of rates applicable to married couples filing joint returns and surviving spouses is the least progressive. The schedule applicable to single persons provides a tax that may be as much as 20 percent in excess of that paid on a joint return with the same amount of taxable income. The head of household rate schedule is halfway between the schedule applicable to joint returns and the schedule applicable to single persons. The rate schedule for married couples filing separate returns and for estates and trusts is the most progressive.

The present difference in the tax treatment of single persons and married couples may be traced back to 1948 when Congress enacted the so-called split income provision. This provision was designed to eliminate objectionable differences between the tax treatment of married couples living in community property and noncommunity property States. The courts had upheld the right of married couples living in community property States to divide their income between the two spouses for purposes of computing Federal income tax. Thus,

they could take advantage of the lower marginal rates applicable to each of their incomes. Married couples in noncommunity property States had to pay taxes on the basis of their total income. The Revenue Act of 1948 permitted all married couples to take advantage of income splitting.

The irony is that in an effort to end one tax discrimination, Congress created another—discrimination between the married and unmarried in all States.

In 1951 Congress attempted to right this wrong by adding the head-of-household provision to the Internal Revenue Code. This provision gave half the benefits of income splitting to taxpayers who supported their parents or other dependent relatives who lived with them. In 1954 Congress enacted legislation which permitted widows and widowers with dependent children to have the full benefits of income splitting for 2 years after the death of the spouse.

The Tax Reform Act of 1969 continued legislative efforts toward increasing equity for the unmarried by providing new rate schedules for single persons and heads of households which narrowed the gap between the tax liabilities on the same amount of taxable income for these single persons as compared to married couples filing joint returns. However, a gap still remains. In addition, the 1969 act introduced a new inequity.

The new tax rate schedules included in this act require working married couples at most income levels to pay a higher tax rate than two single people with comparable incomes who are living together. This situation prevails whether the married individuals file jointly or separately. This so-called "marriage penalty" was noted by the tax writing committees at the time, but it was justified on the grounds that a couple's living expenses are likely to be less than those of two single persons. I do not think Congress intended to reward "living together," but this has been the inadvertent fallout from these separate rate schedules.

These efforts by Congress to remedy the basic inequities of the different tax rate schedules not only fell short of accomplishing that goal but also contributed great complexity in the application of these schedules. Very complicated definitions and very restrictive rules accompany the categories of head-of-household and surviving spouse.

The proposal I am supporting will not only eliminate the discrimination among individuals because of marital status in the tax rate schedules, but it will contribute greatly toward simplification of our tax laws. Under this proposal all individuals would be permitted to use the same tax rate schedule. This schedule is the one presently available only to married persons who file joint returns and surviving spouses. Estates and trusts would continue to use the same tax rate schedule they use under present law. The tax filing status of "surviving spouse" and "head-of-household" would be eliminated. Married individuals would be permitted the option of either filing jointly or separately. In the case of separate returns, income received for services performed would be taxable to the spouse who performed the service.

Congress should act now to eliminate the discrimination against single people and working married couples and I urge the support of my colleagues for this proposal.

SOME IMPRESSIONS FROM THE INAUGURATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for February 2, 1977, into the CONGRESSIONAL RECORD:

SOME IMPRESSIONS FROM THE INAUGURATION

Numerous impressions from the inaugural ceremonies remain vivid . . . the sea of faces, estimated by crowd experts at 150,000, stretching from the east steps of the Capitol across Capitol Hill to the steps of the Library of Congress and the Supreme Court . . . the proud high school bands strutting along Pennsylvania Avenue for the parade . . . the delight of the crowd of 350,000 as the Carter family walked the entire route of the parade . . . the optimism and good spirits of the people attending the inaugural functions . . . the striking rendition of the "Battle Hymn of the Republic" by the Atlanta University Center Chorus . . . the particular jubilance of the Georgians celebrating the inauguration of a native son . . . the elaborate plans of the Army to destroy the snow with shovels, trucks, wedges and even flamethrowers . . . the peddlers with their Jimmy Carter T-shirts, buttons, banners, caps, and peanut key chains and necklaces . . . the crush of people at the inaugural ball at the Mayflower Hotel trying to catch a glimpse of President and Mrs. Carter dancing for a few seconds.

I kept thinking during the inaugural ceremony what a marvelous thing it is that power can pass peacefully from an old to a new President in this country with such a simple and dignified ceremony. For the first time in sixteen years a new President took office without the pain of rejection, resignation or assassination.

The brief inaugural address by the first President from the deep south in more than a century was not a political program or even a rallying cry, but a sermon, a call to the American spirit, an appeal for decency and unity. President Carter spoke of his own mistakes, preached of the limitations of the Presidency rather than its powers and rejected offering a new dream, but urged fresh faith in the old dream.

I liked what I heard in his address about fighting wars against poverty and injustice, being aware of the limits of our own resources, being strong but peaceful, strengthening the family, restoring respect for law and government, and seeking arms control.

The theme of his address was that the future of the nation lies in the principles of the past. One senses that his religion is at the center of his life. He wears it naturally. One wonders, however, how these noble principles he annunciated in the address will be applied to specific problems that await him. I suppose it was not among the more eloquent inaugural addresses, but there were a few phrases that we may remember: "a fresh faith in the old dream", "if we despise our own government we have no future", and, "a new spirit among us all."

During the inaugural ceremony, I also thought about President Carter's path to the Presidency. For two years prior to Inauguration Day he had crisscrossed the country speaking of competent government, outmaneuvering an army of Washington politicians who sought the same job, recognizing better than all of the others the distrust and disillusionment with government which he made a central issue of his campaign, and emphasizing everywhere he went that it was time for healing and the restoration of faith in the simple virtues, the old values and the basic goodness of the American people.

It was a bittersweet day for President Ford and his family. He had to bite his lip to hold back the tears as President Carter thanked him for all he had done to heal America. He also had to fight his emotions on his last visits to the Oval Office in the White House and to Capitol Hill where he had spent twenty-eight years of his life, and during the brief farewell ceremonies as he departed from Andrews Air Force Base for California. He must also have known that the American people appreciated what he had achieved during the two and a half years of his Presidency.

The walk by the Carter family down Pennsylvania Avenue was clearly the highlight of the day. You could just feel the pleasure of the crowd at seeing a President walk among the people and all the world seemed to stop when the Carters buttoned up Amy's coat. Everywhere people talked about the walk. It was a symbol of the new spirit, a feeling that there was nothing to fear, and that a troubled period in the Nation's history had been closed.

But easily the most memorable recollection of the day for me will be the feeling of reconciliation and the extraordinary good humor of the people on Inauguration Day 1977.

CONGRESSIONAL PAY RAISE

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. PRESSLER. Mr. Speaker, I am very much opposed to the current pay raise for Members of Congress going forward without a vote. I have a lawsuit which has wended its way to the Supreme Court over the past 15 months. It argues that the Constitution requires a vote insofar as the salaries of Members of Congress are concerned. I believe the American people want Members of Congress to be well paid, but the current scheme of automatic raises—and there are two automatic raises being proposed for this year, the next being in October—are unconstitutional as well as unwise public policy.

The importance of Congress voting on its pay is further illustrated by the fact that Congress has had a rollcall vote on every increase or decrease in its pay until the increase of December 16, 1967. That was shortly after Public Law 90–204, or the first automatic pay raise law, came into effect. I believe that this long tradition of Congress voting on its pay should be continued and I urge that the Speaker bring to the floor on the suspension calendar this matter for a vote. As a Member of Congress, I believe I have a constitutional duty to vote on my pay—at least James Madison emphasized at the Constitutional Convention that there would always be a rollcall vote on congressional pay so that Members would be individually responsible.

Mr. Speaker, I wish to insert into the CONGRESSIONAL RECORD at this point a record of the history of congressional

pay raises and pay decreases. Up until 1967, there was a rollcall vote on each change. I submit the following:

APPENDIX: TABLE OF STATUTES ALTERING CONGRESSIONAL SALARY

STATUTE, DATE, AND SUBSTANCE

1 Stat. 70–71: September 22, 1789: $6 per diem during attendance *prior* to March 4, 1795. $7 per diem *after* March 4, 1795 for Senators during special sessions; for Representatives, $6 per diem during attendance.

1 Stat. 448: March 10, 1796: Previous Act repealed; $6 a day for both during attendance.

3 Stat. 257: March 19, 1816 and 3 Stat. 345: February 6, 1817: $1,500 annually; repealed by Act of February 6, 1817, 3 Stat. 345.

3 Stat. 404: January 22, 1818: $8 a day during attendance after March 3, 1817.

11 Stat. 48: August 16, 1856: $3,000 annually.

11 Stat. 367: December 23, 1857: $250 monthly.

14 Stat. 323: July 28, 1866: $5,000 annually.

17 Stat. 486: March 3, 1873: $7,500 annually.

18 Stat. 4: January 20, 1874: Previous Act repealed and $5,000 annually restored.

34 Stat. 993: February 26, 1907: $7,500 annually.

43 Stat. 1301: March 4, 1925: $10,000 annually.

47 Stat. 401: June 30, 1932: Decreased from $10,000 to $9,000 by Economy Act of 1932 (10% reduction), effective July 1, 1932.

48 Stat. 14: March 20, 1933: Decreased from $9,000 to $8,500 by Economy Act of 1933 (15% reduction), effective April 1, 1933.

48 Stat. 521: March 28, 1934: Increased from $8,500 to $9,000; partial restoration, effective February 1, 1934.

48 Stat. 521: March 28, 1934: Increased from $9,000 to $9,500; partial restoration, effective July 1, 1934.

49 Stat. 24: February 13, 1935: Increased from $9,500 to $10,000; final restoration effective April 1, 1935.

59 Stat. 318: July 3, 1945: $2,500 annual expense allowance (tax free), retroactive to January 3, 1945.

60 Stat. 850: August 2, 1946: $10,000 to $12,500 annually, effective January 3, 1947.

69 Stat. 11: March 2, 1955: $12,500 to $22,500 annually, effective March 1, 1955 ($2,500 annual expense allowance repealed).

78 Stat. 415: August 14, 1964: $22,500 to $30,000 annually, effective January 3, 1965.

81 Stat. 614: December 16, 1967: $30,000 to $42,500 annually; Salary Commission, established by Public Law 90–206, recommended a salary to the President who, under authority of the Act, recommended $42,500 in his 1970 Budget, which, under the law, became effective March 1, 1969.

89 Stat. 419: August 9, 1975: $42,500 to $44,600 annually; pursuant to Public Law 94–82, President in Exec. Order No. 11883, recommended 5% increase in General Schedule salaries, Congressional salaries were increased in like percentage by Exec. Order on Oct. 6, 1975.

RESOLUTION SUPPORTING PRESIDENT CARTER'S NUCLEAR ARMS STATEMENTS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. OTTINGER. Mr. Speaker, 219 Members have now joined in cosponsoring a resolution expressing the sense of the House in support of President Carter's recent statements regarding negotiating a comprehensive nuclear test ban and nuclear disarmament, Congressmen BINGHAM, FISH, LONG, SEIBERLING, JEFFORDS, REUSS, UDALL, and ZABLOCKI worked with me on crafting and getting support for this resolution.

Nuclear weapons proliferation and the potential growth of the "nuclear club" are, I believe, the most important problems confronting the human race at the present time. President Carter's announced intentions "to proceed quickly and aggressively with a comprehensive test ban treaty eliminating the testing of all nuclear devices," to seek "a fairly rapid ratification of the SALT II agreement," and "to move very quickly toward an agreement with the Soviet Union for major reductions in atomic weapons" deserve the support of the entire Congress and of all the American people.

It is my hope that this huge show of congressional support for the President's declared objectives will strengthen his hand in proceeding to negotiate on these most vital of subjects.

DIXON'S RACIAL SLURS MUST NOT BE TOLERATED

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. ROSENTHAL. Mr. Speaker, in a recent speech before a trade association, a member of the Federal Trade Commission called consumer advocate Ralph Nader "a dirty Arab" and "a son of a bitch," according to published reports.

Commissioner Paul Rand Dixon does not deny making the statements, reports today's Washington Post, which quoted him as saying he has no intention to apologize to Nader.

His refusal to apologize is further evidence of Mr. Dixon's poor taste and judgment. But even an apology cannot dispel the cloud which has been cast over his independence and discretion in the many proceedings before his agency in which Mr. Nader participates.

Accordingly, 15 of our colleagues have joined me today in calling on President Carter to remove Mr. Dixon from office on grounds of malfeasance in office as provided for in Federal statute. We also have written directly to Mr. Dixon asking him to step down.

Little can be done to cure the numerous decisions made by the Federal Trade Commission since the 1960's which may have been colored by Mr. Dixon's bias. But his resignation can at least assure that further decisions will not suffer from the same disability.

Mr. Dixon's comments display the basest form of prejudice and offend not only Americans of Arab descent but all citizens who expect the highest level of decency and integrity from their public officials.

Members signing the two letters are: Hon. BENJAMIN S. ROSENTHAL, Hon. JIM GUY TUCKER, Hon. RICHARD L. OTTINGER, Hon. PHILLIP BURTON, Hon. FORTNEY H. STARK, Hon. ABNER J. MIKVA, Hon. STEPHEN J. SOLARZ, Hon. WILLIAM LEHMAN, Hon. ANTHONY TOBY MOFFETT, Hon. CHRISTOPHER J. DODD, Hon. EDWARD I. KOCH, Hon. JOHN E. MOSS, Hon. GEORGE MILLER, Hon. JOHN KREBS, Hon. JAMES H. SCHEUER, Hon. PATRICIA SCHROEDER.

Text of the letters follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 1, 1977.

Hon. JAMES EARL CARTER, Jr.,
President, The White House, Washington, D.C.

DEAR MR. PRESIDENT: We urge you to use your statutory authority to remove for cause Commissioner Paul Rand Dixon of the Federal Trade Commission.

Mr. Dixon's widely-reported comments directed at Mr. Ralph Nader display the basest form of prejudice. They offend not only Americans of Arab descent but all citizens who expect the highest level of decency and integrity from their public officials.

Mr. Dixon's refusal to apologize further evidences his poor taste and judgment.

But even his apology cannot dispel the cloud which has been cast over his independence and discretion in the many proceedings before his agency in which Mr. Nader participates.

Little can be done to cure the numerous decisions made by the Federal Trade Commission since the 1960's which may have been colored by Mr. Dixon's bias. But his removal can at least assure that future decisions will not suffer from the same disability.

His removal would also preserve our citizens' trust in the decency and fairness of our government officials without which our system cannot function.

A similar letter is being sent to Mr. Dixon to urge him to resign. Only Mr. Dixon's removal or resignation, we feel, can correct the injustice to Mr. Nader and others of similar heritage, and clear the black mark on the Federal Trade Commission.

Sincerely,

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 1, 1977.

Hon. PAUL RAND DIXON,
Commissioner, Federal Trade Commission, Washington, D.C.

DEAR MR. DIXON: Once again our nation has witnessed the spectacle of a high government official giving vent to vicious racial slurs.

Your comments directed at Mr. Ralph Nader display the basest form of prejudice. They offend not only Americans of Arab descent but all citizens who expect the highest level of decency and integrity from their public officials.

Your refusal to apologize further evidences your poor taste and judgment.

But even an apology cannot dispel the cloud which has been cast over your independence and discretion in the many proceedings before your agency in which Mr. Nader participates.

Little can be done to cure the numerous decisions made by the Federal Trade Commission since the 1960's which may have been colored by your bias. But your resignation can at least assure that future decisions will not suffer from the same disability.

Your resignation might also preserve the trust in the decency and fairness of our government officials without which our system cannot function.

Accordingly, we call upon you to resign your appointment as a Commissioner as the only way to correct the injustice to Mr. Nader and others of similar heritage, and clear the black mark on the Federal Trade Commission.

Sincerely,

THE PERVASIVENESS OF FEDERAL REGULATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, some time ago, the Council on Wage and Price Stability initiated a path-breaking study of the Federal Government's regulations affecting the steel industry. The Council has now released the first volume of its study, which catalogs and details all Federal regulations and policies affecting manufacturers of steel. The results of the study are truly astounding. The steel industry's operating and investment decisions are circumscribed by more than 5,300 Federal regulations initiated by 27 different Federal agencies. It is small wonder that the steel industry is "having an increasingly difficult time accomplishing its most socially beneficial objective—that of producing iron and steel."

Mr. Speaker, I commend to my distinguished colleagues a summary of the main points of the study identified by the Council on Wage and Price Stability. This summary, prepared under date of January 18, 1977, by the Council makes it clear that manufacturers of iron and steel can hardly make even routine decisions without taking into account the directives of some Federal agency.

The summary follows:

SUMMARY

1. VOLUME OF REGULATION

The regulatory programs of the seventies have produced substantially more voluminous and extensive regulatory requirements than earlier programs. This is in part the result of greater specificity. For example, each of OSHA's approximately 4,000 health and safety standards is a specific rule with which a steel company must comply. And of the 27 agencies noted in this study, more than one third have come into existence since the beginning of 1970. Additionally, of the approximately 5,600 regulations noted in the catalog, approximately 4,000 are in OSHA (discussed in Chapter 3), over 100 are in Environmental (discussed in Chapter 2) and almost 100 are Pension regulations (discussed in Chapter 5). All of these regulations have only recently come into existence.

The extent of the current volume of federal regulations can be illustrated by the numbers of proposed regulations published by the various federal agencies in the *Federal Register*, the official publication for such agency actions. According to the Office of the Librarian, Federal Register, the numbers of proposed and final regulations that were published in 1974 and 1975 are shown in the accompanying chart.

The catalog actually understates the number of regulations because the study adopts some very strict limiting definitions.

The study concentrated on federal regulations. Hence, it does not consider zoning or land use planning regulations which are in the purview of state and local governments. Additionally, the study defines the iron and steel industry in terms of the direct manufacturing process—"from loading dock to loading dock". This excludes consideration of transportation regulations that directly affect the shipping of ore and coal from the mines to the plants. It also excludes regulations affecting the mining of iron and coal. As noted at the beginning of Chapter 9, the definition does not include the "inputs" to the steelmaking process of oil and natural gas; both of these commodities are regulated as to price and supply.

	1974	1975
Proposed new agency regulations	156	177
Proposed amendments to existing regulations	2,525	2,865
Subtotal	2,680	3,042
Final agency regulations	272	309
Final amendments to existing regulations	6,164	6,996
Subtotal	6,436	7,305
Total	9,116	10,347

Regulations or amendments are respectively defined as an addendum or amendment to a volume of the Code of Federal Regulations at the part level.

The specific definitions adopted in the study are discussed at pp. 4–7.

2. GROWTH OF REGULATIONS

The most obvious observation is that the number of regulations and regulatory programs has increased substantially over time. Most of the growth, however, has come in the last six years, during which time Congress passed the Federal Water Pollution Control Act, the Clean Air Act, the Occupational Safety and Health Act, the Energy Supply and Environmental Coordination Act, the Equal Employment Opportunity Act and the Employee Retirement Income Security Act. In addition, during this period, several amendments to previously enacted federal regulatory statutes were also enacted.

Figure 11.1 (at p. 214) lists the federal regulatory agencies that affect steel and the dates of their establishment. From the number of agencies or new regulatory programs created in recent years, the accelerating pace of regulation is obvious. The impact of this growth is discussed in subsequent sections.

From Figure 11.1, one can also infer basic changes in Congressional focus between the last century and the present. The first laws enacted to regulate the steel industry (and, of course, other industries) addressed the general economic performance of these industries. Those were the initial foreign trade and federal antitrust laws. In marked contrast, the legislation of the late 1960's and 1970's addressed each industry's performance in social, health, and environmental areas. The principal examples are the Occupational Safety and Health Act, the Employee Retirement Income Security Act, the Equal Employment Opportunity Act, and the Federal Environmental laws.

3. THE NUMBER OF PROGRAMS

The situation is made more complex by the fact that many of these agencies administer more than one legislative program. The 27 agencies listed in the catalog administer approximately 57 programs. And in general, the more recently created agencies administer the largest number of programs. EPA, for example, administers some 26 different programs, six of which affect the steel manufacturing process.

And, some programs are administered by more than one agency. Civil rights, for example, are the concern of EEOC, the Justice Department and the Office of Federal Contract Compliance.

Of the 57 major regulatory programs mentioned in the catalog, over two-thirds have come into existence since 1970; and, some of the earlier programs have been amended and strengthened since that time.

4. THE PERVASIVENESS AND SPECIFICITY OF THE REGULATIONS

Regulatory statutes enacted recently have tend to create programs that mandate conduct in the steel industry much more specifically than the regulatory programs enacted at earlier times. The earlier federal antitrust laws, for example, contained only general statutory prohibitions against anticompetitive behavior. (See Chapter 6.) They did not require a specific course of action or conduct. By contrast, regulations issued by OSHA contain very specific requirements for virtually every piece of equipment used in the production of steel, ranging across such major items as coke ovens all the way down to such mechanical minutiae as the ladders used in plants and the mandatory 42-inch height from the floor of portable fire extinguishers.

The tables beginning on page 26 detail the degree to which EPA regulations dictate technical details of each of the 29 stages of the steel manufacturing process. The text beginning at page 54 is illustrative of this same sort of minutiae on the part of OSHA regulations, as is the specificity of the variances listed on page 62, and the list of the most frequently violated OSHA standards beginning at page 67.

5. CONFLICTS AND LACK OF COORDINATION

Another problem is that often regulations promulgated by different agencies conflict. This study has not specifically focused upon this issue, though several examples are noted. The classic example in the steel industry of conflict is between regulatory programs regarding emissions from coke ovens. EPA, which is interested in reducing emissions into the ambient air, has favored placing hoods over coke ovens to gather and treat these emissions. On the other hand, OSHA, which is concerned with worker health, opposes hoods on coke ovens because they would increase the concentration of coke oven emissions breathed by the workers. Here, the application of a particular technology creates the conflict between regulatory programs. But conflicts between regulatory programs can result from other reasons as well. For example, FEA's goal of promoting the use of coal in boilers may conflict with EPA's goal of reducing sulfur oxide emissions from point sources, including boilers. Another example: FEA's goal of promoting energy conservation may conflict with OSHA's regulations requiring the workplace to be brightly lit. And, whereas antitrust regulation promotes competition, tariffs may tend to diminish it.

List of number of regulations by chapter [1]

Environmental regulation	129
Occupational Safety and Health Administration	[2] 4,000
Discrimination regulation	38
Antitrust regulation	71
Foreign trade regulation	161
Tax regulation	64
Energy regulation	7
Industrial relations regulation	86
Miscellaneous regulation	752
Total	5,308

[1] Not all of these numbers are based upon the same definition of regulation.

[2] OSHA numbers are approximate.

LET US SUPPORT SOLAR ENERGY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. MOAKLEY. Mr. Speaker, as the 95th Congress addresses the problem of formulating an effective energy policy, it will face many difficult decisions. Perhaps the most difficult will be whether to

shift our emphasis from nuclear to solar power.

Back in the Truman administration, the Paley Commission was set up to look into the country's future energy needs. It recognized the Sun's potential and called for "aggressive research in the field of solar energy—an effort in which the United States could make an immense contribution to the welfare of the free world."

Most unfortunately, the Paley Commission's recommendation for "aggressive research" went unheeded. As a result, the commission's optimistic prediction for solar energy to account for 10 percent of the national energy consumption by 1975 is unrealized.

Mr. Speaker, Congressman FRED RICHMOND of New York has recently introduced a legislative package entitled "Incentives for the Promotion of Energy Conserving Technology." Through the development of solar energy, this package would bring us a step closer to energy self-reliance.

The Federal Government must take the lead in realizing the potential of our most abundant resource, the Sun, as an efficient, practical energy resource.

SUPPORT BUILDS FOR MANDATORY SENTENCING BILL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. ANDERSON of California. Mr. Speaker, several weeks ago I reintroduced legislation to set mandatory minimum prison sentences for anyone convicted of using a firearm in the commission of a Federal crime. Today I am happy to report that 94 of our colleagues have joined with me in this realistic attempt to do something about the increasing levels of crime in this Nation.

I ask unanimous consent to include with my remarks here today the response received from several sheriffs and local prosecutors throughout the State of California. I hope that those Members who have not yet joined with those listed below and cosigned this legislation will do so. The listing of present cosponsors and statements of the sheriffs follow:

A LISTING OF THE COSPONSORS OF H.R. 1559

Anderson of California.
Andrews of North Dakota.
Andrews of North Carolina.
AuCoin of Oregon.
Bonior of Michigan.
Breaux of Louisiana.
Blanchard of Michigan.
Brown of Ohio.
Baucus of Montana.
Burke of Florida.
Brown of Michigan.
Coughlin of Pennsylvania.
Carney of Ohio.
Corrada of Puerto Rico.
Conte of Massachusetts.
Cederberg of Michigan.
Dan Daniel of Virginia.
Robert Daniel of Virginia.
Duncan of Tennessee.
De Lugo of the Virgin Islands.
Downey of New York.
Devine of Ohio.
Davis of South Carolina.
Duncan of Oregon.
English of Oklahoma.
Edgar of Pennsylvania.
Mickey Edwards of Oklahoma.
Ertel of Pennsylvania.
Fountain of North Carolina.
Fisher of Virginia.
Fary of Illinois.
Flowers of Alabama.
Gibbons of Florida.
Gephardt of Missouri.
Ginn of Georgia.
Glickman of Kansas.
Hawkins of California.
Hannaford of California.
Huckaby of Louisiana.
Heftel of Hawaii.
Ichord of Missouri.
Jacobs of Indiana.
Jones of Tennessee.
Jones of Oklahoma.
Ketchum of California.
Keys of Kansas.
Krebs of California.
Krueger of Texas.
LaFalce of New York.
Leach of Iowa.
Lehman of Florida.
Lent of New York.
Levitas of Georgia.
Long of Louisiana.
Lott of Mississippi.
McHugh of New York.
Madigan of Illinois.
Martin of North Carolina.
Mathis of Georgia.
Mazzoli of Kentucky.
Meyner of New Jersey.
Mineta of California.
Mitchell of New York.
Moakley of Massachusetts.
Mollohan of West Virginia.
Mottl of Ohio.
Gary Myers of Pennsylvania.
Neal of North Carolina.
Patterson of California.
Pattison of New York.
Pritchard of Washington.
Pursell of Michigan.
Quie of Minnesota.
Rahall of West Virginia.
Rangel of New York.
Robinson of Virginia.
Roe of New Jersey.
Roncalio of Wyoming.
Rose of North Carolina.
Scheuer of New York.
Simon of Illinois.
Spence of South Carolina.
Staggers of West Virginia.
Stratton of New York.
Studds of Massachusetts.
Treen of Louisiana.
Trible of Virginia.
Walsh of New York.
Charles Wilson of Texas.
Charles H. Wilson of California.
Won Pat of Guam.
Young of Florida.
Zeferetti of New York.

TORRANCE, CALIF.,
January 24, 1977.

Congressman GLENN M. ANDERSON,
U.S. House of Representatives,
Washington, D.C.

Your proposed bill that would provide for a mandatory five-year penalty for anyone convicted of using a firearm during the commission of a federal crime would undoubtedly have an added deterrent effect upon commission of federal crimes where handguns are predominately used, provided that the penalty would be imposed, in addition to the sentence received for the crime itself.

It seems that the trend today is for judges to impose minimum sentences for serious crimes where force is used, and the added mandatory requirement might at least ensure that the criminal offender receives a five year sentence for federal crimes where firearms are used.

The proposed legislation would probably have more meaning if a provision were added that the five year mandatory sentence could not be reduced by probation or parole. I appreciate the opportunity to express my views on important legislation in the criminal field. Your efforts to improve the criminal justice system are to be commended.

DONALD E. NASH,
Chief of Police.

TORRANCE, CALIF.,
January 24, 1977.

Hon. GLENN M. ANDERSON,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: I am extremely grateful to see that you are sponsoring H.R. 1559. While I do not personally favor gun control of law-abiding citizens, I believe it is imperative that there should be strict and severe punishment for those who do use a gun in the commission of a crime.

I am impressed with your bill because it does require a mandatory sentence of at least five years that cannot run concurrent with other violations. I believe mandatory sentences are the only way to get around bleeding heart judges and let the criminal element of our society know that it must pay for its conduct. I would support any bill requiring a mandatory sentence, especially with respect to guns used in criminal activity.

Very truly yours,

WILLIAM G. WILLETT,
City Prosecutor.

MONTERY COUNTY, SALINAS, CALIF.,
January 20, 1977.

Congressman GLENN M. ANDERSON,
32d District, California,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: I am sure that all of us who are daily involved in the enforcement of laws and apprehension of criminals appreciate your efforts to assist us in this very big job.

I support your proposed legislation, H.R. 1559, creating mandatory penalty for using firearms in the commission of crimes.

Very truly yours,

WILLIAM A. DAVENPORT,
Sheriff.

SANTA BARBARA COUNTY,
SANTA BARBARA, CALIF.,
January 20, 1977.

Representative GLENN M. ANDERSON,
32nd District, California, House Office Building, Washington, D.C.

DEAR CONGRESSMAN ANDERSON: I would like to comend you for once again introducing your bill on mandatory penalties for anyone convicted of using a firearm during the commission of a crime.

As you know, here in California we now have some legislation requiring mandatory sentences for certain crimes committed with a firearm. It's still too early to tell the effects of that leigslation. However, in my conversations with my constituents, the overwhelming majority stress that laws should be enacted to penalize those who use firearms illegally rather than introduce unenforceable legislation that only the law abiding citizens would comply with.

Now that we once again have hope for use of the death penalty, it's time to get tougher with those who use firearms in the commission of crimes. Your bill, as far as federal violations is concerned, certainly adequately addresses that issue. Hopefully, your bill will be successful this time around.

Very sincerely,

JOHN W. CARPENTER,
Sheriff.

COUNTY OF PLUMAS,
QUINCY, CALIF.,
January 25, 1977.

Hon. GLENN M. ANDERSON,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: I am in receipt of your letter, dated January 12, 1977, to former Sheriff W. C. Abernethy, Jr. Since Sheriff Abernethy left office in July of 1976, I would like to take this opportunity to express my views on your proposed H.R. 1559.

As we have seen by past and present experiments at various forms of gun control in this county, these programs have been completely unsuccessful and have done nothing more than harass the law abiding citizens.

Under the present laws there is too much discretion allowed in the sentencing of offenders. The mandatory penalty, that you propose, for the use of a firearm in the commission of a crime is a much needed piece of legislation that would have a definite impact upon the criminal element where the impact belongs.

I wish you every success in the passage of this bill as it is definitely a step in the right direction, and if I can be of any further assistance, please do not hesitate to call.

Sincerely,

S. DOUGLAS THOMAS,
Sheriff.

THE HELSINKI AGREEMENT: RUSSIA'S SHAMEFUL RECORD

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. KEMP. Mr. Speaker, it is a year and a half since the United States and the Soviet Union, together with other nations, concluded the Helsinki accord. In that agreement, we made some very real political concessions in return for certain Russian promises. Those promises did not concern specific advantages or gains for the United States, but instead were of a humanitarian nature, such as the granting of greater freedom of travel to Soviet citizens themselves. Now there is mounting evidence that the Russian authorities regard their Helsinki obligations with even more contempt than the most pessimistic of us had anticipated. Our only consolation is that we are learning of genuinely heroic human stories taking place behind the iron curtain. It is in that spirit that I recommend to my colleagues this outstanding article by Ralph Bennett in the January 1977 Reader's Digest:

THE HELSINKI AGREEMENT: RUSSIA'S SHAMEFUL RECORD

(By Ralph Kinney Bennett)

(NOTE.—On August 1, 1975, the United States, the Soviet Union and 33 other nations signed accords at Helsinki, Finland, that "legitimatized" the Soviet hegemony over Eastern Europe established at the end of World War II. This was a diplomatic triumph for the Kremlin. But, as a *quid pro quo*, the accords also detailed agreements designed to "open up" the closed societies of Russia and the countries under Soviet domination—greater freedom of thought and religion, freer travel and "human contacts," freer flow of information. Seventeen months have passed since the "spirit of Helsinki" was invoked. Are the Russians living up to the agreement? Here is a report.)

In Kokchetav, a Baptist is arrested for holding a prayer meeting in his home, while in Kirovograd, a Jehovah's Witness is sentenced to five years in a "corrective labor" camp for "religious activities."

In Kustanai, the art director of a technical school is given two years in a labor camp for listening to and taping foreign radio broadcasts.

In Derbent, the mother of an eight-year-old girl asks to emigrate. Suddenly she is indicted for "speculating" in household utensils (worth about $78), threatened with loss of her child unless she signs an interrogation record that she cannot read, and sent to a labor camp for 18 months.

In Moscow, an artist is locked out of his studio, and his sculptures are smashed, because he asked to tour Western art museums.

These are not isolated examples. They are the enduring reality of Soviet life—a reality unchanged in the 17 months after Helsinki.

Indeed, just two weeks after the Helsinki signing, Soviet leader Leonid Brezhnev made clear that there would be no change in Kremlin policy. In a conversation with visiting U.S. Congressmen, Brezhnev said that while those parts of the accords dealing with the "security" of Eastern Europe were "binding," the human-rights provisions were not "of a binding nature." Thus, the true meaning of Helsinki has been written not in diplomatic headlines but in the lives of people for whom the accords have become one more broken promise.

BASIC RIGHTS

The Helsinki signatories agreed to respect "human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief."

Four months after Helsinki, biologist Sergei Kovalev went on trial for "subverting" the Soviet government. His crime: supporting the stand of Soviet physicist Andrei Sakharov against government infringement of civil liberties, and circulating accounts of the treatment of dissident countrymen. Kovalev argued that he was merely seeking to further the cause of basic freedoms guaranteed in the Soviet constitution. Replied the prosecutor: "Our state forbids acts which are foreign to its nature."

Sakharov himself was refused admittance to Kovalev's trial, but he maintained a vigil outside the courtroom in Vilnius, Lithuania. Even as he waited for news of Kovalev's fate, the 1975 Nobel Peace Prize was awarded to Sakharov *in absentia*. Soviet authorities would not allow him to go to Norway to accept it. When Kovalev was finally sentenced to seven years' hard labor and three years' "internal exile," Sakharov commented: "After Helsinki, the authorities plainly wanted to demonstrate their firmness and their power, which permits them to ignore even their own laws."

They have done so repeatedly in the months since. Vyacheslav Igrunov, son of a high Communist Party official, was committed to a psychiatric hospital as an "especially dangerous schizophrenic" because he circulated dissident writings. Anatoly Ponomarev, an engineer from Leningrad, was confined to a psychiatric ward because he wrote letters criticizing government policy. Prominent scholar Igor Melchuk, author of more than 150 published works, was dismissed from the Institute of Linguistics because he made the "ideological error" of writing a letter to the New York *Times* defending Sakharov.

Or consider the case of Andrei Amalrik, whose writings like *Will the Soviet Union Survive Until 1984?* won him accolades abroad and prison sentences at home. After exile in Siberia, he returned to Moscow in 1975 to join his wife Gyusel. Police ordered him out. In September 1975, while he lay sick in bed, KGB agents burst in and took him away for a night of interrogation. Just before Christmas he was detained again. Constantly harassed, unable to do any work, Amalrik finally asked for an exit visa. "I did not want to emigrate," he said. "When a man is born in a country and is a writer, he does not want to leave—not ever." But Amalrik left Russia last June. "The bastards won," he said.

It often appears to Westerners that only a handful of Soviet intellectuals and scientists are involved in dissent. This is because average citizens are punished quietly. Often, they are not able to leave their hometowns, are afraid to use the mails, and are prevented from contacting foreign embassies. Their cries are seldom heard.* They are from the man in Tbilisi who was told by KGB officers to stop seeing an old friend because "his days are numbered"; the Baptist girl in Shchuchinsk who was seized and searched by police on her way home from a religious service; the assembly-line worker whose inadvertent anti-regime remark consigned him to one of the more than 1,000 Russian labor camps, where perhaps two million people languish.

HUMAN CONTACTS

The Helsinki signatories agreed to aid international marriages and the reuniting of families; to ease travel restrictions in order to promote person-to-person contact as "an important element in strengthening friendly relations and trust among peoples."

In late August 1975, just weeks after the Helsinki signing, Uri Podriachik pleaded with Russian authorities for an exit visa to see his dying mother, actress Dina Roitkop Podriachik, who had emigrated to Israel in 1971. The part of the Helsinki document that deals with exit visas specifies that "cases of urgent necessity—such as a serious illness or death—will be given priority treatment." But Uri was refused, and on August 28 his mother died in Israel while he remained helpless in Moscow.

Woodford McClellan, a professor of Russian and East European history at the University of Virginia, married Irina, a Russian interpreter, while teaching in Moscow in May 1974. The Soviets refused to let her return to America with him. Falsely assured that she could leave early in 1975, she quit her job and has since been refused work. McClellan has not been permitted to visit her. State Department intercession and the Helsinki signing brought no change. Says her husband, "We cannot see the end of Irina's suffering." More than 200 other cases of appeals for Russian-American family reunion remain in similar post-Helsinki limbo.

Soviet citizens still find themselves caught in a byzantine web of regulations and arbitrary reprisals that discourage travel and human contact. Journeys from even one village to another often require government permission. Scientists and intellectuals cannot attend seminars or institutes in the West unless they are "ideologically sound." When Gari Abelev won a prize on October 20, 1975, from New York's Cancer Research Institute for his "landmark" work in cancer immunology research, his government refused him permission to go to the United States and accept the award. Similarly, physicist Valentin Turchin was denied an exit visa in December 1975 when Columbia University invited him as a visiting scholar.

But nowhere is there more shocking evidence of the Soviet Union's opposition to freedom of movement than in its emigration policy. Prospective emigrants routinely face the loss of jobs and homes, social ostracism and, very likely, induction into the army or imprisonment in a labor camp. "In every known case," Elizabeth Pond of *The Christian Science Monitor* reports from Moscow, "the

*To keep the West informed on conditions inside the Soviet Union, Khronika Press, 505 Eighth Avenue, New York, N.Y. 10018, publishes a bimonthly magazine of letters, reports and other materials smuggled out of Russia.

numerous Soviet Jews who have applied to leave but have been refused permission have been fired from their jobs."

Moreover, a potential emigrant must pay an exit fee of 300 rubles (about $400), two months' pay for the typical worker. Then he may find that Israel is the only country to which he can get permission to go—and emigration to Israel costs an additional 500 rubles.

Early in 1976, the Soviets introduced still another economic barrier. Many would-be emigrants—especially Jews—live off foreign donations after they have been fired from their jobs and are still waiting for their exit visas. Under the new regulation, financial gifts from abroad are subject to a 30-percent tax—on top of a 35-percent "bank charge." The remaining money is then significantly devalued. A Soviet emigrant who receives a 400-ruble gift takes home about 50 rubles.

PRESS FREEDOM

The Helsinki signatories agreed to the free dissemination of information—books, newspapers, broadcasts—"for an ever wider knowledge and understanding of the various aspects of life in the other participating states."

The notion that the Soviets would honor these provisions was dispelled almost at once. An issue of *Zhurnalist*, official magazine of the Soviet Union of Journalists, published shortly after the Helsinki signing, carried the explanation that most Western publications could not be circulated in East Bloc nations because they contradicted "the morality of socialist society." Western newspapers and magazines that *do* come into the Soviet Union are earmarked for government officials and a few approved scholars. Moscow boasted it would put 18 Western newspapers on general sale after Helsinki, but Western correspondents have had a hard time finding them. So far, non-communist Western papers are still to be found only in a few selected airports and hotels—points not accessible to the average citizen.

Despite Helsinki, the jamming of Radio Liberty, which began broadcasting into the Soviet Union in 19 languages back in 1953, has not ceased. Jamming of Radio Free Europe has continued in Poland, Czechoslovakia and Bulgaria. Last winter the Soviets successfully bullied the International Olympic Committee into denying accreditation to Radio Free Europe correspondents to cover the Winter Olympics at Innsbruck, Austria, which they had done previously since 1952.

Though the U.S.S.R. promised to ease restrictions on foreign correspondents there, this has proved illusory. Reporters continue to be screened from the realities of Soviet life, says David K. Shipler of the New York *Times*. "They are toasted by officials and vilified by the Soviet press, escorted graciously around factories and denied interviews, entertained at receptions and deprived of facts." Reporters who have tried to break through the smiling, courteous barrier that prevents real newsgathering are watched closely by Soviet secret police.

The Soviets are particularly concerned with reporters who speak Russian. A concerted attempt is made to discredit them or strike fear in those who would talk to them. Christopher Wren of the *Times*, George Krimsky of Associated Press and Alfred Friendly, Jr., formerly of *Newsweek*—all fluent in Russian and known for their enterprising stories—have been painted in the Soviet press as CIA agents. People they interview have been picked up and questioned by the KGB. Other reporters have found themselves accused of drug dealing, homosexuality and espionage. "All this," says Shipler, "combined with close surveillance and bugging of correspondents, takes place beneath the government's pose of open cooperation with the foreign press as mandated by the Helsinki declaration."

Thus, since the signing at Helsinki, since the high-minded language about respect for human rights and dignity, little has changed. The Iron Curtain has been accorded a kind of diplomatic recognition, and what happens to the people behind it remains in the hands of a government intent on repression. Yet Alexander Sukharev, Soviet First Deputy Minister of Justice, glibly tells an interviewer that "our country long ago reached a level in the matter of tangible guarantees and defense of human rights that the average citizen in the so-called 'free world' can only dream of."

As with other agreements in the past, it would appear that Soviet compliance with Helsinki is something the West can only dream of, unless the governments of the free world will use the accords incessantly to prod the Kremlin toward some semblance of humanity.

A CREATURE OF CAPITALISM?

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. PRESSLER. Mr. Speaker, the free enterprise system that supports the country is sometimes berated on university campuses, in private foundations and in certain circles that frequently are the beneficiaries of our economic system. I know that our economic system is mixed to some extent, but I was very impressed with the statement of Henry Ford II, in resigning from the Ford Foundation. Mr. Ford pointed out that the foundation exists and thrives on the fruits of our economic system. He went on to say that in effect the foundation is a creature of capitalism, a statement I am sure would be shocking to many professional staff people in the field of philanthropy. He went on to say that it is very difficult to find an understanding of this in many of the institutions, particularly the universities that are beneficiaries of the foundation's grant programs.

I think it is well for us to pause and recall that it is business and entrepreneural activity that produces the basic wealth in our society. At this point I wish to insert Mr. Ford's statement which appeared in the January 14, 1977, issue of the Wall Street Journal:

A CREATURE OF CAPITALISM

(NOTE.—Earlier this week, Henry Ford II, chairman of Ford Motor Co., disclosed that he had resigned as a trustee of the Ford Foundation. The move left the tax-exempt foundation's board without a representative of the family that founded it. In a letter to the board, Mr. Ford said he wanted to "step aside" because "after 33 years I have . . . pretty much done all there is to do as a Trustee. . . ." He also offered the following thoughts. An editorial on this subject appears on this page today.)

In leaving the Board, I have a few thoughts that I would like to pass along to you. The first of these is that, to a great extent, effectiveness in a large institution comes from an understanding and appreciation of its goals and actions by the constituency it serves. In the case of the Foundation, the constituency is society at large; I suggest to you that society's view of the Foundation is quite blurred these days. The diffuse array of enterprises upon which the Foundation has embarked in recent years is almost a guarantee that few people anywhere will share a common perception of what the Foundation is all about, how it sees its mission and how it serves society. I think this weakens the Foundation's capacity to be effective in terms commensurate with its potential.

Another consideration that I believe requires more attention is the need to scale down activities to a level that reflects diminished resources. It seems to me that with half of the income, we still are addressing as many different problem areas as we did 10 or 15 years ago. I suspect that we are tackling some of these rather thinly and thus not too effectively.

The Foundation always has prided itself on its emphasis on funding the experimental kind of effort—the new way that might lead to a significant breakthrough. Yet we stick with some programs for years and years—Office of the Arts being a prime example. Are we an on-going funding agency or are we courageous backers of innovation in the huge field of human problems?

The Foundation exists and thrives on the fruits of our economic system. The dividends of competitive enterprise make it all possible. A significant portion of the abundance created by U.S. business enables the Foundation and like institutions to carry on their work. In effect, the Foundation is a creature of capitalism—a statement that, I'm sure, would be shocking to many professional staff people in the field of philanthropy. It is hard to discern recognition of this fact in anything the Foundation does. It is even more difficult to find an understanding of this in many of the institutions, particularly the universities, that are the beneficiaries of the Foundation's grant programs.

I'm not playing the role of the hard-headed tycoon who thinks all philanthropoids are socialists and all university professors are communists. I'm just suggesting to the Trustees and the staff that the system that makes the Foundation possible very probably is worth preserving. Perhaps it is time for the Trustees and staff to examine the question of our obligations to our economic system and to consider how the Foundation as one of the system's most prominent offspring, might act most wisely to strengthen and improve its progenitor.

One final note: it may be the fate of any large institution over the time to turn more and more inward in its thinking processes and gradually to foreclose itself from outside influences. I detect this to some degree in the Foundation, particularly among staff people. It's a danger sign. The "not invented here" attitude robs an organization of the benefits of new thinking and should be fought at every turn. All wisdom does not repose at 320 East 43rd Street nor may it be found solely at The American Road, Dearborn, Michigan, 1600 Pennsylvania Avenue or any other power center in the world. We have a lot to learn from many sources. We shouldn't tolerate a fortress mentality.

TRIBUTE TO TOM TEAR

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. REGULA. Mr. Speaker, I am pleased to join my colleagues in saluting Thomas H. Tear in his well-deserved retirement from this body as chief minority page.

Tom's cheerful and courteous manner is also reflected in all of the Republican pages, with a dedicated and sincere desire to be helpful to the minority Mem-

bers of Congress. The help of Tom and his team of pages are a vital part of our performing our duties here in the House of Representatives.

We will miss Tom's friendliness and good humor, both of which have lightened our burdens tremendously. We wish him and his wife, Carolyn, much happiness as they join the "carefree group."

MISPLACED EMPHASIS IN HELPING THE CITIES

HON. THEODORE S. WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. WEISS. Mr. Speaker, the following article by I. D. Robbins appeared in the January 23, New York News. Mr. Robbins makes the critical point that the Nation must "recognize its responsibility for the hard-core poverty problem" so that recovery of the economy may then begin. I hope that my colleagues will take the time to reflect on where our legislative emphasis should lie. This article can help shape our reasoning in setting the foundation for the rebuilding of our urban centers:

OF ALL THE CITIES, NEW YORK CAN SURVIVE

(By I. D. Robbins)

The city of New York is franker about its economic situation than most cities. It has admitted in its proposed economic redevelopment program, "Economic Recovery 1977–1981," published recently, that it's in bad shape. New York confesses that its unemployment rate is 10.6%, that since 1969 it has lost 650,000 jobs: one out of three jobs in construction, one out of five in transportation, one out of six in wholesale and retail businesses and even one out of ten in finance. The biggest loss has been in manufacturing. Manufacturing in New York is half as big as it was at the end of World War II. Even since 1970, 238,400 manufacturing jobs have disappeared. The needle trades went to Hong Kong, Seoul and Taipei.

But I have long had a strong feeling that New York is not alone among the big cities. So I called Herbert Bienstock, the quick and able regional director of the U.S. Bureau of Labor Statistics, and asked him to give me a similar rundown on other major cities.

Metropolitan area	Number of jobs lost	Percent of jobs lost
Chicago	161,000	16
Los Angeles	106,000	12
Detroit	102,000	17
Cleveland	59,000	19
St. Louis	53,000	18
Newark	52,000	18
Pittsburgh	38,000	13
Boston	34,000	12
Dallas-Fort Worth (the sun belt, even)	27,000	10

Unfortunately, Washington doesn't think in terms of cities. It thinks metropolitan areas. Exact city figures are kept only for New York and Philadelphia. Still the figures for metropolitan areas tell a depressing story of the decline of manufacturing employment from 1969 to 1975. Here they are:

These area figures are bad enough, but the Bienstock office thinks the figures from Philadelphia need special attention. That city lost 89,000 jobs, 35% of its manufacturing employment. The whole Philadelphia metropolitan area lost 128,000, but the percentage dropped from 35% to 22%. This probably happened everywhere. The suburbs were not so badly hit, so we have a false picture of what happened in the cities. Many big cities probably have lost 25% or more of their manufacturing jobs.

What does it all mean? Simply that the cities are today the sick soft cures of metropolitan areas. The rich move to the suburbs, the poor to the big cities. Investment is no longer being made in the big cities. Costs and taxes go up, the ability to collect taxes down.

Recently, the City of New York put together a task force from its planning, budgeting and economic development offices, recruited a group of economists from the banks and prepared a plan for its own economic salvation, using its own resources. The new plan is designed to, at best, add 130,000 jobs by 1981 with an unemployment rate of 5.9% instead of today's 10.6%. It is not even expected that in the next five years we will be able to get back to where we were five years ago.

The Carter administration shows signs of thinking in generalities, of assuming that if it can somehow take care of the big national economic picture, the little problems like the cities and poverty will take care of themselves. This is madness. Urban poverty and blight are a reaction to national policies and will be ameliorated only by national programs specifically designed to correct urban poverty and blight.

Strangely, I think New York has the best chance, better than Chicago, Detroit or even Atlanta, to help itself. New York City has certain built-in advantages. It is perfectly situated to take advantage of world peace, increased world trade and travel and increased foreign investment in the United States. It is the world center of communications, has the finest educational, cultural and health services "plant" anywhere. If the nation as a whole will recognize its responsibility for the hard-core poverty problem, we can go to work on the job of rebuilding our economy.

IS DEMOCRATIC LEADERSHIP UNFAIR?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. ASHBROOK. Mr. Speaker, I have been given a foretaste by the Democratic leadership of what the 95th Congress may well be like. If the pattern continues, apparently fairness toward the minority Members will be of little concern.

On January 4, Democratic Congressman AUGUSTUS HAWKINS introduced H.R. 50, his radical proposal which would serve as a blueprint for a Government-controlled economy. Despite its infringement of the jurisdiction of numerous standing committees, including specific amendments to the Budget Act, H.R. 50 was referred to only one committee, that of Education and Labor.

On January 6, I introduced H.R. 171, the Economic Recovery and Sustained Growth Act. In my opinion this bill is a much better way to get our economy moving and to solve the economic problems facing our country. It was referred jointly, however, to no less than four different committees. These include the Committee on Ways and Means, Rules, Banking, Finance and Urban Affairs, and Education and Labor. This will certainly make it difficult to get my bill on to the House floor within the next 2 years.

As we all know, the referral of bills is a matter entirely within the prerogative of the majority leadership. One can only ponder on this double standard.

This incident raises the issue of basic fairness to Members. Furthermore, I think the American people deserve a more thoughtful approach to legislation than has been exhibited in this instance.

SOVIET PERSECUTION OF AMNER B. ZAVUROV

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. OTTINGER. Mr. Speaker, on Friday, January 14, the New York Times reported the 3-year sentencing of Amner B. Zavurov, a Soviet Jew, by the provincial court of Uzbekistan, U.S.S.R., because of his desire to emigrate to Israel.

Since August 1975, when Mr. Zavurov was first granted permission to emigrate, he has been subjected to a bizarre series of judicial and administrative procedures which ended on January 13, in a trial without counsel. The charges brought against Mr. Zavurov were failure to possess an internal passport—which was taken by Soviet authorities when he received his exit visa—and failure to have a job—which one canont get in the Soviet Union without a passport.

Soviet authorities promised to return Mr. Zavurov's passport if he withdrew his application for an exit visa. He rejected their offer, and continued to pursue the visa application. He is now facing 3 years in prison because of his decision.

In response to the sentencing, I initiated a letter to General Secretary Brezhnev protesting the decision of the Uzbekistan court, and the U.S.S.R.'s violation of the agreed provisions of the Final Act of the Conference on Security and Cooperation in Europe. On January 21, 28 of my colleagues joined me in sending the letter to Mr. Brezhnev—a copy of which follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 21, 1977.

His Excellency LEONID I. BREZHNEV,
General Secretary, Central Committee of the Communist Party, Soviet Union.

DEAR MR. SECRETARY: We are writing to protest the recent three-year prison sentence delivered to Amner B. Zavurov because of his desire to emigrate to Israel.

We do not understand, nor do we sanction, the arbitrary judicial and administrative processes which culminated in his sentence. The U.S.S.R.'s harsh reaction to Mr. Zavurov's visa request comes as a disappointment to those of us who had hoped that some progress had been made to relax Soviet emigration policies.

We trust you will consider our thoughts as you continue to deliberate on the important issue of international human rights.

Sincerely,

Richard L. Ottinger, Christopher J. Dodd, Robert A. Roe, Robert F. Drinan, John Krebs, Joshua Eilberg, Jerome A. Ambro, Edward W. Pattison, Newton I. Steers, Jr., Robert J. Lagomarsino,

Norman F. Lent, Richard A. Tonry, Joe Moakley, Elizabeth Holtzman, Stephen J. Solarz, Harold C. Hollenbeck.

James J. Blanchard, William R. Cotter, Donald M. Fraser, Thomas J. Downey, Parren J. Mitchell, Berkley Bedell, Theodore S. Weiss, Raymond F. Lederer, Marjorie S. Holt, William Lehman, Henry A. Waxman, William M. Brodhead, Herbert E. Harris II.

CZECHOSLOVAKIA AND CHARTER 77

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. BLANCHARD. Mr. Speaker, several days ago Ms. FENWICK and I wrote to the Czechoslovak ambassador to protest that country's harassment of dissidents who signed the "Charter 77" statement calling for the human rights guaranteed by the Helsinki agreement.

On January 31, 1977, I received a reply from the ambassador, Dr. Jaromir Johanes, enclosing a press release from the Czechoslovak embassy. The release included statements from a number of Czechoslovak citizens denouncing the "Charter 77" statement and referring to it as "slanderous" and "right-wing" in character.

In order that those of my colleagues who are interested in this matter may judge the document for themselves, I am including it in the RECORD.

[From the New York Times, Jan. 27, 1977]

MANIFESTO CHARGING RIGHTS VIOLATIONS IN CZECHOSLOVAKIA

(NOTE.—Following is the text of Charter 77, a Czechoslovak human-rights manifesto cited by the State Department yesterday as evidence of rights violations. It was translated by and published in the current issue of The New Leader, dated Jan. 31.)

Law No. 120 of the Czechoslovak Collection of Laws, published October 13, 1976, includes the text of the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, both signed in behalf of our Republic in 1968 and confirmed at the 1975 Helsinki Conference. These pacts went into effect in our country on March 23, 1976; since that date our citizens have had the right, and the State has had the duty, to abide by them.

The freedoms guaranteed to individuals by the two documents are important assets of civilization. They have been the goals of campaigns by many progressive people in the past, and their enactment can significantly contribute to a humane development of our society. We welcome the fact that the Czechoslovak Socialist Republic has agreed to enter into these covenants.

Their publication, however, is at the same time an urgent reminder of the many fundamental human rights that, regrettably, exist in our country only on paper. The right of free expression guaranteed by Article 19 of the first pact, for example, is quite illusory. Tens of thousands of citizens have been prevented from working in their professions for the sole reason that their views differ from the official ones. They have been the frequent targets of various forms of discrimination and chicanery on the part of the authorities or social organization; they have been denied any opportunity to defend themselves and are practically the victims of apartheid. Hundreds of thousands of other citizens have been denied the "freedom from fear" cited in the Preamble to the first pact; they live in constant peril of losing their jobs or other benefits if they express their opinions.

EDUCATIONAL CURBS ARE CITED

Contrary to Article 13 of the second pact, guaranteeing the right to education, many young people are prevented from pursuing higher education because of their views or even because of their parents' views. Countless citizens worry that if they declare their convictions, they themselves or their children will be deprived of an education.

Exercising the right to "seek, receive and impart information regardless of frontiers and of whether it is oral, written or printed," or "imparted through art,"—Point 2, Article 13 of the first pact—can result in persecution not only outside the court but also inside. Frequently this occurs under the pretext of a criminal indictment (as evidenced, among other instances, by the recent trial of young musicians).

Freedom of speech is suppressed by the government's management of all mass media, including the publishing and cultural institutions. No political, philosophical, scientific, or artistic work that deviates in the slightest from the narrow framework of official ideology or esthetics is permitted to be produced. Public criticism of social conditions is prohibited. Public defense against false and defamatory charges by official propaganda organs is impossible, despite the legal protection against attacks on one's reputation and honor unequivocally afforded by Article 17 of the first pact. False accusations cannot be refused, and it is futile to attempt rectification or to seek legal redress. Open discussion of intellectual and cultural matters is out of the question. Many scientific and cultural workers, as well as other citizens, have been discriminated against simply because some years ago they legally published or openly articulated views condemned by the current political power.

Religious freedom, emphatically guaranteed by Article 18 of the first pact, is systematically curbed with a despotic arbitrariness: Limits are imposed on the activities of priests, who are constantly threatened with the revocation of government permission to perform their function; persons who manifest their religious faith either by word or action lose their jobs or are made to suffer other repressions; religious instruction in schools is suppressed, et cetera.

A whole range of civil rights is severely restricted or completely suppressed by the effective method of subordinating all institutions and organizations in the State to the political directives of the ruling Party's apparatuses and the pronouncements of highly influential individuals. Neither the Constitution of the CSSR nor any of the country's other legal procedures regulate the contents, form or application of such pronouncements, which are frequently issued orally, unbeknown to and beyond the control of the average citizen. Their authors are responsible only to themselves and their own hierarchy, yet they have a decisive influence on the activity of the legislative as well as executive bodies of the State administration, on the courts, trade unions, social organizations, other political parties, business, factories, schools and similar installations, and their orders take precedence over the laws.

POLICE ACCUSED OF SURVEILLANCE

If some organizations or citizens in the interpretation of their rights and duties, become involved in a conflict with the directives, they cannot turn to a neutral authority, for none exists. Consequently, the right of assembly and the prohibition of its restraint, stemming from Articles 21 and 22 of the first pact; the right to participate in public affairs, in Article 25; and the right to equality before the law, in Article 26—all have been seriously curtailed.

These conditions prevent working people from freely establishing labor and other organizations for the protection of their economic and social interests, and from freely using their right to strike as provided in Point 1, Article 8 of the second pact.

Other civil rights, including the virtual banning of "willful interference with private life, the family, home, and correspondence" in Article 17 of the first pact, are gravely circumscribed by the fact that the Interior Ministry employs various practices to control the daily existence of citizens—such as telephone tapping and the surveillance of private homes, watching mail, shadowing individuals, searching apartments, and recruiting a net work of informers from the ranks of the population (often by illegal intimidation or, sometimes, promises), etc.

RIGHT TO TRAVEL IS VIOLATED

The Ministry frequently interferes in the decisions of employers, inspires discrimination by authorities and organizations, influences the organs of justice, and even supervises the propaganda campaigns of the mass media. This activity is not regulated by laws, it is covert, so the citizen is unable to protect himself against it.

In the cases of politically motivated persecution, the organs of interrogation and justice violate the rights of the defendants and their counsel contrary to Article 14 of the first pact as well as Czechoslovakia's own laws. People thus sentenced to jail are being treated in a manner that violates their human dignity, impairs their health, and attempts to break them morally.

Point 2, Article 12 of the first pact, guaranteeing the right to freely leave one's country, is generally violated. Under the pretext of "protecting the State security," contained in Point 3, departure is tied to various illegal conditions. Just as arbitrary are the procedures for issuing visas to foreign nationals, many of whom are prevented from visiting Czechoslovakia because they had some official or friendly contact with persons who had been discriminated against in our country.

Some citizens—privately at their places of work, or through the media abroad (the only public forum available to them) have drawn attention to these systematic violations of human rights and democratic freedoms and have demanded a remedy in specific cases. But they have received no response, or have themselves become the objects of investigation.

The responsibility for the preservation of civil rights naturally rests with the State power. But not on it alone. Every individual bears a share of responsibility for the general conditions in the country, and therefore also for compliance with the enacted pacts, which are as binding for the people as for the government.

The feeling of this coresponsibility, the belief in the value of civic engagement and the readiness to be engaged together with the need to seek a new and more effective expression, gave us the idea of creating Charter 77, whose existence we publicly announce.

Charter 77 is a free and informal and open association of people of various convictions, religions and professions, linked by the desire to work individually and collectively for respect for human and civil rights in Czechoslovakia and the world—the rights provided for in the enacted international pacts, in the Final Act of the Helsinki Conference, and in numerous other international documents against wars, violence and social and mental oppression. It represents a general declaration of human rights.

FOUNDED ON A COMMON CONCERN

Charter 77 is founded on the concepts of solidarity and friendship of people who share a concern for the fate of ideals to which they have linked their lives and work.

Charter 77 is not an organization; it has no statutes, permanent organs or registered membership. Everyone who agrees with its idea and participates in its work and supports it, belongs to it.

Charter 77 is not intended to be a basis for opposition political activity. Its desire is to serve the common interest, as have numerous similar organizations of civic initiative East and West. It has no intention of initiating its own programs for political or social reforms or changes, but it wants to lead in the sphere of its activity by means of a constructive dialogue with the political and State authorities—and particularly by drawing attention to various specific violations of civil and human rights, by preparing their documentation, by suggesting solutions, by submitting various more general proposals aimed at furthering these rights and their guarantees, by acting as a mediator in the event of conflict situations which might result in wrongdoings, etc.

CHARTER 77 LOOKS TO BELGRADE

By its symbolic name, Charter 77 stresses that it has been established on the threshold of what has been declared the year of political prisoners, in the course of which a meeting in Belgrade is to review the progress—or lack of it—achieved since the Helsinki Conference.

As signatories of this declaration, we designate Dr. Jan Patocka, Dr. Vaclav Havel and Professor Jiri Hajek to act as spokesmen for Charter 77. These spokesmen are authorized to represent Charter 77 before the State and other organizations, as well as before the public at home and throughout the world, and they guarantee the authenticity of its documents by their signatures. In us and other citizens who will join Charter 77, they will find their collaborators who will participate in the necessary negotiations, who will accept partial tasks, and will share the entire responsibility.

We trust that Charter 77 will contribute to making it possible for all citizens of Czechoslovakia to live and work as free people.

TRIBUTE TO JOSEPH SCHECHTER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. WAXMAN. Mr. Speaker, at an honorary luncheon on February 15, the Westside Jewish Community Center will commemorate Mr. Joseph Schechter's many years of devoted service. The occasion will mark the initiation of the 1977 United Jewish Welfare Fund Campaign, Mr. Schechter's favorite charity.

Now in his eighties, Joseph Schechter arrived in the United States from Bessarabia, Russia, in 1898. He founded and successfully developed a metals and aluminum business. Since retiring in 1955, he has worked tirelessly to help and raise funds for community organizations. He has served as a member of the board of directors of the Westside Jewish Community Center, president of the center's senior adults board of directors, and on the Area Council on Aging for Los Angeles City and County. As a volunteer staff worker, Joseph Schechter has worked on almost all standing committees of the center. He is a zealous fundraiser for community services to young and old.

For Joseph Schechter's present and past value to us as a most exemplary citizen, I am proud to commend him to you. It is a privilege to do him honor, and to look forward to having the benefit of his help for many years to come.

PERHAPS NOW, POST CARD REGISTRATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. RANGEL. Mr. Speaker, in our last election over 80 million Americans participated in the exercise of democratic freedom by casting their ballots. While that is a record number, there still remain approximately 70 million people who, while eligible to vote, do not do so because of various bureaucratic barriers placed there by the States.

A short while ago, I introduced H.R. 2347, a bill which would establish through the Postal Service a system of post card voter registration. This legislation would make it easier and more convenient for Americans to exercise this most basic of rights. It is my belief that if this bill or the concept embodied therein, were to become law, the result would be a much stronger Republic as more Americans would participate in the process of selecting their elected representatives.

Organized labor has been one of the principal supporters of a universal registration system. They have been instrumental in bringing about registration by mail systems in several States throughout the country. From the research that I have been able to ascertain, the 16 States that have adopted registration by mail statutes in the last 2 years, the experience has laid to rest many of the arguments employed by those who argue against a universal post card registration law. This is not to say that my bill or any legislation similar to it would be completely free of any fraud. However, I maintain that if we are to achieve the goals that our Founding Fathers envisioned for us, then it is up to us as the people's representatives to work tirelessly to make the system fraud-free and thus insuring the validity of the results.

In the January 24 issue of Newsweek, Alexander Barkan, the national director of the political arm of the AFL–CIO, sets out the reasons why the Congress must enact a universal registration statute. I believe that the arguments put forth by Barkan are indeed worth sharing with my colleagues, as this Congress will most certainly take up the issue of post card registration. In that regard, I would hope that you would read the following article, and study my legislation on the subject. Mr. Barkan's comments follow:

THE MYTH OF VOTER APATHY

(By Alexander E. Barkan)

We've just come through a national election. Many concerned with it were preoccupied not so much with the question of who would win but whether anybody would show up. "What if we held the election," they asked, "and nobody comes?" As many bets were placed on the come-out as on the outcome. Newspaper headlines and other media comments on "apathy" in the Presidential race were so common some thought it must be a third-party candidate.

That's a joke. Apathy, voter frustration and mistrust are quadrennial stories, dusted off in Presidential-election years. I'm convinced they're inflated. Almost always in an election year, voter interest is slow to generate. While the media and the candidates are all in a dither and immersed in political matters, voters—many of them—keep one eye on the pennant races, the World Series, other concerns. In the last few weeks, their interest picks up perceptibly, then peaks in the final days of a campaign.

One problem is that by then registration in all but a few states has closed out—and millions of citizens have not registered. Meanwhile, millions of others have been discourged from registering by archaic laws that make registration at least inconvenient and often a challenge to one's ingenuity and perseveravnce. A postelection New York Times poll found large numbers failed to register because "it was too hard for them."

PERFORMANCE

It's been too hard for too many too long, and the labor movement believes it's high time to erase the pointless laws that limit voter participation. It is time to enact a universal voter-registration law. The Federal government should take on the responsibility of registering voters. Our people *will* vote if it's made easier for them.

This year, approximately 150 million Americans were of voting age and eligible. About 70 per cent, or 105 million of them, were registered. On Nov. 2, more than 80 million voted—which was a record number, if not percentage.

So, almost 80 per cent of those who were registered voted. Not so bad, and good enough to suggest that millions more would have turned out had they been able simply to get in line Election Day and make their choice known.

Strong evidence undergirds this belief. In Wisconsin, a recently enacted state law permits voters to forget about registration entirely, just walk up on Election Day, provide a driver's license or other proof of age and residence and go into the booth and pull the levers. About 200,000 unregistered Wisconsinites voted Nov. 2, creating an actual increase in voting participation over 1972. Voter participation was 10 points above the national average of 54.4.

In Minnesota, the case was made as compellingly. Under a similar state law, more than 22 per cent of the 1.9 million persons who voted had not registered beforehand. Minnesota's voting performance of 75 per cent-plus was 7 points up from 1972 and more than 20 points over the national average. Walter Mondale's presence on the national ticket surely helped, but not that much.

REGISTRATION BY MAIL

In neither Wisconsin nor Minnesota was there fraudulent voting. Administrative headaches, if any, were minor. It cost nothing extra.

As an interim step to universal registration, the trade-union movement has supported enactment of registration-by-mail laws. In the past two years, sixteen states have adopted them. In most, experience with the law supports the belief that they're a step in the right direction. In Texas, Ten-

nessee, Maryland, Oregon and Kentucky, new registrations in 1976 alone approached or exceeded the number of citizens who had become newly eligible to vote in the 1972–76 period.

It is conceded the experience was less impressive in other states. But the program is recent, and logistical problems, particularly in big industrial states, are enormous even for the simplified procedure of mail registration.

The labor movement was the only organization fully promoting use of this new tool, and we registered some 6 million of our members for an over-all AFL–CIO member-registration rate of 80 per cent, 10 points higher than the electorate at large. The political parties and other interest groups almost uniformly ignored the availability of mail registration, and election officials with few exceptions failed to stimulate its use adequately.

But the labor movement seeks a quantum leap beyond registration by mail. We look at Canada and other nations where the government says to the citizen, "Don't worry about registration, we'll handle that—all you have to do is show up at the polls and vote Election Day." We look at the fact that citizens in these nations do show up Election Day in percentage far higher than our own. We think this is exactly how it should, and would, work here.

Argument has raged unremittingly throughout our 200 years over voting rights and voting performance. At first, voting was restricted to property owners. For nearly a century and a half, it was a club for men only, and white men, at that. Women—white women—finally got the vote, but for nearly 50 years beyond that, minorities were effectively barred from voting by poll taxes, literacy tests and, often, violence. Now, with the Voting Rights Act—for which the labor movement fought—that has changed.

OPENING THE POLLS

Some argue we have come as far as we should in opening up the process. They lament that further efforts will only encourage more voting by the poor and the undereducated, who, they seem to think, are incapable of making wise political decisions. Personally, I find their political judgment as sound as that of lawyers, bankers, corporate leaders, professors and—yes—even media commentators.

However, I'm willing to leave the debate to those who pontificate regularly in this and similar journals. With or without their counsel, I am convinced the more citizen participation we have the healthier and stronger our democracy will be, and that all reasonable steps should be taken to increase it.

We need a universal voter-registration law. Any eligible citizen should be entitled to enter the voting booth on Election Day, his or her registration having been duly handled, without aggravation or inconvenience, by the government. The trade-union movement looks forward to the day when the question will be not, "What if we hold an election and no one shows up?" but, "What if we hold an election and practically everyone does?"

EMERGENCY NATURAL GAS ACT OF 1977

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. WHITE. Mr. Speaker, yesterday I voted in favor of the Emergency Natural Gas Act of 1977. I voted for it because its emergency provisions will allow the shipment of direly needed natural gas to homes, business and industrial firms, and schools of the Midwest, North, and East which are suffering great hardship caused by the unusually severe winter conditions. I think it would not be untoward of me to remind my many colleagues who have in the past successfully opposed efforts by me and other Members of gas-producing States to achieve deregulation that shortages of natural gas would be one of the consequences. I should like to hope, now that this prediction has materialized, that we may receive more favorable consideration when we present to the Congress again this session leigslation to deregulate the price of natural gas at the wellhead permanently. In this vein, I should like to present for the record a copy of a letter sent to President Carter by Mr. Evern R. Wall, president of El Paso Electric Co. I would particularly call attention to his observations indicating that his firm is willing to help by allowing the intrastate gas it has under contract to be transferred to other sections of the country under emergency deregulation; but that it is unfair to deregulate only temporarily for this emergency and for the convenience of those who have insisted upon regulated low prices. This is an overwhelmingly pertinent point which I hope all of us may keep in mind as we consider permanent deregulation legislation later in this session of Congress.

Following is the complete text of Mr. Wall's letter to President Carter:

EL PASO ELECTRIC CO.,
El Paso, Tex., January 28, 1977.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: The energy emergency caused by present weather conditions, although unfortunate, should come as no surprise. The Industry has been warning the country for years that such a condition would exist unless changes were made in national regulation to promote exploration and energy development.

In Texas we are fortunate enough to have supplies of intrastate natural gas. Companies such as El Paso Electric have made special arrangements for customers to benefit from this fuel and even though it has been expensive we have had an assured supply. We recognize that many people in other parts of the country are under an emergency situation because of the severe weather. We understand that over 500,000 people are out of work and at least 40,000 schools have been closed because of lack of fuel.

For a number of years our customers have paid much higher prices for the gas we have used from the intrastate market. This gas is not regulated by the Federal Power Commission, and the extra cost paid by our customers has provided incentives for continued exploration, research and expensive off-shore drilling by the fuel supply companies. During this time other parts of the country have received Texas interstate natural gas, under regulations and price limitations by the Federal Power Commission, at a lower cost than that paid by customers in Texas, served from the intrastate market.

El Paso Electric is willing to help the North and East, as long as there is no extra cost to our customers, by allowing the intrastate natural gas we have under contract to be transferred to other sections of the country under emergency deregulation. However, it is unfair to only temporarily deregulate natural gas for this emergency and for the convenience of those who have insisted upon regulated low prices. Total and permanent deregulation must be accomplished so that prices in a free market can provide the financial incentives necessary for continuous exploration and development of sufficient energy for our growing nation. We believe that deregulation will increase the reserves of natural gas and in the long run decrease cost to our customers.

A copy of this letter will appear in newspapers throughout our service area on February 1, 1977.

Respectfully yours,

EVERN R. WALL,
President.

WARD PHILOSOPHY: IT SELLS BUSES

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. ALEXANDER. Mr. Speaker, foreign trade has, for the past several years, been a pillar of the economy of Arkansas with industrial and agricultural exports contributing well over $1 billion annually to the State's economy. I wish to share with my colleagues a recent article in the Arkansas Gazette about Ward Industries of Conway, Ark., which reflects one of the reasons why:

WARD PHILOSOPHY: IT SELLS BUSES

(By Tom Hamburger)

CONWAY.—Charles D. Ward of Conway, 37, chairman of the Board of Ward Industries, traveled more miles last year trying to sell buses than Secretary of State Henry A. Kissinger did in trying to bring about world peace.

Ward probably received more tangible results for his efforts than did Kissinger.

Last week, Ward announced that the second phase of an agreement to sell 1,600 intercity buses to the Egyptian government had been completed. The announcement came less than a year after Ward completed the final shipment of 700 buses to Saudi Arabia for use in carrying pilgrims to Mecca.

The Egyptian contracts are the largest in the company's history and will mean an addition of 200 persons to the plant's work force of 700. But the company, which began as a blacksmith's shop in 1933, is accustomed to success and growth.

HE'S "PRACTICAL"

Ward describes himself as "practical" and the philosophy is evident in the development of the company, the formation of his political beliefs and in his operations in the politically tense Middle East.

In the 10 years since Charles Ward assumed the presidency of the company from his father, Ward's annual sales figures have grown from $7 million in 1967 to an expected $55 million in 1977. The firm manufactures about 5,000 buses a year and is one of six major school bus builders in the country. Although Ward says it is difficult to tell which is the largest, he contends to have cornered at least 20 per cent of the country's school bus market.

Ward notes proudly that the family owned school bus company has grown even in recent years when the number of school age children in the United States has declined. He insists that the growth is not related to court ordered busing, which he says accounts for less than 1 per cent of the company's business.

EXPLAINS GROWTH

The growth can be explained, Ward says, by the company's overseas expansion, the nationwide trend towards consolidation of small schools and a sense of practicality and efficiency that has been a hallmark of the Ward operation since the beginning of the business. In the early days, in order to meet production demands with limited capital, the company manufactured its own parts and factory equipment.

"Father found that by making his own parts he could get a steady supply. He invented and patented many of the things we use here * * *. We manufacture our own automatic assembly lines, our own automatic welders, our own automatic drill machine. We are more self-sufficient than any other manufacturer in the United States. We, for instance, laminate our own safety glass and make windows, seats and heaters."

DESIGNS "SAFETY BUS"

All of the Wards have designed improvements for their buses. Charles developed the basic design for a "safety bus" that was first displayed in 1973. The standards employed in the safety bus will be required of all buses manufactured in the United States after April 1, 1977, he said.

The Ward philosophy of self-sufficiency was employed in 1968 when the growing company required a computer system. Rather than relying on an outside computer firm, Charles and his brother, Stephen Ward, formed their own computer company, Demographics, Inc., of Conway.

The ever-practical Wards realized the company could also provide services for the state Democratic Party, in which he was becoming increasingly active.

"At that time, Winthrop Rockefeller was governor," Ward recalled, "and in becoming governor he developed one of the most sophisticated computer political operations in the United States and the Democrats had nothing to combat that sort of thing. I went into business, offered it to the Democrats here and the business grew and prospered."

BOOM IN MIDDLE EAST

The Middle East has provided the largest single sales area for the company and the boom in Middle East sales began with the friendship of Ward and Ghaith Pharaon, a prominent Saudi businessman and a member of the Board of Regents of Harvard University's School of Business.

The friendship began when a Pharaon associate contracted Ward about the possibility of supplying school buses for Saudi pilgrims. Ward and Pharaon met in the course of negotiations and became fast friends. Their relationship resulted in the development of a jointly owned Saudi Arbian computer firm called Demographics Services, Ltd. The company was the first major computer company in the country.

Ward said that unlike many other businessmen dealing with Arab countries, he has not been asked to sign a boycott agreement stating that he will not trade with Israel. He said the Saudis did require his company to agree not to send the buses on ships that called at Israeli ports. He agreed. Would he sign a boycott agreement if it were necessary to maintain his trade in the Arab world?

"That's a decision I'd have to make at that time," he says, "I've always prided myself on not being prejudiced about race, income or that sort of thing. I would really have to do some soul-searching before I would sign such a thing. Hopefully, I will never be faced with the unhappy choice."

Ward speaks often of the family nature of the business. His father, D. H. Ward, got his start in the bus business in 1933 when, as an impoverished blacksmith, he was asked to build a bus body on the back of a Ford truck.

"My father liked the business and went out and tried to sell," Charles Ward recalled last week. The elder Ward is now called "chairman emeritus" of the company but he is still active. He spent last week in San Salvador arranging a sale of bus parts.

The company has often increased its sales by trading in underdeveloped countries—particularly in South America. But Ward said that in the early 1960s he decided to concentrate more on the domestic market and the company pushed for more sales in California and the Northeast.

"We sold a lot in San Salvador and South America and the political upheavals there created problems * * * and we made a decision then that the United States market should receive priority," Ward said.

Ward said that as American school age population declined some he felt his Middle East deal "looks really fantastic."

NO BRIBES

Ward said that he has never paid a bribe in any of his dealings with Third World countries but he said, with characteristic frankness, that political influence is often required to obtain government contracts.

He believed that United States companies competing with Ward Industries for the Egyptian contract (financed by the United States Agency for International Development) were using political influence to convince officials that Ward was not capable of handling the deal.

"To me there is a place for political influence," Ward says, "and that is if a contract will add tax revenues to a congressman's district or state, anything he can do to help a contract within the legal confines of his job is, I think, proper."

Ward said that he has found it necessary to use political connections on "three or four occasions." One was a contract to build buses for employes of White Sands Missile Range.

"We were less than half a per cent below General Motors in bidding for buses at White Sands Missile Range," Ward said, "and they tried to get us kicked out. We called [Senator John L.] McClellan who went to bat for us by saying that we can do the job and by saying it would add jobs to [his] district."

Not surprisingly, Ward is very active in state and national politics.

He was something of a newcomer to national politics until 1972 when he was chairman of the Draft Mills for President Committee (he left the Mills campaign after the New Hampshire primary because he was "disillusioned.").

Ward's close friend, Senator Dale Bumpers (Dem., Ark.), assisted him in 1972 in attaining a position as a Democratic national committeeman—one of two positions the state has on the 303-member National Democratic Committee.

Ward has become increasingly active in national politics since his appointment to the 25-member executive committee of the Democratic National Committee.

SPEAKS FRANKLY

Ward speaks frankly and informally about his high business and political dealings. His manner is relaxed. He showed up for an interview in his favorite attire, an open sportshirt, slacks and loafers with no socks. When he discovered a photographer was present he ran home to put on a three-piece suit.

His office walls are decorated with two stuffed blue marlins, a plastic world time zone clock, a certificate of appreciation for his "outstanding efforts to maintain a Democratic Congress" and pictures of his wife and four children.

Ward attended the University of Arkansas at Fayetteville for two years before dropping out "because I really didn't enjoy it all that much * * * it's probably the greatest regret of my life." After dropping out, he went to Texas to manage a company plant that since has closed.

Ward's hobby, in addition to politics, is boating. He keeps a 44-foot sport fisherman boat at Fort Lauderdale, Fla., and enjoys frequent trips to the Bahamas and the Florida keys.

Ward takes frequent vacations (often merging them with business trips) but it is plain that he greatly enjoys his work. "It affords me practically all the opportunities, almost everything anyone could want: Travel, I get to meet interesting people and our business allows me to be creative. I do a great deal of design work on our buses and I'm a designer-inventor and I design major product changes. The job is flexible and I get time off when I need it and I wouldn't trade it for anything."

WORLD WILDLIFE FUND

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. FISHER. Mr. Speaker, I have been requested by the World Wildlife Fund to insert into the CONGRESSIONAL RECORD the following list of rare, vulnerable, or endangered marine animals, compiled by the International Union for Conservation of Nature and Natural Resources and the U.S. Department of the Interior.

I hope this information will be helpful to my colleagues:

WORLD WILDLIFE FUND

The seas, which cover two-thirds of our world, give life to this planet. They are vital to man's existence, producing oxygen, acting as a global thermostat, and providing a major source of food.

Today, pollution and unguided exploitation threaten the world's seas. Man's actions are damaging areas of great value and threatening a vast range of animals and plants.

To help stop this trend, World Wildlife Fund is undertaking an extensive program to conserve marine life and establish protected marine parks and reserves.

Following is a list of rare, vulnerable or endangered marine animals, compiled from the Red Data Books of the IUCN (International Union for Conservation of Nature and Natural Resources) and the U.S. Department of the Interior's List of Threatened and Endangered Wildlife.

No list exists for the smaller life forms that abound in the seas, although many suffer or are even endangered in polluted or over-exploited areas. World Wildlife Fund's concern for *all* marine life is great, for its condition is an indication of the health of the seas on which we too depend.

RARE, VULNERABLE, AND ENDANGERED MARINE ANIMALS

Mammals

Cetacea

Black right whale
Bowhead whale
Sei whale
Fin whale
Blue whale
Humpback whale
Grey whale
Indus susu (dolphin)
Ganges susu (dolphin)
Sarawak dolphin
Pygmy killer whale
Cochito
Spectacled porpoise
Dall's porpoise
Sperm whale
Pygmy sperm whale
Dwarf sperm whale
Tasman beaked whale
Northern bottlenose whale

Carnivora
Polar bear
Marine otter
Southern sea otter
Pinnipedia
Galapagos fur seal
Juan Fernandez fur seal
Guadalupe fur seal
Japanese sea lion
Saimaa seal
Mediterranean monk seal
Caribbean monk seal
Hawaiian monk seal
Sirenia
Dugong
Caribbean manatee
Amazonian manatee
West African manatee

Birds

Sphenisciformes
Galapagos penguin
Procellariiformes
Short-tailed albatross
Black petrel
Westland black petrel
Dark-rumped petrel
Black-capped petrel
Cahow
Reunion petrel
Chatham Island petrel
New Zealand Cook's petrel
Gould's petrel
Macgillivray's petrel
Heinroth's shearwater
Hutton's shearwater
Newell's shearwater
Pelecaniformes
Galapagos flightless cormorant
King shag
Christmas Island frigate bird
Abbott's booby
Eastern brown pelican
California brown pelican
Charadriiformes
Chatham Island oystercatcher
New Zealand shore plover
Tuamotu sandpiper
Eskimo curlew
New Zealand snipe
Hawaiian stilt
Black stilt
Audouin's gull
Chinese crested tern
California least tern
Asian dowitcher
Nordmann's greenshank

Fish

Acipenseriformes
Shortnose sturgeon
Perciformes
* Totoaba (MacDonald weakfish)

Reptiles

Testudines
Loggerhead turtle
Flatback green turtle
Green turtle
Hawksbill turtle
Atlantic ridley turtle
Pacific ridley turtle
Leathery turtle
Crocodylia
American crocodile
Estuarine crocodile

Research is urgently needed to determine the condition of the following marine mammals, considered by the IUCN to be of "indeterminate" status. Many may be endangered.

INDETERMINATE STATUS

Cetacea
Pygmy white whale
Minke whale
Boutu
White fin dolphin
Franciscana
Indopacific humpbacked dolphin
Atlantic humpbacked dolphin
Tucuxi
Black-chinned dolphin
Spinner dolphin
Striped dolphin
Spotted dolphin
Common dolphin
Heaviside's dolphin
Black dolphin
Hector's dolphin
Commerson's dolphin
Short-finned pilot whale
Irawaddy dolphin
Harbor porpoise
Black porpoise
Finless porpoise
Narwhal
Longman's beaked whale
North Sea beaked whale
Dense-beaked whale
Antillean beaked whale
Strap-toothed whale
Hector's beaked whale
Scamperdown whale
Bering Sea beaked whale
Andrew's beaked whale
True's beaked whale
Ginkgo-toothed whale
Arch-beaked whale
Baird's beaked whale
Pinnipedia
Laptev walrus
Kurile harbor seal

These marine mammals and birds are known to be extinct:

Atlantic gray whale
Steller's sea cow
Jamaican diablotin
Guadalupe storm petrel
Spectacled cormorant
Chatham Island tiako
Aukland Island merganser
Little Barrier Island snipe
Tahiti sandpiper
Cooper's sandpiper
Great auk

They are gone; nothing we do can bring them back. There remains an incredible variety of life in the seas today. But, as you can see from this long list, many are in danger.

* Proposed for listing: U.S. Department of the Interior.

THE INTRODUCTION OF THE HOME SELLERS TAX RELIEF BILL

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. McKINNEY. Mr. Speaker, today I am pleased to introduce the home sellers tax relief bill with bipartisan support from 15 of my colleagues. Since there will be major tax reforms needed in the 95th Congress, I am hopeful that this proposal will be included in the legislation that the Ways and Means Committee reports to the House.

Basically this bill expands the tax exclusion currently allowed to those over 65 who have sold their principal residence at a profit. First, this exclusion would be extended to any taxpayer who satisfies the other existing provisions without any age restriction. Second, there would no longer be a limitation on the amount of the sales price that could be excluded. I emphasize, however, that any taxpayer who elects to use this provision will be allowed to use it only once in his lifetime. This is expressly stated in the language of the bill. This provision is included to insure that the tax exclusion would be limited to those bona fide taxpayers for whose benefit it is intended and not abused or usurped by speculators or developers.

When I introduced the home sellers tax relief bill last year, the proposal generated considerable interest among the public. My office received a large number of telephone calls and letters from all parts of the country expressing support and gratitude that some Members of Congress were finally trying to reduce the tax burden for the average taxpayer. From the people who have taken the trouble to contact me I have learned that the need to save a few tax dollars and the variety of uses for these tax savings are as numerous as the families involved.

Last year I requested an analysis of this proposal from the Economics Division of the Library of Congress as well as views from a number of offices in the executive branch. These reports are available to any Members who would like to have that information. The Office of Management and Budget endorsed the attempt to remove the age limitation. However, the total elimination of the sale price ceiling was rejected by OMB as a potential windfall to upper income taxpayers. The IRS argued that present law provides adequately for younger taxpayers changing homes, but that older persons need some assistance.

Originally, section 121 of the tax code which is amended by this bill was intended to provide relief for low- and middle-income taxpayers from a complex rollover provision while providing no undue benefits to wealthy homeowners. Another major purpose—which has been ignored until this legislation—was to provide for equity between those who can purchase a new residence and those who, for whatever reason, cannot do so. Section 121 was adopted in recognition of the fact that those over 65 often do not want to remain in a large house or wish to rent and therefore could not benefit from the rollover treatment. This bill extends these benefits to all because we recognize that a variety of reasons exist why a taxpayer may not wish to, or be able to, purchase a new residence. For example, the family size may be reduced well before age 65; economic circumstances may change due to loss of a job or disability; or, a family may have to accept a temporary transfer without the desire to invest in a residence for that short a period. In view of these possible constraints on rollover it seems inequitable to impose a limitation in the case of a sale and not one in the case of a deferral.

The arguments that have been voiced in opposition to this proposal fall into three general categories: Speculators stand to benefit from this bill, the wealthy will benefit most, and the revenue loss to the Treasury is too great. Speculators already are able to avoid the capital gain tax by using the deferral method and trading up in value. If a person elected to use this new section, and assuming that he could meet the quali-

fications for the exemption, it would be his only opportunity to do so. The potential benefits that would be derived by millions of families using this exclusion would far outweigh the occasional speculative profit taker. Also, it should be remembered that this bill does not ease the qualifications for those who would use the exemption.

Wealthy individuals as a category will not receive a windfall under this proposal. In most cases they already make use of a variety of tax shelters and other investment instruments to avoid paying taxes. In addition, the wealthy person has a tendency to buy comparably priced or more expensive homes. They have already avoided the capital gains tax by employing the existing deferral provision of the tax code. Once again, it is a case of the ordinary taxpayer who shoulders most of the tax burden having the least opportunity to benefit from the current tax laws.

In answering the Treasury Department's argument that the Government might lose an estimated $150 to $250 million in tax revenues, I would suggest that consideration be given to the additional tax dollars that would be generated by the infusion of these tax savings to the economy. The only way that the money saved by home sellers under this proposal would not benefit the economy and not generate taxes from other sources is for the person who used this exemption to hide the money under a mattress or bury it in the backyard. We cannot make an estimate of taxes generated, but we can use our imaginations to see how widespread would be the potential benefits.

The home sellers tax relief bill is not a revolutionary proposal. It represents a realistic approach to some of our social and economic problems. It could lead to a more liquid market for existing housing and possibly help to slow the inflationary price spiral. This is a time for innovation in our economic thinking. I hope that the 95th Congress will recognize this need by giving speedy passage to the home sellers tax relief bill.

Mr. Speaker, I am proud to have the following Members join me today in sponsoring this proposal: JOHN ANDERSON, of Illinois; JAMES COLLINS, of Texas; JOHN DUNCAN, of Tennessee; MICHAEL HARRINGTON, of Massachusetts; JAMES HOWARD, of New Jersey; HENRY HYDE, of Illinois; JOHN LAFALCE, of New York; ROBERT LAGOMARSINO, of California; WILLIAM LEHMAN, of Florida; JAMES MARTIN, of North Carolina; DAWSON MATHIS, of Georgia; ROBERT MOLLOHAN, of West Virginia; RONALD SARASIN, of Connecticut; FRANK THOMPSON, of New Jersey.

ASSISTANCE FOR SAFETY IN PUBLIC HOUSING SERIOUSLY NEEDED

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. RICHMOND. Mr. Speaker, the high rate of crime in this country is one of the most serious problems facing our Nation today. It is the prime concern of the 3½ million residents of the Nation's public housing facilities, and threatens the existence of this severely needed housing which is already burdened by difficult living conditions.

In New York City, where there are approximately 596,000 people living in public housing, the rate of crime rose more than three times as sharply in public housing from 1973 to 1974 as it did for the rest of the city as a whole. In 1976, the 27,687 crimes in public housing reflected one-fourth of the city's total number of crimes.

But this is not a problem which only affects New York City. William Brill Associates in Maryland, which under contract to the Department of Housing and Urban Development, has completed studies on the crime problems in three housing projects across the Nation—Wm. Nickerson, Jr., Gardens in Los Angeles, Capper Dwellings in Washington, D.C., and the Murphy Homes, in Baltimore—found that the rate of victimization for public housing residents is often as high as 55.6 percent. Brill Associates also found that there is a very high rate of multiple victimizations.

The incidents reported to local police authorities include all categories of serious crimes against person and property. The threat of homicide, rape, assault, larceny, burglary, and the dangers inherent in high levels of narcotics traffic are primary concerns for these tenants.

Though many of us stand in awe of the huge brick structures which constitute public housing facilities, these apartment buildings are not as inviolable as they appear. Statistics show that the great number, well over half, of the crimes occur within the apartment building. Particularly dangerous are entrance lobbies and elevators. Stairwells, hallways, roofs, and landings are also danger areas. During 1976, over 1,300 of the robberies reported in New York City occurred in the lobbies of public housing facilities.

Aside from the obvious injuries, this high level of crime has produced grave levels of fear and entrapment which have led to tragically altered patterns of behavior. Residents of projects feel that there is more than a 50/50 chance of being hurt sometime in the near future. Parents fear that their children will become the victims of extortion, robbery, and assault, and most residents fear the danger of moving alone through the project.

People restrict their visits to friends and neighbors, rarely go out, and almost never go shopping at night. A high percentage of people leave lights, televisions, and radios on to deceive potential thieves. Some have gone so far as to purchase weapons such as guns, knives, and tear gas as a means of protecting themselves and their property. The result of these fears is a population hidden behind doors, and an increasing sense of the lack of community which is necessary for keeping areas livable. Consequently, the deterioration of these large complexes is aggravated, and tragedies such as the Pruitt-Igoe in St. Louis are produced.

It is obvious that conditions cannot remain as they are. Though the people who live in public housing do not have the means for providing the extra security that the presence of doormen can bring, it is apparent that we must begin to make use of some of the suggestions for making these buildings more secure.

One major suggestion, referred to by Brill Associates, is the controlled entranceway—an entranceway that by virtue of its design, the use of electronic fixtures, and the presence of guards, limits access to residents, their guests or others with a legitimate presence. Closed circuit television is a possible means of providing surveillance of elevators, and two-way audio systems in inner and outer lobbies would also screen incoming guests.

Other elements for greater safety could include strengthening of existing locks, and some means of detecting intruders in hallways and incinerators which have been cited as danger areas. It is interesting to note that the designs of many public housing projects were made without regard to the effect that design may have on potential criminal activities. Incinerators were placed in dimly lit areas, and numerous entrances directly from the street were made available. All such existing deficiencies should have some type of monitoring system in order to prevent unwarranted intrusions.

The most important aspect of security in public housing is the strength of the social cohesion among the residents. Tenant patrols and organizations are very effective because the tenants are familiar with other residents, and can recognize possible intruders. Tenant escorts armed with walkie-talkies can possibly reduce the number of incidents that occur in elevators and stairwells. Tenant patrols in New York City have had other beneficial results. Residents working together in some projects have developed buildings and grounds beautification projects.

But none of these improvements can be made with the current financial condition of the Nation's public housing authorities. Tenants themselves do not have the money. In my own city, which has a separate housing authority police force, 10 percent of the force was laid off because of the financial crisis faced by the city.

To alleviate this problem, I have introduced legislation to amend the U.S. Housing Act of 1937 to enable local public housing agencies to enter into security arrangements designed to prevent crimes and to insure the safety and well-being of public housing tenants. The bill would authorize $70 million for this purpose, and would provide for two stages of safety arrangements—first, the necessary mechanical installations, and second, the important involvement of tenants of these dwellings to protect their homes.

I believe this bill is important in resolving one of the serious problems confronting the country's housing authorities, and I recommend it to my colleagues.

PARADE MAGAZINE ARTICLE CONFIRMS NEED FOR EXTENDED HOME HEALTH CARE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. PEPPER. Mr. Speaker, it is no secret that a large proportion of our elderly citizens, because of the inadequacy of long term living alternatives, are confined to nursing homes.

Officials of the U.S. Department of Health, Education, and Welfare estimate that up to 260,000 elderly patients are unnecessarily institutionalized today. The Subcommittee on Health and Long Term Care of the Select Committee on Aging, which it is my privilege to chair, has recommended that vigorous efforts be undertaken to expand health services which are available in the home under medicare.

In an article entitled, "You Don't Have To Put Your Parents in a Nursing Home," which appears in the January 23 issue of Parade magazine, the author, Donald Robinson, discusses two hospitals in Albuquerque which have established a home health care organization, Hospital-Home Health Care. According to the author, "Specially trained discharge coordinators evaluate all patients at five hospitals in the Albuquerque area and refer those in need of care to H–HHC, whose experts prepare an individualized plan for each patient. They schedule regular visits by a nurse to examine the patient, give needed medical treatments and make sure the patient is taking medications correctly." Moreover, the home health care services train families whose sick or elderly parents live with them in the home. They teach these families how to care for their parents without altering their daily routines.

Not only have the home health care services in Albuquerque helped to nurture a sense of self-reliance in the elderly and to provide an alternative to institutionalization, but there have been cost benfits as well. According to Parade, "H–HHC saves U.S. taxpayers a fortune." Judy Walden, a registered nurse, points out that the cost involved in nursing homes in Albuquerque ranges from $21 to $35 a day. These home health services generally are about $18 per visit and usually continue for only a few months.

Legislation I have introduced, H.R. 1116, proposes extensive revisions in the medicare law to liberalize coverage for more home health care visits, expansion of the kinds of services included in home health care, and provision for outpatient medical services.

Home health care services represent a feasible alternative to unnecessary institutionalization, and they enable the elderly to maintain their independence and to be productive members of society.

Mr. Speaker, I commend this article to the attention of my colleagues:

YOU DON'T HAVE TO PUT YOUR PARENTS IN A NURSING HOME

(By Donald Robinson)

ALBUQUERQUE, N. MEX.—Mrs. Stella Nelson, a lively, 86-year-old widow who lives all alone in a tiny house here, had a serious accident last June. She spilled hot grease on herself while cooking dinner. She suffered a bad burn that necessitated immediate hospitalization.

Mrs. Nelson had no one to take care of her upon release from Presbyterian Hospital. In most cities, she would have been stuck in a nursing home. But Albuquerque has a remarkable non-profit organization called Hospital-Home Health Care (HHHC) that helps sick, old people live at home safely, with dignity and comfort.

NEW APPROACH

HHHC experts were waiting for Mrs. Nelson at her home. Faye Jones, a nurse, taught her how to change her dressings and came regularly to make sure that she was convalescing well. Other HHHC people got Meals on Wheels, a volunteer group, to bring Mrs. Nelson hot food daily. They arranged with neighbors to keep an eye on her and run her errands. She was in fine spirits when I visited her home recently.

A brave crusade is in progress throughout the country today to end one of the ugliest scandals in American life: the consignment to nursing homes of old people who don't want and don't need to be in them.

Alexander McMahon, president of the American Hospital Association, declares:

"We've found that in most cases you don't have to place your aged parents in a nursing home. With a little skilled assistance from a local hospital or some other community organization, the chances are excellent that most sick, old people can remain safely and happily at home."

About one million people aged 65 and over are now confined to nursing homes. Many of these homes are in shocking condition. In fact, after a nationwide investigation, a U.S. Senate committee reported that more than half of the country's 23,000 homes are frighteningly substandard, "with life-threatening violations."

Many of these old people don't even belong in a nursing home. Officials of the U.S. Department of Health, Education and Welfare (HEW) estimate that up to 260,000 elderly patients are being "unnecessarily maintained in an institutional environment" today.

The trust is that most old persons dread the thought of a nursing home. It means "the end of the road" to them. Not long ago, a cross section of old people in Florida was questioned, and 80 percent wanted to pass the rest of their lives in their own homes.

VAST SAVING

U.S. Senate experts say that the development of adequate home health care programs could prevent or postpone the institutionalization of as many as 2.5 million old people. It could save the taxpayers hundreds of millions of dollars a year.

Two top hospitals in Albuquerque have responded boldly to this challenge. St. Joseph's Hospital and the Presbyterian Hospital Center have teamed up to establish an exceptional home health care organization which goes anywhere within a 40-mile radius of the city. It has a staff of 27 registered nurses, practical nurses, nurses' aides, physical therapists, medical social workers and home health technicians. The organization, the HHHC, is headed by Judy Walden, a warm-hearted R.N.

The vast majority of HHHC patients are old people who have been hospitalized for heart disease, strokes, diabetes and other conditions that will probably plague them for the rest of their lives. They have nobody at home able or willing to care for them.

"Most of them don't need to be in a nursing home," Mrs. Walden says. "Usually, all that's necessary is for someone to come in and teach them how to take care of themselves. Take an old woman with congestive heart failure. Often, recurrence of a heart attack can be prevented just by explaining what her medicines and diet should be. Most elderly, ill people have never learned how to care for themselves. Their doctors try to tell them, but they get tense in a doctors office. They don't hear everything the doctor says. The hospital may try to teach them. but it's a strange environment and the information doesn't sink in. It's different when someone comes right into your home and tells you what to do. It makes sense to you there."

Specially trained discharge coordinators evaluate all patients at five hospitals in the Albuquerque area and refer those in need of home care to HHHC, whose experts prepare an individualized plan for each patient. They schedule regular visits by a nurse to examine the patient, give needed medical treatments and make sure the patient is taking medications correctly. They arrange for physical, respiratory or other therapy at home. They assist the patient to his doctor's office. They handle laboratory tests. Most important, HHHC sees to it that every patient has hot meals and someone to help with the household chores.

SELF-INJECTIONS

Recently a 75-year-old woman was discharged from St. Joseph's Hospital, where she had been diagnosed as having a serious case of diabetes. She was very frightened. She had no one to administer the injections of insulin.

An HHHC nurse went to the woman's house and showed her how to give herself insulin injections. She watched for hours as the old woman practiced injecting a hypodermic syringe into an orange. Then she visited the woman daily until she was confident that she could inject the insulin into herself properly. She made sure that the woman thoroughly understood her new sugar-free diet and the special care she had to give her feet and skin.

When I saw the woman last fall, her diabetes was under control and she was living happily in her own home.

Unlike hospitals, which have rigid schedules, HHHC is very flexible with its patients. "Suppose an old man likes to sleep late in the morning. Why on earth should we barge into his home at 7 a.m.?" Mrs. Walden says.

HHHC puts great effort into training families who have sick, old parents living with them. Many of these families don't realize that home care services are available. In desperation, they send their parents to nursing homes.

FIT INTO ROUTINE

HHHC teaches them how to care for a parent without disrupting their own family life. "You shouldn't have to spend all your waking hours with a sick parent," Mrs. Walden declares. "We teach families how to fit an old person's schedule into their ordinary routine."

To date, HHHC has seen 3000 patients. Most of the visits were paid for by Medicare or Medicaid. Under government regulations, HHHC can make 200 home care visits to any patient who qualifies under Medicare.

According to Mrs. Walden, HHHC saves U.S. taxpayers a fortune. She points out that Albuquerque nursing homes cost from $21 to $35 a day, whereas HHHC charges $18 a visit and averages no more than one or two a week for only a few months.

St. Vincent's Hospital in New York City has an outstanding home care program for the elderly, too. It concentrates on the "hidden people" in the seedy sections of Greenwich Village and Chelsea. These are the

thousands of impoverished old people who live alone in grubby tenements and welfare hotels. They have outlived or been abandoned by their families and friends. Most of them are near starvation and very sick, but they are too disabled, frightened and confused to seek help.

CV PROGRAM

Dr. Philip W. Brickner, director of community medicine at St. Vincent's, has organized several skilled teams to search out these people. It is known as the Chelsea-Village Program (CV).

The CV staff is in close contact with police stationhouses, churches, community agencies and political clubhouses in its area. It is in touch with welfare hotel managers and building superintendents. As soon as it hears of an old person in need of home care, it dispatches a physician, a nurse, a social worker and a driver who is a trained electrocardiograph technician.

It's a tough assignment. Most "hidden people" are suspicious. They fear that the visit by a CV team is a ruse to shanghai them into a nursing home.

One 82-year-old woman was found in a shabby welfare hotel in a cell-like cubicle. Her only furniture was a bed and a chair. The CV team determined that she had congestive heart failure, anemia and scurvy. She was lice-ridden and suffering badly from malnutrition. All she got to eat was some rice pudding and coffee purchased for her by another resident of the hotel.

The CV team had to visit the woman 12 times before she would agree to go into St. Vincent's Hospital for treatment. She was discharged after her condition was stabilized, but she insisted on returning to her lice infested room. It was a year before the CV team could move her to a YWCA where she could get hot food and companionship.

"It's like that most of the time," Dr. Brickner says.

The CV teams provide the "hidden people" with a full range of health services, from electrocardiographs to blood tests. If need be, they call in specialists at St. Vincent's for consultations.

CV doesn't charge its old patients a penny, nor does it bill Medicare or Medicaid. Its activities are largely underwritten by the United Hospital Fund of New York City. During its first 3½ years, 2900 home visits were made.

70 WHO STAYED HOME

CV statisticians analyzed the cases of 70 sick, old people who were sure candidates for a nursing home. It was estimated that CV saved the taxpayers $500,000 a year by maintaining them in their own homes.

A number of other impressive programs for helping sick, old people are underway today. The Los Angeles County-University of Southern California Medical Center has assigned 80 physicians to make house calls on a 24-hour-a-day basis to 500 chronically ill patients. St. Anthony Hospital in Chicago has rented one-room apartments in two low-income housing projects and opened mini-clinics for their aged residents. No patient sees a bill.

In Baltimore, the Levindale Hebrew Geriatric Center and Hospital has an excellent day-care program. The center provides old people with meals, baths, group counseling, arts and crafts and physical therapy.

The Minneapolis Age and Opportunity Center has the biggest and one of the most innovative programs in the country. With the cooperation of Abbott-Northwestern Hospital, it gives senior citizens medical care at their homes, its central clinic and 10 mini-clinics. It also provides meals, handyman services, legal services and personal counseling. At any one time, it has as many as 33,000 people on its rolls.

PROBLEM FOR CARTER

The question of home care for old people is likely to be a hot issue for the Carter Administration. A bitter controversy raging across the United States today over how extensive home health care services should be, should pay for them.

In the past, the federal government has neglected the field. In 1975, barely one percent of Medicare's $14.1 billion expenditure went for home health care.

Federal laws covering home health care are a crazy quilt. "The home health care system is a non-system," says Michael Rappaport, an HEW expert. "We have all sorts of laws dealing with home health care and they don't fit into any kind of integrated whole."

Blue Cross regulations can be as bewildering. Fifty-four Blue Cross plans offer some home health care benefits, but 23 give none at all.

Complicating the situation is the invasion of the field by commercial companies that provide home health care at a profit. Many experts fear a repetition of the nursing home scandals. A federal law requires that these companies be licensed, but an intensive drive has been launched to get its provisions repealed.

A variety of new legislation has been suggested to implement some of the superb new programs. One bill would provide funds for unlimited home visits by doctors, nurses and homemakers.

NEW HEW ATTITUDE

After years of indifference, HEW is now strongly in favor of home health care. "No matter how good it is, a nursing home cannot substitute for a home environment," Dr. Faye G. Abdellah, director of HEW's Office of Long Term Care, declares.

What can you do if you are in need of home health care services for yourself or a member of your family? Inquire of HEW. It can tell you what benefits you're entitled to and where to ture for help in your community. Write: Dr. Faye G. Abdellah, Department of Health, Education and Welfare, Room 17B07, 5600 Fishers Lane, Rockville, Md. 20852.

A TASK FORCE TO STUDY REAL PROPERTY TAXES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. GILMAN. Mr. Speaker, last month I introduced H.R. 1485, a measure cosponsored by 19 of my colleagues that would establish a task force on the taxation of real property by State and local governments to study and evaluate ways to help State and local governments reduce their dependence on real property taxation, to find alternative revenues to support schools, social service programs, public work projects, fire and police protection and other costly governmental programs demanded by the public, and to help alleviate the crushing real property tax burdens on low, middle, and fixed income taxpayers who are more than paying their fair share of taxes for these services.

Subsequent to the introduction of H.R. 1485, many colleagues expressed an interest in this proposal. Accordingly, Mr. Speaker, today I am reintroducing this measure which is cosponsored by 30 colleagues.

To date, the following 49 members have cosponsored this bill to establish a task force on real property taxation:

Mr. Baucus of Montana.
Mr. Breckinridge of Kentucky.
Mr. Burke of Florida.
Mrs. Burke of California.
Mr. John L. Burton of California.
Mr. Byron of Maryland.
Mr. Cederberg of Michigan.
Mr. Conte of Massachusetts.
Mr. de Lugo of the Virgin Islands.
Mr. Derwinski of Illinois.
Mr. Dodd of Connecticut.
Mr. Downey of New York.
Mr. Duncan of Tennessee.
Mr. Eilberg of Pennsylvania.
Mrs. Fenwick of New Jersey.
Mr. Fish of New York.
Mr. Hannaford of California.
Mr. Harrington of Massachusetts.
Mr. Hawkins of California.
Mr. LaFalce of New York.
Mr. Lagomarsino of California.
Mr. Lent of New York.
Mr. McHugh of New York.
Mr. Mann of South Carolina.
Mr. Mathis of Georgia.
Mrs. Meyner of New Jersey.
Ms. Milkulski of Maryland.
Mr. Murtha of Pennsylvania.
Mr. Nix of Pennsylvania.
Mr. O'Brien of Illinois.
Mr. Ottinger of New York.
Mr. Pattison of New York.
Mr. Price of Illinois.
Mr. Purcell of Michigan.
Mr. Rinaldo of New Jersey.
Mr. Rodino of New Jersey.
Mr. Roe of New Jersey.
Mr. Scheuer of New York.
Mr. Simon of Illinois.
Mrs. Spellman of Maryland.
Mr. Steers of Maryland.
Mr. Stokes of Ohio.
Mr. Walgren of Pennsylvania.
Mr. Walsh of New York.
Mr. Weaver of Oregon.
Mr. Charles H. Wilson of California.
Mr. Wolff of New York.
Mr. Won Pat of Guam.
Mr. Zeferetti of New York.

A complete text of this legislation, together with my remarks, is located in the CONGRESSIONAL RECORD of January 6, 1977, on pages 392–393. I welcome the support of all my colleagues on this legislation that so vitally affects all of our congressional districts.

PUBLIC WORKS PROGRAM

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. KETCHUM. Mr. Speaker, one of the most serious shortcomings of public works programs as an antidote to unemployment is the difficulty of determining where aid should go. In my view, this is a particularly serious objection to measures such as those proposed in H.R. 11, the Public Works Acceleration Act.

There are many good claims for aid from widely differing communities; how can we decide which claim is the strongest? Are we to put the need of a community with a high unemployment rate above that with a community with a declining industrial base, such that it faces

almost total unemployment in the near future? Is a small community with a high unemployment rate deserving of the same aid as a large community with a lower unemployment rate? Questions such as these abound.

The operation of the present public works impact program has suffered from these problems. The Department of Commerce, in its "Final Report: An Evaluation of the Public Works Impact Program," estimated that fully 18 percent of the areas designated for assistance in fiscal year 1973 had unemployment rates less than the national average. In 1972, 25 percent of the areas given aid were better off than the average for the Nation.

It is only natural that when communities are faced with this kind of discrepancy—which is unavoidable because of the magnitude of the task—they air their grievances in the media and in the courts. I commend to the attention of my colleagues an article on this subject which appeared on January 30 in the Washington Post, and which I think reveals only the tip of the iceberg as far as these complaints are concerned:

MUNICIPAL "HAVE-NOTS" WAGING LOSING BATTLE AGAINST AID PLAN

(By Edward Schumacher)

QUINCY, MASS.—Ever since the Economic Development Administration unveiled its experimental formula in awarding $2 billion in public works funds to lucky communities two days before Christmas, the EDA has been weathering suits from some of the unlucky communities.

The EDA at the moment is winning, or has won, in the six suits filed in four states to date. The most recent victory was the refusal of a federal judge in Boston Thursday to grant a restraining order requested by 13 Massachusetts cities to block the disbursement of $52 million to 33 other communities in the state.

In complaints similar to those filed in New York, New Jersey, and Michigan, the Massachusetts cities left out of the program charge that the formula used by the EDA favors small towns where unemployment rates are technically high but the number of persons out of work is low. They say this goes against the congressional mandate to create jobs in economically hard-hit areas.

"It looked like a Utopia in the beginning and ended up as a disaster," said Quincy Mayor Joseph A. LaRaia, a leader in the suit.

"It started out as a political decision and ended as a political decision," he charged, referring first to the congressional override of President Ford's veto of the jobs bill last summer, and then to the predominantly Republican nature of many of the small towns in Massachusetts that won the public works awards.

Quincy, for instance, is an industrial city of 80,000 that suffers 8.6 per cent unemployment, or 3,560 people out of work, according to city officials. It received nothing from EDA.

The population of Upton is only about 3,500, but it has a 19 per cent unemployment rate. It received $1.6 million.

Perhaps the most unusual case concerns the Mississippi village of Mound Bayou, population 2,400, which received $4.9 million, or almost half of that state's total allotment. John Eden, outgoing assistant secretary of commerce and head of the EDA, said the grant was an error and that the EDA is negotiating with the town fathers to reduce the grant.

Other than that case, however, Eden said that he is "entirely satisfied that what we have accomplished in an absolutely fair and objective system."

The formula weighs unemployment rates, number of unemployed, per capita income and other factors in ranking communities to receive grants. "Benchmarks" were added to the formula to limit the amount awarded to large cities such as Boston and to metropolitan regions.

Eden claimed that the unemployment in the communities receiving the grants averaged 12.3 per cent. The national rate for December, 1976, was 7.8 per cent.

The formula was an experimental one created on a tight time schedule. The money was appropriated by Congress Oct. 1, more than 25,000 applications were received by Dec. 9, and almost 2,000 grants were awarded Dec. 23, all of which are scheduled to begin construction by April.

The EDA opened itself to the suits by ranking the applications by how much the communities deserved the money, Eden said, putting little weight on what kind of project the money was going for.

In denying the restraining order, U.S. District Court Judge Frank J. Murray ruled that it was not warranted because the suit had little chance to succeed and because blocking the funds would cause "monumental harm" to unemployed persons, regardless of where they live.

The U.S. District Court in Grand Rapids, Mich., had granted a similar requested restraining order earlier this month, but Monday canceled the order and denied a motion for a preliminary injunction. A restraining order usually lasts a matter of days until an injunction hearing, while the preliminary injunction usually lasts until after the suit is decided.

Here and in four of the other cases, the requests for preliminary injunctions are still pending.

HOUSE OF REPRESENTATIVES—*Thursday, February 3, 1977*

The House met at 11 o'clock a.m.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WRIGHT) laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
February 3, 1977.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore for today.

THOMAS P. O'NEILL, Jr.
Speaker of the House of Representatives.

PRAYER

Rev. Moses Javis, pastor, Westside Baptist Church, St. Louis, Mo., offered the following prayer:

O Eternal God, we thank Thee for this day of our lives, we come this hour beseeching Thy benedictions upon our Nation and this assembly.

May Thy spirit of human sensitivity rest upon each of these representative minds. Guide them into the awareness that in the presentation of daily crises there lie the options of defeat and victory. There is the resounding challenge of the Galilean being busy bringing about the good news to the poor. We confess our faults: We have exalted wealth above humanity; our possessions and profits have been more valuable than people.

With this gratitude and confession, make out of these assembled persons statesmen of constructive wisdom shaping the policies of our Nation.

May righteousness be victorious. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

ASSISTANT SECRETARY OF STATE TERENCE TODMAN NATIVE VIRGIN ISLANDER

(Mr. DE LUGO asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DE LUGO. Mr. Speaker, with the greatest personal pride I bring to your attention the nomination of a native Virgin Islander to one of the highest Federal positions ever held by someone born in one of our Nation's territories.

Upon confirmation by the Senate, Terence Todman, presently our Ambassador to Costa Rica, will become Assistant Secretary of State for Latin America.

Ambassador Todman's 24 years of distinguished service in the U.S. Foreign Service, and this most recent confidence placed in him by President Carter, serves to demonstrate the outstanding quality of his contributions to our country. He has broken down many of the barriers of prejudice and discrimination that could have hindered his effectiveness, around the world and in his own Government. This black pioneer has reaped innumerable personal honors simply because of his competence and professionalism. Ambassador Todman is a source of pride and admiration to all Virgin Islanders and on their behalf, I wish him continued success in his new position of responsibility.

I am inserting into the RECORD the January 22, 1977, editorial from the Virgin Islands Daily News in tribute to our new Assistant Secretary of State:

MAN OF ACCOMPLISHMENT

The appointment of Terence Todman as assistant secretary of state for Inter-America is something that all of Inter-American relations is—it is a significant achievement and a signal honor for a fellow Virgin Islander. However, it is also a great deal more than that, and Mr. Todman deserves congratulations on his appointment for several reasons.

Terence Todman, at 50 years of age, holds the second highest rank in the Foreign Service, that of career minister. If his appointment as assistant secretary of state is confirmed by the Senate, as it is expected to be, he will be occupying one of the highest federal government posts ever held by a Virgin Islander. At the same time, he will also have risen to one of the highest federal offices

ever held by someone born in one of the nation's offshore territories or possessions.

Mr. Todman's rise in the federal service is accomplishment enough. However, beyond that his appointment is both a rare distinction and a recognition of competence. Currently the ambassador to Costa Rica, he had previously served in India, Lebanon, Tunisia, Chad and Togo, as well as with the nation's delegation to the United Nations. His 24 years of service in such posts earned him numerous departmental commendations, and his latest appointment is evidence of the worth of his contribution in the country's services.

Just as important as the recognition of Terence Todman's personal qualifications, though, is the fact that by his latest appointment, he has broken one more barrier in the State Department. He had several times criticized the department's policy of assigning its very few black officers to Africa, and his appointment to the Costa Rican post broke that barrier. His designation as the man in charge of Inter-American relations is a further sign of recognition that black diplomats can represent the country in its dealings with peoples of all colors. Hopefully, his appointment will also mean that Washington is going to pay a little more attention to its neighbors in this hemisphere than it has been in the habit of doing.

Terence Todman is to be congratulated on his latest appointment, and the State Department is to be congratulated on its good fortune in having in its ranks such a man of accomplishment.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A REPORT

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on a joint resolution making an urgent supplemental appropriation for the Southwestern Power Administration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MAKING IN ORDER CONSIDERATION OF A JOINT RESOLUTION MAKING URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE SOUTHWESTERN POWER ADMINISTRATION

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on Monday next or any day thereafter to consider in the House as in the Committee of the Whole a joint resolution making urgent supplemental appropriations for the Southwestern Power Administration, and for other purposes.

Mr. BAUMAN reserved all points of order on the resolution.

The SPEAKER pro tempore. Points of order need not be reserved in this case. Is there objection to the request of the gentleman from Texas?

There was no objection.

NEED FOR CONGRESS TO SACRIFICE

(Mrs. FENWICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FENWICK. Mr. Speaker, I think all of us heard last night the first radio and television speech of our President. We have all been urged to sacrifice, and we must—business, labor, citizens and, indeed, the White House itself.

Mr. Speaker, I think it is scarcely becoming, under these conditions, for us to silently sit by and accept a raise from $44,000 to $57,000 a year. That is not a sacrifice. We should be willing, at least, to speak about it and to vote on it. I urge the leadership to bring a motion, which has already been introduced, to the floor under suspension of the rules Monday or Tuesday while we still have time.

IF HE REALLY BELIEVES THAT COMMUNISM IS NO THREAT TO AFRICA, AMBASSADOR YOUNG SHOULD RESIGN IMMEDIATELY

(Mr. BAUMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BAUMAN. Mr. Speaker, an Associated Press dispatch yesterday quoted our newly appointed United Nations Ambassador, Andrew Young, as saying that the spreading Cuban presence in Africa is no threat to the area and that the Cuban presence in Angola actually lends stability. Mr. Young was one of the leaders in cutting off American aid to the pro-Western forces in Angola which resulted in a Communist triumph in that country.

Now Cuban troops are moving into Tanzania and Mozambique where they are training the terrorists that are killing blacks and whites in Rhodesia.

Ambassador Young is also quoted as saying that communism "has never been a threat" to black people.

Mr. Speaker, if Mr. Young does indeed hold these beliefs President Carter should seriously consider asking him to resign from office immediately. At the very least the President should seek a full explanation from Mr. Young of what his views really are and whose side he is on in the continuing struggle against communism.

The full article follows:

TANZANIA CALLED REBEL TRAINING SITE

WASHINGTON.—Tanzania, one of the African countries that Andrew Young, American ambassador to the United Nations, will visit this week, is allowing Cuban troops to train black Rhodesian guerrillas, United States intelligence sources say.

According to the analysts, Cuban troops have moved from Angola to Tanzania and Mozambique to carry out the training.

The movement of Cubans into Tanzania is a new development. The sources say about 200 of the Cubans are using Tanzania to train and equip Rhodesian blacks to fight against the white minority regime.

Mr. Young was to fly to London today on his way to Tanzania and Nigeria to show American support for black African nationalism and to confer with African leaders about the intensifying Rhodesian crisis.

The presence of as many as 13,000 Cuban troops in Angola was blamed by former President Ford and Henry A. Kissinger, the former secretary of state, for the victory in Angola of a hard-line Marxist faction. Mr. Ford and Mr. Kissinger had warned against any expansion of Havana's role in Africa and ruled out any improvement in U.S.-Cuban relations as long as the troops remained in Africa.

President Carter and the Secretary of State, Cyrus R. Vance, have also indicated disapproval of the Cuban troops' presence in Angola, saying that outside intervention is not helpful and that an African solution should be reached by Africans.

Mr. Young has shown a markedly different view.

In an interview on CBS last week, Mr. Young said, "There's a sense in which the Cubans bring a certain stability and order to Angola."

He added that there were white South African troops in Angola as well, which he said justified the use of Cuban forces. He went on to say that chaos is a greater danger in Africa than Cuba and that Communism has "never been a threat" to black people, while "racism has always been a threat."

In contrast, intelligence sources and other State Department officials have expressed concern over the continued Cuban troop presence in Angola.

They also said the Cuban training programs in Tanzania and Mozambique are worrisome because they will further spread the influence of Havana and the Soviet Union.

The training also means, they said, that more moderate groups will lose leverage and Rhodesian Prime Minister Ian D. Smith's militancy will increase since he argues that the rebels against his government are the agents of Cubans and Russians.

INTRODUCTION OF BILL TO AMEND U.S. GRAIN STANDARDS ACT OF 1976

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. SEBELIUS. Mr. Speaker, today, in behalf of the Kansas congressional delegation in this body, I am introducing a bill to provide important amendments to the U.S. Grain Standards Act of 1976. This legislation is identical to legislation introduced in the other body yesterday by Senator BOB DOLE and 10 other Senators.

Since the implementation of the new Federal Grain Inspection Service, we have experienced serious problems in regard to possible cost, grading, and record-keeping requirements. This legislation is a result of concern expressed by the Kansas grain industry in conjunction with the Governor of Kansas, the Honorable Robert Bennett. I believe this legislation also reflects a consensus of recommendations many of my colleagues have expressed in meetings between the House and Senate Agriculture Committees and Federal Grain Inspection Service officials.

This bill requires the Secretary of Agriculture to establish an advisory committee for the next 2 years to provide consultation to the Federal Grain Inspection Service at the U.S. Department of Agriculture in interpreting the provisions of the Grain Standards Act and in the promulgation of subsequent regulations.

The particular problems this legislation addresses are:

The transfer of funding for federation supervision of official inspection from appropriations to fees paid by the inspection agencies.

The requirement that all commercial elevators should keep, for 5 years, records of "purchases, sales, transportation, storage, weighing, handling, treating, cleaning, drying, blending, and other processing."

TRANSFER OF FUNDING TO FEES

The bill passed last year provided that the funding for direct Federal supervision of official grain inspection should be paid through fees collected from official inspection agencies. However, in my State of Kansas, under present proposals of the Federal Grain Inspection Service, these fees would take nearly $500,000—half million dollars—from our Kansas grain farmers. The farmers are already paying for official State inspection. This supervisory fee should be borne by the Federal Government through appropriations.

RECORDKEEPING

A provision contained in last year's bill would require that all commercial elevators—that would include every country elevator—would be required to keep complete and extremely detailed records of their operations for 5 years. My bill would amend this provision to require—

First. Only the maintenance of records of purchases, sales, transportation, storage, weighing, and official inspection and official weighing of grain—which are the types of records kept by all elevators in the normal course of business; and

Second. Such other grain processing records as the Administrator may prescribe as necessary to facilitate the administration of the act.

In conjunction with these requirements, this bill would also require that the Secretary of Agriculture review all recordkeeping requirements for grain elevators under the U.S. Warehouse Act, the rules of the Commodity Credit Corporation, and the U.S. Warehouse Act. in other words, instead of adding new and burdensome redtape requirements, my bill would force the Federal Government to simplify its rules and regulations and hopefully actually reduce the number of records that need be kept.

Mr. Speaker, I do not mean to imply that the Grain Inspection Act was inadequate or improper, but it is clear that, in the period since its passage, these problem areas have been identified. It is proper that this body move to correct the inequities before full implementation of the act over the next 2 years.

LEGISLATIVE PROGRAM

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, I have taken this time for the purpose of inquiring of the acting majority leader, the distinguished gentleman from Indiana (Mr. BRADEMAS), if he can inform us as to the program of the House of Representatives for the week of February 7, 1977.

Mr. BRADEMAS. Mr. Speaker, will my colleague, the distinguished acting minority leader, yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, the program of the House of Representatives for the week of February 7, 1977, is as follows:

On Monday the House will meet at noon. Under suspensions, there are no bills scheduled. Monday is the day for the call of the Consent Calendar, but there are no bills scheduled. We will on Monday take up House Joint Resolution 227, the urgent power supplemental appropriation.

On Tuesday the House will meet at noon. Under suspensions there is one bill scheduled: H.R. 583, enlistment bonus extension authority.

On Wednesday, Mr. Speaker, if there is agreement to a unanimous-consent request that I shall subsequently offer, the House will meet at 11 a.m. to consider the following:

House Resolution 235, Committee on Standards of Official Conduct;

H.R. 692, amendments to Small Business Act and Small Business Investment Act; and

House Resolution 111, reestablishing a Committee on Professional Sports.

All three of these are subject to being reported.

Mr. Speaker, the House will be in recess for the winter district work period from the close of business on Wednesday, February 9, to noon on Wednesday, February 16, 1977.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman from Indiana (Mr. BRADEMAS).

ADJOURNMENT TO MONDAY, FEBRUARY 7, 1977

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday, February 7, 1977, at 12 o'clock noon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, FEBRUARY 9, 1977

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, February 8, 1977, it adjourn to meet at 11 o'clock a.m., on Wednesday, February 9, 1977.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 9, 1977.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

TRIBUTE TO THE LATE REPRESENTATIVE KATHARINE EDGAR BYRON

The SPEAKER pro tempore. (Mr. WRIGHT). Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 60 minutes.

Mrs. BOGGS. Mr. Speaker, I rise today to ask special recognition by the House of the accomplishments of our colleague and my dear friend, Katharine Edgar Byron.

It was with great sorrow that I learned of Katharine's death on December 28, 1976. Maryland's first Congresswoman and the mother of our friend and colleague, GOODLOE BYRON, was a distinguished woman who stoutly defended her country and who spent her life in service to her country and community. I will miss her very much.

Following in the footsteps of her husband, Representative William D. Byron, Katharine represented the Sixth District of Maryland following a special election to fill the vacancy caused by his death. She served from May 27, 1941, until January 3, 1943, during the 77th Congress when my husband, Hale was also a freshman Member.

Mr. Speaker, in compiling a book on the women Members of Congress for the Bicentennial Arrangements Committee, our committee discovered that the 95 women Members who have served in Congress were most reflective of their times. When Mrs. Byron was campaigning some 8 months prior to Pearl Harbor, she was accused by her opponent as "willing to spill blood of our boys in the squabbles of Europe."

Her election campaign and service in Congress was characterized by her outspoken opposition to Hitler's early aggression in Europe. Because of her advocacy of this position, she was chosen by Speaker Rayburn to give one of five speeches on December 8, 1941, in favor of President Franklin D. Roosevelt's request for a declaration of war.

Her total dedication to her country was exemplified in this stirring speech, where she said:

I am willing to give my sons to the country's defense. I am 100 percent in favor of avenging the wrong done our country and maintaining our country's honor. We must go into this thing to beat the Japanese aggressor. I shall do everything by voice, by vote, everything within my power to bring about this end.

Even before her career in the House, Katharine Byron was a dedicated community activist in Maryland, where she was president of the Parent-Teachers Association of Williamsport in 1935, chairman of the Red Cross flood disaster committee of Williamsport in 1936, and was town commissioner of Williamsport from 1938 to 1940. Katharine came from a prominent family dedicated to public service. She was the daughter of Brig. Gen. Clinton Goodloe Edgar and Mary McComas Edgar. Her grandfather, Louis

Emory McComas, also represented Maryland's Sixth District in the House from 1883 to 1891, and was a U.S. Senator from 1899 to 1905. And, of course, her son GOODLOE BYRON is today the Representative of Maryland's Sixth District in the House.

I ask you today to join me in paying tribute to Katharine Edgar Byron and expressing the condolences of the House to the Byron family.

Mr. BYRON. Mr. Speaker, will the gentlewoman yield?

Mrs. BOGGS. I yield to the gentleman from Maryland.

Mr. BYRON. Mr. Speaker, I am deeply grateful to all of my colleagues for their kind words today concerning my mother. On behalf of the rest of my family, I would like to express our gratitude to each of you.

Of course, my mother's death was a deep personal loss for my family and me. We have the satisfaction of knowing she led a full and rewarding life. She remained active throughout her life and kept close associations with many of her former colleagues in the House, such as Sam Rayburn, Wilbur Mills, CLAUDE PEPPER, and many others. She treasured these friendships and I have many fond memories of them as well.

Her service in Congress is probably best remembered for her strong stand against Nazi aggression in Europe and her speech in favor of declaring war on Japan. From the perspective of her son, however, these two positions are merely symptomatic of the zeal and dedication which she extended to all of the causes she undertook. This devotion characterized her service in Congress, her work for her community prior to her election to Congress, her efforts on behalf of the many church, civic, and political endeavors in which she was active, and her love for her family. She never hesitated to get involved in any task she felt worth pursuing, whether it be a flood in Williamsport, World War II, a favor for a friend, or a responsibility to her family.

Words cannot adequately express the influence which my mother or any mother has on the development of her children. In my case, she had a profound impact on both my personal life as well as my career in public service. On behalf of her family, I am honored to have the opportunity to join my colleagues in this tribute to her—to express our grief at her loss and our gratitude for her countless contributions.

Mr. COLLINS of Texas. Mr. Speaker, I appreciate my good friend from Louisiana yielding so I can express my respects to Mrs. Katharine Edgar Byron. She carried forward a great tradition of national service from the State of Maryland. Her grandfather served here for 22 years, her husband had a great record in Congress and she served in Congress after her husband's death.

I am so proud to see her son, GOODLOE E. BYRON serving today as a Congressman from the great State of Maryland. I did not know Mrs. Katharine E. Byron but I have for her the greatest admiration because I can judge her qualities by her son. GOODLOE E. BYRON is one of the strongest men of character to serve in this Congress. I always admire his strength in his votes, as he will stand up for what is right despite any political pressures. GOODLOE BYRON is a Congressman of dedicated principles, and I would give much credit to an inspiring mother. We pay our respects to Mrs. Katharine Byron but we are proud to share her living testimonial of service to these United States in her stalwart son and our colleague, GOODLOE E. BYRON of Maryland.

Mr. UDALL. Mr. Speaker, the death of Katharine Edgar Byron has robbed Maryland and the Nation of a distinguished and valuable citizen.

The Byron family has a long and proud tradition of intelligent, honest public service. Katharine Byron embodied that tradition as a Representative herself, and as the granddaughter, wife, and mother of Members of this House.

It is a privilege to serve with her very able son, the Honorable GOODLOE E. BYRON, a good and valuable member of the Committee on Interior and Insular Affairs. To him, and to the other members of her family, I extend my condolences. They can all be proud of her achievements.

Mr. FORD of Tennessee. Mr. Speaker, today I rise to honor the memory of a fine American stateswoman, Katharine Byron. She exemplified the pioneer political spirit that has emerged among American women in the past quarter century, serving as the first woman from Maryland ever elected to the House.

Of course, she was well accustomed to the political lifestyle: her grandfather had served Maryland's Sixth District in the House in the 19th century and her husband, our late colleague William Byron, had represented the district for 3 years until his death in 1941 in a plane crash. Even today, the tradition continues in Maryland's Sixth District, which is now served by my esteemed colleague, GOODLOE BYRON, one of Katharine's sons.

Because of her efforts, the path has been paved in recent years for increased representation by women in the House. Certainly those efforts and accomplishments have not gone unnoticed by other American women, seeking to follow her steps in the serving of their Nation.

Perhaps one of the best memories of Katharine is for her impassioned speech before Congress on December 8, 1941, in which she urged swift U.S. retaliation after the attack on Pearl Harbor. But there are many American women who also well recognize the debt they owe Representative Byron for her strong-willed leadership as an American stateswoman.

She should be commended for the concern she exhibited through her entire life for other Americans, a concern that led her to actively participate in many community clubs and organizations. These are the qualities of a person who richly deserves the unbounded praise of this body. Today we pay tribute to the memory of this woman, a Representative who served in some of the most demanding hours of our Nation's history. America mourns her passing, while at the same time yearning for more leaders of her kind.

Ms. MIKULSKI. Mr. Speaker, I would like to take this opportunity to join my colleagues in paying tribute to the late Mrs. Katharine Edgar Byron, the first Congresswoman from my home State of Maryland. Following her husband's death, Mrs. Byron launched a difficult, up-hill campaign to win the special election in Maryland's Sixth District. She defeated a veteran opponent by lining up Democratic delegates to sweep the convention and by running a simple and personal campaign. She would stop people on the street and say: I'm Katharine Byron, and I'd appreciate your vote." When the ballots were counted, she won by a slim 1,200-vote margin, out of the estimated 50,000 votes cast.

Her family legacy has represented one of service to her country. Following her husband's and her own terms in the House of Representatives, GOODLOE E. BYRON, one of her sons, has continued that heritage since 1971.

Mrs. Byron took a strong stand against Hitler's onslaught of Europe, and because of this was selected to deliver one of the five speeches in support of President Roosevelt's request for declaration of war against Japan the day after the attack on Pearl Harbor had occurred.

Mrs. Byron has played an important role for women everywhere. She served as a supportive role-model for those women who have chosen to wage difficult political campaigns, not only in the State of Maryland, but nationwide.

Mr. BENNETT. Mr. Speaker, I was greatly saddened to learn of the passing of the Honorable Katharine E. Byron who so ably represented her congressional district in the State of Maryland in the early 1940's. When Mrs. Byron came to Congress in 1941, she carried on a tradition of public service that has become synonymous with her family. She was elected to the 77th Congress to fill the vacancy caused by the death of her husband, the Honorable William D. Byron. In later years her son, the Honorable GOODLOE E. BYRON, was also elected to Congress and he is presently serviing his third term in the House as a Representative from the State of Maryland.

Mrs. Byron was a fine Congresswoman and a fine lady, and she was an inspiration to all who served with her. She will be greatly missed by all who knew and loved her.

Mr. ROYBAL. Mr. Speaker, as we take this moment to honor a former Member of the House, I would like to add a few words of tribute to the memory of Mrs. Katharine Edgar Byron, Maryland's first Congresswoman and mother of our colleague, GOODLOE E. BYRON.

While I did not have the privilege of serving in Congress with Mrs. Byron, I do consider it an honor to know her son as a colleague in the House of Representatives. Not only has Mrs. Byron and her son served in the House, but her husband and grandfather have also been Members of the House of Representatives. The individual contributions of each of these Members have been considerable and taken together their membership in Congress has, indeed, been a unique and valuable occurrence.

Following the death of her husband, Mrs. Byron decided to run for office and was elected to fill the remainder of her husband's term. The gentlewoman from

Maryland ably completed this term of office. She did not, however, seek, renomination for membership in the 78th Congress. During her tenure as a congresswoman Mrs. Byron represented her constituents with outstanding ability and unfailing dedication upholding the family tradition of public service.

It is with deep sorrow that we mark the passing of a truly gracious lady and fine legislator. My sincerest sympathy is extended to her son GOODLOE and other members of the Byron family.

GENERAL LEAVE

Mrs. BOGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. DE LUGO). Is there objection to the request of the gentlewoman from Louisiana?

There was no objection.

CONDOMINIUM HOUSING: PROTECTION OF PURCHASERS AND TENANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts, (Mr. DRINAN) is recognized for 30 minutes.

Mr. DRINAN. Mr. Speaker, in recent years home ownership in the form of condominiums has grown from relative insignificance to a position of major and rapidly increasing importance in our Nation's overall housing picture. The extremely rapid growth of this form of home ownership has tended to outpace needed legislation to protect consumers. Fewer than 10 States have acted to protect prospective purchasers of condominium housing against unfair sales practices and tenants of apartment dwellings against sudden displacement due to conversion to condominiums. Accordingly, I have introduced H.R. 827, the National Condominium Act, to extend such protection to all prospective purchasers of condominium housing which is financed with Federal assistance in any form.

Condominium ownership generally refers to instances in which each individual or family in the multiunit dwelling has title to his own unit, and, together with the owners of the other units, has an undivided interest in the development's common areas and facilities. Condominiums offer the advantages of the renter—greater amenities and fewer responsibilities—as well as the homeowner—title to his property, free alienability thereof, and the benefit from an increase in the value of his property over time. The rate of increase in this form of home ownership has been truly astonishing. According to a study conducted for the Department of Housing and Urban Development by the Arthur D. Little Corp., there were approximately 1.25 million condominium units in the United States as of April 1, 1975, and more than 85 percent were built after 1970.

The "condominium boom" has included the kind of unfair sales practices which so often take place where the growth of a relatively new industry is so rapid that both consumer information and Government regulation cannot keep pace. The problems associated with condominiums fall into two general categories: protection of purchasers of newly constructed condominiums, and preservation of the rights of residents of leased units to be converted to condominiums, so as to spare them undue and unexpected economic hardship.

THE RIGHTS OF PROSPECTIVE PURCHASERS

The most serious problems affecting prospective purchasers of condominium units include: lack of knowledge of persons having an interest or lien on the project; absence of warranties on both the individual units and common areas, which are far more difficult to appraise than single-family houses; long-term, expensive recreational leases or fees for the maintenance of common recreational areas; absence of disclosure of information on the cost of operating expenses and the means of financing them; lack of specific information on the services provided; and the lack of guarantees with respect to the right to form an association of owners of individual condominium units.

The legislation which I have filed addresses each of these most typical problems confronting purchasers of condominium units. Under the terms of the National Condominium Act, no federally assisted condominium housing loan can be made until such time as the developer of the project submits to the Secretary of Housing and Urban Development a standardized statement containing certain required information, and the Secretary approves the statement as being accurate and in complete compliance with the act.

The required information would include: the names and addresses of all persons having an interest or lien on the project; the terms of any contract under which the developer provides services to the project; a legal description of the project and the land on which it is situated; a full 1-year warranty on all electrical, heating, air-conditioning, and ventilation equipment and on the roofing and elevators; the estimated operating and maintenance costs, as well as any other costs which might be passed on to the owners, including recreation fees; the responsibility of the developer for any structural or engineering defects; the right to form an owners' association as soon as 50 percent of the units are occupied; and assurances of the date by which each structure in the project is to be completed and ready for occupancy.

It is my belief that these requirements cover comprehensively the most prevalent difficulties which plague prospective condominium purchasers in the more than 40 States which do not have protective legislation. In order to provide needed flexibility, H.R. 827 empowers the Secretary to require such other information as he deems necessary to protect the rights of condominium buyers. Certain problems in this regard are relatively more serious in particular parts of the country; hidden recreational fees, for example, are most prevalent in the Southern States. In order to provide for differing regional needs and to facilitate continued improvement in protective legislation, the National Condominium Act instructs the Secretary to encourage State and local governments to establish their own laws and procedures in this field and authorizes the Secretary to make grants to State and local governments and agencies for this purpose.

THE RIGHTS OF DISPLACED TENANTS

The second principal problem associated with the "condominium boom" is the undue hardship often imposed upon the tenants of apartment houses which are converted into condominiums. According to the HUD condominium study, as of March 1975, at least 100,000 households nationwide were required to find alternative housing due to conversions to condominiums. We can anticipate a continuation of the current increase in the conversion of apartment dwellings into condominiums. The rising costs of maintaining multifamily dwellings—especially higher energy costs—fear of the limitations imposed by rent controls, the increased demand for urban housing, and prevailing tax advantages virtually assure an escalating conversion rate.

The National Condominium Act protects renters in three basic ways. First, it requires that all tenants be provided with due notice, in writing, of the proposed conversion of the project to condominium use. Second, it gives existing tenants first priority to purchase condominium units, providing them with a period of at least 3 months following receipt of written notice of the conversion to exercise their option to purchase their dwelling units. Finally, the bill assures that no tenant will be required to move from his or her apartment before the expiration of his or her lease or 3 additional months, whichever is later. The cumulative effect of these three provisions is to provide tenants of apartments scheduled for conversioin with ample notice to search for other housing or, if desired, the right to remain in their present dwelling by purchasing it upon its conversion to a condominium.

THE NEED FOR FEDERAL ACTION

Condominiums will surely constitute a growing sector of the U.S. housing market for several years to come. Currently, Federal regulation of this important sector is fragmented among the Securities and Exchange Commission, the Office of Interstate Land Sales Registration, the various mortgage insuring agencies of the U.S. Government, and federally sponsored credit agencies. At present, beyond requiring that potential condominium buyers in certain—but not all—cases be provided with statements of costs, obligations, and risks prior to closing, there is virtually no Federal regulation.

The utilization of Federal financial institutions by most condominium developers would extend the scope of the National Condominium Act to virtually all major projects in this area. Such an extension is entirely proper, as federally insured loans make possible the construction or conversion of the condominium project.

Mr. Speaker, as the "condominium boom" continues, it is clearly time for the Federal Government to extend to the

prospective purchasers of this form of housing the protection which they clearly need, and to preserve the rights of those who are unfairly burdened by the sudden conversion of their apartment dwellings to condominiums.

The text of the National Condominium Act, which I believe fulfills these needs, follows:

H.R. 827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Condominium Act".

PURPOSE

SEC. 2. The Congress finds and declares that in view of the current difficulty in finding decent housing which exists throughout the coutnry, and with the increasing urge for owner-managers of multiunit rental housing to convert such housing into purchased-unit housing and to sell the units on the open market rather than leasing them, it is necessary that the Congress protect both the residents of leased units to be converted and the potential purchasers of such units from undue hardships and unexpected economic expenses. It is therefore the purpose of this Act to establish minimum national standards for all condominium units the sale of which is financed with Federal assistance in any form, and to encourage the States through a new program of Federal grants to establish minimum standards for the offering of condominium units.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "Secretary" means the Secretary of Housing and Urban Development;

(2) the term "developer" means any person who owns or constructs a condominium project (or converts or proposes to convert a multifamily rental housing project to condominium ownership) and who offers or proposes to offer dwelling units in such project for sale;

(3) the term "condominium project" means a multifamily housing project, consisting of one or more buildings and related property, facilities, and appurtenances, in which the dwelling units are held in condominium ownership;

(4) the term "condominium ownership" means ownership by each of two or more persons of an estate in residential real property consisting of a separate interest in one or more dwelling units in such property, either in fee or for a term of not less than thirty years, together with an undivided interest in the common elements, areas, and facilities which are appurtenant to such dwelling units or units;

(5) the term "dwelling unit", with respect to a unit in any condominium project, includes any undivided interest in the common elements, areas, and facilities which are appurtenance to such unit;

(6) the term "federally assisted condominium housing loan" means a loan which is made to finance the transfer of condominium ownership to an individual or family or the purchase, construction, rehabilitation, or conversion of a condominium project by a developer, and which—

(A) is made in whole or in part by a lender the deposits or accounts of which are insured by any agency of the Federal Government, or is made in whole or in part by a lender which is itself regulated by any agency of the Federal Government; or

(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by the Secretary of Housing and Urban Development or any other officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or employee; or

(C) is eligible for purchase by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or from any financial institution from which it could be purchased by the Federal Home Loan Mortgage Corporation; or

(D) is made in whole or in part by any "creditor", as defined in section 103(f) of the Consumer Credit Protection Act of 1968 (15 U.S.C. 1602(f)), who makes or invests in residential real estate loans aggregating more than $1,000,000 per year;

and the term "federally assisted condominium project" means a condominium project (i) the purchase, construction, rehabilitation, or conversion of which was financed in whole or in part with a federally assisted housing loan a portion of which remains outstanding, or (ii) dwelling units in which are currently (as determined by the Secretary) being sold with the aid of federally assisted housing loans; and

(7) the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

REQUIREMENTS FOR FEDERAL ASSISTANCE TO CONDOMINIUMS

SEC. 4. (a) No federally assisted condominium housing loan shall be made unless (1) the developer of the project involved submits, along with the application for such loan, a statement containing (or accompanied by) the information specified in subsection (b), and (2) the Secretary approves such statement as being accurate, complete, and in accordance with the purpose of this Act.

(b) The statement required by subsection (a) shall contain (or be accompanied by) the following:

(1) the name and address of each person having an interest in or lien on the project covered by the statement and the extent of such interest (including any interest to be retained by the developer);

(2) a statement of the terms of any contract or agreement under which the developer (or his successor in interest) is to provide any services to the project or any part thereof or to the owners of the individual dwelling units therein (and including a copy of each such contract or agreement);

(3) a legal description of the project and the land on which it is situated, in sufficient detail to identify the common elements and units in the project and their relative locations and approximate dimensions, together with copies (signed by a professional registered engineer or architect or both) of all engineering and architectural plans for the construction or conversion of the projects;

(4) satisfactory assurances that all purchasers of dwelling units in the project will be given a full one-year warranty on all electrical heating, air-conditioning, and ventilation equipment and on the roofing and elevators;

(5) the estimated operating and maintenance costs of the projects, as well as any other costs which may be passed on to the owners of the dwelling units in the project whether in the form of recreational fees, maintenance fees, or otherwise;

(6) satisfactory assurances that no certificate of occupancy will be presented by the developer, or utilized to compel the signature of any prospective purchaser, until the structure involved is 95 per centum completed;

(7) a clear statement of the responsibility of the developer for any structural or engineering defects in the project;

(8) satisfactory assurances that (A) the owners of the dwelling units in the project will be permitted to form an owners' association, and select the project management, as soon as 50 per centum of the units in the project are occupied, and (B) the developer will not establish a management lease which is enforceable against the owners of the units in the project beyond the earliest date on which such owners are authorized to select the project managements under clause (A);

(9) satisfactory assurances that the date on which each structure in the project is to be completed will be clearly set forth in each purchase agreement covering a dwelling unit in such structure, and that if such structure is not completed by the date set forth in such purchase agreement the purchaser may revoke and cancel the agreement and receive a refund of 100 per centum of the purchase price; and

(10) such other information, documents, and certifications as the Secretary may require in order to assure that purchasers are protected in a manner consistent with the purpose of this Act.

(c) Recreation fees shall be stated separately from any other fees to be charged purchasers of dwelling units in the project, shall be applied only on a unit-by-unit basis reflecting the recreational services or facilities to be furnished the occupants of each such unit at the occupant's option, and may be taken into account in determining the right of unit owners to use such services and facilities but shall not be considered a part of such owners' required mortgage payments. Each prospective purchaser of a dwelling unit in the project shall be informed in writing of (A) the extent to which (and the basis on which) the purchase of such unit would include the use of the project's recreational services and facilities and (B) the nature of the interest in such services and facilities which the purchase of such unit would confer.

(d) In any case where the project involved is a leased-unit structure to be converted to condominium use, the statement required by subsection (a) shall also include satisfactory assurances that—

(1) all of the existing tenants will be notified in writing of the proposed conversion of the project to condominium use;

(2) existing tenants will have first priority to purchase dwelling units in the project, and will have been given a period of at least three months, after receipt of the written notice of conversion under paragraph (1), to decide whether or not to purchase their dwelling units;

(3) no tenant will be required to move from the project on account of the proposed conversion—

(A) before the expiration of three additional months if, at the close of the period specified in paragraph (2), the tenant occupies his or her dwelling unit in the project under a lease which has less than three months to run, or

(B) before the expiration of the lease under which the tenant occupies his or her dwelling unit in the project if, at the close of the period specified in paragraph (2), such lease has three months or more to run;

(4) no lease agreement outstanding at the time written notice of the proposed conversion is received under paragraph (1) (and covering a dwelling unit in the project) will be abridged without the consent of both the lessee and the developer; and

(5) each prospective purchaser of a dwelling unit in the project will be furnished with a copy of the purchase agreement at least fifteen days prior to signing, and in addition will be furnished with—

(A) a statement of the total operating and maintenance costs of the structure, and of the operating and maintenance costs per unit, on a monthly and yearly basis, for the preceding three years;

(B) a statement of the costs to be assumed by the owners of dwelling units in the project, both on a unit-by-unit basis and for the project as a whole;

(C) a list of the services to be offered to

owners of dwelling units in the project and a statement of any change to be made in the structure, with floor plans showing the contemplated alterations; and

(D) a description of any new additions to be made to the structure (including recreational facilities) and the cost thereof.

(e) Any person who signs an agreement to purchase a dwelling unit in a federally assisted condominium project shall have a period of at least fifteen days after signing the purchase agreement (excluding Sundays and holidays) in which to revoke and cancel such agreement. The right of the purchaser to revoke and cancel the purchase agreement within a specified period, as described in the preceding sentence, shall be predominantly set forth in large boldface type within the body on the first page of the agreement and also at the end of the agreement immediately below the signatures of the parties.

(f)(1) The Secretary shall prescribe and publish a single basic form for the submission by developers of the statement required by subsection (a). Such form—

(A) shall include provision for all of the information, assurances, and certifications to be submitted under subsections (b), (c), and (d), and

(B) shall be so designed as to assure that, when fully and correctly completed by a developer and submitted to the Secretary along with any other documents which may be required in connection therewith under subsection (a)(10), it will constitute full compliance by such developer with the requirements of this section.

(2) The form prescribed under paragraph (1) shall be made generally available, upon request and at no cost or nominal cost, to developers, for use in complying with the requirements of this section and to State and local governments and agencies for use in establishing and carrying out procedures; standards, and requirements with respect to condominiums under section 5.

GRANTS TO STATE AND LOCAL GOVERNMENTS

SEC. 5. (a) The Secretary shall take all possible steps to encourage and assist State and local governments and agencies to establish procedures, standards, and requirements with respect to condominiums and condominium management, similar to and no less stringent than the corresponding procedures, standards, and requirements provided by this Act, designed to protect purchasers and prospective purchasers of condominium housing units and residents of multi-family structures being converted to condominium units.

(b) The Secretary is authorized to make grants to State and local governments and agencies, in such amounts as may be appropriate, to help them establish such new offices or agencies or expand and strengthen such existing offices or agencies (including zoning boards), and place in effect such procedures or requirements (including requirements for the issuance of permits to convert, public hearings, and appeals), as may be necessary or appropriate to administer and enforce the procedures, standards, and requirements referred to in subsection (a) and in general to oversee the development, construction and management of condominiums and condominium conversions. Grants under this subsection shall be made on such terms and conditions, consistent with the purpose and objectives of this Act, as the Secretary may deem necessary or appropriate.

(c) There are authorized to be appropriated such sums as may be necessary to enable the Secretary to carry out this section.

PENALTIES

SEC. 6. Any person who willfully violates any of the provisions of this Act shall be fined not less than $15,000 and/or be imprisoned for not less than two years.

REGULATORY REFORM ACT OF 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 15 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, today the gentlewoman from Texas (Ms. JORDAN) and I are introducing the Regulatory Reform Act of 1977, which is identical to legislation being authored and introduced in the other body today, by Senators PERCY, ROBERT BYRD, and RIBICOFF. This is nearly identical to legislation introduced in the last Congress by Senators PERCY and BYRD, and Ms. JORDAN and myself and 62 House cosponsors. Some revisions in the bill have been made as a result of hearings held by the Government Operations Committee of the other body in the last Congress.

Under the terms of this legislation, the President would submit a separate regulatory reform plan to each Congress over an 8-year period, as follows:

First, 1979 (96th Congress)—energy, environment, housing and occupational health and safety;

Second, 1981 (97th Congress)—transportation and communications;

Third, 1983 (98th Congress)—banking and finance, international trade, and Government procurement; and

Fourth, 1985 (99th Congress)—food, consumer health and safety, economic trade practices, and labor-management relations.

The bill specifies which Federal departments and agencies would be affected by each plan. Upon submission, these would be referred to the appropriate legislative and oversight committees of the House and Senate as well as both Government Operations Committees. These committees would then be charged with the responsibility of reporting legislation approving or disapproving the plans in whole or in part, together with such amendments as they may deem appropriate, and such legislation would become the pending business of each House not later than the first day of May in the year following the submission of the plan.

The legislation contains the following action-forcing mechanisms: First, if Congress does not enact a regulatory reform plan by August 1 of the year following the plan's submission, the affected agencies shall lose their authority to promulgate new rules and regulations; second, if no plan is enacted by October 1 of that year, the affected agencies shall lose all authority to enforce any rule or regulation then in existence; and third, if Congress has still not enacted a plan by the last day of December of that year, then the affected agencies shall be terminated unless Congress specifically approves legislation providing for their continuation. With respect to the loss of regulatory powers, the agencies could continue to promulgate and enforce regulations necessary to preserving the public health and safety, but these would be subject to congressional veto by adoption of a concurrent resolution.

Each plan submitted to the Congress by the President must contain recommendations for: First, the transfer, consolidation, modification, or elimination of functions; second, organizational, structural, and procedural reforms; third, the merger, modification, establishment or abolition of Federal regulations or agencies; fourth, eliminating or phasing out of outdated, overlapping or conflicting regulatory jurisdictions or requirements of general applicability; fifth, eliminating agency delays; and sixth, increasing economic competition. Each plan would also have to report on the cumulative impact of all Government regulatory activity covered by that plan on four specific industry groupings: First, transportation and agriculture; second, mining, heavy manufacturing, and public utilities; third, construction and light manufacturing; and fourth, communications, financing, insurance, real estate, trade, and service.

Mr. Speaker, it seems to me the time is ripe for congressional action on such an orderly and rational regulatory reform procedure for two reasons: first, our new President has made it a high priority of his administration to reorganize the Federal Government in a systematic way to bring about greater efficiency and the elimination of waste and duplication; and secondly, the evidence is mounting which proves that excessive government regulation is hamstringing our economy, handcuffing our business enterprises, and robbing the consumer through increased inflation brought about by both the costs of complying with Government regulations and their competition-stifling impact.

In his address to the Nation last night, President Carter delivered perhaps the best introductory remarks for this legislation when he said:

> Our confused and wasteful system that took so long to grow will take a long time to change. Government reorganization is a project that will require the full cooperation of the Congress and the public during the next four years—just to make a good start. . . . We will cut down on Government regulations and make sure that those that are written are in plain English. . . . The Office of Management and Budget is now working on this plan, which will include zero-based budgeting, removal of unnecessary government regulations, sunset laws to cancel programs that have outlived their purpose and elimination of overlap and duplication among Government functions.

I can think of no better description of the Regulatory Reform Act of 1977 than those words delivered by the President last night since this bill does involve close cooperation between the President and Congress over the next few years, it does involve cutting down and simplifying government regulations, it does involve taking a zero-based budget approach to existing regulatory agencies, and it does involve a sunset approach for those agencies which have outlived their usefulness and the elimination of overlap and duplication in existing regulatory functions.

This bill also addresses itself to two other portions of President Carter's speech last night. President Carter called attention to the fact that "unemployment and inflation are very real and have done great harm to many American families," and that "our economic strength is based on a healthy, productive pri-

vate business sector." He went on to state:

Wherever free competition would do a better job of serving the public, the Government should stay out.

In this regard, our bill contains the following findings which I think are worth quoting in their entirety here:

The Congress finds that Government regulation can at times be more of a burden than a benefit to American consumers, American businesses, and to the American economy as a whole.

(1) Regulatory policies have fueled inflation through approval of rules and regulations not commensurate with the public interest, frequently without due consideration of the competitive impact of such decisions.

(2) Some regulatory policies harm both industry and consumers by denying businesses the chance to compete and, thereby, depriving consumers of the lower prices and diversity of services that greater competition would present.

(3) Too often, regulatory agencies have squandered their limited resources by focusing on trivial aspects of regulation while neglecting critical economic issues. By failing to set clear priorities or to articulate cogent policies, certain agencies have fostered a pattern of bureaucratic stagnation and waste, and consequent public frustration and confusion.

(4) The outmoded and inefficient case-by-case adjudicatory approach of most regulatory agencies has burdened businesses with excessive paperwork and unreasonable delays, impaired the ability of many industries to adapt to changing market conditions and beneficial new technology, and contributed to price rises, inefficiencies, and misallocations of resources.

(5) By consistently failing to take consumer and small business interests adequately into account and by arbitrarily limiting the operation of the free enterprise system, regulatory agencies have poorly served the public interest often in disregard of congressional mandates.

Mr. Speaker, I think these findings contained in section 2 of our bill best state the need for legislation of this type. Just as it is being introduced with bipartisan sponsorship and cooperation in both bodies today, I hope it will receive the sympathetic attention and cooperation of the new administration since it is tailor-made to fulfill those lofty goals which President Carter so eloquently articulated in his address to the Nation last night.

At this point, Mr. Speaker, I yield to the coauthor of this bill, the gentlewoman from Texas (Ms. JORDAN), and following her remarks I insert in the RECORD a brief summary of the Regulatory Reform Act of 1977.

Ms. JORDAN. Mr. Speaker, the bill the gentleman from Illinois (Mr. ANDERSON) and I are introducing today is slightly revised from the bill we introduced last year. But the concept is the same. The goal is the same. Only the need is changed: It has exacerbated.

The concept of this bill is straightforward. It provides an orderly timetable for the consideration of proposals to reform the Federal Government's regulatory agencies. The bill provides an opportunity for the President and the Congress to ask the critical economic, social, and political questions about each regulatory agency's operations.

The goal of the bill is equally straightforward. It seeks to provide a reasonable opportunity for everyone concerned to make a learned and comprehensive judgment about regulatory reform. Right now we are paying lip service to regulatory reform. We are approaching the problem on an ad hoc basis. We have no way of assessing our proposed solutions. We flounder among the many varied opinions. This bill would make sense out of the debate.

The need for this bill is greater now than the need for it when we first introduced it last year. Under the guise of regulatory reform the Civil Aeronautics Board has begun to approve a patchwork of varied air fares. The Federal Power Commission cannot seem to act fast enough to respond to this winter's natural gas shortages. The health care requirements of the Occupational Safety and Health Administration have been found to be a factor in rising hospital costs. The International Trade Commission has not yet acted against Japanese steel imports into this country even though steelworkers in California and Texas have been experiencing layoffs for the past 10 months.

To some, these examples may be explainable, isolated instances. To me, they signal an underlying character that pervades our regulatory agencies: An inability to respond to people's needs. I do not think anything short of Presidential recommendations and congressional enactments will be of significance. This bill provides the mechanism to make those changes. I urge its enactment.

The material follows:

BRIEF SUMMARY OF THE "REGULATORY REFORM ACT OF 1977"

(1) Not later than the last day of April in each of the years specified, the President shall submit to the Congress a comprehensive regulatory reform plan for each of the following designated areas (specific agencies affected are enumerated in the bill):

(a) 1979 (96th Congress—energy, environment, housing and occupational health and safety;

(b) 1981 (97th Congress)—transportation and communications;

(c) 1983 (98th Congress)—banking and finance, international trade, and government procurement; and

(d) 1985 (99th Congress)—food, consumer health and safety, economic trade practices, and labor-management relations.

(2) Each plan submitted by the President shall contain recommendations for:

(a) the transfer, consolidation, modification or elimination of functions;

(b) organizational, structural and procedural reforms;

(c) the merger, modification, establishment or abolition of Federal regulations or agencies;

(d) eliminating or phasing out of outdated, overlapping or conflicting regulatory jurisdictions or requirements of general applicability;

(e) eliminating agency delays; and

(f) increasing economic competition.

(3) Each plan submitted by the President shall report on the cumulative impact of all government regulatory activity reviewed on the following specific industry groupings:

(a) transportation and agriculture;

(b) mining, heavy manufacturig, and public utilities;

(c) construction and light manufacturing; and

(d) communications, financing, insurance, real estate, trade and service.

(4) If the President fails to submit the required plans, the appropriate committees of Congress having legislative jurisdiction in the areas covered, together with the House and Senate Government Operations Committees, shall prepare the appropriate plans which shall become the pending business of each House not later than the first day of April of the following year.

(5) The Comptroller General and the Director of the Congressional Budget Office shall submit reports at the same time a plan is submitted detailing the purposes of each agency covered by the plan, any changes in the areas covered by the agency and their impact on the effectiveness of the agency, the net impact of the agency and the degree to which it has accomplished its purposes, its cost-effectiveness and the efficiency of its operations, and practical and more efficient alternative approaches to achieving presently demonstrated regulatory needs.

(6) Each plan submitted by the President shall be submitted to the appropriate legislative and oversight committees of the House and Senate and the Committees on Government Operations which shall report bills approving or disapproving in whole or part the plans, together with such amendments as may be deemed appropriate. Such bills shall become the pending business in each House not later than the first day of May of the following year.

(7) If no plan is approved by August 1 of the following year, the affected departments and agencies shall have no authority to promulgate new rules and regulations except those essential for preserving public health and safety, but subject to congressional veto by concurrent resolution.

(8) If a comprehensive regulatory reform plan is not enacted by October 1 of the following year, then all affected departments and agencies shall lose all authority to enforce any rule or regulation except those essential to preserving public health and safety, again subject to congressional veto.

(9) In the event that no comprehensive regulatory reform plan has been enacted by the last day of December in the following year, all agencies affected by the plan shall be terminated unless appropriate provisions for their continuation are made by enactment of Congress.

THE MINUTEMAN III IS ESSENTIAL TO OUR NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, there have been a number of reports that the new administration is considering major cuts in Defense Department programs. To the extent that these cuts eliminate waste and unnecessary spending, I am totally in agreement with them.

But I must object when proposed cuts appear that may jeopardize our national security.

In the absence of a negotiated and ratified strategic arms limitation agreement, and with the temporary SALT agreement scheduled to end this year, I am convinced that this is not the time to cease production on our only land-based intercontinental ballistic missile, the Minuteman III. This missile is the most reliable, efficient and accurate missile in the world.

The Soviet Union has four ICBM production lines in operation. We have only the Minuteman III. I and my colleague from western New York, the Honorable

HENRY J. NOWAK, feel very strongly that until a new strategic arms limitation agreement is completed it is of the utmost importance that we keep the Minuteman III production line in operation.

At this point, Mr. Speaker, I would like to introduce into the RECORD the text of a letter which Mr. NOWAK and I sent today to the Secretary of Defense on this very important issue:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 2, 1977.

Hon. HAROLD BROWN,
Secretary, U.S. Department of Defense, The Pentagon, Washington, D.C.

DEAR SECRETARY BROWN: It is our understanding that the Defense Department, in conjunction with the National Security Council and the Office of Management and Budget, is reviewing the entirety of the defense budget prior to making recommendations about future funding of defense programs to the President.

We also understand that you are inclined to recommend a number of cuts in the budget, including cuts in the funding for the Minuteman III Intercontinental Ballistic Missile.

We urge you to reconsider this issue. We support efforts to cut waste and excess spending from all parts of the federal budget, but we are equally opposed to cuts which might seriously and adversely affect our nation's security. The Minuteman III is the only ICBM in production in the United States today; the Soviet Union, as you know, has four different ICBM production lines in operation.

The U.S. is well within the limit permitted by the SALT I agreement which is scheduled to expire this year. We are hopeful, of course, that another strategic arms limitation agreement can be achieved, for we agree with the President's goal of trying to reduce nuclear armaments throughout the world. But pending the achievement of a SALT II agreement, we believe that prudence dictates that the United States maintain its ability to produce a land-based ICBM which is second to none.

The Minuteman is the most effective, accurate, and reliable missile in the world today. It is essential, in our judgment, that this country do nothing that would jeopardize its capacity to produce this missile with the continued uncertainty of our negotiations with the Soviet Union.

Last year these same arguments were presented to the Congress, which determined that continuing the Minuteman III production line at its minimum cost-effective level of five units per month was justified. Nothing significant has changed from that time until now.

The United States would not be risking a violation of the existing SALT limitation on MIRVed launchers for some time, even if these additional Minuteman IIIs were deployed. Assuming that there are no delays in the production and deployment of the Trident missiles, we could supplement those MIRVed missiles presently deployed with 60 additional Minuteman IIIs for four more years, should we want to, before coming close to the ceiling set in the initial SALT agreement. That would get us much closer to the estimated 1985 date for full production of a new U.S. ICBM, now called the M–X, but more important it gives us obvious room to keep our existing production team intact pending another SALT agreement.

Closing the Minuteman III production line would affect employment throughout the Nation, including our area in Western New York, where over 500 employees are engaged in Minuteman III subcontracts. The economic impact on Western New York alone would be $50 million, a significant sum. Important as this is, however, our concern is based primarily on our feeling that it would be highly imprudent to act now, before a new SALT agreement is negotiated and made final. Indeed, it is our considered judgment that the SALT negotiations would be enhanced, perhaps greatly, if the production line were kept open. We urge you to take this carefully into account in your deliberations.

Sincerely,

JOHN J. LAFALCE,
HENRY J. NOWAK,
Members of Congress.

THOSE WHO SMOKE MARIHUANA ARE NOT CRIMINAL AND SHOULD NOT BE TREATED AS SUCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, yesterday I joined Senators JAVITS and CRANSTON in a letter to President Carter, asking that he consider proposals to reduce the penalty for personal use and possession of marihuana. We have reintroduced legislation to reduce to a civil fine of up to $100 possession of up to an ounce of marihuana in Federal jurisdictions. My legislation is H.R. 432.

I think it is clear that our marihuana laws are simply not in tune with public attitudes or the latest research on marihuana. Of the issues discussed in last year's Presidential campaign, none was so poignantly raised as the archaic nature of our laws on marihuana. The simple fact of widespread marihuana usage was brought out of the Dark Ages by the remarkable disclosure that children of three out of the four candidates for national office had tried marihuana. We know now that the President's oldest son, Jack, was discharged from the Navy in 1970 for smoking marihuana. Rosalynn Carter has indicated that she supports decriminalization of the marihuana laws. Surely, when the issue of marihuana usage affects the First Family, it is time to change the law. While the Carter children will never feel the weight of the marihuana laws, others less powerful will. Equal justice demands that we lessen the penalty for simple marihuana possession for all our citizens—and remove the criminality provisions.

Arrests for marihuana possession continue unabated. In the period from 1970 to 1974, over 1.1 million individuals were arrested for marihuana possession. Of those arrested, 88 percent were under 25 years of age and 58 percent were under 21 years old. With 416,000 more arrests in 1975, the ominous possibility exists in which a whole generation will be scarred by criminal arrest records, thereby denied voting rights and the opportunity to pursue various professions. I do not believe we can afford to have these otherwise law-abiding young people locked out of the political and economic life of the country.

A more immediate matter, in terms of its impact on American society, is the enormous financial burden which all of us, as taxpayers, must bear in the arrest and prosecution of marihuana offenders. Over $600 million are spent in the United States each year to further "criminalize" the young. Further public expenditures are necessary, at a rate of $6,000 for every year a person convicted on marihuana charges remains in jail. If every one of the 13 million regular marihuana users were arrested and put in jail, the national annual cost would exceed a staggering $79 billion. If we were to adhere to the present marihuana laws, equal justice would demand such an outpouring of taxpayer dollars. The expenditure of so much for the possession of so little—two of every three drug arrests are for possession of an ounce or less of marihuana—constitutes a national folly of horrible proportions.

The Federal and local enforcement of marihuana laws exists in the face of public opinion which overwhelmingly—82 percent—opposes jail sentences for people convicted of possessing marihuana. Fifty-two percent of the American people, in a survey commissioned by the National Institute for Drug Abuse, favored only a fine and/or probation for offenders of the marihuana laws.

The widespread disregard for and disapproval of the present marihuana laws can only lead to a weakening in the respect for our system of justice. We can correct that by making our laws more responsive to the people's attitudes and beliefs. The State of Oregon was the first to make such a change. The Oregon Legislature decriminalized the possession and not-for-profit transfer of an ounce or less of marihuana. The importance of the Oregon law is that it decriminalizes marihuana possession for personal use, but does not legalize marihuana, which might tend to encourage its use by giving it a stamp of legitimacy. Instead of a person being saddled with a criminal record, the violation of the Oregon marihuana law results in a civil fine of up to $100.

A Ford Foundation study found that the law did not result in a significant increase in the use of marihuana; in fact, among regular users of marihuana, 40 percent of that group decreased use, while only 5 percent increased their use of marihuana. The study also found continuing strong support for the law by 58 percent of the State's population. The success of the Oregon law has prompted seven other States—Alaska, California, Colorado, Maine, Minnesota, Ohio, and South Dakota—to adopt similar legislation. Further legislative progress is forecasted: Governor Carey of New York has proposed similar legislation, which has the backing of a majority of the State's residents, according to a recent Daily News poll.

Furthermore, New York State legislative leaders seem to agree that the time for marihuana decriminalization has come and hopefully will change the New York law this year.

Mr. Speaker, I have concerned myself with this issue ever since I came to Congress in 1969. I originally proposed the Presidential Commission on Marihuana, which then recommended some form of marihuana decriminalization. I have found that, whenever this issue is fully researched and rationally debated, reasonable people agree that marihuana decriminalization is needed. Hopefully, with sound Presidential leadership on this issue, something we have never had

before, we can once again have marihuana laws which people respect and abide by. Such a change can only help to strengthen our entire criminal justice system.

Appended is the letter which Senator JAVITS, Senator CRANSTON, and I sent to the President:

February 2, 1977.

HON. JIMMY CARTER,
President, The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We appreciate and applaud the fact that you have expressed your concern about our present Federal laws on the subject of criminal penalties for marihuana possession offenses. We urge your personal support for the decriminalization of Federal marihuana laws and request that, in the course of your Administration's review of existing policy, every consideration be given to early action for reform of these laws and to the development of a comprehensive national policy on overall drug abuse in the United States.

We have long been concerned about the fundamental unfairness which underlies Federal law on the subject of criminal penalties for marihuana possession offenses. We likewise view as unwise and ill-conceived laws which cause the diversion of the scarce law enforcement resources required by the more than 400,000 Federal, state and local arrests every year for the possession of small amounts of marihuana. We are accordingly reintroducing legislation tomorrow providing that the possession and not for profit transfer of one ounce or less of marihuana would be punishable at the Federal level by a civil fine of not more than $100. Commercial sale of the drug for profit would remain a criminal offense.

We realize that this is an issue that you will want to study carefully. With this in mind, we have introduced this bill as a starting point for discussion. We hope to work closely with you and the Attorney General—and those in your Administration whom you designate—in reviewing it and formulating meaningful reforms to these outmoded laws.

According to an April, 1976, survey conducted by the National Institute for Drug Abuse 13 million Americans or 8 percent of the adult population were using marihuana and 35 million or 21.3 percent have tried it at least once. FBI statistics show that more than 2 million persons have been arrested for marihuana offenses in this country since 1970. A statistical analysis of State marihuana arrests by the National Commission on Marihuana and Drug Abuse uncovered the unsettling fact that ninety-three percent were for possession—not sale—and two-thirds of these involved the quantity of one ounce or less. Only seven percent of the arrests were against the commercial trafficker.

Public attitudes toward marihuana smoking have changed dramatically over the past few years. Eight states have enacted decriminalization statutes—including California—and the issue will be considered this year in forty state legislatures. Where stiff jail penalties were once demanded for someone caught with a small amount of marihuana, many public opinion polls confirm that civil fines are now favored by a majority of our citizens, and fines rather than imprisonment are routine in almost all jurisdictions today.

Mr. President, we believe that marihuana policy should be a primary responsibility of state governments, but it is difficult for states to change their laws so long as the federal statute remains unchanged. Thus, although the vast majority of arrests and convictions are non-federal, federal action would serve as a model for state reform. Moreover, the decriminalization of marihuana would remove one unnecessary governmental incursion into individual freedom. The value of the criminal sanction in a society rests on a foundation of fairness and practicality. Penalties for possession of small amounts of marihuana do not meet that test.

With best wishes,
Sincerely,

JACOB K. JAVITS,
ALAN CRANSTON,
EDWARD I. KOCH.

LONG-TERM-CARE AND NURSING FACILITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 30 minutes.

Mr. PEPPER. Mr. Speaker, regardless of how attractive the decor, or tasteful the appointments, long-term-care facilities and nursing care regimens miss their mark if they fail to include reevaluation of the patient and involvement of the patient's family. Bills that I introduced January 6, a fuller description of which I will insert in the RECORD today, hopefully will not miss their mark. They would give medicare beneficiaries not only nursing home and related services on a broader scale, but would also require an increased consciousness of the need to provide a way out of nursing homes.

In other areas these bills would maintain the fiscal integrity of medicaid by making medicaid the payor of last resort when identical medical benefits are available under other State programs, and would enlarge the permissible area of recovery when medicaid payments have been made in error.

Other objectives of these bills are:

First, improvement of nursing home safety by requiring medicare and medicaid nursing home service providers to install sprinkler systems,

Second, increasing mobility of the elderly and handicapped by permitting airlines to charge them reduced airfares on a standby basis,

Third, facilitating more intensive use of schoolbuses to transport the elderly and handicapped by allowing schoolbuses to be used for these purposes without risk of loss of Federal excise tax exemptions,

Fourth, encouraging the use of private vehicles to transport the elderly and handicapped by making the income tax deduction for charitable transportation equal to that allowed for business purposes, and

Fifth, bettering the standard of living of social security retirees by permitting them to work and earn money without any loss of retirement benefits. To coalesce opinion, and invite comment, I am inserting at this point a fuller explanation of these bills than the abbreviated description that appeared in the RECORD on January 6:

(H.R. 1127) COVERAGE OF DENTAL CARE, EYE CARE, HEARING AIDS, PHYSICAL CHECKUPS, AND FOOT CARE UNDER SUPPLEMENTARY MEDICAL INSURANCE PROGRAM; PROTECTION AGAINST ABUSE AND OVERPRICING

An expansion of medicare coverage under the supplementary medical insurance program—part B, title XVIII—is contemplated in section 1 of H.R. 1127. An amendment to the medicare law—section 1861s—is proposed that would modify the definition of "medical and other health services" by adding "comprehensive physical examinations, not to exceed one per calendar year for any individual; dentures (or other devices replacing teeth or structures directly supporting teeth), eyeglasses, and hearing aids; eye examinations; examinations for hearing aids; services in connection with the care, treatment, filling, removal or replacement of teeth or structures directly supporting teeth; and foot care and treatment of foot conditions"—section 1a, b, c of H.R. 1127.

That section of the medicare law—section 1862 a7 and a12—that sets out what items and services are specifically excluded from medicare coverage would be amended to delete any references to the items and services mentioned above as excluded items and services—sections 1d and 1e of H.R. 1127.

MEDICAL DEVICES; ABUSES AND PRICE FIXING

Other provisions of H.R. 1127 are intended to protect medicare beneficiaries from abuses that might result from improper or unnecessary prescription of medical devices, poor construction, and overpricing. The Secretary of Health, Education, and Welfare is called upon to take more effective action toward elimination of sharp practices and unrealistic pricing by promoting medical appliance leasing, auditing manufacturers and providers, encouraging consumers to make intelligent choices by seeing that they are supplied with brand descriptions and specifications, and disseminating information on cross-referenced prevailing medical appliance rates and charges within given trade areas—sections 2a and 2b.

ACTION BY FTC

A continued and increased scrutiny of the medical appliance industry would be required to the Federal Trade Commission with the object of striking down barriers to competition, preventing purchases of unneeded or unnecessary medical devices, and eliminating price fixing—section 2c.

ACTION BY FDA

To prevent the purchase of hearing aids by those who have loss of hearing conditions that cannot be helped by the use of hearing aids, the Food and Drug Administration would be required to include in its regulations a requirement for an examination by a hearing specialist before any hearing aid can be purchased.

ACTION BY HEW SECRETARY

The last section of H.R. 1127—section 2e—recognizes the need for more hearing specialists, examination and treatment sites, and directs the Secretary of HEW to increase assistance in these areas.

(H.R. 1128) MEDICAID AS A PAYOR OF LAST RESORT; RECOVERY OF PAYMENTS INCORRECTLY PAID

Existing provisions of the medicaid law do not prohibit a State from denying to a medicaid beneficiary medical serv-

ices that could be made available if State laws were not invoked that bar medicaid recipient from receiving services that are the same or similar to those provided under medicaid. Amendments proposed in H.R. 1128 would add a new subsection at the end of the section dealing with requirements for State medicaid plans—section 1902(a)(36)—to expressly prohibit expenditures under the State plan where any entity would be required to furnish services except for a provision of State law which excuses such liability "because the individual is eligible or entitled to receive care or services under the (medicaid) plan"—section 1, H.R. 1128.

RECOVERY OF INCORRECTLY PAID MEDICAID EXPENSES

Language of section 1902(a)(18) of the Social Security Act that imposes a limitation on recovery of medicaid payments incorrectly paid by restricting recovery to an action against the estate of a deceased beneficiary, who has no surviving spouse and no child under 21 years of age, and then only when the beneficiary was 65 years of age or older when receiving medicare benefits, would be modified to permit recoveries against the deceased individual's estate regardless of the age of the beneficiary at the time benefits were received.

(H.R. 1129) SPRINKLER SYSTEMS IN NURSING HOMES

More stringent safety standards, requiring automatic sprinkler systems of all floors of nursing homes, would be imposed for continued eligibility as a service provider in medicare and medicaid programs with the object of putting an end to deaths from nursing home fires. Waivers would not be routinely granted because architectural design or materials used in construction place the building in a classification that suggests it is fireproof. Proposed changes would be accomplished by redefining the kind of "skilled nursing facility" that is eligible for participation under medicare—section 1861j—or under medicaid—section 1902(a)(28)—and the kind of "intermediate care facility" eligible for participation under medicaid—section 1905 c—to include safety requirements for sprinkler systems.

SPRINKLER SYSTEM LOANS

Recognizing that nursing homes might have difficulty in bearing the cost of sprinkler system installation, the bill authorizes the Secretary of Health, Education, and Welfare to make loans for installation of automatic sprinkler systems. A modest rate of interest would be charged on the loans, 6 percent per annum on the unpaid balance, and borrowers would have up to 20 years to repay the loans. Requirements for sprinkler installation, and eligibility for the loan program, would apply only to skilled nursing facilities, nursing homes, and intermediate care facilities certified for participation in medicare or medicaid programs. Existing facilities would have 18 months to bring themselves in compliance with the proposed amendments.

(H.R. 1103) EXPANSION OF HOME HEALTH AND RELATED SERVICES UNDER PART B OF MEDICARE; INCENTIVES FOR COMMUNITY LONG-TERM CARE CENTERS

Extensive amendments are proposed by H.R. 1130 in the home health service features of the medicare program. Current statutory language that limits coverage for home health services "to 100 visits during a calendar year"—section 1832a2A—would be deleted and replaced with a new subsection that enlarges the kinds of services previously covered under home health to include not only home health services but also homemaker services, nutrition services, long-term institutional care services, day care and foster home services, and community mental health center outpatient services. There is a proviso in the bill that the proposed benefits are "to be financed without additional cost to such individuals from premium payments made under part B of medicare together with contributions from funds appropriated by the Federal Government."

Certain individuals who are drawing supplemental security income—title XVI of the Social Security Act—but are not eligible to enroll in the supplementary insurance program—section 1836—would be qualified to receive benefits under the proposed program without paying insurance premiums—section 1882b. The bill contains a direction that—

To the maximum extent possible, the benefits . . . shall be provided by or through community long term care centers.

A State agency that has charge of developing and overseeing the operation of long-term care centers may be eligible for grants from the Secretary of HEW to reimburse it for such activities. As a condition of any such grant the State must designate service areas in the State in which community long-term care centers are providing benefits, and the service areas designated must be either coterminous with or fall wholly within an area delineated and assigned to a Professional Standards Review Organization as provided in section 1152 of the Social Security Act. A State agency performing such oversight and coordinating functions would be entitled to a Federal contribution each quarter equal to 75 percent of its expenses.

LONG-TERM-CARE CENTERS UNDER EXPANDED MEDICARE COVERAGE

A long-term-care center would be required to provide those services previously mentioned as included in the expanded definition of home health services—section 1883—along with: First, evaluation and certification of long-term care needs of individuals; second, maintenance of a continuous relationship with each individual receiving services; third, provision of opportunity for family participation; fourth, operation of an effective outreach program; and fifth, performance of such other functions as the Secretary may prescribe. A community long-term-care center participating in the proposed program must agree not to impose any charge on any individual "during such individual's coverage period," but for compensation for its services must look solely to one of the optional reimbursement methods offered in the bill—section 1887.

(H.R. 1131) REDUCED AIR FARES FOR ELDERLY

Existing law prohibits any air carrier "in any manner or by any device, directly or indirectly" to "refund or remit any portion of the rates, fares, or charges" specified in its rate schedules. Excepted from the prohibitions of the law are arrangements to provide reduced-rate or free air transportation to airline employees, and their families; and reduced-rate transportation may be granted to ministers of religion on a space available basis—49 USC 1373b. Changes in existing law proposed by H.R. 1131 would permit carriers to charge reduced rates on a space available basis to any person who is 60 years of age or older, and to any handicapped person and his attendant.

(H.R. 1132) SCHOOL BUS EXCISE TAX EXEMPTION EXTENDED TO INCLUDE THE ELDERLY

An excise tax of 10 percent—5 percent after October 1, 1977—is imposed under the Federal Internal Revenue Code on a sale of a bus chassis by a manufacturer, and a tax of 8 percent on bus parts—5 percent after October 1, 1977—26 USC 4061. A further provision of the Internal Revenue Code excepts from imposition of the tax "a bus sold to any person for use exclusively in transporting students and employees of schools operated by State or local governments or by nonprofit educational organizations." Incidental use of a bus in providing transportation for a State or local government, or a nonprofit organization described in section 501(c) which is exempt from tax under section 501(a) of the Internal Revenue Code, is disregarded. Those now operating schoolbuses, who have availed themselves of the excise tax exemption, have been reluctant to participate with qualified nonprofit organizations in any cooperative arrangements to make incidental transportation of the elderly available along their routes because of fears that such use might result in loss of their excise tax exemptions.

Amendments suggested in H.R. 1132 would broaden the excise tax exemption to include any person—for example, contractors and lessors—where it is known that the use to which the bus will be put will serve units of State or local government, and would also except from application of the excise tax any sales to nonprofit organizations engaged in religious, charitable, scientific, educational, et cetera, activities that qualify them for income tax exempt status under section 501 of the Internal Revenue Code. In effect schoolbuses could then be used to alleviate some of the transportation problems of older people, particularly those who have little or no commercial transportation available, without fear that excise tax exemptions would be lost.

(H.R. 1133) INCREASE IN CHARITABLE TRANSPORTATION DEDUCTION

Currently Federal income tax law allows a deduction of 15 cents per mile for an automobile used in business, or a deduction of actual maintenance costs plus depreciation. A deduction for expenses of driving an automobile for charitable purposes is restricted to such out of pocket expenses as gas and oil, parking and tolls, or an allowance of 7 cents per mile depreciation and repairs are not allowable.

The automobile, especially in rural areas, is frequently the only practical means of transportation for the elderly and handicapped. To encourage more people to cooperate with qualified charitable organizations in making chauffeuring services and cars available to the elderly and handicapped, H.R. 1133 proposes to allow for charitable use of an automobile a deduction of equal magnitude and of the same kinds of expenses as are allowed for business use of a highway vehicle.

(H.R. 1134) REMOVAL OF EARNINGS LIMITATION ON SOCIAL SECURITY RETIREMENT INCOME

Even persons with modest earnings will find their social security retirement benefits reduced if they earn over $3,000. When earnings go over $3,000, present law requires that $1 of retirement benefits be taken away for every $2 earned—sections 203f3 and 8 of Social Security Act. In operation H.R. 1134 would eliminate the requirement that social security benefits be reduced when earnings go over the annually adjusted earnings limitation now imposed by the Social Security Act. Those drawing retirement benefits could then work and raise their standard of living without fear of losing some of their social security benefits.

INTRODUCTION OF THE BILL TO IMPROVE THE MEDICARE END-STAGE RENAL DISEASE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 10 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I am today joining with my colleague, the Honorable CHARLES A. VANIK, to introduce a bill designed to improve medicare's end-stage renal disease program. Despite the fact that this program has been enormously successful in meeting the critical need of renal patients for adequate insurance protection, we believe, on the basis of extensive committee studies, that significant improvements can be made both to contain program costs and to considerably enhance its effectiveness. I believe the bill we are introducing today would accomplish these objectives.

As my colleague points out in his statement, the high and steadily rising cost of the renal disease program is a matter of serious concern. In part, this high cost is a reflection of the technological sophistication of the various treatment modalities required for this disease, the need in most cases for lifetime care and the inflation of health care costs generally. But rising program costs are also a reflection of disincentives in the program to the use of lower cost procedures and services. There are, for example, statutory impediments to the broader use of self-dialysis and transplantation by patients who are medically and psychologically suitable candidates for these treatment modalities.

Fortunately, this is a program where the introduction of appropriate incentives to encourage the use of lower cost treatment modalities is wholly compatible with the best interests of renal disease patients and with sound medical practice. The patient who successfully undergoes transportation can return to a relatively normal and stable life. The patient who can successfully manage self-dialysis either in his own home or in a self-care dialysis unit regains a significant measure of control over his own care and escapes from what would otherwise be a permanently dependent relationship. And in both types of cases, program savings over the long run can be substantial. We would be remiss, therefore, if we failed to take the steps necessary to permit such a development to occur.

In the case of transplantation, the major disincentives are related to certain inequities in the present statutory entitlement requirements. Under present law, coverage terminates 12 months after a successful transplant. There is, however, no medical basis for this cutoff date. A transplant recipient is faced with continuing major expenses for treatment to reduce the possibility of organ rejection.

More importantly, there is no way of definitively determining medically when a transplant is totally successful. Organ rejection may occur several years after the surgery. If it does, the patient is faced with another 3-month waiting period before dialysis benefits can begin. In addition, there is no coverage, where the transplant fails after 12 months, for the expensive complications which can accompany failure. This benefit limitation is serious, not only because the rate of organ rejection is fairly high but also because of its potential deterrent effect.

The bill we are introducing today would help to overcome these disincentives to transplantation in four ways. First, it would extend the post-transplant period of coverage from the present 12 months to 36 months. Second, it would provide for the immediate resumption of coverage without a waiting period if and whenever the transplant fails. Third, it would modify present law by beginning coverage initially with the month of hospitalization, without regard to the waiting period, if transplant surgery takes place within that month or the following 2 months. And fourth, it would provide coverage for the hospital and surgical expenses incurred by kidney donors, including the surgical recovery period up to 2 months.

It has been estimated that with the elimination of disincentives and an increase in the number of available organs, treatment through transplantation might be extended to as many as 40 percent of all new renal disease patients. Over a 10-year period, such a development could produce program savings in excess of $2 billion.

No legislative, however, can help the renal disease patient who wishes to undertake transplantation if there are not enough kidneys being donated. At present, long delays face patients awaiting a donated kidney. It is imperative that ways be found to encourage organ donation. Therefore, the bill directs the Secretary to conduct experiments to evaluate and recommend programs to increase the number of organ donors.

In the case of self-dialysis, there are several disincentives in the program which have discouraged patients from undertaking this mode of treatment. Some of these disincentives are a direct consequence of the benefit structure of the medicare program which was not designed originally with the unique problems of renal patients in mind. Others flow from the special arrangements required for the care and treatment of renal patients.

Nevertheless, the fact that the percentage of renal patients on self-dialysis has steadily declined during the 4 years the program has been in effect makes it imperative to modify present law. Since the cost of self-dialysis, and particularly home dialysis, is significantly less than full care maintenance dialysis in an institution, the potential program having from increased use of self-dialysis is substantial. It is variously estimated that the cost of home dialysis, for example, is one-fourth to one-third less than maintenance dialysis in an institutional setting.

The bill includes several provisions intended to encourage the use of self-dialysis. First, it would provide for waiver of the 3-month waiting period for an individual who enters a self-care dialysis training program prior to the third month after the month he initiates a regular course of renal dialysis.

Second, the bill would expand coverage of expenses for medically necessary supplies and equipment incurred by patients dialyzing at home, and would provide coverage for self-care home dialysis support services furnished by facilities to home dialysis patients. The purpose of these provisions is to overcome the problem in present law that home dialysis, while less expensive to the program, often results in a larger out-of-pocket expense to the patient. This is so because some expenses that would be covered in an institutional setting are not covered at the patient's home. The provisions included in this bill would eliminate this disparity and thereby remove a present disincentive to home dialysis.

Third, the bill requires the Secretary to conduct periodic surveys to assure that self-care training programs are accessible to any renal patient who wishes to undertake this mode of treatment and authorizes him to suspend or terminate the participation of designated facilities

which fail to provide adequate training programs.

Fourth, the bill includes certain provisions specifically designed to reinforce professional and patient motivation to carefully and continuously consider the use of self-care dialysis by suitable candidates as the preferred mode of treatment. Granted that the decision to undertake self-dialysis is a complex and difficult one for patients to make, it is one that should be fully considered. Moreover, the involvement of the patient's physician in the decision—his advice, support and encouragement—is critical.

Thus, the bill provides two mechanisms for encouraging attention to this decision. On the one hand, it establishes goals, consistent with the best professional judgments, with respect to the proportion of patients who should be referred for self-dialysis training and self-care. Initially, the goal would be 40 percent of the patients by 1978, 50 percent by 1980, and such additional percent as may be found appropriate after consultation with medical review boards.

On the other hand, the bill requires the medical review board in each network to identify those facilities with a particularly low referral rate, to review the patients in such facilities to determine their suitability for self-care, and to encourage the facilities and physicians to arrange for self-dialysis training and care. Where the facility and the physician fail to make good faith efforts in this direction, the Secretary would be required to reduce payment to the facility and the physician to the level at which payment would have been made if the patient had gone on self-dialysis.

Finally, our bill addresses the need to clarify the congressional intent with respect to reimbursement for services furnished to renal disease patients. Substantial difficulties were anticipated at the time of enactment of this program in the development of equitable reimbursement policies. Little data was available either on treatment costs or on prevailing charges. Moreover, there were a great variety of arrangements through which services in the relatively new field of renal dialysis were rendered. In recognition of this unique situation, the Congress authorized the Secretary in very general terms to develop and apply policies in the light of evolving experience.

However, uncertainties about the scope of this authority make it desirable to clarify the congressional intent. Thus, the bill would explicitly confirm the consistency with congressional intent of the method of reimbursing physicians on a comprehensive monthly basis. In addition, it would provide for reimbursement for renal disease facilities on the same reasonable cost basis used under medicare for reimbursing hospitals for services to renal disease patients.

The medicare renal disease program has been an effective one. It has made the fruits of medical research and technology available to many people whose families might otherwise have suffered severe economic deprivation or even the irreparable loss of the patient's life. The program is a costly one, however, and it is our responsibility to assure the most effective use of program funds. We have introduced this bill to assure that the program's cost is maintained at a reasonable level without in any way impairing the quality of care furnished to patients.

INTRODUCTION OF ROSTENKOWSKI-VANIK ESRD BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, I am pleased to join with the Ways and Means Health Subcommittee chairman, our colleague DAN ROSTENKOWSKI, in introducing today new and strong legislation designed to reform the medicare chronic kidney disease program by providing better coverage for patients, while establishing new incentives for the use of the least expensive methods of treatment.

During the 94th Congress, the Ways and Means Oversight Subcommittee, which I chaired, held several days of hearings on this program—known as the end-stage renal disease, ESRD, program—issued a subcommittee report, and maintained observation of the program. In addition, several members of the Oversight Subcommittee and myself introduced legislation (H.R. 12012 and H.R. 14804) incorporating the subcommittee's recommendation.

The bill which Chairman ROSTENKOWSKI and I are introducing today includes those recommendations plus major additional, strengthening features. The bill which will now be before the Ways and Means Committee will be the product of several years of work; it is a well-defined bill which is desperately needed.

The ESRD program is the Nation's first catastrophic disease program. It was introduced as an amendment to the Social Security Act of 1972 (Public Law 92-602) and went into effect July 1, 1973. The program extends medicare benefits to most patients, regardless of age, who suffer from end-stage renal disease.

Before enactment of the ESRD program, thousands of individuals who could not afford treatment or were slightly marginal cases died—even though the technology for treatment existed. Today, the number of ESRD patients is now approximately 26,000 and is expected to rise and level off at least to 70,000 by 1990. Medicare generally covers up to 80 percent of the cost of treatment, and it is believed that no ESRD patients who are medically qualified are going untreated. In addition, there has been tremendous growth in the number of dialysis facilities, and the capital provided by the medicare program has resulted in improvements in equipment and treatment.

For patients, the program has generally been an enormous success. The cost of the program, however, is staggering, and has ominous implications for any proposals to provide catastrophic health insurance coverage to the population generally or to classes of patients suffering from other costly diseases—such as cerebral palsy, hemophilia, cancer, and so forth.

A number of experts in this program are now saying that by 1981, the cost of this program may be $1.5 billion to treat some 65,000 patients. This is an incredible expense for the treatment of a relatively small proportion of the population. We must examine this program to determine how costs can be reduced without jeopardizing the health of those who are dependent on the program.

While the exact figures may vary, home treatment is about one-third the cost of treatment in a dialysis facility and about one-fourth the cost of treatment in a hospital. Roughly, home treatment runs about $6,000 to $7,000; treatment in a facility is about $20,000 and in a hospital, about $30,000 per year.

Obviously if more patients were to undertake self-dialysis at home, the savings to medicare could be enormous. Unfortunately, since the start of the ESRD program, the percentage of patients being treated at home has declined. This trend must be reversed.

The present program contains "disincentives" or obstacles to treatment at home—the form of dialysis treatment generally considered least expensive and best in terms of patient independence and ability to lead a normal life.

Following is a recent letter from a patient in California who explains, quite graphically, why patients are not treating themselves at home:

I am a home dialysis patient. I have been on dialysis over four years and on home dialysis almost that long.

Recently I have been forced to have dialysis in a kidney center because the cost of home dialysis has been more costly to me than at a center. Medicare pays a full 80% of dialysis at the center, but closer to 60% for supplies at home, even though the exact same supplies are used. . . .

I am enclosing one of my home supply bills to show a Medicare payment. Total bill $1026.39. Amount approved, $816.62. The payment made was $653.30 or about 63%. $209.77 was deducted and my private insurance will not pay on anything that Medicare will not pay. As you can see, my medical expenses have been great. My private insurance paid 80% of $816.62 minus 653.30 or $130.66 so I had to pay $233.44 out of my own pocket for home supplies. Out of pocket expenses for kidney center dialysis costs me $86.00 for 12 treatments which is less than at home, and costs Medicare $1720.00. It does not give me an incentive to dialyze at home. I also have other expenses such as blood tests, medication, etc. . . .

The approximate cost of home supplies is $650.00 a month, kidney center dialysis is $2150.00 per month, so a saving to Medicare should interest you. . .

The bill seeks to correct this type of problem. First, it encourages transplantation. A successful transplant can be the ideal treatment. It restores the patient to health and after an initial heavy surgical expense, it frees the patient from the need for dialysis. Unfortunately, transplants often fail, thus subjecting the patient to additional, enormous medical expenses. The bill extends ESRD medical protection for 3 years after a transplantation and provides for immediate resumption of coverage in case of transplant organ failure. In addition, the medical expenses of the donor are covered as part of an effort to encourage organ donation.

Second, the bill improves coverage of the cost of dialysis. The present law provides coverage starting in the third month of dialysis. The bill would start coverage earlier if the patient begins training for self-dialysis. Our bill would provide for support services at home, such as help in installing equipment properly and so forth. In addition, the bill sets a goal of 50 percent—and perhaps even more—of all patients on self-dialysis. Providers will be encouraged to move toward this goal, partly through the efforts of medical review boards which will be selectively reviewing the mode of patient treatment to insure that all patients who can be treated at home are indeed referred for home treatment. A provider who, after review and appeal, fails to take appropriate steps to arrange for self-dialysis will only be reimbursed at the rate provided for self-dialysis. This rather strong provision addresses a very serious problem: The fact that many providers and physicians are insufficiently motivated to encourage and assist patients to undertake self-dialysis. We believe our bill will insure full consideration and support of the concept of self-dialysis.

Recently, several ESRD issues have come to my attention, and I hope that these problems which are not specifically mentioned in the legislation can be discussed during the hearings on the bill we are today introducing.

First, the cost of kidney dialysis machines varies by thousands of dollars. The lower cost machines are generally as effective as the higher priced ones—there are simply Chevy models and Cadillac models. Like the Cadillac, the more expensive models have more luxury items—items which can be reassuring to the patient such as gages, alarms, and sophisticated dials. It is understandable why, when one's lifeblood is flowing through a piece of machinery, one would want the Cadillac model. But since both the lower priced equipment and the more costly equipment both do the job, I am concerned about the added expense that these evermore sophisticated pieces of equipment are placing on the program. I received a letter dated January 10, 1977, from the Director of the Bureau of Health Insurance, Mr. Tom Tierney, in which he states:

> I should point out that there is no legislative authority in the Medicare program either to specify the type of dialysis equipment or supplies to be prescribed by physicians . . .

I believe we should ask at the hearing on this legislation whether it is time to place some cost limits on the type of equipment which will be paid for with medicare assistance.

As another example of the problem of the growing cost of equipment and supplies, prior to the ESRD amendment many patients saved money by carefully washing the dialysis filters which must be used with each treatment. Since a filter today costs roughly somewhere between $15 and $50, cleaning and reusing filters would obviously be a way to save funds. But with the advent of the ESRD program, the financial pressure was largely taken off patients and providers to reuse filters or to use the least expensive filters. Today, filters are generally thrown away after one use—which does have the advantage of eliminating some dangers of infection, hepatitis, and so forth, from improperly cleaned filters. Again, in view of the cost of this program, I would like to ask at the hearings on this legislation whether medicare could establish that several reasonably priced types of filters meet the needs of 95 percent of the patients and that therefore, medicare will reimburse for no more than the cost of these particular types of filters.

Both of these ideas will undoubtedly raise protests from the medical community—and even louder protests from the manufacturers and suppliers of medical equipment. But I do not believe that we can afford the continued luxury of reimbursing for "overbuilt" equipment.

Another question occurs from a recent position paper by the Renal Physicians Association which stated:

> A consensus of renal physicians indicates that 30 dialysis patients per physician is a reasonable load. If the patients are very stable, that burden may not be difficult, but all other aspects of their practice are curtailed by the time and activities consumed in a dialysis program.

Nearly 1 year ago, on behalf of the Health Subcommittee, I asked for a report from the Bureau of Health Insurance on the type of reimbursement physicians received under the ESRD program and the number of patients they treated. Bureau Director Tom Tierney provided us with this report on January 14, 1977. We are currently analyzing the report and it will be available at the hearing on this legislation. In general, it appears to show that physicians who have been treating kidney disease patients have not received excessive amounts of reimbursement from the program; indeed, the payment to physicians is, on the average, surprisingly low. In addition, most physicians appear to be quite restrained in the number of patients they attempt to serve. On the other hand, there are several physicians who appear to be treating considerably more patients than the Renal Physicians Association finds reasonable. The reimbursement for these particular few physicians is therefore quite high.

I hope that at the hearing on the legislation we are introducing today that we can discuss with medicare officials the reasons for some of these variations in physician patterns of practice.

LEGISLATION TO EXPEDITE COMPLETION OF THE INTERSTATE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. IRELAND) is recognized for 10 minutes.

Mr. IRELAND. Mr. Speaker, today I am introducing legislation to give the States the opportunity to bond construction costs for the remaining segments of the Interstate System in order to expedite completion of this National Highway System and create jobs which are needed now. I am very pleased that Mr. SIKES, Mr. ROGERS, and Mr. FUQUA have joined me in cosponsoring this legislation.

I am concerned about completing the unfinished segments of the Interstate System in Florida, particularly Interstate 75 which is needed to help relieve dangerous congestion south of Tampa. I want to emphasize, however, that this legislation will help other States as well.

This bill merely provides States with an optional method of funding interstate highway construction. States that do not wish to take this approach would not be penalized in any way and would continue to receive their annual apportionment from the highway trust fund.

States that choose this option would be required to submit to the Department of Transportation a bonding program for approval. After, approval, the State could issue bonds to pay for interstate construction at today's prices. These bonds would be based on a binding contractual agreement by the Federal Government to pay the principal and interest which would be repaid from future Federal highway apportionments.

Allowing the States to issue bonds would insure much earlier completion of needed segments of the Interstate System and could provide jobs in areas suffering from high rates of unemployment. Earlier completion would lessen the inflationary impact on construction costs, and could result in a substantial savings to the Government.

In 1958 the estimated cost of completing the Interstate System was $37.6 billion. Today it is over $100 billion. In recent years construction costs have increased 10 percent annually, with an increase of approximately 50 percent in the cost-price index for road-building for the period between 1973 and 1975. Unfortunately, there are no indications that this inflationary rate will level off in the near future.

With the backing of the Federal Government, these bonds would be considered low-risk, and the interest rates would be lower. Therefore, if you consider the interest costs in view of the historic inflationary trends in construction costs, it is apparent that substantial savings could result by completing the Interstate System at today's costs.

Also, I understand that interstate highways are about twice as safe as travel on other roads. On the basis of safety alone, we should try to complete the system as soon as possible.

In conclusion, the bill I am introducing today will provide the States with a viable option for earlier completion of the unfinished portions of the Interstate System. By giving the States this option, would be helping to create needed jobs and a safer and more usable National Highway System and we would save tax dollars.

CONGRESSIONAL PAY RAISE DEFERRAL PROPOSALS—AN UNFINISHED HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, I am pleased to note the reintroduction of the Congressional Pay Raise Deferral Act today with five new cosponsors. This brings to about 70 the total of Representatives who are cosponsoring this legislation, which was first introduced as H.R. 1365.

On January 24, I placed a statement in the RECORD, nothing that 37 States have constitutional provisions barring State legislators from raising their own salaries during their current term of office. Now, as a further part of my review of the idea of congressional pay raise deferral, I shall briefly outline the history of attempts to add a comparable provision to the Federal Constitution or statute books.

In April 1789, the U.S. Congress met for the first time under the new Constitution. The next month, James Madison proposed a set of amendments to the Constitution. His amendments were based upon the recommendations of the various State conventions that had been held for the purpose of discussing and ratifying the constitution.

Twelve of the proposed amendments were approved by the Congress and sent back to the States for ratification. Ten were ratified; two failed to be endorsed by the necessary three-fourths of the States. The 10 amendments that were ratified are known as the Bill of Rights.

One of the amendments that had been proposed, but which was not ratified, read as follows:

> No law, varying the compensation for services of the Senators and Representatives, shall take effect until an election of Representatives shall have intervened.

In arguing for passage of this amendment, Madison discussed the power of the Legislature to set its own salary level. He said:

> I do not believe this is a power which, in the ordinary course of Government, is likely to be abused . . . but there is seeming impropriety in leaving any set of men without control to put their hand into the public coffers, to take out money to put in their pockets; there is seeming indecorum in such power, which leads me to propose a change . . . that no law, varying the compensation shall operate until there is a change in the Legislature; in which case it cannot be for the particular benefit of those concerned in determining the value of the service.

As previously observed, that proposed amendment was not ratified. Three States rejected it. Coupled with the three other States that failed to act at all on any of the 12 amendments, this defeated the proposal.

The records from that period are rather sketchy, but we are able to reconstruct two principal arguments that were raised against the proposed congressional pay raise deferral amendment.

Congressman Sedgwick spoke against Madison's proposal, saying that the amendment was unnecessary. He thought there was very little danger of abuse of Congress power to set its own wages. Regarding any future salary increases, he said, "Gentlemen were more inclined to make them moderate than excessive."

Congressman Vining opposed the amendment on the grounds that every future Legislature would feel a degree of gratitude to the preceding one, "which had performed so disagreeable a task for them."

Following the rejection of the constitutional amendment, the issue of congressional pay raise deferral remained quiet for almost 100 years. It arose again in the closing days of the 42d Congress.

In late 1873 the annual salary of Members of Congress was raised from $5,000 to $7,500, an increase of 50 percent. There was some public outcry and, at the opening of the 43d Congress, four bills were introduced, proposing a constitutional amendment providing that salary increases voted upon by Members could not become effective before the next election of Representatives.

A month later the Congress repealed 17 Stat. 486, the 1873 salary increase. With that, the interest in congressional pay raise deferral legislation died down.

Incidentally, the congressional salary remained at $5,000 for another 34 years. In 1907 it was finally raised again to $7,500.

The next time that we find serious consideration given to the idea of deferring congressional salary increases by regular statute is in the 94th Congress. Just before the August recess in 1975, the Congress voted to attach its salary to the Federal cost-of-living index system. Thus, pay raises would come automatically, without special legislation.

For the previous 70 years, the custom had been that any legislation proposing a pay raise would contain a delay clause, providing that the increase would not become effective until some date after the next general election. Our action in the last Congress wiped out this practice.

In September 1975, Congressman Charles Mosher introduced the Congressional Pay Raise Deferral Act. That bill would have allowed cost-of-living indexing to continue, but would have deferred any salary increase until the start of the Congress following the one in which it is voted upon.

The Mosher bill ultimately attracted 85 cosponsors in the House. In the Senate, Bob Taft succeeded in adding the Mosher bill as an amendment to the Hatch Act Reform Act.

However, the Taft amendment was stripped from the Hatch Act Reform Act during conference and the bill ultimately failed anyway. The 94th Congress ended with no action taken on the Mosher bill in the House.

When Chuck Mosher retired last year, I took over the role of chief sponsor of the proposed Congressional Pay Raise Deferral Act. The legislation was altered to take into account the Quadrennial Commission, and several other minor changes were made. It was then reintroduced as H.R. 1365 on the first day of this session, January 4.

NED PATTISON, NEWT STEERS, and DON PEASE joined me as principal sponsors of the bill when it was introduced. Today, about 70 Members altogether are copsonsors.

We have asked the House Committee on Post Office and Civil Service to schedule hearings on H.R. 1365, and we are awaiting their reply. Hopefully, soon we will be able to write a happy ending to the history of congressional pay raise deferral proposals.

CUBA'S NUCLEAR PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 5 minutes.

Mr. FASCELL. Mr. Speaker, I rise to express both my serious concern about Cuba's plans to construct a nuclear powerplant and my hope that the new administration will forcefully pursue diplomatic initiatives with the Soviet Union to minimize the danger of diversion of nuclear materials by the Castro government to a nuclear weapons program. The Detroit News of January 15, 1977, contained an excellent editorial stressing the need for added attention to Cuba's program by the United States.

One aspect of Cuba's plans, not touched on in the editorial, is the question of the safety of Cuba's proposed powerplant. This is of particular concern to my constituents in south Florida, some of whom live within 100 miles of Cuba. It is my understanding that Soviet reactors may not have incorporated into their design adequate protective devices in the event of a reactor malfunction or a nuclear accident. This potential danger to the health and welfare of our citizens must be accorded priority attention by those in the executive branch concerned with our foreign policy.

Diplomatic initiatives to insure that Cuba's proposed nuclear power program does not lead to a nuclear weapons program or result in a nuclear accident should have the highest priority in the new administration.

I call the text of the Detroit News editorial to the attention of my colleagues:

NUCLEAR TECHNOLOGY—WILL SOVIETS MONITOR CUBA?

The Communist-bloc economic association, Comecon, will build a nuclear power plant in Cuba, the first for the Castro regime. The location of such a reactor in territory so hostile to the United States, less than 100 miles from its shores, should raise all kinds of questions in Washington.

The Soviet Union, in its approach to the nuclear problem, has characterized itself as "enthusiastic" about controls aimed at preventing the proliferation of nuclear weapons.

Little has been said about the kind of controls the Soviet Union will impose on Cuba to monitor the fuel and, more particularly, the bomb material plutonium, the elements of which are contained in spent fuel.

At the very least, the Soviet Union should make it clear that Cuba will never be given a fuel reprocessing plant which would elevate Cuban nuclear technology to an intolerably dangerous level (at least, so far as the Western world is concerned).

The one thing the world does not want is a Cuban nuclear bomb factory on the threshold of America and Latin America.

The United States has made a strong argument for tightening controls on exported nuclear power plants. All of these reactors, the United States has said, should be subject to international supervision, with stiff accounting procedures on the storage and

movement of fuel. Further, the United States argues that reprocessing plants which can make spent fuel into bomb material should not be exported by the supplier nations at all—that such plants should be under international control and their sites carefully chosen.

It can be argued with certainty that what is good for the American nuclear program is just as good for the Soviet program; that it is just as important for the Soviet Union to provide leadership in the campaign to prevent nuclear proliferation as it is for the United States to do so.

Cuba is one place for the Kremlin to start. The United States must bring the Soviet Union to account on this issue. If the Soviet Union is indeed enthusiastic about controls to prevent proliferation, the policy must be applied to the Cuban deal.

PUBLICATION OF RULES OF COMMITTEE ON APPROPRIATIONS

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, pursuant to and in accordance with rule XI, clause 2(a)(3) of the Rules of the House of Representatives, I submit for printing in the CONGRESSIONAL RECORD a copy of the rules of the Committee on Appropriations as approved by the committee on January 27, 1977:

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON APPROPRIATIONS, COMMITTEE RULES

(Adopted for the 95th Congress on January 27, 1977)

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the Ninety-fourth Congress, except as otherwise provided hereinafter, shall be, and are hereby adopted as the rules and practices of the Committee on Appropriations in the Ninety-fifth Congress:

The foregoing resolution adopts the following rules:

SECTION 1: POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers and documents as it deems necessary. The Chairman or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SECTION 2 SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority. Provided, however, that party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman is authorized to sit as a member of any subcommittee and to participate in its work.

SECTION 3: COMMITTEE STAFF

(a) The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in Clause 6(c) of Rule XI of the Rules of the House of Representatives. In addition he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) The chairman of each subcommittee may select and designate a staff member who shall serve at the pleasure of the subcommittee chairman. Such selection shall be subject to the approval of a majority of the Majority Members of the full Committee. Such staff member shall be compensated at a rate, determined by the subcommittee chairman not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(c) The ranking minority member of each subcommittee may select and designate a staff member who shall serve at the pleasure of the ranking minority member. Such staff member shall be compensated at a rate, determined by the subcommittee chairman not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives or the rate paid the staff member appointed pursuant to subsection (b) of this section; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(d) The Chairman, and the Ranking Minority Member with the approval of the Chairman, may each select and designate a staff member at an annual gross salary of not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives and may each select and designate one additional staff member.

(e) Each member not mentioned in subsection (a), (b), (c), or (d) of this section may select and designate a staff member who shall serve at the pleasure of that member. Such staff member shall be compensated at a rate, determined by the member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no member shall appoint more than one person pursuant to these provisions; Provided further, that members designating a staff member under this subsection must specifically certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

SECTION 4: COMMITTEE MEETINGS

(a) Regular Meeting Day—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

(b) Additional and Special Meetings:

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) Ranking Majority Member to Preside in the Absence of Chairman—If the Chairman is not present at any meeting of the Committee, the Ranking Majority Member on the Committee who is present shall preside.

(d) Business Meetings:

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(3) The provisions of this subsection do not apply to open hearings of the Committee or its subcommittees which are provided for in Section 5(b)(1) of these Rules or to any meeting of the Committee relating solely to internal budget or personnel matters.

(e) Committee Records:

(1) The Committee shall keep a complete record of all Committee action including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition and the name of each Member voting for and each Member

voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House and all Members of the House shall have access thereto.

SECTION 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) Overall Budget Hearings—Overall budget hearings by the Committee, including the hearing required by Sec. 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate and the Resident Commissioner from Puerto Rico.

(b) Other hearings:

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives; Provided, That the Committee or its subcommittees may be the same procedure vote to close one subsequent day of hearing; Provided further, that no Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public.

(2) Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of his appearance a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary; except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(c) Quorum for Taking Testimony—The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses:

(1) The Minority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five minute rule during the interrogation of witnesses until such time as each Member of the Committee or subcommittee who so deserves has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings:

(1) The Chairman is authorized to determine the extent and nature of broadcasting and photographic coverage for the overall budget hearing and full Committee meetings and hearings, subject to the guidelines for such coverage set forth in Sec. 116(b) of the Legislative Reorganization Act of 1970 and Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(2) Unless approved by the Chairman and concurred in by a majority of the subcommittee, no subcommittee hearings or meetings shall be broadcast by radio or television.

(3) Unless approved by the subcommittee chairman and concurred in by a majority of the subcommittee, no subcommittee hearing or meeting or subcommittee room shall be photographed.

(4) Broadcasting and photographic coverage of subcommittee hearings and meetings authorized under the provisions of (2) and (3) above shall be subject to the guidelines for such coverage set forth in Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(f) Subcommittee Meetings—No subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings—The Chairman is authorized and directed to make public announcements of the date, place and subject matter of Committee and subcommittee hearings at least one week before the commencement of such hearings. If the Committee or any of its subcommittees as the case may be, determines that there is good cause to begin a hearing sooner, the Chairman is authorized and directed to make the announcement at the earliest possible date.

SECTION 6: PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement:

(1) It shall be the duty of the Chairman, except as provided in subsection (3) herein, to report or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill prior to compliance with subsection (3) herein or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(3) Before reporting the first regular appropriation bill for each fiscal year, the Committee shall, to the extent practicable and in accordance with Sec. 307 of the Congressional Budget Act of 1974, complete subcommittee markup and full Committee action on all regular appropriation bills for that year and submit to the House a report comparing the Committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year.

(b) Presence of Committee Majority—No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes—With respect to each roll call vote on a motion to report any bill or resolution, the total number of votes cast for, and the total number of votes cast against, the reporting of such a bill or resolution shall be included in the Committee report.

(d) Compliance with Congressional Budget Act—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Sec. 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Inflationary Impact Statement—Each Committee report on a bill or resolution reported by the Committee shall contain a detailed analytical statement as to whether the enactment of such bill or resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(f) Changes in Existing Law—Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers—Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Supplemental or Minority Views:

(1) If, at the time the Committee approves any measures or matter, any Committee Member gives notice of his intention to file supplemental, minority or additional views, he shall be entitled to not less than three calendar days (excluding Saturdays, Sundays and legal holidays) in which to file such views in writing and signed by him, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority or additional views are included as part of the report.

(3) Subsection (h)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee gives notice of his intention to offer supplemental, minority or additional views, he shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(i) Availability of Reports—A copy of the bill and report on each general appropriation bill shall be made available to each Member

of the Committee at least 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill and report.

SECTION 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the members present.

SECTION 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Sec. 202(b) of the Legislative Reorganization Act of 1946 and in Clause 2 (b)(3) of Rule X, of the Rules of the House of Representatives.

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SECTION 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable the Chairman shall direct the head of each government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 2(n) of Rule XI of the Rules of the House of Representatives, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of Committee Members or staff in any country where local currencies are available for this purpose. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports:

(1) Members or staff shall make a report to the Chairman on their travel covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed no later than sixty days following completion of the travel with the Chairman for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by him.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, as promulgated from time to time by the Chairman.

PUBLICATION OF RULES OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

(Mr. JOHNSON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOHNSON of California. Mr. Speaker, pursuant to rule XI, clause 2 (a), of the Rules of the House of Representatives, the Rules of Procedure of the Committee on Public Works and Transportation are submitted for publication in the CONGRESSIONAL RECORD:

RULES FOR THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, 95TH CONGRESS (1977–78)

(Adopted January 26, 1977.)

RULE NO. I—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of House Rules and (subject to the adoption of expense resolutions as required by Rule XI, clause 5 of House Rules) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under Rule X and XI of House Rules during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE NO. II—REGULAR AND SPECIAL MEETINGS; OPEN COMMITTEE MEETINGS

(a) Regular meetings of the committee shall be held on the first Tuesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the committee for that month. The Chairman shall give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting. If the Chairman believes that the committee will not be considering any bill or resolution before the full committee and that there is no other business to be transacted at a regular meeting, the meeting may be cancelled, delayed or deferred until such time as, in the judgment of the Chairman, there may be such matters which require the committee's consideration. This paragraph shall not apply to meetings of any subcommittee.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) If the Chairman of the committee or subcommittee is not present at any meeting

of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) The committee may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

(f)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public: Provided, however,that no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(1) of House Rule X or by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. No member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the committee or any subcommittee, unless the House of Representatives shall by majority vote authorize the committee or a particular subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedure designated in this subparagraph for closing hearings to the public; Provided, however, that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

RULE NO. III—RECORDS AND ROLL CALLS

(a) There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

RULE NO. IV—PROXIES

(a) A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

(b) Proxies shall be in the following form:

Hon. _____,
House of Representatives,
Washington, D.C.

DEAR _____: Anticipating that I will be absent on official business or otherwise unable to be present, I hereby authorize you to vote in my place and stead in the consideration of _____ and any amendments or motions pertaining thereto.

_____,
Member of Congress.

Executed this the ____ day of _____, 19____, at the time of _____ p.m./a.m.

RULE NO. V—POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI the committee, or any subcommittee thereof, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within or without the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents

as it deems necessary. The Chairman of the committee, or any member designated by the Chairman, may administer oaths to any witness.

(b)(1) A subpoena may be issued by the committee or subcommittee under subparagraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the committee or by any member designated by the committee. If a specific request for a subpoena has not been previously rejected by either the committee or a subcommittee, the Chairman of the committee, after consultation with the ranking minority member, may authorize and issue a subpoena under subparagraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the committee. Whenever a subpoena is issued under this subparagraph, as soon as practicable thereafter, the Chairman shall notify all members of the committee of such action.

(2) Compliance with any subpoena issued by the committee or subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

(c) Each witness who has been subpoenaed, upon the completion of his testimony before the committee or any subcommittee, may report to the office of counsel of the committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the committee, or his representative, prior to leaving the hearing room.

RULE NO. VI—QUORUMS

(a) One-third of the members of the committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to subparagraph (f) of committee Rule II, the authorizing of a subpoena pursuant to subparagraph (b) of committee Rule V, the reporting of a measure or recommendation pursuant to subparagraph (b)(1) of committee Rule VIII, and the actions described in subparagraph (b), (c) and (d) of this Rule.

(b) A majority of the members of the committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) A majority of the members of the committee or a subcommittee shall constitute a quorum for approval of any of the following actions:

(1) Construction, alteration, purchase or acquisition of a public building involving an expenditure in excess of $500,000 and lease of space at an average annual rental in excess of $500,000 (section 2 of P.L. 92–313, 40 U.S.C. 606).

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965, as amended).

(4) Continuation of the authorization of a water resources development project to be constructed by the Corps of Engineers where such project has been recommended for deauthorization pursuant to the provisions of section 12 of the Water Resources Development Act of 1974.

(5) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(6) Authorization of a Soil Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress, as amended).

(d) Two members of the committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE NO. VII—HEARING PROCEDURES

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 2 working days before the day of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Upon announcement of a hearing, to the extent practicable the Clerk and Staff

Director shall cause to be prepared a concise summary of the subject matter (including legislative reports and other material) under consideration which shall be made available immediately to all members of the committee. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the committee any official reports from departments and agencies on such matter.

(e) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(f) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(g) The following additional rules shall apply to investigative hearings:

(1) The Chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) receive such evidence or testimony in executive session;

(B) afford such person an opportunity voluntarily to appear as a witness; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the Chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

(10) No major investigation by a subcommittee shall be initiated without approval of a majority of such subcommittee.

RULE NO. VIII—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a)(1) It shall be the duty of the Chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each roll call vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include.

(1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House separately set out and clearly identified;

(2) the statement required by section 308 (a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 4(c)(2) of Rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (3) and (4) of subparagraph (c) are included as part of the report.

This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(f)(1) All committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under Rule VIII, that purport to express publicly views of the committee or any of its subcommittees or members of the committee or its subcommittees shall be approved by the committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release and distribution in accordance with subparagraph (e) of this rule.

(2) No committee or subcommittee document containing views other than those of members of the committee or subcommittee shall be published without approval of the committee or subcommittee.

RULE NO. IX—OVERSIGHT

(a) In order to assist the House in:

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its fomulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, there shall be in conformity with Rule XV a Subcommittee on Investigations and Review.

(b) The Subcommittee on Investigations and Review and the appropriate subcommittee with legislative authority shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Subcommittee on Investigations and Review and the appropriate subcommittee with legislative authority shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee. The Subcommittee on Investigations and Review shall in no way limit the responsibility of the subcommittees from carrying out their oversight responsibilities.

(c) The Subcommittee on Investigations and Review and the appropriate subcommit-

tee with legislative authority shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

RULE NO. X—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, on or before March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. XI—BROADCASTING OF COMMITTEE HEARINGS

(a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings, or committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objects and purposes of the hearings or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or any member or bring the House, the committee, or any member into disrepute.

(d) The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever any hearing or meeting conducted by any committee of the House is open to the public, that commitee may permit, by majority vote of the committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the committee may adopt in accordance with the purposes, provisions, and requirements of this clause.

(f)(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to subparagraph (g)(5) of Rule VII, relating to the protection of the rights of witnesses.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level necessary to provide adequate television coverage of the hearing or the meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE NO. XII—COMMITTEE AND SUBCOMMITTEE BUDGETS

(a) The Chairman, in consultation with the chairman of each subcommittee, the majority members of the committee and the minority membership of the committee, shall, for each session of the Congress, prepare a consolidated committee budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the full committee and its subcommittees.

(b) Authorization for the payment of additional or unforeseen committee and subcommittees' expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Rule XIV within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the full committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the committee office for review by members of the committee.

RULE NO. XIII—COMMITTEE AND SUBCOMMITTEE STAFF

(a) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority members of the com-

mittee shall determine within the budget approved for such purposes; Provided, however, that no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart.

(b) The professional and clerical employees of the committee not assigned to a subcommittee or to the minority under the above provision shall be appointed, and may be removed, and their remuneration determined by the Chairman.

(c) The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the ranking minority party member of the full committee who may delegate such authority as he determines appropriate.

(d) The professional and clerical staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(e) It is intended that the skills and experience of all members of the committee staff shall be available to all members of the committee.

(f) (1) The chairman of each standing subcommittee of this committee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority member of each standing subcommittee on this committee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in paragraph (c) of clause 6 of House Rule XI; Provided, however, a staff person appointed by a ranking minority member shall be compensated at a rate not to exceed that paid his or her majority party staff counterpart.

(4) Subparagraphs (1), (2), and (3) shall apply to six subcommittees only, and no member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the subcommittee chairmen and ranking minority party members pursuant to subparagraphs (1) and (2) shall be made available from the staff positions provided under clause 6 of House Rule XI unless such staff positions are made available pursuant to a primary or additional expense resolution.

(6) Except as provided by the above provisions, the professional and clerical members of the subcommittee staffs shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with the approval of a majority of the majority members of the subcommittee, and with the approval of the chairman.

(7) The professional and clerical staff of a subcommittee shall be under the supervision and direction of the chairman of that subcommittee.

RULE NO. XIV—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee of any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is to be made;

(4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a) and in addition thereto setting forth that subcommittee funds are available to cover the expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule VII of the committee.

(c) (1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel, when requested by the Chairman.

(b) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. XV—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be 6 standing subcommittees. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively:

(1) Subcommittee on Aviation

(2) Subcommittee on Economic Development

(3) Subcommittee on Investigations and Review

(4) Subcommittee on Public Buildings and Grounds

(5) Subcommittee on Surface Transportation

(6) Subcommittee on Water Resources

(b) The committee may provide for such additional subcommittees as determined to be appropriate; Provided, however, that such additional subcommittees are approved by a majority of the majority members on the committee.

RULE NO. XVI—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

(d) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(e) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and where practicable shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill reported by a subcommittee

shall be considered by the full committee unless it has been delivered to the offices of all members at least 48 hours prior to the meeting, unless the chairman determines that such bill is of such urgency that it should be given early consideration. Where practicable, such bills, resolutions, or other matters shall be accompanied by a comparison with present law and a section-by-section analysis of the proposed change.

RULE NO. XVII—REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) Each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee named in Rule XV referred to or initiated by the full committee shall be referred by the Chairman to the subcommittee of appropriate jurisdiction within two weeks, unless by majority vote of the majority members of the full committee, consideration is to be by the full committee.

(b) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the Chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) In carrying out Rule XVII with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees, consistent with Rule XV, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each part to a different subcommittee, or refer the matter to a special ad hoc subcommittee appointed by the Chairman (from the members of the subcommittee having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the full committee thereon, or make such other provisions as may be considered appropriate.

RULE NO. XVIII—SIZES AND PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

(a) To the extent that the number of subcommittees and their party ratios permit, the size of all subcommittees shall be established so that the majority party members of the committee have an equal number of subcommittee assignments; Provided, however, that a member may waive his or her right to an equal number of subcommittee assignments on the committee; and provided further, that the majority party members may limit the number of subcommittee assignments of the Chairman and the subcommittee chairman in order to equalize committee workloads.

(b) On each subcommittee there shall be a ratio of at least two majority party members for each minority party member, plus one majority party member. In calculating the ratio of majority party members to minority party members, there shall be included all *ex officio* voting members of the subcommittees.

(c) Following shall be the sizes and majority/minority ratios for subcommittees:

(1) Subcommittee on Aviation: (25 members) (17 majority; 8 minority)

(2) Subcommittee on Economic Development: (22 members) (15 majority; 7 minority)

(3) Subcommittee on Investigations and Review: (22 members) (15 majority; 7 minority)

(4) Subcommittee on Public Buildings and Grounds: (22 members) (15 majority; 7 minority)

(5) Subcommittee on Surface Transportation: (25 members) (17 majority; 8 minority)

(6) Subcommittee on Water Resources: (25 members) (17 majority; 8 minority)

(d) The full committee Chairman shall recommend to the Speaker as conferees the names of those members (1) selected by the majority party members of the committee in a manner determined by them, and (2) selected by the minority. Provided, however, that recommendations of conferees to the Speaker shall provide a ratio of at least two majority party members for each minority party member, plus one majority party member.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. ANDERSON of Illinois) to revise and extend his remarks and include extraneous matter:)

Mr. ANDERSON of Illinois, for 15 minutes, today.

(The following Members (at the request of Mr. IRELAND) to revise and extend their remarks and include extraneous material:)

Mrs. BOGGS, for 60 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. KOCH, for 10 minutes, today.

Mr. PEPPER, for 30 minutes, today.

Mr. ROSTENKOWSKI, for 10 minutes, today.

Mr. VANIK, for 10 minutes, today.

Mr. IRELAND, for 10 minutes, today.

Mr. FASCELL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ANDERSON of Illinois) and to include extraneous matter:)

Mr. FORSYTHE.

Mr. DERWINSKI in two instances.

Mr. ANDERSON of Illinois in two instances.

Mr. KELLY.

(The following Members (at the request of Mr. IRELAND) and to include extraneous matter:)

Mr. GONZALEZ in three instances.

Mr. ANDERSON of California in three instances.

Mr. KOCH in three instances.

Mr. SOLARZ in two instances.

Mr. DENT.

Mr. VAN DEERLIN.

Mr. LEGGETT.

Mr. BYRON.

ADJOURNMENT

Mr. IRELAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 22 minutes a.m.), under its previous order, the House adjourned until Monday, February 7, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

665. A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Securities Exchange Act of 1934 to authorize specified amounts to be appropriated for the Securities and Exchange Commission for fiscal years 1978–1980; to the Committee on Interstate and Foreign Commerce.

666. A letter from the Comptroller General of the United States, transmitting a report on the status of the Air Force's EF–111A electronic warfare aircraft program (PSAD–77–25, February 3, 1977); jointly, to the Committees on Government Operations, and Armed Services.

667. A letter from the Comptroller General of the United States, transmitting his views on various proposed bills to establish a code of ethics and require financial disclosure, together with two alternative drafts of proposed legislation, "To establish a Commission on Ethics and Financial Disclosure For Officers and Employees of the Federal Government and for other purposes," and "To require the President, the Vice President, Justices and Judges and officers and employees of the United States to file statements with designated officers and the Civil Service Commission with respect to their income and financial transactions"; jointly, to the Committees on the Judiciary, and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. House Joint Resolution 227. Joint resolution making urgent power supplemental appropriations for the Department of the Interior, Southwestern Power Administration for the fiscal year ending September 30, 1977, and for other purposes (Rept. No. 95–8). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS (for himself and Mr. DINGELL):

H.R. 3092. A bill to amend the Small Business Act, as amended, and the Concessions Policy Act of 1965, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Small Business.

By Mr. BURKE of Massachusetts:

H.R. 3093. A bill to extend until July 1, 1979, the duty-free treatment on copying lathes used for making rough or finished shoe lasts; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 3094. A bill to amend the Internal Revenue Code 1954 to increase for taxable years beginning after December 31, 1976, the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. HARRINGTON, Mr. CHARLES WILSON of Texas, Mr. LAGOMARSINO, Mr. MOAKLEY, Mr. CORCORAN, Mr. LOTT, Mr. MAZZOLI, Mr. LEHMAN, Mr. BROYHILL, Mr. KOSTMAYER, Mr. THOMPSON, Mr. MOORHEAD of California, Ms. MIKULSKI, Mr. LUJAN, Mr. ENGLISH, Mrs. FENWICK, Mr. HORTON, Mr. MILLER of Ohio, Mr. HEFTEL, Mr. ANDREWS of North Dakota, Mr. CLEVELAND, Mr. DAVIS, Mrs. MEYNER, and Mr. EDGAR):

H.R. 3095. A bill to amend the Internal Revenue Code of 1954 to encourage greater conservation of energy in home heating and cooling by allowing individuals a credit of 25 percent of amounts paid or incurred for the installation of more effective insulation and heating equipment in existing residential structures; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. STUDDS, Mr. CORRADA, Mr. HUGHES, Mr. COUGHLIN, Mr. GEPHARDT, Mr. CEDERBERG, Mr. GILMAN, Mr. FISH, Mr. TREEN, Mr. LONG of Maryland, Mr. MCKINNEY, Mr. HAWKINS, Mr. DUNCAN of Oregon, Mr. RICHMOND, Mr. KREBS, Mr. BROWN of Ohio, Mr. GOODLING, Mr. RUSSO, Mr. RINALDO, Mr. D'AMOURS, Mr. SIMON, Mr. EVANS of Delaware, Mr. BONIOR, and Mr. KINDNESS):

H.R. 3096. A bill to amend the Internal Revenue Code of 1954 to encourage greater conservation of energy in home heating and cooling by allowing individuals a credit of 25 percent of amounts paid or incurred for the installation of more effective insulation and heating equipment in existing residential structures; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. NEAL, Mr. BLANCHARD, Mr. EMERY, and Mr. DOWNEY):

H.R. 3097. A bill to amend the Internal Revenue Code of 1954 to encourage greater conservation of energy in home heating and cooling by allowing individuals a credit of 25 percent of amounts paid or incurred for the installation of more effective insulation and heating equipment in existing residential structures; to the Committee on Ways and Means.

By Mrs. FENWICK (for herself, Mr. HARRIS, Mr. EVANS of Georgia, Mr. ANNUNZIO, Mr. BEDELL, Mr. BADILLO, Mr. HUGHES, Mr. MICHAEL O. MYERS, Mr. ROSENTHAL, Mr. CORNELL, Mr. HAWKINS, Mrs. COLLINS of Illinois, Mr. VANDER JAGT, Mr. STEERS, Mr. FRENZEL, Mr. MARTIN, Mr. RICHMOND, Mr. GILMAN, Mr. SYMMS, Mr. OTTINGER, Mr. DE LUGO, Mr. BAUCUS, Mrs. SPELLMAN, Mr. MITCHELL of Maryland, Mr. DENT, and Mr. BLOUIN):

H.R. 3098. A bill to amend the Bankruptcy Act to provide a priority for certain debts to consumers; to the Committee on the Judiciary.

By Mrs. FENWICK (for herself, Mr. COHEN, Mr. WON PAT, Mr. COLLINS of Texas, Mr. THONE, Mr. GOLDWATER, Mr. MCKINNEY, Mr. GRADISON, Mr. EMERY, Mr. LAGOMARSINO, Mr. GOODLING, Mr. GLICKMAN, Mr. FORSYTHE, Mr. KEMP, Mr. SANTINI, and Mr. COCHRAN):

H.R. 3099. A bill to provide that rates of pay for Members of Congress shall not be subject to adjustment under the Federal Salary Act of 1967 or subject to any other automatic adjustment; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of Illinois (for himself and Ms. JORDAN):

H.R. 3100. A bill to reorganize Federal regulatory agencies to prevent excessive, duplicative, inflationary, and anticompetitive regulation, and to make regulation more effective and responsive to the public interest; jointly, to the Committees on Government Operations and Rules.

By Mr. FINDLEY (for himself, Mr. KOSTMAYER, Mr. KREBS, Mr. LAFALCE, Mr. LEACH, Mr. LEGGETT, Mr. LEHMAN, Mrs. LLOYD of Tennessee, Mr. MAGUIRE, Mr. MCKINNEY, Mrs. MEYNER, Mr. MILLER, of California, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MURPHY of New York, Mr. NIX, Mr. NOWAK, Mr. OTTINGER, Mr. PANETTA, Mr. PRITCHARD, Mr. RICHMOND, Mr. RODINO, Mr. ROYBAL, Mr. RUSSO, and Mr. SCHEUER):

H.R. 3101. A bill to terminate age discrimination in employment; to the Committee on Education and Labor.

By Mr. FINDLEY (for himself, Mr. MICHEL, Mr. BADILLO, Mr. BOLAND, Mr. BONIOR, Mr. BRODHEAD, Mrs. BURKE of California, Mr. BURKE of Florida, Mr. CARR, Mr. CLAY, Mr. CONTE, Mr. CONYERS, Mr. DOWNEY, Mr. DUNCAN of Tennessee, Mr. EDWARDS of California, Mr. FAUNTROY, Mrs. FENWICK, Mr. FLORIO, Mr. FRASER, Mr. GLICKMAN, Mr. HARKIN, Mrs. HECKLER, Mr. HUGHES, Mr. HYDE, and Mr. KEMP):

H.R. 3102. A bill to terminate age discrimination in employment; to the Committee on Education and Labor.

By Mr. FINDLEY (for himself, Mr. SOLARZ, Mrs. SPELLMAN, Mr. STOKES, Mr. ST GERMAIN, Mr. THONE, Mr. WALKER, Mr. WALSH, Mr. WEISS, Mr. WHITEHURST, Mr. CHARLES H. WILSON of California, Mr. WOLFF, Mr. YATRON, and Mr. YOUNG of Alaska):

H.R. 3103. A bill to terminate age discrimination in employment; to the Committee on Education and Labor.

By Mr. IRELAND (for himself, Mr. SIKES, Mr. ROGERS, and Mr. FUQUA):

H.R. 3104. A bill to amend title 23 of the United States Code in order to provide a program for the completion of the National System of Interstate and Defense Highways; to the Committee on Public Works and Transportation.

By Mr. LUJAN:

H.R. 3105. A bill to reaffirm the national public policy and the purposes of Congress in enacting the Robinson-Patman Antiprice Discrimination Act entitled "An Act to amend section 2 of the act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U.S.C., title 15, sec. 13), and for other purposes", and to clarify the intent and meaning of the aforesaid law by providing for the mandatory nature of functional discounts under certain circumstances; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Mr. BARNARD, Mr. BAUCUS, Mr. BIAGGI, Mr. BINGHAM, Mr. JOHN L. BURTON, Mrs. CHISHOLM, Mr. CORRADA, Mrs. FENWICK, Mr. FORD of Tennessee, Mr. GIBBONS, Mr. GLICKMAN, Mr. HANNAFORD, Mr. HEFTEL, Mr. HYDE, Mr. IRELAND, Mr. KOCH, Mrs. MEYNER, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. NEAL, Mr. NIX, Mr. PATTEN, Mr. RODINO, and Mr. ROE):

H.R. 3106. A bill to direct the Coordinating Council on Juvenile Justice and Delinquency Prevention to organize and convene a national conference on learning disabilities and juvenile delinquency, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. SANTINI, Mr. STOKES, Mr. CHARLES H. WILSON of California, Mrs. SPELLMAN, and Mr. ZEFERETTI):

H.R. 3107. A bill to direct the Coordinating Council on Juvenile Justice and Delinquency Prevention to organize and convene a national conference on learning disabilities and juvenile delinquency, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. HAWKINS, and Mr. RAILSBACK):

H.R. 3108. A bill to direct the Coordinating Council on Juvenile Justice and Delinquency Prevention to organize and convene a national conference on learning disabilities and juvenile delinquency, and for other purposes; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 3109. A bill to amend the Immigration and Nationality Act to eliminate the legal custody requirement and the requirement of residence and physical presence in the United States for the naturalization of children adopted by the U.S. citizens; to the Committee on the Judiciary.

H.R. 3110. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 3111. A bill to amend the Fair Labor Standards Act of 1938, to require prenotification to affected employees and communities of dislocation of business concerns, to provide assistance (including retraining) to employees who suffer employment loss through the dislocation of business concerns, to business concerns threatened with dislocation, and to affected communities, to prevent Federal support for unjustified dislocation, and for other purposes; jointly, to the Committees on Education and Labor, and Banking, Finance and Urban Affairs.

By Mr. ROSTENKOWSKI (for himself and Mr. VANIK):

H.R. 3112. A bill to amend titles II and XVIII of the Social Security Act to make improvements in the end stage renal disease program presently authorized under section 226 of that act; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. ROSTENKOWSKI (for himself and Mr. DUNCAN of Tennessee):

H.R. 3113. A bill to amend title XVIII of the Social Security Act to provide payment for rural health clinic services; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. SEBELIUS (for himself, Mr. GLICKMAN, Ms. KEYS, Mr. SKUBITZ, and Mr. WINN):

H.R. 3114. A bill to establish an advisory committee to provide consultation and advice to the Administrator of the Federal Grain Inspection Service and to amend the U.S. Grain Standards Act with respect to supervision fees and record-keeping requirements; to the Committee on Agriculture.

By Mr. SHIPLEY:

H.R. 3115. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SOLARZ (for himself, Mr. ASPIN, Mr. BEDELL, Mr. CONYERS, Mr. DOWNEY, Mr. DRINAN, Mr. HARKIN, Mr. HARRIS, Mr. HAWKINS, Mr. KOSTMAYER, Mr. LONG of Maryland, Mr. MARKS, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOFFETT, Mr. PATTERSON of California, Mr. PATTISON of New York, Mr. PEASE, Mr. ROSENTHAL, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SIMON, Mr. STARK, Mr. STEERS, and Mr. WAXMAN):

H.R. 3116. A bill to amend the Arms Export Control Act to require the President to provide certain information to the Congress with respect to any proposed major arms sales to a country which is not a member of the North Atlantic Treaty Organization and to provide the Congress with 30 days of continuous session in which to disapprove proposed arms sales; to the Committee on International Relations.

By Mr. SOLARZ (for himself, Mr. EDWARDS of California, Mr. JEFFORDS, Mr. MAGUIRE, Mr. NOLAN, Mr. OTTINGER, Mr. RICHMOND, and Mr. SEIBERLING):

H.R. 3117. A bill to amend the Arms Export Control Act to require the President to provide certain information to the Congress with respect to any proposed major arms sales to a country which is not a member of the North Atlantic Treaty Organization and to provide the Congress with 30 days of continuous session in which to disapprove proposed arms sales; to the Committee on International Relations.

By Mr. WHALEN (for himself, Mr. BREAUX, Mr. CAVANAUGH, Mr. GOODLING, Mr. JENRETTE, and Mr. MATHIS):

H.R. 3118. A bill to provide that any increase in the rate of pay for Members of Congress proposed during any Congress shall not take effect earlier than the beginning of the next Congress; to the Committee on Post Office and Civil Service.

By Mr. YATRON:

H.R. 3119. A bill to amend the Federal Credit Union Act in order to improve the efficiency and flexibility of the financial system of the United States by permitting Federal credit unions to operate more efficiently and to better serve the family financial needs of their members; by reorganizing the National Credit Union Administration; by establishing a Central Liquidity Fund for Federal and State credit unions; and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WHALEN:

H.J. Res. 238. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. GAYDOS:

H. Res. 247. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress for the fiscal year ending September 30, 1978; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H. Res. 248. Resolution to provide for the expenses of investigations, and studies to be conducted by the Committee on Education and Labor; to the Committee on House Administration.

By Mr. VOLKMER:

H. Res. 249. Resolution disapproving the increase in executive, legislative, and judicial salaries proposed by the President; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LENT:

H.R. 3120. A bill for the relief of Antonio Lopez Rodriguez; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 3121 A bill to convey all interests of the United States in certain real property in Sandoval County, N. Mex., to Walter Hernandez; to the Committee on Interior and Insular Affairs.

H.R. 3122. A bill for the relief of Sammy H. Marr; to the Committee on the Judiciary.

By Mr. WYLIE:

H.R. 3123. A bill for the relief of Capt. Mary K. Van Tilburg, U.S. Army; to the Committee on the Judiciary.

H.R. 3124. A bill for the relief of James Thomas Lantz, Jr.; to the Committee on Merchant Marine and Fisheries.

SENATE—*Thursday, February 3, 1977*

(Legislative day of Tuesday, February 1, 1977)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by Hon. JAMES R. SASSER, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Spirit of God, descend upon our hearts and so pervade this place that we may worship while we work. Enable us to speak clearly when we have something to say and to give patient attention when our role is to listen. Show the leaders of the Republic how to communicate understandably and show the people how to respond intelligently. Spare us from captivity either to oppressive majorities or to the clever manipulations of noisy minorities. May the fulfillment of justice for some never be achieved at the cost of justice for others. Make us one people under Thy Lordship. Remind us again of the apostle's words—though we "speak with the tongues of men and of angels but have not love" we fail. May we put our hearts into our work and our work into our hearts that what we do here may set forward Thy kingdom.

We pray in His name who was servant of all. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 3, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES R. SASSER, a Senator from the State of Tennessee, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. SASSER thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Wednesday, February 2—Groundhog Day—1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Mr. John F. O'Leary, of New Mexico, to be Administrator of the Federal Energy Administration.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination will be stated.

FEDERAL ENERGY ADMINISTRATION

The second assistant legislative clerk read the nomination of John F. O'Leary, of New Mexico, to be Administrator of the Federal Energy Administration.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

THE CHALLENGE OF THE NEW SPIRIT

Mr. ROBERT C. BYRD. Mr. President, last night, the President of the United States addressed the Nation on television

from the White House. He spoke to the country soberly and candidly, directly and in a personal but informal way, at a time that calls for sobriety and candor. Hundreds of thousands of people have been thrown out of work because of the current energy crisis; and millions are suffering from the most severe winter in this century and, in some areas, in our recorded history.

I want to commend the President for his thoughtful and frank remarks. He offered no panacea for the problems that confront us; instead, he offered a challenge. He recognized realistically that the energy shortage that is being felt at present is no temporary situation, but a permanent condition that will only be solved through discipline, effort, sacrifices by all that will be spread across the board, and the alteration of the lifestyle of millions of Americans. Further, he emphasized partnership with Congress and the people in solving this problem. This is good. We may have our differences with the White House from time to time, but the President has established the proper tone and initiated the right approach. He thus prepared the people of this country for decisions and actions by their Government that probably will not be popular but which certainly will be necessary. In so doing, he has helped America to face the reality that we must learn to control our energy appetite.

The President has called for a commitment to conservation, and he has set an example by sharing the discomforts of the present shortage. We have long been warned that many of our fossil fuel supplies are reaching their extreme limits of availability. Unfortunately, we have wasted precious years without facing this unalterable fact. It is encouraging to realize that the President is firmly and personally committed to leading the effort to solve our energy dilemma.

The President's national energy policy should carry through with this spirit. It should be the kind of policy that envisions conservation, sacrifice on the part of all, and the development of new sources of conventional forms of energy and synthetic fuels from coal, as well as a policy that provides for a greater use of coal, which is our most abundant source of usable energy. Research must also proceed on the search for new and more exotic sources of energy.

I want to assure the President that the Members of the Senate are ready to work with him to resolve the many problems that are before us. The complex questions of the economy, taxation, and chronic unemployment demand wisdom, mature consideration, and long hours of hard work before we can find real answers that will bring about a greater degree of prosperity for all Americans. Moreover, the President's call for a more reasonable and understandable approach by the administrative agencies of the Government in fulfilling their responsibilities will be welcomed not only by the Congress but all across this Nation as well.

Mr. Carter has set an excellent tone on which to begin his administration. He has called for unity at a time of crisis. We may differ with him from time to time; I will differ with him from time to time. The American people have demonstrated throughout their history that, while they may differ in their opinions from time to time with their President or with their Congress, they have an innate ability to transform adversity into a challenge and the talent to turn a challenge into a victory. I am confident that in the new spirit of which President Carter has spoken so often, and here, again, I was pleased to see and hear him refer in a most gracious way to his predecessor, as he did in his inaugural speech, the people of this country are ready to join in the struggle to win the contest that the President set before us last night.

Mr. BAKER. Mr. President, it was my privilege last evening to attend the signing ceremony with the distinguished majority leader and other of our colleagues from the House and the Senate in the Oval Office at the White House. It is my hope and expectation that the President will use fully the authority granted him by this emergency legislation to reallocate critically short natural gas supplies available to the interstate system.

I noted with interest that the President remarked, and remarked later in his address to the country on the three national television networks, that this bill does not complete the job, and it does not.

As I remarked during the course of our consideration of the conference report and in the course of our deliberations and debate on the initial passage of the bill in the Senate, there is much yet to be done; and I pledge that we will not lose our energy and dedication to the completion of the job.

I simply want to signal at this time that it is my full expectation to cooperate with the President in trying to complete this undertaking, but it is well to develop, to state and publish to the Senate, to the Congress, and to the country Republican ideas in this respect.

We must not let the advent of warmer weather, the lessening of the critical nature of the fuel supply and the immediate discomfort deflect us from that resolution.

Mr. President, I believe Congress fully understands the nature of its responsibility in this respect. I think the people of the country expect us to cooperate together with all of the departments and agencies of government.

I think, as well, the country demands that private industry, individuals, and local and State units of government cooperate as well. I believe all of us know there is nothing more fundamental to the future growth of the economy and the future welfare of the country than an adequate indigenous energy supply. I think this must continue to be a first priority. I commend the President for his early initiative in this respect, and I look forward to further efforts in this regard.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, do I have some time remaining under the leader's time?

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes.

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Arkansas.

AUTHORIZATION FOR CERTAIN TRANSFERS OF APPROPRIATIONS

Mr. McCLELLAN. I thank the distinguished Senator.

Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will state the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 69) to authorize the Secretary of the Senate to make certain transfers of appropriations.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and without objection, the Senate will proceed to its immediate consideration.

Mr. McCLELLAN. Mr. President, this resolution authorizes the Secretary of the Senate to make certain transfers between appropriations available for fiscal year ending June 30, 1976.

The Financial Clerk of the Senate has advised the Committee on Appropriations that two of the Senate's appropriation accounts for the fiscal year ending June 30, 1976, are currently in a deficiency status. The inquiries and investigations account has a deficiency of almost $300,000 and the miscellaneous items account has a deficiency of approximately $575,000.

As a result of these deficiencies, payment on a number of vouchers have been withheld until additional funds are made available for these two accounts.

At the same time, there are appropriation balances available in other Senate accounts for fiscal year 1976, including sufficient funds in the salaries, officers and employees account to adequately cover the amounts needed in the two deficient accounts.

This resolution simply authorizes the Secretary of the Senate to make such transfers between appropriations or funds available for disbursement by the Secretary of the Senate for the fiscal year ending June 30, 1976, as may be necessary to provide for payment of those contingent expenses of the Senate included under "inquiries and investigations" and "miscellaneous items" and incurred during the fiscal year ending June 30, 1976.

Inasmuch as a supplemental appropriation bill will not be available immediately to include these amounts, this resolution is urgently recommended to rectify the situation. No new budget authority is provided, only a transfer of funds that are already appropriated and are presently available is involved.

Similar resolutions of this nature have been passed by the Senate in past years when confronted with similar situations. It is a simple housekeeping matter. The resolution has been cleared by the leadership, and I, therefore, ask for its immediate consideration and passage at this time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 69) was agreed to as follows:

Resolved, That the Secretary of the Senate is authorized and directed—

(1) to make such transfers between appropriations or funds available for disbursement by the Secretary of the Senate for the fiscal year ending June 30, 1976 as may be necessary to provide for payment of those contingent expenses of the Senate included under "Inquiries and Investigations" and "Miscellaneous Items" and incurred during the fiscal year ending June 30, 1976; and

(2) to the extent necessary, to reimburse, out of funds hereafter made available for disbursement by the Secretary of the Senate for the fiscal year ending June 30, 1976, any appropriation or fund for any amount transferred from such appropraition or fund under paragraph (1).

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I yield 2 minutes to the distinguished senior Senator from Illinois on my time remaining under the standing order.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee has 4 minutes.

Mr. PERCY. I thank my distinguished colleague.

PRESIDENT CARTER'S FIRESIDE CHAT

Mr. PERCY. Mr. President, we all heard the President of the United States last night in his first fireside chat. I think all of us in a bipartisan sense felt that the message he gave last night came from his heart. It was backed by sincerity, and he spoke straightforwardly, candidly, and honestly to the American people about the sacrifice that will be necessary now to meet many of our national needs, including the energy crisis, the desire to stimulate the economy, and other problems.

I simply wish to indicate my admiration for the manner in which the President delivered his message, the content of that message, and the way in which he called the American people to a common cause that we all share.

VICE PRESIDENT MONDALE'S RECENT TRIP ABROAD

Mr. PERCY. Mr. President, with respect to the Vice President's recent trip abroad, I had the great honor and privilege of working with Senator MONDALE when I first arrived in the Senate 10 years ago on the Committee on Banking and Currency as it was then known, now renamed the Committee on Banking, Housing, and Urban Affairs.

We worked together closely under the chairmanship of Senator SPARKMAN on the Housing Act of 1968, and the two of us had the privilege of working together, particularly on all the sections in the act that provided for the first time in American history homeownership opportunities to lower income Americans.

The law was written. We worked together effectively and well on that legislation. I only wish it had been implemented by the administration that followed passage of that act in the way it was intended with the spirit and letter of the law we tried to draft and write.

My admiration has been very great indeed for Senator MONDALE. He has caused all Americans and, particularly his colleagues in the Senate, to be extraordinarily proud of the way in which he represented the United States of America and the President of the United States in countries abroad so early in his term of office as Vice President of the United States.

Every report I have had from members of Government, as well as from friends in the countries he visited, indicates that the Vice President had a spectacular success in this first major diplomatic effort. Having just visited Japan recently, I know the Japanese people and Government are appreciative of the fact that we will give every evidence of consulting closely with them on all matters affecting their security and well-being. We also will continue to work intimately with the major governments of Europe, our friends and allies, as we move down the path toward peace and stability in the world.

I wish to express my appreciation to Senator HART who, I know, has an order at this time, and also to the distinguished minority leader for yielding time at this point.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point several editorials and articles on Vice President MONDALE's trip abroad.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the St. Paul Pioneer Press, Jan. 31, 1977]

MONDALE DOES SWIMMINGLY IN DIPLOMATIC SEAS

(By David S. Broder)

TOKYO.—"To be perfectly honest with you," said Walter Mondale. "I'd just as soon not be catapulted off this thing."

The remark was made to a mob of photographers, pressing the new vice president perilously close to the edge of a balcony off his room in the Hotel Crillon overlooking the Place Vendome in Paris.

But it might well have applied to the entire journey Mondale has undertaken for the brand-new administration. Only 69 hours in office, with limited experience in foreign affairs, Mondale was dispatched by President Carter last Sunday on a high-level diplomatic mission to six European countries and Japan.

It was the equivalent of teaching a youngster to swim by tossing him off the dock. But the boy from Elmore, Minn., has not drowned. In fact, he has managed rather well.

Mondale arrived here after a 19½-hour flight from Paris, broken only by refueling stops in Keflavik, Ireland, and Anchorage, Alaska.

He slept through the second stop and arrived looking not much worse for wear than when he had left Paris.

There, the vice president had told a reporter—who actually had inquired in French about Soviet strength in Europe—that he appreciated being asked, "How can I look so handsome and vital after this long trip?"

When the laughter at the press conference subsided, Mondale said, "It's the nobility of my ideals that shines through . . . That's your lead for tomorrow."

The ability to kid himself publicly after a week in which he had gone head-to-head with the likes of Helmut Schmidt, Mario Andretti, James Callaghan and Valery Giscard d'Estaing—to say nothing of Pope Paul VI and Gen. Alexander Haig—was perhaps the best measure of Mondale's own growing self-confidence.

There had been no such ease in his first meeting with an international press corps in Brussels five days earlier, at the end of his first day of talks. Facing 150 reporters from more than a dozen nations, Mondale was frowning and unusually slow-spoken—as if concentrating furiously against the risk of a single misstatement.

He had flown to Brussels from Washington on Air Force Two—the Henry Kissinger "shuttle diplomacy" special. Mondale did his best to look relaxed and at home in the "Kissinger cabin," receiving visitors in an open-necked business shirt, with an old flannel sport shirt thrown over it. He told them, "I feel ready."

But as his press secretary, Al Eisele, later said, "There was a great deal of uncertainty in his own mind beforehand. . . . He didn't know what to expect. It was a new atmosphere, a new experience.

But he got through the first press conference and the day's meetings with Belgian, Dutch, NATO and Common Market officials without a fluff, impressing not only foreign officials but apparently even Haig, who was described as watching Mondale with unusual intensity.

He grinned un-self-consciously as an Italian translator embellished Mondale's own rather plain remarks with trilling cascades of liquid-sounding verbiage. He joshed Prime Minister Callaghan and joined him in singing labor ballads at a boisterous dinner. Mondale told the proud French he felt right at home in Paris, because he had walked for years on Nocollet and Hennepin avenues in Minneapolis—giving those streets their flat Midwest pronunciation.

He invited the Paris press corps for cocktails, then made them pay for their own drinks, explaining that the austerity policy of the Carter administration extended to his travel budget. He even survived the embarrassment of telling the Pope that he had left on his plane the autographed copy of the inaugural address Carter had asked him to deliver.

Increasingly, too, he asserted command of his own entourage of economic and foreign-policy experts. One official, who had been notably uninformative at his briefings, began to open up a bit after Mondale kidded him about "leaking" everything he knew to the press. Another, who had been sarcastic toward both Mondale and reporters, was firmly reminded that he was no longer instructing Ivy League undergraduates.

Substantively, the trip is more difficult to evaluate. At the end of his week in Europe, Mondale himself pronounced his mission "a success," adding, "We are now on a solid basis for progress."

Most European and American diplomats seemed to agree.

[From the New York Times, Feb. 1, 1977]

MORE OPEN U.S. DIPLOMACY IS MESSAGE OF MONDALE'S TRIP

(By Bernard Weinraub)

TOKYO, Jan. 31.—On his Air Force jetliner flying from Andrews Air Force Base in Maryland to Brussels eight days ago, Vice President Mondale sat in an armchair and quietly discussed his unusual journey through Europe to Tokyo.

"We're not trying to leave a trail of headlines," said the 49-year-old Vice President, less than 48 hours after the inauguration.

"We're new. There are problems and concerns that better be handled. The sooner we get started, the better."

If Mr. Mondale's trip stirred initial doubts and confusion, if questions were raised about the substance of a mission that seemed whirlwind, exhausting and without coherence, the closing days of the overseas journey made it clear that the trip had healed some diplomatic cracks in Europe, calmed the fears of the Japanese and made the tacit, but unmistakeable, point that a new administration had attained power in the United States and that the private and secretive diplomacy of Henry A. Kissinger would no longer dominate foreign policy.

"We are exorcising the ghost of Henry Kissinger," said one aide to the Vice President.

Without mentioning Mr. Kissinger's name, Mr. Mondale has vowed that the United States would stress "coordination and consultation" with allies, and especially such multilateral groups as the North Atlantic Treaty Organization and the European Economic Community. Mr. Mondale stressed in Paris, Bonn, Rome, Brussels, London and Tokyo that the Carter Administration, while concentrating on the East-West struggle, would focus on a set of issues blurred by Mr. Kissinger's highly personalized diplomacy.

MAJOR GLOBAL SLUMP FEARED

The issues are the economic slide in industrial nations and fears of a major slump next year, stimulating fears of large-scale unemployment and social unrest; the widening disparity between the three economic heavyweights—the United States, Japan and West Germany—and the weaker European nations, and the difficulty for the West in coordinating economic policies designed to avert a major recession; President Carter's call for curbs on the spread of nuclear weapons and limitation of sale of conventional armaments abroad; energy issues and efforts to achieve cooperation among oil-importing nations; and the North-South dialogue between the rich and the poor nations on such issues as commodity prices, debt and the transfer of technologies.

Mr. Mondale, an energetic and straightforward man, hardly dwelt at length on these issues during his brief stopovers. He made it clear that he carried no "grand designs." He expressed President Carter's aims, discussed the Administration's two-year $31 billion economic package designed to prod the United States—as well as the international—economy and said that he wanted to hear the views of Chancellor Helmut Schmidt of West Germany, President Valery Giscard d'Estaing of France, Prime Minister James Callaghan of Britain, Prime Minister Takeo Fukuda of Japan and others.

What emerged, then, was symbolism turned into substance, and an effort to assure traditional allies—some of them slighted by Mr. Kissinger—that the Carter Administration was intent on playing a key role abroad and that interdependence and international coordination were crucial to that role. Moreover, Mr. Mondale made it clear that Mr. Carter, who has been an enigma abroad, was hardly intent on reducing United States involvement in Asia or defense commitments in Europe.

HE NEVER PUT A FOOT WRONG

In the process, Mr. Mondale emerged as a forceful spokesman for the Administration and an adept diplomat. "You could not call his attitude humble, but I got the feeling he genuinely wanted to find out our views," said a diplomat in Bonn. A NATO official in Brussels, where Mr. Mondale strongly affirmed the Administration's commitment to European security, said: "He never put a foot wrong. He said all the right things, and he said them eloquently."

Mr. Mondale's entourage included about two dozen senior State Department and National Security Council officials, some of whom were foreign policy advisers in the Carter-Mondale campaign. A number of the State Department appointees contrasted sharply with Mr. Mondale: the Vice President was often expansive and relatively loose, while the appointees seemed chilly, even arrogant.

Beyond the symbolic and psychological value of quickly establishing a "consultative approach" with allies—an approach pointedly different from the style of Mr. Kissinger, whose successes were sometimes achieved at the expense of traditional friends—the trip made clear to European and Japanese leaders just what was on the mind of the new Administration.

Mr. Mondale, at the same time, listened to his hosts and is returning home with a briefcase full of suggestions made by Chancellor Schmidt, President Giscard d'Estaing and others.

There were some surprises. Chancellor Schmidt indicated after talking with Mr. Mondale that he might modify a controversial West German agreement to supply Brazil with nuclear technology, a treaty expected to bring West German industry more than $4 billion in orders for eight nuclear plants by 1990. The Carter Administration strongly opposes the deal because the technology involved yields plutonium that could be used for making nuclear weapons.

FRENCH PRESIDENT SHIFTS STAND

President Giscard d'Estaing told Mr. Mondale that he was willing to attend a conference on limiting the sale of conventional weapons. This was a reversal of position for the French Government, which is now the largest seller of weapons abroad except for the United States. The French President made his decision after Mr. Mondale cited President Carter's efforts to slash the sale of American weapons abroad.

Although no decision has been made yet on the site and date of a projected economic conference, Mr. Mondale is returning home convinced that the Europeans and Japanese are viewing the meeting with deepening significance because it affords the participants a chance, albeit slender, to carve out for the first time a mutual strategy dealing with unemployment, inflation, economic growth and trade.

Mr. Mondale appeared less successful in pressing Mr. Schmidt to expand his tentative plan to add $4 billion to his Government's spending over the next four years. American and international economists view this amount as inadequate to lift other European nations out of the doldrums and stimulate their lagging economies. Mr. Schmidt refuses to pump more money into the West German economy, fearing inflation, a risk that frightens the Germans because of the nation's disastrous inflationary experience in the 1920's, which helped bring about the rise of Hitler.

[From the Los Angeles Times, Jan. 28, 1977]

MONDALE: CARROTS, NO BALONEY

(By Joseph Kraft)

Vice President Mondale's current visit to Europe and Japan provides another example of the Carter Administration's being better than it sounds.

For the point of the trip is not (as White House news secretary Jody Powell said) that it is "substantive, not symbolic" and still less (as Zbigniew Brzezinski of the national security staff said in a misplaced shot at his predecessors) that the Vice President is selling no "grand designs."

The salient feature about the Mondale trip is that for the first time in years an American administration is unified on an approach to the major allies. For once the White House, the State Department, the Treasury and the Pentagon have a roughly agreed position on what they are prepared to give and what they expect in return.

Vast internal differences marked the approach to the allies during the Ford administration. The White House, the Treasury and other economic agencies were primarily concerned about inflation, and wanted allied countries to put a hold on economic expansion. The State Department, particularly Henry A. Kissinger, and to a lesser extent the Defense Department wanted allied political leaders to help mount larger defense efforts and coordinate stands with respect to the oil exporting and other developing countries. That tended toward more expansive economic policies.

These differences found striking expression in varying attitudes toward the economic summit meetings that brought together the major allies in the past two years. Kissinger favored the first summit, held at Rambouillet, because he rightly thought the French and Germans would take the lead in pushing for more expansive economic policies. He opposed the second meeting in Puerto Rico because he feared, rightly again, that other American officials would seize the occasion to press for restrictive economic policies.

Now that kind of low-level guerrilla warfare is over. The principal figures of the Carter Administration all want to quicken economic growth, and they have put their money where their mouths are in the new stimulus package.

They also want the other allied countries—notably Germany and Japan—to step up their economic expansion. Faster growth among the economic giants would provide a market for exports that would be particularly helpful to the basket-case economies in Britain, France and Italy.

Mondale bears with him two carrots to make it easier for Chancellor Helmut Schmidt of West Germany and Japan's new prime minister, Takeo Fukuda, to expand their economies more rapidly. For one thing, he is expressing concern over German and Japanese security. Moreover, he is offering to hold another economic summit meeting—preferably in London after the annual NATO get-together next May—at which the German and Japanese leaders could be seen to be acting not on their own but in harmony with their most important military partner, the United States.

But if Mondale has some give in his briefcase, he would also like to nail down some objectives. A halt to nuclear proliferation is one, given special force by President Carter's statement in the inaugural and in his first press conference that he looked forward to a world free of nuclear arms. Presumably, Mondale is pushing the Germans and the French hard to end their commitments to export nuclear plants that could easily become the base for weapons development.

An important and more delicate objective is various political reforms. The Vice President at least wants to explore the ground for internal changes that would make Britain less vulnerable to class division. France less vulnerable to maldistribution of income, and Italy less vulnerable to the clash between Catholics and Communists. Presumably, he would like to see if these countries can adopt policies that diminish their vulnerability.

Thus the Mondale visit is far more serious than the public-relations accounts blared forth from the White House suggest. He is opening new ground. He is beginning a long-range policy whereby this country makes its economic strength available to foster political reforms in allied countries. He is initiating, in other words, a politics of the alliance.

[From Newsweek, Feb. 7, 1977]

MONDALE'S NEW ERA

Walter Mondale flew into Bonn bracing for the roughest stop of his around-the-world trip. West German Chancellor Helmut Schmidt had made no secret before the U.S. election of his preference for Gerald

Ford, and on the eve of Mondale's visit, "Schmidt the Lip," as he is known, said he found Jimmy Carter's Inaugural Address "lacking in clear direction." But when the new Vice President and his host sat down last week in Schmidt's study overlooking the Rhine, they hit it off almost immediately. Schmidt ordered that a "working dinner" planned for that night be transformed into a festive social occasion. "Please bring home to your country, especially your President, the great satisfaction we feel about your visit," Schmidt declared that evening. He even beamed manfully when Mondale presented him with an autographed copy of Carter's Inaugural Address.

Everywhere he went last week, Mondale launched a new era of good feeling between America and its traditional allies. He impressed foreign leaders with his grasp of international problems and his casual, cheery manner (following story). Mondale stressed Carter's desire to work closely with other nations in strengthening the world economy. And his pledge that reductions in U.S. military spending "will not be reflected in cuts in NATO muscle" gave heart to allies worried about the dilapidated state of European defenses).

WARNING

While Mondale courted America's friends, Carter engaged in some carrot-and-stick diplomacy with the Soviet Union. He ordered a study to prepare for a resumption of the stalemated strategic arms limitation talks (SALT) with Russia in late March or April. Those talks aim at limiting each nation to 2,400 nuclear launchers. But last week Carter declared that he would like to move quickly—even before signing a new SALT accord—toward a "much more substantive reduction in atomic weapons as the first step to complete elimination in the future."

That was the carrot. The stick was a series of sharp contrasts criticizing Communist violations of human rights. The State Department accused Czechoslovakia of violating the 1975 Helsinki accords on European security (Newsweek, Jan. 24) by arresting and harassing civil-rights activists, a warning that came as Prague considered exiling six prominent dissenters. Next, the State Department cautioned Russia not to "intimidate" dissident Andrei Sakharov—an act that drew a protest from the Kremlin. Sakharov had been called to the Soviet prosecutor's office and told that he faced criminal charges if he continued to accuse the secret police of staging a recent Moscow subway explosion as a pretext to round up dissidents.

ADEQUATE DEFENSE

Mondale also made it clear last week that the new Administration did not intend to let its negotiations with the Soviets undermine the North Atlantic Treaty Organization. "In a time of détente, it is easy to lose sight of the need for adequate defense," he told the NATO council in Brussels. Next, Mondale flew to Bonn for the talks with Schmidt. Besides discussing the economic situation, the Vice President urged West Germany to change its plan to sell nuclear-power equipment to Brazil.

The Carter Administration was deeply concerned about Bonn's promise to provide Brazil with uranium-enrichment and reprocessing facilities—which yield plutonium that could be used to build atomic bombs. Schmidt agreed to send two top aides to Washington to work out a compromise. Germany will undoubtedly go through with the sale of eight power plants, but the U.S. may promise to furnish Brazil with the fuel, eliminating the need for enrichment and reprocessing facilities. Remarked foreign-policy expert Dr. Gebhard Schweigler: "We don't want a reputation as the bad Germans selling dirty nuclear weapons."

Buoyed by this success, Mondale paid a symbolic visit to West Berlin and the notorious wall. "It's hard to imagine a more dramatic symbol of failure," he said. Then he traveled to Rome for talks with Italian leaders and an audience with Pope Paul VI. The Pontiff praised Carter's commitment to halting the arms race, and told Mondale, the son of a Methodist minister, that he had "the same feelings about the new Carter Administration that I once had about the Kennedy Administration."

At his next stop, London, Mondale got off to a shaky start. During arrival ceremonies at Heathrow Airport, he momentarily forgot Foreign Secretary Anthony Crosland's name. Then, after the whine of two jets had interrupted his remarks, Mondale jokingly added "airport noise control" to a list of topics he planned to discuss with the British. Crosland, apparently seeming a slight to the Concord SST, was not amused.

BONHOMIE

But all was forgiven in the bonhomie of a lively dinner for 31 at 10 Downing Street that evening. Prime Minister James Callaghan, visibly delighted that he had been invited to Washington next month, decided to sing a song called "Jerusalem." The last note had barely faded when Mondale was on his feet with a music-hall tune he had learned as a student in London in 1949: "I Belong to Glasgow." Then Crosland upstaged them all by singing "Land of My Fathers"—in Welsh.

Mondale traveled on to Paris for talks with French President Valéry Giscard d'Estaing, after which he flew to Japan to meet Prime Minister Takeo Fukuda early this week. In Paris, Mondale raised the subject of terrorism, apparently miffing Giscard, whose government has been criticized for releasing terrorist Abu Daoud. Later, a French official said the President found Mondale "less sophisticated than Henry Kissinger." But he added that the Vice President had earned Giscard's respect. The same verdict was heard everywhere else, and once Mondale's assignment was mainly to make friends, his maiden diplomatic voyage could be counted a success.

UP, UP AND AWAY WITH FRITZ

(NOTE.—Walter Mondale's performance on his around-the-world trip was impeccably Vice Presidential, but he was still the same old Fritz. The Veep injected a casual, low-key note into the conduct of affairs of state, and Newsweek's Washington bureau chief Mel Elfin, who has known Mondale for years, duly recorded it all in his reporter's notebook. Some excerpts:)

He traveled on Henry Kissinger's old White House jet, and stayed in some of Henry's favorite hotel suites. But in public, the former Secretary of State virtually was turned into a nonperson. The Vice President and his staff almost never mentioned Kissinger by name. One senior official, for example, spoke self-consciously about "the previous process" of consulting America's allies. But while Kissinger may have been out of sight, he was not entirely out of mind. At one point, Mondale told an aide: "I'll bet that everyone is going to write that our plane is the same one that Kissinger used to use."

The plane was the same, but the style was distinctly Mondale's. Reporters summoned forward for an initial briefing aboard Air Force Two found Mondale attired in a tan chamois shirt, blue-striped Adidas sneakers (which he bought shortly before the Democratic convention) and Carter-style blue jeans (which he bought shortly after the convention). Leaning forward in his swivel chair, Mondale led the journalists on a tour of the foreign-policy horizon. His words were measured, his demeanor dignified. Then after 25 minutes, a voice declared "Thank you, Mr. Vice President." The notebooks closed, the tape recorders stopped—and Mondale's manner abruptly changed.

He leaned back in his chair, flopped his left leg over the arm, and his voice rose a half octave in pitch. Soon, the cabin was filled with the banter, the teasing, self-deprecating humor and candid appraisals that have long been the hallmark of Mondale's warm relationship with the Washington press. The question was how long Mondale could maintain this kind of informal, breezy rapport. Washington newsmen know when Mondale is kidding, but sooner or later in his new role as Vice President he is going to encounter a reporter who doesn't know when he is kidding.

Since the July morning when Jimmy Carter called Mondale to offer him the Vice Presidential nomination, the two men have spent hours on the telephone. Last week, the vagaries of transatlantic circuits and "scrambler" phones put some crimps into their normally smooth connection. When Mondale phoned Carter from Brussels, the President could barely hear him. Declared Carter: "You sound like Donald Duck." Replied Mondale: "I *am* Donald Duck."

Later, Mondale called Carter from the U.S. Embassy in Bonn. Suddenly, the two men heard a loud click and found themselves disconnected. A hasty investigation disclosed that the embassy "scrambler" operates on a priority system. Whenever an official with a higher priority wants to use the phone, the line goes dead in the ears of the lower-ranking official using it. "Upset? Who's upset?" Mondale said after learning that he and Carter had been "bumped."

If the Mondale mission is any measure, Jimmy Carter's Inaugural Address may turn out to be the most-quoted Presidential utterance since Lincoln got off the train at Gettysburg. In almost every speech, statement and press briefing, Mondale invoked one or more paragraphs from the Inaugural. To make absolutely sure that allied leaders got the message, the Vice President brought along autographed copies of the speech. Pope Paul was twice-blessed; he not only received a framed copy of the speech (delivered a little late because it was left behind on Mondale's plane), but one of Carter's Inaugural medals. "I will treat it with great respect," the Pope said tactfully. Then, the landlord of the Sistine Chapel added "It will be a valuable addition to my collection of art."

On trips like these, the true tests of journalistic enterprise often have nothing to do with reporting the news. The prize for press-corps resourcefulness went to Cheryl Arvidson of UPI. Arvidson, making her first trip to Europe, was distressed to learn that female reporters had to wear dresses in the Vatican. She had brought along nothing but trousers. So Arvidson borrowed some "gaffer's tape" from a TV technician, rolled her pants legs up above her knees, and put on a long coat. The Vatican's protocol officers never knew the difference.

At a news conference in Paris, a reporter asked a long question in French. While it was being translated into English by an aide, Mondale quipped: "I have trouble with English, too." Then, smiling, he said: "The question is, 'How can I look so handsome and vital after such a long trip?' The answer is, 'Because of the nobility of my ideals.' And that's your lead for tomorrow."

From the beginning, Carter and Mondale were aware of the problems that have arisen in the past when Vice Presidents received what their bosses thought was too much attention in the press. "You know," said a Mondale aide, "—the Johnson-Humphrey thing." The two men talked the problem over before Mondale left, and later the Vice Presidential staffer suggested hopefully that "Carter's mature enough to let Fritz have the spotlight for a while." In fact, the President practically shoved Mondale into the spotlight, sending him off in a helicopter from the White House lawn with an emotional "We love you."

Throughout his journey, Mondale carefully played the loyal No. 2. But his hosts were generally kind and the local press generally flattering, and Mondale made no effort to hide his growing self-confidence. "He's up, he's on a high," said deputy counsel

Peter Kyros Jr. when it began to appear that things were going well. "He worked hard preparing for this trip and now all that work seems to be paying off." It paid off, in part, because the new Vice President clearly enjoyed his work.

MONDALE TRIP PASSES DIPLOMACY TEST

(By Frank Wright)

Paris, France.—He was the stereotype Englishman.

Slightly past middle age, bowler hat, tightly clipped white mustache. Prim suit, with vest, gloved hands. Perhaps on his way to the bank where he could have been the most reliable of reliable clerks for more than two decades.

Suddenly, he found himself confronted Friday morning with this great entourage of photographers and reporters and staff-type people bounding down his London street toward him. It was enough to startle any proper fellow. He began to back away.

But he didn't move quickly enough. The man leading the pack approached him and held out a hand in greeting.

"Hello," the man said, "I'm Senator Mondale."

It was one of the few mistakes Walter Mondale, new diplomat loose in the world for the first time, has made on his 10-day tour of Western Europe and Japan for President Carter.

After 12 years in the Senate from Minnesota, Mondale occasionally still has difficulty thinking of himself as vice president, the new job that has been his for only 10 days.

Otherwise, by all accounts this trip appears to be going well for him personally.

He was, according to aides and his own admission, apprehensive in the bginning.

Mondale has been abroad in a more or less official capacity before traveling to the Middle East, West Germany and the Soviet Union during the last few years. But on those trips he went as a single senator, responsible for no one but himself and for no policy whatsoever.

This time he was speaking for the United States and, making it even more touchy, for a new administration.

He and others in the administration were concerned about the timing of his mission. Was it too early? No president previously had sent the vice president abroad so early, especially not before going himself.

There also was a question about whether Mondale could handle the long agenda of sensitive items to be discussed, plans for a spring summit meeting, international economics, arms sales, nuclear nonproliferation, policy concerning developing Third World countries, terrorism, Rhodesia, Cyprus. The list went on ad infinitum.

And there was worry about how host heads of state would treat him and whether they could get along man-to-man.

The first day, Monday in Brussels, was considered crucial. Meetings with leaders of Belgium and The Netherlands. A speech to the North Atlantic Treaty Organization (NATO) council in which other members, already facing serious economic and political troubles at home, would be asked to do more to build up conventional forces. A session with the European Common Market Commission, and his first full-blown press conference since taking office. A heavy schedule in a foreign environment. A tough day.

Mondale came through it intact. No fumbles. The only incident approaching a confrontation developed when the German minister to NATO lectured Mondale, after his speech, for about 15 minutes on what the U.S.'s posture should be on virtually every issue of importance. The vice president took it with aplomb.

Tentatively, Mondale attempted a line of the wry humor that often kept him and those around him at ease during the campaign. When the Norwegian minister to NATO spoke of Mondale's Norwegian background, the vice president remarked that, coming from Minnesota, he probably represented more Norwegians than the minister. The line drew a hearty chuckle.

Tuesday, in Bonn, also was a test for Mondale. Chancellor Helmut Schmidt, expressing the desires of most West European heads of state, outspokenly favored the election of Republican President Ford over Democrat Jimmy Carter.

But, again, the talks went reasonably well, if inconclusively. At a dinner given by Schmidt that night, Mondale brought down the house with a toast paying tribute to Schmidt's political astuteness in treating Mondale and Carter very well when they had visited West Germany years before, long before their rise to power in the White House. "The president wanted me to tell the chancellor that any national leader with the wisdom and the foresight and the genius to see a national leader before the people of his own country do ought to deserve a visit immediately after the installation of the presidency," he said.

In Italy Mondale encountered a long-time friend and campaign contributor who was invited by Prime Minister Andreotti to a state dinner Wednesday. The guest was Jeno Paulucci of Duluth, wealthy businessman and head of the Italian-American Foundation. After Mondale became the vice-presidential nominee in July, Paulucci and members of his family gave $5,000 to help pay off some of Mondale's old campaign debts.

All of those things helped put Mondale at ease and, according to staff members, gave him confidence that he could handle the substantive issues and establish himself as a person equal to his hosts.

It was Thursday in London that Mondale really hit his strike. A dinner given for him by Prime Minister James Callaghan turned into a songfest after Mondale recalled that during his college days he had spent the summer of 1949 in Great Britain attending various left-wing and liberal conferences as national head of the student branch of Americans for Democratic action.

"I wouldn't have survived without British Welfare," he reportedly told the gathering of about 30 British government heads and U.S. officials traveling with him.

And when Mondale recalled that one of the favorite student drinking songs had been "I Belong to Glasgow," Callaghan led several choruses. Mondale, an aide said, obviously remembered the words and joined in, too. Another favorite of the evening, participants reported, was an old Welsh song. "Land of My Father." So were several wines, including a 1948 port said to be from the late Winston Churchill's private stock.

Later that night, relaxing in his hotel suite with three reporters. Mondale reflected on the trip up to that point. He wore the Carter administration leisure uniform—a flannel shirt, patched blue jeans and bare feet. He puffed occasionally on a long cigar.

He said there had been no surprises and everyone had been "very friendly." Advance briefings by the State Department and CIA had prepared him very well on the issues, he said. "You know your own positions and can pretty well anticipate theirs. You know when to be firm. You know when to be conciliatory or sympathetic."

He was, he said, getting to like it.

The decision to come so quickly after the inauguration had been "just right," he said. Judging from the feedback, Mondale said the Western allies had been reassured that the United States again was giving them and their concerns high priority.

The vice president also was heartened by the attention his trip has been getting. About 25 correspondents accompanied him from the United States, requiring a special chartered plane. Foreign press response has been almost unprecedented in some instances.

Mondale by no means claims to have settled all the problems that have been discussed in his visits this week. Far from it. Some may not be soluble. He may have made a beginning on others such as getting a feel for the positions that will be taken by participants in the anticipated summit meeting this spring or summer that will deal principally with economies.

At a press conference Saturday Mondale said he and President Giscard d'Estaing of France had had useful discussions on many of the issues earlier in the day. But if any agreements or firm decisions were made on anything, Mondale did not disclose them.

He did proclaim that the European leg of his journey, which is now completed, had been a success. But he would not go beyond, saying that an "effective dialogue has been established" and that "we are now on a sound basis for progress."

Despite that chore staring him in the face, Mondale still was up emotionally after seven days of hop-scotching across Europe. When a French reporter at yesterday's press conference asked him a question about Libya, in French that he could not understand, Mondale responded, with a straight face:

"The question apparently has to do with how I can look so handsome and vital after such a long trip. It's the nobility of my idealism. That," he told the approximately 200 reporters, "is your lead for tomorrow."

MONDALE REACTION

(By George Short)

LONDON, Jan. 28, Reuter.—If Walter Mondale's personal performance is anything to judge by, the new Carter administration has scored a dazzling hit here.

The Vice President impressed Foreign Office and other government officials with a sense of crisp efficiency when he arrived and struck them even more with what they called his frankness and attention to detail. Then he ended up singing songs with British cabinet ministers and shaking hands with Londoners in the rain.

All this happened in 24 hours. Mr. Mondale arrived in Britain from Rome yesterday as part of his 10-day tour of West European capitals and Tokyo to establish the first high level contacts between the new administration and America's major allies. He flew off to Paris at noon today.

The British Government, struggling desperately with months of economic and financial crises, has been anxiously watching for signs of what the Carter team is likely to do, for as they say here: "If the United States economy sneezes, the rest of the world catches a cold."

President Ford was a known friend of Britain, even though his Republican administration often took a hard line on economic policy.

Mr. Carter, however, has an enigma. He had visited this country only once, as Governor of Georgia.

But there was considerable relief here today when newspapers announced that the administration had unveiled details of its plan to stimulate the U.S. economy.

Britain has been appealing for other, stronger economies to be boosted, thus helping the weaker ones by a general uplift in trade.

Mr. Mondale, according to informed British sources, sat down and talked openly and frankly with the British about economic problems. One result of the talks is that President Carter will probably be coming here in May to meet heads of the West European and Japanese governments to discuss NATO and economic matters.

Mr. Mondale himself definitely made a warn, personal impact.

One source remarked that he seemed to have an amazingly full grasp of a wide range of issues even though he had been in office only three days when he left for his tour.

At a dinner last night, Mr. Mondale ended up singing rousing songs with Prime Minis-

ter James Callaghan, Foreign Secretary Anthony Crosland and Chancellor of the Exchequer Denis Healey.

This morning, he strolled happily along Regent Street despite the light rain. Several astonished Londoners found themselves chatting with the new Vice President.

Then he bought a scarf for his wife Joan and flew off, leaving behind an impression summed up by a reserved British government official who commented: "It was all extremely cordial."

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Colorado (Mr. HART) is recognized for a time not to exceed 10 minutes.

PAUL WARNKE

Mr. HART. Mr. President, out West where I am from, we have an old tradition that says that you give a fellow a fair trial before you hang him. In the few years that I have been back here I have found that a different tradition seems to prevail in the East, certainly in Washington. According to that tradition, you hang the fellow without a fair trial or without any trial, and then you gather around to say nice things about him.

I am particularly addressing myself to the controversy which seems to be developing over the suggestion that Mr. Paul Warnke might be nominated by the President to head the Arms Control and Disarmament Agency. And I make these remarks in the context of the Senate's recent experience with the nomination of Mr. Theodore Sorensen to head the Central Intelligence Agency.

As Senators well know, we have a constitutional process for confirmation of high-level Government officials. According to that process, the President nominates an individual for a position, and then the Senate has an obligation to review the nomination and confirm or not confirm it.

The Senate has seen fit in the past to follow the traditions set down in our Constitution to provide hearings, to open the process, to allow people to be confronted by their accusers, and to allow them, if they choose, the right to counsel, and all other constitutional guarantees.

Unfortunately, what has happened too often is that once a name is suggested, even before it is presented in formal nomination to the Senate, sides begin to form both for and against that individual. The side that is against the individual begins to put items in newspapers and starts whisper campaigns about that person's qualifications. More often than not the information that is circulated is not even accurate. So, before the Senate has an opportunity to provide that individual a platform or a forum to present his or her qualifications, the majority of Senators on the committee or in the Senate at large have already made up their minds and have stated how they intend to vote—all before the individual has even had a chance to present his or her case.

In the case of Mr. Warnke, Mr. President, it is very clear. Mr. Warnke deserves the President's consideration for this position. Whether he deserves the Senate's confirmation is still a matter to be determined. He was General Counsel of the Defense Department. He was an Assistant Secretary of Defense for 2 years. He has had a long record of interest and concern in matters having to do with arms control and disarmament. To question his qualifications for this position on the grounds that he has convictions about arms control and disarmament does not make much sense to me. It seems to me that if you want a person to head an agency which has responsibility for arms control and disarmament, you find an individual with a commitment to arms control and disarmament and not someone with a commitment to arm us further and to take controls off of arms.

The distinguished Senator from California yesterday in this Chamber cited the Arms Control and Disarmament Act which contains the following sentence:

> It is the purpose of this Act to create a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament.

Now that is a declaration of Congress. That is not something Mr. Warnke may have said on a television program or in debate, nor is it something circulated in an unsigned, unattributable memorandum.

I am disturbed that the way this nomination is being tried is the very same way that the Sorensen nomination was tried—through unsigned leaks and unattributable sources of information circulated around Congress. People are even stating in the press that they do not think Mr. Warnke is qualified to hold this position because he may be against AWACS. The Senator from Missouri, Mr. EAGLETON, has been against AWACS for a long time. Does that mean he is not capable of heading up the Arms Control and Disarmament Agency?

I have before me an unsigned memorandum which says Mr. Warnke is unqualified for this position because he has questions about the B–1 bomber. Mr. President, the majority of Senators have questions about the B–1 bomber. Does that mean that the majority of Senators are not qualified to head the Arms Control and Disarmament Agency?

It is also suggested in this unsigned memorandum that Mr. Warnke is probably not qualified because he advised the Democratic nominee for the Presidency, Mr. MCGOVERN, in 1972—as if that is some sort of a crime.

Mr. President, as one who also had something to do with that campaign, I think it is a very serious issue if you are disqualified from holding high public office merely because you were an adviser to or a supporter of the Presidential nominee of one of the country's principal parties.

Mr. President, what this Senator is suggesting is that the Senate and the applicable committees in this case should refrain from hanging a person before he has a fair trial. Unlike the treatment which this body gave Mr. Sorenson, we should give Mr. Warnke a fair hearing. Senators who have legitimate questions about his qualifications, views, or positions should have an opportunity to ask him their questions and let him respond before any Senators make up their minds.

That is what the confirmation process is all about. I think we owe it to the President of the United States, more importantly I think we owe it to ourselves, and most importantly I think we owe it to people of this country to make sure that Mr. Warnke is given a fair trial.

My own view is that once Mr. Warnke is given that fair trial, he will probably prevail. But we have to reserve judgment until we have heard from him. I hope that the Members of this body refrain; I hope that people who circulate unsigned, unattributable memorandums refrain; and I hope to some degree that members of the press refrain from trying to get head counts on nominees before they are even nominated and before they even have a chance to have their say. For that I ask the indulgence of the Members of the Senate and the appropriate committees.

I thank the distinguished majority leader for the time. I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business, for not to exceed 30 minutes, for the purpose only to include statements, bills, resolutions, petitions, and memorials in the RECORD and with statements therein limited to 5 minutes each.

FRANKFORD ARSENAL—A BROKEN PROMISE

Mr. HEINZ. Mr. President, I think that all of us were very impressed with President Carter's fireside chat last night. It is always refreshing and stimulates a considerable amount of confidence in our political system to see someone, especially a President, talk about his campaign commitments and his plans to meet them. And I commend the President for having made his fireside chat last night and for being so frank, candid, and honest with the American people.

I think every administration goes through a honeymoon, and it is a necessary time of getting one's plans together and one's house in order.

I think all of us want the best from the new administration and want to be fair and give the benefit of the doubt.

When President Carter issued his plan to pardon draft evaders, I purposely refrained from criticizing that plan. Even though I personally do not agree with it, I think it would be a very destructive and poor precedent to criticize someone for making good on a campaign promise. That is, of course, what the President has done.

But today I must be critical of the Carter-Mondale administration because a campaign promise that was made has

been broken, and the matter is extremely serious.

Today the Subcommittee on Military Construction approved a $7.3 million request for reprograming that has the effect of closing the Frankford Arsenal in Philadelphia and allowing its functions to be transferred to the Picatinny Arsenal in New Jersey.

The reason why I am critical, Mr. President, is that on November 1, the day before election day, Senator MONDALE, then the Democratic candidate for Vice President, announced in the city of Philadelphia that if he and Jimmy Carter were elected, they would "make certain" that the Frankford Arsenal stays open. That is a quotation from the Philadelphia Inquirer dated November 2, 1976.

But despite repeated pleas on behalf of the employees of the Frankford Arsenal and the city of Philadelphia by Senator SCHWEIKER, myself, Representative EILBERG, and others, in spite of correspondence that I have had with Secretary Rumsfeld and Vice President MONDALE, in spite of a letter that I wrote to the President as late as last Thursday, and in spite of testimony I gave last month to the Subcommittee on Military Construction, the Carter-Mondale administration has failed to take a stand against closing the Frankford Arsenal and have remained silent on the reprograming request. That reprograming request is the death knell for the Frankford Arsenal, Transfer of the functions at Frankford to Picatinny will make 2,300 employees jobless and expose them and their families to economic hardship and mental anguish.

Mr. President, I think we should all abhor broken promises. To break a promise is a breach of faith. It is particularly worrisome when that promise is made at the end of a political campaign, and a hard-fought one, where the issue of candor and honesty was one of the central issues. It is disillusioning to the people, who want to have faith in our political process, to see politics as usual. I had hoped that that chapter was over and done with. Unfortunately, I can only conclude that the Carter-Mondale administration has decided to abandon the people of Philadelphia.

It is economically devastating to the people of Philadelphia to lose the several thousand jobs that the closing of the Frankford Arsenal will entail. The Defense Department might just as well have been ordered to drop a 2,000-pound bomb on the city of Philadelphia; it would have done less damage than the closing of the Frankford Arsenal. Let there be no mistake: by taking no action to stop the Defense Department, by ignoring our pleas and by forgetting their campaign promise President Carter and Vice President MONDALE are causing the Frankford Arsenal to close. While last minute action by the administration might yet save the arsenal, I am afraid a cynical decision has once again been made to betray the peoples' trust.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the several documents I referred to in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Oct. 2, 1976]

ARSENAL STAYS, MONDALE VOWS

(By Marc Schogol)

Democratic vice presidential candidate Walter F. Mondale announced here yesterday that if he and Jimmy Carter were elected, they would "make certain" that the Frankford Arsenal stays open.

Mondale, sprinting across the states of the Northeast and Midwest on the last day of the campaign, made the surprise pledge at Philadelphia International Airport after conferring with Mayor Frank L. Rizzo.

As Mondale spoke, the U.S. Supreme Court was announcing in Washington that it had rejected Philadelphia's attempt to block the closing of the arsenal. The high court refused to review earlier rulings by the U.S. District Court and the U.S. Court of Appeals upholding the Army's decision to close the facility.

In the suit, the city had claimed that the secretary of the Army lacked the power to close the plant and that the closing was racially discriminatory.

Mondale's promise, if carried out, would not be affected by yesterday's decision.

The arsenal, in Northeast Philadelphia, employs about 2,400 people. It is scheduled to be phased out and closed by next fall. Mondale said that to do so would be a "fatal blow to that part of the city."

Drew Lewis, the chairman of the President Ford Committee in Pennsylvania, described the timing of Mondale's promise to keep the facility open as suspicious.

"I am convinced this is a last-minute goodie he's trying to give away," Lewis said in a telephone interview. "I think they're in trouble here and that's just one of the ways to try and get around it . . . He's trying to be Santa Claus."

But several local Democratic officials said yesterday that the pledge was not a last-minute vote-getting tactic.

Mayor Frank L. Rizzo, who met briefly with Mondale soon after the Minnesota senator arrived yesterday and who stood beside him during a brief news conference, said he was confident that the Democratic ticket would win in Philadelphia, Pennsylvania and nationwide.

No last-minute gestures will change that, he said, "The people have already made up their minds."

After Mondale left, Rizzo said he had discussed the arsenal with the vice presidential candidate last week when he campaigned here and again yesterday during their meeting on Mondal's plane.

". . . If you're going to get anything," he said, "you've got to get it before the election."

Rizzo, who had stayed away from Carter's big center city rally Friday because several Rizzo recall leaders had been invited, received Mondale much more warmly than he had received Carter.

On Friday, Rizzo met Carter at the airport, talked with him on the campaign plane and, after a quick handshake before photographers, departed. Yesterday the mayor, with Gov. Milton J. Shapp, stood in a show of unity beside Mondale during his news conference.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 15, 1976.

Hon. DONALD H. RUMSFELD,
Secretary of Defense,
The Pentagon,
Washington, D.C.

DEAR SECRETARY RUMSFELD: Please find attached a copy of a letter I have written Vice President-elect Mondale concerning the planned closing of the Frankford Arsenal.

As you know, Senator Mondale on more than one occasion has stated his belief that the Arsenal should not be closed, and he has pledged that the incoming administration will "make certain" the Arsenal stays open. Notwithstanding this clear statement of the new administration's intention, the Army appears to be expediting the Arsenal's closing and has begun sending Arsenal employees their notices of termination. This series of events has created uncertainty and hardships for those who work at the Arsenal and for the people who live in the areas around it.

The controversy surrounding the closing of the Frankford Arsenal clearly is counterproductive; it could prove costly to the taxpayers, especially if the policy now being implemented is reversed two months from now. For this reason, I have asked the incoming administration to directly and specifically request the Department of Defense to delay further implementation of the closure order. I also requested that a member of the Carter transition team be assigned specific responsibility for working with the Defense Department on the Arsenal's disposition. If these initiatives are instituted, I strongly would hope that the Department will fully comply and cooperate with them.

For my own part, I firmly believe that the Frankford Arsenal should be kept open, and I would respectfully request that the Department of Defense discontinue its plans to close the Arsenal. Whatever measure of efficiency is gained by transferring the Arsenal's functions cannot offset the terribly destructive human and economic impact that the closing will have. The General Accounting Office has estimated that the Arsenal's closing will cost the Philadelphia area over $50 million in lost wages and salaries and more than $1.5 million in lost tax revenues. This accounting does not measure the considerable loses that state government and local school districts will incur as a result of the closure.

Needless to say, I believe this is a matter of utmost importance to which I hope you will give your most sympathetic consideration.

With warm regards.

Sincerely,

JOHN HEINZ III, M.C.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 15, 1976.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: As you know, the Department of Defense recently announced its intention to proceed with its plans to close the Frankford Arsenal. Because I share your firm conviction that the Arsenal must be saved, I want to offer my assistance in a cooperative effort to ensure its continued operation.

Since Arsenal employees already have begun receiving their notices of termination, steps must be taken immediately to persuade the Department of Defense to delay further action on this matter until the new Administration can work its will. For that reason and in light of your public statements on this issue, I think it is critically important that either you or the President-elect firmly, directly and specifically request the Defense Department to cease implementation of the closure order until the time you take office. President Ford has pledged his administration's commitment to an orderly and efficient transition, and I consequently expect that the Defense Department would be receptive to your request. Needless to say, I would support this initiative as strongly as possible.

Recognizing the need for on-going discussions to facilitate the efficient and satisfactory resolution of the Arsenal controversy, I respectfully suggest that following your initial communication with the Defense Department you assign a member of your transition team specific responsibility

for the Arsenal's disposition. I look forward to working closely with this individual to help guarantee an effective and coordinated effort aimed at keeping the Frankford Arsenal open.

The importance of our joint endeavors to save the Frankford Arsenal cannot be underestimated. In both human and economic terms, the Arsenal's closing would have a terribly destructive impact on the men and women who work there. Additionally, further moves to close the Arsenal would strike a severe blow at the economic health of Southeastern Pennsylvania. The prospect of this economic hardship is something which we can neither tolerate nor condone. I believe decisive action at this time can prevent an unfortunate situation from reaching tragic proportions, and that is why I look to you for speedy and forceful action.

Thank you for your attention to this matter of vital importance.

Sincerely,

H. JOHN HEINZ III, M.C.

U.S. SENATE,
Washington, D.C., December 30, 1976.

Dr. HAROLD BROWN,
Secretary of Defense-Designate, 415 South Hill Avenue, Pasadena, Calif.

DEAR HAROLD: As you know, the new Administration is committed to review the decision of the Department of the Army to close the Frankford Arsenal in Philadelphia. The Department of the Army initially announced its intention to close the Arsenal in November, 1974. This announcement has now resulted in the issuance of termination and relocation notices, effective on January 29, 1977, to Frankford Arsenal employees.

In view of the issuance of these notices, and particularly in view of the fact that they are to become effective shortly after the new Administration takes office, I am writing to ask that you begin an immediate review of this matter and that discusions be initiated with appropriate Army and Defense Department officials. While the recent decision to issue termination and relocation notices and all other federal executive actions, of course, remain the lawful and exclusive responsibility of the present Administration, in view of the fact that many of the Frankford Arsenal employees have already received their notices, I believe it is essential that steps be taken now to review the rationale for the Department of the Army's actions so that an early decision can be made by the new Administration.

I look forward to working with you in this matter toward the fulfillment of my commitment to the employees of the Frankford Arsenal.

Sincerely,

WALTER F. MONDALE.

MONDALE ASKS STUDY OF ARSENAL

(By John Benditt)

Vice President-elect Walter F. Mondale made a last-minute effort yesterday to fulfill a campaign promise to keep the Frankford Arsenal open.

In a four-paragraph letter to Secretary of Defense-designate Harold Brown, Mondale urged an immediate review of the Army's decision to close the arsenal.

On Nov. 1, while campaigning in Philadelphia, Mondale promised to "make sure" the arsenal stays open.

But the Department of the Army went ahead with plans to close the facility, sending termination notices to the arsenal's 2,300 employes.

The notices are effective Jan. 29. The Carter Administration does not take office until Jan. 20.

Mondale's letter brushes the issue of shortage of time, and the fact that another administration is in power.

"The recent decision to issue termination and relocation notices remain(s) the lawful and exclusive responsibility of the present administration," the letter said.

But Mondale continues: "In view of the fact that many of the Frankford Arsenal employes have already received their notices, I believe it is essential that steps be taken now to review the rationale for the Department of the Army's actions so that an early decision can be made by the new administration."

Pennsylvania congressmen have kept pressure on Mondale to make good his campaign promise and stop the transfer of arsenal employes to New Jersey.

If the Jan. 29 termination notices take effect, some 1,000 Frankford Arsenal workers are scheduled to go to the Picatinny Arsenal in Dover, N.J.

The Army plans to set up a new Armament Research and Development Command at Picatinny, and many New Jersey politicians and businessmen have actively supported the project.

Last fall, the House military construction subcommittee voted to authorize $7.3 million to help start the Picatinny project.

The Senate subcommittee, however, voted to delay action until hearings, tentatively scheduled for February, have been held. Pennsylvania congressmen have said they will oppose the $7.3 million outlay in those hearings.

The latest pressure on Mondale from Pennsylvania came earlier this month when Senator-elect H. John Heinz (R-Pa.) asked current Defense Secretary Donald Rumsfeld to discontinue shutdown plans.

Heinz also asked Mondale to appoint a member of his "transition team" to handle arsenal strategy.

The Ford Administration first announced that the arsenal would be closed and its activities taken over by the Picatinny facility in November 1974.

U.S. SENATE,
Washington, D.C., January 3, 1977.

Hon. H. JOHN HEINZ III,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: Thank you for your letter regarding the Frankford Arsenal. I appreciate your offer of assistance, and I will, of course, do everything I can to assure a review of this matter by the new administration.

While, as you know, all actions taken with respect to the Frankford Arsenal before January 20, 1977 are the exclusive responsibility of the present Administration, I have asked Dr. Harold Brown, Secretary of Defense Designate, to begin an immediate review of this matter. I am enclosing a copy of my letter to Dr. Brown.

Let me also take this opportunity to congratulate you on your election to the Senate. I look forward to working with you and all members of the Senate during the next four years.

Warmest regards.

Sincerely,

WALTER F. MONDALE.

STATEMENT OF H. JOHN HEINZ III, U.S.S., SENATE SUBCOMMITTEE ON MILITARY CONSTRUCTION, JANUARY 13, 1977

Mr. Chairman, I appear before this committee today to express my deep concern over the fate of the employees of the Frankford Arsenal. Today, the members of this committee will consider a reprograming request for $7.3 million for the expansion of the Picatinny Arsenal. It is my understanding that this request is predicated on the closing of the Frankford Arsenal and transfer of its functions to Picatinny.

As you may or may not know, Vice President-elect Mondale on more than one occasion has stated his belief that the Arsenal should not be closed, and has pledged that the incoming administration will "make certain" the Arsenal stays open. Notwithstanding this clear statement of the incoming administration's intention, the Army appears to be expediting the Arsenal's closing and has begun sending Arsenal employees their notices of termination. This series of events has created uncertainty and hardships for those who work at the Arsenal and for the people who live in the areas around it.

Since making his initial commitment, Vice President-elect Mondale has informed me that he has asked Dr. Harold Brown, Secretary of Defense-Designate, to begin an immediate review of the Frankford Arsenal closing. In view of the fact that this policy is now under review, and that the incoming administration is on record as favoring the maintenance of the Frankford Arsenal, a decision to approve these construction funds now could prove costly to the taxpayers if the decision to close the Frankford Arsenal is reversed when the new administration takes office. Therefore, I would urge the members of this committee to delay any transfer of funds for expansion of the Picatinny Arsenal until the new administration has had an opportunity to work its will.

JANUARY 27, 1977.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On January 13, I testified before the Senate Appropriations Subcommittee on Military Construction. At that time, I urged the members of that committee to make no decision on the request of the Department of the Army to reprogram $7.3 million for the expansion of the Picatinny Arsenal until the Carter Administration officially expressed its views on this important issue.

This reprogramming request is predicated on the closing of the Frankford Arsenal, which your administration is on record in favor of keeping open. Since the Military Appropriations Subcommittee is scheduled to act on this request on February 3, it is essential that in the near future you, the Vice President, or the Administration provide the members of the Subcommittee with your views on maintaining the Frankford Arsenal.

The people of Philadelphia have placed their trust and confidence in Vice President Mondale's pledge in behalf of the Carter Administration to "make certain" the Frankford Arsenal stays open. Many of these people are now wondering why your administration has not informed the Military Construction Subcommittee of this pledge especially since their decision on the Army's reprogramming request on February 3 will drastically affect their jobs and their lives.

At this time, the Subcommittee has received no official comment from you nor from Vice President Mondale. Many would interpret this silence to mean consent to the reprogramming request which would result in the closing of Frankford. I would hope that you use this opportunity to publicly reaffirm your commitment to the people of Southeastern Pennsylvania and relay that message to the Military Construction Subcommittee.

I shall look forward to hearing from you on this vital matter.

Sincerely,

H. JOHN HEINZ III, U.S.S.

The ACTING PRESIDENT pro tempore. Is there further morning business?

THE EFFORT TO STOP THE PAY RAISE

Mr. ALLEN. Mr. President, on the matter of the pay raise for top people in the executive, legislative, and judicial departments of the National Government, as Senators know, the Senator from Alabama, together with some 11 other Senators, sought to have passed in the Senate a resolution disapproving of

that pay raise. It will cost the taxpayers some $124 million directly; and, indirectly, by the fact that similar raises in all likelihood will be passed on throughout the Federal bureaucracy, it will actually cost hundreds of millions of dollars, and possibly several billions of dollars.

Repeatedly, we hear economic stimulus, a stimulus to the economy, mentioned, and the President, of course, is going to submit to us a proposal to stimulate the economy. But the Senate, by its vote on yesterday, has voted an economic stimulus by way of salary increases. That is hardly the way to stimulate the economy, as the Senator from Alabama sees it.

First, Mr. President, the Senator from Alabama, together with some 12 cosponsors, introduced Senate Resolution 39 to veto this proposed pay raise. It takes affirmative action to veto the pay raise. That resolution was not allowed to come up, and we tried, then, the introduction of another resolution, which went to the Committee on Post Office and Civil Service. The Senator from Alabama was advised that that would not come out of the committee. So it was then, and only then, that we resorted to offering a nongermane amendment to Senate Resolution 4, feeling that the Senate should take a stand on this issue, and should not hide behind the very ill advised provision of law that allows the salary increase to go into effect unless one of the two Houses of Congress would take affirmative action to disapprove the pay raise.

So, Mr. President, we did get an expression from the Senate on that issue when the amendment which we offered became the pending business of the Senate, and the distinguished majority leader moved to table that resolution and called for the yeas and nays. By a vote of 56 to 42, the Senate has expressed its opinion. By that majority, the Senate said that it would not disapprove of the pay raise.

Now I understand that the distinguished majority leader is going to ask unanimous consent that no further nongermane amendments be offered to the pending resolution. Mr. President, I am not going to object to that request. A strong effort has been made to get the Senate to disapprove of the pay raise, and the Senate, in a rollcall vote, has said that it will not disapprove of the pay raise. It was a susbtantial expression of sentiment, 56 to 42.

That being the case, the Senator from Alabama, unless there is a major shift of opinion in the Senate, which he does not anticipate, is going to make no further effort during this 30-day period to disapprove of the pay raise. Action has to be taken, as the Senator from Alabama has reminded Senators on a number of occasions, by the 11th of this month, or the pay raise will go into effect. There has been no shift of opinion in this matter so far as the Senator from Alabama has been advised; so he is not going to make any objection to the majority leader's request.

I want to express my appreciation to the distinguished majority leader for not seeking to rule out nongermane amendments prior to this time. He gave us an opportunity to put in a nongermane amendment, and we did put in that amendment; and the Senate has worked its will on the amendment. It chose to lay the amendment on the table. So the Senator from Alabama bows to the will of the Senate in this regard unless there is a major shift of opinion, which right now he does not anticipate, and he does not plan to make a further effort to get the Senate to reverse itself.

Mr. President, I yield the floor.

MESSAGES FROM THE HOUSE

At 1:11 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that:

The House has passed the bill (H.R. 2647) to amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan limitations and to increase surety bond authorizations, in which it requests the concurrence of the Senate.

The SPEAKER has made the following appointments:

Mr. PHILLIP BURTON, chairman, Mr. RODINO, Mr. BROOKS, Mr. ANNUNZIO, and Mr. ZABLOCKI members of the U.S. Group of the North Atlantic Assembly;

Mr. ERTEL as a member of the National Study Commission on Records and Documents of Federal Officials;

Mr. WOLFF and Mr. WYDLER as members of the Board of Visitors to the U.S. Merchant Marine Academy; and

Mr. TEAGUE, Mr. UDALL, Mr. BROWN of California, Mrs. HOLT, Mr. MILLER of Ohio, and Mr. WINN as members of the Technology Assessment Board.

The chairman of the Committee on Banking, Finance and Urban Affairs has appointed Mr. MITCHELL of Maryland, Mr. EVANS of Indiana, Mr. TSONGAS, Mr. BROWN of Michigan, and Mr. WYLIE as members of the Joint Committee on Defense Production.

COMMUNICATION RECEIVED BY THE SECRETARY OF THE SENATE

The Secretary of the Senate reported receipt of the following communication:

GERALD R. FORD,
January 31, 1977.

Hon. FRANCIS R. VALEO,
Secretary of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. VALEO: I am truly pleased to have Senate Resolution 38 and hope it will be possible for you to convey to the individual Senators my deep appreciation and boundless gratitude. This Senate Resolution will always have a most treasured place in my heart.

With kind personal regards and appreciation for your personal good wishes,

Sincerely,

JERRY FORD.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communications which were referred as indicated:

EC-573. A letter from the Assistant Secretary of the Army for Civil Works transmitting a draft of proposed legislation to provide for the collection of waterway user charges, and for other purposes (with accompanying papers); jointly, by unanimous consent, to the Committee on Commerce and the Committee on Public Works.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a communication from the Assistant Secretary of the Army, relative to the collection of waterway user charges, be referred jointly to the Committees on Commerce and Public Works.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EC-574. A letter from Deputy Director of the Office of Management and Budget transmitting, pursuant to law, notice that an additional unobligated balance of $112,169,895 is available for use in FY 1977 for the Department of Agriculture's Food Stamp Program; to the Committee on Appropriations.

EC-575. A letter from the Secretary of the Air Force transmitting, pursuant to law, a report on the progress of the Reserve Officers' Training Corps Flight Training Program for the calendar year 1976 (with an accompanying report); to the Committee on Armed Services.

EC-576. A letter from the Director of the General Accounting Office transmitting, pursuant to law, notice of his letter to the Secretary of Defense recommending the Air Force to pursue full recovery of the 24 percent overhead and profit increase during the final currency fluctuation pricing settlement concerning the purchase of 111 TF-41 engines during 1976; to the Committee on Armed Services.

EC-577. A letter from the Chairman of the Board of Governors of the Federal Reserve system transmitting, pursuant to law, the first Annual Report of the Board of Governors of the Federal Reserve System on the Equal Credit Opportunity Act for the year 1976 (with an accompanying report): to the Committee on Banking, Housing and Urban Affairs.

EC-578. A letter from the Deputy Director of the Office of Management and Budget transmitting, pursuant to law, a followup report to the report entitled "Recommendations on Housing, November 5, 1975" (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

EC-579. A letter from the Director of the Securities and Exchange Commission transmitting, pursuant to law, the Fourth Report to Congress on the Effect of the Absence of Fixed Rates of Commissions for calendar year 1976 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

EC-580. A letter from the Chairman of the Marine Mammal Commission transmitting, pursuant to law, the fourth Annual Report of the Marine Mammal Commission, Calendar Year 1976 (with an accompanying report); to the Committee on Commerce.

EC-581. A letter from the Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, the Consumer Product Safety Commission's fiscal year 1978 Congressional Budget Request (with an accompanying report); to the Committee on Commerce.

EC-582. A letter from he Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of Council Act 1-225 "An act to amend laws of the Council affecting elections and Latino community development; and for other purposes" (with accompanying papers); to the Commitee on the District of Columbia.

EC-583. A letter from the Administrator of the General Services Administration transmitting, pursuant to law, a report covering the disposal of surplus Federal real property for historic monument purposes for Fiscal Years 1973 through 1976 (with an accompanying report); to the Committee on Government Operations.

EC–584. A letter from the Attorney General of the United States transmitting, pursuant to law, two copies of four reports on purpose changes in record-keeping practices within the Department of Justice in accordance with the Privacy Act (with an accompanying report); to the Committee on Government Operations.

EC–585. A letter from the Chairman of the Advisory Commission on Intergovernmental Relations transmitting, pursuant to law, the eighteenth Annual Report of the Advisory Commission on Intergovernmental Relations for the year 1976 (with an accompanying report); to the Committee on Government Operations.

EC–586. A letter from the Acting Administrator of the Federal Energy Administration transmitting, pursuant to law, a monthly report that monitors changes in the refiner distribution and market shares of the statutory categories of refined petroleum products for September 1976 (with an accompanying report); to the Committee on Interior and Insular Affairs.

EC–587. A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, notice of a contract approval with the Tri-County Water Conservancy District, Colorado, for repayment of the costs of construction of the Dallas Creek Project (with accompanying papers); to the Committee on Interior and Insular Affairs.

EC–588. A letter from the Director of ACTION transmitting, a draft of proposed legislation to amend the Domestic Volunteer Service Act of 1973 (with accompanying papers); to the Committee on Labor and Public Welfare.

EC–589. A letter from the Director of the Administrative Office of the United States Court transmitting, pursuant to law, notice that the duties of the four GS–17 positions for this agency have not changed since the report of last year; to the Committee on Post Office and Civil Service.

EC–590. A letter from the Deputy Assistant Secretary of Defense, Installations and Housing, transmitting, pursuant to law, notice of 39 construction projects to be undertaken by the Army National Guard (with accompanying papers); to the Committee on Armed Services.

EC–591. A letter from the Chairman of the Securities and Exchange Commission transmitting a draft of proposed legislation to amend the Securities Exchange Act of 1934 to authorize specified amounts to be appropriated for the Securities and Exchange Commission for fiscal years 1978–1980 (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

EC–592. A letter from the Comptroller of Washington Gas transmitting, pursuant to law, a copy of a Balance Sheet of the Company as of December 31, 1976 (with an accompanying report); to the District of Columbia.

EC–593. A letter from the Assistant Managing Director for Consumer Affairs for the Federal Maritime Commission transmitting, pursuant to law, a report on systems of records in accordance with the Privacy Act (with an accompanying report); to the Committee on Government Operations.

EC–594. A letter from the Controller of the Boys' Clubs of America transmitting, pursuant to law, a copy of the audited financial report for the fiscal year ending September 31, 1976 (with an accompanying report); to the Committee on the Judiciary.

EC–595. A letter from the Secretary of Transportation transmitting, pursuant to law, a report on those intercity portions of the Interstate System the construction of which would be needed to close essential gaps in the System (with an accompanying report); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STENNIS, from the Committee on Armed Services:

S. Res. 71. An original resolution authorizing additional expenditures by the Committee on Armed Services for routine expenses.

S. Res. 72. An original resolution authorizing additional expenditures by the Committee on Armed Services for the procurement of consultants.

EXECUTIVE REPORTS

Mr. STENNIS. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nominations of 40 in the Army Reserve and Army National Guard for appointment to the grade of brigadier general and major general (list beginning with Donald Jordan Brown); and Brig. Gen. John T. Guice, Air National Guard, for appointment to the grade of major general; and 23 for appointment in the Reserve of the Air Force to the grade of brigadier general and major general (list beginning with John R. Dolny). Also, Lt. Gen. John Reiley Guthrie, U.S. Army, to be general; and Vice Adm. Frank D. McMullen, Jr., U.S. Navy, for appointment to the grade of vice admiral; and Vice Adm. Donald D. Engen, U.S. Navy, for appointment to the grade of vice admiral. I ask that these nominations be placed on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. In addition, there are 2,514 in the Navy for temporary and permanent appointment to the grade of commander and below (list beginning with Jimmy L. Aaron); and 35 Naval Reserve Officer Training Corps graduates for permanent appointment to the grade of second lieutenant in the Marine Corps (list beginning with Luther M. Beaty); and 128 U.S. Naval Academy graduates for permanent appointment to the grade of second lieutenant in the Marine Corps (list beginning with James M. Abbot). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 10, 18, and 19, 1977, at the end of the Senate proceedings.)

BILL PLACED ON THE CALENDAR

The bill (H.R. 2647) to amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan limitations and to increase surety bond authorizations, was read twice by its title and placed on the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. BENTSEN:

S. 594. A bill to amend the Trade Act of 1974 in order to authorize the President to designate any of certain countries as eligible for the tariff preferences extended to developing countries under title V of such act if the President determines that such designation is in the national economic interest; to the Committee on Finance.

S. 595. A bill for the relief of Norfa Ruth Velgar; and

S. 596. A bill for the relief of Dr. Reynaldo P. Perez, his wife, Raquel Perez, and their child, Marie Freinde Perez; to the Committee on the Judiciary.

S. 597. A bill to amend the Federal Water Pollution Control Act; to the Committee on Public Works.

By Mr. HUMPHREY (for himself and Mr. ANDERSON):

S. 598. A bill to authorize the Secretary of Agriculture to guarantee loans and to make payment adjustments on behalf of individuals who wish to purchase farmland for the purpose of engaging in farming but who are unable to purchase such land without Federal assistance, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. BAKER (for himself and Mr. HELMS):

S. 599. A bill to revise the payment of compensation to widows and widowers of certain deceased Federal employees; to the Committee on Post Office and Civil Service.

By Mr. PERCY (for himself, Mr. ROBERT C. BYRD, and Mr. RIBICOFF):

S. 600. A bill to reorganize Federal regulatory agencies to prevent excessive, duplicative, inflationary, and anticompetitive regulation, and to make regulation more effective and responsive to the public interest; to the Committee on Government Operations.

By Mr. JAVITS (for himself, Mr. BROOKE, Mr. CRANSTON, and Mr. NELSON):

S. 601. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana; to the Committee on the Judiciary.

By Mr. PELL:

S. 602. A bill to extend and revise the Library Services and Construction Act, and for other purposes; to the Committee on Labor and Public Welfare.

By Mr. WEICKER (for himself, Mr. PEARSON, and Mr. BROOKE):

S. 603. A bill to establish a program to improve the commercial fisheries of the United States; to the Committee on Commerce.

By Mr. JAVITS (for himself, Mr. WILLIAMS, Mr. KENNEDY, Mr. CASE, Mr. MOYNIHAN, Mr. MAGNUSON, Mr. CRANSTON, and Mr. HATHAWAY):

S. 604. A bill to amend and improve the programs authorized under the Emergency Unemployment Compensation Act of 1974, and to extend such programs for one year, and for other purposes; to the Committee on Finance.

By Mr. HATHAWAY (for himself and Mr. MUSKIE):

S. 605. A bill to amend title V of the Housing Act of 1949 to require the Secretary of Agriculture to provide for the establishment of escrow accounts for taxes and insurance by borrowers under that title, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

By Mr. JOHNSTON:

S. 606. A bill entitled "Military Retiree Health Benefits Act of 1976"; to the Committee on Armed Services.

By Mr. JOHNSTON (for himself, Mr. GLENN, Mr. NUNN, Mr. JAVITS, Mr. BROOKE, and Mr. BENTSEN):

S. 607. A bill to establish a Minority Business Development Administration in the De-

partment of Commerce; to the Committee on Government Operations.

By Mr. MATHIAS (for himself and Mr. SARBANES):

S. 608. A bill to amend section 181(a)(2) of the Water Resources Development Act of 1976; to the Committee on Public Works.

By Mr. MATHIAS (for himself and Mr. Baker):

S. 609. A bill to amend the Food Stamp Act to establish a home-heating stamp program to provide assistance to low-income and fixed-income households in meeting the cost of rising fuel bills; to the Committee on Labor tnd Public Welfare.

By Mr. HOLLINGS (for himself and Mr. HUDDLESTON):

S. 610. A bill to provide for monthly reimbursement to Senators for rental payments and operating costs of mobile offices in their home States; to the Committee on Appropriations.

By Mr. MATSUNAGA:

S. 611. A bill for the relief of Mercedes M. Marquezlim Sindico;

S. 612. A bill for the relief of Timothy Lao Olavere;

S. 613. A bill for the relief of Kwok Hung Poon and his wife, Sandra Shau Man Lai Poon; and

S. 614. A bill for the relief of Chiu-Ping Haskell; to the Committee on the Judiciary.

By Mr. HANSEN (for himself, Mr. BARTLETT, Mr. BROOKE, Mr. CHURCH, Mr. EASTLAND, Mr. GARN, Mr. HATCH, Mr. HELMS, Mr. LUGAR, Mr. MCCLURE, Mr. RANDOLPH, Mr. ROTH, Mr. STAFFORD, Mr. THURMOND, Mr. TOWER, and Mr. WILLIAMS):

S. 615. A bill to amend title II of the Social Security Act to increase the increment in old-age benefits payable to individuals who delay their retirement beyond age 65; to the Committee on Finance.

By Mr. DOLE:

S. 616. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit based upon the creation of new jobs and increased employment in private industry; to the Committee on Finance.

By Mr. INOUYE:

S. 617. A bill to amend the CHAMPUS program provided for under chapter 55 of title 10, United States Code, in order that the services of a qualified professional psychiartic nurse may be provided under such program without a requirement that such services be specified by a physician; and

S. 618. A bill to amend the CHAMPUS program provided for under chapter 55 of title 10, United States Code, in order that the services of a licensed registered nurse may be provided under such program without a requirement that such services be specified by a physician; to the Committee on Armed Services.

S. 619. A bill to require the disclosure of information reating to reports prepared for executive agencies by experts or consultants; to the Committee on Government Operations.

By Mr. RANDOLPH (for himself, Mr. FORD, and Mr. HUDDLESTON):

S. 620. A bill to establish university coal research laboratories and to establish energy resource fellowships, and for other purposes; to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 594. A bill to amend the Trade Act of 1974 in order to authorize the President to designate any of certain countries as eligible for the tariff preferences extended to developing countries under title V of such act if the President determines that such designation is in the national economic interest; to the Committee on Finance.

Mr. BENTSEN. Mr. President, it is no exaggeration to state that hemisphere relations are at an all-time low. For those of us who have long been concerned about the slow but steady deterioration in relations with our neighbors, there is great hope that the new administration in Washington will address itself to some of the pressing problems in this very hemisphere. The previous administration's focus on Big Power diplomacy placed low priority on Latin America's and Canada's importance to us, not only strategically and economically, in terms of markets and sources of raw materials, but also as hemisphere neighbors and increasingly important members of the world community with problems and potential we cannot afford to ignore.

Our own national security is closely meshed with the political and economic development of the hemisphere. It is well for us to recall that national security implies not only military strength; it also includes the economic stability, good will and trust of our neighbors. But in recent months hemisphere relations have been further destabilized by enactment of the 1974 Trade Act. Among the provisions which affect Latin America is a prohibition on trade preferences under title V to any member of the OPEC.

I am deeply concerned over the increase in the price of oil since 1973 and the impact on the world economy. We are all too familiar with the recession, unemployment, and payments deficits which have resulted from OPEC's price increases. We should certainly push for a reduction in the price of oil but we should also realize that the energy problem is a two-pronged one: price and supply.

It must be emphasized that the OPEC is not a monolithic political or economic bloc. Indeed, the behavior of OPEC members has been divided on the question not only of price but also of supply. In addition to the divisions in evidence last December at the Qatar meeting of oil-producing nations, I remind my colleagues that certain members of OPEC—specifically, Venezuela, Ecuador, Nigeria, Indonesia, and Iran—did not participate in the oil embargo against the United States in 1973–74. On the contrary, evidence is that at least one of those countries, Venezuela, substantially increased production and supplies of oil to the United States during that time, perhaps as much as 22 percent. In addition, Venezuela is among those oil-producing, non-Arab members of OPEC which has indicated that it would never use oil as a political weapon.

Mr. President, the United States should address itself to this divergence in OPEC behavior by making every effort to encourage the development of close ties with those countries which did not participate in the embargo. While we all seek an eventual freedom from reliance on oil imports, there is much the United States should be doing in terms of working with these members of OPEC on political and economic issues in order to maintain access to their supplies of energy while we develop alternatives. There is also much that the United States should not be doing. A case in point is the failure of the 1974 Trade Act to distinguish between those who participated in the OPEC embargo and those who did not.

In the 94th Congress I introduced legislation to remedy this situation. Although my amendment was approved by the Senate Finance Committee, the full Senate was unable to act due to the press of legislative business at the close of the session. Therefore, Mr. President, I am once again introducing legislation to give the President the authority to exempt those countries who do not engage in embargoes from the restrictions on preferential tariff treatment for members of OPEC. This would be a minor and largely symbolic concession by the United States which will pay off in substantial dividends. For example, estimates are that only 1 to 3 percent of Venezuela's nonoil exports to this country will be eligible for preferential tariff treatment; 0.5 percent of Indonesia's; 0.32 percent of Iran's; 0.08 percent of Nigeria's, and 4.5 percent of Ecuador's. Consequently, the impact on our own economy is minimal. But it is important to note that of our six most important sources of foreign oil, four are denied trade preferences under the law as it is now written. The OPEC countries that did not participate in the 1973–74 embargo account for some 48 percent of our imported oil last year in the amount of 3.25 million barrels a day.

Mr. President, I believe this bill will be a significant stimulus toward improving relations with these nations and insuring continued supplies of energy to the United States in the event of another OPEC embargo. I urge the Senate's support of my bill.

By Mr. BENTSEN:

S. 597. A bill to amend the Federal Water Pollution Control Act; to the Committee on Public Works.

Mr. BENTSEN. Mr. President, today I am introducing legislation to clarify and restrict to more realistic levels the authority of the Army Corps of Engineers under the Water Pollution Control Act of 1972. I offered this proposal on two occasions last session, and though both failed, I believe the single-vote margins in the Public Works Committee and on the Senate floor indicate substantial support for this approach. This measure has passed the House of Representatives with overwhelming support.

The bill redefines the term "navigable waters" for purposes of section 404 of the act to include those waters presently used or susceptible for use, through reasonable improvement, in the transport of goods in interstate and foreign commerce. In addition, the measure provides for corps authority for the regulation of wetlands adjacent to "navigable waters", as well as additional areas if a State so requests. Further, it exempts normal farming, forestry, and ranching activities; calls for use of a general permit system; and allows the States to administer their own program of wetland's protection.

Mr. President, since the courts ordered the corps to expand its regulatory activity under the Water Pollution Control Act to include dredge and fill operations on nearly every body of water in this country, I have been contacted by scores

of farm organizations, forest management officials, soil conservation district managers, water resources boards, our State water authority, and private landowners. They have expressed alarm over the sweeping nature of the corps' regulations, the long delay to be anticipated with their implementation, and broad intrusion of Federal involvement in what traditionally have been State and local decisions. Mr. President, I believe we have a responsibility to respond to that concern; and this is the purpose of my legislation.

In adding section 404 to the Federal Water Pollution Control Act of 1972, the Congress was most concerned with preventing the uncontrolled disposal of polluted dredge spoil and fill. I do not believe it intended a sweeping regulatory program covering nearly every dredge and fill activity on every body of water in our country. We cannot continue to stand idly by and allow the courts and the corps to determine our intent in this matter.

While we must be sympathetic to the protection of our Nation's wetlands, I believe that the attempt to use the present corps program as the vehicle for a Wetlands Management Act is both improper and inadequate. Surely, we can develop a more reasoned, thoughtful, and effective approach.

In focusing the scope of the program by redefining the term "navigable waters" for section 404, this measure should lead to an improvement of the regulatory effort designed to protect our most precious waters and their adjacent wetlands from polluted dredge spoil and fill. Since 1974, the number of 404 permit applications has multiplied more than threefold and with enforcement of phases II and III, as required by the courts, the number of permit applications will inevitably multiply. Their processing will only lead to increased delays and a decline in the quality of the actual review process. By attempting to do too much, the corps will effectively be accomplishing less and less in terms of one objective—the protection of our truly valuable waters and wetlands.

Let no misunderstanding occur. We are talking about a truly massive and increasingly unmanageable regulatory program under the current corps' regulations. In fiscal year 1974, 2,900 permits were sought under the section 404 program. With all of its other programs, the corps issued a total of 13,000 permits that year. Two years later, in fiscal year 1976, 9,200 permit applications were requested under section 404, and a total of 20,000 permits were issued by the corps. The corps at one time estimated that 30,000 to 50,000 permit applications would be submitted annually if phase III were ever implemented. The corps has subsequently scaled that figure down somewhat, but it must certainly remain far higher than today's figure.

People are obviously needed to process those permits. From 1972 to 1976, the corps experienced more than a threefold increase in personnel necessary to do the processing. Projected needs will eventually reach 1,000 full-time people—an incredible jump from the 186 people required in 1972.

If those positions are not authorized or the funding is not provided to pay their salaries, what will the impact be on the program? Again, I believe that it will be only monumental delays and a decline in the quality of the protection provided to our most important waters and wetlands. Ironically, a law that was intended to cut back on pollution, will through its overzealous administration, effectively stand in the way of that goal.

Mr. President, we must acknowledge the mounting resentment of the American people to what they perceive as an ever-growing intrusion of the Federal Government into their lives. We can all cite examples of good programs which have been overadministered, to the overall detriment of Congress good intentions. Implementation of the current 404 regulations is only one more example.

We have already had several experiences in Texas which I think should be brought to my colleagues' attention. One is the Lake Limestone water conservation and water supply project under construction by the Brazos River Authority, a governmental agency of the State of Texas. Absolutely no Federal money is involved. After having received all of the required Federal and State approvals, permits, and licenses, the authortiy began construction of this project on July 25, 1975. It was determined, however, that the project would need a section 404 permit under the corps' phase II regulations. The River Authority filed an application in October, 1975, and the corps then circulated it to other Federal agencies for their review and comment. In March, 1976, the U.S. Fish and Wildlife Service recommended that the corps deny the permit unless the Brazos River Authority purchased 15,800 acres of land—in addition to the 15,000 acres of land required for the dam and lake—and turn the land over to the Texas Parks and Wildlife Department for management as a wildlife preserve. The dam and lake project, which is needed to meet the water requirements of the lower Brazos Basin and coastal areas downstream, now faces serious delays, and possibly, complete stoppage because of the current 404 program for a reason which has nothing to do with water pollution control.

Another example is equally illustrative, I believe. A small Texas city needing a new sanitary sewer line recently applied for a section 404 permit for each of five crossings by the sewer line over a small creek winding through the city. Some indication of the amount of paper, time and effort involved in preparation of the application is given by the fact that the public notice alone contained nine pages, including plans and profiles, names of adjacent property owners and the amount of earth—a total of 284.5 cubic yards for all the crossings—to be excavated. Hundreds of copies of this public notice were distributed by the corps, which invites review and comments by numerous Federal, State and local government agencies and by private individuals, companies, organizations and associations of all kinds who might want to comment. Think if this example is to be replicated every time a sewer system addition is proposed in the cities and towns across this country. The absurd possibilities would be humorous indeed, if this were not such a serious matter.

A third example is the Hidalgo and Willacy counties flood control project. Again a locally engineered and financed and critically needed project has been stymied by section 404. Ninety-nine percent of the project faces no problems from any source. Yet because one drainage ditch crosses a small wetland, one person is forcing the entire project to be halted under the 404 permit process. The project is being halted despite the fact that the project follows an existing channel constructed by the corps and despite the fact that the citizens of the two counties have voted overwhelmingly for the project.

Mr. President, the people who need this project to protect their valuable farmland, their roads, and their towns do not understand how the Federal Government can stand in the way of their effort to help themselves. That is an explanation that should not have to be given.

Mr. President, my billl provides a mechanism which will encourage the States to consider which additional waters and wetlands, outside the redefined scope of the program, should be regulated. Those decisions should be made at the local level, and I believe they will contribute mightily to the protection of our most ecologically valuable lands.

With my bill we have an opportunity to do something about counterproductive Federal regulation. We can improve a program that was designed solely to prevent the destruction of our waters by polluted dredge spoil and fill. We can vote to give increased responsibility to the States in determining what lands are to be specially protected and by whom. And we can vote to focus the 404 regulatory program on our most precious waters and wetlands, thereby enhancing the quality and effectiveness of that effort.

Beyond that, Mr. President, and perhaps most importantly, we can take a stand against the frightening intrusion of the Federal Government into the everyday lives of our citizens. We must recognize this fact. If we continue to allow our laws to be twisted far beyond their original intent, our people will lose their faith that this body can govern effectively. If we continue to allow the bureaucracy to grow unchecked, our people will refuse to cooperate and fight bitterly against what they correctly perceive is a lack of responsibility by their elected officials.

We must guard against that fact.

By Mr. HUMPHREY (for himself and Mr. ANDERSON):

S. 598. A bill to authorize the Secretary of Agriculture to guarantee loans and to make payment adjustments on behalf of individuals who wish to purchase farm land for the purpose of engaging in farming but who are unable to purchase such land without Federal assistance, and for other purposes; to the Committee on Agriculture and Forestry.

FAMILY FARM SECURITY ACT

Mr. HUMPHREY. Mr. President, I am today introducing the Family Farm Security Act with Senator ANDERSON.

This bill addresses an important need of our agricultural economy. Many of our farmers are today over 50 years of age, and good agricultural land has become extremely expensive.

We are at the point where capable young people find it hard to get into farming and acquire land today unless they either inherit the land or marry into a farm family.

Most Americans are not aware of the rapid increase in land costs and farm machinery in recent years. The implications of these trends are very serious from both an economic and a social standpoint.

A recent mail-in survey by the University of Missouri-Columbia indicated that the average capital investment per farm increased from $200,000 in 1971 to $460,000 in 1975.

We should be aware of these trends and the changes in our agricultural structure. It is generally recognized that the family farm is far more productive in terms of unit output than large corporate owned and operated agriculture.

The American people should be aware of the implications in terms of both production and price competition if the family farm passes from the American scene.

I believe that steps are needed to encourage and enable qualified young people to acquire land and take up farming. This important occupation should not be the sole preserve of either the well-to-do or corporate operators.

This bill is modeled on the plan already enacted by the State of Minnesota. I have been in touch with the State officials who developed this legislation, and my staff has been in touch with them from the very outset. The State is now beginning to implement its program.

The bill itself would provide a number of basic authorities for the Secretary of Agriculture to:

First, guarantee the repayment of a loan made by a Federal or State chartered bank, savings and loan association, cooperative lending institution, or other legally organized lending institution to a qualified individual who is in need of such assistance to acquire land to engage in farming;

Second, no loan would be guaranteed for more than 75 percent of up to $150,000.

Third, the Secretary would establish a repayment schedule with a maximum term of 20 years. However, during the first 10 years of the loan the Secretary would pay a portion of the payment for that year with the borrower paying the balance due. After the 10th year the borrower would repay at the stated payment rate. The borrower also would begin to repay the Secretary for the sums paid earlier by the Secretary on the borrower's behalf unless an extension is requested and granted:

Fourth, the Secretary may extend the payment adjustment but not in excess of 10 years;

Fifth, the Secretary shall utilize local committees of qualified individuals to screen loan guarantee applications as well as payment adjustment requests;

Sixth, the Secretary shall report to the appropriate congressional committees on the percentage of amount of funds required to operate the loan guarantee program, after 2 years of operation. In the meantime, the Secretary is authorized to guarantee loans not in excess of five times the funds appropriated for this purpose;

Seventh, the bill also authorizes the Secretary to make operating loans to individuals whose loans are guaranteed under title I. The bill outlines the purposes of such loans and specifies that the operating loan for any one farm shall not exceed $50,000. The period of repayment for any such loan shall not exceed 7 years with the rate of interest being the rate paid by the Secretary on money borrowed from the Treasury.

Mr. President, I believe this legislation addresses an important national need. Our Committee on Agriculture and Forestry will be looking at most aspects of our farm programs as it reviews farm legislation during this session of Congress. It is my hope that this bill and the area it encompasses will receive a thorough review by the members of the committee and ultimately the Congress itself.

The ceilings per farm unit provided for under the titles of this bill are also rather modest when one considers the land and operating cost of modern agriculture today. This aspect of the legislation will also need to be carefully reviewed.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Family Farm Security Act".

TITLE I—LAND ACQUISITION LOANS

SEC. 101. In order to assist young people who wish to engage in farming on a career basis but who are unable, without the assistance provided for in this Act, to purchase the land necessary for that purpose, the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") is authorized to guarantee loans and make payment adjustments on such loans as provided herein.

SEC. 102. The Secretary is authorized to guarantee the repayment of a loan made by any Federal or State chartered bank, savings and loan association, cooperative lending institution, or other legally organized lending institution to any individual who makes application therefor and is approved for such loan guarantee under this Act when the proceeds of such loan are to be used by such individual for the purpose of acquiring land to engage in farming operations.

SEC. 103. No loan shall be guaranteed in any amount in excess of 75 per centum of the total amount of the loan; and in no case shall the amount guaranteed under this Act in the case of any borrower be more than the appraised value of the property to be purchased or $150,000, whichever is less.

SEC. 104. (a) The Secretary is also authorized to make payment adjustments in the case of any loan guaranteed under this title.

(b) To be eligible for payment adjustment, a loan shall have a maximum term of twenty years and shall provide for payments by the borrower at least annually so that repayment of the loan (principal and interest) will be amortized in equal annual installments over the term of the loan.

(c) During the first ten years of a loan guaranteed under this title, the Secretary is authorized, at the request of the borrower, to pay a portion of the payment due, as defined in (b) above, under such terms as the Secretary deems appropriate. The borrower shall pay the remainder of the payment due. In the eleventh year, the borrower shall make the regular stated payment and begin to repay the Secretary for any sums paid on the borrower's behalf by the Secretary unless the borrower requests and is granted an extension of the payment adjustment.

(d) The Secretary may, in accordance with such regulations as he shall prescribe, extend the payment adjustment in the case of any borrower for a period not in excess of ten years. In any case in which an extension of the payment adjustment is granted, the borrower shall repay the Secretary, in the year following the last year of the extension, the sums paid by the Secretary on the borrower's behalf.

(e) The obligation of the borrower to repay the Secretary the payment adjustment constitutes a lien against the property.

SEC. 105. Loans under this title may be made only to individuals who wish to engage in farming as a full-time occupation, who are determined by the Secretary to be sound credit risks, and who would be unable to acquire the farmland for which the loan is to be made without the assistance provided under this title.

SEC. 106. The Secretary shall provide for the appointment in each State of local county committees to assist the Secretary in screening applicants for loan guarantees and payment adjustment assistance under this title. Such committees shall be composed of farmers, bankers, and other persons whose background, education, and experience specially qualifies them for the job of screening and recommending for approval or disapproval applications for assistance under this Act.

SEC. 107. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

(b) The Secretary shall, at the earliest practicable date, but in no event more than two years after the date of enactment of this Act, report to the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives the amount of funds required to operate the loan guarantee programs provided for in this title. Until otherwise provided by law, the Secretary is authorized to guarantee loans under this title in amounts not in excess of five times the funds appropriated for such purpose.

SEC. 108 The Secretary shall issue such regulations as he deems necessary or appropriate to carry out effectively the provisions of this title including regulations for procedures to protect the interests of the United States in the event of loan defaults by borrowers.

TITLE II—OPERATING LOANS

SEC. 201. (a) The Secretary is authorized to make operating loans to individuals whose loans are guaranteed under title I of this Act.

(b) Such loans may be made for the purpose of (1) paying costs incident to organizing the farm system for profitable operation, (2) purchasing livestock, poultry, and farm equipment, (3) purchasing feed, seed, fertilizer, and other farm supplies, and (4) meeting other essential farm operating expenses.

SEC. 202. (a) Loans made under this title shall be made only to individuals who are unable to finance their actual needs at reasonable rates and terms through commercial sources in the area in which their farming operations are located.

(b) Loans made under this title shall not exceed $50,000 in the case of any one farm.

(c) The period of repayment of any loan

made under this title shall not exceed seven years.

(d) Loans made under this title shall bear interest at the rate paid by the Secretary on money borrowed from the Treasury by the Secretary for a period of time comparable to the period for which loans are made under this section.

SEC. 203. Loans made under this title shall be made upon the full personal liability of the borrower and upon the best security available.

SEC. 204. The Secretary shall issue such regulations as he deems necessary or appropriate to carry out effectively the provisions of this title.

SEC. 205. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

By Mr. PERCY (for himself, Mr. ROBERT C. BYRD, and Mr. RIBICOFF):

S. 600. A bill to reorganize Federal regulatory agencies to prevent excessive, duplicative, inflationary, and anticompetitive regulation, and to make regulation more effective and responsive to the public interest; to the Committee on Government Operations.

REGULATORY REFORM ACT OF 1977

Mr. PERCY. Mr. President, I deem it an honor and a privilege to be introducing today, together with the distinguished majority leader (Mr. ROBERT C. BYRD) and the distinguished chairman of the Government Operations Committee (Mr. RIBICOFF), the Regulatory Reform Act of 1977.

I have taken great person pleasure in working closely with my friend the majority leader and with my esteemed colleague, Senator RIBICOFF, on this matter. Their advice, their contributions, and their overriding concern for, and intimacy with the critical problems in this area have been, and surely will continue to be a guiding force as the legislation moves through committee and to the Senate floor.

This legislation is designed to insure major reform of Federal regulatory agencies by imposing a strict agenda and discipline upon the Congress and President. Over a period of 8 years, the measure would require the President to submit to the Congress every 2 years comprehensive plans for reforming regulation in four comprehensive areas of the economy.

The legislation comes in response to people in and out of government who are clamoring for responsible reform of Federal regulation. Liberals and conservatives, Republicans and Democrats, consumers, businessmen, and organized labor alike agree that the system needs a thorough overhaul to make it responsive to the felt needs of those it is intended to serve. By setting forth a comprehensive and systematic agenda for reform, we can help to assure that significant progress is achieved.

Mr. President it is long past time for the Government to address the problem of reforming the entire Federal regulatory system. Federal regulation controls or affects the homes in which we live the food we eat, the water we drink, and the air we breaths. And the costs of regulation are enormous.

Simple commonsense seems a rare commodity in too many agencies. Despite the fact that regulation affects every citizen's life, the process of regulation is frequently undemocratic, insulated, and mysterious to all but a few bureaucrats and lawyers. The American people have demanded that Government put its house in order. We in Congress must respond to this urgently expressed and well-justified sentiment.

It is no secret that Federal regulation pervades nearly every aspect of our daily activity. Those who study the Federal regulatory system cannot even agree on the number of Federal agencies empowered to issue regulations. Generally, though, it is thought to be over 100, and none seems shy about asserting itself. By combining technical expertise with commonsense some agencies do a fine job—but not enough. Does the plant owner, workingman, or consumer really need OSHA to set standards for the size of partitions between stalls in factory bathrooms? Or need the CPSC to require a warning atop swimming pool slides to exercise caution? Clearly not. But then why is Congress still spending tax dollars to pay people to issue such ridiculous regulations?

Paying the salaries of regulators is not the only way in which citizens pay for regulation. The General Accounting Office estimates the cost of regulation to be $60 billion yearly. The Ford administration projected an even higher cost—$120 billion per year—averaging out to roughly $2,000 per family.

Not only does Federal regulation often waste money, it also fuels inflation. Some agencies almost automatically approve rate increases, which amount to government-sanctioned price hikes. Regulation can be inflationary in more subtle ways. Delay in making regulatory decisions can be terribly costly to businesses, and in turn, to consumers. Regulators sometimes seem to forget that in business time is money.

Similarly, today's regulatory hodgepodge often chokes off competition. Anticompetitive rules issued by the ICC alone are estimated to cost $4 to $6 billion annually. The inefficiency that results from delay and anticompetitive regulation means our economy must pay more to produce less.

Regulation can undermine our American economic system by increasingly taking decisions out of board rooms or off the factory floor, and diverting them to Washington offices staffed by those without any business or working experience. Government sometimes finds itself in the position of telling business not only what wages to pay and prices to charge, but also what kind of plumbing to install and what size lettering to use on exit signs. Executives and working people no longer ask what they can do for their country, but rather what their country will allow them to do for themselves.

The present need is not for correction of a few glaring examples of bad regulatory policy, but for systematic reform of the entire system. Many problems with Federal regulation stem from the fact that the agencies were set up one by one, often on an ad hoc basis, and without a clear design to prevent overextension and overlaps in authority. A comprehensive review would bring some sense to the present hodegpodge. Furthermore, by tackling the whole system, we might maintain a momentum for reform in this important but unglamorous political area.

REFORM APPROACH

Two ways to approach regulatory reform are by sectors of Government regulation and sectors of affected industries. The industry approach starts with the cumulative effects of regulation on a particular industry or group of industries. The sectors of Government approach begins with an examination of the very underpinnings of regulation by rethinking the ends it means to serve. The Regulatory Reform Act of 1977 incorporates aspects of both approaches, but begins with a zero-based analysis of the purposes of regulation.

The assumption behind this approach is that we should look to the purposes of regulation before we look at the impact. Clearly, to understand the phenomenon of regulation, one must examine both the theory and actual result of regulation. But to start by totaling the costs of regulation to a sector of industry is putting the cart before the horse. By first looking at the purposes we can determine whether we need the regulation in the first instance, to what extent, and how it might best be structured.

By taking this course, Congress can see how regulation pursues its desired goals, rather than merely assessing the costs and burdens that specific regulations impose on different industries. Government regulation has both benefits and costs. It may be misleading to break down an agency's activities on an industry-by-industry basis, for one might lose sight of valid social goals and benefits.

Finally, Congress and the executive branch are organized along functional, not industrial lines. Indeed, so is the bulk of regulation itself. To try to deal with a single agency in different years, as an industry approach would dictate, is impractical.

TIMETABLE

Consequently, the Regulatory Reform Act of 1977 begins with a sectors of Government approach. It requires the President to submit a reform plan to Congress every 2 years for an 8-year period according to the following schedule: 96th Congress, 1979–80, energy, the environment, housing, occupational health and safety; 97th Congress, 1981–82, transportation and communications; 98th Congress, 1983–84, banking and finance, international trade, and Government procurement; 99th Congress, 1985–86, food, consumer health and safety, economic trade practices, and labor-management relations.

Along with each plan, the President will report on the cumulative impact of all Government regulatory activity reviewed to date on specific industry groupings. It also will include recommendations to improve regulatory performance. Wherever practicable, the President will give explicit consideration to the particular impact of regulatory activity for designated industry groupings.

The legislation contemplates a reform period of 8 years rather than the 5-year

approach of S. 2812, the comparable measure introduced in the last session. On reflection, and based on the testimony of witnesses and comments by others, we felt that 5 years was too short a period to complete this monumental undertaking. Certain committees would have been swamped with work and may have been unable to deal with any legislation other than regulatory reform. Our hearings and correspondence on S. 2812 indicated wide concern that we were trying to do too much too fast. This revised bill provides that each new Congress considers a separate plan and has the full 2 year duration of the session to deal adequately with a sector of regulation.

ORDER OF REFORM

The order of reform also is revamped. The new legislation confronts energy and environmental regulation immediately. Recent events make it increasingly clear that there is an urgent need for the United States to adopt an overall energy policy soon. Reform of the agencies regulating energy would naturally be a part of that policy. It is an expressed desire of the incoming administration, and shared by most Members of the Congress. Since many environmental issues are intimately related to energy policy, relevant agencies impacting on the environment are included. There is a similar urgency in the housing area, as housing policy is intimately connected with both energy and environmental issues. Lastly, reforming the environment should include the work environment. Occupational health and safety is a priority because the Agency responsible for its regulation, OSHA, is commonly cited as the single most arbitrary and meddlesome agency in the Federal Government.

Transportation and communications reform is scheduled for the next session, the 97th Congress. Congress has several comprehensive proposals before it dealing with significant changes in trucking and air transport. Substantial reform is already taking place in telecommunications regulation. By 1981, with concentration on these issues in the interim, what needs to be done—if it has not already been done—will be clear.

The third group includes the great bulk of financial and trade regulation. The last, and perhaps most formidable, includes the difficult and sensitive issues of health and safety regulation and labor-management relations.

ACTION-INDUCING MEASURES

Both Congress and the Executive demonstrate a history of reluctance to take action in certain highly sensitive areas even where such action is clearly warranted. Regulatory reform is an unfortunate example. Rather than merely providing for a meaningless reform agenda, this legislation incorporates certain action-forcing measures. They are provisions requiring that:

The President must submit a reform plan to Congress by April 30 of the first year of each 2-year cycle.

The relevant committees must report a reform bill to the floor of each House by May 1 of the second year of each cycle.

If no comprehensive reform plan has been enacted by August 1 of the second year, the affected agencies lose their authority to issue any new rules except those essential for preserving public health and safety—a concurrent resolution of Congress would be needed to overturn an agency's certification to that effect.

If no comprehensive reform plan has been enacted by October 1 of the second year, enforcement of the existing rules of the affected agencies would be suspended, except those essential for preserving the public health and safety—again, a concurrent resolution of Congress would be needed to overturn an agency's certification to that effect.

If no comprehensive reform plan has been enacted by December 31 of the second year, each affected agency which has not been the subject of comprehensive reform would be terminated, unless other appropriate provision is affirmatively enacted by the Congress providing for the continuation of such agency.

The last "sunset" proposal will assure that neither the President nor Congress will duck consideration of reform. Altogether these provisions afford an incentive for affected agencies and regulated industries to cooperate in the process of reform. Due to institutional inertia or a misguided desire to preserve the status quo, certain agencies and affected industries have not been helpful in past reform efforts. Some have consistently resisted reform of any sort. Thus, the last two provisions eliminate the advantage an agency or regulated industry might otherwise expect to experience in working to kill reform legislation. If no legislation passes, agency rules—other than those essential to assuring public health and safety—would no longer have effect, and regulated industries would suddenly face unregulated competition.

The new bill eliminates certain provisions of S. 2812 that would have permitted the President's original reform plan to go into effect if Congress had not acted by a date certain or had not specifically disapproved the plan. Despite the fact that similar procedures have been used in past executive reorganizations, the Department of Justice raised certain constitutional objections, while some in Congress voiced concerns relating to appropriate separation of powers. The revamped measure avoids problems in both these areas.

SUPPORT AGENCIES

The Regulatory Reform Act of 1977 requires that the General Accounting Office and the Congressional Office of the Budget submit reports to Congress at the same time that the President submits his plan. This should provide more thorough study and a wider perspective on the reform process. It will also make Congress less dependent on administration ideas.

The GAO and COB reports will assess the affected agencies with respect to:

The purposes for which each agency was established;

Significant changes which have occurred in regulated areas, the impact of such changes on the agency effectiveness, and the continued appropriateness of original statutory purposes;

The net impact of the agency and the degree to which it has achieved its purposes;

The cost-efficiency of the operations of each agency; and

Practical, more efficient, alternative approaches to achieving those regulatory needs which currently must be served.

CONTINUING REVIEW

One source of Congress' failure to control the regulatory monster is our failure to consistently monitor agencies after we create them. S. 2812 made a similar omission by not providing for periodic review of the regulatory system. The new bill mandates continuing review. The initial reform timetable for the Congress is set at 8 years—1979–86. Congress will then have another 8 years to monitor the regulatory process before the comprehensive cycle begins anew in 1995. In this way Congress will not only systematically review each agency's mandate, budget, and performance individually, but will also periodically study and reform the system as a whole.

The American people want a responsive government that helps them work efficiently and productively. Our present regulatory system too often does just the opposite. I believe Congress can help restore the public's faith in government by providing for a disciplined agenda for reforming Federal regulation. Such reform is long overdue. Let us not pass up this opportunity.

I know Senator BYRD joins me in commending Senator RIBICOFF for his important contributions to this legislation. Regulatory reform has been an ongoing concern for Senator RIBICOFF. During his tenure as chairman of the Government Operations Committee, he has done excellent work in this area in connection with the upcoming report and recommendations for reform, soon to be issued pursuant to Senate Resolution 71. He is universally respected for his knowledge of the intricacies of government. His thinking is fresh and innovative, and his commitment to improving the workings of the Federal Government is unbending.

Mr. President, I ask unanimous consent to have included in the RECORD, after the remarks of Senator BYRD and Senator RIBICOFF, a brief summary description of the legislation, followed by the text of the bill itself.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. ROBERT C. BYRD. Mr. President, it is gratifying to join again with the distinguished senior Senator from Illinois (Mr. PERCY), and now with the distinguished Senator from Connecticut (Mr. RIBICOFF) in reintroducing a far-reaching legislative effort to systematically reform Federal regulatory agencies.

We look forward to working with President Carter and his administration in refining the Regulatory Reform Act of 1977 in a manner that best accomplishes our shared objectives of making Government work better to serve the needs of the American people.

It became clear in the last election that the American people are demanding that Government do its job more effectively and less obtrusively. The branch of Government that is the biggest offender in being inefficient, officious, and counter-

productive is the "fourth" branch: the Federal regulatory system. These regulatory agencies, which have enormous power over our daily lives, are simply not sufficiently accountable for their policies which affect all Americans.

We in Congress must share some of the blame. Regulatory agencies must have some degree of independence, but Congress should monitor and, in the best sense, guide these agencies. We have not always fulfilled our responsibility to do this, and our inaction has returned to haunt us. Too many unnecessary regulatory policies have abounded in recent years which have acted to seriously undercut public confidence in Government.

The Regulatory Reform Act of 1977 represents an attempt to not merely make long-needed reforms in agencies, but also instill new direction, focus, and accountability in those extremely powerful, and expensive, organs of Government.

Clearly, there is a need for appropriate and thoughtful regulation in some areas. Efficient free markets do not always exist. Government must deal with the problems of natural monopolies, resource monopolies, destructive competition and noninternalized costs. Some external costs are not strictly economic but social and strategic, such as equal opportunity in employment, provision of services to small communities, protection of national parks and monuments, and promotion of the national defense. The problem is not so simple that we may solve it by calling for less regulation across the board.

While there have been many regulatory reform proposals before the Congress which address certain aspects of the overall problem, they tend to share a common deficiency; namely, they do not recognize the need to begin with a theory of regulation. The entire regulatory system needs a fresh look. Only by reviewing all regulatory agencies systematically will reform be more reasonable, consistent, and for practical political reasons, more likely.

Congress should begin with these three questions for every agency: First, what is the purpose and scope of regulation in terms of appropriate regulatory functions? This question forces Congress to decide whether the regulation in a given area is still necessary. Second, what are the most suitable regulatory structures? Here must be determined whether the agencies are set up in the right way to best do their job if the job still needs doing. Third, what specific regulations are needed to achieve desired regulatory performance? The final question looks at the bottom line—are the agencies doing their work in the most effective manner?

The Regulatory Reform Act of 1977 includes questions in a systematic, continuing review of our regulatory system. What distinguishes this legislation from other proposals is its incorporation of a timetable and a discipline to assure that Congress and the President will comprehensively address the problems of regulation.

The act approaches the problem by dividing the Government into sectors. Regulation is divided into four broad areas. The President is required to submit a reform plan to Congress every 2 years for an 8-year period on the following schedule:

For the 96th Congress, agencies regulating energy, the environment, housing, and occupational health and safety;

For the 97th Congress, transportation and communications;

For the 98th Congress, banking, and finance, international trade, and Government procurement; and

For the 99th Congress, food, consumer health and safety, economic trade practices, and labor management relations.

Along with each reform plan, the President is mandated to report to each Congress on the cumulative impact of all Government regulatory activity reviewed to date on specific industry groupings. They are transportation and agriculture industries; mining, heavy manufacturing, and public utilities; construction and light manufacturing industries; and communications, finance, insurance, real estate, and trade and service industries.

This revised legislation contains several crucial action-inducing measures which would require the President and Congress to respond to a clearly articulated public demand for reform. The bill provides that by April 30 of the first year of each 2-year cycle, the President must submit a reform plan to Congress. The relevant committees must report a reform bill to the floor of each House by May 1 of the second year of each cycle, and that measure would become the pending business.

If Congress enacts no comprehensive reform plan by August 1 of the second year, the affected agencies would lose their authority to issue any new rules except those essential for preserving the public health and safety—a concurrent resolution of Congress would be needed to overturn an agency's certification to that effect.

If Congress enacts no comprehensive reform plan by October 1 of the second year, enforcement of existing rules of the affected agencies would be suspended, except those essential to preserve the public health and safety—again, a concurrent resolution of Congress would be needed to overturn an agency's certification to that effect.

Finally, if Congress enacts no comprehensive reform by December 31 of the second year, each affected agency which has not been the subject of comprehensive reform will be terminated unless Congress affirmatively enacts other provisions providing for the continuation of such agency.

The Regulatory Reform Act of 1977 stipulated that the General Accounting Office and the Congressional Office of the Budget will also submit reports to Congress at the same time as the President's plan. These reports will include an assessment of the affected agencies with respect to: The purposes for which each agency was established; significant changes which have occurred in the regulated areas, the impact of such changes on an agency's effectiveness, and the continued appropriateness of original statutory purposes; the net impact of the agency and the degree to which it has achieved its purposes; the cost-efficiency of the operations of each agency; and practical, more efficient, alternative approaches to achieving those regulatory needs which currently must be served.

Finally, this legislation provides for a continuing review of regulation, instead of a one-shot approach. Too often Congress creates or reforms an agency and then ignores it until a crisis occurs. To insure this does not happen, the bill mandates that comprehensive reform is to take place every 16 years. Four sessions of Congress will enact reform, and then 8 years of review will take place before the cycle starts again.

The Congress must not ignore its critical responsibility in this area. The demand for regulatory reform cuts across ideological and party lines. Passage of the Regulatory Reform Act of 1977 would greatly simplify the regulatory structure of the Federal Government and go a long way to help President Carter achieve his goal of a more efficient, streamlined Federal Government.

Mr. President, I am very pleased to have Senator RIBICOFF join Senator PERCY and myself in sponsoring this important legislation. As chairman of the Government Operations Committee, he has had a crucial role to play in guiding the bill. The Senator has had a long-standing interest in improving the way our Federal Government works, and he is an expert in the regulatory area. While there seems to be a consensus for reform, to achieve our goals we need the assistance of those like Senator RIBICOFF who have an intimate knowledge of the operations of Government. His analysis and contributions toward revamping this legislation have been invaluable.

Mr. RIBICOFF. Mr. President, over the past 18 months the Committee on Government Operations, working cooperatively with the Commerce Committee, has been conducting an extensive study on reforming the Federal regulatory agencies pursuant to Senate Resolution 71—94th Congress, 1st session. As we begin the 95th Congress, the committee is preparing to report to the Senate its findings and recommendations. We were directed to undertake this study in 1975 because it had become clear that the Federal regulatory agencies have an enormous impact on every American's life. Moreover, there was evidence that some agencies were inefficient, fueling inflation, failing to adequately protect the public health and safety, stifling competition, or otherwise not regulating in the public interest. Of course, it was true then as it is today that not all agencies perform poorly.

In fact, there is no doubt that Federal regulation viewed as a whole over the years has had a very beneficial impact on our society. Because of regulation, our products are safer, our environment cleaner and more healthful, and our economy more stable. To be sure, these have been important achievements. But the time has come to deal with the serious problems which have plagued businesses and consumers alike.

In the coming weeks the Government Operations Committee will be releasing six studies on regulatory issues. Briefly these studies are: Upgrading the quality of regulatory appointments; improving congressional oversight of regulatory

agencies; reducing undue delay in the regulatory process; improving the ability of the public to participate in regulatory decisionmaking; improving regulatory organization; and finally, to what extent is regulation necessary and desirable. I am hopeful that these reports will make a significant contribution to a better understanding of the problems of Federal regulation and provide a basis for congressional action in the 95th Congress.

There will be much regulatory reform legislation in the 95th Congress. S. 500 which is being introduced today sets forth one approach which deserves the serious consideration of this body. Senator PERCY and the majority leader serve much credit for their efforts in this area. This is a novel idea which imposes discipline on the Congress and the President to insure that regulatory policies are reviewed periodically in a comprehensive way.

Over the coming months, I am hopeful that the public will participate extensively in the committees' discussions over the most effective ways to achieve true reform of our regulatory agencies.

EXHIBIT 1

PRINCIPAL PROVISIONS OF THE REGULATORY REFORM ACT OF 1977

Introduced by Senators Charles H. Percy (R–Ill.), Robert C. Byrd (D–W. Va.), and Abraham Ribicoff (D–Conn.) for joint referral to the Committee on Government Operations and the Committee on Rules and Administration.

Government regulation has all too often become a burden to consumers, the workingman, American business and to the economy as a whole. Indiscriminate regulation has fueled inflation, stifled competition, and produced mountains of paperwork and red tape. Agency functions tend to overlap. Individual regulations are frequently made without due consideration of the relative costs and benefits involved. And case-by-case handling of matters, in the absence of broad guidelines, produces unreasonable delays and fragmented and incoherent policy, often focusing on trivia while neglecting priorities. Clearly, some regulatory agencies have poorly served the public interest in disregard of their Congressional mandates.

To counter this, the Regulatory Reform Act of 1977 sets forth a discipline for action, to apply both to Congress and the President. Over a period of eight years, from 1979 through 1986, the President would submit to the Congress, by May 1 of each year, comprehensive plans for reforming regulation in four specific areas of the economy, namely:

96th Congress (1979–80), energy, the environment, housing, occupational health and safety;

97th Congress (1981–82), transportation and communications;

98th Congress (1983–84), banking and finance, international trade, and government procurement;

99th Congress (1985–86), food, consumer health and safety, economic trade practices and labor-management relations.

Each plan would include recommendations for increasing competition, and for procedural, functional, administrative and structural reforms.

To ensure that the impact of regulatory activity is in the Nation's best interest, the President will include in his plan a report on the cumulative impact of federal regulation on the following industry groupings:

Transportation and agriculture industries;

Mining, heavy manufacturing, and public utilities;

Construction and light manufacturing industries;

Communication, finance, insurance, real estate, trade and service industries.

To provide a wider perspective on these problems, the General Accounting Office and the Congressional Office of the Budget will simultaneously submit comprehensive reports to Congress concerning:

The purposes for which each agency was established;

Significant changes which have occurred in regulated areas; the impact of such changes on the agency's effectiveness; and the continued appropriateness of original statutory purposes;

The net impact of the agency and the degree to which it has achieved its purposes;

The cost-efficiency of the operations of each agency; and

Practical, more efficient, alternative approaches to achieving those regulatory needs which currently must be served.

If the President does not submit a plan by May 1 of the first year, the relevant committees would write and report their own plan(s) in the form of a bill, to become the pending business of both Houses not later than May 1 of the second year.

Should Congress fail to approve comprehensive regulatory reform legislation in the designated area by August 1 of the second year, the affected agencies will lose their authority to make new rules (except those essential for preserving public health and safety).

Should Congress fail to pass comprehensive reform legislation by October 1 of the second year, enforcement of existing rules of the affected agencies will be suspended (except those essential for preserving public health and safety).

Should Congress fail to enact comprehensive reform legislation by December 31 of the second year, a "sunset" provision comes into play, terminating each affected agency for which Congress has not enacted reform. Responsibility for enforcing health and safety rules would pass to the Justice Department.

After an eight-year respite following the original review period (1979–86), Congress would begin the reform process again (in 1995), and continue such cycle thereafter, examining agencies in the same order unless Congress and the President change the order by law.

This timetable should in no way delay reform efforts already underway, or which may arise in the interim, until the designated year for that particular facet of regulation. Thus, it does not mean that transportation reform must wait until 1981, or consumer safety reform until 1985. Rather, it ensures that if no comprehensive reform has been accomplished by these dates, then the discipline imposed by the bill would come into play. If Congress wants to act sooner, all the better.

EXHIBIT 2

S. 600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regulatory Reform Act of 1977".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that Government regulation can at times be more of a burden than a benefit to American consumers, American businesses, and to the American economy as a whole.

(1) Regulatory policies have fueled inflation through approval of rules and regulations not commensurate with the public interest, frequently without due consideration of the relative costs and benefits involved in such decision, or without due consideration of the competitive impact of such decisions.

(2) Some regulatory policies harm both industry and consumers by denying businesses the chance to compete and, thereby, depriving consumers of the lower prices and diversity of services that greater competition would present.

(3) Too often, regulatory agencies have squandered their limited resources by focusing on trivial aspects of regulation while neglecting critical economic issues. By failing to set clear priorities or to articulate cogent policies, certain agencies have fostered a pattern of bureaucratic stagnation and waste, and consequent public frustration and confusion.

(4) The outmoded and inefficient case-by-case adjudicatory approach of most regulatory agencies has burdened business with excessive paperwork and unreasonable delays, impaired the ability of many industries to adapt to changing market conditions and beneficial new technology, and contributed to price rises, inefficiencies, and misallocations of resources.

(5) By consistently failing to take consumer and small business interests adequately into account and by arbitrarily limiting the operation of the free enterprise system, regulatory agencies have poorly served the public interest often in disregard of their congressional mandates.

(b) It is the purpose of this Act to require over a period of eight years the President to submit at least once in each Congress, and to require the Congress to act upon, a plan designed to prevent unnecessary or harmful regulation because such regulation has led to inflationary consumer prices, a reduction of competition in providing of important goods and services, and other economic inefficiencies which distort and disrupt the operation of a free enterprise system without correspondingly benefiting the health, safety, or economic welfare of the Nation.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) "agency" has the same meaning as provided in section 552(e) of title 5, United States Code; and

(2) "rule" has the same meaning as provided in section 551(4) of title 5, United States Code, and includes any rulemaking adjudication, agency proceedings, or agency action, as defined in paragraphs (5), (7), (12), and (13) respectively, of section 551 of title 5, United States Code.

AGENCY REORGANIZATION PLANS

SEC. 4. (a) Not later than the last day of April in each of the years referred to in paragraphs (1) through (5) of this subsection, the President shall submit a plan containing the information required to be included under subsection (c) with respect to the following areas:

(1) Regulation of energy, the environment, housing and occupational health and safety by the Federal Government, by the last day of April, 1979, for the following agencies:

(A) Environmental Protection Administration;

(B) Federal Energy Administration;

(C) Federal Power Commission;

(D) Nuclear Regulatory Commission;

(E) the relevant regulatory functions of the Department of the Interior;

(F) Federal Housing Administration, Department of Housing and Urban Development; and

(G) Occupational Safety and Health Administration, Department of Labor.

(2) Regulation of transportation and communications by the Federal Government, by the last day of April, 1981, for the following agencies:

(A) Civil Aeronautics Board;

(B) Interstate Commerce Commission;

(C) Federal Maritime Commission;

(D) Department of Transportation; and

(E) Federal Communications Commission.

(3) Regulation of banking and finance, in-

ternational trade, and government procurement by the Federal Government, by the last day of April, 1983, for the following agencies:

(A) Office of the Comptroller of the Currency, Department of Treasury;

(B) Federal Deposit Insurance Corporation;

(C) Federal Home Loan Bank Board;

(D) Board of Governors of the Federal Reserve System;

(E) National Credit Union Administration;

(F) Federal Savings and Loan Insurance Corporation;

(G) International Trade Commission;

(H) Commodity Futures Trading Commission;

(I) Securities and Exchange Commission;

(J) Farm Credit Administration; and

(K) General Services Administration.

(4) Regulation of food, consumer health and safety, economic trade practices, and labor-management concerns by the Federal Government, by the last day of April, 1985, for the following agencies:

(A) Consumer Product Safety Commission;

(B) Federal Aviation Administration, Department of Transportation;

(C) Federal Trade Commission;

(D) Food and Drug Administration, Department of Health, Education, and Welfare;

(E) the relevant regulatory functions of the Department of Agriculture;

(F) National Highway Traffic Safety Administration, Department of Transportation;

(G) National Labor Relations Board;

(H) Federal Mediation Board; and

(I) Equal Employment Opportunity Commission.

(b) Each plan submitted under subsection (a) shall include provisions relating to such other agencies as the President elects to include, or the Speaker of the House of Representatives and the President pro tempore of the Senate may require. Notice of any additional agency to be included in such plan shall be sent to the President not later than the last day of September of the year immediately preceding the year in which such plan is required to be submitted.

(c) A plan submitted by the President pursuant to subsection (a) shall contain the following information with respect to agencies which are included in any such plan pursuant to paragraphs (1) through (5) of subsection (a)—

(1) recommendations for the transfer, consolidation, modification, or elimination of functions;

(2) recommendations for organizational, structural and procedural reforms;

(3) recommendations for the merger, modification, establishment or abolition of Federal regulations or agencies;

(4) recommendations for eliminating or phasing out outdated, overlapping or conflicting regulatory jurisdictions or requirements of general applicability;

(5) recommendations for eliminating agency delays; and

(6) recommendations for increasing economic competition.

(d) Along with each plan submitted by the President pursuant to subsection (a), the President shall report on the cumulative impact of all government regulatory activity reviewed, up to that date, on specific industry groupings. The report shall include recommendations to ensure that the cumulative impact of government regulation is in the Nation's best interests. Wherever practicable, in the formulation of each plan, the President shall give explicit consideration to the particular impact of government regulatory activity on the following relevant industry groupings:

(1) transportation and agriculture industries;

(2) mining, heavy manufacturing, and public utilities industries;

(3) construction and light manufacturing industries; and

(4) communications, finance, insurance, real estate, trade and service industries.

(e) If by the first day of May in each of the years 1979, 1981, 1983, and 1985, the President—

(1) has failed to submit the appropriate plan as required by paragraphs (1) through (5) of subsection (a); or

(2) has submitted a plan which fails to provide such information as is required by subsection (c) of this section, the committees of Congress having primary legislative jurisdiction or oversight responsibilities with respect to any such areas, together with the respective Committee on Government Operations of the House or the Senate, shall prepare such plan(s) which shall become the pending business in the House of Representatives and the Senate not later than the first day of April of the following year. Such plan(s) shall be jointly reported if agreement between and among such committees can be made with respect to such plan(s) but otherwise shall be separately reported.

LEGISLATIVE AGENCY REVIEW

SEC. 5. The Comptroller General of the United States and the Director of the Congressional Budget Office shall submit, contemporaneously with the submission of the plans required under section 4, a report assessing each of the agencies included in the plan submitted by the President with respect to the following:

(1) the purposes for which each agency was established;

(2) any significant changes which have occurred in the areas regulated by each such agency, the impact of such changes on the effectiveness of such department or agency, and the continued appropriateness of its original purposes;

(3) the net impact of the agency and the degree to which it has accomplished its purposes;

(4) the cost-effectiveness and efficiency of the operations of each such department or agency; and

(5) practical and more efficient alternative approaches to achieving presently demonstrated regulatory needs.

CONGRESSIONAL REVIEW

SEC. 6. (a) The President shall submit each plan required under section 4 to the Congress and separately transmit such plan to the Speaker of the House of Representatives and the President pro tempore of the Senate.

(b) Each plan submitted under subsection (a) shall be referred jointly—

(1) to the Committee on Government Operations of the House of Representatives and the appropriate committee or committees of the House of Representatives having primary legislative jurisdiction or oversight responsibilities with respect to the subject matter of such plan; and

(2) to the Committee on Government Operations of the Senate and the appropriate committee or committees of the Senate having primary legislative jurisdiction or oversight responsibilities with respect to the subject matter of such plan.

(c) The committees to which a plan is referred under this section shall review such plan and report a bill approving or disapproving such plan in whole or in part, with such amendments as are deemed appropriate. Such reports shall be joint reports if agreement between or among such committees can be made with respect to any such plan(s), but otherwise shall be separate reports. The reported bill shall become the pending business in the House of Representatives and the Senate not later than the first day of May of the following year.

(d) If no comprehensive regulatory reform legislation in a designated area as described in section 4(a) and which conforms to criteria set forth in section 4(c) is enacted by August 1 of the year following the year in which a comprehensive plan has been submitted by the President then all departments and agencies affected thereby shall have no authority to issue or promulgate any new rules or regulations except those essential for preserving public health and safety. A concurrent resolution of either House of Congress stating in substance that such rule or regulation is not essential for such preservation would render such regulation null and void.

(e) If no comprehensive regulatory reform legislation in a designated area as described in section 4(a) and which conforms to criteria set forth in section 4(c) is enacted by October 1 of the year following the year in which a comprehensive plan has been submitted by the President, then all departments and agencies affected thereby shall have no authority to enforce any rule or regulation except those essential for preserving public health and safety. A concurrent resolution of either House of Congress stating in substance that such rule or regulation is not essential for such preservation, would render such regulation null and void.

(f) Within nine months after the date of enactment of this Act, the President shall, upon comprehensive review of the anticipated application and effect of this section, transmit to the Congress a detailed listing of the agency rules of general and specific applicability the enforcement of which would be suspended by the application of subsection (e).

TERMINATION OF AGENCIES

SEC. 6. (a) In the event that no comprehensive regulatory reform legislation has been enacted with respect to a designated area described in section 4(a), every agency described in each plan submitted under this Act shall be terminated after the last day of December in the calendar year next following the calendar year in which such plan is required to be submitted, unless other appropriate provision is enacted by the Congress providing for the continuation of such agency.

(b) Under the circumstances described in subsection (a), all rules or regulations of the affected agencies essential for preserving public health and safety shall remain intact and shall continue to be enforced by a designated office created for that purpose within the Department of Justice, which has funding and staff sufficient to insure effective enforcement, until such time as other appropriate provision is enacted by the Congress.

CONTINUING REVIEW

SEC. 7. The agency reorganization plans submitted pursuant to section 4 shall be submitted in the same order and for the same or succeeding departments or agencies ten years after the date of submission of the last original plan and on every succeeding tenth anniversary of the submission of the last of each such plan in each eight year cycle, unless otherwise provided by law.

By Mr. JAVITS (for himself, Mr. BROOKE, Mr. CRANSTON, and Mr. NELSON):

S. 601. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana; to the Committee on the Judiciary.

MARIHUANA CONTROL ACT OF 1977

Mr. JAVITS. Mr. President, despite the significant progress on the State level in the last 2 years to decriminalize simple possession and use of marihuana, the overwhelming majority of State and Federal laws on this subject still define mil-

lions of otherwise law-abiding citizens as criminals. Despite the ever-widening circle of support for reform of these laws—and the extremely effective work of the National Organization for the Reform of Marihuana Laws—such laws continue to ruin too many lives and careers, tragically and without reason.

I am today again reintroducing legislation, cosponsored by the distinguished majority whip, Senator CRANSTON, and by Senators BROOKE and NELSON to decriminalize the personal possession and use of up to 1 ounce of marihuana at the Federal level. Congressman KOCH is introducing the bill in the House. In lieu of the criminal penalty, our bill would subject the offender to a maximum $100 civil fine, enforceable with a citation rather than an arrest. Criminal penalties for sale of the drug for profit would remain unchanged.

According to an April 1976 survey conducted by the National Institute for Drug Abuse, 13 million Americans, or 8 percent of the adult population are using marihuana today, and 35 million, or 21.3 percent have tried it at least once. According to the FBI, more than 2 million persons have been arrested for marihuana offenses in this country since 1970. We continue to reap more than 400,000 marihuana arrests per year.

These figures have escalated every year since the National Commission on Marihuana and Drug Abuse—of which I was a member—released its exhaustive study in 1972, concludes that this drug does not cause violent, aggressive behavior, does not lead to physical dependence or heroin addiction; or cause birth defects or genetic damage. It found marihuana to be not seriously harmful to either the physical or mental health of the individual when taken in moderate amounts. The principal conclusion of its extensive report is that marihuana is not sufficiently dangerous to the user or to our society for its private possession and use to be a criminal offense.

These findings and that conclusion have been reiterated by many Government and private sector inquiries, including the last two annual reports of the Secretary of Health, Education, and Welfare and the report of the Drug Abuse Council.

These realities have likewise been taking hold in State legislatures across the country. Eight States—Oregon, California, Maine, Colorado, Alaska, South Dakota, Ohio, and Minnesota—have adopted some form of decriminalization, and more than 30 other States including New York will be considering similar measures this year. Six of the eight States that have decriminalized possession of marihuana have adopted a $100 maximum fine. South Dakota has a $20 maximum fine.

Mr. President, I ask unanimous consent that a summary chart of the decriminalization laws of the eight States be printed in the RECORD at this point in my remarks.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

SUMMARY CHART OF 8-STATE DECRIMINALIZATION LAWS

State	Maximum fine imposed	Maximum amount possessed	Criminal or civil violation	Effective date
Oregon	$100	1 oz	Civil	Oct. 5, 1973
Alaska	100	Any amount in private for personal use or 1 oz in public.	do	Sept. 2, 1975
Maine	200	Any amount [1] for personal use	do	Mar. 1, 1976
Colorado [2]	100	1 oz	Class 2 petty offense; no criminal record.	July 1, 1975
California [2]	100	1 oz	Misdemeanor; no permanent criminal record.	Jan. 1, 1976
Ohio [2]	100	100 grams (approximately 3½ oz)	Minor misdemeanor; no criminal record.	Nov. 22, 1975
South Dakota	20	1 oz	Civil	Apr. 1, 1977
Minnesota [2]	[3] 100	1½ oz	do	Apr. 10, 1976

[1] There is a rebuttable presumption that possession of more than 1½ oz is with an intent to distribute.
[2] Distribution of marijuana by gift, or for no remuneration, is treated the same as possession in 4 States: California (for up to 1 oz), Colorado (up to 1 oz), Ohio (up to 20 gms), and Minnesota (up to 1½ oz).
[3] Only Minnesota provides for increased penalties for 2d offense: 0 to 90 days in jail and/or a $300 fine.

Mr. JAVITS. Mr. President, another extremely hopeful development is the enunciated support of President Carter for decriminalization of personal marihuana use, with the imposition of a civil fine. In view of his position on this issue, I, Senator CRANSTON and Congressman KOCH have written to the President today seeking the early support of his administration for our legislation. Mr. President, I ask unanimous consent that that letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 2, 1977.

Hon. JIMMY CARTER,
President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We appreciate and applaud the fact that you have expressed your concern about our present Federal laws on the subject of criminal penalties for marihuana possession offenses. We urge your personal support for the decriminalization of Federal marihuana laws and request that, in the course of your Administration's review of existing policy, every consideration be given to early action for reform of these laws and to the development of a comprehensive national policy on overall drug abuse in the United States.

We have long been concerned about the fundamental unfairness which underlies Federal law on the subject of criminal penalties for marihuana possession offenses. We likewise view as unwise and ill-conceived laws which cause the diversion of the scarce law enforcement resources required by the more than 400,000 Federal, state and local arrests every year for the possession of small amounts of marihuana. We are accordingly reintroducing legislation tomorrow providing that the possession and not for profit transfer of one ounce or less of marihuana would be punishable at the Federal level by a civil fine of not more than $100. Commercial sale of the drug for profit would remain a criminal offense.

We realize that this is an issue that you will want to study carefully. With this in mind, we have introduced this bill as a starting point for discussion. We hope to work closely with you and the Attorney General—and those in your Administration whom you designate—in reviewing it and formulating meaningful reforms to these outmoded laws.

According to an April, 1976 survey conducted by the National Institute for Drug Abuse 13 million Americans or 8% of the adult population were using marihuana and 35 million or 21.3% have tried it at least once. FBI statistics show that more than 2 million persons have been arrested for marihuana offenses in this country since 1970. A statistical analysis of State marihuana arrests by the National Commission on Marihuana and Drug Abuse uncovered the unsettling fact that ninety-three percent were for possession—not sale—and two-thirds of these involved the quantity of one ounce or less. Only seven per cent of the arrests were against the commercial trafficker.

Public attitudes towards marihuana smoking have changed dramatically over the past few years. Eight states have enacted decriminalization statutes—including California—and the issue will be considered this year in forty state legislatures. Where stiff jail penalties were once demanded for someone caught with a small amount of marihuana, many public opinion polls confirm that civil fines are now favored by a majority of our citizens, and fines rather than imprisonment are routine in almost all jurisdictions today.

Mr. President, we believe that marihuana policy should be a primary responsibility of state governments, but it is difficult for states to change their laws so long as the federal statute remains unchanged. Thus, although the vast majority of arrests and convictions are non-federal, federal action would serve as a model for state reform. Moreover, the decriminalization of marihuana would remove one unnecessary governmental incursion into individual freedom. The value of the criminal sanction in a society rests on a foundation of fairness and practicality. Penalties for possession of small amounts of marihuana do not meet that test.

With best wishes,
Sincerely,

JACOB K. JAVITS,
ALAN CRANSTON,
EDWARD I. KOCH.

Mr. JAVITS. It is my understanding that the President has also expressed the view that marihuana policy should be handled at the State level. I agree with this objective. Certainly the Federal Government should not dictate marihuana policy to the States.

But many States will not change their own laws so long as the Federal marihuana law remains as a model. While less than 1 percent of the more than 400,000 marihuana arrests last year occurred under Federal law, it is an obvious reminder that Congress still officially considers marihuana users as criminals. The current Federal law provides penalties up to 1 year in jail and/or a $5,000 fine for simple marihuana use (2 U.S.C. 801 et seq.).

Mr. President, our bill makes sense for the following four reasons:

First. It recognizes that criminal penalties for marihuana use and possession in private are so disproportionate to the

degree of mental and physical risk involved that there can no longer be any justification for their imposition in view of the Commission's findings.

To equate the risk of using marihuana—which the Commission found to be a relatively benign drug—with the risk inherent in the use of hard narcotics is in my view totally indefensible. Yet in many jurisdictions throughout the country, this equation is written into the criminal law.

Second. It recognizes that casual marihuana usage is so common that fair and impartial enforcement and prosecution are impossible. As I noted, surveys indicate that these totals have increased to 35 million and 13 million respectively.

In some States, a first offender can be jailed for 10 or 20 years. In others, he may be placed on probation. Yet, in most, he will not enter the criminal justice system at all.

Third. It recognizes that use of the drug has reached such proportions that the present law is clearly ineffective as a deterrent.

Fourth. It recognizes that the "rhetoric and emotion" generated by the use of the criminal sanction in cases of personal marihuana use is severely impairing the fight against more dangerous drug abuse.

The Marihuana Control Act of 1977, would change existing Federal law in that it would no longer be a criminal offense for a person to possess within a private dwelling up to 1 ounce of marihuana for his own use, or for the use of others, so long as it is not possessed with the intent to sell it for profit.

It would also no longer be a criminal offense to possess in public an amount not to exceed 1 ounce of marihuana, if such possession is incident to a private use and is not with the intent to sell it for profit. In the prosecution of any person charged with a violation of Federal law, the fact that such person was under the influence of marihuana would not be a defense to that charge.

Most importantly, our bill would implement the civil fine approach which has met with demonstrated success in the State of Oregon. In that jurisdiction marihuana offenders are given citations that are processed like traffic tickets. If the approach followed in Oregon and in the bill we introduce today were adopted throughout the Nation, 90 percent of all marihuana arrests would be eliminated and nearly half a billion dollars now being spent on those arrests would be saved. More importantly, the indiscriminate wrecking of people's lives and careers brought about by these unjust laws would end.

Following 1 year's experience with the Oregon law, a statewide survey by the Drug Abuse Council, a research organization funded by the Ford Foundation, revealed several interesting findings:

Forty percent of the respondents who said they had used marihuana said they had decreased their consumption.

Fifty-two percent reported no change and only 5 percent increased use.

Fifty-eight percent favored the new law or a more lenient one; only 39 percent thought the law was too lenient.

An update of that survey released by the Drug Abuse Council this week confirms these general findings and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, I wish to reiterate that I do not support and this bill does not provide for the legalization of marihuana, and I wish to clarify the distinction between legalization and decriminalization.

Legalization, as the term is used in the drug field, means that marihuana could be legally sold, under appropriate governmental controls. This could, though not necessarily would, be similar to alcohol licensing. The important concept here is that both use and sale would be legal.

Decriminalization only pertains to the user. The user is taken out of the criminal justice system, although selling remains illegal. This concept is intended to continue a discouragement policy against marihuana; thus no legal market is permitted. By focusing the law enforcement attention against the commercial traffickers, rather than the user over 90 percent of the marihuana arrests can be eliminated.

I oppose legalization because such action may be inconsistent with our current treaty obligations under the Single Convention of 1961.

Second, legalization might institutionalize marihuana and give it the status of official approval, thus making its use more inviting and widespread.

Third, there are still unanswered questions about the effects of long-term chronic use, and there is still considerable moral opposition to making marihuana available legally.

It has been suggested that decriminalization is illogical since it only applies to the user, leaving penalties against the seller. This is not the case. Criminal penalties are retained against the sellers as a means of discouragement. This is consistent with the way we treat such other "victimless crimes" as pornography, gambling, and prostitution.

It balances the right of the individual in a free society to remain free from governmental interference in his private life, with society's right to protect itself against those who would purvey something society deems potentially detrimental.

Mr. President, I hope that the Senate will act quickly on this long overdue legislation.

I ask that unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Marihuana Control Act of 1977".

SEC. 2. That the Controlled Substances Act is amended by inserting immediately after section 404 thereof the following new section:

"SEC. 404A. (a) Notwithstanding the provisions of section 308, 401(a)(1), 404, or any other provision of this title or any other Federal law, any person who—

"(1) possesses not more than one ounce of marihuana within a private dwelling or other residence for his own use, or for the use of others, within any such residence or dwelling, if such marihuana is not possessed with the intent to distribute, transfer, or sell such marihuana in violation of this title or any other Federal law; or

"(2) possesses in a public area, not more than one ounce of marihuana if the possession of such marihuana is incident to a private use within the purview of subparagraph (1) of this paragraph, and is not with the intent to distribute, transfer, or sell such marihuana for profit in violation of this title or any other Federal law; or

"(3) distributes or transfers, in public or private, any marihuana lawfully possessed, to any person for a private use within the purview of subparagraph (1) of the first paragraph of this subsection, if such distribution or transfer, is not made for profit—

shall be guilty of an offense, for which such person shall be subject to a civil fine of not more than $100. Such acts shall not constitute crimes against the United States and such person shall not be subject to arrest or suffer any disadvantage or disability except that specified in this section.

"(b) Nothing in this section shall be construed as requiring the Attorney General to initiate proceedings involving violations of this section whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

"(c) In the prosecution of any person charged wtih an offense in violation of any Federal law, the fact that such person was suffering from marihuana intoxication at the time of the commission of that offense shall not be a defense to that charge or any element thereof, unless such intoxication was not self-induced.".

EXHIBIT 1

DRUG ABUSE COUNCIL,
Washington, D.C., January 28, 1977.

MARIJUANA SURVEY—STATE OF OREGON

In the three years since Oregon became the first state to eliminate criminal penalties for possession of an ounce or less of marijuana, the number of adults who have used marijuana has increased 5 percent and the number who currently are using marijuana has increased 3 percent.

Moreover, the majority of Oregonians continue to support marijuana laws that are at least as liberal as the present law, and there seems to be increasing public support for further liberalization.

These are the major findings of three surveys commissioned by the Drug Abuse Council, Inc., an independent, nonprofit national foundation based in Washington, D.C., that is concerned with public policy and public awareness in the fields of drug use and misuse. The Council was created in 1972 by The Ford Foundation, The Commonwealth Fund, Carnegie Corporation, Henry J. Kaiser Family Foundation and the Equitable Life Assurance Society of U.S.

All the surveys were conducted by Bardsley and Haslacher, Inc., a Portland Oregon, marketing research firm as part of longer, regularly scheduled surveys of public opinion on a variety of issues. The first survey, conducted in 1974, consisted of 802 personal interviews with adults 18 years of age or older who represented a balanced sample of the state's population. The second survey, conducted in 1975, consisted of personal interviews with 800 adults 18 years of age or older. The third survey, conducted in October of 1976, consisted of 805 interviews.

Although the surveys focus mostly on marijuana use, the Oregon law never was looked upon as a measure to reduce the use of marijuana. The legislature's only goal was to ensure that adults who possessed small amounts of the drug would not be charged with a criminal offense and would not go to jail. To accomplish this, the legislature voted to make possession of an ounce or less a civil offense—similar to a parking violation—and established a maximum fine of $100.

Since Oregon took this action, seven other states have enacted similar legislation. Approximately 30 jurisdictions will be considering such legislation this year. Besides Oregon, possession of a small amount of marijuana is a civil offense in Alaska, Maine, Colorado, California, Ohio, Minnesota and South Dakota. In four of these states—California, Colorado, Minnesota and Ohio—not-for-profit transfers of small amounts of marijuana also are regarded as civil offenses, punishable by fine.

Oregon, however, remains the only one of these states where a survey has been conducted since decriminalization in order to provide a measure of marijuana use by adults and a measure of public attitudes toward laws that remove criminal penalties for possession of small amounts of the drug.

MARIJUANA USE

Table 1 shows the three-year trends with respect to marijuana use by adults in the state of Oregon.

In 1974, when the first survey was taken, 19 percent of the persons interviewed said they had used marijuana at some time in the past. In the fall of 1976, when the final survey was taken, 24 percent said they had used marijuana, an increase of 5 percent.

Nine percent said they were using marijuana at the time of the 1974 interview and an additional 3 percent, or a total of 12 percent, said they were current users at the time of the 1976 interview.

Viewed another way, the data showed that 76 percent of the people interviewed in 1976 said they had never used the drug, compared with the 81 percent who made this statement in 1974.

TABLE 1.—Marijuana use by adults (over 18)

Percent ever used:	
1974	19
1976	24
Percent never used:	
1974	81
1976	76
Percent currently using:	
1974	9
1976	12
Percent currently not using:	
1974	91
1976	88

In 1974, 91 percent of the people surveyed said they were not current users. In 1976, 88 percent said they were not using marijuana at the time of the interview, a drop of 3 percent.

Of the 12 percent who were using marijuana in 1976, more than two-thirds began using the drug before Oregon passed its decriminalization law.

Table 2 shows the percentage of people in each age group who said they had used marijuana at some time in the past and who said they were using marijuana at the time of the interview.

Nearly two-thirds of the people in the 18 to 29 age group had tried marijuana by the fall of 1976, an increase of 16 percent over the 1974 figure of 46 percent. Among people in the 30 to 44 age group, there was a 3 percent increase in the number who said they had used marijuana in 1976. A 2 percent increase was found in the 45 to 59 age group.

The largest proportion of people who said they were using marijuana at the present time—35 percent—also was found in the 19 to 29 age group.

TABLE 2

Age group	Percent ever used		Percent currently using	
	1974	1976	1974	1976
18 to 29	46	62	NA	35
30 to 44	15	18	NA	5
45 to 59	4	6	NA	3
60 and over	2	2	NA	(1)

NA—Not available.
[1] Less than 1 percent.

People who identified themselves as current users in the 1976 survey were asked whether they had increased or decreased their marijuana usage within the past three years. The results are found in Table 3. Half the current users said no change had occurred. Thirty-nine percent said they had decreased their marijuana usage. Nine percent said they had increased their usage. This distribution was similar to what was found when a similar question was asked in 1974 after the new law had been in effect for about a year.

TABLE 3.—*Changes in marijuana usage*

[Percent Current Users]

	1974	1976
Decreased usage	40	39
Increased usage	5	9
No change	52	50
Undecided	3	2

People who have never used marijuana or who have stopped using the drug were asked their reasons. Their responses are found in Table 4.

Sixty-four percent, or nearly two-thirds of those who responded to this question in 1976, said they were "not interested" in using the drug. When the same question was asked in 1974, only 53 percent said they had no interest in using marijuana.

In 1974, 23 percent of the people who responded to this question cited "possible health hazards" as their reason. In the 1976 survey, only 7 percent answered the question this way. The fear of prosecution and the unavailability of the drug did not rank high as reasons for not using marijuana in either 1974 or 1976.

TABLE 4.—*Reasons for not currently using marijuana*

[Percent Current Non-Users]

	1974	1976
Not interested	53	64
Possible health dangers	23	7
Possibility of legal prosecution	4	4
Drug not available	2	4
Other reasons	9	17
Undecided	4	9

PUBLIC ATTITUDES

All the surveys listed four kinds of marijuana laws and asked people to state their preference.

The first was the existing Oregon law which makes possession of an ounce or less a civil offense, imposes a maximum fine of $100 and carries no criminal record or jail term. The second was a law that would legalize the possession of small amounts of marijuana. The third was a law that would legalize the sale and possession of small amounts. The fourth was a law that would reinstate stiffer penalties for marijuana offenses.

As Table 5 shows, the percentage of adults who favor the present law or who favor one of the two legalization measures has remained at 58 percent during the entire three-year period. The 1976 survey, however, showed increasing public support for an even further liberalization of Oregon's marijuana laws.

In 1974, for example, 32 percent favored the existing Oregon law, 15 percent favored legalizing possession of small amounts of marijuana, and 11 percent favored legalizing the sale and possession of small amounts of marijuana. By 1976, support for the existing law had dropped 5 percent to a 27 percent level, while support for legalizing the possession of small amounts of marijuana had increased 4 percent to a total of 19 percent, and support for legalizing the sale and possession of small amounts had increased 1 percent to a total of 12 percent.

Support for the legalization proposals was strongest among the 18 to 29 year old group (the group with the highest proportion of past and present users), and among those who have used marijuana at least once.

TABLE 5.—ATTITUDES TOWARD MARIJUANA LAW

[In percent]

	Civil penalties, as is	Possession of small amounts legal	Sale and possession of small amounts legal	Stiffer penalties	Undecided
Total adults (1976)	27	19	12	38	4
By age group:					
18 to 29	23	30	26	18	3
30 to 44	37	18	5	37	3
45 to 59	25	16	8	48	3
60 and over	24	8	6	53	9
Total adults (1974)	32	15	11	39	----
By usage (1976):					
Have used	20	40	30	8	2
Currently used	10	41	47	1	1
Never used	30	12	6	47	5

The final survey question was what people felt the effect of the new law had been during the past three years.

The number who felt the law had a beneficial effect was larger than the number who felt the law had a harmful effect. However, as Table 6 makes clear, the most frequent response was that the law had no effect, and 62 percent of the people surveyed either felt this way or were undecided about the effect the law did or did not have.

TABLE 6.—*Effect of Oregon marijuana law*

	Percent response
Beneficial	22
Harmful	16
No Effect	38
Undecided	24

MARIHUANA DECRIMINALIZATION

Mr. CRANSTON. Mr. President, along with Senators JAVITS, NELSON, and BROOKE, I am again introducing the Decriminalization of Marihuana Act. This measure—which Senators JAVITS, BROOKE, NELSON, and I first introduced

on April 17, 1975—would remove the criminal sanctions in Federal law applying to the possession of small amounts of marihuana, and make the offender subject to a civil fine of not more than $100. Arrest for violations of the offense would be prohibited. The bill would not change the Federal law regarding criminal penalties for the sale of marihuana for profit, or for possession of more than 1 ounce.

Mr. President, along with Senators NELSON, BROOKE, and Congressman KOCH, I have also written to President Carter asking for his personal support and requesting that, in the course of the administration's review of existing policy, every consideration be given to early action for reform of these laws, and to the development of a comprehensive national policy on overall drug abuse in the United States. Thus, we hope to work closely with the administration in developing the optimum approach to this issue. With this in mind, we have introduced an identical bill to the one introduced in the last Congress, realizing that it may be amended in consultation with the President and Attorney General Bell.

The time has come to legislate like it is. When we brand as "criminal," private behavior which has become socially acceptable, we undermine the credibility of law and justice in our Nation. To brand as a criminal act private conduct 29 million Americans at one time or another have engaged in, perpetuates an ivory tower approach to criminal justice. Moreover, I do not believe that we should intrude upon the private lives of Americans unless there is a compelling need to. Such a need has not been demonstrated with regard to criminal sanctions for marihuana use. Although the health hazard of marihuana remains controversial, evidence does not indicate that it is serious enough to justify criminal penalties for its use.

For example, the National Commission on Marihuana and Drug Abuse, when they recommended decriminalizing the marihuana use in 1972, did not presuppose marihuana would be harmless. And several members of the Commission have reiterated their conclusions since that time:

"No drug is totally safe or harmless. In a sense, there is no human activity which is totally harmless. However, it is my opinion that marihuana involves only a minimal risk of harm to the user. Clearly the potential harmfulness of marihuana to the user is on a much lower order of magnitude than the potential harmfulness of such other drugs as alcohol, tobacco, amphetamines, barbiturates, and hallucinogens." J. Thomas Ungerleider, M.D., Presidential Appointee to the National Commission.

"Since publication of the Commission's Report in March 1972, numerous studies have been reported, some suggesting that the dangers from marihuana are far greater than the Report indicated, others demonstrating that its use produces relatively little harm. In short, work in the last two years has not fundamentally changed the data base on which the recommendations were made." Dr. Dana Farnsworth, Presidential Appointee to the National Commission.

While marihuana may not be harmless, it certainly presents far less of a health hazard when used to excess than does alcohol, tobacco, and a host of other drugs available in our society. Any risk to the user falls within the ambit of choice the informed individual should be allowed in a free society. So long as the research results warrant it, we should warn against the use of marihuana, but we should not criminalize those who choose to ignore our advice.

According to the FBI, Mr. President, more than 1 million persons were arrested for marihuana offenses in this country between 1972 and 1976.

Eighty-eight percent were young adults under the age of 26; 62 percent were under the age of 21. Furthermore, two-thirds of all marihuana arrests were for possession of one ounce or less.

I can think of no area of criminal law where so-called crime and punishment are in such imbalance. Hundreds of thousands of young lives have been marked indelibly with criminal arrest or conviction records for the simple possession of marihuana. The injustice is compounded every time one of these young people sits down to apply for a job, membership in a professional organization, or even a driver's license.

For those punished with prison terms and denied civil liberties, the tragedy is deeper and the scars even greater.

It has been over 3 years since the National Commission on Marihuana and Drug Abuse urged decriminalization. So I do not in any way underestimate the difficulty of our task.

I want to emphasize that we do not intend to encourage the use of marihuana—nor do we believe that this bill would have such an effect. This measure would not legalize the possession of marihuana. There would still be a civil fine for possession of the drug. Moreover, the evidence that I have seen does not indicate that the decriminalization of marihuana encourages the use of the drug. Despite the fact that eight States have now decriminalized the possession of small amounts of marihuana, its use appears to have leveled off. The latest study funded by the National Institute on Drug Abuse found that the number of users of marihuana has remained constant over the past 2 years.

California's experience is an instructive one in this regard, since it removed the criminal penalties for possession of 1 ounce or less of marihuana 1 year ago. The California State Health and Welfare Agency, under Secretary Mario Obledo, conducted a study of the impact of the new law. Secretary Obledo, in reporting on the study's results, concluded that:

The reduction in penalties . . . was not a major factor in people's decision to use or not to use the drug.

He added that although there was an increase of less than 3 percent in the number of people that have tried the drug in California over the last year, the frequency of use has decreased. He also estimated that "local criminal justice agencies will save at least $25 million over the first year of the new law," a figure that does not include the savings in court costs.

Mr. President, simple justice is never simply achieved. But we owe it to our young people and we owe it to society as a whole to make this fight. I can think of no other single action which would more enhance the credibility of our criminal justice system and our overall law enforcement efforts. And I can think of no other single act which would more symbolically reach out to our youth, to tell them that our eyes and ears are open; that we are trying to conform our laws to what we see and hear, and to remove one unnecessary and heavyhanded governmental incursion into individual freedom.

By Mr. PELL:

S. 602. A bill to extend and revise the Library Services and Construction Act, and for other purposes; to the Committee on Labor and Public Welfare.

LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS OF 1977

Mr. PELL. Mr. President, today, I am introducing a bill to revise and reauthorize the Library Services and Construction Act. The provisions of this act are operating pursuant to the 1-year extension authorized in the General Education Provisions Act. If we fail to continue this aid, then, this act will expire and a valuable support to the Nation's public libraries will collapse.

Our libraries do more than provide books to casual readers or extend minor services to the community, though these services are valuable in themselves. Our libraries are an invaluable national resource. They are available to every American, and though some of us may not use them nor think of them regularly we all benefit from them every day.

My work, and the work of Congress, is in part carried out with the assistance of the staff and resources of the Library of Congress. More than that, the library provides a great deal of the special material upon which our legislative work is based. Our work is based upon knowledge, and it is the library which is our collective memory of facts and events, and our storehouse of public documents—the written record of this Nation.

There are many people who use libraries daily. Students, newspapermen, researchers, businessmen, and authors, to name only a few, all make heavy use of the resources there. Every American is indebted to those people for what they do, and we thus are equally indebted to the institutions which enable them to do their work.

Yet beyond the return we receive at work, beyond the dollars and cents evaluation, there is must more that we gain from our libraries. Our libraries are a rich source of entertainment and divertisement. They are a rich fount of education, and they are, finally, a wellspring of freedom itself. From the earliest days it has been written, "Know the truth and the truth shall set you free." That is one of the keystones of our government. It is an essential point of democracy. This is the strongest tradition of our Nation's libraries.

James Madison wrote:

A popular government without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or perhaps both. Knowledge will forever govern ignorance: and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

That is what our libraries give.

Largely unheralded, newsworthy only by accident or in footnote, and entirely taken for granted; our Nation's libraries have given us the means to raise our spirits and advance our fellow man. There is far too much of value in our treasure of books and documents to ignore, for they are our history and our record among the nations of the world. We must support these centers of knowledge as a duty, then, and advance their cause.

I hope the Senate will reaffirm this deep commitment by favorably considering this bill and enacting it into law.

HISTORY

The Library Services and Construction Act has been in operation since 1956. At that time it was known as the Library Services Act and it authorized programs concerned with providing library services for rural areas only. In following years the coverage of the act was extended to the territories and the District of Columbia. More than that, the breadth of the program was extended to urban areas—revised title—in 1964; to construction programs—title II—in the same year when the act gained its present name; to interlibrary cooperation programs—title III—in 1966; and to older readers services—title IV—in 1973.

The Library Services and Construction Act has also expanded its constituency to include the handicapped and the disadvantaged. For all these services there has been spent $806,773,500. It is not possible to say exactly how much of the growth in our national library system is directly related to the Library Services and Construction Act program, in fact, local governments are the major contributors to libraries, but since the act was made into law the growth of the system has been formidable.

I ask unanimous consent that three pages of a report by the Office of Education be included at this point in the RECORD to demonstrate my last point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Population data and LSCA	[1] 1956	1976
U.S. population	158,000,000	210,000,000
With access to public library services	88,000,000	201,000,000
Percent		96
Without access to public library services	70,000,000	9,000,000
Percent		4
With inadequate public library services	83,000,000	175,000,000
Percent		83
With minimum adequate public library services (by State-adopted standards)	5,000,000	26,000,000
Percent		13
Number of counties without public library services	940	297

[1] Before LSCA.

Special populations receiving services from LSCA funds:

	(Number of persons, 1976)
Disadvantaged (1,245 projects since 1972)	29,000,000
Institutionalized	800,000
Handicapped/blind	480,000
Elderly population (age 65)	7,500,000
Elderly handicapped/blind	48,000

Number of Metropolitan Libraries strengthened as resource centers, 109.

Number of bookmobiles placed in operation 1956–1975 with LSCA funds, 833.

Number of books and related materials purchased from 1956–1976, 95,000,000.

Number of bilingual projects 1975–1976, 392.

Number of projects for the older reader 1972–1976, 598.

Public libraries today serve people both inside the library facility and outside with books-by-mail delivery, bookmobile service and other outreach programs.

State Involvement:

1. States with public library State aid programs:

1956: 23 States, $5 million (Only 6 of these States had annual appropriations exceeding $200,000, the basic allotment under LSCA I).

1976: 38 States, $101.6 million.

2. 18 States and territories do not have State aid programs in support of public libraries:

(1) Indiana
(2) Louisiana
(3) Montana
(4) New Hampshire
(5) North Dakota
(6) Oregon
(7) South Dakota
(8) Utah
(9) Vermont
(10) Washington
(11) Wyoming

(Seven are not structured to provide State aid:)

(1) D.C.
(2) Hawaii-Statewide library program
(3) Trust Territory
(4) American Samoa
(5) Guam
(6) Puerto Rico
(7) Virgin Islands

3. Public library construction: 8 States have separate grants-in-aid for this program.

Change in Service Pattern: The percentage of expenditures for national priority needs (disadvantaged, metropolitan libraries serving as resource centers, physically handicapped, State institutionalized, bilingual education, right-to-read, aging, early childhood education, Model Cities, career education, migrant education, environmental education, and drug abuse education) increased from 24.1% in FY 71 to 66% in FY 76.

Projected Accomplishments in FY 77: With an appropriation of $56,900,000 for LSCA, Title I, States will continue to support projects aimed at meeting informational needs of the public. Special clientele served under established national priorities include: 29 million disadvantaged; 800,000 prisoners, patients and other institutionalized; 480,000 blind and other physically handicapped persons.

6. Needs Assessment

Even though 96% of the U.S. population has access to public library service, 83% of the population has inadequate library services according to the States' adopted standards. During the last twenty years, the number of persons without access to services has been reduced from 70 million to 9 million. However, the number of persons with inadequate service increased by 92 million due to the 52 million increase in total population and the increased number with access to library services. Such inadequacy and the unevenness among the states in the quality of services offered demand further attention.

BACKGROUND TO PRESENT BILL

Mr. PELL. Mr. President, in the last few years there have been some developments in the field which demand new action, not just a simple reauthorization of the bill.

First, there has been a terrific growth in the number of libraries participating in consortiums and interlibrary programs. With the continuing explosion of information sources, publications, and periodicals libraries are increasingly hard pressed to keep pace with the field of knowledge. The only way most libraries can deal with this problem is to share resources, and in the continuing development of this type of cooperation the demands made upon the larger libraries have increased markedly. This trend will continue to accelerate, and thus for the foreseeable future we can predict more of the same, and should expect even greater demands to be made of the central resource libraries.

Second, the recession has hit libraries as hard, if not harder, than other institutions on the public rolls. Their budgets have been cut, their staffs have been reduced, and their operating hours have been shortened. This may save a few dollars for the municipality in the short run, but the damage done spreads far and wide. Library consortiums in the New York area have been hurt because the city library—one of the great collections in the Nation—is closed 3 days out of the week. In many similar cases from coast to coast the viability of interlibrary associations is being seriously weakened by the decline in services from urban resource libraries. This is a national loss, and we must act to overcome it.

I ask unanimous consent that a letter from Mr. Theodore H. White be printed in the RECORD. He speaks directly to my last point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL CITIZENS EMERGENCY
COMMITTEE TO SAVE OUR
PUBLIC LIBRARIES,
October 19, 1976.

DEAR SENATOR PELL: As a journalist and author, I am acutely aware of the importance of our nation's public libraries as a basic information resource. I have no hesitation in saying that our public libraries are absolutely essential to that unique American institution—The First Amendment.

The starting place for any journalist on a "big story" is his public library. Cut off this source and you impair the freedom of the press. Unfortunately, that is exactly what is going on today in our country. Public Libraries are closing their doors or reducing hours in community after community. Authors—particularly those who are holding down full-time jobs—find libraries are no longer open at night when they want to do research. America's literary output is bound to suffer in the long run if this situation is not corrected at once.

The obvious answer lies in dependable long-range Federal funding for public libraries, in partnership with State and local

government. I am writing to you because you are in a position to help do something about it, and I urge you to do so. A free press quite literally depends on your response to the needs of our libraries.

Sincerely yours,

THEODORE H. WHITE.

Mr. PELL. Mr. President, I urge this special emphasis not only because the state of library services is at a standstill, but because in many major cities library services are less than what they should be. They are inadequate. If we are to advance in this field then we must recover this lost ground. We must rebuild resource library programs and so set the foundations for establishing metropolitan, regional, State, and eventually a truly national interlibrary system. That is the way of the future.

LEGISLATION

For now, I propose to simply set the stage for this development. This bill is a straight extension of titles II, III, and IV of this bill. The authorizations for titles II and IV are the same as they are at present—$97,000,000 and "such sums" respectively—but I am raising the authorization for title III from $18,200,000 to $20,000,000. Title III deals with interlibrary programs and has always been underfunded. For that reason it would seem to be conventional wisdom to leave the authorization for that title alone. However, I wish to signal my colleagues that we intend to step up our activities here. That is why we have stepped up the available funds.

The one major change we are making in the act is to include a trigger in the title I authorization to provide funds for major urban resource libraries. The trigger is set at $60,000,000 which is above the current appropriation of $56,900,000. Any funds appropriated in excess of that amount will be divided as follows: two-thirds will be reserved for urban resource library programs and the remaining third will continue to be allocated to the other activities authorized under the title.

I ask unanimous consent to have two items printed in the RECORD at this point. They are from the U.S. Conference of Mayors and the National Commission on Libraries and Information Science. These are both supporting legislation along the lines I have been speaking about, and they show what a wide range of agreement there is in the field on the need for this type of program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONFERENCE OF MAYORS' URBAN LIBRARIES RESOLUTION ADOPTED AT THE 44TH ANNUAL CONFERENCE ON JULY 1, 1976

47. Urban libraries.

Whereas, there are special problems and needs of large urban public libraries; and

Whereas, the Congress of the United States has seen fit under the Library Services and Construction Act to recognize other unique problems associated with state library systems,

Now, therefore, be it resolved that the U.S. Conference of Mayors urges the Congress of the United States to amend the Library Services and Construction Act to provide special financial assistance to those urban areas over 100,000 population to permit them to purchase additional books and library materials and funds for library construction in urban areas.

URBAN PUBLIC LIBRARIES AND THE LIBRARY SERVICES AND CONSTRUCTION ACT

Whereas, large urban public libraries are a critical part of the Nation's information and cultural resources, and

Whereas, the large urban public libraries are vital for the educational, and economic development of the United States, and

Whereas, the large urban public libraries are in serious financial distress, and

Whereas, balanced intergovernmental funding from local, state and Federal sources is essential to achieve services at a level that will assure optimum content and quality, and

Whereas, the American Library Association, a national library and information services organization representing over 35,000 institutional and personnel members, and the Urban Library Council, a national organization representing approximately fifty of the Nation's largest urban libraries, have proposed an amendment to the Library Services and Construction Act (LSCA) by adding a new Title V which would provide assistance to large urban public libraries serving cities of over 100,000 population for the purpose of purchasing books and other library materials.

Now, therefore, be it resolved: That the National Commission on Libraries and Information Science advise the President and the Congress of its concern for the financial plight of the large urban public library and strongly urge that LSCA be amended by the addition of a new title that would provide the necessary financial assistance.

Mr. PELL. Mr. President, I have further developed this concept to emphasize the point that this money is directed to urban libraries because of their value as centers of research and as the keystone collections for interlibrary consortiums. This money will pay for increased service, and it will help those libraries maintain their equilibrium in the face of the new demands made of them. However, I do not regard this division as a permanent solution. In the next few years we must have an entirely new piece of legislation concerning all library programs.

As I emphasized earlier the library-related legislation we now have needs revision. There are a number of measures in various acts that deal with libraries and the cumulative effect of these various pieces is limited. What is needed is a thorough redrafting of all library legislation into one piece: a National Library Act.

More and more we have come to see that libraries are depending more heavily on centralized services and material sharing operations. There is already in operation a range of services offered nationally by the Library of Congress. These services range from cataloging to bibliographic information to contacts abroad. Various other major libraries are operating similar programs on a smaller scale. The growth of these networks is the hallmark of the future in library work; and we need a new piece of legislation, a comprehensive act and an act of national scope to continue this valuable and necessary work. I do not mean by this to nationalize every library in the Nation. Rather, we must work to help every library retain its local character and yet also have the reasons to draw from the Nation's resources.

CALL FOR A WHITE HOUSE CONFERENCE

What is necessary now is to convene the White House Conference on Libraries and Information Science. We must hold State conferences and then a national conference to emphasize changes in the field and dramatize in clear terms the need for a new piece of library legislation.

This conference has been proposed and yet delayed for years. In 1972 I first proposed a White House conference, but the administration never appointed the members of the advisory committee, a step which was necessary to begin this process. Now the last administration has appointed those members and the way is clear to begin. I look forward to these conferences, and am sure that they will produce a new consensus not only on the legislative needs of librarians and library programs, but also on the place of libraries in our national life.

Mr. President, I ask unanimous consent that two further statements on libraries be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF PRESIDENTIAL CANDIDATE JIMMY CARTER ON LIBRARIES

Well-stocked libraries open to all are essential to our democratic system of government. As President Kennedy said in 1963, "Good libraries are as essential to an educated and informed people as the school system itself. The library is not only the custodian of our cultural heritage but the key to progress and the advancement of knowledge."

Today, because of shortsighted Republican policies, we are allowing our libraries to deteriorate.

During the last four years under Ford and Nixon, budget cutbacks, freezes and impoundments have forced libraries all over the nation to sharply curtail their programs.

In 1973, the Democratic Congress voted $85 million for library services and construction, $100 million for library services under the Elementary and Secondary Education Act, and $77 million for help for college libraries.

In 1974, President Nixon proposed to eliminate funding for all of these programs. And when Congress refused to allow these thoughtless budget cuts Nixon resorted to impoundments of library funds. Only court challenges finally forced release of this critically needed support.

Under President Ford, this damaging policy toward libraries has continued. In 1975, the administration held up release of federal library funds until two months before the end of the fiscal year, making chaos of sound library planning. And under the guise of consolidated funding President Ford has continued to push for the virtual elimination of federal help to the nation's libraries. In 1975 the administration proposed to replace categorical library programs with block grants. But the block grants were slated for only $10 million in funding, a tiny fraction of the level of previous categorical programs.

Though Congress has consistently overridden these anti-intellectual policies, administration opposition has played havoc with sound planning and sensible administration. And the lower level of federal support has forced many libraries to suspend or reduce some of their programs.

Because of federal cutbacks and local budget stringencies, academic and research libraries have been forced to sharply curtail their acquisition of library materials. Some of the greatest center city public libraries have had to reduce their hours of service, lay off personnel, and eliminate programs. Elementary schools in some cases have closed their libraries altogether, dismissing library personnel and dividing up the books among the classrooms. We cannot call for a revival of quality education in America and close our libraries. We cannot ask our children to learn to read and take away their books.

We need a new, revitalized effort to save our libraries and to make them strong bastions against illiteracy and ignorance.

This is not simply a matter of more federal support, although that will help. In libraries as in other areas, we need efficiency and sound management of our limited resources. We need to organize our library services so that they can effectively serve the public. We need to coordinate federal help for libraries so that the assistance reaches those who need it and so that waste and duplication are eliminated.

Streamlining of government, and coordination between the federal government and the states must be pursued with vigor. At present, federal assistance is uncoordinated, confused and multifaceted. The U.S. Office of Education administers three library programs designed to assist the states to improve their school libraries, develop their public libraries, and help colleges and universities strengthen their library programs.

The National Science Foundation administers a program of science information activities. The Library of Congress serves as a national library, distributes cataloging data to libraries across the country, makes talking books available to the blind and physically handicapped, and works in a host of different ways to improve the services of all types of libraries in America. The National Library of Medicine supplies up-to-date medical information to health science professionals all over the country.

There are many other federal agencies involved in the nation's library systems. There is the National Commission on Libraries and Information Science, the National Endowment for the Humanities, and the Depository Library program of the Government Printing Office, all involved in one phase or another of library assistance. Grants are available for library construction through the U.S. Office of Education, the U.S. Department of Housing and Urban Development, the U.S. Department of Commerce, and through the Appalachian Regional Commission. The list of library-related federal agencies and services could go on and on.

If federal library help is to be truly useful to the states, to the localities and to library users, we must rationalize and coordinate this disconnected system. We need a clear, ongoing national library policy, coordinated by a well-organized centrally controlled federal agency.

A logical agent for delivery of library support to the nation is a national library. The Library of Congress has been allowed to assume some of these functions. It is possible that it should assume others. As part of my overall effort to reorganize government I intend to study the feasibility of strengthening the role of the Library of Congress in coordinating national library policy.

Along with greater coordination in Washington, we need to strengthen the leadership role of state governments in the provision of library services. The local libraries should be able to look with confidence to the state government, and in turn the state should know what kinds of assistance and advice can be sought from Washington. We will coordinate the myriad federal agencies and programs assisting libraries and draw the lines with simplicity and clarity. The states must do the same, by simplifying and modernizing their own bureaucratic structures. Paperwork and bureaucratic red tape must be eliminated in Washington. In turn, the states must reduce their own bureaucratic complexities and eliminate their own red tape. It is no help to our cities, counties and towns if the federal paperwork burden is simply replaced by the state paperwork burden. Proper management and a reformed bureaucracy may themselves make more money available for books and direct services to the public.

We must have rationalized library development. The large research libraries should be strengthened so that they can serve not only their primary clientele but also smaller libraries in every state. Major research collections should supplement the more general collections of the smaller libraries. Each library should be coordinated with other libraries in its region, so that it will know where it can turn to borrow a book it does not own. Through coordination of this kind, every American will have access to the library holdings of our greatest research libraries.

Improved research and development are required, so that automated techniques of information retrieval can be applied to libraries. But we must be careful to implement only the most cost-effective and carefully tested systems. It is easy to waste money on sophisticated technology that is unnecessary or inadequate, or that makes the provision of service more difficult or more time-consuming.

If we are to succeed in developing libraries to their full service potential we must have the interest and participation of large numbers of the American public. The President is authorized to hold a White House Conference on Library and Information Services not later than 1978 for just this purpose.

This conference should be the culmination of an extensive process of citizen involvement in the library policy making its beginning at the grassroots. Through preliminary conferences in each of the states, the local citizenry can take a close look at their libraries and decide whether perhaps there are overlapping roles and responsibilities of public libraries, new services needed or other changes that need to be made.

These are decisions that must be approved at the state and local level by an informed and knowledgeable citizenry. The White House Conference process will help to develop a public knowledegeable about alternative ways of providing good library service, and it will help create public support for libraries. Results from the state conferences can be pooled at the White House Conference. We will then have a sound foundation upon which to devise complementary local, state and federal plans for library and information services in the decade ahead.

Let me summarize the points I have made. First, I believe that federal help for the nation's library system should be funded on a sustained and stable basis. If we are to have an educated and informed population we need a strong and open library system supported by a committed administration.

Second, I believe that federal library help must be rationalized, consolidated and streamlined. This process of cutting red tape must be accompanied by a commitment at the state and local level to do likewise. Consolidation, however, is not a codeword for cutbacks. Adequate funding must be assured.

Finally, I believe that the library-using public should have more input into the decisions concerning the role of their local libraries. A nationwide series of library conferences culminating in a White House Conference is one method of implementing this process.

Libraries are a national resource, and all of the nation must share in their upkeep. By the same token all of the nation must have access to the information contained in our many and diverse libraries. The strength of our system of government is the collective wisdom of our people. Our libraries are one crucial foundation of that wisdom.

STATEMENT BY PRESIDENT GERALD R. FORD

I am today announcing my intention to convene the White House Conference on Library and Information Services provided for in Public Law 93–568. Realization of the full potential of this conference lies in the hands of dedicated professionals working day to day in this area. These individuals will make the White House Conference on Libraries and Information Services a successful and productive event.

The challenge confronting those who provide information services to the public is one of harnessing modern technology. Telecommunications, computers, and micrographics must be further employed to reduce the costs of making information more widely accessible and improving the speed and accuracy with which source materials can be supplied. The librarian of today's space age serves a profession and a public more demanding and exacting than ever before.

Within the next few months I will request from the Congress the appropriations necessary to fund the conference and announce my appointments for the Advisory Committee to the White House Conference on Libraries and Information Services. It is my hope that the White House Conference on Library and Information Services will through its State, territorial and national assemblies provide the impetus for advancing the quality of America's informational services.

Mr. PELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Library Services and Construction Act Amendments of 1977."

SEC. 2. (a) Section 4(a)(1) of the Library Services and Construction Act is amended by striking out "and" and by inserting before the period a comma and the following: "and $150,000,000 for the fiscal year 1977 and for each succeeding fiscal year ending prior to October 1, 1982".

(b) Section 4(a)(2) of such Act is amended by inserting before the period a comma and the following: "and for each succeeding fiscal year ending prior to October 1, 1982".

(c) Section 4(a)(3) of such Act is amended by striking out the word "and", and by inserting before the period a comma and the following: "and $20,000,000 for the fiscal year 1977 and for each succeeding fiscal year ending prior to October 1, 1982".

(d) Section 4(a)(4) of such Act is amended by striking out "and", and by inserting before the period a comma and the following: "and for each succeeding fiscal year ending prior to October 1, 1982".

SEC. 3. (a) Section 2(a) of the Library Services and Construction Act is amended by striking out "and in promoting" and by inserting in lieu thereof "in promoting", and by adding before the period at the end thereof a comma and the following: "and in strengthening major urban resource libraries".

(b) Section 3 of such Act is amended by adding at the end thereof the following:

"(14) 'major urban resource library' means any public library located in a standard metropolitan statistical area having a

population of 100,000 or more individuals, as determined by the Commissioner.".

(c) Section 101 of such Act is amended by striking out "and" the third time it appears in such section, and by inserting before the period a comma and the following: "and in strengthening major urban resource libraries".

(d) Section 102(a) of such Act is amended—

(1) by striking out "and" at the end of clause (1),

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon and the word "and", and

(3) by adding at the end thereof the following new clause:

"(3) for (A) supporting and expanding library services of major urban resource libraries which, because of the value of the collections of such libraries to individual users and to other libraries, need special assistance to furnish services at a level required to meet the demands made for such services, and (B) supporting and expanding library services for a public library designated by the State library administrative agency in any State in which there is no major urban resource library.".

(e) Section 102 of such Act is amended by inserting at the end thereof the following new subsection:

"(c) Subject to such criteria as the Commissioner shall establish by regulation, in any fiscal year win which sums appropriated pursuant to paragraph (1) of section 4(a) exceed $60,000,000 not less than 66⅔ percent of that portion of the allotment of each State attributable to the amount in excess of such $60,000,000 in that fiscal year shall be used for the purposes described in clause (3) of subsection (a) of this section in accordance with clause (2) of section 103.".

(f)(1) Section 103(1) of such Act is amended by inserting ", subject to clause (2) of this section," after "program" the first time it appears in such section.

(2) Section 103 of such Act is amended by redesignating clauses (2), (3), and (4) of such section as clauses (3), (4), and (5), respectively, and by inserting after clause (1) the following new clause:

"(2) set forth a program for the year submitted under which not less than 66⅔ per centum of the funds (A) which are paid to the State in any fiscal year in which appropriations pursuant to paragraph (1) of section 4(a) exceed $60,000,000, and (B) which are allotted to such State from the amount in excess of such $60,000,000, will be used for the purposes set forth in clause (3) of section 102;".

By Mr. WEICKER (for himself, Mr. PEARSON, and Mr. BROOKE):

S. 603. A bill to establish a program to improve the commercial fisheries of the United States; to the Committee on Commerce.

COMMERCIAL FISHERIES DEVELOPMENT ACT

Mr. WEICKER. Mr. President, today I am pleased to introduce along with Mr. PEARSON and Mr. BROOKE "The Commercial Fisheries Development Act."

This legislation is based on the results of extensive research into the needs of the U.S. commercial fishing industry and incorporates the views and comments of a wide spectrum of individuals involved in the operational and administrative aspects of this industry. The act would increase the capability and efficiency of the U.S. commercial fisheries industry by establishing both a Commercial Fisheries Development Fund that would provide critically needed financial assistance to rebuild the U.S. commercial fishing industry and a mandatory fish inspection program that would increase consumer confidence and acceptance of fish and fish products.

Our domestic fisheries are currently chronically depressed. Due to the high risks associated with fishing operations, individual fishermen have all too often been unable to obtain loans to assist them in updating their equipment. Many usable species caught are wasted for lack of markets. The U.S. domestic fishing fleet has been in bad repair for many years. Many of the individual vessels are not only old and economically inefficient, but their numbers have been dwindling. This is particularly true in Connecticut where the number of offshore vessels have been cut in half over the past 20 years. In comparison, fishing vessels from the Soviet Union, Japan, Korea, Norway, and other nations are increasingly more modern and efficient. As a result, U.S. fishermen have been unable to effectively compete with them off our own coasts. While foreign fleets have increased their catch threefold off the U.S. coasts over the past 25 years, our catches have remained static. Furthermore, over 60 percent of the fish consumed in this country is imported, creating an annual $1.5 billion balance-of-payments deficit. Much of these imported fish are caught right in our own backyard.

Other areas of the industry are equally in bad shape. Marketing of fish is sporadic, often reaching only local consumers. The industry cannot grow without creating new markets of its products. Standards for sanitary handling and grading of fish and fish products is presently on a voluntary basis involving less than 20 percent of the fish consumed in the United States. As a result, much of the fish sold to the consumer is low quality and unwholesome. Both the consumer and industry suffer from this lack of standards.

We clearly need to bring the entire U.S. fisheries into the 20th century. This act will help accomplish such goals by, first, providing loans to enable the industry to repair, purchase, and build vessels, to replace outmoded equipment, and to enlarge our fishery capacity, especially for underutilized species; second, management training and educational assistance to establish fisheries cooperatives; third, establishing a Fisheries Development Board to promote and research fisheries products and locate new markets; and fourth, implementing a mandatory fish inspection program to increase sanitary handling of fish and fish products and increase consumer confidence.

In March 1977, the United States will assume exclusive jurisdiction over the living resources extending to 200 miles off our coasts. Since there will be no foreign fishing permitted within this zone until it is determined that there is a fish "surplus," U.S. fishermen will have primary access to some of the richest fishing areas in the world.

Mr. President, the present condition of the U.S. domestic fishing fleet, shoreside fisheries facilities, indeed the entire industry, cannot meet the large increase in fishing efforts that will be required in the coming years. Our fisheries need to be improved and improved soon. Even though there are now several developmental programs for the commercial fisheries within the Federal Government, they are uncoordinated and ineffective. For example, the fisheries loan fund has not been funded since 1972; the Capital Construction Fund and the fishing vessel obligation guarantee programs, administered by the National Marine Fisheries Service, are clearly inadequate to meet current needs. The Farmers Credit Administration's loan guarantees for commercial fisheries are helpful but, again, are insufficient to meet future needs of the Nation.

This bill would establish the critically needed programs that would provide the funds and impetus to rebuild our commercial fishing industry. Briefly, the Commercial Fisheries Development Act provides for:

First. Low-interest loans for commercial fishermen to rehabilitate, purchase, and construct fishing vessels and fishery facilities;

Second. Loans for adverse impacts caused by certain Federal regulations;

Third. The establishment of a Fisheries Development Board to promote and research new markets for fish and fish products;

Fourth. The creation of a new office within NOAA to properly administer and provide proper focus to the programs;

Fifth. A mandatory fish inspection program; and

Sixth. A pilot fisheries cooperative service program. Other provisions require reports on fish markets, training programs, and existing Federal programs.

Mr. President, I ask unanimous consent that the text of this bill, together with a section-by-section summary of its provisions, be printed at this point in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commercial Fisheries Development Act".

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares the following:

(1) The commercial fisheries of the United States are an important industry providing a significant number of jobs and revenue to the national economy.

(2) The existing United States commercial fishing fleet and facilities are outdated and inadequate to meet the current and future national needs and demands for fisheries products.

(3) Federal development programs for commercial fisheries are inadequate to meet present and future national needs.

(4) Many fish species are commercially underutilized because of lack of viable markets.

(b) PURPOSES.—It is therefore declared to be the purposes of the Congress in this Act—

(1) to increase the capability and efficiency of the commercial fisheries industry of the United States;

(2) to strengthen the competitive position of the United States commercial fisheries industry with respect to foreign harvesters and processors, thereby resulting in increased economic stability in the domestic industry and full utilization of available fish;

(3) to conserve and manage fish under United States jurisdiction in the national interest;

(4) to provide for increased financial assistance, including access to developmental capital, for the United States commercial fisheries industry;

(5) to encourage increased development of underutilized species through the establishment of new markets and other mechanisms;

(6) to establish a mandatory Federal fish and fish products inspection program;

(7) to provide for the institutional framework that will assist the commercial fisheries industries in solving its problems;

(8) to provide technical and financial assistance to the United States fishing industry to establish fisheries cooperatives and to assist the industry in complying with the mandatory Federal fish and fish products inspection program;

(9) to provide for effective coodination of Federal manpower training programs in commercial fisheries; and

(10) to provide a central office to effective administer Federal commercial fisheries development programs.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "Board" means the Fisheries Development Board established pursuant to this Act;

(2) "Chairman" means the Chairman of the Fisheries Development Board;

(3) "citizen of the United States" means any person who is a United States citizen by law, birth, or naturalization, any State, any agency of a State or a group of States, or any corporation, partnership, or association organized under the laws of any State which has as its president or other chief executive officer and as its chairman of the board of directors, or holder of a similar office, a person who is a United States citizen by law, birth, or naturalization, and which has at least 75 percent of the interest of therein owned by citizens of the United States. Seventy-five percent of the interest in the corporation shall not be deemed to be owned by citizens of the United States—

(A) if the title to 75 percent of its stock is not vested in such citizens free from any trust of fiduciary obligation in favor of any person not a citizen of the United States;

(B) if 75 percent of the voting power in such corporation is not vested in citizens of the United States;

(C) if through any contract or understanding it is so arranged that more than 25 percent of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or

(D) if by any other means whatsoever control of any interest in the corporation in excess of 25 percent is conferred upon or permitted to be exercised by any person who is not a citizen of the United States;

(4) "commercial fisheries industry" means all commercial aspects of taking, processing, handling, and marketing of fish and fish products;

(5) "fish" means any species of living aquatic resources excluding aquatic mammals and birds;

(6) "fish products" means any product which is made wholly or in part from any fish or portion thereof, except products which contain fish only in small proportions and which are exempted from definition as a fishery product by the Secretary;

(7) "fishery" means the business, organized activity, or act of fishing for a particular stock or species of fish;

(8) "fisheries facilities" means new or used landing, receiving, processing, storage, and distribution facilities, together with all necessary equipment, including land where appropriate;

(9) "fishing" means the catching, taking, harvesting, or attempted catching, taking, or harvesting, of any fish for commercial purposes;

(10) "fishing vessel" means any new or used vessel, boat, ship, or other type of craft, together with all necessary gear and equipment, which is used for, or of a type which is normally used for—

(A) fishing; or

(B) aiding or assisting in the performance of any activity relating to fishing, including but not limited to preparation, supply, storage, refrigeration, transportation, or processing of fish;

(11) "forced economic distress" means action caused by Federal regulation, as determined by the Secretary of Commerce in consultation with State and local representatives, that forces a fishery to cease or curtail operations on a long-term basis;

(12) "Government's cost of money" means, as determined by the Secretary of the Treasury, the average market yield on outstanding U.S. Treasury obligations of comparable maturity;

(13) "person" includes an individual, a public or private corporation, a partnership or other association, or a Government agency.

(14) "process," "processed," and "processing," with respect to fish or fish products, means to harvest, handle, store, prepare, produce manufacture, pack, tranport, or hold such products.

(15) "Secretary" means the Secretary of Commerce;

(16) "State" means any State of the United States, the District of Columbia, or any Commonwealth, Territory, or possession of the United States;

(17) "underutilized species" means a fish species or group of fish species that are identified as available but either not harvested or harvested at insignificant levels pursuant to criteria set forth by the Secretary; and

(18) "upgrading" means improving efficiency or productivity through rehabilitation, modernization, expansion, or technological improvements of individual vessels, processing and handling facilities engaged in catching, handling, and processing fish and fish products.

(19) "wholesale purchaser" means any person who purchases fish or fish products for the purpose of resale or other commerce.

TITLE I—COMMERCIAL FISHERIES DEVELOPMENT FUND

SEC. 101. LOANS.

(a) The Secretary is authorized to make long-term, low-interest loans—

(1) to provide capital for the construction, rehabilitation, purchase, or operation of fisheries facilities, especially to those activities and facilities that enhance opportunities to harvest and process underutilized species;

(2) to provide capital to enable fisheries facilities to comply with the provisions of the mandatory fish and fish products inspection program; and

(3) to provide capital for the construction, rehabilitation, purchase, or operation of fishing vessels.

(b) Loans pursuant to this Act shall be made only to citizens of the United States.

(c) Any loan made pursuant to subsection (a) shall be provided at an interest rate, to be determined by the Secretary in accordance with the purposes of this section, no greater than the Government's cost of money, and with a maturity not exceeding 15 years for loans pertaining to fishing vessels and 25 years for loans pertaining to fisheries facilities.

(d) The Secretary shall review all applications for loans and determine their eligibility on the basis of—

(1) needs of the applicant for financial assistance;

(2) unavailability or impracticality to the applicant to obtain conventional loans; and

(3) immediate and projected needs of a commercial fishery for additional vessels, facilities, or equipment.

(e) Loans shall be approved only upon furnishing of such security or other reasonable assurance of repayment as the Secretary may require considering the objectives of this Act. The proposed collateral for a loan must be of such a nature that, when considered with the integrity and ability of the management, and the applicant's past and prospective earnings, repayment of the loan will be reasonably assured. The Secretary shall recognize that the risk assumed for loans made pursuant to sections 101 and 102 will often be higher than ordinary.

(f) Before approving any loan pursuant to this Act relating to a fishing vessel or a fisheries shoreside facility, the Secretary shall determine that the applicant does, or will, possess the ability, experience, resources, and other qualifications necessary to operate and maintain such vessel or facility.

(g) The Secretary, subject to the specific limitations in this Act, and under special circumstances of ecoonmic hardship, may consent to the modification, with respect to the rate of interest or time of payment of any installment of principal, or the security, of any loan made pursuant to this Act.

SEC. 102. LOANS FOR FORCED ECONOMIC DISTRESS.

(a) The Secretary is authorized to make non-interest-bearing loans to provide financial assistance to commercial fishermen to alleviate forced economic distress. Such loans shall be made on the basis of regulations promulgated by the Secretary which will assure rapid and timely assistance where and when needed in the commercial fisheries industry.

(1) Such loans shall be made in accordance with criteria established by the Secretary for refitting fishing vessels with fishing gear such as nets, lines, traps, handling gear such as winches, booms, navigational instrumentation, and safety equipment.

(2) The amount of such loans will be determined by the Secretary based on the extent of the economic distress and the needs of the Nation.

(b) The Secretary is authorized to provide interest-bearing loans for the purpose of financial assistance to commercial fishermen to alleviate forced economic distress.

(1) Such loans shall be made only for the purposes of vessel rehabilitation, modification and repair of vessel equipment, or vessel purchase including, but not limited to, fishing gear, such as nets, lines, traps; handling gear such as winches and booms, navigational instrumentation, and safety equipment.

(2) The amount of interest for such loans shall be determined by the Secretary and shall not be greater than the Government's cost of money.

SEC. 103. LOANS FOR EXPERIMENTAL FISHING EQUIPMENT.

The Secretary is authorized to provide low-interest loans for up to 75 percent of the cost for fitting or refitting commercial fishing equipment to be used for experimental fishery purposes. The Secretary shall set the interest rate on any such loan on the basis of—

(1) the immediate needs of the Nation to establish a new fishery;

(2) the overall cost of the experimental equipment; and

(3) the capital risk to the individual fishermen.

SEC. 104. LOANS FOR VESSELS UNDER 5 NET TONS.

The Secretary is authorized to provide low-interest loans to purchase, construct, or rehabilitate commercial fishing vessels under 5 net tons. Before the Secretary approves a loan pursuant to this section, he must determine that the vessel is or will be—

(1) powered by an inboard engine or sail;

(2) constructed in the United States; and

(3) used for fishing beyond the territorial sea unless the fishing effort is for an underutilized species.

Such loans shall have a maturity not exceeding 7 years.

SEC. 105. ADMINISTRATION.

(a) There shall be in the National Oceanic and Atmospheric Administration an Associate Administrator for an Office of Commercial Fisheries Development who shall be appointed by the President, by and with the advice and consent of the Senate. Such Assoicate Administrator shall be a qualified individual who is, by reason of background and experience, especially qualified to carry out the implementation and administration of this Act under the direction of the Secretary. Such Associate Administrator shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). The Secretary shall administer the provisions of this Act and such other provisions of law relating to commercial fisheries as he determines appropriate through such Associate Administrator.

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(137) Associate Administrator for Commercial Fisheries Development, National Oceanic and Atmospheric Administration.".

SEC. 106. AUTHORIZATIONS FOR APPROPRIATIONS.

(a) There shall be established in the Treasury a Commercial Fisheries Development Fund which shall be used by the Secretary as a fund from which to make loans under this Act and the administrative costs associated with such loans. Any funds received by the Secretary on or before May 30, 1990, in payment of principal or interest on any loan so made shall be deposited in such Fund and be available for making additional loans under this Act. Any funds received in such Fund on or after May 31, 1990 (at which time such Fund shall cease to exist), shall be paid into the Treasury as miscellaneous receipts.

(b) There is authorized to be appropriated to the Commercial Fisheries Development Fund, without fiscal year limitation, sums not to exceed $200,000,000 to provide initial capital for all loans under this title.

(c) There is authorized to be appropriated to the Secretary sums not to exceed $1,000,000 for each of the fiscal years ending September 30, 1977, September 30, 1978, and September 30, 1979, respectively, as may be necessary for administrative expenses incident to the administration of this title.

SEC. 107. REPEAL AND TRANSFER OF EXISTING LOAN PROGRAMS.

(a) Section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 743c) is repealed. Any outstanding loans made under such section shall be handled in accordance with the provisions of this Act and the rules and regulations promulgated thereunder by the Secretary insofar as such provisions, rules, and regulations are not inconsistent with such outstanding loan contract.

(b) The Secretary shall transfer the existing fisheries development programs entitled "Fishing Vessel Obligation Guarantee" and "Capital Construction Fund" from the National Marine Fisheries Service to the jurisdiction of the Associate Administrator of the Office of Commercial Fisheries Development.

(c) All assets and liabilities of the programs terminated pursuant to subsections (a) shall be transferred to and become a part of the Commercial Fisheries Development Fund established by this Act.

TITLE II—FISHERIES MARKET PROMOTION AND RESEARCH ORDERS

SEC. 201. FISHERIES DEVELOPMENT BOARD.

(a) The Secretary shall establish within 180 days after the date of enactment of this Act a Fisheries Development Board composed of representatives of commercial fisheries producers, handlers, and processors, each of whom shall have an alternate, selected by the Secretary, from each region having a commercial fisheries industries. At least one member from each State within the region shall be appointed to the Board.

(b) The regions and member States for purposes of this title shall be identified by the Secretary.

SEC. 202. PURPOSES OF BOARD.

The purposes of the Board are the following:

(a) to promote, create, and research markets for fish and fish products both nationally and internationally, particularly for underutilized species;

(b) to research ways to increase yields of fish products, to make underutilized species more appealing to the consumer, and to determine better ways to preserve and process fish and other similar purposes;

(c) to pay back any expenses incurred by the Federal Government to initiate the activities of the Board;

(d) to upgrade existing fish markets; and

(e) to encourage changes in markets from overutilized species to less utilized species.

SEC. 203. NOMINATIONS.

(a) The Secretary shall select the members of the Board and alternates from a list of nominations submitted to him by representative organizations presently or previously involved in the commercial fisheries industry.

(b) All nominations authorized under section 201 shall be made within such period of time as prescribed by the Secretary. The representative organizations shall nominate two qualified persons and submit such nominations to the Secretary for consideration.

(c) The eligibility of each representative fisheries organization to represent fish producers pursuant to this title shall be certified by the Secretary and shall be based on available information deemed relevant by the Secretary including the following:

(1) geographic territory within the State covered by the organization's active membership;

(2) nature, size, and distribution of the organization's active membership in the State, proportion of the total of such active membership accounted for by fishermen, and the volume of fish landed, the number of fishermen and processors, and the size of the organization's active fisheries membership in each county within the State;

(3) the extent to which the fisheries membership of such organization is represented in setting the organization's policies;

(4) evidence of stability and permanency of the organization;

(5) sources from which the organization's operating funds are derived;

(6) functions of the organization; and

(7) the organization's ability and willingness to further the aims and objectives of this Act.

The primary consideration in determining the eligibility of an organization shall be whether its membership consists of a sufficiently large number of representative fishermen and fish processors to reasonably warrant its participation in the nomination of members for the Board. The Secretary shall certify any fisheries organizations which he finds to qualify under this section, and his determination shall be final.

(c) Any person selected to be a member of the Board by the Secretary shall qualify by submitting a written acceptance to the Secretary.

(d) If a member of the Board is absent from a meeting of the Board, the alternate shall act in his place. In the event of death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for a member is selected and qualified.

(e) The members of the Board and alternates when acting as members shall be reimbursed for necessary expenses as approved by the Board. There will be no compensation for serving on the Board.

(f) The members of the Board shall be appointed for three-year terms on a staggered schedule. One-third of the members shall be replaced each year 3 years after the establishment of the Board.

SEC. 204. POWERS.

The Board shall have the following powers:

(a) to administer the duties of the Board pursuant to this Act;

(b) to collect the landing fees as set by the Secretary pursuant to section 206; and

(c) to make rules and regulations to effectuate the terms and provisions of this Act that pertain to the administration and opation of the Board.

SEC. 205. DUTIES.

The Board shall have the following duties:

(a) to select from among its members a Chairman and such other officers as may be necessary;

(b) to establish guidelines to determine the fisheries from which fees should be collected;

(c) to promote markets for fish, particularly for underutilized species;

(d) with the approval of the Secretary, to enter into contracts with outside industries, universities, foundations, and other organizations, to carry out research and promotion plans and projects;

(e) to review and submit to the Secretary any research and promotion plans or projects which have been developed and submitted to it by the contracting organizations or associations together with its recommendations;

(f) to inform the Secretary of budgets, estimates, or contract costs, and any other anticipated expenses to be used for promotion and research of fish, especially underutilized species;

(g) to keep and maintain such books and records necessary to administer its duties;

(h) to cause its books and records to be audited by a public accountant at least once each fiscal year; and

(i) to submit an annual report to the Secretary and the Congress of its activities pursuant to this Act during the previous fiscal year, including recommendations and suggestions concerning ways to increase or improve the market for fish and fish products.

SEC. 206. FEES.

The Secretary shall authorize the Board to collect from the first wholesale purchaser of fish and fish products landed at dockside the sum equal to 0.4 percent of the total value of such fish and fish products. The total collected by the Board from each such wholesale purchaser will be duly recorded and sent to the Chairman and the Secretary on a schedule established by the Secretary. Such fees shall be used by the Board for administrative expenses and to carry out its duties and responsibilities pursuant to this Act.

SEC. 207. DISAPPROVAL OF ASSESSMENT.

Any person from whom an assessment is made and collected under the authority of section 206 and who is not in favor of supporting the research and promotion program as provided for in this Act, shall have the right to demand and receive from the Board a refund of such assessment if such demand is made in person or in writing within a time period as prescribed by the Board. The person making the demand of refund shall have the burden of proving that an assessment was paid. Any such refund shall be made within 30 days after such demand therefor.

SEC. 208. REGULATIONS BY SECRETARY.

(a) The Secretary shall issue regulations pursuant to this Act for the following:

(1) the establishment of fees pursuant to section 206;

(2) the establishment, issuance, effectuation, and administration of appropriate plans or projects for the advertising and sales promotion of fish and fish products and for the disbursement of necessary funds for such purposes: *Provided*, That any such plan or project shall be directed toward increasing the general demand for fish or fish products but no reference to a private brand or trade name shall be made if the Secretary determines that such reference will result in undue discrimination against the fish products of other persons: *And provided further*, That no such advertising or sales promotion programs shall make use of false or unwarranted claims in behalf of fish or fish products or false or unwarranted statements with respect to the quality, value, or use of any competing product;

(3) the establishment of research and development projects and studies with respect to the catching, handling, processing, distribution, or utilization of fish and fish products and means for encouraging, expanding, improving, or making such projects more efficient; and

(4) for the disbursement of necessary funds for such purposes.

(b) The Secretary shall, wherever he finds that any regulation issued pursuant to this Act, or any provision thereof, obstructs or does not effectuate the policies of this Act, terminate or suspend the operation of such order or such provision thereof.

SEC. 209. TRAINING PROGRAMS STUDY AND REPORT.

The Secretary is authorized and directed to conduct a comprehensive study regarding the adequacy of existing Federal and State training programs designed specifically to train individuals regarding the commercial fisheries industry. The Secretary shall submit to the President and the Congress, within 1 year of enactment of this Act, a final report on the findings, conclusions, and recommendations of the study. Such report shall include:

(1) a recommended national commercial fisheries industry education program;

(2) future manpower needs of the Nation in the various sectors of the commercial fisheries industry;

(3) recommendations for changes in the organization and involvement of Federal departments and agencies needed to effectively implement the national commercial fisheries industry education program; and

(4) recommendations concerning additional legislation required to effectively implement the national commercial fisheries industry education program.

SEC. 210. MARKET STUDY AND REPORT.

The Secretary is authorized and directed to conduct a comprehensive study concerning the marketing, processing, distribution, and sale of fish and fish products. Within 1 year of enactment of this Act, the Secretary shall submit to the President and the Congress a report on the findings, conclusions, and recommendations of the study. Such report shall contain recommendations regarding means to improve the operations of such marketing, processing, distribution, and selling mechanisms.

SEC. 211. AUTHORIZATION FOR APPROPRIATIONS.

(a) There is authorized to be appropriated to the Secretary, without fiscal year limitation, the sum of $1,000,000 to provide funds for the establishment and initial operation and management of the Board. Such sums shall be returned by the Board to the Treasury through a fair payment schedule and interest rate as established by the Secretary. The final payment shall be due not later than 15 years after the date of enactment of this Act.

(b) There is authorized to be appropriated to the Secretary sums not to exceed $500,000 to carry out the provisions of section 209.

(c) There is authorized to be appropriated to the Secretary sums not to exceed $500,000 to carry out the provisions of section 210.

TITLE III—MANDATORY FEDERAL FISH AND FISH PRODUCTS INSPECTION PROGRAM

SEC. 301. FISH AND FISH PRODUCTS INSPECTION PROGRAM.

The Secretary is authorized and directed to establish a mandatory fish and fish products inspection program. The program shall be designed to protect human health and shall insure that all fish and fish products distributed in interstate commerce or imported into the United States are of high quality, wholesome, not adulterated, and adequately marked, labeled, and packaged. The mandatory fish and fish products inspection program shall include the following elements:

(1) Certification and comprehensive inspection by the Secretary of all segments of the commercial fisheries industry,

(2) establishment, by the Secretary, of mandatory and uniform grading standards to differentiate among different qualities of fish and fish products,

(3) development, by the Secretary, of mandatory and uniform standards for all fish and fish products in interstate commerce or imported into the United States,

(4) development by the Secretary of a label that shall be affixed to all fish and fish products in interstate commerce or imported into the United States that contains the grade and species of the fish or fish product; the date after which the fish or fish product shall not be offered for sale to consumers; the period of time after such date during which the fish or fish product may be safely consumed; the types of fish of which a fish product is composed, and the percentage of each fish that the product contains; instructions concerning the proper methods of storing the fish or fish product after sale; and conspicuous identification of fish and fishery products which have been thawed, and

(5) any other requirements which the Secretary determines are necessary to develop an effective mandatory fish and fish products inspection program.

SEC. 302. PROHIBITED ACTS.

It is unlawful for any person—

(1) to violate any provision of this Act or any regulation issued pursuant to this Act;

(2) to knowingly process, distribute, import, market, or sell any fish or fish product that violates any provision of the mandatory fish and fish product inspection program established under title III of this Act or of any regulation issued by the Secretary pursuant to administering and implementing the mandatory fish and fish product inspection program.

SEC. 303. CIVIL PENALTIES.

(a) ASSESSMENT OF PENALTY.—Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 302(1) shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(b) REVIEW OF CIVIL PENALTY.—Any person against whom a civil penalty is assessed under subsection (a) may obtain review thereof in the appropriate court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

(c) ACTION UPON FAILURE TO PAY ASSESSMENT.—If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(d) COMPROMISE OF OTHER ACTION BY SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

SEC. 304. CRIMINAL OFFENSES.

(a) OFFENSES.—A person is guilty of an offense if he commits any act prohibited by section 302(2).

(b) PUNISHMENT.—Any such offense is punishable by a fine of not more than $50,000, or imprisonment for not more than 6 months, or both.

TITLE IV—FISHERIES COOPERATIVE SERVICE ASSISTANCE

SEC. 401. FISHERIES COOPERATIVE SERVICE PROGRAM.

(a) The Secretary in consultation with the Secretary of Agriculture, shall establish within sixty days after the date of enactment of this Act a pilot program of comprehensive service for the purpose of assisting fishing interests in the planning, administrating, and formulating of fisheries cooperative organizations.

(b) The Secretary shall authorize the Office of Commercial Fisheries Development to develop plans and conduct actual field operations to implement fisheries cooperative services for a period of four years.

SEC. 402. SERVICES BY THE SECRETARY.

For the purposes of this Act, the Secretary is authorized and directed to—

(1) provide research, management, marketing, and education assistance to cooperatives to strengthen the economic position of fishermen and related occupations;

(2) direct consultation with fisheries coop-

erative leaders and Federal and State agencies to improve organization, leadership, and operations and to give guidance to further development;

(3) assist fishermen to obtain supplies and services at lower cost and to get better prices for the products they sell;

(4) advise fisheries cooperatives on improving services and operating efficiency in order to benefit their members and communities;

(5) encourage international fisheries cooperative programs; and

(6) provide research planning and advice on the establishment of new fisheries cooperatives.

SEC. 403. REPORT.

The Secretary, in collaboration with the Secretary of Agriculture, shall submit an annual report on the activities conducted pursuant to this title to the President and to the Congress. A final report shall also be submitted to the President and to the Congress at the end of the four-year program with specific recommendations for the establishment of a permanent Fisheries Cooperative Service to be administered by the Secretary.

SEC. 404. FISHERIES DEVELOPMENT PROGRAM REPORT.

The Secretary shall submit to the President and Congress within 180 days after the enactment of this Act a report on the status of all existing federally funded programs relating to the objectives and purposes of this Act. The report shall include, but not be limited to—

(1) recommendations for increasing the effectiveness of such programs, and

(2) recommendations for additional means and measures necessary to implement and effectuate a comprehensive, coordinated, and effective United States fisheries development program.

SEC. 405. AUTHORIZATION FOR APPROPRIATIONS.

(a) There is authorized to be appropriated to the Secretary to carry out the provisions of title III of this Act sums not to exceed $20,000,000 for each of the fiscal years ending September 30, 1977; September 30, 1978; September 30, 1979; September 30, 1980; September 30, 1981; and September 30, 1982.

(b) There are authorized to be appropriated to the Secretary without fiscal year limitation the sum of $1,000,000 to provide funds to carry out a four-year pilot fisheries cooperative service program pursuant to this title.

(c) There are authorized to be appropriated to the Secretary without fiscal year limitation the sum of $300,000 to provide funds to carry out the provisions of section 404.

DETAILED EXPLANATION OF THIS BILL

TITLE 1—COMMERCIAL FISHERIES DEVELOPMENT FUND

Section 101 provides long-term, low-interest loans for the construction, rehabilitation and purchase of fishing vessels and fisheries facilities. These loans would be provided at maturity not exceeding 15 years for fishing vessels and 25 years for fisheries facilities and at an interest rate not to exceed the Government's cost of money.

Section 102 provides low-interest and non-interest bearing loans for forced economic distress caused by Federal action such as the closing of a fishery for conservation reasons. Fishermen would receive loans to finance refitting costs for a new fishery. The Secretary of Commerce will base the amount and whether the assistance should be an interest or non-interest bearing loan on the extent of the impact and need for the fisherman or fishery.

Section 103 provides loans up to 75 percent for experimental fishing gear.

Section 104 provides low-interest loans for certain vessels under five net tons with a maturity rate of 7 years.

Section 105 creates a new office within the National Oceanic and Atmospheric Administration directed by an Associate Administrator to be appointed by the President with the advice and consent of the Senate.

Section 106 provides for appropriations for the Commercial Fisheries Development Fund with a $200 million revolving fund.

Section 107 repeals section 4 of the Fish and Wildlife Act of 1956 (15 U.S.C. 74c) and transfers outstanding loans to the Office of Commercial Fisheries Development. The Fishing Vessel Obligation Guarantee and Capital Construction Fund programs are also transferred to the Office of Commercial Fisheries Development.

TITLE 2—FISHERIES MARKET PROMOTION AND RESEARCH ORDER

Section 201 establishes a Fisheries Development Board composed of representatives of fisheries producers, handlers and processors from regions identified by the Secretary.

Section 202 describes the purpose of the Board, particularly to: first, promote, create and research markets for fish and fish products; second, research ways to increase yields of fish markets; third, upgrade existing fish markets; and fourth, encourage markets for underutilized species.

Section 203 stipulates the regulations for nominations to the Board.

Section 204 outlines the powers of the Board to: first, administer its duties; second, collect landing fees from handlers, etc.; and third, make rules and regulations to effectuate terms of the Act.

Section 205 stipulates the duties of the Board including: first, promoting markets for fisheries products; second, contracting with outside institutions to conduct research on fisheries products; and third, submitting an annual report to the President and Congress.

Section 206 authorizes the Board to collect 0.4 percent of the total value of a catch from the first handler of the catch.

Section 207 gives any person or organization the authority to demand a refund of an assessment pursuant to section 206, made against their fish and fish products.

Section 208 states the regulations by the Secretary of Commerce including 1) the establishment of fees; 2) administration of plans and projects for the promotion of fish; 3) establishment of research and development; and 4) disbursement of funds.

Section 209 establishes a study and report of existing Commercial fishery training programs in the United States.

Section 210 provides for a study from the Secretary of Commerce concerning marketing processing and distribution and sale of fish and fish products.

Section 211 appropriates 1) $1 million to establish a Fisheries Development Board with a provision to pay back the same to the Treasury within 15 years; 2) $500,000 for the treasury report; and 3) $500,000 for the market report.

TITLE 3—MANDATORY FEDERAL FISH AND FISH PRODUCTS INSPECTION PROGRAM

Section 301 authorizes the Secretary of Commerce to establish a mandatory fish inspection program for the purpose of protecting human health and establishing consumer confidence in fish and fish products.

Section 302 prohibits any violation of the provisions of this Act.

Section 303 provides civil penalties for violations of this Act including: assessment of penalty, review of penalty, action upon failure to pay assessment pursuant to section 206, and compromise other action by the Secretary.

Section 304 involves criminal offenses.

TITLE 4—FISHERIES COOPERATIVE SERVICE ASSISTANCE

Section 401 establishes a pilot program of services for fisheries cooperatives administered by the Secretary.

Section 402 stipulates the services provided by the Secretary including: first, assistance to fishermen in management, research, and education to establish cooperatives; second, consultation to fisheries cooperative leaders; third, assistance to fishermen in purchasing and obtaining supplies; and fourth, encouraging international cooperative services.

Section 403 mandates the Secretary in consultation with the Secretary of Agriculture to submit an annual and final report to the President and Congress with specific recommendations for establishing a permanent comprehensive Fisheries Cooperative Service.

Section 404 authorizes the Secretary to study and report on Federal programs that may impact on the provisions of this Bill.

Section 405 authorizes 1) $20,000,000 to carry out the provisions of the mandatory fish inspection program; 2) $1,000,000 to conduct a comprehensive 4-year pilot program for development of fisheries cooperatives; and 3) $300,000 to research and draft the report on other Federal programs.

By Mr. JAVITS (for himself, Mr. WILLIAMS, Mr. KENNEDY, Mr. CASE, Mr. MOYNIHAN, Mr. MAGNUSON, Mr. CRANSTON, and Mr. HATHAWAY):

S. 604. A bill to amend and improve the programs authorized under the Emergency Unemployment Compensation Act of 1974, and to extend such programs for 1 year, and for other purposes; to the Committee on Finance.

EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 1977

Mr. JAVITS. Mr. President, I am introducing today legislation to revise and extend the Federal supplemental benefits—FSB—program. I am pleased to be joined as cosponsors by Senators WILLIAMS, KENNEDY, CASE, HATHAWAY, CRANSTON, MOYNIHAN, and MAGNUSON. The FSB program provides additional unemployment compensation for long-term unemployed workers who have exhausted their benefits under the regular State unemployment insurance laws, and the Federal-State extended unemployment benefits program.

The FSB program was enacted by the Congress to meet the emergency unemployment conditions we faced in December 1974. It has served to maintain at least a portion of the income of workers who have lost their jobs and have been unable to secure new employment even after months of searching. Today, we face not only a continuation of the same deep recession that has plagued the Nation for 2 years, but a new emergency caused by this winter's frigid weather and severe shortages of natural gas and other energy sources. Undoubtedly hundreds of thousands of workers now drawing unemployment assistance who had a reasonable expectation of finding reemployment in the near future will be forced to remain idle for many weeks to come as a result of these new conditions. In my judgment, it is obvious that the economic conditions we expect to face in the coming months

dictate a continuation of the FSB program beyond its currently scheduled expiration date of March 31, 1977.

As originally enacted, the FSB program provided up to 13 weeks of additional benefits for workers in all States who had exhausted all other entitlements to unemployment compensation. In March 1975, Congress expanded the program to provide up to 26 weeks of extended compensation for eligible workers. Then, in June of that year, the entire program—originally scheduled to expire on December 31, 1976—was extended through March 31, 1977. In addition, a series of State triggers were added to the program. Under these provisions, workers in States where the insured unemployment rate is between 5 and 6 percent are eligible to receive up to 13 weeks of FSB benefits—providing them a maximum total of 52 weeks of unemployment compensation under all available programs. Unemployed workers in States with unemployment rates of 6 percent or greater are entitled to receive up to 26 weeks of FSB benefits for a potential cumulative total of 65 weeks of benefits.

The FSB program has been highly successful in providing income security for long-term unemployed workers. During calendar year 1976, 2,313,000 of our Nation's unemployed workers were FSB beneficiaries. An additional, but undeterminable, number of unemployed workers would have been eligible to receive benefits except for the operation of State trigger requirements which went into effect January 1, 1976. These State trigger provisions prevented thousands of long-term unemployed workers from FSB eligibility despite the fact that many of them live in high unemployment areas within ineligible States.

A recent study of FSB recipients prepared for the Department of Labor, under the mandate of the Emergency Compensation Act of 1974, indicates that the FSB program is succeeding in reaching unemployed workers most in need of additional assistance during the recession. That study, prepared by Mathematica Policy Research, Inc. of Princeton, N.J., reports that FSB recipients were found to have strong labor market attachment—an average of 17 years—including an average of 5 years of employment at their last jobs. FSB benefits were found to have had a substantial effect on household incomes. Without those benefits, 33 percent of the recipient households in 1975 would have had incomes below the Federal poverty line—$5,500 for nonfarm families of four in 1975. In other words, over a quarter million households were prevented by the receipt of FSB benefits from falling below the poverty line. In addition, the study also found that the single most important cause of an FSB recipient's job loss was the decline in business of their former employers.

FSB benefits also provide direct economic stimuli which aid in continued progress toward economic recovery. They flow directly into the mainstream of the economy from unemployed workers who use them to provide the basic essentials of food, clothing, and shelter for their families. It is important to note that the great majority of long-term unemployed workers will otherwise receive no assistance from any of the economic stimulus legislation recommended by President Carter. I have long taken the position that unemployment compensation is a poor substitute for real jobs, and I have called for the creation of 1 million public service jobs under the Comprehensive Employment and Training Act, but the fact remains that our ability to create jobs in either the public or private sector is limited. Even if funding were available to create 1 million jobs, and all of them were taken by unemployment compensation exhaustees, hundreds of thousands of long-term unemployed workers would still be left jobless and without any other means of supporting themselves and their families. If we create only 625,000 public jobs by the end of this fiscal year as now proposed by President Carter, this will be no match for the more than 1.5 million workers who are expected to exhaust regular unemployment benefits during the last three quarters of 1977 alone. Officials of my own State of New York estimate that, without this 1-year extension of FSB, more than 200,000 workers will exhaust their entitlement to unemployment compensation before finding reemployment. In fact, without this extension they estimate that 120,000 workers will be immediately cut off from benefits on March 31 of this year.

The bill we are introducing today extends the Federal supplemental benefits program from its current expiration date of March 31, 1977 to March 31, 1978. It modifies the maximum duration of benefits to a potential entitlement of up to 13 weeks, providing unemployed workers covered by the Federal-State unemployment insurance system with a maximum total of 52 weeks of compensation. This is consistent with the recommendation of Secretary of Labor F. Ray Marshall as expressed in his testimony at the hearing on his nomination before the Labor and Public Welfare Committee on January 14.

The bill that we are proposing would also institute a new national trigger for the FSB program. The program is currently triggered "on" on the basic of the rate of insured unemployment on a State-by-State basis. When these triggers were adopted in June 1975 at the recommendation of the Ford administration, I said then:

I am wary of the potential impact of the trigger requirements for the FSB program adopted by the Finance Committee and approved by the Senate and the conferees. There is, in my judgment, danger that certain states which have relatively low statewide unemployment as compared to the rest of the nation would trigger out of some or all of the FSB program next January 1 (1976). Some of those states may well contain large metropolitan areas with significant unemployment and central city areas where unemployment overall may continue to run as high as 10 to 15 percent even though unemployment in the state as a whole is much lower. To deprive unemployed workers in those areas of the benefits provided by this Act at a time when they may well be experiencing as much difficulty in obtaining unemployment as similarly situated workers in states with higher overall unemployment concerns me deeply.

The triggers adopted then have now been in place for sometime, and the concern I expressed then has, regrettably, been proven by the results.

No workers in the following 31 States are eligible to file a claim under the FSB program:

Arizona	New Hampshire
Colorado	New Mexico
District of Columbia	North Carolina
Florida	North Dakota
Georgia	Ohio
Idaho	Oklahoma
Indiana	South Carolina
Iowa	South Dakota
Kansas	Tennessee
Kentucky	Texas
Louisiana	Utah
Maryland	Virginia
Minnesota	West Virginia
Mississippi	Wisconsin
Missouri	Wyoming
Nebraska	

The inadequacies of the trigger system adopted in June 1975, for the FSB program are quite apparent. Although the insured unemployment rate in a given State may be low overall, metropolitan areas within the State may be experiencing considerably higher unemployment levels. It is little comfort for an unemployed worker to be told that he or she is being cut off from unemployment assistance benefits, because jobs are readily available in another part of the State several hundred miles away. Therefore, in recognition of this problem, we propose to establish a national trigger at a level of 5 percent or more of insured unemployment nationwide. Nationwide insured unemployment for the week ending December 25, 1976, stood at 5.6 percent, sufficiently above the national trigger rate we propose so that the program will provide benefits immediately in all States, but sufficiently within range of that national trigger so that significant and sustained improvements in the unemployment picture will provide for the national trigger to go "off." If this occurs, the independent State triggers will go into effect where applicable.

In addition, the bill provides for a change in the methods of computing the insured unemployment rate, upon which the triggers for the FSB program, and the Federal-State extended benefits program are based. Under current practice, the only persons counted as unemployed for the purposes of calculating the insured unemployment rate are those actually receiving regular or extended unemployment benefits. Workers who have exhausted their entitlement to those benefits and still cannot find jobs, even though currently receiving FSB benefits, are not counted among those unemployed in calculating that rate. The effect of this practice is that, particularly during periods when many workers are suffering from long periods of unemployment, the IUR does not adequately reflect the number of persons covered under the unemployment insurance system and the extended benefits program, but who remain unemployed and are seeking work. It is necessary that this figure be estimated—at 25 percent for this purpose—because

neither the Department of Labor nor the State Unemployment Insurance Administrators maintain accurate records of the number of such exhaustees who remain unemployed and in the labor force.

I note that this modification of computing the insured unemployment rate will also be incorporated in the Emergency Unemployment Compensation Act of 1971, a predecessor of the FSB program. In this connection, I urge both the Department of Labor and the responsible State agencies to consider methods by which such data may be more accurately gathered so that we may have a clearer understanding of the number and economic characteristics of unemployment insurance exhaustees.

The bill that we are proposing also contains provisions making available additional unemployment benefits under the FSB program for unemployed workers who have otherwise exhausted their entitlement to unemployment assistance, and who are participating in approved programs of job training or retraining. Under the FSB amendments adopted in June 1975, FSB recipients who are determined by the appropriate State unemployment assistance administrator to be in need of job training or retraining are required to apply for, and participate in available training programs. Under section 3304(a)(8) of the Internal Revenue Code, the permanent unemployment assistance law, workers voluntarily participating in job training programs approved by the State unemployment insurance administrators are exempted from the "seeking work," "availability for work," and "disqualification for refusal to accept work" requirements of the law.

The amendment would provide that, when an unemployed worker is participating in an approved job training program, and that worker exhausts his entitlement to unemployment assistance under the FSB program, he or she would be eligible to receive up to 13 weeks of additional unemployment assistance to permit him to complete the course of job training which he has begun.

In my judgment, recessionary periods, should be used to increase the education and skill level of the work force.

Another provision of this bill changes the method of financing Federal supplemental benefits. Regular benefits, typically the first 26 weeks, are paid from State unemployment tax funds. Federal-State extended benefits, typically the 27th to the 39th weeks, are paid on the basis of 50 percent from such State funds and 50 percent from the Federal trust funds which are financed by the Federal unemployment payroll tax. The FSB program costs, as provided under the Emergency Unemployment Compensation Act of 1974, are also paid from Federal accounts in the trust fund. However, since the funds have been insufficient to pay FSB compensation, in the 1974 act provides for advances from Federal general revenues to the trust fund. These advances are required to be repaid in the future when it is determined that the Federal extended benefits account in the trust fund has a sufficient surplus to permit repayment.

The bill eliminates the requirement that the cost of FSB compensation be repaid to general revenues from the Federal unemployment tax. In my judgment, these benefits should be considered as a national cost of responding to the emergency economic circumstances, and not as an employer payroll cost. The bill, therefore, provides for general revenue funding of the FSB program from its inception. This will materially relieve the future obligations of employers to remedy the current deficit financing of the Federal-State unemployment insurance system.

The Congressional Budget Office has estimated that the additional cost of this bill would be $508 million for fiscal year 1977. In light of the hardships imposed by this recession, and compounded by this severe winter and energy shortages, I believe that we can well afford this additional period of income security for long-term unemployed workers to locate new jobs. I hope that the Congress will move quickly to pass this legislation so that its enactment will occur before the expiration of the FSB program on March 31, 1977.

Mr. President, it is important that the third concurrent budget resolution, now being considered by the Senate Budget Committee, also include an increase in the ceilings for the income security function sufficient to permit Senate consideration of this FSB extension legislation. In that connection, Senators WILLIAMS, KENNEDY, and I wrote to Senators MUSKIE and BELLMON expressing our concern, and I ask unanimous consent that a copy of that letter be printed in the RECORD.

Mr. President, I also ask unanimous consent that the text of the bill, S. 604, be printed in the RECORD.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
January 21, 1977.

Hon. EDMUND S. MUSKIE,
Chairman, Senate Budget Committee,
U.S. Senate, Washington, D.C.
Hon. HENRY L. BELLMON,
Ranking Minority Member, Senate Budget Committee, U.S. Senate, Washington, D.C.

DEAR SENATORS MUSKIE AND BELLMON: The Federal Supplemental Benefits (FSB) program, which provides extended unemployment compensation for long-term unemployed workers, will expire on March 31, 1977, under current provisions of law.

In light of the severe effects of the continuing economic recession on hundreds of thousands of workers who have lost their jobs and have been unable to locate new employment even after months of searching, we believe that the FSB program must be extended at least through the end of the current fiscal year.

We therefore join in urging your Committee to insure that budget authority and outlay ceilings for the income security function are sufficient to permit Senate consideration of an extension of this vital program.

When the Senate considered the Second Concurrent Budget Resolution last September, we anticipated that an extension of the FSB program would be required. At that time, you assured the Senate, as did the Conference Report on the Resolution, that your Committee would re-examine the need for the program within the context of economic circumstances after January 1, 1977. And those circumstances now require an extension of the law for one year.

The national unemployment rate remains essentially unchanged over the past six months. More than 7.5 million workers are counted as unemployed, and nearly half of those lost their last job. Over 2.5 million persons have been unemployed longer than 15 weeks, 1.4 million of them for longer than 26 weeks; the average duration of unemployment has remained at about 15.7 weeks since last June. Public employment and public works programs, even if they are doubled in scope, can provide jobs for only a fraction of those who are looking for work. Moreover, the disappointingly low 3 percent rate of growth in the economy in the last quarter of 1976 strongly suggests that the recovery may be slower than we had thought; even the most optimistic forecasts for the gross national product hold out little hope for achieving, before the very end of 1977, the 7 percent growth rate that would, if sustained for a full year, reduce unemployment by just one percent.

The FSB program, in our view, has been highly successful in providing long-term unemployed workers with a measure of income security. It has afforded them financial assistance during the additional weeks that they have needed to locate new employment in a time of exceptionally depressed labor market conditions. During calendar 1976, 2,313,000 unemployed workers received Federal Supplemental Benefits.

A recent study of FSB recipients, prepared for the Department of Labor by Mathematica Policy Research, Inc., of Princeton, New Jersey, indicates that the program has been successful in reaching the recipients who are most in need. The study found that FSB recipients had strong labor market attachment—an average of 17 years—including an average of five years in their last job. Moreover, FSB payments were found to have been crucial in supporting adequate household income. Without this program, one-third of the households of FSB recipients would have been below the official poverty income threshold. Quantitatively, more than a quarter of a million households were saved from poverty by FSB benefits. Finally, the study found that the most important single cause of job loss among FSB recipients was a decline in the business of their former employers.

It is our intention to introduce legislation to extend the FSB program for one year, but to reduce the maximum duration of benefits from the present 65 weeks to 52 weeks.

The bill will provide that when the national insured unemployment rate (IUR) equals or exceeds 5 percent (corresponding approximately to a total unemployment rate of 7 percent), the FSB program would be triggered "on" in all States; long-term unemployed workers would then be entitled to receive up to 13 additional weeks of benefits to supplement the maximum of 39 weeks that are available under permanent law.

A one-year extension of the FSB program at a maximum entitlement level of 52 weeks is consistent with the views of Secretary designate of Labor F. Ray Marshall as expressed in his testimony before the Committee on Labor and Public Welfare on January 14.

National insured unemployment for the last full week of 1976 was 5.6 percent. Under the national trigger rate of 5 percent that we envision, Federal Supplement Benefits would be payable in all States as soon as our legislation became effective. However, significant and sustained improvement in the unemployment picture would trigger the pro-

gram "off" nationally, permitting the State-by-State trigger to determine where benefits would be paid for the duration of the program.

Estimates from the Department of Labor of potential recipients for calendar year 1977 indicate that the caseload in the first quarter would be 130,000, reflecting the temporary upturn in the economy in the second quarter of 1976. A sharp increase to 610,000 is projected for the second quarter of 1977, corresponding with the economic decline after mid-year 1976. Caseloads in the third quarter of 1977 are projected at 510,000 and in the fourth quarter at 440,000.

Estimates prepared by the staff of the Congressional Budget Office indicate that the incremental cost of enacting our proposed legislation would be $508 million more than the FSB costs contemplated under the Second Concurrent Resolution on the Budget. An informal Department of Labor estimate indicated that a maximum of $600 million would be required in fiscal 1977.

We strongly believe that the modest cost of our proposal is fully warranted at this time, in light of the persistent economic recession and the large number of long-term unemployed workers who need additional time to find employment.

If we can provide you or the Committee with additional information, please call upon us.

Sincerely,

HARRISON A. WILLIAMS, JR.
Chairman.

EDWARD M. KENNEDY.
JACOB K. JAVITS,
Ranking Minority Member.

S. 604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Unemployment Compensation Extension Act of 1977."

STATE AND NATIONAL "ON" INDICATORS

SEC. 101. (a) Section 102(c)(3)(B)(i) of the Emergency Unemployment Compensation Act of 1974, as amended by section 101(a)(1) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975, is amended to read as follows:

"(B)(i) For purposes of subparagraph (A), there is an 'emergency on' indicator in a State for a week if—

"(I) the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding twelve weeks equaled or exceeded 5 per centum; or

"(II) the rate of insured unemployment for all States, seasonally adjusted, for the period consisting of such week and the immediately preceding twelve weeks equaled or exceeded 5 per centum.

"The rate of insured unemployment for any thirteen-week period shall be determined by reference to the average monthly covered employment for the first four of the most recent calendar quarters ending before the close of such period."

(b) Section 105(6) of such Act, as added by section 101(d)(3) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975, is amended to read as follows:

"(6) the term 'rate of insured unemployment' means the percentage arrived at by dividing—

"(A) the sum of the average weekly, number of individuals filing claims for regular and extended compensation under the State law with respect to the specified period, and (ii) one-fourth of the number of individuals who exhausted all rights to extended compensation under the State law with respect to all weeks ending within the most recent twelve calendar months ending before the week with respect to which such rate is computed; by

"(B) the average monthly covered employment for the specified period.".

(c) Section 105(S) of such Act, as added by section 101(d)(3) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975, is amended to read as follows:

"(8) determinations with respect to the rate of insured unemployment in a State shall be made by the State agency on the basis of reports made by the State agency to the Secretary and such reports shall be made in accordance with regulations prescribed by the Secretary; and".

(d) Section 105 of such Act, as amended by section 101(d)(3) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975, is further amended by deleting "and" at the end of paragraph (7), and adding the following new paragraph:

"(9) determinations with respect to the rate of the Secretary on the basis of reports made by the State agencies to the Secretary and such reports shall be made in accordance with regulations prescribed by the Secretary.".

(e) The amendments made in this section shall apply to "emergency on" indicators for all weeks which begin after the last day of the first full calendar month after the date of enactment of this Act.

STATE AND NATIONAL "OFF" INDICATIONS

SEC. 102. (a) Section 102(c)(3)(B)(ii) of the Emergency Unemployment Compensation Act of 1974, as amended by section 101(a)(2) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975, is amended to read as follows:

"(ii) For purposes of subparagraph (A), there is an emergency off indicator in a State for a week if there is not for such week an 'emergency on' indicator in the State, as prescribed in subparagraph (B)(i), and if at the end of such week the emergency benefit period in the State has lasted for at least thirteen weeks.".

(b) Section 102(c)(3)(A) of such Act is amended by striking out subparagraph (ii) thereof, and redesignating subparagraph (iii) as subparagraph (ii).

(c) The amendments made in this section shall apply to "emergency off" indicators for all weeks which end after the last day of the first full calendar month after the date of enactment of this Act.

MAXIMUM AMOUNT PAYABLE

SEC. 103. (a) Section 102(e) of such Act, as amended by section 101(b) of the Emergency Compensation and SUA Extension Act of 1975, is amended to read as follows:

"(e)(1) Any agreement under this Act with a State shall provide that the State will establish, for each eligible individual who files an application for emergency compensation, an emergency compensation account.

"(2) The amount established in such account for any individual shall be equal to the lesser of

"(A) 50 per centum of the total amount of regular compensation (including dependents' allowances) payable to him with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation; or

"(B) thirteen times his average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year.

"(3) The amount determined under paragraph (2) with respect to any individual shall be reduced by the amount of any assistance paid to such individual under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 for any weeks of unemployment in the 52-week period preceding the first week of unemployment with respect to which emergency compensation is payable to such individual under this Act."

(b) Sec. 105 of such Act as amended by section 101(d) of the Emergency Compensation and Special Unemployment Extension Act of 1975, is amended by:

(1) striking subsection (5) thereof, and

(2) by renumbering subsections (6) through (9) (as amended by this Act) as subsections (5) through (8).

(c) The amendments made by this section shall apply to all weeks of unemployment that end after March 31, 1977.

FUNDING OF EMERGENCY COMPENSATION

SEC. 104. (a) Section 104(b) of the Emergency Unemployment Compensation Act of 1974 is amended to read as follows—

"(b) There are hereby authorized to be appropriated, without fiscal year limitation, to the Extended Unemployment Compensation Account, such sums as may be necessary to carry out the purposes of this Act. Notwithstanding any other provision of law, the appropriations made pursuant to this section shall not be repayable advances."

(b) The amendment made by subsection (a) shall take effect on December 31, 1974.

EXTENSION OF PROGRAM

SEC. 105. (a) Section 102(f)(2) of the Emergency Unemployment Compensation Act of 1974, as amended by section 102(a) of the Emergency Compensation and Special Unemployment Assistance Act of 1975, is amended to read as follows:

"(2) No compensation shall be payable to any individual under an agreement entered into under this Act for any week beginning after—

"(A) March 31, 1978, or

"(B) June 30, 1978, in the case of any individual who had a week beginning on or before March 31, 1978, with respect to which compensation was payable under such agreement.".

(b) The amendment made in this section shall take effect on the date of enactment of this Act.

ASSISTANCE TO TRAINEES

SEC. 106. (a) Section 102 of the Emergency Unemployment Compensation Act of 1974, as amended by section 103(a) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975, is amended by adding thereto a new subsection (h) to read as follows:

"(h)(1) Subject to the provisions of this subsection and implementing regulations adopted by the Secretary of Labor, an individual participating in a training program approved pursuant to subsection (g) of this section or a provision of State law which meets the requirements of section 3304(a)(8) of the Internal Revenue Code of 1954, or provided under the Comprehensive Employment and Training Act of 1973, shall be entitled to compensation after exhaustion of the maximum amount of emergency compensation otherwise payable to the individual, with respect to any week in such training.

"(2) Such compensation shall be payable to an individual for the lesser of a maximum of thirteen consecutive weeks, or the consecutive weeks the individual is participating and making satisfactory progress in the training program.

"(3) The weekly amount of compensation payable to an individual under this subsection shall be equal to the weekly amount of emergency compensation established for the individual for a week of total unemployment.

"(4) Compensation under this subsection

shall be payable for weeks which begin during an emergency benefit period, additional eligibility period (as to the individual), or extended benefit period (as prescribed in section 203 of the Federal-State Extended Unemployment Compensation Act of 1970) which is in effect in the State; and for consecutive weeks thereafter during which the individual continues to participate in the training program, but not in excess of the maximum weeks of compensation as provided in paragraph (2) of this subsection or for any week beginning after June 30, 1978.".

(b) The amendment made in this section shall apply to weeks which begin after the date of enactment of this Act.

PAYMENTS TO STATES

SEC. 107. (a) Section 103(a) of the Emergency Unemployment Compensation Act of 1974 is amended by deleting "emergency compensation" and by inserting the word "compensation".

(b) The amendment made in this section shall take effect on the date of enactment of this Act.

MODIFICATION OF AGREEMENTS

SEC. 108. The Secretary of Labor shall, at the earliest practicable date after the enactment of this Act, propose to each State with which he has in effect an agreement under section 102(a) of the Emergency Unemployment Compensation Act of 1974 a modification of such agreement designed to provide for the payment of compensation allowable under such Act by reason of the amendments made in this Act. Notwithstanding any provision of the Emergency Unemployment Compensation Act of 1974, if any State fails or refuses, within the six-week period beginning on the date of enactment of this Act, to enter into such a modification of such agreement, the Secretary of Labor shall terminate the agreement with the State as of a date that will preclude the payment of emergency compensation pursuant to such agreement to any individual for any week of unemployment that begins after the end of such six-week period, and the amendments in this Act shall not become operative in that State.

RULES AND REGULATIONS

SEC. 109. (a) The Emergency Unemployment Compensation Act of 1974 is amended by adding thereto a new section 109 to read as follows:

"RULES AND REGULATIONS

"SEC. 109. The Secretary of Labor may prescribe rules and regulations to implement this Act.".

(b) The amendment made in this section shall be effective from and after the date of enactment of the Act.

Mr. HATHAWAY. Mr. President, today I join with Senator WILLIAMS, Senator JAVITS, and other of my colleagues, to propose an extension of the Federal supplemental benefits—FSB—program for 1 year.

Currently, the FSB program provides additional unemployment compensation to long-term unemployed workers who have exhausted their eligibility for assistance under the regular and extended State unemployment insurance programs. Most regular State unemployment insurance programs provide up to 26 weeks of assistance. Beyond that, the Federal/State extended benefits program provides up to another 13 weeks of assistance to the long-term unemployed in States where unemployment is high.

With nationwide unemployment of near-catastrophic proportions for the past 2 years, we have needed additional support for the long-term unemployed. In that regard the FSB program has provided benefits in the most badly impacted areas for up to 26 weeks beyond the expiration of the other programs, for an effective maximum of 65 weeks in the States where unemployment is worst.

The FSB program is due to expire on March 31 of this year, however, which would thereafter limit unemployment insurance benefits for all workers to 39 weeks, even in the most heavily impacted States.

Continuing high levels of unemployment nationwide, and in many States, will be severely exacerbated this year by the current cold wave. The effects of this cold will be felt long after the ice begins to thaw. The "ripple effect" of the loss of income to workers unemployed now because their factories are closed or their fishing boats icebound can cause region-wide recessions which will not be easily reversed. For that reason, I support the extension of this FSB program for 1 additional year, with the understanding that the maximum total duration of benefits available to an individual worker be cut back from 65 weeks to 52 weeks.

In doing so, however, I feel I must also express my concern about the nature of our current unemployment compensation scheme in general, and this program in particular. While Labor Department data does indicate a strong labor market attachment among the majority of the 213,000 persons who drew FSB benefits during 1976, I am not convinced that long-term transfer payment support of the unemployed, for over a year, best serves the interest of our Nation or its unemployed.

While unemployment insurance can provide badly needed household income to temporarily unemployed workers, I feel that there comes a time during an individual's unemployment when such payments become little more than welfare support.

A worker newly unemployed from a specific occupation might legitimately be thought to be seeking in that occupation even for up to several months following his or her unemployment. Beyond a certain point, however, I seriously question whether we should not begin to have other expectations for that worker. Either he or she should be encouraged to change occupations, or should be retrained for that purpose, or as a last resort, permitted to earn his or her long-term assistance by doing useful and productive work in public service jobs.

No one can deny that our Federal and State unemployment insurance programs have borne the brunt of our recent economic battle against recession and depression. Few economists or public policy experts doubt that a major national crisis would have resulted from the Nixon-Ford recession in the absence of unemployment insurance. But there remains widespread and growing dissatisfaction with many of the details of this program, as can be seen in an article in the January issue of Greater Portland magazine, from my home State of Maine.

For that reason, while I intend to support a straight extension of this program at this time, I want to serve notice that I will be extremely reluctant to do so in the future. Estimates are that this new extension will cost the Federal taxpayers approximately $600 million. And, while this money will undoubtedly alleviate much hardship in the coming year, I believe we have the responsibility to devise better uses for these resources in the fight against high unemployment. I intend to actively work in the coming year to develop those alternative uses, so that by this time next year, if the need still exists, we will be able to put this money to work productively, for the country, as well as for the individual unemployed worker.

Mr. President, I ask unanimous consent that the article I referred to, from the Greater Portland magazine, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Greater Portland Magazine, January 1977]

UNEMPLOYMENT COMPENSATION: BOON OR BOONDOGGLE?

(By Victor A. Schlich)

American Samoa, Arizona, Florida, Hawaii, Puerto Rico. The Virgin Islands. These read like a list of exotic travel destinations, but they are not. Maine sent unemployment compensation checks to people living in each of these spots during 1975.

Some months ago, a television documentary made national headlines with a series of interviews showing persons enjoying the pleasure of winter in the south while collecting unemployment checks from their home states in the north.

Most made no bones about the fact that they were not looking too strenuously for jobs while in the south. A few boasted openly about money earned in cash and unreported to authorities back home.

How much of a problem was this for Maine? Is it a problem today? Definitive answers are difficult to nail down.

Records for 1975 (the last year for which they are available), show that 508 men and women in nine sun belt states and various overseas territories collected jobless benefits from Maine amounting to $336,796. Residents of Canada, 1,321 of them, collected benefits of $1,155,333 from Maine that same year. The Canadian payments amounted to 46.4 of all out-of-state payments.

Maine's unemployment insurance program is not perfect, it is subject to fraud and abuse by those familiar with the workings of the system. Even the program's administrators acknowledge there is room for improvement, but this will require legislation.

Fraud, or what the state euphemistically calls "misrepresentation", is on the upswing. The number of persons caught collecting jobless benefits while working at other jobs is growing, according to William A. Harris, director of unemployment compensation in the Department of Manpower Affairs.

"Two years ago we caught 609. Last year the figure was 758. During the first nine months of 1976, we caught 1,278," reported Harris. "The increasing numbers indicate either more fraud or that we are becoming more adept at detecting fraud."

During 1976 the state began feeding raw data from two sources into its computer and comparing this information to catch duplication which early indicates fraud.

One source is the quarterly report filed by each of 23,000 employers listing all employees, their social security numbers and the amount earned. The other source is a

listing of all individuals collecting unemployment benefits.

"By cross-matching the two sets of data, we can catch violators within three months," says Harris.

The fraud cases detected during the first nine months of 1976 cost the state $249,210, of which less than one-fourth was recovered. As far as could be determined, very few fraud cases are prosecuted through the courts.

"In most cases it just would cost more to prosecute than the amount involved," added Gary Whitney, manager of the Portland office of the Maine Job Service. Instead, administrative penalties are assessed and these persons are disqualified from all future benefits until all the money due has been repaid.

A major fraud detection problem comes in identifying those who collect unemployment benefits while at the same time earning money through unreported self-employment or under-the-table cash payments. Such cases are difficult to run down although the department has a three-man fraud unit assigned to this task.

At least one program administrator recounted a story about an employer paying an individual in cash, thereby permitting that person to continue collecting unemployment compensation. When approached by the fraud unit, the employer denied ever doing anything like that. Proof was lacking since all transactions were in cash.

The biggest potential for abuse of the unemployment insurance program in Maine, or any other state, lies in making sure that all persons collecting jobless benefits actually are seeking work at the same time.

A single person earning $150 a week is eligible to collect $79 weekly in tax-free unemployment benefits. His tax-free check amounts to two-thirds of his net check (after taxes and social security) while working.

A married man with no children earning the same $150 is eligible for tax-free benefits amounting to 68 per cent of his earnings while working.

A married man with two children earning the same amount collects unemployment benefits amounting to 75 per cent of his net earnings while on the job.

Some argue this difference between work for pay and their tax-free unemployment benefits is insufficient incentive to get all persons back into the labor force quickly. They would lower the benefits, making the incentive greater.

"There is no doubt in my mind that people are beating the system and collecting benefits without looking seriously for a job," says Whitney. "But we cannot do a thing about it. Closing this loophole would require additional manpower and a change in the law."

Anyone claiming jobless benefits first must register with the Job Service which lists his name, work experience and past wage scale. Then his claim is passed along to the Unemployment Compensation division which pays out the benefits after making sure that he meets the eligibility requirements.

Each unemployed person reports back weekly to the Unemployment Compensation division and is asked three questions: Are you working now? Did you have any income last week? Are you looking for work?

"That's it. That's the flaw in the system," says Whitney. "If persons collecting unemployment also had to report to us regularly, we would be able to help place them in jobs.

"Based on my knowledge of the Portland job market, there is a job available right now for virtually every person collecting unemployment compensation through this office provided he really wants to work. The job may not be exactly the job he wants at quite the pay he wants, but the jobs are out there."

The Job Service is essentially a state-run employment agency which charges no fees. Each day it compiles a list of job classifications in which it has listed one or more openings in the immediate labor market. A typical day's list includes jobs paying from $2.30 an hour for unskilled persons to $25,000 a year for professionals.

Under the unemployment compensation law, an individual can be denied benefits if he refuses to accept suitable work. Therein lies a Catch-22 situation. There is no definition in the law of "suitable work", it is open to interpretation.

Maine's 1975 jobless benefits program cost $65 million. This exhausted all the state's reserves and Maine was forced to borrow from the federal government.

Contrary to what many jobless applicants believe, the money they receive comes from just one source—their employer. Every penny in Maine's unemployment compensation program is the result of a payroll tax levied against 23,000 employers in the state.

Maine is typical. Only three states—Alaska, Alabama and New Jersey—have laws which compel workers themselves to contribute anything to the funds, used to pay jobless benefits.

Maine employers must pay between 2.4 and 5 per cent of their payrolls each quarter, figured on the first $4,200 earned by each worker. Soon this figure will be increased to $6,000.

Employers pay an additional 0.5 per cent into the Federal Unemployment Insurance Account which pays to administer the state systems, pays the federal share of extended and emergency benefits and replenishes exhausted state accounts.

Mr. WILLIAMS. Mr. President, it is with a sense of urgency and concern that I join today with the Senator from New York (Mr. JAVITS) in introducing the Emergency Unemployment Compensation Extension Act of 1977.

The bill has as its central purpose preventing the abrupt termination of unemployment compensation payments for several hundred thousand workers on March 31, 1977. One estimate puts the figure at 500,000 persons who are now receiving benefits but will lose them when the law providing for Federal supplemental benefits expires on the last day of March.

Mr. President this program was enacted in December of 1974, when the unemployment rate was more than a full percent lower than it is today. It was our conviction at that time that unemployment compensaion benefits under permanent law which provide up to 39 weeks of jobless payments, were not sufficient to permit unemployed persons to cope with excessively high and prolonged unemployment on a scale that rivaled the level of joblessness in the Great Depression.

The Congress, in enacting the Emergency Unemployment Compensation Act, explicitly noted that unemployed persons would require much more time to find work in the highly competitive job markets that occur in time of recession. The Federal supplemental benefits provided under the act have been the saving hope for millions of American families whose breadwinners could find no work however hard they tried.

The conditions that face these jobless Americans today make it obvious to me that it would be cruel and heartless to permit this program to expire abruptly on March 31 of this year.

Estimates that we have received from the staff of the Department of Labor strongly support the need for extending the Federal supplemental benefits programs. These estimates show that some 130,000 persons across the Nation are expected to exhaust the maximum 39 weeks of benefits provided under permanent law during the first quarter of 1977. This number may seem surprisingly low, but it reflects the fact that, during a brief period early last summer, new claims for unemployment compensation declined as employers hired up for the good weather season. In the fall, joblessness was on the rise dramatically again, and new claims rose in volume. Many of these workers, still unable to find work, will receive the last of their 39 weeks of unemployment benefits during the second quarter of 1977.

The Labor Department estimates show that during the second quarter, 610,000 persons are expected to exhaust their benefits under permanent law, and unless we enact an extension of the Federal supplemental benefits program, they will all be denied additional weeks of benefits, however urgently they need them. Their recourse, without the FSB extension, will be to exhaust any savings they still have, followed by public assistance, bankruptcy, and despair.

A further extension of the program through all of 1977 would provide additional benefits and sustained hope for an estimated 510,000 persons in the third quarter of the year and 440,000 in the fourth quarter, according to the Labor Department staff.

Mr. President, even if unemployment were on the decline, an extension of the FSB program would be warranted. The most optimistic projections for economic recovery, recognizing that reemployment always lags far behind a quickening of the overall economic pace, forecast a national unemployment rate of 7 percent by the end of this year. Only slight improvement is expected in long-term joblessness over the year ahead.

In my home State of New Jersey, unemployment has ranged from slightly below to slightly above 11 percent for many, many months. The unemployment compensation program, providing benefits for up to 65 weeks, has saved thousands of families from destitution. At this moment, over 55,000 New Jersey residents are receiving FSB payments, with that number expected to rise sharply after March 31, as it will nationwide, if the FSB extension we propose in our bill is enacted.

I am confident that it will be enacted, perhaps with some modifications, because of the clear and convincing necessity for providing the long-term unemployed with several more weeks in which to conduct their search for a permanent job.

The bill we introduce today provides for a 1-year extension of the FSB program, establishing March 31, 1978, as the expiration date.

For most claimants, the bill provides a maximum of 13 weeks of benefits, in addition to the maximum of 39 weeks provided under permanent law.

For those claimants who are participating in a training program approved by the Secretary of Labor, however, up to 13 additional weeks of benefits could be received, for a maximum of 65 weeks.

This provision is necessary, I believe, in order to keep full faith with those workers who entered a training program with the expectation that FSB payments would sustain them and their families for the full 5 weeks or until the training is completed, whichever occurs first. My colleagues will recall that this transition-to-training procedure was among the provisions of the 1975 Amendments to the Emergency Unemployment Compensation Act. We owe it to those who have accepted the arrangement to insure that the benefits, which made it possible for them to stop looking for work and concentrate on training, will continue to be available.

Our bill also provides for funding the FSB program with revenues of the General Treasury, rather than the Federal tax on employers funneled through the Federal unemployment trust fund. This nationwide recession is a problem for all Americans and should not be laid on the shoulders of employers for years to come.

In addition, our bill establishes a national trigger mechanism in addition to the existing State-by-State triggers that are used to determine the duration of FSB payments in each State. We propose a uniform national trigger of 5 percent insured unemployment as the level above which FSB would be payable in all States out of Federal general revenues. In even the national IUR declined below 5 percent, the State-by-State triggers would remain in effect at the 5 percent level, providing benefits in those States with insured unemployment in excess of that level.

We have also proposed in this bill to strengthen the method for determining insured unemployment, taking into account for the first time the workers who have exhausted their benefits but have not yet found work. With this change, the insured unemployment rate would much more accurately reflect conditions in the job market of each State, assuring that when job competition is high an unemployed worker will have additional time for his job search.

Mr. President, Secretary of Labor Marshall, during hearings on his nomination, advised the Committee on Labor and Public Welfare that he would propose a 1-year extension of the FSB program with 13 weeks of benefits, in addition to the 39 weeks provided under permanent law, and with no change in the current State-by-State triggers.

Our bill reaches beyond these parameters in several respects, but the additional provisions we propose would be of great value at minimal cost and would, I believe, be acceptable to the administration should they be approved by the Congress.

By Mr. HATHAWAY (for himself and Mr. MUSKIE):

S. 605. A bill to amend title V of the Housing Act of 1949 to require the Secretary of Agriculture to provide for the establishment of escrow accounts for taxes and insurance by borrowers under that title, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

Mr. HATHAWAY. Mr. President, I am pleased to introduce today, along with Senator MUSKIE, a bill identical to one we introduced in the 94th Congress, S. 3679, which would correct a number of problems in the interpretation of the existing law governing the loan programs of the Farmers Home Administration and at the same time would lessen the potentially adverse impact such programs can have upon the revenue raising capacities of local jurisdictions, in the event of default by individual participants in such programs.

Farmers Home rural housing programs have in recent years played a critical role in providing decent housing to all Americans and have been particularly important in the State of Maine. I would hope that the Farmers Home Administration can continue to fulfill its vital role and that all Americans in all parts of the country will ultimately be provided with adequate homes.

With regard to the particular needs of citizens in rural areas for better housing, I would like to cite a couple of statistics.

In 1973, the Joint Center for Urban Studies of Harvard-MIT estimated that there were 13.1 million households suffering from "housing deprivation" and of these more than 5 million, or 38 percent, were nonmetropolitan.

In 1974, the ratio of substandard housing to public housing was 5 to 1 for urban counties, and 17 to 1 for rural counties.

The incidence of substandard housing in nonmetropolitan areas was 3½ times that in metropolitan areas in 1974.

Because of the high level of activity of Farmers Home in the State of Maine, I have received a number of inquiries and suggestions from my constituents regarding possible ways its programs could be improved. I have attempted to incorporate into this bill some of the most desirable of these suggestions. I believe that they are appropriate for improving Farmers Home programs not only in Maine but in other parts of the country as well.

Section I of this bill would amend existing law to state explicitly that family corporations be eligible for Farmers Home farm ownership loan programs. Under current interpretation of existing law, family corporations have been denied such assistance because these entities failed to meet any of the requisite definitions of "applicant." It has been pointed out to me that family corporations are often very desirable vehicles for realizing savings on Federal estate and income tax.

Thus, the Federal Government would appear to be somewhat inconsistent in its treatment of family corporations in extending tax preferences and denying loan assistance. While it is my belief that in the long run the only fair and equitable manner of dealing with this apparent inconsistency would be to reexamine the tax preferences to determine whether they are necessary and appropriate, in the short run it would appear desirable to make these family corporations eligible for loan assistance so that individual family farmers are not placed in the difficult position of weighing very complex variables of the relative merits of different types of business structures.

Section 2 would modify a provision in existing law which authorizes the Secretary of Agriculture to set up escrow accounts in connection with rural housing loans for the purpose of prepaying local taxes, insurance and other such expenses as the Secretary deems appropriate. Section 2 of this bill would require the Secretary to set up such accounts. The Secretary, while currently authorized to do so, has not so acted because it is his view that the authority is discretionary and because, according to the Secretary, administration of such accounts could represent a costly administrative expense.

The provision authorizing the Secretary to set up these accounts as contained in section 501(e) of the Housing Act of 1949, as amended, was added by section 505 of the Housing and Community Development Act of 1974. During the Senate's deliberation of this latter legislation, I was a member of the Senate Committee on Banking, Housing and Urban Affairs which had jurisdiction over the bill.

At that time I supported these provisions and felt them to be desirable and necessary to ease the burden of tax and insurance payments on low-income families by making such payments due periodically in smaller installments, rather than annually, all at once in a lump sum. In this regard, I would refer to that committee's report in describing then section 504—later became 505 due to additional section being added:

ESCROW ACCOUNTS FOR TAXES, INSURANCE AND OTHER EXPENSES

Section 504 of the bill would amend Sec. 501 of the Housing Act of 1949 to authorize the Secretary of Agriculture to establish a system of escrow accounts to enable borrowers to budget for the payment of taxes, insurance, and such other necessary expenses as the Secretary may deem appropriate. This provision would make it possible to ease the burden on low-income families and other rural housing borrowers by letting them pay their taxes and insurance in monthly installments along with the payments of interest and principal on their mortgage loans, instead of having to pay these once each year in a lump sum. It permits the Farmers Home Administration to offer the same escrow services which are required in connection with loans insured by the Federal Housing Administration and are optional under Veterans Administration insured loans.

Further, it was my impression that such authority was mandatory and that the Secretary ought to implement this authority in setting up these accounts as soon as was feasible.

While I can understand reluctance on the part of the Secretary to undertake new burdens and administrative duties, it would seem that the prior legislative intent required this, and that when the burdens upon the Secretary are weighed against the potential burden on the program participants and their communities, in the absence of escrow procedures,

the Secretary's reasons would not hold up.

In any event, in order to clarify this situation, section 2 would amend existing law to make the implementation of escrow procedure mandatory.

Section 3 of this bill is again directed at clarifying existing law to grant to the Secretary of Agriculture explicit authority to pay property tax upon property held by the Secretary of State and local authority the Secretary has refused to pay such taxes. This refusal is apparently based upon the supremacy clause of the U.S. Constitution which has been interpreted in numerous court decisions to preclude the Federal Government's payment of taxes to State and local jurisdictions absent specific congressional authority.

The ambiguity in the present statutory structure and the Secretary's concommitant refusal to pay State and local taxes has worked a severe hardship on a number of local jurisdictions in the State of Maine. I have heard from town managers and local officials in all parts of the State who have described the dilemma posed by the Secretary's refusal to pay local taxes on property upon which he has foreclosed. The towns which were earlier denied their greatly needed tax revenues due to the financial instability of the loan program participants who later defaulted, subsequently found that the Secretary also refused to pay past due taxes because of the constitutional difficulty. These towns must nonetheless provide water and sewer services, police and fire protection, and road repair and plowing in the winter to the property in question.

Of course, in the long run, I would hope that the escrow procedures mandated in section 2 of this bill would remedy the default problem and its accompanying adverse local tax impact. Through more careful planning and the escrow incentive, the loan participants would be more likely to meet these obligations.

It is my intention that the changes made by this bill will go a long way toward remedying problems and defects in the administration of Farmers Home programs and that passage of this legislation would result in closer cooperation between local and Federal officials in this vital area.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501(c) of the Housing Act of 1949 is amended by adding at the end thereof the following new sentence: "As used in this subsection, the term 'applicant' includes a family corporation.".

SEC. 2. The first sentence of section 501(e) of the Housing Act of 1949 is amended by striking out "The Secretary may" and inserting in lieu thereof "The Secretary shall".

SEC. 3. Section 501 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Nothing in this title shall be construed to exempt any real property acquired and held by the Secretary under this title from taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed.".

By Mr. JOHNSTON (for himself, Mr. GLENN, Mr. NUNN, Mr. JAVITS, Mr. BROOKE, and Mr. BENTSEN):

S. 607. A bill to establish a Minority Business Development Administration in the Department of Commerce; to the Committee on Government Operations.

Mr. JOHNSTON. Mr. President, I have today reintroduced legislation to establish a Minority Business Development Administration in the Department of Commerce. I am pleased to be joined in this effort by Senator GLENN, Senator NUNN, Senator JAVITS, Senator BROOKE and Senator BENTSEN.

This legislation is identical to the bill which was unanimously reported from the Intergovernmental Relations Subcommittee of the Senate Committee on Government Operations at the end of the 94th Congress. I believe that unanimous vote indicates the widespread agreement on the need to bring the many diverse elements of the Federal effort to assist minority businesses into a single coordinated whole.

This Federal effort has been greatly hampered because of a lack of coordination between agencies, and inadequate commitment by the government as a whole. This ineffectual approach has also caused a waste of the taxpayers' dollars because those funds are not meeting the goals originally set.

I believe this legislation will resolve these problems and provide an effective means of insuring equitable and viable participation by American minority businesses in the national economy. Let me briefly explain the provisions of the bill.

This legislation establishes a Minority Business Development Administration in the Department of Commerce to be headed up by an Assistant Secretary for Minority Business Development. I believe the establishment of this entity at the Assistant Secretary level is necessary to provide both the government and the minority business community with a degree of credibility and effectiveness which is not presently apparent in our sundry and uncoordinated efforts.

This Administration would continue the functions of the present Office of Minority Business Enterprise as outlined in Executive Order 11625, and would make an investigation and study of all Federal activities relating to minority business enterprises, subsequently providing a report to the President and Congress with recommendations for necessary action in these areas to carry out the legislative intent of consolidation and a refocusing of these Federal efforts.

As a component part of this effort all separable functions of any Federal department or agency which is determined by the Director of the Office of Management and Budget to relate primarily to the development of minority business enterprises will be transferred to the new Minority Business Development Administration. The only exceptions to this would be loan programs under the SBA and several programs established under the Community Services Administration.

This consolidation does not relieve any other department or agency from a continuing responsibility for its own participation and cooperation in minority business matters, and all agencies would be required to provide information and assistance as needed to the Assistant Secretary of Commerce for Minority Business Development.

Through this coordinated effort, I believe the Federal Government can pull together in an efficient and coordinated manner the public and private resources, both financil and informational, to provide the impetus needed for a concentrated effort to bring the minority community into the mainstream of American business life.

I think it is important to add that the legislation specifies a 5-year life span for the Minority Business Development Administration, thus providing an automatic coordination with our new President's decisions with respect to reorganization of our Government on a more consolidated basis and concern for the zero-base budgeting concept. As is obvious, this 5-year life span also provides for a basis on which we will be able to determine whether funding levels are sufficient to meet these goals, and indeed, whether this is the best means of meeting these goals.

Minority business development is one of the most significant remaining challenges in the area of equal opportunity in this country. The next 100 years of this Nation's life will test whether or not we can make practical, workable, viable and real the promises of the American Constitution. It took us the first century to end slavery in this country. It took the next century to make the promises of the Constitution real by enacting laws on the statute books. This century—and hopefully it will not take a full century to do so—will test whether or not we can ripen those promises stated in the law into opportunities within our free enterprise system that are made manifest and free.

Minority business development will be good not only for minorities; it will also be of immense help to this Nation's economy. It will provide jobs for the persons who suffer most from the problems of unemployment and inflation. If given meaningful assistance, it will assure the use of valuable human resources that can be put to work to make this Nation's economy strong.

We have a responsibility to the minority entrepreneur, to the economically disadvantaged, and to the health of our national economy. This legislation will be of substantial help in meeting that responsibility—of providing the necessary government assistance for the full inclusion of minority business enterprises in the American free enterprise system. I am hopeful that we will move positively in this direction by taking prompt action on this legislation and

completing the efforts begun in the 94th Congress.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD to give my colleagues the opportunity to review its provisions.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Minority Business Development Act of 1977".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that—

(1) equitable and viable participation by American minority businesses in the national economy is beneficial to and in the best interests of the United States;

(2) concerted attempts by minorities over the last quarter century to develop business enterprises which can compete effectively in the economy of the United States have not been completely successful;

(3) it is the policy of the Congress to insure that all Americans have equal access to and participation in our system of free enterprise;

(4) lack of equitable participation in the national economy by minorities has resulted in substantial and persistent difficulties and hardships to such individuals and their families; it is the commitment of the Congress and the purpose of this Act to alleviate these problems by furthering the role of minorities in our system of free enterprise, thereby preventing the waste of invaluable human resources;

(5) present programs of the private sector of the economy of the United States do not adequately assist the development and maintenance of business enterprises owned by minorities;

(6) the present programs of the Federal Government are inadequate, ineffective, and uncoordinated because of staff problems, interagency disputes and lack of clarification of purposes and responsibilities;

(7) all existing agency programs urgently need to be rethought, revamped and reformed;

(8) positive and effective steps must be taken to establish and maintain high levels of competence among Federal agency personnel in order to clarify appropriate goals for all Federal programs designed to assist minority businesses;

(9) it is the purpose of this Act to make the minority enterprise program more effective, thereby resulting in considerable savings for the Federal Government.

ESTABLISHMENT

SEC. 3. The Secretary of Commerce shall establish within the Department of Commerce a Minority Business Development Administration (hereinafter referred to as the "Administration").

ASSISTANT SECRETARY

SEC. 4. (a) The Administration shall be under the direction of an Assistant Secretary for Minority Business Development who shall be appointed by the President and with the advice and consent of the Senate from private life and who shall be a person of outstanding qualifications known by public repute to be familiar and sympathetic with minority business needs and problems.

(b) The Assistant Secretary for Minority Business Development shall be compensated at the rate provided for level IV of the Federal Executive Salary Schedule under section 5315 of title 5, United States Code.

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(108) Assistant Secretary of Commerce for Minority Business Development.".

DUTIES

SEC. 5. (a) The Assistant Secretary for Minority Business Development shall carry out the following duties and functions—

(1) the functions assigned to the Secretary of Commerce under Executive Order 11625, October 13, 1971 (36 Fed. Reg. 19967);

(2) make an investigation and study of all Federal activities which relate to, or provide, or should provide opportunities for, minority business enterprises in order to carry out the purposes of this Act;

(3) report to the President and the Congress not later than one hundred and eighty days after the date of enactment of this Act his recommendations for necessary action with respect to such activities, including any necessary legislation, in order to carry out such purposes.

(b) Effective on such date as is prescribed by the Director of the Office of Management and Budget, but not later than ninety days after the date of enactment of this Act, there shall be transferred to the Assistant Secretary for Minority Business Development any separable function of any Federal department or agency which the Director of the Office of Management and Budget determines relates primarily to the development of minority business enterprises, except that this shall not apply to loan programs administered by the Small Business Administration and programs administered by the Community Services Administration established under Headstart, Economic Opportunity, and Community Partnership Act of 1974 (88 Stat. 2291).

(c) The Assistant Secretary for Military Business Development shall—

(1) coordinate, as consistent with law, the plans, programs, and operations of the Federal Government which affect or may contribute to the establishment, preservation, and strengthening of minority business enterprise;

(2) promote the mobilization of activities and resources of State and local governments, businesses and trade associations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of the efforts of these groups with those of Federal departments and agencies;

(3) establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the Nation in undertaking or promoting the establishment and successful operation of minority business enterprises;

(4) within constraints of law and appropriations therefor, and according to his discretion, provide financial assistance to public and private organizations so that they may render technical and management assistance to minority business enterprises, and defray all or part of the costs of pilot or demonstration projects conducted by public or private agencies or organizations which are designed to overcome the special problems of minority business enterprises or otherwise to further the purposes of this order;

(5) establish at least ten regional offices;

(6) develop a uniform set of criteria for the establishment of field offices and establish field offices as needed.

(d) The Assistant Secretary for Minority Business Development, as he deems necessary or appropriate to enable him to better fulfill the responsibilities vested in him by subsection (a), shall—

(1) develop, with the participation of other Federal departments and agencies coordinated activities and programs necessary to carry out the purposes of this order;

(2) convene for purposes of coordination meetings the heads of such departments and agencies, or their designees, whose programs and activities may affect or contribute to the purposes of this order;

(3) convene business leaders, educators, and other representatives of the private sector engaged in assisting the development of minority business enterprise or who could contribute to its development to propose, evaluate, and coordinate governmental and private activities in furtherance of the objectives of this order;

(4) confer with and advise officials of State and local governments;

(5) provide the managerial and organizational framework through which joint or collaborative undertakings with Federal departments or agencies or private organizations can be planned and implemented; and

(6) recommend appropriate legislative or executive actions.

INTER-AGENCY RESPONSIBILITIES

SEC. 6. (a) The head of each Federal department and agency, when so requested by the Assistant Secretary for Minority Business Development, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this Act.

(b) The head of each Federal department or agency shall have primary and continuing responsibility for the participation and cooperation of that Department or agency in matters concerning minority business enterprise and activities as required by this Act.

(c) The head of each Federal department or agency shall keep the Assistant Secretary informed of all proposed budgets, plans, and programs of his department or agency affecting minority business enterprise.

AUTHORIZATIONS

SEC. 7. There is authorized to be appropriated for a period of five years such sums as may be necessary to carry out the provisions of this Act.

ANNUAL REPORTS

SEC. 8. Within fifteen months after the effective date of this Act, and at one year intervals thereafter, the Assistant Secretary for Minority Business Development shall submit to the President, the Office of Management and Budget, and each House of Congress a report concerning his activities.

TERMINATION

SEC. 9. The Minority Business Development Administration shall terminate five years after the date of enactment of the Act.

By Mr. MATHIAS (for himself and Mr. BAKER):

S. 609. A bill to amend the Food Stamp Act to establish a home-heating stamp program to provide assistance to low-income and fixed-income households in meeting the cost of rising fuel bills; to the Committee on Labor and Public Welfare.

THE HOME HEATING STAMP ACT OF 1977

Mr. MATHIAS. Mr. President, I am today introducing on behalf of the Senator from Tennessee and myself a bill to amend the Food Stamp Act to establish a home-heating stamp program within the Department of Agriculture which will provide assistance to low-income and fixed-income households in meeting the cost of rising fuel bills.

I very respectfully express the hope that the President will assist in speeding the passage of this bill. We have just passed emergency legislation dealing with natural gas. We must be certain that in our rush to assure sufficient fuel to save lives and property under the emergency natural gas legislation that

we do not overlook a related hardship. That fuel which is available, be it natural gas, kerosene, No. 2 heating oil, or any other home-heating fuel, costs so much more than it used to that some families may have to sacrifice food for fuel. This situation strikes most severely those that are least able to afford both the price of the fuel and the loss of the nutrition.

This bill amends the Food Stamp Act to provide for immediate implementation of a fuel stamp program. The bill requires that the existing administrative structure be used for this purpose to reduce the delay. This existing machinery will be the means to help the elderly and other persons on limited or fixed incomes to obtain the fuel they need to stay warm enough to keep alive and healthy.

This bill represents the culmination of a study by the Federal Energy Administration and the Department of Health, Education, and Welfare. That study was done pursuant to an amendment to S. 3221, the Energy Supply Act of 1974, which I introduced on September 17, 1974. That study was completed in December of 1974 and the bill which I introduced today is based upon the findings and recommendations of that work.

Mr. President, I ask unanimous consent that the text of S. 609, the Home Heating Stamp Act of 1977, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Home-Heating Stamp Act of 1977."

FINDINGS

SEC. 2. The Congress hereby finds that the recent rise in fuel prices and home-heating costs, occasioned particularly by the natural gas emergency and the consequent temporary lifting of price ceilings, is working a serious hardship on households living on fixed or low incomes and necessitates the establishment of a program of assistance to help such households meet rising fuel expenses utilizing the administrative apparatus of the food stamp program to simplify administration and speed implementation.

DECLARATION OF POLICY

SEC. 3. Section 2 of the Food Stamp Act of 1964, as amended, is amended to read:

"SEC. 2. It is hereby declared to be the policy of the Congress, in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, local governmental units, and other agencies to safeguard the health and well-being of the Nation's population and raise levels of nutrition among low-income households and that such households should have access to purchasing power adequate to permit them to obtain reasonable amounts of home-heating fuels. The Congress hereby finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households and that limited home-heating fuel purchasing power imposes serious health and safety risks on members of such households. The Congress further finds that increased utilization of food in establishing and maintaining adequate national levels of nutrition will promote the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To alleviate such hunger and malnutrition and reduce the hardships imposed on low-income households by high home-heating costs, a food stamp program and a home-heating stamp program are herein authorized which will permit low-income households to purchase a nutritionally adequate diet through normal channels of trade and permit such households to obtain reasonable amounts of home-heating fuels through normal channels of trade."

DEFINITIONS

SEC. 4. (a) Section 3(e) of the Food Stamp Act of 1964, as amended, is amended by adding, at the end thereof, the following sentences:

"For the purposes of the home-heating stamp program authorized by this Act, the term "household" means a group of individuals who are not residents of an institution and are living as one economic unit, or a single individual living alone. For purposes of the home-heating stamp program authorized by this Act, restrictions on participation in the food stamp program by recipients of assistance under title XVI of the Social Security Act shall not apply."

SEC. 4. (b) Section 3(j) of the Food Stamp Act of 1964, as amended, is amended to read:

"(j) For the purposes of the food stamp program established pursuant to this Act, the term "State" means the fifty States and the District of Columbia, Guam, Puerto Rico, and the Virgin Islands of the United States. For the purposes of the home-heating stamp program established pursuant to this Act, the term "State" means the fifty States and the District of Columbia."

SEC. 5. Section 3(k) of the Food Stamp Act of 1964, as amended, is amended to read:

"(k) The term "food stamp program" means any program promulgated pursuant to the provisions of this Act which relates to increasing food purchasing power among low-income households."

SEC. 6. Section 3 of the Food Stamp Act of 1964, as amended, is amended by adding, at the end thereof, the following new subsections:

"(p) The term "home-heating stamp program" means any program promulgated to the provisions of this Act which relates to increasing home-heating fuel purchasing power among low-income households.

"(q) The term "home-heating fuels" means fuel or energy used in a household's heating system including, but not limited to, heating oil, natural gas, electricity, kerosene, wood, propane, and coal.

"(r) The term "provider" means any business entity, public or private utility or individual that regularly provides, distributes, or delivers home-heating fuels.

"(s) The term 'heating season' means the period of time, not to exceed six consecutive months, which an allotment of home-heating stamps is intended to cover. Heating seasons shall be established for each State by the State agency and shall be in full calendar months."

ESTABLISHMENT OF THE HOME-HEATING STAMP PROGRAM

SEC. 7. The heading preceding section 4 of the Food Stamp Act of 1964, as amended, is amended to read:

"Establishment of the Food Stamp Program and the Home-Heating Stamp Program."

SEC. 8. The Food Stamp Act of 1964, as amended, is amended by deleting section 4(c) of such Act.

SEC. 9. Section 4 of the Food Stamp Act of 1964, as amended, is amended by adding the following new subsection:

"(c) The Secretary is further authorized to formulate and administer a home-heating stamp program under which, at the request of the State agency, eligible households within the State shall be provided with an opportunity to obtain reasonable amounts of home-heating fuels through the issuance to them of a home-heating coupon allotment which shall have a greater monetary value than any charge to be paid for such allotment by eligible households. The home-heating coupons received by such households shall be used only (1) to purchase home-heating fuels from providers which have been approved for participation in the home-heating stamp program, or (2) in the case of an eligible household which rents its residence and does not pay its home-heating fuel bill directly to a provider, to offset any rent due its landlord. Landlords accepting home-heating fuel coupons as partial payment of rent due shall use such coupons to pay all or a part of their fuel bills and shall not increase household rents in connection with or as a result of the use of home-heating coupons by an eligible household. Tenants utilizing home-heating coupons to offset any rent due a landlord shall not use more than one month's coupon allotment to offset rent due for any one month, unless an alternate arrangement is agreed to by the landlord. Home-heating coupons issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

"(d) The Secretary shall issue such regulations, not inconsistent with this Act, as he deems necessary or appropriate for the effective and efficient administration of the programs authorized by the Act."

ELIGIBLE HOUSEHOLDS

SEC. 10. Section 5(a) of the Food Stamp Act of 1964, as amended, is amended by adding, at the end thereof, the following new sentence:

"Except for the temporary participation of households that are victims of a disaster as provided in the last sentence of subsection (b) of this section, participation in the home-heating stamp program shall be limited to households whose income and other financial resources are such that they are eligible for assistance under the Food Stamp Program established pursuant to this Act."

SEC. 11. Section 5(b) of the Food Stamp Act of 1964, as amended, is amended by adding, at the end thereof, the following new sentence:

"The Secretary may also establish temporary emergency standards of eligibility for the home-heating stamp program for the duration of the emergency, without regard to income or other financial resources, for households that are victims of a disaster which disrupts the normal distribution of home-heating fuels."

SEC. 12. Section 5 of the Food Stamp Act of 1964, as amended, is amended by adding at the end thereof, the following new subsection:

"(e) The Secretary shall establish uniform national standards of eligibility for households participating in the home-heating stamp program authorized by this Act, consistent with those used for the Food Stamp Program."

ISSUANCE AND USE OF COUPONS

SEC. 13. Section 6(a) of the Food Stamp Act of 1964, as amended, is amended to read:

"(a) Coupons shall be printed in such denominations as may be determined to be necessary, and shall be issued only to households which have been duly certified as eligible to participate in the programs authorized by this Act."

SEC. 14. Section 6(d) of the Food Stamp Act of 1964, as amended, is amended by deleting the word "Coupons" and substituting the words "Food Coupons".

SEC. 15. Section 6 of the Food Stamp Act of 1964, as amended, is amended by adding

at the end thereof, the following new subsections:

"(f) Home-heating coupons issued to eligible households shall be used by them only in the manner prescribed in section 4(c) of this Act and subsection (g) of this section: *Provided*, That nothing in this Act shall be construed as authorizing the Secretary to specify the prices at which home-heating fuels may be sold.

"(g) Each household eligible for the home-heating stamp program shall be issued monthly allotments of home-heating coupons for the entire heating season for the State as established by the State agency, or, in the case of households applying after the beginning of a heating season, monthly allotments for the remaining number of full months in the heating season: *Provided*, That each eligible household may elect to be issued monthly allotments of home-heating coupons for periods of time less than the entire heating season for the State. Home-heating coupons issued to eligible households may be used to pay part or all of a bill which includes the cost of home-heating fuels. Home-heating coupons issued to eligible households shall be valid for use by such households or their landlords only for the heating season established for the State by the State agency and one month thereafter and shall not be valid for use in more than one heating season. Cash in change, up to a value of $1, may be returned to eligible households or their landlords, pursuant to regulations which shall be issued by the Secretary."

VALUE OF THE COUPON ALLOTMENT AND CHARGES TO BE MADE

SEC. 16. Section 7(b) of the Food Stamp Act of 1964, as amended, is amended by inserting the words "eligible for the food stamp program" immediately after the word "household" the first time it appears.

SEC. 17. Section 7 of the Food Stamp Act of 1964, as amended, is amended by adding, at the end thereof, the following new subsections:

"(e) The face value of the monthly coupon allotments which State agencies shall be authorized to issue to any households certified as eligible to participate in the home-heating stamp program shall be in such amount as the Secretary determines will reflect the monthly equivalent of the minimal cost of a reasonable amount of home-heating fuel for a single heating season. Coupon allotments shall only be established after consideration of the average cost of a reasonable variety of home-heating fuels over a single heating season and shall be set with due regard to minimizing the extent to which allotments might exceed the actual cost of home-heating fuels to eligible households. Coupon allotments shall be varied by household size and geographic location, as deemed appropriate by the Secretary: *Provided*, That such allotments shall be set so as to minimize the extent to which assistance provided under the home-heating stamp program might induce unnecessary consumption of home-heating fuels: *Provided further*, That such allotments shall be adjusted annually to reflect the Secretary's evaluation of changes in the costs of home-heating fuels.

"(f) Households participating in the home-heating stamp program shall be charged a standard percentage of monthly household income for the coupon allotments issued to them, and the amount of such charge shall represent a reasonable investment on the part of the household, but in no event more than the percentage of personal consumption expenditures shown to be spent on home-heating fuels by the best information available to the Secretary (including the most recent consumer expenditure surveys of the Bureau of Labor Statistics of the Department of Labor). In establishing the standard percentage charge to participating households, the Secretary shall give due consideration to the extent which home-heating costs reduce the charge to households who simultaneously participate in the food stamp programs.

"(g) For the purposes of computing the amount of the charge to be made to each household participating in the home-heating stamp program, the household's net monthly income, as computed for food stamp program purposes, shall be used.

"(h) Notwithstanding any other provisions of law, home-heating coupon allotments may be issued without charge to households with income, as computed under subsection (g) of this section, of less than $30 per month for a family of four under standards of eligibility prescribed by the Secretary.

"(i) Notwithstanding the provisions of subsections (e) and (f) of this section, the Secretary may issue to eligible households, without charge, home-heating coupon allotments which have been reduced by a standard percentage of monthly household income if he deems this a more efficient, effective, and equitable method of providing home-heating cost assistance to eligible households."

APPROVAL OF PROVIDERS

SEC. 18. The heading preceding section 8 of the Food Stamp Act of 1964, as amended, is amended to read:

"Approval of Retail Food Stores, Wholesale Food Concerns and Home-Heating Fuel Providers".

SEC. 19. Section 8 of the Food Stamp Act of 1964, as amended, is amended by adding, at the end thereof, the following new subsection:

"(d) The Secretary shall approve home-heating fuel providers for participation in the home-heating stamp program under regulations patterned after those used to approve retail food stores and wholesale food concerns for participation in the food stamp program. Only providers approved by the Secretary, in consultation with the Federal Energy Administration, shall be authorized to accept and redeem home-heating coupons under the home-heating stamp program."

REDEMPTION OF COUPONS

SEC. 20 Section 9 of the Food Stamp Act of 1964, as amended, is amended to read:

"SEC. 9. Regulations issued pursuant to this Act shall provide for the redemption of food coupons accepted by retail food stores through approved wholesale food concerns or through banks and for redemption of home-heating coupons accepted by providers through banks, with the cooperation of the Treasury Department."

ADMINISTRATION

SEC. 20. Section 10(a) of the Food Stamp Act of 1964, as amended, is amended by adding, at the end thereof, the following new sentences:

"All practicable efforts shall be made in the administration of the home-heating stamp program to insure that assistance provided under such program does not induce unnecessary additional consumption of home-heating fuels. The Secretary shall consult with and solicit technical assistance from the Federal Energy Administration and the Department of Health, Education and Welfare in formulating and administering the home-heating stamp program and shall, in cooperation with such agencies, make all practicable efforts to carry out an informational program regarding insulation and other means of reducing home-heating costs."

SEC. 21. Section 10(c) of the Food Stamp Act of 1964, as amended, is amended by inserting the words "or the home-heating stamp program" immediately after the words "food stamp program", wherever they appear.

SEC. 22 Section 10(a) of the Food Stamp Act of 1964, as amended, is amended by inserting the words "or the home-heating stamp program" immediately after the words "food stamp program" the first time they appear.

SEC. 22(b). Section 10(e) of the Food Stamp Act of 1964, as amended, is further amended by deleting the words "food stamp" where they appear in paragraphs (5) and (8).

SEC. 22(c). Section 10(e) of the Food Stamp Act of 1964, as amended, is further amended by inserting the words "food stamp" immediately before the word "program" wherever it appears in the last two sentences of such subsection, and by inserting the words "for the food stamp program" immediately after the words "plan of operation" where they appear in the last sentence of such subsection.

SEC. 23. Section 10(f) of the Food Stamp Act of 1964, as amended, is amended by inserting the words "food stamp program or the home-heating stamp" immediately before the word "program".

SEC. 24. Section 10(h) of the Food Stamp Act of 1964, as amended, is amended by inserting the word "food" immediately before the word "coupons" wherever it appears.

SEC. 25. Section 10(i) of the Food Stamp Act of 1964, as amended, is amended by inserting the word "food" immediately before the word "coupons".

DISQUALIFICATION OF PROVIDERS

SEC. 26. The heading preceding section 11 of the Food Stamp Act of 1964, as amended, is amended to read:

"Disqualification of Retail Food Stores, Wholesale Food Concerns, and Home-Heating Fuel Providers".

SEC. 27. The first sentence of section 11 of the Food Stamp Act of 1964, as amended, is amended to read:

"Any approved retail food store, wholesale food concern, or provider may be disqualified from further participation in the food stamp program or the home-heating stamp program on a finding, made as specified in regulations, that such store, concern, or provider has violated any of the provisions of this Act, or of the regulations issued pursuant to this Act."

ADMINISTRATIVE AND JUDICIAL REVIEW

SEC. 28. Section 13 of the Food Stamp Act of 1964, as amended, is amended by deleting the words "retail food store or wholesale food concern" wherever they appear and substituting, in lieu, the words "retail food store, wholesale food concern, or home-heating fuel provider", and by deleting the words "store or concern" wherever they appear and substituting, in lieu, the words "store, concern, or provider".

CONFORMING AMENDMENT

SEC. 29. Section 17 of the Food Stamp Act of 1964, as amended, is amended by inserting the word "food" immediately before the word "coupons".

AUTHORIZATION OF APPROPRIATIONS

SEC. 30. There are authorized to be appropriated such funds as may be deemed necessary to carry out the purpose of this Act.

By Mr. HANSEN (for himself, Mr. BARTLETT, Mr. BROOKE, Mr. CHURCH, Mr. EASTLAND, Mr. GARN, Mr. HATCH, Mr. HELMS, Mr. LUGAR, Mr. MCCLURE, Mr. RANDOLPH, Mr. ROTH, Mr. STAFFORD, Mr. THURMOND, Mr. TOWER, and Mr. WILLIAMS):

S. 615. A bill to amend title II of the Social Security Act to increase the increment in old-age benefits payable to in-

dividuals who delay their retirement beyond age 65; to the Committee on Finance.

PROPOSAL TO PROVIDE 6⅔ PERCENT ANNUAL INCREASE IN SOCIAL SECURITY BENEFITS FOR PERSONS RETIRING AFTER AGE 65

Mr. HANSEN. Mr. President, I am sending to the desk a bill that would provide for a 6⅔ percent increase in benefits for each year—between the age of 65 and 72—that an individual elects to delay his or her receipt of social security retirement benefits. For those who choose to wait until age 72, benefits will increase at least 46⅔ percent. I am pleased to note, Mr. President, that this proposal has been cosponsored by the following 15 Senators: Mr. BARTLETT, Mr. BROOKE, Mr. CHURCH, Mr. EASTLAND, Mr. GARN, Mr. HATCH, Mr. HELMS, Mr. LUGAR, Mr. MCCLURE, Mr. RANDOLPH, Mr. ROTH, Mr. STAFFORD, Mr. THURMOND, Mr. TOWER, and Mr. WILLIAMS.

S. 615 would add much needed flexibility to the social security system. It would allow individuals who voluntarily choose to delay their retirement to receive higher benefits when they do, in fact, retire. The rate of increase—6⅔ percent per year—is the same percentage basis as benefits are now reduced for early retirement. In addition, continued work after age 65 may also raise the retiree's average monthly wage for social security benefit calculations, thus the actual maximum increment at age 72 could be well above 46⅔ percent.

FLEXIBILITY AND EQUITY

The purpose of this bill is to make the social security system more flexible by giving the beneficiary more freedom in adapting its provisions to his or her situation.

The retiree will be able to elect the benefit approach which best suits the individual's needs and desires. To maximize choice, the bill provides a benefit increase of five-ninths of 1 percent for each month that an individual chooses to continue employment after 65.

The proposed benefit increment is a first step in correcting a serious inequity in social security which sharply penalizes the hundreds of thousands of persons who prefer to continue working, or must work, after age 65. Together with liberalization of the earnings test, which now reduces OASDI benefits by 50 percent of earnings over $3,000 a year, S. 615 moves us toward complete individual freedom in the choice of time for retirement.

This bill would in no way interfere with or jeopardize the current right of a person to elect early retirement for social security benefit purposes. Nor would it affect the right of any individual to retire on schedule at age 65.

As a simple matter of equity, this bill would recognize the principle of flexibility for those who delay retirement in much the same way as the law now recognizes the right of persons who choose to retire between 62 and 65.

Currently those who choose to remain in the work force after 65 are entitled to a 1-percent annual increment in benefits. This provision, enacted in 1972, was welcome, but it does little more than recognize the social security taxes paid after 65. It falls far short of real equity and it is relatively ineffective in expanding choices open to older Americans.

INFLATION MAY INCREASE INEQUITY

Mr. President, I have long been disturbed by the high share of social security costs now borne by working persons over 65. Older people who work are now actually paying almost $3 billion a year, through benefit losses, as a subsidy to those drawing benefits.

There have been reports that the inflationary spiral of the past several years may have made many older Americans increasingly reluctant to retire because of fears that their retirement income would be continuously less adequate in meeting their needs.

To the extent that this is true, it heightens the current law's inequitable treatment of those who defer retirement—for any reason. Arguments for the 6⅔-percent annual increment have thus become even more pertinent and compelling.

BALANCED RETIREMENT INCENTIVES NEEDED

Even so, it is small wonder that older persons are unwilling to remain in the work force, despite personal preferences. The actual return for continuing to work is not enough to impel him or her to continue. Not only does the full time worker lose social security benefits, but he or she must also pay income taxes and social security taxes on earnings. When these are added to expenses incurred in going to the job, often little if any net gain remains for the worker's own use.

The Nation's loss of wealth from waste of skills and experience among older Americans is substantial. More important is the economic and psychological loss to the individual through disinvolvement from life's mainstream. There is ample evidence that retirement is often accepted reluctantly because there is little practical choice in terms of economic advantages.

Beyond economic factors is the relationship early retirement can have on the older person's health. For many individuals past 65, the psychological, emotional, and physical benefits to be derived from continued involvement in our Nation's productive activities can be even more important than the money they earn. We should not deny their rights to such fulfillment.

Support is lent to this view by a recent statement of the American Medical Association's Committee on Aging. The AMA committee said:

> The increase in life expectancy and higher health levels will prove of little benefit to man if he is denied the opportunity to continue contributing his skills at a certain chronological age, whether this be 45, 65, or 85 years.

It is time that we counterbalance present incentives in society for early retirement with comparable incentives for later retirement. Without such balance, older Americans are denied full freedom of choice.

Comments from individuals and such distinguished organizations of older people as the American Association of Retired Persons and the National Retired Teachers Association convince me that older Americans—both employed and retired—feel strongly that they should have the right to choose. They demand flexibility in the social security program along the lines that we are proposing.

During recent years, there has been a great deal of talk about need for a new national policy in aging. Despite some progress, and every step forward is good, we have not yet really come to grips with these challenges.

Millions of words have been used in thousands of articles and meetings ranging from the White House Conferences of 1961 and 1971 to sessions in our smallest villages. In them all, there has been a call for action to give older Americans full freedom of choice, with honor, dignity, independence, and self-respect. And yet too often our seniors find themselves treated as second-class citizens.

In examinations of need for a new national policy in aging—whether by authorities in medicine, economics, sociology, or other disciplines—one key element in our problem comes clear. There is need for a new look at retirement practices in this country. We need to reconsider our pursuit of retirement based solely on artificial chronological rules of age without regard for either actual abilities of older persons to participate in the Nation's productive forces or the desire of many for continued involvement in society's mainstream.

Deliberations by the real experts on aging—older persons themselves—have been no less emphatic about the need for new approaches to the question of retirement. We need to reinstate the principle that choices should be made by the individual in the light of individual abilities and individual desires.

No one would claim that this objective can be achieved through legislation alone. Education about the tremendous productive potential and the will for involvement among older persons may, indeed, be the most important element in solving the problem.

But there are some things that Congress can do. Perhaps most important will be decisions in Federal programs, such as social security, which will offer incentives for continued life-participation by older persons at least equal to current disincentives.

This bill to provide higher social security benefit increments for those who choose to delay retirement until after 65 in my judgment is an essential step toward this objective.

FIRST YEAR COST AND IMPACT OF SOCIAL SECURITY TAX

Estimated first year cost of this bill to the social security system would be approximately $200 million. Long-range average cost would be approximately 0.21 percent of taxable payroll. While the bill contains no provision for financing, I strongly believe that all additional costs to the social security system should be properly financed from their beginning and I would expect the Committee on Finance to incorporate such language

in the bill before reporting it out for floor action.

Mr. President, I would like to add that these cost estimates do not take into consideration the full impact of numerous financial off-sets. By allowing older workers to remain gainfully employed, I believe that we can reasonably expect to see real savings in the SSI, food stamp, medicare, medicaid, and public assistance programs. In addition, by allowing active older persons to remain participating members in our Nation's work force we can free the resources of the Administration on Aging to meet the social and nutritional needs of the truly disadvantaged elderly.

I would hope that the Senate Finance Committee, of which I am a member, would give this vital legislation its prompt and favorable consideration.

Mr. President, I ask unanimous consent that the text of S. 615 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(w)(1)(A) of the Social Security Act is amended by striking out "one-twelfth" and inserting in lieu thereof "five-ninths".

(b) The amendment made by subsection (a) shall be applicable with respect to determinations under section 202(w)(3) of the Social Security Act for the year 1977 and each year thereafter, except that no monthly old-age insurance benefit payable to an individual under title II of such Act shall be increased, by reason of such amendment, for any month prior to the month following the month in which this Act is enacted.

Mr. CHURCH. Mr. President, I welcome the opportunity to join Senator HANSEN, the ranking minority member of the Committee on Aging, in sponsoring a bill to increase the delayed retirement credit under social security from 1 percent to 6⅔ percent per year for persons working after 65 until 72.

Congress enacted this provision in 1972 in recognition that a person who continues to work beyond age 65 still pays social security tax. But, that individual may not receive any benefits because of the earnings limitation, which is now $3,000 a year for persons under 72 years old.

The delayed retirement credit, it seems to me, makes the social security system more flexible by providing a beneficiary with greater freedom of choice concerning whether to work.

It clearly represents an important step forward for older Americans. But the credit should be improved by raising it to 6⅔ percent per year.

This approach would also be consistent with the treatment of persons electing earlier retirement under social security. Individuals who now claim benefits before age 65 have their monthly payments actuarially reduced by 6⅔ percent for each full year.

As chairman of the Senate Committee on Aging, I strongly believe that older persons should have greater latitude concerning employment options after 65.

Recently I joined Senator DOMENICI in sponsoring legislation to remove the age-65-year limitation for application of the Age Discrimination in Employment Act.

This measure—to increase the delayed retirement credit for social security beneficiaries—would also help to remove a major barrier for older Americans who want to remain active during their later years.

For persons who want or need to work after 65, there would clearly be an incentive. For example, individuals who continue to work until age 72 would increase their social security benefits by 46⅔ percent.

Moreover, employment after 65 may raise their average monthly earnings credited for social security purposes. This in turn can produce additional benefit increases.

It is time that we reverse the trend toward earlier and earlier retirement. In the long run, our Nation is the loser because the experience, talents, and skills of productive Americans are wasted.

I have long maintained that the United States can profit more by advancing comprehensive manpower policies to maximize job opportunities for all Americans, the young as well as the old.

Surely a nation as rich, powerful, and innovative as ours has the capacity to achieve this objective. But what is needed is the strong commitment.

This bill would help to implement that objective by making it clear: Older Americans who want or need to work should be encouraged and not discouraged.

For these reasons, I urge that the delayed retirement credit for social security beneficiaries be increased from 1 percent to 6⅔ percent per year.

By Mr. DOLE:

S. 616. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit based upon the creation of new jobs and increased employment in private industry; to the Committee on Finance.

EMPLOYMENT CREDIT ACT

Mr. DOLE. Mr. President, I am today introducing a bill designed to address the unemployment problem confronting our economy in a new and promising way. The basic policy approach is to provide a tax credit to business as an incentive to increase their employment levels. Mr. President, last April 1, the Senator from Kansas introduced legislation similar in concept but different in detail. In recent months and weeks there has been a growing interest in this approach. Already this year similar legislation has been introduced in the House of Representatives by members of the Ways and Means Committee and in the Senate by members of the Finance Committee and others. There is a simple reason for this groundswell of interest. This policy has the distinct advantage of stimulating production and employment directly and immediately. By effectively reducing employment costs for the producer, this method should affect both employment and inflation favorably.

Because this policy is novel and relatively untried, its effects cannot be precisely predicted based on past experience and data. It is clear, however, that the economic forces and incentives generated are sound. It is my hope that this legislation will receive a full hearing in the context of alternative employment or stimulus proposals. Such consideration can be fair and intelligent only if the employment credit is not judged in the abstract and is not expected to provide a perfect solution. I urge a careful analysis and hearing of the specific proposals put forward here today.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point together with the statement "A New Economic Policy."

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowed) is amended by inserting immediately before section 45 the following new section:

"SEC. 44B. EMPLOYMENT EXPANSION.

"(a) GENERAL RULE.—There shall be allowed, as a credit against the tax imposed by this chapter for the taxable year, the amount determined under subsection (b) for that year.

"(b) DETERMINATION OF AMOUNT.—

"(1) IN GENERAL.—The amount of the credit allowable under subsection (a) for the taxable year is the sum of the amounts determined under paragraphs (2) and (3) for each calendar quarter within the taxable year.

"(2) BASIC AMOUNT.—The amount determined under this paragraph for a calendar quarter is one dollar multiplied by the lesser of—

"(A) the number of new employee hours of employment for the quarter, or

"(B) the number of increased hours of employment for the quarter, or

"(C) 20% of the total hours of employment for the calendar year.

"(3) ADDITIONAL AMOUNT.—The amount determined under this paragraph for a calendar quarter is 50 cents multiplied by the number of new employee hours of employment for the quarter with respect to new employees who were unemployed for more than 26 consecutive weeks immediately preceding their employment by the taxpayer.

"(4) PHASE-OUT AMOUNTS.—

"(A) In lieu of the one dollar and 50 cent amounts set forth in paragraphs (2) and (3), there shall be substituted— 50 cents and 25 cents, respectively, for calendar quarters beginning after December 31, 1978 and before January 1, 1980, and

"(B) If the rate of unemployment for the United States for the calendar quarter ending on December 31, 1977, is below 6 percent, subparagraph (A) shall be applied by substituting "1977" for "1978," "1979" for "1980." For purposes of this subparagraph, the term 'rate of unemployment' means the unemployment rate for the United States calculated as a percentage of the civilian labor force for all individuals 16 years of age and over as determined by the Bureau of Labor Statistics of the Department of Labor.

"(c) DEFINITIONS; SPECIAL RULES.—For purposes of this section—

"(1) NEW EMPLOYEE.—The term 'new employee' means an individual not employed by the taxpayer before January 1, 1977, and, with respect to any calendar quarter, not employed by the taxpayer during the same calendar quarter of the preceding year.

"(2) NEW EMPLOYEE HOURS OF EMPLOYMENT.—The term 'new employee hours of

employment' means the number of hours of employment for which the taxpayer compensates new employees. A new employee whose compensation is not determined on an hourly basis shall be considered, for purposes of this section, to be compensated for not more than 40 hours of employment for each full calendar week he is employed.

"(3) INCREASED HOURS OF EMPLOYMENT.—

"(A) For calendar quarters beginning after December 31, 1976, and before January 1, 1978, the term 'increased hours of employment' means the number by which—

"(i) the total number of hours of employment for which the taxpayer compensates his employees during a calendar quarter exceeds

"(ii) such total number for the calendar quarter ending on December 31, 1976.

"(B) For calendar quarters beginning after December 31, 1977, such term means the number by which—

"(i) the total number of hours of employment for which the taxpayer compensates his employees during a calendar quarter exceeds such total number for the same calendar quarter of the preceding calendar year, plus

"(ii) 50 percent of the number of hours taken into account for purposes of making the determination under paragraph (A) for the same calendar quarter of the preceding calendar year.

"(C) In the case of a trade or business determined by the Secretary, after consultation with the Secretary of Labor, to experience significant seasonal fluctuations of employment, subparagraph (A) shall not apply and subparagraph (B) shall apply to calendar quarters beginning after December 31, 1976.

"(d) TREATMENT OF EXCESS CREDIT.—

"(1) ANNUAL LIMIT.—The amount of the credit allowed under subsection (a) for the taxable year may not exceed the liability of the taxpayer for the tax imposed under this chapter for that taxable year.

"(2) APPLICATION WITH OTHER CREDITS.—For purposes of paragraph (1), the liability for tax for the taxable year shall be the tax imposed by this chapter for that year reduced by the sum of the credits allowable under—

"(A) section 33 (relating to foreign tax credit),

"(B) section 37 (relating to credit for the elderly),

"(C) section 38 (relating to investment in certain depreciable property),

"(D) section 40 (relating to expenses of work incentive programs),

"(E) section 41 (relating to contributions to candidates for public office),

"(F) section 42 (relating to general tax credit),

"(G) section 44 (relating to purchase of new principal residence), and

"(H) section 44A (relating to expenses for household and dependent care services necessary for gainful employment).

"(3) CARRYOVER AND CARRYBACK OF EXCESS AMOUNTS.—If the amount of the credit determined under subsection (a) for any taxable year exceeds the limitation provided by paragraph (1) of this subsection for such taxable year (hereinafter in this section referred to as the 'unused credit year'), such excess shall be—

"(A) a credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(B) a credit carryover to each of the 7 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by subsection (a) for such years, except that such excess may be a carryback only to a taxable year ending after December 31, 1976. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 10 taxable years to which (by reason of subparagraphs (A) and (B)) such credit may be carried, and then to each of the other 9 taxable years to the extent that such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(4) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the purposes of this section.".

(b) (1) Section 56(c) of such Code (relating to definition of regular tax deduction) is amended—

(A) by striking out "and" at the end of paragraph (7),

(B) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a comma and the word "and", and

(C) by adding at the end thereof the following new paragraph:

"(9) section 44B (relating to employment expansion).".

(2) Section 6096(b) of such Code (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44A" and inserting in lieu thereof "44A, and 44B".

(c) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting immediately before the item relating to section 45 the following new item:

"Sec. 44B. Employment expansion.".

SEC. 2. The amendments made by this Act apply with respect to taxable years beginning after December 31, 1976.

A NEW ECONOMIC POLICY

The U.S. economy is in need of innovative economic policy. More than ever before, the current situation calls for a policy that is both expansionary and anti-inflationary. An employment tax credit is such a policy. More specifically, Federal payment of part of the wages for additional workers hired by private employers provides the incentive to accelerate hiring and the means to shave price increases.

Here's how it works. On a day-to-day basis, any thousands of firms are on the verge of critical decisions—whether to hire a few more workers to increase production and sales, whether to raise prices to try to maintain or improve profit margins, whether to hold tight. By reducing the effective cost of additional workers, by essentially paying part of the wages of added employees, a wage subsidy can sway these decisions in favor of more jobs and fewer price increases. It is thus both expansionary and anti-inflationary. The credit and the incentive are tied directly to increased employment.

If this simple policy will give more jobs and less inflation, why is it still just an idea? The answer, it would seem, is that the country has not really been pressed to seek innovative economic policies. Previous recoveries have been launched from much lower rates of inflation. Combined with the assurances of some economists that economic stimulus in times of high unemployment cannot cause inflation, this has been sufficient to secure the position of the conventional economic policy tools. We are now in a very different situation. With a 5 to 6 percent rate of inflation, assurances that we need not worry about inflation when instituting an expansionary policy are not very convincing to many legislators.

In addition to the lack of urgency, several criticisms of the wage subsidy have been raised and have stood in the way of serious consideration. These reservations are based on misunderstandings and hasty analysis or can be overcome by program design. The following discussion may help to clear away these doubts.

First, by rewarding only employment above a very recent base level, the "dead weight" tax loss or windfall associated with employment that would have occurred anyway is minimized. While this cost cannot be entirely eliminated without complicating the program unreasonably, the employment tax credit remains far more cost-effective—in terms of cost to the Federal Government per job added to the economy—than any expansionary alternative. Moreover, the jobs are in the private sector with workers receiving full wages.

Other stimulative economic policies that are seldom questioned also involve substantial "windfalls" of some kind or in some sense. Is there any doubt, for instance, that business profits will increase as the economy responds to the spending of a personal tax reduction, be it a permanent one or a rebate? Is it not clear that many individuals receive a tax break who would have spent just as much for consumption anyway? Doesn't the investment tax credit provide benefits for a vast amount of investment that would have taken place anyway? The 2 percent increase in the investment tax credit proposed by the administration is by this standard mostly "windfall".

Second, some evaluations of the investment tax credit have relied on economic models that are not designed to readily reflect the effects of this novel policy. Implemented in a period of excess labor and capital capacity, most employers need only put together idle labor with idle capital. Firms need only move toward more normal levels of operation sooner than they might otherwise. Success of the employment tax credit does not require a permanent shift in the mix of labor and capital use or an associated decline in productivity. For increased sales to be realized, there is no need for prices to fall, only some moderation of price increases.

Third, administered in the form of a tax credit to employers, the dark connotations now widely associated with tax credits are not deserved. The credit is, after all, directly dependent on increased employment.

Finally, while some industries or labor groups may benefit more than others, such is the nature of change in any economic recovery. The essential effect of a general employment tax credit is merely to accelerate the recovery process.

EMPLOYMENT TAX CREDIT SUMMARY

1. Tax credit equal to $1.00 per hour. Amounts to roughly $2,000 per year per added full-time employee.

Effective percentage credit ranges from 40% for minimum wage earners to 20% for average wage earners.

Additional $.50 per hour credit for hiring of persons unemployed for more than 26 weeks.

Total tax credit eligibility for any employer limited to 20% of employees.

2. Based only on incerase in number of people employed and increased hours of labor used by each employer above 1976:4 base level.

Special base for high unemployment regions allowing credit for employment above 90% of 1976:4 levels.

3. Based on a computer model simulaton,

Total employment increased 600,000 to 1 million after 4 to 5 quarters.

Real growth increased by 1.3 to 1.6 percent ($18–$23 billion fo real GNP).

Inflation rate reduced by 1.5 percent.

Unemployment rate reduced by .6 to .9 percent.

4. Total employer tax credits estimated $2 billion in FY 77; 6 to 9 billion in FY 78.

Substantial offsetting increases in income tax revenues and reductions in unemployment-related expenditures.

5. Applies temporary (1–2 years) tax credit to encourage more rapid economic recovery and employment gains. Primarily a temporary stimulus program. Most effective in

environment of increasing demand. To accompany general fiscal stimulus through personal tax reduction.

Cooperative effort of business, labor and government. Employment response immediately at initiative of employer with no bureaucratic delays.

Promotional and placement assistance through existing Department of Labor programs, including state employment services and CETA training sponsors for permanent job placement. Also, Commerce Department, National Alliance of Businessmen, and other organizations.

6. Can be viewed as alternative to increased direct Government jobs programs (e.g., CETA or Public Works).

Can be viewed as (part of) business tax cut portion of tax cut stimulus package. Superior to other tax credit devices because related directly to jobs and to increases in employment.

Motivate employers to hire more workers and to retain current workers; can encourage payment of somewhat higher wages. Reduce labor market layoffs, long-term unemployment, and job turnover and job search time.

By Mr. INOUYE:

S. 617. A bill to amend the CHAMPUS program provided for under chapter 55 of title 10, United States Code, in order that the services of a qualified professional psychiatric nurse may be provided under such program without a requirement that such services be specified by a physician; and

S. 618. A bill to amend the CHAMPUS program provided for under chapter 55 of title 10, United States Code, in order that the services of a licensed registered nurse may be provided under such program without a requirement that such services be specified by a physician; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, I am introducing two bills today which expand the scope of the present Civilian Health and Medical Program of the Uniformed Services—CHAMPUS.

The present CHAMPUS program provides health care for dependents and other beneficiaries of our military personnel. Approximately 9.5 million people are eligible for some form of health care on military facilities on a space available basis. About half of the total in patient health care and 10 percent of outpatient services are provided through the CHAMPUS program. Under CHAMPUS, hospitals in the civil sector who perform medical services for military personnel are reimbursed by the Defense Department for a portion of the care.

The bills I introduce today expand the reimbursement coverage of civilian hospitals to include services performed by: first, licensed registered nurses and; second, qualified professional psychiatric nurses. At present, reimbursement through the CHAMPUS program can be obtained only if services are rendered by qualified physicians or psychologists. As a result, nursing services are not reimbursed under the present CHAMPUS program.

Costs for the program have increased substantially over the past few years. In 1968 the cost for the program totaled $167 million and increased to a projected $582 million for this year.

One of the reasons for the increase in cost has been the traditional excessive reliance on using highly trained personnel—for example, physicians and psychologists—where the effective use of other trained personnel — that is, nurses—would have been equally satisfactory.

Both of these bills should assist the Department toward its goal in reducing much of the inefficiency in the present system by, in effect, promoting better health care for our military personnel through the more appropriate utilization of our health care personnel.

The profession has been rapidly broadening its traditional role. In some rural clinics, nurses have proved that they can handle up to 80 percent of health problems encountered within their community.

While the scope of nursing knowledge and expertise has increased significantly over the past few years, the preconception of nurses as mere handmaidens to the physician still remains with us. The nursing profession today consists of very qualified, trained individuals who are able to function, oftentimes performing life or death services, without the aid of a physician. It is ironic that although we try to better our health care services and reduce medical costs by cutting corners we neglect to tap our valuable nursing resource.

I believe that the need for and the benefits of inclusion of nursing services in the CHAMPUS program are more than apparent. I hope that my colleagues will join me in moving for action on this legislation.

Mr. President, I ask unanimous consent that the text of both bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 617

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1072 of title 10, United States Code, is amended by adding at the end thereof a new paragraph as follows:

"(3) 'Qualified professional psychiatric nurse' means an individual who is—

"(A) licensed to practice psychiatric nursing in the State where licensed;

"(B) holds a master's degree in psychiatric nursing or a related field from an accredited educational institution; and

"(C) is certified as a psychiatric nurse by the duly recognized professional nurses organization.

Such term also means an individual who has the qualifications prescribed in clauses (A) and (C) but not those prescribed in clause (B), so long as any psychiatric nursing functions performed by such individual are performed under the supervision of an individual who has the qualifications prescribed in clauses (A), (B), and (C).".

SEC. 2. Section 1079(a) of title 10, United States Code, is amended by (1) striking out the period at the end of clause (5) and inserting in lieu thereof a semicolon and the word "and", and (2) adding after such clause (5) a new clause as follows:

"(6) the services of a qualified professional psychiatric nurse may be provided without any requirement that such services be prescribed by a physician or that such a nurse be referred, assigned, or supervised by a physician.".

S. 618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1079(a) of title 10, United States Code, is amended by (1) striking out the period at the end of clause (5) and inserting in lieu thereof a semicolon and the word "and", and (2) adding after such clause (5) a new clause as follows:

"(6) the services of a licensed registered nurse may be provided without any requirement that such services be prescribed by a physician or that such a nurse be referred, assigned, or supervised by a physician.".

By Mr. INOUYE:

S. 619. A bill to require the disclosure of information relating to reports prepared for exclusive agencies by experts or consultants; to the Committee on Government Operations.

Mr. INOUYE. Mr. President, as part of our continuing efforts to provide a more open government we have enacted laws for Freedom of Information, Government in the Sunshine, campaign finance disclosure, and established the Federal Elections Commission. We have in recent years passed various disclosure laws such as the Truth-in-Lending and Truth-in-Labeling Acts.

Today, I rise to introduce another disclosure bill which affects us in many ways as both Members of Congress and American citizens.

Many of the decisions we make and the opinions we form are based upon studies we read, produced by the Federal Government. We assume that a report issued by a Government agency represents the collective wisdom of the career officers in that agency who have developed considerable expertise in the execution of their work.

Unfortunately, sometimes this is not the case. These Government officials are often too busy to devote time to research and writing. Instead, outside consultants and experts are hired to prepare studies which are subsequently released for public consumption. I believe that all Government reports like medicine and foods should be labeled so that we, in Congress and the American public, can have an opportunity to know what we are going to digest before we swallow it.

The purpose of this bill is to make every Government agency that issues a report, be it a document, film or recording, state who actually prepared it if it was not prepared by personnel of that agency. In this way we consumers of information will have a better idea of the real source of Government-disseminated information.

In addition, the bill calls for disclosure of the amount of the contract, the compensation, and the salary levels of the principal experts or consultants who worked on the report. Too often, some agencies have permitted travesties in funding contracts far beyond the value of the report to be produced. One has only to look at my distinguished colleague from Wisconsin's Golden Fleece Award for January. Apparently one agency has spent $45,000 to find out how long it

takes to cook breakfast. Another $90,000 is contemplated to find out how long it takes to cook lunch and dinner. If each report contracted by a Government agency had to disclose how much it cost and what the salary level of the principal investigator was, much abuse might be avoided. I am sure that many agencies would think twice about okaying contracts if the subsequent reports were to state what the cost of the contract was and the salaries paid to the investigator.

Finally, this bill will force disclosure of the type of bidding used to let the contracts. Too often sweetheart deals are permitted, because of the supposed sole-source competence of one firm. Too often cost-plus contracts allow a supposedly lowest-cost bidder to escalate the final price far beyond their competitors' original bids. Publishing the type of contracting used in each report will permit the public and the competition to be aware of what contracting procedures were used and allow them to challenge any inequities they perceive.

Mr. President, this bill is one more measure, like those we have enacted in recent years, to make our Government more open and more deserving of the faith the American people have entrusted to us. In itself, it will not dramatically changed the nature of Government operations but it will be one more step in our continuing efforts to make our Government more open and responsive to the American people.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Reports Authorship Disclosure Act of 1977".

SEC. 2. (a) For the purposes of this Act, the term—

(1) "agency" means any authority in the executive branch of the Government of the United States;

(2) "expert or consultant" means any individual who is not an official, officer, or employee of the United States Government or any organization consisting of two or more such individuals; and

(3) "report" means a document, film, or recording which is prepared by an expert or consultant pursuant to a contract or purchase order with an agency, and which is submitted (A) to such agency, or (B) on behalf of such agency, to any other authority of the United States Government.

(b) Any document, film, or recording which is published, distributed, or transmitted by any agency and which consists of, in whole or in part, information or other matter derived from any report which was submitted to such agency pursuant to a contract between any agency and an expert or consultant which was initially awarded for the preparation of that document, film, or recording shall include—

(1) the name and address of the experts or consultants who prepared or contributed to such report;

(2) the duration and the beginning and closing dates, if available, of the contract pursuant to which such report was prepared;

(3) the total amount to be paid by such agency under such contract, including the annual salary level and total compensation paid to the principal experts or consultants (not to exceed five persons);

(4) the name of the agency to which such report was submitted and the name of the officer or employee who awarded such contract; and

(5) the type of procurement which was used prior to the award of any such contract.

By Mr. RANDOLPH (for himself, Mr. FORD, and Mr. HUDDLESTON):

S. 620. A bill to establish university coal research laboratories and to establish energy resource fellowships, and for other purposes; to the Committee on Interior and Insular Affairs.

SENATOR RANDOLPH INTRODUCES COAL RESEARCH LABORATORY AND ENERGY FELLOWSHIP ACT OF 1977

Mr. RANDOLPH. Mr. President, Americans are conscious of the benefits the United States has derived from its natural resources. Our energy resources have been fundamental to our Nation's industrial development.

Our coal is the most abundant in the world. Coal comprises 90 percent of the energy resources of the United States, or one-half of the world's proven reserves.

Despite this vast wealth coal accounts for only 17 percent of our annual energy consumption. However, the problems surrounding increased coal production and utilization are formidable.

Nevertheless, the Nation's coal reserves must be used to fill the energy supply gap created by declining domestic petroleum and natural gas production. But coal cannot be developed without trained professional and technical manpower. Coal cannot be utilized in an environmentally and socially acceptable manner unless we first train the professional people needed in large numbers. We need a crash program.

The coal industry and labor estimate that an additional 180,000 to 200,000 workers will be needed between 1975 and 1985. This compares to 192,000 employed in the coal industry in 1975.

Upwards of 22,000 engineers and technicians will be requirec by the coal industry during the next decade. These numbers point to the tremendous burden being placed on the coal industry.

The challenge is to supply the research scientists, trained engineers and technicians needed to improve production techniques and other coal-related problems. The present supply of mining engineers and technicians entering the labor force is not even sufficient to take care of our current mining activities.

The 18 accredited mining engineering departments in the country produced—in the past 19 years—only some 3,400 graduates. The 1975 requirement for mining engineers was estimated at approximately 1,000 people. The number of mining engineers to graduate during that year was some 365. Two-thirds of the essential talent was not available.

For these reasons I introduce the Coal Research Laboratory and Energy Fellowship Act of 1977. This legislation recognizes the importance of research on coal conversion technology and associated environmental problems. In addition, it provides for graduate study and research in those areas of applied science and engineering related to the production, conservation and utilization of fuels and energy.

The measure would authorize establishment of 10 coal research laboratories in institutions of higher learning. These laboratories would be designated by the Administrator of the Energy Research and Development Admiinstration with provisions for Federal funding for both construction and operation of the labs. The bill would provide more than 3,000 energy resource graduates for each of the next 5 years. The fellowships will not exceed $8,000 per year. The stipends would be for graduate study and research in areas of applied science and engineering related to the production, conservation, and utilization of fuels and energy.

Appropriations are authorized for the coal research laboratories in the amount of $170 million for the first fiscal year and $50 million for 5 succeeding fiscal years. The graduate fellowship program is in the amount of $36 million per year for 5 fiscal years.

This measure is cosponsored by Senators FORD and HUDDLESTON.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 101. That this Act may be cited as the "Coal Research Laboratory and Energy Fellowship Act of 1977".

SEC. 102. The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901, et seq.) is amended by adding at the end thereof the following new sections:

"UNIVERSITY COAL RESEARCH LABORATORIES

"SEC. 20. (a) As used in this section—

"(1) the term 'coal laboratory' means a university coal research laboratory established and operated pursuant to subsections (b) and (d) of this section;

"(2) the term 'institution of higher education' means any such institution as defined by section 1201(a) of the Higher Education Act of 1965; and

"(3) the term 'Director' means Director of the National Science Foundation.

"(b) ESTABLISHMENT OF LABORATORIES.—(1) The Administrator, in consultation with the Director, shall, within one year of enactment of the Coal Research Laboratory and Energy Fellowship Act of 1977, designate ten institutions of higher education at which university coal research laboratories will be established and operated.

"(2) In making designations under this subsection, the Administrator shall consider the following criteria:

"(A) The institution of higher education shall be located in a State with abundant coal reserves.

"(B) The institution of higher education shall have experience and expertise in several areas of coal research, and a currently active program in coal research.

"(C) The institution of higher education shall have the capacity to establish and operate the coal research laboratory to be assisted under this section.

"(3) Not more than one coal laboratory

established pursuant to this title shall be located in a single State.

"(4) The Administrator shall establish a period, not in excess of one hundred and eighty days after the date of enactment of the Coal Research Laboratories and Energy Fellowship Act of 1976, for the submission of applications for designation under this section. Any institution of higher education desiring to be designated under this section shall submit an application to the Administrator in such form, at such time, and containing or accompanied by such information as the Administrator may reasonably require. Each application shall, at a minimum:

"(A) describe the facilities to be established for coal energy resources and conversion research and on related manpower, health and safety, community development, and environmental problems including facilities for interdisciplinary academic research projects by the combined efforts of mining engineers, mineral engineers, geochemists, mineralogists, mineral economists, fuel scientists, combustion engineers, mineral preparation engineers, coal petrographers, geologists, chemical engineers, civil engineers, mechanical engineers, labor economists, industrial economists, sociologists, regional planners, and ecologists;

"(B) set forth a program for the establishment of a laboratory for coal characterization and for coal labor market, manpower training, health and safety, and community research which, in addition, may be used as a vehicle for exchange of coal research with representatives of labor, private industry, and State government;

"(C) set forth a program for providing research and development activities for students engaged in advanced study in disciplines which are related to the development of adequate coal and coal-related energy supplies in the United States. The research laboratory shall be associated with an ongoing educational and research program on extraction and utilization of coal and its related manpower, health and safety, community development, and environmental problems.

"(c) FINANCIAL ASSISTANCE.—(1) The Administrator is authorized to make grants to any institution of higher education designated under section (b) of this section to pay the Federal share of the cost of establishing (including the construction of such facilities as may be necessary) and maintaining a coal laboratory.

"(2) Each institution of higher education designated pursuant to subsection (b) of this section shall submit an application to the Administrator. Each such application shall—

"(A) set forth the program to be conducted at the coal laboratory which includes the purposes set forth in paragraph (b)(2) of this section;

"(B) provide assurances that the university will pay from non-Federal sources the remaining costs of carrying out the program set forth;

"(C) provide such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds received pursuant to this section;

"(D) provide for making an annual report which shall include a description of the activities conducted at the coal laboratory and an evaluation of the success of such activities, and such other necessary reports in such form and containing such information as the Administrator may require, and for keeping such records and affording such access thereto as may be necessary to assure the correctness and verification of such reports; and

"(E) set forth such policies and procedures as will insure that Federal funds made available under this subsection for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for the purposes of the activities set forth in paragraph (b)(4) of this section, and in no case supplant such funds.

"(d) LIMITATION ON PAYMENTS.—(1) No institution of higher education may receive more than $10,000,000 for the construction of its coal research laboratory, including initially installed fixed equipment, nor may it receive more than $5,000,000 for initially installed movable equipment, nor may it receive more than $2,000,000 for new program startup expenses.

"(2) No institution of higher education may receive more than $3,000,000 per year from the Federal Government for operating expenses.

"(e) PAYMENTS.—(1) From the amounts appropriated pursuant to subsection (h) of this section, the Administrator shall pay to each institution of higher education having an application approved under this section an amount equal to the Federal share of the cost of carrying out that application. Such payments may be in installments, by way of reimbursement, or by way of advance with necessary adjustments on account of underpayments or overpayments.

"(2) The Federal share of operating expenses for any fiscal year shall not exceed 50 per centum of the cost of the operation of coal research laboratory.

"(f) ADVISORY COUNCIL ON COAL RESEARCH.—(1) There is established an Advisory Council on Coal Research which shall be composed of—

"(A) the administrator, who shall be Chairman;

'(B) the Director of the National Science Foundation;

"(C) the Director of the Bureau of Mines of the Department of the Interior;

"(D) the President of the National Academy of Sciences;

"(E) the President of the National Academy of Engineering;

"(F) the Director of the United States Geological Survey;

"(G) the Administrator of the Environmental Protection Agency; and

"(H) six members appointed by the Director from among individuals who, by virtue of experience or training, are knowledgeable in the field of coal research and mining, and who are representatives of institutions of higher education, industrial users of coal and coal-derived fuels, the coal industry, labor, and institutions concerned with the preservation of the environment.

"(2) The Advisory Council shall advise the Administrator with respect to the general administration of this section, and furnish such additional advice as he may request.

"(3) The Advisory Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this section) to the President not later than January 1 of each calendar year. The President shall transmit each such report to the Congress.

"(4)(A) Members of the Council who are not regular officers or employees of the United States Government shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the Administrator, but not exceeding the daily rate prescribed for GS–18 of the General Schedule under section 5332 of title 5, United States Code, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(B) Members of the Council who are officers or employees of the Government shall be reimbursed for travel subsistence, and other necessary expenses incurred by them in carrying out their duties on the Council.

"(5) Whenever a member of the Council appointed under clauses (A) through (F) of this subsection is unable to attend a meeting, that member shall appoint an appropriate alternate to represent him for that meeting.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated not to exceed $170,000,000 for the fiscal year ending September 30, 1977 (including the cost of construction, equipment, and startup expenses), and $30,000,000 beginning with the fiscal year 1978 each fiscal year thereafter through the fiscal year ending June 30, 1982, to carry out the provisions of this section.

"(h) The Administrator shall establish an Appalachian National Energy Laboratory at an appropriate facility operated by a Federal agency within Appalachia for the purposes of development and implementation of a comprehensive plan for energy research, development, and demonstration on new technologies applicable to the energy resources of Appalachia for the achievement of the purposes of the Federal Nonnuclear Energy Research and Development Act of 1974. Such plan shall be consistent with the comprehensive plan for nonnuclear energy research, development, and demonstration transmitted pursuant to section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 50–5905).

"ENERGY FELLOWSHIPS

"SEC. 21. (a)(1) The Administrator is authorized to award under the provisions of this section not to exceed three thousand fellowships for the fiscal year ending September 30, 1978, and each of the four succeeding fiscal years. Fellowships shall be awarded under the provisions of this section for graduate study and research in those areas of applied science and engineering that are related to the production, conservation, transportation, and utilization of fuels and energy, and associated social and environmental concerns. Fellowships shall be awarded to students in programs leading to master or doctorate degrees. Such fellowships may be awarded for graduate study and research at any institution of higher education, library, archive, or any other research center approved by the Administrator, in consultation with the Commissioner of Education.

"(2) Such fellowship shall be awarded for such periods as the Administrator may determine, but not to exceed two years for a master degree candidate and not to exceed four years for a doctorate degree or the equivalent candidate.

"(3) In addition to the number of fellowships authorized to award fellowships equal to the number previously awarded during any fiscal year under this section but vacated prior to the end of the period for which they were awarded; except that each fellowship awarded under this paragraph shall be such period of graduate or research, not in excess of the remainder of the period for which the fellowship which it replaces was awarded as the Administrator may determine.

"(b) Recipients of fellowships under this section shall be—

"(1) persons who have been accepted by an institution of higher education for graduate study leading to an advanced degree or for a professional degree, and

"(2) persons who plan a career in the field of energy resources and conservation, production, or utilization.

"(c) In awarding fellowships under the provisions of this section, the Administrator shall endeavor to provide equitable distribution of such fellowships throughout the Nation, except that the Administrator shall give special attention to institutions of higher education, libraries, archives, or other

research centers which have a demonstrated capacity to offer courses of study or research in the field of energy resources and conservation and conservation and related disciplines. In carrying out his responsibilities under this subsection, the Administrator shall take into consideration the projected need for highly trained engineers and scientists in the field of energy resources.

"(d)(1) Each person awarded a fellowship under this section shall receive a maximum stipend of $8,000 for each academic year of study, except that such stipend may be employed to supplement but not supplant sources up to such maximum. An additional financial assistance funded from other amount of $500 for each such calendar year of study shall be paid to such person on account of each of his dependents.

"(2) In addition to the amount paid to persons pursuant to this subsection, there shall be paid to the institution of higher education at which each such person is pursuing his course of study, $4,000 less any amount charged such person for tuition.

"(e) No fellowship shall be awarded under this section for study at a school or department of divinity. For the purpose of this subsection, the term 'school or department of divinity' means an institution or department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

"(f)(1) A person awarded a fellowship pursuant to this section shall continue to receive the payments provided in subsection (d)(1) of this section only during such periods as the Administrator finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employmet other than part-time employment in teaching, research, or similar activities, approved by the Administrator.

"(2) The Administrator shall require reports containing such information in such forms and to be filed at such times as he determines necessary from each person awarded a fellowship under the provisions of this section. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive or other research center approved by the Administrator, stating that such person is making satisfactory progress in, and is devoting essentially full time to, the research for which the fellowship was awarded.

"(g) There are authorized to be appropriated $36,000,000 for the fiscal year ending September 30, 1978, and for each of the four succeeding fiscal years. For payments for the initial awarding of fellowships awarded under this section there are authorized to September 30, 1978, and for each of the four be appropriated for the fiscal year ending September 30, 1978, and for each of the four succeeding fiscal years, such sums as may be necessary in order that fellowships already awarded might be completed."

ADDITIONAL COSPONSORS

S. 12

At his own request, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 12, a bill to extend the rural community fire protection program and for other purposes.

S. 31

At the request of Mr. DOMENICI, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 31, a bill to amend the Gun Control Act of 1968 to provide for separate offense and consecutive sentencing in felonies involving the use of a firearm.

S. 107

At the request of Mr. PEARSON, the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of S. 107, dealing with reform of veterans' pensions.

S. 126

At the request of Mr. CRANSTON, the Senator from Arizona (Mr. DECONCINI), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 126, to reduce the hazards of earthquakes and for other purposes.

S. 174

At the request of Mr. CLARK, the Senator from Missouri (Mr. DANFORTH) and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors of S. 174, to amend the United Nations Participation Act.

S. 179

At the request of Mr. BELLMON (on behalf of Senator Bartlett), the Senator from North Dakota (Mr. YOUNG), the Senator from South Carolina (Mr. THURMOND), the Senator from Arizona (Mr. GOLDWATER), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 179, to amend the Occupational Safety and Health Act of 1970.

S. 180

At the request of Mr. BELLMON (on behalf of Senator Bartlett), the Senator from North Dakota (Mr. YOUNG), the Senator from South Carolina (Mr. THURMOND), the Senator from Montana (Mr. MELCHER), the Senator from Arizona (Mr. GOLDWATER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Wyoming (Mr. HANSEN), and the Senator from New Mexico (Mr. SCHMITT) were added as cosponsors of S. 180, to amend the Occupational Safety and Health Act of 1970.

S. 237

At his own request, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 237, to amend the tariff schedules of the United States.

At the request of Mr. BARTLETT, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 237, supra.

S. 239

At the request of Mr. BARTLETT, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 239, to amend Public Law 88-482.

S. 247

At the request of Mr. GOLDWATER, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 247, to provide recognition to the Women's Air Forces Service Pilots.

S. 265

At the request of Mr. MCINTYRE, the Senator from New Hampshire (Mr. DURKIN), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 265, the Elderly and Handicapped Persons Transportation Act of 1977.

S. 288

At the request of Mr. PEARSON, the Senator from Michigan (Mr. RIEGLE), was added as a cosponsor of S. 288, to amend title II of the Social Security Act.

S. 297

At the request of Mr. PACKWOOD, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 297, a bill to require the wholesomeness and labeling of imported meat and dairy products.

S. 311

At the request of Mr. ROTH, the Senator from Maryland (Mr. MATHIAS) and the Senator from Oregon (Mr. PACKWOOD) were added as cosponsors of S. 311, the College Tuition Tax Relief Act of 1977.

S. 369

At the request of Mr. INOUYE, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 369, a bill to amend the Tariff Act.

S. 398

At the request of Mr. PEARSON, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 398, the Emergency Construction Trades Employment and Airport Development Act.

S. 469

At the request of Mr. RANDOLPH, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 469, to establish the National Academy of Peace and Conflict Resolution.

S. 491

At the request of Mr. BURDICK, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 491, to authorize the restoration of the Fort Union Trading Post National Historic Site.

S. 543

At the request of Mr. PELL, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 543, a bill to amend title VII of the Social Security Act.

S. 551

At the request of Mr. HUMPHREY, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 551, a bill to provide for grants to States for the payment of compensation to persons injured by certain criminal acts and omissions, and for other purposes.

S. 567

At the request of Mr. THURMOND, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of S. 567, to prohibit the distribution of food stamps in certain instances.

S. 575

At the request of Mr. PEARSON, the Senator from Florida (Mr. STONE) was added as a cosponsor of S. 575, to amend section 236 of the National Housing Act.

SENATE CONCURRENT RESOLUTION 9—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO MORTGAGE INSTRUMENTS

(Referred to the Committee on Banking, Housing and Urban Affairs).

Mr. TOWER (for himself and Mr. CRANSTON) submitted the following concurrent resolution:

S. CON. RES. 9

Whereas State-chartered savings and loan associations in certain States are allowed to offer variable-rate and other flexible mortgages to the public, while Federal savings and loan associations under existing regulations are not;

Whereas Federal savings and loan associations would be able to remain more competitive in attracting and retaining deposits during periods of high interest rates by being able to offer a wide variety of flexible mortgage instruments to the public, thereby lessening the adverse impact of high interest rates on the home construction industry; and

Whereas home ownership will be greatly enhanced for potential mortgage borrowers if they can choose from a wide variety of mortgage designs that best fit their particular financial needs and expectations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

That it is the sense of the Congress that—

(1) the Federal Home Loan Bank Board should adopt regulations permitting Federal savings and loan associations to offer a wide variety of flexible mortgage instruments (including variable rate mortgages) in States where State-chartered savings and loan associations are permitted to offer variable-rate or other types of flexible mortgages to the public;

(2) the Federal Home Loan Bank Board may adopt regulations authorizing an experimental program for allowing Federal savings and loan associations in other States to offer a wide variety of flexible mortgage instruments (including variable rate mortgages) to the public;

(3) the Federal Home Loan Bank Board shall take into account appropriate consumer safeguards, the existing competitive environment, and the needs of Federal savings and loan associations in adopting any regulations which allow Federal savings and loan associations to offer a wide variety of flexible mortgage instruments to the public; and

(4) the Federal Home Loan Bank Board shall report to Congress, one year following adoption of such regulations, on the use of a wide variety of flexible mortgage instruments by Federal savings and loan associations, and the impact which they have had on homebuyers, Federal savings and loan associations, the flow of funds into housing and such other matters as the Board may deem appropriate.

Mr. TOWER. Mr. President, I am submitting legislation today, for myself and Senator CRANSTON, that would stabilize the flow of funds into housing during periods of tight money and allow thrift institutions to design mortgage instruments that more closely meet the needs of potential homebuyers.

This legislation would authorize the use of a wide variety of flexible mortgage instruments by Federal savings and loan associations. It is needed because the standard, fixed-payment mortgage contract is ill-suited for an economy that experiences recurring bouts of rapid inflation and high interest rates. It is also needed because the fixed-rate mortgage contract is not flexible enough to meet the needs of a wide variety of individuals seeking home financing. This legislation is needed also because the Federal Home Loan Bank Board will not authorize the use of variable rate mortgages or other flexible mortgage instruments without approval from Congress, although it could under its existing regulatory authority.

If savings and loan associations, along with other depository institutions, were to offer a wide variety of flexible mortgage instruments to the public, our Nation's financial system could be expected to operate more efficiently and equitably in the future.

The issue of alternative mortgage instruments for depository institutions has received a great deal of attention in recent years, and interest continues to grow.

In 1971, the President's Commission on Financial Structure and Regulation—the Hunt Commission—recommended that the Secretary of Housing and Urban Development and the Administrator of Veterans' Affairs authorize variable rate mortgage options for FHA-insured and VA-guaranteed mortgage loans. The Commission also recommended that a number of consumer safeguards be established for variable rate mortgages, including a full explanation of the terms to borrowers, the offer of an alternative fixed rate mortgage, limits to a permissible rate change, a publicly announced index for basing rate changes, and opportunity for refinancing without penalty.

In 1972, the Federal Reserve published the results of a thorough examination of the housing market, entitled "Ways to Moderate Fluctuations in Housing Construction." It addressed several chapters to the issue of variable rate mortgages both here and abroad.

In January 1975, the Federal Reserve Bank of Boston, the Department of Housing and Urban Development, and the Federal Home Loan Bank Board sponsored a conference dealing entirely with the issue of alternative mortgage instruments. This conference produced a number of innovative and refreshing approaches to new mortgage forms, all of which are described in "New Mortgage Designs for Stable Housing in an Inflationary Environment."

Also in 1975, the Home Loan Bank Board published a proposed regulation authorizing Federal savings and loan associations to make variable rate mortgage loans on residential properties. The Senate Committee on Banking, Housing and Urban Affairs held hearings on the Board's proposed regulations shortly thereafter. Hearings on the Board's proposal were also held in the House.

In early May of that year, the House of Representatives adopted a bill (H.R. 6209) prohibiting the Bank Board from implementing its variable rate mortgage proposal unless and until authorized by Congress. A similar bill (S. 1734) was introduced in the Senate shortly thereafter.

The Senate Banking Committee considered both bills on May 22, and agreed to report a concurrent resolution (S. Con. Res. 45) as an alternative to those two bills. It passed the Senate in early June 1975. The resolution expressed the sense of the Congress that the Federal Home Loan Bank Board refrain from authorizing variable rate mortgages unless and until authorized by the Congress.

Although both Houses indicated disapproval of variable rate mortgages, the Senate Banking Committee did leave the door open for further consideration of variable-rate and other flexible mortgage instruments in the future. Its report accompanying the resolution of disapproval stated the following:

In assessing the need for such a law, the committee would expect and welcome additional evidence from the Bank Board and from other interested parties on the advantages and disadvantages of the VRM concept and the appropriate consumer safeguards which might be incorporated in any VRM proposal. In this regard, the committee encourages the Board and other interested groups to consider a wider variety of proposals for VRM's. The committee was made aware of several alternatives during the hearings. Among the most interesting alternatives was the proposed formula for sharing the risk of rising market rates between lenders, borrowers and the Government. Another alternative would be the so-called low-start or graduated payment mortgages which are initiated with small monthly payments that increase over time. On the other hand, it may be useful to have mortgage plans which permit large payments initially but decline over time. Finally, there is the possibility of combining both the fixed and variable rate features wthin a given mortgage package. Indeed, the public may better be served by a wide variety of mortgage plan options designed to fit the needs of borrowers while at the same time granting increased flexibility to mortgage-lending institutions.

Last year, the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking, Housing and Urban Affairs held 3 days of hearings on the development of new types of mortgage market instruments. The hearings focused on legislative proposals to authorize lenders to offer a variety of alternatives to the standard fixed-rate, level payment mortgage loan.

Of particular interest in those hearings was the variable rate mortgage where the rate of interest varies according to some index related to market interest rates in general, and the graduated payment mortgage where the rate of interest is fixed but the monthly payment gradually increases over the life of the loan.

The variable rate mortgage is but one of various forms in which the mortgage instrument could be made more flexible. Actually there are several forms which the variable rate mortgage itself could take: The variable-payment mortgages, the variable-maturity mortgage, and the renegotiated loan.

Under the variable-payment mortgage, the monthly payment would be raised or lowered to adjust for changes in market interest rates in general. Under the variable-maturity mortgage, the maturity of the loan would be extended or shortened, as market interest rates changed, so as to leave the monthly payment unchanged. Under the renegotiated loan, the borrower and lender would meet periodically for a reappraisal of the loan to adjust it to fit existing market conditions.

There are other alternatives to making the mortgage instrument more flexible to meet particular needs of the borrower and lender. One example would be to design a mortgage with rising payment over time to meet the expectation of raising household earnings. This would be particularly suited for young families who expect their incomes to rise over time. On the other hand, the mortgage instrument could be designed for older families who expect their income to decline in the years of retirement, with payments declining over time, accordingly. Other alternatives would combine fixed and variable features and thereby distribute the burden of payment between borrowers and lenders.

The point is that there is no one approach to mortgage lending that fits the needs of all borrowers and lenders. The fixed-rate mortgage is not suited for many borrowers and lenders, and mortgages should be made flexible so that they can be designed to meet both of their needs.

Development of a wide variety of flexible mortgages is needed because thrift institutions have been confronted for years with the dilemma of borrowing short—savings accounts have relatively short maturities—and lending long—real estate loans are generally long term, frequently to 30 years. Moreover, there is a further imbalance since the income of thrift institutions is relatively fixed and their cost of money is variable. This occurs for essentially two reasons: First, the rate of interest on most loans is fixed for the entire term of the loan; and second, the rate of interest on savings accounts must vary much more frequently in response to changes in the rates of interest on competitive market instruments. Thrift institutions are limited in increasing savings rates by the income produced on mortgages.

When market rates of interest move above the rates that can be paid by thrift institutions, disintermediation occurs. Savings inflows to thrift institutions diminish; in the extreme an absolute outflow occurs. Under these circumstances, homebuyers might be unable to obtain loans from money-short thrift institutions or might be forced to make larger downpayments and pay substantially higher interest rates to get what little mortgage money is available.

The increase in mortgage loan rates may be especially sharp since the thrift institution must attempt to bring the average return on its entire fixed-rate mortgage portfolio into line with its new average cost of money on all of its savings accounts. In effect, new mortgagors paying the higher interest rates are subsidizing persons who previously obtained low interest rate mortgages.

Using a wide variety of flexible mortgage instruments, thrift institutions would be able to adjust their revenues in response to changes in market interest rates. In periods of tight money, the increased revenues could be used to pay savers higher rates of return, thus mitigating the adverse consequences of disintermediation on the housing industry.

There are, therefore, a number of advantages to developing and using a wide range of flexible mortgage instruments:

First. They would reduce the interest rate risk to thrifts, enabling them to remain competitive and to reduce both liquidity risk and threats to solvency during tight money periods.

Second. They may lower interest rates to new borrowers in tight money periods. The lenders' income will be more nearly comparable with their costs and they would, therefore, not have to pass on the entire cost of higher savings account rates to their new borrowers. Their use would thus significantly reduce the extent to which new borrowers and savers subsidize existing borrowers.

Third. Equity among savers and borrowers would be increased over time. They could lead to an elimination of interest rate ceilings on deposits, which penalize small savers during periods of tight money.

Fourth. They could stabilize the flow of mortgage funds, by increasing the availability of mortgage money during tight money periods.

Fifth. Thrift institutions will be able to pay "going rate" for savings and greater savings inflows will occur during periods of high interest rates and more houses will be financed, without Government assistance programs.

Sixth. Mortgages would become a viable investment for investors that need an inflation hedge.

Seventh. They would provide automatic refinancing for borrowers when mortgage rates decline. Also many homebuyers would be able to obtain financing because lenders know that if market rates should rise, their earnings on mortgages will also rise. Fear over inflation and higher interest rates may presently be keeping many lenders from committing funds under fixed-rate contracts.

Eighth. The recovery of housing and the economy during a recession would be faster. Mortgagors are reluctant to borrow on a long-term fixed-rate basis when interest rates are expected to decline significantly. During those periods, many who desire to purchase houses are being discouraged because of the lack of financing options available to them.

Alternative mortgage instruments are not the complete answer to the problems confronting the housing industry. Nevertheless, they are one of the few workable ideas which appear responsive to the needs of the savings industry and potential homebuyers.

There is, of course, a great deal of concern over the use of variable-rate and other flexible mortgage instruments by those who argue that they would work against the consumer. However, alternatives to the fixed rate mortgage need not be to the consumer's disadvantage. Alternative mortgage forms can be designed to meet differing consumer needs. Moreover, more flexible mortgage instruments, designed to reflect current conditions in financial markets, would mean a more stable flow of funds to homebuyers during periods of tight money as well as during periods of easy money. The resolution Senator CRANSTON and I are introducing today would do nothing more than direct the Federal Home Loan Bank Board to authorize Federal savings and loan associations to design alternative mortgage instruments that will fit into the plans of both borrowers and lenders. The marketplace is the best designer of what form such alternative mortgage instruments should take, and the Bank Board would hopefully give Federal savings and loan associations all the latitude they need to develop mortgage instruments that reflect the workings of free market forces.

This resolution would authorize the Federal Home Loan Bank Board to permit Federal savings and loan associations to offer a wide variety of flexible mortgage instruments to the public, including variable rate mortgages, in States where State-chartered savings and loan associations are permitted to do so. Several States have allowed their State-chartered thrift institutions to offer alternative mortgage instruments to the public primarily in the form of variable rate mortgages. They have done so successfully, and there is no reason why Federal savings and loan associations in those States should not also be allowed to do so.

It should be noted at this point that the resolution is not meant to exclude commercial banks from offering alternative mortgage instruments. They can do so. The problem is with Federal savings and loan associations which have been specifically prohibited from doing so under existing regulations.

The resolution would also allow the Bank Board to authorize the use of a wide variety of flexible mortgage instruments in other States on an experimental basis. Hopefully, this would allow the savings and loan associations in those States to design mortgage instruments not just to meet the ongoing competition from State-chartered associations, but also to meet a wide variety of borrower needs. This experimental program would be useful in helping to design alternative mortgage instruments and deciding whether or not all thrift institutions should be allowed to offer flexible mortgage instruments to the public.

The resolution directs the Board to take into account appropirate consumer safeguards, the existing competitive environment and the needs of Federal savings and loans in designing alternative mortgage instruments. In my opinion, the Board should rely on the marketplace to design flexible mortgage instruments.

Finally, the Board is directed to report to Congress on how successfully such a program is working and determine the impact which it has had on homebuyers, Federal savings and loan associations, and the flow of funds into housing. Based on those results, Congress would be in a good position to determine whether or not the use of a wide variety of mortgage instruments by all Federal savings and loan associations would be appropriate.

I believe the use of a wide variety of flexible mortgage instruments holds great promise for home financing in the future. It is clear that the fixed-rate

mortgage contract is not suited for everyone under all economic conditions. It is unrealistic to expect mortgage lending institutions to continue to provide funds for housing under conditions of rapid inflation and high interest rates unless they can design their mortgage instruments to reflect such conditions. And it is unfair to continue subjecting homebuyers to mortgage lending instruments that fail to meet their present and future needs. The use of a wide variety of mortgage lending instruments would go a long way toward meeting the unique and changing needs of both borrowers and lenders.

Mr. CRANSTON. Mr. President, it is a pleasure for me to join with my distinguished colleague from Texas, Senator TOWER, to introduce a resolution encouraging the Federal Home Loan Bank Board to proceed with all due speed in authorizing alternative mortgage instruments. For the last 40 years, the United States has relied almost exclusively on the long term, fixed rate, fully amortized mortgage as the instrument for financing single family housing. This instrument worked very well when interest rates were relatively stable and inflation was not a serious problem. However, the wide swings in interest rates, housing construction, and inflation that we have been experiencing in recent years have made the defects in the conventional mortgage market all too apparent.

These defects include:

Homebuyers priced out of the market because monthly housing costs are too high.

The erratic nature of the flow of funds into thrift institutions, which provide 80 percent of housing financing. Even though savings inflows have been tremendous in the past year, interest rates have been very slow in coming down—lenders continue to base interest rates on estimated future rates of inflation.

Thrift institutions, prevented from paying competitive rates for deposits because their portfolio yields are locked into fixed interest rate loans.

The cost of living in one's own home after retirement is too great for a large segment of our middle-income population.

Uncertainties of job loss and the rigidities of mortgage financing preventing families from purchasing their first homes.

In 1975, along with Senator TOWER, I supported the Federal authorization of variable rate mortgages to help even out the cyclical nature of the mortgage market and to provide a lower monthly mortgage payment.

Senate opposition to variable-rate mortgages caused the Federal Home Loan Bank Board to withdraw its proposed regulations. The Senate made it clear in passing Senate Concurrent Resolution 45, prohibiting variable-rate mortgages, that the Banking, Housing, and Urban Affairs Committee was neither rejecting nor endorsing the variable-rate mortgage proposal, however, they felt that it should be further reviewed by Congress in the context of other legislation designed to strengthen the viability of thrift institutions. This measure, however, was not passed by the House. There is presently no law that prohibits the Federal Home Loan Bank Board or any other financial institution regulatory body from issuing such regulations.

Our bill today speaks to issue of alternative mortgage instruments, some of which may contain a variable interest rate feature, it is not a blanket attempt to authorize variable rate mortgages. Moreover, I would not want the Federal Home Loan Bank Board to be reticent in exploring new and innovative ideas in the mortgage area because of the prior controversy in the Congress over variable interest rate mortgages.

I believe that the time has come for wide-scale experimentation with alternative mortgage instruments some of which may be in combination with the variable interest rate to suit individual income needs. These mortgages will offer greater flexibility in repayment alternatives than the standard variable rate mortgage or the fixed rate mortgage. It is essential that we develop new mortgage instruments as a means of reaching the wide ranging needs of different income classes of home purchasers.

The Federal Home Loan Bank Board has already embarked on a study of alternative mortgage instruments which is expected to provide a comprehensive and systematic analysis of a number of proposed new mortgage designs.

Among the proposals being studied are—the "reversed annuity," where the lender would pay the borrower a fixed monthly income based on a percentage of the value of the property. This would enable retired or disabled persons to draw on the equity in their homes for living expenses. At death the loan would be repaid through probate.

The "graduated flexible mortgage plan" that would enable young couples to select the amount of downpayment they can afford and also their monthly payment would increase as their income rose.

The "deferred interest" rate loan that would be attractive to families who did not expect to live in a house more than 5 years. The borrower gets a deferred interest rate at a lower monthly payment. In return, the lender must be paid the interest plus a fee after 5 years. This type of mortgage is suitable for the middle income mobile executive.

A "variable interest rate" loan enabling the borrower to draw down additional funds from time to time to purchase a car, modernize his home, take a vacation, or send his kids to college.

The Federal Home Loan Bank Board is looking at any number of combinations and variations of these instruments. Tailoring the mortgage to fit the needs and expectations of individual borrowers, and using the equity in the house as collateral for additional credit, will help provide reasonably priced housing without direct Federal subsidies, increase single family housing production, and give liquidity to the housing resale market.

Over the 6 years from 1970 through 1975 the proportion of American families able to afford medium-priced new houses declined from 55 percent of all families to approximately 40 percent. The bottom line is that most American families could not afford to purchase the homes they are living in today and today's new households have neither the current income nor the downpayment needed to qualify for a standard level payment mortgage loan. These are middle-income people. The public markets are not working to assist these potential homebuyers.

The Congress must take the necessary steps to give the mortgage market the tools to make itself more productive and viable in addressing a broad range of consumer needs. The Federal Government must help provide housing for those who cannot afford it on their own through Government-sponsored housing programs, and it must assist the public markets in making funds available at reasonable cost to those who can afford to pay. I believe alternative mortgage instruments will be one step forward in our efforts to solve these problems.

SENATE RESOLUTION 70—SUBMISSION OF A RESOLUTION REQUIRING A VERBATIM ACCOUNT IN THE CONGRESSIONAL RECORD

(Referred to the Committee on Rules and Administration.)

Mr. PACKWOOD (for himself, Mr. BUMPERS, Mr. CLARK, Mr. GARN, Mr. GOLDWATER, Mr. GRAVEL, Mr. STAFFORD, Mr. STEVENS, Mr. ZORINSKY, and Mr. HASKELL) submitted the following resolution:

S. RES. 70

Resolved, That the body of the Congressional Record for the Senate shall contain an accurate and verbatim account of remarks actually delivered on the floor of the Senate together with such permitted tables, statistics, and other supporting data directly relating to the subject matter under discussion. Such remarks and data shall appear in the order in which they were delivered.

SEC. 2. Extensions and revisions of remarks in the Congressional Record delivered on the floor of the Senate shall be limited to the correction of grammatical and typographical errors. Such corrections shall not make any change in the meaning, content, or substance of those remarks.

SEC. 3. Senators may, by unanimous consent, make insertions in the Congressional Record of remarks not actually delivered on the floor. Such insertions shall appear, as may be appropriate, following the record of the entire debate to which they are germane and prior to the record of a vote except that such insertions shall be preceded and succeeded by a printed designation which clearly distinguishes the insertion from verbatim remarks.

SEC. 4. The Secretary of the Senate shall transmit a copy of this resolution to the Public Printer.

SENATE RESOLUTION 71 AND SENATE RESOLUTION 72—ORIGINAL RESOLUTIONS REPORTED AUTHORIZING ADDITIONAL EXPENDITURES

(Referred to the Committee on Rules and Administration.)

Mr. STENNIS, from the Committee on Armed Services, reported the following original resolutions:

S. RES. 71

Resolved, That the Commitee on Armed Services is authorized to expend from the contingent fund of the Senate, during the Ninety-Fifth Congress, $85,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

S. RES. 72

Resolved, That Section 2 of S. Res. 387, Ninety-fourth Congress, agreed to March 1, 1976 is amended by striking out "$20,000" and inserting in lieu thereof "$26,000".

SENATE RESOLUTION 73—SUBMISSION OF A RESOLUTION DISAPPROVING STRATEGIC PETROLEUM RESERVE PLAN

(Referred to the Committee on Interior and Insular Affairs.)

Mr. KENNEDY submitted the following resolution:

S. RES. 73

Resolved, That the Senate disapproves the Strategic Petroleum Reserve Plan transmitted to the Congress by the Administrator of the Federal Energy Administration on December 15, 1976, pursuant to section 154 of the Energy Policy and Conservation Act.

AMENDMENTS SUBMITTED FOR PRINTING

COMMITTEE SYSTEM REORGANIZATION—SENATE RESOLUTION 4

AMENDMENT NO. 36

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS submitted an amendment intended to be proposed by him to the resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

AMENDMENT NO. 37

(Ordered to be printed and to lie on the table.)

Mr. LONG submitted an amendment intended to be proposed by him to the resolution (S. Res. 4), supra.

NOTICES OF HEARINGS

HOME HEALTH CARE

Mr. CHURCH. Mr. President, I wish to announce joint hearings between the Committee on Aging and two Subcommittees of the House Ways and Means Committee to examine issues related to home health care as authorized under Federal health care programs. I am most pleased to be cooperating with Congressman DAN ROSTENKOWSKI, chairman of the Health Subcommittee, and with Congressman SAM M. GIBBONS, chairman of the Oversight Subcommitee of the House Ways and Means Committee.

The hearings will be held in 1224 Dirksen Senate Building on February 16, and in 2168 Rayburn House Building on February 17. Both hearings will begin at 10 a.m.

The hearings will concentrate on possible fraud and abuse in titles XVIII, XIX, and XX in-home service programs as well as on the role of the States, fiscal intermediaries and the Bureau of Health Insurance to effectively and efficiently manage these programs.

CHANGE OF TIME FOR SURFACE MINING HEARING

Mr. METCALF. Mr. President, I wish to announce that the hearing on the surface mining bill (S. 7) on Monday, February 7, will begin at 11:30 a.m. rather than 10 a.m. as previously announced. The hearing will be in room 3110, Dirksen Senate Office Building.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JACKSON. Mr. President, in accordance with the rules of the Senate Interior and Insular Affairs Committee, I wish to advise my colleagues and the public that the following hearings and business meetings have been scheduled before the committee for the next 2 weeks:

February 7, Minerals, Materials and Fuels Subcommittee, 11:30 a.m., room 3110, hearing, S. 7, the strip mining bill. To hear administration witnesses only.

February 10, full committee, 10 a.m., room 3110, hearing, information hearing on granting of entitlements for home heating oil.

February 21, Energy Research and Water Resources subcommittee, field hearing, Westbank Motel, Idaho Falls, Idaho, oversight hearing on Teton Dam disaster.

THE COST OF REGULATION TO SMALL HOME BUILDERS

Mr. NELSON. Mr. President, I wish to announce that the Senate Small Business Committee will conduct a public hearing on the costs imposed upon small home builders by governmental regulation.

The hearing will begin at 9:30 a.m. on Wednesday, February 16, 1977, in the Federal Building (room 556) 275 Peachtree Street, N.E., in Atlanta, Ga.

The committee has designated as chairman for this hearing the Senator from Georgia (Mr. NUNN), who is the ranking member of the Subcommittee on Government Regulation of the Small Business Committee.

Testimony will be taken jointly by the Small Business Committee and the Subcommittee on Housing and Insurance of the Committee on Veterans' Affairs under the chairmanship of the Senator from Florida (Mr. STONE) and the Subcommittee on Small Business of the Senate Banking, Housing and Urban Affairs Committee, under its chairman, the Senator from North Carolina (Mr. MORGAN).

All those who wish to submit statements or obtain further information with regard to these proceedings may contact the offices of the Senate Small Business Committee, 424 Russell Senate Office Building, Washington, D.C. 20510, (202) 224–5175.

CLEAN AIR HEARINGS

Mr. MUSKIE. Mr. President, on January 14th I announced that the Subcommittee on Environmental Pollution would hold legislative hearings February 9, 10, and 11 on proposed amendments to the Clean Air Act.

At that time an open invitation was extended to potential witnesses to write to the subcommittee in order that a hearings schedule could be developed. We kept that invitation open until the end of the month, and had received over 40 requests to testify when the list was closed Monday.

We were able to include everyone whose request had been received at that time, but it is clear that the time available for each witness will be short, and longer statements will have to be submitted for the RECORD. Others who did not submit a timely request will have an opportunity to provide written testimony for the RECORD. The hearings record will be open until February 15.

Mr. President, I ask unanimous consent that the witness list of the Clean Air Hearings be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MUSKIE NEWS, FEBRUARY 1, 1977

Senator Edmund S. Muskie, Chairman of the Subcommittee on Environmental Pollution of the Senate Committee on Public Works, today announced the names of witnesses who will present testimony and participate in discussions at hearings on amendments to Clean Air Act. The hearings will be held on February 9, 10, and 11 at 10 a.m. in room 4200 of the Dirksen Senate Office Building.

February 9: Auto Emissions and Related Issues 10 a.m. to 12:30:

1. A Governor (to be designated by the National Governor's Conference).

2. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America.

3. Chrysler Corporation; General Motors Corporation; Ford Motor Company; American Imported Automobile Dealers Association; Mercedes-Benz; and American Motors.

2:00 P.M.

1. National Conference of State Legislatures; National Association of Counties; and Robert Palmer, Special Assistant to the Governor of Alaska.

2. Northern Cheyenne Tribe.

3. Motorcycle Industry Council, Inc.

4. Automotive Service Councils; Motor and Equipment Manufacturers Association; and Automotive Service Industry Association.

February 10: Stationary Sources 10 a.m. to 12:30:

1. United Steelworkers of America.

2. National Clean Air Coalition; League of Women Voters of the United States; Environmental Action; and National Parks and Conservation Association.

3. American Rural Power Association; National Rural Electric Cooperative Association; Intermountain Power Project; Edison Electric Institute; and Utah Power and Light Company.

1:30 P.M.

1. West Virginia-Citizen Action Group.

2. National Coal Association; The Aluminum Association; American Mining Congress; and American Paper Institute.

3. American Iron and Steel Institute; American Petroleum Institute; Manufacturing Chemists Association; National Association of Manufacturers; and Caterpillar Tractor Company.

February 11: Area Sources 10 to 12:30:

1. American Lung Association; Dr. Arend Bouhuys, Director, Yale University, Lung Research Center; Verlyn Martin, Citizen, California.

2. American Retail Federation; National Retail Merchants Association; International Council of Shopping Centers; National Association of Realtors; and National Realty Committee.

3. Associated General Contractors of America.

DIRECT POPULAR ELECTION OF THE PRESIDENT

Mr. BAYH. Mr. President, the subcommittee on Constitutional Amendments is cancelling the hearings that were to be held February 3, 1977, in room 2228 Dirksen, the Judiciary Committee hearing room beginning at 10 a.m.

ADDITIONAL STATEMENTS

NOMINATION OF PAUL WARNKE

Mr. STEVENSON. Mr. President, the nomination of Paul Warnke as Director of the Arms Control and Disarmament Agency has my full support. As the distinguished assistant majority leader reminded us yesterday, ACDA, in the words of the legislation by which we created it,

> Must have such a position within the Government that it can provide the President, the Secretary of State . . . and the Congress, with recommendations concerning U.S. arms control and disarmament policy, and can assess the effect of these recommendations upon our foreign policies, our national security policies, and our economy.

Paul Warnke is uniquely qualified to head this organization. As a former General Counsel to the Department of Defense and Assistant Secretary of Defense for National Security Affairs, he knows our defense establishment from the inside. While in the latter position, he established a reputation for speaking out—not in public but within the councils of government—against the disastrous policies which led to the American failure in Southeast Asia. This speaks not only for his foresight but for his courage at a time when many officials with doubts over those policies were content to go along.

Over the years since he left government service, he has devoted himself to the serious study of arms control issues. From his published articles and frequent testimony before congressional committees, he has emerged as an articulate spokesman for arms control. He believes that reduction in the overwhelming burdens of armaments are possible, and his proposals are not only imaginative but hard-headed. He believes that expensive new weapons systems must be examined in terms of military necessity and not simply because they are technologically feasible. He understands the potential damage to the American economy of defense spending at levels greater than required for our national security. He knows that the greatness of a nation is not to be measured simply by the awesomeness of its weaponry but by its ability to house, clothes, feed, and educate its people. And that true national security requires sound economic as well as military health.

These are the attitudes which emerge from Mr. Warnke's writings and the many pages of his testimony before Congressional Committees.

I am saddened by the campaign against Mr. Warnke, which has included anonymous gibes in the press and the circulation of memoranda whose authors choose not to identify themselves. The campaign seems bent on creating the public impression that Mr. Warnke is soft on the Soviets and careless of American defense needs. A review of his writing does not bear this out.

Our strategic nuclear forces must not only be strong enough, they must be known to be strong enough to deter the Soviet Union from using its strategic nuclear forces against us and our allies.

Paul Warnke's patriotism is not just in his heart but in his head. I have no doubts whatever that his commitment is not only to arms control but to the principle that we must maintain a defense establishment adequate to deter aggression from any quarter. I urge all of my colleagues to support his nomination.

BACKGROUND OF THE PANAMA CANAL TREATY NEGOTIATIONS

Mr. PEARSON. Mr. President, since 1964, the United States and Panama have been negotiating a new treaty dealing with the Panama Canal. President Carter and Secretary of State Vance have stated that these negotiations would be a high priority item of the new administration. President Carter's decision to renegotiate the treaty with Panama and seek a new agreement to govern the operation, maintenance and defense of the canal is in line with the policies of Presidents Johnson, Ford and Nixon. Panamanian Foreign Minister Aquilino Boyd is currently in the United States. Yesterday he met with members of the Foreign Relations Committee.

I have been deeply troubled by many of the issues that have been raised during these negotiations. I believe many Americans share my concern for the future of the canal. I also believe the issue of the canal has become so embroiled in emotion that a reasoned argument is becoming more difficult. Because of this, I would like to present a brief background statement, explaining the history of how the United States took over the Canal Zone and built the canal, an analysis of the treaty negotations, a summary of the actions taken by Congress, a brief list of the arguments that can be made in favor of a new treaty and those that are presented against this treaty, and, finally, a discussion of the question of American sovereignty over the canal.

Mr. President, I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HISTORICAL BACKGROUND ON THE PANAMA CANAL

To understand the present situation, it is necessary to review the events that led up to the Hay-Bunau-Varilla Treaty of 1903 and see how it came about, for it is still at the heart of the argument. Americans had been interested in a Panama Canal as early as 1826, when Secretary of State Henry Clay came out in favor of building such canal. In 1850, the United States and Britain agreed to the Clayton-Bulwer Treaty stating that both nations would cooperate in the construction of an isthmian canal; they also bound themselves never to fortify or exercise exclusive control over such a waterway.

From 1881 through 1889, the French attempted to build a canal through Panama. The French ran into insuperable medical, engineering and financial problems. More than 20,000 workers died, mostly from yellow fever. In one stretch of the Canal, the walls kept caving in as fast as they were dug. Besides the tremendous actual cost of the construction, the company building the canal was rocked by charges of high-level corruption.

The United States emerged from the Spanish-American War a Caribbean as well as a Pacific power. This changed status brought about a remarkable resurgence of interest in an isthmian canal. Although the United States had built a railroad across the isthmus, such a water passage now seemed imperatively necessary if the American people were to take full advantage of their new trade opportunities in the Pacific, and at the same time, unfeather their fleet. During the war, the United States battleship *Oregon* had been ordered from Puget Sound to Cuban waters. It had to sail almost 13,000 miles around Cape Horn to get from the Pacific to the Atlantic; had there been a canal, the ship would have had to travel only 4,600 miles.

The first obstacle in the path of the building of the canal was diplomatic, rather than physical. In November 1901, two months after the assassination of President McKinley, Britain agreed to give up its claims to the United States. The second Hay-Pauncefote Treaty allowed the United States a free hand to build, control and fortify an isthmian canal.

In 1899, Congress appointed the Walker Commission to study whether it would be better to build the canal in Panama or Nicaragua. In November 1901, the Commission reported in favor of the Nicaraguan route, primarily on the grounds of lower costs. On January 9, 1902, the House of Representatives voted in favor of a Nicaraguan waterway (308 to 2). Shortly thereafter, Congress changed its mind and voted to support the Panamanian route, largely as a result of the efforts of William Cromwell and Phillipe Bunau-Varilla. Cromwell was a member of the law firm of Sullivan and Cromwell, John Foster Dulles' law firm. The firm represented the railroad that the Americans had built across the isthmus. Bunau-Varilla represented the new Panama Canal Company, successor to the French Canal Company.

Bunau-Varilla and Cromwell formed an alliance to convince the United States to opt for a canal through Panama; their price was originally $109 million, but this was quickly reduced to $40 million. Cromwell was most influential, especially as he had donated $60,000 to the Republican National Committee. The Committee Chairman, Senator Mark Hanna, changed his support to a Panama route shortly after this. Bunau-Varilla astutely lobbied for the Panama route by sending each Senator a letter with the postage stamp showing volcanic action in Nicaragua. In June 1902, Congress approved the Panama route.

In 1903, Panama was still part of Colombia. The Hay-Herran Treaty in January 1903, gave the United States the Canal Zone, six miles wide, for a cash payment of $10 million and an annual payment of $250,000 to Colombia. The new Panama Canal Company was to receive $40 million for their rights and property and the trans-isthmus Panama railroad.

In August 1903, Colombia rejected the pact, due to insufficient funds and the possibility that it seriously impinged upon Colombian sovereignty in Panama. Roosevelt referred to the Colombians as "insufficient bandits", "foolish and homicidal corruptionists", "contemptible little creatures", "jack rabbits", and "cat rabbits". He stated that "the blackmailers of Bogota . . . should not be permitted to permanently bar one of the future highways of civilization".

Bunau-Varilla was convinced that the time was right for Panama to revolt against Co-

lombia. The center of the revolutionary activity was Room 1162 of the Hotel Waldorf Astoria in New York City. The revolutionists raised a "patriot" army consisting of 500 "bought" Colombian troops, in addition to members of the local fire department. The leader of the revolt was Dr. Manuel Amador, a physician who had worked for Cromwell's railroad. Dr. Amador was presented with $100,000, supplied by J. P. Morgan, a secret code, a Declaration of Independence, a draft of the new nation's Constitution, and the soon to be born Republic's flag, thoughtfully designed and sewn by Bunau-Varilla's wife. On November 2, 1903, the *U.S.S. Nashville* reached Colon, Panama. A day later, the revolt took place and on November 4, Panama declared its independence. An hour after the news reached Washington, the new government was recognized.

Bunau-Varilla, although a French citizen, represented the Republic of Panama in Washington. Hay sent him a draft treaty similar to the Colombian one. Two days later, Bunau-Varilla sent one back more disadvantageous to Panama, in the hope that the Senate would approve it. A day later, and only a few hours before representatives from Panama came to negotiate a treaty, the new pact was signed. Hay admitted "we shall have a treaty vastly advantageous to the United States, and we must confess, not so advantageous to Panama."

The Hay-Bunau-Varilla gave the United States the right to the Canal "in perpetuity"—instead of to the year 2003, which the Colombian Treaty had called for. Article II afforded the United States "all the rights, power and authority within the zone . . . which the United States would possess and exercise if it were the sovereign of the Territory."

The Panamanians were disappointed with the terms and talked of rejecting the Treaty. They were warned that Colombia might try and overthrow the new government and that the United States would not help unless Panama agreed to the Treaty. With the news that Colombian gun boats were on their way to Panama, the Panamanian government ratified the Treaty in February 1904.

The European and Latin American press criticized Roosevelt, who defended himself by claiming a "mandate from civilization." In 1911, Roosevelt boasted "I took the Canal Zone and let Congress debate; and while the debate goes on, the Canal does also".

In 1914, a Treaty was signed with Colombia in which the United States "expressed sincere regret" for the Panama business and agreed to pay a $25 million sum as compensation for the loss of Panama. Roosevelt's friends in the Senate, notably Henry Cabot Lodge, were able to defeat this Treaty. In 1921, a new Treaty paying Colombia $25 million was accepted.

BRIEF ANALYSIS OF THE PANAMA CANAL ZONE TREATY NEGOTIATIONS

In 1903, the United States and the Republic of Panama signed the Hay-Bunau-Varilla Treaty which granted the United States a strip of land ten miles wide and fifty miles long for the purpose of constructing, operating, maintaining and defending a canal between the Atlantic and Pacific Oceans and which gave the United States rights as "if it were the sovereign" in perpetuity on Panamanian soil.

The events leading up to the 1903 Hay Bunau-Varilla Treaty are important in order to gain a full understanding of U.S.-Panamanian relations. As President Theodore Roosevelt himself boasted in 1911, "I am interested in the Panama Canal because I started it. If I had followed the traditional, conservative methods, I would have submitted a dignified state paper of probably 200 pages to Congress and the debates on it would still have been going on yet; but I took the Canal Zone and let Congress debate; and while the debate goes on the Canal does also."

The basic Treaty was revised twice. The 1936 Hull-Alfaro Treaty cancelled U.S. guarantees of Panamanian independence from Colombia and the right of the U.S. to intervene in certain internal Panamanian affairs. It also increased the annual U.S. payment to Panama from $250,000 to $430,000. In 1955, the Eisenhower-Remon Treaty transferred certain U.S. rights and properties to Panama and again increased the annual payment, this time to $1.93 million.

From the Panamanian point of view, the existence of a United States controlled "enclave" in the heart of their sovereign territory has become a major affront to national dignity and national sovereignty. It is virtually the only issue capable of uniting all Panamanians. Among the major grievances voiced by Panama are the existence of a United States "government within a government" in their territory, the "overwhelming presence" of U.S. civilian and military personnel and the inequitable sharing of the economic benefits derived from the Canal.

In the past, this nationalist sentiment has erupted periodically and it culminated in serious demonstrations in 1959 and again in 1964. Recognizing the vulnerability of the situation, President Johnson committed the U.S. to bilateral negotiations in 1964. By 1967, three draft treaties had been agreed upon; one, joint U.S.-Panamanian control of the Canal; two, joint construction of a new, sea-level canal; three, U.S. defense of the old and the new canal for a specified period of time. Action was never taken by either nation, attributed in part to the fact that both nations were then involved in major election campaigns. In August 1970, the government of General Omar Torrijos, in power as a result of a military coup in 1968, formerly rejected the draft treaties.

Talks resumed in 1971. In March 1973, the U.S. vetoed a U.N. Security Council resolution referring to a new Panama Canal Treaty which would "guarantee full respect for Panama's effective sovereignty over all its territories" on the grounds that the Treaty negotiations were a bilateral matter. Shortly thereafter, serious negotiations were resumed. In February 1974, Secretary of State Henry Kissinger and Panamanian Foreign Minister Juan A. Tack signed an agreement of principles as the basis for the formal negotiations. The eight principles called for an entirely new treaty with a fixed termination date, thus ending the concept of perpetuity; the return to Panama of the territory in which the Canal is located; a "just and equitable" share for Panama of the benefits from the Canal; a role for Panama in administering the Canal during the life of the new Treaty and total responsibility for its operation upon termination of the Treaty; joint protection and defense of the Canal by the two countries; the rights necessary for the United States to regulate the flow of ships through the Canal and to operate, maintain and defend it; and provisions for the future enlargement of the waterway.

RECENT CONGRESSIONAL ACTION RELATING TO THE PANAMA CANAL

On March 4, 1975, Senator Thurmond, joined by 37 colleagues, introduced Senate Res. 97, which expresses the sense of the Senate that the U.S. not "cede, dilute, forfeit, renegotiate or transfer any of these sovereign rights" in the Canal zone. The Thurmond proposal exceeds the number necessary to block treaty ratification, however, many of its cosponsors are now giving it further consideration. On June 26, the House adopted, by a 246 to 164 vote, Representative Gene Snyder's amendment to the State Department Appropriations Bill (H.R. 8121), the effect of which is to deny funds to "negotiate surrender or relinquishment of any U.S. rights in the Panama Canal zone". The Senate struck the Snyder amendment from the Appropriations Bill which passed the Senate on September 3, 1975. On September 18, 1975, the House-Senate Conference, in lieu of the Snyder amendment, reported a compromise to the effect that: "it is the sense of Congress that any new Panama Canal treaty or agreement must protect the vital interest of the United States in the operation, maintenance, property and defense of the Panama Canal." The House on September 24, 1975, failed (197 to 203) to recede from its disagreement with the Senate, and insisted on the Snyder amendment. On September 26, 1975, the Senate refused to accept the Snyder amendment and further conference negotiations were scheduled. On October 7, 1975, the House approved (212 to 201) a second conference compromise, similar to the first. The Senate accepted this compromise the following day.

Senator Harry Byrd of Virginia had attempted to sponsor a resolution similar to the Snyder amendment, however, he withdrew his amendment from consideration on July 21, because 59 of the 93 Senators present had agreed to table it. Opponents of the Byrd and Snyder amendments see these measures as a clear infringement upon the prerogative of the Executive Branch to conduct treaty negotiations, before submitting the finished product to the Senate for ratification. Most of the debate, however, focuses on the merits of the treaty negotiations themselves.

ARGUMENTS IN FAVOR OF MAINTAINING THE PRESENT UNITED STATES JURISDICTION OVER THE PANAMA CANAL AND THE CANAL ZONE

(1) Representative Daniel J. Flood (D-Pa.) referred to the Canal as "part of the coast line of the United States" and the "jugular vein of hemispheric defense." Those who accept this line of reasoning believe that U.S. rights to the Canal are essential to the national security. The U.S. military presence not only protects American interests in the Canal directly, but also serves as a deterrent to the ambitions of powers hostile to our nation's broader interests.

(2) The Canal gave the United States an important strategic advantage during the world wars. In any future war the United States must continue to have the ability to transfer is warships expeditiously from one ocean to another.

(3) Closure of the Suez Canal in 1967 is seen as an example of what the loss of sovereignty over the Panama Canal may mean to the United States interests.

(4) A Communist takeover of the Canal is not far-fetched to those fearing for U.S. security. Communist inroads into Latin America, particularly Cuba, are sighted. The Cuban inspired attempt to topple the Bolivian government and the short-lived Marxist government in Chile serve as evidence to them of the Communist menace and the need for perpetual U.S. control of the zone.

(5) Panama has had more than 50 Presidents in the last 70 years, compared with 12 in the United States. The "governmental instability" in Panama was used as another reason for not yielding control of the zone.

(6) The Canal's importance to world and U.S. commerce is unquestioned. About 70 percent of the Canal tonnage either originates in or is destined for the United States. This represents about 16 percent of the total U.S. export and import tonnages.

(7) Defenders of permanent U.S. sovereignty say the United States is committed by international agreements to operate the Canal for the benefit of all nations and that the United States has generously kept transit fees low to attract users. They believe the U.S. is the only country strong enough to guarantee an open canal for all users.

(8) U.S. operation of the canal has benefited Panama, whose present economic posi-

tion is the highest in Central America and the fourth highest in Latin America. About one-third of Panama's 1972 GNP product of 1.2 billion was attributed to the Canal and zone and about 60 percent of its total foreign exchange earnings were derived from the annual U.S. payment of 1.9 million and for U.S. purchases in the zone and the wages of the Panamanians working in the zone.

(9) The mandate for permanent U.S. sovereignty and control of the Canal and Canal Zone was legally vested in the United States by the 1903 Treaty, that we signed and ratified by Panama, and all rights and titles to the lands now under the United States control were justly purchased by the U.S. government. Thus, the U.S. has earned its perpetual sovereignty. It originally purchased all privately owned land and from 1904 to 1974, spent more than $6.8 billion for the defense, operation and maintenance of the Canal and Zone.

(10) Not only does Panama have a history of political instability, its lack of technical and managerial expertise and other required resources demonstrate that Panama does not possess the capacity to effectively manage, operate and defend the Canal.

(11) Opponents of the new Panama Canal Treaties in the House have raised the issue that House approval is necessary before any U.S. territory or property under U.S. jurisdiction within the Canal Zone can be ceded to Panama. House members cite as legal justification for that position the United States Constitution, Article IV, Section III, Clause 2, which states "the Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

House members who support this position contend that "Congress" must be interpreted as both the House and Senate, and, therefore, any new Canal treaties providing for the disposal of U.S. controlled territories or properties would be invalid unless the required approval if both Houses were obtained. Language to insure House jurisdiction had been included in House and Senate resolutions recently introduced.

ARGUMENTS IN FAVOR OF NEGOTIATING A NEW TREATY WITH PANAMA

(1) Failure to work out a viable relationship with Panama would have immediate repercussions on the U.S. presence in the Canal Zone, as well as far-reaching consequences for our relationships with Latin America and other third world countries. This is the one issue that all Latin American governments agree upon on, even the conservative ones, which fear the prestige to Torrijos would gain. The present situation offers the U.S. an opportunity to demonstrate the ability to meet changed international conditions constructively and to move ahead toward more cooperative and mutually beneficial relations with the developing world.

(2) The present treaty is inimical to U.S. relations with Panama. The Zone has been a source of constant friction, including riots (especially in 1959 and 1964), and refusal to ratify a new treaty would only increase the chances for conflict. The continued U.S. control fuels the grievances that Communists feed on. The present situation is seen as a major affront to the national dignity and national sovereignty of Panama. General Torrijos greeted the U.N. Security Council delegates to a 1973 meeting in Panama City with a billboard asking, "What nation in the world can withstand the humiliation of a foreign flag piercing its own heart?"

Panamanians have opposed the terms of the 1903 Treaty from its beginning. That opposition permeates all segments of Panamanian society, and is based on several sets of factors:

(a) The U.S. operation of a full-fledged government in the Canal Zone—with police, courts and jails enforcing U.S. laws on Panamanians—is considered to be an infringement on Panama's nationhood.

(b) They object to the use of the Zone for U.S. military activities other than the defense of the Canal. The command post for U.S. military operations in Latin America is located there, as is the School of the Americas—a training center for Latin American military officials.

(c) From an economic standpoint, there are a number of major objections. Land that is urgently needed for coherent development of the country is sealed off and under-utilized in the ten mile wide Canal Zone. Expansion of Panama City, bounded by the Zone on two sides and the Gulf on the third, is curtailed. All major deep port facilities, among the nation's major assets, are located in the Zone.

(d) Panama gets only $2.3 million for 533 square miles; contrasted with Spain, which gets $20 million from the U.S. for the use of three military bases in Spain.

(e) The Panamanians object to the country club life of Americans there. There are seven golf courses, countless swimming pools, air conditioned homes, movie theatres and bowling alleys which offer a stark contrast with the relative poverty of the average Panamanian. A Panamanian working or traveling in the Zone cannot ignore the contrast with his own existence and it adds to his resentment of the United States.

(3) America's control of the Canal is based on an anachronistic treaty, negotiated under the most suspect of conditions. An analysis of the Hay-Bunau-Varilla Treaty will be included in the additional memo. Even this Treaty, which was virtually forced on Panama, was analyzed by William Howard Taft to "preserve the titular sovereignty over the Canal Zone in the Republic of Panama."

(4) Treaty modifications to reflect changing circumstances are not without precedent. Just as the 1903 Treaty underwent changes in 1936 and 1955, current trends towards granting national independence demand aggregation of the "perpetual sovereignty" provision.

(5) The Canal is becoming increasingly less important to U.S. trade. The larger new ships cannot pass through the Canal. Last year, ship transits dropped below the standard 14,000 per year level. Raising tolls would risk losing cargoes to other routes. Major modernization by the United States is unlikely until the status of the Canal is determined.

(6) While the Canal might once have been crucial in times of war, the probable use of air and nuclear weapons in any future war makes control of the Canal Zone a convenience rather than a necessity. One of the major strategic reasons given for maintaining control over the Canal is that the United States has two-ocean navy. However, the size of U.S. vessels makes it almost impossible to use the Canal for military purposes. Twenty-four aircraft carriers are too large to go through the Canal. Nuclear submarines are restricted by the need to surface. While during World War II the Canal was used as a principle valve to move supplies, during Vietnam most supplies were moved across the Continent to the West Coast.

(7) The military presence is no longer a viable one. The Army operates the facility, administers the Zone and protects it. The Southern Command, known as the Southern Comfort because of the abundance of Generals and golf courses, consists mainly of support and training personnel. It is virtually conceded that this force would be powerless against any serious threat from conventional weapons, let alone one that involved nuclear weapons.

(8) The Canal is very susceptible to guerrilla actions, which the Department of Defense, of course, denies. Panamanians joke that the U.S. military in the Zone is there only to defend the Canal from the Panamanians.

(9) The Treaty now being negotiated would have a continuation time, probably twenty-five years, before the Panamanians would gain control over the Canal. Thus, the United States would maintain its present control and gain great diplomatic leverage. Treaty revision need not be an all or nothing proposition. As Kissinger stated in March 1975, in Houston, "the challenge is to reconcile the security needs of the United States with Panama's national honor and sovereignty . . . we now believe that an agreement on terms fair to all is possible."

(10) Critics of the negotiations claim that the Canal would be in danger if it were given to the Panamanians. This is unlikely because the Canal is Panama's major resource. Even if she got control and raised the tolls, she would not be foolish enough to drive the users out of business. Moreover, a treaty with the United States could provide for continued U.S. expertise in running the Canal and protecting it.

UNITED STATES SOVEREIGNTY OVER THE PANAMA CANAL

The opponents of the United States treaty negotiations with Panama insist that the United Sates has sovereignty over the Canal Zone. This is a complex question of international law, however, it is erroneous to compare the Canal Zone with Louisiana or Alaska.

Article II of the Hay-Bunau-Varilla Treaty granted to the United States "in perpetuity the use, occupation and control" of the Canal Zone. Article III granted the United States "all the rights, power and authority . . . which the United States would possess and exercise if it were the sovereign of the Territory . . . to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority". This distinction between sovereignty and the exercise thereof has precedence in international law (i.e., the zones of influence esablished in China in the 19th Century). Phillipe Bunau-Varilla explained the distinction as follows: "The United States, *without becoming the sovereign*, received the *exclusive use* of the rights of sovereignty, while respecting the sovereignty itself of the Panama Republic" (italics in original). In 1905, Secretary of War William Howard Taft explained this to President Roosevelt: "... the truth is that while we have all the attributes of sovereignty necessary in the construction, maintenance and protection of the Canal, the very form in which these attributes are confirmed in the Treaty seems to preserve the titular sovereignty over the Canal Zone in the Republic of Panama . . ." Thus, the treaty provided for the purchase of the rights to use; it did not constitute purchase of the Zone.

Despite the language of the 1903 Treaty, however, some Americans claim that the Canal Zone is as much a part of the United States as the territory acquired by the Louisiana Purchase or the Alaska territory purchased from Russia. This claim is at odds with the facts. In 1803, France ceded to the United States "forever and in full sovereignty the territory with all its rights and appurtenances". All public lands were transferred and all inhabitants were given U.S. citizenship. In the case of Alaska, the Russian Emperor ceded to the United States all the territory and dominions he possessed on the Continent of America and in the adjacent islands, conveying to the United States all rights, franchises and privileges previously belonging to Russia. All public lands were included, and the inhabitants were given the choice of returning to Russia within three years or becoming U.S. citizens. In neither of these cases was provision made for a con-

tinuing annuity or for a continuing relationship on the matters covered by the agreement.

In contrast, the 1903 Treaty with Panama specifically preserved the rights of private property owners in the Zone, but it did not bestow U.S. citizenship on them. While a person born in the United States acquires U.S. citizenship at birth unless his parents have diplomatic status, a person born of non-U.S. parents in the Canal Zone is not born a U.S. citizen. In addition, for the purpose of transporting U.S. mail, the ports of the Zone are considered foreign.

MAYORS CALL FOR A NATIONAL URBAN INVESTMENT PROGRAM

Mr. HUMPHREY. Mr. President, without sufficient economic stimulus in the coming year, the blight of mass unemployment will continue. We cannot be proud that the unemployment rate hovers at 7.9 percent and that the Congressional Budget Office has announced that their economic projections indicate no substantial reduction in the unemployment rate this year. While this forecast may change as the year unfolds, the possibility that economic growth will be inadequate to employ the skills of new labor entrants must be considered. Without congressional action, we have no chance to end the immeasurable human misery and very measurable lost output and revenue caused by intolerably high unemployment. These problems plague all America, and especially our large cities.

Today, we are on the threshold of change in America. When the American people went to the polls on November 2, they elected a new President, a man who pledged to help our Nation's cities to end their economic and thus human distress. Because of the new spirit that President Carter has generated, the Congress and administration can forge—in conjunction with local officials—a new alliance to reshape the entire urban landscape of America.

NATIONAL URBAN INVESTMENT POLICY

The weekend of the Presidential elections, the U.S. Conference of Mayors held an emergency meeting to develop an agenda for the recovery of our cities. From their deliberations came the request that the Carter Administration and the 95th Congress develop a national Urban Investment Policy. Such a policy is based on a national tone of concern for urban America—where 75 percent of the American people live—and on the need for executive and congressional leadership. Only with a serious and sustained commitment to urban America and with an active partnership among the President, the Congress, the Mayors, and the people can this challenge be met squarely and successfully.

IMMEDIATE STIMULUS

An immediate economic stimulus was assigned top priority for the new administration by the mayors. The mayors recommended $20 billion budget stimulus in fiscal year 1977 to insure that the recovery moves at a faster pace and generates the revenues needed to revitalize the cities. In "A National Urban Investment Program" they go on to recommend that:

At least $12.3 billion of the stimulus package should consist of public works, deferred maintenance, countercyclical assistance, public jobs, and other fast-spending programs needed to counteract the neglect of our nation's cities during the past few years. These programs create more jobs than tax cuts. However, for stimulative action on the revenue side of the budget, the preferred course would be a one-time rebate of 1976 taxes, targeted to low- and middle-income taxpayers, coupled with a refundable credit for the poor rather than a general lowering of rates reducing future revenues needed for new programs.

The National Urban Investment Policy advocated by the U.S. Conference of Mayors contains recommendations for five program initiatives to attack the immediate problems:

An action agenda to assure the fiscal stability of local government.

An action agenda to address human needs.

An action agenda to address the preservation and development of a city's infrastructure and its capital assets.

An urban economic development program combining public assistance and private investment.

A concentrated effort to consolidate, integrate, and improve existing federal urban assistance programs.

The mayors called upon the Carter administration and the new congressional leadership as well as all Members of the 95th Congress to give immediate attention to unemployment and human needs. Our people need, want, and must have jobs so that they may again contribute to society. This is both social justice and economic good sense. There are pockets of unemployment in some cities that exceed 30 percent. Meanwhile, the Federal Government is spending nearly $15 billion this year on unemployment benefits. Every 1 percent of national unemployment costs the Federal Government $20 billion in lost revenues and recession-related spending. Jobs must be created.

While some of the elements in the national urban investment policy require new legislation, it is significant to note that many do not. If the Carter administration did no more than coherently organize the Federal grants program, it would have accomplished a feat of no small magnitude. Urban grant programs often work at cross purposes. A national urban investment policy must include consolidation and cohesion of the Federal urban agenda which by one count now totals nearly 1,800 separate grant programs.

Federal programs not intended to impact on cities are increasing our urban problems. For example, Federal tax policies encourage investment in new structures rather than the preservation of existing buildings, thus encouraging new urban sprawl at the expense of already established neighborhoods.

Further complicating the problem, in the past 2 years local governments have been forced to work at cross purposes with the economic policies of the Federal Government. They have been forced to raise taxes while the Federal Government was attempting to stimulate the economy by cutting taxes. A study by the Joint Economic Committee shows that during 1976 local and State governments cut services or raised taxes by nearly $8 billion.

FINANCING THE NATIONAL URBAN INVESTMENT PROGRAM

In advocating an urban agenda for action by the Carter administration and the 95th Congress, the Conference of Mayors is willing to show how new program initiatives are to be funded. As local elected officials, they know how to be fiscally responsible. Taking a comprehensive look at the variable components in future budgets, the primary sources of money are:

Increasing revenues by accelerating economic recovery primarily with a spending stimulus.

Controlling or shifting financing for some domestic programs.

Controlling or shifting the military budget.

Controlling detrimental tax expenditures—losses of revenue from tax "loopholes."

A realistic appraisal of each of these actions in light of positions taken by President Carter shows that no single option will yield enough resources to support all of the new program initiatives thought to be essential for revitalizing America's cities—action must be taken to obtain funds in all of these areas simultaneously. Moreover, a new financing mechanism, such as the Domestic Development Bank, which I have advocated, is urgently needed to meet our grave urban problems.

The Conference of Mayors' recommendations outline a recovery program which is fundamentally compatible with the directions chartered by the Humphrey-Hawkins Full Employment and Balanced Growth Act which Congressman AUGUSTUS HAWKINS and I reintroduced on January 10, 1977. The mayors' program shares the values embodied in that legislation.

I urge all Senators to read the "National Urban Investment Program."

Mr. President, I ask unanimous consent that a summary of this program be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY AND OVERVIEW

Without additional economic stimulus in the Fiscal Year 1977 federal budget, the human catastrophe of unemployment will continue and may worsen, spelling economic disaster well into the future and cutting revenues needed to finance new programs. Cognizant of the fact that the new Administration and Congress already are beset with a series of domestic and international problems, the U.S. Conference of Mayors, the organization of the elected officials closest to the people, herein defines the most pressing urban problems and recommends methods to implement and finance corrective programs. In view of the urgency of the cities' problems, the Conference of Mayors calls upon the Carter Administration and the 95th Congress to make revitalization of the cities the number one item on their agenda.

An additional $20 billion budget stimulus in FY '77 clearly is necessary to ensure that the recovery moves at a faster pace and to generate future revenues required for revitalizing the cities. At least $12.3 billion of the stimulus package should consist of public works, deferred maintenance, countercyclical assistance, public jobs, and other fast-spending programs needed to counteract the neglect of our nation's cities during the past

few years. These programs create more jobs than tax cuts. However, for stimulative action on the revenue side of the budget, the preferred course would be a one-time rebate of 1976 taxes, targeted to low- and middle-income taxpayers, coupled with a refundable credit for the poor rather than a general lowering of rates reducing future revenues needed for new programs.

The National Urban Investment Policy advocated by the U.S. Conference of Mayors contains recommendations for five program initiatives to attack the immediate problems:

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An action agenda to address the human needs.

An action agenda to address the preservation and development of a city's infrastructure and its capital assets.

An urban economic development program combining public assistance and private investment.

A concentrated effort to consolidate, integrate, and improve existing federal urban assistance programs.

The persistent and pervasive defects in our social/economic/political order are manifested most tragically in the central cities. This is truly the urban dilemma—the economy may get well, but the cities will remain chronically ill. We seek a creative partnership with the Carter Administration dedicated to working for a way through the morass of "hard core" unemployment and urban economic development.

In advocating our National Urban Investment Program for action by the Carter Administration and the 95th Congress, we are willing to show how new program initiatives are to be financed. As local elected officials, we know how to be fiscally responsible. Considering the federal budget as a whole, it will be necessary to undertake the following actions in combination to finance the urban agenda:

Increasing revenues by accelerating economic recovery with a spending stimulus.

Controlling or shifting financing for some domestic programs.

Controlling detrimental tax expenditures (losses of revenue from tax loopholes).

Expanding the public sector in relation to the private sector.

Clearly, such actions require top-level decision making and support. But the time has come when those tough choices need to be made and implemented. The U.S. Conference of Mayors is prepared to work unstintingly with the new Administration and new Congress in ensuring that these program initiatives, made possible through such actions, are put in place. Together we truly can reshape the urban fabric in America.

A National Urban Investment Program

Today we are on the threshold of change in America. When the American people went to the polls on November 2, they elected a new President, a man who promised significant and sustained change and who pledged to work with us in redressing the economic imbalance in our nation's cities. Immediately after the election, President-elect Carter spoke of a "new spirit" in America. We, the Mayor's of the nation's cities, sense this too. We believe that because of the new spirit among our President and our people that we have a new opportunity to forge a federal/city alliance that will reshape the entire urban fabric.

The weekend after the election, the United States Conference of Mayors held an emergency meeting to develop an urban agenda for the human and economic recovery of our cities. Out of the deliberations of the Mayors at that meeting came the request that the Carter Administration and the 95th Congress develop a new National Urban Investment Policy. Such a policy is based on a national tone of concern for urban America—where 75 percent of the American people live—and access to Executive and Congressional leadership. Only with a serious and sustained commitment to urban America and an active and continuous partnership among the President, the Congress, the Mayors, and the people can this challenge be met squarely and successfully.

The Conference of Mayors called upon President-elect Carter to embrace the kind of Presidential commitment and attention that President Johnson gave to civil rights legislation in the mid-1960's. He did not just ask Congress to act. He gave the subject day-to-day priority and used all of his influence and skill to enact and implement the Civil Rights Act of 1964 and the Voting Rights Act of 1965. The Mayors called upon the new President and his Administration for this kind of commitment to all of the people in the nation's cities.

An immediate economic stimulus was defined by the Mayors as the Number One priority for the new Administration. Without additional economic stimulus in the FY '77 budget, they said, the human catastrophe of unemployment will continue and may worsen, spelling economic disaster well into the future. Moreover, without this immediate spending stimulus, there will be insufficient federal revenues to finance new programs.

The Mayors recommended additional spending in several vital program areas which requires emergency action by the Congress on needed spending measures and a third budget resolution. Some key programs needing immediate attention are accelerated public works, deferred maintenance, countercyclical fiscal assistance, and the Comprehensive Employment and Training Act programs.

To prioritize immediate economic stimulus as the most pressing need of the cities is not to denigrate the other urgent problems. The litany of human needs in our cities is staggering and an immediate economic stimulus is the single best way to finance—in a concerted, comprehensive, and unified manner—a solution to these problems.

The National Urban Investment Policy prescribed by the Conference of Mayors has five major elements:

An action agenda to assure the fiscal stability of local government.

An action agenda to address the human needs.

An action agenda to address the preservation and development of a city's infrastructure and its capital assets.

An urban economic development program combining public assistance and private investment.

A concentrated effort to consolidate, integrate, and improve existing federal urban assistance programs.

The success of any National Urban Investment Policy is predicated on the strength, vitality, and health of our cities' greatest resource—its people. Too many of the able-bodied are without work; too many of the young will never know the advantages of work and its fundamental rewards. Too many of our people have had to learn to live on welfare. All of this in the richest country of the world.

The Mayors called upon the Carter Administration and the new Congressional leadership as well as all members of the 95th Congress to give immediate attention to unemployment and human needs. Our people need, want, and must have jobs so that they may again contribute to society. This is both social justice and economic good sense. There are pockets of unemployment in some cities that exceed 30 percent. Meanwhile, the federal government is spending nearly $15 billion this year on unemployment benefits. Every one percent of national unemployment costs the federal government $20 billion in lost revenues and recession-related spending. Jobs must be created.

While some of the elements in the National Urban Investment Policy require new legislation, it is significant to note that many do not. If the Carter Administration did no more than coherently organize the federal grants program, it would have accomplished a feat of no small magnitude. Urban grant programs often work at cross purposes. A National Urban Investment Policy must include consolidation and cohesion of the federal urban agenda which by one count now totals nearly 1,800 separate grant programs.

Federal programs not intended to impact on cities are increasing our urban problems. For example, federal tax policies encourage investment in new structures rather than the preservation of existing buildings, thus encouraging new urban sprawl at the expense of already established neighborhoods.

Further complicating the problem, in the past two years local governments have been forced to work at cross purposes with the economic policies of the federal government. They have been forced to raise taxes while the federal government was attempting to stimulate the economy by cutting taxes. A study by the Joint Economic Committee shows that during 1976 local and state governments cut services or raised taxes by nearly $8 billion.

If the elements of our National Urban Investment Policy are to be put in place with maximum effectiveness, the Mayors of our nation's cities must have access to the White House and an open dialogue with the Congressional Leadership. How this access is to be accomplished is not the real issue. The issue is that a new federal/city relationship is necessary to ensure that the federal bureaucracy is made responsive to the needs of the cities.

To shelter the homeless or feed the hungry is an act of mercy. But to enable a person to provide his own shelter, his own food and clothing and education, is an even more human and noble act. We believe that the new spirit in America, together with the leadership of the new Administration, the Congress, and the commitment of the Conference of Mayors, can portend an end to the costly, demeaning handouts of the past decade and signal the restoration of dignity to man. The Conference of Mayors will strive for no less.

INTERNATIONAL CLERGY WEEK

Mr. DOMENICI. Mr. President, almost 34 years ago, on February 3, 1943, the troop transport *Dorchester* was torpedoed in the frigid waters of the North Atlantic off the coast of Greenland. The lives of 678 men were lost in this single tragedy.

Sadly, the ship was only 90 minutes from its destination, but within 27 minutes, 678 of the 904 men aboard were lost in these icy waters. Included in the group on this transport were four chaplains—a priest, a rabbi, and two ministers. They were among those who lost their lives but in a most unusual and heroic manner.

The four chaplains, having given their lifejackets to soldiers who had left theirs below, perished with the sinking ship. They were last seen with locked arms each uttering his own prayer, praying to God they served for the safety of those men who were leaving the sinking ship in fear and terror.

In recognition of these four chaplains, the Albuquerque Breakfast Civitan Club

in mid-1960 set aside a time not only to honor their memory, but also show appreciation to all clergymen of all faiths. The original concept was simple: Whatever be our faith, there are without exception, men and women who have dedicated their lives to the ministering of God's word. In an effort to bring the clergy and the laity to a closer understanding, as well as to possibly urge others to dedicate themselves to ministerial endeavors, the observance of an International Clergy Week was proposed.

Soon communities all over America and cities around the world had adopted International Clergy Week as a time to recognize the special role of clergymen in creating a better world citizenry. Now, Mr. President, Civitan International remembering this heroic deed of brotherhood and love, sets aside a week each year as a time to pause and pay tribute to the contemporary clergy of all faiths. This year, the week of January 30 through February 5 has been set to commemorate the deed of the four chaplains and to salute every member of the clergy.

I, on behalf of Mr. Jack Dunn, of Albuquerque, the International Chaplain of Civitan International, on behalf of Civitan International, and on behalf of all those who observe International Clergy Week, commend the observance of this week to all Americans.

AN INTERVIEW WITH SECRETARY ANDRUS

Mr. CHURCH. Mr. President, in Wednesday's edition of the Washington Star, on February 2, there appeared a lengthy interview with our new Secretary of the Interior, Cecil D. Andrus, a longtime friend of mine who served, until his recent appointment to the Cabinet, as Governor of Idaho.

I was pleased with the interview, because Secretary Andrus took the occasion to serve notice that a new spirit will govern the management of his Department.

That new spirit of aggressiveness was best typified in answer to a question about the future direction of the Department of Interior—

> We're going to be an aggressive department, really fulfilling what I think is our obligation: the protection of the heritage of the future of the American people. Decisions that we make in Interior today have a heavy impact upon generations yet unborn. Our responsibility is to hold in trust those resources and lands for the benefit of all of the American people.

With those words, Secretary Andrus summed up his philosophy. It is a statement of policy long past due, and I welcome it.

Mr. President, I ask unanimous consent that the text of the interview with Secretary Andrus in the February 2 editions of the Washington Star be printed in the RECORD.

There being no objection, the text of the interview was ordered to be printed in the RECORD, as follows:

CECIL ANDRUS: PROTECTING OUR HERITAGE

Cecil Andrus, secretary of the interior, was interviewed by Washington Star Staff Writer Roberta Hornig.

Question. Over recent years, Interior has been seen as becoming much more development-oriented rather than people-oriented. Do you expect this image to change?

ANDRUS. Yes, absolutely. We're going to be an aggressive department really fulfilling what I think is our obligation: the protection of the heritage of the future of the American people. Decisions that we make in Interior today have a heavy impact upon generations yet unborn. Our responsibility is to hold in trust those resources and lands for the benefit of all of the American people. In my opinion, the Department of the Interior has been more developmentally oriented than it should've been. This department, if you're not careful, will make a decision to answer a short term demand and will have devastating impact upon the future generations and those things are going to stop.

Q: How?

A. The assistant secretaries of the various divisions will meet with myself and the undersecretary and the solicitor on a regular basis. There will be no more of these little individual fiefdoms here and there. The oil companies had their boys here, and then the cattlemen had theirs over here, and the irrigators had theirs over here, and the recreationalists had theirs over here, and the environmentalists had theirs over there and each one of them went their own separate ways. The philosophy and the policy of this department will be basically the way President Carter outlined it in his campaign when he said, "We will protect the quality of life in America." We're going to do that together, not fighting with one another. Some of the policy decisions will be made following the guidelines and philosophy of the President of the United States and myself and others that feel the way he feels. And there will be no little individual fiefdoms.

Q. Development and protection of the environment are often in natural conflict. How can you carry out really what amounts to two functions, developing the nation's resources and protecting the nation's environment at the same time?

A. I was able to do it in Idaho (as governor). President Carter was able to do it in Georgia. It can be done if you spend the proper amount of time making the determination what is the best use of these lands for all of the people. Now the same criteria won't hold true for all lands. For example, the strip mine bill is an absolute must. We have to have some strong, stringent regulations to govern the methodology that will be used in extracting coal and making the determinations as to where it will be extracted. Some of those lands should not be strip mined. Other lands can be strip mined under regulation and reclamation. We're very fortunate in that we have such vast coal reserves that you don't have to mine every acre of it. Some of that area is best used for other purposes, agricultural pursuits, for example. You don't want to take an action to respond to an energy crisis and then cause a food crisis down the road. So, some areas you can develop with proper environmental safeguards and if you can do that then we'll be for the development. If the environmental safeguards are not there we're going to come down on the side of the environment every time.

Q. What are your goals for the national parks, for example?

A. Well they've taken the abuse of tightening the budget, spending money in other places. It's easier to reach into the pantry and take the financial resources away from them. But the national parks of America have to be brought back up in the maintenance and operation area.

Q. Now how do you do that in a time when there is not much money around?

A. That depends on whose definition of how much money is around. I think it's a reallocation of some of those resources on a priority basis. The President made it very clear during his campaign that he supports the additional funding and manpower that would take to rejuvenate the National Park system. The debate will be, do you put in the development of new parks or the restoration of some of our old parks that have been abused by lack of financial resources to improve the program. I believe that we should get our house in order first before we move out into trying to develop new lands. That doesn't mean that I am against the acquisition of or the development of new lands but it's got to be on a priority basis. At the present time there are some lands that we've got to protect for park purposes in the future. We've got to rejuvenate the National Parks and fishing and wildlife services. Once again make it a thing of pride to be a member of the Park Service. Some people think that it's not important but let me assure you I think that it's important. And they will be rejuvenated. The Mining Act of 1872 is no longer applicable.

Q. What was that about?

A. The Mining Act of 1872 was passed at a time when Congress was wanting to develop the western United States. It gives the people the right to go on the public domain land and search for minerals and if they find them extract them and make a profit and develop the West. Keep in mind those were in the days that many of the prospectors had a burro and little pick and they did uncover a vast amount of wealth that helped develop America. But you can't take that same act and apply it when a man with a bulldozer is running up and down the ridges. It's the only act to my knowledge that gives one individual the right to go onto the public domain land which is owned by everyone, look for minerals in manners many times which are detrimental to the environment and then if he does not find a mineral then there are not adequate laws to make sure that he's capable of destroying the damages that he has done. It's a piece of legislation that should have been amended a long time ago.

Q. Why hasn't it been?

A. There are interests that do not want it changed. They think it's their God-given right to go upon the public domain and rip, rant, rave and tear, and that should be changed. But more than that, the over-all thing is just like President Carter has said many times, we want to restore in the American people the confidence that we recognize the stewardship of the land is important and we're going to do it in the name of all of the people, not just certain individuals who happened to be in the right place at the right time.

Q. Indian rights and Interior's Bureau of Indian Affairs have been a center of controversy. What is your view on this issue?

A. That is an area that has been ignored for a long time. We have a trust, a responsibility that really goes clear back to the Constitution of the United States. The department has been given by statute and direction the responsibilities of maintaining the trust that the treaties gave for the native Americans when we entered into those negotiations with them many, many years ago. And in my opinion it has not been handled as a top priority item. We'll make changes in that area.

Q. In what way?

A. They have a recommendation in for a separate agency and I don't want to get in the way of their deliberations there. If they are successful, more power to them if they can get that kind of support. However, if they do not then there will be much more visibility and strength within the Department of Interior. Instead of choosing a commissioner for the Bureau of Indian Affairs we will elevate that to an assistant secretary level. We will give them the visibility

and the full partnership in the department to where I think we can better look after their affairs. There are building conflicts in this department, with land and water rights versus what some of the Indian rights might or might not be. There are times when suits are questionable as to whether they are legitimate or frivolous, we've got to make a determination on that. But there are others that are very clear cut that their rights have been abused in the past and we are going to see that they are not abused in the future.

DROUGHT PERILS 13 WESTERN STATES

Mr. DOMENICI. Mr. President, while we are all properly concerned about the natural gas shortage, and the energy crisis generally, I believe we would be remiss if we did not recognize another growing problem that could have most serious economic and social consequences in America—the enlarging drought in the West.

While my home State of New Mexico has been able to survive a series of droughts and a declining water table on its eastern edge, this year's low snowfall level bodes a bad future.

What compounds the problem is the real failure of the Federal Government to move aggressively in the field of water availability, water transport, and desalinization of water. We have allowed what were once thriving programs to decline. We have moved away from the basic fact of life—without water there is no life.

I intend to hold hearings on this issue in my State in April, and introduce various parts of a water package in the Senate this year. I believe that all America suffers from water problems—availability, pollution, and treatment. The problem is not isolated in one area. Therefore, I hope to introduce legislation that will help not only the agriculturally critical parts of America, but will help in getting more water to all regions.

Mr. President, I ask unanimous consent that an article from the New York Times, "Drought Perils 13 Western States," by Grace Lichtenstein, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DROUGHT PERILS 13 WESTERN STATES

(By Grace Lichtenstein)

DENVER, February 1.—Extremely dry weather is endangering next summer's water supplies from the Rocky Mountain states to the Pacific Coast, according to the latest data from the Department of Agriculture. Lack of snow is also threatening crops, especially wheat, in the plains of Kansas, Nebraska, the Dakotas, Oklahoma, Texas, Wyoming and Colorado.

Many areas of the West have already produced record minimum snowfalls and stream flows, according to preliminary information gathered for the department's February snow report. As a result, a dozen states besides California are preparing for a drought this year.

Ranchers in a number of states, forced to buy expensive feed for cattle because there is not enough grass to eat, have already seen their costs mount. Thirteen agricultural counties in Colorado were declared eligible for emergency relief Saturday by President Carter. Earlier, President Ford declared a similar emergency for 23 California counties.

In California, now in its second drought year, the nation's strictest formal water rationing began today in Marin County, north of San Francisco. Officials estimated that the drought could cost California farmers $1 billion.

Meanwhile, Government snow survey teams have found that with two-thirds of the snow season over, California had 15 percent of its annual snow pack; Oregon, Washington and Nevada, between 10 and 20 percent; Utah, 25 percent; Colorado, 30 to 40 percent, and Montana and Wyoming, less than 50 percent.

Only Arizona, with 70 to 75 percent normal snow, and New Mexico, with 80 percent, were believed to be escaping the drought conditions. Reports from Idaho were not yet in.

A serious new concern is that the combination of dry soil, no snow insulation and the start of the heavy wind season in the Great Plains will lead to dust storms, blowing away the winter wheat crop.

"It's a crisis situation," said a spokesman for the Soil Conservation Service, a branch of the Agriculture Department.

CLOUD SEEDING URGED

In Colorado, where the light snowfall has already hurt the state's big ski industry, Gov. Richard D. Lamm has set up a drought council and has requested state funds for cloud seeding. The legislature is expected to approved almost $190,000 for sprinkling silver iodide in clouds in three mountainous regions. The seeding could begin later this week.

Utah is also considering state-funded cloud seeding.

The Western State Water Council, a cooperative organization of 11 states based in Salt Lake City, is preparing a weekly drought newsletter. Jack Barnett, executive director, said that in that way the states could share information on their shared water.

The Colorado River and its tributaries, with headwaters in Wyoming, Utah, New Mexico and Colorado, are a principal source of water for those states along with Nevada, California, Arizona and northern Mexico. More than 75 percent of the river system's water comes from snow melt.

Weather experts say that even if the snowfall is normal for the next two months, the West will be short in the spring and summer. Moreover, they are growing increasingly pessimistic about the likelihood of big storms soon.

Northern California is in the worst shape because of its large population, reliance on high Sierra snow runoff and low reservoirs from last year's drought.

"If the current situation persists, we could end up with 70 to 80 percent less than the year 1924—the driest in our records," said A. J. Brown, coordinator of the California Cooperative Snow Survey.

The same upper-level winds that this winter have changed course are responsible for the conditions in the West, according to Dr. Stephen Schneider of the National Center for Atmospheric Research in Boulder, Colo.

He said the winds had brought warm air to Alaska and then swept down with Arctic weather into the Middle West and East. These winds diverted the snow from the Great Plains, Mountain and Pacific states.

OILSPILLS

Mr. PELL. Mr. President, the series of tanker and barge oilspills that have plagued New England during the past several months has proved a severe test of our ability to prevent, contain, and clean up coastal and ocean oilspills.

It is apparent from our experience in these spills that our capability to contain and clean up oilspills is limited. Because there are limitations in our cleanup capabilities, I believe it is essential that we have available and use every possible cleanup technique.

During the massive spill of heavy—No. 6—industrial oil resulting from the grounding of the *Argo Merchant* on Nantucket Shoals in December, I urged the Coast Guard to use all possible methods to contain and clean up the spilled oil, including burning off the oil using wicking agents. Extreme weather conditions hampered the effective use of any cleanup methods in that spill. In the wake of that spill, I urged the Coast Guard to conduct additional tests of burnoff techniques using wicking agents.

I was pleased, therefore, that during the spill of No. 2 heating oil in the approaches to the Cape Cod Canal last week, the Coast Guard did burn off a portion of the spilled oil using wicking agents. According to the Coast Guard, wicking agents were dropped into a pool of spilled oil estimated to contain 6,000 gallons. An estimated 2,000 gallons of the oil was burned off during a 90-minute burn.

I recognize that burnoff techniques are but one weapon in the arsenal of cleanup weapons, and that the effectiveness of each technique varies with the volatility of the oil involved, the location and containment of the spill, and the weather.

I realize, also, that burnoff techniques can contribute to air pollution, but in the case of emergency oilspills difficult choices must sometimes be made between air pollution, destruction of marine resources, and fouling of shores and beaches.

I commend the Coast Guard for its decision to use burnoff techniques when conditions are appropriate, and I hope the Coast Guard will continue efforts to perfect burnoff techniques as one of the several methods that should be available in cases of damaging oilspills.

CZECHOSLOVAKIA MANIFESTO

Mr. THURMOND. Mr. President, an important document entitled, "Charter 77" has been issued by certain leaders in Czechoslovakia who are seeking certain rights under the Communist dictatorship in that country.

The issuance of this document is a courageous step by those who wrote and signed it. It has been reported in the press that the Government of Czechoslovakia is attemping to punish or deport these individuals.

Mr. President, I urge each Member of the Senate to study this document, for it merely calls for basic human rights which are characteristically denied by Communist governments.

Mr. President, I ask unanimous consent that this document, which appeared in the Thursday, January 27, 1977 issue of the New York Times, be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

MANIFESTO CHARGING RIGHTS VIOLATIONS IN CZECHOSLOVAKIA

(NOTE.—Following is the text of Charter 77, a Czechoslovak human-rights manifesto cited by the State Department yesterday as evidence of rights violations. It was trans-

lated by and published in the current issue of The New Leader, dated Jan. 31.)

Law No. 120 of the Czechoslovak Collection of Laws, published October 13, 1976, includes the text of the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, both signed in behalf of our Republic in 1968 and confirmed at the 1975 Helsinki Conference. These pacts went into effect in our country on March 23, 1976; since that date our citizens have had the right, and the State has had the duty, to abide by them.

The freedoms guaranteed to individuals by the two documents are important assets of civilization. They have been the goals of campaigns by many progressive people in the past, and their enactment can significantly contribute to a humane development of our society. We welcome the fact that the Czechoslovak Socialist Republic has agreed to enter into these covenants.

Their publication, however, is at the same time an urgent reminder of the many fundamental human rights that, regrettably, exist in our country only on paper. The right of free expression guaranteed by Article 19 of the first pact, for example, is quite illusory. Tens of thousands of citizens have been prevented from working in their professions for the sole reason that their views differ from the official ones. They have been the frequent targets of various forms of discrimination and chicanery on the part of the authorities or social organization; they have been denied any opportunity to defend themselves and are practically the victims of apartheid. Hundreds of thousands of other citizens have been denied the "freedom from fear" cited in the Preamble to the first pact; they live in constant peril of losing their jobs or other benefits if they express their opinions.

EDUCATIONAL CURBS ARE CITED

Contrary to Article 13 of the second pact, guaranteeing the right to education, many young people are prevented from pursuing higher education because of their views or even because of their parents' views. Countless citizens worry that if they declare their convictions, they themselves or their children will be deprived of an education.

Exercising the right to "seek, receive and impart information regardless of frontiers and of whether it is oral, written or printed," or "imparted through art,"—Point 2, Article 13 of the first pact—can result in persecution not only outside the court but also inside. Frequently this occurs under the pretext of a criminal indictment (as evidenced, among other instances, by the recent trial of young musicians).

Freedom of speech is suppressed by the government's management of all mass media, including the publishing and cultural institutions. No political, philosophical, scientific, or artistic work that deviates in the slightest from the narrow framework of official ideology or esthetics is permitted to be produced. Public criticism of social conditions is prohibited. Public defense against false and defamatory charges by official propaganda organs is impossible, despite the legal protection against attacks on one's reputation and honor unequivocally afforded by Article 17 of the first pact. False accusations cannot be refused, and it is futile to attempt rectification or to seek legal redress. Open discussion of intellectual and cultural matters is out of the question. Many scientific and cultural workers, as well as other citizens, have been discriminated against simply because some years ago they legally published or openly articulated veiws condemned by the current political power.

Religious freedom emphatically guaranteed by Article 18 of the first pact, is systematically curbed with a despotic arbitrariness: Limits are imposed on the activities of priests, who are constantly threatened with the revocation of government permission to perform their function; persons who manifest their religious faith either by word or action lose their jobs or are made to suffer other repressions; religious instruction in schools is suppressed, et cetera.

A whole range of civil rights is severely restricted or completely suppressed by the effective method of subordinating all institutions and organizations in the State to the political directives of the ruling Party's apparatuses and the pronouncements of highly influential individuals. Neither the Constitution of the CSSR nor any of the country's other legal procedures regulate the contents, form or application of such pronouncements, which are frequently issued orally, unbeknown to and beyond the control of the average citizen. Their authors are responsible only to themselves and their own hierarchy, yet they have a decisive influence, on the activity of the legislative as well as executive bodies of the State administration, on the courts, trade unions, social organizations, other political parties, business, factories, schools and similar installations, and their orders take precedence over the laws.

POLICE ACCUSED OF SURVEILLANCE

If some organizations or citizens in the interpretation of their rights and duties, become involved in a conflict with the directives, they cannot turn to a neutral authority, for none exists. Consequently, the right of assembly and the prohibition of its restraint, stemming from Articles 21 and 22 of the first pact; the right to participate in public affairs, in Article 25, and the right to equality before the law, in Article 26—all have been seriously curtailed.

These conditions prevent working people from freely establishing labor and other organizations for the protection of their economic and social interests, and from freely using their right to strike as provided in Point 1, Article 8 of the second pact.

Other civil rights, including the virtual banning of "willful interference with private life, the family, home, and correspondence" in Article 17 of the first pact, are gravely circumscribed by the fact that the Interior Ministry employs various practices to control the daily existence of citizens—such as telephone tapping and the surveillance of private homes, watching mail, shadowing individuals, searching apartments, and recruiting a network of informers from the ranks of the population (often by illegal intimidation or, sometimes promises), etc.

RIGHT TO TRAVEL IS VIOLATED

The Ministry frequently interferes in the decisions of employers, inspires discrimination by authorities and organizations, influences the organs of justice, and even supervises the propaganda campaigns of the mass media. This activity is not regulated by laws, it is covert, so the citizen is unable to protect himself against it.

In the cases of politically motivated persecution, the organs of interrogation and justice violate the rights of the defendants and their counsel contrary to Article 14 of the first pact as well as Czechoslovakia's own laws. People thus sentenced to jail are being treated in a manner that violates their human dignity, impairs their health, and attempts to break them morally.

Point 2, Article 12 of the first pact, guaranteeing the right to freely leave one's country, is generally violated. Under the pretext of "protecting the State security," contained in Point 3, departure is tied to various illegal conditions. Just as arbitrary are the procedures for issuing visas to foreign nationals, many of whom are prevented from visiting Czechoslovakia because they had some official or friendly contact with persons who had been discriminated against in our country.

Some citizens—privately at their places of work, or through the media abroad (the only public forum available to them)—have drawn attention to these systematic violations of human rights and democratic freedoms and have demanded a remedy in specific cases. But they have received no response, or have themselves become the objects of investigation.

The responsibility for the preservation of civil rights naturally rests with the State power. But not on it alone. Every individual bears a share of responsibility for the general conditions in the country, and therefore also for compliance with the enacted pacts, which are as binding for the people as for the government.

The feeling of this coresponsibility, the belief in the value of civic engagement and the readiness to be engaged, together with the need to seek a new and more effective expression, gave us the idea of creating Charter 77, whose existence we publicly announce.

Charter 77 is a free and informal and open association of people of various convictions, religions and professions, linked by the desire to work individually and collectively for respect for human and civil rights in Czechoslovakia and the world—the rights provided for in the enacted international pacts, in the Final Act of the Helsinki Conference, and in numerous other international documents against wars, violence and social and mental oppression. It represents a general declaration of human rights.

FOUNDED ON A COMMON CONCERN

Charter 77 is founded on the concepts of solidarity and friendship of people who share a concern for the fate of ideals to which they have linked their lives and work.

Charter 77 is not an organization; it has no statutes, permanent organs or registered membership. Everyone who agrees with its idea and participates in its work and supports it, belongs to it.

Charter 77 is not intended to be a basis for opposition political activity. Its desire is to serve the common interest, and have numerous similar organizations of civic initiative East and West. It has no intention of initiating its own programs for political or social reforms or changes, but it wants to lead in the sphere of its activity by means of a constructive dialogue with the political and State authorities—and particularly by drawing attention to various specific violations of civil and human rights, by preparing their documentation, by suggesting solutions, by submitting various more general proposals aimed at furthering these rights and their guarantees, by acting as a mediator in the event of conflict situations which might result in wrongdoings, etc.

CHARTER 77 LOOKS TO BELGRADE

By its symbolic name, Charter 77 stresses that it has been established on the threshold of what has been declared the year of political prisoners, in the course of which a meeting in Belgrade is to review the progress—or lack of it—achieved since the Helsinki Conference.

As signatories of this declaration, we designate Dr. Jan Patocka, Dr. Vaclav Havel and Professor Jiri Hajek to act as spokesmen for Charter 77. These spokesmen are authorized to represent Charter 77 before the State and other organizations, as well as before the public at home and throughout the world, and they guarantee the authenticity of its documents by their signatures. In us and other citizens who will join Charter 77, they will find their collaborators who will participate in the necessary negotiations, who will

accept partial tasks, and will share the entire responsibility.

We trust that Charter 77 will contribute to making it possible for all citizens of Czechoslovakia to live and work as free people.

PUBLIC WORKS EMPLOYMENT ACT OF 1977

Mr. HUMPHREY. Mr. President, yesterday I had the pleasure of testifying on S. 427, the Public Works Employment Act of 1977, before Senator BURDICK's Economic Development Subcommittee of the Public Works Committee.

This legslation, which was introduced by Senator RANDOLPH, Senator BURDICK, and other members of the Public Works Committee, and which I cosponsored, would provide $4 billion for local public works projects between now and the end of fiscal 1978 plus $1.5 billion for youth employment projects.

This excellent legislation will provide a significant and quick boost to our economy—all the more needed right now with the plant closings and layoffs due to the natural gas shortage, and the increased fuel bills that will erode consumer purchasing power. I commend the Public Works Committee members for their swift action.

Mr. President, I ask unanimous consent that my prepared remarks before the Public Works Subcommittee on Economic Development be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR HUBERT H. HUMPHREY

Mr. Chairman, I appreciate the opportunity to testify on the Public Works Employment Act, and I congratulate you and the members of the Public Works Committe for your swift action on this measure.

Despite some reservations I have with Title II—the Youth Community Initiatives program—I enthusiastically support the Public Works Employment Act and I would like to offer you any assistance I can in helping speed its enactment.

1976 was a disappointing year. We achieved very few of our economic objectives. We did a relatively good job on prices, getting the inflation rate down below five percent, but we did a very poor job on economic growth and unemployment.

From the fourth quarter of 1975 to the fourth quarter of 1976, the growth of real GNP amounted to only 5.1 percent, with much of the growth concentrated in the first half of the year. The second half was dismal.

As a result, unemployment decreased very little during 1976, from 8.3 percent in December 1975 to 7.8 percent in December 1976, a reduction of only one half percentage point.

Last week, we received the outlines of an economic stimulus package from President Carter which recommends a combination of $31.2 billion in tax cuts and new spending between now and the end of fiscal 1978. I commend the new Administration for its swift recognition of the need for immediate economic stimulus.

I am concerned, however, that the stimulus package may not be sufficient to meet the laudable economic goals set by the new Administration. If the economy remains weak, we may need more stimulus this year, and a greater emphasis on job-creation programs.

This is just what the Public Works Employment Act would do. An additional $4 billion for public works projects is one of the quickest and most effective ways of stimulating economic growth and jobs. There is no doubt that this $4 billion can have an immediate and positive impact on our economy. The Economic Development Administration has received $20 billion worth of applications representing 20,000 projects from all over the country. The best and most urgently needed $4 billion of these projects could be approved and funded immediately. In addition, there are about 4,000 applications which need some revisions but which could be ready for consideration within one week.

EDA assures me that they have the staff to evaluate and approve $4 billion worth of new pojects very quickly—$2 billion right away and another $2 billion within a month or two. I think it is important to point out that these projects can get off the ground right away. I remember the first time we passed the bill creating these public works jobs. It was vetoed on the grounds that the work wouldn't begin until the recovery was going full steam. Well, I hope the experience with this program has taught us a lesson. Each and every application for the original $2 billion received by EDA is for a project that can be started within 90 days. If we act quickly, every single project that is approved could be underway by May or June. We've found ourselves a new antirecession tool here. I hope that we will make good use of it.

I want to congratulate the staff of the EDA for the marvelous job they have done in getting this program off the ground and the first projects approved. Many civil servants have worked long and hard to carry out the will of Congress. As a result of these severe time constraints, some problems have developed in the initial $2 billion allocation. I have a few suggestions for the Committee that I believe will make the allocation of the next $4 billion go more smoothly and more equitably.

First, the applications that EDA has on file should be used for allocating the additional appropriations. This will speed up the allocations process, insuring that the economy gets a quick boost. It will minimize the burden on small communities.

I have received a number of distressed phone calls and letters from small towns in Minnesota regarding the application process. They are concerned that they will have to go through the long ordeal of preparing and submitting applications again. We should make sure that our smaller communities do not have to bear this burden. It makes good sense to use those applications that already have been submitted.

While it certainly is advantageous to use the existing applications I hope that EDA will not enforce this limitation with an iron fist. This would cause serious inequities in my State and perhaps in others. Several communities in Minnesota, particularly the large cities in our Twin Cities region, didn't get their applications to EDA on time. Why did this happen? Not because they were irresponsible, I can assure you. It occurred, quite simply, because it snowed on December 3, the deadline for applications. I think that EDA should be a little flexible, so that acts of Nature do not interfere with meeting the very real needs of our local governments. It may not be necessary to include language in the new legislation to correct this inequity, but I hope your Committee report will instruct EDA to be sufficiently flexible to alleviate this problem.

Second, this Committee should carefully reexamine the requirement that 70 percent of appropriations be allocated to areas with unemployment above the national average, and 30 percent to areas below the national average but above 6.5 percent. Enforcement of this requirement in each State has led to serious inequities. In many cases, areas with very high unemployment have gone unfunded because the 70 percent pot had been exhausted, while an area in the same State with much lower unemployment would have a project approved simply because it was lucky enough to fall into the 30 percent pot. This is not an intelligent or effective use of our scarce resources.

Of course, it is too late to change this requirement for the original $2 billion that has already been allocated. But for the next $4 billion, under consideration today, we should rethink our allocation process. We certainly don't want to force high unemployment areas to go without assistance while lower unemployment areas receive aid. I would recommend that this Committee consider raising the 70/30 split to a higher level, perhaps 85/15, or even eliminating it entirely. First priority under the new program should be given to high unemployment areas that were starved of funds in the first round. In addition, EDA should be instructed to apply any such requirement, be it 70/30 or 85/15, on a national, rather than State basis. This would certainly help in Minnesota—where we could enlarge the 30 percent pot and channel more aid into areas like Minneapolis and St. Paul, which have 30 percent of the State's unemployed but unemployment rates below 7 percent. And it would help the high unemployment States concentrate their resources in the hardest-hit areas.

Third, we should give local elected officials more say in the project selection process. The formula which the EDA used to rank projects was not very flexible. As I understand it, EDA often had to carry out rankings to 8 decimal places in order to get a significant difference between projects.

When an area has four or five projects with equal or similar scores, especially when one project is submitted by the local government, another by the school board, another by the sewer and water commission, etc., EDA should get together with the local officials and let them choose which projects will be most valuable to the local community. I would hate to see this excellent anti-recession program made ineffective because Federal officials rode roughshod over the desires of the people and their elected local representatives.

Fourth, EDA should be more sensitive to the special needs of local areas when it selects among projects. As you know, much of Minnesota and the upper midwest is in the midst of a terrible drought, and many small towns and rural areas in Minnesota are in deseprate need of funds to rebuild and expand their water and sewer systems. Minnesota had 316 applications and only 22 were funded. Many of the unfunded projects would help lessen the impact of the drought. For example, the town of Melrose has submitted a $293,000 applications to improve and extend the town's water and sewer mains, and the town of Lindstrom has submitted a $379,000 application for sewers. With the next $4 billion in projects, the EDA must become more sensitive to priority needs within each State, and they may well want to work closely with State and local officials to develop a better ranking of projects within each State.

Fifth, we should limit the flexibility with which local governments are allowed to define their local labor markets. The rule of thumb for many jurisdictions seems to have been, "Find me an unemployed worker and we'll figure out a way to include him or her in *our* labor market." This feature has penalized those jurisdictions that have defined their labor markets in an honest and sincere fashion. It also has permitted many less-needy suburban jurisdictions to gerrymander their labor markets so that they received assistance, while projects in more needy central cities, suburban and rural areas went unfunded. While we should permit truly regional projects to be considered as such, we

must be very careful to avoid abuses of this concept.

Finally, I believe that this Committee should develop some mechanism that prevents very small jurisdictions from usurping a major portion of a State's public works funds. In one case, a tiny community of 2100 people used one-half of an entire State's allocation for a city hall. One way that this inequity could be prevented is to put a cap on the amount that any jurisdiction could receive per person. This cap would have to be generous, perhaps $300 per person, so that small communities still would be eligible (this would permit a town of 2,000 population to receive a $600,000 grant for a city hall). And it should be based on the number of people that benefit from a project and not the number of people living in the jurisdiction in which the project is located. (Thus, a county health facility that benefits 100,000 people would be eligible for a larger grant than a city hall which benefits 2,100 people, even if they were to be constructed on the same site.)

I offer this proposal simply as a suggestion. I am not certain that it is the best way to prevent the undue concentration of funds in a few small jurisdictions. But, it clearly is one alternative that must be considered.

Now, Mr. Chairman, I would like to say a few words about title II of the Public Works Employment Act, which would establish a Youth Community Improvement program.

You, Mr. Chairman, and Senator Stafford, who originally introduced this program in S. 306, must be commended for moving so swiftly to provide employment assistance to the millions of young people in this country who are unemployed but so desperately want to work and be productive members of our society. Your program would help many of those young people.

Although I do not believe that this program is wholly adequate to relieve this complex problem of youth unemployment, it should be an essential part of the comprehensive program to reduce youth unemployment which I believe we must begin to develop on an urgent basis and as a top priority.

As you know, Mr. Chairman, unemployment among youths is one of the most distressing economic problems facing our country today. Teenagers and young adults suffer from higher unemployment rates than any other group of workers. During 1976, almost 20 percent of our Nation's youths were unemployed at any one time, triple the rate for adults over 25 years old. For black youths, the unemployment rate averaged a staggering 40 percent last year, and this doesn't even count the large number of black youths who have become so discouraged that they have just given up looking for work.

Economic recovery alone will not solve the problem of youth unemployment. Much youth unemployment is structural, and too many youths would be jobless even if the Nation's economy were at full employment. Many youths, and minority youths in particular, live in inner cities and rural areas where the job situation is so depressed that unemployment can become the only way of life a young person knows.

There has been a relative decline in the number of small businesses, the part of the economy which has traditionally provided youths with the entry level jobs that teach them good work habits, responsibility and punctuality.

An ever-deepening gulf has developed between our schools and the world of work, which leaves many young people unprepared for work.

Many youths face artificial barriers, such as the requirement of a high school diploma for even the lowest-level jobs.

And all of this has been exacerbated by the recent rapid growth in the number of youths in the labor force, who find the competition for existing jobs growing more and more fierce.

These structural aspects of youth unemployment must be dealt with directly through enactment of specially-targeted youth employment programs. This is one place where Congress can act with the support of every segment of our society. There is overwhelming support in this country for a youth employment program. Last month, a nationwide Gallup poll showed that 85 percent of those surveyed favor having Congress enact a youth employment program. The most enthusiastic supporters were youths themselves, who favored enactment of a jobs program by a margin of 93 percent to 5 percent.

I have a few suggestions for the Committee's consideration, as you develop a youth employment program. Many of these proposals are contained in the Comprehensive Youth Employment Act, S. 170 which I introduced on January 11th with Senator Javits and others.

First, each youth in this country has a different job problem, and we can't depend on just one program to help all of them. Youth unemployment is a variety of problems, and an effective remedy will have to include a variety of approaches.

At one end of the spectrum are a number of youths who have completely failed in, or been failed by, our educational and training system, and who have no hope of ever becoming a productive member of our economy without substantial help in the way of remedial education, substantial job training, job counseling, and the individual support of someone who cares.

At the other end of the scale are a large number of youths who have succeeded in the educational system, who have used their educations to develop good work skills, and who only need effective job counseling or placement services to get a good entry-level job.

In between are: In-school youths who need part-time work to give them the money or interest they need to stay in school; Youths who need special job training programs to gain the special job skills needed for their occupation; Youths who need work experience to test different occupations and to gain the information needed to make an intelligent occupational choice; And, Youths who are out of work and simply need a job during a cyclical downturn or until they gain the experience needed to become eligible for a regular private or public job.

Second, we have to remember that most jobs in this country are in the private sector. That is where most young people will eventually spend most of their lives working. To the fullest extent possible, we should look to the private sector for a significant number of the jobs in a youth employment program and we should bring the private sector in as a full-scale participant.

Third, most teenagers don't have the work experience or information needed to make life-long career choices. They shouldn't be forced into sophisticated job training programs. A youth employment program should give them the chance to learn what it means to hold a job, it should provide some basic work skills, it should give some information about different occupations, and it should provide fairly decent pay. Jobs for teenagers don't have to be high-level jobs with lots of expensive training, since most youths will end up in a far different occupation than the one in which they start.

But they do have to be useful and productive jobs. Youths don't like leaf-raking jobs any more than the rest of us do. They want their product to be valuable to somebody and they want to feel they are contributing. They want useful and productive work. We have to be very sensitive to this as we put together a youth employment program.

So, Mr. Chairman, the Youth Community Improvement Program would be a welcome antidote to some important aspects of our youth unemployment problem. However, I would prefer to see this title considered as part of the truly comprehensive youth employment approach that we must mount if we are to be successful in dealing with this complex set of problems.

Finally, I want to compliment the Committee for moving so wisely and rapidly to authorize additional vitally needed emergency public works projects. The combination of high unemployment, slow economic growth, and vastly underutilized capital resources make it both desirable and necessary to move quickly with this program. I am hopeful that the full $4 billion will be authorized and appropriated for use this fiscal year.

We have good projects ready to go, we have broad support from the American people, we have administrative machinery in operation and we have a clear and present need for this program.

Now let us get the funds out into the country as quickly as possible to do the job that needs to be done.

PORTLAND OREGON TRANSIT MALL ATTRACTS NATIONAL ATTENTION

Mr. HATFIELD. Mr. President, I have followed closely the development of Portland's transit mall. It is an innovative attempt to cope with the problems of traffic congestion in the core part of our State's largest city. In last Sunday's New York Times, a Portland writer reports on the mall. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The New York Times, Jan. 30, 1977]

TRAFFIC INNOVATIONS, WESTERN STYLE

(By Cynthia Jabs)

PORTLAND, Ore.—Portland has become one of America's most innovative cities in dealing with the automobile, but the engines of change have caused internal combustion for many a driver.

In 1973, the Environmental Protection Agency named Portland among 31 metropolitan areas that needed major transit improvements. Portland was first to respond with a voluntary program aimed at reducing pollution and traffic congestion.

Portland, a major center for the lumber and shipping industries and a city that has sustained a vital downtown district despite urban sprawl, has taken the following steps on mass transit and clean air:

An express lane has been added for car pools of three or more persons and buses on the last four westbound miles of Interstate 80. Buses also get preferential treatment on some downtown streets.

The two main north-south arteries of the city's central business district are being transformed into a "transit mall" for pedestrians and buses, with limited access for other vehicles such as delivery trucks.

Parking spaces downtown have been limited, so that they are treated as "an unrenewable natural resource."

Not all of these measures have enchanted Portland drivers. State police patrols were ticketing about 200 drivers a day—at $27 a ticket—for encroaching on the reserved lanes on Interstate 80 after their inception a year ago. The lanes were added during a resurfacing project, and the road shoulders were converted so that the number of lanes for regular traffic remained the same.

SOME REVENUE LOST

The new transit mall has caused some headaches for drivers. For example, the main entrance of Portland's Hilton Hotel faces on the mall, and the direction of the lone auto access lane is aimed at discouraging through traffic.

Ford Montgomery, the hotel manager, says that this complication has cost the hotel some revenue, but adds that "considering how many separate axes there were to grind in planning this mall, it promises to be very successful."

Portland's largest downtown department store, Meier and Frank, is now virtually inaccessible by car because of its location on the mall. John M. Coe, chairman of the concern's board, says that this inconvenience has cost the store some business.

"Whenever you interrupt traffic patterns that are well established, it's going to upset some people," he said. "But the mall has renewed interest in the downtown area, which will certainly be good for us in the long run."

The mall itself has both provincial and modern touches. The sidewalks have been widened and surfaced with red brick. There are restored cast-iron drinking fountains and street lamps, and trees will be planted to make the mall prettier.

Portland's transit measures have dramatically increased the estimated number of bus riders—from 76,160 in December 1974 to 105,000 last month. The average number of motor vehicles entering downtown Portland each day has increased by only 1,700 in the last two years, to 139,700 last month, according to Michael Bauer, the city traffic engineer.

The Greater Portland area has about 1.1 million residents, with about 400,000 in the city itself.

"Portland's downtown is unique," said Stan Goodell, vice president of the Portland Building Owners and Managers Association, "because the urban sprawl that spread our shopping centers all across the countryside didn't take the business offices with it."

The F.M.C. Corporation, which produces railroad and shipping equipment, is one of 250 employers cooperating with Portland's Tri-County Metropolitan Transportation District, called Tri-Met, in organizing mass transit options for employees.

"We had to do something," said Bruce Harmon of F.M.C., "when the number of employees at our downtown division grew to 1,500, and our parking lot still had only 930 spaces."

CAR POOLS ORGANIZED

The company used computerized personnel files to arrange a list of employes by ZIP code. The list went up on a bulletin board—minus the names of two workers who asked for privacy. As a result, car pools were organized, and now about 10 percent of F.M.C.'s downtown workers arrive by that means. Even more ride to work on express buses that take them from "park and ride" stations outside the city to F.M.C.'s doors before or after the peak rush hours.

Tri-Met's commuter hot line draws about 20 calls a day from people who want to form car pools, said Lana Nelson, who coordinates the project for the agency.

Limits on downtown parking space have also led many people to "double up" as television and radio spot announcements urge.

The ceiling on parking spaces downtown was effected in order "to treat parking space like a natural—and unrenewable—resource, and to manage it like we manage any other resource," said Robert J. Holmes, a director of the Portland Development Commission.

The city plans two new parking garages that will replace parking spaces eliminated by construction of the transit mall and other projects. But the garages will be strictly for short-term metered parking "to encourage shoppers we would lose to suburban shopping malls if parking weren't convenient," Mr. Holmes said.

The Federal Environmental Protection Agency has recently abandoned its efforts to make states and cities comply with its transportation control strategies for reducing the volume of auto fumes.

In Portland, at least, progress toward the E.P.A.'s standards will continue voluntarily.

"It's become a matter of our economic advantage and convenience," said Gary Stout of the Portland Development Commission.

Among the drivers who have adjusted to change is Melvin R. Brown, who works in a downtown drugstore 12 miles from his home.

"I've always hated buses," he said, "But driving and parking here got to be such a mess, I finally tried one. I actually get to work faster on a bus than I can in my car."

DROUGHT IN SOUTH DAKOTA

Mr. ABOUREZK. Mr. President, in view of the disappointing response that my home State of South Dakota has received in regard to its drought problems, it has become apparent that there is a limited awareness of what a drought really is and how damaging it can be. It seems that most people do not perceive a drought—even one as economically devastating as the one presently gripping South Dakota—to be worthy of "major disaster" designation. Nothing could be further from the truth. Admittedly, there has been no loss of life or outright destruction of buildings, but the economic losses are as much, if not more, as those other major disasters.

One source has defined a drought as a "lack of rain for an extended period that causes a considerable hydrologic imbalance and, consequently, water shortages, crop damage, streamflow reduction, and depletion of ground water and soil moisture." One very alarming aspect of drought is its perceived tendency, once it has settled in on an area, to persist and spill over into adjacent areas. There is some evidence which suggests that numerous feedback processes are tripped which go on to aggravate the situation. One must conclude, therefore, that there is no guarantee that next year will bring moisture and a chance for South Dakota's farmers to recoup their losses. On the contrary, many sources predict another long, dry summer.

Drought, of course, has plagued man as long as he has worked the land. Perhaps the most famous instance of severe drought was cited in the Biblical accounts of Egypt under the Pharaohs, when Joseph's ability to interpret dreams averted total disaster. No such forecasts were forthcoming for the United States in the 1930's, when the Great Plains was turned into a desolate dust bowl as a result of the terrible drought.

The drought now facing South Dakota is in many ways much worse than the one which gave rise to the infamous "Dirty Thirties." My State has suffered more than a billion-dollar loss as a result of drought-related damage in 1976.

First-hand accounts of residents who lived through the 1930's attest to the fact that the loss of stock dam water and soil moisture is far worse in the present drought; 2.6 million acres—10 times more than normal—are highly susceptible to the loss of the precious topsoil due to wind erosion. The primary reason that the State has not been turned into a dust bowl already is that our farmers have practiced wise conservation practices.

Federal response to the drought-related disaster in the 1930's was swift and far reaching. Unfortunately, the same cannot be said today. I hope that it will not be necessary for my State to have to suffer dramatic hardship before its need is recognized and aid is forthcoming. Because, if the long-range ramifications of this drought are allowed to unfold bereft of Federal attention, its cost later will certainly be far greater.

TRIBUTE TO RALPH F. GATES

Mr. LUGAR. Mr. President, on February 24, the Honorable Ralph F. Gates, 37th Governor of Indiana, celebrates his 84th birthday anniversary. No former Governor of our State has ever reached the age of 84, and few have enjoyed careers of public service as distinguished as that of Governor Gates.

For more than 57 years, Governor Gates has practiced law and served as a member of the board of directors of Farmer's Loan and Trust Co. in Columbia City, Ind. He represented Indiana as a delegate to 10 Republican National Conventions—a record. He was a member of the Republican National Committee from 1947 to 1961, longer than any Hoosier in history. From 1951 to 1952, he was general counsel to the GOP National Committee.

During his tenure as Indiana Governor—from 1945 to 1949—Ralph Gates maintained the standards of excellence that have marked his entire career. Under his leadership, major improvements were made in the State's mental health hospitals, and the State's Board of Health was established. And the Governor was instrumental in creating the Public Employees Retirement Fund, the Department of Veterans' Affairs, the Department of Commerce, and the Flood Control Commission.

I am proud to pay tribute in the U.S. Senate to Ralph F. Gates, a loyal American and a distinguished native son of Indiana.

INCOME TAX CHECKLIST FOR OLDER AMERICANS

Mr. MUSKIE. Mr. President, the Senate Special Committee on Aging has again this year prepared a revised checklist of itemized deductions available to elderly income taxpayers.

I would like to particularly commend my colleague from Idaho, Senator CHURCH, for his continued efforts in behalf of the Nation's elderly. This checklist has proved to be both a popular and a valuable aid to older residents of my State in filling out their income tax forms.

The committee's information is doubly valuable because many, many older Americans face chronic financial difficulties, and because many older people are

not aware of the legitimate tax deductions available to them.

To bring the checklist to the attention of my constituents, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the checklist was ordered to be printed in the RECORD, as follows:

CHECKLIST OF ITEMIZED DEDUCTIONS FOR SCHEDULE A (FORM 1040)

MEDICAL AND DENTAL EXPENSES

Medical and dental expenses (unreimbursed by insurance or otherwise) are deductible to the extent that they exceed 3 percent of a taxpayer's adjusted gross income (line 75c, Form 1040).

INSURANCE PREMIUMS

One-half of medical, hospital or health insurance premiums are deductible (up to $150) without regard to the 3 percent limitation for other medical expenses. The remainder of these premiums can be deducted, but is subject to the 3 percent rule.

DRUGS AND MEDICINES

Included in medical expenses (subject to 3 percent rule) but only to extent exceeding 1 percent of adjusted gross income (line 15c, Form 1040).

OTHER MEDICAL EXPENSES

Other allowable medical and dental expenses (subject to 3 percent limitation):

Abdominal supports (prescribed by a doctor)
Acupuncture services
Ambulance hire
Anesthetist
Arch supports (prescribed by a doctor)
Artificial limbs and teeth
Back supports (prescribed by a doctor)
Braces
Capital expenditures for medical purposes (e.g., elevator for persons with a heart ailment)—deductible to the extent that the cost of the capital expenditure exceeds the increase in value to your home because of the capital expenditure. Taxpayer should have an independent appraisal made to reflect clearly the increase in value.
Cardiographs
Chiropodist
Chiropractor
Christian Science practitioner, authorized
Convalescent home (for medical treatment only)
Crutches
Dental services (e.g., cleaning, X-ray, filling teeth)
Dentures
Dermatologist
Eyeglasses
Food or beverages specially prescribed by a physician (for treatment of illness, and in addition to, not as substitute for, regular diet; physician's statement needed)
Gynecologist
Hearing aids and batteries
Home health services
Hospital expenses
Insulin treatment
Invalid chair
Lab tests
Lipreading lessons (designed to overcome a handicap)
Neurologist
Nursing services (for medical care, including nurse's board paid by you)
Occupational therapist
Ophthalmologist
Optician
Optometrist
Oral surgery
Osteopath, licensed
Pediatrician
Physical examinations
Physical therapist
Physician
Podiatrist
Psychiatrist
Psychoanalyst
Psychologist
Psychotherapy
Radium therapy
Sacroiliac belt (prescribed by a doctor)
Seeing-eye dog and maintenance
Speech therapist
Splints
Supplementary medical insurance (Part B) under Medicare
Surgeon
Telephone/teletype special communications equipment for the deaf
Transportation expenses for medical purposes (7¢ per mile plus parking and tolls or actual fares for taxi, buses, etc.)
Vaccines
Vitamins prescribed by a doctor (but not taken as a food supplement or to preserve general health)
Wheelchairs
Whirlpool baths for medical purposes
X-rays

TAXES

Real estate
State and local gasoline
General sales
State and local income
Personal property

If sales tax tables are used in arriving at your deduction, you may add to the amount shown in the tax tables only the sales tax paid on the purchase of five classes of items: automobiles, airplanes, boats, mobile homes, and materials used to build a new home when you are your own contractor.

When using the sales tax tables, add to your adjusted gross income any nontaxable income (e.g., Social Security, Veterans' pensions or compensation payments, Railroad Retirement annuities, workmen's compensation, untaxed portion of long-term capital gains, recovery of pension costs, dividends untaxed under the dividend exclusion, interest on municipal bonds, unemployment compensation and public assistance payments.)

CONTRIBUTIONS

In general, contributions may be deducted up to 50 percent of your adjusted gross income (line 15c, Form 1040). However, contributions to certain private nonprofit foundations, veterans organizations, or fraternal societies are limited to 20% of adjusted gross income.

Cash contributions to qualified organizations for (1) religious, charitable, scientific, literary or educational purposes, (2) prevention of cruelty to children or animals, or (3) Federal, State or local governmental units (tuition for children attending parochial schools is not deductible). Fair market value of property (e.g., clothing, books, equipment, furniture) for charitable purposes. (For gifts of appreciated property, special rules apply. Contact local IRS office.)

Travel expenses (actual or 7¢ per mile plus parking and tolls) for charitable purposes (may not deduct insurance or depreciation in either case).

Cost and upkeep of uniforms used in charitable activities (e.g., scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g., postage, stationery, phone calls) while rendering services for charitable organizations.

Care of unrelated student in taxpayer's home under a written agreement with a qualifying organization (deduction is limited to $50 per month).

INTEREST

Home mortgage.
Auto loan.
Installment purchases (television, washer, dryer, etc.).
Bank credit card—can deduct the finance charge as interest if no part is for service charges, loan fees, credit investigation fees, or similar charges.

Points—deductible as interest by buyer where financing agreement provides that they are to be paid for use of lenders' money. Not deductible if points represent charges for services rendered by the lending institution (e.g., VA loan points are service charges and are not deductible as interest). Not deductible if paid by seller (are treated as selling expenses and represent a reduction of amount realized).

Penalty for prepayment of a mortgage—deductible as interest.

Revolving charge accounts—may deduct the "finance charge" if the charges are based on your unpaid balance and computed monthly.

Other charge accounts for installment purchases—may deduct the lesser of (1) 6% of the average monthly balance (average monthly balance equals the total of the unpaid balances for all 12 months, divided by 12) or (2) the portion of the total fee or service charge allocable to the year.

CASUALTY OR THEFT LOSSES

Casualty (e.g., tornado, flood, storm, fire, or auto accident provided not caused by a willful act or willful negligence) or theft losses to nonbusiness property—the amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the $100 limitation. You may use Form 4684 for computing your personal casualty loss.

CREDIT FOR CHILD AND DEPENDENT CARE EXPENSES

Certain payments made for child and dependent care may now be claimed as a credit against tax instead of as an itemized deduction.

If a taxpayer maintained a household that included a child under age 15 or a dependent or spouse incapable of self-care, a taxpayer may be allowed a 20% credit for employment related expenses. These expenses must have been paid during the taxable year in order to enable the taxpayer to work either full or part time.

For detailed information, see the instructions for Form 2441 on page 17.

MISCELLANEOUS

Alimony and separate maintenance (periodic payments).

Appraisal fees for casualty loss or to determine the fair market value of charitable contributions.

Union dues.

Cost of preparation of income tax return.

Cost of tools for employee (depreciated over the useful life of the tools).

Dues for Chamber of Commerce (if as a business expense).

Rental cost of a safe-deposit box for income-producing property.

Fees paid to investment counselors.

Subscriptions to business publications.

Telephone and postage in connection with investments.

Uniforms required for employment and not generally wearable off the job.

Maintenance of uniforms required for employment.

Special safety apparel (e.g., steel toe safety shoes or helmets worn by construction workers; special masks worn by welders).

Business entertainment expenses.

Business gift expenses not exceeding $25 per recipient.

Employment agency fees under certain circumstances.

Cost of a periodic physical examination if required by employer.

Cost of installation and maintenance of a

telephone required by the taxpayer's employment (deduction based on business use).

Cost of bond if required for employment.

Expenses of an office in your home if employment requires it.

Payments made by a teacher to a substitute.

Educational expenses required by your employer to maintain your position or for maintaining or sharpening your skills for your employment.

Political Campaign Contributions.—Taxpayers may now claim either a deduction (line 32, Schedule A, Form 1040) or a credit (line 52, Form 1040), for campaign contributions to an individual who is a candidate for nomination or election to any Federal, State, or local office in any primary, general or special election. The deduction or credit is also applicable for any (1) committee supporting a candidate for Federal, State, or local elective public office, (2) national committee of a national political party, (3) State committee of a national political party, or (4) local committee of a national political party. The maximum deduction is $100 ($200 for couples filing jointly). The amount of the tax credit is one-half of the political contribution, with a $25 ceiling ($50 for couples filing jointly).

Presidential Election Campaign Fund.—Additionally, taxpayers may voluntarily earmark $1 of their taxes ($2 on joint returns) for the Presidential Election Campaign Fund.

For any questions concerning any of these items, contact your local IRS office. You may also obtain helpful publications and additional forms by contacting your local IRS office.

OTHER TAX RELIEF MEASURES

Filing status:	*Required to file a tax return if gross income is at least—*
Single (under age 65)	$2,450
Single (age 65 or older)	3,200
Qualifying widow(er) under 65 with dependent child	2,850
Qualifying widow(er) 65 or older with dependent child	3,600
Married couple (both spouses under 65) filing jointly	3,600
Married couple (1 spouse 65 or older) filing jointly	4,350
Married couple (both spouses 65 or older) filing jointly	5,100
Married filing separately	750

Additional Personal Exemption for Age.—Besides the regular $750 exemption allowed a taxpayer, a husband and wife who are 65 or older on the last day of the taxable year are each entitled to an additional exemption of $750 because of age. You are considered 65 on the day before your 65th birthday. Thus, if your 65th birthday is on January 1, 1977, you will be entitled to the additional $750 personal exemption because of age for your 1976 Federal income tax return.

General Tax Credit.—A new general tax credit is available. For this credit, the taxpayer may claim the greater of (1) $35 per exemption shown on line 6d, Form 1040A or Form 1040, or (2) 2 percent of taxable income (line 15, Form 1040A or line 47, Form 1040) but not more than $180 ($90, if married, filing separately).

Multiple Support Agreements.—In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met: (1) Support, (2) gross income, (3) member of household or relationship, (4) citizenship, and (5) separate return. But in some cases, two or more individuals provide support for an individual, and no one has contributed more than half the person's support. However, it still may be possible for one of the individuals to be entitled to a $750 dependency deduction if the following requirements are met for multiple support:

1. Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test—together contribute more than half of the dependent's support.

2. Any one of those who individually contribute more than 10% of the mutual dependent's support, *but only one of them,* may claim the dependency deduction.

3. Each of the others must file a written statement that he will not claim the dependency deduction for that year. The statement must be filed with the income tax return of the person who claims the dependency deduction. Form 2120 (Multiple Support Declaration) may be used for this purpose.

Sale of Personal Residence by Elderly Taxpayers.—A taxpayer may elect to exclude from gross income part or, under certain circumstances, all of the gain from the sale of his personal residence, provided:

1. He was 65 or older before the date of the sale, and

2. He owned and occupied the property as his personal residence for a period totaling at least 5 years within the 8-year period ending on the date of the sale.

Taxpayers meeting these two requirements may elect to exclude the entire gain from gross income if the adjusted sales price of their residence is $20,000 (this amount will increase to $35,000 for taxable years beginning after December 31, 1976) or less. (This election can only be made once during a taxpayer's lifetime.) If the adjusted sales price exceeds $20,000 (this amount will increase to $35,000 for taxable years beginning after December 31, 1976), an election may be made to exclude part of the gain based on a ratio of $20,000 (this amount will increase to $35,000 for taxable years beginning after December 31, 1976) over the adjusted sales price of the residence. Form 2119 (Sale or Exchange of Personal Residence) is helpful in determining what gain, if any, may be excluded by an elderly taxpayer when he sells his home.

Additionally, a taxpayer may elect to defer reporting the gain on the sale of his personal residence if within 18 months before or 18 months after the sale he buys and occupies another residence, the cost of which equals or exceeds the adjusted sales price of the old residence. Additional time is allowed if (1) you construct the new residence or (2) you were on active duty in the U.S. Armed Forces. Publication 523 (Tax Information on Selling Your Home) may also be helpful.

Credit for the Elderly.—A new, expanded, and simplified credit for the elderly has replaced the former more complex retirement income credit.

A taxpayer may be able to claim this credit and reduce taxes by as much as $375 (if single), or $562.50 (if married filing jointly), if the taxpayer is:

(1) Age 65 or older, or

(2) Under age 65 and retired under a public retirement system.

To be eligible for this credit, taxpayers no longer have to meet the income requirement of having received over $600 of earned income during each of any 10 years before this year.

For more information, see instructions for Schedules R and RP.

Earned Income Credit.—A taxpayer who maintains a household for a child who is under age 19, or is a student, or is a disabled dependent, may be entitled to a special payment or credit of up to $400. This is called the earned income credit. It may come as a refund check or be applied against any taxes owed. Generally, if a taxpayer reported earned income and had adjusted gross income (line 15c, Form 1040) of less than $8,000, the taxpayer may be able to claim the credit.

Earned income means wages, salaries, tips, other employee compensation, and net earnings from self-employment (generally amount shown on Schedule SE (Form 1040) line 13).

A married couple must file a joint return to be eligible for the credit. Certain married persons living apart with a dependent child may also be eligible to claim the credit.

For more information, see instructions for Form 1040 or 1040A.

GET LAKEVIEW STARTED

Mr. TOWER. Mr. President, last week, separate editorial and news statements dealing with the proposed Lakeview Reservoir near Dallas, Tex., described the dilemma facing the project, and ultimately, the citizens who would thereby benefit.

Involved in litigation, in controversy with the Corps of Engineers and trapped by steadily rising land and construction costs, the Lakeview Reservoir is in danger of being priced out of the market, according to Mr. David Brune, director of the Trinity River Authority.

Now we find that the Carter administration appears ready to deal the project a death blow by requiring an unnecessary and burdensome review of this project which has been approved by the Congress and funded for construction in this fiscal year.

When I learned that such a review was recommended, I stated that if the reviewers approached the matter objectively, they would see the same picture we in this body saw when we approved Lakeview. But I also noted the potential for less than even-handed treatment if reviewers approached their task with a prejudice against public works projects which insure both jobs and water resources.

I trust this will not be the case.

This project has the solid backing of the Texas delegation; I have testified before as to its cost-effectiveness and the need to develop water resources in the Dallas area through completion of the Lakeview Reservoir.

I remain convinced that Lakeview will yield not only much-needed water for the city of Dallas, but recreation, wildlife, and scenic benefits as well.

Mr. President, I am not privy to the designs of transition staff members of the new administration, so I do not know if the administration does intend to cause a delay in construction of the Lakeview Reservoir by reinventing the wheel, so to speak, through another "review."

I do know, Mr. President, that I will do everything in my power to see that the project is completed. The people in my State believe it is needed and justified, and I will do my utmost to represent their views here in this body.

I ask unanimous consent that the text of the news article and editorial concerning the Lakeview Reservoir, published in the January 12 and 13 editions of the Dallas Times Herald, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Dallas Times Herald, Jan. 13, 1977]

GET LAKEVIEW STARTED

The much-delayed Lakeview Reservoir project of the Trinity River Authority is an economically and environmentally sound

one, victimized by governmental indecision and unrelated controversies.

Two major problems are now preventing the project in Southwest Dallas County from getting the go-ahead signal from the federal government.

One is a lawsuit filed in 1973 by the Sierra Club, which in a sweeping way included all of the TRA's proposed major projects. U.S. Dist. Judge Carl Bue in Houston enjoined the TRA from embarking on the projects pending resolution of environmental issues.

The other problem is action by the incoming Carter Administration to begin a review of major projects involving the U.S. Corps of Engineers and other federal agencies.

This week a Sierra Club attorney indicated the Club is reconsidering its position on including the Lakeview project in the lawsuit.

We urge the Sierra Club to free the project from the litigation, recognizing it is an individual one not involving some of the more serious concerns.

The Lakeview project, according to its environmental studies, has desirable tradeoffs in its impact on the environment. As we view those studies, we can see many benefits to the environment, especially to the Dallas metropolitan area which is badly in need of natural preserves.

Lakeview, if built now before the costs escalate to ridiculous levels, will include state and TRA parks, both for recreation and for natural preserves. It will be a needed upstream lake on non-polluted waters on a Trinity tributary.

The TRA can, and should, make the Lakeview project one which promotes greater appreciation for building and preserving natural habitats for plants and animals in close proximity to a population center.

Lakeview is also sound economically in that it will become a needed water supply for the growing North Texas area. It will help flood control, too.

We also urge the Carter Administration to take the advice of Texas congressional members and free the project from unnecessary further study.

The facts are in on the project; now it is time to make a decision. That decision, we hope, will be to get Lakeview started.

[From the Dallas Times Herald, Jan. 12, 1977]

DELAY MAY THREATEN LAKE PLAN

(By Joe Taylor)

GRAND PRAIRIE.—If there is much more delay in the start of construction on the proposed $174 million Lakeview Reservoir, the project will "price itself out of the market," says Trinity River Authority (TRA) general manager David Brune.

A spokesman for the transition team of President-elect Jimmy Carter Monday said the team last week requested the Department of Interior to review about 60 water projects nationwide, including Lakeview and four others in Texas, and that the proposed review should be general in scope. No time limit has been set for the studies.

This re-evaluation is destined to cause only more delay for the problem-plagued Lakeview project, Brune said.

"The lake is expensive as it is," said Brune, who added if there is now more than a six-month delay because of the re-evaluation before construction gets under way, land prices and construction costs will continue to skyrocket and the project may get too expensive.

During a hearing last August of the U.S. House Subcommittee on Investigations and Review, officials of the U.S. Army Corps of Engineers testified that construction prices for the lake rose $69 million during a two-year contractual dispute between the TRA and the Corps of Engineers.

The officials also said additional increases could be expected if the lake is delayed further.

"The lake's water supply could become too expensive for the four cities that have purchased the rights," said Brune.

Cedar Hill, Grand Prairie, Duncanville and Midlothian, who have signed to buy the overthrow water yield from the lake, will be responsible for about 43 per cent of the cost of the lake, to be located south of Arlington and Grand Prairie.

The balance of the lake's costs are to be borne by the federal government and the TRA.

Because of the high cost of the 7,000-acre lake, mayors of the the four cities have said they do not have the capability to fund their share. Thus, the TRA has allowed the four cities to defer their payments for 10 years after water is available in the lake.

In other words, TRA officials say the cities are counting on increased population to "grow into" the project.

Because of this, TRA northern division manager David Strawn has labeled Lakeview a "marginal project."

At the House hearing, the four cities' mayors said delays in the start-up of the lake are increasing possibility of water shortages for the cities. The cities now depend on underground water supplies but the mayors said they feared that city wells may not be adequate for supplies more than the 10 years it will take to construct the lake.

Since the announcement by the Carter transition team, Texas politicians have been quick to come to the defense of Lakeview, which has received a $7 million appropriation from Congress though no land has been purchased.

U.S. Sen. John Tower said Lakeview and the other projects in question have "already been fully justified."

U.S. Rep. Dale Milford of Grand Prairie said Lakeview "has been studied and restudied . . . I can't understand what this is all about."

And U.S. Rep. Jim Wright of Fort Worth, the new House majority leader, said though he feels an objective review of Lakeview will show it to be "a cost-effective project," he does not think the Department of Interior has jurisdiction in this case.

In 1965, when the project was approved by Congress, it was budgeted at $31 million.

The re-evaluation statement from the Carter team comes on the heels of an announcement by a Sierra Club attorney that negotiations are under way to free Lakeview from a 1973 federal injunction in Houston.

Army Secretary Martin Hoffman has refused to sign final contracts for the lake's construction because he said Justice Department attorneys have advised him Lakeview is included in a 1973 injunction issued by U.S. Dist. Judge Carl Bue. The court order, requested by the Sierra Club, stopped construction of the TRA's Wallisville Reservoir and the Trinity River Project—the 11 proposed TRA projects including Lakeview.

With the announcement by Sierra Club attorney Ray Berry that the Sierra Club is considering asking that Lakeview be dropped from the legal entanglement, TRA officials had said they hoped to get Lakeview moving again.

But now with the Carter restudy move, TRA officials admit they are frustrated by more delays.

Other Texas projects expected to be reviewed when the Carter administration takes office are the TRA's Tennessee Colony Lake near Fairfield; Palmetto Bend Reservoir near Edna in South Texas; Taylor's Bayou in Jefferson County, and the Red River Waterway, a $956 million project involving three states—Texas, Arkansas and Louisiana—which supporters say could provide barge traffic between Sherman and Denison to the Gulf of Mexico on the Red River.

SENATOR McINTYRE ON: BUSINESS AND THE DEMOCRATS

Mr. RIBICOFF. Mr. President, I would like to call the attention of my colleagues to an article in the February issue of the New Englander, a magazine with significant circulation among business and professional people in the Northeast.

Titled "Business and the Democrats," this article was written by our friend and distinguished colleague, TOM MCINTYRE, the senior Senator from New Hampshire.

Senator MCINTYRE rightly contends that the restoration of a healthy and stable economy depends upon the degree of trust and cooperation a Democratic President and a Democratic-controlled Congress can elicit from the American business community.

Senator MCINTYRE writes:

We know, we Democrats, that no manipulation of fiscal and monetary policy, however ingenious, will work if those who invest in plant and machinery and products and jobs do not have the confidence to make that investment.

Our colleague directly confronts the reality of the situation, noting business' traditional fears of and hostility toward what it perceives as Democratic policy and power.

He cites the late Robert F. Kennedy's sadly resigned observation that the business community's "inherent distrust" of Democratic Presidents is "an ideological reflex * * * I don't know that businessmen, the big ones anyway, no matter what we do, will ever be in love with us."

But Senator MCINTYRE goes beyond recognizing the business community's attitude. He challenges it. He invites business to look behind its ingrained fears to see if recent history, political reality, and the words and actions of the new President justify clinging to apprehensions and antagonisms which will undermine the chances for a cooperative effort to rebuild the economy.

He asks which candidate in the last election had a better fix on the actual state of the American economy—Gerald Ford or Jimmy Carter. He explodes the myth of a monolithic, liberal-left Democratic Congress hell-bent on keeping the private sector under heel, building deficits and rubber stamping every proposal sent up by a Democratic President. And he says to the business community:

You need not fear us. Our goals for our country are not in conflict. There is no reason why we cannot reach an effective accommodation if we resolve not to let arbitrary labels and definitions stand between us.

Speaking for the Democrats, TOM MCINTYRE says to business:

We not only want to work with business and industry, we know we must.

But he also adds:

At the same time, the political realities dictate that the business community must also work with President Carter and the

Congress if it truly wants the economy to recover, to grow and to prosper.

Toward the conclusion of his article, Senator McINTYRE says:

No one is asking business to change its traditional political affiliation. No one is asking business to abandon its dedication to free enterprise and the pursuit of legitimate profit. No one is asking business to drop its insistence upon sound management of the economy.

But perhaps it is time someone asked business to be more forthcoming about its own shortcomings; to stop yearning for a laissez-faire past that will never return; to work with, not against, the political realities of our times; and to broaden its perspective and deepen its (social) concerns.

Mr. President, our colleague from New Hampshire has made a sincere, timely and compelling case for a mutual effort to bridge a gap that left unclosed will surely make economic recovery all the more difficult to achieve. I believe his message deserves the widest possible attention and consideration, and I therefore ask unanimous consent that the full text of his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD. as follows:

BUSINESS AND THE DEMOCRATS

(By Senator THOMAS J. McINTYRE)

(The business community's "inherent distrust" of Democratic Presidents "is an ideological reflex . . . I don't know that businessmen, the big ones, anyway, no matter what we do, will ever be in love with us."—ROBERT F. KENNEDY.)

When CBS concluded, early on the morning of November 3, that Mississippi's electoral votes had at last tipped the election in Jimmy Carter's favor, Walter Cronkite turned to pundit Eric Sevareid for an instant analysis.

"Well," that wise gray eminence ventured, "I think it means that the American people want change . . . but not *much* change."

So it seems. And yet for all the evidence that the electorate neither called for, nor expects, great change, and for all the President's assurances that he plans none, much of the American business community braces for the worst. The purpose of this article is to examine whether the apprehension is justified.

Consider what Carter has said and done since November 3. Every word and deed has been directed toward winning the business community's trust and confidence.

By mid-December he had named Bert Lance, a banker and a fellow fiscal conservative, to direct the all-important Office of Management and Budget, and W. Michael Blumenthal of the Bendix Corporation as Secretary of the Treasury. And by announcing a very modest and responsible set of economic goals for his first year in office, he has reached a rapprochement with the redoubtable Arthur Burns, Chairman of the Federal Reserve Board. A reassured Burns, in turn, seems willing to pursue a mildly expansionist monetary policy in order to help the new Administration meet the challenges of an economy in even worse condition than Carter described it during the campaign.

Moreover, despite the ominous economic indicators, the new President seems determined to prime the economic pump with a very careful hand. When I met with him on December 10th, he indicated he would rely on a judicious mix of job stimulating programs and a temporary tax cut or rebate. He seems to be counting on these fiscal measures, in concert with a modest loosening of the money supply and the delayed impact of late-spent funds from the current budget, to yield an economic growth rate of 6%, and a 1½% reduction in unemployment by the end of his first year in office.

He is expected to go along with the phasing out of oil price controls, support moves to deregulate natural gas, oppose drastic divestiture legislation, urge an end to the double taxing of corporate dividends, and—perhaps—support faster tax write-offs for money spent on plant and equipment.

And there is another reassuring possibility that ought not be lost upon a skeptical and apprehensive business community—particularly the business community in our own Northeast region.

I am certain Jimmy Carter has no intention of being a one-term President. This means he will seek, at every opportunity, to broaden his base of support. Unless I miss my guess, our region is certain to get a more sympathetic ear from him than we got from either Richard Nixon or Gerald Ford—both of whom pursued a "Southern Strategy" that did nothing to redress the regional discrepancies in taxes collected and spent, in government grants, loans, and contracts awarded, and in locating military bases, that now so decidedly favor the Sun Belt and the Far West over the Northeast and the Midwest. I believe Jimmy Carter can move for regional equity without forfeiting his Southern support, and that he will do so.

Given all this, why does the business community remain so chary about a Carter Administration?

In my judgment, it comes down to the President's expressed positions on tax reform, energy policy, and the environment, his early endorsement of standby wage and price control authority, and the fear of a Democratic President working with a heavily Democratic Congress in presumed harmony and singleness of purpose.

Quite honestly, not much can be said to sugar-coat what the new President has in mind in the way of tax reform, energy policy, and environmental protection.

He seems convinced that all income should, indeed, be taxed alike, that the tax structure should be overhauled from top to bottom, and that it should be simplified and adjusted to ease the burden on low and middle-income citizens. He also favors ending tax deferrals on business profits earned abroad, and trimming back tax shelters and deduction available to the privileged.

Though I sense that he will not retreat much from his stance, he is a realist who understands that tax reform of such monumental consequence will come slowly, if it comes at all. It seems certain he will not move on this until at least the second year of his administration.

Another article of personal faith with the new President is his manifest commitment to the environment. Though he promises to do all he can to reconcile the needs of economic development and the environment when they come into conflict, he has also made it unmistakably clear that when those needs cannot be reconciled he will *always* come down on the side of the environment. His record while Governor of Georgia strongly indicates he will do precisely that.

On the issue of energy policy, the President emphasizes increased use of coal, accelerated development of alternative sources, particularly solar, and intense promotion of fuel conservation, while de-emphasizing nuclear power. Though he does not favor a moratorium on nuclear power plant construction, President Carter has made it evident that he has serious reservations about nuclear power and that he considers it an energy source of last resort.

The issue of wage and price control authority is another matter. Upon the advice of counselors who persuaded him that seeking such authority was unnecessarily provocative, the President has abandoned this position. The advice he got was dramatically underscored when steel companies announced the price hike in December, triggering speculation that the increase was ordered to pre-empt the possible imposition of price controls by the incoming administration. The new President told me how disappointed he was over the steel company action, observing that if they had heeded the appeal he had relayed to them to exercise pricing restraint, they could have set a positive tone for cooperation of public and private sectors in the effort to control inflation.

Finally, there is the business community's paramount concern, the feared impact of a Democratic President and a Democratic Congress on the nation's economy.

On my part, I have to conclude from this reaction that business still cleaves to the conviction that: 1) Republicans always do a better job of managing the economy; and 2) All Democrats are stamped from a single mold, distinguished by an antipathy toward business and a propensity for squandering other people's money.

The first point begs a question: In the face of the third quarter indicators and the return of 8.1% unemployment, which candidate had a better understanding of which way the economy was heading—Gerald Ford or Jimmy Carter?

As to the notion that all Democrats are stamped from a single anti-business, free-spending mold, that is an absurdity on the face of it. No Party that numbers among its Congressional members a Hubert Humphrey and a James Eastland, a Ronald Dellums and a Jamie Whitten, is a single-mold party. Moreover, Congressional Democrats have never been the rigid, liberal ideologues some like to make them out to be—not in the days of the New Deal (witness the rebuff of FDR's Court-packing plan), and surely not in the sobering days since Mr. Johnson tried to create a Great Society and pay for a war at the same time.

Not only have most Congressional Democrats become skeptical about the cost-effectiveness of expensive, overly ambitious social programs, but even those on the far-liberal fringe have been brought up short by the plight of Britain's welfare state and what that portends for this country if the public sector is allowed to smother the private sector.

Although we are the only industrialized nation in the freeworld without a national health insurance program, and though the need for national health insurance is valid and widely recognized, Congressional Democrats have *not* rallied in great numbers behind the Heatlh Security Act because too many of them *do not* want a government-directed, totally tax-financed health insurance plan that would kill off the private health insurance industry and replace it with another giant federal bureaucracy.

I might note that Congress's reticence about replacing private business with public programs like the Health Security Act—along with the new President's plan to phase-in a health insurance program as the economy can absorb it—makes it likely that the national health insurance program that finally becomes law will encompass the essential elements of my own National Healthcare Act, a plan that would keep the private health insurance industry in place and buttress it with the public funding of those specific needs the private sector cannot meet.

But the most impressive evidence of the Democrats' sense of fiscal responsibility remains the creation of the Congressional Budget Committee, the Congressional Budget Office, and the Congressional budget process. This process provides the Congress, for the first time, with an effective means of monitoring and controlling the level and direction

of the spending it votes. What it has done to date, I believe, strongly attests to the Democrats' determination to reduce unnecessary spending and spend where it will do the most good. In the past two years, as I have already noted, the Democratic Congress has used this process to react more responsibly to the needs of the economy than the Republican White House.

And there is something more that should allay the fear of a monolithic Democratic juggernaut in Washington. The new President will no doubt have the traditional honeymoon period with the Congress. All Presidents do. But a honeymoon does not guarantee a rubber-stamp legislative branch. Not only does every Senator and Representative represent unique constituencies with unique needs, interests, and concerns, but the demands for following the Party line are no longer what they once were.

What I am saying then is that the reality of the situation is not a dominant President pulling the reins and cracking the whip on a mirror-image Democratic Congress, but a new, and little-known President, elected by the slimmest of margins, dealing with 293 individual and individualistic House Democrats and 61 equally unique Democratic Senators, each differing from the President, and with each other, in loyalties, interests, concerns, and commitments.

Nevertheless, for all the diversity in the Democratic Party, and for all the fractiousness of its representation in the Congress, there is, in the last analysis, a fundamental philosophical bond that unites them and sets them apart from the Republicans. And no accurate portrayal of the Party can afford to ignore that bond.

Democrats may war with one another over taxing and spending, over defense, over energy and the environment, over consumerism, over farm policy, over any number of issues. But deep inside them, with few exceptions, is the recognition that in any given period of history there will be a given number of their fellow citizens who *cannot* cope with the exigencies of life *without* the help and protection of their government, and with this, *a bone-deep belief that government is morally bound to provide that help and protection.*

With the growing number of new and younger Southerners in Congress—so many of them sharing the new President's concern for the poor and the downtrodden—that general depiction is more accurate than ever. Moreover, I believe the Democrats' appraisal of society at large is more hard-headedly realistic than that stubborn conservative delusion that *everyone* is born with the same capacity for self-reliance and upward mobility.

In my judgment, what the essential element of the Democratic character and philosophy means in terms of the business community's relationship with the new Administration is that business's credibility and influence will rest upon how well it can make its case for favorable legislation, regulatory decisions, and Presidential directives *within the context of that political reality.*

The Democratic Party of 1977 is not anti-business. It believes in free enterprise and respects the profit motive. But it does not agree with Milton Friedman, the dean of conservative economists, that the *only* social responsibility business has is to make a profit. Collectively, the Democratic Party believes that business also has a moral obligation to respect the well-being of the society that provides it with the *opportunity* to make a profit.

A survey sponsored by *U.S. News and World Report* this fall revealed that Americans do not think business profits are too high, and that they respect business's accomplishments. But the same survey also revealed that the public is not sure how much it can trust business or how much business really cares about people.

"What the public really seems to be telling business," said *U.S. News*, marketing director, "is to stop lying to us, stop polluting our air and water and stop making extravagant advertising claims. The study does not indicate that the free enterprise system is on trial; only the way business operates within that system is suspect."

The new President won the office by promising truth-telling and moral rectitude. He will demand the same from those who deal with him—including business.

It is all well and good to recognize that our region, for instance, may have no other feasible, short-term solution to our energy problems than nuclear power. But when the business community promotes nuclear power with dogmatic assertions that it is fail-safe and dollar-sound—never conceding for a moment that there are valid reasons for anxiety about safety, waste, and proliferation, and skepticism over its long-term cost effectiveness—it weakens its case because it insults the intelligence and the knowledge of those who view the issue in the round.

Let me offer an example: I chair the Subcommittee on Financial Institutions of the Senate Commitee on Banking, Housing and Urban Development, and in this capacity I have learned how often the deposit rate ceilings under Regulation Q work to the detriment of the small saver. At the same time Regulation Q has spawned many banking executives who cling to the federal government for protection against competition and innovation. And the same can be said about federal branching policy. However intended, branching restrictions represent artificial impediments to the natural functioning of the marketplace. So in that respect it is only fair to continue to ask if those regulations are sound public policy.

Pursuing the point that regulation sometimes serves the regulated more than it serves the public, a word should be said about President Carter's expressed intent to take a hard look at the "revolving door" policy of manning the regulatory agencies. Is his concern justified? I can only cite the most recent study, released this fall, which found that of 42 regulatory commissioners appointed during fiscal years 1971 through 1975, 22 came from companies regulated by the agencies they joined or from the companies' law firms. And of 36 commissioners who left during the same five-year period, 17 went to work for companies their agencies had regulated or for their law firms.

In setting down these thoughts and observations, I have tried to do two things: I have tried to assure the business community that the new Democratic President and the Democratic Congress sincerely want to work with businessmen and women to meet economic problems that are worsening by the day; and I have tried to challenge the business community to reappraise its "inherent distrust" of Democratic Presidents to determine whether that distrust is soundly based and justified or whether it is indeed but an "ideological reflex", as Robert Kennedy said.

We know, we Democrats, that no manipulation of fiscal and monetary policy, however ingenious, will work, if those who invest in plant and machinery and product and jobs do not have the confidence to make that investment. So we not only want to work with business and industry, we know we must.

At the same time, the political realities dictate that the business community must also work with President Carter and the Congress if it truly wants the economy to recover—to grow and to prosper.

You need not fear us. Our goals for our country are not in conflict. There is *no* reason why we cannot reach an effective accommodation *if* we resolve not to let arbitrary labels and definitions stand between us. I am joined in that conviction by the man whom *The New York Times* describes as "the principal spokesman for private business enterprise at this time," Irving S. Shapiro, chairman of DuPont. In a post-election interview with the *Times*, Shapiro said he takes a confident view on the American economy for 1977 and the decade ahead, and a hopeful attitude on the policies of the new Administration. He said he found Carter to be "a man of considerable intellect, and a careful and precise person" with whom he was 'very impressed."

Business can sulk in corporate board rooms, cursing "that man in the White House," as it did in the Roosevelt years. Business can deliberately undercut the President, as Big Steel did in 1964 when it broke its implied promise to President Kennedy and raised its prices—prompting Kennedy to say: "My father always told me businessmen were sons of bitches, but I never believed it until now." Or it can heed the advice of the Hudson Institute's Herman Kahn that the future belongs to those businesses that most clearly manifest a social conscience and demonstrate a commitment to work for the good of the community as well as for profits.

No one is asking business to change its traditional political affiliation. No one is asking business to abandon its dedication to free enterprise and the pursuit of legitimate profit. No one is asking business to drop its insistence upon sound management of government.

But perhaps it is time someone asked business to be more forthcoming about its own shortcomings; to stop yearning for a laissez-faire past that will never return; to work with, not against, the political realities of our time; and to broaden its perspective and deepen its concerns.

Back in the Eisenhower years, "Engine Charlie" Wilson, who came to the Cabinet from the automotive industry, was once quoted as having said: "What's good for General Motors is good for the country."

For years after, Wilson protested that what he *really* said was: "What's good for the country is good for General Motors." And so it is.

THE GEOPOLITICS OF ENERGY

Mr. JACKSON. Mr. President, Mr. Melvin A. Conant, international energy expert, presented testimony before the Interior and Insular Affairs Committee on Tuesday, February 1, on the geopolitics of energy.

Mr. Conant discussed some of the political and economic factors governing access to energy in the decades ahead. He is well qualified for the assignment by virtue of his long experience in the national security area, in industry and in Government—most recently as Assistant Administrator of the Federal Energy Administration for International Energy Affairs. Mr. Conant and his associates have recently completed a study on the geopolitics of energy for the Defense Department which provided the background for his testimony.

Mr. President, I wish to share with my colleagues and the general public the statement made by Mr. Conant at the hearing.

Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE GEOPOLITICS OF ENERGY

(Statement by Melvin Conant)

Mr. Chairman, we welcome this opportunity to discuss with the committee the grave issues that confront our nation in our con-

tinued "access" to international energy supplies. Although our findings have been outlined in great detail in the study you have before you, we would like to take a few minutes to highlight the findings of our report. If our tone conveys a sense of urgency, it is owing to the fact that my associates and I believe that the issues discussed in our report have important ramifications not only in guaranteeing our continued access to vital energy supplies but also in insuring that our national security interests and those of our major industrial allies are adequately preserved.

The twentieth century has witnessed the greatest shift in energy sources the world has ever experienced. Whereas in the first quarter of this century coal was the major source of energy for the industrial world, the discovery of oil in large volumes in southern Russia, the Middle East, and the United States generated interest in the comparative cost of oil, and soon oil became the major energy source of the industrial world. The chief factors that precipitated the conversion from coal to oil were the comparative ease of its extraction, its scant labor requirements, its extraordinary range of uses, its easy transportation, and perhaps most important of all its relative cheapness.

These factors, combined with a host of political and economic considerations outlined in the report, led to the exponential growth of energy usuage in the industrial world. Since domestic production in the major industrial nations could not keep up with demand, increasingly after 1960, oil imports soared. Indeed, over the period 1960–1976, energy consumption in the U.S. and Europe doubled while in Japan it tripled. During this time, Europe's and Japan's dependence on imported oil was for all practical purposes total.

From 1960–1976 the importance of oil to the United States economy rose from 20–35 trillion BTU; while our import dependence rose from 23%–41%. It was in this period that the U.S. ceased to be able to meet its energy requirements from indigenous resources and ceased to be able to function as the emergency oil supplier to our Japanese and NATO allies. During this period while the Middle East and Africa remained the single most important source of oil for Western Europe and Japan, their importance in meeting U.S. requirements nearly tripled. Throughout 1960–1976, only the USSR was and remained energy self-sufficient and hence had no supply vulnerability.

The events surrounding the Arab-Israeli War of October 1973 dramatized the potential divisions that competition for access to Middle Eastern oil can exert on our relations with our major industrial allies. The unwillingness of some European allies to grant us staging facilities for our resupply effort to Israel arose from the fact that they feared that making such facilities available could endanger the flow of oil from the oil-producing states with potentially devastating effects on their national economies.

Mr. Chairman, our allies have lived with energy dependency far longer than we have. Their perspective, therefore, is different from our own. We believe that it is vital to understand this perspective if our alliance structure is to be kept intact. From the European perspective, United States policies in the Persian Gulf particularly *vis-a-vis* the Israeli question, but also with regard to the nature of the commitments we have with Saudi Arabia and Iran, are sometimes seen to be even more complicated and difficult problems than may be the actions of the oil producers.

Although the industrial countries weathered the OPEC embargo of 1973–74 without irreparable damage to the Western alliance, the crisis demonstrated that the different degrees of our oil dependence upon the Middle East and the greater importance to the key producers of the European and Japanese markets will continue to be the root of our energy and related differences with our industrial allies.

Since the end of the Embargo, the level of competition for "access" to Middle Eastern oil has intensified as each of the major industrial countries has come to the realization that with current projections of energy needs over the next decade, the importance of "access" to Middle Eastern crude oil reserves will remain paramount.

Indeed the importance of Middle Eastern crude can be demonstrated by reference to the following statistics. While OPEC countries account for approximately 60% of world oil production (30 MMBD) and over 70% of world oil reserves, the oi-producing nations of the Persian Gulf account for 40% of world oil production and over 50% of world oil reserves.

Because of the nature of our different strategic vulnerabilities to a denial of vital OPEC oil supplies, the Europeans were understandably wary of entering into discussions with us in the International Energy Agency. The Europeans and Japanese were uneasy that such discussions would be interpreted by the oil producers as a hostile act thus jeopardizing their continued access to oil supplies. Their concern was fueled also by skepticism of the real motivations behind the U.S. call for the International Energy Agency. This skepticism was exacerbated when in the midst of the negotiations the U.S.-Saudi Arabian "special relationship" was announced; after all, one of the principal purposes of the IEA exercise was to constrain nations from seeking preferential or exclusive access to a producer's oil.

Mr. Chairman, our allies believe they have reasons for concern over our motivations in estalishing our "special relationship" with Saudi Arabia. With Saudi Arabia the "swing" producer in that it has by far the greatest under-utilization of productive capacity and the largest oil reserves, Europeans and Japanese know they must have access to these reserves. Europeans and Japanese view the present predominance in the Saudi market of the Aramco consortium as evidence of a continuing U.S. policy to keep a pre-eminent presence and position in the greatest oil exporter of OPEC. The Europeans and Japanese have good cause for concern over what the United States intends to make of the Saudi "special relationship." With European and Japanese dependency on Saudi crude two to three times higher than that of the United States and with their dependency on Persian Gulf crude averaging 64% for Western Europe and 74% for Japan, as compared to 25% for the United States, they are disturbed that our policies in the Gulf region could come to affect their supplies.

Although we believe the situation is more complex than perceived by our allies, we believe that the U.S.-Saudi "special relationship" and to a lesser degree the growing U.S.-Iranian relationship suggest the need for a systematic review of our objectives and commitments.

Mr. Chairman, the possible consequences to our alliance structures arising from increased allied competition compel us to comprehend the variety of issues and the opportunities for forceful initiatives which are embedded in this question of "access" to vital energy supplies. Each of us is vulnerable to the constraints of the geopolitics of energy. As we highlight in our report, our essential observation is that for many years ahead the *location* and the sovereign *control* over oil entering world trade will continue to be in the hands of the non-industrial world. Among the free nations, virtually only the U.S. still has options which it can exercise to limit its supply vulnerability to the political and economic actions of key producers.

In this regard, I would like to emphasize that it is virtually impossible for even the U.S. to become energy independent before the turn of the century. This is not to imply that our strategic vulnerability could not be drastically reduced by the rapid development of our coal, nuclear and other alternative energy sources, rather it is merely to emphasize that owing to the constraints outlined in the report, oil will remain the dominant fuel for the industrialized world for the rest of the century.

In this regard, we can not emphasize too strongly the need to develop an integrated national and international energy policy. Although we share the previous and new administration's concerns over the serious safety and environmental issues raised by the rapid development of our domestic coal and nuclear power resources, we must stress in the strongest possible terms the fact that the failure to develop energy alternatives in time and on a sufficient scale will enhance the importance of imported oil for all the industrial economies. Oil and oil alone, will make up for shortfalls in our efforts.

Indeed, the failure to make the hard decisions in the domestic arena will complicate our relations with our industrial allies. The U.S. may well contain great unrealized energy reserves whose exploitation could conceivably meet our needs and in time even some of our allies! Unless we determine soon whether this can be the case, the Europeans and Japanese will have little choice but to continue to expand the nuclear sectors of their economies and to attempt to the degree possible to diversify the source of their fossil fuel imports. But they shall remain crucially dependent on the Middle East.

In this regard, Soviet/European and Soviet/Japanese energy deals and negotiations give cause for concern. The USSR has a marked energy advantage over the U.S. through its far lesser dependence upon imported oil and its potential role as a major exporter of natural gas to Europe and Japan. Despite the possibility that the USSR may become a competitor for some Middle East oil in the short term, the Soviet Union can probably maintain energy autarky within this century. The strategic significance of such an accomplishment could be monumental.

In the meantime, the commanding position of the USSR as a leading exporter of gas to Europe and probably to Japan, and also as the "transit" area for large volumes of Middle East gas to Europe, could give the USSR unprecedented political leverage. The implications of such "new" relationships on NATO and our other alliance structures need to be examined in detail.

The introduction of the Soviet Union into the geopolitics of energy *vis-a-vis* the European and Middle Eastern arenas could tilt the power equation of the area with destabilizing effects both in the immediate Gulf region and the Indian Ocean littoral states, particularly Iran. Such a situation could have important ramifications on the burgeoning U.S.-Iranian relationship and should serve as still another indication of the need to reassess our energy goals and priorities in our "special relationships" in the area.

If the United States wishes to keep the growth of the European/Soviet energy relationship within bounds, then we must launch new initiatives that will demonstrate to our major allies the seriousness with which we view their continuing dependence on imported energy supplies.

As we demonstrate in our analysis, the U.S. can eventually be freed from the constraints of the geopolitics of energy as new and diversified sources of energy become available. Until then—well into the next century—our efforts must be directed at hemispheric opportunities. It may be that intensified government and industry efforts

in the Arctic Zone and in deeper ocean areas might provide some relief from our and our allies' present dependence upon the Middle East. In addition, particular attention must be given to expanded energy relationships with Canada, Venezuela, Mexico and Nigeria. In this regard, the Orinoco Tar Belt and the Canadian tar sands are of particular interest. These expanded relationships to be successful, however, would have to reflect a genuine mutuality of interests not only in energy and would have to be launched on a more comprehensive and intelligent a basis than in the past. Overseas, we must strive not at confrontation but towards the envelopment of the producers' whole range of interests into the world economic system. No effort should be spared to accomplish this end.

The success of these initiatives may be problematic. In addition, the cost of energy produced in these areas will be high, perhaps even higher, than some of our own domestic alternatives. However, we must pursue such initiatives to gradually reduce our dependency on the Middle East.

In addition, we should invite the active participation of our allies in the multilateral development of frontier energy areas, such as in the Arctic latitudes where the expertise of various nations (Canada, Norway) may be a valuable addition to our own. Such initiatives may be loaded with political problems; however, the failure to implement such initiatives will lead to our increased foreign dependence, our vulnerability to the actions of foreign producers, and a deterioration in our relations with our allies. The choice is clear. With massive domestic efforts, we may not be energy independent, but our dependence will be reduced and our international position strengthened. Without domestic efforts, our position is increasingly precarious.

Mr. Chairman, we would like to close with one final observation regarding nuclear power. Clearly, the likely spread of nuclear power for peaceful purposes raises important questions with regard to nuclear weapons proliferation which demand increased government attention and international cooperation. We are concerned that too little attention has focused on the geopolitical implications of the emergence of a Uranium Supplier's group acting not unlike OPEC (but with different actors) and of the emergence of a Nuclear Suppliers' Club for the governance of trade in fuel cycle elements to non-nuclear powers. Such institutions with inherent monopsony power open a "Pandora's box" of policy complications which could surpass the complications of continued allied access to foreign sources of oil.

Thank you Mr. Chairman for the opportunity you have given us to share our views with the Committee.

SOCIAL (IN) SECURITY

Mr. BUMPERS. Mr. President, on January 3, 1977, the New York Times printed an excellent article by Richard L. Tobin about our social security benefits system. I ask unanimous consent that the article be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUMPERS. Mr. President, under present law, a person between ages 65 and 72 can earn up to $3,000 a year and be eligible for all social security benefits. For every $2 earned over that figure, however, a person loses $1 of benefits. This is essentially a 50-percent tax on earnings. On the other hand, persons deriving income from stocks and bonds are eligible for all benefits, without any limitation on income.

As Mr. Tobin so readily illustrates, this inequity is further exaggerated by the fact that the social security system has evolved over several decades, and has not always been protected by Federal statute. Thus, many people contributed hundreds of dollars to what they thought was their old-age income, and, through no fault of their own, have seen their hard-earned money go down the drain.

I have introduced S. 87, a bill which would raise the earnings limit to $4,800 for 1978, contrasted with the $3,000 level now authorized. At the very least, it seems to me, we should allow our senior citizens the opportunity for gainful employment and a decent standard of living. These people deserve our admiration and respect—not insensitivity to their economic hardships. So far, Senators MCCLELLAN, THURMOND, MATHIAS, LAXALT, GARN, and ANDERSON have joined in this effort. I urge others to do so.

EXHIBIT 1

[From the New York Times, Jan. 3, 1977]

SOCIAL (IN) SECURITY

(By Richard L. Tobin)

If President-elect Carter wishes to become immediately popular with almost anyone over 65, he will tackle at once, and with the greatest vigor, one of the most grossly unfair Federal laws—the one that says you cannot earn a decent living after your 65th birthday and get your well-deserved Social Security at the same time.

In 1977, the maximum a beneficiary can earn will increase to $3,000 a year if he or she wants to collect his or her Social Security income. It's been $2,760 a year up to now, but the magnificent $250 rise won't do much to help those of us who have little or no pension money coming in besides our overdue Social Security benefits.

If your income derives from stocks or bonds and not from a paycheck, you can collect the whole Social Security check each month. But for those of us who live from paycheck to paycheck, and whose income comes directly from the sweat of our aging brow, there is little or no chance of our beginning to collect on the Social Security benefits we've been entitled to ever since we hit 65.

Let me cite my own case, since it is typical of those—millions certainly—who are now being robbed of a chance to retire, at least in part.

I have been a dues-paying member of the Social Security system since Dec. 8, 1936, the day it began. So far as I know, my employers have never missed a payment and I know they have deducted many thousands of dollars from my paychecks over the last 40 years. Each year more has been taken out, and at present this figure runs in excess of $875 per annum.

Yet, after exactly 40 years of paying in, I cannot begin to collect. The reason is, essentially, that I worked for The New York Herald Tribune for 24 years and the Trib had no formal pension system, though it did take care of a few ancient out-pensioners while it was still operative. But the day The Tribune folded, any chance any of us staffers might have had for even a modest pension went down the drain in the welter of bankruptcy. Had the present Federal law guaranteeing pensions been in effect at that time, we staffers might have salvaged something. But the rude fact is that we did not and must, therefore, continue to work to survive.

Fortunately for me, I went to work for the Saturday Review in 1960 and was soon taken in under the pension wing of McCall's, which took over the magazine in 1967. It was a good retirement plan and would have worked beautifully had SR not been sold over Norman Cousins' head, at which point I no longer had a pension plan. Fortunately, the few years under McCall's-Norton Simon ownership meant that my pension money, small as it was, had been funded and would come to me no matter who owned me. But it was small, quite naturally, since I was under its wing for less than ten years, starting at the age of 50.

When we recently got SR back, we were faced with all sorts of financial problems, most of which are now beginning to work out. We are probably breaking even—just. But there is little or nothing left over to give us pension money. That is not anyone's fault. In a sense we're lucky to be afloat at all, and I am luckier still to be on someone's payroll at 66.

But the cruel fact is that I cannot stop working because I cannot live on Social Security and the small pension I earned those few years in the 1960's. For every $2 I earn above $3,000 (starting in January) $1 in Social Security benefit is to be taken away. Therefore, if any Social Security income (counting my wife's) is about $6,000 per year, I can forget it if I make $12,000 in salary. Since we cannot live even modestly on the $6,000 plus the small McCall's pension, I am obliged to go on working. Of course, at age 72, the law says, I can keep everything I earn and get my Social Security, too. But I've told myself not to hold my breath.

The original intent of the Social Security law limiting earnings beyond 65 was to open up the employment market for Depression youngsters. That purpose has long since eroded. I like to work. I'm a writer-editor by trade and I shall always be working at something. But I'd very much like to work a bit less for someone else and live, at least in part, on some of the money I've paid in to Washington for just such a purpose over the last four decades. I think I have it coming.

If the lawmakers can't see their way to lifting the silly ceiling on earnings altogether, then maybe they'd raise it so people like me could get a bit of what's coming to them regardless of paycheck. My wife and I would like to travel a little. When I was managing editor of SR and later associate publisher, I had the money but never could scrape together the time to do Europe or Asia. I'd like to now. And it really isn't fair that, through no fault of mine, one splendid publication on which I worked for almost a quarter of a century went to the wall and any pension with it, or that someone bought out from under us at SR, even though the story has a happy ending.

So, Mr. President-elect, if you wish to become immediately popular with at least one Republican, you will recommend immediate changes in the Social Security eligibility laws and see that Congress does something about them.

NORTH SLOPE ALASKAN GAS

Mr. YOUNG. Mr. President, with the vote we cast yesterday on the emergency gas situation, I feel it is extremely important that the issue of more gas for our Nation not be set aside for an instant—and with that thought in mind, I draw the Senate's attention to action we will take before the year is out on North Slope Alaskan gas.

This is another problem we have toyed with now for several years. The gas is there, its availability is obvious—and its

means of reaching the Lower 48 is imperative.

The question facing Congress is, how fast can we get it here for the benefit of our country, the consumer, and our national economics?

The answer to this question is immediate approval of the Trans-Alaska route.

This was the only conclusion reached by the Department of Transportation in its just released monumental study called National Transportation, Trends and Choices. This study released January 1977 minces no words on the transportation experts choice. The study on "pipeline plans" set forth on pages 242 and 293 states:

PIPELINE PLANS

SUPPLY AND DEMAND FORECASTS

Forecasts of future changes in U.S. pipeline systems are based on various scenarios of energy supply and consumption, and are described in figure X.1 and table X.4. These forecasts are based largely on an analysis by the Pace Company of Houston, Texas. Despite expected shortages, which should result in higher prices, demand for energy is expected to grow. This will result in an increase in pipeline shipments, as shown in table X.4. Additional pipeline requirements will also be generated by shifts in the location of sources and, to a lesser extent, in the location of demand. These forecasts may also be affected by competition between pipelines and unit trains designed to carry pipeline products. The unit trains may be found to be the lower cost mode in those special circumstances when the demand for the product builds up too slowly to warrant an immediate use of pipeline or the duration of the flow is over a period of years that are too few to warrant the high capital cost of a pipeline.

TABLE X.4.—PIPELINES, 1975 ESTIMATES AND 1990 FORECASTS

Category	1975	1990
Crude oil trunkline:		
Millions of dollars	$654	$3,351
Million tons	793	1,007
Billion ton-miles	269	552
Petroleum products trunkline:		
Millions of dollars	$870	$1,188
Million tons	686	856
Billion ton-miles	211	261
Other crude oil and petroleum products pipelines (million)	$624	----------
Total:		
Millions of dollars	$2,148	----------
Million tons	1,479	----------
Billion ton-miles	480	----------
Gas trunklines:		
Millions of dollars	$3,286	$4,509
Million tons	406	404
Billion ton-miles	326	333
Coal slurry:		
Millions of dollars	$7.6	$477
Million tons	4.8	80
Billion ton-miles	1.3	72
Chemicals:		
Millions of dollars	(1)	(1)
Million tons	15	26
Billion ton-miles	2.38	4.77

[1] Not available.

Two assumptions used in developing this forecast have far-reaching implications for future pipeline growth. First, it was assumed that all crude oil and natural gas liquids from the Alaskan North Slope would move by sea from Valdez to the U.S. West Coast following trans-Alaska pipeline shipment. Second, it was assumed that all natural gas from the Alaskan North Slope would make this journey as LNG. After regasification, the natural gas would be fed into existing gas pipelines for West Coast use. Gas normally moving into California would be consumed elsewhere.

The assumptions regarding transportation of Alaskan North Slope natural gas were supported by the following reasons:

The all-U.S. line can be put into operation sooner because it does not require Canadian approval, and it can be constructed faster because it parallels the trans-Alaska oil pipeline and is smaller in diameter than the Alaskan-Canadian gas pipeline.

The delivered price of the gas by LNG tanker shipment would be comparable to the pipeline price, considering likely Canadian national and provincial taxes and the cost of moving the natural gas from the U.S. border to consuming areas.

The United States would collect more money in taxes and would not be affected adversely in its baalnce of payments by using the all-U.S. system.

The trans-Alaska line would bring gas to Fairbanks and industry to Alaska.

Both Alaskan gas delivery systems appear technically and economically viable. The trans-Alaska gasline and LNG tanker system is believed to be more viable in view of the earlier prospective operation and better project definition. Because the all-pipeline project would require regulatory approval of two sovereign governments and negotiation of the equity share of each company, delays might be substantially longer than for the all-U.S. system. Use of the trans-Alaskan oil pipeline right-of-way also should simplify approvals and permit earlier solutions to engineering and environmental problems. Either system may find it difficult to meet the 1981 timetable projected earlier. Consideration was not given to alternative proposals for building gas and crude oil pipelines through Canada to the Northern United States because various factors might delay them beyond 1990.

Should the Alaska-Canadian gas pipeline be constructed, the various movements of natural gas within the United States and resulting pipeline projects would need to be changed accordingly. Basically, this would involve movement of natural gas from North Central U.S. points of entry to consumers in other parts of the country. It would also change the pattern of natural gas movements from the West Coast to inland U.S. markets.

The solution to our problem lies in the resolution of regulations, permits, hearings, and legislature actions in one country not two. I remind my colleagues how long it took for the Congress to resolve our Alaskan Native claims. Our neighbors to the North have yet to face that issue—one they surely must before the first foot of pipe is laid in the ground.

On top of the financial problems facing Canada in the resolution of Native claims, I would now like to advise you of the monumental financial and logistic problems facing a Canadian line. For this, the best analysis, although biased, is found in the concluding brief of El Paso Alaska Co., filed in the Federal Power Commission case, Docket Nos. CP. 75–96, et al., which was filed with the Commission on December 17, 1976.

The concluding brief follows:

C. The Arctic Gas Project:

We credit the Arctic Gas Project for being grandly conceived. But this grandness of scope is also its nemesis. It is the essential premise that the many obstacles and risks confronting Arctic Gas would succumb to Brackett's law, *i.e.*, "Whatever is possible or required will, by human or divine intervention if necessary, occur in order to complete and operate the Arctic Gas project as proposed." We catalogue the major obstacles and risks, beginning with two issues of fundamental importance, one in this country and one in Canada.

The first of these issues is whether to authorize construction and operation of a pipeline across the Arctic Natural Wildlife Range. It is clear that the construction and operation of Arctic Gas across the Range is incompatible with the wilderness, recreational and wildlife purpose of the Range, and rights-of-way could not be issued to Arctic Gas under existing law. This Commission, the Department of Interior, the President, and the Congress are presented with a fundamental issue of environmental policy, i.e., should a pipeline, compressor stations, air strips, roads, and all the baggage which would be required to support them, be constructed and operated across the Range when these works and undertakings are in conflict with the wildlife, wilderness and recreational values sought to be protected and enhanced by the Range? We think the whole thrust of modern environmental policy is to avoid such an unnecessary conflict. El Paso Alaska can bring the Prudhoe Bay gas to market without begetting a fundamental conflict between proper environmental policy and the national need for Prudhoe Bay gas.[27]

The second issue is of national significance in Canada. Unlike in Alaska, Canada has yet to address the land claims of its native peoples. We doubt that the Government of Canada would authorize a pipeline before these claims are resolved. We cannot know when the Government of Canada will address this extremely complex issue, but if our own experience is any guide, resolution is not likely in a near time. We are certain that the private financial markets will not support the Arctic Gas pipeline until it is perceived that those claims have been resolved.[28]

The Arctic Gas project depends upon a whole host of events falling into place over which Arctic Gas has little or no control.

In the area of gas supply, Arctic Gas hopes to fill its system with 2.25 Bcf/d from the Mackenzie Delta. It calls this flow "relatively modest".[29] But the evidence that such flows can be realized is non-existent. Staff finds Interior's 0.7 Bcf/d case "most realistic".[30] We show that less than 0.5 Bcf/d is likely on a twenty-year average basis, taking into account both proven and probable reserves.[31] Arctic Gas is premised upon extremely optimistic assumptions of gas supply from the Mackenzie Delta which are unsupported in this record.

In the financial area Arctic Gas presses the limit of hope. It requires as credit support for its project an all-events cost-of-service tariff for itself, and complete tracking tariffs by interstate and inter-provincial transmission companies and by their distributor company customers so as to permit the flow-through of all charges, especially those arising from noncompletion or interruption undertakings, to the ultimate consumer. Even these will not be adequate, say their financial advisors. A yet-to-be defined program by which governments would become "lenders of last resort" or would undertake to meet debt service payments will be required.[32] To accomplish this end, Arctic Gas will require an amendment to the Natural Gas Act to overrule *Pacific Gas Transmission* v. *FPC*, 536 F. 2d 393 (D.C. Cir. 1976), *cert. denied*, 45 U.S.L.W. 3411 (12/7/76); an amendment to Canada's constitution, the British North America Act, so as to require provincial regulatory commissions to allow intra-provincial distribution companies to include in their service charges the payments due on account of non-completion or interruption obligations of inter-provincial pipelines which have been authorized by the NEB; and new legislation in both Canada and the United States which will create a government financed support program to assure lenders to the project that they will be repaid, whatever occurs.

Footnotes at end of article.

It also requires "a maximum effort" [33] in ten financial markets across the world [34] and a commitment of the Canadian government to manage its economy for the benefit of CAGPL.[35] This "maximum effort" may well require a frequent *deus ex machina*. For example:

1. Arctic Gas' component CAGPL must raise $1,850 million in long-term debt from U.S. insurance companies. All the major insurance companies operate under N.Y. Insurance Law which restricts their investments in Canada to 10 percent of their admitted assets. Arctic Gas expects that one-half of CAGPL's requirements will not be subject to this statutory limitation because it believes it can circumvent the N.Y. Insurance Law, although it has no legal opinion to support that belief and neither the N.Y. Superintendent of Insurance nor any insurance company representative has publicly stated that the circumvention will be acceptable.[36]

2. Arctic Gas expects the appetite of U.S. insurance companies for CAGPL bonds, which they do not expect to be guaranteed as to principal and interest by any governmental entity, to be so voracious as to cause these companies (a) to take a much larger proportion of their Canadian security purchases in corporate bonds—thereby ignoring competing government guaranteed hydroelectric issues—than has been the historic pattern, and (b) to increase their overall Canadian investments to much higher percentages of their assets than has been their historic pattern.[37]

3. Arctic Gas expects the Canadian government to enact legislation exempting CAGPL bonds from the 15 percent withholding tax in foreign investment credits.

4. Arctic Gas expects that CAGPL will sell bonds in the Canadian private placement market at an amount four to five times larger than ever before accomplished and without a governmental guarantee of interest and principal.

5. Arctic Gas expects that CAGPL will be able to sell $500 million in bonds in the Canadian public market without a guarantee of interest and principal where over $22,085 million in bonds is offered which are guaranteed as to interest and principal.[38]

6. Arctic Gas expects to obtain $1,872 million in commitments from U.S. banks despite the fact that the practical borrowing limit of the top 50 U.S. banks amounts to $1,813 million and no one could realistically expect all fifty to participate.[39]

7. Arctic Gas expects bank term loan maturities to be seven years after completion which would extend the maturities to 13 years on Arctic Gas' schedule and 15 years on the schedule which Green Construction Company witnesses would assign to the Arctic Gas construction schedule. These maturities are several years longer than banks have been heretofore willing to give.[40]

8. Arctic Gas expects to obtain $1,200–$1,300 million in commitments from Canadian banks which represents 92 percent to 100 percent of the capacity of the Canadian banking system, as established by its own witnesses.[41]

9. Arctic Gas expects to obtain $850 million in commitments from non-North American banks. This is 100 percent of the market capacity, as established by its own witnesses, and almost 200 percent greater than the largest loan made last year to a non-governmental entity by any Eurocurrency banking syndicate which did include North American banks.[42]

10. Arctic Gas expects to obtain $900 million in export credits guaranteed by banks not already tapped out in the U.S., Canada, and the Eurocurrency markets, and to avoid with respect to these export credits any significant foreign exchange risk.[43]

11. Arctic Gas expects to sell $200 million of debt to the Eurodollar market, one so volatile that no prediction can be made as to its availability.[44]

12. Arctic Gas expects to be able to sell over $700 million of CAGPL equity in Canada where over the last six years all Canadian pipelines have been able to sell in all markets—worldwide—only $334 million.[45]

Arctic Gas' advisors were optimistic that the best terms and best rates would be available in each market in which Arctic Gas intends to obtain financing. They facilely pronounced that they were conservatively pricing the cost of Arctic Gas' financing, but an analysis of their proposals displays their hyperbole.

In the area of engineering design, Arctic Gas relies on much yet untested and undeveloped technology.[46] It counts on a superditcher that has yet to be tested.[47] It would like an airplane with the capacity of a Hercules transport but with the runway requirements of a STOL aircraft.[48] It needs snowmaking machines which are only conceptual.[49] It wants welding shelters that have never been built.[50] It relies on snow roads which are unproven in full scale use.[51] It needs vehicles to haul water of a size unknown to the industry.[52] It requires X–70 pipe which has not received the approval of the Office of Pipeline Safety.[53]

In the area of logistics, Arctic Gas must be ready to move equipment within the short transportation windows permitting barging on the Mackenzie River and on the Beaufort Sea. If Arctic Gas is not ready within a week or two of the opening of these windows, it will miss a whole construction year.[54]

In the area of construction progress, Arctic Gas has assumed a pipeline lay rate that Alyeska was unable to achieve in warmer climates [55] and indeed even higher than an Arctic Gas witness was willing to concede to us.[56] Arctic Gas also assumes that men and equipment will operate in the dead of the Arctic winter. Alyeska had no such luck. It closed down in those months.[57] Arctic Gas assumes a change in human nature and in the behavior of machinery. It assumes too much.[58]

Arctic Gas requires the cooperation of nature.[59] It will not be allowed to move heavy vehicles on the tundra until freeze-up. If freeze-up is late, its construction schedule is already imperiled. Arctic Gas clearly is in trouble in a year of low snowfall. While it counts on snow fences to collect the snow, the snow may not be there to collect. If the snow is not available, Arctic Gas plans to manufacture artificial snow. But snow-making equipment is not easy to operate in a cold arctic environment. It also uses large quantities of water. Arctic Gas has not shown that it can safely withdraw water from perennial springs without endangering fish. There are additional difficulties in hauling water over substantial distances.[60] In the area of manpower, Arctic Gas requires more welders in Canada than the Canadian labor market is able to provide.[61]

We do not want to leave the impression that Arctic Gas will be bedevilled by each of the foregoing construction risks. But it would be wondrous if it avoided all of them. It is not surprising, therefore, that the Department of Interior concluded that the commencement of American gas service would be from 18 to 36 months longer than Arctic Gas has planned. EP–231, p. 143.

In order to be successful in its construction schedule, Arctic Gas must mobilize men and material to the far reaches of the high Arctic in numbers never before imagined, thus taxing the Canadian labor force beyond its capacities; it must meet logistical time schedules having little or no leeway in three consecutive years; it relies upon unproven and untested construction equipment and methods, to lay pipe of untested and uncertain metallurgical characteristics, at a rate beyond that achieved by Alyeska during the only comparable construction project and in excess of that proposed by one of its own witnesses, and in the dead of winter. And, all this time, it must rely on many factors over which it has no control—cold weather, to permit snow road activity; weather not too cold, to keep productivity up; clear weather, to permit resupply by air. In short, it requires the sequential happening of a series of events, over many of which it has no control. A year is a minimum. And the cost implication of such a year is staggering.[62]

FOOTNOTES

[27] See the extensive discussion of this issue in our Reply Environmental Brief, pp. 3–24; see generally Brief on Environmental Matters of Sierra Club, The Wilderness Society, National Audubon Society, and Alaska Conservation Society.

[28] See, *e.g.*, our Reply Brief Relative to Canadian Questions pp. 7 & 8, including fn. 4 on p. 7.

[29] Brief of Alaskan Arctic Gas *et al.* Concerning the Supply Issues, p. 12.

[30] Commission Staff Gas Supply Brief, p. 14.

[31] Gas Supply Reply Brief, pp. 16–17.

[32] See our Brief Concerning Financing, pp. 9–10.

[33] *Id.*, p. 100.

[34] *Id.*, p. 65.

[35] *Id.*, p. 55.

[36] *Id.*, pp. 31–39.

[37] *Id.*, pp. 35–38.

[38] *Id.*, p. 42.

[39] *Id.*, pp. 49–50.

[40] *Id.*, pp. 50–52.

[41] *Id.*, pp. 53–55.

[42] *Id.*, pp. 56–57.

[43] *Id.*, pp. 59–62.

[44] *Id.*, p. 62.

[45] *Id.*, pp. 27, 86.

[46] See our Initial Geotechnic Brief, pp. 62–74 and our Reply Geotechnic Brief, pp. 19–31; see Alcan's Initial Geotechnic Brief, App. A (for a list).

[47] See Alcan's Initial Geotechnic Brief, pp. 49–52.

[48] Tr. 167/27,373 (Argetsinger).

[49] Tr. 163/26,802 (Williams); see our Initial Geotechnic Brief, pp. 71–72.

[50] Exhibit ST–48; Tr. 203/34,827 (Daniels).

[51] See our Initial Geothechnic Brief, pp. 65–73; our Reply Geotechnic Brief, pp. 24–27; our Reply Environmental Brief, pp. 25–42.

[52] Tr. 163/26,802 (Williams).

[53] See our Reply Geotechnic Brief, pp. 44–45.

[54] See our Initial Geotechnic Brief, pp. 63–64; our Reply Economic Brief, pp. 3–5; Tr. 22/3,370–71 (Dau).

[55] See our Initial Geotechnic Brief, pp. 32–36.

[56] Tr. 171/28,127 (Franks).

[57] See Alcan's Initial Geotechnic Brief, pp. 34–35.

[58] Tr. 235/41,024 (Campbell); Tr. 212/32,575 (Latz). (In attempting to defend these assumptions, Arctic Gas has relied upon a panel of construction witnesses, many from Trans-Canada Pipeline Limited. Tr. Vol. 202, 203 *passim*.) But even Arctic Gas witnesses Dau and Walker have admitted that the Trans-Canada Pipeline project was not comparable to the northernmost section of the Arctic Gas project. Tr. 202/34,646 (Walker). For a detailed discussion, see our Reply Environmental Brief, pp. 41–42.

[59] The statistical probability of nature cooperating with tundra opening dates as early as Arctic Gas requires three years in a row is one in eight million. Tr. 183/30,817 (Curran).

[60] See our Initial Geotechnic Brief, pp. 65–73, our Reply Geotechnic Brief, pp. 25–27; our Reply Economic Brief, pp. 42–45, 50–51.

[61] See our Reply Economic Brief, p. 5, fn. 4.

[62] See EP–255, the Green Construction Co.'s cost estimate analysis.

I would also draw attention to the remarks made by our colleague in the House, Mr. MURTHA of Pennsylvania, made on the floor of the House on June 2, 1976, which appears as an attachment to my remarks. I ask unanimous consent they be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG. Mr. President, the problems we faced yesterday, necessary as they were, produced not one additional Mcf of gas for the American consumer. The big problem is supply, and the most expeditious and all-American way to resolve that problem is immediate approval by the President and the Congress of the Trans-Alaska pipeline route.

ALASKAN NATURAL GAS—THE NEED TO TAP IT QUICKLY AND CORRECTLY—SUPPORT FOR TRANS-ALASKAN ROUTE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. MURTHA) is recognized for 30 minutes.

Mr. MURTHA. Mr. Speaker, every Member of Congress realizes the importance of natural gas and the problems America faces in the years ahead over shortages of this energy source.

An extremely important debate is now underway in Congress that will decide a great deal about how we handle that natural gas problem. That debate is over when and how we plan to develop the natural gas reserves in Alaska.

This week I presented testimony to the House Energy and Power Subcommittee of the Interstate and Foreign Commerce Committee on this subject. In the remarks that follow I want to share the thoughts from that testimony with my colleagues.

One word before I begin. I want to congratulate my colleagues and the major spokesmen for the competing approaches to Alaskan development. To date the debate has been based on the facts, without distortion or unfairness, and has been aimed toward developing the best possible approach for the United States. I hope the following remarks will add to the facts and to that spirit.

I have divided this presentation into two parts. First, I discuss the legislation presently before the subcommittee; second, I detail my own preference for Alaskan natural gas development:

LEGISLATION

PART I: INITIAL LEGISLATION

After debating the natural gas issue for over a year in Congress there should be little doubt that the situation is serious. While we can look to off-shore drilling, Alaska, and devonian shale for possible large inputs of new gas, we must also face the fact that development on these sources must begin quickly.

In H.R. 12983 we have a good vehicle for expediting the decision on how to tap the Alaskan natural gas. The decisions moving from the Federal Power Commission, to the President, and finally to Congress represent in my estimation a proper decision-making path.

In all candor we face a difficult time problem because it is a Presidential election year. I can understand the philosophy underlying this bill that in the interests of national policy the Presidential decision should be made by the administration taking office in 1977.

Personally, I must disagree with that philosophy. My own preference is for making the decision this year. I have two main reasons for that. The first is the severity of the natural gas situation. Most estimates I have seen indicate all known reserves of natural gas will be used up at our present rate of consumption by 1999. Last week I saw a news story reporting that a Federal Power Commission study indicated it might be only 10 years before those reserves were gone. When we have 40 million households, 135 million residents, and millions of jobs depending on this energy source, I believe we must move as quickly as possible.

Second, estimates I have seen are that each years of delay in pipeline construction increases the final project cost by 10 percent because of inflation, labor rates, etc. We want to add as little to that final delivery cost as possible to protect the consumer who is already hard hit by jumps in energy prices.

If a majority of the Committee believes the administration beginning in 1977 should make the determination, then I would strongly urge that the deadlines in the bill for decision-making be moved forward. I am concerned that under the time limits in the legislation it could be as late as October 1977 before the government clears the way for development of the Alaskan gas. My recommendation would be to move up the dates for Presidential and Congressional decisions in 1977 so at the latest by one year from this testimony a final decision is made. Despite the possibility of a change in administration, I believe enough evidence will be known for any new administration to make its decision earlier in 1977 than the August 1 final deadline in this bill.

I hope the Committee will report and Congress pass an outline such as in this bill, so we do develop a firm time plan for making this decision.

PART II: FINAL ROUTE

Because it is essential for Congress to debate thoroughly the final development plan for the Alaskan natural gas, I also want to take this opportunity to state my firm, positive support for the Trans-Alaskan route for transporting the gas. In the remainder of this testimony I would like to first cite the positive elements of this route, and then answer some of the criticisms being made of this Trans-Alaskan plan.

A. Outline

There have basically been two proposals for moving the gas. The Trans-Alaskan route involves building a pipeline across Alaska, paralleling the oil line, then transporting the gas as LNG to California for distribution in the continental U.S. The alternative proposal (the Trans-Canadian line) involves building a pipeline through Alaska coupled to another pipeline through Canada arriving at the U.S. in the middle west for distribution. I believe the Trans-Alaskan route is superior. (Note: A third route, the Northwest Pipeline, routed through the Fairbanks Corridor, has also been mentioned. I believe the FPC should consider this route if a firm proposal is made, but facts are scarce at this time on the idea, therefore it is excluded from the discussion.)

B. Security

The United States would have total control of a Trans-Alaskan pipeline. Only American approval would be necessary to begin the project. Only the actions of Congress, the Administration, and the State of Alaska would control the development of the project.

If the route is built through Canada, several factors then complicate the issue. Canadian litigation on environment and other problems could tie up development of the project for many years. In Canada, the provinces have sovereignty over the central government and it is unknown what actions the provinces containing the pipeline will take. One option they have is taxing the line heavily, a decision we could not prevent.

Obviously, the Canadian government has traditionally been very friendly to the United States. I am confident that friendship will be strong in the years ahead. But the situations involving the Panama Canal and the Arab Oil Embargo should have shown us that the United States must control our own destiny. The oil and gas coming to the United States from Alaska should be under the total control of the United States government. We should not rely on other nations, no matter how friendly, during this key energy development.

C. Economics

The economic advantages of the Trans-Alaskan pipeline are many.

First, this project means jobs for Americans. Estimates are the Trans-Alaskan project would produce 345,000 jobs for American citizens during construction. If the Trans-Canadian line is built, the vast majority of jobs will go to Canadian citizens. After completion, the Trans-Alaskan line means 3½ times as many jobs for Americans as the Canadian line.

Second, building through Alaska will mean the U.S. government will collect some $9.3 billion in tax moneys. If the line goes through Canada, the Canadian government will collect at least $7 billion. Let us not kid ourselves, in either case the tax cost will eventually be passed on to the American consumer. But I say that if taxes are going to be collected, let us have them come into the U.S. treasuries.

Third, in studying testimony and talking to officials of the El Paso Natural Gas Company (who would be chief builder of the Trans-Alaskan route) I am impressed with their commitment to build the pipeline with goods purchased from American companies. There is already substantial information that a Trans-Canadian line will depend on Japanese and German firms for much of their material.

Fourth, a key question to me is the purchase of pipe for the lines. The oil route was built largely with foreign steel because U.S. companies did not produce the 48 inch pipe needed. I have spoken with steel company officials and they plan to develop facilities to roll 48 inch pipe. U.S. Steel has already announced plans to build an $80 million pipe mill in Texas to produce the 48 inch pipe. Also, the El Paso company officials are considering some use of 42 inch pipe, which is already produced by American companies (including Kaiser, Bethlehem, and U.S. Steel). If the line is built through Canada, American companies could be frozen out of pipe production, at the very least they will produce less of it. I make no secret of the fact that both Bethlehem and U.S. Steel have plants in the 12th Congressional District of Pennsylvania and I believe that if we can use American pipe on this project to help these companies and protect American jobs that we should make every effort to do so.

D. Time span

The Trans-Alaskan natural gas project will parallel the existing oil project. What that means is that the gravel roads, work parks, and camps are already built, and much of the equipment is already there and available. The start-up time will be much less. Needed construction before the project actually begins will be less.

Finally, several recent indications are that the Canadian government plans to develop and stress gas sources that will help their own nation, placing any Trans-Canadian line on a back-burner. That makes clear sense for their nation, but it is another reason why the timing on a Trans-Alaskan line will be better for our country.

E. Environment

The corridors through Alaska are already developed and environmental considerations have already been met along the routes. Some of the Trans-Canadian line will go through wilderness area that will be extremely difficult to protect environmentally. The Trans-Canadian line requires more than

5 times as many minor waterway crossings and 6 times as many major water crossings. That is just one indication of the additional harm that could be done to much of the beautiful Canadian wilderness this line would have to traverse.

F. Some questions

Concerned citizens have raised some important questions about the Trans-Alaskan route. I want to answer those questions briefly. My explanations will be a quick summary, but for the completeness of the testimony I would like to mention them.

The Trans-Alaskan line calls for shipping gas as LNG from Alaska to California. Isn't shipping LNG unsafe? The U.S. Coast Guard has testified to the safety of this shipping. The danger with LNG is during loading and unloading, and the plans are being made to do this in the safest areas possible and away from population. The system involves an automatic cut-off in the pipes when they reach certain stress levels. No one should say there is no danger, but from the material I have seen I believe it is very minimal.

The Trans-Canadian line will bring gas into the Midwest which is hard pressed for gas. By bringing it into California instead, won't we just gut the West Coast market with gas? Those advocating bringing the gas into the Midwest are sincerely trying to help their area, but there are two reasons why I do not believe the Midwest would benefit more than the rest of the nation. First, because of displacement, gas coming into California from Alaska will shift the flow of gas now coming into California from the Southwest to Midwest and Eastern markets. If the gas comes into the Midwest, displacement will transfer gas now going into that region to the east or west. Second, if you don't have a contract for the gas, you aren't going to get it regardless of where it comes in unless there is government allocation which we all want to avoid.

I read where if this gas comes into California, some of it is going to be shipped to Japan. Is that true? That would be against the law. The Alaskan pipeline law says all gas and oil from the pipeline must be used in the U.S., unless Congress and the President give the right to ship it to a foreign nation. Also, the El Paso Company has publicly stated it has no intention of marketing even the smallest quantity of Alaskan gas anywhere but in the United States.

Can't bad weather halt the shipping and mess up the plans? Sure. The weather has been checked, however, and lead time built in, so that a substantial delay because of continuing bad weather would be unlikely.

It is impossible in a short time to present all the arguments and facts. I would like to conclude, however, by restating several key points. First, I believe it is essential for Congress to act quickly on this proposal. Enough parts of the energy solution have already been delayed. We need to act quickly, and forcefully on this issue so we can stimulate the flow of Alaskan gas within the best time frame possible. Second, I believe the Trans-Alaskan line is the best route. It makes the project entirely under the control of the U.S. government. It increases jobs for Americans, and tax revenues for state and federal governments. It is the quickest project to develop. It is the most environmentally reasonable.

I am submitting a chart outlining the pros and cons of the two proposed routes prepared by the El Paso Natural Gas Company.

FACTUAL COMPARISON OF PROJECTS

	TRANS-ALASKA PROJECT	ARCTIC GAS PROJECT
I. Security Risks:	None. Totally under American control.	Severe. Substantial portion of the pipeline crosses a foreign country. Contrary to Arctic Gas claims, a treaty is powerless to solve the problem.
II. Balance-of-Payments Impact:	Favorable.	Unfavorable. Adverse balance of at least $10 billion.
III. Economic Impact:	All goods and services will be contracted within the United States, including the LNG carriers.	Only 6 percent of $6 billion of Arctic Gas' facilities in Canada will be procured in the United States.
IV. Environmental Impact:	Miles of new pipe: 809 in Alaska, plus a few hundred miles, principally in west Texas, connecting with existing pipelines in the lower 48 having idle capacity. Gravel required: approximately 7.5 million cubic yards. Waterway crossings: Major: 26. Total: About 600. Does not enter a wildlife range.	5,600 miles of new pipeline. Gravel required: approximately 57 million cubic yards. Waterway crossings: Major: 170. Total: About 3,000. Traverses the width of the Arctic National Wildlife Range.
V. Timing:	With the use of Alyeska's haul road and other construction facilities which required 1½ years to complete, this project has a significant head start. The laying of 809 miles of pipe in Alaska, coincident with the construction of the liquefied natural gas (LNG) plant represent the major time requirements for the project. Permits must be obtained only from American agencies. Native claims settled in Alaska, after many years of extensive efforts in the U.S. Congress.	Requires the construction of camps, haul roads, and other preliminary facilities before construction of the pipeline may begin. Requires the laying of 5,600 miles of pipeline. Permits must be sought from both the United States and Canadian agencies. Must compete before the National Energy Board (NEB) in Canada against Foothills' all-Canadian Maple Leaf Project. Native claims not settled in Canada.
VI. Benefits to the State of Alaska:	Substantial. $4.7 billion worth of goods, services, and facilities. Construction payroll of $840 million in Alaska. $2.9 billion to be paid in ad valorem and income taxes to the State over the life of the project. Pipeline route provides State of Alaska direct access to 12½ percent royalty share of the gas.	Minimal. $657 million worth of goods, services and facilities. Construction payroll of $190 million in Alaska. $360 million in ad valorem and income taxes to the State over the life of the project. Arctic Gas route precludes state access to its royalty share of gas.
VII. Tax Benefits to U.S.:	$9.2 billion in Federal income taxes to the U.S. treasury over the life of the project. $3.6 billion to be paid in *other* taxes to American governmental entities over the life of the project.	$2.1 billion in Federal income taxes to the U.S. treasury over the life of the project. $1.4 billion to be paid in *other* taxes to American governmental entities over the life of the project. (In addition, $3 billion will be paid to Canada at present tax rates. Taxing powers of the provinces are sovereign and cannot be controlled by the Canadian federal government.)

FACTUAL COMPARISON OF PROJECTS—Cont.

	TRANS-ALASKA PROJECT	ARCTIC GAS PROJECT
VIII. Employment:	7,500 workers to be employed at the peak of the project in the State of Alaska. 624 permanent employees in the State after construction. Total work force in U.S. at peak of construction: 24,000 (including Alaska). Permanent number of employees in the U.S. after completion of project: 1,470 (including Alaska).	2,500 workers to be employed at the peak of the project in the State of Alaska. 39 permanent employees in the State after construction. Total work force in U.S. at peak of construction: 12,000. Permanent number of employees in the U.S. after completion of project: 420.
IX. Shrinkage:	11.1 percent, some of which could be recoverable in the form of cryogenic energy.	9.6 percent, *none* of which is recoverable.
X. Total Capital Cost:	$8 billion.	$9.2 billion.
XI. Pipe Rolling:	Pipe requirements (42") can be met by U.S. mills.	Requires substantial portion of worldwide pipe mill capacity. No U.S. mill can now roll 48-inch pipe. Must be done in Canada, Germany or Japan.

DIGNITY IN PUBLIC AFFAIRS

Mr. PERCY. Mr. President, it was disappointing indeed that Federal Trade Commissioner Paul Rand Dixon engaged in casting racial epithets against Ralph Nader. Calling Mr. Nader a "dirty Arab" was an insult to him and to the peoples of Arab lands, as well as a supreme embarrassment to the American people.

Mr. Nader is an outstanding consumer advocate. He has done much to improve the lot of citizens throughout this country. Like any prominent personality, not everyone agrees with him all the time. But there can be no disagreement that Ralph Nader has had a tremendous impact on improving governmental sensitivity to vital health and safety concerns, and to heightening the awareness of all Americans as to how those concerns affect their daily lives. The term "dirty Arab" is a crass, racist comment. There is no room in public affairs for such slurs to be applied to anyone. I am pleased to join with the American Jewish Committee and the Anti-Defamation League of B'nai B'rith in condemning the remark.

The Federal Trade Commission and other regulatory agencies especially must strive for impartiality; to the extent any of its members demonstrates such deep-seated personal prejudice, the Commission and the Nation are poorly served.

Commissioner Dixon has apologized for his mistake. Surely, Mr. Dixon now understands the need for fostering open, dignified debate about public affairs between those on all sides of the major questions facing the Nation. Let us hope he can use the tremendous potential of his office toward enhancing the efficient operation of the marketplace, instead of offering gratuitous, reprehensible slurs against one of the very persons who has done so much in behalf of American consumers.

NOMINATION OF PAUL C. WARNKE TO BE DIRECTOR OF ACDA

Mr. CHURCH. Mr. President, the White House yesterday announced that President Carter intends to nominate Paul C. Warnke to be director of the Arms Control and Disarmament Agency, and U.S. special negotiator at the strategic arms-limitation talks. Even before the nomination was formally announced, however, criticism of Warnke was reported in the Washington Post, based on the following statement he reportedly made in 1972:

> Even substantial nuclear superiority, short of nuclear monopoly, could not be a decisive factor in any political confrontation between the United States and the Soviet Union.

This statement is being treated as if it contains some radically new and extremely dubious doctrine, rather than being a succinct expression of what has been the conventional wisdom with regard to the use of strategic nuclear weapons almost since the dawning of the nuclear age: that is, that the purpose served by our strategic nuclear force is deterrence, the prevention of a full-scale nuclear war, not bending another nuclear power, possessed of a similar force, to our will.

The Cuban missile crisis is cited by Mr. Warnke's critics in support of their misgivings over Mr. Warnke's observation. However, that crisis proves just the opposite of their contention.

In 1962, the U.S. nuclear arsenal was vastly superior to the Russians', yet there was a stalemate in which neither side dared resort to nuclear weapons in order to achieve its political objective. The final outcome was determined by the balance of conventional forces in the area. The Soviet Union backed off because of Cuba's geographical proximity to the United States and the U.S. ability to mobilize overwhelming conventional military forces. Indeed, more than any other single incident, the Cuban missile crisis was cited at the time as evidence of the need for getting away from the Dulles doctrine of massive retaliation and strengthening our conventional warfare capability.

Twenty years ago, President Eisenhower described a full-scale nuclear war as the ultimate insanity. I doubt that any President since Eisenhower has seriously disagreed with that assessment. At that time, the Russians were just beginning to build a credible nuclear deterrent. Today both sides have an effective retaliatory force, a "second-strike capability," whereby each has the capacity to retaliate and to inflict a mortal blow on the other, even after having absorbed a devastating initial attack. Under these circumstances, what exactly does "substantial nuclear superiority" mean? That we can kill 70 million Russians in one blow while they can only kill 30 million Americans in retaliation?

It appears that there is a specter loose in the land, the specter of a man who talks sense to the American people about the limits of nuclear threats to achieve political objectives. This specter is so alarming to those still addicted to the false fantasy of "nuclear superiority" that they cannot tolerate the intrusion of observations which reflect the realities of the world today rather than the world as they would have it.

THE PANAMA CANAL TREATIES

Mr. THURMOND. Mr. President, the Panama Canal situation is once again emerging in the press as an important foreign policy issue.

Alfred J. Schweppe, Seattle, Wash., has prepared a paper entitled "The Panama Canal Treaties." It contains a significant amount of material which will be of interest to our colleagues. Among other things, it contrasts the positions of Secretaries of State John Hay and Charles Evans Hughes with those of former Secretary of State Henry Kissinger, and it answers some of the arguments currently held by the State Department.

Mr. President, in order to share this information and excellent article with my colleagues, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PANAMA CANAL TREATIES

(By Alfred J. Schweppe)

This is the story of the widely misunderstood treaties of the United States with the Republic of Panama—misunderstood by the Kissinger State Department, and misunderstood by the present Panamanian government.

On November 18, 1903, the United States signed a treaty (called the Hay-Buneau Varilla Treaty) with the new Republic of Panama, whose independence had been recognized by the United States on November 6, 1903.

The purpose of the treaty is described in the preamble, namely, to provide for construction of a ship canal across the Isthmus of Panama. This preamble recited that, initially, "the sovereignty of such territory being actually vested in the Republic of Panama," the parties have resolved to make a treaty with reference to such territory.

In Article I, a crucial article for Panama's future, the United States "guarantees and will maintain the independence of the Republic of Panama."

In Article II, the Republic of Panama "grants to the United States in perpetuity the use, occupation and control of a zone

of land and land under water . . ." ten miles wide. This means "legal title" because in law, both domestic and international, the right to possession in perpetuity constitutes legal title.

Then comes Article III in which the Republic of Panama grants to the United States all of the "rights, power and authority" described in Article II "which the United States would possess and exercise if it were the sovereign of the territory" [the Zone], "to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights."

Simply stated, Panama, having initial sovereignty over the area constituting the Zone, by the treaty relinquishes in perpetuity to the United States title to the Canal Zone, and relinquishes in perpetuity all sovereign rights of Panama in the Zone.

Article VI of the 1903 treaty appropriately protected private property rights in "any of the lands or waters *granted* to the United States" by the treaty. (Italics supplied.)

Such a treaty is the equivalent to a deed in fee simple by one country to another of all public property, saving private property rights which then become subject to the jurisdiction of the new owner.

The acquisition of Alaska, for example, was acceding of all pubic property, saving private property rights. The same is true of the Louisiana Purchase and the Gadsden Purchase covering parts of Arizona and New Mexico.

Legal title is the right to possession in perpetuity good against all the world. Sovereignty is the supreme political power and domination over an area. Panama in 1903 granted in perpetuity the "use, occupation and control" of the Zone and "all rights, power and authority within the Zone." It thus granted title and sovereignty to the United States within the Zone and completely relinquished its own.

For this conveyance of title and relinquishment of sovereignty in perpetuity, the United States paid Panama $10,000,000 in gold, and agreed to make an annual payment of $250,000 in gold for the life of the treaty, beginning nine years from date, presumably an estimate of the completion date of the Canal. This annual payment, or annuity, was not rental but was part of the legal consideration for the grant. This annuity has since been negotiated upward and is now $2,300,000.

On March 3, 1936, some changes in the 1903 treaty were negotiated in the General Treaty of Friendship and Cooperation between the United States and the Republic of Panama. The principal ones were: (1) the elimination of Article I guaranteeing independence [it being, by reason of the 1922 treaty of the United States with Colombia hereafter referred to, no longer necessary], (2) giving up the right of the United States to keep order in the Republic of Panama if Panama could not, in the judgment of the United States, maintain such order [it being no longer necessary], and (3) granting Panama a corridor over the Zone [which was legally necessary and desirable, although informally recognized from the beginning.] The corridor granted a legal easement over property of the United States, namely, the Canal Zone.

This 1936 treaty recognized the exclusive jurisdiction of the United States over the Zone, and the exclusive jurisdiction of Panama over all areas outside the Zone. "Jurisdiction" was used in the sense of complete authority and dominion over territory, or the authority of a sovereign power to govern.

The 1936 treaty re-emphasized the United States' complete legal and political control of the Zone and its exclusive right to possession in perpetuity.

Attached to the 1936 treaty is a memo by Undersecretary of State Sumner Welles declaring that the then President and the then Foreign Minister of Panama declared for the record that they had received "everything that Panama could possibly want from the United States and henceforth would request no more concessions."

While an actual instrument of cession or conveyance was not used in 1903, the language is the legal equivalent and gives the United States as good a title as it has to Louisiana, Alaska, Arizona and New Mexico. The language chosen was simply an alternative of expression having the legal effect of full title. Indeed, as noted above, Article VI speaks of "lands granted" to the United States by the treaty.

Moreover, the Davis-Arias Boundary Agreement of June 15, 1904, refers to the Zone as territory "ceded" to the United States by the 1903 treaty. The word "ceded" appears four times in this provisional boundary agreement. The National Assembly of Panama, in Public Law No. 88 (1904) described the Zone as "ceded." The 1904 provisional boundary agreement was followed by the formal Boundary Convention of September 2, 1914, establishing "permanently the boundary lines of the above-mentioned lands and waters as taken over by the United States." The 1914 Convention confirmed the 1904 provisional Boundary Agreement as to areas covered.

This point was clinched by the United States Supreme Court in 1907 in *Wilson* v. *Shaw*, 204 U.S. 24, a suit to restrain the Secretary of the Treasury from paying out funds for the construction of the canal, on the ground that the United States did not have title. The unanimous court said:

"A treaty with it [Panama], ceding the Canal Zone was duly ratified. 33 Stat. 2234. Congress has passed several acts based upon the title of the United States . . ."

Quoting Articles II and III of the treaty granting in perpetuity "use, occupation and control" and "all rights, powers and authority" as if it were sovereign, the court concluded:

"It is hypercritical to contend that the title of the United States is imperfect, and that the territory described does not belong to this nation, because of the omission of some of the technical terms used in ordinary conveyances of real estate . . ."

This unanimous decision was written by Mr. Justice Brewer, one of the all-time great judges on the court, and concurred in by Chief Justice Fuller and Justices Harlan, White, Peckham, McKenna, Holmes, Day and Moody.

In 1971, the United States Court of Appeals for the Fifth Circuit (*Roach* v. *United States*, 453 F.2d 1054, certiorari denied 406 U.S. 935), in a case coming up for review from the Canal Zone, referring to both the 1903 and 1936 treaties, judicially declared:

"The Canal Zone is an unincorporated territory of the United States over which Congress exercises 'complete and plenary authority.'"

On January 25, 1955, another treaty was made with Panama which recognized the full force and effect of the 1903 and 1936 treaties and merely made some housekeeping adjustments, principally the status of Panamanian nationals in the Zone, some minor property transfers, and increased the annuity to 1,930,000 balboas.

Now, to turn backward briefly for historical perspective, an isthmian canal in Central America was talked about since the Sixteenth Century, to avoid the 8,000 mile trip around the Horn to the West Coast and the extremely hazardous overload portage. Several abortive attempts were made at construction. The last was by a French company which quit in 1889 after expending $260,000,000. The Hay-Pauncefote Treaty of 1901 with Great Britain gave the United States a free hand to construct and operate an isthmian canal, provided that the ships of all nations were treated equally, in accordance with the rules of the Suez Canal, then controlled by Britain and France.

Congress in 1902 in the Spooner Act empowered President Theodore Roosevelt to acquire the French rights for $40,000,000, if Colombia would grant "perpetual control" of a strip of land across the Isthmus on reasonable terms, and failing that, a comparable strip in perpetuity for an alternate Nicaraguan route.

A treaty was actually signed by the Colombian plenipotentiary in Washington granting the United States exclusive occupancy and perpetual control of a canal zone ten miles wide, for the lump sum of $10,000,000 and an annual payment of $250,000. Colombia rejected this treaty in August of 1903, partly because it objected to the cession of sovereignty, and partly, but perhaps more importantly, because of the $40,000,000 going to the French company, of which Colombia wanted a part.

At the time, Panama was a restless province of Colombia. It had earlier made several unsuccessful attempts at revolution. With the isthmian situation at an impasse, certain Panamanian leaders and certain agents of the French company, with the knowledge and tacit approval of a few United States army officers, began covertly to plan a revolt and secession of the province from Colombia. President Roosevelt and Secretary of State John Hay kept officially neutral.

A revolution was started on November 3, 1903, wholly bloodless, it turned out. President Roosevelt, to protect American citizens and to prevent imminent violence, kept Colombian troops at a distance with a show of gunboats and a landing of some marines. Indeed, some Colombian troops joined the revolution.

A provisional Panamanian government was promptly formed, and a declaration of independence was promulgated on November 4, 1903. Two days later, on November 6, 1903, Secretary Hay officially recognized the Republic of Panama. The Panamanian government promptly appointed a representative of the French company in Washington, D.C., to act as plenipotentiary on its behalf.

Some time after the recognition, according to President Roosevelt's third annual message to Congress on December 7, 1903, an "eminent Colombian" sent a message that "if the Government of the United States would land troops to preserve Colombian sovereignty," Colombia, when public order was restored, would ratify the canal treaty as signed.

But it was too late. Aside from the nature of the unusual request, the United States had committed itself to a new Republic of Panama. It is interesting, nevertheless, that Colombia, though belatedly, was willing to waive its objection to the relinquishment of sovereignty and to a share in the funds allocated to the French.

In due course, on November 18, 1903, Secretary Hay concluded with the designated Panamanian plenipotentiary at Washington, D.C., the treaty discussed at the beginning of this article, with the same money provisions as earlier offered to Colombia: $10,000,000 in cash and an annuity of $250,000.

The treaty was ratified in Panama by the new Panamanian government December 2, 1903. Ratification was advised by the United States Senate February 23, 1904. It was ratified by President Roosevelt February 25, 1904. Ratifications were exchanged on February 26, 1904. On February 26, 1904, the president publicly proclaimed the treaty.

On May 25, 1904, Thomas Arias, the Sec-

retary of Government of Panama, sent a note to the United States Government:

"The government of the Republic of Panama considers that upon the exchange of ratifications on February 26, 1904, of the Treaty for opening an inter-oceanic Canal across the Isthmus of Panama, its jurisdiction ceased over the Zone."

There followed the Davis-Arias Boundary Agreement of June 15, 1904, noted above, defining the "ceded" territory.

The United States then, under Articles VI and XV through a Joint Commission bought the land from the owners and acquired title in fee simple.

With the area having been rendered habitable in a three-year sanitation program that conquered yellow fever, work on the canal was completed in 1914 at a cost of $366,650,000, including payments to the French company and the Republic of Panama. The first ship passed through on August 3, 1914.

Congress in 1904 immediately set up a government of the Canal Zone under the President, and in 1912 enacted a complete government in the Zone. Current United "Canal Zone Code" covering all phases of States investment in the Canal Zone has been estimated at $7,000,000,000.

Understandably, the events of 1903 did not make Colombia happy. But Colombia and the United States ironed out their differences in the Thompson-Urrutia Treaty signed at Bogota in 1914, and finally ratified by both governments in 1922. The treaty granted to Colombia certain transit rights through the Canal Zone, "title to which is now vested entirely and absolutely in the United States of America." The treaty provided that the United States would pay Colombia $25,000,000 in five annual installments as indemnity for the loss of Panama, in return for Colombia's agreement to recognize the independence of Panama. In consequence, Colombia granted Panama full recognition in 1922 and settled the boundary between them. The $25,000,000 was paid and accepted, thus putting the entire issue at rest. As the result of this action, the United States, at its expense, conferred another invaluable bonus on Panama.

Some years after leaving the Presidency, President Theodore Roosevelt, in an ebullient moment in 1911, with a not untypical boastful exaggeration, said, "I took Panama." But if Panama was "taken," it was taken from Colombia. However, Colombia has been satisfied, legally and financially, by the 1922 settlement. Indeed, nearby Colombia has reaped great benefits from the Canal, as has the entire world.

The Canal was not "taken" from Panama. Panama was fully paid and got tremendous benefits. In 1903 it won independence from Colombia through a bloodless revolution, in the friendly presence of some United States naval units and marine personnel. But most important—a key fact often overlooked—Panama got, in 1903, a United States guarantee of continued independence which insured Panama's future as an independent state. Hence, Panama eagerly negotiated and ratified the 1903 treaty which over the years has brought incalculable advantages to Panama, with the United States taking all of the risks. Then, in 1922, through United States initiative and indemnity payments, the United States obtained recognition of Panama's independence by Colombia.

This 1903 treaty was a business transaction (money and a guarantee of independence) for title to, and exclusive control over, the Canal Zone, in perpetuity, made in the treaty of 1903 and confirmed in 1936 and 1955. These were carefully prepared bilateral agreements, for adequate legal consideration, voluntarily entered into, and repeatedly ratified.

The situation in no conceivable way partakes of colonialism.

Distinguished Secretaries of State, beginning with John Hay, Charles Evans Hughes, later Chief Justice, Attorneys General Bonaparte and McReynolds, later a Supreme Court Justice, have all vigorously maintained that title and sovereignty in the Canal Zone is in the United States. (John Hay, October 24, 1904; Attorney General Bonaparte September 7, 1907; Attorney General McReynolds July 14, 1914; Charles Evans Hughes, July 21, 1921).

In 1923, Secretary of State Hughes declared (Foreign Relations, 1923, Vol. III, p. 64) that the United States could not, and would not, enter into any discussion affecting its full right to deal with the Canal Zone under Article III of the treaty of 1903 as if it were sovereign of the Canal Zone and to the exclusion of any sovereign rights or authority on the part of Panama. He added:

"It is an absolute futility for the Panamanian Government to expect any American administration, no matter what it was, any President or any Secretary of State, ever to surrender any part of these rights which the United States had acquired under the Treaty of 1903."

But the State Department position in recent years has changed.

Secretary of State Henry Kissinger in 1974 signed an eight-point set of principles under which the United States would give up the American presence in the Zone at some future time and turn over to Panama all United States properties in the Zone. Current negotiators are said to be working on a new treaty intended to spell out the date when Panama will take over the operation and defense of the Canal.

The current position of the State Department is that the Zone was never ceded to the United States with the same effect as the cession of Louisiana and Alaska; and that the United States did not acquire title or sovereignty, but only certain "rights" in perpetuity. It makes reference to *Luckenbach S.S. Co.* v. *U.S.*, 280 U.S. 170 (1930), in which Chief Justice Taft remarked, without any decision on the point, that there were diverging opinions on the question of "whether the 1903 treaty is so limited as to leave at least titular sovereignty in the Republic of Panama," a position strongly rejected by Secretary Hay in 1904.

Reference is also made to *Vermilja-Brown Co.* v. *Connell*, 335 U.S. 377 (1948), a five-to-four decision, in which the majority of the Court, over the opposition of the Department of Justice, the State Department and the Wage and Hour Division, and over a vigorous dissent, stretched the Fair Labor Standards Act to cover a 99-year lease in Bermuda from Great Britain on the ground that it was a "possession" of the United States under the Act. In the course of the decision the majority referred to the fact that the Wage and Hour Division had applied to the Act to the Canal Zone, the court adding gratuitously: "admittedly territory over which we do not have sovereignty." The majority did not give effect to the obvious difference between a lease under which Great Britain retained sovereignty, and the grant of the lands and waters in the Canal Zone, in which the United States had title and a grant of sovereignty rights, with Panama renouncing all sovereign rights in the Zone. Nevertheless the majority had to say:

"It seems reasonable to interpret its provisions to have force where the nation has sole power, rather than to limit the coverage to sovereignty. Such an interpretation is consonant with the Administrator's inclusion of the Canal Zone within the meaning of 'possession.'" [Emphasis supplied.]

Where, in the face of all the precedents, the majority in 1948 got its idea of "admitted" lack of sovereignty is not apparent, unless because of lack of U.S. sovereignty in Bermuda, the court felt it needed to create a parallel with the Canal Zone by predicating a lack of sovereignty there. At any rate, the majority concluded by necessary inference that the Canal Zone is a "possession" of the United States over which the United States has "sole power." The decision in that context makes "sovereignty" largely a word of hollow meaning, because "sole power" includes political as well as possessory control and is equivalent to sovereignty as the minority pointedly emphasizes, quoting the provisions of the 1903 treaty.

Ardent proponents of treaty change sometimes direct attention to Article VI of the 1936 treaty. In the course of the negotiations, the words "of the Republic of Panama" were inserted in the phrase "territory [of the Republic of Panama] under the jurisdiction of the United States," in Article III (6) of the 1936 treaty in order to make it clear that the entire territory of the United States was not included but only that acquired under the 1903 treaty. This is shown by the minutes of the 107th Meeting of the 1936 treaty sessions. This last-minute insertion was not intended to mean anything more than just that. It was not intended to change the basic character of the formal relationship established in the 1903 treaty and reaffirmed in the 1936 Convention.

This intent is further evidenced by the carefully drawn later Article VIII of the 1936 Convention, in which the United States grants Panama jurisdiction over a corridor across the Canal Zone, with the United States agreeing to extinguish any private titles to land which may exist in the corridor. Obviously, this casual 1936 insertion cannot overcome the "lands granted to the United States" in Article VI of the 1903 treaty.

The claim of some Panamanian officials that the original treaty of November 18, 1903, is somehow tainted because signed by a Frenchman who, though fully commissioned as official plenipotentiary, was not a Panamanian, is untenable, not only because of his official authorization, but by the subsequent ratification in Panama on December 2, 1903, by the new Panamanian government, and further ratification in 1936 and 1955.

In the face of the language of the 1903 treaty and the clear-cut pronouncements of prior Secretaries of State against the present State Department position, including even the 1948 "sole power" opinion of the Supreme Court, further comment would appear unnecessary as to the legal status of the United States in perpetuity in the Canal Zone, unless changed by treaty.

Even if one accepts the current notion of the State Department about the 1903 treaty, namely, that, for the $10,000,000 paid, we did not acquire title but only certain rights, (ignoring the many contrary opinions) then why, at the proper time, if it ever comes, do we not sell back those "rights" to Panama at their then current value, including all of the billions of dollars invested in the Canal, appropriately depreciated. After all, these billions are those of the taxpayers of the United States of America.

Apparently, Panama's present leadership wants the Zone for nothing, as if the United States owed Panama the Zone for nothing. As a friendly, though legally mistaken, gesture, President Eisenhower agreed that the United States would fly the flag of Panama beside the American flag within the Zone. But this does not satisfy the current Panamanian government.

One would suppose that Panamanians, if actually aware of their history, would, on their independence day, sing paeans of praise and gratitude to the United States, instead of falsely claiming colonial-type oppression.

On an impartial review, when the positions of the respective parties are properly analyzed, the United States owes Panama nothing. By reason of the 1903 guarantee and the 1922 treaty with Colombia, Panama owes its continued existence to the United States. The United States has put up all the money, done all the work, and taken all the risks.

If the United States owes anything, it owes itself and the world a duty to keep the Canal open so long as it is useful. Until the Canal ceases to have utility in world shipping, it should not be turned over to Panamanian control. One need look only at Egypt's discriminatory management of the Suez Canal after the United States in concert with Soviet Russia prevented England and France from redressing the illegal seizure in 1956. Indeed, a turnover may violate the 1901 Hay-Pauncefote treaty with Great Britain.

Fortunately, under Article II, Section 2, of the United States Constitution, no renegotiation of our treaty rights in the Canal Zone can be effective unless consent to ratification is given by two-thirds of the Senators present when the treaty is presented by the President for the Senate's advice and consent.

Property may be acquired or disposed of by the United States under the treaty power. It may also be disposed of by Act of Congress. Under Article VI(3) of the Constitution, Congress has power to dispose of "property belonging to the United States." This would take a majority vote of both houses:

"By the Constitution a treaty is placed on the same footing, and made of like obligation, with an act of legislation. Both are declared by that instrument to be the supreme law of the land, and no superior efficacy is given to either over the other . . . If the two are inconsistent, the last in date will control the other." *Whitney* v. *Robertson*, 124 U.S. 190, 194 (1887); *Cook* v. *U.S.*, 288 U.S. 102–118–119 (1933); *Reid* v. *Court*, 354 U.S. 1, 18 (1956)."

The 1903 treaty describes the Zone as "lands granted" to the United States. Panama has admitted that the Zone was "ceded." Colombia has agreed that title "is now vested entirely and absolutely in the United States." The Supreme Court has held title of the United States to be absolute.

Hence the Canal Zone and the Canal will remain property of the United States until disposed of pursuant to the Constitution.

NOMINATION OF PAUL WARNKE

Mr. McGOVERN. Mr. President, a couple of weeks ago, when the nomination of Mr. Theodore Sorenson as CIA Director was pending, I responded in some anger about what I saw as McCarthyite tactics used against him. One editor suggested that I was being "Pavlovian" and "absurd." Apparently the editorial writer holds a different interpretation than I do about what "McCarthyism" was. I thought that the great evil we all understood of that era was the use of innuendo, nameless informants, and the like, all to imply that a decent, loyal, competent citizen was "a risk." It seemed to me that those tactics were involved in the Sorensen case—unnamed sources claiming Mr. Sorensen was a "leaker" of Government secrets, and doubting his toughness, because years ago he applied for conscientious objector status.

I continue to believe that Ted Sorensen was the victim of McCarthyite tactics. I recall this recent history because it appears that another possible nominee of the Carter administration is receiving the same treatment. Perhaps the authors of unsigned memorandums were encouraged by the Sorensen case to believe that such tactics are now effective again in Washington.

In any event, we have seen circulating the Senate the past couple of days an unsigned memorandum "Re: Paul Warnke, who has been nominated as Director of the Arms Control and Disarmament Agency and chief SALT negotiator. It summarizes the case against Mr. Warnke as follows:

Simply stated, it is hard to see how the American side in SALT can be effectively upheld by someone who advocates, as Warnke does, the unilateral abandonment by the United States of every weapons system which is subject to negotiation at SALT (as well as many others which are not under discussion).

I ask unanimous consent that the complete text of this paper be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, this might be seen as giving it more attention than it deserves. But I think it belongs in the RECORD for at least two reasons. First, it has been described in the press, yet it has only been circulated selectively in the Senate. One of the problems with an unsigned memorandum is that there is no one you can call to get a copy. My staff called a number of offices yesterday who had heard about it or even seen it, but no one could make it available to a Senator who might be favorably disposed toward Mr. Warnke. In addition, since at least some Senators are being asked to judge Mr. Warnke on the basis of this memorandum it seems to me that the public also deserves an opportunity to see the sort of scurrilous material that sometimes circulates up here.

I also invite the author or the sponsor to come forward and claim his handiwork, and to join the issue of Mr. Warnke's possible nomination on its merits.

It should be noted that much of the "documentation" on Mr. Warnke is associated with his support of my 1972 Presidential campaign and with his association with the "Alternative Defense Posture" which I released during that campaign.

Lest that cause anyone concern, let me hasten to release Mr. Warnke from such presumption of guilt by association with me. The Alternative Defense Posture statement was released in January of 1972. Mr. Warnke was at that time advising Senator MUSKIE on defense issues. He was not involved in the development of my recommendations on the military budget. Nor was he responsible for writing or approving every line and proposal in the foreign policy and defense papers which came out in the fall campaign and are quoted extensively in this unsigned memo. The task force in that area worked under his general supervision. But no one who associates himself with any presidential campaign signifies thereby that he believes everything attributed to the candidate and his staff.

The only fair charge growing out of our 1972 relationship is that Mr. Warnke preferred me over Mr. Nixon. In retrospect, I doubt whether many people would agree that in doing so he committed a sin which should disqualify him from any future position of significant responsibility in the Government.

If that were the standard, the Government and the American people would lose the services of some extraordinary people. My campaign panel on national security included, along with Mr. Warnke, a former Secretary of Defense, Mr. Clark Clifford. Our colleague from Wisconsin, Senator PROXMIRE, was a vice-chairman of the group. So was Charles L. Schultze, who has been confirmed as Chairman of the Council of Economic Advisers in the Carter administration. It included a director of defense research in the Eisenhower administration, Mr. Herb York; two retired flag officers, Gen. James M. Gavin of the Army and Rear Adm. Gene La Rocque of the Navy; a former Deputy Director of the CIA, Herbert Scoville; and the president of one of the Nation's largest unions, Floyd Smith of the International Association of Machinists and Aerospace Workers. Would our anonymous author include these distinguished Americans, too, in his attack?

But there is a still more serious question which should be raised here. What is happening now is quite similar to what happened in the case of Mr. Sorensen.

It is an attempt to personalize what is really a disagreement in principle or philosophy. That, too, becomes clear from an examination of this document. The attack on Mr. Warnke is grounded on what I take to be his view that we have made so little progress on arms control, because we have insisted upon treating SALT not as a process toward mutual advantage, but simply as another phase of the broader struggle to stay ahead of the Russians.

This view may seem dangerous to the secretive author of the memorandum. I happen to think it is a demonstrably correct view, well documented by the history of arms control negotiations. The other approach has been tried for 8 years. We built the ABM as a bargaining chip, and we ended up with a $5 billion boondoggle. We ran out ahead on multiple independently targetable reentry vehicles, or MIRV's, as a bargaining chip, and thereby placed them beyond the bounds of effective control. The result is that we will soon be confronted with arsenals numbering in the tens of thousands of warheads, instead of in the thousands. Ironically, the same people who urged the MIRV go-ahead in 1969 are now pointing to the fledgling Russian MIRV program as a grave threat to the United States, warranting billions of dollars more in new spending on strategic arms programs. Well, they helped bring it about.

And the experience demonstrates that the formula of these brave, nameless and faceless memo writers is a formula for an arms race that is literally unrestrained.

These issues will, of course, receive a full airing if Mr. Warnke is nominated. But I make this prediction: If he does become our SALT negotiator and ACDA director, and if his views play a significant role in the development of our negotiating posture, then I think we will begin to see the real progress toward effective strategic arms control which has eluded us since the SALT talks began.

And it should be pointed out that such a result is apparently what the American people want. In both the recent Republican and Democratic presidential primaries, there were candidates who not only espoused the old bargaining chip strategy but who pleaded for more and bigger chips and less bargaining. And they lost. In the general election campaign Mr. Ford represented the old approach, and Mr. Carter advocated something new. It is not as if the subject were ignored. Mr. Carter spoke in his speech to the Chicago Council on Foreign Relations last spring about the need to try to control new weapons before rushing them into production. He discussed the issue several times during the campaign. He received advice from Mr. Warnke during the campaign.

Mr. Warnke was publicly associated with the campaign. And Mr. Carter won.

In the final analysis, what we have going on now in these attempts to sandbag various appointments in the executive branch is really a broader attempt to reverse the results of the election—to dictate the "acceptable" school of arms control thought for the Carter administration. Such attempts should not be allowed to succeed; their success would be an open defiance of the election results. I do not think they will succeed. I think we have a President who still takes seriously what he said in his campaign. He made that clear once again in his televised talk last night.

Nor should Mr. Warnke be subject to extraordinary procedures, because of his views. Under the Senate rules the nomination for Director of the Arms Control and Disarmament Agency is referred to the Committee on Foreign Relations. I am quite certain the committee will be most accommodating to any Senator who wants to either submit questions for the hearings or to actually sit in on the hearings and ask questions themselves. In fact, the distinguished chairman of the Foreign Relations Committee, Senator SPARKMAN, has already written to the chairman of Armed Services, Senator STENNIS, inviting members of that committee to sit in on the hearing.

Doubtless if the Armed Services Committee requests a separate appearance, Mr. Warnke—if nominated—would accommodate them. No nominee is likely to refuse such a request. But I urge the members of the Armed Services Committee to consider that such a request is in itself irregular. It would amount to forcing this nominee to run through a double gauntlet, solely because of his views. The Foreign Relations Committee is fully competent to question Mr. Warnke and to develop a hearing record. Then all points of view can be fully debated on the floor.

I do not question the sincerity of those who disagree with the directions candidate Carter espoused or with the priority President Carter has set on strategic arms limitation. But the way to oppose a given policy is not to harass potential appointees, but to exercise every Senator's right to debate, to vote "no," or to seek to amend the President's program. The way to express differences is not to hide in the closet writing memos, but to stand out in the open debating issues. If this appointment is made, that is how I urge all Senators to respond.

EXHIBIT 1

MEMORANDUM—RE PAUL WARNKE

Paul Warnke, former Assistant Secretary of Defense, is under consideration for appointment as Director of the Arms Control and Disarmament Agency. Since leaving the government at the end of the Johnson Administration, Mr. Warnke has played an active role in the national debate over defense policies. He has lectured and written on the subject; he has been prominently associated with a number of citizens' organizations formed to lobby for reductions in defense spending (among them the Council on National Priorities and Resources, the Project on Budget Priorities, and the Center for Defense Information); and he was the principal advisor to Senator George McGovern on National Security Issues during the 1972 presidential campaign.

The Arms Control and Disarmament Agency is responsible for advising the President on arms control negotiations. It participates in choosing the American negotiating team and provides various back-up services to our negotiators. It can be expected to continue to play an important role in the SALT negotiations. The record which Mr. Warnke has established shows him to hold views on U.S./Soviet relations and on strategic issues which pose the gravest questions about his suitability to lead A.C.D.A. in fulfilling these functions.

Simply stated, it is hard to see how the American side in SALT can be effectively upheld by someone who advocates as Warnke does, the unilateral abandonment by the United States of every weapons system which is subject to negotiation at SALT (as well as many others which are not under discussion.)

The "Alternative Defense Posture", a campaign paper which presented McGovern's defense budget proposals, and which was strongly defended by Warnke, advocated, among other things, discontinuation of deployment of MIRVs, Minuteman III, and any other steps to upgrade U.S. ICBMs; dismantling of all Titan ICBMs; cessation of conversion of Polaris to Poseidon submarines; halt to development of a B–1 prototype; cessation of deployment of the Safeguard system; and cutting by more than half the Army's surface-to-air missile capability and the Air Force's interceptor force. A supplemental document, the "Report of the McGovern Panel on National Security", which Warnke led, also opposed U.S. MIRV programs, the B–1, improvements in missile accuracy and the development of hard-target capability, the Cruise missile, the ABM and bomber defense, and the development of AWAC. Arguing that the United States should rely on submarines "the primary element in our strategic forces," the Panel argued against "expensive replacements or additions" to our land-based ICBM or strategic bomber forces "even if these should become increasingly vulnerable." (p. 12) But even while advocating this overwhelming reliance on submarine forces, the Panel opposed MIRVing the Polaris/Poseidon force and opposed development of the Trident submarine.

On various occassions since the 1972 elections Warnke has reiterated many or most of these proposals. At no time in the SALT negotiations have the Soviets advocated, even as a bargaining position, such sweeping cuts in American strategic forces.

II. Warnke, himself, gives evidence of perceiving the ironic disparity between the levels of unilateral disarmament which he advocates for the U.S. and those which Soviet negotiators urge upon us in the SALT talks. Thus he proposes, in the Spring, 1975 issue of Foreign Policy magazine ("Two Apes on a Treadmill"), that we move away from negotiations and toward a policy of unilateral initiatives. The following excerpts illustrate his ambivalence about continuing the SALT talks.

"In trying to end this irrational arms competition, total reliance is now placed on negotiations looking toward formal agreements. . . . But the ongoing process seems to aggravate the problem. . . .

"The mindless build-up has continued while the negotiators wrestled with the difficulties of designating formal controls for two nuclear arsenals that developed on different lines. . . .

"Moreover, while the negotiators fumble for formulas and the summiters pursue their loftier processes the existence of the negotiations and the agreements already reached are used to justify new nuclear weapons programs. . . .

"Accordingly, rather than creating a climate in which restraint can be practiced, the existence of the negotiations themselves has been an occasion for acceleration of strategic arms development. . . . The question inescapably arises whether, under our current defense policies, we can afford to negotiate about arms control. . . .

"I would not like to see the SALT talks stop. . . .

"But if we must accept the insistence that the momentum of our strategic weapons programs must be maintained in order to bargain effectively, the talks have become too expensive a luxury. . . .

"Insofar as formal agreements are concerned, we may have gone as far as we can now go. . . .

"We should, instead, try a policy of restraint, while calling for matching restraint from the Soviet Union. . . .

"The chances are good . . . that highly advertised restraint on our part will be reciprocated. The Soviet Union, it may be said again, has only one superpower model to follow. To date, the superpower aping has meant the antithesis of restraint. . . .

"It is time, I think, for us to present a worthier model. . . . We can be first off the treadmill." (pp. 25–29)

III. Warnke's preference for a unilateral initiatives approach to arms control seems to find its roots in two ideas: (1) that the U.S. was, and continues to be, the initiator in the U.S./Soviet arms race, and, (2) that, in the nuclear era, any concern about equivalence or relative strength of strategic forces is unwarranted.

Warnke has repeatedly expressed the view that new American weapons developments will be "destablizing" and will stimulate the arms race, but almost never expresses a similar concern about Soviet arms build-ups.

In the above cited article he writes:

"As its only living superpower model, our words and our actions are admirably calculated to inspire the Soviet Union to spend its substance on military power and weaponry. Ex-President Nixon asserted repeatedly that he could not negotiate effectively if he went to the bargaining table with the Soviet Union as the world's second strongest military power. There is every reason to feel that we have pursuaded the Soviets on this score." (p. 23)

In a debate with Senator Buckley in 1972 he expressed the same view:

"As a superpower, Russia has only one example to follow. We can be quite sure that it will follow any bad example we provide." (*Strategic Sufficiency: Fact or Fiction?*, pub American Enterprise Institute, Wash., D.C., 1972, p. 37)

Warnke begins with the assumption that American policy makers have taken too dim a view of Soviet intentions. He chides the U.S. for having engaged in "defense expenditures based on the most apocalyptic assumptions of hostile intentions and capabilities." (Ibid., p. 22) And his McGovern Panel Re-

port complained that "we are transfixed by implausible risks of external aggression." (p. 1) The Center for Defense Information, to which he is an advisor, argues in its current bulletin that "the U.S. needs a more realistic view of the Soviet Union than the obsessive one that has dominated U.S. foreign policy for many years," and describes the Soviet military posture as largely defensive. (*Defense Monitor*, December, 1976)

From this assumption Warnke is led to the conclusion that it is American actions which are constantly spurring the arms race and interfering with the progress of arms reduction. Defending McGovern's proposed unilateral freeze on nuclear arms production, Warnke argued that "construction (of U.S. nuclear weapons) would simply unsettle the situation and provoke another round." (N.Y. Times, September 13, 1972) The McGovern Panel Report excoriated the American administration for having "committed itself to a major new expansion in the arms race," (p. 7) and for seeming "determined to use the SALT agreements as a hunting license to step up the arms race." (p. 10)

The Report makes no similar criticisms of Soviet actions. Even on the single greatest obstacle to further nuclear test ban agreements—Soviet refusal to permit on-site inspection—the Report finds no fault with Soviet policy, but attempts to shift the blame onto the U.S.: "The difficulty of reaching agreement for on-site inspections no longer is reason for not negotiating a test ban. It is now an excuse." (p. 13)

Warnke's view of what "destabilizes" the arms race was born well before his leadership in the McGovern campaign. In testimony before the Senate Foreign Relations Committee on July 13, 1971, "Warnke . . . contended that continued deployment of the Safeguard antiballistic missile system and multiple warheads for offensive missiles only lessened chances of reaching an arms-control agreement." (N.Y. Times, July 14, 1971) The fact that two arms control agreements subsequently were reached (in the view of most observers not despite, but because of, such continued deployment) apparently has had no impact on Warnke's thinking. The imbalance between his vehement criticism of U.S. policy and relative silence about Soviet activities is rendered all the more remarkable by the fact that these views were expressed over a period when the Soviets have been engaged in a massive arms build-up while the United States had leveled off its force levels and was cutting, in constant dollars, defense outlays—a situation which has led to a recent report by C.I.A. analysts and independent experts warning that the Soviets may be driving toward all-out nuclear superiority. (See N.Y. Times, December 26, 1976.)

IV. Warnke's opinion that we ought not to concern ourselves with the question of equivalence in nuclear forces seems to be composed of the notions that, a) we are ahead of the Soviets in strategic forces, and b) that even if they are ahead of us, it doesn't matter. This is compounded by some faulty technological assumptions.

Thus, the Center for Defense Information, to which he is an advisor, argues:

"If there is any measure of military power or accumulation of hardware by which the U.S. towers over all the other countries in the world, it is in its massive strategic forces." (Defense Monitor, June, 1976)

The Project on Budget Priorities, headed by Warnke, asserts that "[the U.S.] will continue to lead them in the numbers of missile warheads well into the 1980s, no matter what the Russians do," (Military Policy and Budget Priorities—FY '75, p. 13) a statement which simply flies in the face of the facts of Soviet MIRV development and the option, available to Soviet planners, of turning to the use of smaller warheads.

In his debate with Buckley, Warnke expressed the view that "when both sides have assembled thousands of warheads, the numbers game is not worth playing." (Op. Cit., p. 21) In the same speech he denies that there is even political advantage in nuclear superiority:

"Even substantial nuclear superiority, short of nuclear monopoly, could not be a decisive factor in any political confrontation between the United States and the Soviet Union." (p. 46)

There seems to be a certain ironic tension between these views on the irrelevance of equivalence and his constant criticisms of the U.S. for spurring the arms race. Why, one wonders, if equivalence doesn't matter, is each new American weapon "destabilizing"?

V. Summary. Warnke supports unilateral arms reductions to levels far below anything being proposed in current arms limitation talks. He doubts the usefulness of such talks, preferring to see unilateral U.S. initiatives. He believes that American policy has long been overly fearful of Soviet intentions, and that it is primarily American actions which have spurred the arms race. He believes that the U.S. is far ahead of the Soviets in strategic forces, but that even if the Soviets are far ahead of us, this would not matter in the current era. Irrespective of whether he is right or wrong in any or all of these views, they are in marked contrast to the views expressed by President-elect Carter in the Prseidential campaign, and they are views which are not shared, for the most part, by a majority of Americans.

THE U.S. COMMERCIAL FISHING INDUSTRY—PRESENT CONDITION AND FUTURE OF MARINE FISHERIES

Mr. TOWER. Mr. President, last year, over the opposition of myself and many of my colleagues, Congress enacted the Fishery Conservation and Management Act of 1976, popularly known as the 200-mile limit law.

At that time, I expressed serious concern that if this country enacted a 200-mile contiguous zone, and thus recognized the unilateral actions of other nations which have already done so, we would risk the future of many segments of the fisheries industry.

Having made our bed, however, we must now lie in it, and seek to make the best of a bad situation.

It is time that we recognize the obvious—America's fisheries industry is not strong; it is not healthy; and its future depends to a great extent on events outside the control of its members.

In November 1976, the U.S. State Department concluded an agreement with Mexico which, in 3 years, will eliminate American partnership in gulf shrimping with that country. Based on the 200-mile contiguous zone proclaimed by Mexico, the agreement reduces by 40 percent this year the number of American shrimpers who can fish in Mexican waters.

The situation for these shrimp boat owners and operators, and for the thousands of crew members located along Texas' Gulf Coast, is dire. Many shrimpers have nowhere else to fish except Mexico, where they pioneered the shrimp industry and for decades shared in that resource.

We are now attempting to determine how these men will survive, how their families will make it through the next few months. Workers have been thrown out of work, and owners are contemplating selling their boats to the Mexican Government.

I believe that having sold out Texas shrimpers, this Government must now assist them in recovering from the denial of their livelihoods.

As a beginning, we can look to the recommendations of the General Accounting Office in a recently published report on the status of the U.S. fisheries industry, which was requested by the joint leadership of the House Committee on Merchant Marine and Fisheries, and the Subcommittee on Fisheries and Wildlife Conservation and the Environment.

The report recognizes the inherent risk and danger of the fisheries industry, as well as the problems induced by both this Government and the governments of competing fishing nations.

One of the recommendations of the GAO is that when foreign nations take actions which threaten or jeopardize American fishermen, this Government, as a remedy, may seek to restrict access to that country's fishermen in our own waters and possibly restrict the entry of fish into our markets by those countries.

In 1974, the latest year for which statistics are available, foreign countries caught more than 6.2 billion pounds of fish in U.S. waters. Mexican shrimpers, and their cohorts from Cuba regularly fish our waters, and in turn export some $20 million worth of shrimp into the United States, duty-free.

Mexico and Cuba have carved up the Gulf of Mexico between them in order to exclude our shrimpers from a share of that resource.

Our fishermen are caught up in a game of nations and are ill-prepared for that game. More than 90 percent of our vessel operators employ less than 5 people. By anyone's definition they are small, independent businessmen. Their workers depend on them, to a larger degree than most American workers, for their futures. These men are efficient businessmen. But they are not prepared to weather the perils inflicted on them by foreign nations which subsidize their own fleets, dominate through fiat what has traditionally been a common resource, and then undercut these same businessmen in their own market by dumping excessive amounts of the catch.

Mr. President, thousands of Texans are jeopardized by the actions of Mexico and our own State Department. Under the circumstances which they now experience, I believe they are justified in asking for protection and assistance from their Government. I intend to do everything in my power to see that their needs are addressed.

Later in this Congress, when the flurry of activity surrounding our convening has passed, I intend to introduce legislation to deal appropriately with their problem. Whether we choose to exclude their product, which is now caught under a monopoly arrangement engineered by their Government, I believe we have a responsibility to act.

Mexico has chosen the road of exclusion, of unfair barriers to open access in

the Gulf of Mexico. The leaders of that country have made their bed too, and I shall insist that before they lie in it, we shall add a few discomforts to remind them of the folly they have brought about.

Mr. President, I ask unanimous consent that a copy of the summary of the report recently published by the General Accounting Office be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE U.S. COMMERCIAL FISHING INDUSTRY—PRESENT CONDITION AND FUTURE OF MARINE FISHERIES

This report deals with U.S. commercial fishing in the oceans—95 percent of all U.S. fish landings—and problems of the industry.

On November 19, 1975, the Chairman and Ranking Minority Members of the House Committee on Merchant Marine and Fisheries and the Subcommittee on Fisheries and Wildlife Conservation and the Environment asked GAO to make a study to see what could be done to revitalize the U.S. commercial fishing industry exclusive of aquaculture (fish farming).

The House Committee on Merchant Marine and Fisheries plans to use this report in formulating legislation for the development and use of fish and shellfish resources and a national fisheries policy. Where applicable, GAO proposes solutions to problems which must be resolved to revitalize this industry.

At the direction of the Chairman, House Subcommittee on Fisheries and Wildlife Conservation and the Environment, GAO did not obtain formal comments from the agencies having fishery-related programs. However, it did discuss these matters with the National Marine Fisheries Service, Department of Commerce.

Because the Office of Technology Assessment was making a study on the technology of U.S. fish harvesting techniques, gear and vessels, and processing fish onboard vessels and in onshore facilities, and enforcement of U.S. fishing rights under the new 200-mile economic zone off this country's coasts.

GAO reviewed these matters on a limited basis.

A separate GAO report will be issued on Great Lake fishing.

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

This act (Public Law 94–265) provides a framework and opportunities as of March 1, 1977, to assist the U.S. fishing industry by providing for:

Conserving and managing fish resources,

Supporting and encouraging the implementation and enforcement of international fishing agreements,

Promoting domestic and recreational fishing under sound conservation principles,

Preparing and implementing fishing management plans,

Establishing regional fishery management councils,

Encouraging the development of fisheries not sufficiently developed or not developed at all, and

Establishing procedures to permit fishing by other nations in the U.S. 200-mile economic zone.

The act makes many changes—steps in the right direction—but their effectiveness will depend on how they are carried out.

Because it will not be effective until March 1, GAO cannot assess the impact of the act. GAO suggests solutions to problems which will (1) strengthen the Federal role in assisting the industry now and (2) remain even after the act takes effect.

FEDERAL INVOLVEMENT IN MARINE FISHING

Twelve Federal departments and agencies conduct or support fishery-related programs. In 1973 8 of them supported 1,449 marine research projects on living systems (other than human beings). Twenty States, several regional commissions, and a number of private institutions, including universities, also supported research in this area.

GAO could not determine the extent of funds devoted to fisheries research because information was not available on the total funds from all sources. The National Marine Fisheries Services, the agency principally concerned with marine fishing, obligated $44.5 million for fiscal year 1976.

CHARACTERISTICS OF THE INDUSTRY

Numerous individual, usually small, industries, such as the lobster, salmon, shrimp, and tuna fisheries, comprise the U.S. commercial fishing industry. Methods of harvesting, processing, and distribution are different for each.

Fish are common property. Anyone desiring to fish can do so. This contrasts with most other natural resources, in which access is limited.

Fishing is more of a hunting than a cultivating activity, a high risk, and sometimes, a dangerous operation which is seasonal in nature.

Fish are a renewable but limited resource affected by natural or man-induced environmental changes, including too much fishing in specific areas.

THE ISSUES

The United States has almost one-fifth of the world's marine fish resources within 200-miles of its coastlines. It might be expected that, with such an abundance of resources, the U.S. fishing industry would be strong and prosperous. This is not so.

In addition to expanding aquaculture (not included in this study) the industry can be strengthened by restoring fish stocks through effective management and improvement of the environment, developing underutilized species, and displacing foreign fishing off the U.S. coasts.

In 1974 fishermen from other countries caught 6.2 billion pounds of fish within 200 miles of the U.S. coasts. With the 200-mile wide jurisdiction provided by Public Law 94–265, U.S. fishermen will have a preferential right to fish in this area previously fished by ships of other nations.

Because certain species are overfished, restricting the U.S. harvest for these species may be necessary now and could require a moratorium until the stocks are restored naturally to a level that will assure perpetuation.

In addition, some fisheries can be strengthened by increasing the efficiency of their harvesting operations and by overcoming barriers in processing, marketing, and distributing fish and fish products.

What are the issues?

Common property

Often too many fishermen, vessels, and gear concentrate in "harvesting" a particular species which may result in overfishing. When this happens, harvesting costs of fishermen increase and their efficiency decreases. More fishermen often means less catch for each.

To conserve fish resources, States have enacted regulations which generally give little consideration to fishermen's economic efficiency. As the economic viability of fishermen becomes impaired, obtaining financing at reasonable rates of interest and with reasonable loan payback periods becomes more difficult for them.

Solution

The solution is to limit fishing, facilitating management efforts to conserve fish while increasing the efficiency of fishermen, improving the expected rate of return on investments, and encouraging the development of underused species. This might be done by limiting the number of fishing licenses to be issued, establishing fees based on volume or value of fish landed, establishing quotas on the volume of fish landed, establishing a program to buy back those vessels, made idle by actions taken by Government entities to reduce fishing effort, as an inducement to reduce the number of vessels in overcrowded fisheries, and for possible resale of the vessels for use in other fisheries, and combining two or more of the above.

Limiting commercial fishing effort will result in social and economic problems for those fishermen who are displaced. Before limiting fishing, consideration must be given to the interests of both commercial and recreational fishermen when they compete for the same resource.

The Fishery Conservation and Management Act authorizes regional fishery management councils to establish limited access schemes

Fragmented jurisdiction

Fishing off the U.S. coasts is carried on in three ocean zones:

Territorial sea (0 to 3 miles off the coastline).

Contiguous zone (3 to 12 miles offshore).

High seas or international waters, extending beyond 12 miles.

Under the 1976 act the contiguous zone will be extended from 12 to 200 miles offshore, effective March 1.

Generally, individual States have jurisdiction over the territorial sea bordering their coastlines which, in some instances, have been delegated to cities, towns, or counties. In the other zones a State may enforce regulations against its own citzens but not those of other States.

The Federal Government has jurisdiction over the contiguous zone and U.S. vessels operating on the high seas. However, except for marine mammals, endangered species, and species covered by international agreements, clear authority to manage U.S. fishing activity in these zones had not been assigned to a specific Federal agency

Fisheries on the high seas are open to all nations. In some instances, certain fisheries are managed through international agreements, but membership in such agreements is voluntary and compliance is difficult to enforce.

Fisheries management is difficult when only one government entity is involved but becomes more difficult when several government entities are involved, particularly when States, cities, towns, and counties desire to protect local interests and political concerns.

The State-Federal Fisheries Management Program is a voluntary effort on the part of States and the National Marine Fisheries Service and provides a means for resolving problems created by inconsistent State laws, but progress has been slow.

Public Law 94–265 provides a framework for overcoming the adverse effects of fragmented jurisdiction by assigning the responsibility to manage species harvested predominantly outside the territorial sea to regional fishery management councils and the Secretary of Commerce. Many fisheries, however, are harvested predominantly within the territorial sea and will remain under State jurisdiction. This appears to be a basic shortcoming in Public Law 94–265, because certain important species which span, or migrate between State boundaries, or beyond the territorial sea might be excluded from comprehensive and coordinated management—a must, if fish resources are to be sustained.

Possible solution

Public Law 94–265 could be amended to expand the Government's authority to in-

clude species of fish which are harvested predominantly within the territorial sea but span or migrate between States or beyond the territorial sea for which States have not voluntarily implemented effective management plans within a reasonable time.

Lack of precise data

Biological, social, and economic data are needed to make fishery management decisions. Biological data is concerned with the status of the fish stocks, their life cycles, and the effects of fishing and environmental changes on them. Although some knowledge exists on the conditions of stocks and the interdependence of various species, scientific proof of fishery conditions has not been available. As a result, fisheries managers have been reluctant to make hard management decisions. Additionally, social and economic data necessary to measure the probable effect of a management decision on fishermen and the local economy often is lacking.

Public Law 94–265 requires the regional fishery management councils to establish and maintain scientific and statistical committees to assist in developing, collecting, and evaulating data. It also requires the Secretary of Commerce to begin and maintain a comprehensive program of fisheries research. GAO cannot prejudge the adequacy or effectiveness of the future efforts—this will be contingent upon the available resources and effort expended.

Possible Solution

The Government could take the initiative to insure that States, universities, and industry cooperate in developing the techniques required to collect and analyze data on the relationships between fishery resources and their environment and on the socioeconomic effects of the manner in which they are used.

In negotiating with other countries wishing to fish in the U.S. 200-mile zone, the Government should require those countries to cooperate in developing, collecting, and evaluating scientific and statistical data.

Environmental problems

Fish are sensitive to their environment. Pollution and alteration or destruction of coastal and marine areas can adversely affect fisheries by making fish unfit for human consumption, interferring with their reproduction, or destroying them.

The overall economic loss attributable to adverse environmental conditions cannot be estimated but numerous individual instances have shown that substantial losses occur. The enactment of Federal laws concerned with pollution are steps in the right direction but much needs to be done.

Possible Solutions

Possible solutions are:

Enforcing the several Federal laws concerned with pollution.

Increasing the cooperation and coordination of participating Federal, State, interstate, and local agencies.

Conducting additional or expanded research needed to keep the short and long term effects of pollution as low as possible.

Fragmented industry

Most fishermen are small independent fishing vessel operators—more than 90 percent of them employ less than five people. The fish processors and distributors are also principally small businessmen.

A fragmented industry makes accumulating capital and achieving coordination among operators to develop fisheries extremely difficult. Industrywide cooperation toward exploiting development opportunities could help overcome existing barriers.

Possible solution

A possible solution to alleviate the problems caused by fragmentation is through expanded use by industry of cooperatives and joint ventures. The Government should explore the Federal assistance (technical and financial, for example) needed by the industry on a short term or temporary basis to create an environment in which industry can operate with little or no Federal assistance. GAO believes that existing authority available under the various programs of Federal organizations, such as Small Business Administration and National Marine Fisheries Service should be utilized to the extent that they can meet these needs.

Jurisdictional actions taken by foreign countries

The actions taken, or to be taken, by foreign governments to extend their jurisdictions over their fishery resources have adversely affected or will adversely affect certain segments of our fishing industry. The shrimp and tuna fisheries, for example, will be harmed unless the other nations extending their jurisdictional authority permit U.S. vessels to fish in their waters.

Because our fishing industry cannot control the actions of foreign governments and yet suffers the consequences of those actions, the Government should assist the industry. If foreign governments take actions adversely affecting the U.S. fishing industry, the Government should, as authorized by Public Law 94–265

Enter into reciprocity agreements with foreign countries fishing in the U.S. 200-mile zone.

Deny other governments the right of access to U.S. waters for fishing purposes.

Impose import prohibitions on fish and fish products of other governments concerned.

Possible solution

Should this prove to be unsuccessful, the Government might consider the following solutions.

Encouraging displaced fishermen to transfer to domestic fisheries having growth potential and to fully use existing Government programs for financial and technical assistance needed.

Providing employment-retraining assistance to displaced fishermen so they may move into new jobs.

Establishing a program to buy back idle vessels of displaced fishermen.

Costs associated with harvesting

The fishing industry is subject to high costs for vessels, nets and netting, and insurance. U.S. fishing vessels cost up to 30 percent more than foreign-built vessels. At the present time, U.S. fishermen do not have the option to purchase vessels from U.S. or foreign shipyards because, pursuant to law, they cannot register foreign-built vessels in the United States. As a result, if they want to land fish in U.S. ports, it must be in U.S.-built vessels. The terms of loans to fishermen usually include high interest rates and short loan repayment periods, which may cause cash flow problems for vessel owners. One or two poor fishing seasons can ruin a fisherman financially.

Import duties on fishing nets and netting used in making nets can be as high as 50 percent. This discourages the use of foreign nets and netting and helps keep the cost of domestic nets high.

Because fishing is hazardous, the cost of hull, protection and indemnity insurance average 5 to 7 percent of a fishing vessel's operating cost, excluding depreciation. (See p. 103.)

Possible solutions

Possible solutions are to:

Allow U.S. fishermen to use foreign-built vessels to land fish in domestic ports. This must be weighed against the effect such an action might have on the domestic shipbuilding industry and national interests.

Explore possibilities for more favorable loan interests and repayment schedules. This should be a joint effort by the Government, fishermen, and banks.

Lower the tariffs on nets and netting material.

Explore the possibilities for lowering insurance rates.

Development of underutilized species

Some fish resources available to the U.S. fishing industry are considerably greater than amounts presently harvested by U.S. and foreign fishermen. Species such as croaker, mullet, and anchovy are not fished to any great extent by domestic or foreign fishermen. Species such as Pacific hake and pollock, fished intensely by foreign nations, are not sought by U.S. fishermen. Before most underused species can be marketed commercially, barriers to their use must be overcome. The fragmented structure of the industry and its common property concept, limit the availability of capital for fisheries development. In addition to dealing with these problems, development programs would have to overcome barriers in areas such as resource assessment, harvesting technology, handling and transportation, product development, processing technology, and marketing and economic analysis.

Public Law 94–265 encourages the development of fisheries which are underused or not used by U.S. fishermen. How should this be done?

Joint Federal and industry sponsored development projects, directed at overcoming major barriers to the use of a specific underutilized species or related groups of species, would effectively develop those fisheries.

This approach has several advantages:

Because its scope is limited, the effort is more manageable and, therefore, more likely to succeed.

Resources can be concentrated and coordinated where needed.

The problems, and the solutions, affecting one species may be different from other species.

Cost-benefit relationships can be measured.

Possible solutions

To induce industry participation, the Government could:

Develop a management program to conserve the resource after the fishery has been developed.

Establish property rights, such as a guaranteed share of the annual quota for fishermen who pioneer the development of underutilized resources.

Encourage the use of existing Federal financial assistance programs now available to fishermen and processors where private capital is not available. The financial programs should be utilized to the extent that they can met the needs of fishermen and processors.

Other areas where assistance might be warranted

Certain established fisheries may find it hard to expand or to remain viable because of problems in other areas. For example:

Efficient harvesting techniques and gear are available in some individual fisheries (salmon, oysters) but their use is sometimes restricted by State regulations.

In the tuna, shrimp, and clam fisheries, innovative harvesting techniques and gear need to be developed and used.

In several fisheries (oyster, crab, Atlantic groundfish) processing improvements are needed, that is, mechanization to replace manual labor.

In the oyster, herring, and crab fisheries, maintaining the quality of fresh fish and processed products is a problem.

The Atlantic groundfish, Pacific groundfish, herring, oyster, shrimp, and clam fisheries are facing marketing and distribution problems.

Competition from imported fish products

hampers the Pacific coast oyster and the blue crab fisheries.

In several fisheries (crabs, shrimp, oyster, snapper/grouper) there are labor supply problems.

Possible solutions

Some Federal assistance seems warranted if the industry is to remain viable and expand. For example, the Government could undertake research and development programs to deal with technological problems. Before doing so, if at all, a congressional and/or an administration policy decision should be made on the amount of Federal effort and resources to be used.

But Congress and/or the administration will have to determine whether Federal assistance should be furnished to the industry where a single firm as opposed to the fishing industry or major segments of the industry benefits, or a project is too costly when compared to possible benefits, or a problem is common to many industries and Government assistance is furnished to none.

WORK DONE

Major areas considered in GAO's study included: fish as a food resource, fish as an economic resource, environmental problems, the role of the U.S. fishing industry, marine recreational fishing, the fishing industry in other nations, Federal involvement in fisheries, status of major fish stocks and opportunities for expanding the U.S. harvest, major difficulties in managing fisheries, and barriers to industry expansion and/or viability.

Many Federal laws greatly affect the fishing industry and are administered by several departments and agencies. GAO prepared a compilation and analysis of the laws to identify improvements possible through reorganization, recodification, clarification, and amendment.

GAO studied the harvesting, processing, and marketing of the more important fish species which accounted for over 80 percent of the volume and about 90 percent of the value of the 1974 harvest. In addition, GAO studied the potential for developing underutilized fish resources.

The fishing industry in other nations—Canada, Denmark, Japan, Mexico, Soviet Union, United Kingdom, and West Germany—was studied to ascertain how these countries assisted their fishing industries and to provide a basis to formulate alternatives to assist the U.S. fishing industry.

A statistical comparison of the U.S. and foreign catch of fish off the U.S. coast was prepared which shows, by species, the potential for increasing the U.S. harvest by limiting or excluding foreign nation fishing in the U.S. 200-mile zone. GAO contracted with the Institute for Marine Studies, University of Washington, to examine the effect of extended fishery jurisdiction by the United States on international fisheries conventions and agreements.

During the study, GAO met with and obtained the views of Federal, international, State, and local government officials and representatives of the fishing industry, associations, cooperatives, and unions.

GAO coordinated its efforts with the following organizations conducting fishery studies:

Office of Technology Assessment, United States Congress;

Congressional Research Service, Library of Congress;

Atlantic States Marine Fisheries Commission, Gulf States Marine Fisheries Commission, and Pacific Marine Fisheries Commission.

THE RELATIONSHIP BETWEEN THE GENOCIDE TREATY AND THE FIRST AMENDMENT RIGHT OF FREE SPEECH

Mr. PROXMIRE. Mr. President, time after time we have heard critics of the Genocide Treaty contend that one of America's most precious rights, that being freedom of speech, would be put in jeopardy by the passage of the Convention.

Mr. President, statements like this could not be any farther from the truth. During the 1970 hearings, we heard authoritative testimony disputing this misconception. Article III of the Genocide Convention declares that to engage in the "direct and public incitement to commit genocide is a crime under the Treaty." Critics feel that this clause infringes on the first amendment rights of free speech and a free press. The American Civil Liberties Union, the country's foremost guardian of constitutional freedoms, declared that "it clearly does not violate the first amendment."

In fact, the ACLU goes so far as to "strongly endorse the ratification of the U.N. Convention on Genocide." They go on to report that:

The provisions of the Convention are fully in accord with civil liberties and civil rights provisions of our Constitution.

Even if a case were to arise creating a conflict between the Genocide Convention and the U.S. Constitution, the U.S. Constitution would prevail.

Mr. President, we have seen that there are neither any legal obstacles to ratification, nor any threat to the U.S. Constitution. Therefore, I urge my colleagues to take swift action in ratifying this important human rights treaty.

BLM ORGANIC ACT

Mr. GARN. Mr. President, sometime between Christmas and New Year's, my office first became aware of two sets of proposed regulations issued by the Bureau of Land Management. The regulations dealt with recordation of unpatented mining claims, and with surface mining procedures. Both sets were issued under the authority of the so-called BLM Organic Act passed the last day of the 94th Congress, but I understand that both sets had been in preparation for some time.

In view of the potential impacts of these two sets of regulations, I wrote immediately to the Director of the Bureau, and asked for an extension of the comment period. In the case of the surface management regulations, the comment period was extended, but BLM argued that the Organic Act itself required immediate effectiveness of the recordation regulations, and they have now gone into effect.

In my opinion, these recordation regulations go far beyond the requirements of the Organic Act, and in fact establish a Federal property law. This is a development of some consequence, and one which ought very soon to be challenged in court. I am sure it will be.

As to the surface management regulations, the comment period was extended to February 4, and that period has now run its course. Again, in view of the far-reaching impact of these rules, it seems to me that we should try to devise a procedure by which the regulation can gain the maximum popular acceptance. Accordingly, I wrote to the Director of the Bureau again, with a suggestion. I ask unanimous consent that my letter, which was eventually signed by 14 Senators, be printed at this point in the RECORD in its entirety.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 21, 1977.

MR. CURT BERKLUND,
Director, Bureau of Land Management,
Department of Interior
Washington, D.C.

DEAR MR. BERKLUND: As Senators representing Western States, where a preponderance of the mining activity in the United States takes place, we are concerned about regulations, proposed by the Bureau of Land Management on December 6, 1976, governing surface mining (41 FR 235). The decision of the Bureau to extend the comment period beyond the original 30 days was, we feel, very wise, given the nature of the regulations, the holiday period, and the possible far-reaching effects of the regulations. It is likely that each of us will have specific comments to make about the regulations in the next few weeks, but in the meantime, we would like to make two general suggestions.

First, it is clear to us that many operators within our States are only now learning of the proposed regulations, and are unfamiliar with their details. We believe that the interest of the United States would be served by a series of hearings among interested parties in the field, to discuss the current thinking of the Bureau as to the direction the regulations ought to take. Following this series of meetings, we feel it would be appropriate for the Bureau to issue the regulations once more as proposals, with final regulations to follow 30 or 60 days later. We believe that we would all be better served by such a three-part process: a pre-proposal period, a comment period on the formal proposals, and the issuance of the final regulations.

Secondly, whatever regulations are finally adopted should take effect only after the end of the current field season. Since operators are right now contracting for men, drilling rigs, and other equipment which will be needed this summer, any regulations changing the rules under which they operate would only cause incredible confusion if they were to become effective for this season. The field season ends in September, and we would therefore suggest that the regulations should be effective October 1. We believe that such an effective date would provide ample lead time for familiarization and adjustment.

In order to provide the kind of certainty that is needed, it is essential that there be a clear statement to this effect, from your office, and that this statement be made as soon as possible. Since there is no legislative deadline for these regulations, we feel that there are no barriers to such a statement.

One added thought: most operators have been fairly pleased with the system of regulation recently adopted by the Forest Service, for mining on the Forest lands. We recommend that the Bureau of Land Management work with the Forest Service to minimize conflicts between mining regulations issued by the two agencies. We would be happy to cooperate with both in eliminating conflicts.

Sincerely,

Barry Goldwater, Jake Garn, Paul Laxalt, Jim McClure, Pete V. Domenici, Malcolm Wallop, Dennis DeConcini, Howard W. Cannon, Ted Stevens, Orrin G. Hatch, Mike Gravel, John Melcher, Harrison Schmitt, Edward Zorinsky.

Mr. GARN. Mr. President, as will be quickly seen, we made several suggestions

in the letter. To begin with, we suggested that BLM not finalize its regulations now, but that it go to the field, to hold some kind of informal discussions, or hearings. It is critical, if Federal regulations are to be accepted by the people, to get input from those to be regulated. Informational hearings, in an informal setting, where the miners can get some idea of the thinking of BLM, and where BLM can see where the objections are coming from, would do a great deal to avoid many of the problems we see so often in Federal regulations.

Second, we suggested that BLM then issue another set of proposals, with a 30- or 60-day comment period. An additional proposal is necessary because however much an individual is willing to talk, until he has a concrete proposal before him, he will not bring himself to sit down and write out his comments.

Third, we suggested that following the comment period, there be a short period for evaluating the comments, and then the publication of final regulations.

Fourth, we pointed out that any regulations under development right now would have a serious destabilizing effect if they were effective in the upcoming field season. The operators in the State of Utah are right now out contracting for drilling and prospecting rigs, men, equipment and so on, in preparation for the summer field season. I am certain that the same thing is true in other States. It is unreasonable to expect these operators to sign contracts which later regulations might make impossible of fulfillment. It is unreasonable and unnecessary and unwise. Consequently, we suggested that any regulations now under development not take effect until October 1, after the end of the upcoming season. We asked that BLM immediately issue a statement of its intent in this regard. To date, there has been no reply.

As a sort of afterthought, we pointed out that the Forest Service had recently issued comprehensive regulations of its own, and that these had been fairly well received by the miners. Incidentally, the Forest Service held extensive public hearings before promulgating its regulations, instead of waiting until after the fact. We suggested that the Bureau of Land Management sit down with the Forest Service, and attempt to harmonize its regulations with those already in place. It seems silly to have regulations issued by two separate agencies, affecting essentially the same land, not agree in terms of bonding requirements, definitions of terms and so on.

Mr. President, as I said at the outset, these are regulations with far-reaching effects. I will, myself, have substantive comments to make on them. However, I should note that there is a serious question in my mind as to the legality of these regulations. They appear to go beyond that mandate of the Organic Act under which they are ostensibly promulgated. I believe that as a Congress we ought to be increasingly aware of the extent to which bureaucracies created by Congress go beyond the mandate given them, and impose intolerable, unworkable requirements on the people of this Nation. They will not tolerate it for ever, and I do not think they should.

To support my own questions about the legality of these regulations, Mr. President. I would like to call the attention of the Senate, and the Bureau of Land Management, to an analysis of these regulations prepared by the Western Governors' Regional Energy Policy Office. It is the conclusion of this report that:

BLM has far exceeded its right to regulate surface activities on unpatented mining claims, particularly where such regulation conflicts with state control of these same operations.

I ask unanimous consent that the entire WGREPO report be printed in the RECORD, urge my colleagues to read it, and promise that I will have more to say on this subject at a later date.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

LEGAL ANALYSIS OF AUTHORITY OF BLM TO PROMULGATE SURFACE MANAGEMENT REGULATIONS FOR UNPATENTED MINING CLAIMS

SUMMARY

Info from WGREPO No. 77–2, January 12, 1977, summarized proposed regulations to control the environmental impacts of surface operations on unpatented mining claims on federal lands. The proposals list numerous authorities as the basis for promulgating the regulations, which include the recently passed Federal Land Policy and Management Act of 1976 (PL 94–579, 90 Stat. 2743).

As stated in Info from WGREPO 77–2, this authority is subject to question. This Special Report provides a legal analysis of the suggested authorities as well as citations to case law and other legal authorities which intimate that BLM has far exceeded its right to regulate surface activities on unpatented mining claims, particularly where such regulation conflicts with state control of these same operations.

This analysis reaches the conclusion, more fully detailed beginning on Page 13, that Congress has not provided the necessary authority for the Department of Interior to promulgate these rules and suggests that, with this in mind, states should attempt to introduce into the rules language similar to that in the 3041/211 coal operations rules specifically recognizing state authority to apply stricter standards.

SPECIFIC AUTHORITIES CITED BY INTERIOR TO PROMULGATE THESE REGULATIONS

Section 3809.0–3 of the proposed BLM regulations lists a host of authorities as the basis for promulgating the proposed rules. The section states:

"§ 3809.0–3 Authority. These regulations are issued pursuant to the authority vested in the Secretary of the Interior by the General Mining Law (30 U.S.C. 22–54); sections 4–7 of the Act of July 23, 1955 (30 U.S.C. 612–615) providing for multiple use of the public lands; 43 U.S.C. 2 and 1201 relating to the general authority of the Secretary; the National Historic Preservation Act of 1966 (16 U.S.C. 470); the Historic Sites Act of 1935 (16 U.S.C. 461); Endangered Species Act of 1973 (16 U.S.C. 1531–1543); sections 3 and 5 of the Alaska Public Sales Act of August 30, 8921 (1971) relating to protection and enhancement of the cultural environment; Executive Order No. 11514 (35 FR 4247 (1970)), relating to protection and enhancement of the environment; Executive Order No. 11752 (38 FR 34793 (1973)) relating to prevention, control, and abatement of environmental pollution at Federal facilities; and sections 302(b) and 310 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94–579; 90 Stat. 2743; 43 U.S.C. 1701), requiring the Secretary to take action, by regulation, to prevent unnecessary or undue degradation of the public lands and carry out the purpose of the Federal Land Policy and Management Act." [1]

This section of this report will analyze the validity of these authorities as they pertain to environmental protection and surface management of public land under the U.S. mining laws. This section will also analyze the validity of a statement in the preamble of the proposed rules, i.e.,

"The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107." [2]

THE MINING LAW OF 1872

A historical outline and discussion of the first "lode mining law" [3] and first "placer act" [4] which led to the Mining Law of 1872 is unnecessary for our purposes here.[5] Suffice to say that the Act of 1872 was essentially a codification of state and local laws regarding possessary rights of mining claims on lands belonging to the United States. The act states,

"§ 22. Lands open to purchase by citizens.

"Except as otherwise provided, all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, shall be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States." [6]

Deposits of minerals, other than coal, oil, gas, oil shale, sodium, phosphate, and potash (and sulfur in the States of Louisiana and New Mexico) are open to entry under the 1872 statute. The Act of 1872, with amendments, embraces the general mining laws of the United States.

Minerals belonging to the U.S. and excepted from the coverage of the general mining laws may only be acquired under the mineral leasing laws, are not subject to location and purchase under the 1872 statute, and may only be developed under rights assumed through lease or license.

Historically, the Federal mining law was designed to encourage individual prospecting, exploration, and development of the public domain. The incentive for this activity was the assurance of ultimate purchase and private ownership of the lands and minerals therein. Prospectors were encouraged to go out on not otherwise withdrawn public domain, locate a mining claim, search out minerals, and upon discovering a "valuable mineral deposit" purchase the land (receive a patent) from the U.S. for a nominal fee.[7] The property, then, evolved into private ownership to be developed or sold according to the individual's desire. This power to purchase mineral lands is the basic distinguishing feature between lands containing "hardrock" or "locatable" minerals (subject to the 1872 law) and lands containing "leasable" minerals which may not be purchased. Rather, these latter lands must be leased from the U.S. and are subject to the possessory and royalty provisions of the Mineral Lands Leasing Act of 1920, as amended.[8]

Rights in these hardrock mineral lands are initiated by prospecting and locating a claim

[1] All footnotes appear at the conclusion of this report.

once a mineral is discovered. A location is made by staking the corners of the claim, posting a notice of location on the land, complying with the State laws regarding the recording of the location in the county recorder's office, and performing annual discovery work to maintain possession. By statute, the prospector (entryman, locator, or claimant) is limited to an area not to exceed 20 acres for any one claim.[9] Traditional practice has limited the claim to an area approximately 600 by 1500 feet, or less.[10] By posting the notice of location containing the name of the claimant, location date, and claim description, the locator acquires the immediate statutory right to exclusive possession, control, and use of the land within the claim.[11] Assuming the entryman complies with the State recordation laws and performs the minimum annual assessment work required by Federal and State law, he retains exclusive possession, control, and use of the area and may remove the minerals from the land without first obtaining a patent from the Federal government.

Failing to perform the annual assessment work in any year subjects the area to relocation, unless work for the benefit of the claim is resumed before relocation.[12] Questions as to the right of possession between rival and adverse claimants of the same land has been a function exercised exclusively by the courts.

The 1872 law, however, left a significant amount of regulatory authority to the states. The act set broad parameters in certain respects, i.e., the maximum and minimum sizes of a claim,[13] the minimum amount of annual work necessary to maintain possession of the claim,[14] and minimum location and discovery procedures.[15]

Details such as restricting claims dimensions to less than the statutory limit and mandating greater work requirements were left to the states. The states could regulate mineral entries on these federal lands "free and open to exploration and purchase" so long as state regulations were not inconsistent with federal law and did not frustrate the purposes of the Mining Law.[16]

This recognition of state authority was necessary, perhaps, since it was understood that once the mining claims had been patented to an individual, they were no longer Federal land but came under the authoritative control of the state in exercising its complete police power over private fee lands.

Regarding a state's power over unpatented mining claims, we quote extensively from the draft study of the Office of Technology Assessment cited in footnote 16:

"It is a cardinal principle of federal mining law that valid unpatented claims give the private claimant full equitable title to the claimed mineral deposits together with the right to dispose of such deposits without the necessity of paying any royalties to or obtaining any approval from the federal government. The Supreme Court has stated:

"(An unpatented mining) claim is property in the fullest sense of that term; and may be sold, transferred, mortgaged, and inherited without infringing any right or title of the United States. The right of the owner is taxable by the state; and is "real property." . . . The owner is not required to purchase the claim or secure patent from the United States; but so long as he complies with the provisions of the mining laws, his possessory right, for all practical purposes of ownership, is as good as though secured by patent." *

"The United States holds bare legal title to the mineral deposit prior to its extraction, with no control over its disposal unless and until the claim is judged to be invalid due to failure to make a discovery or to perform the required annual work. The mineral estate encompassed by an unpatented claim, therefore, should be subject to the state police power to the same extent as a patented claim, as long as there is no interference with the bare legal title of the United States.**

"In sum, under the Mining Law, for both patented and unpatented claims, *control over the mineral deposit is relinquished by the federal government and full or equitable title to the deposit*, respectively, *is given to the private mineral claimant, whose property is subject to the full exercise of the state police power*. Indeed, the state is even given a limited but substantial power over the process whereby the mineral property is transferred from federal to private ownership. Although the state cannot burden the transfer of ownership with unreasonable requirements or requirements inconsistent with federal law, it can specify the details of the transfer process and then fully regulate the resulting private property interest." *** (emphasis added) [17]

FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

The Federal Land Policy and Management Act of 1976 [18] became law on October 21, 1976. Among other things, this act, commonly referred to as the "BLM Organic Act," or S 507, clears the federal statute books of several outdated public land laws [19] and changes the Mining Law of 1872 by providing for an unpatented mining claims recordation mandate.[20]

More important than what the act does, however, at least for this discussion, is what the act does not do. It does not give the federal government authority to regulate the surface reclamation of unpatented mining claims.

The Senate version of S. 507 contained a provision authorizing the Secretary of Interior to require land reclamation as a condition of use of the "national resource lands." Specifically,

"Title I—General Management Authority

"Sec 101. Management.—The Secretary shall manage the national resource lands in accordance with the policies and procedures of this Act and with any land use plans which he has prepared pursuant to section 103, except to the extent that other applicable law provides otherwise. Such management shall include:

"(2) requiring appropriate land reclamation as a condition of use; and requiring a performance bond or other security guaranteeing such reclamation in a timely manner from any person permitted to engage in an extractive or other activity likely to entail significant disturbance to or alteration of the national resource lands." [21]

The House version (designated H.R. 13777), however, contained no similar language.[22] In fact, the conferees on S. 507 were very explicit in striking the language contained in the Senate bill from the final version of the legislation, as shown in the following quotation from the House Conference Report:

"18. The Senate bill had a provision directing the Secretary of the Interior to require appropriate land reclamation as a condition of use likely to entail significant disturbances to or alteration of the public lands. *The conferees did not adopt this provision.*" [23] (emphasis added)

Nevertheless, Interior cites two sections of the final legislation as partial authority for requiring reclamation as a federal condition for conducting operations on unpatented mining claims, i.e., §§ 302(b), 310. The pertinent parts of those sections state:

"302(b) . . . In managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands."

"310. The Secretary (of Interior), with respect to the public lands, shall promulgate rules and regulations to carry out the purposes of this Act and of other laws applicable to the public lands . . ."

In light of the conference report's statement striking the Secretary's duty/authorization to require reclamation as a condition of use, however, it is doubtful that a court would strain so far as to include such authority within the ambit of the above language. It is doubtful, too, that Department of Interior personnel themselves feel this language provides a sound basis to propose this set of rules, else they would not have felt the need to cite a virtual plethora of other supposed authorities. These other alleged authorizations are the subject of the remainder of this report.

1955 AMENDMENTS TO THE MATERIALS ACT OF 1947

The proposed regulations cite sections 4–7 of the Act of July 23, 1955 (30 U.S.C. 612–615) as authority for the proposals. This act (commonly called the Multiple Surface Use Act) amended the 1947 Materials Act in two respects: (1) by barring future locations under the mining laws for certain materials commonly occurring in the U.S.; and (2) by giving the Secretary of Agriculture administrative responsibility under the Materials Act. The act also amended the 1872 general mining laws by permitting more efficient management and administration of the surface resources of the public lands by providing for multiple use of the same tracts of such lands.[24]

As with the BLM Organic Act, having stated generally what the 1955 Act does, it is more appropriate to state clearly what the act does not do. Although sometimes cited as authority for regulation of mining by government land management agencies, it is clear the Act made no change in a mining locator's rights to use the surface of mining claims for purposes reasonably incident to exploration or mining.[25] The purpose of the Act was to permit the use and regulation of non-mineral resources within a mining claim if such activity did not interfere with prospecting and mining operations.[26]

It has been stated that the act

". . . was also designed to establish what some courts had already established, which was that a locator's rights were no longer exclusive. The Act does not mention access and the legislative history of the Act makes it clear that *it was not intended to change or restrict a claimant's prospecting and mining rights.*" [27] (emphasis added)

Neither the statute nor the relevant legislative history mention surface restoration as a condition to operations on federal public domain.

Where Congress has intended to make such surface reclamation a condition of use it has been more explicit in making this mandate. For example, the Mining Claims Rights Restoration Act of 1955 [28] which opens public

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Footnotes at end of article.

*Wilbur v. *United States ex. rel. Krushnic*, 280 U.S. 306, 316–17 (1930).

**See *Forbes* v. *Gracey*, 94 U.S. 762 (1877).

***The Secretary of the Interior has, under 30 U.S.C. Sec. 22, the authority to promulgate regulations governing the exploration, occupation, and purchase of hardrock mining lands. However, this authority has been only minimally exercised and, even if it were exercised more fully, should not operate to preempt more stringent state and local regulations, given the overall structure and philosophy of the Mining Law as outlined in the text. There are certain limits to a state's exercise of its police power. It cannot discriminate against mineral development on federal lands. If its regulation is so restrictive as to amount to a taking of private property, it must compensate the property owner for the value of the property taken. And too burdensome restrictions on mineral development on federal lands might be held to be an invalid interference with the federal power to dispose of federal property."

lands withdrawn for power development and power sites to the general mining laws also authorizes the Secretary of Interior to prohibit placer mining, or permit it on condition the surface be restored.[29]

Other statutes subjecting certain lands to the 1872 mining laws more clearly provide that surface use shall be under regulations prescribed by the Secretary of Interior.[30] Had Congress intended to subject all BLM lands to a similar condition of land restoration, they could easily have adopted the Senate version of S. 507. They did not.[31]

GENERAL RULEMAKING AUTHORITY

The proposed rules also cite 43 U.S.C. 2 and 1201 as to the general rulemaking and enforcement authority of the Secretary of Interior.

"§ 2. Duties concerning public lands.

"The Secretary of the Interior or such officer as he may designate shall perform all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land, and the issuing of patents for all grants of land under the authority of the Government."

"§ 1201. Regulations for enforcement and execution of public land provisions.

"The Secretary of the Interior, or such officer as he may designate, is authorized to enforce and carry into execution, by appropriate regulations, every part of the provisions of this title not otherwise specially provided for."

Space prohibits an exhaustive examination of case law interpreting these sections. As with administrative rulemaking generally, however, one may state the Secretary has broad authority to make regulations respecting the public domain and where such rules are not repugnant to or do not go beyond the scope of Congressional acts, a court will uphold their implementation.[32]

It is the scope of this particular rulemaking authority that is questioned herein.

THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

The expressed purposes for this Act are threefold: (1) to strengthen and expand the work being done under the Historic Sites Act[33] and establish a national register of sites, structures, and the like of significance in American history, architecture, archeology, and culture; (2) to encourage local, regional, state, and national interest in the protection of such properties; [34] and (3) to establish an Advisory Council on Historic Preservation to advise the President and Congress relating to the preservation of such properties.[35]

Executive Order No. 11593 entitled "Protection and Enhancement of the Cultural Environment" was issued pursuant to the above Act and is also listed in the preamble to the proposed rules as authority for the same.[36] It is clear the Executive in carrying out his responsibility to administer and enforce the laws of the United States is subject to limitations on his authority. Specifically, the executive and his duly authorized officers may exercise some discretion but may not act without legislative authorization nor go beyond the intended scope of legislative declarations.[37] Thus, although it appears certain the President through his Secretary of Interior could require surface reclamation and enforce measures to preserve and protect those areas discovered to be of historic significance under the authority of the above Act, this particular statute and executive order play no part in authorizing an agency to promulgate these particular surface management rules. This is true at least for those land areas not part of the National Register of Historic Places or included in the Executive's inventory of areas containing sites of historic significance. Once an operator discovers such an area, it appears reasonable to require his reporting the discovery and to subsequently require protective measures.[38] Those sections of the proposed rules requiring surface protection prior to the time of such discovery, however, cannot draw their authorization from the general statute or the executive order whose requirements are triggered only if an area is of historic, architectural, archaeological, or cultural significance.

ENDANGERED SPECIES ACT OF 1973

The Endangered Species Act which is administered by the Secretaries of Interior, Commerce, and Agriculture provides for the conservation, protection, and propagation of endangered species by federal action and by encouraging states to establish endangered species conservation programs.[39]

The methods include authorization to the Secretaries of Interior and Commerce ". . . to list species which are either (1) endangered or (2) likely to become endangered within the foreseeable future, and authority to establish an Advisory Committee for consultation regarding this list; authorization to the Secretary to use certain existing legislation for land acquisition; provision for criminal and civil penalties for violation of its prohibitions; provision for the administrative implementation of the international convention on endangered species; management of endangered and threatened species by the States, under State plans that are approved by the Secretary; and provision for financial aid to State wildlife management agencies which enter into cooperative or management agreements with the Secretary." [40]

Much the same statement can be made regarding areas with habitat supporting fish, wildlife, and plants listed as endangered species as was made above regarding areas of historic significance. In terms of this Act, there is no mandate to protect surface habitat in an area where no species listed as endangered or likely to become endangered exist.[41] Once such species are discovered, the authorized executive agency may prescribe protective measures and enforce authorized regulations. Until such time, however, locators of mining claims on federal lands may proceed as their recognized statutory right to occupy vacant and unreserved public lands allows.[42]

EXECUTIVE ORDERS NOS. 11752, 11514

Little need be said regarding these two executive orders that has not already been said of executive statutory enforcement and administration already.[43] E.O. No. 11752 relates to the prevention, control, an dabatement of environmental pollution at federal facilities, outlines general policy objectives, and directs all federal agencies regarding all facilities under their jurisdiction in the U.S. to subscribe to various standards for environmental protection as set out in the order.[44] Nevertheless, as stated earlier,[45] the Executive may only enforce United States statutes within the limits of the particular legislative declaration he and his authorized agencies undertake to administer. Neither the set of statutory authorities under which the order was issued [46] nor the order itself anywhere prescribe surface reclamation as a condition to use of federal public domain or land areas embraced within federal facilities.

Executive Order No. 11514 outlines general environmental protection policy goals and designates certain responsibilities for federal agencies, in general, and the Council of Environmental Quality, in particular.[47] Generally, these responsibilities entail stimulating and directing greater participation by and cooperation of other federal agencies, other levels of government, and the public in reviewing and developing environmental protection objectives and standards. Issued under the authority of the National Environmental Policy Act [48] this order, too, does not even mention, let alone require, surface reclamation as a condition for using or conducting operations on federal lands.

ANDRUS V. CLICK AND U.S. V. PATRIN

An exhaustive analysis, in terms of case history, of the extent of state police power over federal lands is not possible for this report. Accepting the general principles on the constitutional division of authority,[49] however, an analysis of two relatively recent cases will enhance these general principles.

The opinion in *State Ex. Rel. Andrus* v. *Click* was delivered by the Idaho Supreme Court in September of last year.[50] The defendants, James Click and his mining partners, were conducting dredge mining operations on unpatented federal land within the St. Joe National Forest under valid mining claims. Because the defendants were operating without acquiring a permit from the State of Idaho, the Attorney General of the state filed suit to enjoin the operations until the Dredge Mining Act was complied with.[51] The state district court found in favor of the defendants and enjoined the state from attempting to regulate, restrict, or prevent the mining operations. On appeal, the Idaho Supreme Court held that the provisions of the Idaho Dredge Mining Act were not unconstitutional as conflicting with federal legislation, at least as applied to unpatented mining claims within national forests, and that Congress had not preempted the state regulation. In discussing the *Kleppe* v. *New Mexico* suit,[52] the court stated.

"The United States Supreme Court recently pointed out that "while the furthest reaches of the power granted by the Property Clause have not yet been definitively resolved, we have repeatedly observed that '[t]he power over the public land thus entrusted to Congress is without limitations.' * * * In short, Congress exercises the powers both of a proprietor and of a legislature over the public domain." *Kleppe* v. *New Mexico*—U.S. ———, ———, 96 S. Ct. 2285, 2291–92, 49 L. Ed. 2d 34 (1976). Most certainly then, where Congress has exercised its legislative prerogative, conflicting state laws must fall by reason of the Supremacy Clause. U.S. Const. art. VI, clause 2. Absent congressional action, however, the state retains jurisdiction over federal lands within its territory. *Kleppe* v. *New Mexico* supra. The rule was stated in *Omaechevarria* v. *Idaho*, 246 U.S. 343, 38 S. Ct. 323, 325, 62 L. Ed. 763 (1918):

"The police power of the state extends over the federal public domain, at least when there is no legislation by Congress on the subject."

"See also *McKelvey* v. *United States*, 260 U.S. 353, 43 S. Ct. 132, 67 L. Ed. 301 (1922).

"The difficulty, of course, is to determine whether there is superseding federal legislation "on the subject." Our determination is guided where possible by applicable principles of federal preemption. These cannot, however, provide precise guidelines "for each case turns on the peculiarities and special features of the federal regulatory scheme in question. (citing cases)" [53]

The court briefly discusses the 1872 Mining Law and the Idaho Dredge Mining Act before outlining the general principles applicable to the preemption doctrine: 1) the supremacy clause of the constitution will cause federal legislation to preempt a state regulatory scheme where there is a "direct collision" between the statutes; [54] 2) more stringent state regulation is *not* this type of conflicting legislation,[55] although, where state regulation was so stringent so as to effectively present an otherwise federally granted right, such conflict would be present; [56] 3) Congress may preempt even harmonious state regulation where an intent to do so is present; [57] the factors to consider in deciding this question include, among others:

"(1) the aims and intent of Congress as

Footnotes at end of article.

revealed by the statute itself and its legislative history, (2) the pervasiveness of the federal regulatory scheme as authorized and directed by the legislation and as carried into effect by the federal administrative agency, (3) the nature of the subject matter regulated and whether it is one which demands exclusive federal regulation in order to achieve uniformity vital to national interests, and (4) whether under the circumstances of a particular case state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." [58]

On the basis of these factors the court concludes there is nothing in the 1872 mining law or its legislative history indicating an intent to preempt state regulation. "Indeed, the federal statute specifically recognizes the state's right to impose additional requirements in some areas." [59] (emphasis added)

Recognizing that the general mining laws of 1872 were enacted for purposes of economic development,[60] Justice Donaldson cites the Mining and Minerals Policy Act of 1970 [61] and the National Environmental Policy Act [62] in recognizing that development of natural resources should be undertaken so as to minimize environmental damage.[63] However, even Congress recognizes *"the primary responsibility for implementing environmental policy rests with state and local governments."* [64] (emphasis added)

Briefly, the court settles certain other contentions propounded by the mining operators: 1) even had the federal government issued its own license, a state may still have power to license a federally sanctioned activity; [65] the lien provisions of the Idaho statute could attach to the minerals extracted although not to the lands themselves; [66] the state law, being within the legitimate police power of the state, and implemented in a reasonable manner, does not constitute a taking of property requiring just compensation; [67] the due process and equal protection guarantees of the Constitution have not been violated; [68] and finally, the statute's delegation of power to an appellant board is constitutional and provides sufficient standards for review.[69] This immediately precedes the court's conclusion that the Idaho Dredge and Placer Mining Protection Act is valid and fully applicable to the mining operators.[70]

Another Idaho case issued from the U.S. District Court in 1974, *United States* v. *Floyd J. Patrin*.[71] Here the federal government sued the owner of unpatented placer mining claims for trespass for reconditioning an existing road in the Nez Perce National Forest. The United States alleged such reconditioning could not be undertaken without first obtaining a special use permit pursuant to guidelines issued on March 24, 1971 by the regional office of the Forest Service.[72]

U.S. District Judge J. Blaine Anderson concluded the guidelines could *not* be applied to these unpatented mining claims and although environmental considerations were important, "in my view they cannot prevail even in the balancing of interests process against the positive and clear mandates of the statutes and the case law." [73] The court states in its findings numbered 15 and 16:

"15. That such conditions and prohibitions sought to be imposed; that is, conditional use permits and/or operational plans as a condition of the exercise of the defendant's admitted placer mining claims ownership and possessory rights to mine and prospect in the usual and customary manner incident to placer mining operations would materially interfere with prospecting, mining, or processing operations, or uses reasonably incidental thereto and as practiced by the defendants in the industry;

"16. By the expressed and implied terms of 30 United States Code Annotated Section 612, mineral deposits subject to location under the mining laws of the United States are exempt from the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources; that the mineral deposits so located by the defendants therein wholly within the confines of their own placer claims are subject to location and removal by the defendants under the laws of the United States and are thus exempt from the purported guidelines or rules and regulations sought to be enforced herein;" [74]

The material interference with the mining claimant's rights as well as the factor of delay caused by the guidelines, which is specifically noted by the court,[75] remain particularly significant regarding current Forest Service regulations as well as the proposed BLM surface management rules.[76]

The precedent value of the Patrin case is limited in that it is an unreported decision which Judge Anderson severely limited to the particular facts involved.[77] Nevertheless, the opinion indicates certain factors a court may entertain in balancing the application of government regulations against the statutory right of mining claimants to free and unrestricted use of the area within valid unpatented claims.

INFLATION IMPACT STATEMENTS

The preamble to the proposed BLM regulations states the Department of Interior has determined this proposed rulemaking is not a major proposal requiring preparation of an Inflation Impact Statement.[78] This section will briefly analyze the validity of this statement.

Executive Order No. 11821 [79] directs executive branch agencies to certify that the inflationary impact on the nation of "all major legislative proposals, regulations, and rules" has been carefully considered. The authority to develop criteria for determining which proposals are "major" and thus subject to the Executive Order is delegated to the Office of Management and Budget. On January 28, 1975, OMB issued Circular No. A-107 which prescribes these criteria and authorizes each department to independently develop its own procedures and standards for determing "major" proposals. Interior's internal procedures and standards have not yet been received. Nevertheless, the criteria listed in Circular No. A-107 and which serve as the basic outline for departmental review are:

(1) cost impact on consumers, businesses, markets, or federal, state, or local government;

(2) effect on productivity of wage-earners, businesses, or government;

(3) effect on competition;

(4) effect on supplies of important materials, products, or services;

(5) effect on employment;

(6) effect on energy supply or demand.

Although all of these factors could be applied to determine that the BLM proposals are major proposals requiring statement preparation, of particular applicability are factors (1) and (3). Clearly these rules will add to the costs of federal regulatory enforcement as well as business operations and the surface restoration provisions may have ultimate impacts on consumers. This is particularly true since mining claimants need not receive a patent from the U.S. before developing a mine. Massive reclamation for mine operations on unpatented claims will surely increase product prices which ultimately must be passed on to consumers.

As well, the individual prospector may be effectively stopped from further mineral location and mining operations, thus completing the move miners have feared would come to fruition, i.e., the elimination of the small operator from the competitive scene.

We must question whether Interior has done an adequate job in analyzing the proposals under these criteria. State government, as well as the industry and public, may want to review the statement required by Executive Order 11821. Unfortunately, Interior has jumped this hurdle too easily.

CONCLUSION

The 1872 mining law was based on a policy of stimulating mineral development on the public domain. Although the statute outlines several federal requirements to mineral location and development, as with the Mineral Lands Leasing Act of 1920 the states have retained their jurisdiction to enforce reasonable standards for the protection of the public health, safety, and general welfare. The enforcement of this police power has not been preempted by Congress as regards unpatented mining claims and is as viable today as in the 19th Century.

Further, the Congress has not provided the necessary authority for the Department of Interior to promulgate these surface management rules through the BLM Organic Act. Admittedly, the Congress could have done so and the Senate tried to introduce such authority into their version of the bill. The authoritative language was stricken from the final version; thus, the states clearly retain their jurisdiction to regulate the surface reclamation of all unpatented mining claims on federal lands. The enforcement of state standards may not effectively prevent mineral location, prospecting, and development, though, since the mining claimant retains his statutory "right" to go onto the open public domain and develop those minerals he discovers.

Certainly industry would be the apparent party to contest these regulations in court. Indications are, however, that industry will deal with these regulations as they did with the Forest Service rules issued in September of 1974. That is, they can "see the writing on the wall" and will probably attempt to work closely with Interior to develop "reasonable" rules that they can live with rather than risk receiving an adverse court decision that may settle the heretofore arguable question of the federal government's authority to promulgate these regulations.

With this in mind, the states should attempt to introduce into the rules language similar to that in the 3041/211 coal operations rules that specifically recognize state authority to apply stricter standards for environmental protection on unpatented mining claims on federal public domain.

FOOTNOTES

[1] 41 F.R. 53428, December 6, 1976. Reference to the Alaska Public Sales Act is a misprint in the proposals. Citation to Executive Order No. 11593 was intended.

[2] 41 F.R. 53428, December 6, 1976.

[3] 14 Stat. 251 (1866).

[4] 16 Stat. 217 (1870).

[5] For an extensive historical analysis of the 1872 law, see Swenson, Legal Aspects of Mineral Resources Exploitation, P. Gates, *History of Public Land Law Development* (hereinafter cited as *Swenson*) at 716–723 (1968).

[6] 17 Stat. 911 (1872), 30 U.S.C. 21 et seq. (1964).

[7] Currently patents for lode claims are issued for $5 per acre (30 U.S.C. § 29; 43 CFR § 3862.4–6); patents for placer claims are issued for $2.50 per acre (43 CFR § 3863.1(b)).

[8] 30 U.S.C. 181 et seq. For a historical analysis of the fuel-minerals-related acts leading to the 1920 act, see *Swenson*, at 724–745.

[9] 30 U.S.C. § 35 (1964).

[10] 30 U.S.C. § 23 (1964).

[11] The Department of Interior expressly recognizes the statutory right of a locator to such exclusive possession in their proposed regulations. Specifically, proposed § 3809.0–6 states,

"*Policy.*

"It is the policy of this Department to en-

courage the development of the mineral resources under its jurisdiction where mining operations are authorized. Under the 1872 mining law, *Prospectors, locators, claimants, and miners have a statutory right* consistent with Departmental regulations, to go upon the open (unappropriated and unreserved) public domain lands for the purposes of geological reconnaissance, mineral prospecting, exploration, development, and production. Departmental statutory responsibilities and the public interest require that mining operations pursuant to the 1872 mining law include adequate and reasonable measures to avoid, minimize, or control damage to the environment and to avoid, minimize, or control hazards to the public health and safety. The regulations in this subpart prescribe procedures to that end." (emphasis added)

See 41 F.R. 53429, December 6, 1976.

[12] For an extensive discussion of the rights of a locator under the doctrine of "pedas possessio," see K. Olson, *New Frontiers in Pedas Possessio: MacGuire* v. *Sturgis*, 7 Land and Water Law Review 367 (1972). Also see a federal District Court decision of May 14, 1976 dealing with a "case of first impression for the courts of this country." Chief Judge MacBride held in part in *U.S.* v. *Curtis-Nevada Mines, Inc.*, 415 F. Supp. 1393, (D.C. E.D. Calif. 1976), that miners operating on unpatented mining claims within Tioyabe National Forest could not prohibit a member of the general public from entering onto the surface area of the claims. This is so providing the person intended to engage in recreation or to gain access to adjoining lands and possessed a valid recreation license or permit from a state or federal agency at 1380.

[13] 30 U.S.C. 35 (1964).

[14] "$100 worth of labor shall be performed or improvements made each year," 30 U.S.C. 28 (1964).

[15] 30 U.S.C. 26 (1964).

[16] *Mineral Accessibility on Federal Lands*, Office of Technology Assessment, *Draft* Study, Fall, 1976, at 9–7, 9–8.

[17] Id. at 9–7, 9–8.

[18] P.L. 94–579; 90 Stat. 2743; 43 U.S.C. 1701; for an excellent summation of the highlights of the bill, see Carver & Carver, *Federal Land Policy and Management Act of 1976, A Summary*, IX Rocky Mountain Mineral Law Newsletter, No. 10, October, 1976.

[19] P.L. 94–579, §§ 702–706.

[20] P.L. 94–579, § 314.

[21] Congressional Record, February 25, 1976 at S2367.

[22] Congressional Record, July 22, 1976, at H7640.

[23] House Conference Report No. 94–1724, 94th Congress, 2nd Session (1976), 14 U.S. Code, Congressional and Administrative News 6660, 6663; Congressional Record, September 29, 1976, pp. H11553.

[24] House Report No. 730, 84th Congress, 1st Session (1955), 2 U.S. Code, Congressional and Administrative News 2474.

[25] J. Haggard, *Regulation of Mining Law Activities on Federal Lands*, 21 RMMLI 349, 352 (1975). See *United States* v. *Springer*, 321 F. Supp. 625 (U.S. D.C. C.D. Calif. 1970) aff'd 478 F. 2d 43 (9th Cir. 1970).

[26] 30 U.S.C. § 612(b).

[27] A. Biddle, *Access Rights over Public Lands Granted by the 1866 Mining Law and Recent Regulations*, 18 RMMLI 415, 433 (1973); House Report No. 730, 84th Congress, 1st Session (1955), 2 U.S. Code, Congressional and Administrative News 2474, 2477–2479, 2492–2494 (1955). See *Converse* v. *Udall*, 399 F. 2d 616, 617 (9th Cir. 1968).

[28] 30 U.S.C. § 621–625 (1964).

[29] 30 U.S.C. § 621(b)(2) (1964); see Senate Report No. 1150, 84th Congress, 1st Session (1955), 2 U.S. Code, Congressional and Administrative News 3006, 3007.

[30] 16 U.S.C. § 447, 450z (1964); 49 Stat. 1817 (1936); 16 U.S.C. §§ 347–354 (1964); all these statutes deal with National Parks or Monuments which are subject to surface use regulations of the National Park Service, 36 C.F.R. § 7.26, 7.44 (1970); Also see C. Dietrich, *Mined Land Reclamation in the Western United States*, 16 RMMLI 143, 194 (1971).

[31] See text accompanying notes 17–19.

[32] See annotations at 43 U.S.C.A., 2, 1201 (1964).

[33] 16 U.S.C. 461 et. seq. (1964).

[34] This is partially accomplished by instituting a program of matching grants-in-aid to states for projects whose purpose is the preservation of properties for public benefit. See 16 U.S.C. § 470 a (a)(2)(1964).

[35] House Report No. 1916, 89th Congress, 2nd Session (1966), 2 U.S. Code, Congressional and Administrative News 3307 (1966).

[36] 36 F.R. 8921, May 15, 1971; for Presidential Statement see 7–1 Weekly Compilation of Presidential Documents, at 756, May 17, 1971.

[37] See cases cited at 16 C.J.S. § 167—Constitutional Law.

[38] Thus, proposed § 3809.3–2(f) requiring an operator to report such discovery appears fully authorized; 41 F.R. 53432, December 6, 1976.

[39] Senate Report No. 93–307, 93rd Congress, 1st Session (1973), 2 U.S. Code, Congressional and Administrative News 2989, 2990 (1973).

[40] Id. at 2990.

[41] See 16 U.S.C. § 1533(d) (1964).

[42] See note 11 and accompanying text.

[43] See text accompanying note 37.

[44] See E.O. No. 11752, § 4, 2 U.S. Code, Congressional and Administrative News 3537, 3539–40 (1973).

[45] See text accompanying note 37.

[46] Clean Air Act, as amended (42 U.S.C. 1857); Federal Water Pollution Control Act, as amended (33 U.S.C. 1251); Solid Waste Disposal Act, as amended (42 U.S.C. 3251); Noise Control Act of 1972 (42 U.S.C. 4901); Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431); Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (7 U.S.C. 136); National Environmental Policy Act of 1969 (42 U.S.C. 4321).

[47] See E.O. No. 11514, §§ 1–3, 2 U.S. Code, Congressional and Administrative News 6228–6230 (1970).

[48] 42 U.S.C. 4321 (1964).

[49] See H. Barry, *Legal Study—Extent of State Control over Reclamation on Federal Land*, Special Report to the Governors, Western Governors' Regional Energy Policy Office, Inc., March 15, 1976. (Note: In general, a statute is within legitimate state police powers if it "bears a reasonable relationship to the public health, safety, morals, or general welfare." *Nebia v. New York*, 291 U.S. 502, 54 S. Ct. 505, 78 L. Ed. 940 (1934).)

[50] 554 P. 2d 969, S. Ct. Idaho (1976).

[51] Suit was originally filed in the federal district court; but, following dismissal for lack of jurisdiction, action was commenced in the state district court.

[52] —— U.S. ——, 96 S. Ct. 2285, 2291–92, 49 L. Ed. 2d 34 (1976); see also *Info from WGREPO* No. 76–42, 7–16–76 which discusses the Kleppe suit as well as other recent cases.

[53] 554 P. 2d 969, 973; see also K. Landstrom, *State and Local Government Regulation of Private Land-Using Activities on Federal Lands*, 12 Public Land and Resources Law Digest 229, 231 footnote 14 (1975), where the author states,

"The Supreme Court's statement in United States v. San Francisco, 310 U.S. 16, 29 (1940) and in FPC v. Idaho Power Co., 344 U.S. 17, 19 (1962) that the power over public lands given to the Congress by the Property Clause "is without limitations" must be considered as hyperbole that must be read within the subject matter of the cases, inasmuch as in other cases, such as Kansas v. Colorado, 206 U.S. 91 (1907), the Court has held that the Federal Government's legislation affecting Federal reclamation cannot override State law; and in Camfield v. United States, 167 U.S. 525 (1897) the Court has held that the power of the Congress to legislate for the protection of public lands will be upheld so long as such power is directed solely to such protection."

(Note: The reference to "reclamation" is to arid land water reclamation, not mine surface restoration.)

[54] 554 P. 2nd 969, 974, citing *Florida Lime and Avocado Growers, Inc. v. Paul*, 373 U.S. 132, 929, 83 S. Ct. 1210, 10 L. Ed. 2d 248 (1963).

[55] Id. at 974, citing *Northern States Power Co. v. Minnesota*, 447 F. 2d 1143 (8th Cir. 1971) which involved Minnesota pollution control requirements substantially more stringent than federal regulations.

[56] Justice Donaldson then concludes that although the state statute makes the miners' operations somewhat more difficult, "Neither the requirement of obtaining a permit or of restoring the land render it impossible to exercise rights specifically granted by the federal legislation . . ." 554 P 2d 969, 975.

[57] Id. at 975, citing *Rice v. Santa Fe Elevator Corp*, 331 U.S. 218, 67 S. Ct. 1146, 91 L. Ed. 1447 (1947) and *Northern States Power, supra*, note 55.

[58] Id. at 975.

[59] Id. at 976; for example, non-conflicting state standards for mining claim location are upheld. See 30 U.S.C. § 26; I.C. § 47–601 et. seq.

[60] Id. at 976.

[61] 30 U.S.C. § 21a (1976).

[62] 42 U.S.C. § 4371(b)(2), 4331(a) (1976).

[63] 554 P 2d 969, 977.

[64] Id. at 976, citin NEPA.

[65] Id. at 976.

[66] Id. at 978, 981.

[67] Id. at 978–980.

[68] Id. at 981–982.

[69] Id. at 982.

[70] Id. at 982.

[71] Civil Action No. 1–72–135 (D.C. Ida. 1974), unreported memorandum decision.

[72] The guidelines were issued to designate interim procedures for field offices to follow in regulating activities on unpatented mining claims. This was before final forest regulations had been promulgated. See 36 CFR Part 252 for final Forest Service regulations.

[73] Civil Action No. 1–72–135, memorandum order and decision entered November 7, 1974, p. 1.

[74] Id. at 9–10.

[75] Id. at 8, Finding No. 12.

[76] See *Haggard, supra* note 25 at 364–365.

[77] Civil Action No. 1–72–135, at 12–14.

[78] See note 2, *supra*.

[79] 39 Federal Register p. 41501, November 29, 1974. The President has since changed the name of these statements to "Economic Impact Statements" and extended the Executive Order until December 31, 1977. See 42 Federal Register at 1017, January 5, 1977.

THE FRANKFORD ARSENAL

Mr. NELSON. Mr. President, earlier today the junior Senator from Pennsylvania (Mr. HEINZ) criticized the President and Vice President of the United States with respect to the proposed closing of the Frankford Arsenal in Philadelphia.

We want to take this opportunity to be certain that the record on this matter is complete, for the Senator from Pennsylvania, I am sure inadvertently, failed to note that a full review of the Frankford Arsenal closing has been ordered by the new administration.

The Senator from Pennsylvania accused the administration of breaking a campaign promise to keep the Frankford Arsenal open. He placed in the RECORD, but failed to refer in his statement to, a letter of December 30, 1976, from the Vice President to the Secretary of Defense-designate Harold Brown, asking for an immediate review of the Ford administration's decision to close the Frankford Arsenal. The Senator's statement further implied that the new administration has taken no action on this matter. The fact is that on January 27, 1977 the Secretary of Defense directed the new Secretary of the Army to, and I quote:

. . . review again the Frankford decision on a priority basis and to report to me if he finds that decisions made and already partly implemented should be reversed.

Mr. President, I think it only fair that when the President and Vice President of the United States are accused of a breach of faith, the full record be set forth.

I therefore ask unanimous consent that there be placed in the RECORD both the Vice President's letter to the Secretary of Defense dated December 30, 1976, asking for an immediate review of the Frankford Arsenal matter, and the Secretary of Defense's letter to the Vice President of January 27, 1977, ordering such a review.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., December 30, 1976.

Dr. HAROLD BROWN,
Secretary of Defense-designate,
Pasadena, Calif.

DEAR HAROLD: As you know, the new Administration is committed to review the decision of the Department of the Army to close the Frankford Arsenal in Philadelphia. The Department of the Army initially announced its intention to close the Arsenal in November, 1974. This announcement has now resulted in the issuance of termination and relocation notices, effective on January 29, 1977, to Frankford Arsenal employees.

In view of the issuance of these notices, and particularly in view of the fact that they are to become effective shortly after the new Administration takes office, I am writing to ask that you begin an immediate review of this matter and that discussions be initiated with appropriate Army and Defense Department officials. While the recent decision to issue termination and relocation notices and all other federal executive actions, of course, remain the lawful and exclusive responsibility of the present Administration, in view of the fact that many of the Frankford Arsenal employees have already received their notices, I believe it is essential that steps be taken now to review the rationale for the Department of the Army's actions so that an early decision can be made by the new Administration.

I look forward to working with you in this matter toward the fulfillment of my commitment to the employees of the Frankford Arsenal.

Sincerely,

WALTER F. MONDALE.

THE SECRETARY OF DEFENSE,
Washington, D.C., January 27, 1977.

The VICE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. VICE PRESIDENT: I have reviewed Ford Administration decisions relating to the realignment of the Army Armament Command, including closure of the Frankford Arsenal and transfer of the activities presently performed there to other arsenals. I note that while this decision has and will have at least a short term negative impact on the Philadelphia area, it will result in estimated annual savings of over $23 million per year for the Department of the Army.

This decision, of course, involved Department of the Army operations. Accordingly, I am asking the new Secretary of the Army to review again the Frankford decision on a priority basis and to report to me if he finds that decisions made and already partly implemented should be reversed.

Sincerely,

HAROLD BROWN.

THE OUTRAGEOUS GENERAL DYNAMICS LOAN GUARANTEE

Mr. PROXMIRE. Mr. President, if New York City needs a loan guarantee from the U.S. Government it must seek the support of the President and the Treasury Department, come before the Congress of the United States, and adhere to rigid restrictions on its fiscal operations. Furthermore, it is the unanimous judgment of the Senate Banking Committee as expressed in a report last Tuesday that the Congress would not provide any further guarantee.

If a defense contractor needs a loan or a bailout from the U.S. Government in excess of $25 million, that request must be presented to Congress where either the House or the Senate has a period of 60 days to act to deny it. Hearings can be held, data collected, and the public policy issues debated before a contractor is allowed to sup at the public trough.

When Lockheed Aircraft needed aid to keep it afloat—aid which I opposed—it had to appear before the Senate Banking Committee where its fiscal situation was examined in the greatest detail.

DOUBLE STANDARD

But during the last days of the Ford administration another kind of action was taken which indicates a double standard with respect to loan guarantees for private companies.

The Commerce Department under Secretary Elliot Richardson granted a $727 million loan guarantee—a guarantee of bonds with the backing of the full faith and credit of the U.S. Government—to the General Dynamics Corp.

General Dynamics will construct five and possibly seven supertankers to carry liquid natural gas from Indonesia to Japan under the guarantee.

The guarantee did not have to be approved by Congress as either the New York City or the Lockheed loan was approved.

It is virtually an ironclad guarantee as the little known law—46 U.S.C. 1201 under the Merchant Marine Act of 1937—not only guarantees the bonds but says the guarantee is incontestible even if fraud was involved in getting the commitment. There are virtually no defenses left to the Government to change or review or call back that guarantee once it is made.

BLANK CHECK

This is the blank check of all blank checks. Congress must have the right to review such a huge guarantee if we are to exercise our constitutional control over the pursestrings.

There are numerous additional questions, too, about this particular guarantee.

It was made on the last full day of Secretary Richardson's incumbency.

The supertankers are to be built in Massachusetts which is Secretary Richardson's home State and where he has been prominently mentioned as a possible candidate for the governorship.

As Newsday editorialized:

The supertankers won't help alleviate the nation's energy shortage, nor will they replace those rusty old hulks that have been running aground with such alarming regularity lately along the Atlantic Coast. They're going to transport liquefied natural gas from Indonesia to Japan.

So far as one can see they have almost no relationship to any national defense requirement of the United States or to any civil emergency.

I ask unanimous consent that the Newsday editorial of Wednesday, January 26, 1977, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RICHARDSON'S HELPING HAND

Under any circumstances, there's a serious question whether the resources of the federal government should ever be used to bail out a private enterprise. The circumstances surrounding the Commerce Department's agreement last week to back General Dynamics Corporation with up to $730 million in federal loan guarantees raise a host of other questions as well. Here are some of those circumstances:

The deal, which will enable General Dynamics to proceed with the construction of seven enormous supertankers, was consummated by Eliot Richardson on his last full day in office as commerce secretary.

The ships will be built in Massachusetts, where Richardson is thinking of running for governor.

The supertankers won't help alleviate the nation's energy shortage, nor will they replace those rusty old hulks that have been running aground with such alarming regularity lately along the Atlantic Coast. They're going to transport liquefied natural gas from Indonesia to Japan.

The General Dynamics fleet won't be operated by an American company and there's some question whether the ships will even carry American crews. They'll be leased to the British-based Burmah Oil Company.

Burmah, as it happens, is now under investigation by the Securities and Exchange Commission. It has admitted paying a $3 million "fee" to Tongsun Park, the South Korean lobbyist who is himself the subject of an investigation by the Justice Department on charges that he has been passing cash to members of Congress.

The Commerce Department insists the loan guarantee agreement is an ironbound one that can't be voided by the Carter administration.

Perhaps that's so and perhaps it isn't, but in either case there are enough unanswered questions about this strange deal to warrant a full congressional investigation.

Mr. PROXMIRE. Mr. President, as chairman of the Senate Banking, Housing and Urban Affairs Committee, which is the "credit" committee of the Senate and which has had jurisdiction over New York City, Lockheed, and other major

loans, I believe this situation is intolerable.

That such a large amount of money can go to a single private firm on the say-so of one man without a congressional hearing or 5 minutes of consideration and for purposes which seem far removed from any direct public interest, is an alarming fact.

What do we say to New York City, which is a great social entity and whose problems deserve our most careful consideration when her leaders say, "Why General Dynamics and not us?"

Two wrongs do not make a right and I am not contending that because the General Dynamics guarantee was made at the last minute for questionable public purposes without congressional oversight that we should therefore open the coffers of the Treasury to every city in need, every defense contractor in trouble, or every private company seeking aid.

We should instead close the Merchant Marine Act loophole which allows such action to take place without specific congressional approval so that everyone is treated with equal fairness and the public interest protected.

Mr. President, I intend to offer legislation to change this situation and to bring this kind of guarantee under the aegis of specific congressional approval.

HUMAN RIGHTS VIOLATIONS IN CYPRUS

Mr. EAGLETON. Mr. President, in recent days a number of newspaper articles in both the United States and Europe have discussed a secret report prepared by the European Commission of Human Rights which alleges that Turkey violated six articles of the European Convention on Human Rights. The report, the result of a year-long investigation, apparently documents specific instances of murder, rape, torture, looting, and other acts of destruction committed by Turkish troops against Northern Cyprus during the Turkish invasion of Cyprus in 1974.

I have also received a copy of a report prepared by the Deputy Attorney General of the Republic of Cyprus entitled "Violations of Human Rights in Cyprus." This report further details destructive and repressive actions taken against Greek Cypriots by the Turkish Army.

These reports have a dual significance to the United States: first because of our commitment to international human rights; and second because these atrocities occurred while Turkish troops invaded the island of Cyprus using U.S. weapons. This violation of Turkey's bilateral arms agreement with the United States caused Turkey to be ineligible for arms transfers.

I fully support the new administration's efforts to aid in Cyprus negotiations to bring about a just and peaceful settlement of the tragic Cyprus situation. Nonetheless, we must understand fully the nature of the Cyprus tragedy and the indirect American role in it. As President Carter has said, any improvement in our relations with Cyprus should be preceded by progress toward a Cyprus settlement.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD:

First. "Turks Accused of Mass Murder in Cyprus," the Manchester Guardian, January 18, 1977.

Second. Letter from Ambassador Dimitriou of January 26, 1977.

Third. "What Secret Report Tells About Turk Atrocities," the Sunday Times, January 23, 1977.

Fourth. "Violations of Human Rights by Turkey in Cyprus," report prepared by the deputy attorney general of the Republic of Cyprus.

Fifth. "The Terrible Secrets of the Turkish Invasion of Cyprus," the Sunday Times, January 23, 1977.

Sixth. "Turkey and Cyprus," the Sunday Times, January 23, 1977.

Seventh. "Pressure Builds for Council of Europe to Condemn Turkish Acts on Cyprus," the Washington Post, January 24, 1977.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TURKS ACCUSED OF MASS MURDER IN CYPRUS

(By John Bierman)

STRASBOURG, January 17.—A politically explosive report, condemning Turkish behaviour in North Cyprus during the summer invasion of 1974, may lead to the withdrawal or expulsion of Turkey, from the Council of Europe.

The confidential report, which finds Turkey guilty of consistently violating six articles of the European Convention on Human Rights, upholds, among others, allegations by the Cyprus Government of wholesale murder, rape and looting.

It was prepared by the 16-member European Commission of Human Rights and submitted to the Council last August, still awaiting a decision. Foreign Ministries of EEC and NATO countries fear it could lead to Turkey's withdrawal or expulsion from the Council.

For technical reasons members of the Committee of Ministers have not yet considered what action to take, although they must come up with a decision when they meet in February.

Their options range from suppression of the report, at present classified "secret," in the interests of a possible reconciliation between the Greek and Turkish Cypriot communities. They could authorise publication of the report, which some might believe in itself to be sufficient "punishment" for the Turks. The more drastic options include condemnation and even expulsion of Turkey from the organisation.

In the 24 years since Turkey and the 18 other members of the Council of Europe signed the Human Rights Convention there has been no case quite like this; if only because in that period no member has invaded and occupied the territory of another. The most serious previous case to be ruled on by the Commission was the one brought against the former military regime in Greece, for ill-treatment of political detainees which led to the since-ousted regime's withdrawal from the Council in 1969.

The Human Rights Commission's report is highly confidential and one copy only has been lodged with each of the Council's member governments. But it is known the document upholds allegations by the Cyprus Government of wholesale and persistent murders, rape, looting, inhuman treatment, seizure of property, wanton destruction of property and enforced expulsions between the ceasefire in August 1974 and the end of 1975—the period under investigation. It maintains violation of articles 2, 3, 4, 5, 8 and 14 of the European Convention on Human Rights.

Allegations under five other articles of the Convention, relating to systematic torture, forced labour and the illegal colonisation of Northern Cyprus by mainland Turks, are not sustained for lack of evidence.

The Turkish Government, after losing an application in May 1975 to have the investigation declared inadmissible, refused to co-operate with the Commission, either on the ground in Cyprus, or here at Council of Europe headquarters in Strasbourg.

When the Commission's team of fulltime investigators arrived in Cyprus in September 1975 they were refused access to the "Turkish Federated State" which had been unilaterally set up in the north of the island in February of that year.

The Cyprus Government itself was kept as far as possible out of the inquiry. The Commission's investigators visited Greek Cypriot refugee camps and other locations, chose witnesses at random and summoned them to hearings held at Nicosia's Hilton Hotel.

The 16-member Commission under its British President, Mr. J. E. S. Fawcett, spent six months considering the evidence and drawing up its report. The measured legal phraseology of their verdicts— in all cases reached by overwhelming majorities, and often with only Turkey dissenting—blunts without obscuring the impact of the 200 page document.

The Cyprus Government's original complaints, which are upheld by the Commission specified among other things:

"Indiscriminate killings of civilians . . . persons of both sexes and all ages (subjected) to torture . . . inhuman and degrading treatment . . . rapes and detention under inhuman conditions . . . enforced prostitution . . . displacement of thousands of persons from their places of residence . . . and all directed against Greek Cypriots only, due, inter alia, to their national origin, race and religion."

The Cyprus Government complaint added: "All the above atrocities and criminal acts were entirely unconnected with any military operations. They were all committed at a time when no military operations or any fighting whatsoever was taking place."

Or as one European put it: "It's been not so much a war crimes trial as a post-war crimes trial."

The Turkish Cypriot administration, though not joined to the action since the Council of Europe does not recognise it as a government, has already indicated through its Deputy Premier and Foreign Minister, Mr. Vedat Celik, that it does not accept the findings, which Mr. Celik described last week as "saddening."

The mainland Turkish Government which is the one "in the dock," has not yet commented on the report, but it seems likely that it will regard this, as yet another instance of the Western Europeans siding with the Greeks and disregarding the history of the Cyprus inter-communal troubles.

They will point out, with some justice perhaps, that between Christmas 1963 and July 1974 the Turkish Cyriots—an 18 per cent minority community—suffered severely at the hands of the Greek Cypriots and felt obliged to withdraw into a series of enclaves covering less than 5 per cent of the island.

EMBASSY OF CYPRUS,
Washington, D.C., January 26, 1977.

HON. THOMAS F. EAGLETON,
U.S. Senator,
Washington, D.C.

DEAR SENATOR EAGLETON: I take the liberty to forward to you, herewith enclosed, a re-

port prepared by the Deputy Attorney-General of the Republic of Cyprus, entitled "Violations of Human Rights in Cyprus".

The report was prepared on the basis of a thorough investigation and on sworn statements by victims or witnesses to the crimes, committed by Turkish troops.

It should be pertinent to mention here that a report on violations of human rights in Cyprus by Turkish troops has also been prepared by the Human Rights Commission of the Council of Europe, which will come up for discussion before the full Ministerial Meeting of the Council of Europe, next month.

The London "Sunday Times" has obtained a copy of this report, and published details of it in their issue of January 23, 1977. I am also enclosing a clipping of the "Sunday Times". Quoting from the report, the "Sunday Times" says that by 14 votes to 1, the Council of Europe, Human Rights Commission had considered that there had been "very strong indications" of violations "on a substantial scale" of Article 2 of the European Rights Convention, covering murder. The Commission had also found by 12 to 1 votes, that Turkish troops were responsible for wholesale and repeated rapes of women, aged from 12 to 71. In some cases, attempts to rape had been followed by stabbing or killing of victims. Also, repeated beating of Greek Cypriot prisoners by Turkish army, had taken place. One man had to amputate his own toes with a razor blade, as a result of ill-treatment.

By 12 votes to 1, the Commission had found that Turkey had violated Article 3 of Convention forbidding "inhuman treatment". The Commission, by 10 votes to 1, had concluded that there had been deprivation of possessions of Greek Cypriots on a large scale. The Commission, had also found that Turkey was continuing to violate the Article on Home and Family, by refusing to allow return of Greek Cypriot refugees to their homes in the North. Perhaps I should point out that the dissenting vote was that of Turkey.

A commentary in the "Sunday Times", describes the report as a horrendous indictment against Turkey and its soldiers and civilians, sent from the mainland to Turkish-occupied areas of Cyprus.

The details, published in the London "Sunday Times" and excerpted from the Council of Europe Human Rights Commission's report, demonstrates the validity of the charges made in the report published by the Deputy Attorney-General, and reveal the magnitude of the human rights violations and other crimes, committed by the Turkish army, a state organ of Turkey. It should also be noted that all the atrocities and criminal acts were entirely unconnected with any military operations and were committed at a time when no military operations or any fighting were taking place.

I am sending you this report, together with the "Sunday Times" clipping, knowing your keen interest in the Cyprus tragedy and in the problem of human rights in general. I feel sure that you will not fail to add your voice in strengthening the pledge of the U.S.A. Government to defend human rights, wherever they are violated.

Sincerely yours,

N. G. DIMITRIOU,
Ambassador.

WHAT SECRET REPORT TELLS ABOUT TURK ATROCITIES

INSIGHT

The Sunday Times has obtained a copy of a secret Council of Europe report which finds Turkey guilty of violating seven articles of the European Convention on Human Rights. It amounts to a massive indictment of the Ankara government for the murder, rape and looting by its army in Cyprus during and after the Turkish invasion of summer 1974.

The politically explosive report by leading jurists on the European Commission of Human Rights is regarded as so confidential that only one copy has been lodged with each of the Council of Europe's 19 member states. Its impact could result in the withdrawal or expulsion of Turkey from the Council.

Allegations made by the Cyprus Government against Turkey covered systematic killings of civilians who were not involved in the 1974 fighting; repeated rape of women aged from 12 to 71, often brutally, in public; the torture and savage and humiliating treatment of hundreds of Greek Cypriots, including children, during their detention by the Turkish army; and charges of extensive looting and plunder which were supported by unpublished United Nations documents.

The Commission said it could reach no conclusion on allegations of forced labour.

The inquiry by the Commission of 17 members, under their British president, James Fawcett, began in May 1975. A delegation visited the island in September 1975, and submissions were received up to May 18, 1976.

The investigators were hampered by Turkey's refusal to participate in the inquiry—they were denied access to the "Turkish Federated State" unilaterally established in the occupied north of Cyprus. They were also hampered by the sheer number of alleged violations of the Convention, and had to restrict their investigation to a limited number of cases "selected as representative."

Copies of the report were sent to member governments as long ago as last August, but it will be next month before the Council's committee of ministers meets in Strasbourg to consider what action to take.

The Turkish government's response to the Commission's report has been to reject it out of hand. A statement issued by the Turkish Foreign Ministry in Ankara said: "The Commission examined the Greek [allegations] in a manner which we don't think is in accordance with the European Human Rights agreement, and in Turkey's absence.

"The Commission has thus based its report on the allegations of the Greek Cypriot Government and the statements of a few Greek witnesses alone which it listened to in four short days in Cyprus. And it prepared it [the report] with unusual haste."

Both the Turkish Foreign Ministry and Prime Minister, Suleyman Demirel, also complained that the Commission had not taken into account "the terrorist activities undertaken by the Greeks against the Turkish community" in Cyprus since 1963.

Referring to inter-communal strife on the island between 1963 and 1974, Mr. Demirel said: "Why does nobody see cruelty when it is committed against Turks? For years (Cypriot) Turks were subjected to cruelty but everyone was silent. Turks were pitilessly slaughtered from the baby in the cot to old people of 90. They were evicted from their houses and homes. Nobody saw that. Now they condemn Turks with a report."

Mr. Demirel added that Turks were "extraordinarily civilised people" and "have not committed cruelty or anything against anyone."

Last night a senior official of the Turkish Foreign Ministry said it was "a scandal" that The Sunday Times had obtained a copy of the Commission's report. He blamed "the Greeks."

KILLING

(Relevant Article of Human Rights Convention: Everyone's right to life shall be protected by law.)

Charge made by Greek-Cypriots: The Turkish army embarked on a systematic course of mass killings of civilians unconnected with any war activity.

Turkish Defence: None offered, but jurisdiction challenged. By letter dated November 27, 1975, Turkey told the Commission it refused to accept the Greek-Cypriot administration's right to go to the commission, "since there is no authority which can properly require the Turkish government to recognise against its will the legitimacy of a government which has usurped the powers of the state in violation of the constitution of which Turkey is a guarantor." No defence therefore offered to any other charges either.

Evidence given to the commission: Witness Mrs. K said the powers of the state in violation on July 21, 1974, the second day of the Turkish invasion, she and a group of villagers from Elia were captured when, fleeing from bombardment, they tried to reach a range of mountains. All 12 men arrested were civilians. They were separated from the women and shot in front of the women, under orders of a Turkish officer. Some of the men were holding children, three of whom were wounded.

THE TERRIBLE SECRETS OF THE TURKISH INVASION OF CYPRUS

(The plight of Cyprus, with 40 per cent of the island still occupied by Turkish troops who invaded in the summer of 1974, is well known. But never before has the full story been told of what happened during and after the invasion. This article is based on the secret report of the European Commission of Human Rights. For obvious reasons, Insight has withheld the names of witnesses who gave evidence to the Commission.)

Written statements referred to two more group killings: at Trimithi eyewitnesses told of the deaths of five men (two shepherds aged 60 and 70, two masons of 20 and 60, and a 19-year-old plumber). At Palekythron 30 Greek Cypriot soldiers being held prisoner were killed by their captors, according to the second statement.

Witness S gave evidence of two other mass killings at Palekythron. In each case, between 30 and 40 soldiers who had surrendered to the advancing Turks were shot. In the second case, the witness said, "the soldiers were transferred to the kilns of the village where they were shot dead and burnt in order not to leave details of what had happened."

Seventeen members of two neighbouring families, including 10 women and five children aged between two and nine were also killed in cold blood at Palekythron, reported witness H, a doctor. Further killings described in the doctor's notes, recording evidence related to him by patients (either eyewitnesses or victims) included:

Execution of eight civilians taken prisoner by Turkish soldiers in the area of Prastio, one day after the ceasefire on August 16, 1974.

Killing by Turkish soldiers of five unarmed Greek Cypriot soldiers who had sought refuge in a house at Voni.

Shooting of four women, one of whom survived by pretending she was dead.

Further evidence, taken in refugee camps and in the form of written statements, described killings of civilians in homes, streets or fields, as well as the killing of people under arrest or in detention. Eight statements described the killing of soldiers not in combat: five statements referred to a mass grave found in Dherynia.

Commission's verdict: By 14 votes to one, the commission considered there were "very strong indications" of violation of Article 2 and killings "committed on a substantial scale."

RAPE

(Relevant article: No one shall be subjected to torture or to inhuman or degrading treatment or punishment.)

Charge by Greek-Cypriots: Turkish troops were responsible for wholesale and repeated rapes of women of all ages from 12 to 71,

sometimes to such an extent that the victims suffered haemorrhages or became mental wrecks. In some areas, enforced prostitution was practised, all women and girls of a village being collected and put into separate rooms in empty houses where they were raped repeatedly.

In certain cases members of the same family were repeatedly raped, some of them in front of their own children. In other cases women were brutally raped in public.

Rapes were on many occasions accompanied by brutalities such as violent biting of the victims causing severe wounding. banging their heads on the floor and wringing their throats almost to the point of suffocation. In some cases attempts to rape were followed by the stabbing or killing of the victims, victims included pregnant and mentally-retarded women.

Evidence given to commission: Testimony of doctors C and H, who examined the victims. Eye witnesses and hearsay witnesses also gave evidence, and the commission had before it written statements from 41 alleged victims.

Dr. H said he had confirmed rape in 70 cases, including:

A mentally-retarded girl of 24 was raped in her house by 20 soldiers. When she started screaming they threw her from the second-floor window. She fractured her spine and was paralysed;

One day after their arrival at Voni, Turks took girls to a nearby house and raped them;

One woman from Voni was raped on three occasions by four persons each time. She became pregnant;

One girl, from Palekythrou, who was held with others in a house, was taken out at gun-point and raped;

At Tanvu, Turkish soldiers tried to rape a 17-year-old schoolgirl. She resisted and was shot dead;

A woman from Gypsou told Dr. H that 25 girls were kept by Turks at Marathouvouno as prostitutes.

Another witness said his wife was raped in front of their children. Witness S told of 25 girls who complained to Turkish officers about being raped and were raped again by the officers. A man (name withheld) reported that his wife was stabbed in the neck while resisting rape. His granddaughter, aged six, had been stabbed and killed by Turkish soldiers attempting to rape her.

A Red Cross witness said that in August 1974, while the island's telephones were still working, the Red Cross Society received calls from Palekythrou and Kaponti reporting rapes. The Red Cross also took care of 38 women released from Voni and Gypsou detention camps; all had been raped, some in front of their husbands and children. Others had been raped repeatedly, or put in houses frequented by Turkish soldiers.

These women were taken to Akrotiri hospital, in the British Sovereign Base Area, where they were treated. Three were found to be pregnant. Reference was also made to several abortions performed at the base.

Commission's verdict: By 12 votes to one the commission found "that the incidents of rape described in the cases referred to and regarded as established constitute 'inhuman treatment' and thus violations of Article 3 for which Turkey is responsible under the convention."

TORTURE

(Relevant article: see above under Rape.)

Charge by Greek-Cypriots: Hundreds of people, including children, women and pensioners, were victims of systematic torture and savage and humiliating treatment during their detention by the Turkish army. They were beaten, according to the allegations, sometimes to the extent of being incapacitated. Many were subjected to whipping, breaking of their teeth, knocking their heads against walls, beating with electrified clubs, stubbing of cigarettes on their skin, jumping and stepping on their chests and hands, pouring dirty liquids on them, piercing them with bayonets, etc.

Many, it was said, were ill-treated to such an extent that they became mental and physical wrecks. The brutalities complained of reached their climax after the ceasefire agreements; in fact, most of the acts described were committed at a time when Turkish armed forces were not engaged in any war activities.

Evidence to Commission: Main witness was schoolteacher, one of 2,000 Greek Cypriot men deported to Turkey. He stated that he and his fellow detainees were repeatedly beaten after their arrest, on their way to Adana (in Turkey), in jail in Adana and in prison camp at Amasya.

On ship to Turkey—"That was another moment of terrible beating again. We were tied all the time. I lost the sense of touch. I could not feel anything for about two or three months. Every time we asked for water or spoke we were being beaten."

Arriving at Adana—". . . then, one by one, they led us to prisons, through a long corridor . . . Going through that corridor was another terrible experience. There were about 100 soldiers from both sides with sticks, clubs and with their fists beating every one of us while going to the other end of the corridor. I was beaten at least 50 times until I reached the other end.

In Adana anyone who said he wanted to see a doctor was beaten. "Beating was on the agenda every day. They were one or two very good, very nice people, but they were afraid to show their kindness, as they told us."

Witness P spoke of:

A fellow prisoner who was kicked in the mouth. He lost several teeth "and his lower jaw came off in pieces."

A Turkish officer, a karate student, who exercised every day by hitting prisoners.

Fellow prisoners who were hung by the feet over the hole of a lavatory for hours.

A Turkish second lieutenant who used to prick all prisoners with a pin when they were taken into a yard.

Evidence from Dr. H said that prisoners were in an emaciated condition on their return to Cyprus. On nine occasions he had found signs of wounds.

The doctor gave a general description of conditions in Adana and in detention camps in Cyprus (at Pavlides Garage and the Saray Prison in the Turkish quarter of Nicosia) as reported to him by former detainees. Food, he said, consisted of a one-eighth of a loaf of bread a day, with occasional olives; there were two buckets of water and two mugs which were never cleaned, from which about 1,000 people had to drink; toilets were filthy, with faeces rising over the basins; floors were covered with faeces and urine; in jail in Adana prisoners were kept 76 to a cell with three towels between them and one block of soap per eight persons per month to wash themselves and their clothes.

One man, it was alleged, had to amputate his own toes with a razor blade as a consequence of ill-treatment. Caught in Achna with another man, they had been beaten up with hard objects. When he had asked for a glass of water he was given a glass full of urine. His toes were then stepped on until they became blue, swollen and eventually gangrenous. (The other man was said to have been taken to hospital in Nicosia, where he agreed to have his legs amputated. He did not survive the operation.)

According to witness S. "hundreds of Greek Cypriots were beaten and dozens were executed. They have cut off their ears in some cases, like the case of Palekythro and Trahoni. . . ." (verbatim record).

Verdict by commission: By 12 votes to one, the commission concluded that prisoners were in a number of cases physically ill-treated by Turkish soldiers. "These acts of ill-treatment caused considerable injuries to the victim. By their severity they constitute 'inhuman treatment' in the sense of Article 3, for which Turkey is responsible under the convention."

LOOTING

(Relevant article: Every natural or legal person is entitled to the peaceful enjoyment of his possessions.)

Charge by Greek Cypriots: In all Turkish-occupied areas, the Turkish army systematically looted houses and business premises of Greek Cypriots.

Evidence to commission: Looting in Kyrenia was described by witness C: ". . . The first days of looting of the shops was done by the army, of heavy things like refrigerators, laundry machines, television sets" (verbatim record).

For weeks after the invasion, he said, he had watched Turkish naval ships taking on board the looted goods.

Witness K, barrister, described the pillage of Famagusta: "At two o'clock an organised, systematic, terrifying, shocking, unbelievable looting started . . . We heard the breaking of doors, some of them iron doors, smashing of glass, and we were waiting for them any minute to enter the house. This lasted for about four hours."

Written statements by eyewitnesses of looting were corroborated by several reports and in at least one case, the death of the victim by the secretary-general of the United Nations.

Verdict of Commission: The commission accepted that looting and robbery on an extensive scale, by Turkish troops and Turkish Cypriots, had taken place. By 12 votes to one, it established that there had been deprivation of possessions of Greek Cypriots on a large scale.

OTHER CHARGES

On four counts, the commission concluded that Turkey had also violated an Article of the Convention asserting the right to respect for private and family life, home and correspondence. The commission also decided that Turkey was continuing to violate the Article by refusing to allow the return of more than 170,000 Greek Cypriot refugees to their homes in the north.

On three counts, the commission said Turkey had breached an Article laying down the right to liberty and security of person by confining more than 2,000 Greek Cypriots in schools and churches.

Finally, the commission said Turkey had violated two more articles that specify that the rights and freedoms in the Convention shall be secured without discrimination on any ground, and that anyone whose rights are violated "shall have an effective remedy before a national authority."

VIOLATION OF HUMAN RIGHTS BY TURKEY IN CYPRUS

1. On setting foot on the Cyprus territory on the 20th July 1974 the Turkish invading forces began implementing a pre-arranged and organised plan of full scale atrocities against the Greek Cypriot inhabitants of the northern part of Cyprus with the object of eradicating and exterminating the Greek population of a large area, consisting of about 40 p.c. of the island, within what came to be known as "Attila Line" and supplanting them with Turks. The ultimate aim of the plan was to convert by artificial means the Turkish occupied areas into Turkish populated areas under the full authority and control of Turkey and change the demographic structure of the Island.

2. The Turkish armed forces gained complete control over the "Attila" area of northern Cyprus by September 1974. Ever since Turkey continues to occupy this area and through her armed forces exercises exclusive control and authority. The so called "Turkish Cypriot Administration" or "Turkish Cypriot Federated State" are subject to the authority and directions of the Turkish Government.

3. During the advance of the Turkish armed forces about 170,000 Greek Cypriot inhabitants of the areas occupied were forced to leave their homes and seek refuge in the Government controlled areas either because of the atrocities of the Turkish troops against the Greek Cypriot civilians or because of the bombing of Greek civilian population and targets by the Turkish planes in furtherance of the Turkish policy of forcibly evacuating the occupied areas of the Greek Cypriot inhabitants. By the end of August 1974 about 30,000 Greek Cypriots remained behind the "Attila" line.

4. The consistent pattern of gross violations of internationally recognized human rights by Turkish forces in the occupied areas of Cyprus, which emerged from the first days of the Turkish invasion and is still continuing to the extent that is necessary to implement fully the above mentioned "Attila plan" took the form of the following atrocities and crimes:

A. Murders: Murders in cold blood not only of unarmed soldiers but also of civilians, including children, old men and women (up to the age of 90). Even paralysed cripples, the mentally retarded and the blind were not spared. Hundreds of cold blooded murders of Greek Cypriots by the Turkish occupation forces are evidenced by statements to the police made by eye witnesses. From the evidence it appears that mass murders of civilians who were completely unconnected with any war activities was a systematic course of action followed by the Turkish army. Such was, for example, the case of the killing of 12 civilians near Elia in Kyrenia District by Turkish soldiers commanded by an officer.

Murders continued to be committed by Turkish forces during 1975 and 1976 though the rate of this kind of atrocities gradually decreased as the Greek population of the occupied areas was becoming less and less numerous. Having managed to evacuate these areas of the bulk of the Greek population Turkey had no need to continue engaging in big scale atrocities with the same ferocity as at the beginning.

Cases of murders in 1975–1976 included murders of persons who attempted to visit areas under the Turkish military control in order to collect their belongings from their houses, of persons going near the Turkish controlled areas or strayed into such areas and of persons living in the occupied areas. In this respect it should be mentioned that the life of the remaining Greek Cypriots in the occupied areas is at the mercy of all sorts of criminals, who are encouraged to kill the Greek because of the complete lack of protection of the Greek population by the Turkish authorities, the express policy of the same authorities of eradicating such population and the complete lack of sanctions against such criminals. As recent cases show the victims of murders in those areas include old men and women. For example the Turks in August 1976 murdered Charalambos Agapiou Charlies aged 63 of Eptagomi village, and in December 1976 Katina Andrea Yiangalli aged 51 of Rizokarpasso village. The latter was first raped and then she was set on fire by her murderers.

It is also feared that a large number of Greek Cypriots last seen alive in the Turkish occupied areas, who are still unaccounted for (about 2,000, a considerable number being civilians were victims of such murders. In respect of these missing persons there is indisputable evidence—such as photographs in the Turkish press—that they were alive in the hands of the Turkish armed forces well after the end of hostilities. Yet the Turkish authorities state that they know nothing about them and refuse to cooperate and accept suggested procedures for the accountability and tracing of them through international humanitarian organisations such as the ICRC. The negative attitude of the Turkish side on this humanitarian problem is also confirmed by the U.N. Secretary General in his report to the Security Council dated 30 October 1976 (Doc. §/12222, paragraph 10).

B. Rapes: Wholesale and repeated rapes of women of all ages from 12 to 71, sometimes to such an extent that the women suffered hemorrhage or became mental wrecks. In some areas enforced prostitution was practiced, all women and girls of a village being collected and put into separate rooms in empty houses where they were raped repeatedly by the Turkish troops. There are cases where members of the same family were repeatedly raped, some of them in front of their children, parents or husbands. In other cases women were brutally raped in public. Rapes were on many occasions accompanied by brutalities such as violent biting of the victims to the extent of severe wounding, hitting their heads on the floor and wringing their throat almost to the point of suffocation. There are also cases in which attempts to rape were followed with the stabbing or killing of the victims. Victims of rape included pregnant women and mentally retarded women. The Republic had to pursue legislative measures amending the existing law, which prohibited abortion, for the sake of the victims of rapes committed by Turkish soldiers. Many of the victims had to undergo an operation for the termination of pregnancy resulting from such rapes.

According to the third method, the victims were forced either by the threat of arms, or by inhuman conditions of life imposed on them by the Turkish military authorities, i.e. ill-treatment (tortures, rapes, etc.), restrictions of movement, deprivation of their means of livelihood, detention, looting of their properties, etc. to sign applications for their transfer to the government controlled areas. They were then forced to leave the occupied areas on the pretext that they themselves chose to do so.

In fact this is the last method applied by the Turkish forces and is still in use at present. The reason for adopting such a method is obviously to deceive world opinion and minimize international reaction.

The following particulars are given in relation to the various forms of pressures which are still used by the Turkish authorities to force the Greek inhabitants of the Turkish occupied areas to sign the so-called voluntary applications for their transportation to the government controlled areas:

(a) Curfew coupled by the requirement to turn off the lights is in force so far as the Greek Cypriot inhabitants are concerned in the occupied areas, from 21 hours to 6 hours.

(b) The enclaved Greek Cypriots are not allowed to move out of their villages, unless they obtain special written permission from the Turkish authorities, which is given very rarely. Also they are not allowed to go freely to their fields and graze their animals and in any case they are not allowed to move from one village to another. Most areas near the villages comprising many fields of the Greek Cypriots, were declared by the Turkish forces as out of bounds.

(c) The male Greek Cypriots of the age of 18 to 50 who were in the past detained as prisoners in Turkey, must present themselves to the "Police stations" twice a day and if they fail to do so they are arrested and beaten.

(d) Greek Cypriot doctors are not allowed to visit the enclaved Greek Cypriots and the medical treatment afforded to the latter is completely insufficient. Big villages are visited by a Turkish doctor once a week, while the small villages remain completely without any medical services.

(e) The Greek-Cypriots are forbidden to talk or communicate in any way with members of the UNFICYP who themselves are closely watched by the Turks. This measure has been recently intensified. Those who fail to comply with such measure, are arrested and severely beaten. Also no free communication is allowed between the enclaved Greek Cypriots and the members of the ICRC.

(f) The Greek Cypriots are not allowed to transact freely commercial transactions or carry on any profession, trade or business in the occupied area. Consequently for their living they depend fully on the social welfare benefits, food supplies, financial aid and other support sent to them weekly by the Cyprus Government through UNFICYP.

(g) The enclaved Greek Cypriots are threatened that if they do not sign "voluntary applications" for their immediate transportation to the government controlled areas, they will be expelled later on without being allowed to take any of their belongings. Other threats used in order to "persuade" them to sign applications are the following: "If you do not sign you will join the ranks of the missing"; "if you do not sign you will in any case be removed and taken to another area"; "if you do not sign nobody could guarantee your safety";.

(h) Greek Cypriot teachers are not allowed to go and render their services in the occupied areas. In fact the functioning of all Greek elementary and secondary schools is now forbidden and the equipment of many of them such as books, writing material and various instruments has been confiscated by the Turks. Consequently those Greek Cypriots in need of education are forced to leave the Turkish occupied areas so as to attend schools functioning in the government controlled areas.

(i) There are many cases of all forms of direct physical violence used against Greek Cypriots to force them to sign "voluntary applications". In fact they live continually in terror as a consequence of such violence. As already mentioned murders and rapes are still committed. Other forms of physical violence include: Breaking into Greek Cypriot homes and robbing the occupants; savage beatings; detention and ill treatment of Greek Cypriots in groups for a number of days; knocking on doors, firing in the air and stoning houses during night time; forced labour consisting of cleaning streets and premises, harvesting of fields, etc.

Few out of the many examples of this category of atrocities are the following cases:

Papaioannis Yiekas, a priest, was brutally beaten up by Turkish soldiers at the Monastery of Apostle Andreas on the 27.3.1976. This was repeated on 5.4.76 when the priest was also threatened to be killed unless he signed an application to be transferred to the South which he did.

Andreas Stephani of Neta village in April 1976 was arrested, detained for ten days and severely beaten until he was forced to sign an application for his transportation to the government controlled areas.

Koumis Georghiou Koutou of Ayios Andronicos was severely beaten on 14.4.76 and as a consequence was forced to apply to be transferred to the South.

In April 1976 all the remaining Greek Cypriot inhabitants of Myrtou were threatened to be killed unless they signed "voluntary applications" for their transportation to the Government controlled areas, which as a consequence they did.

In April 1976 Turkish soldiers arrested Koumi Kalla aged 70, Christakis Andreou aged 17, Michael Petrou aged 40 and Andreas Stephanis aged 27 of Neta village and after ill-treating them savagely forced them to sign "voluntary applications" for their transfer to the South.

During April 1976 Turkish soldiers arrested five times the priest of the village of Neta, Revd Papamichael Charalambous aged 65, brutally ill-treated him and as a consequence forced him to sign an application to leave.

During one of the beatings they cut with a knife part of his beard.

On 7.5.76 Yiannakis Panagiotou Hadjiyiannis, a 14 year old boy of Ayia Trias village was beaten up by Turkish soldiers while trying to tether a goat in a field only some 50 yards from his house.

In March 1976 30 Greek Cypriots from Bellapais were arbitrarily detained in a "police Station" and after they were threatened that they would be imprisoned for many years, they were forced to sign "voluntary applications" to be transferred to the South.

At the end of August 1976 the following four Greek Cypriots of Yialousa village were detained and ill-treated for ten days: Petros Mixides, Savvas Liaisis, Andreas Reoulas, Nicos Hadjimichael.

Nicos Papantoniou of Komas-Eyialou village aged 74 was severely beaten and left unconscious for refusing to obey an order to clean the streets of his village in which Turkish settlers were about to move.

During the night of the 13th to 14th May 1976 Turkish soldiers stoned one after another the houses of Greek Cypriot inhabitants at the village of Vathylaka. The stoning started at 11 p.m. of the 13th May and stopped at 3 a.m. of the following day. During the stone-pelting, shots were fired in the air to intimidate the enclaved Greek Cypriots. By the 1st October 1976 all the remaining inhabitants of the said village were forced to move to the Government controlled areas.

Methods (g) and (i) are used to achieve immediate expulsion in respect of villages or persons in relation to which the Turkish authorities consider that, for one reason or another, the policy of forcible expulsions must be applied as a matter of priority.

Particulars of the cases of continuing atrocities and crimes committed by Turkish forces in the occupied areas with the object of forcing the remaining Greek Cypriots to sign "voluntary applications" are given from time to time, in the form of reports, by the Service for Humanitarian matters to Dr. Remy Gorge, the Senior Political Adviser of UNFICYP, Nicosia. Such particulars as well as the evidence substantiating the incidents consisting of written statements by eye witnesses can be made available to anybody concerned at request.

During the last year there has been a steady flow of group expulsion of Greek Cypriots from the Turkish occupied areas. This inhuman operation has been intensified in the last few months with the result that the number of persons expelled has increased to about 1,000 per month. As stated by the Turkish Cypriot leader Mr. Raouf Denktash on 7.11.1976 to Turkish settlers at Rizokarpaso village "very soon the remaining Greek Cypriots will go, as has happened in other areas and I will divide their properties among you. Not a single Greek will remain in the North."

The following are the monthly figures of expulsions of Greek Cypriots from the Turkish occupied areas since January 1976:

January	159
February	110
March	264
April	320
May	448
June	369
July	624
August	622
September	672
October	564
November	722
December	1041
January 1977 (up to 17)	531

The evacuation of the Greek Cypriot population of the Turkish occupied areas is confirmed by the U.N. Secretary General in his report to the Security Council dated 9 December 1976 (Doc S/12253, paragraphs 28,29), In the said report he observes the following:

"UNFICYP continues its best efforts to discharge humanitarian functions and to promote normalization of the living conditions of the Greek Cypriots remaining in the area under Turkish control. As indicated in my report of 30 October 1976 (S/12222, para. 8), the living conditions of Greek Cypriots in the north have not improved, their exodus to the south has accelerated and this situation continues to be a matter of serious concern. UNFICYP access to Greek Cypriot habitations and freedom of movement in the area remain restricted.

From 7,371 on 5 June 1976, the Greek Cypriot population in the north decreased to 3,631 on 6 December, representing a total evacuation of 3,740. Seventeen Greek Cypriots remain in Kyrenia a decline of 160, and 3,614 in the Karpas, a decline of 3,580. The present rate of evacuation is averaging some 41 persons daily. In the period June to December 1976, 10 villages in the north were depopulated of Greek Cypriots of which 3 were in Kyrenia and 7 in the Karpas. Not included in the above totals are 38 medical evacuations carried out by UNFICYP ambulance from the Karpas to the south.

The victims of the above explusions include persons of both sexes and of all ages and of course like the rest of the refugees they are prevented by Turkey to return to their homes in the occupied areas.

Thus instead of allowing the refugees to return to their homes, instead of taking steps for the restoration of human rights in accordance with the relevant provisions of U.N. Resolutions and the obligations of Turkey under the International Conventions of Human Rights, Turkey is continually increasing the number of refugees and the ensuing human suffering of the people of Cyprus.

The tragedy of the Greek Cypriot refugees, which is world known, continues on a permanent basis. Scattered and over the government controlled areas of the Island most of these refugees are still living under the most miserable conditions and this winter, the third in their refugee life will add to their misery and distress. Many of them live in tents, shuckles, dilapidated houses whereas their own houses, land and businesses in the Turkish occupied areas have been seized by the Turkish army and distributed among the Turkish Cypriots who have been shifted from the South, to the families of the Turkish invading forces (who have been given the status of the "citizen" of the so-called "Turkish Federated State of Cyprus") and to Turks brought from Turkey with the object of changing the demographic composition of the Island. In spite of the measures taken by the Government, the help given by the United Nations High Commissioner for refugees and the various foreign Governments, the solution of the many problems of the refugees (human, economic, social and cultural) remains an impossible task.

On 31 December 1976 there was a total of 197,775 Greek Cypriot refugees living in the south. Of this total the number of refugees who are being fully supported by the Cyprus Government stands at 147,206. The rest receive at least some assistance from the Government. The refugees represent almost half of the Greek population of Cyprus. About 62,500 of the refugees are children under 14 and 38,200 are people over 60. There is a natural increase in the number of refugees due to births by about 4,500 per annum. Greek Cypriot refugees have been uprooted from 142 villages and from the towns of Famagusta, Kyrenia and Morphou. The homes and properties of the said refugees which have been confiscated and looted by the Turkish forces are valued at billions of pounds. 14,800 refugees are still living in tents. This number constantly increases through the addition of those daily expelled from the Turkish occupied areas who of necessity are being accommodated in tents. About 100,000 live in shacks, garages, basements, unfinished buildings and shanty overcrowded under unhygienic and inhuman conditions.

Turkey in furtherance of her policy for the colonisation of the Turkish occupied areas of Cyprus and the alteration of the racial balance of the Island in defiance of the principles of the Charter of the United Nations, the relevant Resolutions of the General Assembly and the Security Council and in utter disregard of the resolution of the United Nations Commission on Human Rights adopted on the 27th February 1976, continued to bring thousands of mainland Turks to the Turkish occupied areas of Cyprus where they are settled in the properties of the Greek Cypriot refugees. This situation is alarming as the settlement in question is done on a systematic and big scale basis. The majority of these settlers are a gypsy tribe and apparently backward people from the Black Sea coast, comprising all sorts of criminals, dangerous even to the Turkish Cypriots in the occupied areas, who themselves are in many respects victims of the so called "Attila Plan". It is estimated that the number of the mainland Turks, who have settled in the Turkish occupied areas has by now risen to about 50,000. (When the above resolution of the U.N. Commission on Human Rights was adopted the number of these settlers stood at about 25,000). In addition, about 40,000 Turkish troops are still present in the Island. The members of the occupation army have been granted "Turkish Cypriot citizenship".

The colonisation operation continues to be confirmed by several independent sources. For example Senator Edward Kennedy in an article published in the "Hellenic Chronicle" on the 9.9.76 under the title " 'Tilt' towards Turkey continues" states the following:—

"There is good reason to believe that Turkey is continuing to increase its civilian population on Cyprus. The "colonisation" policy of Ankara, which brings mainland and Turkish nationals to Cyprus, has been an open secret for months—and, in fact, was confirmed to me in a recent exchange of correspondence with the foreign Minister of Turkey. According to some reports more than 40,000 Turkish nationals have moved to Cyprus so far. And, although the movement of large groups of Turkish civilians has apparently ended for now, the colonisation policy continues—as does the expulsion of Cypriot Greeks from their homes and lands in the occupied area".

In an article published in the English journal "Economist" on 4.9.76 the following are stated:

"Turkey's obvious intention is to convert northern Cyprus into a province of Turkey. Whatever the outcome, the domographic Turkification of the north will soon be completed. Towns and villages such as Kyrenia and Lapithos which stood empty and ghostly until April, are now filled with settlers some Turkish-Cypriots, some mainland Turks. The return of the original inhabitant is ruled out and Turkish authorities now say quite openly that the remaining 5,800 Greek-Cypriots in the North (of a total of 14,500 two years ago) will be reduced by half by Christmas".

Even the Turkish press admits the settlement of Turks from mainland in the Turkish occupied areas of Cyprus. The following examples of reports and articles to this effect in the Turkish press are given:—

a. In the issue of the Turkish Cypriot newspaper "Bozkurt" of 1.4.76 reference is made to the difficulties of the Turks from mainland who were moved to Cyprus and of the Turkish soldiers who took part in the operations of the invasion and settled in the occupied areas.

b. In the Turkish magazine "Yanki" of

2.7.76 an article is published in which the Turkish settlers are described as refugees from Turkey and it is stated that "it is estimated that in the Turkish region these refugees are around 50,000. We wonder whether the Demirel Government saw the difficult position of Denktash and sent rightwing refugees to Cyprus".

c. In the issues of "Halkin Sesi" of 12.9.76 and 13.9.76 the aforesaid politician referring again to the Turkish settlers indicates that crimes have increased in the Turkish occupied area because of them.

All Turkish Cypriots who as a result of various pressures on the part of the Turkish Government left their houses in the south and settled in the occupied areas are free so far as the Cyprus Government is concerned to return to their homes.

d. Looting: Looting of whole towns and villages. Looting was part of a systematic course of action followed by the Turkish army in all Turkish occupied areas. Houses and business premises belonging to the Greek Cypriots have been the object of wholesale looting. Even the belongings of poor villagers do not escape. Doors and windows were broken to facilitate the removal of the loot, which was loaded on Turkish vehicles and buses belonging to Greek Cypriots and taken away. Turkish naval vessels transport to Turkey a substantial part of the loot including buses, vehicles, animals, household goods, building equipment etc.

Looting of the properties of the Greek Cypriot refugees which include industrial units of millions of pounds, continues on a systematic basis and apparently will continue until there will be nothing more to loot. Recently the looting of the Greek Cypriot properties in Famagusta, which, unlike what happened elsewhere, have escaped organised looting, probably because they were being saved for political bargaining, has been intensified and became an organised operation under the official blessings of Turkey. The Greek people of Famagusta, who were the majority of the inhabitants of the town, amount to 32,000 and they are all of them now refugees.

E. Robbery: Robbery of the agricultural produce, of livestock and of housing units, stocks in stores, in factories and shops owned by the Greek Cypriots and of jewelry and other valuables as well as money found on Greek Cypriots arrested and detained by the Turkish army. Products such as citrus, cereals, olives, potatoes, tobacco, carrots, other vegetables, green fodders, carobs etc. were seized and appropriated by the Turkish army after the Greek owners were forcibly expelled. Production not harvested owned by the Greek Cypriots which has fallen into the hands of the invading army is of the order of 7½ mlns pounds. On the other hand livestock production emanating from the occupied areas amounts to about 12 mlns pounds whereas production from other agricultural activities was of the order of 2 mlns pounds.

The situation regarding hundreds of thousands of animals left unattended by their Greek owners who were obliged to leave their villages by the invading army is also very grave. It is estimated the 48,000 pigs, 280,000 sheep and goats, 1,400,000 poultry and about 12,000 cattle belonging to Greek Cypriots have been cut off in the occupied areas and appropriated by the Turkish authorities. This animal stock is worth 11 mlns pounds and its annual production in terms of meat, milk, eggs, wool etc. is of about 12 mlns pounds.

The Turkish Government, through various official statements, made it clear that all the agricultural produce in the Turkish occupied areas, whether belonging to Greeks or not was taken control of and exploited by the Turkish authorities.

Carrots, citrus, carobs, tobacco and other agricultural products emanating from the Turkish occupied areas and belonging to Greek Cypriots are being collected, transported by Turkish vessels and offered directly or indirectly to markets in several European countries.

All goods left in warehouses, fields, factories, houses and shops belonging to Greek Cypriots, worth many millions of pounds, were seized and appropriated by the Turkish army.

Regarding the value of such goods it is sufficient to mention that goods worth 10 mlns pounds stored in Famagusta port warehouses and belonging to Greek Cypriots were appropriated by the occupying army. Housing units owned by Greek Cypriots in the Turkish occupied areas cannot be estimated accurately but they are certainly of a value in the region of £250 mlns pounds.

Not only the said wholesale robberies but also individual robberies continue unabated in the Turkish occupied areas against the remaining Greek Cypriot inhabitants. Even at the moment of their departure while the few personal belongings of the Greek Cypriots expelled remaining after repeated robberies are being loaded on to the lorries which move them to the Government controlled areas the Turks grab whatever takes their fancy.

F. Appropriation of land. Seizure and appropriation of land, houses, enterprises and industries belonging to Greek Cypriots. All the privately owned land and houses belonging to Greek Cypriots in the Turkish occupied areas came under the full control of the invading army. All such properties in the Turkish occupied areas are treated as property without ownership and are either allocated or leased free of charge or against the payment of rent to Turkish Cypriots and Turks from Turkey, or are directly exploited by the Turkish army.

Also hotels belonging to the Greek Cypriots have been put into operation. A total of 66 hotels with 8,368 beds owned by Greeks fell within the occupied area. Many other tourist installations, like apartments and restaurants, property of Greek Cypriots, are also in the same area. They are all worth millions of pounds and have been appropriated by Turkey.

It should, here, be stressed that the operational hotel units in the Turkish occupied regions belong entirely to Greek Cypriots and that, with the exception of the "Saray" hotel in the Turkish controlled section of Nicosia, Turkish Cypriots are not the owners of even a single hotel in those regions. Foreigners control only one hotel in the Famagusta area.

Apart from the tourist installations, all Greek owned businesses and industries fell in the hands of the invading army, the Greek owners thereof having been expelled and not allowed until now to return their properties. In the meantime, they have been appropriated and are operated with Turkey's official blessings. Such industries under Turkish occupation include meat preparation and dairy industries, export oriented canning plants in Famagusta and Morphou, grain milling and biscuit factories, the major olive oil and vegetable oil plants, carob kibbling and fodder factories, textile, footwear and clothing units, almost all brick plants and mosaic plants, the entire lime producing plants, the only steel pipes plant and the plastics industry in Famagusta. The Nicosia industrial estate, an important concentration of industry belonging to Greek Cypriots consisting of 60 modern, fast growing units, was also seized and appropriated by the Turkish invading army and the owners thereof are not allowed to have any access to them. This important industrial concentration was producing over 3½ million pounds annually and employing well over 1,000 persons.

Of the privately owned land in the Turkish occupied areas 80% belongs to Greek Cypriots and 17 to Turkish Cypriots. The percentage of land ownership of Greeks and Turks in the rest of Cyprus is in the same proportion. The Turkish occupied region contains the most fertile land of Cyprus and generally the most productive part of the island. About 70% of the total gross production from all sources emanated from that area.

G. Detention: Arbitrary detention of Greek Cypriots, mostly civilians of all ages and both sexes, in the areas occupied by the Turkish armed forces. On entering any inhabited areas the Turks at once arrested the Greek Cypriot inhabitants and detained them for no reason other than because they were Greeks. The same course was followed in respect of any Greek Cypriot met on the way of the invading army. Men were usually separated and detained apart from old people, women and children. Some of the men were killed, some were kept as prisoners in places like the Saray Prisons and "Pavlides Garage" in the Turkish occupied area of Nicosia. Most of them were subsequently forcibly transported and detained in prisons in Turkey. (Over 2,000 male Greek Cypriots were forcibly transported to Turkey imprisoned in Adana, Amasia and Adiama for a period of at least two months and subjected to severe inhuman treatment), while others disappeared and their fate is unknown. (As already stated the number of missing persons in the Turkish occupied area is estimated to be about 2,000). Turkey never gave a full list of the persons arrested and detained in the Turkish occupied areas of Cyprus or in Turkey by the military authorities.

Those not detained as prisoners of war. i.e. women, children and old men, were either forcibly expelled to the government controlled area without being allowed to take any of their belongings, or they were put into concentration camps under inhuman conditions until they were moved to the south as already stated. The worst of these camps were in Voni, Marathovouno, Vitsada and Gypsou. Another such camp was in Morphou.

Among the Greek Cypriot civilians arbitrarily detained by the Turkish authorities were about 3,000 inhabitants of Kyrenia district detained in the Ryrenia Dome Hotel and in Bellapais Village. The detention of many of those persons lost for more than one year. They were all gradually expelled to the government controlled areas.

Some of the detainees in the said places became physical wrecks and present psychopathic symptoms. Those who escaped expulsion and remained in their villages have been living under conditions of continuous terror. Their life and dignity have since the invasion been at the mercy of the Turksh forces. They can virtually be described as being in detention because of their restrictions of movement as explained above. As already indicated group detentions continue until now.

The only way to communicate with the enclaved Greek Cypriots is by means of messages sent through the ICRC and censored by the Turkish military authorities.

Farmers and shepherds who are coming close to the Turkish controlled areas in order to cultivate their fields and graze their animals are being arrested by the Turkish forces.

H. Inhuman treatment: Inhuman and degrading treatment of Greek Cypriots. Hundreds of persons including children, women and elderly people were the victims of systematic tortures and savage and humiliating treatment by the Turkish army. They were beaten, sometimes to the extent of being incapacitated, wounded, insulted, left without food and water for days without medical treatment and forced to live under conditions below the standards normally accorded to animals. Many of them were subjected to tortures such as whipping, breaking of their teeth, knocking their heads on the wall, beating with electrified clubs, extinction of cigarettes on their skin, jumping and stepping on their chests and hands, pouring dirty liquids on them, piercing them with bayonets

etc. Many of them were maltreated to such an extent that they became mental and physical wrecks.

Children were in some cases forced to dig ditches and stand in them and then covered with earth up to their necks until they fainted.

Those Greek Cypriots who are caught outside their houses while curfew is in force they are as a rule beaten extensively irrespective of the reasons which force them out of their houses.

In many cases people are beaten just because they fail to salute the Turkish military commander in the areas in which they reside or under no pretext at all.

Inhuman treatment in various forms continues to be used in the Turkish occupied areas against the remaining inhabitants in order to harass them and force them to leave the said areas, as stated above.

Needless to mention that atrocities and crimes of other types such as rapes, forcible eviction and arbitrary detention and the circumstances under which they were committed constitute also instances of inhuman and degrading treatment.

I. Forced Labour: A great number of Greek Cypriots in the Turkish occupied areas, including women and elderly people were made to perform forced and compulsory labour consisting, for example, of clearing water courses for the Turks to water the fields, of cleaning and repairing Turkish houses, constructing and repairing various structures like road bridges, erecting monuments, cleaning out looted houses, military headquarters, transporting looted goods, harvesting of fields, etc.

Forced labour is still in practice in the occupied areas. Non-compliance with the orders of the Turkish invading forces entails servere beating. Such was the recent case of Nicos Papantoniou of Komas-Eyialou village aged 74 mentioned above.

J. Wanton destruction of property. Many shops and warehouses, as well as orchards and lemon gardens belonging to Greek Cypriots, were set on fire by the Turkish occupation army, at a time that no military activities at 11 were being carried out. Efforts by the Government Fire Brigade to extinguish the fire set on shops and warehouses, lying along the demarcation line of the occupied areas in Nicosia, were prevented by the Turkish forces until it was too late to save anything. Household equipment, clothing and medical equipment, which did not appeal to the Turkish army, was broken, destroyed or burnt. Private libraries have also suffered incalculable and irretrievable damage. Collections which have been created as a result of laborious efforts during many decades were destroyed by Turks, as were rare and irreplaceable books.

On the other hand hundreds of animals which fell in the hands of the invading army and could not be taken care of by them were either shot dead or died because of lack of food and veterinary care. The Turkish military authorities have not permitted the Greek Cypriots to approach their livestock under the pretext that it would be "taken care of" by the Turkish authorities.

In the present category of crimes, mention should be also made of the sacrilege committed by the Turkish forces through the smashing and setting on fire of icons and other religious items and church equipments such as pews, in Greek Orthodox churches some of which have been converted into mosques.

K. Separation of families. Many families were and still are separated as a result of the measures of displacement described above. Efforts by humanitarian organizations to reunite them failed due to non-cooperation on the part of Turkey.

5. All the above crimes and atrocities were entirely unconnected with any military operations and were directed against the Greek Cypriots simply because of their ethnic origin, race and religion.

6. It should be mentioned that it was not possible to ascertain in full the magnitude of the savage crimes perpetrated by Turkey against the Greek population in the Turkish controlled areas as these areas have been throughout the occupation and are still now sealed off. The Turkish military authorities do not allow free access and movement therein by UNFICYP, humanitarian organisations, diplomat or consular representatives or foreign journalists. The restrictions of movement in those areas imposed by the Turkish authorities have been confirmed by various independent sources, including the U.N. Secretary General and the sub-committee of the Committee on Judiciary, U.S. Senate on problems connected with refugees and escapees (see report dated 14.10.74 pp. 39, 41). The restrictions continue unchanged. The U.N. Secretary General in his report to the Security Council of the U.N. Operation in Cyprus dated 9 December 1976 (Doc. S/12253) referring to the freedom of movement of UNFICYP in the Turkish occupied areas of Cyprus states the following at paragraph 42:

"UNFICYP freedom of movement in the northern part of Cyprus continues to be restricted and is limited to access to UNFICYP camps and liaison posts in the north, use of the new Famagusta Road by UNFICYP vehicles to a limited extent, and daily resupply convoys to the north, which are restricted as to number of vehicles and are escorted by Turkish Cypriots. Similar restrictions apply to UNCIVPOL teams distributing social welfare payments to the Greek Cypriots in some 13 villages in the Karpas. Weekly visits to Greek Cypriots remaining in the Kyrenia area are carried out by UNFICYP liaison teams, and these are likewise accompanied by Turkish Cypriot police, who are present during any encounters with the villagers."

7. The Cyprus Government filed two complaints (Nos. 6780/74 and 6950/75) before the European Commission of Human Rights of the Council of Europe in respect of the above violations of human rights by Turkey in Cyprus. These complaints were supported by concrete evidence and material. On the 26 May 1975 the Commission rejected legal objections of Turkey relating to the said complaints, including the objections that the Cyprus Government was not legally representing the Republic and that the violations complained of did not relate to an area within Turkey's jurisdiction.

The Commission visited Cyprus and investigated the complaints of the Cyprus Government. They collected evidence and heard witnesses. In July 1976 the Commission adopted their Report which sets out their findings and submitted the same to the Committee of Ministers of the Council of Europe on 20th August 1976. The publication of the Report can only be allowed by a decision of the Committee of Ministers.

8. Evidence as to the above violations including statements by witnesses amounting to more than 1,000 and the material placed before the said Commission of Human Rights can be made available on the request of persons or organisations concerned for the protection of human rights in Cyprus. Cyprus jurists and other experts who have been dealing with the subject of protection of human rights in Cyprus by Turkey are also at the disposal of the said persons or organisations for any further necessary clarifications and explanations.

9. Other sources of information as to the above matters are international organisations like those of the United Nations (U.N. Secretary-General, UNFICYP, U.N. Commission for Human Rights, U.N. High Commissioner for Refugees), the International Committee of Red Cross and of course the Council of Europe.

THE TERRIBLE SECRETS OF THE TURKISH INVASION OF CYPRUS

(NOTE.—The plight of Cyprus, with 40 per cent of the island still occupied by Turkish troops who invaded in the summer of 1974, is well known. But never before has the full story been told of what happened during and after the invasion. This article is based on the secret report of the European Commission of Human Rights. For obvious reasons, Insight has withheld the names of witnesses who gave evidence to the Commission.)

KILLING

Relevant Article of Human Rights Convention: Everyone's right to life shall be protected by law.

Charge made by Greek Cypriots: The Turkish army embarked on a systematic course of mass killings of civilians unconnected with any war activity.

Turkish Defense. None offered, but jurisdiction challenged. By letter dated November 27, 1975, Turkey told the Commission it refused to accept the Greek-Cypriot administration's right to go to the commission, "since there is no authority which can properly require the Turkish government to recognize against its will the legitimacy of a government which has usurped the powers of the state in violation of the constitution of which Turkey is a guarantor." No defence therefore offered to any other charges either.

Evidence given to the commission: Witness Mrs. K said the powers of the state in violation . . . that on July 21, 1974, the second day of the Turkish invasion, she and a group of villagers from Etra were captured when, fleeing from bombardment, they tried to reach a range of mountains. All 12 men arrested were civilians. They were separated from the women and shot in front of the women, under orders of a Turkish officer. Some of the men were holding children, three of whom were wounded.

Written statements referred to two more group killings at Trunithi eyewitnesses told of the deaths of five men (two shepherds aged 60 and 70, two masons of 20 and 60, and a 19-year-old plumber). At Palekythron 30 Greek Cypriot soldiers being held prisoner were killed by their captors, according to the second statement.

Witness S gave evidence of two other mass killings at Palekythron. In each case, between 30 and 40 soldiers who had surrendered to the advancing Turks were shot. In the second case, the witness said, "the soldiers were transferred to the kilns of the village where they were shot dead and burnt in order not to leave details of what had happened."

Seventeen members of two neighboring families, including 10 women and five children aged between two and nine were also killed in cold blood at Palekythron, reported witness H, a doctor. Further killings described in the doctor's notes, recording evidence related to him by patients (either eyewitnesses or victims) included:

Execution of eight civilians taken prisoner by Turkish soldiers in the area of Prastio, one day after the ceasefire on August 16, 1974.

Killing by Turkish soldiers of five unarmed Greek Cypriot soldiers who had sought refuge in a home at Voni.

Shooting of four women, one of whom survived by pretending she was dead.

Further evidence, taken in refugee camps and in the form of written statements, described killings of civilians in homes, streets or fields, as well as the killing of people under arrest or in detention. Eight statements described the killing of soldiers not in combat; five statements referred to a mass grave found in Dherynia.

Commission's verdict: By 14 votes to one, the commission considered there were "very strong indications" of violation of Article 2

and killings "committed on a substantial scale."

RAPE

Relevant article: No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Charge by Greek-Cypriots: Turkish troops were responsible for wholesale and repeated rapes of women of all ages from 12 to 71, sometimes to such an extent that the victims suffered hemorrhages or became mental wrecks. In some areas, enforced prostitution was practised, all women and girls of a village being collected and put into separate rooms in empty houses where they were raped repeatedly.

In certain cases members of the same family were repeatedly raped, some of them in front of their own children, in other cases women were brutally raped in public.

Rapes were on many occasions accompanied by brutalities such as violent biting of the victims causing severe wounding, banging their heads on the floor and wringing their throats almost to the point of suffocation. In some cases attempts to rape were followed by the stabbing or killing of the victims, victims included pregnant and mentally-retarded women.

Evidence given to commission: Testimony of doctors C and H, who examined the victims. Eyewitnesses and hearsay witnesses also gave evidence, and the commission had before it written statements from 41 alleged victims.

Dr. H said he had confirmed rape in 70 cases, including:

A mentally-retarded girl of 24 was raped in her house by 20 soldiers. When she started screaming they threw her from the second-floor window. She fractured her spine and was paralysed;

One day after their arrival at Voni, Turks took girls to a nearby house and raped them:

One woman from Voni was raped on three occasions by four persons each time. She became pregnant;

One girl, from Palekythrou who was held with others in a house, was taken out at gunpoint and raped;

At Tanvu, Turkish soldiers tried to rape a 17-year-old schoolgirl. She resisted and was shot dead;

A woman from Gypsou told Dr. H that 25 girls were kept by Turks at Marathouvouno as prostitutes.

Another witness said his wife was raped in front of their children. Witness S told of 25 girls who complained to Turkish officers about being raped and were raped again by the officers. A man (name withheld) reported that his wife was stabbed in the neck while resisting rape. His granddaughter, aged six, had been stabbed and killed by Turkish soldiers attempting to rape her.

A Red Cross witness said that in August 1974, while the island's telephones were still working, the Red Cross Society received calls from Palekythrou and Kaponti reporting rapes. The Red Cross also took care of 38 women released from Vent and Gypsou detention camps; all had been raped, some in front of their husbands and children. Others had been raped repeatedly, or put in houses frequented by Turkish soldiers.

These women were taken to Asrotiri hospital, in the British Sovereign Base Area, where they were treated. Three were found to be pregnant. Reference was also made to several abortions performed at the base.

Commission's verdict: By 12 votes to one the commission found "that the incidents of rape described in the cases referred to and regarded as established constitute 'inhuman treatment' and thus violations of Article 3 for which Turkey is responsible under the convention."

TORTURE

Relevant article: see above under Rape.

Charged by Greek-Cypriots: Hundreds of people, including children, women and pensioners, were victims of systematic torture and savage and humiliating treatment during their detention by the Turkish army. They were beaten, according to the allegations, sometimes to the extent of being incapacitated. Many were subjected to whipping, breaking of their teeth, knocking their heads against walls, beating with electrified clubs, stubbing of cigarettes on their skin, jumping and stepping on their chests and hands, pouring dirty liquids on them, piercing them with bayonets, etc.

Many, it was said, were ill-treated to such an extent that they became mental and physical wrecks. The brutalities complained of reached their climax after the ceasefire agreements; in fact, most of the acts described were committed at a time when Turkish armed forces were not engaged in any war activities.

Evidence to Commission: Main witness was a schoolteacher, one of 2,000 Greek Cypriot men deported to Turkey. He stated that he and his fellow detainees were repeatedly beaten after their arrest, on their way to Adana (in Turkey), in jail in Adana and in prison camp at Amasya.

On ship to Turkey—"That was another moment of terrible beating again. We were tied all the time. I lost the sense of touch. I could not feel anything for about two or three months. Every time we asked for water or spoke we were being beaten."

Arriving at Adana—". . . then, one by one, they led us to prisons, through a long corridor . . . Going through that corridor was another terrible experience. There were about 100 soldiers from both sides with sticks, clubs and with their fists beating every one of us while going to the other end of the corridor. I was beaten at least 50 times until I reached the other end.

In Adana anyone who said he wanted to see a doctor was beaten. "Beating was on the agenda every day. There were one or two very good, very nice people, but they were afraid to show their kindness, as they told us."

Witness P spoke of:

A fellow prisoner who was kicked in the mouth. He lost several teeth "and his lower jaw came off in pieces."

A Turkish officer, a karate student, who exercised every day by hitting prisoners.

Fellow prisoners who were hung by the feet over the hole of a lavatory for hours.

A Turkish second lieutenant who used to prick all prisoners with a pin when they were taken into a yard.

Evidence from Dr. H said that prisoners were in an emaciated condition on their return to Cyprus. On nine occasions he had found signs of wounds.

The doctor gave a general description of conditions in Adana and in detention camps in Cyprus (at Pavlides Garage and the Saray Prison in the Turkish quarter of Nicosia) as reported to him by former detainees. Food, he said, consisted of one-eighth of a loaf of bread a day, with occasional olives; there were two buckets of water and two mugs which were never cleaned, from which about 1,000 people had to drink; toilets were filthy, with feces rising over the basins; floors were covered with feces and urine; in jail in Adana prisoners were kept 76 to a cell with three towels between them and one block of soap per eight persons per month to wash themselves and their clothes.

One man, it was alleged, had to amputate his own toes with a razor blade as a consequence of ill-treatment. Caught in Achna with another man, they had been beaten up with hard objects. When he had asked for a glass of water he was given a glass full of urine. His toes were then stepped on until they became blue, swollen and eventually gangerine. (The other man was said to have been taken to hospital in Nicosia, where he agreed to have his legs amputated. He did not survive the operation.)

According to witness S, "hundreds of Greek Cypriots were beaten and dozens were executed. They have cut off their ears in some cases, like the case of Palekythro and Trahoni. . . ." (verbatim record).

Verdict by commission: By 12 votes to one, the commission concluded that prisoners were in a number of cases physically ill-treated by Turkish soldiers. "These acts of ill-treatment caused considerable injuries and in at least one case, the death of the victim. By their severity they constitute 'inhuman treatment' in the sense of Article 3, for which Turkey is responsible under the convention."

LOOTING

Relevant article: Every natural or legal person is entitled to the peaceful enjoyment of his possessions.

Charge by Greek Cypriots: In all Turkish-occupied areas, the Turkish army systematically looted houses and business premises of Greek Cypriots.

Evidence to commission: Looting in Kyrenia was described by witness C: ". . . The first days of looting of the shops was done by the army, of heavy things like refrigerators, laundry machines, television sets" (verbatim record).

For weeks after the invasion, he said, he had watched Turkish naval ships taking on board the looted goods.

Witness K, a barrister, described the pillage of Famagusta: "At two o'clock an organised, systematic, terrifying, shocking, unbelievable looting started . . . We heard the breaking of doors, same of them iron doors, smashing of glass, and we were waiting for them any minute to enter the house. This lasted for about four hours."

Written statements by eyewitnesses of looting were corroborated by several reports by the secretary-general of the United Nations.

Verdict of Commission: The commission accepted that looting and robbery on an extensive scale, by Turkish troops and Turkish Cypriots, had taken place. By 12 votes to one, it established that there had been deprevation of possessions of Greek Cypriots on a large scale.

OTHER CHARGES

On four counts, the commission concluded that Turkey had also violated an Article of the Convention asserting the right to respect for private and family life, home and correspondence. The commission also decided that Turkey was continuing to violate the Article by refusing to allow the return of more than 170,000 Greek Cypriot refugees to their homes in the north.

On three counts, the commission said Turkey had breached an Article laying down the right to liberty and security of person by confining more than 2,000 Greek Cypriots in schools and churches.

Finally, the commission said Turkey had violated two more articles that specify that the rights and freedoms in the Convention shall be secured without discrimination on any ground, and that anyone whose rights are violated "shall have an effective remedy before a national authority."

[From the Sunday Times, Jan. 23, 1977]

TURKEY AND CYPRUS

On page ten of today's issue, we publish some of the details from a report about alleged Turkish atrocities in Cyprus. The report is the work of the Human Rights Commission of the Council of Europe. It is a horrendous indictment against Turkey and its soldiers and civilians sent from the mainland to the Turkish areas of Cyprus. The member Governments of the Council of Europe must decide next month whether or not to accept the report. If they do accept it, and it is difficult to see, on the evidence, how they can avoid doing so, then Turkey will stand condemned before the bar of European and indeed world opinion.

The first thing to be clear about is that these wrong doings are the work of the Turks from the mainland. Turkish Cypriots harbour a credible sense of past grievance aginst the Greek Cypriot majority on the island. But they know that they can and must eventually live, as they have done for centuries, in peace with their Greek neighbours. The invaders from the north are another matter altogether. The Government in Ankara, as well as Turkish public opinion itself, must be brought to see that Turkish behaviour in Cyprus is a blot upon the good name and reputation of the Turkish people themselves. "Turks are extraordinarily civilised people," Mr. Demirel, the Turkish Prime Minister, said last week.

The Prime Minister can, of course, sustain this claim by producing counter evidence for the period of the European Commission report. But there are other steps of immediate relevance to the people in northern Cyprus today. He should issue orders—and see that they are obeyed—for the protection of human rights. And he should permit free access (denied even to Turkish Cypriots) to all parts of northern Cyprus. These would be measures of good intent. The new President of the United States, who has pledged himself to defend human rights, should encourage Turkey in this; his moral fervour and humanity will be an important element in reasserting the need for America's Nato allies to observe irreducible standards of conduct.

[From the Washington Post, Jan. 24, 1977]

PRESSURE BUILDS FOR COUNCIL OF EUROPE TO CONDEMN TURKISH ACTS ON CYPRUS

(By Joseph Fitchett)

NICOSIA, CYPRUS, January 23.—Leaks of a secret report accusing Turkish forces of committing atrocities on Cyprus and expelling Greek Cypriots from their homes during and after the invasion here in 1974 are building pressure on the influential Council of Europe to condemn Turkey.

A West European condemnation of Turkey could be a major obstacle to any renewed U.S. arms pacts with Ankara. The Carter administration, which appears more sympathetic than its predecessor to the congressional arms embargo against Turkey over the Cyprus deadlock, has linked progress on Cyprus to a just-negotiated $500 million sale to Turkey of 40 F-4 Phantom jets.

The new administration has indicated that, in general, U.S. aid is likely henceforth to be tied more closely to respect for human rights by recipient governments.

The findings of the report by the European Commission of Human Rights will be rejected by Turkey, Turkish Cypriot Bayrak Radio said here yesterday. But senior Greek Cypriot sources in President Makarios' government said today that they expect the report to be adopted by the Council of Europe next month.

The controversial report, which diplomats have shown reporters in several European cities, accuses Turkey of massive violations of six articles of the European Convention on Humah Rights.

Prepared by a 20-member delegation headed by British lawyer James Fawcett, the report is based entirely on interviews with Greek Cypriot refugees since the Turkish authorities refused to allow commission members access to northern Cyprus or to cooperate with the inquiry.

Diplomats and reporters here who have had limited freedom to visit the Turkish-controlled part of the island have found evidence supporting allegations in the report.

The report accuses Turkish troops of killing innocent civilians, rape, savage mistreatment of civilians including children and of extensive looting of Turkish occupied Greek Cypriot villages.

Turkey will withdraw 1,000 more soldiers from Cyprus on Tuesday, the Associated Press reported from Ankara, Turkey, quoting an authoritative source. Officials said the Turkish force remaining on the island would number 28,000.

The commission report also concluded that Turkey has "presumed responsibility" in connection with 2,000 missing Greek Cypriots whose fate is an emotional issue among the 500,000 Greek Cypriot population.

The politically most damaging part of the reports findings is the Turkish forces' expulsion of Greek Cypriot refugees from their homes in the Turkish-controlled northern third of the island and their refusal to let them return.

This breach of the convention constitutes a "continuing violation" that can be terminated only by the refugees' return—something Turkish authorities refuse because it contravenes their demand for either a "Turkish" zone in northern Cyprus or an overall Cyprus settlement and the withdrawal of the Cyprus government's complaint to the Council of Europe.

A related violation is the takeover of Greek Cypriot lands, homes and businesses and their distribution to Turkish Cypriots in northern Cyprus.

The forced expulsion of Greek Cypriots continues. Most of the 20,000 who remained in the Turkish zone after Turkey's 1974 invasion have been gradually expelled by intimidation and other pressure tactics. Fewer than 2,000 remain, and they are being driven south across the line at the rate of 50 a day.

Recently diplomatic visitors to part of the Turkish Cypriot zone report that antiquities and property are now being better protected. But international observers are still barred from inspecting the sites in the north.

The Turkish Cypriot radio challenged the report for ignoring the wrongs suffered by Turkish Cypriots in the fifteen years of independence here before the pro-Athens coup in 1974 and the subsequent Turkish invasion.

PANAMA CANAL TREATY

Mr. JAVITS. Mr. President, on February 2 several of my colleagues had an opportunity to meet with Foreign Minister Aquilino Boyd of Panama. It was my privilege to host a breakfast with Senator HUMPHREY for this purpose. I believe that everyone who attended found it useful to exchange views, and we are indebted to the Foreign Minister for making this possible. In conclusion, I would like to draw to my colleagues' attention a joint press released issued on February 2 by Senators SPARKMAN and CASE, the chairman and ranking minority member of the Foreign Relations Committee, and a press report relating to the meeting. Therefore, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT PRESS RELEASE IN SUPPORT OF NEGOTIATIONS DESIGNED TO PRODUCE A NEW PANAMA CANAL AGREEMENT

(By Senator JOHN SPARKMAN and Senator CLIFFORD CASE)

In the course of the past couple of months, we and other members of the Foreign Relations Committee have had an opportunity to discuss the issue of the Panama Canal negotiations with President Carter, Secretary Vance and Panamanian Foreign Minister Aquilino Boyd.

From these discussions, it is clear that the Carter Administration intends to seek the abrogation of the 1903 treaty and the negotiation of a new agreement to govern the operation, maintenance and defense of the Canal. This decision is in keeping with those made by the three previous administrations of Presidents Ford, Nixon and Johnson.

The Panama Canal negotiations are a bipartisan issue and, in a bipartisan spirit, we fully support the negotiating effort. We believe it is in our national interest to develop a new treaty relationship with Panama and we encourage the Carter Administration to bring the negotiations to a successful conclusion at the earliest possible date.

We wish to make it clear, however, that our endorsement of the negotiations should not be construed as an automatic endorsement of a new Panama Canal agreement. We will judge any new agreement on its merits and in accordance with the negotiating guidelines approved by the 94th Congress:

"Any new Panama Canal treaty or agreement . . . must protect the vital interests of the United States in the Canal Zone and in the operation, maintenance, property, and defense of the Panama Canal." (P.L. 94-350.)

We expect the Executive Branch to seek Congressional advice and consent with respect to these guidelines and we look forward to a close consultative relationship during the negotiating process.

[From the New York Times]

SENATORS HOPEFUL ON CANAL TREATY

(By Graham Hovey)

WASHINGTON, February 2.—Two high-ranking Senators who strongly support a new Panama Canal treaty said today that such a pact would not now command the required two-thirds majority vote.

Senators Hubert H. Humphrey, Democrat of Minnesota, and Jacob K. Javits, Republican of New York, expressed confidence, however, that an all-out commitment by President Carter coupled with an effort to inform Americans of the importance of a new treaty, would elicit the necessary Senate support.

The Senators spoke separately to reporters after acting as hosts at a breakfast at the Capitol for the Panamanian Foreign Minister, Aquilino Boyd. Mr. Boyd came to Washington this week to prepare the ground for the resumption of negotiations over a treaty that would provide for eventual transfer of the Panama Canal and Canal Zone to Panamanian control.

His visit to Capitol Hill reflected the feeling often expressed by officials of both governments that the biggest obstacle to be overcome is opposition in Congress once a draft treaty is completed.

Only the Senate participates in the ratification of treaties, but House approval would be required for the transfer to Panama of American properties in the Canal Zone.

The two ranking members of the Senate Foreign Relations Committee, John J. Sparkman, Democrat of Alabama, and Clifford P. Case, Republican of New Jersey, issued a joint statement today supporting the negotiations and urging the Administration to bring them to a successful conclusion "at the earliest possible date."

Appearing with Mr. Boyd after the breakfast, Senator Humphrey said, "We're hopeful that the negotiation can be completed in April and that we can have a treaty to act on by June."

S. 551—VICTIMS OF CRIME ACT

Mr. BAYH. Mr. President, I am pleased to join as cosponsor on the Victims of Crime Act introduced by the distinguished Senator from Minnesota, Mr. HUMPHREY, which provides for compensation to victims of crime by means of grants to the States. Certainly, the time has come for the Federal Government to

reimburse in some measure the innocent people who have suffered personal injury by the criminal act of another. As Senator HUMPHREY has noted, the Federal Government spends almost $8,000 annually for the care of each prisoner, but has done next to nothing to provide for victims. As you well know, Mr. President, this body has passed similar legislation on seven previous occasions, and I personally have had great interest in this area for many years.

My only reservations in supporting this bill go to the specifics of administration, but these are matters which should be debated, and which I am sure can be worked out satisfactorily. The basic concept of this bill, that the Government should encourage the States in some way in compensating victims, is worthy of the deepest consideration.

I am therefore honored, Mr. President, to join as cosponsor of this bill.

SCHOOLS AND THE ENERGY CRISIS

Mr. PELL. Mr. President, last Friday I spoke about the effect the unusual and severe weather has had upon our Nation's schools. Today, I want to continue that discussion.

We have all heard about the shortage of natural gas that we face this winter. This failure in supply has resulted in plant and school closings all over the Nation. This shortage has also produced a spiraling inflation of energy costs. Thus, just when we most need energy, we have to pay more for it than ever before. This is natural and predictable in a grim way, but I have become increasingly alarmed at the costs this cycle has imposed on us.

I would like to illustrate what these costs mean to schools and universities in my State, Rhode Island. In that way I hope to encourage my colleagues to look at the losses to schools in their own States. I also wish to show the need for new legislation in this area. My point is that we are paying more than we can afford because of poor standards, inefficient plant and management, and a generally wasteful energy policy.

The result of this is that there is real damage being done to schools in Rhode Island as there is damage being done to schools across the United States. Some of this is simple wear and tear on buildings and machinery which can be repaired. What concerns me, though, is the human side of the equation, the harm being done to students this winter. That is a loss that is not so easy to repair.

With that thought in mind, I ask unanimous consent to have three articles from Rhode Island papers printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Providence (R.I.) Journal, Jan. 24, 1977]

ENERGY BUDGET CRAMPED AT URI BY COLD WEATHER

SOUTH KINGSTOWN.—Unexpectedly severe weather and lack of energy conservation by campus consumers are draining the University of Rhode Island's $2.5 million energy budget for the 1976–77 year.

The university spent $125,000 more on oil and electricity from July to December of 1976 than in the corresponding period the year before, its utility bills show.

During that time its cost of electricity rose $80,000 to $470,000, and the cost of fuel oil increased from $421,000 to $466,000 in 1975.

University officials are hoping for warmer weather, but are preparing for the worst. "It's a foregone conclusion that we've run over our fuel and electric budget, but we're hoping for warmer weather," Bruce Dunham, acting business manager, said.

Budget planners say that while URI is only halfway through its fiscal year, "the budget isn't overspent, but just ahead of the rate of expenditure."

Dunham said he does not know exactly where the money will come from to replenish the energy budget. He said one method is to skim money from all areas. Or, he added, it could be a combination of not filling existing vacancies or those which occur in the near future.

Pieter Hinkamp, recently appointed energy manager, said he did not know where the money would come from but said, "Eventually, if we have to pay an increase it will, directly or indirectly, come out of the pockets of two groups: Rhode Island taxpayers and URI students.

"We have a critical six-week period ahead of us and we're starting a campaign on campus to make students more aware of the energy problem," Hinkamp said.

Hinkamp and the university relations office are attempting to speak to student organizations and promote energy conservation through campus publicity.

Hinkamp, formerly assistant director of physical plant for maintenance and repairs, is responsible for day-to-day energy watch and long-range planning.

Physical plant takes electric peak readings every 15 minutes to pinpoint where and when the most energy is expended. Three electrically-heated dormitories and four academic buildings, which have heavy electric loads for ventilation and pump motors, are on a rotation basis. The heating systems are turned on and off every half hour or every hour five days a week during the 9 a.m.-to-5 pm. peak periods.

Poor insulation has also proved to be a hidden but costly consumer of fuel. "We had a lot of insulation work to do over the last few years. I was horrified at the inadequate insulation in some buildings," Hinkamp said.

He noted that in the first two years of the energy crunch. URI implemented crash programs and made significant reductions. Over the last year, however, Hinkamp said, people have slackened their awareness of energy conservation. "We don't have an energy crisis, but we have an energy problem," he said. "We must rekindle and route energy conservation."

[From the Westerly (R.I.) Sun, Jan. 28, 1977]

HEATING LOCAL SCHOOLS TO COST MORE THIS YEAR

(By Todd B. Hollis)

With heating fuel shortages closing schools in several Midwest states, and threatening more in the Northeast, local school district officials in both Connecticut and Rhode Island said this week consumption in this area is running well ahead of past years.

Providing warm classrooms for school children in Charlestown, Richmond, Hopkinton, and Westerly, in Rhode Island, and Stonington and North Stonington, in Connecticut, has cost each school district up to 41 per cent more money and up to 50 per cent more in fuel consumption than last year.

Consumption of natural gas has risen the most in the area, while use of electric heat has risen somewhat less. The increase in use of no. two and no. four fuel oil has been less than the other two.

Citing figures showing $5,873.10 spent for electric and oil heat for the Charlestown School thus far this year, Superintendent Phillip Kelly compared this amount with last year's expenditures at this time of $3,486.73.

Kelly said, however, the school committee had prepared for the harsh weather by allocating $8,000 in the budget for heat. The same amount had been budgeted for last year's heat. Only $6,466 of that amount had been spent, however.

Kelly did admit the school has constructed a new, all-electric heated classroom wing since last year, but he noted the demolition of the old two floor wooden section of the school which housed the cafeteria and classrooms.

Closing the old section, Kelly said, offset some of the cost of heating the new wing. Including price rises and fuel adjustment charges, Kelly said, the 41 percent increase in cost did show a definite rise in the fuel consumption. No figures as to the gallons or kilowatts used were available to compare the two years.

The opposite situation exists in determining the Hopkinton school district's fuel consumption. Because bills for the month of January will not be submitted until next Tuesday schools committee meeting, figures for costs are not available.

It was learned, however, consumption of heating fuel is running about 33 to 50 per cent higher than last year at this time, at the Ashaway School.

Ashaway principal William Peacock said electric heat to the three portable classroom units is up about 33 per cent over last year, as is the oil consumption in the old building at the school.

Because the oil storage tank is not equipped with a gauge, he said, it is difficult to figure the actual consumption. He said he arrived at the 33 per cent figure because oil deliveries, based upon degree days, are that much closer together this year than last.

Gas used in heating the new building in Ashaway, however, has more than doubled, according to Peacock. For the months December and January, he said, figures show over 5,000 cubic feet was used, compared to 2,098 cubic feet needed for the same period last year.

No accurate figures were available for last year's consumption at the Hope Valley School but principal John Vuono said he imagined the 16,000 gallons used so far this school year is somewhat higher than last year.

In Richmond, Principal Superintendent Dr. Gerald Bourgeois said while he doesn't have the actual fuel consumption or cost figures on hand, he knows the amount spent to heat the town's school will be "close" to the amount allocated for this year.

"I'm sure we're going to be close," Dr. Bourgeois said, "I don't know what shape we'll be in as far as the budget in a few months."

At Wakefield Branch, the South County fuel dealer which supplies the Richmond School, a spokesman said fuel consumption in general has been very high this year. He said figures for the consumption rate at the Richmond School show an 11.6 per cent rise over a period of Oct. 1 to Jan. 19 last year in which 12,470 gallons of fuel oil pumped. This year, for the same period, 13,928 gallons have been pumped.

At Chariho High School—Vocational Technical complex, Superintendent of Schools Melvin Mendelsohn said figures for the month to date are not available. Since bills for the oil needed to heat the high school and the electricity for the vocational school in the coldest January in recent years will not be received until after the first of next month, a clear picture of the consumption rate can not be made.

In Connecticut, Dahl Oil of Norwich, supplier of fuel oil to both Stonington and

North Stonington school districts, said the firm is supplying 10 per cent more oil this year to all customers, not just to the school systems.

Oil is supplied to the schools, the spokesman said, based on "degree days" and a computed rate of consumption. Using the day's high and low temperatures, and a furnace turn-on temperature of 65 degrees, the oil company computes the amount of oil used in a given period and the amount stored on hand at the schools. This, the spokesman said, gives an idea of when oil should be delivered to the schools.

Stonington school department business manager James Cavanaugh said no current cost data is available because he has not prepared the bills for payment.

He said bills are presented to the Board of Education on a monthly basis and are paid only at the last minute in order to gain the highest interest for the town's money in the bank.

Cavanaugh did say, however, he figures yearly costs by using a five year average. He said this figure is used in preparing budgets. He said this method usually leaves a small surplus each year. This year, however, the business manager said the surplus may be even smaller, if there is one at all.

Westerly school officials have not prepared their heating bills for school committee approval either. However, indications show the heating budget this year will exceed the allocation of only $66,629 for fuel oil to heat six of the system's schools. The seventh, Dunns Corners Elementary School is heated with electricity. Last year, the district spent $67,041 on heating oil.

[From the Brown Daily Herald, Jan. 21, 1977]

COLD WEATHER OIL USE COSTS BROWN $100G

(By Robert Feder)

Brown's energy costs are running $100,000 over projection because of increased heating use during what is turning out to be Providence's coldest winter in years.

University officials are citing colder weather and decreased campus emphasis on energy-saving as the principal factors behind a probable rise in the university's $2 million annual energy bill.

Compounding the problem have been oil and gas price increases 11 percent above original expectations.

Brown expected to pay $12.75 per barrel this year, but is paying $14.19, according to vice president for finance and operations Paul Maeder.

Additional, electricity rates are running eight percent above projections and electricity use has climbed five percent since 1975.

The university will redouble efforts to promote campus energy consciousness and may selectively renovate building heating systems to combat rising fuel costs.

OLDER DORMS PROBLEMS

Most of the energy problems are centered in the older dorms, where antiquated heating systems created "endless problems," according to Maeder.

"This is the worst system for control," Maeder remarked.

To solve these energy problems, a major renovation of the heating systems in specific buildings is planned, according to Maeder.

"We are just starting to get the operating, purchasing, public relations, and engineering people together, as well as faculty and students," he said.

"There will be no crash programs or makeshift things," he added. "This is for the long haul."

The cost of the general renovation plan, though, should pay for itself in 3 to 5 years, according to Maeder.

The university will also concentrate on increasing publicity to gain greater energy consciousness within the community.

"We must increase people's awareness of the problem again," Maeder said.

WOODY GUTHRIE'S WIDOW: CARRYING ON THE FIGHT THE FOLK SINGER LOST

Mr. BAYH. Mr. President, Marjorie Guthrie, the widow of the legendary American folk singer Woody Guthrie, has been working for many years to combat the hereditary disease which took her husband's life—Huntington's disease.

I have known Marjorie Guthrie for a long time, Mr. President, and have always been impressed with her courage and the devotion with which she has pursued her crusade against Huntington's. Her efforts and those of her Committee To Combat Huntington's Disease have not always received the public attention they deserve, which has made the fight all the harder.

However, recent renewed interest in the life of Woody Guthrie—a man whose songs have inspired countless Americans—has also focused attention on his untimely death from this invariably fatal disease. Sadly, Huntingon's disease does not become apparent until the victim's middle years, often after the decision to have children has already been made and the disease may have already been passed on to yet another generation.

I would like to call the attention of my distinguished colleagues to an article which appeared in the New York Times on January 26, 1977, about Marjorie Guthrie and the work she has been doing to fight this disease. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOODY GUTHRIE'S WIDOW: CARRYING ON THE FIGHT THE FOLK SINGER LOST

(By Nan Robertson)

The obituary of Woody Guthrie says he died a divorced man. It is true, and it is wrong.

True as a matter of law his widow said, wrong as a matter of the heart. This legendary folk-balladier, this quirky, rustry-voiced wanderer whose thousand songs echoed the glory and the pain of America, died in 1967 after 13 years in state hospitals. He was 55 when Huntington's disease took his life and long before the end he could neither move nor speak nor write.

"We had agreed that we didn't need a piece of paper to hold us together," said his former wife, Marjorie Guthrie. "I never really divorced him in my heart and in my actions. Divorce was an opportunity for me not to be responsible financially for his hospitalization."

The couple had three young children, and it was decided that Marjorie's meager income—as a professional dancer, an assistant to Martha Graham and later, founder of her own dancing school—would be barely enough to support them.

"That's what I did to face my reality," she said. "To decide that the kids would have enough to eat and someone to watch over them while I worked. People forget that we were poor. They ask: What was it like to be married to a famous man? But we were poor all during his lifetime."

DIVORCED BUT DEVOTED

Divorced but devoted, she visited Mr. Guthrie regularly in the hospital with their children. She kept his name. Her home was his to come to when he was able, to meet with old friends and young people, notably Bob Dylan, who took their inspiration from his work, style and creed.

The year of Woody Guthrie's death, Marjorie founded the Committee to Combat Huntington's Disease. She has been at the head of the crusade since to locate and help families who are facing the same emotional and financial tragedy and to prod scientists to greater research efforts. No cure or early detection tests have yet been found for this hereditary, brain-destroying, long-term illness, which usually does not manifest itself before the age of 35 or 40. It is invariably fatal.

The three children of Woody and Majorie Guthrie—Arlo, now 29, of "Alice's Restaurant" fame; Joady, 28, also a folk-singer and composer; and Nora, 27, a dancer like her mother—stand a 50-50 chance of having inherited their father's disease. His mother died of it also.

Arlo is married and has three children; Joady and Nora married earlier this year. If Huntington's does not strike them, they can be sure their descendants will be free from danger. Once the thread is broken, the genetic disorder never recurs.

Both Woody Guthrie and the rare illness that felled him have come once again to public attention with the movie "Bound for Glory," based on his autobiography. Among the credits at the end is the information that Mr. Guthrie died of Huntington's Disease in 1967 after long hospitalization.

There's a new record cut honoring Woody and his songs called "We Ain't Down Yet." "Seeds of Man," a book of memories by Woody that waited many years for publication, has finally seen print. Arlo, according to his mother, has "just finished the best record he ever made." So with that and two more children married, 1976 has been a wonderful year for Marjorie Guthrie.

She has just come back to New York from a six-week tour of the United States, preaching her message about Huntington's Disease to health professionals.

Interviewed in her committee's office at 250 West 57th Street, said she welcomed the opportunity "to send our information to anybody and share what we're doing. If you're living with Huntington's, you're living through the same problems as all other families who have neurological, deteriorating, lingering diseases like multiple sclerosis, cerebral palsy, muscular dystrophy. We've got to band together."

"Until Marjorie, Huntington's Disease was like cancer 50 years ago: nobody talked about it," said Dr. Thomas N. Chase, research director at the National Institute of Neurological and Communicative Disorders and Stroke, and a scientific advisor to Mrs. Guthrie's committee.

He called the disease a "horrible time bomb" that strikes when its victims are "past the child-bearing years and so all the important decisions of your life have to be made before you know."

Dr. Chase said that because of the "force of Marjorie's personality and her rapidly expanding expertise, she has been very effective in mobilizing increasing research and in getting families to deal with their problem in a realistic way."

One way to help, Marjorie Guthrie is convinced, is to "give the facts as honestly as you can, as early as you can" when it is known that Huntington's is in the family.

When Joady was little, he came back from a hospital visit to his father with this question: "Mommy, will I be sick like Woody?" She answered: "Yes, you could, if you have the bad gene. But you could have the good gene too."

"I always told them what I thought they could absorb in the best possible way—to

give them a chance, and time, to develop a rationale for living," Mrs. Guthrie said. She told of families where parents or spouses had withheld genetic histories until the victim was in the late 30's and there was no time to prepare. "They went berserk," she said.

Mrs. Guthrie has "never given advice to my kids," or any of the 7,000 Huntington families she has located, about whether they should have children. She simply gives them all the facts and lets them make their own choice. "Some people don't want to gamble, some people do," she said. "Arlo may be sorry five years from now [when, if he has Huntington's the first symptoms may appear] but he knows the 50–50 risks and has gone ahead."

She spoke of the bad years with Woody without a trace of self-pity and of the good years that preceded them with joy. She first heard his voice in 1942 when she was on tour with Martha Graham. It was in her sister's house in Missouri, when Woody was singing "The Ballad of Tom Joad" on a record.

She met him some time later at a hootenanny in a Greenwich Village loft: "He was standing with his back to the room, at a window. I had pictured a tall, Lincolnesque kind of cowboy and then this little fellow turned around. He had beady eyes and bushy hair; he was thin and delicate, nothing like I'd imagined. I fell in love right away and he did too."

First there was one room on 14th Street and then they moved to "three tiny rooms" in Coney Island, with a bed that pulled out, a six-octave midget upright piano because nothing bigger would fit, and Woody's desk, a triangle of wood nailed to the wall.

A RARE, TRANQUIL TIME

This interval has been written of as "one of the few tranquil times of Woody's restless life" and Marjorie Guthrie remembers it as a time of dreams. "Woody and I were very committed, very dedicated to our dreams. We were the world's champion hopers," she said. "He was busy with his union singing and I was busy teaching dance with Martha Graham."

It was also a hectic time of bottles and diapers, with the children coming "all in a row," barely a year apart. "It was like having triplets," Mrs. Guthrie said. "Twenty-four bottles and thirty-six diapers a day, with Woody and I washing and rinsing together at a big double sink."

"He was a family man to the best of his ability; he didn't just wander," his wife recalled. "At his worst he was better than most and he had a marvelous way of playing with the children. When I was teaching Saturday children's classes Woody would come and play the guitar for the kids to dance to."

And then he began suffering from mysterious dizzy spells, acting moodily and irrationally. He lurched when he walked and his speech was slurred. He was first misdiagnosed as an alcoholic—"a very common misdiagnosis," Mrs. Guthrie said, "and members of A.A. came down to the hospital to visit him."

Finally the doctors were sure that Woodie Guthrie had the same disease that killed his mother. They told his wife that he would have to spend the rest of his life in the hospital.

Two years ago, Marjorie Guthrie married Martin B. Stein, the vice president of her Committee to Combat Huntington's Disease. His mother had Huntington's, but he was spared. When Mrs. Guthrie asked why he wanted to work on the committee Mr. Stein replied: "I consider myself a lucky one, and the least I can do is help."

Mr. Stein says he does not resent the fact that his wife is known and respected as Woody Guthrie's widow—"or, if you're under 30, Arlo Guthrie's mother," she says. "But that is not the responsibility that I carry—the responsibility is to use Woody's name to relieve human suffering."

A PROGRAM FOR PERMANENT JOBS AND INVESTMENT FOR AMERICANS

Mr. JAVITS. Mr. President, yesterday was an historic day for Senate Republicans as the Republican Conference approved an economic program which can be endorsed by every American.

The minority leader, Senator BAKER, explained our proposals yesterday in the Senate (CONGRESSIONAL RECORD p. 3339) and included a brief summary of our program.

At this time having chaired the Republican Policy Committee's Subcommittee on Economic and Social Issues—Members, Senators CURTIS, PACKWOOD, DOMENICI, and DANFORTH, with Senators BAKER and TOWER as ex officio—I wish to insert in the RECORD a more detailed program, so that it might have the benefit of the widest possible analysis and comment.

Mr. President, I ask unanimous consent to have printed in the RECORD a detailed explanation of the elements of the Republican economic program.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

TWO MILLION JOBS THAT LAST—A PROGRAM FOR PERMANENT JOBS AND INVESTMENT FOR AMERICANS

(By the Republican Conference on behalf of the Republican Members, U.S. Senate, February 2, 1977)

POLICIES TO COMBAT CYCLICAL UNEMPLOYMENT

Economic recovery since the 1975 second quarter trough has been characterized by an initial inventory liquidation of historic proportions and a gradual rebuilding to normal levels. The consumer sector suffered from lack of demand for both durable and nondurable goods. The initial drop in consumer durable purchases was so great that even though the rate of increase of durable purchases has matched previous recoveries and is expected to remain strong, the overall level is still low. Consumer spending on nondurables is forecast to remain sluggish for the foreseeable future. Business spending for plant and equipment has been extremely low throughout the recovery and although corporate financial structure has greatly improved, investment shows few signs of regaining strength soon.

Permanent individual income tax cut

To provide a strong and lasting stimulus to the consumer sector, any stimulus package should include a *permanent* tax rate reduction directed primarily toward low and middle income individuals. The higher realized and anticipated utilization rates of existing production facilities will at the same time provide the kind of stimulus to investment in plant and equipment that is needed at the present time. The permanent nature of the tax cut is important. Many studies have indicated that potential consumers require the security of the permanent reduction to incorporate their new purchasing power into their spending stream. These same studies indicate that temporary reductions—or rebates—are likely to be used largely to reduce debt or will be put into savings (note the Harris opinion survey, January 27, 1977, among other studies). A tax rebate would thus contribute a relatively small and short-lived stimulus. Only a tax cut of a permanent nature (for example, a rate reduction or increased personal tax credit) would provide the strong and steady support for private spending that is essential for continued growth.

If fiscal policy were to duplicate the size of the 1964 tax cut, which some economists (though not all) view as a successful application of stimulus, the magnitude would be 2 percent of GNP, or about $35 billion. There are, however, at least three arguments which mitigate against a cut of that magnitude:

1. A portion of the 1964 tax cut was called for by the increasing drag upon after-tax income as inflation forced consumers into progressively higher marginal tax brackets. There had been no tax reduction for the preceding seven years before 1964; however, in the current situation, the 1975 tax cut and its recent extension has, to some extent, lessened but not totally obviated this need. While the entire tax cut provides economic stimulus relative to current policy projections, at least $6 billion of tax reduction can be viewed as necessary to offset the tax-increasing effects of inflation since the 1975 tax cut.

2. The composition of the industrial economy and labor force has changed radically since a decade ago, as has been illustrated earlier. Industry is more service oriented and requires more skilled labor. Also, a much larger production of current unemployment is structural in nature. Targeted job policies would be a much more effective approach to this problem than exclusive use of aggregate demand stimulus and would entail less risk of inflation aggregated by labor and product shortages.

3. Due to the extraordinary rates of inflation experienced in recent years, producers and consumers may be more sensitive to inflation, and, therefore, price decisions in the economy may be very sensitive to demand-stimulus policies.

An annualized $12–$13 billion tax reduction of a permanent nature would be sufficient to reduce cyclical unemployment problems and *a reduction in rates for tax brackets of $18,000 adjusted gross income and below is recommended.* This reduction is directed toward lower adjusted gross income brackets because taxpayers in these brackets tend to spend a greater average share of their income than relatively higher AGI classes. By adjusting all brackets $18,000 or below, some tax relief is provided to *all* taxpayers, but the maximum benefit goes to the 60 percent of all taxpayers who are in the tax brackets of $18,000 and under. Total personal income tax collections are reduced 7½ percent with the reduction being 14 percent of the tax liability for those individuals in adjusted gross income brackets of $18,000 or less. These brackets receive nearly 80 percent of the tax relief.

The tax liability savings for the various adjusted gross income classes is shown on Table IX.

TABLE IX.—EXAMPLES OF PERSONAL INCOME TAX RELIEF
JOINT RETURN, FAMILY OF 4

Taxable income [1]	Adjusted gross income	Tax liability [2]		Savings
		Current	Proposed	
$5,000	$10,100	$670	$490	$180
$10,000	15,500	1,640	1,430	210
$15,000	20,800	2,830	2,650	180
$20,000	25,800	4,200	4,110	90
$30,000	35,800	7,700	7,650	50
$50,000	55,800	16,880	16,830	50

[1] Using standard deduction.
[2] Includes general tax credit.

PERCENTAGE DISTRIBUTION OF TOTAL TAX REDUCTION BY ADJUSTED GROSS INCOME CLASS [1]

$0 to $5,000	4.8
$5,000 to $10,000	24.3
$10,000 to $15,000	29.1
$15,000 to $20,000	23.6
$20,000 to $30,000	15.2
$30,000 to $50,000	2.1
$50,000 to $100,000	.5
Over $100,000	.1

[1] Percentages do not add to 100 percent due to rounding.

TARGETED PROGRAMS TO COMBAT STRUCTURAL UNEMPLOYMENT

This paper has made the case that a considerable proportion of unemployment at the present time is structural in nature, confined in many cases to labor force subsegments, and not totally susceptible to programs aimed at restimulating aggregate demand. For this reason, it is imperative that any stimulus package contain major elements directed toward these structural elements.

A. Youth unemployment

As the 3.6 million unemployed youth ages 16 to 24 (including 1.8 million under age 20) make a disproportionate share of the unemployed (nearly 50%), a specific program which focuses on youth is essential to addressing the structural unemployment problem. *A newly introduced CETA Title VII, The Youth Employment Act (YEA), which provides for comprehensive manpower services for youth, including work experience, on-the-job training, classroom training and public service employment is recommended for this stimulus package.* YEA makes efficient use of the available CETA structure and provides flexibility to allow prime sponsors to structure the program to meet the needs of 14–24 year old youths in individual localities. The existing CETA Title I mechanisms, including the comprehensive planning process, the conditions for receipt of assistance, manpower councils at the State and local levels, and other administrative procedures, are incorporated by reference, eliminating the need for a new bureaucratic agency. A bonus is provided for prime sponsors who engage in cooperative projects with local or State education agencies. YEA provides for private sector involvement as well as public sector employment. Authorization is $1.0 billion in FY 77 and $2.8 billion in FY 78 ($0.7 billion of the FY 78 total is attributable to the CETA Title III Summer Youth Program which is combined with activities of the new title, leaving a net increase of $2.1 billion for youth employment).

The Comprehensive Employment and Training Act (CETA) is written in seven titles directed toward both cyclical and structural unemployment problems. The titles direct funds to State and local government for funding jobs for the unemployed, the long-term unemployed, the disadvantaged, older Americans, American Indians, Summer Youth Programs and job training. For FY 76, the outlays and actual jobs funded are shown in the tables prepared by CBO (Tables 6 and 7). For FY 77, $3.3 billion in BA and $2.3 billion in outlays has been appropriated for Title I–V. Though a supplemental is required for funding Title VI, room is available in the budget to provide 500,000 Title VI jobs at an average cost of $8,200 per job—$3.2 billion in BA and $2.0 billion in outlays. Already 260,000 individual slots are provided for under the continuing resolution for CETA Title VI. Such jobs must be filled by individuals unemployed 15 weeks or longer. These additional 240,000 job placements are not included in this package as they are already authorized and included in the current services budget. It should be understood that the Carter Stimulus package takes credit for these jobs already authorized.

B. Employment tax credit

In addressing the structural unemployment problem, it is desirable to rely whenever possible on the unique allocation ability of the private sector and to provide direct encouragement to the employment initiatives of labor force participants and employers. A *targeted* employment tax credit program can provide significant assistance and incentive in securing private employment for individuals not presently or adequately served by public training and employment programs. Employment of persons who face particular difficulty in finding a job and acquiring marketable skills and experience would be encouraged while total employment in the economy is increased. This approach represents a partnership of the government and the private sector in resolving the difficult unemployment problem faced by the economy.

The wage cost incurred by business can be a major factor in determining whether a particular potential employee will be hired and whether additional workers will be hired. Wage costs may also strongly affect the prices charged and the resulting level of sales and production. The government recognizes the uncertainty and possible financial sacrifice faced by many businesses in hiring persons whose initial skills and experience do not match existing or potential job openings. Businesses cannot profitably hire workers and pay a wage that is in excess of the revenue generated by the employees productivity. Payment of an employment tax credit to private employers can be an effective way to bring about easier and more extensive employment (shorter job search and less unemployment) of targeted labor force groups and increased total employment in the economy.

TABLE X.—SELECTED EMPLOYMENT AND TRAINING, OUTLAYS IN FISCAL YEAR 1976

[In millions of dollars]

Programs	Activities					
	On-the-job training	Classroom training	Work experience	Public service employment	Other	Total
CETA—Title I	170	611	713	187	17	1,698
CETA—Title II	1	1	7	535	(2)	545
CETA—Title III:						
Migrants and farmworkers	3	17	5	0	40	65
Native Americans	4	12	29	5	11	61
Summer youth	0	0	459	0	0	459
CETA—Title IV—Job Corps	0	181	0	0	0	181
CETA—Title VI and II [3]	3	2	219	1,648	1	1,872
Community Service Employment for older Americans	0	0	47	0	0	47
Work incentive program	91	42	12	58	105	308
Total [1]	272	866	1,491	2,433	173	5,236

[1] Rows or columns may not sum to equal totals exactly due to rounding.
[2] Less than $500,000.
[3] An emergency supplemental appropriation merged titles II and VI of CETA for the purpose of extending title VI positions beyond its expiration date of Dec. 31, 1975.

TABLE XI.—SELECTED EMPLOYMENT AND TRAINING, YEARS OF SERVICE IN FISCAL YEAR 1976

Programs	Activities					
	On-the-job training	Classroom training	Work experience	Public service employment	Other	Total [1]
CETA—Title I	40,300	152,600	216,100	22,700	16,600	448,300
CETA—Title II	300	600	1,900	72,400	100	75,300
CETA—Title III:						
Migrants and farmworkers	1,511	3,794	757	0	0	6,062
Native Americans	900	2,900	6,900	1,200	2,600	14,500
Summer youth	0	0	250,700	0	0	250,700
CETA—Title IV—Job Corps	0	20,200	0	0	0	20,200
CETA—Title VI and II [2]	1,000	1,100	34,300	190,000	200	226,600
Community Service Employment for Older Americans	0	0	12,700	0	0	12,700
Work incentive program	9,600	13,300	3,700	4,000	NA	30,600
Total [1]	53,611	194,494	527,057	290,300	19,500	1,084,962

[1] Rows or columns may not sum to equal totals exactly due to rounding.
[2] An emergency supplemental appropriation merged titles II and VI of CETA for the purpose of extending title VI positions beyond its expiration date of Dec. 31, 1975.
NA=Not applicable.

An employment tax credit program targeted on individuals who have been unemployed for 26 weeks or longer is recommended. This approach would focus benefits on those most in need of work experience and earned income, and whose unemployment demonstrates an inability to secure a job without assistance.

Since extended unemployment is most prevalent in areas with high overall unemployment rates, this target would also serve to focus program benefits in high unemployment regions. There are presently approximately 1.3 million people who have been unemployed 26 weeks or longer. Between the second quarter of 1977 and the fourth quarter of 1978, as many as 3.0 million persons may have experienced unemployment of this duration. A tax credit of $1.00 per household per hour during the first six months of employment and $.50 per hour during the second six months is estimated to bring about 450–550 thousand reduction in unemployment by the end of 1978 at a cost of $0.4 billion in FY 77 and $1.9 billion in FY 78.

A variety of targeted or general program designs and administrative mechanisms are possible. A tax credit is easy to administer and would allow prompt implementation and employment at the initiative of business and eligible employees. Program information could be disseminated quickly through existing Treasury, Labor and Commerce Department channels.

The employment tax credit approach can fill an important gap in existing manpower and employment programs. Such a program can encourage and financially enable employers to provide a period of skill adjustment or on-the-job training for those who are not being reached by institutional manpower programs, for individuals who do not need extensive formal training or re-training, and for persons who encounter serious difficulty bridging the gap from public training and employment programs to private sector employment. In addition, by enabling businesses to hire additional workers at a lower net cost, the employment tax credit approach can have a direct favorable impact on the rate of inflation and total employment. That is, it provides a stimulus directly to the supply side of the market. This stimulus would be particularly effective in increasing employment at the present time when businesses generally have excess production capacity, as now, when the economy is in a recovery phase. Additional employees can more readily be put to work with existing underutilized equipment.

Because this approach to stimulating the economy has not been tried extensively, the exact effects of the employment tax credit are not known. As compared to other methods of attempting to increase employment, however, the employment tax credit directly encourages productive private sector jobs with high prospects of permanent employment. Those employed under the credit will be earning full wages paid mostly by private employers and will be paying taxes rather than drawing unemployment compensation and other income supplements. The employment tax credit could easily be extended to a broader eligibility if it proves as successful as anticipated in expanding employment without added inflation.

POLICIES FOR LONG-TERM GROWTH AND EMPLOYMENT

Increased consumer demand resulting from reduced tax drain and targeted policies without an undue increase in the overall rate of unemployment will do much to encourage capital investment, yet business decisions are such that an expectation of continued increased profitability over the useful life of the capital is required to evoke the outlay.

A. Corporate tax rate reduction

A permanent cut of the corporate normal tax rate from the current level (20 percent on the first $25,000 corporate profits, 22 percent on the second $25,000, and 48 percent thereafter) to 18 percent on the first $100,000 of corporate profits is recommended and would provide a reduction in corporate tax collections of about $2.1 billion for fiscal year 1978 (assuming a 1/1/78 effective date). In order to maintain the curent 48 percent rate on profits in excess of $100,000, the surtax would have to be increased from 26 percent to 30 percent; however, this would have absolutely no tax dollar impact on profits over $100,000. The economic effect of this proposal should be to stimulate small business, although *all* corporations would receive some tax relief from the proposal. It should be noted that most service-oriented businesses are relatively small and labor intensive. Further, the service sector is the fastest growing sector in the economy. Consequently, the proposal should have a particularly favorable impact on employment.

B. Increased dividend and interest exclusion

An increase in the dividend exclusion from the current $100 ($200/joint return) to $600 ($1200/joint return) is recommended and is estimated to reduce FY 78 revenues by approximately $.2 billion. The addition of a $100 ($200/joint return) interest exclusion is recommended and is expected to further reduce revenues in FY 78 by $.2 billion. Both of these measures have an effective date of January 1, 1978. It is anticipated that these two proposals will encourage saving and investment through increasing their after tax rates of return. Further, the current tax system levies excessive burdens on dividend income through the combined effects of the corporate and individual income tax. This proposal should reduce this inequity. Finally, these exclusions will provide a measure of tax simplification for the recipients of small amounts of interest and dividend income.

C. Accelerated depreciation for high unemployment areas

In an effort to encourage investment in areas with high unemployment, accelerated depreciation for new plant and equipment is recommended. Specifically, for areas with unemployment rates in excess of 7 percent, it is proposed that (1) for buildings, straight-line depreciation over a period equal to one-half their useful lives be allowed, and (2) for equipment, firms be allowed to amortize over five years with a full investment tax credit (under current law, a full investment tax credit is allowed only for seven-year or greater amortization periods). This incentive would be limited to projects begun in calendar year 1977 and completed within 36 months. The revenue loss associated with this proposal is negligible for FY 77 and $0.2 billion for FY 78.

D. Stock ownership proposal for lower and middle income investors

A stock ownership proposal designed to encourage common stock ownership by lower and middle income investors is recommended. Under such plans, there is a $1500 limit on the maximum amount of the annual contribution eligible for the exclusion from income tax, and the income earned by such plans will be tax exempt. Taxation is deferred until the benefits are actually distributed at which time they will generally be subject to tax at capital gain rates. The maximum benefit accrues to those persons in the income brackets of $20,000 or under, but the proposal also benefits individuals in the $20,000 to $40,000 income brackets.

ENERGY CONSERVATION THROUGH HOME INSULATION CREDIT

Current concern over the energy crisis and the resultant implications for the economy underscore the need for energy conservation. A tax credit designed to encourage residential insulation (including thermal windows, storm doors, etc.) is proposed as a part of this stimulus package—specifically, a refundable credit of 30 percent of the first $750 insulation expenditure (maximum credit of $225). It is further suggested that the provision be effective for the period between January 1, 1977 and December 31, 1978. The revenue losses associated with this proposal are estimated to be $0.2 billion for FY 77 and $0.3 billion for FY 78.

As noted earlier, the home insulation tax credit is only the first of what may prove to be several proposals related to moderating the economic cost of the severe winter. Additional time is required to assess the exact nature of the winter's impact so that appropriate Federal responses can be designed. It was not intended that the home insulation tax credit be the only program addressing this problem.

CYCLICAL PROBLEMS IN THE HOUSING INDUSTRY

Though unemployment in the construction industry remains relatively high, the housing industry component is showing definite signs of recovery. The preliminary estimate of privately owned housing starts in 1976 is 1,539,700. This is 33 percent above the total of 1,160,400 for 1975. Privately owned housing units were started in December 1976 at an estimated seasonally adjusted annual rate of 1,940,000. This was 13 percent above the revised November 1976 rate of 1,716,000 and 51 percent above the December 1975 rate of 1,283,000.

The December seasonally adjusted annual rate for single family housing starts was 1,323,000 units compared with the November rate of 1,237,000. The rate in December for units in apartment buildings with 5 or more units was 502,000 compared with the revised November rate of 382,000. The December rate for units in buildings with 2 to 4 units was 115,000. Housing starts do not include mobile homes.

Funds available at savings and loan institutions (which finance 45 percent of all single-family home mortgages) continue to be abundant. Savings capital at these institutions has risen from $243.0 billion in December, 1974, to $286.0 billion in December, 1975, and to $330.3 billion in December of 1976. Over this same period total conventional, VA, and FHA loans outstanding by savings and loan institutions have risen from $249.3 billion in December, 1974 to $278.7 billion in December, 1975 and to $319.6 billion in December, 1976. Nevertheless, this stimulus package contains four elements which would have considerable impact upon unemployment in the construction industry.

1. By adding to the Federal deficit smaller amounts with more prompt impacts than other packages, less pressure is placed upon interest rates as the economy recovers toward full employment. Lower nominal interest rates may be the single most beneficial factor in promoting recovery in the construction industry.

2. As indicated later in this paper under "Policies for Long-Term Growth," an interest income exclusion from taxes is recommended. This interest exclusion from individual income tax liability encourages a continued flow of savings to thrift institutions.

3. A permanent cut in the corporate and individual income tax rates encourages long-term investment in durable goods and new plant and equipment. This is an effect which temporary rebates would not have.

4. To encourage construction while at the same time directing money to central city

regions, it is recommended that Budget Authority be added to the Government National Mortgage Association (GNMA) budget for rehabilitation of housing units. At present, GNMA does not have a secondary market in rehabilitation mortgages, but the omission could be redressed by administrative changes. Budget Authority would be $2.0 billion in FY 77 and $1.0 billion in FY 78. Outlay cost, assuming that GNMA could sell the mortgages under a "tandem" procedure, would be the difference in the sales price of a note bearing a 7½ percent GNMA interest and the market interest. This would add approximately $.2 billion to the FY 78 budget, though nothing would be added in FY 77 as the program takes 6–15 months to obtain loan commitments but FHA approval could be expedited to reduce this delay. The amounts indicated would be sufficient to upgrade (not add to housing stock) about 75,000 units. It should be noted, however, that data regarding costs are very uncertain since the program has never operated under a rehabilitation scheme.

In the longer term, there is a continuing need to examine the way in which we finance the purchase and sale of housing. A number of imaginative proposals for recasting the mortgage instrument have been made, including proposals for an equity-adjusted mortgage which would allow the purchasers to make lower payments during the early years and higher payments during later years, thus tailoring the payment stream to expected increases in income. Also worthy of consideration are the variable rate mortgages and other alternative mortgage instruments.

STIMULUS PACKAGE EFFECTS ON GROWTH, EMPLOYMENT AND INFLATION

An economic stimulus package of the type indicated by this analysis would produce employment and growth results somewhat better than the 6% real growth rate (1977 and 1978) and the 6% unemployment rate (end of 1978) suggested by President Carter and others as appropriate economic goals. In addition, a smaller budget deficit over a long period and lower inflation rates than associated with other stimulus packages yielding the same goals can be anticipated because of the targeted nature of the program.

It is difficult to predict the precise numerical effects of any economic stimulus policy, and misleading to calculate the effects of a stimulus package as the simple summation of the estimated effects of its parts. This is particularly true of the stimulus package described here. The employment tax credit program to stimulate employment and training is a novel approach which introduces direct incentives, the effects of which are difficult to predict from historical data. Similarly, past experience is insufficient to gauge the economy's response to the innovative and substantially increased focus on the problem of structural unemployment. Thus, the conclusion concerning the growth and employment goals that could be achieved is based on disaggregated or microeconomic comparisons of the focused and unique nature of this stimulus approach compared to conventional estimates of other, more traditional stimulus packages.

Finally, the longer-run absorption of an expanding labor force at growing real wage levels requires an adequate flow of savings into productive capital formation. Although industry utilization rates now appear to be below the full capacity range, policies are needed which are compatible with bringing capital foundations as a percent of GNP back to, or above, levels of the last two decades. In furtherance of these policies, the Federal Government should formally declare a national policy in support of adequate capital investment in the private sector.

In addressing these components of the present and future unemployment problem, the analysis and policy decisions must be increasingly disaggregated and microeconomic in focus. The appropriateness of simple macroeconomic measures of U.S. economic performance and the effectiveness of macroeconomic policies to solve our economic problems are highly questionable. The tradeoffs associated with this approach appear to be increasingly unfavorable. For this reason, we must look to policies which provide incentives and direction resulting in more optional employment, production, and pricing decisions in the private economy. It is only in this that the main distributional problem in our economic system—unemployment—can be satisfactorily resolved over time.

ARCHEOLOGICAL FIND ON ISLAND OF KAHOOLAWE

Mr. INOUYE. Mr. President, I wish to bring to the attention of my distinguished colleagues news of an important archeological find on the island of Kahoolawe, one of the eight major islands in the Hawaiian Island chain.

That island has been the site of military bombing exercises for about 35 years and the destruction continues apace. The bombing operations, both aerial and ship-to-shore, have threatened the safety of nearby residents of the island of Maui, and have fortified convictions of countless people in my State, many public officials included, to seek a bombing halt, and restoration of Kahoolawe and its return to the jurisdiction of the Hawaii State government.

I am pleased to report that a series of expeditions to the island, conducted between bombing drills, have uncovered several areas rich in Hawaiian religious and cultural artifacts. Perhaps most fascinating has been the recent discovery of a basaltic glass mine, the first ever found in Hawaii. Prior to this find, no evidence existed showing that the native Hawaiian people had technology in underground mining.

Missing chapters in ancient Hawaiian history are being written with each expedition to Kahoolawe, and the prospects for further discoveries of the past are excellent. It has been learned, after examining only less than a third of the 45-square mile island, that native Hawaiians inhabited Kahoolawe as early as 900 A.D. In a single 3-mile stretch of the northwest coast, archeologists have found 12 sites holding more than 50 structures. Needless to say, the explorers feel that Kahoolawe is unparalleled in Hawaii for historical richness.

I wish to interject here that the Navy has been gracious in suspending bombing operations on occasion to accommodate the archeological field trips. But Navy officials recently announced they intend to continue bombing operations at a rate of 285 days and 123 nights per year through 1979. The possibility remains that historical sites yet uncovered may be destroyed by naval explosives. I share the hope of many people in Hawaii that the training needs of the Navy and the interests of the Hawaiian people and their historians be reconciled.

Mr. President, I ask unanimous consent to have printed in the RECORD the news article from the Honolulu Advertiser regarding the latest archeological find on Kahoolawe Island.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Honolulu Advertiser, Jan. 23, 1977]

KAHOOLAWE: LITTLE ISLAND, BIG FIND

(By Bunky Bakutis)

Kahoolawe has "flabbergasted" two members of a State historical site study team who returned to Oahu Monday after a fourth week-long field trip to the small controversial island which is being used as a Navy bombing target.

"I had no idea how rich in historical and cultural findings Kahoolawe would be," said Dr. Rob Hommon, State archeologist, who has been with the study since February.

"I look forward to working on the island for 100 years or more," said an exuberant Dr. Maury Morgenstein, a geologist and president of Hawaii Marine Research.

Both scientists agreed that this most recent trip to Kahoolawe is one of the most exciting archeological discoveries they have found in Hawaii.

"For a little island we weren't expecting to find much on, it's completely flabbergasted us," Morgenstein said.

Hommon said 12 archaeological sites were found in a three-mile-long coastal area around Ahupu Bay on the northwest side of the island.

And there are more than 50 structures within those 12 sites which were used for either habitation or work, Hommond said.

Among the most exciting finds were an underground mine for basaltic glass, the first of its kind found in Hawaii, and an eroded gorge face with Hawaiian history preserved some 85 centimeters deep (between two and three feet).

"There is no doubt now that people inhabited this island and the population density was equal to Lanai during early Hawaii," Hommon said.

"And the sites found are equal in quality and second in density to the Kona coast of Hawaii," said Morgenstein.

Morgenstein, also a marine life specialist said the reef habitat around Ahupu Bay "is in the pristine condition of early, early Hawaii, a state which is unique in the State."

With less than a third of the island covered in the joint State-Navy study, a total of 28 sites have been found.

"Pending further analysis, all of those sites look eligible for the National and State historic registers," said Hommon, adding that the study team hasn't even touched the previously recorded big sites in the northeast corner of Kahoolawe.

After the third week-long excursion in November, the team returned amazed with discoveries which included a basaltic glass workshop, an adze quarry and agricultural site—all of which were on the upper midplain of the island.

Hommon speculates the basaltic glass was used for making a cutting edge on tools. But the glass also has an important archaeological feature as it can be used in dating its cultural use.

Samples of the glass taken on the November trip preliminarily show the upper part of the island was inhabited around 1300 to 1600, Hommon said, adding that Hawaiians may have lived in the area past that time.

Hommon speculates that findings on the most recent trip indicate that the Ahupu coastal region of Kahoolawe was settled from 900 A.D. to 1400. The earliest reliable dates for Hawaiians inhabiting the islands is 600 A.D., he said.

Both Hommon and Morgenstein said the 12 new sites are well preserved and had not suf-

fered from vandalism like areas on other islands.

However, many of the sites had been hit during ship-to-shore firing practice by the Navy, Hommon said.

"We saw fresh craters and shattered rocks in the middle of sites," he said.

But recently the Navy has stopped shelling practice in the area because of reports of possible historic sites there, Hommon said.

What is intact, however, has opened up new material and knowledge about Hawaiians' ancient life-style in all respects, the scientists agree.

Most habitation sites are located at the mouths of gullies opening to the sea and perched terrace-style on the sides of the gorges, Hommon said.

Many of the living sites have rock retaining walls and rock overhangs and appear to be cavelike dwellings, he said.

The study team also found "at least two fishing shrines and two structures that might be heiaus," Hommon said.

The basaltic glass mine is located in one of three lava tubes found on the expedition.

"It's the first underground basaltic glass mine found in the Islands and is interesting in that we had no evidence before that Hawaiians had technology in underground mining," Morgenstein said. It is a complete facility with a support pillar and two stopes, he said.

But most exciting is "the thickest known section" of Hawaiian culture preserved layer after layer through stratification, Morgenstein said.

The 85-centimeter-deep time sequence shows almost every facet of daily life, Hommon said.

"We found rare sea shells, unusually large fish bones, bird bones and charcoal which indicates fireplaces and cooking," said Hommon.

Hommon said the Kahoolawe study might wind up at the end of this year depending how much time the group is able to spend on the island.

At the end of the study, the group will submit forms to the Navy and national historic site review board recommending the different sites to be entered in the National Register of Historic Places.

A NEWSMAN'S NEWSMAN

Mr. PERCY. Mr. President, Mr. Edward P. Morgan, who has been active in journalism and broadcasting for 40 years, is one of the most perceptive members of his profession. During a recent seminar at Lake Forest College, where he is a visiting professor, he stated what he believes to be the media's greatest challenge:

We must redefine news; localize it and analyze it for a direct audience.

During his four decades as a reporter, Ed Morgan has always been an advocate for the consumer and a protector of the common man. He has never lost sight of his obligation to serve the public through honest and objective reporting. Throughout his career he has remained unaffected by his many journalistic successes.

The public needs ombudsmen in the media to help assure that the news they read and hear is accurate and comprehensive. Ed Morgan serves that function in his profession. He has remained steadfast in demanding total integrity from himself and his colleagues as well.

Ed Morgan is a storehouse of information, and he exemplifies the kind of thorough, objective reporter who best serves the public interest. I ask unanimous consent that an article entitled "Voice of Four Decades—Edward P. Morgan," written by Tim Evans of my own hometown paper, the Wilmette Life, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VOICE OF FOUR DECADES—EDWARD P. MORGAN

(By Tim Evans)

The rich, sonorous voice filled the classroom with firm authority. It was the same voice that over the years brought news of disasters, governmental inequities and the plight of common men to millions of American homes. The voice of a first-hand participant in forming the rcent history of the world. The voice of veteran journalist Edward P. Morgan.

Speaking to a seminar class at Lake Forest College where he is a visiting professor for three weeks, Morgan, who in many professional circles has been called a "newsman's newsman," told students of his experience in journalism and broadcasting for the past 40 years.

Morgan scrutinized the news profession, expounding his observations and opinions on television news violence and the quest for a truthful balance in journalism, honestly concluding that solutions are difficult to find.

"What we need today is a new definition of news," explained Morgan, whose nightly ABC radio program "Edward P. Morgan and the News" was on-the-air for 13 years.

"News is not a bus catastrophe in Iran where 83 die. Granted, it is a terrible thing for the people of Iran, but it has absolutely no meaning to us in this country and has no relation to our daily lives.

"We in the media have always viewed the news with an eye toward the sensational and that infuriates me," Morgan explained.

"But that is partially due to the fact that the media has not detached itself from the daily teletype. If we do that, and rely less on the sensational and more on identifying changes that are occurring in the world and how they directly affect us, the news may be on its way to a new definition and depth," Morgan claimed.

"We must redefine news; localize it and analyze it for a direct audience," he concluded.

Morgan doesn't shade his feelings about the inadequacies of his profession.

"With a few exceptions, the media is superficial. Broadcast news is time-locked. It simply isn't given the time to look at what's down the road. Newspapers, on the other hand, must retain the depth they've sometimes been known to have," he said.

But Morgan, whose career started in print journalism, is aware that newspapers, in general, and evening papers, specifically, are in trouble due to evening television newscasts. Consequently, more space is being given to soft news and features, he concludes.

"I think newspapers have looked at television and seen the enormous profits. So they want to become a source of entertainment. Even the New York Times has three or four sections related to soft news and entertainment."

"If they don't lose sight of their main purpose, I don't mind the added features. But I'm afraid they are losing sight of their purpose."

But the 66-year-old veteran newscaster, who spent three years at the Chicago Daily News early in his career, is cognizant of one of the print medium's enigmas.

"Unfortunately, newspapers have always tried to be all things to all men and women, with only a little serious commentary, a little serious analysis. It needs to change," submitted Morgan.

Morgan is more than qualified to talk about commentary and analysis. On his nightly program for ABC, he took full advantage of the freedom of expression. Without preaching, Morgan used his insight and instinct to state a case for the common man, constantly presenting facts and bringing them into focus.

Evident by his strong criticism of today's news presentation, Morgan has always been the consumer's protector.

Not only has he attacked administrations in Washington for, at times, turning their back to the people, but Morgan has leveled his criticism on big business, advertising and even the sponsors of his former nightly program, organized labor.

Morgan was born in Walla Walla, Wash., the son of a banker and businessman. He graduated Phi Beta Kappa from Whitman College in 1932 and landed a "job" as an unpaid sportswriter for the "Seattle Star." At the same time, he did some graduate work in journalism and political science at the University of Washington.

In 1933, he was awarded the position of police reporter and assistant city editor of the Seattle Star and started his long and illustrious climb to prominence.

Morgan went on to take a job as a correspondent for United Press. In 1940, while in Mexico City, he secured a major news accomplishment when he was the first to report the assassination of Leon Trotsky, then living in Mexico City.

After three years with the Daily News and some freelance writing, Morgan joined Edward R. Murrow in producing "This I Believe" for CBS in 1950.

Of Murrow, Morgan has great respect.

"Ed was a very complex man and he suffered, needlessly, from the fact he had never been trained as a journalist," reflected Morgan while in Lake Forest this week.

"He had great respect for men in the business who came up through the ranks as newspapermen.

"I'm certain this fact was part of the reason he made so many suicidal flights over German lines at the height of the war. He felt a certain inferiority among journalists and I think he had to prove to himself that he was worthy of being a journalist," speculated Morgan.

"But he was a lovely man and I had enormous affection for him. We were friends until he died."

In 1951, Morgan was a newscaster for CBS and for a short time in 1954 became director of news at the network.

But ABC offered Morgan a nightly program of news and commentary and "Edward P. Morgan and the News" became a part of millions of households.

During his 20 years at ABC, Morgan appeared on such shows as "Open Hearing," "Editor's Choice" and "Issues and Answers." He also covered Richard Nixon from his years as Vice President to his downfall in 1974.

"This may sound stuffy but I had reservations about Nixon from the very beginning," Morgan remarked. "I didn't recognize it at first but the man suffred from paranoia and still is a victim of it.

"He was awkward in so many ways, but he had a tremendous ability to absorb information at briefings. But he was obsessed with trying to be likeable yet couldn't succeed because he was unable to like others."

During the summer of 1965, Morgan's news program originated from Vietnam, where Morgan also reported and narrated the highly acclaimed documentary, "The Agony of Vietnam."

Rounding out his award winning career at ABC, Morgan covered presidential campaigns, won a Peabody Award for his coverage of the Geneva Summit Conference, rereported on the death of Sir Winston Churchill and originated broadcasts from within the Communist bloc countries.

Although he has been immersed in jour-

nalism all his life, Morgan is the first to point to faults in the profession.

"I think the media has been negligent in not respecting the innate common sense of the public," he claimed.

"If you give the public the choice to make a news decision on their own, without the bias of media, then most times they will make the right decision."

"Unfortunately, we in the media indulge in our own self importance. We don't like to be criticized. It's our biggest Archilles heel."

Although Morgan is encouraged with the trend or ombudsmen in the media, he adamantly maintains the problem with much of journalism is the "big business" way in which it is run.

"Especially in broadcast, the people in the front office almost totally dominate the news department for purely economic reasons. In competition between news judgment and corporate judgment, the corporate people almost always win.

"That's part of the reason why we see the sensational instead of the thought-provoking on television.

Not surprisingly, Morgan has a vast reservoir of knowledge and anecdotes from his accomplishments in Washington and around the world. He was part of the Stevenson campaign in 1952, covered the Vietnam War, received praise for his expert and empathetic reporting in the days following the assassination of President Kennedy, anchored ABC's television news coverage of the 1964 national political convention with Howard K. Smith. The list is endless.

But, the newscaster still is as active as ever.

He recently has been heard on a half-hour weekly radio program syndicated from Washington, called "Atlantic Dateline." As was the case with many of Morgan's programs, it is a show concerned with common problems of common people; aging, health, overpopulation, and housing.

Edward P. Morgan has seen and reported on most of the major news events in the last four decades, interpreting their significance and commenting on their aftermath. The voice that is familiar to those who are informed, still remains strong, impassioned and, above all, concerned.

CRUISE MISSILES

Mr. KENNEDY. Mr. President, last week, I wrote to President Carter along with other Senators expressing the view that the administration review the lame-duck decision for full-scale development of cruise missiles by the previous administration.

I am pleased to note that today, the Secretary of Defense is quoted as having decided to take such an action. Although this initial decision appears limited to Naval cruise missiles, it does indicate that there is a recognition of potential threat of the cruise missile to arms control.

It would be tragic if the last minute decision of the Ford administration to go all out on development of the cruise misile were to prejudice the Carter administration's arms control policies and concerns.

Mr. President, I ask unanimous consent that the telegram sent to the President be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

JANUARY 27, 1977.

Hon. JIMMY CARTER
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Because we have been impressed by the depth of your commitment to SALT II, we were disturbed by the January 18, announcement by the Pentagon to proceed with full scale development of the cruise missile. We urge you to order an immediate halt to this development until a thorough and expeditious review of the arms control implications of cruise missiles can be conducted.

Since there is no way through national means of verification to distinguish short-range, tactical cruise missiles from long-range, strategic ones, the cruise missile presents the possibility of damaging our efforts to establish meaningful strategic arms control. We are therefore concerned by the former administration's decision which will vastly complicate—and could make impossible—future effective arms control negotiations. Such an important decision on so controversial a weapons system as the cruise missile should not have been made in the final hours of a departing administration and we urge you to make a thorough study before deciding whether to proceed with this development.

Signed:

George McGovern, U.S.S., Dick Clark, U.S.S., Floyd Haskell, U.S.S., Edward Kennedy, U.S.S., James Abourezk, U.S.S. Jonathan B. Bingham, M.C., John F. Sieberling, M.C., Benjamin S. Rosenthal, M.C., Donald Fraser, M.C., Herman Badillo, M.C., Les Aspin, M.C.

HAMMOND 2076 TRICENTENNIAL MEMORIAL FUND

Mr. BAYH. Mr. President, the young people of Hammond, Ind., have established a unique fund designed to assist the citizens of their city celebrate the Tricentennial in the year 2076.

Each student was asked to contribute 6 cents to the Tricentennial fund and a total of $1,169.93 was raised. Students from grades 6 through 12 were encouraged to participate in a contest to design the scrolls which would be signed by all contributors to the fund. This contest was won by Paul Rincon from Technical-Vocational High School.

The fund will be deposited and draw compound interest for 100 years at the highest rate available. Purdue University's computer center estimated that by the year 2076 there will be over $350,000 in the Tricentennial fund.

Under the terms of the message prepared by Mrs. Kathryn Beckett for the citizens of Hammond in the year 2076, the major portion of the legacy should be utilized to provide scholarships or for other educational purposes. A portion of the fund could be used to help in the celebration of the 300th birthday of the United States and hopefully the rest would be reinvested for the Quadrennial celebration in 3076.

The success of this project is due to the cooperation and hard work of many citizens of Hammond including the members of the Committee for the 2076 Tricentennial Memorial Fund of Hammond, Ind.; Rev. James McCabe, chairman of the committee and president of Calumet College; Mr. Richard Combs, chancellor, Purdue University-Calumet Campus; Mrs. Kay Amick, president, Hammond Parent-Teacher Council; Mr. John Wilhelm, chairman, board of directors, Hoosier State Bank; and Dr. Willard J. Congreve, superintendent of schools.

However, the major share of the credit certainly goes to the young people of Hammond who responded to enthusiastically to the idea of providing a tangible tribute to their descendants.

I would like to share material on this unique project with my colleagues and ask unanimous consent that a document describing the fund, a list of the schools whose students contributed to the fund, and a list of the winners of the Tricentennial scroll design contest be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HAMMOND 2076 TRICENTENNIAL MEMORIAL FUND, HAMMOND, IND.

As John Bowlby, Chairman of the Hammond, Indiana Bi-centennial Committee carried on his efforts, his sights were set not only on the past two hundred years, but also on the next one-hundred. Being a man of experience, but youthful in mind and vision, he said one day, "What would happen if we in 1976 were to invest the sum of $1,000 for 100 years, and make this money available to the citizens of Hammond in 2076 to enable them to celebrate their Tri-centennial?" The computer center at Purdue University, Calumet Campus told him: "You will provide these citizens with a legacy of over $350,000."

Mr. Bowlby brought his idea to the Hammond Bi-centennial Committee. It caught fire immediately. Dr. Willard J. Congreve, Superintendent of Hammond's Public Schools suggested that the school children of Hammond be invited to provide the money. He estimated that an everage donation of six cents per child would create the $1,000 trust fund.

"What a marvelous idea," said John Bowlby. "We will invite our children to contribute the two smallest coins of American currency as an act of faith in America and in Hammond, Indiana, and 100 years from now the children living in Hammond will be able to have money to help them continue their education." 'And, we will invite the children to enter a contest to design a scroll which all those contributing will sign," suggested Dr. Congreve.

The Hammond 2076 Tri-centennial Memorial Fund was born! The Reverend James McCabe, President, Calumet College, Mr. Richard Combs, Chancellor, Purdue University—Calumet Campus, Mrs. Kay Amick, President, Hammond Parent-Teacher Council, Mr. John Wilhelm, Chairman, Board of Directors, Hoosier State Bank, and Dr. Congreve were designated as a steering committee to get the fund established. The Reverend McCabe was chosen Chairman of the Committee. The Committee was assisted by Mr. William Chapman, Executive Editor of the Times and Mr. Harlan Noel, attorney, who donated his time to draw up the articles of incorporation.

The fund raising campaign proceeded almost without effort. No prodding was needed. When all schools reported, a total of $1,095.82 was on hand to establish the fund.

This 2076 Tri-centennial Memorial Fund of Hammond, Indiana, demonstrated what can happen when good people, fine Americans, adults and children, decide to work togther on a project designed to help our beautiful country. Over 20,000 people were involved, all of them serving voluntarily and willingly. What better way is there to show America our appreciation for what this country means to use than to demonstrate our faith and enthusiasm by investing in its future. This we have done, and we are pleased and proud.

Respectfully submitted,

COMMITTEE FOR THE 2076 TRI-CENTENNIAL MEMORIAL FUND OF HAMMOND, INDIANA.

CONTRIBUTIONS TO HAMMOND 2076 TRICENTENNIAL MEMORIAL FUND

School, address, and principal:

St. Adalbert's 2118 Indianapolis Blvd., Whiting, Sister Beata.

St. Catherine of Siena, 6525 Kentucky Avenue, Hammond, Sister Margeline.

St. Paul Lutheran, 5848 Erie Avenue, Hammond, Mr. Waldemar Beckmann.

Clark Middle and High, 1921 Davis Avenue, Whiting, Mr. Dennis Burdock.

Gavit Middle and High, 1670—175th Street, Hammond, Dr. Gary Jones.

Hammond High, 5926 Calumet Avenue, Hammond, Dr. Kenneth Feuerbach.

Morton High, 6915 Grand Avenue, Hammond, Dr. Winston Becker.

Technical-Vocational, 5727 Sohl Avenue, Hammond, Mr. Walter Simpson.

Eggers Middle, 5825 Blaine Avenue, Hammond, Mr. Matthew Gorsich.

Morton Middle, 7040 Marshall Avenue, Hammond, Mr. Dan Gyure.

Scott Middle, 3635—173rd Street, Hammond, Mr. Steve Stavros.

Spohn Middle, 4925 Sohl Avenue, Hammond, Mr. George Saliga.

Caldwell Elementary, 3105—173rd Street, Hammond, Mr. Jess Keltner.

Columbia Elementary, 1238 Michigan Street, Hammond, Mr. Donald Sohacki.

Edison Elementary and Middle, 7025 Madison Avenue, Hammond, Mr. Ray Buell.

Franklin Elementary, 1000—116th Street, Hammond, Miss Rose Dudas.

Harding Elementary, 3211—165th Street, Hammond, Mr. William Schooler.

Irving Elementary, 4727 Pine Street, Hammond, Mr. Bernard Smitka.

Jefferson Elementary, 6940 Northcote Avenue, Hammond, Mr. Donald Robling.

Kenwood Elementary, 6416 Hohman Avenue, Hammond, Mr. Victor Goodman.

Lafayette Elementary, 856 Sibley Street, Hammond, Dr. Sue Pifer.

Lincoln Elementary, 4221 Towle Avenue, Hammond, Mr. John Sutter.

Maywood Elementary, 6040 Howard Avenue, Hammond, Mr. Milford Miller.

Miller Elementary, 6530 New Hampshire Avenue, Hammond, Mr. Ross King.

Morton Elementary, 7006 Marshall Avenue, Hammond, Mr. Dan Gyure.

Orchard Drive Elementary, 3640 Orchard Drive, Hammond, Mr. Jess Keltner.

Porter Elementary, 2321–171st Street, Hammond, Mr. Donald Robling.

Riley Elementary, 1245 N. River Drive, Hammond, Mr. Eugene Trelinski.

Riverside Elementary, 741 Michigan Street, Hammond, Mr. Donald Sohacki.

Wallace Elementary, 7235 Jefferson Street, Hammond, Mr. Edward Brock.

Washington Elementary, 41 Williams Street, Hammond, Mr. Victor Goodman.

Wilson Elementary, 1317–173rd Street, Hammond, Mr. Wm. Weyhmueller.

Bishop Noll Institute, 1519 Hoffman Street, Hammond, Father Raymond Fauerbaugh.

Total contribltions: $1,169.93.

SCHOOL WINNERS, TRICENTENNIAL SCROLL DESIGN CONTEST

School, teacher, place, student, and grade.

Sacred Heart, Sister Gertrude Marian Bauer, 1st, Vicki Urbanski, 8, 2nd, Loretta Chorba, 8.

St. Paul Lutheran, Mr. Paul R. Long, 1st, June Seehausen, 2nd, Jennifer Peterson, 6.

Clark Middle, Mrs. Norabell Grych, 1st Karla Kortokrax, 8, 2nd, Pat Fout, 8.

Clark High, Mrs. Norabell Grych, 1st, Brian Wind, 11, 2nd, Terri Mores, 12.

Edison Middle, Miss Arlene Salakar, 1st, Linda Crosslin, 7, 2nd, Dianna Forsythe, 8.

Eggers Middle, Mr. Harry Mech, 1st, Richard Lippman, 2nd, Michelle Golden, 7.

Gavit Middle, Mrs. Beulah Seckinger, 1st, Candace Chang, 7, 2nd, Kelly Chapin, 7.

Gavit High, Mr. Regie Gilbertson, 1st, Steve Kartz, 10, 2nd, Terry Tosseng, 12.

Hammond High, Mrs. Karen Baumann, * 1st, Teresa Gardner, 12, 2nd, Dana Ball, 11.

Jefferson/Riley/Wilson — Combined, Mrs. Carol Severa—Wilson, Mr. William Kirchner—Jefferson, Miss Glenda Prusiecki—Riley, 1st, Monica Kovach, 6, 2nd, Agnes Mackiewicz, 6.

Morton Middle, Mr. Charles Lambersie, 1st, Priscilla Purnik, 8, 2nd, Kathy Deasy, 8.

Morton High, Mr. Tony Waring, 1st, Chris De Lache, 11, * 2nd Janet Peregoy, 10.

Scott Middle, Mr. Robert Fischer, 1st, Dan Leisner, 7, 2nd, Sharon Jadernack, 7.

Spohn Middle, Mr. David Kwolek, 1st, George Karountzos, 8, 2nd, Robert Walls, 8.

Technical–Vocational High, Mr. Jeffrey Jacobson, * 1st, Paul Rincon, 12, 2nd, Doug Dabis, 10.

1st Place, Paul Rincon, Tech H.S., $25 Bond.

2nd Place, Teresa Gardner, Hammond H.S., $10 Award.

3rd Place, Janet Peregoy, Morton H.S., $5 Award.

TIME TO DRAW THE LINE

Mr. HELMS. Mr. President, a very good friend of mine, John Hutchens, is president of the U.S. Industrial Council, headquartered in Nashville, Tenn. He is chairman of the Executive Committee of Food World, Inc., and a resident of High Point, N.C.

John Hutchens is a highly-respected citizen of my State. His philosophy and his sense of principle make him a great patriot, as well as a top businessman.

In the February 1, 1977, issue of the United States Industrial Council Bulletin, John has authored a column which deserves the consideration of the membership of the Congress, entitled "Time To Draw the Line."

He discusses the all-too-true irony that some of the biggest corporations in America favor big government. This is illustrated by the public pronouncements of their chief executives.

John Hutchens states that these pro-regulation businessmen are "in bed" with the Federal Government. Another friend of mine calls such businessmen, "rope salesmen," referring, of course, to Vladimir Ilyich Lenin's statement that when it comes time to hang the last capitalist, the victim will sell his executioners the rope.

In short, Mr. President, John Hutchens contends that for the good of our economy and our Nation, it is time to "draw the line" between those who favor the success of the free enterprise system and those who favor more government.

Mr. President, I ask unanimous consent that John Hutchens' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the United States Industrial Council Bulletin, Feb. 1, 1977]

"TIME TO DRAW THE LINE"

(By John G. Hutchens)

Shortly after he was nominated as the next Secretary of the Treasury, W. Michael Blumenthal commented that he thought there was considerably greater diversity of opinion within the business community than was expressed by the 15 business executives who met with Jimmy Carter at Blair House a few weeks after his election. Certainly, that's the beginning of wisdom on Mr. Blumenthal's part.

The truth of the matter is that there are two separate business communities in the United States; two different breeds of businessmen.

One community is made up of the businessmen who believe that Big Government and Big Labor are here to stay, and that Big Business can work out satisfactory "arrangements" with the government bureaucracy and the union bosses.

The Other Business Community is made up of businessmen who believe that economic freedom—indeed, a free society—can't long survive in a country dominated by a mushrooming federal bureaucracy and a privileged group of monopolistic labor unions. They propose to resist both Big Government and Big Unionism. These are the authentic free enterprisers, and many of them come from locally controlled, closely held, or family-owned companies, of which the managers are the owners. Certain very large companies, however, are also characterized by this staunch free enterprise outlook. The USIC is proud to speak for such enterprises.

William Safire, the syndicated columnist, described the liberal business type in a recent article, noting that "All too many top business managers are hooked on stability, certainty, order, long-range plans; controls, to them, mean playing by the rules settling for a predictable profit margin, minimizing risk. Today's managerial trend is not towards accepting risk. It is toward getting governmental help to avoid risk, thus becoming socially responsible, or 'soft nosed.'"

Thus Frank Borman, president of Eastern Airlines, calls for a "single source" for new aircraft instead of competition among aircraft manufacturers.

Irving Shapiro, chairman of DuPont, talks about the "social responsibility" of business, and cultivates an image as a soft-liner on public issues. Henry Ford II takes positions that are hard to differentiate from the positions of the United Auto Workers. And some of the best-known business organizations in the country support the U.S.-China Trade Council that, on the occasion of Mao Tse-tung's death, sent a cable to Peking expressing condolences and saying that Mao's death "removes from the world scene a man of towering stature whose impact on mankind will long be felt." Incidentally, this Trade Council added that "The transformation of China under the guidance of Mao Tse-tung, for the benefit of the Chinese people, has been an achievement without parallel in history."

Such statements disgust businessmen who are principled believers in freedom. Indeed, there are millions of businessmen in small, medium-size, and large corporations who resent the toadying attitude of the business liberals who seek to appease foes of capitalism at home and abroad. The hardline defenders of free enterprise and other freedoms find a comfortable philosophical home in the United States Industrial Council.

In mid-December, Louis Rukeyser, the business analyst, published a syndicated column severely critical of the businessman who doesn't sell the system and who doesn't stand up for economic freedom.

"In his business," he wrote, "you see, there are special conditions that do not prevail generally. These conditions are the reason he needs special help, special protection, special attention from Washington. Free enterprise is great for others, you understand, but his problems are special. Sure. What such businessmen do not recognize is the ultimate indivisibility of economic liberty."

Until recently, hardline believers in free enterprise were reluctant to draw the line between themselves and those liberal business-

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* City-wide winners:

men who were so eager to get in bed with Big Government. There is increasing realization now that the time has come to draw that line, and to point the finger at the prominent corporate executives who don't support the free enterprise system, or who undermine it by refusing to oppose monopoly unionism or government economic controls.

Even Mr. Blumenthal, a liberal businessman himself seemed amazed, for example, that none of the other executives in a Blair House meeting with Reginald Jones, chairman of General Electric Corporation, opposed the $23 billion job-creation and tax-cut program Mr. Jones proposed.

If none of the others at that meeting objected, one can be sure that thousands of executives of smaller companies object strenuously to federal job creation programs and to an overall economic program that, according to Budget Director Bert Lance, would mean a budget deficit of $75 billion or more.

The real shame is that liberal businessmen aren't using their considerable influence to wake the public to the danger of federal deficits, the growth of the federal bureaucracy, and the ruthlessly applied power of unions such as the Teamsters, the United Auto Workers, and the International Longshoremen's Assn. The task of waking the American people to these dangers is therefore left to the Other Business Community, the community of real believers in free enterprise.

If the spokesmen for Ford, DuPont, and others prefer a managed economy—a deal with Big Government and Big Labor, they should be compelled to confess, as William Safire said of liberal business organizations in general, that they "do not despise controls; they like controls." Their true colors should be revealed by staunch believers in free enterprise, risk-taking, and untrammeled economic liberty. As long as those businessmen who prefer a government and union-controlled economy manage to present themselves as authentic representatives of the 12 million businesses in this country, the American people are fooled and the free enterprise system is subject to sabotage.

ENERGY CONSERVATION AS THE FIRST PRIORITY

Mr. KENNEDY. Mr. President, I want to commend President Carter for his very forthright and compelling emphasis on the need for a serious national effort to reduce energy consumption in the United States, as delivered last evening in his first fireside chat to the Nation.

The President was right on target when he said:

> Our program will emphasize conservation. The amount of energy now being wasted which could be saved is greater than the total energy we are importing from foreign countries.

This is the message that some of us in Congress have been preaching for the past several years. The Subcommittee on Energy of the Joint Economic Committee spent a considerable portion of its time last session helping focus the attention of Congress on the proposition that energy conservation must be the foundation on which to build a comprehensive and balanced energy program for the United States. Out of these hearings came a number of ideas on energy conservation that were included in the Energy Conservation and Production Act of 1976. These proposals joined those that were already law as part of the Energy Policy and Conservation Act that passed in December 1975.

Taken together, these two energy acts have provided a basis on which to build the more comprehensive program advocated last evening by President Carter. The major energy conservation programs already on the books include:

Mandatory fuel efficiency standards for automobiles, requiring a fleet average of 27.5 miles per gallon by 1985;

Mandatory energy efficiency labeling of major home appliances;

Federal grants-in-aid to States for the support of State energy conservation programs;

Energy conservation targets for industry and mandatory reporting requirements for the most energy-intensive industries;

Strict energy conservation standards for the Federal Government;

Mandatory energy performance standards for new housing to be promulgated by the Secretary of HUD within 3 years and submitted to Congress for approval;

A $200 million national energy conservation demonstration program to be designed and conducted by the Secretary of HUD to evaluate the effectiveness of various direct Federal incentives for homeowners and tenants to install energy conserving materials, such as insulation, storm windows, heat pumps, devices to upgrade the efficiency of oil burners, as well as renewable energy resource measures, such as solar heating and cooling equipment;

A $180 million weatherization program for homes of low-income families;

A $2 billion program of Federal loan guarantees for cost-effective energy conservation measures undertaken by businesses, private nonprofit corporations, local governments, and educational institutions; and

Additional Federal grants-in-aid to the States for conducting expanded energy conservation implementation programs that stress the need for public education and information concerning the costs and benefits of energy conservation measures.

The Energy Conservation and Production Act also required the Federal Energy Administration to develop proposals for improving electric utility rate design and for funding electric utility rate demonstration projects, as well as to support State offices for consumer services representing consumer interests before State public utility commissions.

In other legislation, we will have created an energy extension service within the Energy Research and Development Administration to provide outreach and technical expertise in achieving energy conservation at the local community level. Congress also increased the funds for energy conservation activities within ERDA for fiscal year 1977.

This list of actions already taken by Congress in behalf of a more effective national energy conservation program is impressive. Congress has not been sitting on its hands during the past 2 years. But it is equally true that the funding and implementation of these programs by the executive branch have been very inadequate, to date. There has been constant opposition to effective executive action from the Office of Management and Budget. As a result, our energy conservation effort is floundering, even though a great deal of legislation is on the books.

It is within this context that President Carter's remarks of last evening are so important. He has pledged his full support of a serious energy conservation program. My message to the President is a simple one: While Dr. Schlesinger and his advisers are devising further legislative proposals, there is also an imperative need to begin serious implementation of existing laws and programs. While much more needs to be done legislatively, there is also much that can be done in actually reducing energy consumption by carrying out the programs that are in-being.

Working cooperatively with President Carter and his advisors, I am extremely confident that, at long last, the United States can begin the long overdue effort of eliminating the staggering amount of energy that is devoted entirely to waste and inefficiency.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

COMMITTEE SYSTEM REORGANIZATION

The ACTING PRESIDENT pro tempore. The Senate will proceed to the consideration of Senate Resolution 4, which the clerk will state.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

AMENDMENT NO. 15, AS MODIFIED

The ACTING PRESIDENT pro tempore. The pending amendment is amendment No. 15, as modified.

Amendment No. 15, as modified, is as follows:

On page 72, line 7, insert the following:

"Select Committee on Nutrition and Human Needs ---------- 9".

On page 79, between lines 5 and 6, add the following new section:

"SEC. 106. (a) The temporary Select Committee on Nutrition and Human Needs, established by S. Res. 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended.

"(b) In studying matters pertaining to the lack of food, medical assistance, and other related necessities of life and health, the Select Committee on Nutrition and Human Needs is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the service of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services, (6) to interview employees of the Federal, State, and local governments and other individuals, and (7) to take depositions and other testimony.

"(c) Expenses of the committee incurred under this section shall be paid from the

contingent fund of the Senate upon vouchers approved by the chairman of the committee.

"(d) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee on Nutrition and Human Needs shall not be taken into account if such Senator, on the day preceding the effective date of title I of the Committee System Reorganization Amendments of 1977, was serving as a member of the select committee. However, in no case shall a member or a chairman of the select committee be a member or chairman of more than three other standing, select, or special committees of the Senate, or joint committees of Congress.".

On page 93, in the table following line 21, insert the following:

"Nutrition and Human Needs ---------- Nutrition and Human Needs".

On page 94, line 5, strike the following: "the Select Committee on Nutrition and Human Needs,".

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, at this time I would like to address a question to the distinguished Senator from Oregon regarding an issue of special interest to the Northwest.

A few days ago, I introduced a bill, the Senator from Oregon being a cosponsor, relating to interbasin transfers of water.

Under current rules, that bill goes to the Committee on Interior and Insular Affairs, which has exclusive jurisdiction.

My question is: Under the current reorganization proposal, is it the intent of the committee, and the effect of the reorganization, that a bill of a similar nature introduced at a later date under the auspices of the new committee system would be referred to the newly formed Energy and Natural Resources Committee, which would then have exclusive jurisdiction?

Mr. HATFIELD. The Senator from Idaho is correct in his analysis of the intent of the committee, to wit, that it is the intent to have such future or prospective legislation as may be introduced be referred to the Committee on Energy and Natural Resources, which committee would have the basic jurisdiction.

Under this new system, and I am not sure we can always lock in these things entirely, there may be occasion when there would be joint jurisdiction on certain water programs because the Committee on Public Works has a category of water resources. But as far as this precise situation and this very specific question of the Senator from Idaho, the answer is yes, it would go to the Committee on Energy and Natural Resources.

Mr. CHURCH. I thank the Senator very much.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF TIME FOR AMERICAN INDIAN POLICY REVIEW COMMISSION TO SUBMIT FINAL REPORT

Mr. ABOUREZK. Mr. President, I call up Senate Joint Resolution 10 and I ask unanimous consent that the committee be discharged and that the Senate proceed to its immediate consideration.

Mr. GRIFFIN. Mr. President, I object, unless I know what it is.

Mr. ROBERT C. BYRD. Reserving the right to object——

Mr. ABOUREZK. I should say it has been cleared over there.

Mr. GRIFFIN. I withdraw my objection.

Mr. ROBERT C. BYRD. Reserving the right to object, I do not object to the introduction of the resolution. I reserve the right to object to its immediate consideration.

May I ask the distinguished Senator——

Mr. ABOUREZK. I forgot one thing.

I want to include in that consent request that there be a provision in the order that there be no amendments tacked onto this. That is the concern the majority leader has.

Mr. ROBERT C. BYRD. I have no objection, Mr. President, conditioned on two things: One, that this authorizes an additional $100,000; that it does not appropriate an additional $100,000.

Am I correct?

Mr. ABOUREZK. That is correct.

Mr. ROBERT C. BYRD. Second, that no amendments to the resolution be in order.

It has been cleared with both sides.

The ACTING PRESIDENT pro tempore. Does the Senator also ask that the committee be discharged?

Mr. ABOUREZK. Yes.

Mr. ROBERT C. BYRD. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The resolution will be stated.

The joint resolution (S.J. Res. 10) was read the first time by title and the second time at length, as follows:

S.J. RES. 10

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to provide for the establishment of the American Indian Policy Review Commission", agreed to January 2, 1975 (88 Stat. 1910), is amended—

(1) by striking out "six" in the second sentence of section 5(a) and inserting in lieu thereof "nine";

(2) by striking out "six" in the third sentence of section 5(a) and inserting in lieu thereof "three"; and

(3) by striking out "$2,500,000" in section 7 and inserting in lieu thereof $2,600,000".

Mr. ROBERT C. BYRD. Mr. President, I further understand that the distinguished Senator from Washington (Mr. JACKSON) chairman of the committee, has no objection, and that the distinguished Senator from Arkansas (Mr. MCCLELLAN) chairman of the Committee on Appropriations, which is not involved in this instance, of course, has no objection.

Mr. ABOUREZK. I thank the Senator.

Mr. President, it is straightforward. It authorizes an additional $100,000 and extends the time in which the report of the Indian Commission can be filed. I move the adoption of the resolution.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution (S.J. Res. 10) was considered, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ABOUREZK. I move to reconsider the vote by which the joint resolution was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE SYSTEM REORGANIZATION

The Senate continued with the consideration of the resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

Mr. MCGOVERN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. MCGOVERN. Mr. President, when the Senate adjourned last night, we were considering an amendment to extend the life of the Select Committee on Nutrition and Human Needs. I assure it is appropriate to proceed now with the discussion on that issue.

Mr. President, this committee, just to refresh the minds of Members of the Senate and others who are interested in the issue, was created some 7.5 years ago because of a recognized need that the Federal Government and State and local governments were not facing up to the problem of hunger in the United States.

More specifically, one of the events that triggered the creation of this committee was a very compelling and well-done television documentary on hunger in the United States, where, for the first time, a network systematically took television cameras into some of the areas of the country where hunger was the most acute. I remember watching that documentary, entitled "Hunger USA," when the cameras came to a particular scene in a school lunch room in one of our Southern States, where it was the practice at that time, if children did not have the money to pay for a school lunch, nevertheless to require them to go to the school lunch room at lunchtime and watch the other children enjoy the lunch. There was no such thing as a free school lunch program in operation in most schools at that time, but under some kind of peculiar disciplinary theory, it was believed that all the children should go to the school lunchroom at lunch time, whether they had anything to eat or not. So, what the cameras picked up in situations of that kind, which the American people saw for the first time, were little children, ages 6, 7, and 8 years, standing around the school lunch room with nothing to eat, some of them

obviously showing signs of malnutrition, and watching their classmates eat the school lunch.

At one point, one of the television reporters, who was engaged in the production of this film, approached a youngster, perhaps 9 or 10 years of age, and asked him what he thought when he was required to come into the lunch room day after day, under circumstances like that, and watch his classmates eat a lunch when he was unable to afford it. I thought that this youngster would probably say something to the effect that he was angry or that he was disappointed, or something of that kind. Instead of that, he dropped his eyes from the camera momentarily and, in a barely audible voice, he said, "I am ashamed."

The reporter asked him why, and he said, "Because I haven't got any money."

Mr. President, there was something about that incident that particularly touched me. It seemed to me incredible that, in a country as rich as the United States and where we were then talking about enormous surpluses of agriculture that had accumulated in our granaries all over the country—and I had had some experience in the feeding of hungry people abroad in a program where we were then shipping some $2 billion in surplus agricultural commodities abroad—that here, in our own country, we had millions of children who were going to school from poor families, where they went through on entire day's schooling without a decent meal.

About the same time, there was a study released by a group of concerned citizens, a written, documented study on the same theme. This group of citizens, which, as I remembered, included the United Auto Workers and a number of other groups, estimated that there were some 25 million Americans who were suffering from malnutrition in an acute sense. It was not simply that they did not have an adequate diet; they were actually suffering from hunger to the point where it could be identified medically.

So those two reports, one a written report and one an hour-long documentary on CBS, prompted me to introduce a resolution to create this committee. It was overwhelmingly approved on both sides of the aisle, and the committee went into operation in 1969. We discovered some remarkable things.

We discovered, first of all, that nobody really knew what the situation was with reference to hunger in the United States; that, although the United States, through its foreign aid program, had funded nutritional surveys to evaluate the number of under-nourished people in some 32 countries abroad, we had never financed a nurtritional survey here in the United States.

Nobody really knew whether there were 10 million people suffering from malnutrition, or 50 million, or what the figure was.

The second thing we discovered was that nutrition was not being taught in the medical schools of this country, that young doctors coming out of the medical schools were taught how to perform a coronary bypass, which most of them probably would never be called upon to perform over a lifetime of practicing medicine, but they knew nothing about nutrition. There were no classes in nutrition or, if there were, they were the most perfunctory kind of training.

Mr. President, this points up an uncomfortable fact that the committee has come up against time after time in our investigation and public hearings. That is that medicine in this country is oriented around the treatment of disease, not around the prevention of disease. That is why we have gotten into the predicament where we are now spending, as a people, over $135 billion last year to take care of ourselves after we get sick.

But we are spending very little to keep ourselves healthy by learning what we ought to eat and how we ought to exercise, and other things that would not only extend our lives and improve our health and our happiness, but would also begin to reduce these burgeoning medical bills that threaten to bankrupt a great many of our families.

Given this circumstance in 1969, the committee started a series of hearings and studies in various parts of the country, first of all, to identify what the problem was.

We were responsible for getting a nutritional survey started in the Government where studies were made in some 10 different States to measure the extent of malnutrition in various age groups, what it was doing to the health of people.

We conducted or were responsible for the conduct of studies to determine what happens to a young child even before it is born if the mother does not have an adequate diet.

The Senator from Michigan (Mr. RIEGLE) addressed this subject eloquently here on the Senate floor last night when he reminded us that there are thousands of infants who are condemned to a half life, to almost a subhuman life, before they are born because of inadequate dietary treatment of the mother.

We identified problems of that kind that are not only destroying the health of millions of our people because of inadequate diet, but we began to take steps to deal with this problem.

We discovered that in 1969 there were only 40 counties in the United States that had a food stamp program. It was really nothing but a pilot project. To give some idea of how much 40 counties are, we have 67 counties in South Dakota alone. But in the entire Nation, only 40 of the several thousand counties of this country had a food stamp program.

We did have a rather primitive commodity distribution program that I think Senators are familiar with. But even that was operating on a more or less hit-or-miss basis across the country.

We developed through the public hearings and the educational impact of this committee a food stamp program that is now meeting the needs of some 17 million Americans.

Mr. President, all of us know that in a program of that size, obviously, there are going to be some abuses. But one of the things our committee has worked very hard to do is to monitor those abuses to identify where the program is being violated, where the weaknesses are, and then to plug those gaps and to correct the error and the malpractice that has come into the system.

In a period of trial and error, we built up a food stamp program that I suggest to the Senate has now become an extremely important part of the life of this country.

I tremble to think of what would have happened to our society the last few years, during these periods of very high unemployment, had it not been for the fact that millions of our families have had income supplements under the food stamp program.

The Congressional Budget Office has described this as the most effective income supplement program that is now operating in the United States.

This does not mean that everything that needs to be done in the food stamp program has already been done. We need to constantly monitor that program to see where it can be strengthened, to see where abuses can be corrected.

That has been one of the things our committee has fought very hard to do, and we have done that in conjunction with the Committee on Agriculture which has the legislative jurisdiction over this program.

Mr. President, this is as good a place as any for me to say that not once in the years I have served as chairman of this committee have I had any quarrel with the chairman of the Committee on Agriculture on these programs. We have sometimes had differences of opinion, but there never at any time has been any bitter intercommittee quarrel over the guidelines and the efforts that we have made to strengthen our food assistance program.

In addition to the food stamp program, we learned in 1969 and in subsequent years, Mr. President, that we were doing almost nothing to meet the needs of poor children who could not afford to pay for school lunches.

Most of our children pay something for the school lunch. But there are a great many children that simply cannot find that 50 cents, or 60 cents, or 75 cents, whatever it is in the particular community, to pay for the school lunch. They may come from a family that has six or seven children in school at the same time.

So the Congress has made a judgment—I think to a major extent because of information developed by the Select Committee on Nutrition—that if it makes sense to invest in free public education for children, it also makes sense to invest the modest additional sums that are necessary to make sure that those children do not go through a day of schooling hungry.

It is hard enough to hold the attention of children in the classroom when they have an adequate diet, but if a youngster goes off to school in the morning without an adequate breakfast and he or she has no adequate lunch at noontime, there are very dramatic figures that have been developed to show how the learning process tapers off, how the attendance record tapers off, and how the general mental and physical and emotional health of that child deteriorates.

I have no hesitance at all in telling the Senate that the best single dividend we

get out of money we are investing from the public treasury is the money we are investing in the nutritional health of the children of this country.

Just to summarize this story very quickly, under the leadership of the select committee we have been able to increase the number of children participating in free school lunches from almost nothing to 7 years ago to some 10 million children today.

We have a total of 25 million children participating in the school lunch program as a whole, 15 million of whom are paying for their lunches.

Two other programs, Mr. President, that I want to mention very quickly, the so-called WIC program—that is the alphabetical shorthand for women, infants, and children.

This is a program which was based on the discoveries of our select committee and the experts that came before that committee that there are special supplemental feeding needs for pregnant women, for nursing mothers, for infants in the early years of life, and that low-income families in particular need some help if they are going to provide the highly nutritious supplemental diets that are needed for vulnerable women, infants, and children in these all-important years of pregnancy and the postnatal period and the early years of that child's life.

Sometimes—and countless times—the health of a person for the rest of his life will be determined on the basis of whether that child's mother has an adequate diet during the pregnancy period and in the nursing period thereafter, and whether the child gets an adequate diet in the early years of life.

If I had the time this afternoon, I could demonstrate mathematically, to the satisfaction of every Senator, that in savings to our society by avoiding future health bills down the road, by avoiding a future dependence of a chronic nature on society down the road, we are dollars ahead by making investments in the early stages of life in this program known as WIC, for women, infants, and children.

Mr. CHURCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MATSUNAGA). Does the Senator yield?

Mr. McGOVERN. I yield.

Mr. CHURCH. First, Mr. President, I wish to say that I have been listening with interest to the arguments presented by the distinguished Senator from South Dakota.

All of us recognize the importance of the work that has been done by the Committee on Nutrition and Human Needs and the different focus that exists in the Committee on Agriculture and Forestry. I think no one could argue with the fact that the Agriculture Committe has been traditionally concerned primarily with the needs of farmers. It was for this purpose that it was established, and it does splendid work on behalf of farmers throughout the country. The focus in the special committee dealing with nutrition and human needs has been quite different.

As the Senator has pointed out, malnutrition is a problem that has yet to be resolved. The cost of malnutrition to this and future generations is difficult to calculate. I cannot imagine a more important work to which a committee could devote itself than that which has engaged the distinguished Senator as chairman of the Special Committee on Nutrition and Human Needs. I am pleased to join him as cosponsor of the amendment to preserve the committee, and I hope that the Senate will see fit to adopt that amendment today.

Mr. McGOVERN. I thank the Senator for his intervention. I call his attention to the fact that the next program I was going to refer to was the special feeding program for the elderly. The Senator from Idaho has been a leader in that field, as the chairman of the Special Committee on Aging, and I am very glad that his committee was extended.

It was through hearings conducted by the Select Committee on Nutrition that we discovered that there are special nutritional problems of elderly people. Many of them are single. They do not have the stimulus of a normal family life to prepare adequate meals. Some of them do not feel well; they do not feel like preparing adequate meals every day. Some of them are isolated and cut off from the kind of stimulus that came in earlier years.

So, through the stimulus of the Select Committee on Nutrition, working with the Senator from Idaho's Committee on Aging, we developed these special feeding programs for older citizens, where they can go to a senior citizens' center and a hot lunch is served every day at noon. This not only is good for their physical health but also provides the companionship that literally adds years to the life of our older people.

We have discovered through the research of our committee that there are another 3 or 4 million older Americans in this country who, for all practical purposes, are what we call homebound. They are suffering from various illnesses or they are cut off from transportation routes, so they sit at home day after day, with very little contact from other human beings. This is a terrible way for people to spend their later years. So we have developed legislation now to expand the national Meals-on-Wheels Act, so that we can take meals to these shut-in elderly people. I think the Senator from Idaho is one of the sponsors of that act.

Interestingly enough, to show the need for continuing this select committee rather than putting it over as a subcommittee in the Committee on Agriculture, that new act which we have introduced was referred to the Committee on Labor and Public Welfare, and perhaps that is the proper place for it to go. But it does indicate the difficulty of trying to concentrate all nutritional subjects in the Committee on Agriculture. I think the Parliamentarian recognized that this is a subject that cuts across several jurisdictions. It points up the need for a select committee to keep these matters under constant supervision.

Mr. President, I ask unanimous consent to have printed in the RECORD three newspaper articles relating to this matter, two published in the Washington Post on January 20 and 28, 1977, another published in the Chicago Sun-Times of January 15, 1977, another one published in the New York Times of February 2, 1977, and the last one published in the Des Moines Register of January 16, 1977.

There being no objection, the articles were ordered to be printed in the RECORD as follows:

[From the Washington Post, Jan. 20, 1977]

RECOMMENDING DRASTIC DIET CHANGES

(By Marian Burros)

For years the federal government has refused to take a stand on what specifically constitutes a nutritionally sound diet.

The Department of Agriculture, from which such information would ordinarily flow, is concerned that food processors, sugar growers and cattlemen might be angry if it suggested that some foods are not nutritious at all or should be eaten sparingly. So they put out publications, printed at taxpayers' expense, that say: "All food is good food."

Finally, last week, another governmental body, obviously not concerned about what the food industry might think, issued a report that makes specific recommendations on how Americans must drastically change their eating habits if they want to live longer.

It will come as no surprise to most Americans that what they eat may be killing them. This has been the theme of many recent scientific and lay publications, of numerous scientific conferences around the country and a considerable number of congressional hearings.

But the report released by the Senate Select Committee on Nutrition and Human Needs, titled "Dietary Goals for the United States," is likely to become the linchpin for all these nutritional recommendations, just because it has the stamp of approval of a government body.

The framers of the report are telling people to cut out soft drinks and cut down on red meat, accusing television commercials and fast-food restaurants of contributing to this country's poor dietary habits. They recognized their position will be controversial. This is because, in part, they are basing their recommendations on findings of probable association between dietary habits and incidence of disease. But they said: "The public is confused about what to eat to maximize health" and it is the government's obligation "to provide practical guides to the individual consumer as well as set national dietary goals for the country as a whole."

Dr. Mark Hegsted, professor of nutrition at Harvard University and one of the three nutritionists who helped write the report, said: "There will undoubtedly be many people who will say we have not proven our point; we have not demonstrated that the dietary modifications we recommend will yield the dividends expected.

"The question to be asked therefore, is not why should we change our diet, but why not. What are the risks associated with eating less meat, less fat, less saturated fat, less cholesterol, less sugar, less salt and more fruits, vegetables, unsaturated fat—and cereal products—especially whole-grain cereals? There are none that can be identified and important benefits can be expected."

When the report was announced, the chairman of the Nutrition Committee, Sen. George McGovern (D-S.D.), noted that "American diets have changed radically within the last 50 years with great and often harmful effects on our health.

"Since the beginning of the 20th century the composition of the average American diet has changed radically. Complex carbohydrates—fruits, vegetables and grains—which were the mainstay of the diet, now play a minority role. At the same time, fat

and sugar consumption have risen to the point where these two dietary elements alone now comprise at last 60 per cent of the total caloric intake, an increase of 20 per cent since the early 1900s."

There is epidemiological evidence that these dietary changes are related to "six of the 10 leading causes of death: heart disease, cancer, vascular disease, diabetes, arteriosclerosis and cirrhosis of the liver."

According to another Nutrition Committee study, improved diet could reduce heart and vascular disease by 25 per cent; infant mortality by 50 per cent; obesity by 80 per cent; cancer incidence and death by 20 per cent. In addition, 50 per cent of the cases of diabetes might improve or be avoided.

The committee recommendations, however, would mean drastic changes in eating habits for most Americans:

An increase in consumption of complex carbohydrates so that they account for 55 to 60 per cent of the caloric intake.

Reduction in sugar consumption by 40 per cent so that it accounts for about 15 per cent of total caloric intake.

Reduction in overall fat consumption by 10 per cent so that it accounts for about 30 per cent of total calories and a shift from saturated fat to polyunsaturated and monosaturated fat by 10 per cent.

Reduction in salt consumption by 50 to 85 per cent.

To achieve these goals, specific guidelines are offered on how to change food selection and preparation:

An increase in the consumption of fruits and vegetables, particularly those that are fresh and least processed, and of whole grains, will raise the consumption level of complex carbohydrates. The report says that diets high in these carbohydrates may reduce the risk of heart attack, are important in the treatment of diabetes and may help to increase the consumption of fiber as well as micro-nutrients, vitamins and minerals. In addition it says eating more fruits, vegetables and whole grains "is likely to ease the problem of weight control" because the high water content and bulk of fruits, vegetables and whole grains "can bring satisfaction of appetite more quickly than do foods high in sugar and fat."

To increase whole-grain intake there should be increased consumption of whole-grain bread and of hot cooked cereals because they are less refined and less processed.

"In ready-to-eat cereals, sugar-coated cereals should be avoided," the report says, as should granolas because they are high in calories and fat.

Consumption of foods high in fat, particularly those high in saturated fat, and foods high in cholesterol should be reduced. The report says that eating less fat will help control obesity, heart disease and certain forms of cancer.

Dr. Gio Gori, deputy director of the National Cancer Institute, told the Senate Nutrition Committee last July that "there is . . . a strong correlation between dietary fat intake and incidence of breast cancer and colon cancer. As the dietary fat intake increases, you have an almost linear increase in the incidence of breast and colon cancer."

A reduction in overall fat and saturated fat consumption can be achieved by eating less red meat and more fish and chicken; using skim milk instead of whole milk; eating more peas, beans and lentils, uncreamed cottage cheese and other skim milk cheese products. The report recommends eating foods where the percentage of calories from fat is under 30 per cent. Other such foods include: lean beef; shellfish and fish such as bass, oysters and pink salmon; chicken without the skin; porridge and most breakfast cereals except granolas; bread.

Specifically, to decrease saturated fat consumption, vegetable oils, with the exception of palm and coconut oils, should be used instead of animal fats such as lard and butter.

Since the recommended daily consumption of cholesterol is 300 milligrams (mg), eggs must be used sparingly. One egg yolk contains 250 mg of cholesterol. Other foods high in cholesterol include brains, kidneys, liver and heart.

To reduce consumption of sugar, implicated in tooth decay, possibly diabetes and an increased need for certain vitamins, one of the best places to start, the report says, is with soft drinks. "Total elimination of soft drinks from the diet, for many people, would bring at least half of the recommended reduction in sugar consumption." The second major area for cutting sugar consumption is baked goods.

The report says that the amount of salt most people need could be supplied without adding salt to food. Salt has been found to cause an increase in blood pressure and hypertension. According to one study, "20 per cent of the United States population is susceptible to hypertension and up to 40 per cent of older people."

In addition to leaving the salt shaker on the table, the report suggests leaving the potato chips and pretzels in the store. Other foods that are naturally high in sodium (salt) or that have a lot of added salt are: bacon, bologna, corned beef, ham, luncheon meats, sausage, salt pork; anchovies, sardines, caviar, dried cod and herring; processed cheese and cheese spreads, roquefort, camembert and other strong cheeses; vegetable packed in brine such as pickles and sauerkraut; popcorn, salted nuts, olives, commercial bouillon, catsup, seasoned salts, chili sauce, meat extracts, sauces and tenderizers, prepared mustard, relishes and cooking wine.

By following these recommended dietary goals, the committee contends, not only is there likely to be an increase in the life span and a decrease in illness, but there can be a "significant reduction in food costs. Savings can be achieved through home preparation and through reduction of and substitution of fats, sugar and expensive, fatty protein sources."

"The most dramatic savings made by a reduction of sugar consumption," the report says, "result from cutting back on or eliminating purchases of candy, sweet baked goods and soft drinks."

How did Americans ever develop such unhealthy eating habits? According to Hegsted, "it is happenstance related to our affluence, the productivity of our farmers and the activities of our food industry.

"The diet we eat today," he said, "was not planned or developed for a particular purpose."

But one of the factors affecting it is television food advertising. The report notes that most of what is advertised on television is "junk food," that is food with no nutritional value, and it has a tremendous impact on what Americans eat.

A study quoted in the report says: "Television is the primary source of information for the American public today. On the other hand, positive nutrition education from other sources is comparatively minuscule in the country. Thus it is reasonable to infer further that these combined circumstances are significant contributors to the current array of nutrition-related health problems."

To bring some balance to this situation the report says Congress should provide money for nutrition education programs to include: extensive use of television to educate the public in the potential benefits of following certain dietary goals; nutrition education in the classrooms and school cafeterias including nutrition education for the people who prepare and serve school breakfasts and lunches; nutrition education in federally funded food programs such as food stamps; nutrition education conducted by the extension service of USDA.

The report also recommends mandatory food labeling to include the following information; percent and type of fats; percent of sugar; milligrams of cholesterol and salt; caloric content; complete listing of food additives; nutrition labeling which is currently voluntary.

When McGovern introduced the report last week, he said he hoped it would be "useful to millions of Americans. In addition to providing simple and meaningful guidance in matters of diet, it should also encourage all those involved with growing, preparing and processing food to give new consideration to the impact of their decisions on the nation's health. There needs to be less confusion about what to eat and how our diet effects us."

But McGovern would not even guess when there would be any observable impact from such dietary changes.

One of the nutritionists at the press conference, Dr. Philip Lee of the University of California, said "the important thing is the first step has been taken. It may take a generation, but it will have an immediate effect on some."

Copies of the report can be obtained by writing to: Senate Select Committee on Nutrition and Human Needs, 119 D St. NE, Washington, D.C. 20510.

[From the Washington Post, Jan. 28, 1977]

SAVING A COMMITTEE

(By Dr. Jean Mayer and Dr. Johanna Dwyer)

All too often most of us forget that our elected officials need to know how we feel, not only in November, when we pull the voting levers, but throughout the year. In fact, our senators need your opinions right now so they can make an informed judgment about an issue that is important to the nation's nutrition policy—the fight to stop the U.S. Senate Select Committee on Nutrition and Human Needs from being eliminated as part of the general reorganization plan for Senate committees.

Largely through the work of the Nutrition Committee, Congress has come to believe that good nutrition makes good public policy. And the Senate Select group has kept the government aware of the ever-growing concern for accurate information about diet and has emphasized that America's abundant food supply cannot, and should not, be taken for granted.

It seems illogical to close down the one congressional forum solely devoted to these issues. Yet this is exactly what's happening. One of the items on the Senate's plan to remonitored by the committee to the Senate structure is to completely dismantle the Nutrition Committee and turn over the responsibility for overseeing the programs now monitored by the committee to the Senate Agriculture and Forestry Committee, under the chairmanship of Georgia Sen. Herman Talmadge. Although the Agriculture Committee is a much more moderate body than in the past, with legislative responsibility over the broad area of agricultural production and consumption policy, it has yet to establish the remarkable track record for getting action on nutrition issues that has marked the Nutrition Committee.

The committee, created in 1968 and chaired by South Dakota Sen. George McGovern, began by investigating the most urgent problems of poverty and inadequate diet. The Nutrition Committee also guided the development of the School Lunch Program, the special supplemental feeding programs for women, infants and children, the School Breakfast Program and the nutrition program for the elderly—programs that directly affect at least 50 million Americans.

Presently, this superb bipartisan group is looking at problems of preventive health care through improved nutrition. It has just released a report entitled "Dietary Goals for

the United States" which details the need for drastic changes in American eating habits.

The Nutrition Committee has served us by influencing the direction of government action on food and nutrition policy. And it has become the only congressional committee successfully working toward a coherent approach to food policy in relation to health.

Under Sen. McGovern, the committee has continually provided a forum for those who have had no other place to voice their concerns: the elderly, new mothers and infants, the hungry. It has spoken for consumers on food prices and food quality. In short, the committee has supported not only those who must depend on food programs, but also responsive consumers who feel that we must monitor governmental action and create a meaningful food policy for health in this country.

Sens. McGovern and Robert Dole are leading the fight to preserve the Nutrition Committee by amending the reorganization plan. You can help by letting your own senators in Washington know your views on the plan to eliminate the committee.

(Note) Illinois Sen. Charles Percy has announced that he will fight to save the committee, on which he serves, too.

[From the Chicago Sun-Times, Jan. 15, 1977]

SENATE PANEL URGES DIET THAT MAY SAVE ONE-THIRD MILLION LIVES

(By William Hines)

WASHINGTON.—A common-sense diet that would save more than one-third of a million lives a year in this country and would improve the nutrition of the American people was proposed by a congressional committee Friday.

The proposed diet, based on scientific findings, would curtail intake of fats, sugar and salt and would increase consumption of fruits, vegetables, grains, fish and poultry.

It was put forward by the Senate Select Committee on Nutrition and Human Needs, whose chairman, Sen. George McGovern (D-S.D.), termed the proposal "the first comprehensive statement by any branch of the federal government on risk factors in the American diet."

By turning away from unhealthy eating habits built up in the last half century, McGovern said, the United States could achieve:

A 25-per cent reduction in mortality from heart disease, now running in excess of 1 million deaths a year.

A 20-per cent reduction in incidence of and mortality from cancer, now approaching 700,000 new cases and 350,000 deaths yearly.

A 50-per cent avoidance of new cases and improvement of existing cases of diabetes, now affecting nearly 4 million persons.

A 50-per cent reduction in infant mortality, which in one recent year cost the nation nearly 80,000 babies.

Dietary changes in the last 50 years, McGovern said "represent as great a threat to public health as smoking. . . . Six of the 10 leading causes of death in the United States have been linked to our diet."

Major features of the proposed diet are reductions of 40 per cent in the amounts of sugar and saturated fats consumed and a reduction of more than half in the amount of salt.

Sugar, the principal ingredient of soft drinks, candy and much so-called "junk food," is a major cause of the obesity that has been called one of the nation's top health problems. Saturated fats, chiefly from animal sources, are linked to heart disease. Salt is a leading factor in development of high blood pressure.

In addition to cutting intake of saturated fats, the proposed diet would reduce over-all intake of fats by also cutting consumption of unsaturated and polyunsaturated fats. The recommendation is for fat to make up 30 per cent of the diet instead of the present 42 per cent.

Refined sugar is the chief component of carbohydrate intake, which represents 46 per cent of the diet (24 per cent from sugar and 22 per cent from complex carbohydrates as fruits, vegetables and grains). The diet recommends a sharp increase in over-all carbohydrate consumption (to 58 per cent of the diet) by increasing complex carbohydrates to about 43 per cent of the total while cutting sugar to 15 per cent.

Protein intake, representing 12 per cent of the diet, would not be changed in amount, but in composition. The proposed diet would use more relatively low-fat fish and fowl and less beef, pork and other mammal meat.

The recommendations, McGovern said, were developed with the aid of scientists whom he termed "leading authorities in the area of nutritional health."

To bring the public around to the commonsense diet, a committee report suggested, will require a change in food advertising practices. The report cited an analysis of food commercials on four Chicago television stations during one week.

"The group of nonnutritive beverages was, by far, the single most-advertised food group, of which nearly one-third was for wine and beer," it said. "Sweets took up about 11 per cent of the time; nonnutritive beverages plus sweets—all items low in nutrients and most of them high in calories—commanded an absolute majority of time.

"Add to these the oils, fats and margarines, baked goods, snack foods and relishes, and the proportion of advertising going to low-nutrient, generally high-calorie foods was nearly 70 per cent.

[From the New York Times, Feb. 2, 1977]

FEEDING, AND HEEDING, THE POOR

Reform in the name of efficiency threatens to wipe out one of the most humane institutions in the United States Senate. As it emerged from the Rules Committee, misshapen and bent by a number of powerful interests, a proposal to streamline Senate operations would eliminate the Select Committee on Nutrition and Human Needs and tuck its functions into a subcommittee of the Agriculture Committee. It's not exactly sending the chickens off to live with the foxes, but the image will do.

The Nutrition Committee's main achievements have been to make hunger visible, to prick the conscience of the Congress and to clear a path for the major food stamp and child feeding programs that now exist. While it had no legislative authority, it conducted the studies and held the hearings that evoked the proper response.

No one denies it has done an excellent job, but some contend that the committee's work is over or that efficiency must override. But efficiency reform has already yielded to save the committees of powerful lobbies for veterans and small business affairs, among others. The anti-hunger effort just has fewer friends.

Most important, the committee's work is not done. Its staff of twelve would be eviscerated by the reform. It alone has the expertise needed for the food stamp reform that will be sought this year. Moreover, the food stamp program will figure centrally in the welfare reform debates to be brought before this session of Congress. And a number of the food programs for children, the elderly, and Native Americans, though in place, need analysis and improvement.

The Agriculture Committee looks after the producers of food, not the consumers, and particularly, not the most needy. They may not be able to cry out against this reform, but their needs surely do.

[From the Des Moines Register, Jan. 16, 1976]

NUTRITIONISTS: OUR DIET IS KILLING US

(By George Anthan)

WASHINGTON, D.C.—A select committee of the U.S. Senate, backed by some of the country's most respected nutritionists, portrayed Americans Friday as people who sit around a lot gorging on fatty meat, candy, salty, oily potato chips and junky, sugary snacks—and dying off in increasing numbers from diet-induced cancers, strokes, heart attacks and liver diseases.

While they're waiting to die, said the Senate's Select Committee on Nutrition, many Americans are eating themselves into discomfort from hernias, gall bladder disease and general obesity.

The committee issued a massive report called "Dietary Goals for the United States," and its chairman, Senator George McGovern (Dem., S.D.) said he hoped it would receive the same attention and have the same national impact as the 1964 surgeon general's report on smoking.

BACK TO 1900

Mostly, it recommends a return to the dietary habits of three quarters of a century ago, when Americans ate more fresh fruits and vegetables, drank more water and milk instead of soft drinks and consumed bread and cereals high in fiber and vitamin content.

The committee, which was advised by leading university and government health experts, Friday set the nation's first dietary goals, which include:

An increase in carbohydrate intake.

Reduction in fat consumption from 40 per cent of caloric intake down to 30 per cent.

Reduction in cholesterol consumption from the current average of 600 milligrams a day to 300 milligrams.

Forty per cent reduction in sugar intake.

Reduction of up to 85 per cent in salt consumption.

The committee recommended, also:

Increased consumption of fruits, vegetables and whole grains.

Substitution of non-fat milk for whole milk.

Greater consumption of poultry and fish, and less of processed salty meats such as bacon, corned beef, sausage and luncheon meats.

"WHY NOT?"

D. M. Hegsted, professor of nutrition at the Harvard School of Public Health, appeared with McGovern Friday and acknowledged that "there will undoubtedly be many people who will say we have not proven our point; we have not demonstrated that the dietary modifications we recommend will yield the dividends expected."

But, he said, "The question to be asked is not why should we change our diet, but why not?"

"What are the risks associated with eating less meat, less fat, less saturated fat, less cholesterol, less sugar, less salt and more fruits and vegetables, unsaturated fat and cereal products . . .? There are none that can be identified, and important benefits can be expected."

The Senate committee will ask Congress to provide money for a large-scale public nutrition education program involving the schools, food assistance programs and the Agriculture Department. The committee also will seek mandatory nutrition labeling of all foods and funds for expanded federal research in human nutrition.

BREAKDOWN ON LABELS

Congress, the committee said, should require that all food contain labels indicating the percentage and type of fat, the percent-

age of sugar, the milligrams of cholesterol and salt, the caloric content and a complete list of all additives.

Dr. Philip Lee, professor of social medicine at the University of California in San Francisco, said Americans have come to rely too heavily on medicine and medical technology to solve their major health programs.

"The role of such important factors as diet in cancer and heart disease has long been obscured by the emphasis on the conquest of these diseases through the miracles of modern medicine," he said in Washington Friday.

"Treatment, not prevention, has been the order of the day." The health problems of the population, he said, cannot be solved merely by more and more medical care, which in 1975 reached a total cost of $118.5 billion.

Dietary change, he said, can have an impact on these diseases and it can be accomplished with relative simplicity and at little cost. In fact, the committee noted that if its recommendations are followed, the average family can save money.

Also, the committees noted predictions by the Agriculture Department that improved nutrition could cut the nation's medical bill by one-third.

The Senate committee repeated what the department has continually emphasized—that the high water content and bulk of fruits and vegetables and of bulk whole grain can bring satisfaction of appetite more quickly than do foods high in fat and sugar.

And it said highly refined and processed foods generally do not contain the same nutrients as the same food in fresh form. The committee emphasized that potato chips, for example, are 40 per cent fat, while a baked potato contains one-tenth of one per cent fat.

The committee recommended that people eat more bread, especially whole wheat bread in which all the nutrients available in the wheat kernel are retained.

It recommended consumption of more brown rice; noted that hot cooked breakfast cereals are generally less refined and less expensive than the ready-to-eat variety, and that the wheat, rye or oat whole-grained cereals are most nutritious.

The committee pointed out that experts from the National Cancer Institute testified at hearings in 1976 that there is a strong correlation between fat intake and incidence of breast and colon cancer. It is believed that fat and cholesterol may cause increased secretion in the breast of the hormone prolactin and that this secretion may induce tumors.

A four-week vegetarian diet in a group of American women, the report states, resulted in a 40 per cent to 60 per cent decrease in prolactin secretion.

SOFT DRINKS

The report notes that soft drink consumption in the U.S. has doubled since 1980 and now stands at an average of more than 27 gallons a year for each person. Much of this consumption, the report states, is by children, who at the same time are ingesting large amounts of food additives and artificial colorings.

The average 6 to 12-year-old child ingests 75 milligrams of artificial colors each day, most of it in beverages and dessert powders.

The report states that the food industry itself spends the most money on public information on diet, much of this money being used to pay for television advertising. It cites a study by the Northwestern University Medical School of the food advertising on four Chicago television stations during a one-week period in the summer of 1975.

Among its findings:

The nonnutritive beverages were by far the single most advertised food group, capturing about 40 per cent of advertising time.

Sweets took up 11 per cent of the time.

Oils, fats, margarines, baked goods, snack foods and relishes took up 14 per cent of the time.

Over-all, low nutrient, high calorie foods took up 70 per cent of the advertising time.

Fresh fruits, vegetables and juices took up seven-tenths of one per cent of the television advertising time.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. TALMADGE. Mr. President, I should like to respond to one comment the distinguished senior Senator from Idaho made a moment ago, when he said that the Committee on Agriculture and Forestry is primarily interested in matters relating to farmers and agriculture.

In the 94th Congress alone, the Committee on Agriculture and Forestry reported the following list of legislation which is directly related to nutrition and human needs: The special food service program for children, S. 1310; food stamps for SSI recipients, S. 1662; special supplemental food program for Women, Infants, and Children, S. 1730; amendments to the National School Lunch and Child Nutrition Act of 1966, H.R. 4222; the International Development and Food Assistance Act of 1975, H.R. 9005; the National Food Stamp Reform Act of 1976, S. 3136, and the Emergency Food Stamp Vendor Accountability Act of 1976, S. 2853.

Two-thirds of the proposed Food and Agricultural Act of 1977, which I introduced at the opening of this Congress, is devoted to food stamps, foreign food assistance, or food and agricultural research.

So I cannot stand idly by and leave the impression that the Committee on Agriculture and Forestry has been derelict in its responsibility in these programs. It has not.

Mr. CHURCH. I say to the Senator that I did not suggest that the Committee on Agriculture and Forestry has been derelict in any of its responsibilities; nor did I say that it was exclusively concerned with farmers. I said its primary focus had to do with farmers and agriculture. The Senator makes a very good point when he says that the committee also has been engaged in nutritional matters.

However, referring back to the previous argument of the Senator from South Dakota, I have been personal witness to the exciting transformation that has occured in the life of the elderly through the institution of neighborhood centers where hot meals are served on a weekly or biweekly or triweekly basis. I have visited with scores of elderly people throughout the country who are shut in, for whom the meals-on-wheels program has meant a hot meal once a day, which they never before obtained, and their health and their spirits have been lifted immensely by the existence of these programs.

I simply want to say that the contribution that has been made by the Senator's committee in moving these programs into law has been very real and very important to hundreds of thousands of senior citizens throughout the land.

Mr. McGOVERN. I thank the Senator from Idaho for his contribution.

While the Senator from Georgia is in the Chamber, I wish to say this. He is the chairman of the Committee on Agriculture and Forestry, on which I have the privilege to serve. Before he came to the floor, I told the Senate that he and I never have had any intercommittee quarrels or bitterness; that it has been clearly understood that the Select Committee on Nutrition has no legislative jursidiction; that our function has been one of airing these issues, of developing public awareness of them. I think that the Committee on Agriculture, under the chairmanship of the Senator from Georgia, has performed its legislative functions in an admirable way.

I have said to the Senate countless times I do not think there is a better chairman in the U.S. Senate than Senator TALMADGE. It is a privilege to serve on that committee. In the years I have been on it, now some 14 years, I cannot recall a single time when we have had a partisan dispute on that committee. At a time when we are talking about the complexities of reorganization here in the Senate we do not have that problem on the Committee on Agriculture.

Our subcommittees are not overburdened, we do not have an overblown staff, we have a tight staffing operation, our subcommittees are few and the members are able to do this work without being cluttered up with too many committee assignments.

Senator STEVENSON said the average Senator has 18 subcommittees. I have only eight. One of the reasons I have only eight is that most of the work on the Committee on Agriculture is done by the entire committee, and it is done expeditiously and very efficiently under the chairmanship of Senator TALMADGE.

So, I wanted to take advantage of his presence on the floor to tell him how much I have appreciated the spirit with which he handles that committee and the way in which he has tolerated, if I can use that word, the work of the Committee on Nutrition and Human Needs.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield to the Senator.

Mr. TALMADGE. First, I express my deep appreciation for the generosity and warmth of the statement of my friendly colleague, the distinguished Senator from South Dakota.

As the Senator knows, his committee was created by special resolution, I think, some 8 years ago.

Mr. McGOVERN. That is right.

Mr. TALMADGE. While it, in part, concerns itself with matters under the jurisdiction of the Committee on Agriculture and Forestry, I have never objected to it, and do not object to it now. While I think it is unnecessary, I have never voted against it. I have never urged it be put out of business because, as the Senator points out, we have never had any conflict between his committee and mine.

My committee does have legislative jurisdiction. The Senator from South Dakota serves on that committee in a very able manner. He is a hard-working Senator. He carries his full share of the load.

I might also add there are at least four members of the Committee on Agricuuture and Forestry who serve on the Nutrition Committee.

Mr. McGOVERN. That is correct.

Mr. TALMADGE. In addition to the Senator from South Dakota, I serve on that committee. The distinguished ranking minority member, Senator DOLE, serves on that committee. The distinguished Senator from Minnesota (Mr. HUMPHREY) also serves on that committee. So, we have a substantial community of membership that serves on both committees.

The Agriculture and Forestry Committee, as the Senator pointed out, has been very active in the field of nutrition. In fact, the Senator will recall I was the principal author of the food stamp program. In fact, I was the author of the bill that substantially expanded it several years ago. I also was the principal author of the school lunch program, the objective of which is to make available to every child in America from a family with low income either a free meal or a meal of reduced price. So there has been no friction whatever between the Senator from South Dakota and the Senator from Georgia. We have worked together in harmony in committee, and I have in no way objected to the activities of his committee. I thought it was unnecessary, and still think it is unnecessary, but I have never protested its existence and I do not protest it now.

Mr. McGOVERN. I thank the Senator. I think if he would just remain on the floor for a moment—and I also see Senator PERCY here—Senator PERCY, being the ranking minority member on the Select Committee on Nutrition, and Senator JAVITS, who was previously the ranking minority member on that committee, and also Senator HUMPHREY have all suggested to me that we might consider the possibility of a compromise in regard to extending the life of the Select Committee on Nutrition.

This personally appeals to me not only because of the Senators who have suggested it, but also because of my respect for Senator STEVENSON, the major author of the reorganization plan, and that is that instead of pressing for a permanent or indefinite extension of the Select Committee on Nutrition, that we ask the Senate to approve a 2-year extension of that committee, with the understanding written into law that the committee at that point would be pulled into the Committee on Agriculture and Nutrition.

During that 2-year period, the size of the Nutrition Committee would be reduced from 14 Senators to 9, and it would be clearly stated in law that the committee would at the end of the 2-year period, at the end of 1978 or at the end of this current Congress, be transferred to the Committee on Agriculture and Nutrition.

I am wondering, if we were to agree to that kind of a compromise, whether the Senator from Georgia, as the chairman of the Committee on Agriculture, which would get jurisdiction over the entire operation, could support that kind of an amendment?

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGOVERN. Yes; I yield.

Mr. TALMADGE. If it is agreeable to the distinguished Senator from Illinois, who served on the select committee that proposed Senate Resolution 4 that is pending before us, and also the distinguished chairman of the Rules Committee, who is the floor manager of this bill, certainly would have no objection.

I would want it understood, however, that when and if the Committee on Agriculture and Forestry took over the functions of the Committee on Nutrition we would not be compelled to take all of the staff of that committee because I do not think we would need them.

As the Senator pointed out a moment ago, the Committee on Agriculture and Forestry operates with a lean staff. He will recall when I took over as chairman of the committee some 6 years ago it was grossly understaffed.

Since that time, in accordance with the Legislative Reorganization Act of 1964, we have organized our staff on a purely nonpartisan basis and each staff member had been selected on the basis of merit to carry on the responsibilities and duties of the committee staff without reference to party. The committee staff is appointed on a nonpolitical basis. In fact, they are recruited by the chief of staff and the chief counsel, and the names,, résumés, and background are reviewed not only by myself but by the ranking minority member of that committee.

Not a single individual has been employed on our staff without the concurrence of the ranking minority member. They are appointed on the basis of professional competence without regard to politics, and that is the way I want to keep it.

We do have expertise on our staff in the field of nutrition at the moment, as the Senator knows. If we take over the responsibility of the Nutrition Committee, we probably will need two or three additional staff personnel but we will not need the entire staff of the select committee.

What I prefer to do, as long as I have the honor of chairing the Committee on Agriculture and Forestry, is to continue with a lean, intelligent, hard-working, competent staff which serves the needs of every member of our committee without reference to their politics, Republican or Democrat, and also serves the needs of every Member of the Senate accordingly.

With that understanding I would have no objection.

Mr. McGOVERN. Well, I appreciate the Senator's response. I want to repeat that I am willing myself to propose this kind of a compromise not only because I would prefer not having a complete confrontation with the Senator from Illinois who, I think, maybe is reasonable enough to accept this compromise we are suggesting but, beyond that, we have the commitment that the Select Committee on Nutrition was a temporary committee, and I do feel some sense of obligation to stay with that original commitment, although we know much more about the nutritional needs of the country now than we did when we started on this matter 8 years ago, thinking that we could complete our work in a year or so.

I do think that within 2 years' time we can explore this area that the committee has gotten into recently where we are looking at the relationship of diet to the health of all Americans, not just to the poor, but to all of us. There are millions of Americans who are shortening their lives, because they are eating improperly. They are eating too much fat, too much sugar; they are not getting enough in the way of vegetables, fruits, grains, poultry, lean meats, low-fat milk, and other things of that kind. There is not the slightest doubt in my mind that, if the Senate will give this select committee another 2 years, we can justify that modest expenditure in the information we can develop that will help the Nation understand the importance of good diet to the health of the country.

I do not know how the United States, very frankly, is going to finance this escalating medical bill that we are now confronted with already of up to $135 billion a year. If we start taking care of ourselves and eating properly we could cut that expenditure very substantially.

So the few thousand dollars that would be spent extending this committee for another couple of years I can assure the Senate will come back many times over in the form of health benefits and even financial benefits to the Nation. But I am anxious to know whether the Senator from Illinois, who is just as interested in nutritional health as I am, would feel that this was a compromise that he could live with.

Mr. STEVENSON. Mr. President, the proponents of this amendment have occupied all of the time on it so far and so I hope that the distinguished sponsor of the amendment, my friend and colleague, the Senator from South Dakota, will yield me a little time to address the subject before I answer his specific question.

Mr. McGOVERN. Does the Senator wish to speak now? I am happy to yield the floor to him if he does.

Mr. STEVENSON. Very well. If the Senator will yield, Mr. President, then I shall take a few minutes of the Senate's time to discuss the subject.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. STEVENSON. Mr. President, all but one or two Members of the Senate have supported reorganization. Reorganization has had three primary objectives.

One has been to rationalize the jurisdictions of committees along primarily functional lines in order to permit the Senate, for the first time in many years, to deal effectively with complex issues which now spill over into the jurisdictions of many committees.

Another objective of reorganization has been to equalize the workloads of committees and to distribute as fairly

and equally as we can the responsibilities of the Senate among its committees and its members.

The third and most widely supported objective of reorganization has been to cut down on the vast number of committee and subcommittee assignments which burden most if not all of the Members of the Senate, and make it difficult, if not impossible, to do justice by any of their assignments.

Mr. President, those objectives can only be served if the Senate cuts down on the number of its committees. It had and has now 31 committees. So far by the actions of the Senate and the Rules Committee 10 are proposed for consolidation. The Select Committee on Committees proposed for consolidation 16. Six have been reinstated by the Rules Committee or the Senate. Those six committees include the Ethics Committee, which in my judgment should be continued as a separate committe; the Joint Committee on Taxation, which should be retained or continued as a congressional revenue office, as the select committee suggested; and the Joint Economic Committee

So we have made, it seems to the Senator from Illinois, very substantial progress. But at this point it is necessary to hold the line or it is going to break and our efforts, I fear, will be for naught. We have reached the point in my judgment, where the Senate is going to have to discipline itself. Every time we have come to one of these questions of consolidation cries of indignation have risen from organized constituencies, from staff in the Senate, and from members. I do not refer to the distinguished Senator from South Dakota. He has addressed himself to this subject with his characteristic calmness. He feels strongly about it as he should, and I respect him.

Whether it is the aging, small businessmen, the veterans, or those who are undernourished, malnourished, or hungry, the cries of indignation rise as if I and the Senator from Nevada, or any of the other Senators who support reorganization, were indifferent to the interests of those who have special needs. That, Mr. President is not the issue.

The question before us is whether we can do better by the aging and by every other person in this country with such special needs.

By reorganizing itself, the Senate can do better to serve all of the American people.

Mr. President, if we thought that the jurisdiction of the Nutrition Committee could better be exercised in a special committee we would not be proposing its consolidation with the Committee on Agriculture. It is with no intent to neglect the problems of the undernourished, the hungry, and malnourished in the world that we propose this consolidation. I think one of the problems stems from the inertia that afflicts this institution and the comfort the status quo offers. It is difficult to perceive the future, the effects of what it is we propose to do, and it is very easy to perceive the good work of the Committee on Human Needs and Nutrition.

I do not quarrel with that work any more than I do with the importance of nutrition in the world. Our objective is to do the job still better not only by consolidating this jurisdiction within the Agriculture Committee but also by creating a new committee, a new Committee of Agriculture and Nutrition. It is that committee which already has the predominant jurisdiction for nutrition. It is that committee which the Senator from South Dakota has already indicated exercises most of the legislative jurisdiction.

That is the committee which exercises the legislative jurisdiction over the food stamp program, and which has also been exercising much of the oversight with respect to food stamps. It is the Agriculture Committee which has the jurisdiction over Public Law 480, the commodities distribution program, which was mentioned a moment ago. It is the Agriculture Committee which has the jurisdiction over the school lunch and breakfast programs, not the Nutrition Committee. The Nutrition Committee has no legislative jurisdiction at all.

Our objective, Mr. President, is to elevate nutrition in the consciousness of the Senate. Our objective is to consolidate the responsibility where it cannot be evaded, and to better end the diffusion which hampers the exercise of responsibility by the Senate.

One member of the Nutrition Committee has a total of 34 committee and subcommittee assignments. There are figures from the last Congress. Another member of the Nutrition Committee has or did have, a total of 29 committee and subcommittee assignments; another 28; and another 25. Mr. President, no mortal can do justice by so many committee and subcommittee assignments.

What we propose is a new committee—the Committee on Agriculture, Forestry, and Nutrition—with an enlarged jurisdiction over nutrition, an oversight jurisdiction that is larger than that which is now in the Committee on Nutrition and Human Needs.

There is no reason on Earth why that oversight jurisdiction cannot, as it is, be more effectively exercised in the newly constituted Committee on Agriculture and Nutrition; and in terms of legislation there is every reason to believe that the problems of nutrition at home and in the world can be better and more effectively addressed by the Senate.

I said in the beginning that one of our objectives, in addition to the reduction in the number of assignments that afflict us all and the rationalization of jurisdictions, was to equalize the distribution of responsibility and work in the U.S. Senate. That, too, was one of the purposes which recommended this transfer of jurisdiction from the Nutrition Committee to the Agriculture Committee. By making that transfer, we succeed in beefing up the work, the responsibility, and the jurisdiction of the Agriculture Committee, making it an equal of all the newly constituted major committees of the U.S. Senate. Then every single Member, no matter when he was elected to the Senate, would be assigned duty on two equally important major committees in the Senate.

The Senator from South Dakota has suggested that the Nutrition Committee be permitted to continue for the duration of this Congress, and I want to be reasonable. But, Mr. President, if it is reasonable to consolidate it at the end of this Congress, why is it not reasonable to do so now? And if I am correct, as I believe I am, that the problems of nutrition and human needs, will be better served in a newly constituted Committee on Agriculture and Nutrition, why should we wait to do so?

Mr. President, this committee, as the Senator from South Dakota has mentioned, was created on July 30, 1968, with a mandate to report back and go out of business as of June 30, 1969. That was 8 years ago, and it is still in business. That is the story not only of this committee, but many other committees. Once in business, they stay in business.

One of my concerns is that if this is right, it should be done now, not tomorrow, and that if it is not done now it might not be done at all. History is likely to repeat itself. So, while I have the greatest respect for the work of this committee and its members, including the able chairman, the Senator from South Dakota, the Senator from Minnesota, and the Senator from Kansas, I would be reluctant to agree to such a compromise, because I am convinced that by doing so the Senate would not be well served, and those throughout the world as well as those at home who suffer from malnutrition would not be served well either.

Mr. President, I yield the floor.

Mr. CANNON. Mr. President, I rise in support of the position of the distinguished Senator from Illinois. I think he has quite properly put his finger on what the issue is.

The issue is not the question of whether nutrition is going to be neglected, at all. This committee has come back to us with a recommendation to try to reorganize the Senate so that we can better carry out our responsibilities. This committee, as the Senator properly pointed out, when it was first organized was organized on the basis that it would need 1 year to do its work and report back to the appropriate committees of Congress.

Well, at the end of that 1 year it came back and asked for an extension, and it did that successively over a period of 9 years, requesting extensions, saying that "this will be the year we can finally do our work"—and, mind you, they do not have any legislative jurisdiction at all—but that they can do their work and report back to the Congress this year.

Over that period of time, they have had, for a good bit of the time, a staff of 19 personnel. I am not arguing one way or the other on that; it is just factual. They have expended more than $2 million, almost $2.5 million, for staff and related activities in the expense of the committee; and I would like to take a look, momentarily, now, as to what would happen if this committee is transferred over to Agriculture.

First, we have the assurance that it would be a subcommittee in Agriculture, the parent committee that has legislative jurisdiction in this field, that has been exercising jurisdiction over the food stamp program, which is one of the big arguments of the Senator from Illinois, and its members are virtually the same.

Mr. President, these are the members of the Select Committee on Nutrition and Human Needs who are presently also members of the Agriculture Committee: The distinguished chairman of the committee, Mr. McGOVERN; the distinguished chairman of the Committee on Agriculture and Forestry, Mr. TALMADGE; the distinguished Deputy President pro tempore, the Senator from Minnesota (Mr. HUMPHREY); the distinguished ranking minority member of the committee, the Senator from Kansas (Mr. DOLE); and the distinguished Senator from Oklahoma (Mr. BELLMON).

So there are five Senators who are already on the Committee on Agriculture and Forestry, who are very active top people, with one exception, at the present time. They would most certainly be in a position to carry out the responsibilities of the Nutrition Committee as it is proposed to be transferred to the Agriculture Committee.

Now let us look at the remainder of the personnel who are on the committee.

First, we have Senator KENNEDY of Massachusetts. Senator KENNEDY would not be eligible under this resolution to remain on the Nutrition Committee unless he gave up either the Joint Economic Committee or the Special Committee on the Aging. He would have to give up his service in one of those two areas to be eligible to remain on the Nutrition Committee, if it were extended.

The next one in order is Senator NELSON would not be eligible unless he gave up the Committee on Small Business. I doubt very seriously that he would give it up to serve on this committee.

Next we have the Senator from California, the distinguished majority whip, who serves on the committee. The Senator from California serves presently on Banking, Housing and Urban Affairs, on Labor and Public Welfare, on Budget, on Veterans' Affairs, and the Select Committee on Nutrition and Human Needs. To serve on this committee, if it were extended, the Senator would have to give up his membership on both Veterans' Affairs and Budget or give up his membership on the new committee, the successor to Labor and Public Welfare, or Banking, Housing and Urban Affairs. That is very unlikely.

Next is Senator HUMPHREY. Senator HUMPHREY is already on Agriculture.

So that takes care of all of the Democrats. That means we will have the three people who are already on the Committee on Nutrition and Human Needs who are on the Agriculture and Forestry Committee remain, and all of the remaining majority members would be new Senators who have never had any experience in this field in the Senate.

Let us go to the minority side.

Senator DOLE is already on Agriculture, so he would be eligible to continue to serve.

Senator BELLMON is already on Agriculture, so he would be eligible to continue to serve.

Next we come to Senator SCHWEIKER, of Pennsylvania. Senator SCHWEIKER, if he elected not to try to go on any other committee, would be eligible to remain on this committee, if it were continued.

Next we have Senator HATFIELD, Senator HATFIELD is on Appropriations, Interior and Insular Affairs, Rules and Administration, and the Joint Committee on Printing. If he remained on the Rules Committee, he would be eligible. Senator HATFIELD would either have to give up the Intelligence Committee or the Rules Committee to remain on this committee. The probability is that he would not give up either one.

So we would have only one Senator who would be eligible to serve on this committee, if it were continued for a year, who is presently on it who would not be covered on the transfer to the Agriculture Committee.

I submit, Mr. President, it appears to me that we have a situation where maybe we are trying to protect those 19 staff people. Senator TALMADGE has indicated that he could do the job, he believes, with less staff than the 19 people who are to be transferred. But I would point out, Mr. President, that those 19 people, if they all elected to transfer over, would be eligible to remain on Agriculture and be paid out of the Agriculture Committee until the first of July of this year, at which time there would be an opportunity for the absorption of some of those people.

Mr. President, this new subcommittee would have more investigative responsibility to study nutrition, both in the United States and in foreign countries. The Nutrition Committee is limited only to the United States. The Agriculture, Nutrition, and Forestry Committee will be a major committee of the Senate. The Nutrition Committee, obviously, would have no power to authorize, would have few members, and much less influence.

Mr. President, the statement was made earlier by someone that the Agriculture Committee will ignore nutritional issues. I cannot for the life of me believe that, with Senator HUMPHREY on that Agriculture Committee, with Senator McGOVERN on that Agriculture Committee, with Senator DOLE on that Agriculture Committee——

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. CANNON. And with Senator TALMADGE on that committee. Yes, I yield.

Mr. TALMADGE. I pointed out when the distinguished chairman was not in the Chamber that in the 94th Congress the Agriculture and Forestry Committee acted on the special food service program for children, S. 1310; food stamps for SSI recipients, S. 1662; the special supplemental food programs for women, infants, and children, S. 1780; amendments to the National School Lunch and Child Nutrition Act of 1966, H.R. 4222; the International Development and Food Assistance Act of 1975, H.R. 9005; the National Food Stamp Reform Act of 1976, S. 3136, and the Emergency Food Stamp Vendor Accountability Act of 1976, S. 2853. That is a total of seven bills the Committee on Agriculture and Forestry acted upon affirmatively in the 94th Congress. Two-thirds of the proposed Food and Agriculture Act of 1977, which I introduced at the opening of this Congress, is devoted to food stamps, foreign food assistance, and improving agricultural research.

As I pointed out, though the Senator was not in the Chamber, I want it clearly understood that our committee has been extremely active not only in passing legislation, related to nutrition but also in oversight. We have not been involved in the same areas of oversight as the Nutrition Committee has been. We have not had the staff to do all that. We try to handle jobs as they come to us. We try to do our work efficiently, as the Senator knows, and very economically. I believe we have the lowest staff budget of any major committee of the Senate. I want to keep it that way. They work about 18 hours a day and sometimes 7 days a week. Every member of our staff earns their pay. They are appointed purely on the basis of professional capacity without any reference to political considerations.

Mr. CANNON. I thank the Senator. He has certainly added to the case I was trying to make.

In summary, may I say I cannot for the life of me, Mr. President, understand why we would have a better focus of national attention on this very important issue if Senators HUMPHREY, McGOVERN, TALMADGE, BELLMON, and DOLE handled it under the Nutrition Committee than if they handled it under the Agriculture Committee. They are the same people. They would be as much interested in this program if they were on Agriculture as if they were on the Select Committee on Nutrition.

I submit, Mr. President, if we are going to come out of this effort with a reorganization program that is meaningful, we are going to have to bite the bullet, settle down, and make some decisions which are painful.

I know Senator STEVENSON did not relish the job when he came back with his recommendations as to what ought to be done with respect to a lot of these committees, but I believe he carried out his responsibility very responsibly. I think he has done a tremendous job. We owe him the support to follow the recommendations, particularly in this particular instance, when there is no valid argument for a continuation of that committee with five of its important members already on the Agriculture Committee and in a position to handle those problems.

Mr. McGOVERN. Will the Senator yield on that point about biting the bullet?

Mr. CANNON. Yes.

Mr. McGOVERN. Why did we not bite the bullet on these nine other committees that the Senator's committee saw fit to extend beyond the recommendations of the reorganization committee? Why did we not bite the bullet on the Joint Committee on Printing, or on the Library, or on Internal Revenue and Taxation, or Small Business, or Vet-

erans'? Is it because those groups have a more potent lobby than the hungry people have? Why did we choose to bite the hungry instead of taking on some of these other interests that the Senator's committee has seen fit to bring out here on the floor for extension, in direct conflict with the recommendations of the reorganization committee?

I think those of us who are fighting to extend this Nutrition Committee have a right to make the case for a committee the primary jurisdiction of which, over the last few years, has been to make the American people aware of the importance of nutrition in their lives. I am not saying that this job cannot be done someday in the Committee on Agriculture. I am saying, in all due respect to that committee, on which I serve, that there is just no question that we would not be where we are today had it not been for the work of this select committee.

There is still work to be done on the question of educating this Nation on the importance of good dietary standards. We have a competent staff that has been built up that we are going to lose. The Senator is quite right; I do not apologize for saying that is a consideration, that we do need to keep that professional staff in operation over the next couple of years to complete the work of this committee. If we were going to start biting bullets, I think we should have started that a couple of weeks ago, when all these other committees—of less importance, in my judgment, to the American people—were extended.

Mr. CANNON. Does the Senator want me to answer his question now?

Mr. McGOVERN. Yes. I would like to hear the Senator's answer.

Mr. CANNON. I shall be very happy to.

Let me say, first, that several of the committees are joint committees that would require legislative action in both Houses of Congress. We have conferred with House Members in some of those instances and been told that the House simply would not go along on a legislative change. The Senate could pull out automatically if we wanted to and say, we will not serve on a joint committee, and prohibit our Members from serving. But that does not carry out the job of the Senate.

Second, you asked me why we did not bite the bullet. I attempted and I guess I could not bite hard enough, because I got outvoted on some of them. We did have a lot of pressure, in many instances, as the Senator knows. I believe that—perhaps I should not say it, but I think the Senator supported the extension of some of those. I am not certain about that.

We attempted to hold the line. We were not able to do it in every instance. If we break over in a few more instances, I shall be sorely tempted to move to shelve this whole thing and just forget about reorganization, just say that the Senate is not interested in reorganization because we cannot bite the bullet when it affects us individually.

Mr. STEVENSON. Will the Senator yield to me?

Mr. CANNON. Yes, I yield.

Mr. STEVENSON. The select committee proposed for consolidation the following committees: Aeronautical and Space Sciences, District of Columbia, Post Office and Civil Service, Veterans' Affairs, Select Nutrition and Human Needs, Select Small Business, Select Standards and Conduct, Special Committee on Aging, Joint Atomic Energy, Joint Congressional Operations, Joint Defense Production, Joint Internal Revenue Taxation, Joint Library, Joint Printing, Joint Economic and the temporary Select Committee on the Committee System. Of those 16 committees proposed for consolidation, the Senate, or the Committee on Rules, have only reinstated 6. Of those six, three are the Ethics Committee, which, in my judgment, should have been reinstated; the Joint Economic Committee which, likewise, in my judgment, should have been reinstated, and I suggested as much; and the Joint Committee on Taxation, which, otherwise, would have been a Congressional Revenue Office. It does not make much difference. So, up to this point, there are only three reinstatements that, in my judgment at least, were mistakes—Veterans' Affairs, Small Business, and Aging. I have opposed those reinstatements, as the Senator from Nevada indicated he has, too. In our opinion, those were mistakes, and in my opinion, one mistake does not deserve another.

I reiterate, we are not attempting to bite the hungry, if I remember the Senator's expression correctly. Our effort in this case, as it was in the case of the Veterans' or Small Business or the Aging, is to better serve those people with special needs. That goes likewise for those who are hungry and undernourished.

Mr. CANNON. I thank the Senator. I would like the Senator from South Dakota to address himself to the point I made. Of the Senators who are on the committee, there are five Senators who are already on Agriculture who would be in a position to work on this committee and carry out their responsibilities and not only have investigative authority or oversight authority, but have legislative authority. There is only one Senator presently on the committee who would be eligible to transfer, who would be eligible to continue to serve if he so desired, without giving up other committees, and there is not much likelihood of that happening.

Mr. McGOVERN. Let me say to the Senator from Nevada that I tried to answer that question a while ago. Our committee, in the last few months, has moved into what I think may very well be the most important single contribution we have made. That is, the relationship of good dietary standards and nutritional education programs to carry them out for all of the American people. But these studies are just getting underway. We have a staff of some 12 professional people that we desperately need working full time. They work every bit as hard as the members of the staff of the Committee on Agriculture. I shall put the performance record of the members of the staff of the Select Committee on Nutrition up against the workload and the work performance of any other committee in the Senate.

What I am appealing to the Senate to understand here today is that we have about 2 years' work left in order to complete these studies that are now underway. We are then in a position, it seems to me, to carry out this compromise that I am willing to see written into law, that at the end of a 2-year period, the staff will be phased out and the Sentaors that the Senator from Nevada is talking about, who are already on the Committee on Agriculture, hopefully can continue to monitor these programs from the vantage point of the Committee on Agriculture. But we do need the professional services of this staff and the special focus of a full-time committee working on these problems for another 2 years.

I repeat to the Senator from Nevada, and I say this in all good spirit here this afternoon, that no matter what the theoretical argument is about tidying up the organization chart, if, after extending the Committee on Veterans' Affairs, extending the Committee on Small Business, extending the Committee on Aging and these other half-dozen committees that have been extended here, we finally end up saying that the one committee that is going to get the ax is the committee that has to do with human nutrition, I think we are going to look ridiculous in the eyes of the country. I think we are going to sacrifice the one committee that, perhaps above all others, deserves an extension.

Mr. CANNON. I must say I am really shocked at the Senator's saying one committee that would get the ax, when he has five of the most senior members of the Committee on Agriculture serving on this committee, with the assurance that this will be a subcommittee that has legislative as well as oversight authority in the Committee on Agriculture. If those five very responsible members, all of whom were here just a moment ago, cannot carry that responsibility in the Committee on Agriculture, I submit that they cannot carry it over in the Committee on Nutrition.

Mr. McGOVERN. Has not the Senator heard the chairman of the Committee on Agriculture stress here today that he is not in a frame of mind to permit us to build up this professional staff? I agree with that. I am not asking that we build up a permanent staff on Agriculture. I am asking us to retain the competence of these people that we have in place for another 2 years and then they can be phased out. I think the five Senators that the Senator from Nevada has referred to will be capable of carrying on from that point. But we do need this staff for another 2-year period to complete the work we now have underway. That is the only thing I am pleading for this afternoon.

We are talking about a few thousand dollars to deal with problems that involve billions of dollars of expenditures; some 60 percent of the agricultural budget is devoted to these nutritional programs. As I said here a while ago, the country is paying medical bills now which are in excess of millions of dollars. Give us a chance to show what we can do with

preventive health care and good nutrition to bring those bills down.

Mr. CANNON. Mr. President, I submit that the Senator can make the proper case to the chairman of the Committee on Agriculture for the staff that they need. I am convinced that the chairman of the Committee on Agriculture is going to be as much interested as anybody else in this particular program and he has shown that by the legislation that has come out of the committee already.

I yield to my colleague.

Mr. ROBERT C. BYRD. Mr. President, I have two requests.

Mr. President, I ask unanimous consent that during the further consideration of this measure, no nongermane amendments be in order.

The PRESIDING OFFICER (Mr. METZENBAUM). Is there objection?

Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF URGENT SUPPLEMENTAL APPROPRIATION BILL NEXT WEEK

Mr. ROBERT C. BYRD. Mr. President, on Monday of next week, the other body will send over to the Senate an urgent supplemental appropriation bill. It is my understanding the other body will go out for the nonlegislative day period next Wednesday.

It will be important that the Senate take up the urgent supplemental as quickly as possible so that it can be enacted and sent to the President before the House begins its nonlegislative day period.

Mr. President, I ask unanimous consent, therefore, that the leadership be authorized to proceed immediately to the consideration of that urgent supplemental appropriation bill next week once it has been reported from the Senate Appropriations Committee.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Senator for yielding.

COMMITTEE SYSTEM REORGANIZATION

The Senate continued with the consideration of the resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

Mr. CANNON. Mr. President, at the proper time I will move to table.

I think the Senator from Minnesota seeks recognition.

Mr. HATFIELD. Will the Senator yield for a unanimous consent?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. HUMPHREY. Of course.

Mr. HATFIELD. For a unanimous-consent agreement?

Mr. HUMPHREY. Yes.

Mr. HATFIELD. I thank the Senator.

Mr. President, I ask unanimous consent that Sally Walker of the Public Works Committee be granted privilege of the floor during consideraton of Senate Resolution 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I yield to the Senator from South Dakota without losing my right to the floor.

AMENDMENT NO. 29, AS MODIFIED

Mr. McGOVERN. Mr. President, I asked the Senator to yield simply for the purpose of withdrawing amendment 15, which is the one now pending, and calling up instead amendment No. 29.

That is the amendment which would simply extend the life of this committee for 2 years with the understanding that at the end of that time it would be folded in with the Committee on Agriculture.

Mr. President, I ask that amendment 29 be stated and made the pending business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. McGOVERN), for himself and Mr. DOLE, Mr. KENNEDY, Mr. JAVITS, Mr. PERCY, Mr. RIEGLE, Mr. ABOUREZK, Mr. CASE, Mr. CHURCH, Mr. HUMPHREY, Mr. CLARK, Mr. DURKIN, Mr. MELCHER, and Mr. HOLLINGS, proposes amendment No. 29, as modified.

The amendment, as modified, is as follows:

On page 72, line 7, insert the following:

"Select Committee on Nutrition and Human Needs ---------- 9".

SEC. 2. On page 79, line 5, add the following new section:

SEC. 106(a) The temporary Select Committee on Nutrition and Human Needs, established by S. Res. 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended.

"(b) In studying matters pertaining to the lack of food, medical assistance, and other related necessities of life and health, the Select Committee on Nutrition and Human Needs is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpena witnesses and documents (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimubursable basis the services of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services, (6) to interview employees of the Federal, State, and local governments and other individuals, and (7) to take depositions and other testimony.

"(c) Expenses of the committee incurred under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

"(d) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee on Nutrition and Human Needs shall not be taken into account if such Senator, on the day preceding the effective date of title I of the Committee System Reorganization Amendments of 1977, was serving as a member of the select committee. However, in no case shall a member or chairman of the select committee be a member or chairman of more than three other standing, select, or special committees of the Senate, or joint committees of Congress.

"(e) The Select Committee on Nutrition and Human Needs shall cease to exist at the close of a Ninety-fifth Congress and, effective with the commencement of the Ninety-sixth Congress, the authority of the select committee is transferred to the Committee on Agriculture, Nutrition and Forestry and shall be reflected in rule 25 of the Standing Rules of the Senate.".

SEC. 3. On page 93, in the table following line 21, insert the following:

"Nutrition and Human Needs—Nutrition and Human Needs"

SEC. 4. On page 94, strike out lines 4 through 6, and insert "Columbia, and the Committee on Post Office and Civil Service."

Mr. HUMPHREY. Mr. President, I realize that the Senate is ready to vote on this issue and the distinguished manager of the bill, the Senator from Nevada, said that at the proper time he is going to move to table.

I want to make a few comments.

First of all, I say that the distinguished chairman of the Committee on Agriculture (Mr. TALMADGE) has properly pointed out that the committee has done good work in the field of a number of feeding programs that are vitally necessary. He has every reason to be proud of the record of the committee. Those of us who serve on the Committee on Agriculture and Forestry feel that we did do a good job.

It has a wide range of programs including school lunch and supplemental feeding, the women, infants and children program—WIC—the food stamp program, and others. So we are capable of doing our job insofar as the legislation is concerned on nutritional and feeding programs.

But that is not the issue here. The issue is, Does the Congress of the United States need a special focus on the subject of nutrition, and is that focus to be institutionalized in what we call a Select Committee on Nutrition?

That is the issue. The issue is not one of reform. The issue is one of response. The issue is not whether or not we have a neat chart of committees that we can look at and say that we have coordinated and consolidated our work.

The issue here is, are the American people best served by a Select Committee on Nutrition in this instance or are they better served by a subcommittee of the Committee on Agriculture and Foresty?

We are not here in a political science class. We are not taking a course in public administration. This body is supposed to be sensitive to human need.

The Senate is supposed to be engaged in policymaking, based upon careful investigation as to needs which are translated, once the needs are discovered, into national policy.

I doubt that there is any doubt that the Select Committee on Nutrition has served, and is now serving, as of today, and can continue to serve, very important needs of the American people.

As a matter of fact, medicine today is looking more toward immunology and preventive medicine than it ever has before in all the history of medicine. It is

now becoming quite clear that the food we eat determines very much what we are and that the food we eat also determines our basic health.

We can show by nutritional studies the contribution of certain foods to hardening of the arteries, high blood pressure, kidney disease, diabetes, cancer, and arthritis. We have the scientific data.

So this bill is more than just a question of whether we are producing wheat, or corn, or rye, or barley, or beef products, or poultry. The question is a balanced nutritional diet.

This issue before this Congress—and it will be the issue for the next 10 years in the field of health—is what we call protective or preventive medicine. The message is immunology or building up our body's system of immunity.

We have spent a fortune on developing new chemicals. I say this as a still-registered pharmacist, because of the uncertainties of elected public office. I keep that license, believe me.

We have spent a fortune developing what we call miracle drugs to cure disease. We talk about having health insurance, but we do not have health insurance. We have sickness insurance. We do not get any health protection. We get paid if we get sick.

It is time this country started to think in terms of how to keep well.

It is said that in China years ago a doctor that had to treat one for disease was never paid, but the doctor that kept one well was paid.

In the United States, it is upside down.

The doctor that talks to us about preventive medicine is just on a local social call. That is the kind of thing that is done at a reception when someone might say, "You ought to get a little more rest, or you ought to get some exercise, or you ought not eat so much sugar."

We do not pay for that kind of conversation. What we pay for is when the doctor comes in and puts us through all the tests. Every time I have gone to the hospital I figured I was the new addition to the blood bank.

But we pay for medical care once we are sick.

I say to the Senate in all seriousness—and I intend to devote a good deal of my time to this subject—that from here on out the emphasis in modern medical care, which will be on preventive medicine, basic health protection, and building up the body's immunology. That is the emphasis.

There is not a single institution in Congress except the Select Committee on Nutrition that is geared to this subject matter. Not one. Yes, I must say that the Subcommittee on Health, which is headed by the distinguished Senator from Massachusetts (Mr. KENNEDY), has done an amazing amount of work in the field of health care; and he has been instrumental, along with the distinguished Senator from Washington (Mr. MAGNUSON), the distinguished junior Senator from Massachusetts (Mr. BROOKE), and other Senators in doing tremendous work in improving the National Institutes of Health, the basic public health services of our country. But all of that is dedicated to curing disease.

We are constantly asking, what is the therapeutic effect, what is the prophylactic effect? We study the dosage of medicine, which is called dosology. We study what can be done in terms of overdose of certain medicines, such as what we call the sleeping compound pills. We never have put enough emphasis on how to make it possible for a person's body to be sufficiently healthy so that you do not need sleeping pills. That is what nutrition is all about.

I call the Senate's attention to a report that was put out recently by the Select Committee on Nutrition and Human Needs, entitled "Dietary Goals for the United States." What does Marion Burros, of the Washington Post, have to say about this in the January 20 issue of that paper? She says that this is likely to become the linchpin for all these nutritional recommendations just because it has the stamp of approval of a Government body.

We have been holding hearings the last 2 days in the Committee on Nutrition and Human Needs, and every doctor, every person who has testified has said that this publication, "Dietary Goals for the United States," is basic, fundamental information that is desperately needed throughout this country. How do you think we got that report?

Important as the Committee on Agriculture and Forestry is, its first obligation is to the farmers. That is right. That is the first obligation.

I think it is a fact that if we, by a vote of this body, have a Subcommittee on Nutrition, it will do everything possible to do a good job. But there is not a Senator in this body, not one, who is qualified to discuss nutrition in a scientific manner. What you will be discussing is what your mother fed you. That is fine. I like Mom's food. But that does not necessarily mean that that is the best food you can get for your bodily health. There is not a person in this body that I know of who has the professional, scientific, and medical competence to study nutrition and give factual information. You have to get professionals to do it. That is why we need staff.

If we need staff to study juvenile delinquency and we need staff to study a new weapons system, we are going to need professional staff to study the impact of sugar upon the human body and the impact of chemical additives upon the human body. We are going to need professional, competent staff to study the role of fats—saturated and unsaturated fats, vegetable and animal fats—upon the circulatory system. That is what we are talking about.

So I come back. If we continue this special committee, they say that reform is destroyed. I say to my dear and able and competent and talented friend from Illinois that it is not reform to do away with something that is serving a good purpose.

There was a period of time a while ago, in medicine, that they gave up using herbs in the studies of enzymes. Do you understand what I am saying? They quit studying herbs and studied only known enzymes. Reformers in the medical profession said, "We won't study herbs any more. It's not scientific." Do you want to know what modern medicine is? The study of herbs and enzymes. Why? Because the so-called reform was a disaster. Now they are beginning to come back to what we call organic foods, and that was not considered to be reform. Once that was called old-fashioned, out of date.

There are a lot of things that have been labeled reform in this country that turned out to be anything but reform. Not only that, the Congress of the United States, I repeat—this body—has as its fundamental purpose to respond to the needs of people. That is why we have a Veterans' Committee.

To digress a moment, I notice that it was said that three committees were kept—Aging, Veterans, and Small Business. Well, why? I came to this body some years ago and fought hard to establish a Small Business Committee. We fought long and hard to get a Small Business Administration. Do you want to know why? Because nobody paid any attention to small business. They just talked about it. There were no funds. There was no money for small business. They just talked about it. So we set up a Small Business Committee to look after the interests of the papa and mama stores. You do not have to look after A.T. & T. and ITT. They look after themselves and the whole world. They know what to do. They do not even need the Government. As a matter of fact, they would like to take it over—if not here, in other places.

Why did we get a Veterans' Committee? Because veterans legislation was scattered all through this body; because the veterans of America, numbering in the millions, had no place to go. They are special; they are different; they served their country. They have special needs, just as farmers have special needs. That is why we have an Agriculture Committee.

Bankers have special needs. I have not heard anybody say, "Abolish the Banking Committee." What is so hot about them? They know how to take care of themselves better than anybody else. [Laughter.]

But we are told that we have to consolidate.

Why did we get the Committee on Aging? Because there was no place in the Congress that you could go to take care of our senior citizens. Finally, there were some compassionate souls around here who said, "Let's see if we can help at least take a look at what our elderly people need." What did the Committee on Aging do? It kept feeding legislative proposals into the legislative committees. It was a focal point. It was a place for investigation, for research. It was a home in the legislative body for the elderly people of this country. The Committee on Aging has served a useful purpose.

I cannot predict that it would not have worked fairly well as a subcommittee, but I will say this: It takes a lot of push and shove around here for subcommittees to get the same attention as a full committee. Unless you have staff, you do not get much attention. That is the truth.

The reason why the Committee on Agriculture and Forestry has done well is that it has an excellent staff.

I said—and I want to make it clear—that I was prepared to fold the Select Committee on Nutrition into the Committee on Agriculture and Forestry if we have enough people to run it. But I do not want to go in a clinic that has only a receptionist, a bill clerk, and a general practitioner. If I am going in for a checkup, I want the whole works.

I do not want to have a nutrition subcommittee which has two majority members and one minority member. When we are talking about the health of 215 million Americans, one of the great uncertainties and mysteries in American health care is called nutrition, and it is a subject which is still relatively unknown.

If my colleagues would attend the meetings of the Select Committee on Nutrition they would come away, as I have, a convert. I have not attended too many hearings, but when I have attended, I want to tell you, I want to hit the old sawdust trail. I feel a hallelujah chorus coming over me, because something happens there.

So I would suggest that the motion made by the distinguished Senator from South Dakota has genuine merit. He says:

> Let us extend this for 2 years, Write into the law that at the end of 2 years it is finished

I guess that it has merit. I am not sure that is the way it should be, but he is willing to do that. The issue is whether to bring this effort to the Committee on Agriculture, and I serve on that committee with pride. I love that committee—there was a time, may I say, around here though 5 years ago when you had to draft Members to go on that committee. I just want you to remember that.

The distinguished chairman is here, and he can remember when, before the Russian wheat deal, we could hardly get a man or woman to serve on that committee.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HUMPHREY. Yes.

Mr. TALMADGE. I am delighted to say that every Member who served on that committee for the past 6 years has continued to serve on that committee. We have had an avalanche of new Members wanting to serve on that committee.

I can state further that in the last 6 years no member of that committee, either Democrat or Republican, has been rejected at the ballot box.

Mr. HUMPHREY. The Senator is so right. I want to tell you to be able to be under the protecting arms of the Senator from Georgia is one of the great blessings of my public life. [Laughter.] He is without a doubt one of the truly fine chairmen, and he is generous, magnanimous, able, intelligent, and effective. That is a pretty good combination. May I say to the Senator he is all of that.

Mr. TALMADGE. Mr. President, will the Senator yield further? He overwhelms me.

Mr. HUMPHREY. I am a man of few words with great humility, as you know. [Laughter.]

Now, to get back to our business: I want to say to the Senator from Georgia that if he would be willing to strike a compromise here and do what the Senator from South Dakota once suggested which was, I believe, to agree to a staff of six professional members, and make it a standing subcommittee, that a deal or an understanding could be struck.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HUMPHREY. Yes.

Mr. TALMADGE. We have a professional staff now, as the Senator knows, that is highly dedicated, well-qualified. With the staff we have now we passed seven nutrition bills last year.

I am willing to add to it to some degree. But, as the Senator knows, I am not an empire-builder on staff. I want to keep it lean and I want to keep it competent.

Mr. HUMPHREY. The Senator has done just that, and I want to say to him that if, perchance, this tabling motion should succeed—and it may, but if it should succeed—the work of that committee, the Agriculture and Forestry Committee, will be immensely increased if we are going to do the job that needs to be done in nutrition.

I am not up here speaking for this committee because I want to stay on the Committee on Nutrition.

If it would make anybody any happier I will drop off. It is important to me. But, what is more important is the broad base of the committee. Senators PERCY, NELSON, SCHWEICKER, KENNEDY, and CRANSTON are on that committee, along with the members of the Committee on Agriculture, representing metropolitan areas, representing areas of dense population and rural areas where there are immense health problems.

But what is most important above all is the question of is it needed. That is the only question, not whether or not it represents reform. Reform is necessary. I have seen reform in business, in government and in the universities. Sometimes reform did not turn out quite as we expected. I think the central question is, and the only question that is important is, will we do a better job as the Senate of the United States with a Select Committee on Nutrition with a properly staffed committee with professional staff? Will we do a better job of answering the issues that nutrition raises in terms of the health of the American people or will we do a better job with a subcommittee of the Committee on Agriculture. That is the issue.

We ought not to be deceived by the pressure of having someone say, "Well, you either have to be for reform or against reform."

I think the real reform was the select committee; I think the real reform was the Committee on Aging. I know they worked out an agreement to keep the Committee on Aging, and thank goodness they did.

But I am here to tell you that the Select Committee on Nutrition and Human Needs is a committee that is looking toward the future not the past.

Mr. PERCY. Mr. President, will the Senator yield for a comment?

Mr. HUMPHREY. Yes, I yield to the Senator from Illinois.

Mr. PERCY. I am very grateful for the comments made by the Senator from Minnesota. I would simply like to report that I have seen the television program on which the distinguished Senator from Minnesota appeared, I believe, on Meet the Press. It was the most telling and human story, talking to the American people about what the Senate of the United States has done in order to lengthen the lives of every single American, in order to improve the health of all Americans, in order to reduce the health costs. He discussed the role of diet in the health of the United States which is dealt with in the report just put out by this committee. Already, 7,500 copies of the report have been requested, and we have not had a chance to print it yet. It is probably one of the most important documents that any Member of the Senate who wants to increase his longevity could read.

We are certainly suffering from lack of knowledge about nutrition. We know more, as I said yesterday evening, scientifically through research about how to feed cattle, how to feed hogs, and how to feed chickens than we do about how to feed human beings.

This is the only time that the Government of the United States has really addressed itself to this subject in a methodical and orderly way. It is one of a series which is to be printed.

The Senator from Arizona has just indicated that he must leave the Senate soon; the Senator from Rhode Island (Mr. CHAFEE) must catch an airplane at 5 o'clock, and he would like to vote; and I have indicated to Senator MCGOVERN that I would hope we could come to a vote on the tabling motion that I understand will be offered at about a little after 4 o'clock. The minority has not spoken on this issue. I would like Senator DOLE to have an opportunity to speak. I would like to make a few comments.

If the distinguished Senator would at this stage yield the floor then we would get our statements in as quickly as possible and accommodate many of our colleagues who have other business to attend to.

Mr. HUMPHREY. The Senator from Minnesota also has another engagement around 4:30 which he has to make. I yield the floor.

Mr. MCGOVERN. Mr. President, will the Senator yield to me? The Senator from Michigan (Mr. RIEGLE) asked me a long time ago if he could be recognized after the Senator from Illinois and the Senator from Kansas speak. Would they be willing to yield to the Senator from Michigan like to speak now or would he minutes?

Mr. PERCY. Would the Senator from Michigan like to speak now or would he mind if I gave my remarks and then yielded to the Senator from Michigan and then yielded to the Senator from Kansas—if that is all right? We will try to finish this up, say, with a target of 4 o'clock.

First, I would like to say to Senator CANNON, because he was not on the floor last night when I spoke, that I, for one, deeply appreciate the work his committee has put into this effort. It has been a magnificient effort and a noble objective and a worthy cause. I have testified before both the Stevenson committee and the Cannon committee on this matter, supporting many of the concepts that we are all after.

Originally before the Stevenson committee, I supported giving up and abolishing the Committee on the Aging, the Joint Economic Committee, and the Nutrition Committee on which the Senator from Illinois serves. But I laid out at that time certain standards I felt had to be met.

As I understand it, a little earlier in the day Senator CANNON mentioned the number of Senators who were on both the Agriculture Committee and the Nutrition Committee. The Senator from Illinois would like to point out that Senator CRANSTON, Senator KENNEDY, Senator SCHWEIKER, Senator HATFIELD, and I are not on the Committee on Agriculture. All of us have taken a deep interest in the work of the Committee on Nutrition and Human Needs.

What has been worked out, I think, in this compromise is a principle that is extraordinarily important as it relates to the way the work of the reform committees has been done: with respect to the Veterans' Committee, Small Business Committee, Joint Economic Committee, Joint Taxation, and Ethics Committees. A herculean step has been taken here, in that the effected committee itself, Senators MCGOVERN, DOLE, PERCY, and others, have all agreed that there shall be 2 years and at the end of 2 years, no matter what happens, the Committee on Nutrition and Human Needs will cease to exist.

Moreover, this is an orderly transition that is acceptable to the ranking Republican and to the distinguished chairman of the Committee on Agriculture and Forestry. We have no doubt that, if they have 2 years to prepare, get ready, and have a gradual transition to allow the Committee on Nutrition and Human Needs to finish up its work on an orderly basis, the subcommittee to be established on the Committee on Agriculture can at the end of 2 years be prepared to assume the responsibility.

Everyone in the Senate and all of the people this committee has served, would feel comfortable with that. Many of these people are not organized or in lobbying groups of the kind that have come down en masse and have protected and preserved the aforementioned committees. But when we take into account that this committee, in a sense, has given recognition to the needs of so many people: The poor, impoverished, elderly, infants, mothers, and so forth, who are not organized into lobbies, I think we can feel comfortable that their human needs have been taken care of in this 2-year transition period that has been worked out. Also, this report "Dietary Goals for the United States," I think it is so extraordinarily important that we should now take the time to have this basic work that has been done transmitted to the country.

So I wish to speak strongly in favor of the McGovern-Dole amendment to Senate Resolution 4, to extend the life for 2 years and then have it cease functioning at the end of that period and have all those functions transferred to the Agriculture Committee.

This amendment does not ask that the Nutrition Committee be continued indefinitely. It sets a specific timetable for the committee to complete its work and turn over its responsibilities to the Agricultural Committee. It does not undermine the principle of reform. It merely asks that the Nutrition Committee be allowed 2 years to effect a smooth transition for the important work in hunger, poverty, and nutritional health that it does.

I ask that the full text of my prepared remarks be printed at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BY MR. PERCY

Mr. President, I rise in support of the McGovern-Dole amendment to S. Res. 4 to extend the Select Committee on Nutrition and Human Needs for a final two years at which time its functions would be transferred to the Agricultural Committee.

This amendment does not ask that the Nutrition Committee be continued indefinitely. It sets a specific timetable for the committee to complete its work and turn over its responsibilities to the Agriculture Committee. It does not undermine the principle of reform. It merely asks that the Nutrition Committee be allowed two years to effect a smooth transition for the important work in hunger, poverty and nutritional health that it does.

Currently the food programs which the Nutrition Committee oversees reach approximately 50 million Americans. All of these programs—from child, maternal and elderly nutrition to food stamps—respond to real needs.

The Nutrition Committee investigated hunger and poverty and uncovered acute needs in America. But the Committee did not stop there and leave it to others to develop ways of overcoming these massive needs. For we knew that no one else would do it. In fact, without the hearings, investigations, and drafting of legislation by the Nutrition Committee and without the subsequent intense prodding of the appropriate legislative committees to action by the Nutrition Committee, the accomplishments that have been made in hunger and poverty would never have been achieved.

The enactment of this amendment will give the Committee two years to work with the legislative committees to make sure that adequate attention and oversight will be given to these important areas.

Similarly, the Nutrition Committee has conducted investigations over the past year into the link between diet and disease. In the process we uncovered a need that demands urgent attention and action. Our national diet must be changed to reduce the incidence of 6 of our 10 leading killer diseases. We recently published a Committee staff report on Dietary Goals for the United States, with suggested action for individuals, government and industry to help reduce diet-induced diseases. This report is the first of its kind anywhere in government, and in the little more than two weeks since its release has generated over 7,500 requests for copies.

Because the Nutrition Committee links the Agriculture and Labor and Public Welfare Committees, it is a unique forum to deal with such a report. Follow-up work in basic research as well as on government and industry action regarding diet and health would not be possible if the Nutrition Committee were abolished and transferred to the Agriculture Committee immediately.

Two years will also give the Nutrition Committee time to complete its work on a much needed national food and nutrition policy that is related to health and social welfare concerns. The fact that the Nutrition Committee membership comes 40 percent from the Agriculture Committee, 40 percent from the Labor and Public Welfare Committee and 20 percent from the Senate at large makes it uniquely qualified to work on such a comprehensive proposal.

I call on my colleagues to support this amendment.

Mr. PERCY. I shall vote against any tabling motion that is made. I would really hope that, in the spirit of accord, and given the compromise that has been worked out, we will be able to vote on this up or down and we will not have a tabling motion. But certainly I shall vote against that tabling motion in the interest of the malnourished, in the interests of infants, mothers, and older people who cannot come down here and lobby, and also in the interest of all those Americans who today are following dietary habits that are leading to their early death. When we take into account the hearings of the last 2 days, with expert testimony from witnesses across the country indicating that in certain areas diseases virtually unknown at the turn of the century are now causing a million deaths a year in America and affecting the lives of 28 million Americans, we see we have a problem from which we simply cannot walk away.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. PERCY. I will be happy to yield. I shall finish in 1 minute.

The Senator from Illinois has seen, as I said yesterday, many bankrupt companies with a beautiful organization chart, streamlined, and all; but I think we would be bankrupt, in a sense, if we talked away from this problem and folded up the committee without the Agriculture Committee being prepared today to assume these new ongoing responsibilities. That is why I urge my colleagues to support an orderly transition and then once and for all at the end of 2 years have this committee cease functioning and have all its responsibilities transferred to the hands of the Committee on Agriculture and Forestry.

I yield.

Mr. CANNON. If the Senator will yield, the Senator seems to imply that these hearings could not be held if this went to the Agriculture Committee and to the subcommittee, that we would be abandoning nutrition. The distinguished chairman of the Agriculture Committee pointed out seven very important bills last year in the nutrition field that were reported out by the Agriculture Committee. I am sorry the Senator was not present earlier because I pointed out that five of the senior members of this committee are already on the Committee on Agriculture and would be in a position to run that subcommittee. Furthermore, I believe the Senator from Illinois is probably the only one presently on the com-

mittee who would not be eligible to continue on that committee if it were retained as a separate committee because of the number of committees that he has.

Mr. PERCY. The Senator from Illinois is going to be very happy indeed, I can assure Senator CANNON, to relinquish some of these committees. In fact, I suggested yesterday to Senator STEVENSON that some of the committees that I am on I see have not held a meeting in years. I said if a committee does not hold a meeting in a year it should see its sunset, it should be abolished automatically. If that were the rule, then all these membership figures, that do not mean a thing, I think would go down very dramatically as a result.

I do wish to point out once again that on this committee and serving on this committee in a very activist way have been Senator CRANSTON, Senator HATFIELD, Senator SCHWEIKER, Senator KENNEDY, who has been our most active member, and myself. We fought battles year after year to begin nutrition programs for the elderly.

None of them could serve on a Nutrition Subcommittee, and I think the services of those Senators are needed for the next 2 years, particularly when we have a monumental study of this kind that we need to get across to the American public.

I would think it would be a dereliction of duty for us to abrogate our responsibility and just say in the interest of cleaning up an organization chart we are going to walk away from our responsibility, particularly when we are the only committee of all of those who asked to stay on—and there have been seven of them that are staying on—that said give us 2 more years to finish up and then we will go out of business.

It would set a precedent, I think, that would be a very salutary precedent, and it certainly is in conformity with the objectives of reform that Senator CANNON has worked mightily to achieve. And I give great credit also to my distinguished colleague Senator STEVENSON for the work that he has done.

Mr. CANNON. If the Senator will yield further, of all of those distinguished Members that the Senator mentioned who were not on the Committee on Agriculture only one of them would be eligible to serve if this committee were continued, unless the Senator is suggesting that we do completely away with the limitation.

Mr. PERCY. Of course they would have to choose.

Mr. CANNON. That is the limitation with two majors, two class A committees and one class B or C committee. If that remains in effect, which is the key to reorganization as Senator STEVENSON has pointed out, then there is only one Senator on this entire list who is not on the Committee on Agriculture who would currently be eligible to serve on the Committee on Nutrition.

Mr. PERCY. As I understand it, we would have to make a choice. At this time, I yield the floor so that the Senator from Michigan has the floor.

Mr. RIEGLE. Mr. President, let me, if I may, inquire of the Senator from Kansas (Mr. DOLE) if he has an interest in wanting to be heard at this point. I am wondering if the Senator from Kansas wishes to be heard. I see he is on his feet, and I would be happy to yield to him without yielding the floor so he might speak at this point, if that is his wish.

Mr. DOLE. If the Senator from Michigan will just proceed, the Senator from Kansas can follow the Senator from Michigan.

Mr. RIEGLE. Let me say then, Mr. President, I direct a number of my comments to the Senator from Nevada who like others I very much respect because of the difficulty in trying to handle this kind of reform measure, but I wish to have a serious discussion with him on some points that have come up today, because this is something I feel very strongly about, and I probably feel as strongly about it as he or anyone else in the Chamber.

Let us simply cover some of the points one by one. With respect to people having to get off subcommittees, that is every Senator who has been here for some time is going to have to get off subcommittees. Senators are going to have to make elections as to what they leave. That is part of this whole reform package.

But the point is, with respect to the Nutrition Committee, Senators who are there will be able to make that judgment as to whether they wish to stay there and serve or serve on some other subcommittee. Clearly, that is not unique to this particular situation as apart from others. The same thing is going to be true with respect to committees like the Aging Committee, the Veterans Committee, and committees of that nature.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. RIEGLE. I yield for purposes of a question.

Mr. CANNON. That is not quite correct. Apparently the Senator has not read the amendment as proposed.

Mr. RIEGLE. I am happy to hear the comment.

Mr. CANNON. The amendment, for the purposes of paragraph 6 of rule XXV, would exclude them from limitation as to service. So what we are doing here is saying that a Senator could have a fourth committee, if he is on this committee and wants to stay on. Now that does complete violence to the proposal of the Stevenson committee.

Mr. RIEGLE. If I may say to the Senator, it is my understanding there are no subcommittees, first of all, on the Select Committee on Nutrition. It is one committee. The compromise that has been offered envisions the scaling down of this committee, I believe, if I heard correctly, from 14 members to 9 members over 2 years.

If I have ever heard a reasonable compromise suggested, it sounds to me as though this one meets that test, because we have changed directions on other committees. I say to the chairman that we have changed directions on the Veterans' Committee, and I do not know if it was as much on the merits of the argument as it was the public pressure and the outcry. I understand that, and I was part of it. And we have changed directions on other special committees. The thing that bothers me here is that my own conviction is that the reason we have not given ground on this particular committee is that its constituency is inarticulate and poorly organized.

If its constituents were able to come in and petition effectively, it is my judgment that the change would have been made, and made in the Rules Committee. It would have been reported out in the old form, before it ever got here to the Senate floor. But the fact is that migrant children and unborn children in expectant mothers cannot effectively petition us on this issue, even if they knew what was going on.

We talk about biting bullets; there is an awful lot of difference, it seems to me, when the bullets are served up, as to how the biting is done. Because I think we have clear evidence that we have caved in to more aggressive lobbies. You can put it in any language you want to put it in, but the hard fact is that the recommendation of the Reorganization Committee was to disband certain other committees, and they have been resurrected—with less justifiable reason, in fact, than in this case.

I spoke on this subject last night. The Senator from Nevada was not on the floor at that point. I think one of the most compelling facts I have come upon in the last several years is the fact that they have now established a direct scientific link between malnutrition and brain damage, permanent brain damage. If an expectant mother does not eat properly, or if an infant, after it is born, does not get the right kind of diet, brain damage occurs that cannot be corrected.

We are not talking here about some other kind of Federal largess in terms of tax credits, or some other kind of political petition; we are talking about feeding people. We are talking about eating.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. RIEGLE. Yes, I am willing to yield at this point.

Mr. CANNON. Does the Senator feel that distinguished Senators like Senator TALMADGE, Senator MCGOVERN, Senator HUMPHREY, Senator DOLE, and Senator BELLMON are not going to do as good a job on nutrition if it comes to their subcommittee in agriculture, and they are on that subcommittee?

Mr. RIEGLE. That is exactly what the gentlemen are saying to us. I hear them saying it, and I do not understand why the chairman does not hear them.

Mr. CANNON. I do not believe any of them said they would do a poorer job if it came to them on agriculture. They said they would do their very best.

Those gentlemen are all capable; every one of them. I know they are good, and I know they will do their best.

Mr. RIEGLE. This is what I am saying: I heard the chairman of the committee, the Senator from South Dakota saying he could do a better job the way it has been done for the last 8 years. The Senator from Kansas, on the other side of the aisle, yesterday made exactly the same point. How does the chairman presume to know this better than they know it, when they have been dealing with it?

I am persuaded by their arguments, because they have lived with it. Intending no disrespect whatsoever to the Senator from Nevada, because I have great admiration for him and for the Senator from Illinois heading the presentation of the reform package, they have not stood in those shoes. They have not sat in on those hearings, and I am disturbed by the fact that those who have, have come in here and said, "Let us continue."

The Senator from Illinois (Mr. PERCY) made a very compelling argument last night along the same lines. But this is the bottom line point I am making: If we can keep 200 people in this country, through proper diet and not going hungry, from suffering the kind of reverses that cause them to become welfare clients, if we can keep 200 people off the public welfare rolls for 2 years, we can save enough so that we can pay for this entire staff. Sure, there is a big difference between 17 staff members and 2 or 3. That is a dramatic difference, and there will be a big difference in job performance.

But the thing I am concerned about is that we have 25 million people out there, and a lot of them in my State, who are part of the feeding programs. We spend $9 billion a year on those feeding programs, and yet are we not willing to have 17 people to maintain some kind of oversight responsibility in this area?

We have been doing it for 7 years, and the Senators on both sides of the aisle who have been participating in it have come to us and said, "Leave it in being." I am persuaded by that argument, and frankly I have not heard any contrary argument other than the argument which says to abandon it streamlines the institution, and therefore, that we ought to disband it and put this into the Agriculture Committee.

I have great respect for the chairman of the Agriculture Committee. I think he is probably as fine a committee chairman as we have in the Senate. But there is also a built-in conflict of interest. I ask the Senator from Nevada, what is the central purpose of the Agriculture Committee? To deal with the production of agricultural products in this country—tobacco, sugar, beef, and a lot of other things, the use of some of which may not be consistent with good nutrition, nor with the health of the people we will feed.

We have nutrition programs in Detroit right now that are the only source of food for some of the people who live there. I have heard no one make a higher claim, that we can do better, or even that we can do this job as well in the future as in the last 8 years.

We have caved in in case. I saw the headline yesterday in the Washington Post, where it said that reform was slipping backward. So everybody gets a lot tougher, but I do not see much toughness in terms of the strong constituencies. I do see it in terms of the weak constituencies, and that is what we are talking about here.

We are talking about people eating, being able to eat. I am disturbed about the fact that yesterday in this body we asked for a pay raise. I voted for it, as did most of the Members of this body. But the problem of the people who are not able to eat, and whose needs have been identified, is urgent. To cut out this select committee, which has functioned for the last 8 years, and not to be able to say to the country that we can help the hungry in the future as well as in the past, I think is irresponsible. And to do that in the name of reform does not whitewash it one bit. I do not see any conflict here. There is not any conflict on this issue.

The fact that the people cannot get here to speak for themselves troubles me very much. Sure, the small business interests were heard, because they are organized. The veterans' interests were heard, because they are organized. And the aging groups were heard, because they are better organized. But the people in this situation are not organized, and they have not been heard. I think basically we are taking a step backward, and I do not see any justification for it. I have not heard one valid argument offered here as to why we can get this job done better on the new basis.

Then when I hear the argument advanced to the effect, "Well, look, if we lose one more of these, maybe we will just throw in the whole towel on reform." I do not buy that argument, because I think much has been accomplished in other areas up to this point that I think is worth preserving. That argument just does not hold water.

Why shouldn't Senators be given a chance to work where they want to work? There are only 100 people here. If Senator PERCY is able to stand up on this floor and say he thinks the most significant work he has done here during his entire career in the Senate has been on this select committee, then who is to stand up and say he cannot do that anymore?

When Senator MCGOVERN says something like that and Senator DOLE last night said something along those lines, who are the rest of us to say not to work in that area? Frankly, I think that is very arrogant.

We have something here that works, that helps people, that helps hungry people. Lord knows, we do enough things around here, legislatively, that do not help anybody and, in fact, hurt people. This is one thing we do that helps somebody. Now we want to shift gears and go backward. That is what we are talking about here.

I buy the point Senator HUMPHREY made. I want to establish what the connections are between diet and public health. I have people in my State today who cannot afford to pay their health bills.

The thing that disturbs me is it is not being argued on the basis of those kinds of merits. The case for elimination has not been made concerning merit. It has been based on the question of whether the recommendations of the Rules Committee and the recommendations of the Reorganization Committee are going to be adhered to.

They have been tailored, retailored, retailored and retailored. Now there is a compromise for a 2-year extension. Yet we are going to be so tough and so hard that, no, we are not willing to give ground for 2 years. We have given ground on Aging not for 2 years but indefinitely, and on Veterans not for just 2 years but indefinitely. It is the same thing with the Committee on Small Business and the others.

Finally, I just want to say this: I feel strongly about it. I respect very much the work of the chairman of the Rules Committee because this is a tough, thankless job. I believe he and the Senator from Illinois have generally done an outstanding job. I feel very much in their debt. I believe my 9.5 million constituents are in their debt for what they have done that has been constructive.

However, I think some Senators are being unreasonable on this issue. I think they are being needlessly tough. I do not follow the arguments which have been advanced as to why this compromise is not the best answer.

Rather than be that tough and hold the line on that basis, I would urge Senators to think again about it. I would urge them to think about supporting this compromise approach. Let those 7 years wind themselves off with 2 additional years, and let us see what we can learn. Let us see what we can do to help people.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I believe about every argument has been made for a continuation of the Nutrition Committee. The Senator from Kansas will speak briefly and, hopefully, we can have a vote soon.

I have listened with great interest to different Senators, of different philosophical persuasions, recognizing the normal tendency to protect ourselves. It is a matter of interest, if we are on a committee, to suggest that this committee is better than the other committees, particularly if I am on that committee or if someone else is on that committee. But the Senator from Kansas, as has been pointed out, is not only on the Select Committee on Nutrition and Human Needs but also the ranking Republican on Agriculture.

Perhaps from a selfish standpoint it would be in the interest of the Senator from Kansas to have this committee shifted to Agriculture, because then, as the ranking Republican, the Senator from Kansas would be in charge on the minority side rather than the distinguished Senator from Illinois (Mr. PERCY).

The Senator from Kansas would also confess that early on when this committee was first created, I had rather grave reservations, having traveled to Florida and having traveled to other States participating in hearings. At that time—I cannot recall but there is always the possibility I might have said something—the Senator from Kansas may have expressed reservations, and may have said, in effect, that the committee was being used for some other purpose than nutrition and human needs.

The Senator from Kansas would hasten to add that since that time I have closely watched the operations of the committee, the conduct of the chairman, the

distinguished Senator from South Dakota, and the staff, and that I now support 100 percent the autonomy of the Nutrition Committee.

The compromise offered by Senator McGOVERN, myself and others is understandable. There is no question about it. We are talking about a 2-year extension. There is also no secret that if we could have persuaded our chairman of the Agriculture and Forestry Committee that we needed more than three professional staff persons, two on the majority and one on the minority, there might not be this resistance to go to the Agriculture Committee. As the distinguished Senator from Nevada has pointed out, five members of the Nutrition Committee are on the Committee on Agriculture.

Mr. ZORINSKY assumed the chair at this point.

Mr. TALMADGE. Will the Senator yield at that point?

Mr. DOLE. I yield.

Mr. TALMADGE. The Senator, of course, knows that we deal with nutrition matters in our committee. During the last Congress we reported seven bills relating to nutrition, which shows we have considerable expertise in our staff in that field now.

It is the opinion of the Senator from Georgia, and I hope it is shared by my distinguished colleague from Kansas, who is the very able ranking minority member, we have a competent staff, an adequate staff. It is not desired to just build staff on staff for the purpose of staff. I am willing, of course, to work with the Senator from Kansas to provide an adequate staff. I have seen staff pyramided in committees around here to where it creates hopeless confusion. I want to keep our staff lean, effective, and nonpartisan, as the Senator knows. I believe he is thoroughly aware of the fact that we have done just that.

Mr. DOLE. Let me say to my distinguished chairman, perhaps it is a question of how we interpret "adequate." The chairman interprets it one way and some of the rest of us interpret it another way. I do not suggest that there are not very competent members presently on the Senate Agriculture Committee who can render great service to a nutrition subcommittee.

I know every member of the Nutrition staff. I have worked with some and I have been very impressed with their efforts. Perhaps if we had been able to reach some agreement on that question we would not be here asking for an extension. But that is a matter of a difference of opinion. There is certainly no doubt in my mind if it comes about, if we make every effort and fail, the Senator from Kansas is convinced that every effort would be made in our Agriculture Committee to give it proper attention.

If we look back over just the 94th Congress and what has happened in the Nutrition Committee, without going through everything that was published by the committee staff, with the approval of the committee, we have had reports on food stamps, the school food program needs, reports on the WIC program, on the food industry, a compilation of the National School Lunch Act, and the role of the Federal Government in human nutrition research. Study after study and print after print have been issued by the Nutrition Committee. In addition, hearings were held in February 1975 and March 1975. They were held throughout 1975 and 1976.

The point is that it is a very active committee. It is not a committee designed to create a staff or to build an empire.

Just this past week, and the hearings were not timed with the thought that this bill might be before the Senate, we completed 2 days of hearings on the relationship of diet to disease. The committee looked specifically at the influence diet has on cardiovascular disease and obesity. That is just one area of research and one area that needs a great deal of attention.

The Members I would like to impress are not in the Chamber at the present time. I would like to catch them as they come through the door.

In any event, the importance of these hearings is just starting to emerge. It seems to the Senator from Kansas we have a very vital program in the works. In America 1 million people each year have heart attacks. Eight hundred thousand die from heart attacks or some cardiovascular problem.

I share the view expressed by others. I assume we may be in some difficulty as a committee because there is no one here to lobby for those who may suffer heart attacks, for those who may suffer from malnutrition, for those who may suffer from obesity, for those who may be concerned about food stamp reform. They may be on the streets but they do not have a lobby. They have not written letters, as have other groups which have been able to save their respective committees.

I say it as one who has been skeptical about the committee at the outset, or was skeptical at the outset, one who is now firmly converted to the belief that the committee is important, one who, like every other Senator in this Chamber, has plenty to do. We have a number of subcommittees and probably enough subcommittees and committees, and no doubt, as the Senator from Illinois (Mr. STEVENSON) has said, more than enough. That is the reason for the reform. I voted with the distinguished Senator yesterday to reduce one such committee and I support generally the concept.

So the Senator from Kansas merely suggests this: we have offered a compromise. We have not attempted to perpetuate the committee forever. Perhaps in the 2 years ahead, we can do the work that is now before us and that will probably be folded into the Committee on Agriculture; in that interim, working with the distinguished chairman of the Senate Committee on Agriculture to make some staffing arrangements. When that happens, it will be phased in and there will be a transition and the good work of the Nutrition Committee and those of us who have an interest in that committee can be carried forth.

Research has shown definite corollaries which indicate that the food one eats has a direct bearing on his health. Cancer, cardiovascular disease, hypertension, diabetes, arteriosclerosis, and cirrhosis of the liver have all been linked directly to diet.

Nutrition is the most vital component of our day-to-day lives. Through nutrition, it is almost predestined what we are to be and become. Nutrition is a determinant factor in the mental health of the newborn infant; in the educational and career accomplishments of the student; and in the total health and wel-being of any person.

Originally, I confess I was skeptical about how much good a Nutrition Committee could or would do for our Nation's health. However, in the time that I have served on the committee, I have realized exactly what it does do, and the accomplishments it has made to our country. This committee has played major roles in legislative recommendations on our food assistance programs, such as food stamps, WIC, the school lunch and breakfast programs, meals-on-wheels, and others. I was a doubter who became a believer.

The two primary goals of the Nutrition Committee were: First,, to insure that each and every American has access to a health diet; and second, to provide consumers with enough information that they could make a nutritious selection of food.

Unfortunately, I realize that in spite of our efforts, there is still confusion in this area. This week I have been besieged with phone calls from people who are upset because they thought the committee was recommending not to eat red meat. Our recommendation was that persons should eat lean beef, but we have never said not to eat meat. Protein is a necessary component of our diet, which we must not omit. The work of the committee is not yet complete—I wish it were. It would suit me fine to have one less committee responsibility, but until our work is complete, I am in favor of continuing. We should not quit in the middle of a project.

In addition to educating our citizens about wise eating habits, I think the Select Committee on Nutrition and Human Needs also has responsibility to continue their surveys of the American public to determine their present dietary habits.

The USDA's Agricultural Research Service wrote the following in a letter to Senator McGOVERN:

Our dietary guidance for families is hindered by inadequate knowledge about the nutritional needs at different stages of life, and the consequences of inadequate nutrition. This knowledge is needed to guide major USDA feeding programs for groups believed to be at nutritional risk. This re-

search would establish the extent of biological variability for nutrients in individuals differing in age, sex, and genetic background. Many of these population groups have never been studied to quantitate their requirements for a particular nutrient.

As a select committee, we can help collect this data and make it available to the Department. I hardly see that this type of assistance could be offered if the Nutrition Committee were folded into the Agriculture Committee.

Complementing this concern from USDA, the Library of Congress has proposed questions along the same lines.

1. What is the nutritional status of the Nation's populations?

2. What is the level of nutritional awareness of the Nation's peoples?

3. How does the state of the Nation's economy affect the nutritional status of its populations?

4. What activities in nutrition are currently being administered by the Federal government? Are these activities coordinated, or do they overlap?

5. What Federal programs in nutrition made an impact on the health status of the Nation's peoples?

Somehow, I fail to see how these weighty issues could be properly addressed by a Nutrition Subcommittee of the Agriculture Committeee.

The business of the Agriculture Committee is primarily food policy, food production, import-export regulations, and farm assistance measures. I think it is a little unrealistic to think that if nutrition were wedged in with these topics, it would receive its due consideration.

Yet, the work of the Nutrition Committee is undeniably important. A USDA study estimated that an adequate diet would reduce the incidence of heart disease by 25 percent, with a savings of $30 billion for this one nutritional problem alone.

In 1976 $45 billion was spent in sickness, lost wages, and benefits because of cardiovascular disease. Treatment of obesity costs $10 billion yearly. Estimates are that proper diet could reduce by 20 percent the U.S. Health Care bill, which was $135 billion in 1976. This is a $27 billion savings were not talking about!

In terms of the population, a Nutrition Committee study showed that improved diet could reduce heart and vascular disease by 25 percent, infant mortality by 50 percent, obesity by 80 percent, and cancer incidence and death by 20 percent. We have reason to think that 50 percent of the cases of diabetes could be improved or avoided through diet.

Preliminary evidence shows that 30 percent of the cancer cases in men and 50 percent in women can be attributed to nutritional imbalances. Hypertension affects 27 million Americans, and research shows that it can be controlled by diet. Obesity has now become the No. 1 malnutrition problem in the United States, afflicting 30 million Americans. Of these, 15 million are obese to the point where their life expectancy is limited.

Malnutrition is a problem of great magnitude, both in terms of persons affected, and dollars invested. We simply cannot let the beneficial work which has been done by the Nutrition Committee be wasted, which is what I am afraid would happen if this part of the committee reorganization plan is approved.

Logistically, there is no way that nutritional concerns can continue to receive proper attention if the Nutrition Committee is folded into the Agriculture Committee. There will not be the manpower, nor the freedom to explore the many facets and complexities of malnutrition in America.

I fully recommend the extension of the Select Committee on Nutrition and Human Needs, and hope that the Senate will vote favorably on this amendment. I assure you that there is much interest and support among the constituents for retaining this committee, but the persons who most benefit from the workings of this committee are those in lower economic groups, who have not the expertise, nor the finances to carry out high pressure lobbying techniques.

Mr. President, I ask unanimous consent that a chart on nutrition facts and a letter from the Department of Agriculture, as well as a summary of Nutrition Committee prints, 94th Congress, of the hearings held by the Nutrition Committee, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AGRICULTURAL RESEARCH SERVICE,
Washington, D.C., Nov. 12, 1976.

Hon. GEORGE MCGOVERN,
Chairman, Select Committee on Nutrition and Human Needs, U.S. Senate.

DEAR MR. CHAIRMAN: We welcome the opportunity to respond to your recent request concerning the implementation of a national, comprehensive human nutrition research program under the leadership of the Agricultural Research Service.

The Department of Agriculture and the Agricultural Research Service have a comprehensive mandate to perform human nutrition research, including human requirements for nutrients, studies of food consumption patterns, study of nutrient content of foods and means of preserving and enhancing its nutrient quality. The Agricultural Research Service ongoing program is funded at a $13 million level.

A significant amount of research has been accomplished in this area but many important questions remain to be answered. For example, only limited knowledge exists concerning proper diets for humans. This was confirmed during recent Congressional Hearings on the relationship between diet and disease when the Assistant Secretary for Health, the nation's top health officer, stated: "While scientists do not yet agree on the specific causal relationships, evidence is mounting and there appears to be general agreement that the kinds and amount of food and beverages we consume and the style of living common in our generally affluent, sedentary society may be the major factors associated with the cause of cancer, cardiovascular disease, and other chronic illnesses."

The agricultural research community believes that major breakthroughs of knowledge can result from an expanded nationally coordinated human nutrition program. Potential savings in terms of human lives and resources devoted to health care can be immense. Increased knowledge of human requirements for nutrients and how this can be accomplished by changes in crop and animal production practices and food processing techniques can result in increased efficiency in food consumption patterns. Overall, an expanded nutrition research program can contribute to strengthening the nation's economy and to the well being of its citizens.

National program managers feel that major breakthroughs can occur and long term needs met by building on research knowledge already known and by concentrating efforts in five major areas of work. Rationale for recommended long-range studies and recurring additional funding requirements are summarized below:

1. Human requirements for nutrients necessary for optimum growth well-being—$66.6 million.

Our dietary guidance for families is hindered by inadequate knowledge about the nutritional needs at different stages of life, and the consequences of inadequate nutrition. This knowledge is needed to guide major USDA feeding programs for groups believed to be at nutritional risk. This research would establish the extent of biological variability for nutrients in individuals differing in age, sex, and genetic background. Many of these population groups have never been studied to quantify their requirements for a particular nutrient.

2. The nutrient composition of foods and the effects of agricultural practices, handling, food processing and cooking on the nutrients they contain—$11 million.

Nutritional needs must be translated into the foods or food patterns that can best meet these needs. Up-to-date information on the composition of all important foods for the many nutrients required by man is a research goal that requires additional support.

3. Surveillance of nutritional benefits in the evaluation of the USDA food programs—$9.5 million.

The major USDA programs in child nutrition, food stamps for low-income families, and the nutrition education efforts among the hard-to-reach poor need continual surveillance and evaluation in terms of measures of nutritional health of the recipients. Research is needed on the relationship between specific foods in the diet and health.

4. Factors affecting food preferences and food habits—$4.8 million.

The nutrition educator is faced with a problem of helping people to change and improve their nutrition through diet. There is insufficient knowledge about food habits choice, and motivations. Factors affecting food preference, such as odor, taste, and texture, need increased attention.

5. Techniques and equipment to guide consumers in the selection of food for nutritionally adequate diets in the home or in institutions—$4.7 million.

Guidance of consumers toward nutritionally adequate diets must include research-based knowledge on food management procedures and preparation of foods for the table, to assure retention of both nutritional and eating qualities and to avoid food-borne illness.

National program managers recommend that $60 to $65 million of the proposed $95 million (about 70%) be used to finance research performed by Land-Grant Colleges and other qualified public and private institutions. It is envisioned that the bulk of this research would be performed through the Land-Grant College System.

Estimated funding and distribution of effort in the five categories listed above for the expanded human nutrition program is as follows:

Category	*Intramural agricultural research service* $M	Percent	*Extramural land-grant and other institutions* $M	Percent
1	21.8	70.0	44.8	70.0
2	3.1	10.0	6.4	10.0
3	3.1	10.0	6.4	10.0
4	1.6	5.1	3.2	5.0
5	1.5	4.9	3.2	5.0
Total	31.1	100.0	64.0	100.0

We appreciate your interest in human nutrition research and hope that the information provided meets your needs. All estimated funding levels are provided for information. They have not had the approval of Department officials or the Office of Management and Budget and should not be considered a request for funds. If I can be of further assistance, please do not hesitate to contact us.

Sincerely,

T. W. EDMINSTER,
Administrator.

NUTRITION FACTS

U.S.D.A. study stated that an adequate diet would reduce the incidence of heart disease by 25 percent, with a savings of 30 billion dollars for this one nutritional problem alone.

$45 billion was spent in 1976 in sickness, lost wages, and benefits because of cardiovascular disease.

Treatment of obesity costs us $10 billion yearly.

Estimates are that a proper diet would reduce our health care bill by 20 percent, for a savings of $27 billion.

Improved diet could reduce heart and vascular disease by 25 percent, infant mortality by 50 percent, obesity by 80 percent, and cancer deaths by 20 percent.

30 percent of cancer in men and 50 percent in women are thought to be related to diet.

Hypertension affects 27 million Americans, and can be controlled by diet.

10 million needy school children depend on the school food programs for their daily nutrition requirements.

NUTRITION COMMITTEE PRINTS—94TH CONGRESS

Index to Publications on Nutrition and Human Needs—93rd Congress, March 1975.

Report on Nutrition and Special Groups—Part I Food Stamps, March 1975.

Appendix to Part I—Food Stamps, March 1975.

School Food Program Needs—1975, April 1975.

WIC Program Survey—1975 (A Working Paper), April 1975.

Report on Nutrition and Government, April 1975.

Towards a National Nutrition Policy, May 1975.

Who Gets Food Stamps?, August 1975.

The Food Stamp Controversy of 1975, October 1975.

Food Stamp Legislative Alternatives, October 1975.

1975 Food Price Survey: Part 2—Questionnaire, December 1975; Part 3—Beef, December 1975; Part 4—Bread, December 1975; and Part 5—Price Spread Series, December 1975.

Statement of Hon. William T. Simon, November 1975.

Nutrition and Health, December 1975.

Food Industry Studies, January 1976.

Compilation of the National School Lunch Act, March 1976.

The Role of the Federal Government in Human Nutrition Research, March 1976.

Title VII Survey, April 1976.

Commodity Supplemental Food Program Survey, April 1976.

The U.S., FAO, and World Food Politics: U.S. Relations with an International Food Organization, June 1976.

Nutrition and Health II, July 1976.

Food Stamp Program Profile—Part 1, August 1976.

Part 2—Appendix, August 1976.

Medical Evaluation of the Supplemental Food Program for WIC, August 1976.

Legislative History of the Select Committee on Nutrition and Human Needs, October 1976.

The Homebound Elderly, September 1976.

HEARINGS

Part 8—Federal Food Programs, February 26, 1975.

Part 9—Federal Food Programs, March 4, 1975.

Options for Reforming the Food Stamp Program, July 31, 1975.

1975 Food Price Survey—Part 1, Sept. 30–Oct. 1, 1975.

Report on the 18th Conference of FAO, December 15, 1975.

U.S. Participation in FAO of the United Nations, March 4–5, 1976.

WIC and Commodity Supplemental Food Programs, March 30, 1976.

The Need for a National Meals-on-Wheels Program June 17, 1976.

Diet Related to Killer Diseases July 27–28, 1976.

Mr. CANNON. Mr. President, the Senator from Minnesota earlier today referred to an editorial in the Washington Post. I ask unanimous consent that this editorial of January 31 from the Washington Post, pointing out that the committee should be absorbed, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THOUGHT FOR FOOD IN THE SENATE

On the opposite page today, Sens. George McGovern (D-S.D.) and Robert Dole (R-Kan.) take fervent exception to our view that their Select Committee on Nutrition and Human Needs should be folded into an enlarged standing Senate committee on agriculture, nutrition and forestry. As they sum up the issue, "either The Post and proponents of reorganization still see hunger and malnutrition (which can also include too much food, or the wrong food) as problems worthy of national attention and congressional focus, or they don't."

Now, that is a grand, not to say cosmic, way of viewing the issue. We, however, see it differently—as two quite separate issues. To the fundamental question of whether nutrition is necessary, the obvious answer is Yes. The second question is whether the McGovern-Dole committee is necessary, and here our answer is No. The panel was set up in 1968 in a flurry of national concern about the skimpy food programs then on the books. The committee was supposed to study the problem, make reports and then go out of business in 1969. That was to short a lifespan, so it got extended again and again—and the McGovern panel became the chief promoter of food stamps, school lunches, school breakfasts and the like. It is worth noting, though, that the Nutrition Committee itself did not write any of these laws. The food stamp program, the main federal program in the field, has become a $5-billion operation under the formal management of the Agriculture Committee—the same Agriculture Committee that Sens. McGovern and Dole now dismiss as too insensitive to take on the chores they have been handling.

The point is not that the Nutrition Commitee's work has been worthless, but that its proper work is largely done. Its champions seem to sense this, because they have been reaching farther and farther for new issues. They now assert, for instance, that malnutrition "can also include too much food, or the wrong food," which, though true, makes you wonder how they see their mandate. Will they—as they already give signs of doing—start prescribing national menus and telling people how many leafy greens to eat for lunch? Do they really believe that the function of explaining nutritional values to people must be and can only be fulfilled by the federal government? Such overreaching could—to use the senators' language—"jeopardize the gains of the last eight years" faster than anything else. The senators and their eager staff have yet to recognize that "political reality." So goes Washington's traditional, bureaucratic struggle to survive.

Of course, there is still a food problem—an enormous one. Some people in this country and many around the world are hungry, and some federal programs have gotten so rich as to be indigestible. Those, to us, are the real issues "worthy of national attention and congressional focus"—and that is why we support this part of the reorganization plan.

Mr. RIEGLE. Will the Senator yield at this point for another, similar request?

Mr. CANNON. Yes.

Mr. RIEGLE. Mr. President, I ask unanimous consent that an editorial from the February 2 issue of the New York Times also be printed at this point. It very strongly supports continuing the Committee on Nutrition in its present form.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FEEDING, AND HEEDING, THE POOR

Reform in the name of efficiency threatens to wipe out one of the most humane institutions in the United States Senate. As it emerged from the Rules Committee, misshapen and bent by a number of powerful interests, a proposal to streamline Senate operations would eliminate the Select Committee on Nutrition and Human Needs and tuck its functions into a subcommittee of the Agriculture Committee. It's not exactly sending the chickens off to live with the foxes, but the image will do.

The Nutrition Committee's main achievements have been to make hunger visible, to prick the conscience of the Congress and to clear a path for the major food stamp and child feeding programs that now exist. While it had no legislative authority, it conducted the studies and held the hearings that evoked the proper response.

No one denies it has done an excellent job, but some contend that the committee's work is over or that efficiency must override. But efficiency reform has already yielded to save the committees of powerful lobbies for veterans and small business affairs, among others. The anti-hunger effort just has fewer friends.

Most important, the committee's work is not done. Its staff of twelve would be eviscerated by the reform. It alone has the expertise needed for the food stamp reform that will be sought this year. Moreover, the food stamp program will figure centrally in the welfare reform debates to be brought before this session of Congress. And a number of the food programs for children, the elderly, and Native Americans, though in place, need analysis and improvement.

The Agriculture Committee looks after the products of food, not the consumers, and particularly, not the most needy. They may not be able to cry out against this reform, but their needs surely do.

Mr. CLARK. Mr. President, I appreciate this opportunity to express my support for the Senate Nutrition Committee. Without a doubt, we can attribute much of the credit for the significant reduction in hunger and malnutrition in the United States to the efforts of the committee and its staff.

Just 9 years ago—before the committee was established—food programs for the poor existed in less than one-half of the 1,000 counties in this country.

Less than 1 million people received food stamps, because of the high purchase price that was required in one large sum.

The surplus foods distribution program, which covered about 3 million Americans, was a bureaucratic nightmare and was burdensome for the elderly and handicapped who could not pick up and transport large quantities of food each month.

Today, every county of the United States has a food program. The surplus foods program has been phased out, except on Indian reservations, where the program is the most efficient approach.

About 17 million people are now benefiting from the food stamp program. The poorest recipients do not have to pay for their food stamps, while others pay no more than one-quarter of their income.

Other feeding programs to aid special groups have been launched and expanded based on studies, hearings, and recommendations by the Nutrition Committee.

Our school lunch program, which assures that children from low-income families have at least one good meal each day, has grown from 4 million in 1969 to 10 million. Children can also now receive a daily nutritious meal during the summer months through the summer feeding program.

A specific feeding and health care program designed for women, infants, and young children—the WIC program—is directed toward the goals of nutritional health and disease prevention.

Finally, thousands of older Americans benefit from the congregate meals program at localities throughout the country. Home-delivered hot meals are also being provided to the homebound elderly.

I fear that the best interests of the hungry and malnourished would not be represented if the Nutrition Committee loses its capacity to conduct the type of studies, surveys, and hearings that have been so valuable during the past several years. I hope the Senate shares this recognition of the important role that has been played by the Nutrition Committee.

Mr. DURKIN. Mr. President, I urge the Senate to vote in favor of extending the life of the Senate Select Committee on Nutrition and Human Needs.

One of our top national priorities is the maintenance of a healthy populace. Our country cannot survive unless its people are healthy and strong.

During the 1960's, hunger was the No. 1 malnutrition problem in this Nation. Due to the efforts of the Nutrition Committee, this problem was abated. But millions of Americans are still going to bed hungry at night. And the Nutrition Committee has learned that there are between 2 and 3 million home-bound elderly citizens who are poor and have no access to present elderly nutritional programs. These people are forced to enter high-cost nursing homes by the tens of thousands simply to receive adequate meals. Our Nation has a moral obligation to end this shameful chapter in our history.

The Nutrition Committee has begun to study these problems. It has recognized that an adequate nutritional diet should be a right for all Americans. Furthermore, the committee has recognized that the question of preventive health care and maintenance is one of the most vital issues facing this Congress. Scientific data has clearly shown that nutrition and health care are inextricably linked. Poor diets produce poor health.

And persons in poor physical condition cannot adequately perform their social and work responsibilities. Failing in these tasks, society must in the end bear the cost of their maintenance. The chain between inadequate diets and the cycle of poverty must be broken. The Committee on Nutrition is one vehicle to break that chain.

But a chain that has been strengthened by years of neglect cannot be easily snapped. The Nutrition Committee has much work to do and it would be both unwise and insensitive to the needs of the hungry and the ill-fed to merge this vital committee into the Agricultural Committee.

The Nutrition Committee provides a unique and valuable forum where the issues of inadequate diets, hunger and preventive health care maintenance can be raised.

Right now the committee is preparing legislation dealing with preventive health care activities. Its role should not be stopped at this time, and the committee should be allowed to continue to function. We have an obligation to our Nation's hungry, the youths living in the cycle of poverty and malnutrition and the senior citizens home-bound without adequate diets, to maintain the Nutrition Committee and let it perform its vital work.

Mr. CANNON. Mr. President, I yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I ask unanimous consent that two members of my staff, Mr. Marshall Matz and Mr. Alan Stone, be permitted the privilege of the floor during the forthcoming vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, in summary, I simply say that, the five outstanding Members who have spoken here today, members of the Select Committee on Nutrition, expressing their great concern, and they being ranking members of the Committee on Agriculture, I am convinced that they will do an even better job on Agriculture, having the legislative and oversight jurisdiction combined in Agriculture, than they could possibly do with a diluted committee—as it would be required to be diluted if the third committee rule applies—if this committee were continued. I therefore move to lay the amendment on the table.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from South Dakota as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) would vote "yea."

Mr. STEVENS. I announce that the Senator from Utah (Mr. GARN) and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

I further announced that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

I further announce that, if present and voting, the Senator from Utah (Mr. GARN) and the Senator from Michigan (Mr. GRIFFIN) would each vote "yea."

The result was announced—yeas 49, nays 44, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—49

Allen	Hatfield	Nunn
Baker	Hayakawa	Packwood
Bentsen	Helms	Proxmire
Bumpers	Huddleston	Ribicoff
Byrd, Harry F., Jr.	Jackson	Sasser
Byrd, Robert C.	Johnston	Schmitt
Cannon	Long	Scott
Chiles	Lugar	Sparkman
Cranston	Magnuson	Stennis
Curtis	Matsunaga	Stevens
Danforth	McClellan	Stevenson
Domenici	McClure	Tower
Ford	McIntyre	Wallop
Glenn	Metcalf	Weicker
Hansen	Morgan	Young
Hatch	Moynihan	Zorinsky
	Muskie	

NAYS—44

Abourezk	Goldwater	Metzenbaum
Anderson	Gravel	Nelson
Bayh	Hart	Pearson
Bellmon	Haskell	Pell
Brooke	Hathaway	Percy
Burdick	Heinz	Randolph
Case	Hollings	Riegle
Chafee	Humphrey	Roth
Church	Javits	Sarbanes
Clark	Kennedy	Schweiker
Culver	Laxalt	Stafford
Dole	Leahy	Stone
Durkin	Mathias	Thurmond
Eagleton	McGovern	Williams
Eastland	Melcher	

NOT VOTING—7

Bartlett	Garn	Talmadge
Biden	Griffin	
DeConcini	Inouye	

So the motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. CANNON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 32

Mr. CLARK. Mr. President, I call up my amendment No. 32.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. CLARK) proposes amendment numbered 32:

On page 81, strike out lines 14 through 17 and insert the following:

(2) A Senator who is serving as the chairman of a committee listed in paragraph 2 may serve at any time as the chairman of only one subcommittee of all committees listed in paragraph 2 of which he is a member and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 3 (a) or (b) of which he is a member. A Senator who is serving as the chairman of a committee listed in paragraph 3 (a) or (b) may not serve as the chairman of any subcommittee of that committee, and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 2 of which he is a member. Any other Senator may serve as the chairman of only one subcommittee of each committee listed in paragraph 2, 3 (a), or 3(b) of which he is a member.

Mr. CLARK. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, I intend to spend only about 4 or 5 minutes describing this amendment, because I think it is a fairly clear one, and I think the Members can decide with fairly little debate on their judgment of this amendment.

Senate Resolution 4 would establish a new limitation of one subcommittee chairmanship per member for each committee on which he now serves. The amendment I offer would establish a new limit of two chairmanships per Member, full committee or subcommittee, for the so-called major committees, and one chairmanship per Member, full committee or subcommittee, for other committees.

I think it can best be explained by taking a hypothetical case or two. For example, Member X serves on two major committees—let us say Foreign Relations and Human Resources—and on Small Business. Under this amendment, Member X could chair a subcommittee on each of his three committees.

Member Y, to take another example, as chairman of a major committee—let us say Armed Services—serves on another major committee—let us say Agriculture—and also could chair a subcommittee on Veterans.

Member Z serves as chairman of Rules and also on two major committees—let us say Judiciary and Government Affairs. Member Z could not chair a subcommittee on Rules but could chair one subcommittee on both Judiciary and Government Affairs.

Let me try to summarize, Mr. President, exactly what this would do. In effect, this amendment would establish a three-chairmanship limit for the Senate, the full committee and subcommittee chairmanships counting equally.

Committee chairmen, as they are the first to say, are burdened with increasingly heavy duties and responsibilities. By limiting full committee chairmen to three chairmanships like everyone else in this body, this amendment would help insure a more equitable distribution of workload among Senators. It also would serve to increase greatly the likelihood that freshmen Senators would have the opportunity to chair subcommittees.

Finally, it would significantly decrease the maximum number of subcommittees that could be created after reorganization.

So the question before us really is simple. If a Senator thinks that the responsibility in the Senate should be shared on a fair and equitable basis and if he thinks that freshmen Members should be allowed to serve as equals in this body with regard to chairmanships, then it seems to me that he would vote for this amendment. But if a Senator thinks that the responsibility should continue to be concentrated in hands of more senior Members, then I think he should vote against this amendment.

Mr. STEVENSON. Mr. President, I am sympathetic to the objectives of this amendment. Indeed, one of the objectives of the select committee was to distribute responsibility and work equally among all the committees and all the Members. I cannot, however, support this amendment. I think it is inconsistent with those objectives.

First of all, the distinguished Senator from Iowa proposed an amendment in the Rules Committee, which was adopted. It provides that it is the sense of the Senate that no member of a committee can obtain a second subcommittee assignment until all the Members have received one. The effect of this is to give all the members of a committee access to important subcommittee assignments and seniority on those subcommittees, which in time will accomplish, I believe, the objective of this amendment.

I see little to be accomplished by this amendment. It does have the effect of penalizing chairmen because they are chairmen, perhaps preventing them from serving on subcommittees on their own committees. There are many cases in the Senate now in which subcommittees are effectively and ably chaired, and have been for many years, by members who also are chairmen of the full committee.

As a practical matter, it seems to me that this is not very likely to have much effect. If a chairman wanted to exercise jurisdiction over a matter within his committee, all he would have to do in order to avoid the effect of this amendment would be to keep the subject in the full committee.

One of our objectives is also to distribute the work within the committees; but if a chairman kept a matter in the full committee, it would be contrary to that objective. It is hoped that these would be active and important subcommittees. To the extent that this provision would end up keeping work under the control of chairmen in the full committees, it would make the subcommittees less effective.

Therefore, Mr. President, I think this is a well-intentioned but counterproductive amendment, and I would urge the Members to oppose it.

Mr. CLARK. Mr. President, I would like to speak to the points raised by the distinguished Senator from Illinois, and only for a few moments.

First of all, the amendment which was adopted in the Rules Committee to which the Senator referred has absolutely nothing to do with chairmanships. It has to do with the selection by each member of the subcommittee they want to serve on. It does not in any sense regulate the chairmanships of these committees.

Second, my amendment does not in any sense say that a full committee chairman may not chair a subcommittee on his own committee. It does not make that judgment at all. It simply says he may chair only one additional subcommittee over and above the full committee. If he wants to have that on his own committee that is perfectly within the bounds of this amendment.

As to the last point if this amendment were adopted, that chairmen would, simply keep all of the power and influence and responsibility within the full committee, it seems to me there are really two answers to that problem: One is that I seriously doubt that chairman will act with that kind of irresponsibility, I think if this is the rule of the Senate, the history of this body would show that that would not be the case.

Mr. MATSUNAGA. Mr. President, I rise in support of the amendment offered by the Senator from Iowa. This is the same amendment which was adopted in the House when the House found itself to be bogged down with its work.

When the chairman of the full committee was serving as chairman of several other subcommittees it was discovered that the chairman of the full committee was much too busy to conduct meetings of the subcommittees.

Here we limit the chairmanship to two subcommittee chairmanships, that is, by the chairman of the full committee.

As I understand the amendment, the chairman of a full committee may serve as chairman of a subcommittee in his own committee and also serve as subcommittee chairman in another committee. Well, this is the situation we have over in the House now, and it works beautifully. It opened up at least 40 new chairmanships to new Members who otherwise during all the time they have been serving in the House would never have had the chance to serve as chairmen. The new setup, in fact, has helped to speed up consideration of measures within the full committee and within the subcommittees.

So I urge my colleagues to support this amendment. It will in no way increase any committees. I do not think it will in any way work against the purpose of the resolution, Senate Resolution 4.

Mr. STEVENSON. Mr. President, first of all, as I mentioned earlier, the provisions of the resolution, as argued by the distinguished Senator from Iowa, will give all of the members of all of the committees virtually the same access to seniority, on the subcommittees and, therefore, an opportunity to obtain the chairmanships.

I just do not see any point in punishing a few Members of this Senate because they are chairmen. There are many committees in which they do not act as the chairmen of subcommittees. In a few instances they do, and they do very well. As I indicated earlier, some of them feel very strongly about the jurisdiction which they have exercised, and for many years. They would probably, and with some good reason, simply continue to do so by keeping that jurisdiction within the full committee to the detriment of the subcommittees which we have sought to activate.

So unless there is any further——

Mr. MATSUNAGA. Mr. President, will the Senator from Illinois yield?

Mr. STEVENSON. Yes, gladly.

Mr. MATSUNAGA. How many Senators would be affected by this amendment? Perhaps the Senator from Iowa might be able to tell us how many chairmanships would be opened up.

Mr. CLARK. I think 12 would be involved.

Mr. MATSUNAGA How many?

Mr. CLARK. Twelve.

Mr. MATSUNAGA. How many new chairmanships, subcommittee chairmanships, would open up?

Mr. CLARK. A maximum of 12.

Mr. MATSUNAGA. I see. Twelve chairmanships.

Mr. CLARK. Those would be maximum figures in each case.

Mr. MATSUNAGA. But how many Senators would be involved who would be required to give up their chairmanships?

Mr. CLARK. Well, I am not clear on that.

I serve, for instance, on the Senate Committee on Agriculture. Senator TALMADGE is the chairman. He does not chair a subcommittee on that full committee so obviously that would be one that would not in any way be affected. But I do not have the statistics on each individual chairman at the present time. I do think the principle ought to be the same because, of course, we are passing laws here not just for this year or next year but into the future. So the maximum could be 12, both in terms of chairmen affected and subcommittees that might be made available for less senior members.

Mr. MATSUNAGA. I thank the Senator from Iowa.

Mr. CANNON. Mr. President, I yield to the Senator from Indiana.

Mr. BAYH. Mr. President, I appreciate the courtesy of the Senator from Nevada.

Mr. STEVENSON. Mr. President, who has the floor?

The PRESIDING OFFICER. (Mr. ZORINSKY). The Senator from Nevada has the floor.

Mr. BAYH. I appreciate the courtesy of the Senator from Nevada.

I ask unanimous consent that Barbara Dixon of my staff be granted the privileges of the floor during the consideration and debate of the matter before us, Senate Resolution 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I yield to the Senator from Illinois.

Mr. STEVENSON. Eight Senators would be affected.

Mr. MATSUNAGA. Eight.

Mr. CANNON. Mr. President, I oppose this amendment. This is a means of punishing committee chairmen to say they cannot be chairmen of subcommittees of some other committee.

The limitations are quite restrictive. We have gone a long way in this resolution to make sure that we have adequate coverage and adequate subcommittee assignments for everyone.

The Senator from Illinois properly pointed out that we passed a sense-of-the-Senate provision that in adopting rules each committee of the Senate should include a provision to insure that assignment of Senators to subcommittees will occur in an equitable fashion, namely, that no member of a committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

This is a big step forward, Mr. President.

To impose this kind of a restrictive provision—we have not had the opportunity to really check to see what the effect would be—I can tell you on the Rules Committee we would not be able to have the number of subcommittees that are presently in the committee because of our membership and our two-limitation provision.

We have a limitation of two subcommittees now per member and, as I said, this automatically would require that the number of subcommittees on that committee and, I think, on any other nine-member committee—to reduce the number of subcommittees that are currently in existence, and we tried to carry out the Senator from Illinois recommendation by limiting the number of subcommittees on which persons could serve to keep a better control.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. CANNON. Yes.

Mr. LONG. The Senator from Louisiana is only on two committees.

In the Finance Committee, I propose to name enough subcommittees so that everyone on the Democratic side of the aisle will be a subcommittee chairman. I suggest that each Member pick out the subject area over which he wishes to be a subcommittee chairman, and then subcommittees are assigned in the order of seniority. After each Member has selected the subcommittee he wants, then I take the one that is left.

But by the standard advocated by our friend from Iowa, even the crumbs off the table are too much for the chairman to wind up with.

Mr. CANNON. The Senator is correct.

Mr. LONG. That I think would be going a little bit far. I would think that, if we could find some subcommittee no one else wants, maybe the chairman could be permitted to preside over that. If that is asking too much I would be glad to be left out entirely and abide by the will of the Senate majority.

Mr. MATSUNAGA. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. I yield.

Mr. MATSUNAGA. As I understand, the Clark amendment provides the chairman of the full committee may be chairman of two subcommittees, one in his own committee and one in another committee.

Mr. CANNON. Not on a class A committee.

Mr. MATSUNAGA. Is that correct?

Mr. CLARK. The chairman is correct. Not under a class A committee. He might hold a second subcommittee chairmanship on a class B committee.

Mr. MATSUNAGA. Then I have to withdraw my support of the Senator's amendment. I misunderstood the Senator.

Mr. CANNON. I am glad the Senator asked me that question because that is really the problem with it. If the answer to that question were yes, then I think there might have been some more logic to this than as it is at the present time. After such time as the discussion is concluded either I or someone else, I am sure, will move to table this amendment. I do not wish to hold the floor any longer if any Senator wishes to speak.

Mr. CLARK. Mr. President, I simply shall speak for 30 seconds to the point, and I am ready to vote certainly. I think the question here is quite clear.

The PRESIDING OFFICER. Does the Senator from Nevada yield?

Mr. CANNON. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CLARK. I think the issue is quite clear. Is each Member of this body going to be allowed two chairmanships on his two major committees? Every other Member of this body, under the Stevenson proposal, may hold up to two chairmanships on their A committees, except for full chairmen, and they may hold a full chairmanship and chairmanship on two subcommittees. Those are three chairmanships.

This amendment simply says that all Members of the Senate will be limited to two chairmanships, including full committee chairman.

Now the alternative to that is in no sense an attempt to punish anyone. It is in no sense an attempt to say to a full committee chairman, "We want to punish you because you are a full committee chairman." What it says is that chairmen of full committees have great responsibilities; therefore, that will count as a chairmanship.

The alternative to that is to punish every Senator at the bottom who has absolutely none. There are many Senators in this body who have no chairmanships at all.

And the question is simply whether we are going to distribute that respon-

sibility in a somewhat more even fashion. I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. STEVENSON. Mr. President, I yield to the Senator from Wisconsin for a question.

Mr. NELSON. I wish to be clear on the colloquy between the Senator from Hawaii and the Senator from Nevada.

Did I understand the Senator from Nevada to say that a chairman of a major A committee may not be chairman of more than one subcommittee on an A committee?

Mr. CANNON. That is correct.

Mr. NELSON. On more than one subcommittee?

Mr. CANNON. On an A committee.

Mr. NELSON. What I mean is, under this resolution, what are the A committees?

Mr. CANNON. The A committees: Budget will be A, Commerce will be A, Energy and Natural Resources will be A, Environment and Public Works will be A, Finance will be A, Foreign Relations will be A, Governmental Affairs will be A, Human Resources will be A, Judiciary will be A, and that is it.

Mr. McCLELLAN. What about the Committee on Appropriations?

Mr. CANNON. And Appropriations will be A actually; so the way this is drafted it would even apply to the Committee on Appropriations, as well, and the Committee on Armed Services which I did not mention.

Mr. NELSON. And the Committee on Armed Services.

The Senator is saying that any chairman of an A committee may have no more than one subcommittee chairmanship?

Mr. CANNON. On an A committee, that is correct.

Mr. NELSON That is what I am trying to see. If you are chairman of the Appropriations Committee, and you have a Subcommittee on Appropriations, may you be chairman of a Subcommittee on Human Resources?

Mr. CANNON. No.

Mr. NELSON. Or Finance?

Mr. CANNON. No.

Mr. NELSON. None of the others?

Mr. CANNON. No.

Mr. NELSON. So you may only be chairman of a subcommittee on a B committee in addition to the subcommittee of the A committee?

Mr. CANNON. The Senator is correct.

Mr. NELSON. Now, on page 81, it is not the way I read this language. Am I reading from the wrong place? Page 81, line 14 as I read it says:

No Senator shall serve at any time as chairman of more than one subcommittee of each standing, select or special subcommittee of the Senate.

Mr. CANNON. That is in the text. My answer to the Senator was in the Senator's proposed amendment. The Senator is reading the text correctly. That is what the resolution is, as it was reported by the Rules Committee. My answer was what it would be if the Clark amendment were to be agreed to.

Mr. NELSON. I thought the Senator's response was that the Rules Committee resolution prohibits more than one subcommittee under the A committee.

Mr. CANNON. No. That was not the question. The question under the Rules Committee provision is if a person is chairman of a class A committee he could be chairman of one subcommittee on that class A committee and one subcommittee on another class A committee that he is on.

Mr. NELSON. And Senator CLARK's amendment would prevent anyone who is chairman of a full committee having two subcommittees on a committee.

Mr. CANNON. The Senator is correct.

Mr. NELSON. Let me say that I want to endorse Senator CLARK's amendment. I think a chairman of a full committee and a chairman of two subcommittees is more work, really, than one can handle. Now we have new Members in the Senate. All of them are very able. One of them is a former Governor. And I do not see any reason for a chairman of a committee with that heavy workload responsibility being able to handle more than one subcommittee.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. CANNON. That point is taken care of in the limitation on the number of subcommittees on which a Senator can serve now. Senator CLARK properly pointed out that now there are a lot of junior members who do not have the opportunity to serve as chairmen of subcommittees. But with the limitation as to service on subcommittees that we have in here now that is going to mean that many Senators will have the opportunity to serve as chairmen because if they are on committees they can only serve on two subcommittees and those have to be passed around. That was the point the Stevenson committee was making in that regard, as I understood it. The Senator from Illinois can speak for himself on it.

Mr. CLARK. The Stevenson proposal does not in any sense assure younger members of a chairmanship.

I served on the Committee on Agriculture and Forestry. Indeed, the chairman of that committee does not even take a subcommittee. He has the full committee, and that is his responsibility. He has not chosen to take a subcommittee. But there are only six subcommittees. So the six senior members on the Democratic side each have a subcommittee. The remaining three—there are nine—have none. There is no assurance that simply because a Senator is limited to serving on three subcommittees everyone in this body is going to get a chairmanship. Clearly, they are not. It is not taken care of by the Stevenson proposal. It is improved, but it is not taken care of.

Mr. NELSON. I think the workload is such that everyone who does not have an opportunity to have a chairmanship ought to have one before any chairmen get two subcommittee chairmenships on a committee. This proposal that came out of the Rules Committee does not assure that.

I have a subcommittee chairmanship in two A committees, chairmanship of Small Business, and chairmanship of the Subcommittee on Small Business. I really think we ought to have a rule in which a Senator does have a chance at one of them, but should not have two.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. CHILES. I agree with the Senator's logic. It is a little bit like Orwell's Animal Farm. All us pigs are equal. But some are more equal than others.

Mr. NELSON. Speak for yourself, then. Or use some other analogy. [Laughter.]

Mr. CHILES. It seems that if you give me the choice, and tell me that I can have two chairmanships, and I could either elect to have those two chairmanships as subcommittee chairmanships, or I could have one of those chairmanships as a full chairman and one as a subcommittee chairman, if I get a chance to make that election I would like to elect that I get one as a committee chairman and one as a subcommittee chairman.

It would just seem like if what we are talking about in this respect is redividing the workload—we are not talking about punishing anyone; we are talking about trying to give 100 Senators more equal tasks in having something to say about how we run this place. None of us have been able to say grace over the responsibilities we now have. We have been trying to reorganize the committees, knowing that we have had a structure before where we had a portion of the Senate that had all of the workload, all of the responsibility, and all of the staff, and we had some others who had little. So we were trying to equalize that, and it seems to me that if you have a chance, with everyone having two chairmanships, if we tell a Senator, "You are going to be a committee chairman or a subcommittee chairman," I do not see that we are taking anything away from anyone, and the junior members can feel like they have some responsibility, and will not have to go through 4 or 6 years, or whatever period that most of us have had to go through, where you stay so frustrated all the time because you cannot get your nose in the tent and participate in something that is going on. I feel we would be much better off to do that.

Mr. NELSON. Mr. President, may I have 1 minute further?

Mr. STEVENSON. I yield to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I must say that in the years I have been here, I have served on four major committees, and have been able to observe, as others have, that with many of the Senators who have had two major subcommittees and a full committee chairmanship, those subcommittees are not really doing the job.

The first failure is adequate oversight. That has been very true here, because of the time it takes. I must say that even some of my own responsibilities on oversight in subcommittee chairmanships, as I did it, has not been adequate, and I think the institution would be better off if we had—one major subcommittee and a full committee is probably too big a workload for anybody to adequately handle now, but certainly two committees is too big. So I wish to go on record

in support of the proposal of the Senator from Iowa.

Mr. STEVENSON. Mr. President, under the resolution it is the sense of the Senate that every member of every committee will be entitled to a position of seniority on one subcommittee. No member would receive an appointment to a second subcommittee until each had received his first. Because of that provision, and because of limitations in the number of subcommittees, it is probable if not certain that every Member of the Senate will be assured a position as ranking member or chairman of at least one subcommittee, except, if the Clark amendment is adopted, committee chairmen will be the only ones deprived of an opportunity to serve as chairman of subcommittees on their committee.

According to our calculations, only eight Senators would be affected, some of whom have exercised responsibility as chairmen of subcommittees for a long time and have done it well, and I suspect many of whom, though feeling as strongly as I do about the subject matter of their subcommittees, would simply take the jurisdiction of the full committee. So nothing would be accomplished by this except to weaken the subcommittees, which is not one of our purposes.

Mr. CLARK. Mr. President, will the distinguished Senator yield?

Mr. STEVENSON. Yes.

Mr. CLARK. Does the Senator have knowledge for being able to say he can give reasonable assurance that all Members of this body, including the most junior, are going to have two chairmanships? Is that his position?

Mr. STEVENSON. According to our calculations, we can be reasonably confident of at least one chairmanship.

Mr. CLARK. But not two?

Mr. STEVENSON. And this time, and under this resolution, they will be significant subcommittees.

In the last Congress junior Members received subcommittee assignments. They were not, in most cases, significant subcommittee assignments. Under this proposal, all of the Members will receive one important subcommitte assignment. The Senator can be certain of that.

Mr. CLARK. But the Senator is not certain that every Member of this body would have one chairmanship? If one served on two major committees that had less subcommittees than the number of Democrats in the body, they would have less than one per Senator?

Mr. STEVENSON. Mr. President, the Senator is absolutely correct; and I cannot be certain what all the committees will do. It depends on the size of the subcommittees.

Mr. CLARK. So I assume the Senator would agree that if this amendment is not adopted, the full committee chairmen certainly are going to be entitled to two additional subcommittees, or a total of three chairmanships, and even if the Senator is correct—and there is certainly no certainty that any junior member will have any chairmanship, but even if that is true, then the issue becomes, is it a better sharing of responsibility for some Senators to have three chairmanships and others just one?

I would just ask the Senator from Illinois if, in the spirit of Senate Resolution 4 and his work on that subject, he believes it is more equitable, on the basis of the charge that he has from the Senate, to say that some Members ought to have three and other Members ought to have one or none? Is that the judgment of the Senator from Illinois as to the charge of the Senate with regard to this proposal?

Mr. STEVENSON. For the reasons that I have already explained, I believe that it is. One of the charges to the select committee was to attempt to distribute work responsibility among all the committees and all of the members as equally as possible. For the reasons that I have already mentioned, it is probable, it seems to me, under the Senator's proposal, that we are going to end up once again with meaningless subcommittees.

In the last Congress, junior Members, newly elected Members, received subcommittee assignments. Mr. DURKIN was chairman of the Cemeteries and Burial Benefits Subcommittee of the Veterans Committee; Mr. MORGAN received the Small Business Subcommittee of the Committee on Banking, Housing and Urban Affairs. Mr. LEAHY had none. I could go down the list.

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. STEVENSON. I could go on about giving responsibility to junior Members.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. STEVENSON. Yes, I yield to the Senator from Connecticut.

Mr. RIBICOFF. The Clark proposal would in no way affect me. When I became chairman of the Government Operations Committee, I did not take any subcommittee. There is enough work, I agree, for the chairman of a full committee without taking a subcommittee.

What bothers me about the Clark proposal is that two valuable members of the Government Operations Committee who now have subcommittee chairmanships and would be "grandfathered" for 2 years on the Government Operations Committee would be deprived of their very valuable services. I wonder if the Senator from Iowa would consider amending his proposal to have it go into effect 2 years from now? At that time, those who are grandfathered would have to give up a chairmanship or committee. That would probably obviate the problem. I do not know whether the Senator from Illinois or the Senator from Iowa would be willing to amend it in this manner.

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. STEVENSON. I yield.

Mr. LEAHY. Before that proposal is made, I would like to have something clarified, if I may. Will the Senator yield for a question?

Mr. STEVENSON. I yield.

Mr. LEAHY. The way this is set up, and I assume this is correct, the document that I have says it is the sense of the Senate that the subcommittee assignments remain for each Senator to receive one assignment before any Senator reserves a second assignment. Is that still the sense of the Senate?

Mr. STEVENSON. Yes, it is. That is the provision I was referring to earlier, which I believe would assure every Member a senior position in a subcommittee.

Mr. LEAHY. Does that apply to each committee?

Mr. STEVENSON. Yes, it does.

Mr. LEAHY. Even those committees that have now, on a temporary basis for the purpose of organization, assigned subcommittee chairmanships? The reason I asked the question, to put it another way in an illustration, is this: This might change the whole complexion of things. I would imagine in a committee with eight members of the majority party and eight subcommittees, on the first go-round each member would have to have a particular subcommittee, to remain as chairman of the subcommittee. If it was a new or a junior member, they would go elsewhere. Is that what is going to happen? Or will we take the more comfortable way for those who have been here a long time and simply assign all the subcommittee chairmanships first, assign the subcommittees first in the way they have always been, or by order of seniority, and then if there is anybody left let them take the subcommittees they wish?

Mr. STEVENSON. I should point out, first of all, that under the resolution no one can serve as a chairman of more than one subcommittee of a committee. The resolution requires any member who is a chairman of more than one subcommittee to make a sacrifice.

Second, it is not the intention to continue with the old way. Although it is not binding, I assume it will be followed by most, if not all, of the committees.

Mr. LEAHY. But it is not binding?

Mr. STEVENSON. No, it is not binding. There might be some situation in which it should not take effect. I expect the Members to honor the sense of the Senate. If they do, the effect will be, as the provision states, to give every Member an assignment to a subcommittee before anyone receives a second assignment. They would have to make him a member of a subcommittee.

Mr. LEAHY. In the preparation of this resolution, was any thought given to making that provision mandatory?

Mr. STEVENSON. This was a provision wisely offered by the Senator from Iowa in the Rules Committee. Perhaps he would be in a better position to answer that than I am, since I am not a member of the Rules Committee.

Mr. CLARK. It was certainly the amendment adopted by the Rules Committee. As the Senator from Illinois has accurately pointed out, it is in no sense binding. It will be up to each of the committees. I would hope they would feel bound by it. I do not mean to undermine its importance but, of course, it is just the sense of the Senate and it will be up to every committee to decide whether or not they are going to proceed that way. There is no assurance that it will be followed.

Mr. LEAHY. I understand. I had a pristine motive in asking my question and I do not at all see an ulterior motive of the majority party. I concur with the Senator that it probably will come to pass, or I would hope that it would. I would suspect the same reason that it would not pass would be a reflection that it may not be resolved by all committee chairmen.

SEVERAL SENATORS. Vote! Vote!

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. STEVENSON. Mr. President, this amendment has been fully debated. I believe all Members understand the issue. If there is no further debate, I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois.

Mr. STEVENSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Georgia (Mr. TALMADGE), and the Senator from Kentucky (Mr. FORD) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

The result was announced—yeas 42, nays 47, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—42

Allen	Hollings	Ribicoff
Bayh	Inouye	Roth
Bentsen	Jackson	Sasser
Burdick	Johnston	Scott
Byrd, Harry F., Jr.	Long	Sparkman
	Magnuson	Stennis
Byrd, Robert C.	McClellan	Stevens
Cannon	Morgan	Stevenson
Curtis	Moynihan	Tower
Danforth	Muskie	Wallop
Eagleton	Nunn	Weicker
Eastland	Pearson	Williams
Hansen	Pell	Young
Hatfield	Proxmire	
Helms	Randolph	

NAYS—47

Abourezk	Clark	Haskell
Anderson	Culver	Hatch
Baker	Dole	Hathaway
Bellmon	Domenici	Hayakawa
Brooke	Durkin	Heinz
Bumpers	Garn	Javits
Case	Glenn	Kennedy
Chiles	Gravel	Laxalt
Church	Hart	Leahy
Lugar	Metcalf	Schmitt
Mathias	Metzenbaum	Schweiker
Matsunaga	Nelson	Stafford
McClure	Packwood	Stone
McGovern	Percy	Thurmond
McIntyre	Riegle	Zorinsky
Melcher	Sarbanes	

NOT VOTING—11

Bartlett	DeConcini	Huddleston
Biden	Ford	Humphrey
Chafee	Goldwater	Talmadge
Cranston	Griffin	

So the motion to lay on the table was rejected.

Mr. CLARK. Mr. President, I move to reconsider the vote by which the motion to table was rejected.

Mr. ABOUREZK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

Mr. CANNON addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina has suggested the absence of a quorum, so the clerk will call the roll on the absence of a quorum.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 23

Mr. HELMS. Mr. President, I have an amendment in the nature of a substitute at the desk. I call it up and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. HELMS. Mr. President, it might be well for Senators to listen carefully to the reading of this amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment in the nature of a substitute to amendment No. 32:

In lieu of the language proposed to be inserted, insert the following:

"(e) The total number of subcommittees of all standing committees shall be one hundred minus the number of standing committees. Such total number shall be allocated, by resolution, among the standing committees at the commencement of each Congress and at such other times as may be necessary. Each standing committee shall have a number of subcommittees equal to the number allocated to it at any time.".

On page 81, line 7, strike out "(e)" and insert "(f)".

On page 81, beginning with line 14, strike out all through line 17, and insert the following:

"(2) Each Senator (other than a Senator who is serving as chairman of a standing committee) shall serve as chairman of one subcommittee of a standing committee. No Senator shall serve at any time as chairman of more than one subcommittee of each select, special, or ad hoc committee of the Senate or joint committee of the Congress of which he is a member.".

On page 81, line 18, strike out "(f)" and insert "(g)".

On page 81, line 23, strike out "(g)" and insert "(h)".

On page 83, line 3, strike out "(h)" and insert "(i)".

Mr. HELMS. Mr. President, for the information of Senators, this is——

Mr. NELSON. Mr. President, may we have order, so that we can hear the Senator?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HELMS. Mr. President, I doubt very much that this amendment in the nature of a substitute will provoke a burst of enthusiasm among some Members of the Senate, but it is at least an ironclad guarantee that the work in the Senate will be equitably distributed.

Simply stated, it provides for a combined total of 100 standing committees and subcommittees, with the proviso that every Senator, whether Democrat or Republican, shall be chairman of no less nor more than one full committee or one subcommittee.

Mr. President, there appears to be almost universal agreement that one of the gravest problems we face in the organizational structure of the Senate is the continual, uninterrupted proliferation of subcommittees. The number of standing committee subcommittees has more than doubled in the last 30 years. When we add together all of the standing committee subcommittees, the ad hoc and special subcommittees, panels, task forces, and study groups, as well as subcommittees to special, select, and joint committees, we find that there are at present 174 subcommittees here in the Senate. This alarming figure does not even include all of the additional assignments that we have on party committees, informal groups, and commissions.

The negative effects of this incredible growth of subcommittees on the cost and efficiency of the Senate operation are clear enough. As Senator BUMPERS noted in his testimony before the Select Committee To Study the Senate Committee System, appropriations for the U.S. Senate have skyrocketed. In fact, they have more than doubled since 1970, increasing from $54,813,126 in 1970 to an estimated $127,359,475 in 1976. Of this $127 million, $8.9 million provides for the staffing of standing committees and the Select Committee on Small Business. This figure does not include the costs of staffing most of the Senate subcommittees and special investigation units, which amount to $18.7 million and are financed primarily by an appropriation from the contingent fund of the Senate. Some of these subcommittee staffs, such as the Permanent Investigations Subcommittee of the Government Operations Committee, which numbers approximately 37 persons at the moment, are larger than the staffs of many of our regular standing committees.

In terms of our own legislative responsibilities and committee assignments—and I am talking now of the real human costs involved in this fantastic growth of subcommittees, we are unable to function properly or meet the needs of the people whom we represent because we have more subcommittee hearings and meetings to attend than is humanly possible. At present, I am the member of 2 standing committees, 1 joint committee, 1 select committee, and 8 subcommittees, or 12 committees and subcom-

mittees altogether. Some Senators are assigned to more than 20.

In 1946, a Senator served on the average, on two standing committee subcommittees. Today, he serves, on the average, on 9.9 standing committee subcommittees; and when we include all of the subcommittees of the various Senate committees, we find that he serves, on the average, on 14.3 subcommittees.

The conclusion seems inescapable, Mr. President, that we have too many subcommittees—way too many—that are costing the taxpayers of the country an enormous sum of money and are substantially interfering with the functions of the Senate.

There are numerous advantages to the plan that I am proposing. In the first place, it would substantially reduce the number of subcommittees and establish at a fixed level the total assignment of every Senator. The door would be closed to the addition of more subcommittees, and the number of assignments would be manageable. There would be fewer scheduling conflicts, far fewer than we presently have, or will have under Senate Resolution 4. Senators would be free and able to devote adequate time to their committee responsibilities.

In the second place, this plan would get the Senate moving in the right direction, toward a reduction of subcommittee staffs and a reduction of legislative appropriations.

Third, this plan seeks to establish a system of equity in our Senate committee system, by giving members of both parties an equal share of assignments and near equal share of chairmanships. And why should they not be given this opportunity?

The Constitution of the United States implicitly states that we are equal. Every State in the Union is entitled to two Senators, irrespective of its size and population. Every Senator has one vote, no more, no less, whether he is a Republican, a Democrat, or an Independent. Yet our committee system is established in such a way as to weight the votes of individual Senators, giving some more power than others; for as we all know, many of the important decisions here in the Senate are made not only in the committees and subcommittees, but by their chairmen. And in the last Congress only one Republican Senator was the chairman of any of the 174 subcommittees of the Senate.

I ask the members of the Senate: where in the Constitution does it state that some Senators shall be more equal than others? Where does it say that the Senate committees shall be arranged in such a way as to deny those in the minority party positions of leadership? The Constitution does state that all Senators, immediately after they shall be assembled in consequence of the first election, shall be divided as equally as may be into three classes, but it does not say that some shall be privileged and the remainder shall be second class Senators

In my view, the present system of denying chairmanships to members of the minority party is not only undemocratic, it is also inconsistent with the principle of the Constitution that every State is to be fairly and equally represented in this body. Under the present scheme of things, those Americans who elected a member of the minority party to the United States—and there are millions of these Americans—are being denied fair representation because the men and women they send to the Senate are excluded from important positions and are, in fact, denied a fair share of staff assistance and an opportunity to use their talents and skills to the best advantage of the people they represent.

This is not an attack on seniority. Those who have served for many years should be accorded positions of leadership. Their experience is often helpful to those of us who have only recently become members of this body. I have little seniority, and I have no ax to grind. But I do believe that it is wrong and wasteful to discriminate against those Senators who have served in this body for many years, with courage and distinction, merely because they are members of the minority party.

This body can function properly, and the majority can rule, even if members of the minority party serve as subcommittee chairmen. Indeed, such a fairer and broader distribution of power would be a healthy and forward-looking change in the Senate, especially when we stop to recall that we are presently operating with a lopsided majority and fewer checks and balances than is in the public interest.

It has often been said, Mr. President, that those in power rarely surrender it voluntarily. Perhaps this is true. Perhaps this attitude will prevail in the Senate or in this committee, so as to prevent any real reform of the upper Chamber. It is my hope, however, that our colleagues will act not in their own best interests, but in the best interests of the men and women of this country who are watching this committee and are weary of the irresponsibility that is so manifest in our organization, procedures, and distribution of power.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. CLARK. Mr. President, I move to table the amendment.

Mr. HELMS. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Helms amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), the Senator from Kentucky (Mr. FORD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE), are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), would vote "yea".

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Michigan (Mr. GRIFFIN), are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT), is absent due to illness.

The result was announced—yeas 79, nays 10, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—79

Abourezk	Hansen	Nelson
Allen	Hart	Nunn
Anderson	Haskell	Packwood
Baker	Hatfield	Pearson
Bayh	Hathaway	Pell
Bellmon	Heinz	Percy
Bentsen	Hollings	Proxmire
Brooke	Inouye	Randolph
Bumpers	Jackson	Ribicoff
Burdick	Javits	Riegle
Byrd, Harry F., Jr.	Johnston	Sarbanes
	Kennedy	Sasser
Byrd, Robert C.	Laxalt	Schmitt
Cannon	Leahy	Schweiker
Case	Long	Sparkman
Chiles	Lugar	Stafford
Church	Magnuson	Stennis
Clark	Mathias	Stevens
Culver	Matsunaga	Stevenson
Danforth	McClellan	Stone
Dole	McGovern	Tower
Domenici	McIntyre	Wallop
Durkin	Melcher	Weicker
Eagleton	Metcalf	Williams
Eastland	Metzenbaum	Young
Glenn	Moynihan	Zorinsky
Gravel	Muskie	

NAYS—10

Curtis	Helms	Scott
Garn	McClure	Thurmond
Hatch	Morgan	
Hayakawa	Roth	

NOT VOTING—11

Bartlett	DeConcini	Huddleston
Biden	Ford	Humphrey
Chafee	Goldwater	Talmadge
Cranston	Griffin	

So the motion to table the Helms amendment was agreed to.

Mr. CLARK. Mr. President, I ask unanimous consent that the yeas and the nays on the pending amendment be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 24

(Modification of amendment No. 32)

Mr. CLARK. Mr. President, I would like to modify my amendment No. 32 as follows: At the beginning of my amendment No. 32 add the following:

The PRESIDING OFFICER. If the Senator will send the modification to the desk, it will be considered.

The clerk will state the modification of the amendment.

The assistant legislative clerk read as follows:

On line 1, after (2) insert the following:

Beginning with that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority

and minority members of the standing committees is initially completed.

The amendment, as modified, is as follows:

(2) Beginning with that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed a Senator who is serving as the chairman of a committee listed in paragraph 2 may serve at any time as the chairman of only one subcommittee of all committees listed in paragraph 2 of which he is a member and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 3 (a) or (b) of which he is a member. A Senator who is serving as the chairman of a committee listed in paragraph 3 (a) or (b) may not serve as the chairman of any subcommittee of that committee, and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 2 of which he is a member. Any other Senator may serve as the chairman of only one subcommittee of each committee listed in paragraph 2, 3(a), or 3(b) of which he is a member.

Mr. CLARK. Mr. President, I would simply say because of the effect of this amendment on sitting Members, it seemed wisest to us that there be some time for adjustment. This would allow about 23 months for that adjustment at the beginning of the next session of Congress when it will become effective.

Mr. CANNON. Mr. President, I think that amendment is a reasonable one. It would give the chairmen who are involved the opportunity to make adjustments during this period of time and I am willing to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of Mr. CLARK.

The amendment, as modified, was agreed to.

Mr. CLARK. Mr. President, I intend to offer another amendment, but I yield to the Senator from Montana for the purpose of offering an amendment.

AMENDMENT NO. 25, AS MODIFIED

Mr. METCALF. Mr. President, I offer amendment No. 25 and ask that it be modified.

The PRESIDING OFFICER. The amendment will be so modified. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. METCALF) proposes amendment No. 25, as modified.

Mr. METCALF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 83, line 19, strike out the closing quotation marks and the second period, and after line 19 insert the following:

"(1) A Senator who on the last day of the Ninety-fourth Congress was serving as a member of the Joint Committee on Congressional Operations may continue to serve as a member of such joint committee until it is terminated, or until the sine die adjournment of the first session of the 95th Congress, whichever first occurs, in addition to serving on another committee listed in paragraph 3 (a) or (b), so long as his service as a member of such joint committee is continuous.".

Mr. METCALF. Mr. President, Senate Resolution 4 provides for termination of the Joint Committee on Congressional Operations. The joint committee, however, is authorized in the Legislative Reorganization Act of 1970.

Under the 1970 act, the chairmanship alternates with each Congress. During the last Congress the chairman of the joint committee was selected by the House contingent, which has already been reappointed to serve on this committee. Thus, again under the 1970 act, they are in a position to continue to act.

In order to wind up the affairs of the committee in an orderly manner it will be necessary to assign Senators to serve on it, at least temporarily, to provide for the election of a Senate chairman.

The purpose of my amendment is to provide for just such an orderly transfer of the responsibilities of the Joint Committee to the Senate Rules and Administration Committee.

What the amendment does is permit the Senators who served on the Joint Committee in the 94th Congress to continue to do so temporarily, without regard to the limitations on committee assignments contained in Senate Resolution 4.

Senators serving with me on the Joint Committee in the last Congress were Mr. GRAVEL, Mr. CHILES, Mr. HELMS, and Mr. DOMENICI.

The assignment exemption as specified in this amendment is, to use the phrase of the distinguished majority leader, "unalterably temporary." It will be applicable only so long as the service of a member of the Joint Committee is continuous—and will expire at such time as the Joint Committee is terminated under the procedure established in Senate Resolution 4, or not later than the close of the first session of the 95th Congress.

In my judgment, this amendment is essential because—in accordance with its authorizing statute and the Joint Committee's established practice—Senate members of the Joint Committee must select a chairman for the 95th Congress.

Until the Senate completes committee assignments for this Congress and until a chairman is selected, the operating responsibilities of the chairmanship, now in the House, cannot be assumed by a Senate chairman.

Obviously, Senators will be reluctant to serve on a joint committee scheduled for consolidation if such service means they cannot be assigned to any other "third" committee.

Thus, I urge the adoption of this amendment—for a temporary exemption—to insure the transfer of the Joint Committee's responsibilities in an orderly manner.

I have cleared this amendment with both Senators handling the bill.

Mr. CANNON. Mr. President, I understand now that this would apply only to this committee, which has been, in effect, terminated but will continue to exist up until the 1st of October.

Mr. METCALF. Because it has appropriations. The administrative housekeeping is presently being done in the House of Representatives, and the House Members have already been named to the committee.

Mr. CANNON. Mr. President, we have checked with the minority as well and this is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 33

Mr. CLARK. Mr. President, I call up my amendment No. 33 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. CLARK. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 83, line 19, strike out the closing quotation marks and the second period, and after line 19 insert the following:

(1) (1) Each standing committee listed in paragraph 2 shall establish not less than three legislative subcommittees. The combined jurisdictions of the subcommittees established by such committee shall include all subjects of legislative jurisdiction of such committee, except that such committee may by majority vote determine to retain one or more subjects of its legislative jurisdiction for consideration only by the full committee.

(2) All proposed legislation, messages, petitions, memorials and other matters which are referred to a standing committee listed in paragraph 2 shall be referred by such committee to the appropriate subcommittee established pursuant to subparagraph (1) within two weeks of its referral to such committee, except that, with respect to any particular proposed legislation, message, petition, memorial, or other matter, such committee may by majority vote determine to consider it only in the full committee. Any such referral to a subcommittee shall be subject to such instructions as such committee by majority vote determines to be appropriate.

(3) Any vote by a standing committee under subparagraph (1) and (2) may be taken only when a majority of the members of the committee are actually present.

Mr. CLARK. Mr. President, I desire to modify the amendment by striking the last three lines of the amendment. I ask unanimous consent to so do.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

On page 83, line 19, strike out the closing quotation marks and the second period, and after line 19 insert the following:

(1) (1) Each standing committee listed in paragraph 2 shall establish not less than three legislative subcommittees. The combined jurisdictions of the subcommittees established by such committee shall include all subjects of legislative jurisdiction of such committee, except that such committee may by majority vote determine to retain one or more subjects of its legislative jurisdiction for consideration only by the full committee.

(2) All proposed legislation, messages, petitions, memorials and other matters which are referred to a standing committee listed in paragraph 2 shall be referred by such committee to the appropriate subcommittee

established pursuant to subparagraph (1) within two weeks of its referral to such committee, except that, with respect to any particular proposed legislation, message, petition, memorial, or other matter, such committee may by majority vote determine to consider it only in the full committee. Any such referral to a subcommittee shall be subject to such instructions as such committee by majority vote determines to be appropriate.

Mr. CLARK. Mr. President, I yield to the Senator from New Hampshire.

Mr. LONG. Mr. President, a point of order. What is the modification?

Mr. McINTYRE addressed the Chair.

The PRESIDING OFFICER. The amendment is modified by striking the last three lines.

Mr. McINTYRE. May we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will kindly take their seats. The Senate will be in order.

The Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I ask unanimous consent at this time that the Senator from Iowa's amendment be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 25

Mr. McINTYRE. Mr. President, I call up an unprinted amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. McINTYRE for himself, Mr. HATFIELD, Mr. TALMADGE, Mr. HUDDLESTON, and Mr. NUNN) proposes unprinted amendment No. 25.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 92, after line 13, insert the following: at the appropriate place in Title VI, Sec. 602, 5(a)(1)(E) strike "or", and insert the following: "such determination could include, but need not be limited to, estimates of the amount of time and financial costs required of affected Parties, showing whether the effects of the bill could be substantial; as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill, or".

Mr. McINTYRE. Mr. President, on Tuesday the Senate voted a major change in our rules when we passed Senator TALMADGE's amendment, No. 16, providing for regulatory and paperwork impact statements by committees when reporting legislation to the floor for action.

Senator TALMADGE's amendment is a needed step which will provide the Senate with information when we legislate new laws that will put requirements on individuals, businesses, educational institutions, State and local governments and other bodies.

Impact statements as required under this amendment would make us more aware in advance of passage of burdensome regulations, particularly associated with major pieces of legislation such as the Occupational Safety and Health Act or the Employee Retirement Income Security Act which we have passed in the past few years.

As many of you know, I have seen the effects of these pieces of legislation through my work as chairman of the Small Business Committee's Subcommittee on Government Regulation and as co-chairman of the Commission on Federal Paperwork.

But as was pointed out by Senator RIBICOFF and Senator MAGNUSON, there are problems with requirements placed on committees.

I believe we should take cognizance of those problems. Therefore, I propose some clarifying language to section (E) of Senator TALMADGE's amendment concerning the implementation of requirements for determining the paperwork impact of the legislation.

Following suggestions that I helped develop through the Paperwork Commission, I suggest language that would interpret section (E) this way:

A report could include an estimate of the costs associated with the bill to affect parties, which could include the Government and the private and public institutions, and individuals concerned. This estimate could show whether the effects of a bill coming before us would be substantial, intermediate in cost, or possibly show no paperwork impact at all. My goal on this is to provide us with a warning system that a bill could have a very substantial paperwork impact.

While it may be impractical to calculate some of the costs before legislation comes to the floor, particularly with great precision, the committees could attempt to provide estimates that would show such costs, the type of forms required, the number that could be required, and the length of the report, if possible. We also could ask who would be affected, though I realize that in some cases, particularly concerning issues like health insurance, that the numbers could be very large.

Mr. President, guidance like this would give both the Senate and regulatory agencies more of an idea about paperwork.

I am concerned about the Federal agencies, which often operate blind. Information provided in Senate reports would help those agencies to combat excessive information requirements, putting them on notice that we believe that some particular piece of legislation may not or should not have a major impact.

Such an assessment also would provide that citizens and businesses who come before committees of the Senate the points that should be studied to combat potential paperwork problems.

Mr. President, I ask unanimous consent to have printed in the RECORD the Commission on Federal Paperwork's position paper on this issue.

There being no objection, the position paper was ordered to be printed in the RECORD, as follows:

POSITION PAPER

CHANGING HOUSE AND SENATE RULES TO REQUIRE PAPERWORK ASSESSMENTS IN COMMITTEE REPORTS

Statement of problem

Paperwork burdens are largely unknown to the members of the House and Senate when they are called upon to enact legislation.

Background

In January, 1973, Senator McIntyre and 27 co-sponsors introduced legislation to amend the Legislative Reorganization Act. The bill required that Committee reports on all legislation include identification of new reporting systems required of the private sector. Such reports already include, along with a description of the legislation and discussion of its need, information on new budget authority, a statement of inflationary impact of cost estimates, and comparisons supplied by the Congressional Budget Office. More recently, Congress has shown increased awareness of and responsiveness to the problems of Federal paperwork by creating the Commission with a broad mandate to investigate and recommend changes to the Congress and to the President. In the 94th Congress three of the Commission's five legislative proposals passed both Houses in addition to the acceptance of paperwork-limiting amendments to various bills which were proposed by Congressional members of the Commission.

Discussion

Recently, the Commission sponsored a workshop on Federal paperwork, which was attended by over 30 senior staff representatives from the House, Senate, and Congressional support agencies. They recommended that the Commission consider, among other things, a paperwork assessment to accompany legislation. Such an assessment should include estimates of both the cost to the Government of information gathering and processing, and the anticipated costs to respondents in accumulating and supplying such information. Estimates could be fixed in terms of man-hours, dollar costs, numbers and length of reports, as well as requirements for recordkeeping, auditing, and similar functions. Such assessments included in legislative reports could be made by Congressional Committees, the Congressional Budget Office, or other support staff, individually or in consultation with executive agencies which would administer the legislation.

A Congressional paperwork assessment statement would: (1) provide information to members of the Congress on the likely paperwork impact of the legislation; (2) provide guidance to executive agencies in interpreting Congressional intent regarding reporting and recordkeeping requirements; and (3) increase awareness and provide incentives to minimize Federal paperwork.

Recommendation

The Commission recommends that Congress require that a paperwork assessment be included in the reports of its Committees presenting legislation.

The Commission should direct its staff to work with Committees of Congress, if they so request, in developing appropriate paperwork assessment statements.

Mr. McINTYRE. Mr. President, this is a very simple amendment in which Senators HATFIELD, TALMADGE, HUDDLESTON, and NUNN join as cosponsors.

Yesterday an amendment offered by Senator TALMADGE was agreed to by this body, and it involved itself in paperwork. As a member of the Federal Commission on Paper Work, I do desire at this time to offer this amendment which would simply be a clarification of the wording contained in the Talmadge amendment and would try to give some implementation to the requirements contained therein that would be a little more understandable. I have discussed this matter with the distinguished Senator from Georgia. He is agreeable. I have also talked this matter over with the manager of the bill, and I ask unanimous consent, Mr. President, that this amendment be

allowed in the event that the chairman is willing to accept it.

Mr. CANNON. And that it be in order?

Mr. McINTYRE. And that it be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. CANNON. Mr. President, I have discussed the amendment with Senator McINTYRE, and it is acceptable. It adds, as he correctly stated, on the Talmadge amendment that we have agreed to and I think improves it somewhat.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 33

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CLARK. Mr. President, I again call up amendment No. 33 as previously modified.

Mr. HATFIELD. Mr. President, will the Senator yield for a unanimous-consent agreement?

Mr. CLARK. I yield.

Mr. HATFIELD. I thank the Senator.

Mr. President, I ask unanimous consent that Terry Kay be accorded privileges of the floor during debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. I thank the Senator.

The PRESIDING OFFICER. Under the previous order, the amendment of the Senator from Iowa is before the Senate.

Mr. CLARK. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CLARK. Again, Mr. President, I think this amendment can be explained very briefly, and I do not intend to take more than 2 or 3 minutes to do it.

Among the major goals of the Stevenson committee proposal are consolidation of jurisdiction in the major committees and a reduction in the number of subcommittees. While such goals are obviously commendable, it is important once they are achieved to insure that those subcommittees that remain be effective functioning bodies.

All of the major committees of the Senate presently have at least four subcommittees. However, in some committees, subcommittees are granted little if any real authority, most important of which is the authority to mark up and report legislation to the full committees.

Mr. GRAVEL. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. CLARK. This amendment, patterned after rules that are now in effect in the House of Representatives, would address this problem.

The amendment simply would require that each major committee establish at least three legislative subcommittees, the combined jurisdiction of which would include all subjects within the jurisdiction of the full committee. However, and this is very important, to allow flexibility the amendment provides that a committee by majority vote may determine to retain one or more subjects, all subjects if they wish, for consideration only by the full committee.

In my judgment this amendment would help contribute to a more equitable and efficient distribution of responsibility among Senators. It would not dictate to committees how they are to conduct their business; rather it would provide a framework under which committees would begin to conduct their business in a more democratic fashion.

I emphasize that point and make it very clear. This amendment would not prescribe any inflexible set of rules for the committee of the Senate. It would simply say that, on these basic issues of jurisdiction, decisions are going to be made by majority vote, not by arbitrary decision.

Mr. President, I know that sometimes amendments get discussed and misunderstood. I do not want that to happen in this case. I simply take an example: If for one reason or another the full committee, let us say, the Finance Committee, wants to continue to consider the tax bill in the full committee, there is no reason under this amendment that that cannot be done. It would require a simple majority vote of the members of the committee. That is all.

Certainly, if the committee decides that it is best handled in the full committee, there is no reason why they cannot simply vote and do that.

Mr. LONG. Mr. President, this amendment is aimed at the Finance Committee, and I believe that Senators should understand what our situation is. The Finance Committee generally cannot act on bills until they come to us from the House of Representatives. Most of our bills are revenue bills. The Constitution provides that revenue bills must originate in the House of Representatives. So we are unable to act on major legislation until the House of Representatives has acted and sent a measure to us.

Until I became chairman of the Finance Committee, there were no subcommittees; as far as I can recall, during my entire service on the committee there were no subcommittees on the Finance Committee. But even after I became chairman and subcommittees were established, very important measures were handled by the entire committee.

Let me just give an example. One of the most significant bills that we had in the last Congress was the Tax Reform Act. Every member of the Finance Committee was vitally interested in that bill. Every member of that committee wanted to participate both in the hearings and in the executive sessions. The committee historically has done business in that way. In order to obtain more staffing and in order to offer Senators a fuller opportunity to serve, I appointed 11 subcommittees in the last Congress so that each one of the majority Senators would be chairman of a subcommittee.

As far as I am concerned, we will divide the jurisdiction however the committee wants to divide it. Our committee has discussed this subject. Some Members would like to have subcommittees with the power to mark up their bills. As far as I am concerned, that is fine. We discussed that matter in committee this morning and agreed that subcommittees could mark up and report the bills in the area of their responsibility.

But, Mr. President, when it comes to major bills, the committee should both conduct the hearings and mark them up as a full committee, and I believe this is the way the Finance Committee will want to operate.

For example, out of the President's economic package of $31 billion, more than 70 percent appears to be headed for the Finance Committee. Every member of the committee would want to participate in acting on that measure. The Senator's proposal would require us to assign it to a subcommittee. Admittedly, by majority vote, we could take it away from the subcommittee. But I just ask any Senator to put himself in the position of a committee chairman. The chairman would have to say, "We are going to take this bill away from your subcommittee and act on this as a full committee." Yes, the committee can do it by a majority vote, and I do not doubt that from time to time we would have to do that.

But what Senator here wants to do that? When you take a bill away from a subcommittee chairman, his pride is wounded, and it is usually years before he is fully satisfied that the bill should have been taken way from his subcommittee. It creates a problem I would not want to wish on anyone.

Here is the way we discussed this matter in the committee, and thought it would be best to handle it: That with regard to major bills, such as a tax reform bill, the President's economic package, a health insurance bill, a welfare reform bill, a major social security bill, or a major trade bill, we would suggest that we handle those bills in the full committee; and with regard to the lesser bills, we would put them in the appropriate subcommittees, and we would ask the subcommittees to act on them first.

Mr. President, many times we do not have the luxury of time in the Finance Committee. With the tax reform bill last year, as criticized as I was for rushing to bring about action on some aspects of it, I had a commitment to the Senate that we would try to get the bill out in time for it to be acted on before the Democratic National Convention.

The House sends these major bills, many times in the second year of the session, sometimes about August, sometimes in September, and we are then under the burden of trying to report those bills and act on them in the Senate in a very brief time.

I do not want the burden, Mr. President, of having to make the motion to take a bill away from a subcommittee. I would think the question of how a committee will handle legislation is the kind of thing a committee should be permitted to decide for itself.

Nothing like this amendment was proposed, I know, by the select committee when they acted. Nothing like this was proposed by the Rules Committee. I would submit that the Finance Committee should be able to decide for itself which bills it thinks it should put in a subcommittee and which bills it thinks

it should not put in a subcommittee. Otherwise, if we pass this resolution, the bills would first be referred to a subcommittee and then the committee could meet and vote that the bill will not go to the subcommittee. Mr. President, I for one would not enjoy the burden of having to tell the subcommittee chairman and the members of his subcommittee that the bill would be considered by full committee only. I would have to tell him: "This is a bill that under the rules is required to be assigned to your subcommittee; Senator, I am sorry, but this is a very important bill, and although your committee has been given jurisdiction of this matter by order of the Senate, we are going to have to take it away from you, and I am going to make such a motion."

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CURTIS. I commend my chairman for taking that position as to any proposal that the Senate would, by written rule, direct the handling of a bill within a committee.

I happen to know some of the problems that would create in the Finance Committee. Once we start down that road of the Senate by rule directing the procedures of all the committees, I fear the results would become chaotic.

As my chairman has said, the Finance Committee has a unique job. Practically all our bills must begin in the House of Representatives. After a tax bill is taken up in the House, and they have their hearings, usually long and complicated, the bill is written, and at that point witnesses all over the country, taxpayers affected, technicians, accountants, lawyers, and others get a chance to look at it, as well as House Members and Senators. So we start our hearings with the House bill. It is exceedingly important that that testimony be taken by the full committee, and it is also very important that most bills would require that.

It could be argued that the full committee could take jurisdiction on major bills and have subcommittees take minor bills. The trouble is, how do you define them? There are some bills that are simple in their pattern but far reaching in their effect on the rest of the Internal Revenue Code or in their effect on the rest of the social security law.

Also, it is my understanding that this proposal for reform here in the Senate has as its basic purpose to lessen the number of committees, to lessen the demands upon Senators, to concentrate rather than proliferate. It was not easy to vote against some of the amendments to continue other committees, because the Senators involved believe in their work, they know about it, they are enthusiastic. But the line has to be drawn somewhere, if we are going to cut down on it.

I believe the passage of this amendment would be a turn in the opposite direction from what so many Senators have tried to accomplish in this legislation. I thank my chairman for yielding.

Mr. LONG. Mr. President, the Tax Reform Act that we brought to the Senate last year was more than 1,700 pages long. We worked on that bill in executive session for 6 weeks after we had concluded our hearings. If we had had a subcommittee of say 7 members do that work, then when we took the bill to the full committee of 18, I would not have been the least bit surprised to see any one of those 11 men who are not on the subcommittee proceed to say: "We want to know about everything in this bill. Now, you explain this to us line by line and let us make our suggestions. You have had your chance to make your suggestions, now we will make ours."

If we did that, with the Senate begging us to bring the bill out here and the President pleading that it be considered, we would then have delayed the Senate as much as another 6 weeks, waiting to get the bill considered.

These major legislative measures are controversial. Perhaps a Senator who is not on the subcommittee will feel that the case has been made for the other side but not his side, and we ought to have more hearings in full committee, and witnesses ought to be brought in for further hearings.

Then the full committee would be called upon to reopen the hearing in order to hear an additional group of witnesses before we proceed any further with the markup. This duplication of effort could consume a great deal of time.

I have seen what has happened when the chairman trespasses on the prerogatives of a subcommittee chairman. I have seen subcommittee chairmen point their finger in a chairman's face and say, "You so and so, I will never speak to you again," and keep that commitment for years.

I do not want that and nobody else wants it. We on the Finance Committee, Mr. President, can work this matter out in committee.

I fully appreciate the views of Senators. I well recall when I served on the Finance Committee during my early years of service on that committee and in this body. I wanted to have more authority and more responsibility put into my hands.

I do what I can to accommodate Senators. But I also want to accommodate this Senate and do my duty toward the Senate. This amendment, Mr. President, will not make the Senate more efficient; it will make it far less efficient. It does just the opposite of what we are led to believe this reform bill was supposed to be.

Mr. RIBICOFF. Will the Senator yield?

Mr. LONG. I yield.

Mr. RIBICOFF. What bothers me about this particular amendment is that it would cause Senators to abdicate their responsibility on major issues. I am sure each committee of this body has measures of such importance that the attendance, the knowledge, and the active participation of every member of that committee should be required.

When the Finance Committee considers tax legislation, a health insurance proposal, welfare reform, unemployment compensation, or a trade act, it should be more than a subcommittee of a few members participating, giving their time and their energies to the ultimate solution. Not only the committee but the entire Senate should feel that the entire committee who has been appointed by this body has input from both the majority and the minority to participate in the work of that committee.

What would happen if the Clark amendment were agreed to? Would it mean that the subcommittee would hold a hearing, and then go into the markup? Some of these markup hearings encompass 6 months.

President Carter says he will submit a welfare reform measure. A welfare reform measure is going to be complex, affecting many millions of people, and perhaps many billions of dollars. Should the Senate not have the input of the entire membership of the Finance Committee and not just the input of a subcommittee?

The same will apply to any tax reform measure. The entire committee should be able to participate fully.

I have had satisfaction to see these major measures which come to the Finance Committee considered by the committee in practically full attendance on hearing after hearing, and to see markups with practically the entire attendance of the committee participating.

May I say that I know that our chairman has been criticized from time to time by those who I believe do not know Chairman LONG and do not know how he actually works.

I do not know any chairman in this body who has been more thoughtful and more considerate of every member of the Finance Committee, irrespective of their political, social, or economic philosophy. There is no member who has been deprived of equal time in questioning a witness, to have the opportunity to submit amendments, to make the argument for his position.

I have seen the chairman time and time again adopt a proposal or amendment submitted by someone who disagrees with him. He is courteous and he is thoughtful toward the minority as well as the majority. Every member of the Committee on Finance has an opportunity to make an input.

I would hope that the Senate as a whole would not deprive the Finance Committee, or any other committee of this body, from having the full participation of any member.

I would say that if this amendment were adopted, we would find ourselves with subcommittees solving the major problems facing this country instead of having an input from the entire membership. I believe that on important measures not the subcommittee but the full committee should be the participant in every phase of the committee's work.

Mr. CLARK. Will the Senator yield at that point?

Mr. RIBICOFF. The Senator from Louisiana has the floor.

Mr. LONG. I yield.

Mr. CLARK. I was very careful at the outset in describing this amendment and repeated on three different occasions

that this amendment does not in any way prevent a full committee from taking consideration of any matter.

I would like to read it again just so that the record is clear.

Mr. LONG. I am aware of that. I am aware that by a majority vote the committee can take a measure away from a subcommittee. I understand that.

I also understand the problem that when we do that, the subcommittee chairman, from whom I move to take the bill, might just never speak to me again. I understand that, too.

It is nice to say that we have the right, but it is the kind of right a chairman better not exercise very often if he wants to get along with fellow Senators, particularly if they do not like the idea of the bill being taken away from their subcommittee.

Senators would feel just about the same way I felt when I started out in this body. When I was given a responsibility, I felt the Senate could not find a better person to entrust it to. I believe 99 other Senators feel that way. I would not blame them for feeling that way about it.

Mr. CLARK. I hope the Senator does not interpret this amendment to say that a legislative matter has to be referred to a subcommittee. The full committee could decide on a vote tomorrow morning in the Finance Committee that they want all tax measures decided by the full committee. It does not have to be assigned to a committee and taken away from it.

If the majority of the members of a committee feel that it is best handled by the full committee, certainly there is nothing here to prevent that from occurring. The only question is whether the chairman will make that decision or whether it will be made by a majority vote.

Mr. JOHNSTON. Will the Senator from Idaho yield for a question?

Mr. CLARK. I do not have the floor.

Mr. LONG. This amendment requires that all measures will be referred to subcommittees. Then it says that the full committee by a majority vote may determine to retain one or more subjects of its legislative jurisdiction for consideration by the full committee only.

Mr. JOHNSTON. Will the Senator yield for a question on that point?

Mr. LONG. Yes, I yield.

Mr. JOHNSTON. Does a majority vote mean a majority of the full committee or a majority of a quorum?

Mr. CLARK. A majority of those people present.

Mr. GRAVEL. Will the Senator yield?

Mr. LONG. I will yield for a question.

Mr. GRAVEL. First off, Mr. President, I would like to address one question which I think is germane to this entire issue and which will defuse this discussion of personal aspects.

I will ask Senator CLARK, what committees does this affect? We know it affects the Finance Committee but what other committees?

Mr. CLARK. Obviously, it affects every committee of the Senate exactly the same way in the sense that it would apply to all committees. I am not conversant enough with every committee of the Senate to be sure what the situation is. As far as I know, all of the committees of the Senate have legislative committees. The Committee on the Budget does not, obviously, because they do not handle legislation. But other committees will have——

Mr. GRAVEL. Is that correct, I ask the Senator from Nevada?

Mr. CANNON. If the Senator will yield, I can read the committees that have legislative subcommittees—Agriculture, Nutrition and Forestry, Appropriations, Armed Services——

Mr. GRAVEL. If the Senator will excuse me, the Appropriations Committee has no subcommittees of a legislative nature?

Mr. CANNON. They do have subcommittees of a legislative nature.

Mr. GRAVEL. My question is, what committees will this affect and if all the committees in the Senate presently have legislative committees, save the Committee on Finance, then in point of fact, the only one this is going to affect is the Committee on Finance.

Mr. CANNON. No.

Mr. GRAVEL. What committees, then, do not have legislative subcommittees?

Mr. CANNON. I cannot give that information. I can say which committees will be affected. All class A committees will be affected.

Mr. GRAVEL. I do not need that. I know if we pass this rule, it is going to affect every committee in the Senate. My question is, what committees today in the Senate do not have legislative subcommittees?

Mr. CANNON. I think Appropriations does not have legislative subcommittees.

Mr. GRAVEL. They do not mark up sectors of appropriations?

Mr. CANNON. The point is that this goes beyond that. This says that all legislative jurisdiction must be assigned to subcommittees in the appropriate manner.

Mr. GRAVEL. I appreciate that. I am just trying to get one point clear for the body. That is, what committees presently in the Senate have subcommittees of a legislative nature and what do not? We know Finance does not.

On the Appropriations Committee, do the subcommittees mark up legislation?

Mr. McCLELLAN. Will the Senator yield?

Mr. GRAVEL. I yield to the Senator.

Mr. McCLELLAN. They do not have authority to report out legislation. Legislation which is introduced in the Senate through bills are referred to other committees, not to the Committee on Appropriations. Sometimes, legislative provisions get into a bill, but if we place it in there in the Committee on Appropriations, it is subject to a point of order on the floor.

Mr. GRAVEL. I think the chairman is misunderstanding me. With respect to the Committee on Appropriations, do its subcommittees mark up their sector of the appropriations bill?

Mr. McCLELLAN. They do. And we have now 13 subcommittees. If this is going to reduce them to three——

Mr. GRAVEL. The Senator misunderstands. This will not reduce them to three. This is a grave misunderstanding.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. LEAHY). The Senate will be in order. The Senator from Alaska will suspend until there is order.

The Senator may resume.

Mr. GRAVEL. To the Senator from Arkansas, I say, all this says is minimally, three committees.

Mr. McCLELLAN. But we cannot have the other 10. We have 13 and we need them. We could not have the other 10 without a motion being made and carried by a majority of the committee to establish the other 10.

Mr. GRAVEL. We would have that in any case.

Mr. McCLELLAN. Why cut them down——

Mr. GRAVEL. Any committee forming subcommittees has to do it with the decision of the majority of the committee. The chairmen are not that autocratic around here.

Mr. HASKELL. Will the Senator from Alaska yield so I can make a very brief statement?

Mr. GRAVEL. I am happy to yield.

Mr. HASKELL. Mr. President, I think we should fully understand the intent of the proposed rule as stated by the Senator from Iowa. There is no intent that major legislation not be carried out at the committee level. We had a discussion this morning in the Committee on Finance in which, by a 6-to-5 vote, we adopted a comparable rule, then an absentee was polled, and that made it 6 to 6. Then the Senator from Georgia (Mr. TALMADGE) proposed a policy which would embody more or less the Clark resolution, but did not want to put it down in rule form.

The real problem is this: We want to have subcommittees that are meaningful. This is the purpose of the Clark resolution. The full committee should, as we agreed in Finance, retain major legislation. It should retain welfare reform, it should retain tax reform. This is the intent of the provision of the Senator from Iowa.

I think we must not be led to believe that this will result in two series of hearings. It will not. I personally feel that the principle in this is sound. As a matter of fact, I think the chairman of the full committee this morning agreed that the principle I have articulated is sound. We could not reduce it to a rule, and I think it is important to reduce it to a rule. For that reason, unless we can come to some accommodation with the Senator from Iowa on language, I certainly intend to support this resolution.

I would like to ask the chairman of my committee, the Committee on Finance, if I have articulated the principle correctly, that major legislation should be considered in the full committee, but that other legislation should go to subcommittees so that there will be meaningful subcommittees?

If I may ask the Senator the question, is that not the principle we concurred in this morning?

Mr. LONG. My impression was that the

overwhelming majority of us on the committee, including the Senator from Colorado, agreed to the principle that he indicated, that generally speaking, such major bills as the Tax Reform Act that we passed last year, or a comprehensive overhaul of the welfare system, or a major social security measure, or a trade bill such as the Trade Act of 1974, or a health insurance bill—those kinds of bills ought to be considered by the full committee. We felt that the less significant bills ought to be referred to the subcommittees.

Now, this is logically how we ought to do it, because we can waste an enormous amount of time acting on one of these big bills in a subcommittee and then retracing the steps in the full committee.

Mr. HASKELL. I wonder if we can do this? I am going to suggest the absence of a quorum.

Mr. GRAVEL. Mr. President, excuse me. I graciously yielded. I would appreciate it if I could get a chance to debate.

Mr. HASKELL. I forgot that. I apologize to the Senator from Alaska.

After the Senator from Alaska is finished, I would then like to suggest the absence of a quorum in the hope that the Senator from Louisiana and the Senator from Iowa can work something out.

Mr. GRAVEL. I do not know if we are that close.

Mr. CANNON. Will the Senator yield to me for a brief observation?

Mr. GRAVEL. Yes, if it is only that.

Mr. CANNON. I want to say it is not that simple as those two gentlemen working this out. Practically every class A committee is involved. This matter has to be considered in that regard.

The Committee on Armed Services, right here—we have a markup in the full committee on the authorization bill, even though we have subcommittees that consider a lot of various parts of the legislation. So this is much more than just the Committee on Finance.

Mr. GRAVEL. Mr. President, I have the floor. May I have it back, please? I would like to make a few points. I shall be happy to yield to my colleagues, but I think some of these things should be addressed straight on.

The PRESIDING OFFICER. Will the Senator from Alaska suspend until we have order?

The Senator may continue.

Mr. GRAVEL. Mr. President, on the first point, I want to try to demonstrate very clearly here, if I could get the attention of my colleague from Nevada I would like to drive this home so we all understand it.

All the statements that have been made here about what terrible things are going to occur if this minor amendment passes, all those things must be going on right now, because in fact, the only committee that is going to have to change its ways under this amendment is going to be the Committee on Finance. Every other committee has legislative committees, they mark up, and the world does not come to an end, and they treat important things.

Mr. RIBICOFF. Will the Senator yield there?

Mr. GRAVEL. For a question.

Mr. RIBICOFF. No, just a comment, because in the colloquy with the Senator from Louisiana, I mentioned the Committee on Finance, but my comments apply to the Committee on Government Operations as well.

Let me give an example. We have legislative committees in the Committee on Government Operations, and they are busy. Every once in a while, we get a bill of such major importance that we act on it at the full committee level; for example, the Watergate bill was considered last year in the full committee. It is obvious that the entire Committee on Government Operations should deal with the Watergate bill.

Now, the President of the United States will send up an energy reorganization bill. Instead of sending that to a subcommittee, it is obvious that it is of such major importance that the entire Senate should have the benefit of the thinking in the hearing process, in the questioning, in the markup, in the discussion and in the vote of the entire Committee on Government Operations. This is an urgent matter that we should consider immediately and to refer such a matter to a subcommittee would also serve to slow down the urgency of the proposal.

I do not think that we should put a chairman in a position where he has to fight and justify himself to the subcommittee chairmen. I find a great deal of comity. I am sure that when Senator McCLELLAN was chairman of the Committee on Government Operations, and Senator Ervin who succeeded him—it was never done any differently. I never recall any dissatisfaction with Senator McCLELLAN or Senator Ervin, and I do not think there is a member of the Committee on Government Operations who has ever felt that any member of the committee has been treated unfairly.

Our subcommittees do outstanding work, and I compliment the subcommittee chairmen for their zealousness in their duties. I say to every subcommittee and committee member that any chairman, today, who is not thoughtful or considerate of his entire membership would not remain an effective chairman very long.

I think that the Clark proposal will cause great schisms in each committee, and will break up comity and understanding and mutual cooperation in the committees.

I think it will be most unfortunate to try to play each committee chairman against every subcommittee of that committee. That would be the end result of the Clark proposal.

Mr. GRAVEL. I thank my colleague. But I think we do a disservice to ourselves when we try to personalize this.

Nobody has any higher respect for Senator RUSSELL LONG than I do. It is not a question of his being fair or not fair, but a question of operation.

That is what is at stake here.

We are talking about what has been good for every other committee in the Senate. I think it would be good for the Finance Committee to have that same method of operation. Raising personality does not contribute.

The other argument, that because we have to wait on the House to send over legislation, does not address itself to this issue. It does not make any difference at all.

Also, talking about having to take away from a subcommittee chairman, if the people on the Committee on Government Operations and recognize a national issue that should be dealt with by the full committee, I submit the people on the Finance Committee can assert themselves equally.

I think the proof of the pudding is that we are very proud of all the subcommittees on the Government Operations. They are working hard. I do not think we can say the same thing about the Finance Committee.

We have 11 of them, and I would wager there have not been 11 committee meetings of the subcommittees. They exist in name only.

I happen to chair one of them. We had a fine hearing, the chairman of the full committee shares exactly the same view I do on the particular issue under consideration. He would like to see the same legislation passed as I do.

So it is not a reflection or any difference of any legislative views. It obviously is not a personality situation. It is a product of the mechanism, the way we work.

What have we done? Last year it was taxes. We did a good job on that. Everybody worked hard. Everybody made a contribution. That is all we did. I cannot think off the top of my head of anything significant other than that. Maybe there are other things.

The year before that the Finance Committee came out with a trade bill. They labored hard.

But what happens when we do not have people working together, each handling an area of responsibility?

We are able to do only one thing at a time.

There is a lot of talent on that committee, and several subcommittees could work on several different issues at the same time. This is not done today.

All this amendment asks for is to defuse some of the power at the top, some of the responsibility at the top and, unfortunately, some of the blame.

I have spoken privately to the chairman of the committee, who has been criticized by the press for the simple reason that this defusion does not take place.

Passage of this amendment would render him a service. He could better use his unusual talents as manager to manage all these working subcommittees.

It does not mean that we all cannot go to the full hearings of the committee. It does not mean we all cannot go to the full markup. We can do that to our heart's desire.

It does not mean when a bill is in subcommittee we cannot go as a member and sit at the hearings and sit in subcommittee and markup. We are not denied. There is no such restriction. There is no problem in other committees. There is no reason why there should be in this one.

Mr. JOHNSTON. Will the Senator yield?

Mr. GRAVEL. Yes.

Mr. JOHNSTON. I am a very strong proponent of this reform package. It is quite obvious from the debate that this is a hotly debated issue on which there are very strong differences of opinion.

I would like to know from the Senator, does he know, can he tell us whether this will be too heavy a weight for the reform package?

Mr. GRAVEL. Not in the slightest. In fact, I think the Senator from Iowa stated very clearly how much in concert this was with reform.

What we are doing is, trying to do is make all subcommittees meaningful legislative subdivisions at the legislative process.

Mr. JOHNSTON. Will the Senator yield further?

Mr. GRAVEL. I am happy to yield.

Mr. JOHNSTON. What I have in mind, does the Senator have plenty of votes for the reform package itself so he could afford to lose a——

Mr. GRAVEL. I do not know why we would lose.

Mr. JOHNSTON. I will be for the reform package.

Mr. GRAVEL. Fine. I will probably vote for the reform package. But I do not believe the passage of the whole reform package is going to weigh on this particular vote. If this defeats it, then it defeats it. If it passes, then it is a contribution to reform. That is what reform is all about.

Mr. STENNIS. Will the Senator yield?

Mr. GRAVEL. I am happy to yield.

Mr. STENNIS. Mr. President, I do not want to take up any appreciable part of the Senator's time, or the Senate as a whole. But I feel that I am compelled to say something, it is one of the largest committees in volume of legislation, one of the largest we have.

I do not want to impose on the Senator, but I would like to have about 5 minutes, if I may.

Mr. GRAVEL. On this subject?

Mr. STENNIS. Yes.

Mr. GRAVEL. I would be happy to, but I will be yielding the floor if the Senator will give me 1 more minute, then he will have it in his own right, unless the Senator would care to engage in colloquy?

Mr. STENNIS. No.

Mr. GRAVEL. Let me just close by saying, what we are trying to accomplish with this amendment in regard to the Finance Committee is already in effect with regard to every other major Senate subcommittee. It is very simple. Every subcommittee has legislative authority.

Certainly, this amendment cannot be terribly revolutionary. It cannot be that upsetting. Certainly, it will not imbalance the ability of the Finance Committee to function.

As I stated earlier, the fact that legislation on taxes originates in the House does not affect this proposal at all.

This is not a personal situation with respect to the chairman. I think the chairman has been very innovative. I will give an example.

We have an early-bird rule that when people come to hearings it is a first-come, first-served basis, not on a seniority basis.

I cannot think of anything more equitable for younger members.

Many times, Chairman LONG sets his position so the younger members can be heard early on the issues.

I hope we recognize that the Finance Committee is one of the most important committees in the Senate. It handles very momentous legislation. It can continue to do that with the full committee. At the same time it will be considerably more productive if the subcommittees we have on the Finance Committee can do something meaningful and make a contribution under that system.

All I am asking is that we secure support for the amendment of the Senator from Iowa. All it does is allow the Finance Committee to do what every other committee does.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, if I may have the Senators' attention for just a few minutes.

Mr. President, with reference to the major authorization bill for procurement—that means the nuts and bolts, the ships, the planes, submarines and manpower, and research and development, that bill covers about 70 percent of the entire military budget—my purpose, the purpose of our committee, is to try to carry on that work so when we come here to the floor we can say that not one or two or a few, but many Senators have taken part in the hearings and in the putting together of this bill.

We can stand here on the floor then and defend it with experts in their field, the research and development, running now with $10 billion a year. It is going into all the facets of imaginary weaponry as well as development of planes like the B–1, which is still just passing out of the development stage.

We have those subcommittees that start working. The full committee is now considering the overall picture. Then the subcommittees start working on it, with all its manpower, civilian and military. But they do not make the final decision. It comes back then to the full committee, and we have sessions there in which it is all gone over.

As to tactical airpower, they go into the matter of all these planes—Navy, Air Force, Army, and others; that is gone into thoroughly.

I could go on and on and speak about the stockpile committee. We have many of them.

My point is that there has to be some management to make machinery such as that move and keep it going and coordinate it and bring it all together and finally get a bill and get a report.

So you just do not get those results—I am not complimenting myself—if you are going to tie the hands of the chairman of that committee to start with.

This amendment—with good faith, I goes into the innermost chambers of all am sure—apparently hurriedly drawn, these massive committees and undertakes to lay down all these mandates. I am not objecting to the subcommittees. I opened up this whole thing to subcommittees, and we have some splendid ones. But we try to avoid getting away from the idea that we are a composite committee. We are a committee representing the Senate, and we try to keep the staff thinking that they represent the entire committee. I do not want to split it up into a lot of subcommittees that become rivals with each other, or staff members who become rivals with each other.

This will not hurt me. The Senate is not going to hurt me. It has been good to me. I have no complaints.

I do not want to have to call them over there to go through all these matters about a committee making the references, or if anything untoward should happen—and it never has with us—try to get the full committee to come in and help me take a bill back from a subcommittee, or something of that kind. We just do not operate that way, and we do not want to operate that way. I believe I speak for every member of the committee.

So give us some discretion, some latitude, and everybody will have his chance. Let me doubly assure Senators of that.

We have the matter of nuclear weapons and other matters that have to be handled specially. There are the SALT talks. That may not strictly be legislation, but it is related. We have a subcommittee on that.

One thing more: Much of this procurement comes to the full committee to start with: planes that are already in development and are being purchased, reviewing the missile program, and so forth; and we are trying to work stronger and stronger toward the subcommittee all the time. This will just scramble the eggs, in my opinion. One member could virtually wreck the even, smooth-running effect of examining these bills. When they come to the floor, we are well fortified to handle them, even though we are not always unanimous. We set forth how they voted, and they give their reasons if they wish.

I realize more and more that the Senate of the United States, if it cannot have effective committee work, will rapidly lose its status as a parliamentary body. The only way to have that effective committee work is to leave it to the committee itself. They are human beings. They have to make adjustments among themselves. They are agents of the full Senate.

I think we are taking a step in the wrong direction. This will undo some good that has been done and will be a disappointment to its authors.

At least, let us sleep on this a little, defer it until some other time when it can be explored and debated and understood.

Mr. PACKWOOD. Mr. President, I hope that, after discussion, we will vote to table, and I hope we will table it for a number of reasons.

As I was coming over here on the subway with the Senator from Alaska this afternoon—I had voted on the opposite side in committee this morning—he said we have to pass this subcommittee bill so that we can all work simultaneously.

I said, "MIKE, that's the trouble with the subcommittee system. We can't all work simultaneously."

At least, none of us individually can work simultaneously, and every one of us knows that when we get those committee notices of the subcommittees meeting, we think, "Am I on the committee?" If not, I do not go to the meeting. We let the subcommittee handle it.

Then the Senator from Alaska said, "It should not be made a personal issue."

This is not relating solely to the chairman, Senator LONG, but there is a certain creeping of personality into it. We all have served on a variety of committees in the Senate. We all have served on committees that have subcommittees. I went on the Finance Committee 4 years ago, and it was my first experience in the Senate in serving on a committee that did not have subcommittees. I wish we had never created investigative subcommittees.

RUSSELL LONG runs a fairer, tighter committee than any committee I have served on in the Senate or in the State legislature. He runs a fair committee. The committee starts at 10 o'clock, and he has a standing order that if he is not there, whoever is next in seniority will start the committee, on either side, even if it is the most junior Republican, although I must say that I have seen that happen only once or twice, because normally he is there at 10 o'clock to start.

He also follows the system that those who get there first on the committee get to ask questions first. It is a great inducement to arrive about 10 to 10 or 5 to 10, so that even if you have been on this committee for no more than a month, you can be the first one to ask questions; and you do not have to sit and wait for the chairman or a ranking Republican member to spend an hour or a half hour to question a witness before it becomes your chance. He scrupulously follows the 10-minute rule, and he applies it to himself as vigorously as to anybody else. If by chance he is not the first one there, he does not ask questions first.

I think I know what the objection is to the Finance Committee and on some occasion to the chairman. The objection is that many people who do not agree with him philosophically often lose. They lose when they have a fair fight in committee, and they come on the floor and have a fair fight, and they lose; and they think that somehow it is because we do not have subcommittees. Quite often, the reason they lose is that the chairman is there more often, longer, and works more diligently on the subject than anybody else on the committee. But not one of us—and he has beaten me on occasion—can claim that we never had a fair shot at what we wanted to present.

I like the statement of our new OMB Director, Bert Lance, when he says, "If something works, don't fix it." The Finance Committee works. It works thoroughly. It works fairly for me, as a Republican; it works fairly for every Member who is a Democrat.

I like nothing better than knowing that every time any issue is going to come before a committee, it is going to be a full committee hearing.

I made a vow to myself 2 years ago, in the last Congress, that the Finance Committee would be my first priority and that if anything conflicted with that, I would go to the Finance Committee; that I cannot go to every meeting, sit through every hearing, and that nothing can slip by me if I want to attend diligently enough.

I cannot do that when we get to the system where we have subcommittees and then two subcommittees on at the same time and, on occasion, three at the same time. I think it would be a step backward. I thought it was a step backward when we created the investigative subcommittees. I certainly think it will be a step backward if we make these legislative subcommittees.

I say once more, in closing, that RUSSELL LONG runs a fairer committee than any other committee on which I have ever served in any legislative body.

All he asks—and I remember an exchange that he had with one member of the committee who was complaining about something, and RUSSELL, Senator LONG, kind of smiled and said, "All I ask is that you come to the committee as often as I do." That is a fair enough statement for anybody who wants to put in the time. You will get more than your fair share of honest dealing and honest treatment.

I remember something once that Senator Richard Russell said to me when he was in his last months before his death, and I was chatting with him. He took me to lunch one day and he said that Huey Long was the smartest man he had ever met in or out of politics.

I obviously did not know Huey Long. RUSSELL LONG is certainly a chip off the old block as described by Richard Russell. He is clever, he is crafty, he is smart, he is fair.

I would simply ask the Senate to leave to those of us who serve on the Finance Committee the decision to make for ourselves as to whether we think we are fairly, honestly, effectively, and intelligently treated, and we will make that decision in the best interests of the Senate.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield the floor.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. PACKWOOD. Yes, I will yield.

Mr. GRAVEL. Let me just state that I would like to associate myself personally with every statement the Senator just made with respect to Senator RUSSEL LONG.

The Senator from Oregon did make reference to me at the beginning of his statement with respect to a private statement made and he was accurate.

I would just like to add to it—to fill it out fully, and that was the Senator felt very strongly that we in the Senate here are put upon too much and we should be able to do something about everything that passes. I think that is an admirable hope and desire. I do not think it is realistic in the 20th century with the complexities of life that we have.

I think the Finance Committee has done excellent work for what it has done. I think with a change in mechanism it can be considerably more prolific for the great benefit of this country under the leadership of RUSSELL LONG.

I thank my colleague for yielding.

Mr. CANNON. Mr. President, this is rather amusing because the debate started off with the statement that this was not intended to be personal, but it was promptly personalized, it promptly personalized itself, on the Finance Committee.

I would like to look at it a little more objectively than that and point out that every one of the class A committees, except possibly one, would be affected by this amendment if it is approved. This says the combined jurisdiction of the subcommittees established by the committee shall include all subjects of legislative jurisdiction of such committee, all subjects of jurisdiction.

I serve on two of those class A committees. I do not happen to be on Finance, so I cannot speak with authority about Finance the way these Senators have. But I serve on two of them. I serve on the Armed Services Committee and the Commerce Committee. We have legislative subcommittees and we assign work out in both of those committees, but we do not assign all of the work out. We handle a good bit of the work in the full committee.

The markup which takes so much time in the Armed Services Committee, the final markup, is handled by the full committee, and we all work on it even though we have worked in our own particular area; for example, in mine on Tac Air, reporting our recommendations, and we report them to the full committee and then we mark them up.

In Commerce it is the same way. We do a lot of the legislative work in the subcommittees, but we do not assign all of it to the subcommittees and say we have got to be in the embarrassing position of voting in the full committee to take the work away from a subcommittee chairman if the full committee wants to consider it.

We make those decisions, but we do not make them in the face of a resolution saying that you cannot take it away from that subcommittee chairman unless you have a vote of the majority of the committee to take it away from him.

That is what this is trying to do. It is not just Finance. It would affect Agriculture, Nutrition, and Forestry; and it would affect—I have checked and I am advised it would affect—Appropriations; it would affect Armed Services.

Mr. McCLELLAN. Did the Senator say it would affect Appropriations?

Mr. CANNON. Yes.

It would affect Banking, Housing and Urban Affiairs; it would affect Commerce, Science, and Transportation; it would affect Energy and Natural Resources; it would affect Environment and Public works; it would affect Finance; it would affect Foreign Relations; it would affect Governmental Affairs; it would affect Human Resources; it would affect Judi-

ciary; and it would affect after this session the Budget Committee because the Budget Committee then becomes a class A committee, and it does have legislative jurisdiction.

So it would affect all of those committees I have named. This is not a one-committee move. It would say to those committees, "You have got to establish subcommittees to handle all of our legislative jurisdiction. The only time you can take it back is if you have a vote of the full committee," which, as the Senator from Louisiana said, could be very embarrassing. I know, as chairman of a subcommittee, I would be a little hot if I had legislation that ought to be referred to me and the full committee said, "No, we are going to vote to take it away from you." I do not think I would like it.

I do not think we ought to place the chairman or the subcommittee chairmen in that kind of a position. I think the committee chairman, as Senator STENNIS said, needs some flexibility, some leeway, in carrying out the management of the running of that committee in his particular job.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. LEAHY). The Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I thought I understood the author of the amendment to state that it did not apply to the Appropriations Committee.

Mr. CLARK. The question was whether or not there would be a maximum of three subcommittees for the Appropriations Committee. That was the question of the chairman. It is clear that this amendment would not in any way affect the number of subcommittees that the Appropriations Committee would have. The only thing the amendment does——

Mr. McCLELLAN. Why will it not since it says that each standing committee listed in paragraph (2), and the Appropriations Committee is listed in paragraph (2), shall establish not less than three legislative committees.

Mr. CLARK. And not less than.

Mr. McCLELLAN. Yes.

Mr. CLARK. But if the Appropriations Committee wished to have 16 or 20 or 30 subcommittees it would in no way——

Mr. McCLELLAN. The only way I can agree with that is if you say "legislative subcommittees," and then you would specifically state in this amendment that it did not include the Appropriations Committee because it is not a legislative committee.

Mr. CLARK. Well, I would want——

Mr. McCLELLAN. If you are taking all committees in paragraph (2) the Appropriations Committee is in paragraph (2) and would be included, and we could not have but three subcommittees handling the whole appropriations bill and that just simply will not work.

Mr. CLARK. I could not agree with the chairman more. I think the record ought to be very clear in the legislative history that this amendment, if it is passed, would in no way affect the fact that the Appropriations Committee would need more than three subcommittees to operate.

Mr. McCLELLAN. I would like to amend it, if the Senator would accept the amendment, by saying "not less than three legislative subcommittees, not including the Appropriations Committee." I would like to exclude it specifically if that is what we mean.

Mr. CLARK. So that you could have less than three?

Mr. McCLELLAN. I do not want to have less than three, but I do not want to be required to assign all of the appropriations matters just to three subcommittees. It cannot be done.

Mr. CLARK. That certainly is not the way the amendment is written. This simply says they shall not establish less than three subcommittees.

Mr. McCLELLAN. But what does the next paragraph mean with respect to the Appropriations Committee?

Mr. CLARK. The combined jurisdictions of the subcommitteees established by such committee shall include all subjects of legisaltive jurisdiction of such committee. In other words, if you had only three, if it was the decision of the committee to have only three subcommittees, then all of the jurisdictions would have to be assigned to those three. But if it is the decision of the Appropriations Committee to have 19 subcommittees then they would be distributed as the committee desired among those 19.

Mr. McCLELLAN. It is not our purpose to do that. We have 13.

Mr. CLARK. Thirteen.

Mr. McCLELLAN. And that is absolutely, I believe—everyone who serves on the committee would agree, that that is—the minimum number possible we should have. We might reduce it by one by combining some smaller appropriation item, but I think now it is working well and the Appropriations Committees have so many hearings to be held to go over this budget, and to try to process a $400 billion budget it just simply is such that you cannot do it. You have got to have the subcommittees to parcel it out.

Mr. CLARK. Again let me repeat, there is nothing in this amendment that would in any way restrict the 13 subcommittees that now exist under the Appropriations Committee.

Mr. McCLELLAN. Let me move on to another committee. The chairman, I see, is not here, and I am the ranking member on that committee, and that is the Judiciary Committee. This would apply to the Judiciary Committee.

Let me see, I turn to page 67 of the pending bill, and it gives you the jurisdiction now of the Judiciary Committee, the things it covers.

I think there are about 13 subcommittees of that committee now. Under this bill I think they will be reduced to about seven or eight. But this would require, as I understand it, this amendment would require—by the way, the Judiciary Committee handles more legislation, a greater number of bills, than does any committee in the Senate. Its workload is terrific. Three subcommittees there could not possibly handle it.

Mr. CLARK. Absolutely not.

Mr. McCLELLAN. If I understand the Senator, he does not propose to limit a committee like the Judiciary. He does not propose to limit it to three subcommittees.

Mr. CLARK. That is correct.

Mr. McCLELLAN. We can have as many as needed.

Mr. CLARK. That is correct.

Mr. McCLELLAN. And then the work would be parceled out as it might be.

Mr. CLARK. Absolutely.

Mr. McCLELLAN. And then by vote Senators could take away or retain any legislation in the full committee they wish.

Mr. CLARK. That is the point exactly.

Mr. McCLELLAN. How does that differ from the practice and rules of today?

Mr. CLARK. I think the only difference—and really I think Chairman McCLELLAN has struck on the question that is at issue here. What difference would it make if this amendment were passed?

Mr. McCLELLAN. Yes.

Mr. CLARK. The simple answer is that presently a chairman may decide what jurisdictions go to subcommittees and which are retained in committees; this provision would say that that decision would be made by majority vote of the members of the committee. It is just that simple.

Mr. McCLELLAN. I think that could be accomplished by a very simple amendment if that is the only objective of it.

Mr. CLARK. That is precisely the intent.

Mr. McCLELLAN. The way it is written complicates it very much. It makes it difficult to understand.

SEVERAL SENATORS. Vote! Vote!

Mr. THURMOND. Mr. President, I rise in opposition to this amendment. I voted for the first amendment of the distinguished Senator from Iowa. But I feel that this amendment is very unwise.

I happen to be a member of the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Veterans. From my experience on those committees I think it would be a mistake if we adopted this amendment.

I say this: I do not know how soon it will be before Senators on this side of the aisle become chairmen. It may be some years; I hope not. But at any rate, a chairman must have some flexibility. He has to have some discretion in these matters.

For instance, if an emergency matter comes up, it seems to me that the chairman has conferred with the President or has conferred with important agencies of Government, and he can present to the committee important facts, and I think he ought to be allowed to determine whether or not this is a matter that deserves immediate, emergency, consideration. And we would deprive him of making that judgment if we adopt this amendment.

Next I think it is important for the chairman, also, to have discretion, because we may have very important matters that need to be acted upon at once. All the committee members may not be present, and if we take a vote it might be for one reason or another the measure would be referred to a subcommittee and some very important matter might be delayed. I do feel the chairman ought to

have discretion in that. Then, there are certain obvious matters in which it seems to me the chairman ought to have discretion. In all of these fields, I simply think it is unwise and impractical. I think we will make a mistake to adopt this amendment.

I move to table the amendment.

Mr. FORD. Mr. President, the net effect of the amendment will be to increase the work load of Senators. For example, in the 94th Congress, the Commerce Committee, on which I serve, had 485 bills and resolutions referred to it, over 2,000 routine nominations, and over 100 major nominations. Many of these bills could be referred to more than one subcommittee. For example, the interim regulatory reform bill could have been referred to five subcommittees of the commerce committee. Should a bill providing for a high-speed rail line instead of new airports go to aviation or surface transportation?

These issues would have to be decided by a majority vote of the full committee.

What about the requirement that all of the subcommittees jurisdiction must be equal to the jurisdiction of the full committee? In the Commerce Committee, we have jurisdiction over matters that "affect commerce"—you never know what that is going to be. Who would have guessed that it has meant such things as no-fault insurance and antidiscrimination provisions of the civil rights laws? Should we form new subcommittees whenever new subject matter is referred to a committee? I thought we were trying to reduce the number of subcommittees.

All of these things will have to be decided by a majority vote of at least half of the committee, who must be present.

If the amendment is adopted, we will be spending all our time meeting to decide where to refer bills and what new subcommittees we will need to comply with the rule.

Mr. CANNON. Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maryland (Mr. SARBANES), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. STEVENS. I announce that the Senator from New Jersey (Mr. CASE), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. STAFFORD), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

The result was announced—yeas 63, nays 20, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—63

Allen	Hatch	Nelson
Baker	Hatfield	Packwood
Bayh	Hayakawa	Pearson
Bellmon	Heinz	Pell
Brooke	Helms	Proxmire
Bumpers	Hollings	Randolph
Burdick	Huddleston	Ribicoff
Byrd, Harry F., Jr.	Inouye	Roth
Byrd, Robert C.	Jackson	Schmitt
Cannon	Johnston	Schweiker
Curtis	Laxalt	Scott
Danforth	Leahy	Stennis
Dole	Long	Stevens
Domenici	Lugar	Stevenson
Durkin	Magnuson	Stone
Eagleton	Mathias	Thurmond
Eastland	McClellan	Tower
Ford	McClure	Wallop
Garn	McIntyre	Williams
Glenn	Melcher	Zorinsky
Hansen	Morgan	
	Moynihan	

NAYS—20

Abourezk	Hart	Metzenbaum
Anderson	Haskell	Muskie
Bentsen	Hathaway	Nunn
Chiles	Kennedy	Percy
Clark	Matsunaga	Riegle
Culver	McGovern	Sasser
Gravel	Metcalf	

NOT VOTING—17

Bartlett	DeConcini	Sparkman
Biden	Goldwater	Stafford
Case	Griffin	Talmadge
Chafee	Humphrey	Weicker
Church	Javits	Young
Cranston	Sarbanes	

So the motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. CANNON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 20

Mr. HATHAWAY. Mr. President, I call up my printed amendment No. 20 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. HATHAWAY), for himself and Mr. RIEGLE, proposes an amendment numbered 20.

The amendment is as follows:

On page 83, line 19, strike out the closing quotation marks and the second period, and after line 19 insert the following:

(i) Notwithstanding any other provision of this rule, no Senator may serve on any committee listed in paragraph 2, 3(a), or 3 (b) for more than eight years of continuous service, exclusive of service prior to the effective date of title I of the Committee Reorganization Amendments of 1977 of any such committee or any committee which is a predecessor of any such committee. To the greatest extent practicable, one-fourth of the Senators appointed to each committee listed in paragraph 2, 3(a), or 3(b) at the beginning of the Ninety-sixth Congress and each Congress thereafter shall be Senators who did not serve on such committee during the preceding Congress. This subparagraph shall not apply, and section 2(b) of Senate Resolution 400, Ninety-fourth Congress, shall apply with respect to membership on the Select Committee on Intelligence.".

Mr. HATHAWAY. Mr. President, I understand that we will adjourn or recess shortly. I want this matter to be the pending business when we resume on Senate Resolution 4 tomorrow morning sometime. I ask unanimous consent that this be the pending business when we resume Senate Resolution 4 on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 37

Mr. LONG. Mr. President, I send to the desk an amendment which I would expect to call up tomorrow. The purpose of this amendment is to maintain and retain the status quo with regard to jurisdiction over health insurance legislation.

Mr. President, it is my understanding that the select committee, as well as the Rules Committee, feels that the measure they bring before us retains the jurisdiction of the Finance Committee in all respects except with regard to renegotiation legislation. But, Mr. President, when the word "health" was added in the text involving the jurisdiction of the Human Resources Committee, one might contend that in the future, a health insurance measure financed by a specific tax, such as a payroll tax, would go to the Human Resources Committee, at least as far as the benefit provisions of the bill are concerned, and that the jurisdiction of the Finance Committee would be limited to the tax provisions.

That, I believe, was not the intention at all. But in order to make it clear that that is not the intention, to make it clear that we retain the status quo, I believe this amendment is necessary.

Let me explain the status quo as I understand it. If we seek to pass a measure such as medicare, which I had the privilege to manage some years ago, it is my understanding that such a measure—which both provides a tax to pay for the health insurance benefits and provides what those benefits are and how they will be administered—would be subject only to the jurisdiction of the Senate Committee on Finance. That would be considered a revenue measure which would have to start in the House of Representatives and then come here. But the Finance Committee would have exclusive jurisdiction of that measure in the Senate just as we did with medicare.

But now, Mr. President, it is entirely possible that the Senate might see fit in its wisdom to take a different approach. If the Senate wanted to pass a bill which authorizes a health program and spells out all the details of the benefits, and which provides that the benefits will be paid by annual appropriations, which would be recommended by the Appropriations Committee after the authorization had passed, that measure could appropriately go, and would go, to the new Human Resources Committee, formerly the Labor Committee. That is how I have

understood the matter and how I have undertaken to explain it to others in the past.

In other words, a national health insurance bill was referred to the Labor and Public Welfare Committee when it involved general revenue financing, and to the Finance Committee when it involved either an amendment to the social security tax or a specific tax provision such as payroll tax, tax credits, or the like.

For example in 1970, Senator KENNEDY cosponsored a national health insurance proposal, the Health Security Act, in two versions, one with payroll tax financing and one with general revenue financing. The version with payroll tax financing, S. 4297, was referred to the Finance Committee. The version with general revenue financing, S. 4323, was referred to the Labor and Public Welfare Committee.

It seems to me that that is the status quo, the situation that exists today. It was my impression that that is what the select committee and the Rules Committee had decided they would retain.

In order to make it clear that this is the case, Mr. President, I believe the amendment I am sending to the desk is necessary. I ask that this amendment be printed and be available to us tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that the amendment that I sent to the desk to be printed, amendment No. 37, be made the pending business tomorrow after the Hathaway amendment is disposed of. The Long amendment would then become the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 26

Mr. CANNON. Mr. President, I ask unanimous consent that the amendment of the Senator from Maine be temporarily laid aside and that I be permitted to call up an amendment, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. CANNON) proposes an unprinted amendment No. 26.

The amendment is as follows:

On page 53, line 3, strike out "widerness" and insert "wilderness".

On page 59, line 7, strike out "(1)" and insert "1."

On page 59, line 24, strike out all words after "interest", add a period on line 23, after "battlefields, and" add "on the public domain".

On page 69, line 21, after "strengthening" insert "the".

On page 78, line 1, strike out "resolution" and insert "section".

On page 78, line 23, strike out "or any" and insert "or the".

On page 81, line 3, strike out "service" and insert "serve".

On page 83, line 8, strike out "Government" and insert "Governmental".

On page 83, line 24, after "striking" insert "out".

Mr. CANNON. Mr. President this amendment corrects certain typographical and grammatical errors in the bill and makes no other changes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

HIGHWAY SAFETY

Mr. RANDOLPH. Mr. President, the report of the Rules Committee on Senate Resolution 4 assigns jurisdiction over highway safety to the Commerce Committee. Highway construction and maintenance is the responsibility of the Environment and Public Works Committee. This assignment of jurisdiction fails to recognize the distinction among the various aspects of highway safety—the road, the vehicle, and the driver.

Traditionally, the Public Works Committee has legislated in the area of safety-related construction and driver safety. The administrative responsibilities are divided among the Federal Highway Administration and the National Highway Traffic Safety Administration. Funding for programs authorized by the Public Works Committee is primarily out of the highway trust fund, an integral part of the Federal-aid highway program.

It is impossible to separate safety as it relates to engineering and construction of roadways from other aspects of a highway project. Highway safety construction is not a separate program.

Mr. President, the motor vehicle safety and driver safety aspects of the National Highway Traffic Safety Administration program should be in the Commerce Committee. Such programs are not construction oriented. I ask the floor manager (Mr. CANNON) if it was the intent of the Rules Committee to separate safety construction from the overall Federal-aid highway program?

Mr. CANNON. I assume the Senator that it was not.

Mr. RANDOLPH. I thank the Senator for his assurance. I know he recognizes the difficulty in dividing highway construction generally and the portion of construction relating to safety.

Mr. STAFFORD. Mr. President, I must say that I feel very strongly that the safety aspects of highway construction should not be separated from the highway construction program.

Over an extended period, we on the Public Works Committee with the support of the highway safety community have emphasized that safety considerations cannot be separated from the design of a good highway. There is no such thing as ar acceptable highway which does not incorporate the best and latest safety design features.

The wedding of safety with other engineering features is as important in rebuilding old roads as in constructing new ones. And insuring the best possible safety features on existing roads through special corrective programs is again an essential feature of any responsible federally assisted highway construction program.

It is impossible to overstate the detrimental effect of treating highway safety construction as a separate program from highway construction. This leads to the conclusion too easily arrived at already—that safety considerations are different from and secondary to other design features of a highway.

Mr. President, I am not seeking to enhance the jurisdictional responsibilities of the Public Works Committee. I see no difficulty in having the Commerce Committee assume responsibility for those highway safety programs designed to improve the driver's behavior. These programs are currently under the jurisdiction of the Public Works Committee.

I believe it makes sense to have the Commerce Committee oversee all programs administered by the National Highway Traffic Safety Administration, a responsibility now shared by Commerce and Public Works. I believe Commerce should logically assume responsibility for aspects of the highway-rail crossing safety problems.

But Mr. President, I think it can only do great harm to the implementation of an effective highway safety construction program if responsibility for safety is separated from responsibility for construction.

Mr. DOMENICI. I would like to call the attention of my good friend, the Senator from Illinois (Mr. STEVENSON) to a sentence on page 82 of Senate Report 94–1395, the report that was filed by the Temporary Select Committee to Study the Senate Committee System. In discussing the proposed comprehensive transportation jurisdiction of what was then the Committee on Commerce, Science and Transportation, the report stated:

Such matters as users' fees, which have implications for both transportation and the environment, would be subject to joint referrals.

That language indicates that evaluation of waterway user charges would be referred jointly to the Committees on Public Works and Commerce.

That recommendation, of course, was put forward when all basic transportation policy was to be centered in the Commerce Committee. Under the amendments that are now before the Senate, the Nation's transportation issues are to be dealt with largely in two distinct committees, without any joint referrals. These are the Committees on Public Works and Commerce. Specifically, this responsibility for highway legislation and for the construction of our entire system of inland waterways rests with the Committee on Public Works, as it does now.

As a result, I believe it is appropriate that the user charge issue, when they involve the waterways and are related directly to the cost of constructing or operating navigation projects, should be referred to the committee that carries the jurisdiction for specific navigation projects. Does the distinguished sponsor of the resolution agree?

Mr. STEVENSON. I agree with the Senator from New Mexico (Mr. DOMENICI). It appears to me that it is logical that user-charge legislation, when it is related to a revolving fund or some other mechanism directly connected with the costs of the waterways, should be centered in the Committee on Environment and Public Works. That is where the responsibility rests for designing and build-

ing future waterways projects, and that is where the responsibility of any directly related user charge system should rest.

Mr. CANNON. As floor manager of the bill, I would agree with the assessment of the Senators from New Mexico (Mr. DOMENICI) and Illinois (Mr. STEVENSON). Placing the responsibility in the Committee on Environment and Public Works for evaluating user charges, in concert with the responsibility for the construction and maintenance of the waterways, is a logical and reasonable approach.

Mr. DOMENICI. I thank the Senators for clarifying this point.

Mr. HATFIELD. For the purpose of legislative history, I want to ask the distinguished chairman of the Senate Rules Committee if it is his understanding that while the new Public Works and Environment Committee will ultimately have jurisdiction over river basin policy, for the duration of the 95th Congress, jurisdiction in this area will be jointly shared by that committee and the Energy and Natural Resources Committee?

Mr. CANNON. That is my understanding also. Senator JACKSON, when he appeared before the Rules Committee as chairman of the Interior and Insular Affairs Committee, suggested that joint jurisdiction between the two committees exist over river basin policy as is currently handled by the Interior Committee until the Interior Committee has given final consideration to legislation to amend the Water Resources Planning Act. Because the Interior Committee has already held public hearings and members of that committee, including the distinguished Senator from Oregon, are cosponsors of legislation to amend the Planning Act, it makes good sense to allow the committee to finish its business with respect to this subject matter.

Mr. HATFIELD. I thank the Senator for his clarifying remarks.

Mr. STAFFORD. Mr. President, my colleagues will recall that yesterday the distinguished chairman of the Public Works Committee (Mr. RANDOLPH) and the distinguished chairman of the Rules Committee (Mr. CANNON) discussed several issues in order to clarify the jurisdiction of the Environment and Public Works Committee. I would like to state my support for the position that was expressed by the distinguished chairman of the Committee on Public Works (Mr. RANDOLPH) and the floor manager (Mr. CANNON).

Let me first address the disaster relief program. Because of the nature of this program, which involves activities that would otherwise logically fit within the jurisdiction of the new Committee on Environment and Public Works, it is essential that disaster legislation also be considered by the committee. I believe this will serve as a vital balancing effect in our development programs and in assuring the most effective and efficient disaster relief effort on behalf of the public. Any other approach, I believe, would not be harmonious with the intent of Senate Resolution 4.

I wish also to support the statement by the chairman of the Committee on Public Works (Mr. RANDOLPH) and the floor manager (Mr. CANNON) to recognize the need for a joint effort in the writing of legislation to dissolve the Joint Committee on Atomic Energy. It is stated on page 56 of the committee report that the legislation abolishing the Joint Atomic Energy Committee will be considered only by the new Energy Commitee.

Section 201(a)(1) of Senate Resolution 4 specifies that the legislation providing for termination of the Joint Committee shall be within the jurisdiction of "the appropriate standing committees." I do not believe the report is in harmony with the legislation. The environmental aspects of nonmilitary, nonforeign nuclear development, now considered by the JCAE, will go to the Committee on Environment and Public Works. For this reason, jurisdiction over legislation for disposition of the Joint Committee on Atomic Energy must be shared by the Energy Committee and the Senate Public Works Committee, as the actual language of the resolution indicates.

I am pleased that the distinguished floor manager (Mr. CANNON) was able to clarify this point.

Mr. President, I also concur in the position expressed by the distinguished chairman of the Committee on Public Works (Mr. RANDOLPH), and the statement by the floor manager of the resolution (Mr. CANNON) concerning hydropower projects of the Army Corps of Engineers. Because nearly all hydropower work, at least that work performed by the corps, involves projects with a variety of beneficial purposes—flood control, water supply, power, recreation, and navigation—it would be difficult to work out a reasonable way to develop a joint jurisdiction on a specific dam authorization. The new Committee on Environment and Public Works, I believe, should have the sole jurisdiction over any multipurpose corps project, and it would be my expectation that the Committee on Environment and Public Works would then consult with the Energy Committee regarding the need for power in the region to be served by the proposed facility.

Finally, the floor manager and chairman of the Public Works Committee agreed that jurisdiction over the Tennessee Valley Authority will remain with the new Committee on Environment and Public Works, where this jurisdiction has resided since the committee was established in 1947. TVA is a regional development agency with emphasis on water resources development. As such it is logical that it remain in the committee that has legislative jurisdiction over both regional development and water resources.

I thank my colleagues for clarifying these points and I express again my commendation of the Rules Committee and the select committee for the excellent work they have achieved.

KENNEDY CENTER

Mr. HATFIELD. Mr. President, over the years the Public Works Committee has handled legislation regarding the Kennedy Center. The committee, in 1958, reported the original legislation authorizing construction of a National Cultural Center. Subsequent acts renamed the center as the John F. Kennedy Center for the Performing Arts in 1964, authorized the appropriation of $23 million for construction, and authorized the Board of Trustees to borrow $20.4 million for construction of parking facilities in 1969. In addition, section 10 of the Public Buildings Amendments of 1972 amended the 1958 act, delegating maintenance, custodial, and other responsibilities for nonperforming arts functions to the National Park Service through June 30, 1973. Subsequently, the Public Works Committee periodically extended this authorization through fiscal year 1977.

Mr. President, I ask for clarification of legislative jurisdiction over the Kennedy Center because, while it is not always recalled, the original act—Public Law 85-874—made the center technically a bureau of the Smithsonian Institution. Under Senate Resolution 4 while jurisdiction over the Smithsonian is transferred to the Rules Committee, jurisdiction over Federal buildings in the District of Columbia remains with the Committee on Environment and Public Works. While technically the center is a bureau of the Smithsonian, measures relating to the maintenance and care of the center lies not with the Smithsonian but with the Park Service under amendments to the original act. Therefore, it is my interpretation of Senate Resolution 4 that the Committee on Environment and Public Works would continue to handle legislation regarding construction or reconstruction, maintenance and care of the center under its jurisdiction over buildings within the District of Columbia.

Is that also the understanding of the distinguished floor manager?

Mr. CANNON. The Senator is correct.

VETERANS' HOUSING JURISDICTION

Mr. CRANSTON. Mr. President, the Committee System Reorganization Amendments of 1977, Senate Resolution 4, as amended in the nature of a substitute by the Rules Committee, allocates jurisdictional responsibility for veterans' housing programs to the Committee on Banking, Housing and Urban Affairs rather than the Committee on Veterans' Affairs, which I am privileged to serve as temporary chairman. As my colleagues are aware, during the markup of Senate Resolution 4, the Rules Committee recognized that there was a continuing need for the existence of a separate and distinct Senate Veterans' Affairs Committee—a committee which would be responsible for overseeing and legislating in regard to veterans' problems and programs.

Under the resolution as reported from the Rules Committee, jurisdiction for veterans' programs would continue to be retained by the Veterans' Affairs Committee with the exception of jurisdiction over the veterans' housing program. I might note that, except for this limitation, the jurisdiction allocated by Senate Resolution 4 coincides wih the committee's present jurisdiction under rule 25 of the Standing Rules of the Senate.

Mr. President, currently, the Veterans' Administration provides housing credit assistance to eligible veterans, active duty servicemen, and certain widows and widowers. The credit assistance program operates by substituting the guaranty of the Federal Government for the investment protection afforded by substan-

tial down payments and shorter terms of loans under conventional mortgage terms. The lender making GI loans for the purchase of a veteran's home is guaranteed against loss for up to 60 percent of the loan with a maximum guarantee of $17,500.

The housing program is an integral and important aspect of the VA. In 1977, it is estimated that the VA will close 350,125 guaranteed and insured loans and sell 11,625 direct loans with a guarantee. For 1977, total obligations are expected to be at or around $502 million.

Mr. President, I ask unanimous consent that a table showing for the past 6 years the number of VA loans and the dollar amounts of those loans and a table comparing the VA loan activity with that of the Federal Housing Administration be inserted in the RECORD at this point.

There being no objection, the tables were ordered printed as follows:

VA GUARANTEED AND DIRECT LOANS

Fiscal year	Number of loans	Amount of loans (thousands)
1971	199,743	$4,136,278
1972	347,404	7,719,441
1973	355,754	8,245,099
1974	311,935	7,723,237
1975	292,860	8,141,231
1976	329,915	10,012,104
6 mos, July–December 1976	168,820	5,480,671
VA total 1971 through 1976	1,837,611	45,977,390
FHA total (203)	3,343,211	26,033,671

Mr. CRANSTON. Mr. President, the principal program in veterans' housing is the loan guaranty program, a program designed to encourage and facilitate extension of favorable credit terms by private lenders to veterans for the purchase, construction, or improvement of homes to be occupied by the veterans and their families. As a result of participation in the program, eligible veterans are enabled to finance home purchases even though they may not have sufficient resources to qualify for conventional loans.

Mr. President, the report issued by the Rules Committee to accompany Senate Resolution 4, as amended, states that the Veterans' Affairs Committee will retain oversight responsibility for the veterans' housing program but legislative responsibility will reside in the Committee on Banking, Housing and Urban Affairs.

The Committee on Veterans' Affairs is generally charged with jurisdiction over veterans' matters. I am concerned that the veterans' housing program will not conform with the overall veterans' program as developed and maintained by our committee. As a result of this concern, and as a member of the Banking Committee, I would like to ask the chairman of the Committee on Banking, Housing and Urban Affairs, my colleague from Wisconsin (Mr. PROXMIRE), and the ranking minority member of the Banking Committee, the Senator from Texas (Mr. TOWER), to clarify their understanding of the respective committee responsibilities, and hopefully obtain an agreement in this area. In light of the Veterans' Committee's general responsibility for veterans' measures, might we agree that upon the request of the chairman of the Veterans' Affairs Committee, any measure or message concerning veterans' housing will be referred to both the Banking, Housing and Urban Affairs Committee and the Veterans' Affairs Committee either jointly or sequentially?

Mr. PROXMIRE. Mr. President, I have listened with interest to the Senator from California. I, too, share his concern that any legislation concerning veterans be examined in light of the total framework of veterans' benefits and programs. However, I also believe that the Banking Committee ought to approach the Nation's housing programs—including the veterans' housing program—in a comprehensive manner.

Mr. President, it seems that in regard to veterans' housing we have a subject matter which involves, in a primary way, the jurisdiction of both the Banking Committee and the Veterans' Committee, I therefore would agree as follows with respect to the proposal by the Senator from California:

As a general rule, upon the request of the chairman of the Committee on Veterans' Affairs, any measure or message concerning veterans' housing will be referred first to the Committee on Banking, Housing and Urban Affairs and then to the Committee on Veterans' Affairs. Moreover, I would not object to a request from the chairman of the Veterans' Affairs Committee that that committee be given primary jurisdiction over any measure or message primarily concerned with eligibility for the veterans' housing program, or any measure reported by the House Committee on Veterans' Affairs and passed by the House. I would also not object to a request from the chairman of the Veterans' Affairs Committee that any Presidential message concerning veterans' housing be jointly referred to the two committees.

Mr. CRANSTON. Mr. President, I think that would be acceptable if it is agreeable to the ranking minority members of the two committees.

Mr. TOWER. Mr. President, as a temporary member of the Rules Committee, I was pleased to assist in efforts to assure the continued existence of a Standing Veterans' Affairs Committee—a committee devoted solely to veterans' problems and programs.

As the ranking minority member of the Banking, Housing and Urban Affairs Committee, however, I also agree with my colleague from Wisconsin that the Banking Committee must be able to evaluate and oversee, in toto, the Nation's housing programs—a responsibility which I believe should comprehend and include the veterans' housing program. I also would agree with the proposal of the Senator from California as clarified by the distinguished chairman of the Banking Committee, for the resolution of future jurisdictional matters. I think that the approach they have outlined will enable both committees to meet their respective responsibilities. I would, however, prior to giving my assent, like to hear the views of the ranking minority member of the Veterans' Affairs Committee, my colleague from Wyoming (Mr. HANSEN).

Mr. HANSEN. Mr. President, allow me to respond to my friend from Texas. I support and endorse the general thrust of reorganizing the Senate and the proposals by the Committee on Committees. However, after much study and thought and in light of the importance of the Veterans' Administration and the Veterans' Affairs Committee to the nearly 30 million veterans in our Nation, I determined that the Senate's extensive oversight and legislative responsibilities in regard to veterans and veterans programs mandated the existence of a separate standing committee specifically and solely devoted to this one area of concern. I am thankful that the Rules Committee has recommended retention of the Veterans' Affairs Committee as an independent and full committee.

However, my decision to support a standing Veterans' Affairs Committee contemplated the retention of all jurisdiction for which the present Veterans' Affairs Committee is currently responsible. It is my belief that the appropriate committee for jurisdiction over veterans housing should be the Veterans' Affairs Committee.

But, I recognize that it is sometimes difficult to carve various issues into neat conceptual slots for purposes of allocating jurisdictional responsibility. I also recognize that the Committee on Banking, Housing and Urban Affairs has a legitimate interest in housing programs. Thus, I would agree with the temporary chairman that if primary jurisdiction for veterans' housing is not allocated to the Veterans' Affairs Committee, then the proposal he and the chairman of the Committee on Banking, Housing and Urban Affairs have outlined would seem most equitable.

Do I understand correctly, then, that any bill or resolution concerning the veterans housing program will, upon the request of the chairman of the Veterans' Affairs Committee, generally be referred to both committees sequentially—first, to the Banking Committee—but that any such measure concerned primarily with eligibility for the veterans' housing program, or any measure reported by the House Committee on Veterans' Affairs and passed by the House, will be within the primary jurisdiction of the Veterans' Affairs Committee; and finally, that presidential messages concerning veterans' housing will be jointly referred to the two committees?

Mr. PROXMIRE. Mr. President, the Senator from Wyoming has correctly stated the nature of what we are willing to agree to.

Mr. TOWER. Mr. President, the senior Senator from Wyoming is correct. In light of his support for the senior Senator from California's proposal, it is acceptable to me.

Mr. CRANSTON. Mr. President, there are a number of other small questions with respect to the continued jurisdiction for housing-related matters of the Veterans' Affairs Committee.

A very important and unique benefit afforded severely disabled veterans is a grant of assistance from the Veterans' Administration for a "wheelchair" home especially adapted for the needs of

this special group of disabled veterans. The program is authorized by chapter 21 of title 38 of the United States Code. This grant, up to the maximum of $25,000, is arranged through the VA's loan guaranty service in cooperation with various departments within the VA. The eligibility criteria is determined by the compensation and pension service; the physical condition of the veteran—as well as the determination of whether it is medically feasible for the veteran to reside in the particular housing unit—is determined by the Department of Medicine and Surgery. The veterans' financial capability to acquire the housing is a determination made by Loan Guaranty Service.

Veterans eligible for housing assistance grants under chapter 21 are principally service-connected quadriplegics, paraplegics, and others who require the use of a wheelchair. This program has awarded 14,408 grants through November 1976, for a total of $178.8 million. It is estimated that an additional 625 grants will be awarded in fiscal year 1977 at a total cost of $15.6 million.

A related VA program aimed at assisting disabled veterans is mortgage protection life insurance. Currently, section 806 of title 38 authorizes the VA to purchase a commercial policy to provide mortgage protection life insurance for those seriously disabled veterans who have received the chapter 21 grants for specially adapted housing, which I have just described. The program is supervised by the VA and administered by the Bankers Life Insurance Co. of Lincoln, Nebr. This program has served 315,335 veterans through the end of 1975 at a cost of $147.5 million.

We view these two programs as part of the compensation, rehabilitation, readjustment, and medical care responsibilities of the VA.

Does the senior Senator from Wisconsin agree with me that these two programs are not included within the jurisdiction of the Banking, Housing and Urban Affairs Committee under Senate Resolution 4, as amended?

Mr. PROXMIRE. Mr. President, as I understand the reorganization plan, the Banking Committee will have its jurisdiction extended to include legislative oversight and responsibility for the veterans' housing program as codified in chapter 37 of title 38, subject, of course, to today's agreement. I do not believe that the Banking Committee would have any jurisdiction over the two very small programs you have described.

Mr. CRANSTON. Mr. President, I wish to thank my colleagues from Wisconsin, Texas, and Wyoming. The resolution of these jurisdictional problems will assure that the veterans' housing program will receive the attention it merits from both the Veterans' Affairs Committee and the Banking, Housing and Urban Affairs Committee.

Mr. THURMOND. Mr. President, one of my principal concerns in the Senate's efforts to reorganize the committee structure has been to insure that the interests of our Nation's veterans would be protected.

As you know, the initial recommendations of the select committee, as embodied in Senate Resolution 586, proposed to abolish the Senate Veterans' Affairs Committee and relegate veterans' programs, except for veterans' housing, to the Committee on Human Resources. The same proposals were in Senate Resolution 4, when it was referred to the Rules Committee on January 4.

From the date on which the select committee made its comprehensive recommendations concerning reorganization until now, most of the membership in the Senate have become familiar with the reasons for keeping the Veterans' Affairs Committee as a separate and independent committee in the Senate.

For the record, I would like to summarize the principal reasons advanced for the retention of the Veterans' Affairs Committee. In the first instance, an independent Senate Committee on Veterans' Affairs insures the continuation of an honored tradition of meeting the unique needs of the Nation's 29 million veteran population. Secondly, relegation of veterans' measures to subcommittee level on the Human Resources Committee would have impeded the effective handling of veterans' problems and would have resulted in the eventual assimilation of veterans' programs into the social welfare system. Furthermore, the maintenance of separate House and Senate Committees on Veterans' Affairs would facilitate the development and implementation of a unified and cohesive congressional policy with respect to veterans' legislation.

Additionally, the abolition of the Veterans' Affairs Committee in the Senate would result in the loss of effective oversight of the Veterans' Administration, which—

Comprises the largest independent agency in the Federal Government having budget authority for fiscal year 1977 in excess of $20 billion;

Employs more personnel—226,000—than any other Federal agency or department except the Department of Defense;

Is responsible for the operation of the largest medical system in the country—171 hospitals, 217 outpatient clinics, 86 nursing homes, and 16 domiciliaries;

Carries out a life insurance program with over $35 billion of life insurance in force; and

Administers a variety of other programs, all of which touch approximately 45 percent of the Nation's population.

Mr. President, Senate Resolution 4 which is before the Senate today recommends the retention of the Veterans' Affairs Committee as a full standing committee in the Senate.

The successful opposition to the recommendations of the select committee as they would have affected the future of the Veterans' Affairs Committee and veterans programs in general can be attributed to the combined efforts of many. I have heard reports that some of my colleagues have received more mail opposing the abolition of the Veterans' Affairs Committee than on practically any other single issue since they assumed office.

To be commended for their concerted and programed opposition to abolishing the Veterans' Affairs Committee are the major veterans organizations, their national commanders, and faithful membership. Without the formidable campaigns waged by the leadership and members of the Veterans of Foreign Wars, The American Legion, the Disabled American Veterans, and AMVETS, the Veterans' Affairs Committee would surely have been lost.

Mr. President, the principal point that should be emphasized in recognizing the value of retaining the Veterans' Affairs Committee, and one that has been recognized by my fellow colleagues, is that it is not the members of the Veterans' Affairs Committee or the leadership of the veterans organizations who have prevailed in this effort, but rather the individual veterans—past and future. It is this individual, his survivors and dependents, whose changing needs must always remain paramount in the concerns of the Veterans' Affairs Committee, who will ultimately benefit from what the Senate will accomplish by voting to retain the Veterans' Affairs Committee as a full committee.

It is with a great degree of personal satisfaction that I support this portion of Senate Resolution 4 and urge my colleagues to do likewise.

Mr. President, I wish to commend the Veterans of Foreign Wars of the United States for its leadership role in fighting for the retention of the Senate Committee on Veterans' Affairs as a separate and independent committee within the Senate.

The VFW, founded in 1899, is the oldest veterans organization in the United States and its membership of 1.8 million veterans is comprised solely of individuals who served overseas in combat areas in our Armed Forces during periods of war or hostility. Without the formidable efforts of this great veterans organization, under the aggressive and capable leadership of its national commander in chief, R. D. "Bulldog" Smith, the Veterans' Affairs Committee would have been lost and the interests of veterans and their survivors and dependents would have been subordinated to the endless demands of the social welfare system.

I commend to my colleagues a chronological listing of actions taken by the VFW in opposing the abolition of the Veterans' Affairs Committee under the Senate reorganization proposals:

One. On September 23, 1976, Commander in Chief Smith wrote to the chairman of the Temporary Select Committee To Study the Senate Committee System, the Honorable ADLAI E. STEVENSON III, voicing the unalterable opposition of the VFW to abolishing the Senate Veterans' Affairs Committee. Copies of this letter were sent to all of the members of the Temporary Select Committee and to the chairman of the Rules Committee and the Veterans' Affairs Committee;

Two. On October 7, 1976, Commander in Chief Smith wrote to the entire national leadership of the VFW apprising them of the proposed reorganization and ramifications thereof;

Three. On November 17, 1976, an up-

date on the situation was sent to the national leadership of the VFW;

Four. Again on November 18 a letter sent to all State directors of veterans' affairs soliciting their assistance in retaining the Senate Veterans' Affairs Committee;

Five. On December 6, 1976, "Bulldog" Smith wrote to the Honorable ADLAI E. STEVENSON III effectively rebutting his rationale for abolishing the Veterans' Affairs Committee. Copies of this letter were sent to every Member of the U.S. Senate;

Six. On December 10, 1976, national officers of the VFW met with Senators ALLEN and THURMOND and with representatives of the other major veterans organizations to discuss and coordinate opposition to the reorganization proposals;

Seven. In the November issue of the VFW magazine Commander Smith wrote an open letter to the membership of the VFW regarding the proposed abolition of the Senate Veterans' Affairs Committee;

Eight. The November issue of the VFW Ladies Auxiliary magazine carried a three-quarter page announcement regarding the proposal to abolish the Veterans' Affairs Committee;

Nine. The December issue of the VFW magazine carried an article entitled "Hands Off Senate Vets Committee;"

Ten. The November and December, 1976 and January 1977 issues of the Washington Action Reporter, published by the VFW covered the threat to the Senate Veterans' Affairs Committee;

Eleven. On January 3, 1977, Commander-in-Chief Smith brought to Washington his VFW Select Commmittee to Retain the Senate Veterans' Affairs Committee. This committee consisted of one person from each State, including Hawaii and Alaska, and two each from Pennsylvania and Texas. Before face-to-face meetings with their Senators on the 4th and 5th of January, this distinguished group, along with Commander in Chief Smith and other VFW national officers, was briefed on the strategy most likely to succeed in retaining the Veterans' Affairs Committee;

Twelve. On January 10, 1977, the VFW national legislative director testified before the Rules and Administration Committee;

Thirteen. On January 13, 1977, the VFW commander in chief wrote personal letters to more than 30 Senators who were either undecided regarding retaining the Senate Veterans' Affairs Committee or who had failed to respond to inquiries in that regard;

Fourteen. On January 14, 1977, a telegram was sent to all members of the Rules and Administration Committee reiterating the VFW's unalterable opposition to dissolution of the Veterans' Affairs Committee and to its integration with any other committee, whether Human Resources or Armed Services;

Fifteen. January 18, 1977, a mailgram was sent to each U.S. Senator soliciting his full, unqualified support to retain the Senate Veterans' Affairs Committee.

In addition to the foregoing, national officers, in speaking engagements throughout the Nation, brought home forcefully to their membership the great peril facing the future of veterans' benefits if commingled with other programs under the jurisdiction of the proposed Human Resources Committee. Also, VFW and ladies auxiliary members wrote thousands of letters to their Senators to save the Veterans' Affairs Committee.

The membership of the Veterans of Foreign Wars of the United States can be justly proud of the unqualified leadership roles assumed by Commander in Chief Smith and the VFW national officers in saving this most important committee from being abolished.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 85–874, appoints the Senator from New Jersey (Mr. WILLIAMS) to the Board of Trustees of the John F. Kennedy Center for the Performing Arts.

ORDER FOR RECESS UNTIL 9:45 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF MR. BUMPERS TOMORROW AND TO RESUME CONSIDERATION OF SENATE RESOLUTION 4

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized on tomorrow, Mr. BUMPERS be recognized for not to exceed 15 minutes, after which the Senate resume consideration of the resolution that is now pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER GRANTING PRIVILEGE OF THE FLOOR TO HOUSE PARLIAMENTARIAN AND HIS ASSISTANTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his two assistants be given the privilege of the floor of the Senate for the 95th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—SENATE REPORT 95–5

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. PROXMIRE, I ask unanimous consent that a star print be made of Senate Report 95–5 to correct an error made in the printing thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DESIGNATING PERIOD FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow the record show a period for the transaction of routine morning business in order that bills, petitions and memorials, resolutions and statements may be entered into the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 9:45 a.m. tomorrow.

The motion was agreed to; and at 7:39 p.m., the Senate recessed until Friday, February 4, 1977, at 9:45 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 3, 1977:

FEDERAL ENERGY ADMINISTRATION

John F. O'Leary, of New Mexico, to be Administrator of the Federal Energy Administration.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

"HUBERT HUMPHREY: FREE AT LAST"

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. UDALL. Mr. Speaker, I suspect that a researcher seeking a journalistic appreciation of Senator HUBERT HUMPHREY would probably page through a lot of different newspapers before turning to the Wall Street Journal.

But it is in that paper that James P. Gannon has written a superb profile of the gentleman from Minnesota, one of the truly great men in American life in this century. For nearly 30 years, HUBERT HUMPHREY has used his great gifts of intellect and oratory to advance the progressive cause. As Mr. Gannon so vividly describes, those gifts are undiminished—and they are needed today as much as ever before.

I urge my colleagues, especially those who are new to these Halls, to read this moving article. It captures the spirit of a magnificent public servant—a spirit we all might hope to emulate.

The article follows:

HUBERT HUMPHREY: FREE AT LAST

(By James P. Gannon)

WASHINGTON.—With a bittersweet mixture of sadness and hope the Senate is witnessing the last race of that perennial runner, Hubert Humphrey. This time, he's running for his life.

The sadness swells from the shocking appearance of the famous Minnesota Senator. Cancer surgery and chemotherapy treatments have reduced him to a scary-looking shadow of himself. His suit drapes loosely about his thinned frame. His once-cherubic face has a chiseled, angular look that suggests a sinking-in. Only a thin fringe of hair remains, turned dusty-white. His appearance literally stops passers-by, prompting an anguished second look.

But the hope springs from seeing how this aging lion devours the gloom in others' eyes. He smothers sadness with his outpouring of good cheer, unstoppable determination, genuine humor and total lack of self-pity. Strong of voice, animated in Senate debate, active in cranking out yet another batch of Humphrey-style solutions to the nation's problems, the "Happy Warrior" is exorcising despair with the politics of hope and his zest for life.

In so doing, this most famous of all liberal Democrats may be carving out for himself a special role in Jimmy Carter's Washington. His long dream of becoming President, and his brief hope of becoming Senate majority leader, are behind him forever. The reins of power have eluded his grasp, but a unique position of influence has not. He aims to become the liberal conscience of Washington: prodding the cautious Carterites to do more than they dare, challenging the Congress to be active and innovative, not just responsive to the White House lead.

A CONSOLATION PRIZE

Only a month ago, it seemed both Hubert Humphrey's hopes and his spirit had been crushed. Senate Democrats rejected him as their leader in favor of Sen. Robert Byrd of West Virginia. Even such supposed friends as AFL–CIO unionists had sided with Mr. Byrd. Sick and sick-at-heart, Sen. Humphrey was handed a consolation prize by the Senate: the odd title of deputy president pro tempore, a $7,400 raise and a chauffeured limousine.

At the time, it all seemed as demeaning as a cheap watch at retirement. But along with the honorary title and the fringe benefits came the right to attend all congressional leadership meetings, including those at the White House with President Carter. This gives Mr. Humphrey a way to exert his special kind of pressure.

The events of the past few months, in fact, seem to have put the 65-year-old liberal in a strong position to play the role of conscience prodder and idea-man. He is, in a new sense, free at last.

He is free of the demands and the constraints of those seeking higher office, free to speak his conscience more clearly, free of needing always to think of the wishes of his none-too-loyal friends of the AFL–CIO, who abandoned him in the clutch. And finally, he is free of the suspicion and jealousy that attach to any politician who's believed to be reaching for the top.

"What I do from here on out," says Mr. Humphrey, "can't be self-serving, in terms of ambition." With a satisfied smile, he adds: "I'm going to be a lot more independent. I'm not planning on running for reelection . . . I'm not going to be making choices because I think, 'well, this will get me some votes from a particular category of people.' "

Humphrey-watchers in the Senate sense the difference already. "When he was going after the holy grail, he was always suspect," comments one veteran Democrat. "He no longer has that burden. When he speaks now, it is as a man who has no other place to go. And when he speaks, very few people leave the floor, and others begin drifting in."

That certainly has been true in recent days, as the master orator has captivated the galleries and his colleagues with eloquence and feeling. Senators actually stop talking to each other and listen (a rarity in the Senate) when Sen. Humphrey takes the floor.

The chamber grew hushed the other day when this man, who so barely missed being elected President in 1968, paid moving tribute to the man who so barely missed in 1976. He told of a private, post-election dinner in the White House, where Jerry and Betty Ford quietly shared with Hubert and Muriel Humphrey the exquisite pain that comes from going all-out, and losing.

You could sense, as Mr. Humphrey told of that evening, his unique ability to pour a balm of compassion on the wound of a political adversary. The old Democratic liberal recalled that he joked with the Republican President about their many clashes over economic and social policies, but then added: "History will not remember those things. . . . You will be remembered in history for having restored to the office of the presidency the decency, the honesty, the integrity, the honor, the nobility which that office must have."

Then, as the gaunt-looking figure dabbed at his eyes with a handkerchief, he added this: "And I said to him right then, 'I would have given five years of my life to have had two weeks, two months in this office, and you have had two-and-a-half years. You lost an election, but you haven't lost the love and respect of the American people.' "

When Sen. Humphrey finished, the first man to jump up and pay tribute to him as "a decent man, a giant," was arch-conservative Republican Jesse Helms of North Carolina. There is no ideological chasm so wide that Mr. Humphrey can't bridge it.

The Senate listened intently last week, too, as the Minnesotan engaged in a spirited, old-fashioned debate with Texas Republican John Tower over the power of organized labor. Everyone on the floor knew what the AFL–CIO had done to its loyal supporter in his quest for the majority leadership: George Meany had passed the word that he supported Mr. Byrd, coldly siding with the expected winner rather than the old friend.

But you might have thought, hearing Sen. Humphrey speak, that he had a big debt to pay off to labor. He used his eloquence in generously chronicling the labor lobby's support of legislation for the poor, the hungry, the sick. He used humor in fending off Sen. Tower's thrusts at greedy unions: "Oh yes, I know, I hear about a plumber who makes $20,000 a year," declared Mr. Humphrey. "Well, who wants to go around cleaning out toilets and putting in pipes all the time? It is worth it." Thus old plumber George Meany is offered the other cheek, and Mr. Humphrey admits that's his way of shaming those who abandoned him.

A FLOW OF AFFECTION

The Senator relishes such debate. He loves to argue, and then to end the argument with a bear-hug, as he did with Sen. Tower. He loves the clash of ideas and the camaraderie of his fellows. And now he thinks he's in a position to capitalize on his ideas, his ability as a conciliator and the immense respect and affection flowing toward him in the Senate.

"I see my role," he says, "as a hardworking Senator, and an adviser, and a prodder." As a spokesman for the less-privileged of the country, he says, he plans "to push and shove a little, to prod and maybe to ask a little more than the times and conditions will permit. Unless you push and prod and ask, you're apt not to get even what you ought to get."

He knows he looks awful, but he insists he feels good, and it's obvious his spirit is unconquered. "Let's face it," he says, "if you have an operation for cancer, it is easy to give up. I've made up my mind not to give up. I heard a good minister say, 'it's not what you have lost, but what you've got left,' and I've got a lot left."

The only thing that irritates him is morose pity. "I told one reporter, 'just don't be in a hurry on the obituary. Don't print it too soon.' " Summoning the will to live isn't easy, he admits, "and then when somebody comes along and says, 'hey, you look like you're gonna die,' I just want to give him a big kick in the butt."

This is all said with good cheer and laughter, the unselfconscious bubbling of a still-young spirit. Sen. Humphrey loves living, and is convinced he still has much to contribute to the lives of others.

All he needs is time. And it's a sure bet that anyone who knows the man would pray that he gets all the time he wants.

SOUND ENERGY POLICY NEEDED TO LEAD THE NATION OUT OF CURRENT NATURAL GAS CRISIS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. HUBBARD. Mr. Speaker, by the end of the day, Congress should be sending to the White House the legislation needed to implement the President's proposals to deal with the immediate crisis of natural gas shortages. We in the Congress must not lose sight of the fact, however, that what we have done thus far is but a temporary and incomplete remedy. It provides no long term, coherent energy policy capable of averting future crises such as those we now face.

I would like to share with my colleagues in the House an editorial which appeared in this morning's edition of the Courier-Journal. As this respected Louisville, Ky., newspaper's editorial perceptively states:

Congress must now confront the challenge of establishing a comprehensive energy policy to develop our natural gas resources, to bring gas to where it is needed, and to promote the most efficient use of this uniquely attractive form of energy.

The editorial is as follows:

THE GAS CRISIS SHOULD LEAD TO A SOUND ENERGY POLICY

In dealing with the fuel emergency, the short-range efforts of President Carter and state officials, including Kentucky Governor Carroll and Indiana Governor Bowen, are obvious and essential steps to get us through this bitter winter. But they're only a prelude to development of a program that will prevent worse crises in the years ahead.

The emergency program proposed by the President and now rushing through Congress at a near-record pace will be useful in short-range terms. Primarily, it permits and encourages diversion of more gas into areas where supplies are critically short. That is important. Though not all states are suffering, the emergency is a national one—if for no other reason than the fact that closed

factories and jobless workers in Ohio or New York have an economic impact that is felt by citizens in California, Texas and everywhere else. Beyond that, it is important that citizens needing to conserve fuel be assured that residents of other states are making some sacrifices, too.

COMPLETE PROGRAM NEEDED

The larger and far more important question for the long run is whether the chill will finally force adoption of a national energy policy to assure that our homes will be warmed and our industries fueled through the decades to come. Despite all the warnings, we've ignored or, at best, chipped around the edges of that problem for too long.

Natural gas is just one example. We've been consuming gas at twice the rate of discovery for the past six or seven years, according to authoritative estimates. But the debate over how to best assure development of what gas resources we have left remains just that—a debate. The debate is handicapped by inadequate information on what gas supplies are available and the more difficult question of how much new gas we can reasonably expect to discover.

An important part of President Carter's immediate program is to develop that kind of information. It's a first step toward a long-range energy program that should be developed with speed, but not in panic. Complaints that the Carter program offers only stopgap relief are beside the point. That's what it's intended to do—get us through the winter while sound plans are formulated.

WASTE MUST BE CURBED

Calls for immediate and complete deregulation of natural gas prices at the wellhead thus are premature, however tempting it may be to the gas industry to use the hysteria of the moment to avoid gradual deregulation or even an indefinite continuation of federal ceilings. The evils into which cheap, price-controlled natural gas has led us are manifest—inefficient and wasteful use of this most desirable of fuels.

But the most telling statistic is the fact that about 60 percent of the nation's annual natural gas consumption still goes for industrial space heating and generation of electric power—the two lowest priority uses. That may stem as much from utility rates that favor industrial users at the expense of homeowners as it does from price regulation.

There's no question that gas prices will have to rise in the years to come, both to discourage wasteful use and to finance increasingly expensive exploration. But the key to whether price controls can be abandoned completely and all at once is a credible finding that a free market will function before the gas goes into the pipelines. Presumably, nobody outside the gas industry would prefer price controls administered by a few producers to controls administered by the government. We don't follow that kind of utility policy at the retail level. By consensus, utility commissions are needed to regulate essential non-competitive services.

The gas deregulation question is one among many that has led Mr. Carter to seek what amounts to a truce of three months or so while a coherent overall energy policy—and a plan for administering it—is developed.

GUARD AGAINST APATHY

It's certain that an energy conservation program stronger and farther-reaching than the half-hearted measures we have seen so far will be part of the Carter program. Development of our coal resources may receive new impetus. More stress may be expected on speeding the time when solar power, wind, and other sources of renewable energy become important factors in energy production. Governmental reorganization may bring greater focus to energy programs.

In any event, it's important that the energy program be developed with care, rather than just haste. But we must guard against sinking back into apathy, as we did when the return of spring and tankers relieved the gasoline and heating oil shortage caused by the Arab embargo of 1973. Congress won't approve unpleasant measures, such as enforced conservation of fuels, unless the public demands them. If the end of the current crisis lulls us back to sleep once more, we'll deserve what we could well face next winter and beyond.

KEYNES IS DEAD

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1977

Mr. KEMP. Mr. Speaker, it goes without saying that the most widely read and followed economist of the last half-century was John Maynard Keynes. Although he has been dead for well over 30 years, his influence continues to permeate the economics profession and virtually all Government economic policy as well. The pity of this is that the policies attributed to Keynes are really not his at all, but rather those of his followers. Thus there is little relation between those policies called "Keynesian" and those advocated by Keynes himself.

The fact is that Keynes was a good deal smarter than most of his followers and a good deal smarter than he is given credit for by his enemies. He understood that the Government could not run larger and larger deficits forever without destroying the economy altogether. He presumed that deficit spending was an emergency measure which would be stopped as soon as the emergency ended. He further presumed that this debt would be paid off when the Government ran surpluses in boom periods. What has occurred instead is that the Government runs only deficits; never surpluses. And the deficits get bigger year after year regardless of whether the economy is in a boom or a recession.

As a result of inexorable economic law the old Keynesian prescriptions for recession—which he himself deemed appropriate only for the unique circumstances of the 1930's—have been proven false. The British have had the hardest lesson to learn, but the United States has yet to do so. I therefore commend to my colleagues the following editorial from the Wall Street Journal of January 31. It is a brilliant analysis of conventional economic wisdom which we would all do well to heed, that is the adverse impact on the economy of not only deficits but the growth of public spending as well. It certainly illustrates the erroneous assumptions upon which the President's so-called economic stimulus program is based. We do not need a quick fix to our economy, we need an increase in private spending and private investment.

The article follows:

KEYNES IS DEAD

(We used to think that you could spend your way out of a recession and increase employment by cutting taxes and boosting government spending. I tell you, in all candor, that that option option no longer exists, and that insofar as it ever did exist, it only worked by injecting bigger doses of inflation into the economy followed by higher levels of unemployment as the next step. That is the history of the past twenty years.)

These words were uttered not by some superannuated gold bug, but by Prime Minister James Callaghan, the leader of the Labor Party government in Great Britain, the Keynesian homeland. We will place no bets on Mr. Callaghan's ability to put into practice this remarkable disavowal of the conventional wisdom that has taken Keynes' name; it much remains to be seen if his nation has the will to follow the policies implicit in such a statement. But at least Britain's glimpse of the economic gallows has wonderfully concentrated its mind. We wish the prime minister had something he could wave, like an IMF loan, to make sure his advice is heard by the new occupants of the U.S. Treasury.

For on this side of the Atlantic, the old conventional wisdom has been snatched from its deathbed by the economic program President Carter presented to Congress last Thursday. The program consists of enlarging the public sector through a jobs program, and enlarging the deficit through tax rebates. The chief debate seems to have been on the size of the package and the mix of the two policies, it being complacently assumed that these measures will in fact "stimulate."

Everyone knows, after all, that budget deficits stimulate demand and therefore employment; since the Keynesian revolution the centerpiece of every Economics I class in the English-speaking world has been government deficits run through a "multiplier" to boost GNP. Well, everyone who knows that deficits stimulate ought to take a look at the following table. Growth figures come from a friendly bank, and the average government budget position is compiled from a recent OECD special study.

DEFICITS AND GROWTH, 1965–74

	(1)	(2)
Italy	−4.04	4.7
Ireland	−3.42	3.9
U.K.	−1.19	2.5
U.S.A.	− .76	3.3
Netherlands	− .32	4.9
W. Germany	− .30	4.1
France	+ .34	5.3
Canada	+ .78	5.2
Portugal	+ .79	6.8
Japan	+1.39	8.7
Australia	+1.43	5.2
Luxembourg	+1.95	3.7
Norway	+3.43	4.5
Finland	+3.54	5.0
Sweden	+4.08	3.5

[1] Average deficit, surplus plus percent of gross national product.

[2] Growth (average annual) in percent.

What everyone knows is simply wrong; there is no way to read into this table the notion that deficits are good for you. It will be surprising to most Americans, first of all, to learn that not all governments run deficits all of the time. Indeed, in this period a majority of industrial governments were in surplus when averaged over business cycles. The Scandinavian welfare states run the biggest surpluses of all due to their belief, considered fuddy-duddy in the U.S., that social security pensions should be

funded like private ones. While obviously deficits are not the only factor at work, by and large nations with a budget balance to a moderate surplus do the best. Those with big deficits tend to do the worst.

If Lord Keynes were alive today, he would no doubt be back at the drawing boards. The above numbers do not necessarily refute his central thesis about economic problems arising from a mismatch of savings plans and investment plans, nor do the figures prove that deficits of certain amounts may not be appropriate under certain conditions. But conditions today are far different from what they were when The General Theory was written. As Oxford economist Walter Eltis has pointed out, through most of Keynes' life the gold value of the pound was precisely where Sir Isaac Newton had fixed it a century and a half before. If we had Lord Keynes today, surely he would have something instructive to say about an age of inflation. Unhappily, Lord Keynes is dead.

We are left with his disciples, who apply his theories so mechanically they even write them into computers. Staring into the computers trying to divine the future, the disciples lose touch with both the real world around them and the original mysteries of their craft. They do not notice that in fact deficits fail to stimulate, and have forgotten why they were ever supposed to.

While the Economics I texts tend toward a single-entry Keynesianism in which money to be multiplied comes magically from nowhere, Lord Keynes himself knew full well it had to be either printed or borrowed. He believed it could be borrowed without a reverse multiplier because the borrowing would tap otherwise unused "speculative cash balances." Feeding these idle balances into the spending stream would stimulate.

But are there idle balances in an inflationary economy? If so, isn't a deficit of, say, $45 billion enough to mop them up? What makes an extra $15 billion the magic number? Why not double the deficit and recover twice as fast? Is there perhaps some limit to the stimulative effect? Have we not in fact passed it? What happens on the other side? Oh, mighty computer, answer us this.

What in fact happens in today's world may not be written in the computers, but it is written plainly enough in recent experience. Instead of tapping idle balances, government borrowing competes with private borrowing for the same savings. This tends to lower capital investment and housing, which means slower economic growth. It also tends to induce monetary authorities to print money to cover the deficit, with higher inflation, higher interest rates, and eventually stagnation from depressed consumer and investor expectations. "A monetary economy," Lord Keynes wrote in the preface to The General Theory, "is essentially one in which changing views about the future are capable of influencing the quantity of employment."

Though we lack a new Keynes to guide us, our experience suggests that what plagues the economies of the Western world today is chiefly the expectation of inflation. The falling inflation and relatively restrained monetary policy of the last year or so have not led to a new recession. Instead, the recovery has proceeded, though unemployment remains high because of a rapidly growing labor force. But inflationary expectations remain, the Fed has recently allowed M–2 to swell, and the Carter program invites new deficits, new money growth and renewed inflation.

Beyond that there is the question of fiscal policy. A glance at the following table is suggestive. It was compiled by Edmund Stillman and Richard Ensor of Hudson Research Europe Ltd.:

PUBLIC SPENDING AND GROWTH, 1962–71

	(1)	(2)
Sweden	25.6	3.7
Denmark	23.8	4.7
U.S.A.	23.2	4.4
Canada	22.4	5.5
U.K.	20.7	2.5
W. Germany	20.4	4.5
Finland	18.6	4.9
Belgium	16.5	4.8
Italy	16.0	4.8
Australia	14.9	5.4
France	14.0	5.8
Switzerland	12.9	4.1
Spain	12.3	6.9
Japan	10.4	10.1

[1] Government expenditures (except transfers) percent of gross national product.
[2] Growth (average annual) in percent.

In today's world, it seems, a large public sector is associated with slow economic growth. If the government takes more workers, savings and other resources, less is available for the more productive private sector. In particular Hudson Europe finds that public spending tends to come at the expense of profit and therefore investment. But only increasing private investment can supply enough new jobs to accommodate a labor force growing, as the U.S. one is, by nearly three million workers a year.

President Carter has asked the wizards how to cure the economy, and they have peered into their computers to come up with bigger deficits and more public-sector jobs. Hemlock and nightshade may or may not cure some illnesses in the hands of a diagnostic genius, but clearly the prescription is not one for all seasons. Today it is not the cure but the cause of our economic ills. That is the raw historical experience the Prime Minister of Great Britain cites so eloquently. We only hope that President Carter can shake the grip of the wizards and focus on real experience without the brush with the gallows it took in Lord Keynes' homeland.

JUDGESHIP BILL

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 3, 1977

Mr. HARRY F. BYRD, JR. Mr. President, this week nine Senators joined with me in sponsoring legislation to require reconfirmation of Federal judges every 8 years.

The broad range of sponsors include Democratic Senators JAMES B. ALLEN, of Alabama; LAWTON CHILES, of Florida; ROBERT MORGAN, of North Carolina; HERMAN E. TALMADGE and SAM NUNN, of Georgia; and Republican Senators JESSE HELMS, of North Carolina; BARRY GOLDWATER, of Arizona; JAKE GARN, of Utah; and STROM THURMOND, of South Carolina.

On January 31, the Journal Messenger of Manassas, Va., has added its voice to those calling for judicial accountability. Mr. Earl Levitan, writing for the editorial page, states the amendment would "* * * restore to the Federal Government the checks and balances which were intended to maintain equality among its three branches * * * but which—have—been subject to erosion over the years" as the result of expansive judicial interpretation.

The editorial points out that, up until now:

There has been no practical mechanism to keep federal judges from overstepping their bounds and taking unto themselves powers which the Founding Fathers never intended them to have.

It goes on to quote Thomas Jefferson's remarks, made at a time of relative passivity by the courts, that—

(A)t the establishment of our constitutions, the judiciary bodies were supposed to be the most helpless and harmless members of the government. Experience, however, soon showed in what way they were to become most dangerous. . . . In truth, man is not made to be trusted for life, if secured against all liability to account.

Mr. President, I ask unanimous consent that the editorial in the Journal Messenger be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THOSE WHO JUDGE US MUST ALSO BE JUDGED

This day may be of unusual significance in the history of the United States, for it is on this day that Virginia's senior U.S. senator Harry F. Byrd Jr., will introduce in the Senate a joint resolution calling for a constitutional amendment requiring the reconfirmation of federal judges. Sen. Byrd's amendment would restore to the federal government the checks and balances which were intended to maintain equality among its three branches, executive, legislative and judicial. This delicate balance has been subject to erosion over the years—an erosion which has been halted when the presidency or the Congress overstepped their bounds, but which continues unchecked among a judiciary secure in its life tenure.

The oversimplified explanation of the workings of our federal government which we learned as schoolchildren defined the legislative branch as the one charged with making the laws, the executive with administering the laws, and the judicial with interpreting the laws. While the construction of our novel system of checks and balances has revealed the intent of the framers of the constitution in theory, the pages of our history are full of instances of attempts by one branch or another to usurp the powers and prerogatives of the other. At one time or another the excesses of the legislative and executive branches have been redressed through the operation of the electoral process and the practical workings of our system.

In the case of the judiciary there has been no practical mechanism to keep federal judges from overstepping their bounds and taking unto themselves powers which the Founding Fathers never intended them to have. As arbiters of the constitution, they are the only ones who have the authority to rule on their own actions. Their life terms of office insulate them from the people from whom their just powers should be derived. Although judicial independence must be maintained, placing federal judges beyond any accountability for their actions short of high crimes and treason renders them immune from the checks and balances which apply to the other two branches.

The life terms afforded to federal judges have been a matter of concern at different periods of our history. One of the first to

notice this flaw in our fundamental structure of government was Thomas Jefferson who wrote in his declining years, "At the establishment of our constitutions, the judiciary bodies were supposed to be the most helpless and harmless members of the government. Experience, however, soon showed in what way they were to become most dangerous . . . In truth, man is not made to be trusted for life, if secured against all liability to account." About a century later, in 1920, Sen. Robert M. LaFollette Sr. of Wisconsin, a leading progressive, denounced "the alarming usurpation of power by federal courts," calling for constitutional and statutory changes to end lifetime tenure for federal judges.

What Sen. Byrd's amendment proposes is not an arbitrary termination of the terms of these judges, but the requirement that at the end of an eight-year period they be subject to reconfirmation by the Senate. This would provide a check against possible excesses and the failure to exercise judicial restraint. It would not be an unbridled curb on their independence. As the senator so aptly put it in his remarks to the Senate on the introduction of his resolution, "When we stop to think about it, why should any official in a democracy have a life tenure? In the modern world only kings, queens, emperors, maharajahs — and U.S. federal judges—hold office for life."

The growing tendency of our federal courts to take on the prerogatives of all three branches of government must be restrained. The best hope for this restraint without subjecting the judges to undue pressures arising from lack of independence is contained in this proposed constitutional amendment. It permits the right measure of accountability by the people's directly elected representatives to minimize the abuses which sometimes have turned the interpreters of the law into a law unto themselves. If the checks and balances of our constitution are to work as they were designed, the three branches of government must be equalized. This amendment will make that equalization possible.

FAIR TRADE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1977

Mr. DERWINSKI. Mr. Speaker, an accurate appraisal would indicate that economic relations between nations have surpassed diplomatic relations in their importance and value. The economic greatness of the United States can best be appreciated around the world when free and fair trade practices are expanded in the proper sense of those terms.

I direct the attention of the Members to the lead editorial in the Chicago Daily News weekend edition of January 22–23, which properly comments on this recurring controversy in foreign trade. Since we will be addressing the problem with legislation later this year, I insert the editorial at this time:

GIVE MEANING TO "FAIR TRADE"

When business gets tough and profits sag, many businessmen drag out the red herring about "unfair competition from foreign manufacturers." They say free trade is great, but there's nothing fair about competing against foreign manufacturers who are subsidized by their governments and who close their domestic markets to U.S. manufacturers.

That argument has become standard operating procedure, and although it sounds reasonable, it generally is rubbish. What most of these manufacturers want are tariffs and quotas to shield them from intense foreign competition. U.S. trade officials have consistently rejected most of these hysterical pleas and opted instead for a policy of free trade, which has benefited consumers by keeping prices down.

But not even the most vociferous proponent of free trade can dismiss the injustice in the U.S. color-television market. Imports of color television sets from Japan have more than quadrupled since 1968, and today Japanese manufacturers account for about half the sales. And that market share was captured through one of the most unfair of trade practices: dumping. In this case, color television sets are being sold in the United States below the price at which the same sets are sold in Japan.

During recent hearings before the U.S. International Trade Commission, testimony from Zenith Radio Corp., which employs about 12,000 people in Chicago, showed that 19-inch color television sets made in Japan are widely advertised in the United States at less than $300, far below the price of the lowest-cost U.S.-made sets. In Japan, however, those same sets sell for more than $500. Further, through various restrictions, like quotas, overly strict technical requirements and illogical customs procedures, U.S. manufacturers are shut out of the Japanese market, where U.S. sets conceivably could undersell the Japanese manufacturers.

The Japanese apparently have found it easier—politically and economically—to endure some losses on their television exports than to contend with the possibility that unemployment, now about 2 per cent of the Japanese workforce, would begin to rise.

American color television makers have been severely harmed by this kind of unfair trade, with many manufacturers closing up shops, and laying off workers, or being bought up by aggressive Japanese firms. The situation has deteriorated to where the U.S. color television industry, and the tens of thousands of workers employed by it, is threatened with extinction.

The U.S. Trade Commission will prepare recommendations to the President and Congress on what actions, such as quotas or tariffs, might be necessary to inject some fairness into the color-television market. From the evidence presented so far, this is one situation that calls for drastic action if the term "free trade" is to have any legitimate meaning.

THE CONSUMER COMMUNICATIONS REFORM ACT

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1977

Mr. BROWN of Ohio. Mr. Speaker, we are on the verge of a technological revolution in the communications field. The emerging relationships between computers and communications devices herald a new age in telecommunications. Thus, the time is right for a thorough review of the entire Communications Act of 1934, and I commend my good friends and colleagues, LIONEL VAN DEERLIN, chairman of the Communications Subcommittee, and Lou Frey, ranking Republican, for undertaking that important task.

One of the critical issues studied in that review must and will be the nature and structure of our telephone system, a system conceded by everyone to be the best in the world. The problem is not only how we keep it the best, but also how we improve it.

What role should competition play in this effort to maintain and enhance our telephone system? Do specialized communications services divert revenues from the established telephone companies, and thus result in higher residential rates, or does this competition spur innovation in the communications field and make the established companies more responsive to technical advancements and consumer preferences? Do business and long distance users actually subsidize local residential customers? And if these subsidies exist, are they socially desirable? Should the Federal Communications Commission require some new accounting system so that the answers to the cross-subsidization questions will be easier to ascertain? And if the utility monopolies must control innovative "extensions" of their impressive systems in order to protect the economics of scale which have resulted in uniform nationwide service, how can we enhance or maintain innovative competition?

I confess, Mr. Speaker, that I have no answers for these difficult questions. It is because the Congress must soon resolve these issues if we are to rationally decide what kind of a telecommunications system will best fill our future needs, that I cosponsored H.R. 1811, the Consumer Communications Reform Act. That proposal may be right or wrong, but at least it raises the issue. I look forward to observing the exploration of these issues by the Communications Subcommittee, and participating in that study in the full House Interstate and Foreign Commerce Committee.

THE YEAR OF LINDBERGH

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1977

Mr. MURPHY of New York. Mr. Speaker, February 4 marks the 75th anniversary of the birth of Charles A. Lindbergh, and this May 20–21 will be the 50th anniversary of the historic flight of the Spirit of St. Louis. This feat unquestionably gave aviation and its younger brother, aerospace, their most dramatic and decisive impetus. First, from New York to Paris, and then from the United States to the Moon and to Mars.

Present generations of Americans, particularly young people, simply are not aware of the greatness of the man, and his contributions and achievements after 1927—his military contributions, the Distinguished Flying Cross, the DSC, Con-

gressional Medal of Honor, and Pulitzer Prize. He is a hero in the true sense of the word.

The following article is offered as part of my remarks to acquaint modern Americans with one of the great men who molded their history. John Noble Wilford, aviation editor of the New York Times, recounts the story of this hero whose greatest accomplishment began in New York.

LINDBERGH: FLYING THE ATLANTIC THEN AND NOW

(By John Noble Wilford)

Lean back in your cushioned seat. Feel the powerful surge of take-off, jets roaring, and the steady climb to cruising altitude. Over the intercom the pilot states rather matter-of-factly that you are 32,000 feet above the Earth, flying at a speed of 550 miles an hour—or some equally incredible piece of information. Incredible because you feel nothing of the cold, rarefied air outside the pressurized cabin, and hardly any movement at all. And yet, in a few hours, after a drink and a hot meal, you will be a continent away or across some ocean.

This is such a commonplace experience in today's world, flights across continents and oceans, that it takes a long backward stretch of the imagination to recall the heroic era of early aviation. One man symbolized that era. He was Charles A. Lindbergh.

Fifty years ago this spring Lindbergh made the flight that transformed him into a historical figure and demonstrated aviation's potential for revolutionizing transportation.

On the morning of May 20, 1927, Lindbergh took off from Roosevelt Field, on Long Island, in a small and delicate monoplane, the "Spirit of St. Louis." He was 25 years old, a Minnesota farm boy who, pursuing some solitary dream, had learned to fly and gone into barnstorming and the piloting of airmail planes between St. Louis and Chicago. He was tall and handsome, known to his friends as "Slim."

The world would call him "Lucky Lindy." But in planning his epic flight Lindbergh left as little to chance as one could in those risk-filled days of aviation.

For some years there had been outstanding an offer of a $25,000 prize for the first non-stop flight between New York and Paris. In September 1926 Lindbergh asked himself: "Why shouldn't I fly from New York to Paris? I have more than four years of aviation behind me. I've barnstormed over half of the 48 states. I've flown my mail through the worst of nights."

Having committed himself in his own mind, Lindbergh set out to obtain financial backing and an airplane, to map the route, and to make other necessary arrangements. He used his own modest savings and persuaded a group of St. Louis businessmen to put up $15,000, which was one reason for the name of his plane. The Ryan Company of San Diego built the little plane with Lindbergh's help and to his specifications. Unlike the great planes of today, the Spirit of St. Louis had no lights, no heat, no radio, no automatic pilot. The 223-horsepower engine was built by the Wright Company.

Lindbergh spent the night before take-off in sleepless preparation. Some last-minute tinkering. Fueling. Waiting anxiously for the weather reports. Though it was drizzling, the reports gave a chance of fair skies. Lindbergh would be ready.

Not long after take-off he—or rather, "we," referring to himself and his plane—ran into fog and rain. He made several detours in his course. He climbed as high as 10,000 feet and sometimes flew as low as 10 feet above the water, trying in vain to avoid the storm. But he persevered.

After leaving the coast of Newfoundland, the skies cleared and he maintained a cruising altitude of 10,000. "I felt as if I was driving a motorcar over a smooth road," Lindbergh wrote, "only it was easier."

People on both sides of the Atlantic waited, nervously, prayerfully, and expectantly, for some word. The next day came the successive reports. Lindbergh had reached the Irish coast, he was over England, he was crossing the Channel. Then, at 10:22 P.M. on May 21, the Spirit of St. Louis touched down on the tarmac of Le Bourget Field at Paris to a tumultuous reception by thousands of Frenchmen.

The first to reach the plane, as it came to a halt in the middle of the field, heard Lindbergh in the cockpit say, "Well, I made it."

After a flight of 33½ hours, Lindbergh had crossed the Atlantic alone and non-stop and reached his destination only three miles off course after 3,000 miles.

Lindbergh was an instant hero. There were medals, ticker-tape parades, Presidential receptions. Everywhere he went, he was acclaimed. "The situation I encountered was extraordinary in the extreme, and often fantastic," Lindbergh recalled, and cited, as an example, a woman who "wanted to rent the hotel room I was leaving so she could take a bath in the same tub."

Though he remained, as ever, a modest, unpretentious man, Lindbergh devoted much of the rest of his life to the promotion of aviation. He flew more than 130 good-will flights in the Spirit of St. Louis, visiting all the 48 States and several Latin American countries. As a consultant to airlines, he laid out trans-continental, trans-Caribbean, trans-Atlantic, and trans-Pacific air routes. He and his young wife, Anne Morrow Lindbergh, who acted as navigator and radio operator, made exploratory archeological flights over Central America and a pioneering flight across the Arctic to Asia.

Despite his controversial opposition to United States involvement in World War II, Lindbergh flew more than 50 combat missions in the South Pacific in his capacity as a civilian test pilot.

Lindbergh also, in a quiet way, became involved in technological research beyond aviation. He raised money to support the work of an obscure physics professor at Clark University—Dr. Robert H. Goddard, who is now recognized as the leading American pioneer in rocketry. Lindbergh's collaboration with Dr. Alexis Carrel, Nobel laureate at Rockefeller University, resulted in the development of the perfusion pump, a device for sustaining organs outside the body during surgery. Lindbergh's invention of a quick way of separating serum from whole blood through centrifugal force greatly expanded the use of blood transfusions.

In his later years, Lindbergh took up the cause of conservation—the urgent need to balance technology and nature. He was inspired by a trip to Africa. As he once said: "Lying under an acacia tree with the sounds of the dawn around me, I realized more clearly the facts that man should never overlook: that the construction of an airplane, for instance, is simple when compared to the evolutionary achievement of a bird; that airplanes depend on an advanced civilization, and that where civilization is most advanced few birds exist. I realized that if I had to choose, I would rather have birds than airplanes."

Charles A. Lindbergh died August 26, 1974. And now, 50 years after his historic flight from New York to Paris, a living memorial is being established—the Charles A. Lindbergh Memorial Fund. Address of the Fund is 30 East 42nd Street, New York, New York 10017.

Led by two other pilots of note, General James H. Doolittle and Neil A. Armstrong, a committee of prominent people in aviation, science and business is raising $5 million. The income from the Fund will be used to carry on the interests to which Lindbergh devoted his life—aeronautic sciences, conservation, exploration, and wildlife preservation. Particular encouragement in the form of Lindbergh Fellowships will be given to young scientists, researchers, and explorers.

The Lindbergh Fellowships will be awarded annually on May 21—the anniversary of the day that the young aviator reached Paris with the words, "Well, I made it."

ENERGY CONSERVATION INITIATIVE BY NEW JERSEY UTILITY

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1977

Mr. FORSYTHE. Mr. Speaker, while the Federal Government with all its vast resources continues to flounder in its attempt to develop a meaningful national energy policy, I find it very encouraging to discover that the American tradition of private initiative is still alive and well.

I am referring specifically to a significant energy conservation initiative sponsored by the Atlantic Electric Co. in my home State of New Jersey. The utility has requested the New Jersey Public Utility Commission to allow it to refuse electric service to new homeowners whose air-conditioning units do not meet specified energy efficiency ratings. Since more efficient air-conditioning units can pay for themselves within a couple years through the savings the electricity customer will realize, such an emphasis on using energy-efficient appliances will benefit the consumer as well as the Nation as a whole.

If the Public Utility Commission approves the Atlantic Electric request, it will be the first such move on the part of a utility in the country. Realizing the significance of this effort, Virginia Knauer, President Ford's Special Assistant for Consumer Affairs, commented in a letter to John D. Feehan, president of Atlantic Electric, that his proposal constituted the "most direct and dramatic proposal thus far advanced by a utility company to conserve energy by keeping inefficient appliances off the consumer market."

Mrs. Knauer went on to express her belief that Federal and State agencies and consumers themselves should support the proposal as a pilot test for the Nation.

Since I firmly believe that energy conservation is the major hope for any kind of solution to the U.S. energy problems

within the foreseeable future, I bring this unique proposal to the attention of my colleagues here in the House of Representatives as an example of constructive private effort. Luckily, not everyone is willing to wait for the Federal Government to take the initiative.

To highlight the Atlantic Electric proposal, I am including the text of Mrs. Knauer's letter for your further information:

THE WHITE HOUSE,
Washington, January 11, 1977.

Mr. JOHN D. FEEHAN,
President, Atlantic City Electric Co.,
Atlantic City, N.J.

DEAR MR. FEEHAN: It is my understanding that your company is asking the state Public Utilities Commission (PUC) for permission to refuse service to new homeowners with inefficient air conditioners; i.e., with units having energy efficiency ratios below 7.0.

The energy and dollar losses attributable to inefficient air conditioners are considerable. In a checklist for homebuilders recently prepared by Mr. Ralph J. Johnson, staff Vice President and Director, National Association of Home Builders Research Foundation, local builders are being advised: "Install high energy efficiency (EER) air conditioning equipment. (An EER–9 unit uses 33 percent less energy than an EER–6 unit.)" Similarly, the Federal Government is devising labeling regulations to permit consumers to compare energy efficiency ratings of competing appliances and is simultaneously working with appliance manufacturers to raise energy efficiency standards. (In the case of mobile homes, the Government is actually authorized to mandate energy efficiency standards for installed appliances.)

In place of voluntary decisions by homebuilders and consumers, who may opt for inefficient and cheaper appliances, you have proposed that state government authorize a refusal of service for new homes having inefficient air conditioners. You have supplied figures showing that about half of presently manufactured window air conditioners and about 40 percent of central units being manufactured have an EER of 7.0 or better. Nevertheless your proposal is, to my knowledge, the most direct and dramatic proposal thus far advanced by a utility company to conserve energy by keeping inefficient appliances off the consumer market. It should not be considered lightly.

Obviously, dollar savings (and energy savings) vary greatly with climatic locus and use of appliances. (Compare the greater effect of your proposal if put forward for sun belt states.) Yet, the severity of our Nation's energy problems and the crying need for greater progress towards energy independence strongly argue for stronger measures.

I believe that the Federal agencies involved with energy efficiency of appliances, the homebuilders, the appliance manufacturers, the utility commissions in other states, other utility companies, and certainly consumers should support your proposal as a pilot test for the Nation.

I am not saying that an EER of 7 is the ideal for such a pilot. I would suggest that the PUC consult the concerned Federal agencies including the National Bureau of Standards which has a test procurement program involving air conditioners. I would also suggest that representatives of the concerned and affected parties including consumer representatives be permitted to work with the PUC to implement your proposal. I do suggest that your proposal be tried and be made effective as quickly as possible.

There is a human and understandable tendency for consumers, industry, and government officials to say in effect: "Start conservation measures elsewhere and concentrate on big savings areas that don't inconvenience me." I believe your company is saying in effect: "Let's get serious and let's get started."

Sincerely,

VIRGINIA H. KNAUER,
Special Assistant to the President
for Consumer Affairs.

A CONGRESSIONAL RECIPE: HOW TO BAKE A TURKEY

HON. RICHARD KELLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1977

Mr. KELLY. Mr. Speaker, in astonishment and chagrin I confess to the House that I have been able to accomplish almost every day for 3 weeks somethings few Americans have been able to do at all.

I perspired at work.

The curious may wonder: On what does this Kelly feed that he grows great enough, yea, sufficiently talented, to perspire in the middle of the winter of 1977?

Cynics may write it off with flippant reference to a certain stage of life.

But the answer is far more simple, and it is none of the above.

It is simply too hot in the House.

You see, perspire is what the body does to cool down.

I have perspired in our gym, where the thermostat was set at 82°, and in my office, where it was 78° until I insisted they shut off the heat. I have perspired in committee rooms and in the hallways.

I have perspired in the cloakroom, at 75°, and on the floor of the House. But that may have been due to the quality of debate rather than an overzealous building superintendent.

I have yet to shiver, or feel the need for additional clothing, anywhere in the House.

You see, shiver is what the body does to keep warm. It also is nature's way of telling us we need more clothes.

Yet millions of Americans shiver this winter because our President has called on them to turn down thermostats to save energy.

And 2.5 million people do not have any work at which to perspire right now because their livelihood has been postponed for the winter—to save energy. Business is curtailed by emergency order. Schools are dismissed. Homes are unheated.

Yet we perspire in the House.

The people expect their political leaders, their elected representatives, to experience life as they experience it, not to insulate themselves from it. That is why our body is called the House of Representatives. We are supposed to be close to the people.

But we perspire in the House.

If they are asked to sacrifice, and maybe shiver a bit, should they not expect us to join them? It is only fair.

The logical question is: How hot is it?

Well, I cannot answer with precision.

I have asked the building superintendent. He refuses to say. He says he can release it only on clearance from higher authority. It seems to be classified information.

But I can tell you approximately how hot it is.

Just as liquid boiling points are known to students of elementary physics and chemistry, so can proximate boiling points be sensed by students of elementary politics.

It was 75° in the cloakroom last week—a fine kettle of fish begins to simmer at 75°.

It simmers a little faster for gentlemen from the Midwest and Northeast, any place suffering wide energy layoffs, great disruption.

It was 82° in the gym—turkeys begin to bake at 82°, particularly when they are calling for sacrifice and urging the Nation to go into cold storage for the remainder of the winter.

Conduct of this sort will cause friends, and supporters, to wonder if we are sincere when we close a letter with warm personal regards. They may think we are being smug.

High-handedness, arrogance, and refusal to face reality, is what has given politics and politicians a bad name. We call for austerity yet cling to personal luxury.

It is the symbolism of the act that counts in this case, Mr. Speaker, not the energy savings on our small number, not the expenditure.

To assure the American people we are with them, I will introduce a declassification resolution expressing the sense of the House and directing the Architect of the Capitol to have the buildings superintendent do the following:

Keep the average temperature of all House office buildings between 55° and 65°, or as close as possible to that, for the duration of the winter.

Post daily at the main entrance of each building the temperature reading of noon of the day before for the offices of the Speaker, minority leader, all committee chairmen, and any other areas and offices he might care to check.

Post daily at the same place the estimated amounts of gas, coal or other energy used in heating House office buildings the day before.

This is a hot House, Mr. Speaker, and we nurture the fruit of hypocrisy, the Grapes of Wrath, by disregarding the plight of our people in favor of platitudes. If we are truly a House representative of the people, duty demands we join them.

Cosponsors are welcome.

A TRIBUTE TO TOM TEAR

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. COLLINS of Texas. Mr. Speaker, in recognition of Tom Tear's outstanding record of service to the Republican Members of Congress, I extend my warm appreciation and thanks. Starting on the Hill as aide to John Andrews, Clerk of the House during the 80th Congress, Tom has given 30 years of untiring efforts. His knowledge and experience as minority

chief page have proved invaluable to the smooth operation of legislative activities on the floor, and largely as a result of Tom's patience and friendly nature, we have been afforded an exceptional staff of pages over the years.

I join with my colleagues in wishing Tom and his wife Carolyn the best as they look forward to devoting their time to their cattle farm in Virginia. Tom will be hard to replace, and certainly missed by all.

ACTION ON ENERGY—A JOB FOR THE 95TH CONGRESS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1977

Mr. LEGGETT. Mr. Speaker, the major energy problem confronting the United States today is that historically secure, abundant, and low-cost energy supplies are no longer so readily available. Although there is little agreement as to what should comprise an optimal national energy plan, most observers tend to acknowledge that higher energy prices are inevitable in the long run as supplies of nonrenewable fossil fuels and uranium ore continue to be depleted by an energy-intensive society. Moreover, it is generally agreed that it is already too late to effectively resolve our Nation's fuel and energy supply shortfalls this winter. This is especially true in the case of natural gas shortages which have been aggravated and compounded by bitterly cold weather conditions—particularly in the Midwest, New England, and Middle Atlantic regions.

Shortages of this essential fuel have already closed thousands of factories in a number of States. The U.S. Department of Labor has estimated that over 500,000 workers have been temporarily laid off as a result of interrupted supplies and cutbacks in the availability of natural gas from interstate pipelines this winter. In addition, schools in at least a dozen States, including Georgia, have been closed for varying lengths of time, and commercial establishments are being compelled by panic-stricken State officials to shorten business hours.

EMERGENCY NATURAL GAS LEGISLATION

Yesterday afternoon, we in the House responded to this winter's natural gas crisis by passing the Emergency Natural Gas Act of 1977 which the President signed into law last night. Briefly explained, this law authorizes the President to declare national or regional natural gas emergencies. The law also establishes a 90-day emergency allocation program whereby the President can order any person engaged in the transportation of natural gas in interstate commerce to deliver gas to one another to prevent interruptions of supplies to residential and essential public service users. However, this authority stops short of ordering intrastate pipeline companies to deliver natural gas supplies to these same interstate markets and, in fact, contains language protecting the intrastate market from price increases caused by emergency purchases under the law.

In addition, this law permits interstate pipelines, including associated local distribution, to purchase natural gas above currently regulated prices for a period not to exceed 180 days. However, the law does not establish a threshold level or general price ceiling for these temporary price increases. Lastly, no guidelines are contained in this law regarding the order of emergency diversion to various end-use categories.

VOICING SOME DOUBTS

Although I felt morally obligated to support this temporary legislation, I also feel compelled to voice some doubts over what we have collectively rendered on this grave matter of natural gas shortages. In my opinion, this law should be considered an extreme emergency measure only. It resolves no problems beyond permitting us to redistribute shortages that already exist. Indeed, it contains no provisions designed to induce greater conservation efforts. Neither does it encourage increased production of natural gas supplies. Nor does it provide incentives to more rationally utilize scarce natural gas supplies for industrial end-uses that have no foreseeable substitutes in the near- and mid-term. Failure to address such issues will more than likely have adverse employment impacts that defy traditional solutions, and quite possibly, jeopardize sustained economic growth and recovery. In short, Mr. Speaker, we still find ourselves "between a rock and a hard place" concerning the lack of sufficient natural gas supplies for our continuing energy needs.

I would now like to elaborate more specifically on the doubts that I have concerning this whole issue of natural gas shortages.

First of all, is the problem really as aggravated as it appears or have natural gas producers succumbed to any number of pervasive economic incentives which make gas in the ground a sounder investment than either gas being distributed in pipelines or money in the bank? Although I do not personally subscribe to a conspiracy theory with respect to producers, I would feel more comfortable if we had made an honest effort to eliminate such disincentives and to restore a climate of investment certainty to the energy industry through more conclusive long-range legislation.

In part, this leads to my second doubt concerning whether our make-shift crisis response will be perceived as a precedent with respect to the ultimate deregulation of natural gas prices. Clearly, the obsolete structure of gas price controls and regulations which, in effect, encourages inefficient and often times excessive use of critical natural gas supplies for nonessential uses, needs to be revised. I am not convinced, however, that deregulation of natural gas prices is such a good idea in the near term—at least not until more deliberate debate and assessment of potential macroeconomic impacts occurs. Due to the dire situation confronting the Nation this winter, time was of the essence in passing this emergency measure and such reasonable preconditions were in all fairness waived. However, I am concerned that this bill will become the crack in the dam, so to speak, and convince many of my colleagues that deregulation is both necessary and inevitable without first weighing carefully the probable benefits and costs.

My third concern with this law pertains to the whole question of sound management among pipeline companies. In general, those areas or regions currently experiencing drastic shortages are served by interstate pipelines characterized by risky management. These companies have for the most part over-subscribed new customers in an aggressive attempt to expand sales. On the other hand, those areas or regions who presently have access to adequate natural gas supplies are, for the most part, served by interstate pipelines with conservative management. They have revised downward their growth expectations, and realistically assessed the ability of their supply sources to meet these needs. Therefore, it troubles me that we are eliminating all incentives for sound management by taking risk-loving or poorly managed pipeline companies "off the hook." What incentive now remains to foster sound management practices among natural gas producers and distributors? The message this law conveys to all pipelines is that when you get into trouble from now on, we will bail you out.

A fourth concern that I have relates to the lack of explicit concern for jobs in this law. The allocation authority does not extend to the allocation of natural gas for industrial uses. What will we tell the hundreds of thousands who have been thrown out of work by this crisis?

RENEWED CALL FOR ACTION

The common element running through most of my concerns is that they raise questions that are not easily answered. We must recognize that all we have done is contrive a temporary, short-range fix. Many problems still remain.

Indeed, the problems are much broader and pervasive than just this winter's natural gas crisis. We still have a national energy problem that goes beyond the shortages of just one fuel source. Rather than continue to deal with this broader problem in a piecemeal fashion among more than 90 different committee and subcommittee jurisdictions as we have in the past, it is time to confront longer term energy issues with one voice in the Congress. I have detected a waivering of support over the last week or so on the part of some of my colleagues for the Speaker's plan to create a single, Ad Hoc Energy Committee here in the House. Now is not the time to waiver. Now is not the time to move on to other issues and new business just because we have an Emergency Natural Gas Act on the books—what about next winter, and the many more after that? Rather, now is the time to confront a worsening dilemma squarely so that longer term solutions can be worked out.

As for myself, I support and strongly urge a single ad hoc committee with special legislative authority that cuts across all previous standing committee jurisdictions, yet draws upon the experience and wisdom of members from these same committees. Only through such a vehicle can we ever hope to forge a truly rational and effective national energy plan.

UNITED STATES USE OF MASIRAH ISLAND IN THE INDIAN OCEAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1977

Mr. HAMILTON. Mr. Speaker, by the end of March 1977, the British troops will have left a Royal Air Force base they have maintained on the island of Masirah in the northern Indian Ocean off the coast of the Arabian Peninsula. Masirah belongs to Oman, and over the last several months, by agreement with Britain and Oman, we have had landing rights for P–3 intelligence aircraft at the British base.

At the moment, the Defense Department and the State Department are discussing possible arrangements that presumably will permit aircraft to continue to use Masirah after the British formally leave.

Members of Congress interested in developments in the Indian Ocean, Red Sea, and Persian Gulf and in overseas commitments will want to follow developments closely to see what arrangements, and at what price, and on what basis of commitments or understandings, are being made for the future.

I would like to bring to the attention of my colleagues some correspondence I have had with the Defense Department on the subject of P–3 flights out of Diego Garcia and the use of Masirah Island.

The correspondence follows:

JULY 20. 1976.

Hon. DONALD H. RUMSFELD,
Secretary of Defense, the Pentagon, Washington, D.C.

DEAR MR. SECRETARY: It is my understanding that the Department of Defense announced recently that Diego Garcia had become operational as a base for P–3 long range naval reconnaissance planes.

In March 1974 during a hearing on Diego Garcia before the then House Foreign Affairs Committee Subcommittee on the Near East and South Asia, the Defense Department, when asked about the possible use of P–3 reconnaissance planes from Diego Garcia, indicated that such flights might be considered apparently in conjunction with the deployment of task forces into the area.

I would like to know: what task force deployments there are in the Indian Ocean now; where they are; what their relationship is to the use of P–3 planes from Diego Garcia; and what is the range and function of the P–3 aircraft in the Indian Ocean area?

I appreciate your consideration of these questions.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Special Subcommittee on Investigations.

DEPARTMENT OF THE NAVY,
Washington, D.C., August 25, 1976.

Hon. LEE H. HAMILTON,
Chairman, Special Subcommittee on Investigations, House of Representatives, Washington, D.C.

DEAR MR. HAMILTON: This is in reply to your letter to Secretary Rumsfeld regarding information on task force deployments and P–3 operations in the Indian Ocean.

Task Group 77.7, consisting of the USS RANGER (CV 61), USS GOLDSBOROUGH (DDG 20), USS PREBLE (DDG 46), USS OUELLET (FF 1077), USS WHITE PLAINS (AFS 4), USS WABASH (AOR 5), and USS NAVASOTA (TAO 106), conducted routine operations in the Indian Ocean from 11 July to 1 August.

One of the primary missions of P–3 aircraft is task group support. P–3 aircraft operating from Diego Garcia provide surface and subsurface surveillance support for Task Groups operating in the central Indian Ocean. The P–3 can operate up to 1400 NM from Diego Garcia and provide four hours of on-station time at this range for this type of mission.

If I can be of any further assistance, please feel free to write.

Sincerely,

JACK L. BOWERS,
Acting Secretary of the Navy.

WASHINGTON, *D.C.,*
August 31, 1976.

Mr. JACK L. BOWERS,
Acting Secretary of the Navy, Department of the Navy, Washington, D.C.

DEAR MR. BOWERS: I appreciate your letter of August 25th in reply to my letter of July 20th regarding the flights of P–3 aircraft out of Diego Garcia.

In addition, I would like to know if any of the P–3 aircraft in the Indian Ocean are using airbase and landing facilities on the island of Masirah belonging to Oman and, if they are, under what arrangements are they using those facilities and under what type of agreement with Oman or the British Government.

I appreciate your early consideration of this second request.

With best regards.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Special Subcommittee on Investigations.

DEPARTMENT OF THE NAVY,
Washington, D.C., September 30, 1976.

Hon. LEE H. HAMILTON,
Chairman, Special Subcommittee on Investigations, House of Representatives, Washington, D.C.

DEAR MR. HAMILTON: This is in reply to your letter regarding information on the use of Masirah, Oman by P–3 aircraft in the Indian Ocean.

P–3 aircraft periodically visit the Island of Masirah. Use of the Royal Air Force facility on the Island of Masirah was approved in principle and informally arranged between the U.S. Defense Attache Office, London and the British Ministry of Defense with the concurrence of the Government of Oman. Normal international procedures are utilized for aircraft clearances and the RAF provides routine support services such as crew berthing/messing, refueling, etc.

Sincerely,

JOHN J. BENNETT,
Assistant Secretary of the Navy (Installations and Logistics).

TRIBUTE TO TOM TEAR, MINORITY CHIEF PAGE

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. SARASIN. Mr. Speaker, I would like to take this opportunity to join in the chorus of my Republican colleagues who will soon be missing the helpful and friendly presence of our Chief Minority Page, Tom Tear, who will be retiring this month.

Tom has served in this capacity ably and diligently for 30 years, ever since 1947. I have only served in the Congress since 1973, and yet I have long since come to rely on the sincere help and advice I have received from Tom. As head of all the pages, he has rendered us innumerable services in keeping the machinery of the legislative process, as carried on in the Republican cloakroom, running smoothly. Without Tom in charge, I know things will never be quite the same—not as efficient, not as friendly, not as personal.

I would personally like to extend to Tom and his wife, Carol, much good fortune in the years ahead and a leisurely, enjoyable retirement. I only hope he can leave his Virginia farm sometime and visit his old friends at the Capitol once again.

WORD PORTRAIT

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1977

Mr. DENT. Mr. Speaker, I have the distinct honor today to come before this House as a spokesman for the Fraternal Order of Eagles. On February 6, 1977, this remarkable organization will celebrate 79 years of humanitarian work dedicated to making "human life more desirable by lessening its ills and the promotion of peace, prosperity, gladness and hope."

On this, the 79th birthday of the Fraternal Order of Eagles, I am exceedingly proud of this organization whose record of good work and good deeds serves as a shining example of all that is best in America. As a lifetime member, I can personally attest to the high ideals which motivate and guide the public service work of the FOE.

Throughout its 79 years of existence the FOE has accumulated an impressive record of accomplishments ranging from State and national legislation to aid senior citizens to the sponsorship of Christmas parties for underprivileged kids. As every Member of this House knows, the FOE has played an active and socially important role in local communities across America. The contributions made by the FOE to the lives and welfare of our citizens are unsurpassed, and deserve the recognition and gratitude of our people. Thus, on this its 79th anniversary, I am sure that my colleagues will want to join me in saluting the Fraternal Order of Eagles on 79 years of a job well done.

Mr. Speaker, I recommend to the attention of this House the following "Word Portrait of the Fraternal Order of Eagles" prepared by Mr. Dan Splain, whose association with the FOE helps make it a great and honorable organization:

A WORD PORTRAIT OF THE FRATERNAL ORDER OF EAGLES

(By Dan Splain)

Nine days before the explosion of the battleship Maine in Havana Harbor touched off the Spanish-American War, six lonely vaudeville troupers strolled to Moran's Shipyard on the tideflats of Seattle to form the Order of Good Things on February 6, 1898. The purpose of the organization, as its first

President, John Cort later related was "to make human life more desirable by lessening its ills and promote peace, prosperity, gladness and hope."

In February, 1977, in a new wonder age of atoms, missiles and moon walks, the far-flung Organization that sprouted from the Seattle seedling—the Fraternal Order of Eagles—celebrates today the 79th anniversary of its founding, changelessly devoted to the same ideals proclaimed by its founders. Today, the Order embraces over 1700 Aeries in the Continental United States, Alaska, Hawaii, the Philippines, the Dominion of Canada, the Republic of Mexico, and England.

Possibly not in their fondest predictions did the pioneers of the Fraternity envision such tremendous growth. But the universal hunger for friendship and brotherhood struck a responsive chord as the theatrical men played in other cities throughout the nation. New Aeries were formed rapidly in the Pacific Northwest. Cort was elected the first Grand Worthy President of the Order.

The Order was, and remains to this day, the Fraternity of the Common Man. From mill, mine and factory mainly, from the professions, and from public life, from America's melting pot, the Eagles derived their strength, a typical cross-section of the Nation. Several years ago, Collier's Magazine, in preparing an article about the Eagles sent their writer to the local Aerie in Cedar Rapids, Iowa. He asked a spokesman to define the Eagles. He struck this response: "You want to know who the Eagles are—I'll tell you. We're the crowd everybody gets lost in."

However, not all Eagles are "lost in the crowd." Six Presidents of the United States have been Eagles: Theodore Roosevelt, Warren G. Harding, Franklin Delano Roosevelt, Harry Truman, John F. Kennedy, and the incumbent President Jimmy Carter and Vice President Walter Mondale. Former Chief Justice of the Supreme Court Earl Warren is a brother Eagle. Monsignor Flanagan of Boys Town was a Past President of the Omaha Aerie of the Eagles. So was Father Elwood Cassedy, founder of Home on the Range for Boys, as is his successor Father William Fahnlander. Former Governor Lawrence of Pennsylvania helped found the Pennsylvania State Aerie in 1912 along with Congressman John Morin who himself served the Order as Grand Worthy President. World War II and Korean air ace Francis Gabreski (Col. Ret. USAF) is a life member of Oil City Aerie No. 283. J. Edgar Hoover, the late FBI Chief, was a brother, too. The list is infinite. Eagles are people, famous and obscure, mighty and humble, great and small.

Among those who have stood out from the crowd are the career Eagles themselves. There was Con Mann, the hearty Dutchman from Milwaukee, who piloted the Fraternity to a position of national prominence in the early part of this century. Then there was Frank Hering, silver haired orator from Notre Dame University, who made the first known plea for the observance of Mother's Day, who later served the Eagle Magazine as its editor for many years. Among contemporary leaders are Wisconsin Supreme Court Justice Robert W. Hansen, who served the Order twice as its International President; Clyde J. Schmieg, present International President, who travels the crossroads of the Nation garnering support for Eagle Programs, and Maurice Splain, Jr., Grand Aerie Membership Department leader who cares for the membership growth of the Fighting Fraternity.

In the three decades from 1910 to 1940, the burgeoning Order acquired a new title, "the Fighting Fraternity." In those years, the Eagles were in the vanguard in social legislative progress, moving courageously, fighting for changes to insure a more secure life for the people of America. In 1911, in Missouri, led by an Eagle Jurist, Edward Everett Porterfield, the Order sponsored the first Mothers' Pension Act. A year later, in Wisconsin, Eagles rallied 'round a young Eagle and labor lawyer, Daniel Webster Hoan, later Mayor of Milwaukee, to enact the first Women's Compensation Act. A few years later, the Eagles began to demand elimination of a national scourge—the poorhouse. The Rubicon was crossed in 1923, when the Montana legislature passed the first Old Age Pension Law of the nation, sponsored by prominent Eagle legislator Lester Loble, who later became the Order's Grand Worthy President. The Order successfully campaigned for similar laws in the majority of the states. On the national front, the Eagles launched a historic campaign for a national Social Security Act, and spent more than a million dollars for printed materials to publicize and popularize the measure. In signing the Act, President Roosevelt invited an Eagle delegation to the White House and presented them with one of three pens used to sign the Act into law. In so doing, Roosevelt stated, "The pen I am presenting to the Order, one used to sign the Social Security Act, is a symbol of my approval of the Fraternity's vision and courage."

High in the achievements of the Order is the national Mother's Day observance. Back in 1904, in February, Frank Hering, a Notre Dame professor and football coach, gave the first public plea for a Mother's Day observance at an Indianapolis Aerie meeting. Inspired by Hering's address, Eagle Aeries began sponsoring Mother's Day programs annually long before Congress set aside the second Sunday in May as a day reserved for the tribute yearly.

The Eagle story reserves a prominent chapter for the youth of America. With youth programs, junior sports, teen-age dances, youth centers sponsored by hundreds of Aeries, the building of the citizens of tomorrow is an ever paramount project of the Order. The crowning effort in this field came in April, 1941, when the Fraternity dedicated the Eagle Dormitory at Father Flanagan's Boys Town in Nebraska.

Then World War II arrived, the Eagles conceived their famed Memorial Foundation, a trust fund created by donations of Aeries and their Auxiliaries to provide physical welfare services and college education for the children of the Eagle war dead. This foundation was later expanded to include survivors of Korean and Vietnam War dead, and Eagle police and firemen killed in the line of duty.

While significant national campaigns have always characterized Eagle activity, the "grass roots" strength lies in the local Aeries and Auxiliaries. Their civic and benevolent contributions have been generous and frequent. Blood banks to save lives, an iron lung purchased for a young polio victim, Aerie quarters provide for a teen-age center, a Christmas Party for the underprivileged kids in the community, funds for a city youth playground; donations to the Red Cross, the Community Chest, and other community services and programs is but a part of the magnificent benevolence of the Fraternal Order of Eagles. No accurate accounting of the total spent by local Aeries and Auxiliaries for charitable purposes has ever been kept, but no doubt, over the years, it would run into staggering millions, and in terms of human happiness and betterment the amount is above the monetary realm, and measured only in terms of the human heart.

In the 1950's, the Eagles set their sights on new goals to "make human life more desirable." During that decade, the Eagles raised over one million dollars for the Damon Runyon Cancer Fund, prompting the fund's founder, Walter Winchell, to write in his nationally syndicated column that the Eagles are "the Santa Claus of the Damon Runyon Cancer Fund." The Eagles donation of $25,000.00 for the entrance to the Chapel of the Four Chaplains at Philadelphia, memorializing the four chaplains of three faiths who gave their lives in WW II aboard the U.S.S. Dorchester, bespeaks the Order's zeal for brotherhood and inter-faith unity. Distribution of thousands of scrolls of Ten Commandments to schools and courts, and presentation of the Ten Commandment granite monoliths to many American cities stresses the Eagles' concern for moral and spiritual values.

Late in 1959, the Organization began construction of a retirement home for senior citizens who are Eagle members. The home in Bradenton, Florida today boasts 75 units, a library, a lake well stocked for fishing and a large recreational hall. The Eagle Village, as the retirement facility is called, is self-governed by a Mayor and council elected by the residents.

In cooperation with CARE, the international relief organization, the Eagles have constructed over 25 Eagles-Care Houses throughout the world.

In the decade just past, the Eagles founded the Max Baer Heart Fund, named after the late Eagle Heavyweight Champ, which has donated over $2,000,000 for heart research, in the ten years of its existence. The Eagles have now founded the Eagles Cancer Fund which has raised over $2,000,000.00 supplementing the amount contributed to the Damon Runyon Cancer Fund. Just eight years ago, the Eagles founded the Jimmy Durante Children's Fund to contribute funds for research into the catastrophic diseases of childhood. Durante, for whom the fund is named, has long been an active supporter of Eagle programs.

Four years ago, the Organization initiated the "Golden Eagle Program", a three pronged attack on the problems of our aging citizens. The goal of the program is to add years to life and life to the years of the world's senior citizens in three ways: 1) by sponsoring and supporting legislation that will permit our aged to live in dignity and self-respect; 2) by establishing within 3200 local Eagle units Retired Eagles Activities Clubs (REAC) to permit older Eagles and their families to participate in programs of their choosing and to offer their aid and counsel to younger Eagle leaders in the management of their club facilities; and 3) the establishment of the Golden Eagle Fund, to raise and distribute funds for gerontological research.

The Eagles are also responsible for legislation protecting the over 40 worker from job discrimination because of his age.

The latest Eagle programs are "Hometown, U.S.A."—a campaign to make our hometowns of America just a little better for you and me, and the "Home and Family Program" designed to strengthen the home and family as the basic unit in our society.

The Fraternal Order of Eagles, with virility and vision, is just beginning to flex its muscles with over 3200 Aeries and Auxiliaries continuing the work started by six men on a Seattle waterfront 79 years ago.

SOLARZ INTRODUCES BILL TO STRENGTHEN CONVENTIONAL ARMS CONTROLS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1977

Mr. SOLARZ. Mr. Speaker, Congress has made substantial progress in the past few years in moving to gain some measure of oversight and control over the burgeoning American conventional arms

sales abroad. Two years ago, we voted ourselves the authority to disapprove certain arms sales by adopting what is generally referred to as the Nelson-Bingham amendment.

Last year Congress moved to broaden that authority, and also added a new section in the Arms Export Control Act to enable Congress to obtain the kind of information that we need to make an informed judgment on particular sales.

While Congress had adopted some excellent legislation to deal with arms sales, I believe that the law needs some strengthening. In particular, I would like to address two of the problems.

First, there is a lack of sufficient information on particular arms sales with which Congress can make an informed judgment. At present, when Congress is notified of an intent to issue a letter of offer for a major arms deal, Congress is told the country involved, the total estimated value, a description of the articles or services offered, which U.S. military department is involved, and any sales commission being paid in connection with the sale.

Yet this information is not sufficient for Congress to adequately analyze the sales. What is more, I cannot help but wonder if the State Department and the Pentagon, which are providing such sketchy reports, have thought through the full range of implications of each sale such as:

First. An analysis of how the sale would affect the relative military strengths of the countries in the region to which the sale would be made;

Second. An analysis of how the sale affects regional balances;

Third. An explanation of why the sale is in the U.S. national interest;

Fourth. An analysis of the impact of the sale on the military stocks and the military preparedness of the United States;

Fifth. The arms control impact of the sale;

Sixth. A report on alternate sources of weaponry available from other countries;

Seventh. The names of the contractors involved;

Eighth. The number of Americans needed to carry out the sale.

As the law is presently written, the information listed above and more is provided only upon request of the Foreign Affairs Committee. With Congress having only a limited amount of time available to consider any proposed arms sales, I feel that it is incumbent on the executive branch to provide the information, as a matter of course, along with each proposed letter of offer and for Congress to have sufficient time to analyze it.

While the information could be brought out in later hearings, one of the significant advantages of this approach is that Members would be provided an opportunity to determine if a proposed sale does need further examination. The committee could use the reports to determine not only whether hearings might be necessary but also when hearings might not be necessary at all.

There are those who will argue that requiring the additional information will burden both the executive branch and Congress with heavy doses of information. While there will be additional work all around, I feel that the requirement is necessary to give Congress an opportunity to make an informed judgment and to force the executive branch to think through carefully all the aspects which should go into the decision on sending American weapons to other countries. To ease the paperwork problem to some extent, however, sales to NATO countries would be excepted from this information requirement.

A second problem I wish to address is the danger that Congress will not have enough time to study and act on a proposed sale. The law as presently written means that Congress has only 30 days in which to pass a concurrent resolution to disapprove a sale. It is difficult enough for both houses of Congress to act in that short time period; after all, it is rare that Congress does ever move that quickly. The risk in the present legislation is that any long recess, such as the August summer break or the July 4 recess period, is counted against our 30 day period and will even further limit our ability to stop an arms deal.

With these factors in mind, I have today reintroduced a bill first submitted on January 6 (H.R. 1533) to tighten section 36(b), the statute providing Congress the authority to adopt a concurrent resolution blocking a proposed sale.

Specifically, my bill would tighten the procedures for disapproving arms sales in two respects:

First. The bill would require an arms impact statement to accompany each major arms sale providing the detailed information that is presently provided optionally and is listed below:

(A) a detailed description of the defense articles or services to be offered, including a brief description of the capabilities of any defense article to be offered;

(B) an estimate of the number of officers and employees of the United States Government and of United States civilian contract personnel expected to be needed in such country to carry out the proposed sale;

(C) the name of each contractor expected to provide the defense article or defense service proposed to be sold (if known on the date of transmittal of such statement);

(D) an analysis of the arms control impact pertinent to such offer to sell, prepared in consultation with the Secretary of Defense;

(E) the reasons why the foreign country or international organization to which the sale is proposed to be made needs the defense articles or services which are the subject of such sale and a description of how such country or organization intends to use such defense articles or services;

(F) an analysis by the President of the impact of the proposed sale on the military stocks and the military preparedness of the United States;

(G) the reasons why the proposed sale is in the national interest of the United States;

(H) an analysis by the President of the impact of the proposed sale on the military capabilities of the foreign country or international organization to which such sale would be made;

(I) an analysis by the President of how the proposed sale would affect the relative military strengths of countries in the region to which the defense articles or services which are the subject of such sale would be delivered and whether other countries in the region have comparable kinds and amounts of defense articles or services;

(J) an estimate of the levels of trained personnel and maintenance facilities of the foreign country or international organization to which the sale would be made which are needed and available to utilize effectively the defense articles or services proposed to be sold;

(K) an analysis of the extent to which comparable kinds and amounts of defense articles or services are available from other countries;

(L) an analysis of the impact of the proposed sale on United States relations with the countries in the region to which the defense articles or services which are the subject of such sale would be delivered; and

(M) a detailed description of any agreement proposed to be entered into by the United States for the purchase or acquisition by the United States of defense articles, services, or equipment, or other articles, services, or equipment of the foreign country or international organization in connection with, or as consideration for, such letter of offer, including an analysis of the impact of such proposed agreement upon United States business concerns which might otherwise have provided such articles, services, or equipment to the United States, an estimate of the costs to be incurred by the United States in connection with such agreement compared with costs which would otherwise have been incurred, an estimate of the economic impact and unemployment which would result from entering into such proposed agreement, and an analysis of whether such costs and such domestic economic impact justify entering into such proposed agreement.

Second. The second part of the bill, also amending section 36(b) is designed to insure that a long congressional recess does not cut into the time for Congress to consider an arms sale. This section would exclude from the 30-day period allotted for Congress to disapprove the sale any period of adjournment of more than 3 days or the adjournment of the Congress sine die. Thus, any long congressional holiday would not reduce the time we need to study any proposed sale.

I feel that both sections of this bill will improve the capacity of Congress to judge our massive arms sales to other countries.

Joining me as cosponsors of the bill are the following Members:

LIST OF COSPONSORS

Les Aspin, Berkley Bedell, John Conyers, Jr., Thomas J. Downey, Robert F. Drinan, Tom Hawkins, Herbert E. Harris II, Augustus F. Hawkins, Peter H. Kostmayer, Clarence D. Long, Marc L. Marks, Parren J. Mitchell, Joe Moakley, Anthony Toby Moffett, Jerry M. Patterson, Edward W. Pattison,

Donald J. Pease, Benjamin S. Rosenthal, James H. Scheuer, Patricia Schroeder, Paul Simon, Fortney H. (Pete) Stark, Newton I. Steers, Jr., Henry A. Waxman, Don Edwards, James M. Jeffords, Andrew Maguire, Richard Nolan, Richard L. Ottinger, Frederick W. Richmond, John F. Seiberling.

CUBANS IN CANADA

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1977

Mr. LaFALCE. Mr. Speaker, the Canadian Government has discovered that

the Cuban Consulate has been using its diplomatic corps to conduct espionage activities. The abuse of their diplomatic privileges by the Cuban Government and the lack of a strong Canadian rebuke has brought about critical editorial comments in the Canadian press.

Since we in the United States have been extremely concerned about Canada's attitude toward Cuba, I find these editorials heartening and would like to share with you the editorial opinions from the Toronto Star, La Presse, Montreal; the Citizen, Ottawa; and the Vancouver Sun:

[From the Montreal La Presse, Jan. 12, 1976]

Our country has greatly contributed to rehabilitating the Castro revolution in the eyes of the West, including in the eyes of Americans. In other words, through its progressive policy, Ottawa has sought to ease the way toward an accommodation between two different economic systems; but one could say that Cuba did not get the message. Rather than cooperating in realizing a détente which would have been enormously profitable for them, it preferred to use Canadian hospitality to devote itself to a futile game which consists of pulling Uncle Sam's beard. It's regrettable. Rather than respecting its hosts, Cuba has acted as though it wished to make fun of them.

[From the Ottawa Citizen, Jan. 12, 1976]

CUBAN SPY SCHOOL NOT FIRST SUCH INCIDENT

Such incidents are not rare here. Recently a Soviet embassy military attaché was asked to leave. Earlier, a Chinese diplomat was expelled. It seems Canada's relative freedom offers unscrupulous government agencies and clandestine organizations an extraordinary opportunity for espionage and related activities.

[From the Vancouver Sun, Jan. 14, 1976]

REVIEW OF CUBAN RELATIONS NEEDED

A few days short of a year ago we questioned the propriety of Prime Minister Trudeau's action, while visiting Havana, in standing before a crowd of Cubans and shouting "Viva Prime Minister Commander-in-Chief Fidel Castro," thus "saluting a man who has, both openly and clandestinely, sought to undermine other governments by force." What we did not know then was that Mr. Castro was doing it on Canadian soil. . . . Mr. Castro has been abusing Canadian friendship in furthering Cuba's murky role as the Soviet Union's surrogate in the global dirty tricks business. Canada was one of the first Western nations to establish normal diplomatic relations with Castro's Cuba. . . . Ottawa has maintained these relations and has also worked hard to nurture a normalization of U.S.-Cuban relations. But in the wake of the Montreal revelations Mr. Trudeau will have to reassess his attitude toward Mr. Castro—it was not a nice way for the Cuban leader to respond to a viva. Mr. Trudeau should also remind himself of a number of things, particularly that Cuba is not a free society, that it continues its attempts to spread its brand of revolution through the Caribbean and Latin America, that the Cuban military presence in southern Africa is an added danger to peace in a dangerous area of the world. By all means let Canada do its fair share in maintaining correct relations with Havana. But let us view those relations through the eyes of realism. And drop the vivas.

[From the Toronto Star, January 12, 1976]

CANADA SHOULD CUFF CUBA

Canada should deliver a stiff rebuke to Cuba for running a spy school in Montreal, instead of hesitantly apologizing for having to expel the five Cubans involved. Cuba has willfully abused Canada's trust. And unless Canada makes clear its anger, the same thing could happen again. Canada, after all, is well placed for Cuban espionage activities because it gives Cuba easy access to Canadian and U.S. radical groups. Yet the Department of External Affairs seems more worried than angry over the spy school. It called it "very embarrassing in terms of our relations with Cuba." External's big worry is that Fidel Castro might retaliate by throwing some Canadian diplomats out of Havana. You might think that any self-respecting government with the evidence that a foreign country was using diplomatic cover for a spying operation on its territory would fire off a stiff protest. It might even close the diplomatic mission down entirely. . . . This is not the first time Castro has wiped his boots on Canadian hospitality. At the time Trudeau was being shown the glories of Havana and Castro was declaring that relations were a model of co-existence between two different social systems, Cuban troop planes were using Gander airport in Newfoundland on their way to the war in Angola. It is entirely right that Canada should seek to develop friendly and co-operative relations with Cuba. But if the Cubans don't value this relationship enough to make them respect Canada's other international interests and obligations, we can quite easily do without it. That is what the mister-nice-guys in external affairs should be telling Havana now.

CUBANS CARELESS OF CANADIAN HOSPITALITY

Canada wanted to strengthen its value as a diplomatic intermediary between East and West, and above all, it thought about the economic advantages. Just think about the balance of trade which has been to Canada's advantage for over fifteen years. Surely, Canada finds its relationship with Cuba advantageous, but Cuba also profits. . . .

DIPLOMATIC RELATIONS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1977

Mr. DERWINSKI. Mr. Speaker, as the Carter administration begins to establish contacts in the diplomatic arena, the basic policy which will be followed by the administration is still not clear.

If prodded by elements within the administration, policy may well be shown as less understanding of our allies than of countries with adverse relations.

I recommend to the Members the following article, appearing in the February 1 edition of the Washington Star, by Michael Novak, which raises some fascinating questions on this topic:

IF KOREA DOES IT, WHAT ABOUT THE U.S.S.R.?

(By Michael Novak)

The FBI arrest of Ivan Rogalsky of New Jersey for espionage a few days ago brings to mind a glaring weakness in news coverage. What do investigative reporters tell us about Soviet lobbying in the U.S.? Woodward and Bernstein, where are you when we need you?

We know that the tiny Republic of South Korea made payments to series of congressmen, and had elaborate intelligence networks and lobbying activities in the U.S. It appears that Chilean intelligence bombed the car of a former Chilean ambassador in downtown Washington.

We know, as well, that Kim Philby ran a first-rate espionage effort, and that after he accepted refuge in the Soviet Union he mentioned the many Soviet agents still safe in the U.S. This may have been an empty boast, of course.

There is no need to revive the fears and panics of the Cold War. Indeed, it is their absence that makes these questions askable. And necessary.

For the international news these days concerns denials of civil rights; majority rule; torture; the bribery of officials; terrorism; and other acts of international imperialism. It is amazing how little news the Soviets make in these departments.

The John Birch Society Coloring Book once pictured the American eagle without a left wing. In just the same way, a clearer view of the methods and the tactics of Soviet imperial power—necessary for a sane and objective picture of the world—is missing in the consciousness of most of us.

When Willy Brandt was forced to resign from the West German government because one of his closest aides of many years was found to be a Soviet spy, a European newspaper estimated that there were 100,000 Soviet agents in Western Europe, at various "depths" of cover. I won't quote what a former White House aide gave me as the best official U.S. estimate of the number here, because it can't be checked. But, if it's anywhere near accurate, the budget to support them would have to be quite high.

What do the Soviets do in this country? Do they assign agents to try to steal industrial and technical secrets from corporations? Have they lobbyists, some with government and some with industry? The Soviet sends large sums to support Communist parties in nations like Italy and Portugal. What money, if any, is sent here?

It is not likely that the Soviet Union cares less about intelligence and influence on this nation than South Korea. Would it be bad manners to investigate them?

Some U.S. experts might even be able to estimate how precise the Soviet Union's knowledge is of our weaponry, our espionage, our military communications, our technology. Perhaps someone knows whether our allies trust us, or consider our security porous.

The recent turmoil within our own FBI and CIA may have damaged our capacity to be concerned about Soviet activities within the U.S. Worse, the fundamental battle in the struggle to establish the framework of inquiry has been won by the Soviet Union.

It is perfectly high-minded and liberal to be concerned about the espionage and lobbying of every other nation of the world. To raise questions about the Soviets feels old-fashioned, unsporting, like referring to the Soviet Union as "militarist," "imperialist," or "a warfare state."

It is strange, this sense that the Soviet Union is the single most tyrannical and perverse force on the planet, and that everyone takes its routines for granted. It is as though the USSR has been granted amnesty in advance.

SENATE—*Friday, February 4, 1977*

(Legislative day of Tuesday, February 1, 1977)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

The fear of the Lord is the beginning of wisdom.—Proverbs 9: 10.

If any man lack wisdom, let him ask God.—James 1: 5.

O Lord, our ever-present help, we open our lives before Thee mindful of all our inadequacies and aware of our human limitations. Impart to us a measure of Thy higher wisdom that our service to others may emulate the Master, in whose name we make our prayer. Amen.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, February 3, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, there are certain nominations that have been approved on both sides of the aisle. I ask unanimous consent that the Senate go into executive session for the consideration of those nominations.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

U.S. AIR FORCE—U.S. ARMY—U.S. NAVY—NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE NAVY AND MARINE CORPS

The second assistant legislative clerk proceeded to read sundry nominations.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all the nominations on the calendar, all having been cleared, be considered and confirmed en bloc.

Mr. BAKER. Mr. President, reserving the right to object, and I shall not object, the nominations on the entire Executive Calendar of the Air Force, the Army, and the Navy, through page 5 of the Executive Calendar, have been cleared on our side. We have no objection.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask that the President be immediately notified of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(All nominations confirmed today are printed at the end of the Senate proceedings.)

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 74—SUBMISSION OF A RESOLUTION PROVIDING FOR CLOSED-CIRCUIT TELEVISION

(Referred to the Committee on Rules and Administration.)

Mr. ROBERT C. BYRD (for himself and Mr. BAKER) submitted the following resolution, which was referred to the Committee on Rules and Administration:

S. RES. 74

Resolved, That the Committee on Rules and Administration be and is hereby authorized to provide for the installation of closed-circuit television from the Senate Chamber to the office of each Member of the Senate for the purpose of keeping Members of the Senate apprised of the proceedings in the Senate Chamber at times when such Members are not present on the floor of the Senate.

SEC. 2. The Committee on Rules and Administration shall carry out the provisions of this resolution in the most expeditious, economical, and practical manner possible.

SEC. 3. The Committee on Rules and Administration shall issue rules and regulations regarding the operations and maintenance of the closed-circuit television system provided for in this resolution.

SEC. 4. Expenditures for carrying out the purpose of this resolution may be made from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee on Rules and Administration.

Mr. ROBERT C. BYRD. Mr. President, I send to the desk for introduction and appropriate committee referral a resolution to provide for the installation of closed-circuit television from the Senate Chamber to the office of each Member of the Senate for the purpose of keeping Members of the Senate apprised of the proceedings in the Senate Chamber at times when the Members are not present on the floor of the Senate.

I have considered this proposal very carefully before deciding upon the introduction of this resolution. Additionally, I have consulted with the chairman of the Senate Committee on Rules and Administration and the senior staff of that committee to obtain their views on the merits of providing a closed-circuit television system for the Members of the Senate.

Certainly, one of the most difficult tasks facing any Senator is the allocation of his time among his constituent duties, his committee responsibilities, and his Senate floor responsibilities. Inevitably, conflicts and overlaps occur. Senators often have to leave their offices or committee hearings to go to the floor for votes or live quorum calls without being fully apprised of the pending legislation or the debate which has ensued thereon. A closed-circuit television system would provide the Members with the opportunity to be kept fully aware of Senate floor proceedings while they are in their offices meeting with their staffs, handling their mail, or meeting other necessary constituent duties.

Mr. President, I have always considered myself to be a foremost spokesman to preserve the Senate of the United States as a viable institution and to honor and respect the traditions of this body. However, that does not mean that we should not take advantage of modern electronic improvements and other conveniences which will greatly enhance our efficiency and, concomitantly, our effectiveness to our constituents and to the Nation. I believe the system I am proposing would be a needed step toward updating the operations of the Senate. Furthermore, the installation of this closed-circuit television system will greatly improve our ability to be more fully informed on legislative activities transpiring on the Senate floor and to make more fully informed decisions thereon.

I believe, also, it would reduce the necessity for Senators to have a staff member on the floor or monitoring the activities of the floor from the galleries, which, of course, they can now do to a limited extent.

Mr. President, I yield to the Senator.

Mr. BAKER. Mr. President, I am intrigued by the proposal of the majority leader for closed-circuit television.

I say as well that I hope it is color television, notwithstanding that some of our more flamboyant Members are no longer with us in terms of their sartorial elegance.

I note with interest the occasional intensity of the colors on some of our colleagues, even including my own ties or the very attractive vests worn by our majority leader.

I hope as well that the color television may be permanently recorded. I mean this seriously.

I hope that if we do install a video system it will be a permanent video tape of the proceedings of the Senate. I believe it will be truly a historic document

for scholars and historians in the future. I think it would be a worthwhile contribution to the history of the country in its deliberative efforts.

I point out, Mr. President, that such a video tape library for historical and scholarly purpose already exists at Vanderbilt University at Nashville, Tenn., which is the only repository for video tapes permanently kept, indexed, and filed, of the network news programs carried each evening on the news networks.

It is the only place that exists. The three networks do not keep them.

I think that is a unique and special contribution to the future history of the country.

By the same token, I think a video taping of this body would add immeasurably to the historic source material that scholars and historians of the future could call upon for the real flavor of our deliberations.

I only would wish for an earlier technological development so we could glimpse some of the proceedings of the earlier great moments of debate in this Chamber, some in the last 10 years since I have been here. But I will settle for watching the ones I am sure are ahead.

Mr. President, I urge consideration of this measure.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader for his very incisive contribution to this brief discussion. I think he has made an excellent point as to another tremendous advantage that would accrue from our moving in this direction.

I hope he will do two things, if I may suggest. I would greatly appreciate, if he so sees fit, to have his cosponsorship of this resolution.

Mr. BAKER. If the Senator will yield, I am more than pleased to do that. I would add my name to his, if he will permit me to do so.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent for that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Second, I hope he would find it possible to appear before the subcommittee when it conducts those hearings on this measure.

Mr. BAKER. I would be more than pleased to do that.

Mr. ROBERT C. BYRD. I thank the Senator.

CHARLES D. FERRIS

Mr. ROBERT C. BYRD. Mr. President, today is the last day in service to the Senate, after 13 years as general counsel and staff director of the Democratic Policy Committee, of Mr. Charles D. Ferris.

He has at all times demonstrated a very high competency and a high dedication to duty. He has rendered great service to the policy committee, to the Members of the Senate on this side of the aisle, to the Senate, and to his country. I want to congratulate him on a job well done.

I want to thank him personally for his cooperation and helpfulness to me and to the leadership over the years. I want to wish him well as he leaves the Senate and as he engages in new services to the Nation.

Mr. BUMPERS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. BUMPERS. Mr. President, since I am here, I did not realize the majority leader was going to make a statement regarding our very good friend, Charles Ferris.

When I first came to the Senate, my class received its first orientation from Charlie Ferris. I was deeply impressed with his knowledge and his abilities at that time, and his dedication to a job.

Over the past little over 2 years I have been in the Senate, nothing has ever happened that diminished my respect for him. His abilities, his knowledge of Senate procedures, his uncanny ability to get to the heart of an issue are all remarkable and have created tremendous admiration and respect for him by virtually all Members of the Senate.

I know he is going to have a very distinguished career when he leaves here.

I join the distinguished majority leader in saying that his going is going to be a very serious loss to the Senate and it will not be easy to replace him.

We all wish him Godspeed in his new work.

Mr. ROBERT C. BYRD. Mr. President, I thank my good friend from Arkansas.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time under the order.

The ACTING PRESIDENT pro tempore. Does the Senator from Alaska desire time?

Mr. STEVENS. Mr. President, if the Chair will permit me to request a temporary quorum call, I will check?

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield back the remainder of our leader's time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arkansas (Mr. BUMPERS) is recognized for not to exceed 15 minutes.

The Senator from Arkansas.

DNA RESEARCH ACT OF 1977—S. 621

Mr. BUMPERS. Mr. President, I come here this morning to speak on a subject which is extremely complex and one which, quite frankly, I feel inadequate to address.

Nevertheless, in connection with the bill I am introducing today, I hope that I will succeed in calling to the attention of my colleagues what I consider one of the most dangerous kinds of research ever undertaken in the United States.

Strangely enough, this research work about which I am going to speak has begun before any real debate here or across the Nation has taken place about the whole question of whether to undertake this kind of research.

On Monday, I spoke here on another subject and I said that the U.S. Senate—and I think it applies to the Congress—is a great organization for reacting, but it has never been known for its perception and its vision. Therefore, I am probably going to be a voice in the wilderness on the matter of genetic research.

Again, we may find that we have not acted and we may find to our terrible sadness that we have allowed this kind of research to proceed without any public policy debate here or in the lay community.

There has been plenty of debate in the scientific community about the advisability of proceeding with what is called recombinant DNA research. But, quite frankly, and I mean this in no way derogatory to the scientific community, we have heard the old expression that war is too serious to be left to the generals.

I think that sometimes science is too serious to be left to the scientists, because I think they have a tendency to become euphoric about new techniques without really considering what the social benefits or the social losses might be.

Briefly, Mr. President, in 1953, two researchers, Drs. Crick and Watson, discovered and found the nature of what is called DNA. That is literally the substance that is the foundation of life. It had been known, I think, for almost a hundred years, that such a thing as DNA existed, but they actually determined the double-helix characteristic of DNA.

What it means is that all genetic features of life begin with this substance. It is one of the most interesting things I have ever studied. If a man has a tendency to be atheistic, if he reads very much about DNA, it will almost certainly change his spiritual thinking.

This substance consists of certain nucleic acids, and they are in a sequence, tied together. If the sequence is changed, if even one link, we will say, of the chain of these units, is out of kilter, it can mean cancer, it can mean birth defects, it can mean all kinds of things.

So when we talk about recombinant DNA, what we are talking about is breaking the chain of that substance, taking one of those acids out, replacing it with something else, and trying to figure out what the results are going to be.

Mr. President, I said it is an immensely complex thing. I am a layman who never even had high school chemistry, so Senators can imagine the inadequacy I feel in addressing a highly technical subject such as this.

In 1974, the scientific community of this country became so upset about the possibilities of releasing some sort of disease in this country that would be irreverible that they declared a moratorium on proceeding further with this very dynamic research. The National Institutes of Health spent the subsequent time designing guidelines that scientists in this country would be forced to comply with before they proceeded with this kind of research.

Finally, in the latter part or about the

middle of 1976, I believe, the guidelines were completed, but we just have one minor problem. Unless a scientific laboratory has a grant or is using Federal funds in some other way, it is not required to comply with the NIH guidelines. So we have literally dozens and possibly hundreds of research laboratories in this country dealing in the most dangerous research since the splitting of the atom, and under no compulsion to comply with the NIH guidelines unless they are using Federal funds.

Mr. President, if anybody misunderstands the seriousness of what I am talking about, or if he thinks that I am overdramatizing it, I should like to give my colleagues a few quotations.

Last September, before the Senate Health Subcommittee chaired by Mr. KENNEDY, the following exchange occurred between the Senators and Dr. Robert Sinsheimer, chairman of the Biology Division at Caltech:

Mr. KENNEDY. Do you agree that in terms of magnitude this is of as great significance as the splitting of the atom?

Dr. SINSHEIMER. What this technology does is to make available to us the complete gene pool of evolution. We can take the genes of one organism and recombine them with those of others in any manner we wish. To my mind that is an accomplishment as significant as the splitting of the atom.

Mr. SCHWEIKER. Are you saying that all that has gone before, we now have the power to change in some way—the evolutionary process?

Dr. SINSHEIMER. Yes.

Mr. President, the thing that piqued my curiosity about this whole subject was an article in the New York Times magazine section of August 22, 1976. I hesitate to burden the RECORD with the entire lengthy article, written by one of the most knowledgeable science writers in the United States, in which he quotes Dr. Wald, a Nobel Prize winner at length. However, I would just like to emphasize the seriousness of what I am talking about with a few quotations.

There is no question, incidentally, about some of the benefits that can be derived from this kind of research; but, by the same token, there is no question about the devastating results that can occur if some of these micro-organisms are allowed to escape from the laboratory.

A portion of the article reads:

But to measure the true value of such potential benefits, we must weigh them against the hazards of this technology. The research involves many unknown factors beyond the control of the scientist. Since the plasmid and nonplasmid DNA fragments may combine in many different ways in a given recombinant experiment, it is necessary to create vast numbers of cells with unknown genetic alterations in order to obtain a cell containing a specific recombinant DNA.

I wish to emphasize the next part:

The probability of creating a dangerous genetic agent in the process is real, and there is no way to test for the danger. The scientist does not know what he has done until he has analyzed the newly created cells—at which point it may be too late.

Furthermore, because recombinant DNA's can reproduce themselves in their host cells, they can become permanent residents wherever the host cells are found, and once released into the world, it would be imposible to control them. In this respect, they are quite unlike any other man-made hazard.

The same doctor, Robert Sinsheimer, who testified before Senator Kennedy's Health Subcommittee, said:

What we are doing is almost certainly irreversible. Knowing human frailty, these structures will escape, and there is no way to recapture them.

Erwin Chargaff, professor emeritus of Columbia University and a recipient of the National Medal of Science and other honors for this work on DNA, has written:

I should say that the spreading of experimental cancer may be confidently expected.

Mr. President, all the research in this field is anticipated to be done by using what is called E. coli. It is a bacterium—if you will pardon the expression; it is not one the scientists use—that is found in the gut, in the intestinal tract, in great abundance. It is about the only bacterium of which the scientists in this country know the total makeup. They know the whole chemistry of this particular bacterium, so that is the one they want to use. But listen to this from the article in the New York Times:

The widespread use of E. coli bacteria in this new genetic research increases its dangers. From the point of view of public health, this bacterium is the worst of all possible choices. It is a normal inhabitant of the human digestive tract and can easily enter the body through the mouth or nose. Once there, it can multiply and remain permanently. Thus every laboratory working with E. coli recombinants is staffed by potential carriers who could spread a dangerous recombinant to the rest of the world.

Mr. President, there is one other thing I should like to say regarding the NIH guidelines, and I quote again from the New York Times Magazine article:

Briefly, the guidelines have two basic features. The first is physical containment. This means that the laboratory must be equipped to minimize the chance that experimental organisms might escape. The laboratory is kept under negative pressure so that air does not escape but is pumped out through filtered vents. For more hazardous experiments the worker must shower before entering or leaving the facility. The second feature, called biological containment, involves the use of enfeebled organisms so that if some do escape, they cannot survive in the outside environment.

This article closes, and I quote again:

We must ask, with Professor Irvin Chargraff, "Have we the right to counteract, irreversibly, the evolutionary wisdom of millions of years, in order to satisfy the ambition and the curiosity of a few scientists? This world is given to us on loan. We come and we go, and after a time we leave earth and air and water to others who come after us. My generation . . . has been the first to engage, under the leadership of the exact sciences, in a destructive colonial warfare against nature. The future will curse us for it."

Mr. President, if I had my choice there would be a moratorium declared right now on all recombinant DNA research. I am convinced we are engaging pellmell in one of the most dangerous kinds of research ever undertaken in the country, including the splitting of the atom. There is no question about the potential benefits that can come from this kind of research, but the risks are too great.

Being pragmatic enough to know that a moratorium is not possible to achieve, I am introducing a bill today to do two things: First, it provides for strict liability on any laboratory which allows an organism to escape which results in any kind of detrimental health effect, and so on, to anybody.

Second, as I stated earlier, nobody in the country is obliged to comply with NIH guidelines to conduct this kind of research unless he is using Federal funds, and I can tell you that the pharmaceutical companies in this country are in a mad, head-long dash to get there before the other one. I can tell you that virtually none of them is complying with NIH guidelines, and the week before last the U.S. Patent Office issued in the Federal Register guidelines for expedited patent procedures to anybody who comes up with any kind of patentable beneficial organism or what have you from this type of research, and it specifically states not only will they expedite the patent but you need not even comply—in the patent application you can say you have not complied with NIH guidelines, because to have done so would have allowed some of your competitors to get proprietary information.

I am saying we are in a field which is entirely too dangerous to worry about proprietary information. I can tell you that the Patent Office is wanting to encourage this kind of research, and I am not sure that at some point we should not encourage research, but there are a lot of scientists in this country who think we ought to wait another 20 years before we start using E. coli, to make sure that is the only whole cell we can use.

Mr. President, I have 30 seconds to go. The second part of my bill will provide that nobody in this country can engage in this kind of research without complying with NIH guidelines.

I consider it one of the most serious things I have ever brought to the Senate, and I hope my colleagues on the respective committees which will be hearing testimony with respect to this bill will take heed.

Mr. President, I ask unanimous consent that an article in the January 28, 1977, issue of Science magazine called "Dicing With Nature: Three Narrow Escapes" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DICING WITH NATURE: THREE NARROW ESCAPES

A new life-form often cited as a theoretical example of the health hazards that could be created by the genesplicing technique has already been constructed, *Science* has learned. Since it was made by an in vivo method, it is not covered by the NIH guidelines, which define recombinant DNA organisms in terms of the gene-splicing technique, a test-tube method, instead of by their inherent properties.

The organism is an *E. coli* bacterium carrying the gene for cellulase. *Escherichia coli* is

a common inhabitant of the human gut; the cellulase enzyme breaks down the plant structural protein cellulose which, being indigestible by humans, gives bulk to the feces. Should such an *E. coli* gain a selective advantage and spread throughout the population, the result might be a large number of people suffering from chronic, maybe fatal, diarrhea, theorists warned.

A cellulase-containing *E. coli* was put together by A. Chakrabarty of the General Electric Research and Development Center at Schenectady, New York. Chakrabarty planned also to insert methane-forming genes into the bacterium so that it would be able to turn wastes such as sewage sluge directly into usable methane gas.

After he had inserted the cellulase enzyme gene it occurred to him that such an organism might not be a comfortable thing to have in one's gut. The cellulose breakdown products might not be properly absorbed in the lower intestine, and other bacteria might turn them into gas. "Every time you ate a lettuce you might have a lot of gas in the stomach and that is not a very bright prospect," Chakrabarty observes. "So because of this consideration, without any other kind of evidence, we destroyed the bug." The incident occurred 2 years ago, and the gene transfer was conducted with the use of plasmids, not with the restriction enzymes used in the present gene-splicing technique.

Another potentially scary incident, also involving a recombinant DNA constructed by methods antedating the gene-splicing techniques, concerns a family of laboratory-made viruses that are hybrids between the tumor virus, SV40, and the adenoviruses which causes the common cold. The hybrids are a useful research tool for mapping the genes of SV40, a monkey virus which causes tumors in some animals but not, it would seem, in man. The threat posed by the viruses is that should they escape they could, like the pure adenoviruses, become established in the population for generations to come, exposing people meanwhile to the effects of SV40.

Andrew M. Lewis, the NIH virologist who developed the hybrids in 1971, realized this danger and, with advice of his institute, asked scientists needing samples of the viruses to sign an agreement promising to take certain safety precautions. This seemingly minor restriction on the traditional free exchange of scientific materials ran into considerable resistance. Even three of the eleven-member group that later called for the Asilomar conference on controlling gene-splicing research were among those who initially refused to sign the agreement, Lewis recalls. One of the three even threatened Lewis with congressional action, action by the director of NIH and collective pressure from the scientific community, if the viruses were not immediately made available to other laboratories.

A third example of a possibly unpleasant recombinant organism is the experiment contemplated by Paul Berg of Stanford in which an SV40 virus genome would have been inserted into *E. coli*. As with the adenovirus×SV40 hybrids, such an organism might, if it got loose and survived, expose people to the unknown effects of SV40 virus. It was this experiment, never performed, that set in train the process which led to the NIH guidelines on gene-splicing research.

These three incidents all show how easily with modern techniques the biologist can stumble, almost before he has realized it, into making research organisms of potentially grave hazard. The past 30 months of debate have probably made most biologists more aware of such dangers. Even without this advantage, the scientists concerned in these three incidents behaved in a responsible manner. Chakrabarty destroyed his cellulase-containing *E. coli*, Lewis asked for a safety agreement from the recipients of his viruses, and Berg decided not to carry out his experiment. But in wielding their ever increasing powers for manipulating the stuff of life, will all biologists in the future always act with as much intelligence and restraint?

Mr. BUMPERS. Mr. President, I ask unanimous consent that the bill which is entitled "DNA Research Act of 1977" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "DNA Research Act of 1977".

FINDINGS

SEC. 2. The Congress finds that—

(1) research related to recombinant DNA is of exceptional importance, with many potential benefits, but also with major uncertainties regarding its possible effects on human beings and other organisms;

(2) research involving recombinant DNA may involve a high risk not only to those pursuing such research but to the population in general;

(3) it is essential in the public interest that the health and welfare of the nation be protected by requiring that all research conducted with regard to recombinant DNA comply with strict standards of performance and safety; and

(4) all research with regard to recombinant DNA is either in interstate commerce or substantially affects such commerce and regulations by the Secretary of Health, Education, and Welfare as contemplated by this Act are necessary and proper to prevent and eliminate burdens on interstate commerce, to regulate such commerce effectively, and to protect the health and welfare of the nation.

DEFINITIONS

SEC. 3. As used in this Act the term—

(1) "recombinant DNA" means molecules that consist of different segments of deoxyribonucleic acid which have been joined together in cell-free systems to infect and replicate in some host cell, either autonomously or on an integrated part of the host's genome.

(2) "Secretary" means the Secretary of Health, Education, and Welfare.

(3) "commerce" means—

(A) any activity which affects commerce between any State or territory and any place outside thereof, and

(B) commerce within the District of Columbia or within any territory.

ESTABLISHMENT OF GUIDELINES

SEC. 4. The Secretary shall promulgate for research involving recombinant DNA within 90 days after the date of enactment of this Act.

APPLICATION OF GUIDELINES

SEC. 5. The guidelines promulgated under section 4 shall apply to all research involving recombinant DNA that is in or affects commerce, or that is carried on in any area subject to the jurisdiction of the United States.

PATENT RESTRICTIONS

SEC. 6. Notwithstanding any other law, no patent shall be granted on any procedure or organism which results from research on recombinant DNA unless all applicable guidelines have been strictly adhered to, and full and complete disclosure has been made with regard to such process or organism.

CIVIL LIABILITY

SEC. 7. Persons carrying out research involving recombinant DNA shall be strictly liable, without regard to fault, for all injury to persons or property caused by such research.

PROHIBITED ACTS

SEC. 8. No person shall solicit or accept, directly or indirectly, any specimen for research which shall involve recombinant DNA or conduct such research unless there is in effect a license for such research issued by the Secretary.

LICENSES

SEC. 9. (a) The Secretary is authorized to issue licenses for research involving recombinant DNA.

(b) A license issued by the Secretary under this section shall be valid for a period of one year, or such shorter period as the Secretary may establish for any research project and may be renewed in such manner as the Secretary may prescribe.

(c) The Secretary may require payment of reasonable fees for the issuance and renewal of licenses but the amount of such fee shall not exceed an amount necessary to defray the reasonable costs of reviewing and passing upon applications for licenses, and of enforcing guidelines.

(d) Licenses may contain such terms and conditions as the Secretary finds are necessary and appropriate to carry out the purposes of this Act.

APPLICATION REQUIREMENT

SEC. 10. A license shall not be issued by the Secretary unless—

(1) the application therefor contains or is accompanied by such information as the Secretary finds necessary; and

(2) the Secretary determines that such facility will be operated in accordance with the guidelines promulgated under section 4.

REVOCATION, SUSPENSION, OR LIMITATION

SEC. 11. A license issued by the Secretary may be revoked, suspended, or limited if the Secretary finds, after reasonable notice and opportunity for a hearing to the licensee, that such licensee—

(1) has been guilty of misrepresentation in obtaining a license;

(2) has engaged or attempted to engage or represented himself as entitled to perform any research or procedure or category of procedures not authorized by the license;

(3) has failed to comply with guidelines with respect to research facilities or personnel prescribed by the Secretary pursuant to this Act;

(4) has failed to comply with reasonable requests of the Secretary for any information or materials the Secretary deems necessary to determine continued eligibility for its license or continued compliance with the Secretary's guidelines;

(5) has refused a request from the Secretary or any Federal officer or employee designated by the Secretary for permission to inspect the research facility and its operations and pertinent records at any reasonable time; or

(6) has violated or aided and abetted any violation of any provision of this section or of any guideline promulgated hereunder.

UNREASONABLE HAZARDS TO PUBLIC HEALTH

SEC. 12. Whenever the Secretary has reason to believe that a continuation of any activity by a research facility licensed under this section would constitute a significant hazard to the public health, the Attorney General may, at the Secretary's request, bring suit in the name of the United States in the district court for the district in which such facility is situated to enjoin continuation of such activity and upon a proper showing, a temporary injunction or restraining order against continuation of such activity pending issuance of a final order may be granted without bond.

INSPECTION AUTHORITY

SEC. 13. (a) In order to enforce this Act officers, employees, or agents designated by

the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge of a facility engaged in research involving recombinant DNA, are authorized—

(1) to enter, at reasonable times, any such research facility; and

(2) to inspect, at reasonable times and in a reasonable manner, such research facility and all equipment, materials, containers, records, files, papers, processes, controls, facilities, and other things therein, in order to determine whether such research facility is being operated in compliance with this Act, the guidelines issued hereunder, and the terms of any license that may have been issued with respect to such research facility.

(b) Upon completion of any such inspection and prior to leaving the premises, the officer, employee, or agent making the inspection shall give to the owner, operator, or agent in charge a report summarizing any conditions or practices observed by him by which, in his judgment, indicate a violation of this Act or any guideline or license issued hereunder. He shall also prepare a written report of his findings and send it to such owner, operator, or agent within a reasonable time.

VIOLATIONS AND PENALTIES

SEC. 14. (a) Any person who willfully violates any provision of this Act or any guideline promulgated hereunder shall be guilty of a misdemeanor and shall, upon conviction therefor, be subject to imprisonment for not more than one year, or a fine of not more than $10,000, or both. For purposes of computing such fine, each day of a continuing violation shall be deemed a separate violation. In addition, the court may order that the person or entity convicted be ineligible for federal funds, in whole or in part, for a period of up to five years.

(b)(1) No research facility employer shall discharge any employee or otherwise discriminate against any employee with respect to his compensation, terms, conditions, or privileges of employment because the employee has—

(A) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act;

(B) testified or is about to testify in any such proceeding; or

(C) assisted or participated in or is about to assist or participate in such a proceeding or in any other action to carry out the purposes of this Act.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, I yielded the time of the minority leader before I was informed that the Senator from South Carolina (Mr. THURMOND) wished to have the time. I ask unanimous consent that he be permitted to proceed out of order for not to exceed 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from South Carolina is recognized.

AMENDMENT OF THE MUTUAL SECURITY ACT—S. 622

Mr THURMOND. Mr. President, section 502(b) of the Mutual Security Act of 1954 authorizes Members of Congress and congressional committee employees to receive U.S.-owned local currencies in an amount up to $75 per day for their expenses while traveling overseas. The travel allowance is available even though these individuals' expenses may have already been provided by our own Government, a foreign government, private organization, or some other group. Generally, U.S.-owned local currencies are derived from international agreements the United States has with foreign countries such as sales of agricultural commodities or loans to be repaid in foreign currency.

I do not advocate foreign governments or others paying the expenses of Members of Congress and committee employees in an effort to unduly influence our decisions, especially in the foreign aid area. However, I do not think it is fair for these individuals to draw against our local currencies in foreign countries for travel if their expenses are otherwise being paid.

Our local currencies in foreign countries, in addition to being used for congressional travel, are used for our Government's needs such as embassy operations. The foreign currencies owned by our Government are of two types. Excess local currencies are those which the Treasury Department determines are sufficient to more than cover our Government's needs for 2 years. Nonexcess local currencies are those of other countries in which such an excess does not exist. At the present, there are only six countries in which we have excess local currencies. As I understand it, congressional travel is given priority for the use of local currencies, requiring the U.S. Government to purchase additional needed currencies in nonexcess currency countries with U.S. dollars. Consequently, in the situations where Members of Congress and committee employees draw against local currencies, when their expenses have already been paid, not only is there a waste and abuse of local currencies, but our Government in many cases has to incur the expense of purchasing additional local currencies. This practice will eventually subject our Members and others to the criticism that pockets are being lined at the taxpayers' expense. Certainly, any double allowance of travel expenses is not a practice which would insure the confidence of our citizens in their elected representatives. In addition, the inflation which we are experiencing makes it imperative that we stop all unnecessary spending. I believe that it is time to stop questionable practices that reflect on the integrity of the Congress.

I realize that reports are presently required to be filed with committee chairmen and, additionally, with the Secretary of the Senate or Clerk of the House of Representatives to reflect justification for the use of local currencies for congressional travel expenses. However, I do not believe these reports offer adequate protection against excessive expenditures for such travel. An amendment of the statute authorizing the use of local currencies for congressional travel is needed.

Mr. President, I send to the desk a bill which would amend section 502(b) of the Mutual Security Act of 1954 to prohibit the use of our local currencies in foreign countries to pay the expenses of Congressmen and committee employees when these expenses have otherwise been paid. In addition, this bill would prohibit any funds appropriated by Congress from being used for authorized travel if excess local currencies are available for this purpose. These excess local currencies have accumulated to our credit and should be used before we spend any U.S. dollars for these travel expenses. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks and request my colleagues to give the bill favorable consideration.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502(b) of the Mutual Security Act of 1954 is amended by adding at the end thereof the following:

"(c) No nonexcess local currencies of excess local currencies may be made available to any such Member or committee employee for local currency expenses in any foreign country if funds are available for such purposes from the United States Government, any foreign government, or any private source.

"(d) No funds appropriated by the Congress may be made available for such purpose in any foreign country if funds are made available for such purpose from any foreign government or private source, or if excess local currencies are available for the payment of such expenses.".

COMMITTEE SYSTEM REORGANIZATION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of Senate Resolution 4, which the clerk will state.

The second assistant legislative clerk read as follows:

A resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

AMENDMENT NO. 20

The ACTING PRESIDENT pro tempore. The pending question is on amendment No. 20 of the Senator from Maine (Mr. HATHAWAY).

The Senator from Maine is recognized under the previous order.

Mr. HATHAWAY. Mr. President, I am pleased to offer an amendment to Senate Resolution 4 which would further the goals of our reorganization and would greatly improve the responsiveness and responsibility of the committees of this body to the Nation as a whole.

This amendment would require that no Senator serve on any one committee for more than 8 years continuously, beginning with the effective date of Senate Resolution 4.

In addition to cutting back on day-to-day conflicts and burdens which the resolution accomplishes, at the same time we should try to maintain a broad exposure to a great many subject areas, perhaps the only benefit of the current scheduling chaos.

These seemingly contradictory goals could be accomplished if membership on a given committee were for a maximum of 8 years, with one-fourth of the existing membership rotating off the committee every 2 years, at which time they would be assigned to a new committee.

All of our committees would benefit from this infusion of new ideas and new

approaches. Each of us would benefit from being exposed to the problems faced by the different committees and to the viewpoints of more of our colleagues on how these problems might be solved.

Committee chairmen should in no way be immune from this proposal, and might well benefit from it to even a greater extent than their junior colleagues.

After having been a member of a particular committee for some time, each of us tend to view national programs from the perspective of that committee's legislative authority and the programs over which it has oversight.

We would greatly benefit from a procedure which would force us to step outside this potentially stultifying perspective, and at the same time we might be less critical of the work of some of the committees with which we might not always agree if we were forced to undertake directly their work from time to time.

There is precedent for such a rotational process in one of our existing committees—the Select Committee on Intelligence as created by Senate Resolution 400 adopted during the last session, and on which I am privileged to serve.

Members were initially appointed to this committee on staggered 2-, 4-, 6-, and 8-year terms with succeeding members to serve a maximum of 8 years. The legislative history makes clear that this was done in order to insure that members of the committee in overseeing the intelligence community did not themselves become a part of the intelligence establishment, and thereby be less vigilant or critical of abuses.

This principle is no less valid with respect to any of our committees. None of our agencies or departments should be able to become comfortable or cozy in dealing with just a few Senators and should be subject to a constantly changing group of Senators which better represent the needs of all parts of our Nation.

In addition to the Intelligence example, contained in Senate Resolution 4 as reported is language requiring that the Committee on Ethics be consisted of members who shall serve no more than 6 years continuously. Again, this is to insure that new viewpoints and new approaches are brought to bear on the critically important area of ethics and conflicts of interest.

My amendment is drafted to operate prospectively only, and would require that by the beginning of the 99th Congress all Senators move from each of the committees of which they are presently members to new committees. The amendment envisages that this process would be a gradual one with approximately one-fourth of the membership of each committee shifting in each of the next few Congresses and beyond.

But the amendment does not mandate that this occur and does not establish immediately any staggered terms for current members. This would, however, occur over time, as new members are elected and appointed, and current members shift, so that ultimately the procedure would be efficient and predictable.

I think that, given this structure Members will be willing to move from committee to committee, in order to broaden their perspective, and over time to broaden the areas in which they can assist their constituents.

With such a system in place we would totally avoid many of the jurisdictional squabbles and battles for turf which have been apparent in the deliberations over the pending resolution.

If Senators knew that they ultimately would have to leave the committees on which they presently were members, and that it was no longer possible to become, like a tenured college professor, immune from new assignments, new ideas, and new approaches, we would, I predict, finally see a rationalized jurisdictional setup with a minimum of wrangling over power bases.

But an equally important effect of such a new structure would be the response of the departments of the executive branch and the many independent agencies. These bureaucracies would no longer be able to respond exclusively or primarily to a very selective group of Senators who are chairmen or senior members of the committees which have authorizing and appropriating jurisdiction of the department or agency in question.

There is also another reason why I believe this amendment should be adopted.

There is the perceived problem on the part of some voters that special interest lobbying groups, by virtue of targeting their political contributions, are able to exert improper influence upon Senators on particular committees having legislative jurisdiction over matters of concern to that particular group.

The election finance laws, by placing limitations on the amounts which such groups are able to contribute to any one Senator, have largely removed this problem.

But there is another change which could be made that would further foster public trust in the Senate as an institution. And this would be to require that in accordance with the pending amendment all Senators serve as members of given committees for a limited amount of time. The pending amendment to the reorganization proposal mandates that, beginning with this Congress, no Senator serve on any one committee more than 8 years continuously.

In this way there would be much less of a possibility of individual Senators becoming overly specialized and narrowly focused on a limited subject area. Consequently the committees on which they served would probably be more responsive to a wider range of issues and geographical areas, and less susceptible to the charge that committee members are responding simply to the groups which contribute to their campaign funds.

Let me say, in conclusion, before yielding the floor to others who wish to speak on the amendment, that we all know each Senator has one vote and in that way each and every one of us is equal. But at the same time we all recognize that some of us are a little more equal than others, and that those who have committee and subcommittee chairmanships who have established a domain within a certain area tend to be more influential, more powerful than others. This amendment would go a long way to redistribute the jurisdiction, the power, and the influence among the entire Senate membership so that we would be able to reach a point of greater equality between all Senators. In this way all Senators would be much better informed than they are at the present time with respect to all of the problems that confront us from year to year.

I know the argument will be made that when a Senator serves on a certain committee over a period of years he develops a certain expertise. Of course, some expertise is necessary for us to function. But I think those of us who have been around for a little while will admit that the learning curve starts to flatten out after 2 to 4 years and certainly by the time that a Member reaches 8 years on a committee the additional amount that he will learn from that additional time on is very small.

Although I suppose he would learn something if he stays on 10, 12, 14, and more years, I think that the Senate as a whole will benefit more from that individual Member's foregoing that little bit of learning. Instead we should have new Members appointed to each committee at that juncture in order to bring their new ideas and new perspectives to bear upon legislation that comes before it.

Mr. BUMPERS. Mr. President, I am a cosponsor of the amendment of the distinguished Senator from Maine. I have done all I know to do and used all the abilities and persuasive powers I have, ever since I have been here, to try to change the modus operandi of the Senate, in the belief that we were really not serving our best interests and certainly not the best interests of the Nation.

It seems to me that the Senator from Maine has hit a nerve when he points out that all of us have a tendency to become lobbyists for certain constituencies. It is very easy to fall into the trap of limiting one's vision here to those specialties which are almost always confined to his committee assignments. That just happens to be the place where he develops more expertise, where he hears more good, hard-core information; it is the place where he can be most effective; it is the place where he can get amendments on; he can issue more press releases; and claim more bills and amendments passed.

But the truth of the matter is, this system does not allow a Senator to become the well-rounded Senator his constituents have the right to expect him to become.

It seems that almost every action similar to the one the Senator from Maine is proposing is taken in this Chamber as a vendetta against some particular group. I wish we could get away from that syndrome, because this proposal has unquestionable merit, the merit being that if you can serve on a committee for only 8 years, you are going to move to another committee, and you are going to learn more about the workings of the U.S. Government and de-

velop more knowledge, and thus vote more knowledgeably on other bills.

All of us here are sort of prisoners when it comes to legislation coming from committees on which we do not sit. We almost invariably defer to the committee chairman, who is almost invariably the floor manager of the bill, and we have to do it, not only out of respect but out of ignorance of the matter. And if one raises a point on the floor, they say, "Oh, we discussed that in committee. We had So-and-So testify on that subject. He is the world's renowned expert on it, and we discarded that idea," and we have no opportunity here to know whether we want to pursue that point or not.

I am sorry that the Senator did not go for 4 years instead of 8. I am asking for a new committee assignment this year, and it is my plan not to stay on any committee more than 4 to 6 years, because I have found that you are rather limited here when you are serving on only two committees, and are at the mercy of what almost anyone tells you so far as the work of the other committees is concerned.

I think it would be beneficial to all of us to spread our talents and abilities around, and I think we can better serve the constituents we came here to represent if we are forced to learn more about more areas of the Federal Government.

I thank the Senator from Maine. I am very pleased to cosponsor the amendment.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. BUMPERS. I do not have the floor. Do I have the floor? I yield the floor.

Mr. CANNON. Would the Senator suggest that we apply that broadly, across the board; that we provide that a doctor could not practice medicine for more than 8 years, that he would then have to go into some other profession and be trained for it; the same for a lawyer, that a lawyer would have to go into some other profession and be trained for it after 8 years; that a professor of mathematics in a university would have to go over and teach social studies after 8 years? Would the Senator suggest that that is a sound approach?

Mr. BUMPERS. No, but I do not think the Senator's analogy is analogous. The people of Arkansas did not send me up here just to be on the Interior Committee; they sent me up here to represent their interests in all areas of the Government. They sent me up here to learn as much as I could about agriculture, about finance, about welfare, about food stamp, about all the programs sponsored by HEW. They did not send me up here just to serve on the Interior Committee, but that is about the only subject I have learned anything about.

Mr. CANNON. If this approach is good—did I understand correctly that the Senator is saying it would not apply at the present time, but would apply at the beginning of the 96th Congress? Is that it?

Mr. HATHAWAY. That would be the first possible shift, or staggering of terms, although the 8 years would start to be counted as soon as Senate Resolution 4 takes effect. And, of course, whatever prior time any Senator had served on a certain committee would not count toward that 8 years.

So, if every Senator exercised his right to stay on a committee for an 8-year period, it would be four Congresses from now before there would be a mandatory shift of all of those Members to other committees.

Mr. CANNON. Well, why, if this is a good proposition at some point in the future, is it not good now? Why does not the Senator suggest that it commence immediately, that we not exclude service prior to the effective date of title I? Because if the philosophy of it is good, it is just as good now as 8 years from now. The only thing it seems to me the Senator is doing is trying to impose a rule on someone who may follow along which does not apply to us. That is the same type of situation we have had with this whole reorganization proposal.

Mr. HATHAWAY. It will apply to all of us 8 years from now. This amendment was so drafted in order to try to get more votes. If it were to apply immediately, some would not vote for the amendment, whereas if they can say to themselves "I have 8 years more on my present committee" they might support the amendment. That was, frankly, one of the primary reasons. In addition, we wanted to allow for some transition period during which new Members could be given staggered terms, so that at the beginning of the 99th Congress, or any Congress, we did not see a total turnover in all our committees.

Mr. CANNON. Would not the Senator agree that if it is a good philosophy now, it is just as good if started now as if started 8 years from now?

Mr. HATHAWAY. I agree in principle with the Senator's point. The Senator is absolutely correct.

Mr. CANNON. Very well, I will offer such an amendment at the proper time, to make it start immediately. As I say, if it is good 8 years from now it ought to be good now, and as long as the Senator agrees that that is philosophically correct, I will be very glad to have his support on the amendment.

Mr. HATHAWAY. Will the Senator, then, support that amendment he will offer?

Mr. CANNON. I certainly will support the amendment I offer. I was just enlisting the support of the Senator from Maine for my amendment.

Mr. TALMADGE. Mr. President, I rise to oppose the amendment offered by our distinguished colleague from Maine.

We have a very large and complex Government with enormous expenditures annually. We have in the U.S. Senate a committee system to which bills are referred; they hold hearings on those bills and make recommendations on the bills. Because of the complexity of our Government, Senators tend to become specialists on the committees on which they serve.

I happen to serve on the Finance Committee, the Committee on Agriculture and Forestry, and Veterans' Affairs Committee. The jurisdiction of every one of those committees is enormous and highly complex. I served on Agriculture for a number of years before I found out most of the things with which our committee dealt. I have been on the Finance Committee for some 18 years, and there is still a great deal of the jurisdiction of that committee of which I have little expertise and little knowledge. I have served on the Veterans' Affairs Committee since it was organized. There are many facets of the jurisdiction of that committee that I am not familiar with.

The longer we serve on our committees, the more experience we get, the more knowledge we have of the jurisdiction of our committees, and that is normal. Under our system, Mr. President, we try to reward experience. I do not think any utility company would take a skilled engineer that it employed and say "You have been in the business now for 8 years; we want to put some junior engineer in your spot, and assign you to something else." I do not think any law firm, Mr. President, that was large and had several experienced trial lawyers, would pick out the trial lawyer with the most experience, assign him to other duties and responsibilities, and appoint in his stead some other lawyer right out of law school who had never tried a case.

Yet that is exactly what the amendment of the Senator from Maine would do. It would reward inexperience and penalize experience. That is contrary to all logic that has ever been developed since the beginning of time.

If it is the Senator's idea to put new blood on committees, I do not object to that. But we already do that. Every new Congress brings new Senators, Republicans and Democrats alike, to this body, who are assigned to all of our committees. That is new blood. We have 18 new Senators in this body. They will be assigned to each and every one of the standing committees of the Senate. They will bring the freshness of new blood, the freshness of the recent political campaign, and ideas that are not stilted in the old Washington ways. That is good.

Mr. President, to pass an amendment to say that we will remove Senators with experience from committees, and that we will put inexperienced Senators on those committees, wholesale, belies all wisdom and all logic that has ever been devised by man since the beginning of history. It is wholly illogical.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, Jr.). The question is on agreeing to the amendment of the Senator from Maine.

Mr. CANNON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second legislative clerk proceeded to call the roll.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order.

Mr. STEVENSON. Mr. President, the subject of this amendment, rotating membership on committees, was considered in the select committee, but that committee took no position. It deferred action on the proposition in order to give it more study and to act in the interim on structural reorganization.

I only speak for myself when I oppose this amendment.

Mr. President, I oppose it for the reason that I am fearful rotation will make it very difficult for members to acquire the knowledge and the expertise which is necessary in these times. It takes as long as 8 years to become knowledgeable in just an elementary way on such complex and difficult subjects as energy. The great danger in this proposal is that it will put the Senate to a larger disadvantage in its dealings with representatives of special interest groups on the outside, in its dealings with representatives of the executive branch, and even with those who represent the other body.

It could be that staff would acquire far more authority in the Senate vis-a-vis members if staffs continue without rotation. They would be more expert than the Senators themselves. If they were to rotate, they would be subject to the same disadvantages as the Senators.

Mr. President, this amendment, if adopted, would make long-term policy and critical oversight by committees more difficult. Senators would have a greater incentive to do short-term investigations and develop short-term impact.

Most issues are so complex that it is difficult to master the necessary knowledge, as well as to put together the necessary long-run programs, in the time this amendment would afford members to work on their committees.

I regret I was not here to listen to the Senator from Maine, but I understand he cited the Intelligence Committee as an example of rotation at work.

Mr. President, I serve on that committee. It has been in existence only a short time. It is far too soon, in my judgment, to see whether, in fact, this proposal would work, based upon the experience of that one committee.

I have my own doubts about rotation of members. It will take members a long time serving on that committee to learn all the intricacies, all the procedures, and about all the personalities in the intelligence community. Until they do so they are not as effective as they might be or will become.

Besides, Mr. President, the precedent of the Intelligence Committee is not really applicable here. That was a special case. It was felt by the Senate that the specific need for a new committee to oversee the intelligence community, and overcome the failure of the Senate in the past to exercise oversight, effectively justified the rotation of members. As members know, it is a third committee.

It is a very special situation. Because it is special, and because we have not had time to test that experience, the situation offers no argument at all, in my mind, for extending that experience to all of the committees in the Senate.

So, Mr. President, for those reasons I urge members to oppose this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. RIEGLE and Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise in support of the amendment.

Let me say at the outset that I think it is a very poor Senator who is a specialist. Our job is to represent the people, not a particular interest or a particular subject. The interests of people cover a broad spectrum. I think that the most effective of my colleagues in the Senate and House are those who have a broad grasp of many subjects, who are generalists, who rely for the specifics on those of their staff or individuals outside their staffs who have a technical expertise. It would be a very bad United States Senator who knew everything there is to know on atomic energy and nothing else, or everything there is to know about space and nothing else.

I think what the amendment tries to address, is an abuse that has been prevalent in the Congress. The abuse is very simply that after a period of time, those who serve on committees in the Senate and the House do not perform an oversight function. Rather they perform a handholding function with those they are supposed to oversee.

Reference is made by the distinguished Senator from Illinois to the CIA oversight committee. As the author of the concept—of rotating membership—let me explain very carefully, in the light of recent history, why it was that I made that recommendation in the Watergate committee report and why it was then included in the legislation that came before this body and why it is in place today.

The fact was that the intelligence law enforcement agencies of this Nation had been exempted from the oversight processes of Congress. Individual quirks of some members of the intelligence community developed finally into a full-blown illegality. Nobody cared because nobody was asking.

I do not expect the Senator from Illinois or anyone else who sits on that committee to become an expert in intelligence. Rather, it seems to me, our job is to give general policy direction, not get into the specifics. I will say that a very important qualification for being on that committee, probably even more than being an intelligence expert, is to be a constitutional law expert, because there is where the danger occurred, in the relationship between the intelligence-gathering function and the constitutional principles of this country. So, right there, you bring in two disciplines that are required of each member of that committee.

The fact is that, over the years, these agencies have received no policy direction whatsoever, no accountability as to funding; without any supervision whatsoever, it was only a matter of time and further adventures before we ended up with the rather difficult situation that confronted us in Watergate—and, I might add, where other instances of abuse have been revealed in other administrations.

I think it is important to understand the history of the concept, No. 1, and also to grasp the nature of the problem we are addressing ourselves to here. After a period of time, a U.S. Senator or Congressman just by virtue of his close relationships with the agencies he is supervising, is incapable of making the impartial decisions and judgments required of an effective oversight entity. That is the problem.

I understand the tremors that go through this body when there are those who realize that this would, in fact, strip a man for a period of time of seniority, or would be damaging to his chances of becoming chairman, or would chip away at his power. But that is not the object of our presence in this body. It is to legislate properly, to see that the various agencies are performing the tasks assigned to them. If we want to talk about reform around here, it seems to me this is one very important aspect of it. I really do not care about how friendly the relationships are between myself and the various agencies of Government that I am charged with supervising. Probably the less friendly, the better.

I think it is a good thing, for example, a good example of oversight as far as we are concerned is the press. I think a buddy-buddy press is the worst thing in the world for American politics. I know some of us are angered every now and then because we think they are excessively hardnosed toward us and our colleagues. It is not a bad thing. In fact, it forces us to do our job and do it well. I do not think a buddy-buddy Senate or a buddy-buddy House with the agencies is a good thing. That is exactly what has developed and there is no getting around it.

I do not think the 9th or 10th or 11th or 12th year is going to lend any more expertise which is going to result in a better job done.

So I hope that, Mr. President, the amendment of the distinguished Senator from Maine is adopted, as I said, having been the author of a concept which now attaches to the Senate Intelligence Committee. I might add that it is interesting to note that I was never asked to serve on that committee. That is what we are talking about as to the way the establishment views, in other words, any active, intelligent, probing oversight. So I support this concept.

I understand that some amendment might be added which, in effect, would make this amendment become effective right away; in other words, never mind any grandfather aspects to it. I think that would be super. I grant you, it is not going to pick up any votes.

I hope my colleagues do support this amendment. This is not just some idea that is academic in nature. I think it is essential if we are going to go ahead and perform the oversight function that is assigned to us. I am glad that the principle does exist with the Intelligence Committee. Indeed, if it is valid there, it should be valid for the rest of the standing committees in the Senate.

The PRESIDING OFFICER (Mr. BUMPERS). The Senator from Michigan.

Mr. RIEGLE. Thank you, Mr. President.

I rise to speak in support of the amendment, which I am privileged to cosponsor with the Senator from Maine.

It seems to me there are several advan-

tages to this amendment. One relates directly to the comments of the Senator from Connecticut. That is that all 100 of use are responsible, in the end, for knowledge and insight and judgment in all areas—defense policy, agriculture policy, labor policy, health care, everything that one can think of. It is, of course, very difficult for any of us to develop the breadth of knowledge and the insight that we need across that broad waterfront. I think the best way for us to do that over a period of years of service is to have the chance to serve on a number of committees.

I know the argument will be made the other way, that it is better that people specialize for a period, not just of years, but, in some cases, decades, and that in turn, we institutionalize, in a handful of individuals, the knowledge and depth to such a degree that the rest of us can then rely on that handful of individuals for judgment in that particular area. I think there are lots of dangers in that because of just the sheer volume of information that all of us have to try to deal with in all of the different subject areas.

I see great value in moving all Members periodically through service on various committees. I think it would do us good as an institution for each one of us to have a greater opportuntiy for indepth perception, involvement in a number of such areas.

Second, of course, there is an impact with respect to committee chairmen because we know with the seniority system virtually intact and essentially unchanged over many years, that once Members become senior on committees and if there is no rotation requirement insofar as committee service is involved, those chairmen, to the extent that they stay here and are reelected, can serve in those chairmanships for very long periods of time. I might say, it is not with any necessary demonstration that that particular individual is the best of all the people on the committee to serve as chairman.

I am not here to make an argument specifically against the seniority issue today. But one thing is clear, and it is that the seniority system does not in all cases provide the best committee chairmen that we might have. But as long as we keep unlimited committee service with the seniority system, we do end up with chairmen who can, in effect, rule as chairmen for many years.

I happen to think that is bad practice. I think it would be good practice to rotate committee memberships, and to rotate the chairmanships on the committee.

But in the end, if we are not going to adopt an amendment of this sort, we really do not get to the question of where the leadership at the top of the committees comes from with respect to the chairmanship of those committees.

I think that all of us have had enough experience both in the Congress and outside in other endeavors to know that after awhile all of us become somewhat stale in the job assignments we are in.

There is great value to be said for having a chance periodically to put specific job responsibility in new hands and to give a new group of people and a new operating executive in the case of the chairman, or subcommittee chairmen, an opportunity to bring fresh insight, fresh energy, and a fresh point of view to that particular committee.

Probably in every instance where there has been a change in committee chairmen down through the years, when a new person comes into the chairmanship, certain changes take place. The budget will be looked at differently, there will be staff changes. There will be a kind of fresh opportunity to reappraise the way a job has been done in the area for some time.

The real key to the power structure on committees in terms of chairmanship is, of course, the question of membership on the committee itself.

The way we best solve that problem is with the amendment that has been offered by the Senator from Maine and by myself.

Let me make another point. It has been my observation, after 10 years of service in the other body, that a community of interest tends to build up between the senior figures on a committee, the professional staff which they bring with them, and the staff people in the executive branch of Government who have the counterpart responsibilities. This tiny community of interest that gets established becomes really too much the policy-setting center.

Whatever area of jurisdiction we are talking about, be it agriculture policy, defense policy, or whatever, I think that narrowness, narrowing it down into such a small number of hands, and perpetuating those arrangements and relationships in some cases for decades, does not really serve the interest of good government, of open government or of broadly shared responsibilities within government.

The only way we change that is by rotating job assignments over a period of time.

Quite frankly, just the debates I have had a chance to participate and listen to in this body in the last 3 or 4 weeks make it very clear to me that the human endowments and abilities that are dispersed among us here are really quite equal.

Everyone brings talents, great talents and strength, and particular insights. I think probably everyone here is fully equipped to serve as a chairman or subcommittee chairman, and the chances of that happening would be greatly increased if this amendment were adopted.

It would, in effect, accomplish a rotation not just of committee memberships, but chairmanships, on a more rapid basis than we are likely to see in any other fashion.

Finally, I think one of our great difficulties in this country today with respect to our political system and political process is how we involve more people in it.

I do not just mean the people here involved in the work processes of this institution. I am thinking more in terms of the 215 million Americans out across the country and finding ways for them to participate more directly and meaningfully in the decisions made here that affect everybody's life.

One way to get more people into the Congress, more people willing to run for Congress, is to broaden the opportunity for significant service early in time during a career in Congress.

If people of great talent and ability now in the private sector thought they could come to the Senate and perhaps on some basis other than having to stay here long enough to outlive all the other Members that came before them, that they could, on the basis of merit or the way the system works, earn their way into committee chairmanships, that that would be an additional incentive and inducement for talented people to come into the public sector and run for public office.

I know from my own experience, working with the IBM Corp., there is a lot of talent of that sort in companies. There is talent in the professions, there is talent in labor, there is a lot of talent throughout sectors of the economy that are not directly associated, per se, with politics.

Every time we can create an additional constructive, positive incentive for able people to come into the political process and to seek these very jobs, we have made a step forward.

Just a day or so ago in the hearings in the other body, some national pollsters came in to talk about the public feeling of people across the country toward Members of the Congress.

For those who saw that article, they found, as other studies have shown, that we rank quite low, relatively speaking, when compared with other people in other walks of life throughout our society.

One of the ways we can begin to change those attitudes is by revitalizing and really setting the energies that are inherent in institutions like ours loose in ways that let us improve our work product and to bring fresh thinking to problems faster and on a more regular basis than we have managed to do in the past.

That would be one significant incentive for people outside today who tend to take a dim view of politics and all the hassles that go with public life and public service.

There are a number of people out there who, if they thought they could come here and hope for this early in time, would be more inclined to seek public office. I think that would enable each of us here do a better job.

If we can improve and enlarge the competition for these jobs, in the end we get a better work product out of the Senate and out of the Congress as a whole. That would be a very important national gain.

Despite the fact that some people would find some privileged preserves and some long-standing power arrangements altered and diminished because power would be redistributed on a more equitable basis, I would hope that people that fall into this category would be of a mind to share the operating responsibility of this institution on a more even basis.

In the end, the decision along those lines by those in that position would reflect more credit on them than on any-

body else and, even more so, those who seek to get this change across.

So I hope that by initiating this debate and this effort, we can bring ourselves to a judgment collectively as an institution that we are prepared to change and we are prepared to make it possible for our full energies collectively and our full insights to be brought to bear within the work system, within the committee system, in a fashion that could let us do a better job. I think this amendment will have that effect, and I hope it will be supported broadly.

Mr. HATHAWAY. Mr. President, I would like to respond to a few of the arguments that have been made in opposition to the amendment.

It has been contended that the subject matter in all the committees is quite complex, that it will take a Member a considerable amount of time to understand all its complexities, and that the longer the individual is on the committee, the more of an expert he becomes. I believe there is some measure of truth in this contention, that the longer a person does serve on a committee, the better he understands the subject matter that comes before him. However, I think the tradeoff from the new ideas that would result from having a constant infusion of new members more than offsets the additional expertise that a person will acquire after serving for more than 8 years.

Furthermore, I think that this expertise is compensated for considerably by another factor. After a Senator has served on a variety of committees, he has picked up a great deal of knowledge that can be brought to bear on his new committee assignment. The subject matter of the new committee is much more easy to understand through the amount of background knowledge gained from other assignments and this knowledge will be brought to bear on that subject matter in that particular new committee.

Furthermore, we have the shining example of the Committee on Committees, which brought this bill to the floor in just 9 months. It did not take this committee more than that length of time to bring to us a bill on restructuring all our committees, which is a fairly complicated matter.

So there is evidence to show that it does not take a great deal of time in order to come up with a reasonably good piece of legislation in a complicated field.

In addition, we have the example of the Intelligence Committee, which has already been mentioned. The Intelligence Committee is studying our entire intelligence community, and this is extremely complicated. Yet, the Senate agreed that we should have staggered terms on that committee, with no member serving more than 8 years.

I believe that the point made by the distinguished Senator from Connecticut bears repeating: That we may never understand all the intricacies and all the little details of a subject matter that comes before our individual committee, but this is not relevant since our primary responsibility is to set policy.

I do not think it takes very long to learn enough about the subject matter in any committee in order to formulate some ideas as to what we think the policy should be. We should not be put in the position of relying exclusively on so-called experts. If we take the position of those who are opposed to this amendment, that after a while people have built up a certain amount of expertise and therefore must not be displaced, I suppose we should also agree that if we do not serve on that particular committee or if we have been there only for a short period of time, we should always go along with the experts and should give our vote to them. Certainly that does not make any sense at all, and would result in our completely reneging on our responsibilities to those who elected us.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SCHMITT. Mr. President, will the Senator yield for a brief time?

Mr. HATHAWAY. I am happy to yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. SCHMITT. Mr. President, I compliment the Senator from Maine for offering this amendment.

I have listened to the debate, and I have one further comment to add that perhaps goes back a little in history and would emphasize some of the points made, particularly those made by the distinguished Senator from Connecticut.

I am sure we all recall that 190 and 200 years ago, the people who created the unifying political fabric of this country were in fact generalists. It is a fabric that is truly a miracle, in terms of the span of human events, that has allowed us to govern ourselves as free men and women. If we look at the biographies of the men who wrote the Declaration of Independence and the men who created the Constitution, we see that they had a very broad spectrum, both in the aggregate and individually, of the human knowledge that was then available.

It is important for the future of this country and the future of this Republic that we begin to realize that generalists are required once again; that we must create for this country a new founding generation which can deal with the rapidly accelerating rate of change that we are experiencing, and which can deal with the new conditions that are virtually unique to our times.

Everyone can go through that list of conditions that have changed in 200 years, and I will not do that this morning. An example, of course, is the fact that we are largely an urban society now, whereas we used to be largely rural, and that has resulted in many of our present difficulties.

If we do not do everything we can to encourage the development of generalists within Congress, the executive branch, and the judicial branch of this Government, we will find our difficulties becoming worse rather than being solved.

I rise in support of this amendment; I think it is an excellent idea. I think that just about anybody I have met in this illustrious body is capable of rapidly assimilating the necessary details of any particular area or issue with which a committee concerns itself. I believe that those who argue that it takes many years of dealing with specific items to be able to deal with those items on a continuing basis and on a legislative basis are underestimating the capabilities of themselves and of the other Members of this body.

I recommend the adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CANNON. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Maine. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from North Carolina (Mr. MORGAN), the Senator from New York (Mr. MOYNIHAN), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) would vote "nay."

On this vote, the Senator from North Carolina (Mr. MORGAN) is paired with the Senator from Iowa (Mr. CLARK). If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Iowa would vote "nay."

Mr. STEVENS. I announce that the Senator from New Jersey (Mr. CASE), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), and the Senator from Idaho (Mr. MCCLURE) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

I further announce that, if present and voting, the Senator from New Jersey (Mr. CASE) would vote "yea."

The result was announced—yeas 72, nays 15, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—72

Allen	Ford	McClellan
Anderson	Garn	McGovern
Baker	Glenn	McIntyre
Bayh	Goldwater	Melcher
Bellmon	Hansen	Metcalf
Bentsen	Hart	Metzenbaum
Biden	Haskell	Nelson
Brooke	Hatch	Nunn
Burdick	Hatfield	Packwood
Byrd, Harry F., Jr.	Hayakawa	Pearson
Byrd, Robert C.	Heinz	Pell
Cannon	Helms	Percy
Chafee	Hollings	Proxmire
Chiles	Huddleston	Randolph
Church	Jackson	Ribicoff
Curtis	Johnston	Roth
Dole	Laxalt	Schweiker
Domenici	Long	Scott
Eagleton	Magnuson	Sparkman
Eastland	Mathias	Stafford
	Matsunaga	Stennis

Stevens	Thurmond	Williams
Stevenson	Tower	Young
Stone	Wallop	Zorinsky
Talmadge		

NAYS—15

Bumpers	Hathaway	Muskie
Culver	Humphrey	Riegle
Danforth	Kennedy	Sasser
Durkin	Leahy	Schmitt
Gravel	Lugar	Weicker

NOT VOTING—13

Abourezk	DeConcini	Morgan
Bartlett	Griffin	Moynihan
Case	Inouye	Sarbanes
Clark	Javits	
Cranston	McClure	

So the motion to lay on the table was agreed to.

Mr. CANNON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 37

The PRESIDING OFFICER. Under the previous order, the pending business will now become amendment No. 37 by Mr. LONG which the clerk will state.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. LONG) proposes amendment numbered 37.

Mr. CANNON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

The Senate will be in order. Senators will please retire to the cloakrooms or take their seats. The Senator is entitled to be heard.

The Senator from Nevada.

Mr. CANNON. Mr. President, the Senator from Louisiana was called away from the floor. I see he is present now.

Mr. LONG. Mr. President, I have a request to confer with the President of the United States to discuss legislation he is recommending to us, and I will not be able to present my amendment at this time.

I ask unanimous consent that my amendment be temporarily laid aside and called back later today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD and Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, I have discussed this matter and I now believe that perhaps we can in short order dispose of my amendment. I ask unanimous consent that my amendment be laid before the Senate.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. LONG) proposes amendment numbered 37.

The amendment is as follows:

On page 62, between lines 7 and 8, insert the following:

11. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

Mr. LONG. Mr. President, let me briefly explain this amendment. The purpose of this amendment is to make clear what the committee report stated with regard to the jurisdiction of the Committee on Finance with regard to health insurance legislation. The report states that the jurisdiction of the Committee on Finance will remain unchanged.

In the 93d Congress it means that, as in the previous Congress, there were 10 health insurance bills introduced and they were referred solely to the Committee on Finance. In the 94th Congress there were five health insurance bills, referred solely to the Finance Committee. Thus continuing this practice means that the Finance Committee will have jurisdiction of such bills in the future. More specifically, when the House passes a health insurance bill, that bill will be sent to the Senate, and in the ordinary——

Mr. STENNIS. Mr. President, I suspect this is an important matter. Mr. President, may we have order so we can hear?

The PRESIDING OFFICER. The Senator's point is well made. Let us have order in the Senate. Every Senator please take his seat or retire to the cloakroom. Will the staff please take their seats so that the Senator can be heard? We will not transact further business until we have order. All Senators please take their seats or retire to the cloakroom.

The Senator from Louisiana may proceed.

Mr. LONG. Mr. President, it was the case with the medicare bill and the medicaid bill that those bills were referred only to the Committee on Finance to hold hearings and to make recommendations.

I am well aware of the fact that there are members on the Committee on Labor and Public Welfare and there will be members on the Committee on Human Resources who are very interested in this matter, and they will, of course, watch what we do. If they wish it is perfectly all right with me for them to hold hearings and make recommendations. If their recommendations are at variance with our recommendations I cordially invite them to offer their amendments in the Chamber and let the Senate decide.

For example, if we have one recommendation with regard to fee schedules for doctors and they suggest a different fee schedule, or if we have recommendations for a deductible and they suggest a different deductible, let them offer their amendment, individually or as a committee. The Senate will decide.

I simply wish to make it clear that the legislation will be referred to the Committee on Finance to make its recommendations. I do not seek to say that other committees should not make recommendations which they will offer as floor amendments. More power to them. If they can find the time to devote a lot of attention to holding hearings and further exploring the matter, and then they wish to make different recommendations, it is all right with me.

I wish to make it clear that a bill that levies a tax and pays out a health benefit, as does the medicare bill and as will the health insurance bill, will be within the jurisdiction of the Committee on Finance to hold its hearings, conduct its markup, and make its recommendations. The Senate can do whatever it wishes to thereafter.

I believe, Mr. President, that this matter has been discussed to the point that we understand one another, and I hope that this amendment can be agreed to without objection.

Mr. KENNEDY. Mr. President, it is my understanding that the amendment of the Senator from Louisiana is basically to maintain the status quo. There has never been a question in my mind about the jurisdiction of the Finance Committee in the areas of payroll taxes. I think it has been difficult to really predict the shape and form of any particular legislation, and how it will come over here from the House of Representatives. So I have no objection to the amendment; and I think, for the reasons that were stated in the Senator's presentation last evening, in order to clarify what might be some degree of ambiguity, with the inclusion of the word "health" rather than "public health" which really did not seem to me to be enormously significant, I have no objection to the amendment.

Mr. LONG. Mr. President, I thank the Senator, and I look forward to working with him in passing health insurance legislation. I hope we are able to join together on something that the President will sign which will very much advance the health care of all citizens of this country. I know we share a mutual concern, even though perhaps some of the details might be things on which we might differ.

I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. LONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RIBICOFF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 27

Mr. HELMS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 103, after line 20, insert the following:

"TITLE VIII—PROTECTION OF RIGHTS OF THE MINORTY

"SEC. 801. (a) Section 133 of the Legislative Reorganization Act of 1946 is amended

by adding at the end thereof the following new subsections:

"'(i) No standing committee or subcommittee thereof may hold a meeting to consider reporting any measure or matter or to consider amendments to any measure or matter, unless the members of the committee or subcommittee who are members of the minority party have been given notice of such meeting and the purpose thereof at least seven days in advance. The provisions of the preceding sentence may be waived by a majority vote of the committee or subcommittee but only if a majority of the committee or subcommittee is actually present when such vote is taken and a member of the committee or subcommittee present who is a member of the minority party votes to waive such provisions.

"'(j) No amendment to any measure shall be in order during the consideration of such measure or matter by a standing committee or a subcommittee thereof, unless the members of the committee or subcommittee who are members of the minority party have been given notice of such amendment at least twenty-four hours in advance.

"'(k) No committee print of any measure or matter, or of any amendment to any measure, may be obtained by any standing committee or subcommittee thereof, except upon approval by a majority vote of the committee or subcommittee and only if a majority of the committee or subcommittee is actually present when such vote is taken and a member of the committee or subcommittee present who is a member of the minority party votes to approve such committee print.'

"SEC. 802. Paragraph 5 of rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new subparagraph:

"'(c) The number of members of a standing committee or subcommittee fixed under subparagraph (a) or (b) as constituting a quorum shall include at least one member who is a member of the majority party and at least one member who is a member of the minority party,'".

On page 103, line 21, strike out "VIII" and insert "IX".

On page 103, line 22, strike out "801" and insert "901".

On page 104, line 1, strike out "802" and insert "902".

On page 104, line 8, strike out "803" and insert "903".

Mr. HELMS. Mr. President, I have furnished a copy of this amendment, which is actually a modified version of a printed amendment I have submitted, to the able manager of the bill.

The PRESIDING OFFICER (Mr. BUMPERS). Will the Senator suspend for a moment until we have order in the Chamber? The Senate will be in order. Senators will please take their seats. We consume an inordinate amount of time here requesting order. That is an utter waste. Senators will please retire to the cloakrooms or take their seats. The Senator from North Carolina is entitled to be heard and to explain his amendment.

The Senator may proceed.

Mr. HELMS. I thank the Chair.

Mr. President, as a member of the select committee to study the Senate committee system, needless to say I share the views of many of my colleagues that the present committee system of the Senate is in need of a major overhaul.

At the time the select committee submitted its report to the Senate, I stated I would submit amendments to what was then referred to as Senate Resolution 586 and is now being considered as Senate Resolution 4.

The proposal I am submitting with this amendment is submitted not only for the purpose of protecting the rights of members of the minority only, but for correcting procedures which prevent each Senator from more fully doing the job his constituents elected him to do.

Certain procedures prevent members of the minority party from having the proper opportunity to consider actions that affect their constituents. Amendments are often offered in committee after they have been cleared with the majority, but the minority has only a few minutes to consider them. Committee prints sometimes appear which have never been before the committee for a vote, and are based mainly on staff interest. Sometimes testimony is taken without a quorum present.

Mr. President, this amendment makes four specific revisions in committee procedure. It would make the following changes, and I shall discuss them very carefully.

First, no standing committee or subcommittee may hold a meeting to consider reporting any measure or to consider amendments to any measure unless the members of the minority party have been given notice of the meeting at least 7 days in advance.

Having said that, Mr. President, let me quickly add that this requirement may be waived by a majority vote of the committee if a majority is present and even when only one member of the minority party votes to waive such provision.

Second, no amendment to any measure shall be in order unless the members of the minority party have been given notice of such amendment at least 24 hours in advance.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HELMS. I thank the Chair.

Third, no committee print of any measure or matter, or of any amendment, may be obtained by the committee except upon approval by a majority vote of the committee, and only if a majority of the committee is present when the vote is taken, and only if a member of the minority party approves such committee print.

Let me emphasize, Mr. President, that only one member of the minority party need agree. That is all that is necessary.

4. A quorum for committees and subcommittees shall consist of at least one member of the majority party and at least one member of the minority party.

As originally drafted, Mr. President, this amendment provided that no standing committee or subcommittee may hold a meeting to consider reporting any measure——

The PRESIDING OFFICER. Will the Senator suspend for a moment?

Will Senators either retire to the cloakroom for their conversations or take their seats? We will not proceed further until Senators are in their seats or in the cloakroom.

The Senator may proceed.

Mr. HELMS. I thank the Chair.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. HELMS. I am glad to yield.

Mr. NELSON. The Chamber is not in compliance with the request of the Chair.

The PRESIDING OFFICER. The Senator is correct.

The Senator may proceed.

Mr. HELMS. As originally drafted, Mr. President, the amendment provided that no standing committee or subcommittee may hold a meeting to consider reporting any measure unless the members of the committee or subcommittee who are members of the minority party have been given notice of such meeting and the purpose thereof at least 7 days in advance.

The amendment further provided, however, that this requirement of advance notice could be waived by a majority vote of the committee or subcommittee providing that a majority of the minority members present also agreed.

As now modified, the amendment simply requires that a member of the minority, just one member of the minority, I emphasize, agree to the waiver provisions rather than a majority of the minority.

This change is necessary in order to eliminate unnecessary restrictions on committee activity. The rights of the minority will be protected, I believe, as long as one member of the minority party is present when the decision is made to waive the provision for advance notice of meetings.

On page 2, lines 5 through 8, strike all of the words after the word "a" and insert in lieu thereof "member of the committee or subcommittee present who is a member of the minority party votes to waive such provision", and so forth.

As originally drafted, the amendment further provided that no committee print and no amendment to any measure may be obtained by any standing committee or subcommittee unless a majority of the members, including a majority of the minority members, of the committee so agreed.

As now modified the amendment simply requires that one member—only one, Mr. President—of the minority party rather than a majority of the minority agree to the committee print or amendment. This change removes any objections which might be made to the effect that minority concurrence is too restrictive.

The rights of the minority will be protected, I believe, as long as one member of the minority party is included in the committee or subcommittee decision regarding committee prints or amendments.

Mr. President, I believe very strongly that the primary legislative duty of each Senator is to be present and cast a knowledgeable, considered vote on the issues coming before the Senate, and I believe that this is what the citizens of this country have elected every one of us to do. This responsibility of careful and informed voting extends not only to legislation when it is considered on the floor of the Senate, but also to legislation when it is considered in committee. Each Senator has the right, and indeed the responsibility, to insure that the operation of the Senate is such that at least the possibility exists that he may give careful consideration to legislation in its various stages. Many of the present procedures of the Senate committee system prevent each Senator, to some degree, from fulfilling these responsibilities.

For example, it is not unusual for a Senator to be a member of four or five committees and/or six or seven subcommittees which, on many occasions, may meet simultaneously in three separate buildings. In response to this situation proxy voting in committees has developed.

Because one of the purposes of this reorganization effort under Senate Resolution 4, is after all, Mr. President, to eliminate such conflicts, my original amendment included a prohibition of all proxy voting regarding any committee business, including the establishment of a quorum. As modified, and I think this modification is necessary, the amendment now before us is silent on the subject of proxy voting.

It is my view that the privilege of casting votes by proxy has been greatly abused. I do not think there is a Senator in this body who does not agree with that.

I would like to see the practice ended, to be honest about it. At the same time, I recognize the fact that Senate Resolution 4 promises to reduce scheduling conflicts and thereby to reduce the need for so many proxy votes.

In anticipation of fewer proxy votes, therefore, I have deleted from the original amendment all language pertaining to proxy votes. I do so, however, in the hope and in the expectation that Senators will, in the future, find that such votes are ordinarily unnecessary.

Let me give an illustration, Mr. President. I will not identify the committee or the matter that was involved. A couple of years ago, however, the Senator from North Carolina had a bill which had been approved on both sides of the aisle by those directly affected by it. The relevant agency in the executive branch had not only approved the legislation but had assisted in the drafting of it. I introduced that bill and it was sent to a committee. A "hearing" was held when the chairman had his pocket full of proxy votes.

Every member present at that committee meeting, Mr. President, voted to approve the bill, but the chairman had his pocket full of proxies and the measure was defeated by Senators who were not there, who had not heard one scintilla of the testimony or the discussion about that piece of legislation. An unfavorable report was the end result.

This is an improper way to conduct the people's business. I bear no rancor to the chairman. He is a friend of mine. He told me frankly that he owed another Senator a little personal debt and that he was paying him off. Those are almost his exact words.

We have to put an end to such practices, Mr. President, because that is not the way to legislate.

In any case, these inequities have grown up haphazardly by custom and by practice more than design. The time to correct them is now, at the time when other major reforms are taking place. That is why I am submitting this amendment, Mr. President. I believe these recommendations will advance fairness and equity in committee procedures, not to mention efficiency, while encouraging perhaps a little more responsibility on the part of all of us. In their implementation, I believe these proposals will reach across political party lines and ideological lines.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

Mr. CANNON. Mr. President, this is a complete and extremely unwarranted intrusion on the operation of the Senate committee's business. I do not know of any abuses that have given rise to this particular situation and I have asked some of my colleagues on the minority side, who agree with me that there have not been any abuses to their knowledge. So I really do not know why we are trying to further hamstring the business of the Senate, rather than trying to make it easier to perform the business of the Senate.

I completely agree that members of the minority should be given notice, and as far as I know, they always are given notice. But many times, we cannot give a week's notice of a consideration or meeting on a particular matter. To call a meeting to determine whether you have the votes to call another meeting is just duplicating the effort of the Senate.

Mr. President, at the proper time, I shall move to table this amendment. As I said, if there are any abuses that have occurred, I would like to know about them, because I do not know of any in this regard where full notice has not been given, but many itmes, it is necessary to call a meeting on extremely short notice.

As a matter of fact, in one of my own committees, we frequently poll the entire committee. We do not act on anything unless the entire committee approves it.

Mr. President, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, this amendment, if adopted, would delay the flow of legislation to the Senate from committees and, to that degree, delay the action of the Senate on measures that are reported.

This is my first opportunity to read this amendment, but in the first place, I note that members of the committee or subcommittees who are members of the minority party would have to be given notice of such meeting of the standing committee or subcommittee with respect to the reporting of any measure or matter or with respect to the consideration of amendments to any measure or matter. I know of no instance in recent years when a committee chairman and the majority members on any committee have attempted to hold meetings for this purpose without adequate notification, not only to the majority members, but also to the minority members of such committee.

At least 7 days notice in advance might not always be possible. It may be that a committee is acting on an urgent matter, one in respect to which time is of the essence. Deadlines may be about to expire, and to have the requirement that members of the minority party—why single out the minority party?—have to be given notice of such meeting at least 7 days in advance could, in some instances, impede the action of the Senate.

Mr. HELMS. Will the Senator yield?

Mr. ROBERT C. BYRD. Not at this point.

Mr. HELMS. I want to make just one comment.

Mr. ROBERT C. BYRD. Let me complete my thought, and then I shall be glad to yield.

It could impede the action of the Senate on such measure and impede the action of the committee thereon.

I note, also, in the subparagraph denominated (k), that no committee print of any measure or matter or of any amendment to any measure may be obtained by any standing committee or subcommittee thereof, except upon approval by a majority vote of the committee or subcommittee and only if a majority of the committee or subcommittee is actually present when such a vote is taken and a member of the committee or subcommittee present who is a member of the minority party votes to approve such committee print.

I would not want to say that any member of the minority party at any time would wish to delay the actions of a subcommittee or committee to the extent that, by merely staying away from the committee, the committee could not act to secure a committee print of such measure or matter. But it would be possible for the minority members on that committee—I am not saying they would, but I am saying they could.

The Democrats could some day be in the minority on a committee.

So let us take the situation in which the Democrats, let us say, were in a minority. Democrats, if they wanted to hold up action on that measure, could do so very easily by staying away. If not one member of the Democratic minority attended that committee meeting or subcommittee meeting, that committee or subcommittee would find it impossible to secure a committee print of any measure or matter under consideration so long as no minority member attended. I am not saying that minority members would do this, but if this amendment were to be adopted, such a mischievous tool would be placed in the hands of the minority—if it were so minded—to obstruct, impede, delay, and thwart the will of the majority. I am not using the word "majority" necessarily in the sense of being the partisan majority, but under this amendment, it could happen to whichever party may be in the majority. I think this could be a very destructive amendment insofar as expediting the work of committees is concerned.

Also, paragraph (c) in section 802 would give the minority the same kind of arbitrary power by way of obstructing the actions of a subcommittee or committee as would the paragraph that I have just read. Paragraph (c) of 802 says the number of members of a standing committee or subcommittee fixed under subparagraph (a) or (b) as constituting a quorum—shall include at least one member who is a member of the majority party and at least one member who is a member of the minority party. Here again, I do not mean to make any invidious comparison, but it would be

possible, if the minority wanted to effectively and completely obstruct action by a committee on a particular piece of legislation, wanted to defeat that legislation, all the minority would have to do to accomplish this, would be to simply stay away. If not a single member of the minority attended, all of the majority members being in attendance notwithstanding, no quorum, under this definition, could be established and no measure could be reported by the committee. I think that would run counter to all of the rules of parliamentary procedure that I have heard of or ever read of, and I do not believe that the able Senator, if his party were in the majority—and it has at times in the past had majority control of the Senate—would want to see this amendment adopted.

I do not know of any chairman who would attempt in any way to secure action by his committee on a measure without notifying the members of the minority, and members of the minority, I am sure, accept their responsibility to attend committee meetings to as high a degree as do the members of the majority. But to adopt this amendment, in my judgment, could do away with majority rule in committees. It would impede the business of the Senate, it would impede action on the public's business, and I do not know of anything that could be adopted by way of an amendment that would be more destructive of the committee system and more destructive of the legislative process than would the adoption of this amendment.

I say that with all due respect to my friend from North Carolina.

Mr. HELMS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. HELMS. Mr. President, I can appreciate the Senator's comments.

But let me say to the Senator, that while I understand his position, I certainly can assure him that my concerns are well grounded. At the risk of embarrassing some of our friends, I could specify episodes that have prompted this amendment. But I shall withhold such observations at this time.

I wonder if I might have this understanding with the distinguished majority leader and the distinguished minority leader, both of whom are on the floor, that if I withdraw this amendment the leadership on both sides of the aisle will take a look at this situation and casually and informally look into the problems which are addressed by this amendment.

If I have that assurance from my two friends, the Senator from West Virginia and the Senator from Tennessee, I shall be perfectly willing to withdraw the amendment.

Mr. BAKER. Will the Senator from West Virginia yield to me briefly?

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. BAKER. Mr. President, for my part, I most assuredly will do that and I very much hope the majority leader will agree to do that, to sit down with me and with the Senator from North Carolina and discuss this problem and try to formulate practical solutions for it.

It is a problem and I not only recognize it, I applaud the Senator from North Carolina for identifying it and speaking to it.

I also applaud the Senator from North Carolina for making the suggestion he just has that the matter requires more thought and attention than we can give it here on the floor and that he is willing to withdraw it on the assurance that we will give it careful consideration.

I address my remarks then to the distinguished majority leader and say that in view of the suggestion by the Senator from North Carolina that he is agreeable to withdrawing the amendment, if the majority-minority leaders assure him that we will carefully consider the matter and examine its consequences and confer together on how the problem might be approached, I am willing to accept that suggestion from the Senator from North Carolina and I hope that the distinguished majority leader might be of the same mind.

Mr. ROBERT C. BYRD. May I say, I do not know of such a problem.

Mr. HELMS. I know the Senator does not.

Mr. ROBERT C. BYRD. I just walked in when the Senator from North Carolina was addressing himself to a problem. I did not get the portent of what he was saying.

If there is a problem, I certainly will be very glad to discuss it with the minority leader. But I know of no problem.

Under the procedures which are going to be followed, hopefully, once this legislation is enacted, it would seem to me that computerization of schedules dealing with committee and subcommittee meetings, et cetera, et cetera, should be of great help not only to the members of the minority, but also to members of the majority, in arranging to be present at meetings.

The majority leader is always ready and willing to consult with the minority leader in respect to any problems that do exist.

I hope the Senator will withdraw his amendment. I know it was written with good intentions.

Mr. HELMS. Mr. President, I have achieved what I really wanted, that is, a discussion on the floor of the Senate of these problems which the minority faces in committees. They are now a matter of record, and it gives me some reassurance to know that they will be examined.

As always, the distinguished majority leader was generous, courteous, and responsive to my suggestion and I appreciate it.

I equally appreciate the comments by the able minority leader (Mr. BAKER).

With that in mind, Mr. President, I ask unanimous consent that the order for the yeas and nays be vacated.

The PRESIDING OFFICER (Mr. MORGAN). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, may I say additionally, that under the present rules, every committee can write its own rules with respect to proxies—within limits—and no measure may be reported from a committee without a quorum being present. It is within the purview of any committee to decide its own rules with respect to how many members constitute a quorum when it comes to conducting hearings.

I know of no difficulty under the present system. But as I say, I would be glad to discuss with the able minority leader, any matter he wishes.

Mr. HELMS. I thank the Senator.

I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 28

Mr. CANNON. Mr. President, I ask unanimous consent that amendment No. 32 to Senate Resolution 4 proposed by Senator CLARK, which was agreed to yesterday, be modified.

The PRESIDING OFFICER. The modification will be stated.

The second assistant legislative clerk read as follows:

Strike out so much of the amendment as reads "On page 81, strike out lines 14 through 17 and insert the following:" and insert "On page 81, after line 17 insert the following:".

On page 1, line 1, strike out "(2)" and insert "(3)".

Mr. CANNON. Mr. President, on this amendment, we discovered this morning that Senator CLARK's amendment when he modified it yesterday to make it effective commencing with the 96th Congress had already striken a limitation on page 81, sub (2), lines 14 to 17.

So if we did not make this change I am suggesting now, we would have no limitation up until the beginning of the 96th Congress on the Senators serving at any time as chairmen of more than one subcommittee of each standing, select or special committee of the Senate, or joint committee of Congress, of which he is a member.

So I submit we are simply reinstating a provision that needs to be in up until the commencement of the 96th Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 29

Mr. CANNON. Mr. President, I send to the desk an amendment proposed to be submitted by Senator Stevens.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Nevada (Mr. CANNON) for Mr. Stevens, proposes an unprinted amendment No. 29.

On page 58, between lines 23 and 24, insert the following: "19. Sports."

Mr. CANNON. Mr. President, the amendment makes it clear that the Commerce Committee retains the jurisdiction. The word "sports" was left out of the jurisdictional definition of the Commerce Committee.

They have exercised jurisdiction in that area in the past. For example, they have considered blackout legislation, they have considered other matters, and this would simply make it clear that that jurisdiction would remain in that place.

Mr. STEVENS subsequently said: Mr. President, I thank the Senator from Nevada and the Senator from Oregon for their consideration in offering my amendment and supporting the amendment concerning the sports jurisdiction of the Commerce Committee. I was unable to be in the Chamber at that time. I appreciate their courtesy in offering the amendment.

Mr. President, my amendment would clarify the Commerce Committee's jurisdiction relating to organized sports. The Commerce Committee traditionally has had responsibility over this area; as such sports generally affect interstate commerce. However, through a minor oversight, the subject of organized sports was not assigned to any specific committee.

In the past, the Commerce Committee has dealt with numerous sport issues. For example, last Congress we authorized funds for the 1980 Olympic games to be held in Lake Placid. In the 93d Congress we reviewed the state of amateur athletics in the United States and reported out Senator PEARSON's bill, S. 3500, which passed the Senate. S. 3500 created a sports board to oversee our amateur athletic and Olympic programs in the United States. We have also had jurisdiction over broadcasting of sporting events. Each year the FCC reports to our committee on the effects of antiblackout restriction.

This past year I have served as a member of the President's Commission on Olympic Sports. The Commission suggested numerous proposals to strengthen our athletic program in the United States, including resolution of the long standing disputes between such organizations as the NCAA, USOC, and AAU. These matters should be referred to the Commerce Committee.

My amendment would clear up any jurisdictional confusion that might arise in the future. It merely states that the Commerce Committee's jurisdiction should include, but not be limited to, such subjects as: Public broadcasting of sporting events, Olympic and Pan American games, organization and development of athletics in the United States, resolution of franchise disputes between national governing bodies and multisport organizations, and athletes' rights.

The Commerce Committee has had jurisdiction over sport issues in the past. It has the staff and expertise to continue its work in this area. I request that my amendment be accepted and thank Senator CANNON for his calling it up on my behalf.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CANNON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 30

Mr. STEVENSON. Mr. President, I send to the desk a technical and clarifying amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. STEVENSON) proposes unprinted technical amendment No. 30.

Mr. STEVENSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is ordered.

The amendment is as follows:

On page 92, line 21, after "continuously" insert "(except for any period of four days or less)".

On page 92, line 22, strike out "an old" and insert "such old".

On page 93, line 17, strike out "July 1" and insert "June 30".

On page 95, beginning with line 20, strike out all through line 4 on page 96 and insert the following:

(d)(1) During the transition period of a new committee, each eligible staff member of the new committee described in paragraph (2)—

(A) shall, subject to salary limitations imposed by law, receive compensation at a rate not less than the rate of compensation such staff member was receiving on January 4, 1977; and

(B) may not be removed, except for cause, as a member of the staff of the new committee.

(2) Paragraph (1) shall apply to an eligible staff member of a new committee—

(A) who was transferred by subsection (b) or (c) to the staff of the new committee;

(B) who on the day prior to the effective date was a member of the staff of a subcommittee of an old committee, the staff of which under section 702 is in part the predecessor of the staff of the new committee, and—

(i) the jurisdiction or functions of which are consolidated with or transferred to a new subcommittee of the new committee, or

(ii) the chairmanship of which changes as a result of the limitation on the number of subcommittee assignments or subcommittee chairmanships contained in paragraph 6 of rule XXV of the Standing Rules of the Senate, as amended by title II of this resolution; or

(C) who on the day prior to the effective date was a member of the staff of an old committee, the staff of which under section 702 is in whole or in part the predecessor of the staff of the new committee, or was a member of the staff of a subcommittee of an old committee, the staff of which under section 702 is in part the predecessor of the staff of the new committee, and whose appointment was made, approved, or recommended by a Senator (for the purpose of assisting such Senator in his duties as a member of such old committee or such old subcommittee) who is not a member of the new committee as a result of the limitations on committee assignments contained in paragraph 6 of rule XXV of the Standing Rules of the Senate, as amended by title II of this resolution, or is not a member of the subcommittee which is the successor to such old subcommittee as a result of the limitation on subcommittee assignments contained in such paragraph.

The chairman of each new committee (and the ranking minority member with respect to minority employees) shall notify the Committee on Rules and Administration and the Secretary of the Senate of the eligible staff members of the new committee described in this paragraph.

(3) The provisions of paragraph (1)(B) shall not apply in the case of an eligible staff member who would be entitled to an annuity under section 8336(d) of title 5, United States Code, upon his involuntary removal from service as an employee of the Senate if such staff member (but for the provisions of paragraph (1)(B)) would be subject to involuntary removal from such service and such staff member elects to have the provisions of this paragraph apply.

On page 96, line 25, beginning with "(a)" strike out all through "date," in line 11, page 97, and insert "(a) Not later than the tenth day after the day on which this resolution is agreed to,".

On page 97, line 19, strike out "(c)" and insert "(b)".

On page 97, line 19, strike out "July 1" and insert "June 30".

On page 99, line 7, after "Senator" insert a comma.

On page 99, line 15, beginning with "chairmen" strike out all through "as" in line 16 and insert "chairman and ranking minority member of the committee".

On page 99, line 19, strike out "or committees".

On page 102, beginning with line 23 strike out all through line 16 on page 103.

AMENDMENTS TO TITLE VII—COMMITTEE STAFFS

Mr. STEVENSON. This amendment further clarifies eligibility of committee staffs for transition period protection. In general, the select committee and the rules committee agreed that staff displaced in their jobs as a result of the reorganization required by Senate Resolution 4 should be retained until July 1 on an appropriate committee staff with no reduction in salary. Already covered in title VII are committee staff displaced by the consolidation of a committee or the transfer or committee jurisdiction. Because of a drafting misunderstanding, another category of staff was omitted from those eligible.

The category described in this amendment is staff affected by the committee and subcommittee assignment limitations and the subcommittee chairmanship limitations of Senate Resolution 4. In other words, these limitations may require some committees to consolidate several present subcommittees which now are separately funded. They may require a Senator serving as chairman of two or more subcommittees to give up one chairmanship, if the two subcommittees are not consolidated under his chairmanship. The committee assignment limitations may force a Senator to resign from a committee leaving unsponsored his previous employee paid by that committee.

This amendment brings such staff under the transition protection. Eligibility will be determined by recommendation of the subcommittee chairman and ranking member to the full committee chairman and ranking minority member who shall then certify the eligibility to the Committee on Rules and Administration. That committee would decide any uncertainties.

Another part of this amendment defines "continuous service" as permitting resignations for a period of 4 days or less as sometimes occurs for administrative purposes.

Another portion of the amendment clarifies paragraph (2) on line 3 on page 96 which states an employee eligible for transition protection may not be removed "except for cause." This is clarified to mean that an employee who would otherwise be eligible to accept an annuity on July 1 under involuntary retirement would not have to wait until July 1 to do so.

This amendment includes other technical changes to facilitate committee financing during the transition.

Mr. President, I have discussed the amendment with the chairman of the committee and the ranking member, and I am hopeful they will accept it.

Mr. CANNON. Mr. President, do I understand correctly now that this is the amendment to make it absolutely clear on the staff personnel who are trans-

ferred over and absorbed into the new committtees, and that the funding would be determined, if there is any question, by reference to the Rules Committee, and that otherwise it might be budgeted for by the parent committee in its resolution or handled in a seperate resolution?

Mr. STEVENSON. The Senator is correct. As I indicated, this conforms all of the provisions of the resolution with respect to staff during this transition period.

Mr. CANNON. Mr. President, the amendment is in accordance with what the committee intended, and I am willing to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

AMENDMENT NO. 34

Mr. SCHMITT. Mr. President, I request that amendment No. 34 in my name be read for immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. SCHMITT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 105. (a)(1) The Senate finds that activities related to aeronautical and space science and technology—

(A) provide great returns in international prestige and economics;

(B) represent a large proportion of the new technologies from which our Nation improves commercial product lines, public services, and defense systems;

(C) stimulate the imagination and educational drive of young people;

(D) are opening a vast new arena of human endeavor in near-Earth space where there exist great possibilities for commercial and public services and for improvements in our national security posture;

(E) continue to increase our understanding of the universe, the solar system, the Sun, and our own Earth;

(F) are providing the potential for new initiatives in communications, weather and oceanic forecasting, ocean and land surveillance, resource development, agricultural monitoring, and public services in health, law enforcement, and disaster relief;

(G) represent a major investment in the future options of this Nation and mankind; and

(H) should be within the jurisdiction and oversight responsibilities of a single subcommittee of that committee.

(2) The Committee on Commerce, Science, and Transportation shall have a Subcommittee on Aeronautical and Space Sciences to which subcommittee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects which are referred to the committee:

(A) Science, engineering, and technology research and development and policy.

(B) Nonmilitary aeronautical and space sciences. Such subcommittee shall also study and review, on a comprehensive basis, all matters relating to space, science, and technology, and report thereon from time to time in the committee.

Mr. SCHMITT. Mr. President, I rise to offer this amendment dealing with the legislation related to aeronautics and space sciences that will be before the Senate in the future.

First of all, I compliment the work of the Rules Committee and the Select Committee on Committee Reorganization for a very fine job. I am happy to be a cosponsor of Senate Resolution 4. I believe this effort to reform the committee system is extremely important to increase the efficiency of the Senate and the efficiency of its committees, and even more importantly, to increase the confidence of the American people in the capability of this illustrious body to serve those people rapidly and efficiently in the future.

During the recent hearings of the Committee on Rules and Administration I was privileged to testify in support of the recommendations of the Stevenson select committee as contained in the original draft of Senate Resolution 4.

As I indicated in my statement to the Rules Committee, I believe strongly in the necessity of congressional reform and reorganization of the Senate's committee system. There is an urgent need to apply more efficient management techniques to the operations of the Congress if the Members are to meet effectively their responsibilities as the peoples' representatives. The existing system has been largely responsible for widespread condemnation of the Senate and public disrespect for the institutions of this body and the work of its Members.

Many of these criticisms are undeserved, but the perception of inefficiency remains. During my own recent election campaign, I heard many voters criticize the Senate for its failure to solve pressing problems or to make positive accomplishments. The taxpayers of New Mexico, like Americans elsewhere, are clearly upset by what they regard as waste and extravagance in government generally. They expect better of us as Members of Congress and they expect me, as their newly elected Representative, to take steps to improve and reform this deplorable situation. Mr. President, I, and I am sure most freshman Members, believe that we have in Senate Resolution 4 an opportunity to make modest gains toward reform.

In my opinion, enactment of this resolution will go a long way toward achieving the kind of reorganization of the Senate committee system that this Congress needs if it is to tackle speedily and effectively the serious problems facing this Nation today.

Senate Resolution 4 will eliminate overlapping jurisdictions, strengthen legislative oversight, maximize manpower resources and skills and provide a more equitable distribution of responsibility and work load among Senators and Senate committees.

The areas of potential jurisdictional conflict which I noted in my statement to the Rules Committee have been largely cleared up. I am gratified that the Rules Commitee has wisely deleted the provision calling for the establishment of ad hoc committees to consider proposed legislation falling within the jurisdiction of two or more standing committees. As I stated in my testimony, unless this device were used sparingly there could well be a proliferation of such ad hoc committees which would result in further confusion and abuse and could seriously undermine the very reforms we are now trying to achieve. I believe that the system of multiple and sequential referrals recommended in Senate Resolution 4 will be sufficient to prevent crippling jurisdictional disputes.

I am especially pleased that the Rules Committee has seen fit to recognize the legitimate needs and interests of the minority by insuring that the Republicans can secure sufficient staffing and space to carry out more effectively their committee assignments and senatorial responsibilities.

Of course Senate Resolution 4 is not a cure-all nor a perfect answer to our organizational problems. While I am certainly pleased that those matters relating to aeronautical and space science will fall within the jurisdiction of one committee, I am still concerned by the remaining split jurisdictions over basic research in science and technology. I regret that these activities could not have been better recombined under a very strong Committee of Commerce, Science, and Transportation. It seems to me that legislative responsibility for biomedical, Earth resources, oceanic and meteorological research, together with basic research in general, should be included under the reconstituted Commerce Committee.

As I stated in my testimony:

My experiences have led me to conclude that if overall jurisdiction for basic scientific and technological research is not combined under one committee that is deliberating national policy, we will run the risk of missing the synergistic effect that comes from one science interacting with another and from one technology interacting with another.

To illustrate the magnitude of this risk of loss, I wish to point out the great potential transfer of technology developed in our space program to the energy field; what we have learned and developed in aerospace and research and development can be applied to satisfying our nation's future needs for energy self-sufficiency and independence.

In addition, many of the greatest advances in modern times in biomedical research have come about as a consequence of this synergism, because physicists, chemists, and others have taken their art and their knowledge into the field of biomedicine and have contributed to a medical revolution in our country. We are now able to prolong and ease life and to make life far more than just a matter of chance.

Mr. President, space exploration has already brought many changes to socicty, as in satellite communications and weather analysis and forecasting, and, properly used, space science and technology promise many future benefits to mankind. The development of the space transportation system, for instance, could open up a new environment for the use and service of humanity, including use by commercial enterprises and for national security purposes. I anticipate that many young people in our high schools and colleges today, tomorrow's generation of leaders, are looking toward a future that will involve them in aeronautical and space sciences and technologies.

It would therefore be a serious mis-

take for the Senate, in its reorganization efforts, to underestimate or disregard the importance of these activities to our present and future way of life. As I have stated, the information and technology developed by America's space program have yielded countless benefits to all segments of society, with promise of greater yields to future mankind. Space and science constitute an area of primary concern to millions of Americans employed in aerospace and related industries and to scientists, technicians and engineers working on projects throughout the country. Certain aeronautical and space science and technology merit appropriate consideration and concern within the work and committee activities of the U.S. Senate.

For this reason, Mr. President, I am pleased to offer an amendment to designate a Subcommittee on Aeronautical and Space Sciences within the Committee on Commerce, Science and Transportation. This subcommittee would have jurisdiction over all proposed legislation, messages, petitions, memorials, and other matters relating to science, engineering and technology research and development and policy and nonmilitary aeronautical and space sciences.

As my colleagues are aware, the Rules Committee has voted to preserve several existing committees that would have been abolished under the original reorganization proposal. These include the Veterans' Affairs, Small Business, and Joint Economic Committees. Senate Resolution 4, as amended, would also create a new temporary Committee on Indian Affairs.

Mr. President, I do not quarrel with the judgment of the Rules Committee whose members were persuaded that the interests of veterans and small business, among others, were of such magnitude that separate standing committees should be retained. I do not quarrel with the decision to place all matters relating to science and technology within the jurisdiction of the Commerce Committee. In my opinion, however, aeronautical and space sciences which have been matters handled by a separate standing committee since 1959, are of no lesser importance to this Nation and merit the responsibility and oversight of a designated subcommittee.

My amendment would bring all matters handled by the Committee on Aeronautical Space and Sciences under the umbrella of one subcommittee which, within the new Commerce Committee, would have exclusive and comprehensive oversight responsibilities. I believe this proposal is consistent with the spirit and purpose of Senate Resolution 4 and the committee reorganization plan.

Mr. President, I ask the support of my colleagues for this amendment.

Senate Resolution 4 is particularly important, I think, in that it has concentrated energy and natural resources into one committee, and offers several other major consolidations that are going to serve us well in the future.

There has been a reduction in the total number of committees and subcommittees, and there is a reduction in the number of committee and subcommittee assignments that individual Senators can hold. I think this will help all of us do our jobs better.

I am extremely interested also in the provision for sequential referrals so that where there is cross-jurisdiction the problems resulting from that cross-jurisdiction can be dealt with efficiently.

Finally, I hope we can implement the portions of the reorganization plan which provides for more efficient scheduling procedures and techniques. I hope all of us can find ourselves able to concentrate on the particular problem assigned to us in committees and subcommittees much more than appears to have been possible in the past.

However, there are problems that remain in the operation of the committee structure of the Senate.

There are still obviously some jurisdictional questions, and we have debated and will debate more of those before passage.

I am still concerned, as I was when I testified before the Rules Committee, that in spite of the concentration of oversight responsibility for science and technology in the Commerce Committee, basic research and technology still remain somewhat fragmented throughout several committees. I hope in the future we can make sure that that fragmentation does not inhibit the Senate's encouragement of basic research and technology, which is really the foundation of the future of the modern United States.

I am particularly concerned about the deemphasis in the committee report on aeronautical and space sciences. The original standing committee that has been in effect for a number of years has served this body well, and I think we must insure that the needs that brought that committee into existence are clearly met under the structure of the new organization.

The past benefits of aeronautics and space, I think, are clear to a vast majority of the American people. Not only have they greatly enhanced the national prestige of this country, culminating in our activities on the Moon through the late 1960's and early 1970's, but they have vastly increased the technology base from which we reach for solutions to many of the problems that plague us today and almost certainly will plague us in the future.

It is particularly exciting to me as a westerner and an environmentalist, as well as a person steeped in science and technology, that with this new technology from space and other related areas we now have the capability to truly balance our economic progress and our industrial development with preservation and enhancement of the environment around us.

Possibly more significant than any other benefit of the aeronautical and space activities of this country in the past two decades has been the enhancement of the human spirit that has come from those activities. Mankind now not only looks outward from his Earth to new horizons that have yet to be reached and new frontiers that are yet to be explored, but has learned to look forward on his Earth with new insight and to apply not only that insight but also the technology that allowed us to go into space toward broad general solutions of national and international problems.

As I campaigned throughout New Mexico in the last year and a half and as I have traveled as an astronaut throughout the country and the world for many years, I found that the most exciting thing to me that has come from aeronautical and space activities has been the inspiration generated in youth. I think that we must always remember that young people will always look outward, young people will always be excited by the exploration of frontiers.

Some future benefits that we can see in activities related to aeronautical and space sciences are the use of new resources in near-Earth space of weightlessness, where gravity is not a factor in processes and activities, with the presence of high vacuum at high pumping rates which is only available on Earth at very, very great costs, and the view that we have of the Earth, the Sun, and space itself from this near-Earth environment.

We have seen the development of new capabilities to defend ourselves from potential adversaries, and we can see with the development of the Space Shuttle system, the Enterprise, as it is now called, new defense systems which I am sure will enhance the long-term survival of this country.

And if you talk to the young people of this country, they see new frontiers farther than the Moon, frontiers that now would have to be placed on Mars, and you can start to hear them talk about possibly being the parents of the first man to live on Mars. That is not idle talk because it is certainly technically feasible.

The amendment that I have offered would require the designation of a subcommittee in the full Committee on Commerce, Science, and Transportation devoted to aeronautical and space sciences. We have seen a number of major committees retained since the original Senate Resolution 4 was proposed. These are all extremely important committees, and the debate has been useful to define why they should, in fact, be retained as standing committees.

I have no quarrel with those decisions. I think that Aeronautical and Space Sciences can be handled even better in the full Committee on Commerce, Science, and Transportation than it could at this present time by a full standing committee.

I do think that it will not be very much longer in the future when we will be again debating a rules change which will reestablish a major committee devoted to space activities, because right now we are developing the base of space and aeronautical technology that will make that necessary at some future time.

In spite of this period of apparent quiescence in the space program we are, in fact, very much active. An annual budget of around $3.5 billion may not seem like a great deal in view of the total Federal budget, but it is building a foundation for an extremely ambitious national effort in space, and I am sure that no one in this Hall would want us to neglect these activities in any way.

I have had the opportunity to talk with the distinguished chairman of the Commerce Committee, the senior Sen-

ator from the State of Washington, as well as the chairman of the Rules Committee, and have their personal assurances that they will provide for a subcommittee dedicated to the activities of aeronautical and space sciences. I do not know exactly the name that the committee might take, and I request that the chairman of the Rules Committee might at this time make comments to the effect of the mechanism by which this subcommittee might come into existence in the absence of this amendment.

Mr. FORD. Mr. President, I think the Senator from New Mexico is directing a question to the distinguished chairman of the Rules Committee but I wish to take only a moment, if he will yield to me, to offer my views.

Mr. SCHMITT. I yield to the Senator from Kentucky.

Mr. FORD. Mr. President, I concur in the statements of the Senator from New Mexico as he has related the advantages this country has received from this committee. I also think he is correct in his statement that some time in the future we will be debating the proposition of establishing a new committee as it relates to space.

I also assure the Senator that I am on the Commerce Committee, the distinguished Senator from Nevada and chairman of the Rules Committee is on the Commerce Committee, and I think he has discussed this with the distinguished chairman of the committee, and I hope he is assured that in some ways we may be able to improve the function of this committee as it is transferred to the Commerce Committee, having other Senators who are not involved in the day-to-day activities of the space program become more involved and they, in turn, can give some impetus to the program.

I was fortunate enough to be chairman of a subcommittee on the Space Committee. We are trying our best to take the technology that was developed and see that our constituents, the American public, can take advantage of all this technology. We are expanding that ability. I think the Commerce Committee might be a good committee to help expand the use of the technology that has been developed particularly in the medical field, in industry, and in small businesses that need technical help.

So as the acting chairman of that committee that will go out of existence shortly, I assure the Senator that I will do everything possible to see that the strength of this committee is not diluted in a subcommittee of the Commerce Committee, that we will endeavor to have the proper terminology as to the name of the subcommittee so that we can keep it as a vocal point as it relates to our overall program.

I appreciate the fact that the Senator has done so much work because he has knowledge and expertise that no other Senator has.

The Senator's ability and his background will lend themselves greatly to assisting those of us who want to do a better job. So I assure the Senator that I will not shirk my duty as acting chairman and as a member of the committee as it relates to aeronautics and space science, and I appreciate the attitude he has taken as it relates to the transfer of this committee to the Committee on Commerce.

Mr. SCHMITT. I thank the Senator, my good friend from the State of Kentucky, for his comments.

I do feel very strongly that now more than in the past, space and aeronautical technology are going to be closely related to the commerce, the science, and the transportation of this great country and, as a matter of fact, of the world.

I wish to call the attention of the Senate to Christmas Eve of 1970, when there was a spacecraft in orbit around the Moon, and there was instantaneous communication to people all around this world, and that not only was there instant communication, but the statement of a new thought about a familiar object in the night sky.

I believe that is the first time in recorded human history that that many people have had a new thought communicated to them essentially at the same time. That was just the first indication, one of many subsequent such indications, of just what this new world of space, this new frontier of space, the Earth's frontier, if you will, is going to mean both technically and philosophically to the people of the United States and of the world.

Mr. CANNON. Mr. President, the Senator addressed his question to me, and I would simply like to join our colleague from Kentucky in reassuring the Senator as a member of the Commerce Committee and a former member of the Aeronautical and Space Science Committee since that committee was first organized that I am very much aware of the importance and the work of that committee, and certainly, as a member of the Commerce Committee, I would not expect to see that its work is downgraded, but that it is given the proper emphasis.

I do not know whether it could have a completely separate subcommittee, because it might conceivably have to be consolidated with something else because of the limitations we have put in this resolution on services on subcommittees. In other words, we may have to consolidate a number of subcommittees together throughout the entire Senate, because of the limitation on service, and that might become necessary here. But I can assure the Senator that I recognize very fully the importance of the work of that committee, and the work that should be carried on in the Commerce Committee, and I will join with the Senator from Kentucky in trying to see that that work is very properly carried on.

Mr. SCHMITT. I thank the chairman. I would like to add to the request that in those discussions and in the future organization of the Commerce Committee, the Senator assist its distinguished chairman, the Senator from Washington (Mr. MAGNUSON) in coming up with a title for the subcommittee that clearly identifies it with this very, very important activity.

Some people might ask, "Well, what's in a title?" But for the young people in this country, I think having a place where these activities are focused, and clearly and understandably focused, is very important to them.

I have spent so much time with young people, talking about space and answering their questions, that I feel we would be remiss in our obligation to that great future electorate if we did not include in the committee structure a subcommittee that was clearly identified with their aspirations in connection with this great new space frontier.

Mr. CANNON. May I say I completely agree with the Senator on that point.

Mr. SCHMITT. Mr. President, I have received a vote from the distinguished Senator from Washington, the chairman of the Committee on Commerce, who would like to have some time to discuss this subject. Could we work out a means, unless there are other comments Senators would like to make, to lay this amendment aside for about 15 minutes, to permit Mr. MAGNUSON to come to the floor?

Mr. CANNON. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER (Mr. STONE). Without objection, it is so ordered.

UP AMENDMENT NO. 31

Mr. CANNON. Mr. President, I now send to the desk an amendment that is technical in nature, that categorizes the Joint Committee on Taxation and the Ethics Committee in their proper places with respect to the location of the committees and the dividing for service on those committees, as well as an amendment to do the same thing providing that service on any such joint committee should not be taken into account for the purposes of subparagraph (a)(2).

This is where the service on the Joint Committee is required by statute.

The PRESIDING OFFICER. The clerk will state the amendments.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. CANNON) proposes unprinted amendments numbered 31.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. Does the Senator from Maryland seek recognition?

Mr. MATHIAS. Mr. President, is the amendment to be read?

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

On page 72, in the table following line 7, strike out the following:

"Joint Committee on Taxation..... 5".

On page 72, beginning with line 13 strike out all down to line 16 and insert the following:

"(c) Each of the following committees and joint committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

"Committee	*Members*
Ethics	6
Joint Committee on Taxation	5.".

On page 81, line 6, before the period insert ", and service as a member of any such joint committee shall not be taken into account for purposes of paragraph (a)(2)".

Mr. CANNON. Mr. President, as I said earlier, all of this has previously been agreed to. It is just a rearranging of the location within the committee structure.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

UP AMENDMENT NO. 32

Mr. CANNON. Mr. President, I send a technical amendment to the desk that strikes the words "contested elections" and inserts "contested elections and acceptance of incompatible offices." That is within the jurisdiction of the Reorganization Committee, and relates to the constitutional prohibition with respect to incompatible offices. We wanted to make it clear that there was no change in jurisdiction in that area.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 75 strike out lines 10 through 12 inclusive and on page 68, line 16, strike "and contested elections." and insert "contested elections, and acceptance of incompatible offices."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

UP AMENDMENT NO. 33

Mr. CANNON. Mr. President, I send an amendment to the desk that provides that a Senator who was a member of the Committee on the Budget during the 94th Congress may elect now to have that committee as one of his class A committees.

In the resolution, we have provided that the Committee on the Budget becomes a class A committee, and that present members could continue to serve during this term of Congress, but that would replace a class B or class C committee. We did not provide for the instance where a Senator might desire at this time to declare that as one of his class A committees, in which event he would also be entitled to serve on the class B or class C committee.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 82, line 7, following "94th Congress," insert the following:

"or in the case of a Senator who was a member of the Committee on the Budget during the 94th Congress and who so elects,".

Mr. CANNON. Mr. President, I will say that that grants no additional right to serve on any committee. It just provides that a Senator may designate Budget as one of his two class A committees at this time.

Mr. MATHIAS. Mr. President, I wonder if the chairman can tell us if by "given no additional committees" he means that any Senators affected by this amendment would only serve on a maximum of three committees.

Mr. CANNON. The Senator is correct. Any Senator affected by that amendment would serve only on a maximum of three committees, but he would be able to designate the Budget Committee as one of his two class A committees at this time. Therefore, as a third committee, he would be entitled to a class B or C committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 34

Mr. CANNON. Mr. President, in the jurisdictional matters relating to the Committee on Agriculture, we have discovered that there was a gap that did not clearly give jurisdiction over the problem of food from fresh waters. This amendment is technical in nature and would insert that within the jurisdictional coverage of the Agricultural Committee to give them jurisdiction over food from fresh waters. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. CANNON), proposes an unprinted amendment No. 34.

The amendment is as follows:

On page 53, after line 16, insert: "17. Food from fresh waters."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 35

Mr. CANNON. Mr. President, I send a technical amendment to the desk. It simply deletes a comma and inserts a semicolon on page 56.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. CANNON) proposes UP Amendment No. 35.

The amendment is as follows:

On page 56, line 18, after "institutions," delete the comma and insert a semicolon.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 36

Mr. CANNON. Mr. President, I send a technical amendment to the desk now that does the following: At the present time, for the purpose of scheduling the meetings, we have a provision that the Rules Committee would be notified of a meeting of a committee or subcommittee, including the time period or periods, the place and the purpose, and they should, therefore, cause notice to be given.

This amendment simply provides that the committee shall notify the office designated by the Committee on Rules. It simply inserts the words "the office designated by."

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. CANNON) proposes unprinted amendment No. 36.

The amendment is as follows:

On page 89, in line 1, after the word "notify" insert "the office designated by".

On page 89, line 7, after "given to" insert "the office designated by".

On page 89, line 13, after "notify" insert "the office designated by".

On page 89, line 17, after "given to", insert "the office designated by".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 37

Mr. CANNON. Mr. President, I send an amendment to the desk that is in the nature of a clarifying amendment to the jurisdiction of the Rules Committee and the Governmental Affairs Committee, to provide that a congressional organization, except for any part of the matter that amends the rules and orders of the Senate, is under the jurisdiction of the Governmental Affairs Committee, and to provide after the word "organization" in the jurisdiction of the Rules Committee the words "relative to rules and procedures."

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. CANNON) proposes unprinted amendment No. 38.

The amendment is as follows:

On page 65, after line 6 add the following: "12. Congressional organization, except for any part of the matter that amends the rules or orders of the Senate."

On page 69, line 10, after the word "organization", add the following: relative to rules and procedures,

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT 34

Mr. SCHMITT. Mr. President, I would like to continue the discussion of amendment 34 relative to the creation of a subcommittee for the Aeronautics and Space Committee. I yield to the Senator from Arizona.

Mr. GOLDWATER. I thank my distinguished friend from New Mexico, who brings to the Senate one of the finest scientific minds I believe we have ever had.

I might tell my friend from New Mexico that, having served on the Space Committee for a long time, I was very apprehensive about it being disbanded and being placed under another committee. I say these things in preface because I want to discuss this with Senator CANNON and with the chairman of the Commerce Committee (Mr. MAGNUSON).

I feel sure that a subcommittee of that committee, which will be appointed, will adequately take care of the needs of space.

I testified and argued this point before the committee on committees, on which I serve, arguing for a science committee, such as they have in the House.

I firmly believe that, just as the industrial age has brought us to the point we are today, the industrial age is pretty much behind us and that we are now well embarked into the technological age, which will take this country to greater heights than we have ever achieved and retain for us the leadership in the world that we have slowly been losing in the industrial fields.

We need a committee, but failing to get the full committee, I think we can live with the subcommittee. I do not know what the makeup of it will be.

I am thinking, for example, of the space shuttle, which is now making its slow flight to Edwards Air Force Base at 5 miles per hour. I imagine it has reached Edwards now. It only had 29 miles to go.

The space shuttle should make its first flight within 2 years. In my opinion, this is going to be the greatest step forward this country has even taken in the field of science. What we can do with this shuttle in fields like medicine, in the development of power transmission needs, in the development of new sources of power, we can only dream about now, but I know improvements are coming.

This subcommittee will have some jurisdiction over the nonmilitary uses of aviation and the parts of aviation generally now taken care of by Senator CANNON's subcommittee on the whole subject. Nor would any member of this new subcommittee want to get into areas like the Civil Aeronautics Board of the Civil Aeronautics Administration.

We have a great interest, however in the aeronautic side of aviation. NASA, in addition to her space work, is performing very valuable work in the whole field of aeronautics. I am thinking particularly of airframes and of the new concepts developed in NASA of wings and lift, the elimination of the sonic boom, where we are making rapid and great strides; the work NASA is doing in improving engines.

While we Americans like to think that our jet engines are great instruments, and they are, we do not have a superiority in this world nor do we have even equality in some areas of thrust and power. We must get that. NASA is working on that. That matter will come under the jurisdiction of the subcommittee of which I am speaking.

Then, of course, we have fuel, which is becoming so important, particularly because of this very, very cold winter.

I might say I think this is just a snap of what we are going to have in years ahead as I believe the change in climate is now catching up with us at the rate of about a quarter of a degree a year. I think we will have cold winters with us now until we enter another ice age. I do not expect to be around for that happening. Living in Arizona, though, I might enjoy it.

Studying fuel is something NASA has been working on for a number of years. She has been making great strides. She can now make hydrogen fuel. It is cumbersome and expensive to make, but we can get it down to where someday it can probably be used to power our engines.

In the general field of medicine I believe the Senator from New Mexico will agree with me that we have opportunities now to solve problems we have never been able to solve. When we think of the force of gravity, even the force of gravity of one g to us standing here in this room, and we think what can happen when the body can be subjected to zero G or even minus g forces, we can begin to realize the great benefits which can come to the field of medicine from the full development of the space shuttle.

So, Mr. President, I am very glad that the Senator from New Mexico, with his great background in this field and other scientific fields, has undertaken to call the attention of the Senate to this problem. I am very, very happy, as I know he is, that Senator MAGNUSON and Senator CANNON both have said that there will be no problem in developing a subcommittee on the subject in the Commerce Committee.

The Senator from New Mexico has done a great service and I wish him the very best of luck.

Mr. SCHMITT. I appreciate the kind words of the Senator from Arizona. I might add as a footnote that what we are talking about is not only space and aeronautics activities. Almost unnoticed has been a continual, increased reliance on space technology through NASA by the Energy Research and Development Administration for basic research and technology activities related primarily to solar energy but more recently moving into the fuel cell area, ground transportation systems, and so on.

I think we are seeing very gradually, and I think we will be seeing at an increasing rate in the future, the application of the technology being developed that the Senator describes.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. GOLDWATER. Yes.

Mr. MATHIAS. I want to join with the Senator from Arizona in commending the Senator from New Mexico for this amendment. I think it is an important amendment.

The Senator from Arizona will remember that I served with him on the Committee on Aeronautical and Space Sciences and have since served on the Appropriations Subcommittee which handles the NASA budget. I think, from that experience, that there is a community of interests that has to be organized and handled with a certain degree of unity. This subcommittee, I think, would provide that kind of unified approach to all the opportunities in space. In my own State of Maryland, we have the Goddard Space Flight Center, which is just one example of the enormous capacity of NASA to make practical contributions.

The Senator from Arizona talked about what may happen in a new ice age. My predictions do not go that far, but we do know that in the very near future, there are coming astounding applications of space science to terrestrial problems. The Senator from Arizona and I have discussed before the contribution of NASA toward reducing the waste in long-distance transmission of electricity. That is a very practical example.

The Senator from New Mexico has an idea here which has a direct payout now on the surface of the Earth. I am glad he has advanced it.

Mr. GOLDWATER. I say to my friend from New Mexico that the Senator from Washington (Mr. MAGNUSON) has come in. I have talked with him about this at great length and we have had communications on it. Because of his long experience in the field of aviation and transportation, I am very happy for his assurance that there will be a subcommittee set up in the Committee on Commerce that will take this over. I think our big fear, and I think the Senator from New Mexico shares this, is that with the abolition of the Committee on Aeronautical and Space Sciences, we might well see the abolition of all of our effort in space. As long as it had to go some place, I am so happy that it has gone to Commerce because of Senator MAGNUSON and Senator CANNON. Both have had great experience in this field and I am very happy with their assurances. If my party sees fit to put me on his committee, that is where I want to go.

Mr. MAGNUSON. Will the Senator yield?

Mr. SCHMITT. Yes.

Mr. MAGNUSON. I apologize for not being here. I had an important meeting in my office.

For the record, I want to assure the Senator from New Mexico and the Senator from Arizona and the others interested that it is my intention, and I have talked to other members of the committee, that we have a subcommittee on this particular subject. I have a personal interest in it, too, because, as the Senator from Arizona knows, I helped create the first Space Committee. In fact, I was on it; I was ranking member on it for all the years, until, just recently, we had to get off one committee, and I got off that because of Commerce and Appropriations.

It is too important, as the Senators point out, not to have focus right on this and keep moving on it, because there are so many things we can do. One thing I had not thought of. The other day we were talking in our committee about the 200-mile fishing limit law that we passed. We were talking about how we are going to patrol it and this sort of thing. When the Senator from New Mexico got through, I was convinced that probably we could—the technology is there if we do not lose it and if we use it—patrol that vast area by satellite.

Mr. SCHMITT. All it takes is a transponder on a vehicle to control it.

Mr. MAGNUSON. It is a vast territory. We took in more territory in square miles under the 200-mile limit than the whole Louisiana Purchase.

Mr. GOLDWATER. That is right.

Mr. MAGNUSON. There are so many things. I handled for years the Subcommittee of Appropriations for NASA. We used to have to argue, not over the success of what the Senator from New Mexico and the rest in NASA did to get the money. That was not the point. We used to have to argue to get the money, too, to point out what we called the spinoff. When we start to list the spinoff of our investment in space, it is a list as long as one's arm of different things. It goes from the housewife's kitchen to manufacturing to weather; everything we can think of.

Mr. GOLDWATER. If the Senator will yield, we have cataloged 10,000 spinoffs from the NASA effort. I have often said that, even though the space effort has cost this country about $40 billion, I expect that, within 5 years, we shall get

back $40 billion or more every year from what we have done in space.

Mr. MAGNUSON. I do not know how many—of course, the figures are in the RECORD, but we used to count up the number of contractors, small contractors and subcontractors involved, little concerns that probably were having a tough time in this field of basic research and things of that kind. Some of those companies have gone on, from the little help that they have gotten from being a subcontractor of NASA, and developed all kinds of things for the betterment of American life, hundreds of thousands of subcontractors.

Mr. SCHMITT. I greatly appreciate the remarks of the Senator from Washington. As he spoke, I could not help but think about the contributions of corporations and small companies in his home State to the effort. One of the most exciting for me, personally, of course, was their contribution to the Saturn V launch vehicle, and also to the little lunar roving vehicle, or space buggy, as the kids call it, that we drove around on the Moon. These kinds of activities, even though directed at a specified national goal or an activity of great international significance, have had a spinoff or fallout or side benefits in many, many areas.

From the development of the lunar roving vehicle, for example, even though we did not use the specific type of tire that was developed for one of the prototypes, that rubber, in combination with cord developed for the parachute system in the Viking spacecraft that just went to Mars, is now incorporated in its basic form in some of the new radial tires by a large U.S. corporation. I am willing to bet that is not in the catalog.

Mr. GOLDWATER. It is not.

Mr. SCHMITT. That is because many, many companies are using this basic technology we developed and they do not always call us up and say, "Hey, we are using that technology." It has just happened to develop. It has been a very successful area.

Mr. MAGNUSON. In the field of the use of crude metals of all types, I think we lead the world in the use of alloys and metals that have come out of the NASA effort.

Mr. SCHMITT. No question about that.

Following up on what the Senator from Arizona has said, I might add that, when we get into this weightless environment, nearer space, suddenly a new area will open up in the creation of alloys. That is that there is no convection. In other words, we can create new alloys and emulsions, which can be called alloys in a sense, that we never could do before. We can create them in volume and there is no question that uses for those alloys will be apparent very quickly.

I appreciate the Senators' assurances—I know that the Senator from Arizona does and the Senator from Kentucky, who spoke earlier—that there will be a strong subcommittee dedicated to these kinds of activities and, I am sure, incorporated with other related activities of the Committee on Commerce. We are both looking forward to having the opportunity to serve in that capacity.

Mr. MAGNUSON. I thank the Senator.

Mr. GOLDWATER. I thank the Senator.

Mr. SCHMITT. Mr. President, in view of these assurances and of the delightful colloquy that we have had, I ask unanimous consent to withdraw my amendment from consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was withdrawn.

Mr. HARRY F. BYRD, JR. Mr. President, may I have the attention of the distinguished chairman of the committee, the Senator from Nevada?

Mr. MAGNUSON. Will the Senator yield for 10 seconds?

Mr. HARRY F. BYRD, JR. Mr. President, I am glad to yield.

Mr. MAGNUSON. Mr. President, I wish to congratulate both the Committee on Rules and Administration and the Select Committee on Committees for the fine work they have done in what can only be described as a most difficult task. I believe that the entire Senate owes the members and the staff of these two committees a debt of gratitude, and I also believe that the Senate will adopt many of the important changes that have been recommended and as a result both the Senate and the Nation will benefit.

It is inevitable that in any endeavor as large as this, there are questions relating to how specific legislation might be referred to the new committees created. I have reviewed the recommendations of the select committee and the resolution as reported by the Rules Committee, and there are several areas that I believe are worthy of comment, particularly as they relate to the new Committee on Commerce, Science and Transportation.

In reporting the resolution, the Rules Committee has recommended that the proposed Committee on Commerce, Science, and Transportation be given jurisdiction over the "regulation of consumer products and services, including testing related to toxic substances, other than pesticides, and except for credit, financial services, and housing." In my view, it is extremely helpful to spell-out the jurisdiction of the Committee on Commerce, Science, and Transportation in the Senate rules concerning these matters. In the past, the committee's jurisdiction over these matters was left largely to tradition and precedent, without an explicit statement in the rules.

The jurisdiction of the committee concerning testing of toxic substances, coupled with jurisdiction relating to the regulation of consumer products and services gives the committee a large responsibility for statutes like the Toxic Substances Control Act. While it is clear that the proposed Committee on Environment and Public Works has an interest by virtue of its proposed jurisdiction over the environmental effects of toxic substances other than pesticides, the regulation of many, if not most of the toxic substances envisioned for control by the Toxic Substances Control Act involves the regulation of consumer products and testing related to toxic substances.

The regulation of consumer products and testing of toxic substances is a keystone to the control of hazards associated with chemicals like vinyl chloride—the precursor of plastics, PCB's—used in a variety of consumer products, asbestos, detergents, and a wealth of other chemicals. Each provision of that act, which the Committee on Commerce labored for 6 years to enact, directly or indirectly concerns consumer product regulation or testing of toxic substances. The prevention of cancer and other grave health effects, as envisioned by the act, is a consumer service of the highest order.

The Safe Drinking Water Act exists for the purpose of protecting consumers from undue hazards associated with the contamination of drinking water. This is clearly a consumer service and lies within the jurisdiction of the proposed Committee on Commerce, Science, and Transportation.

With respect to the automobile fuel economy standards program administered by the Department of Transportation, I am pleased to note that the Commerce Committee and the Interior Committee have reached an understanding as to the report of the Rules Committee.

As the Senate is aware, the automobile fuel economy standards program, now administered by the National Highway Traffic Safety Administration of the Department of Transportation, has been handled in the past in its entirety by the Committee on Commerce.

The automobile is subject to regulation by the Federal Government in a number of ways. Requirements now exist with respect to emissions control, safety, damageability, and fuel economy. At the present time, responsibility for these programs is divided between two committees of the Senate; the Senate Public Works Committee having responsibility for environmental pollution, and the Committee on Commerce responsible for automobile fuel economy, safety and damageability. It makes good sense not to divide responsibility for the automobile among an even greater number of committees of the Senate.

Most importantly, as the Committee on Commerce is the committee responsible for transportation generally, and the automobile remains the dominant form of transportation in this country, it is appropriate that responsibility for automobile legislation remain within the purview of the Committee on Commerce. Nonetheless, it is true that the Senate is moving to establish a committee with comprehensive energy jurisdiction under the able leadership of Senator JACKSON. The automobile, it must be recognized, is both a fundamental element of our transportation system and a major consumer of petroleum, and it will be necessary for the Commerce Committee to work closely with the new Committee on Energy and Natural Resources. I have complete confidence that we will be able to do so productively and cooperatively.

Mr. President, while the recommendations of the select committee with respect to consolidation of transportation

jurisdiction obviously have a great deal of merit, the Committee on Rules and Administration has reported Senate Resolution 4 in a modified form which does not completely accomplish the consolidation of transportation originally sought by the select committee. While I am understandably disappointed, since the failure to consolidate certain portions of transportation jurisdiction in one committee will undoubtedly hamper the development of a national transportation policy that will better serve the public interest, I also think it is fair to point out that some consolidation and clarification would occur if the Senate adopts Senate Resolution 4, even in its present form as reported by the Committee on Rules.

In addition to the important clarification of the Commerce Committee's comprehensive jurisdiction over ocean matters, including transportation, the resolution specifically states that the Senate Commerce Committee should "study and review, on a comprehensive basis, all matters relating to * * * transportation * * * and report thereon from time to time." In other words, Mr. President, the Senate Commerce Committee would be made the comprehensive transportation committee under Senate Resolution 4 as reported by the Committee on Rules and would exercise general policy oversight on all matters relating to transportation, even though several specific authorizing programs are not yet consolidated within the Commerce Committee's jurisdiction. With respect to those matters not specifically yet consolidated, the Commerce Committee would share jurisdiction with the Banking Committee and the Committee on Public Works. The Commerce Committee would be responsible for general policy oversight and integration of the various transportation modes, but specific program authorizations would still fall primarily within the jurisdiction of the Banking Committee and the Public Works Committee for the specific programs that they would retain. I am hopeful that this new grant of jurisdiction in the Commerce Committee will permit a better consideration of the many interrelated factors that shape our Nation's transportation system. It is too late for any of us here in the Senate to believe that changing either the funding or the regulation for any of the modes of transportation will not have an effect on the other modes. We have an integrated transportation system which must be approached from a unified interrelated basis in the Congress.

While I believe that the additional transportation jurisdiction granted by this resolution to the Senate Commerce Committee will be helpful and fully justifies the change of the committee's name to the Committee on Commerce, Science, and Transportation, it is still true that the remaining specific legislative authorization programs that have not yet been consolidated probably should be sometime in the future. In the meantime, I look forward to working closely with my colleagues in the Banking and Public Works Committees in order to do as good a job as we can in helping develop a unified and coherent national transportation policy that best serves the public interest.

Mr. President, with respect to the division of transportation responsibilities between the new Committee on Environment and Public Works and the new Committee on Commerce, Science, and Transportation, I would like to make a few observations. Yesterday, Senators DOMENICI and STAFFORD spoke with one another and with Senator STEVENSON regarding the jurisdiction of the Public Works Committee over user charge issues on the Nation's waterway system. The existing jurisdiction of our two committees over user charges will not be changed by the passage of Senate Resolution 4, except that the Commerce Committee will be responsible for overall transportation policy. With specific reference to the issue of user charges, the Commerce Committee will retain its jurisdiction over any segment toll or similar charge for use of the Nation's inland waterway system. The language of Senate Resolution 4 is clear that the Commerce Committee retains jurisdiction over "* * * inland waterways, except construction."

On December 31, 1976, the National Commission on Supplies and Shortages filed its report concerning the means for improving the Government's day-to-day involvement in materials policy. The Commission was formed in the aftermath of the 1973–74 materials shortages as a result of legislation considered by the Committee on Commerce to establish systems to monitor the supply of materials.

The Committee on Commerce thus has a large interest in the Commission's findings and has monitored its work closely. Under the existing jurisdictional arrangements, many of the specific issues developed by the Commission, including mandatory deposits on beverage containers and materials research and development legislation have been within the jurisdiction of the Committee on Commerce. As Senate Resolution 4 is unclear regarding materials issues, a clarification is in order.

The Commission's report deals with a variety of issues concerning the availability of goods necessary to the flow of commerce. For example, the Commission has recommended initiatives in the area of economic stockpiling, materials research and development, nonreturnable containers, product charges to promote recycling, and other areas. Given the committee's assigned jurisdictional responsibilities with respect to the regulation of consumer products and services, its responsibilities for science, engineering and technology research and development and policy, and other responsibilities relating to the flow of commerce, the committee expects to retain jurisdiction over the report of the Commission as well as many of the legislative initiatives recommended.

This is especially important given the Commission's recommendations with respect to the involvement of the Department of Commerce, including the National Bureau of Standards and the Office of Science and Technology Policy. For example, the materials research and development program is recommended to be lodged with the Director of the Office of Science and Technology Policy with responsibility for the commercialization of the R. & D. with the Assistant Secretary of Commerce for Science and Technology. Economic stockpiling is likewise recommended to lie with the Department of Commerce if a Department of Energy and Natural Resources is not created.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, would the Senator from Nevada refer to page 98 of the bill, section 705?

The Senator from Virginia is not clear as to just what that means. It says:

> Each Senator shall receive each fiscal year an amount equal to three times the amount referred to in section 105(e)(1).

Would the Senator from Nevada comment on that section of the legislation?

Mr. CANNON. Mr. President, this provision replaces, in effect, Senate Resolution 60. We do away with Senate Resolution 60. But it would provide for the Senator the amounts authorized under Senate Resolution 60 for personnel individually times three.

So that a person might have three persons designated at that rate of pay, if he so desired, for the purpose of employing them to assist him in his duties.

It really is, in effect, simply a substitution for the Senate Resolution 60 authorization that was previously in effect.

Mr. HARRY F. BYRD, JR. But this says, "The amount shall be equal to three times the amount."

Mr. CANNON. The Senator is correct. The amount designated in the Legislative Appropriations Act, that maximum amount for Senate Resolution. 60 personnel is $37,742.

Mr. HARRY F. BYRD, JR. Does that mean that the Senate will provide three times the amount that was provided in Senate Resolution 60?

Mr. CANNON. No; that is not the case at all.

Under Senate Resolution 60, a person could designate Senate Resolution 60 personnel to assist him on one committee, or another committee, I think the limit was two under Senate Resolution 60. But this provides that a person may designate three persons to assist tim on the various committees because he is entitled to three committee assignments, two class A committees, and one class B or C committee.

This goes on to say that such amount may be used by a Senator only to employ individuals for the purpose of assisting him in connection with his membership on committees with the Senate. Each Senator shall designate the committee with which any individual is so employed to assist him.

So it does not increase the amount. The rate is the same, but a Senator could employ three different people to assist him, one on each of his three committees he is authorized under this resolution.

Mr. HARRY F. BYRD, JR. The wording is not clear to the Senator from Virginia because it does not speak of per-

sons. It speaks of amount. It says, "shall receive three times the amount."

Mr. CANNON. The Senator is correct.

Mr. HARRY F. BYRD, JR. Three times the amount of money.

Mr. CANNON. And that amount of money is available for him to use. He need not use all of it, but he can use it to employ three people to assist him in addition to his funds provided for the operation of his office under the Legislative Appropriations Act.

He can use up to the 105(e)(1) of the Legislative Branch Appropriations Act, provided a ceiling that one could pay for each of those designated personnel.

The ceiling I have already stated to the Senator, but I am simply saying that one could use then that amount of funds to pay three people to assist him on those three committees.

He need not use all that money, but he is authorized that from the paymaster, to have that in his account, for the payment of those three people.

Mr. HARRY F. BYRD, JR. It does not increase the Senate Resolution 60 amount by three?

Mr. CANNON. No, it does not.

Mr. HARRY F. BYRD, JR. By three times?

Mr. CANNON. No, it does not.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. DURKIN. Will the Senator yield for a further question?

Mr. CANNON. I did not have the floor, but I will be glad to respond.

The PRESIDING OFFICER. Does the Senator from New Hampshire seek recognition?

Mr. DURKIN. Yes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. DURKIN. I thank the Chair.

Mr. President, I gather from the exchange between the Senator from Nevada and the Senator from Virginia that notwithstanding the fact that Senate Resolution 60 has been substituted, the same amount of money is available to each Senator, he can use three people at whatever it is, $35,000, or six people at $17,500.

It does not restrict one to three people and mandate he has to pay.

Mr. CANNON. The Senator is correct. It does not restrict it to a specific number of three. If the Senator desires to use that for four people to assist him on his committees at a lesser rate of pay, and it does not exceed three times the multiple there, he can do so.

Mr. DURKIN. I thank the Senator.

UP AMENDMENT NO. 38

Mr. NELSON. Mr. President, I call up my amendment respecting rotation of chairmen.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. NELSON) proposes unprinted amendment No. 38.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 81, after line 13, insert the following:

"(2) No Senator shall serve continuously as chairman of any standing, select, or special committee of the Senate for more than six years (exclusive of service as chairman of any such committee prior to the Ninety-sixth Congress), except that a Senator may serve as chairman of any such committee until his successor is appointed. A Senator who serves as chairman of a standing, select, or special committee of the Senate after the Ninety-fifth Congress and who ceases to be chairman of such committee may not again be appointed chairman of such committee unless there is no Senator then serving on such committee who is a member of the majority party and has not served as chairman of such committee.

On page 81, line 14, strike out "(2)" and insert "(3)".

Mr. NELSON. Mr. President, this amendment would provide for a rotation of committee chairmanships in the Senate, beginning with the 96th Congress; that is, in January 1979. From that time forward, a Senator would be allowed to serve as chairman on a committee for no more than 6 continuous years. Service as chairman prior to the 96th Congress would not count for this purpose. A Senator would be eligible to chair another committee after his chairmanship period on one committee expired, if he were in fact the eligible senior member of another committee, which is the case with some members now. Once all majority members of a committee had had an opportunity to chair the committee, a Senator would be eligible to serve a second 6-year term as chairman.

I propose this amendment for several reasons. First and foremost is that committees are creations of the Senate. They belong to the Senate as a whole, are responsible to the Senate as an institution. But with a system which allows an individual Senator to hold a committee chairmanship for an indefinite period of time, committees have a natural tendency to become the private domains of the individual Senators who chair them. This is not because Senators who become committee chairmen are power-hungry or selfish; it is simply a natural outgrowth of the current Senate practices. A chairman, after a period of time, puts his individual imprint on his committee. The committee staff, instead of serving the committee as a whole and the Senate as a whole, instead respond first to the committee chairman.

This is not the way committees and committee staffs are supposed to operate. A balanced, moderate system of rotation of chairmanships would firmly establish committees as institutions of the Senate.

There are other important reasons why rotation of committee chairmanships would enhance ability to make better public policy. Rotation would insure the periodic influx of new perspectives, new ideas, into the leadership positions on committees. Committees tend to develop rigid viewpoints, resistant to innovation, when they are headed by the same individual, whoever he may be, for extended periods of time.

New approaches to important policy problems are ignored. With periodic rotation of chairmanships, committees would have increased opportunities to reexamine their ways of operation and their approaches to legislation.

Also, rotation would enable junior members of the Senate, one of our most valuable resources, to play a more significant role in making policy. Senate Resolution 4 is built upon an attempt to more evenly distribute workload and responsibilities in the Senate. Rotation of chairmanships would be an important step in that direction. We would not lose the valuable experience and expertise of current chairmen in the Senate; they would remain on their committees, and would make their important and seasoned contributions. The Senate would gain a good deal, however, by expanding the opportunities available to many of its members, who often spend the most productive and active years of their Senate careers waiting for a chairmanship opportunity to arise. The Senate would lose nothing by rotation of chairmanships, and would gain immensely by this expansion of opportunity.

Neither would individual Senators suffer greatly with the proposed amendment. It would not take effect for 2 years, and chairmen would be allowed 6-year terms after its implementation. That, of course, would apply to all current chairmen. Thus, current chairmen of committees could serve as chairmen for 8 more years. After that point, these same Senators would be eligible to serve as chairmen on their other committees, for additional 6-year terms. No individual who has waited patiently for many years to attain a chairmanship would see his opportunity dissolve with this amendment. These Senators would have many more years to serve as chairmen of the various committees to which they are assigned.

Mr. President, I can think of few changes in Senate procedures that would have such overwhelmingly salutary effects, without any major drawbacks. I urge all my colleagues, including current and prospective committee chairmen, to vote for this amendment.

This proposal applies to all committees—A committees, B committees, select committees, special committees, whatever they may be.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. NELSON. Mr. President, I had assumed that the chairman of the Rules Committee, after listening to this, would embrace the concept and that we would have a voice vote. Or does the chairman want to see how overwhelming the support is for this proposal? [Laughter.]

Mr. President, I ask for the yeas and nays, because I do want to find out which one of the other Members may, by oversight, endorse this position. [Laughter.]

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CANNON. Mr. President, we have gone through quite an exercise here so far, in attempting to beat ourselves over the head and convince everyone how poor

a job is being done. When we finish, we may find that we have made this situation worse instead of better, as we had intended to do when the Stevenson Committee went to work on it.

In any event, I have to oppose this amendment of the distinguished Senator, who is a chairman of a committee. I am sorry that he does not want to serve more than 6 years as a chairman. I think that all he would have to do would be to step down, if he did not care to serve longer than 6 years.

We went through that exercise a little while ago, only it was to make everybody get off the committee after they had served 8 years. I think that concept received 15 votes. Inasmuch as this is directed toward the chairmen of the committees, maybe it will get a few more votes.

If there is no further discussion, I am prepared to move to table the amendment. If anyone wishes to speak on it, I will be delighted to yield time.

Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada to table the amendment of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

On this vote, the Senator from Minnesota (Mr. HUMPHREY) is paired with the Senator from Arizona (Mr. DECONCINI). If present and voting, the Senator from Minnesota would vote "yea" and the Senator from Arizona would vote "nay."

I further announce that, if present and voting the Senator from Iowa (Mr. CLARK) would vote "nay."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Jersey (Mr. CASE), the Senator from Idaho (Mr. MCCLURE), and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

I further announce that, if present and voting, the Senator from New Jersey (Mr. CASE) would vote "yea."

The result was announced—yeas 62, nays 26, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—62

Allen	Hayakawa	Pell
Bayh	Heinz	Percy
Bellmon	Helms	Proxmire
Bentsen	Hollings	Ribicoff
Brooke	Huddleston	Roth
Burdick	Jackson	Sasser
Byrd, Robert C.	Javits	Schweiker
Cannon	Johnston	Scott
Chafee	Laxalt	Sparkman
Church	Long	Stafford
Curtis	Lugar	Stennis
Dole	Magnuson	Stevens
Domenici	Matsunaga	Stevenson
Eagleton	McClellan	Stone
Eastland	McIntyre	Tower
Ford	Melcher	Wallop
Garn	Metcalf	Weicker
Glenn	Metzenbaum	Williams
Goldwater	Morgan	Young
Hansen	Moynihan	Zorinsky
Hatch	Packwood	

NAYS—26

Anderson	Gravel	McGovern
Biden	Griffin	Muskie
Bumpers	Hart	Nelson
Byrd, Harry F., Jr.	Haskell	Nunn
Chiles	Hatfield	Randolph
Culver	Hathaway	Riegle
Danforth	Kennedy	Sarbanes
Durkin	Leahy	Schmitt
	Mathias	Thurmond

NOT VOTING—12

Abourezk	Clark	Inouye
Baker	Cranston	McClure
Bartlett	DeConcini	Pearson
Case	Humphrey	Talmadge

So the motion to lay on the table was agreed to.

AMENDMENT NO. 35

Mr. HUDDLESTON. Mr. President, I have an amendment at the desk. I ask that it be called up.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON), for himself and Mr. FORD, proposes amendment No. 35.

On page 80, after line 9, insert the following:

(5) After the date on which the Committee System Reorganization Amendments of 1977 are agreed to, a standing, select, or special committee of the Senate (whether permanent or temporary) may be established only if, by a yea-and-nay vote, two-thirds of the Senators present and voting vote in the affirmative.

The PRESIDING OFFICER. The Senator from Kentucky. The Senate will be in order. Will Senators kindly withdraw if they wish to converse? The Senate will be in order. The Chair would appreciate if Senators who wish to converse would withdraw to the cloakrooms.

The Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, we have labored long to bring about some reform in the operations of the Senate; we have sought to promote efficiency and to utilize better the various Members' time. A major thrust of this reform has been a reduction of the total number of committees that we have, with a realinement of committee jurisdictions in some cases.

I think we have seen demonstrated since the original bill was presented how difficult it is to bring about this kind of reform. We have found that there is no easy way, certainly no painless way, to reduce the number of committees once they exist. Similarly, there was no easy way to stem the great proliferation of committees in recent years as we added more and more special and select units. This has brought about a tremendous increase in the cost of operating the Senate and a tremendous increase in the time and effort that each Member has to devote to his duties.

It seems to me that, if we are going to insure that what reform we are able to agree upon is going to be lasting and worthwhile, we have to find some way to slow this proliferation of committees. It is for that reason that I have offered this amendment.

The amendment simply would require that after adoption of Senate Resolution 4 a two-thirds vote of this body would be required before a new committee could be formed.

I think that would give us some assurance that we would not be creating committees with the same ease and frequency that we have in the past and that we would not, in another year or two, find ourselves in the same position that we are in now, that is, wondering what in the world we are going to do with all of the committees that we have created and how we are going to divide our time between them in order to fulfill our responsibilities.

I think it is time to reflect upon the difficulties we have had in coming this far in our reform efforts. I think it is very important to recall that when we talk about reform of the Senate it is very much like talking about tax reform and talking about cutting expenditures of the Federal Government: everyone is for it, except when we get to the point of cutting an expenditure that affects some particular group.

We do not need to be again faced with the problem of committee proliferation in the near future if we are successful today in bringing about some substantial limitation on the ease of creating such committees.

It is my judgment, with all deference to the tremendous amount of work that has been put into Senate Resolution 4 up to this point, that the amendment that I am suggesting will constitute as much major reform as everything that has been done until now.

I think it is important that we discipline ourselves in the future so that we can prevent the unnecessary increase in committees as we go forward and so that we can preserve the degree of reform that we are able to agree upon, making it meaningful and effective as the years continue.

Consequently, I urge the Senate to adopt this resolution. It in no way will impose any restriction upon this body in the matter of subjects that the Senate might want to investigate in the future. It just simply makes it a little more difficult to create new standing special or select committees for any specific purpose.

I urge the adoption of this amendment.

Mr. ROBERT C. BYRD. Mr. President, I certainly agree with the intent and purpose of the distinguished Senator from Kentucky. He is hoping to prevent, in the future, the widespread proliferation of standing, select, and special committees. I agree with that objective. However, in requiring that two-thirds of Senators present and voting vote in the affirmative, he would impose a more difficult restriction on the Senate in the event of necessity for creating standing, select, or special committees of the Senate than is required even by the cloture rule.

Cloture can ordinarily be invoked by 60 Members of the Senate voting for cloture, whereas, if all 100 Senators were present and voting on the establishment of a standing, select, or special committee, the requirement would be considerably greater than even that which is imposed by the cloture rule.

Second, I do not have too great a problem with the standing committee requirement, or certainly not as much as I have with the requirement that deals with select and special committees. A special committee is created by virtue of necessity, by virtue of an urgency that makes it especially desirable and necessary to establish a committee. That is why the name is "special committee;" at least that is one of the reasons for the name. It is a special committee created to deal with a special situation.

I do not want the Senate to impose the requirement of a two-thirds vote on the creation of a special committee. Just a few days ago, a special committee was created to come up with a code of conduct for the Senate. That action was taken by unanimous consent of the Senate, and the Senator from Wisconsin (Mr. NELSON) now serves as chairman of that committee, which in due time will report back legislation providing for a code of conduct for Senators, and officers and employees of the Senate.

Had unanimous consent not been granted, of course, a majority vote would have been required at some point in order for that special committee to have been established. Now the Senator from Kentucky would impose the requirement of a two-thirds vote which would have made it much more difficult, perhaps, in the event there had been opposition to the creation of such a special committee, to have achieved that goal.

I hope that the Senator will withdraw his amendment, or at least strike from it the words "select or special" for the reasons that I have outlined.

Mr. HUDDLESTON. Mr. President, if the Senator will yield at that point, it seems the special committees are the ones more difficult to get rid of. Much of the debate on Senate Resolution 4 up to this point has been about what to do about select and special committees that are appointed for a temporary period, but seem to become more or less permanent.

Mr. ROBERT C. BYRD. I agree with the Senator in that regard.

Mr. HUDDLESTON. On the question of two-thirds being more strict than the cloture requirements, cloture is generally a temporary proposition, and committee formation has been fairly permanent; so perhaps there ought to be more thought given to it.

The major committees that have been appointed for the major investigations in the last 4 years, the Watergate Committee and the Select Committee on Intelligence, both passed this body by a sufficient number of votes to have been created under the provision that is proposed. It seems to me that on any subject where it is clear that the need is present and immediate, there would not be much difficulty in getting this body to create a select or a special committee for a specific length of time. But I think we have to come to grips with what has happened over the years in the proliferation of committees. Committees have been created very easily; many of them have been created for very limited purposes, only to last far beyond their times, to have their purposes expanded, and, in effect, to become permanent committees.

I think there is more real reform in the idea of putting some brakes on that kind of activity of the Senate than perhaps in some of the other provisions of the resolution we are considering.

Mr. ROBERT C. BYRD. As I say, I laud the Senator for the purpose he is trying to achieve, and I join with him in that, but I can see some problems that could occur in the event this amendment is adopted.

It might very well have been that the Special Watergate Committee, to which the Senator has alluded, or the Permanent Committee on Intelligence to which he has also alluded, might not have secured a two-thirds vote. As he indicated, this amendment would not have prevented the creation of those committees because the votes were there in those instances, but the opposite might very well have been true.

I wish the Senator would withdraw his amendment at least temporarily; perhaps we could work with the language and obviate the problems which could conceivably occur.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I have been asked to state that as far as the leadership over here is concerned, we would not have any objection to a two-thirds rule on standing committees, but upon the special committees we think that the action that has been taken in the past with regard to select and special and ad hoc committees was done with consultation, those actions were normally supported in a bipartisan fashion, and there should be leverage in the rules to permit the leadership to act in that way.

I would hope the Senator from Kentucky would limit his amendment solely to standing committees, and say that standing committees would not be changed without a two-thirds vote. We would be willing to support that approach.

RECOGNITION OF A DISTINGUISHED VISITOR

Mr. THURMOND. Mr. President, we have with us today a very distinguished visitor. He is a member of the West German Parliament, the Bundestag. He is not only a distinguished citizen of his country, but a friend of the United States. I take pleasure at this time in asking him to rise so that we can see him, and I am sure we are delighted to have him with us: Count Hans Huyn.

[Applause, Senators rising.]

COMMITTEE SYSTEM REORGANIZATION

The Senate continued with the consideration of the resolution (S. Res. 4) reorganizing the committee system of the Senate, and for other purposes.

Mr. JAVITS. Mr. President, I have heard what the minority whip has to say, and I have not participated in this debate before, but I am very much concerned, and I would decidely vote against any such provision for any kind of committees, for this reason: When you come to undo a rule like this, it ties our own hands, so that we cannot do anything about any standing committee except by a two-thirds vote. Can we do that by a majority, or not, or are we making some new rule XXII that is going to inhibit the opportunity to change the rules if we want to?

This is a real cul-de-sac we have been falling into, Mr. President. For one, I feel that if this is insisted on, the Senate should vote on it on the record. I think it is a grave mistake, and I hope we do not do it.

Often, in the give and take of debate, we make a concession which we find very damaging. There is no chance, Mr. President, to get over this one. This is a Senate rule, and if we put it in, that is the end of it; and next year we will have a big fight about whether or not we can undo the rule by less than a two-thirds vote. We simply do not want to get into that. So, Mr. President, my judgment is that this is a much more serious matter than can just be settled across the table by Senators telling each other what may or may not be approved, and that we ought to have a record vote on it if that is what is going to be done.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MELCHER). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I send to the desk a modification of the amendment which is pending.

The PRESIDING OFFICER. The modification of the amendment will be stated.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON) proposes a modification of printed amendment No. 35, as follows:

On page 80, after line 9, insert the following:

"(5) After the date on which the Committee System Reorganization Amendments of 1977 are agreed to, a standing, select, or special committee of the Senate (whether permanent or temporary) may be established only if, by a yea-and-nay vote, two-thirds

of the Senators present and voting vote in the affirmative, except for those select and special committees which are created for a specific purpose and specific time as set forth in the resolution creating such special or select committees.

Mr. HUDDLESTON. Mr. President, what we are doing here is modifying the amendment to exclude select and special committees from the two-thirds requirement, but providing that the resolution creating select and special committees shall set forth the purpose for which they are created and the period of time for which they are created.

I think this is a logical approach. It does give an opportunity to meet a special problem by creating a new committee, quickly if necessary, but at the same time puts a limit on how long such a committee can continue to function. The two-thirds requirement would still apply to creating a new standing committee of the Senate.

Mr. JAVITS. Will the Senator yield?

Mr. HUDDLESTON. I yield.

Mr. JAVITS. Suppose we wish to amend this rule in order to strike it out? Do we do that by a majority vote or by a two-thirds vote?

Mr. HUDDLESTON. This is an amendment to the Senate rules, Rule XXV. What applies to amending the rules applies.

Mr. JAVITS. Then if we can, by a majority, amend this rule, why do we have to fuss with this which imposes a two-thirds when a majority can amend it? It gets down to a majority anyhow.

Mr. HUDDLESTON. I think we ought to have a rule requiring a two-thirds vote in order to discipline ourselves in creating new committees. If we want to engage in the parliamentary moves of amending the rules in order to get around this, then that is something each Member can decide for himself at the time the issue presents itself. But the very fact that we have to do it should reemphasize to us that we are creating the units which necessitated much of this reform in the first place.

Mr. JAVITS. With all respect, all I see in that is another Rule XXII fight as to whether you can amend the rules, when you can amend the rules, whether the Senate is a continuing body and so on, all over again. We gain nothing substantively whatever, except to tie our own hands. I really think, with all respect—the Senator is a very fine Senator, functions most sincerely, and is a very dear friend of all of ours—it is a very improvident provision. I really most respectfully and regretfully will have to test it on the record, because I just think we are doing something very unwise.

If we can amend the rule and thereby eliminate the two-thirds, why put us through all that difficulty and involve us in the whole rulemaking question which has vexed this Senate for 20 years I have been here in the most terrific battles that have taken weeks and weeks of time? Why impose it on ourselves?

May I point out to the Senator this matter will not go to conference. There is no second look to this. This is it the minute we vote on it.

Mr. HUDDLESTON. I recognize that. I have been willing to modify my amendment because of that. But what the Senator is saying about amending the rules would apply to any suggestion we make to amend the rules.

Mr. JAVITS. Except that it is a suggestion putting on a new limit for voting, which is something we have been fighting in rule XXII for three or more decades.

Mr. HUDDLESTON. It is the same as on a question of cloture.

Mr. JAVITS. If the Senator will allow me, I wish to say when I have the right to the floor I will move to table this amendment.

Mr. ROBERT C. BYRD. Mr. President, I rise only to state a fact which every Senator knows, that to change the rules of the Senate would require two-thirds vote to invoke cloture. If there is determined opposition in the Senate to changing the rule, it would amount to a filibuster and a two-thirds vote would be required to invoke cloture.

Mr. JAVITS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. JAVITS. It takes only 60 votes to invoke cloture.

Mr. ROBERT C. BYRD. Yes, but in connection with changing the rules it would require two-thirds. That would be the case here.

Mr. JAVITS. That is exactly the reason why I do not think we ought to agree to this.

Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Kentucky, as modified. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. TALMADGE), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI), and the Senator from Iowa (Mr. CLARK) would each vote "nay."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Jersey (Mr. CASE), the Senator from Indiana (Mr. LUGAR), the Senator from Idaho (Mr. MCCLURE), and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

The result was announced—yeas 51, nays 35, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—51

Anderson	Hathaway	Pell
Bayh	Hayakawa	Percy
Biden	Heinz	Randolph
Brooke	Humphrey	Ribicoff
Bumpers	Jackson	Sarbanes
Cannon	Javits	Schmitt
Chafee	Laxalt	Scott
Church	Leahy	Sparkman
Culver	Magnuson	Stafford
Durkin	Mathias	Stennis
Eagleton	Matsunaga	Stevens
Eastland	McClellan	Stevenson
Garn	McGovern	Stone
Gravel	Melcher	Thurmond
Hansen	Metcalf	Tower
Haskell	Moynihan	Williams
Hatfield	Muskie	Zorinsky

NAYS—35

Allen	Ford	Metzenbaum
Bellmon	Glenn	Morgan
Bentsen	Goldwater	Nelson
Burdick	Griffin	Nunn
Byrd, Harry F., Jr.	Hart	Packwood
	Hatch	Proxmire
Byrd, Robert C.	Helms	Roth
Chiles	Hollings	Sasser
Curtis	Huddleston	Schweiker
Danforth	Johnston	Wallop
Dole	Long	Weicker
Domenici	McIntyre	Young

NOT VOTING—14

Abourezk	Cranston	McClure
Baker	DeConcini	Pearson
Bartlett	Inouye	Riegle
Case	Kennedy	Talmadge
Clark	Lugar	

So the motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. CANNON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CANNON. Mr. President, if I may have the attention of the Senate, I know many people are interested in knowing where we stand on this matter.

At the present time, I am aware of three amendments remaining. There may be some that I do not know of. But that is the situation as I understand it right now.

UP AMENDMENT NO. 40

Mr. CANNON. Mr. President, I send an amendment to the desk now that would amend pages 82 and 83, which we discovered inadvertently went too far insofar as permitting service on an additional committee is concerned.

The amendment would provide that a Senator who, prior to the passage of this reorganization resolution, was serving on the Committee on Government Operations and two other standing committees listed in paragraph 2 and also serving as chairman or ranking minority member of one of such other standing committees would be entitled to serve on the Committee on Governmental Affairs, in addition to serving on two other standing committees listed in paragraph 2, so long as his service as a member of such committee to which he was initially appointed on or after the effective date of such title I is continuous.

Mr. President, that period of service

would be permitted only until the appointment of the majority and minority members of standing committees of the 96th Congress and until that time the Committee on Budget would be treated as a committee listed in paragraph 2.

We have the further limitation that no Senator may by reason of the application of subparagraphs (2) or (3) serve on more than three standing committees.

Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Nevada (Mr. CANNON) proposes unprinted amendment numbered 40.

Mr. CANNON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 82, beginning with line 9, strike out all through line 2 on page 83 and insert the following:

"(2) a Senator who (A) on the day preceding the effective date of title I of the Committee System Reorganization Amendments of 1977 was serving on the Committee on Government Operations and two other standing committees listed in paragraph 2 of this rule (as such rule existed on such day), and (B) was serving as the chairman or ranking minority member of one of such other standing committees, shall be entitled to serve on the Committee on Governmental Affairs in addition to serving on two other standing committees listed in paragraph 2 so long as his service as a member of each such committee to which he is initially appointed on or after the effective date of such title I is continuous.

(3) for purposes of subparagraph (2), until that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed, the Committee on the Budget shall be treated as a committee listed in paragraph 2. No Senator may, by reason of the application of subparagraph (2) serve on more than three standing committees.

Mr. CANNON. Mr. President, there are four Members of the Senate to whom that amendment would be applicable.

This does not provide that the grandfather provision be transferred, which we have permitted to the majority and minority members of both the Post Office Committee and the District of Columbia Committee.

Mr. MATHIAS. Mr. President, I believe I understand the purpose of this amendment as explained by the distinguished chairman of the committee. I understand that there is a valid case to be made here.

I wonder if the chairman of the committee will object to adding to his amendment after the designation of the Committee on Governmental Affairs, and any committee merged by this legislation into the Committee on Governmental Affairs?

Mr. CANNON. The committees merged into the Committee on Governmental Affairs, the Post Office and Civil Service and the District of Columbia Committee, we have covered in a separate paragraph on page 83.

This, I say, is only for the chairman and ranking member.

Mr. MATHIAS. That is fine. I like that.

But the language on page 83 which the chairman has referred to is more restrictive than the language on page 82 with which we are now dealing. So we are setting up two classes here which seems to me to be an unfortunate kind of division.

Mr. CANNON. If the Senator would explain what his purpose is, I would be glad to address it.

I do not see that it is more restrictive. I think it is the same.

If the Senator is saying he would like to grandfather in other people and would I agree to it, the answer is "no."

We have gone through that exercise. We are trying to reduce the amount of service on committees and subcommittees. The Senator from Illinois has gone a long way in this regard, and I support him in that position.

I assume that is what the query is directed toward, and my answer would be "no," that I would not support an amendment to broaden it beyond where we have designated it at the present time.

Mr. MATHIAS. Would the chairman tell us, as a result of either the language he has proposed or the language as it is written in the bill, as reported by the committee, whether the people affected would be limited to three committees?

Mr. CANNON. Yes. The people affected are limited to three committees.

The people affected here are limited to three committees.

Mr. MATHIAS. And none of these people will have more than three committees?

Mr. CANNON. The Senator is correct. None of these people would have more than four committees under the bill and under the amendment.

Mr. MATHIAS. Either class A or class B committees?

Mr. CANNON. This would put these people into three class A committees, which they might not hold except for this provision, but there is a provision that they cannot serve on more than three standing committees.

That is the last part of the amendment. So they would not be permitted a fourth committee permanently.

What the Senator is trying to inquire, I would assume, is, can we grandfather someone else in so they can serve and have a fourth committee?

The only permanent fourth Senate committee exception, as I understand it, here now, and I ask my colleague from Illinois to verify it, the only fourth committee exception is the Committee on Ethics, for a very special reason, because of the limitations there?

Mr. STEVENSON. Mr. President, the Senator from Nevada is correct.

An exception to the rule of the three committee assignments was made for the Special Ethics Committee. For obvious reasons, not many members would give up the major committees or third committees for an assignment to that committee.

In addition, Mr. President, the resolution was intended to permit only three grandfathers, and those three were excepted from the general rule against grandfathers for the simple reason that they acquired their grandfather rights by law, the Legislative Reorganization Act of 1970, and were willing to relinquish that right if they could retain it for just this Congress.

What happened was that in the preparation of the resolution, a drafting mistake was made; and it is that mistake that the amendment by the Senator from Nevada is attempting to correct. If it is not corrected, 16 Senators, including myself, will be entitled to grandfather rights on committees, principally the Committee on Governmental Affairs.

So, to carry out the intention of the select committee and the Rules Committee embodied in Senate Resolution 4, and to prevent 16 potential grandfathers, to the exclusion of other Senators, including, of course, the newly-elected Senators, this amendment is necessary.

Mr. MATHIAS. I ask the Senator from Illinois, why is there no bar in this provision, as there is in page 83, to a paragraph 3 committee?

Mr. STEVENSON. Perhaps the amendment could be modified to make it clear.

Mr. MATHIAS. I am not anxious to put the bar on. I just wonder what the reason is.

Mr. STEVENSON. If that is not clear, then a modification of the amendment would be desirable.

Mr. MATHIAS. I think the legislative history is clear, as a result of what the distinguished chairman has said in that respect. I am just curious as to why the two sections were treated differently.

Mr. CANNON. I can answer that, if the Senator will permit me to.

On page 83, those assignments are presumed to be permanent. The reference to Government Operations relates only to the remainder of this Congress. Therefore, the Post Office and Civil Service and the District of Columbia assignments are intended to be permanent; and it says that they can be transferred over but they cannot serve on a committee listed in paragraph 3 (a) or (b).

Mr. MATHIAS. I think that the chairman, with his usual perception, has come to the heart of the question.

He says that page 83 assignments are presumed to be permanent. But I raise a serious question as to whether, in the minds of those who are affected by the page 83 language, it will be permanent in effect. That is what leads me to raise this line of questioning.

Mr. STEVENSON. Mr. President, these three Senators, I am told, are the only Members of the Senate who have statutory grandfather rights. They are willing to give up those rights if they can retain their positions on the Committee on Governmental Affairs for this Congress only. They are therefore, it is true, permitted a fourth committee assignment. That is only for this Congress. At the expiration of this Congress, they will lose their statutory grandfather rights.

It was felt unfair to deprive them of a fourth committee assignment now, since in the next Congress that would become a third committee assignment. That is the reason for the provision in this amendment to which the Senator from Maryland referred earlier, and I want

to modify my response to his earlier inquiry.

Mr. MATHIAS. I appreciate the Senator from Illinois clarifying that point, because I felt a little foolish for a while to raise this question. But I believe that now the Senator has made it clear that we are talking about four committees for a limited period of time. I can understand that there are compelling reasons why they should be temporary. I would not think they should be permanent. That is why I had raised with the chairman of the committee the question as to whether the language I proposed, to make it comply with the committees which merged in with the Governmental Affairs Committee, might not also be appropriate; because these are compelling circumstances not only with these individual cases but also with some of the others of us who are in unusual circumstances.

Mr. STEVENSON. Mr. President, I did not hear the question. What was the question?

Mr. MATHIAS. I am glad to repeat it. I think the Senator from Illinois has the gist of it, from the previous conversation on the subject.

I understand very well that there are compelling circumstances which make it desirable to have the members who are covered by the page 83 language serve on four committees—temporarily, not permanently.

I can conceive that there are others—a very limited number of others—who have some temporary situations which might make it desirable to extend that opportunity in which to resolve pressing business which may exist in their committees, on which they are now serving, for the time being.

I know it is very difficult for the committee. The committee has done an admirable job in trying to adjudicate these matters. But I do believe that extending this principle, which is an equitable principle, to those other cases, and I suggest the language—those merging into the Government Affairs Committee—would resolve that problem for more than just the people for whom it is being resolved under the language on page 83.

Mr. STEVENSON. Mr. President, I do not know of any other Members in the same position as these three Senators, who, as I indicated earlier, have statutory grandfather rights. There are many others who might wish to obtain a third committee assignment on Government Operations and retain a fourth committee assignment without the amendment offered by the Senator from Nevada. I would be able to obtain a position on the Government Operations Committee; and if I understand the implications of the remarks by the Senator from Maryland, the next proposal to come along will open the door further. Under that proposal, I would be able to obtain still another position.

We have tried to hold the line. If this amendment is not adopted in the form offered by the Senator from Nevada, the dam will break. Sixteen Members could obtain fourth committee assignments.

Mr. MATHIAS. I am not opposing the amendment of the chairman of the committee. I am not opposing it at all. I am just suggesting that we modify it.

UP AMENDMENT NO. 41

Mr. MATHIAS. Mr. President, I will send the modification to the desk.

The PRESIDING OFFICER. (Mr. MELCHER). The clerk will state the modification to the amendment.

The legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) proposes a modification, amendment No. 41, to the amendment of the Senator from Nevada (Mr. CANNON) amendment No. 40.

Mr. CANNON. Mr. President, will the clerk read the modification? I would like to see what the modification is.

The PRESIDING OFFICER. The Senator from Maryland can propose an amendment to the amendment of the Senator from Nevada but he cannot propose a modification.

Mr. MATHIAS. It is an amendment.

The PRESIDING OFFICER. The Senator from Maryland offers his amendment as an amendment to the amendment of the Senator from Nevada.

The amendment is as follows:

After the words Government Affairs Committee insert: and any committee merged by this legislation into the Committee on Government Affairs.

Mr. CANNON. Mr. President, I think we have had adequate discussion on this issue. This would broaden the coverage, the grandfather provisions. It would make it possible to include 16 additional Senators grandfathered if the Senate were of a mind to do that. If we are going to do that, I would suggest maybe we ought to forget about the whole thing.

I think we have gone a long way toward coming out with a very responsible reorganization plan as recommended basically by the committee and worked over by the Rules Committee.

It is true we have had to take some actions that are not popular with everyone, obviously, and someone is going to have to give up something that maybe he would prefer to keep. But I suppose if we want to do what we wanted to do we would say that everybody should keep what they have and maybe get a little in addition besides. But if there is no other discussion on it, this is the issue we have been talking about for the last few minutes.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. CANNON. I yield to the Senator on condition that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. I would ask that the amendment be amended to deal only with the chairman and ranking members. That would narrow it very materially.

Mr. CANNON. If I may speak very frankly, the Senator is interested in his own situation on the Intelligence Committee. He is not a chairman or ranking member of Intelligence, so it would not do what he is hoping to do.

Mr. MATHIAS. Of a committee which is being merged and which is being extinguished by this bill.

Mr. CANNON. What specifically is the Senator referring to? Can he spell it out?

Mr. MATHIAS. The District Committee is being merged into the Governmental Affairs Committee.

Mr. CANNON. We already have provided for the chairman and ranking member.

Mr. MATHIAS. But you provide him with a bar to service even temporarily during the period of transition when you can work out your committee problems, when you can work out your staff problems. You have provided a bar.

You have not done that for the people covered on page 82. You are making ducks of one and drakes of the other.

Mr. CANNON. The people who are on the Post Office and Civil Service are being transferred in permanently to Governmental Affairs. We have provided for the chairman and the ranking minority member and they are transferred permanently and, therefore, they do have a bar to a fourth committee service.

On the other committee that is a temporary thing, only for the remainder of this Congress.

Mr. MATHIAS. That is all I am suggesting; that is all I am asking, and I would think the committee would welcome that.

Mr. CANNON. Mr. President, if there is no further discussion I am prepared to move to table the amendment. I do not want to cut anybody off.

Mr. President, I move to table the amendment of the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Nevada moves to lay on the table the amendment of the Senator from Maryland to the amendment of the Senator from Nevada. The question is on agreeing to the motion of the Senator from Nevada.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Nevada. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

The PRESIDING OFFICER. Are there further amendments to the resolution?

Mr. MATHIAS. Yes, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

AMENDMENT NO. 36

Mr. MATHIAS. Mr. President, I call up amendment No. 36.

The PRESIDING OFFICER. The clerk will state amendment No. 36.

The assistant legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) proposes amendment No. 36:

On page 83, line 14, after (b) insert "in any Congress after the Ninety-fifth Congress".

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, this amendment is just an equity amendment. I call it an equity amendment be-

cause it simply provides the same opportunities for those members for whom we have just provided by the amendment proposed by the chairman, and which the Senate has just adopted, and which I fully concur should have been adopted.

It provides those same opportunities to those who are affected by the language on page 83. It gives them for just the period of this Congress a temporary opportunity to work out their committee arrangements, their staff arrangements, which can be very complex.

The resolution will extinguish the District of Columbia Committee; it transfers its jurisdiction to the Governmental Affairs Committee, and that leaves a substantial and important body of legislative authority, in fact constitutional authority, to be transferred in an orderly manner.

This is an important job. There are staff people whose careers are affected by the change. We have only two minority members on that committee at this time, so the responsibility is limited to a very few hands.

As the ranking member of the District Committee, I do not want to shirk that responsibility. At the same time, I do not know what the future holds. I do not know that that will be a permanent assignment as far as I am concerned.

I did several years ago, together with the Senator from Montana (Mr. MANSFIELD), suggest a study of intelligence operations, which resulted in the creation of the Intelligence Committee, so I have a great interest in that committee.

As the distinguished chairman has indicated, very frankly that is my situation and my dilemma.

I understand the Members who have been taken care of on page 82 have serious dilemmas, and I am very sympathetic with that. But I do not believe we ought to deal with almost identical situations in a very different way. I am not asking for any permanent grandfathering, I am not asking for any permanent status. I am asking for time in which to resolve a serious transitional period. I believe that is not an unreasonable request to make.

Mr. CANNON. Mr. President, this is precisely the same intent as the amendment we just voted on. It comes at a different place than was attempted before, but the effect is exactly the same.

Mr. MATHIAS. I would respectfully suggest to the chairman that it is not because the Senator objected to the last one on the ground it brought in 16 different people. I do not believe this one, as a practical matter, will do that. However, that is not a serious difference.

Mr. CANNON. Mr. President, I hope I have not misstated it, but I can certainly say in a hurry what this would do. This would permit all of the members of the Committee on Post Office and Civil Service to serve on the Committee on Government Affairs in addition to serving on two other standing committees listed in paragraph (2) and provide that they can serve in addition on any committee listed in paragraphs (3) (a) or (b), which are the so-called minor committees, in any Congress except the 95th Congress.

Mr. President, I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

The PRESIDING OFFICER. Are there further amendments to be proposed to the resolution?

UP AMENDMENT NO. 42

Mr. ALLEN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes unprinted amendment numbered 42.

On page 90, line 12, strike out the period and the quotation mark and add the following language:

and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion. No such committee as to which such consent has been given shall meet until the expiration of at least fifteen minutes following such announcement."

Mr. ALLEN. Mr. President, as I remember, under the Reorganization Act of 1946, I believe the majority leader and minority leader have the authority to give committees the right to meet during sessions of the Senate. However, that has never, so far as I know, been put into practice. The practice has been to seek to obtain unanimous consent for committees to meet after the morning business, I believe, and this power has never been used.

This Senate Resolution 4 has a provision that I think needs to be clarified and strengthened.

The resolution gives the committee the right to meet during the first 2 hours of the session of the Senate but in no event beyond 2 o'clock, I believe. Thereafter, the majority leader and the minority leader can give a committee consent to meet; it no longer requires unanimous consent for a committee to meet. These two officers of the Senate, one might say party officers, have the right to give a committee the right to meet.

The last sentence in this paragraph says:

The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph.

It is that sentence that I seek to amend by this amendment. This sentence in the resolution could, in effect, wipe out our sunshine requirements as to a committee meeting. It could work in this fashion: A committee handling a controversial bill could meet in public up to the point of voting on that bill in public. Then it could recess subject to the call of the chairman, and then they could get permission from the two leaders to meet. They could meet in a public meeting at which no one was present except the committee members and could take whatever action they wanted to by a voice vote, eliminating entirely the sunshine concept as to committee action.

This amendment requires them to announce consent has been given, but it does not even require them to say where the committee is meeting or the time at which the committee shall meet. All my amendment would do would be to require 15 minutes' notice, that the committee cannot meet for 15 minutes after this announcement is made.

On a controversial issue before the committee, Senators wanting to appear before the committee and the public, such as to be reached in 15 minutes, wanting to attend the committee meeting would have that opportunity under this amendment. They could not go ahead and give them the right to give control to the meeting but require that the announcement, that the resolution requires them to make, be made and that the committee not meet thereafter until the expiration of 15 minutes.

The announcement would state the time and place of the meeting. So, Senators and the public to some extent would be alerted as to the committee meeting. That is all it does.

And I feel that this is necessary. It is not directed at the two leaders; it is directed at orderly procedure in the Senate and in the committee work because otherwise a committee in contravention of our sunshine rules could meet without anyone knowing about it except the two leaders and the committee members, and the two leaders might not even know where the committee was going to meet.

So, that is what it will do. Otherwise, the announcement of the meeting could well be made minutes or hours after the committee had already met and adjourned. So of what use is the announcement if the committee has already met? All it does is require 15 minutes' notice of a committee meeting which is held while the Senate is in session any time 2 hours after the Senate comes in. It reserves the right in the two leaders to make this decision as to whether they should meet but merely alerts the Senate for a period of 15 minutes that the committee meeting is going to be held.

Mr. President, I ask for the yeas and nays on the amendment. I think it is that important.

The PRESIDING OFFICER (Mr. GLENN). Is there a sufficient second?

There is not a sufficient second.

Mr. ALLEN. I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will withhold the suggestion, I am sure there will be an ample number of Senators present to help get the yeas and nays if he will withhold it for the time being.

Mr. JOHNSTON. Is it opposed?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, the amendment appears to be an innocuous one, and I do not mean to imply that the intent behind its submission is anything other than the best of intent.

But this amendment could conceivably create some problems at times. In the first place, any standing committee of the Senate may now sit for any purpose while the Senate is in session if consent therefor has been obtained from the majority leader and minority leader of the Senate.

So we already have this provision whereby the majority and minority leaders may give consent for a standing committee of the Senate to sit.

But I do not recall the majority or minority leaders ever having used that authority. It may be that at some time during my service in the Senate, committees have met by virtue of consent given by the majority and minority leaders, but I do not recall this as ever having happened. The majority leader, our beloved majority leader emeritus, Mike Mansfield, acted in that capacity for 16 years. I do not recall his ever having been called upon to utilize such authorty.

At all times, he secured the unanimous consent of the Senate for committees to meet, and when there were objections I do not know of any occasion when he and the minority leader sought to give consent otherwise.

I would anticipate operating in the same manner, seeking the unanimous consent of the Senate. But conceivably there could be situations in which it would be imperative for a committee to meet in order to conform to a deadline—for example, the expiration of a law, or there might be other exigencies in which a committee would have to meet, and there would be an objection in the Senate to the committee meeting while the Senate was in session. It might then be necessary for the majority and minority leaders to give consent in order to permit that committee to go ahead under the extenuating circumstances which could conceivably obtain.

So much for that. The Senator has this language in his amendment:

> The right to make such announcement of consent shall have the same priority as the filing of a cloture motion. No such committee as to which such consent has been given shall meet until the expiration of at least fifteen minutes following such announcement.

One can foresee circumstances in which it might be difficult to announce the consent, even though such announcement were given the same priority as the filing of a cloture motion. For instance, during a quorum call it would be impossible to make such announcement, as it is now impossible to file a cloture motion during a quorum call. During the reading of the Journal, or while the Senate is dividing—those are examples of situations in which no cloture motion can be filed.

Suppose the Senate did not come in until 2 o'clock in the afternoon, as is the case from time to time. It would merely require an objection to dispensing with the reading of the Journal to create a period of time—depending on how much of the Journal had been backed up—during which the majority and minority leaders could not announce their having consented to the committee's request to meet after 2 o'clock.

Depending upon the stage of the session, this problem could become compounded, if we were nearing the very end of the session. It might be an easy way to obstruct final action by a committee on a measure.

Also, let us say that the Senate were in session until 2 o'clock in the afternoon, or the Senate were in session, let us say, until 1:30; and a committee had met until 2 o'clock, and decided it needed an additional 30 minutes in which to complete its action on an important bill. But at 1:30 in the afternoon, the Senate may have recessed for 3 hours. It would be impossible for the leadership to give consent for the committee to meet and announce such consent until the Senate had reconvened at the end of the 3 hours; and in the meantime the committee may have lost a quorum.

So, while the amendment on its face appears to create no problem, Mr. President, I can envision the use of this mechanism under certain circumstances to create mischief—not that I am implying that that is the purpose of the amendment, but I think we ought to leave things as they are. The majority and minority leaders now can give consent. They have not abused that authority; as a matter of fact, as I said earlier, I do not know of their even having used it. I think we ought to leave it like it is.

It certainly would not be my purpose to abuse that authority, and I would have to have the concurrence of the minority leader to grant consent, and, once the Senate has objected to a committee's meeting, we are only going to join in giving our consent for that committee to meet—notwithstanding the objection—under extenuating circumstances, when in our combined judgment we feel it is absolutely necessary to have that meeting go forward.

So I would hope that the Senate would not adopt this amendment. I will move to lay it on the table if the chairman does not.

Mr. CANNON. Mr. President, I should say that we considered in the committee an amendment similar to this, not precisely the same, but we had a very fine discussion in the committee. The majority leader has made a representation here and I am willing to rely on that. I am sure that the majority and minority leaders will see that Senators are properly notified when consent is given and, therefore, if there is no other——

Mr. ALLEN. Mr. President, if the Senator will yield——

Mr. CANNON. Yes; I yield, provided I do not lose my right to the floor.

Mr. ALLEN. I shall detain the Senate for only a minute.

The distinguished chairman stated that such an amendment was offered in the committee. It was offered by the Senator from Alabama, and at that time the argument that was made against it was that a Senator might be carrying on an extended discussion on an issue, and for that reason the announcement of the committee meeting could not be made.

This amendment takes care of that objection, in that it provides that the right to make this announcement shall have the same privilege as the filing of a cloture motion, which, as we have seen from time to time here in the Senate, can be done, even though a Senator is speaking and refuses to yield the floor. So that would certainly take care of that objection.

Now, the distinguished minority leader says that they have never used anything of this sort, anyhow; they have always relied upon unanimous consent. That being the case, why find a bunch of remote possibilities as to how it might be abused, when it is not being used at all now? This does not take away from the leaders the right to give consent for committee meetings, but it does require 15 minutes notice.

Now, on a regular committee meeting or subcommittee meeting, we give notice in the CONGRESSIONAL RECORD, and it lies over for a day or more, or sometimes a much longer period. But anyway there is at least overnight notice in the CONGRESSIONAL RECORD. In a meeting held during a session of the Senate, a committee can transact just as much business as it could transact if it had given 20 days notice of the holding of the meeting. The distinguished majority leader was thinking of possibilities under which the announcement could not be made; I would like to point out that this right given in the resolution has the capacity of completely destroying the sunshine concept of holding committee meetings in public.

As I pointed out, Mr. President, a committee handling a controversial bill could meet in the morning, could meet for the first 2 hours of the session provided it does not go beyond 2 o'clock, and then could recess subject to the call of the chairman, and then, on into the session, get permission from the majority and minority leaders to hold a committee meeting, go into one of these rooms around the Senate Chamber, and take action, at a supposedly public meeting the knowledge of which was held only by the committee members and the two leaders.

The resolution does not even require the announcement to say where and when the committee is to meet.

Mr. ROBERT C. BYRD. Will the chairman yield for me to respond to that point briefly?

Mr. CANNON. I yield.

Mr. ROBERT C. BYRD. I have no objection to the Senator's amendment if he would strike the last sentence. If the last sentence is stricken, the Senator's amendment would only require the announcement of the time and place of the meeting. It is only the last sentence that gives me trouble.

Mr. ALLEN. In other words, the Senator would be willing for the announcement to contain notice of the time and place where the committee is to meet; is that correct?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. I assume, then, that the distinguished majority leader would not give an announcement at 4 o'clock that the committee is to meet in such and such a room at 3:45.

Mr. ROBERT C. BYRD. No.

Mr. ALLEN. I do not believe the distinguished majority leader would do that.

Mr. ROBERT C. BYRD. Will the distinguished Senator yield further?

Mr. CANNON. Yes.

Mr. ROBERT C. BYRD. May I say to the distinguished Senator from Alabama that any time consent is requested of the majority and minority leaders, and it is given, it would only be done when extenuating circumstances were such that, in

the opinion of the majority and minority leaders, a committee should be allowed to meet. In that event, it would certainly be my purpose to announce at the earliest possible moment the time and place of such meeting. The fact that the Senator has given this the same priority as the filing of a cloture motion would enable the majority leader in most circumstances to make that announcement immediately. Up to that point, I think his amendment is fine. But the requirement that no such committee may meet until the expiration of at least 15 minutes following such announcement is a requirement that I think could give us problems.

Mr. ALLEN. Would it be the purpose of the distinguished majority leader to give advance notice of meetings, or would the announcement be after the fact?

Mr. ROBERT C. BYRD. The announcement would be just as soon as I could make it.

Mr. ALLEN. Would it be the purpose of the majority leader to make the announcement prior to the meeting of the committee?

Mr. ROBERT C. BYRD. Yes, of course.

Mr. ALLEN. Very well.

Mr. ROBERT C. BYRD. I would have no reason to wait until after the committee meeting had started.

Mr. ALLEN. That is what the Senator from Alabama is trying to guard against, that action being taken, though not by the distinguished present holder of the title.

Mr. ROBERT C. BYRD. That would be my intention, when possible. If we are in recess, I would have to wait until the Senate returned. By that time the committee may be meeting. What I am saying is that when circumstances would allow, I would make the announcement immediately, but I would not want to be bound by the last sentence which would prevent the committee from meeting until at least 15 minutes had expired following the announcement. Under certain conditions, that can create difficulties.

If the Senator will eliminate that last sentence, I have no problem with the rest of the amendment, and I see some good in it. But if he does not eliminate the last sentence, I would have to vote to table or I would have to move to amend his amendment in that way.

Mr. ALLEN. In other words, the distinguished majority leader would recommend the amendment with the last sentence stricken. Is that correct?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. And he would leave in the requirement that the announcement would state the time and place of the meeting rather than the mere fact that consent had been given.

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. And then the additional right which the amendment confers on the majority and minority leaders, that this announcement could be filed under the same provision as filed in cloture.

Mr. ROBERT C. BYRD. Yes. I have no objection to that.

Mr. ALLEN. Mr. President, in view of that, shall I say, small concession, and the fact that I have no doubt the amendment would be tabled if the chairman and the majority leader would move to table it, I will modify my amendment by striking out the last sentence of the amendment.

The PRESIDING OFFICER. Is there objection to the modification? If not, it is so ordered.

Mr. ALLEN. I ask unanimous consent that the order for the yeas and nays be rescinded.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. Is there objection to the unanimous-consent request to rescind the order for the yeas and nays on the amendment of the Senator from Alabama? Without objection, the order for the yeas and nays is withdrawn.

Mr. CANNON. Let us vote on the amendment, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama, as modified.

The amendment, as modified, was agreed to.

UP AMENDMENT NO. 43

Mr. CANNON. Mr. President, I send to the desk a technical amendment to strike out before the effective date and add not later than 10 days after this resolution is adopted. It simply changes the effective date of the proposal in the resolution from 5 days after passage of the resolution to February 11, 1977, to give the staff proper time to work it up.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Nevada (Mr. CANNON) proposes unprinted amendment No. 43.

The amendment is as follows:

On page 103, line 24, strike out all language after "on" and add: "February 11, 1977".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

UP AMENDMENT NO. 44

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY), for himself and others, proposes an unprinted amendment No. 44.

The amendment is as follows:

On page 72, line 7, insert the following: "Select Committee on Nutrition and

Human Needs ---------- 9"

SEC. 2. On page 79, line 5, add the following new section:

"SEC. 105(a) The temporary Select Committee on Nutrition and Human Needs, established by S. Res. 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended.

"(b) In studying matters pertaining to the lack of food, medical assistance, and other related necessities of life and health, the Select Committee on Nutrition and Human Needs is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpoena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services, (6) to interview employees of the Federal, State, and local governments and other individuals, and (7) to take depositions and other testimony.

(c) Expenses of the Committee incurred under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee.

(d) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or Chairman of the Select Committee on Nutrition and Human Needs shall not be taken into account if such Senator, on the day preceding the effective date of title I of the Committee System Reorganization Amendments of 1977, was serving as a member of the Select Committee. However, in no case shall a member or chairman of the Select Committee be a member or chairman of more than 3 other standing, select, or special committees of the Senate, or joint committees of Congress.

(e) The Select Committee on Nutrition and Human Needs shall cease to exist on December 31, 1977 and, thereafter the authority of the Select Committee is transferred to the Committee on Agriculture, Nutrition and Forestry.

NUTRITION TWO YEAR EXTENSION, TECHNICAL CHANGES

Section 2 of our amendment: Change "Sec. 105(a) . . . " to "Sec. 106(a) . . ."

Add:

SEC. 3. on Page 93, in the table following line 21, insert the following:

"Nutrition and Human Needs . . . Nutrition and Human Needs"

SEC. 4. On page 94, strike out lines 4 through 6, and insert "Columbia, and the Committee on Post Office and Civil Service."

Mr. PERCY. Mr. President, I offer this amendment on pehalf of myself, Senators MCGOVERN, DOLE, KENNEDY, BELLMON, THURMOND, JAVITS, RIEGLE, ABOUREZK, CASE, CHURCH, and DURKIN.

This amendment has been discussed with the distinguished chairman of the Agriculture Committee (Mr. TALMADGE), and he has indicated that it meets with his full approval.

Mr. President I respect the decision of the Senate regarding the Nutrition Committee.

This is not a protest of the Senate's decision.

This amendment is needed because the committee is in the middle of five important projects which ought to be finished if the taxpayers are to get their full investment from this committee. The projects include:

First. Major report and related legislative recommendations on nutrition and preventive health: Since July. 1976 the committee has held four hearings on this subject:

Diet and preventive health.

Diet and cancer.

Diet and cardiovascular disease.

Diet and obesity.

Four more hearings are needed:

Fiber and its relationship to health, involving the milling industry;

Role of food industry in preventive health;

Role of farmers in preventive health;

Role of health providers in preventive health.

At least 6 months would be needed to complete the total project.

Second. Final report of the select committee's national nutrition policy study on nutrition and the consumer: Six months have been spent on this report which examines the impact of processing techniques and other forces on nutrition and food prices. The committee will need another 8 months to complete this report.

Third. County-by-county survey of the food stamp and child nutrition programs in relation to poverty, unemployment and infant mortality: Three months have been spent on this report, and 6 more months are needed to complete the report.

Fourth. Comprehensive report on the status of nutrition education curriculum in medical schools: Two months have been spent on the report. At least 6 more months are needed to complete the report.

Fifth. Final committee report: A year is needed to prepare an overview of committee accomplishments with recommendations for future action.

These projects ought not and cannot be completed in the Agriculture Committee. They deal by and large with food policy's impact on health considerations.

A 1-year extension would allow the committee to fulfill its responsibility to the Senate and to the American taxpayer by completing work on which considerable time and effort have been expended.

Mr. President, I would trust that this amendment, which has been fully discussed with Senator STEVENSON, with Senator CANNON and Senator HATFIELD, will be agreed to.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. CANNON. Do I correctly understand that this amendment would provide that the Select Committee on Nutrition and Human Needs would continue for the remainder of this year, up until December 31, and at that time it would expire, period?

Mr. PERCY. That is exactly correct.

Mr. CANNON. And during that period of time it would be composed of nine members.

Mr. PERCY. Instead of the present 11, that is correct.

Mr. CANNON. And that the staff would be maintained for that period of time, up until December 31, 1977.

Mr. PERCY. That is correct. At that time the committee's jurisdiction will be transferred to the Committee on Agriculture and Forestry.

Mr. CANNON. At that time, the authority would be transferred to the Committee on Agriculture, Nutrition, and Forestry.

Mr. PERCY. That is correct.

Mr. ALLEN. Will the Senator yield?

Mr. PERCY. I yield.

Mr. ALLEN. I understood the chairman to say the staff would be maintained for this almost 1-year period. Would it not be better to scale that down a little bit, rather than to hold it up until the last minute?

Mr. PERCY. The staff, as Senator ALLEN knows, would be maintained for a period of 5 months anyway. This continues the staff for a few more months. If the Senator from Alabama would like, I would be happy to discuss with him right now the volume of work that the staff would undertake and accomplish. It has been agreed to by all members of the committee with the staff.

We have actually taken 2 years' work and compressed it into 1 year. I think they will be hard pressed to finish it this year. The Senate staff, however, has agreed that they will exert the requisite energy and effort. No matter what happens, if we leave it even somewhat unfinished, all of the work will be turned over to the staff jurisdiction of the Committee on Agriculture, Nutrition, and Forestry.

Mr. ALLEN. The Senator is not making any allowance, then, for the possibility of natural attrition. Does he plan, if someone quits the staff, to replace him?

Mr. PERCY. Strictly from the standpoint of the minority, there is presently no such intention.

Mr. ALLEN. I anticipate that, if the staff is allowed to stay at its full strength at the end of this year, when we are supposed to cease operation, we would have the same clamor at that time to maintain the staff, or else let it go down by attrition. I remember quite well when this committee was set up by approval of the Committee on Rules, it was agreed that it would be for 1 year only. At the end of that year, they said, "Well, just 1 more year." Then, at the end of that year, as I recall, they said, "Just 1 more year." I am a little skeptical of this "1 more year" right now being asked for.

Mr. PERCY. This is the last time the Senator will ever hear that.

Mr. ALLEN. Yes, but I remember that for the last 2 or 3 years.

Mr. PERCY. The Senator from Illinois regrets that Senator MCGOVERN is not on the floor. I can only speak for the minority: There is no intention, in a case of natural attrition, to replace any member of this staff. However, the Senators on this committee, the 11 Senators, have asked the staff to finish this body of work which will complete, as best we can, the work of the committee. We think it would be a tremendous disservice to the taxpayers, who will not receive the full investment they have made if we do not complete all of the material. I would be happy, I say again, to go through it and repeat every detail of it, but in the interest of time, I shall not do that. It is already in the RECORD. My feeling is that it would be very unlikely that the committee would hire additional staff although the workload might require it.

For instance, it is the staff's feeling that it is only going to have a limited amount of time in which to complete its work. So if a staff member were taken on by the Committee on Agriculture, for instance, we hope that we would be able to transfer that staff member's work along with him or her to the Committee on Agriculture. I cannot speak for the majority, and Senator MCGOVERN is not on the floor to do so.

Mr. ALLEN. It would be the Senator's understanding, then, that if attrition did set in, these positions would not be filled?

Mr. PERCY. As far as the minority is concerned, that is the likely case.

Mr. ALLEN. What is made by attrition would not be filled. That would give the staff members the opportunity to start looking for something, knowing that, on the first of the year, they are going to be terminated anyhow—maybe. It would give them an opportunity to start looking for something so that, at the end of the 1 year, instead of having 40 people on the staff, it might be down to 20 members.

Is that the understanding under which the amendment is offered?

Mr. PERCY. The understanding is certainly agreeable to the Senator from Illinois. As I have said, the Senator from South Dakota is not on the floor, but I imagine that the rule of commonsense would say that this would be the course he would follow.

Mr. ALLEN. Is that the way the chairman understands it, that the staff would be allowed to be reduced by attrition?

Mr. CANNON. Oh, I hope that the staff would be reduced by attrition, but that attrition would have to come at least on or before December 31, because at that time, the transfer would be made to the Committee on Agriculture. It certainly would not be my intent that the staff would be maintained at the full authorized level right up to December 31.

Mr. ALLEN. Would the whole staff then be transferred over to the Committee on Agriculture? What would be the provision on that?

Mr. DOLE. Will the Senator yield?

Mr. CANNON. I am not sure. I did not draft this amendment, so I do not know.

Mr. DOLE. Will the Senator from Alabama yield?

Mr. ALLEN. Yes.

Mr. DOLE. It would be the intention, speaking as a member of the Committee on Agriculture, to perhaps transfer some of the staff. That would be a matter to be determined by the chairman and, I assume, the members of the committee, of which the Senator from Alabama is one. There are a number of experts on the Nutrition and Human Needs Committee who, I hope would be transferred to the Committee on Agriculture. I do not know how many.

Mr. President, yesterday the Senate tabled the McGovern-Dole amendment which would have extended the Select Committee on Nutrition and Human Needs for 2 years. After that time, nutrition issues would have been transferred to the Agriculture Committee as a Subcommittee on Nutrition. Today, we have introduced an amendment to extend the Nutrition Committee for 1 year, before combining it with the larger committee.

The purpose of our efforts is not to

temporarily extend the Nutrition Committee and then make another play for a permanent extension. We knew when this committee was first created that it was to be temporary, and we intend to comply with congressional intent. However, the real issue is when is the most sensible time to phase out the Committee on Nutrition and Human Needs. In my opinion, now is not the time.

The Nutrition Committee is in the middle of a series of hearings on the relationship of diet and health. Because the Senate has an obligation to finish projects which it begins, I think we have an obligation to continue with those hearings, which were originally scheduled before committee reorganization halted the plans. One year would allow us sufficient time to wrap up our study on diet and health, and to prepare committee reports summarizing the work and findings.

Much work has already gone into this project, and, in my opinion, it will largely be wasted unless the committee is given adequate time in which to complete the remaining hearings on diet and disease and to summarize what has been learned through these hearings. I think we have a responsibility to follow through in this area, and to finish our series of hearings.

The relationship of diet and disease is a topic of concern to millions of Americans—the figures are staggering: 30 million Americans suffer from obesity; nearly 1 million Americans die yearly from heart attacks; 27 million Americans suffer from hypertension, and so on. These persons are our constituents, and we owe it to them to inform them of what is known about these national health problems, and how they can better protect themselves from such conditions. Most malnourished persons are poor, and cannot afford costly medical treatment. This series of hearings has received much public acclaim, and it is cheap, but expert, medical advice. The Nation is watching to see what will happen next.

I think it is our job, as elected officials, to give our constituents the best possible service we can. I do not see how this can be done if the Nutrition Committee is disbanded before it has completed its work. The Committee on Agriculture simply cannot offer an unbiased forum for these hearings on diet and disease, but the Nutrition Committee can. I think we have no real choice but to extend the Nutrition Committee for 1 year so that it may complete, in an orderly and responsible fashion, its ongoing projects.

Mr. ALLEN. Mr. President, has this amendment been cleared with the distinguished chairman of the Committee on Agriculture?

Mr. PERCY. Yes, this has been cleared with Senator TALMADGE. It has his full support.

I have received an indication from Senator McGOVERN, that if someone left the staff this year, it would not be his intention to replace them. The majority feels it would be too difficult to bring someone new on, and probably very difficult to hire someone for a period of a few months. So I think the Senator now has assurance from both the majority and the minority on a point that I think is a very valid point.

Mr. ALLEN. I thank the distinguished Senator.

Mr. McGOVERN. Mr. President, I urgently hope that the Senate will at least partially rectify the mistake it made yesterday by today extending the Nutrition Committee for 1 year. There is no more important work that will be done in the Senate this year than the work to be done on nutrition and health by my committee. We have a superb staff and a committee of dedicated Senators who are capable of making valuable contributions to the health and well-being of the American depth.

This amendment is needed because the committee is in the middle of five important projects which ought to be finished if the taxpayers are to get their full investment from this committee. The projects include:

First. Major report and related legislative recommendations on nutrition and preventive health: Since July 1976 the committee has held four hearings on this subject:

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Four more hearings are needed:

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Role of food industry in preventive health;

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At least 6 months would be needed to complete the total project.

Second. Final report of the select committee's national nutrition policy study on nutrition and the consumer: Six months have been spent on this report which examines the impact of processing techniques and other forces on nutrition and food prices. The committee will need another 4 months to complete this report. Four more months are needed to complete the report.

Third. County-by-county survey of the food stamp and child nutrition programs in relation to poverty, unemployment, and infant mortality: Three months have been spent on this report, and 6 more months are needed to complete the report.

Fourth. Comprehensive report on the status of nutrition education curriculum in medical schools: Two months have been spent on the report. At least 6 more months are needed to complete the report.

Fifth. Final committee report: A year is needed to prepare an overview of committee accomplishments with recommendations for future action.

These projects ought not and cannot be completed in the Agriculture Committee. They deal by and large with food policy's impact on health considerations.

A 1-year extension would allow the committee to fulfill its responsibility to the Senate and to the American taxpayer by completing work on which considerable time and effort have been expended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CANNON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the amendments to Senate Resolution 4.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CANNON. Mr. President, I ask unanimous consent that the staff of the Committee on Rules be authorized to renumber the itemized listings of committee jurisdictions so as to present them generally in an alphabetical form when the standing rules are printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 45

Mr. STEVENSON. Mr. President, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. STEVENSON. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, lines 5 and 6, strike out "income maintenance" and insert in lieu thereof "public welfare".

Mr. STEVENSON. Mr. President, this amendment corrects the description of the oversight jurisdiction of the Committee on Human Resources to delete the reference to "income maintenance" and substitute instead "public welfare." The purpose of the amendment is to eliminate the possibility of conflict between the oversight jurisdiction of that committee and the Committee on Finance. I think this amendment more accurately reflects the oversight jurisdictions of those two committees. I therefore urge its adoption.

The PRESIDING OFFICER. Is there further comment?

The question is on agreeing to the amendment.

The amendment was agreed to.

UP AMENDMENT NO. 46

Mr. STEVENSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. STEVENSON. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 83, line 19, strike out the closing quotation marks and the second period, and after line 19 insert the following:

"(i) Until that date of the sine die adjournment of the first session of the Ninety-fifth Congress, a Senator who on the day preceding the effective date of title I of the Committee System Reorganization

Amendments of 1977 was serving as the chairman or vice-chairman of the Subcommittee on Budget Authorization of the Select Committee on Intelligence may continue to serve on such select committee in addition to serving on another committee listed in paragraph 3 (a) or (b) and such select committee shall be composed of 17 members.".

Mr. STEVENSON. Mr. President, this amendment is intended to take care of a special problem in the Intelligence Committee. I am a member of that committee and have discussed this with other members, including the chairman. That new committee of the Senate is, for the first time, exercising its authority over the budget of the entire intelligence community. This amendment would permit the chairman and the ranking member of the Budget Subcommittee of the Intelligence Committee to serve on that committee as a fourth committee, for just the balance of this session of Congress, in order to permit them to continue the work that has already been begun and is under the deadlines of the Budget Act. Without such an accommodation, it would be very difficult for others to pick up this work which, as I mentioned, is being done for the first time in the Intelligence Committee.

So far as I know, there is no objection to this amendment. It would temporarily, in order to accommodate the chairman of the Budget Subcommittee and the ranking member, increase the size of the Intelligence Committee so no other Member would be deprived of an opportunity, as a result of this amendment, to serve on that committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CANNON. Mr. President, I have discussed this with the Senator from Illinois and, while it does propose an exception in two instances, in order to try to get this bill through before it falls apart, I am willing to agree to accept the amendment.

The amendment was agreed to.

JOINT REFERRAL OF NATIONAL HEALTH INSURANCE

Mr. JAVITS. Mr. President, as the ranking minority member of the Labor and Public Welfare Committee, predecessor to its newly named successor committee, the Committee on Human Resources, I understand amendment No. 37 introduced by Senator LONG, chairman of the Committee on Finance. It makes clear that no one could contend in the future that when the word "health" was added in the text involving the jurisdiction of the Human Resources Committee, the jurisdiction of the Fnance Committee respecting national health insurance legislation was to be limited to the tax provisions thereof.

Also, as I understand the use of the words "specific tax or trust fund" in the amendment it refers to a "specific tax or trust fund" to finance the health programs as expressed in the amendment specifically. It is very important that this be clear because the jurisdiction of the new Human Resources Committee—a jurisdiction exercised by its predecessors, the Committee on Labor and Public Welfare—must be clearly understood to include the organization and delivery of preventive health care, mechanisms in the health programs, medical and related health professional services, episodic illness care, continuing education of physicians and other health professionals, medical malpractice, medical research programs, medical ethics, peer review in health and comparable problems. I do not anticipate in view of the many precedents already established any problems in the relations between the Finance Committee and the new Human Resources Committee, each of which has an important role in developing the most effective national health programs for the American people. I believe we have already charted the way to work together by the joint referrals of the national health insurance bills introduced to date, S. 3, S. 218 and S. 370 and I see nothing in the amendment to change the results of our experience.

ADDITIONAL STATEMENTS SUBMITTED ON SENATE RESOLUTION 4

Mr. BUMPERS. Mr. President, there is a point I would like to have clarified with regard to jurisdiction over wilderness areas other than those created from the public domain.

As you know, Mr. President, the Committee on Interior and Insular Affairs now has sole jurisdiction over wilderness areas created from public domain lands. The Interior Committee has also exercised sole jurisdiction over wilderness areas located in national parks or national wildlife refuges which are created from nonpublic domain lands.

But since the enactment of the Eastern Wilderness Act in 1975, the Interior Committee and the Agriculture Committee in the Senate have enjoyed a joint jurisdictional relationship with regard to wilderness areas created from nonpublic domain national forests in the East.

It is my understanding, Mr. President, that an amendment designed to preserve this relationship between the two committees was adopted by the Rules Committee.

My question is, Am I correct in assuming that the committees will continue to share jurisdiction over national forest wilderness areas created from nonpublic domain lands?

Mr. CANNON. The Senator is correct. The rule, as amended, is designed to preserve the status quo with regard to these areas.

Mr. KENNEDY. Mr. President, since the resolution carries forward generally intact the subject matter items listed for the Judiciary Committee under the old rule 25, I believe it would be useful to make clear that the jurisdiction of that committee also carries forward intact.

As I read the chart on page 45 of the Rules Committee report on the resolution, there are only three changes in the Judiciary Committee's historic jurisdiction. Those are: First, the newly recognized subject of "Government information"; and, second, the transfer out to Rules of the subject "Meeting of Congress and attendance of members" and "acceptance of incompatible offices." Is that the extent of the newly recognized and the removed or deleted jurisdiction?

Mr. CANNON. Yes, the resolution carries the old terminology for subects under the Judiciary Committee jurisdiction, but it is intended that the subjects growing out of or deriving from those terms and the agencies under the committee's jurisdiction will remain the same.

Mr. KENNEDY. Thus, the items listed on pages 69 and 70 of the select committee report of last year, containing recognition of de facto jurisdictional subjects and agencies under judiciary's jurisdiction, will also apply under the rule as amended by this resolution. That includes, for example, equal rights for women, guns, internal security, organized crime, and the others listed.

Mr. CANNON. The jurisdiction of the judiciary remains unchanged in those respects. There is no intention to alter that committee's jurisdiction by implication or omission.

Mr. DURKIN. Mr. President, I urge the Senate to vote in favor of extending the life of the Select Committee on Nutrition and Human Needs.

One of our top national priorities is the maintenance of a healthy populace. Our country cannot survive unless its people are healthy and strong.

During the 1960's, hunger was the No. 1 malnutrition problem in this Nation. Due to the efforts of the Nutrition Committee, this problem was abated. But millions of Americans are still going to bed hungry at night. And the Nutrition Committee has learned that there are between 2 and 3 million homebound elderly citizens who are poor and have no access to present elderly nutritional programs. These people are forced to enter high-cost nursing homes by the tens of thousands simply to receive adequate meals. Our Nation has a moral obligation to end this shameful chapter in our history.

The Nutrition Committee has begun to study these problems. It has recognized that an adequate nutritional diet should be a right for all Americans. Furthermore, the committee has recognized that the question of preventive health care and maintenance is one of the most vital issues facing this Congress. Scientific data has clearly shown that nutrition and health care are inextricably linked. Poor diets produce poor health. And persons in poor physical condition cannot adequately perform their social and work responsibilities. Failing in these tasks, society must in the end bear the cost of their maintenance. The chain between inadequate diets and the cycle of poverty must be broken. The Committee on Nutrition is one vehicle to break that chain.

But a chain that has been strengthened by years of neglect cannot be easily snapped. The Nutrition Committee has much work to do and it would be both unwise and insensitive to the needs of the hungry and the ill-fed to merge this vital committee into the Agricultural Committee.

The Nutrition Committee provides a

unique and valuable forum where the issues of inadequate diets, hunger, and preventive health care maintenance can be raised.

Right now the committee is preparing legislation dealing with preventive health care activities. Its role should not be stopped at this time, and the committee should be allowed to continue to function. We have an obligation to our Nation's hungry, the youths living in the cycle of poverty and malnutrition, and the senior citizens homebound without adequate diets, to maintain the Nutrition Committee and let it perform its vital work.

AQUACULTURE JURISDICTION

Mr. TALMADGE. Mr. President, let me take this opportunity to raise a question concerning committee jurisdiction over a relatively new subject area—that of aquaculture. As I understand it, the term "aquaculture" refers to the artificial rearing of fresh water marine protein as a human and animal food source.

At the present time, aquaculture is in its infancy. But it has enormous growth potential, and it may well become a major source of food in the future. Already a number of catfish farms and trout farms have been established in the Southeast, and other forms of aquacultural enterprise are getting underway elsewhere.

The Department of Agriculture has acquired a considerable expertise and experience in this new subject area. The Department now provides aquaculture producers with technical assistance in basic biological matters pertaining to stocking, feeding, water quality, waste disposal, disease control, and other aspects of fish and marine plant production. The Department also provides soil information and engineering assistance in selecting and constructing fish ponds, holding tanks, and raceways.

The Department of Agriculture is likely to become even more involved in aquaculture in the future since USDA, unlike other agencies, possesses the delivery system necessary to reach the diffused aquacultural enterprises which are principally located on privately owned farms and ranches.

Aquaculture is being developed as a part of our total agriculture industry. It therefore seems appropriate that aquaculture should fall within the legislative jurisdiction of the Committee on Agriculture and Forestry. However, Senate Resolution 4 includes no reference to aquaculture. It is the intention of the Rules Committee that all legislation pertaining to aquaculture shall be referred to the Committee on Agriculture and Forestry?

Mr. CANNON. The answer is "Yes."

TVA

Mr. RANDOLPH. I raise for the consideration of the Senate one additional jurisdictional area for the Committee on Public Works. Since the committee was formed in 1947, matters relating to the Tennessee Valley Authority have been handled by the Public Works Committee. The function of the Tennessee Valley Authority is development of the resources and economy of the Tennessee Valley.

The report of the select committee assigned this function to the Environment and Public Works Committee. The Rules Committee has seen no reason to address this question directly in Senate Resolution 4. Retention of this jurisdiction by the Committee on Environment and Public Works is, therefore, assumed, considering the jurisdictional assignment to the Committee set forth in Senate Resolution 4.

I ask the distinguished floor manager (Mr. CANNON) if that was the intent of the Rules Committee as they reviewed jurisdictional matters in the resolution?

Mr. CANNON. Yes, the Tennessee Valley Authority is within the jurisdiction of the Committee on Environment and Public Works.

Mr. JACKSON. Mr. President, I am pleased to support Senate Resolution 4, the Committee System Reorganization Amendments of 1977, as reported by the Rules Committee. The objective of the resolution—improving the procedural organization of the Senate, including the Senate committee system, in order to permit the Senate to perform its constitutional responsibilities more effectively—is a goal which I am certain we all share.

One of the provisions included in Senate Resolution 4 to achieve this goal is a plan for the ultimate termination of the statutory authority of the Joint Committee on Atomic Energy and the transfer of the functions of the Joint Committee to four standing committees of the Senate. I am proud of my service on the Joint Committee on Atomic Energy, both as a House member and as a Senate member. I am also proud of the work of the Joint Committee over the years in building our nuclear defense capabilities, including our nuclear Navy, and in developing nuclear power as a proven alternative source of energy for this country. Nevertheless, the transfer of the Joint Committee's functions is an important and necessary step toward consolidating all energy matters in the jurisdiction of one standing committee of the Senate, thereby improving the ability of the Senate to focus its attention on the many challenges facing us in the energy field.

Mr. President, I believe that the assignment of the Joint Committee's functions to the Energy and Natural Resources, Environment and Public Works, Armed Services, and Foreign Relations Committees of the Senate, which Senator CANNON and the other members of the Rules Committee have approved, is reasonable and I wish to associate myself with it.

The responsibility under Senate Resolution 4 for developing appropriate legislation terminating the statutory authority of the Joint Committee on Atomic Energy and providing for the disposition of that committee's staff is assigned to the new Energy and Natural Resources and Environment and Public Works Committees, and the resolution specifies that such legislation must be reported to the Senate not later than July 1, 1977. Yet, under the resolution, the four standing committees of the Senate would assume important new legislative responsibilities in the atomic energy area, including responsibility to consider authorizing legislation which must be taken up very shortly, just 5 days after the passage of this resolution.

In order to insure that these standing committees have available to them the wealth of knowledge and experience in the atomic energy area which is represented on the staff of the Joint Committee on Atomic Energy, I intend to move promptly to develop in cooperation with the Environment and Public Works Committee, legislation terminating the statutory authority of the Joint Committee and providing for the assignment of committee staff personnel to the standing committees of the Senate which will be assuming these additional responsibilities. This legislation will include provisions to protect the employment security of the staff of the Joint Committee which are comparable to those contained in title VII of Senate Resolution 4 for the displaced staff of Senate standing or select committees. It is my understanding that this is in agreement with the intent of the resolution as reported by the Rules Committee. These provisions would include an appropriate transition period, protection against any reduction in the rate of compensation, and protection against removal except for cause. I also anticipate that all of the relatively small staff of the Joint Committee on Atomic Energy could be used on a permanent basis by the standing committees to which they would be assigned.

CLARIFICATION OF SECTION 702—SEPARATELY FUNDED SUBCOMMITTEES DURING THE TRANSITION

Mr. STEVENSON. Section 702 states that—

On the effective date, the staffs of the new committees shall . . . consist of the staffs of the old committees and their respective subcommittees, as set forth in the following table:

The headings of the two columns read:

The staff of the new committee on:

And—

Shall consist of the staff of the old committee (and their subcommittees) on—.

Questions have been raised whether it is the intent of this language that during the transition period separately funded subcommittees which are unchanged by the reorganization can only be funded through a single budget for the full committee. It is my understanding this is not the intent. The select committee and the Rules Committee intended to give the new committees, the Committee on Rules and Administration and the disbursing office maximum flexibility during the transition period to appropriately accommodate the funding needs of each of the new committees. In other words, it may be more convenient for one committee to submit a single budget for funds beyond the statutory permanent funds to support committee and subcommittee staffs, but another committee may wish to continue during the transition the separate funding of a previously funded subcommittee. I ask the chairman of the Committee on Rules and Ad-

ministration if my understanding is correct that the Rules Committee is to have this flexibility to work out the most appropriate arrangement, whether lumpsum funding or separate funding, for some subcommittees during the transition period?

Mr. CANNON. I agree completely with this statement by Mr. STEVENSON.

Mr. HATFIELD. For the purpose of legislative history, I want to ask the distinguished chairman of the Rules Committee to elaborate on the manner of appointment of members of the Ethics Committee.

Mr. CANNON. Under the provisions of Senate Resolution 4, the Ethics Committee will be a permanent select committee of the Senate. Six Senators, three from the majority party and three from the minority party, will serve on this committee in addition to their class A and class B committee assignments. However:

No Member may serve on the Select Committee for more than six years of continuous service, exclusive of service prior to the effective date of title I of the Committee System Reorganization Amendments of 1977.

In addition, at the beginning of each Congress, one new member from each of the two parties will be named to the committee. Thus, when initial members are named to the Ethics Committee upon or after the effective date of title I of the Committee System Reorganization Amendments of 1977, the initial appointments shall be made with the understanding of the Democratic Steering Committee and the Republican Committee on Committees that these appointments shall be for 2 years, 4 years, and 6 years, two appointments being for each of the respective periods of time. Moreover, Senate Resolution 4 establishes three classes of Senators for purposes of eligibility to serve on the Ethics Committee. These classes are structured according to length of service (at the time a Senator is initially appointed to the select committee) in the Senate.

Class I, less than 6 years of Senate service;

Class II, 6 to 12 years of Senate service;

Class III, more than 12 years of Senate service.

Two Members from each of these three classes shall serve on the Ethics Committee. It is, therefore, important that when a vacancy on the Ethics Committee occurs during a Congress, such vacancy shall be filled by a Member who is of the same class of service as that of the departing member. To reiterate, at the time of appointment to the Ethics Committee, a Member must be eligible for service on that committee in terms of such Member's respective class of service in the Senate. Since a Member's class of service may change while such Member is serving on the Ethics Committee, and prior to the expiration of such Member's 6 years of continuous service, it will be nearly impossible to maintain an exact balance on the committee among these three senatorial classes. Wherever possible, however, it is hoped that an approximate balance would be maintained on the Ethics Committee among Senators with less than 6 years of service in the Senate, 6 to 12 years of service, and more than 12 years' Senate service. This, of course, will depend upon the two-party committees working closely together at the beginning of each Congress.

Mr. President, I wish to express my personal appreciation to the members of the staffs of the Rules Committee and the Temporary Select Committee to Study the Committee System for the fine work they have done in the relatively short period since the Rules Committee began its hearings on Senate Resolution 4 on January 5. I know personally that the comparatively small staff of the Rules Committee, most of whom were also heavily involved in preparation of the Presidential inauguration on January 20, had to work many long hours of overtime to enable the committee to complete its work on this vitally important resolution.

I pay special tribute to Dr. Floyd M. Riddick, Parliamentarian Emeritus of the Senate who is serving as a professional staff member of our committee, for the work he has done on this measure. He has had the active assistance of all our staff, including particularly Ronald L. Hicks, Louise S. McPherson, Jack L. Sapp, Anthony L. Harvey, Peggy L. Parrish, John K. Swearingen, Larry E. Smith, minority staff director, Chester H. Smith, chief counsel, and William M. Cochrane, staff director.

I am grateful also to the members of the staff of the Temporary Select Committee to Study the Committee System, including particularly Kenneth E. Gray, staff director, who is on leave from his position as Director of the General Government Division of the Congressional Research Service of the Library of Congress; Sherry Towell, chief clerk; and Norman Ornstein, James Thurber, Judy Parris, Stephen Merrill, and James McClellan.

In conclusion, let me take note of the fact that Senate Resolution 4, even though its final gains may be less than some had hoped for, is a truly significant step toward a more efficient Senate. Its enactment represents a great number of sacrifices on the part of individual Senators whose votes against their personal interests will help the Senate do a better job.

We have more work to do and this landmark resolution, as we begin to operate under its terms, will need refinement and extensions of its principles as time goes on. I am happy to have had a part of this great achievement and I am proud of the Rules Committee, the select committee, and the Senate itself for what we have been able to do, working together, when there were many who thought it could not be done.

The PRESIDING OFFICER. If there is no further amendment to be proposed, the question is on agreeing to the resolution, as amended.

Mr. CANNON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended. The yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

I also announce that the Senator from Arizona (Mr. DECONCINI) is absent because of illness.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI), and the Senator from Iowa (Mr. CLARK) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Jersey (Mr. CASE), the Senator from Idaho (Mr. MCCLURE), and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to illness.

I further announce that, if present and voting, the Senator from New Jersey (Mr. CASE), and the Senator from Kansas (Mr. PEARSON) would each vote "yea."

The result was announced—yeas 89, nays 1, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—89

Abourezk	Hansen	Moynihan
Allen	Hart	Muskie
Anderson	Haskell	Nelson
Bayh	Hatch	Nunn
Bellmon	Hatfield	Packwood
Bentsen	Hathaway	Pell
Biden	Hayakawa	Percy
Brooke	Heinz	Proxmire
Bumpers	Helms	Randolph
Byrd, Harry F., Jr.	Hollings	Ribicoff
	Huddleston	Riegle
Byrd, Robert C.	Humphrey	Roth
Cannon	Jackson	Sarbanes
Chafee	Javits	Sasser
Chiles	Johnston	Schmitt
Church	Kennedy	Schweiker
Culver	Laxalt	Scott
Curtis	Leahy	Sparkman
Danforth	Long	Stafford
Dole	Lugar	Stennis
Domenici	Magnuson	Stevens
Durkin	Mathias	Stevenson
Eagleton	Matsunaga	Stone
Eastland	McClellan	Thurmond
Ford	McGovern	Tower
Garn	McIntyre	Wallop
Glenn	Melcher	Weicker
Goldwater	Metcalf	Williams
Gravel	Metzenbaum	Young
Griffin	Morgan	Zorinsky

NAYS—1

Burdick

NOT VOTING—10

Baker	Cranston	Pearson
Bartlett	DeConcini	Talmadge
Case	Inouye	
Clark	McClure	

So the resolution (S. Res. 4), as amended, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS and Mr. STEVENSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, I yield

to the Senator from West Virginia for a unanimous-consent request.

UP AMENDMENT NO. 47

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that notwithstanding the fact that the resolution has been agreed to, a motion to reconsider made and a motion to lay on the table agreed to, that the following amendment be agreed to, that the resolution then be again considered as having been passed, a motion to reconsider made and that motion laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

Mr. ROBERT C. BYRD. This is a perfecting amendment, may I say, Mr. President, and I hope that unanimous consent will be given and it will not require—

Mr. STENNIS. Mr. President, may we have order so that we may hear?

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), on behalf of Mr. JOHNSTON, Mr. MCCLURE, and Mr. HANSEN, proposes unprinted amendment numbered 47:

On page 60, line 4–5, delete ", except for trusteeships" and insert in lieu thereof ", including trusteeships".

On page 64, line 3, delete "Trusteeships of the United States", and insert in lieu thereof "National security and international aspects of trusteeships of the United States."

Mr. ROBERT C. BYRD. Mr. President, this amendment has been cleared with the distinguished Senator from Illinois (Mr. STEVENSON), has been cleared with the manager of the bill (Mr. CANNON), and has been cleared with the other side of the aisle, with the minority.

The PRESIDING OFFICER. Without objection, the amendment is considered and is agreed to.

The resolution (S. Res. 4), as amended, is as follows:

Resolved, That this resolution may be cited as the "Committee System Reorganization Amendments of 1977".

TITLE I—SENATE COMMITTEES; JURISDICTIONS AND SIZES

SEC. 101. (a) Rule XXV of the Standing Rules of the Senate is amended by striking out paragraphs 1, 2, and 3 and inserting in lieu thereof the following new paragraphs:

"1. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise on matters within their respective jurisdictions:

"(a)(1) Committee on Agriculture, Nutrition, and Forestry, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Agriculture and agricultural commodities.

"2. Inspection of livestock, meat, and agricultural products.

"3. Animal industry and diseases.

"4. Pests and pesticides.

"5. Agricultural extension services and experiment stations.

"6. Forestry, and forest reserves and wilderness areas other than those created from the public domain.

"7. Agricultural economics and research.

"8. Home economics.

"9. Plant industry, soils, and agricultural engineering.

"10. Farm credit and farm security.

"11. Rural development, rural electrification, and watersheds.

"12. Agricultural production, marketing, and stabilization of prices.

"13. Crop insurance and soil conservation.

"14. Human nutrition.

"15. School nutrition programs.

"16. Food stamp programs.

"17. Food from fresh waters.

"(2) Such committee shall also study and review, on a comprehensive basis, matters relating to food, nutrition, and hunger, both in the United States and in foreign countries, and rural affairs, and report thereon from time to time.

"(b) Committee on Appropriations, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Except as provided in subparagraph (e), appropriation of the revenue for the support of the government.

"2. Rescession of appropriations contained in appropriation Acts (referred to in section 105 of title 1, United States Code).

"3. The amount of new spending authority described in section 401(c)(2)(A) and (B) of the Congressional Budget Act of 1974 provided in bills and resolutions referred to the committee under section 401(b)(2) of that Act (but subject to the provisions of section 401(b)(3) of that Act).

"4. New advance spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 provided in bills and resolutions referred to the committee under 401(b)(2) of that Act (but subject to the provisions of section 401(b)(3) of that Act).

"(c)(1) Committee on Armed Services, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. The common defense.

"2. The Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force, generally.

"3. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces, including overseas education of civilian and military dependents.

"4. Military research and development.

"5. Selective service system.

"6. Strategic and critical materials necessary for the common defense.

"7. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

"8. Maintenance and operation of the Panama Canal, including administration, sanitation, and government of the Canal Zone.

"9. National security aspects of nuclear energy.

"10. Naval petroleum reserves, except those in Alaska.

"(2) Such committee shall also study and review, on a comprehensive basis, matters relating to the common defense policy of the United States, and report thereon from time to time.

"(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Banks, banking, and financial institutions.

"2. Financial aid to commerce and industry.

"3. Deposit insurance.

"4. Public and private housing (including veterans' housing).

"5. Federal monetary policy, including Federal Reserve System.

"6. Money and credit, including currency and coinage.

"7. Issuance and redemption of notes.

"8. Control of prices of commodities, rents, and services.

"9 Urban development and urban mass transit.

"10. Economic stabilization and defense production.

"11. Export controls.

"12. Export and foreign trade promotion.

"13. Nursing home construction.

"14. Renegotiation of Government contracts.

"(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions, economic growth, urban affairs, and credit, and report thereon from time to time.

"(e)(1) Committee on the Budget, to which committee shall be referred all concurrent resolutions on the budget (as defined in section 3(a)(4) of the Congressional Budget Act of 1974) and all other matters required to be referred to that committee under titles III and IV of that Act, and messages, petitions, memorials, and other matters relating thereto.

"(2) Such committee shall have the duty—

"(A) to report the matters required to be reported by it under titles III and IV of the Congressional Budget Act of 1974;

"(B) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the Senate on a recurring basis;

"(C) to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the Senate on a recurring basis; and

"(D) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties.

"(f)(1) Committee on Commerce, Science, and Transportation, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Interstate commerce.

"2. Transportation.

"3. Regulation of interstate common carriers, including railroads, buses, trucks, vessels, pipelines, and civil aviation.

"4. Merchant marine and navigation.

"5. Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports.

"6. Coast Guard.

"7. Inland waterways, except construction.

"8. Communications.

"9. Regulation of consumer products and services, including testing related to toxic substances, other than pesticides, and except for credit, financial services, and housing.

"10. Except as provided in subparagraph (c), the Panama Canal and interoceanic canals generally.

"11. Standards and measurement.

"12. Highway safety.

"13. Science, engineering, and technology research and development and policy.

"14. Nonmilitary aeronautical and space sciences.

"15. Transportation and commerce aspects of Outer Continental Shelf lands.

"16. Marine fisheries.

"17. Coastal zone management.

"18. Oceans, weather, and atmospheric activities.

"19. Sports.

"(2) Such committee shall also study and review, on a comprehensive basis, all matters relating to science and technology, oceans policy, transportation, communications, and consumer affairs, and report thereon from time to time.

"(g)(1) Committee on Energy and Natural Resources, to which committee shall

be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Energy policy.

"2. Energy regulation and conservation.

"3. Energy research and development.

"4. Solar energy systems.

"5. Nonmilitary development of nuclear energy.

"6. Naval petroleum reserves in Alaska.

"7. Oil and gas production and distribution.

"8. Extraction of minerals from oceans and Outer Continental Shelf lands.

"9. Energy related aspects of deepwater ports.

"10. Hydroelectric power, irrigation, and reclamation.

"11. Coal production, distribution, and utilization.

"12. Public lands and forests, including farming and grazing thereon, and mineral extraction therefrom.

"13. National parks, recreation areas, wilderness areas, wild and scenic rivers, historical sites, military parks and battlefields, and, on the public domain, preservation of prehistoric ruins and objects of interest.

"14. Mining, mineral lands, mining claims, and mineral conservation.

"15. Mining education and research.

"16. Territorial possessions of the United States, including trusteeships.

"(2) Such committee shall also study and review on a comprehensive basis, matters relating to energy and resources development, and report thereon from time to time.

"(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Environmental policy.

"2. Environmental research and development.

"3. Ocean dumping.

"4. Fisheries and wildlife.

"5. Environmental aspects of Outer Contental Shelf lands.

"6. Solid waste disposal and recycling.

"7. Environmental effects of toxic substances, other than pesticides.

"8. Water resources.

"9. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.

"10. Public works, bridges, and dams.

"11. Water pollution.

"12. Air pollution.

"13. Noise pollution.

"14. Nonmilitary environmental regulation and control of nuclear energy.

"15. Regional economic development.

"16. Construction and maintenance of highways.

"17. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.

"(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

"(i) Committee on Finance, to which committee shall be referred all proposed legislation, messages petitions, memorials, and other matters relating to the following subjects:

"1. Except as provided in the Congressional Budget Act of 1974, revenue measures generally.

"2. Except as provided in the Congressional Budget Act of 1974, the bonded debt of the United States.

"3. The deposit of public moneys.

"4. Customs, collection districts, and ports of entry and delivery.

"5. Reciprocal trade agreements.

"6. Transportation of dutiable goods.

"7. Revenue measures relating to the insular possessions.

"8. Tariffs and import quotas, and matters related thereto.

"9. National social security.

"10. General revenue sharing.

"11. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

"(j)(1) Committee on Foreign Relations, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Relations of the United States with foreign nations generally.

"2. Treaties and executive agreements, except reciprocal trade agreements.

"3. Boundaries of the United States.

"4. Protection of United States citizens abroad and expatriation.

"5. Intervention abroad and declarations of war.

"6. Foreign economic, military, technical, and humanitarian assistance.

"7. United Nations and its affiliated organizations.

"8. International conferences and congresses.

"9. Diplomatic service.

"10. International law as it relates to foreign policy.

"11. Oceans and international environmental and scientific affairs as they relate to foreign policy.

"12. International activities of the American National Red Cross and the International Committee of the Red Cross.

"13. International aspects of nuclear energy, including nuclear transfer policy.

"14. Foreign loans.

"15. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"16. The World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

"17. The International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs.)

"18. Acquisition of land and buildings for embassies and legations in foreign countries.

"19. National security and international aspects of trusteeships of the United States.

"(2) Such committee shall also study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

"(k)(1) Committee on Governmental Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Except as provided in the Congressional Budget Act of 1974, budget and accounting measures, other than appropriations.

"2. Organization and reorganization of the executive branch of the Government.

"3. Intergovernmental relations.

"4. Government information.

"5. Municipal affairs of the District of Columbia, except appropriations therefor.

"6. Federal Civil Service.

"7. Status of officers and employees of the United States, including their classification, compensation, and benefits.

"8. Postal service.

"9. Census and collection of statistics, including economic and social statistics.

"10. Archives of the United States.

"11. Organization and management of United States nuclear export policy.

"12. Congressional organization, except for any part of the matter that amends the rules or orders of the Senate.

"(2) Such committee shall have the duty of—

"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

"(B) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;

"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

"(D) studying the intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

"(l)(1) Committee on Human Resources, to which committee shall be referred all proposed legislation, messages, petition, memorials, and other matters relating to the following subjects:

"1. Measures relating to education; labor, health, and public welfare.

"2. Labor standards and labor statistics.

"3. Wages and hours of labor.

"4. Child labor.

"1. Measures relating to education, labor disputes.

"6. Convict labor and the entry of goods made by convicts into interstate commerce.

"7. Regulation of foreign laborers.

"8. Handicapped individuals.

"9. Equal employment opportunity.

"10. Occupational safety and health, including the welfare of miners.

"11. Private pension plans.

"12. Aging.

"13. Railway labor and retirement.

"14. Public health.

"15. Arts and humanities.

"16. Gallaudet College, Howard University, and Saint Elizabeths Hospital.

"17. Biomedical research and development.

"18. Student loans.

"19. Agricultural colleges.

"20. Domestic activities of the American National Red Cross.

"(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

"(m) Committee on the Judiciary, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Judicial proceedings, civil and criminal, generally.

"2. Constitutional amendments.

"3. Federal courts and judges.

"4. Local courts in the territories and possessions.

"5. Revision and codification of the statutes of the United States.

"6. National penitentiaries.

"7. Protection of trade and commerce against unlawful restraints and monopolies.

"8. Holidays and celebrations.

"9. Bankruptcy, mutiny, espionage, and counterfeiting.

"10. State and territorial boundary lines.

"11. Civil liberties.

"12. Patents, copyrights, and trademarks.

"13. Patent Office.

"14. Immigration and naturalization.

"15. Apportionment of Representatives.

"16. Measures relating to claims against the United States.

"17. Interstate compacts generally.

"18. Government information.

"(n)(1) Committee on Rules and Administration, to which committee shall be referred all proposed legislation, messages, pe-

titions, memorials, and other matters relating to the following subjects:

"1. Meetings of the Congress and attendance of Members.

"2. Federal elections generally, including the election of the President, Vice President, and Members of the Congress.

"3. Credentials and qualifications of Members of the Senate, contested elections, and acceptance of incompatible offices.

"4. Presidential succession.

"5. Corrupt practices.

"6. The United States Capitol and congressional office buildings, the Library of Congress, the Smithsonian Institution (and the incorporation of similar institutions), and the Botanic Gardens.

"7. The Government Printing Office, and the printing and correction of the Congressional Record.

"8. The Senate Library and statuary, art, and pictures in the Capitol and Senate Office Buildings.

"9. Purchase of books and manuscripts and erection of monuments to the memory of individuals.

"10. Payment of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee).

"11. Congressional organization relative to rules and procedures, and Senate rules and regulations, including floor and gallery rules.

"12. Administration of the Senate Office Buildings and the Senate wing of the Capitol, including the assignment of office space.

"13. Services to the Senate, including the Senate restaurant.

"(2) Such committee shall also—

"(A) make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States; and

"(B) identify any court proceeding or action which, in the opinion of the Committee, is of vital interest to the Congress as a constitutionally established institution of the Federal Government and call such proceeding or action to the attention of the Senate.

"(o) **Committee on Veterans' Affairs**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Veterans' measures generally.

"2. Pensions of all wars of the United States, general and special.

"3. Life insurance issued by the Government on account of service in the Armed Forces.

"4. Compensation of veterans.

"5. Vocational rehabilitation and education of veterans.

"6. Veterans' hospitals, medical care and treatment of veterans.

"7. Soldiers' and sailors' civil relief.

"8. Readjustment of servicemen to civil life.

"9. National cemeteries.

"2. Except as otherwise provided by paragraph 6, during the period commencing on the effective date of title I of the Committee System Reorganization Amendments of 1977 and ending on that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee	Members
Agriculture, Nutrition, and Forestry	16
Appropriations	24
Armed Services	16
Banking, Housing and Urban Affairs	15
Commerce, Science, and Transportation	18
Energy and Natural Resources	17
Environment and Public Works	15
Finance	17
Foreign Relations	15
Governmental Affairs	19
Human Resources	16
Judiciary	15.

"(3). (a) Except as otherwise provided by paragraph 6, during the period commencing on the effective date of title I of the Committee System Reorganization Amendments of 1977 and ending on that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee	Members
Budget	16
Rules and Administration	9
Veterans' Affairs	9.

"(b) Each of the following committees and joint committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

"Committee	Members
Aging	14
Intelligence	15
Small Business	14
Joint Economic Committee	10.

For purposes of paragraph 6, any select or special committee of the Senate and any joint committee of the Congress established after the date on which the Committee System Reorganization Amendments of 1977 are agreed to shall be treated as a committee listed in this subparagraph.

"Committee	Members
Ethics	6
Joint Committee on Taxation	5.".

(b) Effective on that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed—

(1) paragraph 3(a) of rule XXV of the Standing Rules of the Senate is amended by striking out the item relating to the Committee on the Budget; and

(2) paragraph 2 of such rule XXV is amended by inserting such item after the item relating to the Committee on Banking, Housing and Urban Affairs.

(c) Not later than July 1, 1978, the Committee on Rules and Administration shall report to the Senate a resolution amending paragraphs 2 and 3(a) of rule XXV of the Standing Rules of the Senate which prescribes the number of members of the standing committees effective on that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed.

SEC. 102. The first section of Senate Resolution 338, Eighty-eighth Congress, agreed to July 24, 1964, is amended—

(1) by striking out "on Standards and Conduct" in the first sentence of subsection (a) and inserting in lieu thereof "on Ethics";

(2) by striking out "the President of the Senate" in the second sentence of subsection (a) and inserting in lieu thereof "the Senate in accordance with the provisions of paragraph 1 of rule XXIV of the Standing Rules of the Senate at the beginning of each Congress";

(3) by striking out the last sentence of subsection (a) and inserting in lieu thereof the following: "For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account."; and

(4) by adding at the end thereof the following new subsection:

"(d) (1) No Member may serve on the Select Committee for more than six years of continuous service, exclusive of service prior to the effective date of title I of the Committee System Reorganization Amendments of 1977. One Member who is a member of the majority party and one Member who is a member of the minority party and who are appointed to the Select Committee at the beginning of the Ninety-sixth Congress and each succeeding Congress shall be Members who did not serve on the Select Committee during the preceding Congress.

"(2) Of the members of the Select Committee—

"(A) one from the majority party and one from the minority party shall be Members who, at the time of initial appointment to the Select Committee, have served in the Senate for less than six years;

"(B) one from the majority party and one from the minority party shall be Members who, at the time of initial appointment to the Select Committee, have served in the Senate for less than twelve but more than six years; and

"(C) one from the majority party and one from the minority party shall be Members who, at the time of initial appointment to the Select Committee, have served in the Senate for twelve or more years.".

SEC. 103. (a) Senate Resolution 58, Eighty-first Congress, agreed to February 20, 1950, is amended—

(1) by striking out "seventeen" in the first sentence and inserting in lieu thereof "fourteen"; and

(2) by inserting after the first sentence the following: "After the date on which the majority and minority members of such committee are initially appointed on or after the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the membership of such committee, the number of members of such committee shall be reduced by one until the number of members of such committee consists of nine Senators.".

(b) Effective on that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed—

(1) paragraph 3(b) of rule XXV of the Standing Rules of the Senate is amended by striking out the item relating to the Select Committee on Small Business and inserting in lieu thereof the following:

"Small Business ..... 9";

and

(2) Senate Resolution 58, Eighty-first Congress, agreed to February 20, 1950, is amended—

(A) by striking out "fourteen" in the first sentence and inserting in lieu thereof "nine"; and

(B) by striking out the second sentence.

SEC. 104. (a) (1) There is established a Special Committee on Aging (hereafter in this section referred to as the 'special committee") which shall consist of fourteen members. The members and chairman of the special committee shall be appointed in the same manner and at the same time as the members and chairman of a standing committee of the Senate. After the date on which the majority and minority members of the special committee are initially appointed on or after the effective date of title I of the

Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the membership of the special committee, the number of members of the special committee shall be reduced by one until the number of members of the special committee consists of nine Senators.

(2) For purposes of paragraphs 4 and 5 of rule XXV of the Standing Rules of the Senate, and for purposes of sections 133(g), 134, and 202 of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and, when necessary, of obtaining care of assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less often than once each year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the special committee or any member thereof may administer oaths to witnesses.

(3) Subpenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the member signing the subpena.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

(e) Effective on that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed, paragraph 3 (b) of rule XXV of the Standing Rules of the Senate is amended by striking out the item relating to the Special Committee on Aging and inserting in lieu thereof the following:

"Aging ---------- 9".

SEC. 105. (a)(1) There is established a temporary Select Committee on Indian Affairs (hereafter in this section referred to as the "select committee") which shall consist of five members, three to be appointed by the President of the Senate from among members of the majority party and two to be appointed by the President of the Senate from among members of the minority party. The select committee shall select a chairman from among its members.

(2) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee shall adopt rules of procedure not inconsistent with this section and the rules of the Senate governing standing committees of the Senate.

(3) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee.

(4) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the select committee shall not be taken into account.

(b)(1) All proposed legislation, messages, petitions, memorials, and other matters relating to Indian affairs shall be referred to the select committee.

(2) It shall be the duty of the select committee to conduct a study of any and all matters pertaining to problems and opportunities of Indians, including but not limited to, Indian land management and trust responsibilities, Indian education, health, special services, and loan programs, and Indian claims against the United States.

(3) The select committee shall from time to time report to the Senate, by bill or otherwise, its recommendations with respect to matters referred to the select committee or otherwise within its jurisdiction.

(c)(1) For the purposes of this section, the select committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(3) Subpenas authorized by the select committee may be issued over the signature of the chairman, or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or the member signing the subpena.

(d) The select committee shall cease to exist at the close of the Ninety-fifth Congress and, effective with the commencement of the Ninety-sixth Congress, jurisdiction over the matters specified in subsection (b)(1) and the duty specified in subsection (b)(2) are transferred to the Committee on Human Resources.

SEC. 106 (a) The temporary Select Committee on Nutrition and Human Needs, established by S. Res. 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented shall consist of nine members and is hereby extended.

(b) In studying matters pertaining to the lack of food, medical assistance, and other related necessities of life and health, the Select Committee on Nutrition and Human Needs is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to subpena witnesses and documents, (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services, (6) to interview employees of the Federal, State, and local governments and other individuals, and (7) to take depositions and other testimony.

(c) Expenses of the Select Committee incurred under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

(d) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee on Nutrition and Human Needs shall not be taken into account if such Senator, on the day preceding the effective date of title I of the Committee System Reorganization Amendments of 1977, was serving as a member of the Select Committee. However, in no case shall a member of the Select Committee be a member of more than three other standing, select, or special committees of the Senate, or joint committees of Congress.

(e) The Select Committee on Nutrition and Human Needs shall cease to exist on December 31, 1977.

TITLE II—COMMITTEE ASSIGNMENTS; CHAIRMANSHIPS

SEC. 201. (a) Paragraph 6 of rule XXV of the Standing Rules of the Senate is amended to read as follows:

"6. (a) Except as otherwise provided by this paragraph—

"(1) each Senator shall serve on two and no more committees listed in paragraph 2; and

"(2) each Senator may serve on only one committee listed in paragraph 3(a) or (b).

"(b)(1) Each Senator may serve on not more than three subcommittees of each committee (other than the Committee on Appropriations) listed in paragraph 2 of which he is a member.

"(2) Each Senator may serve on not more than two subcommittees of a committee listed in paragraph 3(a) or (b) of which he is a member.

"(3) Notwithstanding subparagraphs (1) and (2), a Senator serving as chairman or ranking minority member of a standing, select, or special committee of the Senate or joint committee of the Congress may serve ex officio, without vote, as a member of any subcommittee of such committee or joint committee.

"(4) No standing, select, or special committee of the Senate may establish any subunit of that committee other than a subcommittee, unless the Senate by resolution has given permission therefor. For purposes of this subparagraph, any subunit of a joint committee shall be treated as a subcommittee.

"(c) By agreement entered into by the majority leader and the minority leader, the membership of one or more standing committees may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all

standing committees. When any such temporary increase is necessary to accord to the majority party a majority of the membership of all standing committees, members of the majority party in such number as may be required for that purpose may serve as members of three standing committees listed in paragraph 2. No such temporary increase in the membership of any standing committee under this subparagraph shall be continued in effect after the need therefor has ended. No standing committee may be increased in membership under this subparagraph by more than two members in excess of the number prescribed for that committee by paragraph 2 or 3(a).

"(d) A Senator may serve as a member of any joint committee of the Congress the Senate members of which are required by law to be appointed from a standing committee of the Senate of which he is a member, and service as a member of any such joint committee shall not be taken into account for purposes of subparagraph (a)(2).

"(e)(1) No Senator shall serve at any time as chairman of more than one standing, select, or special committee of the Senate or joint committee of the Congress, except that a Senator may serve as chairman of any joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a standing committee of which he is chairman.

"(2) No Senator shall serve at any time as chairman of more than one subcommittee of each standing, select, or special committee of the Senate or joint committee of the Congress of which he is a member.

"(3) Beginning with that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed, a Senator who is serving as the chairman of a committee listed in paragraph 2 may serve at any time as the chairman of only one subcommittee of all committees listed in paragraph 2 of which he is a member and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 3 (a) or (b) of which he is member. A Senator who is serving as the chairman of a committee listed in paragraph 3 (a) or (b) may not serve as the chairman of any subcommittee of that committee, and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 2 of which he is a member. Any other Senator may serve as the chairman of only one subcommittee of each committee listed in paragraph 2, 3(a), or 3(b) of which he is a member.

"(f) A Senator serving on the Committee on Rules and Administration may not serve on any joint committee of the Congress unless the Senate members thereof are required by law to be appointed from the Committee on Rules and Administration.

"(g) Until that date occurring the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed—

"(1) each Senator who is serving on the Committee on the Budget may serve on not more than three subcommittees of such committee and, in the case of a Senator who was not a member of the Committee on the Budget during the Ninety-fourth Congress, or in the case of a Senator who was a member of the Committee on the Budget during the Ninety-fourth Congress, or in the case of a Senator who was a member of the Committee on the Budget during the ninety-fourth Congress and who so elects, such committee shall be treated as a committee listed in paragraph 2; and

"(2) a Senator who (A) on the day preceding the effective date of title I of the Committee System Reorganization Amendments of 1977 was serving on the Committee on Government Operations and two other standing committees listed in paragraph 2 of this rule (as such rule existed on such day), and (B) was serving as the chairman or ranking minority member of one of such other standing committees, shall be entitled to serve on the Committee on Governmental Affairs in addition to serving on two other standing committees listed in paragraph 2 so long as his service as a member of each such committee to which he is initially appointed on or after the effective date of such title I is continuous.

[For purposes of subparagraph (2), until that date occurring during the first session of the Ninety-sixth Congress upon which the appointment of the majority and minority members of the standing committees is initially completed, the Committee on the Budget shall be treated as a committee listed in paragraph 2. No Senator may, by reason of the application of subparagraph (2), serve on more than three standing committees.

"(h) A Senator who on the day preceding the effective date of title I of the Committee System Reorganization Amendments of 1977 was serving as the chairman or ranking minority member of the Committee on the District of Columbia or the Committee on Post Office and Civil Service may serve on the Committee on Governmental Affairs in addition to serving on two other standing committees listed in paragraph 2. At the request of any such Senator, he shall be appointed to serve on such committee but, while serving on such committee and two other standing committees listed in paragraph 2, he may not serve on any committee listed in paragraph 3(a) or (b). The preceding provisions of this subparagraph shall apply with respect to any Senator only so long as his service as a member of the Committee on Governmental Affairs is continuous after the date on which the appointment of the majority and minority members of the Committee on Governmental Affairs is initially completed.

"(i) A Senator who on the last day of the Ninety-fourth Congress was serving as a member of the Joint Committee on Congressional Operations may continue to serve as a member of such joint committee until it is terminated, or until the sine die adjournment of the first session of the Ninety-fifth Congress, whichever first occurs, in addition to serving on another committee listed in paragraph 3(a) or (b), so long as his service as a member of such joint committee is continuous.

"(j) Until that date of the sine die adjournment of the first session of the Ninety-fifth Congress, a Senator who on the day preceding the effective date of title I of the Committee System Reorganization Amendments of 1977 was serving as the chairman or vice chairman of the Subcommittee on Budget Authorization of the Select Committee on Intelligence may continue to serve on such select committee in addition to serving on another committee listed in paragraph 3 (a) or (b) and such select committee shall be composed of seventeen members.".

(b) Rule XVI of the Standing Rules of the Senate is amended by striking out paragraph 6.

(c) Section 2 of Senate Resolution 400, Ninety-fourth Congress, is amended—

(A) by striking out "paragraph 6(f)" in the last sentence of subsection (c) and inserting in lieu thereof "paragraph 6(e)(1)"; and

(B) by striking out subsection (d).

(d)(1) Not later than July 1, 1977, the appropriate standing committees shall report legislation terminating the statutory authority of the following joint committees of the Congress, transferring their functions to the appropriate standing committees of the Senate and the House of Representatives (to the extent such functions are not then vested in such standing committees) or other appropriate bodies, and providing for disposition of their staffs:

(A) Joint Committee on Atomic Energy;

(B) Joint Committee on Congressional Operations; and

(C) Joint Committee on Defense Production. (2) Not later than July 1, 1977, the appropriate standing committees shall report their recommendations with respect to the following joint committees:

(A) Joint Committee on the Library; and

(B) Joint Committee on Printing.

(3) No proposed legislation shall be referred in the Senate to any joint committee of the Congress and no proposed legislation reported by any such joint committee shall be received in the Senate.

(4) Until the termination of the joint committees referred to in paragraphs (1) and (2), such joint committees shall, for purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, be treated as committees listed in paragraph 3(b) of such rule. Vacancies occurring in the Senate membership of any such joint committee (other than the Joint Committe on Congressional Operations) shall be filled, consistent with the provisions of paragraph 6 of rule XXV of the Standing Rules of the Senate, by the appointment of Senators who are members of the standing committees of the Senate which have jurisdiction over the subject matters with respect to which such joint committee exercises its functions. The preceding sentence shall not apply to any joint committee the Senate members of which are required by law to be appointed from one or more specified standing committees of the Senate.

(e) It is the sense of the Senate that in appointing Senators to the standing committees pursuant to the Standing Rules of the Senate (as amended by this resolution) and in establishing seniority of Senators on such standing committees, first and full consideration should be given to those Senators, who, on October 1, 1976, were serving as chairmen and ranking minority members of standing committees whose jurisdictions are transferred to, or consolidated in, other standing committees and as chairmen and ranking minority members of select or special committees and subcommittees of standing committees whose jurisdictions and functions are so transferred or consolidated.

(f) It is the sense of the Senate that, in adopting rules, each committe of the Senate should include a provision to insure that assignment of Senators to subcommittees will occur in an equitable fashion; namely, that no member of a committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

TITLE III—MULTIPLE REFERRAL OF PROPOSED LEGISLATION

SEC. 301. (a) Rule XXVI of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"3. Except as provided in this paragraph, in any case in which a controversy arises as to the jurisdiction of any committee of the Senate with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer of the Senate, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

"(b)(1) Upon motion by both the Majority Leader or his designee and the Minority

Leader or his designee, proposed legislation may be referred to two or more committees jointly or sequentially. Notice of such motion and the proposed legislation to which it relates shall be printed in the Congressional Record. The motion shall be privileged, but it shall not be in order until the Congressional Record in which the notice is printed has been available to Senators for at least twenty-four hours. No amendment to any such motion shall be in order except amendments to any instructions contained therein. Debate on any such motion, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than two hours, the time to be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

"(2) Proposed legislation which is referred to two or more committees jointly may be reported only by such committees jointly and only one report may accompany any proposed legislation so jointly reported.

"(3) A motion to refer any proposed legislation to two or more committees sequentially shall specify the order of referral.

"(4) Any motion under this subparagraph may specify the portion or portions of proposed legislation to be considered by the committees, or any of them, to which such proposed legislation is referred, and such committees or committee shall be limited, in the consideration of such proposed legislation, to the portion or portions so specified.

"(5) Any motion under this subparagraph may contain instructions with respect to the time allowed for consideration by the committees, or any of them, to which proposed legislation is referred and the discharge of such committees, or any of them, from further consideration of such proposed legislation.".

(b) Section 137 of the Legislative Reorganization Act of 1946 is repealed.

TITLE IV—SCHEDULING OF COMMITTEE MEETINGS

SEC. 401. (a) In consultation with the Majority Leader and the Minority Leader, the Committee on Rules and Administration shall establish and maintain a computerized schedule of all meetings of committees of the Senate and subcommittees thereof, and of all meetings of joint committees of the Congress and subcommittees thereof. Such schedule shall be maintained online to terminals in the offices of all Senators, committees of the Senate, and permanent joint committees of the Congress, and shall be updated immediately upon receipt of notices of meetings or cancellations thereof under this section.

(b) Each committee of the Senate, and each subcommittee thereof, shall notify the office designated by the Committee on Rules and Administration of each meeting of such committee or subcommittee, including the time period or periods (as prescribed in paragraph 9 of rule XXV of the Standing Rules of the Senate), the place, and the purpose of such meeting. The Senate members of any joint committee of the Congress or of a subcommittee thereof shall cause notice to be given to the office designated by the Committee on Rules and Administration of each meeting of such joint committee or subcommittee, including the time, place, and purposes of such meeting. Notice under this subsection shall be given immediately upon scheduling a meeting.

(c) Each committee of the Senate, and each subcommittee thereof, shall notify the office designated by the Committee on Rules and Administration immediately upon the cancellation of a meeting of such committee or subcommittee. The Senate members of any joint committee of the Congress or any subcommittee thereof shall cause notice to be given to the office designated by the Committee on Rules and Administration immediately upon the cancellation of a meeting of such joint committee or subcommittee.

(d) For purposes of this section, the term "joint committee of the Congress" includes a committee of conference.

SEC. 402. (a) Subparagraph (a) of paragraph 7 of rule XXV of the Standing Rules of the Senate is amended to read as follows:

"(a) When the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the Majority Leader and the Minority Leader (or in the event of the absence of either of such Leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The Majority Leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph, and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion".

(b) Rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"9. Morning meetings of committees of the Senate and subcommittees thereof shall be scheduled for one or both of the periods prescribed in this paragraph. The first period shall end at eleven o'clock antemeridian. The second period shall begin at eleven o'clock antemeridian and end at two o'clock postmeridian.".

(c) Section 134(c) of the Legislative Reorganization Act of 1946 is repealed.

TITLE V—CONTINUING REVIEW OF THE COMMITTEE SYSTEM

SEC. 501. (a) The Committee on Rules and Administration, in consultation with the Majority Leader and the Minority Leader, shall review, on a continuing basis, the committee system of the Senate and the Standing Rules and other rules of the Senate related thereto.

(b) During the second regular session of each Congress, the Committee on Rules and Administration shall submit to the Senate a report of the results of its review under subsection (a) during that Congress. Such report shall include its recommendations (if any) for changes in the committee system of the Senate and the Standing Rules and other rules of the Senate related thereto. The Committee on Rules and Administration may submit, from time to time, such other reports and recommendations with respect to such committee system and rules as it deems appropriate.

(c) The Committee on Rules and Administration, the Majority Leader, and the Minority Leader may request the Secretary for the Majority and the Secretary for the Minority to provide assistance in carrying out their duties and responsibilities under this section.

TITLE VI—OTHER AMENDMENTS TO THE STANDING RULES OF THE SENATE

SEC. 601. The Standing Rules of the Senate are amended by adding at the end thereof the following new rule:

"RULE XLV

"COMMITTEE AMENDMENTS NOT WITHIN ITS JURISDICTION

"It shall not be in order to consider any proposed committee amendment (other than a technical, clerical, or conforming amendment) which contains any significant matter not within the jurisdiction of the committee proposing such amendment.".

SEC. 602. Rule XXIX of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"5. (a) The report accompanying each bill or joint resolution of a public character reported by any committee of the Senate (except the Committee on Appropriations) shall contain—

"(1) an evaluation, made by such committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (A) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (B) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (C) a determination of the impact on the personal privacy of the individuals affected, and (D) a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs, required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution; or

"(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of subparagraph (a) is impracticable.

"(b) It shall not be in order in the Senate to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of this paragraph.".

TITLE VII—COMMITTEE STAFFS

SEC. 701. For purposes of this title, the term—

(1) "effective date" means the effective date of title I, except that, with respect to the Special Committee on Aging, such term means the effective date of section 104;

(2) "eligible staff member" means an individual who is a member of the staff of an old committee, or of a subcommittee thereof, on the day prior to the effective date and had served continuously (except for any period of four days or less) as a member of the staff of such old committee or a subcommittee thereof since October 1, 1976;

(3) "new committee" means a standing, select, or special committee of the Senate which is in existence on the effective date;

(4) "old committee" means a standing, select, or special committee of the Senate which is in existence on the day before the effective date; and

(5) "transition period" means, with respect to a new committee, the period beginning on the effective date and ending on whichever of the following occurs last:

(A) the tenth day after the date on which the Senate agrees to the first resolution which is reported pursuant to section 133(g) of the Legislative Reorganization Act of 1946 and which authorizes expenditures out of the contingent fund of the Senate to be made by such committee (not including any resolution reported pursuant to section 704 (b)), or

(B) June 30, 1977.

SEC. 702. On the effective date, the staffs of the new committees shall, except as provided in section 703, consist of the staffs of the old committees and their respective subcommittees, as set forth in the following table:

The staff of the new Committee on—	Shall consist of the staff of the old Committee (and its subcommittees) on—
Aging	Aging.
Agriculture, Nutrition, and Forestry	Agriculture and Forestry.
Appropriations	Appropriations.
Armed Services	Armed Services.
Banking, Housing, and Urban Affairs	Banking, Housing and Urban Affairs.
Budget	Budget.
Commerce, Science, and Transportation	Commerce.
Energy and Natural Resources	Interior and Insular Affairs.
Environment and Public Works	Public Works.
Ethics	Standards and Conduct.
Finance	Finance.
Foreign Relations	Foreign Relations.
Governmental Affairs	Government Operations.
Human Resources	Labor and Public Welfare.
Intelligence	Intelligence.
Judiciary	Judiciary.
Nutrition and Human Needs	Nutrition and Human Needs.
Rules and Administration	Rules and Administration.
Small Business	Small Business.
Veterans' Affairs	Veterans' Affairs.

SEC. 703. (a) For purposes of this section, the term "consolidated committee" means the Committee on Aeronautical and Space Sciences, the Committee on the District of Columbia, and the Committee on Post Office and Civil Service.

(b) On the effective date, each eligible staff member of each consolidated committee shall be transferred to the new committee which has the jursidiction or performs the functions previously vested in the consolidated committee. When two or more new committee have the jursidiction or perform the functions previously vested in a consolidated committee, the determination of the eligible staff members of the consolidated committee transferred to the staff of each of the new committees shall be made by the Committee on Rules and Administration in consultation with the chairman or acting chairman and ranking minority member of the consolidated committee.

(c) In any case in which a subcommittee of an old committee has a separate staff and is separately funded and, on the effective date, a new committee has the jursidiction or performs the functions previously vested in the subcommittee, each eligible staff member of the subcommittee shall be transferred on the effective date to the staff of such new committee. When two or more new committees have the jurisdiction or perform the functions previously vested in the subcommittee, the determination of the eligible staff members of the subcommittee transferred to the staff of each of the new committees shall be made by the Committee on Rules and Administration in consultation with the chairman or acting chairman and ranking minority member of the subcommittee. This subsection does not apply (and section 702 shall apply) in any case in which the staff of the new committee is the successor to the staff of the old committee and its subcommittees under section 702.

(d) (1) During the transition period of a new committee, each eligible staff member of the new committee described in paragraph (2)—

(A) shall, subject to salary limitations imposed by law, receive compensation as a rate not less than the rate of compensation such staff member was receiving on January 4, 1977; and

(B) may not be removed, except for cause, as a member of the staff of the new committee.

(2) Paragraph (1) shall apply to an eligible staff member of a new committee—

(A) who was transferred by subsection (b) or (c) to the staff of the new committee;

(B) who on the day prior to the effective date was a member of the staff of a subcommittee of an old committee, the staff of which under section 702 is in part the predecessor of the staff of the new committee, and—

(i) the jurisdiction or functions of which are consolidated with or transferred to a new subcommittee of the new committee, or

(ii) the chairmanship of which changes as a result of the limitation on the number of subcommittee assignments or subcommittee chairmanships contained in paragraph 6 of rule XXV of the Standing Rules of the Senate, as amended by title II of this resolution; or

(C) who on the day prior to the effective date was a member of the staff of an old committee, the staff of which under section 702 is in whole or in part the predecessor of the staff of the new committee, or was a member of the staff of a subcommittee of an old committee, the staff of which under section 702 is in part the predecessor of the staff of the new committee, and whose appointment was made, approved, or recommended by a Senator (for the purposes of assisting such Senator in his duties as a member of such old committee or such old subcommittee) who is not a member of the new committee as a result of the limitations on committee assignments contained in paragraph 6 of rule XXV of the Standing Rules of the Senate, as amended by title II of this resolution, or is not a member of the subcommittee which is the successor to such old subcommittee as a result of the limitation on subcommittee assignments contained in such paragraph.

The chairman of each new committee (and the ranking minority member with respect to minority employees) shall notify the Committee on Rules and Administration and the Secretary of the Senate of the eligible staff members of the new committee described in this paragraph.

(3) The provisions of paragraph (1)(B) shall not apply in the case of an eligible staff member who would be entitled to an annunity under section 8336(d) of title 5, United States Code, upon his involuntary removal from service as an employee of the Senate if such staff member (but for the provisions of paragraph (1)(B)) would be subject to involuntary removal from such service and such staff member elects to have the provisions of this paragraph apply.

(e) The staffs of committees (including statutory, investigative, and clerical personnel) should reflect the relative number of majority and minority members of committees, taking into full consideration employees appointed under section 705. A majority of the minority members of any committee may, by resolution, request that at least one-third of the funds of the committee for statutory, investigative, and clerical personnel (other than those funds determined by the chairman and ranking mniority member to be allocated for the administrative and clerical functions of the committee as a whole) be allocated to the minority members of such committee for compensation of minority staff as the minority members may decide. The committee shall thereafter adjust its budget to comply with such resolution. Such adjustment shall be equitably made over a four-year period, commencing July 1, 1977, with not less than one-half being made in two years. Upon request by a majority of the minority members of any committee by resolution, proportionate space, equipment, and facilities shall be provided for such minority staff.

SEC. 704. (a) Not later than the tenth day after the day on which this resolution is agreed to, the Committee on Rules and Administration shall report a resolution which authorizes expenditures out of the contingent fund of the Senate during the transition period by the new committees. The amount authorized for each new committee shall be sufficient to enable that committee to pay the compensation of the members of its staff, including those members transferred to its staff by section 703, during the transition period.

(b) Not later than June 30, 1977, the Committee on Rules and Administration shall report resolutions under section 133(g) of the Legislative Reorganization Act of 1946 authorizing expenditures out of the contingent fund of the Senate by new committees for that portion of the year ending February 28, 1978, remaining after the termination of the transition period.

SEC. 705. (a) Until otherwise provided by law or resolution, each Senator shall, except as otherwise provided in this section, receive each fiscal year an amount equal to three times the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified. Such amount may be used by a Senator only to employ individuals for the purpose of assisting him in connection with his membership on committees of the Senate. Each Senator shall designate the committee with respect to which any individual is so employed to assist him.

(b)(1) In the case of a Senator who is the chairman or ranking minority member of any committee, or of any subcommittee that receives funding to employ staff assistance separately from the funding authority for staff of the full committee, the amount referred to in subsection (a) shall be reduced by the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, for each such committee or subcommittee.

(2) In the case of a Senator who is authorized by a committee, a subcommittee thereof, or the chairman of a committee or subcommittee, as appropriate, to recommend or approve the appointment to the staff of such committee or subcommittee of one or more individuals for the purpose of assisting such Senator in his duties as a member of such committee or subcommittee, the amount referred to in subsection (a) shall be reduced, for each such committee or subcommittee, by an amount equal to (A) the aggregate annual gross rates of compensation of all staff employees of that committee or subcommittee (i) whose appointment is made, approved, or recommended and (ii) whose continued employment is not disapproved by such Senator, if such employees are employed, for the purpose of assisting such Senator in his duties as a member of such committee or subcommittee thereof as the case may be, or (B) the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified, whichever is less.

(c)(1) An employee appointed under this section shall be designated as such and certified by the Senator who appoints him to the chairmen and ranking minority member of the committee designated by such Senator and shall be accorded all privileges of a professional staff member (whether permanent

or investigatory) of such committee including access to all committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time and require, if classified material is being handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it.

(2) If (A) a Senator's service on a committee terminates (other than by reason of his ceasing to be a Member of the Senate) or a Senator's status on a committee as the chairman or ranking minority member of such committee or a subcommittee thereof changes, and (B) the appointment of an employee appointed under this section and designated to such committee by such Senator would (but for this paragraph) thereby terminate, such employee shall, subject to the provisions of subsection (e), be continued as an employee appointed by such Senator under this section until whichever of the following first occurs: (1) the close of the tenth day following the day on which such Senator's service on such committee terminates or his status on such committee changes or (2) the effective date on which such Senator notifies the Secretary of the Senate, in writing, that such employee is no longer to be continued as an employee appointed under this section. An employee whose appointment is continued under this paragraph shall perform such duties as the Senator who appointed him may assign.

(d) An employee appointed under this section shall not receive compensation in excess of that provided for an employee under section 105(e)(1) of the Legislative Branch Appropriations Act, 1968, as amended and modified.

(e) The aggregate of payments of gross compensation made to employees under this section during each fiscal year shall not exceed at any time during such fiscal year one-twelfth of the total amount to which the Senator is entitled under this section (after application of the reductions required under subsection (b)) multiplied by the number of months (counting a fraction of a month as a month) elapsing from the first month in that fiscal year in which the Senator holds the office of Senator through the end of the current month for which the payment of gross compensation is to be made. In any fiscal year in which a Senator does not hold the office of Senator at least part of each month of that year, the aggregate amount available for gross compensation of employees under this section shall be the total amount to which the Senator is entitled under this section (after application of the reductions required under subsection (b)) divided by 12, and multiplied by the number of months the Senator holds such office during that fiscal year, counting any fraction of a month as a full month.

(f) The compensation of individuals appointed under this section shall be paid out of the contingent fund of the Senate.

(g) The preceding provisions of this section shall be suspended and have no force or effect during any period during which, by law enacted after the date on which this resolution is agreed to, funds are made available to Senators to employ individuals to assist them in connection with their membership on committees of the Senate.

(h) Senate Resolution 60, Ninety-fourth Congress, is repealed.

(i)(1) Except as provided in this subsection—

(A) this section shall take effect on the first day of the month after the effective date occurs; and

(B) a Senator shall not be entitled to receive any amount under section 108 of the Legislative Branch Appropriation Act, 1976, for any period on or after such first day, and any designation made by him under such section which is in effect on the day prior to such first day shall cease to be effective on such first day.

(2) The aggregate amount available to a Senator for gross compensation of employees appointed under this section during the fiscal year ending September 30, 1977, shall be the total amount to which the Senator is entitled under this section (after application of the reductions required by subsection (b)) divided by 12, and multiplied by the number of months remaining in such fiscal year on and after such first day.

SEC. 706. The Committee on Rules and Administration shall prescribe such rules and regulations as it determines necessary to carry out the provisions of sections 703, 704, and 705.

TITLE VIII—MISCELLANEOUS

SEC. 801. Titles I through VI of this resolution (except section 104) and the amendments to the Standing Rules of the Senate made by such titles shall take effect on February 11, 1977. Section 104 shall take effect on March 1, 1977.

SEC. 802. To the extent necessary to carry out the provisions of paragraph 1 of rule XXV of the Standing Rules of the Senate (as amended by title I of this resolution), all proposed legislation and nominations referred before the effective date of such title to the standing committees of the Senate shall be rereferred on such effective date of the appropriate standing committees.

SEC. 803. (a) Any reference in any rule, resolution, or order of the Senate or in any law, regulation, or executive order to any standing committee of the Senate (as such committees were constituted before the effective date of title I of this resolution) shall, after such effective date, be considered as referring to the appropriate standing committee established by paragraph 1 of rule XXV of the Standing Rules of the Senate (as amended by title I of this resolution).

(b) Any reference in any rule, resolution, or order of the Senate or in any law, regulation, or Executive order to the Select Committee on Standards and Conduct shall, after the effective date of title I of this resolution, be considered as referring to the Select Committee on Ethics.

NOMINATION OF PAUL WARNKE

Mr. STENNIS. Mr. President, I have brief remarks I wish to make which will be of interest to some.

Mr. President, concerning the nomination of Mr. Warnke, who has been nominated as Director of the Arms Control and Disarmament Agency, a nomination that very rightfully has gone to the Foreign Relations Committee under the rules, I wish to say that there has been a lot of interest in it, inquiries; members of our Armed Services Committee have inquired about the Armed Services Committee having some hearings on this matter. The press has asked me many questions about it. I have a statement to make now that I think is in keeping with the understanding and the general wishes.

The nomination clearly goes to the Foreign Relations Committee. After they have finished their hearings or near the end anyway, and after they have developed the main facts, I would propose to call a meeting then of the Armed Services Committee for the membership to decide in the light of the facts that had been developed, and so forth, whether or not Mr. Warnke would be invited to come before the Armed Services Committee.

I think that is the orderly, right, and best way, that has been generally agreed to by all those who are interested. They had to leave the Chamber and they are not here for colloquy.

But I make that in the nature of an announcement, and I think it is better to make it now so the press and the membership will know about that situation. That nomination came in today and was referred to the Committee on Foreign Relations. That is correct, is it not?

Mr. ROBERT C. BYRD. Yes, that is correct.

Mr. STENNIS. So I will answer any questions further if there are any. I think that covers the situation.

I thank the Senator from West Virginia and yield the floor.

COMMITTEE SYSTEM REORGANIZATION

Mr. STEVENSON. Mr. President, the Senate has approved its most extensive reorganization since the committee system was created in the early 19th century.

The Senate is a delicate system evolved over 200 years. One tinkers with it with care. And we are all conscious of the frictions, compromises, and sacrifices which were part of this painful process.

It is not easy to feel exultation.

This resolution will not render the Senate efficient. But that was never the purpose. A certain amount of messiness is inherent in an institution that must reconcile the conflicting interests of our complex and pluralistic society.

This resolution will not guarantee sound public policy. It will only make it possible. The Senate will have an energy committee, an environment committee, and a committee with more integrated jurisdiction for transportation and for science. Jurisdictions will still spill over but the institution will be better fitted to piece together all of the pieces of policy on the large and complex issues.

The Senate will be democratized as never before. Work and responsibility will be distributed more equally and fairly among committees and Members.

Staff will be apportioned more equitably between majority and minority. Grievances of the past, such as ex officio membership on the Appropriations Commmittee for some Members of certain favored committees, will be gone.

The pulling and hauling of Members in all directions will be diminished. The number of committees is reduced by about one-third; the total number of committees and subcommittees would be reduced from 174 to about 120.

Instead of serving on an average of 18 committees and subcommittees, Senators will serve on about 11.

The new computerized scheduling service and procedures will reduce conflicts among the meeting of committees and between committee meetings and the sessions on the Senate floor.

Is is not an end result which will please everyone in every particular. But the truth is that this is an unprecedented reformation of the Senate. The

Senate has acted now to make itself the effective and responsive institution it can be.

There are many who deserve credit for what was achieved. Senator CANNON has been a stalwart and skillful advocate of effective reorganization. His efforts and those of the majority leader have been indispensable throughout. They both have my deep gratitude and great respect.

The minority leader, Senator BAKER, Senators GRIFFIN, HATFIELD, PACKWOOD, DOMENICI, and the former Senator Bill Brock, were all of immense assistance from the beginning. Many Senators, less conspicuous, came forward to subordinate their personal interests to the welfare of the institution and the public.

Mr. President, the staff of the select committee led by Ken Gray, aided by Dr. Riddick of the Rules Committee, worked hard, faithfully, and skillfully to serve the Senate and to leave an enduring mark upon an institution which they too revere.

Mr. President, there are more persons whom I should acknowledge than I can. To do so, I ask unanimous consent that a list of the members of the select committee and the Rules Committee and of the staffs of both and of others from the Congressional Research Service who were invaluable throughout be printed at the end of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENSON. Mr. President, the Members have been patient and considerate. I am grateful to them all for their understanding and their cooperation. Now that the resolution is approved, the committee assignments can be made and we can get on with our work.

Mr. President, I also ask unanimous consent that at the end of these remarks there be printed in the RECORD a more detailed description of changes that Senate Resolution 4 will make in the Senate committee system.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

SELECT COMMITTEE MEMBERS

Adlai E. Stevenson, Chairman	Clifford P. Hansen
Lee Metcalf	Barry Goldwater
Gaylord Nelson	Bob Packwood
Lloyd Bentsen	Pete V. Domenici
Lawton Chiles	Jesse Helms
Frank E. Moss	Bill Brock

RULES COMMITTEE MEMBERS

Howard W. Cannon, Chairman	Dick Clark
Claiborne Pell	Mark O. Hatfield
Robert C. Byrd	Robert P. Griffin
James B. Allen	John Tower
Harrison A. Williams, Jr.	

RULES COMMITTEE STAFF

William M. Cochrane	Anthony L. Harvey
Dr. Floyd M. Riddick	Peggy L. Parrish
Ronald L. Hicks	John K. Swearingen
Louise M. McPherson	
Jack L. Sapp	

SELECT COMMITTEE STAFF

Kenneth E. Gray	Kathi Chapman
Harrison W. Fox, Jr.	Steve Chmielewski
Sherry Towell	Roger Davidson
Jean Beckwith	Tom Davis
Gary Bombardier	Gayle Fitzpatrick
Dorothy Johnson	Lois Nuss
Terry Kay	Norman Ornstein
Beverly Lovelady	Judy Parriss
Jim McClellan	Matt Pincus
Stephen Merrill	Charles Reid
Rich Moraszki	Judy Schneider
Linda Moodie	Jim Thurber
Jean Nicholson	

CRS STAFF

Walter Kravitz	Walter Oleszek

(and many other CRS analysts, specialists, and senior specialists).

EXHIBIT 2

DESCRIPTION OF SENATE RESOLUTION 4 CHANGES IN SENATE COMMITTEE SYSTEM

The Temporary Select Committee proposed that 16 committees be consolidated in order to create more major committees with legislative responsibilities—Aeronautical and Space Sciences, District of Columbia, Post Office and Civil Service, Veterans Affairs, Select Committee on Nutrition and Human Needs, Select Small Business, Select Standards and Conduct (Ethics), Special Committee on Aging, Joint Atomic Energy, Joint Congressional Operations, Joint Defense Production, Joint Internal Revenue Taxation, Joint Library, Joint Printing, Joint Economic and the Temporary Select Committee to Study the Senate Committee System.

Of these, the Rules Committee or the Senate reinstated two—Ethics and the Joint Economic Committee—which I believe should have been continued and gave the Nutrition Committee one year in which to terminate its business. Also continued were four others—Small Business, Veterans, the Special Committee on Aging and the Joint Committee on Internal Revenue Taxation. The continuation of the latter will not contribute to any great degree to the proliferation of assignments and demands on the time of Senators.

By agreeing generally to limit each Senator's committee assignments to two major committees and one minor committee, and his subcommittee assignments to three on major committees and two on minor committees, the Senate spread responsibility and the workload more evenly and assured major responsibilities for junior Senators. The total number of committee and subcommittee assignments would be reduced from an average of 18 to approximately 11.

A major achievement of the reorganization is the creation of committees with comprehensive jurisdiction for our major national and international problems. For the first time, energy programs have been placed under one committee, the Committee on Energy and Natural Resources, eliminating a patchwork system which had farmed out bits and pieces of energy programs to many previously existing committees. The House of Representatives has not been able to take such a step, so it is likely that the Senate will be the major force in the federal government in dealing with the hard realities of the nation's energy crisis both this winter and in future years.

Another significant step is the consolidation of environmental subjects in a committee on Environment and Public Works, to corral in one place interrelated environmental programs involving oceans, toxic substances, flood control, water, air and noise pollution previously fragmented away in other separate committees.

In addition to creating these new, important committees, the Senate also took a major step to build its capacity for oversight of government programs. By assigning comprehensive oversight authority to legislative committees, the Senate will be better able to judge present performance of government programs and plan competently for the future. This will give the Senate a better chance to stop the proliferation of government bureaucracy in the Executive Branch, just as it has done for itself.

A little noticed facet of the reorganiztion plan, but one which greatly improves the ability of Senators to plan their activities more efficiently, is the creation of a computerized scheduling system to keep track of committee and subcommittee meeting times. These would be fed to line terminals in Senators' offices. Committees would meet during two designated periods in the course of a day, reducing the time conflicts that now force Senators to run from one meeting to the next with little chance to participate adequately in committee activities.

S. Res. 4 additionally strengthens the capacity of the Senate to deal with subjects that straddle committee jurisdiction. The joint leadership of the Senate may now propose that bills be referred to two or more committees by motion from the floor, rather than by unanimous consent, making joint referral easier to utilize when needed.

Ex-officio membership on the Appropriations Committee by Senators from other committees would be abolished.

Other reforms adopted by the Senate would democratize the method in which Senators are assigned to subcommittees. Junior Senators would obtain at least one important subcommittee post on a committee before senior Senators could choose additional ones. And, beginning in the next Congress, no major committee chairman may be chairman of more than one subcommittee, whether it be on the committee he chairs or on his other major committee.

The continuing review of the committee system, to be undertaken by the Committee on Rules and Administration, should give the Senate a chance to re-evaluate itself on a regular basis. This committee reorganization was the first in 30 years and was necessarily extensive. Future changes should perfect the system to suit changing needs, but assure continuity in the Senate's work.

COMMITTEES PROPOSED FOR CONSOLIDATION (16)

Aeronautical & Space Sciences.
District of Columbia.
Post Office & Civil Service.
Veterans' Affairs.
Select Nutrition & Human Needs.
Select Small Business.
Select Standards and Conduct.
Special Committee on Aging.
Joint Atomic Energy.
Joint Congressional Operations.
Joint Defense Production.
Joint Internal Revenue Taxation.
Joint Library.
Joint Printing.
Joint Economic.
Temporary Select Committee to Study Senate Committee System.

COMMITTEES PERMANENTLY REINSTATED BY RULES COMMITTEE ON SENATE (6)

Veterans' Affairs.
Small Business.
Ethics (Standards & Conduct).
Aging.
Joint Taxation.
Joint Economic.

Mr. HUDDLESTON. Mr. President, I commend the distinguished Senator from Illinois for the leadership he has displayed in bringing about this significant reform of the committee system of the Senate.

I said somewhat earlier this afternoon, in debating an amendment that was before the body, that we found out that there is no easy way, no painless way, to reduce the number of committees that we have, because each one of them has a constituency that feels it very important that the particular committee stay in existence.

I think it ought to be on the record, and I wish to make sure that it is, that my colleague from Kentucky, Senator

FORD, now presiding, was in line and was indeed to be the chairman of a major committee, the Committee on Aeronautics and Space, even though he has been in the Senate for only 2 years.

But that fact notwithstanding, Senator FORD advocated the abolition of that committee in the interest of reform and improving the operation and the efficiency of this body.

So far as I know he was the only chairman of a major committee that was willing to see that committee consolidated in this move. I think that is exemplary action. I think the fact ought to be made known, and that it should be part of the record of the Senate, and these proceedings.

I thank the Chair.

Mr. DOMENICI. Mr. President, I shall not take long, but I want to say a few things about this effort.

First, obviously the good Senator from Illinois has in his usual manner taken to the floor after months of hard work and thanked others. I think it is appropriate at this point to recognize that any effort such as this—as he so aptly described it, the most drastic reorganization in 100 years—requires a leader. And I do not think there is any doubt, Mr. President, but that that leader was the distinguished Senator from Illinois (Mr. STEVENSON). And I think I speak for all in the Senate in saying that without his efforts, we would not be here today. We would not have this reform.

I in particular wish to acknowledge two or three qualities about the distinguished Senator from Illinois that I think are absolutely imperative in this kind of effort, and that when needed they were there.

The goal was to do something that would make this institution work better, and that would let the 100 Members of this body do their job for their constituents and our country in a better way than we have been doing it in the past.

That goal has never been lost sight of in the leadership that Senator STEVENSON brought to this effort. Obviously he recognized early that there were also some practical aspects to the matter, and I commend him in particular for his extremely pragmatic approach, with the fact that he never lost sight of the goal. With all of the practicality applied, we have nonetheless, in a most difficult legislative function, brought about substantial reform.

I personally, having served with him for more than 4 months on the special committee that did the preliminary work, want to commend him and all those who served with him, but in particular our leader, the chairman of the select committee.

Second, I would like to address what we are really trying to do. When this select committee was appointed, it was obvious to everyone that most U.S. Senators were overburdened with too many committee assignments, and that, in turn, that kind of assignment process left us with an almost unimaginable situation. I am pleased to say that when we take the reforms and couple them with the new management proposals suggested, as our good friend from Illinois said this is not going to be the cure-all, but it is going to give us a rare opportunity, in very difficult times, to do a better job for our individual States and for our country.

There are many other people who deserve our thanks and appreciation, but I wish to close by commending one group: the freshman Senators who joined us not too long ago, who quickly joined in this reform effort. Some of them had experience in the House of Representatives, some did not, but all quickly understood that we had to reorganize this body if they were going to have the best 6 years possible in their elected terms.

They could have quibbled about the fact that they did not have assignments. They could have made a lot of noise, and that perhaps even disrupted this process, but I commend the entire group of freshman Senators for their foresight in agreeing to temporary assignments, and specifically for waiting for what must have appeared to many of them a very lengthy wait and a confused wait, not having any assignments, added to the burden they already had in the original few weeks of being U.S. Senators; and I think they have conducted themselves admirably in assisting with the reorganization and in understanding that, for the good of the body, they, too, should be willing to sacrifice a bit and wait. I hope it has not caused any of them any undue harm and I do not think it has.

In conclusion, let me just say that if this reform is successful in bringing us more quickly to a solution of our energy crisis and bringing a little more order to our transportation policies as a Nation, and if it focuses on the relationship of those issues to the environment, I think we will have done a tremendous job for the body and for the American people. I was pleased to be a part of the effort for 4½ months as a member of the committee. I commend the Rules Committee for the philosophy which they followed in doing their job as a committee sounding board for all the Members of this body.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FORD). The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, as one of 18 freshman Senators, I wish to associate myself with the Senator from New Mexico in all that he has said, and I wish to add my expressions of gratitude to this body, and especially to the Senator from Illinois, Mr. STEVENSON, who served as chairman of the Select Committee to study the Senate Committee System.

I am especially grateful in that when I first looked at the organizational setup of the Senate, after having served 14 years in the House of Representatives, I began wondering, how in the world does a Senator ever get any business done, being assigned to as many as 18 or 20 subcommittees, and having but one body?

I cannot but admire the leadership that was demonstrated by the Senator from Illinois, because when he first started, there were very few who gave him a chance to get his resolution through. But he did it with only minor amendments, most of which were expected in any event.

I recall when the distinguished majority leader (Mr. BYRD) first approached me for my support, I posed him this question: "What, in your concept, does leadership mean as it relates to the Senate majority leader?"

The response he gave me was something which sold me on him immediately. He said, "To serve the Members of the Senate so that they, in turn, may better serve the great people of this country."

Now, by serving the membership of this body in a most difficult and thankless capacity, the Senator from Illinois displayed extremely effective leadership, in the same sense that our majority leader holds leadership to mean, as do I and I am sure other Members of the Senate.

So congratulations to you, Mr. Stevenson, for a job well done, you have led this august body to take one giant step forward.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Illinois yield?

Mr. STEVENSON. I yield first to the distinguished majority leader.

Mr. ROBERT C. BYRD. I would like to add an encomium before the Senator responds.

I congratulate the Senator from Illinois. This is the culmination of an effort that extends back over a period of 3 or 4 years, as I best recall.

Maybe it is 4 or 5 years. The Senator, along with former Senator Brock and other Senators, sought, first of all, to get an appropriation for a study which, in turn, would indicate the direction in which a select committee should go in developing a reorganization plan involving committees.

He met with many discouragements. It was first decided that the maximum amount of money that should be utilized in the effort would be $25,000. Of course, it would have been impossible for his select committee to do the careful, thorough, extensive, and comprehensive job that it did with only that amount of money. So he kept trying.

The Rules and Administration Committee, of which I am a member, decided to go along with the request for additional moneys. The Senator and his colleagues began their work last year with a tough deadline to meet, to accomplish—what would have appeared to be, at least to the average Senator like myself—a task not capable of accomplishment.

He and his colleagues sprang into the most dense of thickets, the thicket of committee reform and jurisdictional reform. After many months of patient effort, hard work, and the utilization of extraordinary talents, Mr. STEVENSON and his colleagues brought forth the proposal which they said, and which we all agreed, was not a perfect one. It was one, however, which typified the best that reasonable men could put together under the circumstances.

Then the measure went to the Rules Committee under the order of the Senate

1 month ago today. The order provided that that resolution, or a resolution containing related subject matter, would be reported back to the Senate within 15 days and, with but a slight extension of the time period, the Rules Committee fulfilled its instructions under the order of the Senate. Today, 1 month later, the Senate has enacted the resolution.

Some changes were made. Some were made that I preferred and some were made that I did not prefer. But it is the Senate that has to work its will. The judgment of the Senate is not the judgment of 1 man but the judgment of 100 Senators. I believe the product of all this effort will prove to be a constructive one. It is a constructive piece of handiwork that constitutes a progressive and meritorious step, with many advantages over the current system.

The number of committees has been reduced; the number of subcommittees has been reduced; the number of assignments has been reduced. As I understood the able Senator to say, the number of subcommittees has been reduced from 174 to something like 120. The number of assignments per Senator on the average heretofore was 18, which means that some Senators may have had as many as 30 assignments. That has now been reduced to something like an average of 10 or 11. The number of full committees has been reduced from 31 to 23.

In addition, as the Senator from Illinois pointed out, for the first time, energy problems have been placed under one committee, whereas formerly they cut across a myriad of committees. Moreover, the creation of a computerized scheduling system to keep track of committee and subcommittee meeting times will be put into existence. This, in itself, should constitute a very worthwhile improvement over the present situation.

The resolution allows the Senate to deal with subjects that straddle committee jurisdiction. The joint leadership of the Senate may now propose that bills be referred to two or more committees by motion on the floor rather than by unanimous consent, thus making joint referral easier to obtain than heretofore.

In the beginning I believed that the Senate had the discipline to rectify some of the problems that have developed over these many years since the last reorganization of committees, and today the Senate has proven that my confidence was well placed.

I commend Mr. CANNON who, as always, has shown himself to be one of the finest chairmen in the Senate in dealing, as is so often the case, with some of the most complex and thorny issues that come before the Senate. He has done a good job.

I compliment the minority and the majority members of the two committees. I compliment the Senate for its reasonableness in approaching this problem and for working its will on the resolution.

Finally, I would be remiss if I did not compliment and thank those 18 new Members of the Senate who have been so patient and so understanding in waiting throughout the days of this month until they could be permanently assigned to committees. In my 18 years in the Senate this is the first time that new Members have been forced to wait for permanent assignments. These new Members have done so, and have done so with a will. I know the Senate as a whole is grateful to them. Now it is up to the steering committees to act as quickly as possible to make those assignments.

May I say, in closing my commendations, "a word fitly spoken is like apples of gold in pictures of silver." All that I have said could have been just as well and most fitly said by the two words, "Well done."

Now that the Senate has finally acted on Senate Resolution 4, reorganizing the committee system of the Senate, the Democratic Steering Committee and the Republican Committee on Committees must now meet to make permanent assignments for all Senators for the remainder of the 95th Congress. In the event that any Senator has not expressed his request for committee assignments in writing, I urge that such requests be forwarded to the appropriate chairman—and, in this instance, it is the majority leader on this side of the aisle, who is the chairman of the Democratic Steering Committee—as soon as possible.

It may be that a Senator has now changed his mind from his first request and that, as Senate Resolution 4 was modified, he may wish to amend his request to reflect the situation as it was finally resolved. So, for Democratic Senators, it would be most helpful if they would express their preferences in order of priority, if they have not already done so, and also to reflect which committee or committees they will relinquish if a new committee assignment is made.

It is my intention, as chairman of the Democratic Steering Committee, to call that committee into session on next Tuesday—if not Monday—to act in this important area.

I hope, as I say, that all Democratic Senators will let me know—along with other members of the Steering Committee—if they wish to amend their requests.

Mr. STEVENSON. Mr. President, the Senators are too generous with their words about the Senator from Illinois. If I had been wiser in the beginning and perceived all of those thickets that the distinguished majority leader referred to, I might not have gotten into so many of them. But I do thank him.

I must add at this point that it is very satisfying to have left a mark, with my colleagues, on this most durable institution of its kind in the world.

The Senator from New Mexico was one of the most diligent and conscientious of supporters for reorganization. He worked faithfully and hard on the Select Committee on Committees. He, like the present occupant of the chair (Mr. FORD), was one of those unnoticed, unheralded Senators who came forward, willing to subordinate a personal interest to the welfare of the Senate and, therefore, of the public. They both were prepared to make major concessions on committees in order to move the reorganization effort ahead.

Mr. President, the success of this effort does justify the majority leader's faith in the Senate, but we would not be at this point were it not for his efforts. While not everyone might agree with me, it is my own feeling that the Committee on Rules, of which he is a member and the Senator from Nevada (Mr. CANNON), the chairman, strengthened the work of the select committee. We took some defeats in the Committee on Rules. In some ways, the resolution introduced, which was the culmination of the select committee's work, was weakened, but in many others, it was strengthened. That can be said also of the work of the Senate on the floor. In some respects, our work has been weakened; in other ways, strengthened.

I hope that those who view this work view it in its totality, because it is the most extensive reorganization of either body since the committee system was first formed and they will, if they do look and look closely, perceive that the institution has been made the effective and responsive institution which it can be.

It was not just hard work and the support of the majority leader, Senator CANNON, and others. There was some luck involved in this effort, too. The work was helped, as others have mentioned, by the election of 18 new Senators, and they were patient, and all of them were supportive.

The Senator from Hawaii, who came recently to the Senate, was not new to the need for reorganization of the Senate, nor to this effort. He had served on the Committee on Rules in the other body, and he, like many others, lent his support to the effort which has culminated today in this most extensive reorganization of the Senate. So I thank them all, Mr. President, and I look forward, as I never have before, to working now in the U.S. Senate for the welfare of the American people.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for the purpose only of introduction of statements, bills, resolutions, petitions and memorials into the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PROPOSED LEGISLATION TO RESTORE PRESIDENT'S POWER TO SUBMIT REORGANIZATION PLANS TO CONGRESS—MESSAGE FROM THE PRESIDENT—PM 33

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Government Operations:

To the Congress of the United States:

I hereby transmit to the Congress proposed legislation which will restore the President's power to submit reorganization plans to the Congress.

It will revive, with certain modifications, the system through which reorganization plans are developed, under the Executive Reorganization Act of 1949, as amended. Until the authority for this system was allowed to lapse in 1973, it provided an efficient way for Congress and the President to work together to streamline our government.

The reorganization authority which I am proposing is essentially the same authority which has been available to every President since Harry Truman.

Under the authority I seek to have renewed, the President would again be able to submit reorganization plans to the Congress. The plans would automatically become effective after Congress had been in continuous session for sixty calendar days, unless either House of Congress adopts a resolution opposing the plan.

It would also renew the basic provisions of the Act that limit the types of reorganization plans the President can submit. The President would again be permitted to propose plans to accomplish any of the following:

1. Transferring all or part of an agency or its functions to another agency;

2. Abolishing all or part of the functions of an agency;

3. Consolidating, or coordinating, all or part of an agency;

4. Authorizing an officer to delegate his functions; or

5. Changing the name of an agency or the title of its head, as well as the head for any agency resulting from reorganization.

The President would again *not* be permitted to propose plans which accomplish any of the following:

1. Creating a new Executive (Cabinet level) Department;

2. Abolishing or transferring an existing Executive Department;

3. Abolishing or transferring *all* of the functions of an Executive Department;

4. Consolidating two or more Executive Departments or all of their functions;

5. Continuing an agency beyond its statutory termination date;

6. Authorizing an agency to perform a function not expressly authorized by law; or

7. Increasing the term of an office beyond that provided by law.

The existing Act contains several limitations on reorganization plans that I propose to change:

1. *Authority to Amend a Reorganization Plan.*

Under the existing Act, the President cannot amend a reorganization plan once he has submitted it to the Congress.

I am proposing that the President be allowed to amend a plan within thirty days after sending it to Congress, unless the Government Operations Committee in either House of Congress has already rejected the plan. This change would give the President greater flexibility to improve the plan and meet objections to it.

2. *Authority to Submit Additional Plans.*

Under the existing Act, the President may submit only one plan during a thirty-day period.

I am proposing that the President be allowed to submit more than one plan within thirty days. This change would permit the President and the Congress to speed up the reorganization process by dealing with more than one plan at a time.

I am aware that troubles could arise if this provision were abused. The Congress needs time for careful and orderly review of the plans, and both Congress and the Executive Branch would be overburdened if they had to prepare and review a large number of plans at once. Therefore, the President must coordinate very closely with the Congress to keep the volume of the plans within reasonable limits.

3. *Authority to Submit Plans Covering Different Subjects.*

Under the existing Act, each reorganization plan must be limited to one "logically consistent" subject.

I am proposing that the President be allowed to submit plans covering more than one subject. This change would avoid difficulties in defining "logically consistent subject matter," which could needlessly hinder work or plans which deal with several functionally-related agencies or departments.

4. *Requirement of Management Improvement.*

Under the existing Act, the President must specify, in submitting each plan, how much money it will save the government.

I am proposing that the President must provide a different set of information with his plans. Instead of detailed savings estimates—which are very difficult to make accurately—the President would provide information on the improvements in management, efficiency, and delivery of Federal services that his plan would produce.

5. *A Four-Year Extension of Authority.*

I am proposing that the Act be extended for a four-year period. Reorganization will be a four-year effort, which should not be halted because the authorizing Act has run out.

Renewing this Executive reorganization authority will help rebuild the public's confidence in government, redeem commitments made to the electorate, and prove to the people who have given us their trust that we are ready to make a fresh start.

I hope the Congress will act soon on this legislation so our work of reorganization can begin.

JIMMY CARTER.

THE WHITE HOUSE, *February 4, 1977.*

REPORT OF THE RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT—PM 34

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I hereby transmit the Annual Report of the Railroad Retirement Board for fiscal year 1976.

The Report gives a summary of the Board's operations under the Railroad Retirement and Railroad Unemployment Insurance Acts. During the year, retirement and survivor benefit payments amounted to about $3.5 billion and went to 1,100,000 railroad workers and dependents. Unemployment and sickness benefit payments of $218 million were made to almost 170,000 beneficiaries.

The Board's Report also includes the thirteenth triennial actuarial valuation of the assets and liabilities of the railroad retirement system as of December 31, 1974. This valuation is the first completed since the comprehensive restructuring of the system made under the Railroad Retirement Act of 1974.

I commend this Report to your attention.

JIMMY CARTER.

THE WHITE HOUSE, *February 4, 1977.*

APPROVAL OF BILL

A message from the President of the United States announced that on February 2, 1977, he approved and signed the following bill:

S. 474. An act to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

EC–596. A communication from the President of the United States transmitting a draft of proposed legislation to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the Executive Branch of the Government, and for other purposes (with accompanying papers); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MORGAN, from the Committee on Public Works:

Without amendment:

S. 385. A bill to name a certain Federal building in Grand Rapids, Michigan, the "Gerald R. Ford Building" (Rept. No. 94-6).

JOINT REFERRAL OF A BILL

Mr. BENTSEN. Mr. President, I ask unanimous consent that S. 285 which was introduced on January 18, 1977, and referred to the Committee on Finance be referred jointly to that committee and the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. BUMPERS:

S. 621. A bill to provide for guidelines and strict liability in the development of research related to recombinant DNA; to the Committee on Labor and Public Welfare.

By Mr. THURMOND:

S. 622. A bill to amend section 502(b) of the Mutual Security Act of 1954 to place limitations on the use of nonexcess local currencies and excess local currencies by Members and committee employees traveling in a foreign country; to the Committee on Foreign Relations.

S. 623. A bill to amend title 10, United States Code, to make certain changes in the retired serviceman's family protection plan and the survivor benefit plan as authorized by chapter 73 of that title, and for other purposes; to the Committee on Armed Services.

By Mr. METCALF:

S. 624. A bill to authorize the Secretary of the Interior to convey certain property to the Hadley Memorial Hospital, Washington, D.C.; to the Committee on Interior and Insular Affairs.

By Mr. PACKWOOD:

S. 625. A bill entitled "The French Pete Wilderness Act of 1977"; to the Committee on Interior and Insular Affairs.

By Mr. RIBICOFF:

S. 626. A bill to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes; to the Committee on Government Operations.

By Mr. GOLDWATER:

S. 627. A bill to encourage the international exchange of information and to promote friendly foreign relations by repealing the amendments made by section 602 of the Tax Reform Act of 1976; to the Committee on Finance.

By Mr. NELSON:

S. 628. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the Secretary of Health, Education, and Welfare to impose conditions and limitations on the distribution of certain drugs;

S. 629. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to provide for a Federal Drug Compendium which provides reliable, complete, and readily accessible prescribing information; to assure safety and efficacy of drugs through certification of certain drugs other than insulin and antibiotics; to require certain information in drug labeling; and to improve the administration and enforcement of the Act as it relates to drugs;

S. 630. A bill to amend the Federal Food, Drug, and Cosmetic Act to make the Secretary of Health, Education, and Welfare responsible for the testing and evaluation of all drugs to determine whether such drugs meet the requirements for approval for commercial distribution, and to provide for the establishment of a national drug testing and evaluation center, and for other purposes;

S. 631. A bill to amend the Public Health Service Act in order to protect the public against excessively high prices for certain drugs;

S. 632. A bill to amend the Federal Food, Drug, and Cosmetic Act to require an appropriate warning on the label of any potentially dangerous drug, and for other purposes;

S. 633. A bill to amend the Federal Food, Drug, and Cosmetic Act in order to impose certain restrictions on oral representations made to physicians and pharmacists regarding drugs, and to impose certain restrictions on the written advertising of drugs;

S. 634. A bill to amend the Federal Food, Drug, and Cosmetic Act in order to require that the label of certain drugs include expiration dates regarding the effectiveness or potency of such drugs;

S. 635. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the export of any drug from the United States unless an application for approval of such drug has been obtained under section 505 of such Act;

S. 636. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to require the submission of certain additional information by applicants for new drugs; to require the inclusion of certain additional information in drug labeling; and for other purposes;

S. 637. A bill to amend and supplement the Federal Food, Drug, and Cosmetic Act with respect to the manufacture and distribution of drugs, and for other purposes;

S. 638. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the certification of certain drugs other than insulin and antibiotics, and to provide for the submission of certain additional information on drugs by the producers of such drugs;

S. 639. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of sample drugs;

S. 640. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for quality control for drugs purchased by the United States or paid for with Federal funds, and to provide for a Formulary of the United States;

S. 641. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a Federal Drug Compendium which will list all prescription drugs by the generic names and provide reliable, complete, and readily accessible prescribing information;

S. 642. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to prohibit the use of any name in connection with any prescription drug other than the official name designated for such drug by the Secretary of Health, Education, and Welfare; and

S. 643. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that the identity of the manufacturer of a prescription drug appear on the label of the package from which the drug is to be dispensed; to the Committee on Labor and Public Welfare.

By Mr. HUDDLESTON:

S. 644. A bill for the relief of Doctor Benedicto Principe and his wife, Erlinda Madula Principe; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 645. A bill to amend subtitle B of the Consolidated Farm and Rural Development Act to permit the consolidation of operating loans under such subtitle; to the Committee on Agriculture and Forestry.

By Mr. PERCY (for himself, Mr. RIBICOFF, and Mr. BAKER):

S. 646. A bill to amend the Act of August 25, 1958, as amended (72 Stat. 838; 3 U.S.C. 102, note) by amending provisions relating to the staffs of former Presidents of the United States; to the Committee on Post Office and Civil Service.

By Mr. STEVENS:

S. 647. A bill for the relief of Marcus Bruce Paine; to the Committee on Armed Services.

By Mr. BENTSEN:

S. 648. A bill for the relief of Ul Ok Hwang; to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD:

S. 649. A bill to authorize payment of salaries of certain members of Senate committee staffs at the rates paid to them on January 4, 1977; considered and passed.

By Mr. BELLMON (for himself and Mr. YOUNG):

S. 650. A bill to provide temporary emergency assistance to wheat producers by permitting such producers to utilize a portion of their farm wheat acreage allotments for grazing purposes or for hay rather than for commercial production; to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 623. A bill to amend title 10, United States Code, to make certain changes in the retired serviceman's family protection plan and the survivor benefit plan as authorized by chapter 73 of that title, and for other purposes; to the Committee on Armed Services.

SURVIVOR BENEFITS FOR MILITARY WIDOWS

Mr. THURMOND. Mr. President, in the final days of the last session of Congress, most of my distinguished colleagues and I were successful in passing some of the vitally needed changes in the survivor benefit plan, SBP, for military widows. However, there were additional changes needed, primarily to correct inequities, which should have been included. I am proposing legislation to correct some of these inequities.

On September 20, 1976, the House of Representatives passed a bill (H.R. 14773) to make a number of important changes in the military survivor benefit plan, SBP. Because of the imminent adjournment of the 94th Congress, there was insufficient time for this body to consider all of the bill's provisions; therefore, some were deferred without prejudice.

Mr. President, two provisions of the Senate version covered changes that were made in the civil service plan approximately 2 years before. One provision clarified language technicalities in the law and a fourth provided much needed monetary assistance to minimum income widows. The Senate version was enacted as Public Law 94-496.

Mr. President, I believe it would be helpful to my distinguished colleagues and others to remind everyone whom this measure will benefit.

We are talking about a relatively small number of widows, many of whom are senior citizens in their sixties and seventies.

We are talking about wives of deceased military service members, who had to leave their families behind during wars and emergencies and serve in remote areas.

We are talking about some widows who kept the family together and transferred her children from school to school over a period of 20 to 30 years.

We are talking about widows who suffered the hardships and sacrifices of military life, so their husbands could serve our country in uniform.

We are talking about widows who faithfully met the hardships and challenges of military life to help sustain her husband's morale during long and lonely separations.

We are talking about widows who deserve as much credit as their husbands in serving our Nation.

We are talking about proud, elderly widows, many of whom now are struggling on a meager income.

Mr. President, the financial benefits of SBP are very nominal for these widows. For some though, such as the minimum income widows, it will mean some improvement in subsistence and the bare necessities of life.

Today I am introducing a new bill to incorporate those features which were deferred by the Senate last year. This measure adds two provisions which were not included in H.R. 14773, and updates the amount authorized for minimum income widows. In general, this bill brings the military survivor benefit plan into conformity with the civil service plan, as was originally intended by Congress. The main features of this bill are:

First, it would authorize cost-of-living adjustments for widows covered by the retired serviceman's family protection plan, commonly referred to as RSFPP, which was the predecessor of the present SBP. The same cost-of-living adjustments would be provided for widows getting benefits under the RSFPP, as is provided for those getting benefits under the present survivor benefit plan. This was an unfortunate omission when the survivor benefit plan was enacted in 1972. You can imagine the plight of RSFPP widows whose annuities have remained the same, but have been ravaged by inflation since the deaths of their husbands 5, 10, or even 20 years ago.

Second, it would reduce the social security offset from 100 percent to 50 percent. It would eliminate the offset entirely for a widow who is receiving no social security benefits from the late husband's military service. There are several situations in which this may occur, but the most common is the widow who has worked for many years and earned her own social security benefits. Even though she receives no social security benefits from her late husband's account, her SBP annuity is reduced dollar for dollar for those nonexistent benefits. Also removed is the offset for widows under age 62 with one child, since widows with two or more children already are not subject to the offset. The present 100-percent social security offset is unfair to all widows covered by the plan, but it is particularly burdensome to widows of enlisted personnel. In some cases, it completely wipes out any benefit otherwise payable. This is grossly unfair since the retired member contributed very substantially during his lifetime in order to provide this benefit for his widow. In addition, he contributed substantially to the social security program.

Mr. President, when the SBP was established in September 1972, estimates were that the participation rate would be approximately 85 percent. It is in fact, according to the latest DOD figures, about 55 percent. The major factor responsible for this low rate is the social security offset. The Defense Manpower Commission in its report stated:

> The inherent inequities of social security offsets make the existing social security offset provision in the Survivor Benefit Plan contrary to the proper objectives of such a plan. The provision should, therefore, be repealed.

I agree with that.

Third, it reinstates the survivor benefit plan payments to widows whose dependency and indemnity compensation is terminated on remarriage after age 60. This would eliminate an inequitable situation in which the widow of a retiree can have her benefits reinstated if her husband died of a nonservice-connected cause, but the widow of a member who died of a service-connected reason cannot have those benefits reinstated.

Fourth, it corrects an inequity caused by a difference in the method of applying cost-of-living adjustments to the survivor benefit plan. As a result of this difference in the method of calculation, the plan is now costing a military retiree approximately $9.35 per month more than the exact same plan is costing his civil service counterpart. This change was not included in H.R. 14773, and, therefore, did not reach the Senate last September.

Fifth, it reopens the plan for 270 days. I feel certain that the Congress will vote to correct the unfair impact of the social security offset discussed earlier. When it does, it is only fair that those who made decisions regarding participation in the SBP when the social security offset was such a deterrent to participation, should be allowed an opportunity to reconsider their decision during an open participation period of 270 days.

Sixth, it would increase the guaranteed "minimum-income payment," exclusive of Veterans' Administration pension, annually from $2,100 to $2,340.

Mr. President, when enacting Public Law 92–425, the Congress recognized that there were some widows of retired military personnel whose husbands had no opportunity to participate in the SBP and who were in very difficult financial situations. In order to provide some measure of assistance to these widows, section 4 of Public Law 92–425 authorized payment by the Department of Defense to assure a minimum income level for those widows of military personnel who died before September 21, 1973.

Widows who were eligible were authorized payment from the Defense Department which, when added to other income, as defined by the Veterans' Administration means test, totaled 1,400 annually. VA pension rates have increased since 1972, but the Defense Department portion does not have cost-of-living adjustments; therefore, Public Law 94–496 increased the $1,400 annual limit to $2,100. To provide current income comparable to that provided by section 4 of Public Law 92–425, the guaranteed minimum income payment—exclusive of the VA pension—now should be increased from $2,100 to $2,340.

This bill also proposes that the minimum income widows' ceiling be increased each time and by the same amount, as the earnings limitation for a widow to receive a VA non-service-connected pension.

Mr. President, with these provisions, the military survivor benefit plan will be equal in all major aspects with that of the civil service plan. In simple equity, these provisions should be passed into law. I hope the Armed Services Committee will consider this bill at an early date and that the Senate will pass it early in this session.

Mr. President, I would like to add one final note of caution about this measure for future reference. This bill, which I am proposing, does not completely accomplish the objective. Some of our military widows are not eligible for the full benefits of SBP or my proposed change to SBP. There are a great many military widows whose husbands died before the initial SBP passed the Congress in September 1972. The full benefits of SBP were not made retroactive for these widows. The husbands of these widows never had an opportunity to contribute to the annuity for their wives, although the hardships of these widows and their current livelihood situations are almost identical to those widows who do not benefit by SBP. I plan to reintroduce a bill at a later date to address this problem area.

Mr. President, I strongly urge my distinguished colleagues to support this most worthwhile measure. I ask unanimous consent that this bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 73 of title 10, United States Code, is amended as follows:

(1) Section 1434 is amended by adding the following new subsection at the end thereof:

"(e) Whenever retired or retainer pay is increased under section 1401a of this title, each annuity that is payable under this subchapter on the day before the effective date of that increase to a spouse or a child of a member who died on or before March 20, 1974, shall be increased at the same time by the same total percent."

(2) Clause (2) of section 1447 is amended by:

(A) striking the semi-colon at the end of Clause (B) and inserting a period in lieu thereof; and

(B) deleting the words "as increased from time to time under section 1401a of this title.".

(3) Section 1450 is amended by adding the following new subsection "(j)" at the end thereof:

"(j) Where the annuity has been adjusted under subsection (c) of this section and there is no entitlement to compensation under section 411(a) of title 38, due to remarriage of the spouse after reaching age sixty, annuity shall be readjusted to the rate of entitlement existing prior to the adjustment under subsection (c) of this section, if any amounts refunded under subsection (e) of this section are repaid.".

(4) Section 1451(a) of title 10, United States Code, is amended to read as follows:

"(a) If the widow or widower is under age sixty-two, the monthly annuity payable to the widow, widower, or dependent child under section 1450 of this title shall be equal to 55 percent of the base amount. When the widow or widower reaches age sixty-two, the monthly amount shall be reduced by an amount equal to 50 percent of the amount of any survivor benefit which the widow or widower receives under subchapter II of chapter 7 of title 42 based solely upon service by the person concerned as described in section 410(1) (1) of title 42 and calculated assuming that the person concerned lived to age sixty-five. The reduction prescribed by the second sentence of this subsection shall not be made if the only service by the person concerned as described in section 410(1) (1) of title 42 involved periods of service of less than thirty continuous days for which the person concerned is entitled to receive a refund under section 6413(c) of title 26 of the social security tax which he had paid.".

(5) Section 1452 is amended by adding the following new subsection "(g)" at the end thereof:

"(g) The reductions in the retired pay as prescribed by this section shall be increased at the same time and by the same percent as retired or retainer pay is increased under section 1401a of this title."

(6) That section 4 of the Act entitled "An Act to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan and for other purposes", dated September 21, 1972 (Public Law 92-425), is amended—

(a) by striking out "$2,100" in subsections (a)(3) and (b) and inserting in lieu thereof "$2,340"; and

(b) by adding at the end thereof the following new subsection:

"(c) If at any time after the date of the enactment of this subsection the maximum annual income limitation provided for in section 541(b) of title 38, United States Code, is increased by any amount, the maximum annual income limitation set forth in subsection (a)(3) of this section and the dollar figure set forth in the first sentence of subsection (b) of this section (relating to the computation of annuities payable under this section) shall be increased by a like amount effective on the date on which any such increase with respect to such section 541(b) first takes effect."

SEC. 2. Each annuity that is payable under subchapter I of chapter 73 of title 10, United States Code, to a spouse or a child of a member who died on or before March 20, 1974, shall be increased on the first day of the month after the date of enactment of this Act by the total percent that retired or retainer pay has been increased under section 1401a of that title since September 21, 1972.

SEC. 3. Notwithstanding any other law, any person who is entitled to retired or retainer pay on the effective date of this Act and who did not elect to participate in the survivor benefit plan as prescribed by subchapter II of chapter 73 of title 10, United States Code, may, within 270 days after the effective date of this Act, elect to participate in such plan and continue his participation under subchapter I of that chapter, except that the total of the annuities elected may not exceed 100 percent of his retired or retainer pay.

SEC. 4. This Act shall be effective on the first day of the month after the date of enactment of this Act. No pay shall accrue to any person by virtue of enactment of this Act for any period before the date of enactment of this Act.

By Mr. PACKWOOD:

S. 625. A bill entitled "The French Pete Wilderness Act of 1977"; to the Committee on Interior and Insular Affairs.

THE FRENCH PETE WILDERNESS BILL

Mr. PACKWOOD. Mr. President, I am introducing today a bill to protect an area dear to my heart and many others throughout Oregon and the Northwest. French Pete and the roadless areas adjoining this majestic valley deserve inclusion in the National Wilderness System and will hopefully find that long desired place this Congress.

For years I have fought together with Oregonians and people throughout the Northwest to preserve the integrity of this scenic vista. What is needed now at the end of the Forest Service's long land use planning process is an official recognition of the value this area now has for recreation and for needs of Oregon's increasing population.

In a short drive from Eugene or other neighboring cities people can walk up the French Pete Creek trail into a quiet wooded valley, away from the sounds of urban life and the hustling, bustling schedule so many of us follow.

My belief that French Pete should be preserved has strengthened over the last 8 years as I spend more time in the eastern part of our country. Here you find fewer wilderness areas and free-flowing wild rivers and obviously far more people pursuing the "wilderness experience" one can encounter in French Pete. There is simply a shortage of these wild, undeveloped lands and rivers. Oregon is a State rich in natural resources and more plentiful than most in wilderness opportunities. However, Oregon is also a State with a growing population and increasing needs for outdoor recreation. Furthermore, there are already wilderness areas in Oregon experiencing some types of crowding which I am sure the future only promises to aggravate. Let us act now to insure the integrity of that great valley.

Together with all those who have worked to preserve French Pete over the years, I am eagerly awaiting the final land use planning-environmental impact statement soon to be relased by the Willamette National Forest Service. Hopefully, its recommendations will affirm the protection as wilderness we have all sought and thereby pave the way for this legislation.

Mr. President, I ask unanimous consent that the text of my French Pete Wilderness bill be presented at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in furtherance of the purposes of the Wilderness Act (78 Stat. 890), certain lands in the Willamette National Forest, Oregon, which comprise about forty-five thousand acres and which are to be generally depicted on a map entitled "French Pete Creek and Other Proposed Additions, Three Sisters Wilderness", are hereby designated as wilderness. The map referenced in this section shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 2. As soon as practicable after this Act takes effect, a map and a legal description of the Three Sisters Wilderness incorporating the addition thereto designated by this Act shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. (a) The lands designated as wilderness by this Act are hereby incorporated in, and shall be deemed to be a part of, the Three Sisters Wilderness as designated by subsection 3(a) of the Wilderness Act and, except as otherwise provided by this Act, shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas.

(b) Notwithstanding the provisions of paragraphs (2) and (3) of subsection 4(d) of the Wilderness Act and subject to valid existing rights, federally owned lands within the Three Sisters Wilderness, including the addition thereto designated by this Act, or hereafter acquired within the boundaries of such area are hereby withdrawn from all forms of appropriation under the mining laws, and from disposition under all laws pertaining to mineral leasing, and all amendments thereto.

(c) Notwithstanding the provisions of section 5 of the Wilderness Act, the Secretary of Agriculture may acquire, by purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise, such lands or interests therein within the boundaries of the Three Sisters Wilderness, including the addition thereto designated by this Act, as he determines necessary or desirable for the purpose of this Act and the Wilderness Act.

By Mr. RIBICOFF:

S. 626. A bill to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes; to the Committee on Government Operations.

EXECUTIVE REORGANIZATION AUTHORITY

Mr. RIBICOFF. Mr. President, today I am introducing President Carter's proposal to renew the executive reorganization authority. Renewal of this authority is one of the President's first priorities. I intend to make this matter the first priority of the Government Operations Committee this session. We will hold hearings on the matter next Tuesday, February 8.

I ask unanimous consent that the bill be printed in the RECORD immediately following the conclusion of my remarks, along with a factsheet prepared by the executive branch explaining the President's proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I strongly support renewing the President's reorganization authority. The Government must be streamlined and made more responsive and accessible to the

people and their needs. Reorganization authority will give the President and Congress, working together, one important tool to achieve this goal.

The proposed legislation renews the President's reorganization authority for 4 years. As in the past, it provides that the plan would go into effect in 60 days if neither the House nor Senate within 60 days votes against the plan.

It also contains a provision, not in past acts, providing that the President may amend or withdraw any plan proposed by him within the first 30 days after its introduction. I support this provision. I believe it will make the procedure more flexible, and give the President and Congress, working together, an opportunity to make the plans as effective as possible.

This is important legislation. It is legislation which I hope the Government Operations Committee, and the entire Senate, can consider, make any necessary amendments, and approve promptly.

S. 626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) Subsection (b) of Section 903 of Title 5 of the United States Code, as amended, is amended as follows:

"(b) The President shall have a reorganization plan delivered to both Houses on the same day and to each House while it is in session. In his message transmitting a reorganization plan, the President shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function and the expected improvements in management, delivery of Federal services, execution of the laws and the expected increases in efficiency of government operations which will be realized as a result of the reorganizations included in the plan."

(b) Section 903 of Title 5, United States Code, as amended, is amended by adding to the end thereof the following new subsections:

"(c) Any time during the period of 30 calendar days of continuous session of Congress after the date on which the plan is transmitted to it, but before the reporting of any resolution as provided in Section 909 of this title, the President may make amendments or modifications to the plan which shall thereafter be treated as a part of the reorganization plan originally transmitted and shall not affect in any way the time limits otherwise provided for in this act, or the President may withdraw the plan."

(c) Subsection (a) of Section 905 of Title 5 of the United States Code, as amended, is hereby amended by (i) deleting the semicolon and the word "or" from the conclusion of paragraph (6) and substituting therefor a period, and (ii) by deleting paragraph (7).

(d) Subsection (b) of Section 905 of Title 5 of the United States Code, as amended, is hereby amended by striking out "before April 1, 1973" and inserting in lieu thereof "within four years from the date of enactment of this bill."

FACTSHEET—REORGANIZATION PLAN EXTENSION LEGISLATION

The President is today transmitting a draft bill to extend reorganization authority through use of reorganization plans. The bill proposes five changes in the Reorganization Act of 1949 (5 U.S.C. 901–913):

1. Extends the authority for four years.

2. Amends the Reorganization plan procedure to permit the President to amend or withdraw a plan within 30 days of the date of transmittal to Congress. Amendments would not affect the 60-day period for Congressional review.

3. Allows the President to transmit more than one plan every thirty days.

4. Adds a requirement that a reorganization plan specify the expected improvements in management, delivery of services and efficiency to result from the plan and deletes the requirement that probable expenditure reductions be itemized.

5. Deletes the provision which requires a plan to be limited to one logically consistent subject matter.

BACKGROUND

A. Summary of Reorganization Plan Authority (the 1949 Reorganization Act, as amended.)—

The Reorganization Act of 1949, as amended, requires the President to examine the organization of all agencies and to determine changes in organization that may be necessary.

It authorizes the President to submit reorganization plans to the Congress in order to accomplish those purposes enumerated in Section 901(a) of the Act, which include:

1. Promoting better execution of the laws and more effective management of the government.

2. Reducing expenditures and increasing efficiency and economy.

3. Reducing the number of agencies with similar functions by consolidation or abolishment.

4. Eliminating duplication and overlapping of functions and responsibilities.

Reorganization plans transmitted to the Congress take effect after 60 calendar days of continuous session of Congress, unless either House of Congress passes a resolution of disapproval. Rules govering the consideration of reorganization plans by each House are provided for in the Act.

Reorganization permitted: The Reorganization Act of 1949, as amended, permits reorganization plans to provide for:

1. Transfer or consolidation of the whole or parts of an agency or its functions to another agency.

2. Abolition of an agency or some functions thereof.

3. Consolidation or coordination of a part of an agency or functions thereof with another part of the same agency or with the whole or part of another agency.

4. Abolition of the whole or part of an agency which no longer has a function.

Limitation on Reorganization: Reorganization plans may not provide for and a reorganization may not have the effect of:

1. Creation, abolition, or transfer of an Executive Department.

2. Consolidation of two or more Executive Departments or all of their functions.

3. Continuation of an agency beyond the period authorized by law.

4. Authorization of an agency to exercise a function which is not permitted by law.

5. Increase in the term of an office beyond that provided by law.

6. Abolition, consolidation, or transfer of the functions of the government of the District of Columbia to another agency or abolition of the District Government.

Reorganization Plans: Currently, reorganization plans must deal with one logically consistent subject matter, and only one plan may be transmitted every 30 days. Plans may set specific implementation dates later than the date the plan would otherwise be effective. Reorganization plans that take effect are published in the Federal Register and included in the Statutes at Large. There are currently no provisions for amending a plan once it has been transmitted.

A Reorganization plan must include:

1. Provision for transfer or disposition of records, property, and personnel.

2. Provision for transfer of unexpended balances of appropriations considered necessary by the President.

3. Provision for terminating the affairs of an agency abolished. Special provisions are made for pending matters affected by a reorganization.

4. Identification of statutory authorities to be abolished and reduction of expenditures anticipated as the result of the plan.

The plan may provide for:

1. Changing the name of an existing agency affected by a reorganization.

2. Appointment and pay of a Commissioner or individual to head an agency or other officers therein affected by the reorganization. Agency heads are to be appointed for a term of not more than 4 years.

Handling of reorganization plans: The President shall have a reorganization plan delivered on the same day to each House while it is in session. A reorganization plan is effective after 60 calendar days of continuous session of Congress unless a resolution disapproving the reorganization is passed by majority vote in either House.

Reorganization plans are assigned to the Committee on Government Operations in the Senate and House. A member of either House who desires to file a resolution of disapproval must use a prescribed form according to the standing rules provided by the Act; the resolution is then referred to the Committee on Government Operations. The Committee can be discharged from considering a plan, if it has had the plan for 20 calendar days and the appropriate House passes a resolution to discharge the committee. Debate on a resolution of disapproval is limited to 10 hours.

B. History: The concept of Executive initiative and Congressional review of reorganization was first written into the economy measure laws of 1932 and 1933. Presidential reorganization authority enacted in 1939 and 1945 substituted the use of reorganization plans for executive orders and changed the procedures for Congressional veto.

Current act: The most recent legislation provided reorganization authority, the Reorganization Act of 1949 (5 U.S.C. 901–913), as amended, expired on April 1, 1973 and has not been renewed by Congress. Presidential authority to submit reorganization plans was extended for 2-year periods in 1953, 1955, 1957, and 1961. The 1949 Act was extended for 1 year in 1964, for 2 years in 1969, and for 1 year and 4 months in 1971. Thus, the President has had continuous authority under the Act, as amended, except for lapses from June 1, 1959 to April 7, 1961, from June 1, 1963 to July 2, 1964, and from December 31, 1968 to April 1, 1969, and currently with the expiration on April 1, 1973. The most recent extension of the reorganization authority occurred with the passage of P.L. 92–179 on December 10, 1971, which extended the authority until April 1, 1973.

Modifications to authority: Over the years, a number of significant modifications were made to the 1939 and 1949 Reorganization Act. The original Act (1939) required disapproval by both Houses of Congress, but the current authority permits disapproval by action of either House. From 1949 until 1964, the procedure was used to create and dismantle Cabinet-level Departments, a power no longer allowed. Other changes have required that only one plan be submitted within a 30-day period and that no new legal authorities be created through the plan mechanism.

Use of the authority: Since passage of the 1949 Reorganization Act, a total of 109 plans have been submitted, of which 86 were implemented, 22 were rejected and one was nullified. Under the 1949 law with subsequent extensions, some 97 plans have been submitted by the President to the Congress, which allowed 78 plans to take effect. Among the recent significant creations have been the Office of Management and Budget, Office of Telecommunications Policy, National

Oceanic and Atmospheric Administration, and the Environmental Protection Agency.

The Department of Health, Education and Welfare was created by a reorganization plan and subsequent efforts to create a Department of Urban Affairs and Housing, now HUD, in 1962 led to amendment of the basic 1949 Act to prohibit the use of reorganization plan authority for reorganizing Cabinet Departments.

PROVISIONS OF THE PRESIDENT'S PROPOSAL

A. A four-year extension of the authority: The President's bill provides for a four-year extension of the President's authority to submit reorganization plans to the Congress. The four-year period will commence upon the date of enactment of the bill.

Four years will provide the President, the Departments and agencies, and the Congress with an adequate period in which to complete a careful development, review and implementation of an extensive set of reorganization proposals. A shorter extension would require an earlier repetition of the renewal process in which we are now engaged and could cause an unnecessary and untimely delay in the reorganization program before a considerable portion is completed.

B. Authority to amend a reorganization plan: The reorganization plan authority is an extremely useful, streamlined mechanism for the development and review of a proposal to reorganize an agency(ies) of the Federal Government. The procedures are clearly more expeditious than the normal legislative process. However, the inflexibility of the procedures resulting from the fact that a reorganization plan may not be amended during the Congressional review period weakens its effectiveness. It raises the potential of rejection of an essentially sound plan because of relatively minor but unacceptable provisions.

The President's legislation is proposing a change in the procedure to be followed once a reorganization plan is transmitted to the Congress. Anytime within the first 30 days after transmittal to Congress, the President may submit amendments to or withdraw a plan, unless a resolution of disapproval has already been reported out of the Government Operations Committee. The amendments become part of the original plan and the 60-day review period and other deadlines are not changed. The withdrawal provision would allow for reformulation of a plan should it be difficult to implement the needed changes through amendment.

C. Authority to transmit more than one plan every thirty days: The bill further amends the Reorganization Act of 1949, as amended, by deleting the requirement that not more than one plan be transmitted within any period of thirty consecutive days. This amendment is proposed in order to provide for occasions when two or more separate plans covering different subject matters impact one or more of the same agencies. Simultaneous consideration of the plan clearly would be advantageous under these circumstances. However the President is aware of the necessity for careful and orderly review of reorganization proposals, as well as the constraints under which both branches of government would work if they were required to prepare and review a large number of reorganization plans within a short period of time. Therefore, very close coordination with Congress will be maintained in order to avoid excessive use of this provision.

D. Identification of expected management improvements: The bill proposes that reorganization plans include the identification of anticipated improvements in management, delivery of Federal services and efficiency to result from the plan. This provision would be substituted for the requirement that reorganization plans specify the reduction in expenditures to be realized.

The purpose of reorganization is to enhance the effectiveness of program management and the quality of services delivered to the public, and the soundness of individual plans should be demonstrated by reference to these criteria. The existing provisions requiring itemization of reductions in expenditures have resulted in unsound estimates.

E. Deletion of one subject matter provision: The bill proposes deletion of the requirement that each plan must deal with one logically consistent subject matter. The provision is unnecessary as any well-prepared and well-documented plan, would, as a matter of course, deal with only one subject matter. Moreover, the ambiguity inherent in attempting to define "logically consistent" subject-matter could needlessly hinder the development of plans designed to deal on a comprehensive and sound basis with functionally related agencies and programs.

By Mr. GOLDWATER:

S. 627. A bill to encourage the international exchange of information and to promote friendly foreign relations by repealing the amendments made by section 602 of the Tax Reform Act of 1976; to the Committee on Finance.

REPEALING SECTION 602 OF THE TAX REFORM ACT—A NIT-PICKING TRADE BARRIER

Mr. GOLDWATER. Mr. President, I rise today to propose the repeal of section 602 of the Tax Reform Act of 1976, which imposes severe restrictions on income tax deductions for attendance at conventions and seminars outside the United States. This provision will have, and already has had, the effect of stifling the Constitutional right to travel of U.S. citizens, will interfere with the free exchange of ideas and will invite retaliation by foreign countries against the U.S. tourist industry and our international trade.

Section 602 has a strange history. It was originally written by the House Ways and Means Committee and then modified into less extreme language by the Senate Finance Committee. When it came to the Senate floor, the section was completely stripped from the Tax Reform Act by a strong 58-to-30 vote of the Senate. Then it was restored by a vote of the conferees to the version reported by the Senate Committee. At the last minute, there was a change in conference and the circle was made all the way back to the basic approach of the original, strict House bill.

Compromise language which would have at least exempted from the new restrictions travel to other countries in the North American area, such as Mexico and Canada, had been accepted by the joint conference during its first vote on section 602, but even this ameliorative language was dropped when the conferees took a second vote on the matter.

In short, section 602 completely prohibits tax deductions for expenses incurred in attending more than two conventions, educational seminars, or similar meetings outside the United States, no matter how justifiable or reasonable the meeting is. Under the former law, no limit was put on the number of foreign meetings for which travel expenses may be deducted so long as they constituted "ordinary and necessary" expenses in carrying on a trade or business, or were for the production of income.

Internal Revenue Service regulations provided for enforcement of this general rule by allowing the deduction of travel expenses only when "there is a sufficient relationship between the taxpayer's trade or business and his attendance at the convention or other meeting so that he is benefiting or advancing the interests of his trade or business." Where the primary purpose of the trip is personal in nature, no deduction was permitted.

Now, instead of a common sense rule such as already was on the books, Congress has imposed a flat ban on taking deductions for more than two foreign meetings. It also has created so many bookkeeping requirements and hedged the deductibility with so many restrictions, that the section will have the same effect in numerous instances as if it were a total ban on deductions.

The new law specifically requires a large amount of detail to support the deduction of expenses in attending foreign conventions down to recording how a taxpayer devotes each minute of his day. Why, a taxpayer going abroad would have to take a stopwatch with him under this provision. How else could he keep track of situations, such as a combined luncheon-lecture, where only the time when the speaker is actually delivering an address can be counted in calculating a tax deduction.

Another foolish and restrictive limitation of the provision disallows any deductions for meals, lodging, laundry, or other necessary subsistence expenses, which exceed the amount of per diem allowed to Government employees at the location where the foreign meeting is held. Now, this rule is so unrealistic, it is not followed by the Government itself. U.S. civil servants who travel abroad may be reimbursed for their actual subsistence expenses and they are not limited to a per diem. Yet businessmen and professional people going abroad will be under such a restriction. Why, in these days of worldwide inflation, one cannot possibly stay within the per diem limit. In most countries, the cost of meals, reasonable lodging, tips, laundry, and so forth, will be more than double the per diem rate. This restriction alone will discourage much travel outside the country for great numbers of persons who cannot travel unless their expenses are deductible.

Mr. President, what this law is really doing under the guise of saving the Treasury a few dollars is to create a serious affront to friendly foreign countries. It risks damaging retaliation against our domestic travel industry and it suffocates the easy exchange by scholars, technicians, and professional persons of knowledge, information, and new developments that are going on in their fields.

The provision is a mistaken effort to stop a few abuses of an existing tax deduction by making it so cumbersome and restrictive to use that very few professionals will travel. The correct solution would have been to enforce the rules we had, rather than to substitute an archaic restriction that acts as if the outside world and the need for communications with it do not exist.

Now, let me explain that whatever the other arguments against section 602, I

would oppose it on the ground that it cuts down on the free exchange of ideas and knowledge. But beyond this, the section is objectionable because it openly discriminates against other countries.

Last year, there were about 15,000 conventions and seminars held in the United States, and yet the restrictions and bookkeeping burdens of section 602 are not applicable to any of them. Obviously, foreign countries can point to this fact and argue that we have singled them out and are ignoring possible travel abuses in our own backyard. For example, section 602 does not apply to a businessman from Tucson, Ariz., who travels 2,124 miles to attend a meeting in New York City, but it does hinder his freedom to deduct the expenses of travel to Mexico City, which is only half as far away.

The arbitrary treatment of travel to other countries is bound to give them cause for retaliation; and I might remind my colleagues that the U.S. travel industry is clearly vulnerable to retaliation of this kind. Speaking only of international conventions which are held in the United States and attended by foreign visitors, the U.S. Travel Service calculates that 400,000 foreign nationals spend over $300 million each year while they are visiting our country to attend these meetings. What if foreign nations discourage this travel with restrictions of the kind we impose?

Moreover, it must be understood that much of the loss in business that will result from the drop in travel caused by section 602 will be suffered by U.S. companies. Many American hotel chains abroad will incur great damage from any curtailment of foreign travel by Americans. Many of these facilities were, in fact, especially built to accommodate international meetings and conventions. And American-flag carriers will lose millions of dollars in revenue each year through the potential air traffic decline resulting from section 602.

Mr. President, I would close my remarks by indicating my special concern that section 602 of the tax laws will injure our friendly relations with our sister nation to the south, Mexico. I fear that this unwise provision will add to the troubles which that nation's faltering economy is already experiencing. The United States currently enjoys an overwhelmingly favorable trade balance with Mexico that has amounted cumulatively to over $7 billion during the past decade. In fact, during 1975 alone, we had a surplus of $2 billion in our trade with Mexico. One of the only ways Mexico helps obtain some revenues to offset its huge deficit in trade with us is by receiving American visitors; and if we discourage groups of Americans from holding conventions and legitimate business meetings in Mexico, she will have to further cut back her growth rate and reduce her imports.

Now, Mr. President, Mexico, in my mind, within this century, probably will be the most important friend needed by the United States. I think we should take a second look at what we did last year in the Tax Reform Act and undo a provision that is going to cause a lot more trouble than any good it might conceivably do.

Mr. President, I am introducing today a bill to repeal section 602 of the Tax Reform Act of 1976 and plan to offer the proposal as an amendment at an appropriate time early in this Congress.

By Mr. PERCY (for himself, Mr. RIBICOFF, and Mr. BAKER):

S. 646. A bill to amend the act of August 25, 1958, as amended (72 Stat. 838; 3 U.S.C. 102, note) by amending provisions relating to the staffs of former Presidents of the United States; to the Committee on Post Office and Civil Service.

STAFF FUNDS FOR EX-PRESIDENT FORD AND FUTURE EX-PRESIDENTS

Mr. PERCY. Mr. President, I am today introducing legislation to amend the act of August 25, 1958, as amended (the Former Presidents Act of 1958, 3 U.S.C. 102, note).

The amendment would: First, delete the $96,000 per annum ceiling on compensation paid a former President's staff for President Ford and future ex-Presidents and, second, fix the rates for compensation for particular staff members.

Deletion of the $96,000 ceiling on annual salaries of a former President's office staff would apply only to ex-President Ford and future ex-Presidents. This legislation will permit adjustment of the funds provided for the staff requirements of a former President through the appropriations process to meet particular circumstances as they develop.

Specifically, $146,000 for staff for ex-President Ford is included in the fiscal year 1978 budget submitted to Congress last month. President Ford feels that he needs this amount of staff fund to adequately discharge his duties and responsibilities.

The Comptroller General's 1975 Report on Federal Assistance for Presidential Transitions noted that the $96,000 ceiling in the Former Presidents Act requires drastic reduction of a former President's staff at the end of the 6-month period following his departure from office. This reduction in staff will henceforth be even more drastic because an outgoing President can now receive up to $1 million—as opposed to $450,000 previously—for staff and related expenses during the 6-month transition period. Yet, as the GAO report also pointed out:

> The workload of a former President did not decline as rapidly after the first six months as the much-reduced staff level in the Former Presidents Act requires.

The second part of this legislation relating to the levels of compensation for particular staff members reinforces the intent of existing law by specifying the permitted levels of compensation in greater detail. The amendment would: First, limit the compensation that may be paid at level II of the executive schedule to one staff member; and, second, limit the compensation that may be paid to all other staff members to no more than grade 18 of the general schedule.

Mr. President, I feel that President Ford served this country nobly and well at a time of national crisis. I feel that his request for $50,000 additional staff funds on an annual basis is more than deserved. It would be my hope that Congress can act swiftly on this legislation as a mark of respect for President Ford to support his indicated intention to be very active in the national interest in such urgent domestic problems as energy conservation, to name just one.

Mr. President, I ask unanimous consent that the text of this legislation be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of the Act of August 25, 1958, as amended (72 Stat. 838; 3 U.S.C. 102, note) is further amended by striking out the last two sentences and inserting in lieu thereof the following:

Each former President shall fix the basic rates of compensation for persons employed for him under this subsection provided that—

(1) the annual rate of compensation for one individual may not exceed that provided by law for positions at level II of the Executive Schedule under section 5331 of title 5, United States Code;

(2) the annual rate of compensation for such additional staff as each former President deems necessary may not exceed the highest rate now or hereafter payable under the General Schedule as provided in section 5332 of title 5, United States Code.

(3) the aggregate amounts of all such compensation shall not exceed $96,000 per annum, except that the limitation imposed under this paragraph shall be inapplicable to any former President whose service in the Office of the President of the United States of America has terminated on or after January 18, 1977.

By Mr. STEVENS:

S. 647. A bill for the relief of Marcus Bruce Paine; to the Committee on Armed Services.

MARCUS BRUCE PAINE

Mr. STEVENS. Mr. President, one of my constituents, Marcus Paine, visited the U.S. Military Academy while researching an article defending the honor code at service academies. Marc was so impressed with what he learned at West Point that he applied to my office for a nomination to enter the Military Academy in July 1977.

Unfortunately, according to the law governing admission requirements, Marc will be several months too old by the time he enters the Academy. Because of his sincere desire to serve our country in military service, I would like to assist this fine young man. I believe that he would be an asset to the Academy.

With our all-volunteer military force, we must establish incentives for young people such as Marc to enter the military service. I request your assistance in waiving the age requirement for Marc. He deserves to have the opportunity to compete with the other qualified candidates from my State seeking an appointment.

In order for him to enter the Academy with the July 1977 class, I urge my colleagues to act quickly in approving this measure.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 4346(a) of title 10, United States Code, shall not apply with respect to the eligibility of Marcus Bruce Paine, of Anchorage, Alaska, for admission to the United States Military Academy with the class entering the Academy in July, 1977.

By Mr. BELLMON (for himself and Mr. YOUNG):

S. 650. A bill to provide temporary emergency assistance to wheat producers by permitting such producers to utilize a portion of their farm wheat acreage allotments for grazing purposes or for hay rather than for commercial production; to the Committee on Agriculture and Forestry.

Mr. BELLMON. Mr. President, one of the bitterest experiences in American agriculture is threatening to be repeated. I refer to the two decades of the 1950's and the 1960's when burdensome surpluses of unneeded grain clogged warehouses, depressed farm prices, and cost the Federal Treasury literally billions of dollars in price support payments and storage costs.

The problem is threatening for feed grains, but it is already with us so far as wheat surpluses are concerned. The most recent USDA figures indicate that wheat carryover at the end of the 1976–77 crop year will exceed 1.1 billion bushels. This is up dramatically from 664 million bushels in 1975–76. Even more ominous are the estimates that even with normal growing conditions and expected export sales, the surplus for the 1977–78 crop year will approach 1.7 billion bushels. Should this be allowed to happen, a disastrous drop in farm prices is certain and a burdensome cost to the Treasury is likely to follow.

Mr. President, fortunately there remains time for Congress to act to help alleviate or possibly avent this problem. Serious drought is now affecting much of the Midwest and especially wheat growing areas of the Great Plains. This has produced shortages of livestock feed which will ultimately cost consumers heavily through rises in meat prices.

Given normal conditions, as winter passes and the warm days of spring arrive, the winter wheat crop will begin to grow rapidly. Past experience has shown that growing wheat makes excellent grazing for livestock. I am today introducing a bill to provide for a wheat grazeout and hay program which will benefit producers immediately and which will be helpful to both consumers and taxpayers over the long run.

Mr. President, under the terms of this bill a farmer would be authorized to select up to 40 percent of his allotted acres for use as livestock pasture or for hay production. As an incentive to encourage farmers to take advantage of this provision the bill provides authorization for the Secretary of Agriculture to pay farmers $1 per bushel based upon established average yield. This information is currently maintained by the county offices of the USDA.

The purpose of this program is to aid in the prevention of additional surplus accumulations and the associated costs to consumers, taxpayers, and grain producers. Based upon past experiences, the immediate cost to the Treasury will be nominal and the long-range savings will be considerable.

Mr. President, in order for this program to produce the beneficial effects which are possible, it must be acted upon promptly. The normal spring growing season begins in mid-February in much of the Southern Wheat Belt. In order for this bill to operate most effectively it must begin at an early date. Its passage cannot await consideration of the 1977 farm bill. I urge immediate approval of this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Act of 1949, as amended, is amended by adding at the end of title I a new section as follows:

"SPECIAL GRAZING AND HAY PROGRAM FOR WHEAT ACREAGE

"SEC. 108. Notwithstanding any other provision of law—

"(1) The Secretary shall administer a special wheat acreage grazing and hay program (hereinafter in this section referred to as the 'special program') in each of the crop years 1977 through 1981. Under such program a producer shall be permitted to designate a portion of the wheat acreage allotment for the farm, not in excess of 40 per centum thereof, which shall be planted to wheat (or some other commodity other than corn or milo) and used by the producer for grazing purposes or for hay rather than for commercial grain production. A producer who shall be paid a special payment as provided in paragraph (3).

"(2) Any producer who elects to participate in the special program under this section shall be required to identify the specific acreage on the farm which is to be used for grazing purposes or for hay in lieu of commercial production.

"(3) A producer shall be eligible for price support on any portion of the wheat acreage allotment for the farm which the producer elects to include in the special program, except that the Secretary shall pay the producer an amount with respect to such portion determined by multiplying the established yield for wheat for the farm times the number of acres included in the special program times $1. No crop other than hay may be harvested from acreage included in the special program.

"(4) Acreage included in the special program is in addition to any acreage included in any wheat acreage set-aside program otherwise provided for by law.

"(5) Acreage included in the special program shall be deemed to have been planted for harvest for the purposes of wheat acreage history.

"(6) The Secretary is authorized to issue such regulations as may be necessary to carry out effectively the provisions of this section.

"(7) There are authorized to be appropriated such sums as may be necessary to carry out the special program provided for in this section.".

ADDITIONAL COSPONSORS

S. 90

At the request of Mr. NELSON, the Senator from Idaho (Mr. CHURCH) was added as cosponsor of S. 90, to provide price support for milk at not less than 90 percent of the parity price therefor.

S. 146

At the request of Mr. GOLDWATER, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 146, a bill to repeal the earnings limitation of the Social Security Act for all workers age 65 and over.

S. 181

At the request of Mr. KENNEDY, the Senator from Missouri (Mr. DANFORTH) and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 181, to establish a U.S. Commission on Sentencing Guidelines.

S. 196

At the request of Mr. BURDICK, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 196, a bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator, and for other purposes.

S. 207

At his own request, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 207, providing certain authority for the Administrator of Rural Electrification.

S. 237

At his own request, the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 237, a bill to amend the headnote to the tariff schedules of the United States.

S. 237

At his own request, the Senator from Nebraska (Mr. CURTIS) was added as a cosponsor of S. 237, supra.

S. 239

At his own request, the Senator from Nebraska (Mr. CURTIS) was added as a cosponsor of S. 239, amending the meat import laws.

S. 262

At the request of Mr. KENNEDY, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 262, the police insurance bill.

S. 297

At the request of Mr. PACKWOOD, the Senator from North Dakota (Mr. YOUNG) was added as a cosponsor of S. 297, relating to imported meat and dairy products.

S. 304

At the request of Mr. BAYH, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 304, the Equity in Social Security Act of 1977.

S. 364

At the request of Mr. HART, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 364, to provide for judicial review of determinations made by the Administrator of the Veterans' Administration.

S. 375

At the request of Mr. BELLMON, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 375, a bill to amend the Wild and Scenic Rivers Act of 1968.

S. 388

At his own request, the Senator from Nebraska (Mr. CURTIS) was added as a cosponsor of S. 388, regarding the income of Americans abroad.

S. 418

At the request of Mr. BAYH, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Iowa (Mr. CLARK) were added as cosponsors of S. 418, a bill to provide for the establishment of multipurpose service centers for displaced homemakers.

S. 508

At the request of Mr. CHURCH, the Senator from North Dakota (Mr. YOUNG) was added as a cosponsor of S. 508, to ban the trading of potato futures on commodity exchanges.

S. 551

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. ANDERSON) was added as a cosponsor of S. 551, the Victims of Crime Act of 1977.

SENATE RESOLUTION 70

At the request of Mr. PACKWOOD, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of Senate Resolution 70, a resolution to reform the CONGRESSIONAL RECORD.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. DOLE, the Senator from South Carolina (Mr. HOLLINGS) and the Senator from New Mexico (Mr. SCHMITT) were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution to reaffirm the honor of those who served in Southeast Asia and to urge establishment of a Presidential task force on MIA/POW's.

AMENDMENT NO. 34

At the request of Mr. SCHMITT, the Senator from Ohio (Mr. GLENN) and the Senator from Alabama (Mr. ALLEN) were added as cosponsors of amendment No. 34 to Senate Resolution 4.

SENATE RESOLUTION 75—SUBMISSION OF A RESOLUTION DISAPPROVING DEFERRAL D77–49

(Referred to the Committee on Appropriations and the Committee on the Budget, jointly, pursuant to the order of January 30, 1975.)

Mr. BUMPERS submitted the following resolution:

S. RES. 75

Resolved, That the Senate of the United States acting pursuant to the Congressional Budget and Impoundment Control Act of 1974 (31 U.S.C. 1301–1407) hereby disapproves that deferral bearing the number D77–49 and forwarded to the Congress by Presidential letter dated January 17, 1977.

Deferral D77–49 withholds from the Energy Research and Development Administration $7,500,000 which were appropriated (P.L. 94–373) for an energy extension service.

Upon passage of this resolution said funds shall immediately be made available for obligation.

Mr. BUMPERS. Mr. President, I submit for appropriate reference, a resolution to disapprove a deferral numbered D77–49. The appropriations subject to this deferral would have been utilized by the Energy Research and Development Administration to create an Energy Extension Service.

Along with other colleagues in the Senate and in conjunction with my friend and colleague in the House of Representatives, Mr. THORNTON, I introduced during the 94th Congress legislation to create an Energy Extension Service. Provisions of my proposal were subsequently incorporated into the annual authorization bill for the Energy Research and Development Administration. As many Senators may recall, the conference report to the authorization bill was not considered during the closing hours of the 94th Congress. As a result, Congress has until March 31, 1977, to enact an authorization bill.

In anticipation of an authorization bill, the Appropriations Committees agreed to provide $7.5 million for initiation of the Energy Extension Service. Under the authority contemplated in the ERDA authorization bill and the funding granted through appropriations, a comprehensive program of energy outreach to individual consumers and small businesses would be developed and implemented. The National Energy Extension Service would provide an opportunity for State participation and coordination with other programs operated at the State level. In addition, the Energy Extension Service would serve as a direct link with consumers by providing them with information with respect to energy conservation opportunities while serving as a focal point for demonstration of new technologies developed by ERDA and the private sector in the more efficient use of energy resources.

Mr. President, the current natural gas crisis facing much of the Nation is a stark reminder of our extreme vulnerability. Conservation of energy resources is the least disruptive and most effective method by which we can extend our limited energy resources. Everyone agrees with that analysis but few programs exist which would actively involve the general public in a major energy conservation effort. To date we have been complacent to accept assurances that brochures and televised appeals, along with other passive measures, would be sufficient to engender a conservation ethic. It is obvious that nothing of the sort has happened. The National Energy Extension Service is an effort to change that situation.

The proposed deferral would act to postpone the initiation of a needed energy conservation program for yet another year.

It is not clear from the deferral message which accompanied the official notice from President Ford whether passage of the necessary authorization legislation would act to negate the deferral. However, after consultation with the General Counsel's Office of ERDA, I am introducing this resolution to assure that once the authorization bill is passed, no legal impediment will obstruct the initiation of a National Energy Extension Service.

I urge prompt action on this resolution.

SENATE RESOLUTION 76—SUBMISSION OF A RESOLUTION RELATING TO UNILATERAL REGULATIONS BY THE EUROPEAN ECONOMIC COMMUNITY

(Referred to the Committee on Finance.)

Mr. HAYAKAWA submitted the following resolution:

S. RES. 76

Whereas interference with established and satisfactory trade patterns is contrary to the trading interests of all nations and the spirit of Rambouillet;

Whereas the Congress of the United States enacted the Trade Act of 1974 with the intent of liberalizing international trade among the nations of the world;

Whereas proliferation of regulations to control, limit, and establish minimum prices on nonsensitive products of commerce is harmful to the world trading system and the spirit of General Agreement on Tariffs and Trade; and

Whereas the European Economic Community has a history putting in place highly restrictive regulations on United States exports which threaten to impair our rights in the General Agreement on Tariffs and Trade, and in this case irrevocably damage United States dried prune exports and threaten walnut exports to the European Economic Community: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should use all means at his disposal to obtain immediate removal of these onerous trade impairments on dried prunes, namely, European Economic Community regulations numbered 1927/75, 1928/75, 2104/75, and 2791/75, notwithstanding any eventual adjudication of the proceedings under article XXIII of General Agreement on Tariffs and Trade or any other initiatives;

(2) the President should immediately seek to obtain agreement with the European Economic Community that similar restrictive measures will not be imposed in the future; and

(3) the European Economic Community should be placed on notice that if previously unsuccessful efforts to place restrictive regulations on imports of walnuts from the United States are followed by successful efforts and result in the establishment of such regulations, then immediate retaliatory measures will be taken by the United States Government to redress the balance.

Mr. HAYAKAWA. Mr. President, I am introducing today a resolution expressing the sense of the Senate with respect to the immediate removal of certain unilateral regulations enacted by the European Economic Community which threaten to damage seriously the foreign trade of the United States.

In the forties and fifties this country was a prime mover in the promotion of free trade among the principal countries of Europe thereby providing the economic and spiritual basis for the subsequent emergence of a European Economic Community. In view of this historical background it is particularly regrettable to witness the erection by the European Community of new trade barriers primarily directed against American exports.

It is my sincere hope that the EEC will heed the warning expressed in this resolution.

NOTICES OF HEARINGS

THE COST OF REGULATION TO SMALL HOMEBUILDERS

Mr. NELSON. Mr. President, I wish to announce that the Senate Small Business Committee will conduct a public hearing on the costs imposed upon small homebuilders by governmental regulation.

The hearing will begin at 9:30 a.m. on Wednesday, February 16, 1977, in the Federal Building—room 556–275 Peachtree Street NE., in Atlanta, Ga.

The committee has designated as chairman for this hearing the Senator from Georgia (Mr. NUNN), who is the ranking member of the Subcommittee on Government Regulation of the Small Business Committee.

Testimony will be taken jointly by the Small Business Committee and the Subcommittee on Housing and Insurance of the Committee on Veterans' Affairs under the chairmanship of the Senator from Florida (Mr. STONE) and the Subcommittee on Small Business of the Senate Banking, Housing and Urban Affairs Committee, under its chairman, the Senator from North Carolina (Mr. MORGAN).

All those who wish to submit statements or obtain further information with regard to these proceedings may contact the offices of the Senate Small Business Committee, 424 Russell Senate Office Building, Washington, D.C. 20510, (202) 224–5175.

HEARINGS ON SENATE JOINT RESOLUTIONS 1, 8, AND 18—ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. BAYH. Mr. President, the Subcommittee on Constitutional Amendments has scheduled hearings on Senate Joint Resolutions 1, 8, and 18 proposing constitutional amendments on the election of the President and Vice President for Thursday, February 10, 1977.

This hearing will be held in room 2228, Dirksen Office Building, the Judiciary Committee hearing room on February 10, 1977, beginning at 10 a.b.

Any persons wishing to submit written statements for the hearing record should send them to the Subcommittee on Constitutional Amendments, room 108, Russell Office Building, Washington, D.C. 20510.

SELECT COMMITTEE ON SMALL BUSINESS

Mr. NELSON. Mr. President, I wish to announce that the Select Committee on Small Business will hold a public hearing on S. 527, a bill to amend the Small Business Act by authorizing the Small Business Administration to furnish reinsurance for property liability insurers for small business concerns which would not otherwise be able to obtain product liability insurance on reasonable terms. The hearing will be held on February 23, 1977, beginning at 9:30 a.m. in room 6202 of the Dirksen Office Building. Chairing the hearing will be the Senator from Iowa (Mr. CULVER).

Further information can be obtained from the offices of the committee, room 424, Russell Office Building, telephone 224–5175.

NOMINATION BEFORE THE COMMITTEE ON FOREIGN RELATIONS

Mr. SPARKMAN. Mr. President, as chairman of the Committee on Foreign Relations, I wish to announce that the committee has scheduled a hearing on Tuesday, February 8, 1977, beginning at 10 a.m. in room 4221 of the Dirksen Senate Office Building to hear the following nominees:

Richard B. Parker, of Kansas, to be Ambassador to the Republic of Lebanon, and

Paul C. Warnke, of the District of Columbia, to be Director of the U.S. Arms Control and Disarmament Agency.

Persons interested in testifying on these nominations should communicate with the chief clerk of the committee.

ADDITIONAL STATEMENTS

LET US GIVE THE DAIRY FARMER AN EVEN BREAK

Mr. CHURCH. Mr. President, the number of dairy farmers in this country has declined from 4.5 million in 1940 to some 300,000 today. This country is on the verge of losing self-sufficiency in dairy production, dairy products being the only commodity of which there has been neither rationing nor a shortage since World War II.

Under present law, price support levels may be set by the Secretary of Agriculture at anywhere between 75 and 90 percent of parity. President Ford vetoed legislation to raise the parity price to 85 percent in February of 1976, and for the past year, the level chosen by the Secretary has been 80 percent.

Most of this past year has seen the market price of milk above the support level. However, even though the market price was above 80 percent of parity, the dairy farmer continued to receive an income insufficient in terms of his labor, his investment, and the return that any other businessman in America would expect to receive in order to stay in business.

How much longer can this take place before we lose a plentiful supply of reasonably priced milk?

We just cannot expect our dairy farmers to produce if they keep on failing to realize a minimal return on their investment. For this reason, I am joining with Senator NELSON and others in sponsoring S. 90, a bill that would raise dairy price support levels to a minimum of 90 percent of parity and mandate quarterly adjustment of the support level.

Many Idahoans, young and old, have joined the exodus from the dairy industry more will follow unless action is taken immediately. In Idaho, where over 40 percent of the farm cash receipts come from beef cattle and milk, the loss of dairy farmers portends serious economic trouble. The same prospects, written large, confront dairy farmers throughout the country.

We must come to the aid of our dairy farmers. Only by putting a floor under the dairy farmers' income will we be able to assure the consumer an adequate supply of milk at reasonable prices. This has been the underlying premise of our Nation's dairy policy and, when properly implemented, it has served the best interests of the country.

But the present 80 percent of parity just is not meeting the needs of the dairy farmer and of the Nation. Prices paid for manufacturing milk in the United States in December 1976 were 73 a hundredweight less to the dairy farmer than in December 1975. The dairy farmer must be assured of at least 90 percent of parity in order to stay in business.

Another important aspect of our national dairy policy has been a vigorous domestic inspection program, in order to furnish American consumers the most wholesome dairy products in the world.

Unfortunately, the quality of imported meat and dairy products is not subjected to the same scrutiny. The Food and Drug Administration has few controls over the sanitation of imported dairy products and even less data on the milk products turned back due to contamination. Once in the country, often without being inspected, these imports are mixed with domestically produced dairy products giving consumers the false assumption that they are equivalent in quality and purity.

To correct this problem, I have joined with Senator PACKWOOD and others in sponsoring S. 297, the Meat and Dairy Import Inspection and Labeling Act. This legislation is similar to a measure I cosponsored in the last Congress. It would prohibit the importation of foreign meat and dairy products that fail to meet the same standard of purity required of domestic meat and dairy products. It would also require these products to be labeled so that the customer may know the product is imported.

Permitting the importation of impure meat and dairy products is unfair to the American consumer, as well as American cattlemen and dairy farmers. Consumers have the right to expect the same standards of purity for foreign foods as are applicable to foods produced domestically. A double standard is obviously unfair to our own meat and dairy producers.

Mr. President, the picture is all too clear. Unless dairymen get some relief, they cannot go on producing milk, and urban—as well as rural—America will suffer. These two bills do not just help the farmers, for by preventing a collapse of the domestic dairy industry we prevent skyrocketing milk prices to consumers. And by insuring the rigorous inspection of imported products, we maintain the high standards of purity that we all have a right to expect in our grocery stores.

PAUL WARNKE AND MR. JEFFERSON

Mr. CHURCH. Mr. President, those Senators who view with alarm the nomination of Paul Warnke to be Director of the Arms Control and Disarmament Agency, because he appears to

favor arms control, and some gesture on our part, however cautious and restrained, toward disarmament, will greet with consternation the latest column by Garry Wills.

As published in yesterday evening's Washington Star under the caption: "Mr. Jefferson's Slaves and Our Nuclear Arms," Garry Wills unmasks the horrifying truth of our times. He compares the monstrous immorality of building nuclear arsenals capable of destroying civilization with the fundamental evil of slavery in Jefferson's time. He points out how the politicians, then and now, justified and keep on justifying their actions on the ground of "practical considerations."

I hope that this extraordinary column will help awaken us, and so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

MR. JEFFERSON'S SLAVES AND OUR NUCLEAR ARMS

(By Garry Wills)

I have had occasion, recently, to lecture on Thomas Jefferson at various universities; and I find a great resistance to learning anything from a slave-holder. The monstrous evil that supported Jefferson tends to dull, if not entirely cancel, in the eyes of the young, all his admitted achievements and other virtues. They treat him as a hypocrite—one who said, in the mocking French phrase, "You are my brother, my slave."

This is not entirely just, though it is understandable. How could Jefferson seek freedom for white Americans while enslaving black ones? Dr. Johnson noted that irony from the outset. So did others. But it is unfair to look back and say no man is allowed to accomplish anything unless he accomplishes everything—he cannot seek minor improvements until he overturns the greatest and least tractable evil of his time.

Jefferson did not do enough to oppose slavery—few men did; only the saints, like Anthony Benezet. Jefferson, I guess, should have been a saint. So should we all. But some of those in my audience, so smug about evils past, do not grasp the parallel in our own lives.

If the earth lasts long enough, future generations will look back on us with the uncomprehending horror we feel for slave-holding cultures. They will ask how a nation ever thought it could justify the buildup of instruments for destroying the globe.

The difference between this American president and that one, from Franklin Roosevelt on, will all shrink to insignificance beside the fact that they all countenanced this evil and built their careers on it, as surely as Jefferson lived off the evil ailment of slave products.

It will be said in our defense that we had to accept the system—the same thing that is said of Jefferson and his peers. There are "practical considerations"—there always are. Without slaves, there might have been no independence for Virginia. Was it worth it? That is the kind of calculation it is probably evil to make, even if the Virginians had been able to make it.

Without nuclear weapons, there might be no American dominance of the postwar world. Is that worth it? Survivors of a nuclear showdown would hardly think so. We are told that nuclear weapons have saved us from Russia or communism or whatever. But if the gamble does not work, our unwilling beneficiaries will not call that much of a rescue.

And even if it does work, the hypotheses involved were unrealistic. The idea that Russia or communism would dominate a resisting world, except for nuclear deterrents, is a wildly improbable compliment to Russia and a wholly unjustified insult to the rest of the human race.

There is no other name for our postwar politics but craziness—as there is no other name for the slave system. Otherwise virtuous men lived with and even promoted slavery. Most of their contemporaries were blind to the monstrous character of their own lives. Only saints saw through the sham—and they were mocked, when not martyred.

Only the saints do much about the nuclear threat these days—deny it their tax moneys, attack it with a moral revulsion equalling that of abolitionists. The crazy wisdom of the world calls saintliness craziness, and is rewarded. It is an old story, as old as Golgotha, the Hill of the Skull—in myth, the burying place of Adam.

Today our shiny nuclear installations are, in symbol and intent, the burying places of Adam, of mankind. That is why even one small sign of realism—a President who speaks positively of disarming as a goal and promise—should be greeted with the same respect we give to Jefferson's inadequate but highly welcome (and partially redeeming) criticisms of the slave system.

STRATEGIC BALANCE BETWEEN THE U.S.S.R. AND THE UNITED STATES

Mr. GARN. Mr. President, since Maj. Gen. George Keegan retired, and delivered himself of a blast at the current strategic balance between the U.S.S.R. and the United States, the fox has been in amongst the chickens, so to speak. A lot of people have been scurrying around, trying to marshal some rebuttal to the charges. As the retiring chief of Air Force Intelligence, General Keegan was in a position to know, and his charges have carried more weight than might otherwise have been the case.

Probably the heaviest counter to Keegan's charges has just come from the Joint Chiefs of Staff, in the form of a letter to Senator PROXMIRE. I congratulate my colleague in pursuing this question, and seeking a definitive administration position. Senator PROXMIRE is among the most diligent of Senators in pursuing waste in Government, giving a lot of attention to the Defense Department, but he has never pushed for cuts which he felt would cripple our defense capability.

Despite my congratulations of Senator PROXMIRE, however, I would like to supply a minor correction. In his press release making public the Joint Chiefs' reply, Senator PROXMIRE claims that the Joint Chiefs has "refuted" Keegan's charges. Now that is not exactly the case. The Joint Chiefs apparently have a different impression of the current balance, but neither side has "proved" or "refuted" anything. What we have is a classic difference of opinion, and we should take it for that. When General Keegan claimed that the Soviets were superior in strategic weaponry to the United States, I did not claim that that "proved" it was so. The charge has been leveled, and it is a serious one, given its source, and it should be investigated. Now the Joint Chiefs have disputed it, and that is a serious defense, and one that needs to be carefully evaluated. I note that in hearings before the Armed Services Committee earlier this week, the Chief of Staff of the Air Force took full note of the abilities and insight of General Keegan. He, at least, did not claim to have "refuted" Keegan's charges. He contradicted them, and that is a very different thing.

Actually, the truth of the matter could only be settled by a shoot-out, and I do not know of anyone who wants that. If a responsible, knowledgeable individual charges that there is an imbalance, I think we ought to take that seriously, and look carefully at the present balance, and at the trends that are at work in that balance. When some other responsible and knowledgeable person, or persons, says that there is not an imbalance, we should crank that viewpoint into our evaluation. It is not helpful to say that the second person's viewpoint "blows out of the water" the argument of the first person. It does not. This is not a case where we can ask Price-Waterhouse for the envelope please, and get the correct answer, and find out who was right. There is no right answer. There are only complex politico-military problems.

It was interesting to me that the Joint Chiefs conceded many of the points made by General Keegan, while disputing others. The Joint Chiefs point out that many of the charges were "scenario dependent." That is true, but it is not a reason to reject them. The scenarios they are dependent on are possible scenarios. Let us not delude ourselves about that. They may be more or less likely, but they are possible.

Actually, General Keegan's charges were only one of a number of quite sober assessments of the current strategic balance. He is not alone in his charges. Nor are the Joint Chiefs alone in their defense. The thing is not a game, and we ought to get about the serious business of evaluating our strategic forces, and the uses to which they are to be put, and stop talking about "refutations" and "blowing our rhetorical opponents out of the water."

NATURAL GAS CRISIS

Mr. METZENBAUM. Mr. President, it is in connection with the natural gas crisis that I ask unanimous consent to have printed in the RECORD a letter I have sent Interior Secretary Cecil Andrus seeking an investigation into the possibility that the major producers are withholding large amounts of natural gas.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., January 31, 1977.

Hon. CECIL D. ANDRUS,
Secretary,
U.S. Department of Interior,
Washington, D.C.

DEAR MR. SECRETARY: As you know, the current natural gas crisis has severely affected the State of Ohio. While the President's emergency legislation instituting an

allocation plan between interstate pipeline systems and temporarily deregulating the price of natural gas will provide some interim relief, I believe the current situation necessitates action by the Department of Interior to determine whether the major natural gas producers are withholding large amounts of natural gas.

In the last few years, there has been mounting evidence which indicates that large amounts of known natural gas supplies have been withheld from production by natural gas producers. Among the many sources of evidence are the following:

1. The Federal Power Commission conducted an investigation in January, 1974 into offshore producing "shut-in" leases. The FPC investigated all leases upon which at least one well had been drilled and which were determined by the United States Geological Survey to be capable of being produced in paying quantities and for which a suspension of operation had been approved. The investigation concluded that there were: 4.71 trillion cubic feet of natural gas in proved reserves and 3.27 trillion cubic feet in probable reserves.

2. A subsequent Federal Power Commission Report of September 15, 1974 concluded that: "13 pipelines held about ten trillion cubic feet of gas off the market in "shut-in" wells in 1972 and 1973."

The trillion cubic feet of gas accounted for about half the amount the entire country consumed in 1974. They were dedicated reserves—pipelines that had already contracted for the gas, but not connected it to supply lines.

3. A February, 1975 investigation by the Federal Power Commission into nonproducing gas reserves in the Gulf of Mexico indicated that: As of year-end 1973, nonproducing reserves amounted to 7.9 trillion cubic feet of gas. Approximately 6.5 trillion cubic feet of these reserves are located in the Federal Domain (i.e., on Federal lands or waters). The 7.9 trillion cubic feet of nonproducing gas reserves is 26 percent of the total offshore gas reserves reported in 1973 by the interstate pipelines and may represent an important and potential natural gas supply for interstate consumers.

4. In June and July, 1973, the Senate Subcommittee on Antitrust and Monopolies held hearings on natural gas production. At the hearings, the FPC testified that as of January, 1973, there were 167 offshore Louisiana Federal leases classified as producing "shut-in". The FPC testified that these leases represented: more than 743,000 nonproductive acres.

Further, the FPC testimony revealed that there were 18 Federal leases in offshore Texas capable of producing in paying quantities.

5. On January 21, 1975, the Interior Department ordered ten major companies that hold natural gas leases in the Gulf of Mexico to explain why they were not fully producing on these leases. The Department gave the companies 30 days to explain why the leases should not be put into production as soon as possible. It threatened to revoke the leases if the companies refused without adequate justification to place the leases in production. Former Department of Interior Secretary Rogers C. B. Morton in announcing the action said he: "would not allow lessees to withhold their leases from production in hopes of getting a higher price at a later time."

The Department noted: in one group of leases, there was less production now than in the past, although new wells had been drilled.

6. In 1975, citing a Government Accounting Office study, Senator Roth (R-Del.) stated that: 91% of the oil and gas leases let by the Interior Department were not producing. According to his figures, 92,244 of 103,502 federal leases were not producing.

7. Walter S. Measday, Chief Economist of the Senate Antitrust and Monopoly Subcommittee, in testimony before that Subcommittee on September 23, 1975 stated that: "there seems to be no question but that Federal lands which were leased out to companies to be developed, so the Nation can have the product, are not being developed expeditiously, and there seems to be no technological or geological reason for this. The conclusion to be drawn is, that companies have determined that it is not in their economic interests at this time to develop the leases . . ."

8. In a July, 1975 Preliminary Report by the House Subcommittee on Oversight and Investigation into delays in natural gas production by Cities Service Oil Company, the Subcommittee found: that Cities Service had purposely delayed commencing the workover of its wells, and that this delay disrupted deliveries of substantial quantities during the critical winter season.

9. In a later report by the same Subcommittee, released in October 1976, the Subcommittee concluded that: Interstate natural gas consumers have not received all the gas to which they are entitled.

10. In a January 21, 1976 hearing before the Subcommittee on Oversight and Investigations, Dr. John Galloway, a Special Assistant to the Subcommittee, testified. He compared the gas reserves in 153 fields (covering two-thirds of the total fields) made by the AGA with the estimates of the U.S. Geological Survey (USGS). He found: that AGA reserves were 37.4 percent lower than the USGA total for the same fields—that is, the USGA's figure of 23.47 trillion cubic feet compared with the AGA figures of 14.7 trillion cubic feet. Dr. Galloway observed that if the 37.4 percent discrepancy existed nationwide, however, the AGA reserve shortfall would amount to 102.7 trillion cubic feet of non-associated gas—enough to cover last winter's projected curtailments one hundred times over.

11. In 1963, the Gulf Oil Corporation entered a twenty-year warranty agreement with Texas Eastern pipeline system for a minimum of 500,000 MCF per day. In addition, the agreement provided that at Texas' option, this amount could be increased to 625,000 MCF per day. In 1972, Gulf began to fall off in its deliveries, and by the summer of 1976, the deliveries had dropped to 350,000 MCF per day. On August 13, 1976, a Federal Power Commission Administrative Law judge issued an initial decision in a show cause proceeding. He found that Gulf: was not in compliance with the contract, nor was Texas Eastern diligent in reporting the disruption of deliveries.

During the course of the Federal Power Commission hearings, Gulf continually defended itself on the basis that delivery at the contractual amount (500,000 MCF—625,000 MCF per day) was physically impossible. Gulf maintained that there simply were no available reserves. On November 7, 1976 the Federal Power Commission issued Opinion No. 780 that stated: Gulf was required to deliver the maximum amount (625,000 MCF per day) and that they must do so by December 15, 1976.

Despite Gulf's protestations during the course of the hearings, within a month they were delivering 625,000 MCF per day to Texas Eastern pipeline systems.

Mr. Secretary, evidence indicating withheld reserves could go on and on. In the interest of time I will merely cite a few other sources: Federal Power Commission, Order Instituting Investigation of Status of Nonproducing Dedicated Reserves and to Show Cause, Docket No. R175-112, February 20, 1975; Statement of David S. Schwartz, Assistant Chief, Office of Economics, Federal Power Commission before the Senate Antitrust and Monopoly Subcommittee, June 27, 1973, pp. 22-23; Federal Power Commission, Offshore Investigation: Producible Shut-in Leases, (First Phase), January, 1974; House Subcommittee on Oversight and Investigation of the Committee on Interstate and Foreign Commerce, November 1975 Report; and Subcommittee on Energy and Power of the Committee on Interstate and Foreign Commerce, Hearings on S. 2310, February 2, 1976.

There is no doubt that the severity of the current winter has aggravated natural gas reserves. However, the results of these studies raise serious questions as to the actual amount of natural gas that could now be available to the American public, if the producers were operating at their full capacity. I am in no position to state with absolute certainty that these previously-made findings are correct. However, I do believe it necessary that the Department of Interior establish a "crash team" to make an objective determination as to whether the natural gas producers are withholding their natural gas reserves.

I believe that with that information you could then determine whether one or both of the following possible steps should be taken:

(1) New legislation authorizing you to order increased production both on and off federal lands and waters.

(2) Cancellation or threatened cancellation of federal leases where the leases are failing to produce.

At a time when the natural gas crisis is closing schools and factories, it is critically important that this country know the true facts.

With warmest regards,

HOWARD M. METZENBAUM,
U.S. Senator.

CAMP SAFETY LOSES ANOTHER YEAR

Mr. WEICKER. Mr. President, on January 14, Senator RIBICOFF introduced the Youth Camp Safety Act, S. 258. I was proud to join my colleague from Connecticut once again this year in cosponsorship of a piece of legislation years overdue.

The remarkable truth is that the majority of States makes no effort to safeguard our millions of camping youngsters by providing that some minimum safety standards be met. The results of this inaction recur each summer: drownings, accidental shootings, blindings and cripplings. To an alarming extent, these are the result of poorly trained camp staffs, many of whom are juveniles themselves, or dilapidated facilities that are somehow thought adequate for camping youngsters under the guise of "roughing it."

I would hope, Mr. President, that this session of Congress will see the passage—by both Houses of Congress—of this legislation, which has passed each House before. Early passage this year will mean one less summer of disability or death because of preventable camping accidents.

I ask unanimous consent that the Hartford Courant editoral of October 3, 1976, entitled, "Camp Safety Loses Another Year," be printed in the RECORD.

There being no objecton, the editorial was ordered to be printed in the RECORD, as follows:

CAMP SAFETY LOSES ANOTHER YEAR

Nine summers have gone by since its introduction to Congress and the Federal Youth Camp Safety Bill has yet to be passed.

A few years ago it was approved in the Senate by a resounding 51–0 vote, but died in committee in the House of Representatives. Last year it passed the House 197–174, and proponents were optimistic the favorable Senate climate would give it easy sledding. Now, 17 months later the legislators have yet to allow it out of committee.

When President Ford was minority leader he told Westport resident Mitch Kurman, father of the bill that he favored it. Since Mr. Ford entered the White House, aides now inform Mr. Kurman that the administration believes the states should handle camp safety.

Former Governor Rockefeller asserted the same view but when his state legislature approved a New York State camp safety measure by a big majority, he vetoed it. A short time later, a tragic fire took eight lives at a New York camp, prompting the governor's second thoughts and rejuvenating the bill, which was signed into law. The Empire State, New Jersey, and Connecticut are but a handful of states with comprehensive camp safety acts, while 43 states have none at all.

Cosponsors of the Senate measure are Senators Ribicoff, Weicker and Mondale, whose combined influence would seem substantial enough to influence their colleagues. In August Senator Mondale responded to a Kurman plea for action on S123 by letter saying "the press of urgent Senate business will simply not make it possible to bring a bill which has been so controversial to the floor . . ."

Parents may wonder why the measure is so "controversial." Do not all people of good will want to protect children away from home expecting a happy, healthy time in the out-of-doors? Probably most parents assume every camp observes a list of standards for operating. While many camps are members of the American Camping Association, more of them are not, and it is impossible to tell the difference through a publicity leaflet.

So what is the problem? Mr. Kurman has well-documented evidence that a camp lobby as powerful as the gun lobby successfully thwarts every move toward passage of the bill. It plays upon state's rights proponents, and emotionality of impending big brotherism. In fact, during the last year a malicious campaign used religion to get people to write their Congressmen protesting the act. Warnings were passed out to congregations that the safety act would "deal a death blow to youth and our nation" by putting camps under the control of the Department of Health, Education and Welfare. The result would be "eventual total control of all youth in the U.S.A. by socialistic, communistic, satanic federal government," the paper said.

Without first-hand knowledge of the bill's full import, many church-goers believed the propaganda and mailed the anti-act petition blanks to their congressmen.

Such is the influence trying to keep camps unregulated, although 8 million youngsters go to camp every year. Only if informed, concerned Americans respond with equal fervor in favor of making camps safe will they become so. At present 1976 seems destined to end up in the lost column.

BATH IRON WORKS RECOGNIZED FOR EXCELLENCE

Mr. MUSKIE. Mr. President, I have spoken frequently of the critical role of Bath Iron Works in building and maintaining our Naval fleet. Bath has played a particularly key part in the FFG–7 Guided Missile Frigate program. Last October, I participated in the launching of the lead ship in that program, the U.S.S. *Oliver Hazard Perry*. Bath Iron Works is already committed to building at least five additional ships in this class and is prepared to continue as a major construction base for this program.

Bath's role in the effort to overhaul and modernize our Naval fleet is also well established. The reputation of Bath workers for excellence and value in overhauling destroyers, particularly in the 1,200-pound class, is without challenge. The U.S.S. *Brumby* arrived in Bath just this week to undergo a major overhaul and the U.S.S. *Detroit* will soon be returning to service following extensive modernization at Bath. Recently acquired drydock facilities and other improvements at Bath further enhance the shipyard's capabilities in future overhaul work.

Bath Iron Works' contribution to the American fleet is not limited to support of our Naval forces but extends to the commercial maritime industry the same outstanding workmanship applied to Naval programs. Testimony of BIW's continuing excellence was provided in the December 1976 edition of Marine Engineering Log which recognized the Bath built S.S. *Maine* as one of the distinctive ships of 1976. Launched in May of 1975, the *Maine* is the first in a series of four roll-on/roll-off vessels built by BIW. In addition to the international honor of being recognized by Marine Engineering Log, the S.S. *Maine* was designated the Bicentennial Ship of the States Steamship Co. fleet and received the Ship of the Year Award from the Reliance Electric Co., an international supplier to the shipbuilding industry. I take great pride in sharing this tribute to the continuing tradition of excellence in the Maine maritime industry with my colleagues and request unanimous consent that the text of the artcle in Marine Engineering Log be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BATH-BUILT RO/RO SHIPS DELIVERED TO STATES STEAMSHIP

The first in a series of four roll-on/roll-off vessels designed specifically for the transpacific service and built by Bath Iron Works, of Bath, Maine, was turned over to her owners, States Steamship Company, on April 27. The *Maine* sailed from her home port of San Francisco for Far Eastern ports on May 31.

Launched on May 24, 1975, the *Maine* will be followed by the *Arizona*, launched on November 1, 1975, the *Nevada*, launched on May 15 of this year, and the *Illinois*, launched in July. The four vessels will be the only U.S.-flag RO/RO ships operating over Pacific Trade Route 29. The four ships represent an investment of more than $158 million in building costs.

All are being funded under the construction differential subsidy provisions of the Merchant Marine Act of 1936. The CDS for the *Maine*, *Arizona*, and *Nevada* is approximately 43 percent and the *Illinois* subsidy is approximately 41 percent. The remainder of the funds are being provided from States Steamship Co. capital reserve funds (25 percent) and proceeds from the issuing of U.S. Government guaranteed Merchant Marine Bonds (75 percent). The bond issues are guaranteed by the full faith and credit of the United States Government and were placed at relatively lower rates than States would have to pay on debt solely guaranteed by the company.

BICENTENNIAL SHIP

At her launching ceremonies, the *Maine* was designated as the "Bicentennial Ship" of the States Line fleet by company officials. The 648-foot vessel is painted in the traditional red, white, and blue of States Line and carries an 18-foot American Bicentennial symbol amidships on both port and starboard sides. Designed by the American naval architectural firm, J. J. Henry Company, she is the fifth *Maine* to have been built in the Bath yard.

Virtually every type of cargo, whether self-propelled or general cargo, container, bulk, liquid, refrigerated, long or odd-shaped, or heavy, can be handled aboard these new vessels. The *Maine's* initial service is between West Coast ports and Japan, Korea, and Taiwan. The ships are built with a retractable ramp that permits them to berth at any conventional pier, thus eliminating large shoreside investment for the ports of call.

The cargo is loaded by mobile equipment that delivers it to any location at one of four underdeck levels via internal ramps aboard the ship. Mobile equipment, trucks, cars, rubber-tired or cleated tractors, and heavy construction materials can be driven aboard under their own power and secured in place for transpacific voyage. General cargo, whether an agricultural item such as canned or bagged goods, or bailed items such as cotton or woodpulp, can be unitized and taken aboard in large units. Additionally, lumber moving in quantities up to 10 million board ft. per shipment can be handled. This equates to over 200 carloads on the basis of 50,000 board ft. per railroad car.

It is also possible to land helicopters on the deck and stow them in the holds with the use of two cranes on the forward deck. The ships can carry containers of lengths from 10 to 40 ft. They contain security lockers for shipment of valuable cargo such as precious metals, mail, or small parcels, and have conventional 20-ft and 40-ft containers as well as reefer containers. In addition, the vessels have tanks for the carriage of bulk liquid cargo. All four of these *Maine* Class ships will have accommodations for 12 passengers.

Fast and continuous loading, made possible by the 24-ft stern ramp, is augmented by the two 15-ton deck cranes which handle cargo too large for ramp-loading, by the conventional up-and-over method. A special break-bulk hatch allows lift-on cargo to be stowed below. The internal ramp system, connecting five decks, makes it possible for individual shipments to be readily accessible for discharge in any given port of call, speeding turnaround time. Each ship will maintain its own fleet of cargo handling equipment consisting of two straddle carriers, two 20-ton, and six 10-ton fork lifts. Straddle carriers move up to 20 tons of long-length cargo across ramps and throughout the ship. The 10- and 20-ton fork lifts handle 20-ft containers, cotton bales, bagged asbestos, and unit loads, palletized goods, machinery, yachts, and other shipments of general cargo.

These ships have a fuel-oil capacity (98 percent full) of 3648 LT, a saltwater ballast of approximately 6221 LT, and approximately 243 LT of fresh water. They have a maximum continuous shaft horsepower of 37,000, the 6-bladed propeller diameter is 22 ft 6 in, and they have a steaming radius of 10,600 miles.

Loading computers. Each vessel is fitted with a Raytheon Loadmax-200 digital loading computer for rapid computation of drafts, trim, stability, hull stresses, and heel angle prior to and during loading operations. Both Bath Iron Works and States Line selected this unique computer for its speed and accuracy in planning cargo stowage and ability to permit quick adjustments for last minute cargo-bookings or changes in cargo availability.

Tonnages for more than 200 individual cargo spaces, ballast, and fuel tanks are easily entered via a simple desk calculator-type keyboard. With each tonnage entry the total effect on the vessel is immediately computed and displayed on the console. Each complete calculation requires about two seconds and includes automatic corrections for tank free-surface effects. Heeling moment and heel angle are computed on operator demand. A compact, built-in printer records every keyboard operation and on demand prints a sequenced tabulation of the tonnages in all spaces as well as a summary of the final loading condition status. The Loadmax-200 was designed, programmed and manufactured by Raytheon's Maritime Systems Department in Portsmouth, Rhode Island.

These new *Maine* Class RO/RO's will join five liners of the Coronado Class and six Advanced Mariners of the California Class that currently make up the fleet of States Line. All 15 vessels will bear the line's red seahorse funnel emblem.

OH, TO BE A WOMEN'S AIR FORCE SERVICE PILOT

Mr. GOLDWATER. Mr. President, on January 14, I reintroduced legislation to provide long overdue recognition to the Women's Air Force Service Pilots, known as the WASP, for their services to their country in World War II. The legislation has been referred to the Senate Committee on Veterans' Affairs and is being cosponsored by two members of that committee, Senator CLIFFORD HANSEN of Wyoming and Senator JENNINGS RANDOLPH of West Virginia.

There have been many articles written about individual feats of these ladies since the Senate first began consideration of the bill in the last Congress and, from time to time, I have placed these in the RECORD so that my colleagues may know more about this exceptional group of women.

Recently, I read a well-written, but brief history of the WASP, which appeared in The Retired Officer magazine, and a concise statement by retired Col. W. Bruce Arnold describing the efforts of these ladies to obtain recognition equal to their male peers. In order to provide Senators with additional factual information about legislation which the Congress, I hope, will pass this session, I ask unanimous consent to have this material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Retired Officer, February 1977]

OH . . . TO BE A WOMEN'S AIR FORCE SERVICE PILOT

(By Ava Gutierrez and Jan Wilson)

Only 1,830 of them plied the skies, but they logged more than 60 million miles as they ferried planes to be shipped to battlefields. It was World War II, 1942–45, and the fact they were women in no way lowered their efficiency or the respect they earned from their peers, male as well as female.

They were members of the WASP, Women's Air Force Service Pilots, and they served proudly and well. But where are they today? And how do they feel about the Air Force experience?

"Learning to fly changed my entire life," says Barbara J. London, nee Erickson, who claims she joined WAFS, Women's Air Force Flying Squadron, strictly by accident. "But I wouldn't trade away the experience," she is quick to add.

Recalling her two-and-one-half years of service, she says: "Sometimes we'd have to fly on a moment's notice to various parts of the country, carrying only a shirt, a pair of high-heeled shoes, a can of leg makeup, a toothbrush—and a map. And this had to do for as long as a month. We became adept at ironing our shirts and drying our collars on radiators."

THE BEGINNINGS

Founded by Nancy Harkness Love in September 1942, the WAFS combined in 1943 with Jacqueline Cochran's Women's Air Force Service Pilots, and the joint group donned silver wings on their official Santiago blue uniforms. Each applicant of the original group had to have at least 500 hours in her logbook (though the average was well over 1160 hours), as well as a 200-horsepower rating, and had to be in perfect physical condition. Miss Cochran's group, on the other hand, were required to have less flying hours and no two-hundred horsepower rating was required.

Initially the women flew primary trainers, but their experience and outstanding record soon moved them into other categories. At one time, during a 10-month period, they ferried 2900 Army planes, and as the program expanded, ferry stations were established at Romulus, Mich.; Dallas, Tex.; and Long Beach and Palm Springs, Calif.

"We didn't think about laurels for ourselves," says Mrs. London. "We realized it was our chance to help with the war effort, and to fly equipment we'd never operate otherwise."

As part of an experimental Civil Service unit, they were ranked in the same class as second lieutenants, paid $250 a month, subject to regulations, formations, inspections and military courtesy of the Army Air Force. Yet they were minus military privileges such as GI insurance, hospitalization, lodging, food, clothing and transportation from home to training base—and even denied burial provisions.

"My girls were qualified, professional, able to produce as much as the men," says Mrs. London. "They were there not because they were forced to be, but because they wanted to be. Those who discovered they were unsuited to the life dropped out, but those of us who stayed were like pioneer women, braving the unknown and doing the required job."

Each trip had to be "flown on paper" before takeoff, with the pilot gathering data, maps and forms as needed. Standard flight plans, of course, had to be filed, with alternate courses noted in case the original had to be abandoned for any reason. A WASP had to be capable of solving any problem of cross-country navigation as her mission proceeded, and when clouds rendered visibility an impossibility, she had to navigate by "dead reckoning," computing a compass course from her maps.

WASPS ATTRACTED ATTENTION

Their unusual occupation often attracted attention, especially when they traveled on commercial airliners. "Once a co-pilot asked me if I was checked out on a DC–3," says Mrs. London, "and he was astounded to learn I'd checked out on it in three or four hours. He'd been riding right hand for 10 years and still didn't have a captain's classification."

Mrs. London and another member of the squadron, Iris Cummings Critchell, were active in the Powder Puff Derby, and Mrs. Critchell also works with her husband, Jack, on an aeronautic foundation at Mudd College.

Another ex-WASP is Henrietta Speckles Sprogue, whose only regret regarding her service experience is that hers was the last class, and the only one not given the opportunity to serve. "It took a lot of stamina and alertness to complete the program," she says, "and it was a real disappointment not to be able to serve."

COCHRAN AND MILITARIZATION

Miss Cochran wanted the group militarized, supporting a militarization bill which was killed in Congress. When the bill failed, Miss Cochran ordered everyone mustered out at once.

"Her position, the head of the Air Force and that of General H. H. "Hap" Arnold," reports former WASP Eileen Wright Ferguson, "was simple: if we couldn't be militarized, it should be forgotten altogether. They felt there should be more control over assignments, leaves and rank, and without militarization, this would not have been possible.[1] The military in the Long Beach area fought to keep us, but we were disbanded anyway."

In the final year of their existence, the WASPs specialized in "hot" airplanes, delivering more than 50 percent of the total fighter aircraft ferried by the entire Ferrying Division of the Air Transport Command. They also delivered the four-engined, $300,000 Flying Fortress, B–17s, B–24s, B–26s, and even the C–54, a prewar airliner turned army transport.

THREE CHOICES OFFERED

The women had three choices upon completion of the training program. They could become instructors, ferry pilots or test pilots. Margaret Weiss chose the latter, along with four other women. She recalls many instances when problems developed during tests, and vividly remembers the time at Williams Air Force Base near Phoenix, Ariz., when she earned the astonished respect of a testy male commander, who'd been angry and profane at the idea of women on his air field.

"When he realized what had happened, and that I really had handled the emergency very well," she says, "he was eager to make up for his testiness."

Gerri Bowen Olinger, former WASP, remembers her disappointment at the way WASP's were depicted in the Loretta Young epic, *Ladies Courageous*. "Flying was the name of our game," she says, "and we never saw them work up a sweat in that movie. All they conveyed were a lot of girls primping, full of love problems, jealous of one another—and the whole picture couldn't have been more untrue. The real broken love affair was when the service was disbanded—I was heart-broken, devastated, and really missed the flying.

"After all," she continues, "I couldn't ask the Army to rent me a bomber for an hour of pleasure flying, now could I?"

AN END TO THE WASP—AND TO FLYING

Death of the Women's Air Force Service Pilot program meant the end of flying for a lot of women, but their faces. once hidden by bulky uniforms, goggles and helmets, have become mature and mellowed. A WASP newsletter, edited by Lola Perkins Ricci, and a vigorous program to reunite these unique women, has allowed friendships and contacts to remain alive. Typical of the reunions was one held at the Cochran-Odlum ranch, which elicited comments from Mrs. Sprogue:

"Most of us hadn't seen each other in 25 years, and at first I was actually amazed to find everyone had gotten older! Then I started recognizing a smile, or the sound of someone's laughter, and suddenly it was 1943

[1] With Civil Service Status, the WASP was a static organization. There was no chance for promotion and without input of new members, it would die of attrition. Militarization was desired by the Air Corps because the WASP had proved itself effective operationally. But additionally, it would solve the problem of proper insurance and hospitalization benefits. The WASP flew without these.

again. We'd known each other intimately, when crisis wasn't a chronic thing, and we lived moment to moment, day by day. Our values, friendships and exchanges, therefore, had to be more meaningful."

Like their mascot, Fifinella, a Walt Disney creation, this group is just being recognized for its contribution to the winning of the War. After 30 years, bronze plaques are being provided for major museums, helping to tell the story of these women pilots. In addition, Col. W. Bruce Arnold, USAF-Ret., son of the late Gen. "Hap" Arnold, is working with others in government circles to mobilize a campaign to give military status with veteran's privileges to the female pilots as a tardy but fitting tribute.

Shortly before her death in a bomber crash, WASP Cornelia Fort, the first woman pilot to die on war duty in American history, wrote her feelings, echoing on the pages of a magazine the way most of the WASPs described the emotional impact of their service.

EMOTIONAL IMPACT

"They chatter about the glamor of flying. Well, any pilot can tell you how *glamorous* it is. We get up in the cold dark in order to get to the airport by daylight. We wear cumbersome flying clothes and a 30-pound parachute. You are either hot or cold; your lipstick wears off and your hair gets straighter and straighter. You look forward all afternoon to a bath and steak, and get the bath, but rarely the steak. Sometimes you're too tired even to eat.

"None of us can put into words why we fly . . . (but) I know it in dignity, self-sufficiency and pride of skill. I know it in the satisfaction of usefulness."

STATEMENT BY W. BRUCE ARNOLD, COLONEL, U.S. AIR FORCE (RETIRED)

Historically, the WASP program was unique in that it was one of the first instances where women were given the chance to prove their ability in a strictly male field. But unfortunately, the unqualified success of the program was marred by a situation all too prevalent in the forties—these women worked parallel to men, doing the same job, taking the same risks, but not rewarded with equal pay or privileges.

The emergency of 1942 dictated the precedent of "get 'em on the job as soon as possible and take care of the details later." However, in the case of the WASP when "later" finally came, the Congress was not prepared to "take care of the details."

Envy and jealousy of a group of civilian male pilots who feared the WASPs would replace them and thus force them into combat or the draft, manifested itself in a strong lobby that was able to kill the Army Air Forces-sponsored militarization bill of 1944. It is our intention now to secure for the present living WASP members the veteran's privileges which were denied them over thirty years ago.

It was always the intention of the Air Force to militarize the WASPs. The women were inducted, drilled, trained and in all ways treated like their male counterparts. They were assigned by orders to military units; they were subject to unit directives and War Department regulations. In some cases they were officially decorated. Base commanders could restrict a WASP to barracks or ground a WASP if he thought such action necessary. The women were not however subject to military law under the Manual for Courts Marital.

As civil servants the women received nothing but their pay which was, incidentally, $50 per month less than their male peers.

The House Committee on Civil Service report that appeared just prior to the House debate on the original WASP bill is full of inaccuracies and even false statements. It was obviously designed to kill the WASP program. The report did recommend hospitalization and life insurance programs for the women, but no action was ever taken by Congress to give the women these privileges.

The present bill which was sponsored in the Senate by Barry Goldwater and in the House by Patsy Mink and Omar Burleson, died with the 94th Congress. It is hoped that a new bill will result in hearings in the 95th Congress so that a true evaluation of the WASP program may be presented to the Congress. This action will recompense for the 38 WASPs who died on duty and for their sister pilots who served their country so well.

IS THERE REALLY A SHORTAGE OF NATURAL GAS? PART II

Mr. ABOUREZK. Mr. President, the Congress just agreed to legislation that pretends to deal seriously with the natural gas emergency, but in fact merely provides an excuse for a little deregulation in hopes that the oil companies will cough up some more of their natural gas to the desperate consumers in the interstate market.

Some people think that you cannot blame the oil companies for the cold winter—that the shortage is a result of weather conditions that no one can control. They are wrong.

The oil companies are to blame for the situation that turned the cold weather from a nuisance into a near disaster for people throughout the South, the lower Midwest, and parts of the East.

The oil companies, which produce about 70 percent of the natural gas in this country, have produced less and less of the gas they are capable of producing for the express purpose of getting prices deregulated. And make no mistake—the companies have been making money on their gas at 52 cents per thousand cubic feet. They will be making even more money at $1.42, which is currently the regulated national rate. Where the companies can demonstrate that their costs of production are higher than the national average, the FPC permits even higher rates. At the same time, no one compels the companies to make a similar reduction where costs are lower than the national average.

No, it is not that the companies cannot afford to produce at the regulated rates. The reason that people have to turn down their thermostats, pay higher rates, and lose their wages as a result of fuel cutbacks is because the companies are "good businessmen": they never sell today for $1 what they have good reason to believe they can sell tomorrow for $2.

What are these reasons? Why does the oil industry limit the supply of gas in anticipation of higher prices?

First, the Federal Power Commission and the Republican administration have been firm supporters of deregulation. The administration has been operating on a policy of gradual deregulation for the past 5 years.

The FPC uses industry estimates of how much they have added to our gas reserve each year. The Commission then calculates a price for gas based on the declining productivity indicated by these figures. In the last 4 years, the price went from 42 cents to 52 cents to $1.42. Naturally, the producers began to anticipate ever-rising "ceilings" so they were not much interested in committing their gas at today's price, whatever it was. Along with the rising ceiling, the FPC removed all price controls from small producers' sales, and exempted several other categories of transactions from price regulation. In the first half of 1976, two-thirds of the sales of new interstate gas were above the price ceiling.

Second, the very act of withholding gas is itself a guarantee of higher prices from more and more desperate consumers. John Wilson, an economist who worked at the Federal Power Commission in 1973 described how the control of gas supplies by companies allows the companies to extract monopoly prices from consumers:

Both arrogant sellers and desperate buyers could respond to [high prices] by saying: "What could possibly be worse for the consumer than having no gas? We might as well 'pay up' and avoid the worst." Obviously, that position makes sense from the point of view of an individual consumer who has no recourse but to capitulate to monopoly power, but Congress, presumably, is not so constrained.

So, once temperatures dropped below normal, the full effects of 9 years of monopoly control of supplies and prices fell on the shoulders of families and workers. It was the recent withholding, combined with "gradual deregulation" which created the crisis—the cold weather only created the situation for the crisis to occur. Industry people may have hoped each year for a bad winter, but they could not control that. They could, and did, control the supply of gas available, however.

The gas industry denies all of this, but the limited evidence that Congress has been able to gather indicates that the allegations of withholding, nonproduction, and nondelivery on contracts is true. I would like to have printed at this point in the RECORD an article which details some of that evidence. "Is There Really a Shortage of Natural Gas?" by James Nathan Miller puts it right in the context of the decisions we are going to have to make between deregulation, and uniform regulation according to efficient uses for this valuable and dwindling resource. Mr. President, I ask unanimous consent that Mr. Miller's article, from the November 1976 issue of *Reader's Digest* be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS THERE REALLY A SHORTAGE OF NATURAL GAS?

PART II

(By James Nathan Miller)

This is the story of a mysterious crisis that scared the wits out of Congress last year and then disappeared into thin air. It is also the story of how Congress is trying to draw up a long-term U.S. energy policy on the basis of some vital data that are at best doubtful and at worst false—data that could seriously distort the nation's entire energy program. To understand what's involved, look at last year's strange "natural-gas crisis"—the crisis that never happened.

It started early in the summer of 1975, when two recurrent themes began appearing in the news. Both were stated in a June

1975 speech by the then Secretary of the Interior Rogers C. B. Morton. Theme 1: Pipeline operators had not been able to buy enough gas from the producers to get them through the winter; as a result, hundreds of factories might be closed down, costing thousands of jobs in a nation already deep in recession. Theme 2: To avoid such a disaster, price controls must be removed from natural gas; the resulting higher prices would give the producers the incentive to put more money into exploration to replenish our rapidly diminishing gas reserves.

Actually, the basic economic argument for deregulation was by no means new. Ever since 1954, when the Federal Power Commission (FPC) began to regulate the price of natural gas at the wellhead—the point where the pipeline operator buys it from the producer—the gas industry had been waging an unsuccessful battle to get the controls removed. But by the summer of 1975 all the signs indicated that deregulation's time had finally come. The Ford Administration had made deregulation a major element in its energy program, and powerful Democrats from the gas-producing states were behind it. Their argument was a strong one, revolving around a dramatic change in the country's gas-reserves picture that occurred in 1968. Here's what happened:

For many years, the country's dependence on natural gas has been steadily rising. In 1946, we consumed 5 trillion cubic feet of the stuff; in 1975, 20 trillion. Natural gas now accounts for 30 percent of U.S. energy consumption. Fortunately, for most of those years gas reserves rose along with consumption. Every year from 1946 to 1967, we found more gas than we used, so that total reserves kept climbing higher and higher even as we kept using more and more. But then, in 1968, the rate of annual new discoveries suddenly and spectacularly plunged sharply below our annual consumption level. And ever since, the reserves have been going downhill—at a rate which would deplete them in about 30 years.

And so, last October 22, by the comfortable margin of 58 to 32, the Senate passed a deregulation bill.

Startling Coincidence. But then something happened. Before the bill could come to a vote in the House, two new factors were injected into the deregulation debate. First, the threatened shortage exaporated. A mild winter helped; but, more important, a House subcommittee took a close look at the gas-shortage statistics, and made some remarkable discoveries which strongly indicated that deregulation proponents had overstated the threat. The result was one of the biggest surprises of the present Congress. Last February 5, by a hair-thin margin of 205 to 201, the House defeated a similar deregulation bill.

Actually, it shouldn't have been a total surprise. During the summer of 1975, while warnings of coming shortages were escalating, The Reader's Digest had published an article that focused a skeptical look at the figures showing the sudden drop in new discoveries. Could it be possible, the article asked, that these figures had been manipulated by the industry to make the crisis look worse than it actually was? While the article was unable to answer the question with finality, it did conclude that, yes, the industry *could* have juggled the figures; and it cited evidence indicating that, yes, the industry *might* have done so. Conclusion: Congress should hold off on deregulation until it could make *sure* of the figures.

In the ensuing months, a Congressional subcommittee, under Rep. John Moss (D., Calif.) looked into the way the figures had been drawn up and uncovered some interesting facts. The first involved an odd coincidence. The downturn in new gas discoveries had come at precisely the moment when it served the economic interests of the gas producers to show such a downturn.

In 1968, the Supreme Court had issued a landmark decision on the pricing of gas at the wellhead. Under the decision, the FPC was authorized to allow the industry to *increase* the price of new gas whenever the figures showed that the rate of new discoveries had *decreased*. A few months later, when the gas industry issued its first reserves reports following the court's ruling, the first, unprecedented drop in new discoveries appeared. Ever since then (except for 1970, when the big discoveries on the North Slope of Alaska were listed), new discoveries have averaged less than half what they had been during the previous decade.

The industry claims there's nothing strange about this coincidence, pointing out that when price controls were imposed in 1954 the producers became so discouraged about their prospects for profits that they reduced their exploratory drilling. The reason the decline in new discoveries didn't show up until 14 years later, in 1968, was "the lag time for such events to take effect," says an industry spokesman. Nonetheless, suspicions persisted—suspicions that could not independently be proved or disproved because of another strange situation: the *only* statistics available are those generated by the industry itself.

"Proved" Estimates? Why don't government geologists draw up their own estimates? Because, the Moss probers found, the industry won't give them the necessary information. Why can't they get it?

Estimates of "proved" reserves must by definition be based on a large number of actual underground drill probings. These probings produce rock samples, underground-pressure readings, etc., that allow geologists to measure a field's gas content to within an accuracy of about ten percent. But only the producing companies have the billions of dollars' worth of drilling equipment necessary to get data from every one of the country's 6300 fields. And since these data represent enormously valuable trade secrets, the companies keep them locked up. Hence, there's no present way for the government to make an estimate of all the nation's proved reserves.

So the official estimates come from the industry's trade group, the American Gas Association. Each year, the AGA appoints about 100 geologists and reservoir engineers from the pipelines and producing companies to its national Committee on Natural Gas Reserves. This committee is divided into ten regional subcommittees of about ten men each. Each subcommittee asks the companies in its region for the secret data on their fields. From these, the national committee draws up its own "proved" reserves estimates.

While the FPC has never investigated the way this system works, it has accepted AGA's figures as official, largely on the basis of testimony that was given in 1970, by a gas-company executive who was then chairman of the AGA Reserves Committee. He stated that the AGA goes to extreme lengths to guarantee that the subcommittee geologists won't be influenced by their companies and will turn in truly independent estimates; in fact, some work for the AGA on their own time, not paid by their companies. To guarantee accuracy, he said, the companies give the subcommittees whatever raw data they ask for; and to ensure consistency in interpreting the data, all 100 geologists must adhere to the same strict AGA formulas for estimating "proved" reserves. It all adds up, said the AGA official, to "one of the most consistent and reliable series of statistics available anywhere."

Last summer the Moss group decided to see for itself. It focused on the operation of a single AGA subcommittee—the one responsible for the offshore Louisiana gas fields in the Gulf of Mexico—and it subpoenaed the records of this subcommittee along with every other conceivable document that applied to the Gulf fields. Here's what the Moss group discovered:

AGA's geologists were not independent of their companies, and did not do the work on their own time. They were appointed to the subcommittee by their companies and regarded themselves as their companies' representatives on the subcommittee.

The geologists did not have free access to raw data, and, in fact, many companies refused to give them any information at all.

The AGA made no attempt to enforce its own estimating methods, and the AGA man in charge of the program had no idea what methods the geologists on the different subcommittees used. As a result, they used whatever methods they pleased. One geologist simply let his company draw up all his estimates for him. Another followed the practice of listing zero reserves for whatever fields the companies refused to tell him about. A third, when denied information, made his own guess and then asked the company whether he was "in the ball park."

Investigators for the Federal Trade Commission told the Moss group that, on the basis of a five-year investigation of the AGA's reserves figures, they had recommended taking the AGA and the companies to court for "concertedly maintaining a deficient reporting system." The system was "tantamount to collusive price rigging," said the staff, and it produced "serious under-reporting."

How serious? This brings us to the most explosive of the documents turned up by the Moss investigators.

NUMBERS GAME

It so happens that there *is* one group of gas fields for which the government gets all the raw data needed to make "proved" estimates. Because most of the Gulf fields are in the federal domain, the companies that lease them from the government are required to turn over all their raw data to the U.S. Geological Survey. Although the USGS has no responsibility for estimating "proved" reserves, the Moss probers discovered that in 1974 the USGS *had* made such a study, in secrecy, using the same raw data the AGA claimed it used. How, then, did USGS figures compare with AGA's?

The USGS estimate of reserves (for the 153 out of 220 fields where data were comparable) was 63-percent higher than AGA's—23.5 trillion feet compared to AGA's 14.7 trillion feet. Somehow, AGA's geologists had apparently overlooked 8.8 trillion feet of gas in this one sample of fields.

Is it possible that the same disparity exists in *all* the nation's gas fields, and not just in the Gulf? No one knows, since the USGS gets data for only the fields in the public domain, and the vast majority of leases are on privately owned land. But if the same degree of under-reporting did apply nationwide, its significance to the nation's energy policy would be momentous. It would mean that the post-1967 drop in reserves has been a statistical delusion, and that the United States now possesses upward of 100 trillion more feet of gas than the 228 trillion feet the AGA says it has. Even if AGA were under-reporting the total by only 50 trillion feet, this would represent enough gas to have taken care of last year's predicted shortage 50 times over.

Recently, in interviews with AGA's top officials, I sought their side of the story. They conceded the validity of most, though not all, of the Moss group's findings. As to the *accuracy* of their system, AGA chief counsel F. Bosley Crowther III told me, "We would certainly concede that many of the errors—not errors, but many of the actions, if they can be said to err—err on the side of conservatism." But he said this is natural; the

industry must lean over backward not to exaggerate holdings.

As to the *availability* of data, the officials admitted that the companies frequently withhold information, but they insisted there was no way to prevent this. Said AGA president F. Donald Hart, "Where else can you get the data?"

Finally, as to the *consistency* of AGA's figures, chief counsel Crowther admitted that the subcommittees ran themselves, with no central supervision: "Nobody on the AGA staff has control over the way subcommittee chairmen use the figures."

Then how does AGA explain its own official's 1970 testimony claiming that all the data were available, and accurate, *and* consistent? AGA disavows responsibility for this testimony. According to Crowther, the official didn't speak for the AGA as a whole, but only for its reserves committee.

Different Definitions? All of which raises a question: If AGA lacks knowledge of or control over the way the subcommittees work—and if the companies withhold data from the subcommittees—how does AGA *know* its figures are accurate? Basically, the officials told me, it gets down to the fact that the geologists are honorable men. Faking the figures would require a conspiracy among many people and companies, they said, and this is simply inconceivable.

Then how about the large discrepancy between the AGA and USGS figures? "We don't concede that the two studies are parallel," said Crowther. He pointed out that the USGS calls its estimates "measured," not "proved," and that the definitions of the two terms differ.

The USGS disagrees. It says *proved* and *measured* are "essentially synonymous." What differences there are between the two definitions, says USGS chief Vincent McKelvey, have "no significance." McKelvey is confident his figures are accurate to between five and ten percent, and that they are based on better data than AGA possesses. "We get all the information that has been developed, from every company," he told me. "No other company and no association has that."

Moreover, McKelvey testified under oath that his agency had essentially followed AGA's "proved" definitions, while AGA's geologists admitted under oath that they had ignored these definitions. Also, McKelvey made public an area-by-area breakdown of his estimates, while the AGA has declined to give a breakdown of its figures that could be compared with USGS's.

UP TO CONGRESS

Where can the country turn for a resolution of the mystery? The Federal Power Commission and the Federal Energy Administration are responsible for checking the industry's figures. But industry opponents doubt the reliability of their checks (see box on pages 178–179) since the two agencies have been among the leading lobbies for deregulation. (Last July, the FPC granted the industry such a large price increase—raising the ceiling on "new" gas from 52 cents per thousand cubic feet to $1.42—that critics say it amounts to "backdoor deregulation.")

All of which presents Congress with a dilemma. If the facts about the drop in reserves are what the industry says they are, the case for a deregulation law would seem both logical and urgent. But if there has been no drop—if indeed the reserves have actually been climbing—the whole case for deregulation needs a top-to-bottom re-examination. Before Congress votes again on deregulation, it should *demand* some system for accurately ascertaining these vital figures.

A national energy program must be written in behalf of the public, not the energy companies. And no one can be certain that this is being done as long as the companies and their allies in Washington are allowed to control—and to keep secret—so many of the key facts on which the policy must be formulated.

AMBASSADOR YOUNG'S ANALYSIS OF THE CRISIS IN ANGOLA

Mr. BELLMON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Oklahoma (Mr. BARTLETT).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY MR. BARTLETT

Last week America's new Ambassador to the United Nations presented a startling analysis of the political and military crisis in Angola. Ambassador Young expressed the view that Cuban military intervention, aided by Soviet technicians and modern Soviet equipment brought "a certain stability and order" to Angola.

Fortunately this procurement by Mr. Young has since been repudiated by the State Department. However, I find it extremely disquieting that the confusion and contradiction which characterized United States policy with respect to the Angola civil war persists even today.

Mr. Young's assertion that the introduction of a massive Cuban military force into this troubled African nation brought "stability and order" is particularly incredible because it contradicts a fundamental premise of American foreign policy—that the people of all nations have an inherent right of self-determination. The Ambassador's statement contradicts as well the philosophy of the Organization of African Unity—that conflicts within African nations should not be resolved by foreign intervention.

With an objective study of the war in Angola, Mr. Young will recognize that Cuba's intention in intervening in Angola was not "internal stability and order" but foreign dominance and oppression. Mr. Young should also recognize as inappropriate and irresponsible any further statement of praise or pardon for such sinister intentions.

INDIANA AND THE GAS SHORTAGE

Mr. BAYH. Mr. President, it is my sad duty to report that my State of Indiana is now among those States hardest hit by the national shortage of natural gas. The President has already declared Indiana an emergency area, to help provide short term assistance in snow removal, and last week I urged Indiana Gov. Otis Bowen to seek a major disaster declaration for Indiana. The Governor has since requested such a declaration from the administration, and the plight of Indiana is such that I trust the administration will respond promptly and affirmatively to the Governor's request.

Today's Washington Post contains a front-page story focusing on the broad economic impact in Indiana of the natral gas shortage. More than 60,000 workers have been laid off because of natural gas curtailments to industry, especially in northern Indiana. Moreover, the lack of fuel for the huge steel mills in northwest Indiana threatens to exacerbate unemployment in Indiana and other States through the disruption of routine steel shipments to the recreational vehicle, mobile home, and other industries dependent on steel supplies.

Mr. President, the dire situation in Indiana, as in other States, is a matter of record. The question facing local, State, and Federal officials is what should be done on an immediate basis to alleviate the problem, and what policies should be pursued on a long term basis to prevent a serious recurrence of this year's energy shortage.

Short term action falls into two categories: one, relief for those adversely affected by natural gas curtailments and the harsh winter; and two, action to minimize the consequences of the gas shortage.

It was in order to provide immediate relief for affected individuals and busiesses that I did wire the Governor last week urging him to request a disaster declaration for Indiana. Such a declaration will make unemployment compensation immediately available to laid-off workers, and provide low-interest loans to businesses in order to prevent bankruptcies as a result of the weather and gas shortage.

As the author of the Federal Disaster Relief Act, I can say that it was certainly our intention in drafting this statute that it cover circumstances such as those now faced in Indiana and I reiterate my hope that the administration will speedily issue the necessary declaration to help the tens of thousands in my State who are now out of work and the thousands of businesses that have been shut down by the gas shortage.

The second form of short-term relief should come from the enactment this week of the Emergency Natural Gas Act of 1977. I supported this legislation, the first legislative request from the new administration, and am hopeful it will help ease the problem in Indiana and other hard-hit States.

The first part of this bill gives the President authority to order the allocation of natural gas among pipelines and distribution companies to see that the needs of high priority natural gas customers are met. For the purposes of this act, high priority users include: residences, hospitals, nursing homes and other facilities protecting the public health, and small commercial establishments using less than 50 Mcf on peak demand days. The administration has already moved to allocate some natural gas not needed for essential purposes on the west coast to the regions where gas is in short supply. The speed with which the administration has moved is encouraging, and I am hopeful that the President's allocation authority will forestall disastrous consequences of the gas shortage in Indiana as well as aid affected small businesses.

The second part of the Emergency Natural Gas Act authorizes purchase of natural gas by pipelines and distribution companies without regard to price regulation through July. This will enable those pipelines and distribution companies serving the consuming States to buy gas which might otherwise be reserved for use in the producing States where natural gas has not been under price regulation and where it has been used inefficiently, as in the generation of electricity.

I must say, Mr. President, that I am not convinced that it was necessary to continue the emergency purchase au-

thority through July, which is well past the current heating season. I am concerned that natural gas producers who have sat on gas reserves, or refused to dedicate their natural gas to the interstate market, will reap substantial profits at the expense of consumers without regard to whether the 6-month deregulation is truly necessary.

Yet I certainly voted for this legislation because the short-term benefit for Indiana and other gas-consuming States to be able to compete in the intrastate gas market is obvious, and the magnitude of the crisis required this authority. For the long term, and I will have more to say on this in a moment, the same effect could be achieved by adopting a nationwide natural gas policy which denies the producing States the ability to secure an unfair advantage over consuming States.

No matter how successful we are in our efforts to respond to the current crisis in Indiana, and elsewhere, it would be folly of the highest order, Mr. President, if we did not set about immediately to develop those policies and programs which will minimize the danger of another energy crisis in the future. It has been one of the most salient failings of Government in recent years that despite the energy crisis of 1973–74 we did not formulate and put into place an energy policy for this Nation. I am delighted by the emphasis the new administration has placed on the development of a comprehensive energy policy, and the President's Wednesday night speech gives one reason to be optimistic about the future.

I would like, Mr. President, to sketch out below the general objectives and means of achieving a sound, national energy policy:

First, we need to create a Cabinet-level Department of Energy to finally bring together in a single department the many Federal departments and agencies now handling energy policy. A long succession of so-called energy czars in the previous administrations were unable to bring together all those diverse departments in the formulation of a single policy. The President is committed to send to the Congress by the end of the month a proposal for creating such a Department of Energy and I trust that the establishment of this administrative and policy mechanisms will remove the bureaucratic roadblocks to policy formation.

Second, just as the executive branch needs to regroup for the development of energy policy, so it is that we must set our own house in order. The passage, perhaps today, of Senate Resolution 4, the committee reorganization resolution, will finally give us an Energy Committee that will be able to insure that the Senate does its part in the development and implementation of sound policies.

Frankly, Mr. President, I believe that the creation of a Senate Committee on Energy may well prove to be the most important part of the pending reorganization.

Third, the Nation must heed the message of the President in his call for ending wasteful uses of energy. More than any single policy initiative that we can take to correct the supply and demand imbalance in energy through increasing supplies, we can help correct that imbalance by reducing demand. It is said that we waste as much energy as Japan consumes in a year. I do not know if that is absolutely correct. But I do know that our energy consumption per capita is far higher than any other industrialized nation. Conservation can be achieved in many ways and with far-reaching results.

Among the steps I favor are the following: mandated mileage efficiency standards for automobiles, something I proposed on the Senate floor in 1973 and which is now law; improved mass transit; tax credits for the installation of improved insulation and/or solar energy devices for homeowners; tax credits to help industry with the capital expenditures associated with improving energy efficiency and converting industrial boilers, whenever possible, from natural gas to oil or coal; the adoption of utility rate structures that encourage, rather than discourage, energy efficiency by consumers and industry; the setting of standards for energy efficiency in appliances; and, as the President so effectively argued, a real measure of sacrifice by the American people through lowering thermostats and other energy savings techniques.

Fourth, we need to adopt pricing policies for natural gas that encourage new exploration and production but deny gas producers windfall profits for gas now being produced. I oppose outright deregulation of natural gas prices. Rather, I favor bringing all natural gas within the framework of a single regulatory structure, ending the present discrepancy between interstate and intrastate prices. The current gas shortage is due, in large part, to the current two-tier pricing systems and the resulting unwillingness of producers to dedicate gas to the interstate market.

Once all gas in this country is treated the same, the incentive to waste gas in the intrastate market will be removed; parity will put all our States on an equal footing, which is where they belong. Also, we must phase out, as I have said time and again, the use of natural gas as a boiler fuel when coal and oil are available. There are too many places where we can use only natural gas to use it in those places where alternative fuels can be used.

Five, we must make full use of our most abundant energy resource—coal. With a minimum of effort by the Federal Government we should be able to move quickly to use coal as coal more cleanly and more efficiently through new combustion techniques. For the longer term, we can use coal as a gas and as a liquid. The adoption of a sound coal policy can be consistent with our environmental goals if we will have the vision to move to new technologies and the fortitude to withstand those who would use the energy shortage as an excuse to destroy environmental standards. A sound coal policy also includes related matters such as surface mining legislation, an efficient and modern rail network to move coal to where it is needed, and strict mine safety requirements.

Six, we must make sound decisions in the future on the use of the substantial energy reserves in Alaska. I shall review the serious public policy error made when the trans-Alaskan pipeline was approved. However, we must learn from that mistake and see that Alaskan natural gas is delivered on an all-pipeline route via Canada to insure that it goes to the Midwest and East where it is needed most. Also, we need to make certain that the error of the Alaskan oil line notwithstanding, we find the most efficient means of moving Alaskan oil to the Midwest and Eastern markets that are so heavily dependent on imported oil.

Seven, we must devote increasing attention to the new, and renewable, energy sources such as the sun and fusion power. Solar energy holds immediate promise for residential and small business heating and cooling and significant long-range potential as an indirect energy source.

Eight, we must make a responsible estimate of the proper role of nuclear power in our energy future. Nuclear power has a sorry record, with substantial delays in construction and the delivery of equipment and extensive down time. Moreover, we have yet to resolve fundamental questions about nuclear safety such as the handling of nuclear wastes, the persistent release of low level radiation, the reliability of safety devices, and the wisdom of the entire breeder program.

Nine, we need a national policy on oil imports that prevents the OPEC countries and the multinational oil companies from determining how much oil is imported from what countries at what price. The proposal for sealed bidding for imported oil by the government, with resale within the United States, not only would remove the OPEC-industry stranglehold on imported oil, it would provide a means for expanding the small rift in OPEC at its December conference.

Ten, we must break up the major energy companies, both vertically and horizontally. The ability of a small number of multinational oil companies to control oil from the time it is found until it is sold to the consumer prevents the operation of the free market which is so basic to our way of doing business. Similarly, the control of other energy sources by those same oil companies prevents us from adopting a single national energy policy in which we can take into account—without domination by a small number of companies—the availability of different fuels in different regions for different purposes.

Eleven, we need, finally, to secure independently of the energy industry reliable data of the extent of U.S. reserves of all energy sources and the cost of production. For years we have had to deal only with the information generated by the energy industry which has, as it should, only the profit motive and not the public interest in mind.

Mr. President, I do not pretend to have set out every piece of a comprehensive national energy policy. Rather I have sought to delineate the basic ingredients of that policy. Underlying my recommendations is a strong belief that a national energy policy should be just that—a policy for the entire country. We must

ignore the individual interests of different fuels. We must, instead, remember that we are one Nation that needs to share equitably in all our resources and that a decision on oil cannot be made without consideration of coal, or a decision on nuclear energy cannot be made without the consideration of solar power. No energy source exists independently of the entire mix of energy sources, and individual fuel policies, just like regional policies, impede the achievement of a single energy policy for our entire country.

Mr. President, let us stop pointing fingers and affixing the blame for the past. Let us do our job properly in the future; only then will our Nation be able to look forward to our eternal goals of economic growth and an improved quality of life for all our citizens.

TRIBUTE TO FRANK ZARB

Mr. HANSEN. Mr. President, January 15 marked the end of Frank Zarb's service as Administrator of the Federal Energy Administration.

The period of his service, which began on December 13, 1974, has been marked by controversy and sometimes stormy legislative debate. The majority in Congress and the Administration have often been at odds.

Nonetheless, in these difficult times, no one can deny that a solid foundation has been put in place for a national energy policy. This Congress will face the challenge of completing the structure of that policy. Whatever success we may achieve will be possible only because of the groundwork Mr. Zarb laid.

As I think back over the energy policy controversies of the last 2 years, I recall that Mr. Zarb played a central role in the successful resolution of so many of them. He stood staunchly in defense of the President's policies. But just as staunchly, he sought to avoid those collisions on policy between Administration and Congress which would have stifled progress altogether.

I believe, Mr. President, that the Nation could not have been better served over the last 2 years, nor its energy policy development furthered more by any other FEA Administrator.

My own view is well known. The 94th Congress could have done a better job on energy matters. But, I am just as sure that Frank Zarb could not have. He did the best he could. He did the best anyone could have done.

And he fulfilled his role always as a professional, as a gentleman and as a true public servant.

I am sure I join with all of my colleagues in bidding him a fond and respectful farewell as he leaves Federal service. We wish him and his lovely wife all the best.

COGENERATION

Mr. HART. Mr. President, I have for some time been very concerned with the Federal Government's attitude toward America's growing energy needs. While we pay lipservice to conservation measures, we push ahead to locate and develop new and additional sources of energy because, way deep down inside, we do not really believe that we can learn to use what we have more efficiently.

I do not mean to sell short our need to reduce our dependence on foreign fuel sources. We must find and produce new domestic supplies of coal, oil, and gas.

But, our new energy sources can never keep pace with our consumption unless we direct equal attention to the other side of the equation—conservation. There are a number of promising proposals in this area.

One of the most interesting is the idea of "cogeneration"—tapping industrial thermal wastes for electricity generation. We are inefficient when it comes to energy utilization in our industrial processes, wasting far more energy than we use in many cases. The energy not used in the industrial process is simply released in the form of steam into the air.

Mr. President, I have been preparing legislation to encourage the use of these thermal wastes to increase our electrical generating capacity and plan to introduce it in the near future. But, in the meantime, I would like to warm my colleagues up to the subject, and I ask unanimous consent that the National Journal article entitled "The Co-Generation Movement Is Picking up Some Steam" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CO-GENERATION MOVEMENT IS PICKING UP SOME STEAM

(By J. Dicken Kirschten)

When environmentalist Barry Commoner, long a sharp-tongued social critic, complains that the American production system "has been designed to waste energy so blatantly," few eyebrows are raised in official Washington.

Commoner's remarks, after all, appear in his book, *The Poverty of Power,* (Alfred A. Knopf, 1976), along with his suggestion that "it may be time to view the faults of the U.S. capitalist economic system from the vantage point of a socialist alternative." There's not much political mileage in that kind of talk.

But it is something else again when a pair of influential Republican economists, each of whom has headed the Council of Economic Advisers (CEA), puts a multi-billion-dollar price tag on one common form of industrial energy wastage.

That is exactly what has been done by Paul W. McCracken, CEA chairman from 1969–72 and senior adviser to Presidents Eisenhower, Nixon and Ford, and by Alan Greenspan, the current CEA chairman. McCracken was executive committee chairman and Greenspan initially was in charge of the economic work for a 1975 National Science Foundation report on the use of industrial steam to generate electricity. The bulk of the technical work was carried out by the Dow Chemical Corp. and the report has come to be called the Dow study.

What this thoroughly committed group of capitalists found is that the present pattern of exclusive concentration on large, centralized electric power plants is wasteful not only of fuel, but especially of capital.

"Wherever industrial steam is generated," the Dow study reported, "there is potential opportunity for generating electricity . . . (with about half the fuel consumption of the most efficient central-station power plants) . . . although this is taken advantage of in only a minority of cases."

CO-GENERATION

Nearly as much of the nation's primary fuel consumption (17.4 per cent) is used to generate industrial process steam as is used to generate steam in electric power plants (20.6 per cent). The Dow study projected enormous potential savings in both energy consumption and capital investment that could be achieved through decentralized electrical generation at industrial sites by using the same steam to accomplish two purposes—to meet on-site industrial needs and to feed power into the utility grid system.

The process is known as co-generation, and the savings that might be accrued have been summed up in a review of the Dow study, prepared by the American Enterprise Institute for Public Policy Research (AEI), a politically conservative Washington think tank. "Over the next decade," say the AEI reviewers, "capital expenditures could be reduced by as much as $5 billion a year and total household electric bills could fall as much as $3.6 billion a year, without in any way curtailing U.S. consumption of electricity." In addition, the nation's fuel consumption could be reduced by the equivalent of up to as much as 680,000 barrels of oil per day.

If all of this sounds like some sort of preposterous "something for nothing" scheme, consider the harsh reality of central-station electrical generation. For every unit of fuel consumed, approximately one-third of the energy content is converted to electricity and the remaining two-thirds escapes in the form of thermal discharges, aptly known as "waste heat."

The arithmetic is revealing. At very best, a modern, steam power plant might operate at 38 per cent efficiency (the average is 32 per cent), losing 62 per cent of the energy content of consumed fuel to waste heat. The favorable arithmetic of co-generation evolves from the fact that waste heat at the industrial site is convertible to process steam, thus making possible the combined use of from 60 per cent to 75 per cent of the consumed fuel's energy potential.

The Dow study and other surveys have shown that the additional fuel required to produce both electricity and industrial steam at a common site is as little as half of what is needed to produce the same amount of electric power at the most efficient central-station plant. Similar fuel savings could be achieved if steam could be supplied by central-station utility plants to immediately adjacent industries—an approach regarded more favorably by the utilities.

This arithmetic makes perfectly good sense in industrialized West Germany where, according to a Federal Energy Administration (FEA) report, "29 per cent of total electric power is produced by industry." In the United States, however, for a variety of reasons including lack of interest by the utility industry, the economies of co-generation are almost entirely passed by. In fact, the trend has been in the opposite direction, with co-generated electricity slipping from 17 per cent of the U.S. total in 1950 to only 4 per cent in 1974. Some energy conservation experts say that co-generated electricity, if exploited aggressively, has the potential to meet 30 per cent of U.S. electrical needs by the year 2000.

RESPONSES

The Dow study, although not completely unnoticed, did not strike sparks of excitement within either the Ford Administration or Congress. However, at least one state—New Jersey—is examining the concept closely. Two small follow-on studies (at a total estimated cost of $550,000) were commissioned by FEA, a few pages of testimony were added to a voluminous hearing on electric rate reforms, and a few paragraphs have found

their way into a congressional report. Cogeneration is but one side issue on the conservation side of the energy ledger—and it raises a number of difficult institutional, regulatory, environmental and engineering questions.

The first of the two "post-Dow" studies commissioned by FEA was completed in May 1976 by the Thermo Electron Corp. It examined co-generation opportunities in three manufacturing sectors that require large amounts of process steam—the chemical, petroleum refining and paper and pulp industries. Its findings were highly optimistic—"an extremely important strategy for energy conservation in the United States"—but it concluded that some form of federal incentives would be required to induce industry to make the necessary shifts and to overcome the utility sector's "generally negative attitude."

The second study ordered by FEA will be conducted by Research Planning Associates Inc. of Cambridge, Mass., and is just getting under way. Samuel J. Tuthill, FEA's assistant administrator for conservation and environment, said he hopes the study will develop "information that the industries involved need to know to be sure there will be sufficient return to make a co-generation venture worthwhile."

Tuthill said that, thus far, FEA has taken no actions that could be construed as "direct advocacy" of co-generation other than to "indicate it makes sense." In an interview, he said he personally believes it "offers lots of opportunities" and hopes "the new Administration picks up on it." Tuthill cautioned, however, that there are many obstacles to changing established business patterns, such as private industry's possible susceptibility to regulation as a public utility if it sells excess electricity to the grid. The use of extra fuel might also exacerbate an industry's pollution problems, he noted. Finally, Tuthill said, "there always just seem to be institutional barriers to overcoming institutional barriers."

Meanwhile, a panel of three witnesses submitted testimony on co-generation last April during rate reform hearings before the House Interstate and Foreign Commerce Subcommittee on Energy and Power. A vice president of Southern California Edison Co., Edward A. Myers Jr., said that various co-generation schemes have proved workable but that the utility sector as a whole has, at best, a mixed opinion about its desirability.

A recent report by the congressional Office of Technology Assessment (OTA) examined energy alternatives, particularly offshore technological development, that are available to the states of New Jersey and Delaware. It stressed that "conservation and new uses of existing technologies such as cogeneration are important because they can buy time" to await the development of new energy technologies that are "more efficient and less polluting" than the central power plant technology now available.

Perhaps the most aggressive exploration of the potential for co-generation is being carried out by the state of New Jersey, where Gov. Brendan T. Byrne, armed with an optimistic report from the Princeton University Center for Environmental Studies, has created a task force on the subject.

The preliminary assessment from Princeton included an estimate that "New Jersey's electricity supply could be increased between 10 and 90 per cent" by plants in the state that already are generating industrial steam. The task force, formed by the state's Public Utility Commission and Department of Labor and Industry, is now seeking detailed information on plants with co-generation potential.

THE ADVOCATE

The author of the Princeton report that has spurred New Jersey's interest in co-generation is an energetic young physicist named Robert H. Williams, former chief scientist at the Ford Foundation's Energy Policy Project.

Williams, 36, is a vigorous proponent of co-generation and other energy-saving approaches and a devastating critic of what he deems to be exaggerated projections of future U.S. electrical consumption. Such forecasts, including those put forward by the Energy Research and Development Administration (ERDA), have been used to justify commitments to ever-larger central generating plants.

Williams' approach differs significanty from that of the Dow study, which, he said, substantially underestimates (by a factor of three or four) the potential savings to be realized through co-generation. This, he explained, is because the Dow report is based on the use of conventional, steam-driven turbines—a process in which steam is generated first, then electricity.

The Princeton physicist said that capital costs can be lowered and electrical output increased if the process is turned around to generate electricity first, then the industrial process steam. This would be accomplished by using gas-driven turbines to drive electrical generators, he said. The exhaust from such turbines would be sufficiently hot to make steam in "waste heat boilers."

Two factors fire Williams' conviction that large-scale industrial installation of this cogeneration capability might be accomplished.

First is the fact that most of the appropriate steam-generating industries most likely will have to convert from oil or natural gas within the next 10 years as those fuels grow scarce. These industries probably will have to convert to coal, which will require in most instances the replacement of their existing boilers, Williams said.

Second is the pending commercial development of coal-fired gas turbines utilizing a new technology known as "fluidized bed combustion" which offers the promise of numerous environmental advantages—reduction of nitrogen oxides, removal of sulfur and other contaminants. Williams believes that fluidized bed coal combustors, providing hot gases to drive turbines, will be available within five to seven years. Along with the associated electrical-generating equipment, they can be installed with short lead times of one or two years. By contrast, it takes up to 10 years of lead time to bring new central-station electrical capacity on line. Williams explained.

In an article in the December 1976 issue of *The Bulletin of the Atomic Scientists*, Williams and a colleague, Frank von Hippel, offered an explanation of why the United States has not taken better advantage of industry's power-generating potential:

"The decline of co-generation as a major supplier of electricity in the United States can be traced to the remarkable decreases both in fuel costs and capital costs (in constant dollars) enjoyed by the electrical utilities during the 1950s and 1960s. This allowed them to set very low prices for bulk power sold to industrial users.

"Co-generation of electricity at industrial sites was discouraged further by the utilities' refusal to buy at fair prices the co-generated electricity which was in excess of a plant's own needs, and by their practice of charging very high fees for contracts to provide replacement power during periods when industrial co-generation units were shut down for maintenance or repair."

To avoid the involvement of private industry with public power regulation, Williams strongly advocates that co-generation arrangements be set up in such a way that the utility is the owner of the electrical generating equipment at the plant site. "The utilities know better how to run power plants, and this will give them better incentive to generate excess power—and accept it into the grid," he said.

UTILITY INDUSTRY VIEWS

The conclusions of the Dow study, while viewed somewhat skeptically within the utility industry, nonetheless appear to have triggered a serious review of the potential for co-generation and other "waste heat" applications.

The industry's research arm, the Electric Power Research Institute (EPRI), is launching a 12 to 18-month study to determine the impact that increased in-plant electrical generation might have on the industry's demand forecasts.

The Edison Electric Institute, which compiles industrywide statistics, has undertaken a survey of the "utilization of waste heat from electric generation." Preliminary results from 61 responding utilities indicate that three out of five are involved in some form of waste heat program.

The utilities' lobbying arm, the National Association of Electric Companies, directs attention to the testimony given last spring by Southern California Edison's Myers, who cited industry concerns ranging from fear "about potential loss of base load" to worries that it would be required "to provide backup to on-site generation without adequate compensation."

"In summary," said Myers, "the utility industry believes that the potential for increased utilization of the cogeneration concept is real, but that both the magnitude and impact of that potential have perhaps been overstated by on-site proponents in their explanation of co-generation benefits."

The California utility executive spoke, however, of a "newly liberalized attitude in most companies" that could make it easier to depart from past policies of competing against isolated generation. "The prevailing attitude has come to be that if a project is both technically and economically feasible, then the utility itself will give serious consideration to installing the generation."

Robert Crow, project manager for the EPRI study to determine the extent of co-generation likely to take place, concedes that the utility industry "doesn't really know" whether it stands to benefit or to be harmed by a shift to decentralized industrial generation. "Some people have been predicting a widespread increase in co-generation," Crow said, "but all the evidence of the past 10 to 15 years has gone the other way. It's not an idea that has caught fire except in the minds of people outside the generating and major consuming industries."

OUTLOOK

The co-generation concept apparently lacked sufficient glamour for the Ford Administration, where priorities were focused on increasing domestic energy supplies under the banner of "Project Independence."

President-elect Carter, however, raised a different banner when he announced his appointment of James R. Schlesinger to a new Cabinet-level post as energy adviser. On that occasion, Carter declared that "the number one priority will be to conserve energy."

Schlesinger, responding to questions, emphasized "the need to curtail the growth of total energy demands" and made pointed reference to the "problem of waste heat, which can be more effectively utilized." He noted, "We use a fair amount of fuel in power plants and, generally speaking, we should go for much higher levels of efficiency in appliances across the board."

This would seem to be just the sort of shift in energy-policy orientation that boosters of co-generation, such as Princeton's Williams, have been looking for. Williams already has met with Carter transition energy adviser S. David Freeman, with whom Williams was associated on the Ford Foundation energy project, to discuss his ideas. Freeman will ac-

knowledge only that co-generation is one of many conservation options that will be put before the Carter Administration's decision makers, just as Williams is only one of many persons whose ideas have been presented to the transition team.

Williams, however, says he is "fairly optimistic that we'll see some push in the direction of co-generation" from the new Administration.

OUR DEBT TO RUSSELL TRAIN

Mr. MATHIAS. Mr. President, on January 20, 1977, a unique man left the Government and he left it, and this Nation, better than he found them. When Rusell Train left the Environmental Protection Agency after 3 years of unparalleled service as EPA Administrator, his legacy to this Nation was an environment infinitely more protected and in a far sounder state than when he took office. It is both a joyful task and a sad one to say goodbye to such a public servant—joyful because he has served with distinction and marked himself as a man who truly cared; sad because Government needs men and women like Russell Train to make it work as our forefathers intended.

Russell Train established a record of exemplary service as head of the Environmental Protection Agency—service that will set a standard for all who follow him. His purview was ample. It covered the skies, our water, our air, and the innumerable other areas on which the quality of our lives depends. Russell Train guarded that domain faithfully. He steadfastly defended the fragile ecosystem entrusted to him. Americans owe him an incalculable debt of gratitude.

I myself am particularly grateful to Russell Train for his acute understanding of the problems and the priceless value of Cheseapeake Bay. Throughout his too short tenure as Administrator, he remained a constant guardian of that great estuary. He knew how to act when the bay was threatened and he did so unflinching on many occasions. The people of Maryland owe him a special measure of gratitude.

Russell Train will be missed but he will never be forgotten. His achievement in office is his guarantee of that. Last week, the New York Times praised Russell Train, noting his devotion, imagination, fairness, and commitment to an improved environment. I ask unanimous consent that the New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MR. TRAIN AND OTHER DEPARTURES

One of the clear achievements of the Ford Administration is that it evoked independence and courage among some of its major officials. We think back admiringly to the way in which Attorney General Levi revived respect for the Department of Justice and the way William Coleman at Transportation thought his way through fiercely contested issues. William Simon at Treasury, Alan Greenspan at the Council of Economic Advisers, Frank Zarb, the energy chief, and William Scranton at the United Nations are some of the other forceful figures that come to mind, though we did not agree in policy with all of them. They and others were not just problem-solvers but vigorous advocates of the kind that any President needs.

Among these departing officials, we should like to speak a special word for Russell Train, who led the Environmental Protection Agency with devotion and imagination. His was surely among the most sensitive and politically dangerous positions. Yet he demonstrated that fairness and the general welfare could both be served by actions that a decade ago would have been deemed unthinkable impositions on our private economy. He stood up to industrial giants and won a degree of compliance, however modified by delaying tactics.

His agency made its share of mistakes, the more so because of its pioneering assignment. A subcommittee of the Senate recently described its handling of the pesticides problem in sharply critical terms. But given the task of reclassifying, for safety, some 50,000 chemical compounds—with practically no money for additional personnel—Mr. Train found no alternative to some degree of sacrifice of either certainty or timeliness. He has had to temporize also in the agency's efforts to impose transportation plans on cities and states for the purpose of reducing air pollution from cars. On this, as on other environmental issues, the courts and Congress have blown hot and cold. The Circuit Court of Appeals for this district, for example, has just ruled—we think wisely—that New York City will have to enforce the plan devised for it, including tolls on East River bridges, but Circuit Courts elsewhere in the country have ruled exactly to the contrary.

The fact remains that the agency, under Mr. Train, has gone far to arrest a serious decline in the country's physical environment. It has created a public awareness of the vital importance of achieving cleaner air, purer water, and a more balanced use of land. It has attempted to cope with the impact of certain pesticides and chemical compounds on the health of the community. It has advanced the cause of preserving wetlands for the vital role they play in the ecology of a region, struggled to find better ways to get rid of solid waste, and worked to reduce the noises of a technological society.

Looking ahead, we hope that whatever President Carter's plans may be for reorganizing the executive branch, he will preserve the independence of the agency—from Interior or any other department. Interior, at least as now constituted, is the focus of pressures from grazing, mining and other interests that are frequently the adversaries of environmental protection. If E.P.A. became Interior, most of Interior had best move somewhere else. And we hope the new President will assign leadership of the agency to someone who has demonstrated Mr. Train's commitment to an improved environment and talent at persuasion and diplomacy.

CHARLES D. FERRIS

Mr. EAGLETON. Mr. President, I realize many of my colleagues have already spoken in glowing terms about their high respect for Charlie Ferris and the superb job he has done as counsel for the Democratic Policy Committee.

I will not unduly prolong this eulogistic exercise. Let me simply and directly say that Charlie Ferris is one of the brightest, most industrious, and conscientious individuals with whom I have been privileged to work.

All of us in the Senate will mightily miss his skills and efforts. I wish him the best of health, happiness, and success in the years ahead.

CHARLES FERRIS

Mr. KENNEDY. Mr. President, I am pleased to join my colleagues in saying a Senate farewell and in paying a well-deserved tribute to Charles Ferris for his outstanding service to the Senate and the Nation over the past decade.

For years, Charlie Ferris was the strong right arm of Senate Majority Leader Mike Mansfield. As chief counsel and staff director of the Democratic policy committee, he was a key figure in every major Senate debate and every major piece of legislation the Senate considered. Over the years, his advice and assistance on both the substance and legislative strategy of Senate bills have contributed immensely to the successful enactment of key measures in the national interest.

I think particularly of his important work on the landmark civil rights bills in the 1960's, his assistance in helping the Senate begin to master the intricacies of the defense budget, his central role over the past 2 years in organizing the Senate's response to the energy crisis, his influence in helping to democratize the procedures of the Senate and open up this institution to a larger role for junior Senators, and, above all, his long and dedicated assistance in the Senate efforts to end the Vietnam war. In these and many other areas, Charlie Ferris established an outstanding reputation for excellence and wise judgment that were of great value to each of us individually, and to the Senate as a whole.

Let me add a personal note as well. I am especially sorry to see Charlie leave, because he has been such a good friend here for so long. His great ability is complemented by a very congenial personality and an excellent sense of humor that enlivened even the dullest moments on the Senate floor or in the cloakroom.

And, of course, we shared another common tie. Whether in his affection for the Boston Bruins, his insight into local political races, or his many other interests, he often wore his Massachusetts heart on his sleeve. We had many good times together discussing the sports and politics of our Commonwealth, and I look forward to many more in the future. We shall miss him in the Senate, even as we wish him well in his new position.

APPRECIATION FOR THE WORK OF THE DENALI REHABILITATION PROJECT

Mr. STEVENS. Mr. President, today I would like to share with my colleagues a few comments about a group of citizens who have performed a great service to Alaska and the Nation. People who do the hardest work for the Nation often do the work in a manner which results in these people being unthanked for their services. Lest this happen, I am now taking this opportunity to express to the people involved in the Denali rehabilitation and education projects my appreciation and the appreciation of the citizens of the State of Alaska.

The Denali Rehabilitation and Edu-

cation Project—DREP—is dedicated to the cleanup of litter on the climbing routes on Mt. McKinley, the highest mountain in North America, and the education of climbers to prevent this problem from continuing in the future. This project is carried out by a group of mountaineers who share with all Alaskans a high regard for our highest mountain.

The DREP is people who have taken an active role in cleaning up the West Buttress, the most popular route to the summit since 1971. In 1971 a group of climbers representing the DREP climbed the mountain and rather than leaving it behind when they left they carried all their refuse with them. In 1975 another group of people from the project climbed the mountain and collected the litter they found along the way. During the climbing season of 1975 the DREP had three groups of climbers on different areas on the mountain, all of whom were providing an invaluable service to Alaska and the Nation.

The Denali Rehabilitation and Education Project is now planning an extensive schedule for this summer and fall. The three-phased plan will be implemented early in April of this year and will last until August. The project will entail cleaning up many of the popular climbing routes and informing other groups of climbers of the purpose of the program.

Again, on behalf of the State of Alaska, and on behalf of myself, I would like to commend these people who have participated and those who will participate in the Denali Rehabilitation and Education Project.

BACKGROUND OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, many years have passed since the Genocide Convention was drafted. I am afraid that during this period, we have forgotten what the true cause was that prompted the Genocide Treaty.

We must not forget that it was the systematic eradication of over 6 million Jews by the Nazis in World War II. The United Nations responded to this by declaring genocide an international crime. It was in 1948 when the United Nations drafted the resolution. That year it was passed in the United Nations by a vote of 55 to 0.

In 1949, President Harry S. Truman said:

America has been a symbol of freedom and democratic progress to peoples less favored than we have been. We must maintain their belief in us by our policies and our acts. By the leading part the United States has taken in the United Nations in producing an effective international legal instrument outlawing the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime. By giving its advice and consent to my ratification of this convention, the Senate of the United States is prepared to take effective action on its part to contribute to the establishment of principles of law and justice.

Since that time, endorsements have been received from the American Bar Association, the State Department, the Justice Department, the Defense Department, and many others.

Mr. President, I urge my colleagues to take this information into consideration and to give prompt ratification of the Genocide Convention.

JAPANESE AMBASSADOR TOGO ADDRESSES THE EXECUTIVES' CLUB OF CHICAGO

Mr. PERCY. Mr. President, today the State of Illinois, and more specifically the city of Chicago, has the honor of the presence of Japan's Ambassador to the United States, His Excellency Fumihiko Togo. The Ambassador's visit reminds us of that very memorable and exciting time in 1975 when Their Majesties, the Emperor and Empress of Japan, graced the city of Chicago. As a U.S. Senator from Illinois, I cordially welcome to the State and the city my friend, Ambassador Togo.

Ambassador Togo spoke today to the Executives' Club of Chicago on two very critical issues: Worldwide economic recovery and western Pacific security issues. These are two critical issues between two close allies. Japan is the second largest industrial state, only behind the United States in GNP, in the world market economy. It is our second largest trading partner and purchases more agricultural products than any other country. Without the Japanese market, Illinois farmers would suffer severely. The economies of Japan and the United States are interdependent and world economic recovery is in our mutual interest.

Similar mutual interests and joint concerns hold true for peace and stability in the northern Pacific. How U.S. military presence in Korea is handled is of critical concern to our Japanese allies. Decisions on troop dispositions in Korea must not take place without full consultation with the Japanese Government.

I understand that the new Japanese Prime Minister Takeo Fukuda will be coming to the United States in March to discuss a number of issues, to include international economics and U.S. troops in Korea. Many of us in the Seante will have the honor to meet him and be again with the widely respected Ambassador Togo at that time. I believe that Ambassador Togo's Illinois speech is an excellent backgrounder on Japanese views of major issues of mutual concern to both our countries. Therefore, Mr. President, I ask unanimous consent that the Ambassador's speech be printed in the RECORD for the benefit of my colleagues.

ADDRESS BY HIS EXCELLENCY FUMIHIKO TOGO, AMBASSADOR OF JAPAN

The year which ended a little over a month ago marked the 200th birthday of your great democracy, an event which almost the entire world joined you in celebrating. It also marked hard-fought national elections in half a dozen of the world's handful of democracies. In your nation and mine the elections resulted in changes in national leadership and the opportunity to review and renew our commitments to each other under our trans-Pacific partnership.

Parenthetically, if you will permit me a personal and nonpartisan observation, I should like to say that, while we Japanese look forward with the greatest enthusiasm to harmonious relations with the new Administration of President Carter, we shall also always feel a special affection for the first incumbent American President to visit Japan, President Ford.

In this same vein, permit me to convey genuine sympathy to the citizens of Chicago for the loss of an extraordinary political figure, the late Mayor Daley, whom we Japanese will always remember as a most gracious host to Their Majesties the Emperor and the Empress of Japan on their visit here in 1975.

There were other significant changes on the world scene last year, including the passing of that towering leader of modern China, Mao Tse-tung. As with every milestone, the landscape changes. Yet, a milestone is only a marker on a long journey, a reminder of how much farther we must travel. It is the course of our future journey together I should like to explore with you today.

Very soon, in March, Prime Minister Fukuda will be meeting in Washington with President Carter. Not long afterwards, at a time and place yet to be set, our two leaders will join the leaders of other major economic powers among the industrial democracies in a "summit meeting", the third in a series.

On the agenda of both these summit meetings will be the common economic concerns of all the industrial democracies. These include the harmonization of our respective policies for economic recovery and price stability, our shared problems of energy supplies and pricing, and our common stake in accelerated but stable growth of the world economy, with special attention to the trade and development problems of the third world.

In addition, Prime Minister Fukuda and President Carter, in their face-to-face meetings, will almost certainly cover two areas of basic mutual concern. These are first, our bilateral economic relations as they affect wider world economic recovery, and second, Japanese-American political and security relations as they affect peace and stability in the Western Pacific.

Let me touch on each of these matters in turn.

The economic summit of the West-plus-Japan will take place against a background of mixed good and bad news.

There has been a brief respite, anyway, on the disruptive increases in world oil prices. The grave threat of a North-South confrontation on terms of trade and aid and "redistribution of world wealth" has, for the moment at least, been averted. The summit powers can approach these problems soberly and without panic or sense of immediate crisis.

On the other hand, there has been a pause in the rate of economic recovery of the leading industrial democracies, including the United States and Japan, in the last half of 1976. The international payments positions of the United Kingdom and Italy have worsened during this same period. Partly because of these adverse developments, there has been no real progress in our multilateral negotiations on the reduction of trade barriers or on international monetary reforms.

Yet, a general economic recovery seems to be under way among the industrial democracies, led by the United States. A certain inflationary momentum is still with all of us, in varying degrees, but at much lower average rates than a year ago. Trade among the OECD partners who account for the bulk of world commerce is once again expanding, although at some cost in temporary trade imbalances.

Our success, however, is conditional on our ability to coordinate our combined efforts toward our common goals of world economic recovery, price stability, and rising employment, and toward increased production, consumption, trade and living standards, throughout our community and the world.

One problem of the summit powers will be the degree to which our respective domestic economic policies are viewed as likely to restrict, or stimulate, domestic economic growth, and thereby economic growth throughout the community of industrial democracies.

My Government, under Prime Minister Fukuda, has committed itself to a policy of economic stimulation. The budget proposal submitted to the Diet two weeks ago is a stimulative budget, likely to produce a 6.7 percent real growth in GNP in the fiscal year beginning April 1. The overall budget level is 17 percent above the current year, and entails a deficit of nearly $30 billion, to be financed by Treasury bonds. In addition, outlays for public works have been raised 21 percent to nearly $15 billion.

The new budget also provides for a 14–15 percent increase in Japan's official development assistance to the less-developed nations, a 12.5 percent increase in our foreign grant aid, an 18.3 percent increase in the level of Japan's foreign technical assistance and a 16.4 percent rise in concessional lending to developing countries.

In addition, a new $20 million grant-aid fund has been created to provide "Special Assistance for the Expansion of Food Production" in the developing areas, especially in Asia. This fund will help provide fertilizer, agricultural machinery and other assistance where acute shortages in food supply are chronic.

There are, of course, risks in such a budget. The most obvious risk is new domestic inflationary pressures from deficit financing, a danger my Government will monitor very carefully. The graver risks, however, are international. These include the possibility that, later this year, there might be a new round of world price increases for oil or other essential commodities for which Japan depends wholly or heavily on imports. Or that Japan's ability to earn its own way in the world economy will be restricted by protectionist measures against Japanese exports on the part of our principal trading partners. These protectionist pressures are already apparent in several depressed European economies, and can even be detected in some sectors of the American economy. Japan's risk, in this sense, is whether its trading partners are willing to take comparable risks for the common good of world economic recovery.

The problem of current trade imbalance between our two countries should be approached in this context. The United States' deficit in its 1976 trade with Japan was around $5.2 billion in American figures, in spite of the efforts to upgrade Japan's imports from here. That figure was about equal to the overall American trade deficit for the year. But it would be simplistic to blame the U.S. trade deficit, because of the coincidence, on Japan. For example, in 1976 the United States had trade surplus of around $7 billion with the European Community. Japan had trade deficit of $10 billion with the OPEC countries. Between 60 and 70 percent of Japan's $23 billion in oil purchases last year were from American oil majors operating in third countries. In this abnormal recovery period, wide swings in trade balances are inevitable. What counts is whether our trading community as a whole can contain and cushion these swings as we move toward equilibrium at expanding levels of multilateral trade.

I might mention in passing that Japanese export successes in this country and in Europe are not based on cheap labor, low or subsidized prices, or shoddy quality. The facts are quite different. Wages in Japanese manufacturing industries have already surpassed European levels, and are fast approaching American levels, especially in our export industries. The productivity of Japanese labor has, over the long run, increased faster than in either the United States or Western Europe, but that is a matter of industrial efficiency, not unfair trade practices. Furthermore, the retail prices of leading Japanese consumer imports into this country are generally higher—in the case of compact cars, stereos and cameras, for example—than counterpart American products, and in the case of TVs, are generally the same or higher than comparable American-made goods. The success of these imports is based, not on price, but on quality and performance.

The world economy is becoming more and more interdependent. If we have learned anything from our shared economic problems of the past four or five years, it is that our economic well-being is indivisible. We will prosper as a trading community, not by restricting our trade with each other, but by promoting higher levels of free, fair and open trade competition. It was the recognition of our interdependence which prompted the first West-plus-Japan economic summit in November 1975, and the follow-up last June in Puerto Rico. The same spirit must guide the upcoming summit, wherever it is held, lest we fail in our responsibilities to each other and to the world to promote a wider world prosperity.

Of the specific bilateral issues facing our two countries, the 200-mile fisheries problem has been very troublesome. Some of the trade issues could become so. The Japan Air Lines' long hope of coming to Chicago has not yet been realized. I am confident, however, on the basis of recent years' experience, that both sides have learned how to negotiate constructively with each other. Despite all the talk about the "communications gap", I have found that Americans and Japanese really have learned how to communicate with each other, on the basis of shared values, parallel interests, and common stakes in the survival of our political and economic democracies in this challenging world.

Let me turn to the second question, that of the general situation in Asia. This is an area where the success of bilateral cooperation depends not only on good understanding between experts and professionals on both sides, but also on broad public understanding and support among our respective citizens.

It is not necessary to remind this informed audience that the free nations of Asia such as Japan are surrounded by the big three powers: the United States, China and the Soviet Union. The current stability and well-being of these peoples of Asia are dependent on the equilibrium of power among those big three. That is why the free nations of Asia place such importance on their relations with the United States.

It is in this vein that the sole purpose of the Japanese-American security arrangement lies in maintaining peace and stability in the Far East. The presence of American military bases in Japan is a provocation or threat to no other country. On the contrary, our alliance is a form of reassurance to our Asian neighbors that the present power balance in the Northwestern Pacific will remain stable. . . .

The countries of Southeast Asia, jointly grouping as ASEAN, call for neutrality, national resilience and nonintervention from outside. In my experience of talking with the high officials of these countries, they welcome the United States continuing participation in the Asian affairs as it will make their avowed policies realisitic.

The continuing American presence in the Asian region is of vital importance to stability on the Korean Peninsula, an area near to Japan historically, culturally and economically, as well as geographically. My Government therefore trusts that there will be no sudden or disruptive changes in American military support to the Republic of Korea.

At the same time, security in this crowded and interdependent world cannot rest on arms alone. Three decades of confrontation between North and South on the Korean Peninsula will not disappear overnight, but neither can the hostility be permitted to fester indefinitely. To the extent that detente has any meaning at all, the great powers directly concerned with keeping the peace in that area—the United States, China and the Soviet Union—have the obligation to encourage and, if necessary, underwrite a more stable and less explosive situation on the Peninsula.

Japan is a nation half the population of the United States, crowded into an island territory about the size of California. Indeed, because our islands are mountainous, our 115 million people are concentrated in a coastal area equivalent to the stretch between San Francisco and San Diego, a dense urban-industrial concentration which is only a few minutes flying time from powerful neighbors and from the Korean Peninsula.

In the recent Japanese elections to the Lower House the ruling party's majority is much reduced. On the other hand, the critical views against the Japanese-American Security Treaty have in recent years been considerably moderated. The Constitutional doctrine of peace continues to be a powerful force in the Japanese electorate, and there will probably continue to be strong popular resistance to any significant increase in Japan's self-defense budget. There is no possibility that Japan will consider the development of nuclear capabilities, or the use of military forces to implement foreign policy. Japan's military role will continue to be limited to defense of the home territory, while committing herself firmly to the Security Treaty with the United States. In the meantime, a growing majority of Japanese, of various political persuasions, accepts as necessity our close security ties to the United States.

Another face of the stability and well-being of the Asian peoples is the promotion of economic and social development, aiding regional economic and political cooperation, and supporting the self-help efforts of regional groupings such as the Association of Southeast Asian States, or ASEAN. These measures are also, in a long-term sense, peace-building measures. By helping to strengthen the structures of Asian interdependence, and by supporting the efforts of developing Asia to earn its own way in the larger world economy, the Japanese people believe that they are also contributing to peace and security throughout Pacific Asia.

The journey ahead of us is long, and there will be other milestones to mark our future progress. I believe that the Japanese and American people will continue to travel this road together. The values we cherish are shared values, and the goals we seek are the same. Both our peoples yearn for a more stable and peaceful world order based, not on arms races and confrontations, but on mutual tolerance, respect and cooperation; a more prosperous world in which all peoples may share fairly in the world's resources and the fruits of their labor; an open world in which our own freedoms will be secure.

These milestones are still far in the future. Until we have them in sight, the world's democracies must continue to be strong and alert, while perfecting our bond to each other.

COMPETITION IN TELECOMMUNICATIONS

Mr. HART. Mr. President, in the 94th Congress various similar bills entitled the Consumer Communications Reform Act of 1976 and generally known as "the

Bell bill" attracted considerable sponsorship in the House and the Senate. In this Congress, the legislation has been reintroduced in the House as H.R. 8 and other bills and in the Senate by Senator HANSEN as S. 530.

Despite its appealing title, I believe that this legislation threatens to do more to retard consumer communications than to reform them. Consequently, I have not supported it in the past and shall vote against it if it comes to the floor. However, the Bell bill does raise some fundamental issues regarding our telecommunication policy which need to be widely discussed.

GROWTH OF THE "INFORMATION SOCIETY"

As we are all aware, telecommunication has become a pervasive and essential part of modern American society, strongly influencing our economy and our way of life. With the growth of data communications networks, telecommunications will soon play an even more important role. Daniel Bell of Harvard University has written that we are now in the midst of a transition from an industrial to a post-industrial information-based economy in which computer and data transmission systems will become a central resource.

"Every society in human history has been dependent upon knowledge," he says, "but it is only in recent years that the accumulation and distribution of theoretical knowledge has come to the fore as the directive force of innovation and change."

Statistics indicate that 45 percent of our labor force can be broadly characterized as "information workers", as distinct from workers in the conventional sectors of agriculture, industry and services. More than 20 percent of our gross national product now comes from industries that create, store, process, distribute or use information as their primary function. Many of these industries are already using data communications networks. More and more will come to rely on them in the next few years. One A.T. & T. executive has estimated that data communications revenues will grow from $5 billion 2 years ago to $22 billion by 1985.

It is predicted that the "information explosion" will ultimately affect every aspect of our economy. Sophisticated data communication networks will play a vital role in government, banking, insurance, manufacturing, transportation, health, education, and entertainment. Developments like electronic mail, information utility banks, electronic shopping and home and office information centers offer potentially massive energy savings and are all claimed to be easily foreseeable. How we deal with these developments may be just as important to our future as was the struggle of an earlier generation to adapt to the transition from agriculture to industry.

Our public policy on telecommunications will play a critical role. At the heart of these predicted changes to our customary patterns of work and leisure is the increasing convergence of computers and communications. The revolution in the process of information storage, exchange and retrieval is being made possible by networks which combine new remote computer terminals containing logic and memory facilities with the data communication links which microwave, optical fiber and satellite transmission systems can provide.

THE COMMUNICATIONS ACT OF 1934—TIME FOR REVISION

The problem before us, Mr. President, is that the Communications Act of 1934, still the statutory framework for the regulation of interstate and foreign communications, is the product of an earlier technological environment. Forty years ago the regulation of point-to-point communications involved only telephone and telegraph. The public interest then required the rapid extension of the wire line facilities of the two major integrated carriers, A.T. & T. and Western Union. The 1934 act created the Federal Communications Commission:

> For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all people of the United States a rapid, efficient, nation-wide and world-wide wire and radio communication service with adequate facilities at reasonable charges . . .

Today, 95 percent of American households have telephones provided by A.T. & T. and over 1,600 independent telephone companies, including many small rural companies whose services are made possible by Government-supported loans. Accordingly, the universal service goal of the 1934 act has largely been accomplished.

The telephone industry's next 100 years will be devoted to satisfying the widely diverse service demands created by innovations like microwave and satelite transmission, fiberoptics, computer switching and digital transmission that have taken communications way beyond the limited radio, telephone and telegraph signal technologies of the 1930's.

Few of these developments could have been foreseen by those who drafted the 1934 act. They have bequeathed to the FCC a vague and antiquated policy mandate to cope with the accelerating pace of technological change in recent years and with the problems created by the convergence of communications with computers.

REGULATORY PROBLEMS—THE ROLE OF THE FCC

Because the 1934 Communications Act has proved to be an unsatisfactory legislative basis for the regulation of modern telecommunications, the FCC has come to play a major policymaking role which is detailed and time consuming. Its decisions on the authorization of new services, for example, can take years to complete, leading to criticisms that innovations in telecommunications are not being marketed quickly enough.

It took the FCC nearly 7 years to decide in favor of new entry in the specialized common carrier field. The FCC's decision to allow multiple entry in the market for private line services using satellite transmission took just as long. FCC decisions are frequently challenged in the courts, leading to further delays and even more uncertainty in the communications market. Nearly 10 years after the FCC allowed the interconnection of all terminal devices that cause no technical harm to the network, consumers are still forced to lease expensive "interface" devices from the Bell System before they can use most terminal equipment they obtained from Bell's competitors.

Last year the FCC decided that a registration program would provide adequate protection for the telephone network and would remove any need for "interface" devices, but its introduction has been stayed for the most part by the court of appeals following an appeal by Bell and the independent telephone companies.

Nor can the 1934 act help the FCC to deal effectively with the problems created by the convergence of communications with computers, one a largely regulated industry, the other unregulated. Under a 1956 consent decree, the Bell System agreed to refrain from marketing computer equipment. A 1971 FCC decision allowed other common carriers to offer computer services only through separate subsidiaries. However, the FCC has now reopened its computer inquiry and authorized A.T. & T.'s "Dataspeed 40," a "smart" terminal with considerable computing power.

As a New York Times editorial column by John Eger, the former acting head of Office of Telecommunications Policy, warned last October:

> We have a monolithic telephone industry, heavily regulated at the state and federal levels, moving slowly but inexorably into markets heretofore unregulated, using pricing principles and cost allocations of the regulated monopoly, distorting the marketplace.

The sheer size of the industry's dominant monopoly also handicaps the FCC. A.T. & T. is an $85 billion corporation employing nearly 1 million people with 23 operating companies, a long lines division, a manufacturing company—Western Electric—and a research and development company—Bell Laboratories. It supplies over 120 million telephones, 82 percent of the U.S. total, and it currently earns over $30 billion in gross revenues a year. In comparison, the FCC's resources for common carrier regulation are meager, comprising a professional and supporting staff of under 300 and an annual budget of less than $6 million.

The FCC has also been hindered by its procedures for regulating the Bell System's interstate rates of return. The lack of agreed cost allocation procedures and the outmoded uniform system of accounts has complicated the FCC's task, slowing down the regulatory process still further.

An inquiry by a 50-member FCC task force into what A.T. & T. should be allowed to earn from its interstate and foreign services has been going on for 6 years. An FCC investigation into Bell's rate levels for private line services—to prevent the future use of monopoly profits to subsidize artificially low, noncompensatory rates for competitive services—has taken even longer, nearly 9 years.

In the latter case, an initial decision was submitted in January 1976, after nearly 8 years, but this was largely due

to the prodding of the court of appeals which foresaw "the breakdown of the regulatory process if the public and the regulated carriers must wait as long as 10 years to have important issues decided."

We can see, Mr. President, that while telecommunications is coming to play a much more central role in our economy, its effective regulation by the FCC is becoming more difficult. One possible solution would be to give additional resources and support to the FCC. But we also have to ask whether we can afford to continue to make public policy in this critical area on a case-by-case basis.

Our real need is for cohesive planning for the future, beginning with a thorough overhaul of the 1934 act to redefine the public interest in telecommunications. The Bell bill, which seems to equate the public interest with the special interests of the industry's dominant monopoly, is merely one of many possible approaches we might ocnsider.

THE INDUSTRY TODAY

The telephone and telegraph industries now gross $36 billion in annual revenues. Hundreds of companies are involved. The recent technological innovations in communications have created new markets for a wide range of specialized products and services which a new generation of entrepreneurs is eagerly seeking to provide.

In the private line field, eight specialized carriers now offer interstate microwave or satellite interstate transmission facilities in competition with the Bell System's own private line services. About 400 small companies outside the Bell System are now manufacturing and distributing innovative terminal equipment like multi-facility switchboards for business use, answering machines, call diverters and automatic dialers.

These new companies are allowed to operate by recent FCC decisions that full and fair competition in the specialized communications and terminal equipment markets, comprising just 12 percent of the telecommunications market, would be publicly beneficial and would not cause economic or technical harm to the public switched telephone network. As a result, this network has remained a regulated monopoly, provided by the Bell System and the independent and REA-supported telephone companies, while consumers in the specialized markets have benefited from terminal equipment and private line services tailored to their individual needs and supplied by a number of competing firms.

THE CONSUMER COMMUNICATIONS REFORM ACT

The Bell bill was presented to Congress last year as legislation to avert an alleged major crisis in our telecommunications industry. If competition was allowed to continue, its backers argued, the resulting loss in revenues to the established industry could force local telephone rates to go up over 70 percent.

The solution proposed by the Consumer Communications Reform Act—Bell bill—is to "reaffirm" the monopoly structure of the industry and to place the burden of proof on potential entrants to show that their services are not similar to existing or potential services provided by the established industry. It would also allow the telephone industry's services to be priced on an incremental cost basis which the FCC has rejected in favor of fully distributed costs. In addition, jurisdiction over terminal equipment would move from the FCC to the States, and established carriers would be exempted from the antitrust laws if they acquire competitors' facilities with the FCC's approval.

The effect of this legislation would be to extend the Bell System's monopoly by placing new barriers in the way of competition in terminal equipment and private lines—the only two areas where consumers now have some choice of supplier. From my reading of the facts, Mr. President, evidence to support such drastic measures is sorely lacking.

Industry figures show that Bell and the independents already dominate the two small competitive markets overwhelmingly. Despite the range of services they provide, the new entrants account for less than 5 percent of the private line and terminal equipment markets and a tiny 0.5 percent share of the total telecommunications market. Their total 1975 revenues accounted for only half the growth in Bell and the independents' revenues from these two markets.

In other words, the private line and terminal equipment markets are expanding at a much faster rate than the revenues of the new entrants. There are no indications that this trend will change, and all projections are that the established telephone companies will continue to dominate these markets in the future.

CROSS-SUBSIDIES: THE ARGUMENTS

Since these statistics show that, for the foreseeable future, revenues received from these two competitive markets by Bell and the independents will continue to grow, it is hard to fathom how competition could possibly lead to 70-percent increases in residential exchange telephone rates. However, the established industry argues that the telephone rate structure supports a wide network of cross-subsidies which competition will affect.

They claim that business rates subsidize residential rates, that long distance rates subsidize local exchange rates, that terminal equipment leasing rates subsidize residential rates and that urban rates subsidize rural rates. They have released studies alleging that by reducing the contributions purportedly made by business, long distance and terminal leasing rates to support local rates, the loss of revenues through competition will push up the cost of basic telephone service to the consumer.

These arguments have not won general acceptance. The FCC has concluded that there is no apparent basis for claims that private line and terminal equipment revenues—the areas directly affected by competition—make any contribution to support residential rates. Studies by certain State regulatory commissions have even suggested that the reverse may be true, with Bell's terminal equipment rates not even covering their own costs.

In New York, for example, a 25-percent increase was recently ordered in Bell's terminal rates to remove the burden this deficiency was imposing on residential rates. In my own State of Colorado in 1975, price increases of up to 20 percent were ordered for Bell's Com Key 718 telephone system because the rates originally proposed were also found to be noncompensatory.

So the subsidies may in fact run the other way, with residential rates supporting Bell's competitive services. In that case, as it has been argued, residential rate-payers may actually benefit from any business that Bell and the independents lose to their competitors in this area.

PRIVATE LINE COMPETITION

Crucial to the industry case is the assertion that the new private line competitors threaten to take revenue from the long distance monopoly services, message toll and WATS, as well as Bell's own private lines. One industry study claims that Bell's competitors will account for as much as 10 percent of the total long distance market by 1985.

Once again, strong conflicting arguments undermine these conclusions. At present the small number of private line competitors have only a 5-percent share of the $1 billion private line market. With under $400 million in assets among them, they would certainly seem to lack the resources to make substantial inroads into the huge long distance market. Most of them have still not be broken even on their initial investments.

Current FCC policies may prove to be another constraint upon the growth of the specialized carriers in the long distance market. Although the FCC has decided in favor of new entry in the private line field, it refused to authorize applications for two specialized common carrier services last year for being too similar in characteristics to monopolize long distance services.

Finally, it can be argued that message toll and WATS are just as vulnerable to competition from the Bell System's own private line services which appear to contribute very little revenue to support local rates via the interstate revenue pool.

LACK OF INFORMATION

However, none of the arguments put forward so far are conclusive, since information on cross-subsidies in the industry is difficult to analyze, or lacking altogether. The industry's rate structure does not seem to be related to the structure of its costs, with varying prices for similar services. Cost allocation among the various services, crucial to the detection of cross-subsidies, is complicated by conflicts in methodology between embedded direct cost, long run incremental cost, and fully distributed cost studies.

The FCC has now decided in favor of fully distributed cost pricing principles and is developing a new uniform system of accounts which should shed some further light on this area. Meanwhile, as an Office of Telecommunications Policy

study of the issues posed by the Bell bill concluded last year;

The issue then is whether or not we are willing to fore the considerable benefits of competition, new and innovative services and equipment, rationalization of the rate structure—many of which have already been demonstrated in the marketplace—in order to preserve a regime of cross-subsidies, the nature of which has not even been established.

THE SMALL INDEPENDENTS

Another issue concerns the problems faced by the small independent telephone companies which provide service to many rural subscribers. Although there is no evidence that competition in terminal equipment and private lines has had any harmful effects on these companies, they may be placed in a more vulnerable financial position than other sectors of the industry by inflation and their large future capital requirements. Here we should examine how we can safeguard the large revenue contribution the independents receive through the interstate revenue pool—by removing terminal equipment from the separations process, for example. We could also study the need for further Government support for small independent companies, perhaps through an extension of REA financing.

THE CHOICE WE MUST MAKE

Despite their small size, the new entrants have introduced major consumer benefits in the terminal equipment and private line fields. They offer a wide range of new services, many of them previously unavailable, giving greater attention to the needs of individual customers. Even the Bell System's customers have benefited from the new competition, with A.T. & T. becoming more responsive to the market and offering new services.

The opponents of competition have still to demonstrate that the new entrants' activities will reduce the Bell System's ability to continue to provide America with the finest telephone service in the world. The evidence now available suggests that their chief effect will be to enhance significantly the quality and variety of the communications services and equipment available to consumers.

But our primary need is for more information, which I hope will be provided by a revised system of accounts and new cost allocation procedures for the industry. Only then will we finally be able to define the requirements for maintaining low rates and high quality in the monopoly services.

Mr. President, in debating future public policy for telecommunications I know we will not limit ourselves to the restrictions of the Consumer Communications Reform Act. The size of our monthly telephone bills is just one of many vital issues which demand that we consider a wide range of options.

The convergence of communications and computers affects the future development of numerous industries. In the hearings on Competition in the Telephone Industry held last September by the House Subcommittee on Communications, for example, concern about the possible effects of the Bell bill was voiced by Aeronautical Radio, Inc.—which provides the airlines' communication services—Securities Industry Automation Corp.—the data processing and communications subsidiary of the New York and American Stock Exchanges—and in the evidence submitted by Sears Roebuck & Co.

The growing importance of data communications to our economy also raises the important questions of economic concentration, industry accountability and the need for effective regulatory control. As we are all aware, there are real dangers to our individual liberties in allowing any one organization to control the flow of information in our society.

The challenge before us is to develop a statutory framework that insures that the benefits of technological innovations in computers and communication are made available to consumers as quickly and efficiently as possible.

Essentially, we must weigh the advantages of a centralized, coordinated approach offered by a single telecommunications supplier embracing research and manufacturing and obliged to provide service to all consumers, against the well-understood benefits of competition in areas of our economy undergoing rapid technological change. We must also decide the future role that government should play.

Because I believe that the public is more likely to receive the benefits of new telecommunications products and services more quickly and at a lower cost if they are made available through diverse sources, I am impressed by the arguments that support competition in all areas of the industry where it is economically and technically feasible. It is our general experience in this country that consumers gain most from an unfettered free market and I have seen no convincing evidence that, apart from the public switched telephone network, the telecommunications industry should be an exception.

Far from establishing a presumption in favor of monopoly, as the "Bell bill" would do, our starting point should be support for the real contribution that competition has made to telecommunications, as afforded by the 1934 act and recent FCC and court decisions.

It is my intention to work closely with the Subcommittee on Communications and all other interested groups and individuals to explore the full range of policy alternatives before us in shaping a new national telecommunications policy. Because I feel strongly about the importance of stimulating public debate on this issue, in the weeks ahead I shall also be calling my colleagues' attention to relevant reports and developments.

THE NEED FOR RESTRICTIONS ON IMPORTED FOOTWEAR

Mr. HEINZ. Mr. President, one of the serious problems facing Pennsylvania and other parts of the country is increasing unemployment in the domestic footwear industry.

In the years from 1968 to 1976, domestic shoe production has steadily decreased while imports have just as steadily risen. The only exception to this trend came in early 1976 when retailers, expecting a Presidential decision imposing some import restrictions, increased domestic orders to hedge their supplies. When no restrictions were imposed, retailers resumed their normal behavior and domestic production continued its decline. Annual production last year was roughly two-thirds of what it was in 1968.

Concomitant with the production decline has been a decrease in employment in the industry. The number of domestic shoe workers has declined from 233,400 in 1968 to approximately 166,500 in November 1976, a reduction of 29 percent. In Pennsylvania—the No. 1 footwear producing State—employment has declined some 36 percent since 1968.

As a result of these difficulties, the International Trade Commission has recently voted to grant a measure of relief to the domestic footwear industry. The current decision—scheduled to go to the White House this week—echoes the findings of the similar decision of last year that the industry has been hurt by imports and is in need of relief. The failure of the ITC members in 1976 to agree on a relief plan gave the administration the opportunity to ignore the decision, an alternative which will not be available this time, in large part because a majority of the Commission members have agreed on a relief plan.

That plan includes a system of quotas and tariffs on imports above the quota levels. While this does not provide an absolute prohibition on imports beyond defined levels, it does impose some meaningful controls on excessive imports, at minimum helping to make prices competitive with American products.

There are, of course, aspects of the ITC decision which need further work. The exclusion for athletic footwear above $8 in value, for example, will only provide foreign manufacturers with incentives to both raise prices on their athletic shoes currently selling for less than $8, and to switch their production to athletic shoes from other shoes that will be restricted. Golf shoes are particularly vulnerable in this regard. This kind of shortsighted proposal will at best only shift the disaster from some manufacturers to others, causing a new round of business failures in addition to those which have already occurred. The Commission has already been urged to revise this portion of its decision, and I hope Commission members take that advice.

Under normal circumstances, most Members of Congress, with varying degrees of enthusiasm, support the principle of free trade. It is a principle I also support. This case, however, is clearly meritorious. There is no question that the domestic footwear industry has been seriously hurt and that the harm is caused directly by imports whose lower prices are due to lower foreign wages. The International Trade Commission has made that judgment 2 years in a row, and the statistics backing it up are incontrovertible.

It is for these reasons that I have written the President urging him to support the ITC decision granting relief to the industry. Such action is long overdue, and I urge my colleagues to similarly support the decision. Mr. President, I ask unanimous consent to have printed in the RECORD the text of my letter to the President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
February 2, 1977.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to urge your support of the International Trade Commission decision granting relief to the domestic shoe industry by placing restrictions on the shoe imports into the United States.

This decision reflects the continued concern of the ITC over the severe damage done to the domestic non-rubber shoe industry by imports. Last year, the Commission also agreed the industry was in need of relief, a decision based on declining domestic production and increasing plant closures and unemployment since 1968. Since that year, for example, employment in the industry has declined 29 percent from 233,400 to roughly 166,500, much of it in the northeastern part of the country. The Administration did not act favorably on the 1976 ITC decision and as a result no relief was authorized for the industry and the situation has continued to deteriorate.

In general, I believe movement towards free trade is in our best interest, but this clearly merits an exception to that posture. The Commission decision makes clear that the cause of the industry's difficulties stems solely from imports, and that increases in imports have been due almost entirely to their lower prices caused by lower foreign wage rates.

The decline has meant serious economic hardship for thousands of shoe workers and their families and the primarily small companies that employ them. In Pennsylvania alone, employment declined 34.7 percent from 1968 to 1975 and fifty plants closed in the same period.

The situation in Pennsylvania, however, is a reflection of the shoe industry's difficulties throughout the northern and eastern parts of the country. Many of us in the Congress have seen with growing concern the shift in economic resources and federal funds away from the Northeast towards the South and Southwest. This shift has served to intensify the economic problems of this already hard-pressed part of the country, a situation with which I know you are familiar. The Northeast and northern Midwest, for example, have 77 percent of the nation's shoe manufacturing plants and 54 percent of those employed by the industry. The region produces 58 percent of total domestic shoe production.

Failure to provide relief to the industry at this time will doom it to increased unemployment and further reductions in production which will only serve to exacerbate the increasingly difficult economic problems of the Northeast. I would urge your prompt review of the ITC decision.

Sincerely,

H. JOHN HEINZ III,
U.S. Senator.

TRIBUTE TO THE U.S. COAST GUARD

Mr. KENNEDY. Mr. President, I would like to take this opportunity to commend the U.S. Coast Guard for the high degree of professionalism they displayed during the recent oil spill disaster in Massachusetts.

On Friday, January 28, 1977, an oil barge carrying over 3 million gallons of heating oil ran aground due to heavy ice conditions in Buzzards Bay. Several tanks on the barge ruptured on impact.

Coast Guard units including: The Marine Safety Office, Boston; the Coast Guard Cutter *Bittersweet;* the Cape Cod Canal Station; the Woods Hole Base, the Rescue Coordination Center, Boston; and the Atlantic Strike Team from Elizabeth City, N.C. were alerted.

Operating at night and under very adverse weather conditions, prompt action by Coast Guard units enabled a second barge to break through the ice and begin pumping operations.

There is little doubt that the professional response by those Coast Guard units was greatly responsible for preventing any further injuries to crewmembers and helped avert an even greater disaster that would have affected the Massachusetts coastline for decades.

On behalf of the people of Massachusetts, I would like to thank the men and women of the U.S. Coast Guard for assistance that was in keeping with the highest traditions of service to the residents of Massachusetts and the country.

THE INTERIOR DEPARTMENT: A NEW DIRECTION UNDER CECIL ANDRUS

Mr. CHURCH. Mr. President, the New York Times today carried a lengthy interview with our new Secretary of Interior, Cecil Andrus—a man those of us from Idaho are proud to acknowledge as our contribution to the Cabinet of President Carter.

As I have said on previous occasions, Secretary Andrus is serving notice that there will be many changes in the way the Interior Department is run—and they are changes I welcome.

In the Times interview, Secretary Andrus makes clear his intention to end what he calls "the little fiefdoms" that have dominated Interior for the past 8 years—a policy that has resulted in various interests each having their own little slice of the Interior Department at the expense of a coordinated, rational decisionmaking process.

One statement of Secretary Andrus I especially welcome is his comment that he will fight efforts to use our current energy shortage as "an excuse to crank up the bulldozer."

Said the Secretary:

You can't just create another crisis down the road. If you rip up the agricultural land for coal now, there will be a food crisis in the future. If you rip up the watershed, there will be a water crisis.

The Interior Department is in good hands, and I recommend this interview with Secretary Andrus to my colleagues. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

INTERIOR CHIEF IS PLANNING TO END INFLUENCE OF THE SPECIAL INTERESTS

(By Philip Shabecoff)

WASHINGTON, February 3.—Cecil D. Andrus, the new Secretary of the Interior, has declared that he will make sweeping institutional and policy changes to end what he sees as the domination of his department by mining, oil and other special interests and to make it responsive to environmental needs.

He said yesterday that he intended to exercise his stewardship of public lands and natural resources in a manner that would make "the three R's—rape, ruin and run—a thing of the past."

Interviewed in his wood-paneled office, Mr. Andrus said that he was going to break up "the little fiefdoms" into which he said the Interior Department had been divided for years.

"The policy has been for the grazing interests to have their chunk here, for coal to have another chunk; lumber, mining, all with their own part of the department," he said. "This place was like a centipede with each little pair of legs scuttling off in its own direction. That's going to change now."

The new Secretary said that he intended to reorganize the department so that all policy making would be centralized and it would be responsive to his philosophy and that of President Carter.

ENVIRONMENTAL CONSEQUENCES

He said that "some people" had been using the energy shortage "as an excuse to crank up the bulldozer." He said that he believed it would be wrong simply to start an all-out drive to take coal and other fuel out of the ground without considering the environmental consequences.

"You can't just create another crisis down the road," he said. "If you rip up the agricultural land for coal now, there will be a food crisis in the future. If you rip up the watershed, there will be a water crisis."

Sitting back on a sofa set in front of a comfortable fire, the 45-year-old former Governor of Idaho outlined his chief priorities for action as Secretary of the Interior.

The first, he said, will be expediting Congressional passage of a strip-mining bill. He said that he would offer a few amendments, and that President Carter had already indicated he would sign the kind of strip-mining bill vetoed by President Ford last year.

"They've been working on a strip-mine bill for five years now; I would hope to see positive action within the next five weeks," Mr. Andrus said.

A second priority is to obtain legislation giving adjoining states a voice in the decision-making that affects oil drilling on the outer continental shelf. "If we cannot get legislation in short order, I will have to start making arbitrary decisions," Mr. Andrus said. "I would rather work in conjunction with the states and with the companies."

Mr. Andrus, whose appointment was greeted enthusiastically by environmentalists, also wants to devote more resources to natural parks and wildlife, which, he said, have been bearing the brunt of budget reductions in recent years. He said that he hoped he could work with the Labor Department to obtain some of the new public jobs for the parks.

Finally, he said, he wants to change the Mining Act of 1872, which still governs most of the mining on Western lands. It was a good bill when it was passed because it met the needs of opening the West, Mr. Andrus said. "But 100 years later it's not a man with a burro and a pickax but a D-9 'dozer running with its blade down."

WOULD LEASE LANDS

Mr. Andrus said that he wanted to move to a system of leasing mineral lands because "We the American people should have the right to say 'No, you can't take minerals from

that area because that would destroy other resources. You can only mine in that area.'"

Right now, he said, mining interests can move into a public land, remove the minerals not pay any royalties and then even claim the land itself.

"I know I will run into a strong lobby when I try to change the mining law," Mr. Andras said, "but I am entrusted with the stewardship of the land. I don't take that trust lightly."

The conflict between the need to develop energy resources quickly and the need to preserve and enhance the environment is reconcilable, the new Secretary of the Interior said, adding: "People say we have to get the coal out of the ground and worry about safeguards later. I say we can do both."

THE END OF AN ERA IN OIL SHALE EXPERTISE

Mr. HASKELL. Mr. President, as the Congress and the President continue in their attempts to solve the energy crisis, it saddens me to note that one of the Nation's foremost oil shale experts is no longer with us to assist in that effort.

Russ Cameron, one of the leading experts in oil shale, has passed away. Mr. Cameron's knoweldge and ability will be missed while we try to answer the questions associated with the commercial development of this resource.

I ask unanimous consent that the following column from the Denver Post be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

THE END OF AN ERA IN OIL SHALE EXPERTISE

Colorado's foremost oil shale expert died last week. Russell Cameron, 56, succumbed to cancer at Swedish Hospital in Englewood. For many people in the West his death is the end of an era.

Cameron came to Colorado in 1948, a young chemist with the U.S. Bureau of Mines. He had worked in wartime synthetic rubber research. In 1948 the federal government had opened a project in Western Colorado aimed at something equally exciting:

The production of liquid fuels and other chemical products from a marlstone rich in hydrocarbons, oil shale. Colorado, with trillions of barrels of shale oil, looked for a second gold rush.

That was the atmosphere when the Bureau of Mines got down to work in its Anvil Points Oil Shale Experiment Station near Rifle, Colo. For the next few years oil shale was the hottest economic topic in Western Colorado.

Skiing at Aspen? Just a fad. Put your money where the real profits would be: oil shale. People dealt in claims and bought land for the coming boom in the Colorado River Valley.

In retrospect, the Rifle plant should have been treated with more skepticism. Oil shale had been through boom-and-bust before. In World War I there had been research into oil shale. But in the 1920s along came discovery of huge new oil fields like East Texas.

The oil shale bubble burst.

But in 1948 a lot of young visionaries like Russ Cameron were enthusiastic. A nation that had just beaten the German and Japanese tyrannies could surely solve the problem of turning shale oil into synthetic fuel at a level competitive with petroleum.

Visiting newspapermen at the Rifle plant were told the good news about shale by Russ Cameron, Boyd Guthrie, J. D. Lankford and other federal experts. It was just a matter of time.

"When the cost of petroleum hits $3 a barrel oil shale will be in business," they said.

They were sincere. And oil shale, indeed, did come close. In the early 1960s an oil company came within a whisker of authorizing a large commercial plant.

But what everybody missed was that huge deposits of incredibly cheap oil overseas (Mideast oil used to be produced for a cost of under 10 cents a barrel) had the capability of wiping out high cost American production, whether it be petroleum or synthetics.

Gradually, the congressional funds at Rifle ran out and the plant was put in mothballs under the custodianship of the U.S. Navy.

A deeply committed professional like Russ Cameron isn't that easily discouraged. Cameron had faith in synthetic fuels and in 1955 he moved his family from Rifle to Denver and opened a consulting and engineering firm in oil shale and other synthetics.

Cameron's enterprise grew. He got contracts in many parts of the world to set up oil shale projects. He was on numerous state and federal advisory agencies. He was a special adviser to the Federal Energy Administration (FEA) and his advice was sought world wide in matters involving synthetics.

Cameron fought hard to win federal assistance for synthetic research. He failed in 1976 about the time he discovered the toughest fight of his life would be with cancer.

One suspects the uses of the technology stimulated by Cameron and others will come in ways that we dimly foresee. There is no longer any simplistic script that says a group of investors, armed with Yankee know-how, will go out and dig oil shale and produce gasoline competitively on the open market.

The nation and its economic structure have undergone too many changes. But one can envision the possibility an angry American president might demand of Congress a beginning on synthetic coal and oil shale plants to counter overseas blackmail on oil.

On such an occasion all Americans might be grateful for the pioneering work of Russ Cameron. To build success from a losing technology like oil shale (as of 1977) is a better measure of a man than winning. Russ Cameron's enthusiasm and expertise will be widely missed.

YOUTH UNEMPLOYMENT, BRIDGE JOBS, AND NATIONAL POLICY

Mr. HUMPHREY. Mr. President, I have just read a paper on youth unemployment which was delivered by Prof. William Spring of Boston University before the National Manpower Commission's Conference on Youth Unemployment in Atlanta last September, and I would like to share it with my colleagues.

In his paper entitled "Youth Unemployment, Bridge Jobs, and National Policy," Professor Spring makes the compelling argument that youths of different ages have different employment problems and require different kinds of programs to help them. From a number of surveys and from his own close work with young people in Massachusetts, Spring has discovered that young people go through three stages of labor market participation.

In the first stage, involving youths 15, 16, and 17 years old, Spring argues that most youths simply want part-time jobs that will provide them with the income to stay up with their peers. They are not interested in, or need, sophisticated job training programs that prepare them for a lifetime career. Here is what Spring had to say about this stage, which he calls the transition stage:

Young men (and there were only men in Osterman's sample) in the moratorium period, roughly 15 to 17 years of age, are not as yet seriously interested in career jobs. They are interested in money sufficient to play a role among their peers. Often they live at home. And they are in what we commonly call the "youth" job market: flipping hamburgers, washing cars, retail sales, taking casual jobs at low pay. (Unfortunately, there are those, minority members and older women especially, for whom such jobs become careers because they can get no better.) Interviews with young men and with employers in Boston, Cambridge and Worcester, Massachusetts and a careful evaluation of the Parnes Data indicate that this pattern is well-neigh universal. That young men under the age of 18 take secondary labor market jobs as a matter of course, first as part-time work while they are in school and then for a year or so after they leave on a full-time basis, but often shifting among jobs.

Osterman's point is that this behavior, in the modern world, is in some sense natural. And that the effort to instill in such young men the attitudes toward steadiness and career concern expected and almost universally found in 25-year-olds is unlikely to be met with much success.

In the second, "exploration," stage, which involves youths from 18 to the early twenties, the goal of young workers becomes one of seriously attempting to find a career. They look for small firms that can offer them the chance to explore careers, learn a trade and give informal and close personal supervision. The jobs they need are more complex must involve a substantial amount of training and skill development. These "bridge jobs" are very important to youths in their transition from casual employment to adult careers.

Finally, as youths reach their twenties, they become ready to settle down and become steady workers in career-oriented jobs.

The implication of this is that most young people do not go from high school graduation to lifetime employment. They go through a complex transition that requires a progression of jobs from simple, part-time jobs for young teenagers, to jobs with training and skill development built in those aged 18 to 20 or 21, and then career jobs for those in their early- and mid-twenties.

Spring argues that the most important things we can do to help youths through these stages in their development is to provide jobs. Here is what Spring says:

We must start with the realization that there is no way in which training and community organization can substitute for job availability. If there are not enough jobs to go around, then there will be unemployment, as President Coolidge used to say. Unemployment is not a function of a poorly performing employment service, vocational education system or the young themselves. It is a function of economic activity in the nation, and even more importantly, in the labor market.

Then we must plan our strategy to conform with realities that cannot be changed, especially realities like the stages of youth

development as they impact on the labor market.

Insofar as possible that job opportunity should realistically reflect the pattern of individual development:

For 15, 16, and 17 year olds, programs of part-time paid work at around the minimum wage level and part-time study toward high school equivalency accomplishment as well as certification are needed.

For somewhat older workers, full time jobs built around the bridge job concept—small, closely supervised work crews, at decent pay with measurable skills, ideally working side by side with adults, must be devised. As has often been said, there is plenty of work to do in the inner cities and poor agricultural areas if the political will to pay for that work exists.

If Spring's analysis is correct, Congress must attack this distressing problem of youth unemployment not with one single and simple approach but with a comprehensive set of programs that help different youths at each stage in their development.

I have introduced a bil' (S. 170) which will do that—the Comprehensive Youth Employment Act of 1977. This bill was coauthored by Senator JAVITS, and was introduced in the House (H.R. 1731) by Congressman PAUL SIMON.

The Comprehensive Youth Employment Act would establish many of the programs needed to reduce youth unemployment—a youth community service program to create employment for youths on local community projects; a youth opportunities in private enterprise program to create jobs and help youths find jobs in private businesses; a work experience for inschool youth program to provide job experience prior to secondary school completion; an occupational information and career counseling program to provide youths with the job counseling and information needed to make informed career choices; a national conservation corps to provide jobs for youths on conservation projects; and an expansion of the Job Corps for severely disadvantaged youths.

Mr. President, I ask unanimous consent that the article by Professor Spring be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOUTH UNEMPLOYMENT, BRIDGE JOBS, AND NATIONAL POLICY

Thomas Bradley of Los Angeles, Maynard Jackson of Atlanta and Coleman Young of Detroit have a number of things in common. They are liberals. They are black mayors of large American cities. They are talking tough on crime, teenage crime.

A recent newspaper article in the Boston Herald pointed out that crime and vandalism by young blacks was a main reason for the flight of retail business and small manufacturing from the inner city.

The author recommended certain jail for two-time losers (more than half the crimes are committed by young men who have been arrested for two or more previous offenses, he said), and serious consideration for John Connally's suggestion of compulsory national service for the unemployed youth.

It was high unemployment among young school leavers in Detroit that led James B. Conant to warn about "social dynamite" in our cities . . . and led Hubert Humphrey to propose back in 1957 a reviving of the C.C.C. and N.Y.A. programs of the 1930's.

According to press reports, last month in Detroit gangs of black teenagers invaded Cobo Hall and terrorized the patrons of a rock concert for an hour before police intervened.

Hubert Humphrey's efforts were unsuccessful in 1957, but his program became S. 1 of the Congress meeting in January 1961 as, with the impassioned support of Attorney General Robert F. Kennedy, the administration committed itself to doing something about unemployment, hopelessness and crime. S. 1 didn't pass, either, but its major provisions were enacted into law as Title I of the Economic Opportunity Act in 1964. Thus, the nation began a 12-year effort to assert federal responsibility for the problems of youth unemployment. And that effort, including all of its frustrations, brings us to this conference, this fall in Atlanta.

The terror in the streets of Detroit—where east side food store cashiers operate behind bullet-proof plexiglass—marks the failure of that effort to achieve notable success to date.

That failure can be laid to three separate areas:

First, the failure to maintain a full employment economy, especially in the inner city areas.

Second, the failure to understand the stages of youthful development, attempting to make 17-year-olds behave like 25-year-olds, and

Third, the failure of the society's institutions, schools, vocational and academic, market place institutions like the employment service, and employers to cooperate as fully as they might in making the school-to-work transition smoother.

By far, the most serious failure is the failure to reach and maintain full employment. And this is too seldom discussed among professionals in the field. By far the *least* important is the failure of "coordination" among institutions. Just as training alone does not create jobs, so coordination alone is not a job creation program.

This paper will discuss the youth employment situation in historical perspective, consider the stages of life for modern American youth as they relate to the labor market; and consider the impact of institutions. In conclusion, I shall suggest for discussion a possible program agenda.

We must begin with the recognition that adolescence is a relatively new phenomena—that is, until the maturing of industrial civilization children moved to adulthood—and full adult economic responsibility at approximately puberty. Note that Bar Mitzvah comes at 13. In Agricultural societies, young people worked the fields and trades. Early industrial revolutionary times created mass childhood labor. In Masachusetts in 1820, 43 percent of all textile workers were children; in Rhode Island, 55 percent. We now begin our employment statistics with those over 16. Why? Well, child labor laws played a part. Immigration had a role. Increased mechanization was important. Child labor began to fade out about the time the nimble fingers and slight frames of childhood were no longer needed to move the great wheel of industry.

Youth employment patterns, then, changed rapidly after 1900. Child labor in factory was prohibited; child and adolescent attendance in school increased. In 1900, only 6.4 percent of seventeen-year-olds had graduated from high schools. By 1940, the figure was 50.8 percent.

As Paul Osterman of Boston University points out in his perceptive thesis on youth and work, the current pattern of four years of high school was already the dominant trend in the Middletown observed by the Lynds in the 1920's.

During and after World War II, there was another major wave of immigration to the nation's major cities. Only this time, the migrants came through the bus terminal rather than Ellis Island. And in the wake of this wave of migrants, youth unemployment began to rise sharply—and with it youth crime—leading to the awakening interest in youth employment problems in the late 1950's and early 1960's.

The Progressives began with a concern for poor immigrant children. In the 1950's, youth-oriented manpower policy began with the failure of the schools to help the children of migrants from the south. Programs were devised in the 1920's which were then used as a pattern for the reform of all education. And now the education reforms that began out of concern with poor inner-city youth are now discussed in the context of revising all community activity to help youth.

In the progressive era, the idea was to get young people out of the destructive, exploitative industrial atmosphere into therapeutic schoolrooms.

And now, ironically, it's an effort to get young people out of demoralizing, unrealistic schools into the real-life, learn-by-doing atmosphere of industry and commerce.

There may indeed be a tide in the affairs of men, but it seems to be a tide that moves now in, now out, carrying with it fashions of social thought that are as repetitive as they are strong. Are we that sure that working at relatively low-paying, repetitive jobs is that much more rewarding than any school atmosphere we could devise?

In his thesis, Osterman applies to the transition from education to work those understandings of the movement from childhood to adulthood that Erik Erikson has found to underly this process in all cultures. These stages Osterman labels moratorium, exploration and settling down.

Young men (and there were only men in Osterman's sample) in the moratorium period, roughly 15 to 17 years of age, are not as yet seriously interested in career jobs. They are interested in money sufficient to play a role among their peers. Often they live at home. And they are in what we commonly call the "youth" job market: flipping hamburgers, washing cars, retail sales, taking casual jobs at low pay. (Unfortunately, there are those, minority members and older women especially, for whom such jobs become careers because they can get no better.) Interviews with young men and with employers in Boston, Cambridge and Worcester, Massachusetts and a careful evaluation of the Parnes Data indicate that this pattern is well-neigh universal. That young men under the age of 18 take secondary labor market jobs as a matter of course, first as part-time work while they are in school and then for a year or so after they leave on a full-time basis, but often shifting among jobs.

Osterman's point is that this behavior, in the modern world, is in some sense natural. And that the effort to instill in such young men the attitudes toward steadiness and career concern expected and almost universally found in 25-year-olds is unlikely to be met with much success.

It poses a very difficult problem for those who see the youth unemployment problem as one "caused" by young men and women changing jobs much more often than adults. Many seem to feel that if only 17 and 18-year-olds had better labor market information they would show greater duration of employment. It is very likely, however, that this is simply not so, that young people in their moratorium period are working at casual jobs for casual labor wages and the problem is not primarily lack of skills or lack of information or lack of motivation, but simply their stage of life in a complex technological society.

The sixteen-year-old clothing store clerk who told Osterman that "I don't need much money, just enough to buy a good used

motorcycle," may have been speaking for an entire age group.

The trouble comes when ever such low paid jobs are in scarcity, or, because of unemployment elsewhere in the economy older workers are locked into these entry level jobs. Many a letter to the editor—or op ed piece in the New York Times—bewails the plight of college graduate young men and women, forced to take secondary labor market jobs because better cannot be found.

The next stage, for slightly older youth, say 18 to the early 20's, is the exploratory stage, when, having passed through the period when one's attention is most seriously focused on the peer group, young people begin attempting, seriously, to find a place, a career in the world. During this stage, many of the most successful of non-college youth find jobs in small businesses—machine shops and auto body repair operations where training is available under the close supervision of the owner of the establishment.

Osterman found in interviews with larger firms in Worcester that the small machine shops are the feeders, not only of materials but also of personnel to larger firms. Larger firms that do not expect specific training do expect a mature attitude and general acquaintance with machines and machine shop procedure.

The small shop provides a number of things that young men in an exploratory phase are looking for: informal and close supervision, informal personnel policies, casual employment, and the chance to learn the trade. For the owners, who cannot afford to pay for highly skilled workers, youth workers offer reciprocal advantages.

Finally, after a period of exploration, often involving work in a number of small shops, young workers in the early 20's are ready to settle down, and do so when they are able to find jobs that offer advancement and security. It is at this stage that they are apt to find employment with larger, more profitable firms, with complex internal labor markets and become steady workers, husbands, fathers, and solid citizens.

If Osterman's application of life-stage development to the problems of employment are accurate, and the Parnes data, giving work histories of thousands of young men and his interviews in cities of Massachusetts indicate that they are, what implications have they for manpower policy?

First, the hard fact of the matter is that young men do not go from high school graduation to life-time employment. And efforts of manpower policy—or vocational education policy to foster a quick transition are pretty surely doomed to failure. The transition takes a good deal of time. And during the transition, youth do and will continue to seek jobs in the secondary labor market. Many have deplored this. But perhaps work in secondary jobs that provide income during the moratorium period is a good thing. Nearly half of the high school graduates now go on to college, lengthening their years when self and world exploration take precedence over economic contribution to the age of 22. Is it not to be expected that working class youth will attempt to find an equivalent of this extended moratorium period?

Probably the key element in determining the length of the moratorium period—as for the very existence of such a luxury—is the demand for full-time, well-paid labor in the economy as a whole. If there is a real demand for labor at good wages and with a good future, then young workers will be more quickly drawn through their moratorium and exploratory stages.

The key to the transition from secondary labor market moratorium jobs to primary career jobs are the bridge jobs that perform the function that educators would like to see the schools carry out, jobs with smaller manufacturing operations in particular. In the balance of state prime sponsor in Massachusetts, where I serve on the Prime Sponsor Council, we find that the best O.J.T. placements are with relatively small firms of the "bridge" type that Osterman identified. However, vacancies in these bridge jobs are usually filled through information networks of relatives and friends. The Employment Service plays little or no role. And minorities—whose parents and uncles seldom are found running such establishments—have less chance for finding such work. Thus, the patterns of labor market discrimination are perpetuated by the very structure of advancement. Although technically subject to the Civil Rights Act, as a practical matter small shops have little to fear from already overburdened civil rights enforcement officials.

Since Hubert Humphrey first called for action to help the nation's inner-city youth with their unemployment problems, we have followed three separate, if blurred, strategies: training, community institution building and direct job creation.

Training has included the Job Corps in three flavors: urban residential, rural (conservation) residential, and urban non-residential. The Neighborhood Youth Corps, also in three varieties, summer, in-school, and out-of-school, has been mixed with training and job creation, but with the emphasis primarily on the latter.

Community institution building has been various indeed, starting with Mobilization for Youth in N.Y.C., a prototype of the community action agencies throughout the CAPS to CETA, a redirection of the employment service in the mid 1960's, a substantial increase in the funding for vocational education, a new focus on "career education" through the public school systems, and now, serious thought about building new institutions in the local community to bring school, employment service and employing community closer together to foster the transition from school to work. Former Labor Secretary W. Willard Wirtz's name is most frequently associated with that idea.

Finally, job creation has included primarily the summer Neighborhood Youth Corps, the year-round Neighborhood Youth Corps and work experience programs. And a smallish share of public service employment opportunities.

We now also have the suggestion for a compulsory military-style training program and work program. Finally, we have been asked to consider what would be in effect a universal, voluntary Vista program of paid volunteers—perhaps Sargent Shriver's greatest contribution to the bag of domestic policy options was the concept of the paid volunteer—for all young Americans.

The concept of a national service corps breaks apart when you try to think through a program to embrace both the college student bent on a year of service and the ghetto school dropout trying to cope with a very unpromising future. Compulsion, and the threat of death in battle, make this uneasy mixing of classes possible in the Army, if not always gentle and brotherly. The practical means of doing it in peacetime and on a volunteer basis confound me. Also, the question must be raised as to why the federal government ought to devote any very considerable resources to the support of the children of the middle class. It is one thing to ask individual institutions to open themselevs for the participation of middle class young people, it is quite another to ask the federal government to undertake that organization—and the cost—itself.

Of all the efforts of the past 12 years to solve the problems of unemployment through tinkering with the institutions in some ways the saddest is that of the employment service. Re-directed in 1966 to serve the young and the disadvantaged, it saw its placement rates fall drastically and its cost per placement rise. It found itself attempting to place young workers that primary firms were unwilling to take, and it found itself still accused in poverty communities of being part of the racist's superstructure of an unjust society. It is now attempting to recover, but is a long way from being a very effective institution in the labor exchange business, and as several studies have borne out, plays a nearly negligible part in the placement of youth.

Vocational education, like the employment service, has gotten a consistently bad press for not doing what in all likelihood cannot be done: placing of moratorium stage youth from poverty backgrounds into primary sector jobs.

The establishment of Community Education/Work Councils, as urged by Mr. Wirtz, could be very useful indeed. Especially if they were built on the start toward organizing community resources around work and training issues represented by the Comprehensive Employment and Training Act prime sponsor councils rather than in competition with them. However, insofar as there is hope that better information and coordination will lead to markedly better economic conditions, such councils will prove another disappointment.

The effort to lower the unemployment rate by convincing young people to act as if secondary job were primary, and as if they themselves were at the settling down stage is probably doomed to failure. Even if it could work, it would not make a serious difference. It would represent an effort to attack the statistic (high youth job turnover) rather than the problem (poor career job opportunity for maturing young workers).

The most remarkable thing in the relationship between maturing youth and education labor market institutions is how badly they fit together. Maximum concern for career education is being devoted to students not yet ready for career decisions. Youth are ready to settle down some years after the high school years are completed. Years of academic "regimentation" ought to have prepared young men and women to fit docilely into their assigned niches on the economic order of things, if Marxist critics of American education are correct. In fact, they do not. After 12 years of enforced (more or less) punctuality and order-taking, the young tend to move into casual work attachment.

Wise employment and training policy ought to work with this situation rather than attempt to fly in its face.

We must start with the realization that there is no way in which training and community organization can substitute for job availability. If there are not enough jobs to go around, then there will be unemployment, as President Coolidge used to say. Unemployment is not a function of a poorly performing employment service, vocational education system or the young themselves. It is a function of economic activity in the nation, and even more importantly, in the labor market.

Then we must plan our strategy to conform with realities that cannot be changed, especially realities like the stages of youth development as the impact on the labor market.

One successful program in the Boston area is run by the Boston High School on Newbury Street, a school for vocational school dropouts.

At the Boston School the transition of secondary to primary jobs are replicated through the school system. Students in all four years go to school part-time and to paid employment part time. They begin work in their freshman year in menial jobs—washing dishes, delivering messages. Each year their employment stations improve in pay, status and future prospects. Seniors who stay with the program find themselves working in the First National Bank of Boston and other job sites with strong futures.

What Joseph Ippolito, headmaster of the Boston School, has done—and without benefit of reading Professor Osterman's thesis—is to reproduce the stages of the natural labor market progression within the educational program of the Boston School.

Can it be reproduced on a larger scale? Very hard to do. It would require dedicated teachers and, especially, dedicated job developers. And long before job slots of this quality and this progression would be developed for all or even a substantial majority of the Boston Area teenage workforce, potential slots would have been exhausted. But the school provides a model of what might be done and the direction that manpower policy for teenage workers ought to take.

The cooperative education program, in which earning and training opportunities are made available in area businesses—as in Cleveland, for instance—offer promise of replicating the stages of casual, exploratory and settling down experience as part of the regular vocational high school curriculum.

Whether or not these efforts can actually telescope what normally takes until the early 20's to accomplish remains to be seen. Evaluations of the value of vocational education (see Beatrice Reuben in "Vocational Education for All?" Work and the Quality of Life, O'Toole, ed.) is another question. At least they can succeed in making the educational process more informative.

We also, of course, need more and more accurate labor market information. The need goes beyond the current fragmentary reports on unemployment rates, openings on the job bank and middle-range employment occupational forecasts.

We need unemployment and subemployment data by inner city on a regular basis, for if we don't know with some precision how serious the problem is, it is hard to know how to act.

We need current vacancy data in much more detail than is now available . . . and six month forecasts, by skill, pay and firm size.

But we also need specific information on work histories of young men and young women in particular labor markets so that education about careers for young school leavers will not simply be a promotional walk-through the local tap-and-die, but also make clear and rational what is now only street corner gossip: who gets what jobs and how, and how to find good jobs in particular neighborhoods.

Extremely localized labor market information—how the labor market functions, now a mystery to all participants, is the cornerstone on which intelligent manpower policy must rest—insofar as manpower policy as opposed to employment policy can make a difference.

We must end where we began, with unemployment, with Detroit, Los Angeles and Atlanta. In 1970, as part of the decennial census, a careful survey was taken in the inner city labor markets of some 51 American communities. The following table shows the S.M.S.A. unemployment rates and the teenage (16–21) unemployment rates for the inner-city areas for these cities:

Unemployment rates

	1970 SMSA	Inner-city teenage
Detroit	7.0	[1] 32
Los Angeles	7.0	[1] 25
Atlanta	3.7	[2] 17.7, [3] 24.9

[1] Male and female.
[2] Male.
[3] Female.

We do not have accurate inner-city teenage unemployment rates for these cities, but we do know the 1970 SMSA rates.

Unemployment rates
[1975 SMSA]

Detroit	13.1
Los Angeles	9.7
Atlanta	9.0

And we know the August 1969 unemployment rates for teenagers nationwide.

Unemployment
[August 1969 teenage unemployment]

White	17.3
Black	40.2

It is very important to note that in 1969, after nearly a decade of sustained growth, the white teenage unemployment rate had fallen to only 10 percent. But black teenage unemployment stood at 24.1 percent. Full employment policies that led to effective reduction of unemployment for white teenagers still left black youngsters with unacceptably high rates.

Current data (1975 average) for poverty areas (the poorest 1.5 of census tracts) shows an unemployment rate 25.9 percent for all 16 to 19 year olds. For urban black teenagers, the rate is 40.7, and even more ominous is the fact that their labor force participation rate is only 37.7 percent, eleven points below the white teenage participation rate.

While the rates are frightening the numbers are manageable: 379,000 unemployed teenagers in both urban and rural poverty areas, 188,000 black urban teenagers unemployed (although one must keep the low labor force participation rates in mind).

These numbers are annual averages. Unemployment is much higher in the summer when school is out. The point is that a nation that can provide over 700,000 summer Neighborhood Youth Corps slots can mount a substantial year-round youth employment program.

What is happening to those labor markets? Are half the young workers without any jobs? No gas to pump, no counters to wait on, no laboring jobs? Or is it that their job attachment is so short that those quitting jobs every month drives up the measured rate? We just don't know. Do the east side young men in Detroit lack labor market information about firms with good jobs available but unable to find workers? We doubt it.

For youth in these cities, for these young people in 1976, nearly old enough to be the sons and daughters of those we failed in 1957, better vocational education, more participating in council settings by conscientious businessmen, a better organized and more responsive employment service, are helpful but hardly sufficient answers. For these young people job opportunities must be created.

In so far as possible that job opportunity should realistically reflect the pattern of individual development:

For 15, 16, and 17 year olds, programs of part-time paid work at around the minimum wage level and part-time study toward high school equivalency accomplishment as well as certification are needed.

For somewhat older workers, full time jobs built around the bridge job concept—small, closely supervised work crews, at decent pay with measurable skills, ideally working side by side with adults, must be devised. As has often been said, there is plenty of work to do in the inner cities and poor agricultural areas if the political will to pay for that work exists.

As Ray Marshall of the University of Texas says when speaking of the problems of rural youth, ". . . to be effective a program must be based on systematic analysis and be comprehensive in scope . . .". A good deal of analysis has been done. But the resources for a comprehensive program have not been available. We have attempted to progress against youth unemployment problems by the same incremental steps we have attempted in other areas of social reform. Sadly, the progress of the late 1960's has been overwhelmed in the 70's by national economic policy answering to other priorities. Designing the details of such a large scale employment program, integrating it with private sector jobs and with educational institutions will be an enormous job. But we must press for a beginning.

There is real danger that the discussion and effort to establish interagency cooperation around the fringes of the catastrophic inner-city and rural area youth unemployment problem may obscure the need for a substantial job creation program until another generation is lost to the cycle of unemployment, poverty and crime.

SUPPORT FOR PAUL WARNKE

Mr. BAYH. Mr. President, it is with some sense of urgency that I rise today to state my support for President Carter's proposed nomination of Mr. Paul Warnke to be Director of the Arms Control and Disarmament Agency as well as our principal negotiator to the Strategic Arms Limitation Talks. Given the controversy which has surrounded this selection, we must keep in mind that in the final analysis the final decision on any arms limitation agreement will be made by President Carter with the advice and consent of the Senate. I think the remarks of the distinguished senior Senator from South Dakota (Mr. McGOVERN) were on the mark in this regard when he observed on February 3 that:

> The way to oppose a given policy is not to harass political appointees, but to exercise the right to debate, to say "no" or to seek to amend the President's program.

I will not attempt to go into a detailed analysis of Mr. Warnke's personal views on certain crucial strategic questions. There will be time for this at the hearing on his nomination. I want to make it quite clear that it is not necessary to agree with Mr. Warnke on every nuance in the debate over strategic arms limitations in order for me to support his nomination. We must view his nomination as part of a broad, determined, and laudable effort by the President to achieve an arms limitation agreement binding on both sides, requiring restraint by both sides and assuring the national security of both sides.

Certainly, no Member of this Chamber would support an agreement, nor would Mr. Warnke negotiate an agreement, which jeopardized the credibility of our nuclear deterrent forces. President Carter had endeavored to make appointment in the foreign affairs and national defense areas of competent public officials who are sufficiently wary of Soviet intentions. But we will not find the security we seek by returning to the stridency of "cold war" pronouncements. The task before us is most difficult when we confront the reality of the USSR's military buildup and the uncertainty of its intentions. The objective here is to be neither hawk nor dove, neither hardliner nor softliner. The point is to be accurate in our intelligence estimates and correct in our assessment of the adversary's intentions.

To castigate the character of a dedicated and conscientious public servant

like Paul Warnke by anonymous memorandum only detracts from our efforts to find strategic arms limitation formulas that work. Conspicuous restraint in this area is not "unilateral disarmament." Unilateral disarmament can never be a substitute for security. Demonstration of our intentions through tangible action can contribute to the arms control process. It can strengthen the influence of those in the Kremlin who do not wish to see the pace of their present arms expenditures sustained, and seek with us ways of expanding and deepening true détente. But to those who would seek military superiority and bargain solely toward this goal we should issue both a warning and a request. A new spirit of purpose is developing in the United States which will enable us to cope successfully with the consequences of any breakdown of SALT negotiations. I do not expect that this spirit will have to be tested. Instead, I believe we can request our principal adversary to join with us in regulating military and political competition and insure that nuclear war becomes impossible as well as non-inevitable.

I think that the spirit which we bring to this endeavor is important to our chances for success. We might recall John Kennedy's words inspired by his efforts which resulted in the Limited Nuclear Test Ban Treaty of 1963:

First: Let us examine our attitude toward peace itself. Too many of us think it is impossible. Too many think it unreal. But that is a dangerous, defeatist belief. It leads to the conclusion that war is inevitable—that mankind is doomed—that we are gripped by forces we cannot control.

We need not accept that view. Our problems are manmade—therefore, they can be solved by man. And man can be as big as he wants. No problem of human destiny is beyond human beings. Man's reason and spirit have often solved the seemingly unsolvable—and we believe they can do it again.

At this point I ask unanimous consent for editorials concerning Mr. Warnke's nomination which appeared in the Washington Star of February 3 and New York Times of February 4 to be printed in the RECORD. Likewise, I request unanimous consent for Victor Zorza's Christian Science Monitor article of February 3 on President Carter's SALT strategy to also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A HEARING FOR MR. WARNKE

The U.S. Senate, which likes to be thought courteous and deliberative, belied that reputation in its casual handling of the Sorensen appointment. Perhaps the guardians of its good name will take matters in hand before the mistake is repeated in the matter of Mr. Paul Warnke's impending nomination.

Mr. Sorensen's nomination as CIA chief had at least been formally announced before that whispering campaign began. Mr. Warnke, according to the latest from the White House, will shortly be nominated by President Carter to head the Arms Control and Disarmament Agency and to conduct the next round of SALT talks; but his appointment is not yet official.

Yet even unannounced, Mr. Warnke has already become a target of opportunity in the Senate. During a Senate Armed Services session on Tuesday with the Air Force chief of staff, Gen. David Jones, Sen. Sam Nunn of Georgia read a statement on "nuclear superiority" attributed to Mr. Warnke. He asked General Jones to comment, and the general complied.

Was General Jones told that he was being asked, in effect, to be an informal witness on Mr. Warnke's judgment?

And apart from this unusual proceeding—which is unfair to Mr. Warnke (who should be permitted to defend his views on nuclear weapons at an appropriate time and place) as well as to General Jones (who should not be asked to intervene in a political matter)—an anonymous memorandum is circulating on Capitol Hill. It alleges, among other things, that Mr. Warnke "supports unilateral arms reductions to levels far below anything being proposed in current arms limitation talks."

"Unilateral" is a scare-word in any arms control context and it appears in this case to be a very loose construction of Mr. Warnke's view. That view, as we understand it, is in essence that the U.S. should refrain from the development of new weapons systems (e.g., the further "mirving" of missiles) if the net effect is merely to provoke parallel responses on the Soviet side. This obviously involves a judgment that Soviet strategic weapons planning and deployment are direct responses to our own; and that judgment is as debatable as any other in this complex field. It is not, however, foolish or implausible on its face. The point is not whether one agrees with it but how well Mr. Warnke could defend it in formal hearings. Mr. Warnke made an interesting case for trial restraint in the escalation of strategic weapons in a recent issue of *Foreign Policy*. He should have the opportunity to elaborate on it in public.

The Senate, in short, should exercise its "advice and consent" function formally, in the open, with full adversary discussion of the pertinent issues—not in the back alleys and cloakrooms.

Mr. Warnke has identified himself in recent years with a number of controversial positions on arms and arms control, and has been a severe critic of several new weapons systems dear to Pentagon hearts. But we will be very surprised if Senator Nunn and others among Mr. Warnke's critics can make the simplistic charge that he is a unilateral disarmer stick. The charge is false. Certainly President Carter can ill afford to allow another of his appointees to become the victim of a senatorial mugging before he even makes it to the hearing room.

It shouldn't be necessary to recall fundamental civic principles for the benefit of the Senate; but sometimes its curious proceedings, of which Senator Nunn's performance is a good example, make it seem so. One hundred senators who rarely agree on the time of day cannot conduct an arms control policy. The Senate is not (as the Supreme Court had to remind it last year in ruling the Federal Elections Commission legislation unconstitutional) the appointive branch of government. A President, then, is entitled to appoint officers who enjoy his confidence, and they are entitled to be heard out, and until recently the presumption has been in favor of their confirmation in the absence of good reason to deny it. Differences of judgment are not good reason.

Perhaps it ought to be added, since Senator Nunn and others are in a state of nervous excitement over Mr. Warnke's appointment, that any arms control agreement negotiated by the administration will be the work of many hands and will not be binding without the consent of two thirds of the Senate. So even if Mr. Warnke were the rash and foolish disarmer his detractors allege him to be—as we do not for a moment suppose—the Senate would not be powerless to protect us against his mistakes.

MR. CARTER, MR. WARNKE AND THE ATOM

President Carter's choice of Paul Warnke as director of the Arms Control and Disarmament Agency and chief negotiator in the strategic arms limitation talks matches in caliber the best of his Cabinet appointments.

Halting the arms race will advance the nation's security far more than continuing it. Better still would be substantial reductions in strategic nuclear weapons on both sides, while maintaining essential equivalence. Even Congressional "hawks" like Senator Henry Jackson have so acknowledged. That is the President's policy; it is the policy Mr. Warnke would energetically pursue.

False, even scurrilous agitation about his nomination suggests he favors unilateral American disarmament. Such distortion surely will get full response when he testifies on his nomination. Suffice it to say here that what he has actually advocated—challenging the other side to "mutual example" by unilateral *restraint*—is hardly a revolutionary departure. Presidents Eisenhower, Kennedy and Johnson practiced analogous restraint. We hope Mr. Warnke is rapidly confirmed and can get on with the broad agenda the President has already offered on arms control.

Mr. Carter has vowed to move "quickly and aggressively" to halt all nuclear tests, to complete the arms limitation treaty with the Soviet Union, to reduce strategic arms further, to cut back arms sales to less developed countries and to curb the spread of plutonium reprocessing plants and nuclear weapons. To this, Secretary Vance yesterday added Soviet-American limitation of conventional arms. None of this will be easy.

In combating the spread of sensitive nuclear technology, Mr. Carter can already claim progress. It was his campaign pressure that brought success to the long struggle by Washington's arms control officials—notably Fred Ikle and Charles van Doren—to turn Ford Administration policy around. President Ford's decision just before Election Day to defer the domestic reprocessing of plutonium helped to discourage French and German sales of such plants to Pakistan and Brazil.

The next task is to revise the Ford Administration's budget for anti-proliferation research. Too much money remains earmarked for work on plutonium, which needs most to be controlled; too little is directed toward alternative technologies for extracting energy from spent fuel without also producing plutonium. A major effort in this direction is necessary to persuade the Europeans and Japanese to defer their plutonium reprocessing and to join in the search for alternatives.

Nonproliferation also is the objective of Mr. Carter's proposal to Moscow to halt all nuclear explosions. Such a step would discourage further tests elsewhere, particularly a second "peaceful" test by India.

Still more important is the effort that Secretary of State Vance and Mr. Warnke, if confirmed, will initiate next month in Moscow to complete the nearly finished arms limitation treaty (SALT II). It would limit each side's long-range ballistic missiles and bombers to 2,400, of which 1,320 missiles could carry MIRV multiple warheads. It thus covers the important, rapid-reaction weapons with an aggressive "first strike" potential.

What delays the treaty is disagreement over two less important "second strike" weapons, the American sea-based cruise missile and the new Soviet medium-range Backfire bomber. It is tentatively agreed that bombers carrying long-range air-launched cruise missiles will be counted against the MIRV missile total. But the Soviets want to ban sea-based cruise missiles, with more than 360 miles of range, while exempting Backfire. The Pentagon wants to limit both or neither. Former Secretary Kissinger devised a compromise formula a year ago to limit the sea-based cruise in the treaty, while restricting the Backfire less formally through a separate

understanding, and to compensate for these added Soviet bombers by reducing the treaty ceiling of 2,400, perhaps to 2,150. President Ford would not impose this on the Pentagon in an election year. But President Carter appears prepared to pursue this or a similar formula to complete the treaty. Meanwhile, Defense Secretary Brown has slowed development of the sea-based missile.

Mr. Carter rightly seems to deem both the cruise missile and Backfire as of secondary importance. The Joint Chiefs of Staff have now rejected the thesis that Soviet missile deployments and civil defense efforts have given Moscow nuclear superiority. The argument that the Kremlin seeks such superiority for the future is best answered by limiting the buildup on both sides in the SALT II treaty. No time should be wasted in pressing it to a conclusion and moving to negotiations for further reductions.

CARTER TOO HASTY ON SALT?

(By Victor Zorza)

WASHINGTON.—President Carter has shown himself to be so anxious for an arms deal with Moscow that he is already being criticized for weakening his bargaining position. The criticism comes not only from the "hawks," but even from some of those who approve of Mr. Carter's objectives, while deploring what they regard as his tendency to rush ahead. They believe that President Carter is acting in this way because he is ignorant of the complex issues involved in arms control negotiations, and they urge him to make haste more slowly.

But they may be wrong.

White House aides contend that Mr. Carter has made a detailed study of the SALT (strategic arms limitation talks) issues, and that he knows what he is doing. This is what one would expect to hear from White House aides, but they refuse to go into details about Mr. Carter's diplomatic strategy—and it is therefore impossible to judge the reality behind their assurances.

It is possible, however, to relate the President's actions and words to Moscow's, and to conclude from the interplay between them that Mr. Carter does indeed know what he is doing.

The outstanding fact about Soviet Party Secretary Leonid Brezhnev's attitude toward SALT is that he wants an agreement, that he wants it badly—and as quickly as possible. Moscow has sent out any number of signals to that effect. Perhaps Mr. Brezhnev, now over 70, does not know how long he may be able to stay in power, and is therefore anxious to crown his career with a SALT treaty without undue delay. He was certainly anxious to have a treaty before the party congress early last year, when his failing health seemed to give him added reason for urgency. The Pentagon's objections in Washington, as well as the objections of the Soviet military in Moscow, made rapid progress impossible at that time.

But Mr. Brezhnev recovered both his health and his political strength just in time for the party congress. Since then, he has gone out of his way to assert his dominance over the military, who appear to have been unable to mount an effective counter-challenge.

Mr. Brezhnev believes, to judge from the Soviet press and from his speeches, that a quick SALT agreement is necessary because the longer it is delayed the more difficult it is going to be to reach one. Indeed, there is reason to believe that he would like to have a SALT agreement long before the September deadline imposed by the expiration of earlier agreements. Pravada now says that a SALT agreement could be completed "in the very near future." And it says this without insisting, as it used to in the past, that it depends entirely on the United States.

Mr. Carter has already indicated to Moscow the terms on which a quick agreement could be negotiated, and it may be that this is what Pravda had in mind when it spoke of the possibility of rapid progress. What Mr. Carter said was that the U.S. cruise missile and the Soviet Backfire bomber—the two major obstacles—should not be allowed to stand in the way of a SALT agreement. His remark was taken to mean that he would like to put these two issues aside for the time being and sign an agreement without trying to resolve the problem they pose. This has already been proposed to Moscow by President Ford, who thought he might in this way have a SALT agreement in time for the election. But the Kremlin refused to play.

Mr. Carter's critics therefore say that his proposal is unrealistic. But conditions have changed since Moscow rejected the Ford offer, and the Kremlin might well be prepared to consider some new formula based on it.

For Mr. Brezhnev to make that concession to President Ford before the election would have been to throw away the Kremlin's bargaining counters. He might have gained Mr. Ford's goodwill, but this would have been worth little to him if Mr. Ford lost the election. It was better to hold off until after the election, and to make the concession, if it had to be made, to whoever was the new President.

The fact that Mr. Carter might stay in the White House for eight years, whereas Mr. Ford would have been limited to a four-year term, might also induce the Kremlin to be more willing to make an early concession to the new President. He would have more time and more opportunity to repay it—and a greater incentive to work with Moscow for a spectacular SALT agreement, just in time for the next election.

The Soviet press makes it clear that it views the present situation in Washington as one of sharp conflict between "hawks" and "doves" with the hardliners putting great pressure on Mr. Carter.

If Mr. Brezhnev wants a quick arms deal, as he certainly does he will have to make it politically possible for President Carter to conclude one. And recent Carter indications that he, too, wants a quick deal may be designed to make it easier for Mr. Brezhnev to be more forthcoming in the SALT talks. With the principals in both Moscow and Washington pressing for a early treaty an agreement could be concluded well before the September deadline.

HERBERT MITGANG ON ANTHONY EDEN

Mr. McGOVERN. Mr. President, the distinguished New York Times journalist, Herbert Mitgang, has written an interesting piece about the late Anthony Eden which appeared in the Nation's magazine of January 29, 1977. I ask unanimous consent that this excellent article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EDEN: A MEMOIR

(By Herbert Mitgang)

In the last decade of his life, the First Earl of Avon showed flashes of the brilliance as a diplomat and wise statesman that the world recognized during his great years when he was known simply as Anthony Eden. There is a mistaken impression that he faded away after the Suez Canal fiasco and his resignation as Prime Minister. Yet in memoirs, talks, public writings and private conversations he continued to stand for alliances of free nations, negotiated peace and détente, and human rights.

He deplored the bellicose and lingering policies of his nemesis, John Foster Dulles, and he did not particularly admire the personal and publicity style of Henry A. Kissinger. While careful not to criticize his old American ally openly, he saw the folly of Vietnam where the B–52s substituted bombs for diplomacy. Had his ideas for a negotiated peace been followed, hundreds of thousands of casualties on all sides might have been avoided.

"If I were in Washington now and sincerely wanted a settlement which was neither victory nor a surrender," he suggested in a handwritten letter to me in 1967, "I would first determine in detail what I could accept. If a plan like 'Towards Peace' won't do, I would then determine what is required. Having done that, the essential homework, I would without publicity suggest to the governments of the two co-chairmen [Anthony Eden and V. M. Molotov were in 1954 joint chairmen of the Geneva Conference on Far Eastern Affairs that created a temporary peace] that they should each nominate a trusted diplomat and that the pair should be charged with approaching the interested parties, again without publicity, with the purpose of trying to establish a set of conditions that were tolerable to all of them.

"This would involve travel and infinite patience and would take time, but at least we might that way at length arrive. By present methods I doubt if we ever shall and where shall we all be then? You will probably have noticed that the method I propose is the same, *mutatis mutandis*, as we adopted over the Trieste business twelve years ago. It took eight months then. . . ."

The "Towards Peace" referred to a volume he had written called *Towards Peace in Indo-China* (Houghton Mifflin, 1966) in which he had concluded that the Geneva Agreements could serve as the framework for the cease-fire negotiations and for the terms of any guaranteed settlement; that the Geneva Conference membership—the United States, Russia, China, the United Kingdom, France, Laos, Cambodia, North and South Vietnam—should be retained; that the USSR and the United Kingdom should continue to function as co-chairmen; that any agreement should guarantee the territories and neutrality of Laos and Cambodia, offering the same opportunity to South and North Vietnam; that the Geneva Prisoner of War Convention should be strictly observed; that military plans and movements should be dovetailed into the political program laid down by the conference, whose first duty should be to give instructions for determining a cease-fire.

In a private talk at his home in Alvediston, shortly after his book came out, Eden told me what he could not say publicly without seeming to intervene in American affairs—that he would happily lend his counsel to any undertaking that would help to restore peace in Indochina. His writings and speeches sought an invitation to play the part of peacemaker; he was too modest to say that, having done it once as a co-chairman, he could do it again. The invitation never came. The blast of war blew too strongly in Washington's ears: the hawks had stiffened their sinews, summoned up the blood.

He particularly saw through the military and moral damage of conducting a war policy through bombsights. He compared the bombing of North Vietnam to the bombing of Britain by the Germans in 1940, saying that it created in the inhabitants an illusion of being David against Goliath. "It is certain that the air attacks are regarded by the North Vietnamese with hatred," he pointed out, "not merely on account of the casualties but also because, where in the Far East the margin of subsistence is already narrow, destruction which narrows it further is considered the harshest cruelty."

Even ten years after leaving office, Eden He did not fall for the argument that ending was not stuck in the shibboleths of the past.

the war in Vietnam without victory somehow smacked of appeasement. As the symbol with Churchill in the 1930s of anti-appeasement, he said in 1966: "To work for a guaranteed international treaty settlement for Vietnam doesn't seem to me to be appeasement. Neutrality is not a crime; it is a risk."

He was still active in Conservative Party affairs and as a senior statesman in the House of Lords during the last few years of declining health. He sent me a copy of Hansard's Parliamentary Debates for March 14, 1974, when he arose to deliver a *tour d'horizon* of the state of the world.

In that speech to his fellow Lords, he approved the action of President Nixon in sending "his Mercury, Dr. Kissinger," to Peking, but added that he had two regrets—first, that the contact had not been made twenty years before, which might have reduced suffering and death; second, that the Japanese were not informed in advance about the American move, especially since Japan was a growing industrial power also interested in peace. He took a swipe at President Eisenhower's "Secretary of State" (without uttering his name) for slamming shut the door to disarmament talks with the USSR which Eden had proposed in 1955. As always, he stressed the importance of NATO as a military and political necessity, and hoped for continued American participation in Europe's affairs. Eden found one of the most disturbing aspects in the world the increasing impoverishment of the poorer nations. And he concluded: "Toleration and cooperation is what the world needs if it is to survive; and it is what we need at home, too."

Early last year, Lord Avon called me from Florida, where he was staying with Averell Harriman. It was to be our last talk. He asked what was new in the Presidential election campaign and in the United States; of course, he knew more than his respondent. He repeated that "NATO is our thing, but we still have to try to get an agreement to halt the proliferation of nuclear weapons, not just to prevent disaster but as a matter of economy for the world bent on peace."

He ended up by saying that he was pleased to be here during the Bicentennial of the Declaration of Independence because he had some American links. A relative had married Lord Baltimore's sister and, in Maryland, an ancestor of his had been sympathetic to the Revolutionary side.

When it counted, Eden had stood up to the dictators and later had foreseen the anti-democratic tendencies and terrorism emanating from the Arab world. He had not betrayed his times; the times had abandoned him. "Man's greatest achievement is neither commercial nor scientific, nor even artistic," he once said. "It is the practice of self-government by a free people."

CYPRUS DECISION TO PROSECUTE SUSPECTED MURDERERS OF U.S. AMBASSADOR DAVIES

Mr. PELL. Mr. President, I was very pleased and gratified to read in this morning's Washington Post that the Government of Cyprus has decided to arrest and try six extremists who were allegedly involved in the assassination of U.S. Ambassador Roger Davies in 1974. His Beatitude Archbishop Makarios, the President of Cyprus, is to be commended for this action. Without the vigorous cooperation of every government, the world community's fight against terrorism and politically motivated violence will not succeed.

Over the past 2 years, I have repeatedly urged the Government of Cyprus to devote priority attention to tracking down Ambassador Davis' assassins. When I visited Cyprus in August of 1975, I was shocked to find that so little effort was being made to bring Davies' murderers to justice despite the fact that considerable photographic evidence relating to the attack on the American Embassy existed.

It is extremely gratifying, therefore, that effective action now appears to be underway. Cyprus-American relations have always been good, and this latest action by Cyprus will contribute to insuring that those relations continue to be good.

Mr. President, I ask unanimous consent that the Washington Post article concerning this matter be published in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CYPRUS TO ARREST, TRY 6 RIGHTISTS IN '74 DEATH OF U.S. AMBASSADOR

(By Joseph Fitchett)

NICOSIA, CYPRUS, Feb. 3.—The Cyprus government has decided to arrest and try six Greek Cypriot right-wing extremists who allegedly were involved in the assassination of U.S. Ambassador Roger Davies, according to high Cypriot government officials.

Davies was assassinated during anti-American riots here after the Turkish invasion of the island nearly three years ago.

The arrests of the six members of the extremist EOKA–B faction were authorized today and are expected to be carried out Friday, the sources said.

The long-delayed prosecution, on which President Makarios was certainly consulted by his Cabinet ministers, is seen here as largely a political decision—a sign of Makarios' effort to improve his government's image with the new Carter administration, which has designated former Defense Secretary Clark Clifford as a mediator for Cyprus.

Although the identities of some of the assassins were suspected from the time of Davies' death, the Cypriot government moved effectively only after successive American administrations showed sustained concern about the crime. The Makarios government has recently expressed hope of gaining help from Washington in reaching a settlement of the Cyprus problem.

U.S. embassy security officers were invited to follow up firsthand the Cypriot detective work. When the investigation was reopened last year, television newsfilm was enlarged and scrutinized for leads. The killers used a riot outside the U.S. embassy, which was covered by local and foreign media, as a cover for their attack.

Three defendants, who police say were identified firing automatic weapons, including a machine gun, into Davies' office, are to be charged with manslaughter. In Cyprus this carries a maximum punishment of life imprisonment, usually reduced in sentencing to 15 years or less.

The remaining three, allegedly firing at other parts of the building, face charges of illegal use of firearms, punishable with up to 15 years in prison and less in practice.

The case against a seventh suspect was not reviewed because he has left Cyprus. The six men's whereabouts here are known: one, a policeman, is in jail for an unrelated conviction.

The six gunmen belong to EOKA-B, an armed underground right-wing movement that supports enosis, union of Cyprus with Greece.

Self-proclaimed heirs of Gen. George Grivas, the famed guerrilla fighter for Cypriot independence, EOKA-B activists, with close links to the now-deposed Greek junta, were the Cypriot core of the anti-Makarios, pro-Athens coup here in 1974. The coup triggered the Turkish invasion and partition of the island.

Angered at the American failure to prevent the Turkish invasion, EOKA–B fanatics, some in police uniforms, took advantage of a leftist Cypriot demonstration against the embassy to take positions in surrounding buildings and then fire automatic weapons into the ambassador's office and his top-story study.

Nearly a hundred bullets ripped into the L-shaped office from two angles. Davies was killed as was his Greek Cypriot secretary, who came to his assistance. The office windows, later plated with steel panels for protection, still have holes around them from the bullets.

The actual murder weapon has not been traced. But apparently, men who could be shown on film to have fired into the ambassador's office could be found guilty of manslaughter under Cypriot law. The fire from two angles into the Ambassador's two most likely whereabouts is cited as evidence of a plot.

Other Greek Cypriot members of EOKA–B have been linked to an assassination attempt in the United States on Turkish leader Bulent Ecevit, premier during the invasion. They have also been linked, more tenuously, to the assassination in Athens of Richard Welch, American CIA station chief, who had served in Cyprus, and the murder of a Greek junta police officer.

EOKA–B members contend that their leaders mounted the ill-fated coup here in collusion with U.S. intelligence officials who then, the story runs among EOKA–B followers, betrayed the Greek Cypriots by backing the Turkish invasion and the partition of Cyprus. American diplomats deny the collusion, but acknowledge that many EOKA–B members believe it.

The decision to prosecute the six is the latest step in a growing campaign here by the Greek Cypriot authorities against EOKA–B, which would be an embarrassment and perhaps even a threat in any foreseeable settlement with the Turkish Cypriots.

Although given an amnesty by Makarios on his return to power, Nikos Sampson, the EOKA–B leader who was briefly the president of Cyprus during the coup, was arrested last year after new agitation. He is serving a 20-year sentence. His deputy was arrested recently and charged with sedition.

The impending arrests, which should lead to trials in April, would be the biggest blow yet to the EOKA–B rank and file, whose numbers are believed to be in the hundreds.

The case will be heard and verdicts given by a panel of three judges. Jury trials are avoided in such grave cases. "The island is too small, and memories too fierce, for jury trials," said a Cypriot judiciary source.

American memories on Cyprus are also long. Ambassador William Crawford, Davies' successor, recently unveiled without fanfare a small modernistic memorial in the embassy to the slain ambassador and his secretary. It is a quietly luminous, backlit stained glass panel inset in a wall above the spot where he fell.

AMERICAN INDIAN TRIBAL SELF-GOVERNMENT IN THE FEDERAL SYSTEM: INHERENT RIGHT OR CONGRESSIONAL LICENSE?

Mr. ABOUREZK. Mr. President, I ask unanimous consent that a law review article entitled "American Indian Tribal Self-Government in the Federal System: Inherent Right or Congressional License?" by Frederick J. Martone be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICAN INDIAN TRIBAL SELF-GOVERNMENT IN THE FEDERAL SYSTEM: INHERENT RIGHT OR CONGRESSIONAL LICENSE?

(By Frederick J. Martone)

I. INTRODUCTION

The United States is in the midst of a new civil war. Unlike the last civil war, it is not between the states and the Union; rather, it is a challenge by American Indian tribes against the states and the United States. Unlike the last one, this civil war has seen many of its battles occur in state and federal courts. Though the war began when the first white men settled on the North American continent, and has continued unabated to the present, the struggle has reached a new stage in which the Indian tribe rather than the settler is on the offensive.[1] This new offensive has been a fertile source of legal issues of which the most basic is the question of tribal sovereignty.

This article will examine the claim of tribal sovereignty [2] with a view towards both defining the issue and assessing its legitimacy. This examination is desirable since federal, state and tribal courts can expect endless litigation involving tribal and individual Indian claims. The article will first briefly discuss the effect of conquest in international law. Thereafter follows an examination of federal constitutional provisions relating to Indians. Then, the notion of tribal sovereignty will be examined against the background of the congressional response to the presence of native Americans. Most of the major United States Supreme Court opinions which have dealt with Indian law problems will then be examined to see if some stable notion of the role of the tribe in the federal system has emerged. Because tribal sovereignty is examined in this way, many of the major developments in Indian law are exposed, and the article, therefore, provides a useful document for introduction to the problems of Indian law.

II. AMERICAN INDIAN TRIBES AND THE EFFECT OF DISCOVERY AND CONQUEST IN INTERNATIONAL LAW

Citizens of European nations traveled to North America, discovered it (at least as far as Europeans were concerned), established settlements on it, claimed it for their respective sovereign nations, and made war with its native inhabitants, the American Indians. Within 400 years,[3] the conquest was complete.

No doubt, the American colonists represented the sovereignty of Great Britain; it is equally clear that the various Indian tribes were sovereign states.[4] At least before the Europeans arrived, the tribes exercised total self-government without outside influence over the lands they occupied. What effect, then, did this "discovery" and conquest have on the status of Indian tribes as sovereign states within the doctrine of traditional international law?

A state can acquire sovereignty over territory in various ways, two of which are conquest (or annexation) and cession.[5]

A state acquires sovereignty over the territory of another state by conquest under two sets of circumstances:

"(a) Where the territory annexed has been conquered or subjugated by the annexing state. (b) Where the territory annexed is in a position of virtual subordination to the annexing state at the time the latter's intention of annexation is declared. . . . Conquest of a territory as under (a) is not sufficient to constitute acquisition of title; there must be, in addition, a formally declared intention to annex. . . ." [6]

On the other hand, a state acquires sovereignty over the territory of another state by cession, when the ceding state transfers its territory to the acquiring state.

[Cession] rests on the principle that the right of transferring its territory is a fundamental attribute of the sovereignty of a State.

The cession of a territory may be voluntary, or it may be made under compulsion as a result of a war conducted successfully by the State to which the territory is to be ceded. As a matter of fact, a cession of territory following defeat in war is more usual than annexation.[7]

Applying these general rules to the historical reality of British, and later, American claims to the United States, it is clear that the effect of conquest and cession leaves the Indian tribes with no internationally recognizable claim to sovereignty over any of the territory now part of the United States. The fact is that Indian tribes were conquered, subjugated, and cast into a position of virtual subordination. And the United States has, as will be demonstrated, expressly and impliedly declared an intent to annex the lands it now claims. Also, lands not taken by actual combat were voluntarily or involuntarily ceded to the United States by treaty and agreement.[8]

At least one international tribunal [9] is in accord. In the case of *Cayuga Indian Claims (Great Britain v. United States)*,[10] Great Britain attempted to sue the United States on behalf of the Cayuga Indian Nation. The tribunal held that the claim could not be maintained on behalf of the Cayuga Nation, but only "on behalf of the Cayuga Indians in Canada," because the Cayuga Nation, "an Indian tribe [many of whose members were in the state of New York, not in Canada] . . . is not a legal unit of international law." [11] The tribunal explained its position as follows:

"From the time of the discovery of America the Indian tribes have been treated as under the exclusive protection of the power which by *discovery* or *conquest* or *cession* held the land which they occupied. . . . The Power which had sovereignty over the land has always been held the sole judge of its relations with the tribes within its domain. The rights in this respect acquired by discovery have been held exclusive. . . . So far as an Indian tribe exists as a legal unit, it is by virtue of the domestic law of the sovereign nation within whose territory the tribe occupies the land, and so far only as that law recognizes it.[12]

III. THE TRIBE IN THE UNITED STATES CONSTITUTION

Having concluded that an Indian tribe is not an internationally recognized sovereign, the status of the tribe under the United States Constitution should be examined. The Constitution does not, in fact, contemplate, a role for the tribe in the federal system, *i.e.*, the existence of the tribe as a self-governing legal entity is not *constitutionally* guaranteed.

There is one provision of the Constitution relating to tribes,[13] and two less important provisions which refer to Indians.[14] Article I, § 8(3) provides that "[t]he Congress shall have the Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes." And, as will be seen, Congress has exercised its commerce power over Indian tribes in a pervasive and pre-emptive way from the very beginning. Note that "foreign Nations," "States," and "Indian tribes" are separately delineated. Chief Justice Marshall used this delineation in *Cherokee Nation* v. *Georgia*,[15] as support for his conclusion that tribes were not foreign nations.

In addition to article I, § 8(3), and the two less important provisions mentioned previously, two other provisions of the Constitution warrant mention. Article II, § 2(2) gives the President and the Senate the power to make treaties. The use of this power with Indian tribes is discussed further in section IV.B. The other provision, the currently emasculated tenth amendment,[16] divides powers into three groups; the United States, the States, and the people. On its face it does not provide for Indian tribes. And since no other provision of the Constitution can be read as a source of tribal power, it apparently forecloses the tribes' *constitutional* right to entity status.

This conclusion is supported by what little there is in *The Federalist* regarding Indians or Indian tribes. Alexander Hamilton saw the Indians as savages, the natural enemies of the United States and a justification for a standing army under the Constitution.[17] The Indian nations were a threat to the union [18] John Jay was a bit more charitable. He also saw the Indians as a danger warranting a good national government, but blamed all Indian wars on the states as distinguished from the "feeble" federal government.[19] James Madison, commenting on the commerce power with Indian tribes, observed that article I, § 8(3), cured the defect in the Articles of Confederation which limited federal power to Indians not within a state.[20]

These few references are the only mention of Indians in this major document contemporaneous with the Constitution. Accordingly, the conclusion is valid that neither the Constitution nor its draftsmen foresaw or provided for the continuing existence of Indian tribes. Indeed, forty years after *The Federalist*, in 1828, James Kent was to predict the doom of all Indians:

"[Indians] have generally, and with some very limited exceptions, been unable to share in the enjoyments, or to exist in the presence of civilization; and judging from their past history, the Indians of this continent appear to be destined, at no very distant period of time, to disappear with those vast forests which once covered the country, and the existence of which seems essential to their own." [21]

IV. THE EXERCISE OF CONGRESSIONAL POWER OVER THE TRIBE

A. *General Comments*

The Congress of the United States, exercising its power to regulate commerce with Indian tribes under article, I, § 8(3), and its power in conjunction with the President to make treaties with Indian tribes, under article II, § 2(2), has been the major architect of American Indian law and policy. Congress reflects the interests and values of American society; and, accordingly, the congressional treatment of Indians has fluctuated from total separation to total assimilation, including the complete termination of tribal status.

Many commentators have criticized Congress for this. The literature is replete with remarks such as "Congress has never taken up its responsibility of clearly defining the national goal regarding the status of the Indian," [22] or, "federal policy has vacillated between attempted assimilation of the Indians into white society and protection of their cultural identity." [23] Little of this criticism is warranted. The implication that Congress is somehow culpable for this vacillation is unfair. Congress reflects the policies of its time. The policies and the law change because the historical conditions change. The Americas of 1800, 1880, and 1950 were wholly different societies. This phenomenon can be clearly seen in the exercise of the treaty power and, more importantly, in the exercise of the commerce power.

B. *Treaties*

The original thirteen colonies, as agents of the British crown, entered into vast and elaborate treaties with Indian tribes. [24] The Indian wars in New England were numerous, but are now long forgotten.[25] Colonial reservations were the precursors of federal reservations. By 1700, most of the Indians in Massachusetts were placed on Massachu-

Footnotes at end of article.

setts colonial reservations.[26] But the colonists expected the assimilation of the Indian into Massachusetts society, and, therefore, the reservation system was not meant to be permanent.[27] "By the time the United States inaugurated the federal reservation policy for the Indian tribes in 1786, the Massachusetts system of reservations had already served its purpose and virtually came to an end."[28]

Just as the colonies dealt with Indian tribes through treaties before separation from Great Britain, they continued to deal with Indian tribes through treaties during the Revolutionary War. The first federal treaty with a tribe occurred in 1778, with the Delaware Indians.[29] It was designed, if not to gain the loyalty of the Indians, to at least keep them from supporting the British in the war. The new country guaranteed to the Delawares whatever territory they were entitled to by former treaties.[30]

Since article II, § 2(2), of the Constitution required only Senate ratification, the House of Representatives was never involved with Indian treaties. The Senate picked up where the Continental Congress left off. Between 1778 and 1868, the last year in which the United States dealt with Indian tribes by treaty, the United States Senate ratified 370 Indian treaties.[31]

The use of the treaty power in dealing with Indian tribes in the formative era of American territorial expansion was a natural phenomenon. Ever westward expansion was to be accomplished by voluntary relinquishment of the soil if possible, and if not, by war. Hence, "[i]t was decided very early that compacts entered into with Indian tribes required ratification by the Senate and had the same status, force, and dignity as agreements with sovereign nations."[32] Moreover, the use of treaties by the United States in its relations with Indian tribes merely continued the practice of Great Britain and the colonies.

But, as the power of the United States expanded, the use of the treaty power relative to Indian tribes raised serious questions. Treaties with Indian tribes suggested sovereignty in the tribe. What was perhaps natural, truly necessary, in the seventeenth and eighteenth centuries bacame an embarrassment by the nineteenth century.

As early as 1817 [Andrew] Jackson had written to President Monroe that "I have long viewed treaties with the Indians an absurdity not to be reconcilled to the princicples of our government. The Indians are the subjects of the United States, inhabiting its territory and acknowledging its sovereignty, then is it not absurd for the sovereign to negotiate by treaty with the subject."[33]

While in the abstract the implication of tribal sovereignty arising from treaties with tribes appears viable, an examination of a typical treaty suggests the contrary. In the treaty between the United States and the Cherokees in 1835,[34] the Cherokees ceded all their land east of the Mississippi River to the United States for $5 million.[35] The United States ceded lands west of the Mississippi River to the Cherokee Tribe and agreed that the lands so ceded would never be included within the territorial limits of a state or territory without its consent.[36] The United States also promised that the tribe could make its own laws and be governed by them, "provided always that they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians; and also, that they [Cherokee laws] shall not be considered as extending to such citizens and army of the United States as may travel or reside in the Indian country by permission of the United States."[37]

Rather plainly, the tribe was subjected to the sovereignty of the United States. The tribe was granted powers of self-government, but subject to the Constitution and any law Congress might enact. Moreover, its governmental powers did not extend to non-Indians entering Indian territory lawfully. Thus, the very terms of the treaty deny the tribe the sovereignty which is supposed to arise by implication from the fact that a treaty was made.

It must also be remembered that many of the treaties with Indian tribes were peace treaties which came after the wars which implemented America's manifest destiny. Whatever may have been the status of Indian tribal sovereignty prior to treaty making, after a war was concluded and a treaty made, the tribe was in fact subjected to the power of the United States. And whether treating Indian tribes as nations was a mere pretense, as suggested by Professor Chill,[38] or a sincere effort based upon a belief in tribal independence matters little since the treaties were violated by both sides, and "Indian attacks and American punitive expeditions continued until the frontier was fully conquered and the Indians subdued."[39] It must be remembered, too, that the conquest of America and the subjugation of the Indian tribes were at the time seen to be justified by the Christian's duty to spread the word of the Gospel to heathens and the duty to civilize (Europeanize) what seemed to be a backward people.[40] What now seems an injustice seemed at the time, if not virtuous, at least justifiable.

Whatever inference was raised with respect to tribal sovereignty by the use of the treaty power by the United States is now a moot point. For by the Act of March 3, 1871,[41] the Congress of the United States proclaimed that:

"[H]ereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty. . . ."[42]

Thereafter, no treaty was made with an Indian tribe. It would be difficult to conceive of language evidencing an intent to extinguish tribal sovereignty vis-a-vis the United States clearer than this. As will be seen, existing treaties with Indian tribes have a status no greater than that of a statute, and therefore may be abrogated by the unilateral act of Congress.

C. Statutes: An Historical Deevelopment

The historical development of American policy toward the Indians is nowhere better revealed than in the major congressional legislation dealing with Indian tribes. Since the existence of entity status for the tribe, the extent of tribal self-government, and the extent of tribal immunity from state interference are nowhere guaranteed by the United States Constitution,[43] these matters have historically been wholly within the legislative ambit of the Congress, usually under the commerce clause, article § 8(3). Accordingly, law and policy have waxed and waned with the tempo of the times. It is in this area that Congress has been subjected to the greatest criticism; yet this "oversimplified" criticism "obscure[s] the fact that Indian policy did not spring full-blown from some statesman's brow, but rather was a slow growth, developing under the press of circumstances and the pressures of diverse groups."[44]

1. The Formative Era, 1790–1834

In less than one year after the United States Constitution was ratified, the Congress enacted its first measure governing relations between citizens of the United States and Indian tribes.[45] It was the first of a series of so-called "non-intercourse" acts to be adopted during the next 44 years. As the label implies, the Act was designed to keep the Americans away from the Indians. For example, it required the issuance of federal licenses to trade with tribes,[46] and prohibited the alienation of Indian or tribal land to Americans or any of the states, in the absence of a federal treaty authorizing it.[47] It was Congress' first attempt to preempt all Indian-American relationships from individual or state action. The Act was to expire automatically at the end of the session next following two years after its passage.[48] Accordingly, similar new legislation was enacted in 1793,[49] but interestingly enough, it provided for federal court jurisdiction for any criminal violations of its provisions.[50] It too expired of its own force, and the third piece of legislation was enacted in 1796.[51] This third nonintercourse act was slightly more elaborate. It set boundaries between Indian country and the rest of the United States,[52] and provided the death penalty for the non-Indian's murder of an Indian on tribal land.[53] Expiring of its own force, it was replaced by a fourth act,[54] which expired on March 3, 1802, and which was not replaced until March 3, 1813.[55] Therefore, between 1802 and 1813, no federal legislation existed regulating affairs with Indians.

The objective of these nonintercourse acts was to ensure westward settlement, but at the same time minimize conflict between non-Indians and Indians.[56] The acts were not altogether successful at keeping the peace. A random sampling of the early *Statutes at Large* will show that Congress consistently appropriated funds to suppress Indian hostilities.[57]

The provisions in these early nonintercourse acts relating to federal jurisdiction over non-Indian crimes in Indian territory, requiring federal consent for Indian alienation of land, indeed, the very existence of the acts themselves, suggest that Congress was dealing with entities (the tribes) which in fact possessed attributes of something less than sovereignty. The policy was separation and nonintercourse, not so much for the benefit of the maintenance of tribal integrity as for the orderly advance of the frontier.[58]

2. The Intercourse Act of 1834[59]

After 44 years of experience with sporadic nonintercourse acts, the first major piece of federal Indian legislation emerged. The frontier was advancing at an ever faster rate, and the time had come to establish a more permanent mechanism by which non-Indian conflicts with Indians could be minimized. It provided licensing for trade with Indians,[60] prohibited non-Indians from bartering with Indians for hunting and cooking items,[61] prohibited non-Indians from hunting in Indian country,[62] prohibited non-Indians from grazing their animals in Indian country,[63] prohibited settlement on Indian land,[64] prohibited the conveyance of Indian land except by federal treaty,[65] prohibited speeches in or messages to Indian country designed to disturb the peace,[66] and extended federal criminal jurisdiction to all crimes committed in Indian country, except as "to crimes committed by one Indian against the person or property of another Indian."[67]

Rather clearly, the whole thrust of the act was to control the conduct of Indians and non-Indians in a detailed and preemptive way so that the natural expansion westward would be as orderly as possible. The policy was separation, but with the ultimate motive of either the future assimilation or annihilation of the tribes. The events of history were such that by 1871, Congress was to formally deny nation status to Indian tribes by the Act of March 3, 1871.[68]

3. The General Allotment Act of 1887:[69] Indian Citizenship and Assimilation

A contributor to the second volume of the *Harvard Law Review* in 1888 divided the history of Indian law into four periods, culminating in the General Allotment Act.[70] The first period, from colonization to 1829, found

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the white man contending with the Indians for possession of the continent. When they were not in actual combat, the whites dealt with the Indians under international law, but always, through its courts, "asserted [their] title to the soil by right of discovery, and extended that claim, territorially, as fast as the progress of colonization and emigration carried the advancing line of white settlement westward." [71]

The presidency of Andrew Jackson began the second period, from 1829 to 1871, "which may be characterized as the period of compulsory emigration under the form of consent by voluntary treaty." [72]

With Congress in 1871 terminating the treatymaking process, the next 16 years were described as a "period of confinement on reservations under executive control." [73]

The fourth period was the future. "[T]he ultimate objective point to which all efforts for progress should be directed is to fix upon the Indian the same personal, legal, and political status which is common to all other inhabitants." [74] The Indian wars were nearly at an end, the tribes were subjugated, and westward expansion was complete. In the face of this new reality, what should be the status of the Indian tribe? The natural response was that it should end with Indians being assimilated into the now-dominant culture. Congress responded to this new reality accordingly with the passage of the General Allotment Act, whose main objective was to allot tribal lands to individual Indians, end the status of the tribe, and make a citizen out of the Indian. This Act was no irrational fluctuation in congressional policy. When the reality called for separation, the Intercourse Acts were appropriate. When there was nothing left to keep separate, assimilation seemed appropriate. The people of the period felt that civilization was not possible without individual ownership of land.[75] The continent had changed. The tribes could no longer lead the nomadic life of the hunter. If the Indians were to survive at all, they were to become independent farmers.

To this end, the Act provided that tribal land, whether held by treaty,[76] act of Congress, or Executive order could be allotted "in severalty to any Indian located thereon," [77] in accordance with a prescribed formula. Consistent with the formula, an Indian could select whatever portion of tribal land he wanted, but if he failed to make an election within four years after the President directed allotment, the Secretary of the Interior would make his selection for him.[78] The United States would hold the allotted land in trust for 25 years and thereafter convey it in fee to the individual Indian, or if deceased, to "his heirs according to the laws of the State or territory where such land is located." [79] At the end of the trust period, the Indian allottee would become subject to the civil and criminal laws of the state or territory in which he resided.[80] The Act provided an equal protection clause against the territories in favor of the Indian,[81] and provided that both individual Indian allottees born in the United States and every other Indian not residing with a tribe who has "adopted the habits of civilized life" were henceforth declared to be American citizens.[82]

As to those reservation lands remaining after allotment, the United States would purchase them (with tribal consent), distribute them to settlers, and hold the proceeds in trust for Indians, from which Congress would appropriate educational funds.[83]

Whatever the wisdom of this assimilation plan, Congress clearly asserted the full sovereign power of the United States against the continued existence of the tribe. The assumption underlying such a plan is that the continuing existence of the tribe as a self-governing entity is a function of federal legislative grace.

Allotment and assimilation were the Indian law and policy of the United States between 1887 and 1934. Many Indians became United States citizens under the provisions of the Allotment Act. To fill whatever gaps may have been left, in 1924 Congress declared that "all non-citizen Indians born within the territorial limits of the United States" are citizens of the United States.[84] The statute's validity was tested somewhat later in *Ex Parte Green*,[85] a case in which an Indian was inducted into the United States Army. He filed a petition for habeas corpus, alleging that he was not a citizen of the United States within the meaning of the Selective Service law, that any attempt by Congress to make him a citizen under the 1924 Act violated treaty rights, that his tribe had never been conquered by the United States and was an independent nation by virtue of certain eighteenth-century treaties. The court denied his claim and held that even if his treaty argument were valid, where there is a conflict between a treaty and a subsequent statute, the statute prevails, citing the *Head Money Cases*.[86]

A high point in the aftermath of the General Allotment Act's assimilative policy came in 1929. As mentioned earlier, by treaty and the early Intercourse Acts, Congress had from the beginning assumed exclusive responsibility and authority in dealing with Indian tribes. It had continued to assert the sovereignty of the United States over the tribe. In doing so, it left little or no room for state action on the reservation or in Indian country, not because the Constitution prohibited it, but because Congress saw a need for a uniform national policy with respect to Indians. Consequently, it preempted the field. But the need for a national policy diminished as the tribes moved in history from sovereign nations to wards of the federal government. The whole purpose of allotment was to end the special status of the tribe, since the historical justification for its recognition no longer existed. The goal was to integrate Indian citizens into the federal system. To this end, in 1929, Congress enacted measures allowing the states to enter tribal lands to enforce health and sanitation standards and to enforce compulsory school attendance of Indian children as provided by state law.[87] And with it a new principle emerged: the states could exert their sovereignty over the tribe whenever permitted to do so by Congress. But along with a new economic doctrine the Depression brought a new Indian policy.

4. The Indian Reorganization Act of 1934: [88] The Attempt to Stem the Tide of Historical Inevitability

A recurring theme in materials relating to federal Indian law [89] is that one man, Felix S. Cohen, single-handedly slowed the forces of history. From the first colonial settlement until 1934, the consistent policy of the United States had been, at first, to seize and possess the continent, and then, to assimilate any Indians who might be left. But the New Deal brought men to Washington who, for the first time, were of the opinion that there might yet be a continuing role for the tribe in the federal system. Felix S. Cohen was such a man: he drafted [90] the Indian Reorganization Act of 1934 [91] and, while an employee of the Department of the Interior in 1942, he published a book which became a *cause celebre* in the world of federal Indian law.[92]

Though the Indian Reorganization Act was not the first major piece of Indian legislation to emerge from the New Deal,[93] it was the most significant. It was permissive in nature, and could be repudiated by any tribe.[94] Its major features were the termination of allotment,[95] and the provision of federal legislative authority for tribal self-government.[96] Trusts created under the General Allotment Act were extended indefinitely,[97] all unallotted lands were restored to tribal ownership,[98] and the Secretary of the Interior was authorized to acquire land for tribes [99] and create new reservations.[100] The goal of the Act was to allow tribes to elect existence as a separate people as an alternative to the mandatory assimilation of the General Allotment Act. And, the Act permitted those tribes who elected existence to adopt a constitution and bylaws for their self-government,[101] with certain enumerated powers in addition to any which might have existed under prior law. They were: [t]o employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local Governments.[102]

The Act was a last-minute attempt to prevent the inexorable doom of all tribes predicted over one hundred years earlier by James Kent.[103] But, more important than the end of allotment were the Act's provisions for tribal self-government. While it is clearly a legislative grant of power, the Act does not go as far as Cohen's own view. Cohen's fundamental assumption was: "those powers which are lawfully vested in an Indian tribe are not, in general, delegated powers granted by express acts of Congress, but rather inherent powers of a limited sovereignty which has [*sic*] never been extinguished." [104] For this position Cohen relied on *Worcester v. Georgia*,[105] an opinion whose validity had been eroded by history and subsequent opinions.[106] And even if the case enjoyed full current vitality, Chief Justice Marshall was addressing himself to assertions of tribal sovereignty against the states, not the United States. Rather inconsistently, then, did Cohen concede that "[c]onquest renders the tribe subject to the legislative power of the United States and, in substance, terminates the external powers of sovereignty of the tribe." [107]

The revitalization of the tribe by the Indian Reorganization Act of 1934 and Cohen's 1942 book were not to survive into the 1950's. By the mid-1940's Congress was showing its impatience with tribal matters. Ancient Indian claims were an ever-present pest. Because of the sovereign immunity of the United States, laches, and statutes of limitations, each Indian claim required special legislation. In an effort to fulfill its moral (and to a lesser extent, legal) obligations to Indian tribes and to put an end to tribal claims against the United States once and for all, the Act of August 13, 1946 [108] created the Indian Claims Commission to hear all tribal claims against the United States whether arising out of contract, tort, treaty or otherwise.[109] The jurisdiction of the Commission was limited to claims which existed before August 13, 1946,[110] and all such claims had to be brought within five years (*i.e.*, by August 13, 1951) or be forever barred.[111] All tribal claims arising after August 13, 1946, were to be heard in the United States Court of Claims.[112] The Commission was directed to notify all tribes of the provisions of the Act and investigate claims.[113] All final determinations by the Commission were reviewable by appeal to the United States Court of Claims.[114]

Since pre-1946 claims could be brought only within the five-year period the Act provided for the termination of the Commission within 10 years.[115] However, the Commission has been extended over the years to hear the original 370 [116] claims filed before 1951. The original 370 claims were divided into 605 docketed claims, and by 1968 (after 22 years) 149 were dismissed, and final judgment was entered in 134.[117] Con-

Footnotes at end of article.

gress has extended the life of the Commission to 1977,[118] but it is doubtful if the remaining cases will have been settled in nine years.[119]

5. Termination of the Tribes: Congressional Grants of Civil and Criminal Jurisdiction over the Remaining Tribes to the States.

After the 20-year lull in which the Indian Reorganization Act of 1934 and Cohen's book slowed the inexorable force of history, Congress, by 1953, returned to its former policy of assimilation. By now, it was unnecessary to subjugate tribes; their status as self-governing entities could be terminated by legislation. Congress expressed its intent by Concurrent Resolution; [120] the words were strikingly similar to those used in connection with the policy behind allotment in 1871.[121]

[I]t is the policy of Congress, as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship; . . ." [122]

Though this resolution has been severely criticized,[123] it should be noted that assimilation (in the sense of no racial classifications under the law) has always been regarded as a positive goal in the melting pot that is America. Though diversity and cultural identity have always been protected in a *private* context in a pluralistic society, it is questionable whether the protection of these values in a *public*, governmental way is consistent with the United States Constitution.[124]

In any event, Congress had no doubt that it could legislate away the existence of a tribal entity, and in the years that followed, many Indian tribes were so terminated.[125] The legislation provided for the closing of the tribal rolls,[126] the sale of tribal land [127] (proceeds to go to individual Indians), the termination of federal recognition of Indian identity vis-a-vis federal programs,[128] and the full application of the laws of the state in which the tribe was located to individual Indians and the tribe [129] (the tribe could elect to exist as a private corporate entity under the laws of a state). Whatever right to self-government granted by the provisions of the Indian Reorganization Act and incorporated in a tribal constitution was terminated.[130]

This kind of legislation, never successfully challenged, stands for the proposition that tribal self-government exists through the authority of Congress and is not guaranteed by the federal system as established in the United States Constitution.

For those tribes not terminated, Congress implemented its intent to incorporate Indians into the mainstream of American federalism by yielding its exclusive jurisdiction over tribes, heretofore established by preemption under article I, § 8(3) of the Constitution, by granting its consent to any state which wanted to assert its civil and criminal jurisdiction over tribal Indians.[131] The consent of the tribe was not required.[132] But Congress continued to exempt tribal land from state taxation,[133] and as a result, many states were reluctant to expand jurisdiction without a proportional increase in the tax base.

Through statutory termination and grants of jurisdiction over tribes to the states, it can fairly be said that the 1950's were the contemporary high-water mark of congressional intent to integrate the tribal Indian into the federal system.[134] But the turbulent events of the 1960s caused a reassessment of Indian policy, and the congressional goal of assimilation and termination was again suspended.

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6. The Indian Civil Rights Act of 1968 [135]

Termination was suspended [136] because Indians who were members of terminated tribes were not equipped for assimilation. Many, having spent their proceeds rapidly, ended up as wards of the state in fact, if no longer in law.[137] But assimilation without termination is difficult if not impossible. The Indian Civil Rights Act of 1968 was one such nonterminating assimilative effort. The tribe could exist, but would be subject to almost all the restraints the Bill of Rights imposes on the federal and state governments.[138] This was necessary because much earlier when the United States Supreme Court held that the Bill of Rights was a limitation on the power of the federal government only and not the states, it held that, for the same reason, the Bill of Rights was not applicable to an Indian tribe.[139] The Act also extended the writ of habeas corpus in federal court to test the legality of detention by an Indian tribe exercising powers of self-government.[140] This is important, not so much for tribal Indians who could at least be assumed to have subjected themselves to tribal government, but rather for non-Indians who may be held by a tribal government. Without this provision neither state nor federal court could help the non-Indian test the legality of his detention. Finally, the Act amended § 7 of Public Law 280 to require the consent of the tribe before a state could extend its civil and criminal jurisdiction over a reservation.[141]

On its face, this Act appears benign enough. There was no substantial Indian opposition to the Act. Indeed, perhaps because of the provisions requiring tribal consent before the exertion of state jurisdiction, an admittedly massive adjustment to Public Law 280, one commentator has suggested that the Act was intended to preserve tribal self-government.[142]

Yet, the application of most of the provisions of the Bill of Rights of the United States Constitution to tribal governments plainly stands in opposition to claims of tribal sovereignty. Moreover, it subjects the tribes, by and large, to the same limitations imposed on state and federal governments.[143] This will have a homogenizing effect on tribal governments. Cultural or historical practices contrary to the provisions of the statutory bill of rights must fall. It is a statement by Congress that certain rights are so fundamental that whatever interest a tribe might have contrary to such rights must fail.[144] A crucial question is whether the same standards of due process apply to tribes, or whether cultural differences may lawfully be considered.[145] One court, already facing this question, held that the equal protection clause in the Act [146] requires the application of the one-man one-vote standard of *Baker v. Carr* [147] to tribal elections.[148] Just as there was objection to the application of this principle to the states, already there is a suggestion that Indian tribal values should prevail over the values expressed by the equal protection clause.[149] The extent to which such a suggestion might prevail remains to be seen.

The Indian Civil Rights Act is nonterminating to the extent it requires tribal consent prior to a state's claim of jurisdiction over it. But it is assimilative to the extent it applies the Bill of Rights to tribal government. On balance, the Act appears to be a holding action; while tribes are allowed to exist, the umbrella provided by the Bill of Rights protects Indians and non-Indians from the activities of tribal governments. It is in this holding pattern that Congress continues to operate.[150]

7. Summary of the Congressional Response

The congressional response to native Americans has changed with the tides of history. In the early part of the nineteenth century, when Indian tribes were in fact nations possessed of limited sovereignty, Congress preempted the field in the early Intercourse Acts and dealt with the tribes by separation. As the nineteenth century reduced Indians in fact from nationhood to the vanquished, Congress encouraged the settlement of their land by non-Indians and the ultimate assimilation of the Indian. By the twentieth century the Indian was a citizen of the United States, and the tribe was a political subdivision of the Congress.[151] Depending upon the prevailing attitudes of the decade, Congress either allowed tribal self-government (the Indian Reorganization Act) or extinguished the existence of the tribe as an entity (the termination legislation). Clearly, Congress has absolute power over the existence of the tribe, and the states lack power over the reservations within their boundaries only because and to the extent Congress has not permitted it. In short, the use of the term "sovereignty" in connection with an Indian tribe is wholly inaccurate as against the United States. As against the states it is accurate only to the extent Congress preempts the field and permits tribal self-government to the exclusion of state jurisdiction. The extent to which the Supreme Court has been faithful to this principle is the next area of examination.

V. THE TRIBE IN THE UNITED STATES SUPREME COURT

The effects of westward expansion and historical events are reflected in the opinions of the Supreme Court which relate to Indian tribes. Because the status of the tribe in the early nineteenth century was quite different *in fact* than its status by the end of the century, early formulations by the Court were rapidly eclipsed by reality, and later opinions reflect the shift.

A. The early formulation of John Marshall

Four cases written by Chief Justice John Marshall between 1810 and 1832 set the stage upon which Indian legal battles are now fought. These cases were significant not because of the limited principles for which they stood, but rather because of Marshall's expansive dicta. It must be recalled that these opinions were written during the period in which the United States policy toward Indian tribes was reflected in the Intercourse Acts: separation for eventual subjugation with minimal friction.

Fletcher v. Peck [152] was the first case to reach the Court in which the relationship between the states, the tribes and the United States was at issue. The buyer of real property within the boundaries of the state of Georgia sued his seller for breach of covenants of title, alleging that the property in question had been reserved by the British Crown for the use of Indians, and therefore the land was acquired by the United States by the Revolutionary War, and not by Georgia.[153] The Court rejected this contention, and held that "the reservation for the use of the Indians appears to be a temporary arrangement," and the land so reserved was "within the state of Georgia." [154] Accordingly, there was no breach of covenant in the deed. The Court then raised the question "whether a state can be seized in fee of lands, subject to the Indian title," and held that "the nature of the Indian title, which is certainly to be respected by all courts, until it be legitimately extinguished, is not such as to be absolutely repugnant to seisin in fee on the part of the state." [155] The date of this case, 1810, may be crucial to understanding the result. Between 1802 and 1813 no federal legislation existed regulating affairs with Indians.[156] Accordingly, though the opinion does not so state, no federal preemption was involved and the states were free to hold the fee in lands reserved to tribal Indians. But this result is at odds with later formulations by Marshall. Thirteen years later he would have held title in the United States as a

successor to the Crown's treaties. *Fletcher* was a slow start and would later prove embarrassing to Marshall.

In *Johnson v. M'Intosh*,[157] the Court was asked to decide if an Indian tribe could convey title to lands in America. Since the purported conveyances occurred in 1773 and 1775, the Intercourse Acts' prohibitions against tribal transfer of land without the consent of the United States[158] were inapplicable; therefore, the Court had to examine the nature of tribal sovereignty in the abstract. Chief Justice Marshall traced the legal impact of European settlement, and concluded that discovery gave title to the continent to the European nation which made the discovery.[159] "[T]he rights of the original inhabitants . . . to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil at their own will . . . was denied by the . . . principle that discovery gave exclusive title to those who made it."[160] Therefore, the United States holds title to the continent and has the "exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest."[161] Reflecting the reality of the day, the Court said "[t]he title by conquest is acquired and maintained by force" and "it is not for the Courts of this country to question [its] validity."[162]

The Court noted that usually the conquered are allowed to be incorporated into the conquering society, to "make one people,"[163] "[b]ut the tribes of Indians . . . were fierce savages,"[164] so a different result was unavoidable. Finally, the Court held that "Indian inhabitants are to be considered merely as occupants . . . to be deemed incapable of transferring the absolute title to others."[165] *Johnson* has since stood for the proposition that the United States is the sovereign against whom Indian tribes have no standing as sovereigns. Five years later, James Kent was to rely almost exclusively on *Johnson* in discussing Indian tribal title to land in his *Commentaries*.[166] "It [the rule of *Johnson*] is the law of the land, and no court of justice can permit the right [of the United States] to be disturbed by speculative reasoning on abstract rights."[167]

But *Johnson* appears to be wholly inconsistent with *Fletcher*. Somehow, between 1810 and 1823 Marshall concluded that the fee to Indian tribal lands was not in the states but, rather, in the United States.

In *Cherokee Nation v. Georgia*,[168] the Cherokee Tribe brought a bill in equity against the State of Georgia, seeking to restrain the state from executing its laws in Cherokee lands.[169] The tribe asserted a right to be free of state law arising out of a treaty between the United States and the Cherokees.

Chief Justice Marshall examined the jurisdiction of the Supreme Court under article III of the Constitution. Unless the Cherokees were a foreign state under article III, the Court had no jurisdiction and had to dismiss the bill. He examined the unique relationship between Indian tribes and the United States, and said that "[t]he Indian territory is . . . a part of the United States . . . considered within the jurisdictional limits of the United States. . . ."[170] Then follows his often-quoted and now-famous dicta:

"[I]t may well be doubted whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may, more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases. Meanwhile they are in a state of pupilage. Their relation to the United States resembles that of a ward to his guardian."[171]

The Court, therefore, held that an Indian tribe is not a foreign state under the Constitution,[172] and buttressed its conclusion by the separate treatment accorded foreign nations and Indian tribes in article I, § 8(3).[173] Accordingly, the Cherokees' bill was dismissed.[174]

Up to this point, Marshall had fashioned two principles out of the state of things: (1) Tribes could not convey their land of their own will, because the fee was in the United States (*Johnson*); and,(2) tribes were not foreign nations under the Constitution (*Cherokee Nation*). The question raised by the Cherokees in *Cherokee Nation*, the extent to which a state has jurisdiction over tribal lands within its boundaries, remained to be considered.

Worcester v. Georgia[175] presented this issue. A non-Indian citizen of Vermont, a missionary, was convicted of violating a Georgia statute which purported to regulate who could live in Indian country. "[P]ower, war, conquest," said Chief Justice Marshall, "give rights, which, after possession, are conceded by the world. . . ."[176] Hence, he proceeded on "the actual state of things."[177] The Court noted that treaties between the United States and the Cherokees guaranteed to the Cherokees the right of self-government.[178] It was within this context that the Court said: "The Cherokee nation, then, is a distinct community, occupying its own territory, . . . in which the laws of Georgia can have no force, . . ."[179] On this basis, the Court struck down Georgia's statute. State law did not extend to Indian tribal land, not because of inherent tribal sovereignty, but, rather, because the United States had by treaty guaranteed to the tribe the power to govern themselves. Indeed, after *Fletcher*, *Johnson*, and *Cherokee Nation*, there was little, if any, sovereignty left on which to base the decision. This point has often eluded commentators and courts, and *Worcester* has been inaccurately used to expand on notions of tribal self-government. Much of the responsibility lies with Marshall, whose expansive discourse produced something less than a tight opinion. But Marshall had good reasons for this. First, as a political matter it was important to assert the preeminence of the Union over the states.[180] Secondly, in 1832, the historical reality was that many tribes were distinct political communities. *Worcester* was an attempt to assert the authority of the Union against the states, not the sovereignty of the tribe against the states or the United States, and any effort to read therein the latter proposition should be dispelled by *Fletcher* (for the states) and *Johnson* and *Cherokee Nation* (for the United States), as well as subsequent formulations by the Court.

B. Subsequent formations of the status of Indian tribes in relation to the United States: 1850–1901

In this period, the Court used various stock formulations of the status of Indian tribes,[181] ranging from the imprecise,[182] to the insulting.[183] But three cases deserve separate treatment.

In *Ex Parte Crow Dog*[184] the Court noted that a federal statute had excluded from federal criminal jurisdiction the murder of an Indian by an Indian on a reservation. The case is frequently cited in support of tribal sovereignty. In reality, however, the case merely restates the familiar principle that the jurisdiction of federal courts can be limited by acts of Congress.

Congress moved quickly to fill the jurisdictional gap and in *United States v. Kagama*[185] the Court was faced with a challenge to the constitutionality of the statute. The Court said:

"Indians are within the geographical limits of the United States. The soil and the people within these limits are under the political control of the Government of the United States, or of the States of the Union. *There exist within the broad domain of sovereignty but these two.*[186]

This language clearly precludes the possibility that an Indian tribe has a right to self-government independent of a congressional grant. Not content to rest its decision upholding the statute on article I, § 8(3), the commerce power, the Court added that the statute was constitutional "because it [jurisdiction over a reservation] never has existed anywhere else, because the theatre of its exercise is within the geographical limits of the United States, because it has never been denied, and because it alone can enforce its laws on all the tribes."[187] In 1886, the Court still suffered under a narrow view of the commerce power. No doubt such a statute would be upheld today under the commerce power, but *Kagama* reached the result by *a tour de force*. Its Constitutional premise was that sovereignty exists only in the United States and the states. Since the state had no jurisdiction, the United States had to have it. The Constitution permits no other scheme. The conclusion is that tribal self-government exists only to the extent the United States permits it to exist.

Kagama's vitality was recently confirmed in *United States v. Blackfeet Tribe*,[188] a case which dramatically demonstrates the contemporary status of claims to tribal sovereignty. A federal statute prohibited slot machines on the reservation.[189] The Blackfeet Tribe in Montana passed an ordinance permitting slot machines. After an F.B.I. agent seized some machines, the tribal court issued an order restraining all persons fom removing the slot machines from the reservation. A United States Attorney violated the order and was ordered to show cause why he should not be held in contempt by the tribal court. The United States Attorney then filed an action in the United States District Court seeking to enjoin the tribe from proceeding with the contempt proceedings. In defense, the tribe asserted its "sovereignty." The court said: "The blunt fact, however, is that an Indian tribe is sovereign to the extent that the United States permits it to be sovereign—neither more nor less."[190] The court held that it was beyond the power of the tribal court to limit a federal officer in the performance of his duties. The court said it had sympathy for the judges of the tribal court because it understood the pressures "generated by political urgings for the exercise of tribal sovereignty."[191] After citing *Kagama*, the court said:

"Unfortunately the word 'sovereignty' is politically used without regard to the fact that as applied to Indian tribes 'sovereign' means no more than 'within the will of Congress.'"[192]

The third Supreme Court case in this period warranting separate treatment is *Talton v. Mayes*.[193] In it, a Cherokee Indian was indicted by a five-member grand jury of the Cherokee Tribe for the murder of another Cherokee within the reservation. He argued that the five-member grand jury violated the fifth amendment of the United States Constitution. The Court reasoned that since the Bill of Rights was not applicable to the states, the fifth amendment was similarly not applicable to tribes, because "its sole object [was] to control the powers conferred by the Constitution on the National Government."[194] With the subsequent application of most of the provisions of the Bill of Rights to the states, it is unlikely that the case has continuing validity. Furthermore, the enactment of the Indian Civil Rights Act of 1968[195] has largely mooted the issue. But what the Court had to say about the nature of the Cherokees' right to self-government is significant:

"By *treaties* and *statutes* of the United States the right of the Cherokee nation to

Footnotes at end of article.

exist as an autonomous body, subject always to the paramount authority of the United States, has been recognized." [196]

The Cherokees' right to self-government had its origin in federal treaties and statutes. But treaties, like statutes, can be repealed by the unilateral action of Congress.

C. The power of the Congress to repeal a treaty by unilateral action

In *The Cherokee Tobacco* [197] the United States had, by treaty in 1866, exempted the Cherokee Tribe from federal taxes on the sale of farm products. In 1868, in conflict with the treaty, Congress enacted a statute which imposed a federal tax on, *inter alia*, tobacco. The Court recognized that the treaty and the statute were in conflict, but concluded that a subsequent act of Congress supersedes a prior treaty.[198] To the same effect is *Head Money Cases* [199] in which the Court held that a treaty is "subject to such acts as Congress may pass for its enforcement, modification, or repeal." [200]

In *Stephens v. Cherokee Nation* [201] a statute authorizing a commission to determine citizenship in certain tribes as part of the general allotment plan was attacked as violative treaty provisions. The Court noted that the United States "allowed" Indian tribes self-government by treaty.[202] But it was clear that an act of Congress can "supersede a prior treaty and that any questions that may arise are beyond the sphere of judicial cognizance." [203] Accordingly, the Court upheld the statute.

At first glance, the power of Congress to abrogate a treaty by statute seems awesome. Upon reflection, however, the need for this doctrine becomes apparent. Surely the United States has the power to abrogate its obligations under international treaties. If it did not it would not be a sovereign. Moreover, there is no constitutional limit on the power of Congress to repeal a treaty.[204] Congress may be liable to pay damages under some provision of the Constitution such as the fifth amendment, but there can be no doubt about its power to repeal a treaty.

D. The sovereign immunity of the tribe

One clue to the sovereignty of an entity is its power to exempt itself from suit. Indian tribes do not, by themselves, have this power; Congress may authorize suits against tribes. In *United States v. U.S. Fidelity Co.*,[205] the Supreme Court said:

These Indian Nations are exempt from suit without Congressional authorization. It is as though the immunity which was theirs as sovereigns passed to the United States for their benefit, as their tribal properties did.[206]

The Congress has authorized suits against tribes. For example, most courts which have been presented with the issue have held that the Indian Civil Rights Act of 1968 [207] is a congressional waiver of tribal immunity from suit.[208]

E. The status of tribal land

1. The Early Formulation

At issue in *Lone Wolf* v. *Hitchcock* [209] was a treaty between the United States and the Kiowa and Comanche Tribes which provided for the allotment of tribal land to individual Indians with the guarantee that no subsequent cession of tribal land would affect the grant to the allottee unless approved by three-fourths of the adult, male tribal Indians. When Congress enacted a statute which affected the allotted land, the allottees claimed a taking in violation of the fifth amendment. The Court denied a compensable interest in the allottee, even though his interest arose out of a treaty.[210] The Court noted that while Congress might have a moral obligation to perform its treaty stipulations, "the legislative power might pass laws in conflict with treaties made with the Indians." [211]

Footnotes at end of article.

2. The Current Formula

There is no doubt that the United States can take tribal land as it can take other land.[212] The real issue is whether compensation is due under the fifth amendment. The claim is based upon aboriginal possession [213] or Executive order, on the one hand, or congressional grant, such as by treaty, on the other.

In *Sioux Tribe of Indians* v. *United States*,[214] a tribe brought an action against the United States seeking compensation for the taking of land given them by Executive order. The Court said:

Where lands have been reserved for the use and occupation of an Indian Tribe by the terms of a *treaty* or *statute*, the tribe must be compensated if the lands are subsequently taken from them.[215]

But, because article IV, § 3 of the United States Constitution confers upon Congress the exclusive power to dispose of property belonging to the United States, tribes are "not entitled to compensation upon the abolition of an executive order reservation." [216] The pattern begins to take shape. The United States owns all the land that Indian tribes claim based upon their prior possession. It is only when the Congress gives some land back to the tribe that compensation is due under the fifth amendment upon a subsequent taking. Therefore, no compensation is constitutionally due for the taking of tribal land held under claim of aboriginal possession or by Executive order. Only Congress can give a tribe a compensable interest in tribal land.

These principles were affirmed and defined with greater specificity in *Tee-Hit-Ton Indians v. United States*, [217] in which the Court said:

"Where the Congress by treaty or other agreement has declared that thereafter Indians were to hold the lands permanently, compensation must be paid for subsequent taking." [218]

The Court said no particular form of congressional recognition is required, "but there must be the definite intention by Congressional action or authority to accord legal rights, not merely permissive occupation." [219] The Court traced the conquest of tribes, noted that original Indian title was mere possession, not ownership, and that original Indian title or occupancy can be terminated without compensation.[220] The Court admitted that Indian tribal lands were taken by force, and that their cessions were not real sales, but Congress had no legal duty to compensate because "no other course would meet the problem of the growth of the United States." [221]

The Court noted that Congress established the Indian Claims Commission to hear grievances even though it had no legal duty to do so.[222] Finally, the Court specifically limited and distinguished *United States v. Tillamooks*,[223] in which recovery was allowed by *statute*, but in which the language was ambiguous and imprecise.[224]

Thus, an analogy between sovereignty and ownership of land is possible. Just as a tribe derives its powers of self-government from the United States, so too does it derive its claim to land. Prior powers of self-government and ownership of land have no bearing on their present rights.

F. State power over the reservations within its boundaries

The extent to which a state can extend its jurisdiction to tribal reservations located within its boundaries is the most common issue in contemporary Indian law litigation. While the problem has already been alluded to,[225] some general observations are necessary before discussing the Supreme Court's treatment of this state power. The Supreme Court has been as zealous to keep the states out of reservations as it has been in asserting the plenary authority of the United States over reservations. Some of this zeal is caused by the states' reluctance to accept total federal preemption of the field. Some of it is caused by uncritical reliance on dicta in *Worcester v. Georgia* [226] in rapidly changing times. But in its zeal to prevent state intervention, the Court has used language which holds out false hopes for advocates of tribal self-government. Perhaps more importantly, the quickness with which the Court has excluded states from asserting jurisdiction over activities involving tribal Indians on the reservation has produced a patchwork of jurisdictional anomalies resulting in there being whole areas of the United States in which *no forum* exists for bringing a claim.

1. Early Distinctions

From the very beginning *Worcester* was rejected. Whether a state could exert its jurisdiction over activities on a reservation depended upon whether the actors were Indian or non-Indian. In *The Kansas Indians* [227] the Court held that Kansas could not tax tribal land because (1) the United States guaranteed state tax exemption to the tribe by treaty, and (2) the tribe was to be governed exclusively by the Union.[228] The case, to be sure, could have been decided on the first ground alone. But the year was 1866, and the Civil War was on the minds of everyone. Accordingly, the Court buttressed its conclusion by quoting John Marshall and referred to the tribe as a "people distinct from others." [229]

Where the state sought to exert jurisdiction over non-Indians on the reservation, the Court was more congenial. In *Utah & Northern Ry v. Fisher* [230] the Court allowed the Territory of Idaho to assess a tax on non-Indian-owned railroad property which passed through a reservation because "[t]he authority of the territory may rightfully extend to all matters not interfering with" the protection afforded the tribe by treaty.[231] The Court said it would have permitted the tax even if the railroad did not have a right-of-way over the reservation.[232]

In *United States* v. *McBratney*,[233] the Court held that Colorado had jurisdiction over a non-Indian who killed a non-Indian on the reservation. Though a treaty between the United States and the tribe called for federal jurisdiction, the act of Congress admitting Colorado to the Union contained no such provision, and under the rule of *The Cherokee Tobacco*,[234] the statute repealed the treaty. *McBratney* was followed in *Draper* v. *United States*,[235] and more recently in *New York ex rel. Ray* v. *Martin*,[236] where the Supreme Court said: "in the absence of a limiting treaty obligation or Congressional enactment each state had a right to exercise jurisdiction over Indian reservations within its boundaries." [237] A broad reading of *Martin* would suggest that a state could exert its jurisdiction over anyone or anything on a reservation except where prohibited by treaty or statute. A narrow reading would limit the rule to non-Indians and their property on the reservation. In any event, the broad exclusionary language of *Worcester* (which itself dealt with a non-Indian) had by this time yielded to the distinction between Indians and non-Indians. But this distinction does not fit any of the nice categories of *in personam* jurisdiction.

2. The Development of the Current Formula: A Study in Confusion

Williams v. *Lee*,[238] begins the current development of a scheme by which one can determine whether a state may assert its jurisdiction over persons, property or events on a reservation. A non-Indian who operated a general store on a reservation sued an Indian and his wife in an Arizona state court to recover goods sold on credit on the reservation. The Court noted that time and history had modified the principle of *Worcester* v. *Georgia* [239] by allowing state law to extend to reservations where "essential tribal rela-

tions were not involved." [240] The Court attempted to capsulize the jurisdictional scheme:

"Suits by Indians against outsiders in state courts have been sanctioned. And state courts have been allowed to try non-Indians who committed crimes against each other on a reservation. But if the crime was by or against an Indian, tribal jurisdiction or that expressly conferred on other courts by Congress has remained exclusive. . . ." [241]

Then the Court fashioned a new rule, subsequently referred to as the "Infringement Test":

"Essentially, absent governing Acts of Congress, the question has always been whether the state action infringed on the right of reservation Indians to make their own laws and be ruled by them." [242]

Since no Act of Congress gave Arizona jurisdiction over a tribal Indian for a claim arising on the reservation, *Worcester* applied and the state had no jurisdiction.

The reliance on *Worcester* was misplaced. In *Worcester*, a treaty preempted state jurisdiction. In *Williams* the Court did not even look for a treaty (though one existed). The result achieved was probably correct because of treaty guarantees, but the language of *Williams* would later prove embarrassing.

The erosion of *Worcester* in *Fisher*,[243] *McBratney* [244] and *Martin* [245] was to be acknowledged within four years. In *Kake Village* v. *Egan*,[246] the Court would rely on *Fisher* and *McBratney* to disavow the statement in *Worcester* that an Indian reservation is a distinct nation within whose boundaries state law cannot penetrate.[247] The Court, instead, enunciated a new test whereby, even on reservations state laws may be applied to Indians unless such application would interfere with reservation self-government or impair a right granted or reserved by federal law.[248]

This test applies the *Williams* infringement test to Indians, a result made possible by the imprecision of *Williams*. The Court would later retreat from this approach.

In *Warren Trading Post Co. v. Arizona Tax Commission*,[249] it appeared that the Court finally arrived at a principled doctrine upon which to solve these problems—the doctrine of preemption. The Court struck down an Arizona gross sales and income tax levied on a trading post doing business on that portion of the Navajo reservation in Arizona. Unfortunately, it is not clear in the opinion whether the trading post was Indian owned or not. The Court held that the state tax could not be imposed because "Congress has taken the business of Indian trading on reservations so fully in hand that no room remains for state laws imposing additional burdens upon traders." [250] The trading post had been licensed by the United States pursuant to a comprehensive federal regulatory scheme, which "left the State with no duties or responsibilities respecting the reservation Indians." [251] This principled approach to state tax exemption based upon federal preemption was to be short-lived. Indeed, the Court later surprisingly denied that *Warren Trading Post* was a preemption case. [252]

The next serious effort at meeting these problems came in 1973.[253] The distinctions between "on the reservation" and "off the reservation" and between Indian and non-Indian were finally incorporated into a new principled approach to the problems of state jurisdiction in two cases.

In *Mescalero Apache Tribe v. Jones*,[254] the Supreme Court was confronted with the validity of a New Mexico gross receipts tax imposed on a tribal ski resort, located *off the reservation*, and a use tax imposed on personal property purchased by the tribe outside of New Mexico and used at the resort. Instead of blind reliance on *Worcester*, the Court finally realized that the proper approach is to be found by examining relevant federal treaties and statutes.

"[W]e reject . . . the broad assertion that the Federal Government has exclusive jurisdiction over the Tribe for all purposes and that the State is therefore prohibited from enforcing its revenue laws against any tribal enterprise "[w]hether the enterprise is located on or off tribal land." Generalizations on this subject have become particularly treacherous. The conceptual clarity of . . . Marshall's view in *Worcester v. Georgia*, . . . has given way to more individualized treatment of particular treaties and specific federal statutes, including statehood enabling legislation, as they, taken together, affect the respective rights of States, Indians, and the Federal Government." [255]

This methodology of rejecting generalizations in favor of reliance on treaties and statutes comes as a great relief after the confusing generalizations spawned by *Worcester*. Contrary to the blanket exclusion of state law over reservations in *Worcester* the Court said:

"even on reservations, state laws may be applied unless such application would interfere with reservation self-government or would impair a right granted or reserved by federal law." [256]

But even this is the kind of generalization the Court warned against. Clarity would have been better served had the Court simply said that state laws may apply unless prohibited by treaty or statute. Since the resort in the case before the Court was off the reservation, the comment was unnecessary to the decision, and the following rule applied: "Absent express federal law to the contrary, Indians going beyond reservation boundaries . . . [and] off-reservation activities are within the reach of state law." [257] The Court found that the Indian Reorganization Act, under which the resort was undertaken by the tribe, exempted from state taxation land acquired under the Act. Since the personal property was attached to the realty, the New Mexico use tax on it was invalid. But since no similar express federal statute exempted the resort from a state gross receipts tax, the New Mexico gross receipts tax was valid.[258]

While *Mescalero* concerned itself with off-reservation activities by tribal Indians, *McClanahan v. Arizona State Tax Commission* [259] involved a state's attempt to tax the income of a tribal Indian whose entire income came from reservation sources. First the Court pointed out that the case did not concern a nonreservation Indian, or non-Indians on the reservation, or reservation Indians off the reservation (as in *Mescalero*).[260] The Court held the tax invalid because of relevant treaties and statutes, not tribal sovereignty.[261]

"[T]he trend has been away from the idea of inherent Indian sovereignty as a bar to state jurisdiction and toward reliance on federal pre-emption. . . . The modern cases thus tend to avoid reliance on platonic notions of Indian sovereignty and to look instead to the applicable treaties and statutes which define the limits of state power.[262]

The Court noted that Indian sovereignty as a doctrine was relevant only as a backdrop against which treaties and statutes must be read.[263] Federal preemption of the field was such that the issue of residual Indian sovereignty was moot.[264]

Looking to the applicable treaties and statutes, the Court found that tax exemption was inferred [265] from both the Navajo treaty which set aside a reservation for Navajos only, and from Arizona's enabling Act which authorized it to tax land "outside of an Indian reservation," [266] The Court then attempted to clarify the confusion caused by *Kake* and *Williams* by limiting *Kake* to non-reservation Indians [267] and *Williams*' infringement test to non-Indians.[268]

The significance of *Mescalero* and *McClanahan* lies not only in their bringing some order to a confusing area, but also, and more importantly, in their creation of a realistic, principled approach to the various problems involving state assertions of jurisdiction over reservation and nonreservation activities involving both Indians and non-Indians. The result is that federal preemption, not tribal sovereignty, insulates tribal Indians from state jurisdiction.[269] The corollary, of course, is that nothing protects tribal self-government "from the will of Congress itself." [270]

3. Jurisdictional Nightmare

Because of federal preemption, those states which did not avail themselves of the consent of Congress to unilaterally assert their jurisdiction over Indian reservations,[271] while such consent lasted,[272] frequently find themselves without jurisdiction over reservation Indians for transactions arising on the reservation. Yet, federal courts are of limited jurisdiction, and Congress has not relaxed federal jurisdictional requirements coextensively with federal preemption. Accordingly, there are occasions involving non-Indians where only tribal courts have civil jurisdiction.[273] Many tribes, however, have not implemented forums to the full extent of their jurisdiction. Other tribes, understandably, lack the capacity or resources to indulge in a first-rate judicial system. Accordingly, there are claims in the United States for which there are literally no forums and other claims for which there are practically no forums.

Schantz v. White Lightning [274] illustrates the problem. A non-Indian resident of North Dakota, while driving through a reservation,[275] was involved in an automobile collision with a car driven by a tribal Indian.[276] The North Dakota courts had no jurisdiction over the non-Indian's claim against the Indian because the tribe never granted its consent to the state to assert jurisdiction over the reservation under 25 U.S.C. § 1322 (1970). The tribal court, under the tribe's constitution, had no jurisdiction over actions brought by non-Indians for claims exceeding $300.00. The United States District Court had no jurisdiction because (1) there was no diversity—both were residents of North Dakota, and (2) there was no federal question—the tort of negligence does not arise under federal law. The United States District Court dismissed the complaint of the non-Indian expressing regret over the absence of any judicial forum to hear the case.[277]

Another anomaly created by federal preemption is that a court's jurisdiction may very well depend on who sues first.[278] For example, in the case above, if the Indian sued the non-Indian in the state court, the state court would have had jurisdiction. Hence, jurisdiction depends not on where the event occurred so much as on the ethnic origin of the defendant.

Finally, the lack of a forum in which to bring a claim inures to the detriment of the Indian as well. Sellers of goods and services are reluctant to extend credit to tribal Indians for lack of tribal remedies.[279] In any event, the jurisdictional void left by federal preemption is an area ripe for congressional remedy.

G. The Supreme Court, 1974–1975

One would have hoped that the Court would have maintained the methodology employed by *Mescalero* and *McClanahan* (*i.e.*, look to the treaties and statutes) on a consistent basis. By and large, it has. But on occasion it will fall back on the "separate entity" language of *Worcester*, where straightforward treaty or statutory analysis would have done as well.

In *Oneida Indian Nation* v. *County of Oneida* [280] the Court held, with good reason, that a tribal claim to possession of aboriginal land was sufficient to invoke the federal ques-

Footnotes at end of article.

tion jurisdiction of the federal courts. But in an effort to save the Indian hiring preference provision of the Indian Reorganization Act[281] the Court, in *Morton v. Mancari*,[282] relied on "sovereign" language to describe the preference granted to Indians. The Court referred to Indians "not as a discrete racial group, but, rather, as members of quasi-sovereign tribal entities."[283] Indeed, as to Indians as a group, the Court relied on article I, § 8(3) of the Constitution[284] to say that "[a]s long as the special treatment can be tied rationally to the fulfillment of Congress' unique obligation toward the Indians, such legislative judgments will not be disturbed."[285] Probably article I, § 8(3) would have sufficed without resort to the "quasi-sovereign" language.

United States v. Mazurie[286] is an unfortunate, if herculean effort, to uphold a congressional delegation to a tribe of jurisdiction over non-Indian-owned land within the reservation boundaries. The Court, relying on *Worcester*, said "Indian tribes are unique aggregations possessing attributes of sovereignty over both their members and their territory."[287] It is unclear why the methodology and language of *McClanahan*[288] was not employed.

One inherent problem in this inconsistent approach to Indian law is the disturbing practice of overruling or distinguishing cases shortly after they are issued.[289] In *Mattz v. Arnett*,[290] the Court said that the language of allotment acts does not terminate the reservation status of the land settled by non-Indians.[291] Two years later, in *DeCoteau v. District County Court*,[292] *Mattz* was emasculated.

H. Summary

Fluctuations notwithstanding, the net effect of Supreme Court treatment of the role of the tribe in the federal system is that federal pre-emption, not tribal sovereignty, insulates the tribe from state law, and that as to its relationship to the United States, the tribe is a construct of Congress.

VI. CONCLUSION

[T]he extent of sovereign power being, like the very existence of sovereignty, a pure matter of fact, depends entirely upon the extent of the obedience actually rendered.[293]

Largely through his own effort, the tribal Indian is no longer the forgotten American.[294] But his effort has raised the question whether his sui generis role in the federal system can or should survive. It has been said that "to the extent [the tribal Indian] asserts an inherent right of tribal self-government, [he] has not truly manifested his consent to be governed wholly under the internal government set forth in the Constitution."[295] Many tribal Indians would heartily agree with this appraisal.[296] The Constitution was not designed with tribes in mind. Congress has been caught between changing tides of opinion running from full separation to total assimilation, but neither is immediately achievable. The reality is that the tribe cannot be separate, if only because historical forces and the Indian's already achieved partial integration are irreversible.[297] The efforts, then, must be to find some imaginative accommodation of tribal interests in cultural identity consistent with the federal system and the near certain assimilation of the tribe in the future. Statehood as a solution has both constitutional,[298] and intrinsic problems. A state would have to open its borders to all Americans, not just members of a tribe.[299]

The problem posed by the tribe is largely a question of policy, a function of the legislative branch of government. But the failure of Congress to find a solution to the problem of the tribe results from the lack of any consensus within the Republic.[300] The solution must come, if at all, through the political process, and the tribe should play a major role in it.

The Supreme Court's role should be limited. It should forthrightly deny the existence of inherent tribal sovereignty (as it implicitly did in *McClanahan* and *Mescalero*) and decide Indian law problems within the framework of relevant treaties and statutes. A contrary conclusion would render the entire legislative scheme unconstitutional, a reckless result. Allotment, termination, and grants of jurisdiction could not pass muster if tribes had inherent rights to self-government, with origins other than the Congress. A lack of residual tribal sovereignty is already inherent in the Court's decisions. Whenever the Court has resorted to pat phrases involving "sovereignty" it has always been within the context of the exclusion of state jurisdiction, a result readily obtainable under the doctrine of federal preemption.

Litigation involving tribes will proliferate as the tribe asserts its jurisdiction with greater confidence. Courts will not be misguided by the mystery which surrounds the tribe's claim to sovereignty only if they adhere to a methodology of looking to the relevant treaties and statutes.

FOOTNOTES

[1] The press provides us with evidence of this Indian revolution on a weekly basis. Following are some examples of these battles: (a) In 1974 a group of Iroquois Indians took over a portion of the Adirondack State Park in New York, claiming ownership to nine million acres in the states of New York and Vermont. New York filed an eviction action in federal court and the Indians were expected to file a motion to dismiss, contending the matter should be litigated in an international tribunal or settled through diplomatic negotiations between the United States and the tribe. TIME, Dec. 23, 1974, at 16. (b) In November 1974, Indians alleging to be Wampanogas filed an action in the United States District Court for the District of Massachusetts against the town of Gay Head claiming ownership to 238 acres of land, alleging that the State of Massachusetts wrongfully deeded the land to the town in 1870 without the consent of the United States. Boston Globe, Jan. 19, 1975, at 42, col. 1. (c) The Penobscot and Passamaquoddy tribes have filed an action in the United States District Court for the District of Maine, against the State of Maine, seeking *inter alia*, to recover half the State of Maine alleging that their treaties with the states of Massachusetts and Maine were invalid. Boston Globe, Jan. 12, 1975, at 36. *See* O'TOOLE & TUREEN, *State Power and the Passamaquoddy Tribe*, 23 ME. L. REV. 1 (1971). (d) On January 1, 1975, in a nationally publicized incident involving the leaders of the militant American Indian Movement, an armed band of Menominee Indians invaded and occupied a privately owned monastery in Gresham, Wisconsin. Boston Globe, Jan. 9, 1975, at 14 (evening ed.). *See also* TIME, Feb. 17, 1975, at 8. (e) In 1973, members of the American Iidian Movement occupied Wounded Knee on the Sioux's Pine Ridge Reservation in South Dakota and a shoot-out between the Indians and the F.B.I. left two persons dead. Boston Globe, Jan. 19, 1975, at A-4 (Focus). (f) The Fairchild Corporation operated an electronics plant on that portion of the Navajo Reservation in the State of New Mexico under a lease with the Navajo Tribe. After the corporation laid off 140 Navajo employees, twenty armed Navajos seized the plant, saying they would not leave even if the plant were closed. Boston Globe, Mar. 2, 1975, at 19.

[2] Tribes, or groups of Indians purporting to be tribes, are asserting ambitious and bold claims, based upon a broad claim of tribal sovereignty. For example, Vine Deloria, a Sioux, and a former executive director of the National Congress of American Indians, would like the United States to return the American portion of the continent to Indians. Short of this, he argues for the restoration of total Indian independence from the United States. *See* V. DELORIA, OF UTMOST GOOD FAITH (1971); and V. DELORIA, BEHIND THE TRAIL OF BROKEN TREATIES (1974). For an autobiographical statement by Deloria, and his thoughts on the Indian movement, *see* A. JOSEPHY, RED POWER 247–59 (1971). Another author emerging from the Indian movement with a similar position says that, "The aim of Red, or Indian, Power—the right of Indians to be free of colonialist rule and to run their own affairs . . . is the major theme of contemporary Indian affairs. . . ." A JOSEPHY, RED POWER 19 (1971). *See also* W. WASHBURN, RED MAN'S LAND/WHITE MAN'S LAW 240 (1971). While the recurring theme of the activist group within the Indian revolution is separation from the United States, it was not always this way. R. GESSNER, MASSACRE 406–07 (DeCapo Press ed. 1972). As recently as 1961, it appeared that the goal of American Indians was not separation, but rather full enjoyment of the bounty of America. Statement of the American Indian Conference held in Chicago in 1961, quoted in V. VOGEL, THIS COUNTRY WAS OURS 212 (1972). This view of helping the Indians to achieve a greater portion of the economic pie, but at the same time preserving Indian cultural identity, seems to be the current policy of the Congress acting through the Bureau of Indian Affairs of the Department of the Interior. T. TAYLOR, THE STATES AND THEIR INDIAN CITIZENS 167–72 (1972), published by the Bureau of Indian Affairs. The appendices of this volume contain as much raw data on Indian tribes as can be found in any single volume. Another moderate view stresses the desirability of the maintenance of Indian cultural identity, but within the federal system, and only to the extent federalism can accommodate special interests based upon race. *See* H. FEY & D. MCNICKLE, INDIANS AND OTHER AMERICANS (rev. ed. 1970) (hereinafter referred to as FEY & MCNICKLE). This book is available in paperback and is the most concise source of comprehensive information about the historical development of Indian issues. Other books, articles and tracts relating to Indian issues are plentiful but their quality and objectivity vary enormously. *See e.g.*, EASTERN MASSACHUSETTS REGIONAL LIBRARY SYSTEM, AMERICAN INDIAN, A SELECTED READING LIST (1973); T. TAYLOR. THE STATES AND THEIR INDIAN CITIZENS 283–86 (Selected Bibliography) (1972); U.S. Department of the Interior, ANSWERS TO YOUR QUESTIONS ABOUT AMERICAN INDIANS 31–41 (reading list) (1970). Some are new efforts to restate the historical development of Indian-American relationships. *See*, e.g., V. VOGEL, THIS COUNTRY WAS OURS (1972); W. WASHBURN, THE AMERICAN INDIAN AND THE UNITED STATES. A DOCUMENTARY HISTORY (1973) (in four volumes). Others are position papers for the Indian movement. *See, e.g.*, V. DELORIA, OF UTMOST GOOD FAITH (1971).

[3] Say, from Columbus' discovery in 1492, to the end of the nineteenth century.

[4] *See, e.g.*, RESTATEMENT (SECOND) OF FOREIGN RELATIONS LAW OF THE UNITED STATES § 4 (1965), which defines "state" as follows: "'state' . . . means an entity that has a defined territory and population under the control of a government and that engages in foreign relations."

[5] *See* W. FRIEDMAN, O. LISSITZEN & R. PUGH, CASES AND MATERIALS ON INTERNATIONAL LAW 465 (1969).

[6] J. STARKE, AN INSTRUCTION TO INTERNATIONAL LAW 180 (7th ed. 1972).

[7] *Id.* at 181.

[8] *See* notes 197–204 and accompanying text *infra* on the use of the treaty power and the power of the Congress, by unilateral action, to abrogate a treaty.

[9] What the United States Supreme Court has said on this matter is discussed below.

[10] 20 AM. J. INT'L L. 574 (1926) (American and British Claims Arbitration Tribunal). One of the three arbitrators was Roscoe Pound.

[11] *Id.* at 577.

[12] *Id.* (emphasis added).

[13] U.S. CONST. art. I, § 8 (3).

[14] U.S. CONST. art. I, § 2(3) and the fourteenth amendment. Both article I, § 2(3), and the fourteenth amendment which amended it, simply exclude "Indians not taxed" in determining a state's representation in the House of Representatives. Article I, § 2(3) also excluded Indians not taxed from a state's apportionment of direct taxes.

[15] 30 U.S. (5 Pet.) 1, 18 (1831).

[16] The tenth amendment provides as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

[17] THE FEDERALIST No. 24, at 161 (Mentor ed. 1961) (A. Hamilton).

[18] THE FEDERALIST No. 25, at 163 (Mentor ed. 1961) (A. Hamilton).

[19] THE FEDERALIST No. 3, at 44 (Mentor ed. 1961) (J. Jay).

[20] THE FEDERALIST No. 42, at 268–69 (Mentor ed. 1961) (J. Madison).

[21] 3 J. KENT, COMMENTARIES 318 (1st ed. 1828).

[22] Comment, *The Indian Battle for Self-Determination*, 58 CALIF. L. REV. 445, 485 (1970).

[23] Note, *The Indian: The Forgotten American*, 81 HARV. L. REV. 1818, 1821 (1968). *See* Bean, *The Limits of Indian Tribal Sovereignty: The Cornucopia of Inherent Powers*, 49 N.D.L. REV. 303 (1973). See also, Nixon, *Introduction*, 48 N.D.L. REV. 529 (1972), where the former President said, "I envisioned an approach which would carefully steer a course between excessive Federal control and termination [of the tribes]."

[24] *See* INDIAN TREATIES 1736–1762 (Historical Soc'y of Pa. ed. 1938). For treaties between the Penobscott Indians and Massachusetts, later assumed by Maine, *see* STATE OF MAINE, INDIAN TREATIES WITH THE STATE OF MAINE (1843).

[25] *See* H. SYLVESTER, INDIAN WARS OF NEW ENGLAND (1910) (in 3 volumes).

[26] Kawashima, *Legal Origins of the Indian Reservation in Colonial Massachusetts*, 13 AM. J. LEGAL HIST. 42 (1969).

[27] *Id.* at 56.

[28] *Id.*

[29] Treaty with the Delawares, Sept. 17, 1778, 7 Stat. 13. Volume 7 of the *Statutes at Large* is entitled "Treaties Between the United States and the Indian Tribes," and is devoted entirely to Indian treaties.

[30] *Id.*, art. 6 at 14.

[31] HOUSE COMM. OF INTERIOR AND INSULAR AFFAIRS, 88th CONG., 2d SESS., LIST OF INDIAN TREATIES 1–6 (Comm. Print No. 33, 1964). All treaties appear in volumes 7 through 18 of *Statutes at Large*. Various compilations of Indian treaties exist. Two early compilations are U.S. DEP'T OF WAR, INDIAN TREATIES (1826) and COMMISSION OF INDIAN AFFAIRS, TREATIES BETWEEN THE UNITED STATES OF AMERICA AND THE SEVERAL INDIAN TRIBES (1837). The complete compilation is C. KAPPLER, LAWS AND TREATIES (Vols. 1 & 2, 1902) (Vol. 3, 1913) (Vol. 4, 1929). A recent compilation which includes, along with treaties, unratified treaties and agreements is INSTITUTE FOR THE DEVELOPMENT OF INDIAN LAW, INC., A CHRONOLOGICAL LIST OF TREATIES AND AGREEMENT MADE BY INDIAN TRIBES WITH THE UNITED STATES (1973). This latter compilation appears to have been prepared for the Indian advocate.

[32] THE NATIONAL ARCHIVES, LIST OF DOCUMENTS CONCERNING THE NEGOTIATION OF RATIFIED INDIAN TREATIES 1801–1869 1 (1949).

[33] Higgins, *International Law Consideration of the American Indian Nations by the United States*, 3 ARIZ. L. REV. 74, 82 (1961), quoting from BASSET, CORRESPONDENCE OF ANDREW JACKSON 279–81 (1955).

[34] Treaty with the Cherokees, Dec. 29, 1835, 7 Stat. 478 (1835).

[35] *Id.*, art. 1 at 479.

[36] *Id.*, art. 5 at 481. As will be shown below, this is the result of federal exhaustion of the field rather than an inherent tribal right to be free from state jurisdiction.

[37] *Id.*

[38] E. CHILL, *Commentary*, in 1 MAJOR PEACE TREATIES OF MODERN HISTORY 1648–1967 664 (F. Israel ed. 1967).

[39] *Id.* at 665. See P. EDWARDS, THE MEDICINE LODGE INDIAN PEACE TREATY (1961) for a human account of the events surrounding the making of a treaty.

[40] A typical comment of the time, though made in reference to Canada's Indians, is the following: "Let us have Christianity and civilization to leaven the mass of heathenism and paganism among the Indian tribes; . . ." A. MORRIS, THE TREATIES OF CANADA WITH THE INDIANS OF MANITOBA AND THE NORTH-WEST TERRITORIES 296 (1880). The author was the Lieutenant Governor of Manitoba and the Northwest Territory. His account of Canada's treaties with its Indian tribes reveals a sensitivity to the problem of displacement. For recent materials on Indian law problems in Canada, see *Symposium*, 38 SASK. L. REV. 1–249 (1974).

[41] 25 U.S.C. § 71 (1970) (originally enacted as Act of March 3, 1871, ch. 120, 16 Stat. 544).

[42] *Id.* Congress provided a savings clause which provided that obligations arising under existing treaties would not be invalidated. *Id.*

[43] *See* Part III *supra*, and Part V *infra*.

[44] F. Prucha, American Indian Policy in the Formative Years vii (1962).

[45] Act of July 22, 1790 ch. 33, 1 Stat. 137.

[46] *Id.*

[47] *Id.* § 4 at 138.

[48] *Id.* § 7 at 138.

[49] Act of March 1, 1793, ch. 19, 1 Stat. 329.

[50] *Id.* § 10 at 331.

[51] Act of May 19, 1796, ch. 30, 1 Stat. 469.

[52] *Id.*

[53] *Id.* § 6 at 470.

[54] Act of March 3, 1799, ch. 46, 1 Stat. 743.

[55] Act of March 3, 1813, ch. 61, 2 Stat. 829. This Act allowed the President to retaliate against the British for injuries done Americans by Indians aligned with the British in the War of 1812.

[56] See F. PRUCHA, *supra* note 44, at 1–3.

[57] *See, e.g.*, 5 Stat. 1, 6, 8, 17, 33, and 65.

[58] See F. PRUCHA, *supra* note 44, at 1–3.

[59] Act of June 30, 1834, ch. 161, 4 Stat. 729 (codified in scattered sections of 25 U.S.C.).

[60] *Id.* § 2.

[61] *Id.* § 7.

[62] *Id.* § 8.

[63] *Id.* § 9.

[64] *Id.* § 11.

[65] *Id.* § 12.

[66] *Id.* § 13.

[67] *Id.* § 25 at 733.

[68] 25 U.S.C. § 71 (1970) (originally enacted as Act of March 3, 1871, ch. 120, 16 Stat. 544) (discussed in note 41 and accompanying text *supra*).

[69] Act of Feb. 8, 1887, ch. 119, 24 Stat. 388 (amended and codified in scattered sections of 25 U.S.C.).

[70] Abbot, *Indians and the Law*, 2 HARV. L. REV. 167 (1888).

[71] *Id.* at 167–68.

[72] *Id.* at 171.

[73] *Id.* at 173.

[74] *Id.* at 174.

[75] D. Otis, THE DAWES ACT AND THE ALLOTMENT OF INDIAN LANDS (1973). Otis provides a definitive history of the General Allotment Act.

[76] For the power of Congress to unilaterally abrogate a treaty by subsequent statute, *see* notes 197–204 and accompanying text *infra*.

[77] Act of Feb. 8, 1887, ch. 119, § 1, 24 Stat. 388.

[78] *Id.* § 2.

[79] *Id.* § 5.

[80] *Id.* § 6.

[81] *Id.*

[82] *Id.*

[83] *Id.* § 5. Between 1887 and 1934 approximately 90 million acres of tribal land were distributed for settlement. Note, *The Extension of County Jurisdiction Over Indian Reservations in California: Public Law 280 and the Ninth Circuit*, 25 HAST. L.J. 1451, 1464 (1974).

[84] 8 U.S.C. § 1401(a)(2) (1970) (originally enacted as Act of June 2, 1924, ch. 233, 43 Stat. 253). Though the act provided that citizenship would not affect an *Indian's* right to tribal property, it did not guarantee the *tribe's* right to tribal property.

[85] 123 F.2d 862 (2d Cir. 1941), *cert. denied*, 316 U.S. 668 (1942).

[86] 112 U.S. 580 (1884). Discussed *infra*.

[87] 25 U.S.C. § 231 (1970) (originally enacted as Act of Feb. 15, 1929, ch. 216, 45 Stat. 1185).

[88] 25 U.S.C. § 461 *et seq.* (1970) (originally enacted as Act of June 18, 1934, ch. 576, 48 Stat. 984).

[89] *See, e.g.*, Cohen, *Indian Rights and the Federal Courts*, 24 MINN. L. REV. 145 (1940); F. COHEN, HANDBOOK OF FEDERAL INDIAN LAW (1971) [hereinafter cited as HANDBOOK].

[90] *See* the Foreword to the University of New Mexico's reprint of his book HANDBOOK, *supra* note 89.

[91] *See* comment, *Tribal Self-Government and the Indian Reorganization Act of 1934*, 70 MICH. L. REV. 955 (1972).

[92] HANDBOOK, *supra* note 89. The subsequent history of this book appears in note 107 and accompanying text *infra*.

[93] The Indian Reorganization Act was preceded by the Johnson-O'Malley Act. 25 U.S.C. § 452–54 (1970) (originally enacted as Act of April 16, 1934, ch. 147, 48 Stat. 596). Because the territorial isolation of tribal Indians did not insulate them from the hardships of the Depression, the Johnson-O'Malley Act authorized the Secretary of the Interior to contract with the states and territories [presumably Alaska] for the education, medical care, agricultural assistance and social welfare of Indians.

[94] Act of June 18, 1934, ch. 576, § 18, 48 Stat. 984.

[95] *Id.* § 1.

[96] *Id.* § 16. Section 12, providing Indian employment preference in the Federal Indian Office, is discussed *infra*.

[97] *ID.* § 2.

[98] *Id.* § 3.

[99] *Id.* § 5.

[100] *Id.* § 7.

[101] *Id.* § 16. Section 17 provided that a tribe could apply for a federal charter of incorporation, revocable by act of Congress.

[102] *Id.* at 987.

[103] *See* text accompanying note 21 *supra*.

[104] HANDBOOK, *supra* note 89, at 122.

[105] 31 U.S. (6 Pet.) 515 (1832).

[106] Discussed in notes 175–80 and accompanying text *infra*.

[107] COHEN, *supra* note 104, at 123. But Cohen's *Handbook of Federal Indian Law*, published by the Bureau of Indian Affairs of the Department of the Interior in 1942, became the major treatise on federal Indian law. As noted, Cohen opined that Indian tribes possessed inherent powers of self-government quite independent of the United States Constitution. By the 1950's, however, congressional policy toward tribes returned once again to assimilation, *i.e.*, the termination of all tribes. Accordingly, the Department of the Interior authored and published in 1958 a new book called FEDERAL INDIAN LAW, which reasserted the power of the United States over Indian tribes. U.S. DEPARTMENT OF INTERIOR, FEDERAL INDIAN LAW (1958). Finally a third book, published in

1971 by the University of New Mexico, reprints Cohen's original work, and castigates the 1958 volume as a bogus version of Cohen's book. F. COHEN, HANBOOK OF FEDERAL INDIAN LAW (Univ. of N.M. ed. 1971) at v-vi. The world is still waiting for a revised version from the Department of the Interior, as directed by Congress in 1968. Under the Act of April 11, 1968, P.L. 90–284, 82 Stat. 73, Congress directed the Secretary of the Interior to revise and republish its version of *Federal Indian Law*.

[108] Act of Aug. 13, 1946, ch. 959, 60 Stat. 1049 (amended and codified in 25 U.S.C. § 70 *et seq.* (1970)).

[109] *Id.* § 2.

[110] *Id.*

[111] *Id.* § 12. The language of this section indicates the intent of Congress to terminate ancient claims with finality: "no claim existing before such date [August 13, 1946] but not presented within such period [five years] may thereafter be submitted to any court or administrative agency for consideration, nor will such claim thereafter be entertained by the Congress." *Id.* This section should be a powerful tool for any United States Attorney defending the United States in actions brought by tribes based upon pre-1946 claims.

[112] *Id.* § 24.

[113] *Id.* §13.

[114] *Id.* § 20.

[115] *Id.* § 23.

[116] Vance, *The Congressional Mandate and the Indian Claims Commission*, 45 N.D.L. REV. 325, 329 (1969).

[117] *Id.*

[118] 25 U.S.C.A. § 70 (Supp. 1975).

[119] Apparently, the Commission has chosen to sit as a court and it, therefore, passive. It has not taken its investigatory role under the statute seriously. *See* Vance, *supra* note 116, at 335. *See also* Vance, *Indian Claims* 38 Sask. L. REV. 1 (1974).

[120] H.R. Con. Res. 108, 83d Cong., 1st Sess., 67 Stat. B132 (1953).

[121] *See* text accompanying note 74 *supra*.

[122] H.R. Con. Res. 108, 83d Cong., 1st Sess., 67 Stat. B132 (1953).

[123] *See, e.g.*, Fey & McNickle, *supra* note 2, at 163–165.

[124] *But see* Morton v. Mancari, 417 U.S. 535 (1974), discussed *infra*.

[125] Termination legislation for various tribes is collected in 25 U.S.C. chapter 14 (1970).

[126] *See, e.g.*, as to the Klamath tribe in Oregon, the Act of Aug. 13, 1954, ch. 732, § 3, 68 Stat. 718.

[127] *Id.* § 6.

[128] *Id.* § 18(a).

[129] *Id.*

[130] *Id.* § 19.

[131] Act of Aug. 15, 1953, ch. 505, § 7, Stat. 588, frequently referred to as Public Law 280. The Act itself granted the states of California, Minnesota, Nebraska, Oregon and Wisconsin civil and criminal jurisdiction over Indian reservations, with some excepted, including any action in which a tribal Indian is a party and over all offenses committed by or against an Indian in Indian country. §§ 2 and 4. For a discussion of whether this subjects tribal Indians to the laws of local governments as well as laws of statewide applicability, *see* Note, *The Extension of County Jurisdiction Over Indian Reservations in California: Public Law 280 and the Ninth Circuit*, 25 HAST. L.J. 1451 (1974). Since Public Law 280 came 15 days after House Concurrent Resolution 108, *supra* note 120, one would assume that Congress intended tribal Indians to be subject to the laws of local governments.

[132] Act of Aug. 15, 1953, ch. 505, § 7, 67 Stat. 588. This was amended to require tribal consent by 1968. See discussion in note 141 and accompanying text *infra*.

[133] *See Id.* § 4.

[134] It was in this period also that the Congress allowed tribes to lease their land, with the approval of the Secretary of the Interior, for commercial gain. 25 U.S.C. § 415 (1970) (originally enacted as Act of Aug. 9, 1955, ch. 615, 69 Stat. 539). Section 5 of this Act prohibited the Secretary of the Interior from approving any lease which would delay termination. Recent commentators have read the Secretarial approval requirement of this statute to be based upon a federal policy of preserving Indian culture. *See* Chambers & Price, *Regulating Sovereignty: Secretarial Discretion and the Leasing of Indian Lands*, 26 STAN. L. REV. 1061, 1079–80 (1974). But § 5 on its face refutes that claim.

[135] 25 U.S.C. § 1301 *et seq.* For a remarkably readable legislative history of this act *see* Burnett, *An Historical Analysis of the 1968 Indian Civil Rights Act*, 9 HARV. J. LEGIS. 557 (1972). *See also* Reiblich, *Indian Rights Under the Civil Rights Act of 1968*, 10 ARIZ. L. REV. 617 (1968).

[136] The *practice* was suspended. H.R. Con. Res. 108, 83d Cong., 1st Sess., 67 Stat. B132 (1953) (remains unrepealed).

[137] *See* Fey & McNickle, *supra* note 2, at 167–169.

[138] Indian Civil Rights Act, 25 U.S.C. § 1302 (1970).

[139] Talton v. Mayes 163 U.S. 376, 384 (1896), discussed in text accompanying notes 193–96 *infra*.

[140] Indian Civil Rights Act, 25 U.S.C. § 1303 (1970).

[141] 25 U.S.C. § 1323 (b) (1970) repealed section 7 of the Act of Aug. 15, 1953, ch. 505, 67 Stat. 588. 25 U.S.C. §§ 1321 (a), 1332 (a) require the consent of the tribe before the exertion of state jurisdiction.

[142] Lazarus, *Title II of the 1968 Civil Rights Act: An Indian Bill of Rights*, 45 N.D.L. REV. 337, 346–47 (1969).

[143] A notable exception is an establishment clause. Whether an Indian tribe may impose a single religion on all its members is, theoretically at least, an unsettled question.

[144] For an early prediction of this problem *see* Note, *The Indian Bill of Rights and the Constitutional Status of Tribal Governments*, 82 HARV. L. REV. 1343, 1353–73 (1969).

[145] *Id.*

[146] 25 U.S.C. § 1302(8) (1970).

[147] 369 U.S. 186 (1962).

[148] White Eagle v. One Feather, 478 F.2d 1311 (8th Cir. 1973).

[149] *See* Comment, *Indian Law: The Application of the One-Man, One-Vote Standard of Baker v. Carr to Tribal Elections*, 58 MINN. L. REV. 668 (1974).

[150] For example, the most recent congressional legislation regarding the tribes is 25 U.S.C.A. § 450 *et seq.* (Supp. 1976) (Indian self-determination) and 25 U.S.C.A. § 1451 *et seq.* (Supp. 1976). In order to raise the standard of living of tribal Indians, the latter Act creates a loan and grant program to tribes and individual tribal Indians to assist in the establishment of Indian businesses.

[151] "Whatever the tribes' theoretical status in the 1830's, they were in fact not sovereign by the end of the 19th century, as shown by Congressional legislative authority over them." Note, *supra* note 144, at 1347.

[152] 10 U.S. (6 Cranch) 87 (1810).

[153] *Id.* at 142.

[154] *Id.*

[155] *Id.* at 142–43.

[156] Text accompanying note 55 *supra*.

[157] 21 U.S. (8 Wheat) 543 (1823).

[158] *See* text accompanying note 47 *supra*.

[159] 21 U.S. (8 Wheat.) at 573.

[160] *Id.* at 574.

[161] *Id.* at 587.

[162] *Id.* at 589.

[163] *Id.*

[164] *Id.* at 590.

[165] *Id.* at 591.

[166] 3 J. KENT, COMMENTARIES 307–19 (1st ed. 1828).

[167] *Id.* at 310–11.

[168] 30 U.S. (5 Pet.) 1 (1831).

[169] *Id.* at 15.

[170] *Id.* at 17.

[171] *Id.*

[172] *Id.* at 20.

[173] *Id.* at 18. See text accompanying note 14 *supra*.

[174] The Court saying, "[I]f it be true that wrongs have been inflicted, and that still greater are to be apprehended, this is not the tribunal which can redress the past or prevent the future." 30 U.S. (5 Pet.) at 20.

[175] 31 U.S. (6 Pet.) 515 (1832).

[176] *Id.* at 543.

[177] *Id.*

[178] *Id.* at 556. *See, e.g.*, the 1835 treaty with the Cherokees discussed in the text accompanying note 37 *supra*.

[179] 31 U.S. (6 Pet.) at 561.

[180] Indeed, after this decision President Jackson was reported to have said, "John Marshall has made his decision; let him enforce it." FEY & MCNICKLE, *supra* note 2 at 26.

[181] Mackey v. Coxe, 59 U.S. (18 How.) 100, 103 (1855) ("Whether the Cherokee people should be considered . . . a foreign State . . . The fact that they are under the constitution of the Union . . . is a sufficient answer to the suggestion."); Holden v. Joy, 84 U.S. (17 Wall.) 211, 242 (1872) ("Indian tribes are States in a certain sense, though not foreign States, or States of the United States . . ."); Choctaw Nation v. United States, 119 U.S. 1, 27 (1886) ("[T]he Choctaw Nation falls within the description in the terms of our Constitution, not of an independent state or sovereign nation, but of an Indian tribe. As such, it stands in a peculiar relation to the United States.").

[182] Parks v. Ross, 52 U.S. (11 How.) 362, 374 (1850) ("The Cherokees are in many respects a foreign and independent nation.").

[183] Montoya v. United States, 180 U.S. 261, 265 (1901) ("The North American Indians do not and never have constituted 'nations' . . . . In short, the word 'nation' as applied to the uncivilized Indians is so much of a misnomer as to be little more than a compliment.").

[184] 109 U.S. 556 (1883).

[185] 118 U.S. 375 (1886).

[186] *Id.* at 379 (emphasis added).

[187] *Id.* at 384–85.

[188] 364 F. Supp. 192 (D. Mont. 1973), relitigated on a similar claim, 369 F. Supp. 562 (D. Mont. 1973).

[189] 15 U.S.C. § 1175 (1970).

[190] 364 F. Supp. at 194.

[191] *Id.* at 195.

[192] *Id.* In the later stage of the litigation, the court said that the United States has police power on the reservation which is "not dependent upon specific constitutional grant and is plenary," citing *Kagama*. 369 F. Supp. at 564–65.

[193] 163 U.S. 376 (1896), alluded to in text accompanying note 139 *supra*.

[194] *Id.* at 384.

[195] *See* text accompanying note 135 *supra*.

[196] 163 U.S. at 379–80 (emphasis added).

[197] 78 U.S. (11 Wall.) 616 (1870).

[198] *Id.* at 621.

[199] 112 U.S. 580 (1884).

[200] *Id.* at 599.

[201] 174 U.S. 445 (1899).

[202] *Id.* at 483.

[203] *Id.*, quoting from Thomas v. Gay, 169 U.S. 264,271 (1898). As to the status of Indian tribes as political questions *see* Baker v. Carr, 369 U.S. 186, 215–17 (1962).

[204] For example, by its own terms, the contract clause is a limitation on the power of the states, not the federal government.

[205] 309 U.S. 506 (1940).

[206] *Id.* at 512.

[207] 25 U.S.C. § 1301 *et seq.* (1970). *Compare* 25 U.S.C. § 450n (1).

[208] Cases are collected in Seneca Constitutional Rights Organization v. George, 348 F. Supp. 48, 50 (W.D. N.Y. 1972).

[209] 187 U.S. 553 (1903).

[210] *Id.* at 564–66.

[211] *Id.* at 566.

[212] Except insofar as it is limited in taking the land of a State of the Union. U.S. Const. art. IV, § 3(1).

[213] "The power of Congress in [the extinguishment of Indian title based on aboriginal possession] is supreme. The manner, method and time of such extinguishment raise political, not justifiable issues. . . . And whether it be done by treaty, by the sword, by purchase, by the exercise of complete dominion adverse to the right of occupancy, or otherwise, its justness is not open to inquiry in the courts." United States v. Santa Fe Pacific Ry., 314 U.S. 339, 347 (1941). (Douglas, J., wrote the opinion of the Court.)

[214] 316 U.S. 317 (1942).

[215] *Id.* at 326 (emphasis added).

[216] *Id.* at 330.

[217] 348 U.S. 272 (1955).

[218] *Id.* at 277–78.

[219] *Id.* at 278–79. And, the compensable interest is in the tribe, not the individual Indian. United States v. Jim, 409 U.S. 80 (1972).

[220] 348 U.S. at 279, 285. For a recent case discussing Indian title, *see* Oneida Indian Nation v. County of Oneida, 414 U.S. 661 (1974).

[221] 348 U.S. at 290.

[222] *Id.* at 281–82.

[223] 329 U.S. 40 (1946).

[224] 348 U.S. at 284–85.

[225] *See, e.g.*, Part IV (C)(5) *supra*, and Worcester v. Georgia, 31 U.S. (6 Pet.) 515 (1832).

[226] 31 U.S. (6 Pet.) 515 (1832) (discussed in text accompanying note 175 *supra*).

[227] 72 U.S. (5 Wall.) 737 (1866).

[228] *Id.* at 755.

[229] *Id.*

[230] 116 U.S. 28 (1885).

[231] *Id.* at 31.

[232] *Id.* at 33.

[233] 104 U.S. 621 (1881).

[234] 78 U.S. (11 Wall.) 616 (1870.

[235] 164 U.S. 240 (1896).

[236] 326 U.S. 496 (1946).

[237] *Id.* at 499.

[238] 358 U.S. 217 (1959).

[239] 31 U.S. (6 Pet.) 515 (1832).

[240] 358 U.S. at 219.

[241] *Id.* at 219–20 (citations omitted).

[242] *Id.* at 220.

[243] Utah & N. Ry. v. Fisher, 116 U.S. 28 (1885).

[244] United States v. McBratney, 104 U.S. 621 (1881).

[245] New York *ex rel.* Ray v. Martin, 236 U.S. 496 (1946).

[246] 369 U.S. 60 (1962).

[247] *Id.* at 72.

[248] *Id.* at 75.

[249] 380 U.S. 685 (1965).

[250] *Id.* at 690.

[251] *Id.* at 691.

[252] McClanahan v. Arizona Tax Comm'n, 411 U.S. 164, 170 n.6 (1973), discussed in text acompanying notes 266–69 *infra*.

[253] Meanwhile, the Court had held that Public Law 280, discussed *supra* in the text accompanying note 131, had the effect of excluding state jurisdiction over a reservation Indian for a claim arising on the reservation unless the state complied with the Act. Kennerly v. District Court of Mont., 400 U.S. 423 (1971). This approach was available to the Court in *Williams*, but went unnoticed.

[254] 411 U.S. 145 (1973).

[255] *Id.* at 147–48.

[256] *Id.* at 148.

[257] *Id.* at 148–53.

[258] *Id.* at 158.

[259] 411 U.S. 164 (1973).

[260] *Id.* at 167–68.

[261] *Id.* at 165.

[262] *Id.* at 172.

[263] *Id.*

[264] *Id.* at 172 n.8.

[265] The Court invoked the canon of construction that doubtful expressions are to be interpreted in favor of "the weak and defenseless people." *Id.* at 174. *See* Antoine v. Washington, 420 U.S. 194 (1975).

[266] 411 U.S. at 176.

[267] *Id.* at n.15.

[268] *Id.* at 179.

[269] See comment, 49 WASH. L. REV. 191, 211–12 (1973); Note, *Indian Regulation of Non-Indian Hunting And Fishing*, 1974 WIS. L. REV. 499, 509–10.

[270] Comment, 49 WASH. L. REV. 191, 212 (1973).

[271] See text accompanying note 131 *supra*.

[272] See text accompanying note 141 *supra*.

[273] Between state and federal courts, criminal jurisdiction seems to be complete as to non-Indians. See Comment, *The "Right of Tribal Self-Government" and Jurisdiction of Indian Affairs*, 1970 UTAH L. REV. 291, 298. *But see*, Ortiz-Barrazza v. United States, 512 F. 2d 1176 (9th Cir. 1975).

[274] 368 F. Supp. 1070 (D. N.D. 1973), *aff'd*, 502 F. 2d 67 (8th Cir. 1974).

[275] Driving through a reservation is a common daily event in many western states.

[276] 368 F. Supp. at 1070.

[277] *Id.* at 1071.

[278] See Canby, *Civil Jurisdiction and the Indian Reservation*, 1973 UTAH L. REV. 206.

[279] Comment, *Indian Property and State Judgment Executions*, 52 OREG. L. REV. 313, 323 (1973).

[280] 414 U.S. 661 (1974).

[281] See note 96 *supra*.

[282] 417 U.S. 535 (1974).

[283] *Id.* at 554.

[284] See text accompanying note 13 *supra*.

[285] 417 U.S. at 555. See *Gray v. United States*, 394 F.2d 96 (9th Cir. 1968), *noted in* 82 HARV. L. REV. 697 (1969), in which penalty provisions of federal statutes which varied as to whether the victim was an Indian or non-Indian were upheld.

[286] 419 U.S. 544 (1975).

[287] *Id.* at 556.

[288] Quoted in text accompanying note 262 *supra*.

[289] *See* text accompanying note 224 *supra*.

[290] 412 U.S. 481 (1973).

[291] *Id.* at 497.

[292] 420 U.S. 425 (1975). Similarly, *In re* Heff, 197 U.S. 488 (1905) was overruled in United States v. Nice, 241 U.S. 591 (1916).

[293] Lowell, *The Limits of Sovereignty*, 2 HARV. L. REV. 70, 87 (1888). *See* Oliver, *The Legal Status of American Indian Tribes*, 38 OREG. L. REV. 193, 203 (1959).

[294] Note, *The Indian: The Forgotten American*, 81 HARV. L. REV. 1818 (1968).

[295] Note, *Sovereignty, Citizenship and the Indian*, 15 ARIZ. L. REV. 973, 1001–02 (1973).

[296] *See, e.g.*, Henderson & Barsh, *Oyate kin hoye keyuga u pe*, HARV. L. SCHOOL BULL., April 1974 at 10, June 1974 at 10, Fall 1974 at 17.

[297] *See* Note, supra *note* 294, at 1840.

[298] Article IV, § 3(1) would prohibit the creation of a state out of the territory of an existing state without the consent of the legislature of the state concerned. The tenth amendment divides constitutional powers among the United States, the states and the people.

[299] Recognized by Henderson & Barsh, *supra* note 296, at 19 (Fall 1974).

[300] Consensus is difficulty of achievement because of constant tension between conflicting values. On the one hand, the tribe is a remnant of a nearly lost heritage, an endangered specie. Once extinguished, it cannot be revived. Moreover, diversity within a pluralistic society is a positive value. On the other hand, the equal protection clause runs counter to the legal recognition of special status for one class of people. No other racial group has managed to achieve legal protection of cultural identity in the public sphere. Equal protection forbids it. Other groups have had to preserve cultural identity in the private sector. The Indians' claim to exemption from this result, based upon article I, § 8(3), does not evoke a sympathetic response. A fundamental policy choice must weigh these considerations.

ARMS CONTROL IMPACT STATEMENTS

Mr. HASKELL. Mr. President, the proliferation of nuclear weapons has long been recognized as a threat to the survival of humanity. The United States, acknowledging this fact, has worked diligently over the past 30 years to limit the number of countries which possess atomic weapons. The Non-Proliferation Treaty of 1969 was the capstone of American nuclear arms control efforts. The U.S. attempt to limit those countries which have access to nuclear reprocessing plants is also designed to prevent the spread of atomic weapons.

More recently, the unbridled sale of conventional weapons has been perceived as an equally portentous danger to mankind. Worldwide conventional arms sales rose from $300 million in 1952 to $18 billion in 1976. Similarly, American sales increased dramatically from around $1 billion in 1970 to $14 billion in 1976.

Responding to the burgeoning sales of U.S. weapons abroad, Congress passed section 36(b) of the Foreign Military Sales Act in 1974, which stipulated that Congress had the right to block, through passage of concurrent resolutions, any foreign military sales exceeding $25 million. Last session, in a further effort to control arms sales, Congress passed legislation requiring the executive branch to submit an arms control impact statement prior to any foreign purchase of a major weapons system. It was the hope and intention of Congress to work cooperatively with the executive branch in a joint effort to arrive at a disciplined national arms sale policy.

Regrettably, the record of the previous administration reveals an approach calculated to avoid congressionally mandated procedures. Last fall, 1 month before Congress adjourned for the year, the Ford administration submitted notices of 37 separate arms sales totalling $6 billion. It is difficult to interpret this act as a good faith effort to abide by legislative intent. Similarly, compliance with the congressional requirement of arms control impact statements has been woefully inadequate. Only 16 of the promised 25 statements were presented to Congress in 1976, and the quality of these statements was termed "appalling" by Senator HUBERT HUMPHREY, who authored the legislation requiring the impact statements.

I am submitting for the RECORD two articles which explain in greater detail the struggle to secure comprehensive arms control impact statements. Philip Boffey's analysis appeared in the October 1976 edition of Science magazine. Dr. Barry Schneider, who as staff consultant for Members of Congress for Peace through Law has worked tirelessly for an intelligent arms sales policy, published his commentary in the January 1977 Bulletin of the Atomic Scientists.

These articles record the dismal record

of the previous administration in preparing arms control impact statements. It is my hope and strong expectation, based on President Carter's firm commitment to controlling both conventional and nuclear arms races, that strict compliance with legislative statutes and a new spirit of cooperation will characterize future congressional and executive efforts to restrain the menacing proliferation of conventional weapons.

I ask unanimous consent that the articles referred to above be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Bulletin of the Atomic Scientists, January 1977]

STONEWALLING ON THE ARMS CONTROL IMPACT STATEMENTS

(By Barry R. Schneider)

Congressman Michael Harrington first proposed the idea more than three years ago. Why not an "arms control impact statement"? Something to project the effect of military spending proposals. It could serve as an early warning system to alert the President, the Congress and the public to the arms control and disarmament implications of new weapons programs still in development.

Would the new military program spur the arms race?

Would it cause the Soviets to respond with another round in the arms race?

Would it dramatically increase the numbers of nuclear weapons on both sides?

Would it thwart attempts to count launchers and weapons through "national technical means of verification"?

These and other questions could be answered in a timely way by official arms control impact statements. Or so, Harrington thought.

That was the theory. In practice, the first 16 arms control impact statements submitted to the Congress last August 9 failed in their first test to live up to expectations. They were too late, too few in number, too heavily censored. They were so poorly prepared that they failed to point out obvious problems raised by such new weaponry as the advanced MX missile system, the strategic sea-launched cruise missile (SLCM), the strategic air-launched cruise missile (ALCM), or the terminal-homing maneuvering reentry vehicle (MARV).

Members of Congress were indignant at the cavalier treatment given the arms control impact statements by the Ford administration. Hubert Humphrey charged that the Pentagon was delaying delivery of the impact statements until its fiscal year 1977 defense budget was safely past the shoals of Congressional votes. The impact statements arrived on the Senate's doorstep the very morning that the final defense appropriations vote was being taken.

A second reason Congress reacted so negatively to the first impact statements was the limited number of them submitted—just 11 from the Pentagon and five from the Energy Research and Development Administration. This was considerably fewer than were originally promised by the Administration. Omitted from the process were some important programs: binary nerve gases, high-energy lasers, advanced ballistic missile defense technology, and major arms sales to countries such as Iran and Saudi Arabia.

The fact that the arms control impact statements were classified also rankled, since this kept them out of reach of critics among Congressional staffs, non-governmental organizations, think-tanks and universities. By the time the statements were declassified the military appropriations bills had long since passed. An inspection of their contents made it obvious that the documents never possessed any secret information, and that their classification merely concealed their inadequacy.

Finally, what angered Senators and Representatives most was the superficial and incomplete nature of the impact statements themselves. The two co-sponsors of the arms control impact statement amendments, Senator Humphrey and Rep. Clement Zablocki, said they were "appalled" at the sketchy and barren nature of the reports submitted in "flagrant disregard of the law" that called for "a complete statement analyzing the impact of (major weapons) programs on arms control policy and programs." Rep. Les Aspin called the impact statements a "mockery." Congressman John Seiberling said they were "an insult to our intelligence."

In a letter to their fellow legislators, Aspin and Harrington observed that the impact statements "were so brief and superficial that they in no way complied with the law. . . . The 11 statements on DOD weapons averaged only four sentences." The strategic air-launched and sea-launched cruise missiles were given only two sentences of analysis and virtually no important arms control issues, such as verification problems, or nuclear proliferation problems were even mentioned.

Forty-six members of the Senate and House were sufficiently concerned to send Col. Brent Scowcroft, President Ford's national security adviser, a letter demanding a much better job next time around. Senators Sparkman and case of the Senate Foreign Relations Committee rejected the documents outright and instructed Secretary of Defense Donald Rumsfeld to redo the reports in better form. Rumsfeld has refused to comply.

The next arms control impact statements are due early in 1977. If they reflect the thinking of President Carter, then their quality may be a bellweather of the kind of administration he plans to run regarding arms control and disarmament. They may also serve as an indication of the degree of cooperation or conflict that might be expected between Carter and the Congress in this vital area in the future. Clearly the arms control impact statement idea is on trial.

[From Science Magazine, Oct. 1, 1976]

ARMS CONTROL: IMPACT STATEMENTS CALLED A "FARCE" AND A "MOCKERY"

(By Philip M. Boffey)

Late last year Congress passed legislation that was supposed to bring about significant change in the process by which decisions are made to launch or deploy major weapons systems. Among other provisions, it required that the Executive Branch submit an "arms control impact" statement every time a government agency submits a legislative or budgetary proposal to Congress seeking support for an important weapons system. Such statements were meant to analyze the effect that a weapons program might have on arms control and disarmament policy and negotiations.

The statements were expected to have several salutary effects on decision-making. The very process of preparing them was supposed to force the Defense Department and other elements of the Executive Branch to pay attention to the arms control implications of a weapons program before committing themselves heavily to it. The process was also designed to give the Arms Control and Disarmament Agency (ACDA), a traditionally puny subunit of the State Department, greater voice in deliberations about new weapons. And the statements themselves were supposed to provide Congress with enough information to make wise decisions on proposed military programs.

No one claimed that the new process would bring an end to the arms race or usher in a new era of peace. But proponents of the impact statements were cautiously hopeful that they might revolutionize military decision-making in much the same way that environmental impact statements have revolutionized decision-making on projects affecting the environment. "Congress finally has a handle on the Pentagon weapons programs," exulted one architect of the legislation.

That was before the first round of impact statements had been fully digested. Now that the first year's process has been completed, key backers of the legislation in the Senate and House are apoplectic over what some consider a deliberate effort by the Executive Branch to sabotage the value of the impact statements. Senator Hubert H. Humphrey (D–Minn.) and Representative Clement J. Zablocki (D–Wis.), the two chief sponsors of the legislation, said they are "appalled" at the superficial quality of the statements submitted in "flagrant disregard" of the law. Representative Les Aspin (D–Wis.), a prominent critic of the military, charged that the Ford Administration "is making a mockery" of the process by submitting "totally useless" and "absurdly superficial" impact statements. And the Senate Foreign Relations Committee has pronounced all the statements submitted this year "unacceptable" and has urged that they be redone.

DELAYS AND EVASIONS

As viewed from Capitol Hill, the entire process this year has been thwarted by repeated delays and evasions.

First, there was the timing of this year's submissions. The impact statements were not sent to Congress until 9 August, well after Congress had already authorized the defense budget for fiscal year 1977 and just before final votes were due on military appropriations. That was far too late for the statements to serve any useful function during congressional debate on the military budget. Some congressmen were willing to excuse the delay on the grounds that the legislation requiring the impact statements had not been passed until late in the budget preparation cycle and that there were bound to be snags in attempting to start a new analytical process. But Humphrey charged that the Defense Department was deliberately "dragging its feet."

Then, there was the small number of statements submitted—only 16 in all, 11 of which came from the Defense Department and five from the Energy Research and Development Administration (ERDA), which fabricates nuclear warheads.[1] Again, many congressmen were willing to accept the notion that there could not be an impact statement on every major program because of the time constraints in this first year. But 16 was

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[1] The statements submitted by the Defense Department cover the Trident submarine and missile system, the air-launched cruise missile, the sea-launched cruise missile, the B–1 bomber, the Mark 12A warhead, CAPTOR antisubmarine mines, improved guidance for the Minuteman missile, the XM 753 nuclear artillery shell, the maneuvering reentry vehicle known as MaRV, the M–X advanced ICBM technology program, and advanced technology development for the Pershing II missile. The statements submitted by ERDA cover the W–76/Mark 4 Trident missile warhead, the B–77 high-yield strategic bomb, the W–78 Mark 12A warhead, the W–79 8-inch nuclear artillery shell, and the warhead for the cruise missile/advanced short range attack missile (SRAM).

far fewer than many had expected, particularly since some Administration officials had publicly stated that at least 25 impact statements were being prepared. The smaller number that finally materialized led some congressmen to grumble privately that the other statements were suppressed. Whatever the case, the Arms Control Association, a private organization, noted that there were no statements filed for "some very important programs," including, among others, the Army's new binary nerve gas program, high-energy laser programs, and the advanced technology program for ballistic missile defense.

Another cause for grumbling was that the statements, when they arrived, were classified, making it virtually impossible for experts in the universities and think tanks to analyze them, and making it difficult for Congress itself to incorporate the statements into hearings and debates. The law did not specifiy whether the statements should be classified or unclassified, but it was widely assumed that there would at least be unclassified versions that could serve as a focus for debate. After persistent needling by Aspin, the Pentagon provided unclassified versions, some of which were identical to the classified versions, thus confirming suspicions that classification had been unjustified in the first place. No unclassified versions of the five ERDA statements have yet been released.

But what angered key congressmen more than anything else was the sketchy quality of the statements submitted. They were amazingly brief. Only one of the Defense Department's statements is longer than a page and it barely spills over to the top four lines of a second page. Moreover, about half of each Pentagon statement is simply a factual description of the program, repeating for the most part information already provided to Congress in budget proposals. The "impact" of the various weapons programs is dismissed in a few sentences which seldom discuss any of the real arms control issues involved.

Consider, for example, the separate statements filed for the Navy's sea-launched cruise missile and the Air Force's air-launched cruise missile. These weapons, which are under development, are designed to fly subsonically at very low altitudes and to be virtually undetectable. The strategic versions are expected to deliver nuclear warheads to distant targets with high accuracy. They will also be relatively cheap, allowing for a vast increase in the number of deliverable warheads. The new missile raises a host of arms control issues, ranging from such broad questions as whether development of the weapons is apt to accelerate the arms race to such narrow questions as whether it would be possible under an arms control agreement to verify how many cruise missiles were deployed by each side.

What do the impact statements say about these weapons? Each contains only two sentences concerning the arms control implications of the missiles. They state, in full: "Cruise missiles as a class are not limited by the SALT I Agreement; they are, however, under active consideration in the SALT II negotiations. The [cruise missile] development program requested in the current budget will proceed with full cognizance of any agreement reached in SALT II." And that's it. Not even a cursory mention of what the arms control issues might be.

The statements on the other programs are equally uninformative. An analysis prepared by Charles R. Gellner of the Library of Congress Congressional Research Service concluded: "It is difficult to understand how the short, spare and superficial impact statements which have recently been forwarded can be of much assistance to Congress. . . ."

The law passed last year requires "a complete statement analyzing the impact" of weapons programs "on arms control and disarmament policy and negotiations." A House committee report anticipated that the statements would be "comprehensive, complete and substantive enough for Congress to exercise independent appraisals." Yet, Mr. Gellner observed, the statements are hardly complete, they contain no meaningful analysis, they are "bereft" of policy discussion, and they barely mention negotiations without analyzing how the weapons will affect those negotiations.

"The reports are a farce," declared Aspin. . . . "Unless the Administration makes drastic revisions in the reports before last year, it will have perpetrated an incredible hoax on Congress and on the public."

Who is responsible for emasculating the statements is unclear, partly because there are so many hands involved in the process. The statements are initially drafted by the agencies that sponsor the weapons, then sent to the ACDA for suggestions, then to the National Security Council for review; ultimately, after various interagency groups have tried to resolve conflicts, they are returned to the sponsoring agency for transmission to Congress. According to sources in both Congress and the Executive Branch, the arms control agency wanted fuller statements that discussed the broad implications of weapons systems. But the bureaucratic infighting was won by people in the Defense Department and the National Security Council who preferred brief statements with a narrow focus. Some congressional sources blame the arms control agency for giving up too easily.

FORD AIDE GETS ANGRY LETTER

Humphrey and Zablocki, the two key sponsors of the legislation, fired off an angry letter on 16 September to Lt. Gen. Brent Scowcroft, President Ford's assistant for national security, charging that the initial statements do not meet the requirements of the law. "We are frankly appalled at the statements," they wrote. "Statements were prepared for only a small portion of the programs to which the legislation applies. . . . They dealt only at the shallowest level with impact on arms control and disarmament negotiations and they do not deal at all with impact on policy." The two legislators asked Scowcroft to analyze the process as it was carried out this year and to suggest changes. Meanwhile, the ranking members of the Senate Foreign Relations Committee—Senators John Sparkman (D-Ala.) and Clifford P. Case (R-N.J.)—wrote letters to the Defense Department and ERDA contending that the statements submitted did not comply with the law and requesting that more "comprehensive" statements be submitted promptly.

The Pentagon seemed unperturbed by the senatorial agitation. A brief statement issued by the Pentagon press office asserted that the statements "were prepared in accordance with the specific requirements" of the legislation. It added that the statements, "although brief," were "carefully developed and phrased to provide succinct descriptions of the programs concerned so that a reader could quickly grasp the nature and purpose of each program and any implications it might have in regard to established arms control policy and negotiating positions."

Howard Meyers, an official of the arms control agency involved in the impact statement process, also downplayed the seeming defects in the statements. Although he acknowledged that his agency would have preferred "somewhat fuller analyses," he described the first year as "a learning process" in which "everyone honestly tried to follow the intent of the law" while operating under severe time constraints. He also suggested that, while the statements themselves were "awfully terse," they were preceded by extensive analysis in the Executive Branch, thereby ensuring that arms control issues were in fact addressed even if those issues are not discussed in detail in the impact statements. The process, he judged, worked "tolerably well."

The terseness of the arms control impact statements is reminiscent of the brevity of some of the initial environmental impact statements filed by federal agencies under the National Environmental Policy Act. In the case of the environmental statements, a barrage of lawsuits and judicial decisions soon forced the agencies to prepare detailed statements discussing the likely impact of a project and possible alternative courses of action. But no such litigation is possible in the arms control area. The law that requires the impact statements explicitly provides that "no court shall have any jurisdiction" to review the statements. This clause was inserted at the insistence of congressional "hawks" who feared that lawsuits might be filed to block military programs whose impact statements were deemed deficient.

WHAT CONGRESS CAN DO

Congressional staffers are now pondering how best to force the Executive Branch to submit more meaningful analyses. The initial step was the request that the 16 statements submitted so far be withdrawn and replaced with more comprehensive analyses. If that request is ignored, then Congress has the option under the law of demanding an opinion on the weapons systems from the director of the arms control agency, either in writing or in testimony. If it is really true, as some say, that ACDA has already prepared more detailed impact reports as part of the bureaucratic infighting, then Congress might conceivably be able to extract the substance of those analyses from the director himself. That approach might or might not satisfy congressional needs. But angry legislators are searching for some way to ensure that the superficiality of the statements filed this year does not become a precedent for submissions in future years.—PHILIP M. BOFFEY

MODIFICATIONS PROPOSED TO PRESIDENT CARTER'S ECONOMIC RECOVERY PACKAGE

Mr. McINTYRE. Mr. President, while I am in general support of President Carter's efforts to expand and sustain our domestic economy, I believe certain modifications to the President's tax part of the package are necessary. I intend to aid in every way possible to assure early congressional action, but I also feel that the President's recommendations in the tax area should be strengthened.

In this regard I will push to increase standard deductions for families and individuals above those recommended by the President, redirect and possibly enlarge the suggested $50-tax rebate and modify the President's business tax proposal to assure that reductions in business taxes result in jobs in the private sector.

Specifically my proposed modifications are as follows:

STANDARD DEDUCTIONS

President Carter recommends a permanent increase in the standard deduction from present ranges of $2,100 to $2,800 for couples and $1,700 to $2,400 for single persons to a flat $2,800 for couples and $2,400 for single persons.

I propose to increase the President's

recommendations to a flat $3,000 for couples and $2,500 for single persons.

REBATES AND CASH PAYMENTS

President Carter's plan calls for an across the board $50 rebate for every citizen.

While a rebate is a sure method for quick cash injection into the economy, I believe it should be directed to those in greatest need. My proposal is to direct the rebates to those individuals over 60 years of age and to families with incomes of under $25,000.

This change would cost less than the President's recommendation and the savings could be used to increase individual rebates by $10 to $20 per person. The primary problem in many sections of the country this winter is an inability of people on fixed and lower incomes to meet increased heating and utility bills. While it sounds fine to talk about $50 for everyone we should be more concerned about assuring that this money goes to those in most need.

TAX RELIEF FOR BUSINESS FIRMS

President Carter recommended that businesses be allowed to take a tax credit of either 4 percent of Social Security payroll taxes paid by the employer or an additional two percent investment tax credit.

I plan to alter the President's proposal to make sure that the business tax reductions assure jobs rather than increased profits. My proposal provides for a business tax credit based solely on increased employment. For each employer who creates a new job filled by an unemployed person, the employer would receive a tax credit equal to 40 percent of the employee's hourly wage up to a maximum credit of $2,500 a year. By using this approach we are encouraging the creation of meaningful long term jobs in the private sector rather than short term public service jobs.

What is of utmost importance at this time is to keep the economy moving forward without increasing inflationary pressures. To expand the economy the Federal Government must provide a temporary push but to keep it going without increasing inflation requires a joint public-private effort.

I believe that private employment is certainly more preferable than public employment and I must admit my concern that we may become too dependent on what should only be a stopgap measure. However, I find the present unemployment rate of nearly 8 percent completely unacceptable and short term public employment will put to work those people presently without a job. This above all is what is needed.

NOMINATION OF PAUL WARNKE AS DIRECTOR OF THE ARMS CONTROL AND DISARMAMENT AGENCY

Mr. PELL. Mr. President, I have been extremely disturbed to learn of the anonymous charges which are circulating concerning Paul Warnke's nomination to head the Arms Control and Disarmament Agency.

I have seen the anonymous memorandum which has been prepared in an effort to discredit Mr. Warnke, one of the most able, dedicated, and distinguished persons to have served the U.S. Government. I find it appalling that the author and promoters of the charges against Mr. Warnke prefer to remain nameless and avoid responsibility for their accusations.

The memorandum I have seen is a vicious collection of innuendos, distortions, half-truths and charges of guilt by association. To say, for example, that Paul Warnke advocates "the unilateral abandonment of every weapons system which is subject to negotiation at SALT" is ludicrous, but the sad fact is that some people apparently believe such a reckless charge to be true. Paul Warnke has never advocated unilaterally scrapping our entire nuclear arsenal.

I strongly urge my Senate colleagues not to be misled by the scurrilous charges which have been made against Paul Warnke. Reasonable men may differ on what the proper arms control policy of this country should be, but judgments on this matter should be made on the basis of all of the facts.

Paul Warnke will be testifying before the Foreign Relations Committee next Tuesday, where he will receive a fair hearing and will have an opportunity to set forth his views on arms control and national security policy. It is my hope that by next Tuesday, those responsible for the charges now circulating against Paul Warnke will come forward so that the vital issues of arms control can be openly debated.

ORDER TO READ WASHINGTON'S FAREWELL ADDRESS ON FEBRUARY 21, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of Washington's Farewell Address this year occur on February 21 instead of on February 22, as provided in the order of the Senate of January 24, 1901.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF REFERENCE

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from West Virginia (Mr. RANDOLPH), I ask unanimous consent that S. 531, a bill to authorize additional appropriations under title II of the Public Works Employment Act of 1976, be referred to the Committee on Finance rather than to the Committee on Public Works as was indicated in the RECORD for January 31, 1977.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYMENT OF SALARIES OF CERTAIN MEMBERS OF SENATE COMMITTEE STAFFS

Mr. ROBERT C. BYRD. Mr. President, in order that each eligible staff member of a new committee to whom section 703(d) of the committee system reorganization amendments of 1977 applies may, during the transition period of such new committee, be paid gross annual compensation at the rate which that eligible staff member was receiving on January 4, 1977, I send to the desk a bill. I ask unanimous consent that it be considered as having been read the first and second times and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill (S. 649), to authorize payment of salaries of certain members of the Senate committee staffs at the rates paid to them on January 4, 1977, which was read the first time by title and the second time at length.

The PRESIDING OFFICER. The bill is open to amendment. There being no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 649) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the limitations contained in section 105 (e) of the Legislative Branch Appropriation Act, 1968, as amended and modified, each eligible staff member of a new committee to whom section 703(d) of the Committee System Reorganization Amendments of 1977 applies may, during the transition period of such new committee, be paid gross annual compensation at the rate which that eligible staff member was receiving on January 4, 1977.

(b) For purposes of subsection (a), the terms "eligible staff member", "new committee", and "transition period" have the meanings given to them by section 701 of the Committee System Reorganization Amendments of 1977.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING RECESS UNTIL FEBRUARY 7, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, during the recess of the Senate over until 2 o'clock p.m. on Monday, the Secretary of the Senate be authorized to receive messages from the House of Representatives and from the President of the United States, and also to make appropriate referrals of such messages.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR OFFICIALS OF THE SENATE TO TAKE CERTAIN ACTIONS DURING THE RECESS UNTIL MONDAY, FEBRUARY 7, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, during the

recess of the Senate over until 2 p.m. on Monday, the Vice President of the United States, the President pro tempore, the Acting President pro tempore, and the Deputy President pro tempore be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 2 P.M. ON MONDAY, FEBRUARY 7, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 2 o'clock p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKS TO SENATOR FORD

Mr. ROBERT C. BYRD. Mr. President, I express my gratitude to the distinguished Senator who hails from south of the border—the West Virginia border—the distinguished Senator from Kentucky (Mr. FORD), who now presides over the Senate with a very high degree of competence and skill, for his patience as he has sat so long today, awaiting the close of this session. I congratulate him and thank him.

RECESS UNTIL 2 P.M., MONDAY, FEBRUARY 7, 1977

Mr. ROBERT C. BYRD. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 2 o'clock p.m. on Monday next.

The motion was agreed to; and at 4:50 p.m. the Senate recessed until Monday, February 7, 1977, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate February 4, 1977:

ARMS CONTROL AND DISARMAMENT AGENCY

Paul C. Warnke, of the District of Columbia, to be Director of the U.S. Arms Control and Disarmament Agency, vice Fred Charles Ikle, resigned.

DEPARTMENT OF STATE

Richard B. Parker, of Kansas, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 4, 1977:

IN THE AIR FORCE

The following officer for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35, 831, and 837, title 10, United States Code:

To be major general

Brig. Gen. John T. Guice [redacted] FG, Air National Guard.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35, 831, and 837, title 10, United States Code:

To be major general

Brig. Gen. John R. Dolny, [redacted] FG, Air National Guard.

Brig. Gen. Francis R. Gerard, [redacted] FG, Air National Guard.

Brig. Gen. Joseph H. Johnson, [redacted] FG, Air National Guard.

Brig. Gen. Ralph E. Leader, [redacted] FG, Air National Guard.

Brig. Gen. Donald E. Morris, [redacted] FG, Air National Guard.

Brig. Gen. Paul D. Straw, [redacted] FG, Air National Guard.

To be brigadier general

Col. Jay G. Benton, [redacted] FG, Air National Guard.

Col. William M. Berry, Jr., [redacted] FG, Air National Guard.

Col. Fred F. Bradley, [redacted] FG, Air National Guard.

Col. Jerry W. Cochrane, [redacted] FG, Air National Guard.

Col. John B. Conley, [redacted] FG, Air National Guard.

Col. Paul R. Day, [redacted] FG, Air National Guard.

Col. Oscar A. Hurt, [redacted] FG, Air National Guard.

Col. Arthur U. Ishimoto [redacted] FG, Air National Guard.

Col. James M. Kennedy, [redacted] FG, Air National Guard.

Col. James A. Kilpatrick, [redacted] FG, Air National Guard.

Col. Jack LaGrange, Jr., [redacted] FG, Air National Guard.

Col. Addison O. Logan, [redacted] FG, Air National Guard.

Col. Robert C. McDonald, [redacted] FG, Air National Guard.

Col. Grady L. Patterson, Jr., [redacted] FG, Air National Guard.

Col. Bernard Saul, [redacted] FG, Air National Guard.

Col. James C. Smith, [redacted] FG, Air National Guard.

Col. Emery M. Wright, Jr., [redacted] FG, Air National Guard, Medical.

IN THE ARMY

The U.S. Army Reserve officers named herein for appointment as reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Donald Jordan Brown, [redacted].

Brig. Gen. Leston Neal Carmichael, [redacted].

Brig. Gen. Richard Holcomb Cooper, [redacted].

Brig. Gen. Ladd Franklin Hunt, [redacted].

Brig. Gen. John David Jones, [redacted].

To be brigadier general

Col. Robert Melvin Carter, [redacted].
Col. Joseph Peter Cillo, [redacted].
Col. Edward Dorwart Clapp, [redacted].
Col. Robert Earl Crosser, [redacted].
Col. Robert Milton Erffmyer, [redacted].
Col. Jack Howard King, [redacted].
Col. James Carrol McElroy, Jr., [redacted].
Col. Dean Winston Meyerson, [redacted].
Col. John Herbert Pigman, [redacted].
Col. Antonio Rodriguez-Balinas, [redacted].
Col. Zack Church Saufley, [redacted].
Col. Robert LeRoy Shirkey, [redacted].
Col. Russell Cowan Wright, [redacted].

The Army National Guard of the United States officers named herein for appointment as reserve commissioned officers of the Army under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be major general

Brig. Gen. William Herbert Duncan, [redacted].

Brig. Gen. Delmer Hilton Nichols, [redacted].

Brig. Gen. James Simonet O'Brien, [redacted].

To be brigadier general

Col. Neil Edison Allgood, [redacted].
Col. Robert Francis Brainard, [redacted].
Col. Bernard Cole Clippard, [redacted].
Col. Joseph Patrick Hegarty, [redacted].
Col. Willard Dimock Hill, Jr., [redacted].
Col. Thomas Seiei Ito, [redacted].
Col. James Thomas Keltner, [redacted].
Col. Maurice Hamilton Phillips, [redacted].
Col. Cohen Everett Robertson, [redacted].
Col. Hal Franklin Robertson, [redacted].
Col. Harry Van Steel, Jr., [redacted].
Col. Edmund Conrad Tiemann, [redacted].

The Army National Guard of the United States officers named herein for appointment as reserve commissioned officers of the Army under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier general

Col. John William Gillette, [redacted].
Col. Fred William Greenagel, [redacted].
Col. John Whelan Kiely, [redacted].
Col. James Jay Lison, Jr., [redacted].
Col. Willard Atherton Shank, [redacted].
Col. Ivan Ray Smith, [redacted].
Col. Carl Douglas Wallace, [redacted].

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. John Reiley Guthrie, [redacted], Army of the United States (major general, U.S. Army).

IN THE NAVY

The following named officers of the Navy having been designated for commands and other duties of great importance and responsibility commensurate with the grade of vice admiral within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm. Frank D. McMullen, Jr., U.S. Navy.

Vice Adm. Donald D. Engen, U.S Navy

IN THE NAVY

Navy nominations beginning Jimmy L. Aaron, to be ensign, and ending Thomas G. W. Knepell, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 1977.

IN THE MARINE CORPS

Marine Corps nominations beginning Luther W. Beaty, to be second lieutenant, and ending Warren M. Yarbrough, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on January 18, 1977.

Marine Corps nominations beginning James M. Abbot, to be second lieutenant, and ending Horace S. Withers, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on January 19, 1977.

EXTENSIONS OF REMARKS

WAYS AND MEANS TRADE SUBCOMMITTEE ANNOUNCES HEARINGS ON FEBRUARY 8 ON HOUSE CONCURRENT RESOLUTION 80, TO CONSIDER IMPORT RELIEF TO THE DOMESTIC HONEY INDUSTRY UNDER SECTION 203 OF THE 1974 TRADE ACT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 3, 1977

Mr. VANIK. Mr. Speaker, the Subcommittee on Trade will hold a public hearing on Tuesday, February 8, on House Concurrent Resolution 80, introduced by Congressman LARRY PRESSLER on January 24, 1977, to disapprove the determination by the President under section 203 of the Trade Act of 1974, transmitted to the Congress on August 28, 1976, not to provide import relief for the U.S. industry engaged in the commercial production and extraction of honey. The hearing will be held between 12 noon and 2 p.m. in room 1302 of the Longworth House Office Building. The subcommittee will meet February 9 to determine what action to take on House Concurrent Resolution 80.

Section 203(c) of the Trade Act provides that the action recommended by the International Trade Commission shall take effect if both Houses of Congress adopt a concurrent resolution disapproving a determination by the President not to provide import relief within 90 legislative days following the President's report to the Congress of his determination. The International Trade Commission reported to the President on June 29, 1976, its determination that increased imports are a substantial cause of a threat of serious injury to the domestic commercial honey industry. The three Commissioners' finding in the affirmative recommended to the President a tariff-rate quota for 5 years as the form of import relief.

The heavy agenda of the full Committee on Ways and Means currently considering the tax proposals presented by the administration and the expedited procedures for consideration of disapproval resolutions under the Trade Act severely limit the time available for this hearing since possible House floor action might be in order after February 23. Witnesses will be allocated time for verbal presentations, the total time to be divided equally between those favoring and those opposing the resolution. All interested persons and organizations must designate one spokesman to represent them when they have the same general interest.

If at all possible, the witness should bring with him multiple copies of the prepared statement which he will present to the subcommittee. If an interested party wishes to submit a written statement for the subcommittee's consideration and for inclusion in the record of the hearing, these should be in the hands of the committee by the close of business Tuesday, February 8.

Given the short notice time for this hearing, requests to be heard must be made by telephone to John M. Martin, Jr., chief counsel, Committee on Ways and Means, telephone (202) 255-3625 by 5 p.m., on Monday, February 7.

SENATE—*Monday, February 7, 1977*

(Legislative day of Tuesday, February 1, 1977)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by Hon. JAMES R. SASSER, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father, God, we thank Thee for the day's rest and worship which opens and closes each week. May we learn to worship not only in temples built to the glory of Thy name, but also at this shrine of the patriots' devotion. Give us the quiet mind and the reverent heart which enables us to offer our work as our worship that the prayer this moment in each heart may lift all our actions into the light of Thy presence and in faithfulness to Thee may we advance Thy kingdom on Earth.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 7, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES R. SASSER, a Senator from the State of Tennessee, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. SASSER thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, February 4, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, are there any orders for the recognition of Senators?

The ACTING PRESIDENT pro tempore. No, there are not.

Mr. ROBERT C. BYRD. I thank the Chair.

ORDER FOR PERIOD FOR ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the time allotted to the two leaders has been either used or has been yielded back, there be a period for the transaction of routine morning business for the purpose only of statements by Senators, that such statements be limited to not to exceed 10 minutes each, and for the purpose only of the introduction of bills, resolutions, petitions, and memorials into the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that such period for the transaction of routine morning business not exceed 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMBASSADOR YOUNG AND THE DOUBLE STANDARD

Mr. BAKER. Mr. President, I noted with interest and some dismay a press report of February 1 of an interview with our new Ambassador to the United Nations. In this interview, Ambassador Young was quoted as saying that "there's a sense in which the Cubans bring a certain stability and order" through their military presence in Angola. Ambassador Young went on to suggest that the Cuban intervention in Angola was somehow different from—and less reprehensible than—our own recent involvement in Vietnam—although under questioning he backed away from this unfavorable comparison.

Mr. President, having served last fall as a delegate to the 31st United Nations General Assembly, I have been made acutely aware of the double standard by which the actions of the United States and those of certain other countries are measured. The United States has been criticized and condemned on various grounds and I would not say that the criticism is always unjustified. Sometimes of course it is plain nonsense, as when we are accused of practicing "colonialism" in Puerto Rico. At the same time I can recall no single instance—certainly not during my period of service at the U.N.—when the third world majority had any criticisms to make of East Germany for shooting down citizens who try

to escape to freedom, or of the new Cambodia for reducing its population to mass serfdom.

In a sense the strictures against the United States are a compliment. The United States is being held to a standard which the Soviet Union and others are not expected to try to live up to. And as I noticed repeatedly during my service at the U.N., the third world representatives may vote with the Russians, but they prefer the company of Americans, and it is to us that they seem willing to open their hearts and minds.

That, however, is about as far as the compliment goes. It is probably necessary for us to show a certain amount of understanding and forbearance when we are subjected to unjustified criticism. It is quite another matter to accept the criticism as if it were true or to join in it ourselves in self-flagellation. On the matter of intervention, it is all to the good that we have learned something from Vietnam, but I had never supposed that the lesson of Vietnam was that it was wrong for the United States to intervene but not necessarily wrong for others. That, as Mark Twain said, is getting more wisdom out of the experience than was in it.

According to the Washington Post of February 3, the State Department has taken exception to—or clarified—Ambassador Young's comments, stating that:

> Neither Ambassador Young nor the Secretary condones the presence of Cuban troops in Angola.

Secretary Vance is quoted as having commented that the presence of Cuban troops in Angola is "not helpful to a peaceful solution."

These statements are welcome but disturbingly mild under the circumstances. The fact is that the Soviet-supported Cuban Army intervened in the Angolan civil war and won that war for a faction which there is no reason to believe was favored by a majority of the Angolan people. This forcible intervention in the internal affairs of another country was in clear violation of the United Nations Charter, and having succeeded in this action without resistance or effective challenge, the Cubans may well now feel encouraged to further military adventures in Rhodesia or Namibia. Most assuredly this was "not helpful to a peaceful solution."

I have no inclination to press the point at this time because a new administration is bound to experience a certain amount of confusion at the beginning. Ambassador Young, furthermore, is a man of known judgment and integrity, and I am confident that, with the assistance of our excellent U.N. mission staff in New York, he will quickly gain perspective on the U.N. and its procedures, and on the peculiarities of the "double standard." Ambassador Young has said that he is ready and willing to be a "point man," taking positions on issues before policy is declared and taking the "flak" if he has to. That is all to the good, and Ambassador Young is to be commended for his forthrightness. I would add, though, that if you are going to be "out front," it is better to be out front with a sound or farsighted position than with a mistaken one.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point two articles from the Washington Post. One dated February 1, 1977, is entitled "The Cuban Presence: Into the African 'Vacuum'," the other, dated February 3, 1977, is entitled, "State Disputes Young's Angola Remark." I also ask unanimous consent to have printed in the RECORD at this point an "open letter to the free peoples of the world" which appeared in the New York Times on December 8, 1976, from Jonas M. Savimbi, leader of an Angolan nationalist movement which is still conducting guerrilla warfare against the Soviet-Cuban supported government in Luanda.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 1, 1977]

THE CUBAN PRESENCE: INTO THE AFRICAN "VACUUM"

(NOTE.—The following is excerpted from an interview conducted by Dan Rather of CBS News with Rep. Andrew Young, newly named Ambassador to the United Nations who departs today on a tour of Africa:)

Q. You support blacks throughout southern Africa. All right, isn't it a mistake to state it that flatly, that publicly, out front and isn't it going to lead inevitably to a bloodbath if we take that position?

A. No, it's not. It's going to lead to a blood bath if we don't take that position.

Q. But isn't an armed protracted guerrilla warfare already assured—with the presence of the Cubans and the Soviet Union's influence in that part of the world?

A. No, it's not assured. In fact, there's a sense in which the Cubans bring a certain stability and order—to Angola, for instance, and that the enemy—all over the world, I think, is chaos. When there's a nation with a military unit that's disciplined, it can be ordered in, it can be ordered out. I have no question in my mind but that we could negotiate very successfully withdrawal of Cuban troops from southern Africa.

Q. If it was wrong for the United States to be in Vietnam, why isn't it wrong for the Cubans to be in Angola?

A. The Cubans were in Angola at the invitation of—the MPLA and—

Q. We were in Vietnam at the invitation of a series of governments—South Vietnam.

A. You got me there. And at the time I thought it was wrong for the Cubans to be there—and I've let you make me defend the Cubans, in the sense of an argument. The Cubans went to Angola because we were not there with a rational movement first.

Q. But they went in with an iron fist.

A. No—only because it was a vacuum. Now, I guess the only justification that I could make personally for the Cuban presence was the South African presence. And I must say that I share the kind of total abhorrence to racism which I think is characteristic of two thirds of the world. Most colored peoples of the world are not afraid of communism. Maybe that's wrong, but communism has never been a threat to me. I have no love for communism. I could never be a communist. I could never support that system of government. But—it's never been a threat. Racism has always been a threat—and that has been the enemy of all of my life and—and everything I know about life . . .

Q. Friends of yours would say, "Why would Andy Young, who was the most powerful black person in this country, as long as he stayed outside the Carter administration, given his relationship with the President, now come inside and is just another face sitting around the Cabinet meetings?

A. Well, another face sitting around the Cabinet meetings is not—is another person with a particular background from the civil rights movement, from the peace movement, sitting in on the decision making. Now that's a considerable amount of power, whether I ever get credit for it or not. I have a sense of—a Biblical view of the world—and in a sense it was really a religious decision on my part and most of the decisions about my personal life are intensely religious decisions. I don't want to blame God for anything that happens from now on. I may mess it up from here on, but I really felt that this was something that was right for me to do.

[From the Washington Post, Feb. 3, 1977]

STATE DISPUTES YOUNG'S ANGOLA REMARK

The State Department officially took issue yesterday with U.N. Ambassador Andrew Young's contention that Cuban troops "bring a certain stability and order" to Angola.

But Young appeared imperturbable at his differences with official policy in an interview Tuesday, just before departing for his first official trip abroad. He defined his role in the Carter administration as "a kind of point man" taking positions on issues before formal policy is declared.

Whether the conflict between Young and his boss, Secretary of State Cyrus R. Vance, was real or apparent there were no reprimands or angry words but rather the promise of public differences in the future between U.N. headquarters in New York and the State Department briefing room.

Yesterday's State Department comments appeared to fall somewhere between a clarification and a reversal. They marked the latest example of revised pronouncements by Carter administration officials.

Speaking for the Secretary of State, spokesman Frederick Z. Brown said:

"Neither Ambassador Young nor the Secretary condones the presence of Cuban troops in Angola."

Young, in a CBS interview last week, had said that "there's a sense in which the Cubans bring a certain stability and order—to Angola, for instance . . ."

That statement cut right across former Secretary of State Henry A. Kissinger's insistence that a withdrawal of all organized Cuban troops in Angola is a prerequisite to normalizing U.S. relations with Cuba.

To Kissinger, the presence of Soviet-supported Cuban forces in Angola was a global symbol of Soviet "adventurism." State Department officials estimate that 10,000 to 15,000 Cuban troops are still in Angola, supporting Angola's Marxist-oriented regime which defeated Western-supported factions.

State Department spokesman Brown was asked yesterday if the new statement, which amplified Vance's milder efforts on Monday to disclaim the Young statement, represented "a retraction" of the Young remark.

Brown, determined to avoid any characterization, said: "I'm saying precisely what I mean to say on the subject, regardless of what Ambassador Young was quoted as saying several days ago."

Asked if Vance agrees with Young that the Cuban forces in Angola are a force for "stability," however, Brown bluntly responded, "No."

State Department officials said afterward, in response to questions, that the "exact language" used yesterday on not condoning the Cuban troop presence had not been cleared with Young.

But it represented Young's "overall position," they maintained, as he expressed it in talks with several officials in the Department.

Nevertheless, the overall result clearly was an official knockdown of Young's original remarks on the subject.

In an interview at the United Nations just before he left New York to explore new U.S. policy on majority rule in southern Africa,

Young said that he had consulted with Vance on Young's unusual concept.

Young said he told Vance that to preserve "the right to say what I really believe, I'd be willing to take whatever flak came and I'd be willing to be repudiated by him whenever it was officially necessary. I got no ego problems about that, whatsoever."

In less than a week on the U.N. job, Young already had been repudiated three times by the State Department (twice by Vance personally), over statements on Vietnam, Rhodesia and the Cuban presence in Angola.

Last week the State Department shot down a Young statement advocating U.N. membership for Vietnam. On Monday, Vance said that Young's view that the white minority regime in Rhodesia will have to negotiate with black majority leaders if South Africa tells it to, is "not quite that simple."

Vance also said on Monday, when asked about Young's comment about the Cuban troops being a stabilizing factor in Angola, that "I think that the presence of any outside forces is not helpful to a peaceful solution."

Vance went on to say, "I think that this is a matter that should be settled by the Africans themselves."

"That's not a put-down," Young insisted in the interview. "Because everything I said there is gonna happen. I'd stake my life on those. You know it's gonna happen on all of them."

[From the New York Times, Dec. 8, 1976]

A REFUSAL TO BECOME "BLACK RUSSIANS" OR "AFRICAN CUBANS"

(By Jonas M. Savimbi)

(NOTE.—Following is an "open letter to the free peoples of the world" from Jonas M. Savimbi, leader of the nationalist movement, the National Union for the Total Independence of Angola, or UNITA, which is conducting guerrilla warfare against the Luanda Government. The letter, dated Sept. 25 and translated from the Portuguese, was excerpted and adopted by The New York Times.)

The present predicament that faces Western influence in Africa is aggravated by the outcome of the civil war in Angola. The development of events now, and in the future, clearly indicates that Soviet influence will grow steadily to the detriment of the Western countries and China.

So long as Angola remains under Soviet influence, it is very unlikely that the rest of southern Africa will not follow, with all the ghastly consequences that will bring disaster to genuinely African independent states.

Russian support for the so-called "progressive" states in Africa is aimed solely at strengthening the regimes that happen to be more and more repressive. Russian aid doesn't at all benefit the vast majority of the African people. The definition of "progressive" obeys a Russian criterion. For the Soviet Union, a regime is "progressive" if it is affiliated with the Soviet Union. It is called "adventurist" if it has relations with China. A regime is "reactionary" if it remains African, nonaligned, and has relations with the West.

The nonalignment of Cuba, which has invaded Angola with Russian tanks and with a force of 20,000 regular troops, is only understandable when one finds Agostinho Neto put, and maintained, in power by foreign troops.

So long as the Western countries and China do not realize that the main reason for the Soviet Union's growing influence in Africa is its control of Angola, nothing effectively will stand in its way of completing its plans in southern Africa. The Russians are not interested at all in peaceful solutions of the African problems by Africans themselves so long as it does not further their influence.

UNITA has all the cards at its disposal. It has the support of more than two-thirds of the Angolan population. This claim was confirmed in the report published by the Movement of the Armed Forces of Portugal in April 1975, and our claim was reaffirmed by the Organization of African Unity conciliation commission that visited Angola in August 1975.

This report, through Soviet pressures on the O.A.U., was left out in the cold at the most decisive and crucial moment, when the Angolan question was discussed in the O.A.U.

Agostinho Neto came to power in Angola through the Soviet tanks and not through peoples' choice. His decisive element of gaining power was the regular army from Cuba made up of 20,000 men who are still keeping Neto in power against the will of the people, against the effective and active guerillas of UNITA, and even against growing dissatisfaction within the ranks of the Popular Movement for the Liberation of Angola.

Today, UNITA has again remained alone in the war of resistance against the consolidation of another Russian satellite on the African continent. Today in southern Africa people and governments talk about majority rule. The M.P.L.A. Government in Luanda is very much a minority Government that will have to give way no matter how long our struggle will take, no matter how hard our resistance will be.

Again and again, the so-called friends of UNITA are very busy in stabbing it in the back, while the UNITA fighters are very busy on the trenches.

Italy is fortifying the weak economy of Angola. Is Italy doing so because Italy herself is at the brink of a "Communist" takeover, while remaining in NATO? Is the Italian Government representing the views of the majority of the people or is it being complaisant with the Italian Communist Party?

Japan, Sweden, Brazil, Finland and Norway are rushing in, bringing into Angola their money and technical know-how, which will consolidate a Russian satellite in Africa.

The African church in Angola is being suppressed by the M.P.L.A.'s Government. Many leaders of the Protestant and Catholic Churches are being imprisoned, tortured, repressed and and languishing in concentration camps similar to those of the Nazis.

Yet, the World Council of Churches, instead of denouncing the ill-treatment of the many members of the Christian Church in Angola, has sent a delegation that has engaged in a fund-raising campaign for Angola, thus contributing to the consolidation of another Russian satellite in Africa. The delegation has betrayed the Christian faith of Angolans. Today the Angolans are asking: On which side is the W.C.C.? On the side of the oppressed Angolan people? On the side of the Christian faith? Or on the side of the Soviet Union?

Portugal has the urgent task of consolidating democratic institutions with a very serious economic situation. The Portuguese know that they have our full sympathy. However, we failed to understand why Portugal feels compelled to contribute to the consolidation of a Russian satellite in Africa by sending technicians and skilled workers who had already lost everything. The Cubans, the new settlers, have already taken all.

Any stability in southern Africa, or any peaceful solution of the problems facing Africans in the area, will only materialize if the bogus M.P.L.A. Government in Luanda is liquidated immediately. So long as the Western countries flirt and compromise with the Luanda regime, this will only help to consolidate its position and prepare for actions against the regimes in the area.

The unfolding of events in Zimbabwe [Rhodesia], Namibia [South-West Africa] and South Africa will be again a test for the Western countries. Are they going to help to bring majority rule without facing again the dilemma of alliances with the colonial powers? Are they going to give way to a new Soviet takeover so that the African people will have to face a tragic dilemma of new slavery or prolonged civil strife?

We are determined to remain Africans whatever the odds against our temporary weaknesses. Yesterday, we were slaves. Today, some still are slaves. Today, we want to free Africans on African soil. The price of true liberation and freedom is our own life.

We believe that any African government will be definitely free if it identifies itself with the African feelings and sentiments of the people it represents in the continuing search for better ways leading to general happiness and well-being.

We refuse to be called "progressives" at expense of our own identity. If we have to become black Russians and African Cubans to be accepted by Soviet imperialism, we have to look back and find that we had refused to be black Portuguese.

Twenty thousand Cubans in Angola have the right and enccouragement from the M.P.L.A. Government to abuse our Angolan women. Where is our nationhood and African pride when we cried with anger and protested against the abuse of 100,000 Portuguese soldiers against our dignity?

If we have to be consistent with our love of freedom and our opposition to Soviet imperialism in southern Africa, we need political courage to face our destiny with determination; to search for African solutions to African problems, even if at times we have to be isolated from other countries; unity of purpose and action so that our freedom from colonialism will not mean that we fall subsequently under Soviet imperialism.

In Angola, UNITA is fighting for African freedom against Soviet imperialism. Who is ready to join us in our trenches? At least we have the satisfaction that our plight opened the eyes of the subcontinent.

Mr. HELMS. Will the Senator yield?

Mr. BAKER. I am happy to.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. Mr. President, I commend the able Senator from Tennessee for focusing the attention of the Senate on this matter.

As the Senator knows, the statement by Mr. Young was made prior to his confirmation by the Senate. I myself heard him on CBS television when he made the statement to which the Senator from Tennessee has just alluded. I tried immediately thereafter to obtain comment from the State Department and the White House either in support of Mr. Young's statement or in contradiction to it. Admittedly it was during the stress of transition, but the fact remains that no comment was forthcoming.

Receiving no response, I felt obliged to vote against Mr. Young's confirmation, because his statement disclosed what seemed to me to be an indication of immaturity, and certainly a lack of awareness of the sensitive nature of his responsibility which allows no shooting from the hip.

I regret Mr. Young's statement. I welcome the amelioration of it by the State Department at this late date. But I do hope that Ambassador Young will be more restrained and more mature in his comments in the future.

I noted news reports over the weekend that he has now injected himself in the Rhodesian matter by describing Ian Smith as an "outlaw."

Apparently he forgets that it may be his responsibility to negotiate with Mr. Smith. I am not sure the Ambassador

will find it very easy to negotiate with a head of state whom he has rather crudely and gratuitiously described as an "outlaw." And, of course, Mr. President, Ian Smith is no such thing.

Mr. BAKER. Mr. President, I thank the distinguished Senator from North Carolina for his additional remarks in this respect. I look forward to his future views on this subject, which will continue to be one of extraordinary importance to the United States.

I noted also this morning on the network news the story of the massacre of a number of Roman Catholic missionaries in southern Africa.

I hope this does not portend further and immediate bloodshed. But the situation is so sensitive that it requires restraint and discretion on the part of the United States in these matters.

Mr. HELMS. The Senator certainly is correct.

Too many Americans have already been misled concerning Rhodesia, leading to strenuous but misguided efforts to repeal the sensible and important legislation known as the Byrd amendment, submitted by the able Senator from Virginia. The situation in Rhodesia is not simply black versus white. The blacks are in conflict with one another. There are three or four sides to the dispute, as the Senator knows; and the solution of the problem in Rhodesia requires the delicate understanding of all parties involved.

I thank the Senator.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of routine morning business, not to exceed 1 hour.

Is there routine morning business?

EXPULSION OF REPORTER FROM THE SOVIET UNION

Mr. ROBERT C. BYRD. Mr. President, Thomas Jefferson wrote these words 180 years ago; and from time to time, I believe it is wise that we reflect on them.

Jefferson said:

> The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.

This is one of those times of reflections. Freedom of the press is a cherished part of the constitution of the United States.

Last week, George Krimsky, a reporter for the Associated Press, was expelled from the Soviet Union. He was charged with espionage and currency violations.

However, when the curtain of falsehood is torn from those phony allegations, the truth rings out. In reality, Mr. Krimsky's "crime" was his interest in, and sympathy for, Soviet dissidents who dare speak out against their own government. In our country, such freedom of expression is taken for granted—and it should be. Reporters—placed in a vacuum of censorship—would never have disclosed the Watergate episode.

In retaliation, our State Department expelled a Soviet journalist from this country. I commend the State Department for swiftly taking the only action it could under the circumstances.

This tit-for-tat behavior, of course, provides no answers. However, everytime a George Krimsky is expelled from the Soviet Union, it serves to strengthen and underline Americans devotion to freedom.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS TODAY

Mr. ROBERT C. BYRD. Mr. President, the urgent supplemental appropriation is being considered in the Committee on Appropriations at this moment, and it is hoped that that measure can be reported and acted upon this afternoon.

HOUSE CONCURRENT RESOLUTION 106—ADJOURNMENT OF THE HOUSE; RECESS OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, The House has sent over a resolution providing for the adjournment of the House over until Wednesday a week, I believe, beginning as of the close of business this Wednesday. The Senate would go out Friday of this week, for the nonlegislative period until 12 noon on Monday, February 21.

Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives in this connection, House Concurrent Resolution 106.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate House Concurrent Resolution 106, which will be stated.

The legislative clerk read as follows:

H. Con. Res. 106, providing for an adjournment of the House from February 9 to February 16, 1977, and a recess of the Senate from February 11 to February 21, 1977.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 106) was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ONE 6-YEAR TERM FOR PRESIDENT AND VICE PRESIDENT—SENATE JOINT RESOLUTION 20

Mr. HELMS. Mr. President, today I am submitting a joint resolution which would provide for one 6-year term for the President and the Vice President of the United States.

I shall have more to say on this subject at a later time, but I send the amendment to the desk and ask that it be appropriately referred.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. HELMS. I yield.

Mr. ALLEN. I do not know whether the Senator realizes it, but the same provision was in the Confederate Constitution, providing for one 6-year term for the President. Of course, President Jefferson Davis did not fill out a 6-year term, as the Senator will recall. But that was in the Constitution of the Confederate States of America, to have a 6-year term for the President and Vice President.

I believe that Senator Mansfield and Senator Aiken offered the same amendment from time to time, with the thought that it was a progressive move; it was a novel idea. Yet, the fact remains that that was the law in the Southern States of the United States more than 100 years ago.

Mr. HELMS. The Senator is correct. The Senator from North Carolina did not get his idea from the Confederate Constitution, but it certainly shows that the drafters of that Constitution foresaw some problems which the patriots at Philadelphia apparently did not anticipate. In any case, the idea of one six-year term for the President and Vice President is one whose time has come, in the opinion of the Senator from North Carolina.

Mr. ALLEN. I thank the Senator.

Mr. HELMS. I thank the Senator.

INCREASED CIVIL LIABILITY BY THE POSTAL SERVICE—S. 651

Mr. HELMS. Mr. President, today I am introducing legislation designed to relieve small businesses and individuals from the burden of monetary losses caused by the negligence of the Postal Service in the delivery of the mail. This bill is one of several I may introduce for the purpose of enlarging the Federal Government's liability to suit and diminishing the rather antiquated concept of "sovereign immunity." Whatever the merits of "sovereign immunity" in a simpler day and age when most men shared the belief that "the government that governs best governs least," it is clear that this concept thwarts justice in this day and age when the people have once more been shackled by big government pervading almost every aspect of their lives. The Congress has set up agencies, and the bureaucrats in them have proliferated endless rules and regulations to the point where almost any human activity is subject, without warning, to demands and orders enforceable by legal sanction. If the citizens are privileged to be sued for almost any activity, then

it seems that justice demands that the privilege be reciprocated. And this is what I am striving to do.

This particular bill deals with what is becoming an old problem. We confronted the issue of inadequate postal service at inequitable prices in 1970 when the Congress passed the Postal Reorganization Act. The purpose of this act was to insure that the Postal Service provide prompt, reliable, and efficient services to patrons in all areas and render postal services to all communities—section 101, title 39. I totally concur with this intent. If operated as a business, the Postal Service will be forced to become more efficient and more reliable.

However, the Reorganization Act of 1970 has been a colossal failure, because we, the Congress, while encouraging businesslike conduct on the part of the Postal Service, have not made the service subject to the demands and responsibilities of business activity.

The service of our postal system has deteriorated in recent years, and it has now reached the point where the Postal Service is totally unreliable. And while we debate reform, citizens and businesses are constantly suffering the consequences.

Let me relay two examples of businesses and citizens being penalized helplessly by the Postal Service. The first example is contained in a letter dated June 9, 1976, and reads:

On April 30, Duke Power Company mailed White Furniture Company an electric bill. The bill was received May 5. It was paid promptly (amount $7221.05) and the check was mailed to Duke Power Company; however, the post office still has it. Yesterday, we stopped payment of this check. We received a bill from Duke Power Company for our May bill and they added 1% for late payment in the amount of $72.21.

By the way, a valentine was sent from the girls in the office of Tyson Smith here in Mebane of February 13. The valentine greeting was received February 17. . . .

The above was just a few of the more glaring, more expensive post office "services" that have been experienced here recently; there are numerous others which are unnecessary to mention. By the way, we didn't trust the post office to deliver our most recent check to Duke Power Company; I personally took it to the Mebane Power Company Office and handed it to the manager.

The second example, also contained in a letter, is dated April 6, 1976. I quote:

On March 24, 1976 we delivered to the Greensboro, North Carolina Post Office 187 bags of mail, weighing 7,334 pounds. Each bag was properly coded and mailed in accordance with postal instruction under our bulk rate permit no. 8.

All Greensboro, North Carolina items were bagged by zip code direct.

The delivery of this mailing to some of our own employees in zip code 27410 Greensboro, North Carolina was made over a period of several days with deliveries being made on Friday, March 26; Saturday, March 27; Monday, March 29; Tuesday, March 30 and Wednesday, March 31.

No mailings were received in our home office, Post Office Box 21108, Greensboro, North Carolina, zip code 27420, until Tuesday, March 30.

Some mail to zip code 27408 was delivered on Saturday, March 27.

Some mail to zip code 27401 was delivered on Tuesday, March 30. Secretaries in my office who live in nearby communities of Franklinville, North Carolina 27248, and Stoneville, North Carolina 20748, still have not received their annual reports as of April 6.

We have checked with the local customer service representative at the Greensboro Post Office and have been informed that as of April 1, 1976, there were no more parcels of this mail being held in the Post Office.

We are particularly disturbed over the delays experienced in this matter because it involves our Corporate Annual Report which is required by federal law to be received by our stockholders within a specified time after year end. We had hoped that we could rely upon the Postal Service in order to comply with these requirements but evidently that may not be the case.

Mr. President, it is one thing when our Postal Service makes things uncomfortable, but when it begins causing businessmen and individuals to be penalized for something over which they have absolutely no control, then we have a situation that demands immediate action. It is the small businessman, the class of entrepreneur that cannot afford alternative forms of delivery and cannot afford monetary penalties, who is suffering as a result of postal mismanagement and congressional inaction.

The bill I am offering will make the Postal Service subject to the demands of all businesses, and it will provide the citizens of this Nation with a tool by which to make the Postal Service truly what it says it is—a service.

Mr. President, this bill will simply give the average citizen the right to maintain a suit against the U.S. Postal Service and/or the United States for negligence in the delivery of mail. This newly created liability would be restricted to delayed or incorrect delivery, and would not involve liability arising from damaged parcels, which are presently covered by an optional insurance system. For example, when a citizen mails an important letter to a destination that would normally involve a 2- or 3-day delivery period, and the Postal Service does not deliver the letter until 2 or 3 weeks following the mailing of the same, and the citizen suffers a monetary loss as a result of the delay, a claim for relief would lie against the Postal Service for any actual damages suffered.

George Washington once referred to the Postal Service as "a chain that can never be broken." This addition to the United States Code would strengthen a vital link of that chain.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1346 (b) of title 28, United States Code, is amended—

(1) by inserting "(1)" immediately after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) subject to the provisions of chapter 171 of this title, the district courts, together with the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of civil actions on claims against the United States for money damages arising out of the loss, miscarriage, or negligent transmission of any mail matter by any employee of the United States Postal Service while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred. In any such civil action, in which the length of the period for the transmission of any mail matter is a factor, a prima facie case and a rebuttable presumption of negligence, omission, or a wrongful act shall be established if the plaintiff offers evidence of the date on which such mail matter was delivered to the United States Postal Service for transmission and the date on which the addressee received such mail matter from the United States Postal Service, and evidence with respect to the unreasonableness of the length of the period between delivery to the United States Postal Service and receipt by the addressee.".

(b) Section 2680(b) of such title is amended to read as follows:

"(b) Any claim for money damages for the replacement or repair costs of any mail matter arising out of damage to or loss of such mail matter as a result of loss, miscarriage, or negligent transmission of such mail matter and any claim arising out of the loss, miscarriage, or negligent transmission of any mail matter as a result of a strike by employees of the United Postal Service, warfare, a natural disaster or catastrophe, or an epidemic.".

SEC. 2. The amendments made by the first section of this Act apply to claims arising on and after the date of enactment of this Act.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

JOINT REFERRAL PROCEDURES

Mr. LONG. Mr. President, I wish to call to the attention of the leadership the following situation.

I notice in the RECORD of Friday, February 4, 1977, that Mr. BENTSEN introduced S. 285 and asked unanimous consent that this bill, which had been referred to the Committee on Finance, be jointly referred to the Committee on Labor and Public Welfare. Consent was granted.

Now, that may be a completely proper request, and it may be that all of us would have been happy to give unanimous consent to such a reference. But I do not recall having been informed about this matter, Mr. President. I have been referred to situations where the Committee on Labor and Public Welfare seemed to feel they had jurisdiction with the Finance Committee in an area in which some of us thought the jurisdiction rested exclusively in the Finance Committee, when someone introduced a bill and obtained unanimous consent for a joint referral without informing those of us on the Finance Committee that such a referral was to be requested.

I hope in the future when these joint referrals are requested that the chairmen of the committees involved will be informed of it, because as long as I am chairman of the Finance Committee I would like to be informed. I would try to see that all other members of the

committee knew about it, because if they have objection to a joint referral they should have the opportunity to express themselves.

I fear that a practice has grown so that in the minds of some Senators they believe they have the right, in good conscience, to come to the Chamber and ask unanimous consent, when those who would object are not informed that a request is to be made.

I know our distingiushed majority leader is absolutely against asking unanimous consent or permitting one to be agreed to if he believes that any one of 100 Senators if present would want to object to it. I do not know whether I want to object or not. I believe for the future we should have it understood that when one seeks a joint referral of a measure which apparently falls within the jurisdiction of one committee or the other the question should be asked, has this been cleared with the committee that would have jurisdiction and, if not, it should be cleared before the consent is given.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from Louisiana makes a very pertinent observation and one that is entirely reasonable and justified, and he has my assurance that any time such a request is made if I am on the floor I will interpose that request as to whether or not the chairman has been informed of it and as to whether or not he is agreeable to such a referral.

Mr. LONG. I would hope that the leadership would see to it that the staff would know about that matter and that whoever takes the place of the majority leader in his absence would be aware that those on the committee should be asked whether they have consented to a waiver in whole or in part of their jurisdiction.

Mr. ROBERT C. BYRD. The Policy Committee staff will be so informed and in the event I am not on the floor and such request is made the Policy Committee staff will see to it that a Senator on the floor raises that question.

Mr. LONG. I thank the distinguished leader.

Mr. BAKER. Mr. President, will the Senator yield for a moment in that respect?

Mr. LONG. I yield.

Mr. BAKER. Mr. President, I came in in the middle of the colloquy, so the Senator may have covered the point already. Is there not a provision in Senate Resolution 4 that deals with the subject of joint referrals? While it is not effective at this time, that problem will not recur in the future except on, I believe 24 hours' notice of intention to ask consent for a joint referral?

Mr. ROBERT C. BYRD. I think that deals with a motion. Such joint referral may be made now by motion under this new legislation. And if that is the case I believe it requires 24 hours' notice.

Mr. BAKER. But it does not apply on unaimous-consent procedure?

Mr. ROBERT C. BYRD. As I recall, it does not. However, I may be in error.

Mr. BAKER. I am not sure either. So that thought came to mind as I listened to the colloquy, and we can check it later. I thank the Senator.

The ACTING PRESIDENT pro tempore. It does not apply to unanimous-consent requests.

Mr. STENNIS. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. STENNIS. Will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. STENNIS. I wish to make this inquiry, Mr. President, about these joint referrals. I have found it easier sometime to get into these joint referrals than it is to terminate the matter and get the bill back to the floor. It seems to me the committee chairman or someone acting for him ought to be notified if it is a committee to which someone is asking that the bill or measure be otherwise referred, because these joint referrals are not always simple matters. Will the floor leader or the Senator from Louisiana respond to that situation?

Mr. ROBERT C. BYRD. Mr. President, yes, may I say to the distinguished Senator from Mississippi it would certainly be my desire and intent to ask that the chairmen of the respective committees be contacted. If they have not I will suggest that they be so contacted before such a request is made and that it be cleared

Mr. STENNIS. I think that is the sound practice and procedure, and I thank the Senator.

Mr. LONG. I thank the Senator.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

The following messages from the House of Representatives were received on February 7, 1977, during the adjournment of the Senate:

The House has passed the joint resolution (H.J. Res. 227) making urgent power supplemental appropriations for the Department of the Interior, Southwestern Power Administration for the fiscal year ending September 30, 1977, and for other purposes, in which the concurrence of the Senate is requested.

The House has passed without amendment the bill (S. 649) to authorize payment of salaries of certain members of Senate committee staffs at the rates paid to them on January 4, 1977.

The House has agreed to the concurrent resolution (S. Con. Res. 106) providing for an adjournment of the House from February 9 to February 16, 1977, and a recess of the Senate from February 11 to February 21, 1977, in which the concurrence of the Senate is requested.

The Speaker of the House has made the following appointments:

Mr. Meeds, Mr. Yates, and Mr. Young of Alaska members of the American Indian Policy Review Commission;

Mr. Murphy of New York, Mr. Long of Maryland, Mr. Cederberg, and Mr. Gilman members of the Board of Visitors to the United States Military Academy; and

Mr. Flynt, Mr. Evans of Colorado, Mr. Robinson, and Mr. Treen members of the Board of Visitors to the United States Air Force Academy.

HOUSE JOINT RESOLUTION REFERRED DURING ADJOURNMENT

Under authority of the order of the Senate of February 4, 1977, the following joint resolution was considered as having been read twice by its title and referred to the Committee on Appropriations:

H.J. Res. 227. A joint resolution making urgent power supplemental appropriations for the Department of the Interior, Southwestern Power Administration for the fiscal year ending September 30, 1977, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The Presiding Officer laid before the Senate the following communications which were referred as indicated:

EC–597. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of a study of the advisability of submitting the President's budget and enacting budget authority in advance of the current timetable (with an accompanying report); to the Committee on Appropriations, the Committee on the Budget, and the Committee on Government Operations, jointly, pursuant to the order of January 30, 1975.

EC–598. A letter from the Secretary of Agriculture, reporting, pursuant to law, on an agreement for aid to Lebanon; to the Committee to Agriculture and Forestry.

EC–599. A letter from the Assistant Secretary of Defense, reporting, pursuant to law, intent to obligate $4,713,623 of funds available in the DOD Stick Fund for war reserve inventory for the Defense Logistics Agency (with an accompanying paper); to the Committee on Appropriations.

EC–600. A letter from the Acting Secretary of the Navy, transmitting, pursuant to law, a report on the progress of the ROTC Flight Instruction Program (with an accompanying report); to the Committee on Armed Services.

EC–601. A letter from the Director, Defense Civil Preparedness Agency, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment for the quarter ending December 31, 1976; to the Committee on Armed Services.

EC–602. A letter from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, its staff's second report on bank-sponsored securities services prepared pursuant to section 11A(e) of the Securities Exchange Act of 1934 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

EC–603. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to extend the Federal riot reinsurance and crime insurance programs for one year (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

EC–604. A letter from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on total itemized revenues and expenses, revenues and expenses of each train operated, and revenue and total expenses attributable to each railroad over which service is provided (with an accompanying report); to the Committee on Commerce.

EC–605. A letter from the Secretary of Transportation, transmitting, pursuant to law, a report of activities and an evaluation of the financial condition of railroads which have outstanding certificates (with an accompanying report); to the Committee on Commerce.

EC–606. A letter from the Chairman, Interstate Commerce Commission, transmitting, pursuant to law, a report on railroad conglomerates and other corporate structures (with an accompanying report); to the Committee on Commerce.

EC–607. A letter from the Mayor, the District of Columbia, transmitting, pursuant to law, a response to the General Accounting

Office Report (GGD–76–46) entitled "How the District of Columbia Might Better Manage Its Tax Compliance Program" (with accompanying papers); to the Commitee on the District of Columbia.

EC–608. A letter from the Under Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the National Professional Standards Review Council (with an accompanying report); to the Committee on Finance.

EC–609. A letter communication from the President of the United States, relative to a report on international broadcasting; to the Committee on Foreign Relations.

EC–610. A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of financial statements of the Tennessee Valley Authority for fiscal year 1976 (with an accompanying report); to the Committee on Government Operations.

EC–611. A letter from the Comptroller General of the United States, transmitting drafts of proposed legislation to establish a Commission on Ethics and Financial Disclosure for Officers and Employees of the Federal Government and for other purposes and to require the President, the Vice President, Justices and Judges and officers and employees of the United States to file statements with designated officers and the Civil Service Commission with respect to their income and financial transactions (with accompanying papers); to the Committee on Government Operations.

EC–612. A letter from the Chief Commissioner, United States Court of Claims, transmitting, pursuant to law, a report concerning the allowance of attorney expenses claims in proceedings conducted pursuant to the Alaska Native Claims Settlement Act (with an accompanying report); to the Committee on Interior and Insular Affairs.

EC–613. A letter from the Chairman and Executive Director. National Commission on Libraries, transmitting, pursuant to law, the fifth annual report of the National Commission Libraries and Information science (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Appropriations without amendment:

H.J. Res. 277. A joint resolution making urgent power supplemental appropriations for the Department of the Interior, Southwestern Power Administration, and for other purposes (Rept. No. 95–7).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. HELMS (for himself and Mr. THURMOND):

S. 651. A bill to amend title 28 of the United States Code, to provide a civil action for damages against the United States and the United States Postal Service with respect to tortious conduct of the United States Postal Service in the delivery of mail matters, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 652. A bill for the relief of Reina Estela Olvera; to the Committee on the Judiciary.

By Mr. HUDDLESTON:

S. 653. A bill to amend section 142 of title 28, United States Code, relating to the furnishing of accommodations to judges of the courts of appeals of the United States; to the Committee on the Judiciary.

By Mr. McCLURE:

S. 654. A bill to amend the Internal Revenue Code of 1954 to provide for tax credits for certain applications of solar energy equipment, and for other purposes; to the Committee on Finance.

S. 655. A bill to amend the Internal Revenue Code of 1954 to allow a deduction with respect to the exhaustion of geothermal steam and geothermal resources; to the Committee on Finance.

By Mr. BIDEN:

S. 656. A bill to amend the Consumer Credit Protection Act to prohibit abusive practices by debt collectors; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FORD:

S. 657. A bill to develop and establish an Earth Resources and Environmental Information System; to direct the National Aeronautics and Space Administration to continue research and development and to establish the space segment of the System; to direct the Department of the Interior to establish the data handling segment of the System; and for other purposes; to the Committee on Aeronautical and Space Sciences.

By Mr. HATFIELD:

S. 658. A bill to designate certain lands for inclusion in the National Wilderness Preservation System; to the Committee on Interior and Insular Affairs.

By Mr. McCLURE:

S. 659. A bill to amend the Clean Air Act, as amended; to the Committee on Public Works.

By Mr. BELLMON (for Mr. BARTLETT, for himself and Mr. BELLMON):

S. 660. A bill to authorize the Secretary of the Interior to enter into an agreement with the Cherokee, Choctaw, and Chickasaw Indian Nations for the purchase and/or lease by the United States of each Nation's right and interests in the riverbed of the Arkansas River, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 661. A bill to restore Federal recognition of certain Indian tribes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EASTLAND:

S. 662. A bill to provide for holding terms of the District Court of the United States for the Eastern Division of the Northern District of Mississippi in Corinth, Mississippi; to the Committee on the Judiciary.

By Mr. PELL:

S. 663. A bill to provide for a study of the feasibility of allowing individuals, during their working hours, voluntarily to make additional contributions to the Social Security program established by title II of the Social Security Act and during retirement to receive additional Social Security benefits based on such additional contributions; to the Committee on Finance.

By Mr. HELMS:

S.J. Res. 20. A joint resolution proposing a constitutional amendment limiting the President and Vice President to one six-year term; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUDDLESTON:

S. 653. A bill to amend section 142 of title 28, United States Code, relating to the furnishing of accommodations to judges of the courts of appeals of the United States; to the Committee on the Judiciary.

Mr. HUDDLESTON. Mr. President, I am introducing legislation designed to bring a greater degree of fairness and reason to the procedure of providing office accommodations for judges of the U.S. circuit court of appeals.

This bill would not cause any additional drain on the Treasury. It would not generate prolonged debate. It would not cause any outcry of public sentiment. It would, however, reduce the hardship carried by a small number of Federal circuit judges, who, because of the ambiguous wording of section 142, title 38, United States Code, must have offices in cities where the circuit or district courts sit regardless of where they live or the availability of space in those designated cities. Since the circuit judges spend a relatively small amount of time on the bench and a great deal of time in chambers reviewing cases and writing opinions, it is unreasonable to demand that they travel to a designated city, often many miles from their residence, when space is available in a Federal building in or near their hometown.

This situation is an outgrowth of a statute thought by many to apply only to Federal district judges. However, the wording is such that the administrative office of the U.S. courts has been forced to apply it to court of appeals judges as well. The U.S. judicial conference has given its full support to this legislation which would simply allow the assignment of conveniently located accommodations to judges of the courts of appeals at places where Federal facilities are available and the judicial council of the circuit approves. At present, the Federal Government must, in some instances, incur the expense of constructing or renting suitable chambers in authorized cities while similar facilities in unauthorized cities are unused. This is an unnecessary expenditure of public funds which we can easily remedy.

I urge you to adopt this bill and take this opportunity to improve the efficiency of the courts of of appeals.

By Mr. McCLURE:

S. 654. A bill to amend the Internal Revenue Code of 1954 to provide for tax credits for certain applications of solar energy equipment, and for other purposes; to the Committee on Finance

SOLAR ENERGY INCENTIVES ACT

Mr. McCLURE. Mr. President, individuals throughout the United States are working on means for converting sunlight into useful heat energy. Using in some instances their own designs, they are making and installing systems for conversion of solar energy for heating water. space heating, and even space cooling. It is commendable that they are exercising their individual initiative in order to reduce the demand for conventional energy supplies.

I am impressed with the efforts of fellow Idahoans, some of which I have discussed previously, to improve on existing designs for solar heaters. One such individual is University of Idaho Prof. Kip Eder. He has designed and tested a unique solar collector, which he believes could provide 60 to 90 percent of the heat needed for a typical home in the Northwest. Rather than go into detail at this point, I ask unanimous consent that a descriptive article from the Idaho State Journal be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLURE. In addition, I ask unanimous consent that an article from "Rain" be included in the RECORD at the conclusion of my remarks. This article describes two weekend workshops that were conducted in the Northwest, to teach private citizens how to build solar collectors. The article includes step-by-step instructions for building a 4-by-8 panel for heating water, together with a list of individuals and organizations in the States of Idaho and Washington who may be of assistance to people interested in becoming directly involved in solar energy themselves.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. McCLURE. Mr. President, I believe that the efforts of these concerned individuals should be encouraged, particularly during this period of severe fossil fuel shortages. Every cubic foot of natural gas or barrel of oil saved by someone using solar energy will benefit the entire Nation. I am, therefore, today introducing the Solar Energy Incentives Act of 1977.

This act allows, under the Internal Revenue Code, as a credit against the income tax an amount equal to the ordinary and necessary expenses paid during the taxable year for the application of solar energy to the principal residence and/or place of business through the installation of solar heating energy equipment. It limits such credit for residences to 25 percent of any qualified expense not to exceed $2,000 during January 1, 1977, to December 31, 1981, and 15 percent not to exceed $1,200 during January 1, 1982, through December 31, 1986.

In addition, it limits such credit in commercial buildings to 12 percent of any qualified expense during January 1, 1977, to December 31, 1981, and 10 percent of any qualified expenses during January 1, 1982, through December 31, 1986. And, finally, it allows as deduction from gross income the amortization for the taxable year based on a period of 60 months for the solar energy equipment installed and capable of normal functioning.

I believe that enactment of this legislation will provide a significant incentive for those individuals considering use of solar energy, in order to reduce their use of conventional fuels. The resulting increased use of sunlight, as opposed to natural gas or fuel oil, will benefit every person in the United States.

Mr. President, I ask unanimous consent that the text of the Solar Energy Incentives Act of 1977 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THIS ACT MAY BE CITED AS THE "SOLAR ENERGY INCENTIVES ACT OF 1977".

SEC. 2. FINDINGS.

The Congress of the United States finds that a large and continuing outflow of foreign exchange capital is occurring, occasioned by the need to purchase petroleum products abroad. This outflow portends a hazard to the United States, both in terms of its destabilizing effect on world currency, and in its implication for national security.

Accordingly, a large and comprehensive program of research, development, and demonstration, involving our unexcelled technological capability, has begun. Many of the alternative energy sources to be developed are years away from commercial reality. Others, and notably among them, first generation applications of solar energy, are ready now for large-scale commercialization. The main ingredients missing are: (1) a comprehensive set of standards and criteria to insure the adequacy of solar energy equipment meeting energy-reduction goals; and (2) economic incentivization of the infant industry to enable it to achieve the economies and efficiencies of mass production which will make such devices available to the largest number of our homes and businesses. Such economic incentivization, or a limited amount, for a limited period of time, will pay for itself in reduced oil imports, and will point the way toward the use of renewable energy resources.

SEC. 3. INCOME TAX CREDIT FOR CERTAIN APPLICATIONS OF SOLAR ENERGY EQUIPMENT.

Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by redesignating section 42 as section 43 and by inserting immediately after section 41 the following section:

"SEC. 42. EXPENDITURES RELATING TO THE APPLICATION OF SOLAR ENERGY EQUIPMENT TO TAXPAYER'S RESIDENCE AND/OR PLACE OF BUSINESS.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter an amount equal to the ordinary and necessary expenses paid during the taxable year for the application of solar energy to the principal residence and/or place of business through the installation of solar heating energy equipment.

"(b) PURCHASE OF A NEW RESIDENCE.—That amount of the cost of a new residence purchased by a taxpayer during the taxable year which is equal to the cost to the taxpayer of solar energy equipment purchase and installation, contained in such residence, shall qualify for a credit under subsection (a). The seller of such new residence shall furnish the taxpayer with an accounting of the cost to the taxpayer of any such solar energy equipment: *Provided*, That no credits shall be allowed unless and until the said equipment is installed and capable of normal functioning.

"(c) INTALLATION OF SOLAR ENERGY EQUIPMENT ON EXISTING RESIDENCE.—That cost paid during the taxable year directly related to the complete and functioning installation of solar energy equipment upon the residence of a taxpayer, including purchase of said equipment, and the labor and materials necessary to its installation, shall be allowed as credit against the tax imposed by this chapter: *Provided*, That no credits shall be allowed unless and until the said equipment is in place and functioning normally.

"(d) LIMITATIONS.—

"(1) GENERAL LIMITATION.—The credit allowed by subsections (b) and (c) as it relates to residences, shall be limited to—

"(A) During the period January 1, 1977, through December 31, 1981, 25 percent of any expense which qualifies for tax credit; not to exceed $2,000 total tax credit for the period during which the provisions are in effect.

"(B) During the period January 1, 1982, through December 31, 1986, 15 percent of any expense which qualifies for a tax credit; not to exceed $1,200 total tax credit for the period during which the provisions are in effect.

"(e) PURCHASE OF NEW COMMERCIAL BUILDING.—That amount of the cost of a new commercial building purchased by a taxpayer during the taxable year which is equal to the cost to the taxpayer of solar energy equipment purchase and installation, contained in said building shall qualify for a tax credit under subsection (a). The seller of such new building shall furnish the taxpayer with an accounting of the costs to the taxpayer of such solar energy equipment: *Provided*, That no credits shall be allowed unless and until said equipment is installed and capable of normal functioning.

"(f) INSTALLATION OF SOLAR EQUIPMENT ON EXISTING COMMERCIAL BUILDING.—There shall be allowed as a credit against the tax imposed by this chapter an amount equal to the ordinary and necessary expenses paid during the taxable year for the application of solar heating and cooling equipment: *Provided*, That no credits shall be allowed unless and until such equipment is in place and functioning normally.

"(g) LIMITATIONS.—The credit allowed by subsections (e) and (f) shall be limited to—

"(1) 12 percent of any expense which qualifies for a deduction if such solar equipment is acquired and placed in service during the period January 1, 1977, through December 31, 1981.

"(2) 10 percent of any expense which qualifies for a deduction if such solar equipment is acquired and placed in service during the period January 1, 1982, through December 31, 1986.

"(h) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit) section 35 (relating to partially tax exempt interest), section 37 (relating to retirement income), section 38 (relating to investment in cereain depreciable property), and section 41 (relating to contributions to candidates for public office).

"(i) CARRYBACK AND CARRYOVER OF UNUSED CREDITS.—If the amount of the credit determined under subsection (a) for any taxable year exceeds the limitation provided by subsection (g) for such taxable year (hereinafter in this subsection referred to as the 'unused credit year'), such excess shall be—

"(1) a credit carryback to any taxable year—

"(A) during which the provisions of this section are in effect; and

"(b) which precedes the unused credit year; and

"(2) a credit carryover to each of the 7 taxable years following the unused credit year.

"(j) DEFINITION.—

"(A) SOLAR ENERGY EQUIPMENT.—The term 'solar energy equipment' means any device for providing hot water, space heating, electrical power and/or cooling through the collection of solar energy. It includes devices for the collection, distribution, storage, and regulation of such solar energy. It does not include devices to supplement the performance of such solar equipment through the use of conventional energy forms such as petroleum, coal, gas, or other hydrocarbon fuels, or electricity: *Provided*, That such devices and the installation thereof shall meet definitive performance criteria promulgated by the Secretary of the Treasury.

"(B) NEW RESIDENCE.—The term 'new residence' means such a structure, the original use of which commences with the taxpayer, and includes, without being limited to, a single family dwelling, a residential unit in a condominium or cooperative housing project, and a mobile home. Said residence may be purchased, or self-constructed and occupied by the taxpayer.

"(C) NEW COMMERCIAL BUILDING.—The term 'new commercial building' shall mean such a structure, the original use of which commences with the taxpayer, and includes, without being limited to, a rental apartment, factory office building, store, or public building.

"(D PURCHASED.—The term 'purchased' shall mean the date of final settlement on any dwelling or building."

SEC. 4. RAPID AMORTIZATION OF SOLAR ENERGY EQUIPMENT FOR COMMERCIAL BUILDINGS.

(a) Section 169 of part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions for individuals and corporations) is amended:

(1) in subsection (a) by adding after the words "pollution control facility" the words "solar energy equipment installed and capable of normal functioning"

(2) in subsection (c) by adding after the words "pollution control facility" the words "solar energy equipment installed and capable of normal functioning"

(3) by adding at the end of (d) Definition—

"(5) solar energy equipment installed and capable of normal functioning."

(4) in subsection (F)(1) and (2) by adding after the words "pollution control facility" the words "solar energy equipment installed and capable of normal functioning".

SEC. 5. DETERMINATIONS.

(a) Standards to be promulgated by the Secretary of the Treasury in accordance with section 1(j) above shall be developed by the Secretary of Housing and Urban Development, hereinafter called the Secretary. Said Secretary in developing standards shall—

(1) Consider performance criteria developed under section 8 of the Solar Heating and Cooling Demonstration Act of 1974 (Public Law 93-409; 88 Stat. 1073).

(2) Consider the activities conducted by nationally recognized standards-producing organizations.

(3) Consult with the Administrator of the Federal Energy Administration, the Administrator of the Energy Research and Development Administration, and the Director of the National Bureau of Standards.

(b) The Secretary of Housing and Urban Development shall prepare and provide to the Secretary of the Treasury interim standards required by section 1(j) above in accordance with the following schedule:

(A) For hotwater heating and space heating devices and installations thereof, within 180 days following enactment of this legislation.

(B) For cooling or combined heating and cooling devices and installation thereof, and for electricity-generating devices and installation thereof, within 1 year following enactment of this legislation.

(C) For storage, distribution, and regulation devices to be used in conjunction with the above, within 180 days following enactment of this legislation.

(c) Such standards shall include performance criteria, installation procedures, certification of test facilities, and such other actions needed to allow certification of solar energy equipment.

(d) Final standards relating to solar energy equipment shall be prepared by the Secretary in accordance with the following schedule:

(A) For hotwater heating and space heating devices and installations thereof, within 2 years following enactment of this legislation.

(B) For cooling or combined heating and cooling devices and installations thereof; within 3 years following enactment of this legislation.

(C) For storage, distribution, and regulation devices to be used in conjunction with the above, within 2 years following enactment of this legislation.

In addition, said Secretary shall publicly, on a semiannual basis for the duration of this Act, update such standards.

(e) The Secretary of the Treasury or his delegate shall prepare an annual report in consultation with the Administrator of the Federal Energy Administration. Such report shall be transmitted to the Congress not later than September 15 of each year, beginning with 1978, and shall include (1) information with respect to the number and amounts of credits taken under the amendments made by the foregoing provisions of this Act; (2) the nature of solar energy equipment improvements made by taxpayers with respect to their residences and businesses; and (3) the geographical areas of the United States in which such residences and businesses were located.

(f) The Administrator of the Federal Energy Administration, in consultation with the Secretary of the Treasury, shall, within the 90-day period following submission of the report of section 2(e) each year—

(1) submit to Congress an analysis of the energy savings achieved through operation of such amendments;

(2) recommend to the Congress such changes in the above regulations as may be necessary to incentivize national energy saving. Such recommendations shall include a review of the potential benefits and costs of a loan guarantee or interest rate subsidy to incentivize homebuilders to utilize solar energy equipment.

EXHIBIT 1

NEW PLEATED SUN CELL MAGNIFIER HEAT

Moscow, Idaho—University of Idaho professor Kip Eder thinks he's devised a better sun trap.

Eder, a licensed architect, says his laboratory tests show the new type of reflecting solar energy cell will provide 60 to 90 per cent of the heat needed for a home in the Northwest.

The cell is cheaper than most other solar cells and can be easily rolled into a tube shape and shipped, says the architecture professor.

The solar cell is unique, because instead of absorbing the sun's heat it bounces the heat, creating surface temperatures as high as 240 degrees Fahrenheit, Eder says.

The cell has thin pleats of high-temper aluminum foil folded like an accordion. Most solar cells are painted black to soak up heat, and aren't reflective.

"It doesn't look like it would work, but I have tested it and know it works," said Eder as he tinkered with one of the cells during a sunny afternoon on his front lawn.

"The solar energy bounces back and forth in the pleats and the temperature rises," Eder says.

The hot air, trapped between the pleats and a cover of fiberglass or glass, may be drawn off by a fan, or will circulate through a building by natural conduction with the proper design, the architect says.

The key to commercial use of the cell, Eder says, is its use with long-term storage.

Instead of storing heat in a water tank—like most conventional solar systems—Eder plans to heat hot rocks and earth under a house he is designing for a client in Fernwood, a small town in Northern Idaho's Benewah County.

"Our calculations show it takes about as much storage volume as the volume of a house to be heated. A one-story ranch house would require the equivalent of a basement full of storage cells underneath," he says.

The Fernwood house will have a 12-foot by 18-foot solar cell hung at a 60-degree angle on a south-facing wall. The house will have a sod roof and earth pushed against the walls to reduce heat loss.

Eder, a former solar consultant for the Navy, says he compared his laboratory results with results from the National Bureau of Standards on the efficiency of other solar cell designs and "mine is better than any of the other hot air collectors.

"But practically speaking we won't know for sure how it works until we put it in the building.

In theory, Eder says it will be easy to bring the long-term storage cells to a temperature of about 230 degrees during the hot, sunny days of summer.

By November, with shorter days, about 50 per cent of the house's heat will come from the stored heat and the rest from the solar cell.

By February the heat field will be close to depletion, but days will be longer and the heat loss less. The solar cell will be storing more heat.

It will cost about $4,000 to install the heating system for an average house with 1,500 to 2,000 square feet of floor space, Eder says, compared with $8,000 to $10,000 for solar hot water systems.

"I have written a series of computer programs on solar cell efficiency for various areas of the Northwest," Eder says.

"I haven't checked out all the places in the Northwest, but I know in Portland and Seattle it is very difficult to come up with a cost effective system. They don't have enough sun."

Average temperatures in Seattle and Portland are also so mild that the required heating for a home wouldn't justify installation of his solar system with long-range storage cells, Eder says.

"We could come up with a very efficient hot air solar system for The Philippines, but they wouldn't need the system," he explained.

[From the Rain Magazine, December 1975]

SOLAR WORKSHOPS

In two weekend workshops at Soap Lake, Washington (June 27–28, 1975), and Twin Falls, Idaho (October 30–31, 1975), Ken Smith and Lee Johnson taught over 100 people how to build solar collectors. County energy affairs assistants, community action agency winterization crews and private citizens in Washington and Idaho learned the history and theory of solar energy and then built flat-plate collector hot water systems. The three built at Soap Lake are now located at the Washington State Energy Office in Olympia, the Energy Information Center in Spokane and in Soap Lake. Of the four in Idaho, one is at the Idaho Economic Opportunity Office in Boise, another in Twin Falls, and the others we haven't heard about yet.

But more important than the devices are the people, who are listed by location of the following pages, in case you've any questions. Teaching and observing them build, it became delightfully obvious that a rapid transition toward a solar society will not only be much easier than many people would believe, but it will be one of the most popular and politically acceptable events that will occur between now and the year 2000. People want to relate to peaceful technologies they can understand; to sciences which are as basically grounded in human experience as sunrise, sunset and the changing seasons; and to energy systems of which they need have no fear.

They always say "Why, this is so simple! Why aren't there more of these around?" Then they realize that there are now seven where there were none, and that there are now 100 people who know how to go beyond those seven devices. And they see that a great many things are possible under the sun.

The instructions, materials and tool lists on the next few pages cover the system we built, a 4′ x 8′ panel heating water by gravity circulation (no pumps). Three to four of these panels would provide enough hot water for a family of four. Depending on your particular situation and personal needs, such a system might supply all your requirements or might simply, by means of a heat exchanger, assist your existing electric or gas water heater, lowering your bills. Check with your local utility, building, electrical and plumbing inspectors, and with your local plumbing store handyman for local information before you build—mostly they'll be intrigued and helpful.

You start by making out a tool and materials list. You finish by adding water and pointing the collector south at 45°.

Instructions	*Materials*	*Tools*
Build Box: Cut one 2x4 in half, build 4x8 rectangle by glue-nailing 2x4s together with #12 box, gluenailing 4x8 sheet to 2x4s with #4 common, caulking seams before nailing to prevent heat leaks. Paint all over.	One ½"x4'x8' exterior plywood sheet, three 8'x2"x4" utility or better, ½ lb. #12 box nails, ½ lb. #4 common nails, 1 qt. white wood glue, 1 tube latex caulking, 1 gal. white latex paint.	1 sharp hand saw, carpenter's square, 2 hammers, 2 sawhorses, 1 caulking gun with tube of caulk, tape measure.
Install insulation: Measure box interior and insulation to fit bottom, glue foil to insulation, lay insulation in box shiny foil side up.	One sheet 2"x4'x8' rigid fiberglass, styrofoam or other *rigid* substitute. Household aluminum foil, wood glue.	Cardboard knife or upholstery knife, tape measure.
Build manifolds: Measure center-to-center distance between *every other* valley on corrugated sheet. Build manifolds (headers) into which runner pipers (header pipes) fit at each end of collector.	16—¾"x¾"x½" tees, 14—¾"x4" nipples, ½ pint can pipe joint compound, 8—½"x5" nipples cut in half.	2—12" pipe wrenches, 1 pipe vise on portable stand (rent), tape measure.
Cut pipe runs: Cut and thread runner pipes (header pipes). Use pipe vise to hold pipe.	8 pieces ½"x7'3" galvanized iron pipe (60' total), 1 pint pipe threading compound.	1 pipe cutter, one ½" pipe threading die with handle (rent).
Connect pipe assembly: Assemble runner pipes into manifolds. Wipe oil on inside of heater hose and on pipe ends to ease hose over pipe.	3' of ¾" I.D. automotive heater hose, cut in 3" lengths, 16–1" stainless steel hose clamps, pipe threading oil.	2 screwdrivers (for hose clamps). Use pipe wrenches again.
Rivet collector sheets: Size corrugated sheets to fit inside box, resting on insulation. Drill holes and rivet sheets together along the long edge. This is the absorber plate.	2 pieces corrugated galvanized steel roofing 26"x84", 1 box 3/16x¼" pop rivets.	Tape measure, 1 hand pop rivet gun, 1–3/16" metal drill bit, 1 hand drill with shoulder brace.
Wire pipe assembly to absorber plate: Lay runner pipe and manifold assembly onto absorber plate which is still outside box. Hammer holes in absorber plate about every foot near pipes. Run wire through holes and twist tight, cutting off excess and bending wire away from foil to prevent puncture.	10 feet galvanized bailing wire.	1 nail, pointed punch or awl (use hammer again). Vise-grips, diagonal sidecutting pliers, plain pliers.
Apply mastic: Apply thermal transfer mastic and paint.	1½ gallons "Thermon," from Set-Point Control, Seattle and Portland. Must be done in a dry place. 1 point flat black barbecue paint.	1 large and 1 small putty knife, 2" paint brush.
Bolt assembly in box: Bolt assembled absorber platepipe/manifold configuration into box with fender washers top and bottom.	4—¼"x3½" bolts with nuts and 8 fender washers.	¼" metal drill bits (use hand drill again).
Drill pipe holes: Drill holes for cold water inlet and hot water outlet nipples, insert nipples, insert manifold end plugs. Caulk to seal around inlet and outlet nipples between wood and pipe.	2—¾" x 6" nipples, 2—¾" pipe plugs.	1 brace, 1—1⅛" wood bit, wrenches, dope, caulk.
Frame glazing: Build frame for glazing material, staple vinyl to frame, running greenhouse tape between stapler and vinyl sheet. Apply weather-stripping. Lay glazed frame onto 2 x 4 box, drill holes and screw frame to box.	1—25' roll 4' wide Sears vinyl, 1 box ⅜" staples, 30' adhesive felt weatherstripping, 30' greenhouse tape, 30' 1" x 2" wood molding, 24—#10 x 3" wood screws and washers (galvanized).	1 building stapler, 1 screwdriver, 1 hand drill with 3/16" bit and 1/32" bit (reuse wood glue).
Attach thermometers: Attach thermometers.	2 dial face thermometers with 2" stems and ½" NPT (National Pipe Thread).	Crescent wrench, dope.
Connect storage: Connect collector to hot water heater storage for natural (gravity circulation) thermosiphon effect. Use gates valves at inlet and outlet. Wrap insulation around pipes and fasten with duct tape at ends and as needed in between.	1 roll 2" wide duct tape, 20' ¾" pipe insulation, one 30-gal., used, non-leaking hot water heater (buy salvaged from local plumber, working element not needed, gas models also OK). Two ¾" pipe unions, 20' ¾" galvanized iron pipe, 4—¾" 45° elbows, 4—¾" Tees (¾" x ¾" x ¾"), 8—¾" 90° elbows, 2—¾" compact bronze gate valves, 1 dial thermometer with 7" stem (minimum length, longer is OK).	Wrenches, dope, threading vise.

SOLAR RESOURCE PEOPLE

Idaho

Albion: Loren Goodman, Box 6, 83311.

Boise: John Chamberlain, Wendell Peabody (deputy director), Idaho State Economic Opportunity Office, State House, 83720, 206–384–2322;

Edward L. Gomez, Idaho Migrant Council, 415–8th St. S., 83706;

John Powell, Solar, Inc., 611 Brumback, 83702.

Buhl:

George F. Anthony, P. O. Box 632, 83316;

Homer Baker, 201 N. 11th, 83316.

Burley:

Robert Kulkank, 1918 Conant, 83318;

Del Parish, 2675 Brentwood, 83318.

Coeur d'Alene: Laurie Mauser, Greg Wroble, No. Idaho Special Services Agency, 105 Indiana, P.O. Box 1300, 83814, 208–664–3114.

Fairfield: Michael & Maggi Sullivan, Rt. 1, 83327.

Idaho Falls: Lou Jonas, Eastern Special Services Agency, P.O. Box 1068, 83401.

Jerome: Tim & Cher Williams, South Central Community Action Agency, Rt. 3, Box 49, 83338.

Ketchum: John Neuss, Gen. Delivery, 83340.

Lewiston: R. J. Reilly, Fred Stedman, Community Action Agency, Inc., 1032 Bryden Ave., 83501.

Payette: Julie Guthrie, Roy Main, Western Idaho Community Action Program, Box 608, 83661.

Pocatello: Richard Jones, South Central Idaho CAA, 1356 N. Main, 83201.

Sun Valley: Richard B. Meyer, Environment West—Clarendon, Box 449, 83353.

Twin Falls:

Del Butterfield, Rt. 3, 83301;

Joe Casillas, 136 6th Ave., E., 83301;

Bryan Franklin, 237 Jackson, 83301.

Dick Leslie, South Central Community Action Agency, P.O. Box 536, 83301, 208–733–9351, –59;

Edward McLain, Magic Valley Plumbing & Heating Co., 544 Main St., 83301;

Art Rathbun, Univ. of Idaho, Coop Extension, 634 Addison Ave., 83301;

Judith Smith, 204–7th Ave., N., 83301;

Kay Viste, Box 531, 83301;

Charles Williams, 292 Caswell Ave., 83301.

Washington

Aberdeen: Al Rose, Grays Harbor Community Action Council, Inc., P.O. Box 187, 98520, 206–533–5100.

Bellingham: Thomas Olmstead, Whatcom County Opportunity Council, P.O. Box 159, 98225, 206–734–5121.

Ellensburg: Robert McCormick, Kittitas County Action Council, Inc., Box 462, 98926, 509–925–1448.

Everett: Jerry Purcell, Community Action Council of Snohomish County, Inc., P.O. Box 1185, 98206, 206–252–5141.

Longview: Michael West, Lower Columbia Community Action Council, Inc., 1208 Broadway, 98632, 206–425–3430.

Moses Lake: Gregory J. Higgins, Grant County Community Action Council, Inc., 64BA East Third Ave., 98837, 509–765–9206 or

754–4052, P.O. Box 777, Soap Lake, WA 98851 (office address).

Okanogan: Bill Ringrose, Okanogan County Community Action Council, Inc., Box 1067, 98840, McManus Building, 98840.

Olympia: Clint Lougheed, Mason/Thurston Community Action Council, 202 Capital Theater Building, 98501, 206–943–7617;

Keith Sherman, Carol Costello, Larry Diamond, Bill Kingrey, Washington Energy Office, 4220 E. Martin Way, 98504, 206–753–5420;

Priscilla Cates, Washington State Economic Opportunity Office, 214 General Administration Bldg., 98504.

Pasco: Benton/Franklin Community Council, P.O. Box 2280, 98301, 509–547–0777.

Port Townsend: Lloyd Johnson, Clallam/Jefferson County Community Action Council, Inc., P.O. Box 553, 98368, 206–385–0776.

Walla Walla: Aluster "Les" Jackson, Blue Mountain in Action Council, Inc., 19 East Poplar, 99362, 509–529–4980.

Wenatchee: Larry Knight, Chelan/Douglas Community Action Council, Inc., 620 Lewis Street, 98801, 509–662–6156.

By Mr. McCLURE:

S. 655. A bill to amend the Internal Revenue Code of 1954 to allow a deduction with respect to the exhaustion of geothermal steam and geothermal resources; to the Committee on Finance.

GEOTHERMAL ENERGY

Mr. McCLURE. Mr. President, I have introduced a bill to amend the Internal Revenue Code of 1954 to allow a deduction with respect to the exhaustion of geothermal steam and geothermal resources.

This bill is designed to provide the investment incentives necessary to develop our geothermal energy resources. The utilization of our geothermal resources can be instrumental in averting future energy shortages, if development is undertaken in the immediate future. Geothermal energy production has been thoroughly researched by the Federal Interagency Panel for Geothermal Energy Research and ERDA, and their reports reveal that up to 20,000 megawatts of electrical generating capacity can be achieved by 1985. This capacity is equal to almost 300 million barrels per year of low sulfur crude oil.

However, the 1985 goal of 20,000 megawatts of geothermally-generated electric power will not be realized unless incentives are enacted by this Congress. Although geothermal energy is currently available for commercial development, and the technological problems associated with the development of geothermal sites are insignificant compared to synthetic fuel development, there are still tremendous financial costs that the industry must overcome in order to make geothermal energy available on a wide scale. The high cost of drilling for geothermal deposits in hard rocks, accompanied by high temperatures and corrosive fluids, and the subsequent necessity for drilling replacement wells at each development site to maintain a constant stream of energy hinders the promotion of geothermal power. The chief barrier is the lack of sufficient incentives for the investment of capital.

This bill would address the problem and offer the investment incentives required to attract adequate capital. This would be achieved by granting a deduction from taxable income of 25 percent of the gross income from the property and allowing the current deduction of exploring expenses as well as intangible drilling and development costs.

I believe that the passage of this bill would greatly benefit our Nation's best interests. Geothermal power will help us decrease our dependency on foreign oil by supplementing our dwindling domestic sources of energy. In my own State of Idaho, the production of geothermal energy offers particularly worthwhile opportunities. The test results to date in the Raft River are extremely encouraging. Representing a State which is an historical user of geothermal energy, I am especially pleased to introduce this proposal.

I ask unanimous consent that the bill be printed in the RECORD. I also ask unanimous consent that the summary of the geothermal R. & D. project report for period April 1, 1976, to June 30, 1976, edited by Mr. J. F. Kunze, be included in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

SEC. 189. EXHAUSTION OF GEOTHERMAL STEAM AND GEOTHERMAL RESOURCES.

"(a) IN GENERAL.—There shall be allowed as a deduction, under regulations prescribed by the Secretary or his delegate, an amount equal to 25 percent of the gross income from a geothermal steam and geothermal resources property for the taxable year.

"(b) LIMITATION.—The deduction allowed under subsection (a) may not exceed 50 percent of the taxpayer's taxable income from the geothermal steam and geothermal resources property for the taxable year, computed without regard to the deduction allowed by this section.

"(c) SPECIAL RULES.—

"(1) LEASES.—In the case of a lease, the deduction allowed under subsection (a) shall be equitably apportioned between the lessor and lessee.

"(2) LIFE TENANT AND REMAINDER.—In the case of property held by one person for life with remainder to another person, the deduction under this section shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant.

"(3) PROPERTY HELD IN TRUST.—In the case of property held in trust, the deduction allowed under subsection (a) shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or in the absence of such provisions, on the basis of the trust income allocable to each.

"(4) PROPERTY HELD BY ESTATE.—In the case of an estate, the deduction under this section shall be apportioned between the estate and the heirs, legatees, and devisees on the basis of the income of the estate allocable to each.

"(d) DEFINITIONS.—For purposes of this section—

"(1) GEOTHERMAL STEAM AND GEOTHERMAL RESOURCES PROPERTY.—The term 'geothermal steam and geothermal resources property' means property from which the taxpayer extracts any product included in geothermal steam and geothermal resources, as defined in subsection 2(c) of the Geothermal Steam Act of 1970 (30 U.S.C. 1001).

"(2) GROSS INCOME FROM THE PROPERTY.—The term 'gross income from the property' means the gross income from extracting geothermal steam and geothermal resources from the property.

"(3) PROPERTY.—The term 'property' has the same definition it has under section 614. For purposes of applying such section 614 with respect to this section, a well producing geothermal steam and geothermal resources shall be considered to be a gas well.

"(e) APPLICATION WITH SUBCHAPTER I.—No deduction shall be allowed under section 611 with respect to exhaustion of geothermal steam and geothermal resources if a deduction is allowable under this section with respect to such exhaustion."

(2) The table of parts for such part VI is amended by adding at the end thereof the following new item:

"SEC. 189. Exhaustion of geothermal steam and geothermal resources."

(3) Section 57(a)(8) of such Code (relating to items of tax preference) is amended by inserting immediately after "section 611" the following: "or the deduction for exhaustion allowable under section 189".

(4) Section 62(6) of such Code (relating to definition of adjusted gross income) is amended by striking out "and the deduction allowed by section 611." and inserting in lieu thereof a comma and "the deduction allowed by section 189, and the deduction allowed by section 611.".

(c) Section 263(c) of such Code is amended—

(1) by adding at the end thereof the following new sentence:

"Such regulations shall also grant the option to deduct as expenses intangible drilling and development costs in the case of wells drilled for geothermal steam and geothermal resources, as defined in section 2(c) of the Geothermal Steam Act of 1970 (30 U.S.C. 1001)."

(2) by amending the caption of such section to read as follows:

"(c) INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF GEOTHERMAL WELLS.".

(d) Section 613A(b)(1) of such Code is amended—

(1) by inserting immediately after the comma in subparagraph (A) the following: "and",

(2) by striking out "and" in subparagraph (B), and

(3) by striking out subparagraph (C).

(e) Section 617(a)(1) of such Code (relating to deduction and recapture of certain mining exploration expenditures) is amended by striking out "is allowable under section 613." and inserting in lieu thereof "is not allowable under section 613 or section 189.".

(f) The amendments made by this Act apply to taxable years beginning after December 31, 1976.

GEOTHERMAL R. & D. PROJECT REPORT FOR PERIOD APRIL 1, 1976 TO JUNE 30, 1976,

SUMMARY

The Idaho National Engineering Laboratory (INEL) is operated by the Energy Research and Development Administration to help provide the engineering research needed to bring new energy schemes into the nation's economy. The location of the laboratory, near Idaho Falls, Idaho, is on the Snake River Plain, a geologically active rift zone with geologically recent volcanic activity, and an abundance of ground water. The area is thus a natural location for the occurrence of hydrothermal energy at relatively shallow depths, as indicated by the numerous hot springs along the borders of the plain and in the intersecting valleys. The relatively recent age of the near surface geological changes and the characteristic volcanism instead of old sediments implies that a continuum of temperatures of hot water will be

present, and their salinities should be relatively low compared to the resources in older sediments. This trend has been confirmed from hot spring measurements, indicating the presence of numerous reservoirs (or aquifers) at low to moderate temperatures (below 150°C or 300F°. Such temperatures are currently not attractive economically to compete in the electric power production market, nor have such resources found much use in direct heat applications in this nation.

The INEL has, therefore, aimed its program at developing techniques, through engineering and research, to make it possible to harness such resources more economically, thus allowing this form of geothermal energy to compete effectively with other forms of energy. The principal site chosen for the experiments and testing work is in the Raft River Valley, an adjunct to the Snake River Plain. Principal reasons for the choice were the average geothermal characteristics of the valley (water at not hotter than 150°C appears to lie at depths of 1 to 2 km), plus the desired industrial involvement of the local utility (Raft River Rural Electric Cooperative) and the entire association of 110 public and municipally owned utilities of the Northwest (Northwest Public Power Association). The State of Idaho offered its full cooperation, both in the research phases as well as the regulatory aspects. It was through the latter association that the beginnings of a space heating demonstration effort involving lukewarm water of approximately 75°C (167°F) developed. ERDA is conducting the front-end design and exploration work on a demonstration project which would be completed by the State on state-owned buildings at Boise, Idaho. (1,2,3)

The following summarizes work conducted in the second calendar quarter of 1976.

1. The third deep geothermal well, RRGE–3, was drilled approximately 1⅓ miles away in the southeasterly direction from the other wells. The initial drilling revealed high productivity (>300 gpm) of waters slightly above boiling from the 2,000 to 4,000 foot depth. The well was cased with 9⅝ in. casing from 1,385 ft. to 4,255 ft. in search of hotter water deeper.

Drilling then proceeded on a slight side-tracked angle westerly to 5,853 ft. depth. It was planned from the start of this well to try a multiple side-tracking below the production casing in the hope of significantly enhancing production. After completion of the first leg, however, temperatures were 149°C at the bottom, but production was poor, averaging only 80 gallon/minute, geysering on a 10 minute period under artesian (natural flow) conditions.

Nevertheless, it was decided to attempt the multiple leg side-tracking from below the 4,255 ft. casing. Leg B was drilled to the northeast, and almost immediately encountered substantially better productive zones. It reached 5,532 ft., leg C was then drilled NNW to 5,917 ft. Initial flow from all three legs, with a subcooled head, was 800 gpm.

Reservoir testing on the well was conducted for about two weeks. Virtually no communication was seen with the other two wells. Lower permeability appeared to exist compared to the other wells, despite comparable productivity. It is therefore, concluded that the triple side-tracking was essential for making this a useful production well. The well has a dissolved solids content 50 percent higher than RRGE–1 and RRGE–2 wells.

This experience with the No. 2 well indicates the value of side-tracking, which added only 25 percent to the cost of the well with only a single leg. Yet the production, in this heterogeneous formation was enhanced approximately a factor of 5 based on artesian flow conditions.

2. Direct contact heat exchanger testing addressed the problem of relative solubilities, since the carry over of organic fluid into the geothermal discharge can significantly affect the economics. Solubilities of organics in highly salty waters are substantially less than in the purer waters, and hence the cost penalty of carryover would be least noticed in the high salinity brines.

3. Design and cost estimating continued on a 40 MW(th) organicbinary heat exchange facility (thermal loop) adaptable to a nominal 5 MW(e) output pilot plant. The facility would have provisions to add a second and third loop of equivalent size at a later date, employing more advanced concepts.

4. A 12 acre test agricultural experiment was set up near RRGE–2 in Raft River. Crops typical of the area are being grown to study the effects of irrigation (both flood and sprinkle) with geothermal water containing 2,000 ppm. The crop was started too late in the spring to take much advantage of heat from the geothermal water, but re-seeding of portions into winter wheat and alfalfa is being considered for late summer to study the heat effect this fall. Half of the test area is being irrigated by river water as a control on the experiment.

5. Reservoir engineering work was devoted to obtaining downhole data from RRGE–3, using logging techniques, drilling sample analysis, and from a number of cores. Though lithologically the well appeared similar to RRGE–2, its performance demonstrated substantial differences.

By Mr. BIDEN:

S. 656. A bill to amend the Consumer Credit Protection Act to prohibit abusive practices by debt collectors; to the Committee on Banking, Housing and Urban Affairs.

DEBT COLLECTION PRACTICE

Mr. BIDEN. Mr. President, I am today introducing a bill to regulate the practices of independent debt collectors. This legislation would add a new title to the Consumer Credit Protection Act, and resembles H.R. 29 introduced in the House this year.

My bill addresses the problems of harassment, threats, misrepresentation, and invasion of privacy which are too often associated with the practices of professional debt collectors. These are the people who undertake to collect overdue accounts for others, and who sometimes prey upon the fear and ignorance of vulnerable consumer debtors in efforts to milk the last possible nickel of repayment. The bill specifies the nature and number of contacts which debt collectors may have with the consumer and with others, and prohibits a whole array of harassing, deceptive, and unfair collection techniques. It also bars certain of the procedural gimmicks debt collectors often use when they take a debtor to court.

The bill calls for primary enforcement by the Federal Trade Commission, and complementary enforcement powers are given to individual consumers and State law enforcement officials.

Like the House bill, this legislation deals exclusively with the independent, third-party debt collection agency, and does not directly regulate the practices of the creditor who originates the debt or who understakes his own collection efforts. This distinction is both understandable and appropriate. The independent collectors, by common practice, are recognized as a separate industry. They have no particular concern for maintaining good customer relations with the debtors they pursue. And, above all, the independent collectors generate a disproportionate number of the complaints about collection practices.

Mr. President, it is critical that the American public understand the purpose and need for this legislation. The House hearings, and my own investigation, have documented some intolerable collection practices engaged in by third-party debt collectors:

Constant harassment of the consumer debtor by phone calls at all hours of the day and night, at home and at work:

Foul, insulting, and abusive language;

Devious tricks used to get friends and neighbors to provide information about the debtor; outright impersonation of Government officials, either by oral statements or by the use of sham "official" documents;

Threats of arrest, or of publication of the consumer's financial plight;

Tacking unauthorized charges onto the balance owing;

Taking postdated checks and then depositing them before the due date in order to threaten criminal prosecution;

Using aliases or "desk names" so that consumers can never identify the individual collector.

These are the kinds of practices at which this bill is aimed. I believe it is imperative that we pass legislation to curtail these practices, and here is why:

The States have failed to provide adequate protection in this area. Data compiled in the House indicates that only 37 States have any legislation at all dealing with debt collection practices, and a number of these jurisdictions have only modest licensing laws which contain no limitations on collection practices. A number of supposed State regulatory bodies are made up dominantly of collectors themselves.

Some of the worst practices are effectively beyond State's control where the collector works from outside the jurisdiction—by phone, letter, or telegram. Thus the authorities in the consumer's State are powerless to reach the offending collector. This interstate dimension of the problem itself justifies Federal action.

My contact with the offices of several State attorneys general, and State consumer protection offices, indicate that there is support for Federal legislation in those States which have strong collection practices laws as well as in those which have none. In the former, a Federal law will enhance local efforts and assure control over interstate collection practices; in the latter, it will fill a void and take some pressure off of the bankruptcy courts and the consumer debt counselors who have been the only ones to give solace to consumers targeted by unscrupulous collectors.

On any scale of human values, the practices addressed in this bill ought to offend our sensibilities. And we ought to note that the consumers who are the beneficiaries of this bill are human beings, entitled to human dignity and com-

passion in what are often financial difficulties beyond their control.

Some will say that this bill provides a haven for deadbeats. I do not believe it. As prestigious a group as the recent Bankruptcy Commission concluded that few consumers intentionally avoid their legitimate debts. Rather, their delinquencies follow from industry layoffs, from unexpected medical bills, or from good faith disputes over the obligation itself. Professor Caplovitz, in his landmark study of "Debtors in Default," concludes that a good measure of the resistence to debt collectors arises from anger at their collection techniques. Indeed it defies belief to think that the true deadbeat would be complaining of collection methods. But until our society can assure its members stable employment, adequate health care, and high quality goods and services, I believe that society must exhibit some compassion for the debtor in trouble.

I applaud my colleagues in the House, and particularly the distinguished chairman of its Consumer Affairs Subcommittee, for their efforts with similar legislation. But I believe there are additional provisions needed to make this the best possible law, and for this reason, my bill differs somewhat from the House bill. For example, it makes clear that it applies to both prejudgment and to postjudgment collection practices; it adds several specific items to the list of prohibitions—for example, threats to destroy credit ratings, and refusals to accept good-faith partial payments.

More substantively, my bill provides for joint liability on the part of the creditor who assigns the debt for collection where that creditor has reason to know that the debt collector engages in unlawful practices. I believe this provision is particularly important, for it forces the original creditor to exercise care and oversight in the selection of the debt collectors he uses.

My bill also permits enforcement of its provisions by State and local officials authorized to do so under the State law. This limited "parens patriae" idea adds a useful dimension to the enforcement structure under the act, for local officials may be better able to deal with those small, one- or two-person collection agencies, perhaps operating out of a private home—agencies which might escape supervision by the Federal Trade Commission.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VIII—DEBT COLLECTION PRACTICES

"§ 801. Short title

"This title may be cited as the 'Fair Debt Collection Practices Act'.

"§ 802. Definitions

"(a) The definitions set forth in this section are applicable for purposes of this title.

"(b) The term 'Commission' means the Feedral Trade Commission.

"(c) The term 'consumer' means any individual obligated or allegedly obligated to repay any debt.

"(d) The term 'creditor' means any person who offers or extends credit creating a debt or to whom a debt is owed.

"(e) The term 'debt' means any obligation to pay money arising out of a transaction in which credit is offered or extended to an individual, and the money, property, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

"(f) The term 'debt collector' means any person who engages in any business the principal purpose of which is the collection of any debt or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another, and who uses any instrumentality of interstate commerce in connection with such collections. The term includes a person who furnishes or offers to furnish forms or a written demand service represented to be a collection technique, device, or system to be used to collect debts, if the forms or other writing contain the name of a person other than the creditor in a manner indicating that a request or demand for payment is being made by a person other than the creditor even though the form directs the consumer to make payments directly to the creditor rather than to the other person whose name appears on the form. The term does not include any officer or employee of the United States or any State to the extent that collecting or attempting to collect any debt is in the performance of his official duties, or any attorney acting in a professional capacity on behalf of a client.

"(g) The term 'location information' means, with respect to any individual, his place of abode, his telephone number at such place, and his place of employment.

"(h) The term 'State' means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any political subdivision of any of the foregoing.

"(i) The term 'communication' means conveying information directly or indirectly to any person through any medium, except that with respect to section 804(a)(3), the term 'communication' means actual contact with the consumer which includes a brief statement in any manner of the present intentions of the consumer with respect to the repayment of the debt. The term does not include conveying information—

"(A) to a consumer reporting agency as defined in the Fair Credit Reporting Act, or

"(B) to an employer of the consumer in the course of garnishment or other postjudgment judicial proceedings.

"§ 803. Acquisition of location information

"(a) No debt collector may, in connection with the collection of any debt, communicate other than by telephone, mail, or telegram with any person for purposes of acquiring location information about any consumer.

"(b) Any debt collector communicating with any person for the purpose of acquiring location information about any consumer shall—

"(1) identify himself and, if expressly requested, his employer;

"(2) not state that such consumer owes any debt;

"(3) not communicate with such person more than once unless expressly requested to do so by such person, except for one additional communication to reconfirm location information;

"(4) not communicate by post card or similar device;

"(5) not use any language or symbol, other than the debt collector's address, on any envelope when using the mail or telegrams, except a debt collector may use his company name provided that such name does not indicate that the company is in the debt collection business;

"(6) not use any language or symbol in the contents of mail or telegrams that indicates that the communication relates to the collection of a debt, other than the identification of the person as a debt collector; and

"(7) not communicate with any person pursuant to this section, once the debt collector knows the consumer is represented by an attorney.

"§ 804. Communication in connection with debt collection

"(a) COMMUNICATION WITH THE CONSUMER GENERALLY.—No debt collector may initiate communications with a consumer in connection with the collection of any debt without the prior consent of the consumer or the express permission of a court of competent jurisdiction—

"(1) before 8 antimeridian or after 9 postmeridian or at any unusual time or time known to be inconvenient to the consumer;

"(2) after the initial communication, if the debt collector knows the consumer is represented by an attorney, unless such attorney is unjustifiably nonresponsive to communication from such debt collector; or

"(3) after the initial communication, more than two times during any seven-calendar-day period.

"(b) COMMUNICATION WITH THE CONSUMER AT THE PLACE OF EMPLOYMENT.—Without the prior consent of the consumer or the express permission of a court of competent jurisdiction—

"(1) no debt collector may communicate with a consumer in connection with the collection of any debt at the place of employment of the consumer more than one time; or

"(2) if the debt of a consumer is in the amount of $100 or more, and such debt is at least sixty days overdue, and if the consumer has not furnished the creditor with a telephone number where the consumer can be reached during the consumer's nonworking hours, after 8 ante meridian and before 9 post meridian, no debt collector may communicate with a consumer in connection with the collection of any debt more than twice in any thirty-day period at the place of employment of the consumer.

"(c) COMMUNICATION WITH THIRD PARTIES.—Except as provided in section 803 with regard to location information, no debt collector may communicate with any person other than the consumer or his attorney in connection with the collection of any debt without the prior consent of the consumer or the express permission of a court of competent jurisdiction.

"(d) CEASING COMMUNICATION.—When a consumer absolutely refuses to pay or to discuss an account, a debt collector shall cease further direct collection efforts with the exception of advising the consumer that the debt collector's further efforts are being terminated and that the matter may be referred to an attorney to invoke the creditor's remedies locally available.

"(e) For purposes of subsections (a), (b), (c), and (d), the term 'consumer' shall include the consumer's spouse, parent (if the individual is a minor), guardian, executor, or administrator.

"§ 805. Harassment or intimidation

"No debt collector may harass or intimidate or threaten or attempt to harass or intimidate any person in connection with the collection of any debt. Without limiting the general applicaton of the foregoing, the following conduct is a violation of this section:

"(1) The use or threat of use of violence or other criminal means to harm the physical person, reputation, or property of any person.

"(2) The use of abusive or profane language.

"(3) The publication of a list of consumers who allegedly refuse to pay debts.

"(4) The advertisement for sale or any debt to coallegedly refuse to pay debts.

"(5) Any communication to acquire location information about a consumer if the debt collector has such information or does not reasonably believe that the person contacted has access to such information.

"(6) The making of harassing or threatening phone calls or visits to the home or place of employment of a consumer or his spouse or calling any person repeatedly or constantly.

"§ 806. False or misleading representation

"No debt collector may make or threaten or attempt to make any false or misleading representation to any person in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

"(1) Any false representation indicating that the debt collector is acting for or on behalf of the United States or any State, including the use of any badge, uniform, or any facsimile thereof of any law enforcement agency.

"(2) The false representation of—

"(A) the character, amount, or legal status of any debt; or

"(B) any service rendered or compensation which may be received by any debt collector for the collection of a debt.

"(3) The false representation that any individual is an attorney.

"(4) The false representation that nonpayment of any debt will result in the arrest or imprisonment of any consumer or the seizure, garnishment, attachment, or sale of any property or wages of any person.

"(5) The threat to take any action that cannot legally be taken or that is not intended to be taken.

"(6) The false representation, that a sale, referral, or other transfer of any interest in a debt shall cause the consumer to—

"(A) lose any defense to payment of the debt; or

"(B) become subject to any practice prohibited by this title.

"(7) The false representation that the consumer committed any crime or other conduct in order to disgrace the consumer.

"(8) The false statement to any person (including any consumer reporting agency) that a consumer is willfully refusing to pay a debt.

"(9) The false representation that any writing (including any seal, insignia, or envelope) is authorized, issued, or approved by any court or agency of the United States or any State.

"(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

"(11) The false representation that any person is seeking information in connection with a survey.

"(12) The false representation that any person has a pre-paid package for the consumer.

"(13) The false representation that a sum of money or valuable gift will be sent to the addressee if the requested information is presented.

"(14) The false representation that accounts have been turned over to innocent purchasers for value.

"(15) The false representation that any debt has been turned over to an attorney.

"(16) The false representation that documents are legal process.

"(17) The use in any communication by any debt collector or his employees or agents of any alias or fictitious name.

"(18) The false representation that the debt collector will communicate adverse credit information to any person.

"§ 807. Unfair practices

"No debt collector may engage in the following practices with respect to any person in connection with the collection of any debt:

"(1) The collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) by such debt collector unless such amount is expressly authorized by the agreement creating the debt and is legally chargeable to the consumer, or unless such amount is expressly authorized by a court of competent jurisdiction.

"(2) The solicitation or acceptance by a debt collector from a consumer of any check or other payment instrument that is postdated more than three days.

"(3) Depositing or threatening to deposit any postdated check or other postdated negotiable instrument prior to the date on such check or instrument.

"(4) Except as otherwise provided for communications to acquire location information under section 803—

"(A) The use or causing to be used in a debt collector's behalf in connection with the collection of any debt, of any forms, letters, questionnaires, other printed or written material, or other forms of communication which do not clearly and conspicuously disclose that such are usd for the purpose of collecting or attempting to collect a debt or to obtain or attempt to obtain information concerning a consumer.

"(B) The placement in the hands of others for use in connection with the collection of any debt, of any forms, letters, or questionnaires or other printed or written material which do not clearly and conspicuously reveal thereon that such are used for the purpose of collecting or attempting to collect a debt or to obtain information concerning a consumer.

"(5) The refusal by any debt collector to accept any good faith tender of a partial payment, except that such acceptance alone shall not constitute a waiver of any rights of the debt collector.

"(6) Causing charges to be made to the consumer for communications by concealment of the true purpose of the communication. Such charges include, but are not limited to, collect telephone calls and telegram fees.

"§ 808. Validation of debts

"(a) Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless such is contained in the initial communication, send the consumer a written notice containing the following information:

"(1) The amount of the debt.

"(2) The name and address of the creditor to whom the debt was originally owed as it appeared in the original credit agreement and the name of the creditor to whom the debt is currently owed.

"(3) A statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed as valid by the debt collector.

"(4) A statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt is disputed, the debt collector shall cease collection of the debt until such debt collector obtains certification of the validity of the debt or a copy of a judgment from the creditor and a copy of such certification or judgment is mailed to the consumer by the debt collector.

"(b) If the consumer notifies the debt collector in writing within the thirty-day period that the debt is disputed, the debt collector shall cease collection of the debt until such debt collector obtains certification of the validity of the disputed portion of the debt or a copy of a judgment from the creditor and a copy of such certification is mailed to the consumer by the debt collector.

"§ 809. Multiple creditors

"If any consumer owes debts to more than one creditor and makes any single payment to any debt collector with respect to such debts, such debt collector shall not apply such payment to any debt disputed by such consumer.

"§ 810. Legal actions by debt collectors

"(a) A debt collector shall not bring any action on a debt against any consumer—

"(1) in the case of any action to enforce an interest in real property securing the consumer's obligation, in a court that does not have jurisdiction in the judicial district or similar appropriate legal entity in which such real property is located; or

"(2) in the case of any action not described in paragraph (1), in a court that does not have jurisdiction in the judicial district or similar appropriate entity—

"(A) in which such consumer signed the contract sued upon; or

"(B) in which the consumer resides at the commencement of the action.

"(b) A debt collector shall not cause process in any action on a debt to be served on a consumer unless such process is served—

"(1) by an officer or employee of the United States or any State in the course of the official duties of such officer or employee;

"(2) by an individual appointed or approved by the appropriate court for that purpose; or

"(3) by an individual authorized to serve process under the law of the State in which process is to be served.

"(c) A debt collector shall not utilize, in connection with the collection of any debt, any officer or employee of the United States or any State whose duties include the service of legal papers, except in the course of such duties.

"§ 811. Furnishing certain deceptive forms

"(a) No person may furnish any form knowing or having reason to know that such form would be used to create the false belief in a consumer that a person other than the creditor of such consumer is participating in the collection of or in an attempt to collect a debt such consumer allegedly owes such creditor, when in fact such person is not so participating.

"(b) Any person who violates this section with respect to another person shall be liable to such other person to the same extent and in the same manner as a debt collector is liable under section 812 for failure to comply with a provision of this title.

"§ 812. Civil liability.

"(a) Except as otherwise provided by this section, any debt collector who fails to comply with any provision of this title with respect to any person is liable to such person in an amount equal to the sum of—

"(1) any actual damage sustained by such person as a result of such failure;

"(2)(A) in the case of any action by any individual, an amount not less than $100 nor greater than $1,000; or

"(B) in the case of a class action, such amount as the court may allow, except that

(i) as to each member of the class no minimum recovery shall be applicable, and (ii) the total recovery under this paragraph shall not be more than the lesser of $500,000 or 1 per centum of the net worth of the debt collector; and

"(3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court.

"(b) In determining the amount of award in any class action under subsection (a) (2) (B), the court shall consider, among other relevant factors, the frequency and persistence of failures of compliance by the debt collector, the resources of the debt collector, the number of persons adversely affected, and the extent to which the debt collector's failure of compliance was intentional.

"(c) A debt collector may not be held liable in any action brought under this title if the debt collector shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to assure compliance.

"(d) An action to enforce any liability created by this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the violation occurs.

"(e) No provision of this section or section 812 imposing any liability shall apply to any act done or omitted in good faith in conformity with any interpretation thereof by the Commission, notwithstanding that after such act or omission has occurred, such interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

"(f) If at the time a creditor assigns, sells, or otherwise transfers to a debt collector his right to collect a debt the creditor—

"(1) has knowledge or, from his course of dealing with the debt collector, notice of substantial complaints by consumers of the debt collector's failure to comply with any provision of this title; or

"(2) otherwise knows or has reason to know of the debt collector's failure to comply with any provision of this title,

any action which may be brought under this section against the debt collector may also be brought against the creditor: *Provided*, That any aggrieved person shall be entitled to but one recovery of the damages permitted under this section, and the creditor and debt collector shall have rights of contribution with respect to each other.

"§ 813. Criminal liability

"Whoever willfully and knowingly—

"(1) gives false or inaccurate information or fails to provide information which he is required to disclose by this title; or

"(2) otherwise fails to comply with any provision of this title;

shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"§ 814. Administrative enforcement

"(a) Compliance with this title shall be enforced by the Commission. For purpose of the exercise by the Commission of its functions and powers under the Federal Trade Commission Act, a violation of this title shall be deemed a violation of that Act. All of the functions and powers of the Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

"(b) Compliance with the requirements of this title may also be enforced by any State officials having such functions and powers under State law.

"§815. Reports to Congress by the Commission and Attorney General

"Not later than twelve calendar months after the effective date of this title and at one year intervals thereafter, the Commission and the Attorney General shall, respectively, make reports to the Congress concerning the administration of their functions under this title, including such recommendations as the Commission and the Attorney General, respectively, deem necessary or appropriate. In addition, each report of the Commission shall include its assessment of the extent to which compliance with this title is being achieved, and a summary of the enforcement actions taken by the Commission under section 813 of this title.

"§ 816. Relation to State laws

"This title does not annul, alter, or affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to debt collecting practices, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency. For purposes of this section, a State law is not inconsistent with this title if the protection such law affords any consumer is greater than the protection provided by this title.

"§ 817. Exemption for State regulation

"The Commission shall by regulation exempt from the requirements of this title any class of debt collection practices within any State if the Commission determines that under the law of that State that class of debt collection practices is subject to requirements substantially similar to those imposed by this title, and that there is adequate provision for enforcement.

"§ 818. Effective date

"This title takes effect upon the expiration of six months after the date of its enactment, and section 808 shall apply only with respect to debts for which the initial attempt to collect occurs after such effective date.".

By Mr. FORD:

S. 657. A bill to develop and etablish an Earth Resources and Environmental Information System; to direct the Nation Aeronautics and Space Administration to continue research and development and to establish the space segment of the System; to direct the Department of the Interior to establish the data handling segment of the System; and for other purposes; to the Committee on Aeronautical and Space Sciences.

EARTH RESOURCES AND ENVIRONMENTAL INFORMATION SYSTEM

Mr. FORD. Mr. President, last August I cosponsored legislation to create an Earth Resources Information System based principally on remote sensing by satellites. Unfortunately, there was not sufficient time in the 94th Congress to consider the bill. Today I am reintroduring similar legislation.

The purpose of this bill is still straightforward—to apply this new technology to the development of a fully operational system of remote sensing satellites and associated distribution centers in order to provide the much needed continuity of data and information on the Earth's limited resources and fragile environment.

Data and information from our Landsat satellites and other remote sensing systems are used around the world now. The users are slowly developing a dependence on the availability of this information, but users at home and abroad are concerned about the future. The major deterrent to the more extensive use of remotely sensed data and information, for use in managing the Earth's resources and environment, is the lack of a commitment to provide such data and information on a continuous basis. To do that, we must develop a fully operational Earth Resources and Environmental Information System.

A number of countries have made capital investments in data-receiving stations. Others are making such investments.

But all users, both domestic and foreign, are reluctant to abandon their obsolete sources of information because the Landsat satellites are still experimental. This bill would be a signal to the users that continuity will be maintained, that they can depend on a steady stream of this valuable data and information.

The bill would establish an Earth Resources and Environmental Information System as a combination of two segments. NASA is designated the manager of the space segment; that is, the satellites and the associated ground equipment for command and control of the satellites.

The Secretary of the Interior is designated as the manager of the data handling segment which is the portion of the system that receives data from the satellites, archives it, retrieves it, processes it, duplicates it, and disseminates the resulting products of the system to users or subscribers.

The bill provides as a policy that the system must be responsive to local, State, and national needs for data and information about Earth resources and environment. Foreign users would have equal access to the products of the system.

The bill requires the Secretary of the Interior to furnish the system data and information to Government and private users, domestic and foreign, on an equal basis. Furthermore, the Department of the Interior would establish regional distribution centers in the United States to provide ready access to the information.

The Director of the recently created Office of Science and Technology Policy would coordinate and oversee the development, validation, and operation of the system.

Under the bill, NASA is given 7 years to establish an operational space segment. In addition, NASA is responsible for all research and development relating to the system.

Mr. President, after the predecessor to this bill was introduced in the last Congress, the Committee on Aeronautical and Space Sciences wrote 200 letters to companies, universities, and Government agencies interested in Landsat, asking for their recommendations on the legislation. The committee has incorporated their views into this bill. Therefore, as acting chairman of the committee, I believe that a good starting point has been

established for the hearings that are needed to further refine this legislation.

Mr. President, I ask unanimous consent that the Earth Resources and Environmental Information System Act of 1977 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Earth Resources and Environmental Information System Act of 1977."

TITLE I—EARTH RESOURCES AND ENVIRONMENTAL INFORMATION SYSTEM POLICIES AND MANAGEMENT

DEFINITIONS

SEC. 101. (a) For the purposes of this Act—

(1) "Administration" means the National Aeronautics and Space Administration;

(2) "data handling segment" means that portion of an Earth Resources and Environmental Information System which includes receiving data from the space segment, archiving, retrieval, processing, and duplication and dissemination of the products of the System on demand to users or subscribers;

(3) "Director" means the Director of the Office of Science and Technology Policy in the Executive Office of the President;

(4) "operational phase" means the phase following the validation phase during which there are continuous commitments to the organization, funding and operation of the System, and during which there is a continuous availability of System products and services;

(5) "research and development" refers to the conception, design, first creation, and use of experimental or prototype operational devices for the operation of the System, including the assembly of separate components into a working whole and their operational validation;

(6) "Secretary" means the Secretary of the Department of the Interior;

(7) "space segment" means that portion of the System which includes satellites or other observation sources and the associated ground equipment for command and control of the satellites;

(8) "System" means Earth Resources and Environmental Information System which includes a combination of one or more earth satellites or other observation sources and associated ground equipment for satellite command, control, data reception including data aggregation, preprocessing by the Administration, and processing and dissemination by the Secretary, all of which are designed to contribute to information relating to the quality and quantity of earth resources and environment except systems established primarily for purposes of national defense, or systems whose purpose is that of a commercial telecommunications nature, either domestic or international; and

(9) "validation phase" means the phase in which the design and performance of the space and data handling equipment are finalized.

FINDINGS

SEC. 102. The Congress, recognizing that management of the Nation's natural resources and environment is essential for both maximum productivity and to prevent needless depletion of resources, and recognizing that the acquisition and interpretation of data which will help to monitor both the quality and quantity of these resources are major elements in the efficient and effective management of the Nation's resources, hereby finds that—

(a) there now exist new technologies which can assist in better management of the Nation's resources;

(b) the Earth resources and environmental data provided by Landsat and other remote sensing satellites has a broad community of users who consider the major deterrent to more extensive use of available data to be the lack of a national commitment to the development of a fully operational System;

(c) until there is some assurance of continuous data availability, major improvements in both the development and the use of Earth resources and environmental observational data will be inhibited;

(d) the continuing research and development of remote sensing satellites and other systems is essential;

(e) a period of validation of the System is needed to provide the framework for an operational system;

(f) the successful development of an operational System is dependent on the continuation of research and development for the System and establishment of the space segment by the Administration, and establishment of the data handling segment by the Secretary; and

(g) an operational System should be organized to accomplish national objectives, to serve local and State needs, and to provide for the betterment of all mankind.

POLICY AND PURPOSE

SEC. 103. The Congress hereby declares that it is the policy of the United States that—

(a) a System shall be established which will be responsive to local, State, and National needs for data and information about the Earth's resources and environment;

(b) the System shall apply the products, services, tools, and knowledge offered by this advanced technology to meet public needs for data and information on the resources and environment of the Earth which include but are not limited to food and fiber crops, forests, water, air, minerals, and materials;

(c) all users, both domestic and foreign, shall have equal access to products of the System;

(d) the System shall be developed to provide rapid processing of, and ready access to, the products of the System at a reasonable cost to the user;

(e) the System shall consist of two primary management segments which shall be a "space segment" and a "data handling segment";

(f) the System shall be developed in two phases—validation and operation; and

(g) the System shall be developed so as to encourage participation by private industry and promote competition among suppliers of the equipment and services for the System.

TITLE II—ESTABLISHMENT OF THE EARTH RESOURCES AND ENVIRONMENTAL INFORMATION SYSTEM

SEC. 201. (a) There shall be established an Earth Resources and Environmental Information System.

(b) The President shall take action to establish the System and to achieve the policy and purposes of section 103 of this Act with regard to continuity of the space segment and data availability.

TITLE III—FEDERAL COORDINATION AND PLANNING IMPLEMENTATION OF POLICY

IMPLEMENTATION OF POLICY

SEC. 301. In order to achieve the objectives and to carry out the purposes of this Act—

(a) The Director shall provide oversight and coordination for research and development, validation phase, and operational phase of the System.

(b) To carry out the functions of subsection (a), the Director shall—

(1) aid in the planning and development and foster the execution of national policies for the establishment and operation of the System;

(2) provide for continuous review of the System;

(3) coordinate the activities of governmental agencies having responsibilities in the field of Earth resources and environmental information and Earth resource use, so as to insure compliance with the policies set forth in this Act;

(4) exercise such supervision over relationships of Government agencies with foreign governments or entities or with international bodies as is appropriate to assure that these relationships are consistent with the national interest and foreign policy of the United States;

(5) take steps to insure the reasonable availability of System products for local, State or National needs, except where a separate Earth resources satellite system is required to meet unique governmental needs, or is otherwise required in the national interest; and

(6) determine the benefits of participation or management by the private sector in providing the products and services for the System, and recommend to the President the transfer of part or all of the System to the private sector at the earliest practicable date if such transfer will allow the objectives of this Act to be met with improved products, services, and operating efficiency.

FUNCTIONS OF THE ADMINISTRATION

SEC. 302. In order to carry out the purposes of this Act, the Administration shall—

(a) continue research and development for the System and shall—

(1) provide for the establishment and operation of the space segment of the System, including replacement of satellites and other equipment to insure continuous availability of data;

(2) maintain the technological leadership of the United States in remote sensing of the Earth's resources;

(b) consult with the Secretary and with the users of Earth resources and environmental information about the desirable characteristics of the System in order to obtain maximum use of the System;

(c) (1) complete validation of the System; and

(2) establish the space segment required for the operational phase of the System within seven years after the effective date of this Act;

(d) make provision for other countries to acquire data from the space segment of the System.

FUNCTIONS OF THE SECRETARY

SEC. 303. In order to carry out the purposes of this Act, the Secretary shall—

(a) assist the Administration in the research and development of the System, and to determine the desirable characteristics of the System;

(b) establish and operate the data handling segment to provide rapid processing and dissemination of System data and information;

(c) furnish system data and information to Government and to private user on an equal basis;

(d) establish regional distribution centers in the United States to provide ready access to the products of the System;

(e) to the extent practical, engage the services of the private sector on a competitive basis to provide the equipment and services necessary to establish and operate the data handling segment of the System.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. (a) The President shall transmit to the Congress from time to time a report

which shall include a comprehensive description of the activities and accomplishments under the national program referred to in title III of this Act, together with an evaluation of such activities and accomplishments in terms of the attainment of the objectives of this Act and any recommendations for additional legislation or other action which the President may consider necessary or desirable for the attainment of such objectives.

AUTHORIZATION OF APPROPRIATIONS

SEC. 402. (a) For the purposes of carrying out this Act, there are authorized to be appropriated to the Administration $200,000 for the fiscal year ending Setpember 30, 1977.

(b) For the purposes of carrying out this Act, there are authorized to be appropriated to the Secretary such sums as may be necessary.

By Mr. HATFIELD:

S. 658. A bill to designate certain lands for inclusion in the National Wilderness Preservation System; to the Committee on Interior and Insular Affairs.

OREGON OMNIBUS WILDERNESS ACT OF 1977

Mr. HATFIELD. Mr. President, I send to the desk the Oregon Omnibus Wilderness Act of 1977.

This legislation is a modification of legislation I introduced in the 94th Congress, which was then designated S. 1384. A field hearing was conducted on S. 1384 last October in Grants Pass, Oreg., and many witnesses suggested that the areas in the bill which were similar or identical to areas presently being studied by the U.S. Forest Service for wilderness suitability be deleted. The bill I am introducing today deletes nine such areas and expands one of the areas in last year's bill. The Bull-of-the-Woods area, which was 17,200 acres in last year's bill, is now included in the 49,000-acre Hidden Wilderness in this year's legislation.

Following is a list of areas included in the legislation I am introducing today:

Area, forest, and acreage;
Boulder Creek, Umpqua, 19,200.
Hidden Wilderness, Mt. Hood and Willamette, 49,000.
Kalmiopsis Additions, Siskiyou, 134,020.
Wenaha-Tucannon, Umatilla, 200,000.
Zigzag Mountain, Mt. Hood, 17,990.

It is my hope that early hearings can be scheduled on this legislation so that we can finish the task of drawing boundary lines and selecting areas for inclusion in this legislation.

I continue to believe that wilderness is a valid use of the public lands and that we can and must include additional areas in Oregon in the National Wilderness Preservation System. Further hearings on the bill can focus on the potential economic impacts as well as the desirability of expansion of this legislation.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be known as the Oregon Omnibus Wilderness Act of 1977.

SEC. 2. In furtherance of the purposes of the Wilderness Act (78 Stat. 391; 16 U.S.C. 1332(b)), the following lands are hereby designated as wilderness—

(1) certain lands within the Umpqua National Forest, Oregon, which comprise about nineteen thousand two hundred acres, are generally depicted on a map dated February 1974 entitled "Boulder Creek Wilderness Area—Proposed", which shall be known as the Boulder Creek Wilderness;

(2) certain lands within the Mt. Hood National Forest and the Willamette National Forest, Oregon, which comprise about forty-nine thousand acres, are generally depicted on a map dated February 1977, entitled "Hidden Wilderness Area—Proposed", and shall be known as the Hidden Wilderness;

(3) certain lands within the Siskiyou National Forest, which comprise about one hundred thirty-four thousand and twenty acres, are generally depicted on a map dated February 1974 entitled "Kalmiopsis Wilderness Additions—Proposed", and shall be included as a part of the Kalmiopsis Wilderness;

(4) certain lands within the Umatilla National Forest, Oregon and Washington, comprising about two hundred thousand acres, are generally depicted on a map dated February 1974 entitled "Wenaha-Tucannon Wilderness—Proposed", and shall be known as the Wenaha-Tucannon Wilderness;

(5) certain lands within the Mount Hood National Forest, Oregon, comprising about seventeen thousand nine hundred and ninety acres, are generally depicted on a map dated February 1974 entitled "Zigzag Mountain Wilderness—Proposed", and shall be known as the Zigzag Mountain Wilderness.

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 4. Each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

By Mr. McCLURE:

S. 659. A bill to amend the Clean Air Act, as amended; to the Committee on Public Works.

HIGH-ALTITUDE AUTOMOBILE RESTRICTIONS

Mr. McCLURE. Mr. President, rural counties in high-altitude regions of the West are being discriminated against by regulations imposed by the Environmental Protection Agency. These regulations are preventing farmers, ranchers, and rural citizens, in general, from purchasing several economy-mileage automobile models in those counties determined by EPA to be "high-altitude."

Inasmuch as these regulations were imposed in response to automobile-related air pollution problems in urban areas such as Denver, it is wrong to include rural counties. I urge that we amend the Clean Air Act to immediately modify these onerous regulations, to exempt rural counties. The farmers, ranchers, and other rural citizens who are presently being discriminated against deserve this relief.

Mr. President, I ask unanimous consent that the text of my bill be included in the RECORD. I also ask unanimous consent that a letter from Mr. Gary Asson, a letter from Mr. K. E. Fronk, and an article from the Rupert, Idaho, County News, all concerning this problem, be included in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 203 of the Clean Air Act is amended by adding a new subsection as follows:

"SEC. 203. (d) Nothing in this Act authorizes a requirement for high-altitude certification for sales to counties with population densities less than 100 persons per square mile: *Provided,* That such requirement may be authorized if requested by such a county."

OCTOBER 8, 1976.

PRESIDENT FORD,
White House,
Washington, D.C.

DEAR PRESIDENT FORD: Approximately 2% of total U.S. car sales occur in the 167 counties that are in the "over 4000 ft. elevation area" designated by the EPA.

It is not economically feasible for car manufacturers to certify all of their engine-transmissions combinations for an area that represents such a small percentage of sales. Therefore, auto dealers in the Mountain West are experiencing shortages of popular models and reduced sales.

The ruling itself is very arbitrary and most areas affected have very limited population with no emission problems.

Please consider this matter. If you have all the facts, I am sure you will agree that the EPA's arbitrary rule of 4000 ft. elevation is extremely harmful economically. The results achieved will not be sufficient to register any improvement in air quality in the majority of the high altitude area.

Please demand that the EPA ruling be lifted from all high altitude areas with less than 100 people per square mile. Thank you for your consideration.

Very sincerely,

GARY ASSON,
Bonanza Motors, Inc.

FRONK MOTOR CO.,
Burley, Idaho, September 23, 1976.

Senator JAMES McCLURE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR McCLURE: Please find enclosed copies of articles from "The Wall Street Journal" and "Public Affairs Newsletter" (published by General Motors and sent to their dealers), that have to do with the Dingell Amendment that I understand is coming up for debate and vote in November.

As automobile dealers and as private citizens we feel the Dingell Amendment is the best alternative available at this time.

We feel that another area that needs attention also is the "over 4000 feet elevation" restrictions put on our 1977 automobiles. The only areas restricted are 167 counties in the intermountain part of the U.S. where the skies are clear and the wind blows free. The only metro areas are Denver and Salt Lake City, and I seriously doubt that these restrictions will make any measurable differences in either area. This federal law (or whatever it is) can only be compared with the infamous mandatory seat belt latching of just three years ago.

These restrictions are so stringent, we are limited on the body styles, the engines, and the transmissions we can sell, and even limits the rear axle gear ratios that we can offer the consumer.

To be more exact:

We cannot sell a Chrysler station wagon now—nor any "Full-sized" Plymouth wagon—and the large cars are a major segment of our market. This is the size of car

that General Motors has abandoned with the 1977 models.

We are limited to only four engines (out of a normal eight engines) in our entire model line up—from Volare's to Chrysler New Yorkers. Only one of these have the new "Electronic Lean-Burn" system (out of a possible three that low altitude areas offer). The "Lean Burn" not only increases power and performance, but gives better economy (which should be more important than pollution in the wide-open spaces).

We cannot have any manual transmissions in our cars (even California EPA controls allow a choice of Transmissions) and again economy is hampered. In 1976, a Volare wagon with a 225 CU. IN. six cylinder engine and a four speed—overdrive transmissions had an EPA highway mileage estimate of 30 m.p.h. The best we can offer in 1977 will be 23 m.p.g.

We are limited to one rear axle ratio, while other areas (including California) have a choice of four. This may seem unimportant, except the ratio available to "High Altitude" areas is the lowest speed ratio offered. This results in another fuel economy loss of 2 to 7% depending on the model as shown on the enclosed pamphlet, pages 11–15, (this is a 1976 brochure, but those power train combinations available to us for 1977 are underlined).

There is one other thing that does not make sense to me, and that is the designation of "above 6001 lb. GVW (Gross Vehicle Weight) rating assigned to pickups, vans, and other light-duty truck models; and exempts them from the more restraining aspects of these pollution requirements. Please do not misunderstand this; we like this designation very much but I cannot see how there can be a difference when they are parked in the same driveway, side by side.

I do not know what percentage of the population or of the cars of the United States are in the intermountain area, but it cannot be heavy enough to make much impact on pollution. If areas like Denver or Salt Lake City have a particular problem, let them do their own legislating (as the state of California has done) and let the other 165 counties in the intermountain area live in peace.

According to an EPA official quoted in an article on the front page of the South Idaho Press in Burley, September 12, 1976, the "Low Altitude" 1977 cars cannot be sold in "High Altitude" areas when they are new. However, when they are sold the second time, they can be sold anywhere and nothing can or will be done about it.

We would appreciate hearing your thoughts and comments on these restrictions and what you will do concerning them in the future.

Very truly yours,

K. E. FRONK.

P.S.—I read with interest the article in the September 22, 1976 issue of the South Idaho Press, about your efforts on the floor of the Senate on behalf of the problems I have just discussed. Your solution to the problem seems to be a sound approach and should have been included in the original decree. If there is any way that we can be of help or give any views please let me know.

HIGH ALTITUDE PROBLEM: EPA RULING MAY PUT DENT IN AREA COMPACT SALES

(By Ed Mitchell)

Mini-Cassia residents who are thinking of buying an economical little 1977 model car may be disappointed when they visit their friendly neighborhood auto dealer this fall.

Auto dealers say some little 1977 model cars, particularly with certain drivetrain combinations set up for economy, won't be sold in the Burley-Rupert areas because of clean air regulations.

They quote a ruling by the federal Environmental Protection Agency as specifying that all new cars sold in 167 counties in 10 Western states at an elevation of 4,000 feet or more must be specially adapted for pollution control before the car is certified for sale.

A number of new features designed for economical driving since the general public became aware of the energy crunch have been entirely knocked out of the market where the 4,000 foot regulation is in effect. One of the popular features made unavailable is the five speed transmission. The four speed overdrive transmission offered by some of the major manufacturers cannot legally be sold in Cassia or Minidoka counties on most of the models which could be bought with it last year.

Several small displacement engines also cannot be supplied. The ruling affects final drive gear ratios, knocking some of the higher-geared, more economical units out of the local market.

Bill Thomas, owner of the Rupert Auto Service, offered one example of the effect of the ruling. In 1977 models, he can legally sell a certain six-cylinder 225 cubic inch displacement engine only in vehicles with automatic transmission.

The EPA rates this combination as giving an average of 26 miles per gallon. With a four-speed overdrive transmission and the same engine, the vehicle is rated at 35 miles per gallon by the EPA.

One of the major objectionable effects of the ruling, Thomas says, is that Twin Falls county car dealers are able to order any model offered by the manufacturers.

Under the new law, a dealer could be held liable for a $10,000 fine if he does not make a "reasonable" effort to make sure he is not selling a new car to someone who resides in a high altitude county. As Thomas notes, however, this applies only to the first sale of a new car.

If a dealer in Twin Falls county or other unaffected areas wants to do so, he could order a nonconforming car, sell it to his leasing department (the first sale), then sell it to a customer from the Mini-Cassia area.

"There are so many loopholes in this thing it's pitiful," Thomas said. "They (dealers in other areas) are going to kill us and I don't think it's right," he said.

In Thomas' opinion, Mini-Cassia dealers are in a more vulnerable position than dealers in Colorado, for instance, where the whole state is affected by the ruling.

The ruling applies to all manufacturers and appears to be giving all the local dealers fits. As well as cars, the decree affects pickup trucks rated at less than 6,000 pounds gross weight.

Rupert Ford dealer Bus Goode, past president of the Idaho dealers association, said he has already talked to the head of the association about sending a letter of protest to the state's congressional delegation. Thomas' letters to the congressional delegation have not been answered.

Goode also expressed concern about the fuel economy aspect of the problem. The effect is to push local customers into buying a larger engine than they may want, often with an automatic transmission as the only option.

Goode said he does not expect the ruling to have much if any effect on air quality in Idaho although it might in Denver's bumper to bumper traffic.

The ruling will not affect cars from the East and Midwest which travel through Idaho, Goode noted, and there are often as many out of state cars on Idaho's highways as there are local cars in peak vacation periods.

Goode summed the ruling up as "kind of an exercise in stupidity."

By Mr. BELLMON (for Mr. BARTLETT) (for himself and Mr. BELLMON):

S. 660. A bill to authorize the Secretary of the Interior to enter into an agreement with the Cherokee, Choctaw, and Chickasaw Indian Nations for the purchase and/or lease by the United States of each Nation's right and interests in the riverbed of the Arkansas River, and for other purposes; to the Committee on Interior and Insular Affairs.

Mr. BELLMON. Mr. President, on behalf of Senate BARTLETT, I introduce a bill, and I ask unanimous consent that a statement prepared by Senator BARTLETT, together with the bill and supporting letters be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BARTLETT

I am today introducing legislation to authorize the Secretary of the Interior to enter into an agreement with the Cherokee, Choctaw, and Chickasaw Indian Nations for the purchase and/or lease by the United States of each Nation's right and interest in the riverbed of the Arkansas River, and for other purposes.

In April 1970 the United States Supreme Court confirmed the fee title and right to possession of the bed of the Arkansas River from the confluence of the Grand-Neosho River in Oklahoma to the Western boundary of the State of Arkansas in the Cherokee, Choctaw, and Chickasaw Nations or tribes of Indians in Oklahoma. In April 1975 a specially convened three judge court quieted title in the above Nations as follows:

"The Cherokee Nation is the fee simple title owner of the bed of the Arkansas River above the confluence of the Canadian River to the confluence of the Grand-Neosho. The Cherokee Nation is the fee simple title owner of the northern half of the bed of the Arkansas River from the confluence of the Canadian River to the western boundary of the State of Arkansas. The Choctaw and Chickasaw Nations are the joint owners of the fee simple title to the bed of the southern half of the bed of Arkansas River below the confluence of the Canadian River to the western boundary of the state of Arkansas."

In Interior Department Appropriation Acts for fiscal years 1973, 1974 and 1975, the Congress of the United States authorized and appropriated funds for the survey and appraisal of the value of the riverbed property recovered by the three Nations. These appraisals are now complete and the value of riverbed property, and property rights therein, have been established. The leaders of the three Nations have accepted the established valuations.

The leaders of the three Tribes owning the riverbed have reached agreement on disposition of the matter and discussed with Department of the Interior and Bureau of Indian Affairs officials the details of the agreement. However, in order to negotiate the terms of the agreement with the Tribes, the Secretary of the Interior needs legislative authority to do so. The legislation I am introducing today would give the Secretary that authority.

The Cherokee, Choctaw, and Chickasaw Tribes are, quite naturally, eager to reach final agreement on disposition of this matter and unanimously and fully support the introduction of this legislation.

S. 660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)

The Secretary of the Interior is authorized, after consultation with the Secretary of Defense, to enter into an agreement or agreements with the Cherokee, Choctaw, and Chickasaw Nations of Oklahoma on such terms and conditions as may be agreeable to the Secretary and such Nations providing for the use, lease, and/or purchase by the United States of any or all of the rights of such Nations in the bed of the Arkansas River.

(b) The Secretary shall utilize as a basis for the terms of the agreements with the Cherokee, Choctaw and Chickasaw Nations of Oklahoma the value of the property rights of said Nations in the bed of the Arkansas River, as determined by appraisals conducted by the Secretary and accepted by said Nations, and any such lease and/or purchase agreement shall provide for payment to said Nations of not less than the appraised value of the property rights involved.

(c) The Cherokee, Choctaw, and Chickasaw Nations of Oklahoma are each authorized to enter into an agreement or agreements with the Secretary of the Interior pursuant to the terms of the Act.

SEC. 2. (a) The Secretary shall simultaneously submit any agreement with the Cherokee, Choctaw, and Chickasaw Nations pursuant to this Act to the respective Committees of Congress on Interior and Insular Affairs for their consideration. Any agreement under this Act shall become effective, and the Secretary shall take immediate action to implement the agreement at the end of the sixty-day period beginning on the day such agreement is submitted to the Congress, unless during such sixty-day period either House adopts a resolution disapproving such agreement.

(b) When an agreeement under this Act becomes effective as provided in subsection (a) of this section, the Secretary shall cause a notice of that fact and the effective date to be published in the Federal Register.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary for the purpose of this Act.

CHEROKEE NATION,
Tahlequah, Okla., May 11, 1976.

Hon. DEWEY BARTLETT,
U.S. Senate,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR BARTLETT: This is to confirm my conversation with Don Bluejacket regarding the introduction of the "Riverbed Bill" to the Senate. Although the bill could have some stronger language such as requiring the Secretary of Interior to negotiate a settlement, I think the language is sufficiently clear to satisfy the tribes.

The passage of this legislation and ultimate settlement of the matter could very well be the future of the entire eastern half of Oklahoma. I can assure you that any monies received from such a claim will be used in the areas of health, education and job development first. In the long run such a settlement could save the government millions of dollars in federal aid if the settlement is used properly. Your advice and counsel is greatly appreciated in this regard.

Very truly yours,

ROSS O. SWIMMER,
Principal Chief.

PRINCIPAL CHIEF, CHOCTAW NATION,
Durant, Okla., May 21, 1976.

Hon. DEWEY BARTLETT,
Russell Office Building,
Washington, D.C.

DEAR SENATOR BARTLETT: Enclosed please find a copy of Proposed Legislation prepared by the Department of Interior designed to enable the U.S. Government and the Choctaw, Cherokee, and Chickasaw tribes to agree and implement a mutually satisfactory solution to the Arkansas Riverbed issue. Your authorship or co-authorship of this legislation in the U.S. Senate will be greatly appreciated.

As you know, an early settlement of this issue will remove uncertainties and speed the full utilization of the Arkansas Riverbed's great potential. We of the Choctaw, Cherokee, and Chickasaw tribes recognize this potential and are committed to assure its use for all the people in Oklahoma.

Following your introduction of the enclosed legislation, I can assure you that the tribes will do everything within their power, consistent with your strategy, to assure its passage at the earliest possible date. We look forward to working with you and your staff on this matter.

Sincerely,

C. DAVID GARDNER,
Principal Chief, Choctaw Nation.

CHICKASAW NATION,
Oklahoma City, Okla., May 12, 1976.

Hon. DEWEY F. BARTLETT,
U.S. Senate,
Dirksen Building,
Washington, D.C.

DEAR SENATOR BARTLETT: The Chickasaw Tribe is in complete agreement with the Choctaw Tribe and the Cherokee Tribe in asking Congress to appropriate funds for the purchase, lease, and use by the United States of any and all rights the Tribes have in the bed of the Arkansas River.

The appraised value of the property involved will be basis of the agreement terms.

Your support of this proposal will be greatly appreciated.

Sincerely,

OVERTON JAMES,
Governor, Chickasaw Nation.

By Mr. BELLMON (for Mr. BARTLETT) (for himself and Mr. BELLMON):

S. 661. A bill to restore Federal recognition of certain Indian tribes, and for other purposes; to the Committee on Interior and Insular Affairs.

INDIAN TRIBAL RESTORATION ACT OF 1976

Mr. BELLMON. Mr. President, on behalf of Senator BARTLETT, I introduce a bill, and I ask unanimous consent that a statement prepared by Senator BARTLETT, together with the bill and other material be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BARTLETT

I am today introducing legislation to restore Federal recognition to certain Indian tribes in the State of Oklahoma.

During the 1950's several Indian tribes over the country were caught in the termination policy enunciated by the 83rd Congress when it adopted House Concurrent Resolution 108. The Department of the Interior, under onus of this policy, established a priority listing of tribes for whom Federal recognition would no longer be given. Unfortunately, small tribes that possessed but limited political influence were included among tribes to be terminated. Four such tribes—Peoria, Ottawa, Wyandotte, and Modoc—are located in the State of Oklahoma.

The Act of August 13, 1954 (68 Stat. 718), directed that the Federal trust relationship with the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians be terminated within seven years from that date. The trust relationship with the Peoria and Ottawa Indians was terminated by direction of the Acts of August 2, 1959 (70 Stat. 937) and August 3, 1959 (70 Stat. 963), respectively. The Act of August 1, 1956 (70 Stat. 893) directed the termination of the trust relationship with the Wyandotte Tribe upon the transfer of all tribal assets. Inability of the Bureau of Indian Affairs to dispose of a small Wyandotte burial tract within the limits of Kansas City, Kansas, has prevented this provision from becoming effective.

All of the subject tribes have adopted resolutions, individually as tribes and collectively as an Inter-tribal council, requesting that Federal recognition be restored to them. Although legislative reports on the termination Acts indicate that termination of these tribes was imposed at the expressed wishes of the tribes involved, there has been contention that tribal leaders were coerced by overzealous departmental representatives into accepting termination. The Peoria and Ottawa Tribes imply in their reinstatement request that termination was sold to them with the understanding that their pending tribal claims would be expeditiously concluded upon tribal concurrence to be included among tribes to be terminated. These Tribes further point out that the termination program for their respective tribes was endorsed by their respective Business Committee only and the adult membership of the tribes was not given an opportunity to express their wishes with regard to the termination question.

The four tribes that this legislation will affect, have felt a distinct loss of identity, both as individuals and as a tribe and/or group, as a result of being terminated. Congress itself has acknowledged that termination has worked adversely for individual and group development. Further, it has shown its receptiveness to a change in policy from one of termination to one of self-determination by its enactment of Public Law 93-197, the Menominee Restoration Act, and Public Law 93-638, Indian Self-Determination and Educational Assistance Act.

As individuals, members of these four tribes have lost eligibility for a considerable number of beneficial programs. These tribes are requesting reinstatement only for purposes of establishing eligibility for Federal, State, and local programs for Indians. They are not asking that any tribal or individual lands be taken from the tax roll and put under trust. They are very eager to again be Federally recognized so they may work toward self-determination at the speed they choose. Enactment of the legislation I am introducing today would give them that opportunity.

The Peorias, Ottawas, Wyandottes and Modocs are supported in their desire for and efforts to achieve Federal recognition by the Governor of Oklahoma, members of the Oklahoma State Legislature, other Oklahoma Indian Tribes, and the local units of government.

S. 661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Indian Tribal Restoration Act of 1976.

SEC. 2. (a) Federal recognition is hereby extended or confirmed with respect to the Wyandotte Indian Tribe of Oklahoma, the Ottawa Indian Tribe of Oklahoma, and the Peoria Indian Tribe of Okahoma, the provisions of the Acts repealed by subsection (b) of this section notwithstanding.

(b) The following Acts are hereby repealed—

(1) The Act of August 1, 1956 (70 Stat. 893) [25 U.S.C. 791–807] relating to the Wyandotte Tribe;

(2) The Act of August 2, 1956 (70 Stat. 937) [25 U.S.C. 821–826] relating to the Peoria Tribe; and

(3) The Act of August 3, 1956 (70 Stat. 963) [25 U.S.C. 841–853] relating to the Ottawa Tribe.

(c) There are hereby reinstated all rights

and privileges of each of the tribes described in subsection (a) of this section and their members under Federal treaty, statute, or otherwise which may have been diminished or lost pursuant to the Act relating to them which is repealed by subsection (b) of this section. Nothing contained in this Act shall diminish any rights or privileges enjoyed by each of such tribes or their members now or prior to enactment of such Act, under Federal treaty, statute, or otherwise, which are not inconsistent with the provisions of this Act.

(d) Except as specifically provided in this Act, nothing contained in this Act shall alter any property rights or obligations, any contractual rights or obligations, including existing fishing rights, or any obligation for taxes already levied.

SEC. 3. (a)(1) The Modoc Indian Tribe of Oklahoma is hereby recognized as a tribe of Indians residing in Oklahoma and the provisions of the Act of June 26, 1936 (49 Stat. 1967), as amended [25 U.S.C. 501–509] are hereby extended to such Tribe and its members. The Secretary of the Interior shall promptly offer the said Modoc Tribe assistance to aid them in organizing under section 3 of said Act of June 26, 1936 [25 U.S.C. 503].

(2) The provisions of the Act of August 13, 1954 (68 Stat. 718) [25 U.S.C. 564–564w] hereafter shall not apply to the Modoc Tribe of Oklahoma or its members except for any right to share in the proceeds of any claim against the United States as provided in sections 6(c) and 21 of said Act, as amended [25 U.S.C. 564e(c) and 564t].

(b) The Secretary of the Interior shall promptly offer the Ottawa Tribe of Oklahoma and the Peoria Tribe of Oklahoma assistance to aid them in reorganizing under section 3 of the Act of June 26, 1936 (49 Stat. 1967) [25 U.S.C. 503] which Act is reextended to them and their members by this Act.

(c) The validity of the organization of the Wyandotte Indian Tribe of Oklahoma under section 3 of the Act of June 26, 1936 (49 Stat. 1967) [25 U.S.C. 503] and the continued application of said Act to such tribe and its members is hereby confirmed.

SEC. 4 (a) It is hereby declared that enactment of this Act fulfills the requirements of the first proviso in section 2 of the Act of January 2, 1975 (88 Stat. 1920, 1921) with respect to the Wyandotte Tribe of Oklahoma, the Ottawa Tribe of Oklahoma, and the Peoria Tribe of Oklahoma.

(b) It is hereby declared that the organization of the Modoc Tribe of Oklahoma as provided in section 3 (a) of this Act shall fulfill the requirements of the second proviso in section 2 of the Act of January 2, 1975 (88 Stat. 1920, 1921).

(c) Promptly after organization of the Modoc Tribe of Oklahoma, the Secretary of the Interior shall publish a notice of such fact in the Federal Register including a statement that such organization completes fulfillment of the requirements of the provisos in section 2 of the Act of January 2, 1975 (88 Stat. 1920, 1921) and that the land described in section 1 of said Act is held in trust by the United States for the eight tribes named in said Act.

SEC. 5. The Wyandotte, Ottawa, Peoria, and Modoc Tribes of Oklahoma and their members shall be entitled to participate in the programs and services provided by the United States to Indians because of their status as Indians, including but not limited to those under the Act of November 2, 1921 (42 Stat. 208) [25 U.S.C. 13] and for purposes of the Act of August 16, 1957 (71 Stat. 370) [42 U.S.C. 2005–2005F]. The members of such tribes shall be deemed to be Indians for which hospital and medical care was being provided by or at the expense of the Public Health Service on August 16, 1957.

CHEROKEE NATION,
Tahlequah, Okla., October 6, 1975.

Mr. ROBERT ALEXANDER,
Business Manager, Ottawa, Peoria, and Modoc Tribes of Oklahoma, Miami, Okla.

DEAR MR. ALEXANDER: Please be advised that we are in total support of the draft bills for restoration which the three terminated tribes of Northeastern Oklahoma, the Ottawa, the Peoria, and the Modoc, have presented. We have received word that the bill has been referred to the Congressional Legislative Counsel for final examination and language.

We would certainly appreciate any and all consideration which can be given to the bill.

Very truly yours,
ROSS O. SWIMMER,
Principal Chief.

OKLAHOMA STATE SENATE,
Oklahoma City, Okla., December 5, 1975.

To Whom It May Concern:

I wish you would give serious consideration to the wishes of the Modoc, the Ottawa, the Peoria, and Wyandotte tribes. They are asking for full restoration as they were before termination.

Thank you very much for your consideration.

Yours truly,
WILLIAM M. SCHUELEIN,
State Senator, District 1.

CITY OF MIAMI,
Miami, Okla., December 3, 1975.

Attention: Mr. Robert Alexander.
INTER-TRIBAL COUNCIL, INC.,
Miami, Okla.

DEAR SIR: The purpose of this memo is to endorse your efforts toward reinstatement of the Wyandotte, Ottawa, Modoc and Peoria Tribes.

I am presently acquainted with Chief Bill Follis of the Modocs, Chief Lewis Barlow of the Ottawas, Chief Leonard Cotter of the Wyandottes and Chief Rodney Arnette of the Peorias. I respect these Chiefs as community leaders, as well as tribal leaders.

Please feel confident that as you pursue legislation for reinstatement of these important Indian Tribes, that you have the entire support of this community.

If I can be of assistance, please feel free to call on me.

Sincerely,
GEORGE W. CURTIS,
Mayor.

COUNTY COMMISSIONERS,
OTTAWA COUNTY,
Miami, Okla., December 11, 1975.

Hon. DEWEY BARTLETT,
U.S. Senate,
Washington, D.C.

DEAR SIR: The County Commissioners of Ottawa County, Oklahoma, would like to add their voice and support to the Inter Tribal Council and all other interested parties who are in agreement that the Modoc, Ottawa, Wyandotte and Peoria Indian tribes should be restored to their former non-terminated status.

We feel this action would be quite beneficial to these tribes in the area of health and education rights.

Sincerely yours,
OTTAWA COUNTY COMMISSIONERS,
CURTIS MYERS,
Chairman,
CLIFTON WILKINS,
Member,
RAY HEATHERLY,
Member.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 9, 1975.

Mr. LEWIS BARLOW,
Chief, Ottawa Indian Tribe of Oklahoma, Miami, Okla.

DEAR CHIEF BARLOW: My sincere thanks for your recent letter, relative to legislation that will be sponsored to reinstate the Ottawa, Peoria and Wyandotte tribes of Oklahoma.

Please know that I am joining with my colleague, Congressman Risenhoover in introducing the bill and that I will be actively working in its behalf in this 1975 legislative session.

With all good wishes.

Sincerely,
JOHN PAUL HAMMERSCHMIDT,
Member of Congress.

HOUSE OF REPRESENTATIVES,
STATE OF OKLAHOMA,
Miami, Okla., October 9, 1975.

Attention: Mr. ROBERT ALEXANDER, Business Manager.
INTER-TRIBAL COUNCIL, INC.,
Miami, Okla.

GENTLEMEN: I am in receipt of your letter of October 1, 1975, in which you informed me of the proposed reinstatement of the Modoc, Ottawa, Peoria and Wyandotte Tribes.

I am in full support of the reinstatement legislation and most certainly would be willing to do whatever I can to aid you in this.

If I can be of any assistance, please feel free to call on me.

Sincerely yours,
JOSEPH E. FITZGIBBON,
State Representative.

HOUSE OF REPRESENTATIVES,
STATE OF OKLAHOMA,
December 10, 1975.

Mr. ROBERT ALEXANDER,
Business Manager, Intertribal Council, Miami, Okla.

DEAR MR. ALEXANDER: I am pleased to hear that Senator Bartlett and Congressman Risenhoover have introduced bills for the restoration of the Modoc, the Peoria, the Ottawa and the Wyandotte Tribes for full federal recognition.

I endorse and support this legislation which would restore these Tribes to their rightful status and make available to them the benefits and protection afforded through trust status enjoyed by the other federally recognized Tribes in the State of Oklahoma.

Sincerely yours,
NEAL A. MCCALEB,
Representative, District No. 1.

RESOLUTION

INTER-TRIBAL COUNCIL, INC.,
Miami, Okla., December 5, 1973.

Whereas, the Ottawa Tribe of Indians of Oklahoma, the Peoria Tribe of Indians of Oklahoma, and the Modoc Tribe of Indians of Oklahoma have been terminated; and the Wyandotte Tribe of Indians of Oklahoma is subject to termination, and,

Whereas, these Tribes are members of the Inter-Tribal Council, Inc. of Northeast Oklahoma, and,

Whereas, these members of the aforementioned terminated Tribes have not been eligible to receive assistance under the programs of the Bureau of Indian Affairs nor the Department of Indian Health which the Tribes of this area enjoy,

Now therefore be it resolved by the Inter-Tribal Council, Inc. of the Eight Tribes of Northeast Oklahoma, in meeting assembled on this 5th day of December, 1973, hereby pass this resolution appealing to the official

representatives of the United States Government to reinstate the members of the aforementioned Tribes appearing on the termination role and their descendants into their original status prior to the termination enactments. It is felt by all concerned that these termination Acts were an injustice to these Tribes and we appeal to the Federal Government for reinstatement which would allow members of these Tribes to receive the services of the Bureau of Indian Affairs and the Department of Indian Health. This would allow members of these Tribes and their Tribal Business Committees to work toward self-determination at the speed they choose.

THE INTER-TRIBAL COUNCIL,
OF THE FIVE CIVILIZED TRIBES,
October 24, 1975.

Hon. HENRY BELLMON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BELLMON: In regular session held at Lake Texoma Lodge, Kingston, Oklahoma, on October 10, 1975, the Inter-Tribal Council of the Five Civilized Tribes went on record reaffirming its previous actions taken on February 14, 1975, supporting the enclosed resolution dated December 5, 1973.

This Council action is again respectfully private legislation be enacted to reinstate these tribes to their proper and rightful status as Indians.

Sincerely,

B. FRANK BELVIN,
President.

HOUSE OF REPRESENTATIVES,
STATE OF OKLAHOMA,
December 9, 1975.

To Whom It May Concern:

I am writing this letter in regards to following tribes, the Modoc, Peoria, Ottawa, and the Wyandotte which lost their rights of recognition due to the termination acts of the 1950's. I feel that these Indian tribes should be fully and completely recognized and restored to full rights and not be discriminated against because of their size or money, or lack of influence as compared to other Indian tribes, this is not fair and not the American way.

Respectfully,

GEORGE VAUGHN,
State Representative.

STATE OF OKLAHOMA,
OFFICE OF THE GOVERNOR,
Oklahoma City, February 10, 1976.

Mr. ROBERT ALEXANDER,
Business Manager,
Inter-Tribal Council, Inc.,
Miami, Okla.

DEAR MR. ALEXANDER: As Governor of Oklahoma, I am proud to recommend the reinstatement of the Modoc, Wyandotte, Peoria, and Ottawa Tribes. I further request that they be accorded all the rights and privileges given them under any Federal treaty or statute. I support the bills introduced by Senator Dewey Bartlett and Representative Ted Risenhoover to achieve full reinstatement and recognition.

Sincerely yours,

DAVID L. BOREN.

RESOLUTION

MODOC INDIAN TRIBE OF OKLAHOMA,
Miami, Okla.

The human beings of Northeast Oklahoma who are members of the Modoc Tribe which was terminated under Public Law 587, 83rd Congress, as amended by Public Law 85–72 and Public Law 85–132; Public Law 85–731, 85th Congress; and Public Law 86–247, 86th Congress; approved September 9, 1959; and on the roll of the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians, wish to be reinstated along with the other three (3) tribes of this community which include the Peoria, Ottawa, and Wyandotte Indian Tribes of Northeast Oklahoma.

To be reinstated would allow these Tribes to have equal benefits as other tribes of this area, which consists of health, education, and grants for Indian people which are sponsored by the Bureau of Indian Affairs and the Department of Indian Health.

WYANDOTTE TRIBE OF OKLAHOMA,
Wyandotte, Okla., November 21, 1973.

Hon. DEWEY F. BARTLETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BARTLETT: Please accept this letter as our request for you to introduce a bill into the Congress of the United States for the repeal of PL887, 84th Congress. This was an action "to provide for the termination of Federal supervision over the property of the Wyandotte Tribe and the individual members thereof and for other purposes".

This Tribe is associated with the Inter-Tribal Council, Inc. of Northeast Oklahoma. Four of our Tribes in the Corporation have been affected by termination. Our Tribe, the Wyandotte, has not been completely terminated as our cemetery in Kansas City, Kansas, is still in tribal ownership held in trust by the Federal Government. The other three Tribes of our Eight Tribe Inter-Tribal Council, which includes the Ottawa, Modoc, and Peoria, have passed resolutions requesting reinstatement of their status as Indians. If approved, this would erase the stigma attached to these Tribes by the termination action. Our Tribe, the Wyandotte, desires to have our termination act repealed thereby allowing us to work toward self-determination at our own speed. We have no property other than our cemetery which would be affected by this action; and it is our desire to continue functioning within the Indian community and participate with our peers without the weight of termination hanging over us.

This letter will be forwarded to you and other members of the Oklahoma delegation in the Congress of the United States along with the resolutions of the three Tribes afore mentioned. In addition, we shall be requesting full support of this action within the entire political arena. We shall actively seek support from all Indian tribes, groups of tribes, and organizations in this endeavor.

Your full-hearted support and action as requetsed will be most appreciated by the members of the Wyandotte Tribe of Oklahoma and all our fellow tribesmen.

Most Sincerely,

LEONARD N. COTTER,
Chief.

MONT COTTER,
2nd Chief.

JUANITA P. MCQUISTION,
Secretary-Treasurer.

HAROLD JONES,
Councilman.

WOFFRED ROBITTAILLE,
Councilman.

RESOLUTION

OTTAWA INDIAN TRIBE OF OKLAHOMA,
Miami, Oklahoma.

Whereas, the Ottawa Tribe of Indians of Oklahoma was terminated by Public Law 943, 84th Congress, to become effective August 3, 1959, and,

Whereas, the Ottawa Tribe of Indians of Oklahoma assumed that rapid legislation would provide for the settlement of all just claims against the Federal Government and,

Whereas, these claims have not been settled to date and,

Whereas, members of our tribe have not been eligible to receive assistance under the programs of the Bureau of Indian Affairs nor the Department of Indian Health during this entire period of time and,

Whereas, the original meeting concerning the termination of the tribe was with the Business Committee of the tribe and the tribe, by majority vote, were not allowed to participate in this decision and,

Whereas, Indian citizens of other tribes within this locale have been enjoying the advantages of health services, educational opportunities, and business loans or guarantees and,

Whereas, this tribe feels that the total termination of this tribe was an enfringement upon the civil rights of individual members,

Now, therefore, be it resolved by the Ottawa Tribe of Indians of Oklahoma in meeting assembled in the Community Room of the Courthouse, Ottawa County, Miami, Oklahoma, on this 26th day of May, 1973, passed this resolution appealing to the official representatives of the United States Government to reinstate those members appearing on the termination role and their descendants into their original status prior to the enactment of Public Law 943 of the 84th Congress. It is felt by all concerned that this Act was an injustice to this tribe and we appeal to the Federal Government for this reinstatement which would allow members of our tribe to receive the services of the Bureau of Indian Affairs and the Department of Indian Health. Inasmuch as there would be no requirement to reinstate any land into trust status as a result of this enactment, it is felt that this procedure would permit members of this tribe and our Tribal Business Committee to work toward self-determination at the speed we choose.

RESOLUTION

PEORIA INDIAN TRIBE OF OKLAHOMA,
Miami, Okla.

Whereas, the Peoria Tribe of Indians of Oklahoma was terminated by Public Law 921, 84th Congress, to become effective August 2, 1959, and

Whereas, the Peoria Tribe of Indians of Oklahoma assumed that rapid legislation would provide for the settlement of all just claims against the Federal Government and,

Whereas, these claims have not been settled to date and,

Whereas, members of our tribe have not been eligible to receive assistance under the programs of the Bureau of Indian Affairs nor the Department of Indian Health during this entire period of time and,

Whereas, the original meeting concerning the termination of the tribe was with the Business Committee of the tribe and the tribe, by majority vote, were not allowed to participate in this decision and,

Whereas, this tribe feels that the total termination of this tribe was an infringement upon the civil rights of individual members,

Now, therefore, be it resolved by the Peoria Tribe of Indians of Oklahoma in meeting assembled in the home of Chief Rodney Arnette, Tulsa, Oklahoma, on this 19th day of September, 1973, passed this resolution appealing to the official representatives of the United States Government to reinstate those members appearing on the termination role and their descendants into their original status prior to the enactment of Public Law 921 of the 84 Congress. It is felt by all concerned that this Act was an injustice to this tribe and we appeal to the Federal Government for this reinstatement which would allow members of our tribe to receive the services of the Bureau of Indian Affairs and the Department of Indian Health. Inasmuch as there would be no requirement to reinstate any land into trust status as a result of this enactment, it is felt that this proce-

dure would permit members of this tribe and our Tribal Business Committee to work toward self-determination at the speed we choose.

By Mr. PELL:

S. 663. A bill to provide for a study of the feasibility of allowing individuals, during their working years, voluntarily to make additional contributions to the Social Security program established by title II of the Social Security Act and during retirement to receive additional Social Security benefits based on such additional contributions; to the Committee on Finance.

RETIRED HOMEOWNERS PROTECTION TRUST FUND STUDY ACT

Mr. PELL. Mr. President, today I am introducing the Retired Homeowners Protection Trust Fund Study Act, as part of an effort to highlight and hopefully to alleviate the serious financial problems which many elderly homeowners face in maintaining and keeping their homes.

Inflation, rising property taxes, and the increasingly frequent need for costly home maintenance repairs are problems which combine to force many senior citizens out of their homes. The tragic plight of an older person pushed out of a home which he or she had bought and lived in for decades, is a national disgrace.

This legislation calls for a study to assess the workability of establishing a special Social Security Homeowners Protection Trust Fund, which workers could contribute to, and which would then guarantee them special benefits after retirement to make property tax and home repair payments. If the study was positive, and indicated that such a trust fund would truly guarantee that retired persons would not lose their homes, then I intend to introduce legislation to establish that new trust.

This bill calls for the Secretary of Health, Education, and Welfare to conduct such a study, consulting, among others, the Federal Council on Aging, the Commissioner of the Administration on Aging, and the Secretary of the Department of Housing and Urban Development, as well as the leaders of our Nation's major senior citizen organizations, such as the National Council of Senior Citizens and the American Association of Retired Persons-National Retired Teachers Association, and report the findings of this study with his recommendation for appropriate legislative action, to the Congress.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Health, Education, and Welfare is directed to conduct a study with a view to determining the feasibility of modifying the program established by title II of the Social Security Act so as to permit individuals who are covered under such program voluntarily to make additional contributions thereto and receive additional benefits thereunder during retirement, thereby providing the means of meeting home mortgage and real property tax payments and similar expenses which they will incur during their retirement years.

(b) In conducting the study authorized by section (a) the Secretary of Health, Education, and Welfare shall consult with, among others, the Federal Council on Aging, the Secretary of the Department of Housing and Urban Development, and appropriate national voluntary organizations of senior citizens.

(c) The Secretary of Health, Education, and Welfare shall, not later than one year after the date of enactment of this Act, complete the study authorized by subsection (a) and shall submit to Congress a full and complete report thereon together with his recommendations for such legislation as he may deem appropriate in light of the findings resulting from such study.

ADDITIONAL COSPONSORS

S. 143

At the request of Mr. TALMADGE, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 143, relating to fraudulent activities under the medicare and medicaid program.

S. 543

At the request of Mr. PELL, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 543, to amend title VII of the Social Security Act.

S. 564

At the request of Mr. PELL, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 564, the Alcohol-Impaired Driver Act.

S. CON. RES 2

Mr. HELMS. Mr. President, I ask unanimous consent that, at the next printing, the names of Senator BELLMON and Senator ZORINSKY be added as cosponsors of Senate Concurrent Resolution 2.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 77—SUBMISSION OF A RESOLUTION RELATING TO INTERNATIONAL TERRORISM

(Referred to the Committee on Foreign Relations.)

Mr. HUDDLESTON (for himself and Mr. ROTH) submitted the following resolution:

S. RES. 77

Whereas acts of violence committed by citizens outside the boundaries of their country pose a common danger to the international community;

Whereas offensive acts which result or threaten to result in injury or death to civilians can never be condoned, regardless of the motive or grievance upon which they rest;

Whereas the unlawful seizure of aircraft continues to threaten the security of some 500 million air travelers per year;

Whereas the ability of diplomatic and other official personnel to travel in safety and communicate fully is essential;

Whereas the dispersal and advancement of knowledge and technology pose the threat that acts of violence will become increasingly severe;

Whereas the success of efforts to combat the use of unacceptable means of obtaining political and economic concessions from countries requires the cooperation of the international community; and

Whereas new efforts are mandated: Now, therefore, be it

Resolved, That—

(1) the Senate urges the new Administration to consider the elimination of acts of terrorism across international borders a priority item on its foreign policy agenda and to exert all feasible means of restricting and repudiating such acts;

(2) the United States reaffirms its commitment to the 1963 Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft, the 1970 Hague Convention for the Suppression of the Unlawful Seizure of Aircraft, and the 1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation;

(3) the United States reaffirms the authority of the President under section 1114 of Public Law 93-366 to suspend civil air traffic with any foreign country that fails to abide by the Hague Convention or with third nations which maintain air service with such countries;

(4) the United States reaffirms its commitment to the OAS Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance and to the UN Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons;

(5) the United States should maintain and expand its efforts to encourage increased participation in the above Conventions and should continue to vigorously urge, encourage and assist other countries to improve airport security measures abroad;

(6) renewed efforts should be undertaken, in cooperation with other signatory countries to obtain the additional ratifications needed to bring into force the UN Convention on the Prevention and Punishment of Crime Against Internationally Protected Persons;

(7) the Senate supports efforts to conclude a convention relating to the prevention and punishment of persons who take or attempt to take hostages for purposes of obtaining concessions from countries or international organizations or of influencing policy in such countries or organizations;

(8) the Senate urges the Administration to pursue efforts to prevent and discourage the use of citizens outside their territories of devices which are particularly offensive and threatening to human life; and

(9) the Senate urges the Administration to pursue in all appropriate international forums efforts to prevent the dissemination and dispersal of technologically advanced weaponry and materials which individuals and groups might use against countries other than their own or civilians of such countries.

Mr. HUDDLESTON. Mr. President, I am today submitting a resolution related to the various aspects of international terrorism.

The release recently by the French Government of Abu Daoud demonstrates once again how ill-equipped the international community is to deal with the problem of violence directed and committed across international borders. While certainly tragic, this episode is, unfortunately but further evidence that much remains to be done regarding this common international threat.

International terrorist activity is, of

course, many different things and it takes many different forms. It has its roots in many different geographical areas and claims. It cannot be viewed as a single, unique phenomenon.

But the most important thing that we need to remember is that international terrorism, no matter what its alleged justification, can never be condoned. The injury and murder or threat thereof to air travelers, diplomatic personnel, to those who simply happen to be in the wrong place at the wrong time cannot be accepted by the international community as a legitimate or permissible means of attempting to advance political or philosophical views or of obtaining concessions from governments, international organizations or individuals.

As former Secretary of State Rogers once noted:

> The issue is whether millions of air travelers can continue to fly in safety each year. It is whether a person who received a letter can open it without fear of being blown up. It is whether diplomats can safely carry out their duties. It is whether international meetings—like Olympic games—can proceed without the ever-present threat of violence. In short, the issue is whether the vulnerable lines of international communication—the airways and the mails, diplomatic discourse and international meetings—can continue, without disruption, to bring nations and peoples together.

Our record is not entirely bleak. The United States has signed three international conventions dealing with the unlawful seizure of aircraft: the Tokyo Convention on Offences and Certain Acts Committed on Board Aircraft, the Hague Convention for the Suppression of the Unlawful Seizure of Aircraft and the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation. In general, these conventions make the unlawful seizure of aircraft an international crime and provide for prosecution or extradition of those involved.

These are certainly correct and major moves, but in practice they have their shortcomings. A principal one is that a significant number of nations, including those most likely to provide asylum, have not ratified all of them. Another is that enforcement is uneven. Since there is provision for prosecution or extradition, penalty differences are built into the agreements themselves. Beyond this, however, the fact is that many of those who have been involved in piractical acts have never been tried or imprisoned at all.

As a complement to the conventions and in order to overcome some of their deficiencies, a number of countries and individual airlines have moved to strengthen their security processing of passengers. Indeed, some observers believe improved security arrangements account in large measure for the reduced number of hijackings which have occurred in the past several years. But many of these same observers believe that security arrangements outside the United States could—and should—be improved.

Clearly, we need to obtain increased support for these conventions and their use, as well as more effective security measures at foreign airports where such are lacking.

Congress in Public Law 93–366 authorized use of two means of combating air piracy.

Section 1115 authorized the Secretary of Transportation, with the approval of the Secretary of State, to withhold, revoke or impose conditions on the operating authority of airlines of nations which do not maintain and administer proper security measures for foreign air transportation.

Section 1114 of Public Law 93–366 further emphasizes the importance of securing air transportation by enabling the President to suspend air service to any country or to any third country which serves a country that provides sanctuary or assists those who have unlawfully seized aircraft.

Although the authority of neither section has been invoked, they stand as clear signals of congressional intent on this matter, and they should be utilized, when appropriate.

The United States is also involved in two efforts designed to protect diplomatic personnel. There is an OAS "Convention To Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance." The United States signed the Convention on February 2, 1971, and ratified it on October 20, 1976. This convention is in force.

A similar U.N. convention, the "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons," was signed by the United States on December 28, 1973, and ratified on October 27, 1976, and needs additional signatures to become effective.

These conventions seek to protect internationally protected persons from murder, kidnapping and assault, threats of either, and extortion. Parties agree to prosecute or extradite those who have participated in such acts.

Clearly, the many transnational problems of this world cannot be solved and security cannot be maintained without contact and communication among nations. The diplomatic community becomes functionless, immobilized when it cannot operate with freedom of movement both within and among nations. We must, therefore, press forward to secure additional adherence to these agreements and to bring the U.N. convention into force.

Similarly, we must move with speed and determination to obtain a convention against the taking of hostages. There is no higher human right than the right of individual, civilian personnel to go about their daily tasks, to carry out the duties required by their employment, to spend their leisure time free of the fear of being captured, held, discomforted, injured or killed by individuals or small groups determined to try to make their imprint upon the press or governments of nations other than their own by threats to harm others. Such moves simply go beyond the bounds of acceptable means of making one's views and policy preferences known.

A similar effort should be made to outlaw on an international basis the use of certain types of weapons—weapons which can only be viewed as vehicles for killing, injuring and maiming; that is, weapons whose prime purpose is the destruction of human life. As with the taking of hostages outside one's own nation, use of these articles threatens civilians of nations apart from the perpetrator's own with risks and inhumane results which cannot be tolerated in the international community. Among the items which should be considered for early treatment are explosives and letter bombs.

New moves are required to stem the flow of sophisticated conventional weapons across international borders. As such weaponry becomes more and more technologically advanced, the potential for damage and destruction grows, posing increased possibility of human injury and death. Small, portable weapons with the capacity for immense damage are becoming prolific and ubiquitous.

This problem is somewhat complicated by the variety of ways by which such transfers are made. Some are shipped deliberately by governments; some are commercial sales; some are blackmarket sales; a few result from robberies, such as that at the American military depot in West Germany in 1973. It is probably impossible to deal with this problem except in a more comprehensive context of general conventional arms control, but it is a problem which cannot be expected to go away; and one which can assume many aspects.

Lastly, but far from least, we must address the increasing possibility that some group might utilize nuclear materials in an effort to forward its aims. There are several possible scenarios: Terrorists might develop a rudimentary nuclear device; obtain one from another nation by purchase or theft; sabotage the transport of nuclear materials; seize, bomb or dive-bomb a nuclear plant in an effort to cause a reactor core meltdown. Several approaches are possible: Improved protection of existing facilities and devices; and enhanced international controls on the transfer by the nuclear nations of plants, reactors, and materials to those nations which do not now have a nuclear capability. I was encouraged by the reports that Vice President MONDALE had pursued this matter during his discussions with European leaders and hope that agreement on additional safeguards will be forthcoming.

Curbing violence directed and committed across international borders is a complex matter, a controversial matter as evidenced by the proceedings at the U.N. over the past several years. The outlook for cooperation and success is not as bright as we might hope. But, the matter is too serious to be relegated to a backburner among the boiling international issues. Life itself is at stake. I hope, consequently, that the Carter administration will make this a priority item on the foreign policy agenda.

This is not to deny that there is in-

justice in the world, that there are honest grievances which need resolution. But it is to say that there are ways and means of acting which are not acceptable in the international community regardless of motive or objective, that there are moves which civilized men and women cannot tolerate, that there are acts which undermine any reasonable complaint an individual or group might have. When those acts are committed the perpetrators have voided any claims they might have and have violated the principles of human decency. We must deal with them then for what they have proven themselves to be.

NOTICES OF HEARINGS

GOVERNMENT OPERATIONS COMMITTEE HEARINGS ON REGULATORY REFORM

Mr. RIBICOFF. Mr. President, I wish to announce hearings before the Government Operations Committee on our study on Federal regulation. This hearing will cover the first two volumes of our regulatory reform study—volume I on the regulatory appointments process, and volume II on congressional oversight. The staff will outline the principal recommendations and findings of these two reports. We will also hear from David Cohen, president of Common Cause.

The hearing will take place Thursday, February 10, 1977, at 10 a.m. in room 3302, Dirksen Senate Office Building.

SUBCOMMITTEE OF SPECIAL COMMITTEE ON OFFICIAL CONDUCT

Mr. NELSON. Mr. President, there will be a subcommittee meeting of the Special Committee on Official Conduct on Wednesday, February 9, at 2 p.m. in 424 Russell Senate Office Building.

ADDITIONAL STATEMENTS

PROTEST OF PARDON OF DRAFT EVADERS

Mr. WALLOP. Mr. President, I am in receipt of a letter from a fellow Wyomingite, Mr. James L. Sears, of Casper. He has requested that I return his service medals to the President of the United States as a protest of the pardon of draft evaders.

I ask unanimous consent that his letter and my letter to the President be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANUARY 22, 1977.

Mr. PRESIDENT: Upon arising this morning I was appalled to read the headlines of our local newspaper, declaring pardon to draft resistors. As far as I am concerned, there is no difference between deserters, resistors, evaders, etc. To make a difference between them is a try at justification. Your move to pardon resistors cannot be justified.

In Feb. of 1966 I was inducted into the United States Army as a volunteer. Until this morning I was exceptionally proud of that fact. Today I have to question that decision. My father served in the United States Air Corps, and reared me with the idea of great pride in this country. That pride is what made me volunteer. I believed it was the proper way to show my pride. Your action has worn that pride very thin.

The enclosed medals were awarded to me for "service to my country", I think you can put them to better use. Until today, I displayed them to my friends. Today you made these a farce, a reminder of almost regret to me. Neither you nor those you have pardoned, will ever see anything but bright ribbon with a stamped piece of metal dangling from the end.

On Jan. 9 I was blessed with a son. As he matures I will teach him pride in this country. I will also teach him that the decision to defend his country is his alone.

Thank you, Mr. Carter, for your valuable time and patience. America is still a wonderful place to live, not because of people like you but in spite of you.

JAMES L. SEARS.

U.S. SENATE,
Washington, D.C., February 4, 1977.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It is with a sense of sadness that I forward to you the service medals of James L. Sears of Casper, Wyoming. You will see by his enclosed letter that this was not a decision taken lightly or in haste. He took real and justified pride in these recognitions of his devoted and honorable service.

I have to say, Mr. President, that I fully endorse his expression of outrage. Further, I am proud of Jim Sears for his honest expression of patriotism and devotion to the concept of national duty.

Few people have made a more eloquent protest and coupled it with a clearer expression of continued devotion to our country. I only ask you to compare his words and actions with those whom you pardoned. Our country would be better served by men of Jim Sears' attitude. How we foster it in the wake of your action will, I fear, compel the attention of thinking patriotic Americans for decades to come.

Mr. President, I wish you well in awakening national pride and a sense of national duty. Our future depends on it. Yet it would seem that in the future a complacent self interested minority could selectively reject national duty with disastrous results to our great country.

I pray not, I fear so.

Respectfully,

MALCOLM WALLOP,
U.S. Senator.

Carton attached.

ATTACHED

1 Purple Heart.
1 Bronze Star.
1 Army Commendation Medal.
1 National Defense Ribbon.
1 Combat Infantryman's Badge.
1 Vietnam Service Medal.

INTERNATIONAL ORGANIZATIONS

Mr. RIBICOFF. Mr. President, today the Government Operations Committee is releasing a committee report on U.S. participation in international organizations. It reflects the initial results of a year-long study by the committee. I recommend it to the attention of the entire Senate.

The United States is now engaged in a wide range of specialized agencies of the U.N., and other similar organizations. The committee report identified 65, although the number continues to grow each year, ranging from large technical assistance organizations—U.N. development program—to organizations that test seeds—International Seed Testing Association—or seek to promote studies on Pan American history and geography—the Pan American Institute of Geography and History.

It is now time for a thorough reassessment of our policy toward these organizations. I intend that the committee study these international organizations, and the manner in which the United States participates in them. The United States should continue to support only those organizations which are really accomplishing something.

The world is ever increasingly interdependent and the necessity for well-run international organizations is undeniable. Many international organizations provide the United States with an important opportunity to work with the Third World in a meaningful way. Others are of direct importance to Americans. How well the organizations do their jobs affect the price Americans pay for coffee, the cleanliness of the beaches from which they swim, and the safety of the airlines on which they ride, as well as the stability and prosperity of the world generally. But the days are over, if they ever existed, when the United States should unthinkingly, and without exception, support all international organizations. There are organizations which appear to accomplish nothing in a tangible sense. There are organizations to which the United States belongs without any clear idea why.

The United States spent more than $1 billion in 1975 in support of international organizations. About $619 million of this went to just three international development banks. Altogether, the United States has provided over $22 billion since 1945 to the U.N. system, including the financial institutions. That is a lot of money. The American people have every right to know how it is being spent and why—and to be assured that when these funds are not being used effectively appropriate corrective actions will be taken by their Government. At the present time I do not think anyone in the organizations or the U.S. Government can really tell us what all that money has achieved.

All too often the organizations, headquartered in extravagant and luxurious surroundings, are ineffective, overstaffed with high-paid officials, underrepresented by U.S. personnel, uncertain in their purposes, and unduly repetitious of the activities of other organizations. The excessive salaries of U.N. officials need review.

The result is that worthwhile goals of some international organizations are not being achieved.

The committee report I am releasing today provides a general review of the problems Congress and the executive branch must consider as it examines anew its policy toward international organizations. It discusses, first, the size and nature of the organization; second, the political trends in the organizations, and the U.S. Government's response to

growing politicization in the organizations; third, the proliferation of international organizations; fourth, the effectiveness of the international organizations; fifth, U.S. participation in the international organizations, including how U.S. policy is coordinated and implemented; and sixth, personnel in the international organizations.

The report suggests that some of the international organizations have a long way to go before they can be considered really effective organizations. The report also suggests that there are a number of places where the United States must improve its own record of participation in the organization.

POLITICAL TRENDS IN THE ORGANIZATIONS

One of the problems the report points out is the growing domination of Third World politics in the organizations. This could result in the destruction of the present system of international organizations. Irrelevant political resolutions concerning not just Israel, but also a number of other political issues such as Taiwan, Puerto Rico, Panama, and Rhodesia have been raised in a number of cases. The political favoritism shown in UNESCO and the ILO is an intolerable development—something which our Government must condemn. But the crises in ILO and UNESCO are only examples of what could happen in a wide range of organizations. International organizations stand at the crossroads. By using the majority voting power they unquestionably have, the Third World and their allies can use the organizations for their short-range political purposes, and the assessed budgets solely for programs that benefit only them. They can insist that only people from the Third World, regardless of their merit, be hired to work in the organizations. I would say that if the Third World is successful in so distorting the purposes of the organizations, and destroying their effectiveness, U.S. withdrawal from a number of organizations should and will occur. To be effective—and to continue to receive U.S. support—the organizations must operate on the basis of cooperation and mutual respect for the interests of the developing countries, and the interests of the United States and other major Western countries that supply most of the money to the organizations.

There is a disturbing tendency in many of the organizations for a majority of member countries that contribute a small proportion of the budget to want to run the organization without much attention to the views of the United States and a few other major donors, and without much attention to the principles on which the organization was created. The United States provides an average of 25 percent of the budgets of each organization, but it often has only 1 vote out of 100 or more. Sweden is the only developed country currently serving as a full member of the important FAO—Food and Agriculture Organization—Finance Committee. Four of the five persons on the committee, headed by a person from Bangladesh, are from developing countries that together contributed 0.56 percent of the FAO budget in 1975.

The U.S. Government must organize better to combat the excesses of Third World politics. We must be resolute, but fair-minded. We should make it clear, as we did in the case of ILO and UNESCO, that as a country we will no longer continue to support organizations whose original purpose has been so distorted by Third World politics that it no longer serves any short- or long-range interests of the United States to remain in the organization. Sustained bilateral diplomatic efforts in advance of international conferences should be mounted by the United States and its allies not just once or twice a year, but as often as important issues arise.

PROLIFERATION AND EFFECTIVENESS OF THE ORGANIZATION

If the increase in the number of organizations continues at the rate it has in the past, it will be a 300-percent increase in the number of international organizations between 1972 and the year 2000, according to the Yearbook of International Organizations. Organizations are continually expanding the range of their programs. The report provides one example of a U.N. Children's Fund's program in Bangladesh begun as an emergency water relief operation which now involves a massive program including the importing of iron to build pumps needed for the projecet.

The United States already belongs to 22 international bodies engaged in water resource matters. Eighteen are engaged in rural development matters. Yet there is no effective mechanism to assure coordination between the organizations. Waste and inefficiency inevitably result. Proposals of a special committee to reform the system have gone unimplemented to date in the U.N. General Assembly.

Some of the organizations are top-heavy with high-paid bureaucrats which produce a flood of papers. The best evidence of how bureaucratized the organizations have become are the statements of some of the high-level officials who have viewed the organization firsthand.

Director General Saouma of the FAO was quoted, soon after taking office in 1976, as saying that—

> Eighty percent of FAO's regular budget was destined to pay for a gigantic centralized bureaucracy in Rome, 11 percent to put out publications that no one reads and the remaining 9 percent for holding meetings and for travel expenses that are largely unnecessary.

Former Ambassador Francis Dale, U.S. Representative to the European Office of the United Nations in Geneva from 1974–76, told the committee that "the larger international organizations are characterized by runaway bureaucracies. You could cut 10 to 20 percent of the professional employees of the organizations and it would actually improve their efficiency in my judgment."

The larger organizations fragment their efforts among a large number of projects. There is an inadequate sense of priorities. Only a very few of the organizations obtain outside evaluations of their programs on a regular basis. Just as in the case of domestic agencies, international organizations should be required to engage in procedures like zero-based budgeting on a regular basis to eliminate ineffective or outdated programs and to establish priorities. Decentralization of the larger organizations should continue to be encouraged.

There is no question but that we need reorganization of our own Government. Reorganization of our own bureaucracy is a major priority. The same is true for international organizations. There has been an amazing proliferation of international organizations and programs. The bureaucracy keeps mushrooming. The system must be reevaluated and then reorganized. Our goal must be the elimination of useless international agencies, an end to duplication, inefficiency, and waste. Our goal must be to make the organization an effective vehicle for aid to the Third World, and an effective means for resolving the growing technical, scientific, and social problems that can only be resolved on the international level. The role of international organizations generally is becoming too important must improve their own operations, we to support ineffective or outmoded organizations.

U.S. POLICY TOWARD INTERNATIONAL ORGANIZATIONS

While the international organizations must improve their own operations, we must improve the way we participate in these organizations, as well. In the past our Government neglected this increasingly important side of international relations. We have been paying the price for our neglect in the past few years.

The new administration has a valuable opportunity as it initiates a new era in U.S. foreign policy to give this area the importance it deserves from both a financial and foreign policy standpoint. A reassessment of policies in this area, and a comprehensive reorganization of the way that the U.S. Government is organized to participate in the international organizations, should be one of the first priorities of the new administration in the foreign policy area.

We must decide precisely why we have joined each organization, and what the costs and benefits are in both financial and diplomatic terms. This assessment must be done on a regular basis, just as we should on a periodic basis reassess from the ground up the justification for each domestic program.

The U.S. Government must establish a clear policy which indicates which organizations we want to become predominately technical assistance organizations, and which we want to remain primarily service organizations meeting the direct needs of all the members including the United States. It must honestly and openly express to Congress and the public the justification for each contribution to even the smallest international organization. In some cases, such as the Pan American Railway Congress Association, I am inclined to think that there is no useful purpose.

Policy governing U.S. participation in international organizations is coordi-

nated through a maze of formal or informal interagency committees involving at least 36 U.S. agencies. As this country's domestic and international concerns become increasingly intertwined, it becomes even more important that these be strong central policy leadership that can mold the views of the various agencies into a comprehensive and effective policy, and that can consider the relationship between our bilateral and multilateral assistance programs, and our domestic and foreign policy goals. Similarly, there needs to be an expert capability centered somewhere in the Government able to examine thoroughly the budgets of the international organizations, assess the effectiveness of the organization's programs from the U.S. point of view, and decide just how much the United States is justified in contributing to each organization. The International Organization Bureau in the State Department, in its present form, cannot fully play either this policy or evaluation role. Greater capability must be established either in the International Organization Bureau, or the responsibility for international organizations transferred. Multilateral issues generally must be given greater visibility in both the State Department and the White House.

PERSONNEL

The excessive level of the salaries of U.N. employees must be reviewed. At a time when inflation is hitting member countries hard, and placing a strain on domestic expenditures, 43 percent of the professionals of the World Bank are earning more than the equivalent of $36,000 a year. There are 43 employees of the World Bank, and 72 employees of the U.N. proper, that are earning more than the equivalent of $60,000 a year before taxes. At the same time the Third World majority of many organizations are making it harder and harder for the United States to place its nationals as employees in the organization. All too often jobs with the secretariats of the organizations are seen as one of the rights of membership accruing to all members, without regard to merit.

Although the United States provides on the average 25 percent of the budget of the organizations, Americans fill on the average only 16 percent of the professional positions. This percent has not changed since 1970. And in some important cases, the percent is even lower, such as the International Telecommunication Union—4 percent, and the Food and Agriculture Organization—9 percent. To improve these percentages a major effort needs to be made. The attitude of Government agencies must change so that they are no longer reluctant to let their best qualified employees work for several years for international organizations. Every domestic agency must actively seek out on its own initiative qualified persons to apply for positions. The policy of the Government should place emphasis on placing employees in middle-level positions. The public generally must be told more about the work of the organizations so that more qualified people become interested in international organization work. The U.S. Government should join the associates experts programs so that young professionals can, at this Government's expense, get started in international organizations. Because of the growing importance of multilateral diplomacy, investing in this program would in the long run pay great dividends to the United States.

In the future I believe international relations will come increasingly to be dominated by economic, social, and technological issues. International organizations can play a central role in resolving these issues, and in helping in a constructive way to meet the needs of the developing world. For the organization to play this role, however, there will have to be hard work and good faith on the part of the organizations, and their member governments. The United States will have to more realistically assess the capabilities of the organizations, and work to make the system a more effective one than it is now.

Mr. JAVITS. Mr. President, I support the preliminary findings of the committee study which suggests that the United Nations system of specialized agencies must develop more effective means for the coordination, budgeting, management, implementation, and the evaluation of projects and activities. I also concur that substantial improvements are needed in the way that the U.S. Government formulates and executes our policies and participation in international organizations. While we cannot generalize about the entire system—and several agencies have already taken steps to make their operations more efficient and effective—it is my belief that there are important objectives which the United States must and can attain within this system. The complex and frustrating problems of politicalization and duplication in overall development assistance strategy, however, must be effectively dealt with. It is a fact that the exercise of voting power for politican means instead of for the objectives of an international organization could make it untenable for U.S. membership—and that would be as disastrous for the United States as for the U.N.

Mr. ROTH. Mr. President, the Government Operations Committee report on U.S. participation in international organizations has been a year in preparation. I have appreciated working with Senators RIBICOFF, PERCY, and JAVITS in developing this report.

The report represents a first stage in the committee's investigation of this matter. We have raised a number of serious questions about the consistency and effectiveness of U.S. policy toward these organizations and about the accountability and efficiency of the international organizations themselves. These questions will be pursued vigorously in our forthcoming hearings.

Over the past three decades, international organizations have become an important feature of international politics and an important arena for American foreign policy. In today's world, it is clear that there are many problems, such as ocean pollution, conservation of fishery resources, international aviation standards, terrorism, and illicit drug trafficking, where the efforts of many nations are needed for effective solutions. It is in the American national interest to participate—and participate effectively—in organizations working effectively on these kinds of problems.

It is also our responsibility to seek to make these organizations as efficient and as responsible as possible. In the course of our study so far of international organizations, we have come across many areas of apparent duplication and waste. All too often, the reason is that as each new problem, such as food or environment, gains prominence, the response is to create a new organization rather than to strengthen existing institutions. Too often the creation of a new organization has become a substitute for real work to solve the problem.

The work of many organizations, particularly specialized agencies of the United Nations, has been handicapped by the introduction of extraneous political issues at meetings of the general membership. Such issues often reflect only a very small part of the work of the organizations, or no work at all, but because they are highly sensitive and emotional, they attract a great deal of attention and detract from the prestige and effectiveness of the organizations involved. During the past year, the United States and like-minded countries have been somewhat more effective in our efforts to deal with this problem, but politicization remains an important challenge which the new administration faces.

It is high time that our Government stand back and make an objective, dispassionate, and critical appraisal of the world of international organizations and our participation in those organizations. We should not be participating in an organization simply because it is there, but because it serves an American interest. I hope that our committee study will be the beginning of a serious effort to determine what U.S. interests in each organization are and to establish more effective means of participating in those organizations in which we determine we do have a continuing interest.

FUTURE HOMEMAKERS OF AMERICA WEEK

Mr. SCOTT. Mr. President, it is my understanding that young people across the country will be observing Future Homemakers of America Week during February 6–12. Certainly all of us are aware of the contributions made over the years by this fine organization, which aims to guide youth toward responsible roles in society through a variety of school and community activities and individual opportunities for self-development.

Just a few days ago our office received a note from a Louisa County, Va., sophomore who expressed her interest in the program this way:

One of the first things we did was to have a FHA supper. We sold tickets, made the food and served it . . . Another thing we did

was to have a speaker come and talk to us on teenage problems. We've done many more things and others are still planned.

With more than 450,000 members in many local chapters, the organization has helped to provide its members with a better understanding of the responsibilities of family life and to inspire many of them to seek careers in home economics related occupations. Of course, the work and activities of FHA chapters reach beyond classroom instruction. They help to strengthen the role of the family, to encourage democracy through cooperative action in the home and community, and to provide motivation for youth working toward educational goals related to consumer home economics.

In my opinion, Mr. President, the Future Homemakers of America has inspired many of our boys and girls to assert with renewed pride and self-respect their potential as homemakers. On this special occasion, therefore, let me commend the Future Homemakers of America and extend my best wishes to members within my own State of Virginia and those elsewhere in the Nation for helping to shape the skills of America in the years ahead.

HOPES FOR IMPROVED RELATIONS WITH CUBA

Mr. McGOVERN. Mr. President, the New York Times of February 4 carries a story that augurs well for a thaw in our relations with Cuba. According to Graham Hovey's article, "Possibility Is Raised of U.S.-Cuba Meeting," Secretary Vance has indicated that the Carter administration is willing to discuss major issues with Cuban authorities, with particular emphasis on the antihijacking agreement due to expire on April 15.

Mr. President, I am very encouraged by this report and I want to urge the administration to move ahead with direct talks.

Even more pressing than the antihijacking issue is the fisheries question and the need to work out a bilateral agreement with the Castro government. As Senators know, the 200-mile fishery legislation contains a March 1 deadline for negotiating such an agreement. Any indication from the Cuban Government that they are interested in a fisheries arrangement with us should, of course, be pursued in a positive and forthright manner. I hope that Secretary Vance and his colleagues will do everything they can to meet the March 1 deadline and reach a mutually satisfactory agreement with Cuba.

Mr. President, I ask unanimous consent that the New York Times article referred to above be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POSSIBILITY IS RAISED OF U.S.-CUBA MEETING—STATE DEPARTMENT AND VANCE HOPING FOR DIRECT TALKS ON ISSUES IMPEDING RELATIONS

(By Graham Hovey)

WASHINGTON, February 3.—The United States raised today the possibility of face-to-face discussions with Cuba about the imperiled antihijacking agreement and other issues impeding normal relations.

In a statement approved by Secretary Cyrus R. Vance, the State Department said the Carter Administration hoped "to be able to discuss" with Cuba the matter of saving the 1973 antihijacking pact, which is scheduled to expire April 15.

Later, in an interview with The Associated Press and United Press International, Mr. Vance said it would be "constructive" for the two Governments also to discuss other major differences. He mentioned Cuba's "exporting" revolution and the continued presence of Cuban troops in Angola.

Mr. Vance said, however, that the Administration had not yet decided how to approach Cuba and that it had received "no direct indication" that Prime Minister Fidel Castro was ready for talks.

OTHER LATIN AMERICAN ISSUES

In another matter involving United States relations with Latin America, Mr. Vance said some "difficult issues" remained to be settled with Panama about future operations of the canal before a new treaty could be concluded.

He expressed confidence, however, that an Administration campaign to explain to Congress and the country the importance of the Panamanian issues would obtain the necessary support of two-thirds of the Senate's membership for a treaty.

The State Department also announced today that Brazil had agreed to discuss with the United States its controversial 1975 nuclear technology agreement with West Germany would furnish Brazil with reprocessing plants and facilities for enriching uranium.

The United States fears that such nuclear technology would eventually enable Brazil to make nuclear weapons. Brazil has not signed the treaty to stop the spread of nuclear weapons.

In another area, Mr. Vance said in his interview that the United States would ultimately establish full diplomatic relations with China but would not overlook the question of the security of the people of Taiwan.

ANTIHIJACKING PACT REPUDIATED

The State Department statement on the antihijacking agreement and Mr. Vance's remarks on Cuba, though carefully qualified, raised immediate speculation in diplomatic quarters about the possibility of normalization of United States relations with the Castro Government.

At a news conference Monday, Mr. Vance expressed a qualified hope that his country "could begin the process of moving toward normalization" with Havana.

Although Mr. Vance termed the presence of Cuban troops in Angola "not helpful to a peaceful solution," he did not demand their withdrawal as a prerequisite for discussions about normal relations, as the Ford Administration did.

Mr. Castro invoked a clause last October that allows either Government to repudiate the hijacking agreement by giving six months' notice. He did so after accusing the United States of complicity in the crash of a Cuban airliner near Barbados in which 78 people were killed.

The crash and Cuban support at the United Nations and elsewhere of the independence movement in Puerto Rico halted a trend toward gradual normalization of relations. The antihijacking agreement, concluded in February 1973 by indirect negotiations conducted through the Swiss Embassy in Havana, had been the major accomplishment of the period.

The United States has categorically denied any involvement in the sabotage of the airliner and depored what it called Mr. Castro's "unilateral and unwarranted action" in repudiating the pact.

Despite the accusations of Central Intelligence Agency involvement in the plane crash, Mr. Castro said Cuba would be willing to discuss continuing the antihijacking agreement with whatever Administration emerged from the November election.

KILLING THE NONNUCLEAR LANCE MISSILE: A FALSE ECONOMY

Mr. GRIFFIN. Mr. President, the Carter administration has promised to eliminate waste in the Defense budget.

I applaud that goal.

But if cuts totaling $2.8 billion which have been suggested by Defense Secretary Brown are any indication, the new administration has a strange concept of waste.

For example, Secretary Brown has indicated that the nonnuclear Lance missile program should be scrapped—for a so-called savings of $140 million over a 2-year period.

Is this really a savings?

On the contrary, if implemented, that decision would reduce our nonnuclear deterrent, and in the event of war it would leave thousands of soldiers—costing tens of millions of tax dollars annually—sitting idly by with nothing to do until and unless someone decides to start using nuclear weapons.

The administration may call this economy. I call it madness. Let us look at some facts:

There are 16 battalions of nuclear-armed Lance missiles assigned to NATO today—6 of which are American. More than 2,500 soldiers are assigned to the American units alone.

The greatest single expense in our Defense budget is manpower, which accounts for about 58 percent of all Defense outlays during the current fiscal year. More specifically, we are spending close to $40 million each year just to pay the Americans assigned to Lance missile units in Europe.

At present, since the Lance is equipped only with a nuclear warhead, these soldiers have no role to play in a conventional war in Europe. In effect, they would sit idly by on their hands until the conflict escalates into a nuclear war.

For only a 10-percent increase in the money already spent on the Lance program, we could equip these troops with nonnuclear warheads so that they can play a role in deterring—or, if that fails, in defeating—a conventional Warsaw Pact attack against Europe, without having to resort to nuclear weapons.

This Senator was under the impression that President Carter wants to cut fat—not muscle—from the Defense budget, and that he wants to raise—not lower—the nuclear threshold in Europe. Indeed, as everyone recalls, in his inaugural address he emphasized that one of his goals is "* * * the elimination of all nuclear weapons." However, the proposal to terminate the nonnuclear Lance missile program is in direct conflict with both of his announced goals.

There was a time in the not too distant past when providing a nonnuclear warhead for the Lance missile might not have been all that important.

Just 10 years ago, the United States had a commanding lead in strategic arms that, by itself, provided a credible deterrent to overt Soviet aggression—nuclear or conventional.

But things have changed dramatically in a little more than a decade. We have gone from a position of clear supremacy to a condition of—at best—parity.

Indeed, some analysts argue that the United States is now in a clearly inferior position. Whatever the merits of that debate, one thing is clear. A dangerous trend has been allowed to develop which, if not quickly checked, threatens the credibility of our nuclear deterrent. In so doing, it threatens the safety and freedom of ourselves and our allies.

For example:

During the past decade the number of U.S. intercontinental ballistic missiles—ICBM's—stayed at a constant level, while the Soviet Union increased its ICBM force by 167 percent. We developed one new ICBM, while the Soviets developed seven—three of which are larger and more powerful than ours.

A similar picture appears if we look at sea-launched ballistic missiles—SLBM's. America has the same number of SLBM's we had in 1966, while the Soviet Union has increased its SLBM force nearly sevenfold. Today, the Soviets have nearly twice as many submarines equipped to launch these strategic missiles.

Even in strategic bombers the trend has been against us. While we have significantly reduced the size of our bomber force and continue to debate the merits of procuring the B–1, Moscow is already producing large numbers of new "Backfire" bombers and is even talking of developing a newer bomber to replace the aging "Bears" and "Bisons."

How have the Soviets managed to sustain such a dynamic strategic weapons program? The Central Intelligence Agency informed us last month that since 1966, the Russians have been outspending the United States on strategic weapons by about 2½ times. And this trend may be getting worse. Last year the Soviets spent 3½ times more than we did on strategic weapons.

These changes in the strategic balance have decreased the credibility of our nuclear deterrent. Today, we are still strong enough to hold Soviet nuclear forces in check. But can we be sure that our strategic missiles and nuclear bombers will prevent nonnuclear aggression by the Soviet Union against targets outside the United States? Are the Soviets convinced that we would actually employ nuclear weapons to defend Italy or Israel—knowing at the time that our actions would probably bring a hail of Soviet nuclear warheads on our own cities?

Perhaps the Soviets are convinced, for now. But given the importance of helping our allies remain free, and the dangers of a miscalculation by either side leading to a nuclear holocaust, it seems prudent to provide for a nonnuclear deterrent as well.

Unfortunately, the conventional military balance in the NATO-Warsaw Pact theater is not very encouraging.

Late last year two of the Senate's most knowledgeable Members in this area—Senators NUNN and BARTLETT—visited Europe. Their trip report to the Armed Services Committee, entitled "NATO and the New Soviet Threat," has just been released. It says, in part:

> It is the central thesis of this report that the Soviet Union and its Eastern European allies are rapidly moving toward a decisive conventional military superiority over NATO. This trend is the result of NATO's failure to modernize and maintain its conventional forces in response to the Warsaw Pact's buildup and modernization of conventional forces.
>
> In an era of nuclear parity between the United States and the Soviet Union, the importance of a capacity to wage war successfully below the nuclear threshold has mushroomed because of the declining credibility of nuclear responses to non-nuclear aggression.
>
> The viability of current NATO force posture in Europe and perhaps even NATO's strategy of flexible response and forward defense is questionable. There now exists a disparity between the Alliance's declared strategy and the ability of NATO forces to implement this strategy.

Continuing, they concluded:

> The principal task before the Alliance is improving the firepower and making better use of the forces it already has. . . .
>
> (*A*) *quantum jump is needed in NATO's conventional firepower.* In the short term, this can be accomplished by procuring additional artillery, anti-tank, and air defense systems. Top priority should be given to artillery, which is a comparatively cheap source of firepower and one of the most longstanding and pronounced deficiencies of NATO ground forces. (Emphasis in original.)

I find it somewhat incongruous that, while this report was being printed, our new Secretary of Defense was recommending that the United States cancel the only program we have to give our NATO missile forces a nonnuclear response to Warsaw Pact aggression. Were the irony not so tragic, it would almost be comic.

Are the somber conclusions of our Armed Services Committee colleagues justified? Consider these facts:

Warsaw Pact forces outnumber their NATO counterparts in Northern and Central Europe by more than 30 percent.

In the same critical area, the Communists have nearly a 3 to 1 superiority in tanks and a similar lead in artillery pieces.

The air picture is no better. The Soviets have 10 times as many bombers as the United States has, and a significant lead in virtually every other category of airplane in the NATO theater.

NATO countries produce two types of rocket launchers. The Warsaw Pact forces have nine—some with ranges almost twice that of the best NATO launchers.

The Russians have about 600 medium- and intermediate-range ballistic missiles—MRBM's and IRBM's, capable of delivering nuclear warheads between 1,200 and 2,300 miles. The United States has none.

The trend in defense production during the last 5 years is alarming. The Soviets have outproduced the United States in several key areas:

They have produced six times as many tanks;

They have turned out eight times as many artillery pieces;

They have produced twice as many tactical airplanes; and

Today, they are even outproducing us in helicopters. These statistics, of course, are not conclusive.

There are other factors and other considerations. It is often said, for example, that while the U.S.S.R. may have a quantitative advantage, it cannot hope to match the U.S. qualitatively.

About a year ago, the Congressional Research Service of the Library of Congress prepared a study of the "United States/Soviet Military Balance," which considered both the quantitative and the qualitative balance. Among its conclusions were:

> The quantitative military balance since 1965 has shifted substantially in favor of the Soviet Union. . . . Technological supremacy traditionally has been a strong U.S. suit, and remains so in many areas. . . . The day has passed, however, when U.S. scientific ascendance can be taken for granted. Soviet efforts already equal our own in several respects, surpass us in others and exhibit strong momentum. . . . U.S. qualitative superiority never compensated completely and, in certain respects, is slowly slipping away.

Late last year, the 1977 edition of the prestigious Jane's All the World's Aircraft was published in England. It concludes, according to a UPI report in the New York News December 22, 1976, that:

> United States air power is falling so far behind the Soviet Union that the U.S. may have to resort immediately to nuclear weapons in the event of war.

That is a frightening prediction. Certainly we all hope that it is not accurate. But hope is not enough, given the stakes. There are concrete steps that we can be taking right now to insure that we will have nonnuclear alternatives to Soviet aggression. However, those steps most definitely do not include ending the nonnuclear missile program.

Mr. President, earlier this month the Foreign Relations Committee held hearings on "National Security and Arms Control Implications of Current U.S. Strategic Options."

Our witnesses represented divergent viewpoints, but there seemed to be general agreement on one point. As Dr. Sidney Drell put it:

> . . . (I)n the event of local or theater combat, the United States must be prepared to meet the threat and stabilize the conflict *short of crossing the one-way bridge from non-nuclear to nuclear warfare.* (Emphasis supplied)

I strongly share this view, Mr. President. And because I want to strengthen our conventional credibility in Europe and keep the nuclear threshold high if war does occur, I support procurement of nonnuclear warheads for our Lance missile forces.

During the Senate floor debate on the nonnuclear Lance last August. I made

several arguments in favor of the program. I note, for example:

Today the U.S. has no capability to provide medium-range conventional artillery fire support beyond 20 kilometers from the front lines. In contrast, the Soviet Union has artillery capable of firing more than 30 kilometers, and scores of highly effective Frog and Scud missile launchers.

Lance is an all-weather system, and thus is capable of responding at night or in foul weather. The only U.S. aircraft currently in Europe with this capability is the F–111, which would be much more vulnerable than Lance to enemy air defense systems.

Opposition to the nonnuclear Lance has centered largely around its cost. The critics have generally ignored the factor of aircraft attrition—a potential loss of as much as $10 or $15 million per aircraft—in delivering the munitions to their targets. Given the fact that Warsaw Pact interceptor aircraft outnumber NATO interceptor and attack aircraft by a factor of five, and the existence of about 10,000 Soviet surface-to-air missile—SAM—launchers, this is a major factor. When aircraft attrition is considered, nonnuclear Lance becomes a very cost-effective system.

It costs only about 10 percent more to provide Lance battalions with a nonnuclear capability. The same missile, launcher, and personnel would be used for both the nuclear and the nonnuclear role.

The nonnuclear Lance missile program has been scrutinized very carefully by the Armed Services and Appropriations Committees of both Houses of the Congress.

Following the August 9, 1976, Senate floor debate, the program was approved by a margin of better than 4 to 1. For fiscal year 1977, $74.6 million was authorized and appropriated.

Yet, now, the administration appears determined to ignore the expressed will of the Congress, by killing this important program.

Thus far, the administration has indicated little concern that this move would close down the only active U.S. Army missile production plant, adding more than a thousand workers to the unemployment rolls in an area already suffering very high unemployment.

Thus far, the administration has expressed no concern that terminating this program, for which Congress has already appropriated funds, could violate the 1974 Budget Impoundment Act (title 31, section 1402 of the U.S. Code).

It is my sincere hope that these considerations will be promptly reviewed by Secretary Brown, and others in the new administration, and that they will reconsider and reverse this ill-considered decision.

The interest of international peace and stability demands no less.

PROTECTING OLDER AMERICANS AGAINST OVERPAYMENT OF INCOME TAXES

Mr. HUDDLESTON. Mr. President, the Senate Special Committee on Aging recently published a very helpful summary of deductions and exemptions which older Americans can utilize in order to guard against the overpayment of Federal income taxes. At a time when our tax system remains much too complicated and many of our people find the requirements much too confusing, this summary provides very useful information and direction. Consequently, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

CHECKLIST OF ITEMIZED DEDUCTIONS FOR USE IN TAXABLE YEAR 1976

MEDICAL AND DENTAL EXPENSES

Medical and dental expenses (unreimbursed by insurance or otherwise) are deductible to the extent that they exceed 3 percent of a taxpayer's adjusted gross income (line 75c, Form 1040).

INSURANCE PREMIUMS

One-half of medical, hospital or health insurance premiums are deductible (up to $150) without regard to the 3 percent limitation for other medical expenses. The remainder of these premiums can be deducted, but is subject to the 3 percent rule.

DRUGS AND MEDICINES

Included in medical expenses (subject to 3 percent rule) but only to extent exceeding 1 percent of adjusted gross income (line 15c, Form 1040).

OTHER MEDICAL EXPENSES

Other allowable medical and dental expenses (subject to 3 percent limitation):

Abdominal supports (prescribed by a doctor)
Acupuncture services
Ambulance hire
Anesthetist
Arch supports (prescribed by a doctor)
Artificial limbs and teeth
Back supports (prescribed by a doctor)
Braces
Capital expenditures for medical purposes (e.g., elevator for persons with a heart ailment)—deductible to the extent that the cost of the capital expenditure exceeds the increase in value to your home because of the capital expenditure. Taxpayer should have an independent appraisal made to reflect clearly the increase in value.
Cardiographs
Chiropodist
Chiropractor
Christian Science practitioner, authorized
Convalescent home (for medical treatment only)
Crutches
Dental services (e.g., cleaning, X-ray, filling teeth)
Dentures
Dermatologist
Eyeglasses
Food or beverages specially prescribed by a physician (for treatment of illness, and in addition to, not as substitute for, regular diet; physician's statement needed)
Gynecologist
Hearing aids and batteries
Home health services
Hospital expenses
Insulin treatment
Invalid chair
Lab tests
Lipreading lessons (designed to overcome a handicap)
Neurologist
Nursing services (for medical care, including nurse's board paid by you)
Occupational therapist
Ophthalmologist
Optician
Optometrist
Oral surgery
Osteopath, licensed
Pediatrician
Physical examinations
Physical therapist
Physician
Podiatrist
Psychiatrist
Psychoanalyst
Psychologist
Psychotherapy
Radium therapy
Sacroiliac belt (prescribed by a doctor)
Seeing-eye dog and maintenance
Speech therapist
Splints
Supplementary medical insurance (Part B) under Medicare
Surgeon
Telephone/teletype special communications equipment for the deaf
Transportation expenses for medical purposes (7¢ per mile plus parking and tolls or actual fares for taxi, buses, etc.)
Vaccines
Vitamins prescribed by a doctor (but not taken as a food supplement or to preserve general health)
Wheelchairs
Whirlpool baths for medical purposes
X-rays

TAXES

Real estate
State and local gasoline
General sales
State and local income
Personal property

If sales tax tables are used in arriving at your deduction, you may add to the amount shown in the tax tables only the sales tax paid on the purchase of five classes of items: automobiles, airplanes, boats, mobile homes, and materials used to build a new home when you are your own contractor.

When using the sales tax tables, add to your adjusted gross income any nontaxable income (e.g., Social Security, Veterans' pensions or compensation payments, Railroad Retirement annuities, workmen's compensation, untaxed portion of long-term capital gains, recovery of pension costs, dividends untaxed under the dividend exclusion, interest on municipal bonds, unemployment compensation and public assistance payments.)

CONTRIBUTIONS

In general, contributions may be deducted up to 50 percent of your adjusted gross income (line 15c, Form 1040). However, contributions to certain private nonprofit foundations, veterans organizations, or fraternal societies are limited to 20% of adjusted gross income.

Cash contributions to qualified organizations for (1) religious, charitable, scientific, literary or educational purposes, (2) prevention of cruelty to children or animals, or (3) Federal, State or local governmental units (tuition for children attending parochial schools is not deductible). Fair market value of property (e.g., clothing, books, equipment, furniture) for charitable purposes. (For gifts of appreciated property, special rules apply. Contact local IRS office.)

Travel expenses (actual or 7¢ per mile plus parking and tolls) for charitable purposes (may not deduct insurance or depreciation in either case).

Cost and upkeep of uniforms used in charitable activites (e.g., scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g., postage, stationery, phone calls) while rendering services for charitable organizations.

Care of unrelated student in taxpayer's home under a written agreement with a

qualifying organization (deduction is limited to $50 per month).

INTEREST

Home mortgage.

Auto loan.

Installment purchases (television, washer, dryer, etc.).

Bank credit card—can deduct the finance charge as interest if no part is for service charges, loan fees, credit investigation fees, or similar charges.

Points—deductible as interest by buyer where financing agreement provides that they are to be paid for use of lenders' money. Not deductible if points represent charges for services rendered by the lending institution (e.g., VA loan points are service charges and are not deductible as interest). Not deductible if paid by seller (are treated as selling expenses and represent a reduction of amount realized).

Penalty for prepayment of a mortgage—deductible as interest.

Revolving charge accounts—may deduct the "finance charge" if the charges are based on your unpaid balance and computed monthly.

Other charge accounts for installment purchases—may deduct the lesser of (1) 6% of the average monthly balance (average monthly balance equals the total of the unpaid balances for all 12 months, divided by 12) or (2) the portion of the total fee or service charge allocable to the year.

CASUALTY OR THEFT LOSSES

Casualty (e.g., tornado, flood, storm, fire, or auto accident provided not caused by a willful act or willful negligence) or theft losses to nonbusiness property—the amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the $100 limitation. You may use Form 4684 for computing your personal casualty loss.

CREDIT FOR CHILD AND DEPENDENT CARE EXPENSES

Certain payments made for child and dependent care may now be claimed as a credit against tax instead of as an itemized deduction.

If a taxpayer maintained a household that included a child under age 15 or a dependent or spouse incapable of self-care, a taxpayer may be allowed a 20% credit for employment related expenses. These expenses must have been paid during the taxable year in order to enable the taxpayer to work either full or part time.

For detailed information, see the instructions for Form 2441 on page 17.

MISCELLANEOUS

Alimony and separate maintenance (periodic payments).

Appraisal fees for casualty loss or to determine the fair market value of charitable contributions.

Union dues.

Cost of preparation of income tax return.

Cost of tools for employee (depreciated over the useful life of the tools).

Dues for Chamber of Commerce (if as a business expense).

Rental cost of a safe-deposit box for income-producing property.

Fees paid to investment counselors.

Subscriptions to business publications.

Telephone and postage in connection with investments.

Uniform required for employment and not generally wearable off the job.

Maintenance of uniforms required for employment.

Special safety apparel (e.g., steel toe safety shoes or helmets worn by construction workers; special masks worn by welders).

Business entertainment expenses.

Business gift expenses not exceeding $25 per recipient.

Employment agency fees under certain circumstances.

Cost of a periodic physical examination if required by employer.

Cost of installation and maintenance of a telephone required by the taxpayer's employment (deduction based on business use).

Cost of bond if required for employment.

Expenses of an office in your home if employment requires it.

Payments made by a teacher to a substitute.

Educational expenses required by your employer to maintain your position or for maintaining or sharpening your skills for your employment.

Political Campaign Contributions.—Taxpayers may now claim either a deduction (line 32, Schedule A, Form 1040) or a credit (line 52, Form 1040), for campaign contributions to an individual who is a candidate for nomination or election to any Federal, State, or local office in any primary, general or special election. The deduction or credit is also applicable for any (1) committee supporting a candidate for Federal, State, or local elective public office, (2) national committee of a national political party, (3) State committee of a national political party, or (4) local committee of a national political party. The maximum deduction is $100 ($200 for couples filing jointly). The amount of the tax credit is one-half of the political contribution, with a $25 ceiling ($50 for couples filing jointly).

Presidential Election Campaign Fund.—Additionally, taxpayers may voluntarily earmark $1 of their taxes ($2 on joint returns) for the Presidential Election Campaign Fund.

For any questions concerning any of these items, contact your local IRS office. You may also obtain helpful publications and additional forms by contacting your local IRS office.

OTHER TAX RELIEF MEASURES

Filing status:	*Required to file a tax return if gross income is at least—*
Single (under age 65)	$2,450
Single (age 65 or older)	3,200
Qualifying widow(er) under 65 with dependent child	2,850
Qualifying widow(er) 65 or older with dependent child	3,600
Married couple (both spouses under 65) filing jointly	3,600
Married couple (1 spouse 65 or older) filing jointly	4,350
Married couple (both spouses 65 or older) filing jointly	5,100
Married filing separately	750

Additional Personal Exemption for Age.—Besides the regular $750 exemption allowed a taxpayer, a husband and wife who are 65 or older on the last day of the taxable year are each entitled to an additional exemption of $750 because of age. You are considered 65 on the day before your 65th birthday. Thus, if your 65th birthday is on January 1, 1977, you will be entitled to the additional $750 personal exemption because of age for your 1976 Federal income tax return.

General Tax Credit.—A new general tax credit is available. For this credit, the taxpayer may claim the greater of (1) $35 per exemption shown on line 6d, Form 1040A or Form 1040, or (2) 2 percent of taxable income (line 15, Form 1040A or line 47, Form 1040) but not more than $180 ($90, if married, filing separately).

Multiple Support Agreements.—In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met: (1) Support, (2) gross income, (3) member of household or relationship, (4) citizenship, and (5) separate return. But in some cases, two or more individuals provide support for an individual, and no one has contributed more than half the person's support. However, it still may be possible for one of the individuals to be entitled to a $750 dependency deduction if the following requirements are met for multiple support:

1. Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test—together contribute more than half of the dependent's support.

2. Any one of those who individually contribute more than 10% of the mutual dependent's support, *but only one of them,* may claim the dependency deduction.

3. Each of the others must file a written statement that he will not claim the dependency deduction for that year. The statement must be filed with the income tax return of the person who claims the dependency deduction. Form 2120 (Multiple Support Declaration) may be used for this purpose.

Sale of Personal Residence by Elderly Taxpayers.—A taxpayer may elect to exclude from gross income part or, under certain circumstances, all of the gain from the sale of his personal residence, provided:

1. He was 65 or older before the date of the sale, and

2. He owned and occupied the property as his personal residence for a period totaling at least 5 years within the 8-year period ending on the date of the sale.

Taxpayers meeting these two requirements may elect to exclude the entire gain from gross income if the adjusted sales price of their residence is $20,000 (this amount will increase to $35,000 for taxable years beginning after December 31, 1976) or less. (This election can only be made once during a taxpayer's lifetime.) If the adjusted sales price exceeds $20,000 (this amount will increase to $35,000 for taxable years beginning after December 31, 1976), an election may be made to exclude part of the gain based on a ratio of $20,000 (this amount will increase to $35,000 for taxable years beginning after December 31, 1976) over the adjusted sales price of the residence. Form 2119 (Sale or Exchange of Personal Residence) is helpful in determining what gain, if any, may be excluded by an elderly taxpayer when he sells his home.

Additionally, a taxpayer may elect to defer reporting the gain on the sale of his personal residence if within 18 months before or 18 months after the sale he buys and occupies another residence, the cost of which equals or exceeds the adjusted sales price of the old residence. Additional time is allowed if (1) you construct the new residence or (2) you were on active duty in the U.S. Armed Forces, Publication 523 (Tax Information on Selling Your Home) may also be helpful.

Credit for the Elderly.—A new, expanded, and simplified credit for the elderly has replaced the former more complex retirement income credit.

A taxpayer may be able to claim this credit and reduce taxes by as much as $375 (if single), or $562.50 (if married filing jointly), if the taxpayer is:

(1) Age 65 or older, or

(2) Under age 65 and retired under a public retirement system.

To be eligible for this credit, taxpayers no longer have to meet the income requirement of having received over $600 of earned income during each of any 10 years before this year.

For more information, see instructions for Schedules R and RP.

Earned Income Credit.—A taxpayer who maintains a household for a child who is under age 19, or is a student, or is a disabled dependent, may be entitled to a special payment or credit of up to $400. This is called the earned income credit. It may come as a refund check or be applied against any taxes owned. Generally, if a taxpayer reported earned income and had adjusted gross income (line 15c, Form 1040) of less than $8,000, the taxpayer may be able to claim the credit.

Earned income means wages, salaries, tips, other employee compensation, and net earnings from self-employment (generally amount shown on Schedule SE (Form 1040) line 13.)

A married couple must file a joint return to be eligible for the credit. Certain married persons living apart with a dependent child may also be eligible to claim the credit.

For more information, see instructions for Form 1040 or 1040A.

DR. RICHARD G. LOOMIS

Mr. RIEGLE. Mr. President, Mr. Richard G. Loomis was appointed the Genesee Area Skill Center's first principal in September 1968 and was instrumental in completing plans for its instructional program and its vast array of modern, sophisticated equipment.

The Genesee Area Skill Center, the first area vocational high school in Michigan, was opened in the fall of 1969. Since that time, the Center has provided educational opportunities for more than 50,000 high school students and adults. Under the leadership of Mr. Loomis, the school has been used as a model for the 30 other skill centers now in operation in the State of Michigan.

Since its inception, the school has been visited by over 100,000 people from all parts of the world and from all walks of life. Because of the success of the first area center, the funding for Vocational Education in Michigan has increased seven-fold.

Mr. Loomis was instrumental in forming the Michigan Occupational Education Association and is currently chairman of its legislative committee. He is a member of the executive board and legislative committee of the Michigan Association of Secondary School Principals, and president of the Michigan Association of Area School Administrators. He helped develop the first special needs program in the State of Michigan, to serve disadvantaged and handicapped students. He was also instrumental in the development of the first area placement project in Michigan.

Mr. Loomis has been a consultant for Vocational Education in Michigan and other States, has written many articles for various educational publications, and has been active in civic, service, and professional organizations.

I highly commend his efforts and achievements and hope that he will continue to use his skills to improve vocational education throughout the State of Michigan.

MORE ON CORPORATE LAND BUYING

Mr. McGOVERN. Mr. President, the announcement by Continental Illinois National Bank and Merrill Lynch, Pierce, Fenner, and Smith of its intention to purchase $50 million of farmlands farmed by tenants under an agland arrangement continues to draw editorial fire. I ask unanimous consent that five articles, one from the January 27, 1977, issue of The Drovers Journal, entitled "Investor Land Buying Plan Not Likely To Please Farmers," another from the January 30, 1977, edition of the Des Moines Register called, "Loophole in State Law May Allow Big Chicago Bank To Purchase Iowa Farmlands," a third from the January 29, 1977, edition of the same paper entitled, "Farmland Investment Plan Attacked," as well as the press release of the South Dakota Farmers Union dated January 31, 1977, as well as an editorial from the Watertown, S. Dak., Public Opinion entitled "Dismay and Misgivings," be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Drovers Journal, Jan. 27, 1977]

INVESTOR LAND BUYING PLAN NOT LIKELY TO PLEASE FARMERS

Last December we heard reports to the effect that two financial organizations would soon initiate a unique agricultural land investment plan. The principals, Continental Illinois National Bank of Chicago and Merrill Lynch, Pierce, Fenner and Simth, were rumored to be putting together a fund of around $50 million which would be used to purchase high quality Corn Belt farm land as a long-term investment. The land would be leased to tenant farmers suitably equipped to farm it on a profit-share basis.

The money, it was said, would come from pooled pension and profit-sharing plans. This plan, it was said, made it unique, since while money from such plans has been invested in agriculture before, such funds have not been used exclusively for agricultural land.

Naturally the reports of this plan have been generating much interest in the financial world, as well as some in agriculture. It has even been discussed in congressional circles, and it is understood a senior member of the House agriculture committee has contemplated introducing legislation which would restrict such investments. The American Farm Bureau Federation has announced it is dead-set against the idea and would not rule out the possibility of litigation to block the plan.

Those who protest this plan do so largely on the premise that it could serve as an entering wedge for a development that would result in a large acreage of agricultural land coming under absentee ownership. The AFBF in its annual meeting in December adopted a resolution stating that the entry of huge amounts of outside capital into agriculture raises serious questions concerning who will control agriculture in the future.

As Rep. Paul Findley of Illinois noted, one of the hallmarks of U.S. agriculture is the owner-operator concept. Such a plan, in which huge blocks of land might be acquired by big institutions, could have major ramifications for agriculture in the U.S. Traditionally, the family farm nas lent balance and stability to the farm sector of the economy.

Another possibility is that the injection of large amounts of new capital into the land market would put more pressure under land demand and tend to push prices upward. This could raise both land assessments and taxes. The competition for land obviously would make it more difficult for farmers themselves to buy more land.

Officials of Continental Bank see no reason for such worries. They point out that the amount of money to be spent is not large enough to make an impact on land values, and that the push it would exert toward corporate ownership would be minimal. They note that no more than 30 per cent of the fund can be spent in any one state, no more than 15 per cent on any one farm, and $5 million is the highest permissible investment by any one investor. They argue, also, that the plan would help young farmers by giving them an opportunity to lease farm land which they could never purchase for their use.

One official pointed out that Continental Bank and Merrill Lynch would have every reason to spread out land purchases in such a way as to limit increases in land values. Otherwise, it was noted, the purpose of the investment would be defeated, since the more expensive farm land became before purchases are made, the more the property would have to appreciate in value to justify the decision to invest.

Whatever the arguments, we foresee strong opposition to this plan among farmer groups. Even though this one program might have little or no impact on agriculture, the farmer fears it may be only the beginning of a development that could have serious repercussions. He zealously guards the concept that agriculture should be in the hands of family-type farmers operating independently. This system has always served the nation well, and farmers think it offers the best chance for an efficient, productive agriculture in the future.

The farmer, by nature, mistrusts any dabbling whatsoever by big business in his industry. He has fought corporation farming strongly and we suspect he will oppose this as something akin to corporate intrusion in agriculture.

[From the Des Moines Register, Jan. 30, 1977]

LOOPHOLE ON STATE LAW MAY ALLOW BIG CHICAGO BANK TO PURCHASE IOWA FARMLAND

(By Len Ackland)

A loophole in the Iowa law which prohibits corporations from buying Iowa farmland may enable a giant Chicago bank to buy agricultural land in the state.

Continental Illinois Bank & Trust Co. of Chicago, Ill.—the seventh largest bank in the nation with $15.6 billion in deposits—is in the process of setting up a $50 million fund called "Ag-Land Fund I," to invest in farmland for some of its clients, corporate employe profit sharing and pension plan trusts.

The bank says it intends to buy the land and lease it to tenants. One official, Terry Thompson, vice-president in charge of trust property management, says, "We would like to buy Iowa land."

The bank's plans have drawn criticism from farm groups in Iowa and other states.

The Iowa Legislature in 1975 established a moratorium preventing corporations from buying Iowa farmland until 1978. Called the family farm act, the law was designed to keep the control of Iowa farms in the hands of the state's farmers.

Until recently, most Iowa farm organizations thought the law prohibited Continental Illinois from buying farmland here.

However, a section of the law makes an exception for agricultural land "acquired by a trust company or bank in a fiduciary capacity for the benefit of natural persons or nonprofit corporations."

Since the money in the Continental Illinois fund is being invested on behalf of corporate profit sharing and pension trusts, the fund apparently qualifies for an exemption, officials say.

"It could be a loophole," said Rep. Lyle Scheelhasse, the Moville farmer who introduced the bill in the Legislature.

Other banking experts, including a prominent Des Moines attorney, agree. Iowa Bankers Association executive director Neil Milner said the IBA thought Continental Illinois could buy Iowa farmland under the exception provided in the family farm act.

FIRST PLAN OF ITS KIND

Scheelhasse said the purpose of the section was to allow a bank to become the trustee of an estate pending the settlement of a will. "I look really unfavorably on that (Continental Illinois) plan," he said.

The bank's plan is the first of its kind in the nation. For a minimum investment of $100,000, one of the bank's qualifying clients can also buy into Ag-Land Fund I.

Thompson said no more than 30 per cent of the fund will be invested in any one state, and no one can withdraw any funds until five years after the initial investment. After that, withdrawals require a one-year notice.

The bank says it wants to get a current income of three to five per cent of the land value a year, but its real objective is the long term appreciation of the farmland—some of which has risen by 20 to 25 per cent in recent years.

Continental Illinois will get a fee for managing the fund as well as serving as investment adviser to Merrill Lynch, Pierce, Fenner & Smith, Inc., the brokerage firm marketing the fund.

Thompson said the fund should begin soliciting clients in two to three months, once it gets a favorable tax ruling from the Internal Revenue Service. The U.S. Securities and Exchange Commission and the U.S. Comptroller of the Currency already have approved the plan.

Many farmers do not approve.

"I fear that set up," said Curt Sorteberg, an officer of the Iowa Farmers Union. "In return for a new source of capital, we'd be giving up family ownership of farms and going to tenancy."

WOULD SET PRECEDENT

The threat, he said, is not that Continental Illinois would buy up large amounts of Iowa farmland, since its initial fund will be relatively small. "But it would set a precedent and open the door to more corporate ownership," he said.

Delwin Cross, master of the Iowa State Grange, said, "We're opposed to this sort of tenant farming. Control ought to be in the hands of the people farming the land."

Concern was also expressed by Dean Kleckner, president of the Iowa Farm Bureau Federation, the state's largest farm organization.

"My personal reaction is negative. Anytime you have that much capital going into the market there's an upward pressure on prices," he said. "I see some real problems down the road."

At its convention, the Farm Bureau passed a resolution opposing "the use of agricultural lands as a tax sheltered, long-term investment by various pension and profit sharing funds."

The Illinois Farm Bureau criticized the Continental Illinois plan for the impact it could have in driving up farmland prices. The bank also was the target of criticism at the recent national Farm Bureau Federation convention in Hawaii.

Although not mentioned by name, the Continental Illinois plan was clearly the target. The bank has asked the IRS to exempt the fund from income taxes because it will be offered only to pension and profit sharing trusts.

Thompson, of Continental Illinois, believes criticism of the fund is misdirected.

"Why is farmland so sacred? Everything else in this world is owned by investors," he says.

The bank's trust department, he said, has broad experience in farm management and currently manages properties in 22 states, including "seven farms in Iowa totaling 2,000–3,000 acres."

Thompson said the bank will only buy Class I or Class II farmland currently producing row crops.

Continental Illinois will only be the trustee of the land, Thompson stressed. The "actual owners" will be the employes of corporations whose pension and profit sharing plans invest in the bank's fund.

"No matter what they call it, the bank will be calling the shots on the farmland," said Sorteberg. "And the farmers working the land will no longer control it."

[From the Des Moines Register, Jan. 29, 1977]

FARMLAND INVESTMENT PLAN ATTACKED

WASHINGTON, D.C.—Congressional critics of a plan to set up a mutual fund program to invest in farmland called Friday for Agriculture Secretary Bob Bergland to investigate the proposal while working to prevent it from ever going into operation.

Called an "Ag-Land Trust," the idea is being pushed by Continental Illinois National Bank and Trust Co. and Merrill Lynch, Pierce, Fenner and Smith, a national stock brokerage house.

Senator George McGovern (Dem., S.D.) and Representative Fred Richmond (Dem., N.Y.) and Richard Nolan (Dem., Minn.) said the scheme may threaten the survival of the American family farm and the stability of food prices.

Under the proposal, trustees of pension funds and other tax-exempt institutions would be permitted to invest in shares to purchase working crop farms that produce corn, soybeans, wheat and other grains, the congressmen said.

They said the land then would be farmed under a system of leases or sharecropping arrangements.

McGovern said he wanted an immediate investigation by Bergland of reports that the two financial institutions "have laid the groundwork for a financial scheme to gain control of $50 million of prime farmland.

"I see it as nothing more than a high-handed attack on the basic premise of the family farm system. It is a cynical scheme by corporate interests and big money investors to take advantage of rapidly rising land prices that will not serve the best interests of farmers or those who buy their products," McGovern said.

McGovern, chairman of the Senate subcommittee on agricultural credit, said he intends to fight the plan "with every ounce of energy I can muster."

Richmond and Nolan, members of the House Agriculture Committee, told Bergland in a letter that the joining of "major banking, investment and agribusiness interests to purchase and manage large quantities of American farm land is a threat to every American family farmer and every American consumer."

They said the plan is the first mutual fund established to buy agriculture land "and is being watched by the financial community. If it is successful, mutual funds will be establish for the average investor."

The trust is scheduled to be in operation by Feb. 25, they said.

SOUTH DAKOTA FARMERS UNION,
Huron, S. Dak., January 31, 1977.

HURON.—A recently-announced plan by Continental Bank of Illinois and Merrill Lynch, the nation's largest brokerage house, to buy up $50 million in farmland constitutes a major new escalation in the cooperative drive to take over American farmland, South Dakota Farmers Union president Ben Radcliffe declared here today.

The AG-Land Trust, a mutual fund set up by Continental and Merrill Lynch plans to purchase up to $50 million in farmland in Southern and Midwestern states. The fund would be financed through sale of shares to pension funds and other tax-exempt institutions. The scheme is described in the February issue of the South Dakota Union Farmer.

Although corporate officials claim that the fund would be a "boon to young and beginning farmer", Radcliffe pointed out that one major impact of the AG-Land scheme would be to "further fuel the spiraling inflation in the price of farmland—inflation that is making it difficult if not impossible for young farmers to get started."

"The fact is the AG-Land Trust would be competing with and be in a good position to outbid farmers in purchasing land," the state farm leader continued. "At the same time the Fund's promoters make no secret of the fact that they expect to reap huge, long term profits from the continued appreciation in land values."

Radcliffe stressed that the Fund offers no provision for young people to purchase the land they would rent from the Trust, "thus establishing a new generation of American sharecroppers."

South Dakota Senator George McGovern has called for a review of the Ag-Land scheme by the Department of Agriculture and promised to introduce legislation to halt the program if such legislation is necessary.

"Corporate take-over of agriculture, whether it be by Tennaco, Continental Bank, or Wall Street, would be a disaster for farmers, for our rural communities and for American consumers," Radcliffe declared.

"This new corporate land buying scheme once again underlines the importance of keeping and strengthening our South Dakota Family Farm Act," Radcliffe said.

"If nothing is done to block the Ag-Land Trust we may see a proliferation of these kind of mutual funds schemes, with the eventual result being a take-over of American agriculture by Wall Street investors," Radcliffe concluded.

[From the Watertown (S. Dak.) Public Opinion, Feb. 2, 1977]

DISMAY AND MISGIVINGS

(By Alex Johnson)

PIERRE.—The S.D. Farmers Union views with dismay and misgivings a plan by huge Continental Bank of Illinois and Merrill Lynch, Pierce, Fenner and Smith, the nation's biggest brokers, to buy $50 million in farmland, apparently as a formidable entry into a steadily appreciating investment field.

The plan would operate through the "AG-Land Trust," a mutual fund set up by Continental and would be financed, the FU says, through the sale of shares to pension funds and other tax-exempt institutions. Stock would consist of working farms.

FU President Ben Radcliffe says corporate officials contend the fund would be "a boon to young and beginning farmers" but in reality the impact would be to spur inflation in the price of farmland "which is making it difficult if not impossible for young farmers to get started."

Meanwhile, U.S. Sen. George McGovern has suggested the Department of Agriculture review the Ag-Land plan and has promised to introduce legislation to halt it if necessary.

The FU's monthly Union Farmer says anti-corporate farm laws "can provide a buffer against this type of operation" and quotes William G. Sayre, vice president of Continental Illinois and author of the plan, as saying some states will not be considered for land purchases because of these restrictions. He gives Minnesota as an example and the Union

Farmers adds, "South Dakota's Family Farm Act, passed in 1974, should mean that South Dakota is also safe from the AG-Land Fund."

Radcliffe asserts, "This new corporate land buying scheme once again underlines the importance of keeping and strengthening our S.D. Family Farm Act. If nothing is done to block the Ag-Land Trust we may see a proliferation of this kind of mutual fund scheme with the eventual result being a take-over of American agriculture by Wall Street investors."

AUTHORIZING SALARY INCREASES

Mr. EASTLAND. Mr. President, on October 1, 1976, the President of the United States issued Executive Order 11941 authorizing a pay increase averaging 4.83 percent for employees in the executive branch in accordance with the provisions contained in the Federal Pay Comparability Act of 1970.

In discharging my responsibility as President pro tempore of the Senate under the authority vested in me by section 4 of the Federal Pay Comparability Act of 1970, I issued an order on October 8, 1976, authorizing the same average 4.83 percent salary increase for officers and employees of the U.S. Senate. I ask unanimous consent that this order be printed in the RECORD.

There being no objection, the order was ordered to be printed in the RECORD, as follows:

ORDER: U.S. SENATE, OFFICE OF THE PRESIDENT PRO TEMPORE

By virtue of the authority vested in me by section 4 of the Federal Pay Comparability Act of 1970, it is hereby—

Ordered,

CONVERSION TO NEW MULTIPLE

SECTION 1. (a) Except as otherwise specified in this Order or unless an annual rate of compensation of an employee whose compensation is disbursed by the Secretary of the Senate is adjusted in accordance with the provisions of this Order, the annual rate of compensation of each employee whose compensation is disbursed by the Secretary of the Senate is adjusted to that multiple of $167 which is nearest to but not less than the rate such employee was receiving an October 1, 1976, immediately prior to the application of this Order.

(b) For purposes of this Order—

(1) "employee" includes an officer other than a Senator;

(2) "annual rate of compensation" shall not include longevity compensation authorized by section 106 of the Legislative Branch Appropriation Act, 1963, as amended; and

(3) "applicable percentage" means, with respect to annual rates and maximum annual rates of compensation (as such rates were in effect on October 1, 1976, but prior to the application of this Order)—

(A) 4.83 percent, with respect to such rates which are less than $20,000;

(B) 6.12 percent, with respect to such rates which are $20,000 or more but less than $25,000;

(C) 6.94 percent, with respect to such rates which are $25,000 or more but less than $30,000;

(D) 7.92 percent, with respect to such rates which are $30,000 or more but less than $36,000;

(E) 9.05 percent, with respect to such rates which are $36,000 or more but less than $42,000;

(F) 10.35 percent, with respect to such rates which are $42,000 or more but less than $48,000; and

(G) 11.83 percent, with respect to such rates which are $48,000 or more.

RATE INCREASES FOR SPECIFIED POSITIONS

SEC. 2. (a) The annual rates of compensation of the Secretary of the Senate, the Sergeant at Arms and Doorkeeper, and the Legislative Counsel (as such rates were increased by prior orders of the President pro tempore) are further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of either of the following: (1) the annual rate in effect for positions in level III of the Executive Schedule under section 5314 of title 5, United States Code, or (2) an annual rate of compensation which is $1,000 less than the actual annual rate of compensation of Senators.

(b) The annual rates of compensation of the Secretary of the Majority (other than the present incumbent) and the Secretary for the Minority (as such rates were increased by prior orders of the President pro tempore) are further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rate of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) $43,100, or (2) at such time as such level III is increased to more than $44,000 but less than $52,000, an annual rate of compensation in excess of $50,100, except that the annual rate of compensation shall not exceed, at any time, the next lowest multiple of $167 which is at least $500 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(c) (1) The maximum annual rate of compensation of the Secretary for the Majority (as long as that position is occupied by the present incumbent) (as such rate was increased by prior orders of the President pro tempore), is further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) $43,100, or (2) at such time as level III is increased to more than $44,000 but less than $52,000, an annual rate of compensation in excess of $50,100, except that the annual rate of compensation shall not exceed, at any time, the next lowest multiple of $167 which is at least $500 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(2) The annual rates of compensation of the four Senior Counsel in the Office of the Legislative Counsel and the maximum annual rates of compensation of the Assistant Secretary of the Senate, the Parliamentarian, and the Financial Clerk (as such rates were increased by prior orders of the President pro tempore) are further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this subsection, an individual occupying a position whose annual rates of compensation is determined under this subsection shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) $42,585, or (2) at such time as such level III is increased to more than $44,000 but less than $52,000, an annual rate of compensation in excess of $49,599, except that the annual rate of compensation shall not exceed, at any time, the next lowest multiple of $167 which is at least $1,000 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(d) (1) The maximum annual rate of compensation of the Chief Reporter of Debates (as such rate was increased by prior orders of the President pro tempore) is further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) $39,746, or (2) at such time as such level III is increased to more than $44,000 but less than $52,000, an annual rate of compensation in excess of $46,927, except that the annual rate of compensation shall not exceed, at any time, the next lowest multiple of $167 which is at least $4,000 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(2) The maximum annual rates of compensation of the Administrative Assistant in the Office of the Majority Leader and the Administrative Assistant in the Office of the Minority Leader (as such rates were increased by prior orders of the President pro tempore) are further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) $41,750, or (2) at such time as such level III is increased to more than $44,000 but less than $52,000, an annual rate of compensation in excess of $48,096, except that the annual rate of compensation shall not exceed, at any time, the next lowest multiple of $167 which is at least $3,000 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(3) The maximum annual rates of compensation of the Assistant Secretary for the Majority and the Assistant Secretary for the Minority (as such rates were increased by prior orders of the President pro tempore) are further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) $41,249, or (2) at such time as such level III is increased to more than $44,000 but less than $52,000, an annual rate of compensation in excess of $47,595, except that the annual rate of compensation shall not exceed, at any time, the next lowest multiple of $167 which is at least $3,500 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(4) The maximum annual rates of compensation of the seven Reporters of Debates in the Office of the Secretary (as such rates were increased by prior orders of the President pro tempore) are further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple

of $167. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) $39,412; or (2) at such time as such level III is increased to more than $44,000 but less than $52,000, an annual rate of compensation in excess of $46,426, except that the annual rate of compensation shall not exceed, at any time, the next lowest multiple of $167 which is at least $4,400 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(5) The maximum rates of compensation of the Administrative Assistant in the Office of the Majority Whip and the Administrative Assistant in the Office of the Majority Whip (as such rates were increased by prior orders of the President pro tempore) are further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) $40,748, or (2) at such time as such level III is increased to more than $44,000 but less than $52,000, an annual rate of compensation in excess of $46,258, except that the annual rate of compensation shall not exceed, at any time, the next lowest multiple of $167 which is at least $4,800 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(6) The maximum annual rates of compensation of the Assistant to the Majority and the Assistant to the Minority in the Office of the Secretary, the Legislative Assistant in the Office of the Majority Leader, and the Legislative Assistant in the Office of the Minority Leader (as such rates were increased by prior orders of the President pro tempore) are further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of either of the following: (1) $40,247, or (2) as such time as such level III is increased to more than $44,000 but less than $52,000, an annual rate of compensation in excess of $44,589, except that the annual rate of compensation shall not exceed, at any time, the next lowest multiple of $167 which is at least $6,000 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in subsection (a) of this section.

(7) The maximum annual rate of compensation of the Deputy Sergeant at Arms and Doorkeeper is increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $41,750, until such time as such level III is increased to more than $44,000.

(8) The maximum anual rates of compensation of the Assistant Parliamentarian, the Legislative Clerk, and the Journal Clerk (as such rates were increased by prior orders of the President pro tempore) are further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $38,076 until such time as such level III is increased to more than $44,000.

(9) The maximum annual rates of compensation of the Legislative Assistant in the Office of the Majority Whip, the Legislative Assistant in the Office of the Minority Whip, the Administrative Assistant in the Office of the Sergeant at Arms, and the Assistant Legislative Clerk (as such rates were increased by prior orders of the President pro tempore) are further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this order, at an annual rate of compensation in excess of $38,577, $38,410, and $36,907, respectively, until such time as such level III is increased to more than $44,000.

(10) The maximum annual rate of compensation of the Director of the Senate Recording Studio (as such rate was increased by prior orders of the President pro tempore) and the maximum annual rates of compensation of the Superintendent of the Senate Service Department and the Director of the Senate Computer Center are further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $37,074 until such time as such level III is increased to more than $44,000.

(11) The maximum annual rates of compensation of the Curator of Art and Antiquities of the Senate and the Editor, Digest in the Office of the Secretary (as such rates were increased by prior orders of the President pro tempore) are further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $35,738 until such time as such level III is increased to more than $44,000.

(12) The maximum annual rate of compensation of the Postmaster of the Senate (as such rate was increased by prior orders of the President pro tempore) is further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167. Notwithstanding the provisions of this paragraph, an individual occupying a position whose annual rate of compensation is determined under this paragraph shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate of compensation in excess of $35,070 until such time as such level III is increased to more than $44,000.

CHAPLAIN'S OFFICE

SEC. 3. The annual rate of compensation of the Chaplain and the maximum annual rate of compensation for the position of secretary to the Chaplain (as in effect immediately prior to October 1, 1976) are increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167.

OFFICES OF THE SENATE

SEC. 4. (a) Any specific rate of compensation established by law, as such rate has been increased by or pursuant to law, for any position under the jurisdiction of the Sergeant at Arms shall be considered as the maximum annual rate of compensation for that position. Each such maximum annual rate is increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167.

(b) The maximum annual rates of compensation for positions or classes of positions (other than those positions referred to in sections 2(c) and (d) of this Order) under the jurisdiction of the Majority and Minority Leaders, the Majority and Minority Whips, the Secretary of the Senate, the Secretary for the Majority, and the Secretary for the Minority are increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167.

(c) The following individuals are authorized to increase the annual rates of compensation of the employees specified by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167:

(1) the Vice President, for any employee under his jurisdiction;

(2) the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip, for any employee under the jurisdiction of that Leader or Whip (subject to the provisions of section 2(d) of this Order);

(3) the Majority Leader, for the Secretary for the Majority so long as the position is occupied by the present incumbent (subject to the provisions of section 2(c)(1) of this Order);

(4) the Secretary of the Senate, for any employee under his jurisdiction (subject to the provisions of section 2(c)(2) and (d) of this Order);

(5) the Sergeant at Arms, for any employee under his jurisdiction (subject to the provisions of section 2(d) of this Order);

(6) the Chaplain, for his secretary;

(7) the Legislative Counsel, subject to the approval of the President pro tempore, for any employee in that Office (other than the four Senior Counsel);

(8) the Secretary for the Majority and the Secretary for the Minority, for any employee under the jurisdiction of that Secretary (subject to the provisions of section 2(d) of this Order); and

(9) the Capitol Guide Board, for the Chief Guide; the Assistant Chief Guide, and the Guides of Capitol Guide Service.

(d) The figure "$954", appearing in the first sentence of section 106(d) of the Legislative Branch Appropriation Act, 1963, as amended (as provided in section 4(d) of the Order of the President pro tempore of October 2, 1975), shall be deemed to refer to the figure of "$1,002".

(e) The limitation on the rate per hour per person provided by applicable law immediately prior to October 1, 1976, with respect to the folding of speeches and pamphlets for the Senate, is increased by 4.83 percent. The amount of such increase shall be computed to the nearest cent, counting one-half cent and over as a whole cent.

COMMITTEE STAFFS

SEC. 5. (a) Subject to the provision of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, the chairman of any standing, special, or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), and the chairman of any joint committee of the Congress whose funds are disbursed by the Secretary of the Senate are each authorized to increase the annual rate of compensation of any employee of the committee, or subcommittee thereof, of which he is chair-

man, by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167.

(b)(1) The figures "$18,762" and "$27,666" appearing in section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended (as provided in section 5(b)(1) of the Order of the President pro tempore of October 2, 1975), shall be deemed to refer to the figures "$19,706" and "$29,726", respectively.

(2) The maximum annual rates of "$44,679", "$46,587", and "$48,654" appearing in such section 105(e) (as provided in section 5(b)(2) of such Order of October 2, 1975) are each further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167, and shall be deemed to refer to the figures "$49,432", "$51,436", and "$54,275", respectively.

(3)(A) Notwithstanding the provisions of paragraph (2) of this subsection, any individual occupying a position on the staff of a standing committee of the Senate or the majority or minority policy committee of the Senate to which any such rate applies or to any position to which such rate was made applicable by section 110(b) of title I of the Legislative Branch Appropriation Act, 1977, shall not be paid at any time at an annual rate in excess of $37,742, $39,412, or $41,750, respectively, as long as the annual rate of basic pay for positions in level III of the Executive Schedule under section 5314 of title 5, United States Code, is $44,000.

(B) Notwithstanding the provisions of paragraph (2) of this subsection, when the annual rate for such level III is increased to more than $44,000, but less than $52,000, an individual occupying a position on the staff of any such committee (i) to which the rate "$49,432" applies shall not be paid at any time at an annual rate in excess of $44,088, (ii) to which the rate "$51,436" applies shall not be paid at any time at an annual rate in excess of $46,259, and (iii) to which the rate "$54,275" applies shall not be paid at any time at an annual rate in excess of $48,931, except that such annual rates of compensation shall not exceed, at any time, the next lowest multiple of $167 which is at least $6,000, $4,600, and $2,000, respectively, less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this Order.

(4)(A) Notwithstanding the provisions of paragraph (2) of this subsection, any individual occupying a position on the staff of any special or select committee of the Senate and the conference majority and conference minority of the Senate to which any such rate applies shall not be paid at any time at an annual rate in excess of $37,742, $39,412, or $41,249, respectively, as long as the annual rate of basic pay for positions in such level III is $44,000.

(B) Notwithstanding the provisions of paragraph (2) of this subsection, when the annual rate for such level III is increased to more than $44,000 but less than $52,000, an individual occupying a position on the staff of any such committee (i) to which the rate "$49,432" applies shall not be paid at any time at an annual rate in excess of $44,088, (ii) to which the rate "$51,436" applies shall not be paid at any time at an annual rate in excess of $46,259, and (iii) to which the rate "$54,275" applies shall not be paid at any time at an annual rate in excess of $48,430, except that such annual rates of compensation shall not exceed, at any time, the next lowest multiple of $167 which is at least $6,000, $4,600, and $2,500, respectively, less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this Order.

(5)(A) Notwithstanding the provisions of paragraph (2) of this subsection, any individual occupying a position on the staff of any joint committee of the Congress having legislative authority and whose funds are disbursed by the Secretary of the Senate to which any such rate applies shall not be paid at any time at an annual rate in excess of $37,742, $39,412, or $41,750, respectively, as long as the annual rate of basic pay for positions in such level III is $44,000.

(B) Notwithstanding the provisions of paragraph (2) of this subsection, when the annual rate for such level III is increased to more than $44,000, but less than $52,000, an individual occupying a position on the staff of any such joint committee (i) to which the rate "$49,432" applies shall not be paid at any time at an annual rate in excess of $44,088, (ii) to which the rate "$51,436" applies shall not be paid at any time at an annual rate in excess of $46,259, and (iii) to which the rate "$54,275" applies shall not be paid at any time at an annual rate in excess of $48,931, except that such annual rates of compensation shall not exceed, at any time, the next lowest multiple of $167 which is at least $6,000, $4,600, and $2,000, respectively, less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this Order.

(6)(A) Notwithstanding the provisions of paragraph (2) of this subsection, any individual occupying a position on the staff of any joint committee of the Congress (other than those joint committees having legislative authority) whose funds are disbursed by the Secretary of the Senate to which any such rate applies shall not be paid at any time at an annual rate in excess of $37,742, $38,577, or $39,746. respectively, as long as the annual rate of basic pay for positions in such level III is $44,000.

(B) Notwithstanding the provisions of paragraph (2) of this subsection, when the annual rate for such level III is increased to more than $44,000, but less than $52,000, an individual occupying a position on the staff of any such joint committee (i) to which the rate "$49,432" applies shall not be paid at any time at an annual rate in excess of $44,088, (ii) to which the rate "$51,436" applies shall not be paid at any time at an annual rate in excess of $46,002, and (iii) to which the rate "$54,275" applies shall not be paid at any time at an annual rate in excess of $47,762, except that such annual rates of compensation shall not exceed, at any time, the next lowest multiple of $167 which is at least $6,000, $4,800, and $3,000, respectively, less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this Order.

SENATORS' OFFICES

SEC. 6. (a) Subject to the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended (as modified by this Order), and the other provisions of this Order, each Senator is authorized to increase the annual rate of compensation of any employee in his office by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167.

(b) The table contained in section 105 (d)(1) of such Act shall be deemed to read as follows:

"$449,063 if the population of his State is less than 2,000,000;

"$462,089 if such population is 2,000,000 but less than 3,000,000;

"$493,485 if such population is 3,000,000 but less than 4,000,000;

"$533,899 if such population is 4,000,000 but less than 5,000,000;

"$566,965 if such population is 5,000,000 but less than 7,000,000;

"$601,701 if such population is 7,000,000 but less than 9,000,000;

"$639,443 if such population is 9,000,000 but less than 10,000,000;

"$668,501 if such population is 11,000,000 but less than 12,000,000;

"$706,577 if such population is 11,000,000 but less than 12,000,000;

"$735,635 if such population is 12,000,000 but less than 13,000,000;

"$772,709 if such population is 13,000,000 but less than 15,000,000;

"$809,783 if such population is 15,000,000 but less than 17,000,000;

"$846,857 if such population is 17,000,000 but less than 19,000,000;

"$874,579 if such population is 19,000,000 but less than 21,000,000;

"$902,301 if such population is 21,000,000 or more.".

(c)(1) The second sentence of section 105(d)(2) of such Act is modified to read as follows: "The salary of an employee in a Senator's office shall not be fixed under this paragraph at a rate less than $1,169 per annum or in excess of $27,221 per annum except that (i) the salaries of five employees may be fixed at rates of not more than $47,929 per annum, and (ii) the salary of one employee may be fixed at a rate of not more than $50,100 per annum.".

(2) Notwithstanding the modification made by paragraph (1) of this subsection, any individual occupying a position to which a rate referred to in clause (i) or (ii) of such modification applies shall not be paid at any time at an annual rate exceeding $38,577 or $41,750, respectively, as long as the annual rate of basic pay for positions at level III of the Executive Schedule under section 5314 of title 5, United States Code, is $44,000.

(3) Notwithstanding the modification made by paragraph (1) of this subsection, if the annual rate for such level III is increased to more than $44,000, but less than $52,000, an individual occupying a position to which a rate referred to in such clause (i) or (ii) applies shall not be paid at any time, by reason of the promulgation of this Order, at an annual rate in excess of (A) in the case of an individual to whom the rate under such clause (i) applies, $44,756, and (B) in the case of an individual to whom the rate under clause (ii) applies, $48,096, except that such annual rates of compensation shall not exceed, at any time, the next lowest multiple of $167 which is at least $5,500 and $2,500, respectively, less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2 (a) of this Order.

GENERAL LIMITATION

SEC. 7. (a) The figure "$1,113" appearing in section 105(f) of the Legislative Branch Appropriation Act, 1968, as amended (as provided in section 7(a)of the Order of the President pro tempore of October 2, 1975) shall be deemed to refer to the figure "$1,169".

(b)(1) The maximum annual rate of compensation of "$48,654" appearing in such section (as provided in section 7(b)(1) such Order of October 2, 1975) is further increased by the applicable percentage, and as so increased, adjusted to the next higher multiple of $167, and shall be deemed to refer to the figure "$54,275".

(2) Notwithstanding the provisions of paragraph (1) of this subsection, any individual occupying a position to which such rate applies shall not be paid at any time at an annual rate exceeding $41,750 as long as the annual rate of basic pay for positions at level III of the Executive Schedule under section 5314 of title 4, United States Code, is $44,000.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, when the annual rate for such level III is increased to more than $44,000, but less than $52,000, any individual occupying a position to which such rate applies shall not be paid at any time at an annual rate in excess of $48,326, except that the annual rate of compensation shall not exceed, at any time, the next lowest mul-

tiple of $167 which is at least $2,500 less than the annual rate of compensation, which is now or may hereafter be in effect, for those positions referred to in section 2(a) of this order.

NOTIFYING DISBURSING OFFICE OF INCREASES

SEC. 8. (a) In order for an employee to be paid an increase in the annual rate of his compensation under authority given by this Order, the individual designated by section 4, 5, or 6 to authorize an increased rate of compensation for that employee shall notify the disbursing office of the Senate in writing that he authorizes an increase in such rate for that employee (which may not exceed the increase authorized by this Order) and the date on which that increase is to be effective. Such increase shall become effective as provided in section 105(a)(2) of the Legislative Branch Appropriation Act, 1968, except that if the notice required by the preceding sentence is given on or before October 20, 1976, such increase may become effective on or after October 1, 1976.

(b) Subsection (a) shall not apply to any employee to whom section 2 (a) or (b) applies or to the four Senior Counsel in the Office of the Legislative Counsel.

DUAL COMPENSATION

SEC. 9. The figure "$10,540" contained in section 5533(c)(1) of title 5, United States Code, shall be deemed to refer to the figure "$11,050".

EFFECTIVE DATE

SEC. 10. Sections 1–9 of this Order are effective October 1, 1976.

WATER POLLUTION ABATEMENT PROGRAM

Mr. NELSON. Mr. President, in 1966 the Congress passed the Clean Water Restoration Act. This legislation significantly accelerated this Nation's water pollution abatement program. A key provision of this act (P.L. 89–753) created the reimbursement sewage treatment construction grant program.

Senators will recall that under this program, the Nation's municipalities were encouraged to step up their wastewater treatment plant construction program by committing local funds prior to the availability of matching Federal moneys.

The Congress and the President promised in 1966, with the enactment of this legislation, that the cities that went ahead and spent their moneys in lieu of Federal grant funds would be reimbursed up to 55 percent of the actual cost of the sewage treatment plant construction. Pursuant to this legal commitment, over 5,300 projects were initiated across this country.

In 1972 when Congress passed the Federal Water Pollution Control Act Amendments (P.L. 92–500), this legal commitment was underscored. Section 206(a) of this legislation specifically states that "the cities shall be reimbursed * * * for up to 55 percent of the total construction cost."

Over the last 10 years, Congress and the President have not done a good job in meeting their legal and moral obligations to the Nation's municipalities. In fact, during the Nixon-Ford administrations, the Presidents refused to request any appropriations for this program, despite the fact that the money was promised and is desperately needed.

Each year for the past 3 years, I have proposed amendments to the Environmental Protection Agency's appropriation to fund the reimbursement program. Because of past administration objection, this office has only been partially successful in making additional funding available. At my request, the EPA has prepared a chart listing on a State-by-State basis the status of this program. The chart details how much each State has received, pursuant to section 206(a), and contains a column listing the balance due each State. I ask unanimous consent that the chart be printed in the RECORD.

Moreover, I have written to President Carter and asked his help in supporting the inclusion of an additional $300 million in the fiscal year 1978 budget for the reimbursement program. EPA informs me that if such an appropriation is made, it will be sufficient to conclude and fulfill the Federal Government's long-standing legal commitment—a 10-year promise will finally be met. I ask unanimous consent that a copy of my letter to President Carter be printed in the RECORD.

I respectfully urge all Senators to carefully review the chart and my letter to President Carter and join with me in an effort to secure this additional funding.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MUNICIPAL CONSTRUCTION DIVISION—CONSTRUCTION OPERATIONS BRANCH

EXPECTED STATUS OF REIMBURSEMENT, UNDER SEC. 206 PUBLIC LAW 92-500, FOR CONSTRUCTION GRANT PROJECTS AFTER REALLOTMENT OF FUNDS RECOVERED FROM REVISED PROJECT, JANUARY 1977

	Estimated Total reimbursement Needed	Allotment of total appropriated funds	Estimated balance
Total	2,420.4	2,100.0	320.4
Alabama	9.3	8.1	1.2
Alaska	7.4	6.4	1.0
Arizona	5.1	4.4	.7
Arkansas	7.0	6.1	.9
California	45.6	39.6	6.0
Colorado	10.0	8.7	1.3
Connecticut	116.0	100.6	15.4
Delaware	13.0	11.3	1.7
District of Columbia	1.5	1.3	.2
Florida	68.0	59.0	9.0
Georgia	74.5	64.6	9.9
Hawaii	4.8	4.2	.6
Idaho	1.8	1.6	.2
Illinois	121.4	105.3	16.1
Indiana	22.5	19.5	3.0
Iowa	7.8	6.8	1.0
Kansas	7.6	6.6	1.0
Kentucky	12.5	10.8	1.7
Louisiana	9.0	7.8	1.2
Maine	13.6	11.8	1.8
Maryland	5.26	45.6	7.0
Massachusetts	12.8	11.1	1.7
Michigan	141.7	122.9	18.8
Minnesota	28.5	24.7	3.8
Mississippi	4.4	3.8	.6
Missouri	7.6	6.6	1.0
Montana	1.8	1.6	.2
Nebraska	2.9	2.5	.4
Nevada	3.2	2.8	.4
New Hampshire	13.0	11.3	1.7
New Jersey	74.3	64.5	9.8
New Mexico	1.7	1.5	.2
New York	1,046.8	908.2	138.6
North Carolina	18.9	16.4	2.5
North Dakota	1.0	.9	.1
Ohio	108.6	94.2	14.4
Oklahoma	6.2	5.4	.8
Oregon	18.3	15.9	2.4
Pennsylvania	76.4	66.3	10.1
Rhode Island	.2	.2	
South Carolina	18.3	15.9	2.4
South Dakota	1.7	1.5	.2
Tennessee	44.2	38.3	5.9
Texas	30.9	26.8	4.1
Utah	3.0	2.6	.4
Vermont	.8	.7	.1
Virginia	36.3	31.5	4.8
Washington	22.3	19.3	3.0
West Virginia	3.1	2.7	.4
Wisconsin	7.52	65.2	10.0
Wyoming	.4	.3	.1
Guam			
Puerto Rico	3.9	3.4	.5
Virginia Islands	1.0	.9	.1
American Samoa			
Trust Territory of Pacific Islands			

U.S. SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., February 6, 1977.

Hon. JIMMY CARTER,
President of the United States,
The White House,
Washington, D.C.

DEAR PRESIDENT CARTER: I would like to share with you my views concerning the reimbursement sewage treatment construction grant program.

As you may know, in 1966 Congress passed legislation that urged municipalities to accelerate their sewage treatment plant construction efforts. The Federal Government promised to reimburse cities up to 55 percent of the actual construction cost of wastewater treatment facilities if the municipalities went ahead and started construction prior to obtaining the regular Federal matching funds. Based upon this Federal commitment contained in Section 203(a)(b) and 204 of the Clean Water Restoration Act (PL 89–753), over 5,300 projects were started across the nation.

In 1972, when Congress passed the Federal Water Pollution Control Act Amendments (PL 92–500), this legal commitment was underscored. Section 206(a) specifically states that "the cities shall be reimbursed . . . for up to 55 percent of the total construction cost." To meet the obligations of this program, over $2.6 billion has been authorized and approximately $2.1 billion has been appropriated. However, ten years after the Federal Government made a moral and legal commitment to the nation's cities, the obligation has yet to be fulfilled. For the past several years, I have attempted to include funding for the Environmental Protection Agency (EPA) to carry out the provisions of law relating to this most important program. For each of the last three years, the Nixon-Ford Administrations have opposed additional funding, despite the outstanding Federal obligation. Enclosed, for your information, is a chart the EPA recently developed for me listing how each state is affected by this program. I intend to seek the additional appropriation of $300 million for inclusion in the EPA's FY '78 budget for the Section 206(a) program. This funding, if appropriated, will finally fulfill the Federal Government's legal obligations to the nation's cities. It will culminate a ten-year battle for equity.

I respectfully ask your support of this effort and I look forward to working with you on this most important problem.

Sincerely,

GAYLORD NELSON,
U.S. Senator.

CHARLES D. FERRIS

Mr. HUMPHREY. Mr. President, a familiar face is missing from the Cham-

ber today. I speak of Charlie Ferris, who has left the Senate after having served 13 years as general counsel and staff director of the Democatic Policy Committee.

Over the years I have relied heavily on Charlie's advice and counsel, as well as his friendship. His sharp mind and quick wit suited him ideally for the position of high responsibility which he held.

Charlie made his mark on the Senate almost from the beginning of his tenure. I was the majority whip then, as well as floor leader for the Civil Rights Act of 1964. His able and tireless assistance contributed significantly to passage of that historic legislation.

Mr. President, I will miss Charlie, and his absence will be felt in the Senate. But he has yet much to contribute in the years ahead and I wish him my very best as he embarks on his new career.

SENATOR BARTLETT'S STATEMENT ON THE ASPIN SPEECH

Mr. BARTLETT. Mr. President, I wish to thank the Honorable LES ASPIN for calling attention once again to the report entitled "NATO and the New Soviet Threat," which Senator NUNN and I presented to the Senate Armed Services Committee last month. The significant growth in Soviet conventional military capability which has occurred during the last 10 years, and especially since 1970 in Eastern Europe, deserves all of the discussion possible. With the end of absolute American superiority in strategic nuclear forces, the buildup and modernization of Soviet ground forces, particularly in East Germany, is extremely worrisome.

Mr. ASPIN is well aware of the magnitude of the growth of Soviet forces in the Warsaw Pact—more than 100,000 men and five divisions since the Russian invasion of Czechoslovakia, and he is well aware of the widespread modernization and improved mobility. Ground forces have been strengthened by the introduction of the T–72 tank and the BMP–60 mechanized infantry combat vehicle. The number of Soviet artillery tubes in Eastern Europe has expanded by 50 percent in recent years as the Soviet Union has moved from towed to self-propelled artillery. Likewise, new truck plants in the Soviet Union have permitted the Soviet Union to greatly increase its ability to stockpile and supply troops throughout Eastern Europe. The ability to bring massive amounts of artillery to bear on NATO antitank weapons greatly reduces the ability of our allies to meet the massive, and improved, Warsaw Pact tank threat.

Likewise, the modernization of Soviet tactical airpower is of great concern. The new Mig–23's and SU–19's, as well as the backfire bomber, now permit the Soviet Union to attack all major NATO headquarters, nuclear facilities, and staging areas as far as Great Britain. Recent Warsaw Pact exercises underscore the fact that the Soviet Union is aware of its ability to penetrate against vital NATO targets.

While the precise consequences of these developments for NATO are uncertain, it is now clear that the Warsaw Pact forces are now capable of launching a major conventional attack into the northern German Plain with forces in being and without a major reinforcement effort. Soviet forces further from the West German border would then be able to reinforce and exploit successes made possible by the original attacking forces. The second wave would be mobilized after the first surprise attack nad already occurred.

It is at this point that Mr. ASPIN expresses some concern, and I would like to put his objections to rest. First, it is not the contention of our report on NATO that the Soviet Union and the Warsaw Pact are now preparing an attack upon Western Europe. We are simply stating that the ability of the Soviet Union to attack our forces in Europe and our NATO allies has significantly improved. We are assessing capability, not intent, and every key NATO commander we spoke to including Gen. Alexander Haig agreed that the Soviet Union now has the capability to launch a devastating Blitzkrieg style attack into Northern Germany.

Second, Mr. ASPIN seriously doubts our level of concern over the ability of the Soviet Union to launch a surprise attack upon NATO. Our report does not maintain that NATO would be completely without warning, only that the warning time would be greatly reduced. Present MBFR negotiating parameters do not seem to offer hope of any significant increase in warning time. Likewise, actual reaction time would be even shorter due to widespread political paralysis within many of the NATO governments and bureaucracies.

The ability of the Soviet Union to initiate an attack without major troop movements or significantly detectable battlefield preparation means that the decisionmakers in the NATO alliance will be faced with an attack in progress rather than the probability that an attack is about to be made. A lack of unity over the precise response to be made at that late hour could well determine the fate of the war long before the question of the relative readiness levels and mobilization times of NATO and Warsaw Pact reserves is even dealt with.

The notion that tactical nuclear weapons would be employed almost routinely looses credibility in an age of nuclear parity. If no attack is ever a complete surprise, many attacks and invasions have been sufficiently sudden to be successful in the face of great odds. Pearl Harbor, the second battle of the Ardennes, the Russian invasion of Czechoslovakia, and the Middle East war of 1973 all show that a surprise attack is still possible in the modern age.

However, I should point out that it is not only the military consequences of the improvement of Soviet conventional military power in Eastern Europe which concerns me. The political dangers are more immediate. I will not repeat the discussions of the dangers of Finlandization, Eurocommunism, and the threat to allied status in Berlin. Let me simply point out that should a political crisis occur in Europe, what national leader would wish to have to make the decision to mobilize his active and reserve forces and to call upon his allies simply to bring his strength up to that of the Warsaw Pact in order to show resolve over issues over which no war should ever be fought. Great disparity in strength and readiness between Warsaw Pact and NATO forces is destabilizing and brings to mind the dangers of competitive mobilization of the kind that made World War I inevitable.

Mr. President, NATO and the United States do not have to face that situation. We must simply keep our strength and readiness in Europe comparable to that of our potential adversary.

NEED TO UPGRADE RAILROAD ROADBEDS

Mr. ROBERT C. BYRD. Mr. President, I have contacted Secretary Brock Adams of the Department of Transportation and Mr. Stuart Eizenstat, Assistant to the President for Domestic Affairs, to urge that the administration move as quickly as possible to implement fully the Railroad Revitalization and Regulatory Reform Act of 1976 in order to upgrade our badly deteriorated railroad equipment and facilities.

The neglect of our nationwide railroad system has been a matter of concern to me for some time. Maintenance and capital improvement of our railroads has been deferred for too long. The severity of our winter combined with our current energy crisis has now drawn our attention once again to critical needs throughout our transportation system. Increased numbers of accidents on deteriorating roadbeds have underlined the importance of the legislation we passed last year which provides $1.6 billion for low cost loans and loan guarantees as interim assistance to begin the job of rehabilitating the Nation's rail industry and to modernize and properly maintain equipment and facilities.

In August of this year the Department of Transportation will submit a report to Congress on the long-term capital needs of our rail system. The First National City Bank, using data from Department of Transportation and from the Association of American Railroads, has projected that between now and 1985 railroads will need approximately $34 billion in rehabilitation and improvement funds. Rail revenue will not generate sufficient cash resources to provide for this capital investment without a combination of assistance through low cost loans and an improvement in the competitive position of the railroads.

Congress has provided the mechanism through which those loans can be made available within the repayment capabilities of the industry. We have begun to reform our archaic regulatory framework so that the rail industry can do a better job of helping itself.

I believe that it is necessary for the administration to look carefully at the regulations which have been proposed by the previous administration to govern applications by railroads for financial assistance under sections 505 and 511 of the Railroad Revitalization Act. It is essential that these regulations be formulated in such a way that the intent of the

legislative program will be carried out. I believe that we should begin immediately to assist the railroad industry to rebuild and revitalize our rail system for both passenger and freight transportation. This action may require rethinking the priorities established by the previous administration.

It is also vital that the administration begin the massive rehabilitation of the Northeast corridor, which Congress has required to be completed within 5 years of last February. Not only would this undertaking provide many needed jobs, but it would provide vastly improved, energy-efficient transportation for the 20 percent of the Nation's population who live on 2 percent of our land in the crowded urban megalopolis from Boston to Washington.

President Carter has spoken of his wish to provide entirely new programs to improve our railroad system and to take whatever action is necessary to reorganize and revitalize our railroads. I believe that the Congress has provided a program which is ready for use and already funded. I am urging the President to begin addressing this problem by fully utilizing the 1976 law which provides the necessary authorization and funding to accomplish this task.

Mr. ROBERT C. BYRD. Mr. President, I ask that the morning business be closed and that the distinguished Senator from Arkansas (Mr. McCELLAN) then be recognized.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

URGENT POWER SUPPLEMENTAL APPROPRIATIONS

Mr. McCLELLAN. Mr. President, I report House Joint Resolution 227 from the Committee on Appropriations and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (House Joint Resolution 227) making urgent power supplemental appropriations for the Department of Interior, Southwestern Power Administration for the fiscal year ending September 30, 1977, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

SOUTHWESTERN POWER ADMINISTRATION

Mr. McCLELLAN. Mr. President, the joint resolution as passed today by the House provides $6,400,000 for the Southwestern Power Administration for the purchase power activity. The committee recommends concurrence with the House.

The following excerpt from House Document 95–69, the President's request for this supplemental appropriation explains the urgency of this action:

This proposed supplemental appropriation will enable the Southwestern Power Administration to purchase additional thermal generated electric power to make up the shortfall in the amount of power generated at the Corps of Engineers' hydroelectric power facilities located in Oklahoma, Missouri, and Arkansas. This shortfall is the result of a severe drought which has existed in this area since July 1976. This power is supplied to municipalities, cooperatives, and other customers. This drought has reduced the flow into the Corps' reservoirs to such an extent that only 20 percent of the normal amount of hydroelectric power can be generated by these facilities. Funds available for the purchase of power will be exhausted by February 15. Unless additional funds are made available, power shortages and blackouts will occur in the areas served, causing severe economic and social dislocations.

The Southwestern Power Administration is the marketing agent designated by the Secretary of the Interior to dispose of the power and energy generated at U.S. Army Corps of Engineers hydroelectric plants in the six State area of Kansas, Oklahoma, Texas, Missouri, Arkansas, and Louisiana. Power and energy is delivered to municipalities, rural electric cooperatives, defense installations, and private utilities located in the six State area through the transmission system of the Southwestern Power Administration and through the transmission systems of others. The Southwestern Power Administration is responsible for marketing the output of 21 projects with a total capacity of 1,916,700 kilowatts.

The costs attributable to the production of hydroelectric power from Corps of Engineers projects are recovered over the life of the projects.

The costs of operation and maintenance is recovered in the year incurred. Thus, this appropriation of $6.4 million is in the nature of a "short-term loan." The proceeds from the sale of the power is deposited to miscellaneous receipts of the Treasury. The Southwestern Power Administration is not authorized to use these funds. Funds to finance their operation and maintenance program are provided by direct appropriation.

Due to low rainfall conditions, inflows to the reservoirs have decreased continually since last July. The Southwestern Power Administration has, therefore, had to buy increasing amounts of thermal electric energy to supply their customers. The funds included in the regular appropriation for 1977 have been exhausted.

It is necessary to provide funds sufficient to meet these most urgent requirements.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

The appropriations for fiscal year 1977 for the Energy Research and Development Administration are included in Public Law 94–355—July 12, 1976—and Public Law 94–373—July 31, 1976. Both of these public laws contain provisions which limit the use of funds appropriated to that administration, subject to enactment of authorizing legislation. Legislation authorizing ERDA's programs for 1977 has not been enacted to date.

Public Law 94–473—October 11, 1976—authorized the use of the funds contained in Public Law 94–355 and Public Law 94–373 until March 31, 1977, or until enactment of authorizing legislation.

If authorizing legislation is not enacted prior to March 31, 1977, there will be no authority for ERDA to use any of the funds appropriated.

Therefore, Mr. President, the Committee on Appropriations agrees with the House and recommends the language in the joint resolution to remove the restrictions included in the appropriation acts.

Mr. President, this resolution was processed in the committee by the Subcommittee on Public Works Appropriations and I, therefore, shall yield to the distinguished chairman of the subcommittee (Senator STENNIS), to manage the bill here on the floor of the Senate. I shall make one observation, though, Mr. President, before doing that.

The need for this appropriation is urgent. Within very few days, I believe by the 15th of this month, if funds are not made available there is bound to result a blackout of electric service in the Southwest area served by the Southwestern Power Administration.

The shortfall in hydroelectric energy down there in that area is 80 percent below normal, and the Southwest Administration is without funds to purchase power from other sources unless these funds are made available.

Because of the urgency, Mr. President, of this appropriation, I know there are many other items that we would like to consider appropriations for and for those who have in mind some supplemental appropriation that they favor or would like to procure, I would suggest that we will have a regular supplemental appropriation bill before us shortly, and I would hope all amendments that are contemplated on this could be deferred until the regular supplemental bill and thus let this bill be passed immediately and get the President's signature so the Southwest Power Administration authorities and their customers may be put at ease with respect to the dilemma with which they are confronted.

Mr. President, I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, we did hold hearings on this supplemental estimate. The Senator from North Dakota (Mr. YOUNG), the distinguished ranking minority member of the committee, was present at the hearings, as was the Senator from Oklahoma (Mr. BELLMON). And I notice they are each in the Chamber.

Mr. President, this is really a very simple but at the same time urgent matter. It relates to a relatively small sum of money that is ordinarily appropriated to the Southwestern Power Administration for their use in case it is needed because of some shortage of power in their own hydroelectric plants in buying some power wherever they can get it so as to fully supply their customers. Their customers are municipalities and cooperatives that are in the area. The

area in question for the Southwestern Power Administration is Kansas, Missouri, Arkansas, Oklahoma, Texas, and Louisiana, that area of these States. The hydroelectric plants that I referred to are in the State of Oklahoma, Texas, Missouri, and Arkansas.

They have had a water shortage in the area since last July, which largely continues, and these plants have just not been able to produce the electricity that they ordinarily do in quantity, and therefore, cannot supply their customer's needs.

They have already used all of their funds that are ordinarily appropriated every year for purchase power, in the neighborhood of $3.2 million, for this purpose, and there is usually enough or more than enough, which reverts if not used. Additionally, through reprograming actions, another $2 million of operation and maintenance funds have been committed.

As I have said, this year there has been an unusual situation, and this request for $6.4 million is to tide them over until the water situation improves and hopefully the end of the current fiscal year, at which time it will be paid back. All this money is to be paid back to the Government, after just letting them have it for this temporary supply of electricity. They sell the electricity, take the money, and pay it back.

As I have stated that, they have had a bountiful supply of water in the last few years, and have used only very small sums to purchase additional power. The President has said in the request for these funds:

> This proposed supplemental appropriation will enable the Southwestern Power Administration to purchase additional thermal generated electric power to make up the shortfall in the amount of power generated at the Corps of Engineers' hydroelectric power facilities located in Oklahoma, Missouri, and Arkansas. This shortfall is the result of a severe drought which has existed in this area since July 1976. This power is supplied to municipalities, cooperatives, and other customers. This drought has reduced the flow into the Corps' reservoirs to such an extent that only 20 percent of the normal amount of hydroelectric power can be generated by these facilities. Funds available for the purchase of power will be exhausted by February 15.

That is a week from tomorrow, and that date is highly important, and a strong argument against any amendments, I might say.

The House of Representatives has just passed this joint resolution by a vote of 329 to 3—think of that—and as I understand, they will be going out on Wednesday and not be back in session next week until after this deadline date has passed.

> Unless additional funds are made available, power shortages and blackouts will occur in the areas served, causing severe economic and social dislocations.

I might say it omits the effect of the freezing temperatures, too.

That is the story about this sum of money. There is another unrelated part of the joint resolution.

Last year we could not finalize an authorization for ERDA, so we finally did finalize an appropriation bill for amounts that were not authorized by law, which had a proviso that the money could not be spent until there was an authorization bill authorizing those amounts.

Well, we never did get to the authorization bill. Now the money is lying there, needed, and cannot be spent after March 31, 1977.

This is hardly the time to get together on last year's authorization bill, now; so this resolution would merely repeal those provisos in the appropriation bills. I will read them out here briefly. They are listed in the joint resolution itself, which is before us. It relates to these items concerning the Energy Research and Development Administration: One section relates to operating expenses, another to plant and capital equipment, another to operating expenses, fossil fuels, and another to plant and capital equipment, fossil fuels.

That is the story. It does not add any money and it does not subtract any money, but it makes spendable money that has already been appropriated for these specific purposes. It is a departure from the ordinary rules and customs of the House of Representatives and the Senate, but under the circumstances this matter was unanimously approved by the committee, and I have stated the vote in the House.

Mr. BUMPERS. Mr. President, will the Senator yield for a question?

Mr. STENNIS. Yes; I am happy to yield to the Senator.

Mr. BUMPERS. The Senator has just stated that this resolution repeals the proviso in the original appropriation acts which said the money could not be spent without the authorization.

The Senator will recall, of course, that we were unsuccessful the last day of the session in getting the authorization passed.

I have had some correspondence with officials of ERDA with repect to two particular programs that are funded in the ERDA Appropriation Act of fiscal year 1977, Public Law 94–373 and Public Law 94–355, but that have not been authorized due to the failure of the ERDA conference report last October. Both of these programs, the Energy Extension Service and a biomass conversion facility, were in the conference report and would have been authorized by law had that report been agreed to. Under the present state of affairs, despite the continuing resolution, which on its face appears to be a total and complete substitute for an authorization statute, ERDA is refusing to go forward with these programs. An authorization bill for fiscal year 1977 has been introduced and is now pending before the Committee on Energy and Natural Resources. I am going to do everything possible to see that this bill is promptly reported out and acted on by the Senate.

In the meantime, however, I note the provisions in the pending joint resolution to extend ERDA's existing authority under the continuing resolution passed last year. I would like to ask the distinguished manager of this measure if it is his understanding, as it is mine, that this language is intended by the Senate to authorize ERDA to carry out all those programs included in its current appropriation statute, including the Energy Extension Service and the construction of a biomass conversion facility.

The Senator has said the money is just lying there?

Mr. STENNIS. Yes. Here is the way I understand it, and I refer to page 3 of the report on this measure, the committee report on House Joint Resolution 227. On page 3, the paragraph about the middle of the page beginning with these words, and I will read it:

> The Energy Research and Development Administration is directed not to use——

Mr. BUMPERS. If the Senator will yield at that point, is he reading from the joint resolution or the committee report?

Mr. STENNIS. No, the committee report, on page 3 of the report. This may be a rather involved matter, but this is the way it was worked out. The part that applies here reads this way, as I understand it:

> The Energy Research and Development Administration is directed not to use any of the funds included in Public Law 94–355 or Public Law 94–373 which would incur obligations at a rate which would exceed the amounts which were included by subprogram in the conference report No. 94–1718 accompanying H.R. 13350 or subsequently enacted authorizing legislation.

The reference there to H.R. 13350 is the authorization bill that was previously passed, as the Senator knows, I am sure.

That is the way I understand the situation, and this does not get into definite items, but it repeals the proviso relating to the appropriation of these funds.

Mr. BUMPERS. It would be the Senator's understanding, then, as it is mine, based on that part of the committee report, that the items contained in the authorization which failed could go forward as long as they did not exceed the specific appropriated amounts, so long as it did not obligate us to any amount in excess of that; is that correct?

Mr. STENNIS. That is the way the Senator from Mississippi understands it.

Mr. HATFIELD. Will the Senator yield at that point?

Mr. STENNIS. Yes.

Mr. HATFIELD. I would like to go further into the statement made by the Senator from Mississippi. This is not an effort in any way to modify or change the authorization formula which was set up but never officially authorized, to put it in a rather simplistic way. As the Senator knows, the conference report never passed the Senate. This particular part of this resolution we are acting upon today is merely to eliminate that deadline which was set in the continuing resolution, to eliminate that entirely so that ERDA can really function on the basis of the original authorization which was never fully ratified.

Mr. BUMPERS. If the Senator will indulge me, it is my understanding from the colloquy I just had with the distinguished Senator from Mississippi, this resolution does go further than the Senator from Oregon suggested in that in

the appropriation bill we did things rather strangely last year. We appropriated money but we did not get the authorization passed, despite the fact that it was passed in the House but torpedoed in the Senate at the last moment.

I understood the Senator earlier to say the resolution here says that that proviso in the appropriation which says the money may not be expended without authority is specifically repealed in this resolution.

Mr. HATFIELD. That is correct. If I can say to the Senator from Arkansas, we are approving here and we will not need an authorization act in this instance.

Mr. BUMPERS. I want to make sure we have good, clear legislative history that ERDA, upon the passage of this resolution, will have the authority to spend that appropriated money in accordance with that authorization conference report as long as they do not exceed the amount that is set out in the appropriation acts.

Mr. HATFIELD. The Senator is correct.

Mr. STENNIS. As I understand it, that is covered by this paragraph in the report on page 3, the paragraph that I read. That refers expressly to the conference report on the authorization bill. It is the intent that the funds appropriated heretofore be available to carry out the purposes specified by subprogram in the conference reports on the two appropriation bills and the conference report on the authorization legislation to the extent that funds were appropriated.

Mr. BUMPERS. I thank the Senator.

Mr. STENNIS. Mr. President, I believe that covers the situation as best we can at this point.

Mr. BUMPERS. Will the Senator yield for one additional point?

Mr. STENNIS. Yes.

Mr. BUMPERS. Mr. President, I believe my distinguished colleague from Arkansas made a request before I arrived that amendments to this resolution be deferred until the regular authorization comes through. I am going to honor his request. I know there is a sense of urgency about this resolution, that we need to get it passed. The present continuing resolution will expire on March 31.

I would like to state that I have spoken in this Chamber many times about childhood immunizations in this country, or what I should refer to as the lack of childhood immunizations in this country, and the dilatoriness of both the Congress and the Center for Disease Control in addressing one of the most critical problems in this country on an urgent basis.

Right now there is $17 million authorized for childhood immunizations for the current fiscal year in which we are operating—$13 million was appropriated. Based on measles outbreaks in Los Angeles, Calif., Virginia, and Maryland as recently as last week, plus the prediction of the Center for Disease Control that measles, mumps, and rubella will all reach epidemic proportions this year, while I am willing to defer my amendment requesting an additional $4 million now, I would like to serve notice on the Senate that I will be asking for that additional $4 million for that program some time in the not too distant future.

Mr. McCLELLAN. If the Senator will yield, I understood him to say there was $17 million authorized and $13 million appropriated.

Mr. BUMPERS. That is correct.

Mr. McCLELLAN. Leaving $4 million that could yet be appropriated under the pending authorization.

Mr. BUMPERS. The Senator is correct.

Mr. McCLELLAN. If the anticipated regular supplemental bill comes through at the time we anticipate, within the next 2 to 3 weeks or month, we will still have plenty of time to spend the $4 million, if it is included in that bill. I appreciate the Senator's willingness to defer it on this bill because I believe we should move on this.

Mr. BUMPERS. I am pleased to honor the Senator's request, and I thank him very much for his comment.

Mr. STENNIS. Mr. President, I believe the record is clear on this ERDA appropriations matter. There was a conference report on the ERDA authorization, as we understand, but that conference report was never finally approved in the Senate because objection was made on the last night of the last session. Therefore, it did not become law. This change in the appropriation bill relates merely to the provisos in the appropriation bills that cut off the expenditure of the money. When we repeal that, it leaves the money there but it still stands on the authorization bill. Items in it for which the money was appropriated are still the same and they are reflected in the conference report that was not approved. I think we are together on this.

Mr. SCHMITT. Will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. SCHMITT. I have a question on the supplemental appropriation for the Southwestern Power Administration. Have oversight hearings been held, I presume within the Department of the Interior, about water management practices of that administration and other power administrations?

Mr. STENNIS. The Interior and Insular Affairs Committee, as I understand, does hold oversight hearings because they are the authorizing committee. That is the usual custom. The Appropriations Committee could hold occasional oversight hearings, but they have not done so on this. We do hold the annual hearings on the fiscal year budget estimates.

Mr. SCHMITT. I certainly will support the resolution as it is drafted. I would suggest, however, that at some future time it might be appropriate to look into what techniques are now available for water management, particularly as they relate to power generation, irrigation and budget programs. Some time in the future it may be possible to discuss those in committee hearings or in the Chamber.

Mr. STENNIS. I thank the Senator for his highly relevant remarks.

Mr. President, I yield back the remainder of my time.

Mr. HATFIELD. Mr. President, I yield back the remainder of may time.

The ACTING PRESIDENT pro tempore. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The ACTING PRESIDENT pro tempore. All time has been yielded back.

The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (H.J. Res. 227) was passed.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that the urgent supplemental has been passed unamended.

The ACTING PRESIDENT pro tempore. That is correct.

ORDER FOR SENATORS TO HAVE UNTIL 5 P.M. TODAY TO SUBMIT STATEMENTS, BILLS, RESOLUTIONS, PETITIONS, AND MEMORIALS FOR THE RECORD

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may have until 5 p.m. today to submit statements for the RECORD and to introduce bills, resolutions, petitions, and memorials.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRIFFIN ON THURSDAY, FEBRUARY 10, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, after the two leaders or their designees have been recognized under the standing order, Mr. GRIFFIN be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING THE RECESS UNTIL THURSDAY, FEBRUARY 10, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the

recess of the Senate until Thursday, the Secretary of the Senate be authorized to receive messages, from the President and from the House of Representatives and to make appropriate referrals of such messages.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR OFFICIALS OF THE SENATE TO TAKE CERTAIN ACTIONS DURING THE RECESS UNTIL THURSDAY, FEBRUARY 10, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until Thursday, the Vice President of the United States, the President pro tempore, the Acting President pro tempore, and the Deputy President pro tempore, be authorized to sign all duly enrolled bills and joint resolutions.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SCHMITT, SENATOR THURMOND, AND SENATOR ALLEN ON THURSDAY, FEBRUARY 10, 1977; AND FOR VITIATION OF ORDER FOR RECOGNITION OF SENATOR GRIFFIN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, after the two leaders of their designees have been recognized under the standing order, Mr. SCHMITT, Mr. THURMOND, and Mr. ALLEN be recognized, each for not to exceed 15 minutes and in the order stated, and that the order for the recognition of Mr. GRIFFIN on Thursday be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL THURSDAY, FEBRUARY 10, 1977, AT 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 2 p.m. on Thursday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MOYNIHAN). Without objection, it is so ordered.

ORDER FOR RENEWAL OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a renewal of the period for the transaction of routine morning business for the purpose only of making statements, not to exceed 10 minutes each, and the introduction of bills, resolutions, petitions, and memorials into the RECORD at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPEECH BY HON. LES ASPIN

Mr. NUNN. Mr. President, I commend the Honorable LES ASPIN for his recognition of the growing Soviet threat opposite NATO's crucial central region.

In a speech delivered today on the floor of the House, Mr. ASPIN admitted that the Soviets have expanded and upgraded their 31 divisions deployed in Eastern Europe. He concluded, and I quote, "This has meant a more credible force in place near NATO and a reduced need for mobilization to support that force."

Mr. ASPIN also admitted that, and again I quote, "The Soviets have increased their 'organic' * * * logistics capability."

Finally, Mr. ASPIN admitted, and once more I quote, "There has been a rapid improvement in the quality of the Soviet tactical air force." According to Mr. ASPIN, this rapid improvement has provided—in his own words—"a potential for quick and very destructive strikes against key NATO sites without prior redeployment of aircraft."

Yet, despite what would appear to be the deliberate development of a capability for what the Department of Defense has called an unreinforced attack, Mr. ASPIN denies that the Soviets have such a capability. Citing what he says are assertions by the Institute for Strategic Studies that the Soviets' category I divisions in Eastern Europe are maintained at only 75 percent of their authorized strength, Mr. ASPIN implies that it would take months to bring most of these divisions up to full combat readiness.

He reaches this conclusion by applying U.S. Army readiness criteria and projected mobilization leadtimes to Soviet divisions, and by assuming without any justification, that a Soviet division would be unready for combat until the last piccolo player in the division band was present for rollcall. Using this logic, one could conclude that none of the Soviet Army's 191 divsions is ready for war, Mr. ASPIN also conveniently ignores his own warning, contained in the latter portion of his speech, that the Soviets now have the capacity for a rapid and surreptitious introduction of 100,000 additional troops into Eastern Europe under the guise of normal troop rotation; 100,000 troops would be more than sufficient to flush out Mr. ASPIN's understrength Soviet divisions.

Finally, Mr. ASPIN has misconstrued the Institute for Strategic Studies, which in fact defines category I Soviet divsions, and I am quoting from "The Military Balance 1976–77", as "between three-quarters and full strength, with complete equipment."

Mr. ASPIN further claims that, "the Soviets are still faced with a deficient logistics structure." He bases this conclusion on Soviet performance during the invasion of Czechoslovakia, an event which occurred over 8 years ago. Indeed, it would appear that Mr. ASPIN's judgment of present Soviet logistics capabilities are based primarily on a single eight-page article by journalist Leo Heiman in the August 1969 issue of Military Review.

But perhaps the most mystifying aspect of Mr. ASPIN's speech is his call for an MBFR agreement which would eliminate the threat of an unreinforced Soviet attack. One wonders why our negotiators at Vienna should concern themselves with a threat which, according to Mr. ASPIN, does not exist. Yet, in his critique of the recent Nunn-Bartlett report entitled "NATO and the New Soviet Threat," Mr. ASPIN is at pains to demonstrate that MBFR should shift from its present focus on manpower disparities between NATO and Warsaw Pact forces in the reduction area to the task of curbing Soviet capacity to initiate major hostilities with little or no warning. He also implies that Senator BARTLETT and I have chosen to ignore MBFR as a preferable means of countering the new Soviet threat.

Mr. President, nothing could be further from the truth. As Senator BARTLETT and I stated in our report, and I am quoting directly from it:

The Mutual Balanced Force Reduction (MBFR) negotiations have been underway since January, 1973. No reduction of NATO and Warsaw Pact general purpose forces in central Europe has yet been made as a result of these talks.

In our view, the manpower disparities between NATO and the Warsaw Pact in the designated reduction area (formally known as the NATO Guidelines Area) are not the major NATO problem. Of great concern, however, is the Pact's superiority in firepower, greater readiness, and unsurpassed mobility. These are the true pillars of success in modern war, as was dramatically demonstrated in the October War of 1973. In our opinion the main objectives of MBFR should be to

reduce Soviet firepower in the Guidelines Area, to provide the necessary verification means to ensure it is not reintroduced, and to take steps which would improve early warning of impending attacks. We plan to file a more detailed report on the MBFR situation at a later date.

In lieu of eliminating the threat of decreased warning through negotiation, it is imperative that NATO alter its own conventional force posture to offset the military benefits the Pact now enjoys as a result of decreased warning.

In sum, Mr. President, after agreeing with us that a new Soviet threat is emerging in Eastern Europe, Mr. ASPIN goes on temporarily to deny its existence, and finally returns once again to supporting us in our call for an MBFR agreement which would eliminate that threat.

PAUL WARNKE NOMINATION

Mr. PELL. Mr. President, last Friday I expressed my views on the nomination of Paul Warnke to be Director of the Arms Control and Disarmament Agency, and I would like to reiterate and expand a bit upon those views today.

I share the concern and outrage that several of my colleagues have expressed concerning the charges which have been circulating about Paul Warnke's views on arms control. I have been particularly disturbed over the circulation of an anonymous memorandum which was prepared in an effort to discredit Mr. Warnke who, in my judgment, is one of the most able, dedicated, and distinguished persons to have served the U.S. Government. I understand from a press article that appeared over the weekend that the executive secretary of the Coalition for a Democratic Majority stated that that organization prepared the memorandum. I find it appalling that the authorship of this memorandum has remained unknown for so long, and it is equally disturbing—if the press report I referred to is correct—that the organization responsible for the memorandum has not asked to testify before the Foreign Relations Committee in opposition to Mr. Warnke's nomination.

This memorandum is a vicious collection of innuendos, distortions, half-truths, and charges of guilt by association. To say, for example, that Paul Warnke advocates "the unilateral abandonment of every weapons system which is subject to negotiation at SALT" is ludicrous, but the sad fact is that some people apparently believe such a reckless charge to be true. Paul Warnke has never advocated unilaterally scrapping our entire nuclear arsenal.

I strongly urge my Senate colleagues not to be misled by the scurrilous charges that have been made against Paul Warnke. Reasonable men may differ on what the proper arms control policy of this country should be, but judgments on this matter should be made on the basis of all of the facts and on the basis of a public airing of all of the objections to Mr. Warnke's nomination.

Paul Warnke will be testifying before the Foreign Relations Committee tomorrow, where he will receive a fair hearing and will have an opportunity to set forth his views on arms control and national security policy. I only regret those responsible for the charges against Paul Warnke have not come forward to engage in open debate on Mr. Warnke's qualifiations and on the vital issues of arms control that must be addressed in the years to come.

QUORUM CALL

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. CRANSTON. Mr. President, if there is no further business, we are ready to recess.

The leadership urges that committees take advantage of the 2 days when the Senate will not be in session to move along whatever work they can.

The Democratic Steering Committee will meet at 10 o'clock tomorrow morning to consider committee assignments. It is also hoped that both the Democratic Steering Committee and the opposite member on the Republican side will make their assignments, so that either Thursday or Friday, before the Senate goes out for the nonlegislative session, the final appointments may be made to the committees which require floor action, and then we will be ready for full-fledged activities by the committees.

RECESS UNTIL 2 P.M. THURSDAY, FEBRUARY 10, 1977

Mr. CRANSTON. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 2 p.m. on Thursday next.

The motion was agreed to; and at 3:28 p.m. the Senate recessed until Thursday, February 10, 1977, at 2 p.m.

HOUSE OF REPRESENTATIVES—*Monday, February 7, 1977*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Teach me to do Thy will; for Thou art my God; Thy spirit is good; lead me into the land of uprightness.—Psalms 143: 10.

O God, our Father, eternal source of wisdom, power, and love, whose mercy is over all Thy works and whose will is ever directed to Thy children's good, may Thy Spirit undergird the life of this House of Representatives as they meet this day. Give them the faith to see and the humility to realize that they are Your representatives as well as the representatives of our people. Grant them courage to walk in Thy way, wisdom to make worthy decisions, and good will to motivate their noble endeavors. When there is darkness, enlighten them; when there is weakness, strengthen them; when there is distress, sustain them; when there is sorrow, comfort them; and when there is hatred, let them sow love. So shall they be worthy representatives of our beloved Republic. In the mood of the Master, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Is there objection to the approval of the Journal?

Mr. ASHBROOK. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. WRIGHT. Mr. Speaker, I move the approval of the Journal.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. WRIGHT).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 329, nays 3, answered "present" 3, not voting 96, as follows:

[Roll No. 15]

YEAS—329

Abdnor	Bolling	Cohen
Addabbo	Bonior	Collins, Ill.
Akaka	Bonker	Collins, Tex.
Allen	Bowen	Conable
Ambro	Brademas	Corcoran
Ammerman	Breaux	Corman
Annunzio	Brinkley	Cornell
Applegate	Brodhead	Cornwell
Archer	Brooks	Cotter
Armstrong	Broomfield	Coughlin
Ashbrook	Brown, Calif.	Crane
Aspin	Buchanan	D'Amours
AuCoin	Burgener	Daniel, Dan
Badham	Burke, Fla.	Daniel, R. W.
Badillo	Burke, Mass.	Danielson
Bafalis	Burleson, Tex.	Davis
Baldus	Burlison, Mo.	Delaney
Barnard	Burton, John	Dent
Baucus	Butler	Derrick
Bauman	Byron	Devine
Beard, R.I.	Caputo	Dickinson
Beard, Tenn	Carr	Dingell
Bedell	Carter	Dornan
Beilenson	Cavanaugh	Downey
Benjamin	Cederberg	Drinan
Bennett	Clausen,	Duncan, Oreg.
Bevill	Don H.	Duncan, Tenn.
Bingham	Clawson, Del	Early
Blanchard	Clay	Edgar
Blouin	Cochran	Edwards, Ala.

Edwards, Calif.	Krueger	Rinaldo
Edwards, Okla.	LaFalce	Risenhoover
Eilberg	Lagomarsino	Roberts
Emery	Le Fante	Robinson
English	Leach	Roe
Erlenborn	Leggett	Rogers
Ertel	Lehman	Roncalio
Evans, Colo.	Levitas	Rooney
Evans, Del.	Lloyd, Calif.	Rose
Evans, Ga.	Lloyd, Tenn.	Rosenthal
Evans, Ind.	Long, La.	Rostenkowski
Fary	Long, Md.	Rousselot
Fascell	Lott	Roybal
Fenwick	Luken	Rudd
Findley	McClory	Runnels
Fish	McCloskey	Russo
Fisher	McCormack	St Germain
Fithian	McDade	Sarasin
Flood	McEwen	Satterfield
Florio	McHugh	Sawyer
Flowers	Madigan	Schroeder
Flynt	Mahon	Schulze
Foley	Markey	Sebelius
Ford, Mich.	Marks	Seiberling
Fountain	Marlenee	Sharp
Fraser	Marriott	Shipley
Frenzel	Martin	Sikes
Gammage	Mathis	Sisk
Gaydos	Mattox	Skelton
Gephardt	Mazzoli	Skubitz
Giaimo	Meeds	Slack
Gilman	Metcalfe	Smith, Iowa
Ginn	Michel	Smith, Nebr.
Glickman	Mikva	Snyder
Gonzalez	Miller, Calif.	Solarz
Gore	Miller, Ohio	Spellman
Gradison	Mineta	Spence
Grassley	Mitchell, Md.	Stanton
Guyer	Mitchell, N.Y.	Steed
Hagedorn	Moakley	Stockman
Hall	Montgomery	Stokes
Hamilton	Moore	Stratton
Hammer-schmidt	Moorhead, Calif.	Studds
Hanley	Moorhead, Pa.	Stump
Hannaford	Moss	Symms
Hansen	Mottl	Taylor
Harkin	Murphy, N.Y.	Thompson
Harris	Murphy, Pa.	Thone
Harsha	Myers, Gary	Thornton
Hawkins	Myers, Ind.	Traxler
Heckler	Natcher	Treen
Heftel	Nedzi	Trible
Hightower	Nichols	Tsongas
Holland	Nolan	Tucker
Holt	Nowak	Ullman
Horton	Oberstar	Van Deerlin
Howard	Obey	Vander Jagt
Hubbard	O'Brien	Vanik
Hughes	Ottinger	Vento
Hyde	Panetta	Volkmer
Ichord	Patterson, Calif.	Waggonner
Ireland	Pattison, N.Y.	Walgren
Jeffords	Pease	Walsh
Jenkins	Perkins	Watkins
Jenrette	Pettis	Weaver
Johnson, Colo.	Pickle	Weiss
Jones, N.C.	Pike	Whalen
Jones, Okla.	Poage	White
Jones, Tenn.	Pressler	Whitehurst
Jordan	Preyer	Wiggins
Kasten	Price	Wilson, Bob
Kastenmeier	Pritchard	Wilson, Tex.
Kazen	Quayle	Wirth
Kelly	Quie	Wolff
Ketchum	Quillen	Wright
Keys	Rahall	Wylie
Kildee	Rangel	Yates
Kindness	Regula	Young, Fla.
Kostmayer	Reuss	Young, Mo.
Krebs		Young, Tex.
		Zablocki

NAYS—3

Breckinridge	Jacobs	Steiger

ANSWERED "PRESENT"—3

Forsythe	Whitten	Young, Alaska

NOT VOTING—96

Alexander	Carney	Frey
Anderson, Calif.	Chappell	Fuqua
Anderson, Ill.	Chisholm	Gibbons
Andrews, N.C.	Cleveland	Goldwater
Andrews, N. Dak.	Coleman	Goodling
Ashley	Conte	Gudger
Biaggi	Conyers	Harrington
Boggs	de la Garza	Hefner
Boland	Dellums	Hillis
Brown, Mich.	Derwinski	Hollenbeck
Brown, Ohio	Dicks	Holtzman
Broyhill	Diggs	Huckaby
Burke, Calif.	Dodd	Johnson, Calif.
Burton, Phillip	Eckhardt	Kemp
	Flippo	Koch
	Ford, Tenn.	Latta
Lederer	Murtha	Simon
Lent	Myers, Michael	Staggers
Lujan	Neal	Stark
Lundine	Nix	Steers
McDonald	Oakar	Teague
McFall	Patten	Tonry
McKay	Pepper	Udall
McKinney	Pursell	Walker
Maguire	Railsback	Wampler
Mann	Rhodes	Waxman
Meyner	Richmond	Whitley
Mikulski	Rodino	Wilson, C. H.
Milford	Ruppe	Winn
Minish	Ryan	Wydler
Moffett	Santini	Yatron
Mollohan	Scheuer	Zeferetti
Murphy, Ill.	Shuster	

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 649. An act to authorize payment of salaries of certain members of Senate committee staffs at the rates paid to them on January 4, 1977; and

S.J. Res. 10. Joint resolution to extend the period of time in which the American Indian Policy Review Commission must submit its final report and to increase the authorization of appropriations for such Commission.

The message also announced that the Vice President, pursuant to Public Law 85–874, appointed Mr. WILLIAMS to be a member, on the part of the Senate, of the Board of Trustees of the John F. Kennedy Center for the Performing Arts.

RECOMMENDED PAY INCREASE FOR MEMBERS OF CONGRESS SEEN AS EXCESSIVE

(Mr. RONCALIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO. Mr. Speaker, this is one of the most difficult things I have had to do in all my years around here, I will tell the Members.

I believe that a reasonable pay increase for all of us is in order, but I believe that the size of the increase as recommended by the Commission headed by Mr. Peterson is excessive, is not in order, and should be voted upon by all of us.

I note reports that the way is greased for the pay raise, and I can tell that it is greased when I see the inattention my remarks are receiving in the House.

No matter what we think about the Commission's proposal, we will not be given an opportunity to vote on it. I think this is improper, and I think it is not leadership.

How can we expect the American public to have confidence in this institution if we are reluctant to conduct our own affairs openly and with full debate?

MEMBERS INVITED TO MAKE VIEWS ON PAY INCREASE KNOWN TO AD HOC COMMITTEE

(Mr. FORD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Michigan. Mr. Speaker, the Ad Hoc Subcommittee on Presidential Pay Recommendations of the Committee on Post Office and Civil Service is considering all the resolutions on the question of pay. It began its public hearings this morning. We have taken testimony and intend to continue taking testimony this afternoon, starting as soon as the House finishes its business, hopefully by 2 o'clock.

I am distressed when I hear my colleagues who claim to already know what the outcome of something is complain about something of this sort, especially something that is as confusing to all of us on the committee as this is at this point. We are not even sure at this moment what the appropriate legislative remedies are or should be. We do not know what kinds of remedies are available to us as a committee. We are trying to work our way through this issue.

We are getting advice from everybody who wants to give it. Every Member of this House has received a letter from the chairman of the committee advising the Members that we are holding hearings and inviting them to come and testify or if Members do not have time to come in personnally, they are invited to submit a statement to us.

Frankly, Mr. Speaker, I am getting a little bit tired of hearing Members suggest that somehow those of us on the committee want to duck this issue and not give everybody an opportunity to get on record. I am here to invite the Members again to come to the committee and get on record. We will give the Members all the time they need to dissect the proposal in detail. They can recommend whatever they will as an alternative, and they may say anything else they want and get it on the record.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TOMORROW, FEBRUARY 8, 1977, TO FILE CERTAIN PRIVILEGED REPORTS

Mr. DELANEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I wonder whether the gentleman can tell us what reports might be filed?

Mr. DELANEY. Mr. Speaker, all I can tell the gentleman is that we are having a meeting of the committee tomorrow, and we expect to report out one or two items. I do not think the professional sports resolution will be reported out tomorrow, but the small business bill will and probably the item concerning one of the investigations will.

Mr. BAUMAN. Further reserving the right to object, may I ask the gentleman what reports might be filed?

Mr. DELANEY. If the gentleman will yield further, that will be the investigation by the Committee on Standards of Official Conduct concerning the Korean matter.

Mr. BAUMAN. However, the reestablishment of the Committee on Professional Sports is not among the items to be reported; is that correct?

Mr. DELANEY. I understand that one of the members wants to be there in opposition to it. The chairman of the Committee on the Judiciary will not be able to attend, and he wants the delay for that reason.

Mr. BAUMAN. Mr. Speaker, with the understanding that that item is not to be considered as part of this request, I will withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON BUDGET TO HAVE UNTIL MIDNIGHT TOMORROW, FEBRUARY 8, 1977, TO FILE REPORT ON THIRD CONCURRENT BUDGET RESOLUTION FOR FISCAL YEAR 1977

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that the Committee on the Budget may have until midnight tomorrow to file its report on the third concurrent resolution on the budget for fiscal year 1977.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, and I will not object, as a new member of that committee, I wish to acknowledge that the chairman (Mr. GIAIMO) in committee discussed this issue of adequate time for the minority to submit their views. We did agree in committee—and the gentleman from Ohio (Mr. LATTA), our ranking member, also agreed—to submit these by midnight Tuesday, February 8.

Normally, we would have asked for the extra day, but since the weekend did intervene, we were willing to agree to the suggestion by the chairman. However, I wish to raise the point that this new concurrent resolution for the budget raises a substantial number of new issues in a lot of areas of expenditure and taxation. I do hope that the Members of the whole House will take due notice to carefully review the committee report of which the gentleman is speaking. It is a suggestion that my colleagues thoroughly examine it before we come back and consider the resolution on the floor.

Mr. Speaker, with that statement, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

RECOMMENDED PAY INCREASE FOR MEMBERS OF CONGRESS SEEN AS EXCESSIVE

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I have taken this 1 minute in order to permit the gentleman from Wyoming (Mr. RONCALIO) to finish his statement.

Mr. RONCALIO. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Wyoming.

A 5-PERCENT PAY INCREASE IS IN ORDER

Mr. RONCALIO. Mr. Speaker, I thank my friend, the gentleman from New York (Mr. RANGEL), for yielding me this additional time.

I have a resolution that has been introduced and is now before the Civil Service Committee which would limit a pay increase to 5 percent per year.

Mr. Speaker, I ask the Members to support that resolution. I further ask the leadership of this House and of the Committee on Post Office and Civil Service to bring that resolution up so that we may consider that question on the floor of the House.

Again, Mr. Speaker, I thank the gentleman from New York for yielding.

TWILIGHT'S LAST GLEAMING: THE LAST GASP OF RADICAL CHIC?

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, last night I attended a showing of a new motion picture, "Twilight's Last Gleaming" at the Eisenhower Theater of the Kennedy Center.

Today's Wall Street Journal contains a review of that film written by the Journal's distinguished film critic, Joy Gould Boyum. Miss Boyum's review is titled "Hollow Efforts To Be 'With-It'." She states in part:

> It's always a bit pathetic, even ludicrous, to see a middle-aged person trying desperately to capture what he believes to be the latest trend in youthful fashion. So, too, Hollywood, that venerable symbol of star-studded entertainment—when it seeks to clothe its traditional products in garb it apparently considers "with it" . . . "Twilight's Last Gleaming" ends up sounding rather hollow and looking somewhat silly.

I agree with Miss Boyum's assessment. What is pitiful about such films is that they try to hide artistic shortcomings under fashionable ideological trappings and the kind of gutter language that the producers evidently believe is proof of seriousness. One does not and perhaps should not expect intelligent social commentary in a movie like this. But the ritualistic, and by now boring, savaging of the Presidency, the military, and Government in general, that characterizes this film is unfortunately typical of the Hollywood mentality during the past few years.

The film "takes the rebellious convicts' side," as Miss Boyum puts it, and ridicules all figures of legitimate authority. In short, what we have is that combination of fashionable leftist ideology and the mindlessness that typifies Hollywood at its worst. "Radical chic," to use Tom Wolfe's memorable phrase, is not dead—it is alive and well in "Twilight's Last Gleaming."

AUTHORIZING PAYMENT OF SALARIES OF CERTAIN SENATE COMMITTEE STAFFS AT JANUARY 4, 1977 RATES

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 649) to authorize payment of salaries of certain members of Senate committee staffs at the rates paid to them on January 4, 1977.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Texas could tell us exactly what the provisions are of this resolution? I ask that question because yesterday the Washington Star carried a rather extensive report regarding the use of Senate and House committee staffs by individual Members, to employ people who, in fact, should be on their own office payrolls, and described in some detail the committees involved. I would hope this resolution would not place the House in the position, even though I know the rule of comity between the two bodies, of approving this kind of practice for any length of time.

Mr. WRIGHT. Mr. Speaker, in response to the inquiry of the gentleman from Maryland, let me state that the concern expressed by the gentleman from Maryland is not involved because this bill would not in any way impinge upon that subject which the gentleman mentions. This Senate bill, S. 649 is, very simply, an act designed to compensate for the pay period of 4 months those employees of Senate committees who might otherwise be subject to a reduction or ineligible to receive any compensation due to the recent Senate internal reorganization.

This measure passed the Senate unanimously last week and Senator BYRD has asked that the House expedite its enactment.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman for his explanation, and with that I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 649

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That (a) notwithstanding the limitations contained in section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended and modified, each eligible staff member of a new committee to whom section 703(d) of the Committee System Reorganization Amendments of 1977 applies may, during the transition period of such new committee, be paid gross annual compensation at the rate which that eligible staff member was receiving on January 4, 1977.

(b) For purposes of subsection (a), the terms "eligible staff member", "new committee", and "transition period" have the meanings given to them by section 701 of the Committee System Reorganization Amendments of 1977.

The Senate bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

PROVIDING FOR ADJOURNMENT FROM WEDNESDAY, FEBRUARY 9, 1977, TO WEDNESDAY, FEBRUARY 16, 1977

Mr. WRIGHT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 106) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 106

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, February 9, 1977, it stand adjourned until 12 o'clock meridian on Wednesday, February 16, 1977, and that when the Senate recesses on Friday, February 11, 1977, it stand in recess until 12 o'clock meridian on Monday, February 21, 1977.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

READING OF GEORGE WASHINGTON'S FAREWELL ADDRESS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that on Monday, February 21, 1977, George Washington's Farewell Address may be read by a Member to be designated by the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Pursuant to a special order agreed to on today, the Chair designates the gentleman from Pennsylvania (Mr. WALKER), to read George Washington's Farewell Address immediately following the approval of the Journal on February 21, 1977.

FURTHER LEGISLATIVE PROGRAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, I take this time simply to announce to the House that the following matter will be scheduled under suspension of the rules tomorrow:

House Joint Resolution 240, International Fisheries Agreements.

EXTENDING FILING DATE OF 1977 JOINT ECONOMIC REPORT

Mr. BOLLING. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 239) extending the filing date of the 1977 Joint Economic Report.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, and I shall not object, I wish to say that we appreciate that our colleague, the gentleman from Missouri (Mr. BOLLING) the chairman of the Joint Economic Committee, has consulted with the minority members on the Joint Economic Committee; I wish to make it clear that we were consulted and we appreciate it.

Mr. BOLLING. I thank the gentleman.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 239

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of clause (3), Section 5(b) of the Employment Act of 1946 (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's 1977 Economic Report with the Senate and House of Representatives not later than March 30, 1977.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *February 4, 1977.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:38 P.M. on Friday, February 4, 1977, and said to contain a message from the President wherein he transmits proposed legislation concerning Reorganization Plans.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

LEGISLATION RESTORING PRESIDENT'S POWER TO SUBMIT REORGANIZATION PLANS TO CONGRESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95–71)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

I hereby transmit to the Congress proposed legislation which will restore the President's power to submit reorganization plans to the Congress.

It will revive, with certain modifications, the system through which reorganization plans are developed, under the Executive Reorganization Act of 1949, as amended. Until the authority for this system was allowed to lapse in 1973, it provided an efficient way for Congress and the President to work together to streamline our government.

The reorganization authority which I am proposing is essentially the same authority which has been available to every President since Harry Truman.

Under the authority I seek to have renewed, the President would again be able to submit reorganization plans to the Congress. The plans would automatically become effective after Congress had been in continuous session for sixty calendar days, unless either House of Congress adopts a resolution opposing the plan.

It would also renew the basic provisions of the Act that limit the types of reorganization plans the President can submit. The President would again be permitted to propose plans to accomplish any of the following:

1. Transferring all or part of an agency or its functions to another agency;
2. Abolishing all or part of the functions of an agency;
3. Consolidating, or coordinating, all or part of an agency;
4. Authorizing an officer to delegate his functions; or
5. Changing the name of an agency or the title of its head, as well as the head for any agency resulting from reorganization.

The President would again *not* be permitted to propose plans which accomplish any of the following:

1. Creating a new Executive (Cabinet level) Department;
2. Abolishing or transferring an existing Executive Department;
3. Abolishing or transferring *all* of the functions of an Executive Department;
4. Consolidating two or more Executive Departments or all of their functions;
5. Continuing an agency beyond its statutory termination date;
6. Authorizing an agency to perform a function not expressly authorized by law; or
7. Increasing the term of an office beyond that provided by law.

The existing Act contains several limitations on reorganization plans that I propose to change:

1. *Authority to Amend a Reorganization Plan.*

Under the existing Act, the President cannot amend a reorganization plan once he has submitted it to the Congress.

I am proposing that the President be allowed to amend a plan within thirty days after sending it to Congress, unless the Government Operations Committee in either House of Congress has already rejected the plan. This change would give the President greater flexibility to improve the plan and meet objections to it.

2. *Authority to Submit Additional Plans.*

Under the existing Act, the President may submit only one plan during a thirty-day period.

I am proposing that the President be allowed to submit more than one plan within thirty days. This change would permit the President and the Congress to speed up the reorganization process by dealing with more than one plan at a time.

I am aware that troubles could rise if this provision were abused. The Congress needs time for careful and orderly review of the plans, and both Congress and the Executive Branch would be overburdened if they had to prepare and review a large number of plans at once. Therefore, the President must coordinate very closely with the Congress to keep the volume of the plans within reasonable limits.

3. *Authority to Submit Plans Covering Different Subjects.*

Under the existing Act, each reorganization plan must be limited to one "logically consistent" subject.

I am proposing that the President be allowed to submit plans covering more than one subject. This change would avoid difficulties in defining "logically consistent subject matter," which could needlessly hinder work or plans which deal with several functionally-related agencies or departments.

4. *Requirement of Management Improvement.*

Under the existing Act, the President must specify, in submitting each plan, how much money it will save the government.

I am proposing that the President must provide a different set of information with his plans. Instead of detailed savings estimates—which are very difficult to make accurately—the President would provide information on the improvements in management, efficiency, and delivery of Federal services that his plan would produce.

5. *A Four-Year Extension of Authority.*

I am proposing that the Act be extended for a four-year period. Reorganization will be a four-year effort, which should not be halted because the authorizing Act has run out.

Renewing this Executive reorganization authority will help rebuild the public's confidence in government, redeem commitments made to the electorate and prove to the people who have given us their trust that we are ready to make a fresh start.

I hope the Congress will act soon on this legislation so our work of reorganization can begin.

JIMMY CARTER.

THE WHITE HOUSE, *February 4, 1977.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the House of Representatives:

WASHINGTON, D.C., *February 4, 1977.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:38 P.M. on Friday, February 4, 1977, and said to contain a message from the President wherein he transmits the annual report of the Railroad Retirement Board for fiscal year 1976.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD FOR 1976—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I hereby transmit the Annual Report of the Railroad Retirement Board for fiscal year 1976.

The Report gives a summary of the Board's operations under the Railroad Retirement and Railroad Unemployment Insurance Acts. During the year, retirement and survivor benefit payments amounted to about $3.5 billion and went to 1,100,000 railroad workers and dependents. Unemployment and sickness benefit payments of $218 million were made to almost 170,000 beneficiaries.

The Board's Report also includes the thirteenth triennial actuarial valuation of the assets and liabilities of the railroad retirement system as of December 31, 1974. This valuation is the first completed since the comprehensive restructuring of the system made under the Railroad Retirement Act of 1974.

I commend this Report to your attention.

JIMMY CARTER.

THE WHITE HOUSE, *February 4, 1977.*

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER laid before the House the following communication, which was read:

WASHINGTON, D.C.,
February 2, 1977.

Hon. THOMAS P. O'NEILL,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: Please consider this letter as my resignation from the Committee on Small Business.

I feel that because of my appointment as Chairman of the Subcommittee on Inter-American Affairs, Committee on International Relations, and in order to devote more time to my duties in my Congressional Office this action is necessary.

On November 15, 1976, I had written to you indicating, at that time, that I did not want to be considered for reappointment to the House Committee on Small Business.

Thank you for any consideration you give my request.

With warmest personal regards, I remain,

Sincerely,

GUS YATRON,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT AS MEMBERS OF HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER. Pursuant to the provisions of section 5(b), Public Law 93-191, the Chair appoints as members of House Commission on Congressional Mailing Standards the following Members of the House: Mr. UDALL, Arizona, Chairman; Mr. CHARLES H. WILSON, California; Mr. HOWARD, New Jersey; Mr. DERWINSKI, Illinois; Mr. QUILLEN, Tennessee; Mr. LOTT, Mississippi.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of 10 United States Code 4355(a), the Chair appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House: Mr. MURPHY, New York; Mr. LONG, Maryland; Mr. CEDERBERG, Michigan; Mr. GILMAN, New York.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to the provisions of 10 United States Code 9355(a), the Chair appoints as members of the Board of Visitors to the U.S. Air Force Academy the following members of the House: Mr. FLYNT, Georgia; Mr. EVANS, Colorado; Mr. ROBINSON, Virginia; Mr. TREEN, Louisiana.

APPOINTMENT AS MEMBERS OF AMERICAN INDIAN POLICY REVIEW COMMISSION

The SPEAKER. Pursuant to the provisions of section 1(b), Public Law 93-580, the Chair appoints as members of the American Indian Policy Review Commission the following Members on the part of the House: Mr. MEEDS, Wash-

ington; Mr. YATES, Illinois; Mr. YOUNG, Alaska.

URGENT POWER SUPPLEMENTAL APPROPRIATION

Mr. MAHON. Mr. Speaker, pursuant to the order of the House on Thursday last, I call up the joint resolution (H.J. Res. 227) making urgent power supplemental appropriations for the Department of the Interior, Southwestern Power Administration for the fiscal year ending September 30, 1977, and for other purposes, and ask for its immediate consideration in the House as in Committee of the Whole.

The Clerk read the joint resolution, as follows:

H.J. RES. 227

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1977, and for other purposes, namely:

DEPARTMENT OF THE INTERIOR

SOUTHWESTERN POWER ADMINISTRATION

For an additional amount for "Operation and maintenance", $6,400,000.

GENERAL PROVISIONS

SEC. 2. The last proviso under the heading "Energy Research and Development Administration, Operating Expenses", contained in Public Law 94–355, is hereby repealed.

SEC. 3. The last proviso under the heading "Energy Research and Development Administration, Plant and Capital Equipment", contained in Public Law 94–355, is hereby repealed.

SEC. 4. The fourth proviso under the heading "Energy Research and Development Administration, Operating Expenses, Fossil Fuels", contained in Public Law 94–373, is hereby repealed.

SEC. 5. The last proviso under the heading "Energy Research and Development Administration, Plant and Capital Equipment, Fossil Fuels", contained in Public Law 94–373, is hereby repealed.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this is the first appropriation bill for this Congress. It will be followed by many others.

President Ford submitted a budget requesting new budget authority for the fiscal year 1978 in the sum of about $480 billion. His spending request for the forthcoming fiscal year amounts to about $440 billion.

Mr. Speaker, the Appropriations Committee last week conducted its annual overview hearings on the budget with the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, and the Secretary of the Treasury. At the hearing we inquired as to the timing of budget amendments and supplementals from the Carter administration and were advised that we could expect to begin receiving these changes sometime after the 15th of this month. These amendments will have a considerable impact on the measures that the Appropriations Committee will be presenting to the House between now and the end of June, both with respect to additional amounts for the current fiscal year and to the regular bills for fiscal 1978.

All of the Appropriations Subcommittees have schedules which call for the completion of the hearings on 1978 bills before the beginning of the Easter recess. We plan to mark up these bills in subcommittee in the last week of April and the first week in May so that we can have full committee approval in late May and early June. The bills will then be before the House beginning about June 9 and lasting about 2 weeks.

Before the regular bills, however, we will have a number of other measures reported from the Appropriations Committee. President Ford requested some $17 billion in general supplementals for fiscal 1977 including $5 billion for revenue sharing. The committee also plans to consider President Carter's multibillion dollar economic stimulus proposal and to report a separate bill. Additionally, there are a number of deferral and rescission proposals pending before the committee and some will probably be reported to the House. Indeed, we have a burdensome schedule.

I would point out that the latest Treasury statement shows the national debt at $634 billion and it is projected to go to $700 billion by the end of this fiscal year. The deficit for this fiscal year is estimated at $57 billion in the January budget. The recent recommendations of the Budget Committee would increase the deficit to about $70 billion.

So, Mr. Speaker, the responsibilities that confront us in the weeks and months ahead are awesome. I would like to say that I think we must consider all appropriations bills very soberly, in view of the huge requests that have been made and will be made to us during this session.

Mr. Speaker, the proposal before the House today is that we appropriate $6.4 million as recommended by the President in a budget message for the Southwestern Power Administration. The hearings on this measure were conducted by the Subcommittee on Public Works, presided over by its new chairman, the very able and distinguished gentleman from Alabama (Mr. TOM BEVILL). I would say, Mr. Speaker, that this is the first appropriation measure to be presented to the House by the gentleman. He and the subcommittee have proceeded with efficiency and promptness in meeting this urgent requirement and I now yield to him for an explanation of the committees' recommendations.

Mr. BEVILL. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, on February 2, we rereceived from the President an urgent power supplemental appropriation request for $6,400,000 for the Department of the Interior, Southwestern Power Administration. Today we bring you House Joint Resolution 227 to provide for this urgent request.

This urgent supplemental is needed because the low rainfall conditions have caused very low inflow into the reservoirs used to generate the hydroelectric power which is marketed by the Southwestern Power Administration.

The Southwestern Power Administration—SPA—is the marketing agent designated by the Secretary of the Interior to dispose of the power and energy generated at U.S. Army Corps of Engineers hydroelectric plants in the six-State area of Kansas, Oklahoma, Texas, Missouri, Arkansas, and Louisiana. Power and energy is delivered to municipalities, rural electric cooperatives, defense installations, and private utilities located in the six-State area through the transmission system of SPA and through the transmission systems of others. SPA is responsible for marketing the output of 21 projects with a total capacity of 1,916,700 kilowatts.

The costs attributable to the production of hydroelectric power from Corps of Engineers project are recovered over the life of the projects.

The costs of operation and maintenance are recovered in the year incurred. The proceeds from the sale of the power are deposited to miscellaneous receipts of the Treasury. The Southwestern Power Administration is not authorized to use these funds. Funds to finance their operation and maintenance program are provided by direct appropriation.

The funds appropriated for 1977 have been exhausted. This appropriation is required to purchase the excess thermal power generating capacity in the Southwestern area to provide relief to SPA customers.

In addition, we have also included in the joint resolution langauge which will insure the funds included in the 1977 appropriation acts (Public Law 94–355 and Public Law 94–373) will be available to meet the urgent requirements for energy research, development and demonstration programs at the Energy Research and Development Administration.

The Public Laws to which I referred earlier were signed into law in July 1976. These appropriation acts contained language which made the use of funds subject to the enactment of authorizing legislation.

The House adopted the conference report on the authorizing legislation but the report was not passed in the other body.

Because the authorizing legislation was not enacted, we included a provision in the continuing resolution, Public Law 94–473, of October 11, 1976, which permits ERDA to use the appropriations through March 31, 1977. After that date they will not be able to use any of the funds already appropriated.

This joint resolution allows ERDA to use the funds already contained in the appropriation acts which were signed into law in July 1976.

ERDA should be guided by the instructions contained in conference reports, Nos. 94–1297, 94–1330, and 94–1718 in using the funds contained in the appropriation acts.

Mr. Speaker, I strongly urge the passage of House Joint Resolution 227.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Washington.

Mr. McCORMACK. I understand that the legislation before the House today will probably be the only vehicle available to the Appropriations Committee to remove the March 31 restriction on the ERDA appropriations.

As you know, the House passed the authorization conference report, 94–1718 in

the final days of the 94th Congress, but it failed to be considered by the Senate. When the continuing resolution to provide funds for the ERDA, House Joint Resolution 1105, was before the House on October 1, Mr. MAHON and Mr. ANDERSON of Illinois engaged in a colloquy to clarify the administration of the ERDA programs in anticipation of the enactment of the authorizing legislation.

We are still hopeful of enacting the authorizing legislation within the jurisdiction of the Committee on Science and Technology, but because of the jurisdictional realinements for nuclear energy the matter is more complex since more committees are involved in these decisions.

To clarify the situation before us today, I would like to ask several questions of the gentleman.

Is the direction to the ERDA, contained in the report, No. 95–8, not to incur obligations at a rate which would exceed the amounts included by subprogram in conference report, No. 94–1718, to be read as a general limitation on the agency?

Mr. BEVILL. The gentleman is correct. The answer is yes.

Mr. McCORMACK. Is it also your opinion that the use of the fiscal year 1977 appropriations should be in accordance with the congressional intent as expressed in the conference report, No. 94–1718, to the extent it is applicable?

Mr. BEVILL. Yes.

Mr. McCORMACK. Is it also the gentleman's opinion that the use of the conference report as a guideline of congressional intent does not permit the ERDA to undertake those activities that are reflected in the next to last paragraph on page 4 of the Controller General's decision B–178726 of December 15, 1976, but would permit funding of other programs included in the conference report of the authorizing committees, and included in the conference reports, Nos. 94–1718, 94–1297, and 94–1330.

Mr. BEVILL. Yes, the agency should proceed in close coordination with the appropriate committees to make sure that they operate within the guidance provided in the conference reports, Nos. 94–1718, 94–1297, and 94–1330.

Mr. McCORMACK. I thank the gentleman.

The SPEAKER. The time of the gentleman from Alabama has expired.

(On request of Mr. ADDABBO and by unanimous consent Mr. BEVILL was allowed to proceed for 3 additional minutes.)

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from New York.

Mr. ADDABBO. Will this $6.4 million be subsidizing the electrical users of the Southwest? Will the taxpayers of the country be subsidizing the people using this power? Will they be getting cheap electricity?

Mr. BEVILL. They will get the electricity for which the Southwestern Power Administration is obligated to provide.

Mr. ADDABBO. Will this money all be returned to the Treasury out of the payments received from those using the power?

Mr. BEVILL. Yes, every penny of this money will be put back into the Treasury by September 30, 1977.

Mr. ADDABBO. Will that be by further appropriations by this House, or will it actually be money paid out by the users of this power?

Mr. BEVILL. This money will be placed into the miscellaneous receipts of the U.S. Treasury as it is collected.

Mr. ADDABBO. But we are being required to appropriate this additional $6.4 million so that the users of Southwestern Power Electricity would not have to pay higher electrical costs at this time; is this correct?

Mr. BEVILL. This is to carry out commitments of the U.S. Department of the Interior in getting power to their customers.

Mr. ADDABBO. If the $6.4 million is not appropriated, the Southwestern Power would have to go out to buy more expensive electricity, and that cost would be passed on to its users?

Mr. BEVILL. If the $6.4 million is not appropriated, this distributing agency of the U.S. Department of the Interior would be out of business. These funds will be used to pay for this power that SPA is having to go out and buy.

Mr. ADDABBO. If they cannot buy the cheap power from Southwestern Power, they would have to go out and pay a higher cost from other sources?

Mr. BEVILL. This is correct.

Mr. ADDABBO. But in the meanwhile, we are being asked to subsidize cheap electricity in that part of the country.

Mr. BEVILL. Every dollar that comes in from power sales goes into the Treasury.

Mr. ADDABBO. I want to help them, but we are going to come back in a few months asking for help in the Northeast, and I want to get the same support.

Mr. BEVILL. I am sure the gentleman will.

Mr. WEISS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as the joint resolution appears before us, it was my impression that this legislation was simply providing for $6,400,000 for the Southwestern Power Administration. I support that portion of the resolution. However, it was not until I started reading the report, a document separate and apart from the resolution, that I discovered that, in fact, this is a very small part of the cost of the entire resolution before us.

Indeed, it is my understanding—and, of course, I would appreciate clarification and/or correction from my distinguished colleague, the gentleman from Alabama (Mr. BEVILL)—that this joint resolution includes provisions dealing with authorizations for the Energy Research and Development Administration, and that, although the figures are not set forth in the resolution, we are in fact authorizing a grand total in excess of $7 billion including over $5.5 billion tied to nuclear research and development in both the civilian and military fields.

Mr. Speaker, the concern I have is that we have legislation before us which in a sense not only mixes apples and oranges, but in fact it fails to tell us in clear and precise language that in fact there are oranges in addition to apples before us or that there are vastly greater numbers of oranges than apples.

I had originally intended to move to strike, on page 2 of the resolution, all of the matter dealing with nuclear materials, civilian and military, from lines 1 through 9. However, in addition to the other confusion that I have just spoken about, apparently not only do these particular provisions deal with nuclear matters, but also with solar energy, geothermal, and other energy matters.

Therefore, I do not want to take it upon myself at this stage to move to strike language before us that is so confused that it will not be fully clear as to what I am striking. However, Mr. Speaker, it is my intention to vote against this resolution as an indication to the House and to the appropriate committees that in fact I consider it inappropriate to have before us legislation so obfuscated that it is impossible upon a reading to tell precisely what it is that a Member is voting on.

Mr. HAMMERSCHMIDT. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise to express my strong support for the passage of House Joint Resolution 227, making an urgent power supplemental appropriation for the fiscal year ending September 30, 1977, for the Department of the Interior, Southwestern Power Administration, and for other purposes, and I want to commend most highly the members of the Committee on Appropriations for acting so swiftly on this matter of urgent import to the people of the six-State area serviced by the SPA. As a Member privileged to represent a portion of one of those States here in the Congress, I know full well the importance of the action we contemplate here today.

This resolution provided $6,400,000 for the Southwestern Power Administration to purchase additional thermal energy to supply their customers. Having exhausted the funds included in the regular appropriation for 1977 for such purposes, due to the extreme winter weather conditions, it is extremely necessary that the SPA have these added funds at their disposal.

Both the severe winter cold and the simultaneous drought conditions in much of Arkansas have contributed to a drawndown of the water levels on the White River Lakes at an unprecedented rate, in order for the SPA to meet their energy contract needs. As a result of the rapidly decreasing lake levels, the billion-dollar recreation industry in Arkansas, and particularly those people involved in that industry on the White River Lakes, have suffered great financial hardship.

The public boat dock owners in particular have been especially hard hit by this rapid drawndown of the lakes and have actually seen the water drawn out from under their facilities, leaving them totally landlocked in some instances. Boat owners have removed their crafts from the docks because of these landlocked conditions, and both owners and dock operators have sustained serious damage from the severe icing conditions caused in part from the lowered water levels.

Already, two reprograming actions, one in the amount of $1.2 million and one in

the amount of $830,000, have been extended to the SPA in an effort to provide them with the funds to purchase additional thermal power while awaiting passage of this supplemental. While no amount of money can bring the much needed rains to the area to replenish the waters already lost from the lakes, these funds will permit the SPA to obtain the energy needed to fulfill their contracts from sources other than the nearly depleted lakes. Such action will be helpful in preventing further declines in the level of the Corps of Engineer impoundments, with the accompaning financial impact on those who depend on the lakes for their livelihood.

This winter has been extreme in most parts of the Nation and has caused untold billions of dollars of damage to local economies from east to west and from north to south. In recent days, the natural gas crisis has held the attention of most people and has received action by this Congress. But to those individuals affected by the drought and winter conditions in the six-State area serviced by the SPA, their emergency is no less real, and action by this Congress to assist them in their time of need is no less necessary.

I urge my colleagues to act swifty today by passing this resolution now before them. It is vitally necessary to those who receive their energy through the SPA, and it is necessary as well for those whose livelihoods depend on the important recreation industry within the State.

Mr. MYERS of Indiana. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of this legislation. I think there is some misunderstanding, however, of the function of the Southwestern Power Administration which is the agency that markets and delivers electric power in 6 States from the 21 hydroelectric power installations operated by the Corps of Engineers. SPA has certain contracts to sell a certain amount of power to certain designated customers. Because of the low water, they cannot fulfill those contractual obligations from the hydroelectric powerplants. They are under the legal responsibility to provide the energy.

It is not a matter, as the gentleman from New York portrayed here, that they are going to somehow subsidize those people in these six States. It is a matter of meeting those obligations. The Southwestern Power Administration has to fulfill these obligations. This is merely the money to buy that energy through next month, through March.

If they do not have any rainfall or snowfall in the 21 reservoirs to operate these powerplants, they will have to come back for more money to continue to buy power. In the intervening time the needed energy is purchased for $6,400,000, and all of that money will be returned to the Treasury.

They do not have the authority to use the revenues they receive from the sale of electricity. This is the reason this supplemental is needed.

Mr. Speaker, I think that those of us who fail to see the necessity for this legislation do not understand exactly how Southwestern Power functions.

Mr. JONES of Oklahoma. Mr. Speaker will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I thank the gentleman from Indiana for clarifying this point. The bill before us is not a subsidy for cheap power for the six States served by the Southwestern Power Administration. This merely provides that SPA can carry out its contractual obligations to furnish power to the municipalities and farmers' organizations in the six-State area.

I want to thank members of the Appropriations Committee and the Carter administration for the fast action on this supplemental appropriation. The Southwestern Power Administration faces a serious problem in furnishing the necessary power to its customers. Last month and early this month, SPA faced two critical periods in which it appeared that electrical power would have to be cut off or substantially reduced to its customers. In each instance, emergency reprograming through the Office of Management and Budget was provided to meet the critical problem.

This supplemental appropriation of $6.4 million will enable the Southwestern Power Administration to purchase power on the open market in order to furnish it to its customers. The problem is that SPA relies upon rainfall to fill the Corps of Engineers lakes and ultimately to generate the power needed for its customers. There has been severe drought conditions in the Oklahoma area and the lakes from which SPA draws its power have been dropping considerably. The lakes are down from their previous 70 percent level to 44 percent of its power pool. If the drought conditions continue, there will be no alternative but for SPA to purchase its power elsewhere. In order to do that, this supplemental appropriation is necessary.

Ultimately, an amendment to the authorizing legislation will be necessary so that such supplementals will not have to come before the Congress. However, this will be taken up in the normal course of events and I will be talking to the administration and the appropriate committees about such amendments. I urge the passage of this legislation.

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for his comments.

In the event we did not appropriate these funds, the consumers out there would not have the power they need. Southwestern Power is legally responsible to provide the electricity.

I think that some of us are missing the target entirely. This is very necessary.

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from New York.

Mr. WEISS. Mr. Speaker, I wonder if the distinguished gentleman from Indiana could tell me what the consequences would be if here on February 7, 1977, we were to vote this legislation down on a joint resolution which would apparently not have its effective operating date until March 31.

Would it be possible for the committee to come back and report to us a bill which would in fact clearly delineate the matters on which we are voting in separate and precise terms?

Mr. MYERS of Indiana. Mr. Speaker, the problem is that the Southwestern Power Administration is out of cash right now. They do not have the money and the need is immediate. They need this as soon as possible to continue to buy power.

If we were to vote this resolution down, it would be rendering Southwestern Power completely inoperative and make it impossible for them to furnish the needed power. We would be putting the consumers in these six States out of business.

The joint resolution is merely a vehicle for appropriating the money, and SPA will meet their deficit as soon as they sell the power.

Mr. WEISS. Mr. Speaker, if the gentleman will yield further, does the gentleman believe that it is in fact appropriate to take up a measure which is as important as the one the gentleman discusses—and I agree with him—and which deals with $6,400,000 and combine it with other measures which in fact amount to $1,700,000,000 or perhaps more?

Mr. MYERS of Indiana. Mr. Speaker, both of these matters came before the Committee on Appropriations.

I am sure the gentleman is not opposed to solar, geothermal, fossil, conservation and all the other energy research programs. I am sure the gentleman does not want to stop the energy research in these very important and very much needed areas.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 341, nays 5, not voting 85, as follows:

[Roll No. 16]

YEAS—341

Abdnor	Badillo	Bonior
Addabbo	Bafalis	Bonker
Akaka	Baldus	Bowen
Allen	Barnard	Brademas
Ambro	Baucus	Breaux
Ammerman	Bauman	Breckinridge
Anderson, Calif.	Beard, R.I.	Brinkley
	Beard, Tenn.	Brodhead
Anderson, Ill.	Bedell	Brooks
Annunzio	Bellenson	Broomfield
Applegate	Benjamin	Brown, Calif.
Archer	Bennett	Buchanan
Armstrong	Bevill	Burgener
Ashbrook	Bingham	Burke, Fla.
Ashley	Blanchard	Burke, Mass.
Aspin	Blouin	Burleson, Tex.
AuCoin	Boland	Burlison, Mo.
Badham	Bolling	Burton, John

Butler	Hawkins	Pickle
Byron	Heckler	Pike
Caputo	Heftel	Poage
Carney	Hightower	Pressler
Carr	Holland	Preyer
Carter	Holt	Price
Cavanaugh	Horton	Pritchard
Cederberg	Howard	Pursell
Chisholm	Hubbard	Quayle
Clawson, Del	Hughes	Quie
Clay	Hyde	Quillen
Cochran	Ichord	Rahall
Cohen	Ireland	Rangel
Collins, Ill.	Jacobs	Regula
Collins, Tex.	Jeffords	Reuss
Conable	Jenkins	Richmond
Conyers	Jenrette	Rinaldo
Corcoran	Johnson, Colo.	Risenhoover
Corman	Jones, N.C.	Roberts
Cornell	Jones, Okla.	Robinson
Cornwell	Jones, Tenn.	Roe
Cotter	Jordan	Rogers
Coughlin	Kasten	Roncalio
Crane	Kastenmeier	Rooney
D'Amours	Kazen	Rose
Daniel, Dan	Kelly	Rosenthal
Daniel, R. W.	Ketchum	Rousselot
Danielson	Keys	Roybal
Davis	Kildee	Rudd
Delaney	Kindness	Runnels
Dent	Kostmayer	Russo
Derrick	Krebs	St Germain
Devine	Krueger	Sarasin
Dickinson	LaFalce	Satterfield
Diggs	Lagomarsino	Sawyer
Dingell	Leach	Schroeder
Dodd	Lederer	Schulze
Dornan	Le Fante	Sebelius
Downey	Lehman	Seiberling
Drinan	Levitas	Sharp
Duncan, Oreg.	Lloyd, Calif.	Shipley
Duncan, Tenn.	Lloyd, Tenn.	Sikes
Early	Long, La.	Sisk
Edgar	Long, Md.	Skelton
Edwards, Ala.	Lott	Skubitz
Edwards, Calif.	Luken	Slack
Edwards, Okla.	Lundine	Smith, Iowa
Eilberg	McClory	Smith, Nebr.
Emery	McCormack	Snyder
English	McDade	Solarz
Erlenborn	McEwen	Spellman
Ertel	McHugh	Spence
Evans, Colo.	McKay	Staggers
Evans, Del.	Maguire	Stanton
Evans, Ga.	Mahon	Steed
Evans, Ind.	Markey	Steiger
Fary	Marks	Stockman
Fascell	Marlenee	Stokes
Fenwick	Marriott	Stratton
Findley	Martin	Studds
Fish	Mathis	Stump
Fisher	Mattox	Symms
Fithian	Mazzoli	Taylor
Flood	Metcalfe	Thompson
Florio	Meyner	Thone
Flowers	Michel	Thornton
Flynt	Mikva	Traxler
Foley	Miller, Calif.	Treen
Ford, Mich.	Miller, Ohio	Trible
Ford, Tenn.	Mitchell, Md.	Tsongas
Forsythe	Mitchell, N.Y.	Tucker
Fountain	Moakley	Ullman
Fraser	Mollohan	Vander Jagt
Frenzel	Montgomery	Vanik
Gammage	Moore	Volkmer
Gaydos	Moorhead, Calif.	Waggonner
Gephardt	Moorhead, Pa.	Walgren
Giaimo	Moss	Walsh
Gilman	Mottl	Watkins
Ginn	Myers, Gary	Weaver
Glickman	Myers, Ind.	Whalen
Gonzalez	Natcher	White
Gore	Nedzi	Whitehurst
Gradison	Nichols	Whitten
Grassley	Nix	Wiggins
Guyer	Nolan	Wilson, Bob
Hagedorn	Nowak	Wilson, C. H.
Hall	Oberstar	Wilson, Tex.
Hamilton	Obey	Wolff
Hammer-schmidt	O'Brien	Wright
Hanley	Panetta	Wylie
Hannaford	Patterson,	Yates
Hansen	Pattison	Young, Fla.
Harkin	Pease	Young, Mo.
Harris	Perkins	Young, Tex.
Harsha	Pettis	Zablocki

NAYS—5

McDonald	Ottinger	Weiss
Murphy, Pa.	Vento	

NOT VOTING—85

Alexander	Biaggi	Broyhill
Andrews, N.C.	Boggs	Burke, Calif.
Andrews, N. Dak.	Brown, Mich.	Burton, Phillip
	Brown, Ohio	Chappell
Clausen, Don H.	Koch	Rhodes
Cleveland	Latta	Rodino
Coleman	Leggett	Rostenkowski
Conte	Lent	Ruppe
de la Garza	Lujan	Ryan
Dellums	McCloskey	Santini
Derwinski	McFall	Scheuer
Dicks	McKinney	Shuster
Eckhardt	Madigan	Simon
Flippo	Mann	Stark
Frey	Meeds	Steers
Fuqua	Mikulski	Teague
Gibbons	Milford	Tonry
Goldwater	Mineta	Udall
Goodling	Minish	Van Deerlin
Gudger	Moffett	Walker
Harrington	Murphy, Ill.	Wampler
Hefner	Murphy, N.Y.	Waxman
Hillis	Murtha	Whitley
Hollenbeck	Myers, Michael	Winn
Holtzman	Neal	Wirth
Huckaby	Oakar	Wydler
Johnson, Calif.	Patten	Yatron
Kemp	Pepper	Young, Alaska
	Railsback	Zeferetti

The Clerk announced the following pairs:

Mr. Teague with Mr. Andrews of North Dakota.
Mr. Biaggi with Mr. Hillis.
Mr. Waxman with Mr. Brown of Ohio.
Ms. Mikulski with Mr. Railsback.
Mr. Alexander with Mr. Broyhill.
Mr. Dicks with Mr. Steers.
Mrs. Boggs with Mr. Wampler.
Mr. Rodino with Mr. Conte.
Mr. Rostenkowski with Mr. Madigan.
Mrs. Burke of California with Mr. Lujan.
Mr. Phillip Burton with Mr. Cleveland.
Mr. Dellums with Mr. Don H. Clausen.
Mr. Harrington with Mr. Goodling.
Ms. Holtzman with Mr. Wydler.
Mr. Koch with Mr. Young of Alaska.
Mr. Santini with Mr. Lent.
Mr. Pepper with Mr. Latta.
Mr. Stark with Mr. Ruppe.
Mr. Meeds with Mr. Shuster.
Mr. Moffett with Mr. Brown of Michigan.
Mr. Murphy of New York with Mr. Coleman.
Mr. Zeferetti with Mr. Walker.
Mr. Van Deerlin with Mr. Hollenbeck.
Mr. Murtha with Mr. Johnson of California.
Mr. Murphy of Illinois with Mr. Winn.
Mr. Fuqua with Mr. McKinney.
Mr. Chappell with Mr. Derwinski.
Mr. McFall with Mr. Frey.
Mr. Yatron with Mr. Kemp.
Mr. Patten with Mr. McCloskey.
Mr. Minish with Mr. Andrews of North Carolina.
Mr. Mineta with Mr. Eckhardt.
Mr. Tonry with Mr. Ryan.
Mr. Wirth with Mr. Scheuer.
Mr. Leggett with Mr. Udall.
Mr. Mann with Mr. Simon.
Mr. de la Garza with Mr. Gibbons.
Mr. Hefner with Mr. Milford.
Mr. Neal with Mr. Rhodes.
Mr. Flippo with Mr. Gudger.
Mr. Huckaby with Mr. Whitley.
Mr. Michael Myers with Ms. Oakar.

Mr. OTTINGER changed his vote from "yea" to "nay."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed by the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

INTRODUCTION OF REORGANIZATION ACT AMENDMENTS OF 1977

(Mr. BROOKS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROOKS. Mr. Speaker, I am introducing today a bill restoring the authority of the President to submit plans to Congress for reorganizations within the executive branch. This bill will give President Carter the authority he needs to carry out his pledge to improve the efficiency of the Federal Government.

My bill differs from past Reorganization Acts by requiring the approval of the House and Senate before a plan takes effect, instead of having it become law automatically unless either House vetoes it. The bill contains provisions to assure that a plan will come to a vote within 60 days.

This change, Mr. Speaker, preserves the proper legislative role of Congress. To let a President propose and enact a law unless Congress vetoes it is to stand the Constitution on its head.

We should delegate to the President the right to reorganize the Federal Government, but we must do it in a manner consistent with our own constitutional rights and responsibilities.

Mr. Speaker, the text of the bill is as follows:

H.R. 3131

A bill to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reorganization Act Amendments of 1977".

POLICY AND PURPOSES

SEC. 2. (a) The Congress hereby finds and declares that—

(1) the Government of the United States has attained a size and complexity which makes it inaccessible to many of its citizens and unmanageable by their leaders;

(2) such size and complexity have reduced the efficiency and increased the costs and other burdens of the Government upon such citizens; and

(3) a thorough and exhaustive review of the structure and function of the Government and the preparation of comprehensive means to its improvement are required if that Government is to retain the loyalty and respect of those citizens.

(b) Congress declares that the public interest therefore requires that the preparation and submission of reorganization plans pursuant to the Reorganization Act of 1949 (5 U.S.C. 901 et seq.) be authorized immediately by enactment of legislation extending the authority of that Act.

EXTENSION OF AUTHORITY

SEC. 3. Subsection (b) of section 905 of title 5, United States Code, is amended by striking out "before April 1, 1973" and inserting in lieu thereof "before December 31, 1980".

METHOD OF TAKING EFFECT

SEC. 4. (a) Subsection (a) of section 906 of title 5, United States Code, is amended to read as follows:

"(a) except as provided under subsection (c) of this section, a reorganization plan shall be effective upon approval by the President of a resolution (as defined in section 909) which has been adopted, within the first period of 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to it, by the House of Representatives and the Senate. Failure of either House to act upon such resolution by the end of such period shall be the same as disapproval of the resolution.".

(b) Section 909 of title 5, United States Code, is amended to read as follows:

"§ 909. TERMS OF RESOLUTION

"For the purpose of sections 906–913 of this title, 'resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the Congress of the United States approves the reorganization plan numbered --, transmitted by the President on -------- --, 19--, including such changes as may have been subsequently proposed by the President in accordance with section 910 of title 5, United States Code', the blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one reorganization plan.".

SEC. 5. (a) Section 910 of title 5, United States Code, is amended to read as follows:

"§ 910. INTRODUCTION AND REFERENCE OF RESOLUTION

"(a) On the day on which a reorganization plan is transmitted to the House of Representatives and the Senate under section 903, a resolution, as defined in section 909, shall be introduced (by request) in the House by the Chairman of the Government Operations Committee of the House, or by a Member or Members of the House designated by such Chairman; and shall be introduced (by request) in the Senate by the Chairman of the Government Operations Committee of the Senate, or by a Member or Members of the Senate designated by such Chairman.

"(b) A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be deferred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee to which the resolution is referred shall consider the reorganization plan for 30 calendar days of continuous session of Congress and shall make its recommendations to the House of Representatives or the Senate, respectively, within 45 such days following the date of such resolution's introduction. Any time within 30 such days after submission of a reorganization plan to the Congress, but before such resolution has been ordered reported in either House, the President may make modifications or revisions of the plan, consistent with the provisions of sections 903–905 of this title, which modifications or revisions shall thereafter be treated as a part of the reorganization plan originally transmitted and shall not affect in any way the time limits otherwise provided for in this chapter.".

(b) Section 911 of title 5, United States Code, is amended to read as follows:

"§ 911. DISCHARGE OF COMMITTEE CONSIDERING RESOLUTION

"If the committee to which a resolution with respect to a reorganization plan has been referred has not reported it at the end of 45 calendar days of continuous session of Congress after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.".

(c) Subsection (a) of section 912 of title 5, United States Code, is amended to read as follows:

"(a) When the committee has reported, or has been deemed to be discharged (under section 911) from further consideration of, a resolution with respect to a reorganization plan, it is in order at any time thereafter (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.".

(d) Section 912 is further amended by adding at the end thereof the following new subsection:

"(c) If, prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the same reorganization plan from the other House, then——

"(1) the procedure in that House shall be the same as if no resolution had been received from the other House; but

"(2) the vote on final passage shall be on the resolution of the other House.".

(e)(1) Section 913(a) of title 5, United States Code, is amended to read as follows:

"(a) A motion to postpone, made with respect to the consideration of a resolution with respect to a reorganization plan, is not in order, and it is not in order to move to proceed to the consideration of other business.".

(2) The heading of section 913 is amended to read as follows:

"§ 913. MOTIONS TO POSTPONE AND PROCEED: DECISIONS OF THE CHAIR".

LEGISLATION TO ELIMINATE AUTOMATIC ADJUSTMENTS OF PAY RATES FOR MEMBERS OF CONGRESS

(Mr. SCHULZE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHULZE. Mr. Speaker, our citizens throughout a great portion of the United States have been dealt a series of devastating blows recently from this unusually harsh winter season. The extremely low temperatures and inordinately high amounts of snowfall in a large section of this great Nation have nearly paralyzed much of our economy. In addition to this harsh cold spell, the lack of congressional foresight in developing a national energy policy has created massive energy shortages.

The result of these two calamities has been numerous industrial shut-downs and thousands of people put out of work. Everyone in this Nation and every aspect of our economy has felt the effects of the cold winter and the lack of energy fuels.

The American people are in need of help. They need food, clothing, jobs, and Federal aid to get them through the rest of this winter in decent shape.

In spite of this disastrous situation facing many of our people, what do we, here in the Congress, find occupying much of our time—congressional pay raises.

Mr. Speaker, colleagues, where are our priorities? Why at a time of great misfortune for the people of this Nation, are we about to increase our own salaries?

Can we justify to the American people, a pay raise for ourselves at a time like this?

Can we honestly say to our constituents back home, who have just seen their small business or place of employment shut down, "believe me we must have an additional $13,000 now, in order to make a decent living?

I, for one cannot. To me, it seems incredibly callous for us in the Congress to increase our own salaries now at a time when many have lost all of their income. In addition, the risk of setting off another round of inflation with this increase in Federal spending will be yet another blow to the American people.

Just the other day I was heartened to see that at least one Government official was taking the plight of his citizens seriously. I am referring to the newspaper article about Gov. Jay Rockefeller of West Virginia who decided not to spend over $100,000 on gold leaf to paint the dome of the Capitol building. Instead, he decided to buy a snow blower for one of his rural communities which was completely snowbound.

While the set of circumstances may be different, the parallel is clear. It may be nice to have that additional income, but at a time like this, increases in Federal spending could provide many times more benefits for the less fortunate.

For this reason, I am, today, introducing legislation which would remove from the Advisory Committee on Federal Pay, that power to impliment pay increases for the Congress. In its place, my bill would make the recommendations of the President with respect to rates of pay for the Congress, advisory only. Such recommendations then, could not take effect unless otherwise provided by law.

My legislation would concern itself only with pay increases for Congress. The rates of pay as recommended for the other branches of Government would not be affected.

In this time of high unemployment and high inflation, we in the Congress must be sensitive to the problems of those we represent. I do not think it too much to ask that we show a little restraint in our own self-indulgences and demonstrate our own qualities of prudence and sacrifice.

The text of my legislation is as follows:

H.R. 3201

A bill to eliminate automatic adjustments of rates of pay for Members of the Congress under the Federal Salary Act of 1967 and the Legislative Reorganization Act of 1946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 225(i)(2) of the Federal Salary Act of 1967 (2 U.S.C. 359(2)) (relating to adjustments of certain executive, legislative, and judicial salaries) is amended by inserting "(A)" before "Any" and by adding at the end thereof the following new subpargaraph:

"(B) Recommendations of the President with respect to rates of pay for offices and positions within the purview of paragraph (A) of subsection (f) of this section (other than the office of Vice President) shall be advisory only. Such recommendations may not take effect under this section until otherwise provided by law.".

(b) Section 225(j) of the Federal Salary Act of 1967 (2 U.S.C. 360) (relating to effect of recommendations on existing law) is amended by inserting "which takes effect under subsection (i) of this section" before "shall be held".

SEC. 2. Section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(a))

(relating to rates of pay for Members of Congress and cost-of-living adjustments of such rates of pay) is amended to read as follows:

"SEC. 601. (a) The annual rate of pay for—

"(1) each Senator, Member of the House of Representatives, and Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico,

"(2) the President pro tempore of the Senate, the majority leader and the minority leader of the Senate, and the majority leader and the minority leader of the House of Representatives, and

"(3) the Speaker of the House of Representatives,

shall be the rate in effect for such positions on September 30, 1976, until otherwise provided by law.".

SEC. 3. The amendments made by this Act shall apply with respect to pay periods which begin after the date of the enactment of this Act.

THE ADMINISTRATION'S CAPITAL IMPROVEMENTS PROGRAM

(Mr. HARSHA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HARSHA. Mr. Speaker, the Committee on Public Works and Transportation has been holding hearings on H.R. 11 and the new administration's capital improvements program for fiscal years 1977 and 1978. I have sat through these hearings from witness to witness, from hour to hour, and from day to day listening to criticism and complaints from witnesses representing the Governors of the various States, the Mayors Conference, the National Association of Counties, Members of Congress, local officials, and individual citizens, all of whom have pointed out what they claim to be the inequities in the Public Works Employment Act of 1976. Most of these witnesses have, in my judgment, unfairly laid the blame for these inequities upon the Economic Development Administration, Assistant Secretary John Eden, and members of his staff.

After very carefully reviewing that act, I can cite you section, chapter, and verse of that act which brought about these so-called inequities. This same act was approved by the 94th Congress after overriding President Ford's veto. I think in all fairness and objectivity, it should be pointed out where the actual blame lies. For example, there was much criticism about the so-called benchmark policy, so that no one area would get an inordinate amount of the funds available. The authority for the benchmark policy is specifically set forth in section 107 of the act, directing the Secretary to assure that adequate consideration is given to the relative needs of the various sections of the country. That proviso was placed in the law by the Congress.

Some witnesses testified that it was unfair for the administration to give priorities to local governments. That provision was specifically set forth in section 108(b) directing the Secretary to give priority and preference to projects of local governments.

Another criticism was made by several of the witnesses that the unemployment rates used were only for a 90-day period. The act specifically provides in section 108(c):

In making grants under this Act, if for the three most recent consecutive months, the national unemployment rate is equal to or exceeds 6½ per centum, the Secretary shall (1) expedite and give priority to applications submitted by States or local governments having unemployment rates for the three most consecutive months in excess of the national unemployment rate and—

Here again, the authority for the use of the 90-day period is set forth in the law itself.

Mr. Speaker, probably the most criticized of any particular action of the Economic Development Administration was the so-called 70–30 provision. Here again, instead of criticizing the Economic Development Administration and its officals, the Congress is responsible for this provision, as it was an amendment offered by a member of this committee and is specifically set forth in section 108(d), establishing the 70–30 division of moneys. This led to extreme competition between areas of high unemployment for the 70-percent money and it led to less competition in most affluent areas and areas of low unemployment of the 30-percent money, leaving some communities with very high unemployment getting no money and some communities with relatively low unemployment receiving project grants. But, here again, this was not created by the Economic Development Administration. The fault lies with the legislation itself and the Congress for having approved that provision.

Another severe criticism of the program was that some communities were permitted in determining their unemployment rate to use unemployment in those adjacent areas from which the labor force for such project could be drawn if they so desire. This had the effect of letting a rather affluent community adjoining a poverty stricken area include that poverty area within its total project area, thereby making it more eligible for a grant. This gerrymandering provision again was written into the law and the Economic Development Administration was required to implement it.

Criticism was given the Economic Development Administration for the formula it used for distribution to each State, but, here again, the Congress was silent as to any formula for distribution, except that no State should receive less than one-half of 1 percent nor more than 12½ percent of all amounts appropriated. This necessitated the Economic Development Administration with coming up with a formula by which they could distribute the money.

One other often voiced criticism was that income levels were used as a criteria to determine the eligibility of an applicant. The argument was that income levels had nothing to do with whether or not an individual was unemployed and that the Economic Development Administration should not have used income levels as a criteria for judging applicants. But, here again, Mr. Speaker, as in 90 percent of all other areas of criticism, the Congress was at fault, not the Economic Development Administration, because the Congress specifically wrote in section 107 as one of the criteria that the Secretary shall consider the income levels in the project area.

Many of the witnesses asked why the Economic Development Administration did not use more subjective judgment and discrimination in approving applications, but, Mr. Speaker, I must remind my colleagues that the Economic Development Administration was under such restrictions and pressure at the time to meet all of the demands of this legislation that it had little time to make subjective judgments.

The Administration was required to formulate its regulations within 30 days, and 60 days thereafter to review some 25,000 applications, send back those that lacked sufficient information, and actually approve or disapprove all of these applications within 60 days. All of this had to be done without any additional help. I respectfully suggest that there was absolutely no time for subjective judgment in the handling of these applications.

In all fairness, I think the Economic Development Administration and Assistant Secretary Eden and his staff did a very, very creditable job under the circumstances, the pressure, the time elements, and the directives that Congress placed upon them, and that the Congress must bear most of the burden for the seeming inequities that resulted in administering this very difficult act. I am sure that my colleagues on the committee are now aware of these troublesome provisions in the law, and that appropriate measures will be taken to eliminate as many of them as possible. But, instead of criticizing the Economic Development Administration and its staff, we should compliment them for a job well done under all of the extenuating circumstances.

DECLINE IN GOVERNMENTAL RESEARCH AND DEVELOPMENT

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. STEERS) is recognized for 5 minutes.

Mr. STEERS. Mr. Speaker, as our present natural gas shortage most poignantly exhibits, we too often fail to comprehend and anticipate future crises. Philip Greer and Myron Kandel recently documented in their weekly report in the Washington Star an alarming trend which shows a proportional decline in our governmental research and development spending. Slippage in American technological leadership, needless to say, would have serious consequences. I recommend their report:

[From the Washington Star, January 23, 1977]

TECHNOLOGY GAP

You're going to be hearing more and more about the developing "technology gap"—the slippage in American scientific leadership that could slow down the creation of new jobs.

Industrial leaders are worried that not enough attention is being paid to basic research and development—especially at the country's colleges and universities, where the stock of scientific brainpower is developed.

On the industry side, for example, aircraft manufacturers are warning, as we reported earlier, that the up-and-down profit picture at the country's airlines is inhibiting development of new, more efficient jetliners,

because the builders aren't sure they would be able to sell the planes.

There's a rising chorus of voices detailing the decline in research. One of those sounding the alarm is Dr. Thomas A. Vanderslice, a 44-year-old Ph.D. in both physics and chemistry who is vice president and group executive in charge of special systems and products at General Electric Co. Vanderslice has been traveling the country urging more help for the U.S. R&D effort. We spoke with him at GE's new corporate headquarters in the rolling hills of Fairfield, Conn.

"The trend of government research and development spending has been down for the last 10 years," he said. "When you talk about 45 percent of the federal budget going for social services—much of which certainly is needed—and less than 2 percent for research—well, I think somebody ought to think about that."

At GE, he said, nearly all the new jobs created in the past decade have been due to new inventions or major improvements in old product lines. Along with that, there's yet another problem—maintaining the U.S. position in world markets. "These off-shore markets don't buy from us because they love us," Vanderslice observed. "They buy our products because they're better than those from other countries." At GE, he said, one out of nine jobs is tied directly to foreign sales.

According to figures put together at GE, federal spending for research has held fairly steady for the last 10 years, but the government's budget has gone up almost 100 percent. As a result, R&D now gets about 1.2 cents out of every federal dollar; in 1965, it got a 1.5-cent share. "Most of those allocations are for specific projects," Vanderslice said. "The amount for unfettered research, where the ideas come from, is down even more."

Corporations, he noted, have kept their R&D spending about in line with the pace of inflation, at about 1 percent of the country's total Gross National Product. As a result, although the corporate research effort hasn't felt much impact yet, academic laboratories are being squeezed. "The university system is getting absolutely clobbered," Dr. Vanderslice told us. "That slows the number of trained people and, as a result, we just don't see the source of supply of technological talent coming down the pike."

The effects of the falloff at the university level, he said, will be felt over the next five or 10 years. "The fact that we swept the Nobel prizes this year—we should be proud of that," he said. "I'd be interested to see if we scoop them 10 years from now."

Dr. Vanderslice, who has degrees from Boston College and Catholic University, has been triggering some response to his calls for more research dollars. After a speech a couple of months ago to a business group in Chicago, he told us, he received requests for copies of the talk from the Ford White House and from representatives of the Carter administration. "They've been very receptive," he said. But he hasn't heard yet of any plans to beef up R&D spending.

The intentions of the Carter administration, he noted, could be reflected in the choice of a White House science adviser. Among those being mentioned as leading candidates for the post are Jerome Wiesner, who held the job under President Kennedy; Lewis Branscomb of IBM, former head of the National Bureau of Standards, and Wolfgang Panofsky, director of the Stanford University Linear Accelerator Center. They, along with other names that have been mentioned, make up a "pretty good list," in Dr. Vanderslice's opinion.

"What we need," he summed up, "is to do an education job on the public."

A BILL TO AMEND THE DISASTER RELIEF ACT OF 1974

The SPEAKER. Under a previous order of the House, the gentleman from Virginia (Mr. TRIBLE) is recognized for 10 minutes.

Mr. TRIBLE. Mr. Speaker, today I offer a bill to amend the Disaster Relief Act of 1974 to reduce the interest rates and to provide for partial forgiveness on Federal loans to disaster victims.

Over the past few years the people of this Nation have been buffeted by repeated natural disasters.

Most recently the severe cold and winter storms which have gripped the country have triggered further emergency declarations by the President.

On January 26, 1977, President Carter, acting on my appeal, declared a disaster for the Chesapeake Bay which has been frozen solid for over 7 weeks. Thanks to this declaration thousands of Virginia's watermen whose fishing boats have been ice-locked since the freeze, will be able to receive unemployment compensation. Because these watermen are self-employed, they normally are not entitled to unemployment compensation. This disaster relief makes such assistance available to them at prevailing payment levels.

On January 29 and 30, I visited the Eastern Shore, Middle Peninsula, and Northern Neck areas of Virginia. I met with watermen in Chincoteague, Saxis, Tangier Island, and Heathsville. The situation in the Chesapeake Bay region is desperate.

Virginia's oystermen, clammers, and crabbers have been losing income at the rate of about $100 a day since the freeze.

The fishing community has been ice-locked for 7 weeks. The watermen cannot dredge for oysters, set out crab pots, or fish. The situation is so bad that it has begun to impact on restauranteurs. Packing houses also have experienced a decline in business.

Fuel oil is running short. Some food supplies must be flown in by airplane. Boats have been damaged by the ice. Pile driving and wharf construction is at a standstill.

Disaster relief loans are necessary for many businesses and I am relieved and grateful that the President acted promptly on my request and has declared the Chesapeake Bay area eligible for such assistance.

The 1974 Disaster Relief Act provides help for those victims through loans with an interest rate of 6⅝ percent. Under the 1974 act there is no loan forgiveness provision. But, past experience shows that the high cost of these loans has discouraged disaster victims from applying for the relief they deserve.

It is no wonder so few applied. Few of our citizens faced with high inflation and little spare money, can afford to take relatively high interest loans over a long term. At that percentage, the Federal Government is not lending a helping hand to unfortunate victims but instead it is acting like a commercial brokerage house.

The bill I am introducing today would reduce the high cost of loans for victims of the current disaster in the Chesapeake Bay region. The bill would also cover other victims in declared natural disasters around the Nation.

In brief, my bill would provide disaster victims with two options:

First. A 3-percent interest rate with up to $2,500 forgiveness on the loan; and

Second. A 1-percent interest rate with no loan forgiveness clause.

There is sound precedent for these lower terms, in addition to the strong compassionate and humanitarian grounds which exist.

Under the earlier Disaster Relief Act of 1970, the SBA granted loans bearing a 1-percent interest rate with a $5,000 forgiveness clause. As my colleagues can readily see, there is a substantial difference in cost to the disaster victim between loans under the 1970 act and loans under the 1974 act. It is a curious anomaly when the terms of a disaster loan depend entirely on when the disaster occurred. If you had the misfortune to be damaged in 1972 by Hurricane Agnes, for example, you could apply for a 1-percent loan under the provisions of the Disaster Relief Act of 1970.

But if you were the victim of this winter's disaster, that took place after the law had been changed to provide for a higher interest rate, then you had no choice but to pay the higher costs. As a result, watermen of the Chesapeake Bay and thousands of other citizens throughout the Nation were not only at the mercy of nature but also of the new law with its higher interest rates and no forgiveness clause. Now we need to act quickly to correct this inequity.

My bill will do that.

The difference to the disaster victim in terms of a monthly loan repayment between the present 6⅝-percent loan with no forgiveness and my proposed 3 percent loan is significant.

Present holders of 6⅝-percent loans are paying an average monthly payment of $43.90 for a $5,000 loan with a 15-year payback period. Under my bill, the average monthly payment would be $34.53 with a 3-percent interest rate and no loan forgiveness. The monthly figure would be even lower if part of the loan was forgiven.

If the disaster victim should choose the 1-percent loan with no forgiveness for the same amount of money and term of the loan the monthly payment would be $29.92.

If there is any group of people that inspires compassion it is the innocent victims of these disasters who through no fault of their own have sustained damage to their homes and businesses. These people deserve a helping hand in the form of low-interest disaster loans.

The problem is national in scope. Every State is subject to the threat of natural disasters. My bill—which would apply to disaster victims throughout the Nation—is designed to help those who have suffered and are suffering now from natural disasters. I urge my colleagues to support this bill.

CASH DISCOUNT LAW BRINGS LOWER GAS PRICES

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, when Congress enacted the Fair Credit Billing Act 2 years ago a provision was placed in the legislation that would make it easier for merchants to offer discounts for customers who chose to pay for their purchases with cash instead of using a credit card.

The theory behind the move was that since the merchant has to pay a discount fee to the credit card company for each transaction, the merchant should be willing to give a cash customer a discount equal to the amount of discount that the businessman would have to pay to the credit card company.

Mr. Speaker, since the cash discount provision went into effect I have consistently urged consumer groups and business groups to push for cash discounts. Several groups around the country have begun organized campaigns to encourage businesses to offer cash discounts. It was my feeling that if one or two businesses in each community began offering these discounts, then other businesses would start offering the discounts in order to keep up with the competition.

While there has not been a widespread use of cash discounts throughout the country, there is an interesting experiment being conducted by the Exxon Co. that may well bring cash discounts to more and more businesses.

On September 15 of last year Exxon announced a service station test program of cash discounts in two cities, Charleston, S.C. and Abilene, Tex. Although the test program is only a little over half way completed, the staff of the Consumer Affairs Subcommittee visited Charleston recently to observe the effects of the program. In the near future we hope to also view the program in operation in Abilene, Tex.

As with any new program, there is a great deal of skepticism on the part of businesses and consumers. While this was true with the Exxon experiment, that apprehension quickly disappeared as service station operators and their customers quickly realized that cash discounts had benefits for both of them.

The Charleston experiment is being carried out at more than 30 Exxon stations in a market that consists of some 144,000 registered motor vehicles and a population of 300,000 people. Exxon inaugurated the program with a massive advertising campaign which included both television and newspaper ads as well as direct mail advertising sent to all area Exxon credit card holders.

CASH DRIVES DOWN ALL PRICES

The most interesting and certainly the most important aspect of the cash discount program is that it has been responsible for giving Charleston motorists the lowest gasoline costs in the State. Most participating dealers offer a 5-percent discount for cash, which roughly translates into a 2 cents per gallon cash discount. Coupled with Exxon's self-service gasoline pumps, Charleston customers are able to buy regular Exxon gasoline on a self-service basis for 52.9 cents per gallon. Because this price was lower than regular gasoline at other brand service stations, those stations were forced to reduce their price in order to meet the competition. The competitors have not gone to a cash discount policy, but rather are offering the 52.9 cent gasoline on both a cash and credit basis. It is my feeling that the competitors are trying to get a small competitive advantage by offering both credit and cash customers the same low price. Regardless of the method used, I am positive that the cash discount offering by Exxon was the stimulus for lowering gasoline prices in the Charleston area.

Most every Exxon service station operator visited by the subcommittee staff expressed open enthusiasm for the program. Some dealers, of course, were less enthusiastic than others, but none were encountered that felt the program was not successful.

Many dealers felt the offer of a discount for cash on gasoline purchases was so successful that they had extended the cash discount provision to nongasoline items such as tires and batteries and repair work. In short, the cash discount provision has become a valuable sales tool to many of these dealers.

Equally enthusiastic about the cash discount program have been the Exxon customers in the Charleston area. At first there was some resentment from credit card customers who felt that they should be given the discount because they had been, in their view, supporting the company by obtaining a credit card. However, when the credit card customers began taking advantage of the savings by paying cash, the complaints from credit card customers quickly dwindled.

Most Charleston dealers report enthusiastic customer reception to the program, and out-of-State customers wonder why a program such as the one in Charleston is not available in their area. Since Charleston is a major east coast tourist attraction it draws many out-of-State visitors. One Exxon dealer who operates a station near the historic Fort Sumter area reports that virtually every out-of-State driver comments about the cash discount program and wants to know how they can get a similar savings back home. This particular station has experienced probably the greatest success of any Charleston dealers with the cash discount program. The dealer says that even if Exxon does not continue the cash discount program that his station will still offer cash discounts because they have been so helpful to his business.

It is particularly interesting to see the reaction of tourists who pull into Exxon stations and when they see the price of the gasoline on a cash basis, most prefer to pay with cash even though they have Exxon credit cards.

A BIG SAVINGS FOR BIG CARS

But perhaps the best example of the cash discount programs concerns a physician, who is a customer at a Charleston Exxon station. The doctor drives a large luxury automobile with an extra large gas tank. For years the doctor has used Exxon's full service lanes and paid with a credit card. But when Exxon switched to self-service the doctor could have realized a savings of 7 cents per gallon between the price at the self-service and the full service islands. He still chose the full service island. However, when Exxon instituted the cash discount program that increased his discount an additional 2 cents per gallon, meaning that he now pays 9 cents less per gallon with the self-service cash price as opposed to the full service credit price, he quickly became a cash customer. On his particular vehicle it represented a savings of almost $3 every time he filled his car.

The cash discount program has also had another effect on Exxon station operators in the Charleston area. Some of the stations accept outside or third party credit cards for payment of gasoline and other merchandise. Under such arrangements the credit card company deducts a percentage of each sale made by its credit card and returns the discounted amount to the merchant. For example, a merchant might sell $100 in gasoline a week in which payment is made by a third party credit card. That credit card company would deduct 5 percent or $5 from the credit sales and return $95 in cash to the merchant. However, when the cash discount program came into effect and third party credit card sales fell off, the credit card companies began cutting their discounts to the merchant in hopes that customers would be persuaded to use credit cards. My feeling is that if credit card companies are willing to cut their discounts to merchants and hopefully the merchants can pass that savings along to the customer in lower product costs.

That may be a naive belief, but in the gasoline business, which is so highly competitive, many station operators are willing to pass along any savings to them in the form of reduced prices in order to attract additional customers.

Mr. Speaker, when the Exxon program was first announced a representative of service station operators here in the Washington area was extremely critical of the program. The official claimed that unless service station operators raised the price of their gasoline before instituting the cash discount program, that the service station would lose money. That has not been the case with the Exxon experiment, and in fact, not a single station that the staff visited reported losing any money because of the cash discount program. Just the opposite was true—they all felt it was helping their sales. The typical comment from dealers was that anything that helps lower prices will bring in customers, and "if I can lower prices without losing money it's going to help me in the long run."

OTHER COMPANIES HAD CHANCE

Mr. Speaker, it is not currently fashionable for those connected with consumer affairs groups to praise the oil companies. But at the risk of losing my membership as a consumer advocate, I must commend the Exxon company for

spending the effort and money to conduct this experiment. Certainly, Exxon is conducting this experiment with the idea of selling more gas and thereby making as much money as possible for its service station operators, but the same opportunity to conduct the program was available to all major oil companies, and only Exxon chose to enter truly an unknown area.

Exxon has gone into the test program full force and in fact, has even developed a computerized gas pump that was built solely for the purposes of testing the cash discount program. Instead of having the price per gallon of gasoline posted in black and white numbers at the bottom of the face of the gas pump, the price is shown in a series of electronically illuminated numbers. On the side of the pump is a switch with settings for cash or credit. If for example, the self-service isle pump is set for cash, the figure 52.9 will appear in the cost per gallon window. When the pump is activated the computer will figure the total amount of the sale based on the price for the cash sale. If, however, the customer decides to pay with a credit card, the switch is turned to credit and the figure switches from 52.9 to 54.9 and the total sales price is then computed on that basis. Once the pump is activated and gas begins pouring into the car, the switch cannot be changed. This pump was developed to make it easier for station attendants and customers to compute the savings.

In those stations that do not have the pumps a small card is used to figure the exact discount, although most customers prefer to figure their discount on a flat 2-cents-per-gallon basis. Among the more knowledgeable customers the trend is not to take the discount in cash but rather to take the discount in increased gasoline sales. For example, a customer who wants $5 worth of gasoline will instead of taking a 25-cent cash rebate put $5.25 worth of gas in the car and pay the dealer only $5.

In closing, Mr. Speaker, I sincerely hope that the Exxon Corp. at the end of its test period decides to expand the cash discount program to other areas of the country and eventually to every Exxon station in our Nation. I call upon other companies to look for innovative ways to introduce cash discounts not solely to help consumers but because the Exxon program has shown that cash discounts are indeed a good business practice for smart businessmen.

NEED TO CONSIDER SPECIAL JUDICIAL SYSTEM FOR HEW PROGRAMS

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, during the past 10 years, with the enactment of medicare, medicaid, and the supplemental security income program for the aged, blind, and disabled, the Department of HEW has become involved in enormous new programs and the processing and paying of millons of bills and claims. These new programs carry with them the potential for mistakes in processing and paying bills; in addition, the programs are susceptible to massive fraud and abuse.

During the past several years, a series of congressional hearings and investigative reports have chronicled the widespread abuse of these new HEW programs. For example, the Ways and Means Oversight Subcommittee, has held a number of hearings during the past 2 years on the failure of the Department to deal adequately with abuses and errors in the AFDC, SSI, and medicare programs.

HEW has not been adequately staffed or motivated to deal with these abuses of health and welfare programs. Additional staff provided during the past year plus the recent enactment of legislation creating an Office of HEW Inspector General with broad investigatory power should help the Department fight the abuses which have accompanied the start of these new social programs.

I am concerned, however, that the new effort by HEW to prevent fraud and abuse will not be adequately supported by the Department of Justice or the existing judicial system.

Basically, U.S. attorneys, who are presented with a bedsheet list of crimes to prosecute, quite understandably give priority to kidnapping cases, the prosecution of organized crime, and giant anti-trust cases rather than a SSI recipient who willfully claims false dependents or cheats the Government out of $30 or $40 a month. A Federal judge who is faced with an enormous bankruptcy case will have little interest in the case of a corner druggist taking medicare kickbacks. Yet, the welfare recipient who cheats discredits the entire program and hurts that great majority who are in need and who correctly and honestly apply. The pharmacist or nursing home operator who robs the social security medicare trust fund not only gains illegally but discredits the entire effort of the Federal Government to provide health care to the poor and elderly.

While it may be understandable that U.S. attorneys and judges would not give a priority to these HEW health and welfare programs, this "low priority" is destructive to public support of social service programs and results in a spread in noncompliance and abuse of these problems.

HEW often has difficulty in obtaining support from the judicial system in fraud and abuse cases. For example, as of April 1976 the Social Security Administration has referred 259 cases of possible fraud in the SSI program to the Department of Justice with recommendations for criminal or civil prosecution. The Justice Department refused to prosecute in 109 of these cases. It obtained criminal convictions in 29 cases and there were indictments in 7 other cases. Twelve cases were acquitted or dismissed while 102 were still awaiting "prosecutive decision."

The Bureau of Health Insurance of the Social Security Administration provided the following statistics:

As of June 30, 1976, we have referred approximately 580 cases to the United States Department of Justice. In 267 of these cases, indictments were obtained. The United States Attorneys have declined prosecution in 164 cases and 148 are pending their decision to prosecute. As of this date, 33 defendants are under indictment and awaiting trial. The completed trials have resulted in 186 convictions, 26 acquittals, and 22 dismisals. (As an example of the potential volume of uses, "as of June 30, 1976, there were 2,595 possible instances of fraud and 1,853 possible instances of abuse being investigated by the BHI Regional Offices.")

In the medicaid program in fiscal years 1975 and 1976, 335 cases were referred to law enforcement officials and 71 convictions were obtained. I do not have the data on the number of cases dismissed or declined in this program.

I believe that the massive and often specialized new HEW programs warrant the establishment of a special judicial system to deal with matters of controversy and litigation—not only fraud and abuse, but cases where a beneficiary believes that he should have received a higher benefit payment or different determination of eligibility.

The system I envision would be similar to the U.S. Tax Court system in which a special judicial process was established to deal with a highly complex area of law involving thousands of cases each year. Like the Tax Court system, I would recommend the use of the present U.S. District/Appeals/Supreme Court system also be permitted for those who do not wish to use the "HEW court."

This new system would enable the government to better protect itself and the taxpayers against fraud and abuse. It would enable program beneficiaries to obtain quicker and more expert opinions on questions of disability eligibility, benefit levels, due process notices, unreasonable delays in processing applications, et cetera. Such a system would remove a heavy workload from the regular judicial system and generally provide for more expeditious justice.

I offer this suggestion as an idea to be debated and considered. The creation of new systems of courts is a most delicate matter which must be studied and approached with care. I hope that those who are interested in these matters would provide the Ways and Means Committee with the benefit of their views and reactions.

ACTS ADOPTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA AND TRANSMITTED TO THE SPEAKER—OCTOBER 1, 1976–JANUARY 31, 1977

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 10 minutes.

Mr. DIGGS. Mr. Speaker, the Council of the District of Columbia has adopted a number of acts since last I reported to the House upon the adjournment of the 94th Congress on October 1, 1976.

The House Committee on the District of Columbia has in its files council committee reports and copies of the council's acts, if members desire further information.

The council acts are listed below:

ACTS ADOPTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA AND TRANSMITTED TO THE SPEAKER—OCTOBER 1, 1976–JANUARY 31, 1977

Act 1–151. To amend and supersede the Horizontal Property Act (D.C. Code, Title 5, Sec. 901–933) and Council Regulation 74–26, to provide for the creation and governance of condominiums and regulating the offering of condominium units. Adopted by the Council on July 20, 1976. Signed by the Mayor on August 26, 1976. Transmitted to the Speaker, January 10, 1977.

Act 1–152. To amend the D.C. Healing Arts Practice Act of 1928 (45 Stat. 1326; D.C. Code, Tit. 2, Sec. 101 et seq.) to increase (from 5 to 12 Members) the Commission on Licensure to Practice the Healing Arts, and revise its authority. Adopted by the Council on July 20, 1976. Vetoed by the Mayor on August 23, 1976. Reenacted by the Council on September 15, 1976. Approved by the President on October 20, 1976. Transmitted to the Speaker January 24, 1977.

Act 1–158. To amend the D.C. Teachers' Salary Act of 1955 (D.C. Code, Title 31, Sec. 1501 et seq.) to (1) provide an average 6% salary increase, effective Jan. 1, 1976; (2) to establish summer school and hourly rates for certain educational personnel; and (3) make technical amendments regarding certain requirements for teachers. Adopted by the Council on September 15, 1976. Signed by the Mayor on October 8, 1976. Transmitted to the Speaker January 10, 1977.

Act 1–159. To amend Title 5A–1, D.C. Rules and Regulations 1972 Building Code, Article 14, Sign Regulations, Sec. 1405.8) to grant Washington Metropolitan Area Transit Authority (WMATA) the privilege of selling, for commercial advertising, the rear-exterior space on Metro public transit vehicles. Adapoted by the Council on September 15, 1976. Signed by the Mayor on October 13, 1976. Transmitted to the Speaker January 10, 1977.

Act 1–160. To provide for implementation of the District's paternity and child support programs under Part D of Title IV of the Social Security Act. Adopted by the Council on September 15, 1976. Signed by the Mayor on October 15, 1976. Transmitted to the Speaker January 10, 1977.

Act 1–161. To amend the District of Columbia Public Postsecondary Education Reorganization Act to change the date for submission of the initial annual consolidated budget for the University of the District of Columbia, and to change the date of the consolidation of the University, and to change the terms of certain members of the Board of Trustees first appointed to the Board. Adopted by the Council on September 15, 1976. Signed by the Mayor on October 18, 1976. Transmitted to the Speaker January 21, 1977.

Act 1–162. To reorganize the District's youth programs; abolish the Office of Youth Opportunity Services, and transfer its functions; realign employment services for youths; and provide a review and evaluation of existing services and programs for youths and children. Adopted by the Council on September 15, 1976. Returned by the Mayor without signature of approval or disapproval on October 20, 1976. Transmitted to the Speaker January 10, 1977.

Act 1–163. To amend and clarify the Affirmative Action in the District Government Employment Act (D.C. Law 1–63) to assure that said law does not affect the status of uniformed equal employment opportunity officers in the Metropolitan Police Department. Adopted by the Council on September 15, 1976. Signed by the Mayor on October 20, 1976. Transmitted to the Speaker January 21, 1977.

Act 1–169. To amend the D.C. Sales Tax Act (D.C. Code, Title 47, Sec. 2605) to grant sales tax exemption to non-profit home delivery food services (e.g., meals-on-wheels) for the elderly, ill, and handicapped. Adopted by the Council of the District of Columbia on October 12, 1976. Signed by the Mayor on November 8, 1976. Transmitted to the Speaker January 21, 1977.

Act 1–170. To amend D.C. Law 1–13 (effective Sept. 23, 1975) to permit the continued operation of the incinerator at Solid Waste Reduction Center No. 1, and to require the Director of Environmenal Services to submit, by Dec. 31, 1978, a comprehensive solid waste managment plan. Adopted by the Council on October 12, 1976. Signed by the Mayor on November 8, 1976. Transmitted to the Speaker January 10, 1977.

Act 1–171. To amend the Alcoholic Beverage Control Act (D.C. Code, Title 25, Sec. 111(g)) to repeal all references to standing patrons of hotels and restaurants so that such patrons can be served standing or seated, or as house rules provide. Adopted by the Council on October 12, 1976. Signed by the Mayor on November 8, 1976. Transmitted to the Speaker on January 21, 1977.

Act 1–172. To provide for the uniform management and investment of endownment funds of schools, charities, and other eleemosynary institutions, in conformity with the uniform act promulgated by the National Conference of Commissioners on Uniform State Laws in 1972. Adopted by the Council on October 12, 1976. Signed by the Mayor on November 9, 1976. Transmitted to the Speaker on January 21, 1977.

Act 1–174. To establish a D.C. Minority Business Opportunity Commission to oversee and insure fair and equitable business opportunities for minority-owned firms contracting with the District Government. Adopted by the Council on October 12, 1976. Signed by the Mayor on November 15, 1976. Transmitted to the Speaker on January 10, 1977.

Act 1–175. To amend Section 97A(a) of Article XIII, Part I, of the D.C. Highways and Traffic Regulations (Regulation No. 23–12, enacted May 24, 1973) to provide special motor vehicle parking for persons disabled with respiratory disorders. Adopted by the Council on October 12, 1976. Signed by the Mayor on November 12, 1976. Transmitted to the Speaker on January 21, 1977.

Act 1–177. To establish a 5-member Commission with power to authorize and regulate private educational institutions and their agents; assign powers and duties to such agency; regulate the granting of academic degrees and naming of educational institutions; provide for preservation of records; and amend present law re corporations (Act of March 3, 1901; D.C. Code, Tit. 29, Sec. 101 et seq.). Adopted by the Council on Oct. 12, 1976. Returned by the Mayor without signature of approval or disapproval on November 18, 1976. Transmitted to the Speaker January 21, 1977.

Act 1–178. To amend the D.C. Administrative Procedure Act (D.C. Code, Tit. 1, Sec. 1501 et seq.) as amended, to grant District citizens the right of access to government records held by the Executive Branch, and to repeal the Mayor's Order 76–109 of May 4, 1976, governing the availability of official information and records for public disclosure. Adopted by the Council on Oct. 12, 1976. Signed by the Mayor on November 19, 1976. Transmitted to the Speaker January 10, 1977.

Act 1–179. To establish an Office of Business and Economic Development within the Executive Office of the Mayor to assess the economic needs of the District, stimulate new employment opportunities, assist existing business, and promote the location of businesses and investments in the city. Adopted by the Council on October 12, 1976. Signed by the Mayor on November 19, 1976. Transmitted to the Speaker January 10, 1977.

Act 1–187. To amend the Act of May 19, 1896 (D.C. Code, Tit. 6, Sec. 401 et seq.) to impose on the District the responsibility for maintenance and non-negligently caused repairs to water service pipes and building services in public space, and to compensate property owners for such prior repairs under certain circumstances. Adopted by the Council on November 22, 1976. Signed by the Mayor on December 30, 1976. Transmitted to the Speaker January 10, 1977.

Act 1–190. To define certain terms relating to incapacity and disability for purposes of the financial and medical assistance programs. Adopted by the Council on Dec. 7, 1976. Signed by the Mayor on January 3, 1977. Transmitted to the Speaker January 26, 1977.

Act 1–193. To amend the laws of the District of Columbia relating to marriage, divorce, and child custody; abolition of certain common law causes of action; and for other purposes. Adopted by the Council on December 7, 1976. Signed by the Mayor on January 4, 1977. Transmitted to the Speaker January 25, 1977.

Act 1–194. To require that no highway, circle, bridge, building, park, other public place or property in the District of Columbia under the jurisdiction of the District of Columbia shall be named in honor of any living person. Adopted by the Council on December 7, 1976. Signed by the Mayor on January 4, 1977. Transmitted to the Speaker January 26, 1977.

Act 1–195. To provide for the registration, licensing of operators, and inspection of motorized bicycles; to provide for rules for the operation and parking of bicycles, motorized bicycles, and motorcycles; and for other purposes. Adopted by the Council on December 7, 1976. Signed by the Mayor on January 5, 1977. Transmitted to the Speaker January 26, 1977.

Act 1–198. To establish Fire Department Companies and require Council approval of any major change in such companies or the provision or location of station houses. Adopted by the Council on December 7, 1976. Signed by the Mayor on January 17, 1977. Transmitted to the Speaker January 26, 1977.

Act 1–201. To allow the Mayor to distribute motor vehicle registration dates throughout the year. Adopted by the Council on December 7, 1976. Signed by the Mayor on January 11, 1977. Transmitted to the Speaker January 26, 1977.

Act 1–203. To amend the Act entitled "An act to establish a District of Columbia Armory Board, and for other purposes", and the District of Columbia Stadium Act of 1957. Adopted by the Council on December 7, 1976. Signed by the Mayor on January 11, 1977. Transmitted to the Speaker January 26, 1977.

Act 1–204. To amend the District of Columbia Prescription Drug Price Information Act (D.C. Law 1–81). Adopted by the Council on December 7, 1976. Signed by the Mayor on January 11, 1977. Transmitted to the Speaker January 26, 1977.

Act 1–205. To amend the District of Columbia Air Quality Control Regulations. Adopted by the Council on December 7, 1976. Signed by the Mayor on January 11, 1977. Transmitted to the Speaker January 31, 1977.

Act 1–206. To amend the Administrative Procedure Act regarding publication of the District of Columbia Register. Adopted by the Council on December 7, 1976. Returned without the signature of the Mayor on January 11, 1977. Transmitted to the Speaker January 28, 1977.

Act 1–207. To amend the District of Columbia Codification Act of 1975 to authorize the continued effectiveness of any rule, act, or resolution not published in the District of Columbia Municipal Code until eighteen months after the original publication of such Code. Adopted by the Council on December 7, 1976. Returned without signature of the Mayor on January 11, 1977. Transmitted to the Speaker January 26, 1977.

Act 1–208. To increase the payment levels for public assistance applicants and recipients. Adopted by the Council on December 7,

1976. Returned without the signature of the Mayor on January 11, 1977. Transmitted to the Speaker on January 26, 1977.

Act 1–209. A bill regarding the authorization and endorsement of arbitration as a dispute-settling mechanism; and for other purposes. Adopted by the Council on December 7, 1976. Returned without the signature of the Mayor on January 17, 1977. Transmitted to the Speaker Jan. 26, 1977.

Act 1–211. To regulate the use of official mail by public officials, officers and employees of the District of Columbia government. Adopted by the Council on December 7, 1976. Returned without the signature of the Mayor on January 12, 1977. Transmitted to the Speaker January 26, 1977.

Act 1–216. To amend the Air Quality Control Regulations of the District of Columbia relating to particulate emissions. Adopted by the Council on December 7, 1976. Returned without the signature of the Mayor on January 12, 1977. Transmitted to the Speaker January 26, 1977.

Act 1–217. To provide improved protection for blind pedestrians crossing roadways in the District of Columbia. Adopted by the Council on December 7, 1976. Returned without signature of the Mayor January 13, 1977. Transmitted to the Speaker January 28, 1977.

Act 1–219. To amend the District of Columbia Rental Accommodation Act of 1975. Adopted by the Council on December 17, 1976. Returned without the signature of the Mayor on Jan. 14, 1977. Transmitted to the Speaker January 28, 1977.

Act 1–220. To provide for the registration of persons selling, supplying, or distributing motor fuels, for a prohibition on the operation of retail service stations by producers, refiners, and manufacturers, for non-discriminatory use of voluntary allowances, equipment rental charges, and motor fuel apportionments, for certain non-waiverable conditions in marketing agreements, for certain rights, responsibilities, and remedies relative to the termination, cancellation, and non-renewal of marketing agreements, for a moratorium on conversions to limited service retail service stations, and for other purposes. Adopted by the Council on December 7, 1976. Returned without the signature of the Mayor on January 14, 1977. Transmitted to the Speaker January 28, 1977.

Act 1–226. To provide additional revenue for the District of Columbia, and for other purposes. Adopted by the Council on December 17, 1976. Signed by the Mayor on January 25, 1977. Transmitted to the Speaker Jan. 28, 1977.

LEGISLATION FOR THE ELDERLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 30 minutes.

Mr. PEPPER. Mr. Speaker, early in the 95th Congress I introduced three bills—H.R. 92, H.R. 1114, and H.R. 1136—which were cosponsored by Congressman ED KOCH, and Mr. KOCH introduced two bills—H.R. 452 and H.R. 453—that I have cosponsored. A short description of these bills appeared in the CONGRESSIONAL RECORD at the time of their introduction on January 6, 1977, but as you know, Mr. Speaker, these short descriptions pique the curiousity of the reader more than they satisfy it. For this reason I am submitting at this time a fuller description of the bills, and in some instances, the mechanics of implementation of this proposed legislation:

(H.R. 92) IMPROVEMENT OF NURSING HOME, AND OTHER SERVICES, THROUGH AMENDMENTS TO MEDICARE AND MEDICAID

A wide variety of improvements in nursing home services, nursing home administration, under the medicare and medicaid programs, and other programs and services, is proposed by H.R. 92.

(H.R. 92, SECTION 2) FULL DISCLOSURE OF OWNERSHIP INTERESTS IN NURSING HOMES

Requirements for furnishing information about ownership interests in nursing homes would be broadened under H.R. 92. Those provisions of the medicaid law that specify what kind of "skilled nursing facility" qualifies for participation in the medicaid program (1902a, 28) would be amended to impose more stringent requirements on disclosing ownership interests. Provisions now in force require disclosure of the identity of anyone "who has any direct or indirect ownership interest of 10 percent or more * * *" (1861j, 11). An amendment proposed by H.R. 92 would require disclosure of any ownership interest, rather than limiting the furnishing of information about the identity of owners to those having an interest of 10 percent or more, thus making available to the public complete information about all interests regardless of what percentage of the whole that interest constitutes. (H.R. 92, section 2.)

(H.R. 92, SECTION 3) INCOME TAX DEDUCTION FOR NURSING HOME EXPENSES

The law permits an income tax deduction for medical care of the taxpayer, his spouse, and dependents. (Section 213 of I.R.C.) To qualify as dependents for income tax purposes, those for whom medical expenses are paid must fall within certain degrees of relationship by blood or marriage, or be a member of the taxpayers household and have their principal place of abode in the home of the taxpayer. In addition the taxpayer must contribute over half of the support of any individual to qualify the individual as a dependent. (Section 152 of I.R.C.) A change in the law is proposed by H.R. 92 to permit the taxpayer to deduct any amounts paid for nursing home expenses on behalf of anyone who would otherwise qualify as a dependent if no requirement was imposed that the taxpayer contribute more than one-half of the support of the dependent.

(H.R. 92, SECTION 4) USE OF SSI PAYMENTS FOR NONMEDICAL SHELTER CARE

Eligibility provisions for supplemental security income say that—

No person shall be an eligible individual or eligible spouse for purposes of this title with respect to any month if throughout such month he is an inmate of a public institution. (Section 1611e1A of the S.S. Act)

An exception to this provision of the law is proposed by H.R. 92 (section 4) to permit residents, including the mentally retarded and mentally incompetent, of nonmedical shelter care facilities, to qualify for supplemental security income under certain conditions specified in the proposed amendments. The conditions enumerated in the amendment are, first, that the residents are ambulatory and require only minimum supervision; second, that the State supplementation for such facility is not less than $100 per resident per month; and third, that the State has established and the facility meets certain standards with respect to licensure, personal care and dietary management, safety regulations, and restorative services for the residents.

(H.R. 92, SECTION 5) REQUIREMENT THAT PHYSICIAN VISIT NURSING HOME PATIENTS EVERY 30 DAYS

In order to qualify as a "skilled nursing facility" under the medicare law, the facility must develop, in conjunction with professional personnel, including one or more physicians, policies for operation of the facility, and must have a "physician, a registered professional nurse, or a medical staff responsible for execution of such policies." (Section 1861j, 3, 4 of Social Security Act). An amendment proposed by section 5 of H.R. 92 would require not only that professional personnel implement such nursing home policies, but also that a "physician visit such patients not less than once every 30 days."

(H.R. 92, SECTION 6) REGISTERED NURSE ON DUTY 24 HOURS AT SKILLED NURSING FACILITY

To participate in the medicare program a skilled nursing facility must provide "24-hour nursing service" and have "at least one professional nurse employed full time". (Section 1861j,6.) However, no requirement is imposed that a registered nurse be available 24 hours each day. H.R. 92 would upgrade the requirements for nursing care by insisting that a registered nurse be available 24 hours each day. Implementation of this requirement would be delayed until January 1, 1980.

Other features of H.R. 92 are directed to strengthening quality control, and improving fiscal control over reimbursements to nursing homes by—

Requiring nursing homes wishing to receive medicaid funds to enroll under medicare and thereby be subject to Federal regulatory and certification supervision.

Increasing the State's regulatory power by allowing the State medicaid agency to cut off reimbursements to a nursing home that is not providing safe and decent care, pending court review.

Giving the State medicaid offices greater flexibility in responding to inadequacies of care.

Allowing State administrators to collect back payments for care not provided on the basis of a statistically valid sample of persons examined in a nursing home.

Allowing medicaid to establish "standards of care" for each level of illness.

Establishing a uniform system of medicaid reimbursement based on local prototype costs, delineated by what the State administrators and the Secretary of Health, Education, and Welfare decide a "prudent buyer" should spend for a service.

Requiring nursing home operators to post a bond so that the State can recoup incorrect reimbursements after the State's audit.

Increasing the requisite arms-length relationship between service provider and facility operator to include reimbursements for transactions between any persons engaged in a third business.

(H.R. 1114) GERIATRIC HEALTH PERSONNEL TRAINING ACT OF 1977

That branch of medicine that concentrates on the biological consequences of aging, attendant ills, and infirmaties, has probably received less attention than any

other medical discipline. Provisions in H.R. 1114 are designed to attract more medical practitioners to geriatrics by supplying incentives to improve and expand medical training of geriatric health personnel by—

Providing funds to schools of medicine to assist them in the establishment of departments of geriatrics.

Providing funds to schools of medicine to assist them in establishing and operating continuing education programs in geriatrics and gerontology for physicians.

Providing funds for the training of certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term care facilities.

Providing funds to colleges and universities for the establishment of graduate programs for nurses in geriatrics and gerontology.

(H.R. 1136) LONG-TERM CARE SERVICES ACT OF 1977

As the Subcommittee on Health of the Committee on Aging held hearings, it became increasingly apparent that long-term care need not be synonymous with nursing homes, and to the contrary nursing homes should be the last resort. In spite of this conclusion, no vigorous program of alternative long-term care has been launched. H.R. 1136 seeks to initiate just such as a program by—

Authorizing an experimental program to provide care for elderly individuals in their own homes.

Authorizing elderly day-care services for individuals enrolled under medicare's part B supplementary insurance.

Authorizing the Secretary of Housing and Urban and Development to assist in the development of "campuses for the elderly" by providing apartments with central dining, rest homes with nursing supervision, and skilled nursing facilities at one site.

Authorizing the provision of intermediate care services under medicare to parallel this requirement in the medicaid program.

Providing for the modification of the medicare reimbursement formula to allow small rural hospitals with low occupancy rates to provide long-term care if there are no appropriate nursing home beds available.

(H.R. 452) NURSING HOME REFORM ACT OF 1977

Within the past few years nursing home operators, who should have the greatest empathy for the frail elderly, have all too often shown to be motivated by profit to the exclusion, and detriment, of those benign purposes and offices that should be the controlling objective of nursing home care. This observation cannot be applied to all nursing home operators, many of whom are not only skillful managers, but true humanitarians. But there is a need to improve nursing home administration, and H.R. 452—introduced by Mr. KOCH, and cosponsored by me—proposes to accomplish these purposes by—

Requiring nursing home operators to disclose to the State each and any ownership interest in a nursing home.

Providing individual income tax deductions for certain nursing home expenditures.

Allowing States to use SSI payments plus a State supplement of less than $100 per resident per month to provide care for residents in nonmedical shelter care facilities.

Requiring physician visits to patients in skilled nursing facilities at least once every 30 days.

Requiring skilled nursing facilities to employ at least one registered professional nurse full time—24 hours a day, 7 days a week.

Requiring that only licensed personnel may set up or distribute medications in skilled nursing facilities.

Establishing minimum ratios for nursing home personnel to patients and for supervisory nurses to total nurses.

Requiring skilled nursing facilities to provide medically related social services.

Requiring admissions contracts between nursing homes participating in Federal programs and the patients they serve.

Requiring nursing homes to post their current license, medicare/medicaid certification, a list of owners of the facility, the names of staff, a patient's bill of rights as well as a description of services offered by the facility.

Requiring the immediate reporting of epidemic diseases or accidents in nursing homes participating in Federal programs.

Requiring that State medicaid plans be ratified by both the State's legislative and executive branch before being presented to the Secretary for his approval; that such plans be posted and available to the public; that the Secretary annually review a State's compliance with such plan, publish performance ratings for the States, and create a course of action allowing medicaid recipients—individually or as a class—to bring suit against a State for specific performance when a State fails to comply with the provisions of its plan.

Requiring HEW to establish a rating system for nursing homes participating in Federal programs as a guide to consumers.

Amending medicare and medicaid to make unlawful the offer of receipt of consideration for the referral to patients, clients, or customers.

Requiring strict controls for the handling of patients' accounts, personal expense moneys, and valuables.

Making unlawful both the solicitation or acceptance of any gift, money or consideration over and above the rates established by the States and the solicitation or acceptance of any gift, money, or donation as a precondition of admitting a patient to a long-term facility.

Making certain requirements under medicaid with respect to long-term care facility personnel compensated with Federal funds who are responsible for determining whether such institutions comply with health and safety standards required under such act.

Requiring that payment forms submitted from nursing homes contain warnings with regard to penalties imposed under sections 1877 and 1909 of the Social Security Act.

Continuing 100 percent Federal financing of State costs in inspecting nursing homes and assisting States in the establishment of new enforcement tools, such as citation systems and protective custodianships and other alternatives to license revocation.

Providing 100 percent Federal funding of financial audits conducted by State personnel of facilities participating in medicare and medicaid.

Providing a system of inspections of State inspection and enforcement mechanisms for facilities receiving medicare and medicaid funds.

Authorizing medicare or medicaid patients—individually or as a class—to bring suit in Federal District Court against a long-term facility which is in violation of its provider agreehent.

Providing for the making of direct loans for the construction and rehabilitation of nursing homes owned and operated by churches and other nonprofit organizations.

Providing grants for the planning, development, construction, and rehabilitation of nursing homes in black and minority communities.

Authorizing interest subsidy payments to assist nursing homes in repair and renovation in order to comply with Federal standards.

Expressing the sense of the House of Representatives that the President should submit a multiagency plan to correct abuses in nursing homes.

Expressing the sense of Congress that a White House Conference on Long-Term Care be called by the President of the United States in 1978.

(H.R. 453) THE NATIONAL HOME HEALTH CARE ACT OF 1977

One of the potentially strongest vehicles for home health care is the legislation that was intended to put to rest nagging fears and apprehensions about medical expenses for which older people had no adequate means of payment. That legislation, medicare, is a household word, but for many it is a word that is associated with frustration and disillusionment. But whatever its shortcomings, it is still a workable and working program, and could be made more workable, and this is just what H.R. 453—introduced by Mr. KOCH, and cosponsored by me—sets out to do. Through amendments to the medicare and medicaid programs, it would expand coverage, and thus allow older people with some illness, some disabilities, but still generally functional, to retain their independence and dignity by—

Removing the limitation of 100 home health visits currently permitted under medicare's part B supplementary insurance.

Expanding home health services covered under medicare to include a full range of medical, homemaker, and other correlative services.

Removing the requirement that an individual need skilled nursing care in order to qualify for home health services.

Increasing from 100 to 200 the number of posthospital home health services permitted under medicare's part A hospital insurance.

Requiring States to include the full range of medical and correlative home health services as defined in section 1–3

above in order to qualify for Federal medicaid funds.

Permitting State medicaid programs to cover payment of rent or mortgage and repairs for elderly or disabled persons who would otherwise require nursing home care.

Establishing within HEW the office of Home Health Ombudsman to assist home health patients receiving Federal benefits.

Providing expanded Federal funding for congregate housing for the elderly, handicapped, and other groups.

Requiring the same annual audit of medicaid home health agencies and nursing homes now mandated for medicare facilities.

Requiring medicaid home health agencies and nursing homes to utilize cost-related, prudent buyer methods of purchase, so as to reflect reasonable cost.

Requiring disclosure, for all medicare and medicaid nursing homes and home health agencies, of any persons with ownership interest in the home or agency or in the land or building housing the home or agency.

OPPOSITION TO CONGRESSIONAL PAY RAISES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

Mr. BEDELL. Mr. Speaker, I am today introducing legislation to stop the proposed congressional pay raises. Very shortly, I will introduce another bill to amend in the future the process whereby we get these raises. I would require a vote specifically approving these increases rather than simply letting them go through unless opposed.

The real issue here is not the idea of pay raises for Members of Congress, although at this time I do not favor that. The real issue had to do with the way we now go about implementing these raises.

I am greatly concerned about the low esteem in which the people of the United States holds this Congress. I fear that the way we are going about trying to sneak these pay increases through only lowers that esteem further.

I believe that we have to earn back the confidence of our people. Sneaking through a pay raise is certainly not the way to do that. The congressional sex scandals, charges of bribes and payoffs, and other incidents have created an image that we must work hard to overcome.

Let us take a step toward restoring faith in this great body. Let us work toward a strong, enforceable code of ethics before we even consider a raise in pay. Let us open up the process of voting on these raises so that they have to be specifically approved.

Of course, in the long run we cannot escape a vote on this issue. There will be a vote on this raise when the appropriation bills are voted. Some of my colleagues proclaim that once the raise is in place, it will no longer be an issue to the voters and we can vote contrary to their wishes without serious political consequences. I submit that the public will not consider this any less of an issue at appropriations time and that by trying to trick them now we do individual Congressmen no favor. On the contrary, we do this institution a great disservice.

I urge the Congress to have the courage to halt any increases until we have earned them and to have the courage to bring this matter to a vote in the House now, so that we can show the people that we care about this institution and have the courage to vote on the difficult issues as we were elected to do.

PUBLIC WORKS FUNDS

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER), is recognized for 10 minutes.

Mr. COTTER. Mr. Speaker, last fall, thousands of hopeful towns, cities, and local agencies applied to the Economic Development Administration for Federal funding under title I of the Public Works Employment Act of 1976. More than 24,000 applications were submitted. In December, EDA completed an extensive selection process and announced the 1,988 public works projects approved for Federal assistance.

Almost immediately, municipalities across the country began to protest. The Federal money, designed to stimulate employment in the construction industry, was desperately needed almost everywhere. Inequities in the final allocations were pointed out, including one glaring anomaly: Prosperous communities with apparently little unemployment received significant allocations while neighboring jurisdictions, whose unemployment rates were much higher, got little or nothing.

The projects approved for title I money were those that scored highest under EDA's project selection formula, a method that reflected priorities mandated in the legislation: High unemployment rates, low per capita income, high numbers of unemployed, labor cost considerations, long-term benefits and other factors.

Under the law, 70 percent of the money was to go to jurisdictions whose jobless rates were the highest, while 30 percent was targeted for jurisdictions with rates lower than the national average, but higher than 6.5 percent.

This formula, when applied to Connecticut, had results typical of other States. More than 600 applications were filed, representing potential Federal assistance worth over $600 million. Connecticut, however, was designated to receive no more than $48.5 million. EDA was forced to reject 11 out of every 12 projects recommended for funding.

EDA should be commended for a prodigious task completed in so little time. The legislation required that each application be approved or rejected within 60 days. To comply, the staff had to review, weigh and rank over 24,000 applications worth $24 billion. The speed with which the agency completed its work was unprecedented.

However, it is clear that the Agency's selection formula was unsatisfactory. Flaws in both the EDA regulations and the legislation itself have been pointed out since the allocations were announced in December. Since Congress will consider new public works legislation within the next few weeks, as a critical part of our effort to stimulate the economy and provide work for the unemployed, we must make sure that its selection formula meets the needs of those who are supposed to benefit.

Shortly after EDA's announcement of final awards under title I, I asked town managers, first selectmen, and mayors in my district to suggest improvements needed in the program's administration. I received many useful recommendations from town administrators directly involved in the application process, and I would like to share these with my colleagues, especially those on the Public Works Committee who will mark up the new public works bill this week.

In summary, the recommendations were as follows:

First. Almost universally, the town officials believed the project selection formula was insensitive to the needs of each jurisdiction. In my district, many low-priority projects were approved while higher priority projects scored only slightly lower in the formula. The more important projects, however, were disapproved.

Second. Some officials suggested that applicants should be limited in the number of applications they could submit.

Third. Along similar lines as (2), some officials said that a maximum cost per project should be imposed, as well as a maximum amount that one applicant could request.

Fourth. There should be more emphasis on funding many smaller projects, rather than a few large ones. The small towns in my district felt that their applications were not properly considered because their projects were smaller and needed less money. They complained of a "bigger the better" attitude at the regional EDA office.

Fifth. One mayor complained that it was difficult to justify the time and money spent in the preparation of applications with only a 1-in-12 chance of approval. One town estimated it spent 420 person-hours to prepare its applications.

Sixth. In addition to a near consensus that the application form should be less complicated, many of the smaller towns felt the need for an abbreviated application form for small, less costly projects.

Seventh. Some municipalities suggested that towns and cities with low unemployment rates should not be eligible for funding. All of the money should be allocated to the applicants whose unemployment rates were the highest, therefore eliminating the 70–30 provision in the legislation.

Eighth. The source of unemployment data should be more uniform. Applicants should not be able to use unemployment rates of neighboring jurisdictions from which the project's labor force might be drawn. This provision in the EDA regulations enabled municipalities with a relatively low unemployment rate to borrow the higher rate on an adjacent town with no guarantees that the unemployed

of that town would actually benefit from the jobs.

Ninth. In considering the number of unemployed persons in a jurisdiction, weight should also be given to the kinds of skills represented in the jobless statistics. The projects selected should be those that would reduce unemployment among those specific groups of workers where joblessness is the greatest.

Tenth. More consideration should be given to municipalities which have reached a breaking point in local taxation, and to cities whose populations have the greatest percentage of persons living below the poverty line.

These recommendations are added, in full, at the end of this statement.

On the basis of the comments I received from town officials, and my own research, I recommend that the following changes be considered:

First. The 70–30 provision should be eliminated entirely. Other changes in the legislation will insure fair distribution of funds. In Connecticut, only 6.9 percent of the applications submitted in the 70 percent category were funded, while 36.6 percent of applications of the 30 percent towns were approved.

Second. Greater discretion should be given to applicants to determine, from among the proposed projects that score within a few points of each other, which ones should be funded.

Third. Greater emphasis should be placed on the jurisdiction's total percentage of the State's unemployment. According to the National Council for Urban Economic Development, major cities in the Northeast received only 27 percent of allocations, while they accounted for 34 percent of the unemployment.

Fourth. Applicants should not be able to exaggerate their own unemployment estimate by including the jobless rate in neighboring jurisdictions.

Fifth. A method should be devised to compare the job skills where unemployment is highest in the applicant's project area with the types of skills each project will require.

Sixth. Priority should be given to projects that were high scorers in last year's title I selection process, but were passed over because of EDA's county allocation method. However, applicants who were funded last year should not be eliminated from eligibility, especially if their unemployment remains high.

Include the following:

JANUARY 17, 1977.

Congressman WILLIAM R. COTTER,
Cannon Office Building, Washington, D.C.

DEAR BILL: Thank you for your letter of December 29, 1976, in which questions were raised concerning Title I of the Public Works Employment Act of 1976. As you know, Hartford is one of the municipalities unhappy with its allocation for a fifth-priority item, although funding was approved. The almost universal dissatisfaction with the methodology used in determining eligibility for funding, as well as the selection of proposed projects, underlies the necessity for the following vital changes in the program.

Of primary concern is the establishment of greater local options in determining the public projects to be funded within the framework of federal guidelines. Since the 1976 Act seeks to maximize the impact of these limited funds on the local economies, the commitment made to local governments must be strengthened within the federal guidelines, with regard to labor intensity, length of proposed construction, and early starts.

Secondly, the current provisions of the Act concerning the submission of unemployment statistics should be drastically revised. As presently written, the Act would allow towns with high employment rates to qualify for funding. For example, Section 108(f) of the Act authorizes rich towns with high employment to utilize the unemployment figures of poor towns as their own. This provision, along with the "pockets of poverty" exception in Section 108(e) of the Act, makes it possible for every town in the nation to qualify for funding, regardless of their need, and, irrespective of other factors, such as their effective tax rate, the percentage of their populations below the federal poverty line, the age and condition of their housing stock, etc.

Significantly, the Act and the regulations do not even require a town, utilizing the unemployment figures of a contiguous town, to have an affirmative action plan either internally or for contractors. Thus, there is no assurance that the expenditure of these funds will benefit those groups with the highest unemployment rate—minority persons and youth. Such an omission defeats one of the major purposes of the Act, as expressed by the Act's sponsors:

"I hope many of the jobs created—if this bill becomes law—will go to minority persons and youth. These groups, along with construction workers, are bearing a disproportionate burden of joblessness."—Congressional RECORD, Volume 122, p. 10525 (April 12, 1976). Comments of Senator Montoya, Chairperson of Committee of Public Works.

In the House debate, Representative Badillo (N.Y.) noted that despite a slight improvement in the overall unemployment rate in early 1976:

"No improvement at all has been achieved for minority group members. Their overall national unemployment level rose from 12.5 percent in March to 13 percent in April of this year, and minority teenage unemployment jumped from 35.9 to 39 percent during the same period."—Congressional Record, Volume 122, p. 13794 (May 13, 1976).

Even the above statistics do not provide a true indicator of community need since they do not reflect the number of individuals discouraged from looking for work, the many young people who have never been employed, and the number of unemployed whose unemployment compensation benefits have expired. The Act's total reliance on out-dated and inaccurate unemployment date is, therefore, a poor measure for determining the maximum beneficial utilization of the very limited funding available.

It is respectfully suggested that factors in addition to employment be considered when the Public Works Employment Act is again reviewed for changes. Although the following list of factors is not all inclusive, their adoption will better insure that limited federal funding will be truly based on community need.

Priority under the Act should be given to those communities which have reached the "breaking point" in local taxation. The "breaking point" reflects the level of real property taxation which if surpassed will lead to serious negative effects in the economic viability of a community and its residents. Almost invariably, those communities with the highest effective tax rates have reached or are about to reach the "breaking point" in taxation.

Another priority should be established based on the percentage of a town's populations which is below the federal poverty line. This priority might also include such factors as median family income and the percentage of a town's population which is minority. (There is, of course, a high correlation between poverty and minorities, particularly in regard to unemployment).

Finally, the Act should delineate such factors as the average age of a community's housing stock, the median home value and the median number of rooms per housing unit. A dilapidated housing stock is further evidence of community need and a local property tax which has reached the "breaking point".

I hope that these observations will be of assistance to any subcommittee or committee of the Congress which considers changes in the Public Works Employment Act. Such clarifications and delineations will be of great importance in carrying out an effective and equitable program.

Thank you for your interest and concern and best wishes for a happy new year.

Sincerely,

NICHOLAS R. CARBONE,
Councilman.

GLASTONBURY, CONN., *January 5, 1977.*

Hon. WILLIAM R. COTTER,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN COTTER: In response to your letter regarding grants under Title I of the Public Works and Economic Development Act, I should point out first that because of our low unemployment rate, the Town of Glastonbury did not expect favorable action on its grant application. However, once the Town discovered that communities in the state such as Greenwich and Westport, with unemployment rates considerably lower than that of Glastonbury and with incomes considerably higher than the average for Glastonbury, received susbtantial grants, our opinions changed.

* * * * *

I do not believe that officials or citizens of the Town of Glastonbury would object to the formula wherein emphasis was placed on high unemployment rates, work average, annual income and job intensive projects. Perhaps some weight could be given to the benefit of the project to less fortunate citizens of a community. However, as the situation now stands, it is intolerable and I would hope that you and your fellow legislators will be successful in correcting the most basic flaws in the program.

Very truly yours,

HENRY A. KINNE,
Chairman,
Glastonbury Town Council.

BERLIN, CONN., *January 5, 1977.*

Hon. WILLIAM R. COTTER,
U.S. Representative,
Cannon House Office Building,
Washington, D.C.

DEAR BILL: Thank you for your letter of 29 December 1976 in which you ask for comments regarding the allocations which were announced in December under Title I of the Public Works and Economic Development Act.

I do believe that the major weakness in the allocations was the fact that the top priorities of some of the communities did not turn out to be the top priorities of the EDA. Berlin was very happy with its $967,000 allocation for the development of Sage Park. However, we did feel there were more important construction projects for which we applied which would have provided an equal number of jobs, yet done more to satisfy the needs of the community. I believe this is one area that should be investigated and perhaps more practical regulations could be adopted in this regard by the EDA.

* * * I believe most of the cities have lost track of the real purpose of the Title I grants, i.e., to provide jobs for large numbers of individuals, probably most of whom will reside outside of the Town of Berlin, but without our SMSA District. The fact that

we received a grant is certainly a plus for our community, but as a result of it, jobs will be provided in a large unemployment area.

I would also point out that the cities did very well under the Title II portion of this Act, while the Towns did not do very well by comparison. Also, the City of New Britain, for example, under CDA will receive a total of 12.3 million dollars for a period of three years while the Town of Berlin is only eligible for a total of $57,000, and because of the harassment from HUD, we will receive nothing. CETA funds and redevelopment funds have also greatly benefited the cities so I do not really believe that because some of the smaller communities are receiving the Title I grants that the cities should be so resentful.

These are my comments and I hope that you will find them helpful to you in your deliberations on this matter. Certainly, Berlin would hope to receive additional funds if the new administration appropriates an additional 4 billion dollars under this program * * *

Very truly yours,

ARTHUR B. POWERS, *Mayor.*

ROCKY HILL, CONN., *January 10, 1977.*

To: Dana Whitman, Jr., Town Manager.
From: Peter P. Lozis, Jr., Town Engineer.
Subject: Public Works Act Application Problems.

The application procedure is extremely time consuming. I would estimate that in excess of 45 hours are involved in the preparation of each application, not considering typing and copying. This is a far different requirement of the 4 hours cited by George Karras of the Department of Commerce at the APWA Convention.

A common problem in the preparation of the application was estimating the percentages of a project with regard to materials costs, labor costs and equipment costs. No real handle exists for municipalities to estimate these factors reasonably accurately.

Another significant problem of no major importance was the attachment of the EEO-4 Form which should be readily available at the Federal level in a condensed form since this is a Federal Agency form and requirement. Each application (in triplicate) subsequently picks up 20 extra pages of doubtful useful information.

The Environmental Impact Statement or Analysis is another source of concern. In the Analysis, the instructions prohibited the response of "not applicable" but required documentation indicating the reasons for your belief that this was "not applicable." In the case of sidewalks, an explanation of the "not applicable" items in the Analysis made for a report, that read by anyone not connected with the procedures, as foolish. For instance, sidewalks had to have a discussion of the project effects on air quality, water quality, solid waste, transportation, noise, wildlife, and energy.

Of the four applications submitted, three were bounced back and ultimately one was not accepted.

The Dividend Open Space project required additional forms regarding Force Account work which were not mentioned in the basic application.

The Sidewalk project needed additional confirmation on why sidewalks could not be built in the winter, perhaps by a reviewing Floridian not knowledgeable in winter construction.

The Drainage project would not be accepted since a consultant agreement was not consummated, contrary to instructions received.

PETER P. LOZIS, Jr.,
Town Engineer.

ROCKY HILL, CONN., *January 6, 1977.*

Hon. WILLIAM R. COTTER,
Member of Congress, Rayburn House Office Building, Washington, D.C.

DEAR BILL: Your letter of December 29th, addressed to Mayor Paul Daukas and seeking ideas on how the Public Works Program might be improved, has been referred to this office since the Manager and Engineer were involved in the preparation of project applications.

We wish to suggest the following:

1. Simplify the application form
2. Eliminate any credit for "exceptional" preparation of application, which favors the professional consultant and/or grantsman
3. Accept Town's priority
4. Use Town, not area, unemployment rate
5. Accept small projects as well as larger ones
6. Consider possible advantages of more small projects rather than fewer large projects
7. Allocate funds to communities in a manner similar to Revenue Sharing

We hope you will find these suggestions helpful.

Cordially,

DANA WHITMAN, Jr.,
Town Manager.

BOLTON, CONN., *January 7, 1977.*

Re: Public Works Economic Development Act, Title I.

REPRESENTATIVE WILLIAM R. COTTER,
Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE COTTER: Thank you for your interest in the opinion of those of us who were not fortunate in our applications under the referenced Act.

Several problems seem evident on a local level:

1. $600 million in applications, to be divided between $48.5 million in allocations, would seem to indicate a chance of one in twelve of acceptance—all other things being equal. How can I go before the Board of Finance for funds to offset the cost of making an application with so little chance of return?

2. Most municipal projects which are proposed and accepted for construction by the townspeople have been through public hearings and town meeting, after months and years of evident need. The time frame, within which it was necessary to act, was entirely too short. Most small towns still utilize the town meeting as the legislative body. This is a relatively slow process.

3. The support of E.D.A. personnel was totally lacking at the local level and regional level. How many small towns can afford to send their municipal application writing team to Washington to get help? How many small town officials can take the time from their regular bread and buttter jobs to travel to Washington?

4. It would seem advisable to require a shorter application for smaller proposals than for larger proposals, to permit the smaller towns with, logically, smaller projects, to compete for the funds and, at the same time, decrease the E.D.A. staff work.

5. Why not consider the design-construct concept as a viable alternative to architecturally guided projects. Toby Moffett specifically stated on September 11th that this process was acceptable, yet the Town of Bolton had a proposal rejected specifically for this reason. This does not develop much confidence in the program, the agency administering the program, or in the Representatives sponsoring the bill.

6. Any future allocation of funds should exclude those municipalities from applying who have benefited from the program the first time. All communities should have an opportunity to benefit from the capital investment.

I look forward to a better program next year.

Respectfully,

DAVID A. DRESELLY,
First Selectman.

CROMWELL, CONN., *January 19, 1977.*

Hon. WILLIAM R. COTTER,
Rayburn House Office Building, Washington, D.C.

DEAR MR. COTTER: Thank you for your letter of December 29, 1976 in which you requested comments on the distribution of Title I of the Public Works and Economic Development Act of 1976.

The obvious suggestion would be to develop a formula that would allow for some consideration of projects on merit or need. It is doubtful, however, that a hard and fast rule can be developed because there are so many differences among our communities.

My suggestion would be to distribute the funds on the same basis as Title II of the act or Revenue Sharing and allow the local authorities to put the funds to work in priority areas. The stipulation that Title I be used for new employment and that Title II be for antirecessionary purposes could still be maintained.

I hope you find these comments useful.

Sincerely,

J. PETER MAHONY,
First Selectman.

BLOOMFIELD, CONN., *January 18, 1977.*

Re: Local Public Works Grants:

Hon. WILLIAM R. COTTER,
Cannon House Office Building, Washington, D.C.

DEAR REPRESENTATIVE COTTER: The purpose of this letter is to respond to your request in the Hartford Courant of December 28, 1976 to hear local officials' criticisms of the process in awarding Local Public Works Grants by the Economic Development Administration.

* * * * *

It is estimated that a total of 520 person hours went into the preparation of our applications.

I am of the opinion considering the amount the very least we are entitled to is an explanation of how our applications ranked against the factors to be considered and why the rankings assigned our applications do not compare favorably to those that were approved. I believe this is important for two reasons, first of all, in order to judge the validity of the awards that were made we would need this information. Secondly, if, as presently is being speculated, additional funds are put into this program we would like to know what could be done to either qualify for this program or develop other programs which we would qualify.

I think that the amount of time allotted for reviewing the tremendous applications made under this program was completely insufficient for adequate consideration. We spent many hours in phone conversations with people from the Economic Development Administration attempting to clarify either the regulations or the information we were submitting. We believe we met every criteria in the regulations as fully as did many of the applications that were approved; however, without the kind of information I have requested this can only be speculation on our part. If you can be of help in getting this information for us, we would be very appreciative. * * *

Very truly yours,

CLIFFORD R. VERMILYA,
Town Manager.

NEWINGTON, CONN., *January 18, 1977.*

Congressman WILLIAM R. COTTER,
House of Representatives, Washington, D.C.

DEAR BILL: Thank you for your letter asking for my suggestions concerning admin-

istration of Title I of the Public Works and Economic Development Act. Needless to say, we were severely disappointed that none of our four applications received funding. Ironically, one of the applications which we filed was for approximately $250,000 for sidewalk work. As I am sure you know, West Hartford received $1.8 million for sidewalks while we, of course, received nothing. Yet, our local unemployment rate is over 8% according to official figures while West Hartford's is something below 4%. We are not so much envious of West Hartford as we are bewildered and perplexed by the way projects were selected.

I am not sure if there was anything fundamentally wrong with the legislation other than that administration was assigned to a Federal agency which did not handle it very well. Certain of the things that have happened and rumors which have circulated indicate that it was the Economic Development Administration's desire to award as few grants as possible. Those of relatively small magnitude were somehow weighted as undesirable. This might account for the fact that our relatively small sidewalk application was by-passed but an extremely large one was approved for West Hartford for the same purpose.

Two of the grants in our area raise serious questions as to whether or not they can be successfully implemented in the short run, particularly in the next two years. Moreover, their impact may be adverse. I refer to the West Hartford sidewalk grant and the Hartford road reconstruction program. Each of these is of such a magnitude that it would seem to tax the available supply of certain skills and trades in the area if it were done within a concentrated period of time. From our own experience we know that there are limited number of skilled sidewalk masons in the area. The construction firms that specialize in this work are small and few in number. This will mean that other larger contractors will have to be lured in to do the work and will have to employ all of the available masons and then import some from outside of the labor market area. This will have the effect of driving up the price of contracts for the remaining towns who will have to go on doing sidewalk repair and construction work with thier own funds. A similar impact might be created by the Hartford road reconstruction grant, although there are several large contractors in the labor market area who could handle the work if it is let out in two or three large chunks. If it is let out in small pieces, the small contractors will naturally bid on the work and, once tied up with it, will be either reluctant to bid on our work or their prices would be higher. There were other types of projects proposed by area communities, including West Hartford and Hartford, which would have put many more diversified trades to work, such as steamfitting, carpentry, bricklaying, etc. without overextending one sector.

Undoubtedly others have made the point that it seems contrary to the spirit of legislation that part of the funds were allocated exclusively to communities which did not otherwise qualify by virtue of high unemployment conditions. This is how some of the more affluent municipalities in Connecticut received grants. As things turned out, it would have been better for us to disassociate ourselves with the Hartford labor market area and claim a low, local unemployment rate (although ours is high) thus increasing our chances to achieve funding. This, of course, does not make sense. Yet the arbitrary allocation of some 30% of the funds to municipalities which, in effect, don't need it causes the absurdity which we have witnessed.

Thank you very much for soliciting my opinions. I hope that they don't resound too much with sour grapes.

Very truly yours,

JOSEPH P. DOYLE,
Mayor.

WINDSOR, CONN., *January 20, 1977.*

Hon. WILLIAM R. COTTER,
U.S. House of Representatives,
Washington, D.C.

DEAR BILL: Thank you for your letter soliciting suggestions for revisions to the Public Works Employment Act. We feel there are serious flaws with the legislation and the grant allocation system.

In order for the program to effectively achieve its dual purpose of reducing unemployment and providing necessary municipal improvements, the Town Council unanimously voted to recommend the following revisions:

1. Eliminate state governments from eligibility.

Reason: States have numerous sources of revenue; thus, the states should not be competing with municipalities which have limited revenue sources. Also, the program is formally titled "Local Public Works Capital Development and Investment Act of 1976", and was designed to assist *local* governments and reduce unemployment.

2. Eliminate some project categories from consideration.

Reason: Where other grant funds are currently available (such as EPA funds for sewer and water; and Bureau of Outdoor Recreation (BOR) for recreation) communities should not compete for the limited Public Works funds for these programs.

3. Allow municipalities to indicate their priorities.

Reason: This revision would avoid the situation which occurred in Hartford and West Hartford, where low prority projects were funded.

4. Place a $3 million maximum on projects.

Reason: This change would allow more projects to be funded.

5. Limit the number of applications a municipality may submit.

Reason: This change will insure that communities will only apply for necessary projects.

6. Mandate that the same unemployment rate be used on all project applications from the same city.

Reason: This revision will prevent the manipulation of data which enabled some towns to qualify for grants.

The other Town Council members and I are hoping for a quick reenactment of the Public Works Employment Act with the incorporation of these suggested revisions.

Sincerely,

JOHN R. WELCH,
Mayor.

A SURPRISE ATTACK ON NATO: REFOCUSING THE DEBATE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, one of the major defense issues this year revolves around our preparedness—or lack of it—for meeting a conventional attack in Europe.

The terms of this issue have been framed by Lt. Gen. James Hollingsworth, retired, and by my colleagues from the other side of the Hill, Senators SAM NUNN of Georgia and DEWEY BARTLETT of Oklahoma.

They have outlined what they see as three problems which require immediate attention.

First, they say the Warsaw Pact is structured to pour a horde of troops into Europe and overwhelm NATO in a short, intense war which our forces are inadequate to halt.

Second, they say NATO will have only a short warning of any such attack since the pact countries are prepared to strike like a bolt out of the blue and therefore NATO will lack the time needed for a buildup.

Third, they say the NATO nations are short of the will needed to respond early and decisively when the Warsaw Pact giant bestirs itself for war.

The three problems they envision are a short war following a short warning aggravated by a shortness of will.

Some will argue that the absense of war in Europe these last three decades proves that NATO is an adequate deterrent. But times change. Yesterday's adequacy may be today's deficiency. Prudence calls for a continual examination of the appropriateness of NATO's forces and NATO's strategy.

SHORT WAR

For some years the conventional wisdom has held that the Warsaw Pact's forces, and particularly those of the Soviet Union, are oriented primarily for a short, intense war characterized by massive high-speed, offensive operations. On the other hand, U.S. and NATO forces are based more on a World War II–style conflict in which success depends on staying power. NATO forces have lower initial combat capabilities and a lower response to enemy mobilization.

While oversimplified, this characterization has been widely accepted. It breeds a desire to improve NATO capabilities for the earlier stages of a conflict. The Defense Department and Congress have responded with larger budgets and new initiatives.

These moves include: Three additional divisions gained by converting support jobs to combat slots; a buildup in our prepositioned stocks of equipment and consumables; the development of less vulnerable lines of communication into Central Europe; and the rotation of a U.S. Army brigade to northern Germany.

These reforms are commendable. Further improvements can and should be achieved by shifting additional resources from activities oriented toward a long war.

SHORT WARNING

However, a new threat of a massive short notice or no notice attack is now postulated. As Senator NUNN put it in a recent address to the New York Militia Association:

> The Soviets and their Warsaw Pact allies have prepared to wage a short war of singular violence, preceded by little warning, and characterized by a massive blitzkrieg which seems aimed at overwhelming NATO forces deployed in the Center before they can be augmented from outside the European theatre.

What is envisioned by analysts like General Hollingsworth is a surprise attack against NATO by 54 Warsaw Pact divisions—27 of them Soviet—with no more than 48 hours warning.

The assumption of a surprise attack diverges markedly from the 23/30

scenario now envisioned in Defense Department plans. In the 23/30 case, it is assumed the pact would mobilize all its forces near the West German border before a full scale attack by roughly 90 divisions. It is expected that the pact would take about 30 days to ready such an assault. At the same time, NATO would presumably require a week to discern pact preparations and decide to respond, leaving 23 days for NATO to mobilize before the onslaught.

Some appear to have misinterpreted the 23/30 guidelines to mean that NATO would be totally unprepared until 23 days after mobilization. This is wrong. As part of current plans, we and our allies have a number of hedges against sudden attack, including the maintenance of certain units at extremely high states of readiness. Nor does a planning scenario imply a lack of operational plans in the field. All commanders prepare for the absolute worst case of a surprise attack, when "M-Day"—the day mobilization begins—equals "D-Day"—the day conflict starts.

Nevertheless, establishing 48 hours notice as the predominant scenario for NATO plans and policies would signal a significant change in the perception of the Pact threat. It is only natural to ask why a large-scale surprise assault is viewed as a credible contingency.

The answer lies in a number of Soviet—but not necessarily Pact—initiatives over the past decade.

First, the Soviets have expanded and upgraded their divisions deployed in Europe. Other than the five divisions deployed to Czechoslovakia in 1968, the number of Soviet divisions opposite NATO has remained constant in recent years. But those divisions have increased in size and have been fully manned with the addition of about 75,000 men. Firepower is denser with more and better tanks, armored personnel carriers, and artillery. The result has been a 25-percent increase in the strength of each division in Eastern Europe. This has meant a more credible force in place near NATO and a reduced need for mobilization to support that force.

Second, the Soviets have increased their "organic"—within division—logistics capability. The U.S.S.R. has been attempting to correct one of the clearest deficiencies in its forces. As one example, they have bought a large number of trucks to upgrade transportation abilities. Traditionally, they would have relied on vehicles from the East or confiscated them from the civilian sector, obviously crimping any surprise attack strategy.

Third, there has been a rapid improvement in the quality of the Soviet tactical air force. The most relevant is the development of a credible ground attack capability through the introduction of more sophisticated aircraft with longer range and greater payload. The number of such planes and the availability of high-quality air-to-ground munitions remain limited. But these developments do provide a potential for quick and very destructive strikes against key NATO sites without prior redeployment of aircraft.

According to Senators NUNN and BARTLETT, such developments as these are unambiguous. They wrote:

> The size and capabilities of Soviet ground forces in that region and the new power accorded to Soviet tactical air forces has fundamentally altered the character of the threat to NATO in the center region.
>
> Soviet forces deployed in Eastern Europe now possess the ability to launch a potentially devastating conventional attack in Central Europe with little warning.

Other "facts" used to bolster claims of a short notice attack threat are not so compelling. The most publicized of these is that NATO is vastly outnumbered across the board in men and equipment—so badly outnumbered, according to Evans and Novak, that our troops in Europe are no more than "hostages." In reality, NATO spends more for defense than does the Warsaw Pact. The combined populations and gross national products of the NATO nations also greatly exceed those of the Warsaw Pact countries. In addition, NATO maintains roughly equivalent amounts of most equipment. There are some exceptions. For example, the pact has more tanks in Central Europe while NATO has more antitank guided missile systems there. But overall, the quantitative balance is not unacceptable.

Popular perceptions, however, are generally driven by charts showing large disparities that simply do not exist. For example, Time magazine recently portrayed the Warsaw Pact as having 5,300 tactical aircraft against 2,960 for NATO—an 80-percent advantage. The reality, according to former Defense Secretary James Schlesinger in his fiscal year 1975 annual report, is that each side has about 3,000 combat planes that could be used on short notice in Central Europe. And at every stage in the process of mobilization, NATO could deploy roughly the same number of tactical aircraft. For instance, as former Assistant Defense Secretary Leonard Sullivan told the House Armed Services Committee, each side could muster about 6,000 tactical aircraft 90 days after mobilizing.

The fact that the pact threat is oversold, that important improvements in NATO forces are often overlooked, and that the motives for the Soviet intiatives are far from clear should not distract us from the very real improvements in pact forces. But the key question remains: how great is the likelihood of a no notice attack?

To begin with, one must appreciate the makeup of the postulated threat:

TABLE 1.—READY (CATEGORY I) PACT DIVISIONS IN CENTRAL EUROPE

Warsaw Pact member	Location		
	East Germany	Poland	Czechoslovakia
Soviet Union	20	2	5
East Germany	6	....	....
Poland	....	13	....
Czechoslovakia	....	....	8

Half of the Pact's divisions would be supplied by the Soviets' allies. Yet, there are serious uncertainties about their readiness, particularly of the Polish and Czech divisions.

One way to illustrate this is to consider manning levels. According to the International Institute of Strategic Studies in London, the 27 "Category I," that is, "top-rated," divisions maintained by Russia's three allies in the center region are no more than three-quarters manned. If a U.S. Army division were manned at that level, it would be given the lowest rating of C–4, which means not ready. It would take months to deploy such a division. Even allowing for the differences in organization between East European divisions and our own, it is curious how the former would supposedly be ready to fight on a few hours notice.

Second, the quality of equipment in the 27 East European Pact divisions is also suspect. Most of their equipment "trickles down" from Soviet stockpiles. Attention has focused on improvements in Russian forces; but there has not been a similar upgrading of the remaining pact units. The introduction of the T–72 tank into Soviet units caused cries of alarm in the West. But the Poles, Czechs, and East Germans have no T–72's—and, for that matter, few of its immediate predecessor, the T–62. Their inventories are almost entirely filled with much older T–54's and T–55's. Poland and East Germany even retain T–34's, which were first produced during World War II.

Perhaps more serious is the dubious reliability of East European divisions to support an unprovoked "bolt-out-of-the-blue" attack. Forty percent of the 54-division pact threat is Polish or Czech. Neither of these nations seems to be a dependable ally. In fact, it is doubtful that all seven Soviet divisions in these countries would be able to abandon their occupation roles and join in an invasion.

Coordinating an attack with such a diverse force would be a monumental job. Getting political agreement for a "no notice" attack among the pact members would be time consuming. What is more, it might well provide an early warning signal to the West. Compounding these difficulties is the enormously complex management problem posed by a multinational attack.

This problem would be serious enough in the absence of the severe time constraints that would prevail. It might be moderated by full-scale maneuvers, but the Soviet Union and its allies have never undertaken an exercise anywhere near the scale being contemplated in short-notice scenarios.

Even if the perspective is narrowed to the 27 Soviet divisions in Eastern Europe, severe obstacles to a successful surprise attack do not disappear. For one thing, Soviet forces are poorly deployed for an immediate offensive. The seven Russian divisions in Poland and Czechoslovakia are well away from the front. Even if quickly assembled, their dispersed nature—combined with the inefficiency of the transportation and logistical system available to outfit and deploy them—would make their early commitment to a conflict problematic.

The maldeployment problem is also acute in East Germany. U.S. officials deplore the fact that half our battalions are 50 to 100 kilometers from their places on the "front." But the average Soviet division in East Germany is 125 kilometers from the Inter-German bor-

der it would have to cross. Two-thirds of the Soviet divisions in Germany are over 100 kilometers away—measured by a straight westward line. Whatever the line of attack and however measured, one generalization emerges from an analysis of troop deployments: the Soviets are much farther from their combat positions than are our forces.

In addition, the Soviets are still faced with a deficient logistics structure. For example, the Soviets assume relatively low ammunition expenditure rates and keep stocks that would be rapidly depleted in the intense struggle anticipated by Western analysts. As another example, the Soviets continue to rely on rail-based supply depots as an important source of support. This policy is questionable given the narrower gauge of European railways, their lower capacity, and their higher vulnerability to interdiction compared to roads. Overall, the Russians continue to be plagued by some of the same shortcomings that left their unopposed armored and mechanized divisions without many basic supplies on the third day of the 1968 invasion of Czechoslovakia.

That invasion gave a graphic illustration of the deficiencies of the Soviet military. Heliborne troops were landed on the wrong mountain tops. Logistics planners apparently relied in their planning on seizing Czech fuel and supplies; but even the minimal resistance of the Czechs denied the invaders those supplies and added to the growing logistics snarl. Soviet tanks and armored personnel carriers blithely poured into narrow bottlenecks causing rush-hour-style traffic jams that would have provided tempting targets in a real war. One analyst has concluded, "Under actual combat conditions, they would have lacked essential items after the first 24 hours." And these problems confronted a Soviet force trying to occupy a nation half the size of West Germany with only a quarter of the population of Germany and with no army opposing its advance.

The point is clear. For the Warsaw Pact to launch a short notice or no notice attack with any chance of success requires more than a handful of divisions. It is not clear that given all of the Pact's problems—political, geographical, readiness, quality of equipment, manning levels, logistics, et cetera—there are more than a handful of divisions that could launch a short notice attack.

Overcoming the problems would take time and would very likely be detected. In addition there are other preparations which would almost certainly be detected. In the words of former Defense Secretary Schlesinger, "The total list of potential indicators of a Soviet attack in Europe is long—several hundred items."

For example it is hard to believe that the U.S.S.R. would start a ground war without a simultaneous attack at sea. To do so would almost certainly concede the oceans to allied fleets and doom the "one-shot" Russian Navy which depends heavily upon striking the initial blow to deny the sea lanes to our ships.

Soviet naval activity would provide early warning of an impending conflict. First, the Russians keep a much smaller proportion of their fleet at sea than we do. A sudden surge in deployments would tend to tip us off. Second, the Soviets maintain huge numbers of attack submarines in their four fleets which would have to traverse dangerous "choke points" to accomplish their mission of sea denial. For example, the Northern fleet would have to pass through the Greenland-Iceland-United Kingdom gap to sink convoys in the North Atlantic. Unless they choose to suffer heavy losses from allied anti-submarine forces, the Soviets would have to put many of their subs in open waters. Doing this, and deploying many surface ships to trail our major surface combatants would provide additional indications of surprise strikes in the works.

The same detection problems apply to strategic programs. Would the Soviets start a land war in Europe and face its risk of escalation without first putting their offensive forces on alert? What of the vaunted civil defense preparation the Soviets have allegedly undertaken, including plans for evacuation? Would the Soviets not set in motion extensive and time-consuming preparatory measures before beginning a conflict that could rapidly escalate?

What all this means is that a no notice bolt out of the blue sudden attack as envisioned in the Hollingsworth report is pretty unlikely. What's more, if it did come it would not be launched with the 54 first rate division force the report postulates.

For a substantial attack the Warsaw Pact needs preparation and preparation means warning time.

Simply stated, the Russians must, like all of us, face the facts of life. If they wish to launch an attack, they have two choices. Either they gain surprise by striking with a relative handful of capable divisions, or they choose to strike with a powerful force and lose the element of surprise.

COST OF MEETING THREAT

Against the low probability that the pact will launch a no notice attack must be weighed the costs of preparing for such an eventuality. No one in the Defense Department has yet priced out General Hollingsworth's proposals. But there is no dispute among analysts either in or out of uniform that the costs would be staggering—perhaps running into tens of billions of dollars.

The proposals of Senators NUNN and BARTLETT are not as precise as the general's so it is more difficult to price them out. But the Senator's thoughts essentially parallel the general's, so the costs of resolving their concerns would presumably be on a similar scale.

The great cost results from the general's requirement that the United States and its allies be prepared to meet a full scale pact offensive on no more than 48 hours notice. It is a safe rule of thumb that as the postulated warning time decreases many of the costs of defensive forces increase geometrically.

To give an example that illustrates this point, consider the tradeoff between reservists and active duty soldiers. In the opening months of a war it takes three times as long to deploy a reservist to Europe as to send an active duty soldier. But an active soldier costs about five times as much as a reservist. The costs of preparing to meet a no notice attack would include as a minimum:

More Army personnel in Europe so that units are manned at higher levels and are ready to go at all times;

Larger training and operating budgets so that our forces are at sufficiently high levels of readiness;

Greatly expanded maintenance budgets so that a large share of our overseas equipment can be put into the field on short notice;

A massive expansion of airlift resources so that more troops and material can be flown quickly to Europe upon the outbreak of war;

A substantial increase in armaments stored in Europe so that in-place forces and early reinforcements are adequately supplied.

But the general and the Senators not only seek to speed up our preparations in advance of war, they also envision a wholly different scale of fighting once a war begins. General Hollingsworth argues that an attack must be stopped on the inter-German border, without trading space for time and in one-fourth the time currently anticipated.

This implies a wholesale shift of our forces in Germany since they are not stationed along the historic invasion routes of the North German Plain, but rather in south Germany in our former zone of occupation.

The general specifically recommends a quantum jump in NATO's conventional firepower—artillery, antitank, and air defense weapons. As an indication of the cost involved, take the example of artillery ammunition. The Defense Department is already planning to spend $1.3 billion in fiscal year 1979 just for artillery ammunition—and that is inadequate under the Hollingsworth scheme.

In sum, General Hollingsworth's proposals generate nearly unlimited requirements for NATO's forces. The demands that can logically be made under this strategy are endless.

There is no way any nation can prepare for every threat a fertile imagination can dream up. The first task of any defense planner is to weigh probabilities against costs. A high probability threat is worth preparing for even in the face of high costs. A low probability threat may be worth preparing for when the costs are minimal. But a prudent defense planner can only conclude that redesigning the forces where the threat is minimal and the costs enormous would be a misallocation of resources.

Moreover, the new military strategy proposed by General Hollingsworth may actually heighten tensions and increase the likelihood of war, which certainly ought not to be our goal. All military analysts, in and out of uniform, consevative and liberal, say we must judge an adversary by his known capabilities and not his unknown intentions. That applies to Soviet planners as well. What are they to think when we place a beefed up force immediately adjacent to the Iron Curtain and ready to go on 48 hours' notice?

Advocates of the Hollingsworth approach argue that it would force the pact to mobilize before an attack, thereby giv-

ing us more warning time. But might it not induce the pact to station more troops in Eastern Europe closer to the border and with more firepower? The end result could be two giant alliances on hair trigger status. That is hardly an improvement on today's situation.

ALTERNATIVE SOLUTIONS

A safer and inordinately cheaper answer to the problem of a surprise attack is a diplomatic one. The answer is to negotiate an agreement that adds warning time for NATO and that attempts to preclude the possibility of a surprise attack.

The mutual and balanced force reduction—MBFR—negotiations are a readily available vehicle for pursuing such an agreement. These talks began in Vienna on October 30, 1973, but little progress has been made so far and no agreement is in sight. Each side has presented proposals that were emphatically rejected by the other.

NATO has proposed reducing ground combat troops to a common ceiling of about 700,000 soldiers each for NATO and the Warsaw Pact in the European center region. In contrast, the Soviet MBFR proposal envisages equal percentage reductions in pact and NATO forces. Presumably, this would preserve what the Soviets see as the already existing stable balance of forces, and what the West sees as a Soviet advantage.

Each side has considered variations on these themes. For instance, in 1975 the United States offered to remove 1,000 of our tactical nuclear weapons in exchange for 1,700 Soviet tanks. But NATO continues to be preoccupied with the disparities of troops and tanks in the center region. This focus has simply not been fruitful.

I am proposing that instead of using the MBFR talks to negotiate a reduction in troops, we use it to negotiate measures to increase warning time and reduce the chance of a surprise attack. This is an idea that so far has not been adequately pursued.

In the Helsinki accord, we did get agreement on two "confidence building measures" that might serve as models. First, signatories were required to notify other nations of impending major military maneuvers. Second, provisions were included for observers to attend these maneuvers.

These measures alone are inadequate to reduce the likelihood of surprise attack. Prior notification does not stop the routinization of potentially threatening preparations. The Soviets could simply announce a major maneuver every 6 months and at some point use it as a cover for a surprise attack. Indeed, the Israelis were surprised in 1973 in part because the Egyptian mobilization coincided with regularly scheduled maneuvers. As for the exchange of observers provided for in the Helsinki agreements, it is only voluntary and the host nation has total control over what the observers see.

So while the "confidence building measures" of the Helsinki accord provide a model, others must be sought if we are to guard against a surprise attack. The following proposals seem to me to be worthy of investigation.

One: Require the presence of international observers at pact and NATO installations in Central Europe.

Since a surprise attack requires extensive but observable preparations—the buildup of consumables, for example—international inspectors would help detect preparation for an attack.

Two: Restrict the number of people that can be involved in maneuvers and limit the frequency of exercises that can be held annually.

Probably the best way to disguise preparations for a no-notice assault is to hide them behind routine exercises. Since the real danger to NATO is a massive assault, ceilings on the numbers of people involved in exercises would help prevent an assault resulting from a massive maneuver.

Three: Limit the number of troops that can be rotated into Europe at any given time and mandate preannouncement of moves into the area.

An important—some say indispensable—element in the Russians' potential ability to launch an attack of sufficient size with little warning is the annual rotation by air of 100,000 troops into Central Europe over a 14-day period. These troops could be flown into Europe during what appeared to be a normal replacement program, pick up prestored weapons, and become operational. This theoretical "surge" capability is substantial. By making troop substitution piecemeal, it could be effectively nullified.

These are the types of steps that could increase warning time before an assault. Obviously, some aspects of an agreement would be asymmetrical. For example, our rotation of troops is already piecemeal so we would lose nothing by setting controls on movements. However, there are other things we have—such as tactical nuclear weapons—that could be offered in exchange and that seem quite important to the Soviets.

To be sure, further study will produce other ideas. What is required is a thorough study to determine the key indicators of mobilization. Then through the MBFR talks we can seek agreements that will give both sides continuous information on what the other side is doing about those indicators.

SHORTNESS OF WILL

The third and remaining problem I listed at the beginning is the shortness of will. Senator NUNN had stated the problem succinctly. "Warning means nothing unless there is a reaction." The Senator is concerned that the NATO countries—because of budget squeezes and wishful thinking—will not take advantage of any warning time presented.

But negotiated measures, such as those I have suggested also address this shortness of will. Today, should the Warsaw Pact gird for an attack, the beginning of their mobilization would be clouded. Politicians would not agree on what the pact was doing. Is it an innocent maneuver, or the start of world war III? When politicians are not certain that disaster is approaching, they are reluctant to take a radical and socially disrupting course such as general mobilization, especially given the financial pinch faced by most NATO countries.

The nations of NATO and the pact could, however, agree to ban certain activities that could mask preparations for a surprise attack. Should the pact take any of those verboten steps, it would be like ringing a firebell in all the NATO capitals. Indecision would vanish.

Our intelligence collecting capabilities are awesome. But to make use of them in a crunch, we and our allies must agree before the crunch what specific pact moves and combinations of moves are to be considered indicators of an attack in preparation. I suggest that at the earliest possible date NATO specialists should sit down and draw up just such a document. It would serve as a guide for NATO emergency actions and as a basis for negotiations with the pact on a list of banned activities.

SUMMARY

In summary, the general and the Senators say we face the problem of three shorts: a short war following a short warning aggravated by a shortness of will.

Their prescription for resolving these problems is a multibillion-dollar beefing up of NATO's military forces.

But their prescription suffers from three problems of its own:

It is based on an analysis which assumes a threat—a massive, short warning attack—of a magnitude not supported by reality;

It requires a new strategy which will devour resources of a magnitude that should only be devoted to a clear and present danger;

It presents a solution to our fear of war which could actually decrease stability in central Europe and increase the possibility of a war.

Most crucially, an alternative approach—political rather than military—is available which could respond to the problems of short war, short warning, and short will at lower cost and with increased stability.

What I am suggesting, Mr. Speaker, is that we change our approach in the MBFR talks. Instead of pursuing mutual reductions in numbers of troops or equipment, let us seek to impose mutual restraints on what can be done with those troops and equipment so as to lessen the likelihood of a short warning attack.

Mr. Speaker, a logical question from my colleagues is, "Can your alternative work?" I cannot prove here today that it will work because it has not been tried. But certainly we owe it to our people to first try the inexpensive, political solution that holds out the prospect of improved security before we resort to a budget-busting military approach that may actually heighten tensions.

TRIBUTE TO FRANK SLATINSHEK

(Mr. O'NEILL (at the request of Mr. PANETTA) asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, Monday, January 31, marked the retirement of Frank Slatinshek, chief counsel of the Armed Services Committee, after 18 years of distinguished service.

As chief counsel of the committee for the past 4½ years, Frank's hallmark was

his effort to strengthen congressional participation in the national security decisionmaking system. One of his greatest contributions, indeed legacy, to the committee and the Congress was the role he played, even before becoming chief counsel, in helping to establish the annual authorization process for Defense Department spending bills, an accomplishment that has markedly improved congressional oversight and review of the Pentagon's activities.

This achievement alone would be sufficient for most individuals to earn the respect and esteem of their peers. In reviewing Frank's work on the committee, however, I cannot recall a single major Defense action or issue in which the committee has been involved where Frank did not participate in a most informed and effective manner. His tenacity, diligence, and perseverance meant that the committee was well served as it carried out its responsibilities.

I know I speak for all the Members of Congress who know him in expressing gratitude and appreciation to Frank Slatinshek for a job well done. To his wife Mary, daughter Cathy, and to Frank, I wish the Slatinsheks every success for the future.

NEWSPAPER COOPERATION IN ENERGY CRISIS

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the Columbus Dispatch and its affiliate radio and television stations have really rendered a great public service in responding to the needs of the central Ohio area during this energy crisis.

In cooperation with other media outlets, the schools closed because of lack of natural gas have worked out an arrangement to permit youngsters to continue their education while out of school.

The attached AP wire service item pretty well tells the story:

COLUMBUS, OHIO.—Children whose schools are closed because of the energy shortage can climb into their favorite chair, sip hot chocolate and keep learning—from newspapers, radio and television.

Home study is available through special newspaper sections and time on radio and television for the 96,000 students in Columbus, the 44,000 in Dayton, and 9,000 in Findlay whose classrooms are frigid and empty. Ohio officials say 236 of 617 public school districts will definitely close this month because of short fuel supplies.

In Columbus, the afternoon newspaper publishes two pages of classroom exercises daily, and a radio and television station will broadcast four hours of educational programs beginning next Monday; in Dayton, the morning paper started a daily, pull-out section for kids, and in Findlay, a cable television system has offered daytime hours for educational purposes.

Dr. Martin W. Essex, state schools superintendent, said he has committed the full resources of his department to such programs. "We can't confine this to any community," he said.

The Columbus Dispatch is working with city schools to prepare the two pages of instructional material daily. More than 250 city teachers are researching, writing and organizing the "Classroom Extra," featuring word puzzles, math problems, sports trivia, and reading sections.

"We are getting calls from all over," said Ed Mason, public service director of the Dispatch, which started the section Monday. "Everybody wants to get into the act and they are all welcome."

Twenty-seven teachers are prepared to go on WBNS radio and television in Columbus on Monday with programs aimed at kindergarten through 12th grade. Other broadcasters have also expressed interest in Columbus, where schools will open Thursday and Friday, then close until March 7. The Dayton Journal Herald has started a "Classmate" feature. "We are making no pretense of being a replacement classroom," said editor Dennis Shere. "But we do feel a special obligation to help develop activities when schools are closed."

The material is being prepared with a committee of educators from the elementary level through college, Shere said.

The Findlay school system will close this week until at least Feb. 14. During that time, Bill Padalina, assistant general manager of Continental Cablevision of Ohio, has offered hours for educational purposes.

"We may lose some advertising revenue, but it won't cause us to fold. The High School has an originating studio, and we have offered to pick up their programming," Padalina said.

The Ohio Educational Television Network is considering programs that would supplement the 30 to 35 hours already devoted weekly to classroom instruction. A third of the programs are developed within the other public broadcasting affiliates.

RECOGNITION OF PEKING: NOT AN ESSENTIAL U.S. OBJECTIVE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, a number of foreign policy specialists in Congress, the Government, the press, and on American campuses are pressing for early recognition of the People's Republic of China. I do not believe that extending formal diplomatic recognition to Peking would necessarily contribute to U.S. interests and I do not consider it a proper foreign policy objective. In fact, under current conditions, a race to Peking would harm more than help our interests in Asia and generally in the international community.

Our basic foreign policy goals should be freedom and security for the United States and our friends, world peace and stability, and an open international economic environment in which we can work with other countries for mutual benefit. Reducing tensions and improving relations with Peking and other adversaries could contribute to several of these goals, but a hurried extension of formal recognition at this time and an exchange of ambassadors might provide only the image of good relations with little real substance of cooperation or friendship.

Peking stands to gain much more than we do from normalizing relations; advantages such as important trade benefits, the acquisition of needed American technology, and an improved position in the balance of major powers. My primary reason for opposing efforts to establish diplomatic relations with Peking is that it has set unacceptable costs for the uncertain advantages we might realize. The United States would be required to sever its diplomatic relations with the Republic of China on Taiwan, abrogate our mutual defense treaty with that country, and remove all U.S. military forces from Taiwan and the Pescadores. This is a price that is much too high. The United States should never submit to such unsound demands. We have little to gain and much to lose from appeasing the Chinese Communists. Important advantages accrue from the present state of affairs.

A well-known Senator recently said that U.S. equivocation and ambivalence on the Taiwan issue has persisted too long, and I thoroughly agree. But I do not think the best solution is to risk the sacrifice of the people and islands of the Republic of China to satisfy Peking. It is time for the world to know we will stand by friends whose loyalty is unquestioned. Let the United States reaffirm its commitment to fulfill our treaty with Taiwan and to stand by this loyal ally.

To let the doubt continue or worse, to capitulate and risk the surrender of Taiwan to the Peking government, would be morally and legally wrong and would seriously damage American political and military positions throughout the world. We have been closely associated with free China for decades. The United States and Taiwan have been partners in a mutual defense treaty since 1954, and strong economic, political and social ties have grown between our countries. It is unthinkable that the United States would turn its back on such an old friend and ally to curry favor with the totalitarian rulers in Peking. We would lose self-respect and the trust of our friends and allies around the world. How could the peoples of Japan, Korea, or the Philippines continue to believe in the United States. They could be forced into cynical accommodations with their powerful Communist neighbors if the United States were proven itself to be an unfaithful ally. If America sold out one friend to appease an adversary, could Israel afford to depend on our support? Would there be a sound basis for our mutual security system in Western Europe? If the United States placed hollow détente with the Communist powers above loyalty to our friends, we would destroy our credibility and with it the structure of international stability and world peace for which we have worked so hard. Ties with the United States could become a sham, even a liability.

There are other sound reasons for maintaining our close relations with the Republic of China. It is of great importance that the United States enjoy strong political and military relations with the free nations of East Asia. Taiwan is a key link in this defensive chain. Its location, well-developed industrial and transportation facilities, and its military forces of 500,000 men are valuable assets in regional defense and stability.

American businessmen and investors would be vulnerable to great losses if Taiwan were to fall under Communist rule. United States-Taiwan trade, which amounted to about $4 billion in 1976, 10 times the level of our trade with Communist China, would be endangered. Travel, cultural and scientific exchanges, and the programs of American philanthropic institutions in Taiwan would all become subject to the dictates of the Communist leaders in Peking.

The choice that has been presented to us by Peking is the recognition of the Republic of China or the People's Republic of China as the sole government of all China, including Taiwan, and the Pescadores. What exists in fact, be it right or wrong, are two separate and viable Chinese states. When conditions are right—when a responsible government has stabilized in Peking and U.S. interests will be served by normalizing relations with the People's Republic—we should offer U.S. recognition of the control of mainland China by the People's Republic and continue our recognition of the control of Taiwan and the Pescadores by the Republic of China. Although China may historically have been considered one nation, two states are now clearly in being.

The Republic of China has a population of 16 million; two-thirds of the world's countries are smaller. It has proven its political stability and its status as a responsible member of the world community for more that a quarter of a century. Its economy has been a great success and provides a dramatic alternative to the Communist methods practiced in the mainland. The Republic of China has been a loyal, cooperative, and effective ally to the United States and fully deserves our continued recognition as a member of the family of nations. Until that basic condition is firmly established and accepted, we should not consider recognizing the Peking government. Until then formal relations with Peking should definitely not be a goal sought by American diplomats.

COST-OF-LIVING ADJUSTMENTS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, today I have introduced H.R. 3202. It is a companion bill to S. 520, introduced by Senator TOWER and Senator BYRD of Virginia. Specifically, it will offer to amend title 10 of the United States Code to authorize automatic cost-of-living adjustments of annuities under the retired serviceman's family protection plan and to provide that remarriage of a spouse at or after age 60 shall not result in termination of annuities under that plan.

Section 1(a) of this bill is not included in the committee bill. The remaining portions of the bill deal primarily with the cost-of-living increase which I believe is included in this bill. There are some features in this bill which apparently are controversial and this may delay final approval. Consequently, I have introduced H.R. 3202, hopefully to expedite final approval.

I believe that the bill I am recommending is needed because it would serve to rectify a serious omission in existing law affecting 9,941 widows of certain retired members of our Nation's Armed Forces. The cost is estimated to be $7 million in the first year, diminishing thereafter.

The retired serviceman's family protection plan—RSFPP—was established by law in 1953. This plan served to enable a retired member of the uniformed services to share his retired pay with his wife and children if he predeceased them. The plan was established on an actuarial-equivalent basis such that the deductions taken from the retired pay of participants, plus interest, funded for the authorized benefits. These annuities, however, have been drastically reduced in value in recent years because of the impact of inflation.

RSFPP was replaced by the so-called survivor benefit plan—SBP—established by Public Law 92-425 on September 21, 1972. Servicemen who retired after that date could not participate in the RSFPP. Persons who were already retired on that date could elect to participate in the new survivor benefit plan up until March 20, 1974.

Benefits provided under the SBP are automatically adjusted in the same manner as is military retired pay, that is, annuities are adjusted for increases in the cost of living. While living retired members who had enrolled in the RSFPP were given an 18-month option during which they could elect to participate in the SBP, those retired members who died before enactment of the SBP did not have this opportunity. Thus they were precluded from taking steps to provide their survivors with an annuity that would take into consideration increases in the cost of living.

Last year the House of Representatives passed a bill, H.R. 14773, that would have authorized among its provisions increases in RSFPP annuities in cases of retired members who died on or before March 20, 1974. However, as this measure was not sent over to the Senate until the last weeks of the 94th Congress, there was not adequate time for the Committee on Armed Services to look into this particular matter.

This bill would provide future cost-of-living increases in RSFPP annuities in the case of retired members who died on or before March 20, 1974. In addition to providing future increases, the bill authorized annuities to be increased effective as of the first calendar month following the day of enactment of this act by the total percent that retired pay has been increased since September 21, 1972. Additionally, there is a provision whereby the annuities for RSFPP widows would not be terminated in the event of remarriage at or beyond age 60, as is the case in existing law.

Mr. Speaker, I feel that this is a matter which all of my colleagues can agree is in need of prompt attention and I urge that this bill receive the favorable consideration of this body which it deserves.

JUNKET BILLS

(Mr. CARR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CARR. Mr. Speaker, today I present to the House of Representatives two bills bringing public accountability to the practices of congressional travel and demonstrating the determination of the House to make its committees directly responsible for conducting their official business.

Do not construe these measures as opposition to congressional travel. I believe that onsite investigation can often provide Members with information and with a sensitivity that they could never gain otherwise. Indeed, because the past mistakes of some few now discourage many responsible Members from useful, fact-finding travel, I believe my bills will help facilitate appropriate congressional inquiry.

The press and the public we serve are rightfully distressed at the careless use of the people's money to finance trips and benefits that are sometimes more than just official business. And they are distressed by the reluctance of the Congress to scrutinize travel expenses and to insist on their integrity before approval. Just last year, two Scripps-Howard News Service reporters revealed some of the inevitable excesses of our current practices: Government funds used for congressional golf, theater, sightseeing, and even fishing; military planes full of liquor, wine, and champagne; even a 20-day junket by one official and his wife costing the people $14,280. Such occurrences stigmatize the restrained and legitimate travel of all Members.

But even if junketing were not a sensational news item, even if there were no record of abuses, the public would still have a right to know why, how, and how much of its funds were used for travel by Members and their employees. Though Congress has been long aware of these matters, it has not always been quick to address them. Only recently has it decided again to require individuals to submit detailed reports of travel dates, places, and expenses for publication in CONGRESSIONAL RECORD. I support this reform, but I still observe that such accounting comes only after the fact, after the expenditure, the travel, and the rationale. The fullest expression of this spirit of disclosure is to ask Members to submit their anticipated travel requirements openly and for those funds to be approved openly by the appropriate Committee prior to any travel. We have talked a good deal about evaluation and accountability for the executive branch of government. Congressional committees must also take full responsibility for their official business. We must apply to ourselves the same standard we apply to others by justifying publicly, scrupulously, and in advance our own expenditures. We must act now. Not only is Congress ability to gather direct information involved, the integrity of the institution is also at issue.

Of my two proposals, the first, which I introduced in the last Congress and which was supported by over 50 Members, takes decisions about congressional travel out of the chairman's office and into the open committee room. My suggestion is that each official trip be proposed by the committee resolution describing the tenative itinerary, naming those going, and justifying expenditures by explaining probable benefits. Such resolutions would be voted on by roll call in an open session of the committee. Within 10 working days after the trip,

a report would be filed with the committee listing expenses and stating what was learned. Finally, the travel proposal and the report would be kept on file by the committee and made available for public perusal.

My second proposal addresses the kinds of practices that are known popularly as "black bagging," "double dipping," and "counterpart funding." "Counterpart funds" are excess foreign currency kept by some of our embassies abroad. The money may come from such sources as repayment of a loan or sale when the amount involved does not warrant forwarding to the United States. These funds are often joined with entertainment expenses and used for the diversions of traveling Congressmen and their staffs.

Black bag money is money earmarked by the armed services—apparently $100,000 for each branch annually—to pay for meals, liquor and beverages, transportation, and other expenses—even souvenirs of lawmakers abroad. Black bag funds are supposed to cover congressional expenses above the normal $75 per diem travel allowance. But military escort officers never ask legislators for an accounting of their daily allowance.

Beyond those direct sources of money, the Congress also has at its disposal the services of the Air Force's 89th Military Airlift Command stationed at Andrews Air Force Base. The services of the 89th are convenient and efficient and often provide group travel at a cost below commercial airline rates. But in consequence of these amenities, black bagging, counterpart funds, and other supportive services become additional travel allowances rather than needed supplements to a legislator's normal per diem money.

Such funds amount to an extra subsidy for Congressmen and staff, and the "black bag" has been used for expenses—golf and fishing trips, theater tickets, gambling, and redlight entertainment—that might be difficult to justify to the taxpayer. The least savory aspect of these practices is that they imply an inappropriately cozy relationship between our services and agencies abroad and the legislators who pass their budgets and regulate their actions. No matter the intent of any of the Congressmen involved, the appearance of special favors from any branch of government looks like an attempt to buy support. That appearance must be stopped.

Finally, black-bag money, counterpart funds, and airlift expenses are held to no strict accounting to the Congress. Currently, the State Department annually reports counterpart and appropriated funds expended for foreign travel, and these statements of cumulative expenses are kept on record by the Clerk of the House and the Secretary of the Senate. The Defense Department and the armed services make no similar reports.

I believe that all funds used for congressional travel abroad should be reported openly and in detail, and I believe that to avoid any suggestion of favoritism or impropriety the appropriate congressional committees should reimburse Federal agencies for travel expenses on behalf of the legislature. But more than that, the Congress must pay for its own expenses as a matter of principle. My bill will require branches of the Government to itemize their funds used for congressional travel for repayment from appropriations of the committee involved. Such legislation will not strap the flexibility that Members often need in their travel arrangements nor will it eliminate the conveniences provided by our international agencies. But my bill will help curb the abuses of congressional travel, it will require that committees take full responsibility for their official business, and it will show the people of our country that the Congress is determined to conduct its affairs with integrity, openness, and restraint.

The legislation I propose is small, but its impact is enormous. I ask your support.

GUIDELINES AND STRICT LIABILITY FOR RECOMBINANT DNA RESEARCH

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, on January 19, 1977, I introduced a resolution to extend the NIH guidelines for DNA research to cover work being done by private companies as well as organizations not covered by the NIH guidelines. I have had a great deal of interest expressed in the resolution from my fellow colleagues and there is an area of great concern that requires our priority attention.

Last Friday, Senator DALE BUMPERS introduced a bill not only to require guidelines, but to cover the patent problems that were written about in the February 6, 1977, edition of the Washington Post and to mandate licensing of all persons performing DNA research.

It is a well thought out piece of legislation. It is strong and it is necessary. I am honored to introduce it in the House today and invite my colleagues to join in this effort:

H.R. 3191

A bill to provide for guidelines and strict liability in the development of research related to recombinant DNA

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "DNA Research Act of 1977."

FINDINGS

SEC. 2. The Congress finds that—

(1) research related to recombinant DNA is of exceptional importance, with many potential benefits, but also with major uncertainties regarding its possible effects on human beings and other organisms;

(2) research involving recombinant DNA may involve a high risk not only to those pursuing such research but to the population in general;

(3) it is essential in the public interest that the health and welfare of the nation be protected by requiring that all research conducted with regard to recombinant DNA comply with strict standards of performance and safety; and

(4) all research with regard to recombinant DNA is either in interstate commerce or substantially affects such commerce and regulations by the Secretary of Health, Education, and Welfare as contemplated by this Act are necessary and proper to prevent and eliminate burdens on interstate commerce, to regulate such commerce effectively, and to protect the health and welfare of the nation.

DEFINITIONS

SEC. 3. As used in this Act the term—

(1) "recombinant DNA" means molecules that consist of different segments of deoxyribonucleic acid which have been joined together in cell-free systems to infect and replicate in some host cell, either autonomously or on an integrated part of the host's genome.

(2) "Secretary" means the Secretary of Health, Education, and Welfare.

(3) "commerce" means—

(A) any activity which affects commerce between any State or territory and any place outside thereof, and

(B) commerce within the District of Columbia or within any territory.

ESTABLISHMENT OF GUIDELINES

SEC. 4. The Secretary shall promulgate guidelines for research involving recombinant DNA within 90 days after the date of enactment of this Act.

APPLICATION OF GUIDELINES

SEC. 5. The guidelines promulgated under Section 4 shall apply to all research involving recombinant DNA that is in or affects commerce, or that is carried on in any area subject to the jurisdiction of the United States.

PATENT RESTRICTIONS

SEC. 6. Notwithstanding any other law, no patent shall be granted on any procedure or organism which results from research on recombinant DNA unless all applicable guidelines have been strictly adhered to, and full and complete disclosure has been made with regard to such process or organism.

CIVIL LIABILITY

SEC. 7. Persons carrying out research involving recombinant DNA shall be strictly liable, without regard to fault, for all injury to persons or property caused by such research.

PROHIBITED ACTS

SEC. 8. No person shall solicit or accept, directly or indirectly, any specimen for research which shall involve recombinant DNA or conduct such research unless there is in effect a license for such research issued by the Secretary.

LICENSES

SEC. 9. (a) The Secretary is authorized to issue licenses for research involving recombinant DNA.

(b) A license issued by the Secretary under this section shall be valid for a period of one year, or such shorter period as the Secretary may establish for any research project and may be renewed in such manner as the Secretary may prescribe.

(c) The Secretary may require payment of reasonable fees for the issuance and renewal of licenses but the amount of such fee shall not exceed an amount necessary to defray the reasonable costs of reviewing and passing upon applications for licenses, and of enforcing guidelines.

(d) Licenses may contain such terms and conditions as the Secretary finds are necessary and appropriate to carry out the purposes of this Act.

APPLICATION REQUIREMENT

SEC. 10. A license shall not be issued by the Secretary unless—

(1) the application therefor contains or is accompanied by such information as the Secretary finds necessary; and

(2) the Secretary determines that such facility will be operated in accordance with the guidelines promulgated under section 4.

REVOCATION, SUSPENSION, OR LIMITATION

SEC. 11. A license issued by the Secretary may be revoked, suspended, or limited if the Secretary finds, after reasonable notice and opportunity for a hearing to the licensee, that such licensee—

(1) has been guilty of misrepresentation in obtaining a license;

(2) has engaged or attempted to engage or represented himself as entitled to perform any research or procedure or category of procedures not authorized by the license;

(3) has failed to comply with guidelines with respect to research facilities or personnel prescribed by the Secretary pursuant to this Act;

(4) has failed to comply with reasonable requests of the Secretary for any information or materials the Secretary deems necessary to determine continued eligibility for its license or continued compliance with the Secretary's guidelines;

(5) has refused a request from the Secretary or any Federal officer or employee designated by the Secretary for permission to inspect the research facility and its operations and pertinent records at any reasonable time; or

(6) has violated or aided and abetted any violation of any provision of this section or of any guideline promulgated hereunder.

UNREASONABLE HAZARDS TO PUBLIC HEALTH

SEC. 12. Whenever the Secretary has reason to believe a continuation of any activity by a research facility licensed under this section would constitute a significant hazard to the public health, the Attorney General may, at the Secretary's request, bring suit in the name of the United States in the district court for the district in which such facility is situated to enjoin continuation of such activity and upon a proper showing, a temporary injunction or restraining order against continuation of such activity pending issuance of a final order may be granted without bond.

INSPECTION AUTHORITY

SEC. 13. (a) In order to enforce this Act, officers, employees, or agents designated by the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge of a facility engaged in research involving recombinant DNA, are authorized—

(1) to enter, at reasonable times, any such research facility; and

(2) to inspect, at reasonable times and in a reasonable manner, such research facility and all equipment, materials, containers, records, files, papers, processes, controls, facilities, and other things therein, in order to determine whether such research facility is being operated in compliance with this Act, the guidelines issued hereunder, and the terms of any license that may have been issued with respect to such research facility.

(b) Upon completion of any such inspection and prior to leaving the premises, the officer, employee, or agent making the inspection shall give to the owner, operator, or agent in charge a report summarizing any conditions or practices observed by him by which, in his judgment, indicate a violation of this Act or any guideline or license issued hereunder. He shall also prepare a written report of his findings and send it to such owner, operator, or agent within a reasonable time.

VIOLATION AND PENALTIES

SEC. 14. (a) Any person who wilfully violates any provision of this Act or any guideline promulgated hereunder shall be guilty of a misdemeanor and shall, upon conviction therefor, be subject to imprisonment for not more than one year, or a fine of not more than $10,000, or both. For purposes of computing such fine, each day of a continuing violation shall be deemed a separate violation. In addition, the court may order that the person or entity convicted be ineligible for federal funds, in whole or in part, for a period of up to five years.

(b) (1) No research facility employer shall discharge any employee or otherwise discriminate against any employee with respect to his compensation, terms, conditions, or privileges of employment because the employee has—

(A) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act;

(B) testified or is about to testify in any such proceeding; or

(C) assisted or participated in or is about to assist or participate in such a proceeding or in any other action to carry out the purposes of this Act.

THE 1977 NONNUCLEAR ERDA AUTHORIZATION

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, the 1977 authorization bill which I am introducing today covers the nonnuclear programs for the Energy Research and Development Administration and is basically a funding bill.

As you are aware, the ERDA authorization for 1977 was not passed in the Senate in the final session of the 94th Congress.

I have rewritten the introductory language which I believe adds emphasis to the need for conservation without tying this necessity to the assumptions concerning demand factors.

To expedite passage of this important authorization I have submitted the bill before you with the basic funding levels necessary for the nonnuclear energy 1977 authorization which were agreed to by the House and Senate.

SOLAR ENERGY SHINING THROUGH

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, the following report of the Sandia Laboratory solar concentrator belies any of the voices that herald solar energy as a source for the distant future.

Here is it—solar electricity generation and heat energy for hot water, space heating, and air-conditioning. And the costs are coming closer and closer to being competitive with conventional systems.

Why do we not have a concerted effort to spread the word, multiply demonstrations and rapidly bring this technology to work for all of America?

[From the Albuquerque Journal, Jan. 29, 1977]

SANDIA LABS SOLAR DEVICE COULD BE COST COMPETITIVE

(By Steve Penrose)

Sandia Laboratories scientists have developed a device to derive electricity from sunlight and simultaneously produce volumes of hot water, both at a cost competitive with conventional energy systems.

Though they strongly caution that the device is nowhere near ready for commercial introduction, researchers working in Sandia's photovoltaics division believe the prototype offers great promise in reducing the cost of a solar unit suitable for homes and other buildings.

Their model uses an array of "Fresnel lenses," clear plastic disks roughly resembling phonograph records, to concentrate sunlight on Sandia-designed solar cells.

The photovoltaic or solar cell concentrator converts solar energy to one kilowatt of electricity—a kilowatt would provide a steady stream of power to a home—and about five kilowatts of thermal or heat energy which could be used for space heating, air conditioning and domestic hot water.

Designed and built at Sandia, the experimental array has 135 plastic lenses which focus sunlight onto 135 silicon solar cells, designed to expose more of their surface to the sun. Each cell produces electricity, which is fed to an electrode on its perimeter.

The 12-inch-square lenses concentrate sunlight about 50 times. The concentrator array is equipped with a sun-sensitive tracking system which keeps it pointed at the sun.

Because the concentrator increases the maximum output of the cells by about 50 times that of cells exposed to only available sunlight, its use allows a reduction in the number of cells needed and thus the cost.

Enough conventional silicon cells to produce one kilowatt of electricity would now cost about $15,000, compared with an estimated $3,500 of the Sandia system.

A major goal of the Sandia Concentrator Subsystems Development Program is to produce by 1978 a system at a cost of $2,000 a kilowatt.

Sandia scientists now feel that it may be possible to product photovoltaic concentrator arrays capable of producing electrical energy at $500 a kilowatt, equal to about five cents per kilowatt hour, by the early 1980s.

Because the combination of solar cells and concentrator now being investigated produces both electrical and heat energy, it would be particularly attractive for use in both homes and small buildings where two or three arrays would be enough to meet most energy requirements, the lab points out.

Heat is derived from water used to cool the cells. In the cooling process, the fluid is heated to about 200 degrees.

Sandia is working on plans for concentrator arrays in the 10 kilowatt range as another step toward the Energy Research and Development Administration's (ERDA) goal of annual production of 500 million watts from solar cell system at less than $500 a peak kilowatt by 1986.

RESOLUTION TO BAN "SLUSH FUND" ACCOUNTS

(Mr. PANETTA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PANETTA. Mr. Speaker, today I am introducing a resolution to amend the Rules of the House of Representatives to ban the use of so-called unofficial office accounts or slush funds.

Last week, I presented testimony before the Commission on Administrative Review, urging the adoption of a ban on slush funds and a limit on a Member's expenditures to those funds which Congress appropriates for a Member to fulfill his or her activities as a Federal officeholder.

This week, the Commission's task force on financial management and accountability, chaired by the Honorable LEE HAMILTON, recommended that the full Commission adopt such a ban on

slush funds as part of its recommendations to the House.

I support the action of the task force wholeheartedly. As every Member knows, the reputation of the Congress has suffered greatly in the last few years. Part of the loss of esteem for the Congress can be attributed to public distaste for the practice of some Members of maintaining slush funds. Clearly, not every such office account adversely affects a Member's performance of his official duties. Nevertheless, I believe the Congress can afford no doubts about that issue to be raised.

To that end, I have introduced an amendment to the House rules which will limit the funds a Member may expend to fulfill his activities as a Federal officeholder to the funds Congress has appropriated for that purpose.

This resolution would, in effect, prevent Members from using funds donated, excess campaign funds, honorariums, proceeds from testimonials, or other fund-raising events, and personal funds for expenses incurred as Federal officeholders. Legislation governing the use of such funds for political campaign purposes would, of course, remain in effect.

I would urge Members to reflect carefully on the beneficial impact the passage of this resolution would have on their reputations, both individual and collective. In addition, prompt enactment of a ban on slush funds would be a giant step toward restoring the rightful reputation of this House.

The following is a text of the resolution:

H. RES. 257

Resolved, That the Code of Official Conduct in Rule XLIII of the Rules of the House of Representatives is amended in the following way:

Rule XLIII is amended by redesignating clauses 8, 9, and 10 of Rule XLIII as clauses 9, 10, and 11, respectively, and by inserting after clause 7 of Rule XLIII the following:

"8. A Member of the House of Representatives shall expend no funds for the purpose of fulfilling his activities as a Federal officeholder and other than those funds which are specifically appropriated by the Congress for such activities."

MONTHLY LIST OF GAO REPORTS

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, the monthly list of GAO reports includes summaries of reports which were prepared by the staff of the General Accounting Office. The December 1976 list includes:

AGRICULTURE

New Computer Was Not Needed for the St. Louis Computer Center. LCD-76-126, December 30.

Letter report

The Department of Agriculture has put off plans to acquire a new computer system for its New Orleans computer center. LCD-77-101, December 1.

COMMERCE AND TRANSPORTATION

Improved Service to the Small Shipper Is Needed. CED-77-14, December 22.

Needs of the U.S. Coast Guard in Developing an Effective Recreational Boating Safety Program. CED-77-11, December 3.

Issues and Management Problems in Developing an Improved Air-Traffic-Control System. PSAD-77-13, December 15.

Private Companies Should Receive More Consideration in Federal Mass Transit Programs. CED-77-8, December 10.

The U.S. Fishing Industry—Present Condition and Future of Marine Fisheries. Volume 1, CED-76-130, December 23; Volume II (Appendixes), CED-76-130-A, December 23.

Information on the Coast Guard's Polar-Class Icebreaker Ship Construction Program and Operational Testing. CED-76-135, August 17.

Letter reports

GAO survey points out potential weaknesses in the Coast Guard's financial management system. FGMSD-77-6, December 16.

Information on the cost and schedule for acquiring a community ferry system on San Francisco Bay. CED-76-131, August 3.

COMMUNITY AND REGIONAL DEVELOPMENT

Why the Formula for Allocating Community Development Block Grant Funds Should Be Improved. CED-77-2, December 6.

Letter reports

The Federal Housing Administration needs to take steps to collect $2.2 million of unbilled mortgage insurance premiums due from mortgages FGMSD-77-7, December 13.

Court orders—not executive branch impoundments—are holding up section 236 housing subsidy payments. OGC-77-9, December 23.

Will direct borrowing by the Federal Government to finance housing projects increase the interest cost on the entire public debt—views of financial experts. RED-76-115, May 25.

EDUCATION, EMPLOYMENT, TRAINING AND SOCIAL SERVICES

Letter reports

Information on Federal programs benefiting the poor. MWD-75-87, June 2, 1975.

Progress made by the Office of Education in recovering defaulted loans under the Guaranteed Student Loan Program. B-117604(7), February 27, 1973.

GENERAL GOVERNMENT

Audit of Individual Income Tax Returns by the Internal Revenue Service. GGD-76-54, December 2.

Long-Range Analysis Activities in Seven Federal Agencies. PAD-77-18, December 3.

Audit of the United States Capitol Historical Society for the Year Ended January 31, 1976. GGD-77-5, December 3.

Alternatives to Constructing a New Denver Mint. LCD-76-458, December 6.

Administration of Repair Contracts Needs Improvement. PSAD-77-5, December 29.

Reporting of Selected Major Civil Projects Needs Improvement. PSAD-77-5, December 29.

Actions Needed to Improve the Federal Communications Commission's Financial Disclosure System. FPCD-76-51, December 21.

Letter reports

The District of Columbia should improve accounting and management controls to prevent duplicate payments and safeguard undelivered checks. FGMSD-76-75, December 7.

The Postal Service's Carrier Technician Program is costly and unnecessary. GGD-77-9, December 8.

Comments on impoundments of Federal funds proposed by the President. OGC-77-9, December 23.

GAO examination of terms of a lease for the Senate Office Building at 400 North Capitol Street. LCD-76-353, October 1.

Evaluation of two alternatives for reducing the workload of the General Services Administration's Region 3 printing plant. LCD-77-407, November 17.

GENERAL SCIENCE, SPACE AND TECHNOLOGY

Letter reports

GAO evaluation of NASA's decision to base its helicopter research and development programs at the Ames Research Center, California. LCD-77-103, November 30.

NASA's choice of location for a proposed curatorial facility for moon rocks. PSAD-76-130, April 27.

HEALTH

Relationships Between Nonprofit Prepaid Health Plans with California Medicaid Contracts and For Profit Entities Associated with Them. HRD-77-4, November 1.

Letter reports

Health care services in the area of the Mission Neighborhood Health Center in San Francisco should be consolidated to reduce duplicate and competitive services and administrative expenses. HRD-77-25, December 7.

Will new Veterans Administration procedures for safeguarding controlled substances improve controls over drugs in VA Hospitals? MWD-76-125, May 10.

INCOME SECURITY

Ineffective Management of Welfare Cases Costing Millions. GGD-76-109, December 28.

Efforts Made to Locate and Enroll Potential Recipients of the Supplemental Security Income Program for the Aged, Blind and Disabled. HRD-76-176, December 6.

INTERNATIONAL AFFAIRS

U.S. Import Restrictions: Alternatives to Present Dairy Programs. ID-76-44, December 8.

Letter report

Making the Export-Import Bank an "off-budget" agency would weaken the budgetary process and reduce the ability of Congress to establish national priorities. ID-77-4, December 17.

NATIONAL DEFENSE

Contracting for Navy Ship Repairs and Overhaul—Need for Change. PSAD-77-47, December 10.

Millions of Dollars of Costs Incurred in Training Foreign Military Students have Not Been Recovered. FGMSD-76-91, December 14.

Army's Programs for Procuring Ammunition and Modernizing Ammunition Plants. LCD-75-441, September 22, 1975.

Letter reports

How the Army can improve its Upward Mobility program, designed to provide promotion opportunities for lower-level employees in "dead-end" jobs. FPCD-77-3, December 13.

The Air Force can save about $635,000 in aircraft maintenance funds by performing routine, instead of special, maintenance and repainting on four planes formerly used for transportation of high ranking Government officials. PSAD-77-56, December 20.

GAO survey of contractors' investment in work-in-process under fixed-price Government contracts. PSAD-77-48, December 21.

The Army is not complying with congressional intent that the GAMA GOAT vehicle be tested in a realistic, simulated operational environment. PSAD-77-9, November 16.

Evaluation of Army studies of the Military Traffic Management Command's proposal to contract for all cargo handling at the Military Ocean Terminal, Bayonne, New Jersey. LCD-76-350, October 22.

The Military Airlift Command's Far East interisland airlift—providing air transportation in Japan, Korea, Taiwan, Okinawa, and the Philippines—is cost-effective. LCD-76-242, October 19.

Use of Government—instead of commer-

cial—facilities for storing military personnel household goods. LCD–76–245, October 6.

Data on amount of appropriated funds used to procure transportation for Armed Forces exchange goods. LCD–76–244, October 4.

Costs of the Army's decision to transfer an IBM 360/40 computer from the Dugway Proving Ground to Korea and to provide terminals to Dugway for its data processing requirements. B–172707, July 17, 1974.

Implementation of the Army Logistics Program Hardcore Automated System (ALPHA). B–163074, June 10, 1974.

Status of the Army's Base Operating Information System. B–163074, April 11, 1972.

Status of the Army's Combat Service Support System. B–163074, June 2, 1972.

Follow-up report on the status of the Army's Combat Service Support System. B–163074, July 18, 1973.

NATURAL RESOURCES, ENVIRONMENT, AND ENERGY

The Coastal Zone Management Program: An Uncertain Future. GGD–76–107, December 10.

Improvements Needed in Review of Public Land Withdrawals—Land Set Aside for Special Purposes. CED–76–159, November 16.

Better Data Collection and Planning Is Needed to Justify Advanced Waste Treatment Construction. CED–77–12, December 21.

Development of Interagency Relationships in the Regulation of Nuclear Materials and Facilities. RED–76–72, March 10.

Designation of Lawrence Berkeley Laboratory Computer Facility as a Federal Scientific Data Processing Center Could Save Millions. LCD–76–112, December 30.

Letter reports

Consultant's report on evaluation of proposals for rehabilitation of the Corps of Engineers' Locks and Dam 26 at Alton, Illinois. CED6–744 December 4.

Background information on the sale of metallurgical grade chromite from the stockpile at Nye, Montana. LCD–76–404, December 10.

GAO examination of the financial statements of the Federal Columbia River Power System. EMD–77–10, December 23.

Suggestions for improving information-gathering activities at the Nuclear Regulatory Commission. ACGRR–77–3, December 28.

The monthly list of GAO Reports and/or copies of the full texts are available from the U.S. General Accounting Office, room 4522, 441 G Street, NW., Washington, D.C. 20548. Phone (202) 275–6241.

Summaries of significant legal decisions and advisory opinions of the Comptroller General issued in December 1976 are also available as follows:

HUD Appointment Requires Senate Consent. B–183012, December 9.

Use of Personal Car: Arbitrator's Award Overturned. B–180010.09, December 9.

Salary Retention Under Employee Development Programs. B–186008, December 22.

Air Force Shouldn't Negotiate Hospital Maintenance Contract. B–186233, December 3.

Contract Payment Scheme Violates Statutes. B–186313, December 9.

Re-Retirement in the Military. B–185138, December 6.

Restoration of Retired Employee to Correct Administrative Error. B–187596, December 15.

If you need further information regarding these or other decisions, please call (202) 275–5028 or write to the General Counsel, U.S. General Accounting Office, Washington, D.C. 20548.

THE MOST REVEREND FRANK JAMES HARRISON INSTALLED AS SEVENTH BISHOP OF ROMAN CATHOLIC DIOCESE OF SYRACUSE

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, always quite significant is the installation of a new bishop as shepherd of a religious denomination. In my home city, Syracuse, N.Y., 8,000 central New Yorkers through their physical presence, along with another large group seated in the beautiful Cathedral of the Immaculate Conception and in addition to hundreds of thousands of television viewers, yesterday gave witness to a magnificent 3-hour ceremony, the occasion being the installation of the Most Reverend Frank James Harrison as the seventh Bishop of the Roman Catholic Archdiocese of Syracuse.

I believe His Eminence Terence Cardinal Cooke best summed up the perfection and magnificence of the installation when he said:

You and I will never forget.

An excellent account of the event was carried in the Syracuse Post-Standard this morning in which appeared the observations of three very highly regarded reporters: Luther F. Bliven, Ramona B. Bowden, and Frank Brieaddy. In recognition of the universality of interest in events of this nature, I commend their writings to my colleagues:

[From the Syracuse (N.Y.) Post-Standard, Feb. 7, 1977]

EIGHT THOUSAND WITNESS SOLEMN RITES

(By Luther F. Bliven)

The Most Rev. Frank James Harrison, a native Syracusan, was installed Sunday afternoon as the seventh bishop of the Roman Catholic Diocese of Syracuse.

It was, His Eminence Terence Cardinal Cooke, archbishop of New York said, an installation "you and I will never forget."

Neither will the more than 8,000 people who jammed the Onondaga County War Memorial for the near three-hour ceremony in which 33 bishops from all over the country participated.

This was an installation in which two living predecessors of Bishop Harrison—Bishop Walter A. Foery and Bishop F. Cunningham—were participants.

Cardinal Cooke, noting the presence of the three Syracuse bishops, humorously observed: "In the Diocese of Syracuse you have everything—the son, the father and the grandfather."

Syracuse's trio of bishops wasn't the only distinctive feature of the installation.

It was a ceremony in which the focus was on the people. Small delegations from each of most of the 170 parishes in the sprawling seven-county diocese paraded before the new bishop, their colorful banners raised high.

Women played a major role in the installation of Bishop Harrison, also. They were on the altar. One served as a reader. Another was a candlebearer. Others served as gift bearers and still others participated in a chancel drama near the end of the ceremony.

The musical program, featuring a massed choir containing representatives from many of the parish choirs throughout the diocese, provided a performance that will long be remembered for its quality, quantity and excellence.

The instrumental and vocal soloists drew enthusiastic applause when their efforts, along with the choir, were cited by Cardinal Cooke in his brief speech.

An hour and a half before the scheduled 4 p.m. starting time of the installation ceremony, people began filing into the War Memorial to claim their seats and to catch an early view of the participants.

For many it was hard to realize, until they actually arrived in the auditorium, that it was possible to transform a hockey rink/backetball court into a suitable facility to accommodate an inspiring religious ceremony.

But it was accomplished with drapes, colors and lighting, producing a huge auditorium in which the ceremony could be well viewed by thousands more persons than could have participated if, as tradition had seemed to dictate, the ceremony had been conducted in the Cathedral of the Imaculate Conception. There was provision for those who wanted to view the ceremony in the cathedral to do so on a giant screen, but not many took advantage of the opportunity.

A large delegation of church leaders of other faiths, educational leaders, city and county officials, judges, civic leaders and long-time personal friends of the new bishop from across the state and from other states, headed the group that used most available seating space in the War Memorial to view the ceremony.

A short rehearsal and a brief musical program by the choir preceded the actual ceremony.

While this was going on, the visiting bishops, about 30 in number, together with the Most Rev. Jean Jadot, apostolic delegate in the United States, marched into a waiting area in the hallway outside the auditorium and many were besieged for autographs and pictures.

The procession lined up beside them, and, operating on a tight schedule, the group was poised to enter the auditorium on signal.

Finally, the word was passed—"one minute." Everyone straightened. Inside, the lights went down to focus attention on the candlelighted procession.

Then, as the lights went up, in came the man of the day—Bishop Harrison, a local boy who, on this day, was about to become the chief shepherd of the Diocese of Syracuse.

He walked down the long aisle and then turned to face the audience. There he stood for better than half an hour as the small delegations of clergymen and parishioners marched by. Most of them had coloful banners, many bearing slogans, not a few focusing on variation of the theme, "Unity In Christ," which the new bishop has chosen as his motto. About 2,000 parishioners participated.

After the parish units had saluted the bishop, they took their banners and arranged them in the upper levels of the auditorium, on each side of the massed choir.

Then the bishops marched down the aisle, led by Archbishop Jadot and Cardinal Cooke, both of whom went up on the altar and greeted the bishop.

The archbishop spoke briefly, delivering to the Rt. Rev. Msgr. Richard A. Clark, diocesan chancellor, the letter from Pope Paul VI appointing Bishop Harrison as spiritual leader of the Syracuse Diocese.

Cardinal Cooke then stepped forward to ask Bishop Harrison:

"My Brother, Bishop Frank, you have heard the mandate of the His Holiness Pope Paul. You are called by the Holy Spirit to serve these people in faith and love as their shepherd.

"In union with all those who share with you the ministry of service, are you resolved to accept leadership of the Diocese of Syracuse as its bishop?"

In a firm voice, Bishop Harrison replied, "I am, with the Grace of God."

Cardinal Cooke responded, "May God who began the good work in you bring it to fulfillment."

Then came the formal installation.

Cardinal Cooke and Archbishop Jadot led Bishop Harrison to "the cathedra," or the chair symbolizing the position of spiritual authority. The crosier, the symbol of the ministry of the Good Shepherd, was then presented to Bishop Harrison.

At this point the auditorium erupted with applause, marking the moment when the first Syracusan in history had become bishop of the diocese in which he was born and had labored all his life.

Bishop Cunningham, who has resigned and whom Bishop Harrison succeeds, spoke briefly, putting into words what many in the audience were thinking as the ceremony progressed.

Bishop Cunningham, in tribute to Bishop Harrison, said:

"He is a natural to be bishop of Syracuse. Everyone knows him, he has served in all parts of the diocese."

Bishop Cunningham then traced the career of the new bishop, and said his elevation is a source of "deep personal joy."

"The Syracuse diocese is enriched with men, women and youth of deep and generous faith; with dedicated deacons and seminarians; with religious men and women, devoted and self-sacrificing; with priests zealous and ready to follow the leadership of their bishop," said Bishop Cunningham.

"These are your people, Bishop Harrison, who give you great courage as today you prayerfully assume the administration of the diocese of Syracuse as its seventh bishop. Our prayers are and will be with you that God may grant you many happy years for a fruitful harvest in the Lord's vineyard of Syracuse."

In his response, Bishop Harrison voiced his gratitude to the Holy Father for "placing his trust in me by appointing me to be bishop of Syracuse."

"I assure him of my faithfulness to him and to the magisterium of the church," the new bishop said.

He paid particular tribute to Bishop Foery and Bishop Cunningham for leaving the diocese in healthy condition. He noted, "In the life of the spirit, in the way of the Lord, the joy of the harvest will come to the sower, as well as to the reaper."

He concluded with "the promise that God has made to you, and to me, when he said, 'I am with you always; I will never forget you; I hold you in the palm of my hand.'"

The installation ceremony was different in one other respect: The restortion of a long-lost custom of staging a chancel drama.

This took the form of "The Three Marys" in a procession, centering on the theme, "This is not the end, this is the beginning."

THOUSANDS ATTEND HOLY INSTALLATION

(By Frank Brieaddy)

One cardinal, 29 bishops, hundreds of priests and nuns and thousands of Roman Catholic faithful participated yesterday in the pageantry of the consecration of the Most Rev. Frank J. Harrison, seventh bishop of the Diocese of Syracuse.

Spectacular, yet simple, traditional and innovative, the 2½ hour liturgy epitomized the new bishop's motto "Unity in Christ," by joining the best of what the church has been for nearly 2,000 years with the activism it has strived for in the past decade.

Unity demands participation, so the Cathedral of the Immaculate Conception lost out to the Onondaga County War Memorial as the site of the consecration. The hall was decked out in gold valances and scarlet carpeting. In the center was a modern altar decorated with just one bouquet of mums and red carnations.

Those in charge had apparently realized they could not transform the arena into a gothic cathedral, and, instead, clothed the room with quiet dignity.

The participants brought with them all the brilliance the event required. With the Knights of Columbus standing guard in black uniforms and black, white and blue plumed hats, a procession of 178 delegations of diocesan parishes and organizations paraded by the new bishop, each group carrying its banner. Like a patchwork quilt of faith and folk art, the banners were then arranged on the stage at the flanks of a 300-member choir.

Most of the banners were brightly colored felt panels with scriptural passages spelled out in contrasting fabric. Some were elaborate photo-reproductions and others merely identified the delegation. Some had personal messages, such as, "I Have Called You by Name, Frank, and You Are Mine."

As the procession continued, solemn, yet joyous, the ranking spiritual leaders waited in the hall for their turn to join the ceremony.

As if to underscore the new bishop's theme of unity, the once Cardinal Cooke turned aside questions by reporters about some of the more divisive issues in the church.

Instead he commented on the move toward more participation by the public in such ceremonies which resulted in the selection of the large auditorium as the site. "I wish the whole world could be a cathedral," he said.

For those who stood and waited with the leading clergymen, there was no doubt about the company they were in. The Rev. Theodore M. Hesburgh, president of Notre Dame University, could be overhead telling the papal delegate, Most Rev. Archbishop Jean Jadot, "Incidentally, I talked to Fritz Mondale yesterday and he said he enjoyed his visit with the Holy Father very much."

In the auditorium, thousands of Roman Catholics who only a few years ago would have quietly watched such high liturgy in passive awe, joined with the choir enthusiastically in singing upbeat hymns accompanied by organ, guitar and an instrumental combo.

The ceremony program informed the audience it could applaud at the moment of installation, but the 8,000 faithful didn't stop there. They gave standing ovations after remarks by the new and prior bishops and Cardinal Cooke.

The television cameras and sound wiring, which might have seemed out of place in a cathedral, were almost unnoticed in the auditorium, as was a priest directing the intricate ceremony. He was dressed in the traditional black cassock and white surplice and a very untraditional headset which put him in communication with the lighting crews and those in charge of music.

About 72 diocesan priests assisted in the serving of Holy Communion of the thousands of faithful in the kind of demonstration of "Unity in Christ" that Bishop Harrison will not soon forget.

NEW BISHOP CITES MISSION OF CHRIST

(By Ramona B. Bowden)

"Bishop Harrison, the enthusiastic applause of this great gathering here today shows you how warm is the greeting of your people as you assume your role of bishop of this diocese," said the Most Rev. David F. Cunningham, retiring bishop, yesterday as he expressed his appreciation for the love and support the people of the diocese had given him during his tenure as the sixth bishop.

"As the seventh bishop of this diocese, a native of the City of Syracuse, you are a natural for this exaluted office; as shepherd, as link between the church temporal and the church universal, you are the perfect choice and so designated by his Holiness, Pope Paul VI," he said.

Duly installed by Terence Cardinal Cooke, archbishop of New York, and in the presence of the Most Rev. Jean Jadot, titular Bishop of Zuri, apostolic delegate in the United States, and with the reading of the papal mandate by the Rev. Msgr. Richard A. Clark, diocesan chancellor, Bishop Harrison delivered his first homily as bishop.

"My first word must be thanksgiving to the Lord for the favor of this day, with weather favorable enough so that we could come together," he said, reminding residents of the storms endured during the past weeks.

"As I stand here surrounded by such a beautiful gathering of the people of God, I assure you that my heart overflows with gratitude to God for being counted as one being worthy to stand in His presence to serve Him and you as members of His flock," said the new bishop.

"I am grateful to the Holy Father, Pope Paul VI, for placing his trust in me by appointing me the seventh bishop of Syracuse. I assure him of my faithfulness to him and to the church," he said.

Bishop Harrison said that because of his long experience as a priest, he felt confidence in this great responsibility and because of this "great demonstration signifying that the spirit of God is alive and working with us. And that all of our people, priests and laity, are ever ready and willing to serve in the ministry of the Lord," he declared.

He added that the seed has been planted to bring about a sturdy growth of genuine Christian living.

"Credit must be given for so much of what we experience here today to Bishop Foery and to Bishop Cunningham. During their time, the faith was kept alive and duly spread, with all things carried on in understanding and in charity. To both of these bishops, we are indebted for the healthy condition of this diocese," he said.

"Joy comes to the sower as well as to the reaper, as seen in our many groups active in the diocese," he said, adding that it remains to keep these services alive and functioning.

Bishop Harrison paid tribute to his two predecessors for all the kindnesses they have given him over the past 40 years. He gave his heartfelt gratitude to the many who had made possible yesterday's ceremony in the War Memorial.

The bishop said, "I believe in the word of God—that it can bring light into man's questioning, doubting and confusion. I believe that we are all the beloved of God, calling each to be free.

"I believe that the Word calls us to live together in a community of faith, reaching out in loving service to each other, to support those less fortunate than we.

"The Word bids us accept each other as brothers and sisters of the Lord. It commands us to be forgiving, has the power to strike down the barriers that divide us," he said.

"I believe in the Word, (that) we are the new city of God and can become the heavenly Jerusalem where all can live in the presence of the Lord, one in faith, one in peace and one in love," he said.

"I believe this is the mission the Word of God is calling me to do.

"It is a task I cannot do alone. Together we are the church. The mission of Christ and of the church is our mission. Bishop, priests, laity, together we are called to ex-

perience this power of God in our own lives, then to bring the powerful Word to others, to all in need and to each other," he stressed.

"Yes, this is a formidable task—a challenge—a dream. But I believe it can become a reality as we set out on this mission," he declared.

"May we together find strength and hope in the promise that God has made to you and to me when He said, 'I am with you always. I will never forget you. I hold you in the palm of My hand,'" said Bishop Harrison.

RULES OF COMMITTEE ON AGRICULTURE

(Mr. FOLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FOLEY. Mr. Speaker, as chairman of the Committee on Agriculture, I submit herewith for printing in the CONGRESSIONAL RECORD the rules of the Committee on Agriculture, which were adopted on January 27, 1977, in accordance with clause (2)(a)(3) of House rule XI:

RULES OF THE COMMITTEE ON AGRICULTURE

I. GENERAL PROVISIONS

a. Rules of the House—The Rules of the House shall govern the procedure of the Committee so far as applicable, and the rules of the Committee shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day is a motion of high privilege in the Committee.

b. Applicability to Subcommittees—The following rules shall apply to meetings, hearings and other activities of all Subcommittees, which are part of the Committee and subject to its authority and direction. The term "Committee" shall refer as well to the term "Subcommittee" wherever it appears and the term "Chairman" shall refer as well to Chairmen of the Subcommittees unless the terms of the rules themselves indicate that they are applicable only to the full Committee and, further, except in the case of the rules concerning regular meetings (Rule II–a), the records of meetings and hearings which are, in the case of Subcommittees, maintained at Committee offices (Rules II–f and III–j), the citation of witnesses to the House for contempt (Rule III–k), the broadcasting of hearings (Rule III–l), Rule IV, Rules V a–e and Rule VII.

II. COMMITTEE BUSINESS MEETINGS

a. Regular and Additional Meetings—The Committee shall meet at 10:00 a.m. on the first Tuesday of each month while the Congress is in session. It shall also meet at the call of the Chairman at such other times as he considers to be necessary, subject to advance notice to all Committee members. Insofar as practicable, an agenda for all regular and additional Committee meetings, setting forth all the measures and matters to be considered, shall be furnished each Committee member prior to the meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman determines that the monthly Tuesday meeting is not necessary or that any additional meeting convened by him need not be held, he shall give all members of the Committee notice to that effect as far in advance of the meeting day as practicable, and no meeting shall be held on such day.

b. Special Meetings—If at least three members of the Committee file a written request in the Committee offices that a special meeting of the Committee be called by the Chairman to consider a specific measure(s) or matter(s), the Staff Director shall immediately notify the Chairman of the filing of such request. If, within three calendar days after the filing of such request, the Chairman does not call the requested special meeting to be held at a time within seven calendar days after the filing of such request, a majority of the members of the Committee may file in the Committee offices their written notice that a special meeting will be held at a specified date and hour to consider a specified measure(s) or matter(s). If such a notice is filed, the Committee shall meet on that date and hour. Immediately upon the filing of such a notice, the Staff Director shall notify all members of the Committee that such special meeting will be held at the specified date and hour to consider the specified measure(s) or matter(s). Only the measure(s) or matter(s) so specified in the meeting notice as filed by the majority of Committee members and transmitted to all Committee members may be considered at a special meeting.

c. Presiding Member—If the Chairman is not present at any Committee meeting, the Vice Chairman or, in his absence, the ranking member of the majority party on the Committee who is present shall preside at that meeting. The full Committee shall, by a majority vote, designate one of its members as Vice Chairman who shall perform such duties as the Chairman may direct in the absence of the Chairman.

d. Committee Meeting Prohibited—The Committee may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

e. Open Business Meetings—Each Committee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the Committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the Committee and such congressional staff and departmental representatives as the Committee may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to Committee hearings or to any meeting that, as announced by the Chairman, relates solely to internal budget or personnel matters.

f. Records and Rollcalls—A complete record of all Committee action shall be kept in the form of written minutes, including a record of the votes on any question as to which a rollcall is demanded. A rollcall vote shall be ordered upon demand by one-fifth of the members present. The record of such action and the results of the rollcall votes during each session of the Congress shall be made available by the Committee, upon request, for public inspection during regular office hours in the Committee offices and upon telephone request. The information so available on rollcall votes shall include a brief description of the amendment, motion, order or other proposition; the name of each member voting for and each member voting against such amendment, motion, order or other proposition; whether such vote was by proxy or in person; and names of those members present but not voting. A stenographic record of a business meeting may be kept and may thereafter be published if the Chairman determines there is need for such a record. The proceedings of the Committee in a closed meeting other than rollcall votes shall not be divulged unless otherwise determined by a majority of the Committee.

g. Quorums—A majority of the members of the full Committee and each of the Subcommittees shall constitute a quorum of the Committee or Subcommittee for the purpose of convening meetings, conducting business, and voting on any matter: *Provided,* That the Chairman of the full Committee may determine that one-third of the members of the full Committee shall constitute a quorum of the full Committee at any meeting for such purpose (other than for the reporting of any measure or recommendation, and voting on the authorization of subpoenas and on the closing of hearings and business meetings to the public) if he gives writen notice to that effect to the members prior to the meeting. Any Committee member present at a Committee meeting may make a point of order that a quorum is not present under the conditions set forth above, but a quorum shall be deemed present unless a member objects to the transaction of business because of the lack of a quorum.

h. Proxy Voting—A member may vote on any matter before the Committee by proxy other than the issuance of a subpoena pursuant to Rule III–b. The proxy authorization shall be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the Committee meeting, shall designate the member who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereo. A member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy to be effective shall be signed by the member assigning the vote and shall contain the date and time of day the proxy is signed as well as the date or dates during which it is to be effective. The proxy form required by the Committee is appended to these rules as Appendix A. In order to be cast in a vote it shall be filed with the Committee during such vote and must be placed on file with the Staff Director. Proxies shall not be counted toward a quorum.

i. Location of Persons at Meetings—No person other than a Member of Congress or Committee staff may walk in or be seated at the rostrum area of the Committee unless the Chairman or a majority of the Committee determines otherwise.

j. Consideration of Amendments and Motions—A member, upon request, may be recognized by the Chairman to address the Committee at a meeting for not more than five minutes on behalf of an amendment or motion offered by himself or another member, or upon any other matter under consideration, unless he receives unanimous consent to extend the time limit. Every motion or amendment made in Committee shall be reduced to writing upon the demand of any member present, and a copy thereof shall be made available to all members present.

k. Points of Order—No point of order, other than a point of order that a quorum was not present, against the hearing or meeting procedures of the Committee shall be sustained unless it is made in a timely fashion either at the commencement of the hearing or meeting or at the time such occasion for a point of order first occurs.

III. COMMITTEE HEARINGS

a. Power to Hear—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed or has adjourned, but no Subcommittee shall hold meetings or hearings outside of the House unless permission to do so is granted by the Chairman, or a majority, of the full Committee.

b. Power to Subpoena—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. A subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities by the full Committee or by a Subcommittee when authorized by a rollcall vote of the majority

of the Members of the full Committee, a majority being present, except that no proxies may be used to vote on the authorization and issuance of such a subpoena. Authorized subpoenas shall be signed by the Chairman or the Vice Chairman of the full Committee or by any other Member the full Committee may designate. Notice of a meeting to consider a motion to authorize and issue a subpoena shall be given to all Members of the full Committee by 5:00 p.m., of the day preceding the day of such meeting. Compliance with a Committee-issued subpoena may be enforced only as authorized or directed by the House.

c. Announcement of Hearings—The Chairman shall publicly announce the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee determines that there is good cause to begin such hearing at an earlier date, in which case, the announcement of the hearing shall be made by the Chairman at the earliest possible date. The Staff Director shall notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement has been made.

d. Scheduling of Hearings and Witnesses—Except as otherwise provided in this paragraph, the scheduling of hearings and witnesses and determination of the time allowed for the presentation of testimony and interrogation shall be at the discretion of the Chairman or a majority of the Committee. Whenever any hearing is conducted by the Committee upon any measure or matter, the Committee's minority party members shall be entitled, upon request by a majority of them to the chairman before the completion of the hearing, to call witnesses selected by them to testify with respect to that measure or matter during at least one day of hearing.

e. Witnesses' Statements in Advance—Each witness who is to appear before the Committee shall, insofar as practicable, file with the Staff Director a written statement of his prepared testimony at least two working days in advance of his appearance in order to permit the testimony to be distributed to and reviewed in advance by Committee members. Witnesses shall provide sufficient copies of their statement for distribution to Committee members, staff and the news media. The Committee staff shall distribute such written statements to all members of the Committee as soon as they are received as well as any official reports from departments and agencies on such subject matter.

f. Testimony of Witnesses—The Chairman or any member designated by him may administer an oath to any witness. Each witness who has been subpoenaed, upon the completion of his testimony, may report in person or in writing to the Staff Director and sign appropriate vouchers for travel allowances and attendance fees. All witnesses shall be limited in their oral presentations to brief summaries of their statements, within the time allotted to them subject to the discretion of the Chairman in light of the nature of the witness and the length of time available.

g. Questioning of Witnesses—Committee members may question witnesses only when they have been recognized by the Chairman for that purpose. Each member so recognized shall be limited to questioning a witness (or panel of witnesses) for five minutes until such time as each member of the Committee who so desires has had an opportunity to question the witness (or panel of witnesses) for five minutes, and, thereafter, the Chairman may limit the time of further questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless the Chairman or a majority of the Committee determines otherwise, no person shall interrogate witnesses other than members and Committee staff.

h. *Open Hearings*—Each hearing conducted by the Committee shall be open to the public except when the Committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however,* That the Committee may, by the same procedure, vote to close one subsequent day of hearing. In any event, no member may be excluded from nonparticipatory attendance at any hearing unless the House shall by majority vote authorize the full Committee or a Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its meetings to members by means of the above procedure.

i. Quorum—The quorum for taking testimony and receiving evidence shall be two members of the Committee.

j. Record of Hearings—An accurate stenographic record shall be kept of all testimony taken at public hearings. Any public witness may, during Committee office hours in the Committee offices and within two weeks of the close of hearings, examine the transcript of his or her own testimony and make such grammatical or technical changes as will not substantially alter the nature of testimony given. Members of the Committee shall receive copies of transcripts for their prompt review and correction for return to the Committee. The Chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action which is the subject of the hearing. The record of a hearing closes within ten calendar days of the last oral testimony, unless the Chairman otherwise determines. Any person requesting permission to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record closes. No written statement becomes part of the record and thus publicly available until such time as it has been approved by the chairman or any Committee staff he designates, and the Chairman or his designee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

k. Investigative Hearings—The Chairman at an investigative hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provision of the House Rules set forth in Appendix B) shall be made available to each witness. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House for contempt. If the Committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall:

(1) receive such evidence or testimony in executive session;

(2) afford such person an opportunity voluntarily to appear as a witness; and

(3) receive and dispose of requests from such person to subpoena additional witnesses.

Except as provided herein, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses. No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee. In the discretion of the Committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee.

l. Broadcasting and Photography—Television and radio broadcasting and still photography of all or part of any Committee hearing or meeting shall be permitted only when the Committee by a majority vote agrees to such broadcasting and/or still photography. All news media shall be permitted to attend public hearings. Unless a majority of the Committee grants permission, no person, including representatives of the news media or official reporters, shall use photographic or electronic devices to record the conduct of any hearing or meeting. In the event that the Committee votes to permit broadcasting and/or still photography of all or part of a hearing or meeting, the following conditions shall apply:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio or television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of House Rule XI, relating to the protection of the rights of witnesses.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee or the visibility of that witness and a member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing room while the Committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers

shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobstrusive manner.

IV. THE REPORTING OF BILLS AND RESOLUTIONS

a. Filing of Reports—The Chairman shall report or cause to be reported promptly to the House any bill or resolution approved by the Committee and shall take or cause to be taken all necessary steps to bring said bill or resolution to a vote. A Committee report on any bill or resolution approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Staff Director of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Staff Director of the Committee shall notify the Chairman immediately when such a request is filed.

b. Content of Reports—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) the results of the rollcall vote on the motion to report such bill or resolution, including the total number of votes cast for and total number of votes cast against said reporting;

(4) the detailed statement described in section 308(a) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations) or new or increased tax expenditures;

(5) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 403 of the Congressional Budget Act of 1974 and submitted in timely fashion to the Committee;

(6) any oversight findings and recommendations made by the Committee or the Committee on Government Operations or both to the extent such were available during the Committee's deliberations on the bill or resolution;

(7) a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy;

(8) an estimate of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or each of the five fiscal years following the fiscal year of reporting, whichever period is less, together with a comparison of these estimates with those made and submitted to the Committee by any Government agency;

(9) the changes in existing law (if any) shown in accordance with Rule XIII, clause 3 of the House Rules;

(10) the determination required pursuant to section 5(a) of Public Law 92-463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(11) such other matter as the Chairman determines to be useful for public understanding of the intent and effect of the bill or resolution.

c. Supplemental, Minority, or Additional Views—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the Staff Director of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which shall:

(1) include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report; and

(2) bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of sub-paragraph (3) of House Rule XI, clause 2) are included as part of the report.

This shall not preclude the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph or the filing by the Committee of any supplemental report upon any bill or resolution which may be required for the correction of any technical error in a previous report made by the Committee upon that bill or resolution.

d. Availability of Hearings—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have such hearings printed and available for distribution to the members of the House prior to the consideration of such bill or resolution by the House except for any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

e. Committee Prints—All Committee or Subcommittee prints or other Committee or Subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the full Committee or the full Committee prior to public distribution. The Chairman of the full Committee, in consultation with the Ranking Minority Member, shall cause to be published as a Committee Print on a periodic basis (and insofar as practicable on a quarterly basis) the minutes of all business meetings and hearings of the Committee and any of its Subcommittees and such minutes shall include a record of the attendance of members, all recorded votes and the action on all amendments and motions relating to legislation.

V. OTHER COMMITTEE ACTIVITIES

a. Annual Appropriations—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of the House Rules. The Committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

b. Budget Act Compliance—March 15—The Committee shall, on or before March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

c. Budget Act Compliance—Subdivision of Allocations—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolutions, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

d. Budget Act Compliance—Recommended Changes—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

e. Conference Committees—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall determine the number of conferees he deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be chosen, the names of those members of the Committee who were primarily responsible for the legislation and, to the fullest extent feasible, those members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee members as the Chairman may designate in consultation with the members of the majority party. Such recommendations shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the Committee. In making recommendations of minority party members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

f. Committee Records—All Committee or Subcommittee hearings, records, data, charts, and files for the 95th Congress shall be kept separate and distinct from the congressional office records of the member serving as Chairman, and such records shall be the property of the House with all members

of the House having access thereto. The Staff Director shall promptly notify the Chairman and Ranking Minority Member of any request for access to such records.

VI. SUBCOMMITTEES

a. Number and Composition—There shall be such Subcommittees as specified in clause B of this rule each of which shall be composed of the number of members set forth in such clause, excluding ex officio members. The Chairman may create additional subcommittees of an ad hoc nature as he determines to be appropriate.

b. Jurisdiction—The Subcommittees shall have the following general jurisdiction and number of members:

Commodity Subcommittees

Cotton (eight members—six majority and two minority)—Cotton matters generally.

Dairy and Poultry (eleven members—eight majority and three minority)—Dairy, poultry, and bees.

Forests (eleven members—eight majority and three minority)—Forestry generally.

Livestock and Grains (seventeen members—twelve majority and five minority)—Livestock, wheat, feedgrains generally.

Oilseeds and Rice (eleven members—eight majority and three minority)—Peanuts, soybeans, oilseeds and rice generally.

Tobacco (eight members—six majority and two minority)—Tobacco generally.

Operational Subcommittees

Conservation and Credit (seventeen members—twelve majority and five minority)—Soil and water conservation, small watershed program, agricultural credit generally.

Domestic Marketing, Consumer Relations, and Nutrition (eleven members—eight majority and three minority)—Marketing orders, domestic marketing, food stamps, nutrition, and consumer programs generally.

Department Investigations, Oversight and Research (fourteen members—ten majority and four minority)—Foreign agricultural programs (other than P.L. 83-480), agency review and analysis generally, research and pesticides.

Family Farms, Rural Development and Special Studies (fourteen members—ten majority and four minority)—Family farming, rural development generally, rural housing and special studies.

c. Referral of Legislation—In the case of any measure or matter not specifically described above, or which includes the jurisdiction of two or more Subcommittees, the Chairman may, unless the Committee by a majority vote decides otherwise, refer such measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee, or divide the matter into two or more parts reflecting different subjects and jurisdiction) and refer each part to a different Subcommittee, or refer the matter to an ad hoc Subcommittee appointed by him for the specific purpose of considering that matter and reporting to the Committee thereon, or make such other provisions as may be considered appropriate. The Chairman, with the approval of a majority of the Committee, shall have authority to discharge a Subcommittee from further consideration of any bill, resolution or other matter referred thereto and have such bill, resolution, or other matter considered by the Committee. All legislation and other matters referred to the Committee shall be referred to the Subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the members of the full Committee, consideration is to be by the full Committee.

d. Service on Subcommittees—The Chairman and the Ranking Minority Member shall serve as ex officio members of all Subcommittees and shall have the right to vote on all matters before such Subcommittees, but shall not be counted for the purpose of establishing a quorum. Any member of the full Committee may have the privilege of sitting with any Subcommittee during its hearings or deliberations and participate therein, but shall not have authority to vote on any matter, nor be counted present for the purpose of a quorum for any Subcommittee action, nor, except as the Subcommittee Chairman or a majority of the Subcommittee may permit, participate in questioning of witnesses under the five-minute rule, nor raise points of order unless such member is a member of such Subcommittee.

e. Subcommittee Meetings—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it or under its jurisdiction. Subcommittee Chairman shall set dates for hearings and meetings of their Subcommittees, after consultation with the Chairman and one another, with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings whenever possible. Notice of all such meetings shall be given to the Chairman and the Ranking Minority Member of the full Committee by the Staff Director.

f. Subcommittee Action—Any bill, resolution, recommendation, or other matter ordered reported to the Committee by a Subcommittee shall be promptly reported by the Subcommittee Chairman or any Subcommittee member authorized to do so by the Subcommittee. Upon receipt of such report, the Staff Director shall promptly advise all members of the Committee of the Subcommittee action. The Committee shall not consider any matters reported by Subcommittees until two calendar days have elapsed from the date of reporting, unless the Chairman or a majority of the Committee determines otherwise.

g. Subcommittee Investigations—Except for the Subcommittee on Department Investigations, Oversight and Research, no investigation shall be initiated by a Subcommittee without the approval of the Chairman of the full Committee or a majority of the full Committee.

VII. COMMITTEE BUDGET, STAFF, AND TRAVEL

a. Committee Budget.—The Chairman shall, for each session of the Congress, prepare a budget providing amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

b. Committee Staff—The staff of the Committee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman. Staff assigned to each Subcommittee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman of the Committee and the Chairman of the Subcommittee. Committee members seeking assistance from the staff shall make their requests through the Chairman or Ranking Minority Member. The Chairman shall insure that each Subcommittee is adequately funded and staffed to discharge its responsibilities.

c. Committee Travel—Funds authorized for the Committee under clause 5 of House Rule XI are for expenses incurred in the Committees' activities within the United States; however, local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of members of the Committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(2) Each member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

VIII. AMENDMENT OF RULES

These rules may be modified, amended, or repealed, by a majority vote of the full Committee, provided that two legislative days written notice of the proposed change has been provided each member of the full Committee prior to the meeting date on which such changes are to be discussed and voted upon.

APPENDIX A

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON AGRICULTURE, WASHINGTON, D.C. 20515

PROXY

Because I will be absent on official business or otherwise unable to be present, I hereby designate the Honorable _____ to cast my votes as hereinafter indicated on the following bill, resolution, or matter:

H.R. _____
S. _____
Other _____

The proxy may be used on the following days:

_____
_____

My votes shall be cast in such manner as the proxy holder deems appropriate, subject to the following limitations (specify):

_____
_____
_____
_____
_____

_____
(Signature)

_____ _____
(Date) (Time)

APPENDIX B—HOUSE RULE XI, CLAUSE 2(k)

INVESTIGATIVE HEARING PROCEDURES

(k)(1) The chairman at an investigative hearing shall announce in the opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) receive such evidence or testimony in executive session;

(B) afford such person an opportunity voluntarily to appear as a witness; and

(C) receive and dispose of requests from such person to subpena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpena additional witnesses.

(7) No evidence or testimony taken in ex-

ecutive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session, if given at an executive session, when authorized by the committee.

RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS

(Mr. ZABLOCKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, pursuant to clause 2(a) of rule XI of the House, there is submitted herewith the rules of the Committee on International Relations for publishing in the RECORD:

RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES

(Adopted February 3, 1977)

1. GENERAL PROVISIONS

The Rules of the House, and in particular the committee rules enumerated in Clause 2 of Rule XI, are the rules of the Committee on International Relations, to the extent applicable. Each subcommittee of the Committee on International Relations (hereinafter referred to as the "Committee") is a part of the Committee and is subject to the authority and direction of the Committee, and to its rules to the extent applicable.

2. DATE OF MEETING

The regular meeting date of the Committee on International Relations shall be the first Tuesday of every month when the House is in session pursuant to Clause 2(b) of Rule XI of the House. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the Members of the Committee in accordance with Clause 2(c) of Rule XI of the House of Representatives.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to Clause 2(c) of Rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if there is no business to be considered.

3. QUORUM

For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

One-third of the Members of the Committee shall constitute a quorum for taking any action, with the following exceptions: (1) reporting a measure or recommendation, (2) closing Committee meetings and hearings to the public, and (3) authorizing the issuance of subpenas.

No measure or recommendation shall be reported to the House unless a majority of the Committee is actually present.

4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) As required by Clause 2(g), Rule XI, each meeting for the transaction of business, including the markup of legislation, of the Committee or its subcommittees, shall be open to the public except when the Committee or subcommittee, in open session and with a majority of the Members present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than Members of the Committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

This provision does not apply to any meeting that relates solely to internal budget or personnel matters.

(b) As required by Clause 2(g), Rule XI, each hearing conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee, in open session and with a majority of the Members present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however,* That the Committee or subcommittee may by the same procedure vote to close on subsequent day of hearings: *Provided further,* That in accord with Rule XI, Clause 2(g)(2) of the House Rules, no Member of the House may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, unless such exclusion is authorized by a majority vote of the House of Representatives.

5. ANNOUNCEMENT OF HEARINGS AND MARKUPS

Public announcement shall be made of the date, place, and subject matter of any hearing or markup to be conducted by the Committee or a subcommittee at least 1 week before the commencement of that hearing or markup, unless the Committee or subcommittee determines that there is good cause to begin such meeting at an earlier date. Such determination shall be made with respect to any hearing or markup by the Chairman or subcommittee chairman, unless the Committee or subcommittee, by majority vote, shall determine otherwise.

Public announcement of all hearings and markups shall be made at the earliest possible date and shall be published in the Daily Digest portion of the Congressional Record.

Members shall be notified by the Chief of Staff, whenever it is practicable, 1 week in advance of all meetings (including markups and hearings) and briefings of subcommittees and of the full Committee.

The agenda for each Committee and subcommittee meeting, setting out all items of business to be considered, including a copy of any bill or other document scheduled for markup, shall be furnished to each Committee or subcommittee Member by delivery to the Member's office at least 2 full calendar days (excluding Saturdays, Sundays, and legal holidays) before the meeting. The requirement of this paragraph may be waived by a majority vote of the Members of the Committee or subcommittee voting, a quorum being present.

6. WITNESSES

a. Interrogation of witnesses

Insofar as practicable, witnesses shall be permitted to present their oral statements without interruption, questioning by the Committee Members taking place afterward. After completing his questioning, the Chairman shall recognize the ranking majority and then the ranking minority Member, and thereafter in recognizing Members present, he shall recognize two majority Members and one minority Member alternating in that order, giving preference to the Members on the basis of their arrival at the hearing. A Member desiring to speak or ask a question shall address the Chairman and not the witness in order to insure orderly procedure.

Each Member may interrogate the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all Members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

The Chairman shall take note of Members who are in their chairs when each day's hearing begins and, insofar as practicable, when the time occurs for interrogation, shall recognize each such Member ahead of all others.

b. Statements of witnesses

So far as practicable, each witness shall file with the Committee, 48 hours in advance of his appearance, a written statement of his proposed testimony and shall make a brief oral summary of his views.

7. PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

An accurate stenographic record shall be made of all hearings and markup sessions. Members of the Committee and any witness may examine the transcript of his or her own remarks and may make any grammatical or technical changes that do not substantially alter the record. Any such Member or witness shall return the transcript to the Committee offices within 5 calendar days (not including Saturdays, Sundays, and legal holidays) after receipt of the transcript, or as soon thereafter as is practicable.

Any information supplied for the record at the request of a Member of the Committee shall be provided to the Member when received by the Committee.

Transcripts of hearings and markup sessions (except for the record of a meeting or hearing which is closed to the public) shall be printed as soon as is practicable after receipt of the corrected versions, except that the Chairman may order the transcript of a hearing to be printed without the corrections of a Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

8. EXTRANEOUS MATERIAL IN COMMITTEE HEARINGS

No extraneous material shall be printed in either the body or appendixes to any Committee or subcommittee hearings, except matter which has been accepted for inclusion in the record during the hearing. Copies of bills and other legislation under consideration and responses to written questions submitted by Members shall not be considered extraneous material.

Extraneous material in either the body or appendixes to any hearing to be printed which would be in excess of eight printed pages (for any one submission) shall be accompanied by a written request to the Chairman, such written request to contain an estimate in writing from the Public Printer of the probable cost of publishing such material.

9. PUBLIC ANNOUNCEMENT OF COMMITTEE VOTES

The result of each rollcall vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices, including a description of the amendment, motion, order or other proposition; the name of each Member voting for and against, and whether by proxy or in person, and the Members present but not voting.

A rollcall vote shall be ordered on any question at the request of 20 percent of those present.

10. PROXIES

Proxy voting is permitted in the Committee only under the following conditions:

The proxy authorization—

(a) shall be in writing;

(b) Shall assert that the Member is absent on official business or is otherwise unable to be present at the meeting of the Committee; and

(c) Shall be limited to a motion to report a bill or a resolution.

Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time of day that

the proxy is signed. Proxies are not counted for a quorum.

11. PRIOR APPROVAL OF REPORTS

No Committee, subcommittee, or staff report, study, or other document which purports to express publicly the views, findings, conclusions, or recommendations of the Committee or the subcommittee may be released to the public or filed with the Clerk of the House unless approved by a majority of the Members of the Committee or subcommittee, as appropriate. In any case in which Clause 2(l)(5) of House Rule XI does not apply, each Member of the Committee or subcommittee shall be given an opportunity to have views or a disclaimer included as part of the material filed or released, as the case may be.

12. STAFF SERVICES

The Committee staff shall be selected and organized so that it can provide a comprehensive range of professional services in the field of foreign affairs to the Committee, the subcommittees, and all its Members.

The staff shall include persons with training and experience in foreign affairs who have a variety of backgrounds and skills so as to make available to the Committee services of individuals who have a first-hand acquaintance with major countries and areas and with major aspects of U.S. overseas programs and operations.

It is intended that the skills and experience of all members of the Committee staff shall be available to all Members of the Committee.

(*a*) The professional and clerical employees of the Committee, except those assigned to the minority or to a subcommittee as provided below, shall be appointed, and may be removed, by the Chairman with the approval of the majority of the Members of the Committee. Their remuneration shall be fixed by the Chairman within the ceilings set in Clause 6(c) of Rule XI, and they shall be under the general supervision and direction of the Chairman. Staff assignments are to be authorized by the Chairman or by the Chief of Staff under the direction of the Chairman.

(*b*) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined as the minority Members of the Committee shall determine within the general ceiling in Clause 6(c) of Rule XI: *Provided, however,* That no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart. Such staff shall be under the general supervision and direction of the ranking minority Member with the approval or consultation of the minority Members of the Committee.

(*c*) In the matter of subcommittee staffing:

(1) The chairman of each standing subcommittee of this Committee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority Member of each of six standing subcommittees on this Committee is authorized to appoint one staff person who shall serve at the pleasure of said ranking minority Member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in Paragraph (c) of Clause 6 of Rule XI of the Rules of the House (B) the rate paid the staff member appointed pursuant to subparagraph (1) of this paragraph.

(4) No member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the ranking minority party members pursuant to subparagraph (2) of this paragraph shall be made available from the staff positions provided under Clause 6 of Rule XI of the Rules of the House.

13. NUMBER AND JURISDICTION OF SUBCOMMITTEES

(*a*) The full Committee will continue to handle the markup and reporting of general legislation relating to foreign assistance (including development assistance, security-related aid, and Public Law 480 programs abroad). Regional subcommittees will have responsibility with respect to foreign assistance as follows:

(1) The annual legislative programs of foreign assistance for each region shall be referred to the appropriate subcommittee for review and legislative recommendations, within a time frame to be set by the Committee.

(2) Those subcommittees shall be responsible for ongoing oversized of all foreign assistance activities affecting their region.

(3) Those subcommittees shall have the responsibility of annually reporting to the full Committee, on a timely basis, the findings and conclusions of their oversight, including specific recommendations for legislation relating to foreign assistance.

(*b*) There shall be nine standing subcommittees. The names and jurisdiction of those subcommittees shall be as follows:

Functional Subcommittee

There shall be five subcommittees with functional jurisdiction:

Subcommittee on International Security and Scientific Affairs.—to deal with national security and scientific developments affecting foreign policy; strategic planning and agreements; war powers and executive agreements legislation; Arms Control and Disarmament Agency; security aspects of nuclear technology and materials; oversight of military aspects of foreign policy and foreign intelligence; and oversight of State and Defense Department activities involving arms transfers, arms export licenses, administration of security assistance, arms sales, foreign military training and advisory programs, and conventional arms control.

Subcommittee on International Operations.—To deal with Department of State and U.S. Information Agency operations and legislation; the diplomatic service; international education and cultural affairs; foreign buildings; parliamentary conferences and exchanges; protection of American citizens abroad; and international broadcasting.

Subcommittee on International Organizations.—To deal with oversight of, and legislation pertaining to, the United Nations, its related agencies, and other international organizations; human rights; the American Red Cross; international environmental policy; and oversight of international fishing agreements.

Subcommittee on International Economic Policy and Trade.—To deal with measures relating to international economic and trade policy; measures to foster commercial intercourse with foreign countries; export administration; international investment policy; trade and economic aspects of nuclear technology and materials; legislation and oversight of the Council on International Economic Policy and the Overseas Private Investment Corporation; commodity agreements; and special oversight of international financial and monetary institutions, the Export-Import Bank, and customs.

Subcommittee on International Development.—To deal with Agency for International Development and other U.S. agencies' operations affecting development; administration of foreign assistance; oversight of multilateral assistance programs; population and food programs; and legislation and oversight with respect to the Peace Corps.

Regional Subcommittees

There shall be four subcommittees with regional jurisdiction: *Subcommittee on Inter-American Affairs; Subcommittee on Africa; Subcommittee on Asian and Pacific Affairs* (including South Asia); and *Subcommittee on Europe and the Middle East.*

In addition to the responsibilities provided by subsection (*a*) of this rule, the regional subcommittees shall have jurisdiction over the following:

(1) Matters affecting the political relations between the United States and other countries and regions, including resolutions or other legislative measures directed to such relations.

(2) Legislation with respect to disaster assistance, boundary issues, and international claims.

(3) Legislation with respect to region- or country-specific loans or other financial relations outside the Foreign Assistance Act.

(4) Resolutions of disapproval under Section 36(b) of the Arms Export Control Act, with respect to foreign military sales.

(5) Oversight of regional lending institutions.

(6) Identification and development of options for meeting future problems and issues relating to U.S. interests in the region.

(7) Environmental, population, and energy affairs affecting the region.

(8) Base agreements and regional security pacts.

(9) Oversight of matters relating to parliamentary conferences and exchanges involving the region.

(10) Concurrent oversight jurisdiction with respect to matters assigned to the functional subcommittees insofar as they may affect the region.

14. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of Committee or subcommittee meetings or hearings whenever possible. It shall be the practice of the Committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full Committee.

In order to insure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the Chairman through the Chief of Staff of the Committee.

The Chairman and the ranking minority Member of the full Committee may attend the meetings and participate in the activities of all subcommittees, except for voting and being counted for a quorum.

15. REFERRAL OF BILLS BY CHAIRMAN

All legislation and other matters referred to the Committee shall be referred by the Chairman to the subcommittee of appropriate jurisdiction within 2 weeks, unless by majority vote of the majority party Members of the full Committee, consideration is to be otherwise effected. The Chairman may designate a subcommittee chairman or other Member to take responsibility as "floor manager" of a bill during its consideration in the House.

16. PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

The majority party caucus of the Committee shall determine an appropriate ratio of majority to minority party Members for each subcommittee: *Provided, however,* That

party representation on each subcommittee or conference committee shall be no less favorable to the majority party than the ratio for the full Committee. The Chairman of the full Committee and the ranking minority Member are authorized to negotiate matters affecting such ratios including the size of subcommittees and conference committees.

17. SUBCOMMITTEE BUDGETS AND RECORDS

(a) Each subcommittee shall have an adequate budget to discharge its responsibility for legislation and oversight.

(b) In order to facilitate Committee compliance with Paragraph (e)(1) of Clause 2, Rule XI, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be promptly made available to the full Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those Members present but not voting.

All subcommittee hearings, records, data, charts, and files shall be kept distinct from the congressional office records of the Member serving as chairman of the subcommittee. Such records shall be coordinated with the records of the full Committee, shall be the property of the House, and all Members of the House shall have access thereto.

18. MEETINGS OF SUBCOMMITTEE CHAIRMEN

The subcommittee chairmen shall meet on a regularly scheduled basis to be determined by the subcommittee chairmen, but in any event not less frequently than once a month. It shall be the practice at such meetings to review the current agenda and activities of each of the subcommittees. Each majority party Member of the Committee shall have the right to attend such meetings.

19. ACCESS TO CLASSIFIED INFORMATION

It shall be the policy of the Committee on International Relations to afford access to classified information under its control for its own Members and other Members of the House of Representatives.

Authorized persons.—In accordance with the stipulations of the House Rules, all Members of the House shall be construed to be persons authorized to have access to classified information within the possession of the Committee.

Members of the Committee staff shall be construed to be authorized access to classified information within the possession of the Committee (1) when they have the proper clearances, and (2) when they have a demonstrable "need to know". The decision on whether a given staff member has a "need to know" will be made on the following basis:

(a) In the case of the full Committee majority staff, by the Chairman, acting through the Chief of Staff;

(b) In the case of the full Committee minority staff, by the ranking minority Member of the Committee, acting through the Minority Staff Director;

(c) In the case of subcommittee majority staff, by the Chairman of the subcommittee;

(d) In the case of the subcommittee minority staff, by the ranking minority Member of the subcommittee.

No other individual shall be considered authorized persons, unless so designated by the Committee Chairman.

Designated persons.—Each Committee Member is permitted to designate one member of his or her staff as having the right of access to classified information in the "confidential" category. Such designated persons must have the proper security clearance and a "need to know" as determined by his or her principal. Upon request of a Committee Member in specific instances, a designated person also shall be permitted access to information classified "secret" which has been furnished to the Committee pursuant to Section 36(b) of the Arms Export Control Act, as amended. Designation of a staff person shall be by letter from the Committee Member to the Committee Chairman.

Location.—Classified information will be kept in secure safes in the Committee rooms. All materials bearing the designation "top secret" must be kept in secured safes located in the main Committee offices, 2170 Rayburn Building. "Top Secret" materials may not be taken from that location for any purpose.

Materials bearing designations "confidential" or "secret" may be taken from Committee offices to other Committee offices and hearing rooms by Members of the Committee and authorized Committee staff in connection with hearings and briefings of the Committee or its subunits for which such information is deemed to be essential. Removal of such information from the Committee offices shall be only with the permission of the Chairman of the full Committee, under procedures designed to insure the safe handling and storage of such information at all times.

Notice.—Notice of the receipt of classified documents received by the Committee from the Executive will be sent promptly to Committee Members. The notice will contain information on the level of classification.

Access.—Except as provided for above, access to classified materials held by the Committee will be in the main Committee offices in a designated "reading room". The following procedures will be observed:

(a) Authorized or designated persons will be admitted to the reading room after inquiring of the Chief of Staff or an assigned staff member. The reading room will be open during regular Committee hours.

(b) Authorized or designated persons will be required to identify themselves, to identify the documents or information they wish to view, and to sign the Classified Materials Log, which is kept with the classified information.

(c) No photocopying or other exact reproduction, oral recording, or reading by telephone, of such classified information is permitted.

(d) The assigned staff member will be present in the reading room at the option of the authorized person. Such staff member will be responsible for maintaining a log which identifies (1) authorized and designated persons seeking access, (2) the classified information requested, and (3) the time of arrival and departure of such persons. The assigned staff member will also assure that the classified materials are returned to the proper location

(e) The Classified Material Log will contain a statement acknowledged by the signature of the authorized or designated person that he or she has read the Committee rules and will abide by them.

Divulgence.—Any classified information to which access has been gained through the Committee on International Relations may not be divulged to any unauthorized person in any way, shape, form or manner. Apparent violations of this rule should be reported to the Chairman of the full Committee at once, and by him to the full Committee as promptly as possible.

Other regulations.—So long as they do not conflict with any of the rules herein set down, the Chairman of the full Committee may establish other regulations and procedures as in his judgment may be necessary to safeguard classified information under the control of the Committee. Members of the Committee will be given notice of any such regulations and procedures promptly. They may be modified or waived in any or all particulars by a majority vote of the full Committee. Furthermore, any additional regulations and procedures should be incorporated into the written rules of the Committee at the earliest opportunity.

20. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

When requested by the Superintendent of the House Radio and Television Gallery and upon approval by the Committee or its subcommittees, all Committee and subcommittee hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage; *Provided*, That such request is submitted to the Committee or its subcommittees not later than 4 p.m. of the day preceding such hearings.

The Chairman of the full Committee or the chairmen of the subcommittees are authorized to determine on behalf of the full Committee or its subcommittees respectively whether hearings which are open may be broadcast, unless the Committee or its subcommittees respectively by majority vote determine otherwise.

Such coverage shall be in accordance with the following requirements (Section 116(b) of the Legislative Reorganization Act of 1970, Clause 3(f) of Rule XI of the Rules of the House of Representatives):

(a) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(b) No witness served with a subpena by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to Paragraph (m) of Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among cameras permitted in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or its subcommittees or the visibility of that witness and that Member to each other.

(e) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(f) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee or subcommittee is in session.

(g) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage to the hearing or meeting at the then

current state of the art of television coverage.

(h) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(i) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or its subcommittees.

(j) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(k) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(l) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(m) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

21. SUBPENA POWERS

A subpena may be authorized and issued by the Committee or its subcommittees, in accord with House Rule XI, Clause 2(m), in the conduct of any investigation or series of investigations, only when authorized by a majority of the Members voting, a majority of the Committee or subcommittee being present. Pursuant to House Rules and under such limitations as the Committee may prescribe, the Chairman may be delegated the power to authorize and issue subpenas in the conduct of any investigation or series of investigations. Authorized subpenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

22. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever the Speaker is to appoint a conference committee, the Chairman shall recommend to the Speaker as conferees those Members of the Committee who are primarily responsible for the legislation (including to the fullest extent feasible the principal proponents of the major provisions of the bill as it passed the House), who have actively participated in the Committee or subcommittee consideration of the legislation, and who agree to attend the meetings of the conference.

23. OTHER PROCEDURES AND REGULATIONS

The Chairman of the full Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Any additional procedures or regulations may be modified or rescinded in any or all particulars by a majority vote of the full Committee.

PRINTING OF RULES OF PROCEDURE FOR THE COMMITTEE ON SMALL BUSINESS

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, pursuant to clause 2(a)(3) of rule XI of the Rules of the House of Representatives, I submit for the CONGRESSIONAL RECORD a copy of the Rules of Procedure for the Committee on Small Business which were adopted on January 27, 1977, by voice vote:

RULES OF PROCEDURE OF THE COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, 95TH CONGRESS

1. GENERAL PROVISIONS

The Rules of the House, and in particular the committee rules enumerated in clause 2 of rule XI, are the rules of the Committee on Small Business to the extent applicable and by this reference are incorporated. Each subcommittee of the Committee on Small Business (hereinafter referred to as the "Committee") is a part of the Committee and is subject to the authority and direction of the Committee, and to its rules to the extent applicable.

2. DATE OF MEETING

The regular meeting date of the Committee on Small Business shall be the first Tuesday of every month when the House is in session. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the Members of the Committee in accordance with clause 2(c) of rule XI of the House of Representatives.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to clause 2(c) of rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if there is no business to be considered or upon at least three days notice, it may be set for a different date.

3. QUORUM

No measure or recommendation shall be reported unless a majority of the committee is actually present; for purposes of taking testimony or receiving evidence, two Members shall constitute a quorum; and for all other purposes one-third of the Members shall constitute a quorum.

4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) *Meetings*

Each meeting for the transaction of business, including the markup of legislation, of the committee or its subcommittees, shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

This provision does not apply to any meeting that relates solely to internal budget or personnel matters.

(B) *Hearings*

Each hearing conducted by the committee or its subcommittees shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because of disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however,* That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearings.

No Member may be excluded from nonparticipatory attendance at any hearing of the Committee or any subcommittee, unless the House of Representatives shall by majority vote authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Member by the same procedures designated for closing hearings to the public.

5. ANNOUNCEMENT OF HEARINGS

Unless the Chairman, or the Committee by majority vote, determines that there is good cause to begin a hearing at an earlier date, public announcement shall be made of the date, place, and subject matter of any hearing to be conducted by the Committee at least one week before the commencement of that hearing.

6. WITNESSES

(A) *Interrogation of Witnesses*

The committee shall apply the 5-minute rule in the interrogation of witnesses in any hearing until such time as each Member of the Committee who so desires has had an opportunity to question each witness.

(B) *Statement of Witnesses*

Each witness shall file with the committee, 48 hours in advance of his appearance, a written statement of his proposed testimony and shall make a brief oral summary of his views.

7. PROXIES

A vote by any Member of the Committee or any of its subcommittees by proxy is permitted, provided that such proxy shall be in writing, and delivered to the Clerk of the Committee, shall assert that the Member so voting by proxy is absent on official business or is otherwise unable to be present at the meeting of the Committee or its subcommittee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy shall be signed by the Member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

8. SUBPOENAS

A subpoena may be authorized and issued by the Chairman of the Committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as he deems necessary. The ranking minority Member shall be promptly notified of the issuance of such a subpoena.

Such a subpoena may be authorized and issued by the Chairman of a subcommittee with the approval of a majority of the Members of the subcommittee and the approval of the Chairman of the Committee or a majority of the Members of the Committee.

9. COMMITTEE STAFF

The staff of the Committee on Small Business shall be as follows:

(A) The professional and clerical employees of the committee, except those assigned to the minority or to a subcommittee chairman or ranking minority member as provided below, shall be appointed and assigned, and may be removed, by the Chairman. Their remuneration shall be fixed by the Chairman and they shall be under the general supervision and direction of the Chairman.

(B) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined as the minority members of the committee shall determine: *Provided, however,* That no minority staff person shall be compensated at a rate which exceeds that paid his or her majority staff counterpart. Such staff shall be

under the general supervision and direction of the minority members of the committee who may delegate such authority as they deem appropriate.

(C) Each subcommittee chairperson and each ranking minority member on not more than six subcommittees shall have the right to appoint and assign one person to work on subcommittee business at a salary commensurate with the responsibilities prescribed but at a rate not to exceed 75 percent of the maximum established rate for the employees on the professional staff of the Committee. Such staff members shall perform services in facilities assigned to the committee and to the extent that they are not occupied during regular working hours with tasks assigned by the subcommittee chairperson or ranking minority member who appointed them, they shall perform other tasks as assigned by the Chairman or the Staff Director.

10. NUMBER AND JURISDICTION OF SUBCOMMITTEES

There shall be 6 standing subcommittees as follows:

1. SBA & SBIC Authority and General Small Business Problems.
2. Minority Enterprise & General Oversight.
3. Antitrust & Restraint of Trade Activities Affecting Small Business.
4. Impact of Energy Problems, Environment & Safety Requirements & Government Research on Small Business.
5. Access to Equity Capital and Business Opportunities.
6. Special Small Business Problems.

The jurisdiction[1] of such subcommittees shall include the following:

I. SBA and SBIC authority and general small business problems

SBA & SBIC authorizations.
Access to SBA services.
Impact of tax policies on small business.
Export opportunities for small business.
Commodity Futures Trading Commission.
Illegal activities affecting small business.

II. Minority enterprise and general oversight

Minority enterprise.
Defense procurement.
Renegotiation Board policies.
Postal Service.
General oversight of activities of Government agencies affecting small business.

III. Antitrust and restraint of trade activities affecting smal business

Sherman-Clayton Act.
Robinson-Patman Act.
Federal Trade Commission and antitrust activities.
Anti-competitive activities affecting small business.
Problems (including job creation, capital formation and credit availabilities) in nonmetropolitan and rural areas.
Unassigned Regulatory Agency activities.

IV. Impact of energy programs, environment and safety requirements and government research on small business

Energy allocations, marketing, etc.
Energy Research & Development Contracts.
Impact of pollution laws and EPA rules.
Federal Power Commission.
Science boards and commissions.
Marketing of petroleum products.
Tennessee Valley Authority.
Occupational Safety and Health Administration.

V. Access to equity capital and business opportunities

Non-Defense and GSA procurement.
Off-Budget agency activities.
Condemnations, relocations.
Access to equity capital.
Banking practices.
EDA.
HUD policies affecting Small Business.
SEC handling of ventures.
Franchising Practices.
Surety bonds.

VI. Special small business problems

Domestic transportation problems.
Maritime.
National Transportation Safety Board.
Mass transit.
Federal Communications Commission—CB Radios.

11. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the chairman of the full committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible. Meetings of subcommittees shall not be scheduled to occur simultaneously with meetings of the full committee.

12. SUBCOMMITTEE REPORTS ON INVESTIGATIVE HEARINGS

The report of any subcommittee on a matter which was the topic of a study or investigation shall include a statement concerning the subject of the study or investigation, the findings and conclusions, and recommendations for corrective action, if any, together with such other material as the subcommittee deems appropriate.

Such proposed report shall first be approved by a majority of the subcommittee Members. After such approval has been secured, the proposed report shall be sent to each Member of the full committee for his supplemental, minority or additional views.

Any such views shall be in writing and signed by the Member and filed with the clerk of the committee within 5 calendar days (excluding Saturdays, Sundays, and legal holidays) from the date of the transmittal of the proposed report to the Members.

After the expiration of such 5 calendar days, the report may be filed as a House Report.

13. REFERRAL OF BILLS BY CHAIRMAN

Unless retained for consideration by the full committee, all legislation and other matters referred to the committee shall be referred by the chairman to the subcommittee of appropriate jurisdiction within 2 weeks.

14. RECORDS

The committee shall keep a complete record of all actions which shall include a record of the votes on any question on which a roll call vote is demanded. The result of each subcommittee roll call vote, together with a description of the matter voted upon, shall be promptly made available to the full committee and such votes shall be available for inspection by the public at reasonable times in the offices of the committee.

15. ACCESS TO CLASSIFIED OR SENSITIVE INFORMATION

Access to classified information supplied to the committee and attendance at closed sessions of the committee or its subcommittees shall be limited to Members, and to members of the committee staff and stenographic reporters who have appropriate security clearance when the chairman determines that such access or such attendance is essential to the functioning of the committee.

The procedure to be followed in granting access to those hearings, records, data, charts, and files of the committee which involve classified intelligence information or information deemed by a subcommittee to be sensitive shall be as follows:

(a) Only Members of the House of Representatives may have access to such information.

(b) Members who desire to read materials that are in the possession of the committee should notify the clerk of the committee or the subcommittee possessing the materials.

(c) The clerk will maintain an accurate access log which identifies without revealing the material examined, the staff member involved, and the time of arrival and departure of all Members having access to the information.

(d) If the material desired is material which the committee or subcommittee deems to be sensitive enough to require handling, before receiving access to such information, Members of the House will be required to identify the information they desire to read and sign an access information sheet acknowledging such access and that the Member has read these procedures.

(e) Such material shall not be removed from the room.

(f) A staff representative shall insure that the documents used by the Member are returned to the proper custodian or to original safekeeping as appropriate.

(g) No notes, reproductions or recordings may be made of any portion of such information.

(h) The contents of such information shall not be divulged to any person in any way, form, shape or manner and shall not be discussed with any person who has not received the information in an authorized manner either under these rules or the laws or rules in effect for officials and employees of the executive branch.

(i) When not being examined in the manner described herein, such information will be kept in secure safes in the committee rooms.

(j) These procedures only address access to information the committee or a subcommittee deems to be sensitive enough to require special treatment.

(k) If a Member believes the material should not be classified or considered restricted as to dissemination or use, the Member may ask the committee or subcommittee to so rule; however, as far as materials and information in the custody of the Small Business Committee is concerned, the classification of materials as determined by the executive branch shall prevail unless affirmatively changed by the committee or the subcommittee involved, after consultation with the appropriate executive agencies.

(l) Other materials in the possession of the committee are to be handled in accordance with the normal practices and traditions of the committee and its subcommittees.

16. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Upon approval by the committee or its subcommittees, all committee and subcommittee hearings which are open to the public may be covered, in whole, or in part, by television broadcast, radio broadcast, and still photography or by any such methods of coverage.

The Chairman of the full committee or the chairmen of the subcommittees are authorized to determine on behalf of the full committee or its subcommittees, respectively, whether hearings which are open may be broadcast, unless the committee or its subcommittees respectively by majority vote determine otherwise.

Permission for such coverage shall be granted only under the following conditions:

(1) Live coverage by radio or television shall be without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his

[1] Each subcommittee is authorized to explore ways to reduce unnecessary paperwork; also each subcommittee may propose legislation and exercise oversight in the respective areas assigned.

or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed position, shall be permitted in the room. The allocation among the television media of the positions of television cameras in the room shall be in accordance with fair and equitable procedures as devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member of each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Television and radio media equipment shall not be installed in, or removed from, the room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used, except that the television media may install additional lighting in the room, without cost to the Government, in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage at the then current state of the art.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage by the other media.

(11) Television and radio media personnel shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Still photography personnel shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

17. OTHER PROCEDURES AND REGULATIONS

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

The committee may not be committed to any expense whatever without the prior approval of the chairman of the full committee.

APPENDIX

EXCERPTS OF HOUSE RULES PERTAINING TO COMMITTEE PROCEDURE—RULE XI

* * * * *

Committee rule

Adoption of written rules

2. (a) Each standing committee of the House shall adopt written rules governing its procedure. Such rules—

(1) Shall be adopted in a meeting which is open to the public unless the committee in open session and with a quorum present, determines by rollcall vote that all or part of the meeting on that day is to be closed to the public;

(2) Shall be not inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House; and

(3) Shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

Each committee's rules specifying its regular meeting days, and any other rules of a committee which are in addition to the provisions of this clause, shall be published in the Congressional Record not later than thirty days after the Congress convenes in each odd-numbered year. Each select or joint committee shall comply with the provisions of this paragraph unless specifically prohibited by law.

Regular meeting days

(b) Each standing committee of the House shall adopt regular meeting days, which shall be not less frequent than monthly, for the conduct of its business. Each such committee shall meet, for the consideration of any bill or resolution pending before the committee or for the transaction of other committee business, on all regular meeting days fixed by the committee, unless otherwise provided by written rule adopted by the committee.

Additional and special meetings

(c) (1) The chairman of each standing committee may call and convene, as he or she considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the chairman.

(2) If at least three members of any standing committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

Ranking majority member to preside in absence of chairman

(d) If the chairman of any standing committee is not present at any meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

Committee records

(e) (1) Each committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each such rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those Members present but not voting.

(2) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto, except that in the case of records in the Committee on Standards of Official Conduct respecting the conduct of any Member, officer, or employee of the House, no Member of the House (other than a member of such committee) shall have access thereto without the specific, prior approval of the committee.

Proxies

(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy unless such committee, by written rule adopted by the committee, permits voting by proxy and requires that the proxy authorization shall be in writing, shall assert that the Member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Open meetings and hearings

(g) (1) Each meeting for the transaction of business, including the markup of legislation, of each standing committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. *Provided, however,* that no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(1) of Rule X or by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by each committee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder or that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. No Member may be excluded from non-participatory attendance at any hearing of any committee or subcommittee, with the exception of the Committee on Standards of Official Conduct, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures

designated in this subparagraph for closing hearings to the public: *Provided, however,* that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

(3) Each committee of the House (except the Committee on Rules) shall make public announcement of the date, place and subject matter of any committee hearing at least one week before the commencement of the hearing. If the committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest.

(4) Each committee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

(5) No point of order shall lie with respect to any measure reported by any committee on the ground that hearing on such measure were not conducted in accordance with the provisions of this clause; except that a point of order on that ground may be made by any member of the committee which reported the measure if, in the committee, such point of order was (A) timely made and (B) improperly overruled or not properly considered.

(6) The preceding provisions of this paragraph do not apply to the committee hearings which are provided for by clause 4(a)(1) of Rule X.

Quorum for taking testimony and certain other action

(h)(1) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence which shall not be less than two.

(2) Each committee (except the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than the reporting of a measure or recommendation which shall be not less than one-third of the members.

(i) No committee of the House (except the Committee on Appropriations, the Committee on the Budget, the Committee on Rules, and the Committee on Standards of Official Conduct) may sit, without special leave, while the House is recording a measure for amendment under the five-minute rule. For purposes of this paragraph, special leave will be granted unless 10 or more Members object.

Calling and Interrogation of Witnesses

(j)(1) Whenever any hearing is conducted by any committee upon any measure or matter, the minority party Members on the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2) Each committee shall apply the five-minute rule in the interrogation of witnesses in any hearing until such time as each Member of the committee who so desires has had an opportunity to question each witness.

Investigative Hearing Procedures

(k)(1) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) Receive such evidence or testimony in executive session;

(B) Afford such person an opportunity voluntarily to appear as a witness; and

(C) Receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

Committee Procedures for Reporting Bills and Resolutions

(l)(1)(A) It shall be the duty of the chairman of each committee (except as provided in subdivision (C) to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(B) In any event, the report of any committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subdivision does not apply to the reporting of a regular appropriation bill by the Committee on Appropriations prior to compliance with subdivision (C) and does not apply to a report of the Committee on Rules with respect to the rules, joint rules, or order of business of the House or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(C) Before reporting the first regular appropriation bill for each fiscal year, the Committee on Appropriations shall, to the extent practicable and in accordance with section 307 of the Congressional Budget Act of 1974, complete subcommittee markup and full committee action on all regular appropriations bills for that year and submit to the House a summary report comparing the committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to current resolution on the budget for that year.

(2)(A) No measure or recommendation shall be reported from any committee unless a majority of the committee was actually present.

(B) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(3) The report of any committee on a measure which has been approved by the Committee (A) shall include the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X separately set out and clearly identified; (B) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures; (c) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and (D) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 4(c)(2) of Rule X separately set out and clearly identified whenever such findings and recommendations has been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(4) Each report of a committee on each bill or joint resolution of a public character reported by such committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(5) If, at the time of approval of any measure or matter by any committee, other than the Committee on Rules, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(A) Shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(B) Shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of subparagraph (3) are included as part of the report.

This subparagraph does not preclude—

(i) The immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(ii) The filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(6) A measure or matter reported by any committee (except the Committee on Rules in the case of a resolution making in order the consideration of a bill, resolution, or other order of business), shall not be considered in the House until the third calendar day (or the tenth calendar day in the case of a concurrent resolution on the budget), excluding Saturdays, Sundays, and legal holidays, on which the report of that committee upon that measure or matter has been available to the Members of the House. Nor shall it be in order to consider any meas-

ure or matter reported by any committee (except the Committee on Rules in the case of a resolution making in order the consideration of a bill, resolution, or other order of business, or any other committee in the case of a privileged resolution), unless copies of such report and the reported measure or matter have been available to the Members for at least two hours before the beginning of such consideration: *Provided, however,* That it shall always be in order to call up for consideration, notwithstanding the provisions of clause 4(b), rule XI, a report from the Committee on Rules specifically providing for the consideration of a reported measure or matter notwithstanding this restriction. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

(A) Any measure for the declaration of war, or the declaration of a national emergency, by the Congress; or

(B) Any executive decision, determination, or action which would become, or continue to be effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

(7) If, within seven calendar days after a measure has, by resolution, been made in order for consideration by the House, no motion has been offered that the House consider that measure, any member of the committee which reported that measure may be recognized in the discretion of the Speaker to offer a motion that the House shall consider that measure, if that committee has duly authorized that member to offer that motion.

Power To Sit and Act; Subpoena Power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and Rule X (including any matters referred to it under clause 5 of Rule X), any committee, or any subcommittee thereof, is authorized (subject to subparagraph (2)(A) of this paragraph)—

(A) To sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The chairman of the committee, or any member designated by such chairman, may administer oaths to any witness.

(2)(A) A subpoena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(B) Compliance with any subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

(n) Funds authorized for a committee under clause 5 are for expenses incurred in the committee's activities; however, local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States its territories or possessions. No appropriated funds including those authorized under clause 5, shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(1) No member or employee of the committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(2) Each member or employee of the committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. All such individual reports shall be filed no later than sixty days following the completion of travel with the chairman of the committee for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

PRINTING OF RULES OF PROCEDURE FOR THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

(Mr. NIX asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NIX. Mr. Speaker, pursuant to clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for printing in the CONGRESSIONAL RECORD a copy of the rules of the Committee on Post Office and Civil Service as adopted by the committee on February 3, 1977:

RULES OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE, 95TH CONGRESS

(Adopted on February 3, 1977.)

Rule 1. Rules of the House

The Rules of the House are the rules of the committee and the subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

Rule 2. Chairman; vice chairman

(a) The ranking majority member is designated as vice chairman of the committee.

(b) The chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings or, in his absence, the next ranking majority member present shall preside.

(c) In the temporary absence of the chairman of the committee or of a subcommittee, as appropriate, the next ranking majority member of the committee or subcommittee, as appropriate, and so on, as often as the case shall happen, shall act as chairman.

Rule 3. Committee meetings

(a) A regular meeting of the committee shall be held on the first and third Thursdays of each month. The usual time of a regular meeting shall be 9:45 a.m. A regular meeting may be canceled by the chairman of the committee after consultation with the ranking majority member and the ranking minority member.

(b) Additional meetings of the committee may be called by the chairman as he considers necessary.

(c) A special meeting of the committee shall be held in accordance with the provisions of House Rule XI, Clause 2(c)(2).

(d) Regular, additional, and special meetings of the committee for the transaction of business shall be open to the public, except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

Rule 4. Record of action

(a) A complete record of all committee or subcommittee action shall be kept which shall include a record of the votes on any question on which a record vote is demanded.

(b) There shall be made available for inspection by the public, at reasonable times in the offices of the committee, a record of the votes on any question on which a record vote is demanded, a description of the amendment, motion, order, or other proposition on which a record vote is demanded, and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

(c) A committee or subcommittee report on a bill or resolution of a public character ordered reported by a record vote shall include the number of votes cast for, and the number of votes cast against, the motion to report.

Rule 5. Committee quorum

(a) Except as provided under paragraphs (b) and (c) of this rule, one-third of the total membership of the committee shall constitute a quorum for the purpose of transacting committee business.

(b) A majority of the total membership of the committee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation in accordance with rule 13(a);

(2) voting to close a meeting under rule 3(d);

(3) voting to close a hearing under rule 11(b);

(4) authorizing the issuance of a subpena under rule 12(c); and

(5) recalling a bill, resolution, or other matter under rule 9(c).

(c) Not less than two members of the committee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(d) The presence of a quorum shall be determined and anounced by the chairman before the committee shall proceed to the transaction of business and shall be recorded in the records of committee action.

Rule 6. Rollcall vote

A rollcall vote on any question may be demanded by any member of the committee or of a subcommittee, as appropriate.

Rule 7. Proxies

A member may vote on any matter before the committee or a subcommittee by proxy. A proxy shall (1) be in writing, signed by the member authorizing the proxy, and show the date and time of day that the proxy is signed; (2) assert that the member is absent on official business or is otherwise unable to be present at the meeting; (3) designate the member who is to execute the proxy authorization; and (4) be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy for motions to recess, adjourn, or other procedural matters. A proxy may not be used unless a quorum is present, cannot be used to make a quorum, and shall be presented to the chairman at the time the proxy is voted.

Rule 8. Addressing committee or subcommittees

(a) Recognition by the chairman shall first be obtained by any member addressing the committee or subcommittee, as appropriate,

proposing a motion, or interrogating a witness.

(b) The 5-minute rule shall apply in the markup of a bill. The 5-minute rule shall apply in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question the witness.

(c) The regular order shall be observed in all proceedings, and all questions and statements in the interrogation of witnesses shall be germane to the legislation or other matters then being considered.

Rule 9. Reference of legislation

(a) Each bill, resolution, or other matter referred to the committee, subject to the provisions of this rule, shall be re-referred to the subcommittee having jurisdiction over its principal subject within 1 week from the date of its referral to the committee unless the chairman of the committee orders that it be held for the committee's direct consideration. If the chairman so orders, he shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement therewith.

(b) A bill, resolution, or other matter referred by the chairman of the committee to a subcommittee may be recalled by him for the committee's direct consideration or for referral to another subcommittee. If recalled, the chairman shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement with his decision.

(c) A bill, resolution, or other matter referred to a subcommittee may be recalled by a majority vote of the committee, a majority being present, for its direct consideration or for reference to another subcommittee.

(d) A bill, resolution, or other matter referred to the committee may be referred simultaneously by the chairman of the committee to two or more subcommittees for concurrent consideration, for consideration in sequence, or for consideration of particular parts, or the matter may be referred by the chairman to a special ad hoc subcommittee established under rule 21.

Rule 10. Statements; depositions

Statements, depositions, letters, and such other pertinent matter in appropriate form as may be timely submitted may be accepted for inclusion in printed hearings, records, or documents, or in the permanent files of the committee, by the chairman of the committee or subcommittee, as appropriate, without objection or upon motion duly adopted.

Rule 11. Hearings; witnesses

(a) Public announcement of the date, place, and subject matter of each hearing to be conducted by the committee, or by a subcommittee, shall be made at least 1 week before the commencement of a hearing, unless the chairman of the committee or subcommittee, as appropriate, determines that there is good cause to begin a hearing at an earlier date in which event such public announcement shall be made at the earliest possible date.

(b) Hearings shall be open to the public except when the committee, or subcommittee, as appropriate, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(2).

(c) Except as otherwise provided in these rules, the scheduling of witnesses and the time allowed for the presentation of testimony and interrogation shall be at the sole discretion of the chairman, unless otherwise ordered by a majority vote of the committee or subcommittee, as appropriate, a quorum being present.

(d) When any hearing is conducted upon any measure or matter, the minority party members of the committee, or subcommittee, as appropriate, upon request to the chairman by a majority of the minority party members before completion of the hearings, shall be entitled to call witnesses to testify on at least 1 day of such hearings.

(e) Each witness who is to appear before the committee, or subcommittee, as appropriate, and who has had appropriate and timely notice of such appearance shall file with the committee, or subcommittee, as appropriate, at least 24 hours in advance of his appearance, at least 35 copies of the statement of his proposed testimony and limit his oral presentation at his appearance to a brief summary of his argument. The requirement of this rule may be waived, in whole or in part, by the chairman, without objection, or pursuant to a motion duly adopted.

(f) A witness may obtain a transcript of his testimony given at a public session or, if given at an executive session, when authorized by the committee or subcommittee, as appropriate.

Rule 12. Power to sit and act; subpena power; oaths

(a) The committee and each subcommittee and each subcommittee is authorized—

(1) to sit and act at such times and places, whether the House is in session, has recessed, or has adjourned, and to hold hearings; and

(2) subject to paragraph (c), to require by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary.

(b) The chairman of the committee or of a subcommittee, as appropriate, or any member designated by the chairman may administer oaths to witnesses.

(c) A subpena may be authorized and issued by the committee or by a subcommittee in the conduct of its functions and duties under House Rules X and XI or under the committee rules when authorized by a majority vote of the committee or subcommittee, as appropriate, a majority being present, or when authorized by the chairman of the committee.

(d) Authorized subpenas shall be signed by the chairman of the committee or, in his absence, by the vice chairman of the committee.

Rule 13. Filing reports; supplemental, minority, or additional views

(a) No measure or recommendation, including any report or submission required to be made to the House or to the Committee on the Budget by the committee under paragraphs (g), (h), and (i) of Clause 4 of Rule X of the Rules of the House, shall be reported unless a majority of the committee or subcommittee, as appropriate, was actually present.

(b) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(c) It shall be the duty of the chairman of a subcommittee to promptly request consideration in the committee of any measure approved by the subcommittee, and it shall be the duty of the chairman of the committee to schedule such measure for consideration by the committee as promptly as possible.

(d) In the event the report of the committee on a measure which has been approved by the committee has not been filed as prescribed by paragraph (b) of this rule, such report shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the general counsel of the committee a written request, signed by a majority of the members of the committee, for reporting of that measure.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) after he has been notified that the committee report is ready for filing in which to file such views with the general counsel of the committee. Such views shall be in writing and signed by the member.

(f) All committee, subcommittee, or staff reports printed pursuant to legislative or oversight investigations and not approved by a majority of the members of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: (This report has not been officially approved by the (subcommittee/committee) and, therefore, may not necessarily reflect the views of all of its members.)

Rule 14. Legislative oversight

The committee, together with its subcommittees, shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

Rule 15. Permanent and special staffs

(a) The committee staff shall be composed of 18 permanent professional staff members, 12 permanent clerical staff members, and such special staff members as are appointed by the committee.

(b) The chairman of the committee, after consultation with the ranking minority member in the case of minority staff employees, shall have authority to appoint and discharge permanent and special staff members of the committee subject to the approval of the committee.

(c) The chairman of the committee shall have authority to appoint and discharge special subcommittee staff members subject to the approval of the committee, except that the chairman and the ranking minority member of each standing subcommittee shall have the option to appoint one staff member under House Rule XI, Clause 5(d).

(d) The chairman of the committee shall assign the duties and responsibilities, and have the general supervision and control of, the permanent and special staff members of the committee assigned to the chairman. The ranking minority member shall assign the duties and responsibilities, and have the general supervision and control of, the permanent and special staff members of the committee assigned to the ranking minority member.

(e) The chairman of a subcommittee shall assign the duties and responsibilities, and have the general supervision and control of the majority special staff members of that subcommittee.

(f) The chairman of the committee shall fix the rate of pay for each permanent and special staff member except a special staff member appointed under House Rule XI, Clause 5(d).

(g) The appointment of a special staff member my not extend beyond the expiration of the Congress during which the appointment is made.

(h) Staff members of the committee and of the subcommittees shall not engage in any work other than committee or subcommittee business and shall not be assigned any duties other than those pertaining to committee or subcommittee business.

(1) Except as otherwise provided by the committee, the duties and responsibilities of permanent and special staff members shall be performed, and staff personnel affairs and day-to-day operations shall be administered, under the direct supervision and control of the general counsel, who shall be responsible for providing timely, effective, and economical staff services to the committee and its subcommittees.

Rule 16. Special funds, budget, expenses, and accounts

(a) The chairman of each standing subcommittee shall propose and present to the chairman of the committee, for each session of the Congress, a subcommittee budget of the estimated amount of special funds necessary to carry out the anticipated activities and programs of the subcommittees for that particular session of the Congress.

(b) The chairman of the committee shall review each proposed subcommittee budget and, after consultation with the ranking minority member, shall propose and present to the committee, for each session of the Congress, a committee budget of the estimated total amount of special funds to be requested under a primary expense resolution required under House Rule XI, Clause 5, for use by the committee, both the majority and the minority, for such session of the Congress for all anticipated activities and programs of the committee and of the standing subcommittees.

(c) The general counsel shall establish and maintain records and accounts, consistent with sound accounting practices, of committee and subcommittee special funds and of expenses incurred and paid as obligations of such funds. He shall prepare and submit to each member of the committee, not later than 10 days after the end of each quarter of the calendar year an itemized report of the amounts of such funds expended and on hand at the end of the quarter. Such quarterly reports shall be made a part of the permanent official records of the committee.

(d) Vouchers for payment of obligations of special funds shall be prepared by the general counsel for signature by the chairman of the committee, except as otherwise authorized by the House, and shall be supported by receipts or other documentation consistent with the requirements of the Committee on House Administration. Signed vouchers shall be returned to the general counsel for entry in the committee accounts and final processing.

Rule 17. Broadcasting hearings

A hearing conducted by the committee, upon approval by a majority vote of the committee, upon approval by a majority vote of the committee, a quorum being present, or a hearing conducted by a subcommittee, upon approval by a majority vote of the subcommittee, a quorum being present, may be covered in whole, or in part, by television broadcast, radio broadcast, and still photography, in accordance with House Rule XI, Clause 3, subject to the following:

(1) live coverage is to be broadcast without commercial sponsorship;

(2) no subpenaed witness may be photographed televised, or broadcast against his will;

(3) television coverage shall be limited to four fixed cameras not obstructing committee or subcommittee proceedings or other media;

(4) equipment must be installed prior to the hearing;

(5) lighting shall be at the lowest adequate level;

(6) no more than five still photographers may cover any hearing;

(7) still photographers shall not come between the witnesses and committee members or obstruct the other media during the hearings; and

(8) broadcast and photography personnel shall be orderly and unobtrusive and shall be currently accredited to the Radio, Television Correspondents', or the Press Photographers' Galleries, as appropriate.

Rule. 18. Availability of subcommittee reports

A summary and explanation of each measure or matter reported by a subcommittee shall be furnished to each member of the committee at least 3 days in advance of the committee meeting at which such measure or matter is to be considered.

Rule 19. Travel

(a) All members of the committee or of a subcommittee, as appropriate, shall have adequate notice prior to the date or dates fixed for investigations or hearings at locations other than Washington, D.C.

(b) Travel of members and staff of the committee or of a subcommittee to hearings, meetings, conferences, and investigations must be authorized by the chairman of the committee prior to any public notice thereof or the actual travel. Before such authorization is given, there shall be submitted to the chairman of the committee a statement in writing which includes the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(c) A report on the travel (except travel in connection with hearings) of each member or staff member shall be submitted to the chairman of the committee as soon as possible after the trip is completed.

(d) Not later than 60 days after the completion of foreign travel, each member or staff member shall submit to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. Such reports shall be made available for inspection by the public, as required by House Rule XI, Clause 2(n).

Rule. 20. Classified material

(a) All classified material received by the committee or by a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The chairman of the committee shall establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any such classified material. Such procedures shall, however, insure access to this information at the committee offices by any member of the committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

Rule 21. Standing and special subcommittees

There shall be seven standing subcommittees of the committee. The Subcommittee on Investigations shall have investigative jurisdiction overall matters within the jurisdiction of the committee, and the other six subcommittees shall have legislative and investigative jurisdiction as provided under paragraphs (2) through (7) of rule 22. In addition to the standing subcommittees, the chairman of the committee, or the committee by a majority vote, a quorum being present, may establish such special ad hoc subcommittees and assign to them such jurisdiction as the chairman or the committee deems necessary.

Rule 22. Jurisdiction of subcommittees

The titles and jurisdiction of the standing subcommittees shall be as follows:

(1) Subcommittee on Investigations. The investigation, review and study, on a continuing basis, of the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

(2) Subcommittee on Compensation and Employee Benefits. Compensation, including pay rates and pay systems; dual compensation; classification of positions; leave, allowances; retirement; insurance; health benefits; and other benefits of Federal officers and employees.

(3) Subcommittee on Manpower. Federal civilian personnel requirements and ceilings; effect of Government reorganizations on Federal personnel; manpower utilization; reductions in force; contracting out; rights of privacy; code of ethics, including financial disclosure and conflicts of interest; and intergovernmental personnel programs.

(4) Subcommittee on the Civil Service. The Civil Service Commission, generally, including operations, administration, and management thereof; Federal labor management relations (excluding the Postal Service); employee political activities; and Federal civil service matters, generally, except those matters specifically within the jurisdiction of other subcommittees.

(5) Subcommittee on Postal Operations and Services. The United States Postal Service and the Postal Rate Commission, generally, including operation and administration thereof; postal finances and expenditures (except those relating to matters within the jurisdiction of the Subcommittee on Postal Personnel and Modernization); public service aspects, requirements, and reimbursements; and the United States mails (except those matters specifically within the jurisdiction of the Subcommittee on Postal Personnel and Modernization).

(6) Subcommittee on Postal Personnel and Modernization. Postal officers and employees, generally, including their status and appointment; postal management and other personnel requirements and practices; manpower utilization; postal labor management relations; postal facilities and mechanization, including modernization and research and development; mailability of matter; mail transportation; and military mail.

(7) Subcommittee on Census and Population. The Bureau of the Census, generally; population and demography; statistics collection; reporting and data processing activities of the Government, generally; and holidays and celebrations.

Rule 23. Subcommittee chairmanships

Majority members of the committee shall have the right, in order of committee seniority, to bid for vacant subcommittee chairmanships, subject to approval by a majority of those present and voting by secret ballot in the majority member caucus on the committee. If the caucus rejects a subcommittee chairmanship bid, the next senior majority member may bid for the position as in the first instance.

Rule 24. Membership of subcommittees

(a) The Subcommittee on Civil Service and the Subcommittee on Postal Operations and Services each shall have ten members, divided among the majority and minority members in the ratio of seven to three.

(b) Except as provided in paragraph (a), each subcommittee shall have seven members, divided among the majority and minority members in the ratio of five to two.

(c) The chairman of the committee shall be an ex officio nonvoting member of each legislative subcommittee and the ranking minority member of the committee shall be an ex officio nonvoting member of each subcommittee on which he otherwise does not serve.

(d) Subcommittee positions of the majority members shall be filled in the following manner:

(1) Step 1.—Majority members who served on the committee in the preceding Congress shall be entitled to retain not more than two subcommittee assignments held on the committee in the preceding Congress. Majority members chosen as subcommittee chairmen under rule 23 shall be entitled to retain only one other subcommittee assignment held on the committee in the preceding Congress

(2) Step 2.—Majority members who retain no subcommittee assignments in step 1 and new members shall be entitled, in order of their ranking on the committee, to select one subcommittee position each.

(3) Step 3.—Majority members who have selected only one subcommittee assignment shall be entitled, in order of their ranking on the committee, to select a second subcommittee assignment, to the extent that subcommittee size permits.

(4) Step 4.—Any remaining subcommittee majority vacancies shall be filled by additional rounds of selection in order of majority members' ranking on the committee.

Rule 25. Powers and duties of subcommittees

Each subcommittee is authorized to meet, hold hearings, conduct investigations, receive evidence, and report to the committee on all matters referred to it. Subcommittee chairmen shall set meeting and hearing dates after consultation with the chairman of the committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings whenever possible. A subcommittee may exercise none of the powers or authorities hereinbefore provided with respect to any investigation or other activity which is not within the jurisdiction of the subcommittee or which requires the expenditure of funds in excess of the subcommittee's budget as approved by the committee, except upon authorization by a majority vote of the committee, a quorum being present.

Rule 26. Required meetings

Each standing subcommittee, as referred to in rule 22, shall meet for the transaction of subcommittee business from time to time while Congress is in session, at a time and on a day determined by the subcommittee with due regard to the time and dates of the regular meetings of the committee and other subcommittees. All meetings of each subcommittee shall be open to the public except when the subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

Rule 27. Subcommittee quorum

(a) Except as provided under paragraphs (b) and (c) of this rule, one-third of the total membership of a subcommittee shall constitute a quorum of the purpose of transacting subcommittee business.

(b) A majority of the total membership of a subcommittee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation to the committee;

(2) voting to close a meeting under rule 26;

(3) voting to close a hearing under rule 11(b); and

(4) authorizing the issuance of a subpena under rule 12(c).

(c) Not less than two members of a subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(d) The ex officio members of a subcommittee shall not be counted for the purpose of establishing a subcommittee quorum.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. COLEMAN (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CORCORAN of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. STEERS, for 5 minutes, today.

Mr. COUGHLIN, for 30 minutes, February 8, 1977.

Mr. TRIBLE, for 10 minutes, today.

(The following Members (at the request of Mr. PANETTA) and in include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. VANIK, for 5 minutes, today.

Mr. BAUCUS, for 10 minutes, today.

Mr. KOCH, for 5 minutes, today.

Mr. DIGGS, for 10 minutes, today.

Mr. PEPPER, for 30 minutes, today.

Mr. BEDELL, for 5 minutes, today.

Mr. COTTER, for 10 minutes, today.

Mr. ASPIN, for 10 minutes, today.

Mr. BINGHAM, for 10 minutes, today.

Mr. GLICKMAN, for 10 minutes, February 9, 1977.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON to revise and extend his remarks and place in the RECORD certain tables and information relative to the House joint resolution considered today.

(The following Members, at the request of Mr. CORCORAN of Illinois) and to include extraneous matter:)

Mr. KELLY.

Mr. GILMAN in two instances.

Mr. PRITCHARD.

Mr. STEERS.

Mr. MYERS of Indiana.

Mr. COHEN in two instances.

Mr. GRASSLEY.

Mr. KASTEN.

Mr. GRADISON.

Mr. KETCHUM in three instances.

Mr. SEBELIUS.

Mr. MCDADE in two instances.

Mr. MARTIN.

Mr. HANSEN in four instances.

Mr. FORSYTHE.

Mrs. HOLT.

Mr. ROUSSELOT.

(The following Members (at the request of Mr. PANETTA) and to include extraneous material):

Mr. HAMILTON.

Mr. ANNUNZIO in six instances.

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. BROWN of California in 10 instances.

Mr. VANIK in three instances.

Mr. BAUCUS.

Mr. LONG of Maryland.

Mrs. KEYS.

Mr. PEPPER in two instances.

Ms. HOLTZMAN in 10 instances.

Mr. DE LA GARZA in nine instances.

Mr. KOCH.

Mr. BINGHAM in 10 instances.

Mr. MOORHEAD of Pennsylvania in 10 instances.

Mr. WON PAT.

Mr. WOLFF in two instances.

Mr. HANNAFORD.

Mr. NICHOLS.

Mr. WIRTH.

Mr. OTTINGER in two instances.

Mr. CORRADA.

Mr. FLORIO.

Mr. FRASER.

Mr. BRADEMAS in 10 instances.

Mr. RANGEL.

Miss OAKAR in two instances.

Mrs. SCHROEDER in two instances.

Mr. TEAGUE.

Mr. WEISS.

Mr. O'NEILL.

Mr. BYRON.

Mr. BEDELL.

Mr. HEFTEL in 10 instances.

Mr. JACOBS.

Mr. EARLY.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 10. Joint resolution to extend the period of time in which the American Indian Policy Review Commission must submit its final report and to increase the authorization of appropriations for such Commission; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. PANETTA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 33 minutes p.m.), the House adjourned until Tuesday, February 8, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

668. A letter from the President of the United States, transmitting a draft of proposed legislation to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes (95–71); to the Committee on Government Operations and ordered to be printed.

669. A letter from the Deputy Assistant Secretary of Agriculture, transmitting the annual report of the Federal Crop Insurance Corporation for the 1976 crop year, pursuant to 61 Stat. 719; to the Committee on Agriculture.

670. A letter from the Assistant Secretary of Defense (Comptroller), transmitting notice of the intent of the Department of Defense to obligate funds available in the DOD stock fund for war reserve inventory for the Defense Logistics Agency, pursuant to section 735 of Public Law 94–419; to the Committee on Appropriations.

671. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to extend the Federal riot reinsurance and crime insurance programs; to the Committee on Banking, Finance and Urban Affairs.

672. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on the export expansion facility program for the quarter ended December 31, 1976, pursuant to Public Law 90–390; to the Committee on Banking, Finance and Urban Affairs.

673. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank to Communist countries during December 1976; to the Committee on Banking, Finance and Urban Affairs.

674. A letter from the Mayor of the District of Columbia, transmitting his response to the General Accounting Office report (GGD–76–46) entitled "How the District of Columbia Might Better Manage Its Tax Compliance Program," pursuant to section 736 (b)(3) of Public Law 93–198; to the Committee on the District of Columbia.

675. A letter from the District of Columbia Auditor, transmitting copies of reports entitled "Department of Human Resources Practices and Procedures" and "Employment of Mrs. Gladys Yeldell and Mayor's Order 76–222," pursuant to section 455 of Public Law 93–198; to the Committee on the District of Columbia.

676. A letter from the Secretary of Labor, transmitting a report on the number of cases reviewed and the number of exemplary rehabilitation certificates issued during calendar year 1976, pursuant to section 6(f) of Public Law 90–83; to the Committee on Education and Labor.

677. A letter from the Acting Assistant Secretary of the Interior, transmitting the financial statements and annual report of the Colorado River Basin Project for fiscal year 1976, pursuant to section 404 of the Colorado River Basin Project Act of 1968 (82 Stat. 885); to the Committee on Interior and Insular Affairs.

678. A letter from the Federal and State Cochairmen, Joint Federal-State Land Use Planning Commission for Alaska, transmitting the Commission's annual report for calendar year 1976, pursuant to section 17(a)(8)(A) of Public Law 92–203; to the Committee on Interior and Insular Affairs.

679. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Richard B. Parker, Ambassador-designate to Lebanon, and his family, pursuant to section 6 of Public Law 93–126; to the Committee on International Relations.

680. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

681. A letter from the Secretary of Transportation, transmitting his annual report on activities under the Emergency Rail Services Act of 1970, together with reports on the financial condition of the Penn Central Transportation Co., the Central Railroad Co., of New Jersey, and the Chicago, Rock Island and Pacific Railroad Co., pursuant to section 10 of the act (Public Law 91–663); to the Committee on Interstate and Foreign Commerce.

682. A letter from the Chairman, Interstate Commerce Commission, transmitting a report on the study of railroad conglomerats and other corporate structures, pursuant to section 903 of Public Law 94–210; to the Committee on Interstate and Foreign Commerce.

683. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers on Gasconade River Basin, Mo., requested by resolutions of the House Committee on Public Works adopted July 5, 1946, and June 13, 1956; to the Committee on Public Works and Transportation.

684. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers on Sandy Hook Bay, N.J., requested by a resolution of the House Committee on Public Works adopted September 12, 1962; to the Committee on Public Works and Transportation.

685. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting the Commission's budget request for fiscal year 1978, pursuant to section 27(k)(1) of Public Law 92–573; jointly, to the Committee on Appropriations, and Interstate and Foreign Commerce.

686. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Tennessee Valley Authority for fiscal year 1976 (FOD–77–1, February 7, 1977), pursuant to section 106 of the Government Corporation Control Act, as amended (H. Doc. 95–72); jointly, to the Committees on Government Operations, and Public Works and Transportation, and ordered to be printed with illustrations.

687. A letter from the Comptroller General of the United States, transmitting a report on the Department of Agriculture's financial disclosure system (FPCD–77–17, January 31, 1977); jointly, to the Committees on Government Operations, the Judiciary, Agriculture, and Post Office and Civil Service.

688. A letter from the Chairman, Interstate Commerce Commission, transmitting the Commission's proposed new rules of practice, pursuant to section 305 of Public Law 94–210; jointly, to the Committees on Interstate and Foreign Commerce, and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NICHOLS: Committee on Armed Services. H.R. 583. A bill to amend chapter 5 of title 37, United States Code, to extend the special pay provisions for reenlistment and enlistment bonuses. (Report No. 95–9). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mr. BONIOR, Mr. CARNEY, Mr. CONYERS, Mr. DE LA GARZA, Mr. EDWARDS of Oklahoma, Mr. FLOOD, Mr. FUQUA, Mr. GLICKMAN, Mr. HAGEDORN, Mr. HAMILTON, Mr. HIGHTOWER, Mr. JEFFORDS, Mr. LUNDINE, Mr. MOAKLEY, Ms. MIKULSKI, Mr. NIX, Mr. PANETTA, Mr. SEBELIUS, Mr. WALKER, Mr. WALSH, Mr. WEAVER, Mr. WOLFF, Mr. YOUNG of Missouri, and Mr. ZABLOCKI):

H.R. 3125. A bill to amend title 38, United States Code, to provide for the payment of service pensions to veterans of World War I and the surviving spouses and children of such veterans; to the Committee on Veterans' Affairs.

By Mr. ANNUNZIO:

H.R. 3126. A bill to establish the Federal Savings and Loan Insurance Corporation as an independent corporate instrumentality of the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BAUCUS:

H.R. 3127. A bill to authorize Federal assistance under the Consolidated Farm and Rural Development Act with respect to using solar energy in residential structures on family farms; to the Committee on Agriculture.

H.R. 3128. A bill to provide more Federal assistance under certain housing programs for dwelling units which utilize solar energy; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3129. A bill to amend title 38, United States Code, to provide Federal loans and guarantees to veterans for the purchase and installation of heating and cooling systems which utilize solar energy; to the Committee on Veterans' Affairs.

By Mr. BAUCUS (for himself, Mr. BEDELL, Mr. BRODHEAD, Ms. CHISHOLM, Mr. COCHRAN, Mr. DUNCAN of Tennessee, Mr. ENGLISH, Mr. FUQUA, Mr. GILMAN, Mr. HIGHTOWER, Ms. KEYS, Mr. MITCHELL of New York, Mr. MOAKLEY, Mr. MURPHY of New York, Mr. NATCHER, Mr. PATTISON of New York, Mr. ROE, Mr. ROYBAL, Mr. SCHEUER, Mr. SIMON, Mr. STARK, Mr. THORNTON, Mr. WALKER, Mr. CHARLES WILSON of Texas, and Mr. YATRON):

H.R. 3130. A bill to require that imported meat and meat food products made in whole or in part of imported meat be subjected to certain tests and that such meat or products be identified as having been imported; to require the inspection of imported dairy products and that such products comply with certain minimum standards of sanitation; to require that the cost of conducting such tests, inspections, and identification procedures on imported meat and meat food products and on dairy products, as the case may be, be borne by the exporters of such articles, and for other purposes; to the Committee on Agriculture.

By Mr. BROOKS:

H.R. 3131. A bill to extend and revise the authority of the President under chapter 9 of title 5, United States Code, to transmit to the Congress plans for the reorganization of the agencies of the executive branch of the Government, and for other purposes; to the Committee on Government Operations.

By Mr. BEDELL:

H.R. 3132. A bill to require the Secretary of the Army to establish a schedule of user charges to be paid by the owner or operator of any shallow-draft cargo vessel using any inland waterway of the United States, and for other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. BINGHAM:

H.R. 3133. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. BONIOR:

H.R. 3134. A bill to amend the Ports and Waterways Safety Act of 1972 in order to establish comprehensive liability and compensation for damages from oil spills, and for other purposes; jointly to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. BOWEN:

H.R. 3135. A bill to amend the Internal Revenue Code of 1954 to increase from $1 million to $10 million the exemption from industrial development bond treatment for certain small issues; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. KRUEGER, Mr. BADHAM, Mr. BROYHILL, Mr. BURGENER, Mr. CEDERBERG, Mr. DON H. CLAUSEN, Mr. CLEVELAND, Mr. DEVINE, Mr. ERLENBORN, Mr. GUYER, Mr. HILLIS, Mr. HORTON, Mr. HYDE, Mr. KEMP, Mr. KINDNESS, Mr. LOTT, Mr. MCEWEN, Mr. MOORHEAD of California, Mr. QUAYLE, Mr. REGULA, Mr. ROBINSON, Mr. SARASIN, Mr. WALKER, and Mr. WHITEHURST):

H.R. 3136. A bill to assure the availability of adequate supplies of natural gas at reasonable prices for consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CARR:

H.R. 3137. A bill to require Federal agencies to report to Congress certain expenditures made for or on behalf of Members of Congress or employees of Congress and to provide for the reimbursement of such expenditures; to the Committee on House Administration.

By Mr. DON H. CLAUSEN:

H.R. 3138. A bill to amend the Federal Aviation Act of 1958 to authorize reduced fare transportation on space-available basis for elderly persons, young persons, and handicapped persons; to the Committee on Public Works and Transportation.

By Mr. CLAY:

H.R. 3139. A bill to amend title 5, United States Code, to extend certain benefits to former employees of county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COHEN (for himself, Mr. ICHORD, Mr. AKAKA, Mr. BAUCUS, Mr. BAUMAN, Mr. BOLAND, Mr. CLAY, Mr. CLEVELAND, Mr. EILBERG, Mr. EMERY, Mr. ERTEL, Mr. FASCELL, Mr. GILMAN, Mr. GLICKMAN, Mr. HANNAFORD, Mr. HARRIS, Mr. HORTON, Mr. HOWARD, Mr. HUGHES, Mr. LAGOMARSINO, Mr. LEACH, Mr. LE FANTE, Mr. MAZZOLI, Mr. MCEWEN, and Mr. MINETA):

H.R. 3140. A bill to establish requirements for notification of Congress before the closure of, or significant reduction in force at, any military installation is carried out; to the Committee on Armed Services.

By Mr. COHEN (for himself, Mr. ICHORD, Mr. MOAKLEY, Mr. MURPHY of New York, Mr. PANETTA, Mr. RICHMOND, Mr. ROE, Mr. ROYBAL, Mr. RUPPE, Mr. SCHEUER, Mr. SKELTON, Mr. STRATTON, Mr. WALKER, Mr. CHARLES H. WILSON of California, and Mr. WON PAT):

H.R. 3141. A bill to establish requirements for notification of Congress before the closure of, or significant reduction in force at, any military installation is carried out; to the Committee on Armed Services.

By Mr. COLLINS of Texas (for himself, Mr. CRANE, Mr. BADHAM, Mr. MYERS of Indiana, Mr. DERWINSKI, Mr. KINDNESS, Mr. HALL, Mr. BURLESON of Texas, Mr. COCHRAN, Mr. DEVINE, Mr. WHITEHURST, Mr. SEBELIUS, Mr. LOTT, Mr. WALKER, Mr. ROUSSELOT, Mr. MCDONALD, Mr. TREEN, Mr. KELLY, Mr. SYMMS, Mr. LAGOMARSINO, and Mr. MARTIN):

H.R. 3142. A bill to amend the Natural Gas Act to assure adequate supplies of natural gas in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS of Texas (for himself and Mr. MOORHEAD of California):

H.R. 3143. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to provide that any individual may elect (on an annual basis) to contribute to a private retirement plan rather than participating in the social security program; to the Committee on Ways and Means.

By Mr. CONABLE (for himself, Mr. DUNCAN of Tennessee, Mr. RANGEL, Mr. STEIGER, Mr. HOWARD, Mr. LAGOMARSINO, Mr. STOCKMAN, Mr. LAFALCE, Mr. HYDE, Mr. HORTON, Mr. SIMON, Mr. WHITEHURST, Mr. PATTEN, Mr. SEBELIUS, Mr. BURKE of Florida, Mr. EDGAR, Mr. BEARD of Rhode Island, Mr. MITCHELL of New York, and Mr. QUIE):

H.R. 3144. A bill to amend title XVIII of the Social Security Act to establish a program of long-term care services within the medicare program, to provide for the creation of community long-term care centers and State long-term care agencies as part of a new administrative structure for the organization and delivery of long-term care services, to provide a significant role for persons eligible for long-term care benefits in the administration of the program, and for other purposes; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. DANIELSON:

H.R. 3145. A bill to amend the Immigration and Nationality Act to provide that any person who pays any compensation to an illegal alien shall be subject to a criminal fine; to the Committee on the Judiciary.

By Mr DELANEY:

H.R. 3146. A bill to amend title XVIII of the Social Security Act to include outpatient drugs, prescribed by a physician, among the medical expenses with respect to which payment may be made under the voluntary program of supplementary medical insurance benefits for the aged; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. DICKINSON (for himself, Mr. BAFALIS, Mr. ARCHER, Mr. SYMMS, Mr. MARTIN, Mr. MOORHEAD of California, Mr. KETCHUM, Mr. RUDD, Mr. WALKER, Mr. BADHAM, Mr. SEBELIUS, Mr. HANSEN, Mr. TREEN, Mr. WON PAT, Mr. WINN, Mr. DEL CLAWSON, Mr. DEVINE, Mr. YOUNG of Florida, Mr. STOCKMAN, Mr. COLLINS of Texas, Mrs. HOLT, Mr. BOB WILSON, Mr. GIBBONS, Mr. ROUSSELOT, and Mr. DERWINSKI):

H.R. 3147. A bill to amend the Food Stamp Act of 1964 to exclude from coverage under the act households which have members who are on strike, and for other purposes; to the Committee on Agriculture.

By Mr. DICKINSON (for himself, Mr. ABDNOR, Mr. GOLDWATER, Mr. ROBINSON, Mr. WHITEHURST, Mr. CRANE, Mr. EDWARDS of Oklahoma, Mr. HAGEDORN, and Mr. FRENZEL):

H.R. 3148. A bill to amend the Food Stamp Act of 1964, to exclude from coverage under the act households which have members who are on strike, and for other purposes; to the Committee on Agriculture.

By Mr. DUNCAN of Tennessee:

H.R. 3149. A bill to amend the Internal Revenue Code of 1954 to extend from 2 years to 2½ years the period for constructing a new residence to qualify for nonrecognition of gain on the sale of an old residence; to the Committee on Ways and Means.

By Mr. EILBERG (for himself, Mr. BURKE of Florida, Mr. CLAY, Mr. HAWKINS, Mr. BADILLO, Mr. MICHAEL O. MYERS, Mr. ROSENTHAL, Mr. WEISS, Mr. CONTE, Mr. RYAN, Mr. LEDERER, and Mr. FISH):

H.R. 3150. A bill to establish certain rules with respect to the appearance of witnesses before grand juries in order to better protect the rights and liberties of such witnesses, to require notice to a grand jury of its rights and duties, to provide for independent inquiries by grand juries, to require periodic reports to Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. EVANS of Colorado:

H.R. 3151. A bill to provide that the changes made by the Tax Reform Act of 1976 to the exclusion for sick pay shall only apply to taxable years beginning after December 31, 1976; to the Committee on Ways and Means.

By Mr. FARY:

H.R. 3152. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH (for himself, Mr. PATTISON of New York, Mr. MITCHELL of Maryland, Mr. ROYBAL, Mr. NIX, Mr. SCHEUER, Mr. STARK, Ms. CHISHOLM, Mr. NOLAN, Mr. BONKER, Mr. LONG of Maryland, Mr. WEISS, Mr. RANGEL, and Mr. RYAN):

H.R. 3153. A bill to terminate the granting of construction licenses of nuclear fission powerplants in the United States pending action by the Congress following a comprehensive 5-year study of the nuclear fuel cycle, with particular reference to its safety and environmental hazards, to be conducted by the Office of Technology Assessment, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce, and International Relations.

My Mr. FLORIO:

H.R. 3154. A bill to amend the Horse Protection Act; jointly, to the Committees on Interstate and Foreign Commerce, and International Relations.

By Mr. FOLEY:

H.R. 3155. A bill to provide for rehabilitation of Conconully Dam, and for other purposes; to the Committee on Interior and Isular Affairs.

By Mr. FORD of Michigan (for himself, Mr. BRADEMAS, Mr. BRODHEAD, Mrs. BURKE of California, Mr. CARR, Mr. CLAY, Mr. CONYERS, Mr. DIGGS, Mr. DINGELL, Mr. DRINAN, Mr. FRASER, Mr. LE FANTE, Mr. MEEDS, Mr. ROE, and Mr. SOLARZ):

H.R. 3156. A bill to amend the Fair Labor Standards Act of 1938, to require prenotification to affected employees and communities of dislocation of business concerns, to provide assistance (including retraining) to employees who suffer employment loss through the dislocation of business concerns, to business concerns threatened with dislocation, and to affected communities, to prevent Federal support for unjustified dislocation, and for other purposes; jointly, to the Committees on Education and Labor, and Banking, Finance and Urban Affairs.

By Mr. FORSYTHE:

H.R. 3157. A bill to direct the Secretary of the Interior to acquire a portion of the New Jersey pinelands if the State of New Jersey acquires other portions of such pinelands and to reimburse certain units of local government in New Jersey for a portion of the property taxes lost as a result of Federal ownership of such land; to the Committee on Interior and Insular Affairs.

By Mr. GONZALEZ:

H.R. 3158. A bill to create the Young Adult Conservation Corps to complement the Youth Conservation Corps; to the Committee on Education and Labor.

By Mr. HAMMERSCHMIDT:

H.R. 3159. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 3160. A bill to amend Public Law 94-400 to require that the Secretary of Interior maintain the confidentiality of information gathered from victims of the Teton Dam disaster, and for other purposes; to the Committee on the Judiciary.

By Mr. HARRIS:

H.R. 3161. A bill to amend title 5, United States Code, to improve the basic workweek of firefighting personnel of executive agencies, and for other purposes; to the Committee on Post Office and Civil Service.

By Ms. HOLT:

H.R. 3162. A bill to amend title II of the Social Security Act to increase to $5,000 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted an individual each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 3163. A bill to provide that salary adjustments for Members of Congress shall be payable only when the total receipts of the U.S. Government exceed the total outlays during the fiscal year; to the Committee on Post Office and Civil Service.

By Mr. JACOBS (for himself, Mr. AUCOIN, Mr. BADILLO, Mr. HORTON, Mr. ENGLISH, Mr. HUGHES, Mr. FRASER, Mr. SIMON, Mrs. BOGGS, Mr. LUJAN, Mr. MIKVA, Mr. LEVITAS, Mr. PATTISON of New York, Mr. MAZZOLI, Mr. KOSTMAYER, Mr. DAVIS, Mr. LLOYD of California, Mr. STEIGER, Mr. BRODHEAD, and Mr. CARR):

H.R. 3164. A bill to provide that the changes made by the Tax Reform Act of 1976 to the exclusion for sick pay shall only apply to taxable years beginning after December 31, 1976; to the Committee on Ways and Means.

By Mr. JACOBS (for himself, Mr. BEVILL, Mr. CARNEY, Mr. FLOWERS, Mr. LUNDINE, Mr. MOAKLEY, Mr. BONIOR, Mr. WALKER, Mr. BLANCHARD, Mrs. KEYS, Mr. LEDERER, Mrs. CHISHOLM, Mr. KINDNESS, Mrs. BURKE of California, Mr. JENRETTE, Mr. PICKLE, and Mr. SHARP):

H.R. 3165. A bill to provide that the changes made by the Tax Reform Act of 1976 to the exclusion for sick pay shall only apply to taxable years beginning after December 31, 1976; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself and Mr. SIMON):

H.R. 3166. A bill to promote competition in the production of coal, uranium, and geothermal power; to the Committee on the Judiciary.

By Ms. KEYS (for herself, Mrs. SPELLMAN, Mrs. LLOYD of Tennessee, Mrs. FENWICK, Mr. PRICE, Ms. MIKULSKI, Mr. SIMON, Mr. ZEFERETTI, Mr. VAN DEERLIN, Mr. BONIOR, Mr. MOAKLEY, Mr. ROYBAL, Mr. MCHUGH, Mr. PEPPER, Mr. HOWARD, Mrs. MEYNER, Mr. DERRICK, Mr. DOWNEY, Mr. HARRIS, Mr. FRASER, Mr. OTTINGER, Mr. JONES of North Carolina, Mr. OBERSTAR, and Mr. DUNCAN of Tennessee):

H.R. 3167. A bill to amend part B of title XI of the Social Security Act to assure appropriate participation by professional registered nurses in the peer review, and related activities authorized thereunder; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Ms. KEYS (for herself, Mr. PREYER, Mr. WALSH, Mr. DRINAN, Mr. CARNEY, Mr. MIKVA, Ms. BURKE of California, Mr. KOCH, and Mr. BALDUS):

H.R. 3168. A bill to amend part B of title XI of the Social Security Act to assure appropriate participation by professional registered nurses in the peer review, and related activities authorized thereunder; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. PATTISON of New York, Mr. BADILLO, Mr. BEARD of Rhode Island, Mr. BIAGGI, Mr. BLANCHARD, Mr. BONIOR, Mr. BONKER, Mr. CONYERS, Mr. EDWARDS of California, Mr. EILBERG, Mr. GIBBONS, Mr. GILMAN, Mr. HANNAFORD, Mrs. HECKLER, Mr. HOLLENBECK, and Mr. JACOBS):

H.R. 3169. A bill to establish a Commission on the Humane Treatment of Animals; to the Committee on Agriculture.

By Mr. KOCH (for himself, Mr. PATTISON of New York, Mr. KEMP, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. MCDADE, Mr. MCKINNEY, Mr. MAGUIRE, Mr. MIKVA, Mr. MITCHELL of Maryland, Mr. OTTINGER, Mr. ROE, Mr. SARASIN, Mr. SCHEUER, Ms. SPELLMAN, Mr. STEERS, Mr. STOKES, Mr. WALGREN, Mr. WEISS, and Mr. CHARLES H. WILSON of California):

H.R. 3170. A bill to establish a Commission on Humane Treatment of Animals; to the Committee on Agriculture.

By Mr. KRUEGER (for himself, Mr. BROWN of Ohio, Mr. ABDNOR, Mr. MOLLOHAN, Mr. BUTLER, Mr. KETCHUM, Mr. DICKINSON, Mr. WAGGONNER, Mr. STOCKMAN, Mr. ROBERTS, Mr. RUNNELS, Mr. AUCOIN, Mr. DAN DANIEL, Mr. CHARLES WILSON of Texas, Mr. LAGOMARSINO, Mr. LEHMAN, and Mr. GLICKMAN):

H.R. 3171. A bill to assure the availability of adequate supplies of natural gas at reasonable prices for consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LENT (for himself, Mr. LAGOMARSINO, Mr. FLOOD, and Mr. FENWICK):

H.R. 3172. A bill to authorize the Secretary of Housing and Urban Development to make grants to local agencies for converting closed school buildings to efficient, alternate uses, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEVITAS:

H.R. 3173. A bill to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LOTT:

H.R. 3174. A bill repealing subsection (d) of section 5343 of title 5, United States Code (commonly referred to as the Monroney amendment); to the Committee on Post Office and Civil Service.

By Mr. LUNDINE (for himself, Mr. HAWKINS, Mr. THOMPSON, Mr. SEIBERLING, Mr. WALGREN, and Mr. MIKVA):

H.R. 3175. A bill to provide for a program, to be carried out through the Secretary of Labor, of projects and an advisory council to promote economic stability by increasing productivity, improving job security, encouraging retention of jobs in lieu of cyclical layoffs, and promoting the better use of human resources in employment; jointly to the Committees on Banking, Finance and Urban Affairs, and Education and Labor.

By Mr. MCDADE:

H.R. 3176. A bill to establish a Charles S. Peirce National Historical Site in the Delaware Water Gap National Recreation Area; to the Committee on Interior and Insular Affairs.

By Mr. MICHEL (for himself, Mr. ANDREWS of North Dakota, Mr. AUCOIN, Mr. BADHAM, Mr. BRODHEAD, Mr. BROOMFIELD, Mr. BROYHILL, Mr. BUCHANAN, Mr. BURGENER, Mr. CHAPPELL, Mr. CLEVELAND, Mr. COCHRAN, Mr. CONABLE, Mr. CORCORAN, Mr. DELLUMS, Mr. DEVINE, Mr. EMERY, Mrs. FENWICK, Mr. FORSYTHE, Mr. FRENZEL, Mr. GRADISON, Mr. HANNAFORD, Mr. HIGHTOWER, and Mr. HUGHES):

H.R. 3177. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

By Mr. MICHEL (for himself, Mr. HYDE, Mr. JEFFORDS, Mr. KEMP, Mr. KETCHUM, Mr. KINDNESS, Mr. KREBS, Mr. LAGOMARSINO, Mr. LEHMAN, Mr. LENT, Mr. LLOYD of California, Mr. LUJAN, Mr. MCCLOSKEY, Mr. MAZZOLI, Mr. MOFFETT, Mr. MOORHEAD of California, Mr. PANETTA, Mr. PEASE, Mrs. PETTIS, Mr. PURSELL, Mr. QUIE, Mr. RINALDO, Mr. ROBINSON, Mr. ROE, and Mr. SIMON):

H.R. 3178. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

By Mr. MICHEL (for himself, Mr. STANTON, Mr. WALSH, Mr. WHITEHURST, and Mr. CHARLES WILSON of Texas):

H.R. 3179. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

By Mr. MICHEL (for himself, Mr. BONIOR, Mr. EDGAR, Mr. HALL, Mr. JENRETTE, Mr. SARASIN, Mr. SCHULZE, Mr. TREEN, and Mr. VANDER JAGT):

H.R. 3180. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

By Mr. MIKVA:

H.R. 3181. A bill to abolish certain Federal regulatory agencies and to cause the self-destruct of certain Federal regulatory agencies or their successor agencies after a specified period of time, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. MIKVA (for himself, Mr. BADILLO, Mr. BEILENSON, Mrs. CHISHOLM, Mr. CLAY, Mr. EDWARDS of California, Mr. FRASER, Ms. HOLTZMAN, Mr. LEHMAN, Mr. MCCLOSKEY, Mr. MITCHELL of Maryland, Mr. PRICE, Mr. ROSENTHAL, Mr. SCHEUER, Mr. SEIBERLING, Mr. SOLARZ, Mr. STARK, Mr. THOMPSON, Mr. WEISS, Mr. VAN DEERLIN, Mr. WAXMAN, and Mr. CHARLES H. WILSON of California):

H.R. 3182. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, except for or by members of the Armed Forces, law enforcement officials, and, where authorized, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 3183. A bill to require that energy consumption analyses be prepared and considered before the construction or renovation

of certain Federal buildings; to the Committee on Public Works and Transportation.

Mr. MOORHEAD of Pennsylvania:

H.R. 3184. A bill to amend the Council on Wage and Price Stability Act to extend its termination date, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3185. A bill to amend the act commonly known as the Miller Act to raise the dollar amount of contracts to which such act applies from $2,000 to $50,000; to the Committee on the Judiciary.

By Mr. MOTTL (by request):

H.R. 3186. A bill to amend chapter 11 of title 38, United States Code, to provide full wartime benefits for extrahazardous duty; to the Committee on Veterans' Affairs.

H.R. 3187. A bill to amend section 314 of title 38, United States Code, to fix the rates of disability compensation for veterans rated 10 through 90 percent disabled in the proportion which the degree of disability bears to the rate applicable for a total rating; to the Committee on Veterans' Affairs.

By Mr. GARY A. MYERS:

H.R. 3188. A bill to provide for the construction and operation by the Energy Research and Development Administration of a National Coal Conversion Demonstration Facility; to the Committee on Science and Technology.

By Mr. GARY A. MYERS (for himself, Mr. MOAKLEY, Mr. RANGEL, Mr. BEARD of Rhode Island, Mr. GLICKMAN, Mr. CHARLES WILSON of Texas, Mr. ROE, Mrs. MEYNER, Mrs. COLLINS of Illinois, Mr. GILMAN, Mr. MCKINNEY, Mr. FLOOD, Mr. LUNDINE, Mr. STRATTON, Mr. WINN, and Mr. BAUCUS):

H.R. 3189. A bill to provide an opportunity to individuals to contribute $1, in connection with the payment of their Federal income tax, to the United States Olympic Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. O'BRIEN (for himself, Mr. BAUCUS, Mr. KELLY, Mr. RAHALL, Mr. BONIOR, Mr. DAN DANIEL, Mr. MILFORD, Mr. ARMSTRONG, Mr. SCHEUER, and Mr. MURPHY of New York):

H.R. 3190. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 3191. A bill to provide for guidelines and strict liability in the development of research related to recombinant DNA; to the Committee on Interstate and Foreign Commerce.

H.R. 3192. A bill to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes; to the Committee on Science and Technology.

By Mrs. PETTIS:

H.R. 3193. A bill to amend the Age Discrimination in Employment Act of 1967 to provide that all Federal employees described in section 15 of such act shall be covered under the provisions of such act regardless of their age; to the Committee on Education and Labor.

By Mr. QUIE:

H.R. 3194. A bill to amend the Internal Revenue Code of 1954 to exempt certain trust income from the earned income limitation on the low income allowance; to the Committee on Ways and Means.

By Mr. RINALDO:

H.R. 3195. A bill to amend the Immigration and Nationality Act to authorize certain courts which have naturalization jurisdiction to retain up to $20,000 of the fees collected in naturalization proceedings held in such courts in any fiscal year; to the Committee on the Judiciary.

H.R. 3196. A bill to amend title 38 of the United States Code in order to extend the delimiting period for completing programs of education for veterans pursuing such programs at the close of such period; to the Committee on Veterans' Affairs.

By Mr. RISENHOOVER:

H.R. 3197. A bill to provide price support for milk at not less than 90 percent of the parity price therefor, and for other purposes; to the Committee on Agriculture.

H.R. 3198. A bill to establish a utility stamp program which will provide utility stamps to certain low-income households to help meet utility costs incurred by such households; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS (for himself, Mr. DON H. CLAUSEN, Mr. JOHNSON of California, Mr. SNYDER, Mr. HOWARD, Mr. HAMMERSCHMIDT, Mr. MCCORMACK, Mr. ABDNOR, Mr. BREAUX, Mr. TAYLOR, Mr. GINN, Mr. HAGEDORN, Mrs. LLOYD of Tennessee, Mr. COCHRAN, Mr. BONIOR, Mr. ERTEL, Mr. FLIPPO, Mr. STUMP, Mr. CORNWELL, Mr. ANDERSON of California, Mr. ROE, and Mr. MILFORD):

H.R. 3199. A bill to amend the Federal Water Pollution Control Act to provide for additional authorizations, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ROSENTHAL:

H.R. 3200. A bill to establish an independent agency, to be known as the Visa and Naturalization Administration, in order to improve the efficiency and economy of the operations of the Federal Government with respect to immigration, and for other purposes; to the Committee on Government Operations.

By Mr. SCHULZE:

H.R. 3201. A bill to eliminate automatic adjustments of rates of pay for Members of the Congress under the Federal Salary Act of 1967 and the Legislative Reorganization Act of 1946; to the Committee on Post Office and Civil Service.

By Mr. SIKES:

H.R. 3202. A bill to amend title 10 of the United States Code to authorize cost-of-living adjustments of annuities under the retired serviceman's family protection plan and to provide that remarriage of a spouse at or after age 60 shall not result in termination of annuity; to the Committee on Armed Services.

By Mrs. SPELLMAN:

H.R. 3203. A bill to assist cities and States by amending section 5136 of the Revised Statutes, as amended, with respect to the authority of national banks to underwrite and deal in securities issued by State and local governments, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. TRIBLE:

H.R. 3204. A bill to amend the Disaster Relief Act of 1974; jointly, to the Committees on Small Business and Agriculture.

By Mr. WON PAT:

H.R. 3205. A bill to amend title 32 of the United States Code to authorize the establishment of a National Guard for Guam; to the Committee on Armed Services.

By Mr. YATES:

H.R. 3206. A bill to rescind certain budget authority recommended in the message of the President of September 22, 1976 (H. Doc. 94-620), transmitted pursuant to the Impoundment Control Act of 1974; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.R. 3207. A bill to require public disclosure by certain recipients of Federal funds of information required to be kept by such recipients as a condition of receiving such funds; to the Committee on Government Operations.

H.R. 3208. A bill to amend the Presidential Primary Matching Payment Account Act to provide that contributions received by any individual after such individual ceases to be a candidate for nomination for election to the office of President shall not be eligible for matching payments, and for other purposes; to the Committee on House Administration.

By Mr. EDGAR:

H.R. 3209. A bill to authorize in the Environmental Protection Agency a Federal program of research, development, and demonstration designed to advance the technology of removing oilspills; to the Committee on Science and Technology.

By Mr. PERKINS:

H.R. 3210. A bill to amend the Economic Opportunity Act of 1964 to assure individuals and families with moderate incomes of the benefits of the "Emergency Energy Conservation Services" authorized in section 222; to the Committee on Education and Labor.

By Mr. PRICE (for himself and Mr. BOB WILSON) (by request):

H.R. 3211. A bill to amend chapter 3 of title 37, United States Code, to adjust the pay of cadets and midshipmen at the U.S. Military, Naval, Air Force, and Coast Guard Academies, to equalize the pay of members of, and applicants for, the Senior Reserve Officers' Training Corps while attending field training or practice cruises, and for other purposes; to the Committee on Armed Services.

By Mr. ROONEY:

H.R. 3212. A bill to direct the Director of the Community Services Administration to establish a heating fuel subsidy program; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. LEGGETT (for himself, Mr. FORSYTHE, Mr. MCCOSKEY, Mr. OBERSTAR, Mr. AKAKA, Mr. BONKER, Mr. HUGHES, and Mr. EVANS of Delaware):

H.J. Res. 240. Joint resolution to give congressional approval to certain governing international fishery agreements negotiated in accordance with the Fishery Conservation and Management Act of 1976, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FLORIO:

H.J. Res. 241. Joint resolution designating the second Sunday in August of each year as My Brothers and Sisters Special Day; to the Committee on Post Office and Civil Service.

By Mr. LONG of Maryland:

H.J. Res. 242. Joint resolution proposing an amendment to the Constitution of the United States to provide that the President shall not, without the approval of Congress, grant a pardon to a person for a criminal offense against the United States for which such person has not been convicted; to the Committee on the Judiciary.

By Mr. RUSSO (for himself, Mr. FARY, Mr. KINDNESS, Mr. CORRADA, Mrs. HOLT, Mr. HYDE, Mr. MAZZOLI, and Mr. CAVANAUGH):

H.J. Res. 243. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. WON PAT:

H.J. Res. 244. Joint resolution to authorize an ex gratia contribution to certain residents of the territory of Guam in order to insure that just and fair compensation will be paid by the United States for land acquired in Guam between July 21, 1944, and August 23, 1963, and to establish a Commission on Post-War Land Takings on Guam; to the Committee on Interior and Insular Affairs.

By Mr. HAMMERSCHMIDT (for himself, Mr. SEBELIUS, Mr. LENT, and Mrs. HOLT):

H. Con. Res. 107. Concurrent resolution expressing the sense of the Congress in opposition to the grant of blanket amnesty or pardon for Vietnam-related draft or military absence offenses; to the Committee on the Judiciary.

By Mr. BEDELL:

H. Res. 250. Resolution to disapprove the increase in salary proposed by the President for Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. CARR:

H. Res. 251. Resolution to amend the Rules of the House of Representatives to require committee approval of certain travel proposals, and for other purposes; to the Committee on Rules.

By Mr. FLYNT (for himself and Mr. SPENCE):

H. Res. 252. Resolution to authorize and direct the Committee on Standards of Official Conduct to detemine whether Members of the House, their immediate families, or their associates accepted anything of value, directly or indirectly, from the Government of the Republic of Korea or representative thereof; to the Committee on Rules.

By Mr. GRASSLEY (for himself, Mr. CRANE, Mr. LLOYD of California, Mr. CAPUTO, Mr. SPENCE, Mrs. HECKLER, Mr. QUAYLE, and Mr. DRINAN):

H. Res. 253. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress for the fiscal year ending September 30, 1978; to the Committee on Post Office and Civil Service.

By Mrs. HOLT:

H. Res. 254. Resolution to disapprove the increase in salary for Members of Congress recommended by the President; to the Committee on Post Office and Civil Service.

By Mr. KASTEN:

H. Res. 255. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress for the fiscal year ending September 30, 1978; to the Committee on Post Office and Civil Service.

By Mr. NIX (for himself and Mr. DERWINSKI):

H. Res. 256. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Post Office and Civil Service; to the Committee on House Administration.

By Mr. PANETTA (for himself, Mr. EMERY, Ms. FENWICK, Mr. MOFFETT, Mr. MILLER of California, Mr. EDWARDS of California, Mr. KOSTMAYER, Mr. COHEN, Mr. PEASE, Mr. STARK, Ms. SCHROEDER, and Mr. HARRIS):

H. Res. 257. Resolution to amend House Rule XLIII to prohibit Members from using funds other than those specifically appropriated by Congress for the purpose of fulfilling their activities as Federal officeholders; to the Committee on Standards of Official Conduct.

By Mr. QUAYLE:

H. Res. 258. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress for the fiscal year ending September 30, 1978; to the Committee on Post Office and Civil Service.

By Mrs. SMITH of Nebraska (for herself and Mr. FREY):

H. Res. 259. Resolution to disapprove the increase in pay proposed by the President for Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. SPENCE:

H. Res. 260. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress for the fiscal year ending September 30, 1978; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON (for himself, and Mr. DICKINSON):

H. Res. 261. Resolution to provide for the expenses of investigations, and studies to be conducted by the Committee on House Administration; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

9. By the SPEAKER: Memorial of the Legislature of the State of South Carolina, relative to regulation of the insurance industry; to the Committee on Interstate and Foreign Commerce.

10. Also, memorial of the Legislature of the State of Indiana, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 3213. A bill for the relief of Dr. Alejandro Adajar; to the Committee on the Judiciary.

By Mr. BONIOR:

H.R. 3214. A bill for the relief of Brenda Marie Riley; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 3215. A bill for the relief of Olive M. V. T. Davies and her children; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 3216. A bill for the relief of Roger W. Boyd, Jr.; to the Committee on the Judiciary.

By Mr. HANSEN:

H.R. 3217. A bill for the relief of Meeja Sa Foster; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 3218. A bill for the relief of Chin-Ah-Park and Chin-Suk-Park; to the Committee on the Judiciary.

H.R. 3219. A bill for the relief of Rosalinda Flores Vaow; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 3220. A bill for the relief of Arthur and Hedy Dentz; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

39. By the SPEAKER: Petition of the board of trustees, Bishop Union Elementary School District, Bishop, Calif., relative to adequate funding for federally mandated programs; to the Committee on Education and Labor.

40. Also petition of Jo Hindman, Powell Butte, Oreg., and others, relative to the Advisory Commission on Intergovernmental Relations; to the Committee on Government Operations.

41. Also, petition of Carlos Romero-Barceló, Governor of the Commonwealth of Puerto Rico, relative to extending the right to vote for President and Vice President to all United States citizens; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

CARTER-MONDALE RELATIONSHIP

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, February 7, 1977

Mr. HARRY F. BYRD, JR. Mr. President, I have never been able to understand the total lack of compatability between the President of the United States and the Vice President, which too frequently has been the case in the past. If neither is seeking to sabotage the other, and if each is supportive of the other, it seems to me they should get along quite well.

Such seems to be the case with President Carter and Vice President MONDALE. Each has his own role to play, and each can be helpful to the other.

David S. Broder, the newspaper columnist, had an excellent piece in the Washington Post of February 6, dealing with the Carter-Mondale relationship.

I ask unanimous consent that the Broder article be printed in Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CARTER-MONDALE RELATIONSHIP

(By David S. Broder)

A half-hour after he got back to his hotel suite in Tokyo from a banquet tendered by Japanese Prime Minister Takeo Fukuda, Vice President Walter F. Mondale was having a nightcap with some of the reporters who accompanied him on his round-the-world trip.

He had changed to blue jeans, sneakers and a flannel shirt, and he was talking about what he'd like to do to unwind from the taxing 1-day journey.

"I'd like to get home (to Minnesota) and do some ice-fishing," Mondale said, "if Jimmy lets me."

The last four words were uttered without emphasis or irony in Mondale's normal flat, slightly nasal voice. But they say a lot about why this Vice President so far seems to be avoiding the fate of his predecessors and building a significant role for himself in the Carter administration.

They capsulized the attitude of unawed deference that Mondale has developed toward Carter. "If Jimmy lets me" suggests both intimacy and dependency, and it says that Mondale is comfortable with both aspects of the relationship.

It is hard to imagine another Vice President of modern times being quite so relaxed in his attitude toward his President. Try to think of Richard Nixon saying that about "Ike" or Lyndon Johnson about "Jack," and you can see how ludicrous it sounds.

The experience of those two men, and a good many other Vice Presidents, argues against the likelihood of Mondale's chances

of building a long-term role for himself as Carter's "chief adviser and chief helper across the board," to quote the phrase Hamilton Jordan used last week in describing him.

But the very fact that Jordan, the defacto White House chief of staff, would use that phrase suggests that a revolution may be in store.

Mondale has made a study of the past problems of Vice Presidents and, as he told reporters during this trip, the conclusions were "very grim." He talked to his predecessor, Nelson Rockefeller, and he talked to his mentor, Hubert Humphrey, and he knew in advance "how wide" the gulf can be down West Executive Avenue, which separates the Oval Office from the Vice President's formal office in the Executive Office Building.

He concluded from their experiences that a Vice President who sought responsibility for a specific area of government policy would confront one of two hazards, or maybe both: a brutal battle with the officials and bureaucrats of the department whose "turf" he was invading and/or a 20-hour-a-day involvement in chores the President considered too "trivial" for his attention.

The way to avoid that fate, Mondale decided, was to be a generalist, "staying in the loop" of policy-making and communications into and out of the Oval Office, and serving as a "general policy adviser" to the President.

Remarkably, that appears to be exactly what he is doing. It is Carter, of course, who deserves most of the credit for creating this useful role for an office regarded as redundant by some scholars of the American system.

It was Carter who decided that Mondale should have his principal offices in the White House itself; Carter who ordered that the Vice President receive exactly the same briefings as he does; Carter who made it clear to the members of the White House staff that he wanted Mondale involved in, not excluded from, the decision-making.

Whether this idyllic arrangement can survive the inevitable first crisis for the Carter administration, or a serious policy dispute between Carter and Mondale, is something no one—including Mondale—can be sure.

When asked if he thinks he may fall victim to staff intrigues or presidential jealousy—the twin banes of past Vice Presidents—Mondale says: "I don't think so. We've talked about that. Carter is a different type of person. I don't think that's going to happen.

The relationship has survived the rigors of the campaign and the transition, and apparently has been strengthened by them. The kidding back and forth between Carter and Mondale is easier now than it was six months ago, the friendship deeper, and the communication more open.

Considering the history, one still has to keep fingers crossed. But there's reason to hope that this time, for once, a Vice President is being given a chance to exercise his abilities—and considerable abilities they are—on behalf of his government and his country.

DAVID E. FINLEY DIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it was with great sadness that I learned of the death of David E. Finley, the creator and first director of the National Gallery of Art.

Not only did I respect Mr. Finley for his life long dedication to the arts and the preservation of art, but Mr. Finley was a close friend of my late father, William S. Moorhead, and a man whom I counted as a friend.

Finley was a brilliant man, a World War I veteran who served as special assistant to Treasury Secretary Andrew Mellon, from 1927 to 1932.

It was Mellon's great love for art and his desire to create a museum in Washington that spurred David Finley. Finley worked with Mr. Mellon to help the latter acquire many of his great art works. Mellon then became the major source of financial support for development of the Washington's National Gallery of Art.

I would like to include in the RECORD at this time an article from the Washington Post discussing David Finley's very productive life and his passing:

[From the Washington Post, Feb. 2, 1977]

DAVID FINLEY, 1ST DIRECTOR OF NATIONAL GALLERY, DIES

(By Jean R. Halley)

David Edward Finley, 86, the creator of the National Gallery of Art and its first director, died Tuesday at his home in Washington.

A small, quiet man with a forceful capacity to accomplish large projects, he had been a major figure in Washington's artistic and cultural life for many years.

The funds to endow and build what often has been referred to as the Mellon Gallery and to purchase many of the works of art shown there came, of course, from the late Andrew W. Mellon.

But the actual design of what has become a world-famous institution and the building of its collections into a treasure house of art were the accomplishment of Mr. Finley.

He served as director of the National Gallery of Art from 1938 until retiring in 1956.

His contributions in art and culture to both the nation's capital and the nation were not limited, however, to the gallery.

From 1950 to 1963, Mr. Finley was chairman of the Fine Arts Commission, a small but scrappy band of crusaders bent on protecting the beauty of Washington.

From 1950 to 1962, he was chairman of the National Trust for Historic Preservation. He also had served as chairman of the White House Historical Association.

He had been a member of the National Portrait Gallery Commission and the National Collection of Fine Arts Commission of the Smithsonian Institution.

Mr. Finley had not started intent on a career in the art world. He originally had aimed for a career in law.

Born in York, S.C., he came to Washington at the age of 8 when his father, also named David Edward, was elected a member of Congress.

Young David Finley went to school here and in South Carolina, and in 1910 graduated from the University of South Carolina. Three years later, he had earned a law degree from George Washington University. He practiced law briefly in Philadelphia then served as a second lieutenant in the Army Signal Corps in World War I.

After the war, he opened a law office here, specializing in income taxes, but found it a "terrible bore." So he gave it up and started working for the federal government, first as an assistant counsel at the War Finance Corporation and then with the war loan staff at the Treasury Department.

His friendship with Mr. Mellon began when the latter became Secretary of the Treasury. Mr. Finley served as his special assistant from 1927 to 1932.

He was sent to London in 1931 as an adviser to the American delegation to the London Financial Conference. A year later, when Mr. Mellon was named ambassador to Britain, Mr. Finley returned with him to London as honorary counselor at the American Embassy there.

It was during these years that Mr. Mellon had first begun to talk to Mr. Finley about the need for a great national art gallery in Washington. Mr. Finley began to assist Mr. Mellon in acquiring masterpieces, which later were given to the gallery.

When Mr. Mellon left government service in 1933, Mr. Finley again opened law offices in Washington. His principal client was Mr. Mellon.

The plans for a gallery and the acquisition of masterpieces continued. Mr. Mellon then offered his art collection and money for the gallery to the government and it was accepted in 1937.

But Mr. Mellon died that year before he could see his dream carried out. It was up to Mr. Finley to carry it out for him, and he did.

As its first director, Mr. Finley oversaw construction of the enormous marble structure. He planned the backgrounds for the different collections, which he built up. In addition to the Mellon collection, Mr. Finley essentially was responsible for acquiring three other famous art collections, the Kress, Widener and Dale collections.

A gardener by avocation, he insisted on the inclusion of garden courts in the gallery. He also introduced Sunday afternoon concerts, internationally famous lecture series, study collections and a library.

His work was hailed internationally. Art scholars and historians came from all parts of the world to study the collections.

Always a modest man with beautiful manners, although he could be ruthless about getting what he wanted for the gallery, Mr. Finley in later years wrote a book, "A Standard of Excellence," in praise of Mr. Mellon and his gift of the gallery.

"It should never be forgotten that it was Mr. Mellon's patriotism, his intelligence and his generosity that brought the National Gallery of Art into being, and that his gifts of works of art, together with those of other donors, have made the National Gallery one of the great art musuems of the world," Mr. Finley wrote in the foreword of his book.

After recounting the story of Mr. Mellon and his contribution, Mr. Finley ended with a chapter on his own views on the role of the art museum.

Noting that the days were past when museums were considered the domain of the "elite," he wrote that they should do two things:

"... First to set up and maintain a standard of quality by collecting, preserving and exhibiting to the best advantage the finest works of art obtainable in their chosen fields; and second, to make those works of art known and enjoyed by the people of this country and, indeed, by people everywhere to whom, in the larger sense, these and all works of art belong."

Paul Mellon, trustee of the National Gallery, said yesterday:

"In David Finley's death, both the National Gallery of Art and my own family have lost a wonderful human being and a warm friend. He was my father's most trusted adviser for many years....

"As director of the National Gallery of Art from its inception until 1956, his contribution was invaluable. His tact, integrity, gentle persuasion and friendliness brought the gallery great paintings...."

J. Carter Brown, present director of the Gallery, called Mr. Finley a "remarkable contributor to the cultural life of this city and the nation by virtue of all the things he got rolling. He was the formative influence in

the creation of the National Gallery and in persuading various collectors to give collections and in designing the building and the organizational structure of the institution."

When Mr. Finley retired as chairman of the Fine Arts Commission, President Kennedy accepted the resignation "with regret" and wrote:

"You and your colleagues have left Washington a more beautiful city and our community and nation stand deeply in your debt."

Mr. Finley had held many additional positions in the field of art. He was president of the American Association of Museums during 1945–49, and vice president of the International Council of Museums during 1946–49.

Mr. Finley was vice chairman of the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas for 1943–46.

He was a member of the Washington National Monument Society and the Committee of the People-to-People Program during 1956–60. He was a trustee emeritus of the Corcoran Gallery of Art, an honorary fellow of the National Sculpture Society and a member of the Association of Art Museum Directors.

Mr. Finley also belonged to Phi Beta Kappa and the Metropolitan, Alibi and Chevy Chase clubs.

He is survived by his wife, Margaret Eustis Finley, of the home; two daughters, Renee Beauregard, of Leesburg, and Mrs. Richard P. Williams, of Washington; two brothers, States Rights Gist Finley, of Chattanooga, Tenn., and John Campbell Finley, of Seattle, Wash.; two sisters, Mrs. J. Dexter Brown, of Anderson, S.C., and Mrs. Robert Lee Collins, of Greensboro, N.C., and three grandchildren.

Services will be held at 11 a.m. Friday at St. John's Episcopal Church at Lafayette Square.

The family suggests that expressions of sympathy may be sent to St. John's Church Memorial Fund.

REINING JUDICIAL REIGN

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, February 7, 1977

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial from the Lynchburg, Va., Daily Advance of January 31, 1977, captioned "Reining Judicial Reign." The editorial page editor of the Advance is William K. Diehl.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Lynchburg (Va.) Daily Advance, Jan. 31, 1977]

REINING JUDICIAL REIGN

The system of checks and balances among the three branches of government, executive, legislative and judicial, seems to us to have been tilted out of balance in recent years. This has been especially true on the federal level, where federal judges exercise awesome power and render decisions that have the effect of usurping the powers of both the executive and legislative branches.

Federal courts, indeed, have handed down verdicts that in themselves created laws and virtually ordered their execution by elected officials.

There has been little recourse, since the federal judges are appointed for life and are not answerable either to the electorate or any higher authority.

Indeed, we think it fair to say there have been judicial abuses for which there was no recourse other than blatant defiance of court orders.

It would seem that sooner or later some restraints would have to be placed on the judiciary and to bring the system of checks and balances back into balance.

Thus, we note the introduction today of a constitutional amendment by Virginia's Independent U.S. Senator Harry F. Byrd Jr. that would require that federal judges be subject to reconfirmation by the Senate every eight years.

Byrd explains, "My amendment provides that Federal judges serve in office for a term of 8 years, at the end of which term they would be automatically nominated for reconfirmation by the Senate, unless they requested otherwise. If reconfirmed by the Senate, the judges would serve for an additional 8 years, after which they would again be subject to confirmation."

Sen. Byrd figures this is a reasonable method of achieving accountability of judges without destroying their basic independence. He also doesn't regard his amendment as revolutionary, since 49 states now have fixed terms for their own judiciary. Only Rhode Island has life tenure.

We think the senator asks a significant question: "Why should any public official in a democracy have lifetime tenure?" Kings, queens, dictators and U.S. federal judges come to mind as the only persons who enjoy such a "guarantee."

Sen. Byrd is concerned that critics will charge the amendment will weaken judicial independence, but he insists "to insulate a judge—or any other public official—from all accountability for his actions is to invite arbitrary action contrary to the will and welfare of the people of the United States. Life tenure, devoid of restraint and accountability, is not consistent with democratic government. It is time we abolished it."

We anticipate a rocky road for this amendment and can see many years between this introduction and, even assuming passage, ratification by the states.

However, we think there is merit in what Sen. Byrd has brought before the Senate and the nation.

THE 50TH ANNIVERSARY OF LONG BEACH CITY COLLEGE

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. HANNAFORD. Mr. Speaker, March 1977 marks the 50th anniversary month of one of the largest educational institutions in our Nation, Long Beach City College.

This outstanding place of higher learning currently serves over 32,000 southern California students, the largest community college in the Nation. On the occasion of its golden anniversary, I would like to publicly commend the administration, faculty, staff, and student body of Long Beach City College for their many and varied achievements and to wish those involved with this community asset every success in their present and future endeavors.

I know Long Beach City College to be a friendly place which emphasizes a close instructor-student relationship. Perhaps for this reason, graduates of City College tend to fare better at 4-year colleges than the average of those who enter full-term colleges and universities as freshmen. Students who wish to receive degrees from any of the 4-year institutions in the United States can complete their first 2 years at Long Beach City College with full knowledge that they have received the very best education available and with a considerable financial savings, since the college does not charge tuition for area residents.

Long Beach City College can be justifiably proud of its ongoing role in community development and educational enrichment. Interestingly enough, over half of the student body is 26 years of age or older, and most regular students return to the college following their commencement—many in the evening—to polish their professional skills or to broaden their cultural awareness. In fact, over 50 graduates have returned not to learn but to serve as members of the full-time faculty of 340. Mr. Speaker, I am told by the superintendent/president of Long Beach City College, Dr. Frank C. Pearce, that four alumni are on the administrative staff of the college, and five more currently serve as department heads. This kind of continuity is good for City College and the community and demonstrates a good relationship between the college and its students.

Long Beach City College offers a wide range of liberal arts, scientific, vocational/technical, and enrichment programs. Besides training in the more traditional trades, students have available to them courses in data processing, police and fire science, radiologic technology and other high job-demand fields. With today's uncertain economy, the specialized areas of study at City College provide some assurance of employment for graduates.

Mr. Speaker, I am sure that all of us will want to express our best wishes for the success of the Pacific coast campus revitalization plan. Many of the fine programs of Long Beach City College have been housed in outdated buildings meant for junior high school students. This situation will change drastically over the next 10 years as the students of City College begin seeing their new, attractive and functional Pacific coast campus.

But a college is more than buildings. It is a community of scholars and ideas as well. The city of Long Beach and surrounding communities have every reason to be proud of their own community of scholars and ideas, Long Beach City College. It is my hope that the next half century of City College is as productive and rewarding as the first.

IN HONOR OF JOHN ANTHONY IDOL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. WOLFF. Mr. Speaker, when those who are close to us pass on, we are al-

ways beset by grief and sorrow. And when that person is also a vital member of our community, the loss is felt even more acutely. The man whom I extol here is John Anthony Idol, who died on Wednesday, January 5, after collapsing at his home in Great Neck. He was 71 years old.

Mr. Idol served as chief of the Manhasset-Lakeville Fire Department from 1968 to 1970, and played an active role in saving the lives of many of our community's citizens.

Born in Poland, Mr. Idol came to this country as a young boy, and during the 1920's and 1930's, he served as a golf pro at several Long Island North Shore clubs. He later served as petty officer in charge of the fire department at the U.S. Merchant Marine Academy in Kings Point, a post he left after the war to join the Vigilant Fire Department. In 1975, the Vigilant named him an honorary chief.

Mr. Idol leaves behind his widow, the former Josephine Jablonski, and two daughters, Helen and Constance. He is also survived by seven grandchildren, two great grandchildren, and a sister, Stephanie Pitcavage.

As a loving husband, devoted brother, father, and grandfather, and dedicated member of our community, John Anthony Idol will be missed by us all.

THE ELDERLY AS VICTIMS OF CRIME

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. RANGEL. Mr. Speaker, the senior citizens of our communities have become so threatened by crime that they are becoming prisoners in their own homes. Much is said about it but not nearly enough is done about it, largely because no consensus has emerged regarding what measures would be most appropriate and effective.

I believe that the comments of the distinguished Manhattan Borough President, the Honorable Percy Sutton, on this issue on last December 1 will help develop a badly needed consensus. I commend Borough President Sutton both for his courage and his insight. His views were expressed in a reply to a WCBS radio editorial on the subject, as follows:

THE ELDERLY AS VICTIMS

(By Percy Sutton)

Crime is one of the greatest domestic concerns of our nation. But no groups of citizens are so devastatingly affected by crime as are our senior citizens. In recent editorials, WCBS has called for greater police protection for New York's senior citizens. I am in agreement.

The physical and psychological trauma of crime is a severe blow to the elderly. The psychological threat and after-shock of crime has caused many of our senior citizens to be prisoners in their own homes. After contributing to our society for more than six or seven decades as mothers, fathers, sisters, brothers, friends and good human beings, our senior citizens have a right to expect security in their golden years. They deserve a life that is free from the fear of being mugged, robbed or assaulted when they leave their homes. So I want to suggest several measures which might reduce the impact of crime against our elderly:

1. We ought to increase and intensify those programs which instruct the elderly how to guard against crime.

2. I think we ought to record the age of crime victims as statistics so that the police might appropriately discover and act upon patterns of crime wherever they occur against the elderly, in all of our neighborhoods in this city.

3. Police officers, social workers and others should be sensitized in how to deal with the psychological needs of elderly victims of crime. Much as they are sensitized to deal with rape victims. And finally, stricter legal penalties should be enacted so that young people who commit crimes should not believe that they will go free, but should understand that they will be punished for those crimes, not as innocent children but as young people who have committed crimes.

ALCOHOL ADVERTISING AND YOUNG ADULTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BROWN of California. Mr. Speaker, on January 4, 1977, I introduced legislation, joined by 24 of my colleagues, to amend section 162 of the Internal Revenue Code of 1954 to disallow alcoholic beverage advertising as a business tax deduction. At that time I addressed my remarks to the general problem of alcoholism, alcohol advertising, and the Federal Government's role in providing an incentive, through the tax structure, for that advertising. Today I would like to examine the relationship between alcohol advertising and the problem of alcohol consumption by this Nation's young adult population.

Young adults, from 18 to 34 years old, are viewed by most advertisers as a key market. This age group currently numbers around 60 million people, and with current emphasis on youthful appearance and lifestyles, their influence on setting sales trends is very great. It is no wonder that vigorous efforts are being made by advertisers to capture this vital section of the population.

The alcohol industry is no exception to this youth advertising emphasis. I recently obtained two marketing handbooks from the alcoholic beverage industry, that outlined in great detail the industry's need to target alcohol advertising to the youth market to reinforce this group's use of alcohol. They stated the need to follow up the high sales levels of "pop" wines with advertising to extend this sales base to other forms of alcoholic beverages and outlined several methods that would help accomplish this goal. While I had originally intended to quote directly from these sources, the publisher was reluctant to allow the use of his material for fear of its being misunderstood by people other than marketing professionals in the alcohol beverage industry. I had no trouble understanding the material and was very upset by its implications.

These books mentioned an advertising method using certain themes or occasions to promote alcohol sales. Using this approach, the advertisement focuses on certain occasions, celebrations, birthdays, holidays, parties, successes, et cetera, and portrays these events as being heightened in their enjoyment by the use of alcohol. The obvious goal is to create a psychological link between these positive feelings and the use of alcohol. The young adult is targeted due to an anticipated change in this group's alcohol consumption habits. The theory is that as the young adult gets married, settles down, and does more entertaining, alcohol choices will move from "pop" wines to more traditional drinks. The industry must be ready to capitalize on this shift using the theme or occasion approach, showing successful young adults drinking brand X at a party, during the holidays, and so on.

This is not to say that the "pop" alcohol drinker is left out, however. The books mention the efficacy of using a mixed-drink approach, whereby the alcoholic beverage is presented in advertisement along with a recipe for using the alcohol in a way so as to make it taste better, using fruit juices and soft drink mixers. The ultimate is the premixed, 30 proof line of milkshake-like drinks being marketed with a "portable party" slogan. Thus, the inexperienced drinker is spared the harsh taste of straight alcohol.

In a section of one of the books, the importance of the black youth in promoting sales was examined. After noting that blacks were the highest per capita consumers of distilled alcohol, the book went on to relate the successes that had been achieved in the past in marketing rum and vodka to the 18- to 34-year-old black. As Senator HATHAWAY noted in his excellent hearings last year—"Media Images of Alcohol", March 8 and 11, 1976—the urban black customer is described in these books as the "thirsty customer" who "spends 25 percent more on alcoholic beverages than whites." In short, an excellent target for advertising efforts tailored to continue these high alcohol consumption rates.

The stated purpose of much of this advertising is to increase the frequency of alcohol use by encouraging the regular consumption of alcohol until the purchase of alcoholic beverages becomes a part of the household budgeting process. The books bemoaned the fact that the United States ranked behind many countries in rates of alcohol consumption but saw ways to "correct" this situation using the subtle persuasion of advertising.

The handbooks viewed beverages such as coffee, tea, and soft drinks as being in direct competition with alcohol for a share of the sales market. After detailing the poor showing that alcoholic beverages were having in relation to these commonly consumed nonalcoholic beverages, the books encouraged advertising designed to cut into this market. The infighting between brands for sales should

be eliminated in favor of advertisements directed at the nonalcoholic competition, according to the recommendations.

These suggested methods are currently being used in alcohol advertisements as anyone knows who reads papers and magazines or watches television. Sports heroes advocate using a certain brand of beer "when you're having more than one." Happy, youthful groups of people are often seen frolicking on beaches drinking a brand of beer or wine. Holiday "cheer" becomes synonymous with alcoholic beverage consumption. One recent print advertisement shows the Capitol Building in the midst of the inaugural celebration crowds and has the caption "In America, Anyone Can Grow Up To Deserve Johnnie Walker Black Label." Time and again, these ads forge psychological links between alcoholic beverage use and good times, holidays, success, and even the American system of values.

The purpose of this advertising, as with any advertising, is to increase sales and consumption of a product and the use of these common marketing practices is not unique to the alcoholic beverage industry. What is unique about this industry is that the product being promoted is responsible for social disruptions that cost this country between $15 and $25 billion a year. And, as with all advertising expenses, the U.S. taxpayer foots the bill for much of the cost of the advertising of alcoholic beverages through advertising tax deductions.

In 1974, the alcoholic beverage industry spent approximately $310 million on advertising, much of which was directed at young adults. The 1976 figures, which are not presently available, can be assumed to be higher judging from past trends. The Federal Government, according to the most recent estimates, spent $313 million to combat and treat alcoholism and alcohol abuse during 1976. I find little rationality in this situation, given that the industry recovers much of their advertising outlay from the Federal Government in the form of tax deductions. Is it rational to spend money advocating moderation in alcohol consumption during holidays while the industry uses its occasions approach to increase alcohol use at these times? Is it rational to spend money to teach our youth that drinking alcohol is not a sign of being "with it" while sports figures in alcohol ads indicate the opposite? Is it rational to engage in public education advocating the substitution of tea, coffee, and soft drinks for alcoholic beverages while the industry tailors its advertisements to try to make inroads on these "competing" beverages?

I would like to emphasize that this legislation would not ban alcohol advertising, it simply removes the Federal Government from the position of providing an incentive for it. There is no constitutional question involved here since numerous court rulings have affirmed that deductions are a matter left by the Constitution to be decided by the Congress. I would direct the attention of my colleagues, especially those on Ways and Means, to the obvious conflict that presently exists in the Federal Government's policies with regard to alcohol and invite you to join me as cosponsors on my bill to effect a modest solution to this problem. It is time to question the practice of routinely providing tax incentives for every type of business activity without evaluating that business' impact upon the human environment.

NATURAL GAS SHORTAGE

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. KETCHUM. Mr. Speaker, at this time I would like to share with my colleagues an article which appeared in my hometown newspaper, the Bakersfield Californian, last Thursday. It concerns a study completed by the prestigious Massachusetts Institute of Technology regarding the natural gas shortage. In short, it says that even if restrictive price controls were abolished today, and permanently, we would still have an inadequate supply of gas 5 years hence. As one who has been trying to drive home this simple philosophy for over 4 years, I am most pleased to learn that, at last, the light is being seen.

The article follows:

[From the Bakersfield Californian, Feb. 3, 1977]

COMPUTER: GAS LAG TO LAST 5 YEARS

CAMBRIDGE, MASS.—Even if natural gas prices increase substantially, it probably will be five years before the national shortage is eliminated, according to an MIT computer projection.

The situation will gradually worsen if the prices stay at the level they are, the analysis shows.

"I don't want to be pessimistic, but I don't think there is an immediate solution," said Kevin Lloyd, an economist at Massachusetts Institute of Technology's Energy lab.

Lloyd is in charge of a computer programmed to reflect the way the nation produces and burns natural gas.

The higher prices, he said, are needed to make it worthwhile for petroleum speculators to search out and develop new sources of gas.

Even if this winter's weather had not been unusually cold, the gas utilities would have failed to fill 15 per cent of their customers' demand, Lloyd said.

The situation is worse when potential customers unable to get hooked into the utilities' networks are counted. Lloyd said. This year's projected shortage is 25–30 percent.

Up to 1.5 million people have been forced out of work this winter to conserve fuel, mostly natural gas.

The price of gas shipped across state lines is fixed by the Federal Power Commission at $1.44 per 1,000 cubic feet—which one Massachusetts utility said would provide heat and cooking gas for the average home in the Northeast for two days.

Some industry officials have said they would like to see that price increase to at least $2.

Lloyd said that if the price rose immediately to $2, there would be a 5 per cent increase nationally in gas production during 1977.

By 1980, the shortage would be reduced to 5–10 per cent, he said. His projection takes into account the people who want gas but are refused service because of the shortage. If only current customers were served, the shortage would be over.

If the price stayed at $2, the demand of both new and old customers would be filled by 1982.

"Under price regulation, the situation does not project to get better, Lloyd said. "It gradually worsens through 1980."

By then, he said, the national shortage will be 25 per cent for current customers and 40 per cent for everyone who wants gas.

"It's just going to take time," Lloyd said. "There is very little that will happen to supplies in two or three years. It takes several years after a gas field is explored before production can be marketed."

Lloyd has been working on the computer projections for almost four years. The project, financed by the National Science Foundation, has been used by federal agencies to predict gas supplies and demand.

LEHMAN'S TRIP TERMED SUCCESSFUL

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. PEPPER. Mr. Speaker, I would like to insert in the RECORD a letter which recently appeared in the North Dade Journal regarding an overseas trip taken by my colleague from the neighboring 13th District of Florida, BILL LEHMAN.

It tells of the kind of constructive trip which a Representative can undertake to better serve his constituents.

The letter follows:

[From the North Dade Journal, Jan. 29, 1977]

LEHMAN'S TRIP TERMED USEFUL

(By Marty Berg)

U.S. Rep. William Lehman's nationally televised condemnation of European junkets by lame duck Cabinet members, congressmen and senators, at taxpayers' expense, deserves notice. Few who live off the public have the courage to chastise members of the club. Ethics evidently has meaning to Lehman.

In reporting on his European trip, Lehman cited chapter and verse of what he learned to aid in his legislation consideration on behalf of his constituents, and arrived at several conclusions.

He listened to Egypt's Anwar Sadat plead for U.S. aid for his ailing nation, and his claim that the U.S. owes it to him, since he gave the Russians the heave. Notwithstanding, Lehman believes, "I cannot in good conscience favor U.S. arms sales to any Arab state, because any action that threatens the security of Israel is a definite detriment to peace."

Strengthened by his own extensive education, and the years he served as Dade County School Board member, his interest in education carries over as a member of the Education and Labor Committee. On the trip, he visited a special school in Germany where severely retarded adults work and make substantial contributions to the economy and their own well-being. He feels, "If we could send out state Health and Rehabilitative Service people over to see this school, it could be of more help to the mentally handicapped in Florida than any other measure I can think of."

On the touchy subject of foreign aid generally, Lehman suggests that "what we need to do is get the aid into the villages and towns outside the main metropolitan areas,

and get our foreign aid to the people out of the big cities."

Obviously, Lehman's trip, taken when he could as easily have spent the time with his family, was a valuable learning process, for him and us.

LAME DUCK MEMBERS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mrs. SCHROEDER. Mr. Speaker, during the 94th Congress I wrote up and introduced a bill, H.R. 1621, designed to prohibit junkets by lame duck Members. The bill died in committee.

Later in the Congress I proposed a similarly worded measure as an amendment to H.R. 14238, the fiscal year 1977 legislative branch appropriation bill. However, H.R. 14238 was sent to the floor under a modified closed rule that disallowed consideration of my amendment.

At the start of the 95th Congress I proposed a lame duck junket ban in the House Democratic caucus. However, the leadership referred the proposal to the Commission on Administrative Review for further study.

As a result, I asked the Internal Revenue Service to consider under what circumstances travel, in general, by any Member of Congress or executive branch employee or travel, in particular, by lame duck Members of Congress or lame duck executive branch employees would be treated as income to the person traveling at Government expense or would expenses connected with the travel not be deductible.

My exchange of correspondence with the IRS is set out below. Although it is clear that the IRS would rather not face up to the issue, Members should note that the IRS does suggest, if in ever so tentative a manner, that if the circumstances warrant it they may determine that a congressional junket is personal and, as such, be treated as taxable income.

The letters follow:

DECEMBER 13, 1976.

DONALD C. ALEXANDER,
Commissioner, Internal Revenue Service, Constitution Avenue NW., Washington, D.C.

DEAR MR. ALEXANDER: Three years ago I asked the IRS to consider whether enlisted aide services provided by the military to officers could be treated as taxable income where the aide is used for unauthorized, unofficial, personal services.

L. W. Utter, Chief, Individual Income Tax Branch, replied indeed such an officer may be in receipt of taxable income—the fair market value of the services rendered by the military servant.

I have a similar kettle of fish for you: foreign travel at government expense by a lame duck member of Congress or an executive branch appointee in the administration of a President defeated for election or re-election.

If a Member of Congress is not seeking re-election, or has been defeated for re-election, and Congress has adjourned at the close of its last session foreign travel by that member cannot, by definition, have any legislative purpose.

Actually, you ought to consider the case of any travel by any member of Congress or executive branch employee. Under what considerations would the IRS find that the travel or a portion thereof had no official basis and accrued to the personal benefit of the official?

Sincerely,

PATRICIA SCHROEDER,
Congresswoman.

INTERNAL REVENUE SERVICE,
Washington, D.C. January 10,1977.

Hon. PATRICIA SCHROEDER,
House of Representatives, Washington, D.C.

DEAR MS. SCHROEDER: This is in reply to your letter of December 13, 1976, in which you inquire as to the treatment, for Federal income tax purposes, of travel expenses incurred by lame duck members of Congress, and executive branch appointees in the administration of a President defeated for election or re-election.

You feel that if a member of Congress is not seeking re-election, or has been defeated for re-election, and Congress has adjourned at the close of its last session, foreign travel by that member cannot by definition, have any legislative purpose. You note that such travel is at government expense, and you ask under what considerations would the IRS find that the travel or a portion thereof had no official basis and accrued to the personal benefit of the individual, thus be treated as income.

Section 61 of the Internal Revenue Code provides that gross income means all income from whatever source derived, including compensation for services.

Section 162(a) of the Code provides that there shall be allowed as a deduction in computing taxable income all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business. Among the items specifically referred to as constituting business expenses are traveling expenses, including amounts expended for meals and lodging, other than amounts which are lavish or extravagant under the circumstances, while away from home in the pursuit of a trade or business. On the other hand section 262 provides, however, with exceptions not here material, that no deducation shall be allowed for personal, living, or family expenses.

Only those expenses which are ordinary and necessary in the conduct of a taxpayer's trade or business and directly attributable to it may be deducted.

If a trip is primarily personal in nature, the traveling expenses to and from the destination are not deductible even though business is engaged in at such destination. However, expenses while at the destination which are properly allocable to the taxpayer's trade or business are deductible even though the traveling expenses to and from the destination are not deductible. If the trip is primarily for business purposes the traveling expenses to and from the destination are deductible. In neither case however, are the expenses which are personal in nature and incurred while at the destination deductible.

Section 1.162–2(b)(2) of the Income Tax Regulations provides that whether a trip is related primarily to the taxpayer's trade or business or is primarily personal in nature depends on the facts and circumstances in each case. The amount of time during the period of the trip which is spent on personal activity compared to the amount of time spent on activities directly relating to the taxpayer's trade or business is an important factor in determining whether the trip is primarily personal.

Where a lame duck member of Congress, or an executive appointee of an outgoing administration is authorized to travel and paid or reimbursed for such travel by the proper authorizing official such travel would generally be considered to be business travel. However, there may be instances where such travel is primarily personal. Such a determination would have to be made on an individual case by case basis under the law and regulations set out above.

We appreciate your interest in this matter and hope the foregoing information is responsive to your inquiry.

Sincerely yours,

MARIO E. LOMBARDO,
Chief, Individual Income Tax Branch.

TANKS, AND THE FOOD IS GREAT

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. NICHOLS. Mr. Speaker, the Anniston Army Depot, located near Anniston, Ala., in Alabama's Third Congressional District is a shining example of how we can take what some would consider seeming useless equipment and turn it into efficient, powerful, and much needed fighting machines. The M48 tank conversion mission at the depot is one of the most important as well as one of the best organized operations in our depot system. For the reading of my colleagues I would like to submit to the RECORD of this legislative body the following article from Reserve entitled "Tanks, and the Food's Great":

TANKS, AND THE FOOD IS GREAT

Hardly anybody gets excited about Anniston Army Depot. Not even the local folks. It just doesn't work. Try talking about the 15,000 acres or the 42 miles of chain link fence or the 49 miles of internal rail lines or the 1,405 igloos and ammo sheds or the 43 warehouses or the 18 miles of barbed wire or the $300,000 saved each year by eliminating redo work and the reaction is essentially, "Ho, hum! So what."

That's just numbers talk. Now if you want to come to Anniston, Alabama and talk numbers, you've got to play by the rules. You can talk about raw horsepower or Donnie and Bobbie Allison's track times or the price of pickup trucks or the kind of deal you can get on a new Charger and find a lot of listeners, but when it comes to talking about those tanks they rebuild out at the Depot behind the chain link fence, well nobody seems to think it's worth shooting the breeze about. even though the sheer horsepower of the machines being put together out there would shame the likes of Bobbie Unser and the low ton price on those tanks would wrinkle the double knit on a used car dealer.

WHAT GOES ON?

On just about any working day, something like 4,500 people drive through the gates at Anniston. Half of them are bound for a little old assembly line under a tin roof that covers the equivalent of five football fields.

These men and women—actually about 700 women who would never be called "good ol' girls" regardless of how the men refer to themselves—will blast apart, blow apart, cut apart, pry apart, sort, reshuffle and rebuild nearly 60 earth-shaking, 48-ton tanks a month. It's what's called heavy work.

Even though these men and women are saving US taxpayers hundreds of thousands of dollars a year by reclaiming some of the meanest, most twisted up, battered and rusted hulks imaginable, nobody seems to get excited.

THE MONEY SAVED

Tanks that saw service in Vietnam and sat for years learning how to rust while waiting for the scrap heap make it to Anniston. Tanks that were built for the Korean War, but never left the States, make it to Anniston. Tanks that were thought to have seen the last of the dusty trail make it to Anniston and, after an average of 56 days and 2,250 man hours of labor, they leave packing the same power and punch as a brand new battlefield dreadnought fresh off the assembly lines in Detroit.

It's all a matter of simple economy. The Army needs something like 13,844 battle tanks, but has only 40 percent of them. Brand new M60A1s coming off the assembly line at the rate of 100 a month cost more than $500,000 apiece and just can't satisfy the Army's needs, not to mention the budget, so besides overhauling the M60 family, Anniston is producing an almost all new tank for the Army known as the M48A5.

NAMED AFTER GEORGE

The 48-ton M48s, popularly known as *Pattons*, started coming off the assembly line in 1952 and continued to be produced in three basic versions until 1965, six years after M60 tank production started. By that time, the world was populated with no less than 8,500 M-48 series *Pattons*. They found their way into the US Army and Marine Corps and, eventually, as M60s replaced M48s in the Army, the armies of Israel, Jordan, Turkey, Greece, Norway, Pakistan, South Korea, Vietname and Thailand.

It was reported a few years ago that the Israelis had taken their M48s and replaced the tank's 90-mm guns with the more powerful British 105-mm guns used in the American M60s, German *Leopards* and British *Centurions* and *Vickers*. It sounded like a good idea, considering the Army's shortage and Anniston was in for more business.

So far the depot has taken 360 of the older, worn out M48A1s and A3s and converted them into brand-spanking new M48A5s with the same 105-mm firepower of the M60 series, and a new diesel engine giving the M48A5 a 500-mile operating radius. Still waiting for overhaul and upgrading are another 2,720, or what's left of that original batch of 8,500 built between 1952 and 1965.

ACTUAL COSTS

The cost of converting what was once considered only fit for the scrap pile into a highly efficient tank is a matter of simple arithmetic.

There were lots of older gas-powered M48A1s around, but they weren't of much use for either training or combat; the newer diesel-powered M48A3s were also scattered around the country, but it was felt that these weren't much of a match for modern Soviet armor. In fact, their combat value to the Army was about zero, and their scrap value wasn't too high either. But by running the old heaps through Anniston, with about $65,000 worth of labor and $178,000 worth of new engine, gun, radios, fire control and related equipment per tank, the Army could have a modern, stop-gap machine for less than half the cost of a new M60A1.

WHAT HAPPENS

Just about any of Anniston's civilian workers or any one of the Army Reservists who belong to the 375th Field Depot, the Army Reserve command supplying the weekend work force at the depot through a program of mutual support, can explain what happens when a trainload of tanks arrive.

Sgt. 1st Class Joe Horn, a weapons maintenance foreman and inspector with the 375th, knows the whole process by heart: "Right now, there are 90 to 100 tanks being worked on, and the rebuild cycle is about the same for them all. First the old tracks are snatched off; then, one of the overhead cranes will pull the turret and move it down the line while another overhead crane will grab the chassis. Everything comes out, down to the last nut and bolt."

Not only are every nut and bolt removed, but anything capable of being salvaged is salvaged. As turret and hull proceed their separate ways, they are stripped, sandblasted, patched and repainted. As the overhead cranes move the two main assemblies closer together, new wiring harnesses, hydraulic lines, optics, engines, computers and guns are installed until they reach the end of the line where Army Reservists from the 803d General Supply Company or 282d Supply and Service Company are just as likely to pack up the crew's equipment and stow it aboard—for shipment overseas or for a Reserve unit around the corner—as the civilians who work at Anniston.

The mutual support program worked out between Anniston Depot and the Army Reserve's 375th Depot not only provides the Reserve and Active Army a chance to share their resources and work together as they would if war came, but saves the active Army money it would have to pay its civilian work force for overtime, while providing the Army Reserve with real hands-on training.

Major Mark Anderson, the 375th's supply branch chief, said, "My people would much rather spend their time here in the depot than back at the Reserve center watching training films or listening to a lecture. Besides, I can't tell you how good the food is here."

NORMAN COHEN: RECOGNITION OF DISTINGUISHED SERVICE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. O'NEILL. Mr. Speaker, it is with special pride that I take this opportunity to pay tribute to the outstanding community service rendered by one of my constituents, Norman D. Cohen, chairman of Lechmere Sales in Cambridge, Mass.

Mr. Cohen is retiring this year after devoting his entire career toward making Lechmere Sales one of the Nation's leading regional hard goods retail businesses. It started before World War II as a small tire store in Lechmere Square, and within a short span of time, it diversified into other consumer products, continuing to grow and expand, so that there are now four major outlets in Massachusetts.

Mr. Cohen assumed the presidency of Lechmere Sales in 1972 and became chairman in 1975. Under his steadfast leadership, the company has developed a new concept of merchandising to facilitate improved customer convenience. The application of high-volume, low mark-up merchandising has attracted considerable trade notice and has developed a high degree of consumer acceptance throughout New England.

Strongly community-minded, Norman Cohen is on the board of directors of several civic and education institutions. Among them are the following: Cardinal Cushing School for exceptional children, Hanover, Mass.; Weizmann Institute of Science, Rehovoth, Israel; the Boston Ballet Society; Commonwealth Bank and Trust; and executive committee of the Better Business Bureau of eastern Massachusetts.

For those of us who are familiar with the excellent quality of Lechmere Sales, Norman Cohen's important and exceptional guidance in successful innovations in merchandising techniques will be greatly missed.

My wife Millie joins me in wishing Norman and his lovely wife, Shirlee, well and much happiness in the years ahead.

NATIONAL FHA-HERO WEEK

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. MYERS of Indiana. Mr. Speaker, Future Homemakers of America throughout Indiana are observing National FHA-HERO Week in conjunction with Vocational Education Week. Using the theme "Building the Skills of America," they join some half million other young men and women members across the country in demonstrating projects that have real value for youth in preparation for future responsibilities.

I want to share with you an explanation of the goals of FHA as articulated by Cheryl Grubbs of Hillsboro, Ind., who serves as Indiana FHA/HERO Secretary:

GOALS OF FHA

(By Cheryl Grubbs)

Future Homemakers of America is one of six vocational education youth organizations. A part of the junior and senior high school home economics curriculum, it provides meaning and motivation for youth working toward educational goals related to vocational home economics education and reaches beyond the classroom instruction into the home and community.

State President Laura Riggs, from Danville, explained that the overall goal of the organization is "to help youth assume their roles in society through home economics in areas of personal growth, family life, vocational preparation and community involvement." "In other words," she said, "it helps us develop leadership, good citizenship, and prepare for the vital work of our country. In our FHA and HERO chapter meetings we analyze member concerns and then develop what we call in-depth projects that are related to our home economics classroom studies. Many people have no idea what is taught in home economics classes today. It isn't just cooking and sewing, it's learning about living, teaching us how to cope with the dual role of homemaker and wage earner in today's fast-paced society. During this week we want to impress on people the importance of vocational education and of Future Homemakers of America as a part of home economics education in preparing us for future living."

Indiana FHA/HERO in-depth chapter projects vary among the 199 chapters affiliated with the state and national organization as the members themselves determine their concerns and thereby their projects. The past year the majority of the 199 chapters have been working cooperatively with the National Foundation of March of Dimes in an effort that stresses the importance of peer group education related to prevention of birth defects and the consequences of teenage pregnancy. Spearheading the effort in Indiana

is the FHA/HERO-Mod team of Shirley Jones from Western High School in Russiaville and Mrs. Betty Phillips from Sullivan. As stated by Shirley, "The intent of the project is to create an awareness among teens of the importance of adequate nutrition, genetic counseling, and many other aspects involved with parenting. The overall effort is to provide a basis for a healthier next generation."

Leadership development is another feature of the Indiana FHA/HERO program. Members and officers are involved in camps, workshops, meetings at the chapter, district, state and national levels. Such activities are designed to build and strengthen leadership capabilities.

Future Homemakers of America was founded June 11, 1945 as an incorporated, nonprofit organization supported by membership dues. There are two types of chapters. FHA chapters place major emphasis on consumer education, homemaking and family life education combined with exploration of jobs and careers. HERO chapters, taking the name from home economics related occupations, place major emphasis on preparation for jobs and careers with recognition that workers also fill multiple roles as homemakers and community leaders.

Nationwide in membership and effort, Future Homemakers of America is co-sponsored by the U.S. Office of Education through the Division of Vocational and Technical Education and the American Home Economics Association. High school home economics teachers, members of the state home economics education staff and leading home economists serve as advisers to chapter, state and national youth officers, giving guidance and counseling to the program.

The national headquarters is located in Washington, D.C.

QUAKER MEMORIAL DEDICATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. WOLFF. Mr. Speaker, I would like to enter into the RECORD praise for a group of people who have done so much for their community. The group to which I refer are the Long Island Quakers; they are certainly worthy of recognition.

Before independence, religious toleration in most of the American colonies was quite limited. Any active Quaker in one of these colonies risked loss of life or limb. New York was one such colony. Nevertheless, many Quakers did come to the New World to bear witness to their faith—and many came to Long Island.

John Bowne and Lucretia Mott are among the most well known of the Long Island Quakers. They struggled hard for justice. But the desire for civil liberties was embodied in the hearts of all Quakers and later, in the Declaration of Independence, the Bill of Rights, and in the symbolism of the Liberty Bell. No one can deny that the rights we enjoy today were established with the aid of Long Island Quakers and others like them so dedicated to the spirit of freedom.

Today, the Quaker ideals are still alive on Long Island. At the Manhasset Quaker Meeting House, founded in 1702, the area Quakers run a summer school for black children before they were to be bused to the local public schools. The summer school, it was hoped, would lessen the "culture shock" of the new school that would be foreign to them. Similarly, the meeting house is used for part of the week by a young and active Jewish community.

The Quaker Meeting House is a welcome building in the Manhasset community. To commemorate our American Bicentennial, the Manhasset Community Club presented a memorial tablet to the house on Sunday, October 17, 1976. Mr. William O. Masland delivered the dedication address. I was honored to have attended this ceremony and I join with the community in hoping that the Quaker spirit will live on.

THE RIDICULE OF ETHNICS IN THE BROADCAST MEDIA MUST BE STOPPED

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. ANNUNZIO. Mr. Speaker, House Concurrent Resolution 6, a bill I introduced on the first day of this new 95th Congress, would put the U.S. Congress on record in opposition to films and television or radio broadcasts which defame, stereotype, demean, or degrade ethnic, racial, or religious groups.

Denigrating remarks about any group in society concerning characteristics over which they have no control, such as race and ethnicity, and those which are associated with the very beginning and ending of life, such as religion, are immoral in themselves. But, in addition, and this is the special concern of Congress, they strike at the heart of a healthy and wholesome political system. While the immorality of such expressions concerns each of us personally, this resolution recognizes that the vitality of our political institutions and our values is dependent on harmonious relations among various ethnic groups. From the mutual respect accorded these groups will grow a stronger and more dynamic democracy.

The motion picture, radio, and television industries have been deficient in their responsibility to help create a society in which individuals can respect their heritage and its institutions, and I call upon the Congress to take a stand against such abuse.

The members of our minority and ethnic groups should not have to witness their portrayal as criminals, idiots, or other undesirable characters. Each minority group is justifiably proud of its ancestry, its accomplishments, and its contributions to American society. When this self-pride is threatened, we jeopardize the human qualities which have most contributed to America's greatness.

Stereotypes as presented on television can be particularly influential to the young child. To a great degree, we become what we see, whether in life or in the media. Thus the challenge to the media is very great indeed, since modeling implies that children will be influenced not only by being told what they should be like but by observing what people with whom they can identify are actually like or portrayed as being.

When the media allow and encourage aspersions to be cast upon groups, portraying them as "superstitious" Catholics, "dumb Polacks," or part of the "yellow peril," or as "welfare blacks," or as "Italian criminals," or as the "lazy bandito," or the "racist hardhat," or the "Jewish loan shark," then social harmony becomes a political concern. The denigrated groups become defensive and hostile to other groups and to institutions which appear to be controlled by "others." Such groups cannot help but question the worth of their allegiance to a political system which seems to affirm attacks upon them.

The motion picture and broadcast media are central to the American way of life and have a profound effect upon viewing families. In 1970, 95.5 percent of all households had television sets, and the average American watched between 25 and 40 hours of television a week. Thus the television set is a perfect instrument for those who would spawn prejudice against and prejudgment of our fellow man.

In such a situation, democracy and representative government do not have a chance. Insulted groups harden hearts and minds to others and freedom of speech becames a monolog rather than a dialog. Supporters of this resolution do not want Government censorship; they want the leaders in the electronic media industry to exercise a social conscience in human relationships just as they want industries to exercise a social conscience in matters of employment, pollution abatement, and pricing policies.

When private industry defaulted in their social responsibility they were subjected to Governmental regulation. My resolution calls for an evaluation and an accounting by the media industry a year after congressional passage to determine the adequacy of the code of ethics or the guidelines which they develop and apply under the legislation.

I would like to quote a statement of mine in the 1971 hearings on a similar resolution:

> Polish-Americans, Greek-Americans, Italian-Americans, Mexican-Americans, black-Americans, and members of every other minority and ethnic group, who by their vigor and pride have contributed so much to America's strength and greatness—have every right to be free from the harm directed at them by thoughtless panderers of hatred and discord. Every minority group is justifiably proud of its ancestry, its accomplishments, and its contributions to the advancement of world civilization. When we destroy this pride in "self"—we destroy the very quality Americans possess that has made America great.

Mr. Speaker, I urge the support of all of my colleagues for House Concurrent Resolution 6.

ENERGY CONSERVATION: A FACT OF LIFE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BROWN of California. Mr. Speaker, by now it should be obvious to the entire country; energy conservation is a fact of life. We cannot expect to return to the days of ignoring energy costs and efficiency when we make decisions about consumer products, or living and working habits. It is true that we may again have periods of energy surplus, but only a fool would believe that the surplus will last. The fact is, we will have to make dramatic shifts from our current energy use patterns to a new, much more efficient consumption pattern.

The amazing energy waste in the United States has been the subject of discussion by international organizations, by the new President of the United States, and by me and others on the floor of this House, not to mention numerous agencies and organizations who have studied the problem over the years. It is not always clear why there is so much waste in the United States, although numerous explanations have been presented. The most fundamental reason is price of fuel, although this is by no means the only explanation. Unless the price of energy goes up in this country, energy conservation efforts are likely to fall far short of their goal. But price increases alone, without the adoption of other programs of implementing energy conservation measures, are likely to also fall far short of conservation and other societal goals. We obviously need a coordinated, comprehensive, and stringent energy conservation program if we are going to have a successful energy savings program.

One of the most preceptive students of the energy conservation field is Lee Schipper, a well-regarded energy specialist who has studied the Swedish energy use pattern. Sweden is one of those countries, much like West Germany, whose standard of living is similar to ours, but whose per capita energy use is about half of that in the United States. We could learn much from these countries.

I would like to recommend to my colleagues a recent article from the Los Angeles Times which was authored by Lee Schipper on this subject, and another related article from the Washington Post.

The articles follow:

[From the Los Angeles Times, Feb. 3, 1977]

SWEDEN COULD TEACH US THE FACTS OF ENERGY: ITS SUCCESS WITH CONSERVATION IS BASED ON TECHNOLOGY AND THE MARKETPLACE

(By Lee Schipper)

(NOTE.—Lee Schipper, an energy specialist with UC Berkeley's Energy and Resources Group, is the coauthor with Allan Lichtenberg of "Efficient Energy Use: The Swedish Example.")

BERKELEY.—For the first time since the Arab oil embargo created block-long lines at filling stations, Americans have begun to acknowledge the reality of the "energy crisis."

This time, however, the catalyst is not a collection of desert sheikhs, but nature itself. An unusually harsh winter, combined with dwindling supplies of natural gas, has created a "gas crisis" in the East, Midwest and parts of the South. Dozens of people have died, more than 2 million have been thrown out of work, and commerce and social activity have come to an absolute standstill in many places.

The Carter Administration and Congress have responded to the situation with an emergency measure that allocates an additional share of the nation's natural gas production to the distressed areas. This, of course, is an effective—and necessary—short-term solution.

But what about the long-term implications of the "natural gas crisis"? Will chronic energy shortages henceforth make the safety and economic well-being of the American people dependent on the whims of nature? Is the only alternative to such crises a horrendously expensive national commitment to the discovery of new energy sources and the development of environmentally risky technologies?

I believe that the experience of another of the world's highly industrialized nations, Sweden, indicates that the answer to both these questions is no.

It must sometimes seem that Sweden was created solely for the benefit of social reformers, who continually make tedious comparisons between it and the United States.

But the Swedes' approach to energy usage has little to do with welfarism. Rather, it is based on two principles solidly entrenched in the American tradition: effective technology and the dynamics of the marketplace.

Swedish energy policy takes as its premise the simple economic fact that energy is a commodity in short supply and, therefore, is naturally expensive. Such a free-market presumption encourages Swedes to use energy efficiently. This not only conserves an admittedly finite resource but also holds down overall energy prices by reducing demand.

The result: Swedes enjoy a standard of living equal to that in America, yet they consume just 60% as much energy per capita. Moreover, the success of the energy-conservation approach has had a significant effect on Sweden's energy research program. Experience has convinced the nation's leaders to minimize reliance on expensive or uncertain new energy sources and, instead, to develop progressively more efficient ways of utilizing current supplies.

The United States approach to energy represents a striking contrast. Americans have insisted on maintaining the fiction of low-cost energy through a system of price controls and subsidies to the energy industry and its clients, the consumers. This has tended to distort energy planning by making exotic fuel sources—such as oil shale—and uncertain technologies—such as offshore petroleum drilling and nuclear power—seem more attractive than they really are. For example, Sweden's three-year per capita expenditure to implement a variety of conservation measures is only slightly more than the amount the United States is spending on just one project, the breeder reactor. And, while Sweden allocates more than a third of its energy research budget for conservation, America has earmarked half of its energy research money for nuclear power.

More important, by holding energy prices artificially low, the United States undercuts attempts at conservation, which necessarily involves temporarily inconvenient changes in technologies and living patterns. On the other hand, when the Swedish government does intervene in the energy marketplace, it does so on the side of conservation.

Take the case of transportation policy. Geography and more sophisticated urban planning have allowed mass transit to accommodate 40% of all Swedish travel within cities. Although the majority of residents still rely on the automobile, it is they who—unlike American motorists—have had to pay for the expense of imported oil.

Thus, Sweden taxes gasoline at a rate of 60 cents per gallon, and levies a sales tax on automobiles that escalates in proportion to the weight of the car. As a result, Swedes buy lightweight cars that average an economical 24 miles per gallon.

A similar situation prevails in industry. Swedish industry produces more "energy-intensive" products than the United States and—largely as a result of higher energy prices—uses less energy to do so.

It is in the building sector that the combined impact of higher energy prices and enlightened public policy is most notable. Although Sweden's climate is nearly twice as cold as most of America's, Swedish houses require only slightly more heat than typical American houses of equivalent size. This savings cannot be attributed to the fact that proportionately more Swedes live in apartments, since heat use per square foot in Sweden is just as high in apartments as in private houses. The key to their success rather, is that Swedes insulate their houses and commercial buildings better and make heat retention a major consideration in their design.

These energy-conserving buildings are the product of several government policies: The mortgage law of 1957 guaranteed homeowners and builders extra capital for heat-saving construction; tough codes assure that few sloppy structures are constructed and that new buildings are inspected with an infrared camera for detecting heat leaks; training programs are available for homeowners and building and apartment managers who wish to use energy more efficiency.

In 1975, Sweden allocated grants and loans in the amount of nearly $35 per person over a three-year period to encourage still more energy conservation in industrial and private buildings. The United States has designated only a fraction of this per-capita expenditure for conservation implementation. Indeed, it is through immediate implementation of sensible building conservation measures that we can best learn from Sweden how to prepare for future winters. The cost of constructing well-built houses is far less than that of expensive new supply schemes.

What else might the Carter Administration learn from the Swedish experience with energy conservation? Sweden's continued prosperity clearly indicates that there is no fixed amount of energy needed to fuel an advanced industrial economy. Appropriate technologies, realistic pricing and governmental policy on conservation are the real keys to any nation's energy demands. Moreover, consumers and businessmen need not fear higher energy prices and diminished supplies. In the long run, America's potential for conservation appears so large as to mitigate many of the worst effects of increased energy costs.

The Swedish example suggests that while our own absolute supplies of oil and natural gas may be declining, the United States will not run out of ways to conserve the remainder for a long while. Indeed, the only way we can preserve our high standard of living is to use our energy resources more efficiently.

This may be bad news for those who have a vested interest in our current energy policy, but it should cheer those Americans who are shivering through this winter and

wondering what chilling shocks next year may hold.

[From the Washington Post, Feb. 6, 1977]

UNITED STATES WASTES MORE ENERGY THAN MOST NATIONS USE: CONSERVATION WOULD NOT BE DIFFICULT

(By William Nye Curry)

Americans waste energy all the time.

Lone commuters lock themselves in 3,000-pound gasoline guzzlers driving to work and back.

Precious heat seeps out of poorly insulated homes while the gas yard-lamp burns all day.

A factory's boilers work up a head of steam to produce goods while a nearby electric plant does the same thing to produce electricity for the same factory.

Apartments are brightly lit, needlessly, round the clock.

Warm water is unnecessarily used for the rinse cycles of clothes washers.

Wasted energy may account for 30, or even 50, percent of all the energy consumed in the United States. In 1975, this country wasted more fossil fuel than was used by two-thirds of the world's population, according to Denis Hayes of the Worldwatch Institute, a Washington-based nonprofit research organization.

West Germany, with a standard of living similar to ours, uses only half as much energy per person, according to the Federal Energy Administration.

"There is nothing that we do that's as efficient as it could be," FEA's John G. Muller says of a nation that prides itself on its technology, its living standard and its can-do attitude. "We could cut waste tremendously without changing the way we live. If you change, you save even more."

The watchword of President Carter's fireside remarks on energy is conservation, which itself is the most readily available source of new energy supplies because energy saved is energy produced.

Conservation means getting more out of the energy we must consume and eliminating consumption that isn't essential. Some examples: doubling up in cars or switching to mass transit, and buying leaner cars that go farther on a gallon. Generating electricity for factories with the same steam used for production. Re-insulating the house and turning off the yard-lamps (13 of them can heat two houses). Separating the electricity bill from rent, because direct payment by the tenant reduces consumption by 25 percent. Rinsing laundry—or doing the whole wash—in cold water.

How have we become such wastrels?

"It's just been too cheap," FEA's Muller says of our once seemingly endless supply of energy.

"The United States matured in an era of abundant fuel and declining real energy prices," says Hayes. Cheap energy "was substituted for all other factors of production . . . "

"The most important variable affecting energy use and energy efficiency is the relative price of energy . . . to other resources," according to a Science magazine article that concluded that Sweden, too, has a living standard close to ours but uses far less energy.

"High national gasoline prices and/or taxes have promoted the manufacture and purchase of relatively efficient autos, notably in Western Europe, and low gasoline prices/taxes have led to large inefficient autos, notably in the United States and Canada," says the International Energy Agency.

A survey by the IEA—18 oil-consuming nations' answer to the oil producers' cartel—reported last year that, despite the price rises of recent years, the United States still has the cheapest gasoline and natural gas.

The single largest use of energy in the United States is the production of steam for industry. Muller says that for years industry enhanced profits by wasting cheap energy rather than installing generators to produce electricity with its own steam.

With our energy demand growing at 2.5 per cent a year, according to FEA's 1977 National Energy Outlook, and our dependence on foreign oil still growing, there is widespread agreement now on the need for conservation. The federal Energy Research and Development Administration has revised its thinking to recognize the increased importance of conservation as a source of more energy.

There is disagreement, however, on how to stimulate conservation, how much energy can be saved and what impact it may have on the economy.

A Chase Manhattan Bank report says: "An analysis of the uses of energy reveals little scope for major reductions without harm to the nation's economy and its standard of living. The great bulk of energy is utilized for essential purposes . . . " Fifty per cent of U.S. energy consumption heats houses, generates steam for industry, heats industry and powers automobiles.

But in a report last year, the FEA found West Germany using far less energy to do those same things—one-fourth as much per person for transportation, one half as much for residential heating (adjusted for climate). The United States uses 40 per cent more energy for the equivalent industrial output.

The FEA concluded: "It may be possible to achieve a substantial reduction in the rate of growth of energy consumption in the United States without reducing the standard of living and economic growth."

Writing in Science magazine, University of California researchers Lee Schipper and Allan J. Lichtenberg said the primary reason Sweden burns less energy than the United States is not that it has learned to do without but that it has learned to do better. Since fuel costs more, it is used more wisely. Schipper and Lichtenberg conclude that if Americans drove lighter and more efficient cars, erected better buildings and used industrial steam more efficiently, the United States could perhaps cut energy consumption 30 per cent.

It could be cut if Americans would not throw away used motor oil rather than recycle it for lubricants, if they would not overpackage food at such a rate that production of packing increases faster than consumption of food; if gas pilot lights did not burn endlessly when most could be replaced by electrical igniters; if houses were not underinsulated; if we did not use 20 times as much electricity to produce a pound of aluminum from raw material as we would to produce a pound from recycling.

"All of us must learn to waste less energy," the President said in his fireside remarks. "There is no energy policy we can develop that would do more good than voluntary conservation."

However, in its report last year, the International Energy Association said, "The United States conservation program . . . is severely hampered by oil and gas prices controlled below world market prices and by very low taxes on all fuels."

"We've been living on our (energy) inheritance, not on our income," says FEA's conservation expert, Muller. "And we're spending it faster than we're building up our annuity. Depending on what sacrifices we make, we can reduce it any amount."

MEDICAID ABUSE HINDERS EFFORTS TO PROVIDE QUALITY HEALTH CARE IN AMERICA

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. PEPPER. Mr. Speaker, in his fireside chat Wednesday evening, President Carter pledged support for congressional efforts to eliminate the fraud and abuse which has been determined to exist in our current medicaid system. I applaud his comment, and I look forward to working with the President and my colleagues in the Congress to improve medicaid and to guarantee the integrity of this important health delivery system.

I am pleased to be a cosponsor, with my colleagues PAUL ROGERS and DAN ROSTENKOWSKI, of H.R. 3, the medicare-medicaid antifraud and abuse amendments. Investigations have uncovered countless examples of bloated medical costs, needless referrals, kickbacks, and unnecessary diagnostic tests. These activities by physicians and others whose services are covered under medicaid pirate funds desperately needed to provide vital and necessary services to the poor or indigent who have no other health care coverage.

Congress and the administration must act quickly and effectively to end medicaid fraud and abuse if we are to assure all Americans of the integrity of our federally assisted health care programs. But our efforts must not in any way be construed to represent a retreat in the area of health care. Far as we have come in the last 10 years, we still cannot guarantee to every American adequate health insurance at a decent and reasonable cost. We have the finest medical technology of any country in the world but we cannot rest until every American has access to this technology.

So we must view our efforts to clean up the medicaid system as a way to produce financial savings that can be redirected to expand services to address still unmet needs.

For example, the savings we realize can be used to expand home health services under the medicare and medicaid programs, to prevent the needless institutionalization of older Americans who because of the lack of health related services in the home are forced into nursing homes. Outpatient geriatric clinics, senior centers, and day care centers are additional services which should be encouraged if we are to provide workable, reasonable alternatives to institutionalization of our elderly citizens.

American taxpayers deserve the assurance that their tax dollars are being used in the wisest and most efficient possible manner. We intend to give them this assurance by early action on pending legislation to clean up fraud and abuse which currently exist in medicare and medicaid. By the same token, Americans deserve access to quality health care at a price they can afford.

That is what our efforts should produce, and it is what every citizen, regardless of age or income, deserves.

DISAGREEMENT ON COURT RULING

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mrs. SCHROEDER. Mr. Speaker, on January 21, 1977, the Speaker and the minority leader wrote to the Attorney General of the United States expressing concern over the Davis against Passman decision. It is clear from the letter that neither of this distinguished body's leaders agree with the fifth circuit decision. Their disagreement is unfortunate. Next they might wish to amend the fifth amendment so as to exclude the House from its view. The Speaker's and minority leader's letter, as well as my own letter to the Attorney General, are set out below:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., January 21, 1977.

OFFICE OF THE ATTORNEY GENERAL,
U.S. Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: It has come to our attention that the United States Court of Appeals for the Fifth Circuit on January 3, 1977, determined that a former Member of the House of Representatives could be held personally liable in money damages for having terminated the employment of a former congressional office staff member (Davis v. Passman, No. 45–1691).

Having discussed this matter with a number of Members on both sides of the aisle, we have discovered widespread concern over the possible impact of this decision on Members of Congress. It is our belief that the breadth of the ruling by the Court of Appeals, with respect to sovereign immunity, immunity under the speech and debate clause, and personal liability on the part of governmental officials vitally affects the sovereignty of the United States as well as the integrity of the Legislative Branch. If this critical precedent is to become firmly established as part of our body of constitutional law, all issues and interests should be fully and fairly argued.

We therefore request and strongly urge that you exercise such authority as may be available to you under the laws of the United States to present such issues and represent such interests in an appropriate manner in this case. We would appreciate being promptly advised of any action you may take.

Sincerely,

THOMAS P. O'NEILL, Jr.,
Speaker.

JOHN J. RHODES,
Minority Leader.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 2, 1977.

GRIFFIN BELL,
Attorney General of the United States,
Department of Justice, Washington, D.C.

DEAR ATTORNEY GENERAL BELL: The Speaker and the Minority Leader wrote to you on January 21, 1977, expressing their concern, and the concern of a number of other unnamed Members, over *Davis* v. *Passman*.

However, I happen to agree with the ruling in *Davis* v. *Passman;* "Finding that our Constitution protects individual rights even against the mighty, we remand this case for trial." If the Constitution cannot protect citizens against the caprice of elected officials nothing else can.

I would very much appreciate being advised of what action the Department plans to take on this case. (If anything, you ought to enter the case on the side of Ms. Davis.)

Sincerely,

PATRICIA SCHROEDER,
Congresswoman.

JACOB HIATT TO RECEIVE THE DISTINGUISHED FRIEND OF EDUCATION AWARD FOR 1976–77

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. EARLY. Mr. Speaker, Jacob Hiatt is one of the most distinguished residents of my Third Congressional District of Massachusetts. Mr. Hiatt, whose lifestory is both dramatic and personally inspiring, was recently named the 1976–77 Distinguished Friend of Education by the District 1—New England and Canada—Council for the Advancement and Support of Education—CASE. The award was presented by Dr. Marver Bernstein, president of Brandeis University, at CASE's annual meeting last month.

It is a privilege for me to have this opportunity to publicly congratulate Mr. Hiatt on receiving this outstanding award for his commitment to and support of education over the years. Indeed, I share the sentiments of Rev. John E. Brooks, S.J., president of Holy Cross College, when he said:

I cannot think of a more deserving recipient.

Mr. Speaker, I would like to insert in the RECORD at this time a summary, prepared by the Worcester Foundation for Experimental Biology, which outlines the truly exceptional career of this fine American:

JACOB HIATT

Jacob Hiatt of Worcester, Mass., who arrived in this country as a penniless immigrant 40 years ago, and who has now served as Trustee of eleven colleges and universities and is President of Rand-Whitney Corporation, one of the nation's largest manufacturers of paper containers, has been named the 1976–77 Distinguished Friend of Education by the District I (New England and Canada) Council for Advancement and Support of Education. The formal presentation will be made by Dr. Marver Bernstein, President of Brandeis University, at the organization's annual meeting, January 24 in Portland, Maine.

This award highlights the dramatic story of a typical American saga. Hiatt, as a brilliant young lawyer, was appointed a Circuit Judge of the Court of Lithuania at the age of 26. He came to this country in 1935 to pursue his legal studies only to learn that both of his parents had become victims of the Nazi holocaust. Lacking any means of financial support, he established a one-man shop which he developed into his present industrial empire and spent the next four decades devoting his major energies and philanthropies to the cause of higher education.

The annual designation of a Distinguished Friend of Education by the Council for Advancement and Support of Education was created "to acknowledge education's reliance upon the understanding, support and advocacy of responsible citizens". Previous recipients have included the late Connecticut businessman-philanthropist, Charles A. Dana; and the husband-wife team of Carl Gilbert, former Gillette board chairman who was prominent in the Harvard alumni for many years, and Mrs. Helen Homans Gilbert, former acting President of Radcliffe College and until recently President of the Harvard Board of Overseers. The award is generally recognized as a long overdue recognition of the importance of private initiative in furthering higher education.

Included in the array of educational roles for which Hiatt is being honored is the Chairmanship of the Board of Trustees of Brandeis University for the past six years; membership on the History of Science Visiting Committee at Harvard University; one of the first laymen to be named a Trustee by The College of the Holy Cross; a Life Trustee of Clark University; and Trusteeships at Assumption College, The Worcester Foundation for Experimental Biology, and the Woods School in Langhorn, Pennsylvania.

Derek Bok, President of Harvard, termed the selection, "well deserved . . . for your outstanding service and efforts". Stated Rev. John E. Brooks, S.J., President of Holy Cross, "I am indeed delighted! . . . I cannot think of a more deserving recipient." And Hudson Hoagland, renowned neuro-biologist and past President of the American Academy of Arts and Sciences and President emeritus of The Foundation for Experimental Biology, commented, "I congratulate both you and C.A.S.E.—the latter especially for its good judgment".

Shortly after his arrival in the United States, Hiatt was forced to earn his living by washing dishes and later by tutoring. Launching his one-man paper box plant, he early encountered the classic problems of the small businessman and frequently slept in his shop to economize. The modest initial venture has now grown, through mergers and acquisitions, into a major fabricator of paper boxes, cartons and containers. Other business and financial involvements include the Estey Investment Corporation of which he is President. He also serves as a Director of the Bank Leumi of Israel and of the Guaranty Bank & Trust Company of Worcester.

Other educational affiliations include service as Chairman of the Board of Trustees of The Archaeological and Biblical School in Jerusalem; a member of the Board of Governors of the Hebrew Union College—Jewish Institute of Religion of New York and Cincinnati; membership on the Governor's Council on the Arts and Humanities of the Commonwealth of Massachusetts; Fellow of the Massachusetts Historical Society; Trustee of the Worcester Museum of Art; and membership in the American Antiquarian Society. Hiatt returned to Clark University for the Master's degree in history and international relations in 1946 and is the recipient of an honorary degree from Holy Cross.

He and Mrs. Hiatt are the founders of the Jacob and Frances Hiatt Institute in Israel which provides Junior-year-in-Israel opportunities and scholarships for students from colleges and universities throughout the United States. They have also established the Jacob and Frances Hiatt Chair of European History at Clark University.

Hiatt has also played an active role in Jewish communal affairs. He is a member of the National Cabinet of the United Jewish Appeal and a major participant in the programs of the American Jewish Historical Society.

He is married to the former Frances Levine, a graduate of Boston University and formerly a teacher. Her own impressive array of civic activities equals, in scope and diversity, those of her husband.

ELEVEN MILLION TEENAGERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. FRASER. Mr. Speaker, I would like to bring to the attention of my colleagues a fine publication recently released by the Alan Guttmacher Institute, "11 Million Teenagers: What Can Be Done About the Epidemic of Adolescent Pregnancies in the United States." The report gives some disheartening figures about teenage pregnancy and its consequences.

The title derives from the fact that more than 11 million—over half—of all American teenage boys and girls aged 15 to 19 are sexually active. Of these, 4.3 million are girls who can become pregnant. About 1 million girls aged 15–19 do become pregnant each year.

Sixty percent of these pregnancies result in births, about 608,000 infants annually. The remaining 40 percent of these pregnancies are terminated by induced or spontaneous abortions.

About 54 percent of these teenage births—326,500 babies—are conceived premaritally. An increasing percentage, two-thirds of these babies, are born out of wedlock, and one-third are born to married teenagers. But, statistics for teenage marriages are dismaying. Sixty percent of teenage brides who are pregnant when married are divorced within 6 years.

The situation for teenagers younger than 15 is even more depressing. Between 400,000 and 600,000 U.S. girls younger than 15 are at risk of becoming pregnant each year. Thirty thousand of these young girls do become pregnant each year. Fifty-eight percent of these pregnancies end in spontaneous or induced abortions, 36 percent in births out of wedlock, and only 6 percent in marital births—nearly all of these resulting from pregnancies conceived out of wedlock.

The teenage birth rate in this country accounts for one-fifth of all U.S. births. Our teenage birth rate is one of the highest in the world. Among industrialized countries, only Romania, New Zealand, Bulgaria, and East Germany have higher rates.

Why all these pregnancies?

Many were unintended. Of the 1 million pregnancies of teenagers aged 15 to 19, 667,000 were unintended—resulting in 300,000 unintended births. The 30,000 pregnancies of youngsters under 15 can be assumed to have been unintended.

Unless society can find a way to reduce the level of sexual activity by unmarried teenagers, unwanted pregnancies will continue among teenagers. The rate of unintended teenage pregnancies is significantly increased by lack of knowledge or failure to use birth control methods. Usually there is no access to or knowledge of contraceptives. The report's headlines tell the story:

Only one-fifth of States requiring health education mandate sex education in the schools.

Only 3 in 10 teach about birth control methods in high schools.

Two million teens still without effective birth control services.

Six in ten education programs exclude birth control.

Three-fourths of comprehensive teen programs do not offer birth control services.

What if the pregnant teenager wants to have her child? Again, the headlines show the problems of the teenage girl who—with or without the support of the father—chooses to bear a child:

Three-fourths of mothers 17 and younger have no health insurance.

Seven in 10 young teens get no prenatal care in first trimester.

Programs for pregnant teens serve few patients in most cities.

Pregnancy: The most common cause of teenage school dropout.

Eight in 10 day care centers will not care for children under 2.

All of my colleagues received a copy of "11 Million Teenagers," and I encourage them to read it. I think that they will find, as I did, overwhelming evidence of a serious problem. We have an epidemic of teenage pregnancy. The report defines the problem, which must be understood before it can be solved.

"What Could Be Done," the recommendations of the Guttmacher Institute report are convincing. That section of the report is reproduced below:

WHAT COULD BE DONE

In this booklet is assembled information documenting the epidemic of adolescent pregnancy and childbearing in the United States, evidence that the consequences are serious and far-reaching, and descriptions of some of the programs designed to prevent teenage pregnancy or to cope with it.

Certainly, the problems of U.S. teenagers and the solutions to those problems are more diverse and complex than can be fully explored in a publication such as this. Yet, simplification is justified if it serves to highlight some central issues that are often obscured in more detailed observations and analyses. The information presented here illustrates clearly that teenage pregnancy and childbearing is a major unsolved problem in the United States, and that, although we have most of the knowledge and resources needed to solve it, we have failed to do so.

The main outlines of a national program to cope with this epidemic are not difficult to formulate. Such a program would offer:

Realistic sex education, through schools, churches, youth agencies and the media, that offers youngsters honest and pertinent information about fertility regulation and where they can get it, as well as about sexuality and human reproduction. Educational programs are needed also for parents so that they can better understand their children's needs, and how they can help them.

An expanded network of preventive family planning programs, with particular emphasis on programs to reach adolescents with information and services suited to their requirements. The progress of the last five years makes evident that this could be accomplished rapidly and at low cost, given adequate public support for expanded clinic programs and a priority emphasis by health providers that already serve adolescent populations (such as school health services and free clinics). Family physicians could also be helped better to understand the fertility control needs of their teenage patients.

Adequate pregnancy counseling services, so that teenagers have access to a means of determining early on if they are pregnant, and to even-handed unbiased information on all the options open to them if they are. These should include referral to high quality medical services either to terminate the pregnancy or to carry it safely to term, whatever is decided.

Equal availability and accessibility of legal abortion in all parts of the nation—large cities and small, metropolitan and rural areas, the midcontinent as well as the East and West coasts—so that adolescents who need and want abortions have an equal opportunity to exercise their constitutional right to end an unwanted pregnancy.

Adequate prenatal, obstetrical and pediatric care for those who choose to carry their pregnancies to term, so that both the adolescents and their babies have an opportunity to overcome some of the high health hazards of early pregnancy. The care available to many pregnant adolescents remains scandalously poor, in spite of the efforts in the last decade to improve the situation.

Educational, employment and social services for adolescent parents and day care for their infants, so as to reinforce their demonstrated motivation to finish their education, to train for and obtain jobs. Where appropriate, adequate income support must be made available so that the young mothers can give their babies a decent start in life.

Coverage in national health insurance of all health services related to adolescent pregnancy and childbearing—contraception, pregnancy counseling, abortion, prenatal and obstetric care, nutrition, pediatric care—with particular emphasis on mechanisms to insure that the program protects the privacy of teenagers.

Expansion of biomedical research to discover new, safe and effective techniques of fertility regulation better suited to the needs of young men and women.

The remarkable thing about this program is that we already know how to develop most of it, and its costs would not be high, particularly when compared with the huge costs individual adolescents—and our society—are already paying for the epidemic of teenage births. It is difficult to believe that a nation with a federal budget of $430 billion a year does not move ahead with such a program mainly because of lack of resources. There must be other reasons to explain why we choose to act in ways which seem to be so clearly opposed to our best interests.

One likely reason is that many Americans either do not know about, or choose to ignore, the extent of the problem of adolescent pregnancy and childbearing, or what it is already costing us as a nation, in health, economic, social and human terms. This publication addresses that issue. It is to be hoped that the information assembled here will help governmental officials, decisionmakers, civic leaders and ordinary citizens to understand that adolescent pregnancy is a problem our nation can no longer afford to ignore.

Another reason is that many adults are so disturbed by the notion of adolescent sexuality that they prefer to avoid facing it; alternatively, they advocate 'punishing' adolescents for their sexual activity in the hope that having borne an out-of-wedlock child, faced educational disruption, and/or having undergone a painful premature pregnancy, the teenager will be persuaded to stop having sexual relations. Typically, traditional mores, ethical or religious values are called on to justify opposition to programs designed to prevent or cope with adolescent pregnancy. Clearly, however, there are ethical implications associated with any course of action—or inaction—to deal with these problems.

ILLEGAL ALIEN PROBLEM REQUIRES REORGANIZATION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. ROSENTHAL. Mr. Speaker, a comprehensive study of the illegal alien problem released by the White House declared our immigration policy "ineffective" and concluded "the illegal immigration phenomenon is significant and growing."

This study is the most important and authoritative ever made of the problems posed by millions of illegal aliens in communities throughout the United States. It reflects 2 years of intensive investigation and consultation among high officials of six departments.

The report confirms the dire impact upon jobs, housing, and social services of a virtually open flow of illegal aliens into our country. It also points us to the solution which I have long been urging—closer integration of the interested Federal agencies "to prevent entry of the illegal."

Two years ago, I first introduced my bill to combine the visa issuers in the State Department with the visa enforcers in the Justice Department to make one new independent agency with combined budget, management, and goals. The bill received strong support from private groups seeking a humane, but effective solution to the illegal alien problem. Today, in a climate more favorably disposed toward reorganization and the streamlining of the Federal Government, I am reintroducing my bill with high hopes for its prompt and careful consideration.

Most accounts estimate approximately 8 million aliens illegally reside in the United States holding some 1 million jobs. Many of these illegals participate in such Government programs as food stamps, welfare, medicaid, and even unemployment compensation. The cost to taxpayers has been estimated at a minimum of $13 billion a year.

The magnitude of the difficulties makes a mere dollars approach impractical. One proposed solution—penalizing employers who hire illegal aliens—might help through eliminating an incentive for the arrival of illegals. This idea, however, is stiffly opposed by officials of some States where aliens are an important part of the labor force. Moreover, such a policy is objectionable in that it could encourage some employers to deny work to all members of certain national groups, regardless of their immigration status.

There is a solution which would not be subject to the above infirmities—a more careful screening of visa applicants to weed out potential illegals.

As many as 40 percent of the illegals do not sneak across a border, but enter legally on a temporary visa and remain after the visa expires. These illegals typically are found outside the States where their cheap labor is a major economic factor. This group includes an estimated 1 million residing in the New York metropolitan area alone.

Visa violators wreak havoc on local services and job markets. They also are the most difficult to apprehend since they melt easily into the crowded quarters of an inner city. Only 12 percent of all illegals caught in fiscal year 1974 came from this group.

The point at which this aspect of the illegal alien problem must be met is the American consulate. The consular official reviews visa applications for accuracy and assesses the likelihood of an applicant complying with visa terms. Unfortunately, he often does a poor job in both tasks. About 10 percent of the 6 million foreigners annually issued tourist or student visas become illegal aliens.

There are several reasons for this. The first is the character of the State Department's Visa Office. The consular service is the least prestigious of State's divisions. The service has had repeated difficulty recruiting and keeping personnel. As long as the Department maintains a single hiring system for its units, bright, young officers will be attracted to the diplomatic assignments and shun the less glamorous and more bureaucratic duties of the consular service. During the last 10 years, the number of visas issued has risen over 300 percent while the number of visa officers has actually decreased.

The consular service also suffers from State's budget priorities. For fiscal year 1977, the Bureau of Security and Consular Affairs, which includes the Visa Office, recommended State request OMB to fund 68 new consular positions. While acknowledging the need for these personnel, the Department rejected this recommendation and requested no new positions. The Department apparently felt that additional dollars should be spent in areas more immediately connected with the foreign policy functions of the Department.

Further, State's operating procedures are often poorly adapted to the needs of a visa issuance system. The shortage of skilled consular personnel is aggravated by the Department's employee rotation system. With one-third of the consular service shifting posts each year, there is a great loss of productive time. More seriously, expertise gained in handling applicants from particular regions is lost as the consular official moves to another region or to nonvisa work.

Finally, the foreign policy implementation function of State often interferes with its visa issuance function. The pressures of foreign governments become a factor in reviewing visa applications. This violates the spirit of, and fosters a disregard for, the immigration laws.

In brief, the requirements of an essentially bureaucratic and administrative visa issuance operation are incompatible with the diplomatic and policymaking functions of the State Department.

The second reason for the deplorable record of visa overstays and violations is the split of responsibility for aliens between State and Justice's Immigration and Naturalization Service. A serious lack of cooperation and coordination marks relations between these two agencies. For example, INS does not make regularly available to State information on apprehended illegal aliens. Conversely, State does not typically send INS information on visa issuances until the alien arrives at the U.S. port of entry. Symptomatic of this absence of collaboration is the fact that, while both INS and State are computerizing their information operations, the two systems will be incompatible. Such antagonism prevents improvements in the visa application review process.

The only solution to these fundamental problems is the creation of a separate, independent visa and immigration agency having the combined functions of the INS and the Visa Office. Such an agency would alone have the unified policies, procedures, and perspectives required to cope with the massive illegal alien problem. This idea has been endorsed in private by officials of both Departments.

The bill I am introducing today would establish such an agency. This bill affords an excellent opportunity to increase the efficiency and economy of government while saving the Nation many of the great costs connected with illegal aliens. I urge and invite my colleagues' support in the prompt passage of this legislation.

LIBERALS' HYPOCRISY

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. KETCHUM. Mr. Speaker, it is with great personal pleasure that I share with my colleagues a "tribute to liberals' hypocrisy," which was brought to my attention by my friend and constituent, Stuart R. Smith. This reprint from the Los Angeles Times was augmented by some of Mr. Smith's own sterling comments, such as this: "Ask the new U.N. Ambassador when he gets back from southern Africa if he won't go to Russia, and try to bring about majority rule there also!" He has also inquired as to whether or not the liberal influence on Government might not be encouraged by media sympathy—I found I was forced to answer in the affirmative.

[From the Los Angeles Times, Jan. 3, 1977]

LIBERALS' HYPOCRISY

The letter (Dec. 20) explaining why "bleeding heart" liberals support Cuba and China while attacking South Africa and other non-Communist authoritarian governments was most instructive.

As a social democrat I have always been appalled by the massive hypocrisy of liberals who will support any totalitarian state that labels itself Marxist no matter what sort of crimes it is guilty of. Those liberals who marched and protested underground atomic testing by the United States didn't utter a word when a Chinese above-ground test sent a cloud of radioactivity around the world.

Liberals who "bleed" about 3,000 political prisoners in Chile ignore 300,000 (by The Times' count) people in concentration camps in Vietnam. The execution of three terrorist murderers in Spain became the subject of worldwide protests, including a particularly

asinine one in Los Angeles. And yet the death of a million or a million and a half people in Cambodia at the hands of the Communist dictatorship goes virtually unnoticed in liberal circles.

Quite frankly the hypocrisy of American liberals is a stench in the nostrils of all of those who love freedom and support democratic socialism.

GEORGE H. SMITH.

Inglewood.

WATERWAY USERS' FEES

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BEDELL. Mr. Speaker, I am today introducing legislation which would require the users of this Nation's inland waterways to pay a fair share of the cost of Federal capital expenditures and maintenance.

Waterway users today enjoy use of Government built and maintained river systems without having to pay anything for the privilege. All navigable rivers and canals in the United States share this background of Federal subsidy.

On the other hand, competing forms of transportation do pay fees. Trucks pay fuel taxes, permit fees, and tolls to operate on the Nation's highways. Aircraft pay fuel and ticket taxes plus landing fees. Additionally, while not routinely subsidized by the Federal Government, railroads nonetheless pay substantial property taxes

I believe it is time to assure a more equitable distribution of the fee burden among transportation users. Furthermore, there have been at least 11 major studies of this situation since 1939 and they have all recommended inland waterway users' charges.

My bill would impose a 2-cent per gallon fuel tax plus additional charges for the use of Government provided facilities. My bill requires users of these facilities to pay approximately 50 percent of the cost of providing and maintaining our inland waterways. However, this cost is phased in over a 10-year period and the charges will be set by the Secretary of the Army only after he has had a period of 10 months to study the situation and determine appropriate charges.

Mr. Speaker, you will hear a number of arguments against any sort of users' fees. Let me comment on one of them right now. Much is made of the 1787 Northwest Ordinance's saying that navigable waterways shall be "forever free * * * without any tax, impost, or duty." I would point out that the Supreme Court has ruled this to mean unimproved navigable waterways. Hence, the imposition of users' fees does not violate any previously guaranteed rights.

Since 1787 Federal involvement in navigational improvements has grown tremendously. Beginning in the 1830's with the removal of snags, shoals, and sand bars, the Government expanded its activities to include in 1878 the first comprehensive project on the upper Mississippi River.

The Federal Government's concern with creating a viable water transportation system is further illustrated by the fact that beginning in 1918 a federally owned barge line was established on the Mississippi River and her tributaries. In 1953, the Federal barge line was sold by the Government to a private corporation, having met its congressionally mandated objectives.

Over the history of its involvement with domestic water transportation, the Federal Government has spent more than $14 billion. The figure for 1975 was $716.5 million. I believe that the inland waterway system of this country is prospering and that its users should now begin to pay a share of the costs of their facilities. I hope that Congress will quickly come to recognize this fact and move to enact a waterway users' charge such as I have proposed.

HOUSE RESPONSIBILITY IN THE ENERGY AREA

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. MARTIN. Mr. Speaker, for the past several years and again this year, consideration has been given to coordinating House responsibility in the energy area. This year we have legislation, with a recommendation from you, for creating a Select Committee on Energy. I hope this effort gets off our wintry frozen ground.

Four years ago, as a freshman, I served on both the Interior and Science Committees. Each had a slice of the energy pie. The former was key in coal, the latter in newer forms such as geothermal and solar. We saw other slices of the energy pie in other committees. Now, in my second term on Ways and Means, energy is a major area of committee concern. Others may make it, while we tax or untax it. I cannot remember any committee of this House passing up an opportunity to hold hearings on some aspect of energy. The 94th Congress found it impossible to bring order out of that jurisdictional chaos.

Now, recognizing we are all human and, therefore, unlikely to relinquish our respective slices of the jurisdictional pie, or of the limelight those slices provide, we are compelled to somehow get those slices into one pie tin.

Mr. Speaker, you are to be commended for adding your strength to the building of a new and better pie tin. A new select committee which will not threaten anyone's jurisdiction is certainly the best one available, because it is more politic. By providing a forum where these jurisdictional slices can come together as a body, we make possible far greater coordination. Coordination is not a uniform policy, but we should hope that, for example, we would avoid having committee A embark on an effort to promote an energy form or system while committee B embarks on an effort to negate any such promotion through the Tax Code or some other vehicle.

Mr. Speaker, I hope that we will soon see the creation of a Select Committee on Energy. It should be a good first step toward a coordinated legislative approach to America's continuing, deepening energy crisis. Under your proposal, the standing committees would retain their prerogatives but the select committee could overcome the division thereof by simultaneously studying the entire energy situation and moving, for the first time, a balanced, comprehensive package of energy solutions.

THE VOTE ON THE ASSASSINATION COMMITTEE

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. STEERS. Mr. Speaker, President John F. Kennedy and the Reverend Martin Luther King, Jr., are national heroes whose wisdom and grace are sorely missed by millions of Americans, including me.

Partly because of my regard for them and partly because of my general belief that debate is healthy, I voted for the rule which provided for debate and consideration of the resolution to continue the select committee to investigate the assassinations of these men.

However, during that debate I became convinced that little was likely to be discovered about these two murders at this late date, and that while the alleged improprieties of the Federal Bureau of Investigation and the Central Intelligence Agency should be investigated, existing committees have full and proper authority for such investigations, plus the authority to legislate to prevent such improprieties in the future.

A third consideration was the dispute over the cost which, no matter who was right, would be considerable—especially for an effort unlikely to uncover new truths. While the director of the investigation has said that at least $6.5 million a year, for 2 years was needed for the work, the proposal on which we were voting provides less than one-sixth that annual amount.

A lot can be done for $13 million—2 years at $6.5 million—in agricultural research that would aid the poor of this world, and I believe Dr. King and President Kennedy would rather see the money spent on such a cause. Indeed, it can be argued that there is something undemocratic about spending so much on two particular murder victims, when other murder investigations get only cursory treatment, because of lack of funds.

But to spend less on such an investigation and end up with another questionable result seems to me even more wasteful.

As a result, I voted against continuation of the committee. I fear that the committee's spending will be for nothing. I will be happy to be proved wrong.

HOW WE WILL BEAT THE ENERGY CRISIS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. OTTINGER. Mr. Speaker, the article which appears below comes from New York magazine, January 31, 1977.

I think the text speaks for itself, but I do urge all my colleagues to read the conservation measures so well described.

Perhaps the RECORD will bring news of energy conservation to our constituents. Surely, it has been hard to flush out examples like the ones below from our energy agencies.

Congratulations to New York magazine and the people behind the energy conservation projects described in the article.

The article follows:

HOW WE WILL BEAT THE ENERGY CRISIS

(By Andrew Tobias)

"Saudis Warn the West to Show Appreciation of Oil-Price Restraint"

—New York *Times* lead headline, December 18, 1976.

THE BAD NEWS

It is an old refrain but depressingly true. I will sing it for just four paragraphs before breaking into something livelier:

We are now in worse shape in terms of energy than we were in 1973. We are consuming more oil than ever and producing less. Imports, accordingly, have ballooned. More than ever, our unemployment and inflation rates are determined not by decisions we make, but by the Organization of Petroleum Exporting Countries (OPEC).

(Anyone who doubts that OPEC affects inflation and unemployment need only consider what would happen if the price of oil were miraculously halved.)

"The insouciant insanity," writes C. L. Sulzberger, "with which the industrialized countries of the West regard the worsening energy crisis, which can quite easily undermine and destroy the entire fabric of free society, is possibly the most frightening problem—both long-range and short-range—to face what we happily refer to as democratic civilization." Truly.

A gallon of gas costs $1.34 in Japan, $1.39 in Germany, $1.60 in France—why are *we* trying so hard to give it away? We desperately need a whopping gasoline tax—50 cents a gallon or more—to encourage the shift to cars that go just as far, just as fast, on half the gas.[1] We desperately need a strip-mining law that will allow us to get on with the job of substituting coal production for oil importation, while protecting the environment. We desperately need to decontrol the price of natural gas, imposing a windfall profits tax on producers if necessary, to encourage conservation of and exploration for this ridiculously underpriced and environmentally ideal fuel. (Never was this clearer than last week, when frigid weather causing natural-gas shortages led to plant closings and real hardship. See box, "Last Week's Natural-Gas Scare," on page 31.) We desperately need to stockpile a six-month supply of oil to give us some leeway in dealing with OPEC. ("Practically alone among the industrial world's oil-importing nations," says *Business Week*, "the U.S. has no emergency stockpile of petroleum.")

But, as I say, this has become an old refrain. We are numb to it. The good news is that there *is* some good news. Chiefly, we now have a president who recognizes the urgency of these problems and who, with a Congress of the same political party, may well—at last—act. But beyond that, despite the lack of any overall national direction, a great many of our fellow Americans are already responding to this slow-motion crisis with admirable ingenuity. What follows is a sampling of some of the progress that *is* being made. It is offered—at the risk of sounding naive—with the feeling that, now that Vietnam, Watergate, and the worst of the recession are behind us, and with new people in office, the prevailing national mood will become increasingly positive, determined, and constructive.

THE GOOD NEWS

Macy's New York division has cut its energy consumption by 20 percent. When Honeywell controls that have proved effective in one of the stores are eventually installed in all sixteen, consumption will be cut still further.

The Las Vegas Paving Corporation has helped develop an economical way to repave roads. Instead of tearing up the existing asphalt, finding someplace to dump it, and laying down new asphalt, pavers are beginning to melt the old stuff and lay it right back down. This procedure may eventually save as much as 700 million gallons of petroleum-based asphalt a year.

A Boca Raton condominium, Admiral's Walk, has cut its energy consumption—and its $55,000 annual electric bill—*by more than half*.

The two biggest savings have come from, first, using the enormous waste heat from the air-conditioning systems to heat the building's water—a job that previously required two 2-million-BTU boilers—and, second, designing a computerized control system to regulate temperature, lighting, and various pumps more efficiently. Rather than allow several air conditioners to kick in simultaneously, for example, which demands tremendous power and jumps the condo into a higher billing bracket, the computer shaves peak demand by having the air conditioners kick in one after the other.

Forty-five mercury-vapor lights in the parking lot were replaced with 23 sodium-vapor lights that produce even more light but consume a third the power, saving 15,000 kilowatt-hours a year.[2] Corridor light bulbs were reduced in wattage to save another 68,000 kilowatt-hours annually (reducing, meanwhile, a source of heat the air-conditioning must fight). A water softener was added to the air-conditioning system to cut down on calcium buildup, a mere sixteenth of an inch of which can reduce efficiency 20 percent.

Building manager Rod Tesche estimates that, in all, less than $70,000 was spent on the various conversions and modifications he engineered including the computer—for an annual savings of $30,000. Even at current Florida electric rates, expected to jump soon, that works out to a return on investment of 43 percent a year. Year after year after year. Tax free. It represents, too, an enormous savings in irreplaceable fossil fuels.

A popular soul-food restaurant in Greenwich Village, the Horn of Plenty, is planning an equally comprehensive—and profitable—conservation program, aimed at cutting energy costs by 60 percent. (The current bill runs to around $35,000 a year.)

A variety of inefficient air conditioners scattered throughout the restaurant will be replaced with one large efficient 25-ton unit.

This alone should cut air-conditioning costs in half. (Air conditioners vary tremendously in efficiency.)

* * * * *

Moreover, the heat from air conditioners normally blown out into the street will be used to preheat water to as much as 140 degrees to 150 degrees Fahrenheit. This will slash the cost of heating water, and actually help the air conditioner to run 15 percent more efficiently.

(Energy Conservation Unlimited, Inc., Box 585, Longwood, Florida 32750, makes an inexpensive residential and commercial use. Smaller than a suitcase, it uses waste heat from central air conditioners and large refrigeration units to provide free hot water. One study found that water-heating costs were cut by 79 percent during the air-conditioning season. Brochures are available.)

Through another heat-exchanger arrangement, the Horn of Plenty hopes to use heat from around its five huge ovens to warm either water or the restaurant itself. (As things now stand, fans just blow that valuable heat out through the roof.)

Heat may even be recovered from—yes—the kitchen sinks by draining hot waste water into a tank, which itself will then radiate heat.

Insulation will be improved. Cool, efficient fluorescent lights are being substituted for incandescent ones in the work areas. Even the five hot-watermakers that are stationed throughout the restaurant, giving off heat in the summer which the air conditioners must then fight to expel—one electric appliance fighting another, all the time burning OPEC oil—will be replaced with insulated water-boiling devices that will cut waste heat.

(Since not every restauranteur, shopowner, or landlord is likely to be a whiz with heat exchangers, there may exist an attractive opportunity for this city's ample supply of talented but underemployed architects to offer their services as energy-conservation engineers—once they bone up on the field. They might even base their fees on a percentage of the first year's savings.)

Volkswagen has been test-running 50 peppy diesel-powered Rabbits in the United States. In EPA tests, the cars have gotten 52 miles per gallon on the highway. An Oldsmobile V–8 diesel due out soon has been getting 25 percent better mileage than a comparable gasoline-powered car.

Honda's new five-speed Civic, priced at $3,559, tested at 54 miles to the gallon on the highway, 41 in town. We can't take credit for inventing these little covered lawn mowers, but we are saving lots of oil buying them.

A New York-based trucking company, Branch Industries, has upped the mileage of its 72,000-pound tractor trailers by adding a wind shield that cuts down on air resistance, readjusting its engines to make them less powerful, installing disengageable fans, and switching to radial tires. The resulting 5.3 miles a gallon may not sound like much, but then you've probably never loaded your station wagon with 36 tons of groceries (or feathers, for that matter, but that's another story). The same trucks *used* to get 4.2 miles to the gallon, so the improvement is nearly 25 percent.

Westinghouse has "cut its energy bill $40,000,000 by practicing what it preaches," it says. Just switching from mercury-vapor to sodium-vapor lamps—the same thing the Boca Raton condominium did, only on a much larger scale—saved $300,000 a year.

Amana and others have come out with refrigerators that require up to 60 percent less electricity than comparable models. (Always check efficiency when buying a refrigerator. Over the long run, a small differential

[1] The enormous proceeds of such a tax could be used to lower personal income-tax rates dramatically. It's a shame we need any taxes at all; but since we do, let us tax something we wish to discourage—gasoline consumption—rather than something we don't—the incentive to work.

[2] A kilowatt-hour is consumed by ten 100-watt light bulbs left burning for one hour. The cost ranges from 1½ cents in Seattle to nearly 90 cents in New York.

in purchase price could save hundreds of dollars in operating costs.)

McGraw-Edison has introduced a pilotless gas stove, also a dishwasher with an automatic water heater that can be turned off if the water flowing into the machine from the tap is already hot enough. Many dishwasher-makers offer an energy-saver switch that cuts short the energy-intensive drying cycle, leaving normal evaporation to do the same work.

Carrier, Fedders, York, and Westinghouse are among those pushing heat pumps as alternatives to conventional heating-and-cooling systems. A heat pump works like an air conditioner, but is reversible. Your air conditioner takes heat from inside and pumps it outside. In winter, the heat pump takes heat from *outside* and pumps it inside. Yes, it's cold outside—but it could be a hell of a lot colder. It is from what warmth there *is* in the air (which may be frigid to us, but is boiling compared to absolute zero) that the heat pump takes its heat. In moderate climates, this can be very efficient. For city apartment dwellers, to whom heat is provided free, the heating feature of the heat pump would be superfluous. Landlords and homeowners, however, might be well served to investigate.

Ridgway Steel Fabricators (Ridgway, Pennsylvania 15853) has come up with fireplace units that circulate water through the andirons to save on water-heating costs. You would have to be quite the domestic pyromaniac for the savings to justify the cost—$175 to $885 plus installation—but it's a neat idea nonetheless. (See the October, 1976, *Popular Science* for other ideas on making fireplaces more efficient heat sources. In fact, *subscribe* to *Popular Science*: No magazine is doing more to encourage the application of Yankee ingenuity to energy conservation.)

A 50-horsepower sun-powered irrigation pump, which could be easily scaled up to a 200-horsepower model if this one works well, should go into operation on an Arizona ranch later this winter. It is being developed jointly by Battelle Memorial Institute and Northwestern Mutual Life (which owns the ranch).

The Saudis, meanwhile, have ordered an American-designed $1.5-million solar-heating installation. The largest solar installation to date, it will heat 325,000 square feet of space and 36,000 gallons of water daily.

Researchers at Du Pont report that a coating of Teflon on the underside of the glass in solar collectors increases the amount of heat collected by 8 to 30 percent. The increase is particularly dramatic on hazy and cloudy days, which happens to be exactly when the improvement is needed most.

The construction industry has adopted a building code for the installation of solar water- and space-heating systems—a necessary step on the way to widespread acceptance. (Solar heating, fancy as it may sound, is really just plumbing.)

Martin Marietta successfully tested a one-megawatt power plant that runs on sunlight. It is simply a boiler filled with 200 gallons of water. But focus two thirds of an acre of sunlight on that one spot with mirrors, and within an hour the water temperature rises to 1,500 degrees Fahrenheit, building up enormous pressure that is used, as with any other steam engine, to generate power. Later this year, ten-megawatt boilers will be tested.

Not only might sunny areas (in the North as well as the South) eventually cut their fossil-fuel consumption dramatically, such power plants as these could feed electricity into the national power grid, shooting it to areas that are not so sunny.

The Department of Housing and Urban Development will be writing energy-conservation standards for the next three years, reports *Business Week's* industrial edition, "that will apply to almost every new building put up in the United States after 1979, from high rises to houses. The rules could eventually help save 6 million bbl. [barrels] of oil daily"—equal to a third of our current oil consumption. "Congress has directed that HUD's standards be performance-oriented, not descriptive. This means that unlike most building-code standards, which specify materials, devices, and procedures, the HUD standards will set limits only on how a building performs from an energy standpoint. . . . How the designer meets those performance limits will be up to him and his client." It is expected that HUD will specify "energy budgets." The General Services Administration is already making budget cuts on new federal buildings—from around 95,000 BTU's per square foot a year to around 45,000. The differences in these specifications all represent energy saved.

The average Swedish house leaks only half the amount of heat leaked by its American counterpart. Thicker insulation and tighter windows and doors are now being built into many American homes. Those that are designed and sited properly take advantage of natural heat from the sun and natural insulation, like hillsides. Trees are real high-technology stuff: In the summer, their leaves block the sun's rays; in the winter, bare branches let the sun shine through.

Improved insulation and weather stripping are probably the best investments most homeowners can make. Attics are relatively easy to insulate in existing structures; a White Plains outfit, C. P. Chemical Company, has an easy way of piping insulation so it can be put into the cavities of existing walls as well. Its soapsudsy "Tripolymer" hardens within minutes. It insulates, deadens sound, and is exceptionally fire-resistant.

Johns-Manville Corporation is selling a home water-heater insulation kit for $21 through hardware stores and building-supply outlets. It's just some insulation, tape, and tabs, but it can save up to $50 a year in water-heating costs.

In 1975, Alcoa recycled almost a billion and a half aluminum cans, saving 95 percent of the substantial energy it would have taken to make the cans from scratch (well, from bauxite). If deposits were charged on all aluminum cans, virtually all could be recycled.

More and more, trash and "sludge" are being burned for energy. A Deere & Company factory burns twenty tons of paper, lumber, and plastic—a *day*—which (a) supplies energy; (b) saves having to transport it all away to a dump; and (c) keeps the dump from growing. The savings in fuel and hauling come to $52,000 a year, on an installation (by Kelley Company, the largest supplier of trash-to-energy incinerators) that cost just $110,000. Xerox and G.M. are among others using such systems. It's like having an oil well right on the back lot.

Conservation measures like the ones just described can save the country hundreds of billions of dollars that would otherwise go to OPEC, and save the earth vast amounts of irreplaceable fossil fuel (and prevent its attendant pollution). Those two savings alone, it seems to me, are reason enough for a wartimelike energy-conservation effort. But if we ever are going to break the hold of OPEC—not in order to return to our energy-profligate ways but to regain control of our own economy and remove the threat of ever higher OPEC "taxes" and possible world financial collapse—then the first thing any prudent strategy requires is that we dastically cut back our demand for OPEC oil.

Have you checked your thermostat lately?

THE RENAL PHYSICIANS ASSOCIATION RECOMMENDS CHANGES IN THE MEDICARE END-STAGE RENAL DISEASE PROGRAM

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. VANIK. Mr. Speaker, on Thursday, February 3, Ways and Means Health Subcommittee Chairman DAN ROSTENKOWSKI and I introduced legislation to improve the operation of the medicare end-stage renal disease program. This program—the Nation's first catastrophic health insurance program—is exceeding cost estimates and there is a desperate need for legislative amendments to maintain quality of service to kidney disease patients while achieving more effective cost controls. The bill which we have introduced today will accomplish a number of cost savings, primarily through removing obstacles to home dialysis treatment and encouraging patients to seek the lowest cost treatment.

Recently, I received a position paper from the Renal Physicians Association which supports many of the goals of our legislation. The position paper describes the need for reform in the legislation and provides a history of the program and the problems which have occurred in its administration.

The Ways and Means Health Subcommittee is planning hearings on this legislation in the near future, and, while I do not support every point in the statement, I would like to enter the document from the Renal Physicians Association in the RECORD at this point as background information for that hearing.

The position paper follows:

THE MEDICARE END STAGE RENAL DISEASE PROGRAM: A REVIEW AND RECOMMENDATIONS BY THE RENAL PHYSICIANS ASSOCIATION

SUMMARY

Passage of PL92–603, Section 2991 in November 1972 extended Medicare coverage to almost all patients with end-stage renal disease (ESRD). This program, implemented on July 1, 1973, is the first example of Federal coverage for a "catastrophic" disease. Although this is a relatively simple and well defined task, has been beset by a number of very serious administrative and bureaucratic problems, and has exceeded original cost estimates. This specific and involved therapy had been well used in prior years, but access was limited to those with funds for medical expenses. The Federal ESRD program expanded access, but this catastrophic disease is not appropriate to the Medicare framework. Gaps in coverage, very detailed regulations were cut by 79 percent during the air-condi-indirectness of service-cost relationship resulted in confusion, loss of established treatment patterns and economies, and thus in waste.

Treatment of endstage renal disease

Treatment of ESRD is by dialysis (artificial kidney treatment) and/or by kidney transplantation. Dialysis requires the patient be treated by connection to an artificial kidney machine for 3 to 9 hours, three times weekly. This treatment can be provided in a hospital or outpatient facility, or the pa-

tient, with assistance from a family member or other individual, may be trained to perform self-dialysis at home (home dialysis) or in an outpatient facility. Self-dialysis, especially at home, has advantages making this the preferred form of dialysis treatment where practicable, although there are differences of opinion as to the percentage of dialysis patients capable of self-dialysis. Cost of dialysis treatment is high: for the patient treated by dialysis in a facility or hospital the cost is more than $23,000 per year; for the patient performing home dialysis the cost is $7,000–$14,000 per year depending upon equipment, reuse of disposables, and whether a paid helper is used. The Medicare system of payment works rather smoothly for in-center dialysis, but contains obstacles to payment for home dialysis and transplantation. Kidney transplantation involves grafting a new kidney into the patient. The grafted kidney may be obtained from a relative, in which case the operation is elective, often scheduled to avoid the need for prolonged dialysis beforehand; in other cases, the kidney must be obtained from a recently deceased donor (a cadaveric transplant), and because of a continuing shortage of such donor kidneys, largely due to public lack of understanding, patients may have to wait on dialysis for months or years before receiving a compatible cadaveric transplant. Transplant surgery usually is not technically difficult, but complex medical procedures are required to prevent rejection of the grafted kidney, and use of steroid and immunosuppressive drugs increases the risk of infection and other problems. Management of patients in the first few months post transplantation is a specialized skill requiring the facilities of a major hospital. The cost of transplantation is considerable; initial hospitalization and surgery costs at least $10,000 to $15,000 for a related donor transplant, and $10,000 to $25,000 for a cadaveric transplant; follow-up care costs several thousand dollars per year per patient thereafter for physician surveillance and medication, and may be much more in the event of complications requiring hospitalization. Although failed transplants are an expensive and painful interruption of dialysis treatment, if successful, a transplant can provide better health and lower maintenance cost than dialysis.

With implementation of PL 92–603 the number of facilities providing dialysis has expanded considerably, as has the total number of patients receiving treatment. Currently this is approximately 32,000. The estimated incidence of new patients with treatable ESRD is uncertain, but is at least 50–60 new patients per million population per year, with the incidence appreciably greater in the black population. Similarly, estimates of the total number of patients who ultimately will be receiving treatment in this program at any one time ranges from 50,000 upwards, depending upon the incidence rate, the acceptance of medically marginal patients, and the survival rate of patients treated by dialysis and transplantation. However, estimates suggest that within five years this program will cost $1½ to $2 billion annually.

Problems with the end-stage renal disease program

1. Congress

The amendment which introduced Medicare Coverage to patients with ESRD was passed in response to political pressures. There was minimal debate. Lack of understanding of the implications of the program led to grossly underestimated cost estimates for the program. The Federal commitment to underwrite near universal access to one expensive therapy was essentially an afterthought, not a planned health care experiment.

Several bills, notably S. 1492 and H.R. 14804, have been introduced in the last 2 years to modify the program, and to provide some incentives for home dialysis and transplantation. S. 1492 is relatively uncontroversial. H.R. 14804, introduced following hearings in the House Ways and Means Oversight Committee in 1965, contains several sections which are found inappropriate by most renal physicians. Neither Bill has progressed as yet.

2. Department of Health, Education, and Welfare

Many of the initial problems with this program stem from the fact that passage of this legislation gave DHEW only 7 months to develop a system to implement the law, starting from scratch with no experience in this field, and with very limited staff and budget.

At that time there were already in existence many local and State programs for treatment of ESRD. These programs were often divergent in their approaches to treatment and to funding patient care, depending upon local factors.

The ignorance of DHEW was compounded by a lack of consensus in physician and other professionals' advice to DHEW. Since 1973 advice has been provided to DHEW on its Regulations by organizations such as the Renal Physicians Association and the National Kidney Foundation, and by many individual physicians and others concerned with ESRD. Nevertheless, even though their advice is solicited during the development of Regulations, there is often little evidence that it is heeded.

Rivalry between the Bureau of Health Insurance (BHI) in Baltimore and the Bureau of Quality Assurance (BQA) in Rockville as to which agency has authority over the program has been a cause of severe problems and delays in decisions from the outset. This rivalry, unhampered by authority, remains a major cause of difficulties for the program. The staff of the Bureau of Quality Assurance, in general, has appeared to lack bureaucratic clout, and since 1975 has lacked a physician with personal experience of treatment of patients with ESRD. This weakness, combined with the apparent lack of effective communication has resulted in loss of confidence in the DHEW decision making process by many renal physicians.

3. Reimbursement

Interim regulations on reimbursement were published in June, 1973, 2 days prior to implementation of the program. Reimbursement for dialysis at a facility was based on a ceiling or "screen" level, because of a supposed lack of availability of previous data.

This more likely reflected the lack of understanding of patterns of care and lack of confidence in the widely discrepant charges in the preexisting programs. Many providers saw this as a mechanism to fix rates with no basic data. The "screen" is a poor method of controlling cost as it bears no obligatory relation to the actual cost of dialysis in an outpatient nonprovider facility. There is thus a varied margin of profit for proprietary facilities performing low cost dialysis, and yet no effective mechanism for exceptions to the "screen" level for those outpatient facilities providing more expensive services such as care for less stable patients, for home dialysis training, and backup dialysis at the facility for home dialysis patients with problems. Outpatient limited care dialysis is supported better than other ESRD care.

Mechanisms to cover home dialysis costs have not yet been established except as piecemeal application of existing Medicare reimbursement. Transplant is an inpatient service and thus fell under existing policies for actual recipient care. Complex contrivances by BHI staff covered tissue typing and donor kidney procurement costs, but left trails of paper and cost accounting nightmares in their wake.

The expected delays in implementing reimbursement through Medicare occurred, due in part to the time necessary to educate BHI and SSA staff centrally, then regionally, and eventually locally. Similarly, education of the staff of intermediaries, carriers and facilities in the billing and administrative procedures of the new program was neither quickly nor thoroughly achieved. Intermediary attitudes vary widely, and providers, at their mercy, had to instruct intermediaries and wait until BHI confirmed the instruction.

Physician reimbursement for dialysis was a source of controversy because the original intent was to include physician services in the facility charge for each dialysis. Many physicians rejected employment through the facility, so after much discussion, the Alternate Method of physician reimbursement was introduced based on a monthly fee for the total care of the patient except during hospitalization and certain specific procedures. This payment method is used by over two-thirds of nephrologists, but has the disadvantage of being in effect, a capitation fee, and of making physician reimbursement very visible to Congress and the public. The visible gross fees lead to suspicion and some open criticism without an understanding of the various specific services required for support of dialysis patients.

However, this method of physician reimbursement has the advantage of costing less overall than reimbursement on a fee for service basis. Transplant surgeons' fees were arbitrarily set at approximately 50% of the ultimately established "usual & prevailing" charges—again arbitrarily. Extended negotiation was needed to reach acceptable fees, though data on pre-'73 billings was accessible previously.

Medicare is not the appropriate vehicle for reimbursement of such a program, particularly since the Medicare legislation was written with the care of the over 65's in mind. The ESRD Program has already revealed that this creates problems in dealing with categorical diseases in younger patients. Nonetheless, BHI Staff has been relatively responsive to physicians' inquiries and comments, has made considerable effort to make the reimbursement system of the ESRD Program compatible with Medicare and yet applicable, and has developed the most knowledgeable and effective group of Federal Staff dealing with ESRD.

4 Dialysis

The present Regulations and reimbursement system contain specific obstacles to self-dialysis and discourages rehabilitation and self-sufficiency by promoting pensions followed by requirements for persisting debility. Certain costs for home dialysis patients are not covered, and a number of services that must be provided by a home dialysis program, such as home visits by staff, are not reimbursable to the facility. Legislation to remove some of these obstacles has been introduced over the last two years (S. 1492 and H.R. 14804) but not passed. Because of the benefits and economies of home dialysis and self-dialysis in a facility, these modes of care should not be discouraged. Patients should have fair access to choice of treatment with medical advice. The greater difficulty in payment for any care other than limited care, in center dialysis promotes that modality disproportionately, contributing to the unexpectedly high cost of the program.

The percentage of patients on home dialysis declined from 40% to 20% during the last 3 years, and there was simultaneously a rapid increase in outpatient limited care dialysis units throughout the country. The heavy

bureaucratic control of providers under present Regulations as compared with nonproviders—requiring close auditing, cost accounting, and detailed reporting—encouraging movement to non providers status. Presumably this was encouraged due to the potential for economy; a potential not always fulfilled.

5. Transplantation

Transplantation is the preferable form of treatment for many patients, but is hampered by a nationwide lack of cadaveric kidneys. Only a few patients have living related donors. Finding donors and obtaining viable organs from dead people requires considerable manpower and skill. Specific funding for public education is required, since almost half the population is unaware of organ donation. Because transplants require complex care indefinitely, and may fail at varying times after transplantation, transplantation coverage is needed indefinitely, rather than only for the present one year period. More direct mechanisms to cover costs of kidney procurement, tissue typing and other needed services would expedite services while increasing cost effectiveness.

6. Networks

The concept of linking together the dialysis and transplant facilities in an area as a network was developed in 1973 as a means to ensure patient access to all modalities of treatment. Networks as originally conceived were to be based on referral patterns and programs in existence at that time, and would have resulted in 92 networks throughout the country, with 10 Regional Councils and a National Council.

The decision to add medical review to network functions was made in 1974, and along with program competition and political considerations resulted in a reduction of the networks to 32, irrespective of pre-existing regional referral patterns and regional requests. At the same time the concept of Regional and National Councils was eliminated. Detailed Regulations for Networks and their Medical Review Board became effective in September 1976, but widespread concern exists among physicians that the functions prescribed will not result in a significant impact on quality of care or the cost of treatment despite expenditure of large amounts of time and money. We are creating a new bureaucracy composed of ourselves, with redundant functions, uncertain funding, and requiring additional duplication of reporting up, down, and across the system.

7. Cost Incentives and Cost Control

The ESRD program in 1976 will cost Medicare over $600,000 for approximately 32,000 patients, and the total cost to all funding resources will be more than $30,000 per patient this year. Consequently, cost control and cost reduction incentives are essential. Cost control by use of a ceiling or "screen" for dialysis charges has limited effect.

Total payment per dialysis is controlled, but the nonprovider may cut costs to maximize profit without assuring high quality care. No incentives are provided at present to patient, facility or physician to encourage home or self-care dialysis, reuse of dialysis materials, or other cost saving procedures. Indeed, there are obstacles to some economies. Both BHI and BQA are proposing studies in such areas, but their track record to date with such contracts and the delay in introducing such innovative ideas does not assure effective studies in a timely fashion.

8. General

General problems with the ESRD Program have been: lack of two-way flow of information between the involved professionals and governmental agencies; power plays within government and among provider groups; excessively detailed Regulations implying that nothing is believable unless cross-checked many times; the lack of acceptance of previously established effective local and regional treatment programs; delays in reimbursement; delay in development of a National Medical Information System; delay in implementation of studies and other efforts to improve the program in the light of experience. Currently there is little confidence of physicians in the outcome of this program, which appears to be excessively expensive, highly bureaucratic and over-regulated. It began with a simplistic hope which led to placement of one specific complex therapy into a web of regulations devised for bedpans, nursing homes, and wheelchairs. Specific rules for such catastrophic disease programs might avoid much of this.

Recommendations for improvements in the ESRD program

1. Department of Health, Education, and Welfare Program Management

(A) A single agency should have direct authority for all aspects of the ESRD Program. Failing this, a means must be found to ensure close cooperation between BHI and BQA, with clearly defined lines of authority. If possible, a suitably experienced physician should have a position of authority in DHEW with the ESRD Program.

(B) A National Advisory Council should be instituted with authority to advise both the Congress and DHEW in a timely fashion, so that this billion dollar program can be brought up to the quality which is possible with key procedural and legislative changes.

(C) Increased dialogue is necessary between physicians and other ESRD providers and the controlling agency or agencies. This could result from appointment of an Advisory Council. Not only must dialogue occur, it must be seen to occur, and there must be visible evidence of response on the part of the agency or agencies to the information and advice provided. The confidence thus generated will facilitate all aspects of the program's operation.

2. Networks

(A) The Network concept should be reviewed. It is preferable at least to return to smaller networks based upon tertiary transplant and dialysis centers, with the primary role of providing documented access of each patient to all modalities of care. Under this system there would be approximately 100 networks. These could elect representatives to 10 Regional Councils. The Network Coordinating Councils could be responsible for medical review based on outcome data from the Medical Information System.

(B) Individual patient review is impracticable concurrently, and with a limited disease pattern should be adequately reviewed from the MIS unless a patient or provider comment is received. Regulations should not require review and regulation of each step in the treatment of every patient. Review based on system control rather than detail would provide adequate program information, pinpointing problems with cost saving.

(C) Many renal physicians as well as some state & Federal officials now believe that Networks are ineffective and redundant, wasting money and professional time.

3. Legislation

(A) Early legislation to remove obstacles to home dialysis and self-dialysis in facilities, and to improve and extend coverage for transplantation is essential. The three month delay in entitlement is damaging to patient care and complicates reports and systems of reimbursement. More direct means of management and payment could result in significant improvement in clinical care quality and program cost.

(B) The existing favoritism for limited care, in-center dialysis must be balanced to assure equal access to transplantation and self-dialysis at home.

4. Experiments

Experiments with the program should be designed with input from appropriate professionals so that clear answers are definable, be promptly executed and assessed, and any justified changes put into practice early. While there is already authority for experimentation by BQA and BHI, so far there has been no evidence of effective action.

5. Regulations

Regulations for the ESRD program should be reviewed. The present Regulations are only likely to demonstrate the ineffectiveness of excessive regulation. While we hope for extensive changes in program control, operational methods and policies, removing ESRD from old Medicare regulations, it may be possible to expedite solutions to existing problems with improved regulations before new program can be legislated.

Relevance of the ESRD program to national health policies

Since its inception, the ESRD program has been held up as a prototype for future National Health Insurance. If such be the case, there are some important lessons to be learned. The specifics previously enumerated in this document indicate that specific and appropriate policies for unique types of care are not redundant, but necessary. Overall general policies should be as direct and simplistic as possible, allowing useful variations and economies to fit into the basic system.

Many of the problems which ensued when Medicare coverage was legislated for two relatively straight forward treatments for a single disease have not as yet been resolved. Based on this relevant experience with activation of the ESRD Program, an overall National Health Insurance Program using the present federal and private reimbursement systems and the present organization of DHEW would produce expensive chaos with no necessary improvement in the overall quality of care available to the American public. More appropriate might be a step-by-step approach to the extension of health care coverage.

This could take the form of "catastrophic" coverage for certain specified categorical diseases, or even the addition, one-by-one, of categorical diseases to the existing program with patterned programs sufficiently appropriate to be efficient for each. However, we strongly recommend that before *any* new programs are activated, a careful review of the ESRD Program to date be undertaken so that the causes of the mistakes, delays, high costs, and general dissatisfaction with the effort to date can be identified and solutions or avoidance planned.

To this end, we recommend that consideration be given to appointing a national commission to review in depth, but as quickly as possible, the entire ESRD experience, and to propose recommendations relative to the future of this important program, as well as recommendations to guide implementation of any new area of federal involvement in the health care field. Such a study, we feel confident, will support the need for reform of DHEW in order to eliminate the multiple agencies dealing with various aspects of health. In particular, it will demonstrate the need to simplify the multiple laws, Regulations and Instructions that are brought to bear on the ESRD Program, and which could hopelessly complicate the implementation of additional larger programs.

Such a study also would be likely to support reorganization on the lines suggested by Dr. Jesse Steinfeld (Annals of Internal Medicine, 85, 669, 1976). He recommends that a separate Department of Health be established with personnel and structure designed de novo by the executive and legislative

branches of government in cooperation with the private sector of medicine and related professions. Authorities should be strictly defined and limited. He also recommends that in Congress, a single Health Committee responsible for the Department of Health would enable development of policy and programs "with some semblance of rationality, coordination, cohesiveness, and continuity". It is also essential that experienced health professionals work within the federal government, and so salaries and personnel structure in the Department of Health must be redesigned to be competitive with the private sector, and to attract high caliber individuals.

Finally, experience with the ESRD Program clearly demonstrates the need for physicians and other professionals to develop their own system of speaking plainly and with a more united voice, if they are to play a significant role in developing plans for the future. This will necessitate cooperation among themselves, and with the government. Because of their individualist characteristics, this cooperation among physicians may be as difficult to achieve as the changes required in government. Nevertheless, it is only by such cooperation among professionals and government that long-term planning based on input from both groups can be developed. A rational and effective health policy for the country can be developed through collaboration, vision and compromise.

H.R. 2500: EMERGENCY NATURAL GAS LEGISLATION

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. GRADISON. Mr. Speaker, I voted last week for H.R. 2500 emergency natural gas legislation with strong reservations. For despite the allocation powers granted the President and the allowance of emergency purchases by gas pipelines serving hardest hit areas, the bill will have little effect on this year's shortage and do nothing about next year's. The reason for its minimal impact this year is that most gas produced and stored this year has already been committed, leaving little available for purchase. In addition, the allocation powers of the President will only cause all areas of the country to share the shortage, not solve it. It is uncertain how such an allocation system would work, especially the question of adequate compensation for gas taken from one pipeline and given to another.

The House Commerce Committee almost ruined the only good provision of this bill, the emergency purchase section, by tacking on an amendment which would place a ceiling of $2.20 per thousand cubic feet on the price a seller could receive for its gas. Such a low price would certainly deter a natural gas company from entering into a contract, eliminating this option as a means of aiding distraught areas. I was glad to see this provision eliminated in the House-Senate conference on this bill.

Finally, this bill does nothing about the serious long-term aspect of the natural gas shortages, which will surely grow worse next winter.

The bill will not cause one extra cubic foot of gas to be produced, consciously ignoring the long-range problem while appearing to be taking action. The only possible beneficial aspect of the cold weather this winter is the opportunity it affords Congress to squarely confront the problem and take serious legislative action to solve it. The solution lies in an energy policy which will promote rather than discourage the production of domestic energy supplies. We need to deregulate natural gas in order to give producers the incentive to produce more gas by allowing a fair rate of return. I only hope Congress has the political guts to deal with the natural gas shortage now and not wait until spring when it becomes difficult to convince Congressmen that a problem really exists.

BOY SCOUTS OF AMERICA HONOR CHARLES E. GILB OF ARCADIA, CALIF.

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. ROUSSELOT. Mr. Speaker, on Saturday, February 12, 1977, the San Gabriel Valley Council, Boy Scouts of America, will present their Silver Beaver Award to a most distinguished citizen of California's 26th Congressional District, the Honorable Charles E. Gilb. It is with warm feeling of esteem and enthusiastic appreciation that I pay tribute to Charley Gilb for his selfless contribution to the Boy Scouts of America and his outstanding service to our community.

The Silver Beaver Award will be given to Charles Gilb in recognition of the time, energy and dollars he has contributed to the San Gabriel Valley Council, Boy Scouts of America. He has been a member of the board of directors for 5 years; he has also been sustaining membership campaign leader for 4 years; vice president of the council for 2 years; chairman of the council annual recognition dinner in 1974; vice chairman of the 1974 Magic Carpet Night; donor of food for camp operations at Camp Cherry Valley; member of the council executive committee for 4 years; and a member of the council nominating committee.

In public service activities, Charles Gilb is presently a member of the Arcadia City Council, serving his second term. Prior to this he was elected by the people of Arcadia to serve as mayor of the city for 2 years. Charley has always participated in political activities and has worked in many campaigns in the Los Angeles area. A produce broker and distributor by profession, Charley Gilb has extended himself in an extraordinary way to include such community activities as coaching for the Little League. He has worked for children through the City of Hope Hospital and was their Man of the Year in 1969. He is a member of the board of the Young Men's Christian Association, YMCA, a member of the Youth Commission of tht City of Arcadia and a steadfast supporter of the Help Our Youth program.

Charley Gilb and his dynamic wife, Ruth, uphold the free spirit of American individualism. Each give vigorously and generously of their talents to add to the quality of their community. Mr. Speaker, I am extremely proud that I can have this opportunity to bring to the attention of my colleagues in the U.S. House of Representatives and to the American people as well some of the outstanding achievements of the Honorable Charles E. Gilb.

PARTICIPATION OF PROFESSIONAL REGISTERED NURSES

HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mrs. KEYS. Mr. Speaker, I am today introducing legislation to insure the participation of professional registered nurses in Professional Standards Review Organizations at all levels.

PSRO's were mandated by Congress in 1972 to insure the delivery of quality health care through the process of professional peer review. However, while nurses and other health providers have been subject to PSRO review, they have been excluded by law from participation in PSRO boards. At present, only physicians may serve on State, local or national councils although nurses outnumber physicians in the health care system by three to one.

The bill which I am introducing would insure active participation by registered nurses in local review boards by requiring that 30 percent of such board membership be comprised of professional registered nurses.

The legislation further provides that two PRN's would be designated by each state nurses' association to participate in the State PSRO council. At the national level, where currently 11 physicians serve on the National Standards Review Council, three PRN's would be added.

Because nurses already play an important role in collecting data and reviewing cases to assist in the enforcement of PSRO standards, it is only appropriate that they should also have a voice in establishing policy. With over 900,000 professional registered nurses engaged in active practice, nursing must be acknowledged as a vital component of the health care delivery team and be accorded the appropriate rights and responsibilities as professional practitioners within the law.

SOLAR POWERED REFRIGERATOR STORES VITAL MEDICINES FOR THE PAPAGO INDIANS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. TEAGUE. Mr. Speaker, the National Aeronautics and Space Administration and the Energy Research and Development Administration have been working together in a number of areas to apply space technology to terrestrial energy needs. I urge my colleagues to read the following excerpts on how solar cells developed in the space program are being used to assist with the medical care of the Papago Indians in Sil Nakya, Ariz.

The 185-watt solar cell system was recently installed at Sil Nakya by NASA's Lewis Research Center, Cleveland, Ohio, in cooperation with the Papago Tribal Council and the Indian Health Service, Office of Research and Development, Office of Environmental Health.

It is one of several applications planned as part of the NASA/ERDA test and applications project to demonstrate the versatility and timeliness of photovoltaic—solar cell—power.

Sil Nakya is located on the Papago Indian Reservation in the Sonora Desert, 60 miles west of Tucson, Ariz. About 25 people live in the village which has no electricity.

Although the traditional Papago diet does not depend on foods requiring refrigeration, many of the people require medications which must be kept at low temperatures to preserve their effectiveness.

Sil Nakya villagers requiring medication previously had to travel 64 miles to and from the Indian Health Service Hospital at Sells, Ariz. The solar powered refrigerator will not only reduce the cost and hardship of obtaining these medications, but will also allow perishable foods to be kept on hand to improve villagers' diets.

The solar powered refrigerator is one of the first devices to be demonstrated under the NASA/ERDA photovoltaic test and applications project.

A standard-sized commercial camper model, the refrigerator is powered by three panels of photovoltaic cells which convert sunlight into electrical energy. During daylight hours the electricity is used to run the refrigerator and to charge conventional automobile batteries located underneath the refrigerator. Batteries power the refrigerator at night and on overcast days.

This is the second NASA/ERDA solar-powered refrigerator demonstration. Another unit was used last summer to keep perishable foods at a remote trail construction camp on Isle Royale National Park, Mich.

Lewis Research Center is responsible for the photovoltaic test and applications project, a part of the national photovoltaic conversion program directed by ERDA.

The Lewis Center has been engaged in transferring space-related solar cell technology to terrestrial applications since 1971. This work has included raising solar cell efficiency and reducing cell and array fabrication costs as well as demonstrating solar cell systems in various applications. Although solar cell arrays are still relatively high-priced items, the total life-cycle cost today of solar cell power systems for remote locations is considerably lower in many cases than the cost of fuel and transportation for alternate power sources.

AIR POLLUTION CONTROL: A CAPSULE HISTORY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BROWN of California. Mr. Speaker, I recently reviewed a short, but informative speech on the issue of air pollution control which I believe would be of interest to every Member of this body. The speech was given by Assemblyman Victor Calvo, who is chairman of the California State Assembly Permanent Subcommittee on Air Quality, and who is in the middle of numerous air pollution controversies in California which are as complicated as those which face the Congress. In fact, it is the similarities between the problems which face the California State Legislature and the Congress which make this speech relevant to Members of Congress.

I would hope that my colleagues would consider this speech, along with other valuable information, before they vote on the perennial amendments to the Clean Air Act which are pending.

The speech follows:

ASSEMBLY, CALIFORNIA LEGISLATURE,
PERMANENT SUBCOMMITTEE ON AIR QUALITY,

JANUARY 24, 1977.

To Members of the Legislature.
From Victor Calvo, Chairman.
Re Air Quality Issues.

The attached is a speech which I recently delivered summarizing the recent history of air pollution control in California as well as some of the more controversial issues we are facing in the coming Session.

PUBLIC POLICY ISSUES IN AIR POLLUTION CONTROL

Air pollution, as created by mankind, is not a new phenomenon, but, rather, was noted by medieval English historians as an obnoxious consequence of coal burning by certain blacksmiths. Closer to home, the journals of the Spanish explorers' early visits to California contain references to the haze and smoke which frequently blocked the view of San Pedro Bay.

With the advent of the industrial revolution, the use of coal and other fuels resulted in a marked increase in air pollution. The peculiar combination of vehicular exhaust and industrial emissions we call photochemical oxidant is a modern-day phenomenon, and future historians will trace its formal discovery and, hopefully, its successful control to California. We can see clearly now that California not only discovered today's smog, but, more importantly, has led the nation in citizen concern, scientific discoveries, and governmental action.

In my career of public service, both in local government and in the Legislature, I have observed the development and refinement of governmental institutions to control air pollution, and I would like to share my thoughts on how the government and the people of California have responded to the threat of air pollution and the challenges of its control.

AIR POLLUTION CONTROL: THE EARLY YEARS

The creation of county air pollution control districts in Los Angeles and the Bay Area in the 1950's marked the beginning of air pollution control in California. In those early years, great strides were made in the control of industrial pollution sources, particularly oil refineries and petroleum storage facilities. The pioneering rules and regulations of the Los Angeles air pollution control district served as a model for industrial emission control throughout the nation. In addition, the creation in 1957 of the Bay Area Pollution Control District set the pattern nationwide for control of air pollution on a regional multi-county basis.

Although the State Legislature had authorized the creation of air pollution control districts at the county or regional level, state involvement in air pollution control was almost nonexistent until the creation of the motor vehicle pollution control board in the early 1960's. This agency was the first in the country with the authority to regulate automobile exhaust emissions from new cars and was the forerunner of the present State Air Resources Board. While the State's approach to the control of vehicular emissions was spurred by strong legislative support for a tough stand against Detroit, the lack of technical sophistication in the new agency resulted in an incremental approach to emission control, which relied more on tinkering with the engine than on seeking fundamental improvements in automotive technology. As an example of this technical weakness, the State's emphasis on control of hydrocarbon and carbon monoxide between 1966–70 resulted in dramatic increases in oxides of nitrogen (NO_x), despite the fact that the chemical role of NO_x in combustion and in the formation of oxidant was well known.

These first years established the institutional structure for air pollution control in California, whereby county or regional authorities had primary control over industrial sources of air pollution, while the State conducted the vehicular control program.

Although smog has never been an exclusively California phenomenon, the federal government did not become significantly involved in air pollution problems until the passage of Senator Muskie's Air Quality Act of 1967. The Act established the first nationwide control of vehicular emissions but California's pioneering work in the field enabled the State to successfully argue for the right to enforce its own vehicle standards. In addition, the Act provided for the development of health criteria for air quality standards but left standard-setting with state and local governments. Further, the Act provided some very limited federal oversight of state control programs, relying heavily on voluntary compliance and good faith efforts.

THE CLEAN AIR ACT: SMOG BECOMES A NATIONAL ISSUE

The Federal role in air quality was greatly expanded with the passage of the 1970 Clean Air Act. Combined with the obvious shortcomings of the 1967 Act, there was a growing national environmental awareness, symbolized by Earth Day, and Congress was prodded into the passage of landmark legislation in the form of the Clean Air Act. The main provisions of this bill, in effect, reorganized and revitalized the struggle for clean air and its main provisions still govern today's control activities. They include:

(1) A tough mandate for a 90% reduction in automobile emissions. The incremental approach was abandoned. In the 1970 Act, Congress decided the emission levels which were needed to protect the public health and then dictated a timetable to Detroit. Congress' intent, which has since been diluted, clearly was to force technology and develop a clean automobile within five years. Without taking anything away from California's early leadership in this area, the 1970 Clean Air Act was a clear and significant victory for an improved environment, which greatly increased the pressure on the automobile manufacturers to improve control technology and also provided a much more stringent regulatory format for testing and monitoring new cars.

(2) The Act also required the establishment of national standards for ambient air, which were carefully defined to place exclusive emphasis upon the protection of public health from known thresholds of pollutant damage, plus a margin of safety. Compliance with these ambient standards was required within five to seven years, with no provisions for extensions in the compliance date beyond July 1, 1977.

It should be emphasized that neither economic considerations nor technological feasibility were to be considered in identifying ambient health standards but rather the Act placed exclusive emphasis on protecting all segments of the public from health damage and particularly those who have susceptibility to pollutants at small concentrations, such as chronic sufferers of respiratory diseases.

(3) Compliance or the ability to comply with the national ambient standards for each pollutant was to be demonstrated by the states in a document, to be prepared under federal guidelines, called The State Implementation Plan. If state plans, as submitted, would not achieve the ambient health standards, then Congress required the EPA to revise and enforce the state plan so as to achieve the standard on time. The Act further states that Implementation Plans must include all available measures to control air pollution, "including but not limited to land use and transportation controls."

BLUEPRINT FOR HEALTHY AIR: THE CALIFORNIA STATE IMPLEMENTATION PLAN

In California, the Implementation Plan mandated by the Clean Air Act was prepared during 1972 by combining existing stationary source emission limitations with the State's new vehicle standards. Preparation of the plan marked the beginning of an expanded state role in air pollution control, including for the first time a state role in the control of stationary sources. The Clean Air Act placed primary responsibility on the states for achieving and maintaining air quality standards and in California, promoted a slow and imperceptible shift of power from the local A.P.C.D.'s, which had previously had exclusive control over stationary sources, to the State Air Resources Board which increasingly assumed overall responsibility for air pollution policies in the state.

Nevertheless, the preparation of the implementation plan was a joint effort by the air pollution control districts and the Reagan Administration's Air Resources Board. It utilized a conservative approach and relied very heavily on technological controls. As a result, the plan was rejected by EPA, since the EPA believed health-based air quality standards would not be achieved under the State's initial plan. The EPA was then required by The Clean Air Act to develop a plan which would achieve the air quality standards in California. EPA's plan was considerably more innovative and controversial, with a greater emphasis on social controls and land use. Most of the plan, however, was never adopted. The rejection of many of the innovative proposals contained in the EPA plan forced clean air advocates to grudgingly realize the spectre of lowered expectations with regard to achieving the air quality standards by 1977, as required by law.

Despite the failure to implement the ambitious EPA plan, the process of preparing the State Implementation Plan was the first attempt to move beyond technological controls of air pollution by directly confronting transportation and land use policy, as well as public attitudes and life styles. While this process served to help identify some of the likely costs of achieving clean air in social, political, and economic terms, it also helped identify the level of control acceptable to the general public.

ENTER THE ENERGY CRISIS

Energy, which had been an almost hidden element of public policy prior to 1973, has, in recent years, become an important factor in air pollution control. As a result, striking a balance between clean air and energy needs has become increasingly difficult and politically hazardous. Following are some examples of how the energy crisis influenced the politics of air pollution.

The NO_x retrofit program for 1966–70 cars was first suspended by the Reagan Administration in 1973 because of its impact on fuel economy. Some members of the legislature protested and environmentalists successfully sued the Air Resources Board, thus preventing the death of the program for a while, but the weakened credibility of the device program began to affect the public and opportunistic politicians and intensive media exposure blew the NO_x retrofit program into a political issue of unbelievable controversy. The pressure became so intense that the heart of the program was repealed. The issue of air pollution control, in this case, was victimized by inconclusive scientific evidence, political opportunism, fuel economy and the love of the automobile.

Another example of the increasing prominence of fuel economy in air pollution control is the case of new motor vehicle standards. Ever since 1973, with the Arab oil embargo, Congress has been bullied by the auto industry on national emission standards. The industry, with the help of the past Administration, has held fuel economy improvements in motor vehicles hostage for delays in emission standards. Despite the efforts of some representatives, Congress has delayed the federal emission standards and California has been left alone in fighting Detroit. We are hopeful that the incoming Carter Administration will be more helpful.

Here in California, in 1974 the Reagan-appointed Air Resources Board postponed the 1977 new car standards because of the threatened loss in fuel economy. This decision was soon reversed by the incoming Air Resources Board. Under Tom Quinn, the Board promptly established stringent 1977 emission standards for new cars sold in California. Despite many outrageous claims by the auto industry to the contrary, 1977 cars have met the most stringent emission standards in history and yet managed to achieve an improvement in fuel economy over the 1976 model year. In addition, the successful application of 3-way catalyst technology by Volvo suggests fuel economy improvements can be achieved as a direct result of improved emission systems.

Some control strategies, however, will clearly have a positive effect on both air quality and energy conservation. Vapor recovery during gasoline marketing operations is designed to reduce hydrocarbon emissions during gasoline delivery and vehicle refueling. In the Bay Area alone, fuel implementation of the vapor recovery program is expected to remove 32 tons per day of reactive hydrocarbons from the atmosphere. Thus, vapor recovery is a key strategy in the control of oxidant, but at the same time may also save enough gasoline in the long run to cover the cost of the recovery systems.

Similarly, periodic inspection of motor vehicles, which may finally get underway by 1980, would also have dual benefits with respect to fuel economy and emissions control. It is essential that we do everything possible to insure proper maintenance and repair for the vehicles which are already on the road, or else the gains made from the State's new car emission standards could be lost. Improved vehicle maintenance will, of course, have a beneficial effect on vehicle fuel economy. In spite of the obvious benefits of motor vehicle inspection, the experience with the NO_x device fiasco has shaken our confidence in the public's willingness to accept individual responsibility for the maintenance and repair of their cars.

INCREASING IMPORTANCE OF STATIONARY SOURCES

One of the most important air quality trends to emerge is the changing ratio between vehicle emissions and stationary source emissions. I think we can be justifiably proud in California of the dramatic reduction in emissions from motor vehicles and take heart that our program will continue to reduce emissions. As motor vehicle emissions are being brought under control, however, the proportion of air pollution which is derived from stationary sources has increased, as has the potential for growth from industrial emissions. Consequently, the State is focusing greater attention on stationary source control problems.

This growing concern with stationary sources has been heightened by the 1975 decision of the Federal Power Commission to curtail natural gas shipments to California. The effect of the ruling has been to force industries and power plants in California to switch to fuel oil. This massive fuel switching, in addition to its financial impact, seems likely to result in dramatic increases in oxides of nitrogen, sulfur dioxide, and particulate sulfate. Despite strong efforts by the Brown Administration, it seems unlikely that this ruling will be overturned. And, barring a major breakthrough in natural gas supplies, there is little hope that the switch to fuel oil can be reversed.

Another factor which is increasingly of concern is the potential increase in stationary source emissions from oil development activities. The shipment of Alaskan crude, the development and transport of off-shore reserves, the continued importation of low-sulfur Indonesian crude, and the opening of the Elk Hills federal reserve all point to the dramatic emergence of the West Coast as the new frontier of domestic oil production. The traditional concentration of high technology industries in California, combined with excess refining capacity and excellent locations for future storage and transport facilities, all point to a critical role for California in the nation's energy policy, and also suggest the potential for an accompanying economic boom. For example, related basic industries, such as the petrochemical industry, are anxious to locate on the northeastern perimeter of the Bay Area.

Air quality is the primary environmental constraint to full development of California's energy resources, and the stakes are indeed high. The prospect of even greater health damage from ozone, sulfur dioxide, and various nitrogenous compounds is clearly unacceptable, and so alternatives and mitigation measures must be found.

In a state where unemployment levels presently hover at around 9 percent, this proposed expansion of the State's economic base would seem welcome, even with some environmental risk. However, the failure of past control policies to substantially reduce pollution levels below known thresholds of health damage, despite the legal mandate

of The Clean Air Act, raises fundamental questions about the level of new emissions which can be tolerated.

This issue has received a great deal of attention in the debate over the Air Resources Board's proposed regulations governing the expansion of existing sources and the construction of new sources. This program, which is commonly referred to as "new source review", consists of stringent regulations at the regional level which are designed to prevent net increases in the total amount of stationary source emissions. New source review constitutes a change in the traditional role of the air pollution control district because it holds up to the possibility that a facility may be denied on the grounds that it would add significant amounts of new pollutants to an already polluted region, even though that facility may be designed with better technology than existing plants and meets all existing emission control requirements.

A possible compromise being discussed would permit major industrial facilities to locate in polluted urban areas, but only if the emissions from the new facility are "offset" by more than equivalent reductions in emissions from existing stationary sources in the same area as the proposed plant. I'm sure we'll be hearing a great deal more about new source review and emission offsets in the future.

The Air Resources Board's new source review proposals and its increasing involvement in local district enforcement programs has been resisted on occasion by local governments. The State's increasing concern with stationary source issues does represent an intrusion by the State into an area which has traditionally been the providence of local government. Nevertheless, I believe that in the future there must continue to be a dual role in the stationary source program filled by both state and local governments. But I am also convinced that cooperative working relationships between the state and local governments will be developed.

I'd also like to mention two very important long-range planning efforts that are getting underway and relate directly to the "new source rule". In the urban areas, the air quality maintenance planning process is designed to manage growth and development in areas where air quality standards are exceeded and in danger of further degradation. In rural areas, air conservation plans are designed to protect clean air areas from significant deterioration of air quality.

Both of these programs involve trying to integrate air quality into the network of local government decision-making concerning industrial siting, commercial development, distribution of residential growth, etc. Through efforts of this nature, it is hoped that we will develop an implementation process for achieving clean air in the context of orderly growth and development.

EXPANDING KNOWLEDGE

At the same time that many of these new policies are being developed by government, we are expanding our scientific knowledge about air pollution. Scientific researchers working with smog chambers are identifying the role of relatively "new" pollutants that are formed hours after the initial emissions, and are working on strategies for their control. As a result of the efforts of many of the researchers who are speaking today, there is much greater knowledge of the cost of air pollution in terms of reduced yield and productivity in our agricultural areas. It is clear, however, that we are going to need more and more data on these effects on agriculture if we are going to develop the preventative control strategies necessary to avoid the kind of damage to agricultural resources which have already appeared in southern California. Of special note is the tremendous damage that has been inflicted on the ponderosa and Jeffrey pines. Similarly, more data are coming in on human health effects. Disturbing information is beginning to appear regarding mutagenic and carcinogenic effects and the possibility that some air pollutants may have these properties and may be inflicting very severe, long-term damage to human health.

CONCLUSION

In conclusion, I'd like to comment briefly on the philosophy which I believe prevails in the Legislature relative to air pollution control. It is that the public has the right to clean, healthy air, and that the control of air pollution must involve strict controls on all emission sources. While regulations and policies must be tempered with reason and common sense, there must also be a constant effort to apply the latest advances in control technology as soon as possible. In the case of the auto industry, we have forced technological improvements which were thought impossible, even five years ago. I believe that now is the time to closely reexamine all emission sources and to emphasize the improved technology and controls that can be applied to stationary polluters. Despite the fact that California has been leading the nation in air pollution control for 20 years we cannot yet reduce the intensity of our efforts. Energy, the economy, and the proper land use planning are all extremely important and part of the overall equation, but to emphasize my point, let me use a quote by Russell Train, Administrator of the Environmental Protection Agency who said:

"If environmental disease is becoming the disease of the century as it appears to be, then environmental protection must become the most important ingredient in any national health program."

In short, when we talk about air pollution we are talking primarily about public health, and to me, there is no greater work in which we could involve ourselves.

RETIREMENT OF THOMAS H. TEAR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to thank our good friend, Tom Tear, the minority chief page, for 30 years of diligent, able, and spirited service to the House of Representatives.

Tom not only brought his rural humor to the House minority pages, but for all of us he shared some of the wisdom and experience he garnered at Eureka College, at the National Law School and while serving in the European Theater. In my many contacts with Tom, whether they involved problems on the House floor or his extracurricular activities as a devoted, charitable Shriner, I was always impressed with the warmth and sincerity he exuded in his manifold duties.

While the Members of the House will miss Tom's special qualities, I hope that his retirement proves to be as fruitful and as pleasant to Tom and Carolyn as his career. A man who has willingly and generously given so much of himself during his life's work will long remain an inspiration to us all.

YOUNG ADULT CONSERVATION CORPS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. GONZALEZ. Mr. Speaker, in the 94th Congress I was a cosponsor of legislation calling for a Young Adult Conservation Corps. This bill was passed in the House, but due to budgetary restrictions it died in the Senate. The Carter administration has indicated a strong desire to help get our young people into meaningful employment and I am again proposing a bill that I believe is a step in this direction.

To those of us who lived during the Depression of the 1930's the idea of a conservation corps is not a new one. We well remember the Civilian Conservation Corps created by President Franklin Roosevelt that employed hundreds of thousands of young men engaged in construction projects that are still used today such as Skyline Drive in Virginia. This roadway has given pleasure to hundreds of thousands of people who have had the opportunity to motor along this drive and enjoy the splendor of the fall scenery in the Virginia countryside.

The CCC, which was in existence for 4 years from 1936 to 1940, employed over 1,500,000 youths—young people who had the desire and the will to work, but could not find a job. This public project helped to instill faith and hope in these young people, many of whom are the leaders of today.

Mr. Speaker, in 1977 we have as serious a youth unemployment problem as we did in the 1930's. Chronic unemployment has now reached a rate of 30 to 40 percent among our cities' young people. These young people are an unproductive resource which should be tapped and the longer they remain idle the more despondent they become, eventually leading many to a life of crime.

We need to help these young people find meaningful jobs that will give them a sense of pride and bring them back into the mainstream of our society.

The bill I am proposing today is similar to the Youth Conservation Corps created by Congress 5 years ago to employ young people during the summer months. The corps I am proposing will employ young adults between the ages of 19 and 24 on a year-round basis, to work on jobs on public lands such as reforestation, timber stand improvement, trail and campground improvement, and insect, flood, and disease control. These young people could also work in city, county, and State projects through a provision that allows for 30 percent of the appropriations to be spent on a grants-to-States basis.

While I have faith that this bill will become a reality, I also feel that this should just be a beginning toward a more comprehensive program to help solve our youth employment problem.

There are many young people who will not be employed in this particular program simply because there are many more unemployed than there are slots

available under this proposal. Also, many young people do not have the physical capabilities to do the type of work required under the conservation corps approach. I feel we should also be considering programs to provide jobs in other fields especially in the urban areas where the majority of our employed young people live. I am sure that many would be interested in working in community services where they can assist the social agencies by lending their help to the needy who are served by these agencies. These young people who are so eager to feel a part of our society by being productive could also be of help in clinics and other medical facilities, as well as assist in day-care centers and schools.

I realize that the cost of such an expanded program is a major concern, but we must realize that we are investing in the future of our Nation.

While I strongly feel that the Young Adult Conservation Corps will get off the ground in this Congress, I also hope that we will seriously consider expanding our jobs program for our young people.

We cannot afford to waste their energy and skills; we must provide a means for our young adults to work and contribute to their communities. Let us give them an opportunity to fulfill their hopes and ambitions for a brighter future.

FINANCIAL STATEMENT OF 18TH CONGRESSIONAL CLUB

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. KETCHUM. Mr. Speaker, at this time I would like to make public the financial report of the 18th Congressional Club through December of 1976. I would like to point out that this report is also submitted with my required FEC statements, and to say that the Congressional Club is in no way a "slush fund," but is instead an entity of my campaign account which is set aside for particular incidental expenses with the agreement of those who contribute to it.

The statement follows:

18th Congressional club—statement of receipts and disbursements through December 31, 1976

Income	
Funds on hand as of 1/1/76	$ 7,431.50
Membership dues received	3,391.50
Total	10,823.00
Expenses	
Travel	1,641.43
Postage/Freight	128.24
Nuclear Forum Expenses	637.54
Paper/Duplicator Supplies Printing/Stationary	1,508.00
Washington Experience/Essay Contest	1,773.39
Miscellaneous	83.55
Total expenses	5,772.26
Balance in bank 12/31/76	5,050.74

A copy of our report is filed with the Federal election commission and is available for purchase from the Federal Election Commission, Washington, D.C.

CONGRESS FIRST ZERO-BASE BUDGET HEARINGS

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BAUCUS. Mr. Speaker, early next month, Congress first zero-based budget—ZBB—hearings will be held by the Subcommittee on HUD and Independent Agencies of the House Appropriations Committee.

First of all, let me explain what we are doing and why we are doing it. We are requiring the Consumer Products Safety Commission to submit its entire budget in a zero-base format similar to the format and to do indepth, ZBB analyses he was Governor of Georgia. And we are requiring the National Aeronautics and Space Administration to submit a portion of its budget in a different ZBB format and to do indepth, ZZB analyses of several of its individual programs.

The purpose of holding these hearings is to begin learning whether or not zero-based budgeting is a useful tool for the legislative branch. The hearings are also designed to show us:

First. What does preparing a ZBB submission cost an agency in terms of time and effort?

Second. Does preparing a ZBB submission help the agency, and of what use is the data in that submission to the agency?

Third. What format for ZBB submissions is most useful to Congress?

Fourth. What types of analyses done by the agency are most useful to Congress?

Fifth. What are the overall costs and benefits to the Appropriations Committee in requiring a ZBB submission and using it as the basis for appropriations decisions?

Sixth. How does ZBB use by the Appropriations Committee compare with its possible use in proposed "sunset" legislation by the authorizing committees or its use by the Budget Committee? "Sunset" laws require the periodic rejustification of agencies "from scratch" before allowing them to continue living. Congress needs fast and thorough answers to these questions.

Zero-base budgeting—ZBB—might help us get a handle on Federal spending. ZBB has already shown its promise as a budgeting and management tool, both in private industry and in the States, most notably in Georgia. However, the immediate imposition of ZBB on all Federal programs, either by the President or by Congress could be useless, or even counterproductive, if started without a look at carefully evaluated prior experiments. Between the promise and the payoff of ZBB lie many unanswered questions and much hard work.

At this point, most of the arguments either for or against Federal use of ZBB are either based on much smaller programs or are theoretical. This fact has led me to the same conclusion which many of the principal analysts in the field have reached. Elmer Staats, the Comptroller General, has suggested that pilot testing could be the best approach to "resolve some of the complexities associated with the zero base approach."

And Alice Rivlin, the Director of the Congressional Budget Office, thinks that "it will not be done well if the process becomes rigid and mechanistic and if you bite off too much too soon." She thinks that starting with a few agencies could dramatize that the process really works and can simultaneously build the budgeting and analytic tools necessary to complete the job.

Peter Pyhrr, credited with initiating the ZBB concept and helping to implement it in private industry in Georgia, recommends starting with one program area or one Federal department in order to "get a very good operating feel for how the process works and see what kinds of benefits you could achieve."

The promise of zero-based budgeting is enormous, but the "state of the art" may be inadequate for immediate large-scale Federal use. This is why the Appropriations Committee has made a major investment in developing a legislative branch understanding of ZBB and the techniques for using it. As a background to the work being done in the Appropriations Committee, I would like to present a brief summary of the zero-base budget concept, a listing of the arguments for and against its widespread use in the Federal Government, and a summary of the ZBB work we have underway.

WHAT IS ZERO-BASE BUDGETING?

President Carter, who put ZBB into use in Georgia, describes it as follows:

In contrast to the traditional budgeting approach of incrementing the new on the old, zero-base budgeting demands a total rejustification of everything from zero. It means chopping up the organization into individual functions and analyzing each annually, regardless of whether it is 50 years old or a brand-new proposal for a future program.

The budget is broken into units called decision packages, prepared by managers at each level. These packages cover every existing proposed activity of each department. They include analyses of purposes, costs, measures of performance and benefits, alternative courses of action, and consequences of disapproval.

Packages are also ranked in order of priority. After several discussions between department heads and the chief executive, the rankings are finalized and packaged up to the level of affordability are approved and funded. In the case of the federal government, of course, final approval would be up to Congress.

According to Peter Pyhrr, who developed zero-base budgeting at Texas Instruments in the late 1960's, ZBB can be used by the President, Congress, and the administrative agencies. Pyhrr says:

The focus of each user is obviously different, the Legislature requiring more summarization and focusing on public priorities and objectives, the Agencies requiring more detailed information and focusing on program implementation and efficiency, and the Executive straddling the needs of Legislature and Agencies. However, regardless of specific information needs and focus, the Legislature, Executive and Agencies must all address themselves to two basic questions: (1) Are the current activities efficient and effective? (2) Should current activities be eliminated or reduced to fund higher priority

new programs or to reduce the current budget? These two questions are the focus of the zero-based budget process.

To answer these questions, Pyhrr outlines four basic steps to the zero base approach. These are:

One, identify "decision units";

Two, analyze each decision unit in a "decision package";

Three, evaluate and rank all decision packages to develop the appropriations request; and

Four, prepare the detailed operating budgets reflecting those decision packages approved in the budget appropriation.

Pyhrr defines "decision units" as the basic functions being performed by an agency. In many cases, these "decision units" may correspond to operating units of the department, but they may also be "the lowest level of the program structure—program element, activity, function." These "decision units" are built up into "decision packages" which are the building blocks of the zero-base concept. Decision packages are:

Documents that identify and describe each decision unit in such a manner that management can: First, evaluate and rank it against other decision units competing for funding; and second, decide whether to approve it or disapprove it.

The content and format of the decision package must provide management with the information it needs to evaluate each decision unit. This information might include: First, purpose/objective; second, description of actions—What are we going to do and how are we going to do it?; third, costs and benefits; fourth, workload and performance measures; fifth, alternative means of accomplishing objectives; sixth, various levels of effort—What benefits do we get for various levels of funding?

Pyhrr thinks that developing ideas for alternative ways of doing things and explaining different possible levels of effort are the two most important ZBB steps. The heart of the process is explained by Pyhrr as follows:

The identification and evaluation of different levels of effort is probably the most difficult aspect of the zero-based analysis, yet it is one of the key elements of the process. If only one level of effort were analyzed (probably reflecting the funding level desired by each manager), top management would be forced to make a yes or no decision on the funding requests, thus funding at the requested level, eliminating the program, making the arbitrary reductions, or recycling the budget process if requests exceeded funding ability.

A decision package is defined as one incremental level in a decision unit. There may be several decision packages for each decision unit. It is these incremental levels that get ranked. By identifying a minimum level of effort, plus additional increments as separate decision packages, each manager thus presents several alternatives for top management decision making.

The choices presented are to eliminate the operation—task, project, bureau, et cetera—if no decision packages are approved, to reduce the level of funding if only the minimum level decision package is approved, to maintain the same level of effort as the agency currently performs by "piling on" another one or two incremental levels, or to increase the work done by approving additional "decision packages."

What this means is that, if properly developed, a well-defined cost and a well-defined expected benefit can be attached to several different levels of funding for each agency operation. By using this building block approach to funding and decisionmaking, you can force more explicit decisionmaking both within and across program areas.

WHAT ARE THE EXPECTED BENEFITS OF ZBB?

According to Pyhrr, we cannot realistically expect major funding reallocations among major agencies or expect a tax decrease. His four chief arguments for ZBB are:

(1) Low-priority programs can be eliminated or reduced. How the savings are used is a completely separate question.

(2) Program effectiveness can be dramatically improved. Such improvements may or may not have a budgetary impact.

(3) High-impact programs can obtain increased funding by shifting resources within an agency, whereas the increased funding might not been made available had the agency merely requested an increase in total funding.

(4) Tax increases can be retarded. The first three benefits can significantly reduce the necessity to do a more effective job with existing revenues.

And, according to President Carter, has several other attractive features. These include:

1. Focusing the management process on analysis and decision-making rather simply on numbers—in other words, the what, why and how issues as well as how much.

2. Combining planning, budgeting and operational decision-making into one process.

3. Forcing managers to evaluate in detail the cost-effectiveness of their operations. This includes specific programs—both old and new—all of which are clearly identified rather than functionally buried.

4. Providing a system to trade off between long-term and short-term needs during the budgeting period, as well as a followup tool on cost and performance during the year.

5. Allowing for quick budget adjustments or resource shifts during the year, if necessary when revenues fall short.

6. Identifying similar functions among different departments for comparison and evaluation.

7. Broadly expanding management participation and training in the planning, budgeting and decision-making process.

In a legislative context, ZBB might help Congress itself to be more efficient by focusing budget decisions. Congress could use information that lets it set priorities and allocate resources on a more rational basis. This could help make both Congress and the executive agencies more responsive to the public and increase public confidence in Congress.

ZBB is more a process and a way of thinking that it is a specific set of forms or procedures. It must be defined according to the place it is used and the way it is used. But in whatever form, its chief benefit to Congress may be in providing a uniform way of looking at budgets and making decisions about them. This in itself would be a major improvement over the fragmented way Congress currently does business.

WHAT ARE THE ARGUMENTS AGAINST ZBB?

Just as the previously mentioned advantages of ZBB lead me to believe that it should be examined for congressional use, the following disadvantages make it clear to me that we must experiment with it carefully before proceeding to full-scale implementation.

The objections to instituting ZBB on a Government-wide scale fall into three general categories—time pressures and workload burdens, political and institutional resistance, and substantive weaknesses.

First, I shall address the time and workload problems:

First. The ZBB process is far more time consuming than traditional, incremental budget analysis and spot congressional oversight. This time burden may not be reduced with experience. ZBB might hurt, rather than help, executive planning and congressional oversight.

Second. The immediate full-scale imposition of ZBB upon the congressional review process might lead to one of three undesirable results. It could produce perfunctory, casual reviews using the superficial results of ZBB analysis or massive, too time-consuming reviews or a useless data and paper flood that is largely ignored by Congress.

Third. Full-scale ZBB analysis may be incompatible with existing congressional systems, such as the time tables set out in the new Congressional Budget Act. Only by easing into the system slowly and prototyping the materials and Congress use of them can we get the bugs out with any assurance.

The second set of problems involve political and institutional resistance to ZBB:

First. Within the agencies, there may be bureaucratic resistance to immediate, large-scale imposition of a process that is both new and much more complicated than the one that budget and program people are now used to working with.

Second. There may be bureaucratic and political resistance within the agencies to losses of program, power, or status that might follow from ZBB disclosures and decisions. Gamesmanship—for example, placing weak programs high or congressional favorites low on the priority list—by program managers may be just as easy under the ZBB process as under current decisionmaking processes.

Third. Political resistance in Congress may be just as strong. Committee chairmen may not appreciate a system that imposes a far greater workload upon them while, at the same time, reduces their flexibility. Committees now have the authority to do deeper and wider ranging program analyses, but they rarely use this authority.

Fourth. Even if ZBB is joyfully accepted, its objectives and its complicated procedures must still be fully understood by the people who implement them at the agency level and who use their results in the executive offices and in Congress. Immediate agencywide

use of ZBB could postpone this understanding until it is too late.

There are also several substantive objections to the objectives and procedures of ZBB. These include:

First. The Federal Government is not a big State government. Just scaling up ZBB from industrial or State uses is probably not sufficient—for example, Elmer Staats reports that there are over 200 programs providing funds to State and local governments for health-related activities, including over 20 each for facilities, services, mental health, and drugs. Program overlap is often inevitable given the overlapping goals of many programs.

Second. Zero-base budgeting may be more appropriate for some programs than for others. Also, the best format and procedures for ZBB may vary from agency to agency.

Third. If program objectives are not well defined, cost-effectiveness analysis is impossible. On the other hand, specifying objectives too tightly can hurt program performance and flexibility. Program evaluation, even without ZBB analysis, is extremely difficult—James Lynn, the former Director of OMB, gives as an example the evaluation of title 1 of the Elementary and Secondary Education Act. It is expected to take 7 years and cost $7 million for the first 2 years alone.

Fourth. Defining aggregation level for ZBB review is extremely difficult. For example, Benson Simon, an analyst with the House Budget Committee, presents this problem:

> Is it best to treat the budget subfunctional categories such as "Department of Defense—Military" as the aggregation level, or a component of a subfunction such as "Operation and Maintenance," or an appropriation account such as "Operation and Maintenance, Navy," or an account such as "Strategic Forces," or a subdivision of the component such as "Support Ships," etc.?

This could lead to a confusion at the Federal level between program execution and policy issues. It could force decisionmaking on minor things too high and divert Congress from the more basic budget and policy questions that are appropriate for it to handle.

These problems, while not a complete list, are the basic ones. They lead me to believe that caution, in both the legislative and executive branches, is called for. That is why I initiated the Appropriations Committee's current experiment in the congressional use of ZBB.

THE ZBB PILOT STUDY

In order to assess the usefulness of ZBB to the Appropriations Committee, we have required two agencies within the HUD and Independent Agencies Subcommittee to submit two different types of ZBB justification statements.

We chose the National Aeronautics and Space Administration—NASA—and the Consumer Product Safety Commission—CPSC—in order to work with a part of one large agency—NASA spends about $4 billion a year—and one small agency—CPSC, spending only $40 million a year, is small by Federal standards. NASA is 100 times as big.

This will allow us to do a broad, cross-agency analysis of CPSC, while focusing in NASA's case on a smaller piece of the agency and going into greater depth on specific issues.

THE CPSC BUDGET BOOK

The guidelines given to CPSC were general. CPSC was instructed to model its budget book after the system used by the State of Georgia and to modify that system if necessary to adapt it to the Federal Government and to the CPSC program.

In ZBB, alternative funding levels are prepared for each agency activity. CPSC used its 6 major functional areas—hazard identification, hazard strategy analysis, regulatory development, information and education, compliance and enforcement, and administration—and broke these areas of funding down into 21 subactivities. Three alternative levels of funding were prepared for each subactivity—"minimum," "current services," and "improvement" levels.

The "minimum" level is supposed to be the lowest level of funding which will still let CPSC carry out an activity in a meaningful way. The "current services" level is supposed to be a continuation of fiscal year 1977 activities at the same level. And, the "improvement" level should represent funding for planned increases in activities and positions.

We now have a draft copy of the CPSC budget submission. In general, they have used the ZBB format well and have done a good job in outlining the alternative funding levels possible for each program. However, the draft has several problems which we are trying to correct.

For example, in a true ZBB analysis, the next step after giving alternative funding levels is to rank the various tasks performed by the agency in order of priority. The CPSC commissioners chose not to complete this ranking process. We would like CPSC to indicate some of their priorities and let us know how they developed these priorities.

Another problem with their budget book is that, in over a third of the programs, CPSC set the minimum budget at the same level as their current services budget. This means they think that in over a third of their programs they cannot tolerate and funding cuts whatsoever. This seems unlikely, and CPSC has been asked to indicate the effect of small cuts in these areas, even if the effect is major.

Our remaining major problem with the CPSC budget book is its sheer bulk and difficulty to use. We have asked CPSC to improve its organization and to indicate where information has been merely repeated verbatim in the current, minimum, and improvement budgets.

In general, the CPSC submission is a good first effort. In preparing this ZBB budget book, CPSC has had the advantage of being the only agency to concurrently turn in its budget to Congress and to OMB. They also have the advantage of a headstart on the process by preparing detailed budget materials since last June and doing a complete review of the entire agency.

One disadvantage is that their internal review was prompted by serious institutional problems within CPSC. Also, the "collegial" commission system under which CPSC runs does not lend itself easily to priority setting. We are hopeful that ZBB hearings will help with these problems.

THE NASA BUDGET BOOK

The NASA experimental budget book will not come to the committee until the end of this month. Therefore, this is only a description of what we expect to see.

ZBB budget books, each about 150 pages long, will be prepared for 3 of the 10 NASA centers. The centers chosen are the Marshall Space Flight Center, the Johnson Space Center, and the Kennedy Space Center.

A ZBB analysis will be done on the research and program management—R. & P.M.—account, which is basically NASA's personnel and travel budget.

Each budget book will contain an overview of the rationale for each center's programs. This will include the center's capabilities, planning assumptions, and management principles.

Each book will also contain a detailed description of activities being performed by all civil servants at the center and all support contractors paid from the R. & P.M. account. The information will be presented in "work packages" that describe the work being done and give the reasons why the work is needed.

The key to each budget book will be indepth analyses of special issues selected by our subcommittee and by NASA. Each issue paper will analyze the manpower implications of decisions made, the need for inhouse expertise to work with contracted-out projects, and the general relationship between program and personnel needs.

The issues chosen include all "new start" decisions and other major choices that the agency must make soon. These include Orbiters 4 and 5 in the Space Shuttle program, the need for more astronauts, the need for P–38 training planes, and the Space Telescope program.

Finally, the budget book for each center will include detailed explanations of the R. & P.M. costs associated with the people and programs. This will provide a budgetary background for the above questions and others.

In doing this work, NASA has the advantage of being an agency with easily definable technical goals and a long history of detailed budget and management planning. While NASA has not in the past provided priority rankings similar to those required for ZBB analysis, the preparation of this budget book should allow it to do so now.

WHAT WE HOPE TO ACCOMPLISH

We hope to analyze ZBB's usefulness to Congress and to begin finding ways to make it useful. In addition to answering the general questions about ZBB that I mentioned at the beginning of this statement, we hope to answer some more immediate and practical questions such as: Should the HUD subcommittee require a ZBB book of all its agencies next year? If so, should it be in the same format for each agency, or should we

continue to experiment with different approaches? If not, should we continue to work with one or two agencies?

We also hope to get at some of the key questions about ZBB at the Federal level such as: Can priorities be adequately developed in Federal agencies and can priority choices be made available and useful to Congress? Can agencies be required to show the effect of cuts in every area of their program, and will this display of program cuts lead to more throughtful administrative and congressional decisionmaking?

Requiring a ZBB budget book is only the first step in answering these questions. We will need to hold hearings that explore not only the strengths and weaknesses of the budget book and its preparation, but also the strengths and weaknesses of the congressional oversight process itself.

The key question is: Exactly what result can we expect from each congressional funding decision? The question is not "what will happen to the agency," but "what will happen in the real world." If ZBB analysis works, it will help both Federal agencies and Congress to answer this question.

Right now, budget information comes to Congress in a form that studies only incremental increases in funding, not the ongoing base spending of the agency. Budget information gives no alternatives to the proposed course of agency action and it fails to set priorities among or within programs.

The value of ZBB to Congress might be to change the relationship between the agencies and the legislature. ZBB could show us not just the President's budget, but a series of choices among alternative ways of doing things and among alternative funding levels. This would be another step towards returning the budgetary initiative to Congress.

Currently, budgets are presented as final products with the invitation to take them as they are or play with them in a vacuum. It is unclear whether ZBB will improve this process but it is certainly worth the effort to find out.

If you have any questions or suggestions about our committee's ZBB experiment, please get in touch with me or my appropriations assistant, Dan Oran. The hearing on CPSC is currently scheduled for March 2 and the hearing on NASA for March 15 or 16.

ROOTS OF THE AMERICAN SYSTEM

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. McDADE. Mr. Speaker, by beginning a new special feature of carrying the thoughts of a perceptive Member of Congress on some aspect of his job, Capitol Studies, the journal of the U.S. Capitol Historical Society at 200 Maryland Avenue NE., Washington, D.C. 20515, has come to the fore as a truly important scholarly journal. The first set of remarks in this continuing series were made by our colleague, CHARLES W. WHALEN from Ohio's Third District. Congressman WHALEN's piece, "Roots of the American System," is a timely and provocative statement on the philosophical origins and development of the American economy. Because of their importance, I insert Congressman WHALEN's remarks, in their entirety, in the CONGRESSIONAL RECORD after my remarks.

The remaining articles in this excellent volume are also well worth considering. They are: "Leadership Position-Holding in the U.S. House of Representatives," by Garrison Nelson; "The Senate and the World Court," by Herbert F. Margulies: "A Conservative Response to the Cold War," Senator James P. Kem and "Foreign Aid," by Mary W. Aywell; "The Impact of Equal-Protection Redistricting on the House of Representatives: "A District, State and Regional Analysis," by Larry M. Schwab.

ROOTS OF THE AMERICAN SYSTEM

(By Charles W. Whalen, Jr.)

American life is rooted in two documents produced in 1776—The Declaration of Independence and Adam Smith's *Wealth of Nations*. To the former we owe our political philosophy and to the latter our economic system. "Life, Liberty, and the Pursuit of Happiness" has become a stock phrase in the American lexicon, and inescapable in all Bicentennial celebration orations. However, ask the man in the street to identify the term "The Invisible Hand," and he will respond with a shrug. Yet, it is this concept which undergirds our nation's free enterprise system.

In his monumental work, Smith, a Scottish philosopher, criticized state intrusion into the marketplace. In the words of Professor Paul Samuelson. Smith "raided all ancient and contemporary history for telling illustrations of the harms from well-meaning governmental regulations." In justifying a "hands-off" principle, Smith concluded that every individual is led by "an Invisible Hand to promote an end which was no part of his intention. By pursuing his own interest he frequently promotes that of society more effectually than when he really intends to promote it."

In promulgating and economic system which equates self-interest with public interest, our forebears can be given credit for bringing about in the United States the highest standard of living the world has ever known. Thanks to the profit incentive inherent in the free enterprise system, Americans, in the two hundred years since Smith published his *Wealth of Nations*, have witnessed the development of a spate of better mousetraps—the cotton gin, the steamship, power driven machinery, the railroad, household sanitation facilities, electric illumination, the telephone, the telegraph, the automobile, motion pictures, radio, television, subsonic and supersonic aircraft. Recent years have seen the harnessing of the atom and the advent of space exploration. Nevertheless these advances have not materialized without economic and social cost.

For efficient operation industry depends upon technological advances. As a result, it continually must make huge financial outlays for capital equipment. This has resulted in a concentration of economic power within our country. In 1975 a mere five hundred firms, with total sales of $865.2 billion, accounted for 57 percent of the United States' gross national product.

The industrialization of America also has caused greater interdependence among its citizens. This growth of inter-personal relationships, in turn, has created frictions within our society manifested in tensions between capital and labor, labor union officials and union members, producers and consumers, lenders and borrowers, owners and tenants, among others.

The business cycle has become a phenomenon peculiar to our industrial economy. Depression and unemployment, prosperity and inflation, have replaced drought and famine as prime concerns for policy makers. To counteract the extremes of the cycle the federal government has employed both fiscal (spending, taxing, borrowing) and monetary (regulation of the money supply) policies. (Our fiscal programs, incidentally, have been greatly influenced by the twentieth century British thinker, Lord John Maynard Keynes, whose book *The General Theory of Employment, Interest, and Money* ranks with Smith's *Wealth of Nations* in terms of its contribution to economic thought.)

The products of modern technology too often become instruments of death. Two examples should suffice. Last year, according to the Department of Transportation, there were 45,700 highway fatalities. In 1975 the National Transportation Safety Board recorded 1,469 domestic civil aviation deaths.

Both the manufacturing process, and the goods and services emerging therefrom, have taken a toll on our environment. In its 6th annual report (March 1976), the Council on Environmental Quality stated that air pollution costs the United States $360–400 million yearly. Another source, the National Academy of Science, finds that automobile emissions cause as many as 4,000 deaths and 4 million days of illness annually. And what Northern Ohio resident will ever forget the spectacular fire in the Cuyahoga River fueled by industrial waste?

The foregoing suggests that the free enterprise system is fast becoming the victim of its own success. Indeed, it is less "free" each day. Consider the following.

First, the three basic elements of the free enterprise system have eroded through the years. While the principle of *private ownership* remains intact, hugh technological inspired capital demands make it difficult for new firms to enter the market. The reverse, in fact, is occurring. The "Mom and Pop" store has been replaced by the supermarket; the family-owned manufacturing plant has succumbed to corporate merger. This accumulation of the means of production among a relatively few enterprises has diminished the operation of the principle of substitutability—the ability of the consumer to pick and choose from among a large assortment of competitive items. Oligopolistic competition (which exists when the market is dominated by a few large companies) has enabled suppliers to "administer" their prices, thus inhibiting the role of *price* as a mechanism for regulating supply-demand relationships. This partially explains why, in 1975, consumer prices could rise 9.2 percent at a time when industry was functioning at only 69.7 percent of rated capacity. Similarly, the existence of escalating wage contracts also permitted average weekly salaries to rise from $154.45 to $163.89 last year, a 9.4 percent unemployment level notwithstanding.

Second, to ameliorate the frictions generated by our growing economic interdependence, the federal government has intervened more and more in the marketplace, implementing a succession of new "rules of the game." During the last fifteen years, the Congress has established 236 new departments, agencies, bureaus, and commissions whose principal function is to delineate and enforce norms of individual and corporate conduct.

It is clear, then, that today not one hand but two—Smith's "Invisible" one and government's "Visible" one—are guiding America's production, distribution, and consumption

activities. Recognizing this fact, what can we expect in the way of economic direction as our nation enters its third century?

First, the more costly capital equipment being spawned by each succeeding technological generation, plus the concomitant risk of losing it all on one ill-conceived purchase, will deter private investment in many potentially profitable situations. Government's entrepreneurial role, therefore, will expand both as a sole proprietor and as a partner in joint ventures. This is common practice in many European democracies, and it is not unknown in the United States. In 1933, for instance, Congress created the Tennessee Valley Authority to provide heat, light, and power to several southeastern states. COMSAT, organized in 1962, permitted both governmental and private funding. Earlier this year, Congress considered the Nuclear Fuel Assurance Act, which provides for a 60 percent government 40 percent private ownership of a new gaseous diffusion plant for uranium enrichment.

Second, government will continue to utilize fiscal and monetary policy in an effort to stabilize the economy. Fortunatey, new budgetary procedures—commenced in 1975—will enable future Congresses to make more rational fiscal decisions.

Third, global interdependence will join domestic interdependence on the economic stage. Each year the United States becomes more and more dependent upon foreign sources for scarce raw materials. Conversely, America is the principal world supplier of agricultural commodities and high technology items, many of which are produced by American-headquartered multinational corporations.

Fourth, attendant to this growth of mutual dependence will be additional governmental controls. This prophecy runs counter to the current political wisdom which cries for fewer, not more, regulations. But Congress' actions belie its rhetoric. A perusal of the legislation enacted by the Ninety-fourth Congress reveals that 107 of 420 Public Laws either invoke new, or expand existing regulations.

This conclusion was acknowledged by H. R. Sharbaugh, chairman of the Sun Company, in his address before the First Annual Management Meeting of the American Institute of Chemical Engineers. But, as Sharbaugh appropriately noted, "It is surely in the public interest that regulators understand what they are regulating." Congress must exercise more effectively its oversight responsibilities. Each regulatory agency must be subjected to periodic legislative review. Congress should seek to determine: Does the problem which the agency was commissioned to solve still exist? Is the agency actually solving the problem? Are the agency's regulations within the bounds prescribed by the legislation creating it? In solving one problem does the agency contribute to other problems?

Fifth, due to the explosion of scientific knowledge, subjects in need of regulation will become progressively more complex. This year, for example, Congress examined such esoteric topics as geothermal steam, synthetic fuels, nuclear waste, resource conservation and recovery, toxic substances, mine safety and health, forest management, energy conservation and a myriad of air and water pollution issues.

The aforementioned trends appear inevitable. A sixth, already in evidence, is the widening gulf between economic reality and our understanding of it. This gap must be narrowed to avoid harm to our society. Lack of public perception of economic truths manifests itself in two ways.

The level of economic discussion has degenerated significantly. Unable to cope with substantive questions, many voters and office-holders resort to platitudes: "we built it, we paid for it, it's ours," or emotional accusations: "big spender," "ultra-liberal," "right-wing extremist," "McCarthyite."

Further, from time to time various attempts are made to impede economic evolution. The following are three recent examples:

A major thrust in the Ninety-third Congress was a measure which, if passed, would have limited imports and restricted capital investment abroad. Proponents of this bill defended it on the premise that it would prevent exportation of jobs. Their approach not only diluted the principle of substitutability, thereby adversely affecting consumer interests, but also, by reducing access to our domestic markets, impaired the ability of foreigners to obtain the dollars necessary to procure American exports.

The economies of scale dictate larger operating units. Breweries are a case in point. Many small breweries throughout the country have been forced to close. House Resolution 3605, approved on September 13, 1976, seeks to perpetuate the uneconomic allocation of productive resources by providing tax relief to those firms which brew two million barrels, or less, per year. This effort is bound to suffer the same fate as earlier attempts to preserve home milk deliveries through state passage of minimum price laws.

The goal of the United Auto Workers in this year's negotiations with the motor industry's Big Three is to preserve jobs. According to the October 4 issue of *Business Week*, the UAW, "basing projections on Federal Energy Administration statistics argued that while the industry's production levels in 1990 will be 47% over this year's, employment will increase only 5% because productivity will be improving." To avoid what they term "massive unemployment," UAW bargainers are demanding a shortened workweek. If successful, this effort would deny the consumer the fruits of increased productivity made possible by improved technology. More appropriate would be a management-labor undertaking, perhaps in concert with the federal government, to provide for an orderly adjustment for those affected by scientific progress.

In his memorable Yale University Commencement Address in June 1963, President John F. Kennedy warned that, in searching for sophisticated solutions to complex issues, America must move "from the reassuring repetitions of stale phrases to a new, difficult but essential confrontation with reality." What can be done to end what President Kennedy described as "the myth—persistent, persuasive, and unrealistic?" Here are four specific recommendations.

First, government leaders must assume primary responsibility for the public's economic education. As an initial step, they must eschew fable for fact. Of course, this suggestion that they "tell it like it is" may sound naive to politicians preoccupied with getting re-elected. Yet much of today's internal stress (reflected by an anti-incumbent bias) is attributable to the citizenry's inability to comprehende the social changes which engulf them. By a frank discussion and analysis of prevailing economic forces, elected officials can assuage these fears while, concurrently, establishing a less hostile political environment.

Second, the media should make a greater contribution to our nation's economic knowledge. More editorials and "thought pieces" in this area are needed. And, in an era when time is at a premium, television documentaries can present an interesting, cogent capsulization of economic issues.

Third, acceptance of rule-making bodies (and the regulations which they formulate) will be enhanced by subjecting them to frequent public scrutiny. This is why enactment of so-called "Sunshine" legislation is important. These proposals specify periodic congressional review of each Executive branch instrumentality on a systematic basis.

The requirement that he justify to Congress the continued existence of his agency also affords the administrator or commissioner the opportunity to retain (or regain) citizen support for the organization over which he presides.

Fourth, participation in this examination process should not be confined to legislators or those subject to agency jurisdiction. Those who are the intended beneficiaries of regulatory activities must be involved in these hearings. This can best be achieved by congressional establishment of a consumer protection agency which will speak for that segment of American society which is least represented before the tribunals of government.

Any national economic dialogue, such as that just suggested, must address a funamental question: Can our free enterprise system endure under the dual guidance of Smith's "Invisible Hand" and government's "Visible Hand"? A glimpse at America's national pastime—baseball—might provide a useful insight. At the time the first game was played on June 19, 1846, in Hoboken, New Jersey, the new sport operated under twenty rules, printed on one page, enforced by one umpire. Today the *Sporting News Rulebook* contains 109 pages, and the hundreds of regulations appearing therein are administered by a commissioner, two league presidents, and four to six umpires per contest. Despite this regulatory proliferation, baseball today is at the peak of its popularity. Exciting new techniques have evolved; individual skills have been sharpened; gate receipts are at an all-time high; player salaries, in many instances, have climbed to six figures. This success story is attributable to one characteristic common to all sports—reward (in the form of victory, players' pay, and owners' profits) is determined by performance.

The free enterprise system is predicated upon this same principle. Although government, during the past two hundred years, has instituted a plethora of regulations, the free enterprise system's "game plan" remains constant. Reward based upon contribution continues to be the central element of our economic life. Thus, Smith's self-interest, or the profit motive, propels the United States to new economic heights—a yearly gross national product figure which reached $1.675 trillion during the second quarter of 1976; a record civilian employment level of 89.367 million, as of this August; second quarter before-tax corporation profits, annually adjusted, of $146.2 billion (compared to 1974's previous high of 127.6 billion); a $178.24 average weekly wage.

Could this progress have been achieved, or even exceeded, without government involvement in the marketplace? Not likely. Government's "Visible Hand" complements, not supplants, the "Invisible Hand."

SOLAR ENERGY

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. WIRTH. Mr. Speaker, the current energy crisis has caused all of us to seriously consider other energy alternatives.

I wish to share with my colleagues a letter to the editor which appeared in the Denver Post on Sunday, January 16,

1977. It clearly discusses means of employing solar power to answer some of country's energy needs.

The article follows:

LONG RANGE ENERGY PLAN: SOLAR COLLECTORS IN SPACE

To the Denver Post:

The world is in the midst of an energy dilemma. We in the U.S.A. have set upon our problems with short-term expediencies and slightly obscure long-term plans.

The short-term effort appears to embrace a restraint on the use of petroleum products, with a seemingly unrestricted appetite for coal-generated electricity. But one of our problems is that fossil fuel (including coal) is predicted for near depletion sometime beyond the turn of the century. So our long-term plans, whatever, must happen post haste while we still have some fossil fuels for back-up.

I believe that two basic types of energy are required to allow mankind to continue the status quo:

1. Electricity for individual and industrial needs and to support light mobile activity such as battery operated transportation in and about cities, and—

2. A potent chemical fuel like hydrogen for use in conjunction with oxygen for higher powered mobile application, and as a total replacement for petroleum fuel and natural gas.

Oxygen is readily available in air or from water. However, and unfortunately, hydrogen is not so easily obtained from the obvious and plentiful ocean supply. This situation will continue too until a scientific breakthrough occurs. In the meantime, hydrogen is available through gasification of coal—but there goes more coal.

As for electricity, the logical source is the sun and, I believe, the harvesting of this energy should occur in space and be relayed to the earth via microwave transmission.

The mode of generation (solar to electrical) can be directly via solar cells, or indirectly by utilizing solar heat to operate Brayton or Rankine cycle systems or thermionic converters, etc.

Many people openly ridicule this space concept and say it's science fiction and that we must abandon our pursuit of space. Well, it's not science fiction and we have 20 years of space pioneering that says we can do it.

I feel intuitively that when all the trade-offs and required research are completed, the results will show this concept to be economically feasible and ecologically sound. It just means that the U.S. government will have entered the public service field to provide the individual consumer with a revenue-producing essential commodity. And in this respect, our space program to date can be credited for creating the knowledge and capability to make it happen.

There are those who may feel at first that solar energy can be utilized just as effectively by terrestrial means. Study and research will tell; however, let's review some basic facts.

1. Only about 63 per cent of available space solar energy reaches the earth's surface under ideal conditions.

2. Utilization of solar energy at the earth's surface is limited by night time, seasonal effects, rainy days and cloud cover.

3. Terrestrial solar collection stations must be many times the size of a space station to allow a major portion of the collected energy to be stored for retrieval and use at night time, during winter months, etc.

4. The storage, retrieval and conversion inefficiencies will contribute markedly toward heat problems, and heat is just the first in a long chain of adverse effects.

5. Solar energy collection is contingent upon solar ray incidence, i.e., many square miles of terrestrial collectors must be mechanized to move in unison and track the sun, whereas in space a single relatively rigid body can be reactively controlled by pointing and station keeping.

There are many pros and cons to each concept, but it appears that the pros far outshadow the cons in the case of the space solar power station (SSPS). One big hurdle, of course, is transportation to and assembly in space, deposit into synchronous orbit and the ensuing maintenance. The upcoming space transportation system (STS) with shuttle and tug will accommodate this, especially when a plentiful and inexhaustible source of hydrogen is achieved.

There is much sophisticated work ahead before it all materializes. Cost of any system is a major factor. For instance in the case of solar cells, cost must be reduced by something approaching two orders of magnitude, with attendant improvement in efficiency and reliability. Redesign of much equipment for new application will be required, but the state-of-the-art breakthroughs are not necessarily needed—just improvements to existing technology. Hydrogen is an exception.

The SSPS must be relatively large—4 to 8 million KW each, and 20 to 40 million pounds. Eventually upwards to 10 of these stations may be required across the breadth of the U.S.A. to provide power for all corners of the nation. Each station would phase out for about one hour at midnight while shadowed by the earth; however, there need not be a power interruption inasmuch as all stations could feed into a uniform power sharing earth distribution system.

Then, Europe, Russia, Asia, Middle East, China, Africa and South America, etc., will all need their stations, too. It could become a vertible Saturn Ring, with space colonization profoundly in being.

R. M. HERMANSON,
Retired aerospace scientist with Viking program—president, Rocky Mountain Business Opportunities, Lakewood.

ATTITUDES TOWARD DISABLED PEOPLE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BRADEMAS. Mr. Speaker, there are thousands of Americans who bear a temporary or permanent disability which, for many, has blocked their rightful places in our society. The barriers confronting physically and mentally handicapped people go beyond the architectural and transportation barriers that deny handicapped individuals access to the full lives they deserve. Just as significant are the attitudinal barriers that disabled people face in employment, housing and education. We must not falter in our continuing efforts to overcome these barriers.

Let me then, Mr. Speaker, take this opportunity to call the attention of my colleagues a forthcoming television program portraying the attitudes toward one person's disability. On February 21, an episode of the television series, "Maude," will explore the subject of personel attitudes toward handicapped people. Nanette Fabray, the talented actress who herself has a disability, will make a special appearance on this program.

This broadcast will be aired on February 21 at 9 p.m. on the CBS network.

ENERGY CONSERVATION WOULD NOT BE DIFFICULT

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. COHEN. Mr. Speaker, Sunday's Washington Post carried a front page story under a headline which should be old news by now: "United States Wastes More Energy Than Most Nations Use." Unfortunately, this winter's natural gas crisis demonstrates that the American people—and the Congress—have still not learned the lesson that the 1973 Arab oil embargo should have taught them.

Mr. Speaker, the United States cannot hope to regain the economic prosperity it once enjoyed unless steps are taken quickly to endour profligate use of precious energy supplies. We can conserve without great sacrifice. As the Post story indicated, West Germany enjoys a standard of living on a par with our own, but consumes only half as much energy per person.

Studies have shown that one of the single greatest areas of energy waste in our Nation is in the heating and cooling of private residences. Thirty-five million American homes waste the equivalent of 130 million barrels of oil annually, simply because they lack adequate insulation.

Last month, I introduced a very simple piece of legislation which I believe can dramatically reduce energy waste in American homes. My bill, H.R. 1466, would amend the Federal Tax Code to permit individuals to claim tax credit for 25 percent of the cost of installation of more effective insulation and heating equipment in existing residential structures up to a total of $375, or $750 in the case of a joint return.

Mr. Speaker, I do not pretend to offer this legislation as a solution to our energy problems, but I do believe this kind of simple, straightforward measure can help get Congress and the American people off dead center in facing up to the energy crisis. If we cannot enact a measure such as this, I fear we will never agree on any conservation program—a situation which can only lead to greater disasters in the future.

Thus far, more than 60 of my colleagues have joined me in cosponsoring H.R. 1466 and its identical companion bills. I urge the rest of my colleagues to read the story from yesterday's Post, which is reprinted below. And after considering the stakes, I urge you to join us in cosponsoring my conservation bill. If you have any questions concerning the legislation, please contact Tom Heyerdahl of my staff at extension 56306.

The article follows:

[From the Washington Post, Feb. 6, 1977]

UNITED STATES WASTES MORE ENERGY THAN MOST NATIONS USE: CONSERVATION WOULD NOT BE DIFFICULT

(By William Nye Curry)

Americans waste energy all the time.

Lone commuters lock themselves in 3,000-pound gasoline guzzlers driving to work and back.

Precious heat seeps out of poorly insulated homes while the gas yardlamp burns all day.

A factory's boilers work up a head of steam to produce goods while a nearby electric plant does the same thing to produce electricity for the same factory.

Apartments are brightly lit, needlessly, round the clock.

Warm water is unnecessarily used for the rinse cycles of clothes washers.

Wasted energy may account for 30, or even 50, per cent of all the energy consumed in the United States. In 1975, this country wasted more fossil fuel than was used by two-thirds of the world's population, according to Denis Hayes of the Worldwatch Institute, a Washington-based nonprofit research organization.

West Germany, with a standard of living similar to ours, uses only half as much energy per person, according to the Federal Energy Administration.

"There is nothing that we do that's as efficient as it could be," FEA's John G. Muller says of a nation that prides itself on its technology, its living standard and its can-do attitude. "We could cut waste tremendously without changing the way we live. If you change, you save even more."

The watchword of President Carter's fireside remarks on energy is conservation, which itself is the most readily available source of new energy supplies because energy saved is energy produced.

Conservation means getting more out of the energy we must consume and eliminating consumption that isn't essential. Some examples: doubling up in cars or switching to mass transit, and buying leaner cars that go farther on a gallon. Generating electricity for factories with the same steam used for production. Re-insulating the house and turning off the yard-lamps (13 of them can heat two houses). Separating the electricity bill from rent, because direct payment by the tenant reduces consumption by 25 per cent. Rinsing laundry—or doing the whole wash—in cold water.

How have we become such wastrels?

"It's just been too cheap," FEA's Muller says of our once seemingly endless supply of energy.

"The United States matured in an era of abundant fuel and declining real energy prices," says Hayes. Cheap energy "was substituted for all other factors of production . . ."

"The most important variable affecting energy use and energy efficiency is the relative price of energy . . . to other resources," according to a Science magazine article that concluded that Sweden, too, has a living standard close to ours but uses far less energy.

"High national gasoline prices and/or taxes have promoted the manufacture and purchase of relatively efficient autos, notably in Western Europe, and low gasoline prices/taxes have led to large inefficient autos, notably in the United States and Canada," says the International Energy Agency.

A survey by the IEA—18 oil-consuming nations' answer to the oil producers' cartel—reported last year that, despite the price rises of recent years, the United States still has the cheapest gasoline and natural gas.

The single largest use of energy in the United States is the production of steam for industry. Muller says that for years industry enhanced profits by wasting cheap energy rather than installing generators to produce electricity with its own steam.

With our energy demand growing at 2.5 per cent a year, according to FEA's 1977 National Energy Outlook, and our dependence on foreign oil still growing, there is widespread agreement now on the need for conservation. The federal Energy Research and Development Administration has revised its thinking to recognize the increased importance of conservation as a source of more energy.

There is disagreement, however, on how to stimulate conservation, how much energy can be saved and what impact it may have on the economy.

A Chase Manhattan Bank report says: "An analysis of the uses of energy reveals little scope for major reductions without harm to the nation's economy and its standard of living. The great bulk of energy is utilized for essential purposes . . ." Fifty per cent of U. S. energy consumption heats houses, generates steam for industry, heats industry and powers automobiles.

But in a report last year, the FEA found West Germany using far less energy to do those same things—one-fourth as much per person for transportation, one half as much for residential heating (adjusted for climate). The United States uses 40 per cent more energy for the equivalent industrial output.

The FEA concluded: "It may be possible to achieve a substantial reduction in the rate of growth of energy consumption in the United States without reducing the standard of living and economic growth."

Writing in Science magazine, University of California researchers Lee Schipper and Allan J. Lichtenberg said the primary reason Sweden burns less energy than the United States is not that it has learned to do without but that it has learned to do better. Since fuel costs more, it is used more wisely. Schipper and Lichtenberg conclude that if Americans drove lighter and more efficient cars, erected better buildings and used industrial steam more efficiently, the United States could perhaps cut energy consumption 30 per cent.

It could be cut if Americans would not throw away used motor oil rather than recycle it for lubricants, if they would not overpackage food at such a rate that production of packing increases faster than consumption of food; if gas pilot lights did not burn endlessly when most could be replaced by electrical igniters; if houses were not under-insulated; if we did not use 20 times as much electricity to produce a pound of aluminum from raw material as we would to produce a pound from recycling.

"All of us must learn to waste less energy," the President said in his fireside remarks. "There is no energy policy we can develop that would do more good than voluntary conservation."

However, in its report last year, the International Energy Association said, "The United States conservation program . . . is severely hampered by oil and gas prices controlled below world market prices and by very low taxes on all fuels."

"We've been living on our (energy) inheritance, not on our income," says FEA's conservation expert, Muller. "And we're spending it faster than we're building up our annuity. Depending on what sacrifices we make, we can reduce it any amount.

AN ANALYSIS OF THE FOURTH AMENDMENT

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. HANSEN. Mr. Speaker, as you know, I have been concerned about warrantless searches of the workplace conducted by Federal inspectors pursuant to the Occupational Safety and Health Act of 1970.

The refusal of F. G. "Bill" Barlow, president and manager of Barlow's Inc., to allow a warrantless inspection of his premises is not new in American history. Mr. Barlow's challenges to the inspection provision of OSHA are part of a larger battle that has been waged for hundreds of years by individuals against arbitrary governmental intrusion into the homes and workplaces of its citizens.

This right of an individual to be secure in his person, house, papers, and effects, against unreasonable searches and seizures is rooted in hard won experience and should not be given up lightly.

I have received from the Pacific Legal Foundation an historical analysis of the Anglo-American legal tradition concerning warrantless intrusions into the home or workplace. I think it is especially appropriate in light of Mr. Barlow's actions.

Pacific Legal Foundation is a nonprofit public interest corporation, with offices in Washington, D.C., and Sacramento, Calif., that engages in a wide spectrum of litigation and administrative hearings on national public policy issues. PLF is especially concerned about individual rights and the preservation of a free enterprise system. It believes that all factors, social, environmental, and economic should be balanced in developing public policy. PLF has participated in such significant cases as Concerned About Trident, et al. against Schlesinger; Pacific Legal Foundation against Train (Tussock Moth case); and NRDC against Morton (livestock grazing case). Most recently PLF has acted to insure a steady supply of tuna for the American consumer in its participation before the administrative hearings on the setting of a quota for the taking of porpoise incidental to fishing for tunafish.

Mr. Speaker, I would like to make available at this time a copy of the analysis by the Pacific Legal Foundation of the Fourth Amendment to our Constitution:

AN ANALYSIS BY THE PACIFIC LEGAL FOUNDATION OF THE ANGLO-AMERICAN LEGAL TRADITION TOWARD WARRANTLESS SEARCHES

During the early part of the 17th century, English courts adopted the practice of issuing general warrants. These warrants were not particular as to the persons or goods to be searched. They were used to search the papers and personal effects of all persons suspected of sedition or other offenses against the King.

Public reaction triggered by this policy, culminated in the case of *Huckle* v. *Money*, 95 Eng. Rep. 768 (K.B. 1763), which involved the refusal of a printer to allow the search of his premises. Chief Justice Pratt held the general warrant to be illegal:

"To enter a man's house by virtue of a nameless warrant in order to procure evidence is worse than the Spanish Inquisition, a law under which no Englishman would wish to live an hour." 95 Eng. Rep. 763, 768 (K.B. 1763).

William Pitt, following that landmark decision, forced a bill through Parliament declaring general warrants invalid. Pitt's remarks expressed the hostility to arbitrary government that is the basis of the Fourth Amendment of the United States Constitution.

"The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It

may be frail, its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the King of England may not enter; all his force dares not cross the threshold of that ruined tenement." Thomas M. Cooley, *A Treatise on Constitutional Limitation* 611 (8th ed. 1927).

The passage of Pitt's bill did not, however, prohibit the issuance of general search warrants in the American colonies. Writs of Assistance were used in the colonies to search for smuggled goods. The reaction of the American colonists against this invasion of their liberty led to the American Revolution. In arguing against the Writs of Assistance were used in the colonies to Otis urged that these writs were

". . . the worst instance of arbitrary power, the most destructive of English liberty, that was ever found in an English law book . . . This was a power that placed the liberty of every man in the hands of every petty officer. Anyone with this general warrant could be a tyrant and reign secure in his petty tyranny. That a man's house was his castle was one of the most essential branches of English liberty." N. Lasson, *The History and Development of the Constitution* 59 (1937).

After the American Revolution, the Fourth Amendment was added to the Constitution as a bar to unreasonable warrantless searches. *See, Chimel* v. *California,* 395 U.S. 752, 761 (1969). The Fourth Amendment is clear in its language:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Although many inroads into the Fourth Amendment have been attempted since the American Revolution, exceptions to the requirement for a search warrant have been strictly limited. The Supreme Court has stated:

". . . [O]ne governing principle, justified by history and by current experience, has consistently been followed: except in certain carefully defined classes of cases, a search of private property without proper consent is "unreasonable" unless it has been authorized by a valid search warrant." *Camara* v. *Municipal Court,* 387 U.S. 523, 528–529 (1967).

In its most recent decision, the Supreme Court held a warrantless entry into petitioner's office by Internal Revenue Service agents violative of the Fourth Amendment. The federal government in this case had argued that there is a broad exception to the Fourth Amendment which allows warrantless intrusions into private property in furtherance of enforcement of the tax laws. The court rejected this argument, stating:

"We do not find in the cited materials anything approaching the clear evidence that would be required to create so great an exception to the Fourth Amendment's protections against warrantless intrusions into privacy." *G.M. Leasing Corp.* v. *U.S.,* 45 U.S.L.W. 4098, 4103 (U.S. Jan. 12, 1977).

A three-judge court in *Barlow's Inc.* v. *Usery* has held administrative inspections under OSHA to be violative of the Fourth Amendment. The District Court pinpointed the issue:

"Our only concern is the alleged affront to the Fourth Amendment. The rationale of an anonymous saying "Expediency is the argument of tyrants, it precedes the loss of every human liberty" seems of forceful application here. That the end result may be laudable and desirable does not justify the means used to accomplish it when constitutional prohibitions are confronted." No. 1–76–3 (D. Idaho, Dec. 20, 1976).

The goal of industrial safety is important, but the means of obtaining it must be within the scope of the Constitution. Justice Brandeis warned in his dissent in *Olmstead* v. *United States* that it is precisely when the goals of the government are most praiseworthy, that infringements upon freedom are most possible:

". . . [I]t is also immaterial that the intrusion was in aid of law enforcement. Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evil minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding." 277 U.S. 438, 479 (1927).

Employees can be guaranteed a safe working environment within the framework of the Constitution, but just as employees must be kept safe from the dangers of the workplace, so the rights of all citizens must be kept safe from arbitrary government infringement through warrantless searches. Justice Brandeis said in *Olmstead* that the framers of the Costitution sought to protect our most cherished right through adoption of the Fourth Amendment.

"They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment." *Id.* at 478.

Administrative searches are equally subject to the Fourth Amendment. It would be contrary to the Anglo-American tradition if the protections of the Fourth Amendment could be lessened through administrative actions.

EXTENSION OF COUNCIL ON WAGE AND PRICE STABILITY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the legislation I am introducing today would extend the life of the present Council on Wage and Price Stability through September 30, 1978. The current authorization terminates on September 30, 1977. In his Economic Message of January 31, 1977, President Carter expressed strong interest in preserving the Council as an anti-inflation unit within his administration. He also announced his intention to strengthen its capacity to monitor and analyze supply and demand trends to particular industries so that shortages and bottlenecks might be spotted earlier and preventive measures attempted sooner.

The Subcommittee on Economic Stabilization of the House Committee on Banking, Finance and Urban Affairs will hold hearings on the Council's organization, functions, and purposes, beginning February 22, 1977. At that time we hope to learn first-hand from the President's chief economic adviser, Dr. Charles Schultze, what plans are underway to strengthen the Council on Wage and Price Stability as an anti-inflation agency and what techniques consistent with developing a sort of "early warning" system regarding wage and price conditions are under active consideration by the administration.

PRIVATE LEGISLATION FOR THE RELIEF OF ARTHUR AND HEDY DENTZ

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. OTTINGER. Mr. Speaker, as the needs of our great Nation have grown and diversified over the years, the power and jurisdiction of the Federal Government have expanded proportionally. While we must not lose sight of the capability of our Government to accomplish great common objectives, those of us who represent the people have the particular responsibility of maintaining a vigilant watch to protect our citizens from abuses of power.

Arthur and Hedy Dentz of Yonkers, N.Y., have suffered from precisely such an abuse of power, and today I am introducing private legislation on their behalf. Mr. and Mrs. Dentz are the proprietors of Festive Foods, Inc. In April 1973, the Food and Drug Administration recalled the products of Festive Foods because its supplier was found by the administration to have produced mushrooms which were contaminated by botulinum. Six months passed before the FDA had determined that Festive Foods' products were free from any contamination, but by that time the goods were no longer marketable. Six months. This negligent and undue delay resulted in a loss to the Dentz family of a sum of $59,986.84.

I am not disputing the important responsibility of the FDA to protect the public health. However, since I first introduced this legislation in the 94th Congress, no official at the FDA has been able to justify why 6 long months were required to determine that Festive Foods' supplies were safe for consumption. The purpose of this legislation is to indemnify the Dentz family for costs resulting from the FDA's negligence and to reaffirm the Federal Government's commitment to using its enormous power responsibly, with an acute sensitivity to its impact upon individual citizens.

The bill follows:

H.R. 3220

A bill for the relief of Arthur and Hedy Dentz

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is hereby authorized and directed to pay, out of any money

in the Treasury not otherwise appropriated, to Arthur Dentz and Hedy Dentz, of Yonkers, New York, the sum of $59,986.84. Such sum represents the loss incurred by Arthur Dentz and Hedy Dentz, as owners of Festive Foods, Incorporated, a corporation incorporated under the laws of the State of New York, as a result of the undue and negligent delay of the Food and Drug Administration in conducting an investigation following a recall of all the products of the corporation because its supplier was found by the Administration to have produced mushrooms which were contaminated by botulinum. By the time the Administration determined, following an investigation of six months, that the corporation had not received any contaminated mushrooms, the recalled products were no longer marketable due to their perishable nature.

(b) The payment of such sum shall be in full settlement of all the claims of Arthur Dentz and Hedy Dentz and Festive Foods, Incorporated, against the United States with respect to such loss.

SEC. 2. No amount in excess of 10 per centum of the sum appropriated by the first section of the Act shall be paid to or received by an agent or attorney in consideration for services rendered in connection with the claim described in such section. Any violation of the provisions of this section is a misdemeanor and any person convicted thereof shall be fined not more than $1,000.

HIGHER EDUCATION TRUST FUND ACT

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. PRITCHARD. Mr. Speaker, the Higher Education Trust Fund Act has just been introduced and I am proud to be a cosponsor of this important piece of legislation.

The bill addresses a very real problem for millions of parents; how to meet the costs of higher education. The problem is at a crisis stage for many parents, especially those in the middle-income range, who are neither wealthy enough to meet the costs themselves, nor poor enough to receive Government assistance. Annual tuition increases quickly deplete any savings earmarked for education expenses and often force students to drop out of school for a period of time, if not indefinitely. This has led to declining enrollments and some small college closings. The crisis affects public, as well as private, institutions.

The Higher Education Trust Fund Act would allow parents to establish a tax-free higher education trust fund to cover expenses incurred as a result of their children attending institutions of higher learning; including universities, colleges, and vocational training schools. Parents would be permitted to set aside up to $750 a year in a tax free trust fund for each child, or 15 percent of their gross income, not to exceed $7,500 a year, whichever is less. If, for any reason, the money were not used for such educational purposes, it would become taxable when withdrawn from the trust.

INAUGURAL ADDRESS OF GOV. ROMERO BARCELÓ

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. CORRADA. Mr. Speaker, on Sunday, January 2, 1977, the Honorable Carlos Romero-Barceló was inaugurated as the fifth elected Governor of Puerto Rico. His inaugural message was one which sets forth the great challenges and opportunities facing his new administration.

Because I believe his message is of interest to Members of the Congress, it is my pleasure to include it here today as an extension of my remarks:

[From the San Juan Star (Puerto Rico), Jan. 3, 1977]

INAUGURAL ADDRESS OF GOV. ROMERO BARCELÓ

My first words on this important occasion are words of thanks, from the bottom of my heart, to my people, for the honor of being entrusted with the responsibilities that accompany the highest office in the Government of Puerto Rico. I accept that trust and that responsibility with a deep sense of humility and with a full awareness of the immense task that lies ahead. I enter upon my new duties with a fierce determination to work tirelessly to achieve to the fullest extent possible all that must be accomplished in order to bring happiness and well-being to every Puerto Rican. To that end I shall in good faith dedicate the entire force of my will. To achieve it, I need time.

The magnitude of the tasks that lie ahead would seem overwhelming, were it not for the talent and devotion to public service of the group of citizens who will be working at my side in these very difficult moments.

In taking up the responsibilities that my predecessor has passed on to me in accordance with the democratic processes which grant us distinction as a people, I shall take it upon myself as well to labor unceasingly to carry out my public pledge to combat the injustice that goes by the name of poverty, and which has been and continues to be our most profound concern. I shall renew that pledge by undertaking an unending, all-out effort to do away with the intolerable conditions in which thousands of Puerto Ricans are still forced to live.

This is the duty of each and every one of us who has been blessed with more comfortable surroundings and a more abundant opportunity to improve his or her life; to endeavor to free our neighbors from those conditions of severe hardship which condemn fellow human beings to a constant struggle for bare survival, and which reduce their day-to-day lives to a numbing routine of painful monotony and despair. To confront this pathetic panorama of inequality and injustice with empty rhetoric to the effect that the poor are to blame for their own poverty; to suggest that their misfortune is the product of their own laziness or lack of interest in self-improvement; to thus turn one's back on the problem and its possile solutions is to parrot irresponsible voices that we hear from time to time and that we must reject with a sense of intense outrage that springs from the depths of our being.

During the last three decades, Puerto Rico has made an aggressive attempt to stamp out poverty. Much has been accomplished. Recent events, however, have threatened to undermine or even to snuff out the irrepressible sense of optimism which had come to be so much a part of the spirit of our people. In its place has arisen a wave of anxiety and doubt, spawned by the halt in our economic progress.

This psychological uncertainty; this breakdown in the self-confidence that had always been a trait of the Puerto Rican people; this collective sense of doubt is a phenomenon far more dangerous than the apparent sum total of such individual factors as the rise in prices or the decline in each citizen's real purchasing power.

The poor, the underprivileged of Puerto Rico, feel at this moment disillusioned; and it is no wonder that they feel let down, because not only have they themselves benefitted only slightly as a result of the island's progress during the past 30 years, but they now perceive economic and social advancement for themselves and their loved ones in the future.

Our people's struggle to raise their standard of living, to obtain better job opportunities and a more equitable distribution of wealth, has been a struggle carried out in a most exemplary manner; it can truly be called a peaceful revolution.

A variety of explanations have been offered to account for our ability to stage a revolution without violence. Some attribute it to a sort of universal apathy; others credit our people with an exceptional degree of political maturity; and still others suggest that the Puerto Rican is a person not easily moved to group violence.

There may be some truth to all of these explanations, but my own view is that the main reason it has been possible in Puerto Rico to stage a peaceful revolution is two-fold: in the first place, our democratic institutions; and by the same token we have been able to keep alive at all times a spark of optimism kindled jointly by our collective determination and by the genuine progress achieved here during the decades we have lived through since World War II.

These decades have been the first ones in our history during which Puerto Rico's governor's have been Puerto Ricans. The first of these, Jesus T. Pinero, was also the last of our governors to be appointed by a President. Since then there have been four elected governors: Luis Munoz Marin, Roberto Sanchez Vilella, Luis A. Ferre, and Rafael Hernandez Colon. All five had the good fortune to govern a Puerto Rico which, when they first took office, was experiencing steady economic growth. This morning, however, the situation is different. This morning, for the first time ever, a Puerto Rican has taken the oath of office as Governor of this island at a moment when our people find themselves faced with a stagnant economy, and when our government finds itself hard put to keep its budget balanced.

There is a direct relationship between the halt in our forward progress and the fact that the people of Puerto Rico have begun to lose their traditional confidence in our ability to overcome whatever obstacles may block the way toward a better life for our entire population with particular emphasis on the needs of our most disadvantaged citizens. To the extent that our optimism and confidence are shaken, encouragement and strength are given to those forces which could steer our society in directions we have thus far succeeded in avoiding.

Poverty is demoralizing not only to the poor themselves, but also to the fabric of the society that tolerates its existence.

If Puerto Rico is to clear away the obstacles blocking our path toward progress; if Puerto Rico is once again to march ahead along a better pathway, with faith and confidence in its own ability and in its own resources; then

the key element in making this possible will have to be the mental attitude of our people. Because the task to be accomplished is immense.

I am firmly convinced that Puerto Rico has the resources, the talent, and the capacity to put itself back on the right track. For that reason I am very anxious to get started: to turn my conviction and my spirit and my will to the task at hand; to devote all my energy and all my strength to discharging the duties of the high office to which you have elected me.

To the young, the neglected, the handicapped, the elderly and the poor, I say: take heart, and join me in recognizing that only in unity can we hope to win our battle to overcome the entire spectrum of social and economic injustice.

But at the same time that I ask you to place your confidence in me, I must also ask you to be understanding and to be patient.

I ask you to be patient because there is simply no way to accomplish overnight the many, many things that must be done.

I ask you to be understanding because we must all recognize together that the task of economic, social, educational and moral reconstruction will necessarily take time.

I ask you to be understanding because I know that it will be impossible for each and every one of you to be in total agreement with all of the decisions I shall make. But please remember that my every decision will be made on the basis of what I firmly believe to be the fundamental best interests of the people of Puerto Rico. My first consideration and my chief consideration in making any decision will be what can most effectively serve the well-being of the Puerto Rican people. Puerto Rico, first and foremost. Puerto Rico, above all else!

In the context of the economic constraints with which we find ourselves confronted on a daily basis, any wasteful excess becomes offensive, regardless of its source.

The banker, the manufacturer, the merchant, the professional: we ask all of them to help us set a tone that is in harmony with the realities of our time. Luxurious trappings in our banking institutions, commercial establishments, and professional offices can only have the effect of overwhelming and dispiriting the humble soul who, for example, visits a bank to deposit his or her meager savings—savings accumulated with difficulty and at great personal sacrifice; and the same is true in the case of the person of modest resources who comes to the office of a professional whose services he or she urgently requires. The individual in need does not go there in search of posh surroundings. The individual in need goes there in search of sound, professional assistance. And high government officials must refrain from using the tax monies of a people of humble means to feed their own vanity or to ease their own personal psychological hangups.

For my part, I hope to be able to set an example of simplicity, moderation, and frugality which will be in keeping with the circumstances confronting Puerto Rican society today.

I trust that the examples I have cited will serve as a guide to all of those among us who may have fallen victim in one way or another to the sickness which goes by the name of runaway consumption. The fundamental moral fiber of our society—of our citizenry—is being weakened, by the absence of the self-control necessary to check our widespread tendency to spend large amounts of money on unnecessary goods. We as a people have acquired many habits and sophisticated lifestyles that exist elsewhere only in a handful of extremely prosperous societies.

Appearances are, in the final analysis, nothing more than that: mere appearances. What is important is what we are as individuals, not what we may be able to make somebody else think we are.

We Puerto Ricans are a people whose geographical and economic limitations are severe. But we are also a people of high hopes and firmness of purpose. That is the way we are, and that is the way we should be viewed by those among our fellow men who may wish to recruit us in mankind's unending struggle to build a more just, noble, and loving world.

Another trait our people have always displayed is their insistence upon honesty in their public officials.

We must at all times require absolute integrity of the men and women who serve in our government. Honesty cannot be measured in degrees. One is either honest or he is dishonest. And if there is one thing above all else in which each of you may rest absolutely assured, it is that the administration which is taking office today is going to be an honest administration.

I have asked that you be patient and understanding as we commence the task of putting our economy back on its feet And I have stated in no uncertain terms that my government will be on watch at all times to ensure that honor and honesty prevail in the conduct of public affairs.

The way that lies ahead is filled at every turn with challenges that will severely test the collective imagination and resolve of our society.

Our course toward the future must be guided by a series of principles:

We cannot resign ourselves to lives lived at existing levels of comfort and well-being.

We cannot accept as inevitable the continued existence in our midst of poverty and ignorance, nor of the injustice and prejudice which help to perpetuate them.

We must press ahead resolutely with our fight against joblessness.

It is imperative that we render ourselves less vulnerable to the many wild price fluctuations that have been occurring in the world marketplace.

We must find ways to reduce our present near-total dependence upon off-island food sources.

The education of our children must be made to respond to our future development requirements as a people.

It is absolutely essential that we develop new, less expensive sources of energy; and while we are doing so, we must learn to conserve the costly forms of energy upon which we depend today.

At the same time, we must find ways to control our population growth without violating the rights of individuals.

It is vital that we strive to foster in Puerto Rico the development of service industries, in order that we may thereby strengthen our economy and create new job opportunities of a kind that will not endanger our fragile and very precious environment. We cannot continue—be it through carelessness or through negligence—to place in peril our green areas, our waters, our air and the natural beauty of our island.

We shall not reduce the place of our effort while there remains in Puerto Rico one child obliged to go barefoot; or one mother, or one elderly person who needs medical treatment and has nowhere to go to get it.

We cannot pause in our pursuit of a better way of life for our people so long as there remains even one student unable to receive all the education which he or she needs, wants and can absorb.

There will be no letup in our struggle while there are still people standing in lines looking for work; or while there remains so much as one family lacking the nutritious diet it needs in order to keep its members healthy and strong.

We shall not rest as long as there exists any family in Puerto Rico which lacks a decent place to call home.

The challenges are great. But no challenge is insurmountable when there is sufficient dogged determination to overcome it. And in Puerto Rico we have the human resources, the knowledge, the ability, and, above all, the courage necessary to battle our way past any obstacle and to reach whatever goals we may set for ourselves.

For my part, I am prepared to work as long and as hard as may be necessary to bring into being the future Puerto Rico that each of us dreams of seeing. There may be others who are prepared to work for Puerto Rico as hard as I am. But harder than I? Nobody!

My friends and fellow countrymen:

A better pathway lies ahead. Let's begin our march down that pathway by recalling a phrase that gave hope to our forefathers: "The darkest hour is just before the dawn."

A LEGISLATIVE PACKAGE TO AID SENIOR CITIZENS

HON. SHIRLEY N. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mrs. PETTIS. Mr. Speaker, there is a wise Hasidic saying that "the prosperity of a country is in accordance with its treatment of the aged." Today, I am introducing a package of legislation—three bills—to improve the treatment of our aged by removing those Federal laws that are unjust.

At present title II of the Social Security Act limits the amount of outside earnings which an individual may earn while receiving social security benefits. While we allow retired military, Federal, and other Government retirees to face no penalty against earnings subsequent to their retirement, we restrict an even greater number of citizens whose only retirement benefits are social security, from earnings more than $3,000 in outside earnings. Social security recipients, under age 72, who earn in excess of $3,000 per year encounter a 50-percent penalty in their benefits. Consequently, Mr. Speaker, we sadly find over half of the families with heads of households 65 and older, earning about $5,000 per year or less.

The devastating impact of this restriction is further compounded by the current high rate of inflation.

In an effort to remedy this inequity, I am introducing a bill to remove the limitation upon the amount of outside income which an individual may earn while receiving social security benefits.

Another problem affecting many of our older Americans concerns the computation of annual income to determine a veteran's eligibility for a pension. At present public or private retirement, annuity or endowment—including monthly social security insurance benefits—are included in this computation. Whenever these people receive a much-needed cost-of-living raise in social security without a corresponding increase in the veterans outside income limitation, they are subject to reduction or loss of their pension. Imagine the added problems of being a senior citizen, on a fixed income, who has received a little social security raise to keep pace with inflation, only to find that one ray of financial hope—the difference between existence and subsistence—snuffed out by the loss of your veteran's pension.

My bill would keep that hope alive by providing that public or private retire-

ment, annuity, or endowment payments—including monthly social security insurance benefits—shall not be included in computing annual income to determine a veteran's eligibility for a pension. This measure would effectively remove the outside income limitation now set on a veteran's pension.

While both of these two measures address problems in regard to the retirement and pension areas, there is one overwhelming fact which is an integral part of many of the difficulties senior citizens face—the arbitrary selection of age 65 for retirement.

From the various studies I have read it would appear to me that selection of age 65 was never based on any careful consideration of the needs of senior citizens but on political policies and archaic customs.

If I may, Mr. Speaker, I would like to quote one such study from hearings before the House Select Committee on Aging regarding this matter:

In the 20th century retirement has been encouraged by the growth of private and public pension plans, most of which have mandatory retirement features, and by compulsory retirement ages for public service employees as established by Federal and State laws.

To the extent that historical development indicates that retirement policies and practices (an inferentially the upper age limit of the Age Discrimination in Employment Act) have been influenced more by custom, tradition, and archaic political policies rather than rational considerations, a reevaluation may be suggested with the object of establishing standards for more flexible policies on duration of work life, protection from age discrimination of workers 65 and over, and easing the shocks of withdrawal from the labor force. Available gerontological literature contains many suggestions that any deliberations on changes affecting older workers should give attention to increased life spans, individuality in the habits and attitudes of older workers, biological variations in the aging process that make it possible for some workers to remain productive long past normal retirement age, technological advances in some industries that have extended work life by making it less strenuous, trends toward an increasingly greater proportion of older people in the total population, a project dwindling number of young and middle-aged workers to support the social security system, and contributions that those 65 and over might make to an increase in the gross national product.

Today, I am introducing legislation outlawing mandatory retirement at age 65. I am sure many will agree with Dr. Percy Fridenberg's assessment that "nothing ages you and tires you as much as inactivity, and the avoidance of rest is one of the things that enables you to go on in older age." Mr. Speaker, we owe our senior citizens that opportunity to go on.

RICHARD E. ZIMMERMAN PASSES

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BYRON. Mr. Speaker, I am very saddened to report the unexpected death of Mr. Richard E. Zimmerman, an extremely talented and capable Frederick attorney and former Member of the Maryland House of Delegates.

Dick played a prominent role in shaping the future of Frederick County through his effective representation of his clients' interests in many planning and zoning cases. He was also active and extremely influential in political and civic affairs in the Frederick area.

My heartfelt sympathies are extended to his family. They have the satisfaction of treasuring the memories of Dick's countless contributions, which will long be remembered by a community that is deeply indebted to him.

An editorial in the February 2, 1977 Frederick Post reflects on his career and I include it in the RECORD:

RICHARD E. ZIMMERMAN

Few men in the history of growth and development in Frederick County have been more controversial—or more effective and successful—than Attorney Richard E. Zimmerman.

"Dick" Zimmerman died unexpectedly late Monday night, Jan. 31. He had recently suffered a heart attack, but was showing signs of a strong recovery. He was 58.

Mr. Zimmerman, few will disagree, became a giant in matters of planning and zoning and development in this era of phenomenal growth in our county—a tumultuous period marked by explosions in population and counter-explosions fused by master plans, comprehensive plans, zoning ordinances, appeal boards, sewer and water regulations, and a proliferation of ad hoc protestations—all concerned with controlling this growth . . . or, in some cases, stopping it in its tracks.

Having armed himself with penetrating knowledge, experience and sheer political savvy, Richard Zimmerman was a man who always did his homework, who studied and knew the enemy well. He seldom backed off from a fight, always seemed to maintain the offensive, and projected such a display of stamina and total capacity for work that he was often successful in simply wearing down the opposition.

His was the side of the developer, and he did whatever he could for the developer, for his client. Mr. Zimmerman would do anything he could to win his side, and with that so-familiar basso-profundo oratorial voice he would boom out the multitude of benefits that would accrue to the community as a result of his client's investment.

The more successful he was, the more controversial he became as a public figure. Loved by some, hated by others, he was, nevertheless, respected by all for his expertise, his drive and—yes, to be sure—that unique quality he possessed to be friendly and forgiving, even "helpful" to a point, to his avowed enemies.

Though his image was one of a political king-maker and ruthless entrepreneur, at times explosive and vocal to a fault, he was, nevertheless, cautiously brilliant, always guarded and openly concerned that what he said would be misused against him or his cause. Thus, the press came to know, and his proponents and opponents as well, that his every word was weighed carefully, no matter how heated the occasion, and injected into the discourse for stereospecific reasons.

He once quipped to this column, though there was reason to consider it gospel, that "I'm better wired for sound than the Oval Room."

Mr. Zimmerman, indeed, did his homework well. A Democrat, he was equally influential in both parties in urging people to run for office, and was loyal in supporting them. Again, though strongly a Democrat, he did a lot for people in and out of the political process, to improve the government's lot and that of the local community and his state. He was a died-in-the-wool Terrapin fan and University of Maryland supporter.

He commanded respect. Having served as a member of the Maryland House of Delegates, he knew "how to build up trading stamps . . . and he knew how to use them effectively," said one local businessman, "to get done what he had to do."

Mr. Zimmerman was recognized by many as an outstanding zoning attorney, and those who wanted their projects to succeed sought out his services and the expertise of his law firm as he and his partner of long standing, David Aldridge, recruited and shaped a strong team of brilliant young attorneys.

The years will come and go; planning and zoning will have its ups and down; the county will grow despite all forms of opposition, and through it all, there will remain the lasting influence of a dynamic man named Richard Zimmerman, a man who thrived on controversy, was loved and hated for it, and above all, was respected for his strengths.

CASEY IN COLOMBIA WITH PEACE CORPS

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. McDADE. Mr. Speaker, it is all too seldom these days when we have the opportunity to read about a Government program that produces a real success story. Let me call to your attention one such case with the efforts and the activities of one of my constituents, Andy Casey.

Andy Casey is with the Peace Corps in Cartagena, Colombia, where he is carrying the banner of American good will high. As a Peace Corps volunteer he is giving his life to improving other lives through the establishment of two cooperatives in Cartagena, which are actively working to improve the economy of the city. His story is a real success story and a reminder to all of us that the Peace Corps continues to tap our great national desire to help mankind.

I commend the following article to the Members' attention and I know you will join with me in saluting the good works of an outstanding young American.

The article follows:

[From the Scranton Tribune, Dec. 3, 1976]

CASEY IN COLOMBIA WITH PEACE CORPS

CARTAGENA, COLOMBIA.—Most evenings as the sun sets, Peace Corps volunteer Andrew (Andy) Casey of Scranton, Pa., leaves his office at a local co-op and walks home along the Caribbean Sea. Behind him are the luxury high rise hotels that beckon tourists to this tropical beach resort. But Casey knows the gold coast hides the slums—the poverty and the people who are barely keeping up with spiraling costs.

Casey, 25, a 1973 business graduate of Clarion State College in Clarion, Pa., is one of six Peace Corps volunteers assigned to this historical Spanish colonial city of 270,000 that once served as a major port for shipping out the new world's gold and emeralds. The old walled city still stands with its narrow winding cobblestone streets and overhanging balconies.

Casey's Cartagena is the factory workers of the city and the farmers along the outskirts. Since he came here in January, 1975, he has worked with two cooperatives, one a credit union formed by employes of the local Coca-Cola bottling plant and the other an

agricultural co-op. Cooperatives in this developing South American republic receive a special boost from the government. Particularly among the poor and uneducated they are a means to cheaper loans, lower prices and better equipment.

The first thing Casey did when he started working for the plant workers' co-op was to analyze the accounting system and bring it up to date so that the co-op could provide more low cost loans to its members.

"It's difficult for people to get loans here from banks," says Casey. "The banks charge 20 to 24 per cent interest and you must have a bank account equivalent to more than a month's salary, so that knocks it out for most people. On the street, from loan sharks, interest may be 100 per cent."

The 200 members of the co-op, now eight years old, put in about 50 pesos ($1.50) each month and they can borrow to pay medical bills. * * * Most of the family works to supplement the factory income."

Casey's counterpart is the co-op secretary. He has taught her several statistical methods and different ratios to use to show the liquidity of the operation.

Casey says one of his largest accomplishments is that the co-op has been able to purchase a bus. Many of the buses in Colombia are owned by cooperatives that place them in the public transportation system. "It is giving good returns and has diversified their income source," he notes. "The profits are turned back into loans for members."

For the past year, Casey also has been spending several days a week at an agricultural co-op in the country. This co-op has about 400 members, farmers who grow yucca, yami (a root), rice, corn, mangoes, bananas, oranges and a Colombian variety of plum.

"This was also set up as a credit co-op but the farmers were trying to become a production co-op in order to cut costs and increase their revenues by selling directly to consumers," he says.

The co-op, he explains, had sought a loan five years ago from Catholic Relief Services in order to buy a tractor. "A tractor cuts costs of plowing and clearing by 30 to 50 per cent," he comments. "Otherwise, they have to do everything by hand."

The relief organization turned the loan down because the books were in such disarray. Casey has instituted some new systems and recently the loan came through. With the assistance of another relief group, KASKA, the co-op purchased the tractor which it can now rent to members at low cost.

"I've learned a lot about farming here," he admits wryly. "The closest I came to farming in the United States was passing by in a car. Here we walk three or four miles to see if the land is O.K. to send in the tractor.

"The people at the co-ops don't realize what I've done," says Casey. "It is important for me that I came down here to do something. It is better for them to get the credit. * * *

"The school was 90 per cent complete but needed more money to finish two classrooms. The school means that the children won't have to spend the week living with relatives or friends in Cartagena," he notes.

"I feel good about my work in Colombia," says Casey, who refused to be discouraged by bouts with a kidney stone, a hernia, hepatitis and various intestinal infections. "I've enjoyed learning the language and living in a completely different culture.

"I've learned how nice people have it in the United States. They don't appreciate things. I've seen myself become less dependent on lights, electricity, water and cars."

Casey lived with a Colombian family for his first year, an experience he says he enjoyed very much. Now he rents a room in a local boarding house across from the beach. For entertainment, he visits with Colombian friends.

"I also keep a journal," says the thoughtful young volunteer, his eyes reflecting the brilliance of the Caribbean sky. "From my apartment, I can listen to the waves."

Casey is the son of Dr. Adrian V. Casey of Scranton. The volunteer formerly resided at 520 Clay Ave., in Scranton. He graduated in 1969 from Scranton Central High School and attended Keystone Junior College in La Plume, Pa. Before he joined the Peace Corps, he did some volunteer work with a VISTA paint-in project in Scranton.

In Colombia, 143 Peace Corps volunteers now are working in health, education, agriculture, business and conservation programs. Around the world, nearly 6,000 volunteers and trainees are sharing their skills with the people of 65 developing countries.

The Peace Corps is part of ACTION, the federal agency for volunteer service established in July, 1971 to administer volunteer programs at home and overseas. Mike Balzane is the director of ACTION.

ACTION's domestic programs include Volunteers in Service to America (VISTA), Foster Grandparent Program, Retired Senior Volunteer Program (RSVP), Senior Companion Program and University Year for ACTION.

Persons interested in ACTION programs can call 800-424-8580 toll free for more information.

A CITIZEN'S MESSAGE TO CONGRESS

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mrs. HOLT. Mr. Speaker, I have received a most interesting letter from a constituent who obviously has given a great deal of thought to the energy crisis. Because it is addressed to the whole Congress, I herewith submit it for the RECORD:

A CITIZEN'S MESSAGE TO CONGRESS

O.K., guys and gals, it's time to put the energy crisis in proper perspective and stop blaming one industry—Oil—for everything.

1. Was it the oil industry that "refused" to modernize or build new facilities? No! It was a Government embargo that held that lid on.

Without more and/or better cracking facilities, we could have a trillion gallons of crude per day and still be faced with fuel shortages.

2. Why is divestiture such a hot political issue? Simply because that is exactly what it is—A Political Issue.

I don't really know, or care at the moment, who is trying to further his or her own personal aims. All I do know is that divestiture could be one of the biggest frauds perpetuated on the American people.

In fact, if the oil industry is regulated to the point they can't develop alternate energy sources, who else will do it, or even be able to afford to try? Please don't tell me we'd have another government bureau set-up. That I couldn't take. I'd much rather use the expertise available to us in private industry.

3. Who's bright idea was it, and how long are we to tolerate the costs and unmitigated energy wastes being condoned by stores, etc. operating on a 24 hour per day, 365 days per year basis?

Have any of your bright advisors considered the fact that maybe, just maybe, if we regulated business hours we would cut down some of our energy drain? I fully realize that some businesses must remain open 24 hours a day, but to allow carte blanche operations is sheer stupidity.

4. How do you expect to "have your cake and eat it too" when it comes to the EPA?

I'm all for cleaner air, water, etc., but problems of this magnitude can't be solved in one fell swoop. After all, we sat around for years and years ignoring what was happening. Now, however, you want to perform miracles. Come on, let's start approaching these problems with a little more common sense and a little less panic. In the long run, we'll probably end up reaching our ultimate goals faster than following the current course of action.

5. Are you really concerned that the American people are not strong enough to cope with an energy crisis? Since when have they failed you?

Given the Truth and Nothing But the Truth, I believe our people can and will handle anything thrown their way—good or bad. Come on guys and gals, give them a chance. I think you'll be surprised.

I haven't meant to bore you with this dissertation, but I am trying to force you to stand up and be counted. Let's see whether political position or honest to God people representation is what you are made of. I for one hope that some of you have the guts to admit Government's part in our current energy crisis and start taking action where it is needed—not where it is politically popular to do so.

Yes, I work for the oil industry, but I think I'm sensible too. I can't imagine it was possible for us to have created all the problems we are currently being blamed for.

If we're as bad as we're made to look, are our tax dollars "dirty money" or are we just a convenient scapegoat? I opt to the latter, but I sure am tired of the role.

I challenge each of you to take a long, hard look at yourself and see just who and what you are. Maybe that kind of self analysis would do you and our country a world of good.

By the way, if something isn't done soon, I'll be just another statistic in the unemployment figures. Yep, you're right—my plant just had its natural gas cut off.

MARGARET J. CLARKE,
ODENTON, MD.

THE REGULATORY AGENCY SELF-DESTRUCT ACT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. MIKVA. Mr. Speaker, Government regulation has all too often become a burden to consumers, to working men and women, to American business, and to the economy as a whole. Indiscriminate regulation has fueled inflation, stifled competition, and produced mountains of redtape. In sum, by consistently failing to take consumer, labor, and business interests adequately into account, by fostering higher prices and less competition, and by arbitrarily limiting the operation of the free enterprise system, too many regulatory agencies have poorly served the public interest in disregard of their congressional mandates.

To deal with this dilemma, I am again introducing a bill designed to assure that regulatory policies are equitably enforced and to insure that Government policies and programs benefit the public interest.

This bill calls for the abolition of 10 Federal regulatory agencies as of September 30, 1977, unless these agencies demonstrate to the Congress and the President that their activities have been in the public's best interests. In effect, the act shifts the burden of defending their performance and, more impor-

tantly, of justifying their continued existence to the regulatory agencies. The 94th Congress utilized this "self-destruct" concept when it passed the Agency for Consumer Protection Act. I think we should extend the concept to regulatory agencies currently in existence.

BILL TO ESTABLISH A COMMISSION ON POSTWAR LAND TAKINGS ON GUAM TO ADJUDICATE CERTAIN CLAIMS

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. WON PAT. Mr. Speaker, on behalf of the people of Guam I am pleased to introduce a measure which is designed to achieve a long overdue settlement of all meritorius claims by those persons who were subjected to unfair real property condemnation procedures used by the U.S. Government following the recapture of Guam from the Japanese during World War II.

To this day there remain bitter allegations of unfair practices used by the agents of the United States to acquire land from the civilian population. These practices led to unreasonably low awards as "just compensation" for traditional family homesteads which were the only tangible wealth for many of the residents of Guam.

The bill I introduce today would authorize the establishment of a five-member commission under administration of the U.S. Foreign Claims Commission to review and adjudicate property owners' claims. In order to properly understand the need for such a commission, it is necessary to first look at the history of the federal administration of Guam, and the circumstances under which the land was condemned.

PREWAR GUAM

Guam was captured by the U.S. Navy during the Spanish-American War and ceded to the United States by Spain under the Treaty of Paris, signed in 1898. President McKinley immediately placed Guam under control of the U.S. Navy, and appointed a Navy officer as Governor on January 12, 1899. The people of Guam remained under a benign but autocratic Navy domination until the Japanese captured the island on December 10, 1941. For the next 3 years Guam lived under an oppressive military occupation by the Imperial Army of Japan.

The enemy occupation ended with the recapture of Guam by the U.S. Armed Forces on August 10, 1944, after nearly 3 weeks of heavy fighting. As the Japanese were pushed northward during the combat, the land area behind the lines was secured and the U.S. military started constructing fortifications and military bases in support of the war effort. As a result, family homesteads and privately owned land previously occupied by the Japanese was now occupied by U.S. troops. The entire civilian residents were moved to three or four villages.

The reoccupation of the island by the U.S. military left the war-torn Guamanians with a unique sense of gratitude to returning American forces. Unfortunately, the military did not return the gratitude in kind, but instead used this atmosphere in which they were regarded as conquering heroes to seize large areas of the island in an arbitrary and unjust fashion. As a direct consequence of those land takings, the U.S. Government today occupies almost all of the arable land on Guam for defense bases, and its total ownership rose to 36 percent of the total available area. Since Guam is only 225 square miles in total, the Federal presence is no small matter, particularly since their holdings constitute some of our finest lands including our only fresh water reservoir, our harbor, our finest beaches, and most of the northern third of the island.

NO PROCEDURAL SAFEGUARDS

The purpose of the bill I am introducing today is not to contest the legal right of the United States to acquire most of the best land in Guam, for that right is clear. Rather, the purpose of this bill is to correct the lamentable and inexcusable manner in which the United States acquired most of the land. For years following the recapture of Guam, the negotiators violated the adherence to due process of law in the condemnation procedures, much less observed even the most rudimentary sense of fair play. The land takings were negotiated by the Navy employees, and the price to be paid for the land, if a hearing was held, was determined by the courts set up by the naval government and staffed by officers and men under Navy command. This cozy arrangement continued for 6 years. Although an independent Federal court was established in 1950, landowners on Guam were still not permitted to have fair market value determined by a jury until after 1957, when the first civil jury trial took place on Guam.

Without the traditional legal safeguards that are so taken for granted by citizens of the States of the Union, there exist opportunities for zealous agents of the United States to violate every right of the landowner in the name of "efficiency" or "national defense." Shortly after large tracts of land on Guam became occupied by U.S. military forces, their representatives began contacting landowners to initiate land acquisition. Condemnation proceedings were often announced during the first meeting between landowners and military negotiators. Landowners were told that their land had been condemned, and were induced by false promises and sometimes threats, to sign transfer papers containing a rate of compensation fixed by the military. The promises included future rights to receive land in exchange for the land being taken; some were promised the return of their land when the war ended, and assurances that the landowners would be able to purchase additional land at a reduced price from the Navy at some later date. In some instances, landowners were told that their land was going to be used for a short period of time only, and when the military no longer needed the land, they would regain possession. Of course, these promises, even those made in good faith, were never fulfilled. Thus individuals who were without counsel and who were in many instances, illiterate, signed transfer papers fully believing they were only renting their lands or exchanging them for other land.

THREATS USED

Threats were employed if landowners refused to sign the transfer papers. Civilian landowners were threatened with losing their jobs, which, at that time, were scarce. Several landowners were presented with the "alternative" of incarceration. A Guamanian member of the naval reserve, Ciriaco C. Sanchez, was told he would be court martialed if he did not agree to the taking of his land at a fixed rate. Pascual Artero, father of the owners of record in one case, was threatened with deportation to Spain. Mr. Jose Peredo was told that if he did not sign transfer papers, his land would be taken without compensation. Mr. Peredo owned slightly more than 4 hectares of land in Barrigada, Guam, for which he was paid $2,525 by the military on September 5, 1951. His neighbor Mr. Vincente Borja, refused to transfer his land even when threatened. This unwillingness to allow his rights to be disregarded resulted in his receivng $90,000 in 1965 for his approximately 4 hectares.

ARTIFICIAL DEPRESSANTS ON LAND VALUES

In addition to a history of overreaching and fraudulent inducement into accepting the low condemnation awards fixed by the military, even those landowners of Guam whose land was acquired without the use of questionable tactics suffered from piteously low awards, because of the difficulty in assessing reasonable fair market values for the properties.

Historically, plots of land were often farmed by all the members of the family, and were handed down within the family during succeeding generations. When this informal transaction took place, a token price was charged. Thus, there were few "arms' length" real estate conveyances upon which the United States could base realistic appraisals. There were no civilian appraisers available to assist the landowners with estimates of fair market value that could be offered as alternatives to the values picked by the military. The military appraisers were using the 1942 tax rolls for their basis for determining fair market value. However, the whole island had been occupied by the Japanese since the beginning of the war, and prior to the war there was little activity that would establish a real estate market as we know it in the States.

Of course, the fair market value of the properties acquired by the United States immediately after the recapture of the island were artificially depressed by the postcombat conditions that prevailed. But the existence of several Navy orders created a more subtle market depressing effect which was more insidious, because it was less discernible. For example, the Navy had longstanding orders on Guam that the consent of the military Governor was necessary before land could be transferred, and that non-Guamians were prohibited from buying land on Guam or leasing land for over 5 years. Of pervasive impact in the postwar period in Guam, however, was the establishment by Executive Order No. 8683 of the Guam Island Naval Defensive Sea Area and the Guam Island

Naval Airspace Reservation in February 1941. This order allowed for the imposition of a security clearance program which prevented foreign or U.S. investors from entering Guam or conducting land development businesses on the island until August 23, 1962. Not only has no satisfactory justification ever been made for continuance of the security clearance requirement after the war, but even the legality of the security clearance requirement has been challenged by W. Scott Barrett and Walter S. Ferenz, in "Peacetime Martial Law in Guam," 48 California Law Review March 1960.

Although the proper time for appeal of these inequities has long since passed, the inequities, and the intense resentment of the tactics and valuations used by the United States, remain. Clearly, the United States is no longer legally liable for correcting the injustices that occurred so many years ago. But the moral duty to correct past unfairnesses can no longer be ignored.

This is not the first time this issue has been brought to the attention of the Federal Government. The circumstances surrounding the acquisition of privately owned land by the military were first reported in November 1949, to the House Subcommittee on Public Lands, which at that time was conducting public hearings on Guam on the proposed Organic Act. Almost all the Guamanians who presented testimonies before the subcommittee pleaded for the return of land not being fully utilized by the Federal Government. No relief, however, was forthcoming.

On January 18, 1971, the Guam Legislature adopted Resolution No. 6 "respectfully requesting and memorializing the Congress of the United States to establish a commission to reopen and reexamine the process whereby the Federal Government obtained title to one-third of the Territory of Guam with a view to determine whether the people whose land was so acquired were properly compensated for their loss."

A subsequent Resolution No. 53 of the 11th Guam Legislature adopted April 5, 1971, created a Special Committee on Federal Problems. The committee established an office in Agana for the purpose of conducting an investigation into the conditions surrounding the original condemnation and taking of nearly one-third of the island by the U.S. Government through the agency of the Department of the Navy.

The fruit of this investigation, presented in a committee report entitled "Postwar Land Takings on Guam," was the first systematic and organized attempt to document what had been long known to citizens of Guam and outside observers: That grave inequities had been visited upon a large number of Guamanian landholders as a result of inadequate and arbitrary legal procedures and evaluation practices followed by the U.S. Government. Over 200 former landowners or their lineal descendants were interviewed, and their testimony provided ample and dramatic proof of the many instances of injustice that had occurred.

With the findings of the report, I then served as Guam's Representative in Washington, pressed for introduction during the 92d Congress of a bill, H.R. 5440, which sought to provide a judicial review for the affected former landowners. On September 14, 1972, the House Subcommittee on Territorial and Insular Affairs, chaired by Congressman PHILLIP BURTON, held preliminary hearings on the bill. Representing the citizens of Guam were myself, accompanied by then Senators Joaquin Perez and Pedro Perez, of the 11th Guam Legislature, and Mr. B. J. Bordallo, a landowner, who appeared as a private citizen.

The sympathy and understanding of the members of the subcommittee were clearly apparent during the hearings, but it was concluded that further documentation and statistical analysis would be desirable. The bill reposed in the subcommittee without further action during the 92d Congress.

During the past two Congresses, as a Member of Congress representing Guam, I introduced legislation which would have attempted a remedy for these past wrongs by means of creating a cause of action in the District Court of Guam for those contesting the fairness of the real property settlements by the Federal Government. Thanks to the understanding and generosity of Representative PHILLIP BURTON, then chairman of the House Subcommittee on Territorial Affairs, I was able to chair a field hearing in Guam on this legislation in April of 1974.

After much discussion with my constituents, my distinguished colleagues, and the administration, several serious drawbacks appeared in attempts to use the district court as the forum for adjudicating the many claims of injustice. The volume of the claims, numbering at least 200, would have swamped the docket of the District Court of Guam. Claimants faced the prospect of being involved in many years of wasteful litigation. Moreover, there was concern that much of the revised condemnation awards would be lost to attorneys' fees. Also, there were serious technical difficulties with the bills, such as the problem of evidence. As many of the primary parties to the original transactions would be unavailable to serve as witnesses, some degree of relaxation of the Federal rules of evidence would have been necessary to allow hearsay to be admitted during the proceedings.

In light of the above disadvantages of trying to address the wrongs in U.S. condemnations in the postwar period by using the elaborate mechanism of the District Court of Guam, it is clear that a superior solution would be the adjudication of the claims by a commission, which could make use of all available evidence in reaching its determinations. Moreover, the relative informality of a commission format would reduce the need for large attorneys' fees.

The measure I am introducing today would establish a Commission on Postwar Land Takings on Guam, which would adjudicate all claims arising from the acquisition of land by the United States on Guam between July 21, 1944, and August 23, 1963, the first anniversary of the expiration of the controversial "security clearance" requirement. The Commission shall be composed of five members, and shall be placed under the control and direction of the Chairman of the Foreign Claims Settlement Commission of the United States. Two of the members of the Commission shall be appointed from among individuals nominated by the Governor of Guam.

The Commission on Postwar Land Takings on Guam shall thoroughly review all claims and determine amounts of compensation where required. If dissatisfied with the result of the Commission's initial determination, the claimants shall be entitled to a hearing before the Commission or its representatives, at which all available evidence relating to the claim will be heard. If desired, an attorney may assist the claimant during the hearing.

Upon such hearing, the Commission will make a final determination with respect to the claim. This determination of the merits of the claim shall be final and conclusive, and shall not be subject to review by any agency of the United States or any court, thus not crowding the docket of the District Court of Guam.

I am confident that the legislation I am introducing today establishes the fairest and most efficient means of evaluating each claim and reaching a final determination in a reasonable period of time. I urge the support of all my distinguished colleagues for this important attempt to rectify the past injustices wrought by the United States.

TRIBUTE TO TONY MESA

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. SEBELIUS. Mr. Speaker, each time I hear someone say, "One person can't make a difference," I think of Tony Mesa of Garden City, Kans. who proved that one man can.

Tony was born in Mexico and moved to Garden City when he was just 4 years old. He spend his childhood during times which were not friendy for immigrant workers.

When World War II came, Tony proudly served his country and like most veterans returned with the idea that the world would be a better place for everyone. However, he found that nothing much had changed on the home front, the old prejudices were still there.

Not one to sit idly by, Tony set out to change everything he could by winning the respect of his fellow Kansans. He worked hard in community affairs, raised a family of eight children and slowly broke down the barriers for Mexican-Americans.

Tony worked within the system and became active in political affairs, locally and nationally. He started at the grassroots and became a precinct committeeman. Then in 1972, he was a Presidential Elector and last year was a delegate to the GOP National Convention.

Tony died recently and those who knew him have suffered a great loss. However, Tony left a great legacy which I hope will be an inspiration to us all.

His home town newspaper, the Garden City Telegram, honored him in an edi-

torial and a special column which I would like to share with my colleagues:

TONY MESA

The Kansas state motto, ad astra per aspera, would be a fitting epitaph for Tony Mesa, a man who knew the meaning of adversity.

He earned success the hard way, overcoming deprivation and prejudice as a young man to make a name for himself in the community that was his home for 56 years.

Success in the dog-eat-dog business world was an achievement in itself for the one-time alien sugar beet worker, but Mesa was prouder of his success in the field of human rights.

He championed the cause of his people and helped break down segregation barriers in Garden City.

Mesa and other returning Mexican-American veterans of World War 2 were dismayed to see that nothing had changed in Garden City. Mexican-Americans still weren't allowed in some restaurants, they still couldn't swim in the city's pool, and they were still humiliated by segregation in the local theater. Mesa helped form the Latin-American Club in 1946 with the avowed purpose of changing things in Garden City.

Mesa and his club members took the problems of Mexican-Americans to local businessmen, the city commission and theater management. They succeeded in getting the barriers dropped.

But the battle wasn't over. Discrimination in employment, housing and education, however subtle, persisted and Mesa always managed to be in the forefront in seeking improved conditions for Mexican-Americans and other minorities.

Mesa will be remembered for his tireless crusade to make life better for his fellow Mexican-Americans. But it should not be forgotten that his effort fostered better understanding and made the community a better place to live for all the people.

THE DISTAFF SIDE

(By d. h.)

The United States of America lost a great citizen last week.

Tony Mesa, who was not born in this country, was acutely aware of the rights and privileges and the duties and responsibilities of a U.S. citizen, and his actions reflected this awareness.

Last August, Tony was a delegate to the Republican National Convention in Kansas City, a climax of sorts to his many years of work for the GOP.

One day in the fall he talked to fifth and sixth graders at Buffalo Jones Elementary School about his experiences at the convention and about politics in general and the presidency of the U.S. in particular.

A student asked him if he'd like to be president. Tony smiled and said he might if he were younger but that he thought his time for that kind of goal had passed. He was quick to assure his youthful listeners that it was something each of them should think about.

Tony's accomplishments, in his 61 years, were remarkable by anyone's standards of success. Coming from where he started, he went a long, long way. His native intelligence and savvy and ambition might have taken him a lot further had his priorities not been headed by a strong sense of obligation to others . . . a priority that took precedence over any personal ambitions.

He was committed first of all, as often is the case with immigrant citizens, to his family. To begin with he came back to Garden City from California when his father died to help his mother raise his brothers and sisters. The third eldest, he assumed a command in the family that was never questioned. And then he raised a large family of his own.

Tony's sense of obligation went beyond the big family circle to include his brothers and sisters of national origin. When Tony's phone rang, it was often trouble. Someone else's trouble. Tony didn't ask a lot of questions before he helped the one in trouble and he didn't talk about it after.

"No one will ever know how many people Tony helped," a close relative told us one day last week. "And they weren't all Mexicans by any means. They were white and black, whatever. Skin color didn't mean that much to Tony."

Tony was never a phony. He was honest, and he saw through and beyond many with whom he associated. He knew what he had to do and how to do it. He never claimed to be perfect himself and didn't expect anyone else to be and therefore he was compassionate. Above all he believed in this country and in all that it has to offer.

The hundreds who attended Tony's funeral a week ago today—people of all ages, nationalities and walks of life—were evidence of his place in this community. "The Battle Hymn of the Republic," played at the end of the service, was a farewell to a good man and great citizen.

CONGRESS SHOULD REJECT PAY RAISE

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. KASTEN. Mr. Speaker, I am today introducing a resolution to disapprove the President's proposed pay increases for key Government officials, including Members of Congress.

I am introducing this resolution for two reasons. First, it is the only vehicle open to those of us who believe there should be a recorded vote on the issue. Second, I simply cannot justify such an exorbitant increase in pay at a time when we are demanding sacrifices on the part of the American people.

The House Ad Hoc Subcommittee on Pay Raises is holding hearings today on the subject of the salary increases. I have submitted a statement to the committee which I would like to have inserted in the RECORD following these remarks.

I urge the House to promptly consider my resolution of disapproval. It would put the House on public record on a subject where every citizen has a right to know the position of his elected representative.

The statement follows:

TESTIMONY OF ROBERT W. KASTEN, JR.

Mr. Chairman, I am pleased to have this opportunity to submit testimony to this special committee on the issue of pay raises for Members of Congress.

No Member of Congress will deny the gravity and importance of many of the issues that will come before us during the next two years. Many of these decisions will not be easy, for they will require sacrifices on the part of the American people.

As never before in our history, we will need to forge a working partnership with our constituents to make the sacrifices bearable and to insure the success of badly needed reforms. To achieve that partnership, we must have the respect and support of the people. It is important, therefore, that we start on the right foot.

I can think of no more foolish beginning than to approve the current pay raise proposed for Members of Congress. It is an affront to our constituents. We ask them to sacrifice while we realize a 29% increase in pay. To compound the insult, the procedure for increasing salaries has been shrewdly devised so that no Member need record his vote on the merits of the raise. Instead, without Congressional action to disapprove the pay raise, it automatically goes into effect. Such a procedure makes a mockery of any talk of restoring trust in government.

The salary recommendations proposed by the Commission on Executive, Legislative and Judicial Salaries, as modified by the President, are not entirely without foundation. There is some legitimate reason for concern that salaries in top government positions are not sufficient to attract quality talent from private industry. As a result of frozen pay schedules, a number of federal judges have left the bench in recent years to return to private law practice. That trend must be reversed if we are to retain the best legal talent in the nation's judgeships.

This is not the time to allow increases of the magnitude proposed, particularly for Members of Congress. The sacrifices we will be asking of the American people during the coming months will be great. We have asked them to conserve energy and pay higher prices for that which they do use. We have asked them to tolerate high taxes, to live with high inflation and tolerate an exorbitant national debt. We have asked them to increase productivity while accepting lower wage increases. We cannot in good conscience ask less of ourselves.

And, we cannot deny that we are talking about a substantial increase in pay. A Member of Congress now earns $44,600 per year. This proposal would raise the salary to $57,500, an increase of $12,900. Mr. Chairman, the median family income in this country is $13,719, nearly equal to the pay raise we will gain if this Committee refuses to report a Resolution of Disapproval to the House floor.

Lastly, I most strongly object to the procedure by which these pay raises are implemented. It allows a Member of Congress to "duck the issue." While preaching fiscal responsibility to his constituents, he can conceal his position on a pay raise. If a Member can justify in his own mind and to his constituents that he is deserving of a $13,000 pay increase, he should vote and be on record. We should not permit him to avoid the issue and still reap the benefits of the increase.

Those supporting the pay raise have tied it to establishment of a Congressional Code of Ethics. It seems to me that the foremost principle in such a Code is to be open with the people we represent. How can we be open and allow a pay raise without being on public record? It is an inconsistency which the American people will see through quickly. It destroys our credibility and tarnishes the lofty goals we seek to achieve.

I urge the Committee to act this week to report my Resolution of Disapproval to the floor so that we can have a vote on the issue before the Recess. It is the perfect time to make our individual decisions and to return home to explain our vote to the people we represent.

POLLUTERS MUST PAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. ANDERSON of California. Mr. Speaker, in last Friday's Washington Post, the newspaper ran an editorial

entitled "Paying the Costs of Kepone." The first sentence read: "Pollution doesn't pay; polluters do."

The polluter in the illegal dumping of Kepone into Virginia's James River was the Allied Chemical Co. The fine imposed by Judge Robert R. Merhige in this case was $13.2 million.

The theme, however, that polluters should bear at least part of the cleanup costs of a pollution incident is the philosophy behind a bill I cosponsored called the Comprehensive Oil Pollution Liability and Compensation Act of 1977.

The proposal seeks to establish a comprehensive law governing oil pollution liability and compensation after a spill. In other words, we want to determine who pays, how much, and to whom.

Under the "Findings and Policy" section—section 101—of H.R. 2364, one paragraph reads; "existing law with respect to liability and compensation for oil pollution removal costs and other damages is inconsistent, inadequate, incomplete, inefficient, and inequitable."

Considering the damage oil pollution has wrecked on our environment, this Congress must legislate a comprehensive law governing liability and compensation after an oil mishap.

The following is the editorial referred to:

[From the Washington Post, Feb. 4, 1977]

PAYING THE COSTS OF KEPONE

Pollution doesn't pay; polluters do. That is the first point U.S. District Judge Robert R. Merhige wanted to emphasize last fall when he fined the Allied Chemical Company the whopping sum of $13.2 million for illegally dumping Kepone and other chemicals into the James River. The message has not been diluted by Judge Merhige's reduction of the fine to $5 million in return for Allied's donation of $8 million to a new Virginia environmental fund.

It is true that Allied will save a few million this way because the contribution, unlike a fine, is tax-deductible. Even so, the company has now paid the largest criminal penalty ever levied in a federal pollution case. Beyond that, Allied has financed some medical research and cleaning-up in Hopewell, has paid damages of undisclosed amounts to victims of Kepone poisoning—and still faces large civil suits filed by the state and James River watermen. All in all, Kepone's costs to the company—not to mention the human and environmental harm—should be sobering to any corporation that still regards pollutions as a nickel-and-dime affair.

This week's events also bolstered Judge Merhige's second point: that polluters should bear at least part of the cost of cleaning up. The judge said last fall that he lacked authority to order Allied to pay part of its fine into a fund for combatting Kepone-related problems. He has achieved about the same thing by forceful persuasion—and the result should be far more beneficial to Virginia than paying the full $13.2 million into the federal treasury. Because the fund will be run by an independent board of citizens, including Attorney William B. Cummings of Alexandria, there seems to be little danger of it being used for Kepone clean-up work that Allied should finance. Instead, the fund can supplement state and federal efforts to deal with the Kepone catastrophe, and can also help to relieve other major environmental problems in the state. It is a creative, appropriate approach—the one plus, perhaps, that has come out of the whole sad Kepone experience.

COMPLEX FORMS: PROBLEMS TO OLDER TAXPAYERS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BRADEMAS. Mr. Speaker, I am pleased to bring to the attention of my colleagues a timely and informative article dealing with the 1976 Tax Reform Act and its effect on senior citizens.

The article, entitled, "Complex Forms: Problems to Older Taxpayers," was published recently in People and Taxes, a public interest newsletter focusing on tax issues, issued monthly by the Tax Reform Research Group, Inc.

The article, which describes the difficulties older Americans have in understanding the tax code as it applies to them, how they may benefit from it, and where to go for competent, inexpensive and/or free assistance in filing their forms, recommends several publications and programs which specialize in assisting senior citizens with their income tax problems.

In addition, the article contains useful information on several provisions of the 1976 tax amendments which are important to elderly taxpayers and which could result, in some cases, in reduced taxes.

Mr. Speaker, I insert this article at this point in the RECORD:

[From People & Taxes, January/February 1977]

COMPLEX FORMS: PROBLEMS TO OLDER TAXPAYERS

(By Richard Halberstein)

On August 27 the House-Senate Conference Committee for the 1976 Tax Reform Act eliminated a Senate amendment to spend $2 million to help elderly taxpayers meet their filing requirements. The same day, the conferees also agreed to liberalize tax treatment for owners of historic structures. It might be unfair to conclude that Congress thinks more of older buildings than older taxpayers. But the failure to pass the $2 million assistance provisions does show insensitivity to the needs of older citizens at tax time, and delays for at least another tax season the possibility of making it as simple and pleasant as possible for them to file their returns.

The provision mentioned would have authorized IRS to assist private volunteer organizations to train tax consultants for the elderly. The agency also would have hired retirees to work in programs for older taxpayers and would have reimbursed expenses of volunteers doing similar work. Most importantly, the amendment would have resulted in greater publicity for tax provisions of particular interest to the elderly. The lack of adequate publicity and education about available tax saving provisions and about free tax assistance services is a serious handicap to older citizens.

The annual ordeal of preparing tax returns will be more complicated for everyone this year because of several retroactive (often tax-saving) changes in the 1976 Act. The "short form" is longer, and commercial preparers are predicting a 20% increase in business. Older taxpayers, especially those with fixed lower incomes, generally have more intricate and confusing tax situations anyway. Thus they will be seriously affected by these changes. As usual, older persons will have difficulty determining whether they must file at all, or whether any of the new provisions apply to them.

Many older persons were unaware of the old retirement income credit, and it is a safe presumption that many who qualify will not know about the new elderly credit for 1976 (new schedules R and RP). Most older persons with pension, disability or survivor's annuity incomes do not understand how the tax laws apply to them or the forms for reporting such income. Relatively few persons last year knew about the "earned income credit," or the "personal exemptions credit," and predictably very few retirees will be aware of the new rules for taxation of "sick pay," or disability payments or gains from sales of personal residences. And for some reason, too many older taxpayers believe that no income is taxable after age 72.

A congressional committee concluded a few years ago that as many as half of all older Americans overpay their federal taxes because they are unaware of taxsaving provisions, do not know where to seek competent inexpensive or free help, or both.

As a partial answer to this problem, the Senate Special Committee on Aging issues a pamphlet entitled "Protecting Older Americans Against Overpayment of Income Taxes." This is a checklist of deductions, exemptions and credits that may be available to the elderly. Copies are available free to anyone sending a return mailing label to the committee at Rm. 225, the Dirksen Senate Office Building, Washington, D.C. 20510.

But a checklist, while helpful, is not the answer. The IRS needs to make special efforts to inform elderly taxpayers of the programs available nationally and locally to provide free tax assistance.

One operation which should get greater attention—and be modified for the benefit of the elderly—is the IRS taxpayer assistance program. This program is intended to provide free help to people preparing their own tax returns, but it is not intended to be a complete tax preparation service. Each year journalists and congressional staffs create embarrassment for the IRS by asking the same tax question of several taxpayer assistance offices and report receiving several different (often conflicting) replies. Error rates, telephone delays, and incompetence met in the program have been mentioned frequently in the press and by the House Ways and Means Oversight Subcommittee. This particular program, as it stands now, is not much help to older poorer taxpayers.

The IRS does issue an annual pamphlet (Publication 554, "Tax Benefits for Older Americans") available from any local IRS office, which contains information useful for the elderly. IRS would greatly improve its treatment of older taxpayers if it offered them a return preparation service and made a greater effort to furnish copies of Publication 554 to all older persons who could use it, not just those who ask for it.

Older persons cannot be expected to wait for long periods in an IRS office, and often find it hard to arrange transportation. IRS could provide special appointments for them at locations which might be more convenient for example. So far the attitude of IRS (concurred in by the General Accounting Office which examined the assistance program last year) is that IRS should not attempt to compete with the many existing tax preparation services.

Another program which needs greater publicity and attention is Volunteer Income Tax Assistance (VITA), operated through the IRS to provide training and services to local volunteer organizations. According to an IRS official, this year's VITA program will emphasize training volunteers to assist the elderly with tax problems, and will utilize local newspapers and other media to publicize locations and times for assistance. Information about VITA is available from local IRS offices, or from VITA, 1111 Constitution Ave., N.W., IRS Building, Washington, D.C. 20005.

A program which is receiving more attention each year is the nationwide "Tax Aide" project operated by the American Association of Retired Persons and another organization, the National Retired Teachers Association.

Tax Aide started modestly nine years ago with four counsellors helping 75 elderly taxpayers in Washington. Last year, AARP estimates, more than 300,000 persons were given help with their forms by over 5,000 counsellors in 1,200 cities and towns. The phenomenal growth of Tax Aide alone shows the crying need of older persons for assistance on tax returns.

Tax Aide publishes an excellent easy-to-read pamphlet called "Your Retirement Income Tax Guide" which discusses filing requirements, how to seek outside help with taxes, and recent relevant law changes. (For information about the program or the pamphlet, write Tax Aide, 1909 K Street, N.W., Washington, D.C. 20049).

The tax problems of the elderly obviously center more on getting the annual task accomplished than on particular provisions of law. The Federal Council on Aging (an independent government advisory body) recently completed a study concerning the problems facing older taxpayers. The Council concluded that federal tax law properly favors taxpayers over 65 compared with others because of the different daily living situations faced by the elderly, especially those on fixed incomes. Yet, it seems obvious the elderly still need much more from Congress and the IRS, not in the form of further tax reductions or gimmicks, but information, education and assistance in utilizing present law fully.

In this writer's view, the following suggestions should be considered immediately by Congress and the IRS:

IRS should modify its taxpayer assistance program to provide complete tax services for all older taxpayers, including special locations and service by appointment. Congress should enact rules for omission of penalties and interest whenever older taxpayers make appointments before the filing date, regardless of when IRS finally can provide personnel to assist them;

IRS should change its VITA program to give first priority to training volunteers (preferably qualified retirees) who seek to assist older taxpayers;

Taxpayers over 65 (or where one spouse is over 65) should be permitted to file their tax returns as late as June 15th in order to avoid the problems of seeking and obtaining help during the peak period before April 15, especially where inclement weather prevails during the tax season. In such cases interest on any amounts due would be calculated at the regular rate from April 15th; and

The older taxpayers' assistance program rejected by the Conference Committee last year should be enacted, thus providing greater information to older taxpayers through the media, and increased IRS participation in training and funding local volunteer organizations assisting older taxpayers.

1976 TAX ACT WILL AFFECT SENIOR CITIZENS

The Tax Reform Act of 1976 contains several important changes effective this year. Several provisions are of particular importance to older taxpayers, and may result in reduced taxes.

CREDIT FOR DEPENDENT CARE

For 1976, taxpayers whose household contains a child under 15 or a spouse or other "dependent" incapable of self-care, may qualify for a credit of 20% of the expenses of caring for such person (up to stated maximums). These expenses must have been paid so that the taxpayer could work full or part time. A tax credit is a direct subtraction from taxes, whether or not the taxpayer itemizes other personal expenses as deductions. More information is available from IRS Publications 503, which is free, from the instructions accompanying IRS Form 2441.

PERSONAL EXEMPTION CREDIT

For 1976, taxpayers of all ages are entitled to a tax credit equal to $35 for each "exemption" indicated on line 6(d) of this year's tax forms (taxpayer, spouse, and all dependents, but not including special "exemptions" for age or blindness), or 2% of taxable income (line 47 of Form 1040, or line 15 of Form 1040A) but not more than $180, or $90, if married and filing separately. This provides increased tax savings over last year's credit.

CREDIT FOR THE ELDERLY

For 1976, the old "retirement income credit" has been replaced by a simpler and more liberal credit for the elderly. Taxpayers over 65 (or under 65 if retired under a public system) may be able to reduce taxes by as much as $375 if single, or $562.50 if married. This credit is reduced by any exempt social security or other exempt retirement income, and is phased out as the taxpayer's income begins to increase over $7,500 for singles, or $10,000 for married couples. Computation for this credit is still complicated though the credit is more equitable for older persons. More information is available from IRS Publication 524, free, and IRS's new Form R and accompanying instructions (Form RP for persons under 65 on a public retirement system is on the back of Form R).

"SICK PAY" AND DISABILITY

Under prior law, employees and disabled retirees (still under the age of normal retirement) were able in certain circumstances to exclude up to $100 per week from sick pay or disability annuity payments. In light of the new expanded tax credit for the elderly (above) the sick pay or disability exclusion for those over 65—even if totally disabled—has been repealed effective for 1976. Many older taxpayers who previously qualified for up to a $5,200 exclusion ($100 each week), may find that their tax liability is greater than expected for 1976, and that withholding taxes taken out during the year are not sufficient to cover such liability.

A LOW BUDGET GUIDE TO DEVELOPING NEIGHBORHOOD OPEN SPACE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. KOCH. Mr. Speaker, a sense of community is a growing source of strength and proserity for many neighborhoods in New York City. Through a spirit of self-help and pride in New York City, citizens have organized and developed a variety of projects. Residents have gotten things done by forming block associations. With city services decreasing and urban problems increasing, people have come to realize that the quality of life of their neighborhoods really depend on their own efforts.

One way of improving a community is through the development of vest pocket parks and community gardens. Since coming to Congress in 1969, I have worked with community groups in my congressional district in clearing idle land and putting it to use at relatively little cost to local residents.

In this report I would like to outline some of the resources now available to block associations and community groups in developing open spaces in our city.

A new Federal urban gardening program has been established which will provide support and assistance to organizations in setting up local community gardens. The urban gardening program is funded by the Department of Agriculture through legislation sponsored by Congressman FRED RICHMOND of Brooklyn.

The program's goal, according to Federal guidelines, is "to develop and improve urban gardening for food production, preservation, and utilization, to result in improved nutrition." Urban gardening specialists, including a horticulture specialist, a nutritionist, and a program information specialist provided by Cornell University are available.

Interested groups should contact Mr. Albert Harris, New York City Gardening program leader, with a brief description of their gardening proposal, including the location which could be an area such as a vacant lot, rooftop, family garden, or block association garden. For further information, and to apply, write to:

Mr. Albert Harris, Program Leader, Cornell University, Cooperative Extension, New York City Gardening Program, 30 Third Avenue, Room 618, Brooklyn, New York 11217.

A wide variety of services are available to community groups interested in developing open spaces through the following organizations:

Council on the Environment, 51 Chambers Street, Room 228, New York, New York 10007. Phone 566-0990.

Open Space Planning Workshop—A "how to" turn a vacant lot into an attractive area.

Garden Tool and Book Lending Library—lends tools to groups.

CENYC's Information Service—distributes fact sheets on specific subjects, including neighborhood evaluation, composting, soil preparation, planting, tools, and weeds.

The Parks Council, 80 Central Park West, New York, New York 10023. Phone 799-6000.

General information on indoor and outdoor gardening, including planting and maintaining trees, shrubs, and bulbs.

Street care advice.

"How to" advice on the acquisition and development of lots.

Reference Library.

Publications: Tree Tips, available on request. Tree Table, 10¢ per copy.

The Horticultural Society of New York, 128 West 58th Street, New York New York 10019. Phone 757-0915.

Day, Evening, and Weekend Courses in horticulture. A brochure is available upon request.

Directory of community gardens in NYC.

Events are held regularly, including lectures, flower shows, exhibitions, horticultural expeditions, circulating library, and joint programs with botanical gardens.

The New York Botanical Garden, Bronx, New York 10458. Phone 220-8700.

Plant information is available by telephone (220-8734) from 10-12 AM and 1-2:30 PM, or in writing.

Research and resource library is open to the public Monday through Saturday, from 11 AM to 4 PM.

Courses in gardening are offered and scholarships are available to qualified representatives of community and social service organizations (call 220-8747 for information).

Technical assistance and site visits are available.

Green Guerillas, P.O. Box 673, Canal Street Station, New York, New York 10013.

Printed material is available on how to start a community open space project ($2.00).

Research sheets on topics such as composting, weeds, etc.

Consultation on organization, horticultural problems, and design plan are available.

Brooklyn Botanic Garden, 1000 Washington Avenue, Brooklyn, New York 11225. Phone 622-4433.

Assistance on title search in order to obtain permission to use vacant land.

On-site consultation.

Courses in horticulture.

Again, the above list is a brief and general description of the kind of services available through these groups. A more complete description and information on each organization can be obtained directly through the organization. Memberships are available, and discounts are generally granted to members. All of the groups are eager to accept volunteers to work with them. This list is by no means complete, and my office would welcome information on additional groups. My office and I are continually ready to work directly with community groups interested in undertaking an open space project.

TV VIOLENCE: CBS PROGRAM IS "WORST EVER"

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. MURPHY of New York. Mr. Speaker, the CBS television network has recently taken up where the ABC network left off in a totally tasteless, senseless and ridiculous broadcast of what the Washington Post rightly characterized as "the worst TV program ever": Evel Knievel's Death Defiers. The events which took place in American living rooms through the facilities of the CBS network defy rational explanation; there is no acceptable reason for attempting to publicly dismember oneself, and even less reason to spend millions of dollars to bring this grisly circus to the television-viewing public.

Public outrage has been unanimous; every responsible newspaper reviewer took note of the asininity of the program, and thousands of citizens took the unprecedented action of phoning their television stations and the Federal Communications Commission to demand legal action against the network.

Mr. Speaker, the Communications Subcommittee which has jurisdiction over the broadcasting industry has scheduled hearings on March 2, 1977, on the topic of violence and obscenity on television. In this particular instance, I find the program in question to be so senselessly violent as to be obscene. As ranking majority member of the Communications Subcommittee, I shall take the case against this, and similar programing, before the proper congressional forum. The FCC refuses to act, and the networks continue to program such material in spite of their claims of the public benefits of self-regulation.

Over the past few years, I have made repeated attempts to keep ABC from broadcasting Knievel's attempts at self-destruction. Each time, my legislation failed, and the result has been, following each jump, a predictably large increase in admissions to hospital emergency rooms of broken bodies of children, maimed and paralyzed for life in emulation of the performance of Knievel's deathwish.

The response from the industry has been the same each time: in effect, "leave us alone; its our first amendment right to broadcast whatever we wish." And the response from the Federal Communications Commission has been equally predictable: FCC Chairman Wiley continues to plea a total inability by the Commission to regulate, as the Communications Act compels them to, "in the public interest." Mr. Wiley continues in his naive belief that the industry will somehow regulate itself.

The industry, however, has graphically demonstrated its gross inability to act in the public interest. It is now time for the Congress to act.

I include the following:

FEBRUARY 1, 1977.

Mr. BARRY FRANK,
President, CBS Sports,
New York, N.Y.

DEAR MR. FRANK: Last night's display of incredibly pointless violence on "Evel Knievel's Death Defiers" defies any attempt at rational explanation. The circus atmosphere surrounding the presentation of a half-dozen madmen intent on self-destruction violated every imaginable tenet of responsible broadcasting and simple good taste. It is almost beyond comprehension that a normally sensible purveyor of public programming such as CBS could, in one brief program, gather so much insanity and stupidity into a single presentation.

The incidents at issue are almost too many to list, and the manner of their presentation by CBS flaunts your mandate, by the Communications Act of 1934, to program "in the public interest." What possible benefit could ever be derived by any impressionable child—or adult—by watching:

Orville Kisselburg blow himself up with four sticks of dynamite ("when two would destroy a car" according to the commentator). He admits to a 50% loss of hearing since doing this act, and we are treated to an instant replay of his lunacy, touching off the dynamite with a battery while dressed only in a tuxedo.

Jumpin' Joe Gerlack's "sponge plunge" from an 84-foot high platform into a 3-foot thick foam pad, after intentionally abandoning his only safety gear, a helmet, and again, an instant replay in which "I almost missed . . . that was a class one . . ."

David Merrifield's helicopter trapeze act, in which he "does what a man has to do; right or wrong, foolish or not, he just has to do it. It's just like he was taking a walk in the park . . ." (per Ms. St. John).

Ron Phillips' snowmobile jump, after which, although he has "sprained (his) back, he's alright—he's walking".

Karl Wallenda, the only legitimate circus act, who admits his age of 72 has brought him poor eyesight and reflexes to reduce his chances of success.

And, of course, Evel himself, whom we discover is not to be present due to injuries sustained during rehearsal . . . which we view no less than three times through the magic of television.

While the above litany of lunacy is in itself tribute to the network's surrender to an unexplained blood-lust, the additional material used to bridge the segments perhaps surpassed the main program content in poor taste.

Ms. St. John's constant remark that "the suspense is killing me."

Repeated commentary on how dangerous each event was, and how limited each man's chance of success was.

Occasional teasers as to the extent of Knievel's injuries, and how, "because he's the kind of guy he is, he is on his way here." (He never made it.)

The introduction of Joe Einhorn, a friend of Evel's who "has been laid up since August from a bad crash".

The film clips of *every one* of Knievel's crashes, including Los Angeles, Cedar Rapids, San Francisco, Wisconsin, Snake River, and the Caesar's Palace crash complete with close-ups of his body being mangled.

The incredible continuity: "we'll have a report on Evel's injuries right after this commercial . . ."

And the *only*, repeat, *only* mention during the 90 minute show concerning safety was as follows: "Speaking of his interest in safety, Evel was *very* concerned about the sharks." Following which we were treated to a clip of the care and feeding of salt water sharks.

I also find it odd that, although the CBS network promoted the show for weeks, Evel never appeared, except from a hospital bed. His "rehearsal attempt" at the jump, during which he fractured his hand and collarbone, and injured his back, was fortuitously videotaped, however, from four different camera angles. But your audience was "cheated" out of the sight of the jump being performed over sharks . . . the tanks appeared empty during rehearsal.

While I'm certain CBS could never be cited for false advertising regarding Mr. Knievel's non-appearance, I am equally certain that this program, and others like it, represent the very bottom of the pit of responsibility. I have taken the American Broadcasting Company to task in the past for its broadcasts of Mr. Knievel's jumps, which were immediately followed by an extremely well-documented rash of maimed, torn and broken children's bodies who were simply emulating the cult hero brought into their living rooms by an irresponsible broadcaster. I emphasize that these cases are directly attributable to these children's propensity to imitate what they had seen on television: a near lunatic jumping cars, buses, or rivers on his motorcycle.

I am not so naive as to believe that this single letter of protest will remove forever from your network the irresponsible and excessively violent sort of programming mentioned. I am, however, content that public opinion will allow the Congressional Committee on Interstate and Foreign Commerce, which has jurisdiction over the broadcasting industry through its Subcommittee on Communications on which I serve, to exercise a responsibility toward programming in the public interest which the networks have apparently abandoned.

Sincerely,

JOHN M. MURPHY,
Member of Congress.

[From the Washington Post, Feb. 2, 1977]

TV HIT BOTTOM WITH GHOULISH KNIEVEL

(By Joan Ryan)

It is risky to deal in absolutes, given the wide range of viewer tastes in television programming, but I feel perfectly comfortable suggesting that "Evel Knievel's Death Defiers" (Monday; 8:30 to 10 pm; WTOP-9) now must be considered the worst TV program ever.

Not only was it ghoulish in content and vapid in style, but the 90-minute special was beamed into homes across the country during what was at one time declared by television executives to be "the family hour."

It was hardly the type of program for passing the popcorn and throwing another log on the fire. No, it was more like a crime watch for guilty parents who learned too late that their children were watching Orval

Kisselburg (The Human Bomb) blow himself up with four sticks of dynamite in the cozy comfort of the family room.

The special was to have revolved around Evel Knievel's permanent fixation on annihilating himself publicly. He was to have ridden his motorcycle up a ramp and across a tank filled with "man-eating" sharks. Then he was to have gloried in his exploits with co-hosts Telly Savalas and Jill St. John.

It turned out to be the perfect sequel to the Snake River debacle, a launching that fizzled with the misfiring of his rocket skycycle. Knievel could not be dissuaded from taking one more practice run two hours before showtime, and his luck of late held. He totaled his bike and was carted off to a hospital with a broken collarbone and hand.

This was CBS' big chance to cancel the show but the network blew it. With scarcely four minutes until airtime, the decision was to let Savalas and St. John wing it. It was live television in all its anguished misery.

The ineptitude of Savalas and St. John introduced viewers to a new low in color commentary. Tough-guy Savalas tried to treat the specter of death matter-of-factly. "It is only orthopedic," is the way he repeatedly described Knievel's injuries, as if there was a distinction in how a man could be maimed.

St. John gushed and cooed and tried to act the part of a princess at a jousting tournament. Dave Merrifield spun from his trapeze under the belly of a helicopter over Miami and St. John identified Collins Avenue for us. Joe Gerlach dove 84 feet and landed on a sponge; Ron Phillips dove his snowmobile off a ramp into a snowbank, and 72-year-old Karl Wallenda walked a highwire stretched between the Eden Rock and Fountainbleau hotels.

As embarrassing and irritating as this prattle was, it was not the talk that was most disturbing. It was the CBS focus on death as the ultimate teaser to haul in viewers. It was the unnecessary glorification of danger in front of impressionable young children in the prime-time viewing audience.

There was no cautionary statement with the show that adult supervision might be necessary if children were to watch. There was no warning to kids in the audience that trying to jump from the roof of the house into a saucer of water might be bad for the health. No one said it was a no-no to try to duplicate the Human Bomb's feat with a large firecracker in the backyard.

"We thought of it as a harmless circus show," said CBS spokesman Barrie D. Richardson. "And the guy with the dynamite looks like the guy in the cannon in the circus.

But there is a difference between a circus and a TV special starring Evel Knievel. There is a difference between flirting with death and daring it.

CBS made a graphic point, cutting the cameras away from Karl Wallenda as he gingerly made his way across the highwire. By turning to yet another commercial about beer or bras, CBS was saying that just walking the highwire was boring. To hold the cameras' attention, would Wallenda have to fall?

CBS reported hundreds of favorable calls on the program by Tuesday morning. Locally, WTOP received 130 protests. A spokesman at the Federal Communications Commission said telegrams were pouring in to ask for legal action.

But FCC chairman Richard Wiley explained that the commission has "little or no authority to regulate" program content. "I believe deeply in the first amendment," he said. "But I believe in the responsibility of broadcasters and self-regulation is part of it. You have to trust the taste, judgment, responsibility and ultimate sensitivity to the needs of the public. This is something the government cannot regulate."

I don't mind if Evel Knievel pursues his personal pact with death as long as he does it on his time. No one wants the government to regulate program content on television. The question remains, can the networks honor their own pact to protect younger viewers from such potentially harmful examples as those who defy death in the guise of entertaining?

[From the New York Post, Feb. 2, 1977]

SHOW'S A SMASH—BUT ONLY FOR EVEL

CHICAGO.—Evel Knievel was reported resting comfortably today in a hospital here after missing his scheduled live TV date with the sharks last night.

The motorcycle daredevil successfully soared over them in a practice run but took a spill on the far side of the shark pool in Chicago's International Amphitheatre only two hours before a nationally televised show in which he was to star.

He wound up in Michael Reese Hospital, with a broken right forearm that will need surgery, a broken collarbone and chest and back pain.

A hospital spokesman said Knievel's chest and back pains "as far as we can determine . . . are the result of old fractures."

A California orthopedist was expected to fly here to examine Knievel and determine whether the surgery will be performed at Michael Reese or on the West Coast. Surgery will not be needed to mend the collar bone, the hospital spokesman said.

Lying in his bed late last night, the motorcyclist vowed to come back: "I will return . . . I'm not a quitter."

Of the mishap, he said, "There was so much impact . . .," upon landing that he lost control.

The show went on as scheduled, including other daredevil acts and a film of Knievel's mishap. But the crowd booed when actor Telly Savalas, co-host of the program, announced that Knievel would not be able to perform.

Savalas and his co-host actress Jill St. John, kept dropping hints during the show that Knievel might show up, at least to greet the crowd, but the motorcyclist was actually undergoing hospital tests at the time.

"He cleared the tank all right," a CBS spokesman said, "but then landed wrong.

Knievel was taken from the Amphitheatre on a stretcher.

The jump, was to be over a 90-foot-long pool containing 13 lemon sharks, each 8 feet long.

Like many other Knievel stunts, this one was surrrounded by controversy. Several experts pointed out that lemon sharks are not considered man-eaters and that they would have been terrified had Knievel and the motorcycle landed in the pool.

[From the Daily News, Feb. 2, 1977]

LET US GET THOSE EVIL-DOERS OFF TELEVISION

(By Kay Gardella)

Television's exploitation of Evil Knievel's reckless daredevil acts—which are neither sport nor entertainment, but subliminally reinforce the death wish—is despicable sensationalism and a frantic reach for ratings.

The mighty mouth from Montana, a motorcycle stuntman who has become a macho hero to millions of misdirected children, did not take part in CBS' Monday night special, "Evil Knievel's Death Defiers," because of an accident that occurred during a practice jump over a 90-foot pool stocked with 13 sharks.

A television audience had been hyped up for this wildly conceived stunt in the Chicago Amphitheater, where Telly Savalas and Jill St. John acted as co-hosts of the events, but what it saw instead was film footage of the afternoon crash. The footage was kept for the last minutes of the telecast to hold the attention of viewers through this tasteless, thrill-seeking telecast.

It was not shocking enough just to show the crash, which involved Knievel slamming into a retainer wall after landing safely on an exit ramp; viewers were treated to two camera versions of the near-fatal stunt. It was touted as an "unbelievable act of courage." If this kind of thing is what is being passed off today as courage to our young, who have grown up in the television era, then it's time to turn our sets off.

THRILL OF THE UNEXPECTED

Such events have another aspect to them that should be carefully considered when we turn people like Knievel into national heroes. His flag-waving, his alleged courage, (which some of us would call by another name—how about insanity?) are conceived to make money, big money. The children who imitate him only wind up disillusioned and with broken limbs.

Then there are those man-eating sharks. How about them? According to William Baker, director of Chicago's Shedd Aquarium, they would have been "stunned" if Knievel's motorcycle had fallen into the pool. "They would be scared," said Baker. "They would head away from the cycle. They would not be worried about attacking anybody."

This was Knievel's 13th accident. It's not the first to be televised. When he plummeted into Snake River Canyon, Idaho, two years ago, after attempting to leap across the canyon on his Sky-Cycle X-2, ABC, in one of its great enterprising gestures, televised the plunge on "Wide World of Sports" after it had been shown on closed circuit television.

"The thrill of the unexpected" is the way producer Marty Pasetta describes the public interest in such shows. The unexpected, of course, can only mean one thing—death or an accident that would maim somebody. The possibility of a fall by Karl Wallenda, the 72-year-old high-wire performer, who carried a 24-foot balancing pole across a 720-foot wire stretched between the Fontainebleau and the Eden Roc hotels in Miami Beach on Monday night, should have satisfied the most blood-thirsty viewer. Even Savalas, who should never have participated in such a telecast, had the good grace to cringe.

This was one 90-minute telecast the medium could easily have done without. In this TV era of antiviolence, it's time such events were soft-pedaled; television can well afford to forego such entertainment.

NEW JERSEY PINELANDS PRESERVATION ACT OF 1977

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. FORSYTHE. Mr. Speaker, I am sure that most Members of this body think of New Jersey in terms of their experience gained in traveling through the Philadelphia-New York corridor on the New Jersey Turnpike, an experience including some of the worst parts of the northeast megapolis. New Jersey is the most populous State in the Union and the effects of that population are very evident in the turnpike corridor.

Those same Members might be surprised, however, to know that almost a quarter of the total area of New Jersey still consists of relative wilderness—the area in southern New Jersey known as the Pinelands—or the Pine Barrens.

The Pinelands have been characterized by the U.S. Department of Interior as a "land that time forgot." Constituting the largest undeveloped stretch of land on the eastern seaboard, the Pinelands represent a unique resource not only for the State of New Jersey but also for the

entire country. The almost unbroken pine and pine-oak forests of this flat, seemingly remote area shelter a complex ecosystem of plants and animals which are rare or unknown anywhere else in the world. The U.S. Interior Department's Bureau of Outdoor Recreation notes in a detailed study of the area that at least 21 species of northern plants reach their southernmost limits here and over 110 kinds of southern plants reach their northernmost limits. Such an overlap occurs nowhere else in eastern North America according to the BOR. Additionally, the Pinelands are home to such unusual animal species as the pine barrens treefrog, the carpenter frog, the northern pine snake, and the timber rattlesnake.

In addition to the unique plant and animal resources of the Pinelands, the region is also rich in history. Although early farmers bypassed the inhospitable region in favor of the richer farmland and more attractive harbors to the west, nevertheless the area supported iron production, brick and tile manufacturing, and glass and paper making. Little of the industrial activity has endured, but many historical sites remain which provide good insights into the early attempts of our American forebearer to tame this wilderness. Today, industrialization has given way to agriculture in places. Bogs and marshes in lowland areas have been cultivated and now support native blueberry and cranberry crops. These crops are among the few that can be successfully cultivated in the Pinelands and New Jersey ranks high in national production of these crops.

Perhaps the most important resource of the New Jersey Pinelands, however, is not even apparent to the casual observer. Underlying the area is an enormous underground reservoir equivalent to a lake 2,000 miles square and averaging 37 feet in depth. This reservoir contains about 17.7 trillion gallons, according to the BOR, an amount equal to the total precipitation in the region over a 10-year period. This enormous source of potable water, known as the Cohansey Formation, represents a major resource for the future growth of the entire area. Unfortunately, this most important resource of the area is also possibly its most fragile one. The loose, sandy and gravelly soil can readily transmit contaminants, especially since the water table is seldom more than 20 feet beneath the surface. A major priority for the area, therefore, must necessarily be the prevention of any such contamination.

Most startling in this catalog of natural and historical treasure, of course, is the fact that such an area of relative wilderness exists almost in the heart of the highly urbanized Northeast. Because of its strategic location and because of its unique land and water resource, the Pinelands area is inevitably subjected to increasing demands for varying forms of development. Responding to the threat of development, the New Jersey State Legislature created in 1972 the Pinelands Environmental Council, PEC, as the body mandated to provide leadership in the planning for the region. The purposes of the council are to protect the water resources and other natural assets of the Pinelands region from misuse and pollution, to conserve the scientific, educational, scenic, water resources and recreational values of the region, to encourage land uses compatible with improving the overall environmental and economic position of the area, and, finally, to preserve and promote the agricultural complex of the Pinelands.

The 15-member Pinelands Environmental Council includes county freeholders, local mayors, sportsmen, a cranberry grower, a blueberry grower, and a representative from the New Jersey Department of Environmental Protection. In fulfilling its mandated responsibility for planning for the region, the council has two major functions: First, the establishment of standards and procedures for filing of development plans and proposals with the council; and second, the preparation and publication of a comprehensive plan for the preservation, enhancement, and development of the resources of the region. That comprehensive plan was first published in the spring of 1975. Reactions to the plan were varied, and the plan itself continues to be a source for active discussion of the region's problems, and continues to be revised.

Since the PEC, in keeping with New Jersey's long tradition of home rule, is essentially a planning, reviewing and advising body, many calls have been made over the years for stronger authority to develop and enforce land use controls for the region. For instance, in a 1975 report entitled, "New Jersey Pine Barrens: Concepts for Preservation," the Bureau of Outdoor Recreation strongly advocates the development and implementation of long-range land and water use controls as a prerequisite for any Federal involvement in either acquisition or management of areas in the Pinelands. Since authority for such controls has long been recognized as being vested with local governments, such recommendations have naturally been received with some apprehension by citizens of the region. The BOR report also discusses several possible State and Federal acquisition and management options based on the premise that land and water use controls will first be developed.

While the debate as to both long- and short-range approaches to the problems of the Pinelands continues, population growth and regional economic pressures continue to mount. Recognizing the threat to such a fragile resource, the committee on priorities of the PEC published recommendations for the acquisition of certain key areas considered important for preservation in view of vulnerability and various scientific, esthetic, and ecological considerations. That priority list was subsequently endorsed by the Burlington County Board of Chosen Freeholders.

Acknowledging the role of the PEC as the only State agency presently responsible for Pinelands planning, and acknowledging the local endorsement of the PEC priority list, I introduced at the end of the 94th Congress a bill which embodied those recommendations. Today, I am reintroducing that bill in the 95th Congress.

This legislation is a fairly simple vehicle for providing Federal involvement in what must continue to be an area of local initiative. The bill simply authorizes the Secretary of the Interior to acquire certain vital sections of the Pinelands on the condition that the State acquire other sections. While quite simple in concept, this approach is a first step toward providing Federal support without putting the entire burden on the Federal Government. It builds on the groundwork already laid by the State of New Jersey in establishing the council without taking away the State responsibility.

Assuring the survival of the Pinelands, of course, is not a simple matter. My proposal is only a beginning, a focal point to provide Federal interest in the Pinelands issue.

Recognizing the complexity of the problem and the overriding need for local imput in attempting to develop a viable solution, I and Congressman BILL HUGHES of the Second Congressional District are joining in cosponsoring a day-long conference in New Jersey to bring those with expertise—whether in local, State or Federal Government, or citizen groups—for an exchange of information which will be useful to all. This conference will take place on Monday, February 14, 1977, at Atlantic Community College in Mays Landing, N.J. Congressman HUGHES and I are in the process of inviting the New Jersey congressional delegation, local members of the New Jersey Legislature, representatives of the State and Federal agencies involved, the appropriate county officials, local mayors, and citizens' conservation groups. Our purpose is to bring together as wide a range of interested parties as possible in order to provide not confrontation but information. We welcome the opportunity as legislators to sit and listen to frank and complete discussion of Federal, State, and local viewpoints and approaches. We hope that the conference will only be the beginning of a continuing discussion of the issues which eventually work toward a viable solution which will accommodate all the parties involved.

To summarize, in the New Jersey Pinelands we have a unique resource not only for the State but also for the Nation. Due to its nature and location, however, this is a particularly fragile resource and careful attention must be given to its preservation within the context of our urban Northeast. Groundwork has already been laid at the State and local level through the establishing of the Pinelands Environmental Council, but great benefits could possibly be derived from pooling State and Federal resources through a cooperative program taking into account local as well as State and national interests. I have introduced legislation which is a modest step toward achieving this cooperation.

Another step toward better understanding and coping with the region's problems will be a conference in New Jersey which will attempt to bring together all the varied interests involved in the area. These are admittedly modest beginnings, but beginnings which I hope will ultimately pay large dividends in providing a rational cooperation of Federal, State, and local governments in achieving goals which reflect local priorities.